

# 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 402.1 to permit accessory structures (existing shed and proposed garage) to be located in the front and side yards in lieu of the required rear yard and a determination that the accessory structures may be built on a lot which is adjacent to that containing the principal structure and not on the lot which contains the principal structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) **HARDSHIP** - (waterfront property) Location of the house on Lot 9 (waterfront property) limits the area considered to be the rear yard. Proximity of the well and septic limit placement of the garage. The garage is proposed to be placed over an existing pad. To move it elsewhere would cause unnecessary cost and land disturbance. The shed has existed on Lot 10 for many years. Because the site lies within the Chesapeake Bay Critical Area, a re-subdivision to combine Lots 9 and 10 into one lot would be prohibited. Lot 10 cannot be used to construct a new home now because of Chesapeake Bay Critical Area requirements and R25 zoning requirements.

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 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:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.:  
Address

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contact purchaser or representative to be contacted  
Name  
Address  
City and State  
Phone No.

MAP 94-1  
4A  
E.D. 15  
DATE 6/27/87  
200  
1000  
DP  
S 15 610  
E 51,500

1215 Bayside Rd. 184-5832  
Balt. Md. 21221  
312 N. Marlyn Ave 391-2526  
Balt. Md. 21221

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of June 1987, at 11:00 o'clock A.M.

ESTIMATED LENGTH OF HEARING 1 1/2 HRS. + 1HR.  
REVIEWED BY: CKR DATE 3/25/87

DESCRIPTION FOR VARIANCE  
1215 Bayside Road  
15th Election District

Beginning on the south side of Bayside Road (30' wide) at a distance of 300 feet east of Beechwood Road and being Lot's 9 and 10 as shown on the plat of "Evergreen Park", which is recorded in the Land Records of Baltimore County in plat book MPC No. 7, Folio 174.

IN RE: PETITION FOR ZONING VARIANCE  
S/S Bayside Road, 300' E of  
Beechwood Road  
(1215 Bayside Road)  
15th Election District  
5th Councilmanic District  
Nicholas E. Walter, et ux  
Petitioners

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-521-A

The Petitioners herein request a variance to permit accessory structures (existing shed and proposed garage) to be located in the front and side yards in lieu of the required rear yard, and a determination that the accessory structures may be built on a lot which is adjacent to that containing the principal structure and not on the lot which contains the principal structure.

Testimony on behalf of the Petitioners indicated that the subject waterfront property is located within the Chesapeake Bay Critical Area and consists of two lots. The property has been in the Petitioners' family for over 50 years and has always been treated as one residential lot. Lot #9 is improved with a dwelling and Lot #10 contains a concrete pad, located partly in the side yard, and a shed in the front yard. The shed, which is screened, has jalousie windows, is used for leisure and plants, and was constructed many years ago. The Petitioners request a variance to keep the existing shed in its present location and to permit the construction of a garage on Lot #10, utilizing the existing concrete pad, in order to provide protection for their vehicle as well as a sense of security for them. There is no location on the lots where the proposed garage could be built without the need for a variance.

After due consideration of the testimony and evidence presented at the hearing and the history of the use of the two lots as one residential property, it is the opinion of the Deputy Zoning Commissioner that the property legally identified as Lots #9 and #10 on the plan submitted, may continue to be treated as one residential property without a re-subdivision to combine the two lots.

PETITION FOR ZONING VARIANCE  
15th Election District - 5th Councilmanic District  
Case No. 87-521-A

LOCATION: South Side Bayside Road, 300 feet East of Beechwood Road (1215 Bayside Road)

DATE AND TIME: Wednesday, June 24, 1987, at 11:00 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 accessory structures (existing shed and proposed garage) in the front and side yards in lieu of the required rear yard and to determine if the accessory structures may be built on a lot which is adjacent to that containing the principal structure and not on the lot which contains the principal structure

Being the property of Nicholas E. Walter, 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

Furthermore, in accordance with the memo from the Director of the Office of Planning and Zoning dated May 27, 1987, no subdivision process is required.

Pursuant to the advertisement, posting of property, and public hearing on the petition; it appearing that strict compliance with the Baltimore County Zoning Regulations (BC24) would result in practical difficulty and unreasonable hardship upon the Petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having ascertained that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; it is determined that the requested variances will not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 27th day of July, 1987 that a variance to permit accessory structures (existing shed and proposed garage) to be located in the front and side yards in lieu of the required rear yard, in accordance with the plan submitted, be approved, and further, it is determined that, in the instant case, the accessory structures, including an existing shed and the proposed garage, may be built on a lot which is adjacent to that containing the principal structure, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

Any use of the accessory structures for residential purposes is prohibited.

Jean M. H. Jung  
Deputy Zoning Commissioner  
of Baltimore County

ORDER RECEIVED FOR FILING  
Date 7/27/87  
By [Signature]

RE: PETITION FOR VARIANCE  
S/S Bayside Rd., 300' E of  
Beechwood Rd. (1215 Bayside  
Rd.), 15th District  
NICHOLAS E. WALTER, et ux,  
Petitioners

BEFORE THE ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 87-521-A

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 27th day of May, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Nicholas E. Walter, 1215 Bayside Rd., Baltimore, MD 21221, Petitioners; and Mr. Kenneth Daniels, 312 N. Marlyn Ave., Baltimore, MD 21221, who requested notification.

Peter Max Zimmerman  
Peter Max Zimmerman

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

Arnold Jablon  
Zoning Commissioner

July 27, 1987

Mr. & Mrs. Nicholas E. Walter  
1215 Bayside Road  
Baltimore, Maryland 21221

RE: Petition for Zoning Variance  
S/S Bayside Road, 300' E of Beechwood Road  
(1215 Bayside Road)  
15th Election District, 5th Councilmanic District  
Case No. 87-521-A

Dear Mr. & Mrs. Walter:

Pursuant to the recent hearing held in the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Jean M. H. Jung  
Deputy Zoning Commissioner

JMH/bjs

Enclosures

cc: People's Counsel

Mr. Michael Northrop  
Maryland State Department of Planning  
301 W. Preston Street, Balto., Md. 21201

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

ARNOLD JABLON  
ZONING COMMISSIONER

June 17, 1987

Mr. Kenneth Daniels  
312 North Marlyn Avenue  
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE  
S/S Bayside Rd., 300' E of Beechwood Rd.  
(1215 Bayside Rd.)  
15th Election District - 5th Councilmanic District  
Nicholas E. Walter, et ux - Petitioners  
Case No. 87-521-A

Dear Mr. Daniels:

This is to advise you that \$75.59 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.

Please make the check payable to Baltimore County, Maryland, and remit to Room 113, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 35948

DATE 6/24/87 ACCOUNT R-01-615-000

SIGN & POST  
RETURNED

AMOUNT \$ 75.59

RECEIVED FROM Kenneth W. Daniels, 312 N. Marlyn Ave., Balto., Md. 21221

ADVERTISING & POSTING COSTS RE CASE #87-521-A

8 8558 \*\*\*\*\*755933 32461

VALIDATION OR SIGNATURE OF CARRIER



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 15th Date of Posting 6/1/87  
Posted for: Variance  
Petitioner: Nicholas E. Walter, et ux  
Location of property: 513 Bayside Rd., 300' E of Beechwood Rd.  
Location of Sign: Front of property at Bayside Rd.  
Remarks: See survey map prepared by St. John's  
Posted by: Nicholas E. Walter Date of return: 6/1/87  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. JUNE 4, 1987  
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 June 4, 1987.

THE JEFFERSONIAN,

Sharon Stender Direct  
Publisher

**Petition for Zoning Variance**

LOCATION: South Side Bayside Road, 300' East of Beechwood Road (1215 Bayside Rd.)  
DATE AND TIME: Wednesday, June 24, 1987, at 1:00 p.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Zoning Variance to permit accessory structures (including shed and proposed garage) in the front and side yards in lieu of the required rear yard and to determine if the accessory structures may be built on a lot which is adjacent to that containing the principal structure and not on the lot which contains the principal structure.  
Being the property of Nicholas E. Walter, et ux, as shown on plat plan filed with the Zoning Office.  
In the event that this Petitioner is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner 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., June 4, 1987  
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 4th day of June, 1987.  
James E. Dyer Publisher.

