IN RE: PETITIONS FOR SPECIAL HEARING VARIANCE	*	BEFORE THE
N side Chestnut Road, 750 feet NE of c/l Seneca Road	*	DEPUTY ZONING
15th Election District	*	COMMISSIONER
6th Councilmanic District		
(4046 Chestnut Road)	*	FOR BALTIMORE COUNTY
Scott Dengler *Petitioner*	*	**Case No. 08-150-SPHA**

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Scott Dengler. The Special Hearing request was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver to construct an accessory structure (garage) exceeding 900 square feet in a tidal floodplain pursuant to Section 3112.1 of the Baltimore County Building Code. The Variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 26 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief were Petitioners Scott and Dana Dengler, and their consultant, Bob Infussi, with Expedite, LLC. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 15,000 square feet and zoned D.R.5.5. The property is

approximately 320 feet deep on the east side and 330 feet deep on the west side and is 50 feet wide. The property is located northeast of Bowleys Quarters Road on Seneca Creek in the Bowleys Quarters area of Baltimore County. It is improved with an existing two-story single-family dwelling. The original dwelling was constructed in the 1920's. Petitioners have lived in the home since approximately 1997. They have made improvements to the home during the ensuing years, including renovating the exterior and installing vinyl siding, and adding a full second floor for their growing family. Petitioners have also added an addition within the last few years. The home currently measures 31 feet wide by 62 feet deep, and is approximately 30-35 feet in height.

The subject property is also improved with a 1½-story garage situated on the west side of the property approximately 91 feet from Chestnut Road. The two-car side loading garage is constructed of red brick and measures 23 feet wide by 45 feet deep. The garage is also 21 feet in height and has very limited space on the second floor for storage. According to Petitioners, in the aftermath of Hurricane Isabel in September 2003, the garage was damaged. In addition, age has also caught up to the structure, such that the garage doors are in disrepair, some of the brick and mortar are crumbling, and the roof shingles are deteriorating to the point that the roof needs to be replaced. Because of the overall condition of the garage, Petitioners desire to raze the structure and replace the structure with a new garage in the same footprint as the original. Moreover, in order to maximize the storage potential, Petitioners also propose a height for the garage of 26 feet, hence they seek a variance from the 15 foot maximum height requirement. As a result of the proposed increase in height, Petitioners also request special hearing approval for a waiver to allow the structure to exceed 900 square feet. Marked and accepted as Petitioners' Exhibits 2A through 2F were photographs of the garage showing its dilapidated condition.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments received from the Department of Environmental Protection and Resource Management dated November 19, 2007 indicate that the property must comply with the Chesapeake Bay Critical Area Regulations, and the Limited Development Area and Buffer Management Area regulations. The comments received from the Bureau of Development Plans Review dated October 11, 2007 indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse, and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code, which adopts the International Building Code.

In regard to the requested special hearing, based on the testimony and evidence, I am persuaded to grant the waiver pursuant to Sections 32-8-301 and 32-8-303 of the Baltimore County Code (B.C.C.) in order to allow Petitioners to construct the garage on the same footprint as the existing structure, albeit with more than 900 square feet due to the increased height. Petitioner shall meet the applicable conditions of Section 32-8-207 of the B.C.C. and all other provisions of the Baltimore County Building Code.

In regard to the request for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The damage to the existing structure associated with Hurricane Isabel renders the structure relatively unusable. Hence, I find the property unique in a zoning sense. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Even as the existing structure stands, it is 21 feet high, six feet above what is currently allowed under the

zoning regulations. Petitioners make a compelling plea for an additional six feet in order to maximize the storage opportunities on the property.

Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' special hearing and variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 4th day of December, 2007, that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a waiver to construct an accessory structure (garage) exceeding 900 square feet in a tidal floodplain pursuant to Sections 32-8-301 and 32-8-303 of the B.C.C. is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioners' request for Variance from Section 400.3 of the B.C.Z.R. to permit an accessory structure (garage) with a height of 26 feet in lieu of the maximum permitted 15 feet is hereby GRANTED subject to the following:

1. Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner will be required to return, and be responsible for returning, said property to its original condition.

2. 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). The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA), and must comply with all LDA and BMA requirements including impervious surface limits and 15% afforestation.

3. The base flood elevation for this site is 10.2 feet Baltimore County Datum. The flood protection elevation for this site is 11.2 feet. In conformance with *Federal Flood*

Insurance Requirements, the first floor or basement floor must be at least one foot above the flood plain elevation in all construction.

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

5. The building engineer shall require a permit for this project.

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

7. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

8. Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

9. The accessory structure shall not be used for commercial purposes.

10. The structure shall be compatible in architecture (style, materials and color) to the existing structure that it serves.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 4, 2007

SCOTT AND DANA DENGLER
4046 CHESTNUT ROAD
BALTIMORE MD 21014

Re: Petition for Special Hearing and Variance
Case No. 08-150-SPHA
Property: 4046 Chestnut Road

Dear Mr. and Mrs. Dengler:

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: Robert Infussi, Expedite LLC, PO Box 1043, Belair, MD 21014

CBCA Flood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4046 Chestnut Road

which is presently zoned RC-5

*(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)*

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

(This box to be completed by planner)

3112.1 (BALTIMORE COUNTY BUILDING CODE)

SPECIAL HEARING FOR A WAIVER TO CONSTRUCT AN ACCESSORY STRUCTURE (GARAGE) EXCEEDING 900 SQUARE FEET IN A TIDAL FLOODPLAIN.

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:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Scott DENGLER

Name - Type or Print

Signature

Name - Type or Print

Signature

4046 CHESTNUT Rd 410-335-5111

Address Telephone No.

Baltimore MD 21220

City State Zip Code

Representative to be Contacted:

Robert INFUSSI

Name

P.O. Box 1043 410-812-2236

Address Telephone No.

BEL AIR MD 21014

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 9/25/07

Case No. 08-150-SPHA

RECEIVED FOR FILING

Date 12-4-07

By B3

CRCA Flood

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4046 CHESTNUT Rd

which is presently zoned DR 5.5

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 26-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)

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):

Scott A. DENGLER

Name - Type or Print

Scott A. Dengler

Signature

Name - Type or Print

Signature

4046 CHESTNUT Rd. 410-335-5111

Address Telephone No.

Balto. Md 21220

City State Zip Code

Representative to be Contacted:

Robert Infussi

Name

P.O. 1043 410-812-2230

Address Telephone No.

Bel Air Md 21014

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 9/25/07

Case No. 08-150-SPHA

REV 9/15/98

RECEIVED FOR FILING

Date 12.4.07

By PB

ZONING DESCRIPTION
4046 CHESTNUT RD.

