IN RE: PETITION FOR SPECIAL HEARING

(9101 Bengal Road)

2<sup>nd</sup> Election District

4<sup>th</sup> Council District

Michael Gitagia & Shareba Kerriem

Legal Owners

Petitioners

BEFORE THE

OFFICE OF

Office of

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0066-SPH

OPINION AND ORDER

Petitioners Michael Gitagia and Shareba Kerriem filed the above petition for special hearing, seeking to increase the size of an Assisted Living Facility I from four to seven beds. Petitioners did not attend the public hearing scheduled for October 19, 2017 at 10:00 a.m. As such this case will be dismissed.

THEREFORE, IT IS ORDERED this <u>20<sup>th</sup></u> day of **October**, 2017 by this Administrative Law Judge, that the Petition for Special Hearing filed in the above captioned matter, be and is hereby DISMISSED WITHOUT PREJUDICE.

Any appeal of this decision must be filed within thirty (30) days of the date of this Order.

JOHN E. BEVERUNGEN Administrative Law Judge

for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date.

By





To the Office of Administrative Law of Baltimore County for the property located at:

Deed References: 27278 00395 Property Owner(s) Printed Name(s) Gitagia,	10 Digit Tax Account # <u>0 2 1 4 9 0 0 0 3 0</u>
3	IATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
The undersigned legal owner(s) of the property situate in and plan attached hereto and mad	Baltimore County and which is described in the description e a part hereof, hereby petition for:
or not the Zoning Commissioner should approve  To approve the increase in the amount of beds for of the maximum allowed 4 beds.	g Regulations of Baltimore County, to determine whether an existing Assisted Living Facility I to 7 beds, in lieu
2 a Special Exception under the Zoning Regulations	of Baltimore County to use the herein described property for
3 a Variance from Section(s)	
(Indicate below your hardship or practical difficulty one you need additional space, you may add an attachment attachment in the property is to be posted and advertised as prescribed by the zoning regular I, or we, agree to pay expenses of above petition(s), advertising, posting, eand restrictions of Baltimore County adopted pursuant to the zoning law for	tions.  It is an a further agree to and are to be bounded by the zoning regulations
Contract Purchaser/Lessee:	Legal Owners (Petitioners):
,	Gitagia, Michael, Shareba Kerriem
Name- Type or Print	Name #1 – Type or Print  Name #2 – Type or Print  Name #2 – Type or Print
Signature	Signature #1 Signature #2  4 Marbledale Ct Reisterstown MD
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	21136 / 443-857-5230 /Sakpara@aoL·Com Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
Name- Type or Print	Representative to be contacted:  Name – Type or Print  Signature
0:	Cinnatura (IA)

Signature Mailing Addres State Mailing Address City State Email Address Email Address Telephone # CASE NUMBER 2018-0066-5P4 Filing Date 8 / 75 7 Do Not Schedule Dates: \_



# PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: Address 9101 Bengal Rd Randal Stown MD 21133 which is presently zoned DR5.5

Deed References: 27278100395 10 Digit Tax Account # 0 2 1 4 9 0 0 0 3 0

Zip Code Telepho	one # Ema	ail Address	Zip Code Telephone # Email Address
waining Address	/	State	18
Signature  Mailing Address	City	State	Signature City State
Name- Type or Print			Name – Type or Print
Attorney for Petitions	er:	2	Name – Type or Print  Signature  City  State
Zip Code Telepho		ail Address	Zip Code Telephone # Email Address
/ Talanta		all Addraga	21136 , 443-857-5230 , Sakpara@aoL. Com
Mailing Address	City	State	Mailing Address City State
Signature		-	Signature #1 Signature #2  4 Marbledale Ct Reisterstown MD
Name- Type or Print			Name #1 – Type or Print  Name #2 – Type or Print  Name #2 – Type or Print
N Dist		22 	Gitagia, Michael, Shareba Kerviem Name #1-Type or Print Name #2-Type or Print
Contract Purchaser/L	_essee:		Legal Owners (Petitioners):
and restrictions of Baltimore	ses of above petition(s) County adopted pursu n: I / we do so solemnly	), advertising, posting, ant to the zoning law fo	etc. and further agree to and are to be bounded by the zoning regulations
	ur hardship or pra	actical difficulty	zoning law of Baltimore County, for the following reasons: or indicate below "TO BE PRESENTED AT HEARING". If ent to this petition)
	*		
3 a Variance from	m Section(s)		a a
2 - Variance from	na Castian(a)		
2 a Special Exc	eption under the Z	oning Regulations	of Baltimore County to use the herein described property for
	m allowed 4 beds	_	
			or an existing Assisted Living Facility I to 7 beds, in lieu
or not the Zoning Co			ng Regulations of Baltimore County, to determine whether
	and plan attach	ed hereto and ma	de a part hereof, hereby petition for:
		_	Baltimore County and which is described in the description
		-	RIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
Property O	wner(s) Printed Na	me(s) Gitagia	Michael Shareba Kerriem

