#### MEMORANDUM

DATE: October 27, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0064-A - Appeal Period Expired

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

IN RE: PETITION FOR ADMIN. VARIANCE \* (10607 Vincent Farm Lane)

15<sup>th</sup> Election District 6<sup>th</sup> Council District David & Terri L. Yox Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0064-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, David and Terri L. Yox ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory structure (garage) to be located in the side and rear yard in lieu of the required third of the lot farthest removed from any street with a height of 20 ft. in lieu of the maximum permitted 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 September 1, 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 ORDER RECEIVED FOR FILING

Date	9-26-17	NO.
Bv		

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 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, kitchen or bathroom facilities, or 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>26<sup>th</sup></u> day of <u>September</u>, <u>2017</u>, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory structure (garage) to be located in the side and rear yard in lieu of the required third of the lot farthest removed from any street with a height of 20 ft. in lieu of the maximum permitted 15 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.

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Date	1 36 11	
By	600	

a - 26-17

2.	Petitioners or	subsequent ow	ners shall not	convert the	garage into	a dwelling	unit
	or apartment.	The garage sh	all not contai	n any sleepin	g quarters,	living area,	and
		hroom facilities					

3. The garage 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

By\_\_\_\_\_







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

To the Office of Administrative Hearings  Address 10607 VINCENT FARM LANG  Deed Reference 15834 1 531  Owner(s) Printed Name(s) DAVID AND TER	10 Digit Tax Account # 1-5 0 8 8 0 0 8 4 0
(SELECT THE HEARING(S) BY MARKING $X$ AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
	reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	in Reltimore County and which is also also at a second
1. X ADMINISTRATIVE VARIANCE from Section(s)	
SEE ATT	ACHEO
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
	/e a waiver pursuant to Section 22 4 107/b) of the Delice
of the Baltimore County Code, to the development law of Bal Property is to be posted and advertised as prescribed by the zoning regulati I/ we agree to pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County.	
	Owner(s)/Petitioner(s):  DAVIO YOX
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print  Signature  Mailing talkess  City State	DAVID BILLINGSLEY  Naprie - Type or Print  Owed Dillings less
Signature  Mailing ## Male Company Com	Signature GOI CHARWOOD CT EDGEWOOD MD
Zip Code at Telephone Email Address	Mailing Address  City State  2/040 (410)679-8719 , dwb0209 eyahoo.com
A PUBLIC HEARING laving been formally demanded and/or found to be	Zip Code Telephone # Email Address  required, it is ordered by the Office of Administrative Hearings for Baltimore atter of this petition be set for a public hearing, advertised, and re-posted as
Administra	tive Law Judge for Baltimore County
CASE NUMBER 2018 - 0064 - A Filing Date 8 251	50g

Rev 5/5/2016

# **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: 10607 VINCENT FARM LA WHITE MARSH, MD. 21167 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)
SEE ATTACHED
(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)
( mant)
DAVID YOX TERRI L. YOX
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:
HEREBY CERTIFY, this 3 day of August, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: David Yox and Terri Yox
he Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal
Notary Public
ASMINI ALICO MA Pugust 7th 2018
ASHLYN M HOOD My Commission Expires NOTARY PUBLIC HOWARD COUNTY

REV. 5/5/2016

MARYLAND

MY COMMISSION EXPIRES AUGUST 7, 2018

SECTIONS 400.1 AND 400.3 (BCZR) TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDE AND REAR YARD IN LIEU OF THE REQUIRED THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET WITH A HEIGHT OF 20 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET.

#### **JUSTIFICATION FOR REQUEST**

We desire to construct a garage on our property to be utilized for parking of our personal vehicles used daily as well as an area to store and work on collector vehicles. We prefer the garage to be located in close proximity of our house for ease of access to the dwelling as well as providing additional security for the vehicles.

In order to allow a lift to be installed in the garage for working on the collector vehicles, we are requesting that the garage be permitted a height of 20 feet. The garage will not be utilized for commercial purposes or provide any additional residential living area. The color of the garage exterior will be compatible with that of the existing house



Beginning for the the same at a point formed by the intersection of the centerline of Vincent Farm Lane with the centerline of Ebeneezer Road, thence:

