



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 12516 Park Heights Avenue Currently Zoned RC5
Deed Reference 19372 / 557 10 Digit Tax Account # 0423035250
Owner(s) Printed Name(s) Royland Whitcomb (deceased) Robin Fishpaw (Trustee)

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

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 a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

see attached

2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. _____ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

"to be presented at hearing"

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.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Royland Whitcomb , Robin Fishpaw (Trustee)
Name #1 - Type or Print _____ Name #2 - Type or Print _____
(deceased) , *Robin Fishpaw*
Signature #1 _____ Signature #2 _____
12516 Park Heights Avenue, Owings Mills, MD
Mailing Address _____ City _____ State _____
21117 , 410-596-2623 , sndybnz@comcast.net
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Site Rite Surveying, Inc c/o Bernadette Moskunas
Name - Type or Print _____
Bernadette Moskunas
Signature _____
200 E. Joppa Road, Room 105 Towson, MD
Mailing Address _____ City _____ State _____
21286 , 410-339-5413 , siteriteinc@aol.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0165-SM Filing Date 6 / 28 / 24 Do Not Schedule Dates _____ Reviewer JJ

Pursuant to Section 1A04.3.B.1.b.(1), BCZR, Special Hearing Relief to Section 1A04.3.B.2.b, BCZR, to permit a replacement dwelling with a building setback of 78 feet to the centerline of a scenic route in lieu of the required 150 feet, to permit a replacement dwelling with a building setback of 26 feet in lieu of the required 50 feet from any other lot line other than a street line

Variance to Section 301.1.A, BCZR, to permit a proposed open projection with a setback of 73 feet to the centerline of a scenic route in lieu of the required 112.5 feet.

2024-0165-SPH



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Owner(s) Printed Name(s) Royland Whitcomb (deceased) Robin Fishpaw (Trustee)

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see attached.

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Signature _____
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Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Royland Whitcomb / Robin Fishpaw (Trustee)
Name #1 - Type or Print _____ Name #2 - Type or Print _____
(deceased) / *Robin Fishpaw*
Signature #1 _____ Signature #2 _____
12516 Park Heights Avenue, Owings Mills, MD
Mailing Address _____ City _____ State _____
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Site Rite Surveying, Inc c/o Bernadette Moskunas
Name - Type or Print _____
Bernadette Moskunas
Signature _____
200 E. Joppa Road, Room 105 Towson, MD
Mailing Address _____ City _____ State _____
21286 / 410-339-5413 / siteriteinc@aol.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0165-SPM Filing Date 6 / 28 / 24 Do Not Schedule Dates _____ Reviewer JS

Special Hearing relief

Section 1A04.3.B.2.b, BCZR to permit a replacement dwelling with a setback of 78 feet to the centerline of a scenic route, to permit a proposed open projection with a setback of 73 feet to the centerline of a scenic route in lieu of the required 150 feet and to permit a replacement dwelling with a setback of 26 feet in lieu of the required 50 feet.

2024-0165-SP4

ZONING PROPERTY DESCRIPTION FOR #12516 Park Heights Avenue

Beginning at a point on the south side of Park Heights Avenue (MD Route No. 129) which is 80 feet wide at the distance of 540 feet southeast of the centerline of Garrison Forest Road which is 70 feet wide.

Thence the following courses and distances, viz:

- 1) South 58 degrees 54 minutes 48 seconds East, 135.83 feet
- 2) South 11 degrees 34 minutes 49 seconds East, 254.59 feet
- 3) South 79 degrees 07 minutes 41 seconds West, 107.84 feet
- 4) North 53 degrees 35 minutes 47 seconds West, 150.68 feet
- 5) North 49 degrees 34 minutes 43 seconds West, 33.40 feet
- 6) North 20 degrees 25 minutes 12 seconds East, 244.14 feet back to the point of beginning as recorded in Deed Liber 19372, Folio 557, containing 1.2173 acres, more or less (per boundary survey). Located in the 4th Election District and 2nd Council District.

This legal description is for zoning purposes only.

