ORDER REGENED FOR FILING

IN RE: PETITION FOR SPECIAL HEARING NE/S Bird River Grove Road, 4800' E of

Ebenezer Road

(11200 Bird River Grove Road)

15<sup>th</sup> Election District 5<sup>th</sup> Council District

Mary Frances Hayes Petitioner

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- Case No. 03-346-SPH

\*

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Mary Frances Hayes. The Petitioner requests a special hearing to approve a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations, of Section 3112.0 of the Baltimore County Building Code and Sections 26-670, 26-172(a)(3) of the Baltimore County Code, to permit a dwelling destroyed by fire to be reconstructed with a basement in a tidal floodplain. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Mary F. Hayes, property owner, Noah and Colleen Clark, the Petitioners' daughter and son-in-law, and Joseph Larson, a consultant who assisted the Petitioners through the process. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront parcel located on Bird River with frontage on the north side of Bird River Grove Road, east of Ebenezer Road and Route 40 in White Marsh. The property contains a gross area of 0.230 acres, more or less, zoned R.C.2. Ms. Clark has owned and resided on the property since the 1960s. As noted above, the property was improved with a single family dwelling which was originally constructed in the 1920s; however, as the result of a fire last summer, the house was destroyed and condemned for habitation. Two photographs were submitted which show that the structure suffered significant

damage and is beyond repair. Similarly, a letter from Hunter Rowe, a Code Enforcement Inspector with the Department of Permits and Development Management, indicates that as a result of the extensive fire damage, the County would consider the house as condemned.

Ms. Hayes' daughter and son-in-law propose to acquire the property and redevelop same with a new single family dwelling. The new dwelling will essentially occupy the same footprint as the old structure. An examination of the site plan shows that the new dwelling will be slightly deeper, yet narrower, than the original dwelling. Due to the Petitioners' desire to have a basement level in the new home, the requested special hearing relief is necessary.

At the hearing, the undersigned Zoning Commissioner advised the Petitioners that two relevant Zoning Advisory Committee (ZAC) comments had been received from reviewing County agencies. One such comment was from the Department of Environmental Protection and Resource Management (DEPRM), which administers the Chesapeake Bay Critical Areas (CBCA) regulations. Due to the property's waterfront location, the proposed development must comply with those regulations, as well as the CBCA buffer management area regulations. In addition, a comment was received from the Bureau of Development Plans Review of the Department of Permits and Development Management (DPDM). That comment noted that the flood protection elevation of this site is 11.2 feet and that the basement level in the new dwelling must be at least 1 foot above that elevation. It is also to be noted that correspondence was received from John M. Joyce, Coordinator of the National Flood Insurance Program for the Maryland Department of the Environment. Mr. Joyce indicated that he is familiar with Baltimore County's floodplain management ordinance and identified a series of standards that need be met for construction of the new dwelling. Specifically, the existing basement must be filled in and a crawlspace that is above-grade created as a condition of issuing a permit. His comment further goes on to state that they cannot support a variance from any of the floodplain construction requirements in the Baltimore County Building Code, especially the retention of a basement.

In considering the issue presented, there are two Sections of the B.C.Z.R. that are relevant. The first is Section 305, entitled "Replacement of Destroyed or Damaged Dwellings." That Section

provides that in the event of a complete or partial loss by fire, a dwelling that does not comply with the height or area requirements of the zone in which it is located can be restored, provided that the area or height deficiencies of the dwelling before the fire are not increased in any respect. Secondly, the language set out in Section 104.2 of the B.C.Z.R. is applicable. Section 104 of the B.C.Z.R. governs nonconforming uses. A nonconforming use is a use that is illegal under the current regulations, however is "grandfathered" and therefore may remain. Section 104.2 of the B.C.Z.R. indicates that a nonconforming structure, which is damaged or destroyed by fire, may be restored within two years of such destruction, but may not be enlarged.

In this case, the subject property and original dwelling do not comply with the zoning requirements for the R.C.2 zone. The lot itself is undersized and the original house had insufficient setbacks. Nonetheless, the Petitioners are eligible to reconstruct a dwelling on the lot, given the collective language of Sections 305 and 104.2 of the B.C.Z.R. The language in Section 305 of the B.C.Z.R. specifically exempts the new dwelling from strict compliance with height and area regulations. Moreover, the language in Section 104.2 of the B.C.Z.R. allows a nonconforming use to continue, even when the use is "nonconforming in density."

The issue in this case, however, relates to the proposed basement. The prohibition of a basement in a floodplain is not found in the zoning regulations, but instead in the Building Code. Thus, the exemption from strict compliance provided by Sections 104.2 and 305 is not applicable to the Building Code. Moreover, there was no persuasive testimony or evidence presented that this provision of the Building Code should be waived. The level of the proposed basement is significantly below flood level of this property at 11.2 feet. Permitting the Petitioners to enlarge the building to a greater height or a larger footprint is a better alternative and may be warranted here. However, no such request is before me at present. For all of these reasons, the Petition for Special Hearing must be denied. Although the Petitioners may rebuild in accordance with Sections 104.2 and 305 of the B.C.Z.R., the new dwelling need comply with the floodplain regulations contained in the Baltimore County Code and Chesapeake Bay Critical Areas requirements.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April 2003 that the Petition for Special Hearing (as modified) seeking approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations, of Section 3112.0 of the Baltimore County Building Code and Sections 26-670, 26-172(a)(3) of the Baltimore County Code, to permit a single family dwelling in a tidal floodplain, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall be permitted to rebuild the dwelling, pursuant to the requirements of Sections 104.2 and 305 of the B.C.Z.R., subject to the following restrictions:

- 1) 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to the comment submitted by the Maryland Department of the Environment, there shall be no basement in the new dwelling and the existing basement shall be filled in and a crawlspace that is above-grade created.
- 3) Compliance with the Chesapeake Bay Critical Areas regulations and floodplain regulations as set forth in the ZAC comments submitted by DEPRM, dated March 12, 2003 and the Bureau of Development Plans Review, dated February 26, 2003, copies of which are attached hereto and made a part hereof.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

4



April 10, 2003

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

Fax: 410-887-3468

Ms. Mary Frances Hayes 2800 Linwood Avenue, Apt. D Baltimore, Maryland 21234

RE: PETITION FOR SPECIAL HEARING

N/S Bird River Grove Road, 4800' E of Ebenezer Road

(11200 Bird River Grove Road)

15<sup>th</sup> Election District – 5<sup>th</sup> Council District

Mary Frances Hayes - Petitioner

Case No. 03-346-SPH

Dear Ms. Hayes:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. & Mrs. Noah Clark

1035 Ensor Drive, Joppatowne, Md. 21085

Mr. Joseph Larson, Spellman, Larson & Assoc., Inc.

