07-428-SPH

2/17/2009 @ 10 a.m. Day # 1

completed - Memos due ~~5/18/09~~ - ~~attended to 7/16/09~~

Opinion & Order of Remand Issued 1/21/11

Final Opinion & Order Issued 4/13/11

~~6/25/09 @ 9:00 Deliberation~~

PP

~~August 4, 2009 @ 9:00 Deliberation~~ ~~Expedited Hearing~~

PP

PP

~~November 18, 2010 @ 10:00~~ ~~Day #2~~

December 7, 2010 @ 10:00 Day #2 ✓

concluded

~~settled~~

remanded

~~TCM~~

Case to be held sub curia

March 31, 2011 @ 9:30 Deliberation (20070428) ✓ A

Supplemental

1 of 2

✓E

4/63/4

RE: PETITION FOR SPECIAL HEARING 9 Boxwood Lane; N/S Boxwood Lane, 290' W of c/line York Road 8th Election & 3rd Councilmanic Districts Legal Owner(s): Jakub Scigala Petitioner(s)	*	BEFORE THE COUNTY
	*	BOARD OF APPEALS
	*	FOR
	*	BALTIMORE COUNTY
	*	07-428-SPH

* * * * * * * * * * * * *

OPINION AND FINAL ORDER

The County Board of Appeals conducted a *de novo* hearing on February 17, 2009 on the Petitioner Jakob Scigala's appeal of the Zoning Commissioner's July 30, 2008 decision denying a Petition for Special Hearing for a waiver from the development law restricting construction in a 100-year riverine floodplain. Mr. Scigala had commenced construction of a 21' x 23' garage addition to his shed in the rear of his property at 9 Boxwood Lane in Cockeysville. It came to the attention of county officials that the construction was in the riverine floodplain. As a result, Mr. Scigala filed the petition for a waiver.

At the hearing on February 17, 2009, Mr. Scigala was represented by Brian Bennett, Esquire and People's Counsel for Baltimore County, Peter Max Zimmerman, appeared to defend the master plan concerning floodplain protection. Following the hearing, Chairman Lawrence Stahl suggested that the parties explore a potential resolution of the matter by consensus, subject to Board review. Unfortunately, the negotiations did not come to fruition and eventually the Board rescheduled the matter for hearing on December 7, 2010.

By the date of December 7, 2010, the Board had heard a somewhat similar case involving construction in the riverine floodplain. This was the case of Christopher Malstrom, Case No. 10-094-SPH, at 8301 Wilson Avenue, decided December 2, 2010. The Board determined to remand the Malstrom case to the Building Engineer to determine whether the construction amounted to a "substantial improvement" and so might be outside the scope of the development law restrictions.

In light of the Malstrom decision, People's Counsel on December 7, 2010 suggested that it would be appropriate and fair to handle the present case similarly, with a remand to the Building Engineer. The scope of the remand was to involve the Buildings Engineer's determination not only as to whether the construction is a substantial improvement, but also whether any other building code provisions are relevant and applicable.

A Remand Order was prepared and on January 21, 2011, the Board ordered that the matter be remanded to the Baltimore County Building Engineer for review to determine whether Petitioner's proposed garage at 9 Boxwood Lane is a "substantial improvement" under the Building Code and to determine the scope and applicability of such other provisions of the Building Code he finds relevant to the garage construction. The Board determined that the case should be held *sub curia*, and a final ruling would not be entered until the Buildings Engineer reported back as to his determinations and until the Board thereupon conducted appropriate proceedings.

At the time of that decision, Mr. Stahl had been appointed to the position of Managing Administrative Law Judge in Baltimore County and had terminated his position as Chairman of the Board of Appeals. On or about February 9, 2011, the Board received a letter from the Building Engineer stating his position with respect to the fact that he felt that the garage being constructed by Mr. Scigala was a substantial improvement to his property and therefore did not qualify for a waiver of the permit.

On February 17, 2011, Chairman Wescott, who had replaced Mr. Stahl, as the Chairman of the Board sent a letter to all Counsel enclosing the Building Engineer's letter and requesting comments from Counsel, stating their position with respect to the communication.

On March 10, 2011, a letter from the Board Administrator officially notified Counsel that Mr. Wescott was replacing Mr. Stahl as Chairman of the Board and of this matter.

Comments were received from People's Counsel with respect to the letter of the Buildings Engineer, but no comments were received from Counsel for the Appellant, Mr.

Scigala. Therefore, the Board determined to hold a Public Deliberation on the matter and such a Deliberation was held on March 31, 2011.

Decision

In his letter the Building Engineer stated:

> "Based on both the site plan and market value data obtained from the State Department of Assessments and Taxation (SDAT), I am of the opinion that the improvements amounted to a substantial improvement. As I say earlier, the extent of the improvements is irrelevant because the improvement consisted of two elements: (1) improvement to an existing shed + (2) enlargement of the replacement garage beyond the footprint of the pre-exiting shed which facts preclude the potential waiver remedy. Additionally, I have enclosed a copy of a SDAT report for tax year 2007 showing the market value after construction of the garage as $133,290 as compared to a market value of $60,290 before construction of the garage where the Building on the property consist both of a house and shed as confirmed by the Site Plan."

Based upon the opinion of the Building Engineer, the Board determined that the construction of the garage on Mr. Scigala's property is a substantial improvement within the meaning of Section 32-8-101(dd) of the *Baltimore County Code* (BCC), and a waiver could not be granted.

ORDER

IT IS THEREFORE this 13th day of April, 2011, by the Board of Appeals of Baltimore County

ORDERED that Petitioners request for Special Hearing relief for a Waiver filed pursuant to Section 500.6 of the Baltimore County Zoning Regulations (BCZR); Section 3112.0 of the

Building Code, and Sections 32-4-414; 32-4-107(a)(2) and 32-8-301 of the Baltimore County Code (BCC) to permit the building of an addition of a 1 ½ story garage built onto an existing 21' x 23' shed in order to store vehicles and equipment in a Riverine Floodplain and to amend the previously approved site plan in Case No. 07-051-SPHA, be and is hereby DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

LAWRENCE S. WESCOTT, Chairman

EDWARD W. CRIZER, Panel Member

ROBERT W. WITT, Panel Member

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 13, 2011

Brian Bennett, Esq.
Terziu & Bennett
2211 Eastern Blvd
Baltimore, MD 21220

Peter M. Zimmerman, Esquire and
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Jakub Scigala-Legal Owner/Petitioner*
Case No.: 07-428-SPH

Dear Counsel:

Enclosed please find a copy of the Opinion and Final Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/KC

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Jakub Scigala
Nicasio Dematera, P.E./McKee & Associates
Edward Adams, Jr., Director/Dept Public Works
Lawrence M. Stahl, Managing Administrative Judge
Jeff Mayhew, Acting Director/Office of Planning
Michael Field, County Attorney
Joel Plitt/Ruhf Plitt Architects, Ltd
John Sullivan
David Thomas/Dept Public Works
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Donald Brand, Building Engineer/PAI

7/30/08

IN RE: PETITION FOR SPECIAL HEARING N side of Boxwood Lane, 290 feet W of the c/l of York Road 8th Election District 3rd Councilmanic District **(9 Boxwood Lane)** Jakub Scigala *Petitioner*	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **Case No. 07-428-SPH**

* * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Jakub Scigala, legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Sections 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC to permit to build an addition in a Riverine Floodplain, and to amend previously approved site plan in Case No. 07-051-SPHA. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing were Petitioner Jakub Scigala and his attorney, Brian Bennett, Esquire.

This matter has been the subject of several hearings and a brief discussion of the proceedings is warranted. Essentially, it has been Petitioner Mr. Scigala's desire for almost two years to build an addition onto his 21 foot by 23 foot shed located on the rear of his property. The addition would consist of a 1½-story garage built onto the shed in order to store vehicles and equipment. The garage addition would be 23 feet by 30 feet as shown on the site plan. In order to do so, Petitioner initially filed a Petition for Special Hearing and Variance in Case No. 07-

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Date 7-30-08
By PB

051-SPHA in order to request an accessory structure with a footprint larger than the principal structure, and to permit an accessory structure with a height of 19 feet in lieu of the maximum permitted 15 feet. In an Order dated October 6, 2006, then-Deputy Zoning Commissioner John V. Murphy granted Petitioner's requested relief and construction commenced on the garage addition.[1]

Shortly thereafter, Petitioenr was informed by Baltimore County officials that because he was constructing this garage addition in the riverine floodplain, he would require additional zoning relief in the form of a request for waiver of the floodplain requirements and regulations. Hence, Petitioner filed the instant request for Special Hearing relief. This matter came before then-Deputy Zoning Commisioner Murphy on June 7, 2007. At that time, the Bureau of Development Plans Review and the Department of Public Works recommended that the waiver be denied. The case was then postponed in order to give Petitioner the opportunity to obtain a floodplain study to determine if a waiver would be warranted.

Petitioner retained McKee & Associates, Inc. (McKee) and on September 17, 2007, that firm submitted a copy of its floodplain study to David Thomas, P.E., Assistant to the Department of Public Works Director Edward C. Adams, Jr. The study was marked and accepted into evidence as Petitioner's Exhbit 3. Based on the submitted study, McKee concluded that the impact of Petitioner's garage addition on the floodplain would be "minimal." This matter was then rescheduled for a heairng on November 1, 2007. In response to the McKee study, the Department of Public works had not yet submitted an updated comment concerning Petitioner's waiver request. At the conclusion of the hearing, I indicated to Petitioner and his attorney that if

[1] Based on the photographs submitted at the most recent hearing of this matter on June 5, 2008, it appears construction of the garage is almost complete. The photographs show a very attractive structure and it is obvious that Petitioner has expended a great deal of time, effort, and expense to construct the garage addition to his shed.

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7-30-08
PM

the comment from the Department of Public Works (DPW) was favorable, I would issue an Order granting the waiver; however, if the updated comment from DPW continued to recommend denial of the waiver, I would allow this matter to be re-scheduled in order to give Petitioner an opportunity to respond to DPW's comment and perhaps confront Mr. Thomas as a witness at the next hearing.

Unfortunately for Petitioner, the comment generated by Director Adams of DPW was not favorable. In his comment dated November 2, 2007, Director Adams indicated that the McKee study revealed a base flood elevation where the garage addition is located of 254.81 feet, with the lowest grade elevation of approximately 248 feet -- giving a potential depth of flooding at the structure location in excess of six feet. As such, DPW recommended that the floodplain waiver request be denied.

As a result of the negative comment from DPW, this matter was again scheduled for a hearing on June 5, 2008. David Thomas, P.E., Assistant to Director Adams, attended the hearing and testified in order to elaborate on Director Adams November 2, 2007 commment. In his testimony, Mr. Thomas stressed that the fact that Petitioner's project will not add more impact to the floodplain is not the determining factor in this case. Rather, it is the significant six foot difference in the floodplain elevations that is controlling. As shown in the McKee study, the difference in elevations is what makes DPW recommend against the waiver. The added risk of the potential floodplain impact during the "right" storm, given the six foot difference in elevations, is what makes this project prohibitive from DPW's point of view. Other than the original floodplain study, Petitioner was unable to produce any additional evidence to refute Mr. Thomas' testimony.

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7.30.08
PM

Although it pains me to do so, based on the testimony and evidence presented, I am unable to grant the special hearing relief in order to approve the garage addition as proposed. Section 32-8-303(a) of the Baltimore County Code (B.C.C.) concerns waivers of the floodplain regulations. It states that:

> 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.

In addition, Section 32-8-303(c) of the B.C.C. states that "[i]n 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." Although it is evident based on the photographs presented at the hearing and marked and accepted into evidence as Petitioner's Exhibits 6A through 6C that the garage constructed by Petitioner appears to be built very substantially, I am bound by the waiver provisions of Section 32-8-303 of the B.C.C. Petitioner demonstrated during the hearings that he has put forth great effort to maintain his property, which he characterized before he purchased as a "dump." People literally used the property as a dumping ground. Petitioner has cleaned up the property of debris, made improvements to the dwelling, and now desires to improve the existing shed with a garage addition; however, the County's Department of Public Works submitted a negative comment, recommending denial of the waiver. After reviewing all the evidence, I will not deviate from that recommendation. Hence, the request for special hearing for a waiver of the floodplain

ORDER RECEIVED FOR FILING
7-30-08
pm

regulations must be denied. I am extremely sympathetic to Petitioner's plight, especially since he has not done anything wrong and, on the contrary, has taken every appropriate step to ensure the legality of his project. But I also cannot ignore the recommendation of the Department of Public Works, whose responsibility it is to make determinations with regard to the floodplain regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioners' request for special hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 30th day of July, 2008, that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Sections 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC to permit to build an addition in a Riverine Floodplain, and to amend previously approved site plan in Case No. 07-051-SPHA be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order. Unless an appeal is filed thereby staying these proceedings, within the next one hundred twenty (120) days, Petitioner shall, at his sole cost and expense, remove said garage addition in compliance with the floodplain regulations and consistent with the decision rendered herein.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
Date 7-30-08
By pm

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

October 8, 2008

Brian Bennett
Terziu & Bennett
2211 Eastern Boulevard
Baltimore, MD 21220

Dear Mr. Bennett:

RE: Case: 07-428-SPH, 9 Boxwood Lane

Please be advised that an appeal of the above-referenced case was filed in this office on August 15, 2008 from your office. 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
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Jakub Scigala, 9 Boxwood Lane, Cockeysville 21030
Edward Adams, Jr., Public Works
David Thomas, Public Works
Joel Plitt, 100 Cathedral Street, Ste. 5, Annapolis 21401

RECEIVED
OCT 08 2008
BALTIMORE COUNTY
BOARD OF APPEALS

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 29, 2008

BRIAN BENNETT, ESQUIRE
TERZIU & BENNETT
2211 EASTERN BLVD.
BALTIMORE MD 21220

Re: Petition for Special Hearing
Case No. 07-428-SPH
Property: 9 Boxwood Lane

Dear Mr. Bennett:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Jakub Scigala, 9 Boxwood Lane, Cockeysville MD 21030
Edward C. Adams Jr., Director, Baltimore County Department of Public Works
David Thomas, Assistant to the Director, Baltimore County Department of Public Works
Joel Plitt, 100 Cathedral Street, Suite 5, Annapolis MD 21401

Flood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9 Boxwood Lane , Cockeysville, MD 21030

which is presently zoned DR 3.5

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 BUILDING CODE; AND SECTIONS 32-4-414, 32-4-107, (B)(2), 32-8-301 BCC TO PERMIT ~~ADDITION~~ ~~FAHA SCIGALA~~ TO BUILD AN ADDITION IN A RIVERINE FLOODPLAIN AND TO AMEND PREVIOUSLY APPROVED SITE PLAN IN CASE # 07-051-SPHA

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:

Name - Type or Print

Signature

Address Telephone No

City State Zip Code

Attorney For Petitioner:

Brian Bennett

Name - Type or Print

Signature

Terziu & Bennett

Company

2211 Eastern Blvd. (410) 687-4700

Address Telephone No

Baltimore MD 21220

City State Zip Code

Legal Owner(s):

Jakub Scigala

Name - Type or Print

Signature

Jakub Scigala

Name - Type or Print

Signature

9 Boxwood Lane (410) 262-4333

Address Telephone No

Cockeysville, MD 21030

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JF Date 3/20/07

Case No. 07-428-SPH ~~07-051-SPHA~~

REV 9/15/98

[illegible] RECEIVED FOR FILING

Date 7.30.08

By

Zoning Description for 9 Boxwood Lane, Cockeysville, MD 21030-2008

Beginning at a point on the North side of Boxwood Lane which is a 9'-6" wide right of way at the distance of 290'-0" West of the centerline of the nearest improved intersecting street York Road which is 100'-0" wide. As recorded in Deed Liber 24113, Folio 147 containing .40 Acres. The metes and bounds as recorded in Deed are: North 78.50 degrees East, 105.50'; South 13.54 degrees East, 125.05'; South 36.48 degrees West, 38.45'; South 78.57 degrees West, 78.90'; North 12.42 degrees West, 150.50' to the place of beginning. Also known as 9 Boxwood Lane and located in the 8th Election District, 3rd Councilmanic District.

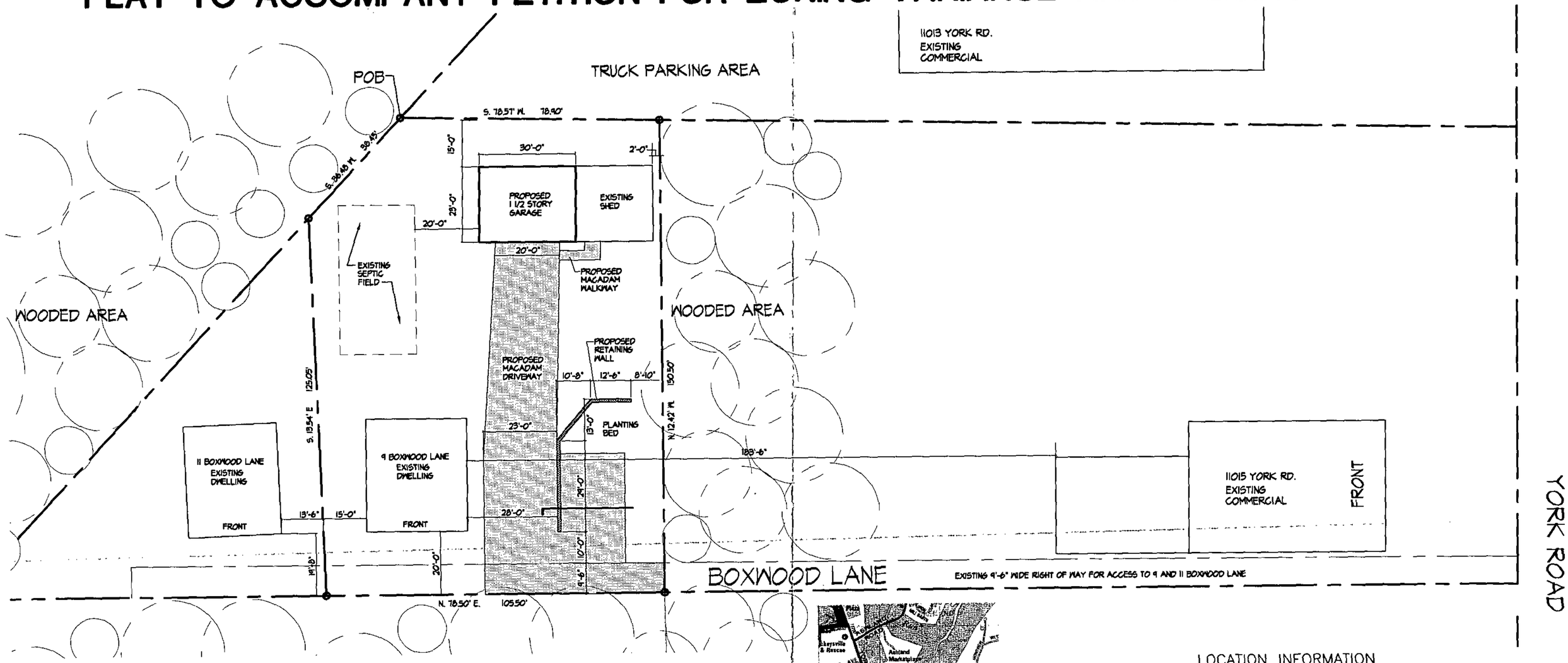
07-428-SPH

~~07-051-SPHA~~

SITE
BL
BL AS
YORK RD
BOXWOOD LN
ML
DR 3.5
BR AS
BR
BEAVER RUN LN
BM
CEDAR KNOLL RD

042B3

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING

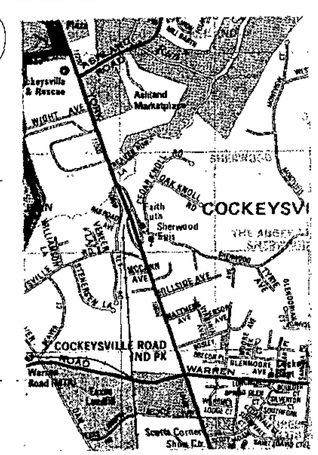


PLAT

SCALE: 1" = 30'

PREPARED BY: RUHF PLITT ARCHITECTS, LTD.

PROPERTY ADDRESS	9 BOXWOOD LANE
OWNER	JAKUB SCIGALA
DESCRIPTION	250 FEET EAST OF YORK ROAD
MAP: 42	GRID: 22 PARCEL: 273
TAX ACCT. NO.	(08) 08-18-037090



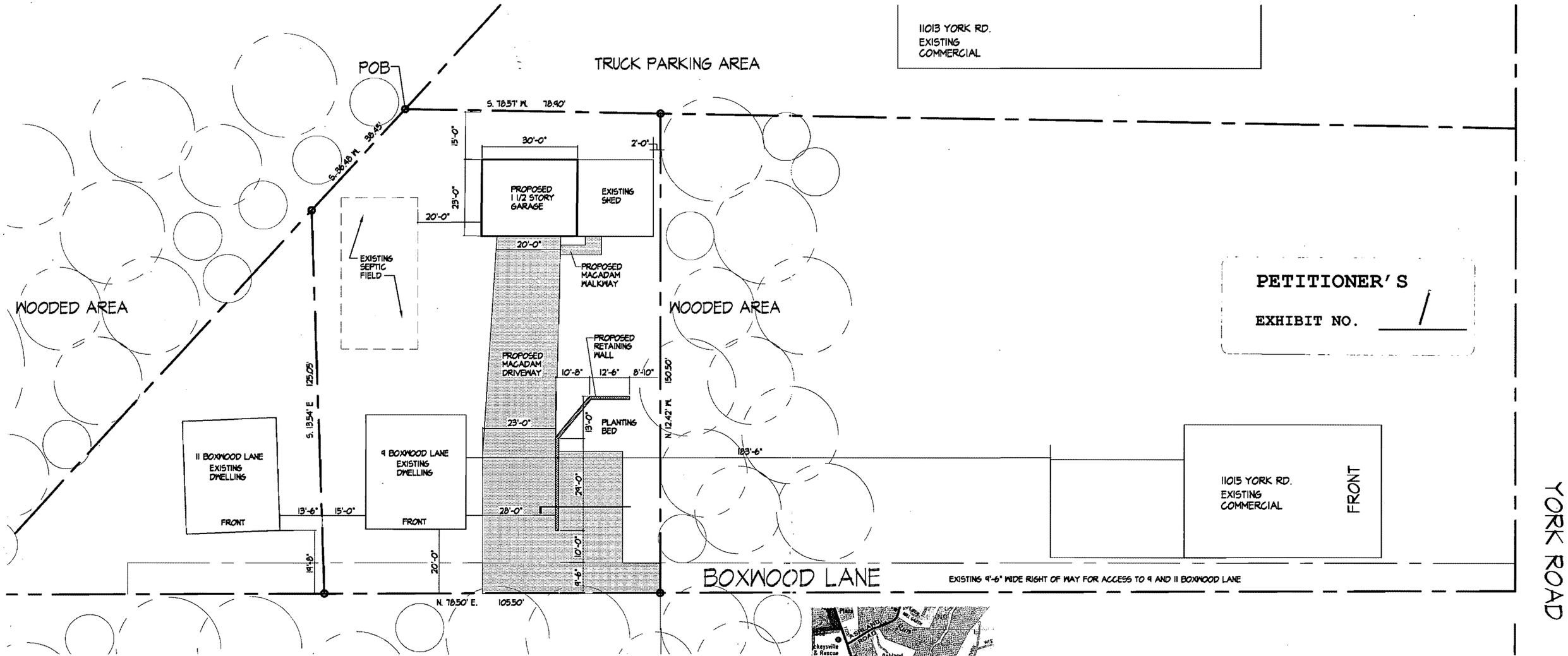
VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	8
COUNCILMANIC DISTRICT	3
1" = 200' SCALE MAP #	042-B-3
ZONING	DR 3.5
LOT SIZE	
.4 ACRES	
15,750 SF	
SEWER	PRIVATE
WATER	PUBLIC
CHESAPEAKE BAY CRITICAL AREA	NO
100 YEAR FLOOD PLAIN	YES-RIVERINE
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	YES-#07-051-SPHA

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING



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MAP: 42 GRID: 22 PARCEL: 273	
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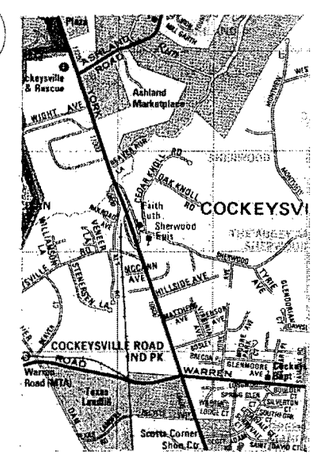

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SCALE: 1" = 1000'

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1" = 200' SCALE MAP #	042-B-3
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WATER	PUBLIC
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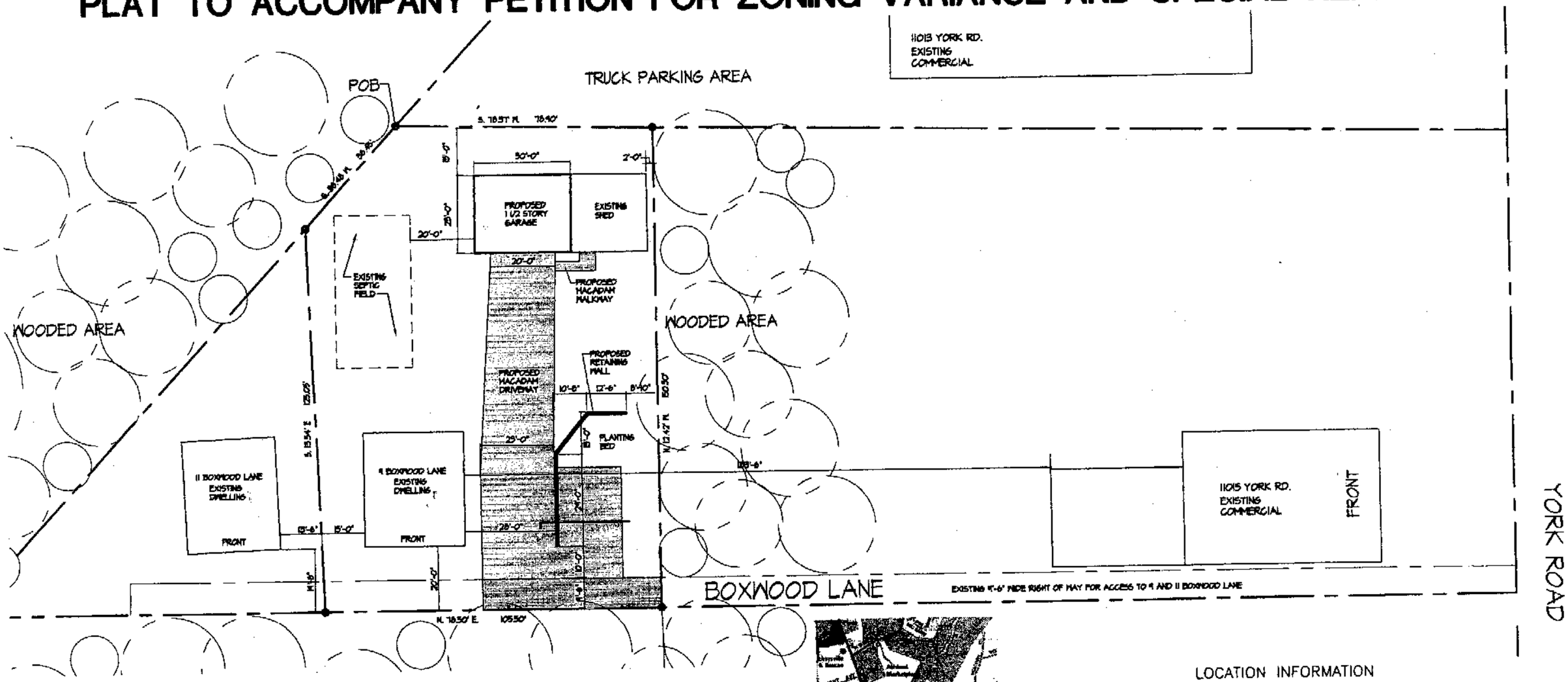
100 YEAR FLOOD PLAIN	YES-RIVERINE
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	YES-#07-051-SPHA

07-428-SPH

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING



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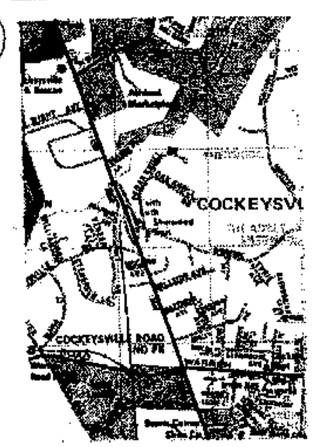
OWNER	JAKUB SCIGALA
DESCRIPTION	250 FEET EAST OF YORK ROAD
MAP: 42	GRID: 22 PARCEL: 273
TAX ACCT. NO.	(08) 08-18-037090



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

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COUNCILMANIC DISTRICT	3
1" = 200' SCALE MAP #	042-B-3
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15,750 SF	
SEWER	PRIVATE
WATER	PUBLIC
CHESAPEAKE BAY CRITICAL AREA	NO
100 YEAR FLOOD PLAIN	YES-RIVERINE
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	YES-#07-051-SPHA

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: ~~DAM-05-KEYSTHA~~ 07-428-SPH

Petitioner: JAKUB SCIGALA

Address or Location: 9 BOXWOOD LANE, COCKEYSVILLE, MD. 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAKUB SCIGALA

Address: 9 BOXWOOD LANE, COCKEYSVILLE, MD 21030

Telephone Number: 410-262-4333

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25075

DATE 3-22-07 ACCOUNT 001-006-6150

AMOUNT $ 115.00

RECEIVED FROM: Jakub Seigalas

FOR: 9 Raymond Ln Item # 428
Site

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	ITEM
3/22/2007	3/22/2007	11:16:10	1

REG WK01 WALKIN WK10 PAR
>>RECEIPT # 225075 3/22/2007 OFLN
Dept 5 SIGN POSTING VERIFICATION
CR NO. 025075
Recpt Tot $115.00
$.00 CK $115.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: # 07-428-SPH
9 Boxwood Lane
N/side of Boxwood Lane @ distance of 290 feet west of centerline of York Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Jakub Scigala

Special Hearing: for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Sections 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC to permit to build an addition in a Riverine Floodplain and to amend the previously approved site plan in case 07-051-SPHA.

Hearing: Thursday, June 7, 2007 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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) 887-3868.

