### MEMORANDUM

DATE:

February 29, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0151-A- Appeal Period Expired

The appeal period for the above-referenced case expired on February 26, 2016. 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: V Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE

(9356 Beowulf Circle)

14<sup>th</sup> Election District 6<sup>th</sup> Council District David M. Hopkins Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

\* BALTIMORE COUNTY

CASE NO. 2016-0151-A

\* \* \* \* \* \*

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, David M. Hopkins. The Petitioner is requesting Variance relief from §§ 1B02.3.B and 301.1 (1978 zoning regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit an existing deck (open projection) with a side setback of 4.5 ft. in lieu of the required 11.25 ft. and (2) To amend the Final Development Plan (FDP) of Kings Court, Section 3, Plat 2, Block A, Lot 63 only. 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 January 3, 2016, 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 the file to indicate that the requested variance would adversely affect the health, safety or general ORDER RECEIVED FOR FILING

Date 1-27-16

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 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>27<sup>th</sup></u> day of January, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.B and 301.1 (1978 zoning regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit an existing deck (open projection) with a side setback of 4.5 ft. in lieu of the required 11.25 ft. and (2) To amend the Final Development Plan (FDP) of Kings Court, Section 3, Plat 2, Block A, Lot 63 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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

JE	B:dlw		
ORDER	RECEIVED	FOR	FILING

Date \-27-16

2

### STRATIVE ZONING

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL 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 9356 Beowulf Circle Rosedale MD 21237 Currently zoned DR5.5 Deed Reference 00100 10 Digit Tax Account # 1 9 0 0 0 0 1 6 1 8449

Owner(s) Printed Name(s) Hookin5

(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) 301.1 (1978 zoning regulations) To permit an existing cleck (open projection) with a side set back of H'12 feet in lieu of the required 11'14 feet. and

To amend the final development plan of Kings Court. Section 3, Plat 2, of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Black A, Lot 63 only

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.

DOWN OF THE PARTY AND STATE

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):

David Hopkins

Name #2 - Type or Print

Signature #1

Signature # 2

9356 Beowlf Circle Mailing Address

9193 Zip Code

Attorney for Owner(s)/Petitioner(s):

Representative to be contacted:

PDER RECEIVED FOR FILING Name-Type or Print Signature Mailing Address State Telephone # Zip Code Email Address

Knight Type or Print

21015

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 day of 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

CASE NUMBER 2016 -0151 - A

Filing Date 12, 2,3 15 Estimated Posting Date

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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: 9350 Beowulf	Circle Roseda	le MO	. ଥାବ୍ୟ
Print or Type Address of property	City ' -	State *	Zip Code
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Signature of Owner (Affiant)	<del></del>	ignature of Owner (Affiar	t)
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David Hopkins			
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My Commission Expires

### ZONING PROPERTY DESCRIPTION FOR 9356 BEOWULF CIRCLE ROSEDALE, MD 21237

Beginning at the point on the south side of Beowulf Circle which is 25 feet wide at the distance of 45 feet south-west of the centerline of the nearest improved intersecting street Aldeburgh Court which is 25 feet wide.