BEGINNING AT A POINT ON THE NORTH SIDE OF CHESTNUT ROAD (20 FT. PAVING) AT A DISTANCE OF 750 FT. NORTH EAST OF THE INTERSECTION WITH SENECA RD. THEN 50 FT. EAST ALONG CHESTNUT RD. THEN 320 FT. NORTH, THEN 50 FT. WEST, THEN 330 FT. SOUTH TO THE POINT OF BEGINNING. CONSISTING OF 15,000 SQ FT. IN THE 6TH COUNCIL DISTRICT / 15TH ELECTION DISTRICT

SCOTT DENGLER 7-27-06

08-150-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: 08-150-SPHA

Petitioner: DENGLER

Address or Location: 4046 CHESTNUT RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. SCOTT DENGLER

Address: 4046 CHESTNUT RD.
BALTO. MD 21220

Telephone Number: 410-335-5111

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No: 08109

Date: 9/25/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				130.00
							Total:	130.00

Rec From: EXPEDITE, LLC

For: ITEM #150 08-150-A SPHA DENGLER

D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
STATION ACTION TIME
10/01/2007 10:17:31
CASHIER VERIFICATION
Rcpt Tot 130.00
CK 130.00
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: #08-150-SPHA
4046 Chestnut Road
N/side of Chestnut Road, 750 feet n/east of centerline of Seneca Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Scott Dengler

Special Hearing: for a waiver to construct an accessory structure (garage) exceeding 900 square feet in a tidal floodplain. **Variance:** to permit an accessory structure (garage) with a height of 26 feet in lieu of the maximum permitted 15 feet.

Hearing: Monday, December 3, 2007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/235 Nov. 15 155286

CERTIFICATE OF PUBLICATION

11/15/, 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 11/15/, 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

RE: Case No: 08-150-SPHA

Petitioner/Developer:
SCOTT DENGLER

Date Of Hearing/Closing: 12/3/07

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

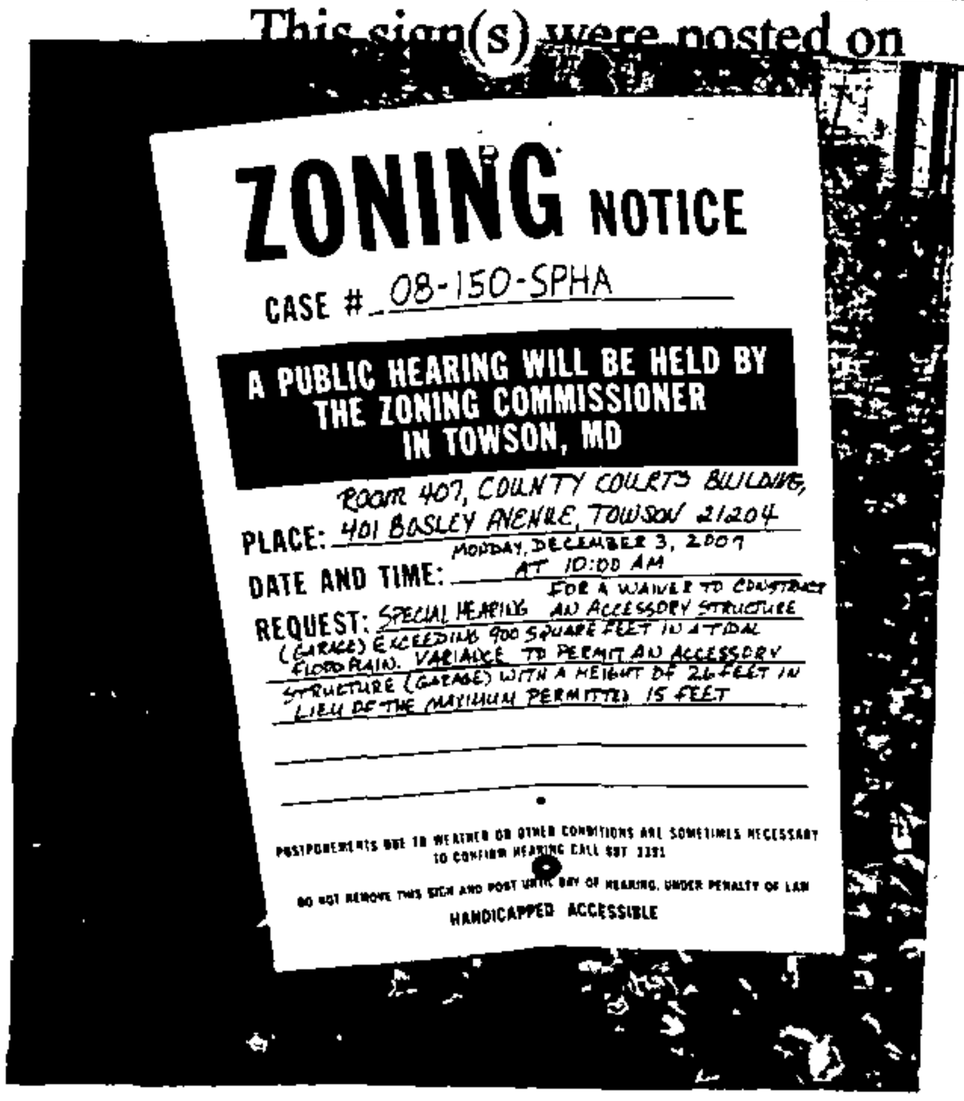
Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 4046 CHESTNUT ROAD

This sign(s) were posted on November 17, 2007
(Month, Day, Year)

Sincerely,
Martin Ogle 11/17/07
(Signature of sign Poster and Date)
Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)



BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

October 11, 2007

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

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: 08-150-SPHA
4046 Chestnut Road
N/side of Chestnut Road, 750 feet n/east of centerline of Seneca Road
15th Election District – 6th Councilmanic District
Legal Owners: Scott Dengler

Special Hearing for a waiver to construct an accessory structure (garage) exceeding 900 square feet in a tidal floodplain. Variance to permit an accessory structure (garage) with a height of 26 feet in lieu of the maximum permitted 15 feet.

Hearing: Monday, December 3, 3007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Scott Dengler, 4046 Chestnut Road, Baltimore 21220
Robert Infussi, P.O. Box 1043, Bel Air 21014

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 17, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 15, 2007 Issue - Jeffersonian

Please forward billing to:
Scott Dengler
4046 Chestnut Road
Baltimore, MD 21220

410-335-5111

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: 08-150-SPHA
4046 Chestnut Road
N/side of Chestnut Road, 750 feet n/east of centerline of Seneca Road
15th Election District – 6th Councilmanic District
Legal Owners: Scott Dengler

Special Hearing for a waiver to construct an accessory structure (garage) exceeding 900 square feet in a tidal floodplain. Variance to permit an accessory structure (garage) with a height of 26 feet in lieu of the maximum permitted 15 feet.

Hearing: Monday, December 3, 3007 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 28, 2007

Scott Dengler
4046 Chestnut Road
Baltimore, MD 21220

Dear Mr. Dengler:

RE: Case Number: 08-150-SPHA, 4046 Chestnut Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 25, 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:amf

Enclosures
c: People's Counsel
Robert Infussi P.O. Box 1043 Bel Air 21014

TB 12/3
10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 20 2007
BY:_____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JRL

DATE: November 19, 2007

SUBJECT: Zoning Item # 08-150-SPHA
Address 4046 Chestnut Road
(Dengler property)

Zoning Advisory Committee Meeting of October 8, 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:

_____ 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).

_X_ 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:
The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA), and must comply with all LDA & BMA requirements, including impervious surface limits and 15% afforestation.