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175
Site Rite Surveying, Inc.
200 E. Joppa Road, Room 105
Towson, MD 21286
(410)339-5413



2024-0165-SPH

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 231832

Date: 6/28/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 75.00
Total:									\$ 75.00

Rec

From: WHITCOMB / FISHPAW

For: 12516 PARK HEIGHTS AVE

0024-0165-SPH

JSS 24-0606

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

SAMUEL E. FISHPAW 01-93
ROBIN R. FISHPAW
2616 BERT FOWLER RD. 410-239-0281
MANCHESTER, MD 21102-1808

65-330/550

3584

Date 6/18/24

Pay to the
Order of

BALTIMORE COUNTY, MD \$ 75.00

3 1/2

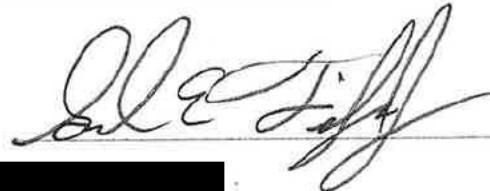
SEVENTY-FIVE AND 00/100 Dollars

Heat
Reactive
Ink

TRUIST 

Memo

ZONING PETITION



MP

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2024-0165-5PH
Property Address: 12516 Park Heights Avenue
Legal Owners (Petitioners): Royland Whitcomb (deceased) Robin Fishpaw (Trustee)
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Robin Fishpaw
Address: 2616 Bert Flower Road
Manchester, MD 21102

Telephone Number: 410-596-2623

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 0423035250

Owner Information

Owner Name: WHITCOMB ROYLAND R Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 12516 PARK HEIGHTS AVE Deed Reference: /19372/ 00557
OWINGS MILLS MD 21117-1020

Location & Structure Information

Premises Address: 12516 PARK HEIGHTS AVE Legal Description: 1.23 AC SWS
OWINGS MILLS 21117-1020 PARK HEIGHTS AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0049 0011 0270 4020022.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1900 1,008 SF 1.2500 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
2 YES STANDARD UNITFRAME/3 1 full

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2023 As of 07/01/2024	
Land:	92,200	92,200		
Improvements	82,700	99,800		
Total:	174,900	192,000	186,300	192,000
Preferential Land:	0	0		

Transfer Information

Seller: WHITCOMB ROYLAND R	Date: 12/31/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19372/ 00557	Deed2:
Seller: WHITCOMB JOSEPHINE	Date: 04/08/1986	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07129/ 00462	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



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2024-0165-SP4

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Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175
Site Rite Surveying, Inc.
200 E. Joppa Road, Room 105
Towson, MD 21286
(410)339-5413



2024-0165-SPH



Certificate of Posting

Case# 2024-0165-SPHA

Petitioner/Developer

Site Rite Surveying Inc.

Bernadette Moskunas

Date of Hearing/Closing

August 26, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the property located at

12516 Park Heights Avenue July 30, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

July 15, 2024

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 for the Special Hearing, Variance Case number referenced below. We have completed our review and have determined that the subject property does access the State roadway MD 129. Also it has been determined that Right of Way dedication is required along property frontage abutting SHA MD 129 for future road widening. Therefore, based upon SHA's requirements this office request that the Baltimore County Zoning Advisory Committee not approve Case No.2024-0165-SPHA until the Right of Way dedication has been completed to SHA's satisfaction.

We also request that the proposed septic field be relocated further away from the SHA Right of Way line.

Please follow the instruction below for plat and deed donation;

SHA requires that any right-of-way or easement donation (dedication) be platted to SHA standards. Go to: <https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=106> then follow the link to Developer Donation Plat Standards. Please contact Mr. Robert Hammond Bey, Chief, Records & Research Section, Office of Real Estate: 410-545-0358 RHammondbey@mdot.maryland.gov for existing right-of-way information. Note that any plats produced for the SHA shall be on NAD83/91 datum. Please contact Mr. Erik Donald of the Plats & Surveys Division (PSD): 410-545-8976 EDonald@mdot.maryland.gov for SHA-GPS control location and information. All plats must be submitted for review, checking and final issuance. **All subdivision plats that will be showing donated area must be approved by PSD prior to recordation at the County level.**

Again, utilize the Salesforce link as previously mentioned to submit your plat. Please utilize the above SHA tracking number when making this submission. Subsequent plat submissions shall be made directly to the Plats and Surveys Division. Please contact Mr. Matthew Bloedorn PLS, Assistant Division Chief, Plats & Surveys Division (PSD): 410-545-8916 MBloedorn@mdot.maryland.gov for additional information about the Donation Plat review process. Additionally, contact Mr. Robertallen Webb, Chief, District 4 Right-of-Way: 410-229-2401 RWebb@mdot.maryland.gov for information about the Donation Deed requirements and procedures. **The deed, description, plat, and appropriate title documentation must be approved by the SHA, and evidence of the deed recordation shall be provided prior to the issuance of the Access Permit.**