105 W. Chesapeake Avenue, Towson, Md. 21204

Chesapeake Bay Critical Areas Commission,

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; Development Plans Review; Office of Planning; People's Counsel; Case File





OLOUR RING

10

### Petition for Special Hearing

for the property located at 11200 Bird River Greve Rel. White which is presently zoned R.C. 2 Marsh,

| This Petition shall be filed with the Department of Permit owner(s) of the property situate in Battimore County and which made a part hereof, hereby petition for a Special Hearing United to determine whether are not the Zoning Commissions. | n is described in the description and plat attached hereto and                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| - writing in agreement to an article of the Potitic richtitissicile                                                                                                                                                                             |                                                                                                                                                              |
| Section Section BULK, Section                                                                                                                                                                                                                   | 3112.0, Boiltimore County                                                                                                                                    |
| Duranty Lock, And Sections                                                                                                                                                                                                                      | 26-670, 26-172 (a) (3) to                                                                                                                                    |
| rebuild a former single fam                                                                                                                                                                                                                     | ville dwelling destroyed by fire.                                                                                                                            |
| with a basement in a tidal                                                                                                                                                                                                                      | Drawn in the state of the                                                                                                                                    |
|                                                                                                                                                                                                                                                 | record powers.                                                                                                                                               |
| Property is to be posted and advertised as prescribed by the zit, or we, agree to pay expenses of above Special Heating, advertising regulations and restrictions of Baltimore County adopted pure                                              | ng, posting, etc. and further agree to and are to be hounded by the<br>suant to the zoning law for Baltimore County.                                         |
|                                                                                                                                                                                                                                                 | I/Ve do solemnly declare and affirm, under the penalties of perjury, that i/ve are the legal owner(s) of the preparty which is the subject of this Petition. |
| Continue Purchassillasses:                                                                                                                                                                                                                      | Legal Overevia):                                                                                                                                             |
|                                                                                                                                                                                                                                                 | Mary Frances Hayes                                                                                                                                           |
| Name - Type or Print                                                                                                                                                                                                                            | PUBLISH STORY OF FITTING                                                                                                                                     |
| Signature                                                                                                                                                                                                                                       | Signatura My Trance Marks                                                                                                                                    |
| Address Telephone No.                                                                                                                                                                                                                           | Name - Type or Fred                                                                                                                                          |
| City State Zip Code                                                                                                                                                                                                                             | Sprature                                                                                                                                                     |
| Attornay For Petitioner:                                                                                                                                                                                                                        | 2800 Linwsod Ave 410-668-8756                                                                                                                                |
|                                                                                                                                                                                                                                                 | Address Apt D  Battimore  City  Telephone No.  21234  State  Zip Code                                                                                        |
| Name - Type of Pint                                                                                                                                                                                                                             | City Zip Code                                                                                                                                                |
| Bighature                                                                                                                                                                                                                                       | Representative to be Contacted:                                                                                                                              |
| _L                                                                                                                                                                                                                                              | Colleen Clark                                                                                                                                                |
| Company                                                                                                                                                                                                                                         | Name                                                                                                                                                         |
| Addrugs No.                                                                                                                                                                                                                                     | Address Ensor Drive 410-538-693                                                                                                                              |
| City State Zip Code                                                                                                                                                                                                                             | CHYTERPATOWNE MO 21085                                                                                                                                       |
|                                                                                                                                                                                                                                                 | euch estate                                                                                                                                                  |
| $\mathcal{Q}$                                                                                                                                                                                                                                   | OFFICE USE CALY                                                                                                                                              |
|                                                                                                                                                                                                                                                 | ESTIMATED LENGTH OF HEARING                                                                                                                                  |
| Case No. 03-346-504                                                                                                                                                                                                                             | UNAVAILABLE FOR HEARING                                                                                                                                      |
| Review Wisipi                                                                                                                                                                                                                                   | ewed by JRF Date 1/27/03                                                                                                                                     |

<del>---</del> -- -

WENT AND COLUMN TO A

January 24, 2003

CNA Job No.: 02358

ZONING DESCRIPTION FOR 11200 BIRD RIVER GROVE ROAD WHITE MARSH, MARYLAND 21162 FIFTEENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the northeasterly side of Bird River Grove Road, which is 25 feet wide, at a distance of 4800 feet, more or less, east of Ebenezer Road. Being lot number 37 of section A in the subdivision of "Bird River Grove" as recorded in Baltimore County Plat Book W.P.C. 7 folio 189 containing 9999 square feet or 0.230 acres, more or less. Also known as 11200 Bird River Grove Road and located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District.

M:\BuilderServices\02358\02358 Zoning Description.doc

3H6

# NOTICE OF ZONING REARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson. Maryland on the property identified herein as follows:

Case: #03-346-SPH
11200 Bird River Grove Road
Northeasterly side of Bird
River Grove Road at a distance of 4,800 feet east of
Ebenezer Road
15th Election-District
6th Councilmanic District
Legal Owner(s): Mary
Frances Hayes

Special Hearing: to permit a warver to rebuild a former single-family dwelling destroyed by fire with a basement in a tidal flood plain.

Hearing: Monday, March 24, 2003 at 10:00 a.m. in Room 407, County Courts Building, 461 Bosley Ave-

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

C590734 <sub>1</sub>

2003

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

The Jeffersonian

- Arbutus Times
- Catonsville Times Towson Times
- Owings Mills Times
- Booster/Reporter NE
  - North County News

1 Commen

LEGAL ADVERTISING

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- "E.

