IN RE: PETITION FOR SPECIAL HEARING

(403 Chapelwood Lane) 8th Election District

3rd Councilmanic District

Earl & Nina Purdue/Legal Owners

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0108-SPH

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Earl & Nina Purdue, the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a kitchen extension in the rear of the dwelling, within a 100-year riverine floodplain.

Appearing at the public hearing in support of the request were Earl & Nina Purdue, property owners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance at the hearing, and the file does not contain any letters of opposition. In fact, Petitioners' long-time neighbors (Mr. & Mrs. Naeny) provided a letter expressing support for the project.

By memorandum dated December 23, 2013, the Director of the Department of Public Works (DPW) recommended the floodplain waiver be denied, since his office had not been provided any "plans or calculations" showing that the waiver would not negatively impact other dwellings or increase the risk of flooding. Terry Curtis, an engineer employed by the DPW, attended the hearing and Mr. Purdue (an architect) supplied him with a comprehensive study (Exhibit 2) prepared by Biohabitats, Inc., which happens to be an on-call contractor for Baltimore County. That study, prepared by a licensed engineer, concluded that the waiver would not increase the risk of flood conditions or negatively impact surrounding properties.

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Date	1-10-14	
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The DPW reviewed the study, and on January 3, 2014, that agency sent a memorandum to this Office, indicating that "we feel comfortable that the approval of the addition would have no adverse effect on other properties." Even so, the DPW recommended denial of the petition, given the property has had previous flood loss insurance claims, which it believes undermines the fiscal integrity of the National Flood Insurance Program (NFIP). I do not believe that is a valid basis on which to deny the petition, for two reasons.

First, the Petitioners have met the requisite standard for approval of such a waiver under the County Code, as conceded by the DPW. The Code (BCC §§ 32-8-303 & 32-4-414) seeks to ensure that any permitted activity not increase the "existing base flood elevation," and the consultant (a licensed engineer) employed by Petitioners opined that "the proposed improvements at the [Petitioners'] residence would have no effect on local flood elevations."

Secondly, with regard to the insurance claims, it is true that County law seeks to ensure its citizens access to the NFIP (BCC § 32-8-201), and, in approving waivers, to "avoid extraordinary public expense." BCC § 32-8-303(a)(3). In my opinion, the kitchen addition proposed to the dwelling would not jeopardize the soundness of the NFIP or entail extraordinary public expense. As seen on the plan (Exhibit 1) the kitchen addition will cause only a modest incursion (approximately eleven (11) feet) into the floodplain, and the living space will be only at the second floor level, while the ground floor will have a supporting stone wall structure that is unenclosed. In addition, the Petitioners submitted detailed elevations which reveal that the addition will be attractive and constructed with quality materials.

The NFIP has been the subject of several recent news stories, and many inland property owners are justifiably perturbed at having to "subsidize" those who build (and rebuild) in coastal areas and suffer (invariably) catastrophic losses. In fact, Congress has recently overhauled the

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NFIP (the Biggert-Waters Flood Insurance Reform Act of 2012), and the amendments will significantly reform the NFIP and greatly increase most owners' insurance premiums based on flood risk. As such, if the Petitioners' property poses such a risk, insurers will take that into consideration and price the coverage accordingly.

Pursuant to the advertisement, posting of the property, and the public hearing, I find that Petitioners' Special Hearing request should be granted.

THEREFORE, IT IS ORDERED this 6th day of January 2014, by this Administrative Law Judge, that Petitioners' request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a kitchen extension in the rear of the dwelling, within a 100-year riverine floodplain as shown on the site plan admitted as Exhibit 1, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for appropriate 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB/sln

ORDER F	RECEIVED FOR FILING	à
Date	1-6-14	
By	90	

KEVIN KAMENETZ County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 6, 2014

Earl and Nina Purdue 403 Chapelwood Lane Lutherville, Maryland 21093

RE: Petition for Special Hearing

Property: 403 Capelwood Lane Case No.: 2014-0108-SPH

Dear Mr. and Mrs. Purdue:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Mr. and Mrs. Robert Naeny, 401 Chapelwood Lane, Lutherville-Timonium, MD 21093



PETITION FOR ZONING HEARING(S)

FLOOD

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Law of Baltimore County for the property

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and Nina Purdue	
PRIATE SELECTION AND PRINT OR TYPE THE PETITION REC	QUEST)
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	PRIATE SELECTION AND PRINT OR TYPE THE PETITION REGISED A part hereof, hereby petition for: ing Regulations of Baltimore County, to determine we cial Hearing for a Waiver pursuant to Section as 32-4-414, 32-4-107(a)(2), and 32-8-301 BCC, to

Property zoning description for 403 Chapelwood Lane

Beginning in the south side of Chapelwood Lane which is 60 feet wide, at the distance of 513 feet west of the centerline of Dulaney Valley Road, which is 66 feet wide.

Being Lot#4, Section two, in the Subdivision of Fox Chapel, as recorded in Plat Book 28, Folio 103, containing 39,640 square feet, and located in the 8th Election District and 3rd Council District.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/07/2013

Case Number: 2014-0108-SPH

Petitioner / Developer: EARL PURDUE

Date of Hearing (Closing): DECEMBER 30, 2013

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:

403 CHAPELWOOD LANE

The sign(s) were posted on: DECEMBER 6, 2013

ZONING NOTICE

CASE # 2014-0108-5PH

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

ROOM 205 JEFFERSON BUILDING
PLACE: 105 W.CHESAPPAKE AVETOWON 2104

DATE AND TIME: MONDAY, DELEMBER 30.2013
ATLLO 24.7.
TO PERMIT A KITCHEN EXTENSION IN THE REAR OF THE DWELLING WITHIN A 100 YEAR RIVERINE FLOODPLAIN.

