IN RE: PETITION FOR ADMIN. VARIANCE * (13025 Manor Road)

11th Election District
3rd Council District

Edward T. Phillips, Jr. & Janet L. Eulert Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0290-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, Edward T. Phillips, Jr. and Janet L. Eulert ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a side yard addition with a side setback of 5 ft. in lieu of the required 50 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 submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 7, 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 ORDER RECEIVED FOR FILING

Date	5-26-17
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Ву	

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, this <u>26th</u> day of **May**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a side yard addition with a side setback of 5 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

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.

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

JE	B:dlw		
ORDER	RECEIVED	FOR	FILING

Date	5	- He	-17	Minutes (Section 1)



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

Administrative Law Judge

May 26, 2017

Edward T. Phillips, Jr. Janet L. Eulert 13025 Manor Road Glen Arm, MD 21057

RE: Petition for Administrative Variance

Case No. 2017-0290-A

Property: 13025 Manor 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

DIVINIO I KATIVE ZUNING PETITION TIVE VARIANCE - OR - ADMINISTRA **E SPECIAL HEARING** FOR ADMINIS the Department of Permits, Approval d Inspections To be filed To the Office of Administrative Hearings for Baltimore County for the property located at: Currently zoned RC5 | RC2 Alen Arm MD 21057 Address 13025 Manor Road 10000 10 Digit Tax Account # / / / 9 0 Deed Reference Owner(s) Printed Name(s) Edward Phillips (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. attached hereto and made a part hereof, hereby petition for an: ADMINISTRATIVE VARIANCE from Section(s) BCZR: 1A04.3.B.2.b. → To permit a side yard addition with a side setback of 5 feet in lieu of the required 50 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County,

Administrative Law Judge for Baltimore County

Estimated Posting Date 3 /

2017-0790-A

CASE NUMBER

Rev 5/5/2016

Affidavit in Support c dministrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE S

:IAL 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.

	00		31.50
Address: 130 25 Manor Road Print or Type Address of property	Olin Arm City	MD State	Z/057 Zip Code
Based upon personal knowledge, the Administrative Variance at the above	e following are the facts	s upon which I/we te <u>practical diffi</u> e	e base the request for an culty or hardship here)
Edward Philips (owner)	is physically disa	ibled - wears	leg + foot brace
(uses cane to walk) and h	eas much defficul	ty walking	on stones and for
grassy areas, Would li	ne to build stud	new to how	ise wine acid
in order to allow him e	asy actessi		
2			
(If additional space for the petition red	quest or the above statem	ent is needed, labe	el and attach it to this Form)
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Carra Colles		/ gung Cu	illit
Signature of Owner (Affiant)		Signature of Owner (
Edward Philips		Janet Eul	ert
Name- Print or Type	N	lame- Print or Type	*
The following information i	s to be completed by a No	otary Public of the	State of Maryland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to w	rit:	
I HEREBY CERTIFY, this	day of April.	∂0∏ , before	me a Notary of Maryland, in
and for the County aforesaid, personally	y appeared:		the same of the sa
1. As Chil			
Print name(s) here:	lligha		
the Affiant(s) herein, personally known	or satisfactorily identified	to me as such Affi	ant(s)
the Amani(s) herein, personally known of	or satisfactority identified	A AAS	ant(o).
AS WITNESS my hand and Notaries Se	eal distinguished	Lille un	4/25/17
	Notary Public	21 245	
	My Commission Expir	res	

dministrative Variance Affidavit in Support o

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE S : IAL 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: 13025 Manor Road Auchom MD 21057 Print or Type Address of property City State Zip Code	
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)	
Edward Phillips (owner) is physically disabled - wears leg + foot brace (uses a	an
and has much difficulty walking on stones and/or grassy areas.	
Would like to build shed mext to house and buck deck in order	
to allow him easy access.	
(If additional space for the petition request or the above statement is needed, label and attach it to this Form) Signature of Owner (Affiant) Signature of Owner (Affiant) Name-Print or Type Name-Print or Type The following information is to be completed by a Notary Public of the State of Maryland	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	Negocci II
I HEREBY CERTIFY, this	n
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notaries Seal	
Notary Public My Commission Expires	

