MEMORANDUM

DATE:

October 31, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0061-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 28, 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

(51 Mavista Avenue)
12th Election District

7th Council District Cindy Lou Claudy

Petitioner

BEFORE THE

* OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0061-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, Cindy Lou Claudy ("Petitioner"). The Petitioner is requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 8 ft. and 5 ft. in lieu of the required 10 ft. and 10 ft. respectively for a one story addition and an enclosed porch. 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. The property is located within the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements as noted in the ZAC comment dated September 26, 2016 submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 1, 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 ORDER RECEIVED FOR FILING

Date	9/28/4
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the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the 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>28th</u> day of <u>September</u>, <u>2016</u>, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 8 ft. and 5 ft. in lieu of the required 10 ft. and 10 ft. respectively for a one story addition and an enclosed porch, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner must comply with the ZAC comments from DEPS, dated September 26, 2016; a copy of which is attached hereto and made a part hereof.

ORDER	RECEIVED FOR FILING	3
Date	9-26-4	· · · · · · · · · · · · · · · · · · ·
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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	9-78-16	
	10.3	

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



SEP 26 2013

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:

September 26, 2016

SUBJECT:

DEPS Comment for Zoning Item

2017-0061-A

Address

51 Mavista Avenue

(Claudy Property)

Zoning Advisory Committee Meeting of September 12, 2016.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. The applicant is proposing to construct two additions, one with with less side yard setback than permitted. The additions are not within the 100-foot buffer. The lot is not waterfront, and the proposed addition must meet all IDA requirements, including the 10% pollutant reduction requirement. If the 10% pollutant reduction requirement can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the 10% pollutant reduction requirement is met, then that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

ORDER RECEIVED FOR FILING

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₁ 3.	Be consistent with established land use policies for development in the
	· · · · · · · · · · · · · · · · · · ·
	Chesapeake Bay Critical Area, which accommodate growth and also address the
	fact that, even if pollution is controlled, the number, movement and activities of
	persons in that area can create adverse environmental impacts;

If the 10% pollutant reduction requirement can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger Date: September 26, 2016

ORDER RECEIVED FOR FILING

Date	9-28-16	
Bv		

ADMINISTRATIVE ZONING PETITION

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

To the Office of Administrative Hearings Address 51 MAYISTA AVENUE	for Baltimore County for the property located at: Currently zoned OR 5.5
Deed Reference L- Z88011 F 040 Owner(s) Printed Name(s) CINDY LOUICLAS	10 Digit Tax Account # 1 7 0 7 05 9 7 8 0
(SELECT THE HEARING(S) BY MARKING \underline{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. X ADMINISTRATIVE VARIANCE from Section(s)	
1802.3.C.1 (BCZR) TO PERMIT SIDE YARD SETBACKS (10 FEET AND 10 FEET RESPECTFULLY FOR A ONE STO	
of the zoning regulations of Baltimore County, to the zoning	g law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to appropriate County Code: (indicate type of work in this space: i.e., to refer to the control of the	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 I/ we agree to pay expenses of above petition(s), advertising, posting, etc Baltimore County adopted pursuant to the zoning law for Baltimore Count	lations. and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
	CIND'Y LOU CLALIOY Name #1 - Type or Print Name #2 - Type or Print
	CAD m
	Signature #1 Signature # 2
	51 MAYISTA AYE, BALTO, MO, Mailing Address City State
	ZÍZZZ / / / / / / / / / Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Zip Code Telephone # Email Address Representative to be contacted:
	DANIO BILLINGSLEY
Name- Type or Print	Name – Type or Print
Name- Type or Print Signature Mailing Address RECEIVED City State	Signature GOI CI-VAR WOOD CT. EDGEWOOD, MO.
Mailing Address City State	Mailing Address City State Z1040 1(410)679-8719 10wb0209@yohoo.com
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
	be required, it is ordered by the Office of Administrative Hearings for Baltimore at matter of this petition be set for a public hearing, advertised, and re-posted as
Admini	istrative Law Judge for Baltimore County
CASE NUMBER 2017 -0061-A Filing Date 8 29	16 Estimated Posting Date 11/6 Reviewer 9k

Reviewer gk
Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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

