

MEMORANDUM

DATE: June 17, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0208-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on June 16, 2016. 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

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(1613 Dennis Avenue)		
8 th Election District	*	OFFICE OF
2 nd Council District		
	*	ADMINISTRATIVE HEARINGS
Thomas and Natalie Gabler		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2016-0208-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Thomas and Natalie Gabler, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) seeking a waiver to permit a second story addition in a riverine flood zone.

Thomas and Natalie Gabler appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Public Works (DPW). The DPW opposed the waiver request, citing Part 123 of the Building Code.

The subject property is 14,550 square feet and zoned DR 3.5. The property is improved with a single-family dwelling (SFD) constructed in 1954. Petitioners have owned the property for 15 years, and would like to construct a second floor addition to their home. Petitioners noted the “footprint” of the home would remain the same.

As a general matter, new buildings cannot be constructed in a riverine floodplain. BCC §32-8-304(2); Part 125 of Baltimore County Building Code. And the BCC stresses waiver actions are disfavored and should be “kept to a minimum.” BCC § 32-8-301(c). Waivers can only be

ORDER RECEIVED FOR FILING

Date 5/17/16

By sen

granted upon a showing of "exceptional hardship," (BCC §32-8-303(a)(2)), and I do not believe Petitioners' desire for additional living space—having lived in the home as presently configured for over 15 years—can satisfy this standard. As such, I believe the waiver request must be denied.

However, Part 125.2 of the Building Code provides that only "substantial improvements" to existing buildings require a waiver in accordance with the BCC. Under the County Code a "substantial improvement" is one that "equals or exceeds 50% of the market value of the structure." BCC §32-8-101(dd). As such, Petitioners are entitled to alter and improve their existing home, provided the improvements do not equal or exceed 50% of the market value of the dwelling. While tax records are not necessarily determinative of a property's "market value," the SDAT record shows the value of the structure for tax purposes is \$118,000.00. Using that number as a reference point, I believe Petitioners would be entitled to construct a second story addition, provided the cost of the improvement is not in excess of \$59,000.00.

THEREFORE, IT IS ORDERED this 17th day of **May, 2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 for a waiver to permit a second-story addition in a riverine flood zone, be and is hereby DENIED.

IT IS FURTHER ORDERED Petitioners are entitled to construct a second-story addition to their home, provided the cost of such improvement does not exceed \$59,000.00.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 5/17/16

2 By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 5/17/16

By sln



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 located at:

Address 1613 Dennis Ave. Towson MD 21204 which is presently zoned DR3.5
 Deed References: 15466 / 0629 10 Digit Tax Account # 0818012840
 Property Owner(s) Printed Name(s) Tom & Natalie Gabler

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan 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 A waiver pursuant to section 500.6, BCZR: section 312.0 Building code; and sections 32-4-414, 32-4-107, (a)(2), 32-8-301 BCC to permit A second-story addition * in Riverine Flood zone
- ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
- ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be present at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Thomas Gabler Natalie Gabler

Name #1 - Type or Print Name #2 - Type or Print

Thomas Gabler Natalie Gabler

Signature #1 Signature #2

1613 Dennis Ave Towson, MD

Mailing Address City State

21204 / 410.823.0509 / Ngcolby@aol.com

Zip Code Telephone # Email Address

Representative to be contacted:

Natalie Gabler

Name - Type or Print

Natalie Gabler

Signature

same as above

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2016-0208 SPH Filing Date 3/9/16

Do Not Schedule Dates: Reviewer JCM

PETITION FOR ZONING SPECIAL HEARING(S)

March 9, 2016

GABLER – Thomas & Natalie

1613 Dennis Ave, Towson MD 21204

TAX ACCOUNT # 0818012840

- Raise existing house above BFE / Flood level per FEMA specs
- Add 2nd floor to existing footprint: (-) 52' less than ground floor footage

ZONING DESCRIPTION FOR 1613 DENNIS AVE

Beginning at a point on the west side of Dennis Avenue which has a 50 foot right-of-way at a distance of 450 feet ^{WEST} of the centerline of Rider Avenue. Being Lot #17 in the subdivision of "Spring Valley" as recorded in Baltimore County Plat Book #17, Folio #6, containing 14,550 square feet. Also known as 1613 Dennis Avenue and located in the 8th Election District, 2nd Councilmanic District.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2016-0208 SPN

Petitioner: THOMAS GABLER

Address or Location: 1613 DENNIS AVE, TOWSON, Md. 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: SAME

Telephone Number: 410-823-0509



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4116897

Sold To:

Thomas Gabler - CU00532323
1613 Dennis Ave
Towson, MD 21204-1920

Bill To:

Thomas Gabler - CU00532323
1613 Dennis Ave
Towson, MD 21204-1920

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 21, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

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: # 2016-0208-SPH	
1613 Dennis Avenue	
W/s Dennis Avenue, 450 ft. W/of centerline of Rider Avenue	
8th Election District - 2nd Councilmanic District	
Legal Owner(s) Thomas & Natalie Gabler	
Special Hearing: to determine whether or not the Administrative Law Judge should approve a waiver pursuant to section 500.6 BCZR; to permit a second story addition in a riverine flood zone.	
Hearing: Friday, May 13, 2016 at 10:00 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.	
4/114 April 14	4116897

CERTIFICATE OF POSTING

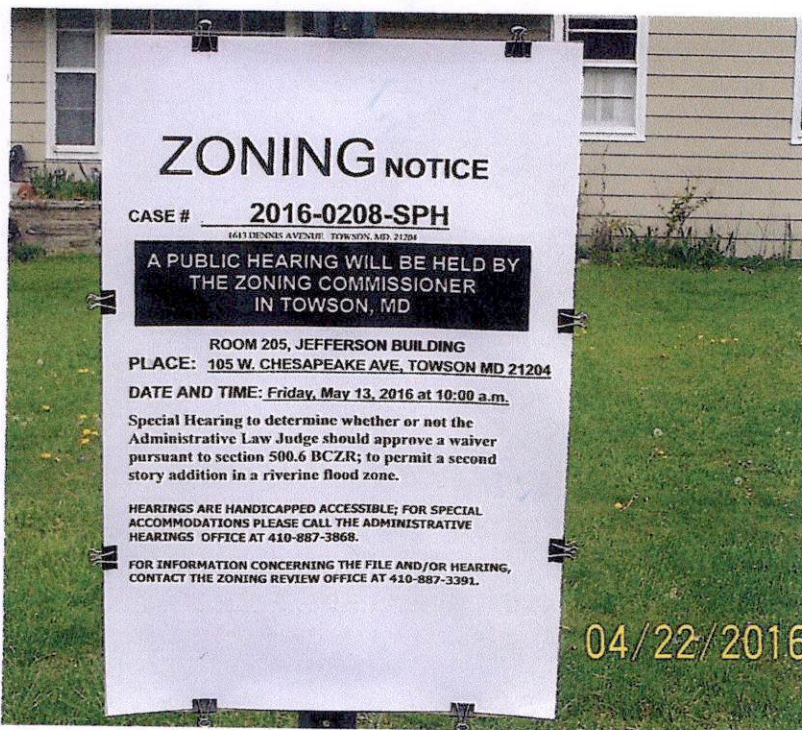
Date: April 22, 2016

RE: Project Name: Public Hearing
Case Number /PAI Number: 2016-0208-SPH
Petitioner/Developer: Thomas & Natalie Gabler
Date of Hearing/Closing: May 13, 2016

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 1613 Dennis Ave.

The sign(s) were posted on April 22, 2016

(Month, Day, Year)




(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410 382 6580
(Telephone Number of Sign Poster)

100-38861-10000
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ALAN KAMINSKY
County Executive

ARNOLD JABLON
County Administrative Director
Department of Planning & Inspection

April 4, 2016

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: 2016-0208-SPH

1613 Dennis Avenue

W/s Dennis Avenue, 450 ft. W/of centerline of Rider Avenue

8th Election District - 2nd Councilmanic District

Legal Owners: Thomas & Natalie Gabler

Special Hearing to determine whether or not the Administrative Law Judge should approve a waiver pursuant to section 500.6 BCZR; to permit a second story addition in a riverine flood zone.

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105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJH

C: Mr. & Mrs. Gabler, 1613 Dennis Avenue, Towson 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 23, 2016.**
(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.



KEVIN KAMENETZ
County Executive

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

April 4, 2016

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:

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1613 Dennis Avenue

W/s Dennis Avenue, 450 ft. W/of centerline of Rider Avenue

8th Election District – 2nd Councilmanic District

Legal Owners: Thomas & Natalie Gabler

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Hearing: Friday, May 13, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Gabler, 1613 Dennis Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 23, 2016.**
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- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 21, 2016 Issue - Jeffersonian

Please forward billing to:
Thomas Gabler
1613 Dennis Avenue
Towson, MD 21204

410-823-0509

NOTICE OF ZONING HEARING

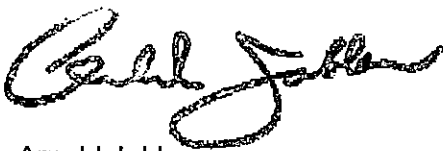
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1613 Dennis Avenue
W/s Dennis Avenue, 450 ft. W/of centerline of Rider Avenue
8th Election District – 2nd Councilmanic District
Legal Owners: Thomas & Natalie Gabler

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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.

RE: PETITION FOR SPECIAL HEARING
1613 Dennis Avenue; W/S Dennis Avenue,
450' W of c/line Rider Avenue
8th Election & 2nd Councilmanic Districts
Legal Owner(s): Thomas & Natalie Gabler
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-208-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

MAR 18 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 18th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to Thomas & Natalie Gabler, 1613 Dennis Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

No. **134701**

Date: **3/9/16**

PAID RECEIPT

BUSINESS MARCH 2016
 2/28/2016 3:00 PM 03/09/16
 0001 WALKER LISA L R
 RECEIPT # 134701 3/9/2016
 \$ 75.00 JAMES WALKER
 Receipt For \$75.00
 \$75.00 3/9/16
 Baltimore Post, Inc. Ltd

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **NATALIE GALLER**

For: **2016-0208-SP4**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

May 4, 2016

Thomas & Natalie Gabler
1613 Dennis Avenue
Towson MD 21204

RE: Case Number: 2016-0208 SPH, Address: 1613 Dennis Avenue

Dear Mr. & Ms. Gabler:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 9, 2016. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 3/21/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0208-SPH

Special Hearing
Thomas & Natalie Gabler
1613 Dennis Avenue.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink that reads "Richard A. Zeller".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-208

RECEIVED

APR 14 2016

INFORMATION:

Property Address: 1613 Dennis Avenue
Petitioner: Thomas Gabler, Natalie Gabler
Zoning: DR 3.5
Requested Action: Special Hearing

OFFICE OF ADMINISTRATIVE HEARINGS

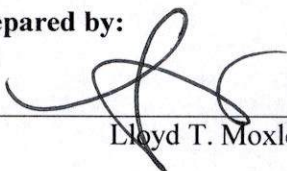
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve a waiver to permit a second story addition in a riverine flood zone.