Reviewer: Regina Esslinger Date: November 11, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2008\ZAC 08-150-SPHA.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 11, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For October 15, 2007
Item No. 08-150

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

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

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

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 08-150-10112007.doc

Baltimore County
Fire Department

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

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

October 11, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 8, 2007

Item Number: Item Number 136,145,146,147,148,149,150,151,152,154,155,158
159 and161

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C)443-829-2946
MS-1102F

cc: File

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

State Highway Administration
Maryland Department of Transportation

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

Date: OCTOBER 15, 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. 8-150-SPHA
4046 CHESTNUT ROAD
DENGLER PROPERTY

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. 8-150-SPHA.

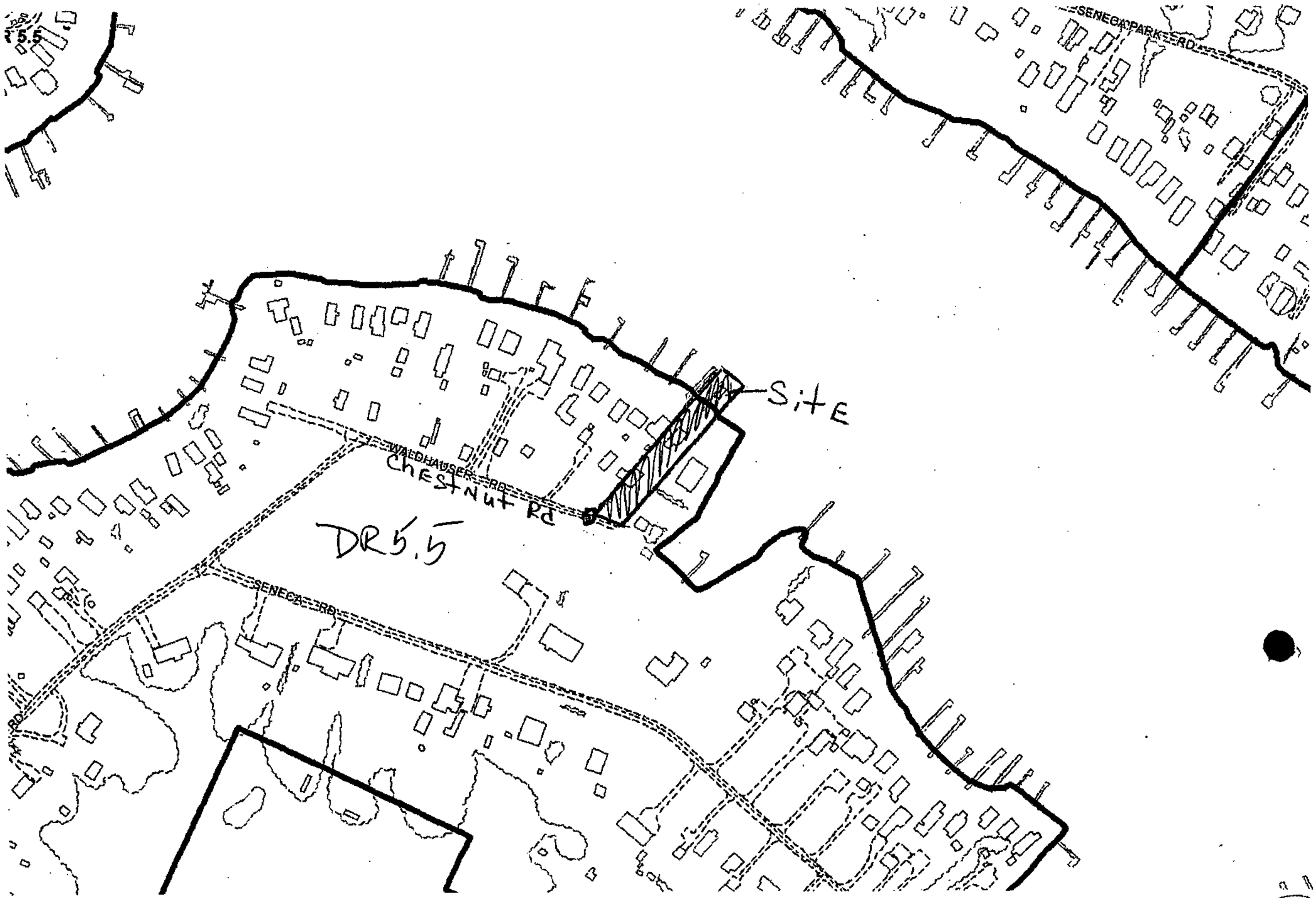
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



08-150-SPHA

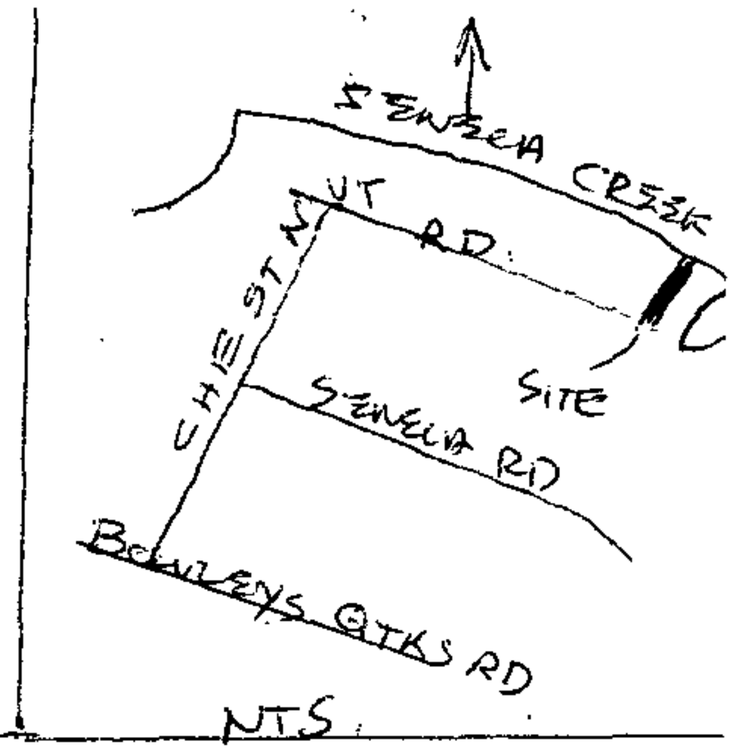
08-150-SPHA

(14)

SENECA CREEK

LOCATION

4046 CHESTNUT RD
OWNERS SCOTT DENGLER.
NOT IN A SUBDIVISION



ZONING HEARING PLAN

ZONING DR 5.5.

REPLACEMENT OF AN EXISTING GARAGE DAMAGED BY ISABELLE. SAME LOC. VARIANCE TO INCREASE HEIGHT FROM EXIST. 21 FT TO 26 FT.

ZONING MAP 09 1C3

LOT SIZE 15,000 ±

15 ED, 6TH CD.

(ELEV. 5FT) IN FLOODZONE A-10

IN CBCA.

NOT HISTORIC

PUBLIC SEWER + WATER.