CASE NUMBER 2018-0066-5PH Filling Date 8 705 17 Do Not Schedule Dates:

### THE ZONING PETION PROPERTY DESCRIPTION

### PART A

Zoning property description for 9101 Bengal Road. Beginning at a point on the South side of ... Device ... which is 50 feet wide at a distance of 50 feet, ... of the centerline of the nearest improved intersecting street...... OF THE Communication which is ...... Of feet wide.

### PART B

Being lot# 9, Block D, Section# 1 in the subdivision of Randall Ridge as recorded in Baltimore County Plat Book# 26, Folio# 139, containing 10,725 square feet. Located in the 2 Election District and 4 Council District.

# Note to Hearing Officer:

# 9101 Bengal Road, 21133

Mr. Beverungen,

The petitioner in this case runs/owns an existing 4 bed ALF-I and wants to increase the total amount of beds to 7. This property does not meet the density required to allow 7 beds and the petitioner was advised of this. She was told by Carl that she could ask for it via Special Hearing so she insisted that we take in her petition.

Jason Seidelman
Zoning Review
Baltimore County, MD

410-87-3391



501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5199767

### Sold To:

Michael Gitagia & Shareba Kerriem - CU00619961 4 Marbledale Ct Reisterstown, MD 21136-3210

#### Bill To:

Michael Gitagia & Shareba Kerriem - CU00619961 4 Marbledale Ct Reisterstown, MD 21136-3210

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Sep 28, 2017

#### NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property Identified herein as follows:

Case: # 2018-0066-SPH
9101 Bengal Road
S/west corner of intersection of Offutt Road and Bengal 2nd Election District - 4th Councilmanic District

2nd Election District - 4th Councilmanic District Legal Owner(s) Michael Gitagia & Shareba Kerriem Special Hearing to determine whether or not the Administrative Law Judge should approve the increase in the amount of beds for an existing Assisted Living Facility 1 to 7 beds, in lieu of the maximum allowed 4 beds. Hearing: Thursday, October 19, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9/103 September 28.

9/103 September 28

The Baltimore Sun Media Group

# **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 10/3/2017

Case Number: 2018-0066-SPH

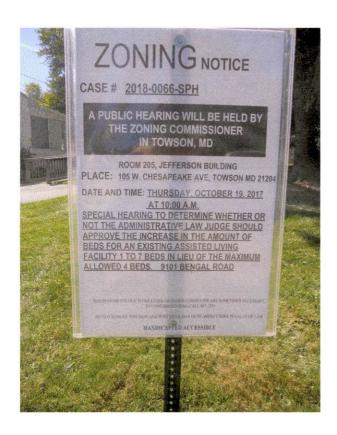
Petitioner / Developer: MR. GITAGIA ~ MS. KERRIMAN

Date of Hearing (Closing): OCTOBER 19, 2017

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:

9101 BENGAL ROAD

The sign(s) were posted on: SEPTEMBER 29, 2017



Kuda O Keefe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

September 11, 2017

# NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2018-0066-SPH** 

9101 Bengal Road

S/west corner of intersection of Offutt Road and Bengal Road

2<sup>nd</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Michael Gitagia & Shareba Kerriem

Special hearing to determine whether or not the Administrative Law Judge should approve the increase in the amount of beds for an existing Assisted Living Facility 1 to 7 beds, in lieu of the maximum allowed 4 beds.

