

IN RE: **PETITION FOR VARIANCE**
S/Side Yarnall Road, 75' W of c/line of
Annapolis Road (MD St. Rte. 648)
(2799 Yarnall Road)
13th Election District
1st Council District

Dale E. Keesee, *Legal Owner*
Cedar Square Homes, Inc.,
Contract Purchaser
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
*
* **Case No. 2010-0130-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Petitioner Cedar Square Homes, Inc., through its President, Curtis Payne. The Petition was also signed by Dale Emory Keesee, property owner. The Petitioner, pursuant to Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.-1945-1955, Section III – “A” Residence Zone Use Regulations), requests a variance to permit a proposed single-family dwelling with a side yard setback of 10 feet (west side), a setback of 49 feet to the centerline of the road, and a rear yard setback of 46 feet in lieu of the required 15 feet, 55 feet, and 50 feet, respectively.¹ The subject property and requested relief are more particularly described on the amended redlined site plan which was accepted into evidence and marked as Petitioner’s Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Curtis Payne, on behalf of Cedar Square Homes, Inc., Matthew A. Forgen of M.A.F. & Associates, LLC, the

¹ Petitioner amended its petition and site plan at the onset of the hearing, without objection, to show a requested (west side) setback of 10 feet and rear yard setback of 46 feet (rather than the 13 feet and 32.5 feet as originally filed). Since the relief that was being requested was changed to respond to the Zoning Advisory Committee (ZAC) comment received from the Office of Planning, Cedar Square Homes, Inc. was permitted to proceed. It is also to be noted that Friendship Gardens is a residential subdivision approved by the Baltimore County Planning Board in 1955 and therefore entitled to the development standards and zoning regulations in effect at that time

ORDER RECEIVED FOR FILING

Date 1-19-10

By 3

consultant land planner, who prepared the amended site plan and is assisting the Petitioner through the permitting process. John E. Haislip, Esquire appeared on behalf of the Petitioner. There were no Protestants or other interested persons in attendance at the hearing and there were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies. Aaron Tsui from the Zoning Review Office supervised the changes to the site plan and confirmed that the variance relief requested was the minimal necessary to provide for a reasonable use of the property.

Testimony and evidence offered disclosed that the subject property is an irregularly shaped rectangular parcel located on the south side of Yarnall Road abutting Annapolis Road in Halethorpe. The property is a vacant *corner lot* as defined in Section 101 of the B.C.Z.R. and known as Lot 50 of Section 2 in the Friendship Gardens subdivision recorded in the Land Records of Baltimore County in 1955. Often older subdivision lots do not meet current area and/or width requirements. Such is not the case here. The subject property is 59 feet wide (at the front building line) and 115 feet deep containing a gross area of 0.178 acres (7,772 square feet), more or less, zoned B.L.-A.S. The Friendship Gardens (townhouse) development was approved and vested January 24, 1955. The 1953-1955 B.C.Z.R. regulations apply and the setback and area requirements for a detached dwelling on this lot are stated in *Section III "A" Residence Zone* as amended March 30, 1953. Those regulations required a minimum front yard setback of 25 feet, side yard - 10 feet (and for a corner lot - 40 feet to centerline of a street that is 50 feet wide or less) and a rear yard setback of 20 feet. Since Annapolis Road (State Rte. 648) is shown as 50 feet wide on Petitioner's amended site plan, it would appear to the undersigned Commissioner that the lot should have been approved by the Zoning Reviewer - for the

construction of the proposed single-family dwelling without a public hearing as it is in compliance with the applicable B.C.Z.R. statutes.

The Zoning Review Office, however, requested the Petitioner to obtain variance relief as set forth above to allow the development of the subject property with a two-story, single-family dwelling 24' wide x 32' deep. The proposed house will face Yarnall Road and the side yard will parallel Annapolis Road. Parking will be in the rear yard accessed from a 20-foot alley. As noted above, the Office of Planning supports the construction of a single-family dwelling at this particular location, preferring this use over any of the by-right commercial uses permitted in the Business, Local-Automotive Services classification. They asked only that the front setback be in line with the front setbacks of the neighboring townhouses. Rather than disputing the actual need for variance relief with the Zoning Review Office, I will clarify the situation by granting the petition to allow development of the subject property with a single-family dwelling. There will be no detrimental impacts to the surrounding locale. The improvements will not lie within the Flood Zone that is shown encroaching at the lot's northwest corner. Finally, it is clear that a practical difficulty and/or unreasonable hardship upon the Petitioner (and property owner) would result without relief that would provide for the development of this property for a reasonable and significant use.

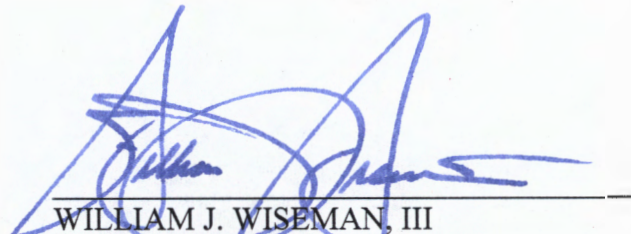
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

COPIES RECEIVED FOR FILING
Date 1-19-10
By [Signature]
19th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January 2010, that the Petition for Variance seeking relief, pursuant to Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.-1945-1955, Section III – "A" Residence Zone Use Regulations), for a variance to permit a proposed single-family

dwelling with a side yard setback of 10 feet (west side), a setback (east side) of 49 feet to the centerline of the road, and a rear yard setback of 46 feet in lieu of the required 15 feet, 55 feet, and 50 feet, respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following:

- 1) The Petitioner may apply for its permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The existing sidewalk located at the front of the property along Yarnall Road is in poor condition and shall be replaced by the Petitioner with a new concrete sidewalk.
- 3) Nonresidential uses authorized in the B.L.-A.S. zoning classification shall at this location be prohibited (other than home occupation offices which are permitted in residential zones) following the issuance of a use and occupancy permit.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 1-19-10
BY 103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 19, 2010

John E. Haislip, Esquire
7865 Quarterfield Road
Severn, Maryland 21144

RE: PETITION FOR VARIANCE

S/Side Yarnall Road, 75' W of c/line of Annapolis Road (MD St. Rte. 648)
(2799 Yarnall Road)
13th Election District - 1st Council District
Dale E. Keesee, *Legal Owner*;
Cedar Square Homes, Inc., *Contract Purchaser* - Petitioner
Case No. 2010-0130-A

Dear Mr. Haislip:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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: Dale Emory Keesee, 926 Bardswell Road, Catonsville, MD 21228
Curtis Payne, President, Cedar Square Homes, Inc., 8696 Veterans Highway, Box 74,
Millersville, MD 21108
Matthew A. Forgen, M.A.F. & Associates, LLC, 526 Hoods Mill Road, Woodbine, MD 21797
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2799 YARNALL RD

which is presently zoned BL-AS

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) 1B 02.3B (1955 DR10.5 ZONE REG.)