I AM AWARE THAT I MUST COMPLY WITH ALL FLOOD PLAIN PLAIN REQUIREMENTS FOR CONSTRUCTION.

NO PRIOR ZONING HEARINGS.

I Scott D [signature] 7-27-06
SCOTT DENGLER DATE

OWNER OF 4046 CHESTNUT RD., AM RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION/PLANS AS DRAWN BY BALTO. CO.

DENIED

EXIST DWLG. FRONT

EXIST 31' x 62' DWLG. FRONT

EXIST DWLG FRONT

PROPOSED ISABELLE DAMAGED REPLACEMENT GARAGE. SAME FOOTPRINT BUT 26 FT. HIGH IN PLACE OF 21 FT. HIGH

EXIST GARAGE

23x45 x 26 HT.

3 FT.

50'

320'

330'

8'

11'

91'

50'

750 FT. TO SENECA RD

CHESTNUT ~~SENECA~~ RD.

20' PAVING

08-150-SPHA

PLEASE PRINT CLEARLY

CASE NAME 4046 Chestnut Rd
CASE NUMBER 08-150-SPHA
DATE 12/3/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bob Infussi	P.O. Box 1043	Bel Air, Md 21014	
Scott Dengler	4046 Chestnut Rd	Balto MD 21220	CRABS872@COMCAST.NET
Dana Dengler	4046 Chestnut Rd	Balto MD 21220	"

Case No.: 08-150-SPHA

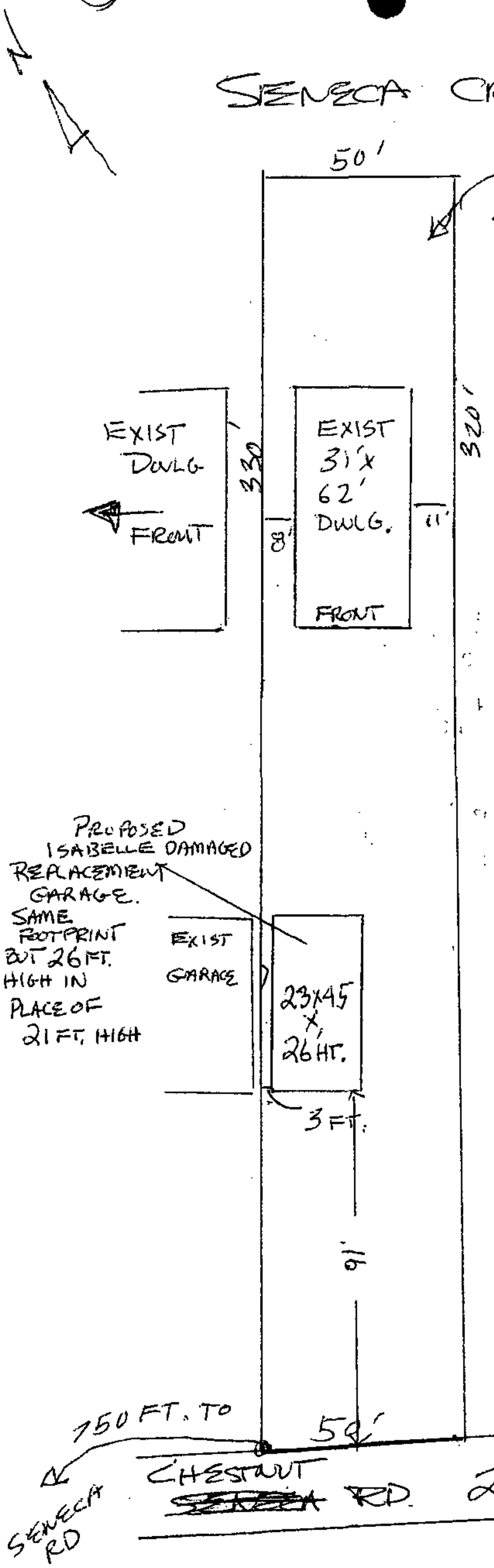
Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan	
No. 2	Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

(14)

PETITIONER'S

EXHIBIT NO. 1

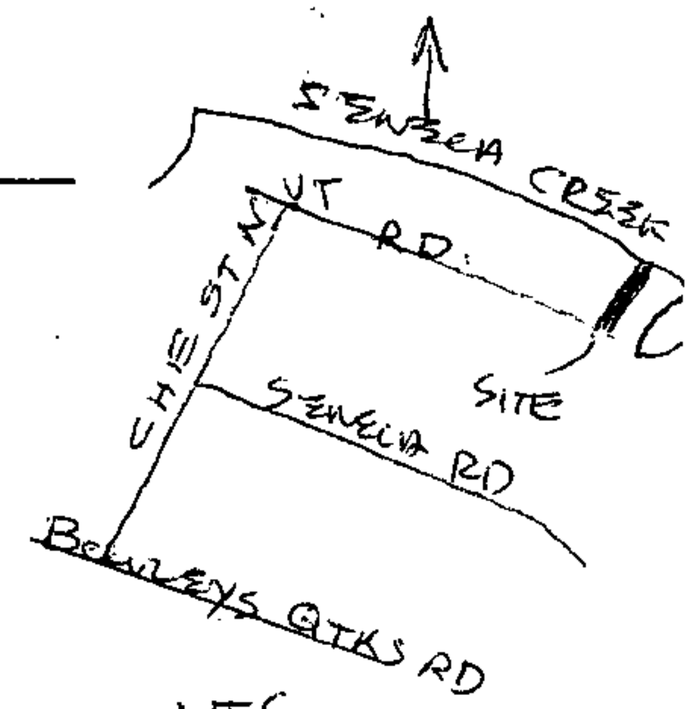


LOCATION

4046 CHESTNUT RD

OWNERS SCOTT DENGLER.

NOT IN A SUBDIVISION



NTS.

ZONING HEARING PLAN

ZONING DR 5.5

REPLACEMENT OF AN EXISTING GARAGE DAMAGED BY ISABELLE. SAME LOC. VARIANCE TO INCREASE HEIGHT FROM EXIST. 21 FT TO 26 FT.

ZONING MAP 09 1C3

LOT SIZE 15,000 ±

15 ED, 6TH CD.

(ELEV. 5FT.) IN FLOODZONE A-10

IN CBCA.

NOT HISTORIC

PUBLIC SEWER + WATER.

I AM AWARE THAT I MUST COMPLY WITH ALL FLOOD PLAIN PLAIN REQUIREMENTS FOR CONSTRUCTION.

