#### MEMORANDUM

DATE: February 6, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0149- A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 2, 2017. 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

(15 Bellclare Circle) 8<sup>th</sup> Election District

OFFICE OF ADMINISTRATIVE

3<sup>rd</sup> Council District

**HEARINGS FOR** 

Joseph F. & Donna M. Marx Petitioners

**BALTIMORE COUNTY** 

CASE NO. 2017-0149-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, Joseph F. and Donna M. Marx ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations, to permit a detached accessory structure (garage) to have a height of 20 ft. in lieu of the maximum allowed height of 15 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) on December 21, 2016, indicating that the Ground Water Management must review any future proposed garage (permit), since the property is served by well and septic.

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

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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.

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

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>3rd</u> day of **January**, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations, to permit a detached accessory structure (garage) to have a height of 20 ft. in lieu of the maximum allowed height of 15 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,

#### ORDER RECEIVED FOR FILING

Date	1-3-17
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Petitioners would be required to return the subject property to its original condition.

- 2. Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.
- 4. Petitioners must comply with the ZAC comment submitted by DEPS on December 21, 2016; a copy of which is attached hereto and made a part hereof.

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		3-17
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#### 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 for Baltimore County for the property located at: 15 Bellclare Circle, Sparks, MD 21152 Currently zoned 13345 00116 10 Digit Tax Account # 0 8 0 3 0 0 4 2 9 0 Deed Reference Owner(s) Printed Name(s) Joseph & Donna Marx

(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)

required by the zoning regulations of Baltimore County.

BCZR: 400.3 → To permit a detached accessory structure (garage) to have a height of 20 feet in lieu of the maximum allowed height of 15 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. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

	Joseph Frank Mai	x , Do	onna Marie Marx
	Name #1 – Type or Print	Name	# 2 – Type or Print
	Signature #1	Signa	ture #2
	15 Bellclare Circle	e, Sparks	Maryland
	Mailing Address	City	State
	21152 / 410-47	2-2281	marxmail@comcast.ne
	Zip Code Teleph	one #	Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be	contacted:	
N/A , ING			
Name- Type or Print	Name – Type or Print		16
N/A  Name- Type or Print  Signature  Mailing Address  City  State	Signature		
	Mailing Address	City	State
RDE	1	1	
Zip Code Telephone # Email Address	Zip Code Telep	hone #	Email Address
A PUBLIC HEARING having been formally demanded and/or found t	o be required, it is ordered by the	ne Office of Admi	nistrative Hearings for Baltim
County, this day of, that the subje	ct matter of this petition be set for	a public hearing.	advertised, and re-posted a

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0149-4	Filing Date 17, 2, 16	Estimated Posting Date 12,11,16	Reviewer

### 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:	15 Bellclare Circle	Sparks	MD	21152
	Print or Type Address of property	City	State	Zip Code
	oon personal knowledge, the rative Variance at the above			
Administ	rative variance at the above	address. (Clearly State	practical difficulty of	<u>narusnip</u> nere)
We	e would like to add a two story	garage to our property. V	Ve would like to request a	variance to allow
A service of the serv	the height of the garage to be			
	ad room to have a work area ov			
- In	e style of the garage will impro	ve the aesthetics of our	oroperty as well as increa	se property value
-				
	***************************************	M. C		The William Control of the Control o
(If addi	itional space for the petition requ	uest or the above stateme	nt is needed, label and atta	ch it to this Form
	1 - 1	\/\	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
fr.			Jamy Mws	las
Signature of	of Owner (Affiant)	Sig	nature of Owner (Affiant)	
Joseph	Frank Marx		<b>Donna Marie Marx</b>	
Name- Prir	nt or Type	Na Na	me- Print or Type	
	The following information is	to be completed by a Not	ary Public of the State of M	aryland
STATE C	OF MARYLAND, COUNTY O	E BAI TIMORE to wit	•	
	N. C.	250		
I HEREB	SY CERTIFY, this 12	day of <u>CCNVEV</u> , $\propto$	<u>ರಿ/ </u> , before me a Nota	ary of Maryland, i
and for the	e County aforesaid, personally a	appeared:		
Print name(s) h	ere: Donna Marie	Many of J.	oseph Frank	Marx
the Affiant	(a) Perein personally known or	satisfactorily identified to	me as such Affiant(s).	
AS WITH	ESS my hand and Notaries Sea			
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"In	PO COUNTINIE	0		REV. 5/5/2016
commiss	in expired Nov. 10, 201	7		
	1000			

#### **Property Description**

Being known and designated as Lot No. 6, Block A as shown on the Plat of Section 1 of Bellclare which plat is recorded among the Land Records of Baltimore County in Plat Book GLB No. 23, fello 39. The improvements thereon being known as 15 Bellclare Circle.