403 CHAPELWOOD LANE

POSTPOREMENTS DUE TO WEATHER OR OTHER COMBITIONS ARE SOMETHIES INCESSARY. TO COMBITION HEARING CALL BST-3391

DO NOT REMOVE THIS SIGN AND POST WITHIN DAY OF MEASING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

Signature of Sign Poster)

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



Baltimore, Maryland 21278-0001

December 12, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on December 10, 2013

The Jeffersonian П

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinst

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2014-0108-SPH
403 Changlwood Lane

Case: #2014-0108-SPH
403 Chapelwood Lane
5/s Chapelwood Lane, 513 ft. w/of the centerline of
Dulaney Valley Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Earl & Nina Purdue
Special Hearing to approve a Special Hearing for a waiver;
to permit a kitchen extension in the rear of the dwelling
within a 100 yr. riverine floodplain.
Hearing: Monday, December 30, 2013, at 11:00 a.m. in
Room 205, Jefferson Building, 105 West Chesapeake
Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 12/657 December 10 961240



KEVIN KAMENETZ
County Executive

November 26, 2013

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

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0108-SPH

403 Chapelwood Lane

S/s Chapelwood Lane, 513 ft. w/of the centerline of Dulaney Valley Road

8th Election District – 3rd Councilmanic District

Legal Owners: Earl & Nina Purdue

Special Hearing to approve a Special Hearing for a waiver; to permit a kitchen extension in the rear of the dwelling within a 100 yr. riverine floodplain.

Hearing: Monday, December 30, 2014 at 11:00 a.m. in Rm. 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: Mr. & Mrs. Purdue, 403 Chapelwood Lane, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 10, 2013.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 10, 2013 Issue - Jeffersonian

Please forward billing to:

Earl Purdue 403 Chapelwood Lane Lutherville, MD 21093

410-252-0070

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0108-SPH

403 Chapelwood Lane

S/s Chapelwood Lane, 513 ft. w/of the centerline of Dulaney Valley Road

8th Election District – 3rd Councilmanic District

Legal Owners: Earl & Nina Purdue

Special Hearing to approve a Special Hearing for a waiver; to permit a kitchen extension in the rear of the dwelling within a 100 yr. riverine floodplain.

Hearing: Monday, December 30, 2014 at 11:00 a.m. in Rm. 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

MEMORANDUM

DATE:

February 14, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0108-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on February 5, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

RE: PETITION FOR SPECIAL HEARING
403 Chapelwood Lane; S/S Chapelwood Lane,
513' W of c/line Dulaney Valley Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Earl & Nina Purdue
Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2014-108-SPH

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED NOV 15 2013 Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of November, 2013, a copy of the foregoing Entry of Appearance was mailed to Earl & Nina Purdue, 403 Chapelwood Lane, Lutherville, MD 21093, Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NO. 2014-0108-5PH

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
18/23	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
11/15	STATE HIGHWAY ADMINISTRATION	10 Op
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
10/16 Robert & M.	ADJACENT PROPERTY OWNERS	Support
ZONING VIOLATIO	(\)
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	ERTISEMENT Date: 12/10/13	
SIGN POSTING	Date: 12/13	by O'hele
PEOPLE'S COUNSI	EL APPEARANCE Yes No 🗆	-
PEOPLE'S COUNSI	EL COMMENT LETTER Yes No	
Comments, if any: _		

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. <u>For those petitions which require a public hearing</u>, 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 Advertis	ing:				
Item Number or Case Nun		2014	-0108	- SP+	
Petitioner:	EARL	PURDU	E		
Address or Location:	403	CHAPEL	WOOD	LANE	MD 21093
PLEASE FORWARD ADV	ERTISING I	BILL TO:			
Name:E	ARL	PURDUE			· · · · · · · · · · · · · · · · · · ·
Address: 4	03 C	HAPELW	OOD LA	NE	
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Telephone Number:	410-	252-0	070		
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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 24, 2013

Earl & Nina Purdue 403 Chapelwood Lane Lutherville MD 21093

RE: Case Number: 2014-0108 SPH, Address: 403 Chapelwood Lane

Dear Mr. & Ms. Purdue:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 5, 2013. 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,

U. Cal Ribal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



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

James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 11-15-13

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

RE: **Baltimore County**

Item No 2014-0108-5PA Special Heaving Earl + Hina Purbue. 403 Chapel wood Lanc.

Dear Ms. Lewis:

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. 2014. 0108-5PA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/

Development Manager

Access Management Division

SDF/raz

ion, Inc.

DEC 2 3 2013

DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

Fox Chapel Association, Inc.
Post Office Box 6271
Lutherville, Maryland 21093
Website: www.foxchapelassociation.com

December 20, 2013

By Certified Mail and Facsimile Transmission

Mr. Arnold Jablon
Director, Zoning Review
Baltimore County Zoning Review Office
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

In re: Case Number 2014-0108-SPH

Dear Mr. Jablon:

On behalf of the Fox Chapel Association (FCA), a homeowners association representing a private residential community of nearly 100 homes in Baltimore County, we are writing in support of the zoning variance petitioned by Mr. & Mrs. Earl Purdue who reside at 403 Chapelwood Lane, Lutherville, Maryland 21093.

The purpose of our homeowners' association is to enhance the property values, safety, security, and appearance of our community (situated between Dulaney Valley Road on the east and Padonia Road on the west), and to promote, protect, and preserve Fox Chapel's special tangible and intangible qualities and features.

Our association's bylaws call for a special subcommittee which reviews all improvements to properties within the boundaries of our community. There are also published homeowner guidelines relating to any proposed exterior improvements for the property structure itself as well as the grounds. Most of the private properties in our community – all of which were constructed by Laird, Rock & Small Developers in the early 1960s – are approximately an acre or more.

For any structural or grounds work being considered by the homeowner, such as with the Purdue residence, we require that the proposed work be in conformance with all applicable laws, ordinances, and building codes. Therefore, the subcommittee recently requested a set of documents from Mr. & Mrs. Purdue, including architectural site plans (dated October 28, 2013), elevations, neighbor endorsements, and a narrative description

Mr. Arnold Jablon December 20, 2013 Page 2

of the project, which is essentially a modest expansion of the existing kitchen on the main floor of the residence.

Like most of the residences that back up to the spring valley stream, the Purdue property touches the riverine floodplain and, therefore, subject to more restrictive development than other residences in our community. Before any construction can get underway, we understand that Mr. & Mrs. Purdue have petitioned for a zoning variance to conform to Baltimore County zoning laws.

