IN RE: **PETITION FOR SPECIAL HEARING** S/S Chapelwood Lane, 780' W of the c/l Dulaney Valley Road **(321 Chapelwood Lane)** 8th Election District 3rd Council District Nicola Castellano, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-011-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 owners of the subject property, Nicola Castellano, and his wife, Angela Castellano. The Petitioners request a special hearing seeking approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of the requirements of Section 3112.0 of the Baltimore County Building Code, and Sections 32-4-414, 32-4-107(a)(2), and 32-8-301 of the Baltimore County Code, to permit a rebuilt open pavilion, supported by 6" x 6" posts, open on four sides bocce ball court with a roof, in a riverine 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 Nicola Castellano, property owner, and Paul Lee, the Professional Engineer who prepared the site plan for this property. Also present in support of the request was the Honorable Helen Delich Bentley, former Congresswoman and a resident of Baltimore County for over 40 years. Appearing as Protestants in the matter were Eric Hogan, John Alfriend and Paul Ragonese, representatives of the Fox Chapel Association. Also present in opposition were Jo Owen and Carol Berman, long-time residents of the community. There were no other interested persons present; however, a letter of support was received from Bob and Susan Naeny, adjacent property owners, and William Deckert, another neighbor, who is a structural engineer by profession.

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Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Chapelwood Lane, immediately across from that road's intersection with Starmount Lane in Lutherville. The property contains a gross area of 0.92 acres, more or less, zoned D.R.1 and is improved with a one-story, single-family dwelling, which features an attached garage and wood deck to the rear and a brick patio in the front. Other improvements on the site include a bocce ball court, which is located in the southwest portion of the site, approximately 80 feet from an existing stream known as Spring Branch. The Petitioners have owned and resided on the property since 1991; however, the bocce ball court has apparently existed at its present location for 15 years. Apparently, this court was placed by the previous owner, just inside the 100-year floodplain limits as delineated on the Baltimore County Spring Branch floodplain study, marked as Petitioner's Exhibit 3. While located in the riverine floodplain, it should be pointed out that no portion of the bocce ball court is within the 30' storm drain and utility easement located along the rear of the property.

Testimony indicated that Mr. Castellano, an avid bocce ball player, used the subject court and shared his love of the sport with others for over a decade. Approximately two years ago, he decided that renovations were necessary and discussed his plans to upgrade the facility with his neighbors. A licensed contractor by profession, Mr. Castellano commenced construction of an open pavilion, 20' x 80' in dimension, over the existing court. The improvements thus far include the placement of a concrete grade beam around the perimeter of the court and 6" x 6" timber posts which have been anchored in the ground to support a roof structure (see Photographs A-G, collectively marked as Petitioner's Exhibit 7). Testimony indicated that the covered pavilion would allow continued use of the court during inclement (rainy) weather. The improvements, however, although buffered by evergreen trees, did not go unnoticed. The Buildings and Alterations Committee of the Fox Chapel Association believes the structure to be in violation of the covenants and restrictions which apply to the entire community. A complaint was filed with the Code Enforcement Division of the Department of Permits and Development Management and the Petitioner was required to apply for and obtained a building permit (No. B586738). While the

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above-described work was being completed, the Petitioner's problems escalated when the County's Buildings Engineer discovered that the structure was located within the floodplain and a stop-work order was issued. The Petitioners now come before me seeking relief as set forth above to allow the proposed improvements to be completed.

On behalf of the Petitioners, Mr. Lee offered testimony and evidence regarding the proposed improvements. The court is located well north of the stream's location and outside the steep sloped area or fast current flows should a flood occur. The timber posts are well anchored into the ground. Should surface flood waters breach the Spring Branch stream banks and spread the 80-foot distance necessary to reach the subject bocce ball court, then the water would simply pass through the court unimpeded. Mr. Lee described the methodology used in performing his floodplain study and analysis to determine the flood elevation levels of the subject site. In this regard, he explained the stream profile and found no documented flooding reported in the area in the past 10 years. He also discussed the study performed by the Baltimore County Bureau of Engineering, which was submitted into evidence as Petitioner's Exhibit 3. It is also to be noted that William Deckert, a structural engineer who specializes in design and construction in the State of Maryland, supports these findings. Within a letter dated April 17, 2005, Mr. Deckert explained that he examined the Petitioners' structure and found that it would withstand the pressures and conditions attendant with a 100-year flood event.

Further testimony revealed that Mr. Lee presented his study to David L. Thomas, a Professional Engineer employed in Baltimore County's Department of Public Works. Pursuant to a letter dated July 14, 2005 from Edward Adams, Director of Public Works, to Timothy Kotroco, Director of Permits and Development Management, the Department of Public Works would not object to approval of the requested waiver, provided the Petitioner completes certain additional improvements to the pavilion. Specifically, the Petitioner shall install structural cables through the roof and down to the concrete footings, thereby anchoring the structure and assuring that it would be kept onsite in the event of a flood. The Petitioner agreed to this condition and a note was placed on the site plan. It was Mr. Lee's opinion and that of the Department of Public Works that the

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Petitioner has taken sufficient measures to assure there will be no adverse impacts to adjacent or surrounding properties should the waiver be granted.

As noted above, several residents from the surrounding locale appeared in opposition to the request. Mr. Eric Hogan, President of the Fox Chapel Association, appeared and testified that the Board of Governors opposes the granting of any waiver for the pavilion. He argued that the pavilion was built by the Petitioner without a building permit, the submission of plans to or approval of the Association, and without any previous building footprint in this wetland buffer area.[1] The Association is not opposed to the continued use of the bocce ball court, only the structure (pavilion) that was built in violation of the Building Code and that any waiver granted would undermine the intent and purpose of the riverine and floodplain regulations. Paul Ragonese, also a registered Professional Engineer in the State of Maryland, serves on the Association's Building and Alterations Committee. Mr. Ragonese reviewed the relevant law (Protestants' Exhibit 3) and opined that the 20' x 80' roof structure could break up during a flood event and act as a dam or release debris into the stream. Ms. Jo Owen who has resided in the community for many years, served on the Fox Chapel Association Board in the past as well as on the Governor's Commission for Clean Water. Ms. Owen provided a history of the area and noted the $2 million spent on improving the upper portion of the Spring Branch stream above Pot Spring Road which were done in order to slow the flow of the stream during flood events. She believes the Petitioner's proposal to be in direct contradiction to these efforts. Congresswoman Bentley, however, disagreed and offered into evidence her letter of support, dated June 28, 2005. Therein, she indicates that many other back yards in this community contain structures, which were built in this same riverine floodplain.

In considering the requested waiver, I have reviewed all of the exhibits entered into evidence and the proffer of testimony of all the aforementioned witnesses, and considered the

[1] With regard to Fox Chapel Association's covenants and restrictions, the Board members present realize that they are not enforceable by the County unless specifically incorporated into the subdivision plan approval process. This is not the case before me and any violations of these covenants would be a matter to be decided by the Circuit Court for Baltimore County.

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comments of Mr. Thomas and those submitted by the Department of Public Works. I note that consideration of the requested waiver is to be viewed under the general standards that waiver actions shall be kept to a minimum, and for any waiver to be issued for construction in a riverine floodplain, all applicable provisions of Sections 32-4-107 and 32-8-303(a) of the Baltimore County Code, and Section 32-8-301 of the Baltimore County Building Code, must be met.

In my judgment, the Petitioners have satisfied these requirements and failure to grant the requested waiver would result in a hardship for the Petitioners. In my view, the proposed construction is consistent with sound floodplain management and will not result in any adverse impacts such as flooding on downstream properties. I further find that the granting of the waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflict with the existing local and state laws and ordinances. For these reasons, I am persuaded to grant the requested waiver, however, will require the Petitioner's compliance with the recommendations made by the Department of Public Works, as noted on the plan.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of September 2005 that the Petition for Special Hearing seeking approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), of the requirements of Section 3112.0 of the Baltimore County Building Code, and Sections 32-4-414, 32-4-107(a)(2), and 32-8-301 of the Baltimore County Code, to permit a rebuilt open pavilion, supported by 6" x 6" posts, open on four sides bocce ball court with a roof, in a riverine floodplain, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit for the open pavilion and be granted same upon receipt of this Order. However, the Petitioners are hereby made aware that proceeding at this time is at their own risk

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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 recommendations made by the Department of Public Works, the Petitioner shall install structural cables/straps through the roof of the pavilion down to the concrete footings and anchor them there so as to hold the structure together and keep it onsite in the event of a flood.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 9/9/03
By

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 321 CHAPELWOOD LANE

which is presently zoned DR-1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve SPECIAL HEARING FOR A WAIVER PURSUANT TO SECTION 500.6, BCZR: SECTION 3112.0 BUIDING CODE: AND SECTIONS 32-4-414, 32-4-107 (a)(2) 32-8-301 BCC TO PERMIT A REBUILT OPEN PAVILION SUPPORTED BY 6x6 POSTS, OPEN ON 4 SIDES BOCCE BALL COURT WITH ROOF IN A RIVERINE FLOOD PLAIN.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee: ENGINEER:

PAUL LEE, CENTURY ENGINEERING, INC.
Name - Type or Print

Signature

32 WEST ROAD — 410-823-8070
Address — Telephone No.

TOWSON — MD — 21204
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

NICOLA CASTELLANO
Name - Type or Print

Signature

ANGELA CASTELLANO
Name - Type or Print

Signature

321 CHAPELWOOD LANE — 410-655-7525
Address — Telephone No.

LUTHERVILLE-TIMONIUM — MD — 21093
City — State — Zip Code

Representative to be Contacted:

PAUL LEE, CENTURY ENGINEERING, INC.
Name

32 WEST ROAD — 410-823-8070
Address — Telephone No.

TOWSON — MD — 21204
City — State — Zip Code

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Date 9/15/05
By

Case No. 06-011-SPH

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JF Date 7-1-05

DESCRIPTION
321 CHAPELWOOD LANE
ELECTION DISTRICT 8C3 BALTIMORE COUNTY, MD

BEGINNING FOR THE SAME at a point on the South side of Chapelwood Lane, said point being on the division line between Lots 5 and 6, Block E, recorded in Section Two, Fox Chapel, WJR 28-103, and also located westerly 780'± from the center of Dulaney Valley Road; thence leaving said South side and running with and binding on said division line:

1) South 20° 31' 00" W – 272.37' to the end, thence running with and binding on the South side of Lot 6,
2) South 70° 00' 00" W – 147.88' to a point at the intersection of Lot 7, thence leaving said point and running with and binding on the division line between Lot 6 & 7.
3) North 21° 23' 00" W – 268.96' to a point on the South side of Chapelwood Lane, thence running and binding on said South side the two following course and distances;
4) North 68° 37' 00" W – 125.19' and
5) By a curve to the right R= 1770.00' for an arc length of 25.53' to the place of beginning.

Being recorded as Lot 6, Block E and containing 0.92 ac. of land more or less.

Wfile\Login2\Land-Dev\LD05\desc\ChapelwoodLane-pl-6-27-05

STATE OF MARYLAND
PAUL LEE
4047
PROFESSIONAL ENGINEER

011

IN THE MATTER OF THE APPLICATION OF NICOLA AND ANGELA CASTELLANO FOR SPECIAL HEARING ON PROPERTY LOCATED ON THE S/S CHAPELWOOD LN., 780' W OF DULANEY VALLEY ROAD (321 CHAPELWOOD LANE) 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 06-011-SPH

* * * * * * * * *

ORDER OF DISMISSAL

This matter comes to the Board on appeal filed by Eric and Debbie Hogan and the Fox Chapel Community Association from the September 9, 2005 decision of the Zoning Commissioner in which the requested special hearing relief was granted with restrictions.

WHEREAS, a hearing was scheduled to be held before this Board on Wednesday, December 20, 2006 at 10:00 a.m. The Board convened at the scheduled hearing time. Sebastian A. Cross, Esquire, GILDEA & SCHMIDT, LLC, appeared on behalf of Mr. and Mrs. Nicola Castellano, Legal Owners /Petitioners; and J. Carroll Holzer, Esquire, appeared on behalf of Mr. and Mrs. Eric Hogan and the Fox Chapel Community Association, Appellants. At the onset of the hearing, Counsel for said parties indicated that this matter is now concluded as to all parties pursuant to an Agreement executed by the parties on November 16, 2006 (Joint Exhibit 1), a copy of which is attached hereto and made a part hereof; and

WHEREAS, it is requested on behalf of said Appellants that the appeal filed in Case No. 06-011-SPH be withdrawn and dismissed with prejudice as of December 20, 2006,

IT IS HEREBY ORDERED this 27th day of January, 2006 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby **DISMISSED with prejudice**.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Margaret Brassil, Ph.D., Panel Chair

Lawrence M. Stahl

Robert W. Witt

AGREEMENT

THIS AGREEMENT Made this 16th day of ~~May,~~ November 2006, by and between ***Nicola and Angela Castellano***, having an address of 321 Chapelwood Lane, Lutherville-Timonium, Maryland 21093 (hereinafter referred to as "The Owner") and the Fox Chapel Association represented by individuals Eric Hogan, 2105 Starmount Lane, Lutherville, Maryland, John Alfriend, 2114 Starmount Lane, Lutherville, Maryland and Paul Ragonese, 316 Chapelwood Lane, Lutherville, Maryland (collectively referred to as the "Association").

RECITAL

1. ***Property Owner.*** The Property Owner is the owner of real property located at 321 Chapelwood Lane, which is currently improved by a single-family residence and a bocce ball court of approximately 20 by 80 feet in dimension, with a concrete grade beam around the perimeter of the court and 8 inch by 8 inch timber posts supporting a roof structure. The court is placed within the 100 year flood plain limits as delineated on the Baltimore County Spring Branch Watershed Drainage Study.

The property in question contains a gross area of 0.92 acres more or less, zoned D.R. 1.

2. The Association, represented by named individuals above, are adjacent and adjoining property owners charged with the enforcement of Restrictions and Covenants placed upon this subdivision by the original developer.

The Building and Alterations Committee of Fox Chapel Association, believing the structure to be in violation of the Covenants and Restrictions which apply to the Community filed a Complaint with Code Enforcement Division of the Department of Permits and Development Management and the Owner was required to apply for and obtain a Building Permit (No.: B586738). Baltimore County Building Engineer discovered that the structure was located within the flood plain and a stop work Order was issued resulting in a Petition for Special Hearing being filed by the Property Owner seeking approval of a waiver, pursuant to §500.6 of the Baltimore County Zoning Regulations of the requirements of §3112.0 of the Baltimore County Building Code, in §32-4-414, §32-4-107(a)(2), and §32-8-301 of the Baltimore County Code, to permit the construction of a pavilion that is open on all four sides.

3. The Petition for Special Hearing filed by the Owner came before the Zoning Commissioner of Baltimore County as Case No.: 06-011-SPH who, after hearing, granted the Special Hearing request on September 9, 2005 with conditions that required the Owner to install structural cable/straps through the roof of the pavilion down to the concrete footings and anchor them so as to hold the structure together and keep it on site in the event of a flood.

LAW OFFICE
IOLZER AND LEE
THE 508 BUILDING
I FAIRMOUNT AVENUE
OWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

Joint Exhibit 1

4. The Neighbors filed a timely appeal to the Baltimore County Board of Appeals which was scheduled for hearing before the Board on April 11, 2006.

5. The Property Owner and Neighbors have met on multiple occasions to discuss the Neighbors' concerns and resolve their differences so as to eliminate the need for the hearing before the County Board of Appeals.

NOW, THEREFORE, in consideration of the mutual agreements and understandings contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency which are hereby mutually acknowledged, the parties agree as follows:

1. Before the County Board of Appeals, the Neighbors withdraw their exception with prejudice to the grant of the Special Hearing as determined by the Zoning Commissioner in his Opinion and Order and permit the continued existence of the bocce ball court in its present location and configuration subject to the Board of Appeals adopting and incorporating this Agreement as part of its Order affirming the findings of the Zoning Commissioner as set forth in his Opinion and Order dated September 9, 2005.

2. The Owner agrees to shield the bocce ball court structure from Chapelwood Lane, from an observer thereon from 319 Chapelwood Lane to a location past the driveway of 321 Chapelwood Lane. The parties agree that placement of suitable vegetation of sufficient size and maturity to immediately screen from view the bocce ball court is the intent of the parties. Further, at a minimum, screening shall be placed directly in front of the structure facing Chapelwood Lane and additional screening shall be placed along the west side of the structure between 321 and 319 Chapelwood Lane as those parties mutually determine.

3. That the Property Owner, or his successors and assigns, shall be limited in hours used from 9:00 a.m. to 7:00 p.m. on weekdays (weekdays include Sunday night through Thursday night, or after 9:00 p.m. on weekends (consisting of Friday and Saturday night). Further, the parties agree that no more than three (3) occasions per year shall these hours be extended until 10:00 p.m.

4. The Property Owner or its successors and assigns agree that the bocce ball court shall not be illuminated, with the exception of six (6) lights which shall be concealed beneath the roof of the court and shine directly down on the bocce ball court. In no event shall any lighting either illuminate the bocce ball structure or shine on adjacent properties of the neighbors.

5. The Property Owner, his successor and assigns agrees there shall be no sound system or public address system associated with the bocce ball court activities.

6. The Property Owner, or his successors and assigns agrees that the court shall be used solely for friends and the family and that no tournaments shall be held or permitted.

7. The Property Owner or its successors and assigns agrees that the bocce ball court and pavilion will never be used for any other purpose other than as a bocce ball court, nor will walls ever be erected to enclose the structure in any way.

8. The Association and Property Owner agree that this Agreement shall be incorporated in the decision of the County Board of Appeals in Case 06-01-SPH.

9. The Property Owners and The Association agree that this Agreement shall be recorded, at the expense of The Association, in the Land Records of Baltimore County and may be enforced by the Fox Chapel Association, and any Property Owner who could enforce the Covenants identified in Liber 5267, page 316, Fox Chapel in the 8th Election District of Baltimore County, Maryland.

10. This Agreement shall be binding upon the parties, their personal representative, successors and assigns.

11. In the event of a breach or threatened breach hereof, any party may enforce this Agreement. The parties acknowledge that remedies at law may be inadequate to protect them from a material breach or threatened material breach of this Agreement. Each party expressly agrees that in addition to all remedies available at law or in equity, each party shall be entitled to seek and receive injunctive relief to address any material breach of this Agreement by the other. Notwithstanding either party's right to enforce this Agreement, however, the parties shall provide each other written notice of an alleged breach, and each party shall have the right within ten (10) days of receipt of written notice to correct the alleged violation, prior to the institution of any further action or proceeding.

The costs of enforcement of this Agreement, including any reasonable attorney fees and expert fees incurred in the enforcement proceedings, shall be borne by the party materially breaching this Agreement.

12. ***Miscellaneous Provisions.***

a. This Agreement may be executed in counterparts.

b. This Agreement contains the entire understanding of the parties.

c. The Property Owner and The Association hereby warrant and represent that each has legal authority to bind itself, and that all necessary action required to be taken to authorize the execution of the Agreement has been taken.

d. If any provision of this Agreement shall be held by a court of competent jurisdiction to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

e. All notices to be given shall be in writing and sent by certified mail, return receipt requested, which will be deemed delivered on the third business day following the date of mailing.

13. This Agreement shall be stipulated to as representative of the facts in this case before the County Board of Appeals.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

WITNESS/ATTEST: **FOX CHAPEL COMMUNITY ASSOCIATION**

_____ _____(SEAL)
BY: JOHN ALFRIEND, President

_____ _____(SEAL)
ERIC HOGAN

_____ _____(SEAL)
PAUL RAGONESE

_____ _____(SEAL)
NICOLA CASTELLANO

_____ _____(SEAL)
ANGELA CASTELLANO

Reviewed for Legal Sufficiency

_____
J. CARROLL HOLZER
Attorney for Fox Chapel Association

_____
LARRY SCHMIDT
Attorney for Nicola Costellano, et ux.

C:\My Docs\Agreements 2006\Fox Chapel Agr 7/21/2006

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

On this 9 day of August, 2006, before me, the undersigned Notary Public, personally appeared ***John Alfriend***, known to me or satisfactorily proven to be the person who acknowledged that he/she executed the aforesaid instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

MY COMMISSION
EXPIRES 7-1-2007

Joseph C. Ferrar
Notary Public

My Commission Expires: _____

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

On this 9 day of August, 2006, before me, the undersigned Notary Public, personally appeared ***Eric Hogan***, known to me or satisfactorily proven to be the person who acknowledged that he/she executed the aforesaid instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

MY COMMISSION
EXPIRES 7-1-2007

Joseph C. Ferrar
Notary Public

My Commission Expires: _____

STATE OF MARYLAND, Baltimore COUNTY, TO WIT:

On this 9 day of August, 2006, before me, the undersigned Notary Public, personally appeared ***Paul Ragonese,*** known to me or satisfactorily proven to be the person who acknowledged that he/she executed the aforesaid instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

MY COMMISSION EXPIRES 7-1-2007

Joseph A. Fenar
Notary Public

My Commission Expires: _____

STATE OF MARYLAND, Anne Arundel COUNTY, TO WIT:

On this 10th day of November, 2006, before me, the undersigned Notary Public, personally appeared ***Nicola Castellano,*** known to me or satisfactorily proven to be the person who acknowledged that he/she executed the aforesaid instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

JEANNI A. HALL
STATE OF MARYLAND
NOTARY PUBLIC
Anne Arundel County
MY COMMISSION EXPIRES AUGUST 25, 2008

Jeanni A Hall
Notary Public

My Commission Expires: 08-25-08

STATE OF MARYLAND, Anne Arundel **COUNTY, TO WIT:**

On this 10th day of November, 2006, before me, the undersigned Notary Public, personally appeared ***Angela Castellano,*** known to me or satisfactorily proven to be the person who acknowledged that he/she executed the aforesaid instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

JEANNI A. HALL
STATE OF MARYLAND
NOTARY PUBLIC
Anne Arundel County
MY COMMISSION EXPIRES AUGUST 25, 2008

Jeanni A Hall
Notary Public

My Commission Expires: 08-25-08

C:\My Docs\Agreements 2006\Fox Chapel Agr 7/21/2006

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☐ County: _____

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.)

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Vo

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

☐ Deed	☐ Mortgage	☐ Other _____	☐ Other _____
☐ Deed or Trust	☐ Lease	_____	_____

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length *[1]*	☐ Unimproved Sale Arms-Length *[2]*	☐ Multiple Accounts Arms-Length *[3]*	☐ Not an Arms-Length Sale *[9]*

3 Tax Exemptions (if Applicable)

Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$		
Any New Mortgage	$	Transfer Tax Consideration	$
Balance of Existing Mortgage	$	X ( ) % =	$
Other:	$	Less Exemption Amount –	$
		Total Transfer Tax =	$
Other:	$	Recordation Tax Consideration	$
		X ( ) per $500 =	$
Full Cash Value:	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2	
Recording Charge	$	$	Agent:
Surcharge	$	$	Tax Bill:
State Recordation Tax	$	$	
State Transfer Tax	$	$	C.B. Credit:
County Transfer Tax	$	$	
Other	$	$	Ag. Tax/Other:
Other	$	$	

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG ☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2)

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☐ or Non-Residential ☐ | Fee Simple ☐ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Name(s)
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)

New Owner's (Grantee) Mailing Address

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name:

Firm

Address:

Phone: ( )

☐ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Circuit Court for
BALTIMORE COUNTY
Clerk of the Court,
SUZANNE MENSH
COUNTY COURTS BUILDING
401 BOSLEY AVE. P.O. BOX 6754
TOWSON, MD 21285-6754
(410) 887-2601

Transaction Block: 776
Ref: HOGAN

AGREEMENT-MODIFY	AMOUNT
IMP FD SURE $20.00	20.00
RECORDING FEE 20	20.00
SUBTOTAL:	40.00
TOTAL CHARGES:	40.00
PAYMENTS	
CHECK	40.00
TOTAL TENDERED:	40.00

Cashier: BC Reg # 8A06
Rcpt # 20360
Date: Dec 05, 2006 Time: 02:57 pm

Assessment Information

☐ Yes ☐ No Will the property being conveyed be the grantee's principal residence?
☐ Yes ☐ No Does transfer include personal property? If yes, identify: _____
☐ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Validation

Transfer Number: Date Received: Deed Reference:

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: # 06-011-SPH
321 Chapelwood Lane
S/side of Chapelwood Lane at the distance of 780 feet +/- west from the centerline of Dulaney Valley Road
8th Election District
3rd Councilmanic District
Legal Owner(s): Nicola and Angela Castellano
Special Hearing: for a waiver to permit a rebuilt open pavilion supported by 6X6 posts, open on 4 sides bocce ball court with roof in a riverine flood plain.
Hearing: Monday, August 29, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
8/115 August 11 62278

CERTIFICATE OF PUBLICATION

8/11/, 2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/11/, 2005.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson
LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 3387

DATE 06/27/05 ACCOUNT 1 1 1 6 1550

AMOUNT $ 4

RECEIVED FROM: Smith Bailey Morgan + Hoffman (Texcheque)

FOR: 321 Hyslewood Road
Plat 2PN

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 445087

DATE 7-1-05 ACCOUNT 001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Nicola Castellano

FOR: 321 Chapelwood Ln ITEM 011
Pet. for Special Hearing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
7/01/2005 7/01/2005 10:11:05 2
153 4602 MAIL JEVA OK
RECEIPT # 410150 7/01/2005 DRW
Dept 5 528 ZONING VERIFICATION
CR NO. 445087
Recpt Tot 65.00
$65.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO. 06-011-SPH

321 CHAPELWOOD LANE

8TH ELECTION DISTRICT APPEALED: 10/05/05

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-011-SPH

LEGAL OWNER: MR. & MRS. NICOLA CASTELLANO

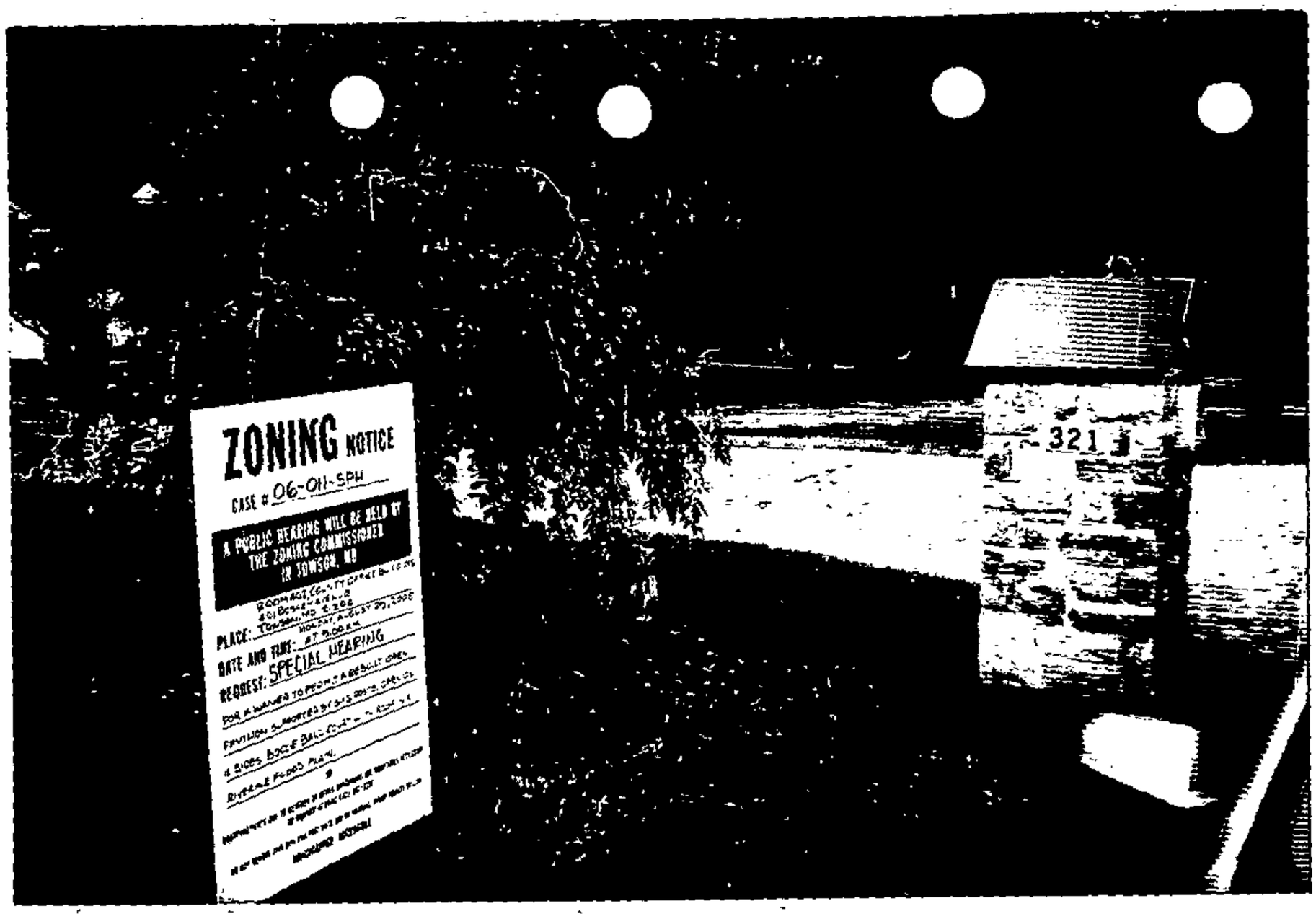
This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

321 CHAPELWOOD LANE

The sign was posted on 12/19, 2005 9:45 AM

By: J M Radcliffe
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)



ZONING NOTICE

CASE # 06-011-SPH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: ROOM 407, COUNTY OFFICE BUILDING
401 BOSLEY AVENUE
TOWSON, MD. 21204

DATE AND TIME: MONDAY, AUGUST 29, 2005 AT 9:00 A.M.

