

IN RE: PETITION FOR VARIANCE
SE/S Millers Island Boulevard, 980' SE
Of the c/l Cuckhold Point Road
(8946 Millers Island Boulevard)
15th Election District
5th Council District

Simon Jarosinski, Owner
Robert Long, Contract Purchaser

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-506-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Simon Jarosinski, and the Contract Purchaser, Robert Long. The Petitioners seek relief from Section 1B02.3.C.1 (chart) to permit side yard setbacks of 8.5 feet each in lieu of the required 10 feet for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Simon Jarosinski, property owner, and Robert Long, Contract Purchaser. Appearing as Protestants were Ronald Yeatman and Kenneth DeMunter, adjacent property owners.

Testimony and evidence presented revealed that the subject property is a rectangular shaped parcel, 45 feet wide by 180 feet deep, located on the northeast side of Millers Island Boulevard, not far from Cuckhold Point Road in Edgemere. The property contains a gross area of .185 acres, more or less, zoned D.R.5.5, and is presently unimproved; however, is under contract of sale to Mr. Long who wishes to develop same with a single-family dwelling. Due to the narrow width of the lot, the requested relief is necessary in order to permit development as proposed.

Mr. Jarosinski testified that he has owned the property for approximately 10 years. Previously, his parents owned the property for nearly 70 years. Although not waterfront, the property is located within the Chesapeake Bay Critical Areas and thus, development on the lot is

ORDER RECEIVED FOR FILING

Date

By

7/22/13

RP

subject to compliance with those regulations. The Protestants who appeared believe that the property features wetlands and thus, should not be developed. However, a Zoning Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management does not indicate that there are wetlands on the site.

In any event, Mr. Jarosinski wishes to sell the property to Mr. Long. Mr. Long is a builder and he proposes to construct a 28' x 28' single-family dwelling on the property. It was indicated that the subject lot is a valid lot of record and was originally part of the subdivision known as Swan Point, which was platted and recorded among the Land Records of Baltimore County many years ago, well prior to the effective date of the adoption of zoning regulations in Baltimore County. It was indicated that this lot is one of the smallest lots in the Swan Point subdivision. An examination of the site plan shows that some of the adjacent lots are 66 feet wide and 180 feet deep. Other lots nearby are 55 feet wide at the street line; however, they are angled and naturally narrow at the building line.

As noted above, Mr. DeMunter and Mr. Yeatman, adjacent property owners, appeared in opposition to the request. Mr. DeMunter believes that the reduced dimension is inappropriate. His lot is located immediately adjacent to the subject property at 8944 Millers Island Boulevard and his house is located 10 feet from the property line adjoining the subject lot. Mr. DeMunter also produced a Petition signed by some neighbors opposed to the request. Their opposition relates to the proposed 8.5-foot side yard setbacks. Mr. Yeatman also appeared in opposition to the request. His property is located at 9004 Millers Island Boulevard, adjacent to the rear, northeast side of the subject property. Mr. Yeatman's lot is 55 feet wide along the road; however, is narrower along the rear property line due to the angle of the frontage of the lot.

After due consideration of the testimony and evidence offered, I am persuaded to grant modified zoning relief. It is clear that the subject property is an older lot that was recorded well prior to the current zoning regulations and to deny relief would be inappropriately harsh upon the Petitioners. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. The uniqueness of the lot is its configuration, which is unlike other lots in the vicinity.

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Date 7/22/13
BGP

As noted above, strict adherence to the regulations would unduly impact the property owner and I believe that a modified grant of the variance is appropriate. Specifically, I will allow a setback of 8.5 feet on the east side adjacent to the Yeatman property (9000 Millers Island Boulevard). The Yeatman house is setback 16 feet from the rear property line so that a slight reduction in the required setback will still provide an appropriate separation between the two houses. However, on the west side adjacent to the DeMunter property, I will require a 10-foot setback, which is consistent with the setback provided on that side by the DeMunter dwelling.

As noted above, the ZAC comment submitted by DEPRM indicates that the proposed development is subject to Chesapeake Bay Critical Areas regulations and adherence to the requirements set forth therein will be required. The comment does not indicate that the property contains wetlands. Obviously, however, if an ultimate inspection of the lot reveals that wetlands do exist on the site, the Petitioner need comply with the appropriate regulations of the Baltimore County Code (Sections 14-331 through 14-350).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July 2003 that a variance from Section 1B02.3.C.1 (chart) to permit a side yard setback of 8.5 feet in lieu of the required 10 feet on the east side for a proposed dwelling, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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) Prior to the issuance of any permits, the Petitioners shall submit a revised site plan incorporating the modified relief granted herein for inclusion in the case file.

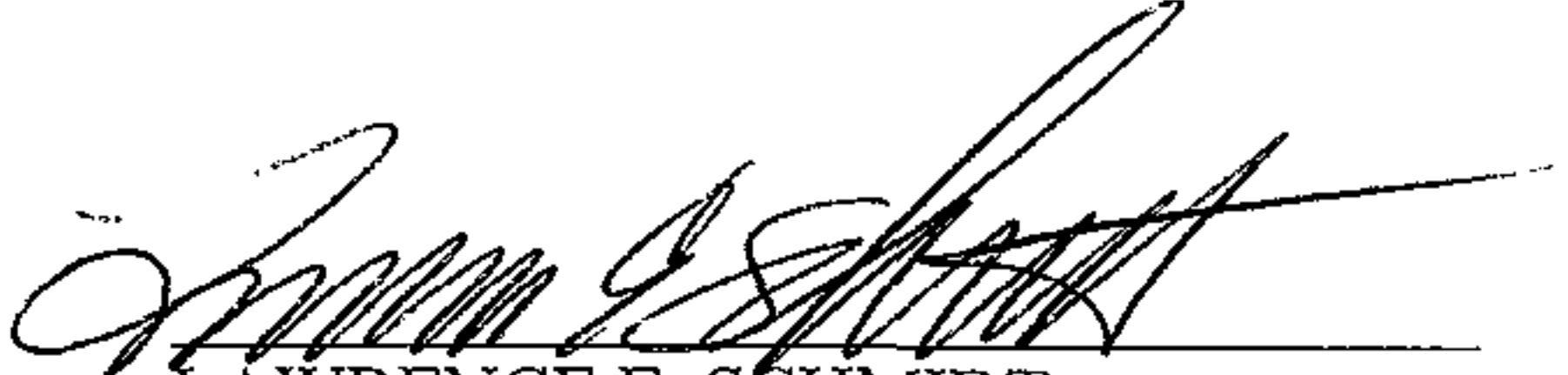
ORDER RECEIVED FOR FILING

Date 7/22/03

By [Signature]

- 3) Compliance with the ZAC comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) relative to Chesapeake Bay Critical Areas regulations, a copy of which is attached hereto and made a part hereof.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B02.3.C.1 (chart) to permit side yard setbacks of 8.5 feet each in lieu of the required 10 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1 be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/27/13
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 22, 2003

Mr. Simon Jarosinski
2301 Harcourt Road
Timonium, Maryland 21093

RE: PETITION FOR VARIANCE
SE/S Millers Island Boulevard, 980' SE of the c/l Cuckhold Point Road
(8946 Millers Island Boulevard)
15th Election District – 5th Council District
Simon Jarosinski, Owner; Robert Long, Contract Purchaser - Petitioners
Case No. 03-506-A

Dear Mr. Jarosinski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance, as modified, has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Robert Long
3827 Annadale Road, Baltimore, Md. 21222
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Flood GBCA Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8946 Millers Island Blvd.

which is presently zoned DR.S.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) 1302.3C.1 (CHAOT.) to Permit.

SLIDE YARD SETBACKS OF 8.5 FT. IN LIEU OF THE REQUIRED 10 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

A house will not be able to be built on the lot and we have been paying taxes for over 25 years that has the value of a buildable lot. I have a contract of sale contingent on obtaining a Building Permit for this lot. See attached

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:

Robert Long

Name - Type or Print

Signature

3827 Annadale Rd (410) 336-5100

Address

Telephone No.

Baltimore

City

MD

State

21222

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 03-506-A

Legal Owner(s):

Simon Jarosinski

Name - Type or Print

Signature

Name - Type or Print

Signature

2301 Harcourt Road

Address

Telephone No.

Timonium, MD

City

State

21093

Zip Code

Representative to be Contacted:

Robert Long

Name

3827 Annadale Rd. (410) 336-5100

Address

Telephone No.

Baltimore

City

MD

State

21222

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JPH Date 04-25-03

ORDER RECEIVED FOR FILING
7/22/03
D-88
By

9/15/98

Can't make adequate use of the
property. Size of lot is long and narrow and I
wouldn't be able to build a house that
is compatible with NEIGHBORS.