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

JT 5/758 May 22 136186

CERTIFICATE OF PUBLICATION

5/24/, 2007

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 5/22/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: May 23 , 2007

Attention: Mr. Timothy Kotroco / Mrs. Kristen Matthews MAI Job No : SP-12 (2nd posting)

RE:Case Number : 07-428-SPH

Petitioner/Developer: Jakub Scigala

Date of Hearing/Closing: Thurday June 7, 2007 @ 10:00 am

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at # 9 Boxwood Lane (2 signs – 1 Onsite & 1 @ York Road and Boxwood Lane intersection, same locations as I previously posted 07-051-SPHA)

The sign(s) were posted on May 21, 2007

(Month, Day, Year)

(Signature of Sign Poster)

William D. Gulick, Jr.
(Printed Name of Sign Poster)

McKee and Associates, Inc.
5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

(410) 527-1555
(Telephone Number of Sign Poster)

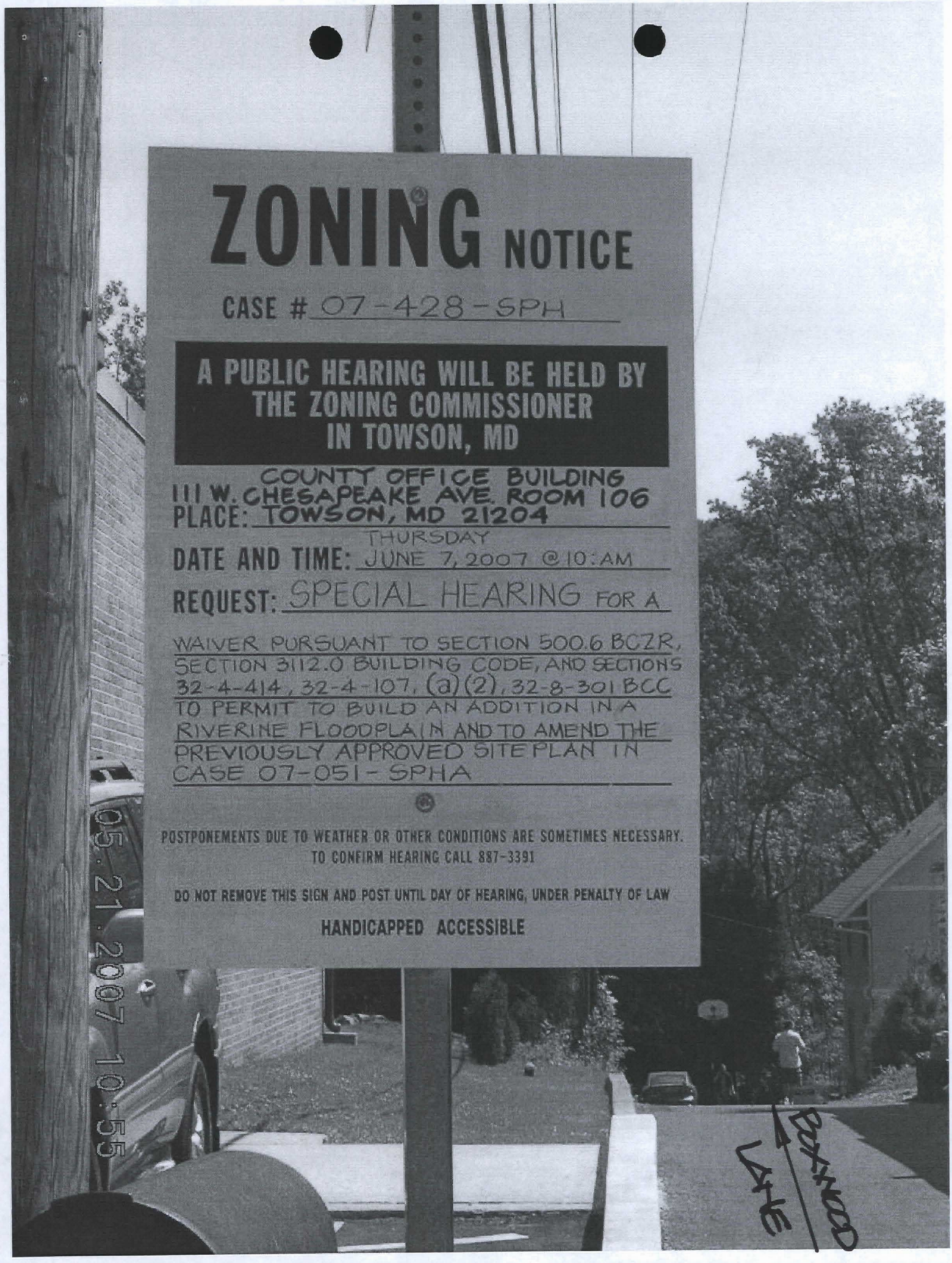
SEE
ATTACH PHOTOGRAPH OF SIGN POSTED ON PROPERTY

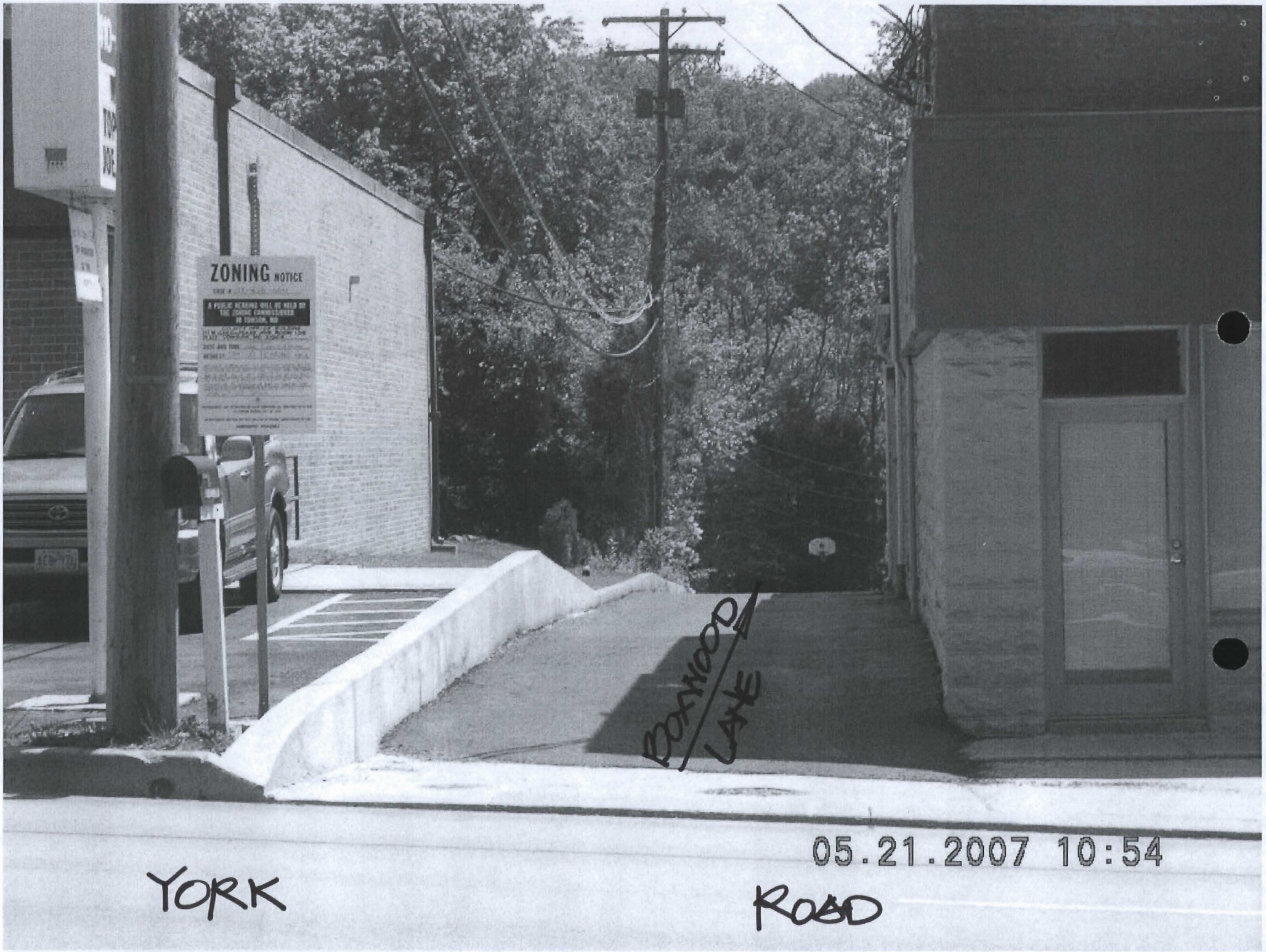
Revised 3/1/01 - SCJ

RECEIVED

MAY 24 2007

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT


ZONING NOTICE
CASE # 07-428-SPH
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVE. ROOM 106 TOWSON, MD 21204
DATE AND TIME: THURSDAY JUNE 7, 2007 @10:AM
REQUEST: SPECIAL HEARING FOR A WAIVER PURSUANT TO SECTION 500.6 BCZR, SECTION 3112.0 BUILDING CODE, AND SECTIONS 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC TO PERMIT TO BUILD AN ADDITION IN A RIVERINE FLOODPLAIN AND TO AMEND THE PREVIOUSLY APPROVED SITE PLAN IN CASE 07-051-SPHA
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
05.21.2007 10:55
BOXWOOD LANE


ZONING NOTICE
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
BOXWOOD LANE
05.21.2007 10:54
YORK ROAD

ZONING NOTICE

CASE # 07-428-SPH

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

PLACE: COUNTY OFFICE BUILDING ROOM 106
111 W. CHESAPEAKE AVENUE
TOWSON, MD 21204

DATE AND TIME: THURSDAY
JUNE 7, 2007 @ 10:00 AM

REQUEST: SPECIAL HEARING
FOR A WAIVER PURSUANT TO SECTION 500.6, BCZR, SECTION 3112.0 BUILDING CODE, AND SECTIONS 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC TO PERMIT TO BUILD AN ADDITION IN A RIVERINE FLOODPLAIN AND TO AMEND THE PREVIOUSLY APPROVED SITE PLAN IN CASE 07-051-SPHA.

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 PENA

HANDICAPPED ACCESSIBLE

05.21.2007 10:41

ZONING
BOX WOOD LANE
05.21.2007 10:44

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: May 23, 2007

TO: Baltimore County, PDM/Zoning

RE : Case No. : 07-428-SPH
9 Boxwood Lane
MAI :Job No. : SP-012 2ND posting

ATTENTION:Mr. Timothy Kotroco / Mrs. Kristen Matthews

(X) We are submitting ( ) We are returning ( ) We are forwarding

( ) Herewith ( ) Under separate cover

No.	Description
1	Certificate Of Posting
2	Photos

(X) For processing ( ) For your use ( ) For your review

( ) Please call when ready ( ) Please return to this office ( ) In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

William D. Gulick, Jr.

cc: File

RECEIVED
MAY 24 2007
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, *Director*
Department of Permits and Development Management

April 23, 2007

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: 07-428-SPH
9 Boxwood Lane
N/side of Boxwood Lane @ distance of 290 feet west of centerline of York Road
8th Election District – 3rd Councilmanic District
Legal Owners: Jakub Scigala

Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Sections 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC to permit to build an addition in a Riverine Floodplain and to amend the previously approved site plan in case 07-051-SPHA.

Hearing: Thursday, June 7, 2007 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Timothy Kotroco
Director

TK:klm

C: Brian Bennett, Terziu & Bennett, 2211 Eastern Blvd., Baltimore 21220
Jakub Scigala, 9 Boxwood Lane, Cockeysville 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 23, 2007.**
(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.

Requested: October 9, 2008

APPEAL SIGN POSTING REQUEST

CASE NO.: 07-428-SPH

9 Boxwood Lane 27-A-11

8th ELECTION DISTRICT APPEALED: 8/15/2008

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

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

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 07-428-SPH

LEGAL OWNER: **JAKUB SCIGALA**

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

9 BOXWOOD LANE
N/SIDE OF BOXWOOD LANE, 290' W/OF C/L YORK ROAD

The sign was posted on 11-25-08, 2008.

By: Dan O'Neill
(Signature of Sign Poster)

DAN O'NEILL
(Print Name)

ZONING APPEAL
PUBLIC HEARING
CASE NUMBER
07-428-SPH
FOR INFORMATION CALL
887-3180
DO NOT REMOVE
UNDER PENALTY OF LAW
BALTIMORE COUNTY BOARD OF APPEALS
11.25.2008 15:21

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

No. 23928

Date: 8/15/08

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				400.00

Total: 400.00

Rec From: Teresa C Bennett

For: Appeal 07-428-SPH
9 Parkwood Lane

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

PAID RECEIPT

USINESS	ACTUAL	TIME	DRW
2/19/2008	8/15/2008	15:20:35	2

REG ISO2 MAIL JEVA JEE
>>RECEIPT # 598932 8/15/2008 OFLN
Dept. 5 528 ZONING VERIFICATION
CR NO. 023928
Recpt Tot $400.00
$400.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

35383

Terziu & Bennett Attorney Account

BALTIMORE COUNTY 08/13/2008

400.00

ATTORNEY ACCOUNT COSTS - APPEAL/SCIGALA 400.00

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, The Jefferson Building
105 W. Cheapeake Avenue, Second Floor
(next to Suite 203)

November 3, 2008

NOTICE OF ASSIGNMENT

CASE #: 07-428-SPH

IN THE MATTER OF: JAKUB SCIGALA – LEGAL OWNER / PETITIONER 9 Boxwood Lane
8th Election District; 3rd Councilmanic District

7/30/2008 - D.Z.C.'s decision in which requested special hearing relief was **DENIED.**

ASSIGNED FOR: **TUESDAY, FEBRUARY 17, 2009, at 10:00 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: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala
Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Edward C. Adams, Jr., Director /DPW
David Thomas, P.E. /DPW
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

PP
Re-scheduled
8/4/09

Hearing Room #2, The Jefferson Building
105 W. Cheapeake Avenue, Second Floor
(next to Suite 203)

February 23, 2009

NOTICE OF DELIBERATION

CASE #: 07-428-SPH

IN THE MATTER OF: JAKUB SCIGALA – LEGAL OWNER / PETITIONER
9 Boxwood Lane
8th Election District; 3rd Councilmanic District

Having concluded this matter on 2/17/09; public deliberation has been scheduled for the following date / time:

DATE AND TIME : THURSDAY, JUNE 25, 2009 at 9:00 a.m.

LOCATION : Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)

NOTE: Closing briefs are due on Monday, May 18, 2009
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Edward C. Adams, Jr., Director /DPW
David Thomas, P.E. /DPW
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 7, 2009

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Jakub Scigala*
Case No. 07-428-SPH

Dear Mr. Zimmerman:

This letter acknowledges receipt of your letter on this date requesting an extension for filing closing briefs in the above referenced matter and a postponement of the scheduled Deliberation on June 25, 2009. You indicate in your letter that there are no objections to this request by the parties; therefore, your requests have been granted.

The briefs are due in this office no later than 4:00 p.m. on Monday, July 6, 2009 and the Deliberation has been re-scheduled for Tuesday, August 4, 2009 at 9:00. A copy of the Postponement / Re-assignment Notice for the Deliberation is enclosed.

Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Encl.: Notice

c(w/Encl.): Brian Bennett, Esquire
Jakub Scigala
David Thomas, DPW

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 7, 2009

Lawrence M. Stahl, Panel Chairman
County Board of Appeals of Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
MAY - 7 2009
BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of Jakub Scigala -Petitioner
Case No. 07-428-SPH

Dear Mr. Stahl:

Subsequent to the conclusion of the evidentiary hearing on February 17, 2009, the parties began to explore whether any alternative resolution might be feasible, subject to further review by the Board. David Thomas, Assistant to the Director of Public Works, has met with Petitioner's architect. Mr. Thomas informs me that they are working towards a potential revised plan, with the goal of advancing the public safety and welfare.

The parties have made no commitments at this time. Moreover, any revised proposal would be subject to presentation and review by the Board in open hearing. Under the circumstances, it appears reasonable to have a postponement of the May 18, 2009 deadline for memoranda and June 25, 2009 public deliberation date. I have spoken to Brian Bennett, attorney for Petitioner, and I understand him to be agreeable to a reasonable extension.

I respectfully suggest that the postponement not be indefinite. There must be a deadline to give incentive for petitioner and DPW to move expeditiously to finalize in detail any potential revised proposal. Therefore, I suggest a deadline of July 1, 2009 for memoranda and a subsequent deliberation date at the Board's discretion. This means that by June 15, we should be in a position either to have a finalized proposal and request for hearing date or, if not, time to prepare our memoranda by July 1 for a deliberation by the Board based on the current record.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw
cc: Brian Bennett, Esquire
David Thomas, DPW

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, The Jefferson Building
105 W. Cheapeake Avenue, Second Floor
(next to Suite 203)

May 7, 2009

NOTICE OF POSTPONEMENT AND RE-ASSIGNMENT OF DELIBERATION

CASE #: 07-428-SPH

IN THE MATTER OF: JAKUB SCIGALA
– LEGAL OWNER / PETITIONER
9 Boxwood Lane
8th Election District; 3rd Councilmanic District

Having concluded this matter on 2/17/09; public deliberation was schedule for June 25, 2009 and has been postponed. The Public Deliberation has be re-assigned as follows:

DATE AND TIME : **TUESDAY, AUGUST 4, 2009 at 9:00 a.m.**

LOCATION : Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)

NOTE: *Closing briefs are due no later than 4:00 p.m. on Monday, July 6, 2009*
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Edward C. Adams, Jr., Director /DPW
David Thomas, P.E. /DPW
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 1, 2009

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Jakub Scigala*
Case No. 07-428-SPH

Dear Mr. Zimmerman:

This letter acknowledges receipt of your letter June 30, 2009 requesting that scheduling be adjusted on the above referenced case; and my subsequent discussions with you and Mr. Bennett on these issues. By agreement of counsel, the memoranda due to be filed on Monday, July 6, 2009, are no longer required to be filed with this office.

In addition the Public Deliberation scheduled for 9:00 a.m. on August 4, 2009 has been re-assigned and will be an expedited hearing to present a proposed resolution to the Board. The hearing will convene promptly at 9:00 a.m.

A copy of the Re-assignment Notice for the proposed amended petition and plan being presented to the Board on the record is enclosed.

Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Encl.: Re-Assignment Notice

c(w/Encl.): Brian Bennett, Esquire
Jakub Scigala
David Thomas, DPW
Board of Appeals Panel

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

P.P. to be re-assigned

Hearing Room #2, The Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(next to Suite 203)

July 1, 2009

NOTICE OF RE-ASSIGNMENT FROM DELIBERATION TO EXPEDITED HEARING

CASE #: 07-428-SPH

IN THE MATTER OF: JAKUB SCIGALA
– LEGAL OWNER / PETITIONER
9 Boxwood Lane
8th Election District; 3rd Councilmanic District

SPH – For waiver to permit an addition to be built in Riverine Floodplain; and to amend previously approved site plan in Case No. 07-451-SPHA

Having concluded this matter on 2/17/09; a public deliberation had been scheduled for August 4, 2009. The public deliberation has been re-scheduled by agreement of Counsel and this Board to an expedited hearing for the purpose of presenting to the Board a proposed resolution/amended petition/plan. This hearing will replace the Public Deliberation that was scheduled as follows:

DATE AND TIME : TUESDAY, AUGUST 4, 2009 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.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Edward C. Adams, Jr., Director /DPW
David Thomas, P.E. /DPW
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 13, 2009

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Jakub Scigala*
Case No. 07-428-SPH

Dear Mr. Zimmerman:

This letter acknowledges receipt of your letter dated July 10, 2009 requesting a postponement of the scheduled hearing on August 4, 2009. Your request has been granted.

A copy of the Postponement is enclosed.

Should you have any questions, please contact me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Encl.: Notice

c(w/Encl.): Brian Bennett, Esquire
Jakub Scigala
David Thomas, DPW

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
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410-887-3180
FAX: 410-887-3182

Hearing Room #2, The Jefferson Building
105 W. Cheapeake Avenue, Second Floor
(next to Suite 203)

July 13, 2009

NOTICE OF POSTPONEMENT

CASE #: 07-428-SPH

IN THE MATTER OF: JAKUB SCIGALA
– LEGAL OWNER / PETITIONER
9 Boxwood Lane
8th Election District; 3rd Councilmanic District

Having concluded this matter on 2/17/09; a public deliberation had been scheduled for August 4, 2009. The public deliberation was re-scheduled by agreement of Counsel and this Board to an expedited hearing for the purpose of presenting to the Board a proposed resolution/amended petition/plan. The hearing was to replace the Public Deliberation. That hearing has been postponed and will be scheduled to a date agreed upon by counsel. This matter will be RE-ASSIGNED.

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.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Edward C. Adams, Jr., Director /DPW
David Thomas, P.E. /DPW
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 17, 2009

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Brian Bennett, Esq.
Terziu & Bennett
2211 Eastern Blvd
Baltimore, MD 21220

RE: *In the Matter of: Jakub Scigala*
Case No. 07-428-SPH

Dear Counsel:

This letter is to follow through with a status check regarding the above captioned matter. On July 13, 2009 this office granted a joint request for postponement as the parties were working towards a resolution; and the scope of the work was substantial.

This office has not been advised since that time if this matter can be scheduled. Please advise. I await your response.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Original
/trs

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

December 28, 2009

Theresa Shelton, Administrator
County Board of Appeals of Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
DEC 28 2009
BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of Jakub Scigala -Petitioner
Case No. 07-428-SPH

Dear Mrs. Shelton:

Following the Board's considerate postponement dated July 13, 2009, there was a constructive meeting in late summer, following which Mr. Plitt, Petitioner's architect, was to submit revised plans and notes to reflect the proposed resolution of this matter.

To date, Assistant to Public Works Director David Thomas has informed me that he has not received the plans. After receipt of your letter dated December 17, 2009, Mr. Thomas advised me that he left a message with the architect, and was awaiting a reply.

We hope to have further information and more expeditious progress soon. We still would like to achieve the constructive result described in our previous correspondence.

Thank you again for your patience in this matter.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw
cc: Brian Bennett, Esquire, Attorney for Petitioner
David Thomas, DPW
Joel Plitt, Petitioner's architect

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

March 10, 2011

NOTICE OF DELIBERATION

CASE #: 07-428-SPH

IN THE MATTER OF: JAKUB SCIGALA
– LEGAL OWNER / PETITIONER
9 Boxwood Lane
8th Election District; 3rd Councilmanic District

Having concluded this matter on 12/7/10, a Remand Order was issued by the Board on 12/2/10 and this matter being held 'sub curia' before the Board; public deliberation has been scheduled for the following date / time:

DATE AND TIME : THURSDAY, MARCH 31, 2011 at 9:30 a.m.

LOCATION : Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor, Suite 206

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
Dave Thomas, DPW
Donald Brand, Building Engineer
Lawrence M. Stahl, Chief Administrative Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Deputy Director/Office of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 11, 2010

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Jakub Scigala*
Case No. 07-428-SPH

Dear Mr. Zimmerman:

This letter is to follow up on your letter dated December 28, 2009 regarding the status of the possible resolution of this matter. Please advise if this matter can be scheduled for the purpose of putting a settlement on the record. Currently, the Board's docket has cases scheduled until the end of June 2010.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

c: Brian Bennett, Esq.
David Thomas, DPW

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

August 3, 2010

NOTICE OF RE-ASSIGNMENT

CASE #: 07-428-SPH **IN THE MATTER OF: JAKUB SCIGALA**
LEGAL OWNER / PETITIONER
9 Boxwood Lane / 8th Election District; 3rd Councilmanic District

SPH – To permit an addition (1 ½ story garage built onto existing 21' x 23' shed in order to store vehicles and equipment) in a Riverine Floodplain and to amend previously approved site plan in Case No. 07-051-SPHA.

7/30/2008 - D.Z.C.'s decision in which requested special hearing relief was **DENIED.**

Having concluded this matter on 2/17/09; a public deliberation had been scheduled for August 4, 2009. The public deliberation was re-scheduled by agreement of Counsel and this Board to an expedited hearing for the purpose of presenting to the Board a proposed resolution/amended petition/plan. The hearing was to replace the Public Deliberation. That hearing has been postponed and is being re-assigned as follows:

RE-ASSIGNED FOR: THURSDAY, NOVEMBER 11, 2010, at 10:00 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.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
David Thomas, P.E. /DPW
Timothy M. Kotroco, Director /PDM
Edward C. Adams, Jr., Director /DPW
Pat Keller, Planning Director
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney, Office of Law

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 4, 2010

AMENDED NOTICE OF RE-ASSIGNMENT/ DATE ONLY

FROM: *THURSDAY, NOVEMBER 11, 2010 (COUNTY HOLIDAY) -*
TO: *THURSDAY, NOVEMBER 18, 2010.*

CASE #: 07-428-SPH **IN THE MATTER OF: JAKUB SCIGALA**
LEGAL OWNER / PETITIONER
9 Boxwood Lane / 8th Election District; 3rd Councilmanic District

SPH – To permit an addition (1 ½ story garage built onto existing 21' x 23' shed in order to store vehicles and equipment) in a Riverine Floodplain and to amend previously approved site plan in Case No. 07-051-SPHA.

7/30/2008 - D.Z.C.'s decision in which requested special hearing relief was **DENIED.**

Having concluded this matter on 2/17/09; a public deliberation had been scheduled for August 4, 2009. The public deliberation was re-scheduled by agreement of Counsel and this Board to an expedited hearing for the purpose of presenting to the Board a proposed resolution/amended petition/plan. The hearing was to replace the Public Deliberation. That hearing has been postponed and is being re-assigned as follows:

RE-ASSIGNED FOR: THURSDAY, NOVEMBER 18, 2010, at 10:00 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.

Theresa R. Shelton
Administrator

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
David Thomas,.P.E. /DPW
Timothy M. Kotroco, Director /PDM
Edward C. Adams, Jr., Director /DPW
Pat Keller, Planning Director
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney, Office of Law

LAW OFFICES
TERZIU AND BENNETT
2211 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21220

JOHN TERZIU III
BRIAN BENNETT

(410) 687-4700
FAX: (410) 687-4744

August 6, 2010

County Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: In the Matter of Jakub Scigala
Case No:07-428-SPH

Dear Sir/Madam:

I have been advised that a hearing on Thursday, November 18, 2010 at 10:00 a.m. at the County Board of Appeals of Baltimore County with regard to the above-captioned matter.

Please be advised that I am currently scheduled on November 18, 2010 at 8:45 a.m. in the District Court for Anne Arundel County in the matter of State of Maryland vs. Sharon Lewis, Case No: OFU40301.

It would be greatly appreciated if you would postpone this matter and notify my office prior to rescheduling to avoid any conflict.

Thank you for your consideration.

Sincerely,

Brian Bennett

BB/cfh
Enclosure
cc: Nancy West, Assistant County Attorney
Pat Keller, Planning Director
Edward C. Adams, Jr. Director of DPW
John E, Beverungen, County Attorney, Office of Law
Timothy M. Kotroco, Director, PDM
David Thomas, P.E., DPW
William J. Wiseman, III/Zoning Commissioner
Office of People's Counsel

RECEIVED
AUG 09 2010
BALTIMORE COUNTY
BOARD OF APPEALS

DISTRICT COURT OF MARYLAND FOR ANNE ARUNDEL COUNTY 0701
251 ROWE BOULEVARD
ANNAPOLIS, MD 21401-2395
TELEPHONE NUMBER: (410) 260-1370

Citation No: 0FU40301

To: BENNETT, BRIAN
2211 EASTERN BLVD
BALTIMORE, MD 21220

JUL 29 2010

STATE OF MARYLAND VS. LEWIS, SHARON LORRAINE

Date: 07/26/10 NOTICE OF RESCHEDULED TRIAL DATE

You are hereby notified that the trial date of October 04, 2010 for the charge on the above referenced citation has been rescheduled. The new trial will be held at the District Court location noted above on:

Date: November 18, 2010 Time: 08:45 AM Room: 01

Charge: TA21902 A1
(DRIVING, ATTEMPTING TO DRIVE) VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL

Jim Brooks

BY ORDER OF BEN C. CLYBURN, CHIEF JUDGE, DISTRICT COURT OF MARYLAND

Visit our website for directions and information about procedures.
Our web address is **www.courts.state.md.us/district**

To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the court immediately.

For further information, call the District Court Interactive Voice Response System (IVR)
From the Baltimore area, call (410) 974-7177
From all other areas, call 1-800-492-2656
TTY users call 1-800-925-9690 or use the Maryland Relay Service at 1-800-735-2258 or 711

Please contact the above Court location for restrictions regarding cameras and cell phones, for they may not be allowed in the courthouse.

03339R2 1100033391

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 11, 2010

Brian Bennett, Esq.
Terziu & Bennett
2211 Eastern Blvd
Baltimore, MD 21220

RE: *In the Matter of: Jakub Scigala*
Case No. 07-428-SPH

Dear Mr. Bennett:

This letter acknowledges receipt of your letter dated August 6, 2010 requesting a postponement of the scheduled hearing on November 18, 2010. Your request has been granted.

The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the end of November, 2010. As requested in your letter dated August 6, 2010, to avoid future scheduling conflicts, I will hold the following dates:

~~Tuesday, December 07, 2010 at 10:00 a.m.~~
Wednesday, December 08, 2010 at 10:00; and
Thursday, December 09, 2010 at 10:00 a.m.

All dates Available Brian Bennett

Upon notification as to which date works for the parties, a notice will be sent, reassigning this matter to the established date. Please contact this office upon receipt of this letter to confirm availability.

Enclosed is the Notice of Postponement from the assigned November 18, 2010 date.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Encl.: Notice

c(w/Encl.): Peter Max Zimmerman
People's Counsel for Baltimore County
Jakub Scigala
David Thomas, DPW

RECEIVED
AUG 19 2010
BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 11, 2010

NOTICE OF POSTPONEMENT

CASE #: 07-428-SPH

IN THE MATTER OF: JAKUB SCIGALA – LEGAL OWNER / PETITIONER
9 Boxwood Lane
8th Election District; 3rd Councilmanic District

Having concluded this matter on 2/17/09; a public deliberation had been scheduled for August 4, 2009. The public deliberation was re-scheduled by agreement of Counsel and this Board to an expedited hearing for the purpose of presenting to the Board a proposed resolution/amended petition/plan. The hearing was to replace the Public Deliberation. That hearing was re-assigned for Thursday, November 18, 2010 and has been postponed.
This matter will be re-assigned to a mutually established date by Counsel.

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.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Edward C. Adams, Jr., Director /DPW
David Thomas, P.E. /DPW
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

September 17, 2010

NOTICE OF RE-ASSIGNMENT

CASE #: 07-428-SPH **IN THE MATTER OF: JAKUB SCIGALA**
LEGAL OWNER / PETITIONER
9 Boxwood Lane / 8th Election District; 3rd Councilmanic District

SPH – To permit an addition (1 ½ story garage built onto existing 21' x 23' shed in order to store vehicles and equipment) in a Riverine Floodplain and to amend previously approved site plan in Case No. 07-051-SPHA.

7/30/2008 - D.Z.C.'s decision in which requested special hearing relief was **DENIED.**

Having concluded this matter on 2/17/09; a public deliberation had been scheduled for August 4, 2009. The public deliberation was re-scheduled by agreement of Counsel and this Board to an expedited hearing for the purpose of presenting to the Board a proposed resolution/amended petition/plan. The hearing was to replace the Public Deliberation. ***The hearing scheduled for 11/11/10 has been postponed and is being re-assigned by agreement of counsel as follows:***

RE-ASSIGNED FOR: TUESDAY, DECEMBER 7, 2010, at 10:00 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.

Theresa R. Shelton
Administrator

---

c: Counsel for Appellant /Petitioner : Brian Bennett, Esquire
Appellant /Petitioner : Jakub Scigala

Nicasio G. Dematera, P.E. /McKee & Associates, Inc.
Joel Plitt

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
David Thomas, P.E. /DPW
Timothy M. Kotroco, Director /PDM
John E. Beverungen, County Attorney
Edward C. Adams, Jr., Director /DPW
Pat Keller, Planning Director
Nancy West, Assistant County Attorney

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY KOTROCO, *Director*
Department of Permits and Development Management

October 2, 2007

NEW 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: 07-428-SPH
9 Boxwood Lane
N/side of Boxwood Lane @ distance of 290 feet west of centerline of York Road
8th Election District – 3rd Councilmanic District
Legal Owners: Jakub Scigala

Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Sections 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC to permit to build an addition in a Riverine Floodplain and to amend the previously approved site plan in case 07-051-SPHA.