The Building and Alteration Subcommittee as well as the Board of Governors have reviewed the scope of the project and provided Mr. & Mrs. Purdue with our preliminary approval. We should add that Mr. & Mrs. Purdue have been residents of the Fox Chapel community for more than ten years and they are in excellent standing as homeowner association members.

We understand that your office has scheduled a public hearing to be held on December 30, 2013, in connection with the request filed by Mr. & Mrs. Purdue. In view of this pending hearing date, we respectfully request that this letter in support of the variance request be made part of the official hearing record.

Thank you very much for your immediate attention to this matter. If you have any questions, I can be reached at 410-252-7165 or email: gtosi@comcast.net.

Sincerely,

Gloria Cataneo Tosi, Chair

Building and Alteration Subcommittee

Derin Catener Trosi

On Behalf of Fox Chapel Association, Inc.

October 28, 2013

Re: Zoning Variance Request and Building Permit Request 403 Chapelwood Lane Lutherville- Timonium MD 21093

Dear Sirs:

This is a formal request for a special hearing for a waiver (zoning variance) pursuant to Section 500.6 BCZR: Section 3112.0 Building Code; and Sections 32-4-414, 32-4-107 (a) (2), 32-8-301, BC to add a modest kitchen addition to the house that touches the 100- year riverine floodplain.

The house is located at 403 Chapelwood Lane, Lutherville- Timonium. There are no active or former zoning violations for this property.

The proposed addition adheres to all applicable building codes and respects setbacks from property lines. The variance is required as the house touches the established Spring Branch riverine. We have completed our due-diligence by retaining the civil engineering firm (Biohabitats) to complete a HEC-RAS model of the proposed house addition. It was felt that Biohabitats (design firm of the restoration of the Spring Valley streambed completed in 2008) would offer the most thorough and accurate modeling analysis. A summary of the report is attached, signed and sealed by the P.E. with supporting analytical data.

The property owners, Earl and Nina Purdue are longtime residents of Baltimore County and have resided at the address since 2003 and is their primary residence. Earl Purdue is a licensed architect (MD registration), LEED BD+C and has prepared the drawings and has stamped and signed the construction documents. Earl is a past member in the Fox Chapel Community Association Board of Directors (former chair of the buildings and grounds), and the design is in agreement with the architecture of the house and is in harmony with the Fox Chapel Community guidelines.

It is our intent to make this process as comprehensive as possible, we seek to have the zoning variance concurrent with building permit process. We understand Baltimore County requires several documents to be submitted for this proposed zoning hearing. We have included the following documents for the Petition Application and the Administrative Variance:

Required

- Narrative description of the project
- 2. Zoning Property Description
- Hearing Plan
- 4. Petition & Affidavit form
- 5. GIS Zoning Map
- 6. Photographs of the existing property and architectural renderings of the proposed addition

Supplemental

- A. Application for permit
- B. Contract drawings (18"x24" format, Signed and sealed by Architect)
- C. Hydrology and hydraulic impact analysis letter (Signed and sealed by P.E.)
- D. Supporting analytical data of HEC-RAS model
- E. Neighbor testimonial

2014-0108-A

We have been in contact with representatives from the Baltimore County Department of Public Works who have been instrumental in helping guide us through the necessary steps, eventually required to secure a building permit. We owe them our thanks.

Respectfully Submitted,

Earl Purdue AIA, LEED BD+C

epurdue@asg-architects.com

Home (410)-252-0070 Work (410) 347-8500 Cell (443) 286-0801 Narrative Description of the Project 403 Chapelwood Lane, Lutherville- Timonium 21093

The house is a rancher style, rectangular in shape with the long side facing the street. The house is two levels, and sits into the grade exposing only one full level on the front (street) side. The grade slopes front to back and falls away in the rear, revealing two full floors. The property is just less than one acre in size with generous open lawn and mature trees of ash, maple, sycamore, beech and gum.

The project is a simple expansion of the kitchen. The existing kitchen is located on the main entry (upper) level and faces the rear yard. It is the original 1969 kitchen and was constructed to meet norms of the day. Needless to say, 1969 standards do not meet today's standard of living. The proposed work is a reorganization to a more functional layout and modest expansion to accommodate a modest eat- in breakfast area. The proposed addition's width is constrained to the existing walls that define the space. Lateral expansion of the kitchen was studied but was found to compromise the functional layout of the house. This 'pushing- out' is the only manner in which the kitchen could be brought up to modern standards of kitchen design commensurate with the size of the house, and expectations from the real estate market in the Fox Chapel community. The extent of the kitchen expansion is a mere 220 GSF, measuring roughly 19 ft 6 in x 11 ft.4 in.

To structurally support this addition, bearing walls of reinforced concrete block are used. The exterior face of the wall will be Butler stone veneer, in keeping with the architectural language of the house. The walls are designed to be efficient yet sturdy with a minimal disturbance to the ground. As indicated in the construction documents, there is approximately 28 LF of wall 12 inches thick, and is the only part of the work touching the ground plane.

The roof of the addition is generally flat and gently sloping to an integral gutter to seamlessly integrate to the house. The structural frame is designed to accommodate a green roof to lessen heat loss (thermal mass), heat island effect, and decrease storm water runoff into the Spring Branch stream. This proven approach is responsible and has a long-lasting positive impact to the environment. The benefit of the green roof was <u>not</u> incorporated in the HEC-RAS calculations.

2014-0108-SPH

From:

Dennis Kennedy

To:

snuffer@baltimorecountymd.gov

Date:

12/24/2013 10:32 AM

Subject:

Re: 2014-0108-SPH (next year)

I will be out of the office until Jan, 2 2014. Contact Vishnu Desai at vdesai@baltimorecountymd.gov or Geoff Rice at grice@baltimorecountymd.gov or call 410-887-3751 for assistance.

>>> Sherry Nuffer 12/24/13 10:32 >>>

Dennis,

We have a hearing scheduled for case no. 2014-0108-SPH on Monday December 30th at 11:00 am. In reviewing the file, it appears we do not have a ZAC comment.

Please let us know if you're planning to comment as we should have this before the hearing to share.

