MEMORANDUM

DATE:

January 23, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0167-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 22, 2019. 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.'

/dlw

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE *

BEFORE THE

(1 Louis Edward Court)

8th Election District 3rd Council District

Russ P. Anton

Petitioner

THE A DINIGG HOD

HEARINGS FOR

BALTIMORE COUNTY

OFFICE OF ADMINISTRATIVE

k CASE NO. 2019-0167-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 owner of the property, Russ P. Anton ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory structure (pool) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 2, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). 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

ORDER RECEIVED FOR FILING

| Date | 12-20-18 |
|------|----------|
| Dez | |

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>20th</u> day of <u>December</u>, <u>2018</u> by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory structure (pool) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
- Petitioner must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and the Forest Conservation Regulations, if applicable.

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 | 12-20-18 |
| By | |

ADMIN. JRATIVE ZONING PETITI ...

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

| Address 1 Louis Edward CT. Cockeys | for Baltimore County for the property located at: |
|--|--|
| Deed Reference 14485 100184 Owner(s) Printed Name(s) R Antun | 10 Digit Tax Account #2 000007 1/1 |
| (SELECT THE HEARING(S) BY MARKING X AT THE APPRO | OPRIATE 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 attached hereto and made a part hereof, hereby petition for | in Baltimore County and which is described in the plan/plat an: an accessory structure too.1; BCZR, To PERMIT (A POOL) |
| 1. ADMINISTRATIVE VARIANCE from Section(s) | too. 1', BCZP, TO PERMIT IA' POOL) |
| TO BE LOCATED IN THE SIDE BEARYARD. | YARD IN LIEU OF THE REQUIRED |
| of the zoning regulations of Baltimore County, to the zoning | law of Baltimore County. |
| 2 ADMINISTRATIVE SPECIAL HEARING to appro County Code: (indicate type of work in this space: i.e., to rea | ove a waiver pursuant to Section 32-4-107(b) of the Baltimore ze, alter or construct addition to building) |
| of the Baltimore County Code, to the development law of Ba | altimore County. |
| Property is to be posted and advertised as prescribed by the zoning regula !/ we agree to pay expenses of above petition(s), advertising, posting, etc. Baltimore County adopted pursuant to the zoning law for Baltimore County | and further agree to be bound by the zoning regulations and restrictions of |
| | Owner(s)/Petitiàner(s): |
| | Russ Anton |
| | Name #1 — Type or Print Name #2 — Type or Print |
| | Signature #2 Louis Edwonp CT Cuckewille In b Mailing Address City State |
| | 2/030/4/03083535 Rus Anden 2005@ Venze, Zip Code Telephone # Email Address ne. |
| Attorney for Owner(s)/Petitioner(s): | Representative to be contacted: |
| Name-Type or Print Signature Mailing Address City State | Name - Type or Print |
| Signature RECEIVE | 8260 Preston Ct. Jessy MD |
| Mailing Address City State | Mailing Address City State 20794,4438125327 d Darkinsen and hungsy |
| Zip Code Telephone # Email Address | Zip Code Telephone # Email Address / Cly |
| | be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as |
| Administ | trative Law Judge for Baltimore County |
| CASE NUMBER 2819 - 0167 - A Filing Date 1124 | 18 Estimated Posting Date 12, 12, 18 Reviewer JCM |
| CASE NUMBER - 7 // Filing Date // P | Estimated Posting Date 2/2/8 Reviewer) |

