IN RE: PETITION FOR ADMIN. VARIANCE (1951 Freeland Road)

6th Election District 3rd Council District

Derrick and Leah Wettstein

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0227-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Derrick and Leah Wettstein ("Petitioners"). The Petitioners are requesting Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (garage) to be located in the front yard of the principal dwelling and have a height of 24 ft. in lieu of the required rear yard and maximum allowed 15 ft. 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 ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 18, 2014, 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	6-5-14	
Bv	pw.	

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 addition (garage) 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 5th day of June, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (garage) to be located in the front yard of the principal dwelling and have a height of 24 ft. in lieu of the required rear yard and maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER	RECEIV	/ED I	FOR	FIL	ING
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Date	6-5-14
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- 2. The Petitioners or subsequent owners shall not convert the subject addition (garage) into a dwelling unit or apartment. The garage 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.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date______

THORE COULT

KEVIN KAMENETZ County Executive

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

June 5, 2014

Derrick and Leah Wettstein 1951 Freeland Road Freeland, Maryland 21053

RE:

Petition for Administrative Variance

Case No. 2014-0227-A

Property: 1951 Freeland Road

Dear Mr. and Mrs. Wettstein:

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,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTR VE 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 951 Frequence Ro Frequence mp 2105 which is presently zoned RC-2 RC-8

Deed Reference 34201 / 00105 10 Digit Tax Account # 2 0 0 0 0 1 0 7 1 0

Property Owner(s) Printed Name(s) DERRICK WETTSTEIN AND. LEAH WETTSTEIN

(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

1. ___ ADMINISTRATIVE VARIANCE from section(s)

Section 400.1 and 400.3 – to permit a proposed detached accessory structure (garage) to be located in the front yard of the principal dwelling and have a height of 24 feet in lieu of the required rear yard and maximum allowed 15 feet

of the 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), 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.

Property is to be posted and advertised as prescribed by the zoning regulations.

Contract Durchacer/l ec

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 raichaser/Lessee.	Legar Owners.
	DERRICK WETTSTEIN LEAN WETTSTEIN
Name- Type or Print	Name #1 – Type or Print Name #2 – Type or Print
Signature	Signature #1 Signature # 2
Mailing Address City State	1951 FREELAND RD FREELAND MD Mailing Address City State
Zip Code Telephone # Email Address	21053 , 908-500-2530 , dwdesignbuild @ . Zip Code Telephone # Email Address concast, re
Attorney for Petitioner: Name- Type or Prince NED FOR FILING Signature	Representative to be contacted: Same As Above
Name-Type or PrinceIV	Name – Type or Print
Signature	Signature
Mailing Address City State	Mailing Address City State
ip Code Telephone # Email Address	Zip Code Telephone # Email Address

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

Administrative	Law	Judge	of	Bal	timore	Count	
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CASE	NUMBER	2014	-0	2.	2	7-	A
THE R P. LEWIS CO., LANSING, MICH.							

Filing Date 6 / 5 / 14

Estimated Posting Date

5 18 14

Reviewer____

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE PECIAL 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:

purchase, reside at the existing dwelling	on said property lo	cated at:	
Address: 1951 FREELAND R	D FREELAN		21053
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the foll Administrative Variance at the above add	owing are the facts dress. (Clearly sta	s which I/we bas te <u>practical diff</u>	e the request for an iculty or hardship here)
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TO THE POOR STATE OF OUR MUCH	SMAUER CURR	ENT OUTBULLO	INGS. THE SELEND
FLOOR WOULD ACT AS HOUSEHOLD	STORAGE QUE	TO VERY LIM	ITEO IN-HOUSE STORA
(If additional space for the petition request			
DIVO:		Twu	to
Signature of Affiant	- 5	Signature of Affiant	
DERRICK WETTSTEIN		Leah We	ttotain
Name- Print or Type		Name- Print or Type	
The following information is to b	oe completed by a No	tary Public of the	State of Maryland
STATE OF MARYLAND, COUNTY OF E	Harford P	it:	
I HEREBY CERTIFY, this \(\sum_{\ell} \frac{\xi_{\text{th}}}{\text{and for the County aforesaid, personally appears of the County aforesaid.} \)	of May, 2	before	me a Notary of Maryland, in
Leah Wettstein & Der	rick Wetts	tein	- 4.4
the Affiant(s) herein, personally known or sati	isfactorily identified t	o me as such Affi	ant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

My Commission Expires
7/28/2016

ZONING PROPERTY DESCRIPTION FOR: 1951 Freeland Rd. Freeland, MD 21053

Property Owners: Derrick and Leah Wettstein

east

Beginning at a point on the South side of Freeland Rd. which is 50' wide at the distance of 812' North of the centerline of the nearest improved intersecting street, Hesson Rd. which is 25' wide.