A site visit was conducted on March 16, 2016. The site is within the Ruxton/Riderwood Development Review Panel (DRP) area and the proposal may be subject to architectural review by that panel.

The Department has no comment on the petitioned zoning relief and will concur with the comments of the Department of Public Works in the case.

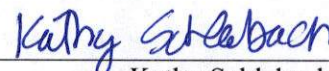
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Natalie Gabler
Bill Skibinski
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

RECEIVED

MAR 17 2016

Inter-Office Correspondence

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 17, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0208-SPH
Address 1613 Dennis Avenue
(Gabler Property)

Zoning Advisory Committee Meeting of March 21, 2016.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 03-17-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: March 15, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2016
Item No. 2016-0181, 0201, 0202, 0204, 0205, 0206, 0207, 0208, 0210,
0211, 0212 and 0213

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC03212016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-208

INFORMATION:

Property Address: 1613 Dennis Avenue
Petitioner: Thomas Gabler, Natalie Gabler
Zoning: DR 3.5
Requested Action: Special Hearing

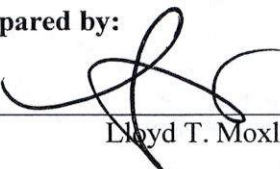
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A site visit was conducted on March 16, 2016. The site is within the Ruxton/Riderwood Development Review Panel (DRP) area and the proposal may be subject to architectural review by that panel.

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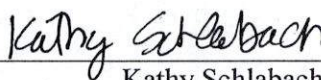
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Natalie Gabler
Bill Skibinski
Office of the Administrative Hearings
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

TO: Arnold Jablon,
Deputy Administrative Officer and
Director, Department of Permits, Approvals and Inspections

ATTN: Kristen Lewis
MS 1105

FROM: Edward C. Adams, Director
Department of Public Works



DATE: March 24, 2016

SUBJECT: Case No: 2016-0208-SPH
1613 Dennis Avenue, Towson, Maryland 21204

Special Hearing to determine whether or not the Administrative Law Judge should approve a waiver pursuant to section 500.6 BCZR, to permit a second story addition in a riverine flood zone.

The Special Hearing involves an existing residence to be given an addition within 100-year riverine floodplain based on Federal Emergency Management Agency's, FEMA's, Flood Insurance Rate Map 2400100245F dated August 2, 2011. The flood plain is within Roland Run.

Based on the Baltimore Building Code Part 123 effective July 1, 2015 as approved by Baltimore County Council Bill 40-15 and Baltimore County Code Section 32.4.414, development in a riverine flood plain is prohibited. The Department of Public Works cannot recommend approval of this addition at this time.

ECA/TWC/s

CC: Dennis Kennedy, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council



Kristen L Lewis

From: Kevin Wagner -MDE- <kevin.wagner@maryland.gov>
Sent: Wednesday, March 30, 2016 8:54 AM
To: Kristen L Lewis
Cc: Dave Thomas; Terry Curtis; John Bryan; Glenn Berry; Phatta Thapa -MDE-
Subject: ZAC Case Number 2016-0208-SPH: 1613 Dennis Avenue, Towson, MD 21204
Attachments: FM2400100245F.pdf; MDFRAPP_1613DennisAve.pdf

Ms. Lewis,

Thank you for the opportunity to comment on the above-referenced Zoning Advisory Committee (ZAC) case included on an agenda for its March 21, 2016 meeting.

A special hearing was requested by the property owners, Thomas and Natalie Gabler, to determine whether or not the Administrative Law Judge should approve a waiver pursuant to section 500.6 BCZR, section 3112.0 Building Code, and section 32-4-414, 32-4-107(a)(2), 32-8-301 BCC to permit a second story addition in a riverine flood zone.

The property is located within the 100-year nontidal floodplain Zone AE as mapped by Federal Emergency Management Agency (FEMA) on the effective Flood Insurance Rate Map (FIRM) Panel No. FM2400100245F dated August 2, 2011. See the attached FIRMette for reference. For additional detail, see the second map created from www.mdfloodmaps.com.

The State Coordinating Office of the National Flood Insurance Program (NFIP) offers the following comments for the County's consideration:

1. If this waiver request is approved, the County will need to determine if the addition constitutes a "substantial improvement". If so, additional floodplain management requirements may come into play.
2. If the footprint of the house changes, then a Waterway Construction Permit will be required from MDE. Please contact Mr. Phatta Thapa at 410-537-3641 or phatta.thapa@maryland.gov for more details.

Thank you again for the opportunity to provide comments. If you have any questions, please call me at [301-689-1495](tel:301-689-1495) or email kevin.wagner@maryland.gov.

Sincerely,
Kevin

Kevin G. Wagner, CFM
Natural Resources Planner
State NFIP Coordinating Office
Maryland Department of the Environment
301-689-1495 (office) | 240-362-2143 (cell)
kevin.wagner@maryland.gov

Kristen L Lewis

From: Dave Thomas
Sent: Wednesday, March 30, 2016 9:02 AM
To: Kevin Wagner -MDE-; Kristen L Lewis
Cc: Terry Curtis; John Bryan; Glenn Berry; Phatta Thapa -MDE-
Subject: RE: ZAC Case Number 2016-0208-SPH: 1613 Dennis Avenue, Towson, MD 21204

Kevin,

Thanks for responding to this waiver.

Since it's presently in zone AE, we're recommending denial.

With the new FIRM maps being prepared under Dave Guignet's project, we are looking at the LAMP procedures to have this area mapped as zone X Shaded since the levees overtop in the 500-year but not the 100-year – but that is still in process and has to be checked. So for now, they are in the riverine floodplain and may not develop.

Again, thanks for the response.

Dave

From: Kevin Wagner -MDE- [mailto:kevin.wagner@maryland.gov]
Sent: Wednesday, March 30, 2016 8:54 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: Dave Thomas <dthomas@baltimorecountymd.gov>; Terry Curtis <tcurtis@baltimorecountymd.gov>; John Bryan <JBryan@baltimorecountymd.gov>; Glenn Berry <gberry@baltimorecountymd.gov>; Phatta Thapa -MDE- <phatta.thapa@maryland.gov>
Subject: ZAC Case Number 2016-0208-SPH: 1613 Dennis Avenue, Towson, MD 21204

Ms. Lewis,

Thank you for the opportunity to comment on the above-referenced Zoning Advisory Committee (ZAC) case included on an agenda for its March 21, 2016 meeting.

A special hearing was requested by the property owners, Thomas and Natalie Gabler, to determine whether or not the Administrative Law Judge should approve a waiver pursuant to section 500.6 BCZR, section 3112.0 Building Code, and section 32-4-414, 32-4-107(a)(2), 32-8-301 BCC to permit a second story addition in a riverine flood zone.

The property is located within the 100-year nontidal floodplain Zone AE as mapped by Federal Emergency Management Agency (FEMA) on the effective Flood Insurance Rate Map (FIRM) Panel No. FM2400100245F dated August 2, 2011. See the attached FIRMette for reference. For additional detail, see the second map created from www.mdfloodmaps.com.

The State Coordinating Office of the National Flood Insurance Program (NFIP) offers the following comments for the County's consideration:

1. If this waiver request is approved, the County will need to determine if the addition constitutes a "substantial improvement". If so, additional floodplain management requirements may come into play.

2. If the footprint of the house changes, then a Waterway Construction Permit will be required from MDE. Please contact Mr. Phatta Thapa at 410-537-3641 or phatta.thapa@maryland.gov for more details.

Thank you again for the opportunity to provide comments. If you have any questions, please call me at [301-689-1495](tel:301-689-1495) or email kevin.wagner@maryland.gov.

Sincerely,
Kevin

Kevin G. Wagner, CFM
Natural Resources Planner
State NFIP Coordinating Office
Maryland Department of the Environment
301-689-1495 (office) | 240-362-2143 (cell)
kevin.wagner@maryland.gov

JB 5/13
10 AM

Case No.: 2016-0208-SPH (1613 Dennis Ave.)

Exhibit Sheet

Petitioner/Developer

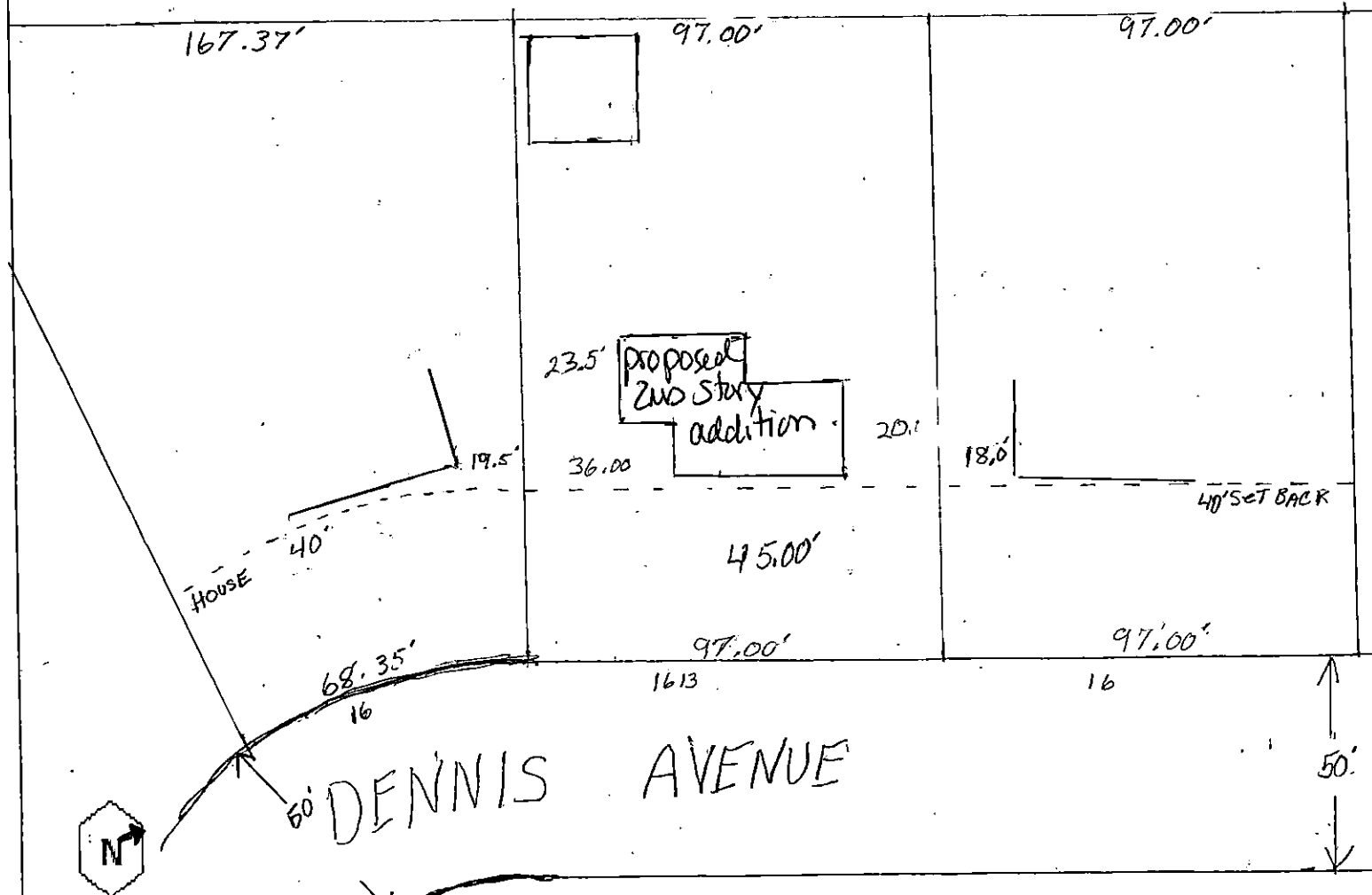
102
6-17-16

Protestants

Sen
5/17/16

No. 1	Sitz plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
 ADDRESS 1613 Dennis Ave, Towson 21204 OWNER(S) NAME(S) Thomas & Natalie Gabler
 SUBDIVISION NAME SPRING VALLEY LOT # 17 BLOCK # _____ SECTION # _____
 PLAT BOOK # 17 FOLIO # 0006 10 DIGIT TAX # 0818012840 DEED REF. # 1546610629