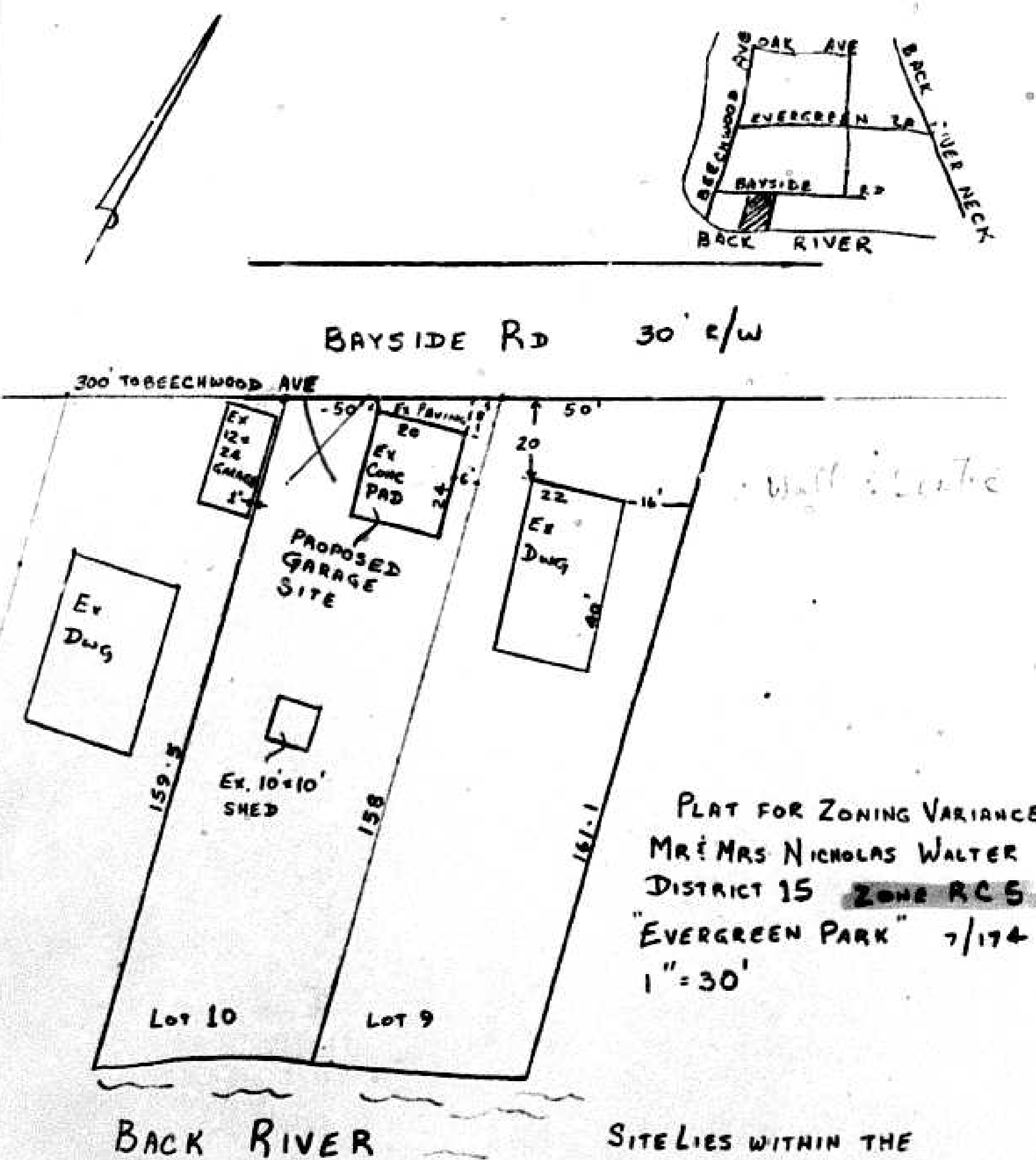
Mr. Nicholas E. Walter  
Mrs. Josephine M. Walter  
1215 Bayside Road  
Baltimore, Maryland 21221  
May 18, 1987