DIVINIO I KATIVE ZUNING PETITION TIVE VARIANCE - OR - ADMINISTRA **E SPECIAL HEARING** FOR ADMINI: the Department of Permits, Approval d Inspections To be filed To the Office of Administrative Hearings for Baltimore County for the property located at: Address 13025 Money Road Clentry MD 21057 Currently zoned 10 Digit Tax Account # 1 / / 9 Deed Reference 3815 Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING \underline{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: ADMINISTRATIVE VARIANCE from Section(s) BCZR: 1A04.3.B.2.b. → To permit a side yard addition with a side setback of 5 feet in lieu of the required 50 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): City State Mailing Address

	Zip Code	relephone #	Lillali Address		
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:				
Name-Type or Print	Name – Type or P	rint			
Name- Type or Print Signature Mailing Address City State	Signature				
Mailing Address City State	Mailing Address	City	State		
Zip Code Date Telephone # Email Address	Zip Code	Telephone #	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 County, this _____day of ______ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative	Law	Judge	for	Baltimore	County
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CASE NUMBER 2017-0390-4	Filing Date 4 1271 17	Estimated Posting Date 5/7/	17 Reviewer)5

PROPERTY DESCRITION

13025 Manor Road, 21057

Northeast side of Manor Road (44 feet), 206 feet northwest of centerline of Langtry Drive (50 feet).

Recorded in Plat Book # 28752, Folio # 143, containing 0.905 acres of land, located in the 11th Election

District and 3rd Council District.

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CERTIFICATE OF POSTING

	RE: Case No	2017-0290-A
	Petitioner:	Phillips / Eulert
	Closing Date:	5/22/17
Baltimore County Departmer	nt of	
Permits, Approvals and Inspe	ections	
Room 111, County Office Buil	lding	
111 W. Chesapeake Ave.		
Towson, Md. 21204		
This letter is to confirm, unde	er penalties of per	jury, that the necessary sign(s)
were posted conspicuously o	n the property loc	ated at
	13025 Manor Ro	pad
	on_	5/7/17
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	Sino	cerely,
	4	The 18 1 5/17
		Richard E. Hoffman
		904 Dellwood Drive
		Fallston, Md. 21047
	·	(443) 243-7360

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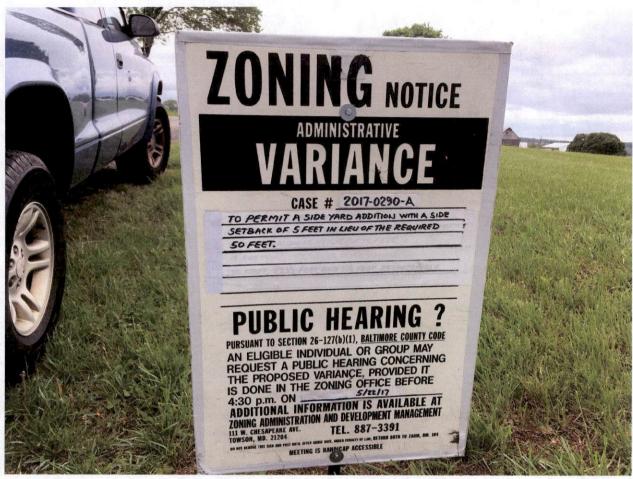
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Certificate of Posting

Case No. 2017-0290-A



13025 Manor Road

(Posted 5/7/17)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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	a formal re		lic hearing	g. Please	understand	that even if the	1,000 feet to file ere is no formal
3.	commission order that the within 10 dwhether the	ler. He may: (a ne matter be set lays of the clos	a) grant the in for a pul ing date if en granted	e requeste blic hearing f all Count	d relief; (b) . You will re y agencies'	deny the reques eceive written no comments are	or deputy zoning sted relief; or (c) tification, usually received, as to The order will be
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Petitio	ner's Name	PHILLIAS /EU				elephone <u>400</u>	
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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: 2017-0390-4
Property Address: 13025 Manor Road Glen Arm, MD 24067
Property Description: Rural Residential Single Family Dwelling
Legal Owners (Petitioners): Edward Philips/Sanet Euler
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Company/Firm (if applicable):
Address: 13025 Manor Road
Address: 13025 Manor Road Blen Arm, MD 21057
Telephone Number: 410-409-4760

Revised 7/9/2015



KEVIN KAMENETZ County Executive

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

May 23, 2017

Edward Phillips & Janet Eulert 13025 Manor Road Glen Arm MD 21057

RE: Case Number: 2017-0290 A, 13025 Manor Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 27, 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: 5/1/17

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. 2017-0290-A

Administrative Variance Edward Phillips & Jamet Eulert 13025 Manor 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 12, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 8, 2017

Item No. 2017-0161, 0279, 0287, 0288 and 0290

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

DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05082017.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:

May 4, 2017

SUBJECT:

DEPS Comment for Zoning Item

2017-0290-A

Address

13025 Manor Road

(Phillips & Eulert Property)

Zoning Advisory Committee Meeting of May 8, 2017.

