

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

September 18, 2024

Robert & Lisa Webster – <u>robkwebster@verizon.net</u> 5611 Carrington Drive White Marsh, MD 21162

RE:

Petition for Administrative Variance

Case No. 2024-0201-A

Property: 5611 Carrington Drive

Dear Mr. and Mrs. Webster:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

DEREK J. BAUMGARDNER Administrative Law Judge

for Baltimore County

DJB:dlw Enclosure

c: Maureen Copeland - chesapeakedesignco@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE (5611 Carrington Drive)

11<sup>th</sup> Election District \* OFFICE OF ADMINISTRATIVE 5<sup>th</sup> Council District

Robert & Lisa Webster \* HEARINGS FOR

\* BALTIMORE COUNTY

Petitioners \* CASE NO. 2024-0201-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 owners of the subject property, Robert and Lisa Webster ("Petitioners"), for the property located at 5611 Carrington Drive, White Marsh (the "Property"). The Petitioners are requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C.1, to permit a rear setback of 34 ft. for a dwelling addition (attached garage) in lieu of the required 40 ft. rear setback. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs were marked and accepted into evidence as Petitioners' Exhibits 2A-2B.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 30, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 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 to satisfy the

requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would

cause practical difficulty and/or unreasonable hardship for 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 18th day of September, 2024, by the Administrative

Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore

County Zoning Regulations ("BCZR"), Section 1B02.3.C.1, to permit a rear setback of 34 ft. for

a dwelling addition (attached garage) in lieu of the required 40 ft. rear setback, 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.

DEREK J. BAUMGARDNER

Administrative Law Judge

for Baltimore County

DJB:dlw

2



#### **ADMINISTRATIVE ZONING PETITION**

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
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:

F644 Corrigator Drive White March MD 2116	np 2
Address 5611 Carrington Drive, White Marsh, MD 2116	Currently Zorled
Deed Reference / 00491 1	10 Digit Tax Account #
Dwner(s) Printed Name(s)	
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ AT THE APP	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the reverse of this Pe	etition form must be completed and notarized.
The undersigned, who own and occupy the property situate in Baltimor nereof, hereby petition for an:	re County and which is described in the plan/plat attached hereto and made a part
1 ADMINISTRATIVE VARIANCE from Section(s)	
See Attached	
of the zoning regulations of Baltimore County, to the zoning law of Balt	timore County.
<ol> <li>ADMINISTRATIVE SPECIAL HEARING to approve a waiver power in this space: i.e., to raze, alter or construct addition to building)</li> </ol>	pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of
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Baltimore County adopted pursuant to the zoning law for Baltimore Co  Owner(s)/Petitioner(s):  Robert Webster  Lisa Wel	etc. and further agree to be bound by the zoning regulations and restrictions of bunty.  bster
Name #1 – Type or Print Name	e # 2 – Type or Print
LIC , BIDO	wesser.
Signature #1 5611 Carrington Drive White M	Signature # 2 Warsh MD
Mailing Address City	State robkwebster@verizon.net
21162 / 443-992-3434 / Zip Code Telephone #'s (Cell and Home)	Email Address
At the state of th	Representative to be Contacted:
Attorney for Owner(s)/Petitioner(s):	Maureen Copeland
Name - Type or Print	Name Type or Print
Signature	Signature 603 East Court Westminster MD
Mailing Address City State	Mailing Address City State  21157 / 717-599-9590 / chesapeakedesignco@gmail.c
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A DUDLIC UEADING having been formally demanded and/or foun	nd to be required, it is ordered by the Office of Administrative Hearings for
Baltimore County, this day of hearing, advertised, and re-posted as required by the zoning regulatio	that the subject matter of this petition be set for a public
	Administrative Law Judge for Baltimore County
Case Number 2024-0201-A Filing Date 8 / 2	
	Cosing Date $9/16/2024$ Revised 8/2022