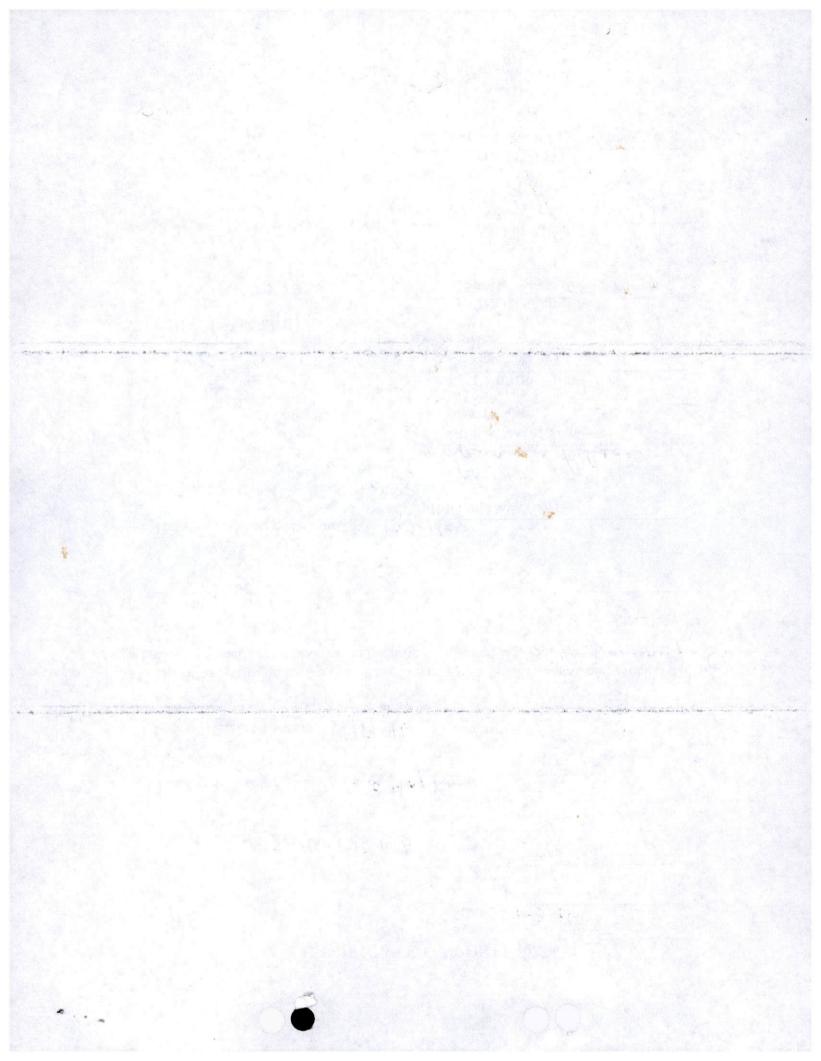
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Being Lot # 63, Block A, in the subdivision of Kings Court as recorded in Baltimore County Plat Book #42, Folio #47, containing 5243 square feet. Located in the 14<sup>th</sup> Election District and 6<sup>th</sup> Council District.

Item# 0151

## **CERTIFICATE OF POSTING**

,	Date: 1-3-16
RE: Case Number: 2016-0	151-A
Petitioner/Developer: Daw	id Hopkins
Date of Hearing/Closing: 1-	18-16
This is to certify under the pena by law were posted conspicuously o	alties of perjury that the necessary sign(s) required on the property located at 4356 Beautiful (
The signs(s) were posted on	1-3-16 (Month, Day, Year)
	(Signature of Sign Poster)
	J. LAWRENCE PILSON (Printed Name of Sign Poster)
ATTACH PHOTGRAPH	(Street Address of Sign Poster)
	Parkton, MD 21120 (City, State, Zip Code of Sign Poster)
	410-343-1443 (Telephone Number of Sign Poster)



# ZONIRO NOTICE

# ADMINISTRATIVE WAR FAMOLE

CASE # 2016-015/-A

TO PERMIT AN EXISTING OPEN PROJECTION
(DECK) WITH A SIDE YARD SETBACK OF 4 1/2 FEET IN
LIEU OF THE ALLOWED IL 1/4 FEET, AND TO ANEND
THE FINAL DEVELOPMENT RAW OF KINGS COURT,
SECTION 3, PLAT2, BLOCK A LOT 63 ONLY

# PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(t), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

5:00 P.M. ON / 1/8/16 THE DEPARTMENT OF ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF ADDITIONAL INFORMATION MANAGEMENT, COUNTY OFFICE BUILDING, AND DEVELOPMENT MANAGEMENT, COUNTY 0887-3391

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

TOTAL CONTROL OF THE
Case Number 2016- 0151 -A Address 9356 Beowelf Cir
Contact Person: David Duva // Phone Number: 410-887-3391
Contact Person:    David Duva   Planner, Please Print Your Name   Planner, Please Print Your Name   Planner, Please Print Your Date:   13/16   Closing Date:   1/18/16
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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.
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.
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
Case Number 2016- 0151 -A Address 9356 Beowult (iv
Petitioner's Name David M Holokius Telephone 301 486 7120
Posting Date: 1/3/16 Closing Date: 1/18/16
Nording for Sign: To Permit a existing open projection (deck) with a side yard setback of 41/2 feet in lieu of the allowed 111/4 feet;
and to amend the final development plan of Kings Court, Section 3,
Plat Z Block A Lot 63 only
Revised 7/21/15

