

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
SE side Chester Road, 770 feet W		
Susquehanna Avenue	*	DEPUTY ZONING
15 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(1113 Chester Road)		
	*	FOR BALTIMORE COUNTY
Arthur E. and Linda K. Kennell		
<i>Petitioners</i>	*	Case No. 2008-0473-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 owners of the subject property, Arthur E. and Linda K. Kennell. Petitioners are requesting Administrative Variance relief from Section 1B02.C.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow side setbacks of 4 feet and 6 feet and a combination of 10 feet in lieu of the required 10 feet and combination of 25 feet. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Although there was no request for hearing by any interested citizens during the posting period, on May 12, 2008 the Undersigned called for a public hearing on this matter because new waterfront homes can have a significant community as well as environmental, impacts. Administrative variances are generally limited to requests for minor additions, garages, decks, porches, etc., that do not meet current regulations. Variance relief for a new dwelling can have considerable impact on neighboring properties and the community. The hearing was subsequently scheduled for Monday, July 28, 2008 at 9:00 AM, in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

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 7.31.08
 [Signature]

Appearing at the public hearing in support of the requested relief were Petitioners Arthur E. and Linda K. Kennell and Beverly True, a land use consultant who assisted the Petitioners.

Testimony and evidence offered revealed that the subject waterfront property is rectangular-shaped and contains 11,445 square feet, or .263 acre, zoned D.R.3.5. The subject property is approximately 50 feet wide by 330 feet deep and is improved with an existing 1½-story frame dwelling. The property fronts Galloway Creek in the Long Beach Estates neighborhood of Bowleys Quarters. Petitioners indicated they purchased the property in July, 2005; however the existing home was built in 1924, contains 720 square feet, and is in a state of disrepair. Petitioners plan to live permanently at the location, and based on the age and appearance of the home, Petitioners believe that replacing the existing dwelling with a new, updated home would be far more efficient than attempting to repair the home. As such, Petitioners propose to raze the existing dwelling and replace it with a new home. The proposed new dwelling would be 28 feet wide by 58 feet deep on the main level and 28 feet x 48 feet on the second level.

Further testimony from Petitioners revealed that the property is only 50 feet wide, which severely limits Petitioners' ability to meet the minimum side yard setback requirements of the DR 3.5 zoning district. Petitioners indicated their plan for a replacement dwelling will not have any negative impacts on the existing properties; in fact, the new dwelling will add to the overall appearance of the neighborhood, and will be consistent with the revitalization and rebuilding that is occurring in the nearby Bowleys Quarter waterfront community.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Department of Environmental Protection and Resource Management dated May 20, 2008 indicate that the property must comply with the Chesapeake Bay Critical Area Regulations, is subject to limits on impervious surface area,

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construction within the 100 foot tidal buffer, and the 15% afforestation requirement must be met. Additional comments received from the Bureau of Development Plans Review dated April 30, 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 requests. If Petitioners were merely repairing the existing structure, they would not need zoning relief; however, because Petitioners wish to improve the property with a replacement dwelling, variance relief is needed. Further, the original home was constructed in 1924 prior to the current zoning regulations; therefore 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 unable to be developed to its current and best use. Therefore I find the property unique in a zoning sense. Constructing a new home on a 50 foot wide lot requires a variance. Because of the 50 foot lot width and without the requested side yard variances, Petitioners would be denied the right to construct a dwelling of practical width. The existing dwelling is considered a "shore shack" as that term is often used, and the new dwelling will be an improvement for the neighborhood.

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7.31.08

Finally, I find the variance can be granted in strict harmony with the spirit and intent of the zoning regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED this 31st day of July 2008 by this Deputy Zoning Commissioner, that Petitioners' Administrative Variance request from Section 1B02.C.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow side setbacks of 4 feet and 6 feet and a combination of 10 feet in lieu of the required 10 feet and combination of 25 feet be and are hereby GRANTED subject to the following:

1. 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, Petitioners 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 and Buffer Management Area 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.
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.

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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.