# 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.

•	5611 Carrington Drive	White Marsh	MD	21162
Address: _ P	Print or Type Address of Property	City	State	Zip Code
Based upor Variance a	n personal knowledge, the following are the the above address. (Clearly state practi	e facts upon which I/we base the cal difficulty or hardship he	ne request for an <i>i</i> r <b>e)</b>	Administrative
equipme would re Code. B for the g	proposing an attached garage nt. Due to the unusual shape o duce the rear setback to the addecause of the front setback and carage on our property. The add by affect our neighbors in any way	f the property, the desidition to 34' intead of the other lot restrictions, this lition would match the	ired depth of ne 40' require s is the only a	the new garage d by the Zoning vailable location
6	nal space for the petition request or the a	above statement is needed,	·	it to this Form)
Rolo Name - Pri	nt or Type	Name - Print or Ty	pe	
Th	ne following information is to be con	npleted by a Notary Public	of the State o	f Maryland
	MARYLAND, COUNTY OF BALTIMORE	and the second s		
I HEREBY and for the	CERTIFY, this 104 day of County aforesaid, personally appeared:	1948t , 2024	, before me a N	otary of Maryland, in
Print name	(s) here: LISA WEBSTER +	KOBERT WERST	ER	
the Affiant(	s) herein, personally known or satisfactorily	y identified to me as such Affia	nt(s).	
Notary Pub	SS my hand and Notaries Seal  All Dic Seal  Ssion Expires	NOTA HARFO MA	OORE RICKS RY PUBLIC RD COUNTY RYLAND Expires Sept. 02, 20	26

#### Attachment for 5611 Carrington Dr

To permit a variance from section 1B02.3.C.1 BCZR to permit a rear setback of 34' for a dwelling additio
(attached garage) in lieu of the required 40' rear setback.

### ZONING PROPERTY DESCRIPTION FOR 5611 CARRINGTON DRIVE

Beginning at a point Southwest side of Carrington Drive which is 80 feet wide at the distance of 423 feet Southeast of the centerline of Philadelphia Rd. which is 66 feet wide.

Being Part Lot #4 in the subdivision of Darryl Gardens as recorded in Baltimore County Plat Book #0013, Folio #0137, containing 30,429 square feet. Located in the 11th Election District and 5th Councilmanic District

ZONING HEARING PLAN FOR VARIANCE & FOR SPECIAL HEARING (MARKTYPE REQUESTED WITH X)

ADDRESS 5611 Carring for Dr Owner(s) NAME(s) Robert & Lisa webster

SUBDIVISION NAME Darry Gardens LOT# 4 BLOCK# C SECTION#

PLAT BOOK # 0013 FOLIO# 6137 10 DIGITTAX # 1 1 1 3 0 2 3 9 5 0 DEED REF. # 2 0 6 1 7/ 0 0 4 9 1

miaureen copeland architects  Coning: DR-2 603 East Court Westminster, MD 21157 717-599-9590 Chesapeakedesignco@gmail.com  SITE DATA ZONING: DR-2 ACCNT NO: 1113023950 LOT AREA: 30,429 SF EXISTING PUBLIC WATER AND SEWER	SCALE: 1" = 40"  N T3 59 30" E 15764"  N T3
PLAT TO ACCOMPANY ADMIN. VARIANCE 5611 CARRINGTON DRIVE WHITE MARSH, MD 21162 OWNERS: ROBERT & LISA WEBSTER Date: August 18, 2024	SITE VICINITY MAP  NOT TO SCALE  NOT TO SCALE  REMARKS  1. THERE WILL BE NO GRADING OR DISTURBANCE OTHER THAN EXCANATION NECESSARY FOR ADDITION AND FOOTINGS. 2. THE EXCENTING FOOTINGS. 2. THE EXCENTING FOR DISTRURBANCE IS INDICATED ON THE PLAN.