Thank you,

Sherry

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

三种 水水水道

October 16,2013

To whom it may concern

This letter is intended to be in support of the proposed addition to the property at 403 Chapelwood Lane, Lutherville Timonium, 21093. We are longstanding residents of 401 Chapelwood Lane, and are next- door neighbors of the Purdue's at 403. We have known the Purdue's since 2003.

The Spring Valley stream borders the southern boundary of both of our properties. We are aware that the riverine floodplain intrudes and extends onto both properties and, as such, subject to more restrictive development guidelines.

The Purdue's proposed addition is a simple expansion to their kitchen on the upper floor of the house and is supported by sturdy stone walls. We have seen the drawings and renderings of the proposed addition, and approve of its architectural character, and believe it is a sound albeit modest addition to the property.

As an architect himself, Mr. Purdue seeks only the best construction materials and methods as well as the safest practices. We believe this proposed addition would not create a new hazard or compromise any other properties in the event of a flood. After reviewing the plans and hearing first hand of their intentions to expand their kitchen, we fully stand behind and support their initiative for a zoning variance.

Respectfully submitted,

Robert and Susan Naeny

401 Chapelwood Lane

Lutherville- Timonium MD 21093

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO:

Arnold Jablon,

Deputy Administrative Officer and

Director, Department of Permits, Approvals and Inspections

ATTN:

Kristen Matthews

MS 1105

FROM:

Edward C. Adams, Director

Department of Public Works

DATE:

January 3, 2014

SUBJECT:

Case No: 2014-0108-SPH

403 Chapelwood Lane, Lutherville, Maryland 21093-2815

Case Number 2014-0108-SPH, 403 Chapelwood Lane, involves a waiver to the riverine floodplain regulations as listed on the petition to build an addition on an existing dwelling located in a riverine floodplain as mapped on the Federal Flood Insurance Rate Map (FIRM), Panel 240010-0255F dated September 26, 2008.

The hearing for this case was held on December 30, 2013 presided by Honorable John Beverungen. He deferred his decision so that personnel from my office could review floodplain computations that were not forwarded to our offices before the hearing.

Terry Curtis, of my office has reviewed all the floodplain computations submitted and has found that the addition to the existing dwelling will have no effect on the floodplain or not neighboring properties. This is supported by a letter submitted with the computations signed and sealed by a Maryland Professional Engineer. Based on this letter we feel comfortable that the approval of the addition would have no adverse effect on other properties.

During our further review of this petition we found that the property is listed as having repetitive flood insurance loss claims. As a participant in the National Flood Insurance Program, NIFP, Baltimore County should not engage in activities that increase the risk of loss to the NIFP. Allowing an addition to a dwelling know to have repetitive losses would result in such an increased risk.

For this reason approval of the subject petition is **not recommended**.

ECA/TWC/s

CC:

Dennis Kennedy, Chief, Development Plans Review and Building Plan Review

Peter M. Zimmerman, People's Council

Kevin Wagner, State NFIP Coordinator, MD Department of Environment

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director, Permits & Development Management

and Deputy Administrative Officer

ATTN:

Kristen Matthews

MS 1105

FROM:

Edward Adams, Director,

Department of Public Works

RECEIVED

DEC. 2 4 2013

DATE:

December 23, 2013

OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: Case No. 2014-0108-SPH

403 Chapelwood Lane

Tax Account No. 08-07-041520

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.

Case No. 2014-0108-SPH involves a waiver to the floodplain regulations as listed on the petition to build an addition on an existing dwelling located in a riverine floodplain as mapped on the Federal Flood Insurance Rate Map (FIRM), Panel 240010-0255F dated September 26, 2008.

As of the date of this memo this office has not seen any plans or calculations showing how the kitchen addition would not impact any other properties or how the site would be graded or elevated to avoid an increased risk of flooding to the dwelling. I therefore recommend denial of the waiver unless such additional information is provided for consideration.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Peter Zimmerman, Peoples Counsel; Dennis Kennedy, Chief, Development Plan Review Bureau

Sherry Nuffer - Re: 2014-0108-SPH (next year)

From:

Vishnubhai Desai

To:

Nuffer, Sherry

Date:

12/24/2013 10:59 AM

Subject:

Re: 2014-0108-SPH (next year)

CC:

Rice, Geoff

Attachments: 2014-0108-SPH 403 Chapelwood unsigned.docx

Sherry,

Please find attached comments for 403 Chapelwood 2014-1018-SPH. Thanks,

Vishnu

Vishnu K. Desai, P.E.

Project Engineer Development Plans Review Department of Permits, Inspections and Approvals 111 West Chesapeake Ave. Room 119 Towson, MD 21204 410.887.3751 W 410.887.2877 F vdesai@baltimorecountymd.gov

Real Property Data Search (w2)

Search Help

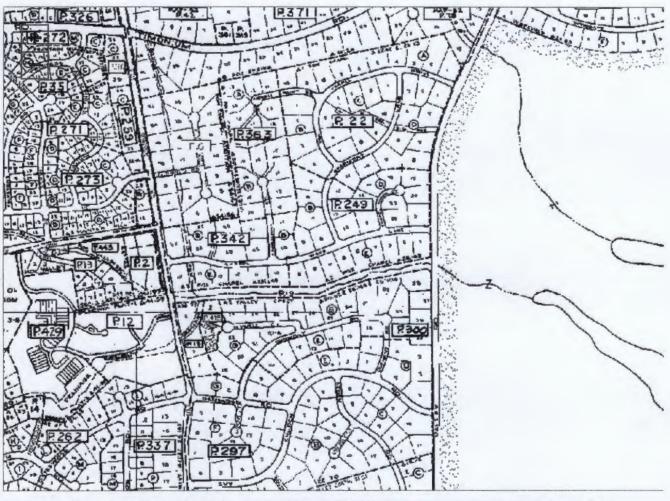
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New Search (http://sdat.resiusa.org/RealProperty)

District: 08 Account Number: 0807041520



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml) (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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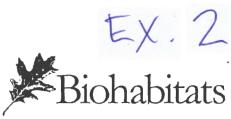
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Case No.:	2014	-0	108	SIPH