Ms. Kristen Lewis

Page 2

Should you have any questions regarding this matter, please contact Mr. Steven Autry at 410-229-2335, or toll free (in Maryland only) at 1-800-735-2258 (x2335), or via email at sautry@mdot.maryland.gov

Sincerely,

Teresa Eller, for

Claudine Myers

Acting Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: July 26, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0165-SPHA
Address: 12516 PARK HEIGHTS AVE
Legal Owner: Royland Whitcomb, Robin Fishpaw (Trustee)

Zoning Advisory Committee Meeting of July 19, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- Ground Water Management (GWM) approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an OSDS inspection report locating all septic system components. Also, submission of perc test application and conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system will be required.
- The site plan submitted would not be acceptable for building permit approval by Ground Water Management.
- Development of the property must comply with both the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains and the Forest Conservation Law (§ 33-3-101 through 33-3-120 and §33-6-103(b)(10) & 33-6-104 of the Baltimore County Code, respectively.)

Reviewers:	Rochelle V. Underwood	GWM
	Michael S. Kulis	EIR

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 15, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0165-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: Request petitioner's request be denied until DPW-T comments are addressed.

DPW-T: An ultimate land use conditions riverine flood study meeting the Baltimore County Department of Public Works and Transportation (DPWT) Design Manual and the Baltimore County Department of Permits, Approvals and Inspections (PAI) Bureau of Development Plans Review Policy Manual is required and must be submitted to PAI to be "Accepted for Filing". The applicant may be required to apply for a Zoning Hearing with the Administrative Law Judge to obtain a waiver to Baltimore County Code 32-4-414 and 32-8. The proposed structure must also meet DPWT Design Manual Plate DF-1.

Landscaping: No comment.

Recreations & Parks: No comment.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 7/24/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0165-SPH

INFORMATION:

Property Address: 12516 Park Heights Avenue
Petitioner: Royland Whitcomb (deceased) and Robin Fishpaw (Trustee)
Zoning: RC 5
Requested Action: Special Hearing and Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing -

- a. To permit a replacement dwelling with a building setback of 78 feet to the centerline of a scenic route instead of the required 150 feet, and to permit a replacement dwelling with a building setback of 26 feet instead of the required 50 feet from any other lot line, excluding a street line.

Variance -

- a. To permit a proposed open projection with a setback of 73 feet to the centerline of a scenic route instead of the required 112.5 feet.

The subject property, situated along Park Heights Avenue in the Owings Mills area of Baltimore County, encompasses approximately 1.25 acres and is zoned RC 5. The applicant intends to demolish the existing dwelling and construct a replacement dwelling including a garage and two porches. The property is surrounded by detached residential dwellings, agricultural activities, and areas designated for forest conservation and forest buffer easements.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

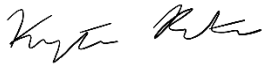
Upon reviewing the submitted lot dimensions using GIS, it is evident that the property does not meet the lot size and setback requirements. As a result, a Special Hearing and Variance are required to discuss accommodating the proposed development within an RC5 zone. Additionally, it is important to note that the applicant does not justify the request for a variance to allow a setback of 73 feet to the centerline of a scenic route, instead of the mandated 112.5 feet.

The Department has no objections to the requests with the following condition:

1. The applicant must provide a reasonable justification for the requested variance at the hearing.
2. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at permitting.
3. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
4. The accessory structure shall not be used for commercial or industrial purposes.

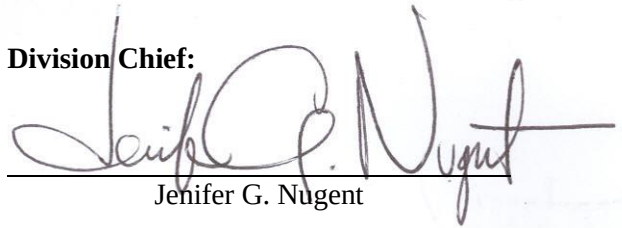
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

