IN RE: PETITION FOR ADMIN. VARIANCE * (18006 Marshall Mill Road)

5th Election District

3rd Council District Ryan M. & Teresa L. Trexler

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0260-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, Ryan M. & Teresa L. Trexler ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit a proposed accessory building (pole barn) with a height of 26 ft. in lieu of the maximum allowed 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. 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 April 9, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

Date	4-28-17	
Bv	(SW)	

ORDER RECEIVED FOR FILING

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 accessory structure (pole barn) height and usage, I will impose conditions that the accessory building (pole barn) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and is not to be used for commercial purposes.

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 **April**, **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 ("B.C.Z.R), to permit a proposed accessory building (pole barn) with a height of 26 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners or subsequent owners shall not convert the accessory building (pole barn) into a dwelling unit or apartment. The accessory structure (pole barn) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Date	A-28-17	
-	(01)	

3. The proposed accessory building (pole barn) shall not be used for commercial purposes.

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	4-28-17	
Bv	B W	



KEVIN KAMENETZ County Executive

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

April 28, 2017

Ryan M. and Teresa L. Trexler 18006 Marshall Mill Road Hampstead, MD 21074

RE: Petition for Administrative Variance

Case No. 2017-0260-A

Property: 18006 Marshall Mill Road ·

Dear Petitioners:

Enclosed please find a copy of the Order rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure





ADMINISTRATIVE ZONING PE...ION
FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative I	Hearings 1	for Baltimore (Currently 7	property located at:
Deed Reference 3 5324 0 0 3 93 Owner(s) Printed Name(s) Ryan Trexte		10 Digit Ta Teresa Trexler	ax Account # 1 7	00008638
(SELECT THE HEARING(S) BY MARKING X	AT THE APPRO	OPRIATE SELECTION	(S) AND ADDING THE	PETITION REQUEST)
For Administrative Variances, the Affid	avit on the r	reverse of this Peti	tion form must be	completed and notarized.
The undersigned, who own and occupy the propattached hereto and made a part hereof, hereby	petition for	an:	:=\(\)	
1 ADMINISTRATIVE VARIANCE from Se	ection(s) 40	00,3. RCZR, +0	permit a p	roposed accessory
1 ADMINISTRATIVE VARIANCE from Se building (pole barn) with a height 15 feet.	ht of 2	6 feet in lie	oof the mo	eximum allowed
of the zoning regulations of Baltimore County, to	the zoning	law of Baltimore C	ounty.	
2 ADMINISTRATIVE SPECIAL HEARII County Code: (indicate type of work in this space				
of the Baltimore County Code, to the developmed Property is to be posted and advertised as prescribed by the I/ we agree to pay expenses of above petition(s), advertising Baltimore County adopted pursuant to the zoning law for Baltimore County adopted pu	e zoning regulat g, posting, etc.	tions. and further agree to be	bound by the zoning r	egulations and restrictions of
		Owner(s)/Petit	ioner(s):	
		Ryan Tree	Her ,	eresa rexter
		Name #1 = Type of	Print Na	me # 2 – Type or Print
		Signature #1		gnature # 2
		/8006 // Mailing Address	Narshall Mill	Kd Hampslead MD
			301-452-2347	, syantrexler@yahoo.
		Zip Code	Telephone #	Email Address
Attorney for Owner(s)/Petitioner(s):		Representative	to be contacted:	
Name- Type or Print		Name – Type or Pr	int	
Name-Type of Philit		Name – Type of Fi	int	
Name- Type or Print Signature Mailing Addrass RECEIVED FOR FILING City		Signature		
Mailing Addrass City	State	Mailing Address	City	State
Zip Code Oale Telephone # Email Addres	ss	Zip Code	Telephone #	Email Address
A PUBLIC HEARING having been formally demanded and County, thisday of,trequired by the zoning regulations of Baltimore County.				dministrative Hearings for Baltimore ng, advertised, and re-posted as
ARACIOOW A RAPIC	Adminis	trative Law Judge for E	saltimore County	

