

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(8911 Millers Island Road) *
15th Election District *
7th Council District *
Harry R. & Sharon L. Stewart *
Legal Owners

Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2015-0202-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling. In addition, a Petition for Variance pursuant to B.C.Z.R. §§400.1 and 400.3 seeks to permit an accessory structure (detached garage) to be located in the side yard with a height of 23 ft. in lieu of the required rear yard placement and maximum height of 15 ft.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Appearing at the public hearing in support of the requests was owner Sharon Stewart. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Department of Planning (DOP), the Bureau of Development Plans Review (DPR), the Department of Public Works (DPW) and the State of Maryland MDE, Wetlands & Waterways Program. These are discussed below.

ORDER RECEIVED FOR FILING

Date 5/6/15

By Sen

The subject property is approximately 20,500 square feet and is zoned DR 5.5. The property is comprised of two lots (Lots 285 & 286 in the Swan Point subdivision). Lot 285 is improved with a 2 story dwelling constructed in 1955. Lot 286 is unimproved. Petitioners propose to construct a garage on Lot 286, which will be connected to their dwelling with a breezeway as shown on the plan.

In light of the above, Petitioners do not require zoning relief to construct the garage. With regard to the Petition for Special Hearing, this is not an "accessory" structure; instead, it is considered part of the existing single family dwelling. Likewise, the restrictions contained in B.C.Z.R. §400 concerning the yard placement and height of accessory structures are inapplicable. Instead, the garage addition will be subject to the same bulk and area regulations as the single family dwelling, and based upon the site plan it does not appear as if variance relief would be necessary.

The DOP did not object to the request, but suggested that certain restrictions be included in the Order which are routinely included in cases involving detached garages. Consistent with the above, those restrictions are not germane here. The Bureau of DPR noted the site plan does not scale correctly, and Petitioners have submitted a revised plan with the proper 1"=20' scale. That Bureau's comments regarding fencing are based upon an incorrect assumption that the garage would be adjacent to the dwelling at 8939 Millers Island Road. In fact, as zoning maps and other documents submitted at the hearing (Petitioners' Ex. 3) show, that dwelling is a good distance from Petitioners' house and is shielded by large trees and other vegetation. As such, fencing along the rear and side property lines is not required.

The final two comments were submitted by the DPW and State of Maryland. The reviewers noted that the County Building Code and State Regulations restrict to 900 square feet the size of accessory structures in areas subject to tidal flooding. But Petitioners submitted an e-mail dated

ORDER RECEIVED FOR FILING

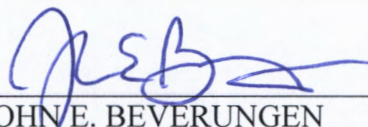
May 4, 2015 from the State reviewer indicating that since the garage is connected to the single family dwelling with a breezeway, the 900 square foot limitation is inapplicable.

THEREFORE, IT IS ORDERED this 6th day of May, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling, be and is hereby DISMISSED WITHOUT PREJUDICE, as unnecessary.

IT IS FURTHER ORDERED that the Petition for Variance seeking an accessory structure (detached garage) to be located in the side yard with a height of 23 ft. in lieu of the required rear yard placement and maximum height of 15 ft., be and is hereby DISMISSED WITHOUT PREJUDICE, as unnecessary.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date

5/6/15

By

sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 6, 2015

Harry & Sharon Stewart
8911 Millers Island Blvd.
Baltimore, Maryland 21219

RE: Petition for Special Hearing and Variance
Property: 8911 Millers Island Blvd.
Case No. 2015-0202-SPHA

Dear Mr. & Mrs. Stewart:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



CBCA

F1001

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8911 MILLERS ISLAND BLVD. which is presently zoned DR 5.5

Deed References: 11936 / 00196 10 Digit Tax Account # 1513401640

Property Owner(s) Printed Name(s) HARRY R. STEWART II & SHARON L. STEWART

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

SEE ATTACHED

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENT AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

HARRY R. STEWART II SHARON L. STEWART
Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
Signature #1 Signature #2

8911 MILLERS ISLAND BLVD. BALTO. MD.
Mailing Address City State

21219, 410-477-6962, RSS521@VERIZON.NE
Zip Code Telephone # Email Address

Representative to be contacted:

SHARON L. STEWART
Name - Type or Print

[Signature]
Signature

8911 MILLERS ISLAND BLVD. BALTO. MD.
Mailing Address City State

21219, 410-234-3277, RSS521@VERIZON.NE
Zip Code Telephone # Email Address

CASE NUMBER 2015-0202-SPHA

Filing Date 3/13/15

Do Not Schedule Dates: _____

Reviewer JS

2015-0202-SPHA

8911 Millers Island Blvd.

Harry R. & Shannon L. Stewart

Special Hearing –

BCZR: 500.7 → To determine whether or not the Zoning Commissioner should approve an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling.

Variance –

BCZR: 400.1 & 400.3 → To permit an accessory structure (detached garage) to be located in the side yard with a height of 23 feet in lieu of the required rear yard placement and maximum height of 15 feet.

ZONING PROPERTY DESCRIPTION FOR 8911 MILLERS ISLAND BLVD.

Beginning at a point on the Southwest side Millers Island Blvd. which is 50 feet wide at a distance of 313' Southeast to the Centerline of Millers Island Rd, which is 35' wide.

Being Lot # 285 and # 286, in the subdivision of "Swanpoint" as recorded in Baltimore County Plat Book # 9, Folio # 4, containing 20,500 square feet.

Located in the 15th Election District, and 7th Council District.

2015-0202-SPHA

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2015-0202-SP4

Petitioner: STEWART

Address or Location: 8911 MILLERS ISLAND BLVD

PLEASE FORWARD ADVERTISING BILL TO:

Name: SHARON STEWART

Address: 8911 MILLERS ISLAND BLVD.

BALTO. MD. 21219

Telephone Number: 410-234-3277

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

No. **121408**
 Date: **3/13/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/13/2015 3/13/2015 11:21:06 5
 REG USDB WALKIN RDOS LAB
 RECEIPT # 787624 3/13/2015 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 121408
 Recpt Tot \$150.00
 \$150.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$150.00
Total:								\$150.00

Rec From: **STEWART**
 For: **2015-0702-SHA**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 24, 2015

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2015-0202-SPHA

8911 Millers Island Boulevard

SW/s Millers Island Boulevard, 313 ft. s/e of centerline of Millers Island Road

Legal Owners: Harry & Sharon Stewart, II

15th Election District – 7th Councilmanic District

Special Hearing to permit an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling. Variance to permit an accessory structure (detached garage) to be located in the side yard with a height of 23 feet in lieu of the required rear yard placement and maximum height of 15 feet.