Affidavit in Support of A ninistrative 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: Louis Edward CT Print or Type Address of property | Caskerulle | My | 2/030 |
|--|------------------------------|---|--|
| Print or Type Address of property | City | State | Zip Code |
| Based upon personal knowledge, the following the Administrative Variance at the above added to the control of t | | | |
| - the state of the | pack Afra A | r Exb 2/psr 2/psr 1/ We 1/ also | strop to the and as a strong of the strong the strong to t |
| (If additional space for the petition reques | t or the above statement is | needed, label | and attach it to this Form) |
| Signature of Owner (Affiant) ZVC A~YON | Signatu | re of Owner (A | Affiant) |
| Name- Print or Type | Name- I | Print or Type | |
| The following information is to be | pe completed by a Notary P | ublic of the S | tate of Maryland |
| STATE OF MARYLAND, COUNTY OF E | BALTIMORE, to wit: | | |
| I HEREBY CERTIFY, this 20+10 day and for the County aforesaid, personally app | | 8_, before m | ne a Notary of Maryland, in |
| Print name(s) here: Charles W. Ma | Manus | | |
| the Affiant(s) herein, personally known or sat | isfactorily identified to me | as such Affia | nt(s). |
| AS WITNESS my hand and Notaries Seal | These Wyler otary Public | Man- | JUNE SON ESON ESON ESON ESON ESON ESON ESO |
| | y Commission Expires | | 20 ZI |

| Zoning Property Description for 1 Loois LowArd Cooks | | |
|---|----------------|----------------|
| Beginning at a point on the east side of Louis Edward Ct.which is | 50 | feet wide at a |
| distance of 30 feet _ NE _ of the centerline of the nearest imp | proved interse | ecting street |
| BEAVER Dam Ro which is 60 feet wide. | | |

Being Lot 1 ,BLOCK ,SECTION 2 in the Subdivision of IVY HILL as recorded in Baltimore County Plat Book 54 folio 72,containing 3.2178 Acres .Located in the 8th Election District and 3rd Council District.

CERTIFICATE OF

| | 1121 Gabe 119 <u>1 </u> | | |
|---|--|--------------|--|
| | Petitioner: | Russ A | nton |
| | Closing Date: _ | | 12/17/18 |
| | | | |
| Baltimore County Departmer | nt of | | |
| Permits, Approvals and Inspe | ections | | |
| Room 111, County Office Bui | lding | | |
| 111 W. Chesapeake Ave. | | | |
| Towson, Md. 21204 | | | |
| This letter is to confirm, undeconspicuously on the propert 1 Louis Edward Court (| y located at | lward Ct., | |
| <u> </u> | | on | 12/2/18 |
| | /. | 904 De | E. Hoffman Ilwood Drive n. Md. 21047 |

RF: Case No.

2019-0167-A

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| Maria Carlo |

Certificate of Posting Case No 2019-0167-A



1 Louis Edward Court (SS Louis Edward Ct. at driveway NS property – 1 of 2)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certificate of Posting Case No 2019-0167-A



1 Louis Edward Court (SS Louis Edward Ct.- NE of Beaver Dam Rd. - 2 of 2)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

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: 1 Louis Edward CT. Cockeysville MD 2/030 |
| Property Address: 1 Louis Edward CT. Cockeyrulle MD 2/030 Property Description: THAT PROPERTY LOCATED ON THE NE/CORNER Of the INTERSECTION of REAVER DAM RD. \$ Louis EDWARDS |
| Legal Owners (Petitioners): Russ Anten |
| Contract Purchaser/Lessee: |
| PLEASE FORWARD ADVERTISING BILL TO: Name: |
| Company/Firm (if applicable): |
| Address: |
| |
| Telephone Number: 443 841 2067 |

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 2019-0167 -A Address / Louis Enumer CT- |
|--|
| Contact Person: Phone Number: 410-887-3391 |
| Filing Date: 1/2/1/18 Posting Date: 12/2/18 Closing Date: 12/17/18 |
| 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. POSTING/COST: 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. |
| 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 2019-0167 -A Address / Louis Enward CT. |
| Petitioner's Name Russ Anton Telephone 4/0-308-3535 |
| Posting Date: 12/2/18 Closing Date: 12/17/18 |
| Wording for Sign: To Permit A Pool To BE LOCATED IN The SIDE |
| YARD IN LIEY OF THE REDUIRED REAR YARD |
| |
| Revised 6/30/2019 |

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JOHN A. OLSZEWSKI, JR. County Executive

DIRECTOR Department of Permits, Approvals & Inspections

December 18, 2018

Russ Anton
1 Louis Edward Ct.
Cockeysville, MD 21030

Dear Mr. Anton:

RE: Case Number: 2019-0167A, Address: 1 Louis Edward Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 21, 2018. 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: MTC

Enclosures

c: People's Counsel

Doug Parkinson 8620 Preston Ct. Jessup, MD 20794



JOHN A. OLSZEWSKI, JR. County Executive

DIRECTOR Department of Permits, Approvals & Inspections

December 18, 2018

Russ Anton
1 Louis Edward Ct.
Cockeysville, MD 21030

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A. Call Rihal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel

Doug Parkinson 8620 Preston Ct. Jessup, MD 20794

21,500,00



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

Date: 11/26/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0167-A

Administrative Voviouse

Kuss Anton

1Louis Edward Court

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

Section 12



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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:

November 29, 2018

SUBJECT:

DEPS Comment for Zoning Item

2019-0167-A

Address

1 Louis Edward Court

(Anton Property)

Zoning Advisory Committee Meeting of December 03, 2018.

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

Reviewer:

Steve Ford



NOV 2 9 2013

RECEIVED

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

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FROM:

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Address

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(Anton Property)

Zoning Advisory Committee Meeting of December 03, 2018.

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Reviewer:

Steve Ford



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

Date: 11/26/18

Ms. Kristen Lewis Baltimore County Office of Permits and Development Management County Office Building, Room 109 111 West Chesapeake Avenue Towson, Maryland 21204

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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



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

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DATE:

November 29, 2018

SUBJECT:

DEPS Comment for Zoning Item

2019-0167-A

Address

1 Louis Edward Court

(Anton Property)

Zoning Advisory Committee Meeting of December 03, 2018.

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

Reviewer: Steve Ford

CHECKLIST

| Comment Received | <u>Department</u> | Support/Oppose/ Conditions/ Comments/ No Comment |
|------------------------------|--|--|
| | DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent) | \(\) |
| 11-29 | DEPS (if not received, date e-mail sent) | NO |
| * | FIRE DEPARTMENT | |
| | PLANNING (if not received, date e-mail sent) | |
| 11-26 | STATE HIGHWAY ADMINISTRATION | No objection |
| | TRAFFIC ENGINEERING | |
| | COMMUNITY ASSOCIATION | |
| | ADJACENT PROPERTY OWNERS | |
| ZONING VIOLATIO | ON (Case No | |
| PRIOR ZONING | (Case No | |
| NEWSPAPER ADVI | ERTISEMENT Date: | |
| SIGN POSTING (1^{s} | Date: $12-2-18$ | by Hoffman |
| SIGN POSTING (2 ⁿ | Date: | by |
| PEOPLE'S COUNSE | L APPEARANCE Yes No CL COMMENT LETTER Yes No CL | |
| Comments, if any: | | |

ZAC AGENDA

Case Number: 2019-0167-A

Reviewer: Joseph Merrey

Existng Use: RESIDENTIAL Proposed Use:

Type: ADMINISTRATIVE VARIANCE

Legal Owner: RUSS ANTON

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 8 Council Dist: 3

Property Address: 1 LOUIS EDWARD CT

Location: NE CORNER OF BEAVER DAM RD. & LOUIS EDWARD CT.

Existing Zoning: RC 4

Area: 3.2 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit an accessory structure (pool) to be located in the side yard in lieu of the require rear yard.