Address: 5/ MAVISTA AVE Print or Type Address of property	BALTO	MO	ZIZZZ
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the for Administrative Variance at the above ac	llowing are the f dress. (Clearly	acts upon which I/we base state practical difficulty	e the request for an or hardship here)
SEE AT	TASHED		
Signature of Owner (Affiant) SINDY LOU CLAUDY	-	Signature of Owner (Affiant)	
Name- Print or Type		Name- Print or Type	
The following information is to	be completed by a	a Notary Public of the State o	f Maryland
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to	wit:	
I HEREBY CERTIFY, this day and for the County aforesaid, personally app	y of <u>March</u> beared:	, <u>2016</u> , before me a N	lotary of Maryland, in
Print name(s) here: Cindy Low		8	
the Affiant(s) herein, personally known or sa	itisfactorily identifi	ed to me as such Affiant(s).	
AS WITNESS my hand and Notaries Seal	The state of the s	Slede	
<u> </u>	lotary Public	4/29/2017	
N	ly Commission Ex		Martin Committee

I wish to provide an additional bedroom, bathroom and walk in closet space for a family member. It is not practical to construct a second story addition, therefor, the rear yard is the only option. The extension of the eastern building line will reduce the required side yard to 8 feet necessitating the need for the variance request.

I also wish to convert an existing open deck to a screened porch. The existing 5 foot side yard will not be reduced.

Please note that the proposed additions will not include any additional cooking facilities.

ZONING DESCRIPTION51 MAVISTA AVENUE

Beginning for the same at a point on the south side of Mavista Avenue (40 feet wide) distant 80.5 feet westerly from its intersection with the center of Del Rio Avenue, thence being all of Lot 85 as shown on the plat entitled Inverness Annex No. 1 recorded among the Baltimore County plat records in Plat Book 13 Folio 27.

Containing 6,490 square feet or 0.149 acre of land, more or less.

Being known as 51 Mavista Avenue. Located in the 12TH Election District, 7TH Councilmanic District of Baltimore County, Maryland

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CERTIFICATE OF POSTING

Date: SEPTEMBER 1, 2016

RE:	Project Name:	51 MAVISTA AVENUE	
	Case Number /PAI Number:	2017-0061-A	
	Petitioner/Developer:	CINDY LOU CLAUDY	
	Date of Hearing/Closing:	SEPTEMBER 26, 2016	
were		alties of perjury that the necessary sign(s) required by la perty located at51 MAVISTA AVENUE	w
	The sign(s) were posted on	SEPTEMBER 1, 2016 (Month, Day, Year)	



David W Bellingsly
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case !	Number 2017-	æ61	-A	Address <u>5</u>	51	May	usta.	Avenu	x
Conta	ot Person:	Gay Planner Pl	Augk ease Print Your Na	me		F	hone N	lumber: 4	110-887-3391
Filing	Date:	9/16	Postin	g Date: <i>9</i>	/11/	16	Clos	sing Date	: 9/26/16
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3.	ORDER: After commissioner order that the within 10 day whether the properties of the	. He may: (matter be set 's of the clos etition has be	a) grant the in for a publi ing date if : en granted, i	requested ric hearing. `all County :	relief You ager	f; (b) de will rece ncies' c	ny the eive writ ommen	requested ten notific ts are red	f relief; or (c) ation, usually ceived, as to
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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 26, 2016

Cindy Lou Claudy 51 Mavista Avenue Baltimore MD 21222

RE: Case Number: 2017-0061 A, Address: 51 Mavista Avenue

Dear Ms. Claudy:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 29, 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

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040



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

Maryland Department of Transportation

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

Date: 9/7/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0061-4

Administrative Varionce Cincy Lou Clandy 51 Marista Avenue

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,

Wendy Wolcott, PLA

Acting Metropolitan District Engineer - District 4

Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE



DATE: September 15, 2016

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 12, 2016

Item No. 2017-0055, 0057 and 0061

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\ZAC09122016.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:

September 26, 2016

SUBJECT:

DEPS Comment for Zoning Item

2017-0061-A

Address

51 Mavista Avenue (Claudy Property)

Zoning Advisory Committee Meeting of September 12, 2016.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. The applicant is proposing to construct two additions, one with with less side yard setback than permitted. The additions are not within the 100-foot buffer. The lot is not waterfront, and the proposed addition must meet all IDA requirements, including the 10% pollutant reduction requirement. If the 10% pollutant reduction requirement can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the 10% pollutant reduction requirement is met, then that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the 10% pollutant reduction requirement can be met, then the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger Date: September 26, 2016