Hearing: Friday, May 1, 2015 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Stewart, II, 8911 Millers Island Blvd., Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 11, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 9, 2015 Issue - Jeffersonian

Please forward billing to:

Sharon Stewart
8911 Millers Island Road
Baltimore, MD 21219

410-236-3277

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8911 Millers Island Boulevard

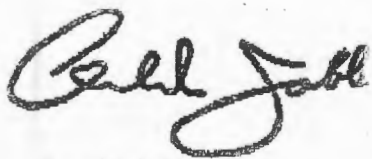
SW/s Millers Island Boulevard, 313 ft. s/e of centerline of Millers Island Road

Legal Owners: Harry & Sharon Stewart, II

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
8911 Millers Island Blvd; SW/S Millers Island*		OF ADMINSTRATIVE
Blvd, 313' SE of c/line Millers Island Rd		
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Harry & Sharon Stewart		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2015-202-SPHA

* * * * *

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

2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of March, 2015, a copy of the foregoing Entry of Appearance was mailed to Sharon Stewart, 8911 Millers Island Blvd, Baltimore, Maryland 21219, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3182865

Sold To:

Sharon Stewart - CU00433772
8911 Millers Island Blvd
Sparrows Point, MD 21219

Bill To:

Sharon Stewart - CU00433772
8911 Millers Island Blvd
Sparrows Point, MD 21219

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 09, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2015-0202-SPHA

8911 Millers Island Boulevard
SW/s Millers Island Boulevard, 313 ft. s/e of centerline of Millers Island Road

15th Election District - 7th Councilmanic District
Legal Owner(s) Harry & Sharon Stewart, II

Special Hearing to permit an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling.

Variance to permit an accessory structure (detached garage) to be located in the side yard with a height of 23 feet in lieu of the required rear yard placement and maximum height of 15 feet.

Hearing: Friday, May 1, 2015 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

4/148 April 9

3182865

CERTIFICATE OF POSTING

2015-0202-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Harry & Sharon Stewart, II

May 1, 2015

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

8911 Millers Island Blvd

April 11, 2015

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

April 11, 2015

(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)

Case No.: 2015-0202-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

DW
6-10-15

slu
5-6-15

No. 1	Plan (revised)	
No. 2	photos	
No. 3	"My Neighborhood" Maps and Aerial photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PICTURES TO ACCOMPANY VARIANCE FOR 8911 MILLERS ISLAND BLVD.



Front view of 8911 Millers Island Blvd.



Front view of 8911 Millers Island Blvd. with neighboring residence (8909)

PETITIONER' S

EXHIBIT NO. 2



Front view of 8909 Millers Island Blvd.



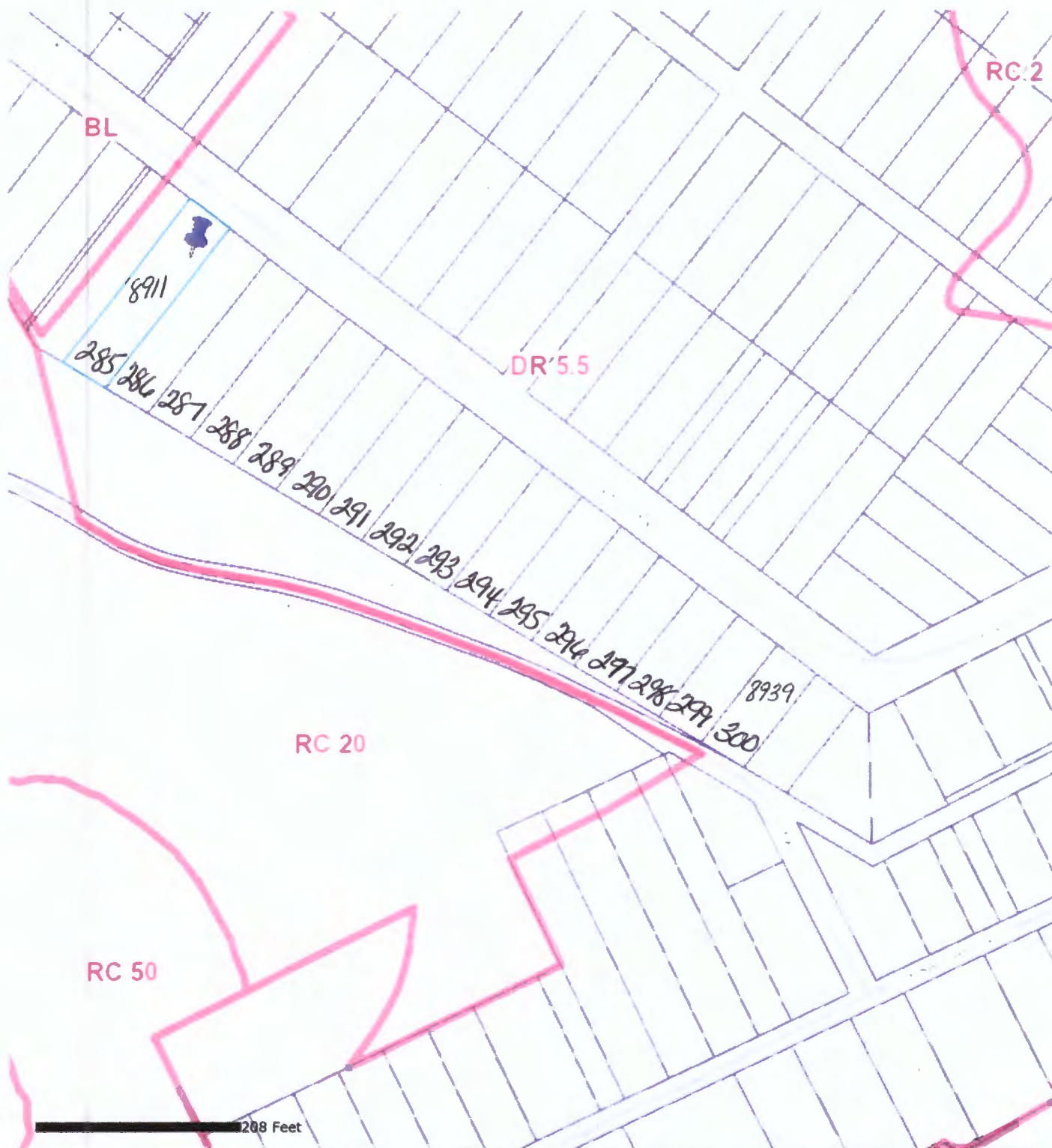
View of property across the street (8912 Millers Island Blvd.)



View of adjacent vacant lot



Rear of property looking toward Millers Island Blvd.



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 4/28/15

PETITIONER'S

EXHIBIT NO.