Hearing: Thursday, October 19, 2017 at 10:00 a.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: Mr. Gitagia, Ms. Kerriem, 4 Marbledate Court, Reisterstown 21136

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 29, 2017.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 28, 2017 Issue - Jeffersonian

Please forward billing to:

Michael Gitagia & Shareba Kerriem 4 Marbledale Court Reisterstown, MD 21133 443-857-5230

# NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0066-SPH

9101 Bengal Road S/west corner of intersection of Offutt Road and Bengal Road 2<sup>nd</sup> Election District — 4<sup>th</sup> Councilmanic District Legal Owners: Michael Gitagia & Shareba Kerriem

Special hearing to determine whether or not the Administrative Law Judge should approve the increase in the amount of beds for an existing Assisted Living Facility 1 to 7 beds, in lieu of the maximum allowed 4 beds.

Hearing: Thursday, October 19, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabion

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
9101 Bengal Road; SW corner of intersection
Of Offutt Road & Bengal Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Michael Gitagia
& Shareba Kerriem
Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

2018-066-SPH

## **ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

SEP 07 2017

Peter Max Zumerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Combo S Vembro

CAROLE S. DEMILIO Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204 (410) 887-2188

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7th day of September, 2017, a copy of the foregoing Entry of Appearance was mailed to Michael Gitagia and Shareba Kerriem, 4 Marbledale Court, Reisterstown, Maryland 21136, Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

# 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:
Property Address: 9101 BENGAL RUAS
Property Description:
Legal Owners (Petitioners): MICHAEL GITAGIA + SHAKEBA KERRIEM
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: MICHAEL GITAGIA + SHAREBA KERRIEM
Company/Firm (if applicable):
Address: 9101 BENGAL RD
RANDAUSTOUN, MD 21133
Telephone Number: 443 - 857 - 5230

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

October 12, 2017

Michael Gitagia Shareba Kerriem 4 Marbledale Court Reisterstown MD 21136

RE: Case Number: 2018-0066 SPH, Address: 9101 bengal 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 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





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

Date: 9/5/17

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. 2018-2066-3PH

Special Hearing Michael Gitagia & Sharebakerrien 9101 Bongal 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, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

# **BALTIMORE COUNTY, MARYLAND**

## INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 11, 2017

Department of Permits, Approvals

FROM:

And Inspections

WC

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 11, 2017

Item No. 2018-0055-A, 0066-SPH, 0068-A, 0069-A, 0070-A and 0071-A

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

VKD: CEN cc: file

# BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: 9/20/2017

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 18-066

**INFORMATION:** 

Property Address: 9101 Bengal Road

Petitioner:

Michael Gitagia, Shareba Kerriem

Zoning:

DR 5.5

Requested Action:

Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should permit an increase in the amount of beds for an existing Assisted Living Facility I to 7 beds in lieu of the maximum allowed 4 beds.

A site visit was conducted on September 8, 2017.

The Department opposes granting the petitioned zoning relief.

Field inspection shows insufficient space to locate the required 3 parking spaces in conformance with the provisions of BCZR §432A.1.C. The Department of Permits, Approvals and Inspections, Zoning Review Office has indicated to the Administrative Law Judge that site density cannot support 7 beds. This Department will concur with the total number of beds as determined by the Administrative Law Judge based upon Zoning Review recommendation and evidence brought through the public hearing.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:

. Moxley

AVA/KS/LTM/ka

c: Dennis Wertz

Michael Gitagia & Shaereba Kerriem Office of the Administrative Hearings People's Counsel for Baltimore County

## **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:

September 6, 2017

SUBJECT:

**DEPS** Comment for Zoning Item

# 2018-0066-SPH

Address

9101 Bengal Road

(Gitagia & Kerriem Property)

Zoning Advisory Committee Meeting of September 11, 2017.

