JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

October 21, 2021

John and Elisabeth Martin – sismartin@comcast.net
1540-1542 S. Rolling Road
Halethorpe, MD 21227

RECEIVED
OCT 21 2021
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL** - Petition for Variance
Case No. 2021-0166-A
Property: 1540-1542 South Rolling Road

Dear Mr. and Mrs. Martin:

Please be advised that an appeal of the above-referenced case was filed in this Office on October 21, 2021. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Baltimore County Board of Appeals
People's Counsel
Sharyn Herman – sharynherman24@verizon.net

APPEAL

Petition for Variance
John & Elisabeth Martin
Case No.: 2021-0166-A
1540-1542 S. Rolling Road
13th Election District, 1st Council District

Petition for Variance – May 28, 2021

Zoning Description of Property – 1 sheet

Notice of Zoning Hearing (Webex) – August 10, 2021

Certification of Publication – (Daily Record) – August 13, 2021

Certification of Posting by Linda O'Keefe on August 14, 2021 & September 2, 2021

Entry of Appearance by People's Counsel – June 8, 2021

Attendance Report (2 pgs.) & Panelist & Attendee List (2 pgs.)

Zoning Advisory Committee Comments: 4 pgs.

Petitioner's Exhibits:

1. Code Enforcement Violation
2. Petition for Zoning Hearing
3. Payment and Receipt for Variance
4. Petition for Variance-Entry of Appearance
5. Notice of Zoning Hearing
6. Zone Map of Property 1540-1542 S. Rolling Road
7. Site Vicinity Map for Property 1540-1542 S. Rolling Road
8. Letter to BCMD Zoning Review for Variance for fowl on residential property < 1 acre.
9. Land Description "Exhibit A"
10. Photo # 1 taken from S. Rolling Road to the property 1540-1542 S. Rolling Road
11. Photo # 2 Aerial view to property 154-1542 S. Rolling Road
12. Photo # 3 Facing to rear of property from 1542 S. Rolling Road to identify new location of fowl yard and coop (just prior to woods)
13. Photo # 4 Close up of photo # 3
14. Photo # 5 looking to rear of residence 1540-1542 S. Rolling Road
15. Zoning Review Checklist 1
16. Zoning Review Checklist 2
17. Zoning Review Checklist 3
18. Photo # 6 of sign for zoning notice as required
19. Photo # 7 (2) of 2 signs posted on the property 1540-1542 S Rolling Road 8/14/2021
20. Invoice of Sign required for Zoning/ Hearing

21. Affidavit Abby Digiondomencio
22. Affidavit Elizabeth Keatts
23. Affidavit Emily Crews
24. Affidavit Jane Parks
25. Affidavit Kathy Parks
26. Affidavit Kiara Beam
27. Affidavit Kim Digiondomenico
28. Affidavit Mark McCoy
29. Affidavit Robert C Thomas
30. Affidavit Sheila Muccio
31. Affidavit Tarrence Crews
32. Affidavit Zachary Thomas
33. Affidavit Jon Sheets
34. Affidavit Eileen Gartland

Protestant's Exhibits:

1. Backyard Photos
2. Email Exchange with Andrienne Wheeler

Miscellaneous: SDAT, ZAC Agenda, Code Enforcement Packet, Petitioners' Letter, dated May 24, 2021, Photos & Form Letters of Support and WebEx Packet

Cover Letter and Administrative Law Judge Murphy's Opinion and Order – September 22, 2021 – DENIED – 6 pgs.

Notice of Appeal – Received on 10/21/21 – from John & Elisabeth Martin

Cashier's Receipt #: 203914

Debra Wiley

From: Debra Wiley
Sent: Wednesday, September 22, 2021 8:17 AM
To: 'John and Elisabeth Martin –'
Cc: 'Sharyn Herman –'; Donna Mignon; County Council; Henry Ayakwah; Jeffery Livingston; Jenifer G. Nugent; Peoples Counsel; Vishnubhai K Desai
Subject: Case No. 2021-0166-A - 1540-1542 South Rolling Road (Martin)
Attachments: ltr. 2021-0166-A.pdf; 2021-0166-A- chickens.pdf

Good Morning Mr. and Mrs. Martin,

Please find attached ALJ Murphy's decision in reference to the above matter.

Thank you.

Donna Mignon

From: Donna Mignon
Sent: Monday, August 23, 2021 1:05 PM
To: 'sismartin@comcast.net'
Subject: 2021-0166-A 1540-1542 South Rolling Road

Good Afternoon:

As you are aware, a virtual Webex hearing has been scheduled for September 3, 2021 at 10:00 a.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about August 10, 2021.

Please note that all electronic and hard copies of all hearing exhibits, documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to :
Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov

Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit. **Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two business days before the hearing date.**

Thank you. Have a great day.

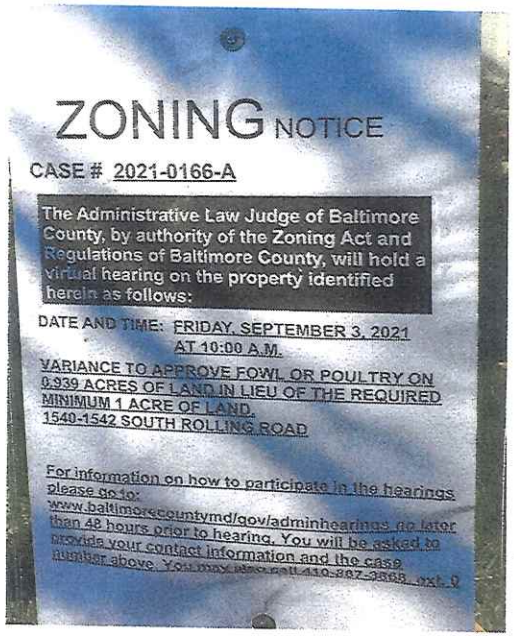
Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON
DATE: 9/2/2021
Case Number: 2021-0166-A
Petitioner / Developer: MR. & MRS. MARTIN
Date of Hearing: SEPTEMBER 3, 2021