Tarana

CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

WHITE - CASHIER

DISTRIBUTION

#### CERTIFICATE OF POSTING

|                                                                                                                                           | Date of Hearing/Closing: MAR, 24, Zeoc.                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| altimore County Department of ermits and Development Management ounty Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204 |                                                                              |
| Attention: Mr. George Zahner                                                                                                              | •                                                                            |
| adies and Gentlemen: This letter is to ce                                                                                                 | ertify under the penalties of perjury that the necessary sign(s) required by |
| w were posted conspicuously on the pro-                                                                                                   | operty located at #11200BanoRuvora Greates RD;                               |
|                                                                                                                                           | ·                                                                            |
|                                                                                                                                           | 1                                                                            |
| he sign(s) were posted on MAR.                                                                                                            | 7, 2003<br>(Month, Day, Year)                                                |
|                                                                                                                                           | Sincerely,                                                                   |
|                                                                                                                                           | (Signature of Sign Poster and Date)                                          |
|                                                                                                                                           | CARLANDE, MODIZE (Printed Name)                                              |
|                                                                                                                                           | 3225 RYERSON CIRCLE (Address)                                                |
|                                                                                                                                           | BAUTIMORE, MD. 21227 (City, State, Zip Code)                                 |
|                                                                                                                                           | (40) 242-4263                                                                |
|                                                                                                                                           | (Telephone Number)                                                           |
|                                                                                                                                           |                                                                              |

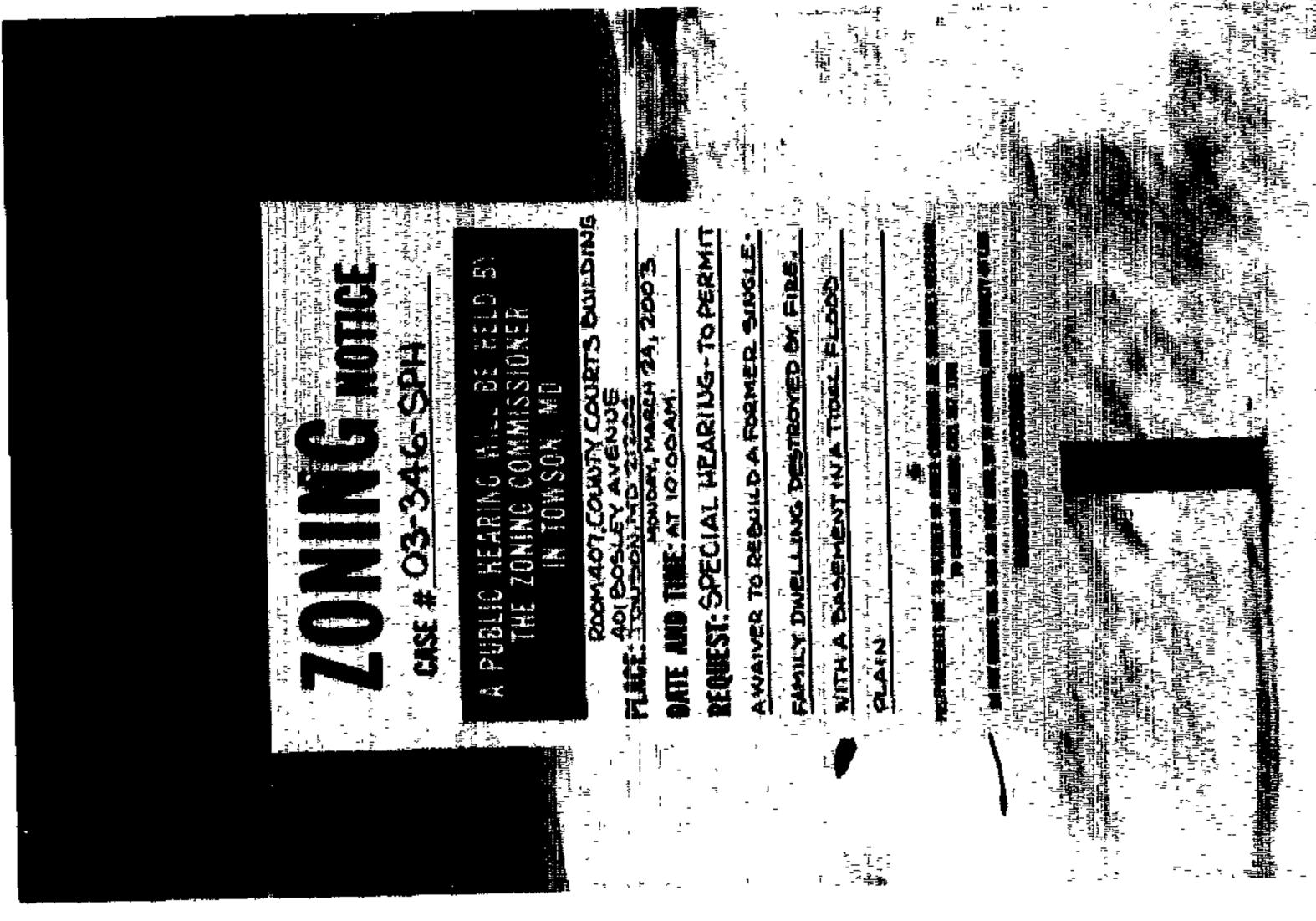
RE: Case No.: 03-346-SPH

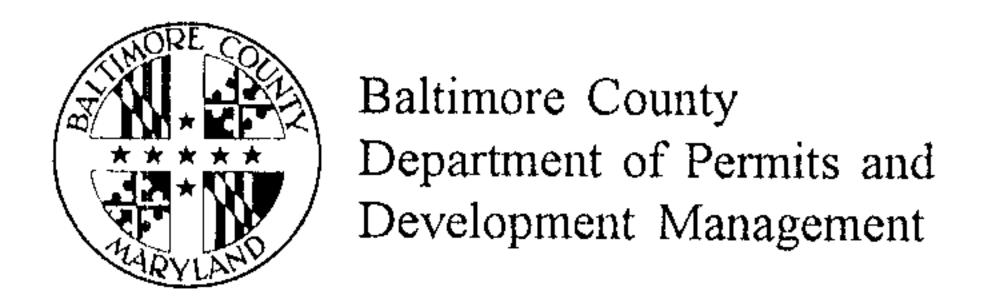
MANY FRANCES MAYES

Petitioner/Developer: COLLEGE CLARK

1







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

Fax: 410-887-5708

February 5, 2003

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-346-SPH

11200 Bird River Groove Road

Northeasterly side of Bird River Grove Road at a distance of 4,800 feet east of Ebenezer Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Mary Frances Hayes

Control of the second s

Special Hearing to permit a waiver to rebuild a former single-family dwelling destroyed by fire with a basement in a tidal flood plain.