REQUEST: SPECIAL HEARING

FOR A WAIVER TO PERMIT A REBUILT OPEN PAVILION SUPPORTED BY 6X6 POSTS, OPEN ON 4 SIDES BOCCE BALL COURT WITH ROOF IN A RIVERINE FLOOD PLAIN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No.: 06-011-SPH

Petitioner/Developer: NICOLA CASTELLANO

Date of Hearing/Closing: AUG 29, 2005

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

Attention: **Christen Matthews**

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at

#321 CHAPELWOOD LANE

The sign(s) were posted on AUG. 5, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-011 SPH

Petitioner: NICOLA CASTELLANO

Address or Location: 321 CHAPELWOOD LANE 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: NICOLA CASTELLANO

Address: 321 CHAPELWOOD LANE
COTHERVILLE - TIMONIUM, MD 21093

Telephone Number: 410-655-7525

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

August 2, 2005

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-011-SPH
321 Chapelwood Lane
S/side of Chapelwood Lane at the distance of 780 feet +/- west from the centerline of Dulaney Valley Road
8th Election District – 3rd Councilmanic District
Legal Owners: Nicola & Angela Castellano

Special Hearing for a waiver to permit a rebuilt open pavilion supported by 6X6 posts, open on 4 sides bocce ball court with roof in a riverine flood plain.

Hearing: Monday, August 29, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Paul Lee, 32 West Road, Towson 21204
Nicola & Angela Castellano, 321 Chapelwood Lane, Lutherville 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 13, 2005.**
(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.

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

July 13, 2005

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: 06-011-SPH
321 Chapelwood Lane
S/side of Chapelwood Lane at the distance of 780 feet +/- west from the centerline of Dulaney Valley Road
8th Election District – 3rd Councilmanic District
Legal Owners: Nicola & Angela Castellano

Special Hearing for a waiver to permit a rebuilt open pavilion supported by 6X6 posts, open on 4 sides bocce ball court with roof in a riverine flood plain.

Hearing: Tuesday, August 30, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Paul Lee, 32 West Road, Towson 21204
Nicola & Angela Castellano, 321 Chapelwood Lane, Lutherville 21093

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 15, 2005.**
(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, August 11, 2005 Issue - Jeffersonian

Please forward billing to:
Nicola Castellano
321 Chapelwood Lane
Lutherville, MD 21093

410-655-7525

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-011-SPH
321 Chapelwood Lane
S/side of Chapelwood Lane at the distance of 780 feet +/- west from the centerline of Dulaney Valley Road
8th Election District – 3rd Councilmanic District
Legal Owners: Nicola & Angela Castellano

Special Hearing for a waiver to permit a rebuilt open pavilion supported by 6X6 posts, open on 4 sides bocce ball court with roof in a riverine flood plain.

Hearing: Monday, August 29, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
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.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

December 11, 2006

NOTICE OF ASSIGNMENT /Settlement on Record

CASE #: 06-011-SPH

IN THE MATTER OF: MR. AND MRS. NICOLA CASTELLANO
-Legal Owners /Petitioners 321 Chapelwood Lane
8th Election District; 3rd Councilmanic District

9/09/2005 – Z.C.'s Order in which requested zoning relief was GRANTED with restrictions.

THIS MATTER HAS BEEN SPECIALLY ASSIGNED BY AGREEMENT OF PARTIES TO THE FOLLOWING DATE FOR PURPOSE OF PUTTING SETTLEMENT ON RECORD; AND HAS BEEN

ASSIGNED FOR: **WEDNESDAY, DECEMBER 20, 2006 at 9:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Protestants : Mr. and Mrs. Eric Hogan /Fox Chapel Comm Assn

J. Carroll Holzer, Esquire

John Alfriend
Paul Ragonese
Jo Owen
Carol Berman

Petitioners : Mr. and Mrs. Nicola Castellano
Sebastian Cross, Esquire
Paul Lee /Century Engineering

The Honorable Helen Delich Bentley
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

12/14/06

Call J.C.H. office;
Secretary has no
idea what is
wrong w/ty. Stu...
will picking
letter & packet @
the same time.

COUNTY BOARD OF APPEALS

ROOM 49, OLD COURTHOUSE •
400 WASHINGTON AVENUE • TOWSON, MD 21204
PHONE: 410-887-3180 • FAX: 410-887-3182

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

J CARROLL HOLZER., ESQUIRE
410-825-4923

SEBASTIAN CROSS, ESQUIRE
410-234-0072

FROM:

KATHLEEN BIANCO
FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:
DECEMBER 14, 2006

TOTAL NO. OF PAGES INCLUDING COVER:
TWO (2)

RE: IN THE MATTER OF: NICOLA CASTELLANO ET UX – SETTLEMENT ON RECORD

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

ATTACHED FYI IS A COPY OF THE NOTICE SENT OUT ON 12/12/06 FOR THE SPECIALLY ASSIGNED DATE OF 12/20/06 AT 9 A.M. IN THE SUBJECT MATTER FOR THE PURPOSE OF SETTLEMENT ON THE RECORD.

I HAD INTENDED FAXING YOU A COPY OF THIS ON TUESDAY. SORRY FOR THE DELAY.

PLEASE CALL ME IF YOU HAVE ANY QUESTIONS

kathi

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

August 22, 2005

Nicola Castellano
Angela Castellano
321 Chapelwood Lane
Lutherville, Maryland 21093

Dear Mr. and Mrs. Castellano:

RE: Case Number: 06-011-SPH, 321 Chapelwood Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 1, 2005.

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: clb

Enclosures

c: People's Counsel
Paul Lee Century Engineering, Inc. 32 West Road Towson 21204

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: July 25, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2005
Item Nos. 001, 003, 006, 008, 011, 012, 013, 014, 016, 017, 018, and 019

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-07252005.doc

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

July 14,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 001,003,006,007,008,011,013,014,015,016,017,018,019

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O)410-887-4881
MS-1102F

cc: File

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 7.15.05

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

RE: Baltimore County
Item No. 011 JRF

Dear. Ms. Matthews:

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,

L. T. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

July 14,2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.:002,004,005,009,010,012

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O)410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 27, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-011**

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

CM/LL

W:\DEVREV\ZAC\6-011.doc

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works

DATE: July 14, 2005

RECEIVED
JUL 18 2005
CENTURY ENGINEERING, INC
32 WEST ROAD
TOWSON MARYLAND 21204

SUBJECT: Case No. 06-011 SPH Special Hearing for a waiver to permit a rebuilt open pavilion with roof in the riverine floodplain area.

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The subject waiver is for an open pavilion approximately 20' wide by 80' long consisting of a concrete grade beam around the perimeter of the structure with timber posts supporting a timber roof structure. There are no walls. The area under the structure is intended for sports use (Bocce Ball).

The possibility that the structure would break up during a flood event and release debris into the stream is a concern. The applicant agrees to address this concern by installing structural cables through the roof down to the concrete footings and anchoring them there. This will hold the structure together and keep it on site in event of a flood. This is noted on the plan and should be made a condition of approval.

To summarize, this department prefers to not give a positive approval recommendation to construction activity in riverine floodplain areas. Grading and building proposals should observe floodplain setback restrictions. Nevertheless, I find that the applicant has taken sufficient measures in this case to assure there will be no adverse impact should the waiver be granted. Therefore I take no exception to approval of this waiver request.

ECA/DLT/s
CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Paul Lee, Century Engineering; Steve Walsh, attn. Dave Snook; Dennis Kennedy

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: July 21, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:	Item No.:	011
	Legal Owner/Petitioner	Castellano, Nicola & Angela
	Contract Purchaser:	N/A
	Property Address:	321 Chapelwood La
	Location Description:	S/side of Chapelwood La at distance of 780' +/- W/from centerline of Dulaney Valley Rd

VIIOLATION INFORMATION:	Case No.	05-1655
	Defendants:	Castellano, Nicola & Angela

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Jim Garland	Bldg. Insp. X-3953

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- X 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- X 8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/jg
C: Code Enforcement Officer

entered KH

CODE ENFORCEMENT REPORT

GB

DATE: 3 / 18 / 05 INTAKE BY: Garland CASE #: 05-1655 INSPEC:

COMPLAINT LOCATION: 321 Chapelwood Ca. 19 D12

Mr. Castellano 410-560-6925 ZIP CODE: 21093 DIST: 8th

Cell. 410-299-1355

COMPLAINANT NAME: Anonymous PHONE #: (H) (W) 410-453-0829.

ADDRESS: ZIP CODE:

PROBLEM: Pavilon - w/o Permit

IS THIS A RENTAL UNIT? YES ____ NO ____

IF YES, IS THIS SECTION 8? YES ____ NO ____

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 08 23 037260 ZONING:

INSPECTION: 3·21·05 on site Insp. w/w Homeowner - issued Corr. Notice to File for 20'x 80'x 15' open Pavilon (Permit) to rear of Dwelling. Called complaintant w/ Results - R.C. 4·1·05

REINSPECTION:

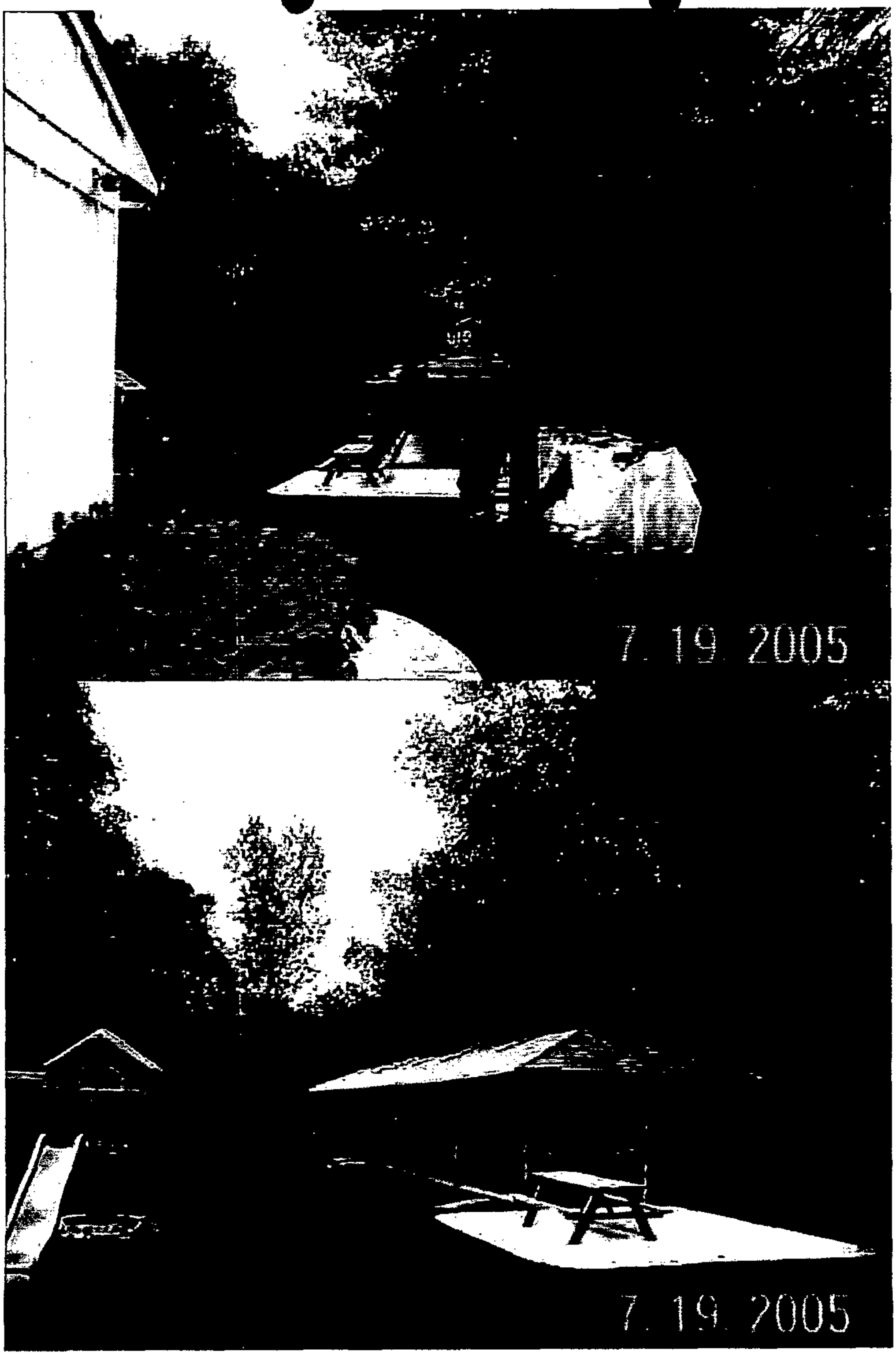
CB

REINSPECTION: 4·1·05 - {Permit issued 3·23·05} B586738

Called Complainants Recorder - Case Closed

REINSPECTION:

KH


7 19 2005
7 19 2005

DATE: 03/15/2005 STANDARD ASSESSMENT INQUIRY (1)
TIME: 15:00:16

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
08 23 037260	08	2-0	04-00	N	NO		02/15/05

CASTELLANO NICOLA
CASTELLANO ANGELA
321 CHAPELWOOD LN

DESC-1.. IMPS
DESC-2.. FOX CHAPEL
PREMISE. 00321 CHAPEL WOOD LA
00000-0000

LUTHERVILLE TIMONIUM MD 21093-2813 FORMER OWNER: MAKRIS DIMITRIOS G

FCV	PRIOR	PROPOSED	PHASED IN	CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	108,400	162,600				
IMPV:	220,070	344,660	TOTAL..	388,066	388,066	328,470
TOTL:	328,470	507,260	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	06/01	05/04				

TAXABLE BASIS — FM DATE
ASSESS: 388,066 11/11/04
ASSESS: 328,470
ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF
RA1001C

DATE: 03/18/2005 STANDARD ASSESSMENT INQUIRY (2)
TIME: 15:02:39

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
08 23 037260	08	2-0	04-00	N	NO		02/15/05

LOT....	6	BOOK....	0028	MAP.....	0061	LOT WIDTH.....	150.72
BLOCK..	E	FOLIO...	0103	GRID....	0002	LOT DEPTH.....	.00
SECTION..	2			PARCEL..	0249	LAND AREA..	.920 A
PLAT..						YEAR BUILT.....	64

TRANSFER DATA

NUMBER.....	043706
DATE.....	11/21/91
PURCHASE PRICE.....	335,000
GROUND RENT.....	0
DEED REF LIBER.....	08978
DEED REF FOLIO.....	0557
CONVEYED IND.....	1
TOT-PART TRAN IND.....	T
GRANTOR ACCT NO..	08-23-037260

EXEMPT DATA

STATUS.....	
CLASS CODE.....	000
STATE EXEMPT CODE.....	000
COUNTY EXEMPT CODE.....	000
CURR STATE EX ASMT....	0
PRIOR STATE EX ASMT...	0
CURR COUNTY EX ASMT...	0
PRIOR COUNTY EX ASMT..	0

CRITICAL AREAS CODE	NEW CONST YEAR	CARD NO
		08011

STRUCTURE

CODE	SQ. FEET
	2046

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF
RA1001D

DATE: 03/18/2005 STANDARD ASSESSMENT INQUIRY (3)
TIME: 15:02:50

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
08 23 037260	08	2-0	04-00	N	NO		02/15/05

STATE

REC CREATE DATE..	10/23/92
DELETE CODE.....	M
DATE DELETED.....	
LAST FM DATE.....	11/11/04
LAST FM TYPE.....	C
PREV FM DATE.....	
PREV FM TYPE.....	

GEO CODE	N/A	LAND-USE
81	NO	R

COUNTY

LAST LOAD DATE...	02/15/05
PRIOR LOAD DATE..	01/06/05

STATE TAXABLE ASSESS
ASSESS: 388,066
ASSESS: 328,470

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 05-1655
Property No. 08 23 037260
Zoning:

Name(s): Nicola & Angela Castellano

Address: 321 Chapelwood Lane

Violation Location: SAme

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

I. R. C. 2003
SEC. 105.1

Must File For Permit to construct approx. 20' x 80' x 15' open Pavilon in Rear Yard.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 4-1-05
Date Issued: 3-21-05

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: JAMES GARLAND

INSPECTOR: James Garland

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:
Date Issued:

INSPECTOR:

AGENCY

Cod Forcement - Daily Worksh

Inspector - GARLAND, J

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	05-1655	321 CHAPELWOOD LA		21093	3/18/2005	7/14/2005

Tax Acct #: 0823037260

Owner: CASTELLANO, NICOLA & ANGELA

Complainant Name: (Last) ANONYMOUS (First)
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) 410/453-0829 (Work)

Problem: PAVILON W/O PERMIT
4/14/05 CASE RE-OPENED PER JOHN REISINGER

Notes:

05-1655 3/21/05 ON SITE INSP. M/W HOMEOWNER. ISSUED CORR. N OTICE TO FILE FOR 20'X80'X15' OPEN PAVILON (PERMIT) TO REAR OF DWELLING. CALLED COMPLAINANT W/RESULTS. P/U 4/1/05 J.GARL AND/NS*** 04/01/05
PERMIT ISSUED ON 03/23/05 - B586738. CALLED COMPL. RECORDE R. CASE CLOSED. J.GARLAND/KH.***
4/14/05 RE-OPENED CASE PER J .REISINGER. ISSUED CORR. NOTICE (PERMIT B586738) HAS BEEN SU SPENDED OR REVOKED DUE TO STRUCTURE IS WITHIN FLOOD PLAIN (R IVERING) PER FLOOD STUDY RECORDS. SEE COPY CORR. NOTICE IN F ILE. CALLED COMPLAINANT W/RESULTS. P/U 5/14/05 J.GARLAND/NS* ** 5/18/05
SPOKE W/MRS.CASTELLANO. STATES THEY HAVE A MEETING W/ZONING ON 6/29/05 TO FILE PAPER WORK ON PAVILLON W/IN RIVERINE. P/U 7/5/05 J.GARLAND/NS*** 7/7/05 SPOKE W/MR.CASTELLANO . STATES HE HIRED MR. PAUL LEE (ENG) WHO INTURN WENT TO THE SCHEDULED HEARINGS ON HIS BEHALF. TRIED TO CONTACT MR.LEE (O N VACATION). CALLED COMPLAINANTS RECORDER W/UPDATE. P/U 7/14 /05 J.GARLAND/NS***

7.15.05 - Received word Mr. Paul lee has filed
For Zoning Case #06-011 SPH.
Called Complainants Recorder w/ results
R.C. 9.12.05

Code Enforcement - Daily Worksh

Inspector - GARLAND, J

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	05-1655	321 CHAPELWOOD LA		21093	3/18/2005	7/05/2005

Tax Acct #: 0823037260

Owner: CASTELLANO, NICOLA & ANGELA

Complainant Name: (Last) ANONYMOUS (First)
Addr:
Str # Dir Street Name Type Apt

City ST Zip
Phone: (Home) 410/453-0829 (Work)

Problem: PAVILON W/O PERMIT
4/14/05 CASE RE-OPENED PER JOHN REISINGER

Notes:

05-1655 3/21/05 ON SITE INSP. M/W HOMEOWNER. ISSUED CORR. N
OTICE TO FILE FOR 20'X80'X15' OPEN PAVILON (PERMIT) TO REAR
OF DWELLING. CALLED COMPLAINANT W/RESULTS. P/U 4/1/05 J.GARL
AND/NS*** 04/01/05
PERMIT ISSUED ON 03/23/05 - B586738. CALLED COMPL. RECORDE
R. CASE CLOSED. J.GARLAND/KH.***
4/14/05 RE-OPENED CASE PER J
.REISINGER. ISSUED CORR. NOTICE (PERMIT B586738) HAS BEEN SU
SPENDED OR REVOKED DUE TO STRUCTURE IS WITHIN FLOOD PLAIN (R
IVERING) PER FLOOD STUDY RECORDS. SEE COPY CORR. NOTICE IN F
ILE. CALLED COMPLAINANT W/RESULTS. P/U 5/14/05 J.GARLAND/NS*
** 5/18/05
SPOKE W/MRS.CASTELLANO. STATES THEY HAVE A MEETING W/ZONING
ON 6/29/05 TO FILE PAPER WORK ON PAVILLON W/IN RIVERINE. P/U
7/5/05 J.GARLAND/NS***

7.7.05 spoke w/ Mr. Castellano - states he hired Mr. Paul lee Eng., who intern went to the Scheduled hearing on his behalf. Tried to contact Mr. Paul lee - (on vacation) - Called Complainants recorder w/ update - will R.C. 7.14.05

J Garland

Case Entry/Update Mode . . . : CHANGE
Format . . . . : CASREC File . . . . : PDLV0001

Notes: 05-1655 3/21/05 ON SITE INSP. M/W HOMEOWNER. ISSUED CORR. NOTICE TO FIL E FOR 20'X80'X15' OPEN PAVILON (PERMIT) TO REAR OF DWELLING. CALLED COMPLAINANT W/RESULTS. P/U 4/1/05 J.GARLAND/NS***
04/01/05 PERMIT ISSUED ON 03/23/05 - B586738. CALLED COMPL. RECORDER. CASE CLOS ED. J.GARLAND/KH.***

4.14.05 Case Reopen - Per John Reisinger issued Corr. Notice (Permit B586738) Has been Suspended or Revoked due to structure is within Flood Plain (Riverine) per Flood study Records. See Copy Corr. Notice to File - Called Complainant w/results R.C. 5.14.05

F3=Exit F5=Refresh F6=Select format
F9=Insert F10=Entry F11=Change

June 29th Zoning.

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 05-1655
Property No. 087 3037760
Zoning:

Name(s): Nicola / Angela Castellano

Address: 321 Chapel Woods Ln.

Violation Location: SAME

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

B586738
T.R.C. 2003
SEC. 105.6

Building OFFICIAL HAS Suspended or revoked permit issued in error - Structure is within Flood Plain According to the Flood study records - A Waiver to permit structure May be filed - Contact John Trisinger (Bldg. Engineer) 410-887-3610

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 5.14.05
Date Issued: 4.14.05

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: JAMES, GARLAND

INSPECTOR: [signature]

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:
Date Issued:

INSPECTOR:

VIOLATION SITE

Code Enforcement - Daily Worksh

Inspector - GARLAND, J

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	05-1655	321 CHAPELWOOD LA		21093	3/18/2005	4/01/2005

Tax Acct #: 0823037260

Owner: CASTELLANO, NICOLA & ANGELA

Complainant Name: (Last) ANONYMOUS (First)
Addr:
Str # Dir Street Name Type Apt
City ST Zip
Phone: (Home) 410/453-0829 (Work)

Problem: PAVILON W/O PERMIT

Notes:

05-1655 3/21/05 ON SITE INSP. M/W HOMEOWNER. ISSUED CORR. N OTICE TO FILE FOR 20'X80'X15' OPEN PAVILON (PERMIT) TO REAR OF DWELLING. CALLED COMPLAINANT W/RESULTS. P/U 4/1/05 J.GARL AND/NS***

4.4.05 - Permit issued - see B 586938
Called complainant w/results -
Case Closed - J. Garland

KH

P/U Date			Closed Date		Gary F to update
Anonymous Complaint	Complainant Updated		Updated by voice message	Unable to update	Update not necessary
Executive office Complaint	**Yes**	**No**	If Yes is Executive memo attached?	**Yes**	**No**

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

TIMOTHY M. KOTROCO
DIRECTOR

JOHN R. REISINGER
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B586738 CONTROL #: MR DIST: 08 PREC: 01
DATE ISSUED: 08/23/2005 TAX ACCOUNT #: 0823037260 CLASS: 04

PLANS: CONST PLOT 2 R PLAT DATA ELEC NO PLUM NO
LOCATION: 321 CHAPEL WOOD LANE
SUBDIVISION: FOX CHAPEL

OWNERS INFORMATION
NAME: CASTELLANO NICOLA & ANGELA
ADDR: 321 CHAPEL WOOD LANE,TIMONIUM MD 21093-2813

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT A PAVILION ON REAR YARD OF EX.SFD,TO
BE SUPPORTED BY 8X8 POSTS,OPEN ON FOUR SIDES;
20'X80'X15'MAX=1600SF
SEE CITATION/CASE NO. 05-1655

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & PAVILION
EXISTING USE: SFD

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE:
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: .920AC
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 200/10'
SIDE STR SETB:
REAR SETB: 40'+

OUR INSPECTOR COPY

RE: PETITION FOR SPECIAL HEARING 321 Chapelwood Lane; S/side Chapelwood Lane 780' W c/line Dulaney Valley Road 8th Election & 3rd Councilmanic Districts Legal Owner(s): Nicola and Angela Castellano Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-11-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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2005, a copy of the foregoing Entry of Appearance was mailed to Paul Lee, Century Engineering, Inc, 32 West Road, Towson, MD 21204, Representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUL 18 2005
Per.....

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

November 16, 2005

Mr. & Mrs. Castellano
321 Chapelwood Lane
Lutherville, MD 21093

Dear Mr. & Mrs. Castellano:

RE: Case 06-011-SPH, 321 Chapelwood Lane

Please be advised that an appeal of the above-referenced case was filed in this office on October 5, 2005 from Mr. & Mrs. Eric Hogan along with the Fox Chapel Community Association. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Eric & Debbie Hogan, 2105 Starmount Lane, Lutherville, MD 21093
Paul Lee, Century Engineering, 32 West Road, Towson 21204
The Honorable Helen Delich Bentley, 408 Chapelwood Lane, Lutherville 21093
John Alfriend, 2114 Starmount Lane, Lutherville 21093
Paul Ragonese, 316 Chapelwood Lane, Lutherville 21093
Jo Owen, 308 Merrie Hunt Drive, Lutherville 21093
Carol Berman, 400 Chapelwood Lane, Lutherville 21093

Case No. 06-011-SPH

In the Matter of: Mr. and Mrs. Nicola Castellano
- Petitioners /Legal Owners

SPH – Waiver to permit rebuilt open pavilion supported by 6 x 6 posts, open on four sides bocce ball court w/roof in riverine floodplain.

