

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
E/S Chesapeake Avenue, 465' S c/line of	*	ZONING COMMISSIONER
Chester Road		
(1419 Chesapeake Avenue)	*	OF
15 th Election District		
6 th Council District	*	BALTIMORE COUNTY
Amy E. Karey	*	Case No. 2008-0437-SPHA
Petitioner		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the property, Amy E. Karey. Special hearing relief was filed requesting approval of an accessory structure (garage) with a temporary second story living unit until such time as the principal residence is complete. The Petitioner also requests variance relief from Sections 1B02.3C.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard of 10 feet (north and south sides), a sum of side yards of 20 feet, a swimming pool in the front yard¹ and an accessory structure (garage) 23 feet high in lieu of the required 15 feet, 25 feet, rear yard and 15 feet respectively. The subject property and the requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1B.

Appearing at the requisite public hearing in support of these petitions were Amy Karey, property owner, and her father, Joseph N. Karey, Esquire. David W. Billingsley, a registered land surveyor with Central Drafting and Design, Inc., who prepared the site plan, also attended

¹ The subject property is rectangularly shaped with 50 feet of frontage on Chesapeake Avenue and 50 feet of width at the bulkhead and pier on Galloway Creek. The Zoning Commissioner's Policy Manual (Z.C.P.M.), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, as is the situation here, waterfront lots refer to the front of the structure as facing the water.

By _____
 Date 6-15-08
 ORDER RECEIVED FOR FILING

the hearing on behalf of the owner in his capacity as a land development consultant. There were no Protestants or other interested persons present.

An appreciation of the properties past history and use is relevant and is briefly outlined. The subject property is a lot of record identified on Maryland Department of Assessments and Taxation Map 98 as Lot 228 of the Long Beach Estates, which was recorded in the Land Records of the County in 1914, well prior to the effective date of the zoning regulations. The Petitioner purchased this waterfront lot in 2004, which is improved with a 1-story (24' wide x 60' deep) single-family dwelling built in 1940. The property also features a large front deck, bulkhead and pier which extends out into Galloway Creek. The property has public water and sewer and has been the Petitioner's principal residence since her date of purchase.

The property is located on the east side of Chesapeake Avenue between Chester Road and Coldspring Road in the Bowleys Quarters area of the County and falls within the Chesapeake Bay Critical Area (CBCA). The land use for this area of the site is Limited Development Area (LDA), the total site area is 0.410 acres, more or less (17,860 square feet), zoned D.R.3.5. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, the subject property with its 17,860 square feet is only 50 feet wide. The D.R.3.5 zoning classification requires a minimum lot width of 70 feet and a minimum sum of side yard widths of 25 feet. Thus, it is clear that the subject property is undersized by today's development standards and cannot meet today's development standards.

Variance relief is requested as set forth above to allow the redevelopment of the subject property with a 2-story, single-family dwelling built over a crawl space with a front yard covered deck and in-ground pool. The new home will be of similar dimensions (60' x 30'), however, will be set back a distance of 130 feet from the bulkhead (the present home is 60 feet from the waters

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Date 6-5-08
BY [signature]

edge). The pool will be no closer to the water than the existing deck (compare Petitioner's Exhibits 1A [existing conditions] with 1B [proposed improvements]).

Special hearing relief is requested as set forth above to approve the conversion of the garage and to allow the living quarters therein to be retained for use as an apartment for the Petitioner. Thus, upon completion of the new dwelling, the Petitioner will remove the kitchen and the use of the garage as living quarters shall terminate.

Variance relief is also requested for the pool to be located in the front yard of the waterfront lot. In this regard, testimony indicated that this would be done in conformity with the impervious surface limitations of 31.25%. It will conform aesthetically to the proposed dwelling and neighboring properties. Petitioner presented letters of support in this regard from the adjacent property owners (Petitioner's Exhibit 5) and photographic exhibits (Petitioner's Exhibit 4).

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variances in this case are driven by the configuration and size of the lot. Moreover, this property is served by public water and public sewer, which has been made available in this area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioner in that a reasonable use of the land would not be permitted. Finally, the neighbors are not opposed to the proposal and are satisfied with the temporary living arrangements in the garage which, when completed, will be attached to the house. Thus, I find that relief can be granted without detrimental impact to the adjacent properties. In this regard, it is noted that many other houses in the waterfront community are built on similarly sized lots and some feature front yard in-ground pools. However, in granting

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DATE 6-5-08
BY [signature]

the relief, I will impose conditions and remind the Petitioner that she need to comply with the Chesapeake Bay Critical Areas (CBCA) regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 5th day of June 2008, that the Petition for Special Hearing seeking approval of an accessory structure (garage) with a temporary second story living unit until such time as the principal residence is complete, in accordance with Petitioner's Exhibit 1B, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B02.3C.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard of 10 feet (north and south sides), a sum of side yards of 20 feet, a swimming pool in the front yard and an accessory structure (garage) 23 feet high in lieu of the required 15 feet, 25 feet, rear yard and 15 feet respectively, in accordance with Petitioner's Exhibit 1B, be and is hereby GRANTED; subject to the following restrictions:

1. The Petitioner may apply for her permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the thirty (30) day appellate process from this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Bureau of Development Plans Review (DPR) of the Department of Permits and Development Management (DPDM) relative to the Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments,

ORDER RECEIVED FOR FILING
Date 6-5-08
By [signature]

dated May 1, 2008 and March 28, 2008 respectively, have been attached hereto and are made a part hereof.