Hearings:

Monday, March 24, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

AJ:rlh

C: Mary Frances Hayes, 2800 Linwood Ave., Apt. D, Baltimore 21234 Colleen Clark, 1035 Ensor Drive, Joppatowne 21085

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 8, 2003.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

TO: PATUXENT PUBLISHING COMPANY

Thursday, March 6, 2003 Issue - Jeffersonian

Please forward billing to:

Colleen Clark 1035 Ensor Drive Joppatowne, MD 21085

410-538-6936

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

#### CASE NUMBER: 03-346-SPH

11200 Bird River Groove Road

Northeasterly side of Bird River Grove Road at a distance of 4,800 feet east of Ebenezer Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owner: Mary Frances Hayes

Special Hearing to permit a waiver to rebuild a former single-family dwelling destroyed by fire with a basement in a tidal flood plain.

Hearings: Mo

Monday, March 24, 2003 at 10:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

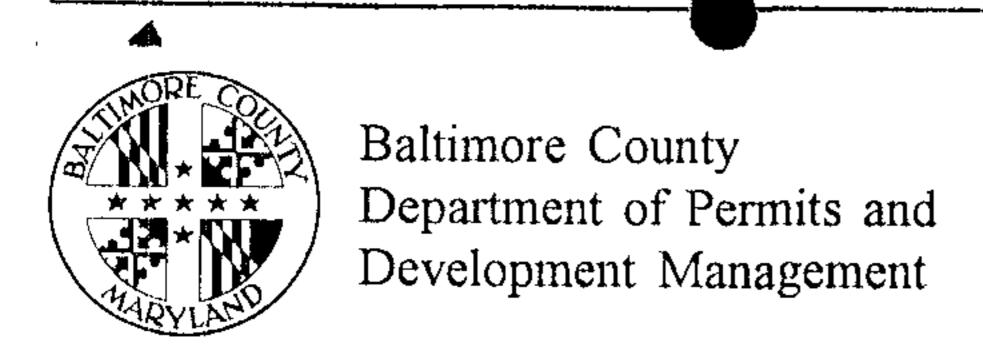
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

| <u>for Newspaper Advertising:</u>              |
|------------------------------------------------|
| tem Number or Case Number: 03-346- SRU         |
| Petitioner: MARY FRANCES HAYES                 |
| Address or Location: 11200 Bird River Grove Rd |
|                                                |
| LEASE FORWARD ADVERTISING BILL TO:             |
| lame: <u>Colleen clark</u>                     |
| address: 1035 Ensor Dr.                        |
| Joppatowne MD 2108t                            |
| elephone Number: 410-538- 6935                 |

Revised 2/20/98 - SCJ



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

March 21, 2003

Mary Frances Hayes 2800 Linwood Avenue, Apt. D. Baltimore, MD 21234

Dear Ms. Hayes:

RE: Case Number: 03-346-SPH, 11200 Bird River Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 27, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Colleen Clark, 1035 Ensor Drive, Joppatowne MD 21085



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

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

February 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 3, 2003

Item No.:

339-347, 349

Dear Ms. Hart:

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

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

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



#### MARYLAND DEPARTMENT OF TRANSPORTATION Robert L. Ehrlich, Jr., Governor • Michael S. Steele, Lt. Governor • Trent M. Kittleman, Acting Secretary

Date: 2.4.03

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Balt

Baltimore County

Item No. 344

JRF

Dear. Mr. Zahner:

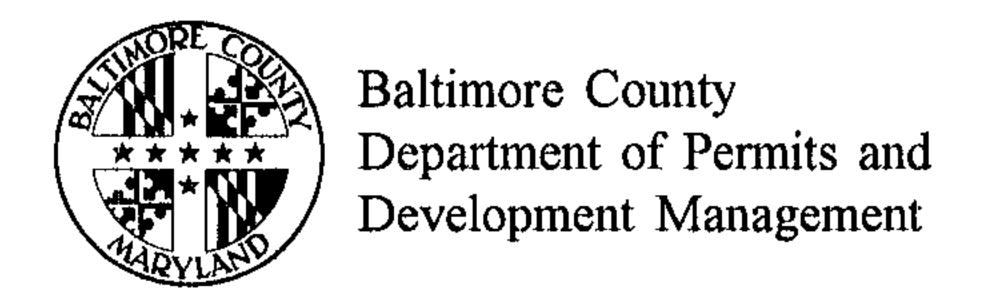
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

1,

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



Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmenforce@co.ba.md.us
pdminspect@co.ba.md.us

August 2, 2002

Colleen Clark 3033 Benefit Ct. Abingdon, Md. 21009

Re: 11200 Bird River Grove Rd.

Mrs. Clark,

Due to the extensive fire damage to structure the county would consider the house in condemned condition.

Yours truly,

**Hunter Rowe** 

Code Inspection & Enforcement Officer

#### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley R35 /T6T

DATE:

March 12, 2003

SUBJECT:

Zoning Item 346

Address

11200 Bird River Road (Hayes Property)

Zoning Advisory Committee Meeting of February 3, 2003

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

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

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

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

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

X Additional Comments:

The development of this property must comply with the Buffer Management Area regulations. Any site plan must include all necessary details pertaining to compliance with these regulations.

Reviewer: Glenn Shaffer Date: March 4, 2003

ORDER RECEIVED FOR FILING Date

By

1924 3/24

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** March 13, 2003

MAR I 3 2003
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-318, 03-333 & 03-346

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

**Section Chief:** 

AFK/LL:MAC

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 26, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For February 10, 2003

Item No. 346

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

The flood protection elevation for this site is 11.2 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the floodplain elevation in all construction

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

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

Building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

RWB:CEN:jrb

cc: File

ZAC-2-10-2003-ITEM 346-02262003

Venting requirements a levation requirements for flood zone (per Jose Venturina, Building Plans Review)

- \*Need to have at least 2 in opposite directions
- \*Every square foot has to have 1 sq. inch of vent opening (i.e. 1008 sq inches of vent opening)
- \*Must be as low as possible (can only raise a max of 12 inches)
- \*Air ducts for the heating and air conditioning must be at least or above 11.2. All mechanical and electrical devices must be at or above 11.2 feet
- \*All 4 sides below exterior grade is considered a basement and not allowed in flood zone Al0 (need special hearing in order to exempt it)
- \*County allows at least one side above ground in order to have crawlspace.