9/09/06 – Decision of the Zoning Commissioner – Petition for Special Hearing GRANTED with restrictions.

2/14/06 -Notice of Assignment sent to following; assigned for hearing on Tuesday, April 11, 2006 at 10 a.m.:

Mr. and Mrs. Eric Hogan /Fox Chapel Comm Assn
John Alfriend
Paul Ragonese
Jo Owen
Carol Berman
Mr. and Mrs. Nicola Castellano
Paul Lee /Century Engineering
The Honorable Helen Delich Bentley
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

3/22/06 – Advised by panel member assigned for 4/11/06 hearing that he will be unable to start at 10 a.m. on that date; therefore a notice will be sent to the parties, changing the start time only, with 4/11/06 remaining as the hearing date.

3/23/06 – Notice of Reassignment /Start Time Only sent to parties this date; case REMAINS to be heard on Tuesday, April 11, 2006; HOWEVER, THE START TIME has been reassigned to 11:00 a.m. on that date.

3/24/06 – Copy of Notice of Reassignment sent to J. Carroll Holzer, Esquire, via FAX – per request.

4/11/06 – Board convened for hearing (Stahl, Mohler M, Grier); postponed on the record; settlement in progress; appeal will be dismissed once settlement documents have been fully executed. HOLD – set only if requested to do so by the parties to this case.

11/21/06 – T/C from S. Leese – settlement agreement reached between parties; executed. Requesting an early a.m. hearing time to put this on the record. Possible dates: 12/14 or 12/20/06 at 9 a.m.; same Board members are not required. Sterling to contact S. Cross regarding dates.

12/11/06 – T/C to Sterling – 12/14/06 would not provide adequate time for notice; has he contacted S. Cross regarding 12/20/06? Is date still needed for settlement on record? Notice is needed to schedule.

12/12/06 – Upon confirmation with Sterling that 12/20 will work for all parties, notice of assignment /settlement on record sent this date; added J. Carroll Holzer, Esquire, and Sebastian Cross, Esquire, to notice.

12/18/06 – Mr. Holzer's FAX was not working properly; Sterling picked up the copy on 12/14/06 per note.

12/20/06 – Board convened for specially assigned hearing; Mr. Holzer appeared on behalf of Appellants; Mr. Cross on behalf of Petitioners. Agreement of parties entered as Joint Exhibit 1. Appeal of Mr. and Mrs. Hogan and Fox Chapel C.A. dismissed on the record pursuant to terms of agreement. Order of Dismissal to be issued.

RESIDENTS OF FOX CHAPEL

P.O. Box 9001
Lutherville, MD 21094

Mr. Timothy Kotroco
Director
Department of Permits and Development Management
111 W.Chesapeake Avenue
Room 111
Towson, Maryland 21204

October 05, 2005

Re: Case #06-011-SPH

Dear Mr. Kotroco,

We wish to appeal the decision of the Zoning Commissioner in the matter of Case #06-011-SPH. At this hearing, a request was made by Nicola and Angela Castellano , owners of 321 Chapelwood Lane in Lutherville, for a waiver to permit a "rebuilt" open pavilion supported by 6 x 6 posts, open on 4 sides bocce ball court with a roof in a riverine flood plain.

We also represent the interests of the Fox Chapel Community Association in this matter. The Board has authorized Eric Hogan to represent the Board's position as well as the interests and desires of the community. Eric Hogan has served as President of the Fox Chapel Association and has the endorsement of the Board of Governors.

We respectfully file this appeal to the County Board of Appeals,

Eric Hogan

Debbie Hogan

Eric & Debbie Hogan
2105 Starmount Lane
Lutherville, MD 21093

RECEIVED
OCT 05 2005
Per...

410-453-1184

PLEASE PRINT CLEARLY

CASE NAME 321 CHAPELWOOD LA
CASE NUMBER 06-011-SPH
DATE 8-29-05

PETITIONER'S SIGN-IN SHEET

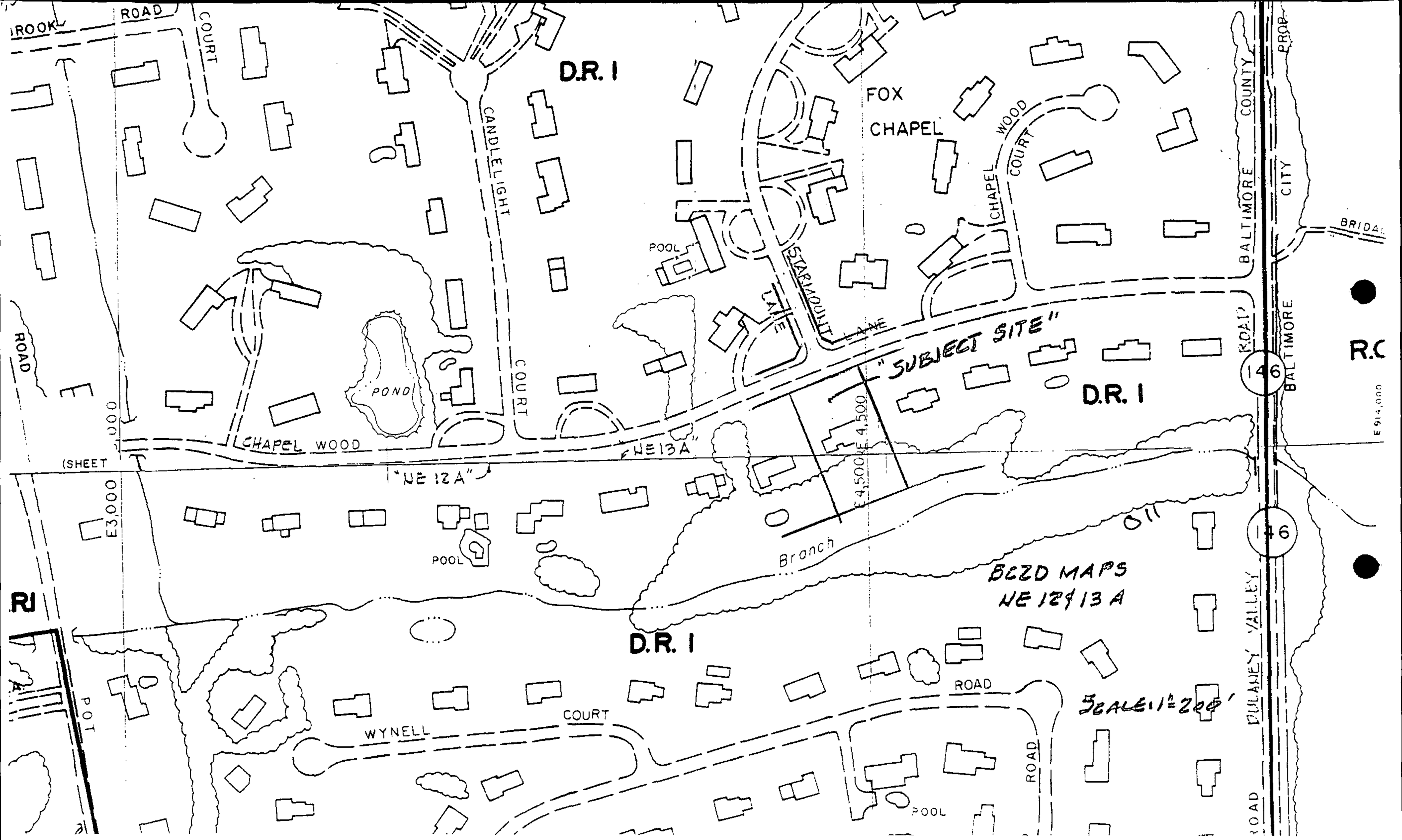
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
PAUL LEE	32 WEST ROAD	TOWSON MD 21204	
Nicola Costellano	321 CHAPELWOOD LANE	TOWSON MD. 21093.	
Helen Dolfel Bentley	408 Chapelwood Ln	Lutherville Md 21093	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER #06-011-SPH
DATE 8/29/05

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
ERIC HOGAN	2105 STARMOUNT LANE	LUTHERVILLE, MD 21093	PAPERGOLF@COMCAST.NET
JOHN ALFRIEND	2114 STARMOUNT LANE	LUTHERVILLE MD 21093	JALFRIEND@ALLRISKS.COM
PAUL TRAGONESE	316 CHAPELWOOD LANE	LUTHERVILLE MD 21093	PTRAGONESE@AOL.COM
Jo Owen	308 Merrie Hunt Drive	Lutherville MD 21093	Jowpc@comcast.net
Carol Berman	400 Chapelwood Lane	" "	Buzzcarol@AOL.com


ROAD
COURT
D.R. I
CANDLELIGHT
FOX
CHAPEL
WOOD
COURT
CHAPEL
BALTIMORE
COUNTY
PROP
CITY
BRIDA
POOL
STARAQUIT
LANE
"SUBJECT SITE"
ROAD
146
BALTIMORE
R.C
POND
COURT
D.R. I
E 914,000
CHAPEL WOOD
"NE 13A"
(SHEET
"NE 12A"
E4,500
E4,500
E3,000
POOL
Branch
BCZD MAPS
NE 12 & 13 A
D.R. I
ROAD
SCALE: 1" = 200'
WYNELL
COURT
ROAD
POOL
PULASKEY VALLEY
ROAD
LOT

Case No.: 06- 011 SPH

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	FOX CHAPEL - LETTER of Endorsement and Comment 1A + 1B
No. 2	NEWS PAPER ARTICLE	PHOTOS 2 A + B
No. 3	FLOOD PLAIN STUDY	COMPILATION OF MATERIALS FROM CODE
No. 4	LETTERS OF SUPPORT 4A, B & C + D	Chronological History of Construction
No. 5	DEPT. OF PUBLIC WORKS COMMENT	
No. 6	FLOOD PLAN CERTIFICATION	
No. 7	PHOTO'S OF STRUCTURE and Court	
No. 8	PHOTO'S of Surrounding Area	
No. 9		
No. 10		
No. 11		
No. 12		

RESIDENTS OF FOX CHAPEL

P.O. Box 9001
Lutherville, MD 21094

August 25, 2005

To: Zoning Commissioner of Baltimore County
From: Fox Chapel Board of Governors

Representatives of The Fox Chapel Association are attending the special hearing concerning zoning case #06-011 on August 29, 2005. The Board has authorized Eric Hogan to represent the Board's position as well as the interests and desires of the community. Eric Hogan serves as President of the Fox Chapel Association and has the endorsement of the Board of Governors.

John Alfriend

Vice-President
Fox Chapel Association

8-26-05
Date

Carmen Howard

Treasurer
Fox Chapel Association

8.26.05
Date

Paul Ragonese

Buildings and Alterations Committee
Fox Chapel Association

8.26.05
Date

Mary-Susan Donhauser

Secretary
Fox Chapel Association

8/26/05
Date

PROTESTANT'S

EXHIBIT NO. 1

RESIDENTS OF FOX CHAPEL

P.O. Box 9001
Lutherville, MD 21094

August 24, 2005

The Fox Chapel Association is opposed to the granting of any waiver for the newly built pavilion at 321 Chapelwood Lane, zoning case #06-011. The nearly completed structure was begun in March of 2005 without a Baltimore County building permit, without prior submission of plans to or approval by the Association and with no previous building footprint in the riverine flood plain on this property. As the building code does not allow for flood plain construction, the Association feels that any waiver undermines the intent and purpose of the riverine flood plain regulation.

Respectfully submitted,

Eric Hogan
President
Fox Chapel Association

Protestants 1 A

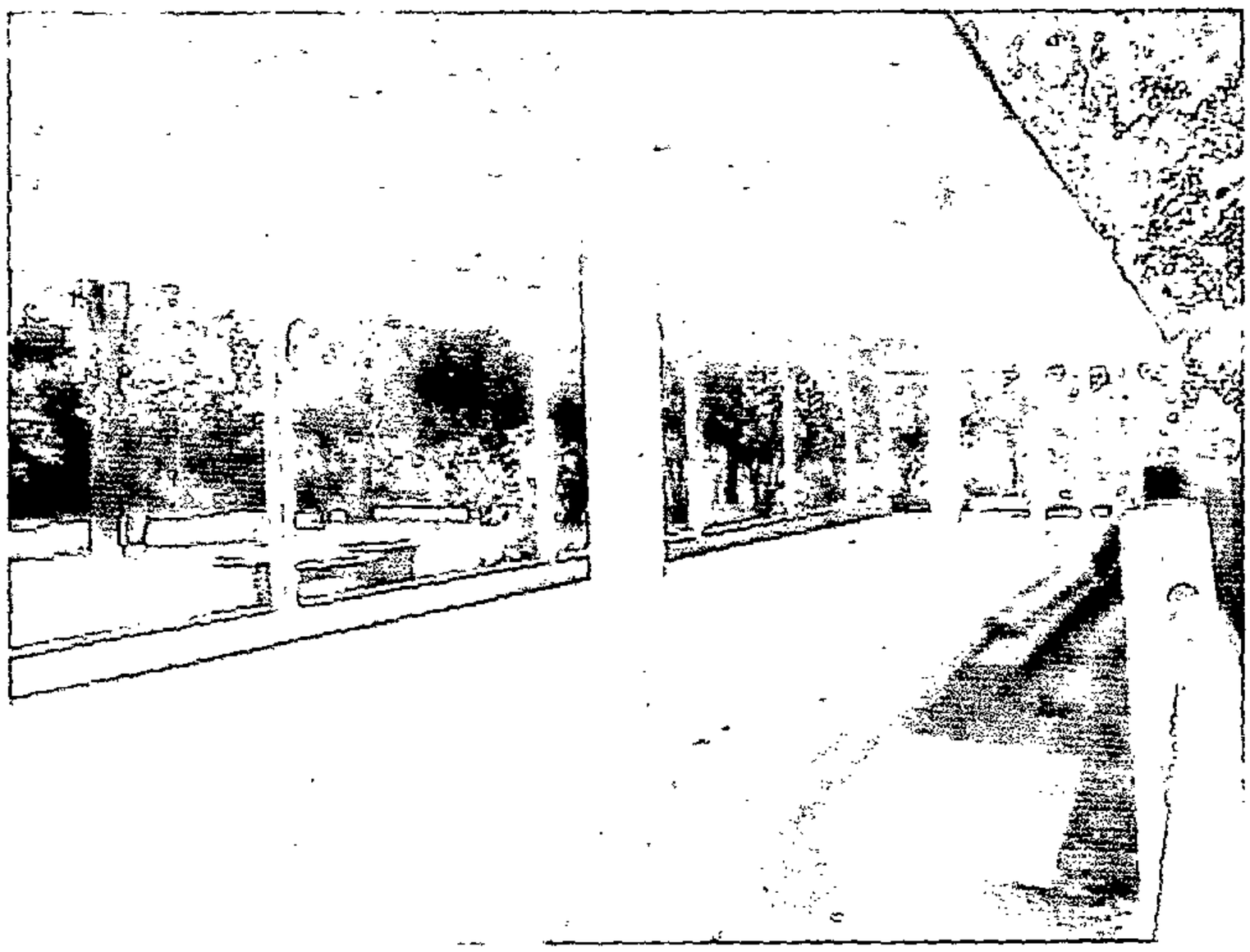
Debshogan

From: "Jo Owen" <jowpc@comcast.net>
To: "Debbie Hogan" <Debshogan@comcast.net>
Cc: <PRagonese@aol.com>
Sent: Thursday, August 18, 2005 1:41 PM
Attach: DSC01348.jpg; DSC01349.jpg
Subject: 2 pictures for you

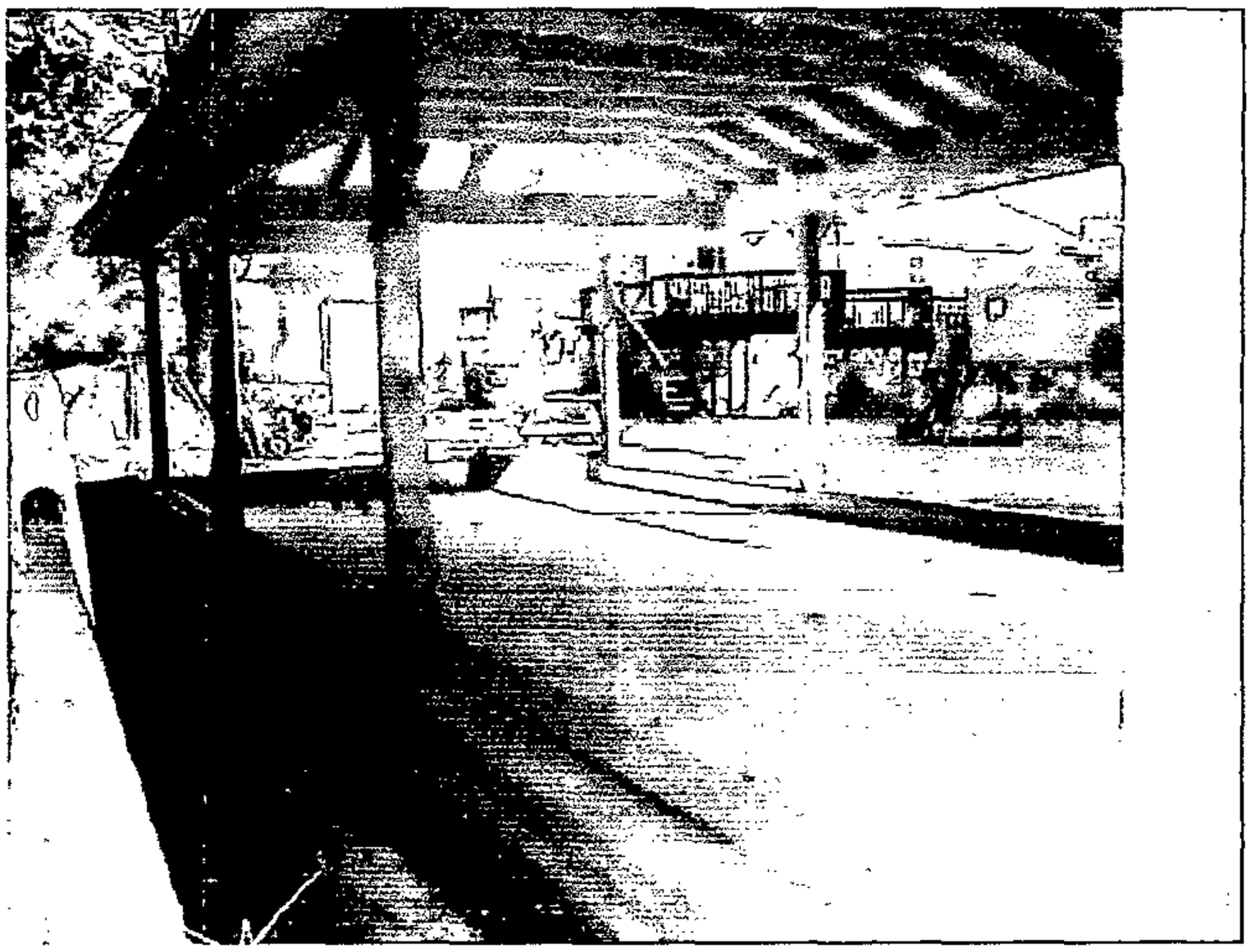
Two photos of the inside of the Bocce Ball Court. The surface is heavy sand or very light gravel and is pervious. The roof is not quite finished - tools and materials are on the roof and beside the court.
You have been sent 2 pictures.

DSC01348.jpg
DSC01349.jpg

Total is 93K (19 seconds at 56k)
These pictures were sent with Picasa, from Google.
Try it out here: http://www.picasa.com/



PROTESTANT'S
EXHIBIT NO. 2A



PROTESTANT'S

EXHIBIT NO. 23

PROTESTANTS
~~BALTIMORE COUNTY~~

EXHIBIT NO. 3

RESIDENTS OF FOX CHAPEL

P.O. Box 9001
Lutherville, MD 21094

INFORMATION COMPILED BY THE FOX CHAPEL COMMUNITY ASSOCIATION. (42 NUMBERED PAGES)

CONTACT: ERIC HOGAN, PRESIDENT 410.252.0194

PROTESTANT'S

EXHIBIT NO. 3

	FOR		AGAINST	
CODE REF	CASTELLANO/CENTURY ENG		FOX CHAPEL COMMUNITY ASS'N	
BCBC	SECTION 3112.0	p. 39	SECTION 3112.2	p 40
	" 32-4-414	p 7 & 8	" * 32.4.414(a)(c)	p 7
BCBC	" 32.4.107 (a)(2)	p 5 & 6	" 32.4.107(a) (2)	p 5 & 6
	" 32.8.301	p 14	" 32.8.301 (d)	p 14
BCBC			32.8.207 (a)	p 12
BCBC			32.8.303 (a) (1) (2) (3)	p 14
BCBC			* 32-8-304 (2)	p 15
BCBC			32.8.101 (g)(1) (DEFINITIONS) (z)	p 9 p 11

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

TIMOTHY M. KOTROCO
DIRECTOR

JOHN R. REISINGER
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B586738 CONTROL #: MR DIST: 08 PREC: 01
DATE ISSUED: 03/23/2005 TAX ACCOUNT #: 0823037260 CLASS: 04

PLANS: CONST PLOT 2 R PLAT DATA ELEC NO PLUM NO
LOCATION: 321 CHAPEL WOOD LANE
SUBDIVISION: FOX CHAPEL

OWNERS INFORMATION
NAME: CASTELLANO NICOLA & ANGELA
ADDR: 321 CHAPEL WOOD LANE,TIMONIUM MD 21093-2813

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONSTRUCT A PAVILION ON REAR YARD OF EX.SFD,TO
BE SUPPORTED BY 8X8 POSTS,OPEN ON FOUR SIDES;
20'X80'X15'MAX=1600SF
SEE CITATION/CASE NO. 05-1655

BLDG. CODE:
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & PAVILION
EXISTING USE: SFD

TYPE OF IMPRV: NEW BULDING CONTRUCTION
USE:
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: .920AC
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 200/10'
SIDE STR SETB:
REAR SETB: 40'+

OGR INSPECTOR COPY

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 321 CHAPELWOOD LANE

which is presently zoned DR-1

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve SPECIAL HEARING FOR A WAIVER PURSUANT TO SECTION 500.6, BCZR: SECTION 3112.0 BUIDING CODE: AND SECTIONS 32-4-414, 32-4-1C (a)(2) 32-8-301 BCC TO PERMIT A REBUILT OPEN PAVILION SUPPORTED BY 6x6 POSTS, OPEN ON 4 SIDE BOCCE BALL COURT WITH ROOF IN A RIVERINE FLOOD PLAIN.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

~~Contract Purchaser/Lessee:~~ ENGINEER:

PAUL LEE, CENTURY ENGINEERING, INC.
Name - Type or Print

Signature

32 WEST ROAD — 410-823-8070
Address — Telephone No.

TOWSON — MD — 21204
City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

NICOLA CASTELLANO
Name - Type or Print

Signature

ANGELA CASTELLANO
Name - Type or Print

Signature

321 CHAPELWOOD LANE — 410-655-7525
Address — Telephone No.

LUTHERVILLE-TIMONIUM — MD — 21093
City — State — Zip Code

Representative to be Contacted:

PAUL LEE, CENTURY ENGINEERING, INC.
Name

32 WEST ROAD — 410-823-8070
Address — Telephone No.

TOWSON — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 7-1-05

Case No. 06-011-SPH

REV 9/15/98

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(i) *Cluster subdivision.*

(1) "Cluster subdivision" means a residential development of land in a D.R. 5.5 zone involving the building of residential housing.

(2) "Cluster subdivision" does not include a residential development with single-family detached, semi-detached, and two-family dwellings.

(j) *Collector street.* "Collector street" means a street that:

(1) Functions to conduct traffic between major arterial streets or activity centers;

(2) Is a principal traffic artery within residential areas; and

(3) May carry a relatively high volume of traffic.

(k) *Commercial development.* "Commercial development" means the development of land for any purpose or use allowed as of right or by special exception in commercial zones in accordance with the Baltimore County Zoning Regulations.

(l) *Community input meeting.* "Community input meeting" means an open meeting among representatives of the county, the applicant, owners of adjacent property, and representatives of local community associations or umbrella groups for the purpose of presenting and discussing concept plans and proposals.

(m) *Concept plan.* "Concept plan" means a schematic plan that:

(1) Is generally in compliance with county standards and drawn to an appropriate scale;

(2) Outlines the major features of a proposed development; and

(3) Is to be used as the basis for a community input meeting.

(n) *Cul-de-sac.* "Cul-de-sac" means a local street that has only one outlet and an appropriate terminal for the safe and convenient reversal of traffic movement.

(o) *Delinquent account.* "Delinquent account" means fees or costs certified by the Director of Budget and Finance as due and owing to the county by a person for any development.

(p) *Development.* "Development" means: (NEXT PAGE)

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"DEVELOPMENT"

(1) The improvement of property for any purpose involving building;

(2) The subdivision of property;

(3) The combination of any two or more lots, tracts, or parcels of property for any purpose;

(4) Subjecting property to the provisions of the Maryland Condominium Act; or

(5) The preparation of land for any of the purposes listed in this subsection.

(q) *Development Plan.* "Development Plan" means a written and graphic representation of a proposed development prepared in compliance with Subtitle 2 of this title.

(r) *Enhancement.* "Enhancement" means the improvement or development of resource values resulting in a net increase of resource over existing conditions.

(s) *Environmental agreement.* "Environmental agreement" means an agreement concerning an applicant's obligations required by the county, including:

(1) Chesapeake Bay Critical Area Management;

(2) Forest buffer protection;

(3) Forest conservation;

(4) Grading or sediment control;

(5) Stormwater management; and

(6) Wetland mitigation.

(t) *Final action.* "Final action" on a Development Plan means:

(1) The approval of a Development Plan as submitted;

(2) The approval of a Development Plan with conditions; or

(3) The disapproval of a Development Plan by the Hearing Officer in accordance with § 32-4-229 of this title.

(u) *Front building line.* "Front building line" means a line beyond which the front foundation wall of a building may not project

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for the purpose of the conveyance of the lots to the owner or the children of the owner under Title 2, Subtitle 5 of the Agriculture Article of the Annotated Code of Maryland and Article 24 of the Code;

(4) The subdivision of a farm tract into two lots;

(5) The subdivision of land into three or fewer lots for residential single-family dwellings;

(6) The construction of accessory structures;

(7) The subdivision of land or buildings in a planned office or industrial park for which a Development Plan has been approved in accordance with this title; and

(8) A minor development that does not exceed a total of three lots.

(c) *Development of land in a county agricultural easement.*

(1) The use or development of land in a county agricultural easement shall be governed by Article 24 of the Code.

(2) If there are conflicting provisions, the provisions of Article 24 of the Code shall take precedence over this title and the Baltimore County Zoning Regulations.

(d) *R.C. 6 zones.* Notwithstanding any other provisions of this section, all development in a R.C. 6 zone is subject to Subtitle 2, Part V of this title.

SUBTITLES:
3 PUBLIC AND PRIVATE IMPROVEMENTS
4 GENERAL DESIGN STDS AND REQ'MNTS
5 RECLAMATION OF PROPERTY

(1988 Code, § 26-171) (Bill No. 172, 1989, § 2; Bill No. 18, 1990, §§ 2, 3; Bill No. 106, 1990, §§ 1, 2; Bill No. 1, 1992, § 2; Bill No. 50-93, 1993, § 3; Bill No. 73-00, § 3, 9-15-2000; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 8, 7-1-2004; Bill No. 54-05, § 1, 2-16-2005)

***Annotation**–Former § 26-171 (1988) cited in Marzullo v. Kahl, 366 Md. 158, 783 A.2d 169 (2001).*

§ 32-4-107. WAIVERS.