03-506-7

Zoning Description

ZONING DESCRIPTION FOR 8946 Millers Island Blvd. beginning at a point on the

South ^{North-} East side of Millers Island Blvd., which is a 50'

**right of way wide at the distance of ^{980'}~~581'~~ South of the centerline of the nearest
EAST**

improved intersecting street Cuckold Point Road which is 30' right-of-way wide. *Being

Lot # 355, Block _____, Section # _____ in the subdivision of Swan Point as

recorded in Baltimore County Plat Book # 9, Folio # 4, containing 8100 sq. ft.. Also

known as 8946 Millers Island Blvd. and located in the 15th Election District, 7th

Councilmanic District.

03-506-A

No. 23641

AMOUNT \$ 11

FOR: ALBUQUERQUE 76-72107 56

Song Finches Island Blvd.

PINK - AGENCY

YELLOW - CUSTOMER

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: #03-506-A
8946 Millers Island Blvd.
S/east side of Millers Island Blvd., 980 feet southeast of Cuckold Point Road
15th Election District
7th Councilmanic District
Legal Owner(s): Simon Jarosinski.
Contract Purchaser: Robert Long

Variance: to permit side yard setbacks of 8.5 in lieu of the required 10 feet.

Hearing: Wednesday, June 11, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/5/794 May 27 C606351

CERTIFICATE OF PUBLICATION

5/29/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/27/, 2003.

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



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: #03-506-A
8946 Millers Island Blvd.
S/east side of Millers Island
Blvd., 980 feet southeast of
Cuckold Point Road
15th Election District
7th Councilmanic District

Legal Owner(s):
Simon Jarosinski
Contract Purchaser:
Robert Long

Variance: to permit side
yard setbacks of 8.5 in lieu
of the required 10 feet.

Hearing: Friday, June 6,
2003 at 10:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue.

LAWRENCE E. SCHMIDT
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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

5/328 May 22 C605141

CERTIFICATE OF PUBLICATION

5/23/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 5/22/, 2003.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-506-A

Petitioner/Developer: ROBERT
LONG

Date of Hearing/Closing: 6/11/03

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

ATTN: Becky Hart {(410) 887-3394}

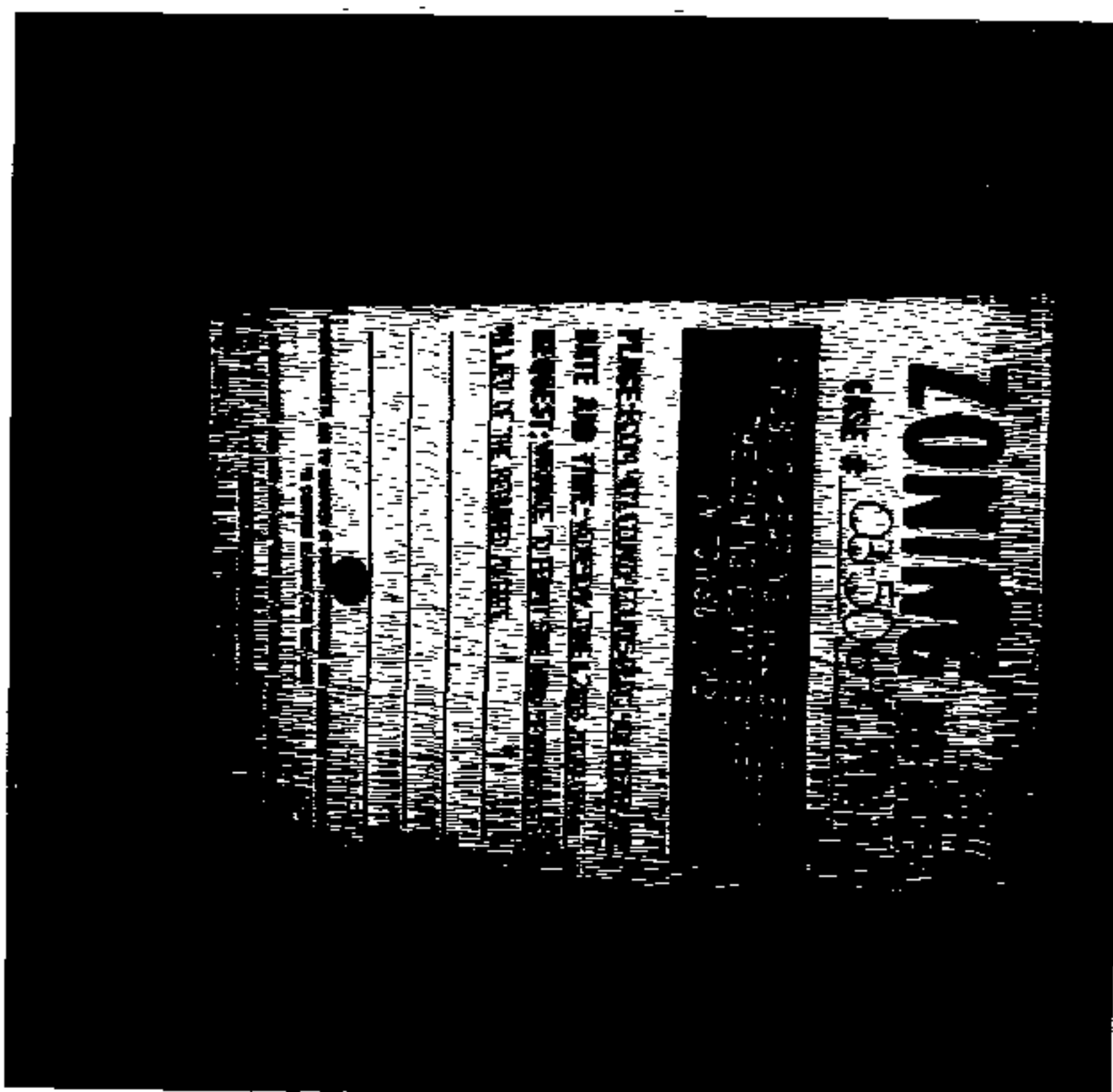
Ladies and Gentlemen:

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:

8946 MILLERS ISLAND BLVD

The sign(s) were posted on 5/24/03
(Month/Day, Year)

Sincerely,



[Signature] 5/24/03
(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)



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 6, 2003

CORRECTED 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: 03-506-A

8946 Millers Island Blvd.

S/east side of Millers Island Blvd., 980 feet southeast of Cuckold Point Road

15th Election District – 7th Councilmanic District

Legal Owner: Simon Jarosinski

Contract Purchaser: Robert Long

Variance to permit side yard setbacks of 8.5 in lieu of the required 10 feet.

Hearings: Wednesday, June 11, 2003 at 10:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: Simon Jarosinski, 2301 Harcourt Road, Timonium 21093
Robert Long, 3827 Annadale Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 27, 2003.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 27, 2003 Issue - Jeffersonian

Please forward billing to:

Robert Long
3827 Annadale Road
Baltimore, MD 21222

410-388-1974

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: 03-506-A

8946 Millers Island Blvd.

S/east side of Millers Island Blvd., 980 feet southeast of Cuckold Point Road

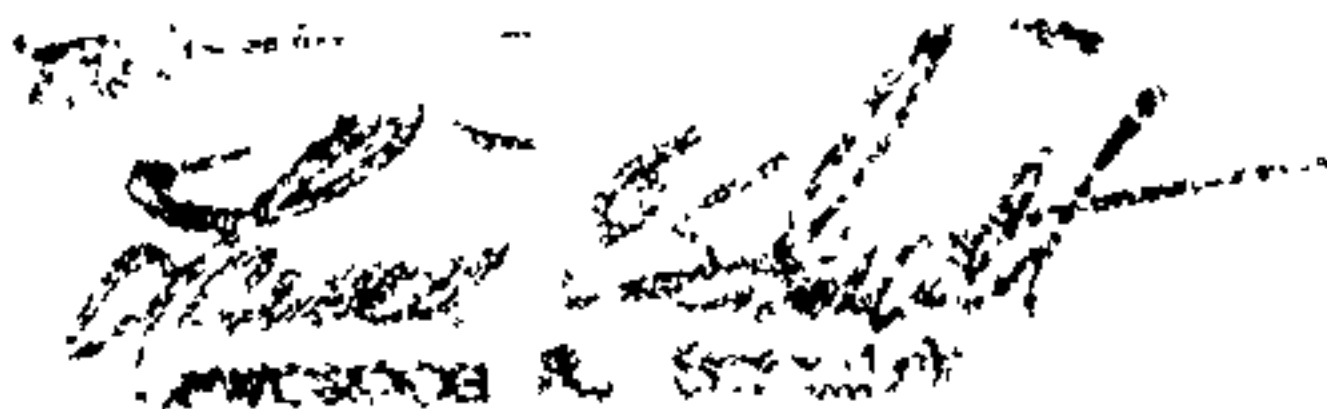
15th Election District – 7th Councilmanic District

Legal Owner: Simon Jarosinski

Contract Purchaser: Robert Long

Variance to permit side yard setbacks of 8.5 in lieu of the required 10 feet.