Hearing: Thursday, November 1, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Brian Bennett, Terziu & Bennett, 2211 Eastern Blvd., Baltimore 21220
Jakub Scigala, 9 Boxwood Lane, Cockeysville 21030

NOTES:

1. HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 22, 2007 Issue - Jeffersonian

Please forward billing to:
Jakub Scigala 410-262-4333
9 Boxwood Lane
Cockeysville, MD 21030

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: 07-428-SPH
9 Boxwood Lane
N/side of Boxwood Lane @ distance of 290 feet west of centerline of York Road
8th Election District – 3rd Councilmanic District
Legal Owners: Jakub Scigala

Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Sections 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC to permit to build an addition in a Riverine Floodplain and to amend the previously approved site plan in case 07-051-SPHA.

Hearing: Thursday, June 7, 2007 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: June 8, 2007

TO: Kristen Matthews
Department of Permits & Development Management

FROM: Patti Zook, Legal Secretary to
John V. Murphy, Deputy Zoning Commissioner

RE: Petition for Special Hearing
Case No. 07-428-SPH -- hearing on Thursday, June 7, 2007 at 10:00 am

---

The above-referenced case was continued at the request of the Petitioner's attorney, Brian Bennett, Esquire. Petitioner will hire an engineer to do a floodplain study. The Petitioner or the attorney, Brian Bennett, will contact you to reschedule.

Per Jack, the site does not need to be reposted or re-advertised. The file is being returned to you for safe keeping.

Thank you for your attention and cooperation in this matter.

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

October 25, 2007

Brian Bennett
Terzui & Bennett
2211 Eastern Boulevard
Baltimore, MD 21220

Dear Mr. Bennett:

RE: Case Number: 07-428-SPH 9 Boxwood Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 20. 2007. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: Peoples Council
Jakub Scigala 9 Boxwood Lane, Cockeysville 21030

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 5, 2007

DAK

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

SUBJECT: Zoning Advisory Committee Meeting
For April 9, 2007
Item No. 07-428

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We strongly recommend that this waiver be denied. The petitioner has not provided any computations or other justification as to why he should be allowed to build in a riverine flood plain.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-428-03042007.doc

Jm 6/7

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
MAY 31 2007
BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: May 31, 2007

SUBJECT: Zoning Item # 07-428-SPH
Address 9 Boxwood Lane
(Scigala Property)

Zoning Advisory Committee Meeting of April 2, 2007

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

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

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Michael S. Kulis Date: May 22, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-428-SPH.doc

Jm 6/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 3, 2007

RECEIVED
APR 09 2007
BY:

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-428- Special Hearing**

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: Curtis Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\7-428.doc

Martin O'Malley, *Governor*
Anthony Brown, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary Designate*
Neil J. Pedersen, *Administrator*

Date: April 3, 2007

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

RE: Baltimore County
Item No. 7-428-SPH
9 Boxwood Lane
Scigala Property
Special Hearing

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-428-SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

April 5, 2007

ATTENTION: Zoning Review Planners

Distribution ~~Meeting Of~~: April 2, 2007

Item Number: ~~427 through~~ 438 428

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.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

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: April 6, 2007

SUBJECT: Case No. 07-428-SPH
Waiver to Permit Garage in Riverine Floodplain
9 Boxwood Lane

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 waiver involves a garage that was built in the riverine floodplain with a building permit (B646495MR) that was apparently issued in error, and was subsequently rescinded by the Buildings Engineer. This office has to date received no justification from the permit applicant supporting the waiver request.

This department recommends that the waiver as requested be denied.

ECA/DLT/s

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Dennis Kennedy, Chief, Development Plan Review Bureau; Donald Brand, Buildings Engineer; Joel Plitt, Ruhf Plitt Architects, Ltd.

APR 12 2007
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Thomas Bostwick, Deputy Zoning Commissioner

FROM: Edward Adams, Director,
Department of Public Works

DATE: November 2, 2007

RECEIVED
NOV 0 6 2007
BY:

SUBJECT: Case No. 07-428-SPH
Waiver to Permit Garage in Riverine Floodplain
9 Boxwood Lane
Updated Comments

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 waiver involves a garage that was built in the riverine floodplain with a building permit (B646495MR) that was apparently issued in error, and was subsequently rescinded by the Buildings Engineer. At the time of the original recommendation memo dated 4/6/2007 this office had received no justification from the permit applicant supporting the waiver request.

A floodplain study dated 9/17/07 was received and has been accepted as correct (including the assertion that the subject structure will have no significant impact on the floodplain elevation) by this office based on the PE seal dated 9/18/07. This study shows the subject garage addition located in an area of the Beaver Dam Run floodplain having a base flood (100-year) elevation of 254.81, with the lowest adjacent grade elevation of about 248, giving a depth of flooding at the structure in excess of six feet.

This department again recommends that the waiver as requested be <u>denied</u>.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Timothy Kotroco, Director, Permits & Development Management (Attn: Kristen Matthews); Dennis Kennedy, Chief, Development Plan Review Bureau; Donald Brand, Buildings Engineer; Joel Plitt, Ruhf Plitt Architects, Ltd.; Geoff Schultz, McKee & Assoc.

Baltimore County
Department of Public Works

Bureau of Engineering
and Construction
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3788

Subject: Request for Information

Baltimore County's Department of Public Works Bureau of Engineering & Construction has in its files a floodplain / hydrologic study for:

- Beaver Dam Run from York Road to the confluence of Western Run located in Cockeysville.

The following information has been requested and provided:

- Hec-2 run with floodplain mapping as prepared by Baltimore County Bureau of Engineering in October 1994 in report "Beaverdam Railroad Bridge Removal".

It is the best available information, and individuals using this information shall be responsible for verifying its suitability and accuracy. This information letter does not create any liability on the part of the County or any officer or employee thereof, for any damage that may result from reliance on this information.

If there are any questions, please feel free to call 410-887-3711.

Sincerely,

Terry Curtis, Jr. TJC

Storm Drain Design Section

GR	2[illegible]	0	253	45	248	[illegible]	247	100	244	105
GR	248	110	243	120	243	150	248	160	247	350
GR	245	550	243	560	250	600	249	840	247	850
GR	248	860	255	1230	270	1450				
X1	17	21	680	750	1100	500	800	0	0	0
GR	270	0	265	50	260	80	259	110	256	200
GR	252	350	251	590	251	650	250	670	255	680
GR	255	685	246	700	248	740	251	750	250	1305
GR	248	1315	250	1325	255	1740	253	1750	255	1760
GR	265	1870								

THIS RUN EXECUTED 17OCT94 08:59:13

****
HEC-2 WATER SURFACE PROFILES

Version 4.6.0; February 1991
****

NOTE- ASTERISK (*) AT LEFT OF CROSS-SECTION NUMBER INDICATES MESSAGE IN SUMMARY OF ERRORS LIST

100 YR. PEAK TO PEAK

SUMMARY PRINTOUT TABLE 150

	SECNO	XLCH	ELTRD	ELLC	ELMIN	Q	CWSEL	CRIWS	EG	10*KS	VCH	AREA	.01K
	1.000	.00	.00	.00	235.00	35920.00	252.00	.00	253.19	15.49	10.72	5659.50	9127.38
*	2.000	590.00	.00	.00	233.00	35920.00	253.22	.00	253.65	5.82	7.18	8580.18	14891.39
*	18.000	550.00	.00	.00	237.10	23294.00	252.82	252.82	257.30	54.33	17.61	1513.23	3160.39
*	19.000	100.00	.00	.00	238.00	23294.00	255.27	.00	257.79	17.74	13.11	2500.82	5530.33
	20.000	140.00	.00	.00	238.00	23294.00	255.55	.00	258.04	18.44	13.54	2779.32	5424.70
	21.000	420.00	.00	.00	238.00	23294.00	255.66	.00	259.17	20.79	15.03	1549.64	5108.72
*	22.100	480.00	.00	.00	238.00	23294.00	258.41	.00	260.02	10.12	11.17	3992.87	7321.50

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 6, 2007

BRIAN BENNETT, ESQUIRE
TERZIU & BENNETT
2211 EASTERN BLVD.
BALTIMORE MD 21220

Re: Case No. 07-428-SPH
9 Boxwood Lane

Dear Mr. Bennett:

Please accept this letter as a follow up to the hearing which was held on Thursday, November 1, 2007.

As you are aware, your client, the Petitioner Jakub Scigala, requested Special Hearing relief in order to obtain a waiver to permit an addition to be built onto his existing shed in the Riverine Flood Plain. Following the original hearing date on June 6, 2007, which was postponed, Petitioner retained McKee & Associates, Inc., in order to complete a study to determine the impact of the addition to the existing flood plain. Presumably, this was done in response to the negative written comments from the County's Bureau of Development Plans Review dated April 5, 2007 and from the Department of Public Works dated April 6, 2007, recommending denial of a waiver.

Thereafter, McKee & Associates, Inc., completed the study dated September 17, 2007. The study was admitted into evidence at the hearing as Petitioner's Exhibit 3. However, during the hearing, it became apparent that the Department of Public Works had not submitted a revised comment in response to this new information. Therefore, at the conclusion of the hearing, I directed that the record of this matter be kept open in order to give the Department of Public Works the opportunity to weigh in on the McKee study.

You also indicated that in the event the response of the Department of Public Works was to again recommend denial of Petitioner's request, that you be given the opportunity to come back for an additional hearing in order to rebut the recommendation and to present any additional evidence as necessary.

In light of the above, the purpose of this letter is to notify you that the Director of the Department of Public Works has provided an updated comment dated November 2, 2007. This comment again recommends denial of the requested waiver. A copy is enclosed for your reference. As such, please contact Kristen Matthews in the Zoning Review Office if you wish to re-schedule this matter for an additional hearing on a date in which I am scheduled to hold hearings.

If you have any questions or comments, pleas do not hesitate to contact me.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

RE: PETITION FOR SPECIAL HEARING 9 Boxwood Lane; N/S Boxwood Lane, 290' W of c/line York Road 8th Election & 3rd Councilmanic Districts Legal Owner(s): Jakub Scigala Petitioner(s)	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
	*	07-428-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 and all 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 5th day of April, 2007, a copy of the foregoing Entry of Appearance was mailed to, Brian Bennet, Terziu & Bennett, 2211 Eastern Avenue, Baltimore, MD 21220, Attorney for Petitioner(s).

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

RECEIVED
APR 05 2007
Per.....

APPEAL

Petition for Special Hearing
9 Boxwood Lane
N/side of Boxwood Lane, 290' feet w/of c/l York Road
8th Election District – 3rd Councilmanic District
Legal Owners: Jakub Scigala

Case No.: 07-428-SPH

✓Petition for Special Hearing (March 20, 2007)

✓Zoning Description of Property

✓Notice of Zoning Hearing (April 23, 2007)

✓Certification of Publication (The Jeffersonian – May 22, 2007)

✓Certificate of Posting (May 21, 2007) by William Gulick

✓Entry of Appearance by People's Counsel (April 5, 2007)

✓Petitioner(s) Sign-In Sheet – Two Sheets

✓County Representative Sheet – One Sheet

✓Zoning Advisory Committee Comments

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OCT 08 2008
BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners' Exhibit
- ✓1. Plat to accompany petition
- ✓2. Photos
- ✓3. Letter from McKee & Associates (9/17/07)
- ✓4. Photos (A & B)
- ✓5. Photos (A thru D)
- ✓6. Photos (A thru C)

Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit)
- ✓1. 100 Year Flood Plain Study for Boxwood Lane
- ✓2. Letter from Thomas Bostwick (11/6/07)
- ✓3. Letter from McKee & Associates (12/12/07)
- ✓4. Request for Information from Public Works
- ✓5. Post-Disturbance 100 Year Floodplain Study Plan

✓Deputy Zoning Commissioner's Order (DENIED – July 30, 2008)

✓Notice of Appeal received on August 15, 2008 from Brian Bennett

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Brian Bennett
Jakub Scigala
Ed Adams
Joel Plitt
David Thomas

date sent October 8, 2008, klm

LAW OFFICES
TERZIU AND BENNETT
2211 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21220

JOHN TERZIU III
BRIAN BENNETT

(410) 687-4700
FAX: (410) 687-4744

August 11, 2008

Timothy Kotroco, Director
Department of Permits & Development Management
County Office Building
111 West Chesapeake Avenue
Room 105
Towson, Maryland 21204

RE: Our Client: Jacob Scigala
Property Address: 9 Boxwood Lane, Cockeysville, Maryland 21030
Case No: 07-428-SPH

Dear Mr. Kotroco:

Please be advised that I would like to appeal the decision rendered by Thomas H. Bostwick, Deputy Zoning Commissioner for Baltimore County, with regard to the above-referenced property. Also enclosed please find a check in the amount of $400.00 made payable to Baltimore County for the costs.

Thank you for your consideration.

Sincerely,

Brian Bennett

BB/cfh

RECEIVED
AUG 15 2008

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 30, 2009

Lawrence M. Stahl, Panel Chairman
County Board of Appeals of Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
JUN 30 2009
BALTIMORE COUNTY
BOARD OF APPEALS

Re: In the Matter of Jakub Scigala -Petitioner
Case No. 07-428-SPH

Dear Mr. Stahl:

This progress report supplements my previous letter dated May 7, 2009.

There is a tentative proposed resolution with an amended proposal, subject to working out details and presenting it to the Board. Accordingly, I request that the schedule be adjusted. The interested parties would appreciate it if the August 4 deliberation date is utilized instead for a relatively expedited evidentiary hearing. The purpose would be to present and have testimony on the proposed amended petition and plan. We also hope to assist the Board with proposed written findings and conclusions for the Board to review either at that time or shortly thereafter.

There is at present a deadline for memoranda of July 12, 2009. Because of the progress, it appears unnecessary and inappropriate to require memoranda relating to the current proposal. As outlined below, we expect it will be substantially revised.

To assure that everyone is on the same wavelength, I thought it would be helpful to outline the framework for an amended plan. We discussed and tentatively approved the outline at a June meeting in my office with Petitioner Jakub Scigala, his architect Joel Plitt, and Assistant to the Director of Public Works David Thomas.. Our meeting was held with the consent of Petitioner's attorney, Brian Bennett.

The framework is as follows:

1. Petitioner will floodproof his residence. This requires modification of the basement so that it becomes simply an area under the house, not used for living purposes.

2. Floodproofing will include a new finished floor 2 feet above the floodplain.

3. Modification of the basement will entail removal of electrical and mechanical equipment.

4. In order to move the electrical and mechanical equipment, Petitioner will build an addition to his residence. This will house the equipment and also provide some additional living space. So far as we can tell at this time, the addition will satisfy zoning requirements (but this should be reviewed by zoning staff).

5. There has arisen a question of the effect of this project on the septic system. An ensuing investigation disclosed that there is an ongoing septic system failure for this property and the neighboring property (9 and 11 Boxwood Lane). The remedy will involve connecting both of these residences to the public sewer system. With the help of David Thomas' coordination, the county departments of environment and public works are approaching the extension of sanitary sewer as a health project. This will facilitate implementation of the remedy in several ways. This will eliminate a source of sewage flow into the Loch Raven Reservoir watershed and a nuisance to the residential use of the Box wood Lane residential properties.

6. The ultimate goal of the project is to reduce risk of loss to persons and property, and avoid or mitigate potential public expenditures in case of a flood disaster, especially the potential collapse of the residence. This will more than offset the potential hazard to property caused by the construction of the garage.

7. David Thomas will coordinate not only with DEPRM on the septic system situation, but also with Maryland officials who participate in the floodplain program.

8. Petitioner's architect, Joel Plitt, will prepare a detailed revised plan, with specific notes describing in detail the proposed floodproofing, modification of basement, removal of electrical and mechanical equipment, the addition, and the septic system problems and public sewer connection.

9. Subject to all of the above conditions, we anticipate that a revised plan is likely to receive a favorable recommendation of the Director of Public Works for a floodplain waiver. We will then be in a position to present the case, as revised, to the Board.

I trust that this accurately describes the framework of our proposed resolution. As you can see, a great deal of work is being done. We are cautiously optimistic that the details can be worked out in time to present to the Board on August 4, 2009, on schedule.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw
cc: Brian Bennett, Esquire
David Thomas, DPW
Joel Plitt, architect
Carl Richards, Zoning Supervisor

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 10, 2009

RECEIVED
JUL 10 2009
BALTIMORE COUNTY
BOARD OF APPEALS

Lawrence M. Stahl, Panel Chairman
County Board of Appeals of Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: In the Matter of Jakub Scigala -Petitioner
Case No. 07-428-SPH

Dear Mr. Stahl:

As we work toward a resolution of this case, we appreciate the Board's patience on the scheduling front. Once again, I must ask for a modification of the schedule, this time to postpone the hearing set for August 4, 2009.

In my June 30, 2009 letter, I was hopeful we could retain the previously scheduled August 4, 2009 date for a hearing to conclude the case. For several reasons, however, this does not appear possible. First of all, the scope of the work (as described in my last letter) on the revised plan is substantial. Secondly, it now appears helpful for Petitioner concurrently to file a building permit application for the contemplated addition to the dwelling and renovations, with departmental review. Thirdly, David Thomas just informed me that he will be on vacation in the first two weeks of August, and his review and testimony are crucial.

I do not believe there will be any objection to a postponement. We hope to have an informal progress meeting with David Thomas and the Petitioner and his architect in the last week of July. Based on the results of that meeting, I also hope we can then make a reasonable of estimate of when "the ducks will be in line" for presentation of the case to the Board. In any event, I suggest we await further progress before setting a new date.

Thank you again for your patience in this matter.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw
cc: Brian Bennett, Esquire
David Thomas, DPW
Joel Plitt, architect
Carl Richards, Zoning Supervisor

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 17, 2011

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Brian Bennett, Esq.
Terziu & Bennett
2211 Eastern Blvd
Baltimore, MD 21220

RE: *In the Matter of: Jakub Scigala*
Case No. 07-428-SPH

Dear Counsel:

This office has received the enclosed letter and attachments dated February 9, 2011 from the County Building Engineer in the above captioned case.

I am requesting comments from Counsel stating your position with respect to this communication.

Comments should be received by Friday, March 4, 2011.

Please do not hesitate to contact me if you wish to discuss this matter further. I remain,

Very truly yours,

Lawrence S. Wescott /ers
Lawrence S. Wescott
Chairman

Duplicate Original

Encl.: Letter dated February 9, 2011 to the County Board of Appeals

c(w/Encl.): Nancy West, Assistant County Attorney
: David Thomas, P.E. / DPW

c(w/o.Encl.): Donald Brand, Building Engineer

RECEIVED
FEB 10 2011
BALTIMORE COUNTY
BOARD OF APPEALS

KEVIN KAMENETZ
County Executive

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

February 9, 2011

County Board of Appeals
Jefferson Building, Ste 203
105 W. Chesapeake avenue
Towson, Maryland 21204

Attention: Theresa R. Shelton, Administrator

Re: Case No.: 07-428-SPH ("Scigala")

Dear Ms. Shelton:

The County Board of Appeals ("BOA") in Case #07-428-SPH ordered "That this case be....remanded to the Baltimore County's Building Engineer for review to determine whether Petitioner's proposed garage at 9 Boxwood Lane is a "substantial improvement" under the Building Code and to determine the scope and applicability of such provisions of the Building Code he finds relevant to the garage construction" and report back to the BOA.

Brief factual background: The Appellant, Jakub Scigala applied for and received a building permit on October 3, 2006 for the construction of a one-story detached garage at the rear of residential property consisting of 750 square feet. The garage dimensions shown on the Site Plan, copy enclosed, accompanying the building permit increased the square footage of the existing "shed." In addition, the Site Plan data indicated that the garage/shed area was not in the 100-year floodplain and the Zoning Office, having no access to information to the contrary, signed off on the issuance of the building permit. After the addition was constructed, it was determined that the garage addition was in the 100-year riverine floodplain. Because of this, I wrote to Mr. Scigala and demanded that he remove the garage or, alternately, obtain a waiver in accordance with Subtitle 3, Title 8, Section 32 of the County Code, and that request was denied by the Deputy Zoning Commissioner.

Intent of County law: The intent of both the County Code and the Building Code is to regulate construction in the 100-year floodplain to both satisfy the requirements of the National Flood Insurance Program (NFIP) and restrict development in the floodplain to reduce property losses from repetitive flood events. Nearly 20,000 communities nationwide, including Baltimore County, participate in the NFIP. Participants are required to adopt and enforce floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes Federally backed flood insurance available Baltimore County homeowners, renters, and business owners. Due to the damage to buildings in the riverine floodplain as a result of Hurricane Agnes in 1972, the County in the late 1970's and early 1980's spent over 14 million dollars purchasing 238 properties in riverine floodplains and removed buildings on those properties to reduce the

potential for damages resulting from future flood events and to increase the floodway's ability to convey flood waters downstream by removing obstructions. A copy of a report "County Flood Plain Acquisitions" dated March 1. 1982 substantiating this information is enclosed.

Substantial improvements, generally: The basic types of improvements in the floodplain are rehabilitations or reconstructions that (1) do not increase square footage, and (2) lateral or vertical additions that do increase square footage. Federal regulations dictate that if such change is substantial, i.e., over 50 percent of the structure's market value prior to undertaking improvements, it is considered new construction, and the entire building must be elevated to or above the Base Flood Elevation (BFE) (or floodproofed if the building is non-residential). However, Baltimore County treats tidal and riverine floodplains differently.

Substantial improvements in tidal areas: In a tidal area, the threat is usually high water, not typically the force of the water against a structure. In tidal areas, the solution for substantial improvements is to raise the structure, restrict occupancy from that portion of the building inundated by the 100-year flood and install flood vents in walls to allow water to flow below the elevated structure to reduce the damaging effects of horizontal water forces. If the improvements are not substantial, the requirements for additions are governed by the International Existing Building Code.

Substantial improvements in riverine areas: In a riverine floodplain, the threat includes both conditions; however, the greater threat by far is the force of the water which can uproot structures and move them downstream where the resulting debris can pile up in restricted channels, increasing the depth of flood waters and be swept downstream acting as waterborne missiles. The threat is to any structure in the floodway regardless of its age, condition or extent of improvement. The solution in this situation is addressed in the next two paragraphs.

County Code restrictions in the riverine floodplain: Subsection (a) of County Code Section 32-8-207 titled "Development in the Floodplain Area states 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." Subsection (b) states "The Building Engineer shall require a permit for all development.....in the floodplain area." Additionally, Subsection (c) of Section 32-4-414 titled "Floodplain and Wetland Protection," states "Development in floodplain prohibited; exceptions. The county may not permit development in the 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." Note that County Code Article 32 defines development and the definition includes "the improvement of property for any purpose involving building." County Code waiver provisions are addressed in the next paragraph.

Building Code restrictions in the riverine floodplain: The relevant building code section, Section 3112.2, has remained unchanged through 4 editions beginning November 23, 2001 through the current edition with the enactment of Bill 47-10 which also reorganized the Building Code into three more clarifying parts (Section 3112.2 is now PART 125). Section 3112.2 is titled "Areas subject to inundation by riverine surface waters within the 100-year floodplain." Part 1. of this Section states "No new buildings or additions shall be constructed in any riverine floodplain." Part 2 of this Section states "All substantial improvements to existing buildings shall be

permitted only on the basis of an approved waiver in accordance with Section (sic) Article 32, Title 8, Subtitle 3 of the Baltimore County Code, 2003, "waivers," and shall be subject to all applicable conditions of Section 32-8-207 of the Baltimore County Code, 2003, Development in the floodplain area" 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." According to the Site Plan, the improvement of the shed adding the garage falls within Part 1 as the footprint of the garage exceeded the footprint of the original shed. This view is further supported by the requirement set out in Part 2 "Where replacement structures cannot be relocated out of the floodplain, they shall be limited to the footprint of the previous structure."

Because the Site Plan presented the property as being outside of the 100-year floodplain and the County acted based on this erroneous information, please note that Section 105.4 of the 2003 edition of the International Building Code in effect at the time states that the issuance of a permit "shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction."

Did the improvement amount to a substantial improvement: Based on both the site plan and market value data obtained from the State Department of Assessments and Taxation (SDAT), I am of the opinion that the improvements amounted to a substantial improvement. As I say earlier, the extent of the improvements is irrelevant because the improvement consisted of two elements: (1) improvement to an existing shed + (2) enlargement of the replacement garage beyond the footprint of the pre-existing shed which facts preclude the potential waiver remedy. Additionally, I have enclosed a copy of a SDAT report for tax year 2007 showing the market value after construction of the garage as $133,290 as compared to a market value of $60,290 before the construction of the garage where the buildings on the property consist both of a house and shed as confirmed by the Site Plan.

Very truly yours,

Donald E. Brand, P.E.
Building Engineer

Enclosures (3)

cc: David Thomas, P.E., DPW

3/10/82

FLOOD PLAIN ACQUISITIONS

3/1/82

Watershed	Total Units	Units Authorized to Purchase	Units Purchased and Settled	Original Cost Estimate	Actual Cost to Date
Gwynns Falls (40)	170	155	142	$10,400,000.00	$7,619,090.78
Dead Run (6.0)	17	17	16	935,000.00	684,233.67
Stemmers Run (10)	22	22	20	1,474,000.00	1,075,916.33
Herring Run (0.9)	3	3	3	250,000.00	239,932.93
Franklinville (1.4)	2	2	1	100,000.00	74,122.44
Bean Run (1.5)	2	2	2	150,000.00	140,697.31
Victory Villa (0.64)	21	10	8	1,093,000.00	342,915.59
Lansdowne (1.98)	24	24	15	1,374,000.00	971,575.84
Roland Run (6.1) (1)	36 (47)	36	15	3,500,000.00 (3,750,000.00)	1,933,295.04
Herbert Run (Arbutus & Benson - 0.43)	18	18	14	960,000.00	921,569.33
Redhouse Run (3.93)	1	1	1	52,000.00	63,798.87
Eastern Run Flood Plain	1	1	1	54,500.00	49,399.31

These watersheds were included in the original flood control task force report.

317 291 238 29,342,500 14,116,547.44

2/7/11

317
238
79

Doug,
I think that more houses were purchased subsequent to this list, but the list is a good estimate of the period when most purchases were made. I hope this gives Mr. Brand something to go on.
Dave Snook
x3711

Page: 1 Document Name: Antoinette

B39292 REAL PROPERTY DISPLAY **BALTIMORE COUNTY** **02/08/2011** PAGE **1**

ACCT NO: **08 0818037090** NAME KEY: **SCIGALA JAKUB**

NAME / : **SCIGALA JAKUB** MAP : **42** NOTICE: **348788**

ADDRESS **9 BOXWOOD LN** GRID: **22**

COCKEYSVILLE MD 21030-2008 PAR : **273** DATE: **04/24/2007**

GEO : **81**

USE : **R** APPEAL: **06/08/2007**

NEW CONSTRUCTION ONE-QTR YEAR TAX YEAR: **04/01/2007** PROCESSED: **04/21/2007**

	---LAND----	--BUILDING-	---TOTAL---	
CURRENT MARKET VALUE :	**122,430**	**60,290**	**182,720**	
MKT VALUE OF NEW CONS :	**0**	**133,290**	**133,290**	ASSESSOR: **0484**
PHASED-IN MARKET VALUE:		**129,812**		
		----2006---		

	STATE	COUNTY	MUNICIPAL	
TAXABLE ASSESSMENT :	**129,812**	**129,812**	**0**	OCCUPANCY: **H**

DESCR: **New Addition or Out Structure** **LAND AREA:** **15,750.000 S**

LOCATION:

9 BOXWOOD RD

.40 AC

F11= APPEALS
F12= REPRINT NOTICE

F1 = PRIMARY F4 = TRANSFERS F7 = NAME LIST F13= INTAKE SHEET
F2 = VALUES F5 = TAX/NEW CONS F8 = NOTICE LIST F14= HISTORY
F3 = LOCATION F6 = ENTRY SCREEN F10= PERMITS F15= NOTICE WORKSHEET
F9 = ASSESSMENTS

8081 Fax
410-887-3953 Jim Garland

From: Theresa Shelton
To: Zimmerman, Peter
Date: 1/13/2011 3:50 PM
Subject: Scaigala - Order - Follow up

Pete:

Good Afternoon.

I had this case in my tickler to follow up on the Order of Remand. My last notation in the file was on December 7, 2010 when the Board convened for a hearing and a Settlement was proposed and Deliberated. The notation stated that People's Counsel would provide the Order. Please advise.

Thank you for your assistance and support.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential.
The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission
in error, please immediately notify the sender.

From: Theresa Shelton
To: Zimmerman, Peter
CC: Thomas, David
Date: 6/24/2010 9:51 AM
Subject: Scigala / 07-428-SPH, 9 Boxwood Lane

Pete:

Good Morning.

Is this matter ready to be scheduled for placing the settlement on the record? I understand that the scope of the work was substantial; however, it has been nearly one year (July 13, 2009) since the granting of the joint request to postpone this matter for working towards the resolution. Please advise. Thank you.

Theresa

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

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From: Krysundra Cannington
To: johnjsullivanjr@comcast.net
CC: Shelton, Theresa
Date: 4/5/2011 1:39 PM
Subject: Scigala 07-428-SPH
Attachments: Deliberation Minutes 3-31-11.pdf

Mr. Sullivan,

Attached please find a copy of the Minutes of Deliberation in the Jakub Scigala matter. Please be advised that this is not a final written Opinion of the Board. The final Opinion will be sent out upon it's completion. As per your request, you have been added to the address list and a copy will be sent to you when it is issued.

Should you have any problems or questions, please do not hesitate to contact our office.

Thank you.

Sunny

Krysundra "Sunny" Cannington
Legal Secretary
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
(410) 887-3180

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Jakub Scigala 07-428-SPH

DATE: March 31, 2011

BOARD/PANEL: Lawrence S. Wescott, Chairman
Robert W. Witt
Edward W. Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to permit an addition (1 ½ story garage built onto existing 21' x 23' shed in order to store vehicles and equipment) in a Riverine Floodplain and to amend previously approved site plan in Case No. 07-051-SPHA.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed the history of this matter. The Board previously held a hearing and public deliberation in this matter, and issued an Order on December 2, 2010, wherein they held their decision *sub curia* and remanded this matter to the Building Engineer for the determination of whether the proposed improvements were considered "substantial improvements." The Building Engineer sent a letter determining that the proposed improvements are considered "substantial" because the nature and cost of the improvements enlarge the footprint of the current structures on the property. The Board agrees that the proposed improvements are considered "substantial," therefore the issue before the Board is to determine whether a waiver should be granted to permit the improvements.
- The Office of People's Counsel responded to the Building Engineer's letter. People's Counsel discussed that the County and Petitioner attempted to resolve this matter. The County suggested that if the Petitioner would raise the foundation of his existing home and move the utilities (i.e. electrical box, furnace, etc) from the basement level to a level above the floodplain, the County would permit the improvements to the garage. The Petitioner did not accept these terms, nor did he request a hearing on the Building Engineer's decision.
- The Board discussed that they do not have the authority to require the Petitioner to change the configuration of his home, which is not at issue in the present matter. The Board also discussed that while they do not like the decision they are faced with, there is no way to grant the requested waiver.