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:
1540-1542 SOUTH ROLLING ROAD

The sign(s) were posted on: AUGUST 14, 2021
The sign(s) were re-photographed on: SEPTEMBER 2, 2021



Linda 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)

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Thursday, September 2, 2021 10:44 PM
To: Administrative Hearings
Subject: Certification
Attachments: S. Rolling Rd. Cert. .jpeg; S.Rolling Road Photos.docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Donna,

I have a Cert. and photos for you of Case # 2021-0166-A @ 1540-1542 S. Rolling Road for your records.
Have a great weekend,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

CASE NUMBER: 2021-0166-A

ATTENTION: DONNA MIGNON
DATE: 9/2/2021
Case Number: 2021-0166-A
Petitioner / Developer: MR. & MRS. MARTIN
Date of Hearing: SEPTEMBER 3, 2021

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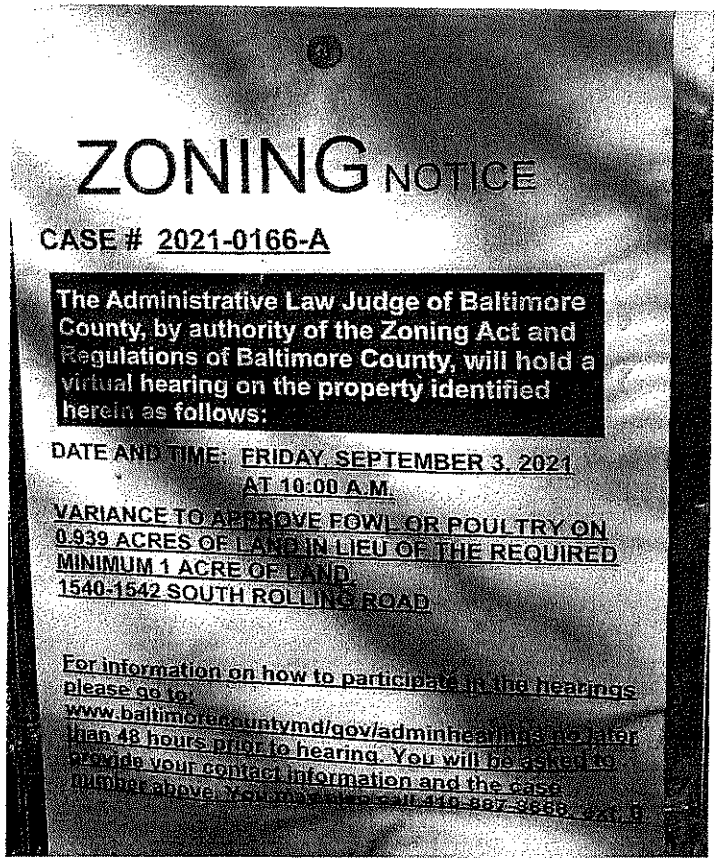


Linda O'Keefe
(Signature of Sign Poster)

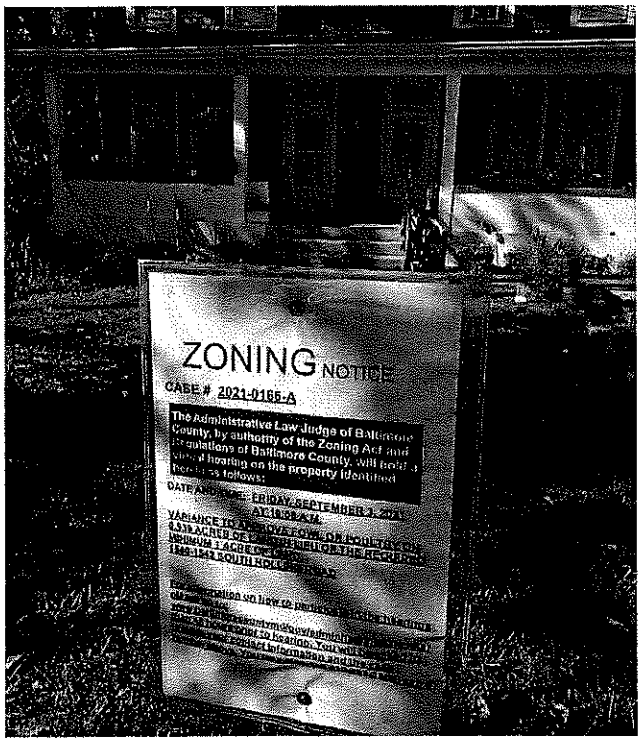
Linda O'Keefe
(Printed Name of Sign Poster)

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)

