IN RE: PETITION FOR ADMIN. VARIANCE

(600 Allegheny Avenue)
9th Election District

5th Council District

Kelly M. Gombeski (nee Simons)

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2015-0009-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, Kelly M. Gombeski (nee Simons) ["Petitioner"]. The Petitioner is requesting Variance relief from §§ 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a front addition with a 7 ft. side yard and a 19 ft. front yard setbacks in lieu of the required 10 ft. side yard and 26.5 ft. front yard (front averaging) setbacks respectively, and (2) To permit a rear addition with a 4.75 ft. side yard and a 22 ft. rear yard setbacks in lieu of the required 10 and 30 ft. respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's 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 submitted from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 17, 2014, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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	8-8-14	
By	600	

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 Petitioner.

Pursuant to the posting of the property and the provisions of both the B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 8th day of August, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §§ 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a front addition with a 7 ft. side yard and a 19 ft. front yard setbacks in lieu of the required 10 ft. side yard and 26.5 ft. front yard (front averaging) setbacks respectively, and (2) To permit a rear addition with a 4.75 ft. side yard and a 22 ft. rear yard setbacks in lieu of the required 10 and 30 ft. respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioner may apply for her appropriate permits and be granted same upon receipt of
this Order; however, Petitioners is hereby made aware that proceeding at this time is
at her own risk until such time as the 30-day appellate process from this Order has
expired. If, for whatever reason, this Order is reversed, Petitioner 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.

JOHN E BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 8-8-14

2



KEVIN KAMENETZ
County Executive

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

August 8, 2014

Kellie M. Gombeski (nee Simons) 600 Allegheny Avenue Baltimore, Maryland 21204

RE:

Petition for Administrative Variance

Case No. 2015-0009-A

Property: 600 Allegheny Avenue

Dear Petitioner:

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



	ment of Permits, Approvals and Inspections
	rings for Baltimore County for the property located at:
Address 600 Allegheny Avenue, Town	
Deed Reference 32023 / 38	10 Digit Tax Account # 0 9 0 2 2 0 0 5 1 1
Owner(s) Printed Name(s) Kelli & Jimons	Flula Vellie Granles Vi
Owner(s) Trinted realine(s) Kolli V (1144-114)	THE RELIEF CONCEDENT AT
(SELECT THE HEARING(S) BY MARKING \underline{X} AT TH	E APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit	on the reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property attached hereto and made a part hereof, hereby peti	situate in Baltimore County and which is described in the plan/plat tion for an:
	n(s) 1B02.3.C.1 and 303.1 of BCZR to permit a front addition with a
feet side yard and a 19 feet front yard	I setbacks in lieu of the required 10 feet side yard and 26.5 feet from
yard (front averaging) setbacks respe-	ctively; and from Section 1B02.3.C.1 to permit a rear addition with a
4.75 feet side yard and a 22 feet rear	yard setbacks in lieu of the required 10 and 30 feet respectively.
of the zoning regulations of Baltimore County, to the	· ·
2 ADMINISTRATIVE SPECIAL HEARING to	o approve a waiver pursuant to Section 32-4-107(b) of the Baltimor
County Code: (indicate type of work in this space: i.e	., to raze, alter or construct addition to building)
of the Baltimare County Code, to the development to	of Poltimore County
of the Baltimore County Code, to the development la Property is to be posted and advertised as prescribed by the zonii	w of Baltimore County.
I/ we agree to pay expenses of above petition(s), advertising, post	ting, etc. and further agree to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the zoning law for Baltimore	e County.
	Owner(s)/Petitioner(s):
	Kellie Simons
	Name #1 – Type or Print Name #2 – Type or Print
	VIII. Lan
	Signature #1 Signature # 2
	600 Allegheny Ave Towson MD
	Mailing Address City State
	21204 , 410.236.8439 , Kmgomberkie
	Zip Code Telephone # Email Address quail. Com
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Attorney for Owner(s)/Fetitioner(s).	Representative to be contacted.
EI ING	
Name- Type or Print	Name - Type or Print
SEIVED O LA	
Name- Type or Print Signature ORDER RECEIVED FOR FILING Mailing Address City Sta	Signature
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Date	
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- QV	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or	found to be required, it is ordered by the Office of Administrative Hearings for Baltimo
County, this day of, that the	found to be required, it is ordered by the Office of Administrative Hearings for Baltimo
A PUBLIC HEARING having been formally demanded and/or county, this day of that the required by the zoning regulations of Baltimore County.	found to be required, it is ordered by the Office of Administrative Hearings for Baltimo
County, this day of, that the	found to be required, it is ordered by the Office of Administrative Hearings for Baltimo e subject matter of this petition be set for a public hearing, advertised, and re-posted as
required by the zoning regulations of Baltimore County.	Zip Code Telephone # Email Address found to be required, it is ordered by the Office of Administrative Hearings for Baltimo e subject matter of this petition be set for a public hearing, advertised, and re-posted as Administrative Law Judge for Baltimore County
required by the zoning regulations of Baltimore County.	found to be required, it is ordered by the Office of Administrative Hearings for Baltimo e subject matter of this petition be set for a public hearing, advertised, and re-posted as Administrative Law Judge for Baltimore County
county, thisday of, that the required by the zoning regulations of Baltimore County.	Found to be required, it is ordered by the Office of Administrative Hearings for Baltimo e subject matter of this petition be set for a public hearing, advertised, and re-posted as Administrative Law Judge for Baltimore County 7 // / / Estimated Posting Date 7 20 14 Reviewer
county, thisday of, that the required by the zoning regulations of Baltimore County.	Found to be required, it is ordered by the Office of Administrative Hearings for Baltimore subject matter of this petition be set for a public hearing, advertised, and re-posted as Administrative Law Judge for Baltimore County

