#### MEMORANDUM

DATE:

February 19, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0139-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 18, 2014. 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

IN RE: PETITION FOR ADMIN. VARIANCE

(500 Chalfonte Drive)

1<sup>st</sup> Election District OFFICE OF

1st Council District

Thomas A. and Angela B. Michel ADMINISTRATIVE HEARINGS

Petitioners

FOR BALTIMORE COUNTY

Case No. 2014-0139-A

BEFORE THE

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, Thomas A. and Angela B. Michel. The variance request is from Sections 400.1 and 427 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To permit an existing accessory structure/swimming pool in the side yard in lieu of the permitted rear yard, (2) To permit an accessory structure/swimming pool on a corner lot, that is not on the third of the lot that is farthest removed from the street, and (3) To permit a 6 ft. high fence in the rear yard of a single family dwelling with a 0 ft. setback that is in the front yard of a neighboring single family dwelling in lieu of the required 10 ft. setback. 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. There were no adverse comments received from any of the County agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 29, 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 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 <u>16<sup>th</sup></u> day of January, 2014, that the Petition for Variance seeking relief from Sections 400.1 and 427 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To permit an existing accessory structure/swimming pool in the side yard in lieu of the permitted rear yard, (2) To permit an accessory structure/swimming pool on a corner lot, that is not on the third of the lot that is farthest removed from the street, and (3) To permit a 6 ft. high fence in the rear yard of a single family dwelling with a 0 ft. setback that is in the front yard of a neighboring single family dwelling in lieu of the required 10 ft. setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any 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.

2

ORDER RECEIVED FOR FILING
Date 1/16/14
By sin

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:dlw

ORDER RECEIVED FOR FILING

Date 1 1 1 4



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

January 16, 2014

Thomas A. Michel Angela B. Michel 500 Chalfonte Drive Baltimore, Maryland 21228

RE: Petition for Administrative Variance

Case No. 2014-0139-A

Property: 500 Chalfonte Drive

Dear Mr. and Mrs. Michel:

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.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