Minor Subdivision Lot Description:

Thence the following courses and distances: (1) South 52° 07′ 30″ East 499.74′, (2) North 73° 30′ 00″ East 264.00′, (3) North 54° 44′ 54″ East 348.07′, (4) South 38° 30′ 00″ East 52.80′, (5) South 7° 37′ 00″ East 395.56′, (6) South 70° 40′ 00″ West 689.47′, (7) North 54° 15′ 00″ West 664.03′, (8) North 29° 30′ 00″ East 350.00′ back to the point of beginning as recorded in Deed Liber (33518), Folio (432), containing (10.032 acres). Located in the 6th Election District and 3rd Council District. Also know as Lot (#2) in the minor subdivision of the (Dippold Property), minor subdivision (#04-118-M), as maintained by the Development Management Division of the Department of Permits, Approvals and Inspections.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Petitioner: Derrick Wettstein Address or Location: 1951 Freeland Rd
Address of Education, 1751 1000 and 100
PLEASE FORWARD ADVERTISING BILL TO: Name: Dervick Weltstein
Address: 1951 Freeland Rd
Freeland 14d
21053
Telephone Number: 968 500 2570

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CERTIFICATE OF POSTING

Date: 5-18-14

RE: Case Number: 2014-0227-A

Petitioner/Developer: Derrick Wettstein

Date of Hearing/Closing: 6-2-14

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 195/Freeland 19



5-18-14 (Month, Day, Year)

(Signature of Sign Poster)

J. LAWRENCE PILSON (Printed Name of Sign Poster)

1015 Old Barn Road (Street Address of Sign Poster)

Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

410-343-1443 (Telephone Number of Sign Poster)

MEMORANDUM

DATE:

July 8, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0227-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 7, 2014. There being no appeal filed, the subject file is ready for return to the Zoring 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
5-14	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)	
5-12	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	· · · · · · · · · · · · · · · · · · ·
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: 5-18-19	by <u>Pison</u>
	EL APPEARANCE Yes No	
'EOPLE'S COUNS	EL COMMENT LETTER Yes L No L	
Comments, if any: _		

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVAL AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2014- 0227 -A Address 1951 Free and Rd
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 5/5/14 Posting Date: 5/19/14 Closing Date: 6/2/14
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. POSTING/COST : 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- 0227 -A Address 1951 Freeland Rd.
Petitioner's Name D+ L Wettstein Telephone 908 500 2530
Posting Date: 5/18/14 Closing Date: 6/2/14
Wording for Sign: To Permit a proposed detached accessory structure
(garage) to be located in the front yard of the principal dwelling
and have a height of 24 feet in lieu of the required year yard

Revised 7/06/11



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

June 3, 2014

Derrick & Leah Wettstein 1951 Freeland Road Freeland MD 21053

RE: Case Number: 2014-0227 A, Address: 1951 Freeland Road

Dear Mr. & Ms. Wettstein:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 5, 2014. 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 Ribal &

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: 5/12/14

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

RE: Baltimore County

Item No 2014-0227-A
Administrative Variance
Derrick & Leah Wettstein
1951 Freeland Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0227-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: May 14, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 19, 2014

Item No. 2014-0226, 0227, 0228, 0229, 0230, 0231 and 0232

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

DAK cc:file Real Property Data Search (w3)

Search Help

Your feedback is important to us. Please take our short survey.

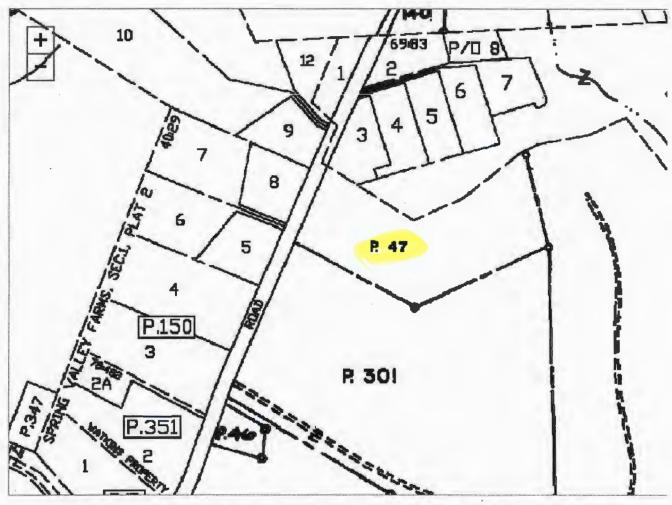
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Homestead Application Status: Approved 10/29/2013

Baltimore County

New Search (http://sdat.resiusa.org/RealProperty)

District: 06 Account Number: 2000010710



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 (http://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).