Hearings: Wednesday, June 11, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 5, 2003

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: 03-506-A

8946 Millers Island Blvd.

S/east side of Millers Island Blvd., 980 feet southeast of Cuckold Point Road

15th Election District – 7th Councilmanic District

Legal Owner: Simon Jarosinski

Contract Purchaser: Robert Long

Variance to permit side yard setbacks of 8.5 in lieu of the required 10 feet.

Hearings: Friday, June 6, 2003 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:rlh

C: Simon Jarosinski, 2301 Harcourt Road, Timonium 21093
Robert Long, 3827 Annadale Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 22, 2003.**
- (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, May 22, 2003 Issue - Jeffersonian

Please forward billing to:

Robert Long
3827 Annadale Road
Baltimore, MD 21222

410-388-1974

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: 03-506-A

8946 Millers Island Blvd.

S/east side of Millers Island Blvd., 980 feet southeast of Cuckold Point Road

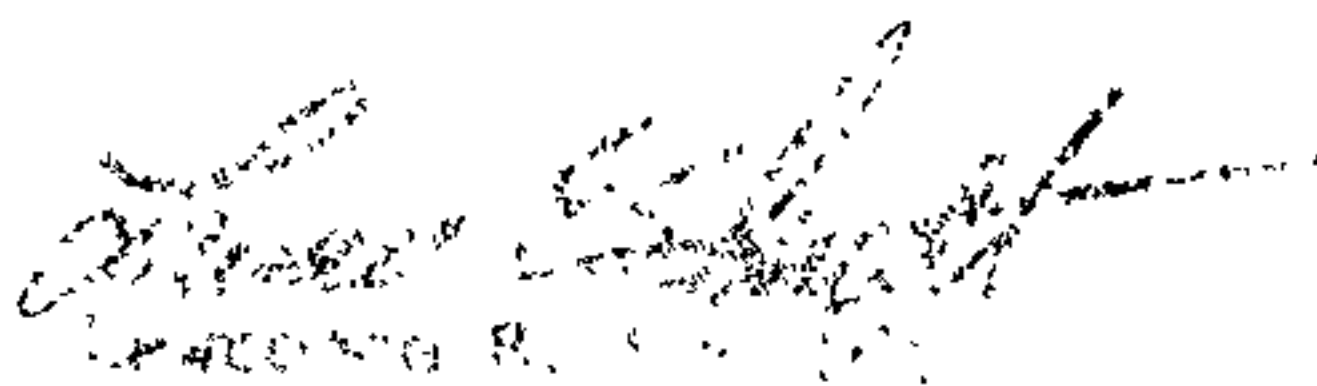
15th Election District – 7th Councilmanic District

Legal Owner: Simon Jarosinski

Contract Purchaser: Robert Long

Variance to permit side yard setbacks of 8.5 in lieu of the required 10 feet.

Hearings: Friday, June 6, 2003 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



LAWRENCE E. SCHMIDT
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.

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: 03 - 506 - A
Petitioner: Robert Long
Address or Location: 8946 Muller Island Blvd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Long
Address: 3827 Arroyo Verde Rd
Bethesda Md 21222

Telephone Number: 410-588-1974 or 410-686-5100

03-506-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 6, 2003

Simon Jarosinski
2301 Harcourt Road
Timonium, MD 21093

Dear Mr. Jarosinski:

RE: Case Number: 03-506-A, 8946 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 25, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Robert Long, 3827 Annadale Road, Baltimore 21222

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Fire Department

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

May 6, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 5, 2003

Item No.: 497-504, 506-511

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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5.5.03

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

RE: Baltimore County
Item No. 506 JRA

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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

a/n

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/TBT*

DATE: June 18, 2003

SUBJECT: Zoning Item 506
Address 8946 Millers Island Blvd

RECEIVED

JUN 25 2003

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of May 5, 2003

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

_____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Additional Comments: See attachment.

Reviewer: Keith Kelley

Date: June 18, 2003

ORDER RECEIVED FOR FILING

Date 7/22/03

By [Signature]

CBCA Zoning Comments (zoning item # 506)

☒ The property is located within the Limited Development Area (LDA), or Resource Conservation Area (RCA), or Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA).

☐ This proposal must use best management practices, which reduce pollutant loadings by 10%.

☐ Man-made impervious surfaces are limited to 15% for lots greater than 1/4 acre in size.

☒ Man-made impervious surfaces are limited to 25% for lots less than 1/4 acre in size.

☒ Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to ~~25%~~ of the lot or 500 square feet or 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.

☐ If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.

☒ 15% forest must be established or maintained. This equates to 2 trees for a lot of this size.

☒ Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.

☒ All downspouts must discharge rainwater runoff across a pervious surface such as a lawn.

☐ The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.

☐ If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the existing dwelling farthest away from the water.

☐ If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.

☒ A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100' of tidal waters, tidal wetlands, stream, or within 25' of non-tidal wetlands.

☐ A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.

KJG/HW/cbcazoningcomments

ORDER RECEIVED FOR FILING

Date 7/22/13

By [Signature]

Jim
6/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: May 8, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 03- 506

RECEIVED
MAY - 9 2003
ZONING COMMISSIONER

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:

Mark A. Cunningham

Section Chief:

Lynne Tarkenton

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: May 13, 2003

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 12, 2003
Item No. 506

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

The flood protection elevation for this site is 10.4 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.

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.

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 county code.

RWB:CEN:jrb

cc: File

RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
 Attention: Jeffrey Long
 County Courts Building, Room 406
 401 Bosley Avenue
 Towson, MD 21204

Permit or Case No. 03-506-A

5/16/03

Residential Processing Fee Paid
 (\$50.00)

FROM: Arnold Jablon, Director
 Department of Permits & Development Management

Accepted by STP
 Date 04-25-03

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit

MINIMUM APPLICANT SUPPLIED INFORMATION:

Robert Long 3827 Annadale Rd, 21222 (410) 336-5100
 Print Name of Applicant Address Telephone Number

Lot Address 8946 Millers Island Blvd. Election District 15th Councilmanic District 7th Square Feet 8100

Lot Location: NES W/side/corner of Millers Island Blvd., 581 feet from NESW corner of Cuckie Pt. Rd.
 (street) (street)

Land Owner: Simon Jarosinski Tax Account Number 150000960

Address: 2301 Harcroft Rd, Lutherville, MD 21093- Telephone Number (410) 252-1919
2639

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
 PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>/</u>	
2. Permit Application	<u>PENDING THIS APPLIC.</u>	
3. Site Plan		
Property (3 copies)	<u>/</u>	
Topo Map (2 copies) available in Room 206, County Office Building - (please label site clearly)	<u>NA</u>	
4. Building Elevation Drawings	<u>/</u>	
5. Photographs (please label all photos clearly)		
Adjoining Buildings	<u>/</u>	
Surrounding Neighborhood	<u>/</u>	
6. Current Zoning Classification: <u>DR 5.5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

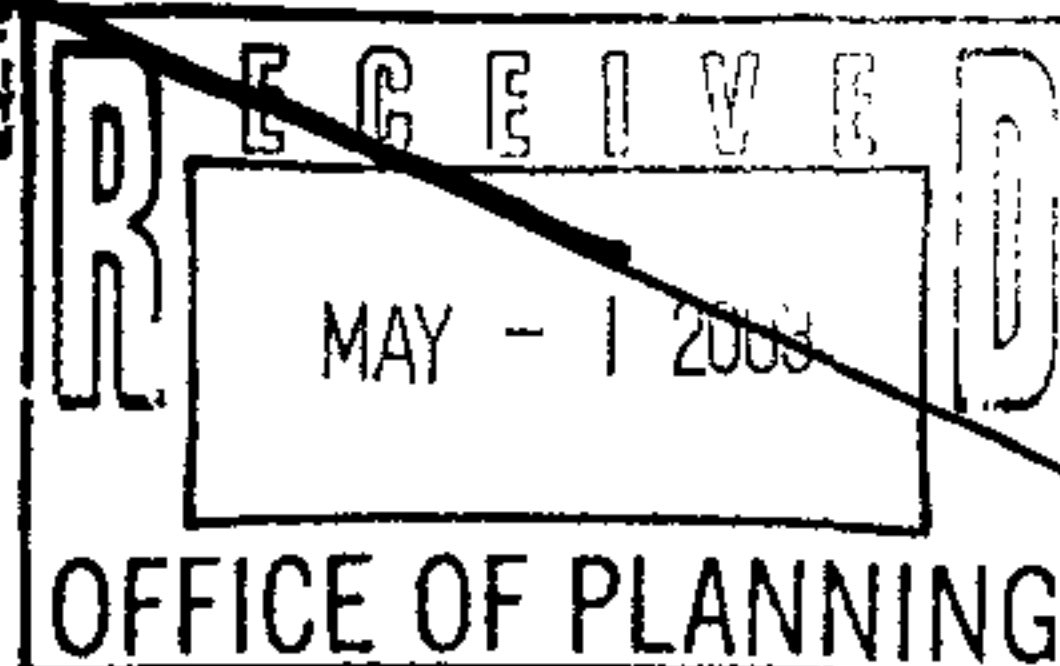
RECOMMENDATIONS / COMMENTS:

☒ Approval ☐ Disapproval ☒ Approval conditioned on required modifications of the application to conform with the following recommendations

- ~~1. Locate the parking pad and driveway in the back yard as much as possible.~~
- ~~2. Optimal garage does not fit on site.~~

Signed by Arnold Jablon
 for the Director, Office of Planning and Community Conservation

Site plan + arch. elev
revised. okay.



Date 5/15/2003

5/15/2003

Revised 2/25/99

RE: PETITION FOR VARIANCE * BEFORE THE
8946 Millers Island Boulevard; SE/side of *
Millers Island Blvd, 980' SE Cuckold Pt Rd * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Simon Jarosinski * FOR
Contract Purchaser(s): Robert Long *
Petitioner(s) * BALTIMORE COUNTY
* 03-506-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to, Robert Long, 3827 Annadale Road, Baltimore, MD 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

MAY 15 2003

Per...bh.....

Hearing 6/1 @ 10 am
Rm 407

Case # 03-506A

Petition for the purpose of stopping building on
property at 8946 Millers Island Blvd, using 8.5'
setbacks instead of required 10 feet setbacks

	Name	Address	Phone number
1	RONALD YEATMAN	9004 MILLER'S ISLAND BLVD.	477-5275
2	Sheila Yeatman	9004 Millers Island Blvd. 21219	477-5275
3	Jerom Moritz	9000 Millers Island Blvd 21219	388-1202
4	ED MORITZ	9000 MILLERS ISLAND BLVD 21219	388-1202
5	Kathy Meekins	9021 millers Island BLVD 21219	477-3031
6	Robert Meekins	9039 millers Island Blvd 21219	388-2977
7	Sharon Meekins	9039 Millers Is. Blvd. 21219	388-2977
8	Glennette Hoffner	9041 Millers Is. Blvd. 21219	388-2722
9	Anna Provengano	9103 Millers Is Blvd. 21219	477-1434
10	John Humin	9006 MILLERS IS BLVD 21219	477-8697
11	Catherine Droter	9007 Millers Is. Blvd. 21219	477-4795
12	Ray Droter	9007 Millers Island Blvd. 21219	477-4795
13	FRANK HUMIN	8939 MILLERS ISLAND BLVD. 21219	477-2854
14	George D Rouse	8942 Millers Island Blvd.	477-3308
15	Ken DeMunter	8944 Millers Island Blvd.	477-1204
16			
17			

A PETITION FOR THE PURPOSE OF STOPPING BUILDING OF 16'x45'x21'
DWELLING ON FORESTED WETLAND AS DESCRIBED IN ATTACHED LETTER FROM
D.E.P.R.M., AT 9008 MILLERS ISLAND BLVD.

②

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
RONALD YEATMAN	9004 MILLERS ISLAND BLVD.	477-5275
Sheila Yeatman	9004 Millers Island Blvd.	477-5275
TOM ANDERSON	9006 MILLERS ISLAND BLVD	477-8697
R.L. Browning	9001 MILLER'S ISLAND BLVD.	388-1247
LEON GENSLICK	9021 MILLERS ISL. BLVD	477-3031
KATHY GENSLICK	9021. millers Island BLVD	477-3031
Ray Orator	9007 millers Island Blvd.	477-4795
Suzanne Diehl	9015 Millers Is Blvd	477-2409.
Melvin F. Mack	9030 Miller's Isl. Blvd.	477-3662
R.B. Gfahner	9037 MILLER'S ISL. BLVD	477-8628
DH Meyer	9100 MILLERS ISL. BLVD	477-9608
Michael Hoffm.	9041 MILLER ISL BLVD	388-3159
Sharon Meekins	9039 Millers Island Blvd	388-2977
Charles Michael	9019 Millers Is Blvd.	388-0117
W. A. Mowrey	9000 MILLERS ISLAND BLVD	388-1202.
Wendy Mowrey	9000 Millers Island Blvd	388-1202
Melvin Mowrey Jr	9000 Millers Island Blvd	388-1202
Jackie Demarestal	8944 Millers Isl. Blvd.	477-1564
G.C. Bailey	8938 MILLERS ISL BLVD	388-9477
T. LEWIS	8807 CHESAPEAKE AVE	410-477-4520

A PETITION, FOR THE PURPOSE OF STOPPING BUILDING OF A 16'x45'x21'
DWELLING ON FORESTED WETLAND AS DESCRIBED IN ATTACHED LETTER FROM
D.E.P.R.M., AT 9008 MILLERS ISLAND BLVD.

③

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
DONALD Theodore C. Patterson	9105 Chesapeake Ave	410 477 4669
Robert P. Ward	8916 Chesapeake Ave	410-477-0680
Loy SZAFARZ	9011 Millers Island Blvd.	410-477-2317
Frank R. Humm	8939 Miller's Island Blvd	410-477-2859

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burtan
Deputy Secretary

May 12, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

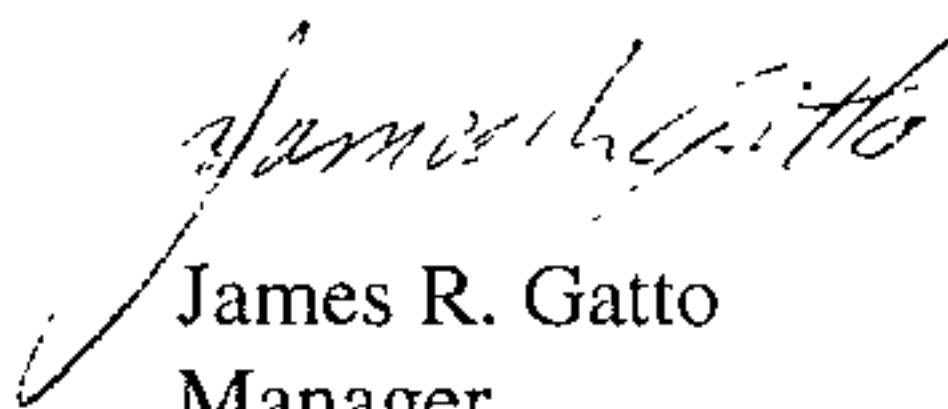
Re: Zoning Advisory Committee Agenda, 05/12/03 re: case numbers 03-496-X, 03-497-A, 03-498-A, 03-499-A, 03-500-A, 03-501-A, 03-502-SPH, 03-503-A, 03-504-A, 03-505-A, 03-506-A, 03-507-SPHX, 03-508-SPH, 03-509-A, 03-510-A, 03-511-SPHX

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/05/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,