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

Reviewer:

Steve Ford

Date: 5-4-2017

MEMORANDUM

DATE:

June 27, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0290-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 26, 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

Note to Hearing Officer:

2017-0290-A

Mr. Beverungen,

FYI #1 — The proposed addition is actually a storage shed that will be partially mounted to the house. There will NOT be direct access from the house to the shed. They will need to go outside the dwelling to access the shed.

FYI #2 – The entire project will be in the RC5 portion of the property.

Jason Seidelman

Planner II

Zoning Review

Baltimore County, MD

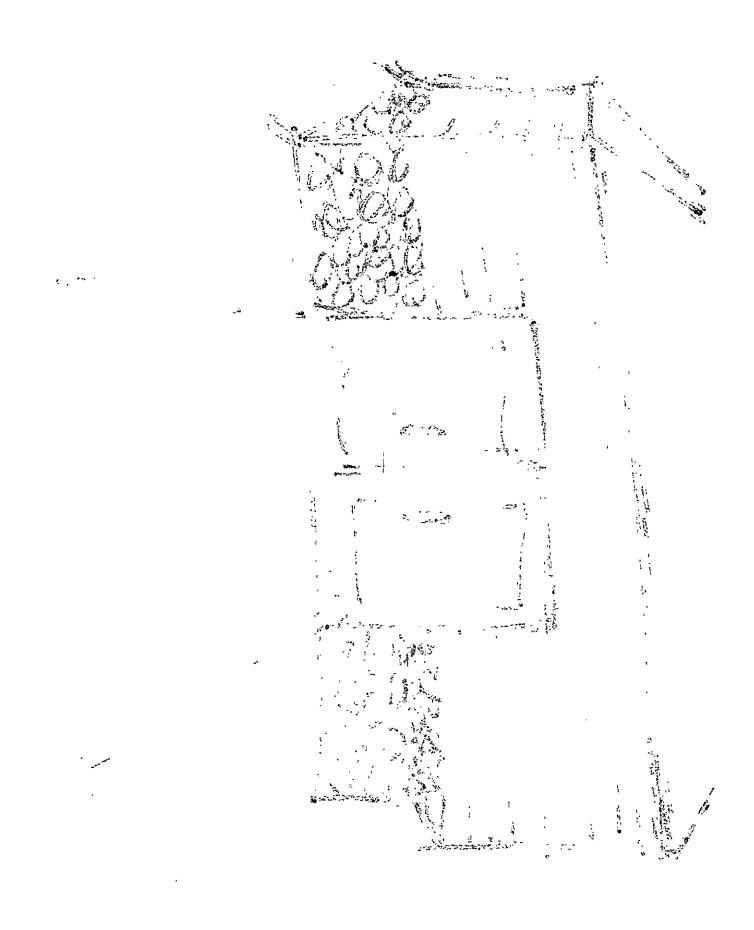
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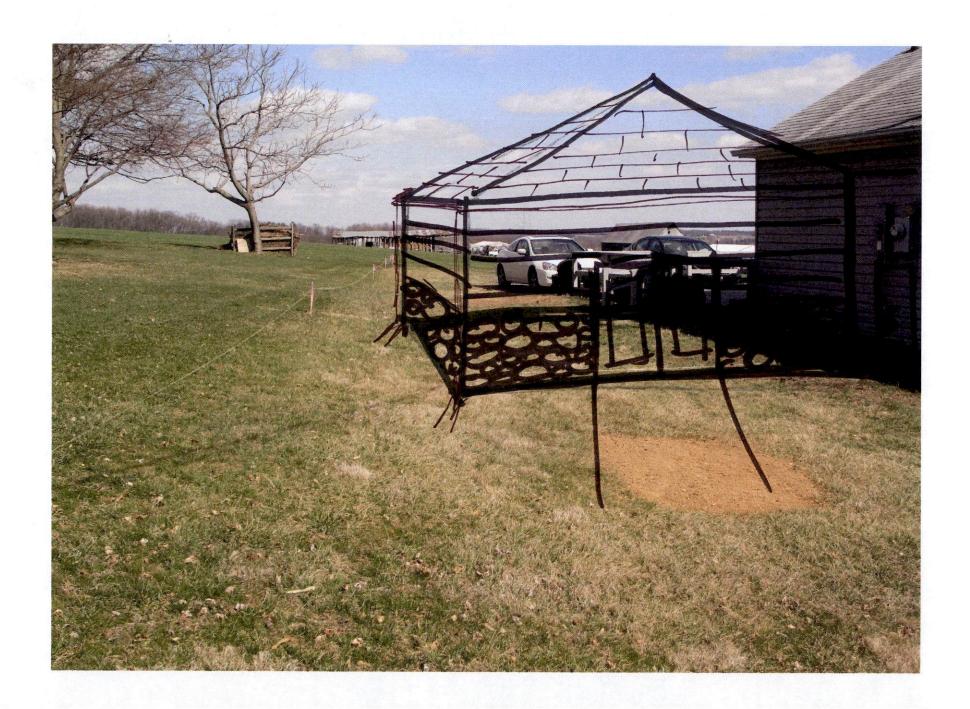
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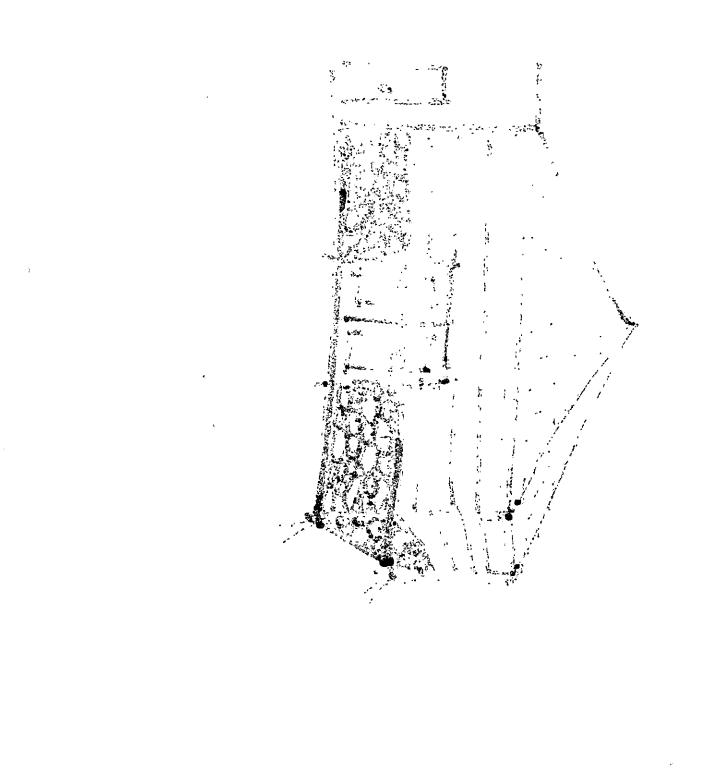
Search Result for BALTIMORE COUNTY

