

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of Island View Road, 470 feet		
from the end of Island View Road	*	DEPUTY ZONING
15 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(2514 Island View Road)		
	*	FOR BALTIMORE COUNTY
Marshall H. Keeny, II		
<i>Petitioner</i>	*	Case No. 08-303-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Marshall H. Keeny, II. Petitioner is requesting Administrative Variance relief from Sections 1A04.3.A, 1A04.3.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a structure height of 40 feet, side yards of three feet and 11 feet, and a building coverage of 17% in lieu of the allowed 35 feet, 50 feet, 50 feet and 15% for a new dwelling to replace two existing dwellings. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Although there was no request for hearing by any interested citizens during the posting period, on February 4, 2008 the Undersigned called for a public hearing on this matter because new waterfront homes can have a significant community impact. Administrative variance requests are limited to minor additions, garages, decks, porches, etc., which do not meet current regulations. Variance relief for a new dwelling can have considerable impact on neighboring properties. The hearing was subsequently scheduled for Wednesday, March 19, 2008 at 11:00 AM, in Room 407 of the County Courts Building, located at 401 Bosley Avenue, Towson, Maryland.

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Appearing at the public hearing in support of the requested relief was Petitioner Marshall H. Keeny, II and David Billingsley, with Central Drafting & Design, Inc., the surveyor who prepared the site plan. James S. Brown of 2509 Island View Road and Mr. and Mrs. E. Hoffman of 2512 Island View Road attended the hearing as interested citizens.

Testimony and evidence offered revealed that the subject waterfront property contains 10,960 square feet, or 0.252 acre, zoned R.C.5. The subject property is improved with two small dwellings, a garage located in the front yard, a shed and a second garage located close to the waterfront. The property is rectangular in shape and fronts on Browns Creek. The subject property is 40 feet wide and 280 feet long at the right property line and 300 feet long at the left property line. Petitioner wishes to raze the two existing dwellings on the lot and construct a new three-story single-family dwelling on the lot. The existing shed and garage located near the waterfront will also be removed. The existing garage located in the front yard was approved in a previous zoning matter, Case No. 02-262-A, in January 2002. The primary dwelling was constructed in 1952 and contains only 660 square feet. Petitioner was granted sole ownership of the subject property in December 2005.

Further testimony revealed that the height variance is requested to permit a parking level below the proposed dwelling. The building coverage variance is requested so that Petitioner may retain an existing garage and storage building on the site. The side yard variances are requested to permit a dwelling width of 26 feet. The northernmost side yard of the existing dwelling is presently 3 feet, therefore, no decrease in the side yard is being proposed. The southernmost side yard of the existing dwelling will be decreased from 14 feet to 11 feet to allow for the proposed building width.

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Mr. and Mrs. E. Hoffman live next door to the subject property and attended the hearing to gain a better understanding of the variances being requested.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated March 3, 2008 indicate that it does not oppose Petitioner's request, provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information, the particulars of which will be expounded on further in this Order. Comments received from the Department of Environmental Protection and Resource Management dated January 29, 2008 indicate that the property must comply with the Chesapeake Bay Critical Area Regulations, is subject to wetland and tidal water buffers, forest cover requirement and limits on impervious surface coverage. Additional comments received from the Bureau of Development Plans Review dated February 1, 2008 indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code, which adopts the International Building Code.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Further, I find that the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship, and would render a property, which

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is very similar in virtually all respects to others in the neighborhood, unable to be developed in the same fashion. Therefore I find the property unique in a zoning sense. Constructing a new home on a 40 foot wide lot requires a variance. Because of the 40 foot lot width, without the requested side yard variances Petitioner would be denied the right to construct a dwelling of practical width. In addition I find that strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. Petitioner would be unable to construct a new home on the property and thereby utilize the property to its highest and best use. The two existing dwellings are considered "shore shacks" as that term is often used, and the new dwelling will be an improvement for the neighborhood.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The building elevations and architectural detail of the new dwelling will be reviewed and approved by the Office of Planning prior to the issuance of any building permits. The proposed dwelling will be compatible in size and architectural detail as that of existing dwellings in the area.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's Administrative Variance request should be granted.

THEREFORE, IT IS ORDERED this 9th day of April, 2008 by this Deputy Zoning Commissioner, that Petitioner's Administrative Variance request from Sections 1A04.3.A, 1A04.3.B.2.b and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a structure height of 40 feet, side yards of three feet and 11 feet and a building coverage of 17% in

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lieu of the allowed 35 feet, 50 feet, 50 feet and 15% for a new dwelling to replace two existing is hereby GRANTED subject to the following:

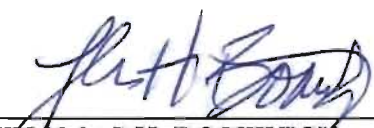
1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is located in the Limited Development Area of the Chesapeake Bay Critical Area and is subject to wetland and tidal water buffers, a forest cover requirement, and limits on impervious surface coverage. The maximum impervious surface allowed with mitigation is 4,646 square feet (grandfathered amount) and the proposed amount must not exceed this amount. A minimum of three trees must remain on-site as well as all trees within the 100-foot tidal buffer and 25 foot wetland buffer. The buffer areas are further restricted by the law.
4. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
5. The flood protection elevation for this site is 11.2 feet.
6. In conformance with *Federal Flood Insurance* Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
7. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
11. Prior to obtaining a building permit, Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards.