(a) *In general.*

(1) At the request of a department director, the Hearing Officer may grant a waiver of any or all requirements of Subtitles 3, 4, and 5 of this title if the Hearing Officer finds that:

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(i) 1. The size, scope, and nature of a proposed development does not justify strict compliance with this title;

2. A waiver would be within the scope, purpose, and intent of this title; and

3. All other county laws and regulations have been complied with; or

(ii) Compliance with this title would cause unnecessary hardship.

(2) A waiver shall be granted only in accordance with Title 8 of this article.

(b) *Waivers - Development Plan requirements.*

(1) The Director of Permits and Development Management may waive the Development Plan requirements under §§ 32-4-221(b) and (c) and 32-4-222 through 32-4-224 of this title and the Hearing Officer's hearing if, after consultation with appropriate county agencies, the Director finds:

(i) That the size, scope, and nature of a proposed development does not justify strict compliance with this title; and

(ii) That a waiver would be within the scope, purpose, and intent of this title; and

(iii) That the proposed development complies with all other county laws and regulations.

(2) Before proposing to grant a waiver for development within the critical area, the Director of Permits and Development Management shall obtain recommended findings from the Director of Environmental Protection and Resource Management based on the standards specified under § 32-4-226(d)(1)(iv) of this title.

(1988 Code, § 26-172) (Bill No. 18, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 173-93, § 3, 11-17-1993; Bill No. 8-96, § 3, 3-23-1996; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 8, 7-1-2004)

§ 32-4-108. PROHIBITION ON TRANSFER OF LAND.

(a) *In general.* A person may not convey a lot, parcel, or tract of a subdivision unless a plat, if required, has been recorded in accordance with this title and the plat is effective at the time of the conveyance.

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(iii) Add to the sense of spaciousness;

(iv) Encourage cooperative relationships between neighbors;

(v) Help promote the public health, safety, morals, and welfare of the people residing nearby; and

(vi) Aid in stabilizing property values.

(1988 Code, §§ 26-271, 26-272, 26-273) (Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-412. LANDSCAPING.

Landscaping shall be provided on the site in accordance with standards adopted in the Manual of Landscaping Standards.

(1988 Code, § 26-274) (Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-413. GRADING AND SEDIMENT CONTROL.

A plat may not be approved unless provision is made for grading or for sediment control that will minimize soil erosion, loss of topsoil, sedimentation of streams, and degradation of water quality in the area.

(1988 Code, § 26-275) (Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-414. FLOODPLAIN AND WETLAND PROTECTION.

(a) *Definitions.* In this section, "base flood", "development", "flood insurance rate map", "flooding", "floodway" and "riverine floodplain" have the meanings stated in Title 8 of this article.

p 2/14

(b) *Purpose.* The purpose of this section to:

(1) Reduce loss of life and property from flooding;

(2) Avoid the need for public expenditures for flood protection; and

(3) Protect or enhance the environmental quality of watersheds.

(c) *Development in floodplain prohibited; exceptions.* The county may not permit development in a riverine floodplain except for:

p 7 of 8 TITLE 4 32-8-101 (g)(1)

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(1) The establishment of property subdivision lines; and

(2) The installation of a pond, culvert, bridge, street, utility, or drainage facility that the county finds is not detrimental to floodplain management programs.

(d) *Base flood elevation.*

(1) Except as provided in paragraph (2) of this subsection, if the floodplain is shown on the flood insurance rate map, the county shall limit any increase in the existing base flood elevation to a maximum of 1 foot.

(2) The county may not allow encroachment in the floodway causing an increase in the existing base flood elevation.

(3) In areas where the base flood elevation has not been established, the county shall determine the riverine floodplain and flood elevation by means of a flood study prepared in accordance with the requirements of the Department of Public Works Design Manual and sealed by a registered professional engineer before the issuance of a permit or the recording of a subdivision plat.

(e) *Wetlands.*

(1) The county may not permit dredging, filling, or construction in any nontidal wetland or tidal wetland.

(2) The county shall require adequate protection of nontidal wetlands or tidal wetlands from contamination.

(1988 Code, § 26-276) (Bill No. 173-93, § 3, 11-17-1993; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-415. SLOPE PROTECTION AND SOILS.

(a) *Development Plan or plat approval; slope protection required.* The county may not approve a Development Plan or plat unless the county finds that the proposed development:

(1) Includes protective measures adequate to prevent erosion or sloughing of any steep slope or unstable slope; and

(2) Promotes the preservation of the natural topographic features of the steep slope or unstable slope.

(b) *Same; soil limitation.* The county may not approve a Development Plan or plat on soils that present a severe or moderate limitation to development unless the county finds that adequate

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32-8-307. Functionally dependent uses

SUBTITLE 1. DEFINITIONS

§ 32-8-101. DEFINITIONS.

(a) *In general.* In this title and in any code or regulations adopted under the authority of this title, the following words have the meanings indicated.

(b) *Accessory structure.*

(1) "Accessory structure" means a detached structure on the same parcel of property as the principal structure, the use of which is incidental to the principal structure.

(2) "Accessory structure" includes a shed or detached garage.

(c) *Base flood.* "Base flood" means the 100-year frequency flood event as indicated in the Flood Insurance Study, as amended, the elevation of which is used for regulatory purposes in the code.

(d) *Baltimore County Datum.* "Baltimore County Datum (BCD)" means the datum elevation to which Baltimore County floodplain elevations are referenced.

(e) *Basement.* "Basement" means an enclosed area that is below grade on all four sides.

(f) *Certificate of occupancy or use.* "Certificate of occupancy or use" means a permit to legally occupy or use a building for the intended purpose.

(g) *Development.*

(1) "Development" means any man-made change to improved or unimproved real estate, including erection of buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or materials.

(2) "Development" includes subdivision of land.

(h) *Elevation certificate.* "Elevation certificate" means a form supplied by the Federal Emergency Management Agency (FEMA) to certify as-built elevations of structures referenced to the Baltimore County Datum (BCD).

(i) *Flood.* "Flood" means general and temporary condition of partial or complete inundation of normally dry land areas from

overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any sources.

(j) *Flood insurance rate map.* "Flood Insurance Rate Map (FIRM)" means a map that depicts the minimum special flood hazard area to be regulated by this code unless a floodway map is available.

(k) *Flood protection elevation* "Flood Protection Elevation (FPE)" means the elevation of the base flood plus 1 foot freeboard.

(l) *Floodproofing.* "Floodproofing" means any combination of structural or nonstructural changes that reduce or eliminate flood damage to improved property.

(m) *Floodproofing certificate.* "Floodproofing certificate" means a form supplied by the Federal Emergency Management Agency to certify that a building has been designed and constructed to be structurally dry and to be floodproofed to the flood protection elevation.

(n) *Floodway.* "Floodway" means the channel and adjacent land area required to discharge the waters of the 100-year frequency flood of a watercourse without increasing the water surface elevations more than a specified height.

(o) *Floodway fringe.* "Floodway fringe" means that portion of the riverine floodplain outside the floodway.

(p) *Floodway map.* "Floodway map" means a map that depicts floodways and special flood hazard areas.

(q) *Freeboard.* "Freeboard" means an increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence or other unpredictable effects.

(r) *Historic structure.* "Historic structure" means a structure:

(1) Listed individually on the National Register of Historic Places, the Maryland Inventory of Historic Properties, or a local inventory of historic places certified by the Maryland Historic Trust or the Secretary of the Interior;

(2) Preliminarily determined as meeting the requirements for listing by the Maryland Historic Trust or the Secretary of the Interior; or

(3) Determined as contributing to the historic significance of a historic district registered with the Secretary of the Interior.

(s) *Lowest floor.*

(1) (i) "Lowest" floor means the lowest floor of the lowest enclosed area.

(ii) "Lowest floor" includes a basement.

(2) An unfinished enclosure is not the "lowest floor" if constructed of flood resistant materials and used solely for parking of vehicles or storage or building access in an area other than a basement, as long as it is supplied with water equalizing vents.

(t) *Manufactured home.* "Manufactured home" means a transportable structure that is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

(u) *National Geodetic Vertical Datum of 1929 (NGVD).*

(1) "National Geodetic Vertical Datum of 1929 (NGVD)" means elevation reference points set by the National Geodetic Survey based on mean sea level.

(2) NGVD elevation 0.000 feet equals BCD elevation 0.811 feet.

(3) All floodplain elevations for Baltimore County shall be referenced to BCD, not NGVD.

(v) *New construction.* "New construction" means a structure for which the start of construction began on or after the effective date of the original adoption of the Flood Insurance Rate Maps, viz. 1981.

(w) *100-year frequency flood.* "100-year frequency flood" means the base flood, having one chance in one hundred (1%) of being equaled or exceeded in any year.

(x) *Permanent construction.* "Permanent construction" means any structure occupying a site for more than 180 days per year.

(y) *Recreational vehicle.* "Recreational vehicle" means a vehicle built on a single chassis which is 400 square feet or less at the longest horizontal projection, self propelled or towable, and designed primarily for temporary living while traveling or camping.

(z) *Riverine floodplain.* "Riverine floodplain" means that land which is inundated by the storm water runoff created by a 100-year frequency flood and which is based on maximum development of the watershed using the current zoning and based on the current standards

any floodplain area on the subject property by metes and bounds and flood elevations relative to a coordinate system approved by the Director of Public Works.

(1988 Code, § 26-666) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-206. FLOOD CONTROL AND WATER RESOURCES MANAGEMENT PROJECTS.

Any flood control or water resources management project proposed for a riverine floodplain or impacting tidal or nontidal wetlands in the floodplain area shall:

(1) Require a permit from the State Department of the Environment in accordance with the Code of Maryland Regulations; and

(2) Be subject to review and approval of the Federal Insurance Administration if the project will materially alter the delineation of the floodplain area.

(1988 Code, § 26-667) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-207. DEVELOPMENT IN THE FLOODPLAIN AREA.

(a) *In general.* This section applies to all development in the floodplain area notwithstanding any provision in the building code that is to the contrary or less restrictive.

(b) *Permit required.*

(1) The Building Engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the floodplain area.

(2) The permit shall be granted only after necessary permits from the state and federal agencies have been obtained.

(c) *Register of permits.*

(1) The county shall maintain a register of permits issued for any residential or nonresidential building construction or improvement in the floodplain area, including the elevation of the lowest floor or the elevation to which the structure was floodproofed, and the elevation of the related base flood level.

(2) The following items are to be maintained in this register,

as applicable:

(i) Agreement to supply elevation certificate;

(ii) Non-conversion agreement;

(iii) Declaration of land restrictions;

(iv) Work sheet for substantial improvement;

(v) Checklist for items below flood elevation;

(vi) Floodproofing certificate; and

(vii) Elevation certificate.

(d) *Flood resistant construction.*

(1) Flood resistant construction shall be in accordance with the requirements of the International Code Council's International Building Code currently adopted by the county and as modified in this subsection.

(2) The lowest floor elevations of all new or substantially improved structures shall be at or above the flood protection elevation.

(3) Basements are not permitted in the floodplain area.

(1988 Code, § 26-668) (Bill No. 174, 1991, §§ 1, 2; Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-208. CONTRACT OF SALE REQUIREMENT.

(a) *House removed from floodplain area.* The following clause shall appear in any contract of sale or resale of a house, building, or other structure that has been removed from a 100-year floodplain area: "The house, building or structure which is the subject of this contract has been removed from a 100-year floodplain."

(b) *Failure to include required language.* Failure to include the clause mandated by this section shall render the contract voidable at the option of the purchaser.

(1988 Code, § 26-669) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

SUBTITLE 3. WAIVERS

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§ 32-8-301. AUTHORIZED.

! See 32-4-414 !

(a) *In general.* As provided in § 32-4-107 of this article, waivers of the provisions of § 32-4-414 of this article or Subtitle 2 of this title and any regulations or codes adopted in accordance with § 32-4-414 of this article or Subtitle 2 of this title may be granted as specified in this subtitle.

(b) *Hearing Officer.* The Hearing Officer, as defined in § 32-4-101 of this article, shall hear and decide requests for waivers under this subtitle.

(c) *General standards.* Waiver actions shall be consistent with sound floodplain management and the number of waiver actions shall be kept to a minimum.

(d) *Specific requirements.* For any waiver issued in a riverine floodplain or tidal floodplain, all applicable conditions of § 32-8-207 (p 12) of this title and the Building Code shall be met. (See 32-8-304) p. 15

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004; Bill No. 75-03, § 38, 7-1-2004)

IMP!

§ 32-8-302. HISTORIC STRUCTURES.

(1) Substantial improvements to historic structures which do not comply fully with the elevation and construction requirements must receive an approved waiver before issuance of a building permit.

(2) The structure must retain historic structure designation as a condition of a waiver.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-303. REASONS FOR GRANTING A WAIVER.

(a) *In general.* Waivers may only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant a waiver would result in exceptional hardship, other than economic hardship, to the applicant; and

(3) A determination that the granting of a waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local and state laws and ordinances.

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(b) *Minimum necessary.* The waiver action shall be the minimum necessary, considering the flood hazard, to afford relief.

(c) *Comments.* In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-304. WAIVERS PROHIBITED.

Waivers may not be granted for the following:

(1) Placement of fill or any development in the floodway if any increase in flood levels would result; or

(2) New buildings in the riverine floodplain.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-305. CONDITIONS.

(a) *Authorized.* Conditions may be attached to the waiver action.

(b) *Required notification.* For any waiver issued, a letter shall be sent to the applicant indicating the terms and conditions of the waiver, the increased risk to life and property in granting the waiver, and the increased premium rates for national flood insurance coverage.

(c) *Requirement for recordation.*

(1) The applicant shall be notified in writing of the requirement:

(i) For recordation of the conditions of a waiver on the deed or memorandum of land restriction before obtaining a permit; and

(ii) To secure all necessary permits as a condition for granting a waiver.

(2) The memorandum is described in §§ 3-102 and 3-103 of the Real Property Article of the Annotated Code of Maryland.

(1988 Code, § 26-670) (Bill No. 173-93, § 2, 11-17-1993; Bill No.

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Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

CORRECTED COPY

April 14, 2005

Mr. Nicola Castellano
321 Chapel Wood Lane
Timonium, MD 21093-2813

Re: Permit B586738

Dear Mr. Castellano:

A review by the Department of Public Works has indicated that the pavilion you are constructing under the above permit is in the 100 year flood plain of nearby Spring Branch. Since the building code does not allow the construction in a riverine flood plain, the above permit is hereby SUSPENDED. All work on the project must stop and the structure must be removed unless a waiver from the flood plain regulations is obtained under section 32-8-301 of the Baltimore County Code (copy attached). You may apply for the waiver through the Zoning office at 410-887-3391.

If you choose to apply for the waiver, you will need to make application by May 20, 2005. If you choose to remove the building, you will have until June 3, 2005. If you have any questions, I am at 410-887-3610.

Sincerely,

John R. Reisinger
Building Engineer

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final report

WATERSHED DRAINAGE STUDY

SPRING BRANCH

prepared for

BUREAU of ENGINEERING
DEPARTMENT of PUBLIC WORKS
BALTIMORE COUNTY

prepared by

MARYLAND SURVEYING
and ENGINEERING CO., INC.
BALTIMORE, MARYLAND 21207

HYDROLOGY predates Gunpowder
- Hydraulics needs verification
- NOT REVIEWED 1/29/02

Jerry - J' **1B**

SPRING BRANCH AND DULANEY VALLEY ROAD
ITEM 4.200 - CHRONOLOGY

J.O.4.200-1 . Spring Branch Channel Project. Eastridge to Cinder Roads (ref. J.O.4.2.347) Drawings 68-787, 788 (1968 to 1970 - closed 10-7-87) Channel slope failure appears to have initiated project.

1. Spring Branch Project first budgeted in July 1980 to perform watershed study.

2. Agreement for professional services made with Maryland Surveying and Engineering Co. on July 24, 1980 (J.O. 4-200-1). Consultant to perform hydrologic and hydraulic analysis of Spring Branch and prepare report recommending solutions to flooding. Agreement was approved September 5, 1980.

3. Work initiated by consultant in January 1981. Surveys requested for field data in February, 1981.

4. Supplemental surveys requested in June 1981. (Hse corner elevations, cellar and first floor elevation).

5. Resident interviews conducted through June 1981.

6. Draft of report submitted and comments made by County in July - August, 1981.

6A. July 1981 - Additional funding appropriated in budget with construction funds to become available July 1985.

* 7. Final report submitted October 1981 for review. Report accepted by County December 1981-January 1982.

8. Structural Design and Approval Section was requested to advise of schedule to begin in-house design for Spring Branch improvements in late December 1982.

9. Memo to file dated March 11, 1983 listing improvements to be proposed as approved by Bureau of Engineering. (In-house work by County personnel was done during the period of Jan. 1982 to March 1983 as a result of the Consultant's findings as recommended in report.)

10. Additional funding appropriated in budget in July 1984.

11. August 1985 - Project Directive (J.O. 4-200-2) approved for in-house hydrologic and hydraulic comps.,surveys, and review time for professional services to be supplied by Johnson, Mirmiran and Thompson (upgrade hydraulic capacity of existing structure with only minimal channel work)

12. Proposal for preliminary and final engineering services by JMT submitted in September 1985. Consultant to work under "On-Call Structural Design Services", J.O. 7-2-249, to be later charged against J.O. 4-200-2.

SPRING BRANCH AND DULANEY VALLEY ROAD (cont'd)

13. Surveys requested - August 1985. Additional surveys requested November 1985.

14. December 1985 - Requested test pits for information on existing bridge over Spring Branch.

15. February 1986 - In-house hydrology and hydraulics begun.

16. February 1986 - Additional surveys requested due to extension of project limits to include approximately 1500' of channel improvements. Project limits were extended due to drastic channel realignment requirements and to achieve flood protection to greater number of properties under present project phase.

17. February 1986 - Preliminary design report submitted by consultant.

18. March 1986 - Comments on preliminary design reports transmitted to consultant advising of amended project limits.

19. April 1986 - Meeting held to discuss consultant's services due to change in project limits. County to provide the major portion of the extra work which is to be included in the design report and construction plans.

20. July 1986 - SHA contacted to request funding participation. (Letter of 7/8/86 to R. Pazourek, Asst. Dir. Office of Finance-SHA).

20A. July 1986 - Additional funds appropriated in budget.

21. August 1986 - Request to Bureau of Utilities to investigate existing sewer for which County has no record. This was needed to assist in alignment selection for bridge and channel. Alignment studied and hydraulic analysis on-going in-house.

22. September 1986 - Dye test performed by Bureau of Utilities to obtain information on existing unknown sewer connection.

23. December 1986 - Consultant given notice to proceed with preparation of T.S.&L. based on in-house hydraulics and alignment studies. In-house work continued to provide drawings for inclusion in design report.

24. January 1987 - County prepared drawings transmitted to consultant for use in finalizing the design report.

25. February 1987 - Finalized design report submitted to County.

SPRING BRANCH AND DULANEY VALLEY ROAD (cont'd)

26. February 1987 - Request from Councilwoman Bachur to include Spring Branch project in FY1988 budget. ($700,000 was requested in budget which the Planning Board did not approve).

27. March 1987 - Consultant submitted pre-TS&L plans. County reviewed and returned comments in April 1987.

28. March 1987 - Charles Olsen, Dist. Engineer, SHA was sent design report with request for state cost participation.

29. May, 1987 - Request sent to C. Olsen-SHA for comments and response to March 1987 request.

30. May 1987 - Request from community association as to why funds for project were deleted from budget.

31. May 1987 - County prepared plans transmitted to consultant for use in TS&L.

32. June 1987 - TS&L submission from consultant.

33. July 1987 - Review comments on TS&L.

34. July 1987 - Field investigation to monitor flooding of properties due to heavy rains. Request to Highways to clear debris as a result of investigation.

35. July 1987 - Received copy of State's comments after reviewing report, as transmitted to SHA Asst. Bureau Chief. Comments were not addressed to County but were State's in-house correspondence. These comments raised additional questions but gave no commitment.

36. August 1987 - Consultant submitted TS&L plans.

37. September 1987 - Field investigation of flooding complaints from property owners. Additional request for debris removal sent to Highways as a result of investigation.

38. October 1987 - Request from Councilwoman Bachur urging County to proceed with project. (Still awaiting response from State on approval of structure type and cost participation.)

39. November 1987 - TS&L plans sent to Dept. of Environmental Protection and Resource Management with request to review for water quality.

SPRING BRANCH AND DULANEY VALLEY ROAD (cont'd)

40. November 1987 - Response from C. Olsen, Dist. Engineer, SHA stating his recommendation to Chief Engineer for State to participate in funding (Still no firm commitment from State, and does not address issue of structure type approval.)

41. December 1987 - Responded to C. Olsen letter of November 1987 requesting State's comments on design report and concurrence on the use of a bridge rather than a culvert.

42. December 1987 - Responded to Councilwoman Bachur's request of October 1987 concerning project.

43. January 1988 - Meeting held with C. Wroten-SHA, to get concurrence on use of bridge as replacement structure. A favorable response was obtained, but line & grade approval must be obtained through C. Olsen's office-Dist. Engineer. (We are proceeding with this by submitting TS&L plans to Olsen's office for approval.)

44. January 1988 - Dept. of Env. Prot. and Res. Mgt. is in the process of delineating wetlands in the project vicinity.

45. January 1988 - We will proceed to submit plans for review to Federal, State, County and City agencies involved in the project approval and issuing of permits upon receiving wetlands information and State's approval of the bridge.

46. January 1988 - T. S. & L. Plans sent to S.H.A. District Office for review and approval of line and grade.

47. February 1988 - Request from C. Olsen for traffic data design information.

48. February 1988 - Response from D.E.P.R.M. stating that there are no wetlands in the project area. C.O.E. Permit will still be required for the bridge and channel work. Response also contained comments on channel design with respect to environmental concerns.

49. April 1988 - Request sent to County Office of Finance to transfer the engineering costs of this project charged against J.O. 7-2-249 (On-Call Structural Design Services) to J.O. 4-200-2.

50. July 1988 - Joint application for permits submitted to WRA and COE. Design report and plans also submitted to Baltimore City for review and preliminary approval.

51. July 1988 - WRA acknowledged receipt of permit application.

52. July 1988 - Response to C. Olsen submitting traffic design data as compiled by County's Traffic Engineering. Also, requested an update on a commitment from the State to provide 50% of the funding for the proposed bridge.

53. July 1988 - Additional information (HEC-2, MD Surveying & Engineering Report) sent to Baltimore City for their review, as requested.

54. August 1988 - As required by State law, adjacent property owners at the site of the project were notified by certified mail that application was made for a permit from WRA to do the proposed work.

55. August 1988 - Certification Notice sent to WRA, as required, to confirm that adjacent property owners were properly notified.

56. August 1988 - COE acknowledged receipt of Permit Application.

57. August 1988 - Review comments on Design Report and Plans received from Baltimore City. Additional hydraulic information was requested requiring more HEC-2 analyses.

58. October 1988 - Informed by COE that their evaluation of the Permit Application cannot continue unless 8 1/2" x 11" plans are submitted showing impacts to streams and wetlands.

59. October 1988 - Additional information (HEC-2 data) sent to WRA as requested.

60. October 1988 - Comments received from S.H.A. Highway Design with regards to their review of T. S. & L. Plans for line and grade approval.

61. November 1988 - SHA comments forwarded to County's Highway Design Section with the request to revise the roadway plans to comply with comments.

62. November 1988 - T. S. & L. Plans submitted to SHA Bridge Design.

63. November 1988 - T. S. & L. Plans submitted to utility companies for their review.

64. November 1988 - Additional information sent to WRA, as requested, for their review. (TR-20, HEC-2, Topo showing house elevations.)

65. November 1988 - Boring Location Plan sent to Consultant, JMT, for use in preparing boring contract.

66. December 1988 - Proposal to administer Soil Boring Contract submitted by JMT.

67. December 1988 - Comments received from WRA requesting that County investigate alternate measures to control flooding with less impact on the environment. The comments stated that the Tidewater Administration's Project Review Program indicated

strong opposition to channelization of the Class III trout stream and relocation of the proposed bridge away from the natural stream.

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68. December 1988 - Meeting held at S.H.A. to discuss design requirements for detouring traffic during construction and also to discuss the overall acceptability of the proposed bridge and the State's participation in funding. It was generally agreed to construct a detour road to maintain traffic. Also, the location of the proposed bridge to the north of the existing bridge was acceptable to the State.

69. February 1989 - Submitted construction cost estimate to A. Capizzi, S.H.A. Highway Design, to get the processing started for a formal agreement with the State for funding participation.

70. February 1989 - Meeting held at WRA to discuss alternate flood control techniques.

71. February 1989 - Comments received from Baltimore Gas & Electric Company.

72. June 1989 - Meeting was held at WRA to discuss alternate bridge and channel schemes that had been developed to satisfy WRA's comments. Five different schemes were presented. The scheme with the least environmental impact also resulted in providing the least amount of flood control. It was suggested by WRA that this scheme be pursued and that a larger bridge or low height dikes be investigated to gain additional flood control. WRA was not receptive to the scheme which provided the highest level of flood protection since this scheme shifted the proposed bridge location to the north which results in greater disturbance to the natural stream.

73. August 1989 - WRA phoned to give information on baseflow requirements for Spring Branch.

74. October 1989 - Submitted alternate flood control measures to WRA with request for approval of the method to be used. Four alternates were submitted for consideration out of all of the various techniques and flood control schemes that had been studied and suggested in previous discussions with WRA. The County requested WRA to approve the flood control technique to be used in this project without further question since all viable alternates had been addressed.

75. February 1990 - Met at WRA to present information concerning modifications to the favored alternate requested as a result of the County's October 1989 submission. The modifications involved providing a 10 ft. buffer on each side of the existing stream. WRA decided against the modifications when advised of the problems that would result. WRA requested all necessary back-up data to be provided with the formal submission of the selected alternate.

76. March 1990 - Responded to Councilman Bachur's request for an update on the status of the project.

77. August 1990 - Full submission of all back-up data supporting selected flood control alternate was made to WRA in compliance with COMAR regulations for issuance of a waterway construction permit.

78. September 1990 - Letter to Earle Freedman, SHA, advising them of revisions to design necessitated by WRA's environmental concerns and requirements. Included a revised construction cost estimate and requested a funding commitment from the State.

79. October 1990 - Response from SHA concerning funding agreement. Additional information was requested and copies of sample agreements for County's use were provided.

80. October 1990 - County sent additional information to SHA as requested in order to get State commitment for funding.

81. November 1990 - Received a letter from C. Olsen, Chief Engineer, SHA, agreeing to contribute 50% of project costs.

82. November 1990 - Received notification from WRA that they have completed their review of the submitted data, and the hydraulic analysis is approved for the project.

83. November 1990 - Public Notice published for project by WRA.

84. December 1990 - Faxed to JMT, information showing revised bridge size and location as approved by WRA due to environmental issues.

85. December 1990 - Meeting held at County with JMT to advise of project requirements concerning revision of T. S. & L. Plans, boring contract, submission of proposal for final engineering and design schedule.

86. December 1990 - JMT submitted proposal for preliminary design to cover redoing the T. S. & L. plans due to the drastic changes in design resulting from the WRA review process.

