

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

July 9, 2013

John Sauer 2 Ian Court Baltimore, Maryland 21206

RE:

Petitions for Variance

Case No.: 2013-0270-A Property: 2 Ian Court

Dear Mr. Sauer:

Enclosed please find a copy of the decision rendered in the above-calptioned 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	E
(2 Ian Court)	
14 th Election District	
6 th Councilman District	
John Sauer, II & Michael Saue	er
Legal Owners	
Petitioners	

BEFORE	THE	OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0270-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by John Sauer and Michael Sauer, the legal owners of the subject property. The Petitioners are requesting Variance relief from Sections 400.1 and 427.1.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (1) to permit an existing accessory building (shed) to be located in the side yard (street side) in lieu of the required third of the rear yard farthest removed from any street; (2) to permit the erection of a 6 ft. high residential occupancy fence in lieu of the maximum 42 in. high fence, wherein the rear yard of a lot adjoins the front yard of another; and (3) to amend the Final Development Plan (FDP) for Trumps Mill Estates, Lot 19 only.

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 was John Sauer. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition.

The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the ORDER RECEIVED FOR FILING

Department of Planning (DOP), which is supportive of the requests.

Testimony and evidence revealed that the subject property is approximately 0.131 acres and is zoned DR 3.5. The Petitioner would like to construct a new shed and fence on the property. To do so requires zoning relief.

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. As shown on the site plan, the Petitioners' lot is of irregular dimensions and has frontage along two public streets. As such, it is unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, given they would be unable to construct the proposed improvements. 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 county and/or community opposition.

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

THEREFORE, IT IS ORDERED, this 9th day of July, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") (1) to permit an existing accessory building (shed) to be located in the side yard (street side) in lieu of the required third of the rear yard farthest removed from any street; (2) to permit the erection of a 6 ft. high residential occupancy fence in lieu of the ORDER RECEIVED FOR FILING

2	Date	4	
	Ву	00	

maximum 42 in. high fence, wherein the rear yard of a lot adjoins the front yard of another; and (3) to amend the Final Development Plan (FDP) for Trumps Mill Estates, Lot 19 only to reflect the zoning relief granted herein, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

• Petitioners may apply for 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.

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

Administrative Law Judge for **Baltimore County**

JEB:sln

ORDER RECEIVED FOR FILING

3



PETION FOR ZONING HEARING(S)

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 2 Ian Court which is presently zoned DR 3,5 10 Digit Tax Account # 2 3 0 0 0 0 9 4 2 Deed References: 16191 00253 Property Owner(s) Printed Name(s) John Charles Saver, 2nd & Michael (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 3. X a Variance from Section(s) 400.1 & 427.1.B, BCZR, to permit an existing a cressory building (shed under construction) to be located in the side yard (street side) in lieu of required third of the rear yard furthest removed from any street, and to permit the erection of a 6 feethesi dential occupancy fence in lieu of the maximum 42 inch high fence, wherein the rear yard of a lot udjoins the front yard of another, and to amend the Final Development Plan for Trumps Mills Estates, Lot 19 only.

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) TO BE PRESENTED AT HEARING" 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: Charles Javer, 2nd Name- Type or Print Signature Signature #1 Signature # 2 Ian Cour Malling Address Mailing Address State City 410-456-3031 Email Address Zip Code Telephone # Zip Code Telephone # RECEIVED FOR FILING Representative to be contacted: Attorney for Petitioner: Name - Type or Print Signature Date Signature Mailing Add Mailing Address City State City State Email Address Zip Code Email Address Zip Code

Do Not Schedule Dates:

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.

	Number: 2013-0270-A
Petitioner: John	Charles Squer, 2nd & Michael Saver
Address or Location:	2 Ian Court Baltimore MD 21206
PLEASE FORWARD	ADVERTISING BILL TO:
Name:	
Address:	
	HME.
Telephone Number:	410-456-3031
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CERTIFICATE OF POSTING

	Petitioner: <u>John Sauer & Michael Sauer</u>
	Hearing / Closing Date: 2/4/13
Baltimore County Department of	
Permits and Development Manage	ement RECEIVED
Room 111, County Office Building	JUL 0 5 2013
111 W. Chesapeake Ave.	OFFICE OF ADMINISTRATIVE HEARINGS
Γowson, Md. 21204	
	property located at
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Certificate of Posting

Case No. 2013-0270-A



2 Lan Court

(Posted 6/18/13)

Richard E. Hoffman

6/18/13

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122



Baltimore, Maryland 21278-0001

June 20, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on June 18, 2013

*	The Jeffersonian
	Arbutus Times
	Catonsville Times
	Towson Times
	Owings Mills Times
	NE Booster/Reporter
	North County News