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING WITH A SIDE SETBACK OF 15 FEET, A SIDE SETBACK OF 4.9 FEET TO THE CENTER LINE OF THE ROAD, AND A REAR SETBACK OF 32.5 FEET IN LIEU OF THE REQUIRED 15 FEET, 55 FEET, AND 50 FEET RESPECTIVELY.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) THE HARDSHIP FOR THIS SITE IS THE REQUIRED SETBACKS. ONCE THE SETBACKS ARE PLACED ON THE LOT THE BUILDING AREA IS VERY SPACE AND IRREGULAR IN SHAPE. IT WOULD NOT ALLOW FOR THE CONSTRUCTION OF A DWELLING THAT IS SIMILAR IN SIZE AS OTHER HOMES IN THE AREA.

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 Cedar Square Homes Inc
 Signature 8696 Veterans Hwy
 Address Box 74 Millersville MD
 Telephone No. _____
 City MD State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
 Signature _____
 Company _____
 Address _____ Telephone No. _____
 City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Dale Emory KEESEE
 Signature Dale E. Keesee
 Name - Type or Print _____
 Signature _____

Address 926 Boedswell Rd Telephone No. 443-324-1867
 City Cotonsville State MD Zip Code 21228

Representative to be Contacted:

Name _____
 Address _____ Telephone No. _____
 City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By A-TSUI Date 10/13/2009

Case No. 2010-0130-A

REV 9/15/98

ORIGINAL RECEIVED FOR FILING

Date 1-19-10

By [Signature]

Zoning Description

ZONING DESCRIPTION FOR 2799 Yarnall Road Baltimore MD. 21227

Beginning at a point on the south side of Yarnall Road which is 60' wide at the distance of 75' west of the centerline of the nearest improved intersecting street Annapolis Road which is 50' wide. Being Lot# 50, Section# 2 in the subdivision of Friendship Gardens as recorded in Baltimore County Plat Book# 22, Folio# 21, containing 0.178 ac. Also known as 2799 Yarnall Road and located in the 13 Election District, 1 Councilmanic District.

2010-0130-A

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: 2010-0130-A
Petitioner: DALE, EMORY ICEESEE
Address or Location: 2799 YARNALL RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CEGAR SQUARE HOMES, INC.
Address: 8696 VETERANS HIGHWAY Box # 7A
HILLERSVILLE MD. 21797

Telephone Number: 410-987-9771

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No.

Date:

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					65--

Total:

Rec
From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 2010-0130-A

2799 Yarnall Road

S/side of Yarnall Road, 75 feet west of the centerline of Annapolis Road

13th Election District — 1st Councilmanic District

Legal Owner(s): Dale E. Keesee

Variance: to permit a proposed single family dwelling with a side setback of 13 feet, a side setback of 49 feet to the centerline of the road and a rear setback of 32.5 feet in lieu of the required 15 feet, 55 feet and 50 feet respectively.

Hearing: Monday, December 7, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West 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) 887-4386.

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

11/3/09 November 19

221800

CERTIFICATE OF PUBLICATION

11/19/, 2009

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 11/19/, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

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13th Election District — 1st Councilmanic District

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Hearing: Thursday, January 14, 2010 at 9:00 a.m. in Room 106, County Office Building, 111 West 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) 887-4386.

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

JT 12/946 December 29

225340

CERTIFICATE OF PUBLICATION

12/31/2009

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 12/29/2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/26/09

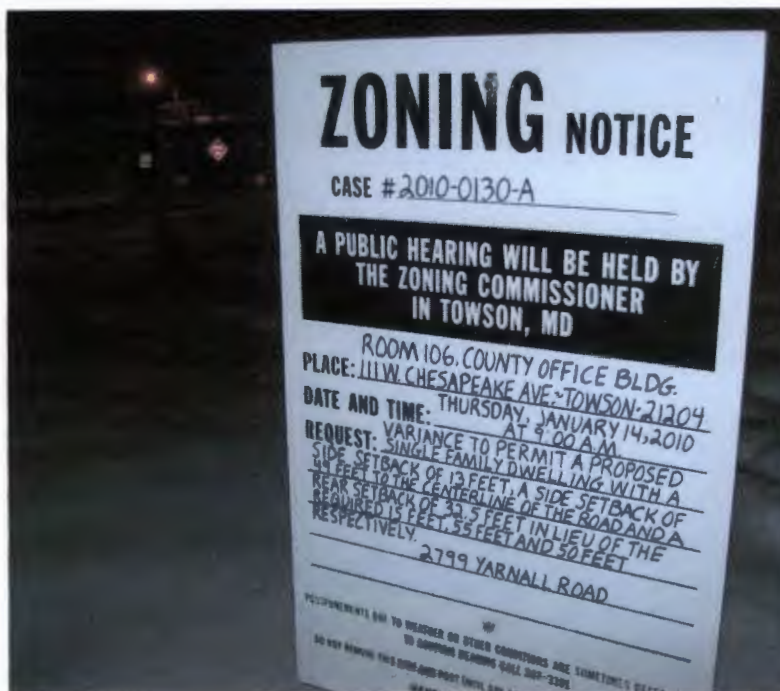
Case Number: 2010-0130-A

Petitioner / Developer: DALE EMORY KEESEE~CEDAR SQUARE
HOMES, INC. MATTHEWS FORGEN, M.A.F. & ASSOC.