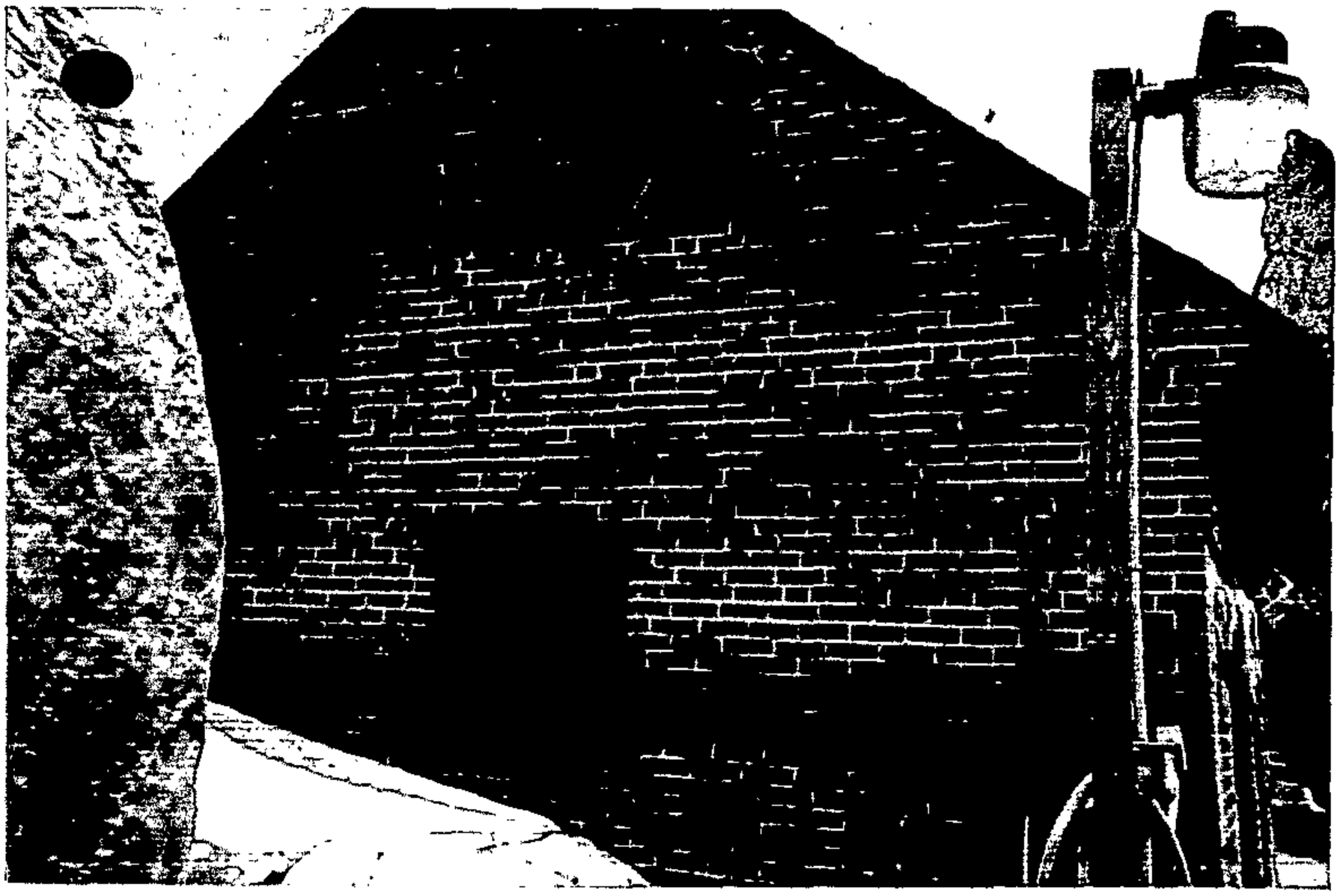
NO PRIOR ZONING HEARINGS.

I Scott D
Scott Dengler 7-27-06 DATE

OWNER OF 4046 CHESTNUT RD., AM RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION/PLANS AS DRAWN BY BALTO. CO.