2017-0260-A Filing Date 3,28, 2017 Estimated Posting Date 4,9,2017 Reviewer JNP

Affidavit in Support (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: 18006 Marshall M	11 Rd Hampstead	M D State	21074 7in Code
Print or Type Address of property Based upon personal knowledge, the for Administrative Variance at the above a	ollowing are the facts up	oon which I/we bas	
equipment it is important in a 15' tall strue property is such that from neighboring h	Iding for USE as property mainten ring on this equi possible to store cture. The locati it it cannot be bouses. a 6/12 to aesthetically m	and work of the boseen from	his is large on comfortably uilding on the the street or e roof will
Signature of Owner (Affiant) Ryan Trexter Name- Print or Type The following information is to	Sign	ature of Owner (Affian eresa Lee Tre e- Print or Type	nt) × (eV
STATE OF MARYLAND, COUNTY OF I HEREBY CERTIFY, this dand for the County aforesaid, personally a Print name(s) here: Tenni For A. Wood	ay of <u>March</u> , <u>20</u> ppeared:	/7, before me a	Notary of Maryland, in
the Affiant(s) herein, personally known or s AS WITNESS my hand and Notaries Seal). (
Ac Tirrico IIIy hand and Notalies Ocal	Notary Public 10 12 2020 My Commission Expires	JENNIFER A. W	OODARD
	, Commoder Express	Notary Pu Baltimore County	Maryland

My Commission Expires 10/12/2020 EV. 5/5/2016

Affidavit in Support . Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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Address: 18006 Marshal	1 Mill Rd	Hampstead city	M D State	21074 Zip Code
Based upon personal knowledge Administrative Variance at the ab	, the following ove address.	g are the facts ເ (Clearly state	pon which I/we practical diffic	base the request for an culty or hardship here)
heavy equipment and to use for equipment it is in a 15' fall property is such from neighboring	working Impossib structure. that It houses.	perty mainter on this equile to store The location	nance (tracto Upment A: and work on of the c seen for pitch on	building onthe
(If additional space for the petition	request or the		t is needed, label	·
Ryan Trexter Name- Print or Type		Nan	Teresa Lee ne-Print or Type	Trexler
The following information	on is to be com	pleted by a Nota	ry Public of the S	tate of Maryland
STATE OF MARYLAND, COUNT I HEREBY CERTIFY, this			77 before m	ne a Notary of Maryland. in
and for the County aforesaid, person Print name(s) here:				
the Affiant(s) herein, personally know	n or satisfacto	orily identified to	me as such Affia	nt(s).
AS WITNESS my hand and Notaries	Seal Jen	miter. A. Woo	dard Jum	for him Woodard
Salor Sign	Notary F		7	WOODARD
	wy Com	imission Expiles	Notar	y Public punty, Maryland Expires 10/12/2020 EV. 5/5/2016

ADMINISTRATIVE ZONING PE ... ION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARIN

To be filed with the Department of Permits, Approvals and Inspections Office of Administrative Hearings for Baltimore County for the property located at:

Address 18006 Marsh			Currently zoned	RC-Z(Verted RD
Deed Reference 35324	00393	10 Digit Ta		
Deed Reference 353 24 Owner(s) Printed Name(s) Ryaco	Trexler an	nd Tesesa Trexler		

(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 ADMINISTRATIVE VARIANCE from Section(s) 400,3, BCZR, to permit a proposed accessory
building (pole barn) with a height of 26 feet in lieu of the maximum allowed 15 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
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):
	Ryan Trexter, leresa lexter
	Name #1 - Type or Print Name #2 - Type or Print
	al , wh
	Signature #2
	18006 Marshall Mill Rd Hampstead MD
	Mailing Address City State
	21074, 301-452-2347, syantrexler@yahoo.com
	Zip Code Telephone # Email Address
orney for Owner(s)/Petitioner(s):	Representative to be contacted:
•	

Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:				
lame- Type or Print	Name – Type or Print				
Signature A DER RECEIVED FOR FILM	Signature				
Mailing Address City State	Mailing Address City	State			
Zip Code Telephone # Email Address	Zip Code Telephone # En	nail Address			

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this _ day of required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Filing Date 3 182017 Estimated Posting Date 4,9,2017 Reviewer

Zoning property description for 18006 Marshall Mill Road, Hampstead MD 21074

Part A

Beginning at a point on the West side of Marshall Mill Rd which is 20' wide at a distance of 3050 feet North of the centerline of the nearest improved intersecting street (Mt. Carmel Rd) which is 30' wide.