Date of Hearing (Closing): JANUARY 14, 2010

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
2799 YARNALL ROAD

The sign(s) were posted on: DECEMBER 22, 2009



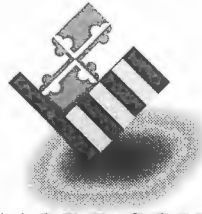
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
November 12, 2009

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: 2010-0130-A

2799 Yarnall Road

S/side of Yarnall Road, 75 feet west of the centerline of Annapolis Road

13th Election District – 1st Councilmanic District

Legal Owners: Dale E. Keesee

Variance to permit a proposed single family dwelling with a side setback of 13 feet, a side setback of 49 feet to the centerline of the road and a rear setback of 32.5 feet in lieu of the required 15 feet, 55 feet and 50 feet respectively.

Hearing: Monday, December 7, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Dale Emory Keesee, 926 Bardswell Road, Catonsville 21228
Cedar Square Homes, Inc., 8696 Veterans Highway Box #7A, Millersville 21797

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 21, 2009.**
- (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
Thursday, November 18, 2009 Issue - Jeffersonian

Please forward billing to:

Cedar Square Homes, Inc.
8696 Veterans Highway Box #7A
Millersville, MD 21797

410-987-9771

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: 2010-0130-A

2799 Yarnall Road

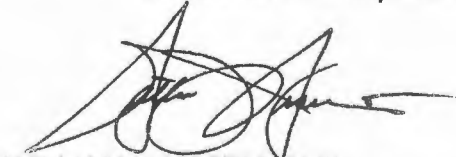
S/side of Yarnall Road, 75 feet west of the centerline of Annapolis Road

13th Election District – 1st Councilmanic District

Legal Owners: Dale E. Keese

Variance to permit a proposed single family dwelling with a side setback of 13 feet, a side setback of 49 feet to the centerline of the road and a rear setback of 32.5 feet in lieu of the required 15 feet, 55 feet and 50 feet respectively.

Hearing: Monday, December 7, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 10, 2009

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: 2010-0130-A

2799 Yarnall Road

S/side of Yarnall Road, 75 feet west of the centerline of Annapolis Road

13th Election District – 1st Councilmanic District

Legal Owners: Dale E. Keesee

Variance to permit a proposed single family dwelling with a side setback of 13 feet, a side setback of 49 feet to the centerline of the road and a rear setback of 32.5 feet in lieu of the required 15 feet, 55 feet and 50 feet respectively.

Hearing: Thursday, January 14, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Dale Emory Keesee, 926 Bardswell Road, Catonsville 21228
Cedar Square Homes, Inc., 8696 Veterans Highway Box #7A, Millersville 21797
Matthews Forgen, M.A.F. & Assoc., 526 Hoods Mill Rd., Woodbine 21797

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 30, 2009.**
- (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, December 29, 2009 Issue - Jeffersonian

Please forward billing to:
Cedar Square Homes, Inc.
8696 Veterans Highway Box #7A
Millersville, MD 21797

410-987-9771

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: 2010-0130-A

2799 Yarnall Road

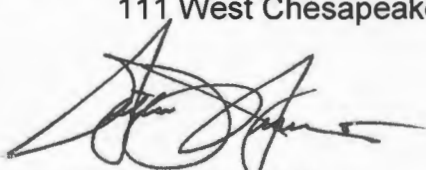
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13th Election District – 1st Councilmanic District

Legal Owners: Dale E. Keesee

Variance to permit a proposed single family dwelling with a side setback of 13 feet, a side setback of 49 feet to the centerline of the road and a rear setback of 32.5 feet in lieu of the required 15 feet, 55 feet and 50 feet respectively.

Hearing: Thursday, January 14, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West 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

January 6, 2010

Dale Emory Keesee
926 Bardswell Rd.
Catonsville, MD 21228

Dear: Dale Emory Keesee\

RE: Case Number 2010-0130-A, 2799 Yarnall Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 13, 2009. 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
Cedar Square Homes, Inc; 8696 Veterans Highway Box #7A; Millersville 21797
Matthew Forgen; M.A.F. & Assoc.; 526 Hoods Mill Rd.; Woodbine, MD 21797

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 2, 2009
Item Nos. 10-092, 124, 125, 127,
128, 129, 130, and 133

DATE: October 21, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11.02.2009 -NO COMMENTS.doc



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10/30/2009

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

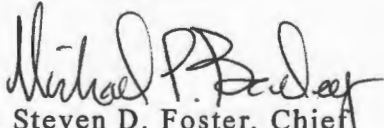
RE: Baltimore County
Item No. 2010-0130-A
2799 YARNALL RD
KEESEE PROPERTY
VARIANCE -

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. 2010-0130-A.

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

Very truly yours,


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.sha.maryland.gov

TB 12/7
10nm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 2, 2009

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

RECEIVED

SUBJECT: 2799 Yarnall Road

Item Number: 10-130

NOV 04 2009

Petitioner: Dale E. Keesee

ZONING COMMISSIONER

Zoning: BL-AS

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the construction of a single-family dwelling on this property. At this particular location, a single-family dwelling is preferred over any of the by-right commercial uses permitted by the BL-AS zoning classification.

It should be determined whether this property lies within a Flood Zone and whether any building restrictions apply. The proposed dwelling should be placed closer to Yarnall Road. The front setback should be more in line with the front setbacks of the neighboring townhouses. Also, placing the dwelling closer to Yarnall Road will create a larger, more usable rear yard. The Office of Planning recommends a front setback of 30 to 35 feet measured from the road right-of-way line to the front porch of the dwelling.

Should the dwelling is placed closer to Yarnall Road a side setback lesser than the requested 13-foot side setback should be considered. A side setback of 10 to 12 feet would be adequate for this property and would not adversely impact the adjacent townhouse, which has a side setback of 16 feet.

Additional recommendations are as follows:

- The existing sidewalk located at the front of the petitioner's property along Yarnall Road is in very poor condition. This sidewalk should be replaced with a new concrete sidewalk. The new sidewalk should extend all the way to the mailbox located at the corner of Yarnall Road and the unnamed roadway that serves to provide access to the rear alley.
- All nonresidential uses permitted in the BL-AS classification should be expressly prohibited at this location.