2017-0149-4

# **CERTIFICATE OF POSTING**

	RE: Case No <u>. 2017-0149-A</u>
	Petitioner: <u>Joseph &amp; Donna Marx</u>
	Closing Date: <u>12/26/16</u>
Baltimore County Depart	tment of
Permits, Approvals and I	nspections
Room 111, County Office	Building
111 W. Chesapeake Ave.	h.
Towson, Md. 21204	
	sly on the property located at  15 Bellclare Circle
· · · · · · · · · · · · · · · · · · ·	on <u>12/11/16</u>
	Sincerely,
	Souther 19 11 12 11/10
	Richard E. Hoffman
	904 Dellwood Drive
	Fallston, Md. 21047
	(443) 243-7360

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### **Certificate of Posting**

Case No. <u>2017-0149-A</u>



15 Bellclare Circle

(Posted 12/11/16)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0149 -A Address 15 BELLCLARE CIRCLE, 21152
Contact Person: Seiseiman Phone Number: 410-887-3391
Filing Date: 12   1/2   16 Posting Date: 12   1/2   Closing Date: 12   26   6
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.
<ol> <li>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 forma request for a public hearing, the process is not complete on the closing date.</li> </ol>
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 2017- 0149 -A Address 15 BELICIARE CIR. 21152
Petitioner's Name Joseph + Ounna Marx Telephone 410-477 2281
Posting Date: 12 11 16 Closing Date: 12 26 16
Wording for Sign: To Permit A DETACHES ACLESSORY STAUCTURE (GARAGE) TO
HAVE A HEIGHT OF BO FEET IN LIEU OF THE MAXIMUM ACCORDS HEIGHT
OF 15 FEET.

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:	
Case Number: 2017-0149-4	
Property Address: 15 BELLCLARE CIRCLE  Property Description: SPARKS, MJ 71152	
egal Owners (Petitioners): JOSEPH + DONNA MARX	_
Contract Purchaser/Lessee:	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: JOSEPH MIRX	_
Address: IT BEUCLARE CIRCLE	
SPARKS, MD 21152	-
Telephone Number: 410-472-2781	_
· · · · · · · · · · · · · · · · · · ·	

Revised 7/9/2015

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KEVIN KAMENETZ County Executive .

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

December 30, 2016

Joseph Frank and Donna Marie Marx 15 Bellclare Circle Sparks MD 21152

RE: Case Number: 2017-0149 A, Address: 15 Bellclare Circle

Dear Mr. & Ms. Marx:

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

c: People's Counsel

(AV) 12-26-16

#### **BALTIMORE COUNTY, MARYLAND**

RECEIVED

#### **Inter-Office Correspondence**

DEC 2 1 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:

December 21, 2016

SUBJECT:

DEPS Comment for Zoning Item

# 2017-0149-A

Address

15 Bellclare Circle

(Frank & Marx Property)

Zoning Advisory Committee Meeting of December 19, 2016.

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

1. Ground Water Management must review any future proposed garage (permit), since the property is served by well and septic.

Reviewer:

Dan Esser

Date: 12/19/16

- intertit

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 22, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 19, 2016

Item No. 2017-0134, 0147, 0149, 0150 and 0154

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

RECEIVED

JAN 0 4 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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cc:file
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12/23/16 (AV)

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 22, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

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For December 19, 2016

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RECEIVED

JAN 0 3 2015

OFFICE OF ADMINISTRATIVE HEARINGS

DAK:CEN cc:file G:\DevPlanRev\ZAC -No Comments\ZAC12192016.doc



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

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

Date: 12/12/16

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. 7-10-11-0-14-14

Committee approval of Case No. 2011-0149-A
Administrative Variance

Joseph Frank & Donna Marie Marx
15 Bellalare Circle

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

Metropolitan District Engineer – District 4

Richard A Jelis

Baltimore & Harford Counties

WW/RAZ

#### **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:

December 21, 2016

SUBJECT:

**DEPS** Comment for Zoning Item

# 2017-0149-A

Address

15 Bellclare Circle

(Frank & Marx Property)

Zoning Advisory Committee Meeting of December 19, 2016.

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

1. Ground Water Management must review any future proposed garage (permit), since the property is served by well and septic.

Reviewer:

Dan Esser

Date: 12/19/16

(AV) 12-26-16

#### **BALTIMORE COUNTY, MARYLAND**

RECEIVED

#### **Inter-Office Correspondence**

DEC 21 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:

December 21, 2016

SUBJECT:

DEPS Comment for Zoning Item

# 2017-0149-A

Address

15 Bellclare Circle

(Frank & Marx Property)

Zoning Advisory Committee Meeting of December 19, 2016.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
  - 1. Ground Water Management must review any future proposed garage (permit), since the property is served by well and septic.