Re-Photographed 1st Sign ~ 9/2/2021



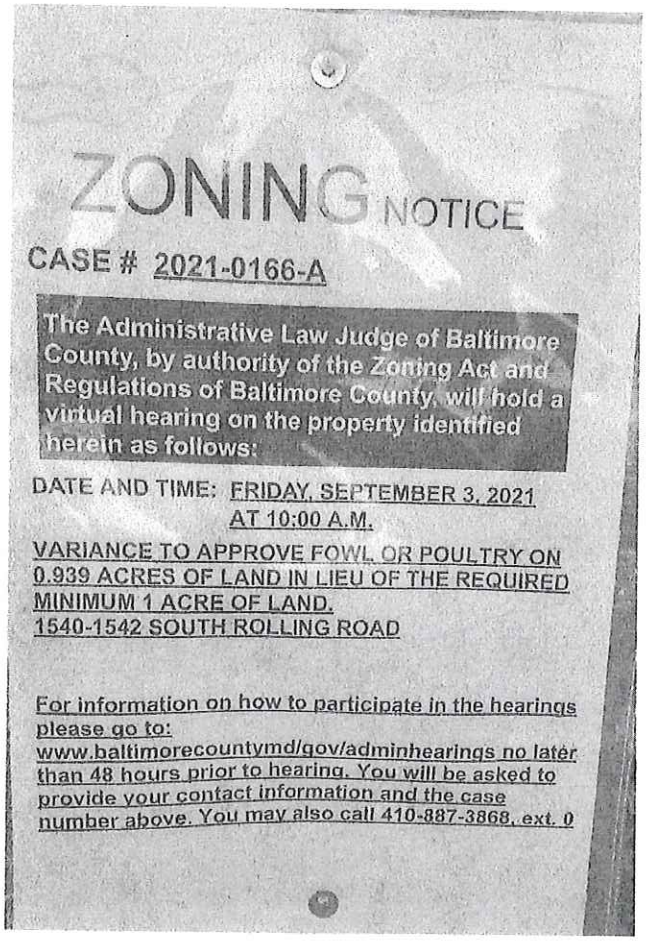
Re-Photographed 2nd Sign ~ 9/2/2021
1540-1542 South Rolling Road
CASE # 2021-0166-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 8/14/2021
Case Number: 2021-0166-A
Petitioner / Developer: MR. & MRS. MARTIN
Date of Hearing: SEPTEMBER 3, 2021

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:
1540-1542 SOUTH ROLLING ROAD

The sign(s) were posted on: AUGUST 14, 2021



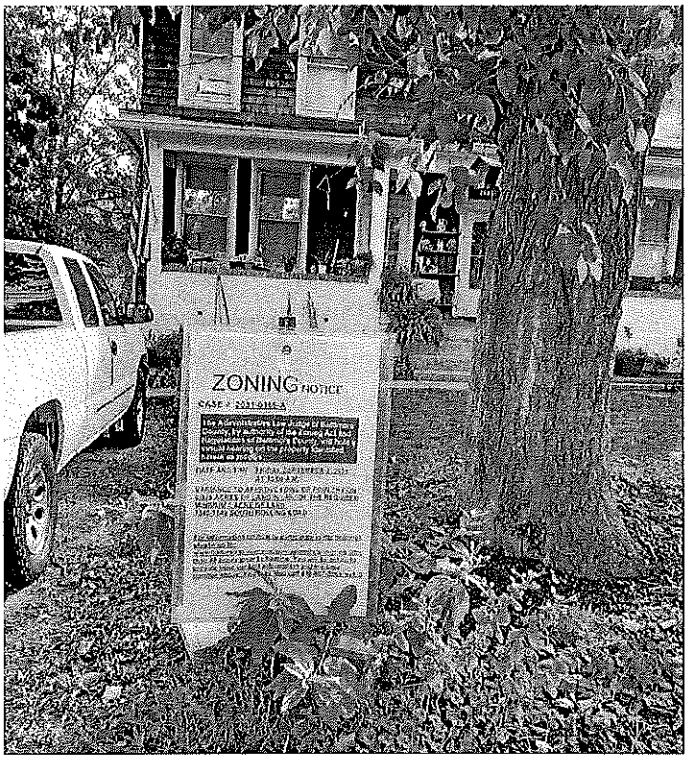
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

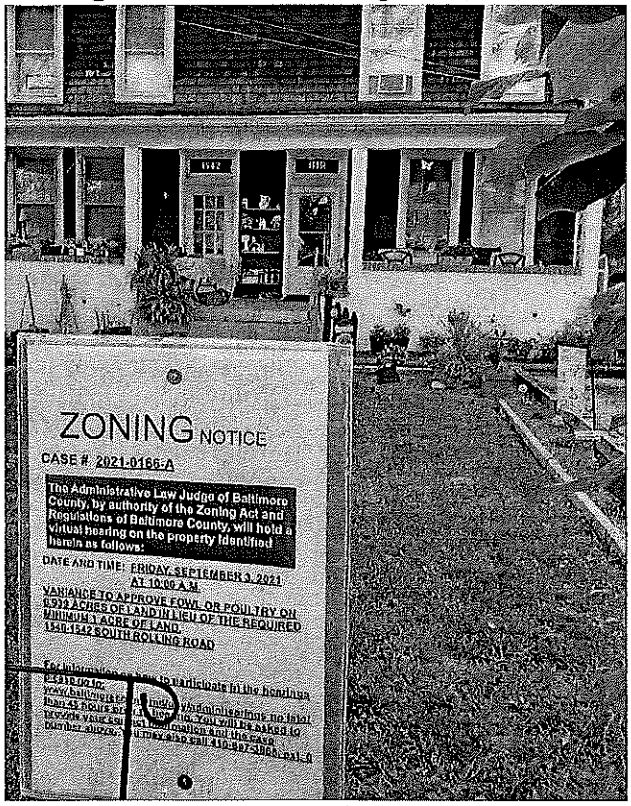
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign ~ 8/14/2021



Background photo 2nd Sign ~ 8/14/2021
1540-1542 South Rolling Road
CASE # 2021-0166-A

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 12026984
Case #: Case #2021-0166-A
Description:

NOTICE OF ZONING HEARING: - CASE NUMBER: 2021-0166-A

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

8/13/2021

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2021-0166-A
1540-1542 South Rolling Road
Southwest side of Rolling Road, 178 ft. west of Francis Avenue
13th Election District - 1st Councilmanic District
Legal Owners: John & Elisabeth Martin, Jr.