James R. Gatto
Manager
Metropolitan Planning
Planning Services

cc: Mike Nortrup

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME

CITY, STATE, ZIP

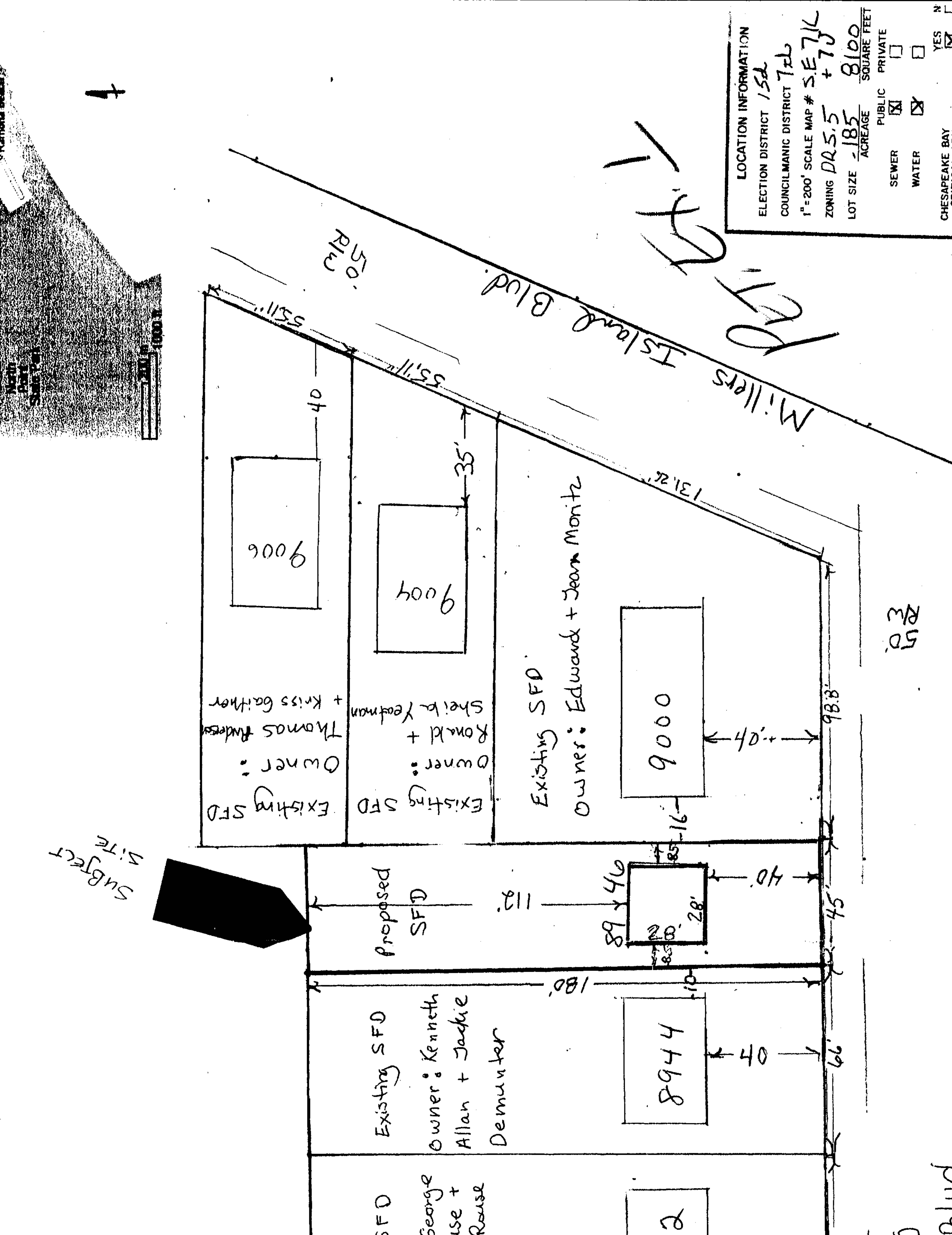
[illegible]

Case Number _____

PLEASE PRINT LEGIBLY

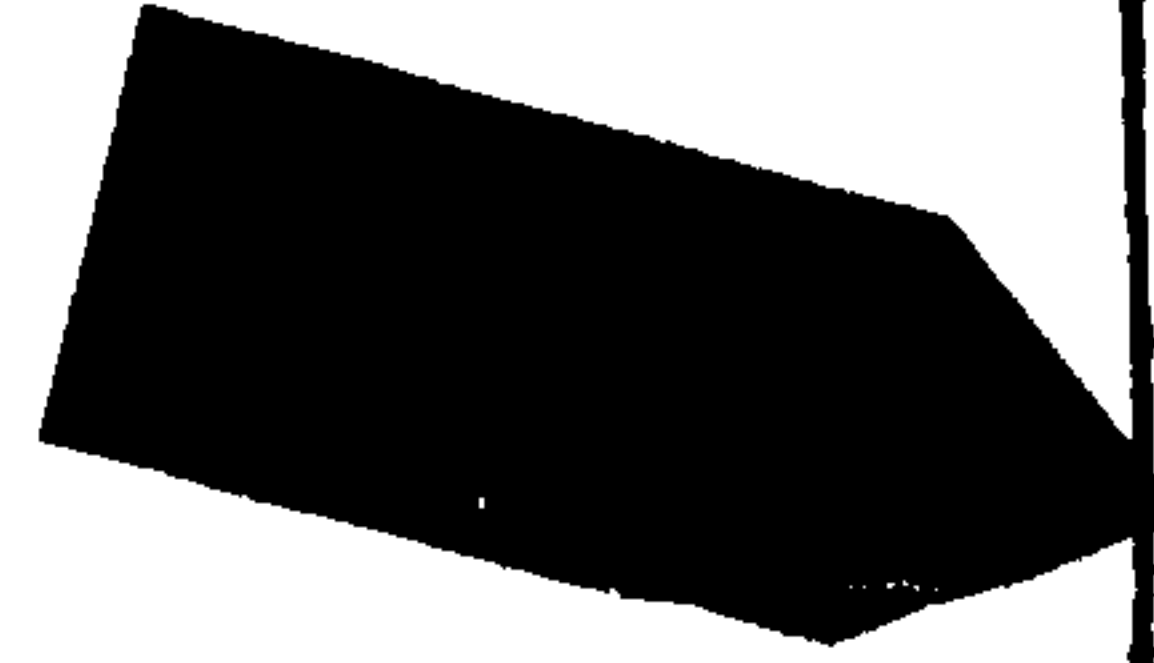
PROTESTANT'S SIGN-IN SHEET

[illegible]



LOCATION INFORMATION									
ELECTION DISTRICT		15d		COUNCILMANIC DISTRICT		7dL		1" = 200' SCALE MAP #	
ZONING		DQ 5.5		+ 7JL		S.E. 71C		LOT SIZE	
ACREAGE		.185		8100		SQUARE FEET		PUBLIC	
SEWER		☒		☒		☐		PRIVATE	
WATER		☒		☒		☐		CHESAPEAKE BAY	
								YES	

SUBJECT SITE



Proposed SFD

Existing SFD

Owner: Kenneth Allan + Jackie Demunter

George Rose + use +

Existing SFD

Owner: Edward + Jean Moritz

Existing SFD
Owner: Thomas Anderson + Kriss Gaitner

Existing SFD
Owner: Ronald + Sheikh Yedman

9000

9004

9006

8944

2

R 50'

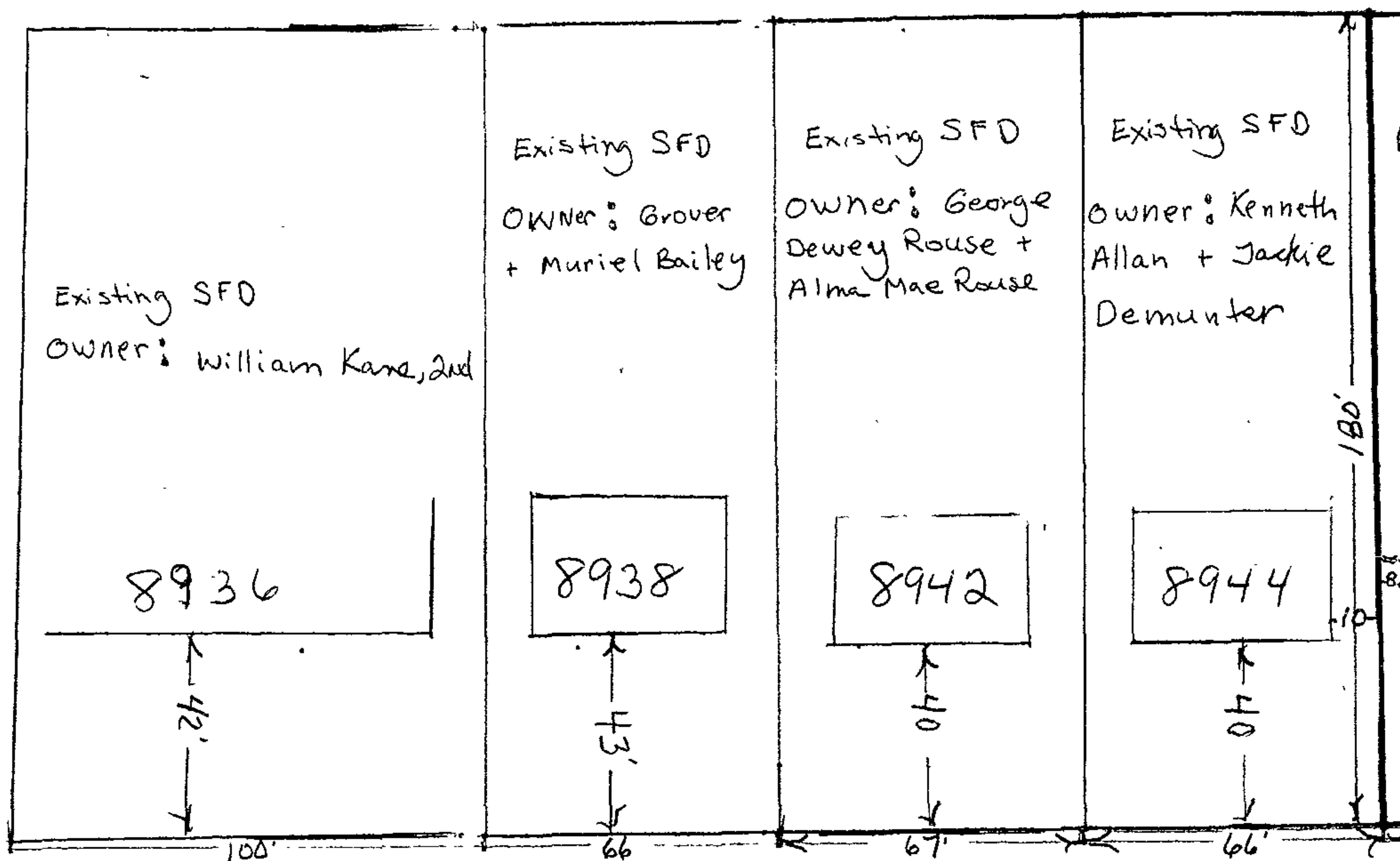
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8946 Millers Island Blvd. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Swan Point