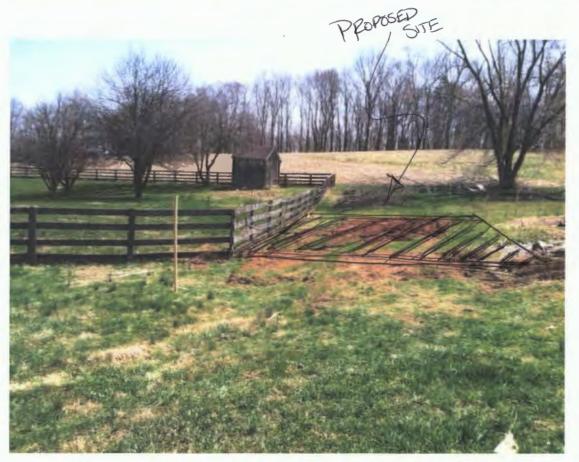
(http://imsweb05.mdp.state.md.us/website/mosp/)

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WETTSTEIN RESIDENCE: 1951 FREELAND RO FREELAND, MD 21053





Item # 0227





Item # 0227

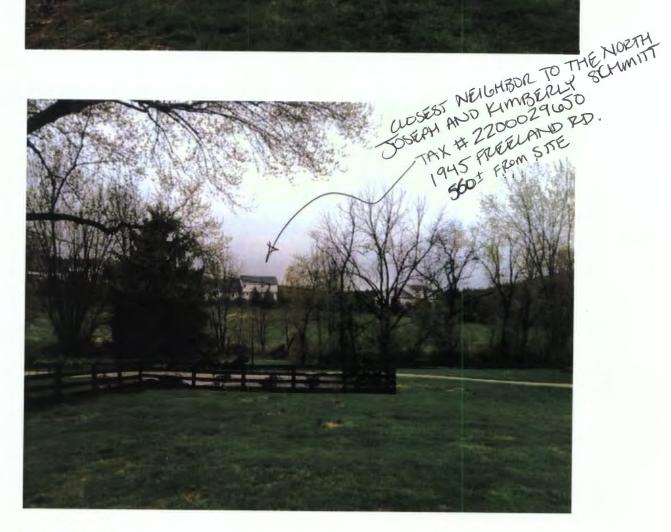
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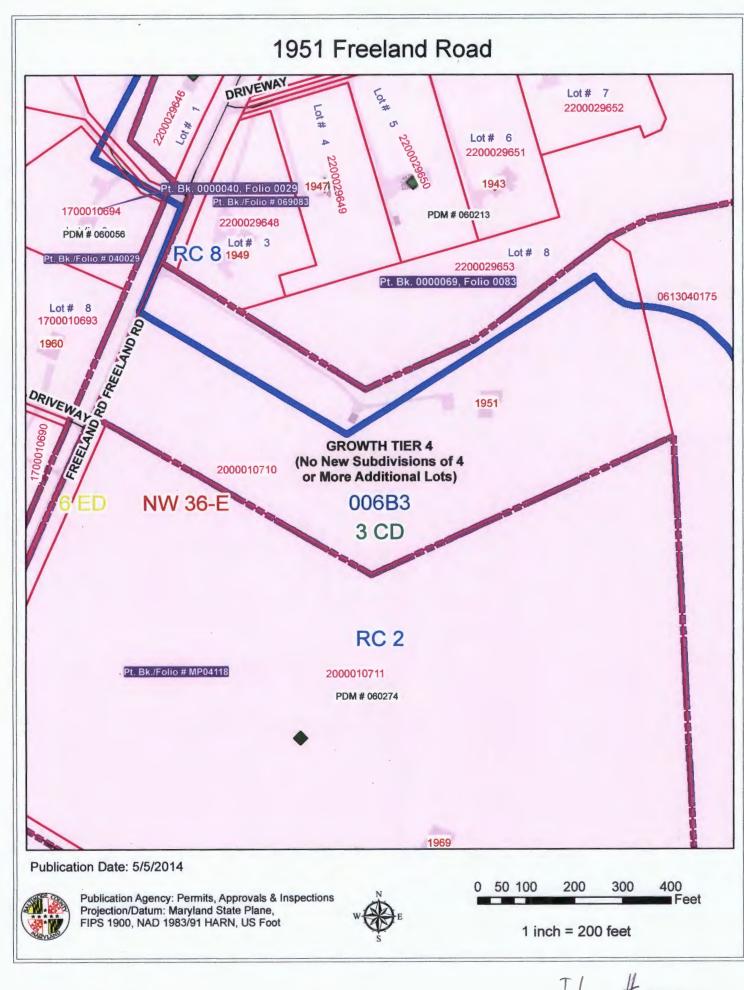
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JOHN TANSITE.