## ADMISTRATIVE 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

Deed Reference 0000026:000 Property Owner(s) Printed Name(s) Thomas A.	
Property Owner(s) Printed Name(s) Thomas A.	10 Digit Tax Account # 0 1 0 7 0 0 1 6 3 0
	& Angela B. Michel
	PROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) avit on the reverse of this Petition Form be completed / notarized.
	in Baltimore County and which is described in the description and ade a part hereof, hereby petition for a
1. X ADMINISTRATIVE VARIANCE from section(s)	
Sec Attached	e vincet2) sea pha sendaminis
of the zoning regulations of Baltimore County, to the zon	ing law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to app Section 32-4- 416(a)(2): (indicate type of work in this spe	prove a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and ace to raze, alter or construct addition to building)
restrictions of Baltimore County adopted pursuant to the zoning law for	gulations.  ig, etc. and further agree to and are to be bounded by the zoning regulations and
Contract Purchaser/Lessee:	Legal Owners:
	Thomas A. Michel / Angela B. Michel
Name- Type or Print	Thomas A. Michel  Name #1 - Type or Print  Name #2 - Type or Print
Name- Type or Print	Thomas A. Michel  Name #1 – Type or Print  Name #2 – Type or Print  Signature #1  Angela B. Michel  Name #2 – Type or Print  Signature #2
Name- Type or Print  Signature	Thomas A. Michel  Name #1 - Type or Print  Name #2 - Type or Print
Name- Type or Print  Signature  Mailing Address City State	Thomas A. Michel   Angela B. Michel  Name #1 - Type or Print   Name #2 - Type or Print    Angela B. Michel   Name #2 - Type or Print
Name- Type or Print  Signature  Mailing Address City State  /  Zip Code Telephone # Email Address	Thomas A. Michel , Angela B. Michel  Name #1 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Signature #2  500 Chalfonte Drive Catonsville Maryland  Mailing Address City State  21228 / 410-292-8403 / Flue MASTERS C YNHOO.  Zip Code Telephone # Email Address
Name- Type or Print  Signature  Mailing Address City State  /  Zip Code Telephone # Email Address	Thomas A. Michel   Angela B. Michel  Name #1 - Type or Print   Name #2 - Type or Print    Angela B. Michel   Name #2 - Type or Print
Name- Type or Print  Signature  Mailing Address City State  /  Zip Code Telephone # Email Address  Attorney for Petitioner:	Thomas A. Michel , Angela B. Michel  Name #1 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Phomes A. Michel , Name #2 – Type or Print  Signature #2  500 Chalfonte Drive Catonsville Maryland  Mailing Address City State  21228 / 410-292-8403 / Flue MASTERS C YNHOO.  Zip Code Telephone # Email Address
Name- Type or Print  Signature  Mailing Address City State  Zip Code Telephone # Email Address  Attorney for Petitioner:	Thomas A. Michel   Angela B. Michel  Name #1 - Type or Print   Name #2 - Type or Print    Signature #1   Signature #2   Signature #2   Signature #2   Soo Chalfonte Drive   Catonsville   Maryland     Mailing Address   City   State   21228   410-292-8403   Flue MASTERS   YEHOO-   Zip Code   Telephone #   Email Address   Representative to be contacted:
Name- Type or Print  Signature  Mailing Address City State  Zip Code Telephone # Email Address  Attorney for Petitioner:	Thomas A. Michel   Angela B. Michel  Name #1 - Type or Print   Name #2 - Type or Print    Angela B. Michel   Name #2 - Type or Print   Angela B. Michel   Na
Name- Type or Print  Signature  Mailing Address City State  Zip Code Telephone # Email Address  Attorney for Petitioner:  Name- Type or Print  Signature	Thomas A. Michel   Angela B. Michel  Name #1 - Type or Print   Name #2 - Type or Print    Signature #1   Signature #2   Signature #2   Signature #2   Soo Chalfonte Drive   Catonsville   Maryland     Mailing Address   City   State   21228   410-292-8403   Flue MASTERS   YEHOO-   Zip Code   Telephone #   Email Address   Representative to be contacted:
Zip Code Telephone # Email Address  Attorney for Petitioner:  Name- Type or Print  Signature	Thomas A. Michel   Angela B. Michel   Name #1 - Type or Print   Name #2 - Type or Print   Signature #2   Signature #4   Signat

Administrative Law Judge of Baltimore County

39-A Filing Date 12/18 2013 Estimated Posting Date 12/29/2013 Reviewer

## **Affidavit in Support of Administrative Variance**

MY COMMISSION EXPIRES SEPTEMBER 19, 2017

(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:	500 Chalfonte Drive	Catonsville	Maryland	21228-4020
	Print or Type Address of property	City	State	Zip Code
	on personal knowledge, the			
Administr	ative Variance at the above a	address. (Clearly state	practical difficult	y or hardship here)
Wei	request a variance for the location	of the swimming pool. The	pool was there when we	e purchased the property
	. It is a 15' x 30' above ground poo			
			`	
(If addit	tional space for the petition requ	and or the above stateme	ent in panded Jahal and	d attach it to this Form)
(ii auui	nonal space for the petition requ	lest of the above stateme	ent is needed, label and	attach it to this Form)
26-	n. 11 Mi-11	,	I a a la som.	chel
Signature of	of Affiant	Si	gnature of Affiant	
Thomas	s A. Michel		Angela B. Michel	
Name- Prin		N	ame- Print or Type	
	The following information is	to be completed by a Not	any Dublic of the State	of Manuland
	The following information is	to be completed by a Not	ary Public of the State	oi maryianu
STATE C	OF MARYLAND, COUNTY O	F BALTIMORE, to wit	<b>:</b>	
I HEREB	Y CERTIFY, this 20	day of <u>// // // ,</u> , <del>/</del>	before me a	Notary of Maryland, in
and for the	County aforesaid, personally a	appeared	1 0 .	
140	mas A. Michel	and Itw	gela B. M.	ichel
the Affiant	(s) herein, personally known or	satisfactorily identified to	me as such Affiant(s	(Print name(s) here)
AS WITH	ESS my hand and Notaries Sea	1 0/	) 11	
AS WITH	233 my hand and notanes sea	Vant ta	15	
	PAUL RAFLO	Notary Public		,
	NOTARY PUBLIC ANNE ARUNDEL COUNTY	My Commission Everise		
	MARYLAND	My Commission Expire	5	