Reviewer:

Dan Esser

Date: <u>12/19/16</u>

ORDER RECEIVED FOR FILING

Date 1- 3-17

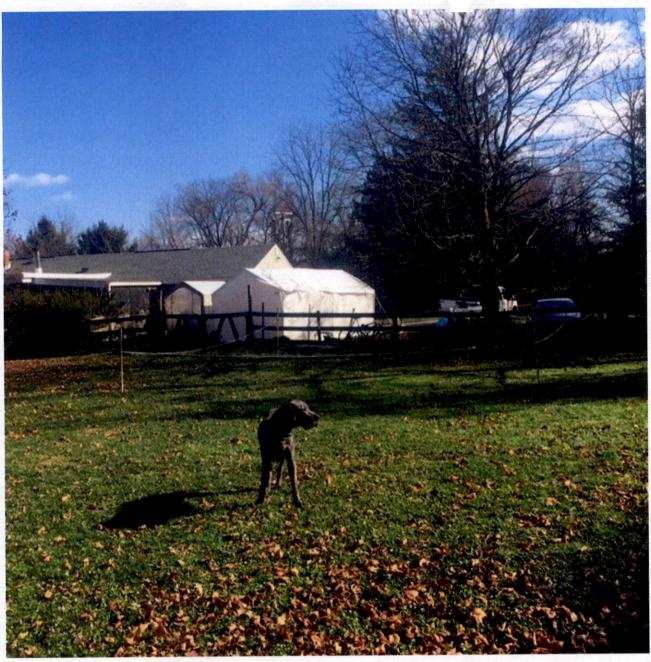
# CHECKLIST

Comment Received	<u>Depart</u>	<u>ment</u>		Suppor Conditi Comme <u>No Con</u>	ents/
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	FIRE DEPARTME	NT			
	PLANNING (if not received, date	e e-mail sent			
12-12	STATE HIGHWAY	ADMINISTR	ATION	<u>No</u>	djetim
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	COMMUNITY ASS	SOCIATION			
	ADJACENT PROP	ERTY OWNER	RS		
ZONING VIOLATI	ON (Case	e No		)	
PRIOR ZONING	(Case	e No		)	
NEWSPAPER ADV	ERTISEMENT	Date:			
SIGN POSTING		Date:	12-11-10	by <u>\</u>	offman
PEOPLE'S COUNS	EL APPEARANCE	Yes	□ No		
PEOPLE'S COUNS	EL COMMENT LET	TER Yes	□ No		
Comments, if any:					

View Map			View GroundRent Redemption					View GroundRent Registration						
Account	t Identifi	er:		Distr	ict - 08	Accou	nt Numbe	r - 080300						
							r Informati							
Owner Name: Mailing Address:			MARX JOSEPH F MARX DONNA M					Use: Principal Re				RESIDENTIAL		
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Premises Address:			15 BELLCLARE CIR 0-0000				L	ription:		15 BELLCLARE CIR BELLCLARE				
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0034	0002	0273			0000		1	Α	6	2017		Plat Ref:	0023/ 0039	
Specia	ıl Tax Ar	eas:					Town: Ad Valor Tax Class				NO	NE		
Primary Structure Built 1957			Above Grade Enclosed Area 2,184 SF			ed	Finished Basement Area		Property Area 39,290 S		Use			
Stories Basement 1 YES			77.			Exteri			Garage		Last Major Renovation			
						Value	Informatio	n						
				Base	Value		Value		Phase	-in Ass	sessment	s		
							As of 01/01/2014	4	As of 07/01/	2016	100	s of 7/01/201	7	
Land:			138,800				138,800		017011					
Improvements			128,000				128,000							
Total:			266,800				266,800			00				
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Tax Exempt:						I Tax Recapture:			2.201					
Exempt Class:						NONE								
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Above picture is take from property line to west looking north east. The fence runs Parallel to the rear line of the dwelling.



The above picture is standing in front of the existing shed in the north west corner of the property.