PLAN DRAWN BY TOM GABLER

DATE 3-3-2016 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP

MAP IS NOT TO SCALE

ZONING MAP# 060B3

SITE ZONED DR 3.1

ELECTION DISTRICT 8

COUNCIL DISTRICT 2

LOT AREA ACREAGE _____

OR SQUARE FEET 14550

HISTORIC? No

IN CBCA? NO

IN FLOOD PLAIN? Yes

UTILITIES? MARK WITH X

WATER IS:
 PUBLIC X PRIVATE _____

SEWER IS:
 PUBLIC X PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
2003-0607-A

VIOLATION CASE INFO:

Pet-Ex. 1

1 CONSIDERATION. IF NO PUBLIC HEARING IS REQUESTED, THE BUILDING OFFICIAL OR
2 DESIGNEE MAY GRANT A WAIVER CONTAINING ANY APPROPRIATE CONDITIONS OR
3 LIMITATIONS. IF A PUBLIC HEARING IS REQUESTED, NOTICE SHALL BE FURTHER
4 PROVIDED BY POSTING THE PROPERTY FOR AN ADDITIONAL 15 DAYS. SUCH NOTICE
5 SHALL INCLUDE THE DATE, TIME, AND LOCATION OF THE HEARING. ANY PERSON
6 AGGRIEVED BY THE DECISION OF THE BUILDING OFFICIAL OR DESIGNEE MAY FILE A
7 NOTICE OF APPEAL WITH THE BOARD OF APPEALS AND THE DEPARTMENT OF PERMITS,
8 APPROVALS AND INSPECTIONS WITHIN 30 DAYS AFTER THE DATE OF THE FINAL
9 DECISION OF THE HEARING OFFICER. ANY ORDER BY THE BUILDING OFFICIAL GRANTING
10 A WAIVER SHALL CONTAIN A FINDING OF FACT SETTING FORTH AND SPECIFYING THE
11 REASON OR REASONS FOR ALLOWING SUCH A WAIVER.

12 **PART 123 CONSTRUCTION IN FLOOD HAZARD AREAS GENERALLY.** ALL PERMITTED
13 ACTIVITY IN A FLOOD HAZARD AREA SHALL BE SUBJECT TO THE LEGAL REQUIREMENTS
14 SET FORTH IN SECTION 32-4-414 OF ARTICLE 32, TITLE 4 OF THE BALTIMORE COUNTY
15 CODE, 2003, AS AMENDED, TITLED FLOODPLAIN AND WETLAND PROTECTION AND
16 ARTICLE 32, TITLE 8 OF THE BALTIMORE COUNTY CODE, 2003, AS AMENDED, TITLED
17 FLOODPLAIN MANAGEMENT, AS WELL AS THE REQUIREMENTS OF THIS CODE.

18 **PART 123.1 SELECTED DEFINITIONS.**

19 **1. SUBSTANTIAL IMPROVEMENT –** ANY REPAIR, RECONSTRUCTION, ALTERATION,
20 OR IMPROVEMENT OF A STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS 50% OF
21 THE MARKET VALUE OF THE STRUCTURE (LESS LAND VALUE) EITHER: (A) BEFORE THE
22 IMPROVEMENT OR REPAIR IS STARTED; OR (B) IF THE STRUCTURE INCURRED
23 SUBSTANTIAL DAMAGE AND HAS BEEN RESTORED, BEFORE THE DAMAGE OCCURRED,
24 SUBSTANTIAL IMPROVEMENT OCCURS WHEN THE FIRST ALTERATION OF ANY WALL,
25 CEILING, FLOOR, OR OTHER STRUCTURAL PART OF THE BUILDING COMMENCES. THE
26 MINIMUM REPAIRS NEEDED TO CORRECT PREVIOUSLY IDENTIFIED VIOLATIONS OF
27 LOCAL HEALTH, SAFETY, OR SANITARY CODES, AND ALTERATIONS TO HISTORIC
28 STRUCTURES WHICH DO NOT PRECLUDE THEIR CONTINUED DESIGNATION AS HISTORIC
29 STRUCTURES ARE NOT CONSIDERED SUBSTANTIAL IMPROVEMENTS. THESE BUILDINGS
30 OR ADDITIONS SHALL BE DESIGNED AND ADEQUATELY ANCHORED TO PREVENT
31 FLOTATION, COLLAPSE, OR LATERAL MOVEMENT OF THE STRUCTURE WITH MATERIALS
32 RESISTANT TO FLOOD DAMAGE.

33 **2. REPETITIVE LOSS -** FLOOD RELATED DAMAGE SUSTAINED BY A STRUCTURE ON
34 TWO SEPARATE OCCASIONS DURING A 10-YEAR PERIOD FOR WHICH THE COST OF

1 REPAIRS AT THE TIME OF EACH SUCH FLOOD EVENT, ON THE AVERAGE, EQUALS OR
2 EXCEEDS 25% OF THE MARKET VALUE OF THE STRUCTURE BEFORE THE DAMAGE
3 OCCURRED.

4 **3. HISTORIC STRUCTURE:** ANY STRUCTURE THAT IS:

5 (A) INDIVIDUALLY LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES (A
6 LISTING MAINTAINED BY THE U.S. DEPARTMENT OF INTERIOR) OR PRELIMINARILY
7 DETERMINED BY THE SECRETARY OF THE INTERIOR AS MEETING THE
8 REQUIREMENTS FOR INDIVIDUAL LISTINGS ON THE NATIONAL REGISTER;

9 (B) CERTIFIED OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE
10 INTERIOR AS CONTRIBUTING TO THE HISTORICAL SIGNIFICANCE OF A REGISTERED
11 HISTORIC DISTRICT OR A DISTRICT PRELIMINARILY DETERMINED BY THE
12 SECRETARY TO QUALIFY AS A REGISTERED HISTORIC DISTRICT;

13 (C) INDIVIDUALLY LISTED ON THE MARYLAND REGISTER OF HISTORIC PLACES; OR

14 (D) INDIVIDUALLY LISTED ON THE INVENTORY OF HISTORIC PLACES MAINTAINED
15 BY BALTIMORE COUNTY WHOSE HISTORIC PRESERVATION PROGRAM HAS BEEN
16 CERTIFIED BY THE MARYLAND HISTORICAL TRUST OR THE SECRETARY OF THE
17 INTERIOR.

18 **PART 123.2 BUILDING APPLICATION REQUIREMENTS.** THE APPLICATION FOR A
19 BUILDING PERMIT SHALL CONTAIN ALL INFORMATION, MAPS, AND PLANS DEEMED
20 APPROPRIATE BY THE DEPARTMENT INCLUDING THE DELINEATION OF THE 100-YEAR
21 FLOOD ELEVATION AND BOUNDARY AND THE PROPOSED ELEVATION OF THE LOWEST
22 FLOOR AND METHOD OF ELEVATION, IF APPLICABLE.

23 **PART 123.3 ELEVATION CERTIFICATIONS.** ALL APPLICANTS SHALL AGREE IN WRITING
24 TO PROVIDE TWO ELEVATION CERTIFICATES COMPLETED BY A PROFESSIONAL LAND
25 SURVEYOR. THE FIRST ELEVATION CERTIFICATE SHALL BE PROVIDED AT THE
26 COMPLETION OF THE FIRST FLOOR DECK CERTIFYING THAT THE LOWEST OCCUPIED
27 FLOOR OF THE STRUCTURE IS AT OR ABOVE THE FLOOD PROTECTION ELEVATION. THE
28 SECOND ELEVATION CERTIFICATE SHALL BE PROVIDED AT THE FINAL INSPECTION AND
29 SHALL INCLUDE ALL APPLICABLE DATA REQUIRED BY THE FEDERAL EMERGENCY
30 MANAGEMENT AGENCY TO BE INCLUDED IN THE ELEVATION CERTIFICATE AT THE TIME
31 OF FINISHED CONSTRUCTION. ALL ELEVATIONS SHALL BE REFERENCED TO THE NORTH
32 AMERICAN VERTICAL DATUM OF 1988 ("NAVD 88").

33 **PART 123.4 OCCUPANCY LIMITATIONS.** FOR ENCLOSED AREAS BELOW THE FLOOD
34 PROTECTION ELEVATION A NON-CONVERSION AGREEMENT OR DECLARATION OF LAND

1 BE UNLAWFUL TO FILL OR REFILL ANY SUCH TANK THAT IS NOT SO ANCHORED OR
2 ELEVATED.

3 **PART 124.11 NEW OR REPLACED OIL TANKS.** ALL NEW OR REPLACED OIL TANKS SHALL
4 HAVE THEIR VENT PIPE AND NON-LIQUID TIGHT FILL CONNECTION TERMINATION POINT
5 AT LEAST TWO FEET ABOVE THE FPE. THIS PROVISION SHALL ALSO APPLY TO
6 SUBSTANTIAL IMPROVEMENT BUILDINGS AND BUILDINGS EXPERIENCING A REPETITIVE
7 LOSS. VENT AND FILL PIPE SUPPORT SHALL BE IN ACCORDANCE WITH SECTION 305 OF
8 THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION.

9 **PART 124.12 FUEL OIL SYSTEMS.** FUEL OIL SYSTEM INSTALLATION SHALL COMPLY WITH
10 SECTION 1305 OF THE INTERNATIONAL MECHANICAL CODE, 2015 EDITION, UNLESS
11 OTHERWISE MODIFIED BY THIS CODE.

12 **PART 125 AREAS SUBJECT TO INUNDATION BY RIVERINE SURFACE WATERS WITHIN**
13 **THE 100-YEAR FLOODPLAIN.**

14 **PART 125.1 NO NEW BUILDINGS OR ADDITIONS.** NO NEW BUILDINGS OR ADDITIONS
15 SHALL BE CONSTRUCTED IN ANY RIVERINE FLOODPLAIN. THE 100-YEAR FLOODPLAIN
16 SHALL BE BASED UPON THE FEDERAL FLOOD INSURANCE STUDY OR AS ESTABLISHED BY
17 THE DIRECTOR OF PUBLIC WORKS, WHICHEVER IS THE MORE RESTRICTIVE. THIS
18 DETERMINATION SHALL INCLUDE PLANNED FUTURE DEVELOPMENT OF THE
19 WATERSHED AREA.