Section: 400.1; 427

To permit an existing accessory structure/swimming pool in the side yard in lieu of the permitted rear yard.

To permit an accessory structure/swimming pool on a corner lot, that is not on the 3<sup>rd</sup> of the lot that is fartherest removed from the street.

To permit a 6' high fence in the rear yard of a single family dwelling with a 0' setback that is in the front yard of a neighboring single family dwelling, in lieu of the permitted 10' setback

2014-0139-A

#### Zoning property description for:

#### 500 Chalfonte Drive, Catonsville, Maryland 21228

Beginning at a point on the north side of Chalfonte Drive which is 50 feet wide at the distance of 50 feet north of the centerline of the nearest improved intersecting street, Neepier Road, which is 50 feet wide.

Being known and designated at Lot #1, on block E, Section #2 in the subdivision of Rockwell as recorded in Baltimore County Plat Book W.J.R. #26, folio 3&C containing 11466 square feet. Located in the 1<sup>st</sup> election district and the 1<sup>st</sup> council district.

Property is owned by Thomas A. and Angela B. Michel

2014-0139-A

### Zoning property description for:

#### 500 Chalfonte Drive, Catonsville, Maryland 21228

Beginning at a point on the north side of Chalfonte Drive which is 50 feet wide at the distance of 50 feet north of the centerline of the nearest improved intersecting street, Neepier Road, which is 50 feet wide.

Being known and designated at Lot #1, on block E, Section #2 in the subdivision of Rockwell as recorded in Baltimore County Plat Book W.J.R. #26, folio 3&C containing 11466 square feet. Located in the 1<sup>st</sup> election district and the 1<sup>st</sup> council district.

Property is owned by Thomas A. and Angela B. Michel

2014-0139-A

# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0139 -A Address 500 Chaffonte Drive						
Contact Person: ASI WSKI Phone Number: 410-887-3391						
Case Number 2014- 0139 -A Address 500 Chaffonte Drive  Contact Person: ASI WSKI Phone Number: 410-887-3391  Planner, Please Print Your Name  Filing Date: 12 18 13 Posting Date: 12 29 13 Closing Date: 1 13 14						
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. <u>POSTING/COST:</u> 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 2014- 0139 -A Address 500 Chalfonte Drive						
Petitioner's Name Thomas + Angela Michel Telephone 410-292-8403						
Posting Date: 12 29 13 Closing Date: 1 13 14						
Wording for Sign. To permit an existing accessory structure/swimming pool in the side yard in lieu of the permitted rear yard.  To permit an accessory structure/swimming pool on a corner lot, that is not on the 3 <sup>rd</sup> of the lot that is fartherest removed from the street.						
To permit a 6' high fence in the rear yard of a single family dwelling with a 0' setback that is in the front yard of a neighboring single family dwelling, in lieu of the						

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	UTION				13/14			74	CASHIER'S VALIDATION

## **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

DATE: 12/29/2013

Case Number: 2014-0139-A

Petitioner / Developer: THOMAS & ANGELA MICHEL

Date of Hearing (Closing): JANUARY 13, 2013 2014 4.0,

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:

500 CHALFONTE DRIVE

The sign(s) were posted on: DECEMBER 29, 2013



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

## CHECKLIST

Comment Received	Support/Oppose/ Conditions/ Comments/ No Comment								
12-31									
	(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								
1-7	STATE HIGHWAY ADMINISTRATION	No objection							
	TRAFFIC ENGINEERING								
	COMMUNITY ASSOCIATION								
	ADJACENT PROPERTY OWNERS								
ZONING VIOLAT	ION (Case No								
PRIOR ZONING	(Case No.								
NEWSPAPER AD	VERTISEMENT Date:								
SIGN POSTING	Date: \(\sum_{2-29}\)	by O'Keefer							
PEOPLE'S COUNS	SEL APPEARANCE Yes N	。 <b>□</b>							
PEOPLE'S COUNS	SEL COMMENT LETTER Yes N	o <b></b>							
Comments, if any:									



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

January 14, 2014

Thomas A. & Angela B. Michel 500 Chalfonte Drive Catonsville MD 21228

RE: Case Number: 2014-0139 A, Address: 500 Chalfonte Drive

Dear Mr. & Ms. Michel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 18, 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. Cul Ribel 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

Date: 1/7/14

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

RE: Baltimore County
Item No 2014-0139-A

James T. Smith, Jr., Secretary

Melinda B. Peters, Administrator

Administrative Variance. Thomas A. & Angela B. Michel 500 Chaifonte Drive

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. 2014-0139-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

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 31, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For December 30, 2013 Item No. 2014-0137 to 0140

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

2014-0139

DAK:CEN:cab Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC12302013 -.doc





Search Result for BALTIMORE COUNTY

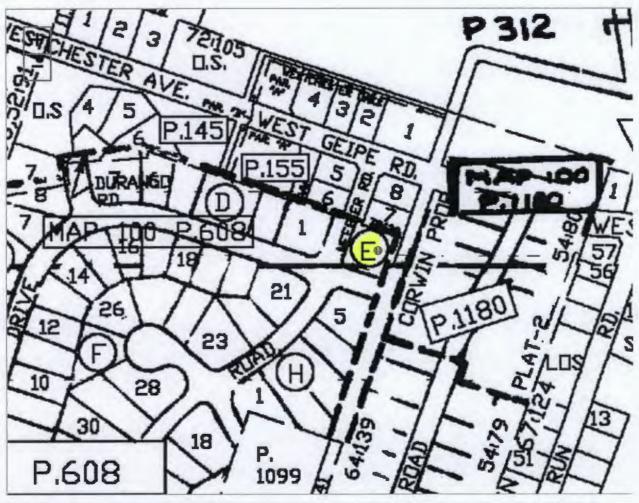
Search Help

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	-	Owner Info	ormation					
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**New Search** 

#### **Baltimore County**

District: 01 Account Number: 0107001630



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.

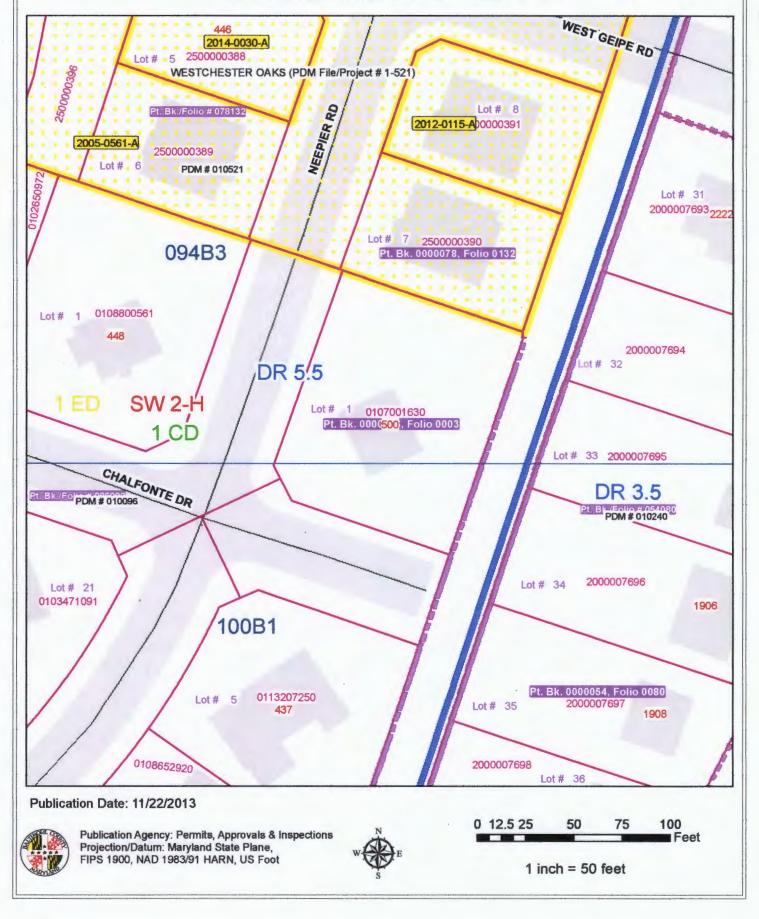
Property maps provided courtesy of the Maryland Department of Planning @2011.