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

Prepared by:

Division Chief:
AFK/LL: CM

TB 1217
10 am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

NOV 27 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 27, 2009
SUBJECT: Zoning Item # 10-130-A
Address 2799 Yarnall Road
(Keesee Property)

Zoning Advisory Committee Meeting of October 19, 2009

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

Reviewer: JWL

Date: 11/27/09

RE: PETITION FOR VARIANCE
2799 Yarnall Road; S/S Yarnall Road,
75' W c/line of Annapolis Road
13th Election & 1st Councilmanic Districts
Legal Owner(s): Dale E. Keese
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 10-130-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

OCT 28 2009

.....

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 28th day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to Dale Keese, 926 Bardswell Road, Catonsville, MD 21228, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M.A.F. & Associates, LLC
Matthew A. Forgen
526 Hoods Mill Road
Woodbine MD 21797
(410) 552-5541

M.A.F. & Associates, LLC

December 6, 2009

Kristen Matthews
Zoning Review
County Office Building
111 West Chesapeake Ave., Room 111
Towson, Maryland. 21204

RE: 2799 Yarnell Road
Case Number: 2010-0130-A

Dear Ms. Matthews:

Please accept this request to reschedule the above referenced zoning hearing. We make this request due to the fact that the posting of the signs did not happen in the required time. This was due to the homeowner not realizing the letter was his notification to get the signs up. We would still like to have the chance to get the signs up and to have the hearing. We request to have the case heard sometime in January of 2010.

Please add me as a contact for the case. This will insure the signs get posted. My address is listed above.

If you should have any question regarding this request, please feel free to contact me at the number above.

Sincerely,

Matthew A. Forgen

Matthew A. Forgen
maf:mjf

Patricia Zook - Case 2010-0130-A - scheduled for hearing on Monday, December 7

From: Patricia Zook
To: Bostwick, Thomas; Wiley, Debra
Date: 12/3/2009 2:47 PM
Subject: Case 2010-0130-A - scheduled for hearing on Monday, December 7

Hello -

This is to let you know that this case is being postponed. The Petitioner did not post the property and the file does not contain the required advertising certification. Kristen said the advertising was done.

I'll give Tom the case file in case anyone shows up for a hearing on Monday.

(the file did not come over with the other cases at 2:30 today so Bill brought it over and mentioned problems of posting/advertising)

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

From: Debra Wiley
To: Matthews, Kristen
Date: 1/8/2010 11:43 AM
Subject: Newspaper Advertising Confirmation

*Missing
newspaper
advertising*

Hi Kristen,

In Bill's cases next week, we are missing the newspaper advertising confirmation (whether it's the Jeffersonian or the Daily Record) for the following cases:

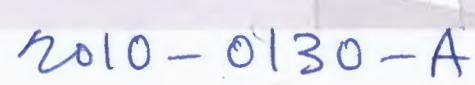
2010-0168-SPH (1/12 @ 9 AM)
2010-0150-SPHA (1/12 @ 10 AM)
2010-0130-A (1/14 @ 9 AM)

Please provide ASAP. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CASE NAME 2799 yarmee Rd
CASE NUMBER 2010-0130-A
DATE 1-14-10

[illegible]





Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

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

Account Identifier: District - 13 **Account Number -** 1319390653

Owner Information

Owner Name: KEESEE DALE E **Use:** RESIDENTIAL
Mailing Address: 926 BARDSWELL RD **Principal Residence:** NO
 BALTIMORE MD 21228-1201 **Deed Reference:** 1) /22937/ 616
 2)

Location & Structure Information

Premises Address

2799 YARNALL RD

Legal Description

SW COR ANNAPOLIS RD
 FRIENDSHIP GARDENS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
109	16	370			2	E	50	1	Plat Ref: 22/ 21

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		7,540.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-In Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	3,770	3,700		
Improvements:	0	0		
Total:	3,770	3,700	3,770	3,700
Preferential Land:	0	0	0	0

Transfer Information

Seller: BOHN CLARENCE M	Date: 11/21/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /22937/ 616	Deed2:
Seller: BRILL MICHAEL M HIRSCHMAN SUSAN A	Date: 02/20/1987	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7417/ 555	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