20 **PART 125.2 RECONSTRUCTION OR REPAIR OF EXISTING BUILDINGS.**

21 RECONSTRUCTION OR REPAIR OF EXISTING BUILDINGS SHALL BE GOVERNED BY PART
22 121 "UNSAFE STRUCTURES AND EQUIPMENT". ALL SUBSTANTIAL IMPROVEMENTS TO
23 EXISTING BUILDINGS SHALL BE PERMITTED ONLY ON THE BASIS OF AN APPROVED
24 WAIVER IN ACCORDANCE WITH ARTICLE 32, TITLE 8, SUBTITLE 3 OF THE BALTIMORE
25 COUNTY CODE, 2003, AS AMENDED, "WAIVERS", AND SHALL BE SUBJECT TO ALL
26 APPLICABLE CONDITIONS OF SECTION 32-8-207 OF THE BALTIMORE COUNTY CODE, 2003,
27 AS AMENDED, AND THE REQUIREMENTS OF THIS CODE WHERE REPLACEMENT
28 STRUCTURES CANNOT BE RELOCATED OUT OF THE FLOODPLAIN, THEY SHALL BE
29 LIMITED TO THE FOOTPRINT OF THE PREVIOUS STRUCTURE. ALL SUBSTANTIALLY
30 IMPROVED STRUCTURES, INCLUDING MANUFACTURED HOMES, SHALL HAVE THE
31 LOWEST FLOOR ELEVATED TO OR ABOVE THE FPE. THE LOWEST FLOOR ELEVATION FOR
32 HOUSES OR BUILDINGS ADJACENT TO A RIVERINE FLOODPLAIN SHALL BE TWO FEET
33 ABOVE THE BASE FLOOD ELEVATION.

34 **PART 126 ROOF DRAINAGE AND PROTECTION OF EXTERIOR OPENINGS.**

1 **PART 126.1 GENERAL REQUIREMENTS FOR ROOF DRAINAGE.**

2 1. GUTTERS, DOWNSPOUTS AND LEADERS SHALL BE PROVIDED ON ALL BUILDINGS
3 TO PROPERLY COLLECT, CONDUCT AND DISCHARGE THE WATER FROM THE ROOFS OF
4 SUCH BUILDINGS AND SHALL BE DISCHARGED IN A STORM DRAIN, OR, WHEN
5 PERMITTED, INTO THE DRIVEWAY OF AN ALLEY, STREET OR OTHER PUBLIC WAY. IN THE
6 ABSENCE OF ANY STORM DRAIN, ALLEY, STREET OR PUBLIC WAY, THE WATER MAY BE
7 DISCHARGED ONTO SPLASH BLOCKS OR INTO THE GROUND, AND DIVERTED FROM THE
8 BUILDING.

9 2. ROOFS, CORNICES, COPINGS OR OTHER SUCH PROJECTIONS, WHICH ARE LESS
10 THAN FIVE FEET, MEASURED HORIZONTALLY IN THE LINE OF FLOW AND DISCHARGING
11 OFF THE OUTER EDGE, SHALL NOT BE REQUIRED TO HAVE GUTTERS OR DOWNSPOUTS,
12 PROVIDED THE WATER THEREFROM IS NOT DISCHARGED UPON A SIDEWALK, FOOTWAY
13 OR ANY ADJOINING PROPERTY.

14 3. WHEN, BECAUSE OF THE LOCATION OF A WALL OR WALLS, RAIN STRIKING A
15 WALL SURFACE WILL DRAIN ON THE ROOF, DUE ALLOWANCE SHALL BE MADE FOR THE
16 WALL SURFACE IN DETERMINING THE SIZE OF THE GUTTERS AND CONDUCTORS.

17 4. DOWNSPOUTS SHALL DISCHARGE FREELY AT A DISTANCE OF NOT LESS THAN
18 EIGHT FEET FROM ANY PROPERTY LINE MEASURED ALONG THE PATH OF FLOW.

19 5. ALL GUTTERS AND CONDUCTORS SHALL BE RIGIDLY SUPPORTED.

20 6. THE GUTTERS OF ADJACENT BUILDINGS ON ADJOINING PROPERTIES SHALL NOT
21 BE CONNECTED WITH COMMON DOWNSPOUTS OR LEADERS, BUT EACH BUILDING SHALL
22 HAVE INDIVIDUAL DOWNSPOUTS OR LEADER ON THE PROPERTY ON WHICH IT IS
23 LOCATED.

24 **PART 126.2 EXTERIOR OPENINGS.**

25 **PART 126.2.1 SILLS.** ALL SILLS WHICH REST ON CONCRETE OR MASONRY EXTERIOR
26 WALLS SHALL BE A MINIMUM OF SIX INCHES ABOVE THE FINISHED PROPERTY GRADE.

27 **PART 126.2.2 WINDOW WELLS.** THE SILLS OF ALL WINDOW OPENINGS BELOW GRADE
28 SHALL BE AT LEAST SIX INCHES ABOVE THE ELEVATION OF THE BOTTOM OF THE
29 WINDOW WELL AND CERTIFIED BY AN ENGINEER.

30 **PART 127 BALTIMORE COUNTY MAINTAINED GRINDER PUMPS.** ALL GRINDER PUMP
31 STATIONS MAINTAINED BY BALTIMORE COUNTY SHALL BE POWERED BY A DEDICATED
32 30 AMP RATED LOCKABLE BREAKER TYPE SERVICE ENTRANCE DISCONNECT SWITCH
33 CONNECTED TO A UTILITY ELECTRICAL METER. SUCH BREAKER SHALL BE INSTALLED
34 ADJACENT TO AND WITHIN SIGHT OF THE PUBLIC UTILITY ELECTRICAL METER. A 30 AMP

Dennis Av Outer Circle

1619 Dennis Av Essex Farm Rd
1617 Dennis Ave
YES 1615 Dennis Ave
YES 1613 Dennis Ave
1611 Dennis Ave
1609 Dennis Ave
1609 Dennis Ave
YES 1607 Dennis Ave
1605 Dennis Ave

Inner Circle

YES 1616 Dennis Ave/Essex Farm
YES 1614 Dennis Ave
1610 Dennis Ave
YES 1606 Dennis Ave
YES 1600 Dennis Ave

Rider Ave Outer Circle

8123 Rider Ave
8121 Rider Ave
8119 Rider Ave
8117 Rider Ave
8115 Rider Ave
8113 Rider Ave
YES 8111 Rider Ave
YES 8109 Rider Ave
YES 8107 Rider Ave

Rider Ave Inner Circle

8118 Rider Ave
YES 8116 Rider Ave
8114 Rider Ave
8112 Rider Ave
YES 8110 Rider Ave

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3/15/16</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>3/17/16</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>4/11/16</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>3/21/16</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
<u>3/24/16</u>	<u>DPW</u>	<u>C</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

4/21/16

SIGN POSTING

Date:

4/22/16

by

Altmeppen

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0818012840			
Owner Information					
Owner Name:	GABLER NATALIE C GABLER THOMAS E		Use:	RESIDENTIAL	
Mailing Address:	1613 DENNIS AVE BALTIMORE MD 21204-1920		Principal Residence:	YES	
			Deed Reference:	/15466/ 00629	
Location & Structure Information					
Premises Address:		1613 DENNIS AVE 0-0000		Legal Description: 1613 DENNIS AVE SPRING VALLEY	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0069	0004	0842		0000	17 2014 0017/0006
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1954	960 SF			14,550 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	SIDING	1 full	1Att/1Det
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		152,600	152,600		
Improvements:		118,000	108,400		
Total:		270,600	261,000	261,000	261,000
Preferential Land:		0			0
Transfer Information					
Seller: REGNIER HELEN M		Date: 08/14/2001		Price: \$130,000	
Type: ARMS LENGTH IMPROVED		Deed1: /15466/ 00629		Deed2:	
Seller: REGNIER WILMER D & HELEN M		Date: 07/08/1963		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /04166/ 00256		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015	07/01/2016	
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00	0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved. 04/23/2014					

Baltimore County

New Search (<http://sd.dat.maryland.gov/RealProperty>)District: **08** Account Number: **0818012840**

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.

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>).

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1-9.

OMB No. 1660-0008
Expiration Date: July 31, 2015

SECTION A - PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name THOMAS E. GABLER & NATALIE C. GABLER

Policy Number:

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
1613 DENNIS AVENUE

Company NAIC Number:

City BALTIMORE

State MD ZIP Code 21204

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
LOT 17, SPRING VALLEY (TAX MAP 69, GRID 4, PARCEL No. 842)

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL DWELLING

A5. Latitude/Longitude: Lat. 39d 24' 50.0" Long. -76d 38' 45.6"

Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 8

A8. For a building with a crawlspace or enclosure(s):

- a) Square footage of crawlspace or enclosure(s) 986 sq ft
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 0
c) Total net area of flood openings in A8.b 0.0 sq in
d) Engineered flood openings? ☐ Yes ☒ No

A9. For a building with an attached garage:

- a) Square footage of attached garage 266 sq ft
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade 0
c) Total net area of flood openings in A9.b 0.0 sq in
d) Engineered flood openings? ☐ Yes ☒ No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number
BALTIMORE COUNTY, MARYLAND 240010

B2. County Name
BALTIMORE COUNTY

B3. State
MARYLAND

B4. Map/Panel Number
2400100254F

B5. Suffix
F

B6. FIRM Index Date
08/02/2011

B7. FIRM Panel
Effective/Revised Date
08/02/2011

B8. Flood
Zone(s)
AE

B9. Base Flood Elevation(s) (Zone
AO, use base flood depth)
263.5

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.

☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No
Designation Date: _____ ☐ CBRS ☐ OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: N/A - ESTABLISHED BY GPS

Vertical Datum: NAVD88

Indicate elevation datum used for the elevations in items a) through h) below. ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | |
|---|--------------|--|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>262.1</u> | ☒ feet ☐ meters |
| b) Top of the next higher floor | <u>265.0</u> | ☒ feet ☐ meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | <u>N/A</u> | ☒ feet ☐ meters |
| d) Attached garage (top of slab) | <u>263.6</u> | ☒ feet ☐ meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | <u>263.2</u> | ☒ feet ☐ meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>262.1</u> | ☒ feet ☐ meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>263.6</u> | ☒ feet ☐ meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | <u>262.9</u> | ☒ feet ☐ meters |

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

- ☒ Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a
☒ Check here if attachments. licensed land surveyor? ☒ Yes ☐ No

Certifier's Name ROBERT WINFIELD VINING, Jr.

License Number 10957

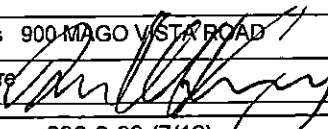
Title PRESIDENT

Company Name CLOVERLEA LAND SURVEYS, Inc.