Exhibit Sheet

Case No	o.: 2014-0105	Protestants
	Exhibit Sh	neet Dog (-1-1)
	Petitioner/Developer	Protestants
No. 1	Plan	
No. 2	flood plain study	
No. 3	Architectual Renderings	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
YERS AINT ROSS	epurdue@asg-architects.com 1040 Hull Street, Suite 100	

Ex-1	
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 403 Chapelwood Lane OWNER(S) NAME(S) Earl and Nina Purdue	SITE VICINITY MAP
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PLAN DRAWN BY Earl Purdue AIA DATE October 28 SCALE: 1 INCH = 40 FEET MP registration # 8456 ZO13	
2014-0108-SPH	VIOLATION CASE INFO:



The Stables Building 2081 Clipper Park Road Baltimore, MD 21211

September 17, 2013

Mr. Earl Purdue 403 Chapelwood Lane Timonium, MD 20193

Dear Mr. Purdue:

Biohabitats has reviewed the existing hydraulic modeling reports and files associated with the Lower Spring Branch stream restoration (Biohabitats, 2007) and identified previously delineated floodplain elevations as they relate to your property and proposed improvements at 403 Chapelwood Lane. We modified the proposed conditions stream restoration HEC-RAS model to account for the site modifications to determine the effect on the 100-year floodplain water surface elevations. This letter serves to summarize the findings of the modeling analysis and identify the existing and proposed conditions 100-year floodplain water surface elevation.

The results of the existing conditions HEC-RAS modeling illustrates that the existing culvert under Dulaney Valley road is undersized for the 100-year event, which has a total discharge of 2,680 cubic feet per second (cfs) and overtops the road. The culvert constriction causes backwater conditions within the stream corridor over 800 feet upstream of the road crossing. The Purdue's residence, which is approximately 550 feet upstream of the road crossing, currently experiences a flood stage at elevation 260.26 feet during the 100-year event according to the model results. The finished floor elevations of the home in reference vary from approximately elevation 256 to 262 feet. The proposed improvements to the Purdue residence include an addition to the kitchen on the second floor of their home which would include a first floor supporting wall structure that extends south in the direction of Lower Spring Branch for a length of eleven feet and two inches (11'-2") according to architectural drawings provided to Biohabitats by Mr. Purdue. The proposed wall structure was accounted for in the HEC-RAS model by adding a blocked obstruction of 11'-2" at the cross-section through the Purdue property. The hydraulics of the revised cross section resulted in no measurable change in the water surface elevation, and a negligible increase in the left-over-bank velocity from 1.18 feet per second (ft/s) to 1.21 ft/s. Our conclusion based upon the results is that the downstream culvert at Dulaney Valley road ultimately controls the water surface elevation during flood events, and that the proposed improvements at the Purdue residence would have no effect on local flood elevations.

The results of this hydraulic analysis are not intended as a formal flood study of the Lower Spring Branch stream valley nor do they ensure the protection of any persons or property. This letter does not create any liability on the part of Biohabitats, Inc. or employee thereof, for any damage that may result from flood events along Lower Spring Branch.

If there are any questions, please feel free to call 410-554-0156.

Sincerely,

Biohabitats, Inc.

Ted Brown, PE, Practice Leader

2014-0108-SPH



Restore the Earth & Inspire Ecological Stewardship

Existing Conditions Photographs Plat Plan/ Survey Architectural Renderings (Proposed Addition) Framing Schematic

Residence of Earl and Nina Purdue
193 Chapelwood Lane
Lutherville- Timonium MD 21093
Tax No. 0807041520 Plat Book #28 Folio 103



View from Chapelwood Lane looking south west Existing house photographs 1 of 5

Earl and Nina Purdue Residence 403 Chapelwood Lane, Lutherville- Timonium MD 21093 Tax No 0807041520 Plat Book 28 Folio 103



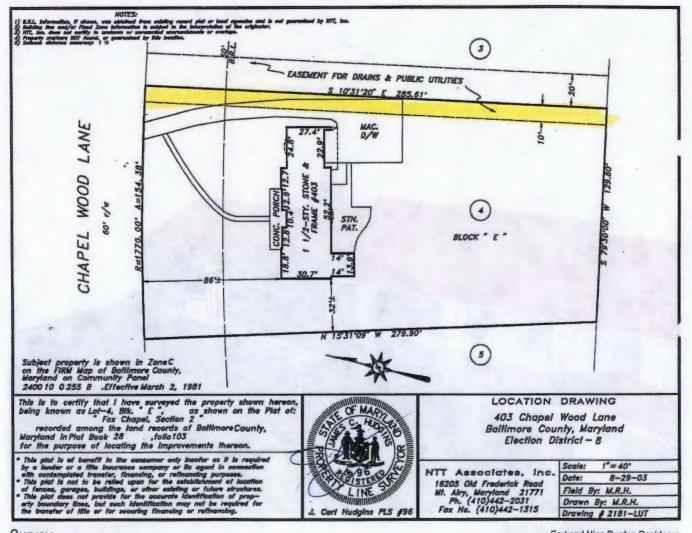
View from rear yard looking north Existing house photographs 3 of 5

Earl and Nina Purdue Residence 403 Chapelwood Lane, Lutherville- Timonium MD 21093 Tax No 0807041520 Plat Book 28 Folio 103



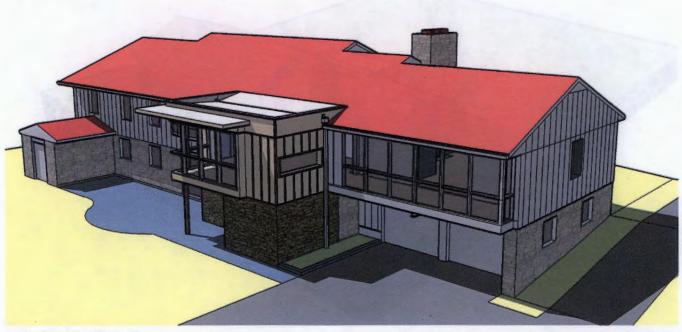
View from rear yard looking west Existing house photographs 5 of 5

Earl and Nina Purdue Residence 403 Chapelwood Lane, Lutherville-Timonium MD 21093 Tax No 0807041520 Plat Book 28 Folio 103