CHECKLIST

Comment <u>Received</u>	<u>Depart</u>	ment		-	Support/Oppo Conditions/ Comments/ No Comment	ose/
9-12	DEVELOPMENT P				<u> </u>	_
9-He	DEPS (if not received, date	e e-mail sent)			
	FIRE DEPARTMEN	ΝΤ				
	PLANNING (if not received, date	e-mail sent				
9-7	STATE HIGHWAY	ADMINISTR	ATION		No obje	don
	TRAFFIC ENGINE	ERING				
· · · · · · · · · · · · · · · · · · ·	COMMUNITY ASS	OCIATION			·	
	ADJÄCENT PROPI	ERTY OWNEF	RS			
ZONING VIOLATI	ON (Case	: No				
PRIOR ZONING	(Case	No				
NEWSPAPER ADV	ERTISEMENT	Date:	-			•
SIGN POSTING		Date:	9-1-	<u> </u>	by Been	Age A
PEOPLE'S COUNS	EL APPEARANCE	Yes	□ No			
PEOPLE'S COUNS	EL COMMENT LETT	TER Yes	□ No			
Comments, if any:						
				.		

Real Property Data Search	ı (w1)	Guide to searching the databa					latabase
Search Result for BALTIM	ORE COUNTY						
View Map	edemption View GroundRent Registration					n	
Account Identifier:	District - 1	2 Accour	nt Number - 12070				
			Information			1	
Owner Name: CLAUDY CI		NDY LOU Use:			RESID	RESIDENTIAL	
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	4859	4: 0.04					
D		and the second s	ructure Information				
Premises Address: 51 MAVIST 0-0000		AVE Legal Des		cription:		51 MAVISTA AVE INVERNESS	
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Special Tax Areas:			Town: Ad Valorem: Tax Class:	NONE			
Primary Structure Built 1947	Above Grade Enclosed Area 1,190 SF		Finished Basement Area	t Property Land Area 6,490 SF		County Use 04	
Stories Basement 1 1/2 YES	Type STANDARD UNIT	Exterior SIDING	Full/Half Bath 1 full	Garage 1 Detached	Last Ma	jor Ren	ovation
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Total: Preferential Land:	146,300 0		138,600	138,600	1; 0	38,600	
		Transfe	r Information				
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Type: ARMS LENGTH IMPROVED		Deed1: /28801/ 00040		Deed2:			
Seller: DEUTSCHE BANK NATIONAL Type: NON-ARMS LENGTH OTHER		Date: 06/23/2009 Deed1: /28283/ 00219		Price: \$75,000 Deed2:			
Seller: WEST JEANNE H		Date: 11/24/2008					
Type: NON-ARMS LENGTH OTHER		Date: 11/24/2008 Deed1: /27471/ 00585		Price: \$117,000 Deed2:			
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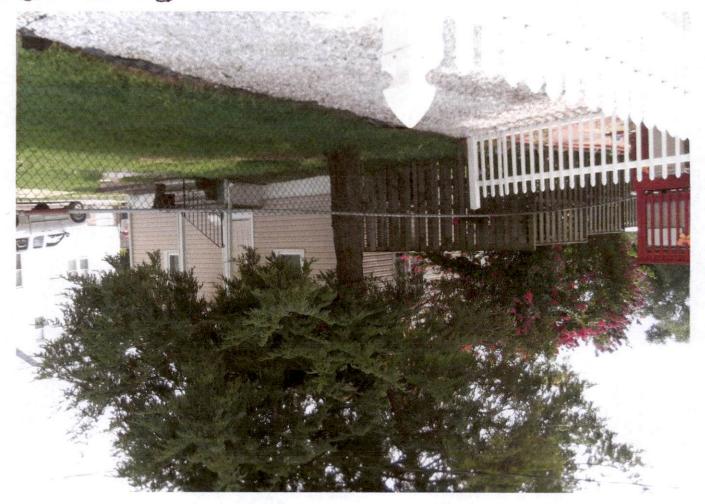
Homestead Application Status: No Application