ZONING MAP# 073 A1
SITE ZONED DR2
ELECTION DISTRICT 11
COUNCIL DISTRICT_S
LOT AREA ACREAGE
OR SQUARE FEET 30,429
HISTORIC? N.
IN CBCA? No
IN FLOOD PLAIN ? No.
UTILITIES? MARK WITH ?
WATER IS:
PUBLIC PRIVATE
SEWER IS:
PUBLIC PRIVATE
PRIOR HEARING? No.
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
JOI ATION CASE INFO

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

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case N	lumbe	: 20	)24	0201	-A	Address	5611 Carrington DR		
Contac	ct Pers	on:	Jesse H	(rout				Phone Nu	ımber: 410-887-3391
Planner, Please Print Your Name									
Filing I	Date:	8/2	23/2024	ļ. 	Post	ing Date:	9/1/2024	Closing Date:	9/16/2024
				this offic			atus of the administr	ative variance s	hould be through the
1.	1. <b>POSTING/COST:</b> 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.	file a	form	ial requ	est for a	public l	nearing. P	e for a neighbor (occ lease understand that e on the closing date.		
3.	may: for a notified This co	(a) g pub catio lecis	grant th lic head on as to	e reques ring. If a whether sually ma	ted reliall Country the pe	ef; (b) den ity/State a etition has	I be reviewed by the A y the requested relief gencies' comments a been granted, denied As of the closing date.	; or (c) order tha re received, yo I, or will procee	at the matter be set in u will receive written ed to a public hearing.
4.	to a forwa and lo	neig rdeo ocati	hbor's I to you on. As	formal re u. The sign when the	equest gn on t e sign v	or by ord he propert	<b>G:</b> In cases that muster of the Administrate must be changed gilly posted, certification office.	tive Law Judge ving notice of t	), notification will be he hearing date, time
Petitio	ner: T	his I	Part of	the Form	is for t	he Sign Po	- <b>ster Only</b> (Detach Along D	ootted Line)	
				USE	THE AD	MINISTRA	TIVE VARIANCE SIGN	FORMAT	
Case N	lumbe	: 20	)24 _	0201	-A Ad	dress56	11 Carrington DR		
Petitio	ner's N	lame	e: Ro	bert Web	ster		Tele	ephone (Cell) <u>4</u>	43-992-5454
Postin	g Date	: <u>9</u> /	1/2024	<b>.</b>		Closing D	Pate: 9/16/2024		
Wordi	ng for	Sign:	To Pe	rmit <u>a v</u>	ariance	from secti	ion 1B02.3.C.1 BCZR fo	or a rear setback	of 34' for a
dwell	ling ad	ditio	n (attac	hed gara	ge) in li	eu of the r	equired 40' rear setba	ıck.	

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT  Rev Sub							192 1) 24	
				Source/	Rev/			
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00
			k1					#_
For:	VARL	ANCG	(#71	38)				
	603	EAST	COURT					
DISTRIBI	MOITL							

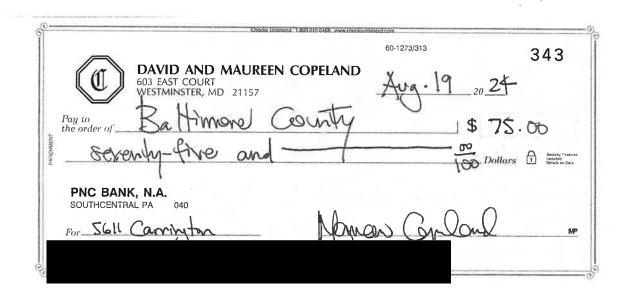
YELLOW - CUSTOMER

PLEASE PRESS HARD!!!!

**GOLD - ACCOUNTING** 

WHITE - CASHIER PINK - AGENCY

CASHIER'S VALIDATION





#### **ADMINISTRATIVE ZONING PETITION**

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Rolo Name - Pri	nt or Type	Name - Print or Ty	pe	
Th	ne following information is to be con	npleted by a Notary Public	of the State o	f Maryland
	MARYLAND, COUNTY OF BALTIMORE	and the second s		
I HEREBY and for the	CERTIFY, this 104 day of County aforesaid, personally appeared:	1948t , 2024	, before me a N	otary of Maryland, in
Print name	(s) here: LISA WEBSTER +	KOBERT WERST	ER	
the Affiant(	s) herein, personally known or satisfactorily	y identified to me as such Affia	nt(s).	
Notary Pub	SS my hand and Notaries Seal  All Dic Seal  Ssion Expires	NOTA HARFO MA	OORE RICKS RY PUBLIC RD COUNTY RYLAND Expires Sept. 02, 20	26

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#### **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: September 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0201-A

Address: 5611 CARRINGTON DR. Legal Owner: Robert & Lisa Webster

Zoning Advisory Committee Meeting of September 3, 2024.

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

Reviewer: Earl D Wrenn

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: September 6, 2024

Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

Case 2024-0201-A

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

**DPR:** No comment.

**DPW-T:** No exception taken.

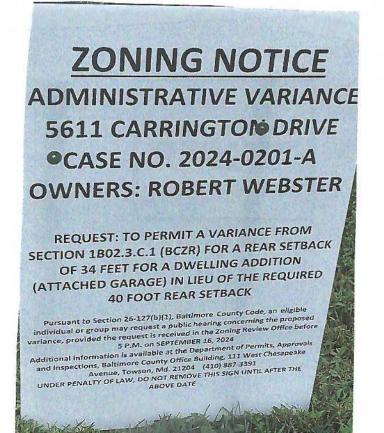
Landscaping: No comment.

Recreations & Parks: No comment.

#### **CERTIFICATE OF POSTING**

Date: AUGUST 31, 2024

RE:	Project Name:	5611 CARRINGTON DRIVE #1
	Case Number /PAI Numb	er:2024-0201-A
	Petitioner/Developer:	WEBSTER
	Date of Hearing/Closing:	SEPTEMBER 16, 2024
were		penalties of perjury that the necessary sign(s) required by law e property located at <u>5611 CARRINGTON DRIVE</u>
	The sign(s) were posted o	
		(Month, Day, Year)



Jourd Belleraples
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

### **CERTIFICATE OF POSTING**



Paul Billingsby (Signature of Sign Poster)

DAVID W. BILLINGSLEY

Date: AUGUST 31, 2024

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

#### Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 11 Account Number - 1113023950

**Owner Information** 

Owner Name:

WEBSTER ROBERT

RESIDENTIAL

WEBSTER LISA

Principal Residence: YES

Mailing Address:

5611 CARRINGTON DR

/20617/ 00491 Deed Reference:

WHITE MARSH MD 21162-1121

**Location & Structure Information** 

Premises Address:

5611 CARRINGTON DR WHITE MARSH 21162-1121 Legal Description: PT LT 4

5611 CARRINGTON DR

DARRYL GARDENS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0073 0002 0319 11010003.04 0000

Plat Ref: 0013/ 0137

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

4,248 SF

StoriesBasementType

ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

4 2024

STANDARD UNITBRICK/ 4 YES FRAME

#### **Value Information**

1 full

	Base Value	Value	Phase-in Assessments		
		As of 01/01/2024	As of 07/01/2024	As of 07/01/2025	
Land:	116,600	138,400			
Improvements	414,800	412,500			
Total:	531,400	550,900	537,900	544,400	
Preferential Land:	0	0			

#### **Transfer Information**

Seller: MACBLANE MARGARET M Type: ARMS LENGTH IMPROVED	Date: 08/31/2004 Deed1: /20617/ 00491	Price: \$279,900 Deed2:
Seller: MACBLANE JOHN W Type: NON-ARMS LENGTH OTHER	Date: 10/30/1998 Deed1: /13260/ 00131	Price: \$0 Deed2:
Seller: Type:	Date: Deed1:	Price: Deed2:

#### **Exemption Information**

Partial Exempt Asse	ssments: Class	07/01/2024	07/01/2025	
County:	000	0.00		
State:	000	0.00		
Municipal:	000	0.00 0.00	0.00 0.00	

Special Tax Recapture: None

#### **Homestead Application Information**

Homestead Application Status: Approved 01/13/2009

#### Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

ZONING HEARING PLAN FOR VARIANCE & FOR SPECIAL HEARING (MARKTYPE REQUESTED WITH X)