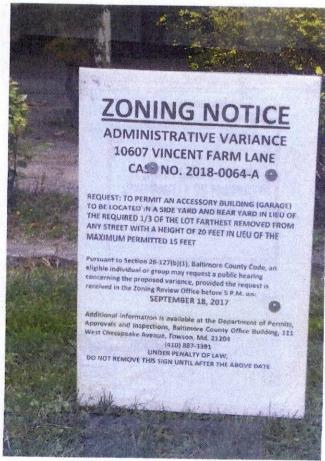
- 1. S 04° 45' W 210.85 feet
- 2. S 83° 37' E 144.92 feet
- 3. N 13° 11' E 170.78 feet
- 4. N 61° 47' W 44.92 feet and
- 5. N 73° W 132 feet to the place of beginning. Containing 30,400 square feet or 0.698 acre of land, more of less

Being known as 10607 Vincent Farm Lane. Located in the  $15^{TH}$  election district,  $6^{TH}$  councilmanic district of Baltimore County, Md

## **CERTIFICATE OF POSTING**

Date: SEPTEMBER 1, 2017

RE:	Project Name:	10607 VINCENT FARM ROAD
	Case Number /PAI Numbe	r:2018-0064-A
	Petitioner/Developer:	DAVID YOX
	Date of Hearing/Closing: _	
were		penalties of perjury that the necessary sign(s) required by law property located at10607 VINCENT FARM ROAD
	The sign(s) were posted on	
		(Month, Day, Year)



Oburd Billingsly
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

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

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

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2018- 0064 -A Address 10607 VINCENT FARM RO
Contact Person: Phone Number: 410-887-3391
Filing Date: 8/25/17 Posting Date: 9/3 Closing Date: 9/18
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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2018-0064-A Address 10607 UINCENT FARM Rd
Petitioner's Name $\frac{1}{1}$ $\frac{1}{1$
Posting Date: $\frac{9/3/17}{}$ Closing Date: $\frac{9/18/17}{}$
Wording for Sign: To Permit an accessory structure (GARAGE)
to be located in the side and recovered
in lieu of the received 1/3 of the let in the
the transfer of the transfer o
with a helpht of 20ft in lieu of the Revised 6/30/2018
BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS PERMITS 15+

## 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 Adver	tising:			
Case Number:	2018-	0064-A		
Property Address:	10607	VINCENT	FARM	CA
Property Description:			tel on the	& SE COR
Legal Owners (Petition	ers): DA	6		c 8 -
Contract Purchaser/Les	ssee:		3	
		48		
PLEASE FORWARD A	DVERTISING F	BILL TO:		
Name: DAYIK	YOX			
Company/Firm (if applied	cable):	1	E.	*
Address:/06		LCENT FA	RM LA	NE
BK	1670 M	(D. 21167		
*		8	8	
Telephone Number:	(410)	977-5511		

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		and the second of the second o	PAID RECEIPT
The second secon	BALTIMORE COUNTY; MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT  Rev Source/ Fund Dept Unit Sub Unit Obj	Date: 25/7 Sub Rev/ Sub Obj Dept Obj BS Acct Amount	NUSINESS ACTUAL TIME PRO 8/22/2017 8/25/2017 09:41:23 5 REG WEGS MALKIN LRS RECEIPT 0 914083 6/25/2017 OFLE RECEIPT 0 914083 6
	Rec   1) A U.E. B/(_(_/N)	Total:	· · · · · · · · · · · · · · · · · · ·
	For: 2018-0064	-A	
	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - C PLEASE PRESS HARD!!!		CASHIER'S VALIDATION

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

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 7, 2017

Department of Permits, Approvals

And Inspections

NQ

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 4, 2017

Item No. 2018- 0060-A, 0062-A, 0064-A and 0065-SPH

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

VKD: CEN cc: file



KEVIN KAMENETZ County Executive

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

September 19, 2017

David & Teri L Yox 10607 Vincent Farm Lane White Marsh MD 21162

RE: Case Number: 2018-0040 A, Address: 10607 Vincent Farm Lane

Dear Mr. & Ms. Yox:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 25, 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

David Billingsley, 601 Charwood Court, Edgewood MD 21040



**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:

August 29, 2017

SUBJECT:

**DEPS** Comment for Zoning Item

# 2018-0064-A

Address

10607 Vincent Farm Lane

(Yox Property)

Zoning Advisory Committee Meeting of September 4, 2017.

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

Reviewer:

Steve Ford

Date: 8-29-2017



STATE HIGHWAY ADMINISTRATION

Larry Hogan Governor Boyd K. Rutherford Lt. Governor Pete K. Rahn Secretary Gregory Slater

Date: Logred 30, 2017

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 20180644 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.

Administrative Vovionce David & Terri L. Yox 1060 7 Vincent Farmlone.