Part B

Being known and designated at lot 39 as show on a plat entitled "Plat II, Buena Vista Estates" and recorded among the land records of Baltimore County in Liber E.H.K, Jr. 39 Folio 51, and containing 7.55 acres. Located in the Fifth Election District and the third Council District.

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For Adm. Variance-18006 Marshall Mill Road								
2017-0260-A (TREXLER)								
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PAID RECEIPT

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Raltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 4 -9-17

RE: Case Number: 2017-0260-4 Petitioner/Developer: Lyan Treplex Date of Hearing/Closing: 4-24-17 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 18006 Marshall Hell Re <u>4-9-17</u> (Month, Day, Year) The signs(s) were posted on (Signature of Sign Poster) J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443 (Telephone Number of Sign Poster)



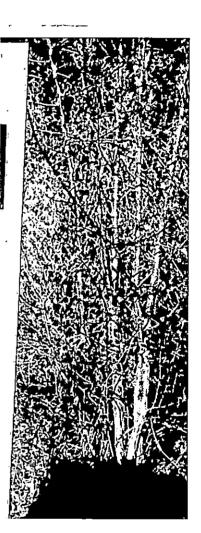
NING NOTICE

CASE # 2017-0260 - A TO PERMIT A PROPOSED ACCESSORY BUILDING (FOLF BARN) WITH A HEIGHT OF 26 FEET IN LIEU OF THE MAXIMUM ALLOWED

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), 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 4/24/17 (5)

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 907 DO NOT REMOVE THIS SIGH AND POST UNTIL ARYPO



Homeowners' Tax Credit Application Status: No Application

Date:

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0260 -A Address 18006 Marshall Mill Road	
Contact Person: Places Print Your Name Phone Number: 410-887-3391	
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391 Filling Date: 3 28 2017 Posting Date: 4 9 2017 Closing Date: 4 24 24 2017 Closing Date: 4 24 24 2017 Closing Date: 4 24 24 24 24 24 24 24	7
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. <u>POSTING/COST:</u> 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. <u>DEADLINE:</u> 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 2018- 0260 -A Address 18006 Marshall Mill Road	
Petitioner's Name Ryan & Teresa Trexter Telephone 301-452-2347	
Posting Date: $4/9/2017$ Closing Date: $4/24/2017$	
Wording for Sign: To Permit a proposed accessory building (pole para) with a	
height of 26 feet in lieu of the maximum allowed 15 feet.	



KEVIN KAMENETZ County Executive

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

April 25, 2017

Ryan & Teresa Trexler 18006 Marshall Mill Road Hampstead MD 21074

RE: Case Number: 2017-0260 A, Address: 18006 Marshall Mill Road

Dear Mr. & Ms. Trexler:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 28, 2017. 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



Date: 4/5/17

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. 2017-026Q-4

Administrative Varionce Ryan & Teresa Trexter 18006 Marshall Mill Road.

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

Baltimore & Harford Counties

WW/RAZ

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 10, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 3, 2017

Item No. 2017-0257, 0258, 0259, 0260, 0262, 0263, 0264, 0265, 0267

and 0268

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

DAK:CEN cc:file

MEMORANDUM

DATE:

May 31, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0260-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 30, 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