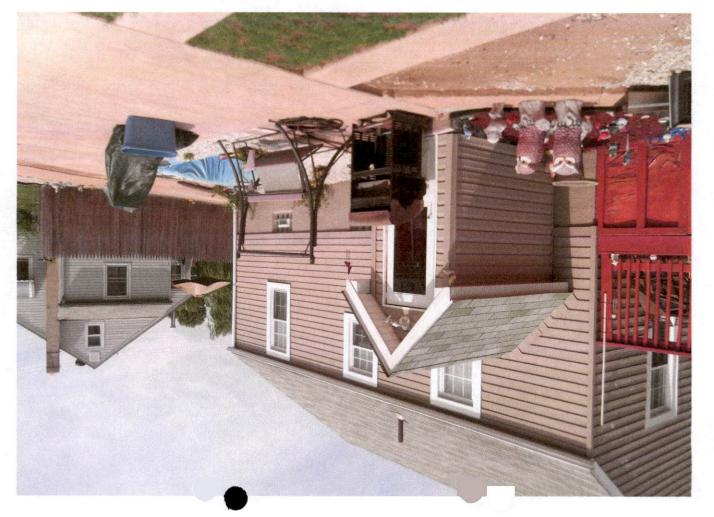
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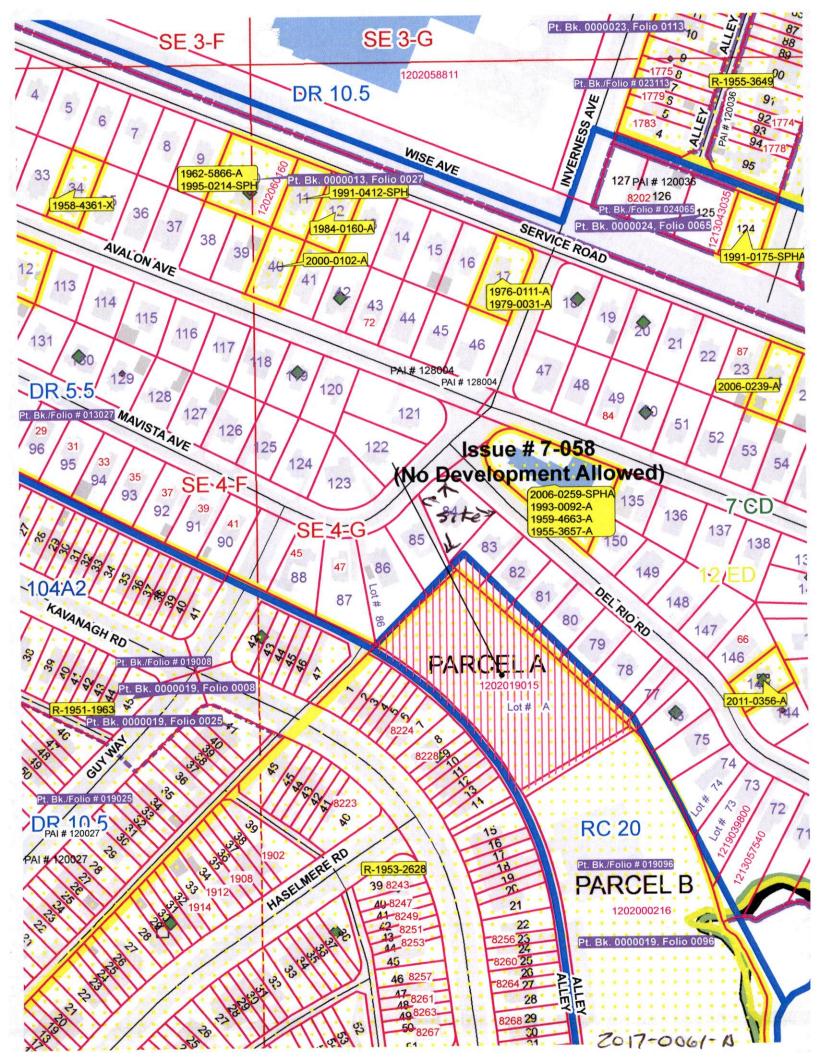