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Sugar Wilkings

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: #2013-0270-A

Case: #2013-0270-A
2 Ian Court
N's Ian Court, 35 ft. E/of centerline of Morgan Ellis Way
14th Election District - 6th Councilmanic District
Legal Owner(s): John Sauer, 2nd & Michael Sauer
Variance: to permit an existing accessory building (shed under construction) to be located in the side yard (street side)
in lieu of the required third of the rear yard farthest removed
from any street, and to permit the erection of a 6 ft. high
residential occupancy fence in lieu of the maximum 42 inch
high fence, wherein the rear yard of a lot adjoins the front
yard of another and to amend the Final Development for
Trumps Mill Estates, Lot 19 only
Hearing: Monday, July 8, 2013 at 2:30 p.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 accommodations 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.

JT 06/770 June 18 928851



KEVIN KAMENETZ
County Executive

June 10, 2013

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

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0270-A

2 Ian Court
N/s Ian Court, 35 ft. E/of centerline of Morgan Ellis Way
14th Election District – 6th Councilmanic District
Legal Owners: John Sauer, 2nd & Michael Sauer

Variance to permit an existing accessory building (shed under construction) to be located in the side yard (street side) in lieu of the required third of the rear yard farthest removed from any street, and to permit the erection of a 6 ft. high residential occupancy fence in lieu of the maximum 42 inch high fence, wherein the rear yard of a lot adjoins the front yard of another and to amend the Final Development Plan for Trumps Mill Estates, Lot 19 only.

Hearing: Monday, July 8, 2013 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

AJ:kl

C: John Sauer, Michael Sauer, 2 Ian Ct., Baltimore 21206

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 18, 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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 18, 2013 Issue - Jeffersonian

Please forward billing to:

John Sauer, 2nd 2 Ian Court

Baltimore, MD 21206

410-456-3031

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: 2013-0270-A

2 Ian Court

N/s Ian Court, 35 ft. E/of centerline of Morgan Ellis Way

14th Election District – 6th Councilmanic District Legal Owners: John Sauer, 2nd & Michael Sauer

Variance to permit an existing accessory building (shed under construction) to be located in the side yard (street side) in lieu of the required third of the rear yard farthest removed from any street, and to permit the erection of a 6 ft. high residential occupancy fence in lieu of the maximum 42 inch high fence, wherein the rear yard of a lot adjoins the front yard of another and to amend the Final Development Plan for Trumps Mill Estates, Lot 19 only.

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Director of Permits, Approvals and Inspections for Baltimore County

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

MEMORANDUM

DATE:

August 9, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0270-A Appeal Period Expired

The appeal period for the above-referenced case expired on August 8, 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

RE: PETITION FOR VARIANCE 2 Ian Court; N/S Ian Court, 35' E c/line of Morgan Ellis Way 14th Election & 6th Councilmanic Districts

Legal Owner(s): John Charles & Michael Sauer*

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2013-270-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.

RECEIVED

MAY 2 2 2013

Peter Max Zummerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

I Silentia

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 22nd day of May, 2013, a copy of the foregoing Entry of Appearance was mailed to John Charles & Michael Sauer, 2 Ian Court, Baltimore, Maryland 21206, Attorney for Petitioner(s).

Peter Max Zum me a marie

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
5/24/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
6/6/13	DEPS (if not received, date e-mail sent)	MC
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579113	PLANNING (if not received, date e-mail sent)	MOL OBROZEG
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EOPLE'S COUNSE	L APPEARANCE Yes No C	
omments, if any:	· · · · · · · · · · · · · · · · · · ·	
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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: May 29, 2013

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

2 Ian Court

INFORMATION: Item Number:

13-270

HIN 0 3 2013

OFFICE UP AL MINIS

· VG5

Petitioner:

Zoning:

John Charles Sauer, II and Michael Sauer

DR 3.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request, accompanying site plan and visited the subject property. It was determined that the existing shed mentioned in the petition is fully constructed. The shed complements the principle structure and has additional architectural features on the road frontage side that makes the structure more aesthetically pleasing.

The petitioner's request for a 6-foot high privacy fence is also not opposed. However, the Department of Planning suggests that high quality materials, such as wood or PVC are used in lieu of slatted chain link or similar type.

For further information concerning the matters stated here in, please contact Krystle Patchak at 410-887-3480.

Prepared By:

Division Chief:

AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 24, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 27, 2013

Item Nos. 2013- 0262, 0267, 0268, 0270 and 0271.

