IN RE: PETITION FOR ADMIN. VARIANCE

NE/Corner of Tennessee Avenue &

Anne Arundel Street

13th Election District

1st Councilmanic District

(2814 Tennessee Avenue)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-377-A

Deborah J. & John W. Kisser Petitioners

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Deborah J. and John W. Kisser, the legal owners of the subject property. The variance request is for property located at 2814 Tennessee Avenue in the western area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (above ground pool) to be located in the side yard in the third portion of the lot closest to the road with a setback of 5 ft. in lieu of the required rear yard in the third portion of the lot farthest removed from the road and a required setback of 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 28, 2004, 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 26-127 (b)(1) of the Baltimore County Code. 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 Deputy Zoning

Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship

upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County

Code and the Baltimore County Zoning Regulations, and for the reasons given above, the

requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore

County, this 162 day of March, 2004, that a variance from Section 400.1 of the Baltimore

County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (above ground pool) to

be located in the side yard in the third portion of the lot closest to the road with a setback of 5 ft.

in lieu of the required rear yard in the third portion of the lot farthest removed from the road and

a required setback of 25 ft., be and is hereby GRANTED, subject, however, to the following

restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original

condition.

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

March 18, 2004

Mr. & Mrs. John W. Kisser 2814 Tennessee Avenue Baltimore, Maryland 21227

> Re: Petition for Administrative Variance Case No. 04-377-A Property: 2814 Tennessee Avenue

Dear Mr. & Mrs. Kisser:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy 122

Deputy Zoning Commissione

JVM:raj Enclosure





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at	2814 Tennessee Ave	
which is	s presently zoned	

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and	
nade a part hereof, hereby petition for a Variance from Section(s)	
nade a part hereof, hereby petition for a Variance from Section(s) Structure (above ground pool) be located in the side yard in the third nortion of the lot closest if the portion of the properties of the pool in the side of the third	
To the told with a cother of a for	
rear yard in the third portion of the lat front a	4
removed from the road and a required setback of 25 ft.	

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance. advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Lessee Name - Type or Print Signature Address			Legal Owner(s): John W. Kisser Name - Type or Print,		
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3Ignature		· 4	Name - Type or Print,	· · · · · · · · · · · · · · · · · · ·	
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Address			Signature		~ ~~~~~
	·	Telephone No	Déborah J. Kisser Name - Type or Print		
	·	· 	Alkaral	- Jussi	E.E. 1
City	State	Zip Code	Signature		
Attorney For Petitioner:			2814 Tennessee A	venue	410-789-3544 Telephone N
			Baltimore	Maryland	21227
Name - Type or Print	······································	~ ,- · 	City	State	Zip Cod
Signature			Representative to	be Contacted:	· .
Company	·	<u>,-</u>	Name		
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Cty	State	Zip Code	City	State	ZIp Co
	lly demanded	Zip Code and/or found t	City	Zoning Commissioner of B	ai re
S	k . t,		Zoning Commis	ssioner of Baltimore County	
CASE NO. 04-377-	A		Reviewed By 13/2	Date2/18/	04
REV 10/25/01			Estimated Posting Date	2/29/	64

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to toothy thereto in the event that a	public ricaring is some	alou ili tilo fatalo With logalo tilo	ACIO.
That the Affiant(s) does/do presently reside at	2814 Tennessee Av Address	enue	
	Baltimore	Maryland	21227
	City	State	Zip Code
That based upon personal knowledge, the following variance at the above address (indicate hards)	-	,	or an Administrativ
Construct an above ground pool, 16 ft x 32 the following practical reasons;	the thick that the state of the	urrounding, in side yard of sul	oject property for
 A) Replace a previously existing poor B) Insufficient space to properly cor C) Placing pool in side yard of subjectives. 	struct the pool in rear		ol and adjacent
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide			ay a reposting and
		Λ	
	X	Dehoval J-Kis	LP.
Signature	Signa		
John W. Kisser	Deb	orah J. Kisser	
Name - Type or Print		- Type or Print	
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		
HEREBY CERTIFY, this 12th day of for Maryland, in and for the County aforesaid, processing the County aforesaid the County aforesaid, processing the County aforesaid the County	personally appeared bor	ah J. Kisser	y Public of the Stat
the Affiant(s) herein, personally known or satis	factorily identified to me	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	7		_
•	In her	a muto	