3



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 4/28/15



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 4/28/15

BL

8912

8914

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

8939

8941

DR 5.5

RC 20

RC 50

137 Feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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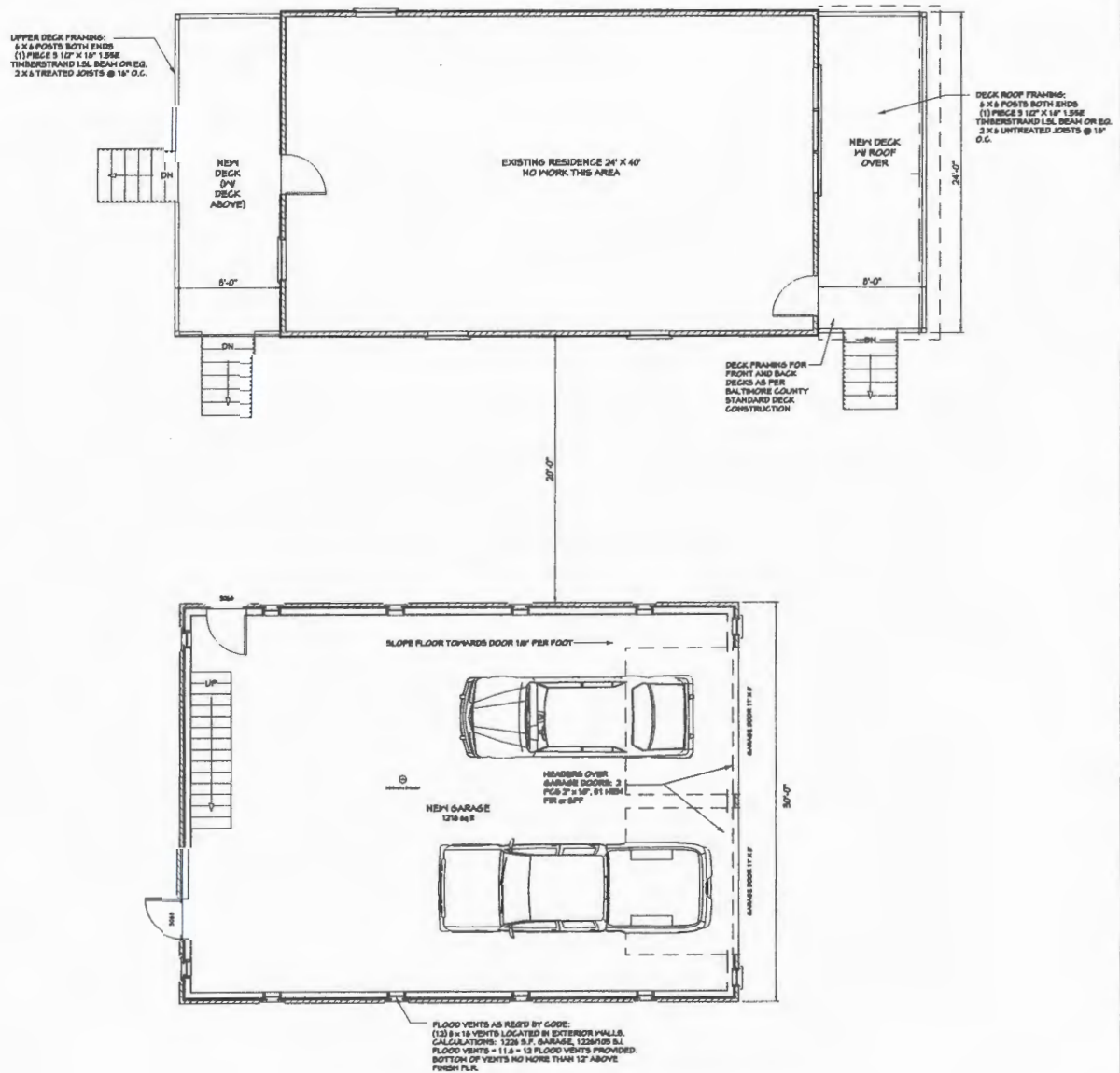
Printed 4/28/15

1.1 Millers Island Blvd

GOO



R400.1	Climate Zone 4
R401.2	Compliance Method: Mandatory and Prescriptive Provisions
R402.1.1	Attic Insulation: R-49 R-38 Rained Heel Trusses
R402.1.1	Wood Frame Wall: R-20 or R13 + R5 continuous insulation.
R402.1.1	Basement Wall Insulation: R-13/R-10 Full Face Continuous, uninterrupted Butts Full Height
R402.1.1	Crawl Space Wall Insulation: R-13/R-10 Full faced Continuous Butts Full Height extending from floor above to finish grade level and then vertically or horizontally an additional 2'-0".
R402.1.1	Floor Insulation over Unconditioned Space: R-19 batt insulation.
R402.1.1	Window U-Value/SHGC: .35 (U-Value) .40 (SHGC)
R402.2.9	Slab on Grade Floors Less Than 12" Below Grade: R-10 Rigid Foam Board Under Slab Extending Either 2'-0" Horizontally or 2'-0" Vertically
R402.2.4	Attic Access: Attic access scuttle will be weatherstripped and insulated R-49
R402.4	Building Thermal Envelope (air leakage): Exterior walls and penetrations will be sealed per this section of the 2012 IECC with caulk, gaskets, weatherstripping or an air barrier of suitable material.
R402.4.1	Building Envelope Tightness Test: Building envelope tightness and insulation installation must meet the inspection criteria listed in table 402.4.1.2. A "Blower Door Air Infiltration Test" shall be performed in all units. See also Section R303.4 of the 2012 IRC.
R402.4.2	Fireplaces All wood burning masonry fireplaces will have tight-fitting flue dampers and outdoor combustion air. Fireplaces shall have gasketed doors.
R402.4.4	Basement Lighting Basement light fixtures installed in the building thermal envelope shall be sealed to limit air leakage.
R403.1.1	Thermostat All dwelling units will have at least (1) programmable thermostat for each separate heating and cooling system per 2012 IECC Section 403.1. Where a Heat pump system having supplementary electric resistance heat is used the thermostat shall prevent the supplementary heat from coming on when heat pump can meet heating load.
R403.2.1	Mechanical Duct Insulation Supply Ducts in Attic R-4 minimum Supply Duct outside of conditioned spaces R-8 minimum. All other ducts except those located completely inside the building thermal envelope R-6 minimum. Ducts located under concrete slabs must be R-6 minimum.
R403.2.2	Duct Sealing All ducts, air handlers, filter boxes will be sealed. Joints and seams will comply with section M1601.4.1 of the IRC. A duct tightness test ("Duct Blaster" duct total leakage test) will be performed on all homes and shall be verified by either a post construction test or a rough-in test. Duct tightness test is not required if the air handler and all ducts are located within the conditioned space.
R403.5	Mechanical Ventilation Outdoor (make-up) air will be brought into the home thru a duct with an automatic or gravity damper.
R403.6	Equipment Sizing shall comply with R403.6.
R404.1	Lighting Equipment A minimum of 75% of all lamps (lights) must be high-efficiency lamps.
	Water Heater Minimum efficiency established by NAECA
	Mechanical Testing All mechanical testing to be performed by:



PREPARED BY:
MAUREEN
LOPELAND
717.599.9590

8911 MILLERS ISLAND BLVD, BALTIMORE, MD 21219

BID SET "A"
DATE ISSUED:
0.28.14

SHEET
A1

GROUND FLOOR PLAN - GARAGE & RESIDENCE
SCALE 1/4" = 1'-0"

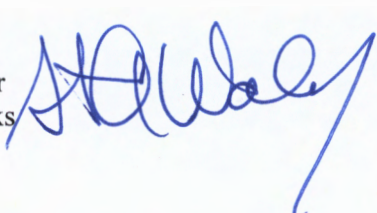
This contractor also responsible for generating Certificates of Compliance and affixing to electrical panel.

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon,
Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

ATTN: Kristen Matthews
MS 1105

FROM: Edward C. Adams, Director
Department of Public Works 

DATE: April 2, 2015

SUBJECT: Case No: 2015-0202-SPHA
8911 Millers Island Road, Baltimore, Maryland 21219

This case involves a Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling.

The Special Hearing and Variance involve a proposed garage, driveway, screened porch and new breeze way connecting residence to new garage.

The Baltimore County Building Code, effective July 1, 2012, approved by Baltimore County Council Bill 40-12, Part 124.5, Item #3 on page 19, states "Structures or garages which exceed 900 square feet in area shall not be permitted" in areas subject to tidal flooding. The proposed garage is shown having 1,260 square feet and so violates this requirement and we recommend denial.