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 600 A	ilegheny Av	enve	Towsen	MD	21204
Print or Type A	ddress of property		City	State	Zip Code
					base the request for an ulty or hardship here)
See AHACHM	ent A				
(If additional space	for the petition	on request or the	e above state	ment is needed, label	and attach it to this Form)
Signature of Owner (Aff	iant)			Signature of Owner (A	ffiant)
Kellie M. Simon	w flkla K	ellie Gomberki			
Name- Print or Type				Name- Print or Type	5
The follo	wing informat	tion is to be com	pleted by a N	otary Public of the St	ate of Maryland
STATE OF MARYL	AND, COUN	ITY OF BALTI	MORE, to v	vit:	
I HEREBY CERTIF and for the County af	Y, this \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	day of onally appeared:	July.	2014 , before m	e a Notary of Maryland, in
Print name(s) here: Kellic	M. JiMomi.	fikla Kelli	e M. Gom	<u>bevKi</u>	
the Affiant(s) herein, p	personally kno	own or satisfacto	orily identified	to me as such Affiai	nt(s).
AS WITNESS my had	Mand Notarie	es Seal	1/1	St.	
PATA	OTARL T	Notary F	11/16	12014	
C. Pro-	PUBLIC &	My Com	mission Exp	res	DEM 5/0/2014

2015-0009-A

Attachment A

I am proposing a 20'x25' two story addition to the rear side of my existing dwelling and a 13'x9' addition to the front of my existing dwelling (enclosing part of the existing front porch) in order to create additional living space for my growing family. Since purchasing the property I have since married. My husband has a son and I am expecting a daughter in October, 2014.

Several special circumstances and conditions peculiar to the land exist thereby making strict compliance with the zoning regulations a practical difficulty and unreasonable hardship.

- 1. I am handicapped by the shape of my lot. My property is unusual and unique. It is an odd shaped lot with a very narrow backyard and is double fronted by Allegheny Avenue in the front and North Bend Avenue in the rear. Due to the irregular shape and location of my lot I cannot create additional living space without variance. Further, the lot size itself does not lend itself to any additions of adequate size without variance.
 - a. Strict compliance with the zoning regulations would not make it possible for me to construct an addition on my property for additional living space without variance.
 - b. My lot is too small and irregular to place the proposed addition in any locations other than as shown on the Hearing Plan.
 - c. Various neighbors have the exact type of addition I am proposing. The addition I am proposing would not be a detriment as it is compatible and characteristic of homes located in the neighborhood currently.

I am handicapped by these conditions and special circumstances peculiar to my land requiring the proposed additions to be erected on the rear side and in the front of my property. In my efforts to create additional living space for my growing family strict compliance with the zoning regulations presents a practical difficulty and unreasonable hardship.



ZONING DESCRIPTION FOR 600 Allegheny Avenue, Towson, MD 21204

BEGINNING FOR THE SAME in the center of Allegheny Avenue at the beginning of the third or North 26 degrees 18 minutes East 118 feet 10 inches line of the parcel of land which by Deed dated April 27, 1929, and recorded among the Land Records of Baltimore County in Liber LMC No. 818, folio 459, was conveyed by Millard L. Saulsbury and wife, to William C.F. Hannibal and wife, running thence binding on said line NOrth 26 degrees, 18 minutes East 118 feet 10 inches to the corner of a road 20 feet wide, and to intersect the last or South 42 degrees 48 minutes East 300 feet line of that parcel of land which by Deed dated August 4, 1922 and recorded among the Land Records of Baltimore County in Liber WPC No. 558, folio 460, was conveyed by Richard H. Pleasants and Marie R. Pleasants, his wife, to Millard L. Saulsbury and wife, running thence North 42 degrees 8 minutes West 33 feet 4 inches, runnign thence for a line of division, South 34 degrees 40 minutes West 140 feet 9 inches to the center of Allegheny Avenue, South 73 degrees 28 minutes East 52 feet 4 and one half inches to the place of beginning. The improvements thereon being known as No. 600 Allegheny Avenue.