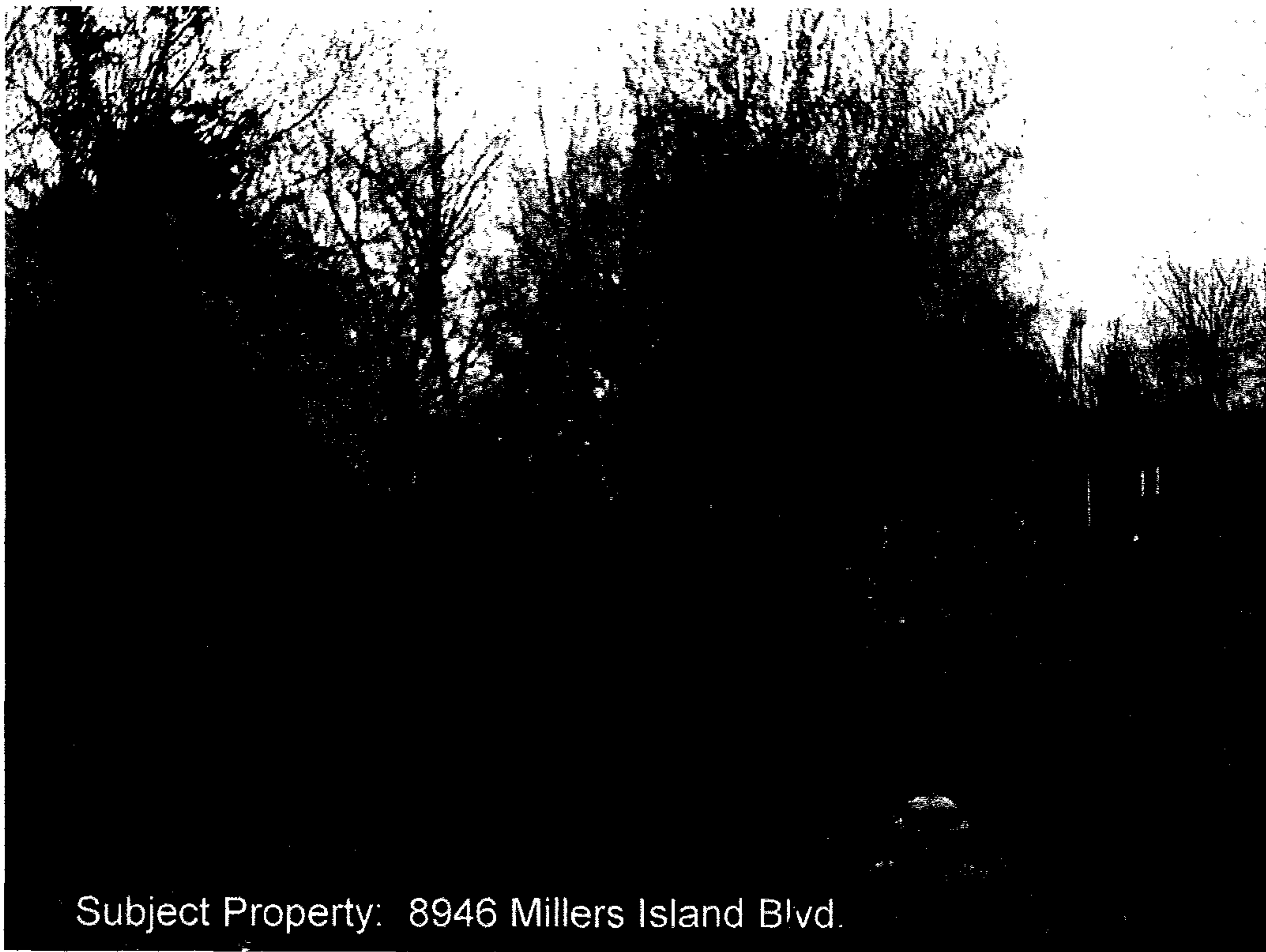
PLAT BOOK # 9 FOLIO # 4 LOT # 355 SECTION #

OWNER Simon Jarosinski



PREPARED BY ROBERT LONG

SCALE OF



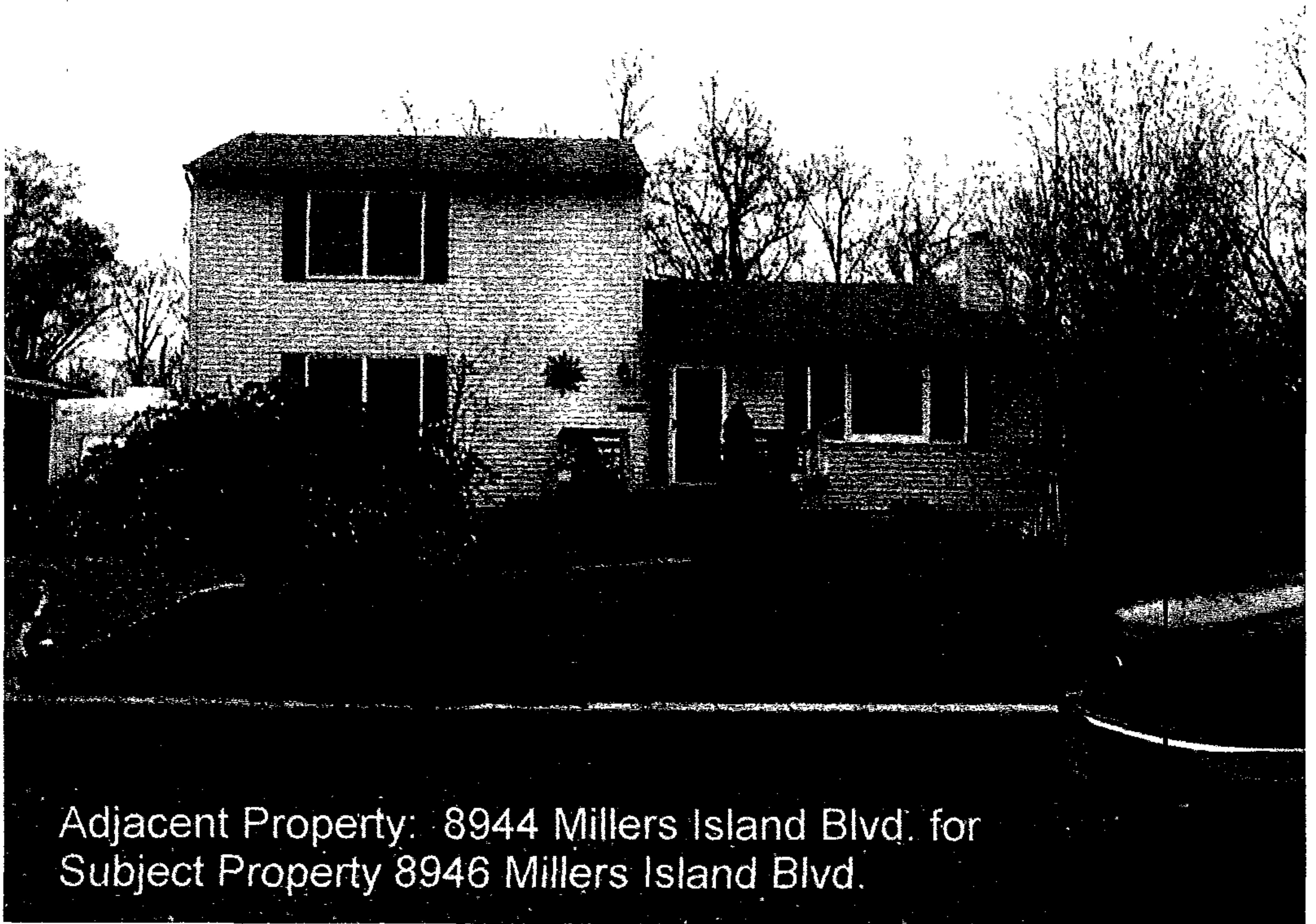
Subject Property: 8946 Millers Island Blvd.