Correspondence from the Maryland Department of the Environment office of National Flood Insurance Program, NFIP, also denies approval of the proposed garage.

ECA/TWC/s

CC: Dennis Kennedy, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council

M E M O R A N D U M

DATE: June 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0202-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on June 5, 2015. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

4:30

CASE NAME 8911 Millers Island Rd
CASE NUMBER 2015-0202-SPHA
DATE 5/11/15

[illegible]

John E. Beverungen

From: Kevin Wagner -MDE- <kevin.wagner@maryland.gov>
Sent: Monday, May 04, 2015 9:33 AM
To: SHARON STEWART
Cc: John E. Beverungen; Donald Brand; Dave Thomas; Terry Curtis; GBerry; JBryan; Carl Richards Jr
Subject: Re: Fw: Admin Hearings Copier
Attachments: 20150501141245050.pdf

Mrs. Stewart,

Thank you for your email.

That's correct, as long as the proposed garage is connected to the existing house, it would not be considered an accessory structure for floodplain management purposes. I would refer to it as an attached garage, not an accessory structure.

I'll defer to the County to advise you as to the appropriate next steps required by their code, but here are some things to consider:

1. Since the proposed garage will most likely be below the County's Flood Protection Elevation (BFE + freeboard), or FPE, this area can only for used for parking of vehicles and limited storage.
2. All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be elevated to or above the FPE. If equipment must be installed below the FPE, the applicant must demonstrate to the County that no feasible alternative exists. It must be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. In addition, if equipment is allowed below the FPE, it must be on a circuit that has a ground fault circuit interrupter (GFCI).
3. Enclosed areas below the FPE shall have adequate flood openings to allow for the automatic entry and exit of flood waters to minimize the potential for damage or collapse of the walls. For guidance on the NFIP regulations concerning the requirement for openings in below-Base Flood Elevation foundation walls and walls of enclosures for buildings located in Zones A, AE, A1-A30, AR, AO, and AH, see the FEMA NFIP Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures* (August 2008). A copy of the technical bulletin can be downloaded from FEMA's website at: <http://www.fema.gov/library/viewRecord.do?id=1579>.
4. Construction materials used below the FPE shall be resistant to flood damage. For guidance on the NFIP regulations concerning the required use of flood-damage resistant construction materials for building components located below the BFE in Special Flood Hazard Areas, see the FEMA NFIP Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements* (August 2008). A copy can be downloaded from FEMA's website at: <http://www.fema.gov/library/viewRecord.do?id=1580>.

5. A Declaration of Land Restriction shall be recorded with the deed so that future property owners understand the area below the FPE cannot be converted to another use without first complying with the local code.

I hope this information is helpful to you.

Sincerely,
Kevin

On Sun, May 3, 2015 at 8:08 PM, SHARON STEWART <rss521@verizon.net> wrote:
Mr. Wagner,

Please see the attached email that was issued by you in reference to ZAC Case #2015-0202-SPHA, 8911 Millers Island Blvd. 21219, on March 27, 2015 (attachment #FM2400100560G).

The submitted plan contains a connection between the proposed garage and the existing house via the breezeway mentioned in State Coordinating Office of the NFIP comment number three. Due to the connection and the aforementioned comment number three, it is our understanding that comments number one and number two would not be relevant to this situation. Is that also your understanding?

Thank you in advance for your assistance in this matter.

Sincerely,
Sharon Stewart
8911 Millers Island Blvd.
Baltimore, MD 21219
[410-236-3277](tel:410-236-3277)

On Sunday, May 3, 2015 7:34 AM, SHARON STEWART <rss521@verizon.net> wrote:

On Friday, May 1, 2015 2:28 PM, John E. Beverungen <jbeverungen@baltimorecountymd.gov> wrote:

As discussed.

John Beverungen
ALJ

Connect with Baltimore County

[http://www.baltimorecountymd.gov/sebin/p/i/socialmedia_fb.jpg] <<https://www.facebook.com/BaltimoreCounty>> [http://www.baltimorecountymd.gov/sebin/r/j/socialmedia_twitter.jpg]
<<https://twitter.com/BaltCogov>> [http://www.baltimorecountymd.gov/sebin/b/f/socialmedia_BC_NOW.jpg]
<<http://www.baltimorecountymd.gov/News/BaltimoreCountyNow>> [http://www.baltimorecountymd.gov/sebin/r/z/socialmedia_youtube.jpg]

<<http://www.youtube.com/baltimorecounty>> [<http://www.baltimorecountymd.gov/sebin/x/i/footer-photosicon.png>] <<http://www.flickr.com/people/baltimorecounty/>>

[<http://www.baltimorecountymd.gov/sebin/h/e/mobile-seal.png>]<<http://www.baltimorecountymd.gov>>
When you think Baltimore County, think,
www.baltimorecountymd.gov<<http://www.baltimorecountymd.gov>>

--

Kevin G. Wagner, CFM
Natural Resources Planner
State NFIP Coordinating Office
Maryland Department of the Environment
301-689-1495 (office) | 240-362-2143 (cell)
kevin.wagner@maryland.gov

CASE NO. 2015-0202-SPHA

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

3/25/15

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

DEPS
(if not received, date e-mail sent 4/24/15)

FIRE DEPARTMENT

4/8/15

PLANNING
(if not received, date e-mail sent _____)

no obj w/comment

STATE HIGHWAY ADMINISTRATION

3/23/15

TRAFFIC ENGINEERING

no obj

3/27/15

State of Maryland - Kevin Wagner - Comment

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

4/2/15

Dept. of Public Works

Comment

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 4/9/15

SIGN POSTING

Date: 4/11/15

by ASH Black

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Sherry Nuffer

From: Sherry Nuffer
Sent: Friday, April 24, 2015 11:14 AM
To: Jeffery Livingston
Subject: 2015-0202-SPHA

There is a hearing on the above referenced cases on Friday May 1 , 2015. It is located in a CBCA Flood area and we have no ZAC comments. For your convenience I've attached a case description for this case.. Please Advise.

CASE NUMBER: 2015-0202-SPHA

8911 MILLERS ISLAND RD.

Location: SW/S of Millers Island Blvd., 313 ft. SE of the c/line of Millers Island Road
15th Election District, 7th Council District

Legal owners: Harry R & Sharon L Stewart

SPECIAL HEARING To determine whether or not the Administrative Law Judge should approve an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling.

VARIANCE To permit an accessory structure (detached garage) to be located in the side yard with a height of 23 ft. in lieu of the required rear yard placement and maximum height of 15 ft.