DECISION BY BOARD MEMBERS: The Board determined that based on the Building Engineer's letter, the proposed improvements are considered "substantial" because the nature and cost of the improvements is more than 50% of the current property value and they change the footprint of the existing structures. The Board determined that due to the "substantial" condition of the improvements, they must deny the waiver.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the waiver to permit an addition (1 ½ story garage built onto existing 21' x 23' shed in order to store vehicles and equipment) in a Riverine Floodplain and to amend previously approved site plan in Case No. 07-051-SPHA.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Sunny Cannington

Sunny Cannington

County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 10, 2011

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Brian Bennett, Esq.
Terziu & Bennett
2211 Eastern Blvd
Baltimore, MD 21220

RE: *In the Matter of: Jakub Scigala*
Case No. 07-428-SPH

Dear Counsel:

Please be advised that the Panel Chairman, Lawrence Stahl, has accepted another position within Baltimore County Government.

Mr. Stahl will be replaced in this matter by the current Chairman of the Board of Appeals, Lawrence S. Wescott. Mr. Wescott has had the opportunity to listen to the proceedings via Courtsmart and review all documentation and evidence presented before this Board, including, but not limited to the Remand Order; the letter from the Building Engineer dated February 9, 2011, that was in compliance with the Remand Order and the letter addressed to the Chairman, dated March 4, 2011 from People's Counsel, in response to the Building Engineer's letter of March 4, 2011.

The Public Deliberation on this matter has been scheduled for Thursday, March 31, 2011 @ 9:30 a.m. Mr. Wescott will participate in that Deliberation as the panel member replacing Mr. Stahl; and in all future hearings and/or decisions in Case No.: 07-428-SPH. A copy of the Deliberation Notice is enclosed.

Mr. Wescott will be signing the Opinion in case number 07-428-SPH in lieu of Mr. Stahl, when the final order of this panel is issued.

Please do not hesitate to contact me if you wish to discuss this matter further. I remain,

Very truly yours,

Theresa R. Shelton

Theresa R. Shelton
Administrator

Duplicate Original

Encl.: Notice of Deliberation
c(w.Encl.): Lawrence S. Wescott, Chairman/Board of Appeals

Note - 2/18/11

Nancy came in and reviewed Malstrom & Scigala - It appears she's getting involved but she's hoping both will settle.

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

RECEIVED
MAR - 4 2011
BALTIMORE COUNTY
BOARD OF APPEALS

March 4, 2011

Lawrence S. Wescott, Chairman
County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: Jakob Scigala
Case No.: 7-428-SPH

Dear Chairman Wescott:

This is in response to your letter, dated February 17, 2011, enclosing Building Engineer Donald Brand's February 9, 2011 report and asking for comments. The report responds to the County Board of Appeals (CBA) remand order of January 21, 2011.

The report provides a thorough history of County floodplain issues, with 1972 Hurricane Agnes as a catalyzing event exposing the major problems with construction in the riverine floodplain. The report goes on to describe the evolution of the law and the concerns both with respect to riverine and tidal floodplains.

The present case involves new construction in a riverine floodplain. To make a long story short, the Building Engineer concludes that the construction does involve a substantial improvement. There can be no doubt that this construction is unauthorized unless a waiver is granted under County Code Sections 32-4-414, 32-8-301, and particularly 32-8-303.

Indeed, in our view, notwithstanding any indications to the contrary in the pending Malstrom proceedings, the above County Code provisions prohibit construction in the riverine floodplain without a waiver. They govern all development, regardless of whether the improvement is "substantial" under the Building Code. In recent discussions with Building Engineer Brand, moreover, there has come to our attention his sensible interpretation that the way to reconcile the development law and building code is to apply the "substantial improvement" criterion comes only to maintenance and repair situations, not for new, additional, or expanded construction.

At the conclusion of the initial *de novo* February 17, 2009 trial hearing, Chairman Lawrence Stahl brought the parties together and asked if there were some way to resolve the case by consensus. This led to a series of efforts, described below, which ultimately

were not successful. The CBA rescheduled the case for hearing on December 7, 2010. Based on the CBA decision in the Malstrom case, it was then agreed that the case should be remanded to the Buildings Engineer, and this led to the CBA's January 21, 2011 order.

At the February 17, 2009 trial, there was no showing of exceptional hardship as to the property. In addition, David Thomas of the Public Works Department (DPW) found increased risk to public safety of property and persons. So, DPW recommended against the waiver, but would support it, subject to conditions. These are outlined in my June 30, 2009 letter to the CBA. They include floodproofing of the residence, a new finished floor 2 feet above the floodplain, removal of electrical and mechanical equipment from the basement, relocation of such equipment to a new addition to the residence.

There were meetings with Petitioner or his representatives to reach a consensus. There was hope that Petitioner's architect would prepare a new site plan to satisfy DPW's concerns. This is why the CBA case was dormant. Then, despite tentative agreement in principle, there was no further progress. Neither Petitioner nor his architect submitted to DPW or the Buildings Engineer any modified plan for review.

As noted, we were willing to support, or not oppose, a waiver if the DPW conditions were satisfied, for the reason that there would be an improvement in the public safety situation. Under the present circumstances, as our efforts to resolve the situation with a consensus on conditions have been unsuccessful, we must maintain our position, consistent with the entire record, and underlined by Mr. Thomas' testimony, that there is no justification for a bare waiver. Nevertheless, consistent with DPW's view, we would not oppose a waiver, as a matter of public interest, if the CBA imposes the conditions described above. with the prerequisite of an amended site plan showing these specifications prior to the entry of a final CBA order.

My June 30, 2009 letter also noted a septic system failure issue. Mr. Thomas has informed us that this has been alleviated by sanitary sewer extension.

I hope this response to the Chairman's letter is helpful to the CBA.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Cc: Brian Bennett, Esquire, attorney for Petitioner
Donald Brand, Buildings Engineer
David Thomas, DPW

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-428-SPH
DATE 6-7-07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Jakub Scigala	9 Boxwood Ln.	Cockeysville, MD, 21030	
JOEL PLITT	100 CATHEDRAL ST., 5, [redacted]	ANNAP., MD, 21401	
Brian Barnett	2211 Eastern Ave	Balto. MD 21220	

PLEASE PRINT CLEARLY

CASE NAME 9 Boxwood Ln / Sciazza
CASE NUMBER 07-428-SPH
DATE 11/1/07

Petitioner's

~~CITIZEN'S~~ SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JOEL PLITT	100 CATHEDRAL ST.,		
JAKUB SCIGALA	STE. 5, ANNAP. 21401		
	9 BOXWOOD LN		
BRIAN BURNETT	2211 EASTON BLVD		
	BALTO. MD 21224		

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-928-SPH
DATE 6-5-08

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Dave Thomas	DPW		

Produced by Baltimore County GIS Services Unit
Date: January 09, 2009
Date of Imagery: 2007

1 inch = 50 feet

The Cadastral Information on this Plot was compiled from existing deed information. This Information is not to be considered authoritative. The Survey Information was not field checked and Certified by a licensed land surveyor.

07-428-SPH

CBA PC EX No. 18

100 YEAR FLOOD PLAIN STUDY

FOR

BOXWOOD LANE

September 4, 2007

DESIGNED: NGD

I certify that the 100 year flood plain outline shown on this plan is correct and done in accordance with the Department of Permits and Development Management, Bureau of Development Plans Review's Policy Manual, Appendix B, Recommendations and Procedures for Watershed Studies-Floodplain Studies and Waterway Crossing Studies.

9-18-07

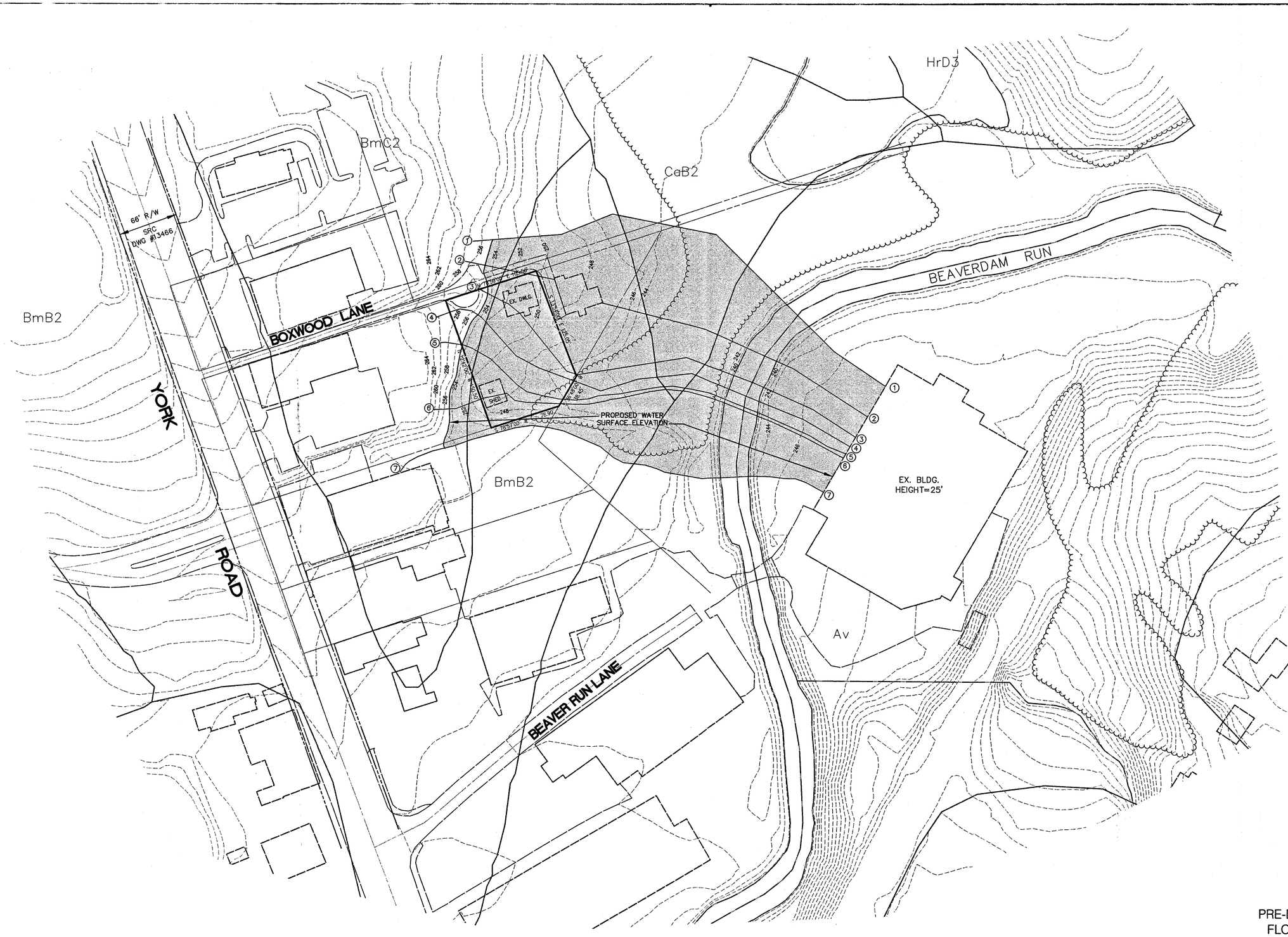
Nicasio G. Dematera, PE — Date

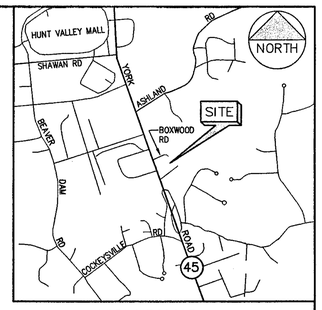
STATE OF MARYLAND
NICASIO G. DEMATERA
No. 12021
REGISTERED
PROFESSIONAL ENGINEER

Maryland Registered No. 12021

PREPARED BY:

Mckee & Associates, Inc.
Shawan Place -Suite 1
5 Shawan Road
Hunt Valley, Maryland 21030





VICINITY MAP
SCALE: 1"=2000'

LEGEND

- EX. CONTOURS 700
- EX. STREAM
- 100 YR WATER SURFACE ELEV.
- 100 YR FLOOD PLAIN LIMIT
- WELL — EXISTING — PROPOSED
- PERC TEST — A-1 PASSED — A-1 FAILED
- PROP. SEPTIC AREA
- SOIL TYPES — McD3 MbE
- EX. WOODS LINE
- PROP. HOUSE SITE W/ DIRECTION ARROW

DESIGN AND DRAWING BASED ON
MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD 83/91
VERTICAL - NAVD 88

PRE-DISTURBANCE 100 YEAR FLOODPLAIN STUDY PLAN

JAKUB SCIGALA PROPERTY

#9 BOXWOOD LANE

8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50' DATE: 09-07-2007

COMPUTED BY:	DRAWN BY: RLJ	CHECKED BY: JDG/NGD	JOB No.: 07-158

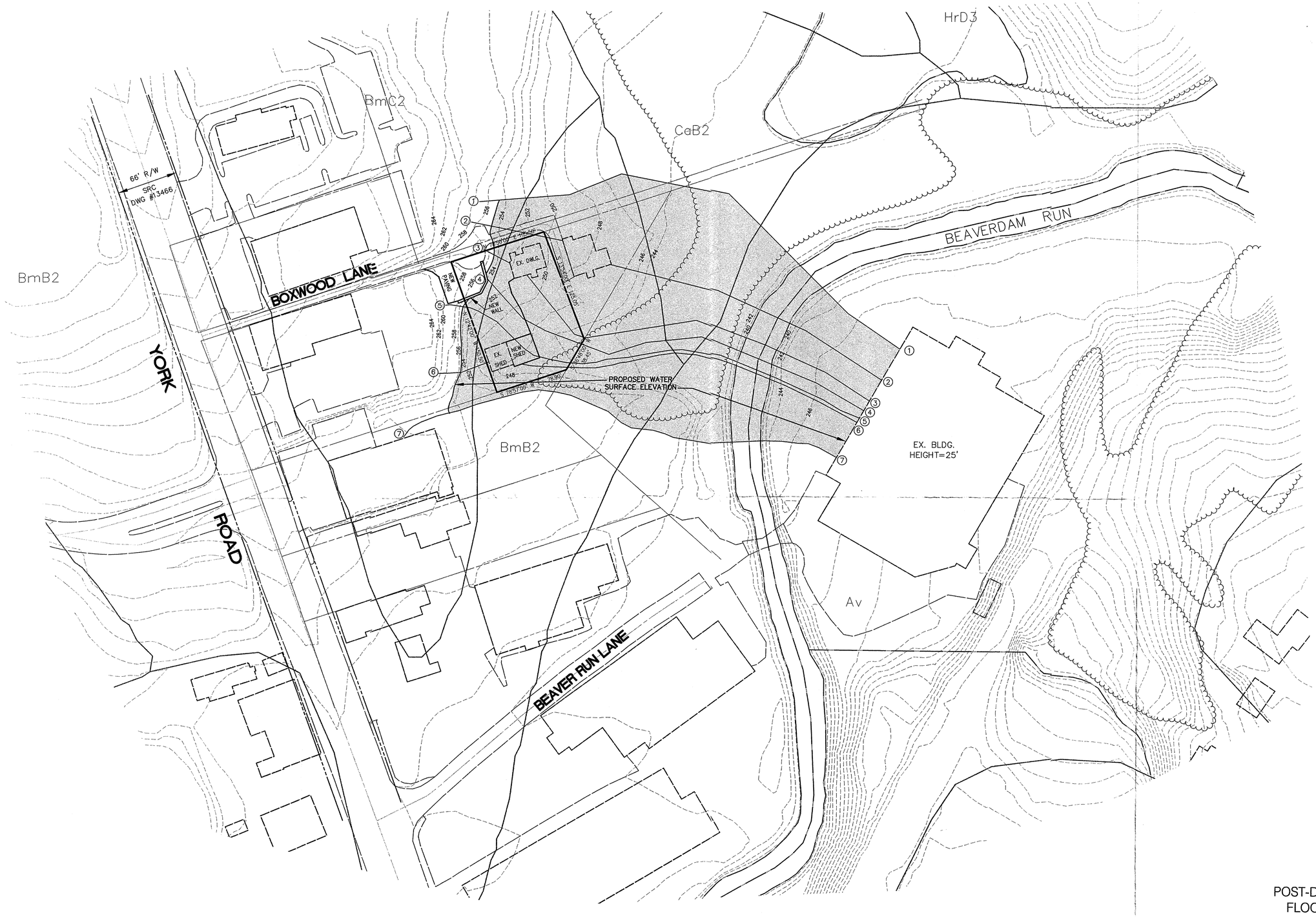
McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

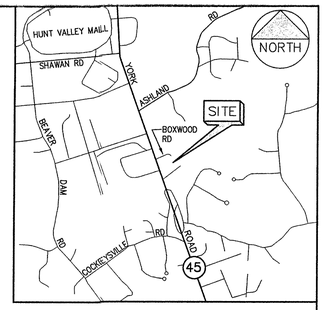
I CERTIFY THAT THE 100 YEAR FLOOD PLAIN OUTLINE SHOWN ON THIS PLAN IS CORRECT AND DONE IN ACCORDANCE WITH THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, BUREAU OF DEVELOPMENT PLANS REVIEW'S POLICY MANUAL, APPENDIX B, RECOMMENDATIONS AND PROCEDURES FOR WATERSHED STUDIES–FLOOD PLAIN STUDIES AND WATERWAY CROSSING STUDIES.

NICASIO G. DEMATERA DATE
MARYLAND REGISTERED No. 12021

OWNER INFO
JAKUB SCIGALA
#9 BOXWOOD RD
DEED: 24113/147
T.M. 42 P. 273
T.A.# 0818037090

P:\SDSK\Proj\07-158\dwg\07-158-FLOOD-STUDY.dwg, 9/13/2007 8:06:25 AM, rlj





VICINITY MAP
SCALE: 1"=2000'

LEGEND

- EX. CONTOURS 100
- EX. STREAM
- 100 YR WATER SURFACE ELEV.
- 100 YR FLOOD PLAIN LIMIT
- WELL — EXISTING / PROPOSED
- PERC TEST — A-1 PASSED / A-1 FAILED
- PROP. SEPTIC AREA
- SOIL TYPES — McD2 / MnE
- EX. WOODS LINE
- PROP. HOUSE SITE w/ DIRECTION ARROW

MCS

DESIGN AND DRAWING BASED ON
MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD 83/91
VERTICAL - NAVD 88

POST-DISTURBANCE 100 YEAR FLOODPLAIN STUDY PLAN

JAKUB SCIGALA PROPERTY

#9 BOXWOOD LANE

8TH ELECTION DISTRICT — 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50' — DATE: 09-07-2007

COMPUTED BY:	DRAWN BY: RLJ	CHECKED BY: JDG/NGD	JOB No.: 07-158

I CERTIFY THAT THE 100 YEAR FLOOD PLAIN OUTLINE SHOWN ON THIS PLAN IS CORRECT AND DONE IN ACCORDANCE WITH THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, BUREAU OF DEVELOPMENT PLANS REVIEW'S POLICY MANUAL, APPENDIX B, RECOMMENDATIONS AND PROCEDURES FOR WATERSHED STUDIES–FLOOD PLAIN STUDIES AND WATERWAY CROSSINGS STUDIES.

NICASIO G. DEMATERA — DATE
MARYLAND REGISTERED No. 12021

OWNER INFO
JAKUB SCIGALA
#9 BOXWOOD RD
DEED: 24113/147
T.M. 42 P. 273
T.A.# 0818037090

McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 — COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 — FACSIMILE: (410) 527-1563

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07-428-SPH

PEOPLE'S Counsel

EXHIBITS

CASE NO. 07-428-SPH

PEOPLES' COUNSEL - EXHIBITS

verified 2/4/09

✓ 1. AERIAL PHOTO - GIF 2005

✓ 2. AERIAL PHOTO - GIF 2007

✓ 3. PETITION FOR VARIANCE.

✓ 4. PLAT TO ACCOMPANY VARIANCE REQUEST. - ORIGINAL PET.

✓ 5 CASE NO. 07-051-SPHA ORDER OF DZC 10/6/06

✓ 6. BUILDING PERMIT FOR GARAGE

✓ 7. PETITION FOR SPECIAL HEARING

✓ 8. SITE PLAN (PLAT) TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING - CASE NO. 07-428-SPH.

✓ 9. MD. STATE DEPT OF ASSESS PRINTOUT

✓ 10. FLOOD INSURANCE RATE MAP.

✓ 11. BALTIMORE COUNTY MASTER PLAN - 2010.

✓ 12. REGULATIONS - BC MISC.

✓ 13. BALTIMORE COUNTY BUILDING CODE - 7/15/07

✓ 14. MEMO DATED 4/6/07 EDWARD ADAMS, D.R. PUBLIC WORKS

✓ 15. MEMO DATED 11/2/07 EDWARD ADAMS, JR. PUBLIC WORKS.

✓ 16. MEMO DATED 4/9/07 DENNIS KENNEDY, BUREAU OF DEVELOPMENT PLANS REVIEW

CASE NO. 07-428-SPH

PEOPLES' COUNSEL - EXHIBITS.

✓ 17. MAP SHOWING BOXWOOD LANE.

✓ 18. AERIAL PHOTO OF AREA.

9 Boxwood Lane - 2005 Aerial Photo - 2008 DFIRM (100-yr. in Blue, 500-yr. in Gray)

CBA PC No. 1

9 Boxwood Lane - 2007 Aerial Photo - 2008 DFIRM (100-yr. in Blue, 500-yr. in Gray)

CBA PC No. 2

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 Boxwood Lane

which is presently zoned DR 3.5

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 Variance from Section(s) 400.3 (BCZR)

To permit an accessory structure (garage) with a height of 19-feet in lieu of the maximum permitted 15-feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

PLEASE SEE ATTACHED SHEET.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Jakub Scigala
Name - Type or Print

J. Scigala
Signature

Name - Type or Print

Signature

9 Boxwood Lane (410)262-9337
Address Telephone No.

Cockeysville, MD 21030
City State Zip Code

Representative to be Contacted:

Joel Plitt
Name

100 Cathedral St., Ste. 5 (410)267-6589
Address Telephone No.

Annapolis, MD 21401
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-051-SPHA

Reviewed By D.T. Date 8/7/06

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 10-6-06
By PG

CBA PC Ex No. 3

ZONING NOTICE

CASE # 07-051-SPHA

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

PLACE: COUNTY COURTS BUILDING - ROOM 407
401 BOSLEY AVENUE
TOWSON, MD 21204

DATE AND TIME: TUESDAY OCT. 3, 2006 @ 11:00 AM

REQUEST: SPECIAL HEARING
TO PERMIT AN ACCESSORY STRUCTURE WITH A FOOTPRINT LARGER THAN THE PRINCIPAL STRUCTURE.

VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET.

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

SIGN #2

#9 BOXWOOD LANE

ZONING NOTICE

CASE # 07-051-SPHA

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

PLACE: COUNTY COURTS BUILDING-ROOM 407
401 BOSLEY AVENUE
TOWSON, MD 21204

DATE AND TIME: TUESDAY OCT. 3, 2006 @11:00 AM

REQUEST: SPECIAL HEARING
TO PERMIT AN ACCESSORY STRUCTURE WITH A FOOTPRINT LARGER THAN THE PRINCIPAL STRUCTURE.

VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 19 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET.

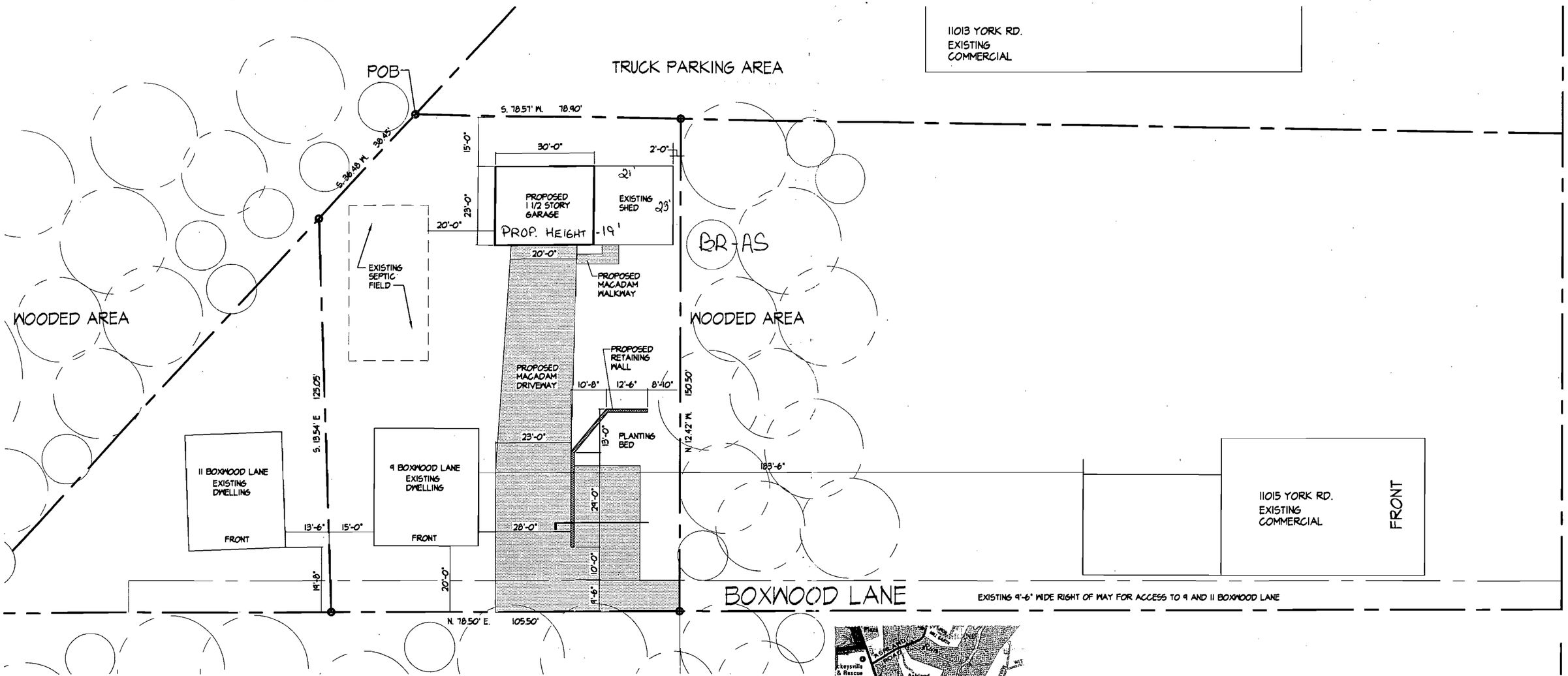
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

Exhibit #1

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING

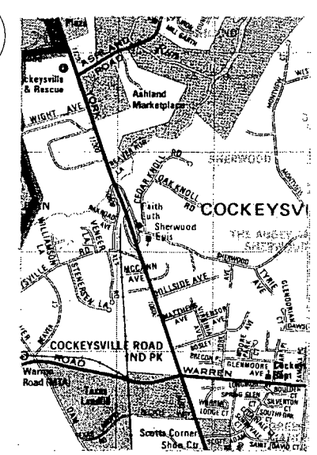


PLAT

SCALE: 1" = 30'

PREPARED BY: RUHF PLITT ARCHITECTS, LTD.

PROPERTY ADDRESS	9 BOXWOOD LANE
OWNER	JAKUB SCIGALA
DESCRIPTION	250 FEET EAST OF YORK ROAD
MAP: 42 GRID: 22 PARCEL: 273	
TAX ACCT. NO. (08) 08-18-037090	



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	8
COUNCILMANIC DISTRICT	3
1" = 200' SCALE MAP #	042-B-3
ZONING	DR 3.5
LOT SIZE	
.4 ACRES	
15,750 SF	
SEWER	PRIVATE
WATER	PUBLIC
CHESAPEAKE BAY CRITICAL AREA	NO
100 YEAR FLOOD PLAIN	NO
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	NO

Pet #1

CBA PC Ex No. 4

07-051-SPHA

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
N/S of Boxwood Lane, 290 feet west of C/l of York Road	*	DEPUTY ZONING COMMISSIONER
8th Election District	*	FOR
3rd Councilmanic District		
(9 Boxwood Lane)	*	BALTIMORE COUNTY
Jakub Scigala *Petitioner*	*	CASE NO. 07-051-SPHA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, Jakub Scigala. The Petitioners are requesting special hearing relief for property owned at 9 Boxwood Lane. The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure with a footprint larger than the principal structure. The Variance is to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet.