Variance to approve fowl or poultry on 0.939 acres of land in lieu of the required minimum 1 acre of land.

Hearing: Friday, September 3, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County.

au13

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits, Approvals & Inspections

August 10, 2021

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 virtual hearing on the property identified herein as follows:

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1540-1542 South Rolling Road
Southwest side of Rolling Road, 178 ft. west of Francis Avenue
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Pete Gutwald
Director

PW/kl

C: Mr. & Mrs. Martin, 2613 Larchmont Drive, Baltimore 21207

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 14, 2021**

ZAC AGENDA

Case Number: 2021-0166-A **Reviewer:** Jeffrey Perlow
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: John Martin and Elisabeth Martin
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** Yes **Election Dist:** 13 **Council Dist:** 1

Property Address: 1540 1542 S. ROLLING
Location: Property located at the Southwest side of Rolling Rd, 178 FT West of Francis Ave.

Existing Zoning: DR2 **Area:** 40,920 SQ FT
Proposed Zoning:
VARIANCE:
BCZR 100.6 To approve fowl or poultry on 0.939 Acres of land in lieu of the required minimum 1 Acre of land.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: CC2102175
Closing Date:

Miscellaneous Notes:

Case Number: 2021-0167-A **Reviewer:** Jeffrey Perlow
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Evan Baron and Stacey Baron
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 3115 NORTHBROOK RD
Location: Property located at the South side of Northbrook Rd, 190 FT East of Labryinth Rd.

Existing Zoning: DR 3.5 **Area:** 9,375 SQFT
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
BCZR 1B02.3.B.1, BCZR (Section III.C.3 of the 1953 Zoning Regulations) to allow a proposed dwelling addition with a 3 FT 5 Inch side yard setback in lieu of the required 7 FT side yard setback.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 06/28/2021

Miscellaneous Notes:
DR 3.5 Vested, "A" Residential Zone, 1953

21-1045
SC

To: Baltimore County Maryland Zoning Review-Request for Variance for fowl on residential property just under 1 acre

Hearing Officer

Date: May 24, 2021

We are requesting a hearing based on use of land for fowl (chickens, ducks and geese) at the address known as 1540/1542 S. Rolling Road, Relay, Maryland 21227. The property is just shy of 1 acre which allows fowl and I had initially were unaware of such requirement since we had owned the property known as 5135 Viaduct Ave. from 1970 till about 1996. This property was auctioned and sold from my divorce from a previous marriage. My son Arthur Wheeler has resided in the residence since 1996 at the 1542 Rolling Rd address and continues with his family. I resided there till about 2001 with moving to my current husband's home in Baltimore County.

We have had chickens and ducks for over 12-15 years and in the past couple of years fostered and then grew attached to the geese. The birds have provided healthy food for our family and my grandchildren joy to take responsibility in feeding cleaning and playing with daily. The grandchildren Mary and William gather the eggs and box them and sell them to family and friends (very cheap I might add). This has become great therapy to them as well as our family since our grandson William is Autistic. He is low on the scale but this allows him to be self - motivating an engaging with others which he struggles with. Not only my family but friends and neighbors come and enjoy meeting with and engaging with the birds especially those adjacent homes during this past year of the pandemic and staying home and safe. Many of our neighbors also have birds and maybe greater than 1 acre. We have been able to mingle safely during this difficult time. Earlier this year the adjacent neighbor filed a complaint stating she doesn't like the noise. The noise was mostly from a rooster that was not ours but just showed up. The roosters are noisier but we no longer have any. Our adjacent neighbor does have a rooster but has greater than 1 acre. The chicken coop initially was about 30' from the rear of the property and has now been moved over 150' back just into the wooded area on our property. We make every attempt to monitor noise and only if someone or an animal is in the area the birds are quiet. There have been foxes, coyote known to be in the area at times. The birds do not run loose and we have a low voltage (bird) fence to contain them. Over the 15 years the neighbor who filed the complaint never complained till this spring. We have tried to move them as far back as possible but safe to tend to. Our newest neighbor at 1536 S Rolling Road when purchasing even remarked they bid higher on the house because of the neighborhood and friendly birds/animals to raise their own family.

We have looked at options but looking out for the welfare of the children and a healthier way to eat eggs from the birds brings not only joy but education and a sense of calm. I truly hope we will continue to keep the birds as we as others have become deeply fond of them including their minimum noise. Please take our plea for our family and the birds on the relief of the property just shy of being compliant.

