IN RE: PETITION FOR ADMIN. VARIANCE
N/S Millers Island Boulevard, 155' W
centerline of 12th Street
15th Election District
7th Councilmanic District
(8734 Millers Island Boulevard)

Stacy M. & John C. Stevenson Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-472-A

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Stacy M. and John C. Stevenson, the legal owners of the subject property. The variance request is for property located at 8734 Millers Island Boulevard in the eastern area of Baltimore County. The Petitioners herein seek a variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 4 ft. in lieu of the required 7.5 ft. for an open projection (deck). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

26/5/53 97-103 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Comments submitted by Robert Bowling, Bureau of Development Plans Review dated April 30, 2003, a copy of which is attached hereto and made a part hereof.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of May, 2003, that a variance from Section 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 4 ft. in lieu of the required 7.5 ft. for an open projection (deck), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with the recommendations made by the Bureau of Development Plans Review dated April 30, 2003, a copy of which is attached hereto.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

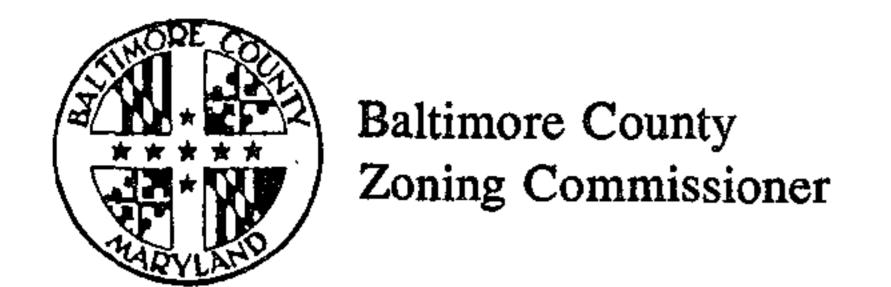
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

September of State of

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

May 15, 2003

Mr. & Mrs. John C. Stevenson 8734 Millers Island Boulevard Baltimore, Maryland 21219

> Re: Petition for Administrative Variance Case No. 03-472-A Property: 8734 Millers Island Boulevard

Dear Mr. & Mrs. Stevenson:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

huthy lotroco

TMK:raj
Enclosure

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

REV 09/15/98

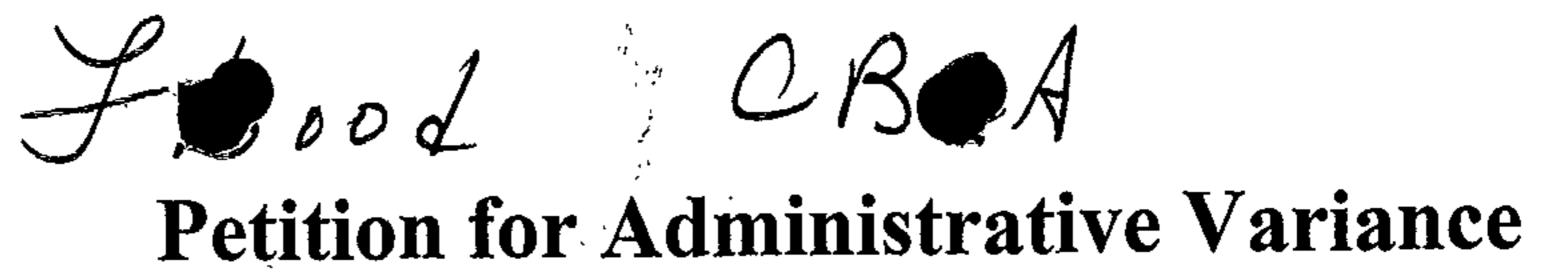
1 200

Address
Address
Paltimore Maryland 21219
City State

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): Homc Owner, Stocy Michelle Stevenson, is recognized by the Injured Workers Insurance fund and by the Social Security Administration of Maryland as being 100% disabled with Instrumentation in her lower back and right hip/hipjoint. To walk on uneven or slippery grounds, may and has laused additional pain while Straining the fused areas of her back/hip. Therefore we are asking to be permitted to add a wrap-around dock onto our home, for safty reasons, allowing Mrs. Stevenson to access both sides of the house from the outside. We are requesting to boild on the west side of the house, to Connect to the existing front dock, which is facing a vacant lot, Instead of the east side which is facing a neighbors house.

