

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

March 19, 2013

Kurtis Brooks Terrina A. Brooks 13 North Beaumont Avenue Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(13 North Beaumont Avenue) Case No. 2013-0190-A

Dear Mr. and Mrs. Brooks:

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.

Very truly yours,

AWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

c: Marcia Schwartz and Douglas M. Helfman, 11 North Beaumont Avenue, Catonsville, Maryland 21228 IN RE: PETITION FOR ADMIN. VARIANCE (13 North Beaumont Avenue)

(13 North Beaumont Avenu 1<sup>st</sup> Election District

1<sup>st</sup> Council District

Kurtis and Terrina A. Brooks

Petitioners

**BEFORE THE** 

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

\* BALTIMORE COUNTY

CASE NO. 2013-0190-A

#### **OPINION AND ORDER**

This matter comes before the Administrative Law Office as a Petition for Administrative Variance filed by the legal owners of the property, Kurtis and Terrina A. Brooks. The Petitioners are requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed/garage) with a height of 19 feet in lieu of the required 15 feet maximum. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies. However, it is to be noted that a letter of support was received on March 18, 2013 from Marcia Schwartz and Douglas M. Helfman, adjacent neighbors at 11 North Beaumont Avenue, who had no objection to the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 24, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date	3-19-13	_
Bv	(SO)	

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>19<sup>th</sup></u> day of March, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed/garage) with a height of 19 feet in lieu of the required 15 feet maximum, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 The Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

# ORDER RECEIVED FOR FILING

Date	3-19-13
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- 2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

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

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 3 - (9 - (3

By\_\_\_\_

# **ADMINISTRATIVE ZONING PETITION**

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
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:

Address 13 Nocth Beaumont Ave which is presently zoned

Deed Reference 29897/00 305 10 Digit Tax Account # 0 1 1 3 5 5 3 3 6 0

Property Owner(s) Printed Name(s) Terrina 5 Kartis Brooks

(SELECT THE HEARING(S) BY MARKING  $\underline{X}$  AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

To	ADMINISTRATIVE VARIANCE from section(s) 400.3 BCZR  Permit an accessory structure (shed) with a height of 19' in lieu of maximum required 15!
of the	e zoning regulations of Baltimore County, to the zoning law of Baltimore County.
2	ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), a

2. \_\_\_\_ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Email Address

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). Contract Purchaser/Lessee: Legal Owners: Name- Type or Print Signature Mailing Address City State Mailing Address 3445 -85709 Telephone # Email Address Zip Code RECEIVED FOR FILING Attorney for Petitioner: Representative to be contacted: Name- Type or Print 3 NOF Mailing Addre State Mailing Address

this \_\_\_\_day of \_\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Telephone #

Administrative Law Judge of Baltimore County

Zip Code

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County,

CASE NUMBER 2013 - 0190-6

etephone #

Zip Code

Filing Date 15, 13

Estimated Posting Date 2 124 (3

Reviewer\_ JF

Email Address

# Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 13 North Beaumont Ave Catonsville MD 21228  Print or Type Address of property City Catonsville MD 21228  Zip Code
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)
I am building a 14x24 shed garage a 19
realized on the Second Floor the head space was
too short. Therefore we are rejuesting to raise the
Used for storage since our home is almost 100 yrs of with limited storage space. Our hardship is that we
need 4 feet more of headspace in order to stand up
on the second floor.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
Signature of Affiant (Signature of Affiant
Name- Print or Type    Carries Brooks   Carries Brooks     Name- Print or Type   Name- Print or Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 28th day of Sawukey, 20 13, before me a Notary of Maryland, in and for the County aforesaid, personally appeared
Kuntis Brooks, Terrina Brooks
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)
AS WITNESS my hand and Notaries Seal  Notary Public / 1 38/13
BRANDON D. THOMAS, SR NOTARY PUBLIC  My Commission/Expires

REV. 10/12/11

BALTIMORE COUNTY

MARYLAND My Commission Expires 05-02-2016 ZONING Property Description FOR 13 North Beaumont

Avenue. \*Beginning at a point on the South Side

of North Beaumont Avenue which is 50'

wide at the distance of 778.5' North

Of the Centerline of the Nearest Improved

Intersecting street Frederick Road which is

70' Wide. Election District 1.

Council District 1.

# 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. For those petitions which require a public hearing, 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.

For Newspaper Advertising:
Item Number or Case Number: 2013 - 0190 - A
Petitioner: Kurtis Sterrina Brooks
Address or Location: 13 North Beaument Ave Cotonsville MD 21228
PLEASE FORWARD ADVERTISING BILL TO:
Name: Kurtis STerrina Brooks
Address: 13 North Beaumont Ave
Catorsville, MD 21228
Telephone Number: 443-534-8509

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# CERTIFICATE OF POSTING

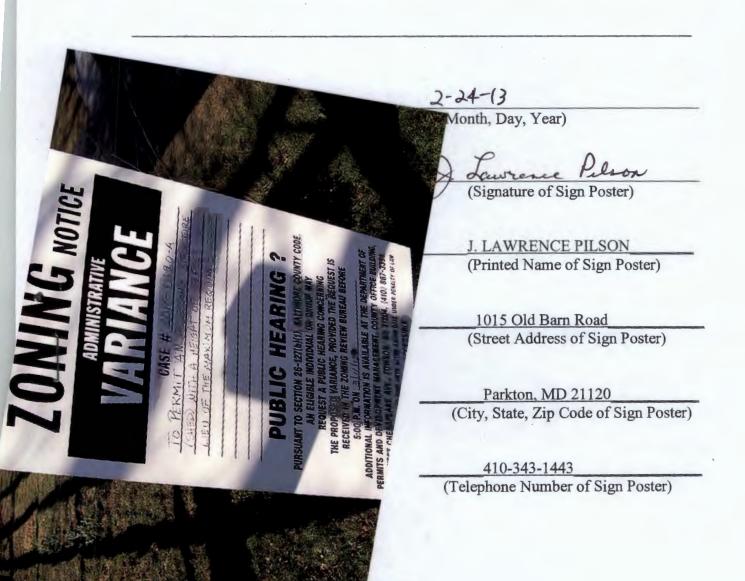
Date: 2-24-13

RE: Case Number: 2013-0190-4

Petitioner/Developer: Curtis Brooks

Date of Hearing/Closing: 3-11-13

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 13N. Beaument Ave



# MEMORANDUM

DATE:

April 19, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0190-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 18, 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



# CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
2-25	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
·	PLANNING (if not received, date e-mail sent)	
2-21	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
3-18	ADJACENT PROPERTY OWNERS	Supports
ZONING VÌOLA	TION (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER AI	OVERTISEMENT Date:	·
SIGN POSTING	Date: 2-24-13	by Pason
	SEL APPEARANCE  Yes No SEL COMMENT LETTER  Yes No SEL No SEL COMMENT LETTER	
Comments, if any:	At Stabl's suggestion, D. Wiley Con	taxed Pet
	. Brooks on 315 - Advised him DAM can	
Order wo in	nduding "garage" since sign poting	regers Shed" OR
To Shell	pport etr. from adj neighbor indicating of garage" Dave him O Abl fap #. Rec's	3-18

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0/90 -A Address 13 N. Beaumont Ave
Contact Person: Jun Fernando Phone Number: 410-887-3391
Filing Date: 2-15-13 Posting Date: 2-24-13 Closing Date: 3-11-13
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <a href="POSTING/COST">POSTING/COST</a> : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2013- 0190 -A Address 13 N. Beaumont Ave.
Petitioner's Name Terrina & Kurtis Brooks Telephone 443-534-850
Posting Date: 2-24-13 Closing Date: 3-11-13
Wording for Sign: To Permit an accessory structure (SHED) with
Wording for Sign: To Permit an accessory structure (SHED) with a height of 19' in lieu of the maximum required 15'.

Revised 7/06/11

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: February 25, 2013

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 25, 2013

Item Nos. 2013-0186,0187,0190 and 0191.

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

DAK:CEN Cc: file SIAA State Highway Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2-21-13

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

RE: Baltimore County

Item No 2013-0190-A
Administrative Variance
Terring & 1/ 4: D

Terrina à Lortis Brooks 13 N. Beaumont Avenue.

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. 2013-0190-4

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



KEVIN KAMENETZ County Executive

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

March 13, 2013

Terrina & Kurtis Brooks 13 North Beaumont Avenue Catonsville MD 21228

RE: Case Number: 2013-0190 A, Address: 13 North Beaumont Avenue, 21228

Dear Mr. & Ms. Brooks:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on , 2013. 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 Rishal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

#### MARCIA SCHWARTZ & DOUGLAS HELFMAN

RECEIVED

MAR 1 8 2013

March 15, 2013

OFFICE OF ADMINISTRATIVE HEARINGS

To Whom It May Concern:

We do not have an objection to the height variance of 19 feet for the shed/garage being built at 13 N Beaumont Avenue by Terrina and Kurtis Brooks.

