IN RE: PETITION FOR ADMIN. VARIANCE

BEFORE THE

11th Election District

6th Councilmanic District

OFFICE OF

(8861 Paddock Lane)

Vaibhav H. and Swati V. Mehta

ADMINISTRATIVE HEARINGS

Petitioners

FOR BALTIMORE COUNTY

Case No. 2014-0101-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Vaibhav H. and Swati V. Mehta. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed open deck in the rear of the existing dwelling with a rear yard setback of 20 ft. in lieu of the required 22.5 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (DRP) indicating that the proposed deck addition shall be set back at least 1 ft. away from the drainage and utility easement, so that the footing is not within the easement.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 3, 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. Based upon the information available, there is no evidence in 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

the public and should therefore be granted. In the opinion of the Administrative Law Judge, the DRDER RECEIVED FOR FILING

Date	11-20-13
By	(94)

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.

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, by the Administrative Law Judge for Baltimore County, this 20th day of November, 2013 that a Variance from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed open deck in the rear of the existing dwelling with a rear yard setback of 20 ft. in lieu of the required 22.5 ft., be and is hereby GRANTED, subject to the following:

- 1. 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall comply with the ZAC comment submitted by DRP, dated November 6, 2013; a copy of which is attached hereto and made a part hereof.

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	
By	(SI)

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: November 6, 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 November 4, 2013 Item No. 2014-0101

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Proposed deck addition shall be set back at least 1' away from the drainage and utility easement, so that the footing is not within the easement.

DAK: CEN. Cc: file.

ZAC-ITEM NO 14-0101-11042013.doc

ORDER RECEIVED FOR FILING

Date 11-30-13

KEVIN KAMENETZ
County Executive



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

November 20, 2013

Vaibhav H. Mehta Swati V. Mehta 8861 Paddock Lane Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(8861 Paddock Lane) Case No. 2014-0101-A

Dear Mr. and Mrs. Mehta:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Very truly yours.

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

ADMISTRATIVE ZONING PETION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

(SELECT THE HEARING(S) BY MARKING 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

1. ADMINISTRATIVE VARIANCE from section(s) 301.1.A of B.C.Z.R. to permit a proposed open deck in the rear of the existing dwelling with a rear yard setback of 20 feet in lieu of the required 22.5 feet.

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of the zoning re	gulations of Baltimore Co	unty, to the zoning	law of Baltimore Count	ν.	
Property is to be po	sted and advertised as prescribe	ed by the zoning regul	ations.		
restrictions of Baltin	ay expenses of above petition(s) nore County adopted pursuant to	the zoning law for Ba	altimore County.		
Legal Owner(s) Afi	firmation: I / we do so solemnly	declare and affirm, ur	nder the penalties of perjury, the	nat I / We are the legal	owner(s) of the property whi
				F	
Contract Purch	naser/Lessee:		Legal Owners:		
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			Veribbau. H. Met	to was	bet hatto
Signature		ING	Signature #1	Signature	# 2
		BFILIT	8861 Padda	k Love Parky	ille MO
Mailing Address	Telephone Property	State	Mailing Address	City	State
	DECENT 50				Ihmehta@gmail-c
Zip Code	Telephone #	if Addresss	Zip Code Te	lephone #	Email Address
Attorney for P	entioner:		Representative to	be contacted:	
6/2 118 . CECK	Date				
Name-Type or Prin			Name - Type or Print		
The state of the s	BY				
Signature	War.		Signature		
Mailing Address	City	State	Mailing Address	City	State
Zip Code	Telephone # Ema	all Address	Zip Code Te	lephone #	Email Address

Administrative Law Judge of Baltimore County

CASE NUMBER 2014-0101-A

Filing Date 10,22,13

Estimated Posting Date 13,13

Reviewer

Kealeac

Affidavit in Support of Idministrative 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:	8861	PADDOCK	LANE	PARKVILLE	MO	21234
		Address of propert		City	State	Zip Code
Based up Administr	on perso ative Var	nal knowledgi iance at the	e, the follow above addre	ing are the facts of the state	which I/we base practical diffic	the request for an ulty or hardship here)
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	av. H.	mehta	ion request or		nt is needed, label	and attach it to this Form)
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Name- Fill	it of Type			N	ame- Print or Type	
	The fo	llowing inform	ation is to be	completed by a Not	ary Public of the S	tate of Maryland
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		FY, this 94 aforesaid, pers)13, before m	ne a Notaly of Maryland, in
the Affiant	(s) herein	, personally kr	nown or satisfa	actorily identified to	me as such Affia	nt(s) (Print name(s) here)
AS WITNE	ESS my h	and and Notar	/(_	the Cle	wlows	
			Ndta	ry Public	out	
			My C	ammission Evnira	e	