87. January 1991 - Revised proposal for preliminary design submitted by JMT to address County's comments.

88. January 1991 - JMT submitted proposal for final design.

89. January 1991 - JMT submitted revised proposal for final design to address County's comments.

90. February 1991 - Proposal for preliminary engineering approved and Notice to Proceed given.

91. February 1991 - Information transmitted to JMT for use in preliminary design phase.

92. March 1991 - Proposal for final engineering approved.

93. March 1991 - Informed by Gene Gopenko, WRA, that a permit to do soil borings for the bridge was not necessary for this project.

94. March 1991 - JMT submitted revised T. S. & L. Plans and estimate for review.

95. March 1991 - JMT submitted sample boring proposal and specifications for review.

96. March 1991 - SHA permit to do soil borings for bridge was requested from R. Harrison, SHA District Engineer.

97. April 1991 - Revised T. S. & L. plans distributed to design sections for in-house review.

98. April 1991 - Final Engineering Agreement with JMT executed and Notice to Proceed given.

99. May 1991 - SHA permit to do borings was issued.

100. May 1991 - Transmitted information on temporary culvert for detour road to Highway Design Section for their use in revising road plans.

101. June 1991 - Received copies of boring contract bid tabs from JMT with recommendation for awarding the contract.

102. June 1991 - Letter to JMT to proceed with awarding the boring contract as recommended.

103. July 1991 - Received revised road plans from Highway Design.

104. August 1991 - Notice to Proceed given to boring contractor.

105. August 1991 - Received subsurface investigation report for the bridge based on borings that were taken.

106. August 1991 - Information was submitted to Baltimore City to satisfy their concerns over the potential for increased erosion downstream of the project. Data compiled from HEC-2 analyses was included.

107. September 1991 - Response received form County Materials Lab in regards to borings' report for the bridge.

108. September 1991 - Transmitted position sheets and T. S. & L. Plans to Sewer Design and Water Design sections for review and revision as required.

109. October 1991 - Received comments form Sewer Design and Water Design Sections. Sewer Design Section prepared a new sanitary sewer plan.

110. October 1991 - Submitted revised T. S. & L. Plans to Rocky Powell, DEPRM, and requested an updated review with respect to current wetlands and environmental regulations.

111. October 1991 - Received comments form Baltimore City that were favorable with regards to the information submitted in August 1991.

112. October 1991 - Submitted revised T. S. & L. Plans and Geotechnical Report to C. Harrison, SHA District Engineer, for review. Also requested approval to open-cut Dulaney Valley Road for sewer relocation.

113. October 1991 - Faxed copies of past correspondence to R. Poole, SHA District Office.

114. December 1991 - Received comments from SHA regarding their review of the revised T. S. & L. Plans.

115. January 1992 - Transmitted copies of past correspondence and hydraulic data to SHA as requested.

116. January 1992 - Meeting held with DEPRM to discuss environmental concerns with regards to their review of the revised T. S. & L. Plans. We were informed that there are no wetlands impacted by the project.

117. January 1992 - Received additional comments from SHA concerning their review of the revised T. S. & L. Plans. Comments were from the SHA Highway Design Division and Soils Division.

118. February 1992 - Follow-up letter sent to Earle Freedman, SHA Bridge Development, to cover information conveyed in telephone conversations regarding SHA comments on T. S. & L. Plans. The letter also provided the status of rights-of-way and permit requirements. A response to our request to open cut Dulaney Valley Road for the sewer relocation was also asked in the letter.

119. February 1992 - Transmitted past correspondence about the State accepting abridge as the proposed structure type to Ali Khan, SHA Bridge Design.

120. February 1992 - Submitted a draft of the Agreement between the State and the County to Earle Freedman, SHA Bridge Development, for their review.

121. February 1992 - Received a letter from Earle Freedman, SHA, concerning their review of the County's hydraulic analysis of the proposed bridge. The letter indicated that the State felt a triple cell box culvert would work hydraulically as well as the proposed bridge. The State had agreed previously to the use of a 50' bridge, but the bridge was revised to a 68' span as a result of the WRA review process, and the State is questioning the use of the larger bridge. The letter states that a 50' bridge or a multi-cell box culvert would be acceptable to the State.

122. March 1992 - Meeting held at SHA to discuss the use of a bridge vs. a culvert. G. Gopenko, WRA, stated that WRA approved the 68' bridge. A. Kosicki, SHA, said that the State had agreed to a 50' bridge, but the 68' bridge was approximately a 30% increase in size. It was pointed out that the County was following WRA's suggestions in proposing a bridge because of their environmental concerns. J. Gatley, SHA, said that he

would take the matter up with Earle Freedman, SHA Deputy Chief Engineer.

123. April 1992 - Received letter from C. Olsen, SHA Chief Engineer, stating that the State will accept a bridge structure but with a cost participation based on 50% of a 50' bridge as originally agreed.

124. May 1992 - Faxed to R. Manna, SHA, a copy of February 3, 1992 letter to Earle Freedman, SHA, concerning our request to open cut Dulaney Valley Road for the sewer relocation and our request for comments on the detour for maintenance of traffic.

125. May 1992 - Faxed information to Lee Starkloff, SHA District 4, concerning maintenance of traffic and open cutting Dulaney Valley Road.

126. June 1992 - Received letter from Earle Freedman, SHA, stating that the temporary detour road is approved and that open-cutting Dulaney Valley Road for the sewer relocation is not allowed.

127. June 1992 - Submitted T. S. & L. Plans to SHA District 4 requesting them to reconsider allowing the open-cutting of Dulaney Valley Road for the sewer relocation.

128. June 1992 - Received letter from C. Harrison, SHA District Engineer, stating that open-cutting of Dulaney Valley Road will be allowed for the sewer crossing.

129. June 1992 - Submitted to WRA the detailed joint application for permits from the State agencies and the U. S. Army Corps of Engineers.

130. June 1992 - Received confirmation from WRA that the joint application for permits had been received and would be processed.

131. July 1992 - Received confirmation from the Floodplain Management Division of WRA that a copy of the joint application for permits had been received and assigned to a staff engineer.

132. July 1992 - Submitted the Scour Evaluation Report to Earle Freedman, SHA Deputy Chief Engineer, for review.

133. August 1992 - Received a partial set of comments from agencies reviewing the joint application for permits. Nontidal Wetlands Division of WRA will review previously submitted information in addition to the current application before specifying additional comments. Nontidal Wetlands Division has determined that the project impacts wetlands. MDE has requested additional detailed information involving alternatives analysis. The Army Corps of Engineers has not yet commented.

134. August 1992 - Transmitted copy of comments on joint application to R. Powell, DEPRM. A meeting was requested to discuss the comments from Nontidal Wetlands Division and MDE.

meet with the County to discuss her comments on the joint application submitted by the County. She declined to meet until all agencies reviewing the permit application have commented. She suggested that an inter-agency meeting be held at that time with all involved parties.

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136. 8-10-92 Bob Cooper, MDE -

- FIELD INSPECTION SHOWS NON-TIDAL WETLANDS PRESENT, IMPACTED BY PROJECT.
- MDE REQUESTS ALTERNATIVES ANALYSIS, DOCUMENTATION OF HISTORICAL FLOODING, DOCUMENTATION OF EFFECTS OF FUTURE PROPOSAL TO RESTORE ENTIRE SPRING BRANCH ON NEED FOR DURNEY VALLEY BELOW PROJECT.

137. 8-19-92 MdSHA - contribution reduced to 40% OF CONSTRUCTION COSTS

138. 9-25-92 Additional DNR/WRA comments received

139. 12-12-88 * GHIGIARELLI TO GOBENKO - QUESTIONS NEED TO RELOCATE 1,600 ft OF STREAM TO CORRECT BAD BADGE HYDRAULICS CAUSED BY ABRUPT REDIRECTING OF STREAM AT CULVERT ENTRY, AS IN ORIGINAL PROPOSAL. (THIS WAS CHANGED.) THESE WERE FISHERIES COMMENTS ON 1ST PROPOSAL.

140. 10-8-92 COVER LETTER FROM GOBENKO FOR FISHERIES COMMENTS (ITEM 139). WRA DETERMINED THAT 1.5' above stream invert to be maintained to carry Spring Branch base flow.

141. 11-12-92 AMENDED MdSHA agreement sent to Earle Freedman, MdSHA

142. 1-11-93 REVISED ESTIMATE FOR MdSHA.

143. 10-8-93 Delays in receiving Corps comments prevent processing application. SHA would like to use funds for another project; County funding not available until after 7/96. County will release funding, provided State funding again available. County will request funding 1 year or more prior to construction.

144. 8-7-95 GENE GOBENKO, MDE, CLOSES FILE ON PROJECT, WHICH WAS INACTIVE SINCE 2/93.

145. 4-1-98 PROJECT CLOSED, SURPLUS FUNDS RELEASED (J.O. 4-200-2).

IDENTIFICATION OF PROBLEMS

The Spring Branch Channel Drainage Basin is not dissimilar from many other small drainage basins (approximately one to two square miles in area) from a hydrologic viewpoint.

Being a small drainage basin, it is very sensitive to high intensity short duration rainfalls. A storm with over a five-year return period and short duration can easily cause major overbank flooding in these small basins. This is especially apparent in stream reaches where changes occur from a steep well defined channel to a downstream area of flatter stream bed slopes and a corresponding reduction in streambank height.

Natural drainage patterns within the watershed have been disrupted and often eliminated by mass grading practices, closed conduit drainage systems and improved channels. In combination, these procedures have shortened the time of concentration, reduced natural detention and infiltration, and eliminated natural floodplain storage capacity. Open space areas occur in isolation and are of significant area; however, due to locations within the watershed and land use characteristics, these open space areas can not significantly attenuate peak discharges from the total watershed.

The area of the Spring Branch Watershed analyzed in this study includes (See Plate I-2):

- *Main Channel (1000 Ac±)*
- *Branch 'A' (55 AC±)*
- *Branch 'B' (285 Ac±)*

The computer model also confirms observations of one foot of weir flow over Dulaney Valley Road at the main channel crossing. Drawings 1 through 6 also show the horizontal limits and water surface elevations for the 100-year storm within the subject area of the Spring Branch Watershed.

The following four paragraphs briefly describe the major problems caused by flooding in the basin.

1. There are five (5) residences which have had basements inundated by floodwaters from a 100-year storm. They are (See Plate III-1 and Part VI, Drawings 1 and 2 of 7):

- *2012 Dulaney Valley Road*
- *409 Chapelwood Lane*
- *405 Chapelwood Lane*
- *403 Chapelwood Lane*
- *319 Chapelwood Lane*

These same residences all lie within the 100-year floodplain as defined by the computer model. It should be noted that the residences 407, 401 and 321 Chapelwood Lane also lie within the 100-year floodplain; however, owners of these residences have stated that the building structures have never sustained flood damage.

2. The concrete lining between Sections 46 and 62 (shown in Part VI, Drawings 2 and 3 of 7) on the main channel of Spring Branch has failed and significant erosion has occurred. Many concrete slabs (up to ten feet in length and width by five inches thick) were displaced as much as 30 feet downstream. Contributing factors in these failures were overbank flooding accompanied by high velocities and "piping" under the lining occurring during this flooding. Many of these slabs have been removed and a (temporary)

CORRECTIVE MEASURES

The most desirable method of reducing upstream flooding at the Dulaney Valley Road structure is to reduce the peak discharge. This can be accomplished by increasing the total water storage in the far reaches of the basin (i.e. ponding, which can retard the peak runoff for periods of up to several hours.) Since most of the drainage area is fully developed, there are limited small open spaces available. Several sites were studied for retention ponds; however, none of these sites provided enough capacity to significantly retard runoff and reduce the peak discharge at the Dulaney Valley Road culvert. An alternate solution to reduce the upstream flooding at Dulaney Valley Road due to the 100-year storm is to allow the peak discharge to be accommodated by the drainage structure plus improve the upstream and downstream channel characteristics. The recommended structure and channel improvements would preclude flooding due to the 100-year storm for all previously flooded residences (i.e., 2012 Dulaney Valley Road; 409, 405, 403 and 319 Chapelwood Lane) without any adverse upstream or downstream effects.

There are three options available for accommodating the 100-year storm peak discharges under Dulaney Valley Road. The first is to supplement the existing culvert with an additional culvert (at a lower invert elevation). The second and third options are total replacement of the existing box culvert with either a new box culvert or bridge, respectively. All of these options will require a major effort for maintenance of traffic since a temporary bypass will be required. It should be noted that both box culvert options must incorporate Water Resources Administration design criteria due to the classification of Spring Branch as a trout

stream. This will require accommodation of low flows by lowering one cell plus design of a sand bottom for the lower cell.

The aforementioned channel improvements are necessary for approximately 400 feet downstream and 2,000 feet upstream of Dulaney Valley Road. (i.e. between Sections 8 and 32, Part II Drawings 1 and 2 of 7). Shape modifications, steeper grades and horizontal realignment will be required. Channel improvements would also include clearing, excavating, and lining of the existing channel. In general, channel shape or grade modification will be considered only where the natural channel size is limited or where there is a sudden change in the grade (i.e., flatter downstream grades). In the former case, channel widening would tend to draw flood water to the channel and correspondingly reduce overbank flooding. In the latter case, lowering and steepening the stream invert will also reduce the flood elevation. Channel lining would consist of gabions or rip rap due to high peak flow velocities. It should be noted that any proposed channel improvements must also be approved by the Water Resources Administration.

In some areas, flooding could be reduced by confining and/or redirecting the flow through the use of earth dikes. The construction of earth dikes is recommended only in situations where the dike causes no increase in upstream or downstream flooding. The height of the dike would depend on the peak flood elevations and would include allowances for freeboard. Generally, the use of earth dikes should be employed only if the overbank flood conveyance is small compared to the channel conveyance. Several inherent problems are generated by dikes including blocking local drainage, reduction of stream bank storage causing higher

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§ 32-4-414. FLOODPLAIN AND WETLAND PROTECTION.

(a) *Definitions.* In this section, "base flood", "development", "flood insurance rate map", "flooding", "floodway" and "riverine floodplain" have the meanings stated in Title 8 of this article.

(b) *Purpose.* The purpose of this section to:

(1) Reduce loss of life and property from flooding;

(2) Avoid the need for public expenditures for flood protection; and

(3) Protect or enhance the environmental quality of watersheds.

(c) *Development in floodplain prohibited; exceptions.* The county may not permit development in a riverine floodplain except for:

(1) The establishment of property subdivision lines; and

(2) The installation of a pond, culvert, bridge, street, utility, or drainage facility that the county finds is not detrimental to floodplain management programs.

(d) *Base flood elevation.*

(1) Except as provided in paragraph (2) of this subsection, if the floodplain is shown on the flood insurance rate map, the county shall limit any increase in the existing base flood elevation to a maximum of 1 foot.

(2) The county may not allow encroachment in the floodway causing an increase in the existing base flood elevation.

(3) In areas where the base flood elevation has not been established, the county shall determine the riverine floodplain and flood elevation by means of a flood study prepared in accordance with the requirements of the Department of Public Works Design Manual and sealed by a registered professional engineer before the issuance of a permit or the recording of a subdivision plat.

(e) *Wetlands.*

(1) The county may not permit dredging, filling, or construction in any nontidal wetland or tidal wetland.

(2) The county shall require adequate protection of nontidal wetlands or tidal wetlands from contamination.

(1988 Code, § 26-276) (Bill No. 173-93, § 3, 11-17-1993; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

(11.75' x 7.5' CULVERT DIM.
PROPOSED EMPR.)

ROOM 206
ENG'RG RECORDS

1981 STUDY
3 OPTIONS
(1) DOUBLE TUNNEL

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(g) *Development.*

(1) "Development" means any man-made change to improved or unimproved real estate, including erection of buildings and other structures, dredging, fill, grading, paving, clearing, excavation, dumping, extraction, or storage of equipment or materials.

(2) "Development" includes subdivision of land.

(g) *Building.* "Building" means a structure that is enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals, or property of any kind.

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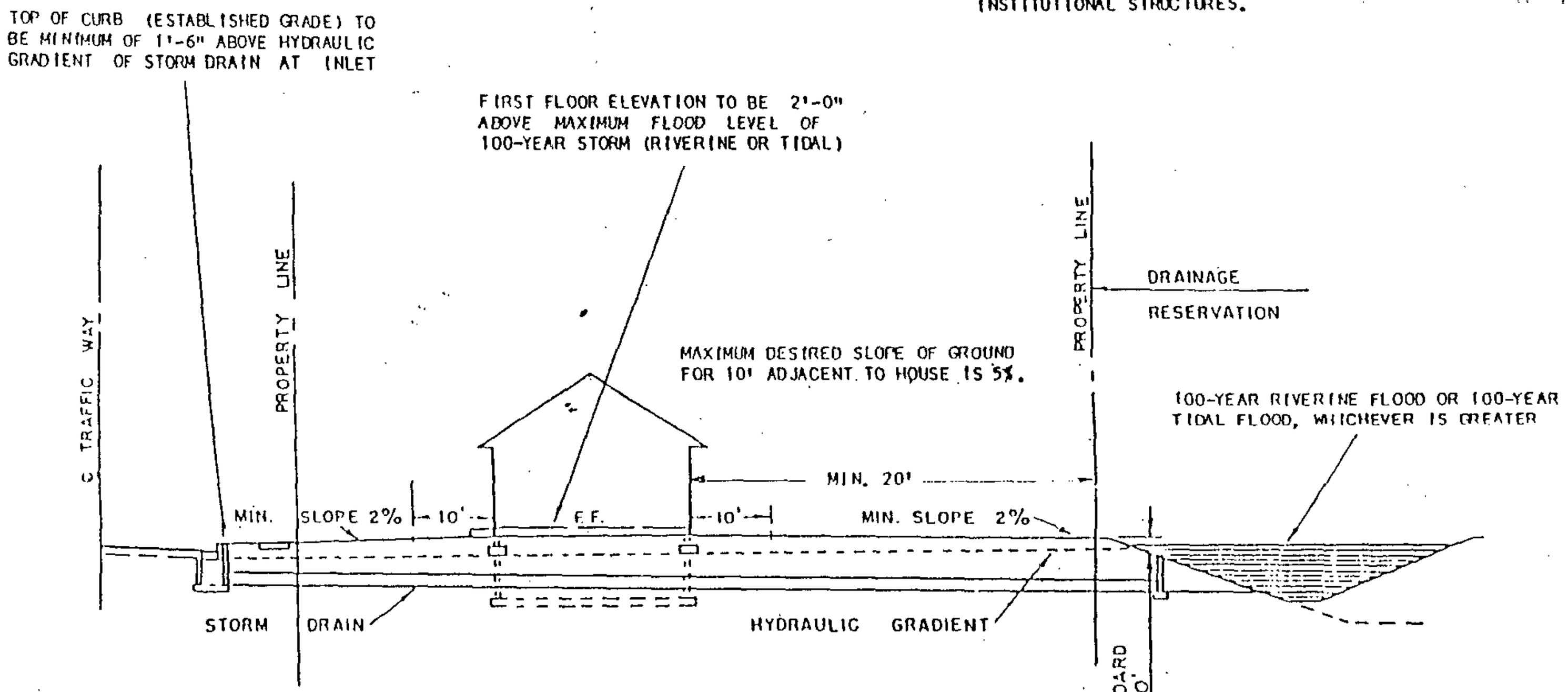
Structure.

(1) "Structure" means a walled and roofed building.

(2) "Structure" includes a manufactured home, gas and liquid storage tanks, garages, barns, and sheds.

(cc) *Substantial damage.* "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

THE 20' MINIMUM BUILDING SETBACK IS REQUIRED FROM THE RIVERINE FLOODPLAIN'S FREEBOARD LINE ONLY. THIS SETBACK APPLIES TO FRONT, REAR AND SIDE OF STRUCTURES. THIS SETBACK APPLIES TO ALL RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL STRUCTURES.



BASEMENT CONSTRUCTION BELOW THE MAXIMUM FLOOD LEVEL MUST BE ACCORDING TO THE REQUIREMENTS CONTAINED IN THE APPLICABLE SECTIONS OF THE BUILDING CODE ON FILE WITH THE DEPARTMENT OF PERMITS AND LICENSES.

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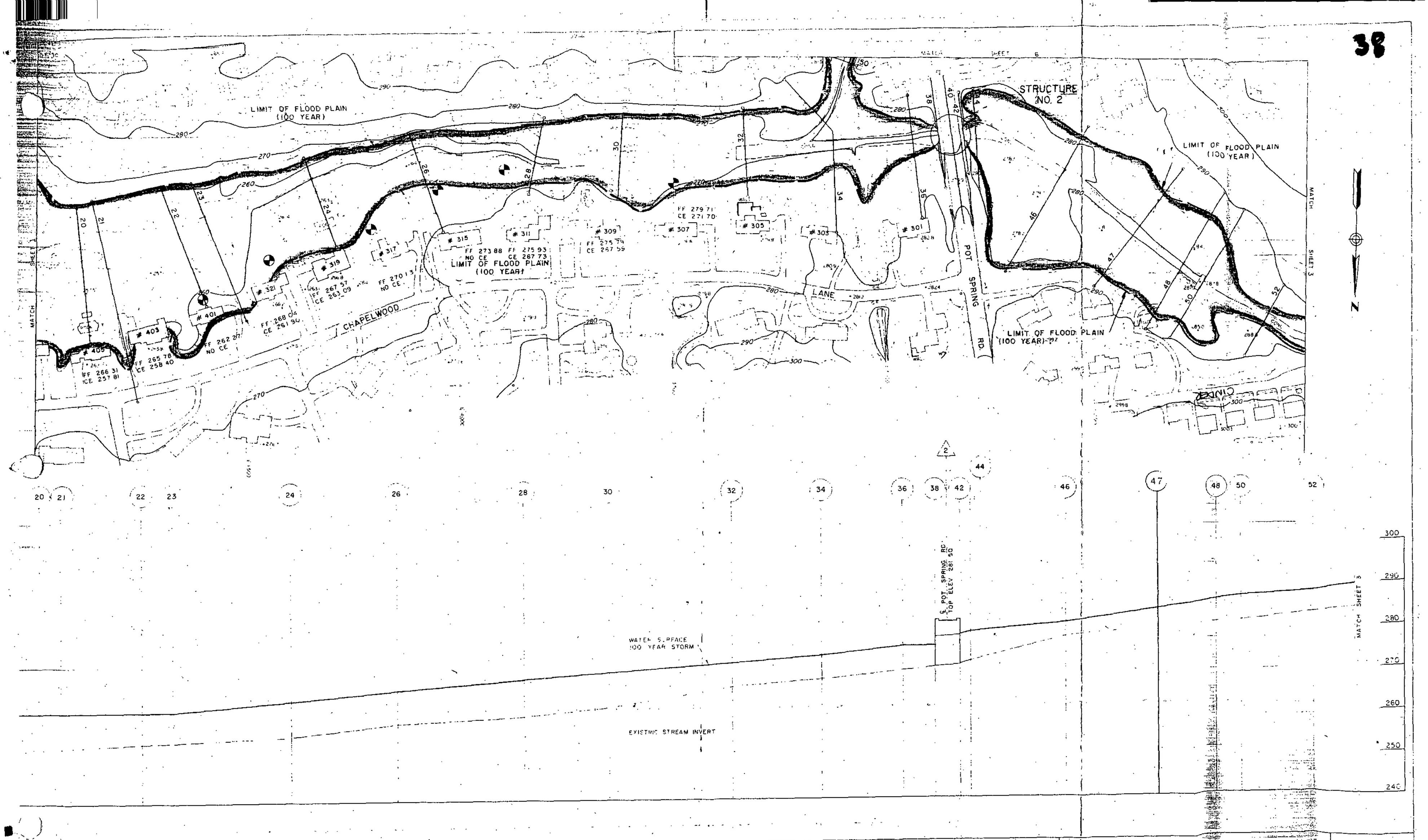
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF
PUBLIC WORKS

STORM DRAINAGE DESIGN

TYPICAL SECTION THRU LOT SHOWING
MINIMUM DRAINAGE REQUIREMENTS

ISSUED
REVISED OCT. 1982
REVISED FEB. 1985
PLATE D-19



PREPARED BY

'ING AND ENGINEERING CO., INC.

– ENGINEERING – PLANNING

LEGEND

100 YEAR FLOOD PLAIN

100 CROSS SECTION AND NUMBER

9 STRUCTURE NUMBER

F.F. FIRST FLOOR ELEVATION

C.E. CELLAR ELEVATION

OBSERVED HIGH WATER MARK

SCALES

HORIZONTAL 50 100 200 300

VERTICAL

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING

STREAM PLAN AND PROFILE
SPRING BRANCH
SECTION 20 THROUGH SECTION 52

DRAWING NO. 2 OF 7

CONSTRUCTION IN AREAS SUBJECT TO FLOODING
(COUNTY COUNCIL BILL 01-05, EFFECTIVE MARCH 27, 2005)

3112.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

1. GENERAL- SELECTED DEFINITIONS

SUBSTANTIAL IMPROVEMENT - ANY REPAIR, RECONSTRUCTION, ALTERATION, OR IMPROVEMENT OF A STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS 50% OF THE MARKET VALUE OF THE STRUCTURE (LESS LAND VALUE) EITHER: (A) BEFORE THE IMPROVEMENT OR REPAIR IS STARTED; OR (B) IF THE STRUCTURE INCURRED SUBSTANTIAL DAMAGE AND HAS BEEN RESTORED, BEFORE THE DAMAGE OCCURRED. SUBSTANTIAL IMPROVEMENT OCCURS WHEN THE FIRST ALTERATION OF ANY WALL, CEILING, FLOOR, OR OTHER STRUCTURAL PART OF THE BUILDING COMMENCES. THE MINIMUM REPAIRS NEEDED TO CORRECT PREVIOUSLY IDENTIFIED VIOLATIONS OF LOCAL HEALTH, SAFETY, OR SANITARY CODES, AND ALTERATIONS TO HISTORIC STRUCTURES WHICH DO NOT PRECLUDE THEIR CONTINUED DESIGNATION AS HISTORIC STRUCTURES ARE NOT CONSIDERED SUBSTANTIAL IMPROVEMENTS. 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.

REPETITIVE LOSS - FLOOD RELATED DAMAGE SUSTAINED BY A STRUCTURE ON TWO SEPARATE OCCASIONS DURING A 10-YEAR PERIOD FOR WHICH THE COST OF REPAIRS AT THE TIME OF EACH SUCH FLOOD EVENT, ON THE AVERAGE, EQUALS OR EXCEEDS 25% OF THE MARKET VALUE OF THE STRUCTURE BEFORE THE DAMAGE OCCURRED

DEFINITIONS OF OTHER TERMS SHALL BE AS SET FORTH IN THE FLOODPLAIN MANAGEMENT LAW AND REGULATIONS OF THE BALTIMORE COUNTY CODE.

2. THE APPLICATION FOR A BUILDING PERMIT SHALL CONTAIN ALL INFORMATION, MAPS, AND PLANS DEEMED APPROPRIATE BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, INCLUDING THE DELINEATION OF THE 100-YEAR FLOOD ELEVATION AND BOUNDARY AND THE PROPOSED ELEVATION OF THE LOWEST FLOOR AND METHOD OF ELEVATION, IF APPLICABLE.

ALL APPLICANTS SHALL AGREE IN WRITING TO PROVIDE AN ELEVATION CERTIFICATE COMPLETED BY A REGISTERED PROFESSIONAL ENGINEER OR SURVEYOR TO CERTIFY THE AS-BUILT LOWEST FLOOR OF A STRUCTURE WHICH MUST BE ELEVATED TO OR ABOVE THE FLOOD PROTECTION ELEVATION.

AN ELEVATION CERTIFICATE MUST BE SUBMITTED BEFORE A CERTIFICATE OF OCCUPANCY OR USE MAY BE ISSUED. WORK UNDERTAKEN PRIOR TO SUBMISSION OF THE CERTIFICATION IS AT THE APPLICANT'S RISK.

