#### MEMORANDUM

DATE:

July 24, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0317-A - Appeal Period Expired

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

(17314 Big Falls Road)
7th Election District

3<sup>rd</sup> Council District

David & Katherine Dulski

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

\* BALTIMORE COUNTY

\* CASE NO. 2019-0317-A

\* \* \* \* \* \* \* \*

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, David and Katherine Dulski ("Petitioners"). The Petitioners are requesting Variance relief from §§ 1A04.3.B.2.b and 301.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed deck with side setbacks of 15 feet and 18 feet in lieu of the required 37.5 feet respectively. 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. It is to be noted that this administrative variance case closed on June 3, 2019 but was not received by OAH until June 18, 2019; the whereabouts of the case file between these dates is unknown.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 17, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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Date	6-20-19	
Ву	POS	

The Petitioners have 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 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 Petitioners.

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>20<sup>th</sup></u> day of **June**, **2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1A04.3.B.2.b and 301.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed deck with a side setbacks of 15 feet and 18 feet in lieu of the required 37.5 feet respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said 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

JEB:dlw			
ORDER	RECEIVED	FOR	FILING

Date 6-20-19 2

By (SV)



#### ALIMINISTRATIVE ZUNING PELITION

RATIVE VARIANCE - OR - ADMINISTI

To be fired with the Department of Permits, Approvais and Inspections To the Office of Administrative Hearings for Baltimore County for the property located at: Currently zoned Address 17314 bia Falls Deed Reference 41308 10 Digit Tax Account # 77 100 Q Owner(s) Printed Name(s) Dould (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: 1. X ADMINISTRATIVE VARIANCE from Section(s) 1404.3. B.2. b, 301.1-To permit approposed deck with side Setbacks of 15 feet and 18 feet in lieu of the regulared 37.5 feet respectively of the zoning regulations of Baltimore County, to the zoning law of Baltimore County 2. \_\_\_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): Motherine Name #2 - Type or Print Name #1 - Type or Print Signature # 2 Signature #1 Mailing Address Klinkol62@gmail.com 1410-591-0970 Zip Code Telephone # Email Address Representative to be contacted: Attorney for Owner(s)/Petitioner(s): Name - Type or Print Name-Type or Print Signature State City Mailing Address 443-883-0506 Idavid dulskie vahoo com Telephone # . Email Address Zip Code Telephone # Zip Code A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County Estimated Posting Date 519,19 Filing Date 5 10, 19

ORDER RECEIVED FOR FILING

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: 17314 Big Falls Rd MonKton MD.  Print or Type Address of property City State	Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base Administrative Variance at the above address. (Clearly state practical difficulty of the control of the co	or hardship here)
Because of zoning Dre to the current out dated 2 are unable to construct an outdoor functional specificating to add a deck and ramp to fit our families	CO-LUP OIL
(If additional space for the petition request or the above statement is needed, label and some signature of Owner (Affiant)  David Lee Dulski  Name- Print or Type	uldki
The following information is to be completed by a Notary Public of the State of	of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this 24th day of April, 2019, before me a land for the County aforesaid, personally appeared:	Notary of Maryland, in
Print name(s) here: David Lee Dulski, Katherine Dulski	
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)	
AS WITNESS my hand and Notaries Seal Camer & Hawking	<b>x</b> 1.79
JAMIA L. HAWKINS  Notary Public	REV. 5/5/2016