Address 900 MAGO VISTA ROAD

City ARNOLD

State MD ZIP Code 21012

Signature 

Date July 6, 2015

Telephone 443-994-3157



IMPORTANT: In these spaces, copy the correct**ending information from Section A.****FOR INSURANCE COMPANY USE**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

1613 DENNIS AVENUE

Policy Number:

City BALTIMORE

State MD

ZIP Code 21204

Company NAIC Number:

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments 1) BOTTOM FLOOR IS CRAWL SPACE AT EL 262.1.

2) NEXT HIGHER FLOOR IS MAIN LEVEL AT EL 265.0.

3) LOWEST EQUIPMENT IS A/C COMPRESSOR AT EL 263.2

4) DETACHED GARAGE (576 SQ. FT.) SLAB IS AT EL 261.7.

Signature

Date JULY 6, 2015

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).

a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8–9 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.**SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name

Address

City

State

ZIP Code

Signature

Date

Telephone

Comments

☐ Check here if attachments.**SECTION G – COMMUNITY INFORMATION (OPTIONAL)**

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

31. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)32. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.33. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued
-------------------	------------------------	---

37. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement38. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____39. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____310. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____

Local Official's Name

Title

Community Name

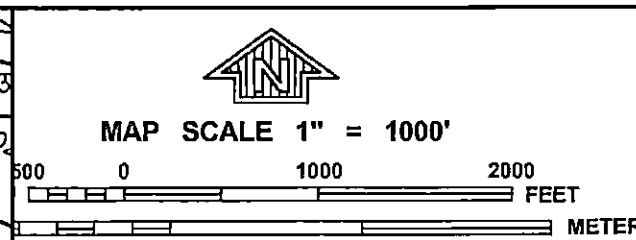
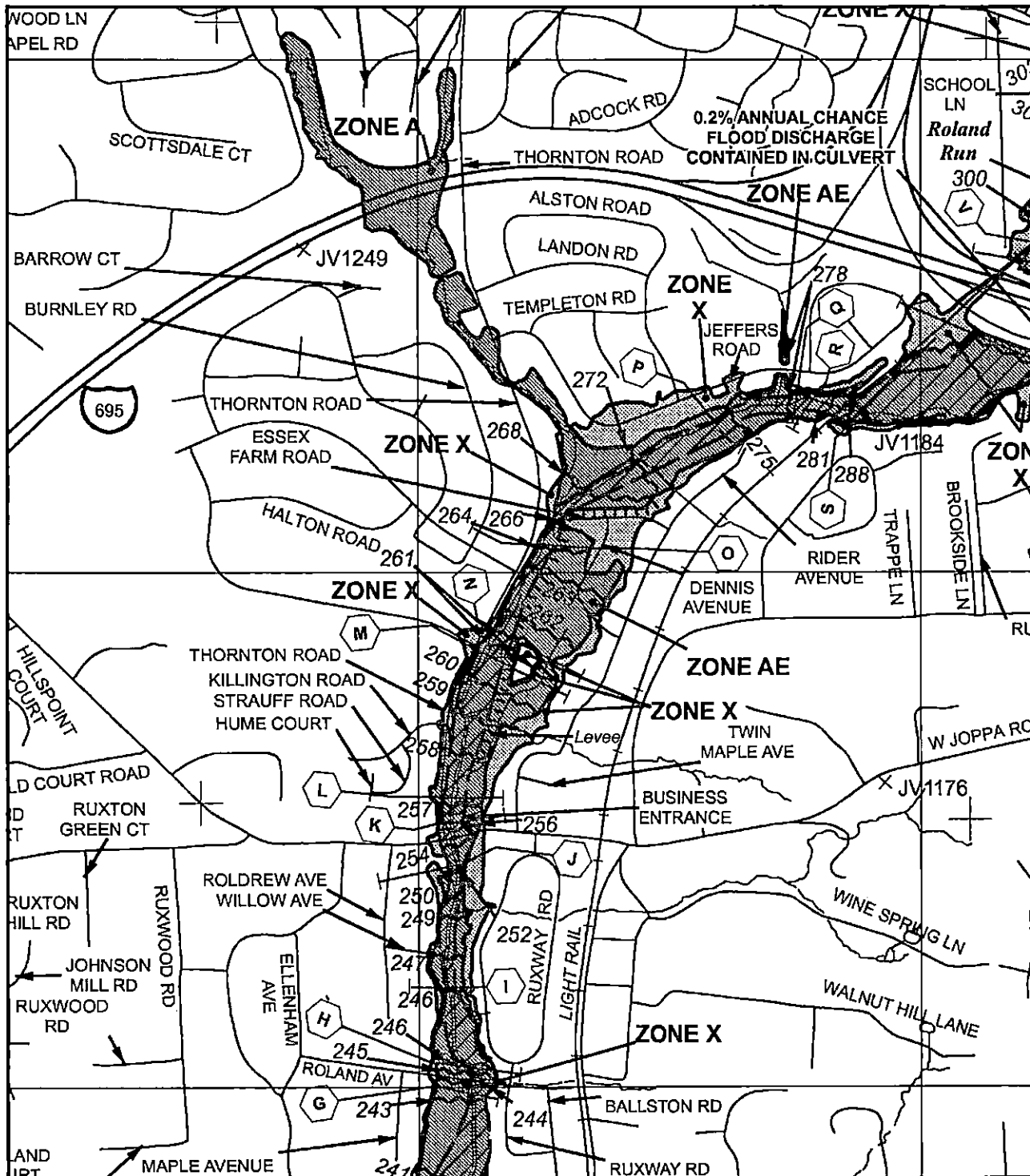
Telephone

Signature

Date

Comments

☐ Check here if attachments.



NIP

PANEL 0245F

FIRM
FLOOD INSURANCE RATE MAP

**BALTIMORE COUNTY,
MARYLAND**
UNINCORPORATED AREAS

PANEL 245 OF 580

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BALTIMORE COUNTY	240010	0245	F

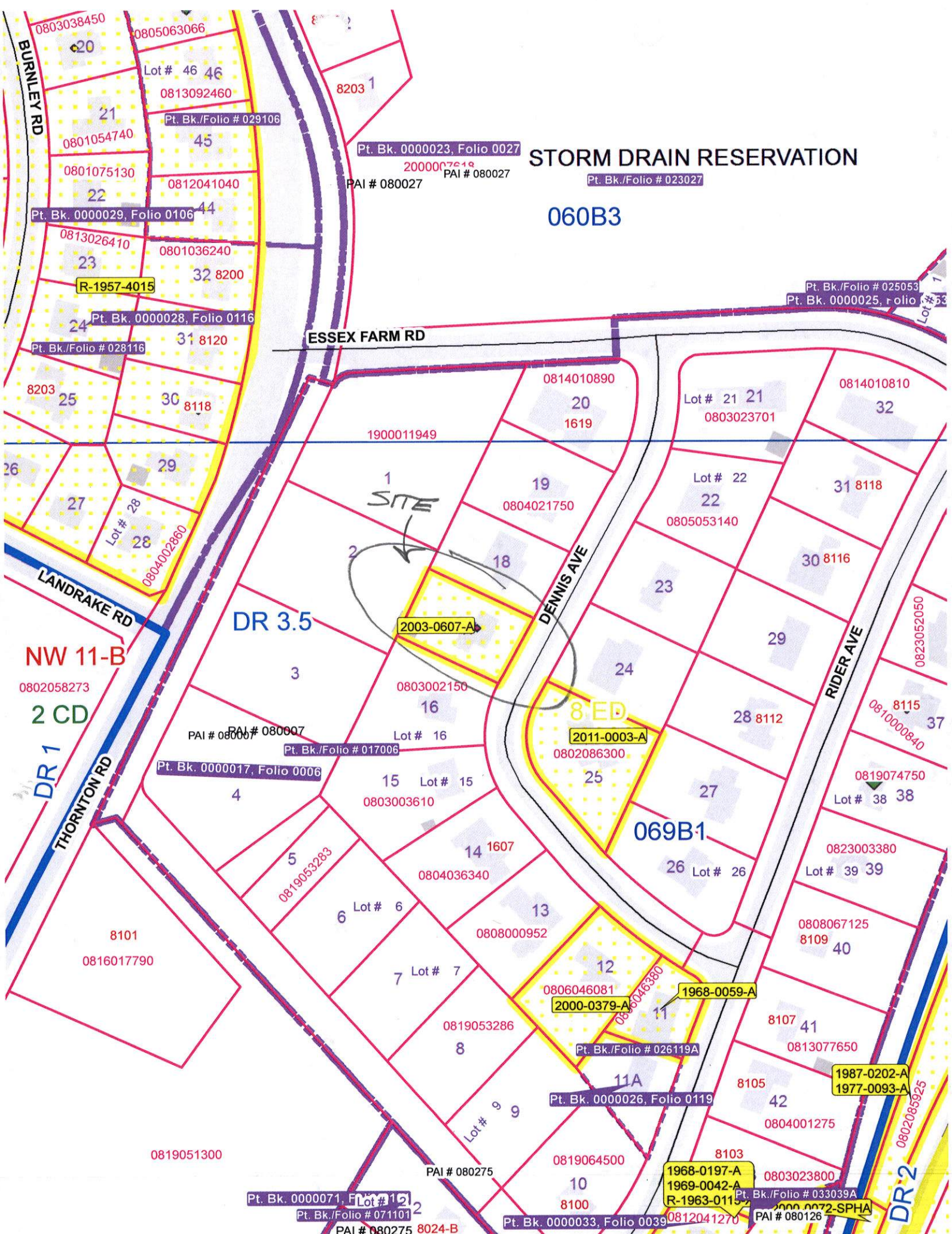
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
2400100245F