FOR ENCLOSED AREAS BELOW THE FLOOD PROTECTION ELEVATION, A NON-CONVERSION AGREEMENT OR DECLARATION OF LAND RESTRICTION MAY BE REQUIRED, AS DEFINED IN 510.1.2 BELOW. IF AN IMPROVEMENT TO AN EXISTING STRUCTURE IS PROPOSED, ADEQUATE INFORMATION ON THE COST OF THE IMPROVEMENT AND THE MARKET VALUE OF THE STRUCTURE BEFORE THE IMPROVEMENT MUST BE SUPPLIED TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT TO ALLOW A DETERMINATION OF SUBSTANTIAL IMPROVEMENT. THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT MAY USE TAX ASSESSMENT RECORDS TO DETERMINE SUBSTANTIAL IMPROVEMENT.

3112.1 AREAS SUBJECT TO TIDAL FLOODING

1. WHENEVER NEW BUILDINGS, MANUFACTURED HOMES, SUBSTANTIAL IMPROVEMENTS TO EXISTING BUILDINGS, INCLUDING ADDITIONS, ARE CONSTRUCTED, OR REPETITIVE LOSSES REPAIRED IN AREAS SUBJECT TO TIDAL FLOODING AS ESTABLISHED BY THE FIS AND FIRM OF BALTIMORE COUNTY OR MORE RESTRICTIVE CRITERIA AS ESTABLISHED BY THE COUNTY, THE BUILDING'S LOWEST FLOOR SHALL BE NOT LOWER THAN THE FLOOD PROTECTION ELEVATION.

2. BASEMENTS (FLOORS BELOW GRADE ON ALL FOUR SIDES) ARE NOT PERMITTED FOR NEW BUILDINGS, FOR SUBSTANTIAL IMPROVEMENTS TO NEW BUILDINGS, OR FOR ADDITIONS. NEW BASEMENTS ARE NOT PERMITTED BELOW EXISTING BUILDINGS. AN AREA BENEATH A BUILDING WILL NOT BE CONSIDERED A BASEMENT OR THE LOWEST FLOOR IF IT MEETS THE FOLLOWING CRITERIA:

A. THE AREA CONTAINS NO MACHINERY OR EQUIPMENT. FULLY ENCLOSED AREAS BELOW THE FLOOD PROTECTION ELEVATION SHALL BE USED SOLELY FOR PARKING VEHICLES, ACCESS TO THE BUILDING, OR STORAGE. IF SUCH AREAS ARE ENCLOSED, AND A DECLARATION OF LAND RESTRICTION IS RECORDED.

B. THE AREA IS CONSTRUCTED WITH OPENINGS (EXCLUDING DOORS) TO ALLOW THE AUTOMATIC PASSAGE OF FLOOD WATERS AND EQUALIZATION OF WATER PRESSURES.
(1) A MINIMUM OF TWO OPENINGS ON SEPARATE SIDES OF THE STRUCTURE A HAVING A TOTAL NET AREA OF NOT LESS THAN ONE SQUARE INCH FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING SHALL BE PROVIDED.
(2) THE BOTTOM OF ALL OPENINGS SHALL BE NO HIGHER THAN ONE FOOT ABOVE GRADE.
(3) OPENINGS MAY BE EQUIPPED WITH SCREENS, LOUVERS, VALVES, OR OTHER DEVICES, PROVIDED THAT THEY PERMIT AUTOMATIC ENTRY AND EXIT OF FLOODWATER.
(4) OTHER DESIGNS FOR MEETING THESE CRITERIA MUST BE CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER.

C. THE AREA IS CONSTRUCTED OF FLOOD-RESISTANT MATERIALS BELOW THE FPE AND A DECLARATION OF LAND RESTRICTION IS RECORDED.

D. THE FLOOR LEVEL IS AT OR ABOVE EXISTING GRADE ON AT LEAST ONE SIDE.

3. WHERE FEASIBLE, ACCESSORY STRUCTURES AND GARAGES GREATER THAN 300 SQUARE FEET SHOULD BE LOCATED OUT OF THE FLOODPLAIN OR ELEVATED TO OR ABOVE THE FLOOD PROTECTION ELEVATION. WHEN THESE MEASURES ARE NOT FEASIBLE, THE FOLLOWING APPLY:

A. THE FLOOR OF THE STRUCTURE MUST BE AT OR ABOVE GRADE;

B. THE STRUCTURE MUST BE LOCATED, ORIENTED, AND CONSTRUCTED SO AS TO MINIMIZE FLOOD DAMAGE; AND

C. THE STRUCTURE MUST BE FIRMLY ANCHORED TO PREVENT FLOTATION.

4. ATTACHED AND DETACHED GARAGES AND ACCESSORY STRUCTURES. ACCESSORY STRUCTURES OR GARAGES USED SOLELY FOR PARKING VEHICLES AND LIMITED STORAGE, MEETING THE COUNTY'S VENTING REQUIREMENTS AND THE REQUIREMENTS OF SECTION 2 ABOVE, HAVING ALL INTERIOR WALLS, CEILINGS, AND FLOOR ELEMENTS BELOW THE FLOOD PROTECTION ELEVATION UNFINISHED, AND CONTAINING NO MACHINERY,

ELECTRIC DEVICES, OR APPLIANCES LOCATED BELOW THE FLOOD PROTECTION ELEVATION, SHALL BE SUBJECT TO THE FOLLOWING CONTINGENCIES OR RESTRICTIONS:

A. STRUCTURES OR GARAGES WHICH ARE 300 SQUARE FEET OR LESS IN AREA SHALL BE PERMITTED WITH A NON-CONVERSION AGREEMENT,

B. STRUCTURES OR GARAGES WHICH ARE GREATER THAN 300 SQUARE FEET BUT LESS THAN OR EQUAL TO 900 SQUARE FEET IN AREA SHALL BE PERMITTED WITH A RECORDED DECLARATION OF LAND RESTRICTION, AND

C. STRUCTURES OR GARAGES WHICH EXCEED 900 SQUARE FEET IN AREA SHALL NOT BE PERMITTED.

5. MANUFACTURED HOMES, OR MANUFACTURED BUILDINGS, OR ADDITIONS THERETO: ON SITES (i) OUTSIDE OF A MANUFACTURED HOME PARK OR SUBDIVISION; OR (ii) IN AN EXISTING MANUFACTURED HOME PARK; WITHIN A FLOOD ZONE SHALL BE ELEVATED TO ESTABLISH A LOWEST FLOOR ABOVE THE FLOOD PROTECTION ELEVATION:

A. WHERE A MANUFACTURED HOME, OR MANUFACTURED BUILDING, OR ADDITION THERETO IS TO BE ELEVATED TO ESTABLISH A LOWEST FLOOR ABOVE THE FLOOD PROTECTION ELEVATION, IT MUST BE ELEVATED ON A PERMANENT FOUNDATION AND MUST BE SECURELY ANCHORED TO AN ADEQUATELY ANCHORED FOUNDATION SYSTEM TO RESIST FLOTATION COLLAPSE AND LATERAL MOVEMENT. METHODS OF ANCHORING MAY INCLUDE BUT ARE NOT LIMITED TO, USE OF OVER-THE-TOP OR FRAME TIES TO GROUND ANCHORS.

B. IN THE FLOODPLAIN AREA, THE MINIMUM WIND FORCE APPLICABLE TO THE DESIGN OF ANCHORAGE AND TIE-DOWN FACILITIES FOR MANUFACTURED HOMES, OR MANUFACTURED BUILDINGS OR ADDITIONS THERETO SHALL BE NINETY (90) MILES PER HOUR.

C. FOR EACH SITE WITHIN A FLOOD ZONE ON WHICH AN EXISTING MANUFACTURED HOME, OR MANUFACTURED BUILDING, OR ADDITION THERETO, INCURS "SUBSTANTIAL DAMAGE" AS A RESULT OF A FLOOD, THE UNIT MUST, UPON REPLACEMENT OR REPAIR, BE ELEVATED ON A PERMANENT FOUNDATION SO THAT THE LOWEST FLOOR OF EACH MANUFACTURED UNIT OR ADDITION WILL BE AT OR ABOVE THE FLOOD PROTECTION ELEVATION IN FULL COMPLIANCE WITH SUBSECTIONS A. AND B. ABOVE.

D. A RECREATIONAL VEHICLE WHICH REMAINS ON A SITE FOR MORE THAN 180 CONSECUTIVE DAYS SHALL BE CONSIDERED A MANUFACTURED HOME OR MANUFACTURED BUILDING AND SHALL COMPLY WITH ALL REGULATIONS.

6. 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 ONSITE WASTE DISPOSAL SYSTEMS MUST BE LOCATED SO AS TO AVOID IMPAIRMENT OF THEM OR CONTAMINATION FROM THEM DURING FLOODING.

A. SEPTIC TANKS MUST BE ADEQUATELY ANCHORED TO PREVENT FLOTATION.

B. ALL ELECTRIC WATER HEATERS, ELECTRIC FURNACES, GENERATORS, HEAT PUMPS, AIR CONDITIONERS, AND OTHER PERMANENT ELECTRICAL INSTALLATIONS, VENTILATION AND OTHER SERVICE FACILITIES SHALL BE PERMITTED ONLY AT OR ABOVE THE FLOOD PROTECTION ELEVATION.

C. NO ELECTRICAL DISTRIBUTION PANELS SHALL BE PERMITTED AT AN ELEVATION LESS THAN (2) TWO FEET ABOVE THE FLOOD PROTECTION ELEVATION.

D. ALL FURNACES, WATER HEATERS, AND OTHER PERMANENT MECHANICAL INSTALLATIONS SHALL BE PERMITTED ONLY AT OR ABOVE THE FLOOD PROTECTION ELEVATION.

7. FOR ALL NEW OR SUBSTANTIALLY IMPROVED STRUCTURES IN THE FLOODPLAIN AREA, THE OWNER MUST HAVE A PROFESSIONAL LAND SURVEYOR, PROPERTY LINE SURVEYOR, OR PROFESSIONAL ENGINEER SUBMIT A FULLY EXECUTED ELEVATION CERTIFICATE TO THE COUNTY AT THE TIME OF FRAMING INSPECTION.

8. NEW OR SUBSTANTIALLY IMPROVED NON-RESIDENTIAL STRUCTURES MAY BE FLOODPROOFED TO THE FLOOD PROTECTION ELEVATION. UNDER THIS OPTION, THE OWNER MUST HAVE A PROFESSIONAL ENGINEER OR ARCHITECT SUBMIT A FULLY EXECUTED FLOODPROOF CERTIFICATE TO THE COUNTY PRIOR TO THE APPROVAL OF THE CONSTRUCTION BY ANY BUILDING OFFICIAL OF BALTIMORE COUNTY.

9. ALL ELEVATIONS REQUIRED BY SUBSECTION 7. SHALL BE REFERENCED TO BALTIMORE COUNTY DATUM "BCD" NOT NATIONAL GEODETIC VERTICAL DATUM "NGVD" AS SHOWN ON THE CERTIFICATE.

10. ALL NEW AND EXISTING OIL, GAS AND PROPANE TANKS MUST BE ANCHORED AGAINST FLOATATION BY MEANS OF AN APPROVED ENGINEERED ANCHORAGE SYSTEM. IT SHALL BE UNLAWFUL TO FILL OR REFILL ANY SUCH TANK THAT IS NOT SO ANCHORED.

3112.2 AREAS SUBJECT TO INUNDATION BY RIVERINE SURFACE WATERS WITHIN THE 100-YEAR FLOODPLAIN.

1. NO NEW BUILDINGS OR ADDITIONS SHALL BE CONSTRUCTED IN ANY RIVERINE FLOODPLAIN. THE 100-YEAR FLOODPLAIN SHALL BE BASED UPON THE FEDERAL FLOOD INSURANCE STUDY OR AS ESTABLISHED BY THE DIRECTOR OF PUBLIC WORKS, WHICHEVER IS THE MORE RESTRICTIVE. THIS DETERMINATION SHALL INCLUDE PLANNED FUTURE DEVELOPMENT OF THE WATERSHED AREA.

2. RECONSTRUCTION OR REPAIR OF EXISTING BUILDINGS SHALL BE GOVERNED BY SECTION 115.0 "UNSAFE STRUCTURES AND EQUIPMENT". ALL SUBSTANTIAL IMPROVEMENTS TO EXISTING BUILDINGS SHALL BE PERMITTED ONLY ON THE BASIS OF AN APPROVED WAIVER IN ACCORDANCE WITH SECTION 26-670 "WAIVERS", AND SHALL BE SUBJECT TO ALL APPLICABLE CONDITIONS OF SECTION 26-668 "DEVELOPMENT IN THE 100-YEAR TIDAL FLOODPLAIN" AND SECTION 3112.1 OF THIS BUILDING CODE "AREAS SUBJECT TO TIDAL FLOODING".

WHERE REPLACEMENT STRUCTURES CANNOT BE RELOCATED OUT OF THE FLOODPLAIN, THEY SHALL BE LIMITED TO THE FOOTPRINT OF THE PREVIOUS STRUCTURE.

ALL SUBSTANTIALLY IMPROVED STRUCTURES, INCLUDING MANUFACTURED HOMES, SHALL HAVE THE LOWEST FLOOR ELEVATED TO OR ABOVE THE FLOOD PROTECTION ELEVATION.

3. THE LOWEST FLOOR ELEVATION FOR HOUSES OR BUILDINGS ADJACENT TO A RIVERINE FLOODPLAIN SHALL BE TWO FEET ABOVE THE BASE FLOOD ELEVATION.

Pau·sa·nias (pô sā'nē əs) 2d cent. A.D.; Gr. historian & geographer, probably born in Lydia

pause (pôz) *n.* [ME *pause* < MFr *pause* < L *pausa* < Gr *pausis*, a stopping < *pauein*, to bring to an end < IE base **paus-*, to let go < OPrus *pausto*, wild] 1 a short period of inaction; temporary stop, break, or rest, as in speaking or reading 2 hesitation; interruption; delay [pursuit without *pause*] 3 *a*) a stop or break in speaking or reading, which clarifies meaning *b*) any mark of punctuation indicating this 4 *Music a*) holding of a tone or rest beyond its written value, at the discretion of the performer *b*) the sign 𝄐 or 𝄑 indicating this 5 *Prosody* a rhythm break or caesura —*vi.* **paused, paus'ing** [Fr *pauser* < L *pausare*, to stop < the *n.*] 1 to make a pause; be temporarily inactive; stop; hesitate 2 to dwell or linger; with *on* or *upon* —**give someone pause** to make someone hesitant or uncertain —**paus'er** *n.*

pav·ane (pə van', -vän') *n.* [Fr < Olt *pavana* < (*danza*) *Pavana*, lit., (dance) of Padua < dial. *Pava*, for *Padua*; assoc. by folk etym. with Fr *pavaner*, to strut, walk like a peacock < L *pavo*, peacock] 1 a slow, stately court dance of Spanish or Italian origin, performed by couples 2 the music for this Also **pavan** (pav'ən)

Pa·va·rotti (pä'vä rôt'ē; *It* pä'vä rôt'tē), **Lu·ciano** (lōō chä'nō) 1935- ; It. operatic tenor

pave (pāv) *vt.* **paved, pav'ing** [ME *paven* < OFr *paver* < VL **pavare*, for L *pavire*, to ram, beat < IE base **pēu-*, to strike, chop < Lith *piauti*, L *putare*, to cut] 1 to cover over the surface of (a road, etc.), as with concrete, asphalt, or brick 2 to be the top surface or covering of 3 to cover closely or thickly; overlay —**pave the way** (for) to prepare the way (for); facilitate the introduction (of) —**pav'er** *n.*

pavé (pa vā') *n.* [Fr, orig. pp. of OFr *paver*, prec.] 1 [*Archaic*] pavement 2 a setting of jewelry in which the gems are placed close together so that no metal shows

pave·ment (pāv'mənt) *n.* [OFr < L < *pavimentum* < *pavire*, to beat; see PAVE] 1 a paved surface or covering, as of concrete, brick, etc.; specif., *a*) a paved street or road *b*) [*Brit., etc. (exc. Cdn.)*] a sidewalk 2 the material used in paving

Pa·via (pä vē'ä) commune in NW Italy, on the Ticino River; pop. 90,000

pavid (pav'id) *adj.* [L *pavidus* < *pavere*, to tremble, orig., be struck down < *pavire*; see PAVE] [Rare] fearful; afraid; timid

pa·vil·ion (pə vil'yən) *n.* [ME *pavilon* < OFr *pavillon* < L *papilio*, butterfly, also tent (from its shape); see PAPILIONACEOUS] 1 a large tent, usually with a peaked top 2 *a*) a building or part of a building, often partly open and highly ornamented, used for entertainment, exhibits, etc., as at a fair or park *b*) a decorative shelter or summerhouse 3 part of a building jutting out from the main part and often ornamented 4 any of the separate or connected parts of a group of related buildings, as of a hospital or sanitarium 5 the part of a brilliant-cut gem between the girdle and the culet; see GEM, illus. —*vt.* to furnish with or shelter in or as in a pavilion

pav·ing (pāv'iŋ) *n.* 1 a pavement 2 material for a pavement

pav·ior (pāv'yər) *n.* [altered < ME *pavier* < *paven*, PAVE] 1 a person or thing that paves; paver 2 the material used in paving Also [Chiefly Brit.] **pav'iour**

pavis (pav'is) *n.* [ME *pavois* < MFr *pavais* < It *pavese* after *Pavia*, Italy, where first made] a large shield for protecting the entire body, used in the 14th through 16th cent.; also sp. **pav'ise**

Pav·lov (pav'lôv'; *Russ* pä'vlôf'), **Ivan Petro·vich** (i vän' pye trô'vich) 1849-1936; Russ. physiologist —**Pav·lov·ian** (pav lō'vē ən, -lô'-) *adj.*

Pav·lo·va (päv lô'və, pav-; *Russ* pav'lô va'), **Anna (Matveyevna)** (än'ä) 1881-1931; Russ. ballet dancer

Pavo (pā'vō) [L, PEACOCK] a S constellation near the celestial pole between Octans and Telescopium

pavo·nine (pav'ə nīn', -nin) *adj.* [L *pavoninus* < *pavo*, PEACOCK] 1 of or resembling a peacock 2 iridescent, as a peacock's tail

paw¹ (pô) *n.* [ME *paue* < OFr *poue* < Frank **pauta*, a paw (< pre-Celt **pauta*) > Ger *pfote*] 1 the foot of a four-footed animal having claws 2 [Colloq.] a hand —*vt., vi.* 1 to touch, dig, hit, strike out (at), etc. with the paws or feet [a horse *pawing* the air] 2 *a*) to handle clumsily or roughly [she *pawed* angrily through the papers on her desk] *b*) to caress in too familiar a way —**paw'er** *n.*

paw² (pô) *n.* [Dial.] pa; papa; father

pawky (pôk'ē) *adj.* **pawk'i·er, pawk'i·est** [Chiefly Brit.] shrewd and witty; humorously crafty —**pawk'i·ly** *adv.* —**pawk'i·ness** *n.*

pawl (pôl) *n.* [akin ? to Du *pal*, pawl, stake, pole] a mechanical device allowing rotation in only one direction; one type consists of a hinged tongue, the tip of which engages the notches of a ratchet wheel, preventing backward motion; see RATCHET, illus.

pawn¹ (pôn) *n.* [LME *paun* < MFr *pan*, piece of cloth < L *pannus*, cloth (? used as medium of exchange); see PANE] 1 anything given as security, as for a debt, performance of an action, etc.; pledge; guaranty 2 a hostage 3 the state of being pledged [to put a ring in *pawn*] 4 the act of pawning —*vt.* 1 to give as security; put in pawn 2 to stake, wager, or risk [to *pawn* one's honor] —*SYN.* PLEDGE —**pawn'age** *n.* —**pawn'er** or **paw'nor** *n.*

pawn² (pôn) *n.* [ME *poun* < OFr *peon* < ML *pedo* (gen. *pedonis*), foot soldier < LL, one who has flat feet < L *pes*, FOOT] 1 a chess piece of the lowest value; it can be moved only forward and but one square at a time (or two squares on its first move), but it captures with a diagonal move 2 a person used to advance another's purposes; tool

pawn·broker (pôn' brōk'ər) *n.* [PAWN¹ + BROKER] a person licensed to lend money at a legally specified rate of interest on articles of personal property left as security —**pawn'bro'king** *n.*

Paw·nee (pô nē') *n.* [NAmFr *pani* < Illinois < Iowa *panvi*] 1 *pl.* -nees' or -nee' a m[illegible] Plains Indian people[illegible] River, Nebraska, and [illegible] of these peoples [illegible] guage or culture

pawn·shop (pôn'shäp') [illegible]

pawn ticket a receipt [illegible]

paw·paw (pô'pô') *n.* [illegible]

Paw·tucket (pə tuk'ət) [illegible] pop. 73,000; see Pro[illegible]

pax (päks; *also* paks) *n.* [ME [illegible] (P-) the Roman go[illegible]

Pax Ro·mana (paks rō [illegible] the comparative peace [illegible] terranean world [illegible] political condition [illegible]

pay¹ (pā) *vt.* **paid** or [illegible] **payed, pay'ing** [ME [illegible] to pacify < *pax*, PEACE] 1 [illegible] goods received, serv[illegible] give (what is due or [illegible] make a deposit or tr[illegible] union] 4 to discharge [illegible] giving something in [illegible] respects, attention, etc.) [illegible] recompense or return [illegible] *profitable to it will* pay [illegible] tion; make payment 3 [illegible] return or compensat[illegible] 1 a paying or being paid [illegible] services; wages or salary [illegible] return 4 [Now Rare] [illegible] rich enough in mine[illegible] 2 operated or made [illegible] telephone, pay toilet] 3 [illegible] by subscription, fees, [illegible] paid by —☆**pay as you go** [illegible] 1 to repay 2 to retaliate [illegible] pay (part of the pur[illegible] installment buying [illegible] because of 2 to atone [illegible] that is owed on (a debt, [illegible] employment) 2 to take [illegible] done) 3 to yield full re[illegible] [Colloq.] to bring about [illegible] allow to swing away from [illegible] **someone's way** to pay [illegible] 1 to give out (money [illegible] gradually —**pay up** to pay [illegible] *SYN.*—**pay** is the simple [illegible] services rendered, goods [illegible] whether monetary or not [illegible] effort expended, or the loss [illegible] the loss of a child]; re[illegible] rendered, but it often also [illegible] *remunerated the farmer* for [illegible] has been expended [the [illegible] expenses]; to **indemnify** [illegible] *were indemnified for the* [illegible] money given to one [illegible] requital [how can I repay [illegible] the idea of compensat[illegible]

pay² (pā) *vt.* **payed, pay'** [illegible] pitch < *pix*, PITCH] to [illegible] proof [to *pay* the seams of [illegible]

pay·able (pā'ə bəl) *adj.* [illegible] *specified date*); due 3 [illegible] business venture —*n.* [illegible]

pay·back (pā'bak') *n.* 1 [illegible] return, as on an inve[illegible]

☆**pay·check** (pā'chek') [illegible]

pay·day (pā'dā') *n.* the [illegible]

☆**pay dirt** soil, gravel [illegible] mining profitable [illegible] source of wealth, su[illegible]

payee (pā ē') *n.* the p[illegible]

payer (pā'ər) *n.* the p[illegible]

pay·grade (-grād') *n.* [illegible] scale of increasing [illegible]

pay·load (pā'lōd') *n.* 1 [illegible] income 2 *a*) a load that [illegible] rocket, etc. that is not [illegible] warheads, spacecraft, [illegible]

pay·master (pā'mas'tər) [illegible] salaries to employees [illegible]

pay·ment (pā'mənt) *n.* [illegible] paid 3 penalty or [illegible]

pay·nim (pā'nim) *n.* [ME [illegible] LL(Ec) *paganismus* [illegible] non-Christian; esp. [illegible]

☆**pay·off** (pā'ôf') *n.* 1 [illegible] ment or reckoning 3 [illegible] [Colloq.] a bribe 5 [illegible] nation to a series of [illegible]

☆**pay·o·la** (pā ō'lə) *n.* [illegible] player piano) [illegible] business [Slang] 1 [illegible] mercial advantage [illegible]

PROTESTANT'S

EXHIBIT NO. 4

PAVILION STRUCTURE – 321 CHAPELWOOD LANE
TIME FRAME

2005

Early March The construction of a structure which appeared close to the property-Line was brought to the attention of Fox Chapel's President, Mr. Eric Hogan, who checked with the Baltimore County and found no permit had Been issued for such. It was also in violation of the Community's Covenants and Restrictions..

March 18 Code Enforcement Report was issued on Problem Pavilion w/o permit

Undated Letter sent to Mr. Castellano from Eric Hogan, Building and Alterations Committee of the Fox Chapel Association Inc. stating deep concern over an almost completed structure being erected without plans having been submitted and offering willingness to work with Mr. Castellano toward an agreeable and acceptable outcome

March 21 Building inspection x 3953, by Jim Garland, Case 05-1655. Mr. Castellano informed his structure without a permit was in violation of County Regulations as well as Fox Chapel Restrictive Covenants. (Jim Garland should be notified and present at hearing.)

March 21 Report Code Enforcement Notice – IRC 2003, Sec 105.1
Must file for permit to construct approximately 20 x 80 x15"
(Jim Garland)

Mr. Castellano met with President Eric Hogan asking him for a letter of approval for the almost finished structure.
Mr. Hogan promised he would take his request to the Board for consideration. In a Board meeting following this visit, they voted to oppose his request, since his structure did not conform with the community's covenants.

March 23 Permit B586738 building permit signed by John R. Reisinger and Timothy M. Kotroco for 20 x 80 x 15' pavilion – 1600 sq. ft. with 8 x 8 posts.

March 28 In a letter, Fox Chapel President, Eric Hogan, advises Mr. Castellano of the Board of Governors decision to disapprove of his bocce ball structure, listing five major violations of the community's Deed of Restrictions.

Mr. Paul Rangonese, a member of Fox Chapel's Building and Alterations Committee, visited Baltimore County's Office of Permits and Development as well as other departments checking on regulations applicable to this issue. During his five hours of inquiry, he was advised By Robin Hurley that the structure started by Mr. Castellano was in a 100

Year flood plain and that recent flood plain regulations did not permit development.

April 1 Permit B586738 issued (case closed) Reisinger issued correction notice – Permit B586738 has been suspended or revoked – in a 100 year floodplain. Complaintant called. Case reopened.

April 14 Case reopened per John Reisinger of Department of Permits and Development Management – permit revoked in letter to Mr. Castellano informing him that building code does not allow construction in a riverine floodplain..- floodplain regulations under section 32-8-301. Informing him he may choose to apply for a waiver.
Violation issued, signed by Jim Garland

April 21 Eric Hogan requests advice by e-mail from Greater Timonium Community Council on the Castellano structure issue.

April 22 GTCC replies by e-mail offering excellent advice on proceedures dealing with such a problem.

June 6 Fox Chapel Board meets to discuss action regarding Mr. Castellano's bocce ball court pavilion.

Mr. Castellano pleads his case to the Board for approximately 45 minutes And requests a letter of approval from them. Following his departure, the Board votes against his request.

July 1 Petition for special hearing sent by engineer, Paul Lee, to Zoning Commissioner of Baltimore County requesting "to permit a rebuilt open pavillion – supported by 6 x6' posts open on 4 sides with roof over a bocce ball court in a riverine floodplain." (Section 500,6)

July 14 Fire Department reviews – no comment

July 15 State Highway reviews – no comment

July 15 Castellano's Engineer, Paul Lee filed for SPH for zoning case #06-011

July 18 Copy of "Entry of Appearance" to People's Council Peter Zimmerman received by Paul Lee. Peter Zimmerman must be notified.