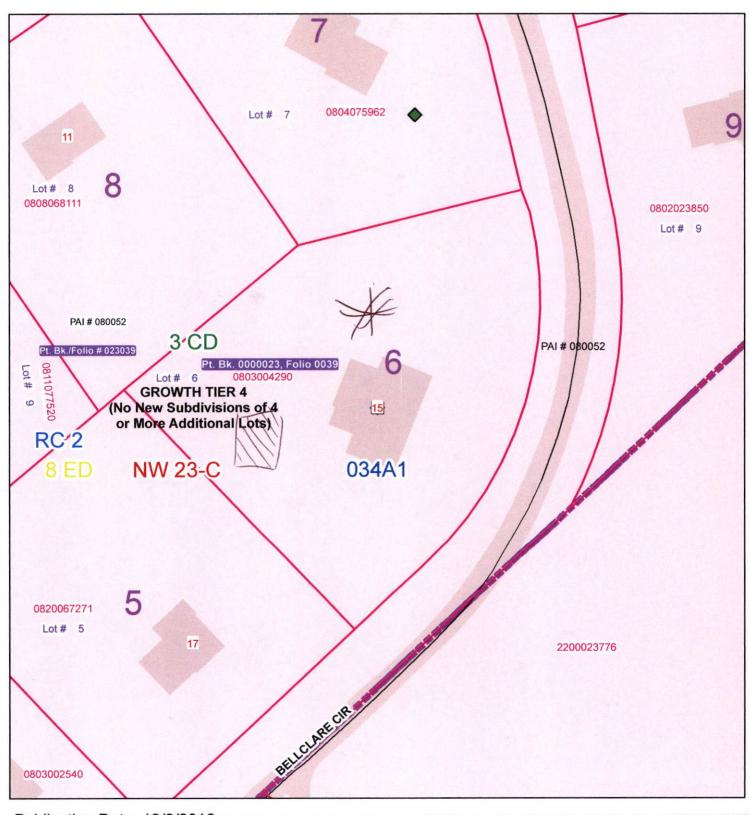
The above photo is standing directly behind house.



This photo is from south east of proposed location.

Sent from my iPhone

# 15 Bellclare Circl

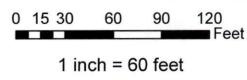


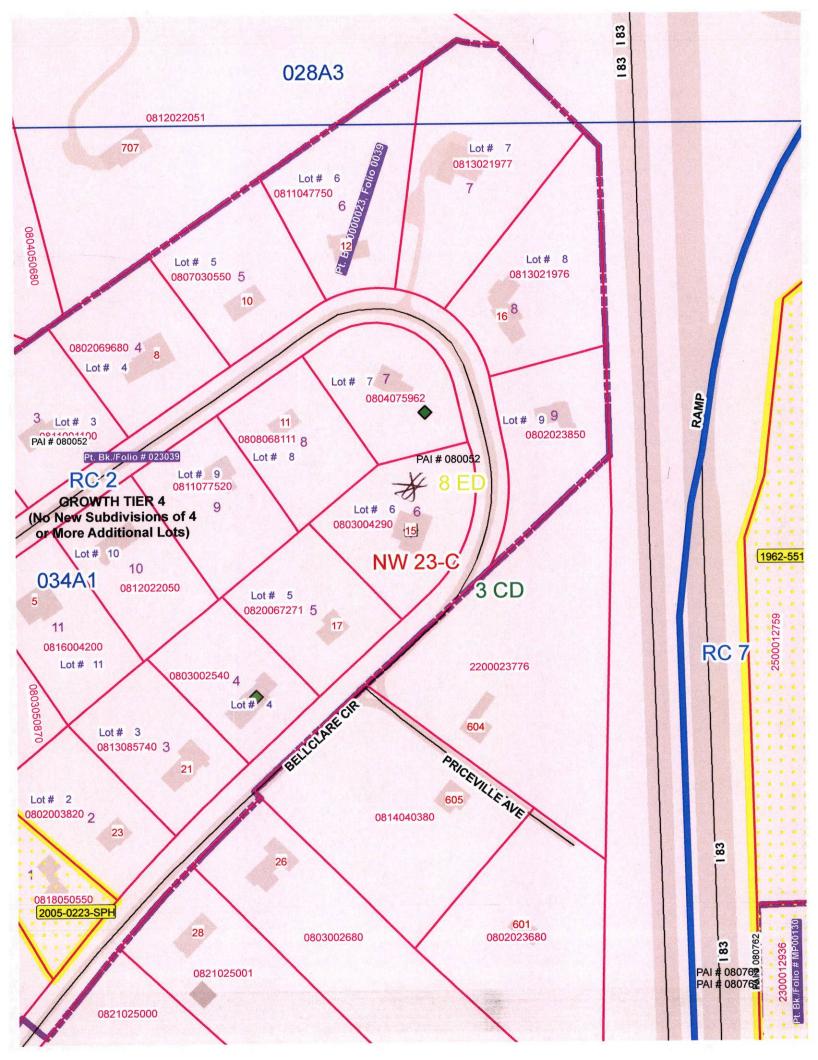
Publication Date: 12/2/2016



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







	THE RECEIVED RISIDE
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	1 - 1101
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	of the
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	VIOLATION CASE INFO:

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Pst. &4.1

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