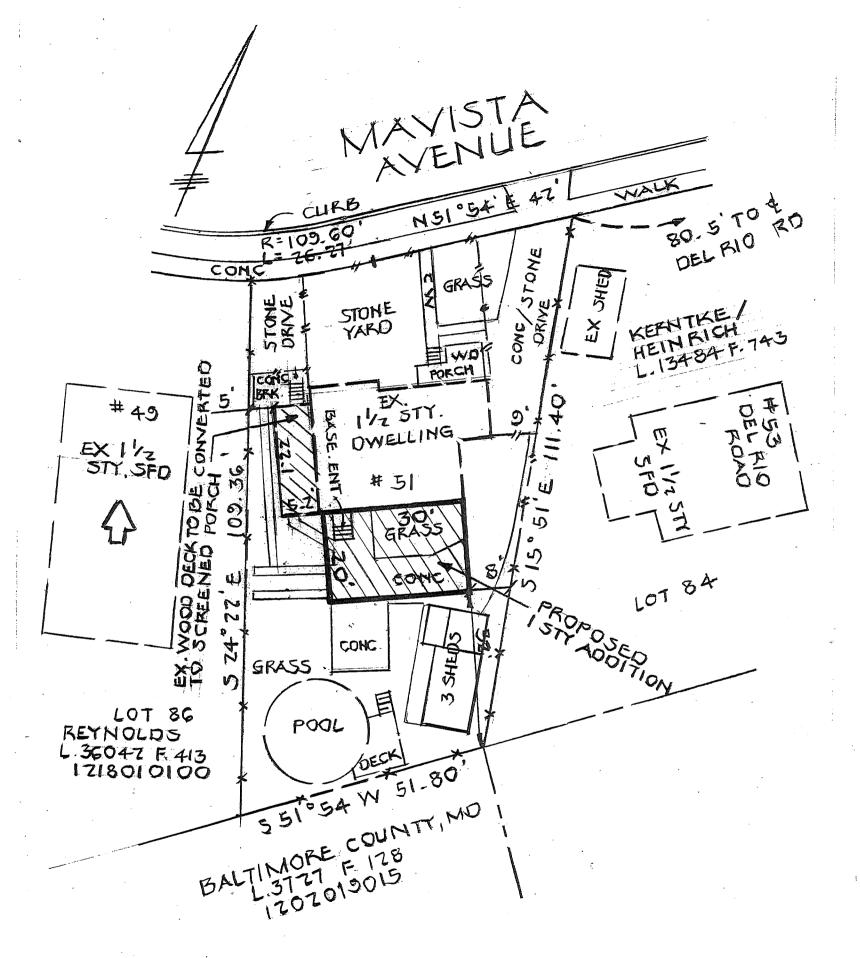


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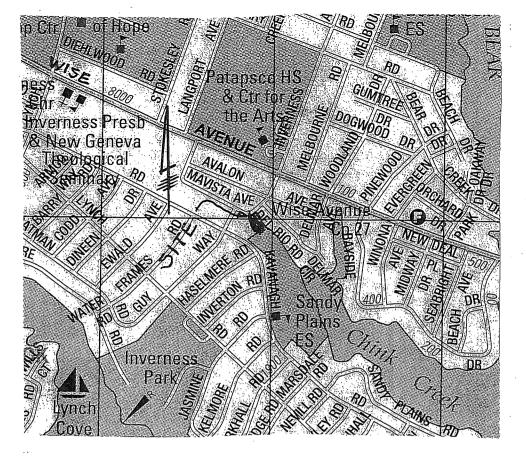
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CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719

OWNER
CINDY LOU CLAUDY
51 MAVISTA AVEN UE
BALTIMORE, MD. 21222
DEED REF: L.28801 F.40
ACCT NO. 1207059780



VICINITY MAP SCALE I" = 1000'