MY COUMISSION EXPIRES 10/18/2006

My Commission Expires

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

2814 Tennessee Avenue

Address

Baltimore Maryland 21227

City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Construct an above ground pool, 16 ft x 32 ft with 2 ft decking surrounding, in side yard of subject property for the following practical reasons;

- A) Replace a previously existing pool in same location.
- B) Insufficient space to properly construct the pool in rear of dwelling.
- C) Placing pool in side yard of subject property, creates a wider buffer zone between pool and adjacent properties.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature	Signature Signature
John W. Kisser	Deborah J. Kisser
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BA	
HEREBY CERTIFY, this 2 day of of Maryland, in and for the County aforesa	February Public of the State aid, personally appeared
John W. Kisser an	nd Deborah J. Kisser
the Affiant(s) herein, personally known or	satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

MY COMMISSION EXPIRES 10/18/2006

My Commission Expires_____



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2814 Tennessee Avenue

which	is presently	zoned	DR 5.5

owner(s) of the property situat	with the Dep e in Baltimor	partment of I e County and	vermits and De which is describ	velopment ed in the des	management. The scription and plat a	undersigned, legal ttached hereto and
made a part hereof, hereby pe	tition for a Va	ariance from S	ر کرز (Section(s	S 1 -1	- 1	
Structure Cabour	-ground	pool) . h	e lart +0		rermis un	400 (3300)
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in lieu of th	e tequ	ited te	ar yerd	in the	third porti	un of the
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of the zoning regulations of Ba			· ·			
or and position form			•			
Property is to be posted and a l, or we, agree to pay expenses of regulations and restrictions of Ba	of above Varia	nce, advertisin	g, posting, etc. an	d further agree	e to and are to be bo ore County.	unded by the zoning
			I/We do	solemnly dec	lare and affirm, unde	er the penalties of
				that I/we are tubject of this P	the legal owner(s) of Petition.	the property which
Contract Purchaser/Lesse	<u>ee:</u>		<u>Legal</u>	Owner(s):		
			John	W. Kisser		
Name - Type or Print	·	~		Type or Print		·—————————————————————————————————————
Signature	- 7	······································	Sgnature	ah J. Kisser		—
Address		Telephone No				·
				Type or Print	-J. Klase	<u> </u>
City	State	Zip Code		T		
Attorney For Petitioner:	•		2814 Address	Tennessee A	venue	410-789-3544
			Baltin	oore	Maryl	and 21227
Name - Type or Print			City		State	Zip Code
Signature		······································	Repre	sentative t	o be Contacted:	•
Company			Name			
Address	······································	Telephone No	Address		·—····································	Telephone No
City	State	Zip Code	City		State	Zip Code
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	. '1			Zoning Commi	issioner of Baltimore C	ounty
CASE NO. <u>64-377</u>	-A		Reviewed By _	13R	Date	2/18/04
REV 10/25/01			Estimated Pos	ting Date		2/29/04

ZONING DESCRIPTION FOR 2814 TENNESSEE AVENUE

Beginning at a point on the North side of Tennessee Avenue which is fifty (50) feet wide at the distance of twenty five (25) feet of the centerline of the nearest improved intersecting street, Anne Arundel Street which is fifty (50) feet wide. BEING KNOWN AND DESIGNATED as Lot Nos. 33, 34, 35, 36 and 37, Section D, as shown on the Plat entitled "Revised Plat of Rosemont" which plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, Folio 100 containing 12,500 square feet. The improvements thereon being known as No. 2814 Tennessee Avenue and located in the Thirteenth (13th) Election District, First (1st) Councilmanic District.