**NOTICE OF HEARING**

RE: PETITION FOR ZONING VARIANCE  
S/S Bayside Rd., 300' E of Beechwood Rd. (1215 Bayside Rd.)  
15th Election District - 5th Councilmanic District  
Nicholas E. Walter, et ux - Petitioners  
Case No. 87-521-A  
TIME: 11:00 a.m.  
DATE: Wednesday, June 24, 1987  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT**

DATE 6/25/87 ACCOUNT 01-415-000  
AMOUNT \$ 35.00  
RECEIVED FROM Mr. Daniels  
FOR Filing fee for Variance  
8061\*\*\*\*\*35004 87504  
Validation or Signature of Cashier  
Cham H. 579



PLAT FOR ZONING VARIANCE  
MR & MRS NICHOLAS WALTER  
DISTRICT 15 Zone RCS  
"EVERGREEN PARK" 7/174  
1"=30'

SITE LIES WITHIN THE  
CHESAPEAKE BAY CRITICAL AREA

87-521-A 219  
OFFICE COPY

87-521-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  
4th day of May, 1987.

ARNOLD JABLON  
Zoning Commissioner

Petitioner Nicholas E. Walter, et ux Received by: James E. Dyer  
Petitioner's Attorney Chairman, Zoning Plans Advisory Committee

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon  
FROM: Norman E. Gerber, AICP  
SUBJECT: Nicholas E. Walter, et ux  
87-521-A

Date: May 27, 1987

**ZONING OFFICE**

The property owner of lot 10 has the right under Critical Area criteria, to build a single dwelling now and forever (or until the law is changed). Our interpretation is that "right" includes the right to build whatever accessory structures otherwise allowed by County zoning. For Critical Area purposes, it is not necessary for the principal structure to precede the construction of a defined accessory structure. Therefore, we can give you a positive C.B.C.A. interim finding. Any combination of lots 9 & 10 you may require are exempt from the C.R.C. process, therefore, no subdivision activity is required. If there is a well or septic system, the Health Department may have to approve a permit.

Norman E. Gerber  
Director  
Office of Planning & Zoning

NEG:pat

cc: Tim Dugan  
Jia Hoswell  
Paul Solomon

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

June 8, 1987

COUNTY OFFICE Bldg.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. & Mrs. Nicholas E. Walter  
1215 Bayside Road  
Baltimore, Maryland 21221

RE: Item No. 379 - Case No. 87-521-A  
Petitioners: Nicholas E. Walter, et ux  
Petition Zoning Variance

Dear Mr. Walter:

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  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Mr. Kenneth Daniels  
312 North Marllyn Avenue  
Baltimore, Maryland 21221





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

STEPHEN E. COLLINS  
DIRECTOR

April 24, 1987

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 374, 376, 377, 378, 379, 380, 383, 384, 385, 390, and 391.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:lt



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

PAUL H. REINCKE  
CHIEF

April 7, 1987

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

RE: Property Owner: Nicholas E. Walter, et ux (Critical Area)

Location: S/S Bayside Road, 300' E. of Beechwood Road

Item No.: 379 Zoning Agenda: Meeting of 4/6/87

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: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204

TED ZALESKI, JR.  
DIRECTOR

May 5, 1987

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

Dear Mr. Jablon:

Comments on Item # 379 Zoning Advisory Committee Meeting are as follows:

Property Owner: Nicholas E. Walter  
Location: S/S Bayside Road, 300 Ft E of Beechwood 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.M.S.I. #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. Reduced scale are not acceptable.

E. All Use Groups except R-1 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 1601, Section 1607, Section 1604.2 and Table 1602. 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 1601 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 Use \_\_\_\_\_. 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 finished floor levels including basement.

J. Comments:

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. Barnham*  
Mr. C. E. Barnham, Chief  
Building Plans Service

WZT/RS

SPECIAL NOTE 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