MAP REVISED
AUGUST 2, 2011

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



STORM DRAIN RESERVATION

060B3

ESSEX FARM RD

DENNIS AVE

RIDER AVE

LANDRAKE RD

THORNTON RD

NW 11-B

2 CD

DR 3.5

069B1

1
SITE

2003-0607-A

2011-0003-A

1968-0059-A

Pt. Bk. 0000026, Folio 0119

1987-0202-A
1977-0093-A

1968-0197-A
1969-0042-A
R-1963-0115

Pt. Bk./Folio # 033039A
2000-0072-SPHA
PAI # 080126

Pt. Bk. 0000071, Folio 0112
PAI # 080275

Pt. Bk. 0000033, Folio 0039

8024-B

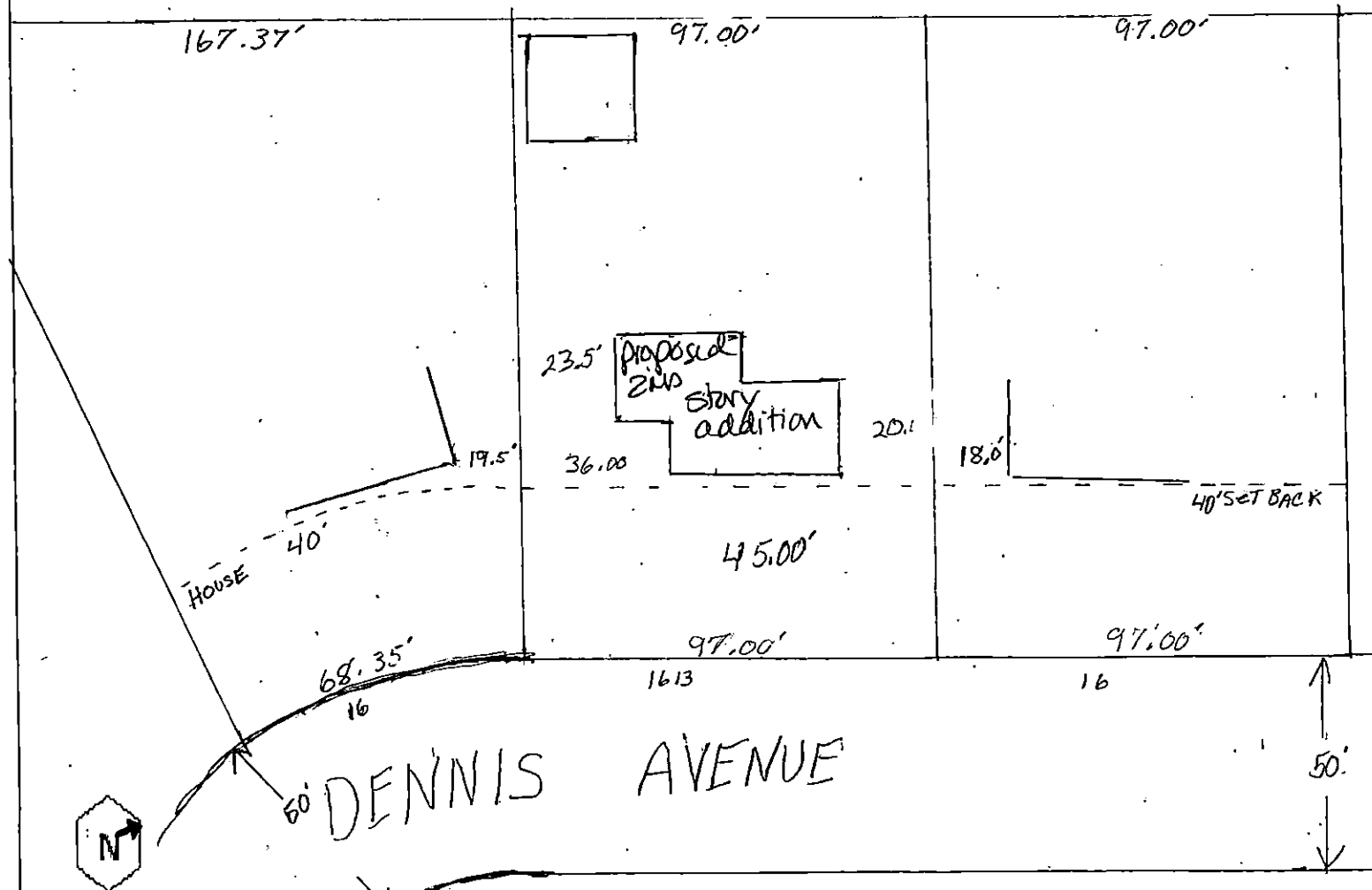
DR 2

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)

ADDRESS 1613 Dennis Ave. Towson 21204 OWNER(S) NAME(S) Thomas & Natalie Gabler

SUBDIVISION NAME SPRING VALLEY LOT # 17 BLOCK # _____ SECTION # _____

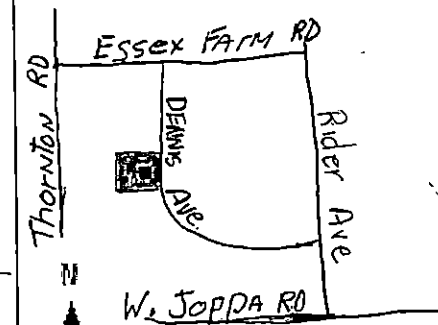
PLAT BOOK # 17 FOLIO # 0006 10 DIGIT TAX # 0818012840 DEED REF. # 1546610629



PLAN DRAWN BY TOM GABLER

DATE 3-3-2016 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 060B3

SITE ZONED DR3

ELECTION DISTRICT 8

COUNCIL DISTRICT 2

LOT AREA ACREAGE _____

OR SQUARE FEET 14550

HISTORIC? No

IN CBCA? NO

IN FLOOD PLAIN? Yes

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2003-0607-A

VIOLATION CASE INFO:

From: cloverleals@comcast.net
To: "Natalie Gabler" <ntgabler@aol.com>
Sent: Saturday, July 4, 2015 6:35:25 AM
Subject: Re: where is the paperwork

Hi Natalie,

We have received the clarification on interpolation of the Base Flood Elevation (BFE).

Based on the FEMA guidelines, the BFE at your dwelling is El. 263.5.

Our survey indicated the following results:

Crawl Space: El. 262.1
Finish Floor (Main Level @ front entrance): El. 265.0
Finish Floor (Addition @ rear entrance): El. 264.5
Attached Garage Slab: El. 263.6
Detached Garage Slab: El. 261.7

To summarize: The crawl space of your home lies within the flood zone, but the main level, addition level and attached garage slab are above the flood zone. All finish levels of the house are 1.0 feet or more above the flood zone.

The detached garage slab appears to be in the flood zone at El. 261.7.

Thank you for your patience as we finalize the Elevation Certificate for delivery in .pdf format by email on Monday July 6.

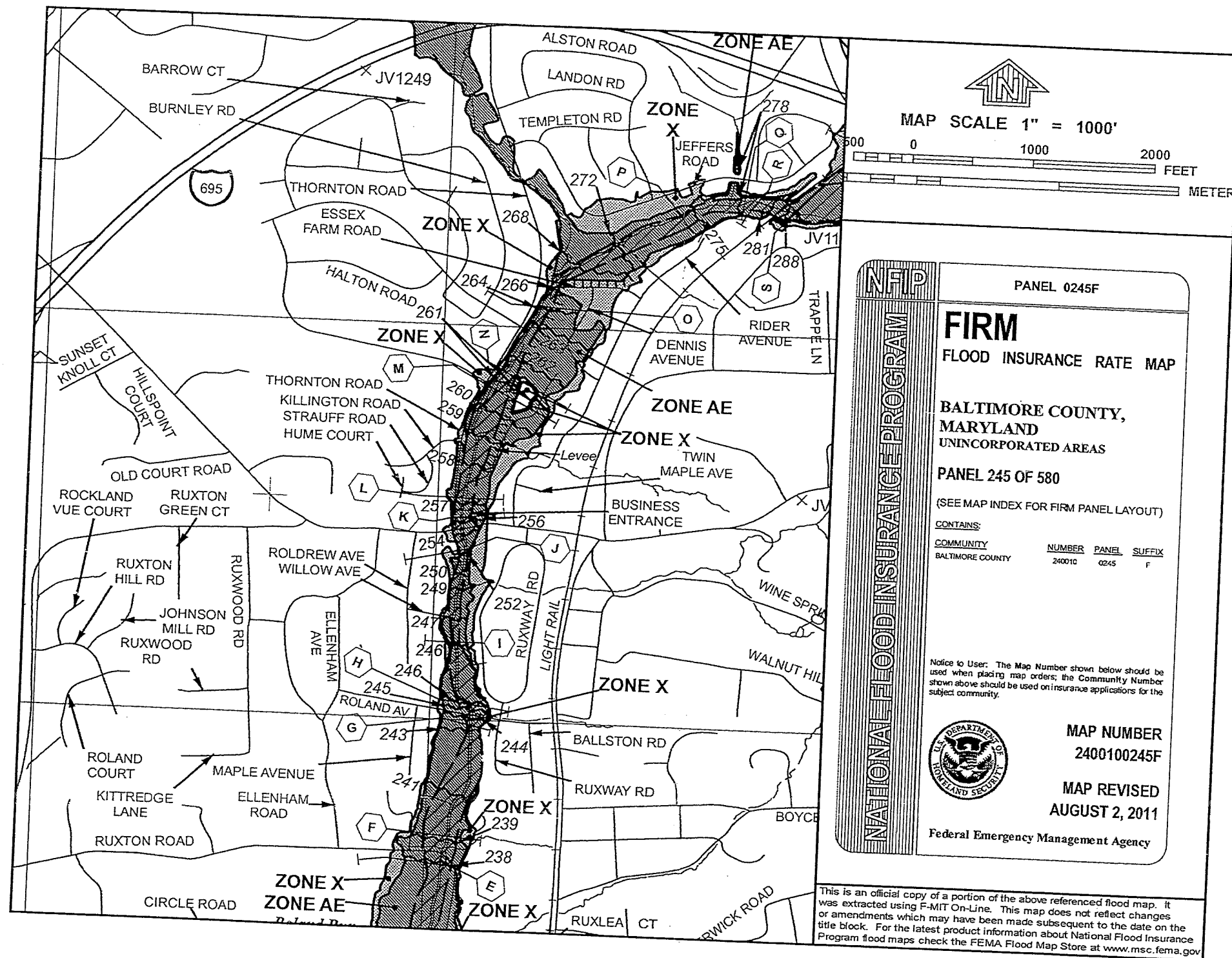
If you have any questions, please e-mail or call me on 443-994-3157. Thank you for the opportunity to be of service.

Regards,

R. Winfield Vining, PLS
President
Cloverlea Land Surveys, Inc.
Direct: 443-994-3157
email: cloverleals@comcast.net

From: "Natalie Gabler" <ntgabler@aol.com>
To: cloverleals@comcast.net
Sent: Saturday, July 4, 2015 12:28:11 AM
Subject: where is the paperwork

HEllo Winfield
Happy 4th of July.
As of today I have not received the survey that we asked to be ready on Tuesday, June 30th.
thanks
Natalie Gabler



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0245F

FIRM
FLOOD INSURANCE RATE MAP

BALTIMORE COUNTY,
MARYLAND
UNINCORPORATED AREAS

PANEL 245 OF 580

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BALTIMORE COUNTY	240010	0245	F

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MAP REVISED
AUGUST 2, 2011

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El. 295

285.3

El. 279.0

El. 273.0

EXISTING
FINISH FLOOR
El. 265.0

2x10

El. 262.8

El 268.0

Duct

El. 266.0

FLOODPLAIN INQUIRY - 1613 DENNIS AVENUE



Baltimore County, MD
Department of PAI
GIS Services

Coordinate System:
Maryland State Plane: NAD83/91 Horizontal Datum
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 2008
Scale of Data Capture: 1" = 100'

Date of Aerial Photography: March 2008

The utility (sanitary sewer and/or storm drain) location information shown is not guaranteed correct and should only be used as a reference. Locations of appurtenances should be verified using construction drawings, which are available in room 206 of the Baltimore County Office Bldg. or through actual field investigations.

For internal use only.
The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. This survey information was not field checked and certified by a licensed land surveyor.

The floodplain information shown on this map is based on the best information made available to Baltimore County. This information does not imply that property will or will not be free from flooding or damage. A property not in a flood zone may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This floodplain information and map do not create liability on the part of the County, or any officer or employee thereof, for any damage that results from reliance on the information shown thereon.