The property was posted with Notice of Hearing on September 18, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 19, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

CBA PC EX NO 5.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

Timothy Kotroco

TIMOTHY M. KOTROCO
DIRECTOR

BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B646495 CONTROL #: MR DIST: 08 PREC: 01
DATE ISSUED: 10/13/2006 TAX ACCOUNT #: 0818037090 CLASS: 04

PLANS: CONST 0 PLAT 2 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION: 9 BOXWOOD LANE
SUBDIVISION: 250FT E OF YORK RD

OWNERS INFORMATION
NAME: JAKUB, SCIGALA
ADDR: 9 BOXWOOD LANE 21093

TENANT:
CONTR: OWNER
ENGNR:
SELLR:
WORK: CONST A 1STY DETACHED GARAGE ON REAR PROPERTY
OF SFD. (TO BE ATTACHED TO EX DET SHED).
30'X25'X19'=750SF. ACCESSORY LETTER SUBMITTED
VARIANCE CASE#07-051 SPHA, GRANTED 10-6-06

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

PROPOSED USE: SFD, SHED & DET GARAGE
EXISTING USE: SFD & DET SHED

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

LOT SIZE AND SETBACKS

SIZE: 15750SF
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: 25'/NC
SIDE STR SETB:
REAR SETB: 10.5

CBA PC Ex No. 6

FLOOD

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9 Boxwood Lane, Cockeysville, MD 21030

which is presently zoned DR 3.5

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, BUILDING CODE; AND SECTIONS 32-4-414, 32-4-107, (B)(2), 32-8-301 BCC TO PERMIT ~~ADDITION~~ ~~FALLS SECTION~~ TO BUILD AN ADDITION IN A RIVERINE FLOODPLAIN AND TO AMEND PREVIOUSLY APPROVED SITE PLAN IN CASE # 07-051-SPHA

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:

Name - Type or Print

Signature

Address — Telephone No

City — State — Zip Code

Legal Owner(s):

Jakub Scigala

Name - Type or Print

Signature

Jakub Scigala

Name - Type or Print

Signature

9 Boxwood Lane — (410) 262-4333

Address — Telephone No

Cockeysville, MD 21030

City — State — Zip Code

Attorney For Petitioner:

Brian Bennett

Name - Type or Print

Signature

Terziu & Bennett

Company

2211 Eastern Blvd. — (410) 687-4700

Address — Telephone No

Baltimore MD 21220

City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

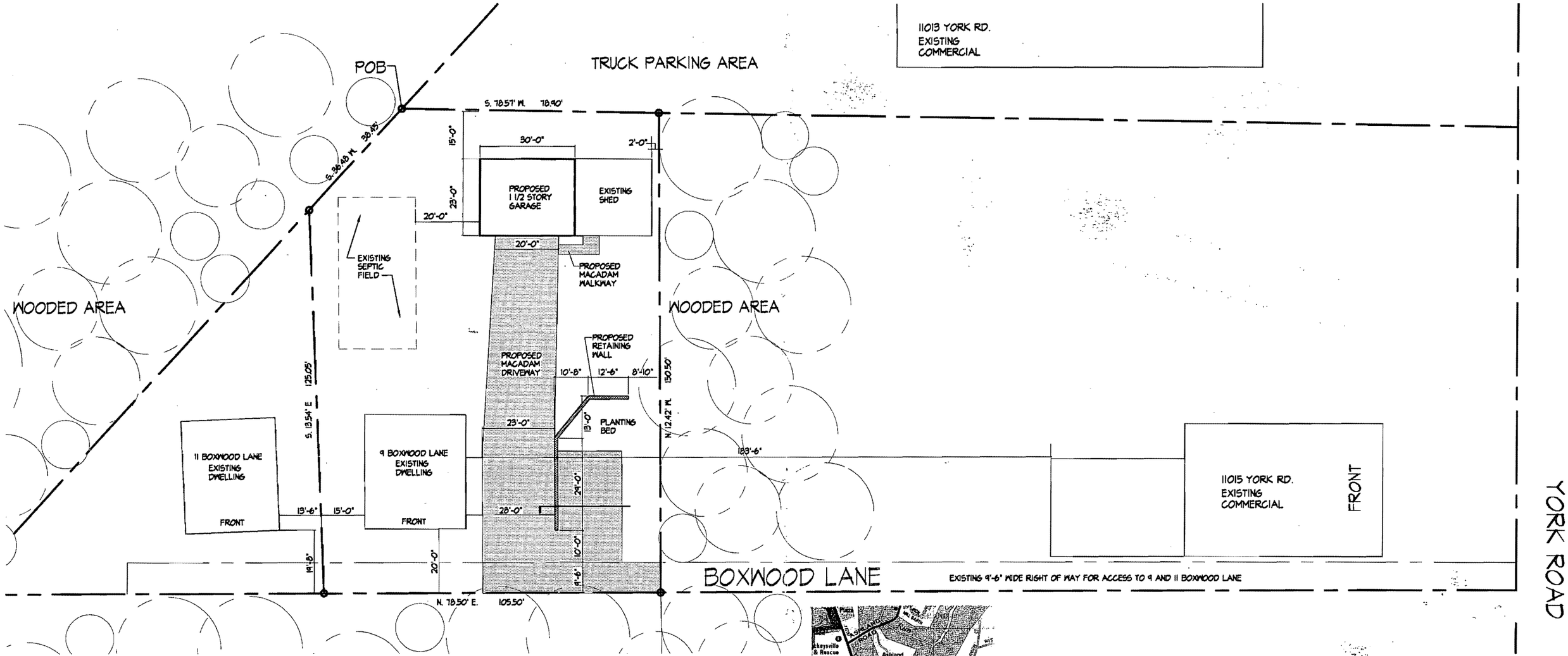
Reviewed By JF Date 3/20/07

Case No. 07-428-SPH ~~07-051-SPHA~~

REV 9/15/98

CBA PC EX No. 7

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING

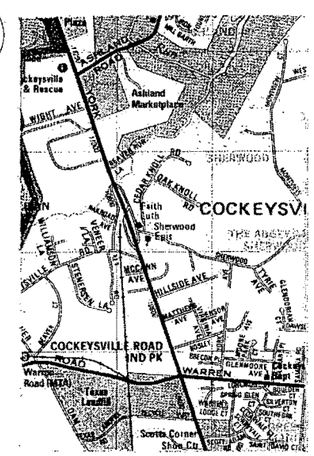


PLAT

SCALE: 1" = 30'

PREPARED BY: RUHF PLITT ARCHITECTS, LTD.

PROPERTY ADDRESS	9 BOXWOOD LANE	
OWNER	JAKUB SCIGALA	
DESCRIPTION	250 FEET EAST OF YORK ROAD	
MAP: 42	GRID: 22	PARCEL: 273
TAX ACCT. NO. (08) 08-18-037090		



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	8
COUNCILMANIC DISTRICT	3
1" = 200' SCALE MAP #	042-B-3
ZONING	DR 3.5
LOT SIZE	
.4 ACRES	
15,750 SF	
SEWER	PRIVATE
WATER	PUBLIC
CHESAPEAKE BAY CRITICAL AREA	NO
100 YEAR FLOOD PLAIN	YES-RIVERINE
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	YES-#07-051-SPHA

07-428-SPH

CBA PC. EX No 8

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

Go Back
View Map
New Search

Account Identifier: **District** - 08 **Account Number** - 0818037090

Owner Information

Owner Name:	SCIGALA JAKUB	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	9 BOXWOOD LN COCKEYSVILLE MD 21030-2008	**Deed Reference:**	1) /24113/ 147 2)

Location & Structure Information

Premises Address
9 BOXWOOD RD

Legal Description
.40 AC
9 BOXWOOD RD SS
250FT E OF YORK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
42	22	273						2	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	2,320 SF	15,750.00 SF	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2008	As Of 07/01/2009
Land	122,430	146,430		
Improvements:	193,580	335,360		
Total:	316,010	481,790	371,270	426,530
Preferential Land:	0	0	0	0

Transfer Information

Seller:	ZIELINSKI KRZYSZTOF	**Date:**	06/30/2006	**Price:**	$250,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/24113/ 147	**Deed2:**	
Seller:	WU JAMES J	**Date:**	08/10/2004	**Price:**	$151,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/20519/ 510	**Deed2:**	
Seller:	CHENGS RESTAURANT INC	**Date:**	03/03/2000	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/14337/ 462	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

CBA PC Ex No. 9

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY, MARYLAND
(UNINCORPORATED AREAS)

PANEL 235 OF 575
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
240010 0235 B

EFFECTIVE DATE:
MARCH 2, 1981

federal emergency management agency
federal insurance administration

CBA PC EX NO. 10

MASTERPLAN 2010

BALTIMORE COUNTY, MARYLAND

As Adopted by Baltimore County Council

February 22, 2000

CBA Pc Ex No. 11

§ 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)

CBA - PC EX No. 12

BALTIMORE COUNTY BUILDING CODE

Baltimore County Council Bill 49-07

Effective July 15, 2007

www.baltimorecountymd.gov

CBA PC EX NO. 13

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: April 6, 2007

SUBJECT: Case No. 07-428-SPH
Waiver to Permit Garage in Riverine Floodplain
9 Boxwood Lane

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 waiver involves a garage that was built in the riverine floodplain with a building permit (B646495MR) that was apparently issued in error, and was subsequently rescinded by the Buildings Engineer. This office has to date received no justification from the permit applicant supporting the waiver request.

This department recommends that the waiver as requested be denied.

ECA/DLT/s

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Dennis Kennedy, Chief, Development Plan Review Bureau; Donald Brand, Buildings Engineer; Joel Plitt, Ruhf Plitt Architects, Ltd.

CBA PC. EX NO. 14

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Thomas Bostwick, Deputy Zoning Commissioner

FROM: Edward Adams, Director,
Department of Public Works

DATE: November 2, 2007

RECEIVED
NOV 0 6 2007
BY:

SUBJECT: Case No. 07-428-SPH
Waiver to Permit Garage in Riverine Floodplain
9 Boxwood Lane
Updated Comments

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 waiver involves a garage that was built in the riverine floodplain with a building permit (B646495MR) that was apparently issued in error, and was subsequently rescinded by the Buildings Engineer. At the time of the original recommendation memo dated 4/6/2007 this office had received no justification from the permit applicant supporting the waiver request.

A floodplain study dated 9/17/07 was received and has been accepted as correct (including the assertion that the subject structure will have no significant impact on the floodplain elevation) by this office based on the PE seal dated 9/18/07. This study shows the subject garage addition located in an area of the Beaver Dam Run floodplain having a base flood (100-year) elevation of 254.81, with the lowest adjacent grade elevation of about 248, giving a depth of flooding at the structure in excess of six feet.

This department again recommends that the waiver as requested be <u>denied</u>.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Timothy Kotroco, Director, Permits & Development Management (Attn: Kristen Matthews); Dennis Kennedy, Chief, Development Plan Review Bureau; Donald Brand, Buildings Engineer; Joel Plitt, Ruhf Plitt Architects, Ltd.; Geoff Schultz, McKee & Assoc.

CBA PC EX NO. 15

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 5, 2007

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

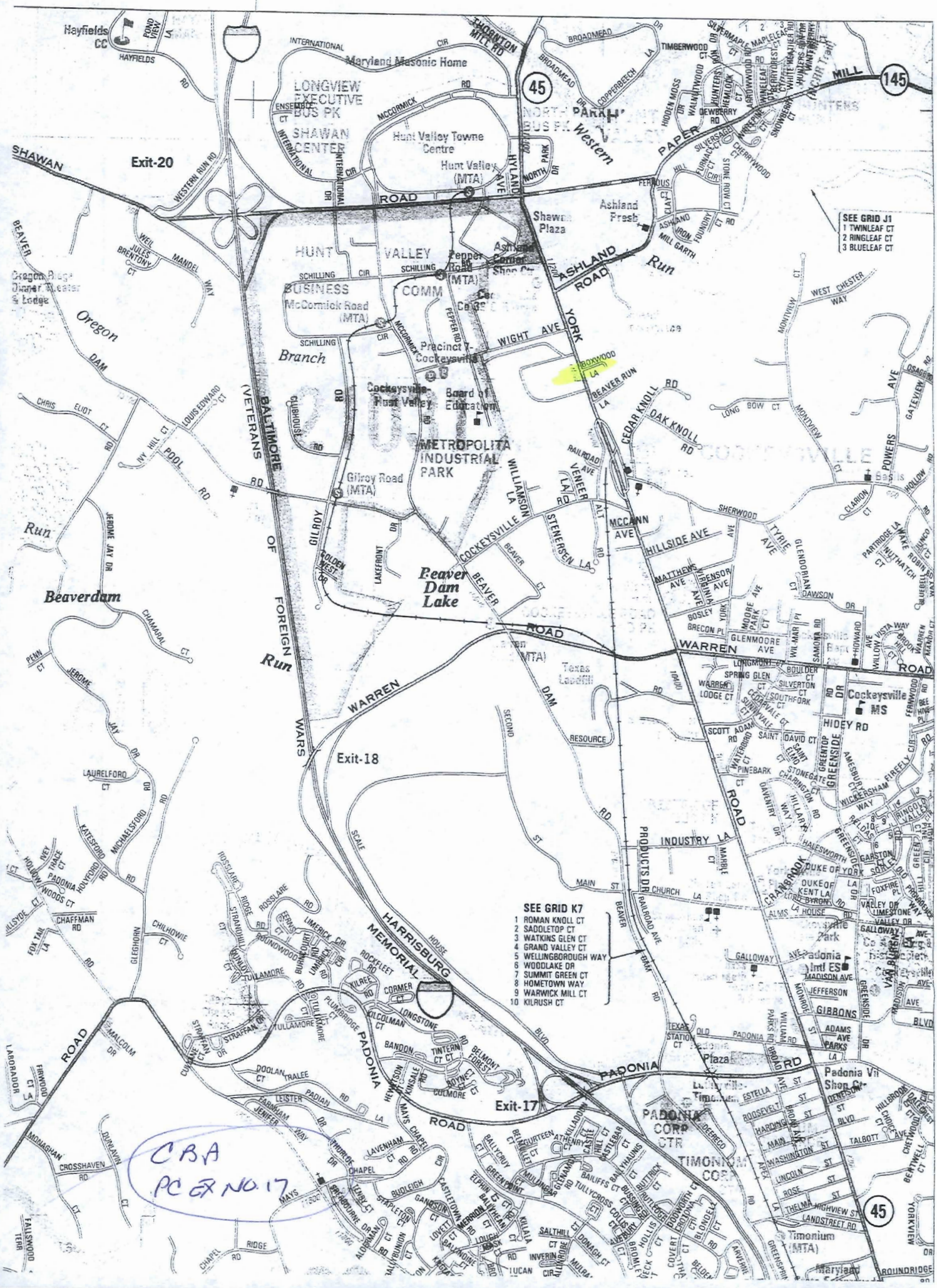
SUBJECT: Zoning Advisory Committee Meeting
For April 9, 2007
Item No. 07-428

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

We strongly recommend that this waiver be denied. The petitioner has not provided any computations or other justification as to why he should be allowed to build in a riverine flood plain.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-428-03042007.doc

CBA PC EX NO. 16

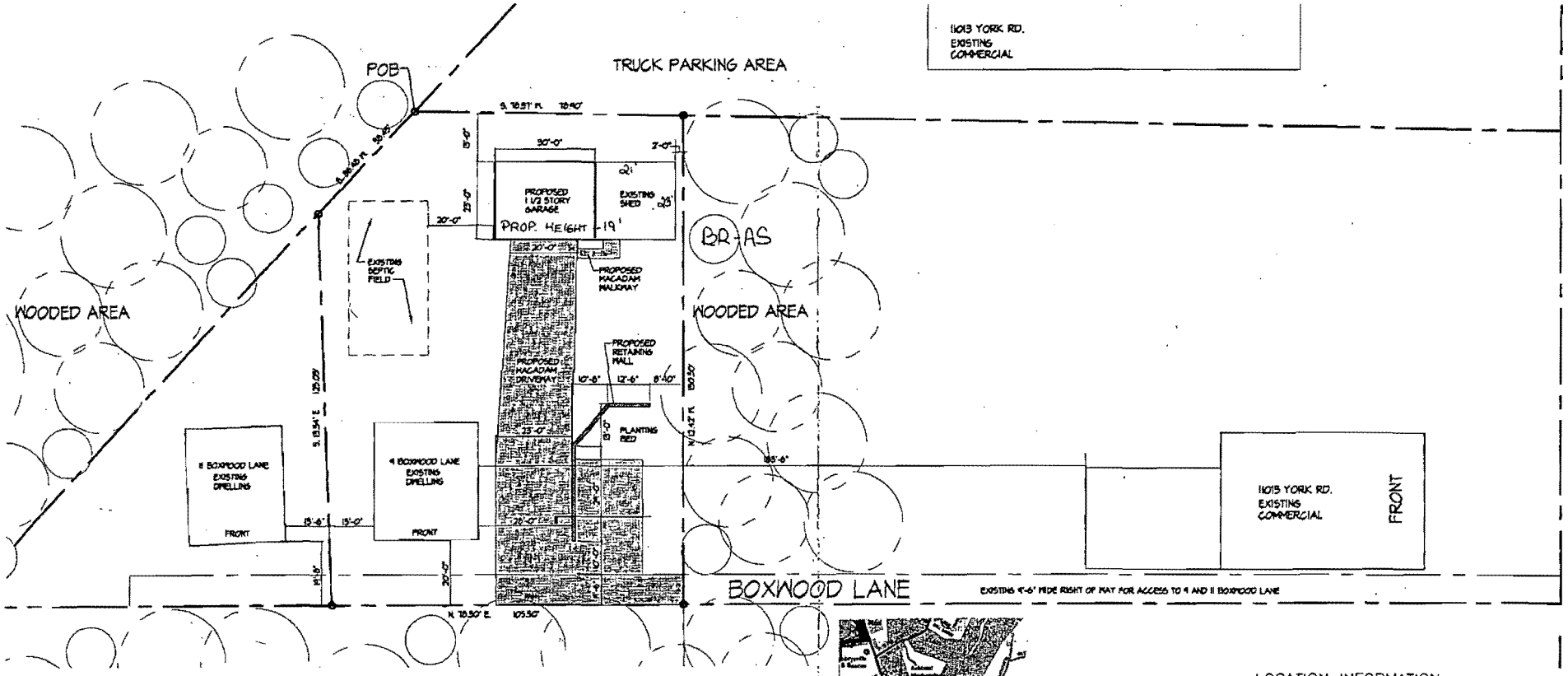

Hayfields CC
Maryland Masonic Home
LONGVIEW EXECUTIVE BUS PK
SHAWAN CENTER
Hunt Valley Towne Centre
Hunt Valley (MTA)
Exit-20
SHAWAN ROAD
Shawan Plaza
Ashland Fresh
ASHLAND ROAD
HUNT VALLEY BUSINESS COMM
Pepper Road (MTA)
McCormick Road (MTA)
Oregon Branch
Oregon Ridge Dinner Theater & Lodge
Precinct 7-Cockeysville
Cockeysville-Hunt Valley Board of Education
METROPOLITA INDUSTRIAL PARK
Gilroy Road (MTA)
Beaver Dam Lake
Beaverdam Run
FOREIGN WARS
BALTIMORE (VETERANS) ROAD
YORK ROAD
WARREN ROAD
Exit-18
Texas Landfill
Cockeysville MS
HIDEY RD
GREENSIDE
INDUSTRY LA
PRODUCTS DR
HARRISBURG MEMORIAL ROAD
PADONIA ROAD
Exit-17
PADONIA CORP CTR
TIMONIUM CORP
Padonia Intl ES
Padonia Vil Shop Ctr
Timonium (MTA)
Maryland
SEE GRID K7
1 ROMAN KNOLL CT
2 SADDLETOP CT
3 WATKINS GLEN CT
4 GRAND VALLEY CT
5 WELLINGBOROUGH WAY
6 WOODLAKE DR
7 SUMMIT GREEN CT
8 HOMETOWN WAY
9 WARWICK MILL CT
10 KILRUSH CT
SEE GRID J1
1 TWINLEAF CT
2 RINGLEAF CT
3 BLUELEAF CT
CBA
PC EX NO. 17

07-428-SPH

PETITIONER'S

EXHIBITS

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING



PLAT

SCALE: 1" = 30'

PREPARED BY: RUHF PLITT ARCHITECTS, LTD.

PROPERTY ADDRESS	9 BOXWOOD LANE
OWNER	JAKUB SCIGALA
DESCRIPTION	250 FEET EAST OF YORK ROAD
MAP: 42	GRID: 22 PARCEL: 273
TAX ACCT. NO. (08) 08-18-037090	

VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT	8
COUNCILMANIC DISTRICT	3
1" = 200' SCALE MAP #	042-B-3
ZONING	DR 3.5
LOT SIZE	
.4 ACRES	
15,750 SF	
SEWER	PRIVATE
WATER	PUBLIC
CHESAPEAKE BAY CRITICAL AREA	NO
100 YEAR FLOOD PLAIN	NO
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	NO

Pet #1

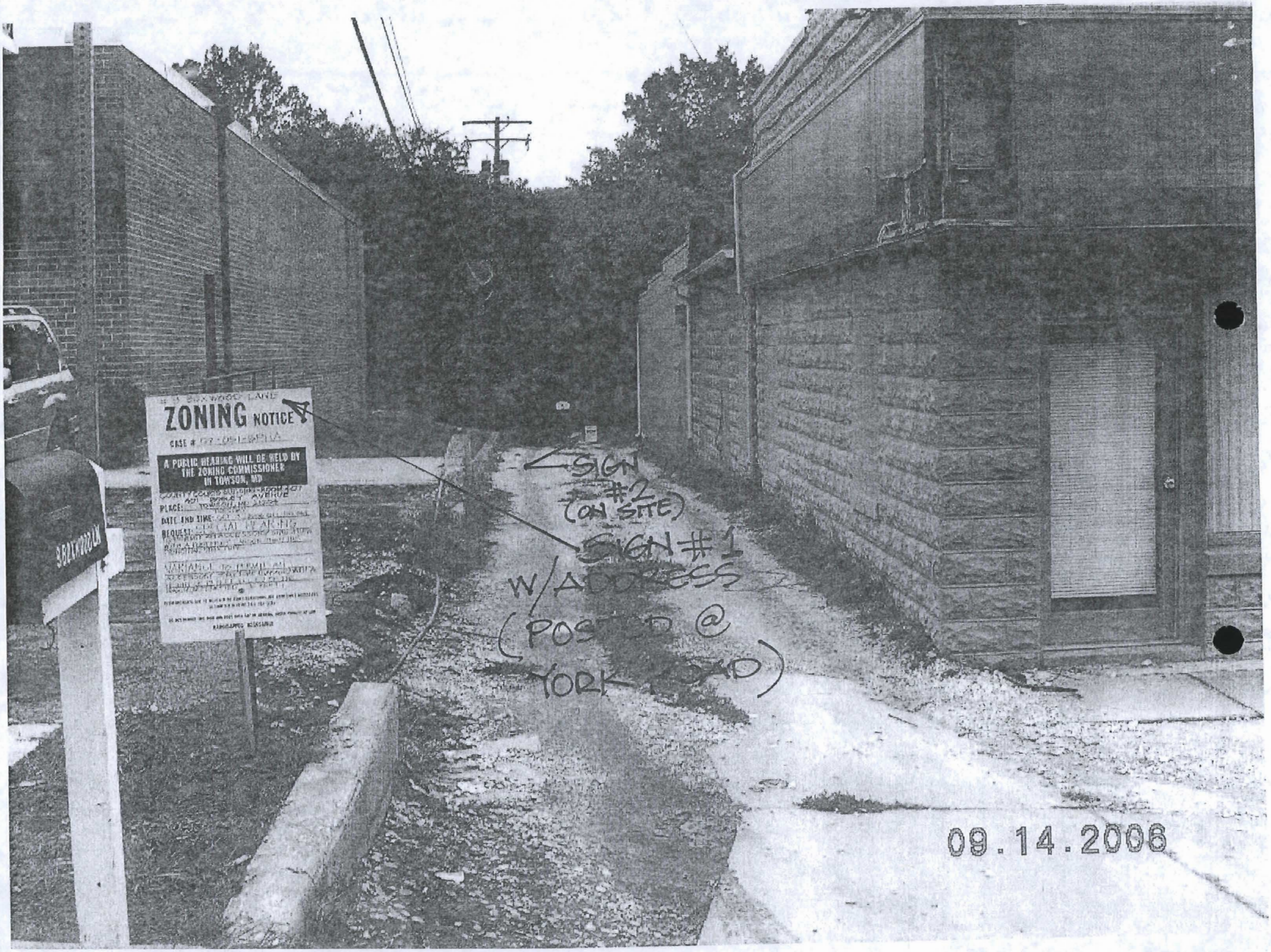
07-051-SPHA

PETITIONER'S

EXHIBIT NO. 2

09 14 2006
LANE

410-527-0066
AGENTS
Boxwood LN
ILS
YOU HA
OLE JOYS
TOP PRODUCER
OF THE
MONTH
ONG & FOSTER RE
ORS
9 BOXWOOD LN
ZONING NOTICE
09 14 2006


ZONING NOTICE
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
SIGN #2 (ON SITE)
SIGN #1 W/ADDRESS (POSTED @ YORK ROAD)
09.14.2006

LONG & FOSTER
REALTORS
410-527-0066
OUR AGENTS
HANDLE DETAILS
LONG & FOSTER
ZONING
YORK ROAD
09.14.2006

09 14 2006

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

September 17, 2007

Mr. David Thomas, P.E.
Assistant to the Director
Baltimore County Dept of Public Works
111 W. Chesapeake Ave.
Suite 307
Towson, MD 21204

RE: 9 Boxwood Lane
Cockeysville, MD
Jakob Scigala Residence
Zoning Case No. 07-428-SPH

PETITIONER'S
EXHIBIT NO. 3

Dear Mr. Thomas,

Our client, Mr. Jakob Scigala, obtained a building permit for the construction of an addition to an existing shed, which unfortunately, turned out to lie in the 100 year flood plain of Beaver Dam Run. Subsequently, Mr. Scigala was ordered by the Zoning Commissioner to retain a firm to complete a study to determine the impact of the addition to the existing flood plain. As a result, we are hereby enclosing the requested study.

Hydrology was obtained from the Bureau of Engineering and Construction of Baltimore County's Department of Public Works. This consists of a 1994 Hec-2 run for the Beaverdam Railroad Bridge Removal. Although slightly outdated, the hydrology is sufficient for studying the effects of the construction. In accordance with that study, a "Q" of 12, 626 c.f.s. has been used for comparison purposes.

For purposes of establishing a pre-construction or existing condition, the Baltimore County Topographic tiles have been used. Post-construction or proposed conditions are based on a field-run topographic survey referenced to the Maryland State Horizontal and Vertical Grid Systems. The survey was performed using the Hec-Raz flood plan model. Seven cross-sections were used to determine pre and post flood plain elevations. The results of the study are as follows:

SECTION NO.	Q (cfs)	Pre-Construction 100 Yr. W.S. Elev.	Post-Construction 100 Yr. W.S. Elev.
1	12,626	254.74	254.74
2	12,626	254.67	254.67
3	12,626	254.83	254.83
4	12,626	254.82	254.82
5	12,626	254.82	254.81
6	12,626	254.82	254.81
7	12,626	254.42	254.42

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

As the table indicates, the 100 yr. flood plan elevation remains the same, with the exception of sections 5 and 6, which have an increase of a mere 1 hundredth of a foot, or one-tenth of an inch. Based on these results, it is clear that the impact of the shed addition on the flood plain is minimal.

We have also enclosed a letter from the architect who was involved in the design and construction of the site. The letter explains the minor changes to the topography of the site through grading and the clean-up of existing debris.

I trust the above is sufficient for your use.

Please call with any questions.

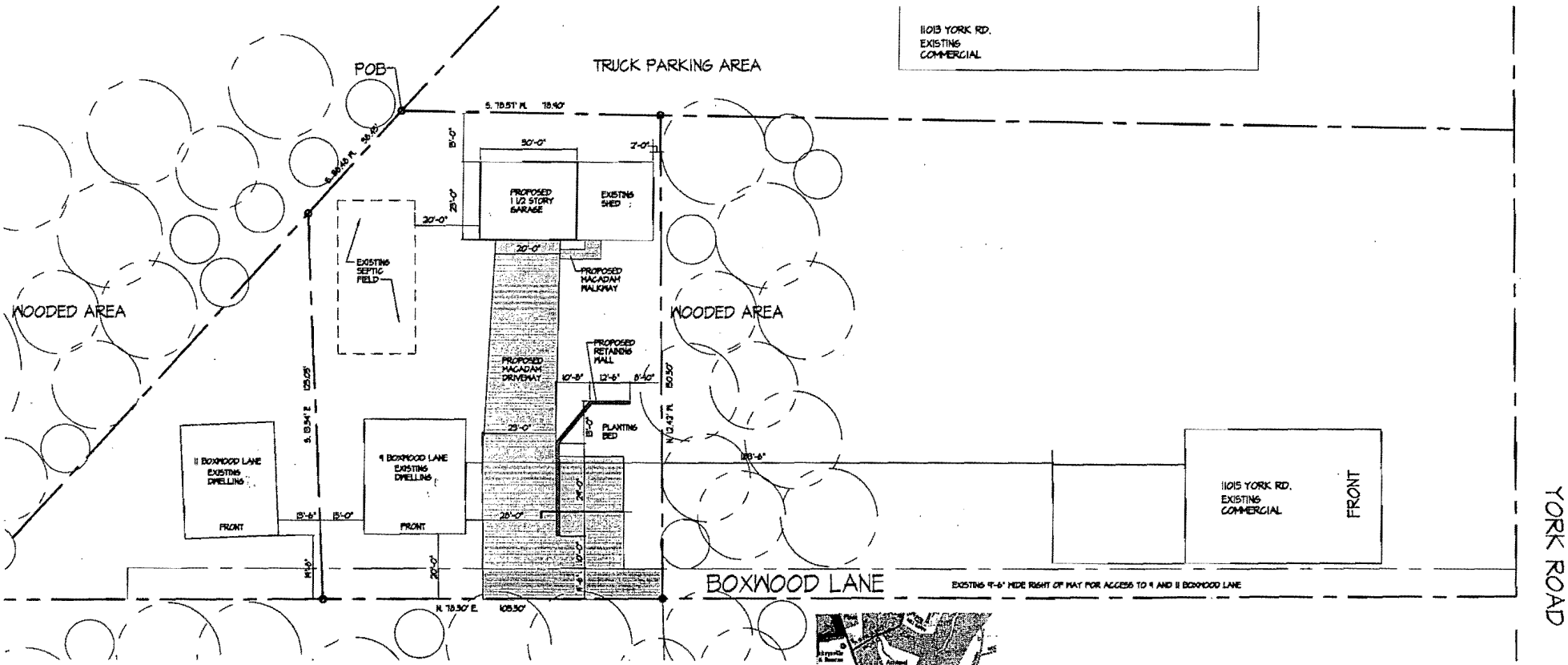
Sincerely,
McKee and Associates, Inc.

Geoffrey C. Schultz, President

GCS:dw

Cc: Jacob Scagila w/encl.
Joel Plitt w/encl.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE AND SPECIAL HEARING



PLAT

SCALE: 1" = 30'

PREPARED BY: RUHF PLITT ARCHITECTS, LTD.