DEAD END

08-150-SPHA

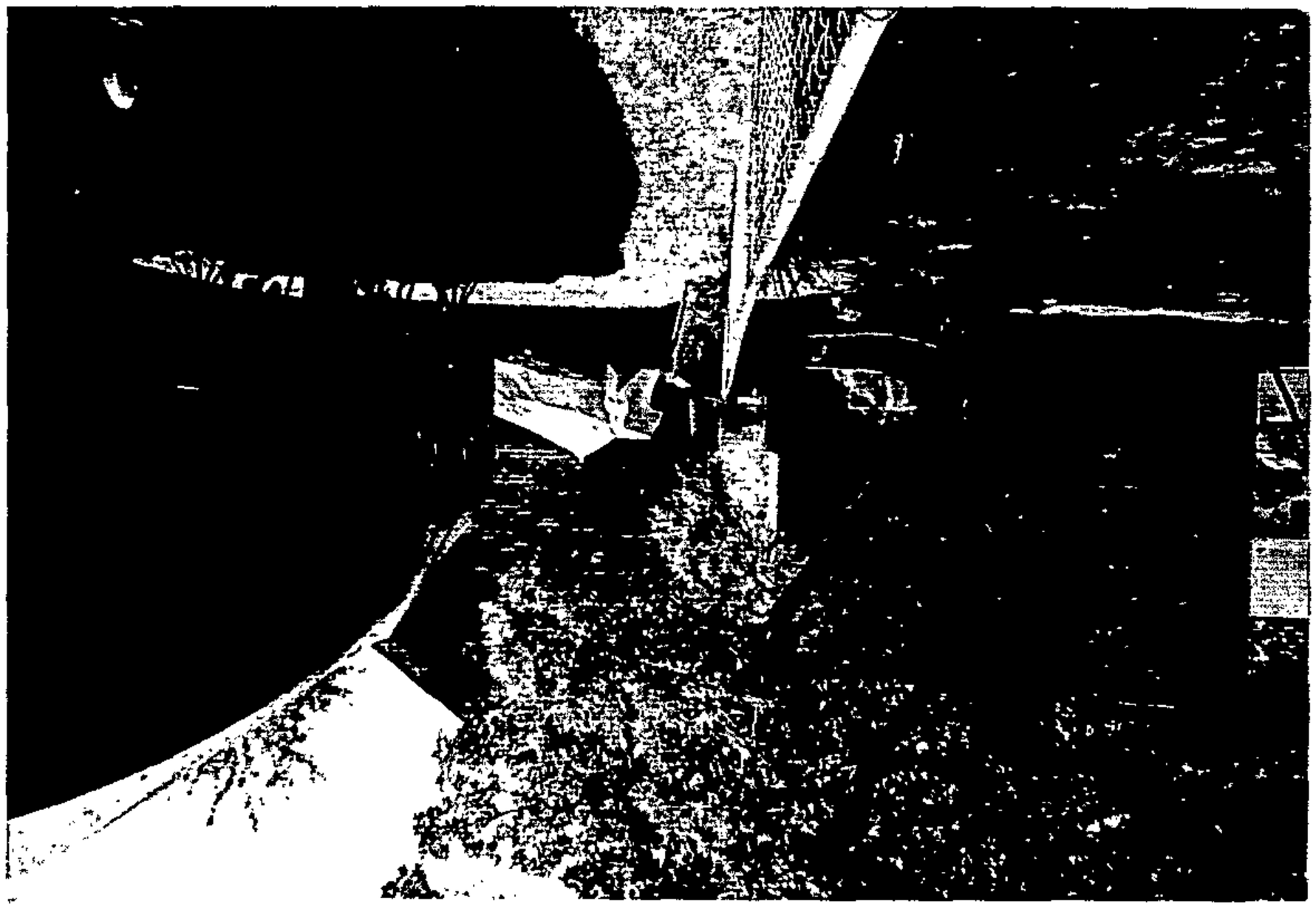


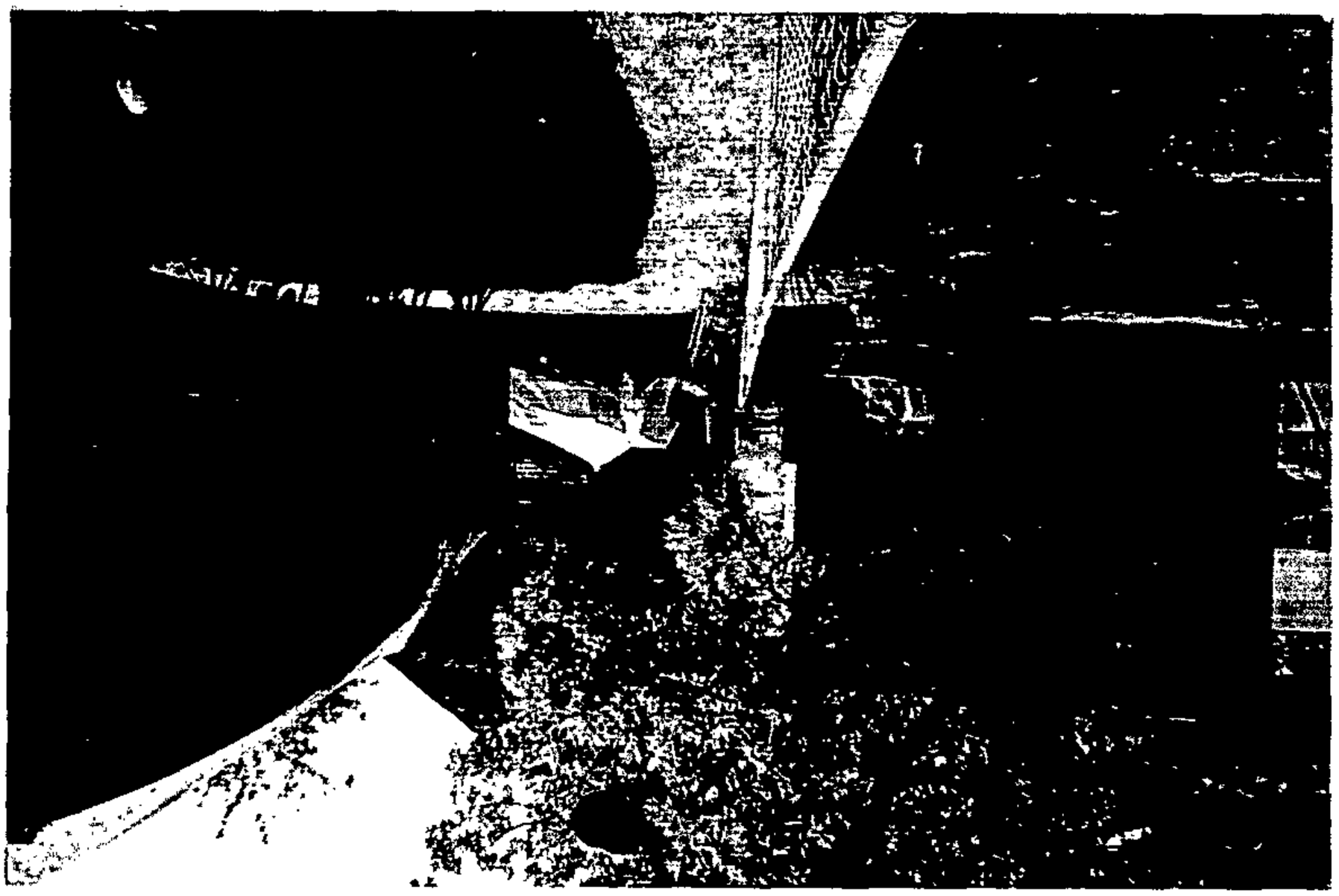
PETITIONER'S

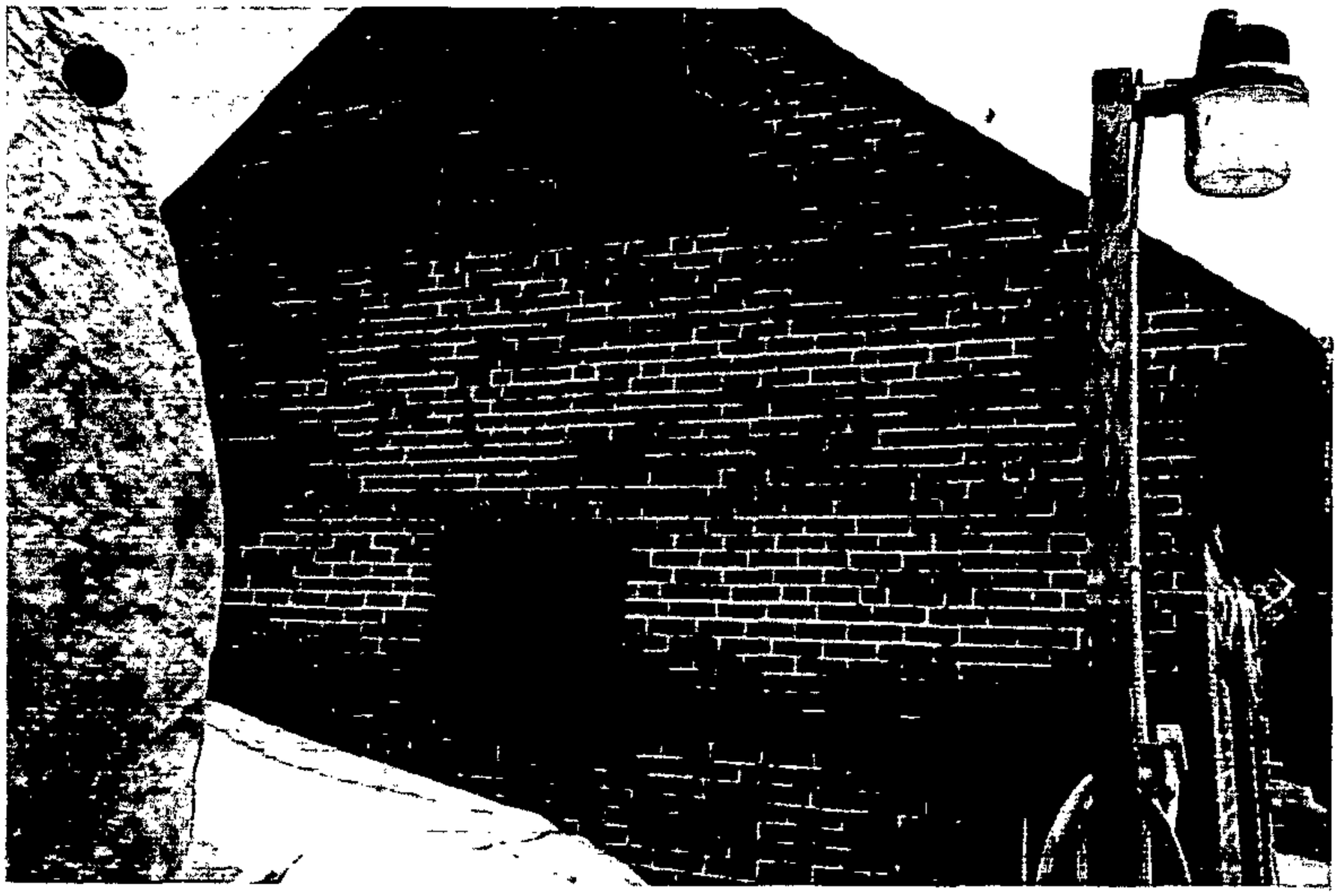
EXHIBIT NO. 2A-F

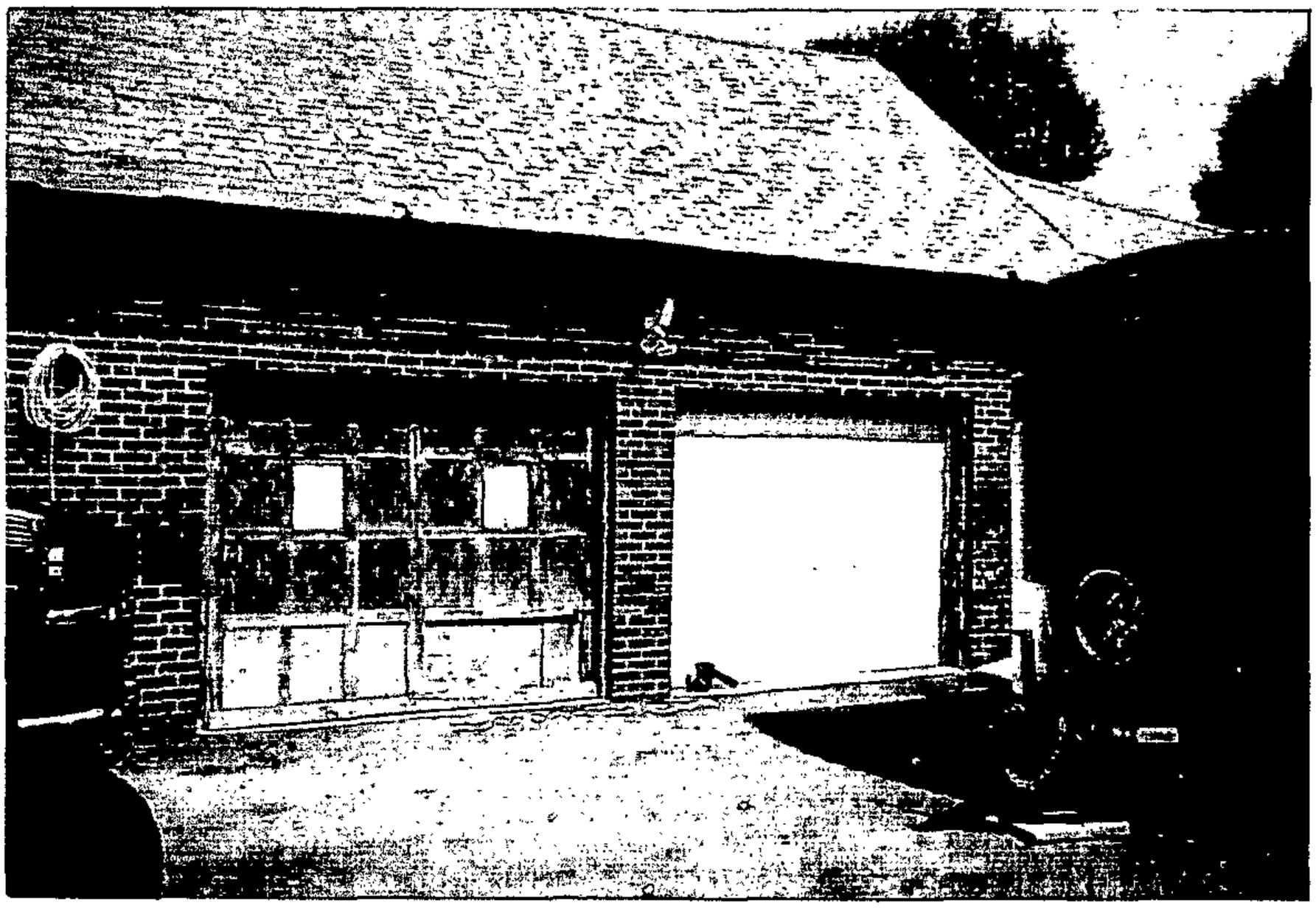
08-150-SPHA

HHS-OSI-80









08-150-SPHA

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
4046 Chestnut Road; N/S Chestnut Road, 750' NW c/line Seneca Road	*	ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts	*	FOR
Legal Owner(s): Scott Dengler		
Petitioner(s)	*	BALTIMORE COUNTY
	*	08-150-SPHA

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

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of October, 2007, a copy of the foregoing Entry of Appearance was mailed Robert Infussi, P.O. Box 1043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED
OCT 11 2007
Per.....

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

TITLE 8. FLOODPLAIN MANAGEMENT

Section

SUBTITLE 1. DEFINITIONS

§ 32-8-101. DEFINITIONS.

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

(b) *Accessory structure.*

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

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

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

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

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

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

(g) *Development.*

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

(2) "Development" includes subdivision of land.

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

(i) *Flood.* "Flood" means general and temporary condition of

partial or complete inundation of normally dry land areas from overflow of inland or tidal waters, or rapid unusual accumulation of runoff from any sources.

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

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

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

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

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

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

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

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

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

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

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

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

(s) *Lowest floor.*

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

(ii) "Lowest floor" includes a basement.

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