2014-0101-A

REV. 10/12/11

FACTS ON WHICH WE BASE THE REQUEST FOR ADDITIONAL ADMINISTRATIVE VARIANCE:

The style of deck we wish to create is equivalent to other houses in neighbourhood. Not giving us 12-0" of deck in this neighbourhood would be substantial injustice to us- Giving us 12-0" deep deck will not create any feeling of substantial relief to all homeowness in our housing development.

So I kindly sequest you to give us permit to have a 12'-0" x 20'-0" deck.

ZONING PROPERTY DESCRIPTION FOR 8861 PADDOCK LANE; PARKVILLE, MD 21234

Beginning at a point on the south side of Paddock Lane which is 50'-0" wide at a distance of 700' (+/-) east and south of the nearest improved street Hevesy Court which is 50' wide. Being lot #18 in the subdivision of Stabegate as recorded in Baltimore County; Plat Book 79 Folio 84, containing 0.174 acres. Located in the 11th election district and 6th Council-manic district.

OFFICE	OF BUD	GET AN	IARYLAN D FINANC RECEIPT	E	Sub	No. Date:	102	650	\$0/2	PAID RECEIPT STHESS ACTUAL TIME 3/2013 10/22/2013 11:11:5 DS MALKIM RBGS LRB	
Fund OOI	Dept 806	Unit 6000	Sub Unit	Source/	Rev/	Dept Obj	BS Acct	Amount # 75	Displace OR NO.	1FT N 702861 10/22/2013 5 528 20HDMB VERIFICATI 102650 Recpt Tot \$75.0 5.00 CK \$75.0 Baltimore County, Marylan	0 0 CA
Rec From:	0	2/1	,	'ADD	201	Total;	Y .	# 75			

BOND THE STATE OF THE SECOND PROPERTY OF THE

Certificate of Posting

Department of Permits, Approval, and Inspections **Baltimore County** 111 W. Chesapeake Avenue **Room 111** Towson, MD 21204

Date:

Nov. 3, 2013

Attention:

Ms. Kristen Lewis

Re:

Case Number:

2014-0101-A

Petitioner/Developer:

Vaibhay Mehta

Date of Hearing/Closing:

Nov. 18, 2013

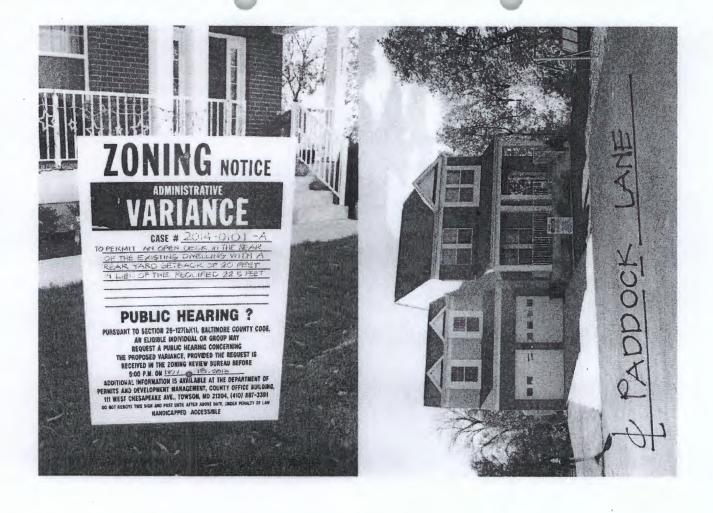
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 8861 Paddock Lane

The sign(s) were posted on: Nov. 3, 2013

William D. Gulick, Jr.