ORDER RECEIVED FOR FILED

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- a. Submit photographs of existing adjacent dwellings to the Office of Planning.
- b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
- c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
- e. Provide landscaping along the public road, if it is consistent with the existing streetscape.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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4.9.08

Flood CBCA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at 7514 ISLAND VIEW ROAD

which is presently zoned RC5

Deed Reference: Z3209 / G92 Tax Account # 1516151440

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)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MARSHALL H. KEENY, 2ND

Name - Type or Print

Signature

Name - Type or Print

Signature

7514 ISLAND VIEW RD (410) 686-9739

Address

Telephone No.

BALTIMORE

MO.

21221

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY,
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MO.

21040

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Case No. 08-303-A

Reviewed By SNP

Date 1/11/08

REV 7/20/07

Estimated Posting Date 1/20/08

Zoning Commissioner of Baltimore County

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4-9-08

pm

A080 6007

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.

That the Affiant(s) does/do presently reside at

2514 ISLAND VIEW ROAD
Address
BALTIMORE MD 21221
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):

SEE ATTACHED

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

MARSHALL H. KEENY, Z NO

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Harford

I HEREBY CERTIFY, this 1ST day of DEC, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

MARSHALL H. KEENY Z NO

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Debbie Chalmers
Notary Public

My Commission Expires 01.21.08

Sections 1A04.3.A, 1A04.3.B.2.b and 1A04.3.B.3 (BCZR) to permit a structure height of 40 feet, side yards of 3 feet and 11 feet and a building coverage of 17 % in lieu of the required 35 feet, 50 feet, 50 feet and 15 % for a new dwelling to replace two existing dwellings

08-303-A

PRACTICAL DIFFICULTY OR HARDSHIP
FOR VARIANCE REQUEST
2514 ISLAND VIEW ROAD

THE OWNER / PETITIONER WISHES TO RAZE THE TWO EXISTING DWELLINGS ON THE LOT AND CONSTRUCT ONE NEW SINGLE FAMILY DWELLING .

THE HEIGHT VARIANCE IS BEING REQUESTED TO PERMIT A PARKING LEVEL BELOW THE PROPOSED TWO STORY DWELLING.

THE SIDE YARD VARIANCES ARE BEING REQUESTED TO PERMIT A DWELLING WIDTH OF 26 FEET. THE NORTHERNMOST SIDE YARD OF THE EXISTING DWELLING IS PRESENTLY 3 FEET, THEREFORE, NO DECREASE IN THE SIDE YARD IS BEING PROPOSED. THE SOUTHERNMOST SIDE YARD OF THE EXISTING DWELLING WILL BE DECREASED FROM 14 FEET TO 11 FEET TO ALLOW FOR THE PROPOSED BUILDING WIDTH. BECAUSE OF THE 40 FOOT LOT WIDTH, WITHOUT THE REQUESTED SIDE YARD VARIANCES, THE PETITIONER WOULD BE DENIED THE RIGHT TO CONSTRUCT A DWELLING WITH A PRACTICAL WIDTH.

THE BUILDING COVERAGE VARIANCE IS REQUESTED SO THAT THE PETITIONER MAY RETAIN AN EXISTING GARAGE AND STORAGE BUILDING ON THE SITE.

08-303-A

ZONING DESCRIPTION

2514 ISLAND VIEW ROAD

Beginning at a point on the west side of Island View Road (40 feet wide), distant northerly 470 feet from the end of Island View Road, thence being all of Lot 14, Section B, Barrison Point, recorded among the Baltimore County plat records in plat book 8 folio 82. Containing 10,960 square feet or 0.252 acre of land, more or less.

Being known as 2514 Island View Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland.

08-303-A

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: #08-303-A

2514 Island View Road

W/side of Island View Road, 470 feet from the end of Island View Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Marshall Keeny, 2nd

Variance: to permit a structure height of 40 feet, side yards of 3 feet and 11 feet and a building coverage of 17% in lieu of the allowed 35 feet, 50 feet, 50 feet and 15% for a new dwelling to replace two existing dwellings.

Hearing: Wednesday, March 19, 2008 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) 887-3868.