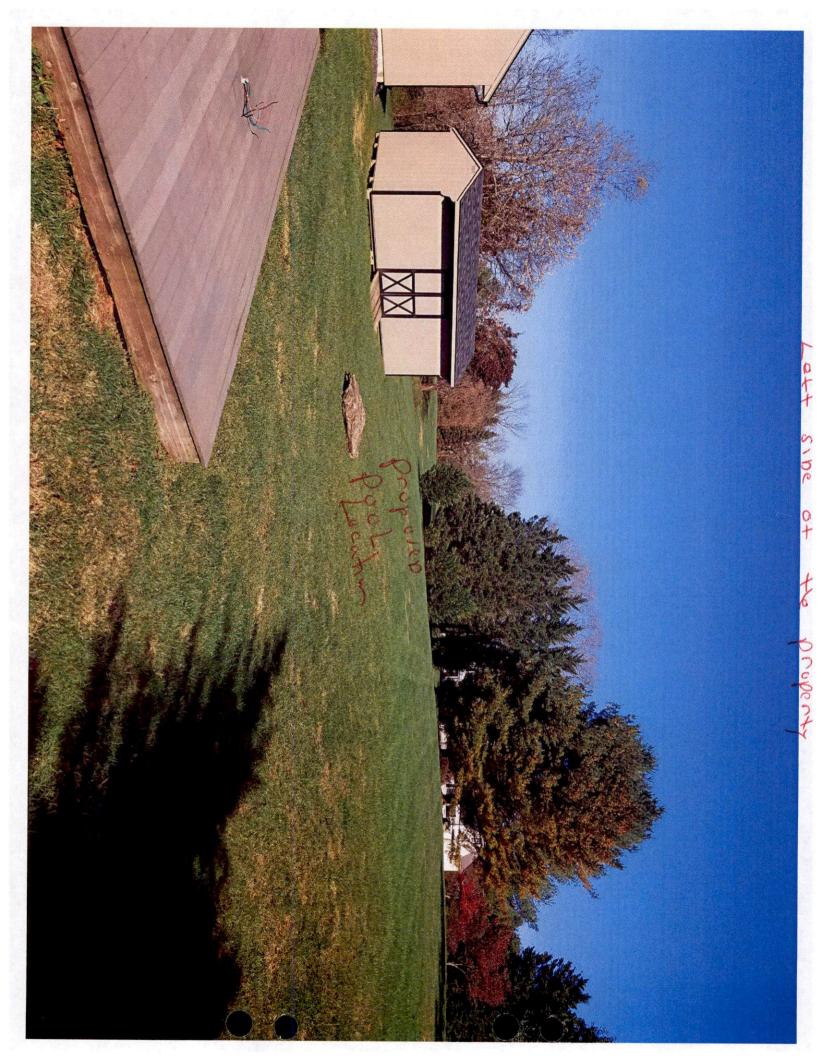
Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None **Closing Date:** 12/17/2018

