MEMORANDUM

DATE:

April 5, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0175-A- Appeal Period Expired

The appeal period for the above-referenced case expired on April 4, 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: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE

BEFORE THE

(301 Felton Road)

9th Election District

3rd Council District

Jeffrey J. & Rebecca Ann Marsiglia

Petitioners

٠**.**

HEARINGS FOR

OFFICE OF ADMINISTRATIVE

* BALTIMORE COUNTY

CASE NO. 2016-0175-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, Jeffrey J. & Rebecca Ann Marsiglia ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R) [R-10 vested 1961 B.C.Z.R.] to permit a proposed addition (attached garage) with a side setback of 5 ft. in lieu of the minimum setback of 10 ft., a rear yard setback of 5 ft. in lieu of the required 30 ft. and a front setback of 20 ft. in lieu of the required 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 Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 11, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER	RECEIVED FOR FILING
Date	3-3-16
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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 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>3rd</u> day of March, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R) [R-10 vested 1961 B.C.Z.R.] to permit a proposed addition (attached garage) with a side setback of 5 ft. in lieu of the minimum setback of 10 ft., a rear yard setback of 5 ft. in lieu of the required 30 ft. and a front setback of 20 ft. in lieu of the required 30 ft. respectively, 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.

ORDER A	ECEIVED FOR FILING
Date	3-3-16
Ву	60

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING	
Date	3-3-16	
Du	(0)	



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

	for Baltimore County for the property located at: Nontum NO 2093 Currently zoned DR 3.5
Deed Reference 14512 100 704 Owner(s) Printed Name(s) JEFFCey J. Marsigli	10 Digit Tax Account # 09 2 6 0 0 0 4 0 0
(SELECT THE HEARING(S) BY MARKING X AT THE APPR	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	e reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	e in Baltimore County and which is described in the plan/plat or an:
1. ADMINISTRATIVE VARIANCE from Section(s)	
of the zoning regulations of Baltimore County, to the zoning	g law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to app County Code: (indicate type of work in this space: i.e., to re	rove a waiver pursuant to Section 32-4-107(b) of the Baltimore aze, alter or construct addition to building)
of the Baltimore County Code, to the development law of E Property is to be posted and advertised as prescribed by the zoning regul/ We agree to pay expenses of above petition(s), advertising, posting, etc Baltimore County adopted pursuant to the zoning law for Baltimore County	lations. c. and further agree to be bound by the zoning regulations and restrictions of
•	Owner(s)/Petitioner(s):
*	Jeffrey J. Marsiglia Rebecta Ann Marsiglia Name #1 - Type or Print Name #2 - Type or Print Name #2 - Type or Print Rebecta Ann Marsiglia Name #2 - Type or Print Rebecta Ann Marsiglia Signature #2 301 Felton Rd. Luther ille-Timonium MD Mailing Address City State 21093 / 410-375-7559 / Bec. Marsiglia Marsiglia Marsiglia Rebecta Ann Marsiglia Signature #2 Name #2 - Type or Print Signature #2 Rebecta Ann Marsiglia Name #2 - Type or Print Signature #2 Rebecta Ann Marsiglia Name #2 - Type or Print Signature #2 Rebecta Ann Marsiglia Name #2 - Type or Print Signature #2 Rebecta Ann Marsiglia Name #2 - Type or Print Signature #2 Rebecta Ann Marsiglia Name #2 - Type or Print Signature #2 Rebecta Ann Marsiglia Name #2 - Type or Print Signature #2 Rebecta Ann Marsiglia Name #2 - Type or Print Signature #2 Rebecta Ann Marsiglia Rebecta Ann Marsiglia Rebecta Ann Marsiglia Rebecta Ann Marsiglia Signature #2 Rebecta Ann Marsiglia Rebecta Ann Marsiglia Rebecta Ann Marsiglia Rebecta Ann Marsiglia Signa
Attorney for Owner(s)/Petitioner(s):	Zip Code Telephone # Email Address gmail. (Representative to be contacted:
Attorney for Owner(s)/Petitioner(s): Name- Type or Print Signature ORDER REPER State State	Name – Type or Print
Signature CR FIE VI	Signature
Mailing Address City State	Mailing Address City State
Zip Code By Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found t	to be required, it is ordered by the Office of Administrative Hearings for Baltimore ct matter of this petition be set for a public hearing, advertised, and re-posted as
Admir	nistrative Law Judge for Baltimore County
CASE NUMBER 2016-0175-A Filing Date 22	16 Estimated Posting Date 1916 Reviewer 6 A