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

JT/3/609 Mar. 4

165449

CERTIFICATE OF PUBLICATION

3/6/2008

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 3/4/2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09731**

Date: 1/11/08

PAID RECEIPT

BUSINESS 1/4/2008 ACTUAL 1/11/2008 TIME 09:27:17

REC-02 MAIL JENH JEL
 5-REC IPT H 357406 1/11/2008 OFFN

5-520 ZONING VERIFICATION
 009731

Recpt Tot \$65.00
 \$65.00 CR \$1.00 CR
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
002	004			6100				\$5.00
Total:								\$5.00

Rec
 From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Central Drafting & Design
Adm. Vantage 2514 Island View Rd.
08-305-A (PERMIT)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-303-A

TO PERMIT A PROPOSED NEW DWELLING (TO REPLACE TWO EXISTING DWELLINGS) WITH A BUILDING HEIGHT OF 40 FEET IN LIEU OF THE MAXIMUM ALLOWED 35 FEET, SIDE YARD SETBACKS OF 3 FEET AND 11 FEET IN LIEU OF THE MINIMUM REQUIRED 50 FEET (FOR BOTH), AND BUILDING COVERAGE OF 17% IN LIEU OF THE MAXIMUM ALLOWED 15%.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON MONDAY FEBRUARY 4, 2008. ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W. CHESAPEAKE AVE. TEL. 837-3391

TOWSON, MD 21204

IF YOU WISH TO REQUEST A PUBLIC HEARING, PLEASE CONTACT THE ZONING OFFICE AT THE ADDRESS ABOVE TO OBTAIN THE FORM.

MEETING IS HANDICAP ACCESSIBLE.

reputable 1/20/08

CERTIFICATE OF POSTING

RE: Case No: 08-303-A

Petitioner/Developer: KEENY MARSHALL ZNA/
DAVE BILLINGSLEY

Date Of Hearing/Closing: 2/4/08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

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 2514 ISLAND VIEW RD

This sign(s) were posted on January 20, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 1/20/08
(Signature of sign Poster and Date)

Martin Ogle

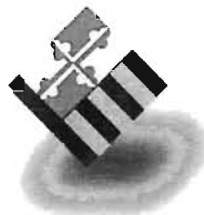
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 5, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 08-303-A

2514 Island View Road

W/side of Island View Road, 470 feet from the end of Island View Road

15th Election District – 6th Councilmanic District

Legal Owners: Marshall Keeny, 2nd

Variance to permit a structure height of 40 feet, side yards of 3 feet and 11 feet and a building coverage of 17% in lieu of the allowed 35 feet, 50 feet, 50 feet and 15% for a new dwelling to replace two existing dwellings.

Hearing: Wednesday, March 19, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Marshall Keeny, 2nd, 2514 Island View Road, Baltimore 21221
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 4, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 4, 2008 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 08-303-A

2514 Island View Road

W/side of Island View Road, 470 feet from the end of Island View Road

15th Election District – 6th Councilmanic District

Legal Owners: Marshall Keeny, 2nd

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Hearing: Wednesday, March 19, 2008 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 303 -A Address 2514 Island View Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1/11/08 Posting Date: 1/20/08 Closing Date: 2/4/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) 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. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

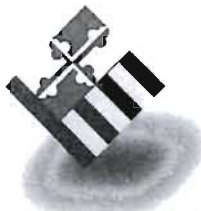
(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 303 -A Address 2514 Island View Road
Petitioner's Name Marshall Keeny, 2nd Telephone 410-686-9739
Posting Date: 1/20/08 Closing Date: 2/4/08
Wording for Sign: To Permit a proposed new dwelling (to replace two existing dwellings) with a building height of 40 feet in lieu of the maximum allowed 35 feet, side yard setbacks of 3 feet and 11 feet in lieu of the minimum required 50 feet (for both), and building coverage of 17% in lieu of the maximum allowed 15%.

WCR - Revised 6/25/04



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

March 13, 2008

Marshall H. Keeny, II
2514 Island View Road
Baltimore, MD 21221

Dear Mr. Keeny:

RE: Case Number: 08-303-A, 2514 Island View Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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.

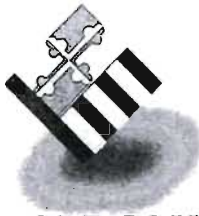
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design, Inc. 601 Charwood Ct. Edgewood 21040



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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.

. 1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date:

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

RE: Baltimore County
Item No. 8-303-A
2514 ISLAND VIEW ROAD
KEENEY PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-303-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For ^ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

TB 3/19
11Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 30 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: January 29, 2008

SUBJECT: Zoning Item # 08-303-A
Address 2514 Island View Road
(Keeny Property)

Zoning Advisory Committee Meeting of January 28, 2008

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to wetland and tidal water buffers, a forest cover requirement, and limits on impervious surface coverage. The maximum impervious surface allowed with mitigation is 4,646 square feet (grandfathered amount) and the proposed amount must not exceed this amount. A minimum of three trees must remain on-site as well as all trees within the 100-foot Tidal Buffer and 25-foot Wetland Buffer. The buffer areas are further restricted by the law.