July 19 Photos of Bocce Ball Pavilion Structure taken by Baltimore County

July 25	County Board of Development Plans review – no comments on reviewed plan
July 27	Office of Planning reviewed – no comments 6-011, for more information consult Bill Hughey 410-887-3480
August 2*	Hearing scheduled for August 29th at 9 a.m. in room 407, 401 Bosley Avenue. Notice states posts are 6 x 6.

* The hearing information as required was published in the Jeffersonian 15 days prior to the hearing.

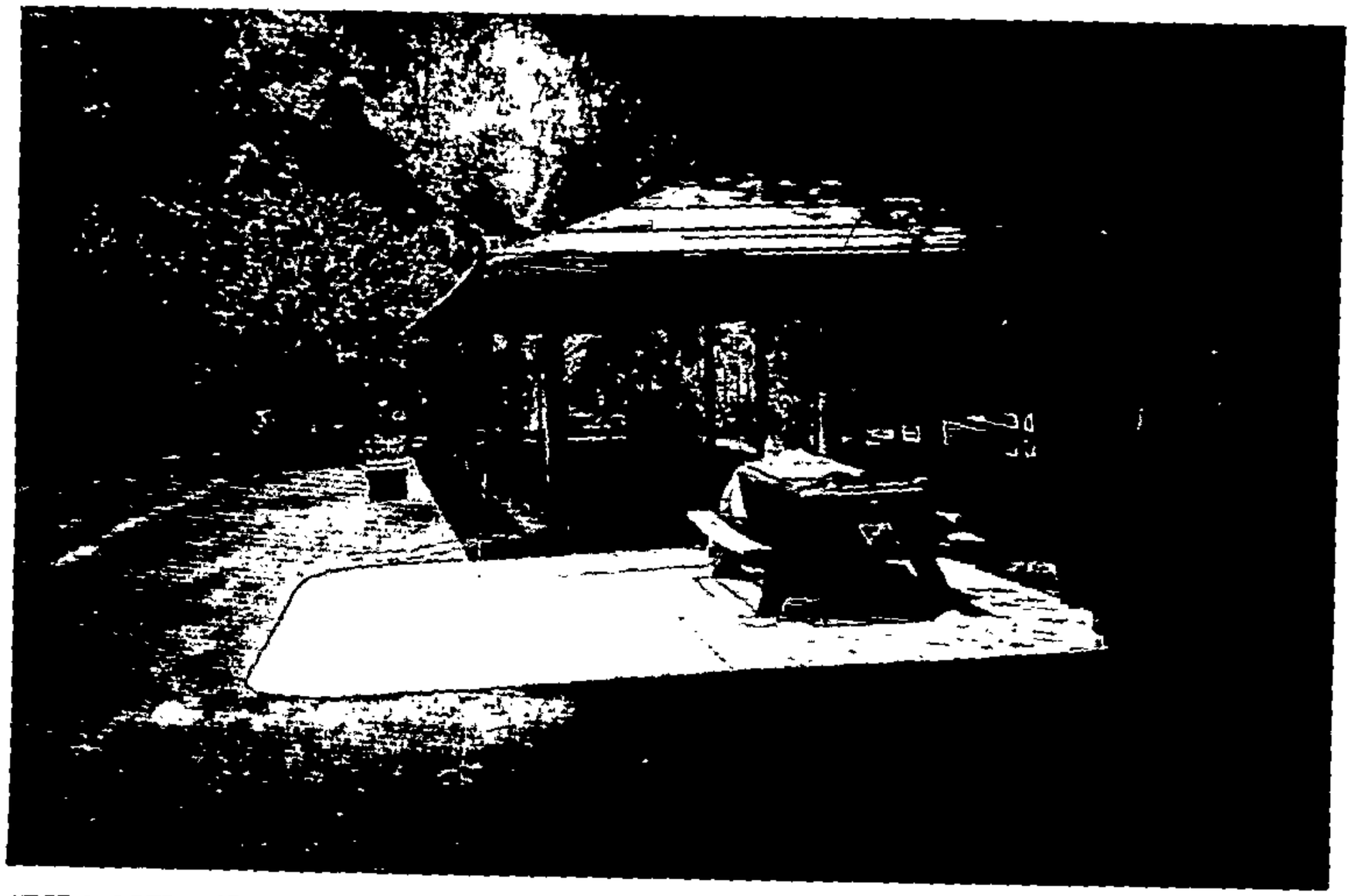
Reference:

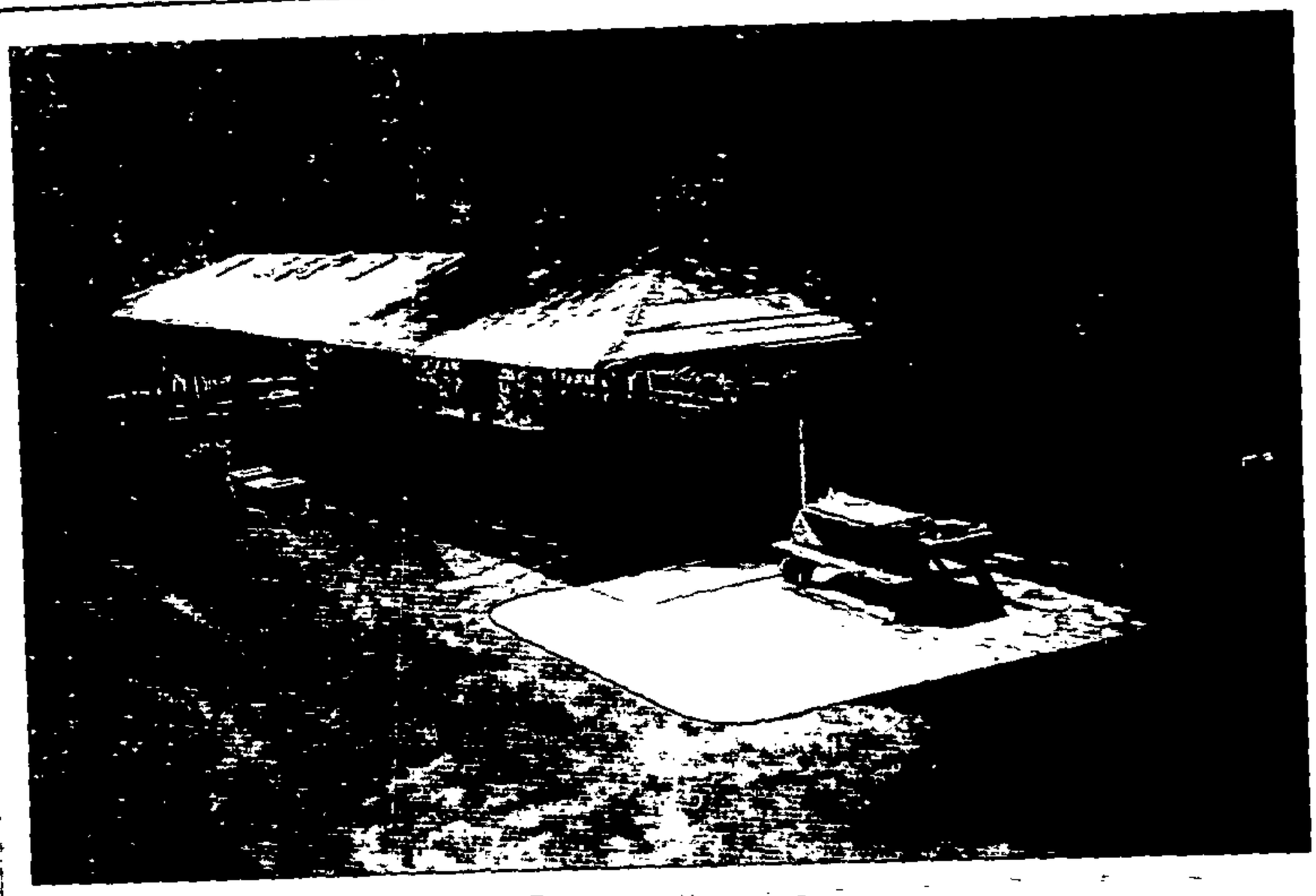
Baltimore County Bill 01-05 Effective 3-27-05
3112.2

1. No new buildings or additions shall be constructed in any riverine floodplain. The 100 year floodplain shall be based upon the Federal Flood Insurance Study or as established by the Director of Public Works, whichever is more restrictive. This determination shall include planned future development of the watershed area.

Collectively A thru J
PETITIONER'S

EXHIBIT NO. 8

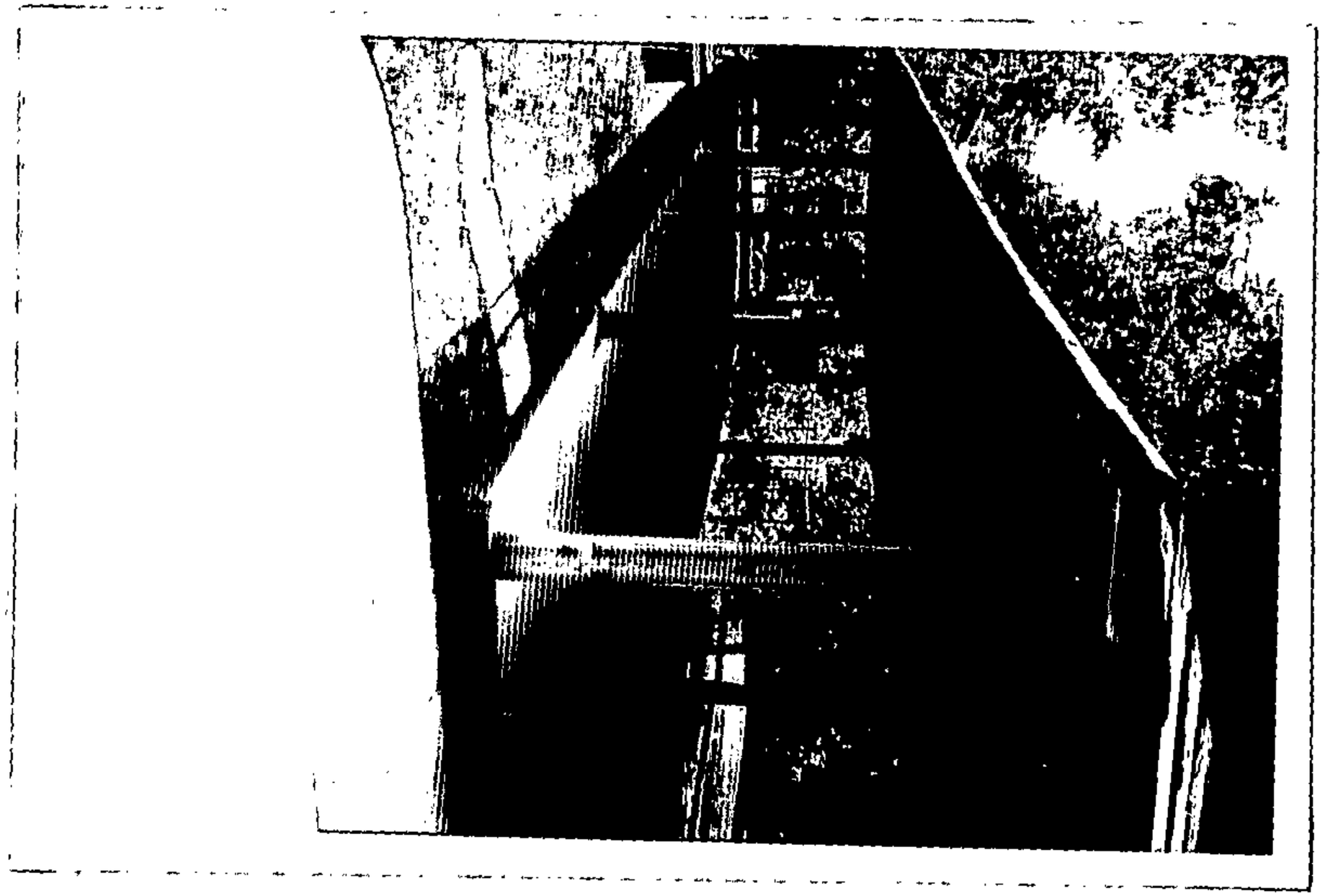




Collectively A thru G

PETITIONER'S

EXHIBIT NO. 7



NICK CASTELLANO & SONS CONCRETE
321 CHAPELWOOD LANE
LUTHERVILLE, MARYLAND 21093
(410) 560-6925

(3)

April 26, 2005

Mr. William Wiseman
Commissioner of Zoning, Baltimore County
111 W. Chesapeake Ave., Room 111
Towson, Maryland 21204

Re: Permit B586738

Dear Mr. Wiseman,

This letter is in response to an April 14, 2005, missive from Mr. John R. Reisinger, Building Engineer, in which the work on an open-air recreation facility in my back yard, was ordered to be stopped. Mr. Reisinger noted in his letter that I could choose to apply for a waiver-- and, **therefore, I am writing to request such a waiver.**

I would like to point out that in the beginning the County did grant me a legal permit to put a roof over my open-air sand-bottom "Bocce" court.

When I had nearly completed the roof, I received the suspension order based on the premise that the area is in a 100-year flood plain.

I would like to emphasize that this facility has no sides -- all four sides are open. The only purpose of the roof is to enable people to play in rainy weather.

Furthermore, this facility **will not** increase flood heights, **will not** impact public safety, **will not** incur extraordinary public expense or any expense whatsoever, **will not** create nuisances, **will not** cause fraud or victimization of the public, and **will not** conflict with existing local and state laws and ordinances.

Even with only the sand bottom, this court provided an excellent place for young people to entertain themselves over the past 12 years. And now older citizens also will be able to exercise and be entertained.

I would hope that a waiver under section 32-8-301 **will be granted,** so I can finish this **totally open-air facility** (two hours more of work) that in no way can aggravate a flood circumstance.

Sincerely,

Nicola Castellano

Nicola Castellano

Cc: John Reisinger

PETITIONER'S
EXHIBIT NO. 4A

EX (4)

April 13, 2005 (3A)

Baltimore County to whom it may concern-

Bob and Susan Naeny live at 401 Chapelwood Lane, Timonium-MD and have lived at that address since October 1986. We have a wonderful group of neighbors and friends, including neighbors Nick and Angela Castellano. The Castellano have lived next door for over 14 years and are outstanding neighbors and friends to all.. The world needs more folks like the Castellano family!

We are in full knowledge of the current Castellano project which is simply an over roof for a bocce court and this has been very professional done, thus far. There will be no sides attached and this is not a building and is merely an open roof and is very obvious to all who see it.

The Naeny family understands fully what they are doing and so pleased with the project. They have a permit and all should go as planned. I do not fully understand any concerns with flooding since we have had our area of the stream thoroughly worked on over 10 years ago and have NO flooding problems.

IF for any reason someone in a Baltimore County office would need to talk to one of us, feel free to call..We feel it best for any concerned people to merely walk around the Castellano project and see how excellent all of the work has been executed.

Sincerely,

Susan M. Naeny

Susan M. Naeny
smnphoto78@hotmail.com
410-561-8359 cell 410-935-6163
401 Chapelwood Ln.-Timonium-MD 21093

(Ex 4B)

April 17, 2005 (3B)

Baltimore County Planning

To Whom It May Concern:

I have lived at 300 Chapelwood for many years and have known Mr. Nicola Castellano since the first day I moved here. I consider them to be part of the neighborhood family. They have always been a part of what is happening in the neighborhood and can always be counted on to uphold our civic pride.

I am a design/builder that specializes in construction in the State of Maryland. I have seen and examined the structure that Mr. Castellano has erected and find that it is physically sound and the craftsmanship is astounding. Come take a closer look and you will see that this is better looking than a child's swing set or a playhouse. This is a thing of beauty.

The project will certainly withstand any flood.....although we have not seen one since we moved to this area, even when we had the hurricane come through a few years back.

The Deckert Family fully supports what Mr. Castellano is doing and we feel that no detrimental effects will occur to property values or to the neighborhood. The project is well hidden by trees from the road and does not bother anyone as far as we can see. His children should be able to enjoy this recreation area for years to come.

Please feel free to contact me with any questions you may have in this matter. I would be happy to appear at any public hearing or at your office to confirm my beliefs that this project should be allowed.

Sincerely,

William Deckert
Wdeckert99@aol.com
300 Chapelwood Lane
Lutherville-Timonium, MD 21093
410-561-7701 cell 443-255-7889

(Ex 4B)

Helen Delich Bentley

408 Chapelwood Lane
Lutherville, Maryland 21093-2816

Member of U.S. Congress 1985-1995
Chairman, Federal Maritime Commission, 1969-1975

Telephone 410-561-1777
Fax 410-561-1868

June 28, 2005

To Whom It May Concern:

I have been a resident on Chapelwood Lane in Fox Chapel off Dulaney Valley road for some 41 years and am delighted that the Castellano Family have been neighbors for 13 of those years. They have landscaped their property beautifully as well as installed an all brick driveway! The basketball court which is in their back yard was a very silent addition to their property because it really blended - noone - you did not even know it was there until a protest was filed. What I see in the Castellano back yard is no more than - maybe less - what I see in other yards on the same side of Chapelwood lane. This is a wonderful family.

Helen Delich Bentley

(4D)

PL/
25194.00

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works

DATE: July 14, 2005

RECEIVED
JUL 18 2005
CENTURY ENGINEERING, INC
32 WEST ROAD
TOWSON, MARYLAND 21204

SUBJECT: Case No. 06-011 SPH Special Hearing for a waiver to permit a rebuilt open pavilion with roof in the riverine floodplain area.

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The subject waiver is for an open pavilion approximately 20' wide by 80' long consisting of a concrete grade beam around the perimeter of the structure with timber posts supporting a timber roof structure. There are no walls. The area under the structure is intended for sports use (Bocce Ball).

The possibility that the structure would break up during a flood event and release debris into the stream is a concern. The applicant agrees to address this concern by installing structural cables through the roof down to the concrete footings and anchoring them there. This will hold the structure together and keep it on site in event of a flood. This is noted on the plan and should be made a condition of approval.

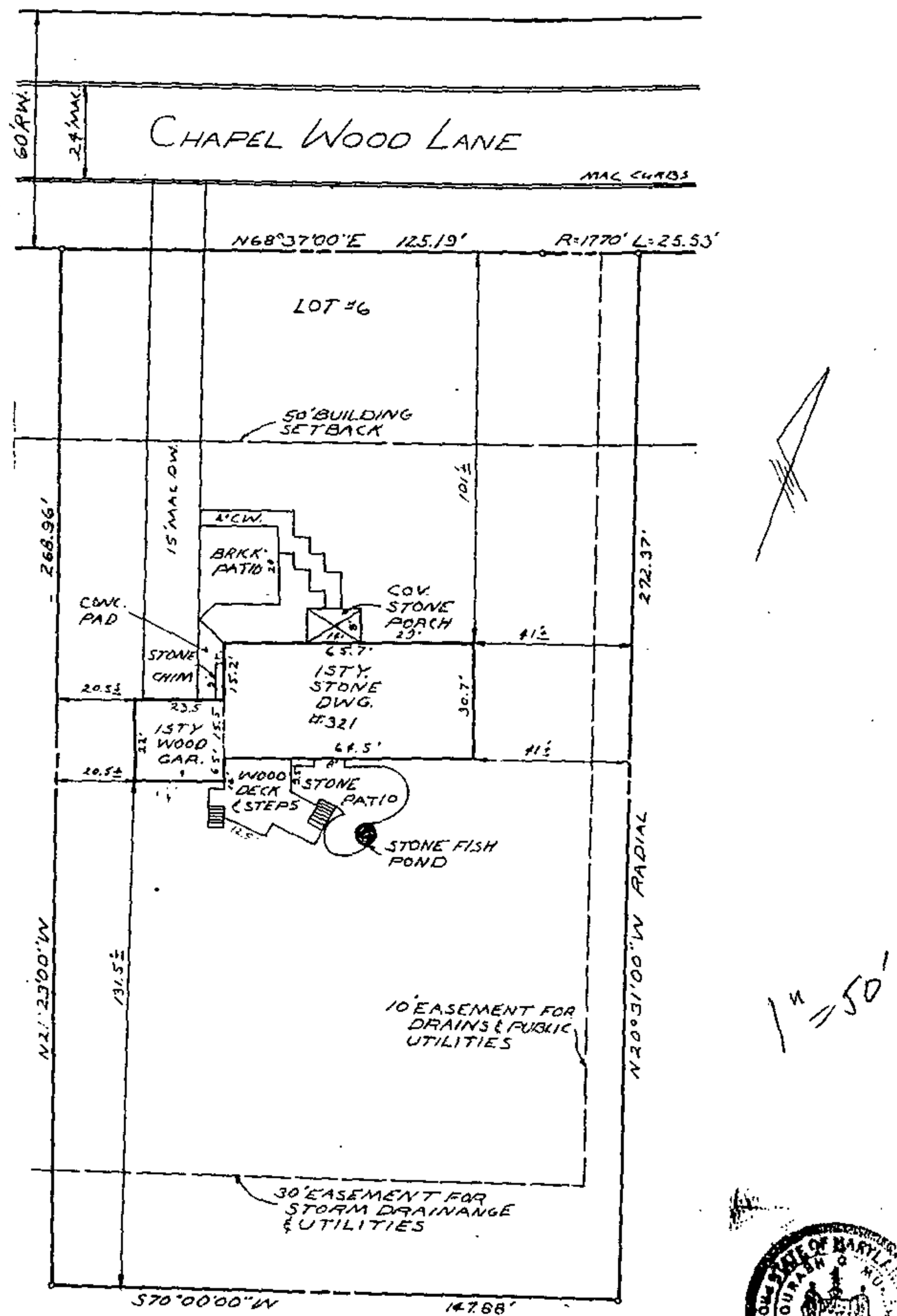
To summarize, this department prefers to not give a positive approval recommendation to construction activity in riverine floodplain areas. Grading and building proposals should observe floodplain setback restrictions. Nevertheless, I find that the applicant has taken sufficient measures in this case to assure there will be no adverse impact should the waiver be granted. Therefore I take no exception to approval of this waiver request.

ECA/DLT/s
CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Paul Lee, Century Engineering; Steve Walsh, attn. Dave Snook; Dennis Kennedy

PETITIONER'S
EXHIBIT NO. 5

Plat of Property known as # 321 Chapel Wood Lane, also known as Lot 6, Block 'E' as shown on Plat of "FOX CHAPEL" Section Two and recorded among the land records of Baltimore County in Plat Book 28, Folio 103.

***NOTE: THIS HOUSE IS NOT LOCATED IN THE FLOOD PLAIN.



THIS PLAT IS NOT INTENDED FOR THE USE IN THE ESTABLISHMENT OF PROPERTY LINES.

This is to certify that the improvements indicated hereon are located as shown. This is not a property line survey and should not be used as such.

Bourabh Mun

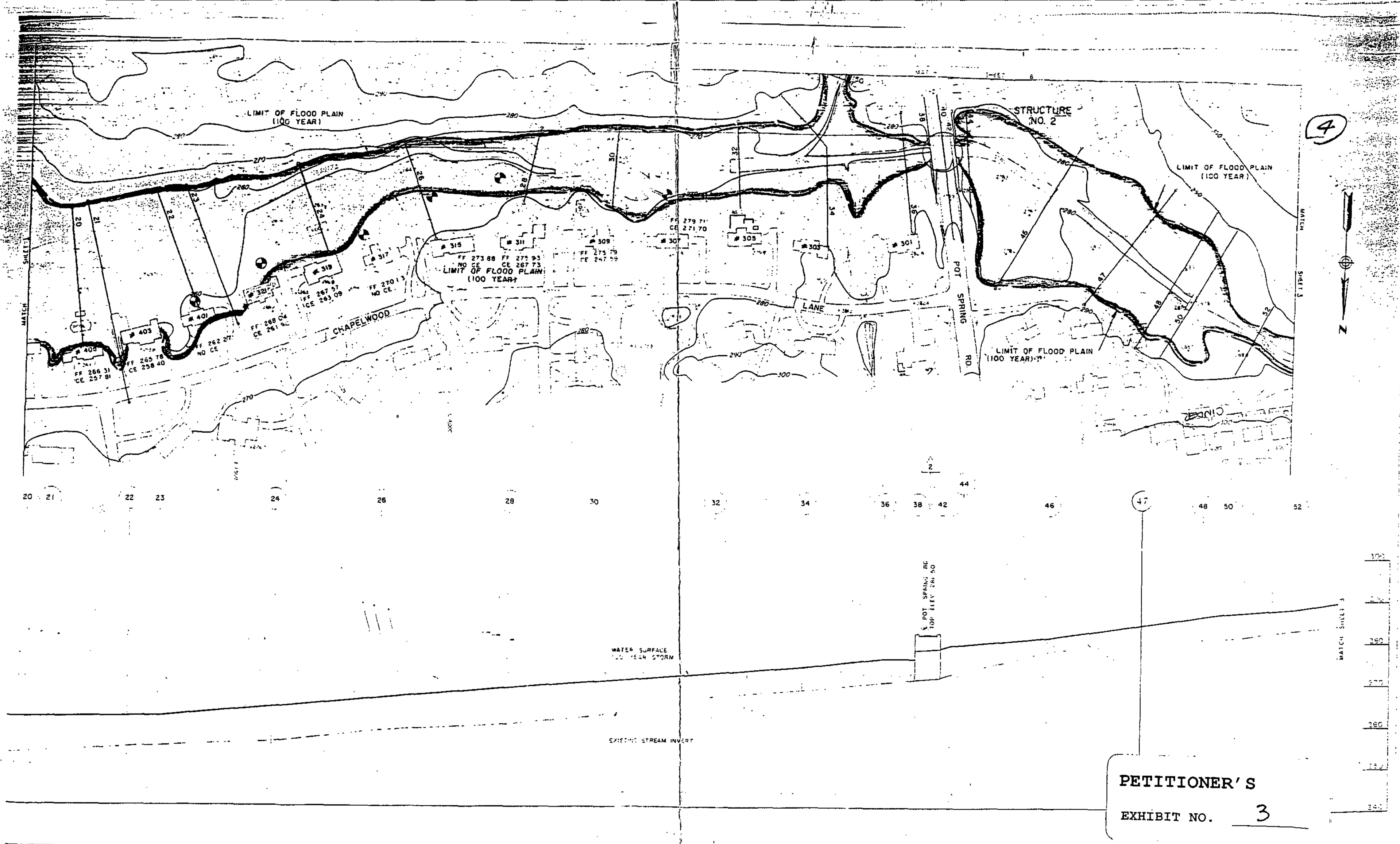
DON LYNCH ASSOC., INC.
4907 HARFORD ROAD
BALTIMORE, MD. 21214

Scale: 1" = 30' | Date: 11/18/93

D.L. # 93-2679

PETITIONER'S EXHIBIT NO. 6

Ex 6



PETITIONER'S

EXHIBIT NO. 3

PREPARED BY

ING AND ENGINEERING CO., INC.

ENGINEERING - PLANNING

LEGEND

100 YEAR FLOOD PLAIN

CROSS SECTION AND NUMBER

STRUCTURE NUMBER

RESIDENCE PREVIOUSLY FLOODED

F.F. FIRST FLOOR ELEVATION

C.E. CELLAR ELEVATION

OBSERVED HIGH WATER MARK

SCALES

HORIZONTAL

VERTICAL

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING

STREAM PLAN AND PROFILE
SPRING BRANCH
SECTION 20 THROUGH SECTION 52

DRAWING NO.

Allegany seat empty since 2004

By DAVID NITKIN
SUN STAFF

Criminal cases are piling up in Allegany County, where a political standoff has left the District Court operating with one full-time judge since late last year.

by a nominating panel in December. But nine months later, he has yet to interview any of the finalists. As a result, Allegany County now has the longest-standing judicial vacancy in the state.