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, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

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

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



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Reviewer:

Steve Ford

Date: 8-29-2017



## CHECKLIST

Comment Received	<u>Depar</u>	<u>tment</u>		Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT (if not received, da			
8-29	DEPS (if not received, day	te e-mail sent	)	NO
	FIRE DEPARTME	ENT		
	PLANNING (if not received, da	te e-mail sent		
8.30	STATE HIGHWA	Y ADMINISTR	ATION	No object.
	TRAFFIC ENGIN	EERING		
	COMMUNITY AS	SSOCIATION		
	ADJACENT PROI	PERTY OWNE	RS	
ZONING VIOLA	TION (Cas	se No		
PRIOR ZONING	(Cas	se No	<u> </u>	
NEWSPAPER AI	OVERTISEMENT	Date:		
SIGN POSTING		Date:	9-1-17	by Beengley
	NSEL APPEARANCE	Yes TER Yes	No No	
Comments, if any	:			

## **ZAC AGENDA**

Case Number: 2018-0064-A Primary Use: RESIDENTIAL Reviewer: MerreyJoseph

Type: ADMISTRATIVE VARIANCE
Legal Owner: David & Terri L Yox

Contract Purchaser

Critical Area: No Flood Plain: No Historic No Election Dist Fifteenth Councilmanic Dist Sixth

Property Address: 10607 Vincent Farm LANE

Location: SE corner of the intersection of Vincent Farm Lane and Ebenezer Road

Existing Zoning: RC 3 Area: 0.698 +/- acre

Proposed Zoning: ADMISTRATIVE VARIANCE:

To permit an accessory structure (garage) to be located in the side and rear yard in lieu of the required third of the lot farthest removed from any street with a height of 20 ft. in lieu of

the maximum permitted 15 ft.

Attorney:

Prior Zoning Cases: Concurrent Cases:

Violation Cases: Closing Date: 9/18/2017 12:00:00AM

Miscellaneous:

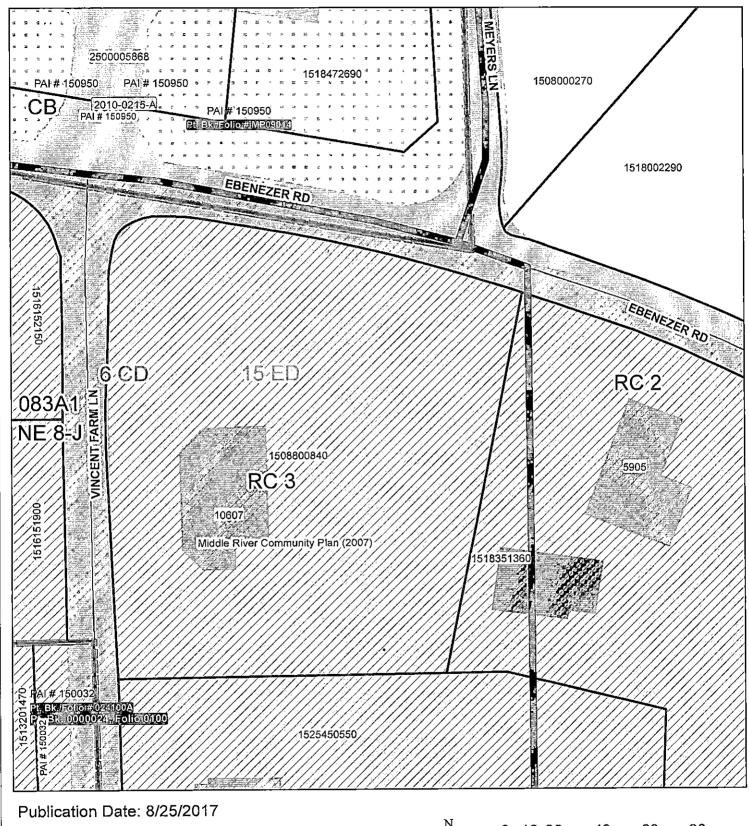
#### Real Property Data Search

#### Search Result for BALTIMORE COUNTY

View Ma	ар	Vi	ew GroundRer	nt Rede	emption			View Grour	ndRent Regi	stration
Account	Identifier	:	District -	15 <b>Ac</b>	count Num	ber - 1508	800840	)	II.	
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Mailing Address:		LN	MARSH	CENT FARM Deed Reference ARSH MD		eferenc	e:	/15834/ 005	31	
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0000	0001	0020		0000					2010	Ref:
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Primary Built 1900	y Structu	re	Above Grade Area 2,224 SF	Living	Finis Area	hed Baser	ment	Proper Area 30,400	<b>ty Land</b> SF	County Use 04
Stories 2	Base YES	ment	Type STANDARD U	INIT	Exterior SIDING	Full/Half 1 full	Bath	Garage	Last Maj	or Renovation
					Value Info	ormation				
			Base V	alue	Val As	E007		Phase-in A As of	ssessments. As	s of
					DV 171752	01/2015		07/01/2017	8,100	/01/2018
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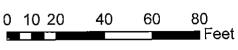
Homestead Application Information	
Homestead Application Status: Approved 05/26/2009	
Homeowners' Tax Credit Application Information	
Homeowners' Tax Credit Application Status: No Application	Date:

## 16307 Vincent Farm Foad



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





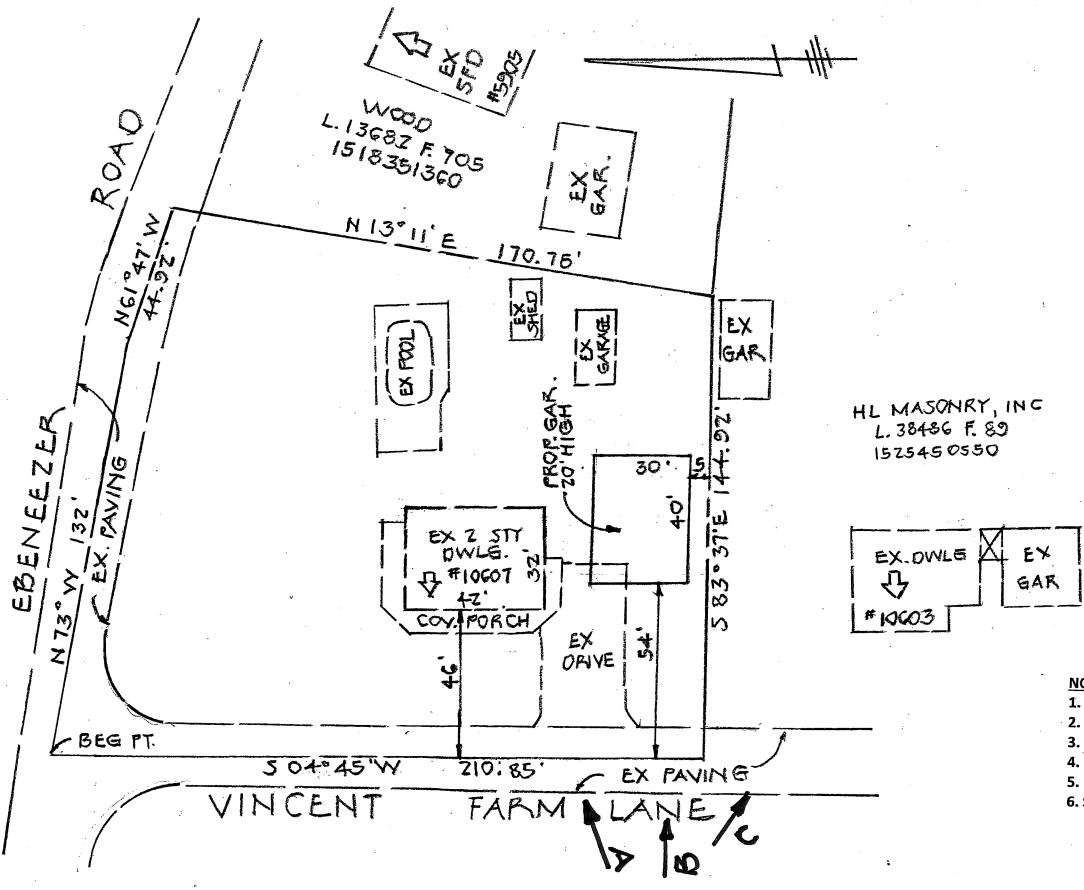
1 inch = 40 feet

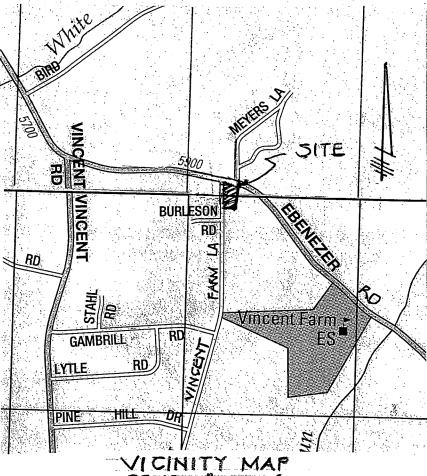




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VICINITY MAP

**OWNER DAVID AND TERRI YOX 10607 VINCENT FARM ROAD** WHITE MARSH, MD. 21162 L. 15834 F. 531

ACCT. NO. 1508800840

#### **NOTES**

- 1. ZONING.....RC3 (MAP NO. 083A1)
- 2. LOT AREA.....30,400 S.F. = 0.698 ACRE +/-
- 3. PUBLIC WATER AND SEWER
- 4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
- 5. NO UNDERGROUND STORAGE TANKS OR HISTORIC STRUCTURES EXIST
- 6. SITE IS NOT LOCATED IN CBCA OR 100 YEAR FLLOD ZONE