Note:
Floodplain elevation data from
FEMA Flood Insurance Rate Map
2400100245F is based on
NAVD 88

Legend

ELEVATION.CONTOURS_10FT

ELEVATION.CONTOURS

HYDROLOGY.s_fid_haz_ar_BCR

<all other values>

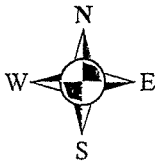
FLD_ZONE

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

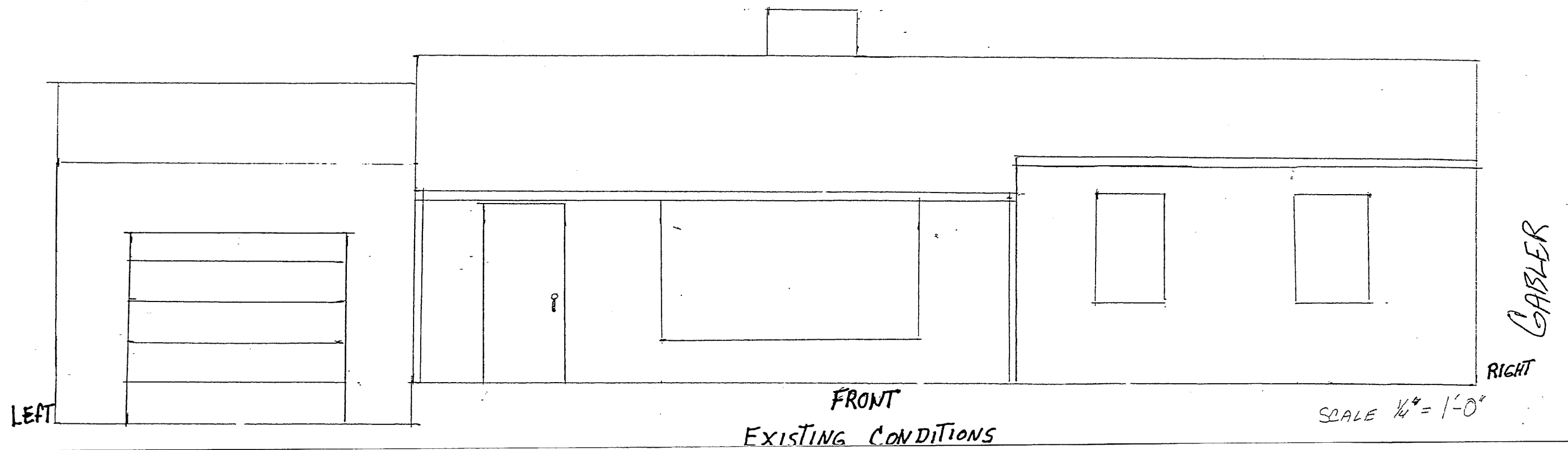
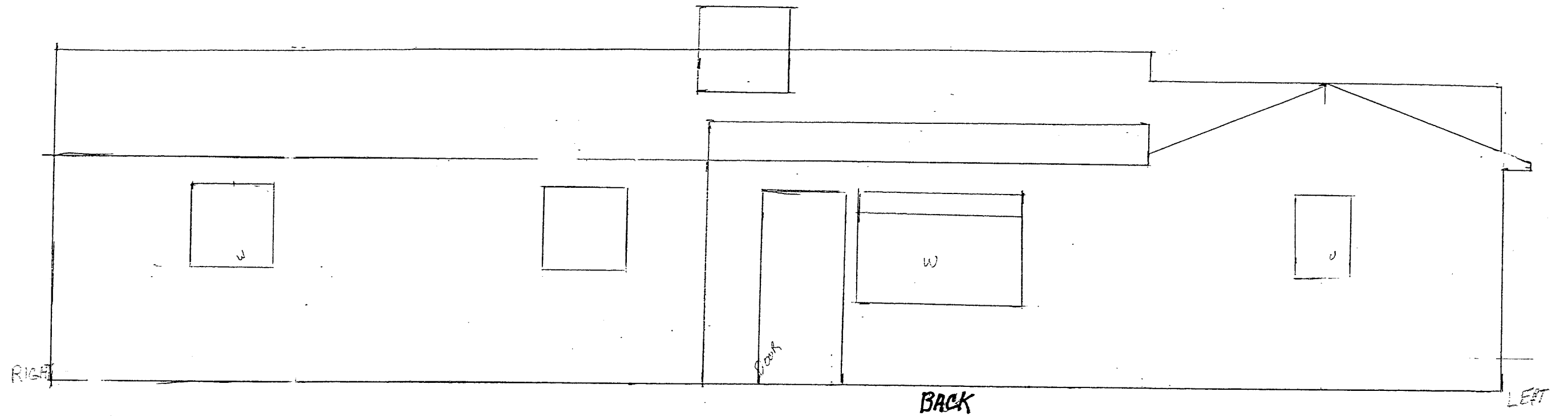
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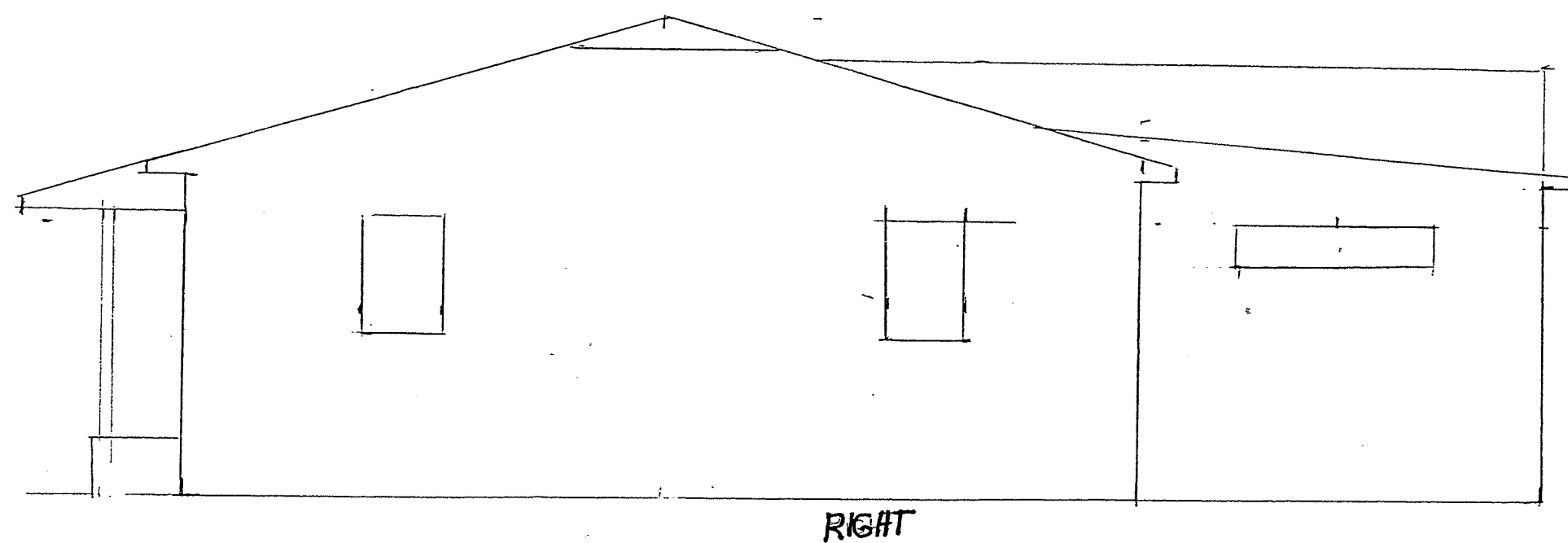
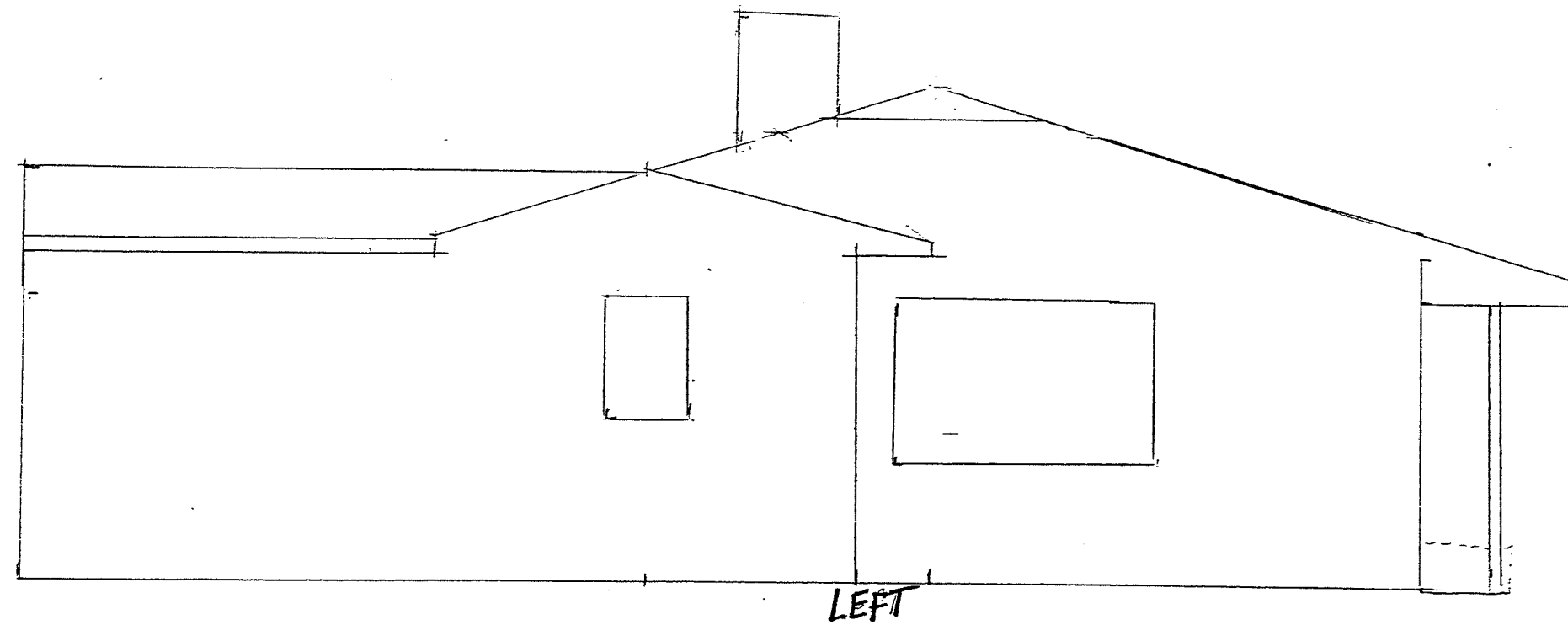
X



