

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 12, 2013

Brian Balish Amanda Laatsch 20500 Old York Road White Hall, Maryland 21161

RE: Petition for Variance

Case No.: 2013-0129-A

Property: 20500 Old York Road

Dear Mr. Balish and Ms. Laatsch:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure IN RE: PETITION FOR VARIANCE (20500 Old York Road)

7<sup>th</sup> Election District 3<sup>rd</sup> Councilman District Brian Balish and Amanda Laatsch Petitioners BEFORE THE OFFICE

OF ADMINISTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

CASE NO. 2013-0129-A

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by the legal owners of the subject property, Brian Balish and Amanda Laatsch, for property located at 20500 Old York Road. The Petitioners are requesting Variance relief from Section 427.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing fence of 50 inches in the side/rear yard of the subject property which is located along the property line in the front yard of an adjoining property, in lieu of the maximum permitted height of 42 inches. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests were Brian Balish and Amanda Laatsch, Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the record of this case. There were no objections or substantive comments from any County agencies.

ORDER RECEIVED FOR FILING

Date

By.

Testimony and evidence revealed that the subject property is 1.2100 acres and is zoned RC 2. The Petitioners purchased the home in April 2012, and explained they are first-time homeowners. They constructed the fence at issue in September 2012, and engaged Winkler Fence Company to complete the installation.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

(1) The property is unique; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The property is a corner lot situated at the intersection of Old York Road and Jordan Mill Ct., and is in a rural (RC2) setting. These attributes make the property unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship. The Petitioners explained they own two (2) small breed dogs while their immediate neighbor owns large breed (Mastif) dogs that occasionally are off leash. The Petitioners wanted to ensure their dogs were safe, and that is why the fence was constructed. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of opposition from County agencies and the community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

ORDER RECEIVED FOR FILING

Date 2 12 13

By \_\_\_\_\_\_

2

THEREFORE, IT IS ORDERED, this <u>12th</u> day of February, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 427.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing fence of 50 inches in the side/rear yard of the subject property which is located along the property line in the front yard of an adjoining property, in lieu of the maximum permitted height of 42 inches, be and is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN E. BEVERUNGEN Administrative Law Judge for

**Baltimore County** 

JEB:sln

ORDER RECEIVED FOR FILING

Date

B



Address 20500

Deed References:

32054

### PETITION FOR ZONING HEARING(S)

which is presently zoned

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at:

70001 Property Owner(s) Printed Name(s) Belis (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for x a Variance from Section(s) BCZR: 427.1 → To permit an existing fence of 50 inches in the side/rear yard of the subject property which is located along the property line in the front yard of an adjoining property, in lieu of the maximum permitted height of 42 inches. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Legal Owners (Petitioners): Contract Purchaser/Lessee: Name- Type or Print Signature Signature #1 20500 Old Yor Mailing Addres State Mailing Address City ravenstan 198071 pychoa com 21161 -2714 Zip Code Email Address Zip Code Telephone # Email Address Telephone # Attorney for Petitioner: Representative to be contacted: Name- Type or Print Name - Type or Print Signature Signature Mailing Address State Mailing Address City State City Zip Code Email Address Zip Code Telephone # Telephone # Email Address 2013-0129 Filing Date 15/12 Do Not Schedule Dates:

#### ZONING PROPERTY DESCRIPTION FOR: 20500 OLD YORK ROAD

Being the property located on the northwest corner of the intersection of Jordan Mill Court and Old York Road.

Being Lot #2, Block N/A, Section #2 in the subdivision Jordan Mill Farms as recorded in Baltimore County Plat Book #39, Folio #128, containing 1.2100 acres. Located in the 7<sup>th</sup> Election District and 3<sup>rd</sup> Council District.

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

#### **ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. <u>For those petitions which require a public hearing</u>, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

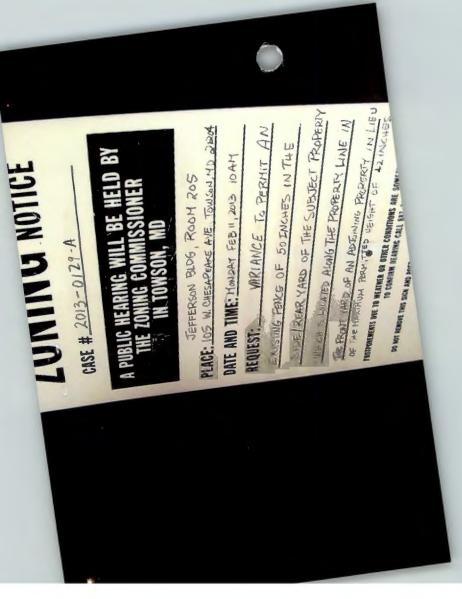
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or Case Num	
Petitioner: Brian Ba	lish
Address or Location: 20	500 Old Yark Rd. white Hell MD 2461
PLEASE FORWARD ADVI	
Name: Scian Ball	
	York Rd. White Hell, MY 21161
	York Rd. White Hell, MD 21161

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- SERVING MEDICAL CO.