4. The Petitioner has requested approval to permit a temporary second story living unit over an accessory garage until such time as the principal residence is completed and a use and occupancy permit received. Accordingly, the Petitioner pledged during the hearing that the garage living quarters is for her use and no other and shall terminate upon the completion of her home. At that time, the kitchen facility (stove) will be removed and no subsequent purchaser of the property shall maintain a living unit or rent as tenant space, for any reason or purpose, without a subsequent special hearing, which will be subject to the terms and conditions contained herein.
5. When applying for a permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date 6-5-08
By [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 5, 2008

Amy E. Karey
1419 Chesapeake Avenue
Baltimore, Maryland 21220

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

E/S Chesapeake Avenue, 465' S c/line of Chester Road
(1419 Chesapeake Avenue)
15th Election District - 6th Council District
Amy E. Karey - Petitioner
Case No. 2008-0437-SPHA

Dear Ms. Karey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been approved with restrictions, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: David W. Billingsley, Central Drafting and Design, Inc., 601 Charwood Court,
Edgewood, Maryland 21040
Joseph N. Karey, Esquire, 102 Edgerton Court, Towson, MD 21286
People's Counsel; DEPRM; Bureau of Development Plans Review; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1419 CHESAPEAKE AVENUE
which is presently zoned DR 3.5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

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

I, or we, agree to pay expenses of above Special Hearing, 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):

AMY E. KAREY
Name - Type or Print _____

[Signature]
Signature _____

Name - Type or Print _____

Signature _____

1419 CHESAPEAKE AVE (410) 677-8151
Address _____ Telephone No. _____

BALTO MD. 21220
City _____ State _____ Zip Code _____

City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID W. BLUNGSLEY
CENTRAL DRAFTING AND DESIGN, INC.
Name _____

601 CHARWOOD CT. (410) 679-8719
Address _____ Telephone No. _____

EDGEWOOD MD. 21040
City _____ State _____ Zip Code _____

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2008-0437-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING _____

13H Date 3/19/08

Date 6-5-08

By [Signature]

AN ACCESSORY STRUCTURE (GARAGE) WITH A TEMPORARY SECOND
STORY LIVING UNIT UNTIL SUCH TIME AS PRINCIPAL RESIDENCE IS
COMPLETE



CBCA Flood Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1419 CHESAPEAKE AVENUE
which is presently zoned DR 3.5

Deed Reference: 20760 / 97 Tax Account # 1522350180

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, for the following reasons: (indicate hardship or practical difficulty.)

TO BE PRESENTED AT HEARING

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

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

AMY E. KAREY

Name - Type or Print

Signature

Name - Type or Print

Signature

1419 CHESAPEAKE AVE (410) 627-8151

Address

Telephone No.

BALTO

MD.

21220

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING AND DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD

21040

City

State

Zip Code

Case No. 2008-0437-SPHA

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by

BN

Date

3/19/08

1B02.3.C.1, 400.1 AND 400.3 (BCZR) TO PERMIT A SIDE YARD OF 10 FEET, A SUM OF SIDE YARDS OF 20 FEET, A SWIMMING POOL IN THE FRONT YARD AND AN ACCESSORY STRUCTURE (GARAGE) 23 FEET HIGH IN LIEU OF THE REQUIRED 15 FEET, 25 FEET, REAR YARD AND 15 FEET RESPECTIVELY.

ZONING DESCRIPTION

1419 CHESAPEAKE AVENUE

Beginning at a point on the east side of Chesapeake Avenue (40 feet wide), distant 465 southerly from it's intersection with the center of Chester Road (30 feet wide), thence being all of Lot 228 as shown on the plat entitled Plan C, Long Beach Estates recorded among the Baltimore County Plat Records in Plat Book 4 Folio 131.

Containing 17,860 square feet or 0.410 acre of land, more or less.

Being known as 1419 Chesapeake Avenue. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

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: 2008- 0437- SPHA
Petitioner: AMY KAREY
Address or Location: 1414 CHESAPEAKE AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY KAREY
Address: 1414 CHESAPEAKE AVE
BALTO MD. 21220
Telephone Number: (410) 627-8151

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **2106**

Date: **3/19/08**

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			615				9,130.00

Total:

Rec

From: **Central Dialysis & Peritoneal**

For: **Specimen Room no 4 1/2008**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME IN

3/19/2008 3/19/2008 10:20:28

NO MONTH YEAR

RECEIPT # 2106 3/19/2008 (FL)

5 528 JIMING VERIFICATION

012106

Receipt for \$130.00

\$130.00 0 1.00 TA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

Item # 437

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: #2008-0437-SPHA

1419 Chesapeake Avenue

E/side of Chesapeake Avenue, 465 feet south of centerline of Chester Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Amy E. Karey

Special Hearing: for an accessory structure (garage) with a temporary second story living unit until such time as principal residence is complete. **Variance:** to permit a side yard of 10 feet, a sum of side yards of 20 feet, a swimming pool in the front yard and an accessory structure (garage) 23 feet high in lieu of the required 15 feet, 25 feet, rear yard and 15 feet respectively.

Hearing: Tuesday, May 27, 2008 at 10:00 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) 887-4386.

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

JT 5/660 May 13

172976

CERTIFICATE OF PUBLICATION

5/15, 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 5/13, 2008.

- ☒ 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: 2008-0437-SPHA

Petitioner/Developer: DAVE
BILLINGSLEY

Date Of Hearing/Closing: 5/27/08

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 1419 CHESAPEAKE AVE

This sign(s) were posted on May 10, 2008
(Month, Day, Year)

Sincerely,
Martin Ogle 5/10/08
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

ZONING NOTICE

CASE # 2008-0437-SPNA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

200A 401 COUNTY COURTS BUILDING

PLACE: 401 BOSLEY AVENUE, TOWSON, 21204

DATE AND TIME: TUESDAY, MAY 27, 2008
AT 10:00 AM

REQUEST: SPECIAL FOR AN ACCESSORY STRUCTURE
(SARASO) WITH A TEMPORARY
SECOND STORY CAVING IN THE BACKYARD AS PREVIOUS
RESIDENCE IS COMPLETELY DAMAGED TO REPAIR A SOIL
AND A 10'11" A SHED OF 8'0" X 10'0" OF 2'0" X 2'0" A
SHEDDING FROM THE FRONT YARD AND AN ACCESSORY
STRUCTURE (SARASO) 2'0" X 10'0" WITH A 10'0" X 10'0" OF THE
REAR YARD, 10'0" X 10'0" OF THE YARD AND 10'0" X 10'0" OF THE
REAR YARD

FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER OR CONTACT THE ZONING COMMISSIONER
AT 410-336-1000, EXT. 2000

FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER OR CONTACT THE ZONING COMMISSIONER
HANDICAPPED ACCESSIBLE

80/01/5
8/10/15
8/10/15



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 4, 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: 2008-0437-SPHA

1419 Chesapeake Avenue

E/side of Chesapeake Avenue, 465 feet south of centerline of Chester Road

15th Election District – 6th Councilmanic District

Legal Owners: Amy E. Karey

Special Hearing for an accessory structure (garage) with a temporary second story living unit until such time as principal residence is complete. Variance to permit a side yard of 10 feet, a sum of side yards of 20 feet, a swimming pool in the front yard and an accessory structure (garage) 23 feet high in lieu of the required 15 feet, 25 feet, rear yard and 15 feet respectively.