Survey

Proposed kitchen addition



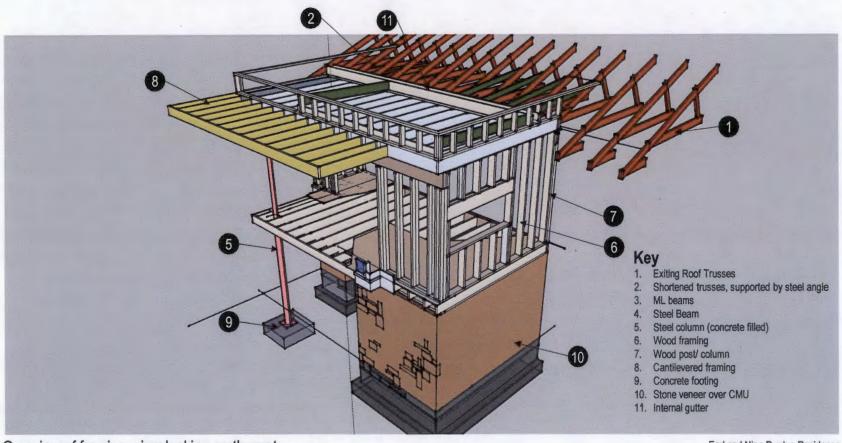
Aerial view looking north west Proposed kitchen addition

Earl and Nina Purdue Residence 403 Chapelwood Lane, Lutherville- Timonium MD 21093 Tax No 0807041520 Plat Book 28 Folio 103

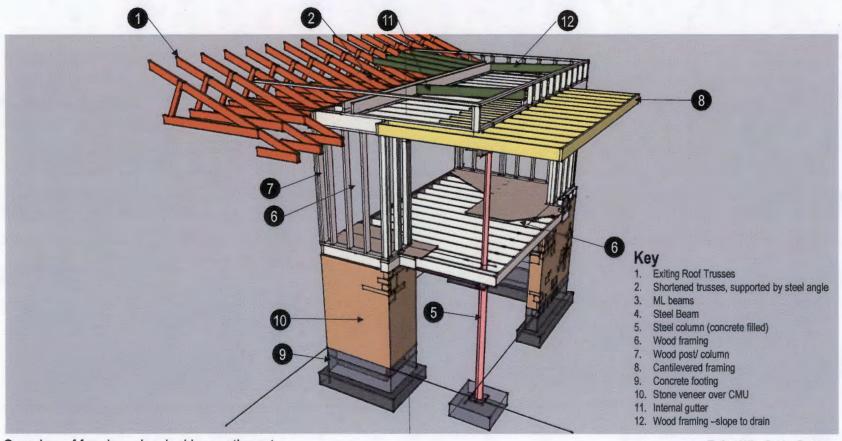


Ground level view looking west Proposed kitchen addition

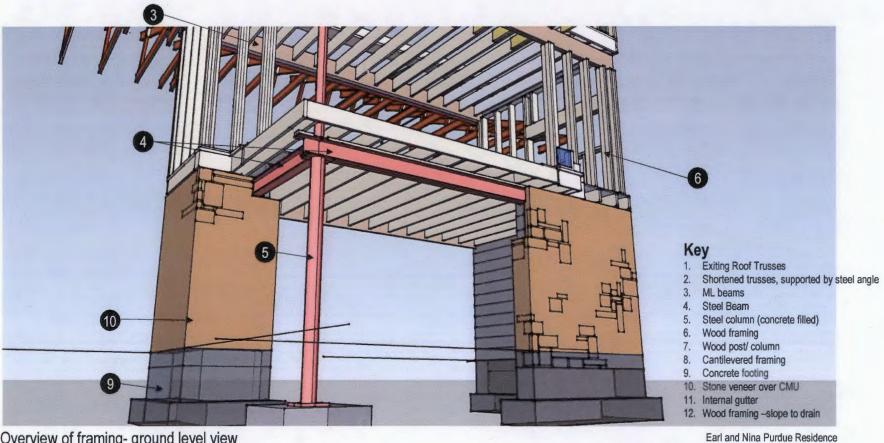
Earl and Nina Purdue Residence 403 Chapelwood Lane, Lutherville- Timonium MD 21093 Tax No 0807041520 Plat Book 28 Folio 103



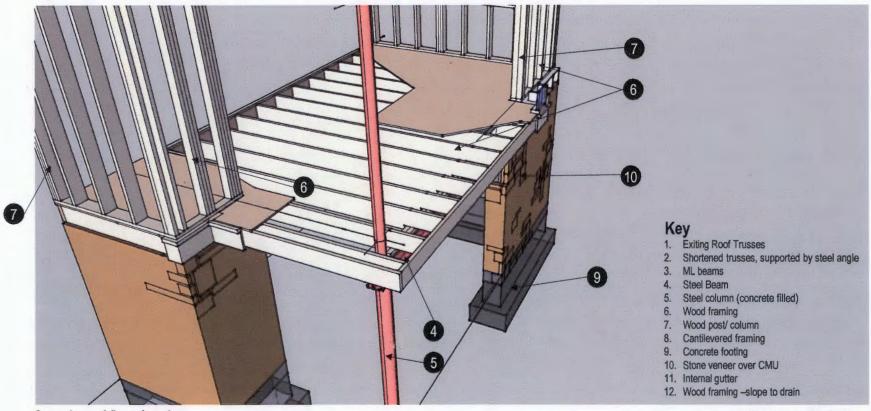
Overview of framing- view looking north west Proposed kitchen addition