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

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

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

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

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

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

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

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

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

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

approved by the Department of Public Works, but in no case less restrictive than the Federal Flood Insurance Study base flood.

(aa) *Start of construction.*

(1) "Start of construction" means the date of issue of the building permit for any development, including new construction and substantial improvements, provided that the actual start of the new construction or substantial improvement is within 180 days after permit issuance.

(2) "Start of construction" means, for any development, the placement of slab or footings, piles, or columns.

(3) "Start of construction" means, for a manufactured home, the actual placement of the manufactured home.

(4) "Start of construction" means, for substantial improvement, the first alteration of any structural part of the building.

(bb) *Structure.*

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

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

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

(dd) *Substantial improvement.*

(1) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, less land value, either:

(i) Before the improvement or repair is started; or

(ii) If the structure has incurred substantial damage and been restored, before the damage occurred.

(2) "Substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences.

(3) "Substantial improvement" does not include the minimum

repairs needed to correct previously identified violations of local health, safety, or sanitary codes, and alterations to historic structures which do not preclude their continued designation as historic structures.

(ee) *Temporary structure.* "Temporary structure" means any structure completely removed within 180 days after issuance of the permit.

(ff) *Tidal floodplain.* "Tidal floodplain" means the area subject to inundation by tidewaters as a result of a 100-year frequency flood event as established by the U.S. Army Corps of Engineers or the federal Flood Insurance Study base flood elevation, whichever is the more restrictive.

