MEMORANDUM

DATE:

November 9, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0067-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 6, 2015. 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 *

(333 Margaret Avenue)

15th Election District 7th Council District James L. Edwards Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

k CASE NO. 2016-0067-A

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, James L. Edwards ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an existing accessory structure (detached garage) with a height of 19 ft. in lieu of the required 15 ft. 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 received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 20, 2015, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). 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

ORDER RECEIVED FOR FILING

Date	10-7-15
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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 § 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.

Although the Department of Planning did not make any recommendations related to the accessory structure (detached garage) height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 7th day of October, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an existing accessory structure (detached garage) with a height of 19 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

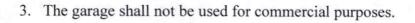
The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
- 2. The Petitioner or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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Date		0-7-15	٠	2
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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 16-7-15



KEVIN KAMENETZ County Executive

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

October 7, 2015

James L. Edwards 333 Margaret Avenue Essex, Maryland 21221

RE: Petition for Administrative Variance

Case No. 2016-0067-A

Property: 333 Margaret Avenue

Dear Mr. Edwards:

Enclosed please find a copy of the Order 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

FOR ADM. STR. /E VARIANCE - OR - ADMINISTRATIVE PECH

CASE NUMBER 2016-0067 -A



FOR ADN STR. (E VARIANCE - OR - ADMINISTRATIVE PECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Hearings for Baltimore County for the property located at: ESSEX / D 2121 Currently zoned Address 333 MARGARET AJE Deed Reference 29005 / 00060 10 Digit Tax Account # 1 50 58 8 0 030 Owner(s) Printed Name(s) JAMES (SELECT THE HEARING(S) BY MARKING X AT THE 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 situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: 1. X ADMINISTRATIVE VARIANCE from Section(s) 400.3 BCZR To permit an existing accessory structure (detached garage) with a height of 19 in lieu of the required 15' of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s) Name #2 - Type or Print Signature # 2 Signature #1 333 MARGARET AVE ESSEX Mailing Address JEMMY EDWARDS 29 410.371.00 Email Address @ VALOR Representative to be contacted: Attorney for Owner(s)/Petitioner(s): ORDER RECEIVED FOR FILING Name- Type or Print Name -Signature Signature State Mailing Address State Mailing Address Date Email Address Zip Code Email Address Zip Code Telephone # A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as ay of required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County

Filing Date 9/11/15 Estimated Posting Date 9/24 15 Reviewer 5F

Affidavit in Suppo of Administrative Variance (THIS AFFIDAVIT IS NOT REC. ED I AN HISTORIC ADMINISTRATIVE SPEC. 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: 333 MARGARET AVE ES	DEX MA	21221
RAISE FLOOR LEVEL ABOVE	WATER &	UNOFF
Print or Type Address of property City State Zip Code Based upon personal knowledge, the following are the facts upon which I/we base the request for an administrative Variance at the above address. (Clearly state practical difficulty or hardship here) RAISE FLOOR LEVEL AROVE WATER RUNOFF ACCIDENTAL MYSSUNDERSTANDING OFF WALL AND ROOF HEIGHT (If additional space for the petition request or the above statement is needed, label and attach it to this Form) ignature of Owner (Affiant) Signature of Owner (Affiant) Name-Print or Type The following information is to be completed by a Notary Public of the State of Maryland TATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: HEREBY CERTIFY, this		
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(If additional space for the petition request or the above	statement is needed, lab	pel and attach it to this Form)
Signature of Owner (Afriant)	Signature of Owner	(Affiant)
JAMES (EDWARDS	H M25	
Name- Print or Type	Name- Print or Type	
The following information is to be completed by	y a Notary Public of the	State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE	to with	
	<u>167</u> , <u>2015</u> , before	me a Notary of Maryland, in
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Print name(s) here:		
the Affiant(s) herein, personally known or satisfactorily iden	itified to me as such Aff	iant(s).
AS WITNESS my hand and Notaries Seal	nifer h. Co	ul
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Affidavit in Support	of Administr EDFC N HISTO	ative Varian RIC ADMINISTRATI	C PECL) EARING)
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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: 333 NARGARET AVE BSE	2 ND 21221
Print or Type Address of property City	State Zip Code
Based upon personal knowledge, the following are the	facts upon which I/we base the request for an
Administrative Variance at the above address. (Clearly	state practical difficulty or hardship here)
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JAMES LEDWAYOUS	·
Name- Frint or Type	Name- Print or Type
// The following information is to be completed by	a Notary Public of the State of Maryland
STATE OF MARYLAND COUNTY OF RALTIMORE	to wit:
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I HEREBY CERTIFY, this 0 day of September	$\underline{205}$ before me a Notary of Maryland, in
and for the County aforesaid, personally appeared:	
James 1 Edwards	· · · · · · · · · · · · · · · · · · ·
Print name(s) here:	
the Affiant(s) herein, personally known or satisfactorily ident	ified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal	for n. Caul.
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Based upon personal knowledge, the following are the facts upon which I/we base the request for a Administrative Variance at the above address. (Clearly state practical difficulty or hardship here ACUSE FLOOR LEVEL ABOVE WATER DUWOFF ACUSTORIAL MASSUNDERSTANDING OFF WALL AND TOOF HEIGHT (If additional space for the petition request or the above statement is needed, label and attach it to this Fondal Mayore Frint or Type The following information is to be completed by a Notary Public of the State of Maryland STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this	
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Zoning Property Description for 333 Margaret Avenue, Essex MD 21221

Beginning at a point on the north side of Margaret Avenue, which is 50' wide at the distance of 80' north of the centerline of the nearest improved intersecting street, Cedar Avenue which is 50' wide.

Being Lot#20, Block 1H, Section #E, in the subdivision N/A as recorded in Baltimore County Plat Book # 0000005, Folio #0076, containing 7500 square feet. Located in the 15th Election District and 7th Council District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0067 -A Address 333 MARGARET AVE.
Contact Person: FERNANDO Phone Number: 410-887-3391
Filing Date: 9-11-15 Posting Date: 9-20-15 Closing Date: 10-5-
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 2016- OO 67 -A Address 333 MARGORET AUG
Case Number 2016- OO 67 -A Address 333 MARGORET AUG Petitioner's Name JAMES EDWARDS Telephone 410-37 (-00)
Posting Date: 9-20-15 Closing Date: (0-5-1)
Wording for Sign: To Permit an accessory structure Edetached garage with a height of 19' in lieu of the required 15'

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 2016-0067-A
Petitioner: JAMES L EDWARDS
Address or Location: 333 ALARGARET AVE ESSEX, MAZIZZI
PLEASE FORWARD ADVERTISING BILL TO:
Name: JAMES L EDWARDS
Address: 333 A ARGANZET AJE
ESSEX, MA 21221
Telephone Number: 410.371.0088

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Comments, if an	y:				
					

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

	R IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE SIGN(S)REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON TH T
	333 MARGARET AVE.
THIS SIGN(S)	(MONTH,DAY,YEAR)
	SINCERELY, martingle 9/20/15
	SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE,MD 21220
(ADDRESS)
PHONE NUMBER:443-629-3411



makagli 9/20/15



KEVIN KAMENETZ
County Executive

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

October 6, 2015

James L Edwards 333 Margaret Avenue Essex MD 21221

RE: Case Number: 2016-0067 A, Address: 333 Margaret Avenue

Dear Mr. Edwards:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 11, 2015. 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

e: People's Counsel



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor

Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 9/21/15

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

RE: Baltimore County

Item No. 2016-0067-A Administrative Vaviance James L. Edwards 333 Margaret 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. 2016-0067-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake

Metropolitan District Engineer - District 4

Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 24, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 28, 2015

Item No. 2016-0065, 0066, 0067 and 0068

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

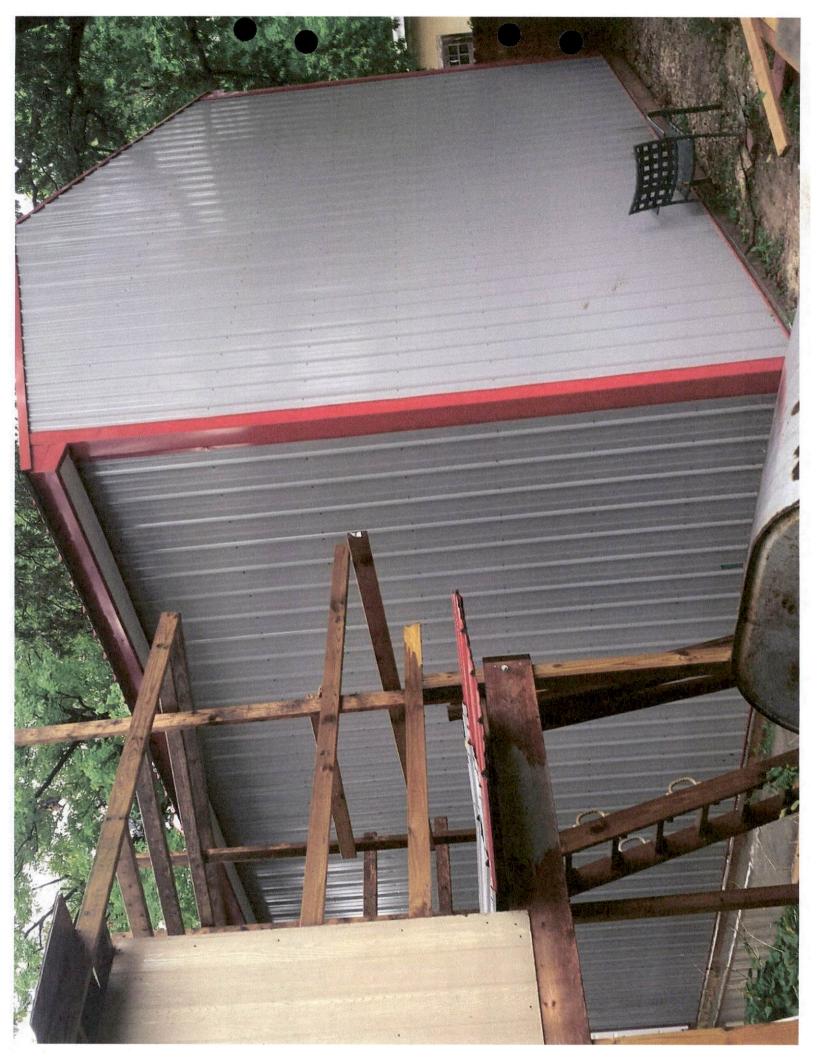
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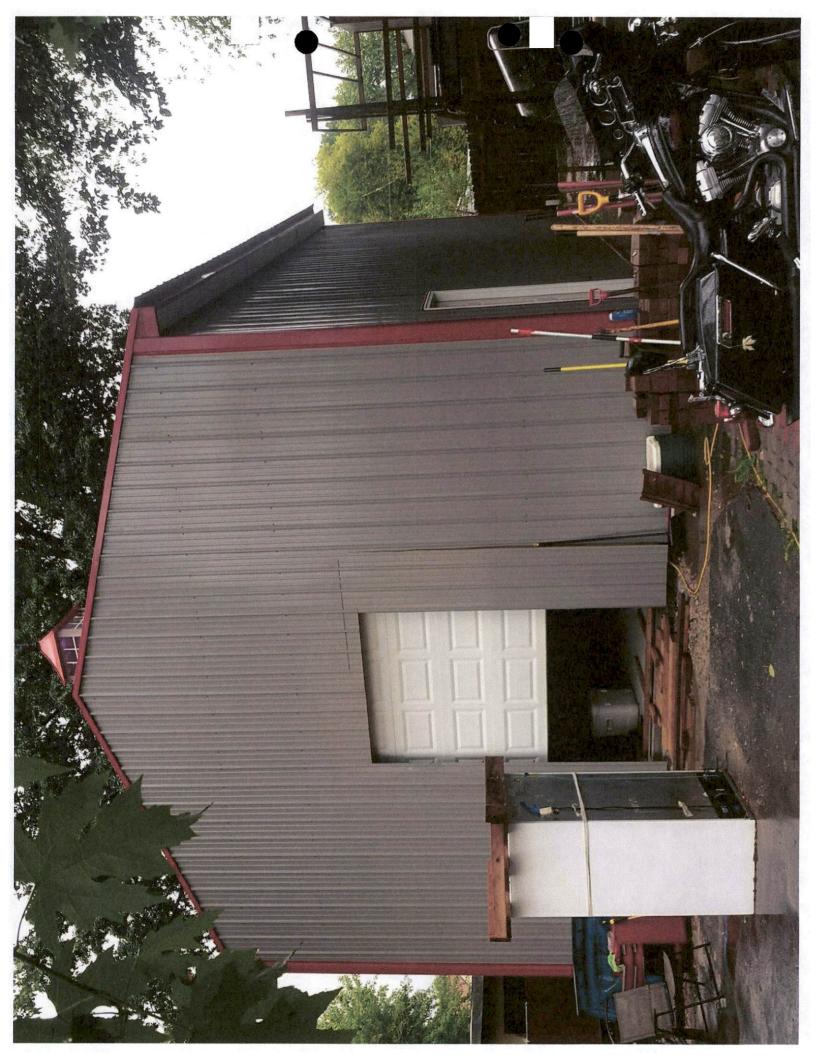
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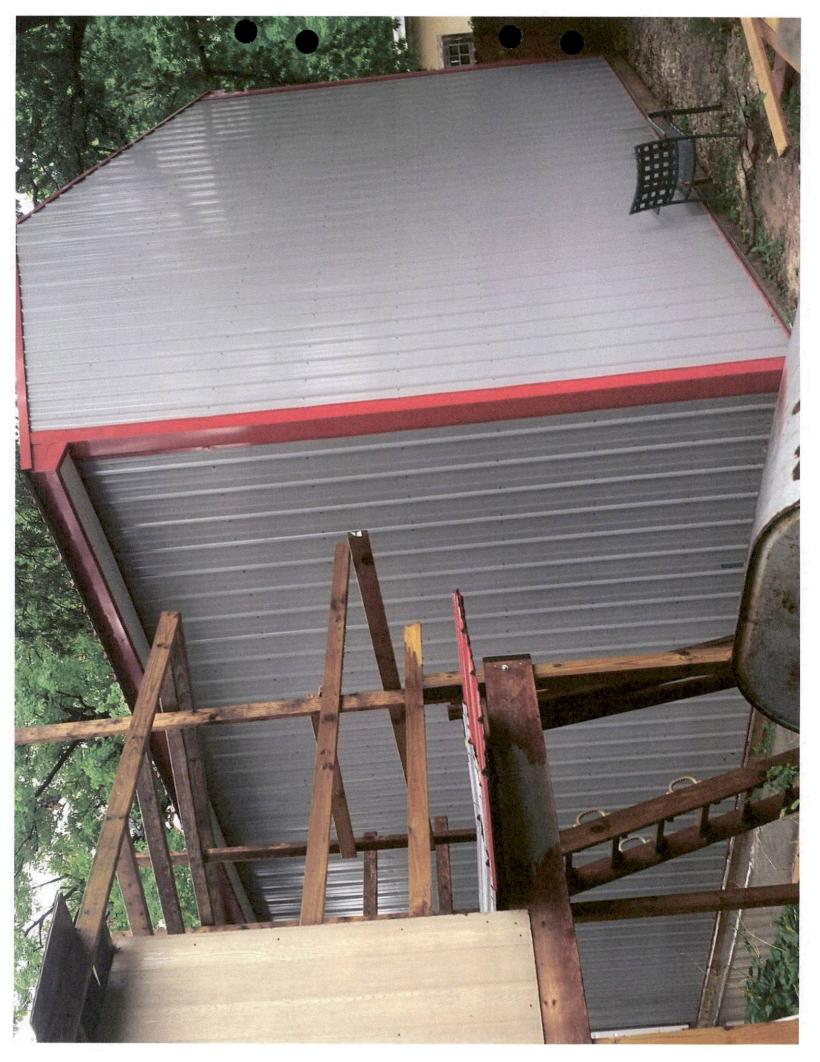


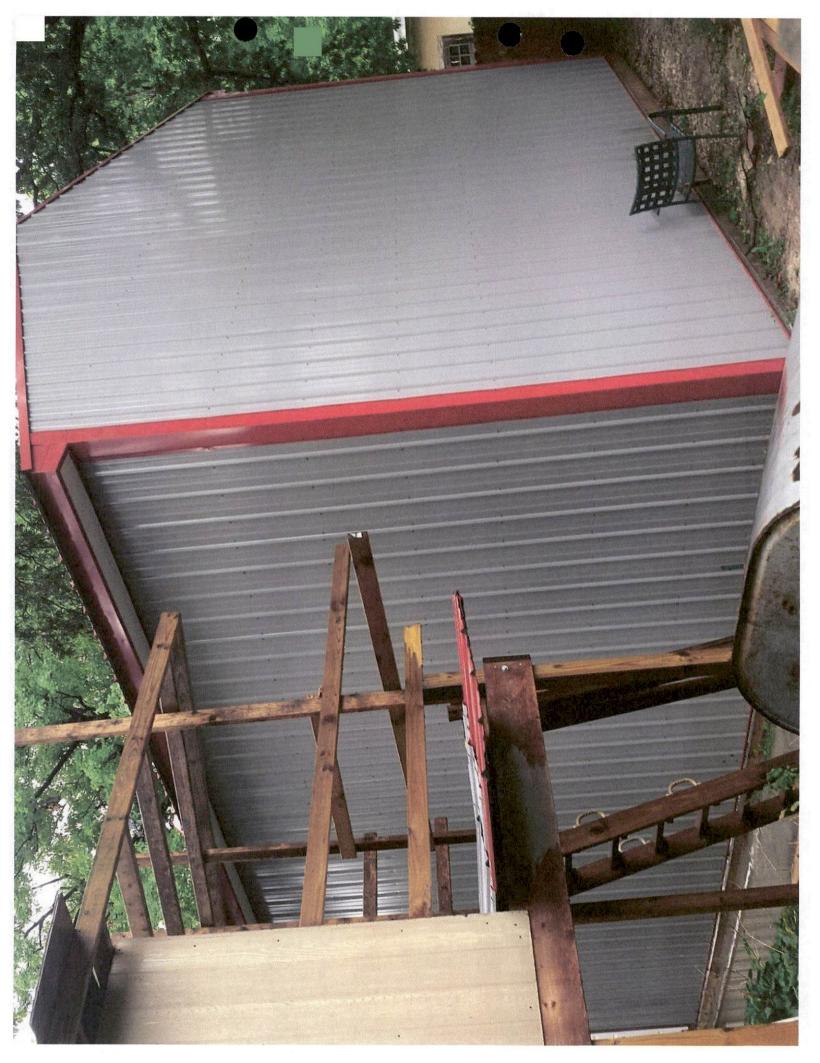


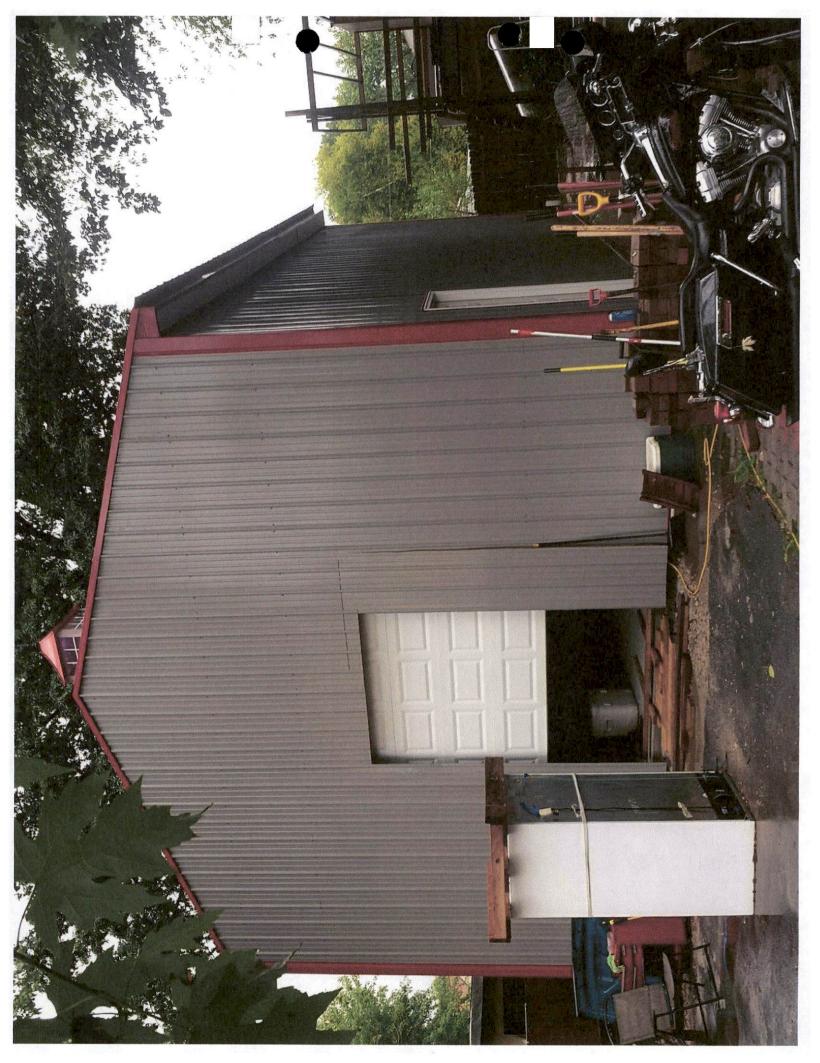


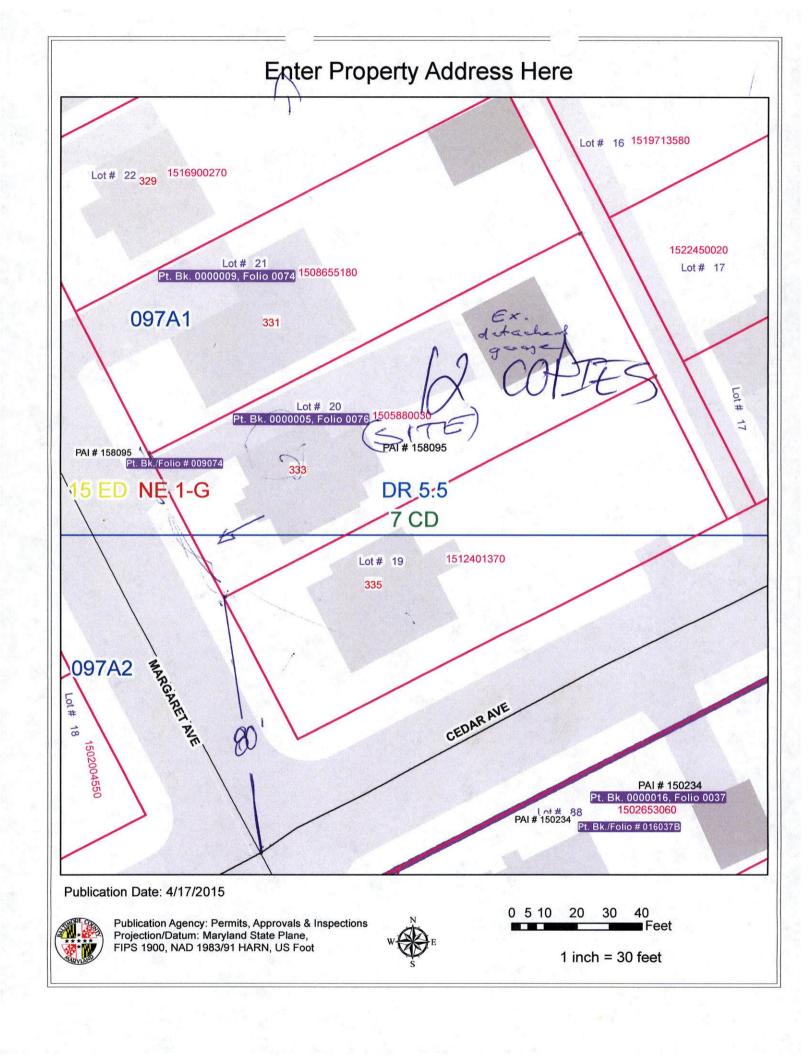












Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

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- 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. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