With respect,

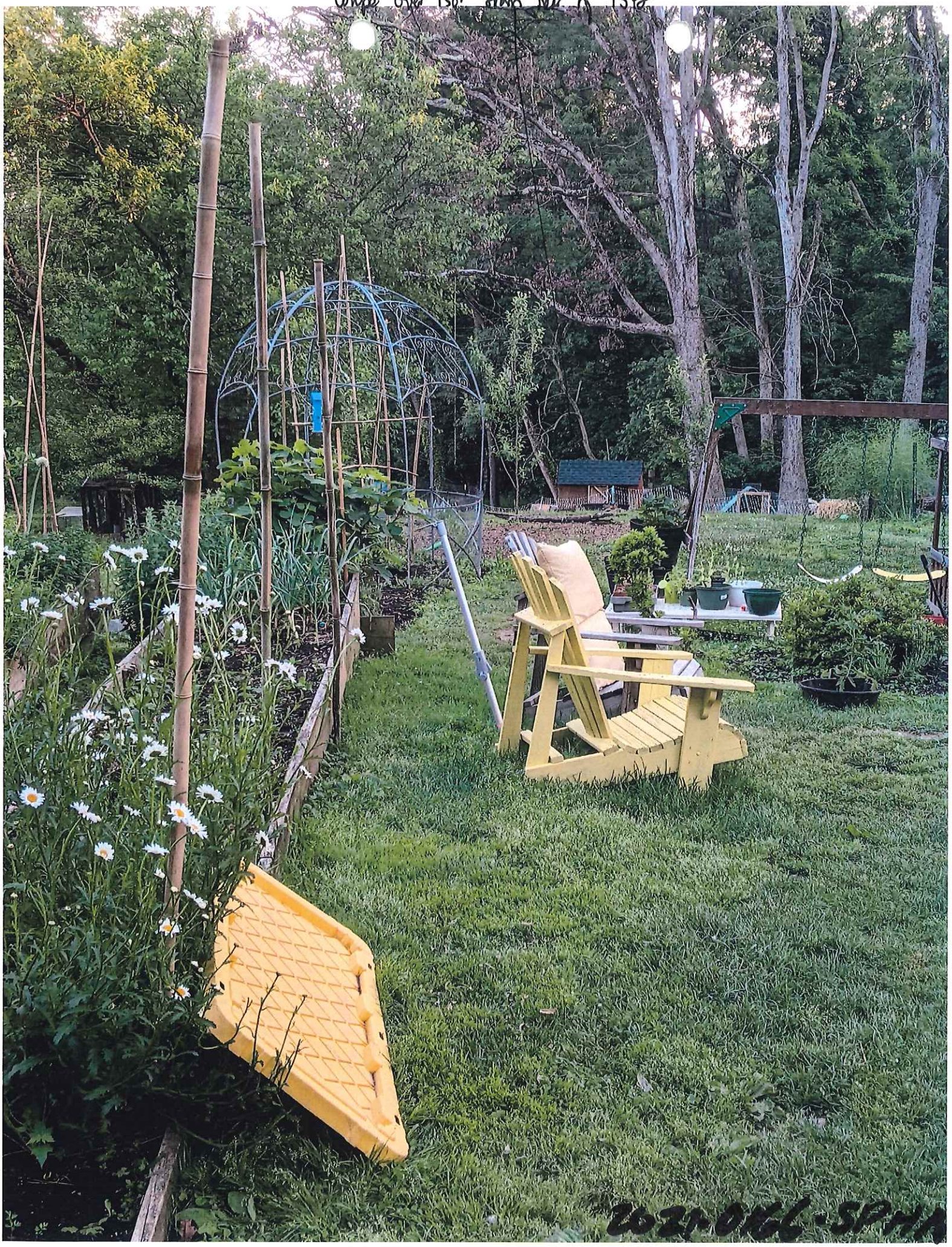
John T. Martin Jr.