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(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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Address: 17314 BigFalls Rd. Print or Type Address of property	Mankton City	MD. State	ZIP Code
Based upon personal knowledge, the Administrative Variance at the above	of following are the fact address. (Clearly st	ets upon which I/we bas ate practical difficulty	e the request for an or hardship here)
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(If additional space for the petition red  Signature of Owner (Affiant)  David Lee Dulski  Name-Print or Type	quest or the above state	Signature of Owner (Affian Name- Print or Type	xildk
The following information i	s to be completed by a	Notary Public of the State	of Maryland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to	wit:	
I HEREBY CERTIFY, this 24th and for the County aforesaid, personally	_ day ofApril_, y appeared:	2019 , before me a	Notary of Maryland, in
Print name(s) here: David Lee D	ulski, Kather	rine Dulski	
the Affiant(s) herein, personally known	or satisfactorily identifie	ed to me as such Affiant(s	).
AS WITNESS my hand and Notaries S	eal Amie 44 Notary Public	tawking	
JAMIA L. HAWKINS NOTARY NOTARY PUBLIC PUBLIC My Commission Fraires October 12, 2022	My Commission Ex	0/12/2022 pires	VISIONA FINANCE

#### ADMINISTRATIVE ZUNING PETITION

VE SPECIAL HEARING TRATIVE VARIANCE - OR - ADMINISTI FOR ADI To be med with the Department of Permits, Approvad and Inspections To the Office of Administrative Hearings for Baltimore County for the property located at: Currently zoned Q Address 17314 Rag Falls boad 10 Digit Tax Account # 77 100 Deed Reference 41308 Owner(s) Printed Name(s) David (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: ADMINISTRATIVE VARIANCE from Section(s) 1404.3. B.2. b, 301. 1

permit a proposed deck with side setback of

feet and 18 feet in lieu of the required 3765 leet

respectively 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): monthorne Name # 2 - Type or Print Signature #2 Signature #1 Klinkol62@gmail.com Email Address Representative to be contacted: Attorney for Owner(s)/Petitioner(s): Name - Type or Print Name-Type or Print Signature State City Mailing Address 443-883-0506 Idavid dulskie vahoo com Telephone # Email Address Zip Code Email Address Telephone # Zip Code A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County Filing Date 5 10, 00 Estimated Posting Date 1/9/ Rev 5/5/2016 ORDER RECEIVED FOR FILING

Date

Zoning property description for 17314 Big Falls Road, Monkton, MD 21111.

Beginning at a point on the North West side of Big Falls Road which is 30' wide at a distance of 2940'+/- of the centerline of the nearest improved intersecting street Blue Mount Road which is 30'wide.

Beginning for the outlines to include the same at a stone marked "A" as the end of a six hundred and twenty-one and seven-tenths (621-7/10) fee in the North fifty-three and three-quarters (53-3/4) degrees East sixty-six (66) perches line in a deed from Mary C. Collett to William Watkins and wife, bearing date March 30th, 1921 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 537, folio 270, etc., said stonemarked "A" being also the end of the first line in a deed from William H. Watkins and wife to John Madden, Jr. and wife date October 17th, 1925 and recorded among the aforesaid Land Records in LiberW.P.C. No. 627, folio 378 etc. and running thence with the first mentioned line North fifty-four (54) degrees three (3) minutes East eighty-one (81) feet to a stone, thence by a line of division as located and agreed upon South eleven (11) degrees fifteen (15) minutes East twelve hundred and eighteen and five-tenths (1218-5/10) feet to a stone on the North side of White Hall Road, thence running along the North side of said road, South sixty-six (66) degrees five (05) minutes west seventy-five and six-tenth (75-6/10) feet to the end of the second line of that lot of land conveyed by William H. Watkins and wife to John Madden, Jr. and wife, thence with said line reversely, North eleven (11) degrees fifteen (15) minutes West twelve hundred and one and five tenths (1201-5/10) feet to the first place of beginning. Containing two (2) acres of land more or less.