Rev 5/8/2014

Affidavit in Suppor). ...dministrative Varian (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: 301 Felton Road Print or Type Address of property	Lutherville	MD State	21093 Zip Code
Based upon personal knowledge, the Administrative Variance at the above			
My house is in need of a	- 24'w x 27'd at	tached garage:	·
With the current setback		, 3	property, this
garage will need a 5' vo	criance for the	back right corner.	And with the
current 30' setback limit	on the Front of n	ny property, this gard	age will need
a variance of 20° for the fr	ront right corner	. This variance b	vill be
	_		
needed in order for me	to acquire a	building permit.	
Signature of Owner (Affight) Name- Print of Type The following information	·	Signature of Owner (Affiant) Revece A M Name- Print or Type Notary Public of the State of I	arsiglia_
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to	wit:	
I HEREBY CERTIFY, this / 5 and for the County aforesaid, personal	day of <u>FEBRUANY</u> , ly appeared:	, before me a No	tary of Maryland, in
Print name(s) here: JEHPREY J. MARSICU	IA AM REBECCA I	4. MARSIGUA	
the Affiant(s) herein, personally known	or satisfactorily identifie	d to me as such Affiant(s).	
AS WITNESS my hand and Notaries S	- Of CX	2	
-10 P	Notary Public 9-30-201	7	-
	My Commission Ex	oires	

AD STRATIVE ZONING POT ON

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings	of Permits, Approvals and Inspections for Baltimore County for the property located at: Montum MD 2093 Currently zoned DR 3.5
Deed Reference 14512 100 704 Owner(s) Printed Name(s) TEFFCEY J. Marsigli	10 Digit Tax Account # 0926000400
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APP	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	e reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situat attached hereto and made a part hereof, hereby petition for	te in Baltimore County and which is described in the plan/plat or an:
1. ADMINISTRATIVE VARIANCE from Section(s)	_ 1
SEBAHEN	ful
of the zoning regulations of Baltimore County, to the zoning	
County Code: (indicate type of work in this space: i.e., to read of the Baltimore County Code, to the development law of Property is to be posted and advertised as prescribed by the zoning regul/ we agree to pay expenses of above petition(s), advertising, posting, et Baltimore County adopted pursuant to the zoning law for Baltimore County	Baltimore County. Jlations. c. and further agree to be bound by the zoning regulations and restrictions of
	O The state of the
	Owner(s)/Petitioner(s): Jeffrey J. Marziglia , Rebeca Ann Marziglia Name #1 - Type or Print Name #2 - Type or Print
	Signature #1 Signature # 2
,NG	301 Felton Rd. Lutherville Timonium MD
WED FOR FILM	Mailing Address City State 2 1093 / 410-375-7559 / Bcc. Marsiglia@ Zip Code Telephone # Email Address Compilete
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print	Name – Type or Print
Signature	Signature
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found County, this day of, that the subject required by the zoning regulations of Baltimore County.	to be required, it is ordered by the Office of Administrative Hearings for Baltimore ect matter of this petition be set for a public hearing, advertised, and re-posted as
Admi	nistrative Law Judge for Baltimore County Reviewer

Case# 2016-0175-A

Zoning property for 301 Felton Road

-1

1 (1)

Beginning at a point on the south side of Felton which is a 50 feet wide right of way at the corner of Doragen Court which is west 25 feet to the center with a right a way width of 50 feet. Being lot #19, Block G, in the subdivision of Waterford as recorded in Plat Book #27, Folio #135 containing 12,995 square feet of lot area. Located in 9th district and 3rd councilman district.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/11/2016