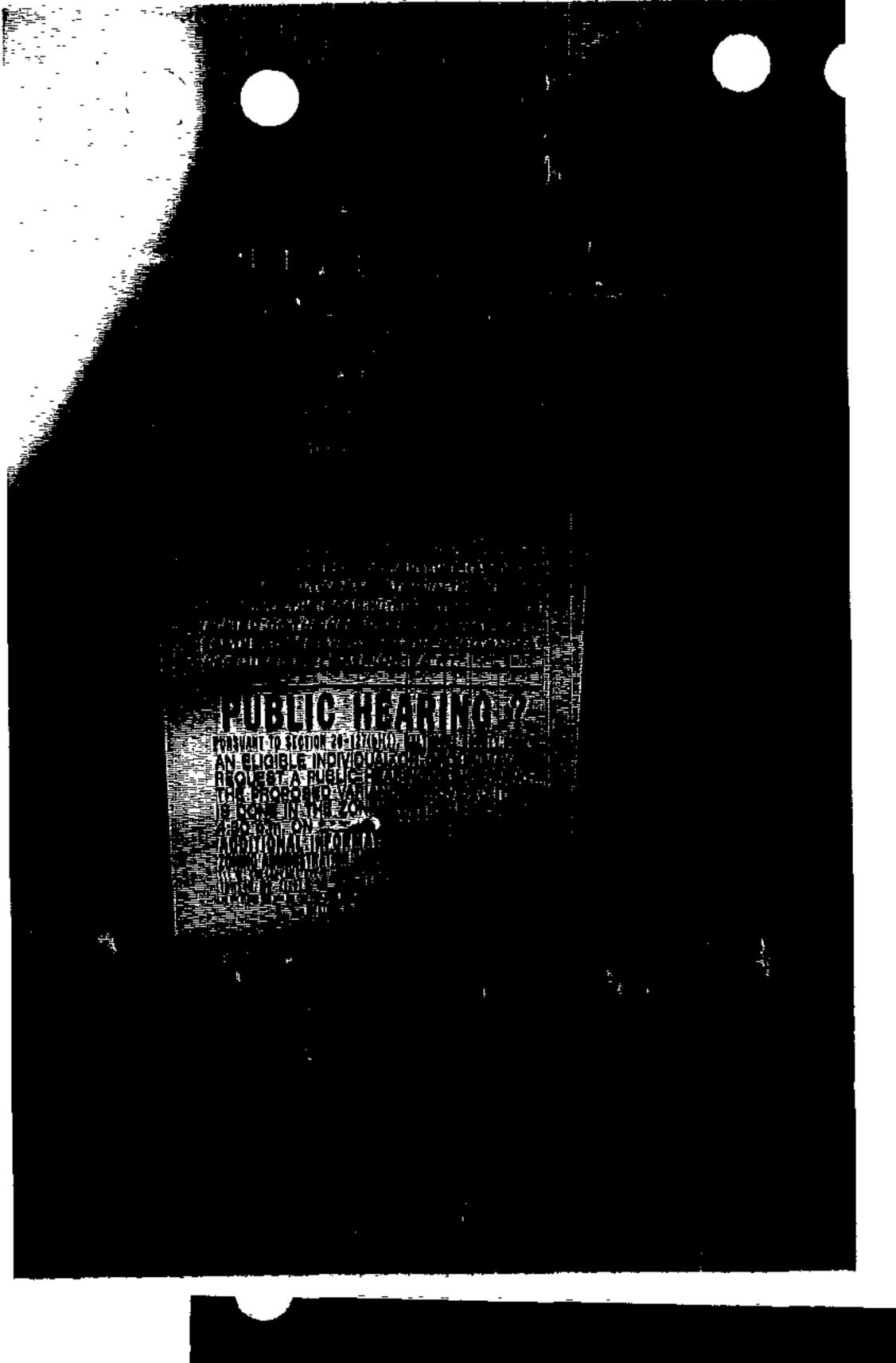
BALTIMORE COUN	
OFFICE OF BUDGET & MISCELLANEOUS	ECEIPT MEDITES RINK THE INTERPRETATION OF THE PROPERTY OF THE
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FOR:	
<u>DISTRIBUTION</u> WHITE - CASHIER PINK	AGENCY YELLOW - CUSTOMER