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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7-31-08
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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 31, 2008

ARTHUR E. AND LINDA K. KENNEL
9226 BOWLINE ROAD
NOTTINGHAM MD 21236

Re: Petition for Administrative Variance
Case No. 2008-0473-A
Property: 1113 Chester Road

Dear Mr. and Mrs. Kennel:

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

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

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Beverly True, 3920 London Bridge Road, Sykesville MD 21784

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 1113 Chester Road
Address
Baltimore MD 21220
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):

We are seeking to raze the existing house on our property and build a new home. The Existing house was built in 1924 and has been very costly to maintain. Due to the unique size of the lot there is difficulty placing the new home within the required setbacks. The new home would also create much needed living space. This would also be beneficial to the neighborhood.

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.

Arthur E. Kennell
Signature

ARTHUR E. KENNEL
Name - Type or Print

Hilda K. Kennell
Signature

HILDA K. KENNEL
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 5-1-08

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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.

Arthur E. Kennell
Signature

ARTHUR E. KENNEL
Name - Type or Print

Linda K. Kennell
Signature

Linda K. Kennell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5 day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Dee A. Little
Notary Public

My Commission Expires My Commission Expires 5-1-08

CBCA Flood

TAX ACCOUNT #

371000970



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1113 Chester Roadwhich is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C.1 TO ALLOW SIDE

SETBACKS OF 4 FEET AND 6 FEET AND A COMBINATION OF 10 FEET
IN LIEU OF THE REQUIRED 10 FEET AND COMBINATION OF 25 FEET

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

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

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

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):

ARTHUR E. KENWELL

Name - Type or Print

Signature

Name - Type or Print

Signature

1113 Chester Road

Address

Baltimore

City

MD

State

21220

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

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 7-31-08 day of July 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.

Zoning Commissioner of Baltimore County

CASE NO. DB-473-AReviewed By CM Date 4-9-08

REV 10/25/01

Estimated Posting Date 4-20-08

ZONING DESCRIPTION FOR 1113 CHESTER ROAD

Beginning at a point on the SouthEast side of Chester Road which is 30' wide at the distance of 770' NorthEast of the centerline of the nearest improved intersecting street Chesapeake Avenue which is 40' wide. Being Parcel Lot # 240 Block 4 in the subdivision "Long Beach Estates" as recorded in Baltimore County Plat Book 4 Folio # 131 containing 11,445 SF. Also known as 1113 Chester Road and located in the 15th Election District, 6th Councilmanic District.

**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: # 2008-0473-A
1113 Chester Road
S/west side Chester Road, 770
feet west from of Susquehanna
Avenue
15th Election District
6th Councilmanic District
Legal Owner(s): Arthur Kennell
Variance: to allow side set-
backs of 4 feet and 6 feet and a
combination of 10 feet in lieu
of the required 10 feet and
combination of 25 feet.
Hearing: Tuesday, June 24,
2008 at 9:00 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

JT 6/640 June 10 175551

CERTIFICATE OF PUBLICATION

6/12, 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 6/10, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

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: #2008-0473-A

1113 Chester Road
S/west side Chester Road, 770 feet west from Susquehanna Avenue

15th Election District

6th Councilmanic District

Legal Owner(s): Arthur Kennell

Variance: to allow side setbacks of 4 feet and 6 feet and a combination of 10 feet in lieu of the required 10 feet and combination of 25 feet.

Hearing: Wednesday, July 2, 2008 at 2:00 p.m. in 1st Floor Hearing Room, Jefferson Building, 105 W. Chesapeake 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 6/7/11 Jun 17 176340

CERTIFICATE OF PUBLICATION

6/19, 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 6/17, 2008.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **2072**

Date: **4-9-08**

PAID RECEIPT

BUSINESS ACTUAL TIME
 4/09/2008 4/09/2008 11:33:48 2
 REC-005 WALKIN BOOK END
 >>RECEIPT # 440123 4/09/2008 08LN
 Dept 5 520 ZEMING VERIFICATION
 012072
 Recpt Tot \$45.00
 \$45.00 OK 4.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		001		1150				65.00