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Account Identifier:			w GroundRent Redemption District - 11 Account Number - 11190742					View GroundRent Registration			
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Owner Name: Mailing Address:			PHILLIPS EDWARD T JR EULERT JANET L			Use: Principal Residence:			RESIDENTIAL YES		
				13025 MANOR ROAD GLEN ARM MD 21057- 9628			Deed Reference:			/38158/ 00001	
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Seller: STREETT C HOWARD					Date: 09/27/1971			Price: \$30,000			
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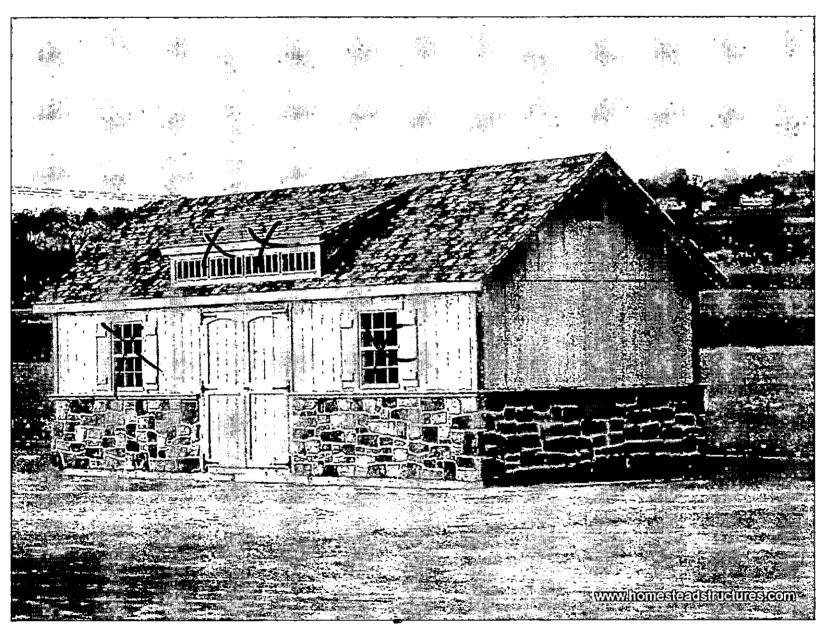


Back of House

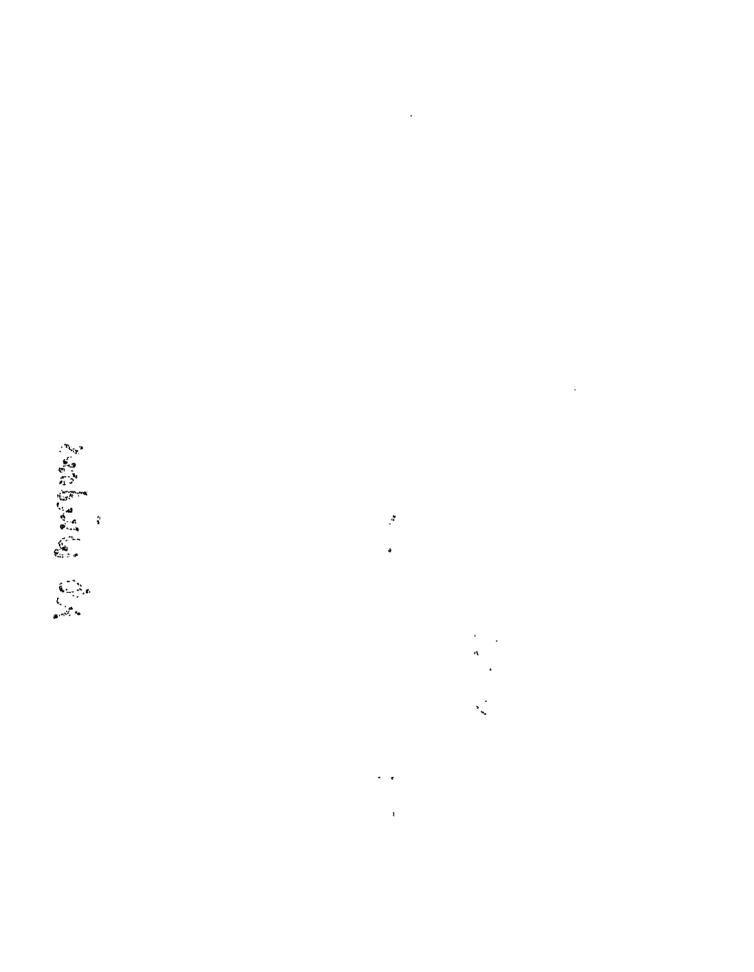


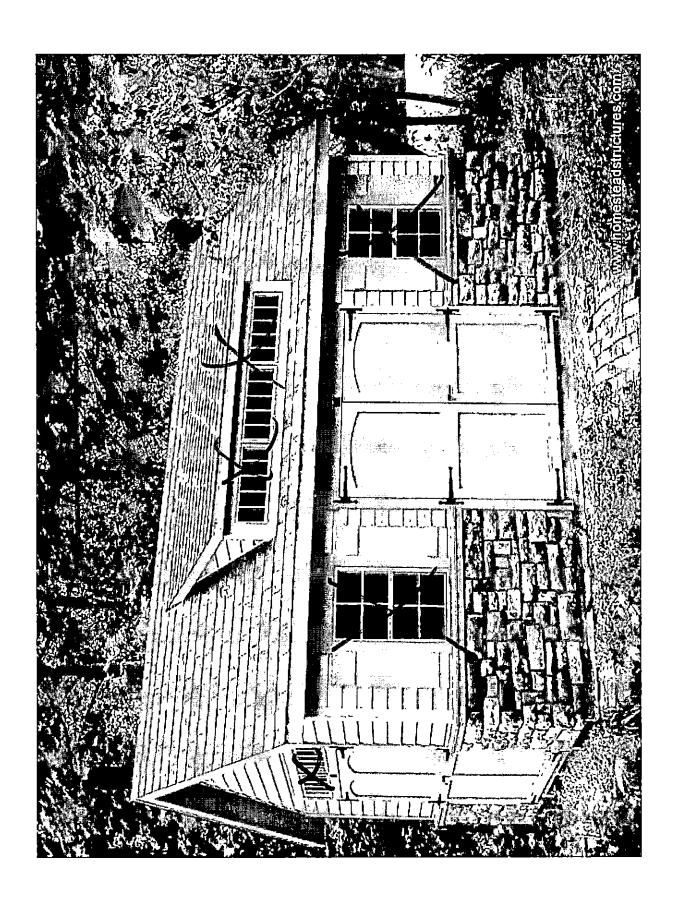


V 283



NO windows





















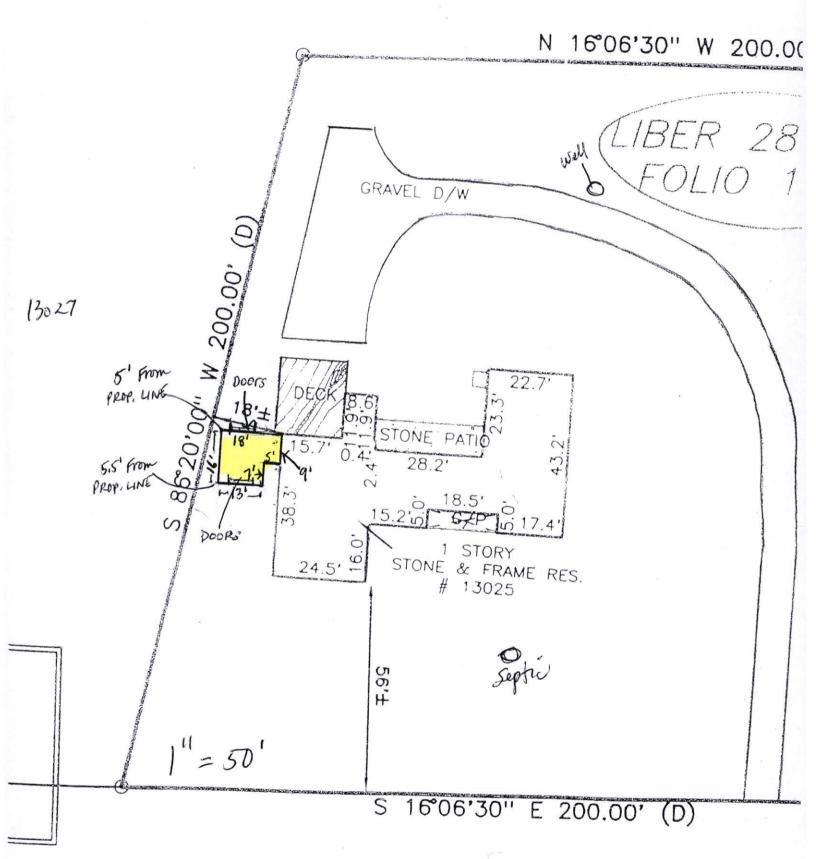




ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 13025 Manor Rd 21057 OWNER(S) NAME(S) Edward Phillips/Janet Eulert	SHE VICINITY MAP HYDES RO. MANOR
SUBDIVISION NAME South of Hydes Road LOT # N/A BLOCK # N/A SECTION # N/A PLAT BOOK # 28752 FOLIO # 143 10 DIGIT TAX # 1119074280 DEED REF. # 38158/00001	MANOR ROAD
PLAT BOOK # 28752 FOLIO # 143 10 DIGITTAX # 1 / 1 / 9 07 42 8 0 DEED REF. # 38158/ 00001 EXISTING FIELD - PASTURE ORDISS N 16'06'30" W 200.00 (b) REASTING FIELD - PASTURE ORDISS N 16'06'30" W 200.00 (b) REPASTURE ORDISS N 16'06'30" E 200.00 (b) N	MAP IS NOT TO SCALE ZONING MAP# RC5 RC2 SITE ZONED RUND RESIDE ELECTION DISTRICT 1/ COUNCIL DISTRICT 3 LOT AREA ACREAGE 8967 ± OR SQUARE FEET HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC PRIVATE X SEWER IS: PUBLIC PRIVATE X PRIOR HEARING? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
	VIOLATION CASE INFO:

. .. -

Existing Field (Pasture Grass)



MANOR ROAD
(60' R/W)