Reviewer: Paul A. Dennis

Date: 1/29/08

TB 3/19
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2008

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

RECEIVED
MAR 05 2008

SUBJECT: 2514 Island View Road
INFORMATION:

BY:

Item Number: 8-303

Petitioner: Marshall H. Keeny, II

Zoning: RC 5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

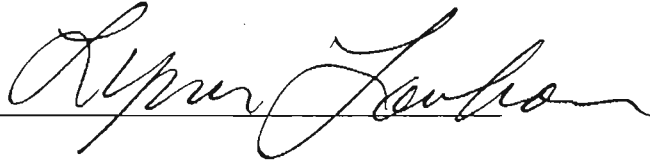
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By: _____

A handwritten signature in black ink, appearing to read "Ryan Jackson", written over a horizontal line.

CM/LL

Patricia Zook - Case 08-303-A (admin. variance that closed 2-4-08) - hearing required

From: Patricia Zook
To: Matthews, Kristen
Date: 2/4/2008 3:36 PM
Subject: Case 08-303-A (admin. variance that closed 2-4-08) - hearing required
CC: Bostwick, Thomas; Freeburger, Andrea; Wiley, Debra

Hello Kristen -

This matter needs to be set in for a formal hearing. Variance requests for new dwellings are not handled through the administrative variance process. The administrative variance process does not cover new dwellings; it is limited to minor additions, garages, decks, porches, etc., which do not meet the current regulations. Variance relief for a new dwelling can have community impact.

Thanks for your help.

[This should be a variance case, not an administrative variance case.]

CASE NUMBER: 303

2514 Island View Road

Location: W side of Island View Road, 470 feet from the end of Island View Road.

15th Election District, 6th Councilmanic District

Legal Owner: Marshall H. Keeny, II

2/4/2008

ADMINISTRATIVE VARIANCE To permit a structure height of 40 feet, side yards of 3 feet and 11 feet and a building coverage of 17% in lieu of the allowed 35 feet, 50 feet, 50 feet and 15% for a new dwelling to replace two existing dwellings.

(emphasis added)

**Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building**

From: Andrea Freeburger
To: Perlow, Jeffrey
Date: 02/04/08 3:40 PM
Subject: Fwd: Case 08-303-A (admin. variance that closed 2-4-08) - hearing required

>>> Patricia Zook 2/4/2008 3:36 PM >>>
Hello Kristen -

This matter needs to be set in for a formal hearing. Variance requests for new dwellings are not handled through the administrative variance process. The administrative variance process does not cover new dwellings; it is limited to minor additions, garages, decks, porches, etc., which do not meet the current regulations. Variance relief for a new dwelling can have community impact.

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(emphasis added)

Patti Zook
Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

CASE NAME 2514 ISLAND VIEW RD.
CASE NUMBER 08-303 A
DATE 3/14/08

[illegible]

previous order

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NW/S Island View Road, approx. 700' W		
centerline Barrison Point Road	*	DEPUTY ZONING COMMISSIONER
15th Election District		
5th Councilmanic District	*	OF BALTIMORE COUNTY
(2514 Island View Road)		
	*	CASE NO. 02-262-A
Arlene & Marshall Keeny		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Arlene and Marshall Keeny, the legal owners of the subject property. The variance request is for property located at 2514 Island View Road in the eastern 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 allow an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard. 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, 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.

As of the date of this Order, the Department of Environmental Protection & Resource Management (DEPRM) has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review. In addition, Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Comments submitted by the Office of Planning dated January 28, 2002, a copy of which is attached hereto and made a part hereof.

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 ____ day of January, 2002, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.
2. Compliance with any recommendations, if any, made by DEPRM.

3. Compliance with the recommendations made by the Office of Planning dated January 28, 2002.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 **Account Number -** 1516151440

Owner Information

Owner Name: KEENY MARSHALL H,2ND **Use:** RESIDENTIAL
Mailing Address: 2514 ISLAND VIEW RD **Principal Residence:** YES
 BALTIMORE MD 21221-6411 **Deed Reference:** 1) /23209/ 692
 2)

Location & Structure Information

Premises Address
 2514 ISLAND VIEW RD

Legal Description

WATERFRONT 2514 ISLAND VIEW RD
 BARRISON POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	9	80			B		14	3	Plat Ref: 7/ 176

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	660 SF	13,050.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	98,760	162,760		
Improvements:	44,760	58,170		
Total:	143,520	220,930	195,126	220,930
Preferential Land:	0	0	0	0

Transfer Information

Seller: KEENY MARSHALL H,2ND	Date: 01/10/2006	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23209/ 692	Deed2:
Seller: GIBSON JEFFREY GERARD	Date: 02/08/1996	Price: \$94,000
Type: NOT ARMS-LENGTH	Deed1: /11423/ 290	Deed2:
Seller: DELLA PENNA MICHAEL	Date: 09/28/1983	Price: \$45,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6599/ 52	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

PETITIONER'S

EXHIBIT NO.

2

0023209 692

RICHARD N. KERR, P.A.
ATTORNEY AT LAW
CHESAPEAKE BANK BUILDING
LOWER LEVEL
609 FREDERICK ROAD
BALTIMORE, MARYLAND 21223

NO TITLE SEARCH
NO CONSIDERATION
FOR CONVEYANCE PURPOSES ONLY

2514 Island View Road
Baltimore, MD 21221

THIS DEED, Made this _____ day of December, 2005, by and between MARSHALL H. KEENY, II and ARLENE L. KEENY, his wife, Grantors, parties of the first part, and MARSHALL H. KEENY, II, Grantee, party of the second.