PROPERTY ADDRESS	9 BOXWOOD LANE
OWNER	JAKUB SCIGALA
DESCRIPTION	250 FEET EAST OF YORK ROAD
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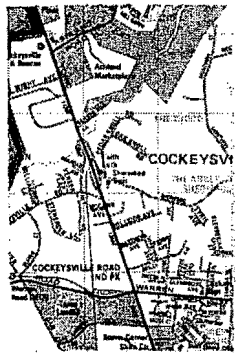

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SCALE: 1" = 1000'

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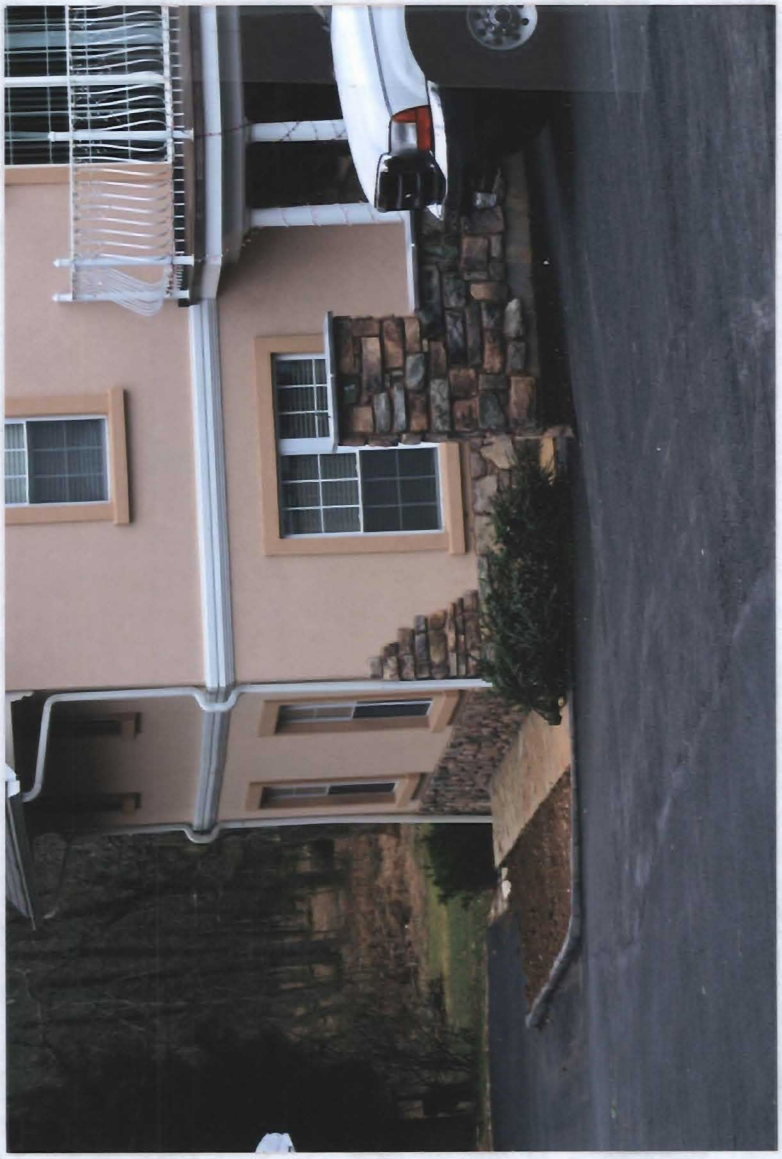
100 YEAR FLOOD PLAIN	YES-RIVERINE
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	YES-#07-051-SPHA

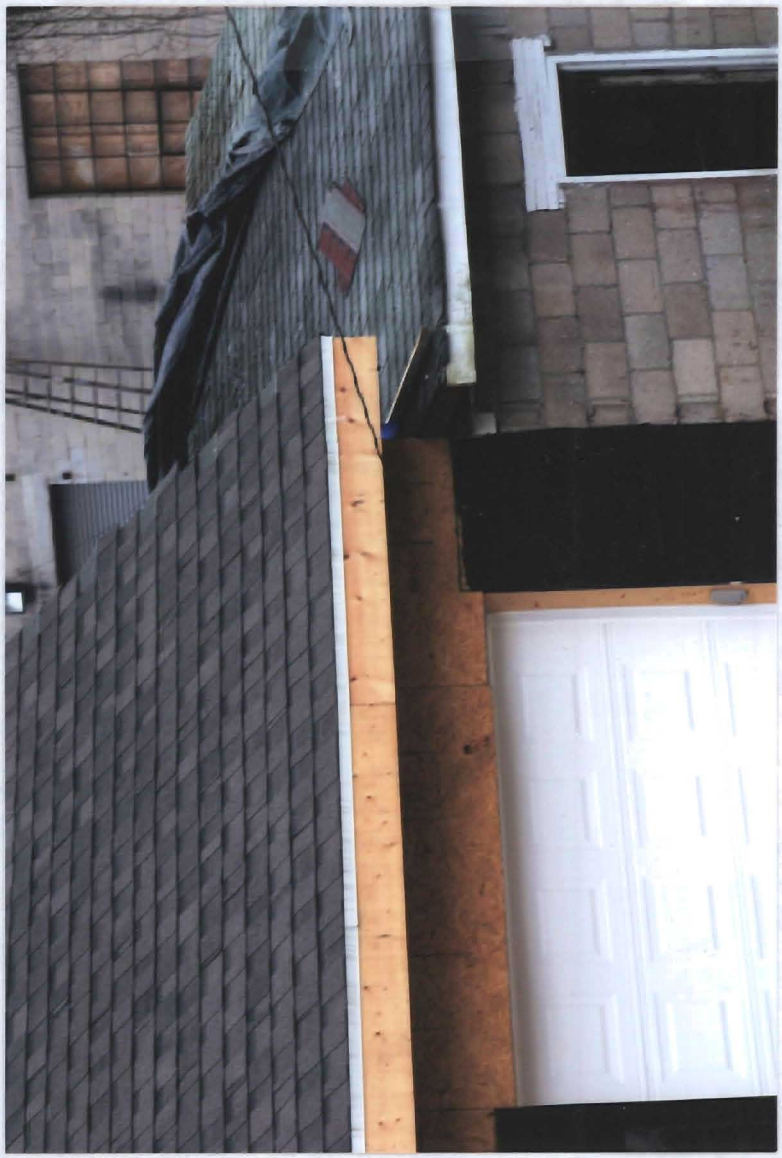
CASE No 07-428-SPH

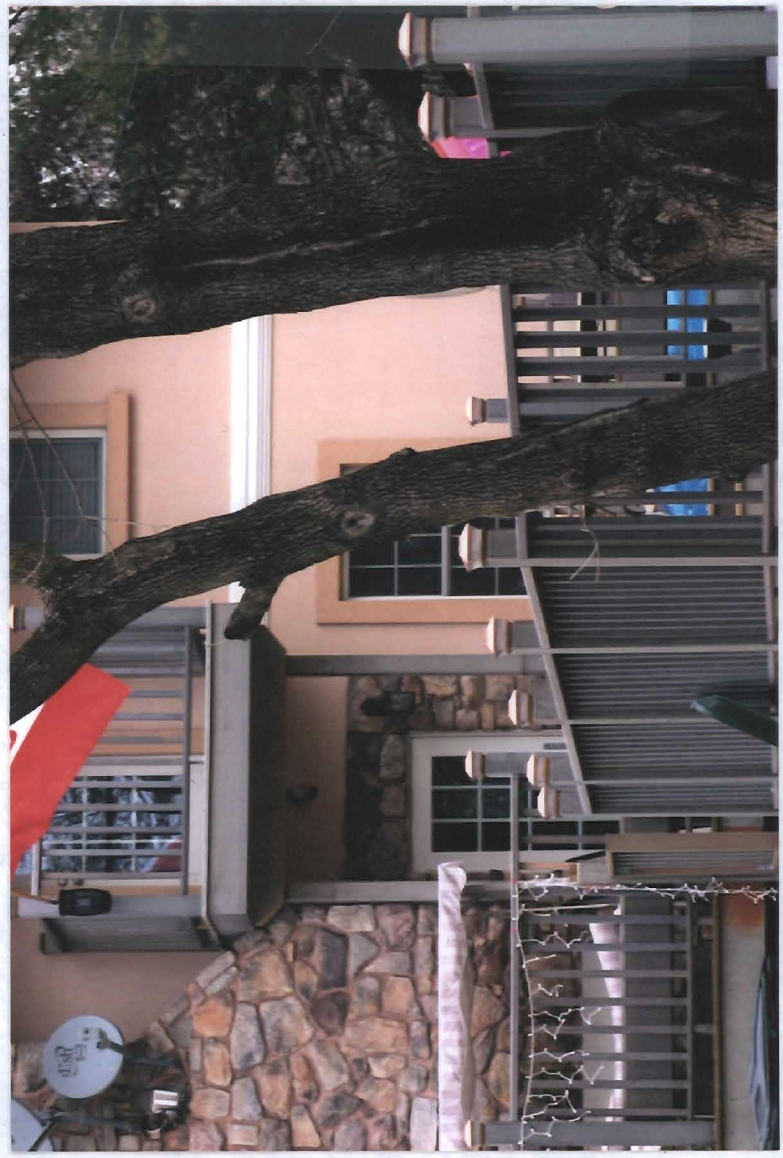
PETITIONER'S EXHIBITS

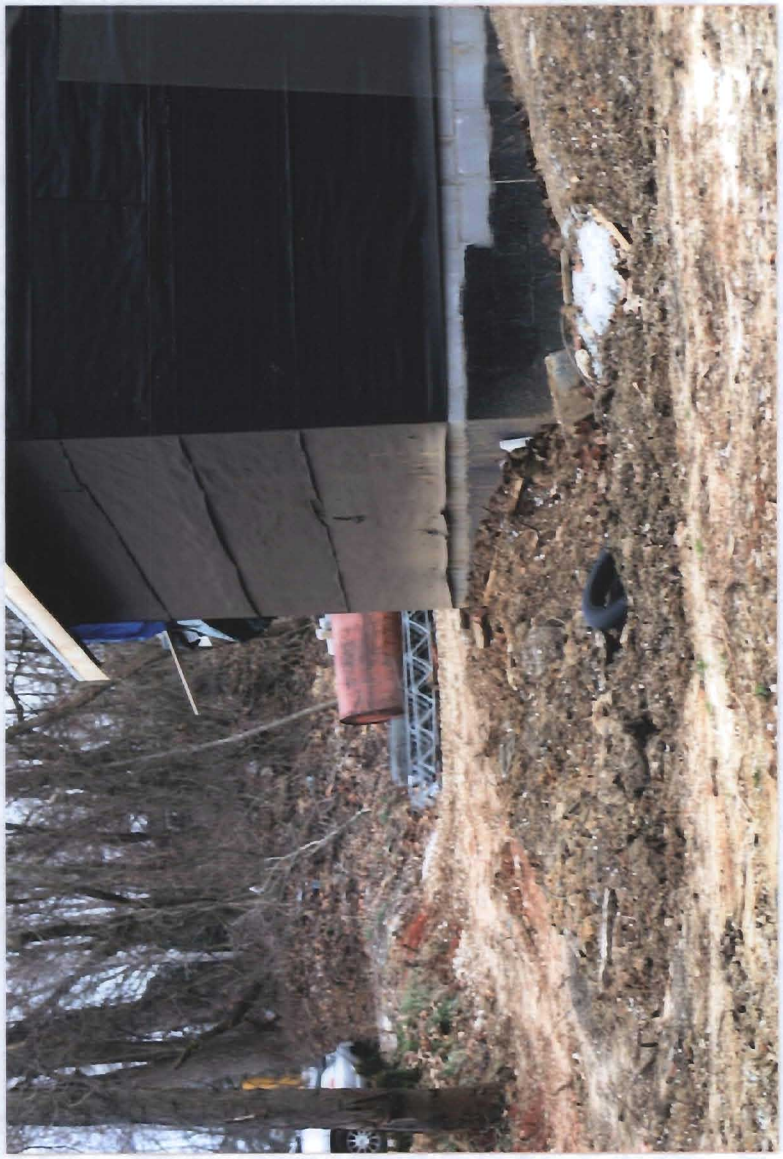
Verified 2/17/09

✓ ✓	1.	A	PHOTOGRAPH	- HOUSE
✓ ✓		B	"	- NEW AND OLD STRUCTURE
✓ ✓		C	"	"
✓ ✓		D	"	"
✓ ✓		E	"	"
✓ ✓		F	"	ATTACHMENT
✓ ✓		G	"	SIDE OF GARAGE
✓ ✓		H	"	SIDE OF GARAGE
✓	2.	A	PHOTOGRAPH	-
✓ ✓		B	"	-
✓ ✓		C	"	NEW GARAGE AND OLD SIDE
✓ ✓		D		-
✓ ✓		E		-
✓ ✓		F	"	- CORNER AND SIDE OF GARAGE
✓ ✓		G	"	-
✓		H	"	- SIDE OF GARAGE WALL
✓ ✓	3.	A	PHOTOGRAPH	-
✓ ✓		B	"	-
✓ ✓		C	"	- TREES AND SLOPE
✓ ✓		D	"	- ROAD
✓ ✓		E	"	RIGHT SIDE OF PROPERTY
✓ ✓		F	"	- BACK OF GARAGE + TOWN
✓ ✓		G	"	- GARAGE
✓ ✓		H	"	
✓		I	"	- HOUSE









PETITIONER'S

EXHIBIT NO. 5A-D

CBA PET 3A

CBA PET 3B

CBA PET 3C

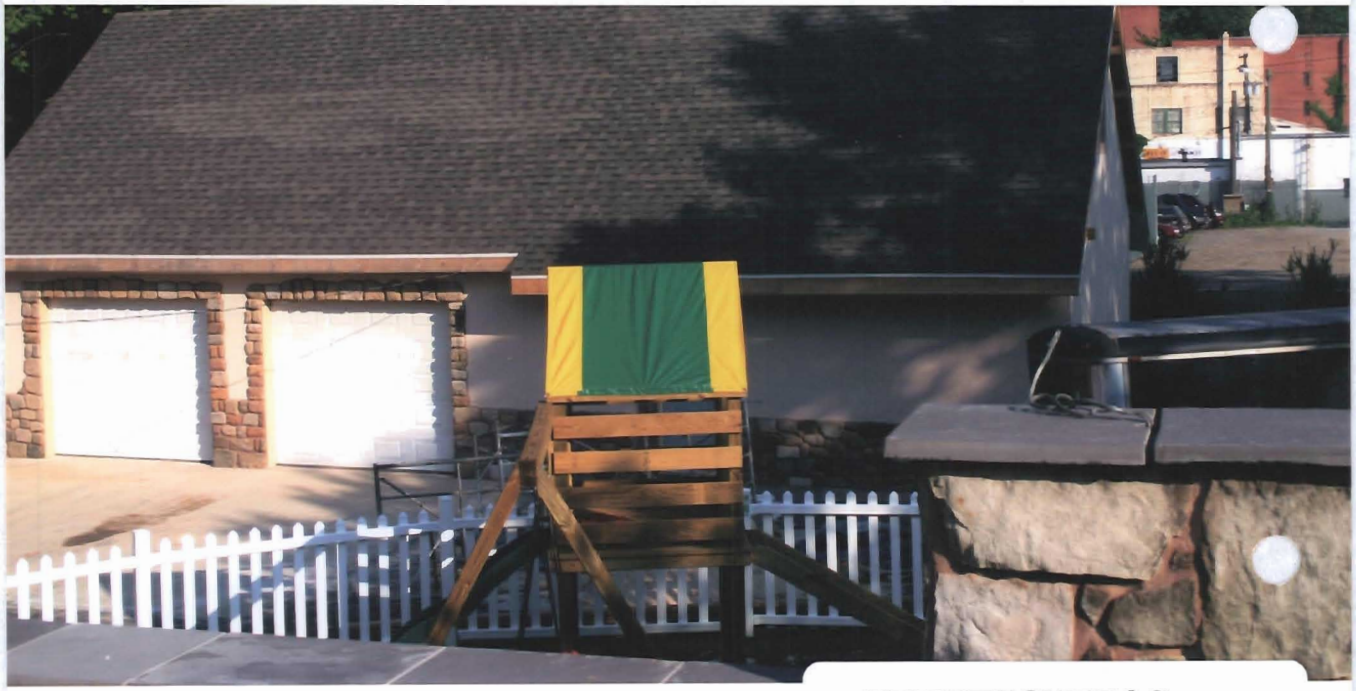
CBA PET EXH 3A

PETITIONER'S

CBA PET 3E

EXHIBIT NO. 4A+B

CBA PET 3F



CBA PET 3G

PETITIONER'S

EXHIBIT NO. 6A-C

CBA PET NO. 3H

CBA PET. NO 3 I

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: April 6, 2007

SUBJECT: Case No. 07-428-SPH
Waiver to Permit Garage in Riverine Floodplain
9 Boxwood Lane

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 waiver involves a garage that was built in the riverine floodplain with a building permit (B646495MR) that was apparently issued in error, and was subsequently rescinded by the Buildings Engineer. This office has to date received no justification from the permit applicant supporting the waiver request.

This department recommends that the waiver as requested be denied.

ECA/DLT/s

CC: John Joyce, State Coordinating Office, Maryland Department of Natural Resources; Dennis Kennedy, Chief, Development Plan Review Bureau; Donald Brand, Buildings Engineer; Joel Plitt, Ruhf Plitt Architects, Ltd.

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Thomas Bostwick, Deputy Zoning Commissioner

FROM: Edward Adams, Director,
Department of Public Works

RECEIVED
NOV 0 6 2007
BY:.....

DATE: November 2, 2007

SUBJECT: Case No. 07-428-SPH
Waiver to Permit Garage in Riverine Floodplain
9 Boxwood Lane
Updated Comments

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 waiver involves a garage that was built in the riverine floodplain with a building permit (B646495MR) that was apparently issued in error, and was subsequently rescinded by the Buildings Engineer. At the time of the original recommendation memo dated 4/6/2007 this office had received no justification from the permit applicant supporting the waiver request.

A floodplain study dated 9/17/07 was received and has been accepted as correct (including the assertion that the subject structure will have no significant impact on the floodplain elevation) by this office based on the PE seal dated 9/18/07. This study shows the subject garage addition located in an area of the Beaver Dam Run floodplain having a base flood (100-year) elevation of 254.81, with the lowest adjacent grade elevation of about 248, giving a depth of flooding at the structure in excess of six feet.

This department again recommends that the waiver as requested be <u>denied</u>.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Timothy Kotroco, Director, Permits & Development Management (Attn: Kristen Matthews); Dennis Kennedy, Chief, Development Plan Review Bureau; Donald Brand, Buildings Engineer; Joel Plitt, Ruhf Plitt Architects, Ltd.; Geoff Schultz, McKee & Assoc.

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

September 17, 2007

Mr. David Thomas, P.E.
Assistant to the Director
Baltimore County Dept of Public Works
111 W. Chesapeake Ave.
Suite 307
Towson, MD 21204

RE: 9 Boxwood Lane
Cockeysville, MD
Jakob Scigala Residence
Zoning Case No. 07-428-SPH

PETITIONER'S
EXHIBIT NO. 3

Dear Mr. Thomas,

Our client, Mr. Jakob Scigala, obtained a building permit for the construction of an addition to an existing shed, which unfortunately, turned out to lie in the 100 year flood plain of Beaver Dam Run. Subsequently, Mr. Scigala was ordered by the Zoning Commissioner to retain a firm to complete a study to determine the impact of the addition to the existing flood plain. As a result, we are hereby enclosing the requested study.

Hydrology was obtained from the Bureau of Engineering and Construction of Baltimore County's Department of Public Works. This consists of a 1994 Hec-2 run for the Beaverdam Railroad Bridge Removal. Although slightly outdated, the hydrology is sufficient for studying the effects of the construction. In accordance with that study, a "Q" of 12, 626 c.f.s. has been used for comparison purposes.

For purposes of establishing a pre-construction or existing condition, the Baltimore County Topographic tiles have been used. Post-construction or proposed conditions are based on a field-run topographic survey referenced to the Maryland State Horizontal and Vertical Grid Systems. The survey was performed using the Hec-Raz flood plan model. Seven cross-sections were used to determine pre and post flood plain elevations. The results of the study are as follows:

SECTION NO.	Q (cfs)	Pre-Construction 100 Yr. W.S. Elev.	Post-Construction 100 Yr. W.S. Elev.
1	12,626	254.74	254.74
2	12,626	254.67	254.67
3	12,626	254.83	254.83
4	12,626	254.82	254.82
5	12,626	254.82	254.81
6	12,626	254.82	254.81
7	12,626	254.42	254.42

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

As the table indicates, the 100 yr. flood plan elevation remains the same, with the exception of sections 5 and 6, which have an increase of a mere 1 hundredth of a foot, or one-tenth of an inch. Based on these results, it is clear that the impact of the shed addition on the flood plain is minimal.

We have also enclosed a letter from the architect who was involved in the design and construction of the site. The letter explains the minor changes to the topography of the site through grading and the clean-up of existing debris.

I trust the above is sufficient for your use.

Please call with any questions.

Sincerely,
McKee and Associates, Inc.

Geoffrey C. Schultz, President

GCS:dw

Cc: Jacob Scagila w/encl.
Joel Plitt w/encl.

Baltimore County
Department of Public Works

Bureau of Engineering
and Construction
111 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3788

Subject: Request for Information

Baltimore County's Department of Public Works Bureau of Engineering & Construction has in its files a floodplain / hydrologic study for:

- Beaver Dam Run from York Road to the confluence of Western Run located in Cockeysville.

The following information has been requested and provided:

- Hec-2 run with floodplain mapping as prepared by Baltimore County Bureau of Engineering in October 1994 in report "Beaverdam Railroad Bridge Removal".

It is the best available information, and individuals using this information shall be responsible for verifying its suitability and accuracy. This information letter does not create any liability on the part of the County or any officer or employee thereof, for any damage that may result from reliance on this information.

If there are any questions, please feel free to call 410-887-3711.

Sincerely,

Terry Curtis, Jr. TJC

Storm Drain Design Section

GR	2.[illegible]	0	253	45	248	[illegible]	247	100	244	105
GR	248	110	243	120	243	150	248	160	247	350
GR	245	550	243	560	250	600	249	840	247	850
GR	248	860	255	1230	270	1450				
X1	17	21	680	750	1100	500	800	0	0	0
GR	270	0	265	50	260	80	259	110	256	200
GR	252	350	251	590	251	650	250	670	255	680
GR	255	685	246	700	248	740	251	750	250	1305
GR	248	1315	250	1325	255	1740	253	1750	255	1760
GR	265	1870								

THIS RUN EXECUTED 17OCT94 08:59:13

****
HEC-2 WATER SURFACE PROFILES

Version 4.6.0; February 1991
****

NOTE- ASTERISK (*) AT LEFT OF CROSS-SECTION NUMBER INDICATES MESSAGE IN SUMMARY OF ERRORS LIST

100 YR. PEAK TO PEAK

SUMMARY PRINTOUT TABLE 150

	SECNO	XLCH	ELTRD	ELLC	ELMIN	Q	CWSEL	CRIWS	EG	10*KS	VCH	AREA	.01K
	1.000	.00	.00	.00	235.00	35920.00	252.00	.00	253.19	15.49	10.72	5659.50	9127.38
*	2.000	590.00	.00	.00	233.00	35920.00	253.22	.00	253.65	5.82	7.18	8580.18	14891.39
*	18.000	550.00	.00	.00	237.10	23294.00	252.82	252.82	257.30	54.33	17.61	1513.23	3160.39
*	19.000	100.00	.00	.00	238.00	23294.00	255.27	.00	257.79	17.74	13.11	2500.82	5530.33
	20.000	140.00	.00	.00	238.00	23294.00	255.55	.00	258.04	18.44	13.54	2779.32	5424.70
	21.000	420.00	.00	.00	238.00	23294.00	255.66	.00	259.17	20.79	15.03	1549.64	5108.72
*	22.100	480.00	.00	.00	238.00	23294.00	258.41	.00	260.02	10.12	11.17	3992.87	7321.50

	22.[illegible]	28.00	252.10	254.80	238.50	23294.00	259.58	.00	260.16	16.01	5.66	3848.56	5821.77
*	23.000	150.00	.00	.00	237.00	23294.00	260.00	.00	260.27	2.34	5.61	8627.52	15238.26
	24.000	450.00	.00	.00	239.00	23294.00	260.09	.00	260.38	2.74	6.04	9186.68	14081.56
	-2.000	590.00	.00	.00	233.00	12626.00	253.22	.00	253.28	.72	2.53	8579.43	14889.51
*	3.000	700.00	.00	.00	236.00	12626.00	253.25	.00	253.35	1.48	3.34	5690.06	10367.38
*	4.000	630.00	.00	.00	236.00	12626.00	253.40	.00	253.56	12.11	4.05	4299.02	3628.88
*	5.000	300.00	.00	.00	234.00	12626.00	253.52	.00	253.71	2.84	4.89	4973.06	7486.24
*	6.000	140.00	.00	.00	239.00	12626.00	253.45	.00	253.81	6.70	6.49	3487.34	4879.40
*	7.000	240.00	.00	.00	238.40	12626.00	253.34	.00	254.17	14.24	9.50	2424.69	3345.70
	8.000	50.00	.00	.00	238.40	12626.00	253.16	.00	254.32	8.71	10.35	1906.97	4278.30

1

	SECNO	XLCH	ELTRD	ELLC	ELMIN	Q	CWSEL	CRIWS	EG	10*KS	VCH	AREA	.01K
*	9.000	350.00	.00	.00	241.00	12626.00	254.37	.00	254.51	2.17	4.28	5076.12	8564.43
*	10.000	210.00	.00	.00	242.00	12626.00	254.25	.00	254.68	6.00	7.37	3250.69	5153.67
	11.100	204.00	.00	.00	239.60	12626.00	254.47	.00	254.86	9.89	6.71	2784.97	4014.50
	11.200	1.00	247.60	246.10	239.60	12626.00	254.51	.00	254.86	13.46	3.75	2731.01	3442.03
*	11.300	13.00	247.60	246.10	239.60	12626.00	254.41	.00	254.94	30.31	5.59	2455.63	2293.41
*	11.400	1.00	.00	.00	239.60	12626.00	254.59	.00	254.96	9.44	6.60	2828.26	4108.91
*	12.000	169.00	.00	.00	242.00	12626.00	253.70	.00	255.70	43.91	13.14	1240.83	1905.49
*	13.000	220.00	.00	.00	242.00	12626.00	255.73	.00	256.07	6.04	5.64	2995.30	5137.52
	14.000	280.00	.00	.00	241.00	12626.00	255.84	.00	256.19	4.93	5.58	2746.69	5685.51
*	14.100	30.00	.00	.00	242.10	12626.00	255.18	255.18	257.54	27.58	13.77	1065.34	2404.03
*	14.200	40.00	249.00	251.20	242.10	12626.00	257.40	.00	257.54	1.63	3.73	4255.91	9901.35
*	15.000	150.00	.00	.00	243.00	12626.00	257.51	.00	257.56	.45	1.89	6954.37	18836.37
	16.000	250.00	.00	.00	243.00	12626.00	257.56	.00	257.59	.45	1.56	10500.51	18896.30

*	17.000	800.00	.00	.00	246.00	12626.00	257.59	.00	257.63	1.17	1.92	9589.14	11697.12

1

17OCT94 08:58:53 PAGE 8

100 YR. PEAK TO PEAK

SUMMARY PRINTOUT TABLE 150

	SECNO	Q	CWSEL	DIFWSP	DIFWSX	DIFKWS	TOPWID	XLCH
	1.000	35920.00	252.00	.00	.00	.00	707.00	.00
*	2.000	35920.00	253.22	.00	1.22	.00	775.46	590.00
*	18.000	23294.00	252.82	.00	-.41	.00	191.78	550.00
*	19.000	23294.00	255.27	.00	2.45	.00	373.28	100.00
	20.000	23294.00	255.55	.00	.29	.00	260.91	140.00
	21.000	23294.00	255.66	.00	.10	.00	90.00	420.00
*	22.100	23294.00	258.41	.00	2.76	.00	528.78	480.00
	22.300	23294.00	259.58	.00	1.17	.00	548.75	28.00
*	23.000	23294.00	260.00	.00	.42	.00	570.00	150.00
	24.000	23294.00	260.09	.00	.09	.00	730.00	450.00
	-2.000	12626.00	253.22	.00	-6.87	.00	775.45	590.00
*	3.000	12626.00	253.25	.00	.02	.00	495.55	700.00
*	4.000	12626.00	253.40	.00	.15	.00	350.57	630.00
*	5.000	12626.00	253.52	.00	.12	.00	379.24	300.00
*	6.000	12626.00	253.45	.00	-.07	.00	287.27	140.00
*	7.000	12626.00	253.34	.00	-.12	.00	326.70	240.00
	8.000	12626.00	253.16	.00	-.18	.00	195.25	50.00
*	9.000	12626.00	254.37	.00	1.21	.00	598.72	350.00
*	10.000	12626.00	254.25	.00	-.12	.00	444.62	210.00
	11.100	12626.00	254.47	.00	.22	.00	376.00	204.00

	11.200	12626.00	254.51	.00	.04	.00	376.00	1.00
*	11.300	12626.00	254.41	.00	-.10	.00	376.00	13.00
*	11.400	12626.00	254.59	.00	.18	.00	376.00	1.00
*	12.000	12626.00	253.70	.00	-.89	.00	283.99	169.00

	SECNO	Q	CWSEL	DIFWSP	DIFWSX	DIFKWS	TOPWID	XLCH
*	13.000	12626.00	255.73	.00	2.04	.00	441.87	220.00
	14.000	12626.00	255.84	.00	.11	.00	430.21	280.00
*	14.100	12626.00	255.18	.00	-.66	.00	130.66	30.00
*	14.200	12626.00	257.40	.00	2.22	.00	621.64	40.00
*	15.000	12626.00	257.51	.00	.11	.00	732.66	150.00
	16.000	12626.00	257.56	.00	.05	.00	1234.50	250.00
*	17.000	12626.00	257.59	.00	.03	.00	1636.48	800.00

SUMMARY OF ERRORS AND SPECIAL NOTES

WARNING	SECNO=	2.000	PROFILE= 1	CONVEYANCE CHANGE OUTSIDE ACCEPTABLE RANGE
CAUTION	SECNO=	18.000	PROFILE= 1	CRITICAL DEPTH ASSUMED
CAUTION	SECNO=	18.000	PROFILE= 1	PROBABLE MINIMUM SPECIFIC ENERGY
CAUTION	SECNO=	18.000	PROFILE= 1	20 TRIALS ATTEMPTED TO BALANCE WSEL
WARNING	SECNO=	19.000	PROFILE= 1	CONVEYANCE CHANGE OUTSIDE ACCEPTABLE RANGE
WARNING	SECNO=	22.100	PROFILE= 1	CONVEYANCE CHANGE OUTSIDE ACCEPTABLE RANGE
WARNING	SECNO=	23.000	PROFILE= 1	CONVEYANCE CHANGE OUTSIDE ACCEPTABLE RANGE
WARNING	SECNO=	3.000	PROFILE= 1	CONVEYANCE CHANGE OUTSIDE ACCEPTABLE RANGE

McKEE & ASSOCIATES, INC.
Engineering • Surveying • Environmental Planning
Real Estate Development

07-428-SPH
11-1-07

December 12, 2007

Mr. Thomas Bostwick
Deputy Zoning Commissioner
Baltimore County, Md.
401 Bosley Avenue
Suite 405
Towson, MD 21204

RECEIVED
DEC 1 1 2007
BY:

Re: Jakob Scigala Residence
9 Boxwood Lane

Dear Mr. Bostwick,

We were retained by Mr. Jacob Scagila to prepare the 100 Year Flood Plain Study for his residence at Boxwood Lane. The study has been accepted by the Baltimore County Department of Public Works, and has been entered into the zoning case.

Mr. Scagila would like us to reiterate the results of that study, which reveal that the construction of the addition to the shed has a minimal impact on the flood plain. Based on the computations, of the seven cross-sections observed, five were unchanged and two had an increase in the flood elevation of a mere tenth of an inch. The addition will cause no adverse effect on any adjacent properties.

I trust this information is sufficient for your use. Please call with any questions.

Very truly yours,
McKEE & ASSOCIATES, INC.

Geoffrey C. Schultz, Vice President

GCS:sef

Cc: Jacob Scigala
Joel Plitt

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

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GEOMETRY AND RIVER STATIONS

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WATER SURFACE PROFILE

HEC-RAS COMPUTATIONS REPORT

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CROSS-SECTIONS

EXHIBITS ATTACHED

INTRODUCTION

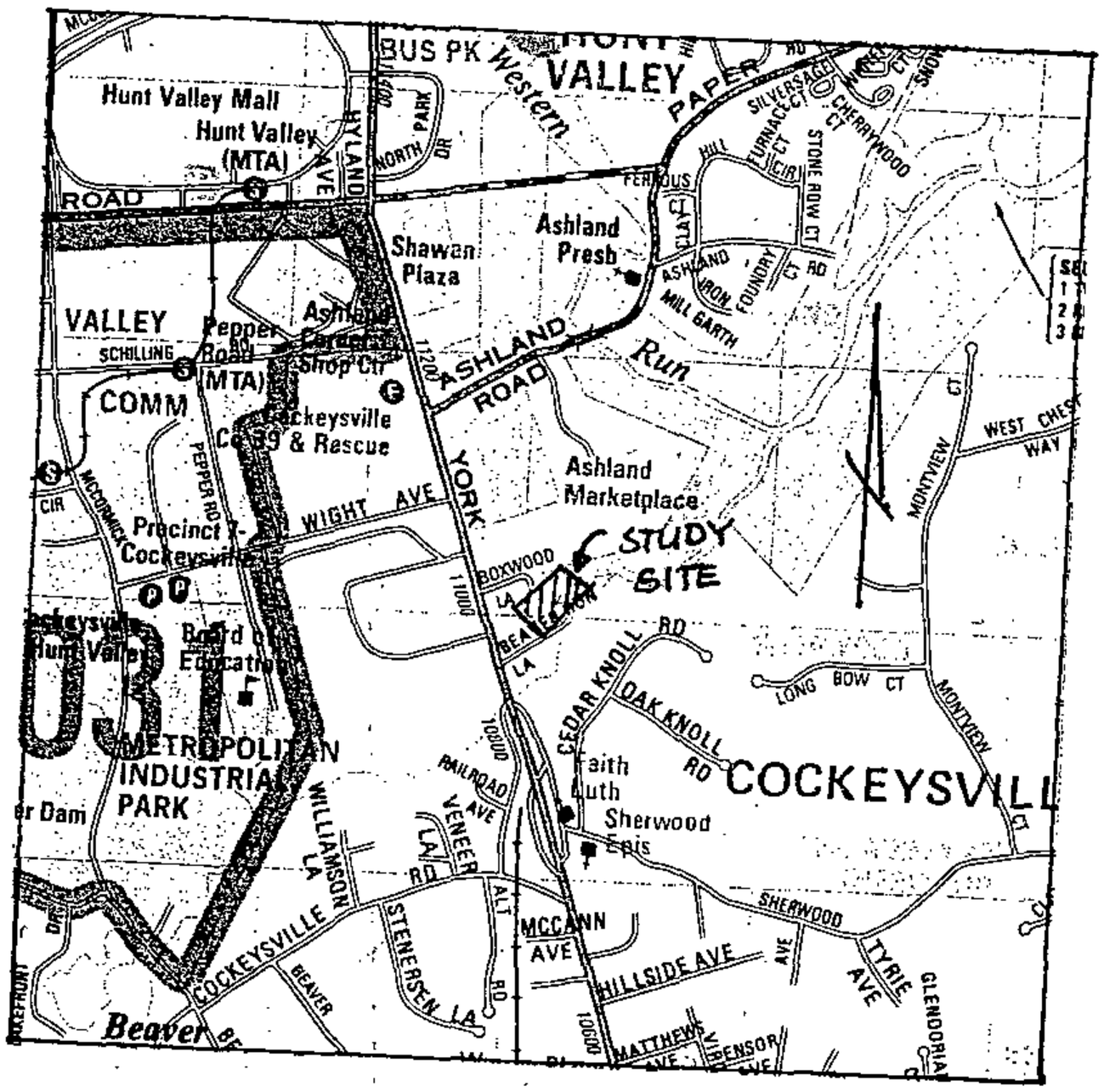
The Boxwood Lane Project is located on the north of Beaver Run Lane, southwest of Boxwood Lane and east of York Road. This stream is a part of Beaverdam Run.