(1988 Code, § 26-662) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

SUBTITLE 2. FLOODPLAIN MANAGEMENT PROGRAM

§ 32-8-201. ESTABLISHED.

(1) The United States, through the Federal Emergency Management Agency, and the State of Maryland have established the 100-year frequency flood as the event defining the area of peril.

(2) Desiring to secure to its citizens the benefits of the national flood insurance program and desiring to protect the health, safety, welfare, property, and life of its citizens, the county establishes, in accordance with state and federal programs, policies, laws and regulations, this floodplain management program.

(1988 Code, § 26-661) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-202. FLOODPLAIN AREA — DEFINED.

(a) *In general.*

(1) The floodplain area shall include at a minimum those areas of Baltimore County that are subject to the 100-year frequency flood, delineated on the most recent revision of the floodway maps and flood insurance rate maps and described in the Flood Insurance Study prepared for the county by the Federal Emergency Management Agency.

(2) The delineation of the floodplain area shall also include the 100-year frequency flood elevations, which shall be not less than those established in the Flood Insurance Study.

(b) *Role of the Director of Public Works.*

(1) The Director of Public Works is responsible for the actual delineation of the floodplain area.

(2) The floodplain area may be more restrictive than the Flood Insurance Study.

(c) *Floodplain zones.*

(1) Baltimore County has the following floodplain zones.

(2) Riverine floodplains:

(i) Consist of floodway and the floodway fringe; and

(ii) May have detailed engineering study data, profiles, and water surface elevations, or may have approximate delineations only.

(3) Tidal floodplains:

(i) Consist of areas subject to coastal or tidal flooding by the 100-year frequency flood; and

(ii) Are flooded due to high tides, hurricanes, tropical storms, and steady on-shore winds.

(1988 Code, § 26-663) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-203. SAME — REVISIONS.

(a) *In general.* Subject to review and approval by the Federal Insurance Administration and the State Secretary of the Environment, the Director of Public Works may make revisions, amendments, and modifications to the floodplain area and flood elevations when:

(1) There are changes through natural or other causes; or

(2) Changes are indicated by detailed hydrologic and hydraulic studies.

(b) *Review of proposed changes.* Any proposed change to the

Federal Emergency Management Agency map or study information, including a change in boundary, surface water elevation, water course, and other political changes, shall be submitted to the Federal Emergency Management Agency within 6 months after the time it becomes available to Baltimore County.

(c) *Change to a water course.*

(1) If any change to water courses is proposed, all conditions for encroachment into the floodway must be met.

(2) (i) Adjacent communities and property owners, the Federal Emergency Management Agency, and the State Department of the Environment must be notified before any modification to a water course may occur.

(ii) A modification will require a variance from the county.

(iii) In considering this variance, the public good must be shown to outweigh the adverse impacts and the development may not increase surface water elevations, flooding, or erosion.

(d) *Regulations.* The Director of Public Works may adopt regulations governing floodplain management policy.

(1988 Code, § 26-664) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-204. SAME — BOUNDARY DISPUTES.

(a) *Director to resolve.* The Director of Public Works or the Director's designee shall resolve any disputes regarding any established floodplain area boundary or flood elevation in accordance with generally accepted engineering standards.

(b) *Appeal.*

(1) Any party aggrieved by the determination of the Director or the Director's designee may appeal to the Board of Appeals.

(2) The party appealing shall have the burden of proof to establish, by a preponderance of the evidence, error in the determination.

(1988 Code, § 26-665) (Bill No. 173-93, § 2, 11-17-1993; Bill No. 112-02, § 2, 7-1-2004)

§ 32-8-205. INFORMATION TO BE SHOWN ON PLATS.

All plats prepared for recording shall clearly show the extent of any floodplain area on the subject property by metes and bounds and flood elevations relative to a coordinate system approved by the Director of Public Works.

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

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

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

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

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

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

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

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

(b) *Permit required.*

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

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

(c) *Register of permits.*

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

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

(i) Agreement to supply elevation certificate;

(ii) Non-conversion agreement;

(iii) Declaration of land restrictions;

(iv) Work sheet for substantial improvement;

(v) Checklist for items below flood elevation;

(vi) Floodproofing certificate; and

(vii) Elevation certificate.

(d) *Flood resistant construction.*

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

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

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

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

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

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

(b) *Failure to include required language.* Failure to include the

clause mandated by this section shall render the contract voidable at the option of the purchaser.

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

SUBTITLE 3. WAIVERS

§ 32-8-301. AUTHORIZED.

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

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

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

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

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

§ 32-8-302. HISTORIC STRUCTURES.

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

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

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

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

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

(1) A showing of good and sufficient cause;

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

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

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

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

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

§ 32-8-304. WAIVERS PROHIBITED.

Waivers may not be granted for the following:

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

(2) New buildings in the riverine floodplain.

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

§ 32-8-305. CONDITIONS.

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

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

(c) *Requirement for recordation.*

(ii) Port facilities that are necessary for the loading and unloading of cargo or passengers; and

(iii) Ship building and ship repair facilities.

(2) Long-term storage or related manufacturing facilities are not a functionally dependent use.

(b) *Waiver authorized.* Waivers may be issued for new construction and substantial improvements for the conduct of a functionally dependent use.

(c) *Standard.* The waiver may be issued only on sufficient proof of the functional dependence.

(d) *Conditions.*

(1) The provisions of this subtitle shall be met and the structure:

(i) Shall be protected by methods that minimize flood damage up to the flood protection elevation; and

(ii) May not create additional threats to public safety.

(2) (i) This may require methods of "wet floodproofing" that allow the structure to flood without significant damage.

(ii) Methods of floodproofing may not require human intervention.

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

PANEL BP1018M

TIME: 14:24:11 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 02/25/2008

DATE: 03/12/2008 APPROVALS DETAIL SCREEN ENV 15:06:28

PERMIT #: B687285 CONTROL #: MRFP

AGENCY	DATE	CODE	COMMENTS
BLD PLAN	02/25/2008	12	WML-DLR&NCA NEEDED
ZONING	02/25/2008	01	JF
PUB SERV			
ENVRMNT	02/25/2008	12	EIR-X3980
PLANNING	02/13/2008	01	DS
AIRPORT	02/25/2008	01	DAS
PERMITS		10	ISSUE WITH B687285RA HFPU

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

ENTER - GENERAL PERMIT PF4 - ISSUE PERMIT

PF3 - INSPECTIONS PF8 - GENERAL SCREEN W/NEXT PERMIT CLEAR - MENU

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

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

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

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

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

§ 32-8-306. COUNTY TO MAINTAIN CERTAIN RECORDS.

(a) *In general.* The county shall maintain a record of:

(1) All waiver actions;

(2) The justification for their issuance; and

(3) All related correspondence.

(b) *Report and review.* The records required under this section shall be:

(1) Submitted as a part of the biennial report to the Federal Emergency Management Agency; and

(2) Available for periodic review.

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

§ 32-8-307. FUNCTIONALLY DEPENDENT USES.

(a) *Application.*

(1) This section applies to a waiver issued for a functionally dependant use, which is a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only:

(i) Docking facilities;