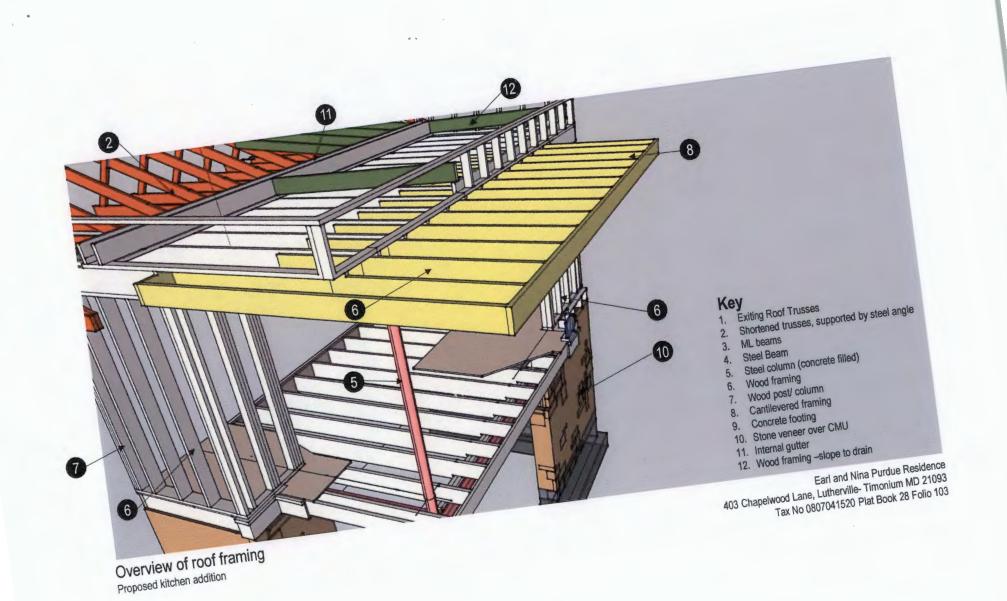
Overview of framing- view looking north east Proposed kitchen addition

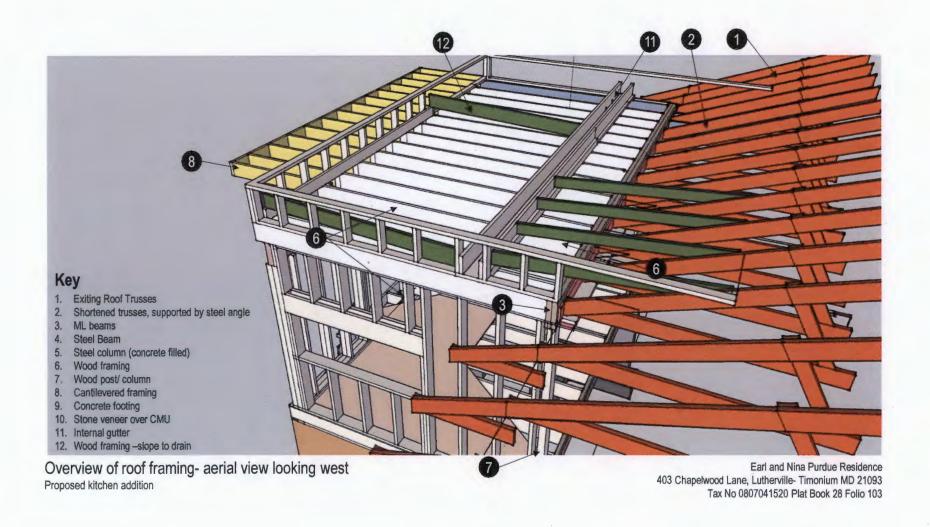


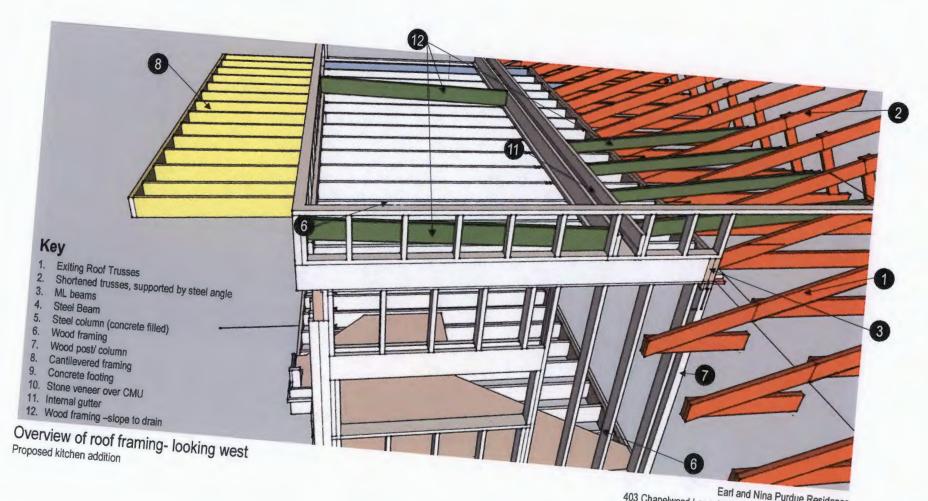
Overview of framing- ground level view Proposed kitchen addition