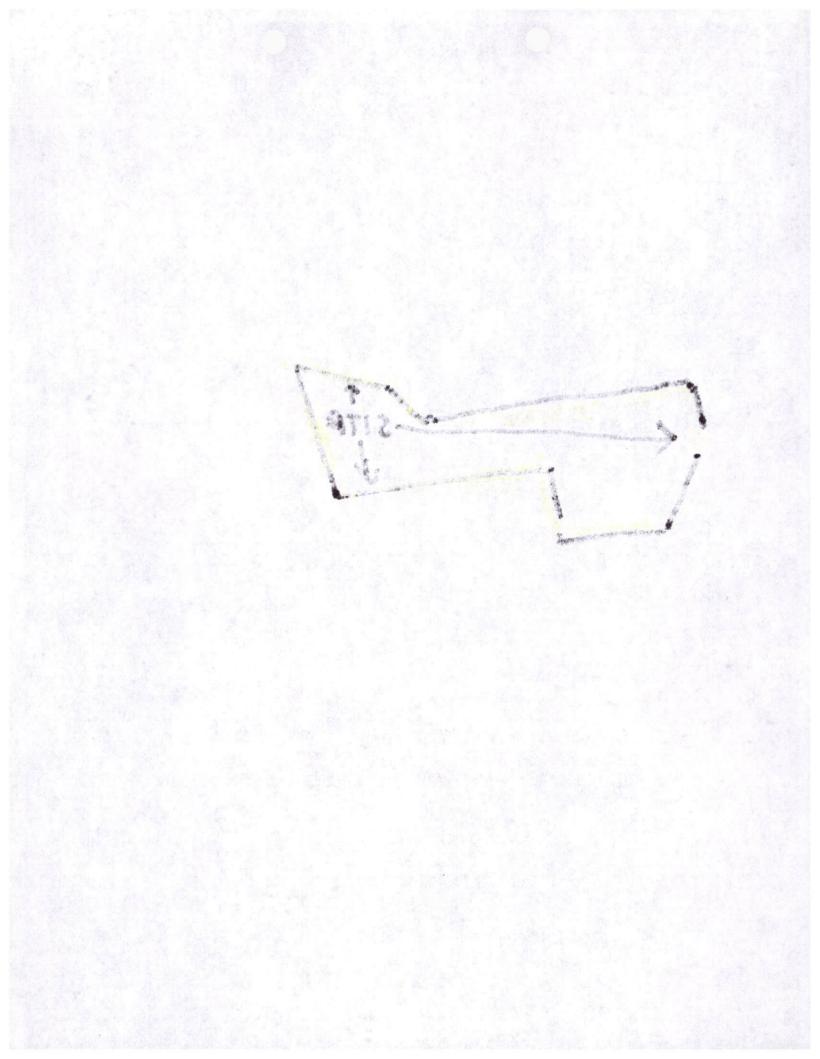
Office of Administrative Hearings

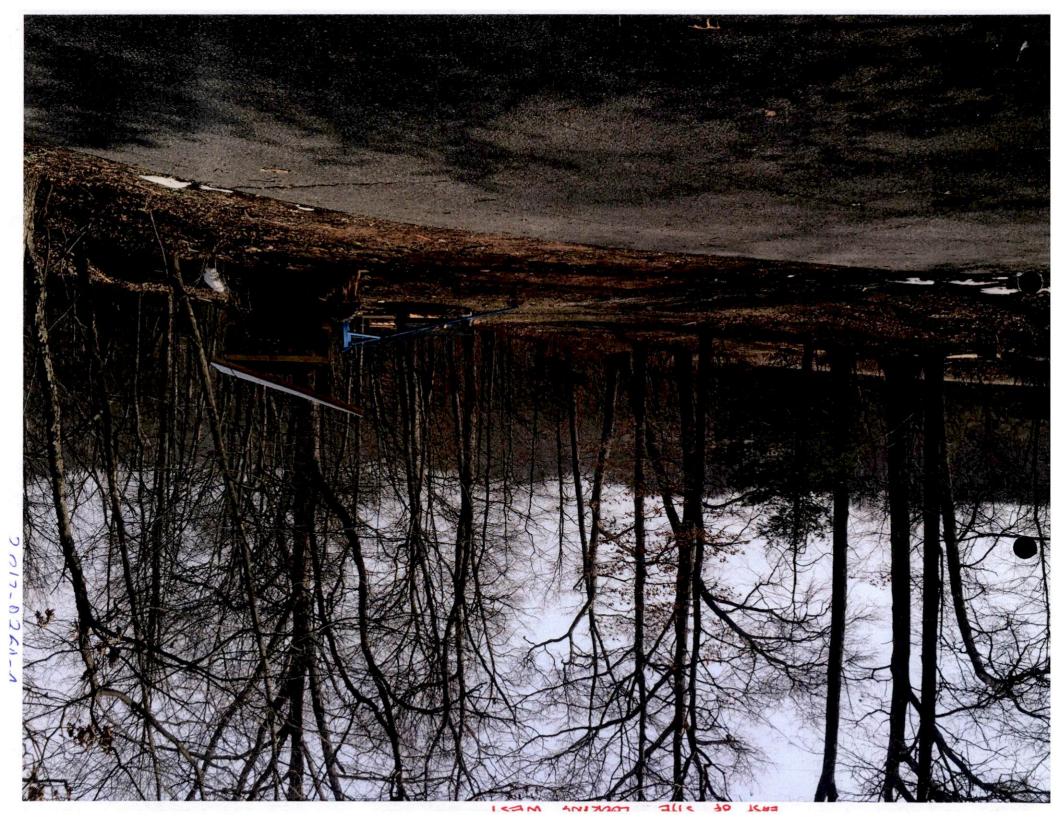
Real Property Data Search