Hearing: Tuesday, May 27, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Amy Karey, 1719 Chesapeake Avenue, Baltimore 21220

David Billingsley, Central Drafting & Design, 601 Charwood Ct., Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 12, 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, May 13, 2008 Issue - Jeffersonian

Please forward billing to:

Amy Karey
1419 Chesapeake Avenue
Baltimore, MD 21220

410-627-8151

NOTICE OF ZONING HEARING

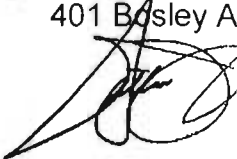
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0437-SPHA

1419 Chesapeake Avenue
E/side of Chesapeake Avenue, 465 feet south of centerline of Chester Road
15th Election District – 6th Councilmanic District
Legal Owners: Amy E. Karey

Special Hearing for an accessory structure (garage) with a temporary second story living unit until such time as principal residence is complete. Variance to permit a side yard of 10 feet, a sum of side yards of 20 feet, a swimming pool in the front yard and an accessory structure (garage) 23 feet high in lieu of the required 15 feet, 25 feet, rear yard and 15 feet respectively.

Hearing: Tuesday, May 27, 2008 at 10:00 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

M A R Y L A N D

JAMES T. SMITH, JR.

County Executive

Amy E. Karey

1419 Chesapeake Ave.

Baltimore, MD 21220

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management
May 22, 2008

Dear Amy E. Karey

RE: Case Number:2008-0437-SPHA , Address: 1419 Chesapeake Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 19, 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 W. Billingsley: Central Drafting and Design Inc., 601 Charwood Ct., Edgewood,
MD 21040

BW 5/27
10am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 02 2008

BY:

TO: Timothy M. Kotroco

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

DATE: MAY 1, 2008

SUBJECT: Zoning Item #08-437-SPHA
Address 1419 Chesapeake Avenue
(Karey Property)

Zoning Advisory Committee Meeting of March 24, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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 in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.

Reviewer: Regina Esslinger

Date: April 24, 2008

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-437-SPHA 1419 Chesapeake Ave.doc

By _____
Date 6-5-08
RECEIVED FOR FILING

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 28, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 31, 2008
Item No. 08-437

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

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.

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.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 08-437-03282008.doc

RECEIVED FOR FILING
Date 6-5-08
By [signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 17, 2008

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

RECEIVED
APR 23 2008

SUBJECT: 8-437 — Special Hearing and Variance

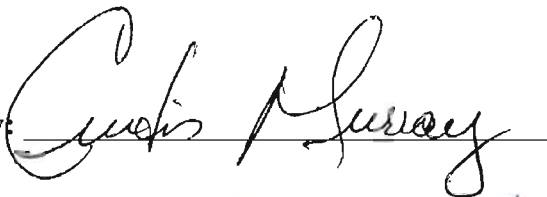
BY:

The Office of Planning does not oppose the petitioner's request for special hearing or to permit an accessory structure (garage) with a height of 23 feet in lieu of the maximum permitted 15 feet and to permit a swimming pool in the front yard provided the following conditions are met:

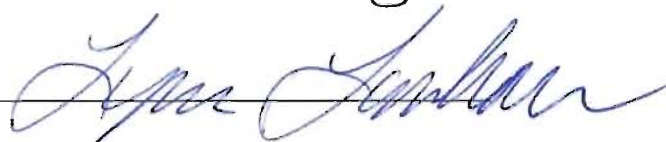
1. The accessory structure shall only use the second story of the garage as a temporary living unit until such time as the principal residence is complete. Once the petitioner occupies the principal structure the subject garage shall not be used as a living unit or be a for rent space. This condition applies to current and any future occupants of the subject property.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MARCH 24, 2008

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

RE: Baltimore County
Item No. B-437-SPHA
1419 CHESAPEAKE AVENUE
KAREY PROPERTY
SPECIAL HEADING
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. B-437-SPHA

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1419 Chesapeake Avenue; E/S Chesapeake * ZONING COMMISSIONER
Avenue, 465' S c/line Chester Road *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Amy E. Karey *
Petitioner(s) * BALTIMORE COUNTY
* 08-437-SPHA

* * * * *

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/ documentation filed in the case.

RECEIVED

MAR 24 2008

Per _____

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Jefferson Building, Room 204

105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2008, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME 1419 CHESAPEAKE AVE
CASE NUMBER 2008 - 0437 SPHA
DATE 5/27/08

[illegible]

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2008-0437-SPH17

DATE 5-27-08

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

JOSEPH N KARRY

162 EDCLERRON RD

TUWSON MD 21206

jnkarry@eriks.com



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

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

Account Identifier: District - 15 **Account Number -** 1522350180

Owner Information

Owner Name: KAREY AMY E **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1419 CHESAPEAKE AVE **Deed Reference:** 1) /20760/ 97
 BALTIMORE MD 21220-4319 2)

Location & Structure Information

Premises Address **Legal Description**
 1419 CHESAPEAKE AVE .4247
 WATERFRONT 1419 CHEASPEAKE AVE ES
 LONG BEACH ESTATES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	C
98	4	203					228	3		
									Plat Ref:	4/ 131

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1940	1,296 SF	18,500.00 SF	34
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	138,620	323,620		
Improvements:	66,760	159,930		
Total:	205,380	483,550	390,826	483,550
Preferential Land:	0	0	0	0

Transfer Information

Seller: WILKINS ASSET MANAGEMENT INC	Date: 09/29/2004	Price: \$165,000
Type: NOT ARMS-LENGTH	Deed1: /20760/ 97	Deed2:
Seller: SEWARD RAYMOND R	Date: 01/12/2002	Price: \$329,900
Type: NOT ARMS-LENGTH	Deed1: /15968/ 617	Deed2:
Seller: VIEL AUGUSTA E	Date: 07/30/1991	Price: \$126,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8869/ 189	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 *



#437

Case No.: 2008-0437-SPHA

1419 CHESAPEAKE AVE.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A SITE PLAN - EXISTING CONDITIONS 1B SITE PLAN - PROPOSED IMPROVEMENTS	
No. 2	SDAT DATA SHEET	
No. 3	Reduced Copy of Plat - Plan C Long Beach Estates - 8/7/1914	
No. 4	PHOTO'S - Collectively	
No. 5	LETTERS OF SUPPORT from adjacent neighbors	
No. 6	Copy of Baltimore County Construction Plan - NO. 1999-1837	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Account Identifier: District - 15 Account Number - 1522350180

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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

TO: ZONING COMMISSIONER OF BALTIMORE COUNTY

RE: PROPERTY OF AMY E. KAREY
1419 CHESAPEAKE AVENUE

WE, THE UNDERSIGNED, HAVE REVIEWED THE SITE PLAN TO ACCOMPANY THE
PETITION FOR VARIANCES AND SPECIAL EXCEPTION FOR THE REFERENCED
PROPERTY AND HAVE NO OBJECTION TO THE GRANTING OF SAME.