-

CERTIFICATE OF POSTING

	remonen/Developer: Opend no F-1 22 [2
\	Date of Hearing/Closing: 3-15-04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Becky Hart	
Ladies and Gentlemen: This letter is to certify under	r the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property local	ted at #2814 TENNIESSEE AVE,
······································	
	······································
The sign(s) were posted on FEB. 28	, 2004
(1	Month, Day, Year)
•	A. 1
	Sincerely, Sincerely, One of the control of the c
	(Signature of Sign Poster and Date)
	GARLANDE. MOORE
	(Printed Name)
	3225 RYERSON CIRCLES (Address)
	PAUTINIARE, MD. 21227 (City, State, Zip Code)
	(410) 242-4263
	(Telephone Number)
Ψ	

RE: Case No.: 04-377-A





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number (04-	377	-A		Address		2814	Tehhe	55 e e	Aue.	•
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

The <u>Baltimore County Zoning Regulations</u> (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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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.

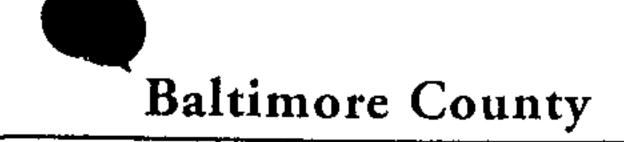
For Newspaper Advertising:	1 L 277 1
Item Number or Case Number:	04-377-A
Petitioner: John W €	DEBORAH J. KISSER
Address or Location: 2814	IENNESSEE AVE. 21227
PLEASE FORWARD ADVERTIS	SING BILL TO:
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1	· · · · · · · · · · · · · · · · · · ·
Name: JOHN W. K	-15562
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Name: JOHN W. K	· · · · · · · · · · · · · · · · · · ·

Revised 2/20/98 - SCJ

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





James T Smith, Jr., County Executive Timothy M Kotroco, Director

March 15, 2004

John W. Kisser 2814 Tennessee Avenue Baltimore, Maryland 21227

Dear Mr. Kisser:

RE: Case Number: 04-377-A, 2814 Tennessee Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 18, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callabal D.

WCR: clb

Enclosures

c: People's Counsel



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

BPR

MARYLAND DEPARTMENT OF TRANSPORTATION

2.27.04 Date:

Baltimore County

Item No. 377

RE:

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109

Towson, Maryland 21204

Dear. Ms.Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Renneth A. McDonald Jr., Chief Engineering Access Permits Division

Man Slot

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley M5

DATE:

March 25, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 1, 2004

__X_ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-376

04-377

04-378

04-379

04-380

04-382

04-384

04-386

04-388

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** March 4, 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAR 9 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 4-377 – Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 25, 2004

TO: Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT: Zoning Advisory Committee Meeting

For March 8, 2004 Item Nos. 349, 376, 377 378, 379, 380, 381, 382, 384, 385, 388, and 389

