

IN RE: **PETITION FOR VARIANCE**
NW/Corner Shirley Manor Road and
Ivydale Avenue
(830 Ivydale Avenue)
4th Election District
2nd Council District

Paul F. Kenny, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-404-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Paul F. Kenny, and his wife, Faye A. Kenny. The Petitioners request a variance from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be located in the side yard, 0 feet from the lateral projection of the front foundation of the existing dwelling in lieu of the required 8 feet back from the lateral projection of the front foundation wall. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Paul and Faye Kenny, property owners. Also appearing on behalf of the Petitioners was Steven Reed, a nearby neighbor. Appearing as interested citizens/Protestants were Alma Wine, President of the Country Club Estates Community Association, the community in which this property is located, Al Frye and Chas Stansbury, all nearby residents of the area.

Testimony and evidence offered disclosed that the subject property is located on the northwest corner of the intersection of Shirley Manor Road and Ivydale Avenue in Reisterstown. The property contains a gross area of .2685 acres, more or less, zoned D.R.3.5, and is improved with a single-family dwelling and a detached two-car garage. As shown on the site plan, the house is cited at an angle so that it faces the intersection; the garage is located in

INDEXED
Date 4-17-06
By [Signature]

the rear northwest corner of the yard and is accessed via a 10-foot wide concrete driveway that leads into the property from Shirley Manor Road. The Petitioners have owned and resided on the property since 1991 over the course of that time, and have made numerous improvements and upgrades to the existing home. At issue in this case is the Petitioners' proposal to store a recreational vehicle in the north side yard of their property. Testimony indicated that the Petitioners at one time owned a small "Wildwood" camper, which they stored to the rear of their home on the existing driveway that leads into the property from Shirley Manor Road. In 2002, they purchased a "Montana" travel trailer, which is considerably larger. That vehicle is 33'9" long, 9' wide and 14' high. Due to the location of the house on the property and the existence of power lines to the rear of the structure, the Petitioners were unable to store this vehicle in the location previously occupied by the smaller camper. Thus, they began storing the vehicle in the yard on the north side of their home. Testimony indicated that the Petitioners discussed this location with their immediate neighbors on that side, and that they had no objections. Thereafter, the Petitioners obtained a permit to construct a new driveway along the north side of their property from Ivydale Road. As shown on the site plan, this driveway extends from Ivydale Road to the rear (northern) corner of the existing house. When the Petitioners began storing the vehicle on this driveway, they received a zoning violation notice from the County and were advised that the vehicle must be stored in either the rear yard, or at least 8 feet back from the front foundation wall of the home. Thus, the instant Petition was filed.

In support of their request, the Petitioners argued that due to the location of their home, they could not move the trailer further back on their property, and that due to its overall dimensions, there is insufficient room in the rear yard for storing this vehicle. They also stated that storing the vehicle on the driveway in the rear yard would impede access to the garage and infringe on their use and enjoyment of the rear yard and open deck on the back of their home. They believe that the proposed location will not adversely impact the community and that they are being unfairly targeted by the association. They submitted photographs of other recreational vehicles in their community which are similarly stored. Finally, they note that their immediate

ORDER RECEIVED FOR FILING
Date 4-7-06
By [Signature]

neighbor on the affected side (Margaret Wilhelm) has no objection to the storage of the vehicle where proposed. Mr. Reed, who lives three doors away on Shirley Manor Road, has no objections and believes that the proposal would not be out of character with the community.

As noted above, several residents from the surrounding community appeared in opposition to the request. Ms. Wine, who is President of the Country Club Estates Community Association, testified that while they agree that the property has been well kept and that its corner location can be problematic, they believe that the subject vehicle is simply too large to be stored where proposed and that a grant of the variance would set a precedent for the neighborhood. Mr. Frye stated that other property owners in the community rent off-site storage space or park their recreational vehicles in compliance with the regulations. He also believes that there is sufficient space for the vehicle to be stored in the Petitioners' rear yard.

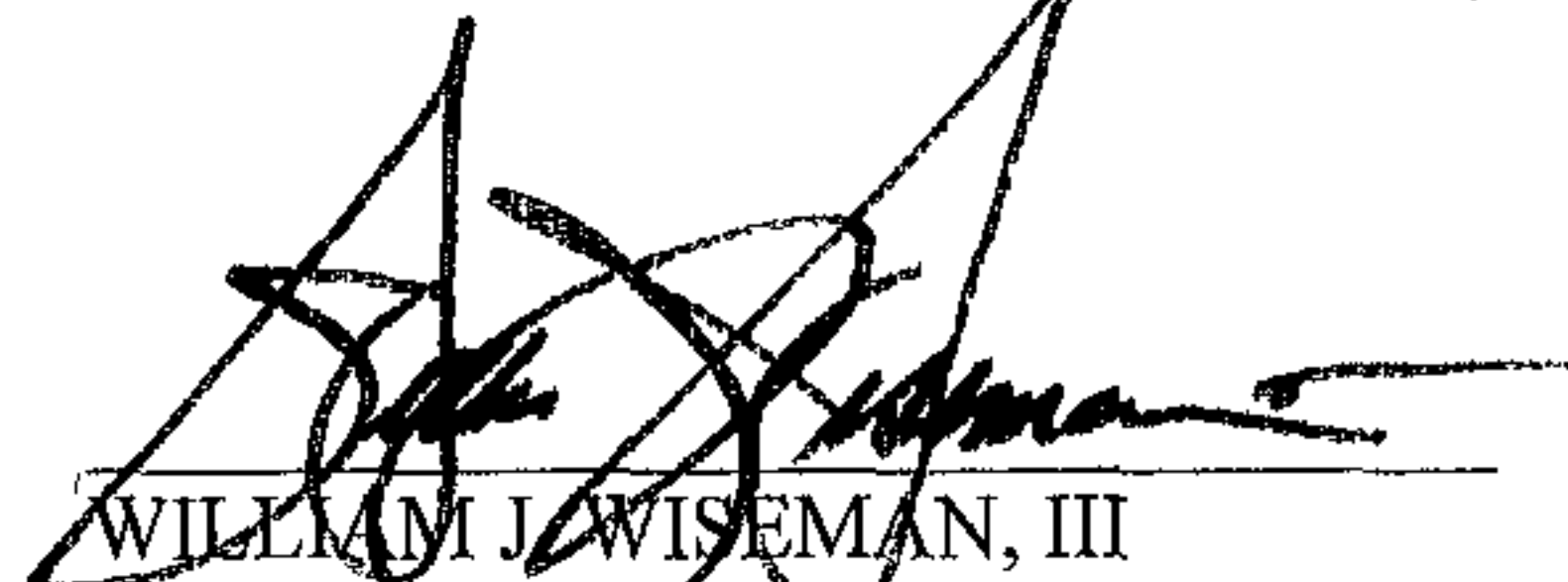
After due consideration of all of the testimony and evidence presented, I am compelled to deny the requested relief. While I am sympathetic to the Petitioners' plight, I must consider the requested variance in accordance with the mandate of Cromwell v. Ward, 102 Md. 691 (1995) and Section 307 of the B.C.Z.R. The Court interpreted the regulation to require that two tests be met in order for relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. In my judgment, there is no evidence of unusual conditions or characteristics that are unique to the property. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my opinion, sufficient room exists in the rear yard for storing the vehicle in compliance with the regulations and without impeding access to the garage. Although the immediate neighbor has no objections, I am persuaded by the Protestants' testimony that the storage of this vehicle where proposed would have adverse impacts upon the surrounding community. Therefore, I must deny the request.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

CADEN RECEIVED FOR FILING
Date 4-7-06
By Dana Wiley

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of April 2006 that the Petition for Variance seeking relief from Section 415A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be located in the side yard, 0 feet from the lateral projection of the front foundation of the existing dwelling in lieu of the required 8 feet behind the lateral projection of the front foundation wall, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Any appeal of this decision shall be taken in accordance with Baltimore County Code Section 32-3-401.

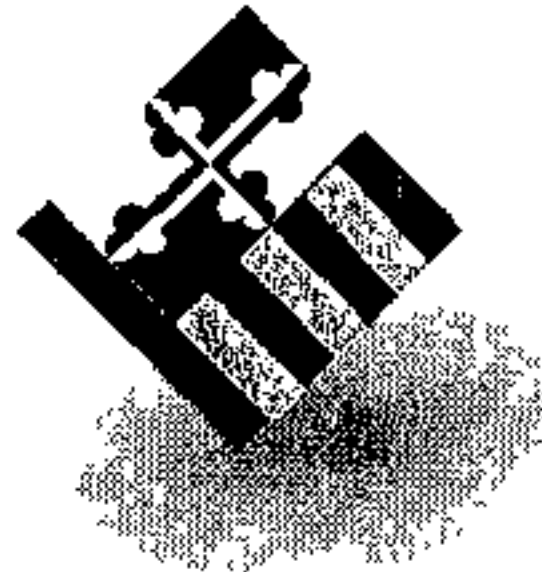

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date 4-7-06

By David W. [illegible]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 7, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Paul F. Kenny
830 Ivydale Road
Reisterstown, Maryland 21136

RE: **PETITION FOR VARIANCE**
NW/Corner Shirley Manor Road and Ivydale Avenue
(830 Ivydale Avenue)
4th Election District – 2nd Council District
Paul F. Kenny, et ux - Petitioners
Case No. 06-404-A

Dear Mr. & Mrs. Kenny:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: Ms. Alma H. Wine
938 Shirley Manor Road, Reisterstown, Md. 21136
Mr. Al Frye, 309 Hammershire Road, Reisterstown, Md. 21136
Mr. Chas Stansbury, 302 Hammershire Road, Reisterstown, Md. 21136
Code Enforcement Division, DPDM; People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 830 Ivydale Ave

which is presently zoned DR 3.5

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 made a part hereof, hereby petition for a Variance from Section(s) 415A.1.A BCZR

To permit a recreational vehicle with a setback of 0' in lieu of the 8' to the rear of a lateral projection of the front foundation line of the dwelling.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

I requested and received a variance for a 2nd driveway to park my 30' travel trailer beside my house. The request was due to the difficulty getting the trailer through the gates in my original back driveway that caused \$800 damage to the trailer. Also when the trailer was parked in the driveway there was not access to my garage. The cost for the 2nd driveway was \$5,000. I wasn't aware or informed of the 8' from the front foundation rule until I got a code violation ticket in December of 2005. To correct the problem I had to move my backyard fence and back the trailer into my wife's garden under the house power lines which I believe is a life safety issue (less than 30" clearance). I was in the process of trading my old trailer in to purchase a larger trailer that is 3'9" longer and about 12" taller. I would like to request a variance to park my new trailer beside my house. I spoke with my neighbors prior to parking a trailer beside the house and prior to adding a driveway to make sure they had no objections.

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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No.

06-404-A

Rev 9/15/98

Legal Owner(s):

Paul Francis Kenny

Name - Type or Print

Signature

Faye Alison Kenny

Name - Type or Print

Signature

830 Ivydale Ave

410-833-0366 (H)

443-277-0464 (w)

Address

Reisterstown, MD

Telephone No.

21136

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JF

Date

2/17/06

ORDER RECEIVED FOR FILING

Date 4-17-06

By [Signature]

ZONING DESCRIPTION FOR 830 Ivydale Avenue Reisterstown,
MD 21136

Beginning at a point on the north side of Shirley Manor Road which is 60' of right-of-way width at the distance of 44'20" North of the centerline of Shirley Manor the property extends 90' north, then 130' east to a point that is 50' right-of-way width from the centerline of Ivydale Avenue, then 75' south to the corner of Ivydale and Shirley Manor, then 23.5' around the corner, then 115' West to the point of origin.

Being known and designated as Lot #10, Block G as shown on a plat entitled, "Section One, Academy Acres which said plat is recorded among the land records of Baltimore County in Plat Book No. 23, Folio 95 containing .2685 acres. Also known as 830 Ivydale Avenue and located in the 4th Election District, 2nd Councilmanic District.

404

No.

DATE 2/17/59 ACCOUNT 601-006-0150

ACCOUNT Oct-Nov-61

AMOUNT	\$	65	20
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RECEIVED
FROM:

DAVE KEENE

430 IVYDALE AVE

FOR: H. L. Manning

Tree # 404

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 06-404-A

830 Ivydale Avenue

Northwest corner of Shirley Manor Road and Ivydale Avenue

4th Election District — 2nd Councilmanic District

Legal Owner(s): Faye Allison & Paul Francis Kenny

Variance: To permit a recreational vehicle with a setback of 0 feet in lieu of the 8 feet to the rear of a lateral projection of the front foundation line of the dwelling.

Hearing: Friday, March 24, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3888.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/13/1 Mar. 9 86987

CERTIFICATE OF PUBLICATION

3/9/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/9/, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-404-A

Petitioner/Developer: _____

Mr. + Mrs. Paul F. Kenny

Date of Hearing/Closing. 3-24-06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 W. Chesapeake Avenue
Towson, MD 21204

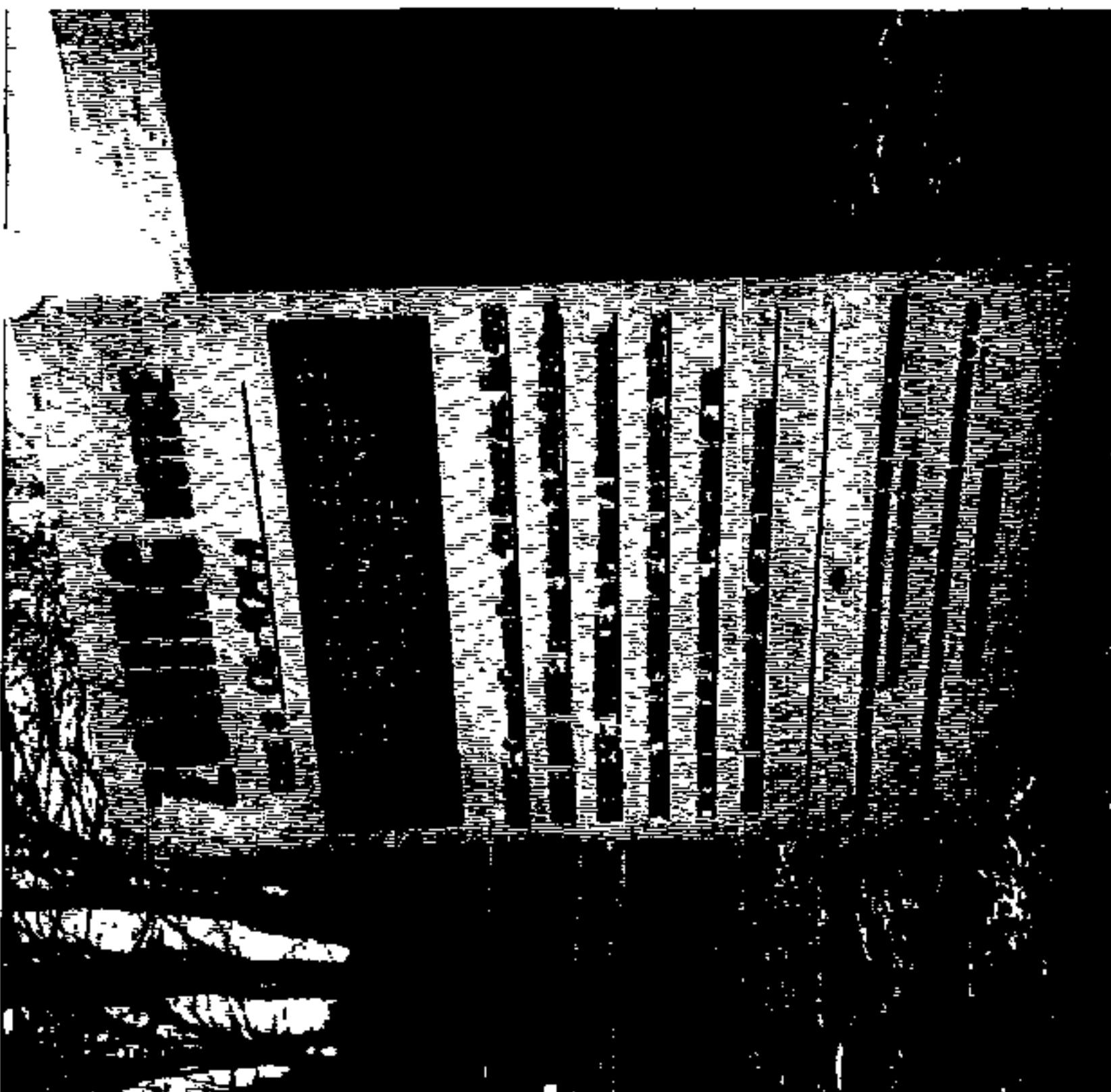
Attention: Kristen Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property at

830 Ivydale Avenue Reisterstown, MD 21136

The sign(s) were posted on March 3, 2006
(Month/Day/Year)



Sincerely,

Stacy Gardner 3/3/06
(Signature of Sign Poster/Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000
(Date)
Phone

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 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:

Item Number or Case Number: 06-404-A
Petitioner: Paul Kenny
Address or Location: 830 Ivydale Ave Reisterstown, MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul Kenny
Address: 830 Ivydale Ave
Reisterstown, MD
21136
Telephone Number: 410-833-0366(H) (443)-277-6484

Revised 7/11/05 - 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



Baltimore County

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

February 27, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-404-A

830 Ivydale Avenue
Northwest corner of Shirley Manor Road and Ivydale Avenue
4th Election District—2nd Councilmanic District
Legal Owner: Faye Allison & Paul Francis Kenny

Variance to permit a recreational vehicle with a setback of 0 feet in lieu of the 8 feet to the rear of a lateral projection of the front foundation line of the dwelling.

Hearing: Friday, March 24, 2006 @ 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK: raj

C: Mr. & Mrs. Paul F. Kenny, 830 Ivydale Avenue, Reisterstown, MD 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 9, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Visit the County's Website at www.baltimorecountyonline.info



TO: PATUXENT PUBLISHING COMPANY
Thursday, March 9, 2006 Issue - Jeffersonian

Please forward billing to:

Paul Kenny (410-833-0366) or (443-277-0484)
830 Ivydale Avenue
Reisterstown, MD 21136

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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4th Election District—2nd Councilmanic District
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WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

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

March 20, 2006

Paul Francis Kenny
Faye Alison Kenny
830 Ivydale Avenue
Reisterstown, MD 21136

Dear Mr. and Mrs. Kenny:

RE: Case Number: 06-404-A, 830 Ivydale Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 17, 2006.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



BU
3/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: March 8, 2006

RECEIVED

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

MAR 08 2006

SUBJECT: 830 Ivydale Avenue

ZONING COMMISSIONER

INFORMATION:

Item Number: 6-404

Petitioner: Paul and Faye Kenny

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the Zoning Commissioner determines that a practical non-self imposed hardship exists. If the aforementioned determination is made, the Office of Planning recommends the termination of variance relief when the subject property is no longer owned by Paul and/or Faye Kenny.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

Curtis Murray

Division Chief:

Tom Sanbani

AFK/LL: CM

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



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

Maryland Department of Transportation

Date: 2-28-04

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 404 JRF

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,

Steven D. Foster, Chief
Engineering Access Permits Division

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

February 28, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 27, 2006

Item No.: 387, 388, 389, 390, 391, 392, 394, 395, 396, 397, 398, 399, 400,
401, 402, 403, 404, 405 and 406

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
Phone (O) 410-887-4881
Mail Stop - 1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: March 7, 2006

FROM: Dennis A. Kennedy, ^{DM}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 6, 2006
Item Nos. 387, 388, 389, 390, 391, 392,
393, 394, 395, 396, 398, 399, 401, 402, 403
404, 405, and 406

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-03072006

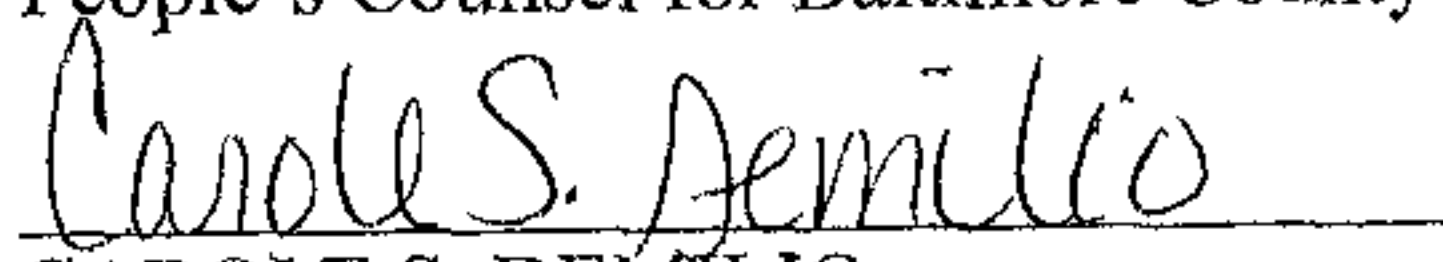
RE: PETITION FOR VARIANCE
830 Ivydale Avenue; NW corner of Shirley
Manor Road & Ivydale Avenue
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Paul & Faye Kenny
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-404-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Paul & Faye Kenny, 830 Ivydale Avenue, Reisterstown, MD 21136, Petitioner(s).

RECEIVED

MAR 02 2006

Per 


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

5/1/06

William Wiseman
Zoning Commissioner
for Baltimore County

RECEIVED

MAY 19 2006

ZONING COMMISSIONER

RE: Case No. 06-404A

I understand you are doing your job and both parties can't win but I feel you didn't understand the facts in this case based on the denial letter you sent. You could have offered a compromise such as a 2' or 4' setback in lieu of the 0' requested.

At this point I have spent enough money between the \$800 in repairs to damage as a result of trying to get my Wildwood trailer through the gate at the end of my rear driveway to the backyard, the \$5,000 in cost for a driveway last year that I got a variance for specifically to park the trailer and the cost to legally try to get a variance to park in my new driveway. I'm not going to spend the money to appeal this, nor the \$120 a month to park off-site and be inconvenienced running the trailer back and forth every weekend we decide to camp somewhere. At this point I am looking to move my family away from their friends of 15 years and my wife's family.

My neighbors and family are upset and now the Community Association feels it's empowered to take on more issues. The latest Country Clubber that littered my door step boast of them beating the people at Ivydale and now is planning to eliminate all ¾ ton vehicles along with all boats, RV's, Commercial Vehicles and homes with more than 1 family. I drive a Chevy 2500HD and my wife drives a 2500 Suburban, I guess Code Enforcement will be ticketing them next. Enough is enough.

By the way your facts are all messed up. If you review the court testimony you'll find we owned the 30' 2003 Wildwood when we were ticketed. It was sitting in the new driveway as pictured last December (all the pictures were of the Wildwood and Montana, not any neighbor's trailers). The Wildwood trailer was parked in the rear of the house for 2 years 2002/2003 but blocked the kid's basketball court and the garage so my vehicles couldn't access the garage. Plus the Wildwood was damaged trying to get through the gates.

We got permission from our direct neighbors to park in the grass beside the house in 2004 then got a variance for the driveway. When we got the ticket December of 2005 we moved the fence back from the rear corner of the house past the deck to the rear driveway to back the Wildwood trailer up 8' from the front corner. This had the trailer sitting in my wife's garden under the power lines with less than a 30" clearance, that's a life safety issue. .

We bought the 33'9" Montana in January of this year (not 2002); we were shopping for it when we were ticketed. It is only 3'9" longer than the Wildwood (not substantially) but doesn't exceed the 35' permitted in Baltimore County. There are several problems with moving it back the full 8'.

1. The new trailer is taller so it won't fit under the power lines. Even paying BG&E to raise the lines won't help because to back it up the 8' leaves us less than the required 2-1/2' from the side property line since our house sits on an angle on the property which is unique. They would have to put a telephone pole beside the house for enough clearance between the roof of either trailer and the power lines.
2. Waving the 2-1/2' puts the trailer inches from my deck and doesn't allow space to extend the bump out living room & dining room to access the kitchen and refrigerator to pack and un-pack for trips. The bump out room would hit the neighbors fence

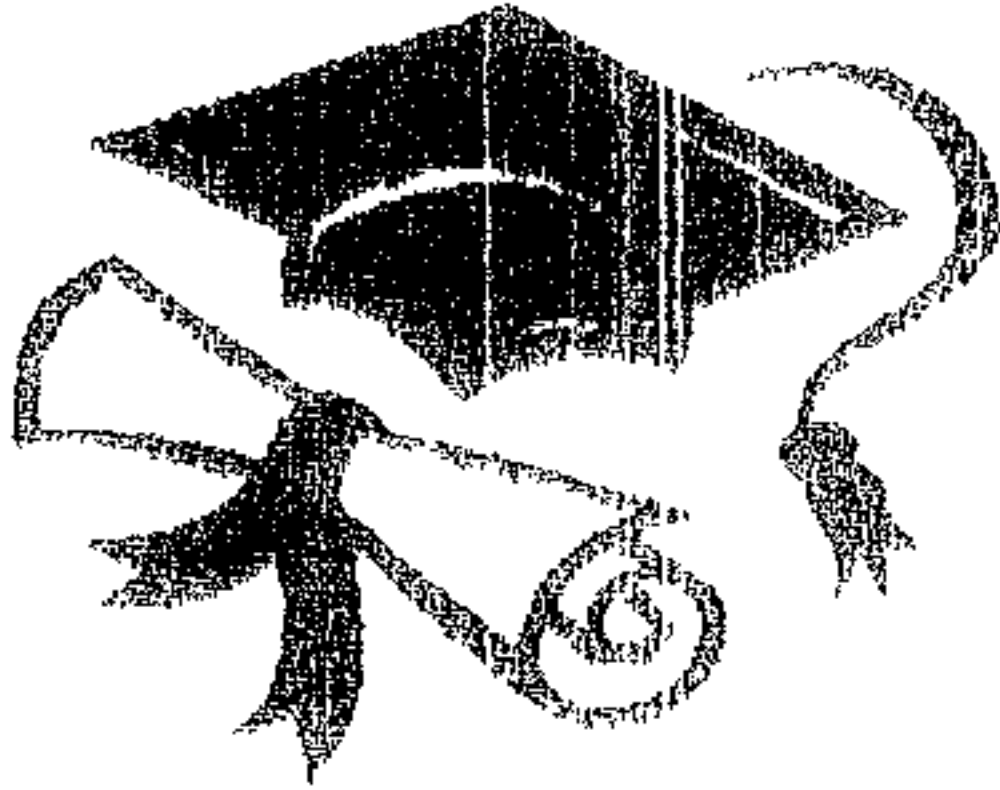
According to your letter I can park it in the rear yard and it won't impede access to my garage. I attached several drawings with this letter. Am I supposed to park the trailer on my rear driveway between the house and side access gate at Shirley Manor (which is between the road and my house set back due to being on a corner lot)? That would be more of an eye sore from the intersection or from Shirley Manor. If I can get through the gate without damaging the trailer (it's tight). We would still have to remove part of my deck to allow room to extend my driveway through the garden, add an extra gate. Even more expense on my part.

Again I think I didn't get a fair ruling. The Community Association got the newspaper to show the front of my house with an angle that makes the trailer look like it is past the house in the front yard in an effort to rally the troops to protest my hearing and the only people that showed up were 3 members of the association. Nobody else had a problem with my trailer.

I also included some pages out of the recent community news letter, Code Enforcement already had their hands full with 20+ complaints a week from the association and they are trying to crank that up.


Paul Kenny

Upcoming Community Events



May

- 10 C.C.E. Monthly Board Meeting, 7:30 pm
- 14 Mother's Day
- 23 Armed Forces Day
- 29 Memorial Day Observed

June

- 14 Flag Day
- 14 C.C.E. Monthly Board Meeting, 7:30 pm
- 16 Father's Day
- 21 First Day of Summer

Deadline for the *Clubber* is the 15th of the month. Delivery is on the first Saturday of the month, weather permitting.

Time To Make A Change

In the near future, we will be hosting a meeting between CCECA residents and Baltimore County's Code Enforcement. This meeting is being arranged so that residents and the board of governors may address the many problems we are having in our community.

For example 3/4 ton trucks parked in driveways, RV's parked on streets and on properties, multiple families living in single homes, junk yard conditions and whatever else concerns our residents have about code violations.

Many rules and laws need to be changed for code enforcers. They need our help to change the laws and we need to help them to change the laws for our protection. More information will be published in upcoming Clubbers. When we select a date and post the meeting, please try to attend. We need your support to keep this a desirable community to live and raise families.

FOR BALTIMORE COUNTY, PLEASE CALL THE FOLLOWING NUMBERS:

EMERGENCY

County Executive, James Smith
 Animal Control
 Code Enforcement
 Fire Department (non emergency)
 Health Services
 Libraries
 Leaf Collection
 Police Department (non emergency)
 Recreation and Parks
 Recycling
 Road and Streets
 Senior Information
 Traffic Lights and Signs
 Zoning
 Baltimore County Government Website
 Maryland Sex Offender Registry

24H

410-887-2450
 410-887-5961
 410-887-8099 or 3352
 410-887-4500
 410-887-3740
 410-887-6100
 410-887-2000
 410-887-2222
 410-887-3871
 410-887-4370
 410-887-3560
 410-887-2594
 410-887-3554
 410-887-3391
 www.co.ba.md.us
 www.dpscs.state.md.us

C.C.E.C.A. Board Meeting Minutes (page 2 of 3)

Zoning/Civic Affairs

The variance request on Ivydale Rd. to allow for the parking of an RV was denied. Alma Wine received the county's ruling today (4/12/06). Thank you to all the residents that attended the zoning hearing in Towson. Also thanks to the helpful resident that wrote a letter on behalf of the association against this change.

There are many RVs, boats, and trailers parked on our streets. Please do not obstruct traffic if you must park these items in front of your home. Recreational vehicles and trailers that obstruct traffic should be reported to the police.

Regular trips to Towson and Code Enforcement are very important and our volunteer will be making these trips on a weekly basis to keep on top of the issues. Residents are encouraged to submit their complaints to the CCECA Zoning liaison using the form that is published in *The Country Clubber*. Please limit your reports to violations within Country Club Estates.

Baltimore County Council is considering a bill that would allow enforcement officers to issue immediate fines and crack down on violators who ignore citations. This was reported in the Examiner newspaper. The council will likely discuss this proposal on April 25th.

Traffic calming information packets are available for residents to review and use. Please attend one of the monthly board meetings or write your request to receive a packet to PO Box 32, Reisterstown, MD 21136.

Flowers

No.

Hospitality

A new volunteer has come forward and is working with Alma.

Citizen on Patrol

We did not apply for grant money. There was an attempted break in on Highfalcon recently. A passer-by noticed a man trying to break into the house and called 9-1-1. More details will be in Lois' Clubber report. A lot of speeding reported along Walgrove Rd. PCR (Police Community Relations) meetings are so informative please consider attending. They are at the Franklin precinct on the 3rd Tuesday evening of every month.

Old Business

Citizen of the Year:

The CCE Citizen of the Year is Martha Taylor of Highfalcon. Thelma Mack presented Martha with the award at her home because Martha was unable to attend our meeting. A write up about Martha will be published in *The Country Clubber*.

Paul Keamy
830 Ivydale Ave
Baltimore, MD
21136

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



7005 1820 0000 5939 5093

Zoning Commission
Office of Planning
401 Besley Ave, Suite 405
County Courts Bld
Towson, MD 21204

Attention: William W. Harrison
Commissioner

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02 MAY 2005 PM 3:10
UNITED STATES
POSTAL SERVICE

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21204



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Nuisance vehicle parking arises in Reisterstown

BY BAXTER SMITH
TIMES STAFF WRITER

It's a sore topic several north-west neighborhoods painfully cope with, handling homeowners who park recreational vehicles and boats in driveways, violating zoning regulations.

The matter came to a head recently for the community of Country Club Estates when a homeowner there applied for a variance to park a recreational vehicle zero feet, in lieu of the required 8 feet, behind the front foundation line of the dwelling. The case is scheduled before a zoning commissioner in Towson on March 24.

"It's getting to look like Ocean City. There are so many of them here now," said a woman about the parked boats and RVs in the neighborhood.

Like other Country Club homeowners, she agreed to speak about the matter but did not want to be identified for fear of harassment.

"I've seen it quite nice here, but all of a sudden, it's deteriorating," said an elderly man, as he rode with a reporter through the neighborhood, pointing out zoning violations.

The Reisterstown community of 1,500 brick ranchers and split-level houses dates from the mid to late 1960s. It is home to middle-income wage earners, retirees who have lived there for decades, as well as newcomers.

Homeowners say the zoning offenders can be newcomers unfamiliar with county regulations or longtime residents

"People who own RVs have to be considerate. RV parking is a real big problem."

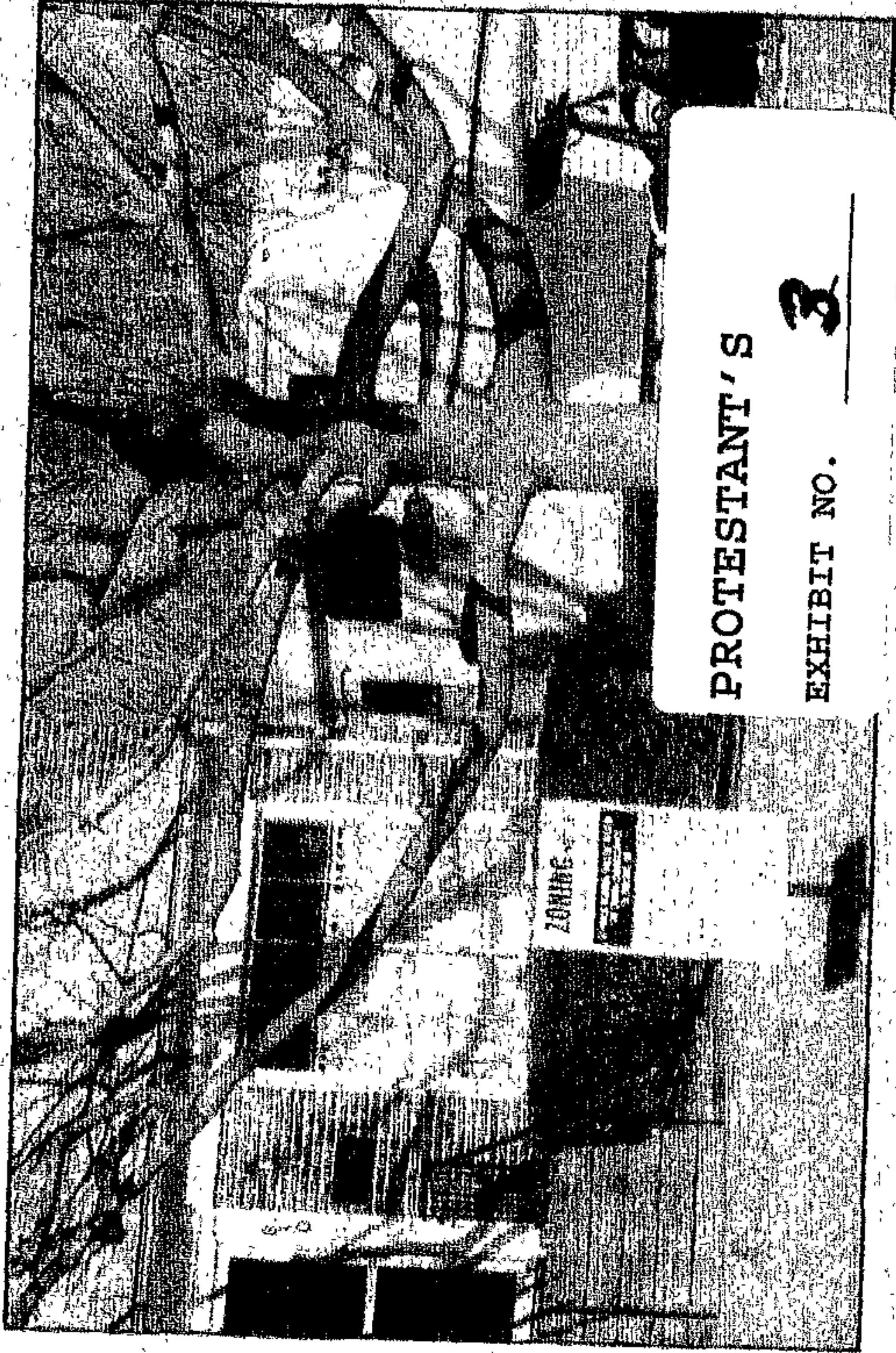
Tom Shutt

Country Club resident and
RV owner

convinced their behavior is no big deal. The subject arose at the last meeting of the Country Club Estates Community Association.

The association publishes a monthly newsletter that lists upcoming events, repair services, official phone numbers and want ads. The association boosts accomplishments of residents and names an outstanding citizen each year. It also awards a scholarship each year to a Country Club Estates high school student.

The association prides itself on helping to maintain an attractive neighborhood. Although it may take two or three calls to cut through the Towson bureaucratic maze on certain issues, homeowners report police and politicians are generally responsive.



PROTESTANT'S

EXHIBIT NO.

3

Some residents of Country Club Estates are concerned about people parking recreational vehicles in their driveways.

BAXTER SMITH/STAFF PHOTO

Among other things, the newsletter contains a confidential complaint form that can be submitted to the association to be forwarded to county officials. It notes that complaints may be filed against junkyard conditions, commercial vehicle parking, open dump conditions, rooming house operations and illegal storing of vehicles.

Tom Shutt, a Country Club resident, is familiar with the subject of RV parking. He has owned RVs for 30 years and

spends \$600 a year to keep his motorhome in an RV storage area 20 miles away in Pennsylvania.

He acknowledged that keeping an RV, some of which can exceed the cost of a home, can require compromises. He notes that each jurisdiction has different regulations on RV storage in residential areas, and RV owners can obtain information about various laws in pamphlets distributed by advocacy groups.

"The law requires at least 8

feet from the front of the house," Shutt said.

When driveways are not long enough, he added, "you can't keep it there. You have to be a good neighbor about that."

He said that inconsiderate RV owners can cause elected officials to overreact.

"Some states have gotten rough, and in some, you can't drive RVs through small towns," Shutt said. "People who own RVs have to be considerate. RV parking is a real big problem."

DATE _____

PETITIONER'S SIGN-IN SHEET

DATE _____

E-MAIL

[illegible]



1" = 200'

Case No.:

06-404-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	PETITIONERS SITE PLAN	Community Assoc. Opposition
No. 2	Collectively Arthur E Photo's of New trailer on Prop.	Photo's of Arthur D. offending trailer
No. 3	Collectively Arthur E Photo's of Prior Trailer on Prop.	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Country Club Estates
Community Association of Reisterstown, Inc.

BOX 32, REISTERSTOWN, MARYLAND 21136

Re: Opposition to variance for 830 Ivydale Avenue

Case # 0604 - A

Dear Members of the Zoning Board:

We represent the Community Association of Country Club Estates in Reisterstown. Our organization has been in existence for almost 40 years and we are one of the oldest active community associations in Baltimore County. We have a community of 1100 homes. The purpose of our association is to help maintain property values in our neighborhood.

We have a neighborhood watch and have various committees dedicated to specific tasks. One of our committees is constantly on the lookout for code violations. Your zoning and code enforcement departments are well acquainted with our association. For many years we have been reporting and following up on code violations to make certain violations don't go unattended for very long.

The residents of 830 Ivydale Avenue have requested a zoning variance to allow a vacation home to be kept in the driveway. The community association of Country Club Estates is opposed to this variance. If this resident obtains this variance, then many other residents will be applying for similar variances. Or they may just ignore the codes and park recreational vehicles wherever they want on their property. These homes are too close together and too close to the streets to permit RV's to be parked less than 8 feet from the front of the house. Our neighborhood will turn into RV parking lots. Within a few miles of this community, there are storage areas for these large Recreational Vehicles.

Our community has a monthly newspaper that is distributed to every home. We offer each resident the opportunity to voice their opinion about problems or concerns with the neighborhood. We meet monthly and discuss these problems. We then work together with our residents to resolve these problems.

Respectfully,

CCEA, Board of Governors


CIVIC AFFAIRS

PROTESTANT'S

EXHIBIT NO. 1





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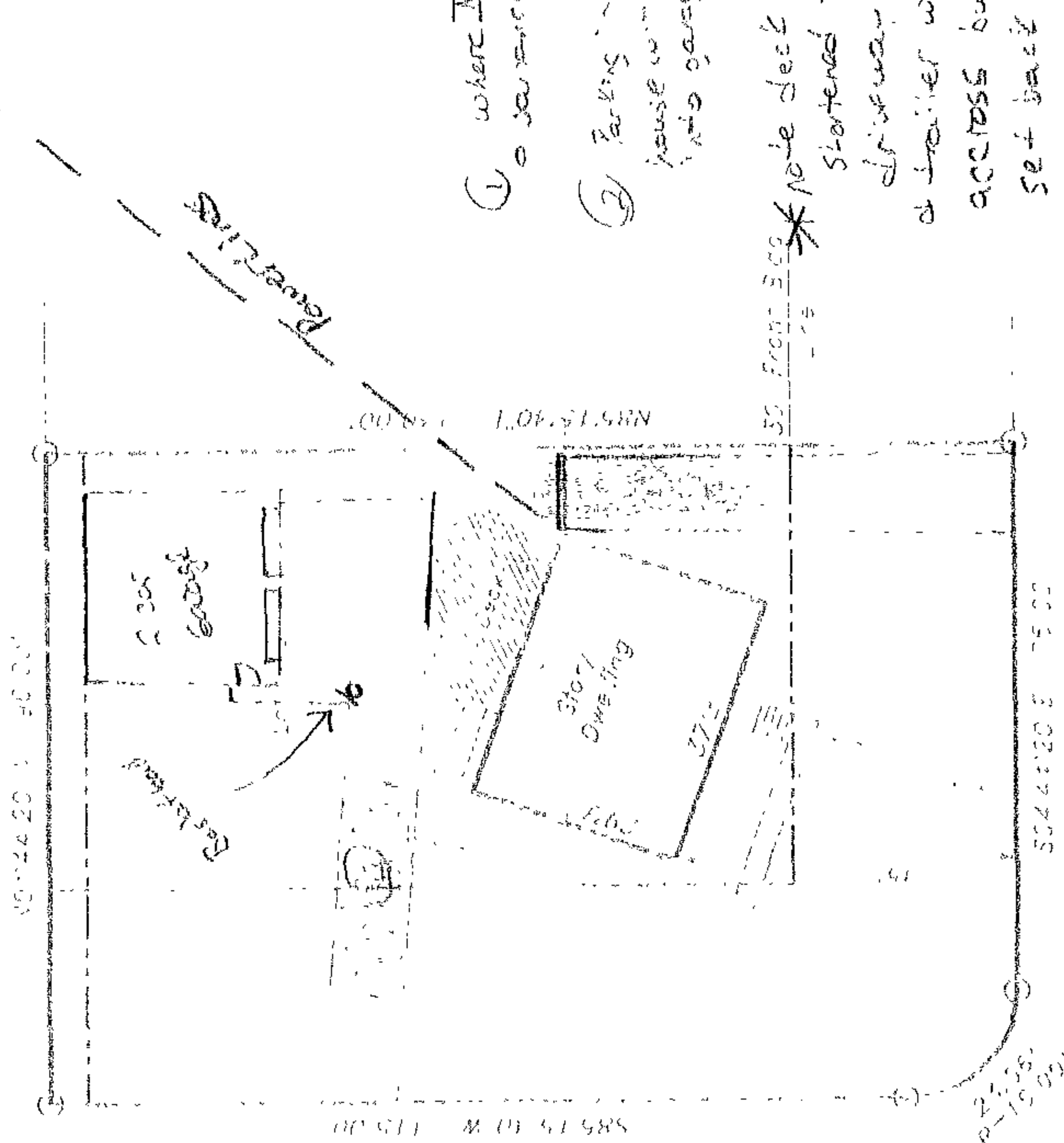
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PROPERTY ADDRESS 830 Ivydale Ave

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

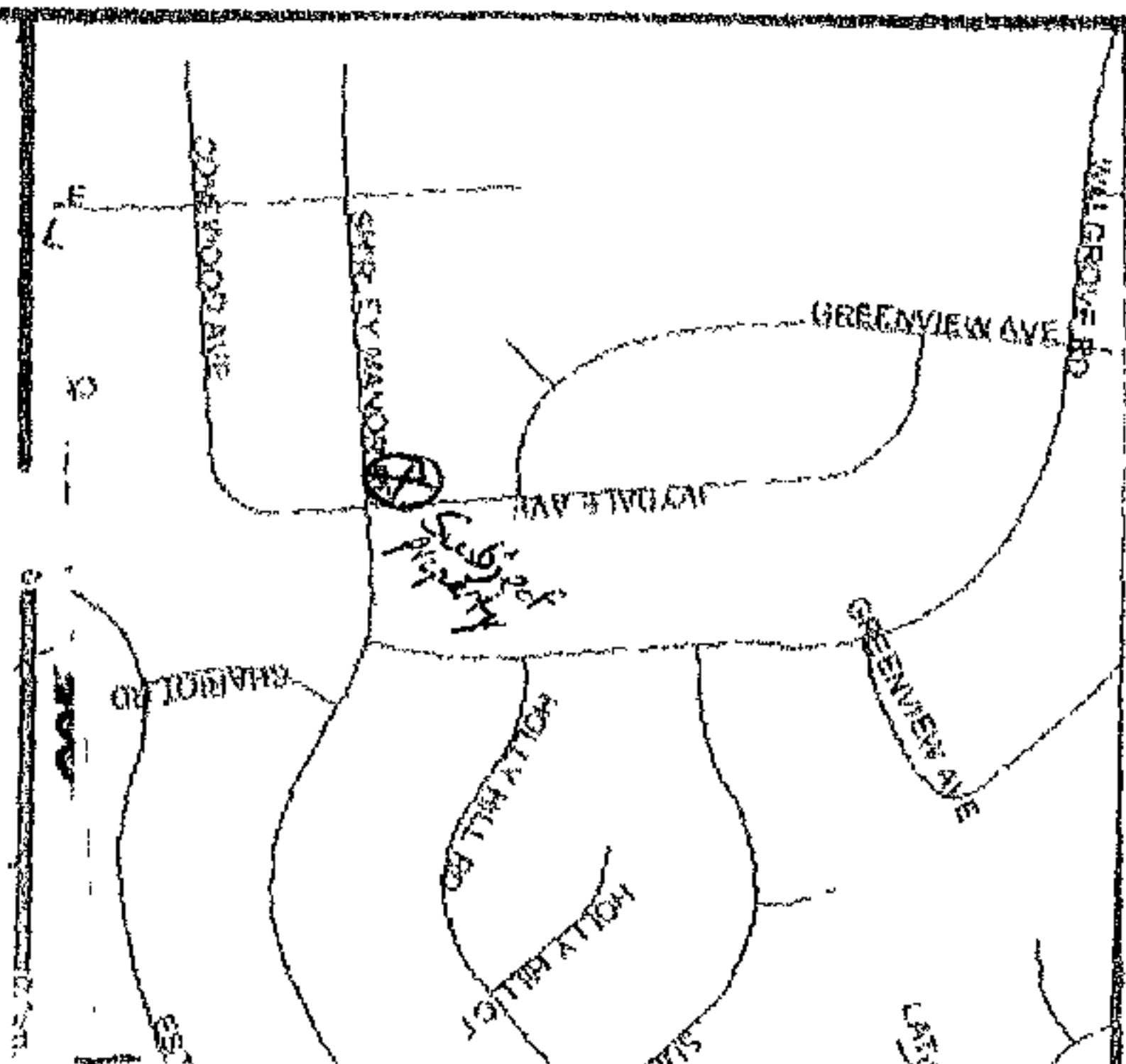
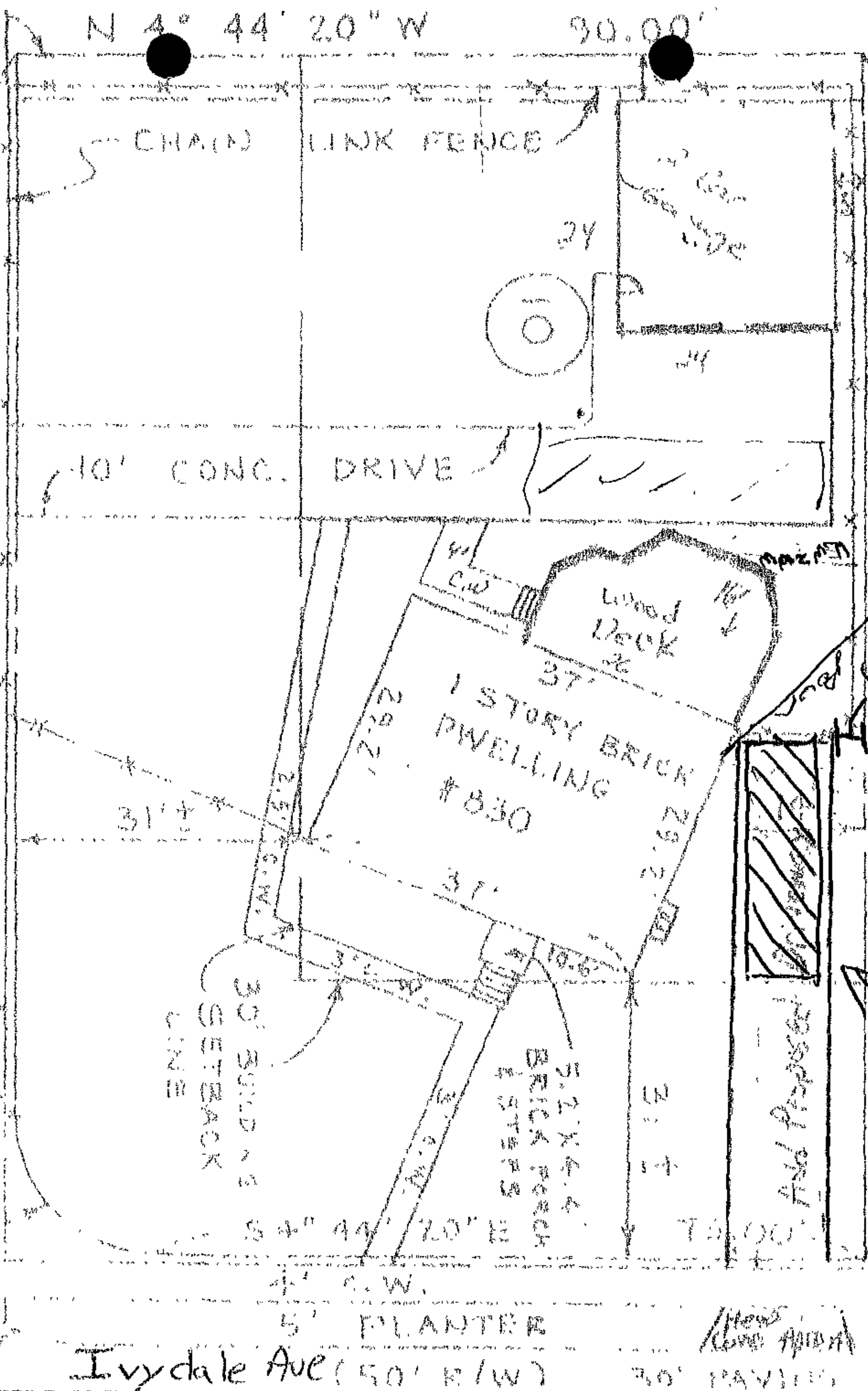
SUBDIVISION NAME Section 1, Academy Acres

PLAT BOOK # 23 ⁶⁴¹⁵ FOLIO # 95 LOT # 10 SECTION # Block G

OWNER Paul Francis + Faye Alison Kenny

2000

Proposed parking trailer



LOCATION INFORMATION

ELECTION DISTRICT 4B

COUNCILMANIC DISTRICT

04903 SCALE MAP 1:200' 11-1

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ZOH

LOT SIZE 4990 1700

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NON-RESIDENT

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PETITIONER'S

EXHIBIT NO.

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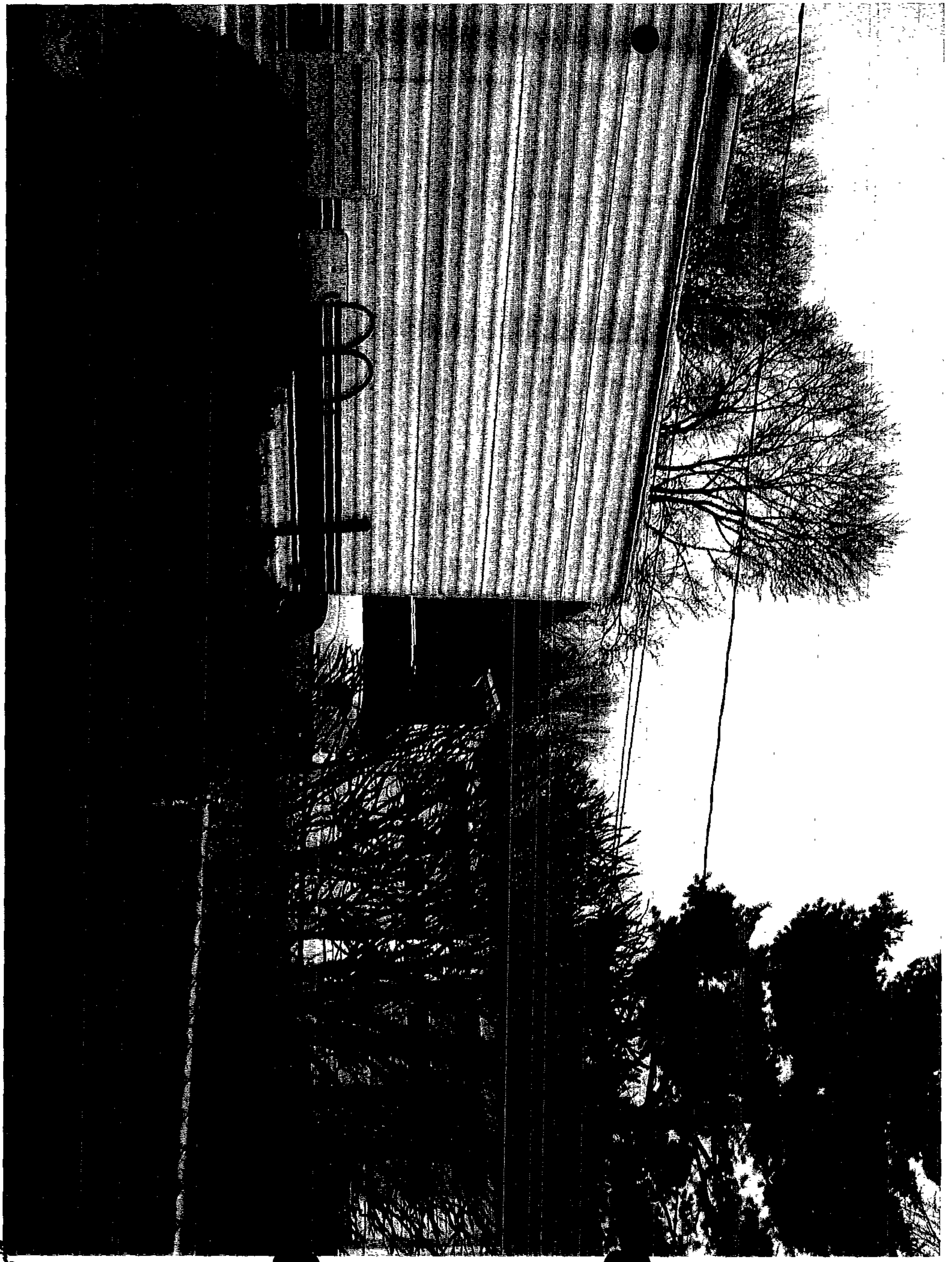
EXHIBIT NO.

3A

Original trailer 8' back

Original trailer 8' boat

10/23/96



Original trailer 8' back

PVC



Original trailer 8' back

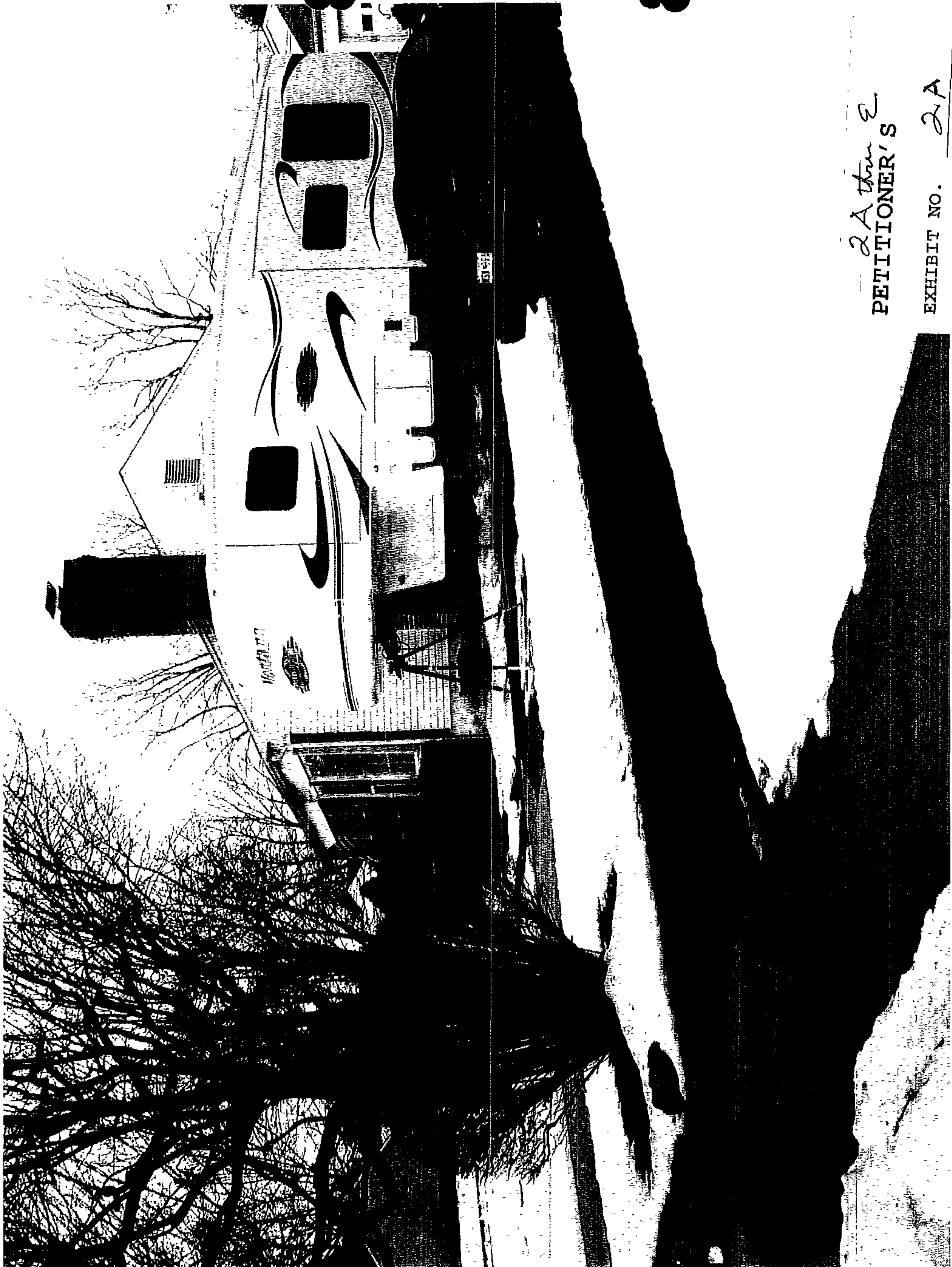
PS
12x30



original trailer 8' back

403E





2A thru 2
PETITIONER'S

EXHIBIT NO. 2A





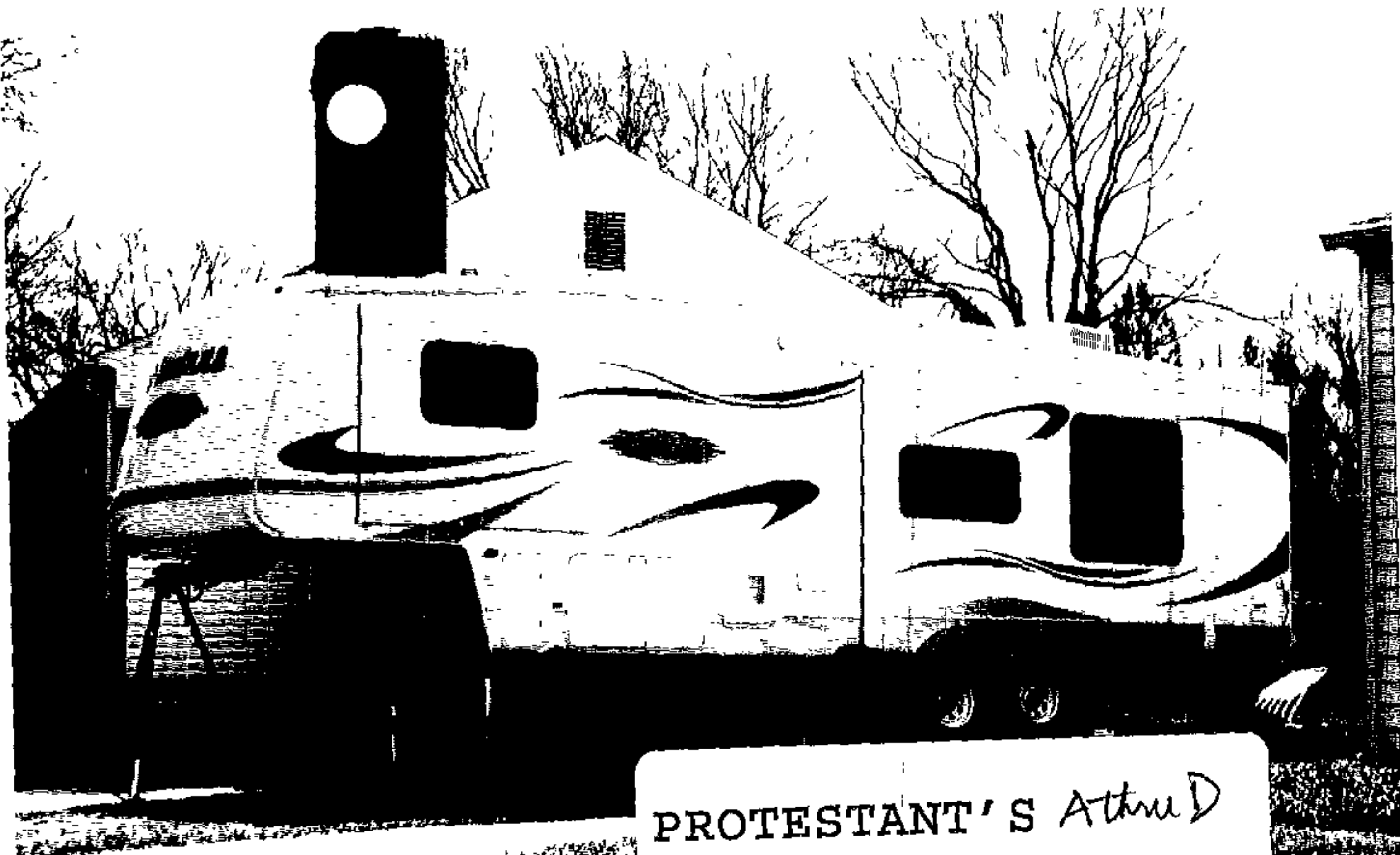
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Post 2E



PROTESTANT'S Arthur D
EXHIBIT NO. 2A