Total: **65.00**

Rec From: **B. TIVE**

For: **Kendall 1013 (1476 R)**
AD VOT DB 476-2

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-473-A

Petitioner/Developer: ARTHUR I

LINDA KENNEL

Date of Hearing/Closing: 5-5-08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

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 located at:

1113 CHESTER RD

The sign(s) were posted on 4-20-08
(Month, Day, Year)

Sincerely,

Robert Black 4-21-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ZONING
NOTICE

City of Dallas, Texas
Department of Planning and Economic Development
Office of the City Manager
1500 Marilla Street, Suite 1000
Dallas, Texas 75201
Phone: (214) 671-1111
Fax: (214) 671-1112
Email: planning@cityofdallas.com
Website: www.cityofdallas.com/planning

Notice is hereby given that the City of Dallas is currently reviewing the proposed zoning ordinance for the City of Dallas. The proposed ordinance is being reviewed for the purpose of determining whether the proposed ordinance is consistent with the City's Comprehensive Zoning Ordinance. The proposed ordinance is being reviewed for the purpose of determining whether the proposed ordinance is consistent with the City's Comprehensive Zoning Ordinance. The proposed ordinance is being reviewed for the purpose of determining whether the proposed ordinance is consistent with the City's Comprehensive Zoning Ordinance.

07.10.2008 11:52

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 473 -A Address 1113 CHESTER RDContact Person: CRAIG Mc GRAW Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 4-9-08 Posting Date: 4-20-08 Closing Date: 5-5-08

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

- 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.
- 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.
- 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.
- 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- 473 -A Address 1113 CHESTER RDPetitioner's Name KENNEL, ARTHUR + LINDA Telephone 410-356-9039Posting Date: 4-20-08 Closing Date: 5-5-08Wording for Sign: TO PERMIT SIDE SETBACKS OF 4 FEET AND 6 FEET AND A
COMBINATION OF 10 FEET IN LIEU OF THE REQUIRED 10 FEET
AND A COMBINATION OF 25 FEET

WCR - Revised 6/25/04

TO: PATUXENT PUBLISHING COMPANY
Tuesday, Tuesday, June 10, 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

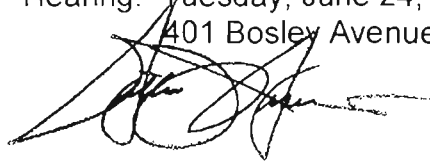
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2008-0473-A

1113 Chester Road
S/west side Chester Road, 770 feet west from of Susquehanna Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Arthur Kennell

Variance to allow side setbacks of 4 feet and 6 feet and a combination of 10 feet in lieu of the required 10 feet and combination of 25 feet.

Hearing: Tuesday, June 24, 2008 at 9:00 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 21, 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:

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Legal Owners: Arthur Kennell

Variance to allow side setbacks of 4 feet and 6 feet and a combination of 10 feet in lieu of the required 10 feet and combination of 25 feet.

Hearing: Tuesday, June 24, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arthur & Linda Kennell, 1113 Chester Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 9, 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 12, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NEW NOTICE OF ZONING HEARING

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

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1113 Chester Road

S/west side Chester Road, 770 feet west from of Susquehanna Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Arthur Kennell

Variance to allow side setbacks of 4 feet and 6 feet and a combination of 10 feet in lieu of the required 10 feet and combination of 25 feet.

Hearing: Wednesday, July 2, 2008 at 2:00 p.m. in 1st Floor Hearing Room, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arthur & Linda Kennell, 1113 Chester Road, Baltimore 21220

- NOTES: (1) **THE ZONING OFFICE WILL HAVE A ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 17, 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, June 17, 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

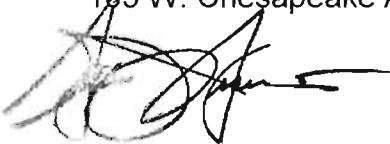
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WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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TO: PATUXENT PUBLISHING COMPANY
Thursday, July 10, 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

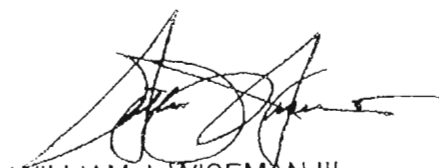
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CASE NUMBER: 2008-0473-A

1113 Chester Road
S/west side Chester Road, 770 feet west from of Susquehanna Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Arthur Kennell

Variance to allow side setbacks of 4 feet and 6 feet and a combination of 10 feet in lieu of the required 10 feet and combination of 25 feet.