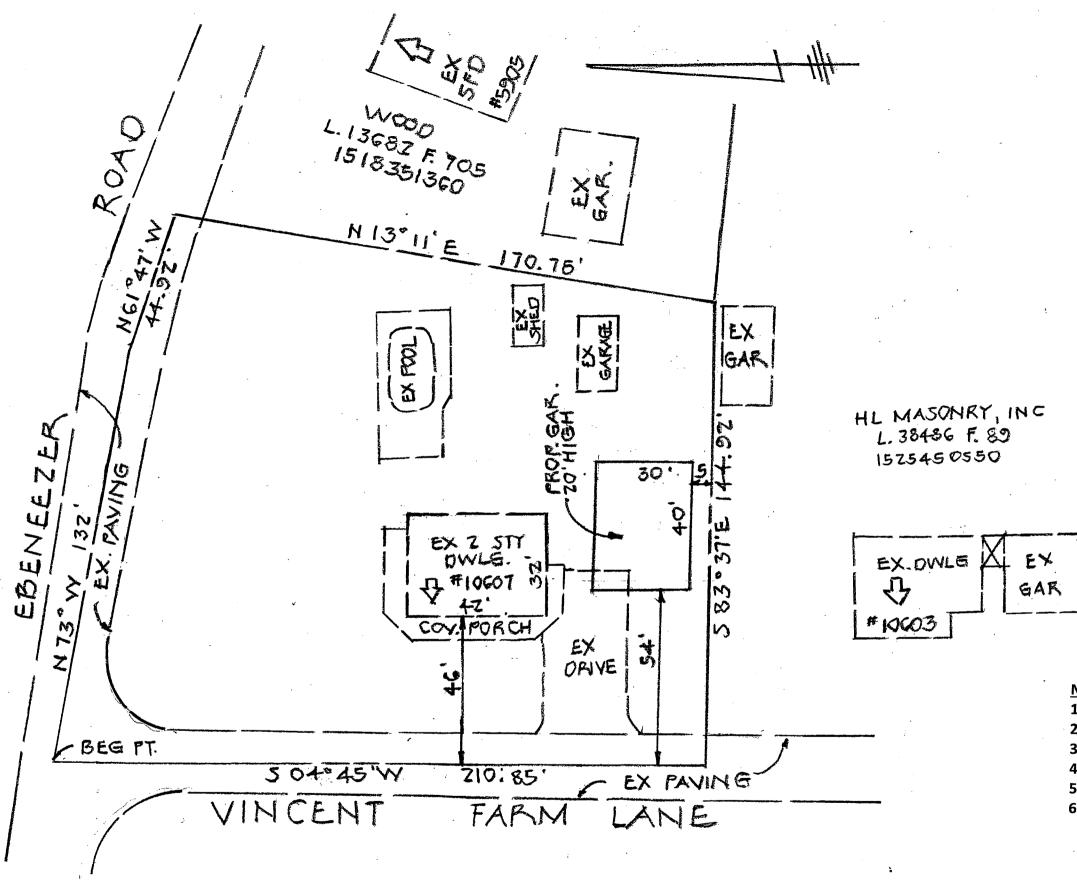
PHOTOS

PLAT TO ACCOMPANY PETITION

10607 VINCENT FARM LANE **ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.** SCALE: 1 INCH = 30 FEET AUGUST 3, 2017

Pet. Eph. 1

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



WINCENT BURLESON FOR THE BURLESON FOR THE BOTTON FO

OWNER
DAVID AND TERRI YOX
10607 VINCENT FARM ROAD
WHITE MARSH, MD. 21162
L. 15834 F. 531
ACCT. NO. 1508800840

#### **NOTES**

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2018-0064-A

#### PLAT TO ACCOMPANY PETITION

10607 VINCENT FARM LANE.

ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET AUGUST 3, 2017

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