#### **CERTIFICATE OF POSTING**

Date: 5-17-19

Petitioner/Developer: Dulsky Date of Hearing/Closing: 6-3-19 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 17314 The signs(s) were posted on J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443 (Telephone Number of Sign Poster)





# BALTIMORE COUNTY TO ARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019-	0317 -A	Address	17314	13 igtalls	KU .
Contact Person:	Gary Heur Planner, Please Print Y	our Name	F	hone Number:	410-887-3391
Filing Date:5	10 19 Po	osting Date: 5	19/19	Closing Da	te: 6319
Any contact made with through the contact per	th this office regard rson (planner) using	ding the status of the case number	of the admi	nistrative varia	nce should be
the petitioner is one of the sign associated cost	T: The petitioner manager of responsible for all personsible for all persons and the aps. The zoning noticed above. It should	printing/posting co proved list and t ce sign must be	osts. Any re he petitione visible on	eposting must be er is again res the property or	e done only by ponsible for all
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(whether due to notification will be of the hearing d	BLIC HEARING AND  a neighbor's form  be forwarded to you  ate, time and location  a photograph of the	al request or by . The sign on the on. As when the	order of the e property r sign was o	le Administrativ must be change riginally posted	ed giving notice, certification of
	([	Detach Along Dotted Line)			
Petitioner: This Part	of the Form is for t	the Sign Poster (	Only		
, L	ISE THE ADMINIST	RATIVE VARIAN	ICE SIGN F	ORMAT	
Case Number 2019-	0317 -A A	ddress 17314	+ Big	Falls R	d
Petitioner's Name	avid & Kathe	sine Duls	ki Tel	ephone 410 -	591.0970
Posting Date:	5/19/19	Closi	ng Date: _	Ce 3 19	
Wording for Sign:	Permit a prof	osed deck	c with	as side	setbacks
0+ 15 feet	and 18 F	eet in lieu	e of t	he requi	ired
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JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director Department of Permits, Approvals & Inspections

June 18, 2019

David & Katherine Dulski 17314 Big Falls Road Monkton, MD 21111

RE: Case Number: 2019-0317-A, 17314 Big Falls 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 May 10, 2019. 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/kl

Enclosures

c: People's Counsel



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

Date: 5/15/19

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. 2019-0317-A
Administrative Vorisive

David = Ketherno Dulski

17314 Big Falls 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



**Inter-Office Correspondence** 



ADMINISTRATIVE OF HEARING

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 23, 2019

SUBJECT:

**DEPS** Comment for Zoning Item

Address

# 2019-0317-A

17314 Big Falls Road

(Dulski Property)

Zoning Advisory Committee Meeting of May 20, 2019.

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

Reviewer:

Steve Ford

## CHECKLIST

Comment Received	<u>Dep</u> :	a <u>rtment</u>			Support/Oppose/ Conditions/ Comments/ No Comment
		T PLANS REVIE		A	
5-23	DEPS (if not received, o	late e-mail sent			NO
	FIRE DEPARTM	TENT			
	PLANNING (if not received, o	late e-mail sent		Ĭ	
5-15	STATE HIGHW	AY ADMINISTR	ATION		No objection
<del></del>	TRAFFIC ENGI	NEERING			,———
	COMMUNITY A	ASSOCIATION			
		OPERTY OWNER			·
ZONING VIOLAT		ase No			)
PRIOR ZONING	(0	ase No			
NEWSPAPER AD	VERTISEMENT	Date:	1	<del></del>	
SIGN POSTING (	1 <sup>st</sup> )	Date:	5-17-	9	by Pilson
SIGN POSTING (	2 <sup>nd</sup> )	Date:		1	by
PEOPLE'S COUN	SEL APPEARANCI	ETTER Yes	□ No □ No		
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### Real Property Data Search