# 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. <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: 2016 - 0151 - A  Petitioner: David Hopkins  Address or Location: 9356 Beowulf Cin	
PLEASE FORWARD ADVERTISING BILL TO:  Name: David Hopkins	
Address: 9356 Beowlf Circle Rosedale MD 21237	
Telephone Number: 301-486-7120/443-421-5047	

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KEVIN KAMENETZ
County Executive

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

January 20, 2016

David Hopkins 9356 Beowulf Circle Rosedale MD 21237

RE: Case Number: 2016-0151 A, Address: 1730 Merritt Boulevard

Dear Mr. Hopkins:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 23, 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. Call Ris

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Lisa Knight, 508 Winslow Drive, Bel Air MD 21015



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

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

Date: 1/4/16

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

RE: Baltimore County

Item No. 2016-0151-A Administrative Variance David Hopkins 9356 Becaute Circle

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. 2016-0151-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:** January 11, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For December 28 2015

Item No. 2016- 0128 (re-distributed), 0148 and 0151

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

DAK:CEN cc:file

## CHECKLIST

Comment Received	<u>Depar</u>	tment		1	Support/Oppose/ Conditions/ Comments/ No Comment
1-11	DEVELOPMENT (if not received, da	-	NO		
<u></u>	DEPS (if not received, da	-			
<del> </del>	FIRE DEPARTME	ENT		-	
	PLANNING (if not received, da	te e-mail sent _	)	-	· .
1-4	STATE HIGHWA	Y ADMINISTR	ATION	-	NO espection
	TRAFFIC ENGIN	EERING		-	
	COMMUNITY AS	SOCIATION	<u> </u>		
	ADJACENT PROI	PERTY OWNE	RS	-	<del></del>
ZONING VIOLAT	ION (Cas	se No			)
PRIOR ZONING	(Cas	se No			)
NEWSPAPER AD	VERTISEMENT	Date:			
SIGN POSTING		Date:	1-3-11	<u>o</u> t	by Pieson
PEOPLE'S COUNS	SEL APPEARANCE	Yes	□ No		
PEOPLE'S COUNS	SEL COMMENT LET	TER Yes	☐ No		
Comments, if any:				·	,



Guide to searching the database Real Property Data Search (w4) Search Result for BALTIMORE COUNTY View Map View GroundRent Redemption View GroundRent Registration District - 14 Account Number - 1800001616 Account Identifier: Owner Information RESIDENTIAL YES Use: Principal Residence: HOPKINS DAVID M Owner Name: 9356 BEOWULF CIR BALTIMORE MD 21237-4516 **Deed Reference:** /08449/ 00100 Mailing Address: Location & Structure Information 9356 BEOWULF CIR 0-0000 Premises Address: Legal Description: PHASE II KINGS COURT Plat No: Sub District: Map: Grid: Parcel: Subdivision: Section: Block: Lot: Assessment Year: II 0042/ 0047 0082 0020 0621 0000 63 2015 Plat Ref: NONE **Special Tax Areas:** Town: Ad Valorem: Tax Class: **Primary Structure Finished Basement Property Land** County **Above Grade Enclosed** 

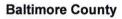
	Built Area 1979 1,076 S		Area 1,076 SF	Area 497 SF		Area 5,243	Use SF 04
	Stories Split Foyer	Basement YES	Type SPLIT FOYER	Exterior SIDING	Full/Half Bath 1 full	Garage	Last Major Renovation
				Value Info	ormation		
			Base Value	Val	ue	Phase-in As	sessments
				As 01/	of 01/2015	As of 07/01/2015	As of 07/01/2016
Land: Improvements Total: Preferential Land:		75,200	75,200				
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			166,300				180,700
		Land:	0				0
		1.7.		Transfer In	formation		
Seller: CONRAD ROBERT AMEL			TAMEL	Date: 04/09/1990			Price: \$112.000