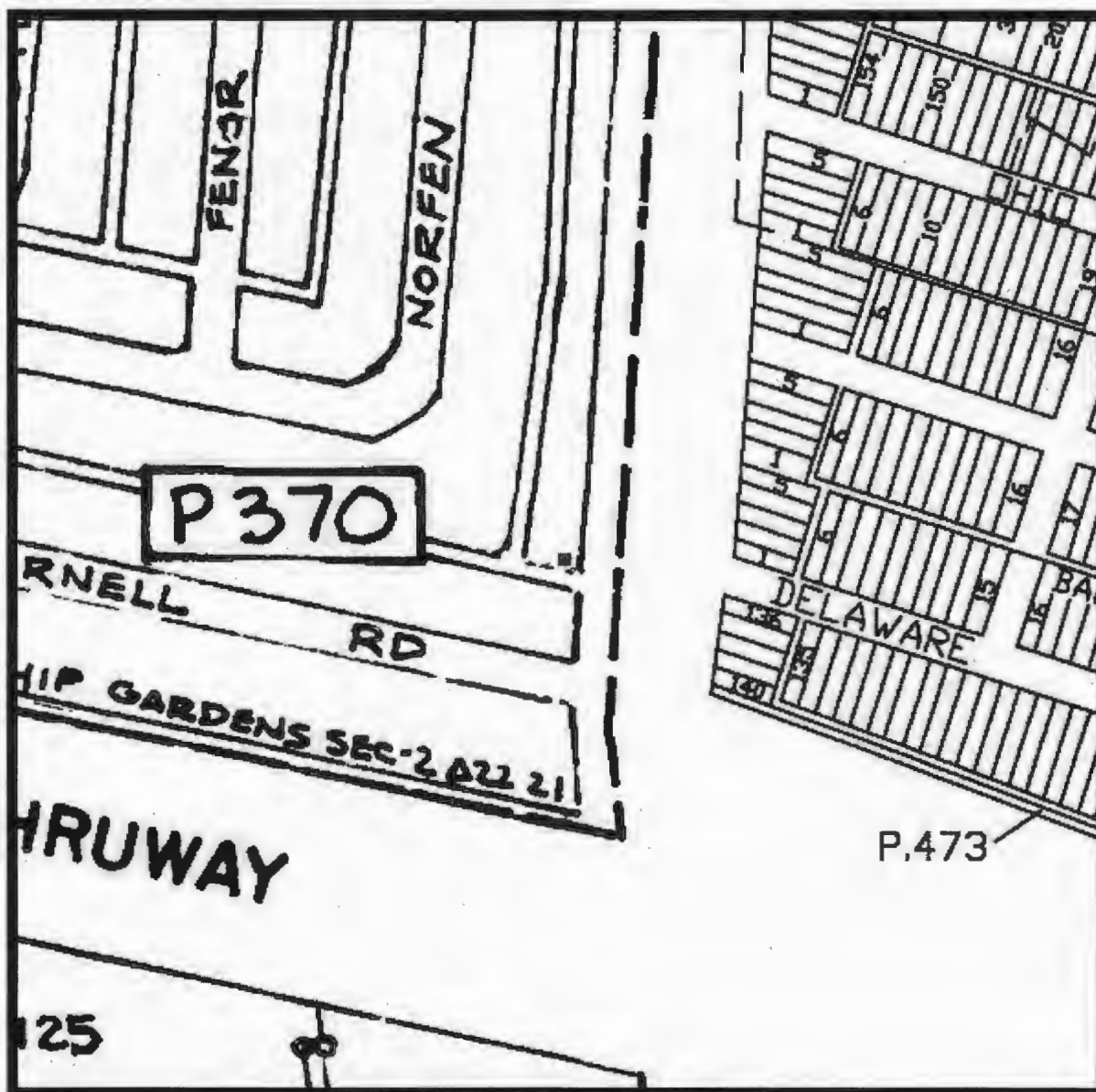
Special Tax Recapture:
 * NONE *



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

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District - 13 Account Number - 1319390653



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Case No.: 2010-0130-A 2799 YARNALL RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>Amended Red Line Site Plan</i>	
No. 2	<i>Property Deed.</i>	
No. 3	<i>Revised Plat 7/26/55</i>	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

0022937 616

Tax No. 13-19-390653

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM
DEED PREPARED WITHOUT TITLE EXAMINATION

RICHARD N. KERR, P.A.
ATTORNEY AT LAW
CHESAPEAKE BANK BUILDING
LOWER LEVEL
609 FREDERICK ROAD
BALTIMORE, MARYLAND 21228

This Deed, MADE THIS 17th day of November

in the year two thousand and five by and between

CLARENCE M. BOHN

of Baltimore County, Maryland

of the first part, and

DALE E. KEESEE

of the second part.

WITNESSETH, That in consideration of the sum of no chsh, but other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said party of the first part,

do es grant and convey to the said party of the second part, his

personal representatives/~~successors~~ and assigns, in fee simple, all

that lot of ground situate in

and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 50, Block E, Section 2, as shown on the Plat of Friendship Gardens, which Plat is recorded among the Plat Records of Baltimore County in Plat Book G.L.B. No. 22, folio 21.

BEING the first Lot of ground which by Deed dated November, 1986, and recorded among the Land Records of Baltimore County in S.M. No. 7417, folio 555, was granted and conveyed by Stanley Guild, Jr., acting Director of Finance for Baltimore County, unto the party of the first part.

0022937 617

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

To HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, his

personal representatives/~~successors~~
and assigns, in fee simple.

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

WITNESS the hand and seal of said grantor

Test:

Clarence M. Bohn (SEAL)
Clarence M. Bohn

Ry 7.1-

Richard N. Kerr

(SEAL)

STATE OF MARYLAND, Anne Arundel Co. to wit:

I HEREBY CERTIFY, That on this 17th day of November, in the year two thousand and five, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared

CLARENCE M. BOHN

known to me (or satisfactorily proven) to be the person whose name is/~~are~~ subscribed to the within instrument, and acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same.

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

Ry 7.1-

Richard N. Kerr

My Commission expires:





**Baltimore County Circuit Court
Land Surveys and Condominium Plats**

Results(s) Returned from Search on : Book: 22 Page: 21

2 records found.

[Try Another Search](#)

Description	Date	Reference	Direct Scans	Microfilm Scans	Accession Number
Tullamore Condominium, Stage 2	1998/12/02	Condominium Book SM 22, pp. 19-23	5	5	MSA S 1265-202
Friendship Gardens, Section 2	1955/07/26	Plat Book GLB 22, p. 21	1	1	MSA S 1236-1294

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Version 2.1.5

*118 days prior
to requirement
BCZR Sect 304.1*

PETITIONER' S

EXHIBIT NO.

3

Plat Book 22, FOLIO 21, Section 2 on which lot 50 is located was approved and vested for "D" Residence (Townhouse) development on 1/24/55. Through various references in the 1945-53 and 1953-55, the setbacks for a detached dwelling on this lot are as stated in SECTION III "A" Residence zone as amended March 30, 1953. Upon detailed consideration of the 1953-1955 BCZR, it appears that the lot may be approved for construction of the proposed single family dwelling as it is compliance with those regulations as stated in the attachment and subject to the Office of Planning ZAC comments.

GUIDE FOR PLANNING COMMISSION APPROVED SUBDIVISIONS ONLY

YR.	ZONE	FRONT	SIDE	REAR	RESTRICTIONS PER SECTION	RESTRICTIONS (ALL SECTIONS)
1/2/45 TO 7/1/53	SEC. III A-RES.	III.C.2 25 FT. OR IN LINE NOT MORE THAN 50 FT.	III.C.3 7 FT. + 7 FT. COR. LOT - 15 FT. SIDE ST.	III.C.4 AVE. 20 FT. NEVER LESS THAN 15 FT.	III.A.13 a. ACCY. BLDG. SHALL BE ON SAME LOT AND IN REAR YARD WHEN LESS THAN 60 FT. FROM FRONT LOT LINE AND ON CORNER WHEN REAR LOT LINE ABUTS SIDE LINE OF ADJ. LOT SHALL BE AT LEAST 25 FT. FROM SIDE ST. LINE WHEN LESS THAN 60 FT. FROM SIDE LOT LINE, REAR SETBACK IS 10 FT. WHEN REAR LINE ABUTS A REAR LOT LINE. SIDE ST. SETBACKS IS 15 FT. AND IN NO CASE LESS THAN 2 FT. TO ANY LOT LINE.	1945 ADDITIONS - PG. 2 - ALL RES. STRUCTURES SHALL COMPLY WITH THE AREA REQ. FOR RES. STRUCTURES IN SECTIONS III, IV, V, VI ACCORDING TO THE TYPE OF STRUCTURE X.A.2 - <u>UNCOVERED</u> PORCHES, FIRE ESCAPES, OPEN STAIRWAYS AND CHIMNEYS ARE PERMITTED WHERE THEY WOULD NOT OBSTRUCT LIGHT AND VENTILATION. X.A.3 - STEPS AND UNENCLOSED PORCHES MAY EXTEND 9 FT. BEYOND THE FRONT BLDG. LINE. <u>COVERED</u> PORCHES, CARPORTS ETC. HAVE TO MEET PRINCIPAL BLDG. SETBACKS. NO 25 % ALLOWANCE BEFORE 1955. PORCH ENCLOSURES AND ADD. ON FRONT IN A, B, C AND D HAVE TO BE AVERAGE OF PROP. ON EITHER SIDE. I.1 - ACCY. BUILDINGS LIMITED TO 15 FT. HEIGHT AND 35 % COVERAGE OF REAR YARD I.18 - BLDG. HEIGHT - MEASURE FROM AVERAGE GRADE AT BLDG. FRONT TO HIGHEST POINT ON THE BLDG.
	SEC. IV B-RES. (SEMI-DET.)	IV.C (SAME)	IV.C (SAME)	IV.C (SAME)		
	SEC. V C-RES. AND A + B + APTS.	1 + 2 FAM.	V.C.2 (SAME) 25 FT. OR IN LINE NOT MORE THAN 50 FT.	V.C.3 (SAME) 7 FT. + 7 FT. SIDE ST. - 15 FT.	V.C.4 MIN. - 20 FT. OVER 40 FT. HGT. ADD. 4 INCHES/FT.	
		APTS.	V.C.2 55 FT. TO $\frac{1}{2}$ OVER 40 FT. HGT. ADD. 4 IN./FT.	V.C.3 7 FT. MIN. OVER 40 FT. HGT. ADD. 4 IN./FT.		
	SEC. VI D-RES. A, B, C AND GROUP HOUSES	VI.C.2 SAME AS C-RES. (SEE PG 2 OF ADDITIONS)	VI.C.3 10 FT. MIN.	VI.C.4 MIN. 25 FT.	VI.C.5 - ACCY. BLDGS. SHALL BE PERMITTED WITHOUT RESTRICTIONS AS TO SETBACKS FROM INTERIOR PROPERTY LINES AND REAR LINES. SIDE ST. SET BACKS (SEE III. A. 13 a.)	
7/2/53 TO 3/29/55	SEC. III A & B-RESIDENTIAL (SEMI-DET.)	FRONT	SIDE	REAR	III.C.7 ON COR. LOT NO FENCE, WALL, PLANTING, OR OBSTRUCTION TO VISION MAY BE CONSTRUCTED HIGHER THAN 3'-6" ABOVE CURB. BARBED WIRE IS PROHIBITED OTHER THAN AGRICULTURAL AREA.	
		25 FT. OR IN LINE NOT MORE THAN 50 FT.	7 & 10 - SIDE YARD COR. LOT- 40 FT. TO CENTER LINE OF ST. 50 FT. WIDTH OR LESS. 15 FT. FROM SIDE PROP. LINE IF ST. IS MORE THAN 50 FT. WIDTH.	AVE. 20 FT. NEVER LESS THAN 15 FT.		
	SEC. V C-RESIDENTIAL	NO CHANGE				
	SEC. VI D-RESIDENTIAL	25 FT. OR IN LINE NOT MORE THAN 50 FT.	15 FT. MIN. COR. LOT - 25 FT.	50 FT. MIN. FENCE, WALL OR HEDGE - 15 FT. FROM $\frac{1}{2}$ OF ALLEY	VI.C.5 - ACCY. BLDGS. WITHOUT RESTRICTIONS EXCEPT ON A CORNER LOT, GROUP HOUSES SHALL HAVE MIN. SETBACK OF 25 FT. FROM SIDE ST. LINE. ALSO 13 FT. FROM $\frac{1}{2}$ OF AN ALLEY THAT THE REAR OF THE LOT ABUTS.	

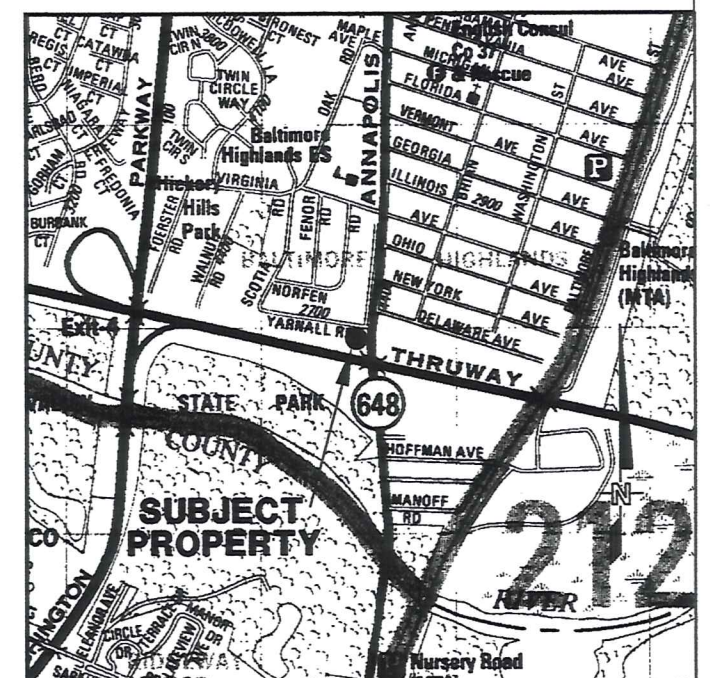
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2799 YARNALL ROAD