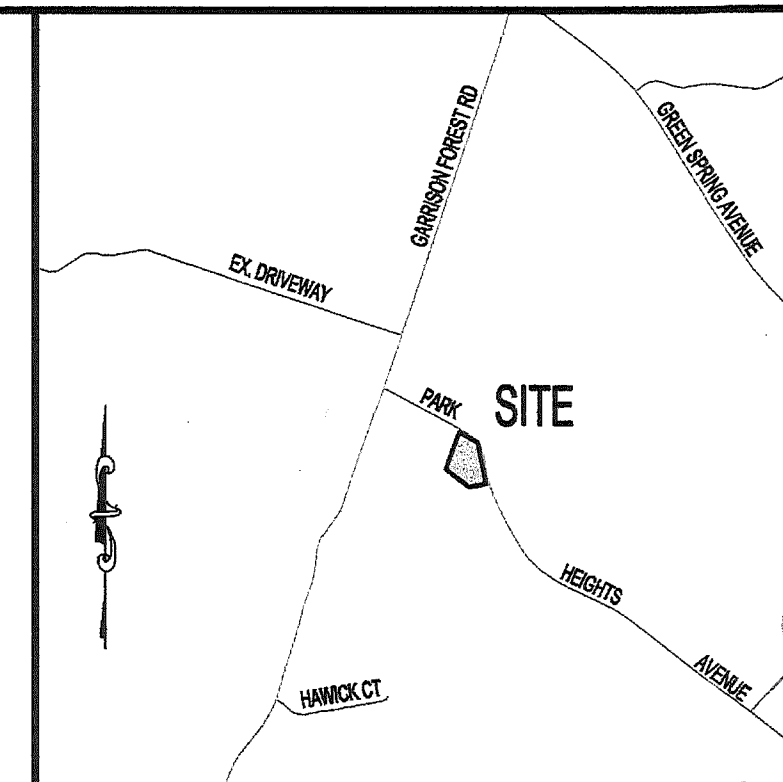
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Site Rite Surveying, Inc c/o Bernadette Moskunas
Abigail Rogers, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



Vicinity Map Scale 1" = 1200'

General Notes

1. Existing Zoning: RC 5 (049C2)
2. Lot Area: 1.25 AC± (S.D.A.T.) 1.2173 AC± (Boundary Survey).
3. Existing Private Well and Septic.
4. Existing Dwelling and Existing Accessory Structures to be razed.
5. The property is in the Worthington Valley Historic District.
6. This plan is based on the GIS Portal, Title Deeds, Field Locations for subject property and a Boundary Survey.
7. Growth Tier: 4
8. Perc Test completed 10/14/2022, Soil Test conducted on site by D.E.P.S.
9. Wetland Delineation and Steep Slope Analysis were reviewed and approved by E.I.R. in a letter dated May 12, 2022.
10. Existing Septic and Well are to be abandoned and backfilled to allow new O.S.D.S. & well for proposed replacement dwelling and to be in compliance with G.W.M. Regulations.
11. This property is not located in the Chesapeake Bay Critical Area, Flood Plain or Historic District.
12. There is No prior zoning history or violations.
13. Proposed Building Coverage is 3,656.45 sf± = 6.9%