Type: ARMS LENGTH IMPROVED		Deed1: /0844	19/ 00100	Deed2:	
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Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
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Partial Exempt Assessments:	Class		07/01/2015	07/01/2016	
County:	000		0.00		
State:	000		0.00		
Municipal:	000		0.00 0.00	0.00 0.00	
Tax Exempt:		Special Tax	Recapture:		

NONE
Homestead Application Information

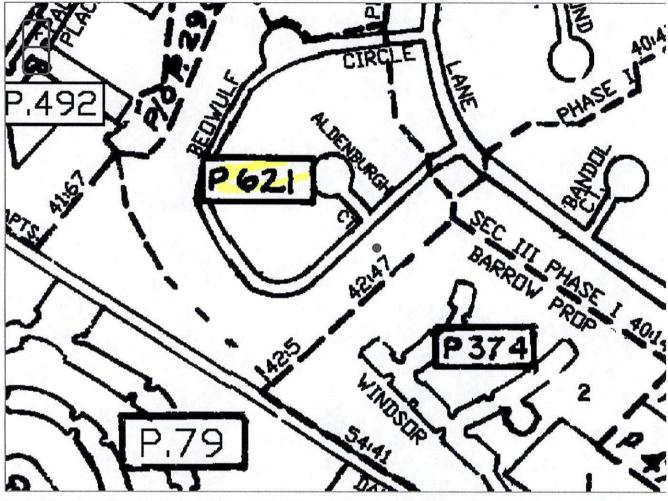
Homestead Application Status: Approved 02/17/2009

**Exempt Class:** 



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

District: 14 Account Number: 1800001616

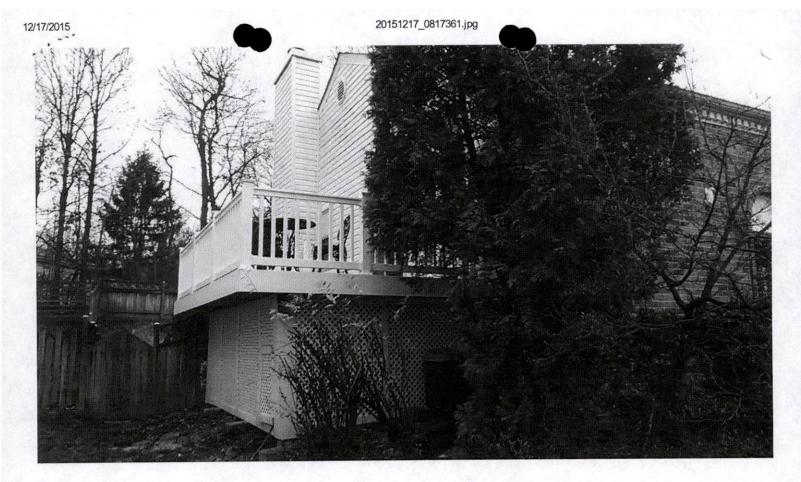


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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 <a href="https://www.plats.net">www.plats.net</a> (http://www.plats.net).

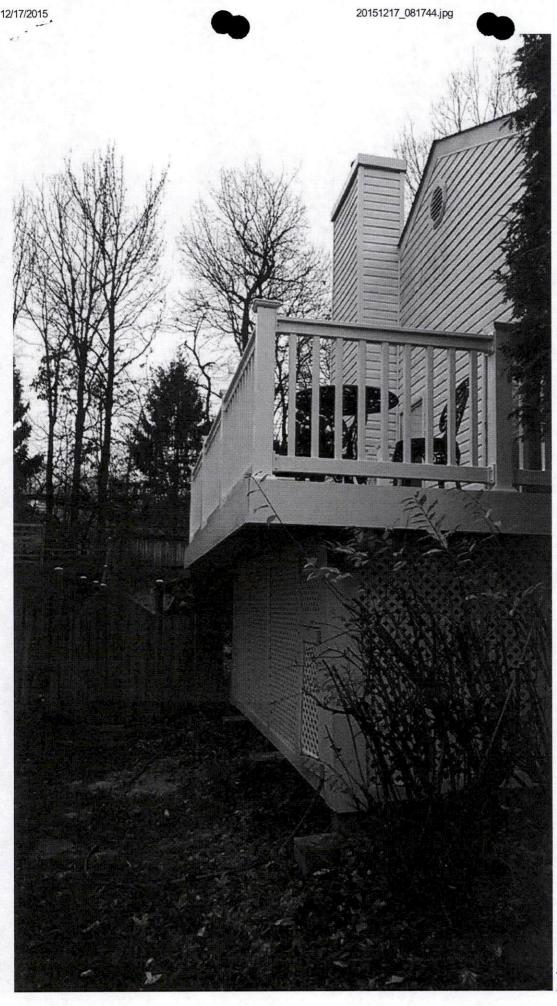
Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>) (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