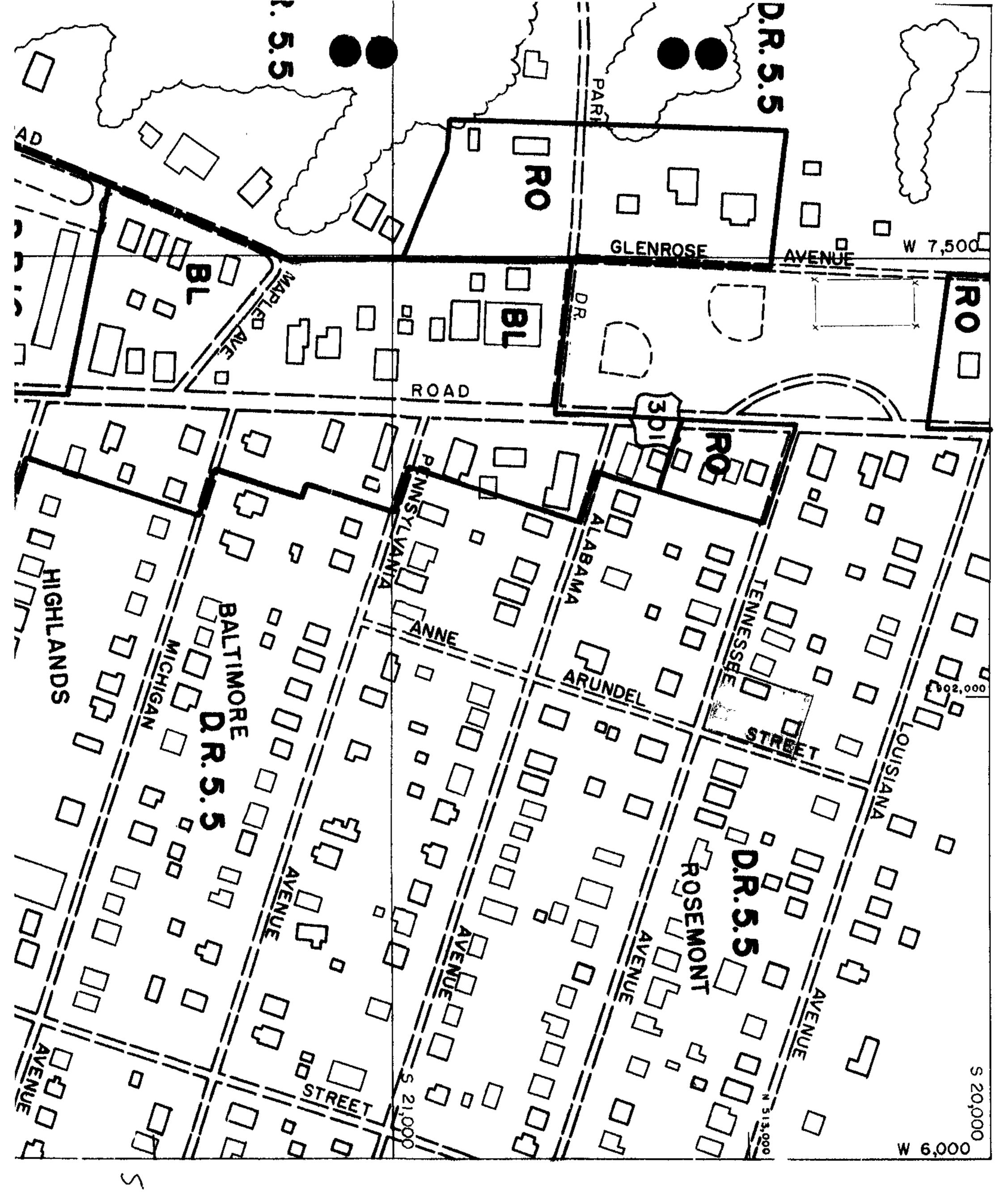
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

We the undersigned, being the legal owners of the listed properties, affix our signatures and do affirm to the Zoning Commissioner of Baltimore County that we make no opposition to the construction of a swimming pool in the side yard of the property known as 2814 Tennessee Avenue, owned by John W. And Deborah J. Kisser. Said pool to be constructed in the space occupied by the previously existing pool.