PAUL Q. POHLHAUS


DIANA RAE POHLHAUS


DONALD C. LAIL, JR


JOAN HARRIETT LAIL


WILLIAM H. BURSEY, JR.


DONNA C. BURSEY

PETITIONER' S

EXHIBIT NO. 5

1



2



3



4

5



6



7



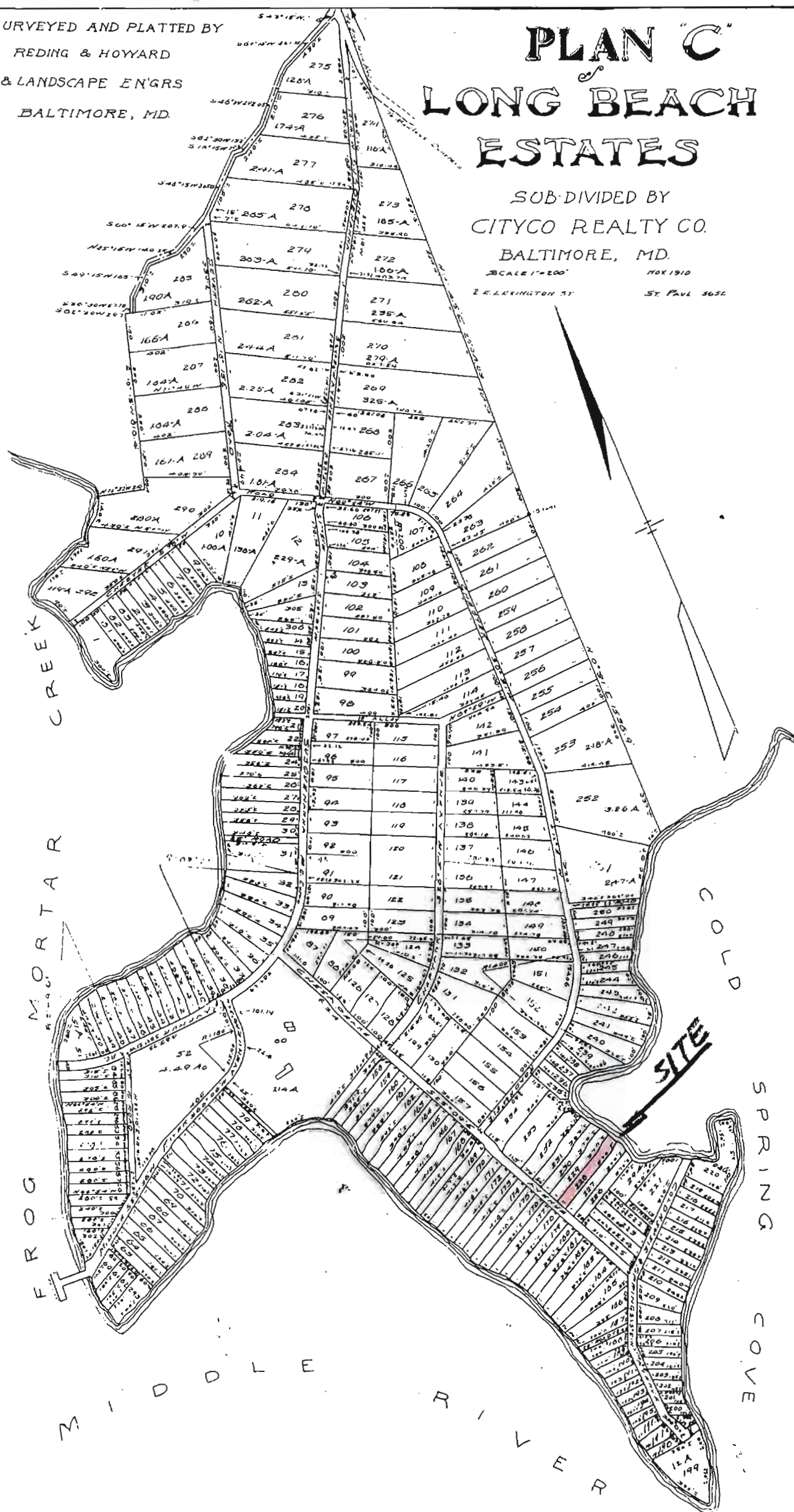
8

SURVEYED AND PLATTED BY
 REDING & HOWARD
 CIVIL & LANDSCAPE EN'GRS
 BALTIMORE, MD.

PLAN "C" LONG BEACH ESTATES

SUB-DIVIDED BY
 CITYCO REALTY CO.
 BALTIMORE, MD.

SCALE 1"=200' NOV 1910
 2 E. LEXINGTON ST. ST. PAUL 3652



Filed Aug 7th 1914
 Test: Wm D. Cole Clerk

W.P.C. N. 4. 131

W.P.C. N. 4. 131

PETITIONER'S

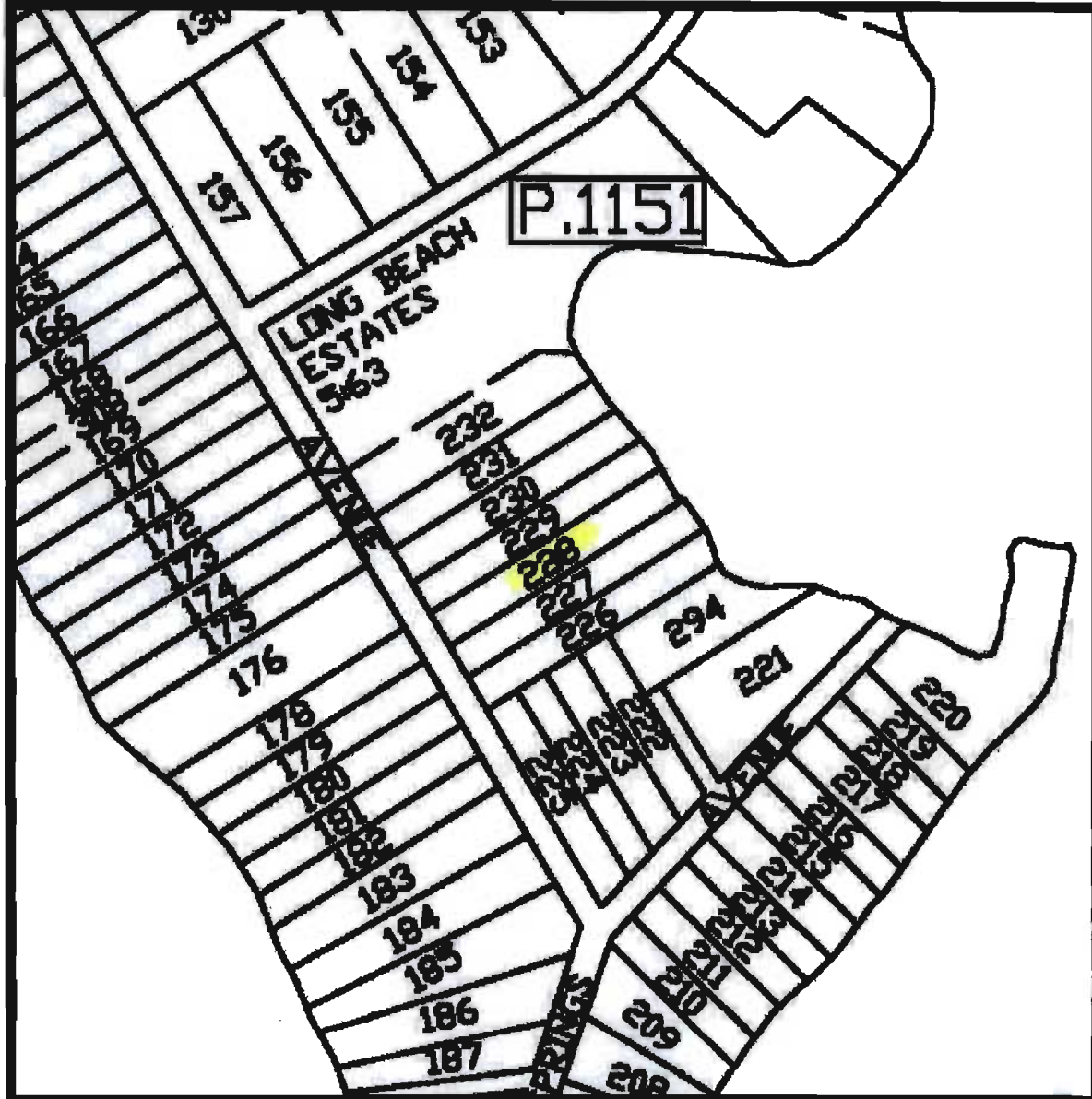
EXHIBIT NO. 3



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

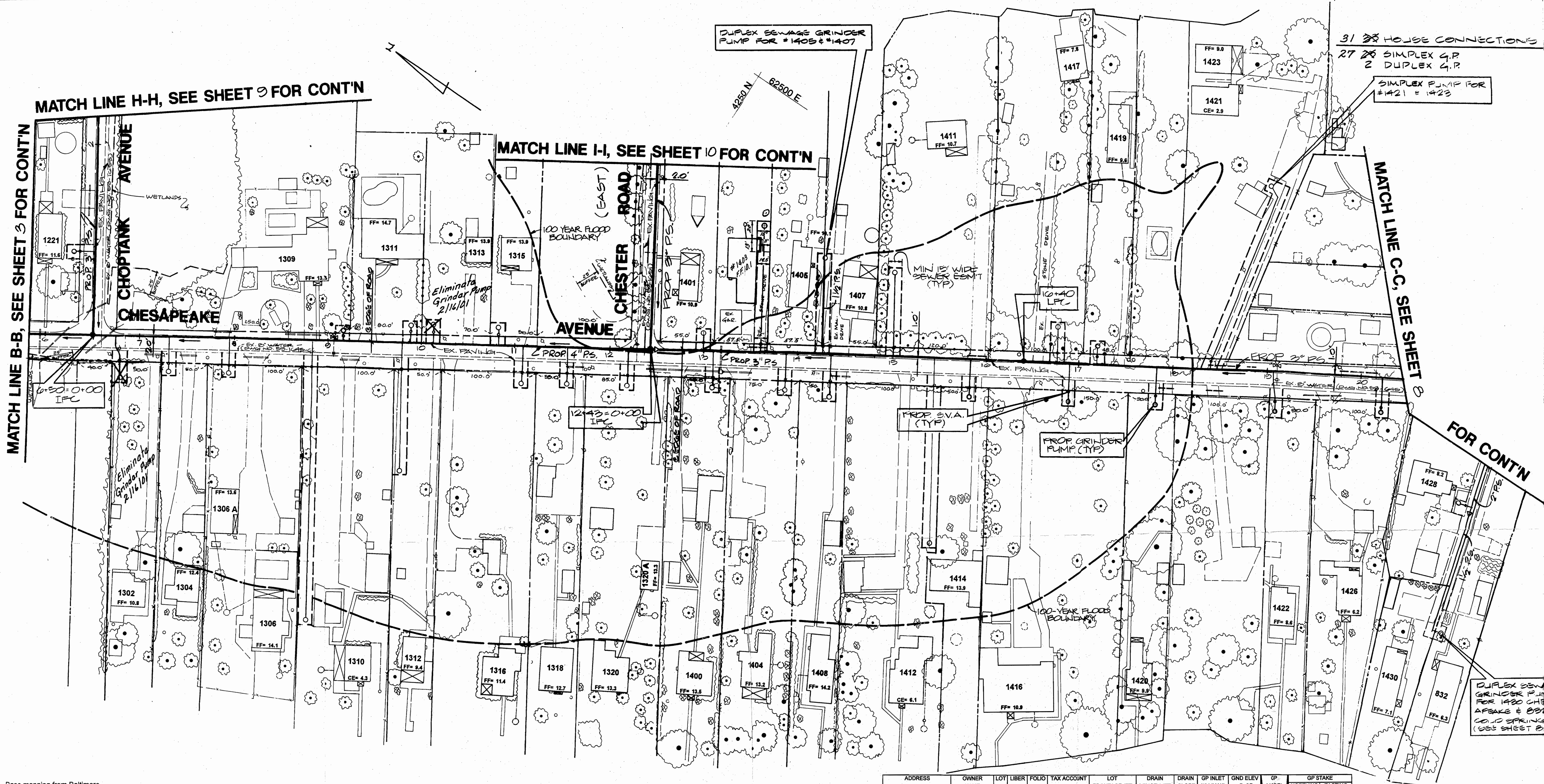
[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1522350180