Case Number: 2016-0175-A

Petitioner / Developer: JEFFREY & REBECCA MARSIGLIA

Date of Hearing (Closing): FEBRUARY 29, 2016

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: 301 FELTON ROAD

The sign(s) were posted on: FEBRUARY 11, 2016



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2016- 0/75 -A Address 30 Felton Rd 21093
Contact Person: Gary Huck Plagner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 2/2/16 Posting Date: 2/14/16 Closing Date: 2/29/16
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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- 0/75 -A Address 361 Fe/ton Rd 21093
Petitioner's Name JETTrey J. & REBECCA MARSIGUA Telephone 410-375-7559
Posting Date: 2/29/16 Closing Date: 2/29/16
Wording for Sign: To Permit a proposed addition (a facehod garage) with
a side setback of 5 feet in lieu of the minimum setback of 10 feet
and a rear set back of 5 feet in lieu of the regured Bo test
rear set back, and a front set back of 20 feet in hew of 30 feet
respectively, Revised 7/21/15

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KEVIN KAMENETZ County Executive

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

March 1, 2016

Jeffrey J & Rebecca Ann Marsiglia 301 Felton Road Luth-Timonium MD 21093

RE: Case Number: 2016-0175 A, Address: 301 Felton Road

Dear Mr. & Ms. Marsiglia:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 2, 2016. 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

: People's Counsel



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

Gregory C. Johnson, P.E., Administrator

Pete K. Rahn, Secretary

Date: 2/8/16

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

RE:

Baltimore County

Item No. 2016-0175.A Administrative Variance Feffery F. & Rebecca Ann Marsiglia 301 Felton 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. 2016-0175-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



INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 17, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 15, 2016

Item No. 2016-0164, 0173, 0174, 0175, 0176, 0177, 0178 and 0179

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

DAK:CEN cc:file

2-29 Closing

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



TD 1 2 2016

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:

February 12, 2016

SUBJECT:

DEPS Comment for Zoning Item

2016-0175-A

Address

301 Felton Road

(Marsiglia Property)

Zoning Advisory Committee Meeting of February 15, 2016.

<u>X</u> The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

Date: <u>02-12-2016</u>

CHECKLIST

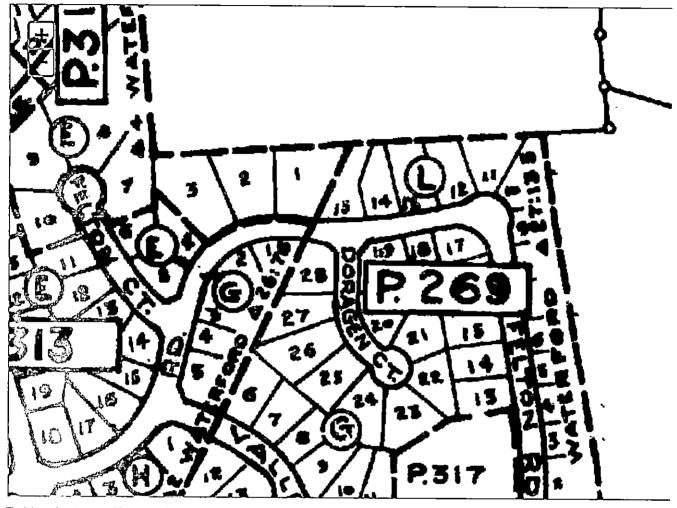
Comment <u>Received</u>		<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment
2-17		MENT PLANS REVI		NC
2-12-	DEPS (if not receiv	red, date e-mail sent		NC
	FIRE DEPA	RTMENT		
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	TRAFFIC E	NGINEERING .		
	COMMUNI	TY ASSOCIATION		
	ADJACENT	PROPERTY OWN	ERS	·
ZONING VIOLA	TION	(Case No.		
PRIOR ZONING		(Case No.		
NEWSPAPER A	DVERTISEMEN	T Date:		_
SIGN POSTING		Date:	2-11-16	by O'Keefe
PEOPLE'S COU	NSEL APPEAR	ANCE Ye	s]
PEOPLE'S COU	NSEL COMMEN	VT LETTER Ye	s No.]
Comments, if any	:			
	·			