Some Republican leaders and court officials in Western Maryland say the holdup isn't because of who was nominated but who was not. The list does

candidacy was rejected by the panel.

"The governor and Kevin are very good friends, and the governor wanted Kevin Kelly," said Raymond Walker, a Republican who retired four years ago after serving more than four decades as elected clerk and in other posts in Allegany County Circuit Court.

tion "a circus."

"It seems to ment has lar long, and the tion as to whe ing served," Ba

Through a lich affirmed h Kelly but di whether he w place his frie

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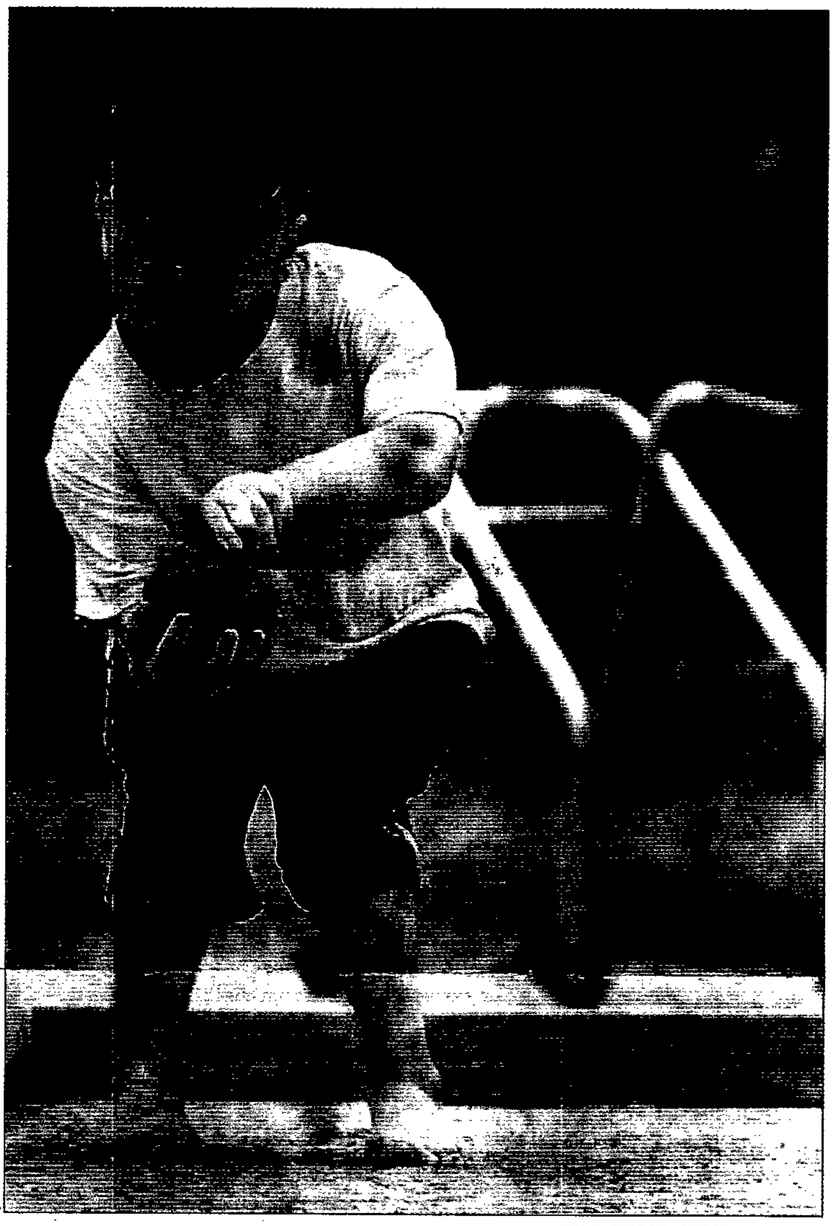
An annual tournament featuring one of Italy's favorite sports brings together people of all ages, skill levels and physical conditions.



KIM HAIRSTON : SUN STAFF PHOTOS

Todd Stringer, graphic artist with a form of dwarfism, prepares to roll his bocce ball at the pallino — a small target ball. His team won first place at the Wheelchair/Stand-Up Bocce Tournament.

Bocce competitors step onto the field as equals

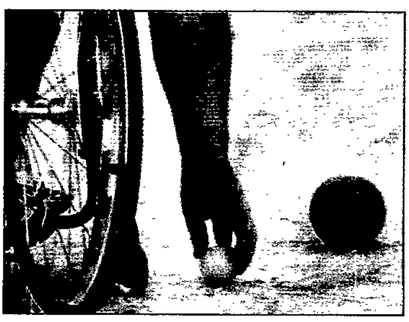
By LAURA BARNHARDT
SUN STAFF

Dominic "Yama" DiFelice started playing bocce because at 25 cents a game, bowling was too expensive.

The 86-year-old Philadelphia native became one of the world's best bocce players, with so many championship titles and awards that one year he gave one of his trophies to every player at Baltimore's annual Wheelchair/Stand-up Bocce Tournament.

Yesterday, DiFelice, who served as the tournament judge, awarded the first-place title and a $120 prize to a team of bocce players that included a Towson University professor, a guitar instructor, a graphic artist with a form of dwarfism and a player in a wheelchair.

"Anyone can play, at any age," said DiFelice, who lives part time in Owings Mills. "I still play three or four times a week. I have to keep in shape."



Gunther Lerche picks up the pal annual bocce tournament. Alon place title, his team won a $120 p

DiFelice said the game is played in more than 15 countries, including Argentina and China.

"It should be an Olympic sport," he said.

Twenty-eight players competed at Patterson Park yesterday, ranging in age from 13 to 78 — some with disabilities.

It was the first time that the annual tournament, sponsored by the city's Parks and Recreation Department, was held outside Little Italy, where bocce is nearly as popular as gelato in the summer.

"Once you've played it, you're hooked," said Ben Huff, a 25-year-old guitar teacher from Westminster who was on the first-place team.

The sport is sometimes described as a cross between billiards and bowling.

A tiny ball — about the size of a lime called a *pallino* — is thrown first. Then players

PETITIONER'S
EXHIBIT NO. 2

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KIM HAIRSTON : SUN STAFF PHOTOS

Dominic "Yama" DiFelice, one of the world's best bocce players, gives a ruling as he serves as a judge at the Wheelchair/Stand-up Bocce Tournament, which attracted players ages 13 to 78.

Competitors have a ball with bocce

[*Bocce, from Page 1B*]

pallino.

Long wooden boards marked off three bocce courts on a baseball field so that six teams could play at once.

The afternoon clouds and occasional drizzle didn't stop the games — or the fun.

"It's a great sport. It doesn't take too much physical strength, but it requires eye-hand coordination and a good sense of depth of field," said Todd Stringer, a 27-year-old graphic designer from Annapolis who has a form of dwarfism.

His team, which included his mother, has won the tournament the past three years.

"It's a competitive game that anyone can play," said Stringer.

Two years ago, a Little Italy bocce tournament organizer tried to keep Stringer and his teammates from playing against nondisabled players, apparently believing that the nondisabled players wouldn't want to beat a disabled player.

With pressure from city officials and local businesses and residents, Stringer and his teammates were allowed to play, and they won several rounds.

"I think these kind of events raise awareness about the abilities of disabled players," said Stringer's mother, Andrea Boucher, a physical-education professor at Towson University.

Yesterday's tournament organizer Mike Naugle says the "sport itself is an equalizer."

"It's a lifetime sport, too — something you can do when you're young or older," said Naugle, who oversees the city Recreation and Parks' Therapeutic Recreation Division.

One team competing yesterday included players from the John Booth Senior Center in Highlandtown.

The youngest competitor was 13-year-old Katie Boyle from Overlea, who wore a pink "I want a pony" T-shirt. She said her aunt and uncle asked her to check out the tournament with them.

"It's my first time playing bocce," she said. "I think it's really fun. There are a lot of good people playing. It's friendly competition."

Paul Hart (left) and Dennis Bozzell watch as Charlotte Jankowiak rolls a bocce ball toward the target ball during the tournament.

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Jumbo Snow Crab Legs
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Fri. Sat. (before 5

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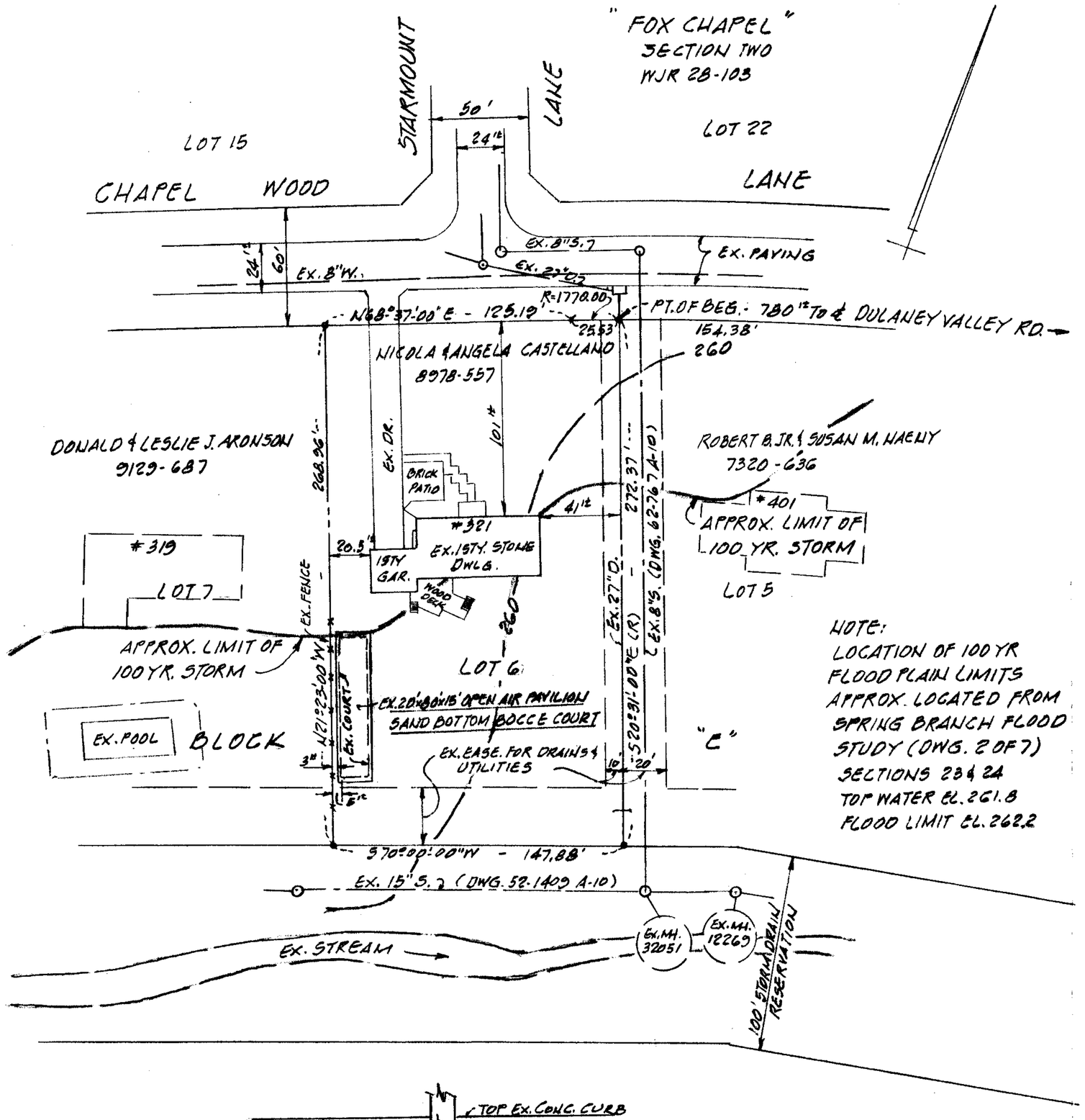
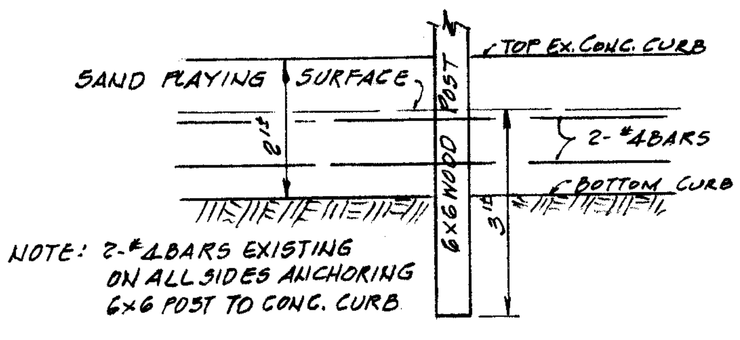
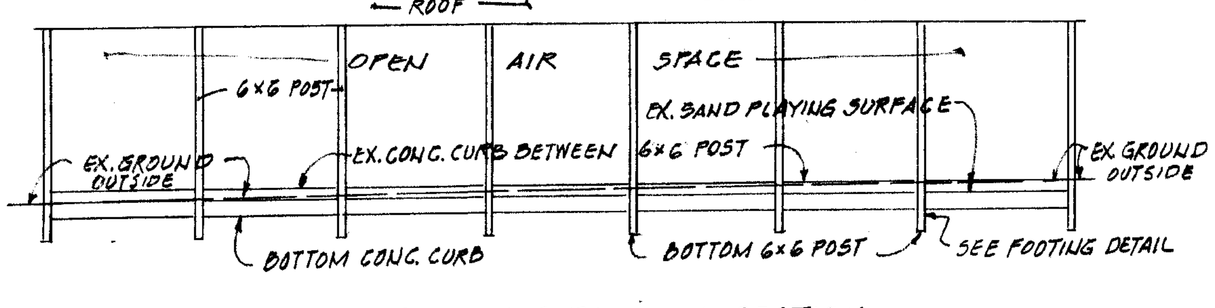


NOTE:
LOCATION OF 100 YR FLOOD PLAIN LIMITS APPROX. LOCATED FROM SPRING BRANCH FLOOD STUDY (DWG. 2 OF 7) SECTIONS 23 & 24
TOP WATER EL. 261.8
FLOOD LIMIT EL. 262.2



FOOTING DETAIL
NO SCALE

NOTE:
ROOF TO BE ANCHORED TO FOOTING BY EXTENDING ROOF CABLES TO FOOTING



OPEN AIR PAVILION SECTION
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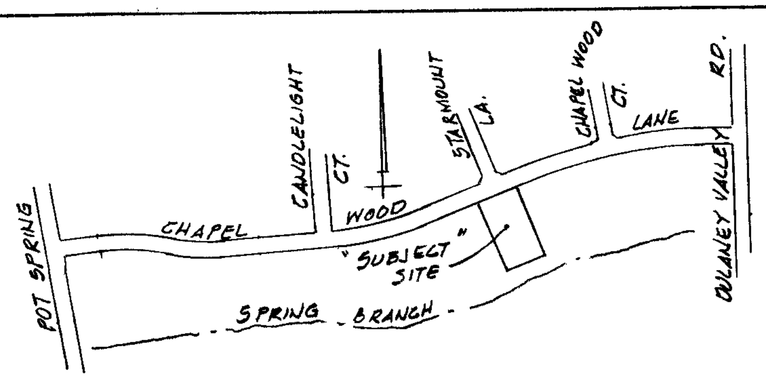


LOCATION MAP
SCALE: 1" = 500'

1. AREA OF PROPERTY = 0.92 AC.±
2. EXISTING ZONING OF PROPERTY = "DR-1"
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPERTY ACCT.# 08-23-037260, DEED: 8978-557
5. PROPERTY SERVED BY PUBLIC SEWER & WATER
6. PETITIONER REQUESTING A SPECIAL HEARING FOR A WAIVER PURSUANT TO SECT. 500.6, BCZR; SECT. 3112.0 BUILDING CODE; AND SECT. 32-4-414, 32-4-107, (a)(2,) 32-8-301 BCC TO PERMIT A REBUILT OPEN PAVILION SUPPORTED BY 6x6 POSTS, OPEN ON 4 SIDES BOCCE BALL COURT WITH ROOF IN A RIVERINE FLOOD PLAIN.
7. THE PREVIOUS OWNER PRIOR TO THE PETITIONER HAD CONSTRUCTED A BOCCE BALL COURT FACILITY WITH LIGHTS IN THIS LOCATION FOR RECREATIONAL USE. THE FACILITY HAS BEEN USED BY THE PETITIONER'S FAMILY AND FRIENDS FOR OVER THE PAST 12 YEARS. RENOVATION OF THE FACILITY WAS REQUIRED AND A NEW OPEN PAVILION WITH A ROOF WAS CONSTRUCTED. DURING A COUNTY INSPECTION, THE PETITIONER WAS REQUIRED TO FILE FOR A BUILDING PERMIT WHICH WAS GRANTED 3-23-05 (B#586738). THE ROOF WAS CONSTRUCTED AND ON 4-14-05 THE PERMIT WAS SUSPENDED DUE TO THE PAVILION BEING IN THE 100 YR. FLOOD PLAIN.
8. INFORMATION SHOWN ON THE SITE PLAN RELATIVE TO STREAM LOCATION AND FLOOD PLAIN LIMITS WAS OBTAINED FROM BALTIMORE COUNTY FILES. SPRING BRANCH FLOOD STUDY (DWG. # 27) BALTO. COUNTY ZONING PLATS NE 12 & 13A AND POSITION SHEETS 52 NE 3 AND 53 NE 4.

06-011 SPH

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL HEARING
321 CHAPEL WOOD LANE

ELECT. DIST. 8C3 — BALTIMORE CO., MD.
SCALE: 1" = 50' — JULY 30, 2005

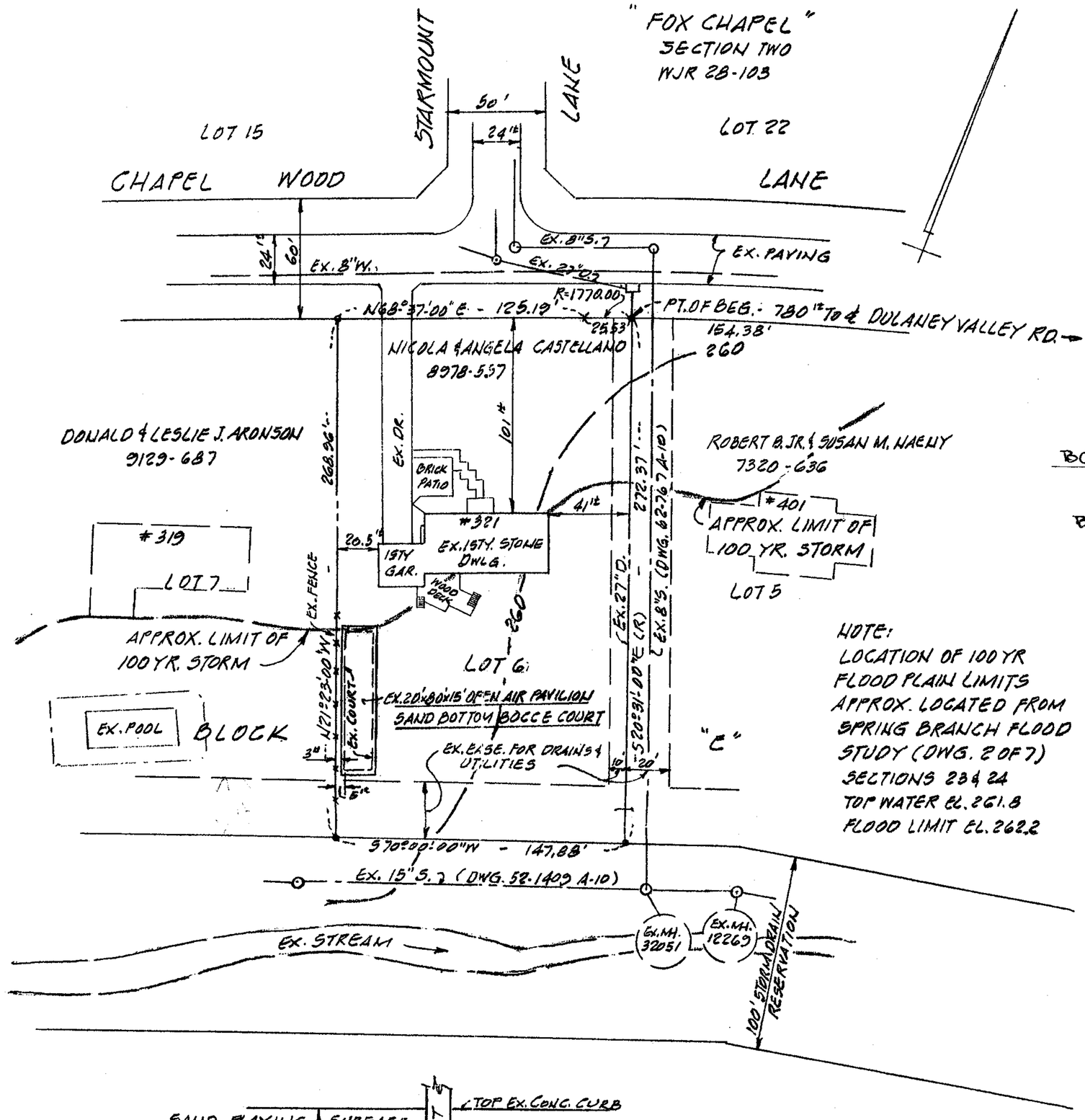
PETITIONER'S EXHIBIT NO. 1

OWNERS:
NICOLA & ANGELA CASTELLANO
321 CHAPELWOOD LANE
LUTHERVILLE-TIMONIUM, MD. 21093

STATE OF MARYLAND — PAUL LEE — 4047 — PROFESSIONAL ENGINEER

ENGINEER: CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070

25-194.00



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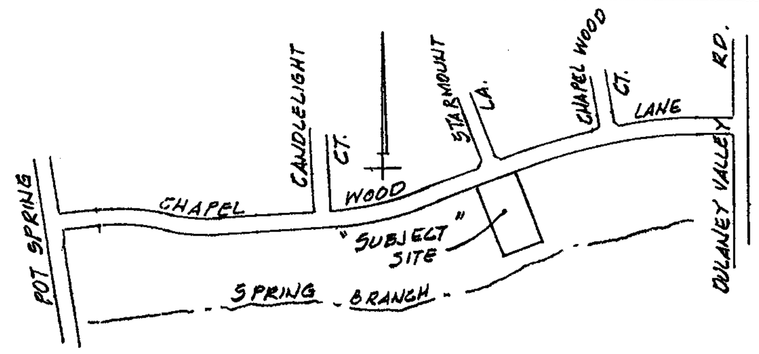
TOP WATER EL. 261.8
FLOOD LIMIT EL. 262.2

BCBC	SEC. 3112.0	PAGE 39
BCC	SEC. 32-4-414	PAGES 7 & 8
	SEC. 32-4-107 (a)(2)	PAGES 5 & 6
	SEC. 32-8-301	PAGE 14



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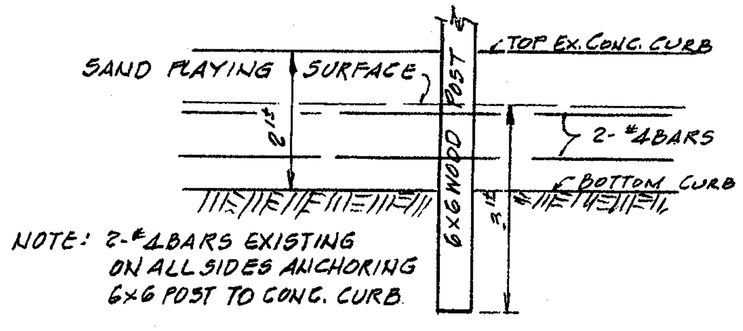
5. PROPERTY SERVED BY PUBLIC SEWER & WATER
6. PETITIONER REQUESTING A SPECIAL HEARING FOR A WAIVER PURSUANT TO SECT. 500.6, BCZR; SECT. 3112.0 BUILDING CODE; AND SECT. 32-4-414, 32-4-107, (a)(2,) 32-8301 BCC TO PERMIT A REBUILT OPEN PAVILION SUPPORTED BY 6x6 POSTS, OPEN ON 4 SIDES BOCCE BALL COURT WITH ROOF IN A RIVERINE FLOOD PLAIN.
7. THE PREVIOUS OWNER PRIOR TO THE PETITIONER HAD CONSTRUCTED A BOCCE BALL COURT FACILITY WITH LIGHTS IN THIS LOCATION FOR RECREATIONAL USE. THE FACILITY HAS BEEN USED BY THE PETITIONER'S FAMILY AND FRIENDS FOR OVER THE PAST 12 YEARS. RENOVATION OF THE FACILITY WAS REQUIRED AND A NEW OPEN PAVILION WITH A ROOF WAS CONSTRUCTED. DURING A COUNTY INSPECTION, THE PETITIONER WAS REQUIRED TO FILE FOR A BUILDING PERMIT WHICH WAS GRANTED 3-23-05 (B#586738). THE ROOF WAS CONSTRUCTED AND ON 4-14-05 THE PERMIT WAS SUSPENDED DUE TO THE PAVILION BEING IN THE 100 YR. FLOOD PLAIN.
8. INFORMATION SHOWN ON THE SITE PLAN RELATIVE TO STREAM LOCATION AND FLOOD PLAIN LIMITS WAS OBTAINED FROM BALTIMORE COUNTY FILES. SPRING BRANCH FLOOD STUDY (DWG. # 27) BALTO. COUNTY ZONING PLATS NE 12 & 13A AND POSITION SHEETS 52 NE 3 AND 53 NE 4.

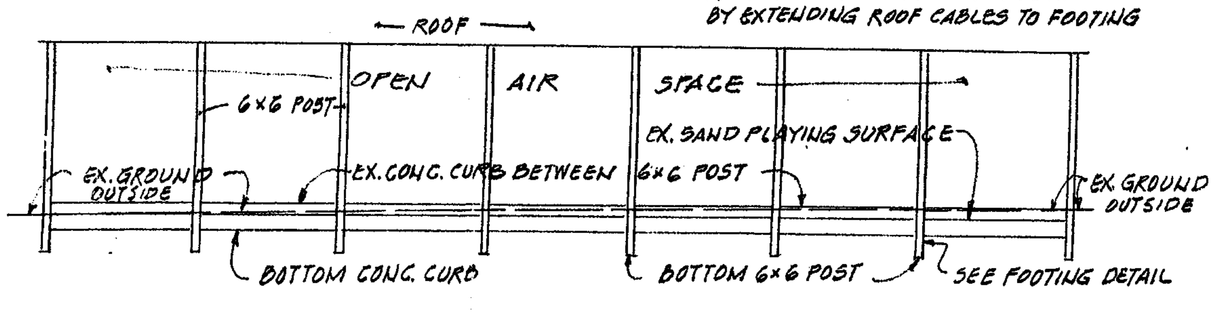
06-011 SPH



NOTE: 2-#4 BARS EXISTING ON ALL SIDES ANCHORING 6x6 POST TO CONC. CURB

FOOTING DETAIL
NO SCALE

NOTE:
ROOF TO BE ANCHORED TO FOOTING BY EXTENDING ROOF CABLES TO FOOTING



OPEN AIR PAVILION SECTION
NO SCALE

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL HEARING
321 CHAPEL WOOD LANE

ELECT. DIST. 8C3 — BALTIMORE CO., MD.
SCALE: 1" = 50' — JULY 30, 2005

OWNERS:
NICOLA & ANGELA CASTELLANO
321 CHAPELWOOD LANE
LUTHERVILLE-TIMONIUM, MD. 21093

ENGINEER: CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070

STATE OF MARYLAND — PAUL LEE — 4047 — PROFESSIONAL ENGINEER

25-194.00