Property maps provided courtesy of the Maryland Department of Planning ©2004.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web
 site at www.mdp.state.md.us/tax_mos.htm





Base mapping from Baltimore County topographic maps dated 1953 through 1990.

MORRIS AND RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, and LANDSCAPE ARCHITECTS

139 North Main Street, Suite 200
Bel Air, Maryland 21014
(410) 879-1690 (410) 836-7560

CITY OF BALTIMORE

DIRECTOR DEPT. OF PUBLIC WORKS

DATE

CHIEF, UTILITY ENG. DIVISION DATE

BUR. OF WATER AND WASTEWATER

PETITIONER'S EXHIBIT NO. 6

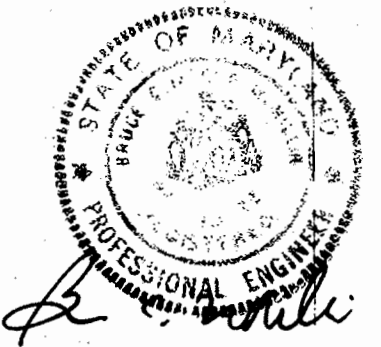
DATE		RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.	REVISED AS PER RECORD PRINT	
DATE		RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.	J.O.	DRAFTSMAN
DATE		RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.	J.O.	DRAFTSMAN
DATE		RIGHT OF WAY	REF.	ROAD PERMIT AND GRADES	P. W. A. DIR. NO.	CONTRACT NO.	J.O.	DRAFTSMAN

ADDRESS	OWNER NAME	LOT	LIBER	FOLIO	TAX ACCOUNT	LOT FRONTAGE (FT)	DRAIN LENGTH (FT)	DRAIN SLOPE	GP INLET INV. (MAX)	GND ELEV @ GP	GP MODEL	GP STAKE	NORTHING	EASTING
1221 CHESAPEAKE	KIDD	128	5694	184	151502004611	270	45	2.0%	6.40	8.9	2010-93	4758.140	61953.469	
1309 CHESAPEAKE	KUCZINSKI	130	6999	465	151511899910	560	140	2.0%	5.60	12.0	2010-118	4474.380	62040.140	
1311 CHESAPEAKE	PEARSON	157	4792	341	151513207970	75	95	2.0%	7.30	12.9	2010-108	4416.417	62083.099	
1315 CHESAPEAKE	PETERHO	159	6882	729	151508510500	75	95	2.0%	7.30	12.9	2010-108	4416.417	62083.099	
1316 CHESAPEAKE	MARTINI	157	6991	669	151513203270	50	108	2.0%	6.83	12.3	2010-108	4397.173	62151.531	
1401 CHESAPEAKE	PASQUALONE	234	6883	466	151508150800	300	66	2.0%	4.28	8.2	2010-92	4150.931	62247.323	
1403 CHESAPEAKE	GOELLER	234	7547	594	151523557590	60	136	2.0%	2.68	7.8	2010-108	4157.777	62372.722	
1405 CHESAPEAKE	CARRE	233	5729	52	151516714370	60	142	2.0%	2.26					
1407 CHESAPEAKE	KOEHLER	233	5891	248	151511150060	55	40	2.0%	4.70	8.2	2010-118	4086.298	62304.692	
1411 CHESAPEAKE	MYRICK	231	8348	317	151526651120	120	145	2.0%	1.20	8.3	2010-99	4015.060	62413.152	
1417 CHESAPEAKE	POHLHAUS	229	10180	496	151526651121	100	280	1.0%	0.50	9.8	2010-93	3838.125	62480.416	
1419 CHESAPEAKE	SEWARD	228	8869	189	151523551060	48	192	2.0%	0.66	9.1	2010-141	3793.575	62467.676	
1421 CHESAPEAKE	LAIL	226	6212	643	151502357030	55	145	1.5%	-1.28	8.6	2010-108	3732.376	62707.533	
1423 CHESAPEAKE	FREUND	158	7935	48	151510406540	95	285	1.5%	1.78	9.5	2010-118	4046.999	62482.999	
1304 CHESAPEAKE	EVERING	159	5504	659	151511391800	50	233	2.0%	2.94	11.0	2010-141	4602.753	61896.132	
1306/06A CHESAPEAKE	UTTER	161	6276	355	151508002680	100	260	2.0%	3.00	11.4	2010-141	4545.841	61932.041	
1310 CHESAPEAKE	KNIGHT	163	7408	835	151500008424	100	65	1.5%	1.33	11.0	2010-158	4338.121	61758.309	
1312 CHESAPEAKE	CARR	164	2725	31	151503002270	50	185	1.0%	3.55	13.1	2010-158	4339.761	61946.818	
1316 CHESAPEAKE	KOZUBSKI	168	1034	172	151511671081	100	332	1.5%	2.77	11.7	2010-158	4282.440	62094.222	
1318 CHESAPEAKE	LONG	167	8290	130	151502650620	55	330	2.0%	1.70	10.9	2010-153	4242.023	62119.588	
1320 CHESAPEAKE	REYNOLDS	168	6040	25	151500012779	85	325	2.0%	2.10	9.1	2010-124	4188.302	62162.383	
1400 CHESAPEAKE	SCHMUNEK	170	1748	575	151519070800	65	340	2.0%	1.00	9.6	2010-163	4109.871	62201.332	
1404 CHESAPEAKE	MUELLER	171	467	378	151504501000	75	295	2.0%	3.20	9.3	2010-118	4045.139	62241.387	
1408 CHESAPEAKE	DVORAK	172	7158	467	151504800020	50	305	2.0%	3.70	9.8	2010-118	4002.301	62286.512	
1412 CHESAPEAKE	CASSIDY	174	3721	178	152000010701	100	188	1.0%	2.22	11.9	2010-118	3928.003	62194.000	
1414 CHESAPEAKE	TREADWAY	175	7278	130	152000010706	50	227	1.5%	4.38	11.7	2010-118	3978.516	62344.932	
1416 CHESAPEAKE	SCHMUNEK	176	1827	511	151519073340	150	366	1.5%	0.11	10.0	2010-158	3777.489	62401.249	
1420 CHESAPEAKE	DONOHUE	179	9572	485	151504015000	50	270	1.5%	0.45	8.2	2010-141	3707.399	62450.377	
1422 CHESAPEAKE	DONOHUE	182	6166	282	151504500881	50	182	2.0%	-1.64	6.3	2010-141	3698.144	62519.483	
1426 CHESAPEAKE	GREEN	183	2490	245	151511150910	100	176	2.0%	-1.72	5.2	2010-124	3503.248	62577.734	
1428 CHESAPEAKE	LUCAS	184	2254	155	151512740360	100	125	2.0%	1.10	6.2	2010-106	3382.421	62544.271	
1430 CHESAPEAKE	ONEILL	185	6580	830	151501280040	100	130	2.0%	-0.50	5.6	2014-118	3323.863	62417.200	
832 COLD SPRING	WISEMAN	185	4884	497	151523555370	50	85	2.0%	0.55	5.6	2014-118	3323.863	62417.200	