leal Property Data Search	(w1)			Guide to	searching	the databas
earch Result for BALTIM	ORE COUNTY				/	V
View Map	View GroundRent Re	demption		View Groundl	Rent Registr	ration
Account Identifier:			umber - 09260		tont ragiot	ution
	District - 03	Owner Info		00400	***************************************	
Owner Name: MARSIGLIA JEFFREY J Use: MARSIGLIA REBECCA ANN Principal Residence Mailing Address: 301 FELTON RD Deed Reference: LUTH-TIMONIUM MD 21093- 6409			: RESIDENTIAL YES /14512/ 00704			
	Loca	tion & Structi	ure Information	215		
Premises Address:	301 FELTON 0-0000			scription:	301 FELT WATERF	
Map: Grid: Parcel:	Sub Subdiv	vision: Sec	tion: Block:			lat 5
0061 0020 0269	0000		G	Year: 19 2014	P	o: lat 0027/
Special Tax Areas:			vn: Valorem: : Class:		NONE	ef: 0135
Primary Structure Built 1962	Above Grade Enclos Area 1.548 SF	Area		Area		County Use
	1,346 3F	598	3 F	12,995 S		04
Stories Basement 1 YES	Type STANDARD UNIT	Exterior SIDING	Full/Half Bath 2 full/ 1 half	Garage I	Last Major F	Renovation
		Value Infor	rmation			
	Base Value	Valu As o 01/0	-	Phase-in Asse As of 07/01/2015	As of	/2016
Land:	123,200	105,				
Improvements Total:	161,700	155,2				
Preferential Land:	284,900 0	260,4	400	260,400	260,4 0	.00
		Transfer Info	ormation			
Seller: VELLIGAN BRIA Type: ARMS LENGTH I		Date: 06/08/ Deed1: /145			ce: \$165,00 ed2:	0
Seller: VELLIGAN RICH Type: ARMS LENGTH IN	NAME OF TAXABLE PARTY.	Date: 05/01/ Deed1: /121		Pri	ce: \$170,000 ed2:	0
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County:	000		0.00	Port Control		
State:	000		0.00			
Municipal:	000		0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax	Recapture:			
Exempt Class:		NONE				

Baltimore County

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

District: 09 Account Number: 0926000400



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).

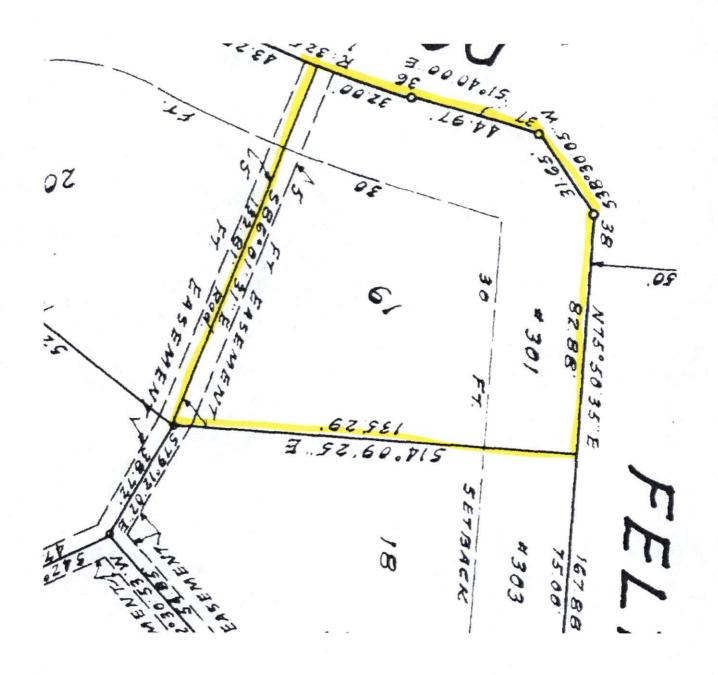
Property maps provided courtesy of the Maryland Department of Planning.