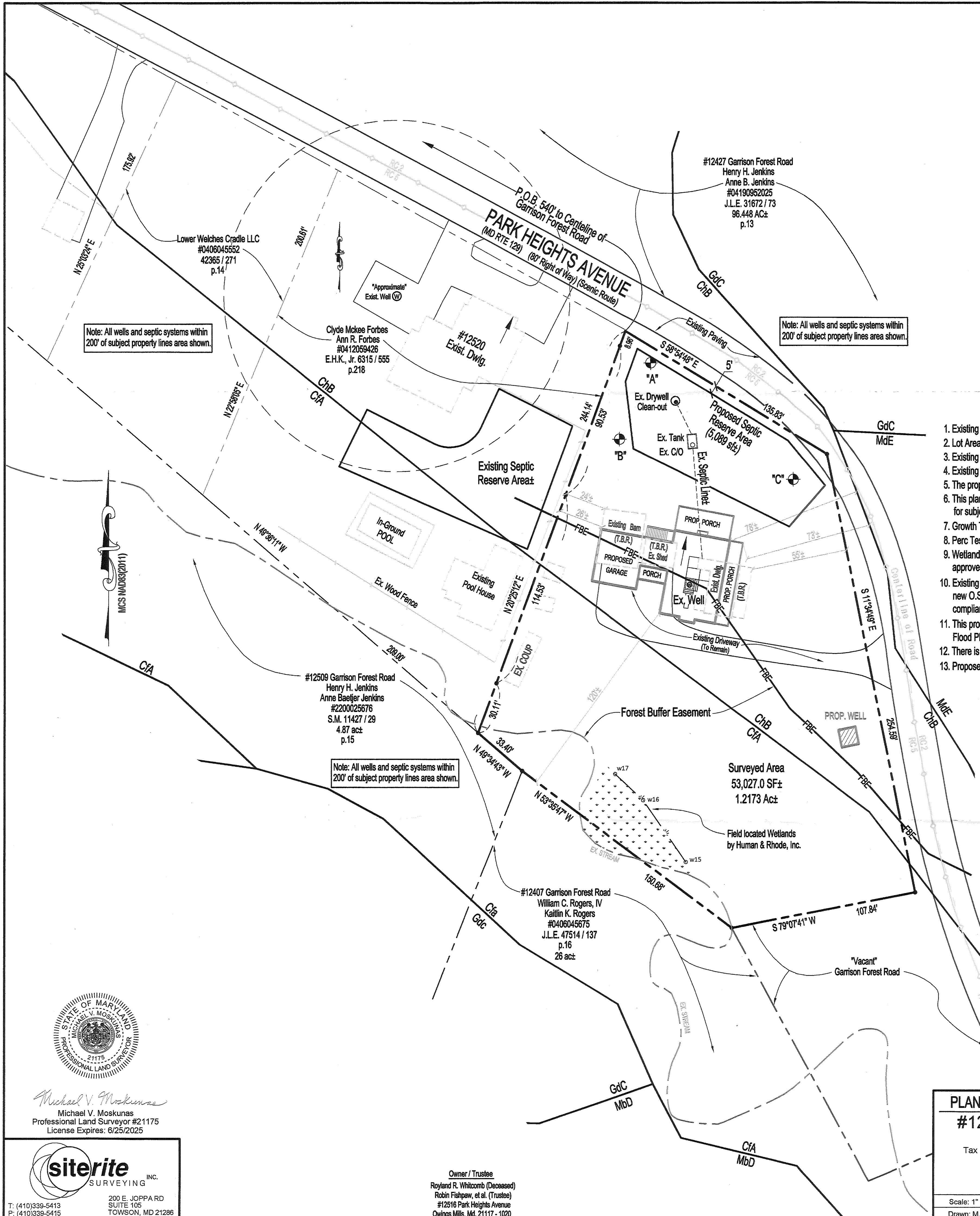
2024-0165-SPH

Graphical Scale: 1" = 30'
0 30 60 90

PLAN TO ACCOMPANY SPECIAL HEARING #12516 Park Heights Avenue

Map: 49 Grid: 11 Parcel: 270
Tax ID #0423035250 Deed Reference: S.M. 19372 / 557
4th Election District
2nd Councilmanic District
Baltimore County, Maryland 21117

Scale: 1" = 30'	Date: 06/14/2024	Job #10903Tile
Drawn: M.V.M.	Checked: B.L.M.	Survey'd: N/A



Michael V. Moskunas
Michael V. Moskunas
Professional Land Surveyor #21175
License Expires: 6/25/2025



T: (410)339-5413
P: (410)339-5415

Owner / Trustee
Royland R. Whitcomb (Deceased)
Robin Fishpaw, et al. (Trustee)
#12516 Park Heights Avenue
Owings Mills, Md. 21117 - 1020

049C1

0410025321 ROAD

GARRISON FOREST RD

2500004797

PARK HEIGHTS AVE

RC2

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

2 CD
4 ED

12525
0406045552
2019-0505-A

0419095025

12520

0412059426

12516

0423035250

2200025676
1997-0383-A
12509

NW 16-G

049C2

RC 5

0406045675

12407

NW 16-H

Lot # 2

PAI # 040345

2200009712

2014-0184-A

Pl. Bk./Folio

PAI # 040345 # 040345

2200009711

Lot # 1

PAI # 040345

2014-0184-A

2200009713

PAI # 040625

0422001175
PAI # 040625

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049C1

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12407

NW 16-H

Lot # 2

2200009712

PAI # 040345

2014-0184-A

Pt. Bk./Folio 0000063, Folio 0120

PAI # 040345 # 040345

2200009711

PAI # 040345

Lot # 1

2014-0184-A

2200009713

PAI # 040625

0423001125

PAI # 040625

PAI # 040625

12516 Park Heights Avenue 540' SE of Garrison Forest Road