Date RECEIVED FOR FILING By Company of the Company

| RE: | PETITION FOR SPECIAL HEARING                                       |
|-----|--------------------------------------------------------------------|
|     | 11200 Bird River Grove Rd; NE side Bird                            |
|     | River Grove Rd; 4,800ft E Ebenezer Rd                              |
|     | 15 <sup>th</sup> Election & 6 <sup>th</sup> Councilmanic Districts |
|     | Legal Owner(s): Mary Frances Hayes                                 |
|     | Petitioner(s)                                                      |

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 03-346-SPH

\* \* \* \* \* \* \* \*

#### **ENTRY OF APPEARANCE**

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to Colleen Clark, 1035 Ensor Drive, Joppatowne, MD 21085, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

Walan Mara O'

People's Counsel for Baltimore County



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmenforce@co.ba.md.us pdminspect@co.ba.md.us

August 2, 2002

Colleen Clark 3033 Benefit Ct. Abingdon, Md. 21009

Re: 11200 Bird River Grove Rd.

Mrs. Clark,

Due to the extensive fire damage to structure the county would consider the house in condemned condition.

Yours truly,

**Hunter Rowe** 

Code Inspection & Enforcement Officer

#344



Governor

#### MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washing. Boulevard • Baltimore MD 21230 410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.

February 5, 2003

Richard F. Pecora Secretary

Michael S. Steele Lt. Governor

> Hearing Officer C/O Mr. Raymond S. Wisnom, Jr, Division of Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, MD 21204

> > RE: Mary Frances Hayes, 11200 Bird River Grove Rd., 03-346-SPH

Dear Mr. Wisnom:

Thank you for the opportunity to comment on a request by Ms. Mary Frances Hayes to rebuild a fire damaged residential structure at 11200 Bird River Grove Road in the tidal floodplain of Bird River. In the rebuilding process, the applicant wishes to retain an existing basement at elevation 7.19 feet above mean sea level. It appears that the project will far exceed substantial improvement (50% or more than the market value of the structure), and must comply with the floodplain requirements for new construction.

Under its floodplain management ordinance, Baltimore County must require the structure to comply with all current code requirements governing floodplain construction, including elevation, venting, and no basement. This will require that the existing basement be filled in, and a crawl space that is above grade be created, as a condition of issuing a permit. We cannot support a variance to waive any of the floodplain construction requirements in the Baltimore County Building Code, especially the retention of a basement. To do so would in opposition to the requirements for Baltimore County to be in the National Flood Insurance Program.

I hope that the above comments will assist Baltimore County in its consideration of this waiver request. Thank you for your attention to good floodplain management.

Please feel free to contact me at (410) 537-3914 if you have questions or need additional assistance.

Sincerely,

John M. Joyce

John M. Joyce State NFIP Coordinating Office

JMJ

"Together We Can Clean Up"

March 19, 2003

Ms. Jackie Snyder 11140 Bird River Grove Rd White Marsh, MD 21162

Mr. Larry Schmidt, Zoning Commissioner Baltimore County Dept of Permits and Development Management 111 West Chesapeake Ave Room 111 Towson, MD 21204

RE: Special Hearing for Monday, March 24, 2003 at 10:00 am; Case Number: 03-346-SPH

Dear Mr. Schmidt,

I have been a next-door neighbor to the family located at 11200 Bird River Grove Rd since 1989. This letter is to state that I have no objections to the petition filed by the Clark/Hayes families with regard to the special hearing scheduled for March 24, 2003. I also will not appeal any decision made by the zoning commissioner with regard to this matter.

If you have any questions, please feel free to contact me at 410-335-1124. Thank you.

Sincerely,

Jackie Snyder

March 19, 2003

Mr. Paul Gross 11202 Bird River Grove Rd White Marsh, MD 21162

Mr. Larry Schmidt, Zoning Commissioner Baltimore County Dept of Permits and Development Management 111 West Chesapeake Ave Room 111 Towson, MD 21204

RE: Special Hearing for Monday, March 24, 2003 at 10:00 am; Case Number: 03-346-SPH

Dear Mr. Schmidt,

I have been a next-door neighbor to the family located at 11200 Bird River Grove Rd since 1996. This letter is to state that I have no objections to the petition filed by the Clark/Hayes families with regard to the special hearing scheduled for March 24, 2003. I also will not appeal any decision made by the zoning commissioner with regard to this matter.

If you have any questions, please feel free to contact me at 410-344-1176. Thank you.

Sincerely,

Paul Gross

Robert L. Ehrlich, Jr.



Audrey E. Scott Secretary

**Florence E. Burtan** Deputy Secretary

Michael S. Steele Lt. Governor

February 4, 2003

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

Re: Zoning Advisory Committee Agenda 02/10/03 re: case numbers 03-339-A, 03-340-A, 03-341-A, 03-342-SPHA, 03-343-A, 03-344-SPH, 03-345-A, 03-346-SPH, 03-347-A, 03-348-SPH, 03-349-A, 03-350-XA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 02/04/03. The information has been submitted to Mr. Mike Nortrup.