Hearing: Friday, 5/1/2015, 1:30 PM, Jefferson Building, 105 West Chesapeake Avenue, Room 205, Towson, MD 21204

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513401640			
Owner Information					
Owner Name:	STEWART HARRY R 2ND STEWART SHARON L		Use:	RESIDENTIAL	
Mailing Address:	8911 MILLERS ISLAND BLVD BALTIMORE MD 21219-1642		Principal Residence:	YES	
			Deed Reference:	/11936/ 00196	
Location & Structure Information					
Premises Address:	8911 MILLERS ISLAND BLVD BALTIMORE 21219-1642		Legal Description:	LT 285,286 8911 MILLERS ISLAND BLVD SWAN POINT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0112	0015	0004		0000	285 2015 0009/0004
Special Tax Areas:			Town: NONE		
			Ad Valorem: NONE		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1955	1,794 SF		20,500 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	STANDARD UNIT	SIDING	2 full	
Value Information					
	Base Value	Value As of 01/01/2015	Phase-In Assessments As of 07/01/2014 As of 07/01/2015		
Land:	144,800	144,800			
Improvements	67,200	98,400			
Total:	212,000	243,200	212,000	222,400	
Preferential Land:	0			0	
Transfer Information					
Seller: MILLERS ISLAND		Date: 12/12/1996	Price: \$125,000		
Type: ARMS LENGTH IMPROVED		Deed1: /11936/ 00196	Deed2:		
Seller: MEAGHER ANNA M/LISA R		Date: 09/27/1994	Price: \$80,000		
Type: NON-ARMS LENGTH OTHER		Deed1: /10766/ 00608	Deed2:		
Seller: MEAGHER WILLIAM E		Date: 08/09/1994	Price: \$1		
Type: NON-ARMS LENGTH OTHER		Deed1: /10693/ 00404	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014	07/01/2015		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 02/14/2012					

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **15** Account Number: **1513401640**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)



Loading... Please Wait.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

April 21, 2015

Harry R & Sharon L Stewart
8911 Millers Island Boulevard
Baltimore MD 21219

RE: Case Number: 2015-0202 SPHA, Address: 8911 Millers Island Boulevard

Dear Mr. & Ms. Stewart:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 13, 2015. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Maryland Department of Transportation

Pete K. Rahn, Secretary
Melinda Peters, Administrator

Date: 3/23/15

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

RE: Baltimore County
Item No 2015-0202-SPHA
Special Hearing Variance
8911 Millers Island Road
Harry R. & Sharon L. Stewart

Dear Ms. Lewis:

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. 2015-0202-SPHA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

From: Donald Brand
To: Richards, Carl
Date: 3/27/2015 10:24 AM
Subject: Fwd: Comments on ZAC Case Number 2015-0202-SPHA: 8911 Millers Island Road
Attachments: FM2400100560G.pdf

fyi

>>> Kevin Wagner -MDE- <kevin.wagner@maryland.gov> 3/27/2015 9:37 AM >>>
Dear Ms. Lewis,

Thank you for the opportunity to comment on the above-referenced Zoning Advisory Committee (ZAC) case included on an agenda for its March 30, 2015 meeting.

A special hearing variance was requested by the property owners, Harry R. & Sharon L. Stewart, to determine whether or not the Administrative Law Judge should approve an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling. In addition, a variance is requested to permit an accessory structure (detached garage) to be located in the side yard with a height of 23 feet in lieu of the required rear yard placement and maximum height of 15 feet.

According to the plan that accompanied the petition, the new garage would be 1260 square feet, and would also include a separate screen porch.

This property is located entirely within flood Zone AE as mapped by Federal Emergency Management Agency (FEMA) on the effective Flood Insurance Rate Map (FIRM) Panel No. 2400100560G dated May 5, 2014. See the attached FIRMette for reference.

The State Coordinating Office of the National Flood Insurance Program (NFIP) offers the following comments for the County's consideration on this variance request:

1. FEMA, who administers the NFIP that Baltimore County participates in, has recently placed a great deal of emphasis on the size of accessory structures that communities allow in the floodplain. For accessory structures not elevated to or above the Base Flood Elevation (BFE), FEMA advises they should be "small" and "low cost".
2. Baltimore County updated their floodplain management regulations in early 2014, and FEMA reviewed and approved them. Accordingly, per Part 124.5 of the Baltimore County Building Code, accessory structures or garages larger than 900 square feet are not permitted.
3. As long as the garage is attached to the existing house, it would not be considered an accessory structure for floodplain management purposes. The plan does show a breezeway connecting the two.

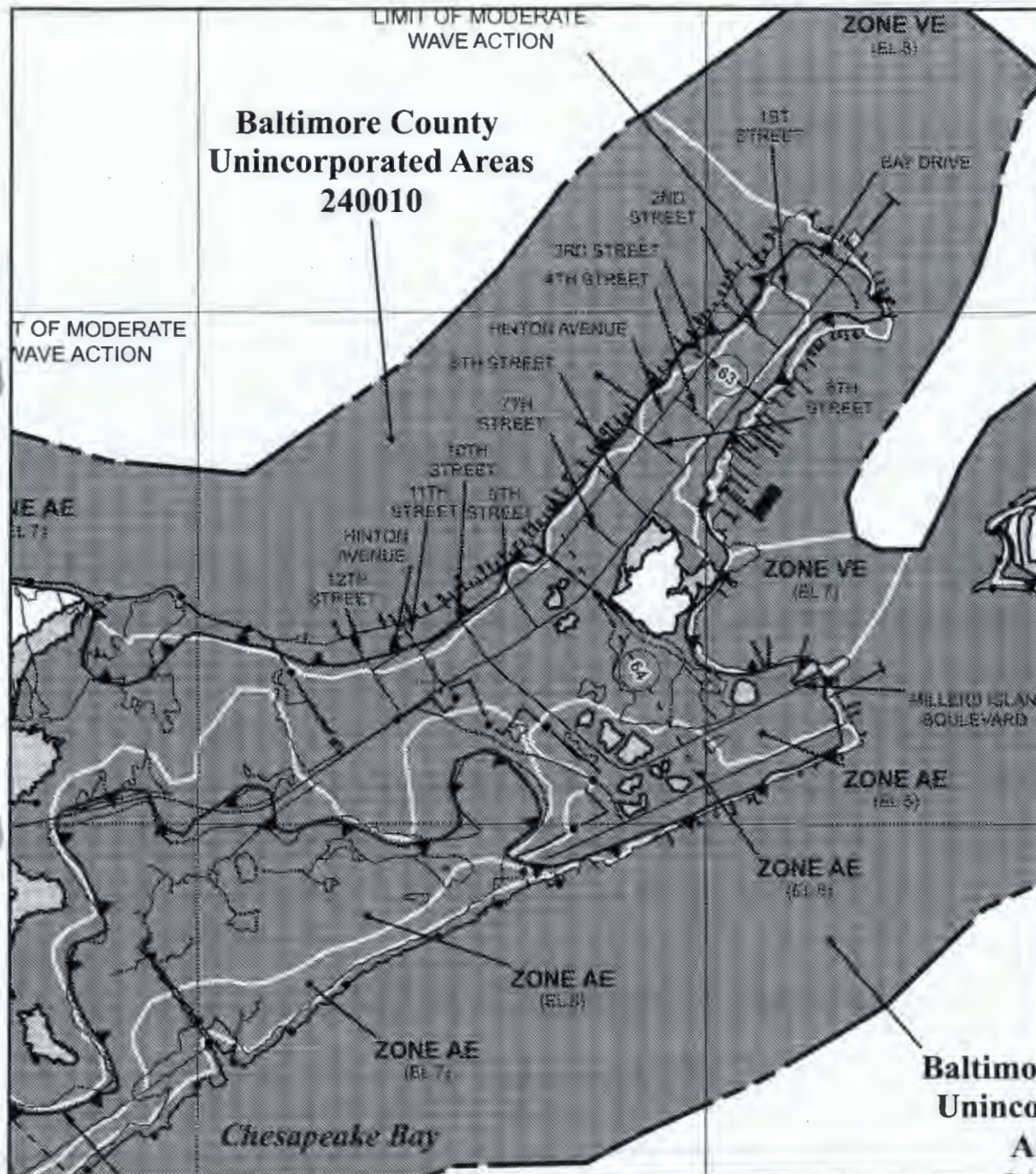
If you have any questions, please call me at 301-689-1495 or email kevin.wagner@maryland.gov.