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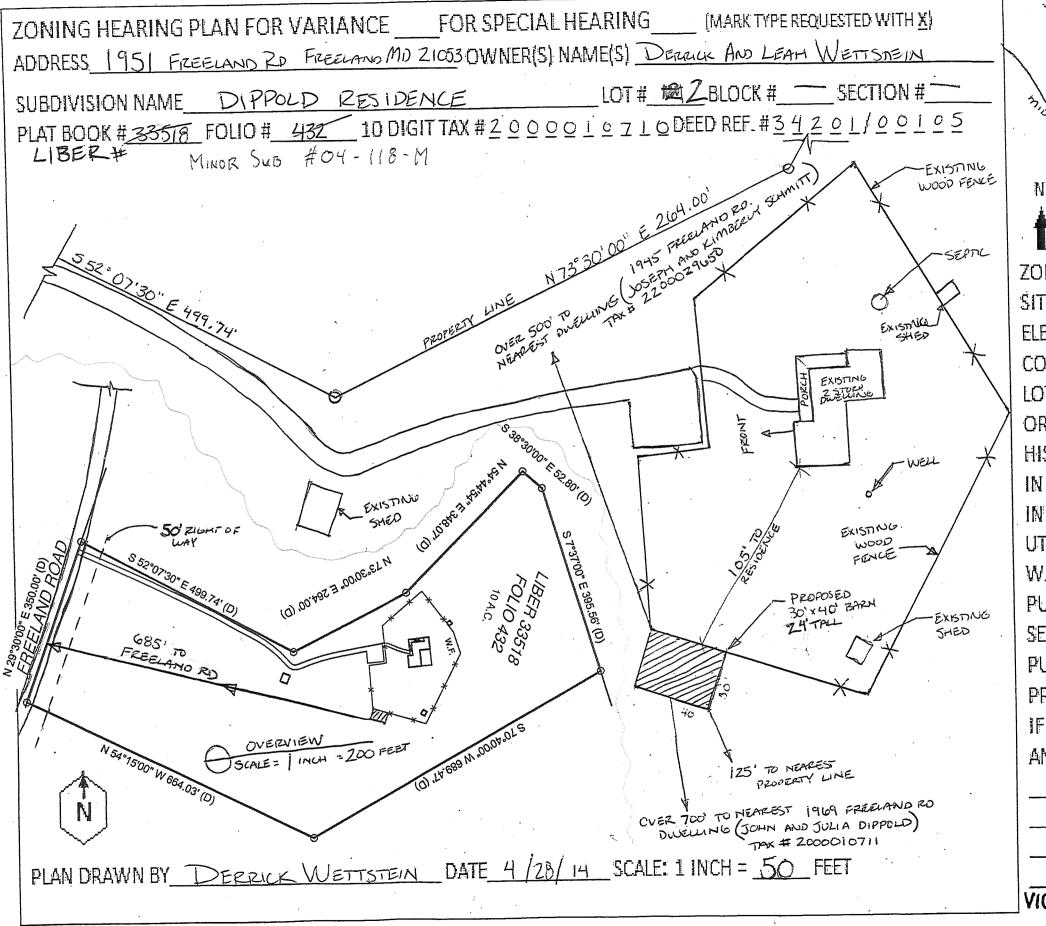


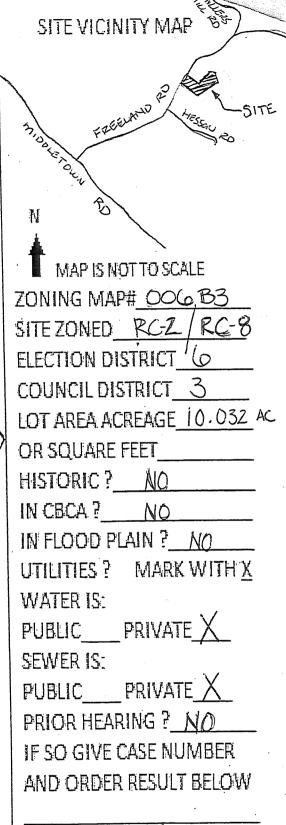
Item #0227



Item # 0227







#2014-0227-A

VIOLATION CASE INFO:

