IN RE: PETITION FOR ADMIN. VARIANCE * (24 Elray Road)

11th Election District

5th Election District Jacob & Jaimie Toroney

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0276-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, Jacob and Jaimie Toroney ("Petitioners"). The Petitioners are requesting Administrative Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage) with a height as much as 19 ft. in lieu of the maximum allowed 15 ft.; and to amend the Final Development Plan (FDP) of El Ray Farm, Block A, Lot No. 23 only. 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), Well Water Program, dated March 27, 2017, indicating that the variance request had been reviewed, approved and advised that termite treatment of the foundation within 30 ft. of the well should be avoided.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 23, 2017, and there being no request for a public hearing, a

Date	5-15-17
By	196

ORDER RECEIVED FOR FILING

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 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 detached garage 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>15th</u> day of **May**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Administrative Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage) with a height as much as 19 ft. in lieu of the maximum allowed 15 ft.; and to amend the Final Development Plan (FDP) of El Ray Farm, Block A, Lot No. 23 only, be and is hereby GRANTED.

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The relief granted herein shall be subject to the following:

- 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.
- 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 received from DEPS, dated March 27, 2017; 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	5-15-17
Rv	SW



KEVIN KAMENETZ County Executive VINCENT J. GARDINA, Director
Department of Environmental Protection
and Sustainability

March 27, 2017

Mr. Jacob Toroney 24 Elray Rd Kingsville, MD 21087

RE: 24 Elray Rd, D-11

Dear Mr. Toroney,

On behalf of the Director of this Department, the variance request to construct a detached garage closer than 30 feet from the well on the above-referenced property has been reviewed and approved in accordance with C.O.M.A.R 26.04.04.04D. Please be advised that termite treatment of the foundation within 30 feet of the well should be avoided.

Should you have any questions, please contact me at 410-887-2762.

Sincerely,

William W. Ensor, Jr., L.E.H.S.

Supervisor, Well Water Program

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111 West Chesapeake Avenue, Main Office | Towson, Maryland 21204 www.baltimorecountymd.gov

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KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 15, 2017

Jacob and Jaimie S. Toroney 24 Elray Road Kingsville, MD 21087

RE: Petition for Administrative Variance

Case No. 2017-0276-A Property: 24 Elray 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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure



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: Currently zoned RC-5 Address 24 Elray Road Kingsville, MD 21087 35383 / 00270

Deed Reference

10 Digit Tax Account # 1 9 0 0 0 0 2 5 2 0

Owner(s) Printed Name(s) Jacob and Jaimie Toroney

(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 ADMINI	ADMINISTRATIVE VARIANCE from Section(s)	
	_ ABIMINO TRATTO E TAMENTO E MONTO COSTION (6)	Section 400.3 – to permit a proposed detached accessory
	structure (garage) with a height as much as 19 fe	eet in lieu of the maximum allowed 15 feet; and to amend the
	Final Development Plan of El-Ray Farm, Block A,	Lot #23 only.

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)	/Peti	itioner	S):
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Jacob Toror	ney	, Jain	nie Toroney
Name #1 - Type	r Print		# 2 – Type or Print
Signature #1		//Signa	unif Army
24 Elyay F	Road	Kingsville,	
Mailing Address		City	State
21087 , 6	310-2	23-3919	toroney@hotmail.com
Zip Code	Telep	hone #	Email Address

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

Representative to be contacted:

Name- Type or Print	Name – Type or Print		
Signature	Signature		
Mailing Address City State	e Mailing Address	City	State
Zip Code Telephone # Email Address	Zip Code Tele	ephone #	Email 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

CASE NUMBER 2017-0276-A Filing Date 4/13/17 Estimated Posting Date 4/23 17 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	24 Elray Road Kingsville, N	MD 21087		
71001000	Print or Type Address of property	City	State	Zip Code
	pon personal knowledge, the trative Variance at the above			
	build a detached garage wit			
restrict r	ne from building an attic that	I can stand up in. I n	eed 19' For the attic to	o be useful.
(If add	litional space for the petition req	uest or the above stater	ment is needed, label and	d attach it to this Form)
(M			James In	Dani
Signature	of Owner (Affiant)		Signature of Owner (Affiai	nt)
Jacob T	A		Jaimie Toroney	0
	nt or Type		Name- Print or Type	
	The following information is	to be completed by a N	otany Public of the State	of Maryland
	The following information is	to be completed by a N		- Or Maryland
STATE	OF MARYLAND, COUNTY C	OF BALTIMORE, to v	vit:	
I HEREE and for th	BY CERTIFY, this 29 ne County aforesaid, personally	day of <u>Marck</u> , appeared:	<u>501₹</u> , before me a	Notary of Maryland, in
Print name(s)	here: Jacob Torone	eg & Jaimie	Toroney	
the Affian	nt(s) herein, personally known o	r satisfactorily identified	to me as such Affiant(s	s).
AS WITN	IESS my hand and Notaries Se	al		S). MINIMALINAMINAMINAMINAMINAMINAMINAMINAMINAMINAM
		Notary Public	4/1/2000	B Q
		My Commission Exp	ires	William Control
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The Zoning Petition Property Description

Part A:

Zoning Description for 24 Elray Road Kingsville, MD 21087

Beginning at a point on the north side of Elray Road which is a 50' Radius Right of way, at a distance of 1,863.88' east of the centerline of Mount Vista Road which is a 60' right of way.

Part B:

Being Lot# (23), Block (A) in the subdivision (El-Ray Farm) as recorded in Baltimore County Plat Book #(0047), Folio#(0144), containing (102,322 SF or 2.349 acres). Located in the (11) Election District and (5) Council District.

			D FINANC RECEIPT	Rev	Sub	Date:	4/	3/17	REG USU3 WALKIN CAN >>RECEIPT # 722330 4/13/2017 * [Q=pt 5 528 ZCNING VERIFICATION
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		<u>-</u>		· -					
									CASHIER'S
	JTION								VALIDATION

CERTIFICATE OF POSTING

	2017-0276-A RE: Case No.:
	Petitioner/Developer:
	Jacob Toroney
	May 8, 2017 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
This letter is to certify under the penalties posted conspicuously on the property loca	of perjury that the necessary sign(s) required by law were sted at:
24 Elray Road	
The sign(s) were posted on	April 23, 2017
The sign(s) were posted on	(Month, Day, Year)
	Sincerely, April 23, 2017
ZONING NOTICE	(Signature of Sign Poster) (Date)
ADMINISTRATIVE VARIANCE	SSG Robert Black
CASE#	(Print Name)
To Permit a proposed detached accessory structure (garage) with a height as close as 19 feet in lieu of the maximum allowed 15 feet; and to amend the Final Development Plan of El-Ray Farm, Block A.	1508 Leslie Road
lot # 23 only. PUBLIC HEARING?	(Address)
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603/03 EGOVE THE MEA AND POST STILL AFFIRE ASSESSMENT A	(City, State, Zip Code)
THE STREET	(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0276 -A Address 24 El Ray Rd
Contact Person: Phone Number: 410-887-3391
Filing Date: 4/3/17 Planner, Please Print Your Name Posting Date: 4/23/17 Closing Date: 5/28/17
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. <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.
3. 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- 0276 -A Address 24 El Kay Kd
Petitioner's Name Jacob Toroney Telephone 610 223 391
Posting Date: 4/23/17 Closing Date: 5/08/17
Wording for Sign: To Permit a proposed detached accessory structure (garage) with a height as close as 19 feet in lieu of the
maximum allowed 15 feet; and to amend the final Development
Plan of El-Ray Farm, Block A, lot #23 only. Revised 7/6/16

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: 2017-0276 -A
Property Address: 24 - El Ray Rol
Property Description: East side of El Ray Rd 7-1860 Fee
east of M+ Vista Rd
Legal Owners (Petitioners): Jacob Toroncy
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Jacob Toroney
Company/Firm (if applicable):
Address: 29 Elray Rd
Kingsville MD 21087
Telephone Number: 610-223-3919



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 9, 2017

Jacob & Jaimie Toroney 24 Elray Road Kingsville MD 21087

RE: Case Number: 2017-0276 A, Address: 24 Elray Road

Dear Mr. & Ms. Toroney:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 13, 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: 4/17/17

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 -0276-A

Focob = Faimie Toroney 24Elray 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

TO WOR

20BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 26, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 24, 2017

Item No. 2017-0242, 0273, 0275, 0276 and 0277

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

DAK:CEN cc:file





VINCENT J. GARDINA, Director Department of Environmental Protection and Sustainability

March 27, 2017

Mr. Jacob Toroney 24 Elray Rd Kingsville, MD 21087

RE: 24 Elray Rd, D-11

Dear Mr. Toroney,

On behalf of the Director of this Department, the variance request to construct a detached garage closer than 30 feet from the well on the above-referenced property has been reviewed and approved in accordance with C.O.M.A.R 26.04.04.04D. Please be advised that termite treatment of the foundation within 30 feet of the well should be avoided.

Should you have any questions, please contact me at 410-887-2762.

Sincerely,

William W. Ensor, Jr., L.E.H.S. Supervisor, Well Water Program

J:\Well Variances 2017 Elray Rd, 24, 3.27.17.doc

111 West Chesapeake Avenue, Main Office | Towson, Maryland 21204 www.baltimorecountymd.gov

MEMORANDUM

DATE:

June 15, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0276-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 14, 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

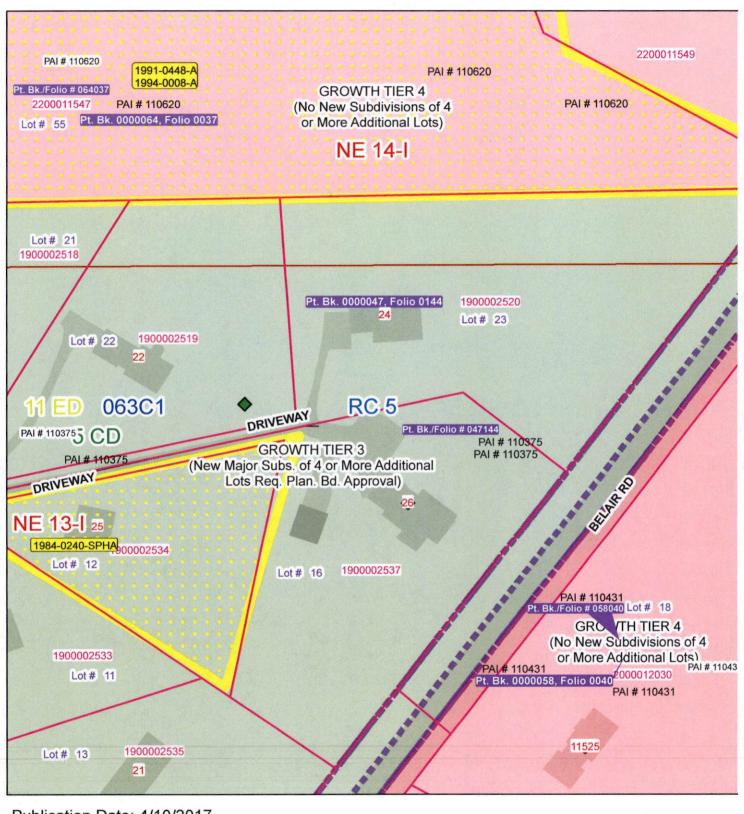
Office of Administrative Hearings

Real Property Data Search

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Type: ARMS LENGTH IMPROVED					Deed1: /35383/ 00270			Deed2:					
Seller: MORGAN GERALD					Date: 02/25/1994			Price: \$0					
Type: NON-ARMS LENGTH OTHER					Deed1: /10368/ 00682			Deed2:					
					Date: 1	1/08/1989			Price	\$175.70	00		
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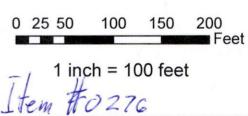
24 El Ray Roau