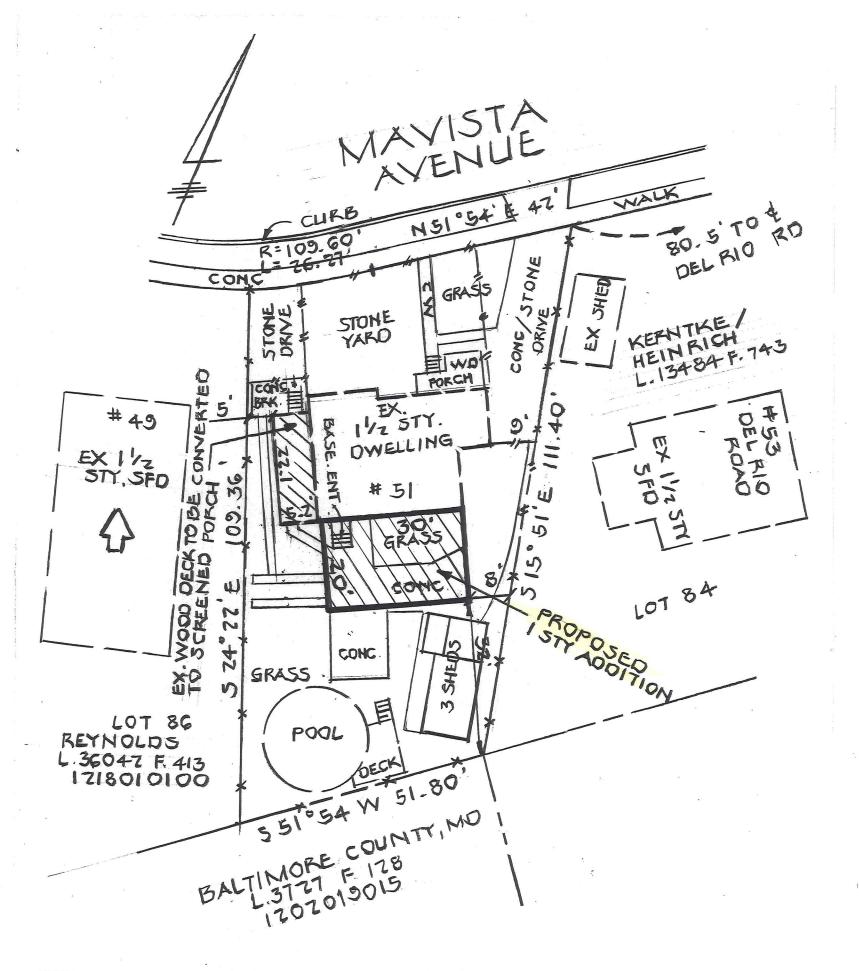
NOTES

- 1. ZONING......DR 5.5 (MAP 104A2)
- 2. AREA.....6,490 S.F. = 0.149 ACRE +/-
- 3. SITE IS NOT LOCATED IN THE 100 YEAR FLOOD ZONE.
- 4. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
- 5. PUBLIC WATER AND SEWER
- 6. TO THE PREPARER'S KNOWLEDGE, NO PREVIOUS ZONING HISTORY, VIOLATIONS, HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST

PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE 51 MAVISTA AVENUE

LOT 85 INVERNESS ANNEX NO.1 P.B. 13 F. 27
ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 20 FEET AUGUST 1, 2016

2017-0061-A

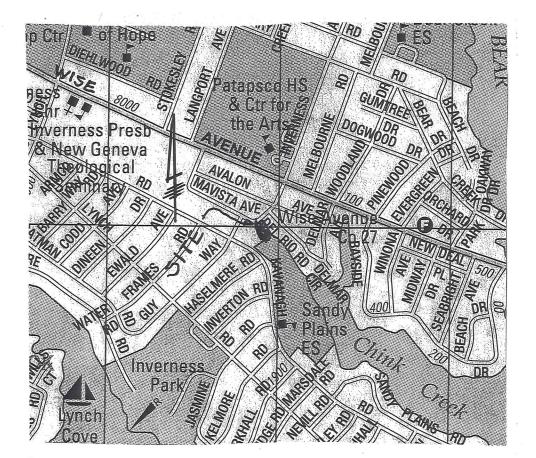


CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719

OWNER CINDY LOU CLAUDY **51 MAVISTA AVENUE** BALTIMORE, MD. 21222 **DEED REF: L.28801 |F.40**

ACCT NO. 1207059:780

et Sah, 1



VICINITY MAP SCALE 1" = 1000'

NOTES

- 1. ZONING......DR 5.5 (MAP 104A2)
- 2. AREA.....6,490 S.F. = 0.149 ACRE +/-
- 3. SITE IS NOT LOCATED IN THE 100 YEAR FLOOD ZONE.
- 4. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
- 5. PUBLIC WATER AND SEWER
- 6. TO THE PREPARER'S KNOWLEDGE, NO PREVIOUS ZONING HISTORY, VIOLATIONS, HISTORIC STRUCTURES OR UNDERGROUND STORAGE **TANKS EXIST**

PLAT TO ACCOMPANY PETITION FOR **ADMINISTRATIVE VARIANCE 51 MAVISTA AVENUE**

LOT 85 INVERNESS ANNEX NO.1 P.B. 13 F. 27 **ELECTION DISTRICT 12C7 BALTIMORE COUNTY, MD** SCALE: 1 INCH = 20 FEET AUGUST 1, 2016

2017-0061-A