Subject Site

N.E Property Line

1 of 8

03-506A



Adjacent Property: 8944 Millers Island Blvd. for
Subject Property 8946 Millers Island Blvd.

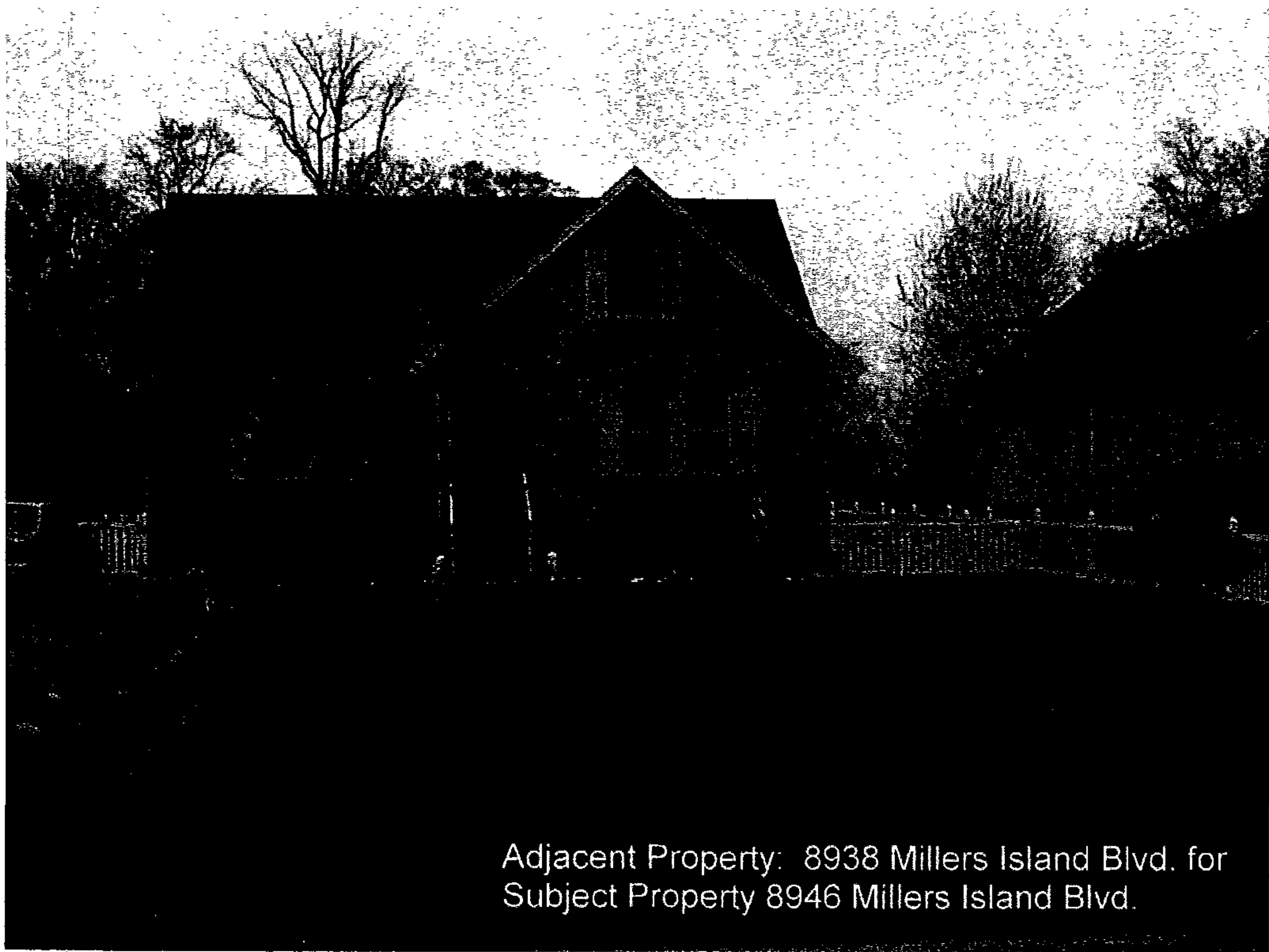
2 of 8.

03-506(-)

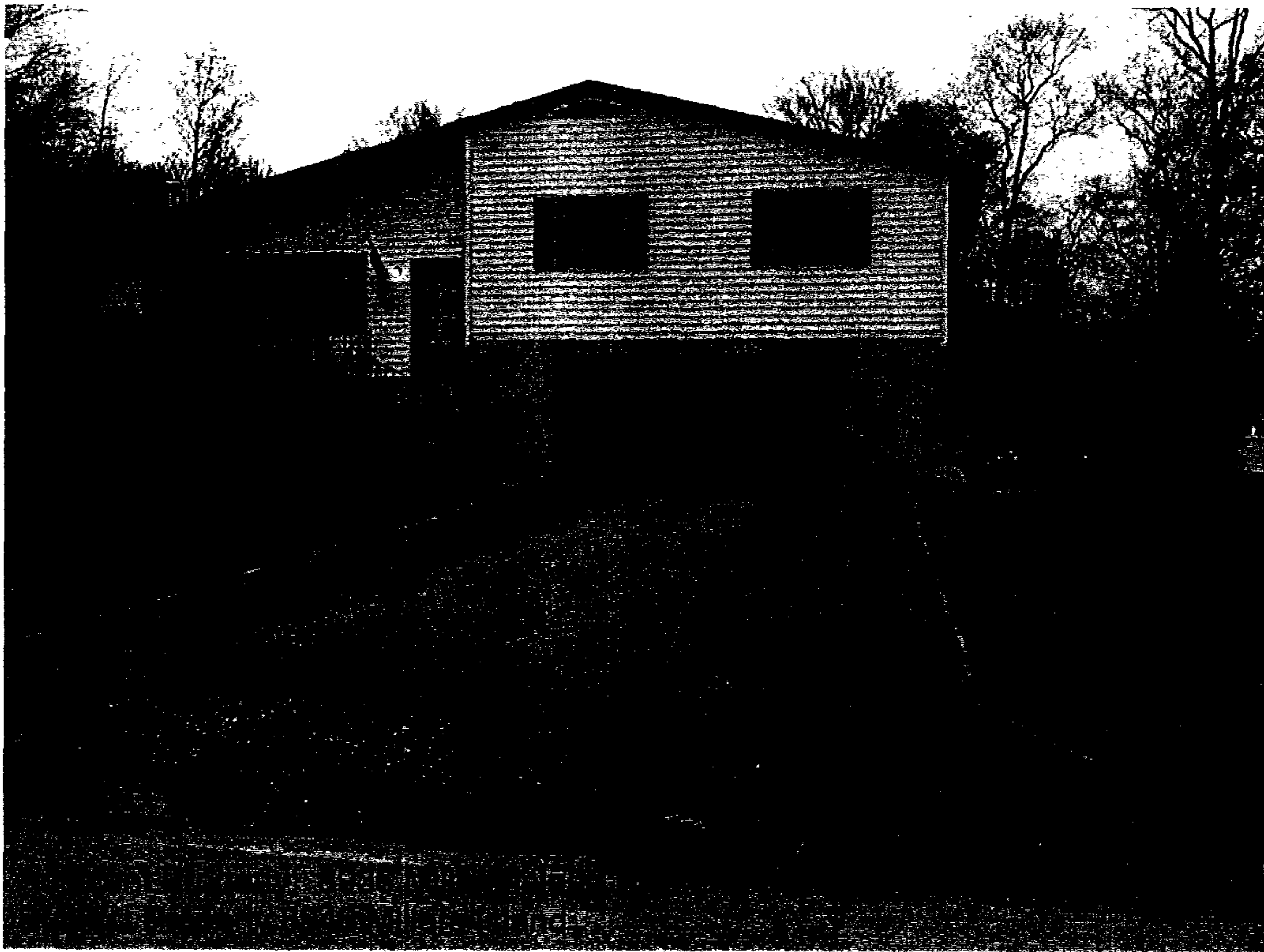
NW
Property line
Subject
Site



Adjacent Property: 8942 Millers Island Blvd. for
Subject Property 8946 Millers Island Blvd.