2944 Edgewood Avenue Baltimore, MD 21234

(410) 530-6293



MEMORANDUM

DATE:

December 23, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0101-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 20, 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 ADMINSTRATIVE
	VARIANCE

8891 Paddock Lane; S/S Paddock Lane, E/S of centerline of Hevesy Court 11th Election & 6th Councilmanic Districts

Legal Owner(s): Vaibhav & Swati Mehta

Petitioner(s)

- * BEFORE THE OFFICE
- * OF ADMINSTRATIVE
- * HEARINGS FOR
- * BALTIMORE COUNTY
- * 2014-101-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

NOV 12 2013

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Peter Max Zummerman

Carle S Demlie

CAROLE S. DÉMILIO 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 12th day of November, 2013, a copy of the foregoing Entry of Appearance was mailed to Vaibhav & Swati Mehtz, 8861 Paddock Lane, Parkville, Maryland 21234, Petitioner(s).

PETER MAX ZIMMERMAN

Peter Max Zummerman

People's Counsel for Baltimore County

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
11-10	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
11-6	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No	
PRIOR ZONING	G (Case No	
NEWSPAPER A	ADVERTISEMENT Date:	
SIGN POSTING	Date: 11-3-13	by Dulick
	INSEL APPEARANCE Yes No No	
Comments, if an	y:	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

	ADMINIO	IIVATIVE V	AINIAIN	SE IN OIL	NATION OFFEET AND DA	TILO
Case N	Number 2014-	0101	-A	Address	8861 Paddock Lane	
Contac	ct Person:	Aaron T Planner, Ple	SUI ease Print You	ur Name	Phone Number: 410-887-33	91
Filing	Date: 10/22/2	013 Posting	Date: 1	1/03/2013	_Closing Date: <u>11/18/2013</u>	
Any co	ontact made which the contact p	vith this office erson (planne	e regardi er) using t	ing the statu the case num	is of the administrative vari	ance should be
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	a formal requi	est for a pub	lic heari	ng. Please	an occupant or owner within understand that even if the mplete on the closing date.	1,000 feet to file ere is no formal
	commissioner. order that the i within 10 days	He may: (matter be set s of the clos etition has be	a) grant f in for a p ing date en grante	the requeste public hearing if all Coun	e reviewed by the zoning of relief; (b) deny the request. You will receive written not agencies' comments are will go to public hearing.	ited relief; or (c) tification, usually received, as to
	(whether due commissioner) changed giving	to a neighborn, notification notice of the	or's formation will be to hearing	al request of forwarded to date, time a	G: In cases that must go to r by order of the zoning or you. The sign on the prend location. As when the sign of the altered sign must	r deputy zoning operty must be an was originally
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		USE THE AD	MINISTE	RATIVE VAR	IANCE SIGN FORMAT	
Case I	Number 2014-	0101	-A Add	dress 88	861 Paddock Lane	***
Petitio	ner's Name	Vaibhav	Mehta		Telephone 410-698-12	212
Postin	g Date:1	1/03/13	Clo	sing Date:	11/18/13	
Wordin	ng for Sign: _7	o Permit a	in open o	deck in the	rear of the existing dwelling	with a rear yard
	setback of 20 f	eet in lieu of	the requir	red 22.5 feet		



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

November 19, 2013

Vaibhav & Swati Mehta 8861 Paddock Lane Parkville MD 21234

RE: Case Number: 2014-0101 A, Address: 8861 Paddock Lane

Dear Mr. & Ms. Mehta:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 22, 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,

M. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

State Highway
Administration

Maryland Department of Transportation

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 11-6-13

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

RE: Baltimore County

Item No 2014-0101-A Administrative Variance Vaib hay H. & Swati V. Mehta 8861 Paddock Lane.

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. 2014-0101-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/ Development Manager

Access Management Division

SDF/raz

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry
Commercial and Residential
2944 Edgewood Avenue
Baltimore, MD 21234
Phone - 410-530-6293
E-mail - wdgjr@comcast.net

To: Zoning Office, Attn. Ms Kristen Lewis

We Are Se	ending You: 🔽 Att	ached Under separate cover the following items:
Copy o	f Letter Prints	Documents Cother
No. of Cop	ies Date	Description
1	Nov. 3, 2013	Certificate Of Posting
2	Nov. 3, 2013	Site Photos

Transmitta	S	are	as	checke	d	held	w:

Г	For approval	4	For your use	-	As requested	4	For review & content
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Project: Case No.: 2014-0101-A

Remarks:

8861 Paddock Lane

Signed Lian T. Lucical
William D. Gulick, Jr.

