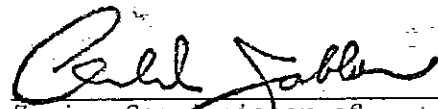


87-227-A #130	<u>S/S of Bird River Grove Rd., 3225' NE of Ebenezer Rd.</u>	15th Elec. Dist.
10/27/86	Variance - filing fee \$35.00 - Curtis E. Weikle, et ux	
10/27/86	Hearing set for 12/8/86, at 10:15 a.m.	
12/15/86	Advertising and Posting - \$61.40	
12/15/86	Ordered by the Zoning Commissioner that the Petition for Zoning Variances to permit side yard setbacks of 10' and 23' in lieu of the required 35' is GRANTED with restrictions.	

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/~~would not~~ result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested ~~will~~/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should ~~/should not~~ be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of December, 1986, that the Petition for Zoning Variances to permit side yard setbacks of 10 feet and 23 feet in lieu of the required 35 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Recommendations from the Office of Planning dated November 25, 1986, as to the Chesapeake Bay Critical Area findings (attached), shall be adopted in their entirety.
2. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable 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.


Zoning Commissioner of
Baltimore County

AJ/srl

Attachment

cc: Mr. & Mrs. Curtis E. Weikle

People's Counsel

130
87-227-A
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
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 1A01.3.B.3 to permit side yard setbacks of 10 feet and 23 feet in lieu of the required 35 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
This is an undersigned lot created before the R.C. 2 zoning requirement of 35 foot setbacks. The lot cannot be built upon without a variance. The house and its setbacks will be in character with the neighborhood.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of N 30,820 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: Legal Owner(s):
(Type or Print Name) Curtis E. Weikle
Signature Curtis E. Weikle
Address Donna A. Weikle
City and State Baltimore, MD
Attorney for Petitioner: P.O. Box 313
(Type or Print Name) 122 King Charles Circle, 21237
Address Baltimore, MD 21237
City and State Baltimore, MD
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Mrs. Charles Hellman
City and State Baltimore, MD
Attorney's Telephone No. 11027 Bird River Grove Rd. 335419
Address 21162 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of October, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of December, 1986, at 10:15 o'clock A.M.
Zoning Commissioner of Baltimore County.

MAP NEBT
46
E.D. 15th
DATE 5/15/87
200
1600
DP
E56,860

DESCRIPTION FOR VARIANCE
CURTIS AND DONNA WEIKLE PROPERTY
15TH ELECTION DISTRICT

Beginning at a point on the south side of Bird River Grove Road (25 feet wide) at a distance of 3225 feet northeast of the centerline of Ebenezer Road and running thence South 04° 59' West, 209.80 feet; thence South 84° 17' East, 75 feet; thence North 04° 59' East, 210.62 feet to the south side of Bird River Grove Road; thence binding on the south side North 84° 55' West, 75 feet to the point of beginning.

Containing 0.362 acres of land, more or less.

PETITION FOR ZONING VARIANCE
15th Election District
Case No. 87-227-A

LOCATION: South Side of Bird River Grove Road, 3225 feet Northeast of Ebenezer Road
DATE AND TIME: Monday, December 8, 1986, at 10:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit side yard setbacks of 10 feet and 23 feet in lieu of the required 35 feet

Being the property of Curtis E. Weikle, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S of Bird River Grove Rd., : OF BALTIMORE COUNTY
3225' NE of Ebenezer Rd. :
15th District :
CURTIS E. WEIKLE, et ux, : Case No. 87-227-A
Petitioners :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 12th day of November, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Curtis E. Weikle, 122 King Charles Circle, Baltimore, MD 21237, Petitioners; and Mrs. Charles Hellman, 11027 Bird River Grove Rd., Baltimore, MD 21162, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

December 3, 1986

Mr. Curtis E. Weikle
Mrs. Donna A. Weikle
122 King Charles Circle
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE
S/S of Bird River Grove Rd., 3225' NE of Ebenezer Rd.
15th Election District
Curtis E. Weikle, et ux - Petitioners
Case No. 87-227-A

Dear Mr. and Mrs. Weikle:

This is to advise you that \$61.40 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 025748
DATE 12-15-86 ACCOUNT 9-01-61-003
AMOUNT \$ 61.40
RECEIVED FROM: Curtis Weikle, et ux
FOR: Advertising and Posting 87-227-A
B B103*****61401a P162F
VALIDATION OR SIGNATURE OF CASHIER

County, Maryland, and remit to, Towson, Maryland

Petition for Zoning Variance
15th Election District
Case No. 87-227-A
LOCATION: South Side of Bird River Grove Road, 3225 feet Northeast of Ebenezer Road.
DATE & TIME: Monday, December 8, 1986, at 10:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance to permit side yard setbacks of 10 feet and 23 feet in lieu of the required 35 feet.
Being the property of Curtis E. Weikle, et ux, as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County