Hearing: Monday, July 28, 2008 at 9:00 a.m. in 1st Floor Hearing Room, Jefferson Building,
105 W. Chesapeake 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

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

May 5, 2008

Arthur E. Kennell
Linda K. Kennell
1113 Chester Road
Baltimore, MD 21220

Dear Mr. and Mrs. Kennell:

RE: Case Number: 08-473-A, 1113 Chester Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 9, 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



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

July 22, 2008

Arthur E. & Linda K. Kennell
1113 Chester Rd.
Baltimore, Md 21220

Dear: Arthur E. & Linda K. Kennell

RE: Case Number 2008-0473-A, Address: 1113 Chester Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 9, 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:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 1, 2008

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

RECEIVED
MAY 05 2008

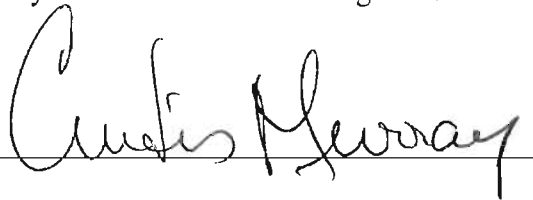
BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-473- administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:
CM/LL



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 20 2008

BY: _____

TO: Timothy M. Kotroco

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

DATE: May 20, 2008

SUBJECT: Zoning Item #08-473-A
Address 1113 Chester Avenue
(Kennell Property)

Zoning Advisory Committee Meeting of April 21, 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: May 9, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 30, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For April 28, 2008
Item No. 08-473

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:lrk

cc: File

ZAC-ITEM NO 08-473-04282008.doc



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: April 21, 2008

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

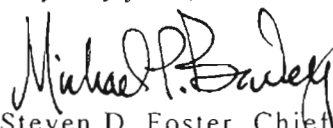
RE: Baltimore County
Item No. 8-473-A
1113 CHESTER ROAD
KENNELL PROPERTY
ADMINISTRATIVE VARIANCE

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. 8-473-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,


For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 24, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 21, 2008

Item Number: 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481,
482, 483, 484, 485, 486 and 488

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: May 12, 2008

TO: Kristen Matthews
Dept. of Permits and Development Management

FROM: Patricia Zook, Legal Secretary to
Thomas Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance
Case No. 08-473-A – Located at 1113 Chester Road

After a review of the above-captioned case file, Tom Bostwick has requested that this case be set in for a public hearing. New waterfront homes can have significant community, as well as environmental, impacts. Administrative variances are generally limited to requests for minor additions, garages, decks, porches, etc., that do not meet current regulations. Variance relief for a new dwelling can have considerable impact on neighboring properties and the community.

We are returning the file to you for further processing, i.e., notifying the Petitioner, posting of hearing notices, etc. Per Tom, the County is to post and advertise the hearing.

Thank you for your attention and cooperation in this matter.

(a) *In general.*

(1) Notwithstanding the hearing requirements under § 32-3-302 of this subtitle, the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an owner-occupied lot zoned residential, as defined by the Baltimore County Zoning Regulations.

(2) (i) In order to receive a variance without a hearing, the petitioner shall file a supporting affidavit with the petition under oath made on the personal knowledge of the petitioner that sets forth facts that would otherwise satisfy the petitioner's burden of proof if a hearing were to be required.

(ii) The affidavit is in addition to the information required by the Zoning Commissioner on the petition.

(3) The Zoning Commissioner may not grant a variance under this section unless notice of the petition is conspicuously posted on the property for a period of at least 15 days following the filing of the application in accordance with the requirement of the Department of Permits and Development Management.

(b) *Request for public hearing.*

(1) Within the 15 day posting period required under subsection (a)(3) of this section, an occupant or owner within 1,000 feet of the lot in question may file a written request for a public hearing with the Department of Permits and Development Management.