Project Manager

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: November 6, 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 November 4, 2013 Item No. 2014-0101

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Proposed deck addition shall be set back at least 1' away from the drainage and utility easement, so that the footing is not within the easement.

DAK: CEN. Cc: file.

ZAC-ITEM NO 14-0101-11042013.doc





Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

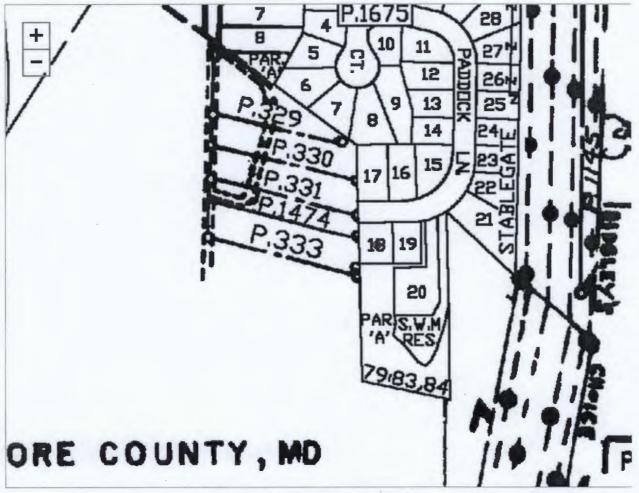
Search Heip

Search Result for BALTIMO	RE COUNTY						
View Map	View GroundRent		View (FroundRe	nt Registra	tion_	
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		Owner I	nformation				
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Map: Grid: Parcel: Sub 90071 0017 1675	District: Subdivis	ion: Section	Block: Lo 18	t: Assessmen 2012	t Year:	Plat No: Plat Ref:	2 0079/ 0084
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		Value Ir	formation				
	Base Valu	<u>e</u> <u>\</u>	alue	Phase-i	n Assessm	ents	
			as of 1/01/2012	As of 07/01/2	013	As of 07/01/2	2014
Land:	127,100		27,100			0.7.027	
Improvements	251,700	2	51,700				
Total:	378,800	3	78,800	378,800		378,80	0
Preferential Land:	0					0	
		Transfer	Information				
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Seller:	ROVED	Date: 06/14				:_\$165,500	
Type: ARMS LENGTH VA	CANT	Deed1: /321			Deed		
Seller:		Date:			Price		
Type:		Deed1:			Deed	2:	
		Exemption	Information				
Partial Exempt Assessments			07/01/2	013	07/0	1/2014	
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New Search

Baltimore County

Account Number: 2500007061 District: 11



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.



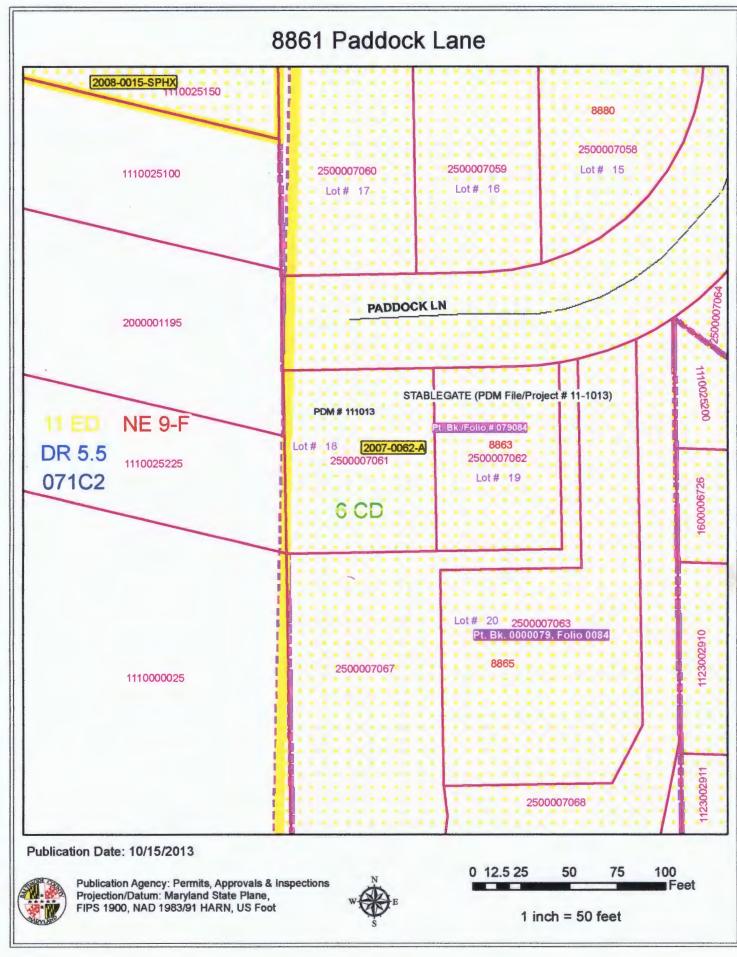
x Loading... Please Wait. Loading... Please Wait.