Search Result for BALTIMORE COUNTY

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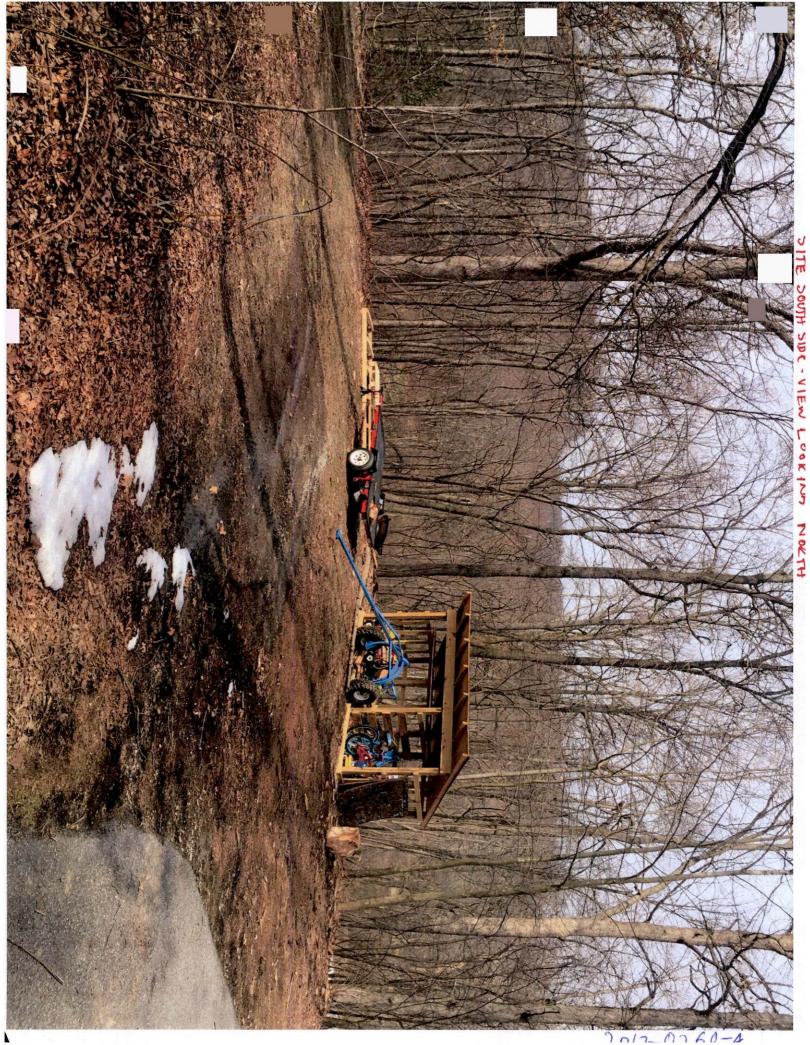