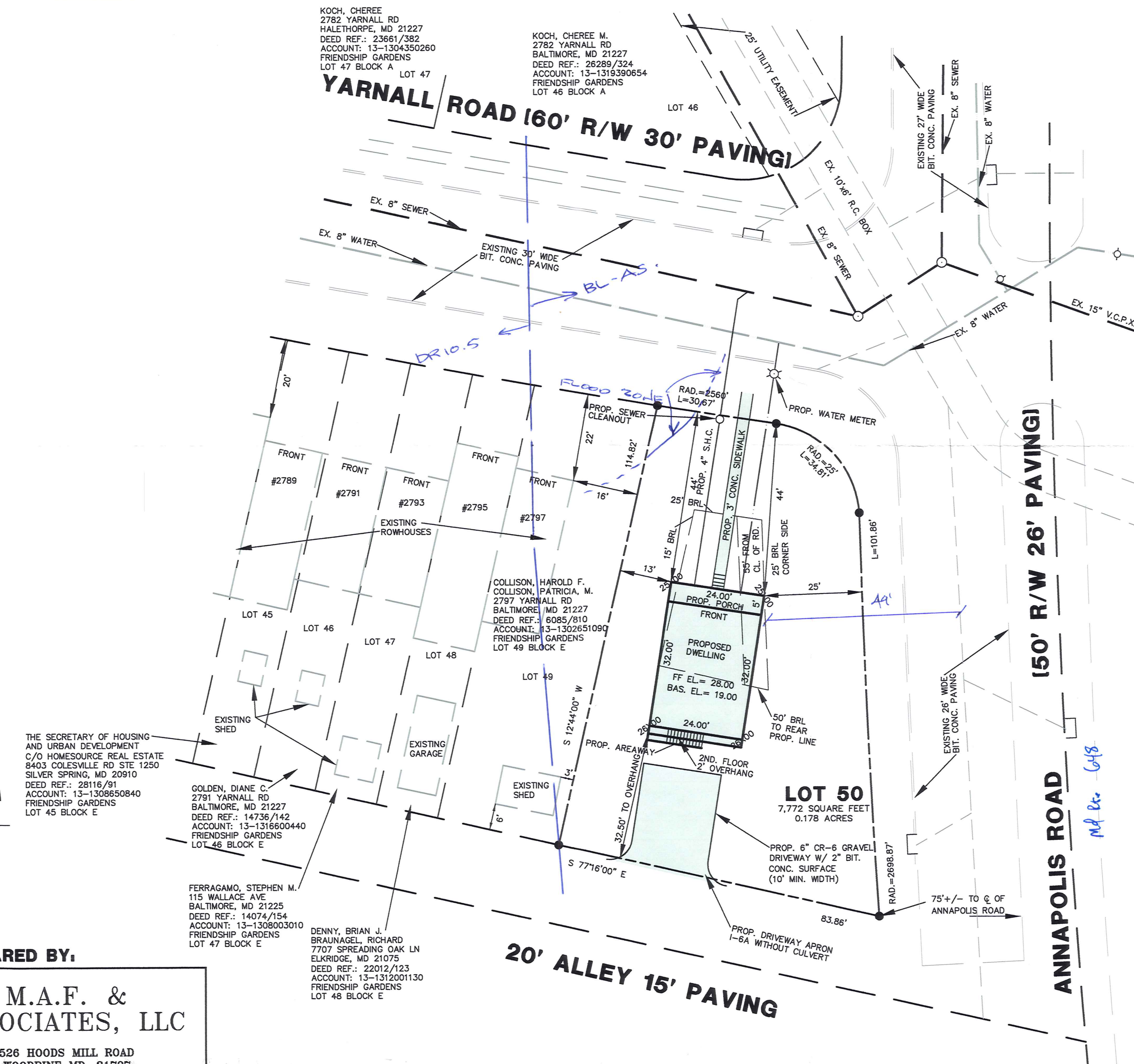
DIVISION NAME FRIENDSHIP GARDENS

BOOK # 22 FOLIO # 21 LOT # 50 SECTION # 2

OWNER DALE E. KEESEE



VICINITY MAP
SCALE: 1" = 2,000'
Copyright ADC The Map People
Permitted Use Number 20811204



LOCATION INFORMATION			
ELECTION DISTRICT	13		
COUNCILMANIC DISTRICT	1		
1"=200' SCALE MAP #	109B2		
ZONING	DR 10.5 BL-AS		
SIDE	15'		
CORNER SIDE	25'		
FRONT	25'		
REAR	50'		
LOT SIZE	0.178	7,772	
	ACREAGE	SQUARE FEET	
	PUBLIC	PRIVATE	
SEWER	☒	☐	
WATER	☒	☐	
CHESAPEAKE BAY CRITICAL AREA	☐	☒	YES NO
100 YEAR FLOOD PLAIN	☐	☒	
HISTORIC PROPERTY/BUILDING	☐	☒	
PRIOR ZONING HEARING	NONE		
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	
A. Tsui	0130	2010-0130-A	

RED BY:

M.A.F. & ASSOCIATES, LLC

526 HOODS MILL ROAD
WOODBINE MD. 21797
PHONE: 410-552-5541
FAX: 410-552-5546

SCALE OF DRAWING: 1"=20'

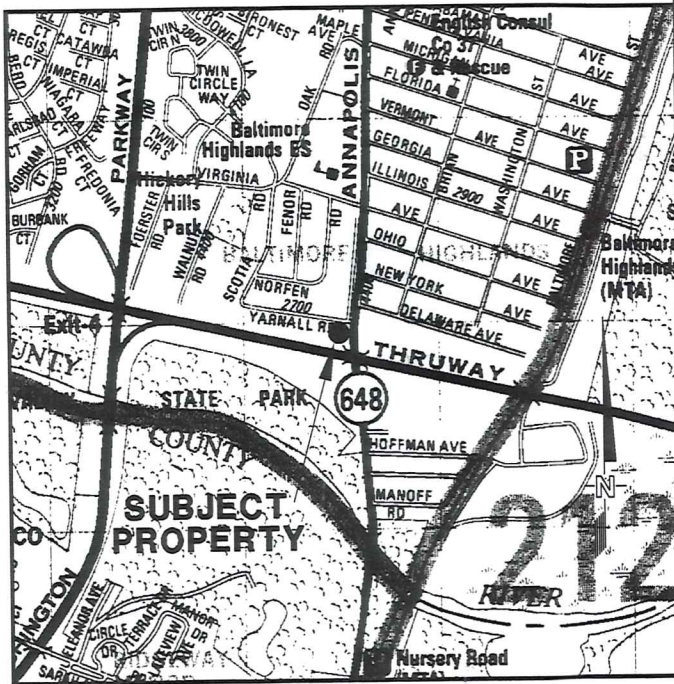
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2799 YARNALL ROAD

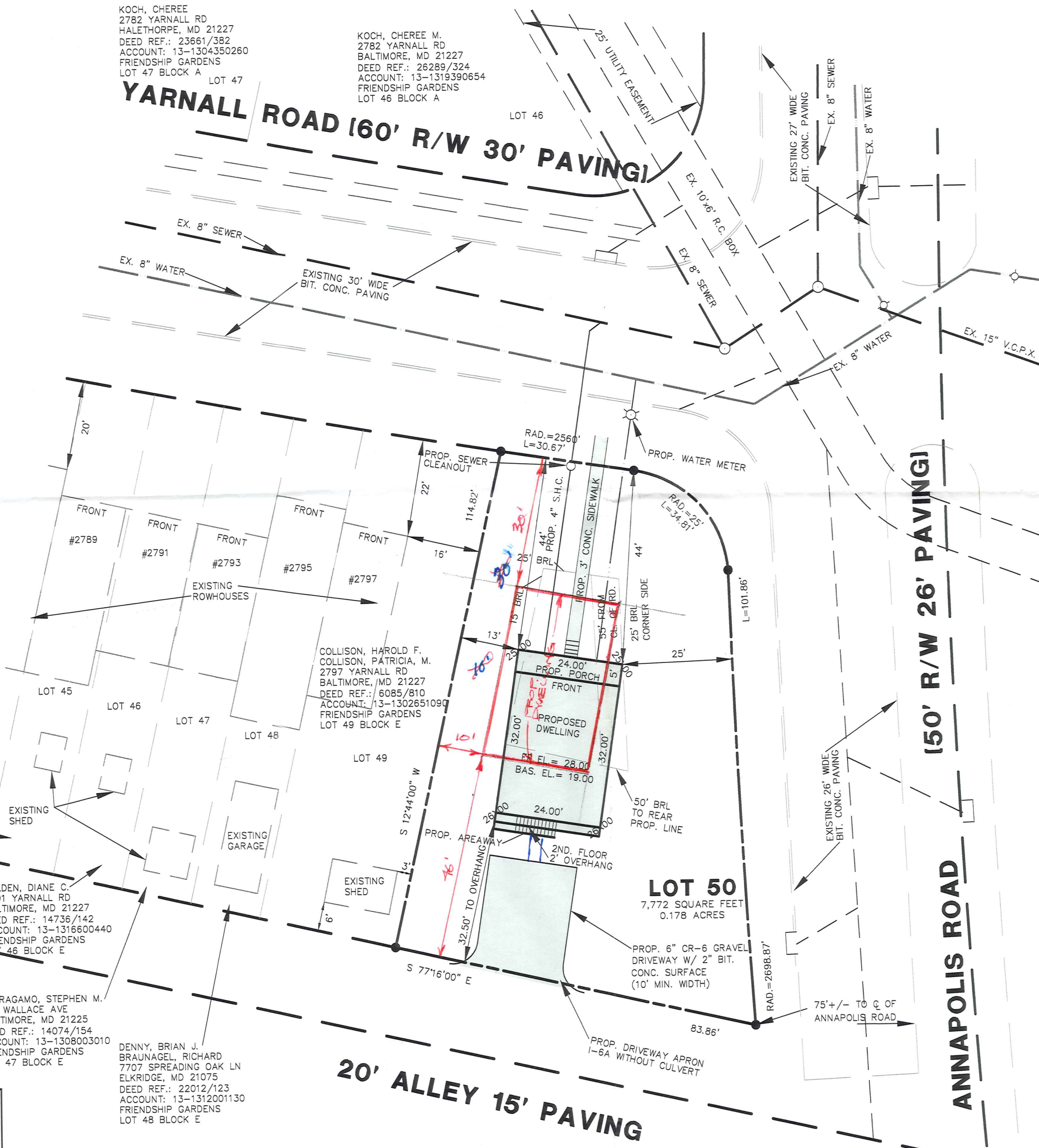
SUBDIVISION NAME FRIENDSHIP GARDENS

PLAT BOOK # 22 FOLIO # 21 LOT # 50 SECTION # 2

OWNER DALE E. KEESEE



VICINITY MAP
SCALE: 1" = 2,000'
Copyright ADC The Map People
Permitted Use Number 20811204



LOCATION INFORMATION

ELECTION DISTRICT 13

COUNCILMANIC DISTRICT 1

1"=200' SCALE MAP # 109B2

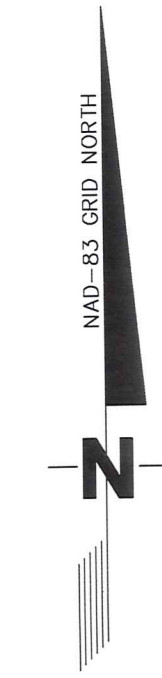
ZONING ~~DR 10.5~~ *B.k.-A.S.*
SIDE 15'
CORNER SIDE 25'
FRONT 25'
REAR 50'

LOT SIZE 0.178 ACRES 7,772 SQUARE FEET

	PUBLIC	PRIVATE	YES	NO
SEWER	☒	☐		
WATER	☒	☐		
CHESAPEAKE BAY CRITICAL AREA			☐	☒
100 YEAR FLOOD PLAIN			☐	☒
HISTORIC PROPERTY/ BUILDING			☐	☒
PRIOR ZONING HEARING				NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

PETITIONER'S
EXHIBIT NO. #1



PREPARED BY:
M.A.F. & ASSOCIATES, LLC
526 HOODS MILL ROAD
WOODBINE MD. 21797
PHONE: 410-552-5541
FAX: 410-552-5546