Eliminate 2/16/01

MIDDLE RIVER

Eliminate 2/16/01



JOB ORDER NO. 1-05-0

SHEET 7 OF 20

DATE 1999-1837

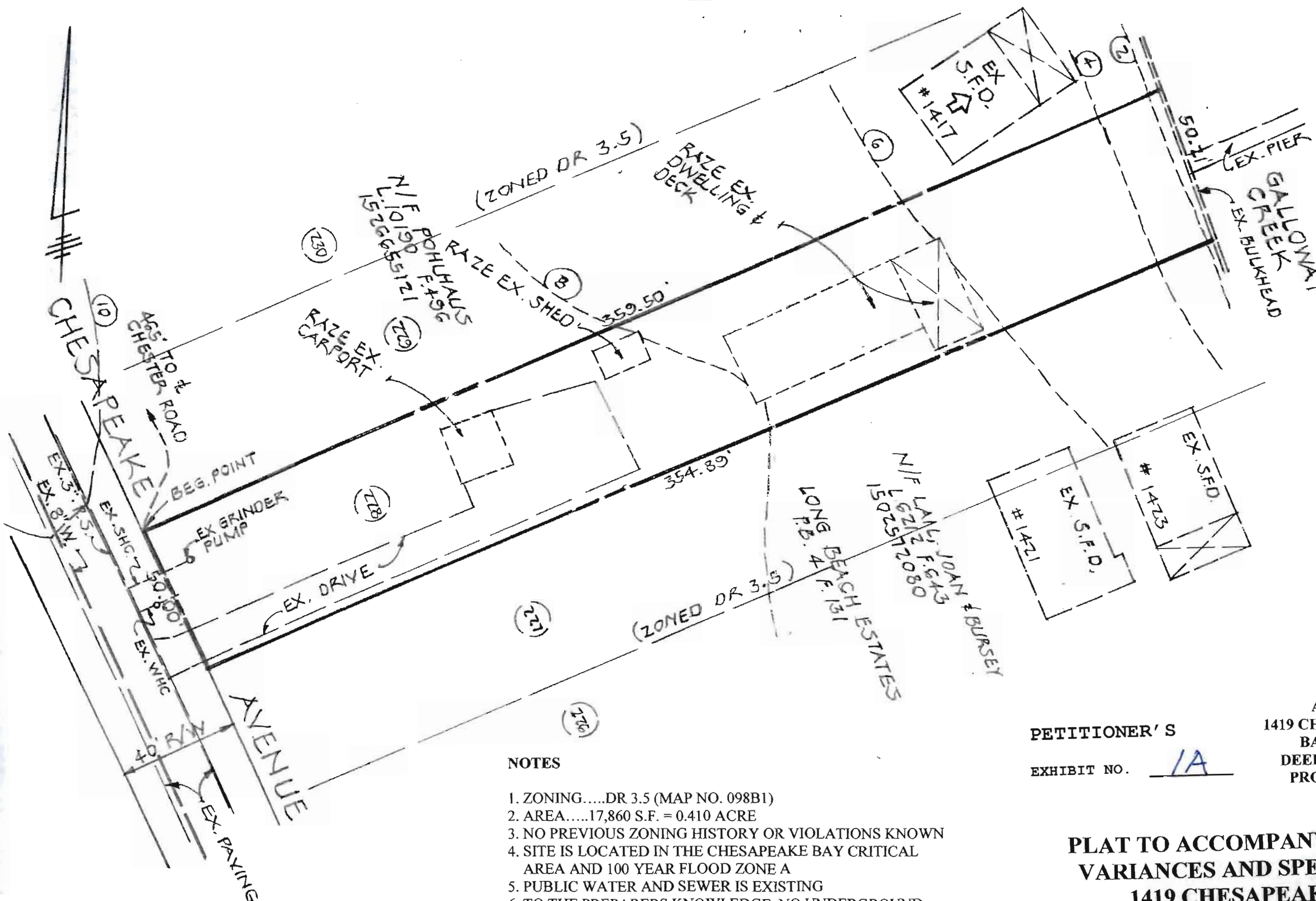
FILE: 1

DESIGNED	ENGINEER	REVIEWED	DATE	BUREAU OF ENGINEERING AND CONSTRUCTION	DEPARTMENT OF PUBLIC WORKS	LEVEL BK.	KEY SHEET	POSITION SHEET	DATE	REVISION	BY	SCALE	BALTIMORE COUNTY	DEPARTMENT OF PUBLIC WORKS	BUREAU OF ENGINEERING AND CONSTRUCTION
DESIGNED <u>B.C.M.</u>	ENGINEER <u>B.C.M.</u>	REVIEWED <u>WJA</u>	DATE <u>4/21/99</u>	BUREAU OF ENGINEERING AND CONSTRUCTION	DEPARTMENT OF PUBLIC WORKS	LEVEL BK.	KEY SHEET	POSITION SHEET	DATE	REVISION	BY	SCALE	BALTIMORE COUNTY	DEPARTMENT OF PUBLIC WORKS	BUREAU OF ENGINEERING AND CONSTRUCTION