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

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

| フィオコ | CASE NUMBER | CASE NAME |
|------|-------------|-----------|
|      |             |           |

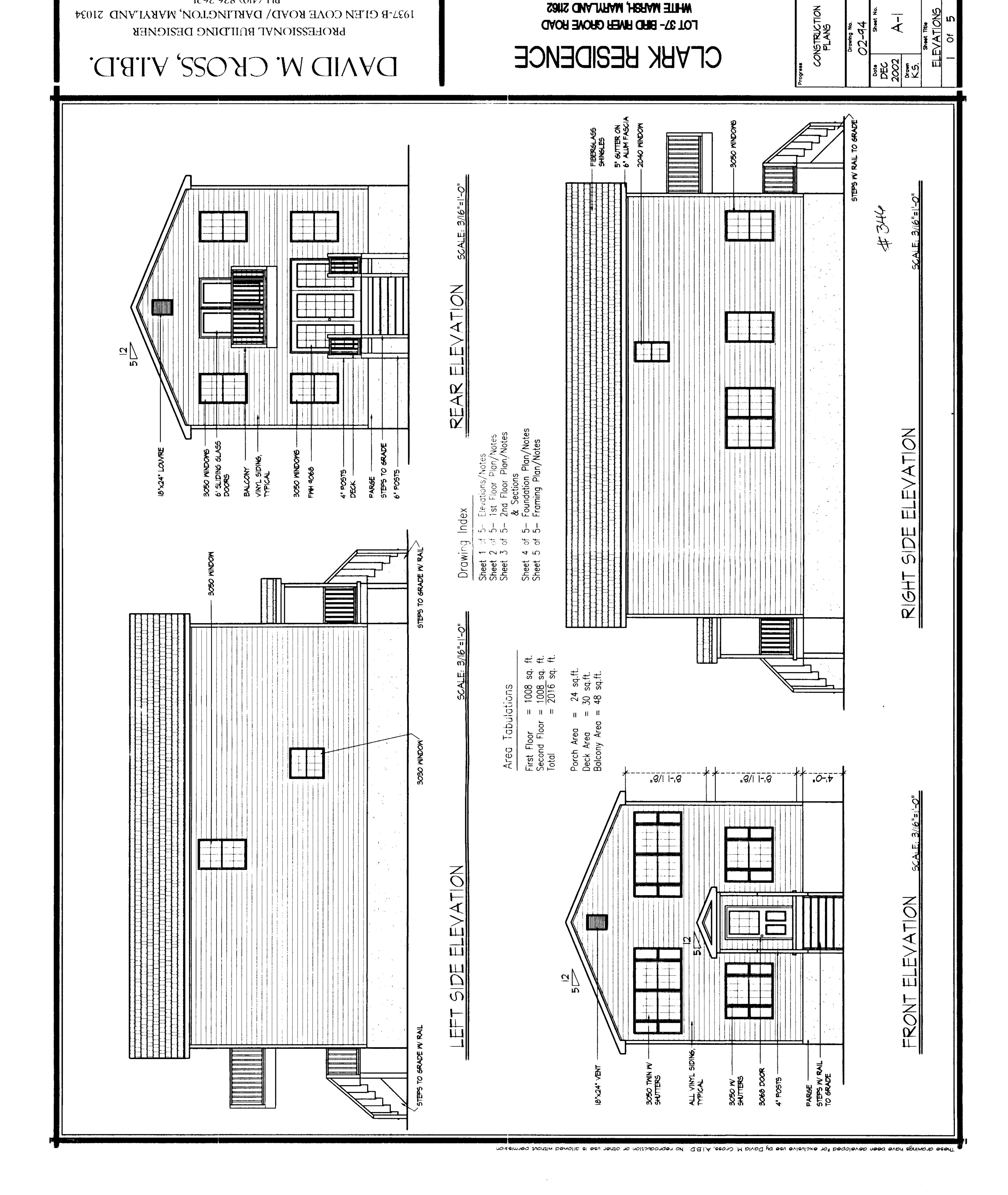
# PETITIONER'S SIGN-IN SHEET

|  |  |  |  |  |  |  |  | Marin V. Kleine  | College Clark    | mit Clika.       | JOSEPH LABSON         | NAME             |
|--|--|--|--|--|--|--|--|------------------|------------------|------------------|-----------------------|------------------|
|  |  |  |  |  |  |  |  | 2800 hinwood Rue | 1035 Enser Drive | 1035 ENSON DRIVE | 105 W. Chesapeck Aire | ADDRESS          |
|  |  |  |  |  |  |  |  | Bakto Ma 21234   | 70000 mo 21085   | JOPPH MD 31085   | Tawiron, Md 21204     | CITY, STATE, ZIP |
|  |  |  |  |  |  |  |  |                  |                  |                  |                       | E-MAIL           |

ROAD 다 다 00 PER DODO NE 8 000 #324° 







PH. (410) 836-3621

179E-9E8 (0H) HJ 1937-B GLEN COVE ROAD/ DARLINGTON, MARYLAND 21034 PROFESSIONAL BUILDING DESIGNER

WHITE MARSH, MARYLAND 21162 LOT 37- BIFD FINER CROVE ROAD

# CLARK RESIDENCE

## DAVID M. CROSS, A.I.B.D.

"4/I Z-'E

17/1 2-19

ons are from face of sheathing to face of stud unless noted.

In a are from face of stud to face of stud unless noted.

Ons are from face of masonry to face masonry unless noted otherwise. Openings shall be provided by the contractor/owner.

So degrees unless noted otherwise.

The verification of all dimensions. In the responsible for the verification of all dimensions. In the start or construction.

Shall be 36" below finished grade (unless noted otherwise). In the start or construction and mechanical layouts, diagrams, and permits shall be provided by ractor. In the responsible for any deviations from the construction documents. In the responsible for any deviations from the construction documents.