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

comment on the above-referenced zoning nen

Reviewer:

Steve Ford

Date: 9-6-2017

# CHECKLIST

Comment <u>Received</u>	<u>Depa</u>	rtment	Support/Oppose/ Conditions/ Comments/ No Comment	
9-11				NC
9-6	DEPS (if not received, da	ate e-mail sent _	)	<u> </u>
	FIRE DEPARTM	ENT		e
9-50	PLANNING (if not received, da	ate e-mail sent _	)	Opposes.
9-5	Department  Development Plans Review (if not received, date e-mail sent)  DEPS (if not received, date e-mail sent)  FIRE DEPARTMENT  PLANNING (if not received, date e-mail sent)  STATE HIGHWAY ADMINISTRATION  TRAFFIC ENGINEERING  COMMUNITY ASSOCIATION  ADJACENT PROPERTY OWNERS  DING VIOLATION  (Case No)  PRE'S COUNSEL APPEARANCE  PLE'S COUNSEL APPEARANCE  PLE'S COUNSEL COMMENT LETTER  Yes	No objection		
	TRAFFIC ENGIN	EERING		<del></del>
, 	COMMUNITY A	SSOCIATION		
	ADJACENT PRO	PERTY OWNE	RS	
ZONING VIOLATIO	ON (Ca	se No		
PRIOR ZONING	(Ca	se No		)
NEWSPAPER ADV	ERTISEMENT	Date:	9-28-17	
SIGN POSTING	•	Date:	9-29-17	by O'Keege
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		11121 165	140	
Comments, if any:	See note	from Jos	on Seidelm	_ (Zonnig Review)
Roth Vesider	res (Bengal	of Marbled	well per SDAT	Indicate

## Real Property Data Search

### Search Result for BALTIMORE COUNTY

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Homeowners' Tax Credit Application Status: No Application

Date:

# Real Property Data Search

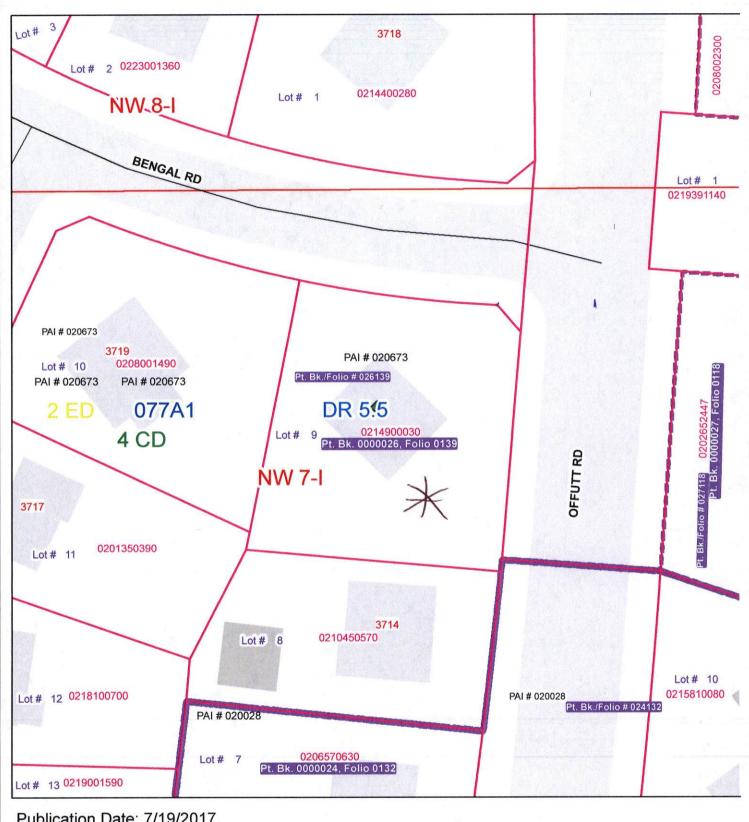
## Search Result for BALTIMORE COUNTY

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Owner N	ama:		CITA	DIA BAIC	Own CHAEL K	er Information							
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			Base	Value		Value		Phase-i	in Assess	ments			
						As of 01/01/2016		As of 07/01/20	017	-	of /01/2018		
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Seller:	PAFFEN	BACKRV	WILLIAM,TRU	STEE		05/31/2013	11		Drice	: \$225,	000		
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		VAY HOM				07/21/1967					40		
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	xempt A	ssessmer	nts: Class	************			07/01/20	17		07/01	/2018		
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Tax Exemp	empt: t Class:				Speci NONE	al Tax Recap	oture:						
				Hon	nestead A	application Inf	ormation						
Hamasta	ad Appli	cation Sta	atus: Denied										

Homeowners' Tax Credit Application Status: No Application

Date:

# 9101 Bengal Roau



Publication Date: 7/19/2017



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