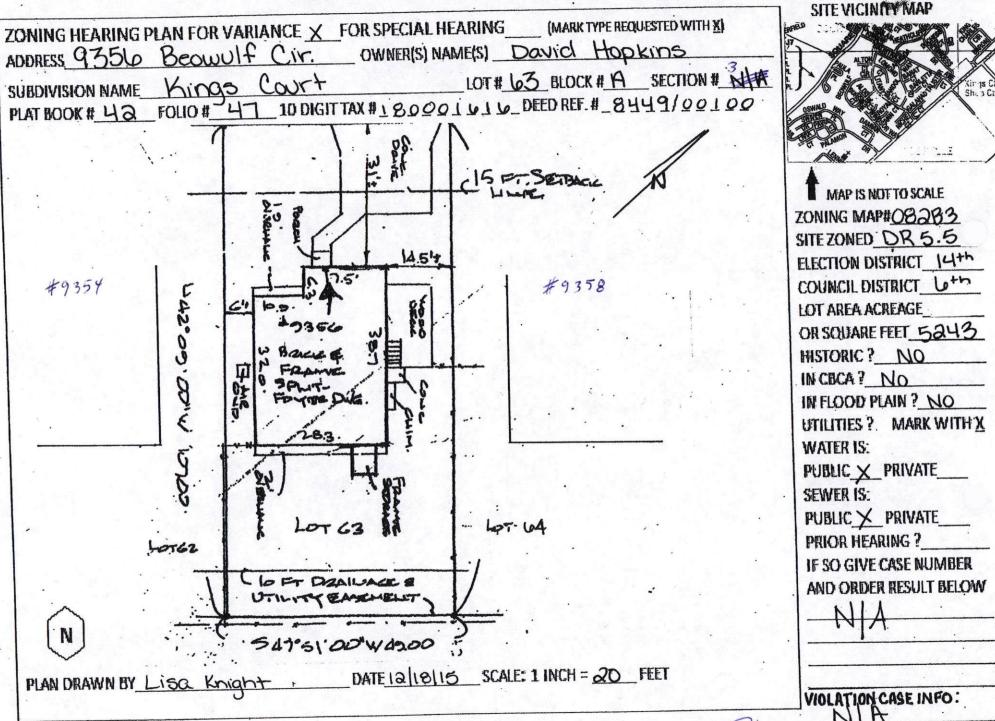
existing deck

Item # 0151



existing deck

Item #0151



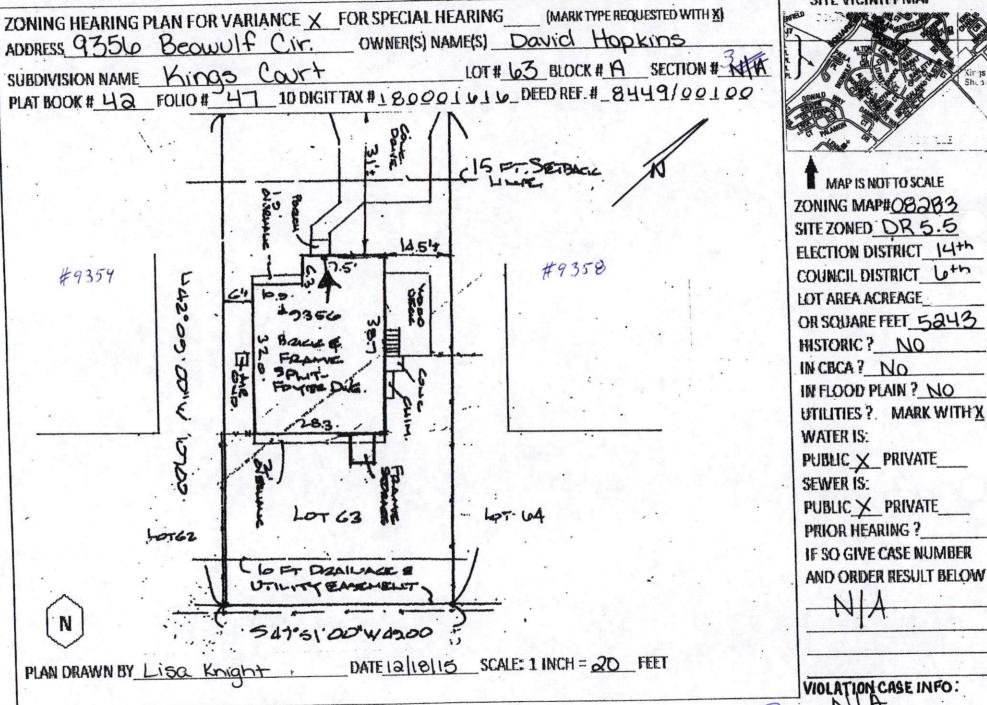
#2016-0151-A 1800-

Pet. Ench. 1

### 9356 Beowulf Circle Lot # 67 Lot # 22 1800001620 PLDEBURGH CT 1800001643 RECHULF CIR 1800001619 Pt. Bk. 0000042, Folio 0047 1800001636 15 Lot # 15 Lot # 66 Lot # 65 9329 1800001618 PAI # 140107 Pt. Bk./Folio # 042047 PAI # 140107 Lot# 64 Lot # 14 PA PAI # 140107 1800001617 1985-0209-SPHA Lot # 63 DR 5.5 082B3 Lot # 13 800001634 082A3 1800001616 6 CD NE 6-G 1800001615 Lot# 61 9 Pt. Bk./Folio # 054041 1800001614 Lot# 2 **DR 16** Pt. Bk. 0000054, Folio 0041 R-1973-0258-X PAN##140209 2000006842 00 1613 1995-0484-A 12 Lot# 60 1800001612 Lot # 59 Publication Date: 12/23/2015 0 10 20 40 60 80 Feet Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, 1 inch = 40 feetFIPS 1900, NAD 1983/91 HARN, US Foot Item #0151

	THE RICHARD LAILS
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	Pred State of the