DATE	SIGNATURE	NAME	ADDRESS
2/11/04	BROB K Bur	Oscar and Phyllis Griffin	2812 Tennessee Avenue
2/1/04	Sharm Salle	Milton and Sharon Gable	2822 Tennessee Avenue
11/04	Orlin Fresher	Orlin and Brigitta Tressler	2815 Tennessee Avenue
111/34	Landon,	Leandro Bonilla	2817 Louisiana Avenue
2/11/04	Swin Kakklan - St. likes	Helen Adams & Sandra Kokkalis	2819 Louisiana Avenue
2/11/04	hm & Dortel Muier	William & Dorothy Maurer	2827 Louisiana Avenue
2/11/04	Torrie Symiece	Bonnie Sizemore	2829 Louisiana Avenue



E # 377

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING PROPERTY ADDRESS 2814 Tennessee Avenue SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION				
SUBDIVISION NAME ROSEMONT				
PLAT BOOK # W.P.C. #7 FOLIO # 100 LOT # 33-37 SECTION # D	ALDERWOOD ROAD (648) SUBJECT PROPERTY			
OWNER John W. Kisser & Deborah J. Kisser				
REAR REAR REAR EXISTING DWELLING #2817 LOUISIANA AVE. REAR EXISTING DWELLING #2827 LOUISIANA AVE. REAR EXISTING DWELLING #2829 LOUISIANA AVE. 75 REAR EXISTING DWELLING #2829 LOUISIANA AVE. 48	PARK AVE. PARK AVE. PARK AVE. PENNSYLVANIA AVENUE VICINITY MAP SCALE: 1" = 1000'			
OSCAR E & PHYLLIS GRIFFIN STATE OF THE STRING GARAGE 13 - 13 - 13 - 13 - 13 - 13 - 13 - 13	LOCATION INFORMATION ELECTION DISTRICT 13th COUNCILMANIC DISTRICT 1st 1" = 200' SCALE MAP # 5\omega 6-13			
DWELLING #2812 TENNESSEE AVE. PROPOSED POOL 16' X 32' PROPOSED POOL 16' X 32' EXISTING DWELLING #2822 TENNESSEE AVE. AVE.	LOT SIZE 0.287 12.500 ACREAGE SQUARE FEET PUBLIC PRIVATE SEWER WATER			
FRONT FRONT SS FRONT FRONT FRONT Tr	CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/			
TENNESSEE AVENUE (50' R/W, 26' PAVING)	BUILDING PRIOR ZONING HEARING			
NORTH	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #			
PREPARED BY John W. Kisser SCALE OF DRAWING: 1" = 40 feet	BN 377 04-377-A			





Front of 2814 Tennessee Avenue (subject property)

Front of 2812 Tennessee Avenue & 2814 Tennessee Avenue





Side yard of 2814 Tennessee Avenue with site of previous pool to be replaced by new pool in same spot (garage in background)

2822 Tennessee Avenue from corner of Anne Arundel Street

8

Side yard of 2814 Tennessee Avenue from corner of Anne Arundel Street

2822 Tennessee Avenue from corner of Anne Arundel Street







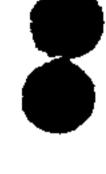


Front and side yard of 2814
Tennessee Avenue looking Northeast toward Anne Arundel Street

View North on Anne Arundel Street from Tennessee Avenue

Side yard of 2814 Tennessee Avenue with view of previous pool site to be replaced by new pool on same site (garage in background)

Front of 2822 Tennessee Avenue













View of 2814 Tennessee Avenue (subject property) from front of 2822 Tennessee Avenue View of rear of 2817 Louisiana Avenue from rear of 2814 Tennessee Avenue

View of previous pool site to be replaced by new pool on same site (garage of subject property in background)

View of rear of 2812 Tennessee Avenue from rear of 2814 Tennessee Avenue





View of rear of 2819 Louisiana Avenue from rear of 2814 Tennessee Avenue View of rear of 2819 & 2827 Louisiana Avenue from rear of 2814 Tennessee Avenue

View of rear of 2819 Louisiana Avenue from rear of 2814 Tennessee Avenue

View of previous pool site to be replaced by new pool on same site (from rear of 2814 Tennessee Avenue)