ADDRESS 5611 Carring for Dr Owner(s) NAME(s) Robert & Lisa webster

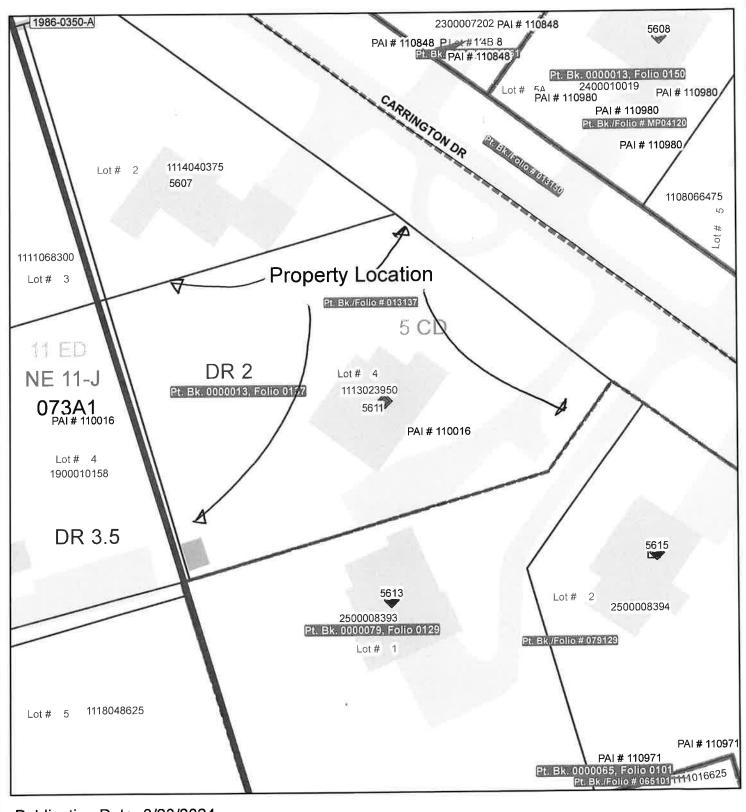
SUBDIVISION NAME Darry Gardens LOT# 4 BLOCK# C SECTION#

PLAT BOOK # 0013 FOLIO# 6137 10 DIGITTAX # 1 1 1 3 0 2 3 9 5 0 DEED REF. # 2 0 6 1 7/ 0 0 4 9 1

maureen copeland architects  SITE DATA  ZONING: DR-2 603 East Court Westminster, MD 21157 717-599-9590 Chesapeakedesignco@gmail.com  SITE DATA  ZONING: DR-2 ACCNT NO: 1113023950 LOT AREA: 30,429 SF ZONING: DR-2 ACCNT NO: 113023950 EXISTING PUBLIC WATER AND SEWER	N TO SO SO THE PLAN  SCALE: 1" = 40"  N TO SO SO THE DESCRIPTION OF TH
PLAT TO ACCOMPANY ADMIN. VARIANCE 5611 CARRINGTON DRIVE WHITE MARSH, MD 21162 OWNERS: ROBERT & LISA WEBSTER Date: August 18, 2024	SITE  NOT TO SCALE  NOT TO SCA

ZONING MAP# 073 A1
SITE ZONED DR2
ELECTION DISTRICT 11
COUNCIL DISTRICT_S
LOT AREA ACREAGE
OR SQUARE FEET 30,429
HISTORIC? N.
IN CECA? No
IN FLOOD PLAIN ? No.
UTILITIES? MARK WITH ?
WATER IS:
PUBLIC PRIVATE
SEWER IS:
PUBLIC PRIVATE
PRIOR HEARING? No.
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
JOI ATION CASE INFO

## 5611 Carrington Dr

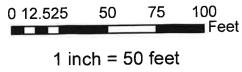


Publication Date: 8/23/2024



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





## Picture for 5611 Carrington Variance Application



Front view of existing residence



Side view of existing residence



Adjacent properties (5613 & 5615 Carrington)



Adjacent properties (5607 Carrington)