#### Search Result for BALTIMORE COUNTY

View Map	View GroundRen	Rent Redemption View GroundRent Registration					
Tax Exempt:		Special Tax Recapture:					
<b>Exempt Class:</b>		NONE					
Account Identifier:	Distri	ct - 07 Account N	umber - 071004515	50			
		Owner Inf	ormation				
Owner Name:		KI DAVID	Use:	r	RESIDENTI	AL	
Mailing Address:		KI KATHERINE BIG FALLS RD	Principal Re		YES (44309) 004	0.7	
Mailing Address:		KTON MD 21111-	Deed Refer	ence:	/41308/ 001	07	
		Location & Struc	ture Information		-		
Premises Address:		BIG FALLS RD	Legal Desc	ription:	2.00AC NW	S BIG FALLS	
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Map: Grid: Pa	rcel: Sub District:	Subdivision:	Section: Block	: Lot:	Assessment Year:	Plat No:	
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Special Tax Areas:		Tov	vn:		NONE		
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Primary Structure Built	Above Grade Li Area	ving Finis Area	shed Basement	Prope Area	rty Land	County Use	
1932	1,364 SF			2.000	) AC	04	
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Land:	128,700	128	,700				
Improvements	55,100	58,5	500				
Total:	183,800	187	,200	186,067	187,	200	
Preferential Land:	0				0		
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	RTY RENOVATIONS LI				Price: \$325,00	0	
Type: ARMS LENGTI	H IMPROVED	Deed1: /41	308/ 00107		Deed2:		
Seller: JOHNSON EM	MILY ELIZABETH	Date: 03/09	/2018		Price: \$99,750		
Type: ARMS LENGT	H IMPROVED	Deed1: /40	032/ 00231		Deed2:		
Seller: JOHNSON EM	MILY	Date: 07/23	3/1980		Price: \$0		
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Partial Exempt Assess	ments: Class	<b>S</b>	07/01/2018		07/01/2019		
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State:	000		0.00				
Municipal:	000		0.00 0.00		0.00 0.00		
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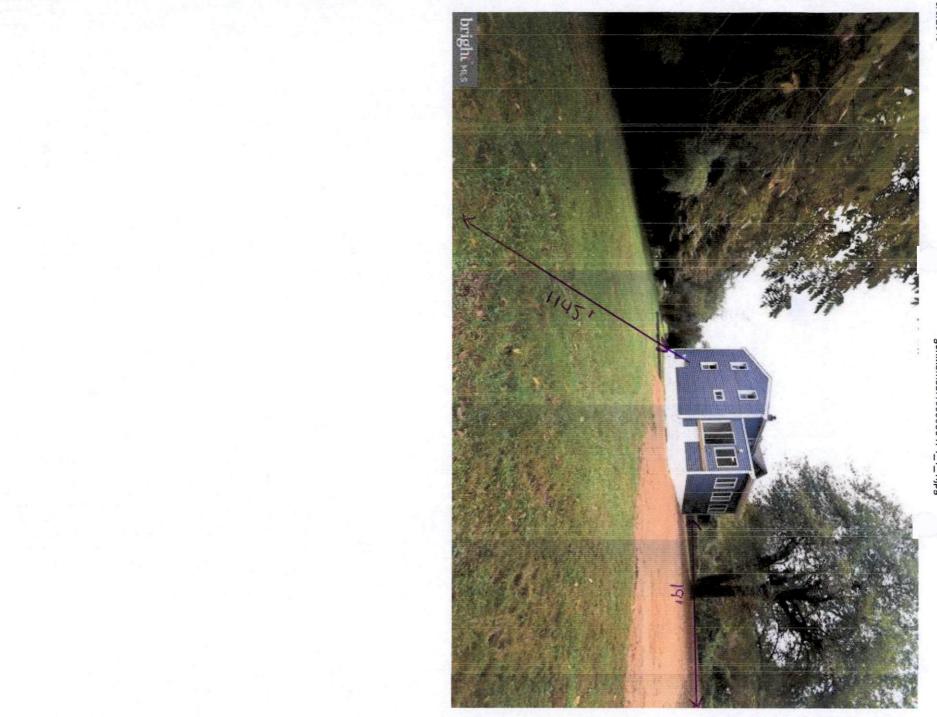
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Date:

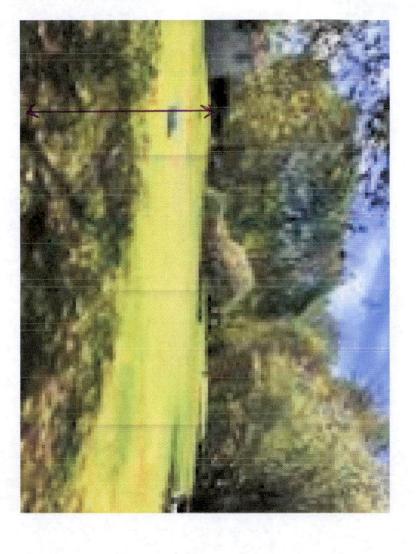


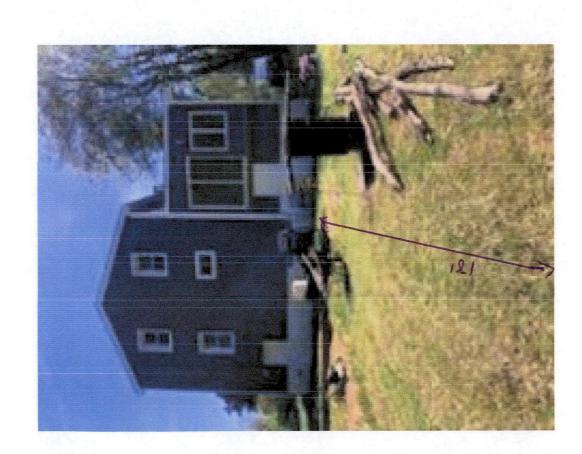


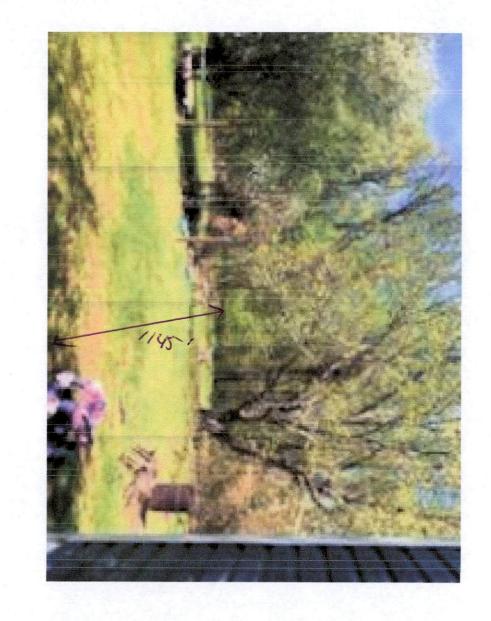






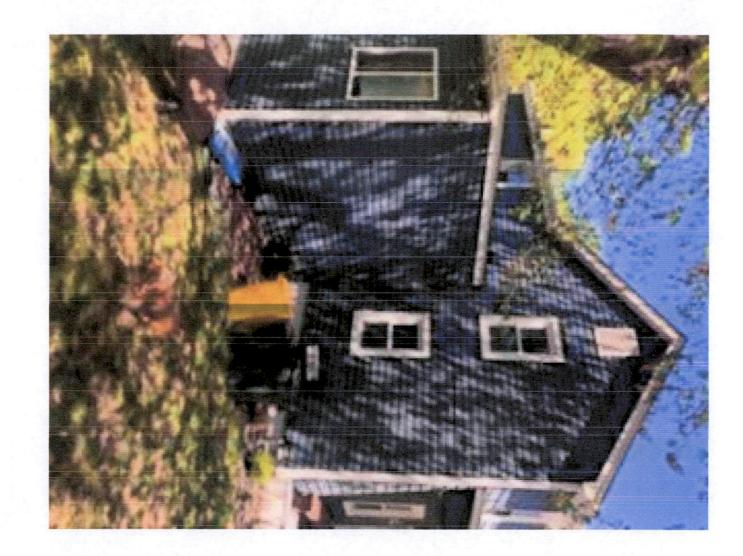




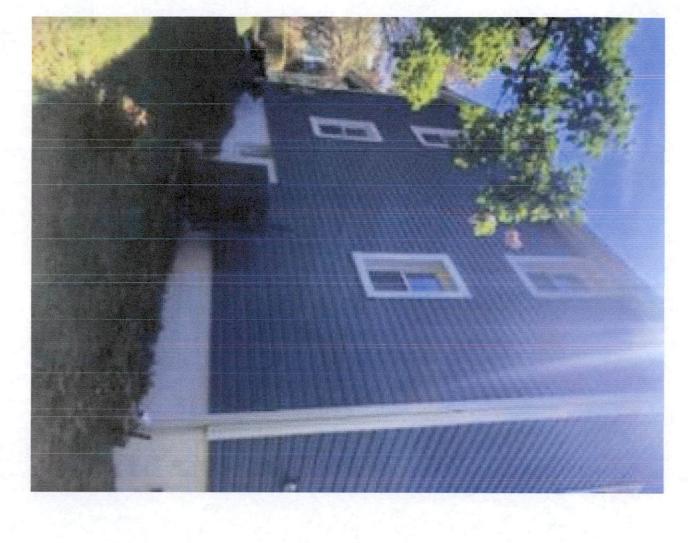




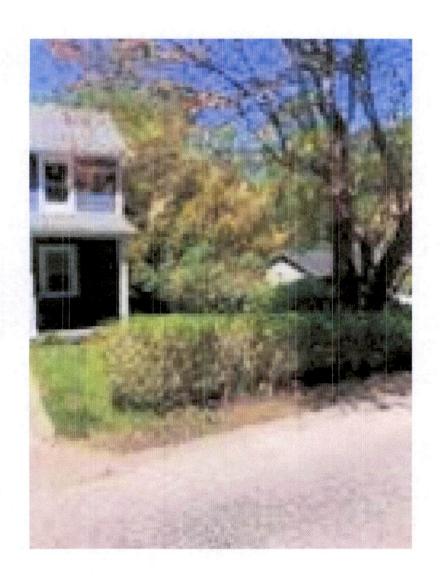


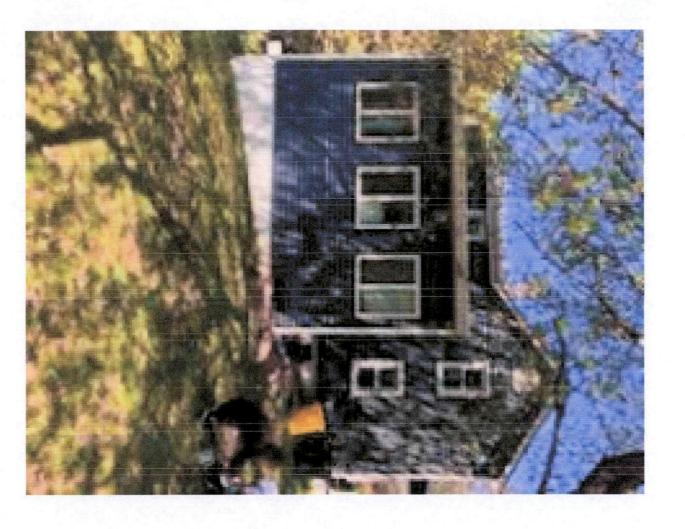




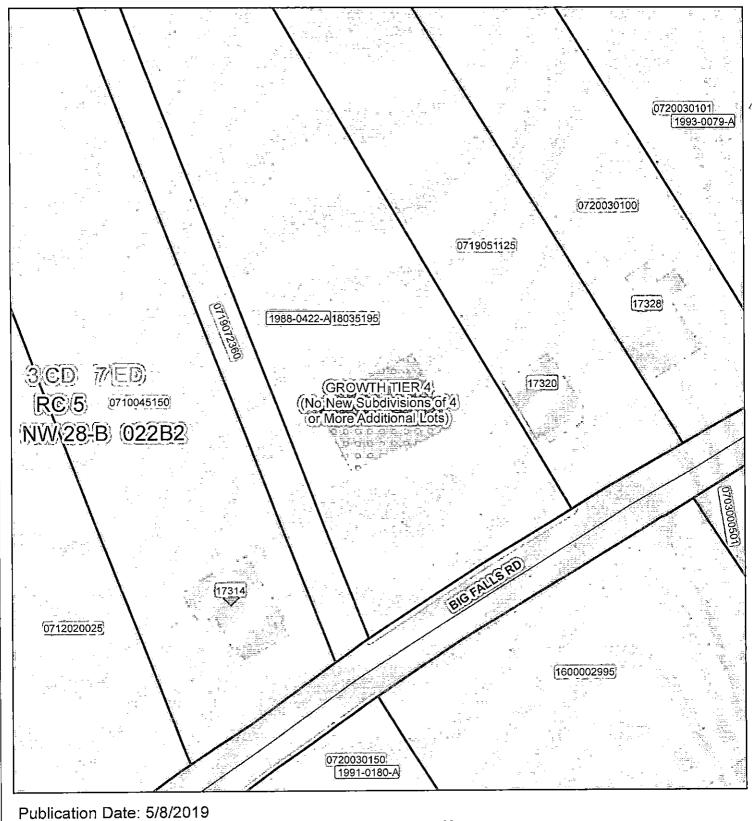








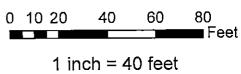
## **Enter Property Address Here**



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





ADDRESS 17314 Big Falls Boad OW	NER(S) NAME(S) Dovid + hatherine D	
SUBDIVISION NAME NIR	LOT # NA BLOCK # NA SECTION	
PLAT BOOK # NIN FOLIO # NIN 10 DIGITTAX #C	0710092120DEED REF.#41308/10	2 Bigralls Rd