Elisabeth A. Martin

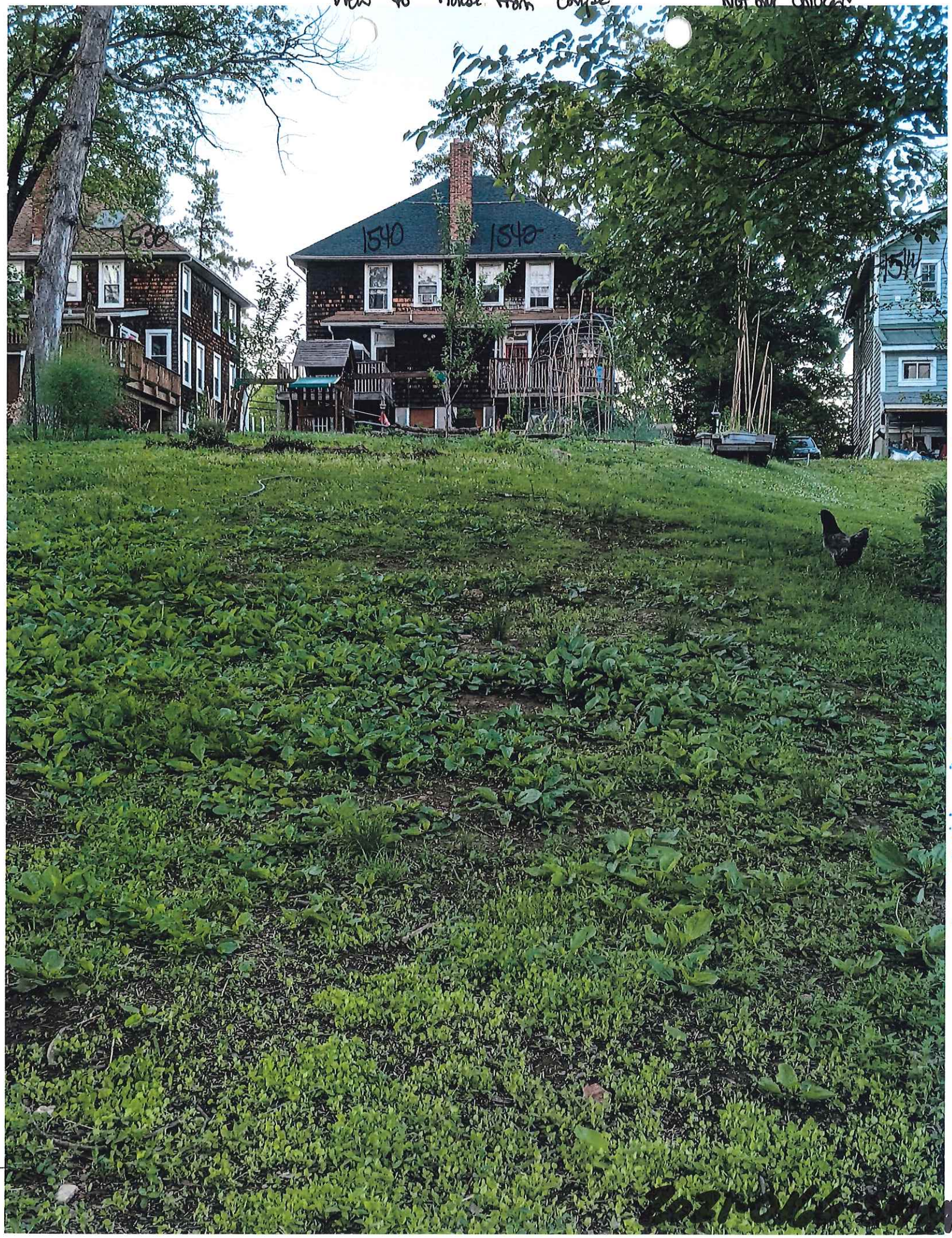
2021-0166-A

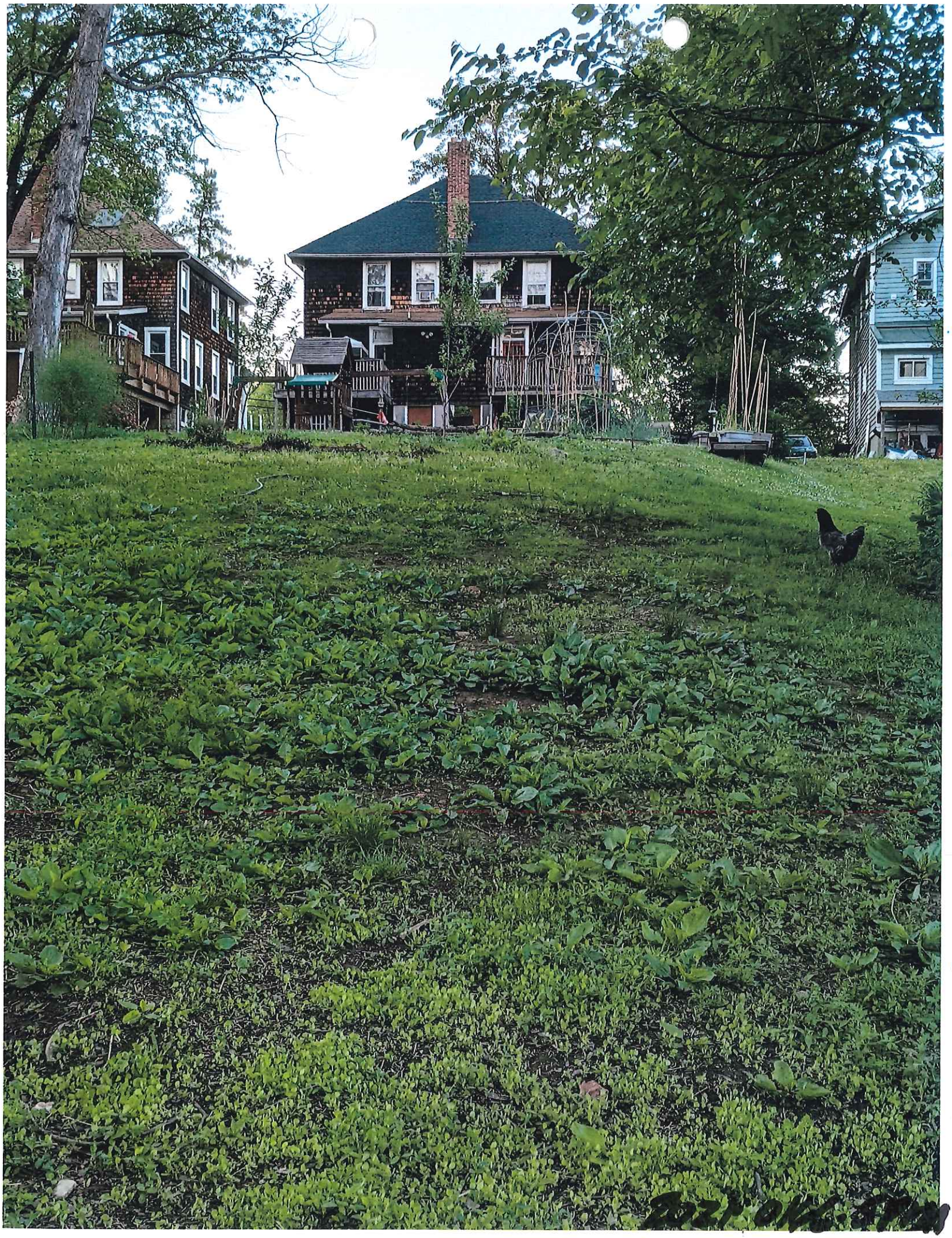
View from rear of 1540 42 to coupe

Coupe over 150' from pvt. ROW 15ft



view to house from corge Not our chicken





View from Coupe Not our chicken

Google Maps 1536 S Rolling Rd

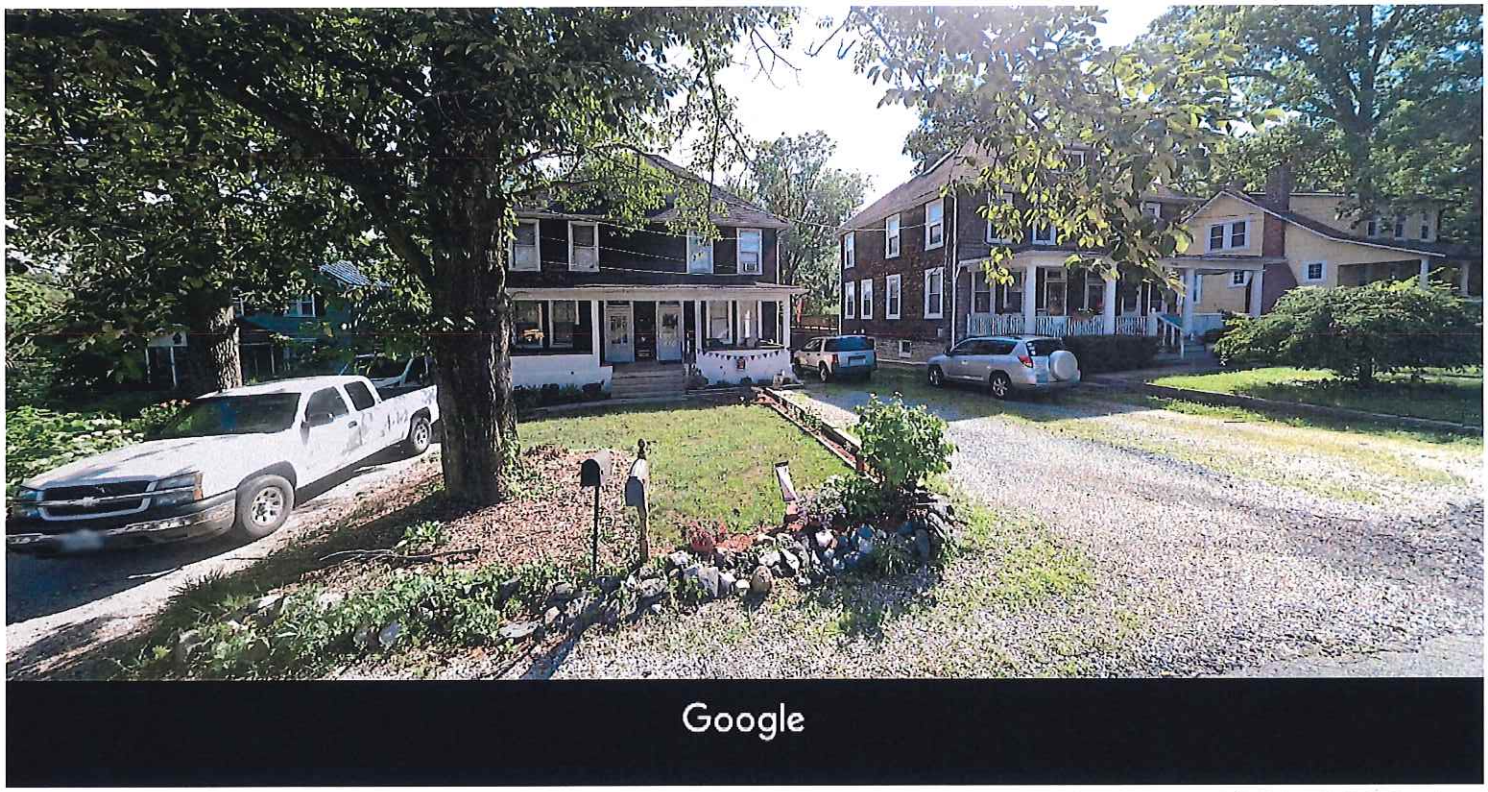


Image capture: Jul 2019 © 2021 Google

Arbutus, Maryland

Google

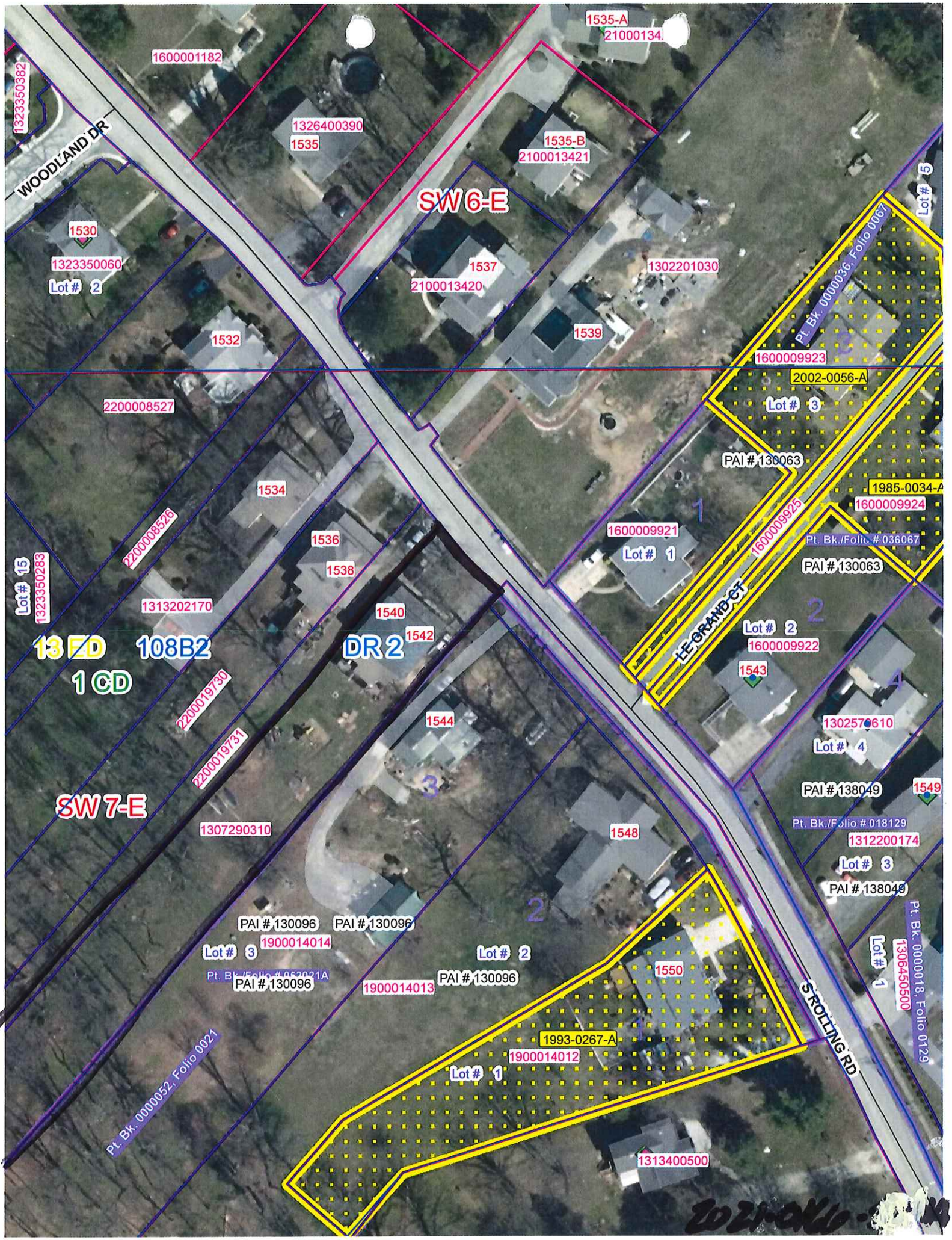
Street View

2021-0166-[illegible]A

Google Maps

Imagery ©2021 U.S. Geological Survey, Map data ©2021 20 ft

2021-0166-BA


WOODLAND DR
1323350382
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1535
1535-A
21000134
1535-B
2100013421
SW 6-E
1530
1323350060
Lot # 2
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2100013420
1302201030
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2200008526
1536
1538
1323350283
Lot # 15
1313202170
1540
1542
13 ED
108B2
DR 2
1 CD
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2200019731
SW 7-E
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1550
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Lot # 1
1313400500
PAI # 130096
1900014014
Lot # 3
Pt. Bk./Folio # 052021A
1900014013
Lot # 2
1600009923
2002-0056-A
Lot # 3
PAI # 130063
1985-0034-A
1600009924
1600009921
Lot # 1
1600009925
Pt. Bk./Folio # 036067
LE GRAND CT
Lot # 2
1600009922
1543
1302570610
Lot # 4
PAI # 138049
1549
Pt. Bk./Folio # 018129
1312200174
Lot # 3
1306450500
Lot # 1
S ROLLING RD
Pt. Bk. 0000036, Folio 0061
Pt. Bk. 0000018, Folio 0129
Pt. Bk. 0000052, Folio 0021
Lot # 5

I, Elizabeth Keatts am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Elizabeth Keatts

Signature

5/6/21

Date

710 Woodland Dr.

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

2021-0166-SPHA

I, Eileen Gartland, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Eileen Gartland