Sincerely,
Kevin

--

Kevin G. Wagner, CFM

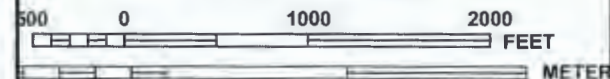
Natural Resources Planner
MDE, Wetlands & Waterways Program
301-689-1495 | kevin.wagner@maryland.gov



National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 1000'



NFIP

PANEL 0560G

FIRM

FLOOD INSURANCE RATE MAP

**BALTIMORE COUNTY,
MARYLAND
(UNINCORPORATED AREAS)**

PANEL 560 OF 580

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS

COMMUNITY	NUMBER	PANEL	SUFFIX
BALTIMORE COUNTY	240010	0560	G

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



**MAP NUMBER
2400100560G**

**MAP REVISED
MAY 5, 2014**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 8, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8911 Millers Island Boulevard

RECEIVED

INFORMATION:

APR 16 2015

Item Number: 15-202

Petitioner: Harry R. Stewart and Sharon L. Stewart

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5

Requested Action: Special Hearing, Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petition and accompanying site plan requesting a special hearing to determine whether the Zoning Commissioner (Administrative Law Judge) should approve an accessory structure (detached garage) with a footprint area larger than the footprint area of the principal use dwelling and a variance to permit said accessory structure to be located in the side yard with a height of 23 feet in lieu of the required rear yard and 15 feet respectively.

The Department of Planning has no objection to granting the requested relief subject to the following conditions:

- The accessory structure shall not be used for commercial purposes.
- The accessory structure shall not be converted into a dwelling unit or apartment, and it shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

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

Division Chief:
AVA/KS/LTM

Kathy Schlabach

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2015
Item No. 2015-0202

DATE: March 25, 2015

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comments.

The plan does not scale properly. 1"=20' does not appear to be the proper scale. It appears that the garage is proposed on adjacent lot, 300, #8939, owned by Mr. & Mrs. Humin. The lot shown as "vacant" is owned by DNR and is developed as a community park. If the garage is allowed, fencing and screening along the side and rear property lines should be required.

Prior to building permit application, the petitioner must contact the office of the Director of Public works to determine the flood protection elevation so that the floor elevation can be set.

* * * * *

DAK: CEN
cc:file

4/20/15
wcr

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 8, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8911 Millers Island Boulevard

INFORMATION:

Item Number: 15-202

Petitioner: Harry R. Stewart and Sharon L. Stewart

Zoning: DR 5.5

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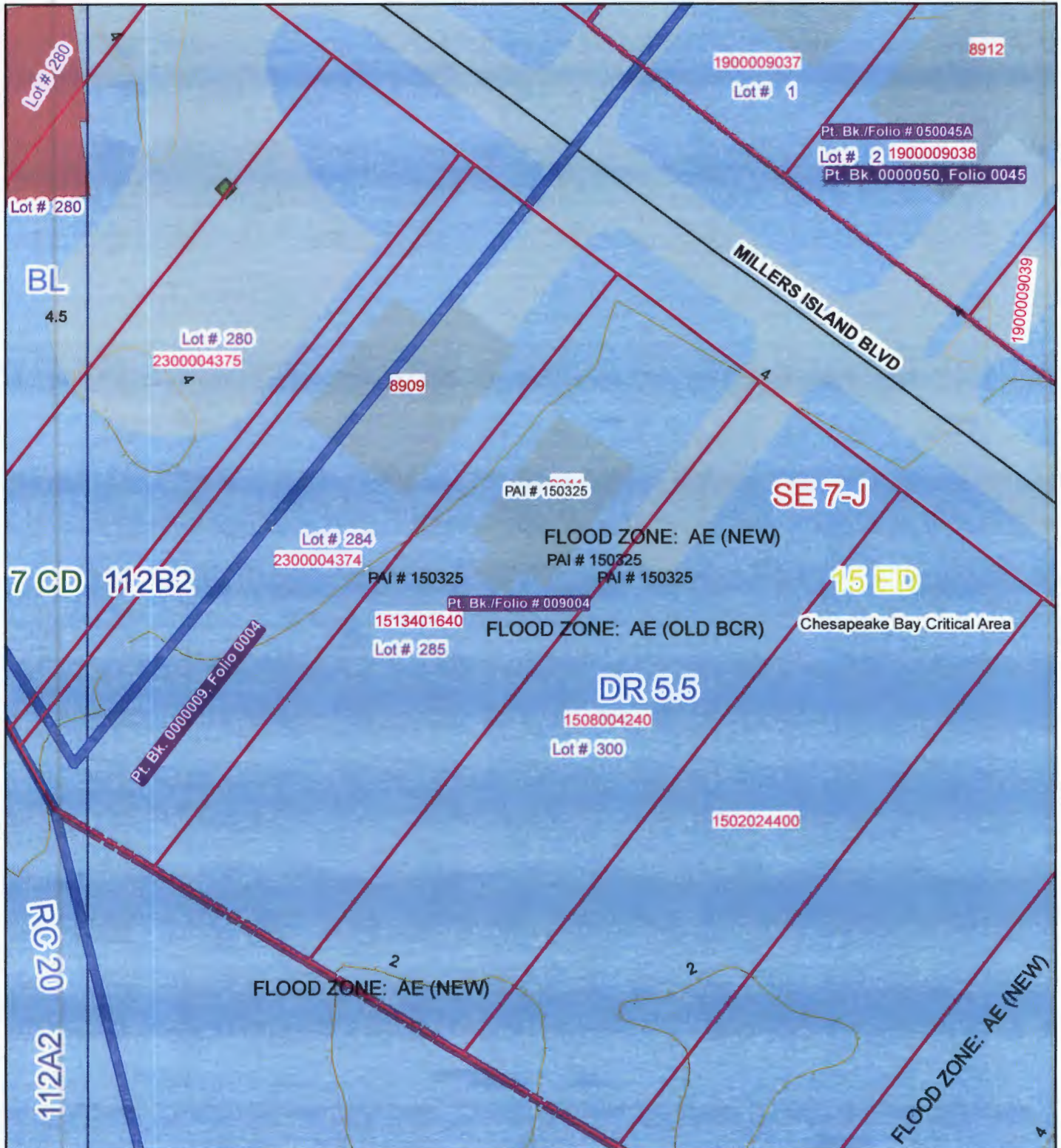
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- The accessory structure shall not be converted into a dwelling unit or apartment, and it shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