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



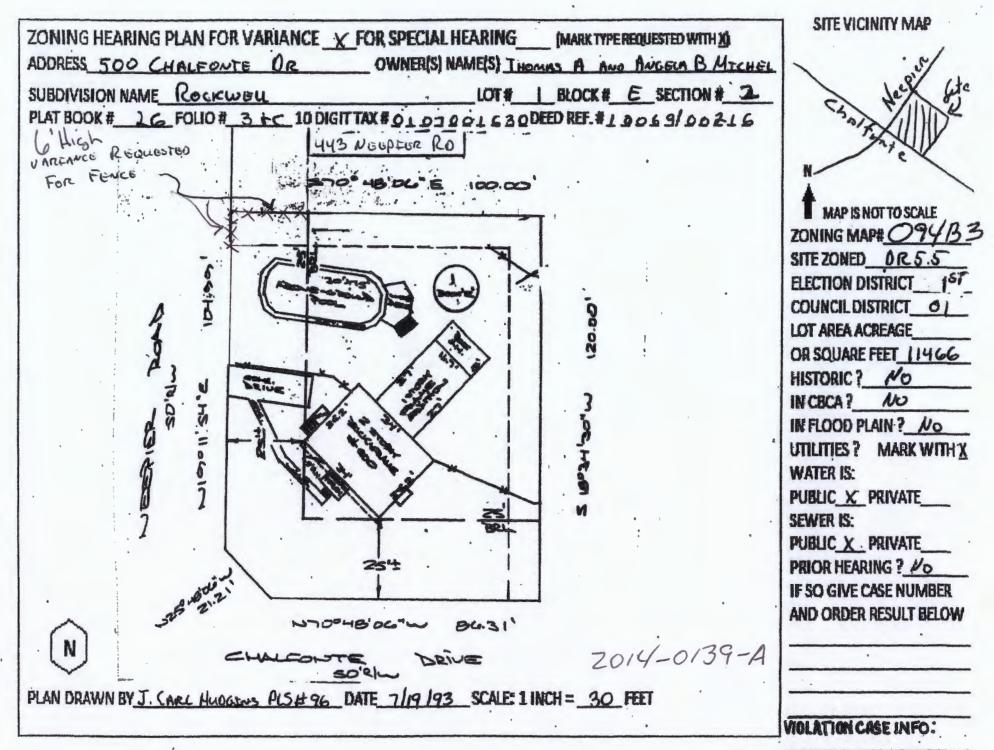
Loading... Please Wait. Loading... Please Wait.

## 500 Chalfonte Drive 2014-0139 - A



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ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING [MARK TYPE REQUESTED WITH X)	
ADDRESS 500 CHALFONTE OR OWNER(S) NAME(S) THOMAS A AND ANGELA B MICHEL	O'st
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	OR SQUARE FEET 11466
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30 100	
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Pet: Esh. 1