HYDROLOGY

Baltimore County Storm Design Section provided its files a flood plain / hydrologic study for Beaver Dam Run from York Road to the confluence of Western Run located in Cockeysville. The discharge given was 12,626 cfs for this segment of stream. We used this discharge for 100 year flood plain study for both existing and proposed condition.

FLOOD PLAIN CALCULATIONS

Water surface profile were calculated by HEC-RAS program using Q=12,626 cfs. Manning's "n" value of 0.06 was used as an average roughness coefficient for tall trees, high grass, short grass and some impervious area and a "n" value of 0.035 was used for channel with small stones, gravels, some weeds with clear water.



VICINITY MAP

SCALE: 1" = 2000'

EXISTING 100 YEAR FLOOD PLAIN STUDY

EX

HEC-RAS Plan: Boxwood Lane River: Existing Stream Reach: Number 1 Profile: 100 YR

Reach	River Sta	Profile	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
			(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Number 1	7	100 YR	12626.00	239.10	254.42		255.29	0.001589	9.67	2637.37	440.51	0.45
Number 1	6	100 YR	12626.00	239.00	254.82		255.04	0.000466	5.42	4272.31	434.18	0.25
Number 1	5	100 YR	12626.00	238.99	254.82		255.03	0.000457	5.38	4453.60	463.52	0.25
Number 1	4	100 YR	12626.00	238.97	254.82		255.03	0.000475	5.48	4432.60	460.79	0.25
Number 1	3	100 YR	12626.00	238.95	254.83		255.01	0.000394	5.02	4716.96	470.59	0.23
Number 1	2	100 YR	12626.00	238.91	254.67		254.98	0.000639	6.31	3624.15	393.33	0.29
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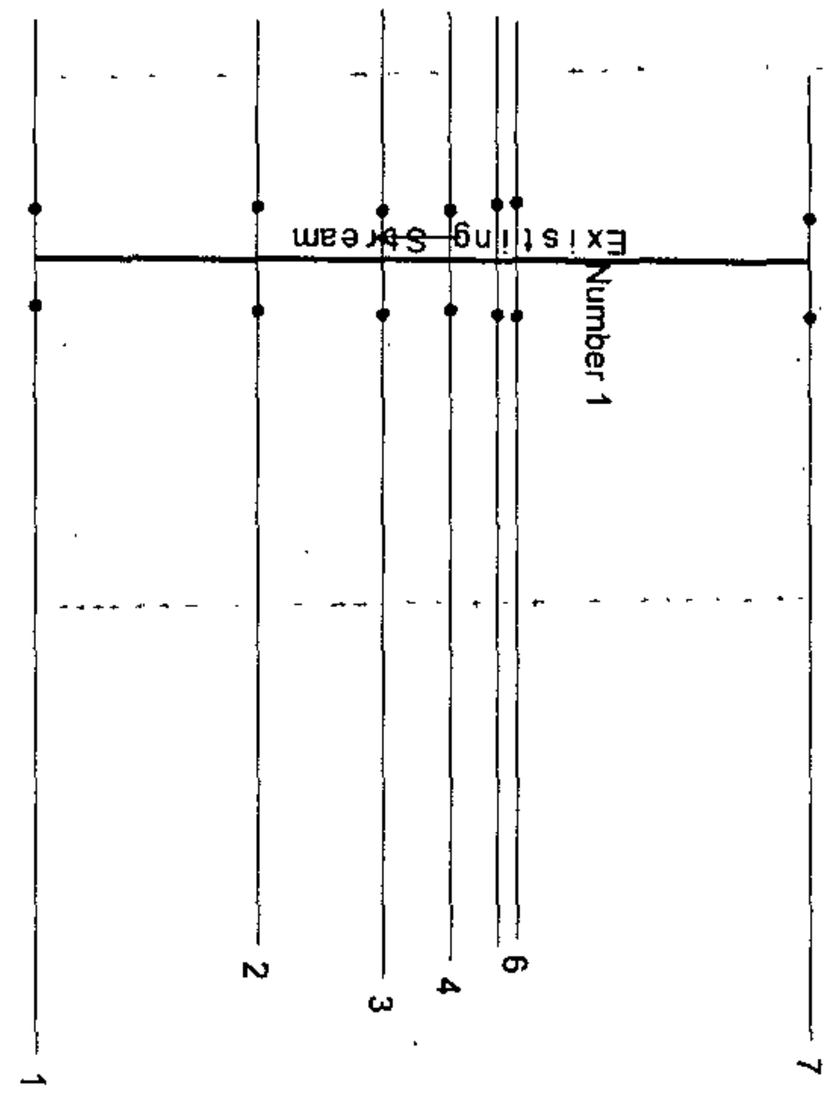
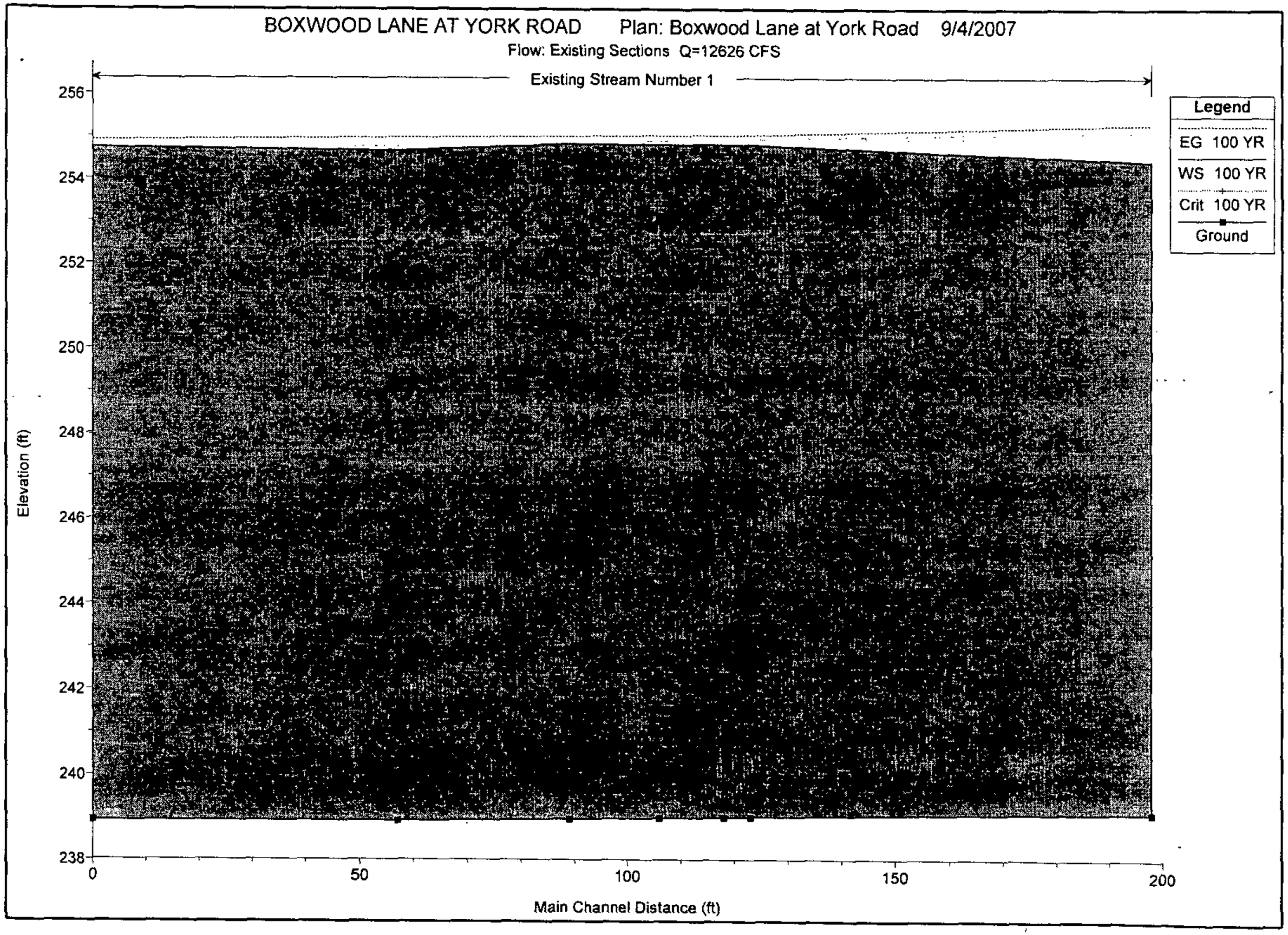