<u>"O-'OI</u>

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12/1 2-182

10-124

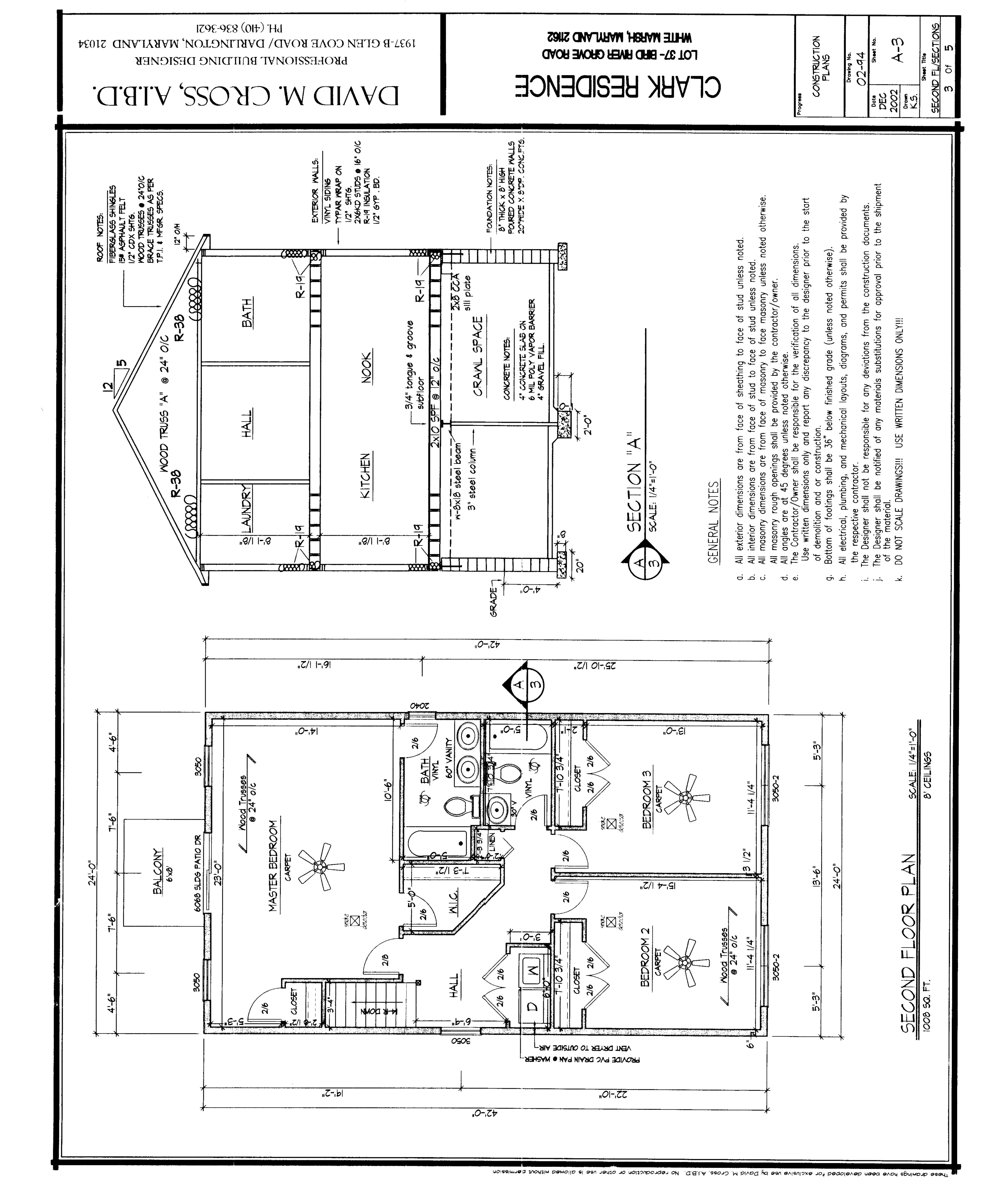
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These drawings have been developed for exclusive use by David M. Cross. A.I.B.D. No reproduction or other use is silowed without permission.

"5/1 P-'51

11-2 3/4"

3/0 |[3] @



# CONCRETE

<u>6</u>

7/0 "31 @

- All concrete shall be standard weight 2500 PSI compress.

  Construction and/or control joints shall be provided in a area between the joints is 800 sq.ft. and the length no Reinforcing bars (when used) shall conform to ASTM A—shall be grade 40. Bar sizes #4 and larger shall be gall reinforcing bars specified as continious shall have ba welded wire mesh (WWM) shall conform to ASTM A—82 a
- compressive strength a ided in all slabs on gralength not more than taking ASTM A-615. All bar shall be grade 60. I have basic class "C" idea A-82 and A-185. Lay

# FOUNDATION

- and conforming to local
- 40 bar diameters with a minimum of 2'0" 3 3" clear from the bottom and sides of If after excavation the condition of the structure designer shall be notified and the footings shall be poured monolithically well footings shall bear on undisturbed soing the structure shall maximum uncompacted lift is 6.

  All reinforcing steel shall be of American and ASTM standards.

  Where spliced rebars shall lap a minimur and 2" clear from top.

2/0 "SI &

10-124

# STRUCTURAL GENERAL

- These notes shall apply and detail shown for one comay not be specifically in the contractor shall provat maximum of 7.0" of botherwise.

3/0 "31 @

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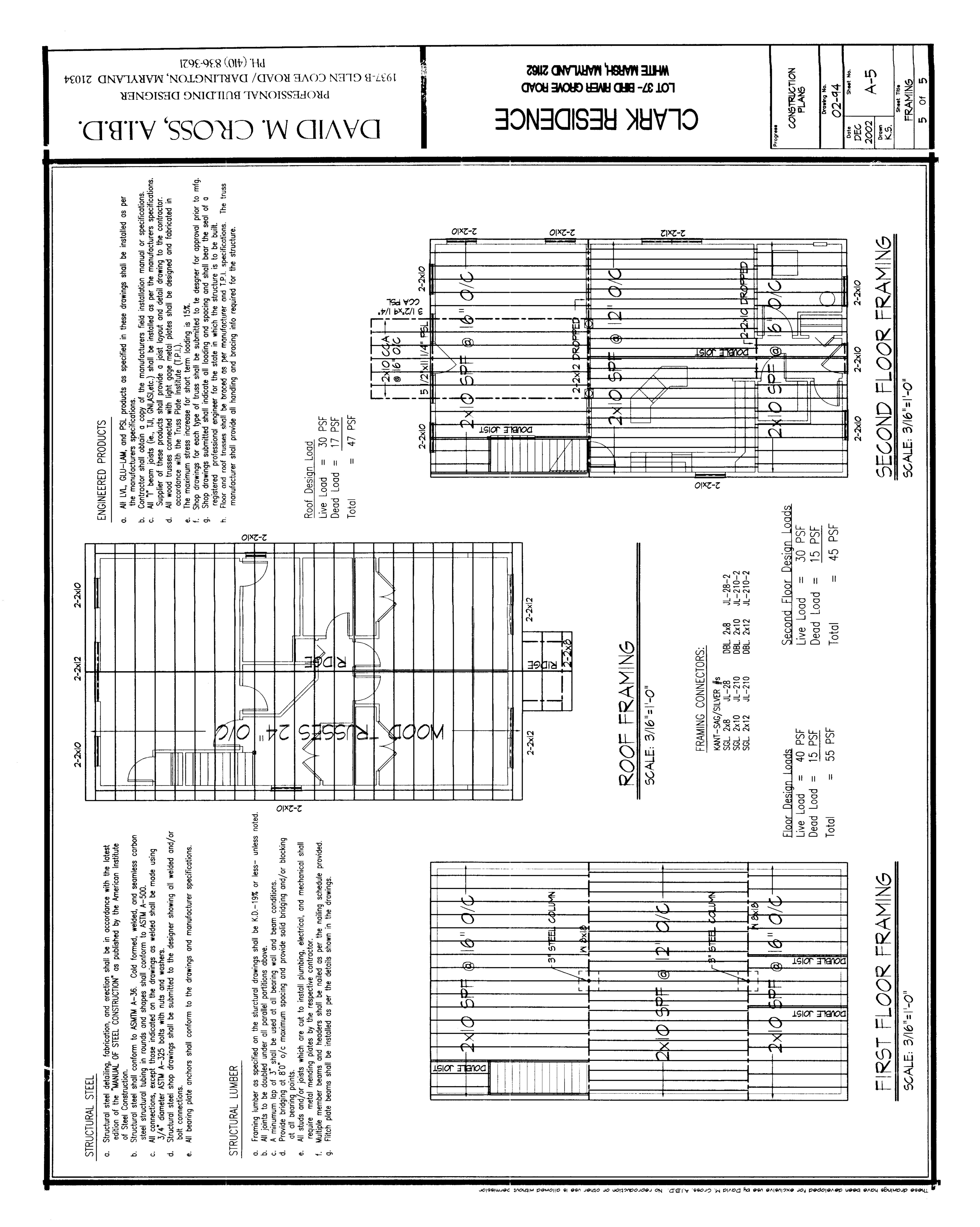
NSTRUC'S PLANS