(2) The Department of Permits and Development Management shall schedule a hearing to be held on a date within 75 days after receiving a request for a public hearing.

(c) *Discretion of Commissioner to require a hearing.* If a written request for a public hearing is not filed, the Zoning Commissioner may:

(1) Grant the variance without a public hearing, if the requested variance is in strict harmony with the spirit and intent of the height and area requirements of the Baltimore County Zoning Regulations, and any other applicable requirement; or

(2) Require a public hearing during which the petitioner shall be required to satisfy the burden of proof required by the Baltimore County Zoning Regulations for the variance to be granted.

(1988 Code, § 26-127) (Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 103-02, § 2, 7-1-2004; Bill No. 75-03, § 5, 7-1-2004)

WE Contacted Kristen at Home.
She Believed Advertising was processed.
Before sign went out for 28TH of July
Hearing. Rose checked with
Patentent for ad. They have no record
and the ad. deadline was 12:30 PM
TODAY 7/08/08. for a 15 Day ad from July 28.
WE Have Hold on sign due to this.

ZONING REVIEW
APPROVED SIGN POSTERS

Staff Sergeant Robert A. Black
1508 Leslie Road
Dundalk, MD 21222

Telephone: 410-282-7940
Cell: 410-499-7940
Fax: 410-282-7940

Bruce E. Doak
Gerhold, Cross & Elzel, Ltd.
Suite 100, 320 E. Towsontown Boulevard
Towson, MD 21286

Telephone: 410-823-4470
Fax: 410-823-4473

Bill Laddon
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Eldersburg, MD 21784

Telephone: 410-781-4000
Toll Free: 800-368-2295
Fax: 410-781-4673

Thomas J. Hoff
406 W. Pennsylvania Avenue
Towson, MD 21204

Telephone: 410-296-3668
Fax: 410-296-5326

Linda M. Jones
Daft-McCune-Walker
200 East Pennsylvania Avenue
Towson, Maryland 21286

Telephone: 410-296-3333
Fax: 410-296-4705

Richard Hoffman
904 Dellwood Drive
Fallston, MD 21047

Telephone: 410-879-3122
Fax: 410-879-3122

Charles E. Merritt
9831 Magledt Road
Baltimore, MD 21234

Telephone: 410-665-5562
Cell: 410-663-5525
Fax: 410-663-4315

Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

Telephone: 410-242-4263
Fax: 410-242-4263

Linda O'Keefe
523 Penny Lane
Hunt Valley, MD 21030

Telephone: 410-666-5366
Fax: 410-666-0929
Cell: 443-604-6431

William D. Gulick, Jr.
McKee & Associates, Inc.
5 Shawan Place Suite 1
Cockeysville, MD 21030

Telephone: 410-527-1555
Fax: 410-527-1563

Martin Ogle
16 Salix Court
Baltimore, MD 21220

Telephone: 410-780-5151
Fax: 410-780-5188
Cell: 443-629-3411
E-Mail: mert1114.aol.com

J. Lawrence Pilson, R.S.
1015 Old Barn Road
Parkton, Maryland 21120

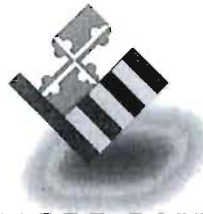
Telephone: 410-343-1443

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WC/rjc - Revised 3/5/07



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 10, 2009

Arthur and Linda Kennell
9226 Bowline Road
Baltimore, MD 21236

Re: Spirit & Intent; case # 08-0473-A; 1113 Chester RD - Long Beach Estates; 15th Election District

Dear Mr. & Mrs. Kennell:

Your recent letter to this office regarding the above referenced property was forwarded to me for reply. Based upon the information provided and my consultation with the Zoning Commissioner and our review of the applicable zoning case and the site plan submitted, the following has been determined.

The re-location of your proposed deck/stairway combination as shown on the site plan submitted with a letter dated February 25, 2009 was reviewed by your neighbor – Reese Hicks, owner of the adjacent property at 1117 Chester Road. Since Mr. Hicks had no objections, your request to locate the deck/stairway two feet from the property line is within the Spirit and Intent of the subject case. All restrictions imposed in the Deputy Zoning Commissioner's order remain applicable.