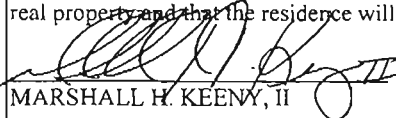
WITNESSETH, That in consideration of the sum of No Dollars (\$0.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and pursuant to a Voluntary Separation and Property Settlement Agreement dated September 20, 2005, the said parties of the first part, do grant and convey to the said party of the second part, individually, his personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 14, Section B, Brown's Cove, Barrison Point, as shown on the Plat entitled, "Plat of BARRISON POINT", duly recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 176.
The improvements thereon being known as **No. 2514 Island View Road.**

TOGETHER WITH AND SUBJECT TO a use in common easement and right of way as stated in a Deed and Agreement dated November 21, 1959 between Edward D. Hoffman and Annie E. Hoffman, his wife, and Michael Della Penna and Aileen C. Della Penna, his wife, and recorded among the Land Records of Baltimore County in Liber No. 3632, folio 419.

BEING the same property which by Deed dated December 28, 1995 and recorded among the Land Records of Baltimore County in Liber SM No. 11423, folio 290 was granted and conveyed by JEFFREY GERARD GIBSON, unto MARSHALL H. KEENY, II and ARLENE L. KEENY, his wife, the within named Grantors.

MARSHALL H. KEENY, II, Grantee in the within Deed, hereby certifies under the penalties of perjury, that the land conveyed in said Deed is residentially improved, owner-occupied real property and that the residence will be occupied by him.


MARSHALL H. KEENY, II

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, individually, his personal representatives, heirs and assigns, in fee simple.

1

PETITIONER'S

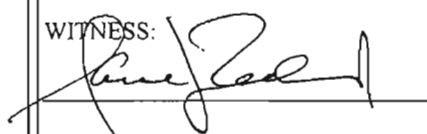
EXHIBIT NO.

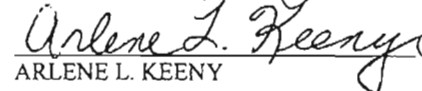
3

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of said Grantors.

WITNESS:

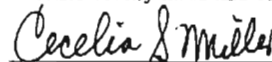


 (SEAL)
MARSHALL H. KEENY, II
 (SEAL)
ARLENE L. KEENY

STATE OF MARYLAND, COUNTY OF Baltimore, TO WIT:

I hereby certify that on this 20th day of December, 2005, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared MARSHALL H. KEENY, II, one of the Grantors herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and he acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Cecelia S. Miller
Notary Public

My Commission Expires: 12/1/07



STATE OF MARYLAND, COUNTY OF Baltimore, TO WIT:

I hereby certify that on this 20th day of December, 2005, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared ARLENE L. KEENY, one of the Grantors herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and she acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

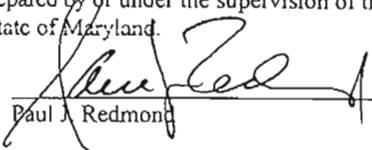
IN WITNESS WHEREOF, I hereunto set my hand and official seal.


Lauren E. Jagger
Notary Public

My Commission Expires: 07-22-09



I hereby certify that this Deed was prepared by or under the supervision of the undersigned, an attorney licensed to practice law in the State of Maryland.

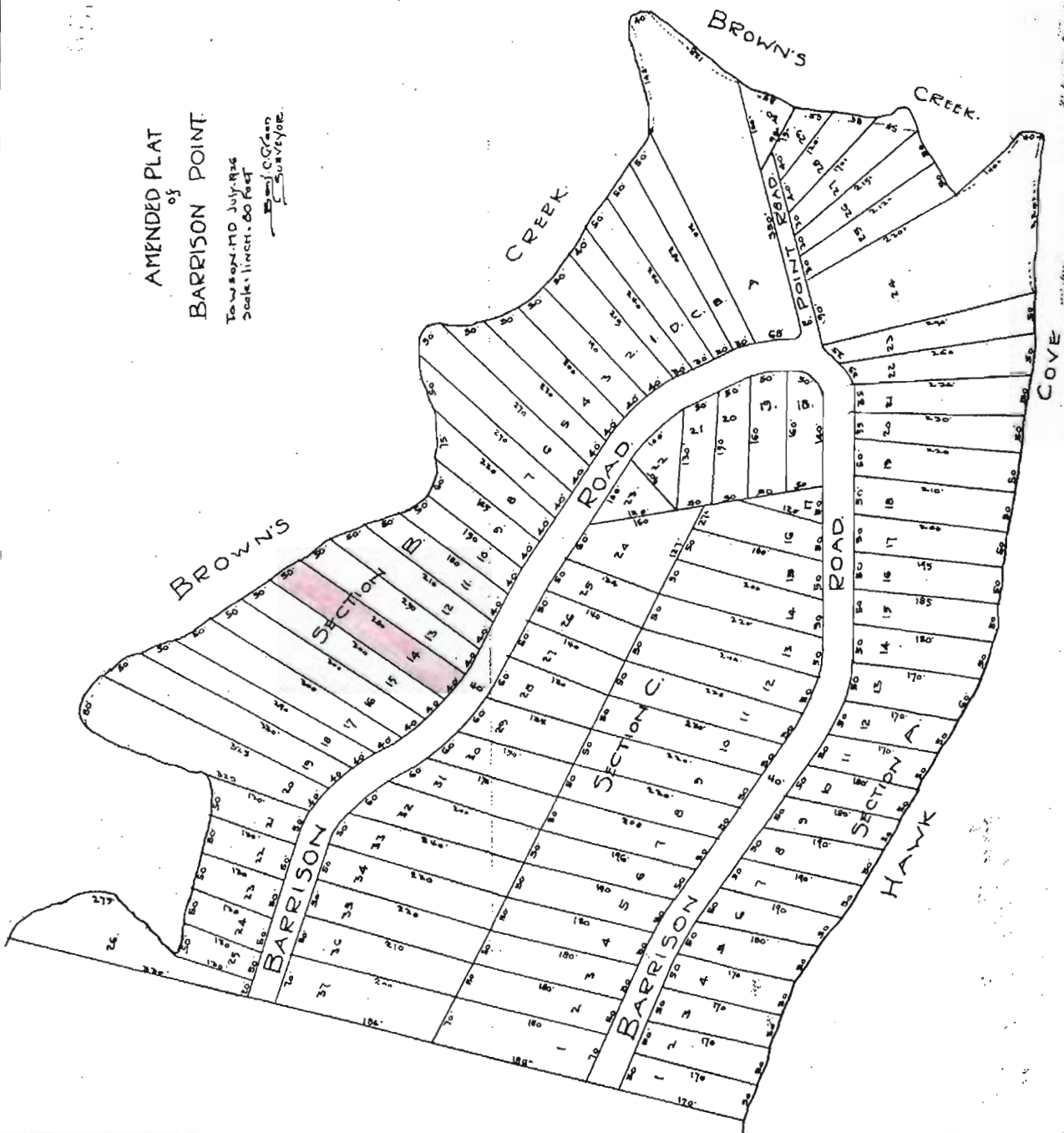

Paul J. Redmond

s:\rlcst\keeny.dd

11
10
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1

AMENDED PLAT
of
BARRISON POINT

Township 10 N. July 1896
Scale 1 inch = 80 feet
J. C. Green
Surveyor



PETITIONER'S

EXHIBIT NO. 4

P. B. 7 F. 176
JAN. 21, 1925



PETITIONER' S

EXHIBIT NO. 15



①



②



④



③



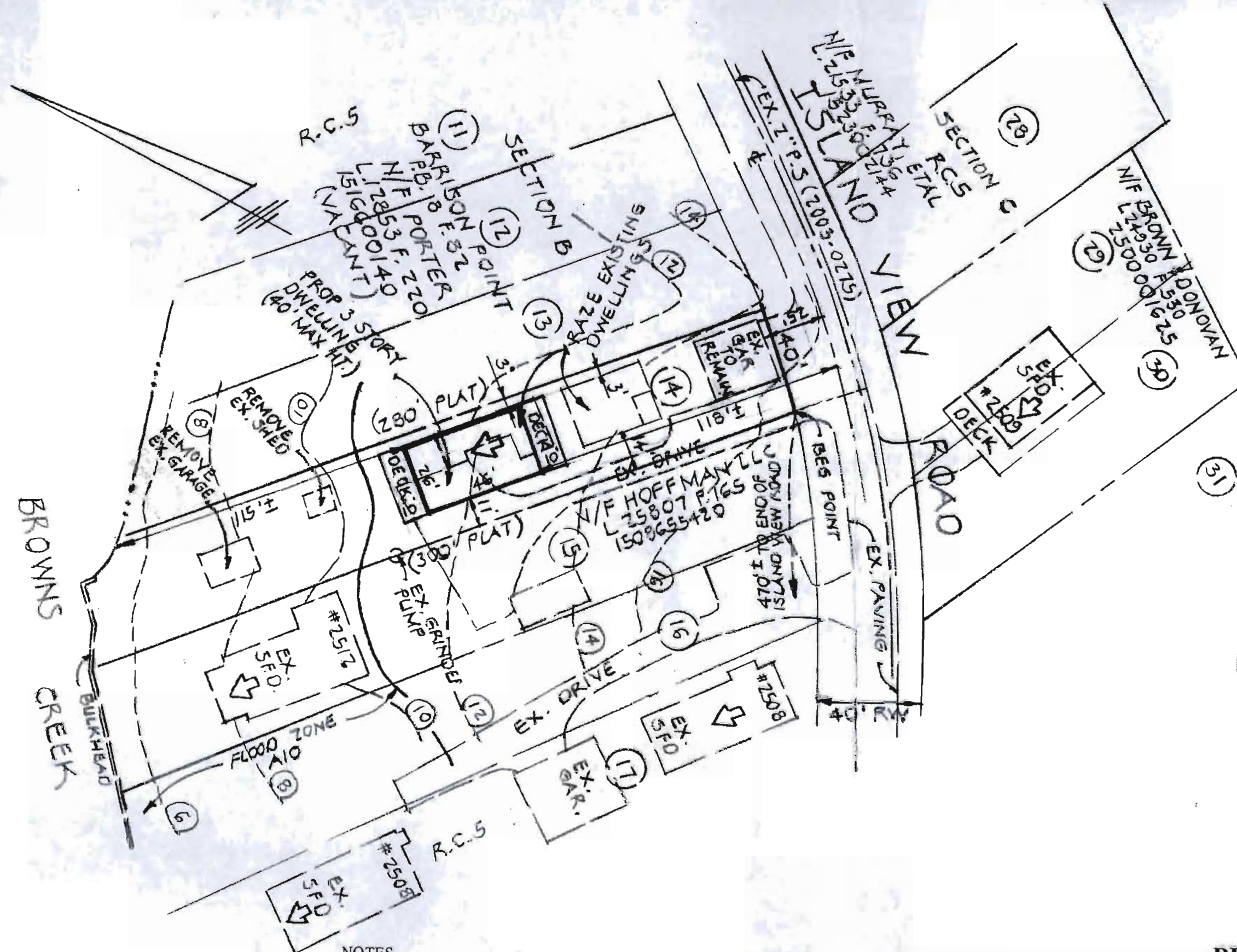
5



7



6



LOCATION PLAN
SCALE = 1" = 1000'

ORDER
CASE NO. 02-262-A

31 THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of January, 2002, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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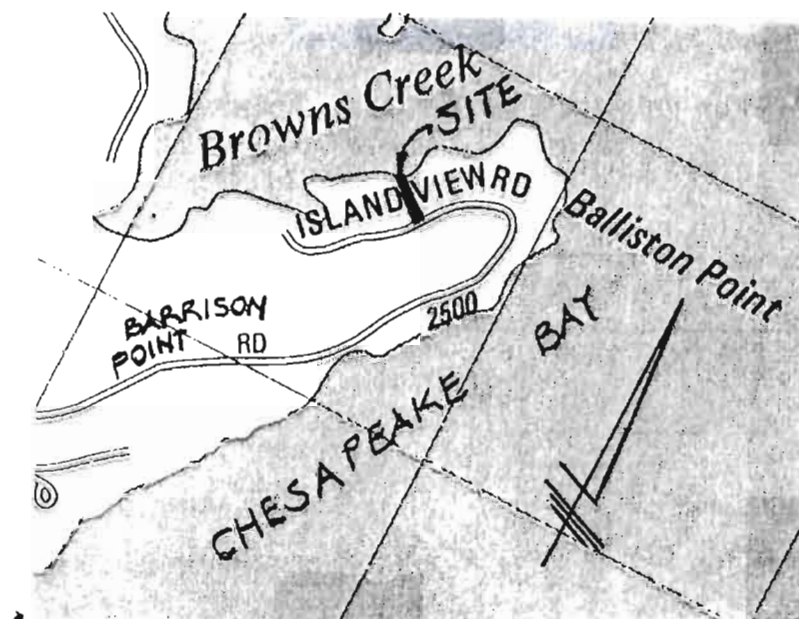
Timothy M. Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

- NOTES
1. ZONING... R.C.5 (MAP NO. 105B2)
 2. AREA... 10,960 S.F. = 0.252 ACRE
 3. PUBLIC WATER AND SEWER EXIST
 4. NO HISTORIC STRUCTURES, ARCHEOLOGIC SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
 5. PREVIOUS ZONING HISTORY (SEE ORDER THIS SHEET)
 6. BUILDING COVERAGE..... 17 %
 7. SITE IS LOCATED IN CBCA. A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE A10

OWNER
MARSHALL H. KEENY, II
2514 ISLAND VIEW ROAD
BALTO. MD. 21221
DEED REF. L23209 F692
PROP. NO. 1516151440

PLAT TO ACCOMPANY PETITION
FOR ADMINISTRATIVE VARIANCE
2514 ISLAND VIEW ROAD
LOT 14 SECTION B BARRISON POINT PB 8 F 82
ELECTION DISTRICT 15C6 BALTO. CO., MD.
SCALE: 1 INCH = 40 FEET NOVEMBER 26, 2007
08-303-A



ORDER
CASE NO.

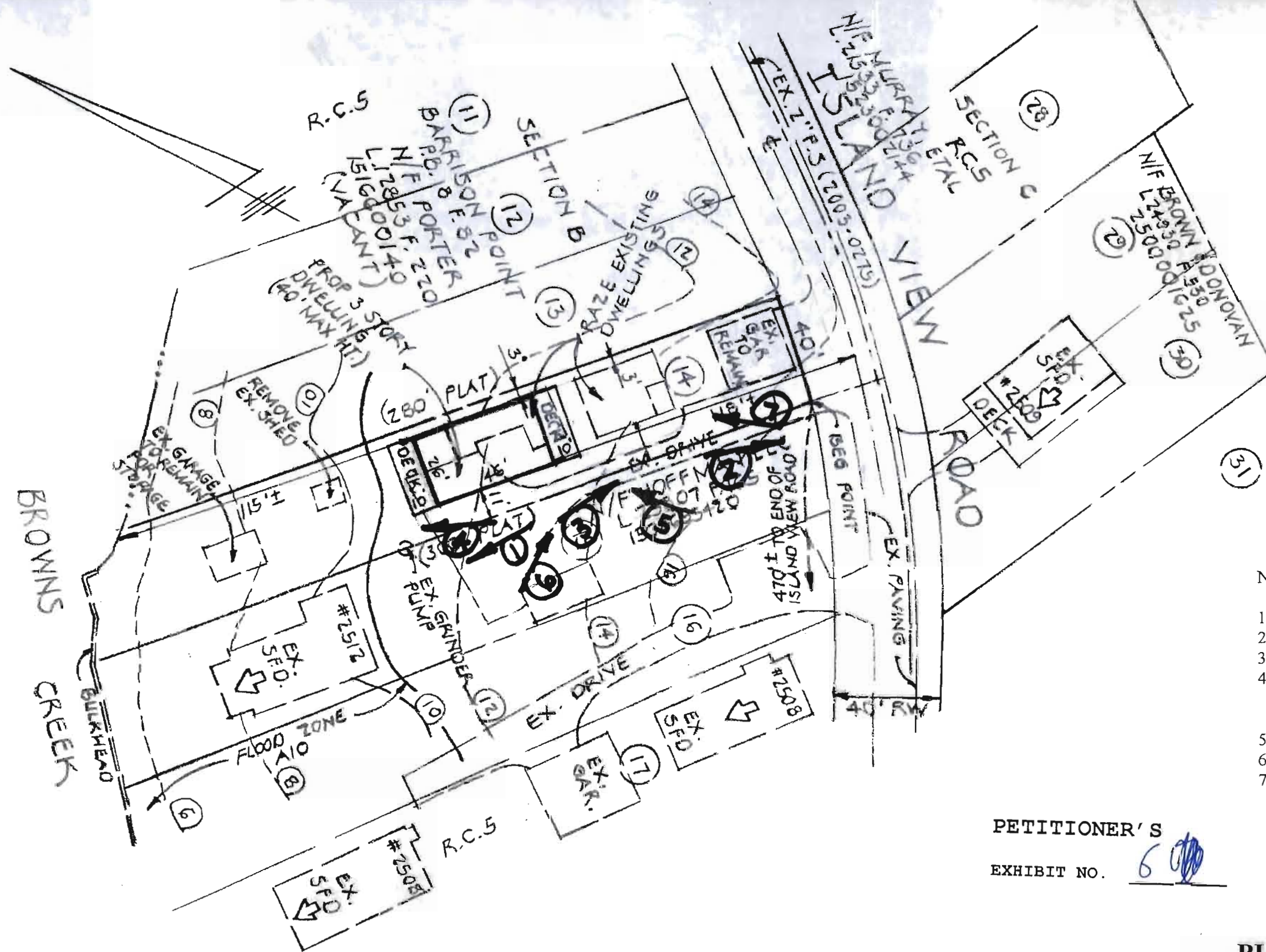
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EXHIBIT NO.

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**PLAT TO ACCOMPANY PETITION
FOR ADMINISTRATIVE VARIANCE
2514 ISLAND VIEW ROAD
LOT 14 SECTION B BARRISON POINT PB 8 F 82
ELECTION DISTRICT 15C6 BALTO. CO., MD.
SCALE: 1 INCH = 40 FEET NOVEMBER 26, 2007**



NOTES

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2. AREA.....10,960 S.F. = 0.252 ACRE
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4. NO HISTORIC STRUCTURES, ARCHEOLOGIC SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
5. ~~NO PREVIOUS ZONING HISTORY~~ NO VIOLATIONS
6. BUILDING COVERAGE.....19.3 %
7. SITE IS LOCATED IN THE CBCA. A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE A10

PETITIONER'S

EXHIBIT NO. 6

OWNER
MARSHALL H. KEENY, II
2514 ISLAND VIEW ROAD
BALTO. MD. 21221
DEED REF. L23209 F692
PROP. NO. 1516151440

PHOTOS (12-13-07)

**PLAT TO ACCOMPANY PETITION
FOR ADMINISTRATIVE VARIANCE**

**2514 ISLAND VIEW ROAD
LOT 14 SECTION B BARRISON POINT PB 8 F 82
ELECTION DISTRICT 15C6 BALTO. CO., MD.
SCALE: 1 INCH = 40 FEET NOVEMBER 26, 2007**

08-303-A