ADDRESS 9356 Beowulf Cir. OWNER(S) NAME(S) David Hopkins	ATT CONTRACTOR OF THE PARTY OF
SUBDIVISION NAME Kings Court LOT# 63 BLOCK # A SECTION # NAME	A STORY
PLAT BOOK # 42 FOLIO # 47 10 DIGITTAX # 1 80001 41 4 DEED REF. # 8449/00100	OSHAD AS Short
7	
	The state of the s
LIS SETBICIE N	•
2-3	MAP IS NOTTO SCALE
	ZONING MAP# <u>08283</u>
14.512	SITE ZONED DR 5.5 ELECTION DISTRICT 14th
#9354	COUNCIL DISTRICT 6+5
£ 60 100 100 100	LOT AREA ACREAGE
No +2356 W 10	OR SQUARE FEET 5243
& Bance & !	HISTORIC? NO
G France	IN CBCA? NO
To Trove Dite.	IN FLOOD PLAIN ? NO
283	UTILITIES? MARK WITH X
	WATER IS:
7 20 1	PUBLIC_X_PRIVATE
S P S	SEWER IS:
LOT 63 1 - LOT 64	PUBLIC X PRIVATE
10762	PRIOR HEARING?
1 COFT DIZALLACE 8	IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
UTILITY EASTINELY	AMO ONDER MEDDEL BEEDAW
N Superiordivate of	I NIA
547°51'00'W4200 5	
PLAN DRAWN BY Lisa Knight , DATE 12 (18/15 SCALE: 1 INCH = 20 FEET	
3	VIOLATION CASE INFO:
	IN LET

#2016-0151-A 200



#2016-0151-A RD

SITE VICINITY MAP