The Times
Middle River, Md., 7/20/86
This is to Certify, That the annexed was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 20th day of 1986.
Jaw Publisher.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 11/15/86
Posted for 101.000
Petitioner Curtis E. Weikle, et ux
Location of property S/S Bird River Grove Rd., 3225' NE of Ebenezer Rd.
Location of Sign 122 King Charles Circle, Baltimore, MD 21237
Remarks 101.000
Posted by 101.000 Date of return 11/21/86
Number of Signs 1

Mr. Curtis E. Weikle
Mrs. Donna A. Weikle
122 King Charles Circle
Baltimore, Maryland 21237

October 31, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
S/S of Bird River Grove Rd., 3225' NE of Ebenezer Rd.
15th Election District
Curtis E. Weikle, et ux - Petitioners
Case No. 87-227-A

TIME: 10:15 a.m.

DATE: Monday, December 8, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

Zoning Commissioner
County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 025997
DATE 9/15/86 ACCOUNT 91415
AMOUNT \$ 35.00
RECEIVED FROM: Donna Weikle
FOR: Filing Fee for Variance Item 130
B B054*****35001a P162F
VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD, November 20, 1986

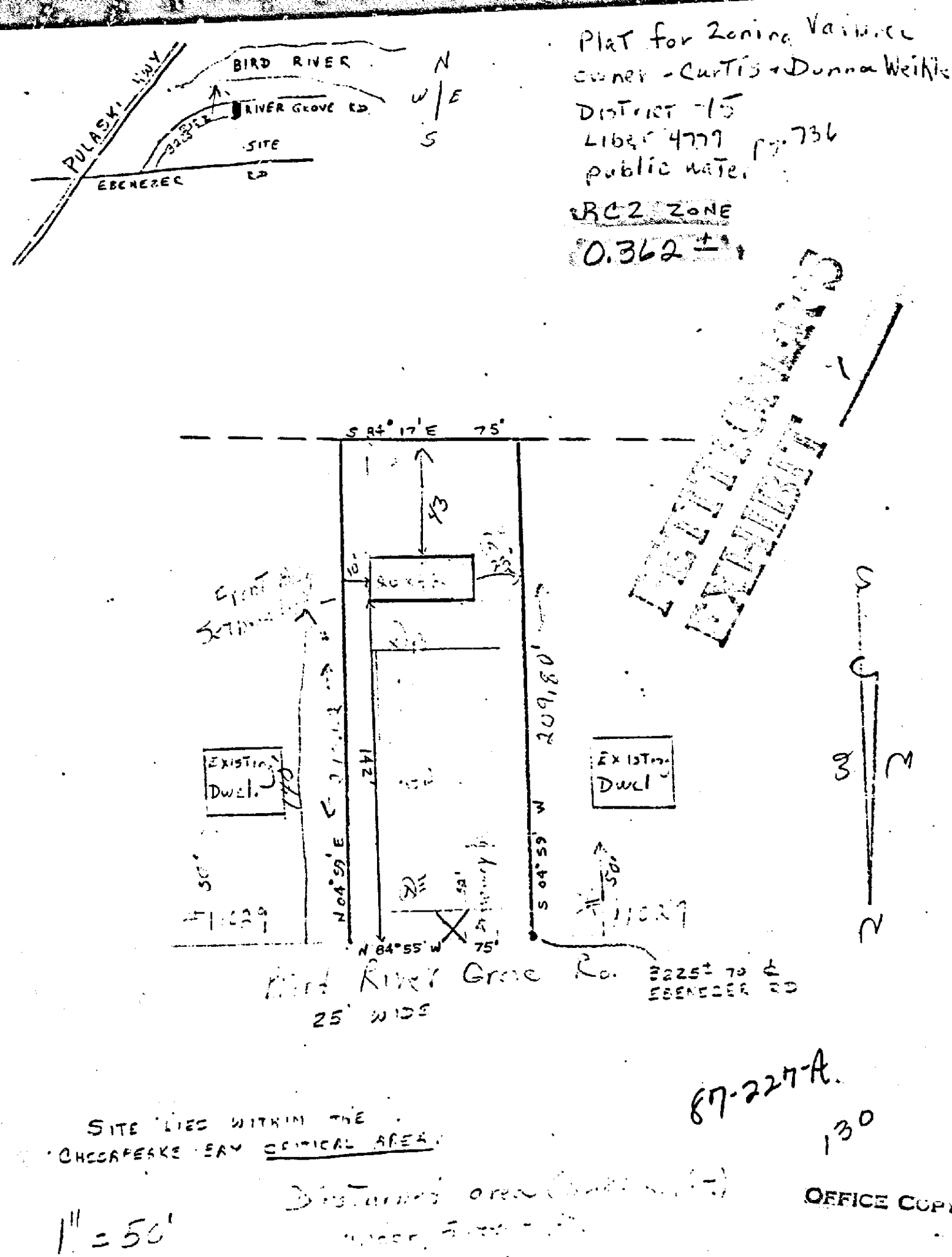
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 20, 1986.