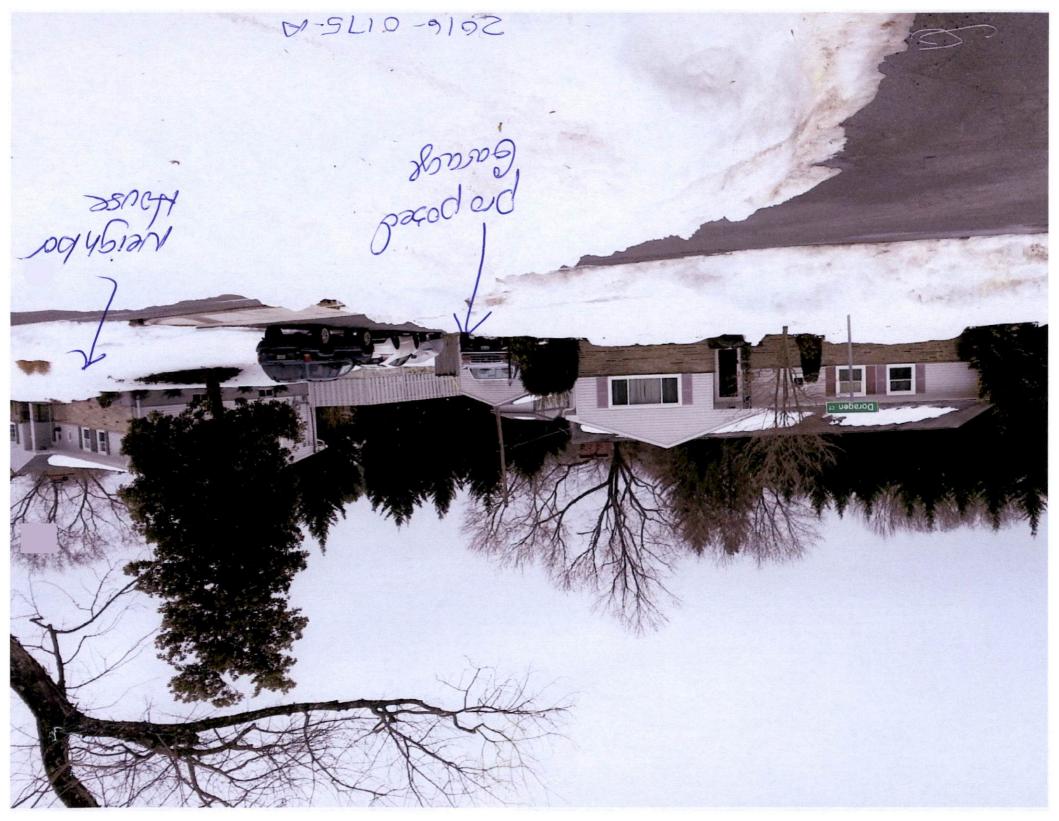
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).