		8.9
		И
		MAP IS NOT TO SCALE
1 4	1200'	ZONING MAP# 00226
		SITE ZONED DC 5
Ta		ELECTION DISTRICT_OT
X 31 10000 15		COUNCIL DISTRICT 03
The area of the second of the		> LOT AREA ACREAGE 2
100 min 1 38" mi	11225	OR SQUARE FEET
The state of the s		HISTORIC? NIK
Ja & Saar		IN CBCA? UO
	12001	IN FLOOD PLAIN ? NO
	1200	UTILITIES ? MARK WIT WATER IS:
		PUBLIC PRIVATE
		SEWER IS:
		PUBLIC PRIVATE X
하는 시간 그 병속은 회사학 회사가 되는		PRIOR HEARING ?
		IF SO GIVE CASE NUMBE
		AND ORDER RESULT BELO
N		***************************************
PLAN DRAWN BY American Deck + PatroDATE	5/10/19 SCALE: 1 INCH = 960 FEET	
	3.3	VIOLATION CASE INFO:

ADDRESS 17314 Big Falls Boad	FOR SPECIAL HEARING (MARK TYPE REQUE OWNER(S) NAME(S) Dovid + Yother	ine Dulski	
PLAT BOOK # N/P FOLIO # N/R 10 DIG	LOT# <u>NA</u> BLOCK# <u>NA</u> GITTAX#071009515 ODEED REF.#413 C	SECTION # N/A	Bigrallsrd
	12001	<del></del>	MAP IS NOT TO SCALE  ZONING MAP# 00 228  SITE ZONED BYC 5
1551 - Deale 17314 - Deale 38"			COUNCIL DISTRICT 03  LOT AREA ACREAGE 2 COUNCIL DISTRICT 03
The state of the s			HISTORIC? NITTORIC PLAIN? NO PLAIN? NO
N	12001		UTILITIES ? MARK WIT WATER IS:  PUBLIC PRIVATE X  SEWER IS:  PUBLIC PRIVATE X  PRIOR HEARING ?  IF SO GIVE CASE NUMBE  AND ORDER RESULT BELO
PLAN DRAWN BY American Deck + Par	MODATE 5/10/19 SCALE: 1 INCH = 480 FEE	Т	VIOLATION CASE IN FO:
	2019-0317-A		