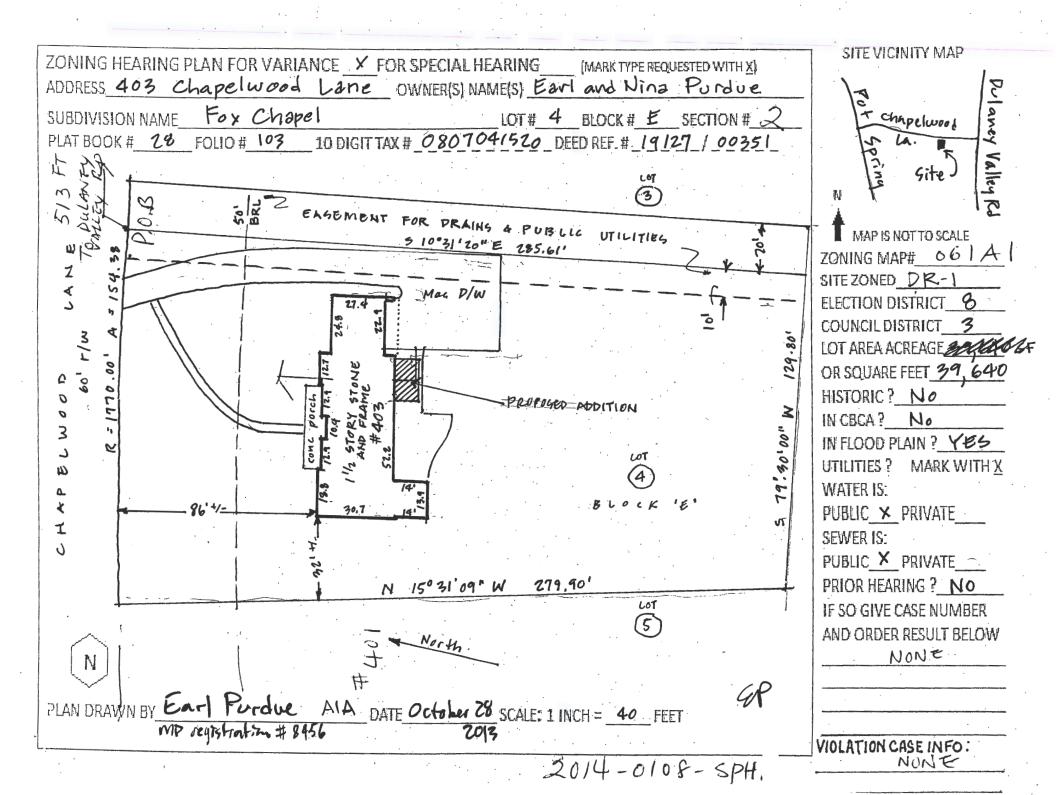


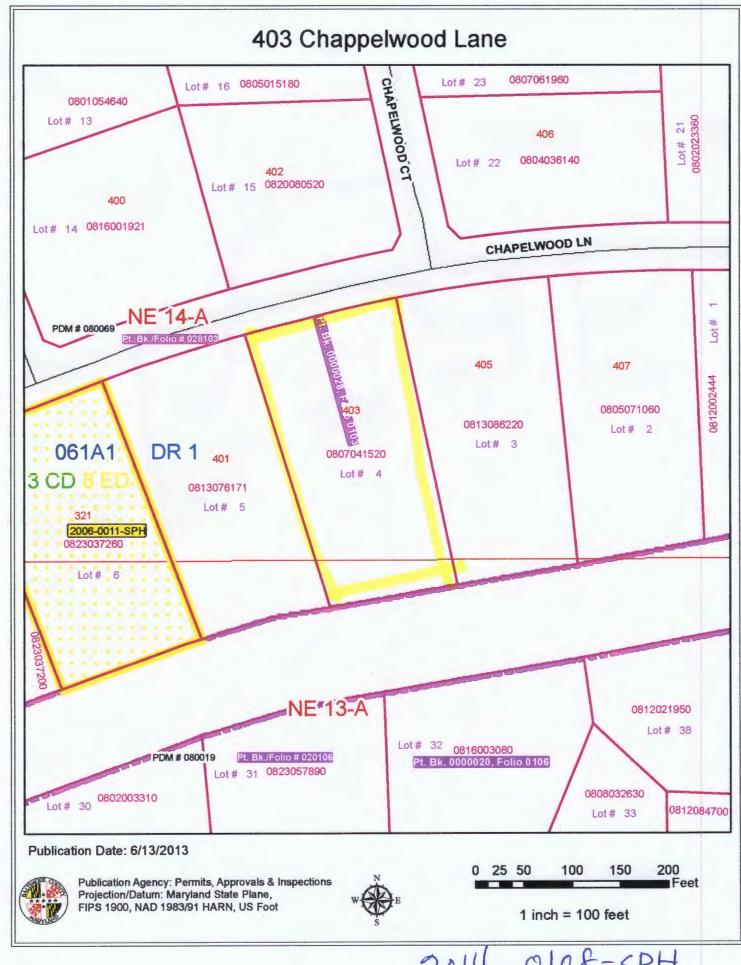
Overview of floor framing Proposed kitchen addition



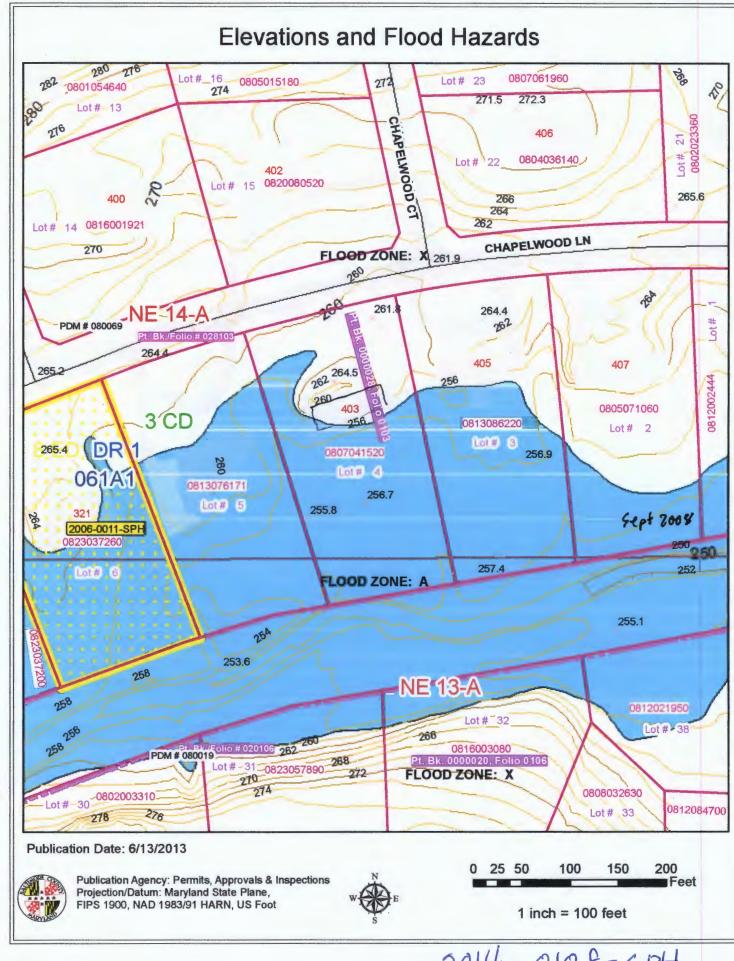








2014-0108-SPH



2014-0108-SPH