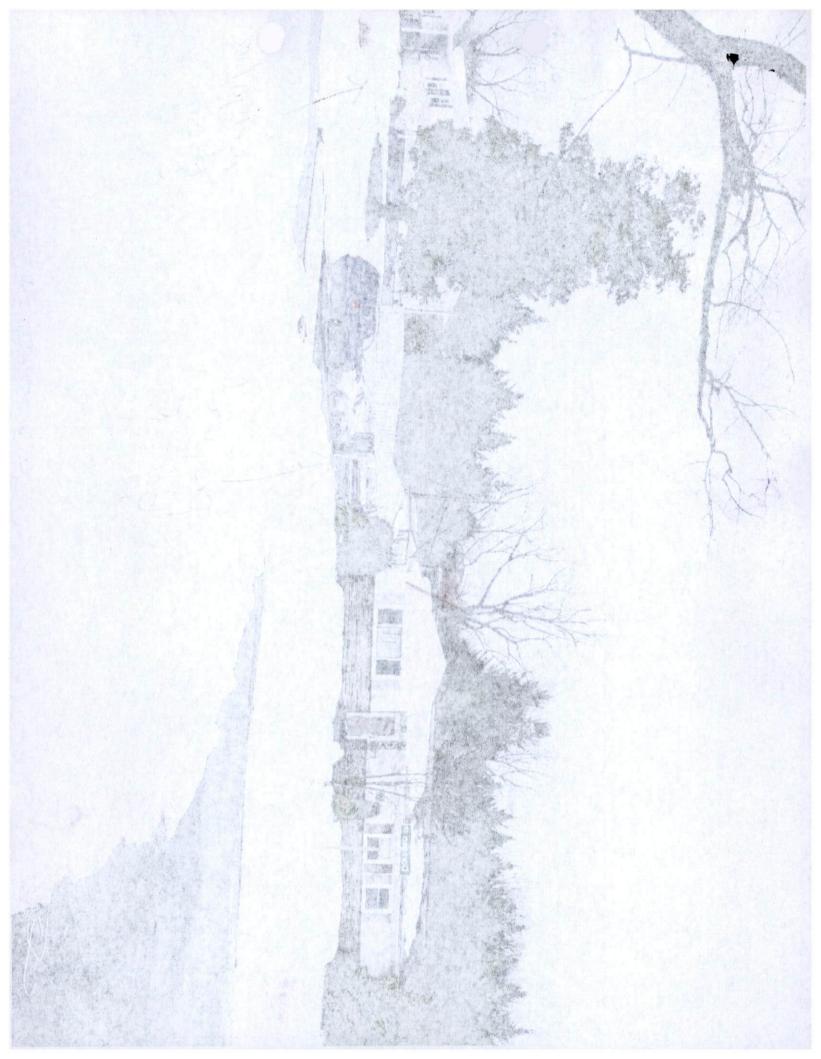




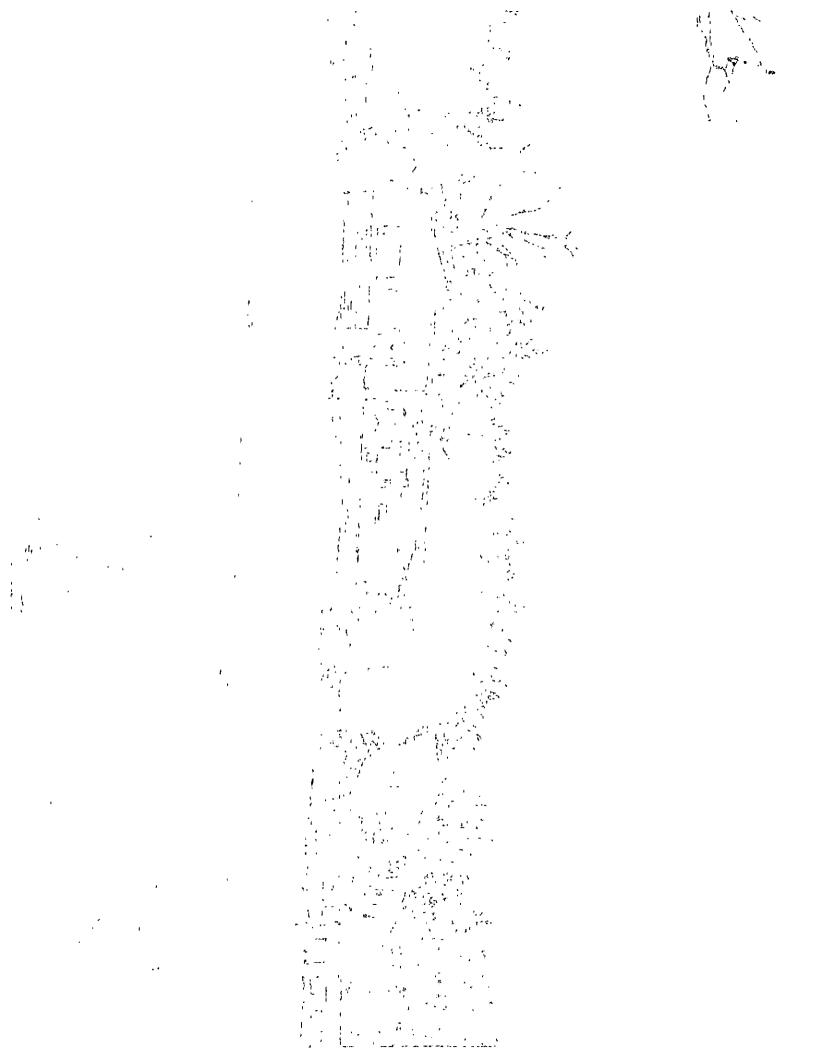




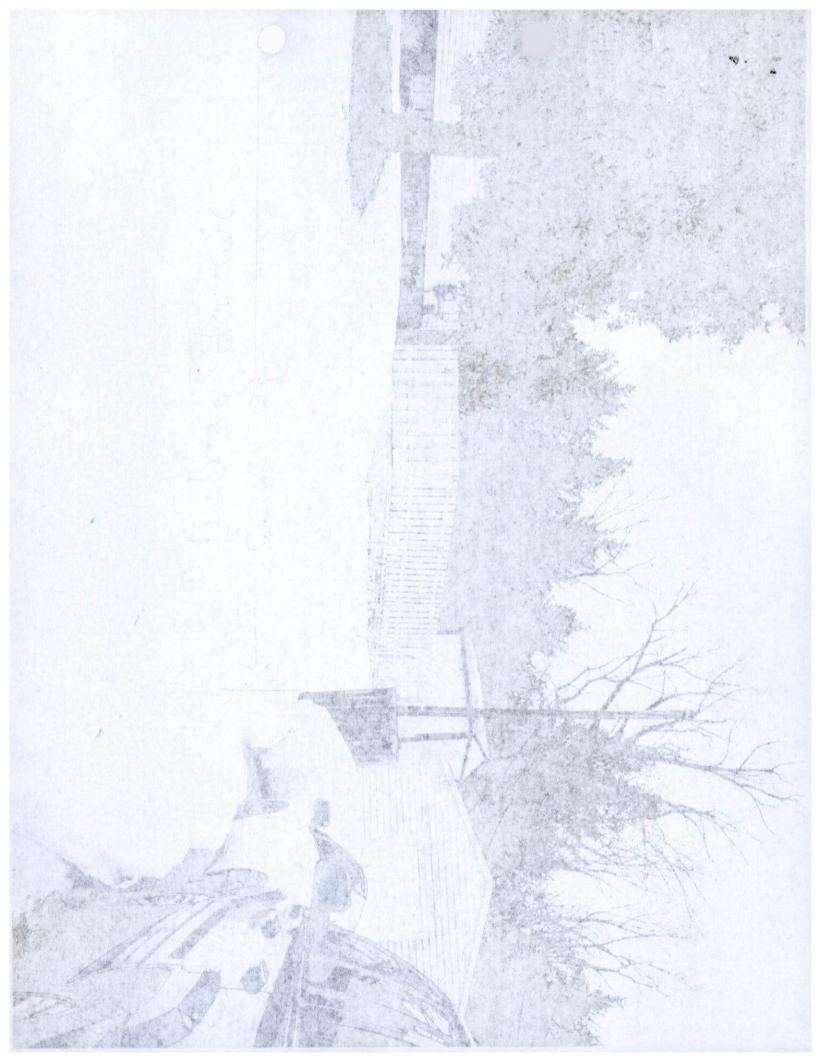
















SITE VICINITY MAP ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) FELTON Rd OWNER(S) NAME(S) JEFFREY J. Marsialia, Rebecco Ann Marsiglia ADDRESS 301 Felton Road SUBDIVISION NAME Water ford, Plat 5 LOT# 19 BLOCK # 6 SECTION # PLAT BOOK # 27 FOLIO # 135 10 DIGITTAX # 09260 00 4 00 DEED REF. # 14512/0020 4 MAP IS NOT TO SCALE ZONING MAP# 061 A3 oxisting stock poragen et SITE ZONED DR 3.5 (With ELECTION DISTRICT 944 Pool COUNCIL DISTRICT 3 rd LOT AREA ACREAGE . 298 OR SQUARE FEET 12,995中 Porch HISTORIC? NO and rear ÎN CECA 7 NO Story Dwelling INFLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? None IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW 31.65° S38°30'05"# SCALE: 1 INCH = 30 FEET PLAN DRAWN BY Resecce Mansiglia DATE 2-1-16 VIOLATION CASE INFO: 2016-0175-A