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.

| State Clentar State | Signature | Signat





	to the Zoning Commissioner of Baltimore County
THE THE PARTY OF T	for the property located at 8734 Millers TS/and Bl
This Petition shall be filed with the owner(s) of the property situate in B and made a part hereof, hereby petit	Department of Permits and Development Management. The undersigned, legal altimore County and which is described in the description and plat attached hereto on for a Variance from Section(s)
yard sethade of	4 Et, in lieu of the required 7,5 ft. for en
open projection (lede),
	· ; ; ;
of the zoning regulations of Baltimo back of this petition form.	e County, to the zoning law of Baltimore County, for the reasons indicated on the
Larius sares to hav evnences of above	ed as prescribed by the zoning regulations. Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning 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:	Legal Owner(s):
Name - Type or Print	Name - Type or Print - Minton Stavenson
Signature	Signature

			John Cl	inton Steven	SOO
Name - Type or Print		Nam	e - Type or Print -	inta There	
Signature			Signature	nichelle Stever	2500
Address		Telephone No.	Name - Type or Print		WARDON
City	State	Zip Code	Signature	1/ / / -	(410)
Attorney For Peti	<u>tioner:</u>		Address	Maryland of	16/2/9 Telephone No. 2/2/9
Name - Type or Print		City		Starte 2	ip Code
Signature	<u></u>	<u> </u>	<u>Representativ</u>	<u>re to be Contacted:</u>	4
Company	<u> </u>		Name		
Address	- - - -	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing havist day of Of Baltimore County and the	that the	e subject matter of this pet	required, it is ordered by tion be set for a public hear	the Zoning Commissioner of Bring, advertised, as required by the	altimore County, this ne zoning regulations
	• -		Zoning Co	mmissioner of Baltimore County	, <u> </u>
CASE NO.	03-472-A	Reviewed By	- 13 R	Date 4/14/03	
REV 9/15/98		Est	imated Posting Date	4/27/03	

ZONING DESCRIPTION FOR 8734 Millers Island Blvd.

Beginning at a point on the North side of Millers Island Blvd. which is 60 Ft. wide at the distance of 155 ft. west of the centerline of the nearest improved intersecting street 12th Street which is 40 Ft. wide. * Being Lot #1, Block #N/A, Section #N/A in the minor subdivision #91-175-M as recorded in Baltimore County Plat Book # N/A, Folio # N/A, containing 7,800 sq. ft.. Also known as 8734 Millers Island Blvd. and located in the 15th Election District, 7 Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

No. 23612

			001-006-6150
		AMOUNT \$	55.00
RECEIVED FROM:	John	Stovenson	
FOR:	Abanini.	; + v 7 / v +	Volume

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-472-A

	Petitioner/Developer: JOHN
	STEVENSON
	Date of Hearing/Closing: 5/12/03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(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: $_{}$	BLAND BLVD
The sign(s) were posted on	2-7/03 nth, Day, Year)
	erely,
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
[4] [4]	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 03-	472	-A	Address	8734 1	1:11ers Isla	ad 13/vd.
Conta	ct Person: _		Please Print Yo	our Name	···	Phone Numb	er: 410-887-3391
Filing	Date:	4/14/03	Pc	sting Date:	4/27/03	Closing	Date: <u>5 /12/03</u>
Any co	ontact made the contact	e with this off t person (plan	fice regard ner) using	ling the statu the case num	s of the adr	ninistrative va	ariance should be
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2.	a formal re	: The closing quest for a paper page 2 public hearing 2 p	ublic heari	ing. Please	understand 1	that even if t	n 1,000 feet to file here is no formal
3.	commission order that to the commission of the c	er. He may: the matter be	(a) grant set in for ays of the d	the requested r a public he closing date)	d relief; (b) d aring. You as to whethe	leny the reque will receive v r the petition l	or deputy zoning ested relief; or (c) written notification has been granted, class mail.
4.	(whether ducommission changed gives)	ue to a neigh er), notification ing notice of	ibor's form on will be the hearing	nal request on forwarded to a date, time a	by order of you. The nd location.	f the zoning sign on the s	o a public hearing or deputy zoning property must be sign was originally st be forwarded to
			(D	etach Along Dotted I	_ine)		
Petitio	ner: This F	art of the Fo	rm is for th	ne Sign Post	er Only		
		USE THE A	ADMINISTI	RATIVE VAR	IANCE SIGN	FORMAT	
Case I	Number 03-	472 -4	Ad Ad	dress <u>87</u>	34 Mille	ers Island	13/00.
		John S				· · · · · · · · · · · · · · · · · · ·	10 - 477-4548
Postir	ig Date:	4/27/0	3	Cl	osing Date:	5/12/	7 '3
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						VV	CR - Revised 6/28/00

DEPARTMENT OF PERMITS AND DEVELOP NT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 Number03-472-A
Petitioner. JOHN C. STEVENSON
Address or Location. 8734 Millers Island BIND BALLIMORE MD 21219
PLEASE FORWARD ADVERTISING BILL TO:
Name. JOHN C. STEVENSON
Address: 8734 MillERS ISLAND BIUD
BALTIMORE MD 21219
Telephone Number: (410) 477 - 4548

Revised 2/20/98 - SCJ









Baltimore County Department of Permits and Development Management

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

May 13, 2003

John Clinton Stevenson Stacy Michelle Stevenson 8734 Millers Island Blvd. Baltimore, MD 21219

Dear Mr. and Mrs. Stevenson:

RE: Case Number: 03-472-A, 8734 Millers Island Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 14, 2003.

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

U. Callibal)

WCR:klm

Enclosures

People's Counsel



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

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

April 24, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 21, 2003

Item No.:

465, 467-477

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 30, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 28, 2003 Item No. 472

The Bureau of Development Plans Review has reviewed the subject-zoning item.

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 floodplain elevation in all construction.

In accordance with *Bill No. 18-90, Section 26-276*, filling within a floodplain is prohibited.

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 damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the County.

RWB:CEN:jrb

cc: File

ZAC-4-28-2003-ITEM 472-04302003

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 21, 2003

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-472

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 Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL:MAC



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.18.03

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

RE:

Baltimore County

Item No. 472

BR

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

WCG-BH

12003

03-2538

DOPAL OF HELISITS MED

Baltimore County
Department of Permits and Development Management
Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case Number: 03-572-A

Attn: Timothy Kotroco

July 15, 2003

Director Kotroco,

My husband, Richard J. O'Heir and I petitioned for a hearing re: Case Number 03-572-A: the administrative variance posted by our neighbor, Ms. Carol Green-Boteler, who resides at 1809 Sutton Avenue. We were granted the hearing and given notice that the hearing will be held on Friday, August 1, 2003.

I am requesting that the hearing be postponed based on the fact that we will be out of town from July 25th till August 2nd. While I have made efforts to re-arrange our trip and reschedule our return flight so that we would be able to attend the hearing, my efforts have not been successful. We want to be present at the hearing as we are very concerned about the structure Ms. Boteler wants to build in her backyard and want to be heard by the board. I ask that you please consider my request for a postponement. Thank you very much.

Sincerely,

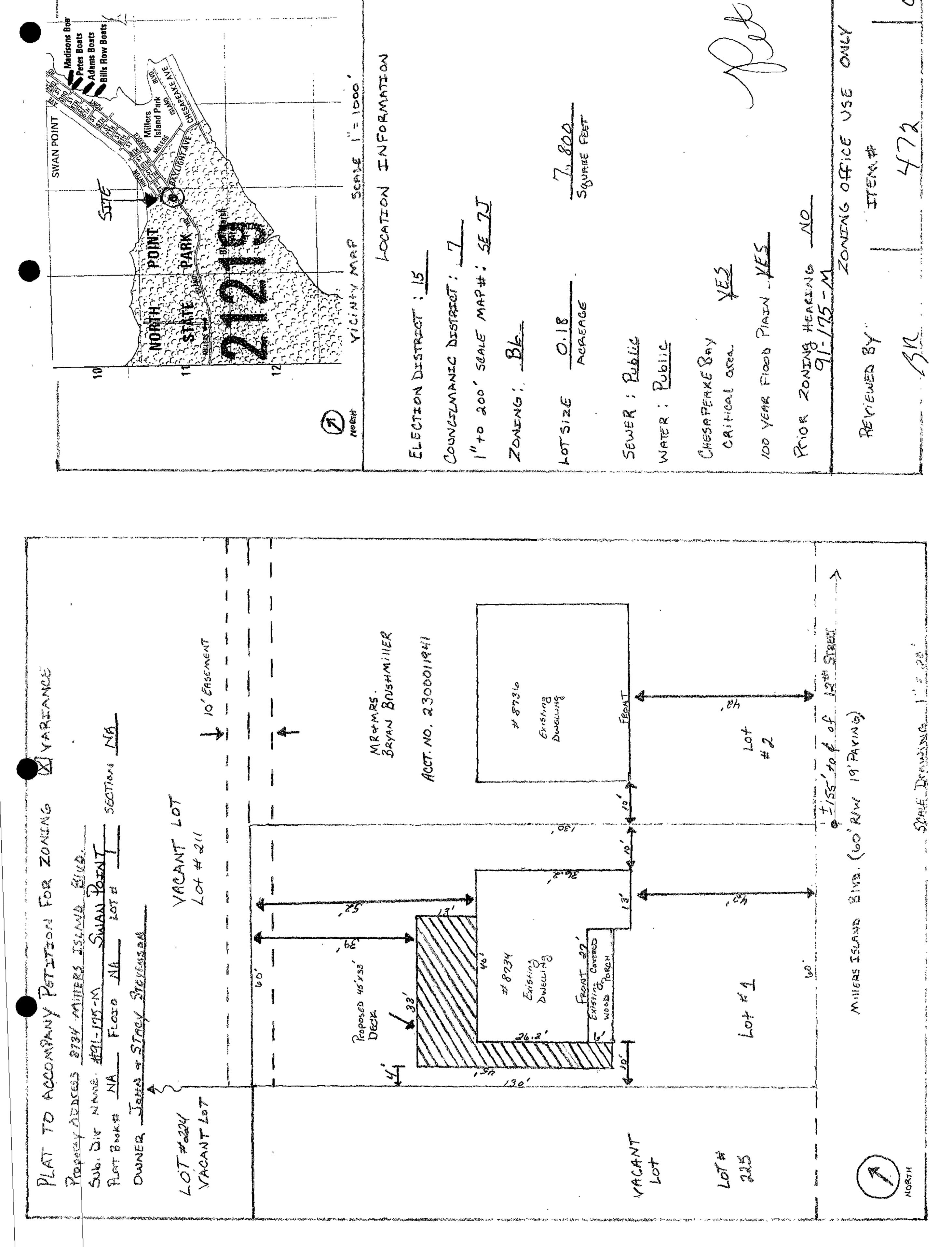
Elaine V. O'Heir

1807 Sutton Avenue

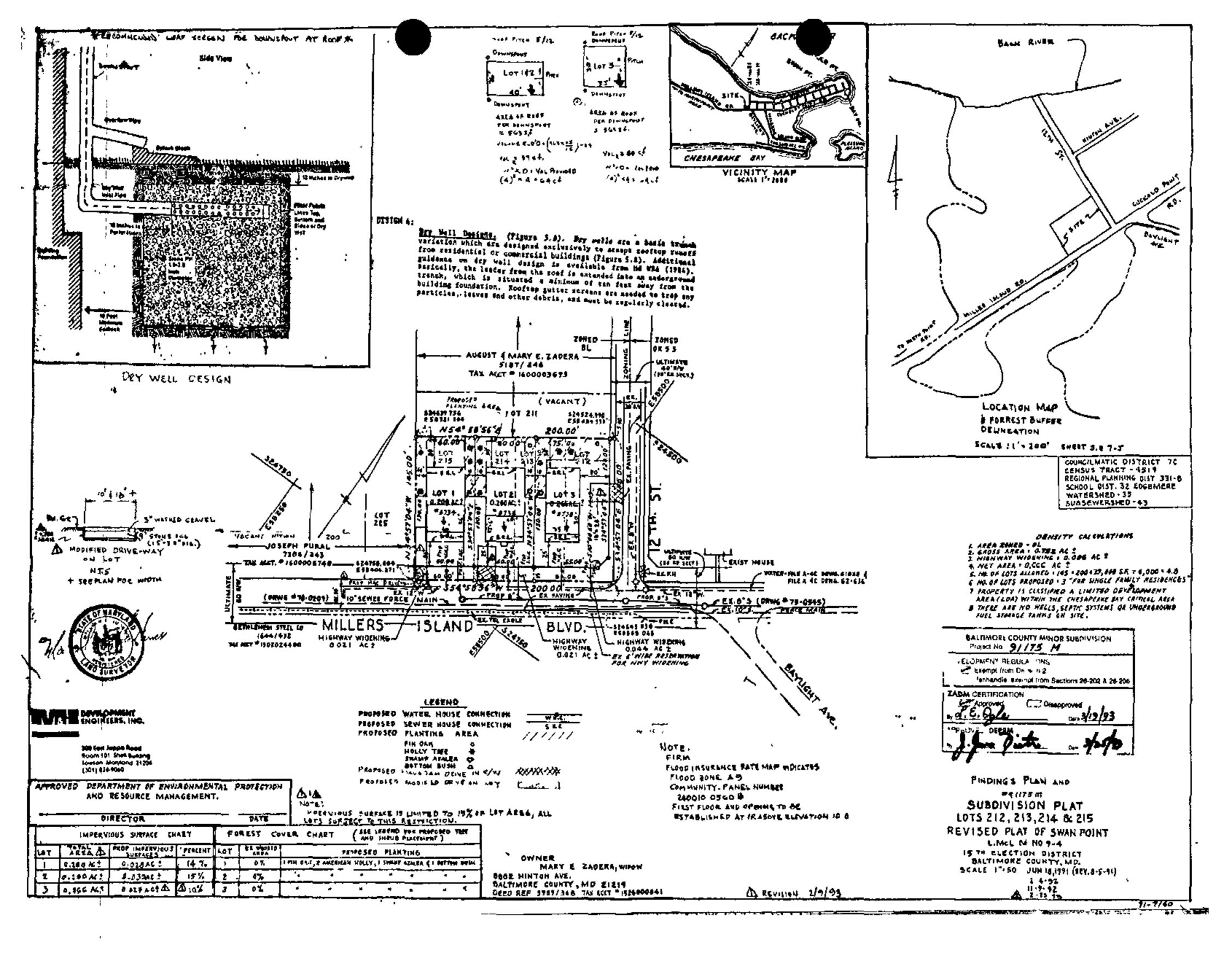
Baltimore, MD 21227

410-536-0115 (home)

410-455-2488 (work)




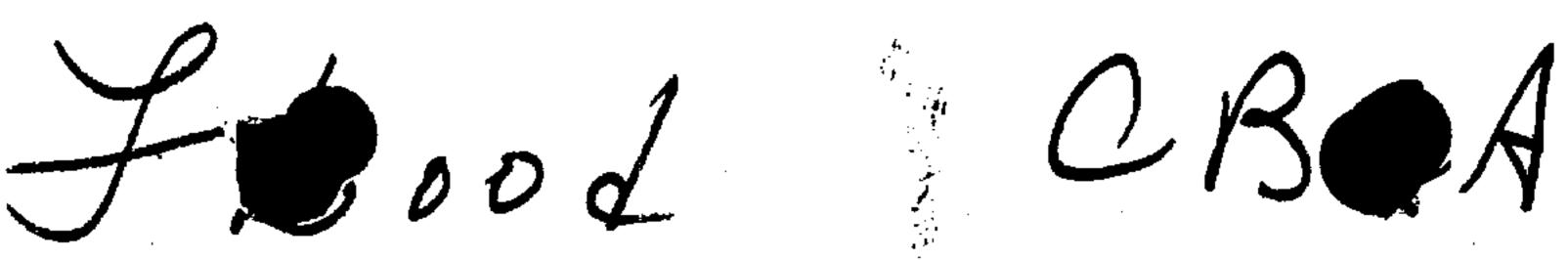
CASE



#472

SE 7 J







REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

WIRTH AND	for the proper	ty located at <u>\$734</u> which is preser	tly zoned	Sland Bl
s Petition shall be filed with the Depar	And And at Paris Harman	Davelennesst Messes	mant The unde	reigned legal
s Petition shall be filled with the Depair er(s) of the property situate in Baltimore made a part hereof, hereby petition for a	e County and which is a Variance from Section	described in the descr	iption and plat at	tached nereto
		501117 T	D Primi	4 3/4 6
and sethade of 4 G	ru lieu ot	the require	0 7,5 ft.	for en
open projection (deck			.* .*	
		•		
ne zoning regulations of Baltimore Coul k of this petition form.	nty, to the zoning law	of Baltimore County, fo	or the reasons inc	licated on the
perty is to be posted and advertised as p we, agree to pay expenses of above Varian lations and restrictions of Baltimore County	ce, advertising, posting, e	etc. and further agree to ar	d are to be bounde ounty.	d by the zoning
	, pe	We do solemnly declare a erjury, that I/we are the leg the subject of this Petition	al owner(s) of the p	penalties of property which
ntract Purchaser/Lessee:	•	egal Owner(s):		
	<u> </u>	John Clinton	Stavens	00
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State	Zip Code S	ignature		MIN
orney For Petitioner:		ddress	Island B	Telephone No.
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ress	Telephone No.	ddress		Telephone No.
State	Zip Code	City	State	Zip Code
the state of a state of the sta	and/or found to be require	d, it is ordered by the Zonin set for a public hearing, advert	g Commissioner of Ba sed, as required by the	timore County, this zoning regulations
altimore County and that the property be reposted.	Joor maker of this petition be	Joria padio noding, advolt	and an industry	
	-	7	r of Baltimore County	

Estimated Posting Date

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

| 8734 | Millers | Ts/nd | Ply|
| Address | Pa/Finner | Mary/and | 2/2/9 |
| City | State | City | C

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): Home Owner, Stacy Michelle Stevenson, is recognized by the Injured Workers Insurance fund and by the Social Security Administration of Maryland as being 100% disabled with Instrumentation in her lower back and right hip/hipjoint. To walk on uneven or slippery grounds, may and has lawed additional pain while Straining the fused areas of her back/hip. Therefore we are asking to be permitted to add a wrap-around dock onto our home, for safty reasons, allowing Mrs. Stevenson to access both sides of the house from the outside. We are requesting to boild on the west side of the house, to Connect to the existing front deck, which is facing a vacant lot, Instead of the east side which is facing a neighbors house,

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.

| State Clinical State | State | Signature | Signature

REV 09/15/98