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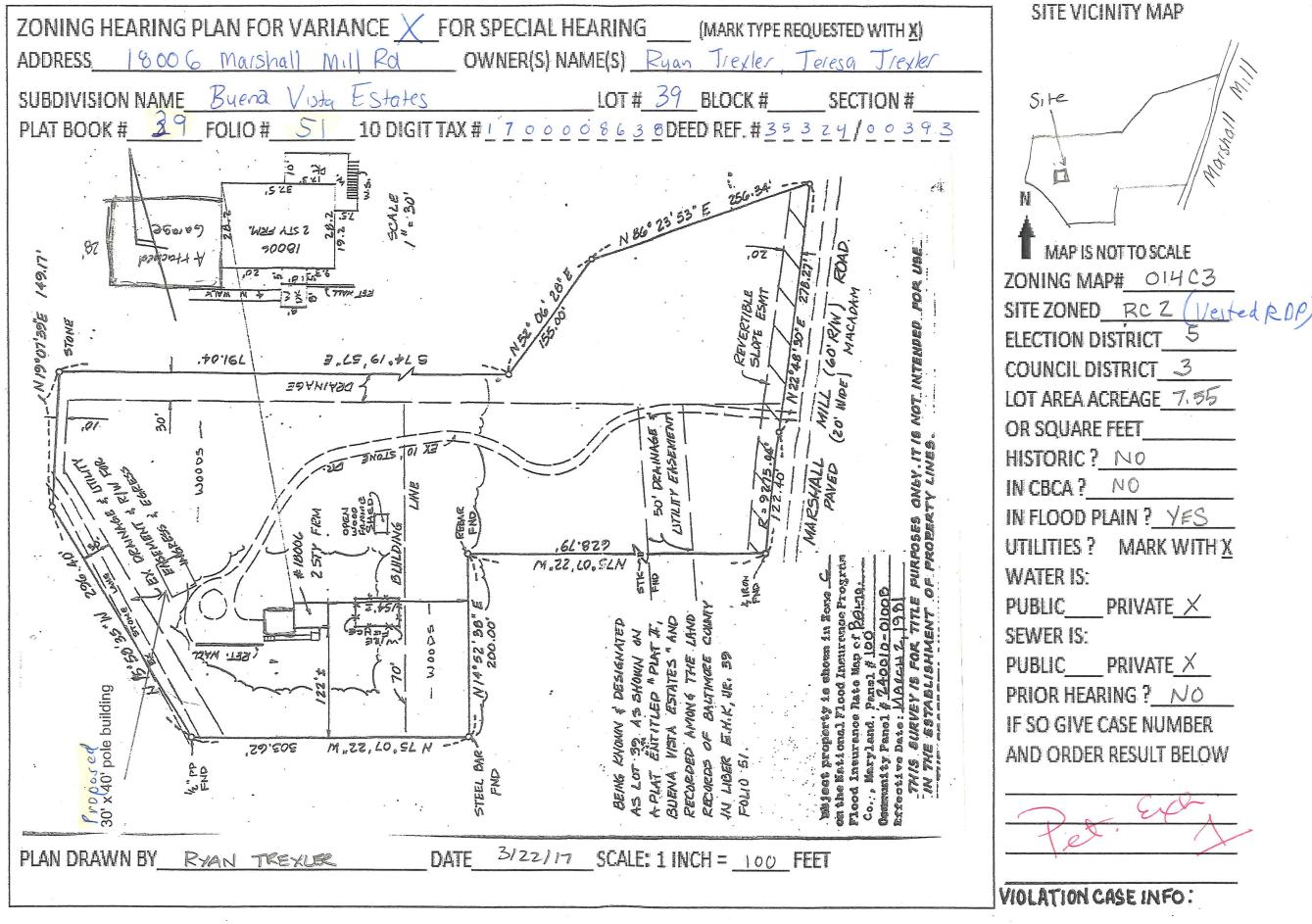
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2017-0260-A