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

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| Tax Exe | | | | | Special Tax R | ecapture: | | | | |
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| Account | Identifier: | | Distri | ct - 08 Account | Owner Int | | | | | |
| Owner Na | ame: | | ANTO | N RUSS P | Owner In | | Jse: | | RESIDENTIAL | |
| | | | 71111 | ANTON ROSS P | | Principal Residence: | | | YES | |
| Mailing A | Address: | | | JIS EDWARD CT | | | Deed Refer | ence: | /14485/ 00184 | |
| | | | | | ocation & Struc | ture Informat | ion | | | |
| Premises Address: | | 1 LOUIS EDWARD CT 0-0000 | | | | | ription: | 3.2178 AC 1 LOUIS EDW/ IVY HILL | ARD CT | |
| Мар: | Grid: | Parcel: | Sub District: | Subdivision: | | Block: | Lot: | Assessment Year: | | |
| 0042 | 0020 | 0060 | | 0000 | 2 | | 1 | 2017 | Plat Ref: | 0054/ 0072 |
| Special | Tax Area | s: | | | Tow | m: | | | NONE | |
| | | | | | | /alorem: Class: | | | | |
| Primary | y Structure | Built | Above Grade | Living Area | Finish | ed Basemer | nt Area | Property Lar | nd Area | County Use |
| 1989 | | 4,476 SF | | 730 S | F | | 3.2100 AC | | 04 | |
| Stories | Ba | sement | Type | | Exterior | Full/Half E | Bath | Garage | Last Major Rend | vation |
| 1 | N | | STANDARD L | INIT | FRAME | 4 full | | 1Att/1Det | ot major Rend | |
| | | | | | Value Inf | ormation | | | | |
| | | | Bas | e Value | Valu | е | Carl Carl Carl | Phase-in Assessme | ents | |
| | | | | | As of | | | As of | As of | |
| Land: | | | 244 | 200 | | 1/2017 | | 07/01/2018 | 07/01/20 | 019 |
| Improve | oments | | 244, 402, | | 244,2 | | | | | |
| Total: | ements | | 402, 646, | | 625, | | | 795,167 | 869,300 | |
| | ntial Land | : | 040, | 300 | 869,300 | | | 190,101 | 0 | |
| | | | | | Transfer In | formation | | | U | |
| Seller: I | DEFRANC | O GUIDO | | | Date: 05/24/20 | | | Drie | e: \$480,000 | |
| | | GTH IMPRO | VED | | Deed1: /14485/ | | | Dee | | |
| · yprio | UPT-ROOM TO BE | | PARTNERSHIP | | Date: 08/04/19 | | | | e: \$65,900 | |
| | | GTH IMPRO | | | Deed1: /07253/ | | | Dee | | |
| Seller: | | | | | Date: | -0.00 | | Pric | | |
| Type: | | | | | Deed1: | | | Dee | | |
| .,,,,,, | | | | | Exemption | Information | | Dee | ~~ . | |
| Partial Ex | xempt Ass | essments: | Class | | - Compaign | | 7/01/2018 | | 07/01/2019 | |
| County: | | | 000 | | | | .00 | | | |
| State: | | | 000 | | | 0 | .00 | | | |
| Municipa | d: | | 000 | | | 0 | 0.00 0.00 | | 0.00 0.00 | |
| Tax Exe | | | | | Special Tax R | ecapture: | | | | |
| Exempt | t Class: | | | | NONE | | | | | |
| | | | | | mestead Applic | cation Informa | ation | | | |
| Homestea | ad Applica | ation Status: | Approved 02/10/2 | | | | | | | |
| | | | | | ners' Tax Credit | | | | | |
| domeowi | ners' Tax | Credit Applic | cation Status: No A | Application | | | Date: | | | |



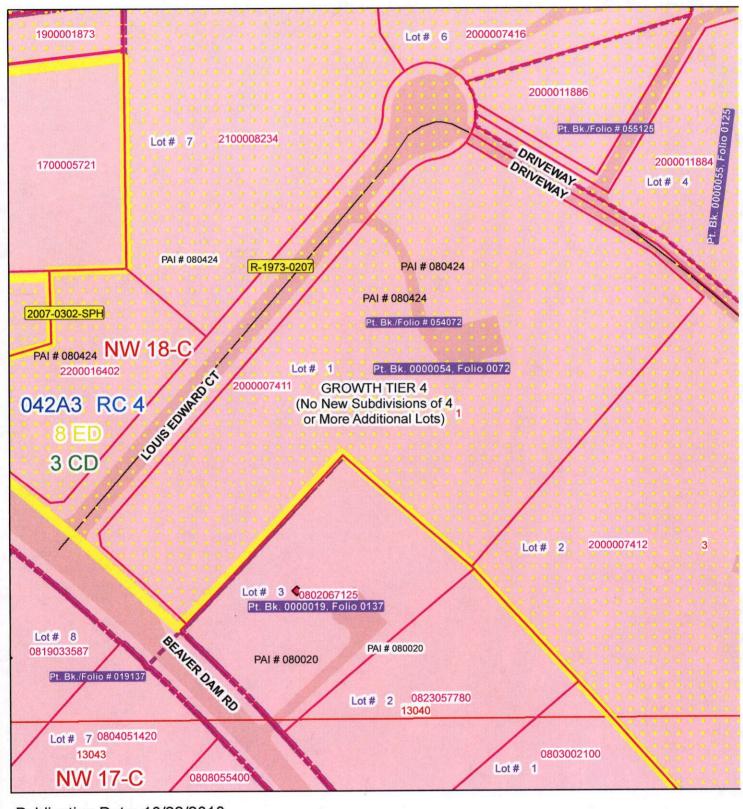








1 Louis Edward Court



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