Signature

5/6/21

Date

710 Woodland Drive

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, MARK MCCOY, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Mark McCoy

Signature

5/6/21

Date

711 Woodland dr 21227

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Abby Digiondomenico, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Abby Digiondomenico

Signature

Thursday may 6th 2021

Date

1543 South rolling road

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Kim Digiordanenico, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Signature

5-6-21

Date

1543

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Tarrence Crews, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Signature

5/3/2021

Date

1536 S. Rolling Rd, 21227

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Emily Crews, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

E Crews
Signature

May 3, 2021
Date

1536 S Rolling
Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Kathy Parks, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Signature

5/3/21

Date

1540 S. Rolling Rd.

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Sheila P Muecio, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Signature

5/5/2021

Date

1544 S. Rolling Rd

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Cole Sheets, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Signature

5/5/2021

Date

1544 S. Rolling Rd

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Jane Parks, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Jane Parks
Signature

5/3/21
Date

1540 S. Rolling Rd.
Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Robert C G Thomas, am a neighbor of 1542 Sr. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Signature

May 6 2021

Date

711 Woodland

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Blake Thomas, am a neighbor of 1542 Sr. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Signature

5/6/21

Date

711 Woodland Dr

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

I, Diana Beam, am a neighbor of 1542 S. Rolling Rd. I am aware of the chickens, ducks, and geese at that property and do not consider them a nuisance.

Signature

5/4/21

Date

711 woodland dr hakthorpe MD

Street #

NEXT DOOR / ACROSS THE STREET / ADJASCENT

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 13 **Account Number -** 1307290310

Owner Information

Owner Name:	MARTIN ELISABETH ANN MARTIN JOHN THEODORE JR	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	1540 S ROLLING RD BALTIMORE MD 21227-4230	**Deed Reference:**	/26000/ 00101

Location & Structure Information

Premises Address:	1540 ROLLING RD BALTIMORE 21227-4230	**Legal Description:**	1540-42 ROLLING RD WS 600 N FRANCIS AV

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0108	0016	0515	13050082.04	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1920	2,680 SF		40,920 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	END UNIT	WOOD SHINGLE/	4	2 full		

Value Information

	Base Value	Value As of 01/01/2019	Phase-in Assessments As of 07/01/2021	As of 07/01/2022
Land:	93,700	93,700		
Improvements	156,900	156,900		
Total:	250,600	250,600	250,600	
Preferential Land:	0			

Transfer Information

Seller: WHEELER STEPHEN CLAY	**Date:** 08/03/2007	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /26000/ 00101	**Deed2:**
Seller: GITTINGS DONALD JOSEPH	**Date:** 10/14/1981	**Price:** $60,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /06335/ 00711	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2021	07/01/2022
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Denied

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**