Publication Date: 4/10/2017

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







Existing South Elevation





Existing East Elevation





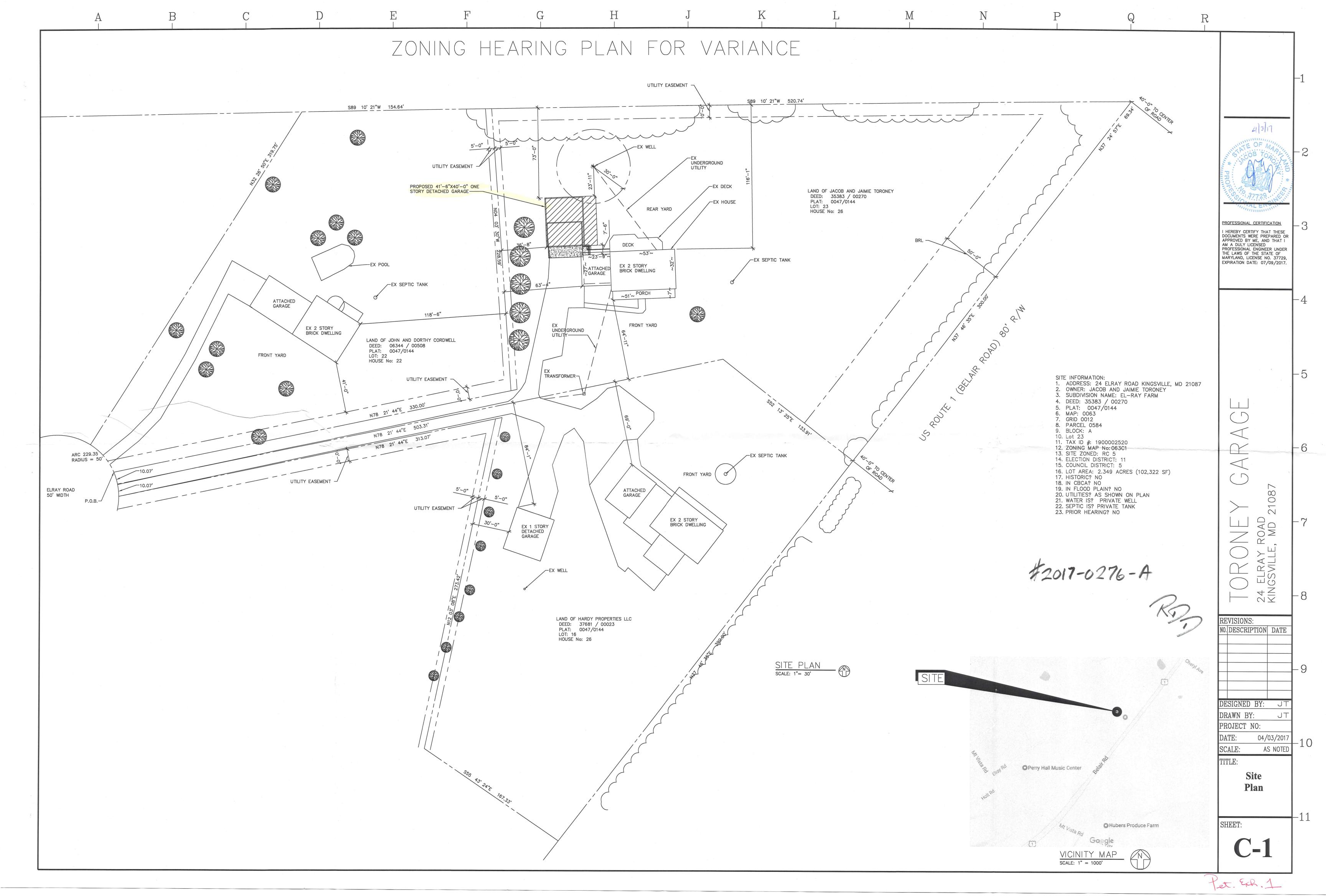
Existing North Elevation

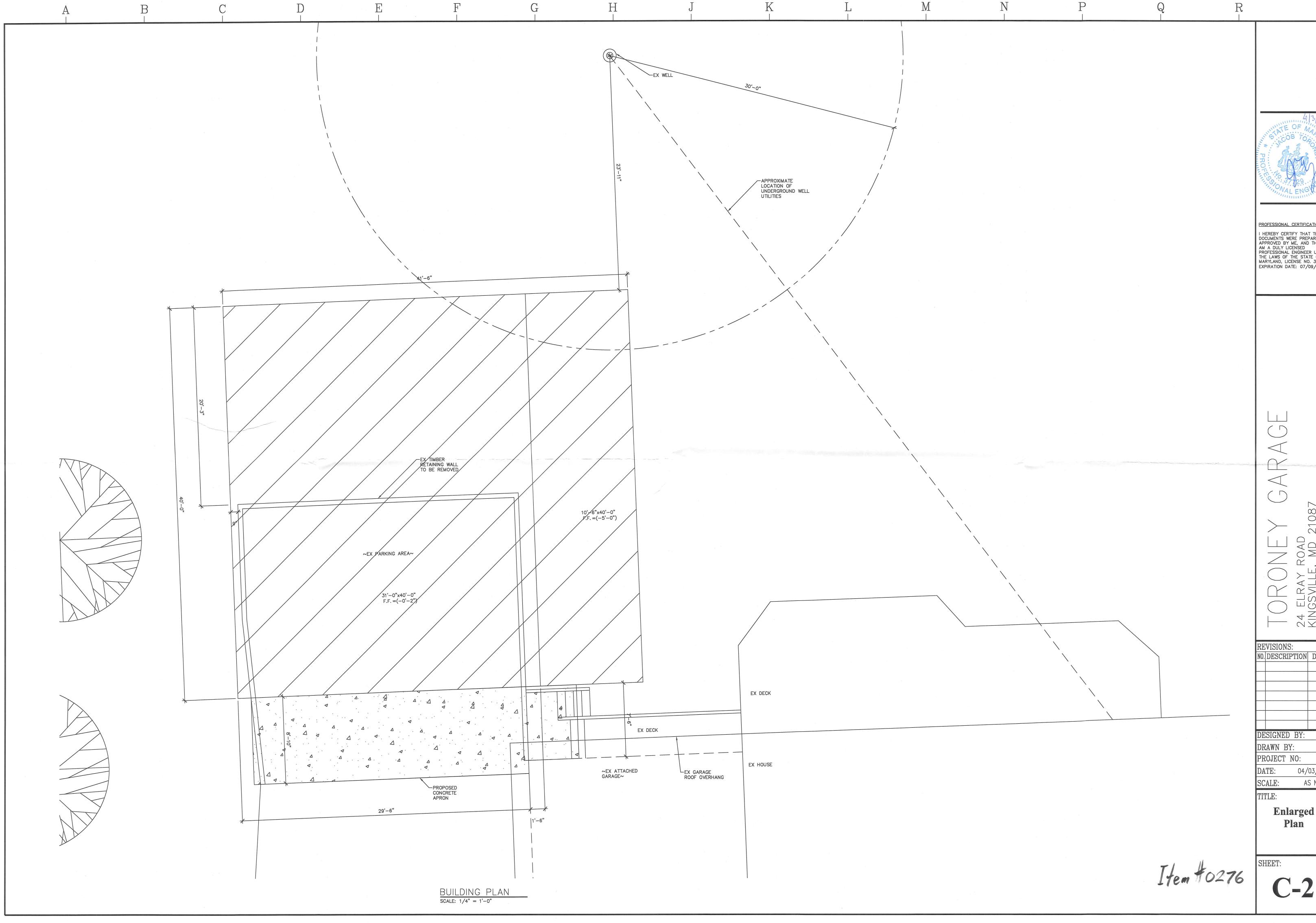




Existing West Elevation







PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THE DOCUMENTS WERE PREPAR APPROVED BY ME, AND THE AM A DULY LICENSED PROFESSIONAL ENGINEER LETHE LAWS OF THE STATE MARYLAND, LICENSE NO. 3 EXPIRATION DATE: 07/09/

REVISIONS:
NO. DESCRIPTION D

04/03, AS N