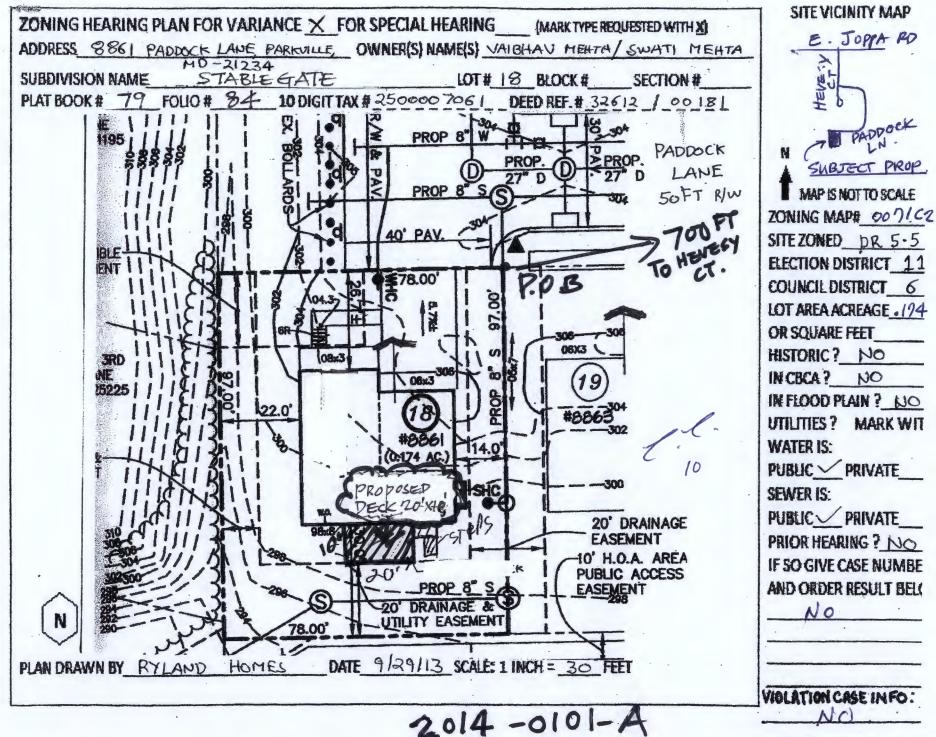
Search Result for BALTIMORE COUNTY

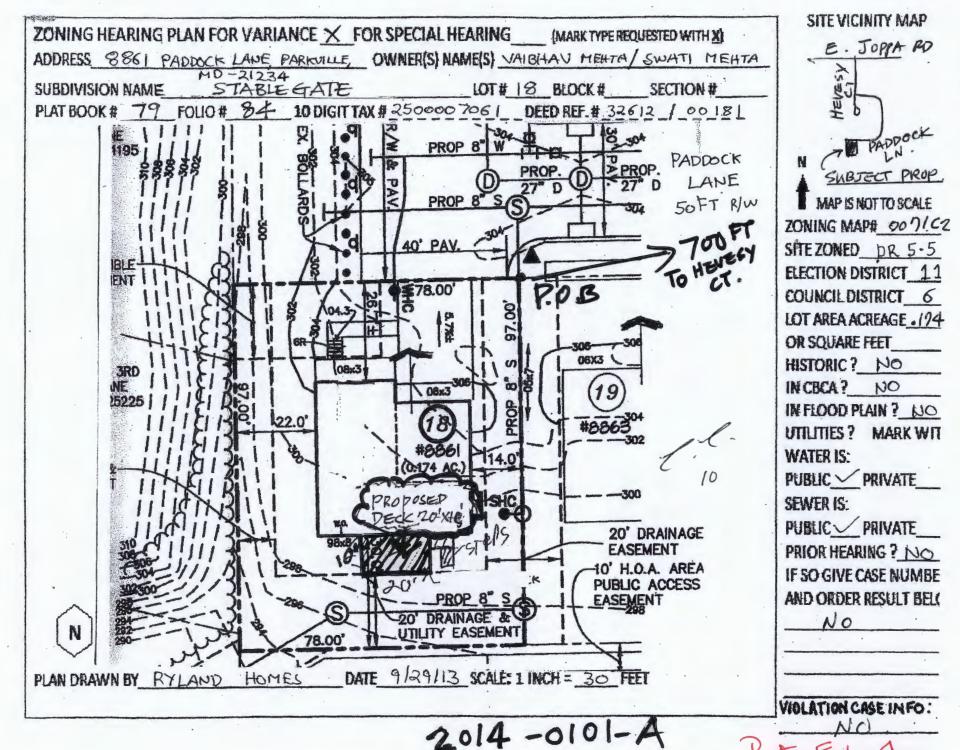
View Map				View GroundRent Registration						
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		Owner	Information	1						
O N	MEHTA VA	MEHTA VAIBHAV H		Use:			RESIDENTIAL			
Owner Name:	MEHTA SV	VATI V	Principal Residence:		ce:	1) /32612/ 00181				
Mailing Address:	8861 PADD	8861 PADDOCK LN		Deed Reference:						
Maining Auditess.	BALTIMO		94-				2)			
	Lo	cation & St	ructure Info	rmatio	n					
Premises Address:	8861 PADDOCK LN BALTIMORE 21234-33		94 Legal Description:			0.174 AC 8861 PADDOCK LN SS STABLEGATE				
Map: <u>Grid:</u> <u>Parcel:</u> <u>Sub</u>	District: Subdivisi	on: Section	on: Block:	Lot: 18	Assessm 2012	ent Ye	ar: P	lat No:	2 0079/ 0084	
Special Tax Areas:			Town: Ad Valorer Tax Class:					NONE		
Primary Structure Built 2012	Above Grade Enclos 2,504 SF	ed Area	Finished Ba	semen	t Area	Prop 7,579	erty Lan SF	d Area	County Use 04	
	<u>ype</u> ΓANDARD UNIT	Exterior SIDING	Full/Half B 3 full/ 1 hal		Garage 2 Attac		Last Ma	ajor Ren	ovation	
		Value	Information							
	Base Value		Value		Phas	Phase-in Assessments				
			As of	,	As of			As of		
			01/01/2012		07/01	/2013		07/01/2	2014	
Land:	127,100		127,100							
Improvements	251,700		251,700							
Total:			378,800		378,8	378,800		378,800		
Preferential Land:	0							0		
		Transfe	r Informatio	n						
Seller: THE RYLAND GROUP INC Date: 10/							Price: \$436,000			
			32612/00181			Deed2:				
Seller: Date: 06/1						Price: \$165,500				
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Municipal:		Special Te-		יטוט.טט			บ.บบุบ.เ	,,,		
Tax Exempt: Exempt Class:		Special Tax NONE	Recapture:							

Homestead Application Status: No Application

- 1. This screen allows you to search the Real Property database and display property records.
- 2. Click here for a glossary of terms.
- 3. Deleted accounts can only be selected by Property Account Identifier.
- 4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.









Proposed 10-0" x 20' deck with stairs

2014-0101-A

8863 paddock lane (Neighbors). 15'-0" from house to edge of deck. From edge of deck to property line is less than 15'.