Existing Stream
Number 1
1
2
3
4
6
7


BOXWOOD LANE AT YORK ROAD Plan: Boxwood Lane at York Road 9/4/2007
Flow: Existing Sections Q=12626 CFS
Existing Stream Number 1
Legend
EG 100 YR
WS 100 YR
Crit 100 YR
Ground
Elevation (ft)
256
254
252
250
248
246
244
242
240
238
0
50
100
150
200
Main Channel Distance (ft)

```
HEC-RAS Version 3.1.1 May 2003
U.S. Army Corp of Engineers
Hydrologic Engineering Center
609 Second Street, Suite D
Davis, California 95616-4687
(916) 756-1104

X     X  XXXXXX    XXXX        XXXX       XX      XXXX
X     X  X        X    X       X   X     X  X    X
X     X  X        X            X   X    X    X   X
XXXXXXX  XXXX     X       XXX  XXXX     XXXXXX    XXXX
X     X  X        X            X   X    X    X        X
X     X  X        X    X       X   X    X    X        X
X     X  XXXXXX    XXXX        X   X   X    X   XXXXX
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PROJECT DATA
Project Title: BOXWOOD LANE AT YORK ROAD
Project File : BoxwdEX1.prj
Run Date and Time: 9/4/2007 9:02:45 AM

Project in English units

Project Description:
Existing 100 year Flood Plain Study

PLAN DATA

Plan Title: Boxwood Lane at York Road
Plan File : p:\OpenDrive\Data\New Folder\Travanion Terrace 052003\Existing\BoxwdEX1.p02

Geometry Title: Existing Sections
Geometry File : p:\OpenDrive\Data\New Folder\Travanion Terrace 052003\Existing\BoxwdEX1.g01

Flow Title : Existing Sections
Flow File : p:\OpenDrive\Data\New Folder\Travanion Terrace 052003\Existing\BoxwdEX1.f01

Plan Summary Information:

Number of:	Cross Sections =	7	Mulitple Openings =	0
	Culverts =	0	Inline Structures =	0
	Bridges =	0	Lateral Structures =	0

Computational Information
Water surface calculation tolerance = 0.01
Critical depth calculaton tolerance = 0.01
Maximum number of interations = 20
Maximum difference tolerance = 0.3
Flow tolerance factor = 0.001

Computation Options
Critical depth computed only where necessary
Conveyance Calculation Method: At breaks in n values only
Friction Slope Method: Average Conveyance
Computational Flow Regime: Subcritical Flow

FLOW DATA

Flow Title: Existing Sections
Flow File : p:\OpenDrive\Data\New Folder\Travanion Terrace 052003\Existing\BoxwdEX1.f01

Flow Data (cfs)

River	Reach	RS	100 YR

Existing Stream Number 1	7	12626
Existing Stream Number 1	5	12626
Existing Stream Number 1	4	12626
Existing Stream Number 1	3	12626

Boundary Conditions

River	Reach	Profile	Upstream	Downstream
Existing Stream Number 1		100 YR		Normal S = 0.0004

GEOMETRY DATA

Geometry Title: Existing Sections
Geometry File : p:\OpenDrive\Data\New Folder\Travanion Terrace 052003\Existing\BoxwdEX1.g01

CROSS SECTION

RIVER: Existing Stream
REACH: Number 1 RS: 7

INPUT
Description: Existing Condition
Station Elevation Data num= 22

Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev
0	276.9	0	256.2	6	256	70	254	161	252
251	250	324	248	332.5	246	340	244	342	243.6
344	244	359	244.6	372	244	380	240	382	239.7
401	239.1	413	239.7	415	240	423	244	448	246
497	247.2	497	272.6						

Manning's n Values num= 3

Sta	n Val	Sta	n Val	Sta	n Val
0	.06	372	.035	423	.06

Bank Sta: Left	Right	Lengths: Left	Channel	Right	Coeff Contr.	Expan.
372	423	78	75	65	.1	.3

CROSS SECTION OUTPUT Profile #100 YR

			Left OB	Channel	Right OB
E.G. Elev (ft)	255.29	Element			
Vel Head (ft)	0.87	Wt. n-Val.	0.060	0.035	0.060
W.S. Elev (ft)	254.42	Reach Len. (ft)	78.00	75.00	65.00
Crit W.S. (ft)		Flow Area (sq ft)	1295.78	722.74	618.85
E.G. Slope (ft/ft)	0.001589	Area (sq ft)	1295.78	722.74	618.85
Q Total (cfs)	12626.00	Flow (cfs)	3276.23	6985.81	2363.96
Top Width (ft)	440.51	Top Width (ft)	315.51	51.00	74.00
Vel Total (ft/s)	4.79	Avg. Vel. (ft/s)	2.53	9.67	3.82
Max Chl Dpth (ft)	15.32	Hydr. Depth (ft)	4.11	14.17	8.36
Conv. Total (cfs)	316706.3	Conv. (cfs)	82179.9	175229.6	59296.9
Length Wtd. (ft)	74.47	Wetted Per. (ft)	316.19	52.96	81.32
Min Ch El (ft)	239.10	Shear (lb/sq ft)	0.41	1.35	0.76
Alpha	2.45	Stream Power (lb/ft s)	1.03	13.09	2.88
Frctn Loss (ft)	0.06	Cum Volume (acre-ft)	11.71	3.58	3.45
C & E Loss (ft)	0.19	Cum SA (acres)	1.46	0.24	0.39

Warning: The velocity head has changed by more than 0.5 ft (0.15 m). This may indicate the need for additional cross sections.
Warning: The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7 or greater than 1.4. This may indicate the need for additional cross sections.

CROSS SECTION

RIVER: Existing Stream
REACH: Number 1 RS: 6

INPUT

Description: Existing Condition
Station Elevation Data num= 22

Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev
0	258	5.5	256	14.5	254	27.5	252	40	250
52	249	52	264	79	264	79	247.8	149	246
215	244	320	242	324	240	326	239.7	349	239
365	239.7	367	240	370.5	242	378.5	244	418	246
472	247.2	472	272.6						

Manning's n Values num= 3

Sta	n Val	Sta	n Val	Sta	n Val
0	.06	320	.035	378.5	.06

Bank Sta: Left	Right	Lengths: Left	Channel	Right	Coeff Contr.	Expan.
320	378.5	6	5	6	.1	.3

CROSS SECTION OUTPUT Profile #100 YR

			Left OB	Channel	Right OB
E.G. Elev (ft)	255.04	Element			
Vel Head (ft)	0.22	Wt. n-Val.	0.060	0.035	0.060
W.S. Elev (ft)	254.82	Reach Len. (ft)	6.00	5.00	6.00
Crit W.S. (ft)		Flow Area (sq ft)	2579.56	861.25	831.50
E.G. Slope (ft/ft)	0.000466	Area (sq ft)	2579.56	861.25	831.50
Q Total (cfs)	12626.00	Flow (cfs)	6146.18	4670.05	1809.77
Top Width (ft)	434.18	Top Width (ft)	282.18	58.50	93.50
Vel Total (ft/s)	2.96	Avg. Vel. (ft/s)	2.38	5.42	2.18
Max Chl Dpth (ft)	15.82	Hydr. Depth (ft)	9.14	14.72	8.89
Conv. Total (cfs)	585044.2	Conv. (cfs)	284792.3	216393.4	83858.4
Length Wtd. (ft)	5.64	Wetted Per. (ft)	295.53	59.82	101.18
Min Ch El (ft)	239.00	Shear (lb/sq ft)	0.25	0.42	0.24
Alpha	1.64	Stream Power (lb/ft s)	0.60	2.27	0.52
Frctn Loss (ft)	0.00	Cum Volume (acre-ft)	8.24	2.21	2.37
C & E Loss (ft)	0.00	Cum SA (acres)	0.93	0.15	0.27

Warning: Divided flow computed for this cross-section.

CROSS SECTION

RIVER: Existing Stream
REACH: Number 1 RS: 5

INPUT
Description: Existing Condition
Station Elevation Data num= 18

Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev
0	258	9	256	31	252	52	250	93	248
145	246	210	244	325	242	328	240	330	239.6
353	238.99	369	239.7	371	240	374.5	242	382	244
424	246	479	247.2	479	272.6				

Manning's n Values num= 3

Sta	n Val	Sta	n Val	Sta	n Val
0	.06	325	.035	382	.06

Bank Sta: Left	Right	Lengths: Left	Channel	Right	Coeff Contr.	Expan.
325	382	12	12	12	.1	.3

CROSS SECTION OUTPUT Profile #100 YR

			Left OB	Channel	Right OB
E.G. Elev (ft)	255.03	Element			
Vel Head (ft)	0.21	Wt. n-Val.	0.060	0.035	0.060
W.S. Elev (ft)	254.82	Reach Len. (ft)	12.00	12.00	12.00
Crit W.S. (ft)		Flow Area (sq ft)	2745.60	843.26	864.75
E.G. Slope (ft/ft)	0.000457	Area (sq ft)	2745.60	843.26	864.75
Q Total (cfs)	12626.00	Flow (cfs)	6221.88	4533.43	1870.69
Top Width (ft)	463.52	Top Width (ft)	309.52	57.00	97.00
Vel Total (ft/s)	2.84	Avg. Vel. (ft/s)	2.27	5.38	2.16
Max Chl Dpth (ft)	15.83	Hydr. Depth (ft)	8.87	14.79	8.91
Conv. Total (cfs)	590659.4	Conv. (cfs)	291067.1	212079.1	87513.3
Length Wtd. (ft)	12.00	Wetted Per. (ft)	310.01	58.48	104.68
Min Ch El (ft)	238.99	Shear (lb/sq ft)	0.25	0.41	0.24
Alpha	1.69	Stream Power (lb/ft s)	0.57	2.21	0.51

Frctn Loss (ft)	0.01	Cum Volume (acre-ft)	7.88	2.11	2.25
C & E Loss (ft)	0.00	Cum SA (acres)	0.89	0.14	0.25

CROSS SECTION

RIVER: Existing Stream
REACH: Number 1 RS: 4

INPUT
Description: Existing Condition
Station Elevation Data num= 18

Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev
0	258	22	256	43	252	77	250	108	248
134	246	209	244	335	242	339	240	341	239.7
361	238.97	376	239.7	378	240	381.5	242	386.5	244
428	246	489	247.2	489	272.6				

Manning's n Values num= 3

Sta	n Val	Sta	n Val	Sta	n Val
0	.06	335	.035	386.5	.06

Bank Sta: Left	Right	Lengths: Left	Channel	Right	Coeff Contr.	Expan.
335	386.5	17	17	17	.1	.3

CROSS SECTION OUTPUT Profile #100 YR

E.G. Elev (ft)	255.03	Element	Left OB	Channel	Right OB
Vel Head (ft)	0.21	Wt. n-Val.	0.060	0.035	0.060
W.S. Elev (ft)	254.82	Reach Len. (ft)	17.00	17.00	17.00
Crit W.S. (ft)		Flow Area (sq ft)	2759.47	764.46	908.67
E.G. Slope (ft/ft)	0.000475	Area (sq ft)	2759.47	764.46	908.67
Q Total (cfs)	12626.00	Flow (cfs)	6432.68	4191.91	2001.41
Top Width (ft)	460.79	Top Width (ft)	306.79	51.50	102.50
Vel Total (ft/s)	2.85	Avg. Vel. (ft/s)	2.33	5.48	2.20
Max Chl Dpth (ft)	15.85	Hydr. Depth (ft)	8.99	14.84	8.87
Conv. Total (cfs)	579499.9	Conv. (cfs)	295242.8	192397.5	91859.6
Length Wtd. (ft)	17.00	Wetted Per. (ft)	307.30	52.96	110.18
Min Ch El (ft)	238.97	Shear (lb/sq ft)	0.27	0.43	0.24
Alpha	1.67	Stream Power (lb/ft s)	0.62	2.35	0.54
Frctn Loss (ft)	0.01	Cum Volume (acre-ft)	7.12	1.89	2.00
C & E Loss (ft)	0.01	Cum SA (acres)	0.80	0.13	0.23

CROSS SECTION

RIVER: Existing Stream
REACH: Number 1 RS: 3

INPUT
Description: Existing Condition
Station Elevation Data num= 21

Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev
0	256	11	254	25	252.7	25	266	47	266
47	251	70	250	99	248	125	246	152	244
342	242	346	240	348	239.6	370	238.95	385	239.6
387	240	391	242	395	244	431	246	499	247.2
499	272.6								

Manning's n Values num= 3

Sta	n Val	Sta	n Val	Sta	n Val
0	.06	342	.035	395	.06

Bank Sta: Left	Right	Lengths: Left	Channel	Right	Coeff Contr.	Expan.
342	395	34	32	33	.1	.3

CROSS SECTION OUTPUT Profile #100 YR

E.G. Elev (ft)	255.01	Element	Left OB	Channel	Right OB
Vel Head (ft)	0.18	Wt. n-Val.	0.060	0.035	0.060
W.S. Elev (ft)	254.83	Reach Len. (ft)	34.00	32.00	33.00
Crit W.S. (ft)		Flow Area (sq ft)	3009.20	793.82	913.93

E.G. Slope (ft/ft)	0.000394	Area (sq ft)	3009.20	793.82	913.93
Q Total (cfs)	12626.00	Flow (cfs)	6815.96	3986.77	1823.27
Top Width (ft)	470.59	Top Width (ft)	313.59	53.00	104.00
Vel Total (ft/s)	2.68	Avg. Vel. (ft/s)	2.27	5.02	1.99
Max Chl Dpth (ft)	15.88	Hydr. Depth (ft)	9.60	14.98	8.79
Conv. Total (cfs)	636422.5	Conv. (cfs)	343563.3	200956.0	91903.3
Length Wtd. (ft)	33.14	Wetted Per. (ft)	319.94	54.52	111.70
Min Ch El (ft)	238.95	Shear (lb/sq ft)	0.23	0.36	0.20
Alpha	1.58	Stream Power (lb/ft s)	0.52	1.80	0.40
Frctn Loss (ft)	0.02	Cum Volume (acre-ft)	5.99	1.59	1.65
C & E Loss (ft)	0.01	Cum SA (acres)	0.68	0.11	0.19

Warning: Divided flow computed for this cross-section.

CROSS SECTION

RIVER: Existing Stream
REACH: Number 1 RS: 2

INPUT
Description: Existing Condition
Station Elevation Data num= 20

Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev
0	258	8	256	33	254	62	252	87	250
104	249.4	104	267.2	162	267.2	162	247.2	194	246
203	244	326	242	330	240	353	238.91	370	240
375	242	380	244	413	246	476	247.2	476	272.6

Manning's n Values num= 3

Sta	n Val	Sta	n Val	Sta	n Val
0	.06	326	.035	380	.06

Bank Sta: Left	Right	Lengths: Left	Channel	Right	Coeff Contr.	Expan.
326	380	67	57	50	.1	.3

CROSS SECTION OUTPUT Profile #100 YR

E.G. Elev (ft)	254.98	Element	Left OB	Channel	Right OB
Vel Head (ft)	0.31	Wt. n-Val.	0.060	0.035	0.060
W.S. Elev (ft)	254.67	Reach Len. (ft)	67.00	57.00	50.00
Crit W.S. (ft)		Flow Area (sq ft)	2007.22	789.77	827.15
E.G. Slope (ft/ft)	0.000639	Area (sq ft)	2007.22	789.77	827.15
Q Total (cfs)	12626.00	Flow (cfs)	5570.15	4987.23	2068.62
Top Width (ft)	393.33	Top Width (ft)	243.33	54.00	96.00
Vel Total (ft/s)	3.48	Avg. Vel. (ft/s)	2.78	6.31	2.50
Max Chl Dpth (ft)	15.76	Hydr. Depth (ft)	8.25	14.63	8.62
Conv. Total (cfs)	499655.5	Conv. (cfs)	220430.5	197362.3	81862.7
Length Wtd. (ft)	60.88	Wetted Per. (ft)	256.50	55.30	103.54
Min Ch El (ft)	238.91	Shear (lb/sq ft)	0.31	0.57	0.32
Alpha	1.66	Stream Power (lb/ft s)	0.87	3.59	0.80
Frctn Loss (ft)	0.03	Cum Volume (acre-ft)	4.03	1.01	0.99
C & E Loss (ft)	0.04	Cum SA (acres)	0.46	0.07	0.11

Warning: Divided flow computed for this cross-section.

CROSS SECTION

RIVER: Existing Stream
REACH: Number 1 RS: 1

INPUT
Description: Existing Condition
Station Elevation Data num= 17

Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev	Sta	Elev
0	258	16	256	35	254	56	252	81	250
115	248	145	246	220	244	386	242	391	240
411	238.91	431	240	436	242	451	244	479	246
534	247.2	534	272.6						

Manning's n Values num= 3

Sta	n Val	Sta	n Val	Sta	n Val
0	.06	386	.035	436	.06

Bank Sta: Left	Right	Lengths: Left	Channel	Right	Coeff Contr.	Expan.
386	436	0	0	0	.1	.3

CROSS SECTION OUTPUT Profile #100 YR

E.G. Elev (ft)	254.91	Element	Left OB	Channel	Right OB
Vel Head (ft)	0.17	Wt. n-Val.	0.060	0.035	0.060
W.S. Elev (ft)	254.74	Reach Len. (ft)			
Crit W.S. (ft)	247.96	Flow Area (sq ft)	3237.54	748.55	896.03
E.G. Slope (ft/ft)	0.000400	Area (sq ft)	3237.54	748.55	896.03
Q Total (cfs)	12626.00	Flow (cfs)	6959.71	3820.76	1845.53
Top Width (ft)	505.98	Top Width (ft)	357.98	50.00	98.00
Vel Total (ft/s)	2.59	Avg. Vel. (ft/s)	2.15	5.10	2.06
Max Chl Dpth (ft)	15.82	Hydr. Depth (ft)	9.04	14.97	9.14
Conv. Total (cfs)	630952.8	Conv. (cfs)	347793.9	190933.1	92225.7
Length Wtd. (ft)		Wetted Per. (ft)	358.36	50.83	105.75
Min Ch El (ft)	238.91	Shear (lb/sq ft)	0.23	0.37	0.21
Alpha	1.65	Stream Power (lb/ft s)	0.49	1.88	0.44
Frctn Loss (ft)		Cum Volume (acre-ft)			
C & E Loss (ft)		Cum SA (acres)			

SUMMARY OF MANNING'S N VALUES

River:Existing Stream

Reach	River Sta.	n1	n2	n3
Number 1	7	.06	.035	.06
Number 1	6	.06	.035	.06
Number 1	5	.06	.035	.06
Number 1	4	.06	.035	.06
Number 1	3	.06	.035	.06
Number 1	2	.06	.035	.06
Number 1	1	.06	.035	.06

SUMMARY OF REACH LENGTHS

River: Existing Stream

Reach	River Sta.	Left	Channel	Right
Number 1	7	78	75	65
Number 1	6	6	5	6
Number 1	5	12	12	12
Number 1	4	17	17	17
Number 1	3	34	32	33
Number 1	2	67	57	50
Number 1	1	0	0	0

SUMMARY OF CONTRACTION AND EXPANSION COEFFICIENTS
River: Existing Stream

Reach	River Sta.	Contr.	Expan.
Number 1	7	.1	.3
Number 1	6	.1	.3
Number 1	5	.1	.3
Number 1	4	.1	.3
Number 1	3	.1	.3
Number 1	2	.1	.3
Number 1	1	.1	.3

ERRORS WARNINGS AND NOTES
Errors Warnings and Notes for Plan : Boxwood Lane

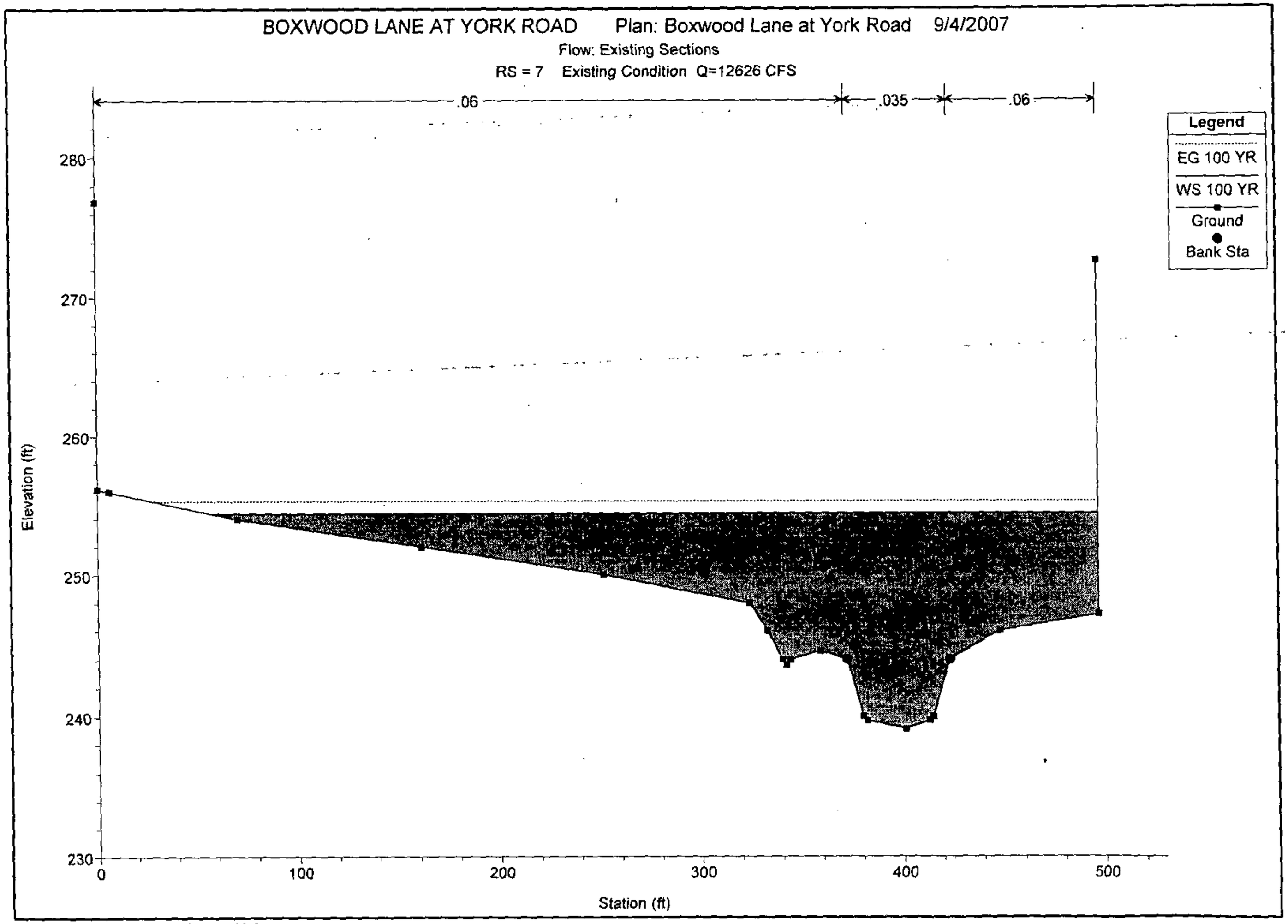
River: Existing Stream Reach: Number 1 RS: 7 Profile: 100 YR
Warning:The velocity head has changed by more than 0.5 ft (0.15 m). This may indicate the need for additional cross sections.
Warning:The conveyance ratio (upstream conveyance divided by downstream conveyance) is less than 0.7 or greater than 1.4.
This may indicate the need for additional cross sections.
River: Existing Stream Reach: Number 1 RS: 6 Profile: 100 YR
Warning:Divided flow computed for this cross-section.
River: Existing Stream Reach: Number 1 RS: 3 Profile: 100 YR
Warning:Divided flow computed for this cross-section.
River: Existing Stream Reach: Number 1 RS: 2 Profile: 100 YR
Warning:Divided flow computed for this cross-section.

CROSS-SECTION SUMMARY

EXISTING CONDITION

CROSS-SECTION NUMBER	FLOW (cfs.)	100 YEAR W.S.EL.	100 YR. W.S.EL.+ 1 ft. FREEBOARD	ENERGY GRADIENT ELEVATION	100-YEAR FLOOD PLAIN ELEVATION*
1	12,626.00	254.74		254.91	
2	12,626.00	254.67		254.98	
3	12,626.00	254.83		255.01	
4	12,626.00	254.82		255.03	
5	12,626.00	254.82		255.03	
6	12,626.00	254.82		255.04	
7	12,626.00	254.42		255.29	

*Higher of E.G.L. or 100-year WSEL plus 1' freeboard

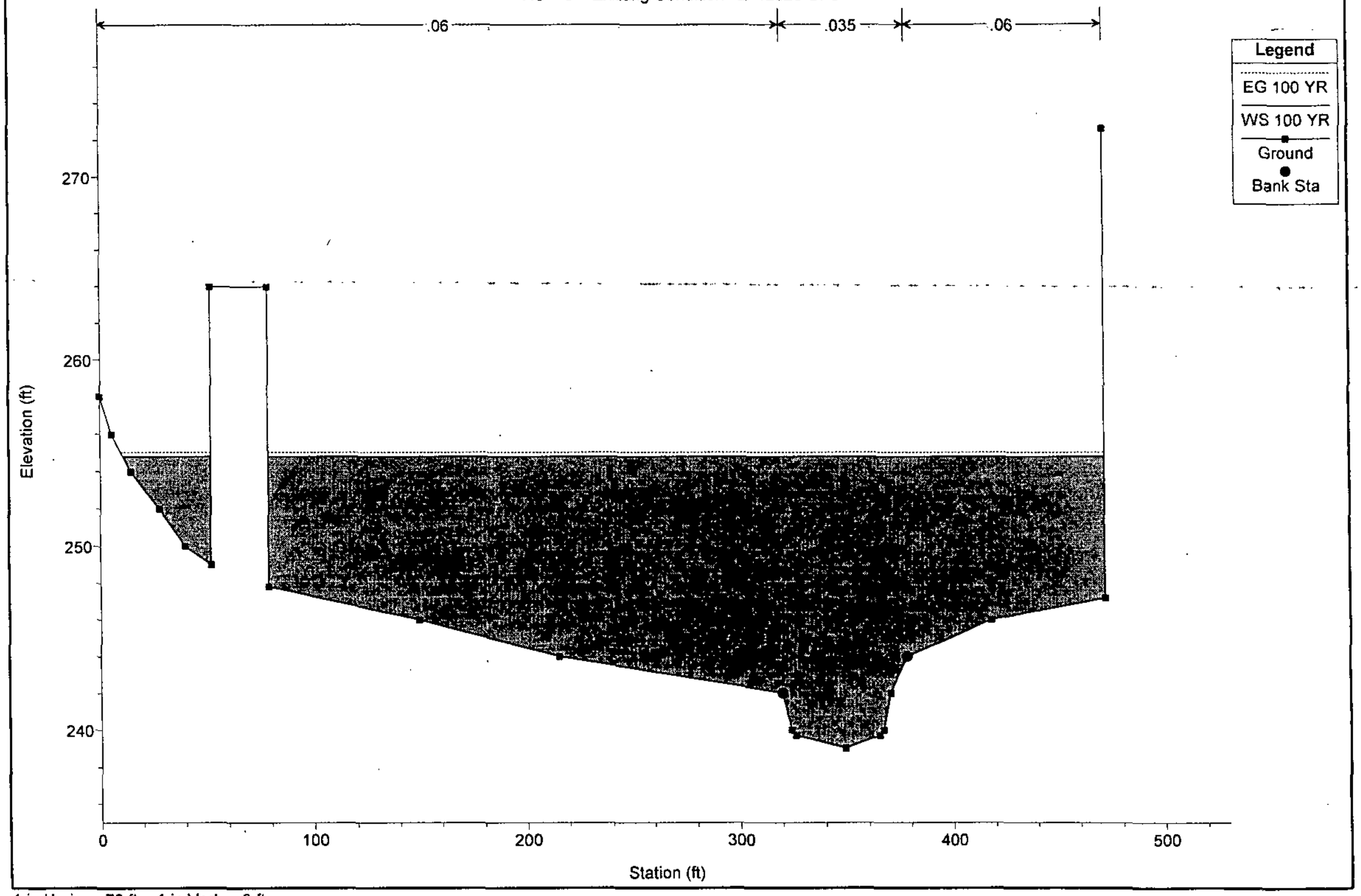


1 in Horiz. = 70 ft 1 in Vert. = 10 ft

BOXWOOD LANE AT YORK ROAD Plan: Boxwood Lane at York Road 9/4/2007

Flow: Existing Sections

RS = 6 Existing Condition Q=12626 CFS

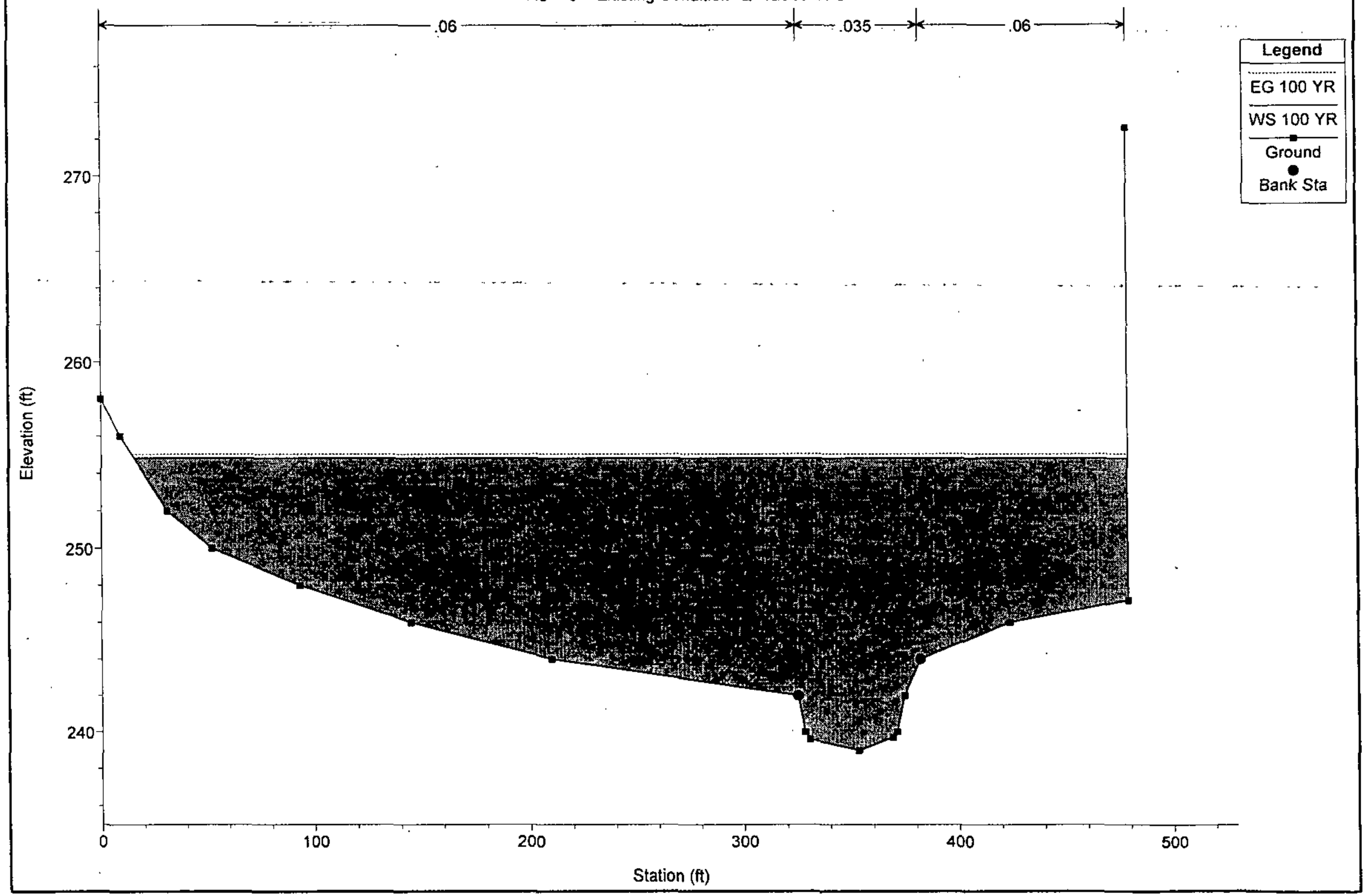


1 in Horiz. = 70 ft 1 in Vert. = 8 ft

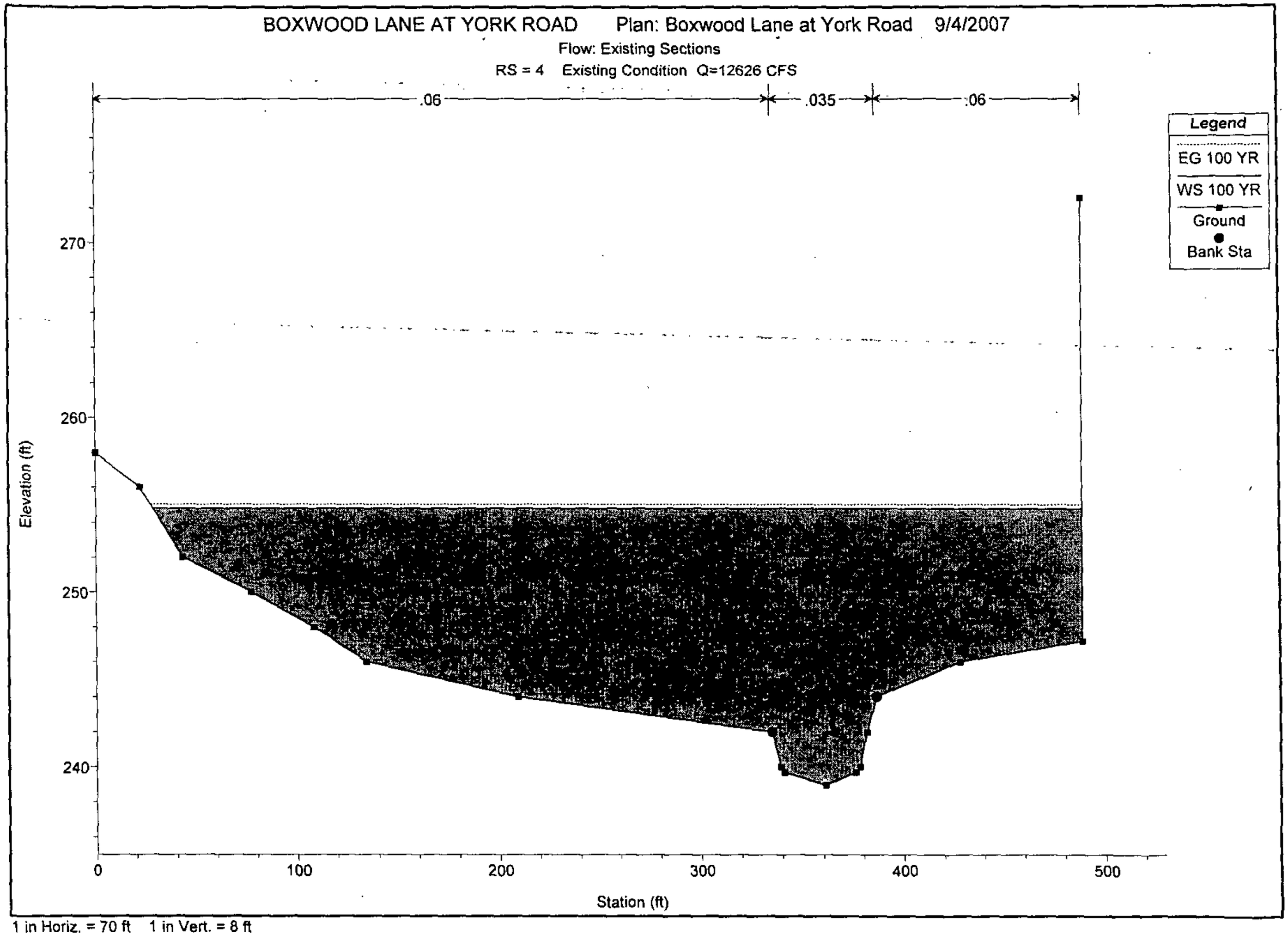
BOXWOOD LANE AT YORK ROAD Plan: Boxwood Lane at York Road 9/4/2007

Flow: Existing Sections

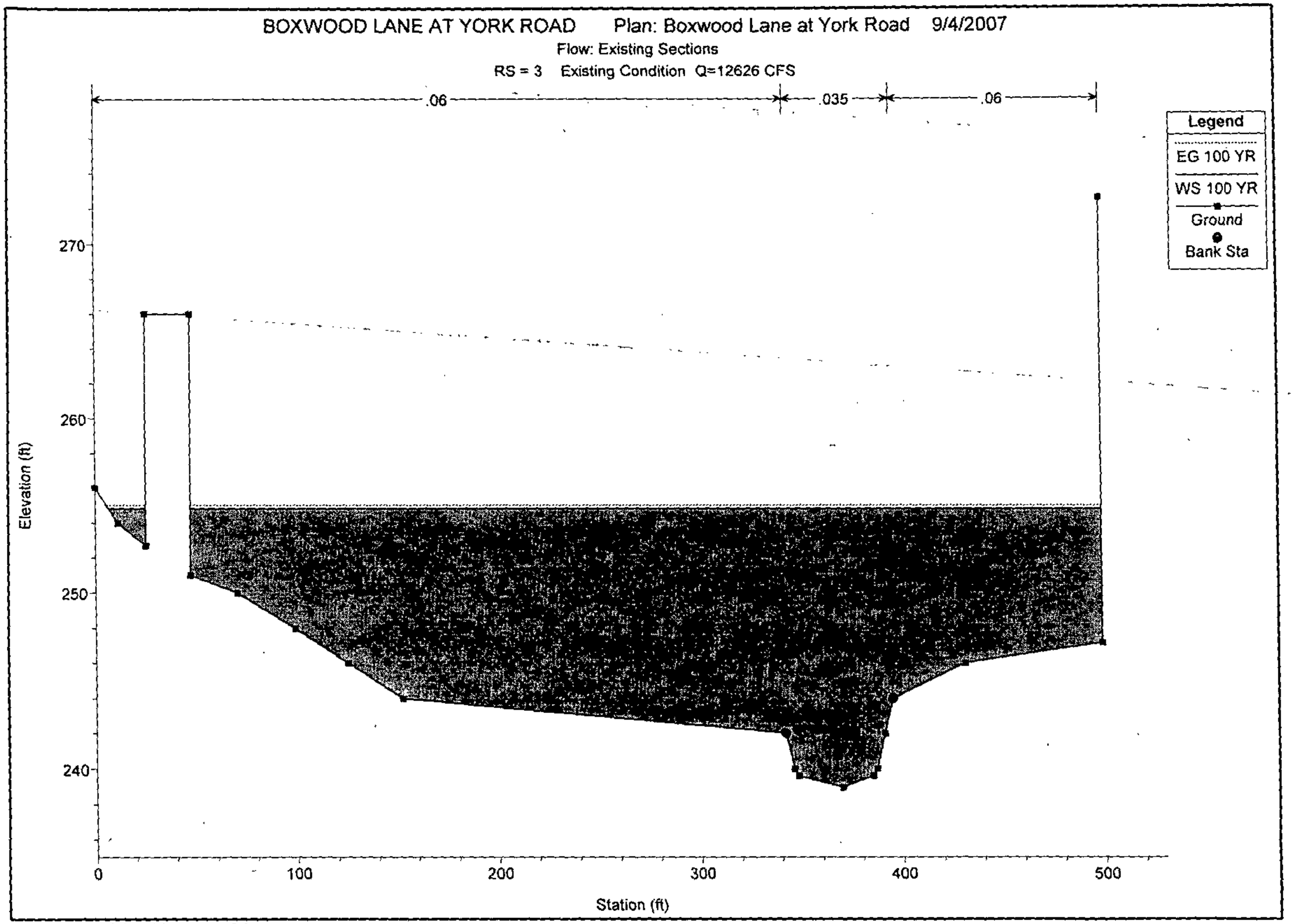
RS = 5 Existing Condition Q=12626 CFS



1 in Horiz. = 70 ft 1 in Vert. = 8 ft



1 in Horiz. = 70 ft 1 in Vert. = 8 ft

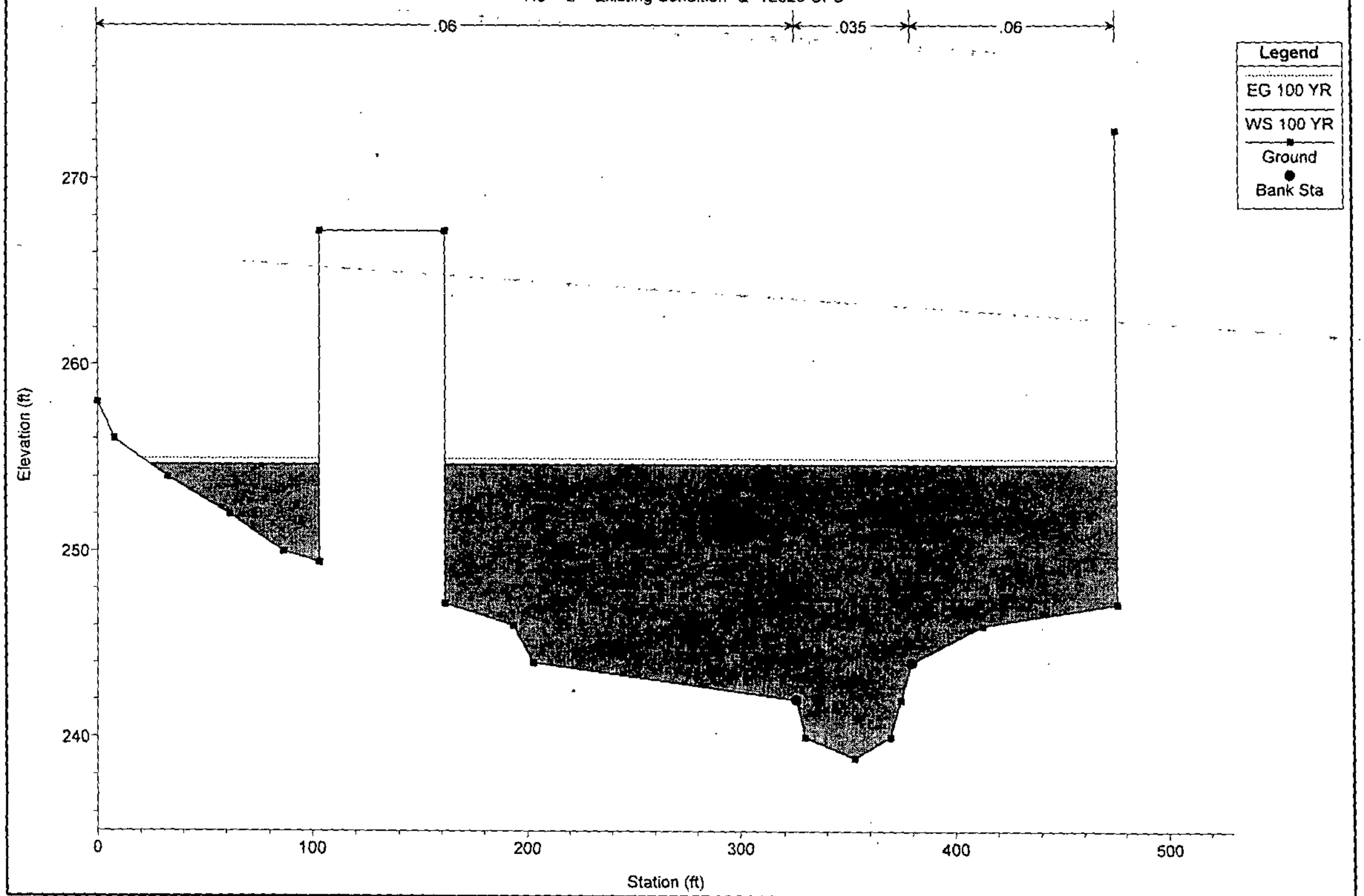


1 in Horiz. = 70 ft 1 in Vert. = 8 ft

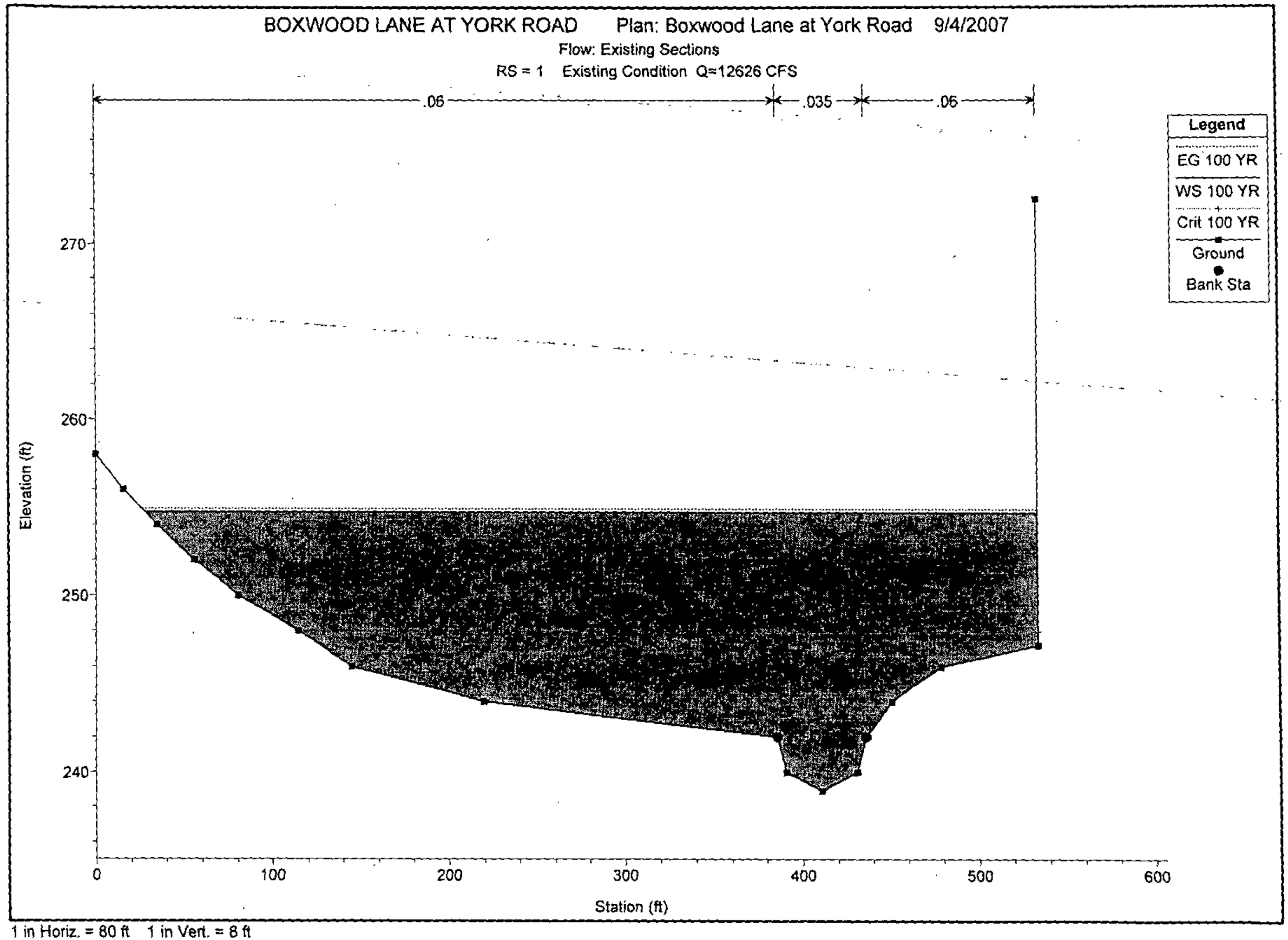
BOXWOOD LANE AT YORK ROAD Plan: Boxwood Lane at York Road 9/4/2007

Flow: Existing Sections

RS = 2 Existing Condition Q=12626 CFS

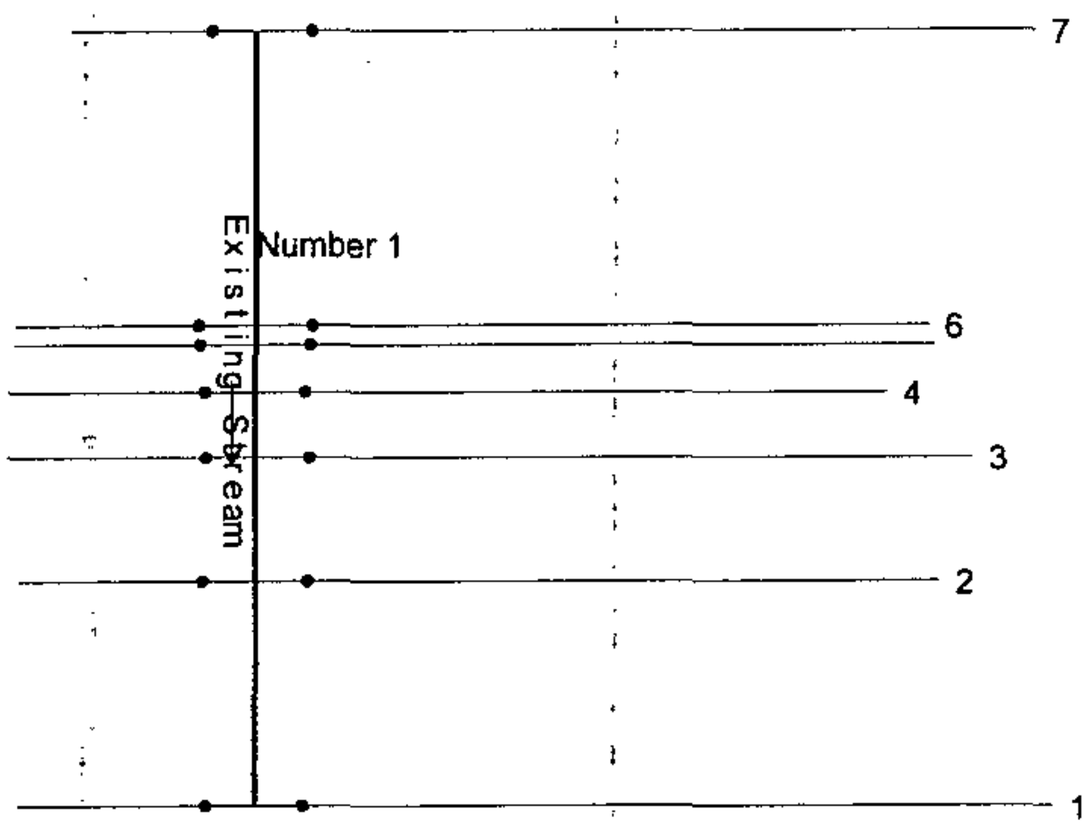


1 in Horiz. = 70 ft 1 in Vert. = 8 ft



1 in Horiz. = 80 ft 1 in Vert. = 8 ft

PROPOSED 100 YEAR FLOOD PLAIN STUDY


7
Existing Stream Number 1
6
4
3
2
1

HEC-RAS Plan: Boxwood Lane River: Existing Stream Reach: Number 1 Profile: 100 YR

Reach	River Sta	Profile	Q Total	Min Ch El	W.S. Elev	Crit W.S.	E.G. Elev	E.G. Slope	Vel Chnl	Flow Area	Top Width	Froude # Chl
			(cfs)	(ft)	(ft)	(ft)	(ft)	(ft/ft)	(ft/s)	(sq ft)	(ft)	
Number 1	7	100 YR	12626.00	239.10	254.42		255.29	0.001589	9.66	2637.84	440.55	0.45
Number 1	6	100 YR	12626.00	239.00	254.81		255.04	0.000474	5.47	4202.63	417.03	0.25
Number 1	5	100 YR	12626.00	238.99	254.81		255.04	0.000478	5.50	4222.27	435.43	0.25
Number 1	4	100 YR	12626.00	238.97	254.82		255.03	0.000471	5.46	4425.63	454.00	0.25
Number 1	3	100 YR	12626.00	238.95	254.83		255.01	0.000394	5.02	4716.96	470.59	0.23
Number 1	2	100 YR	12626.00	238.91	254.67		254.98	0.000639	6.31	3624.15	393.33	0.29
Number 1	1	100 YR	12626.00	238.91	254.74	247.96	254.91	0.000400	5.10	4882.11	505.98	0.23