The foregoing is merely an informal opinion, it is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, I can be reached at 410-887-3391.

Sincerely,

Bruno Rudaitis
Zoning Review

cc: file
Mr. Reese Hicks
William Wiseman, Zoning Commissioner

Br:br



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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

Account Identifier: District - 15 Account Number - 1511000870

Owner Information

Owner Name: KENNEL LINDA KATHERINE
 KENNEL ARTHUR E
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 9226 BOWLINE RD
 BALTIMORE MD 21236-2040
Deed Reference: 1) /22248/ 603
 2) /22248/ 595

Location & Structure Information

Premises Address 1113 CHESTER RD
Legal Description PT LT 240
 1113 CHESTER RD
 LONG BEACH ESTATES
 WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	C
98	4	203					240	3	Plat Ref:	4/ 131

Special Tax Areas Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	720 SF	11,445.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2007	As Of 07/01/2008
Land	136,440	321,440		
Improvements:	36,930	49,770		
Total:	173,370	371,210	305,262	371,210
Preferential Land:	0	0	0	0

Transfer Information

Seller: KENNEL LINDA KATHERINE	Date: 07/26/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /22248/ 603	Deed2: /22248/ 595
Seller: KAHL WILLIAM EUGENE	Date: 04/07/2004	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14868/ 520	Deed2:
Seller: KAHL WILLIAM EUGENE	Date: 12/15/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14868/ 520	Deed2:

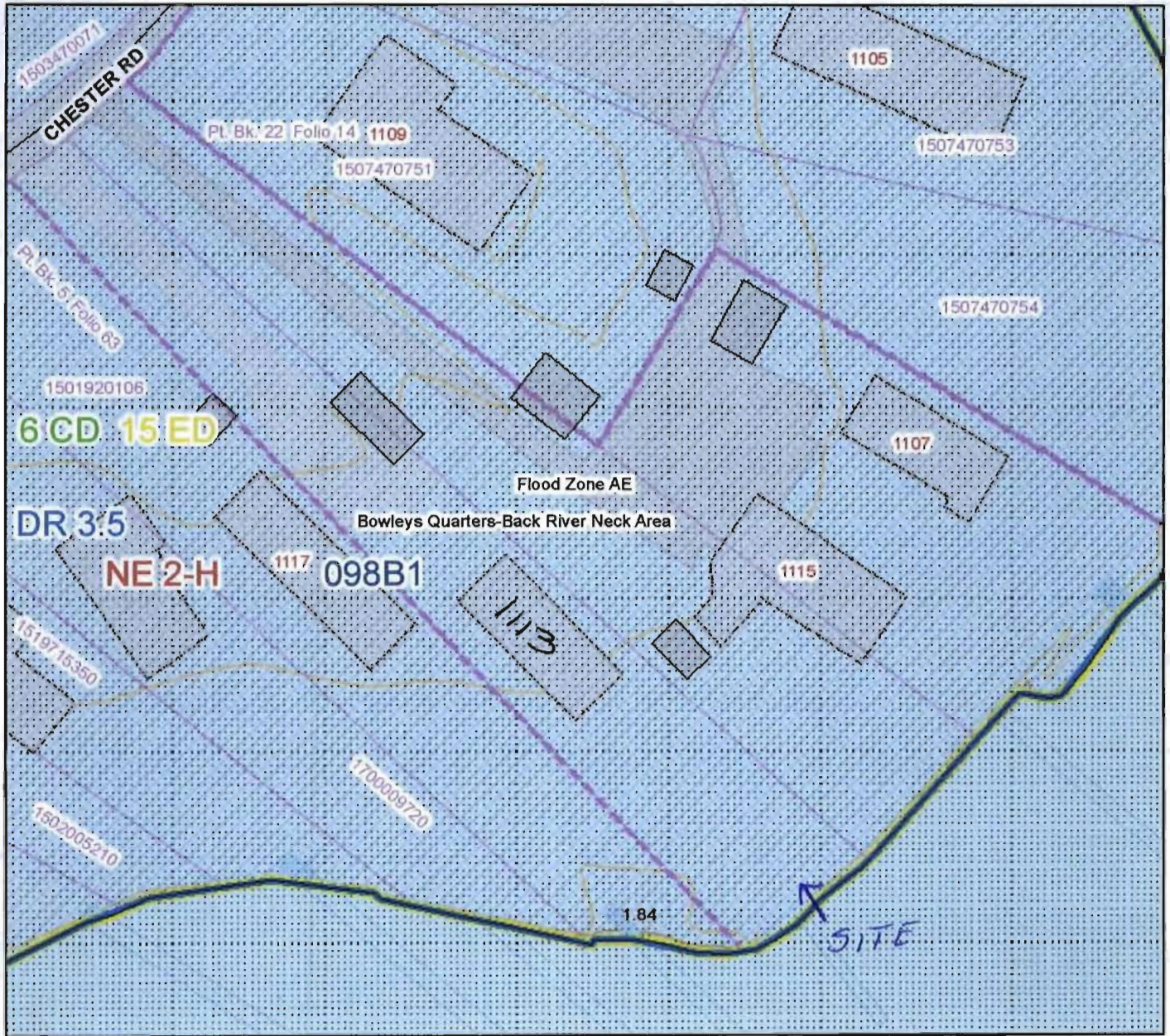
Exemption Information

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 *

1113 Chester Road



DQ Map Notes



Publication Date: March 24, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



50 0 50
Feet
1 inch equals 50 feet

08-473-A

CASE NAME Kennell
CASE NUMBER 3003-0473-A
DATE 1/28/08

[illegible]