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

DAK:CEN Cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

June 6, 2013

SUBJECT:

DEPS Comment for Zoning Item

2013-0270-A

Address

2 Ian Court

(Sauer Property)

Zoning Advisory Committee Meeting of May 20, 2013.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Jeff Livingston - Development Coordination

RECEIVED

JUN 0 6 2013

OFFICE OF ADMINISTRATIVE HEARINGS



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-22-13

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

RE: Baltimore County
Item No 2013-0270-A
Variance
John Charles Saver, II
- Michael Saver

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. 2013-0270-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



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 2, 2013

John Charles, 2nd & Michael Sauer 2 Ian Court Baltimore MD 21206

RE: Case Number: 2013-0270 A, Address: 2 Ian Court

Dear Mssrs. John & Michael Sauer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 15, 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 Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

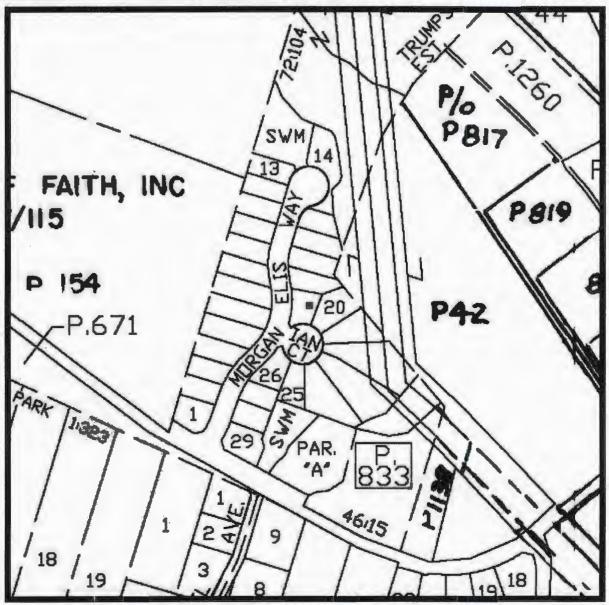
c: People's Counsel

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY Go Back
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District - 14 Account Number - 2300009424



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.

7-8-13

Case No.: 2013 - 270-A

Exhibit Sheet

Pg-913

17-9-13

Petitioner/Developer

Protestant

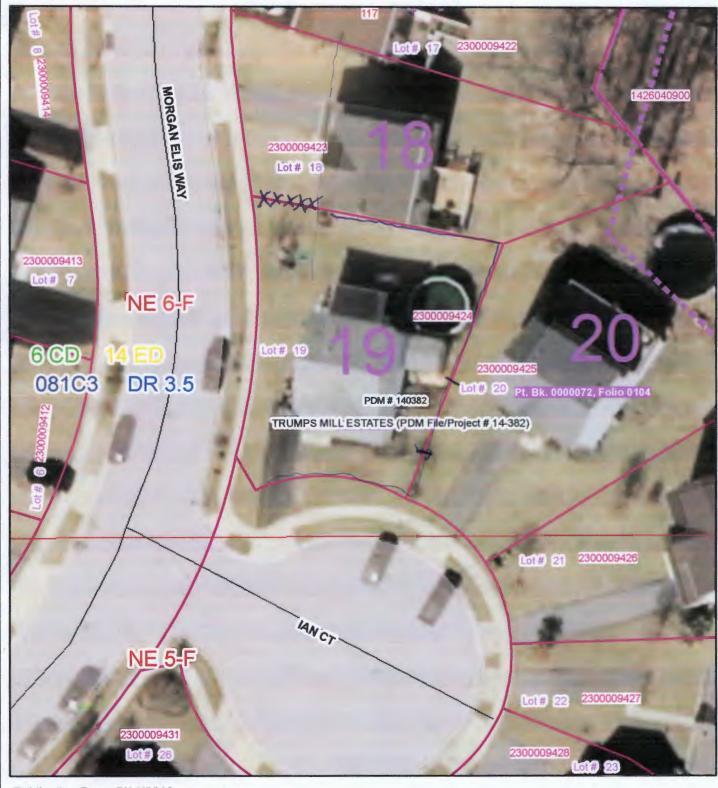
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	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	Ftragosa posidis
ADDRESS 2 Ign Ct. Balto. MD 21206 OWNER(S) NAME(S) John Saver	- Faut
SUBDIVISION NAME /rumps Mills Estates LOT# 19 BLOCK# SECTION#	
PLAT BOOK # 72 FOLIO # 104 10 DIGITTAX #2300049424 DEED REF. # 16621100253	7 7
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ELIS WAY	AND ORDER RESULT BELOW
MORGAN (50' B(W)	
VOK O. (20 May)	
PLAN DRAWN BY John Saven DATE 5-14-13 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE INFO:
	60-0128502

Petikoners' No. 1

Inspector Fisher

2 Ian Court



Publication Date: 5/14/2013



Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 30 feet