Adjacent Property: 8938 Millers Island Blvd. for
Subject Property 8946 Millers Island Blvd.

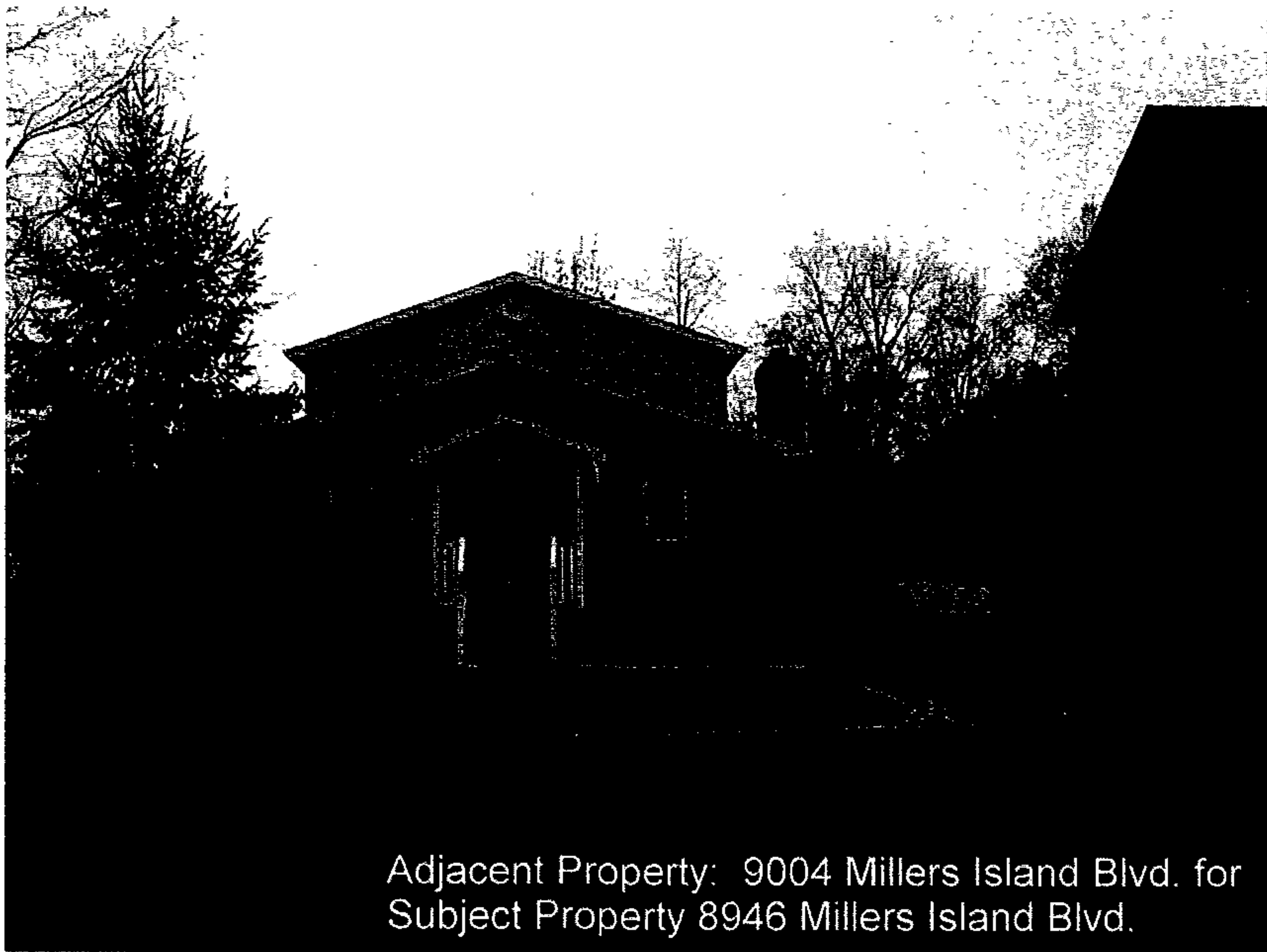


5 of 8

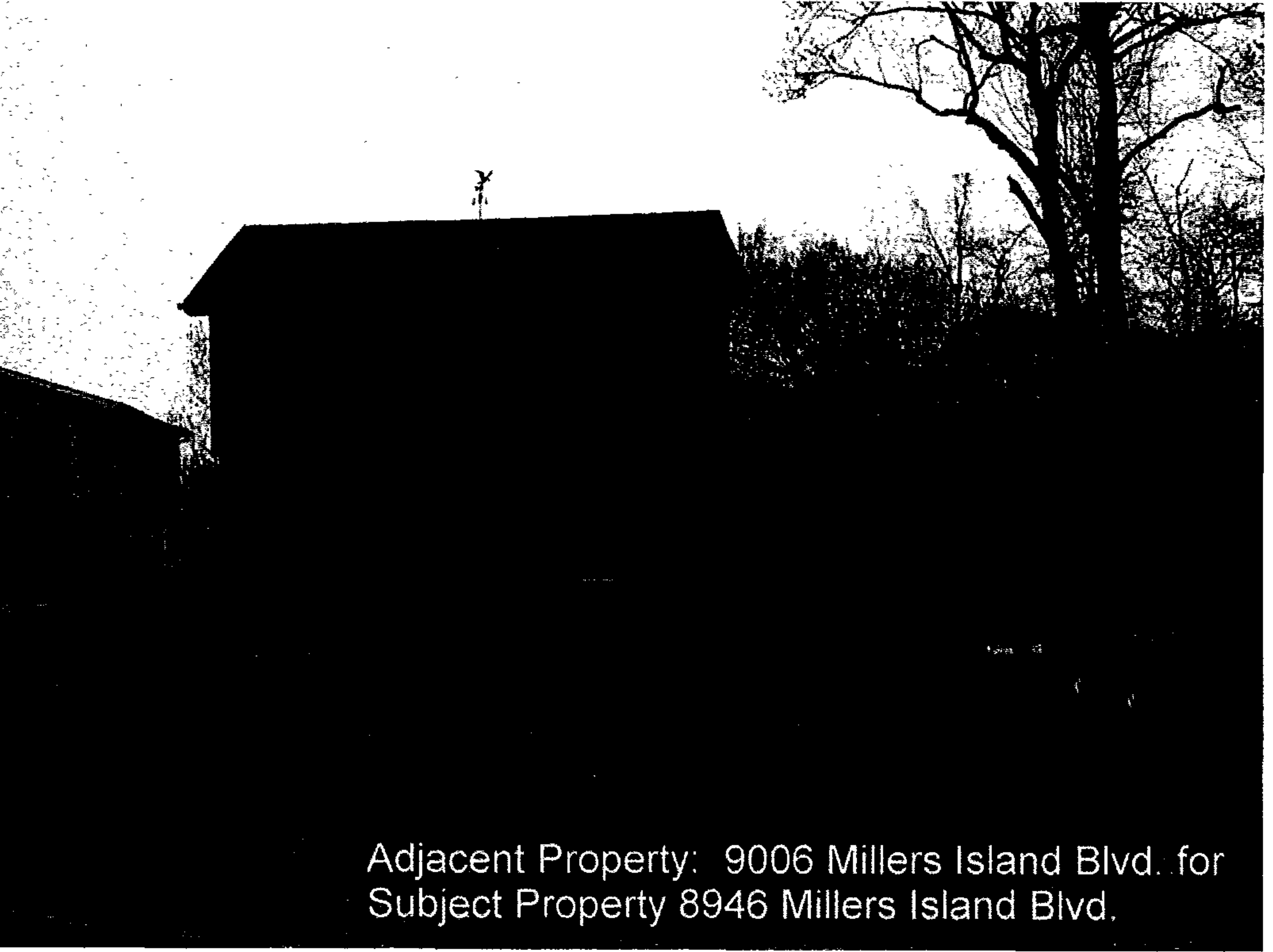
03-506.A



Adjacent Property: 9000 Millers Island Blvd. for
Subject Property 8946 Millers Island Blvd.



Adjacent Property: 9004 Millers Island Blvd. for
Subject Property 8946 Millers Island Blvd.



Adjacent Property: 9006 Millers Island Blvd. for
Subject Property 8946 Millers Island Blvd.