#### **CERTIFICATE OF POSTING**

Date: 1-21-13 RE: Case Number: 2013 - 0129 - A Petitioner/Developer: Brean Balish Date of Hearing/Closing: 2/11/13 10AM This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 20500 Ald York Rd The signs(s) were posted on 1-21-13
(Month, Day, Year) J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443

(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 22, 2013 Issue - Jeffersonian

Please forward billing to:

Brian Balish 20500 Old York Road White Hall, MD 21161 410-251-2714

#### NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0129-A

20500 Old York Road

W/s of the intersection of Old York Road and Jordan Mill Court 3<sup>rd</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Brian Balish and Amanda Laatsch

Variance to permit an existing fence of 50 inches in the side/rear yard of the subject property which is located along the property line in the front yard of an adjoining property in lieu of the maximum permitted height of 42 inches.

Hearing: Monday, February 11, 2013 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive

January 4, 2013

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

#### NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0129-A

20500 Old York Road

W/s of the intersection of Old York Road and Jordan Mill Court

3<sup>rd</sup> Election District – 7<sup>th</sup> Councilmanic District

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Arnold Jabion Director

AJ:kl

C: Brian Balish, Amanda Laatsch, 20500 Old York Road, White Hall 21161

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 22, 2013.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 8, 2013

Brian Balish & Amanda Laatsch 20500 Old York Road White Hall MD 21161

RE: Case Number: 2013-0129 A, Address: 20500 Old York Road, 21161

Dear Mr. Balish & Ms. Laatsch:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 5, 2012. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

U. Cal Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-12

Ms. Kristen Lewis Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

Baltimore County RE:

Item No 2013-0129-A Varience Bran Balish a Amunda Loutsch

20500 OHYOHL Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2013-0129-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/raz

RE: PETITION FOR VARIANCE

20500 Old York Road; W/S intersection of Old
York Road and Jordan Mill Court

3<sup>rd</sup> Election & 7<sup>th</sup> Councilmanic Districts
Legal Owners: Brian Balish & Amanda Laatsch\*
Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

2013-129-A

#### ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

UEU 14 2012

CAROLE S. DEMILIO

Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204 (410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to Brian Balish & Amanda Laatsch, 20500 Old York Road, White Hall, Maryland 21161, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 17, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 24, 2012

Item Nos. 2013-0124, 0125, 0126, 0128, 0129, 0130 and 0131.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN Cc: file

#### MEMORANDUM

DATE:

March 18, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0129-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 14, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings



Support/Oppose/

## CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
17/17/12	NIC	
12/13/12	STATE HIGHWAY ADMINISTRATION	NO Of
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
·	ADJACENT PROPERTY OWNERS	•
ZONING VIOLAT	TION (Case No. 119989	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date: 12213 Date: 12113	by Pilson
	SEL APPEARANCE  Yes  No  SEL COMMENT LETTER  Yes  No	
Comments, if any:	· ·	
	- ·	•

711 10AM

Case No.: 2013-0129-A

Exhibit Sheet

Petitioner/Developer

3-18-13

Protestant

An 2-12-13

	•	
No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		·
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SHE VICINITY WAR
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2013-0129-1

**Homestead Application Status:** 

Maryland Department of Assessments and Taxation Real Property Data Search (vw2.2A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

			Owner Infor	mation						
Owner Name: Mailing Address:	LAATS 20500 (	H BRIAN CCH AMANDA DLD YORK RD HALL MD 21161-90	)35	Use: Principal Residence: Deed Reference:				RESIDENTIAL YES 1) /32054/ 00233 2)		
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Special Tax Areas		Town Ad Valorem Tax Class	NON	NE						
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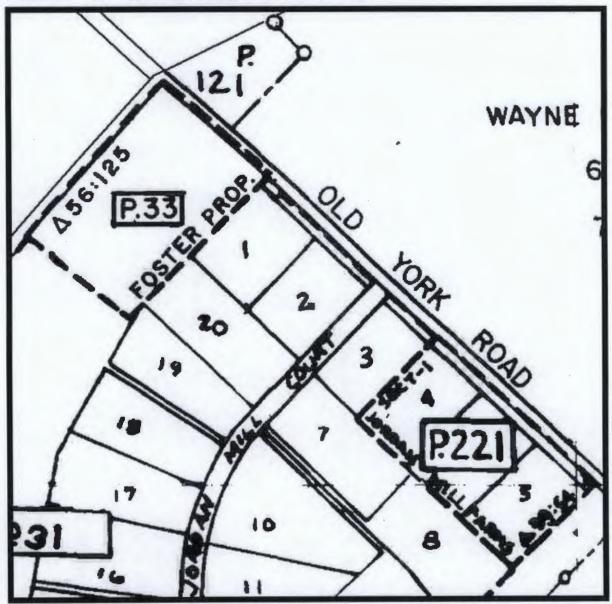
No Application



**Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search** 

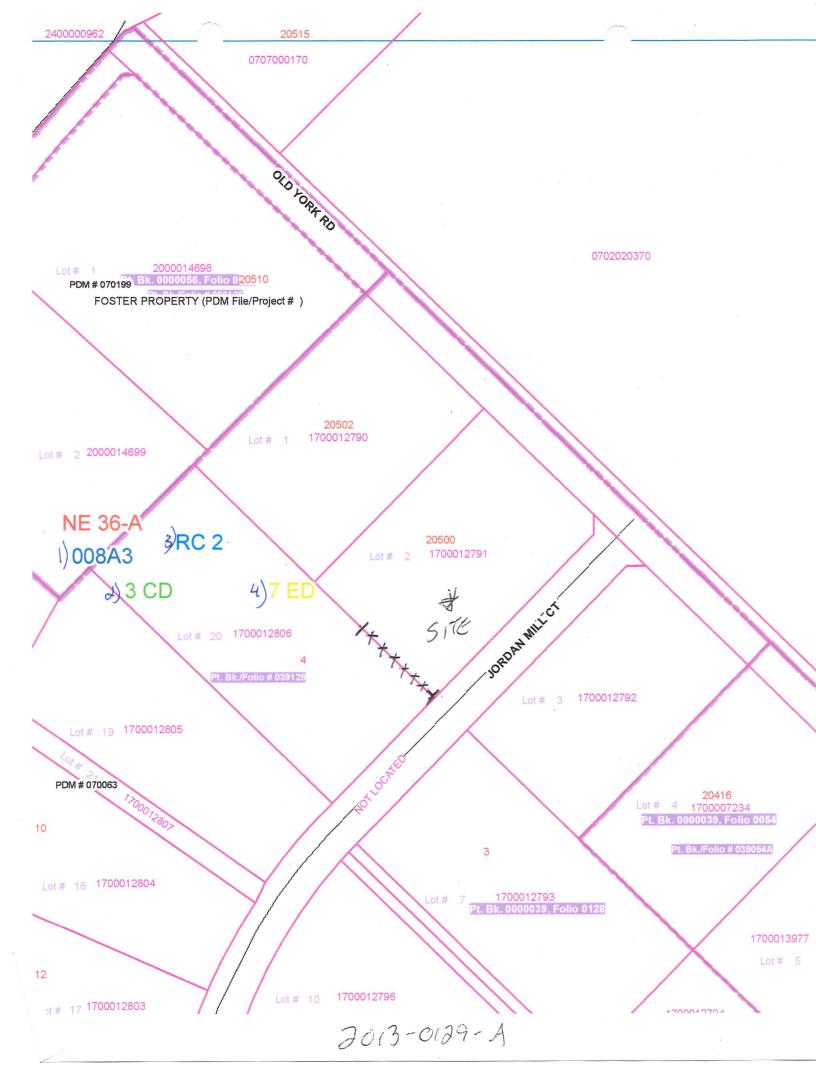
Go Back View Map New Search

District - 07 Account Number - 1700012791



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.



ADDRESS 20500 Old ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING PLAT BOOK #2039 FOLIO # 0126 10 DIGIT TAX # 1720012291 DEED REF. # 32054/00233 SUBDIVISION NAME Jordan York *M*: || Farms OWNER(S) NAME(S) Brian 101# 2 BLOCK # 11/A SECTION # 2 (MARK TYPE REQUESTED WITH X) Salish Amancha

Lot 20 BEING FENCE UARIANICE & Lot 2 POOL AREA driveway 21.1 & 29.8 2 Story #20500 ~ 5 Jordan basement entrance 1/1/ stoop. Court S 10" 30" 50" W DIO YOIK BOSH

PLAN DRAWN BY Brian

2013-0129-4

VIOLATION CASE INFO:

0101423

12 SCALE: 1 INCH = 67.72 FEET

SITE VICINITY MAP

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SITE VICINITY MAP

WOLATION CASE INFO SITE ZONED RC2 ZONING MAP# 008 43 PUBLIC\_ ELECTION DISTRICT WATER IS: WILLITIES? HISTORIC? OR SQUIARE FEET COUNCIL DISTRICT SEWER IS: IN FLOOD PLAIN? IN CBCA? LOT AREA ACREAGE 01011123 AND ORDER RESULT BELOW PRIOR HEARING ? 1/0 PUBLIC\_ IF SO GIVE CASE MUMBER MAP IS NOT TO SCALE PRIVATE X PRIVATE X MARK WITH X 1.2100

2013-0129-A