1113 Chester Rd
View from Street



08-473-A

Rear view of house



Left side rear view



View from dock looking at house



House to left side of property



00-473-4

View from side of 1113 Chester Rd looking left



View from pier



View to right of property



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

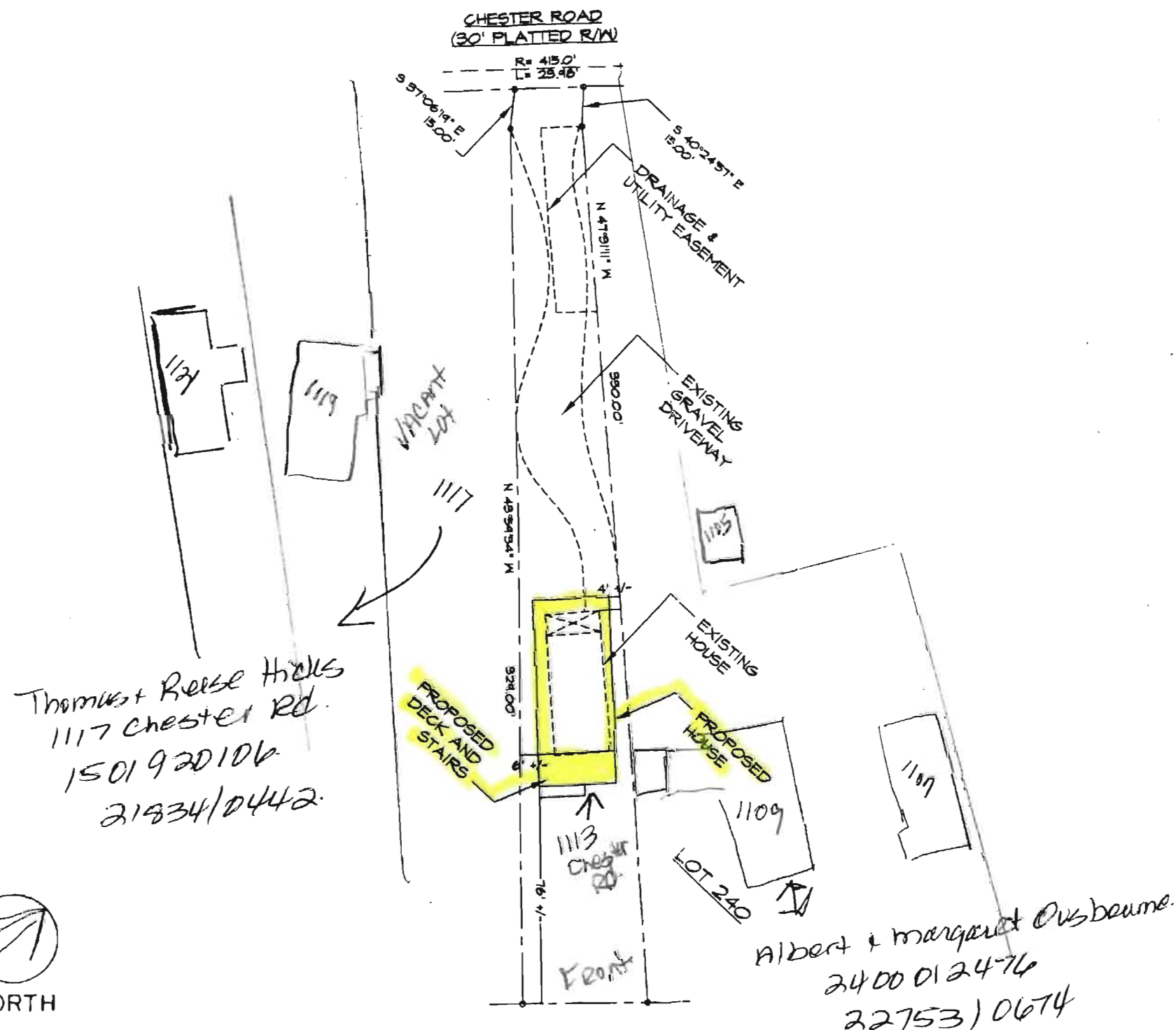
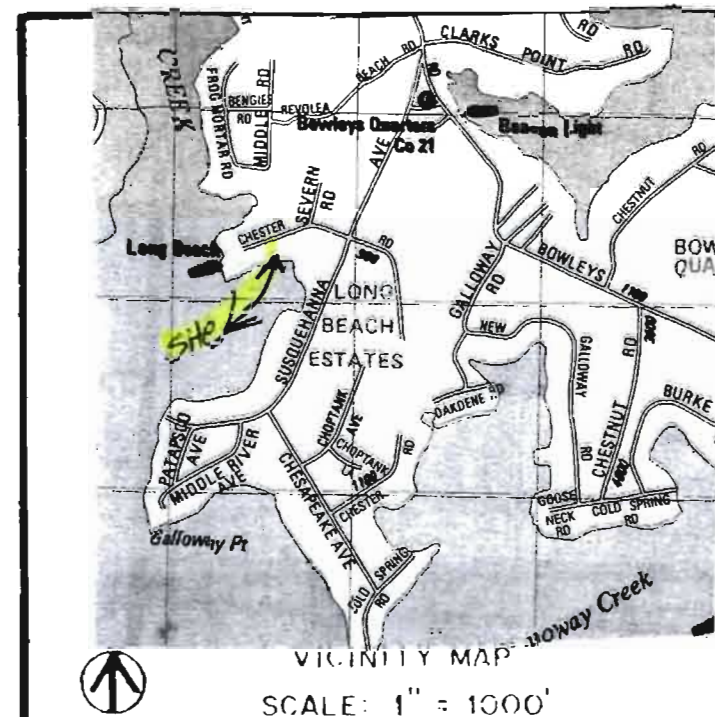
PROPERTY ADDRESS 1113 Chester Road

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

SUBDIVISION NAME Long Beach Estates

PLAT BOOK # 4 FOLIO # 131 LOT # 240 SECTION #

OWNER Arthur E & Linda K. Kennell



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 10

1" = 200' SCALE MAP # 098B1

ZONING DR 3.5

LOT SIZE 6.263 11445 5074
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

	YES	NO
100 YEAR FLOOD PLAIN	☒	☐

	YES	NO
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY CM ITEM # 473 CASE # 08-473-A

PREPARED BY BONNIE TRUE

SCALE OF DRAWING: 1" = 50'