Sincerely,

Marcia Schwartz & Douglas Helfman

Owners 11 N Beaumont Avenue, Catonsville, MD 21228

Case # 2013-0190 Kurtis/Terrina Brooks

# Debra Wiley - Administrative Variance 2013-0190-A - 13 N. Beaumont Ave., 21228

From:

Debra Wiley

To:

teenyhenderson@verizon.net

Date:

3/19/2013 9:40 AM

Subject:

Administrative Variance 2013-0190-A - 13 N. Beaumont Ave., 21228

Attachments: Message from "zoneprt1"

#### Good Morning,

As promised, please find attached a copy of the decision for the above-referenced matter; a copy has also been placed in US mail today.

Let me know if I can be of any further assistance. Have a great day!

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

Subject: Created By:

Administrative Variance 2013-0190-A - 13 N. Beaumont Ave., 21228 dwiley@baltimorecountymd.gov

Scheduled Date:

**Creation Date:** 

3/19/2013 9:40 AM

From:

Debra Wiley

Recipient	Action	Date & Time	Comment
To: teenyhenderson@verizon.net (teenyhenderson@verizon.net)	Transferred	3/19/2013 9:41 AM	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1





Maryland Department of Assessments and Taxation Real Property Data Search (vw6.1A) BALTIMORE COUNTY

Go Back View Map New Search GroundRent Redemption GroundRent Registration

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

Go Back View Map New Search

District - 01 Account Number - 0113553360



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.

Property maps provided courtesy of the Maryland Department of Planning ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Real Property Data Search (vw4.1A)

**BALTIMORE COUNTY** 

Maryland Department of Assessments and Taxation

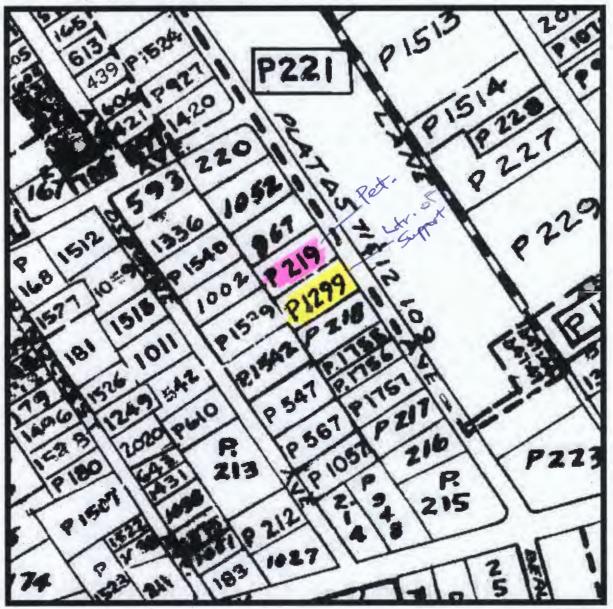
Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

				Owner Info	mation					
Owner Name:		HELFMAN DO			Use:				RESIDE	TIAL
		SCHWARTZ M		Principal	Residen	ice:		YES		
Mailing Address:		11 N BEAUMO BALTIMORE			Deed Ref	erence:			1) /08607 2)	/ 00199
			Locat	ion & Structu	re Informatio	n				
Premises Address 11 N BEAUMONT AVI 0-0000	E			WS N	Description BEAUMON	TAV				
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Map Grid 0101 0007	<u>Parcel</u> <u>S</u>	Sub District	Subdivision 0000	on Sec	tion B	ock		Assessment Ar	ea	Plat No: Plat Ref:
Special Tax Areas		Town Ad Valo Tax Clas		NONE						
Primary Structure B 1920	<u>Suilt</u>		losed Area 2 SF		Property 20,000 SF		rea	0	County L	Jse
Stories Basemen 2.000000 YES		Exterior RD UNIT SIDING	_							
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Improvements:	257,300									
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Seller: Type:					Date: Deed1:			Price: Deed2:		
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

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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.

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Property maps provided courtesy of the Maryland Department of Planning ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>