### LOT 37- BIFD FINER CROVE ROAD CF VBE BERNCE

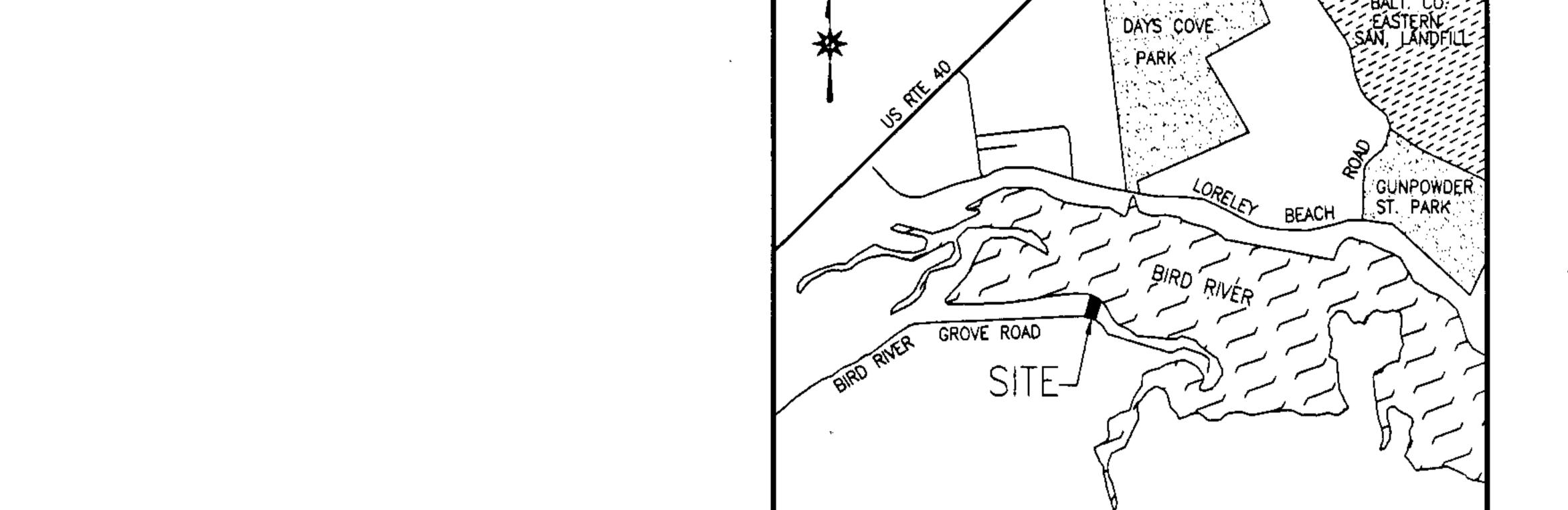
WHITE MARSH, MARTIN 21162

# DAVID M. CROSS, A.I.B.D.

179E-9E8 (OIÞ) HJ 1937-B GLEN COVE ROAD/ DARLINGTON, MARYLAND 21034 PROFESSIONAL BUILDING DESIGNER



BIRD RIVER "BIRD RIVER GROVE"
LAND OF
JAQUELINE A.
SNYDER
TAX ID #1502851410
DEED REF: 8913/300
USE: RESIDENTIAL "BIRD RIVER GROVE"
LAND OF PAUL G. GROSS
TAX ID #1502204130
DEED REF: 11202/295
USE: RESIDENTIAL 4800'± TO INTERSECTION OF EBENEZER ROAD EX. 8" WATER THIS LOT IS SERVED BY PUBLIC WATER & SEWER.



SCALE: 1"= 2000' LOCATION MAP

PRESENT ZONING: RC-2 /ハピッと・フ ZONING REQUIREMENTS: FRONT: 75' FROM Ç

SIDE: 35'
REAR: 35'
PROPOSED USE: RESIDENTIAL

DEED REF: 3797/371 PLAT REF: 7/189

<u>OWNER:</u> MARY FRANCES HAYES

PROPERTY ADDRESS: 11200 BIRD RIVER GROVE ROAD WHITE MARSH, MD 21162-1806

PARCEL ACREAGE: 9999 SQ. FT. 0.230 ACRES

Chasapeake Bay Critical Avea - 4es 100 Year Flood Plain - yes Historia Property 1 Blag - NO Proor Zonnig hearing = None. PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE LOT 37 PLAT OF SECTION A

ELECTION DISTRICT NO.15 C 6

BALTIMORE COUNTY, MARYLAND

campbell & nolan associates, inc. Civil Engineers \* Land Surveyors \* Geotechnical Engineers P.O. Box 850 \* Bel Air, Maryland 21014—0850

(410)879-7200 \* (410)838-2784 \* Fax(410)838-1811

1" = 20'1/24/03 DRAWN BY: DESIGN BY: DMD DMD CHECKED BY: JOB NO.: 02358

在2000年1月2日 · 1000年1月1日 · 1000年1月 · 1000年1日 · 1000

THE LOT SHOWN HEREON IS WITHIN ZONE(S) A10 AS SHOWN ON THE F.I.R.M. MAP 240010 0295 B DATED 3/2/81.