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

Division Chief:
AVA/KS/LTM

Kathy Seelman

Elevations and Flood Hazards



Publication Date: 3/13/2015



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

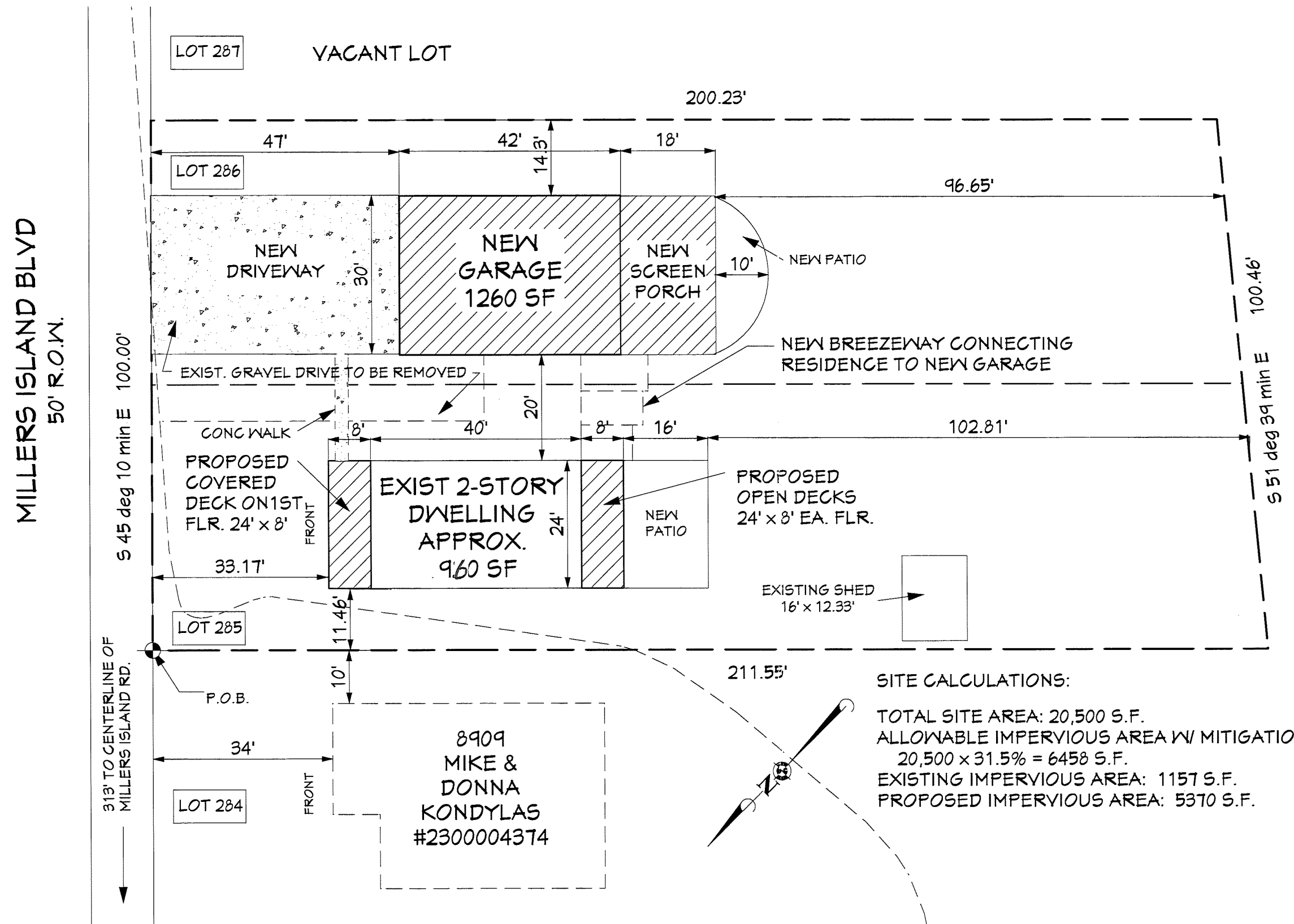


0 10 20 40 60 80 Feet

1 inch = 40 feet

2015-0202-SPHA

ADDRESS: 8911 MILLERS ISLAND BLVD OWNERS: HARRY & SHARON STEWART
SUBDIVISION NAME: SWAN POINT LOT#: 285 & 286 BLOCK#: SECTION #:
PLAT BOOK#: 9 FOLIO #: 4 10 DIGIT TAX #: 1513401640 DEED REF#: 11936/00196