LONG BEACH AREAS 1 AND 2 WASTEWATER COLLECTION SYSTEM

SUBDIVISION LONG BEACH

EL. DISTRICT NO. 15C5



LOCATION PLAN
SCALE: 1"=1000

3980

NOTES

1. ZONING.....DR 3.5 (MAP NO. 098B1)
2. AREA.....17,860 S.F. = 0.410 ACRE
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
4. SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA AND 100 YEAR FLOOD ZONE A
5. PUBLIC WATER AND SEWER IS EXISTING
6. TO THE PREPARERS KNOWLEDGE, NO UNDERGROUND STORAGE TANKS EXIST
7. THE PREPARER HAS CONFIRMED THAT THIS PROPERTY HAS REMAINED INTACT SINCE AT LEAST 1948 AND NOT COMBINED WITH ANY OTHER PROPERTY SINCE THAT TIME.

PETITIONER' S

EXHIBIT NO. 1A

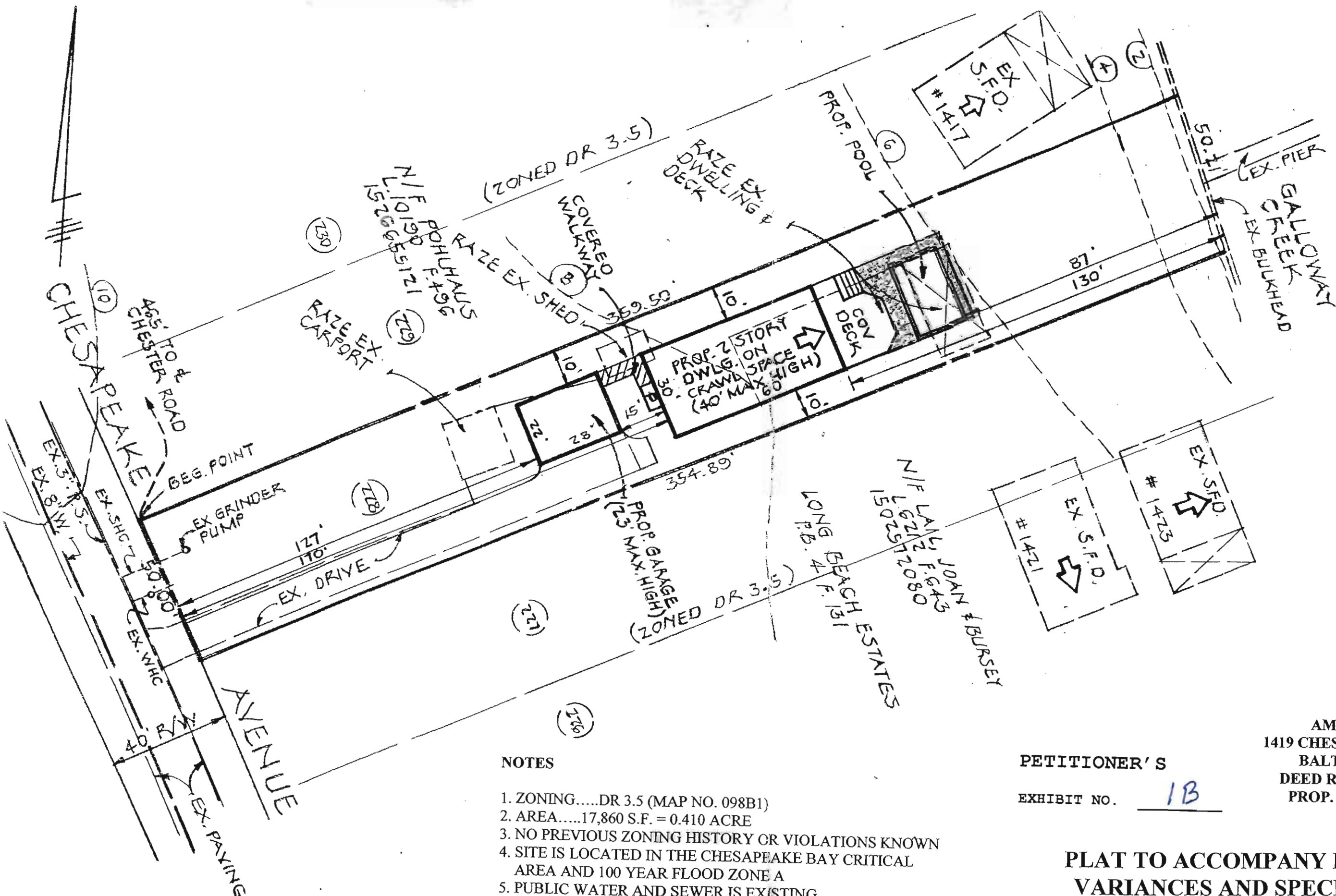
OWNER
AMY E. KAREY
1419 CHESAPEAKE AVENUE
BALTO., MD. 21220
DEED REF.: L.20760 F.97
PROP. NO. 1522350180

CENTRAL DRAFTING & DESIGN, INC.

601 CHARWOOD COURT
EDGEWOOD, MD 21040

(410) 679-8719

**PLAT TO ACCOMPANY PETITION FOR
VARIANCES AND SPECIAL HEARING
1419 CHESAPEAKE AVENUE
LOT 228 LONG BEACH ESTATES PB 4 F 131
ELECTION DISTRICT 15C6 BALTO. CO., MD
SCALE: 1 INCH = 30 FEET FEBRUARY 29, 2008**



- NOTES**
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PETITIONER' S
EXHIBIT NO. 1B

OWNER
AMY E. KAREY
1419 CHESAPEAKE AVENUE
BALTO., MD. 21220
DEED REF.: L.20760 F.97
PROP. NO. 1522350180

**PLAT TO ACCOMPANY PETITION FOR
VARIANCES AND SPECIAL HEARING
1419 CHESAPEAKE AVENUE
LOT 228 LONG BEACH ESTATES PB 4 F 131
ELECTION DISTRICT 15C6 BALTO. CO., MD
SCALE: 1 INCH = 30 FEET FEBRUARY 29, 2008**

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(410) 679-8719