THE JEFFERSONIAN,

Susan Studer Obrecht
Publisher

Cost of Advertising
24.75

PETITION FOR ZONING VARIANCE
15th Election District
Case No. 87-227-A
LOCATION: South Side of Bird River Grove Road, 3225 feet Northeast of Ebenezer Road.
DATE & TIME: Monday, December 8, 1986, at 10:15 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing: Petition for Variance to permit side yard setbacks of 10 feet and 23 feet in lieu of the required 35 feet.
Being the property of Curtis E. Weikle, et ux, as shown on the plat filed with the Zoning Office.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
Arnold Jablon
Zoning Commissioner
of Baltimore County
11/16/86 Nov. 20.



*Early Planning
3/7/86
to date*

10/24/86
to JD CURTIS & DONNA WEIKLE
Oct. 20, 1986
Item 130

Dear Mr. Jablon,

re: property for going hearing
Bird River Grove Rd. 21162

I was in your office on 9-25 to review my papers necessary for a going hearing. To this date I have not received a hearing date assigned to us.

We have had to move into an apartment that is very expensive (because 3 children require a larger place), and have had to go to store most of our furniture & belongings.

When I first called going some weeks ago they told me a hearing would take 3-4 weeks. Now it's 8-10 weeks.

We are also having problems with the school board wishing to transfer our children for this indefinite time. These problems are causing us financial & mental stress & we would appreciate a hearing date soon, so that these problems can be

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: November 25, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions Nos. 87-226-A and 87-227-A

Please consider the Chesapeake Bay Critical Area finding (See memoranda dated 11/25/86 from Norman E. Gerber to Arnold Jablon) to be the position of this office.

Norman E. Gerber, AICP
Director

NEG:JGH:sib

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 25, 1986

Mr. Curtis E. Weikle
122 King Charles Circle
Baltimore, Maryland 21237

RE: Item No. 130 - Case No. 87-227-A
Petitioner: Curtis E. Weikle, et ux
Petition for Zoning Variance

Dear Mr. Weikle:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb
Enclosures
cc: Mrs. Charles Hellmann
11027 Bird River Grove Road
Baltimore, Maryland 21162

87-227-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 27th day of October, 1986.

Arnold Jablon
Zoning Commissioner

Petitioner: Curtis E. Weikle, et ux
Petitioner's Attorney

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: November 25, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

Chesapeake Bay Critical Area Finding
SUBJECT: Curtis E. Weikle, et ux (87-227-A, Item 130)

This petition has been reviewed by the staff of the Office of Planning and Zoning and it has been found that it is consistent with the requirements of the Chesapeake Bay Critical Area program provided that:

- (1) Existing vegetation be maintained wherever possible and that enhancement tree plantings be made to the degree possible in order to reduce erosion, sedimentation and runoff and to provide wildlife habitat.
- (2) Runoff from impervious surfaces be managed to allow infiltration by spreading runoff over vegetated areas towards suitable outfall.

Norman E. Gerber, AICP
Director

NEG:sib

cc: Uri Avin
Tim Dugan
Jim Hoswell
Andrea Van Arsdale
Tom Vidmar
People's Counsel

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

NOVEMBER 6, 1986
(CRITICAL AREA)

Re: Zoning Advisory Meeting of OCTOBER 7, 1986
Item # 130
Property Owner: CURTIS E. WEIKLE, et al
Location: 5/5 BIRD RIVER GROVE RD.
3225' W EBEWEZER RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on
- () Landscaping: Must comply with Baltimore County Landscape Manual.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.

Additional comments:
X THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION.

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 127, 128, 129, 130, 131, and 135.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

David Fields, Acting Chief
Current Planning and Development



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

October 21, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Curtis E. Weikle, et ux *

Location: S/S Bird River Grove Rd., 3225 ft. NE Ebenezer Rd.

Item No.: 130 Zoning Agenda: Meeting of Oct. 7, 1986

Gentlemen:

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

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *C. J. Kelly* 10/24/86 Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb *CRITICAL



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

November 3, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 130 Zoning Advisory Committee Meeting are as follows:

Property Owner: Curtis E. Weikle, et ux (CRITICAL)
Location: S/S Bird River Grove Road, 3225 feet NE Ebenezer Road
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

(A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.E.S.T. #117-1 - 1980) and other applicable Codes and Standards.

(B) A building and other miscellaneous permits shall be required before the start of any construction.

(C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.

E. All Use Groups except R-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. R-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Uses _____. See Section 312 of the Building Code.

(I) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

(J) Comments: Floor levels including the basement shall be 1'-0" above the 100 year flood tide. See the attached Code Section 516.0 for additional information.

K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Burnham
BY: C. E. Burnham, Chief
Building Plans Review

L/22/86

SPECIAL NO. FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATERS:

1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corp of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985