

DATE:

November 17, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0068-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 16, 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 *

(4709 Long Green Road)

11th Election District 3rd Council District Darrell C. and Joy N. Edwards Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0068-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 owners of the property, Darrell C. and Joy N. Edwards ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed side addition with a side yard setback of 37 ft. in lieu of the required 50 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. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated October 7, 2015, indicating that any future building permits for an addition must be reviewed by Ground Water Management prior to approval.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 27, 2015, 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 § 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	10-15-15	
Bv	(Q)	

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 § 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, this <u>15th</u> day of **October**, **2015** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed side addition with a side yard setback of 37 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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. Petitioners must comply with the ZAC comment received from the Department of Environmental Protection and Sustainability (DEPS) dated October 7, 2015, indicating that any future building permits for an addition must be reviewed by Ground Water Management prior to approval.

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Date	10-15-15	
	(2)	·
By		

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB:dlw

JOHNE. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER	RECEIV	'ED FOF	RILING
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Date 15-15

By (5-1)



KEVIN KAMENETZ County Executive

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

October 15, 2015

Darrell C. and Joy N. Edwards 4709 Long Green Road Glen Arm, Maryland 21057

RE: Petition for Administrative Variance

Case No. 2016-0068-A

Property: 4709 Long Green Road

Dear Mr. and Mrs. 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



TRATIVE ZONING P

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE OF ECIAL 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: Address 4709 Long Green Rd. Glan Arm MD 21057 Currently zoned RC 10 Digit Tax Account # // 050/ Deed Reference 04912 Owner(s) Printed Name(s) Darrell (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: X ADMINISTRATIVE VARIANCE from Section(s)_ Sections: 1A04.3.B.2(b) To permit a proposed side addition with a side yard setback of 37 feet in lieu of the required 50 feet. 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. If 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): 4707 Long Green Mailing Address ER RECEIVED FOR FILING Attorney for Ownek(s)/Petitioner(s): Representative to be contacted: Name - Type or Print Name- Type or Print Signature Signature Mailing Address City State Mailing Address State Telephone # Zip Code Email Address Zip Code A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County

2016-0068 CASE NUMBER

Filing Date 9/15/2015 Estimated Posting Date 9/27/15

Affidavit in Suppor for ministrative 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: 4709 Long Gereen Rd.	Glen Arm	M	D	21057
Print or Type Address of property	City	SI	tate	Zip Code
Based upon personal knowledge, the fol Administrative Variance at the above add				
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Darrell C. Edwards Name- Print or Type	ray out, strong	Name Print	or Type	rels
The following information is to	be completed by a l	Notary Public	of the State of Ma	ryland
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to	wit:		
I HEREBY CERTIFY, this day and for the County aforesaid, personally app	of <u>Septembel</u> , beared:	2015	before me a Notar	y of Maryland, in
Print name(s) here: DARRELL C. EDWA	eds and 3	TOY N. E	DWARDS	
the Affiant(s) herein, personally known or sa	tisfactorily identified	d to me as su	uch Affiant(s).	
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Affidavit in Suppor Administrative Varianc (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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I HEREE and for th	BY CERTIFY, se County afor	this_// Uh esaid, personally	day of <i>Suptemble</i> appeared:	. <u>2015</u> , before me a	a Notary of Maryland, in
Print name(s) i	nere: DAR	RELL C. E.	DIDAPROS AND	JOY N. EDWAR	26
the Affian	it(s) herein, pe	rsonally known c	or satisfactorily identifie	ed to me as such Affiant(s	s).
AS WITN	ESS my hand	and Notaries Se	Hall Old Notary Public	galleth Chill	18 :
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REV. 5/8/2014

Zoning Property Description for 4709 Long Green Road, Glen Arm, MD 21057

Beginning at a point in the center of Long Green Road, which is 60 feet wide, at the distance of 496 feet West of the centerline of Kanes Road. Thence leaving said long Green Road and running the following courses and distances: South 2 degrees 55 minutes West 400 feet, North 87 degrees 5 minutes West 200 feet, North 2 degrees 55 minutes East 165 feet, South 87 degrees 5 minutes East 165 feet, North 2 degrees 55 minutes East 235 feet to the centerline of the said Long Green Road, thence along the centerline of the said Long Green Road South 87 degrees 5 minute East 35 feet to place of beginning. Containing 0.94 acres of land more or less. Located in the 11th Election District and the 3rd Council District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2016- OOG -A Address 4709 Long Green Road Contact Person: ASI RESERT Phone Number: 410-887-3391 Filing Date: 9/15/15 Posting Date: 9/27/15 Closing Date: 10/12/15 Any contact made with this office regarding the status of the administrative variance should be
Contact Person: LEORAN LASI (LOSK) Phone Number: 410-887-3391
Filing Date: $\frac{9/15/15}{15}$ Posting Date: $\frac{9/27/15}{15}$ Closing Date: $\frac{10/(2/15)}{15}$
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. DEADLINE: 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- 0068 -A Address 4709 Long Green Koad
Petitioner's Name Dorrell + Joy EDWARDS Telephone 410 - 592 - 6830
Posting Date: 9/27/15 Closing Date: 10/12/15
Wording for Sign: To permit a proposed side addition with a side yard setback of 37 feet in lieu of the required 50 feet.

Revised 7/18/14

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/27/2015

Case Number: 2015-0068-A

Petitioner / Developer: <u>DARRYL EDWARDS</u>

Date of Hearing (Closing): OCTOBER 12, 2015

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:

4709 LONG GREEN ROAD

The sign(s) were posted on: SEPTEMBER 27, 2015



(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)

Support/Oppose/

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment					
9-24	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO					
10-7	DEPS (if not received, date e-mail sent)						
	FIRE DEPARTMENT	·					
	PLANNING (if not received, date e-mail sent)	·					
9-21	STATE HIGHWAY ADMINISTRATION	No objection					
	TRAFFIC ENGINEERING						
	COMMUNITY ASSOCIATION						
	ADJACENT PROPERTY OWNERS						
ZONING VIOLAT	TION (Case No)					
PRIOR ZONING	(Case No.						
NEWSPAPER AD	VERTISEMENT Date:						
SIGN POSTING	Date: 9-27-15	by 6 Keefe					
	SEL APPEARANCE Yes No SEL COMMENT LETTER Yes No SEL COMMENT LETTER						
Comments, if any:							



KEVIN KAMENETZ
County Executive

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

October 14, 2015

Darrell C. & Joy N. Edwards 4709 Long Green Road Glen Arm MD 21057

RE: Case Number: 2016-0068 A, Address: 4709 Long Green Road

Dear Mr. & Ms. 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 15, 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, Žoning Review

WCR: jaw

Enclosures

c: People's Counsel



Inter-Office Correspondence

RECEIVED

OCT 07 2015



OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

10-7-2015

SUBJECT:

DEPS Comment for Zoning Item

2016-0068-A

Address

4709 Long Green Road

(Edwards Property)

Zoning Advisory Committee Meeting of September 21, 2015.

 \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

Any future building permits for an addition must be reviewed by Ground Water Management prior to approval.

Reviewer:

Dan Esser

Date: 10/6/15



Boyd K. Rutherford, Lt. Governor

Administrate

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. 2016-0068-A
Administrative Variouce
Darvell Cir Joy N. Edwards
4709 Long Green 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. 2016-0068-4

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.

DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC09282015.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

10-7-2015

SUBJECT:

DEPS Comment for Zoning Item

2016-0068-A

Address

4709 Long Green Road

(Edwards Property)

Zoning Advisory Committee Meeting of September 21, 2015.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

Any future building permits for an addition must be reviewed by Ground Water Management prior to approval.

Reviewer:

Dan Esser

Date: 10/6/15

4709 Long Green Road 2016-0068-A



Publication Date: 9/15/2015



Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet





Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map \	View GroundRent Redemption					View GroundRent Registration			
Account Identifier:	Distri	ct - 11 Accou			19710				
		Owne	r Informatio	on	1.53				
Owner Name:		RDS DARRELL RDS JOY N		e:	-14	RESIDE	NTIAL		
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		ARM MD 21057		Deed Reference.			7043127 00400		
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Premises Address:	4709 L 0-0000	ONG GREEN F	RD Le	gal Descr	iption:	.94 AC	SS LONG GREEN		
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Map: Grid: Parcel:	Sub District:	Subdivision:	Section	: Block:	Lot:	Assessmer Year:	nt Plat No:		
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Special Tax Areas:			Town:		·	NO	ONE		
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			As of 01/01/2015		As of 07/01/20	15	As of 07/01/2016		
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Improvements	142,90		140,100						
Total:	274,50		271,700		271,700		271,700		
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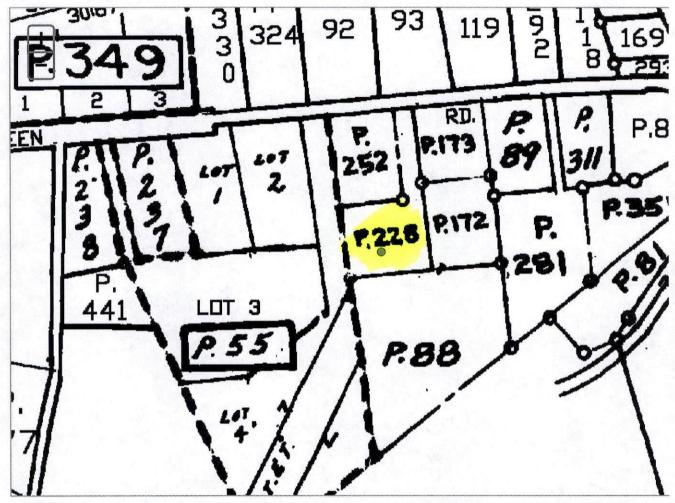
Homestead Application Status: Approved 09/01/2009



Baltimore County

New Search (http://sdat.dat.maryland.gov/RealProperty)

District: 11 Account Number: 1105019710



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.

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).

Proposed Building Addition Site





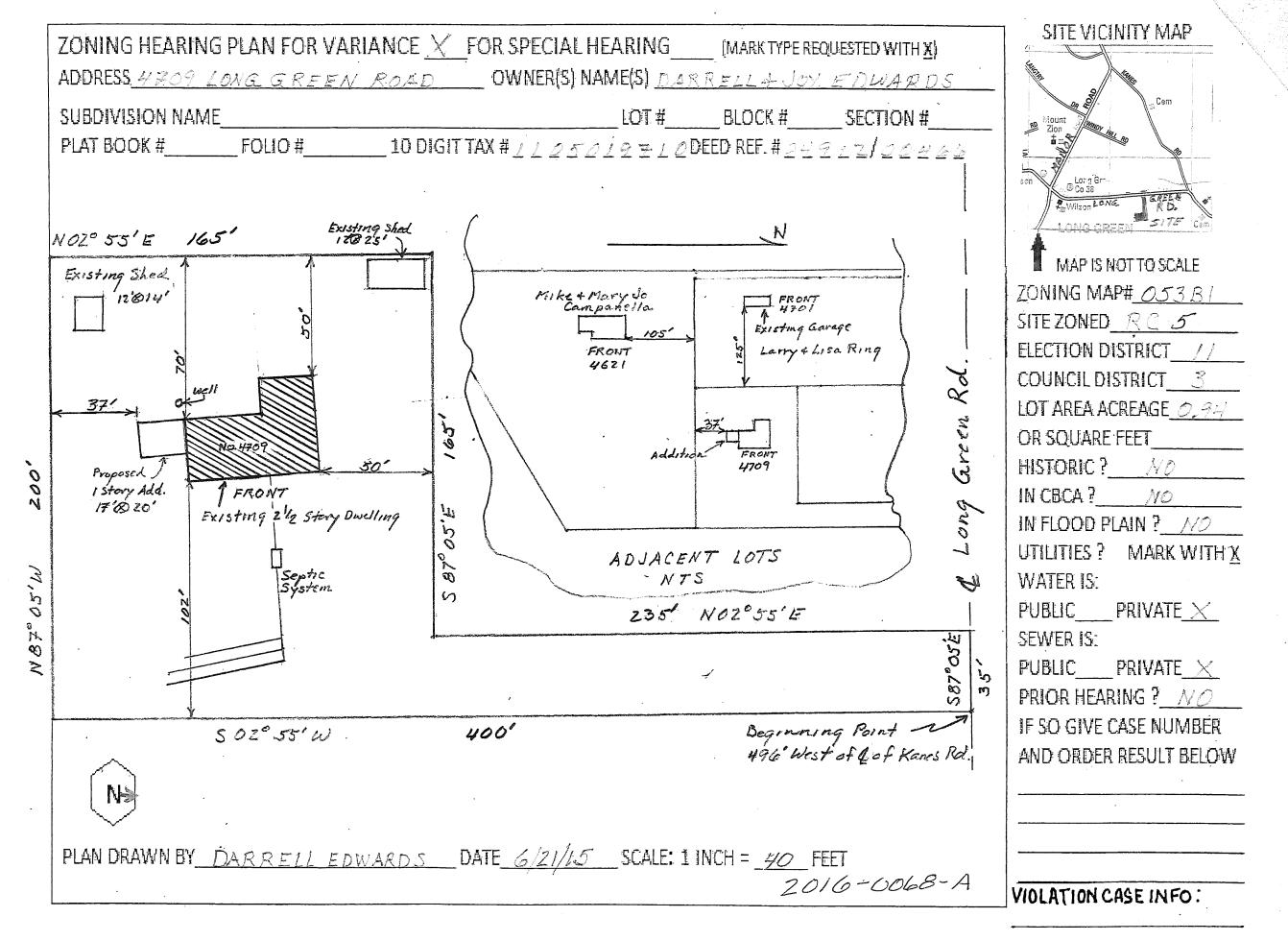
V-8990-910Z



VIEW from addition 5, to toward



A-8200-2105 A-8200-2105



Pet. Eca. 1