As recorded in Deed Liber No 32023, Folio 38.

2015-0009-A

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT						No.	7,	113889	PAID RECEIPT BUSINESS ACTUAL TIME BE		
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CERTIFICATE OF POSTING

JULY 17, 2014 Date:

> Project Name: RE:

AVENUE **600 ALLEGHENY**

Case Number /PAI Number:

2015-0009-A

Petitioner/Developer:

KELLIE SIMMONS

Date of Hearing/Closing:

2014 AUGUST 4, This is to certify under the penalties of perjury that the necessary sign(s) required by law **600 ALLEGHENY AVENUE** posted conspicuously on the property located at were

The sign(s) were posted on

JULY 17, 2014

(Month, Day, Year)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

CHARWOOD COURT 601

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign

(410) 679-8719

(Telephone Number of Sign Poster)



(410) 887-3391 UNDER PENALTY OF LAW,

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2015 0009 -A Address 600 ALLEGHENY AVE.
Conta	act Person: AARON TSUI Phone Number: 410-887-3391
	Planner, Please Print Your Name
Filing	Number 2015 0009 -A Address 600 ALLEGHENY AVE. act Person: ARON TSUI Phone Number: 410-887-3391 Planner, Please Print Your Name Posting Date: 7/20/14 Closing Date: 8/4/14
Any o	contact made with this office regarding the status of the administrative variance should be gh 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.
3.	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)
Petiti	oner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case	Number 2015 0009 -A Address 600 ALLEGHENY AVENUE
Petitio	oner's Name KELLIE SIMMONS Telephone, 410-236-8439
Posti	ng Date: 7/20/14 Closing Date: 8/4/14
Wordi	ing for Sign: To Permit A FRONT ADDITION WITH A 19 FEET FRONT
	D SETBACK IN LIEU OF THE REQUIRED 26.5 FEET AND A
7	FEET SIDE SETBACK IN LIEU OF THE REQUIRED 10 FEET;
YAR	TO PERMIT A REAR ADDITION WITH A 4.75 FEET SIDE 2D AND 22 FEET REAR YARD SETBACK IN LIEU Revised 7/06/11 THE REQUIRED 10 AND 30 FEET RESPECTIVELY
OF	THE REQUIRED 10 AND 30 FEET RESPECTIVELY. BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS.

ZONING REVIEW



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

August 4, 2014

Kellie Simons 600 Allegheny Avenue Towson MD 21204

RE: Case Number: 2015-0009 A, Address: 600 Allegheny Avenue

Dear Ms. Simons:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 11, 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 Robal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



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

Date: 7/21/14

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

RE: Baltimore County

Item No 2015-0009-A

Administrative Vorience

Kellie Simmons

600 Allegheny Avenue

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-0009-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: July 28, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 21, 2014

Item No. 2015- 0002, 0009, 0010, 0011 and 0012

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

DAK:CEN cc:file

MEMORANDUM

DATE:

September 9, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0009-A - Appeal Period Expired

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

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment		
7-28	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NU		
	DEPS (if not received, date e-mail sent)			
	FIRE DEPARTMENT			
	PLANNING (if not received, date e-mail sent)			
7-21	STATE HIGHWAY ADMINISTRATION	No objection		
	TRAFFIC ENGINEERING			
	COMMUNITY ASSOCIATION			
ZONING VIOLATI	ION (Case No			
PRIOR ZONING	(Case No.)		
NEWSPAPER ADV	VERTISEMENT Date:			
SIGN POSTING	Date: 7-17	by Belingsey		
PEOPLE'S COUNS	SEL APPEARANCE Yes No			
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No			
Comments, if any:				
		<u> </u>		

eal Property Data Search		Guide to searching the database					
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View Map	View GroundRei	nt Redemption	1		View Gro	undRent Re	gistration
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		Owner	Information				
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Map: Grid: Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessmen Year:	t Plat No:
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Improvements	105,100		110,600				
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Seller: SUDER ROBER			2/04/2002	Price: \$0			
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Baltimore County

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

District: 09 Account Number: 0902200511



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://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



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

x Loading... Please

Loading... Please Wait.

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE AICUMIA MAS
ADDRESS 600 Allegheny Avenue OWNER(S) MAME(S) Kellie M. Jimona	S S S S S S S S S S S S S S S S S S S
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TAX + 0920200750 4.75' Rana Addition 1:5 25' 4.75' 25' 100 20' Wide	HISTORIC ? No
	IN CBCA? NO
Avenue Avenue 16 \$854 15.	IN FLOOD PLAIN ? NO
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4-14. XION 1000	SEWER IS:
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PLAN DRAWN BY Kellie M. Jimons DATE 7/11/14 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE IN FO:

2015-0009-A

OLATION CASE INFO:

Pet. El. 1