PLAN DRAWN BY: MAUREEN COPELAND 717.599.9590 DATE: MARCH 8, 2015 SCALE: 1 INCH = 20 FEET

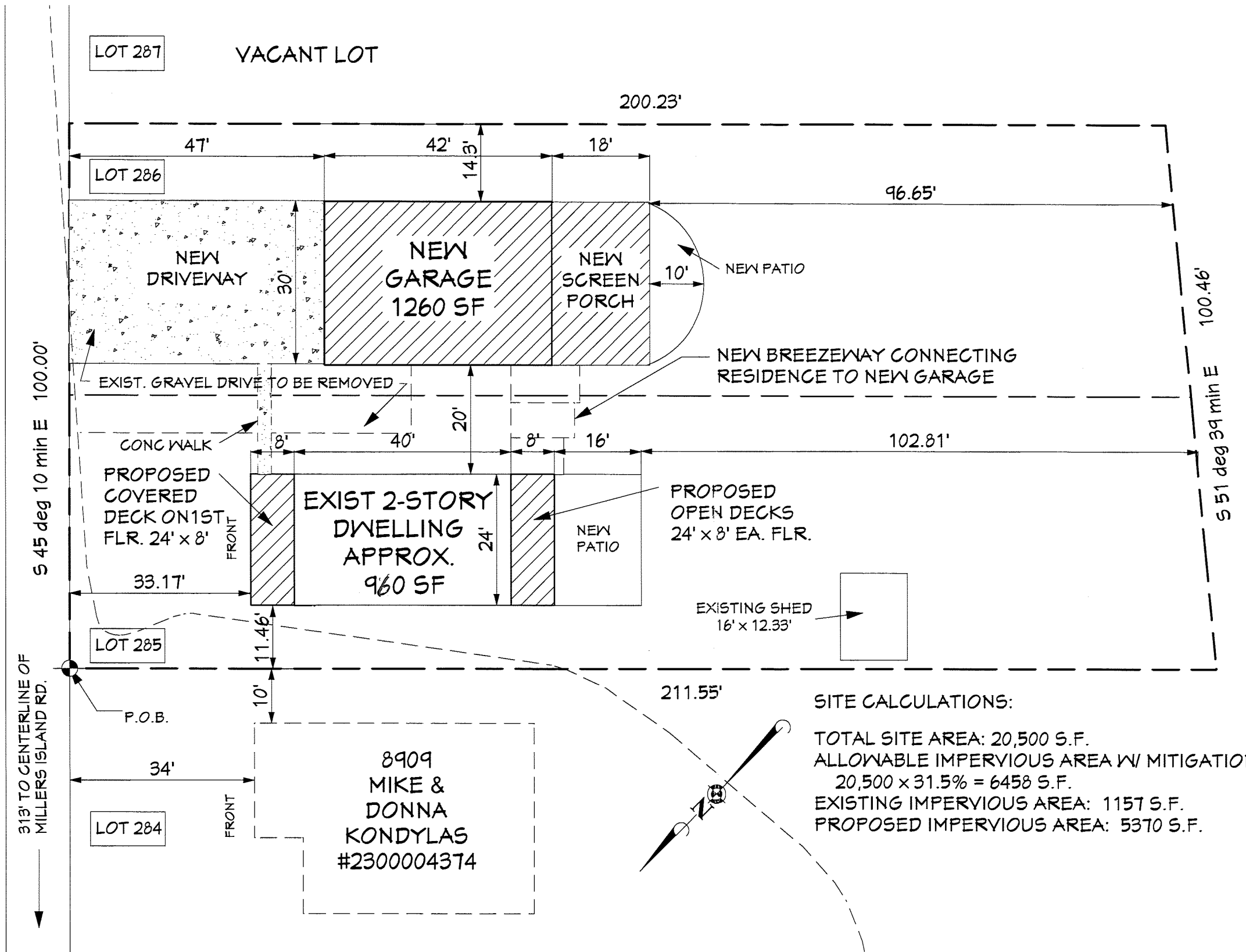
N
▲
MAP

ZONING
SITE ZONING
ELECTRICITY
COUNCIL
LOT AREA
OR SQUARE
SQUARE
HISTORIC
IN CBC
IN FLOOR
UTILITY
PUBLIC
PRIOR
VIOLATION

ADDRESS: 8911 MILLERS ISLAND BLVD OWNERS: HARRY & SHARON STEWART
SUBDIVISION NAME: SWAN POINT LOT#: 285 & 286 BLOCK#: SECTION #:
PLAT BOOK#: 9 FOLIO #: 4 10 DIGIT TAX #: 1513401640 DEED REF#: 11936/00196

EXHIBIT NO.

MILLERS ISLAND BLVD
50' R.O.W.



PLAN DRAWN BY: MAUREEN COPELAND 717.599.9590 DATE: MARCH 8, 2015 SCALE: 1 INCH = 20 FEET

7th St
New St
Millers Island Rd

N
▲ MAP

ZONING
 BITE Z
 ELECT
 COUNC
 LOT A
 DR SQU
 SQUAR
 HISTOR
 N CBC
 N FLC
 UTILIT
 PUBLIC
 PRIOR
 VIOLA

SITE

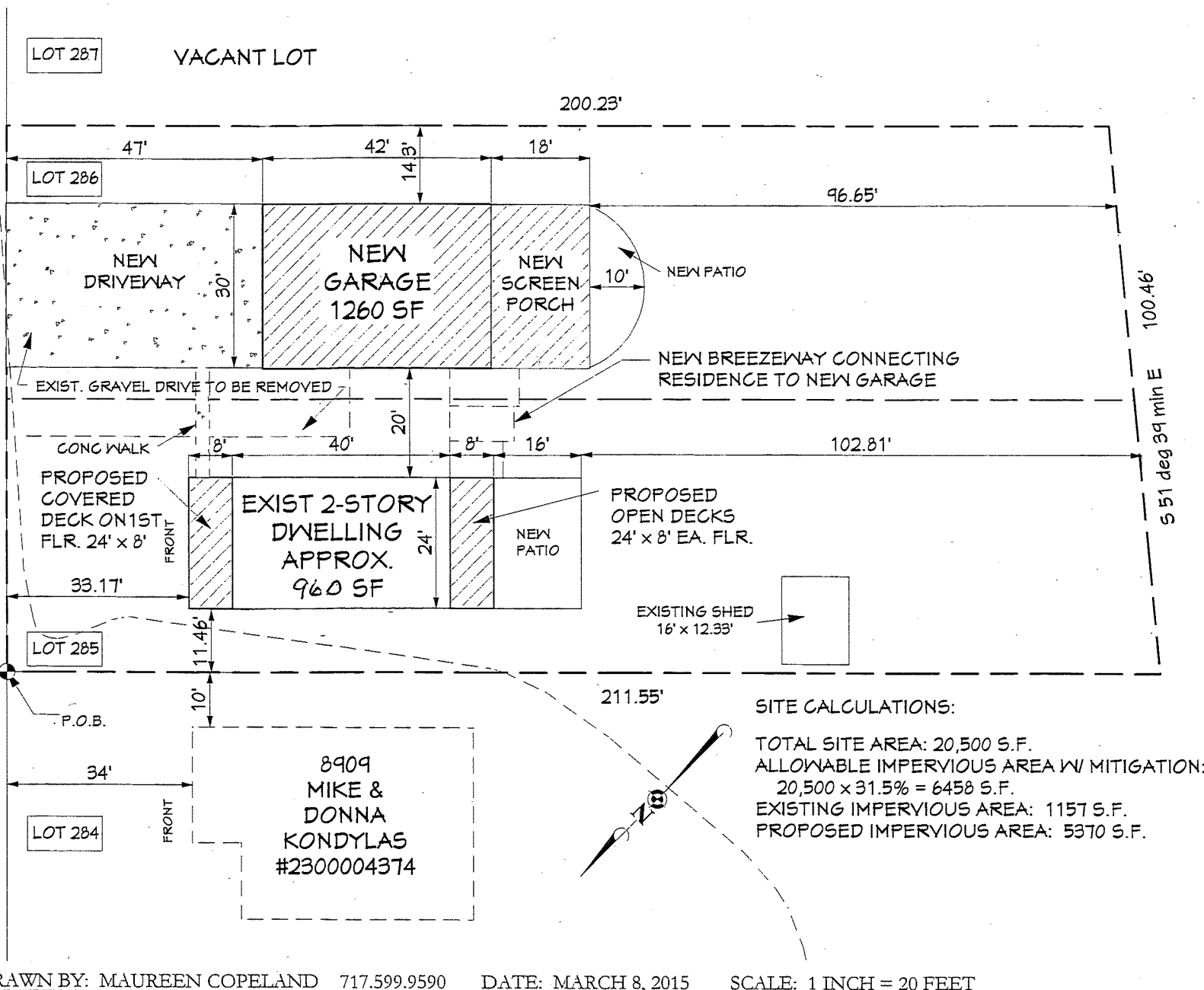


ZONING
SITE Z
ELECT
COUN
LOT A
OR SQ
SQUAR
HISTO
IN CBC
IN FLC
UTILIT
PUBLIC
PRIOR
VIOLA

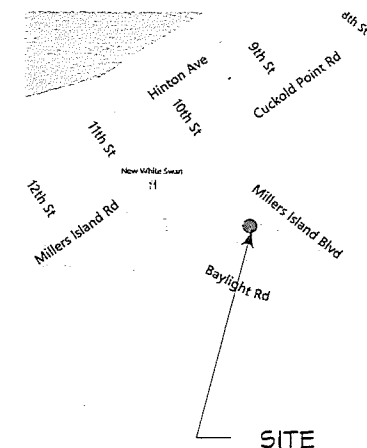
2015-0202-SPHA

ZONING HEARING PLAN FOR SPECIAL HEARING & VARIANCE

ADDRESS: 8911 MILLERS ISLAND BLVD OWNERS: HARRY & SHARON STEWART
 VISION NAME: SWAN POINT LOT#: 285 & 286 BLOCK#: SECTION #:
 BLOCK#: 9 FOLIO #: 4 10 DIGIT TAX #: 1513401640 DEED REF#: 11936/00196



SITE VICINITY MAP



N
 ▲ MAP IS NOT TO SCALE

ZONING MAP: 117B2
 SITE ZONED: DR5.5
 ELECTION DISTRICT: 15
 COUNCIL DISTRICT: 7
 LOT AREA ACREAGE:
 OR SQUARE FEET: 20,500
SQUARE FEET
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? 'A'
 UTILITIES: WATER IS
PUBLIC, SEWER IS PUBLIC
 PRIOR HEARING? NO
 VIOLATION CASE INFO: