

REZONING APPLICATION

DATE FILED: 7/13/22 PC MTG: 8/15/22
 AMT. PD: \$250.00 COM.MTG: _____
 ACCEPTED BY: JB FILE NO: 2022-03

APPLICANT INFORMATION OWNER REPRESENTATIVE _____

Marion Richard Payne 443 309 4019
 APPLICANT NAME – please print clearly (additional names can be listed on page 2) PHONE NUMBER

940 Blake Road Elkton MD 21921
 ADDRESS CITY STATE ZIP CODE

PROPERTY INFORMATION CRITICAL AREA? _____ YES NO

9 Lewisville Road, Elkton, MD .432 acre
 SUBJECT PROPERTY ADDRESS SIZE OF PROPERTY

4th 019040 0013 0005 0054
 ELEC. DISTRICT ACCOUNT# TAX MAP# BLOCK PARCEL LOT#

PRESENT ZONING: R NAR REQUESTED ZONING: BL

PRESENT LAND USE DESIGNATION: Produce Sales REQUESTED LAND USE DESIGNATION: Produce Sales

PRESENT USE OF PROPERTY: Produce Sales PROPOSED USE OF PROPERTY: Produce Sales

PREVIOUS ZONING CHANGE? YES _____ NO If yes, explain: Property was rezoned in 1993 to BL

TIME SCHEDULE FOR PROPOSED DEVELOPMENT: _____

REASON FOR REZONING REQUEST

MISTAKE IN THE COMPREHENSIVE REZONING OF MAY 1, 2011? YES _____ NO
 IF YES, PLEASE EXPLAIN: In 2011, P.54 was rezoned residential during active business operations of said property.

SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD? YES _____ NO
 IF YES, PLEASE EXPLAIN: From 1993-2011, 2011-2022 there has been many additional commercial use of nearby lands.

MISTAKE IN CHESAPEAKE BAY CRITICAL AREA LAND USE DESIGNATION OF JULY 5, 1988 YES _____ NO
 IF YES, PLEASE EXPLAIN: _____

ADDITIONAL COMMENTS (attached sheet if necessary): Please view the attached pages showing nearby property and their use. In addition attached is a 1994 and a 1999 appraisal by Len Wilson Appraisals Key Realty noting property zoning as BL at this time.

EXPLAIN ANY PROBLEM AREAS AND PROPOSALS TO CORRECT THOSE AREAS

RECEIVED
 JUL 13 2022
 Cecil County LUDS
 Division of Planning & Zoning

LIST THE NAME AND ADDRESSES OF ADDITIONAL APPLICANTS

Marianne Payne 940 Blake Rd, Elkton, MD 21921
APPLICANT NAME (please print clearly) ADDRESS

APPLICANT NAME ADDRESS

APPLICANT NAME ADDRESS

LIST THE NAME AND ADDRESSES OF ALL PROPERTY OWNERS

Marion Richard Payne 940 Blake Rd, Elkton, MD 21921
OWNER NAME (please print clearly) ADDRESS

Marianne Payne 940 Blake Rd, Elkton, MD 21921
OWNER NAME ADDRESS

OWNER NAME ADDRESS

OWNER NAME ADDRESS

CERTIFICATION - SIGNATURES

I/We certify that the information and exhibits submitted are true and correct to the best of my/our knowledge and belief.

APPLICANT(S):

Marion Richard Payne M. R. Payne 7-12-2022
PRINT NAME SIGNATURE DATE

Marianne Payne Marianne Payne 7-12-2022
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

OWNER(S):

Marion Richard Payne M. R. Payne 7-12-2022
PRINT NAME SIGNATURE DATE

Marianne Payne Marianne Payne 7-12-22
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

Rezoning property designated P.54 back to BL.

I maintain that the property to be rezoned back to BL will be known as P.54, many properties within a very near vicinity are conducting various businesses, which I will list in the following pages. Property designated as P 513 the bordering property of 10.32 acres and P.54 were submitted for review during a comprehensive rezoning plan in 1993. Proving there was significant change in surrounding properties with commercial implications P 513 and P.54 were rezoned BL at this time. In 2011 18 years later during a new comprehensive rezoning plan P.54 was rezoned to residential overlooking the fact that a licensed business had been operating in the sales of local purchased produce, flowers bedding plants and many other commodities. This business original owner Smokey and Midge Null of Fair Hill drive started when the rezoning of P.54 was approved, and now currently operated by Clay Strickland. P.54 has been actively serving Fair Hill, Cherry Hill, Pleasant Hill, Andora as well as near Delaware and Pennsylvania residence for 29 years. The business currently employs school aged summer help. P.54 trading as Blakes Corner Garden sponsors local fair hill events and donations to local schools an example would be pumpkins to Cherry Hill, Kenmore for Halloween carvings. Back to rezoning, property P513 the bordering property was not rezoned in 2011, therefore I question the parity in this matter. I truly need to know the reasoning for rezoning a property with current business operations and allowing P 513 to remain BL, this property has no current business or any commercial improvements since 1993. The current zoning of P513 was verified by Planning and Zoning of Cecil County and remains zoned BL.

I was never notified of a zoning change nor was the business owner. I was informed of the change after requesting an appraisal of P54 by Len Wilson, Key Reality Appraiser, the request was for the purpose of will preparations. Len appraised P54 in 1994 again in 1999 each time noting

P54 being zoned BL. Len stated the property was zoned Residential, questioning his findings he referred me to Planning and Zoning, there I met Aaron Harding a zoning chief, Aaron confirmed Len had been correct in a rezone change. Aaron then stated I would need to apply for a rezoning of P54. This would require once again to prove commercial status of the property paying all necessary fees as I did in 1993. I could only conclude that I was being forced to pay for a zoning mistake in 2011. Aaron suggested I should speak with zoning director Stephen j. O'Connor. The meeting was scheduled and my wife Marianne and I attended once again and explained our current concerns of rezoning which is crucial for continued business operations Blake Corner Garden. The meeting concluded with the agreed likelihood of a zoning oversight, noting all Cecil County properties were accessed in 2011. My concern was how to fix the oversight, clerical error or mistake. Mr. O'Connor explained Planning and Zoning has no authority to override zoning decisions, therefore a new rezoning request is the only option. In conclusion I must pay all fees and go to herrings to once again prove P54 commercial validity after 29 years. I hope this happens rarely to property owners when comprehensive rezoning plans are revised, they should be taken in very serious regard their decisions affecting property owners, business owner and most important local costumers. Following pages show listed property businesses Within 1500 feet of P54 and a plot of locations.

M.Richard Payne

Retired Department of Natural Resources

Engineering & Contruction Chief

Commercial Properties within 1500 feet

Commercial Business and BL zoned properties

1. P.513 10.32 Acres BL bordering property since 1993 no business or commercial improvements.
2. State Farm Insurance Agency
3. Fair Hill Inn
4. W L Gore Fair Hill Site
5. Fair Hill Training Center
6. Family Medical Specialist
7. Fair Hill Drive Office Rental
8. Cecil Bank
9. Citgo convenient store
10. Fair Hill Pizza
11. Fasia Tipton Mid Atlantic Inc.
12. Fair Hill Barber Shop
13. National Steeple Chase Association
14. TRA TRPB Thoroughbred Office

Commercial Properties Less than one mile

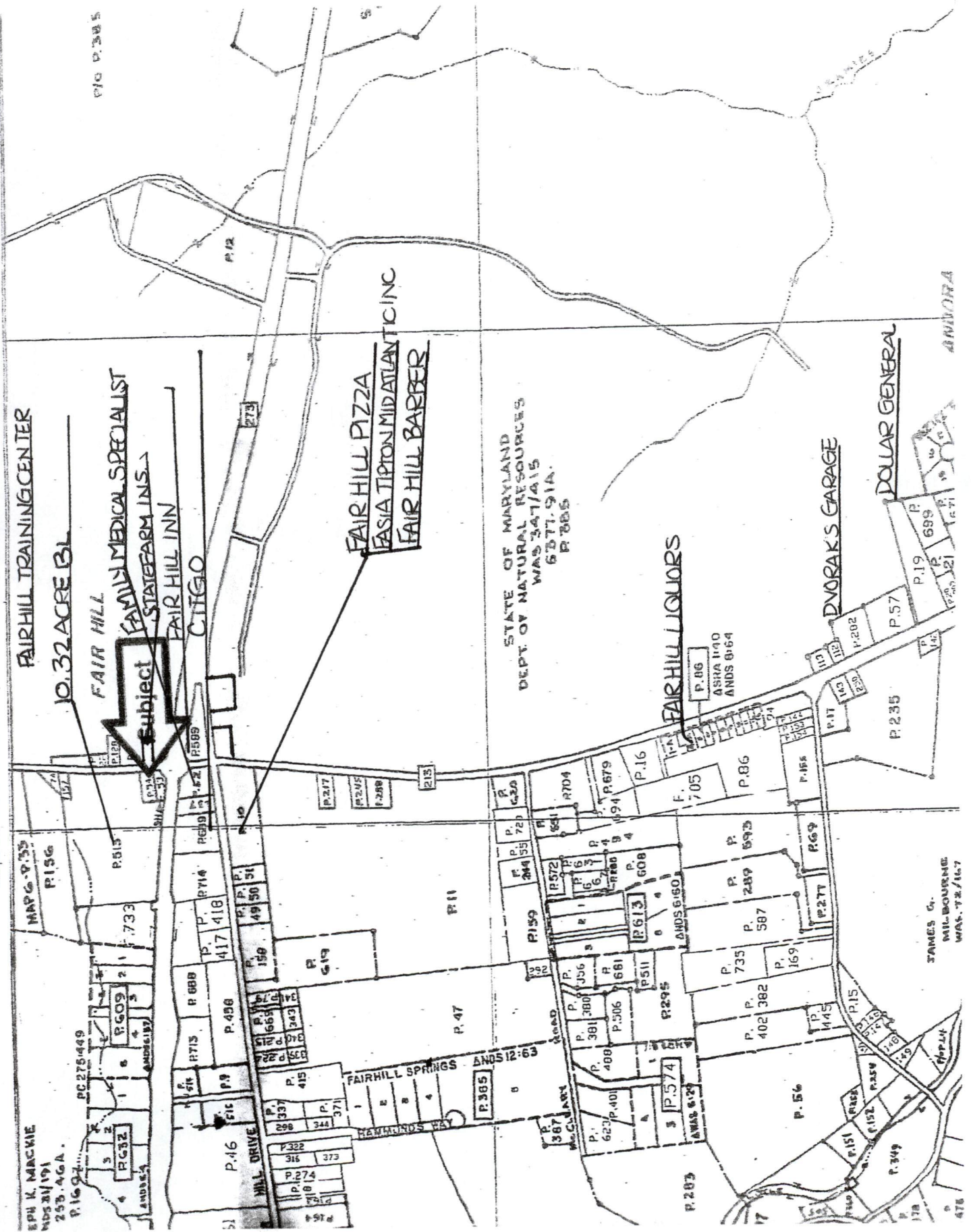
(South)

1. Fair Hill Liquors
2. Dvorak's Garage
3. Dollar General

(West)

1. Rookies Hilltop Sports Bar
2. Wesley's Restaurant
3. Mendenhall's Garage
4. Highs Dairy Store

W.I. CORE FAIRHILL SITE



LAND APPRAISAL REPORT

Borrower RICHARD AND MARY ANN PAYNE Census Tract 06.01 Map Reference M-13 P-54
 Property Address W/S ROUTE 213 AND 273
 City ELKTON County CECIL State MARYLAND Zip Code 21921
 Legal Description NDS 278 FOLIO 809
 Sale Price \$ N/A Date of Sale N/A Loan Term _____ yrs. Property Rights Appraised Fee Leasehold De Minimis PUD
 Actual Real Estate Taxes \$ 286.75 (yr) Loan charges to be paid by seller \$ NONE Other sales concessions NONE
 Lender/Client RICHARD AND MARY ANN PAYNE Address LAKE SIDE PARK, NORTH EAST, MARYLAND 21901
 Occupant VACANT Appraiser LEONARD E. WILSON, JR. Instructions to Appraiser ESTIMATE FAIR MARKET VALUE

Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	
Built Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25% to 75%	<input type="checkbox"/> Under 25%	Employment Stability
Growth Rate	<input type="checkbox"/> Fully Dev.	<input checked="" type="checkbox"/> Rapid	<input type="checkbox"/> Slow	Convenience to Employment
Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Steady	<input type="checkbox"/> Declining	Convenience to Shopping
Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Oversupply	Convenience to Schools
Marketing Time	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 4-6 Mos.	<input type="checkbox"/> Over 6 Mos.	Adequacy of Public Transportation
Present Land Use	<input type="checkbox"/> % 1 Family	<input type="checkbox"/> % 2-4 Family	<input type="checkbox"/> % Apts.	Recreational Facilities
	<input type="checkbox"/> % Industrial	<input checked="" type="checkbox"/> % Vacant	<input type="checkbox"/> % Condo	Adequacy of Utilities
Change in Present Land Use	<input type="checkbox"/> Not Likely	<input type="checkbox"/> Likely (*)	<input checked="" type="checkbox"/> Taking Place (*)	Property Compatibility
	(*) From <u>VACANT</u>		To <u>RESIDENTIAL</u>	Protection from Detrimental Conditions
Predominant Occupancy	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Tenant	<input type="checkbox"/> 0-5 % Vacant	Police and Fire Protection
Single Family Price Range	\$ <u>90,000.</u> to \$ <u>250,000.</u>	Predominant Value \$ <u>150,000.</u>		General Appearance of Properties
Single Family Age	<u>5</u> yrs. to	<u>15</u> yrs.	Predominant Age <u>10</u> yrs	Appeal to Market

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): THE SUBJECT IS CLOSE TO ALL MAJOR SERVICES. EMPLOYMENT CENTERS AND SCHOOLS ARE NEARBY. ONE OF FEW COMMERCIAL LOTS ON ROUTE 273. GOOD MARKET APPEAL DUE TO FAIR HILL LOCATION, CLOSE PROXIMITY TO THE DELAWARE LINE, AND HIGH TRAFFIC COUNT. NO UNFAVORABLE FACTORS IN THE AREA.

Dimensions .432 ACRES = 432 Sq. Ft. or Acres Corner Lot
 Zoning classification COMMERCIAL (BG) Present improvements do do not conform to zoning regulations
 Highest and best use Present use Other (specify) _____
 Elec. Public Other (Describe) TO BE COPCO
 Gas TO BE PROPANE
 Water TO BE WELL
 San. Sewer TO BE SEPTIC
 Underground Elect. & Tel.

OFF SITE IMPROVEMENTS		Topo
Street Access	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	<u>GENERALLY LEVEL</u>
Surface	<u>ASPHALT</u>	<u>NORMAL FOR AREA</u>
Maintenance	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	<u>RECTANGULAR</u>
<input type="checkbox"/> Storm Sewer	<input type="checkbox"/> Curb/Gutter	<u>ROAD FRONTAGE/AVERAGE</u>
<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Street Lights	<u>ADEQUATE</u>

Is the property located in a HUD Identified Special Flood Hazard Area? No Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments or other adverse conditions): NO VISIBLE ADVERSE ENCROACHMENTS OF EASEMENTS. TYPICAL UTILITY EASEMENT FOR THE AREA.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description included a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

Comments and Conditions of Appraisal: THE SUBJECT IS APPRAISED ON AN "AS IS" BASIS. ALL ASSUMPTIONS AND LIMITING CONDITIONS ATTACHED HERETO APPLY.

Final Reconciliation: ALL WEIGHT WAS PLACED ON THE MARKET DATA APPROACH IN ESTIMATING THE VALUE MARKET VALUE.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF MARCH 31 19 94 to be \$ 80,000.00

Appraiser(s) Leonard E. Wilson, Jr. Review Appraiser (if applicable) N/A
LEONARD E. WILSON, JR. CR #4844 Did Did Not Physically Inspect Property

Borrower RICHARD & MARIANNE PAYNE Census Tract 308.01 Map Reference TAX MAP 13
 Property Address PARCEL #54 LEWISVILLE ROAD
 City ELKTON County CECIL State MD. Zip Code 21921
 Legal Description LIBER 376 FOLIO 321
 Sale Price \$ N/A Date of Sale N/A Loan Term N/A yrs. Property Rights Appraised Fee Leasehold De Minimis PUD
 Actual Real Estate Taxes \$ 325.00 (yr) Loan charges to be paid by seller \$ N/A Other sales concessions N/A
 Lender/Client COUNTY BANKING AND TRUST Address 207 NORTH STREET, ELKTON, MD. 21921
 Occupant VACANT Appraiser LEONARD E. WILSON, JR. Instructions to Appraiser ESTIMATE FAIR MARKET VALUE.

Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	<table border="1"> <thead> <tr> <th></th> <th>Good</th> <th>Avg.</th> <th>Fair</th> <th>Poor</th> </tr> </thead> <tbody> <tr><td>Employment Stability</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Convenience to Employment</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Convenience to Shopping</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Convenience to Schools</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Adequacy of Public Transportation</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Recreational Facilities</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Adequacy of Utilities</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Property Compatibility</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Protection from Detrimental Conditions</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Police and Fire Protection</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>General Appearance of Properties</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Appeal to Market</td><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table>		Good	Avg.	Fair	Poor	Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Public Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Single Family Price Range	\$ <u>85,000</u> to \$ <u>175,000</u> Predominant Value \$ <u>120,000</u>																																																																				
Single Family Age	<u>1</u> yrs. to	<u>25</u> yrs.	Predominant Age <u>6</u> yrs.																																																																		

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): THE SUBJECT IS LOCATED ON THE SUBURBS OF THE TOWN OF ELKTON, AND IS CLOSE TO ALL MAIN SERVICES. SCHOOLS, SHOPPING, CHUCHES AND MAJOR EMPLOYMENT CENTERS ARE ALL NEARBY. SURROUNDING PROPERTIES ARE A MIX OF SINGLE FAMILY DETACHED HOMES, MAINTAINED IN AVERAGE CONDITION. NO UNFAVORABLE FACTORS NOTED AT THE TIME OF THE INSPECTION.

Dimensions SURVEY NOT AVAILABLE = 0.43 ACRE Sq. Ft. or Acres Corner Lot
 Zoning classification BL - BUSINESS LOCAL Present Improvements do do not conform to zoning regulations
 Highest and best use Present use Other (specify)
 Public Other (Describe) CONNECTIV
 Elec. OFF SITE IMPROVEMENTS Topo GENERALLY LEVEL
 Gas Street Access Public Private Size AVERAGE
 Water Surface ASPHALT Shape RECTANGULAR
 San. Sewer Maintenance Public Private View RESIDENTIAL
 Storm Sewer Curb/Gutter Drainage ADEQUATE
 Sidewalk Street Lights Is the property located in a HUD Identified Special Flood Hazard No Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): FLOOD MAP #240019 0020 A ZONE #C DATE #4/4/83. NO ADVERSE ENCROACHMENTS OR EASEMENTS WERE NOTED. HOWEVER, TITLE WAS NOT SEARCHED TO FULLY QUALIFY THIS STATEMENT. FLOOD MAP DATA IS CONSIDERED ACCURATE, BUT NOT GUARANTEED.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

Comments on Market Data: THE MARKET DATA REPRESENTS SIMILAR TYPE PROPERTIES FROM SIMILAR AREAS AND SUPPORTS THE VALUE WELL. ALL COMPARABLES USED ARE THE MOST RECENT AVAILABLE IN THE SUBJECTS MARKET AREA. ALL COMPARABLES USED BRACKET AND SUPPORT A VALUE CONCLUSION AS INDICATED AND REFLECTED BY COMPARABLE #2.

Comments and Conditions of Appraisal: THE SUBJECT PROPERTY IS APPRAISED ON AN "AS IS" BASIS. ALL ASSUMPTIONS AND LIMITING CONDITIONS ATTACHED HERETO APPLY.

Final Reconciliation: ALL WEIGHT WAS PLACED ON THE MARKET DATA ANALYSIS IN ESTIMATING THE FAIR MARKET VALUE.

I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF 6/30 19 99 to be \$ 81,000.00

Leonard E. Wilson, Jr.
 LEONARD E. WILSON, JR. Did Did Not Physically Inspect Property
 Appraiser(s) Review Appraiser (if applicable)

P.156

157

P.513

Subject property
↓

P.54
53

P.22

P.128
P.127
P.126
P.125

F.

TELEGRAPH RD

SHA

4

P.689
237
P.52

P.599

FAIR HILL DR

P.10

SINGERLY RD

FILE 2022-03 - REZONING
MARION RICHARD PAYNE
MARIANNE PAYNE
MAP 13 PARCEL 54

RANG