Prepared By:
Robin Hurley, EA III
PAI, Dev. Plans Review
Oct. 1, 2014

1 in = 50 ft

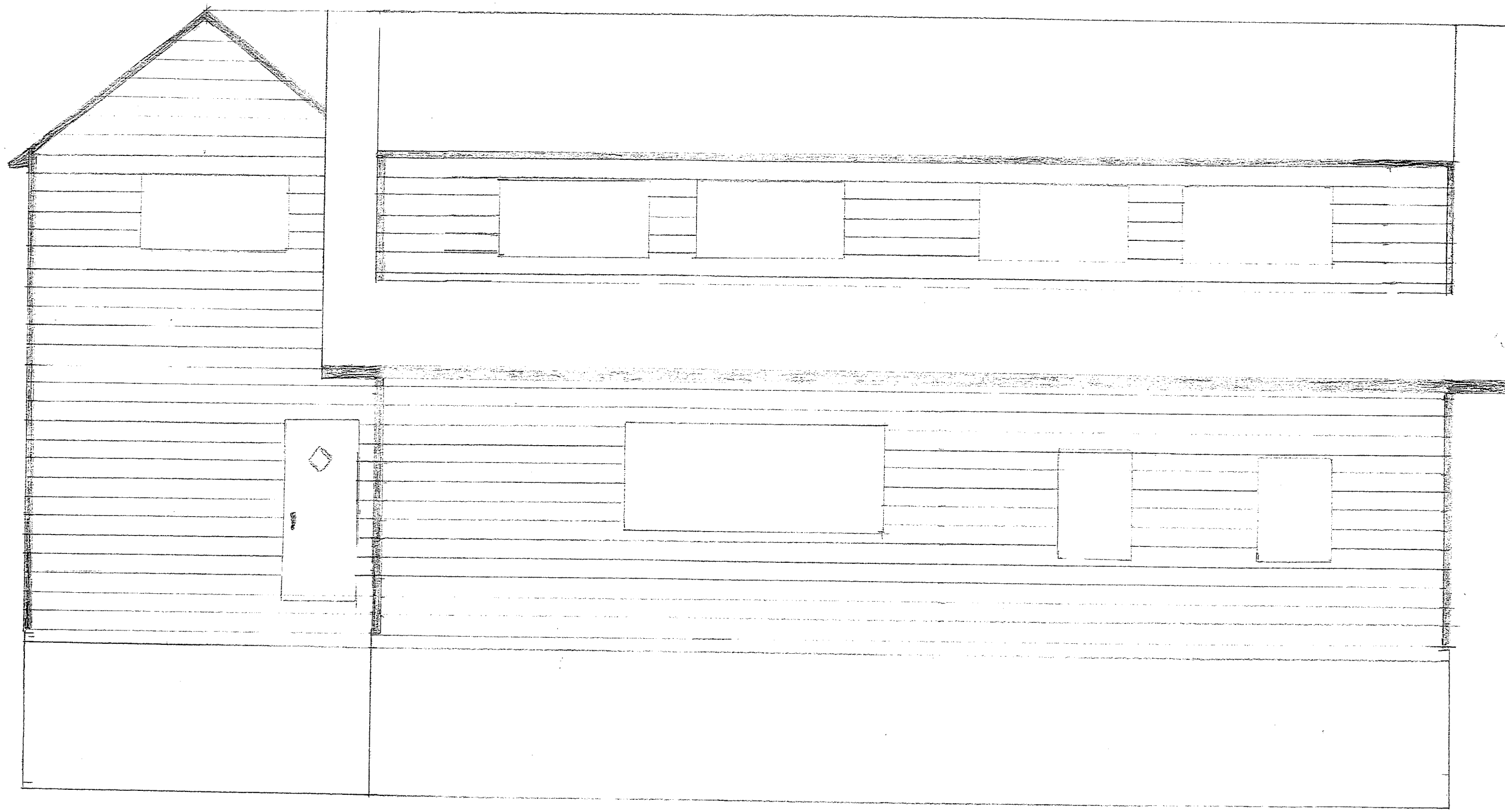




EXISTING CONDIONS

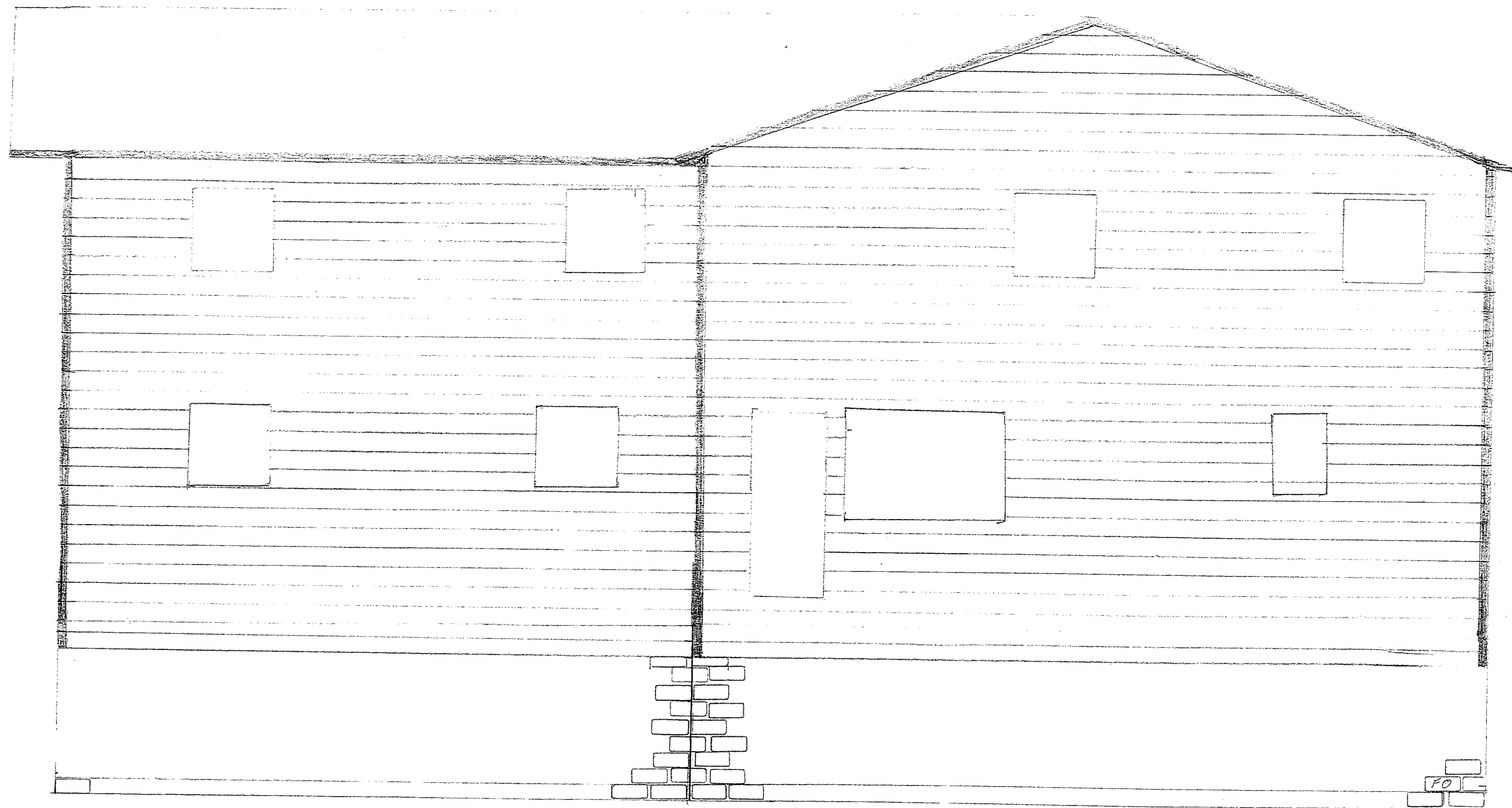
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GABLER



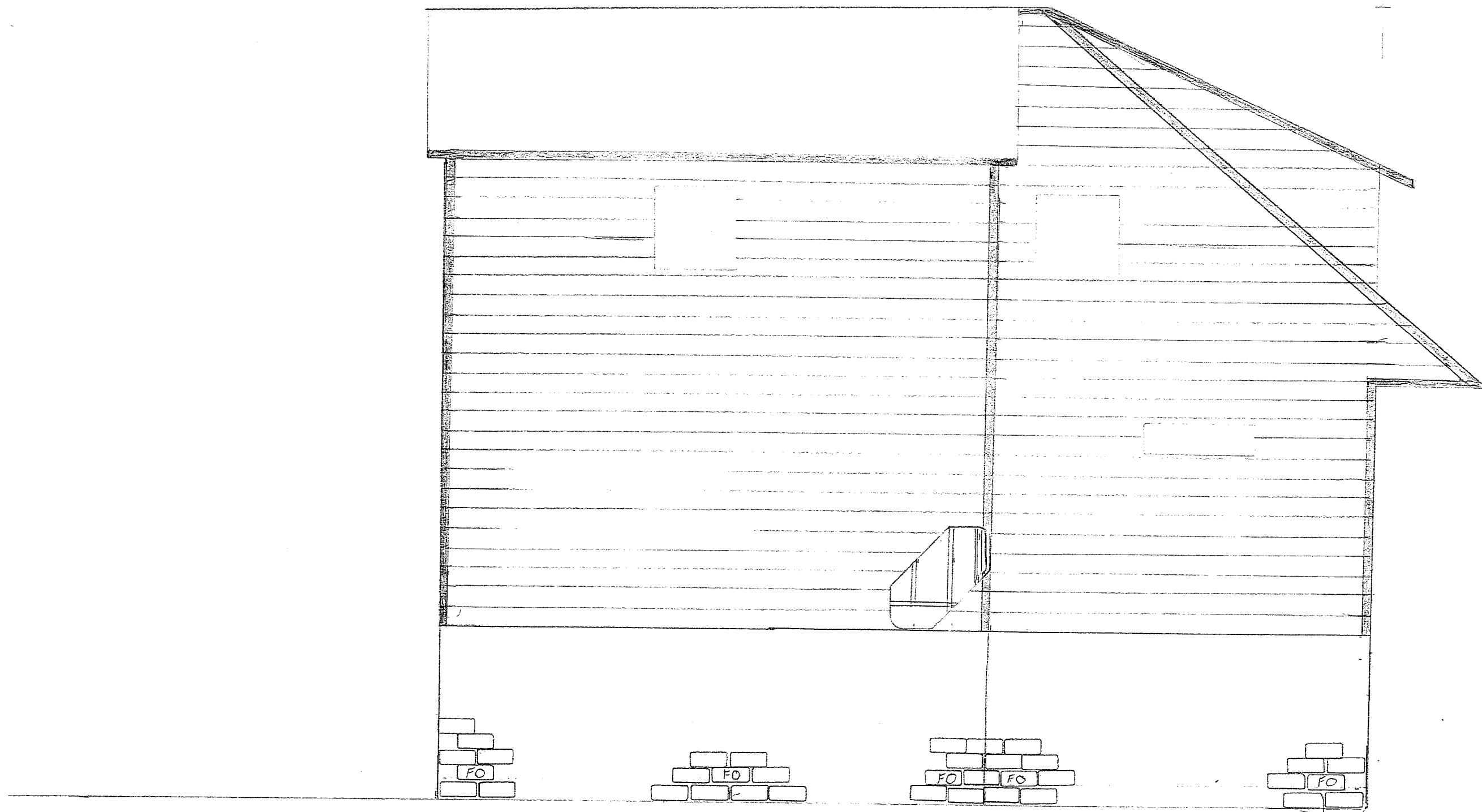
CABLER

SCALE $\frac{1}{4} = 1'-0"$



GABLER

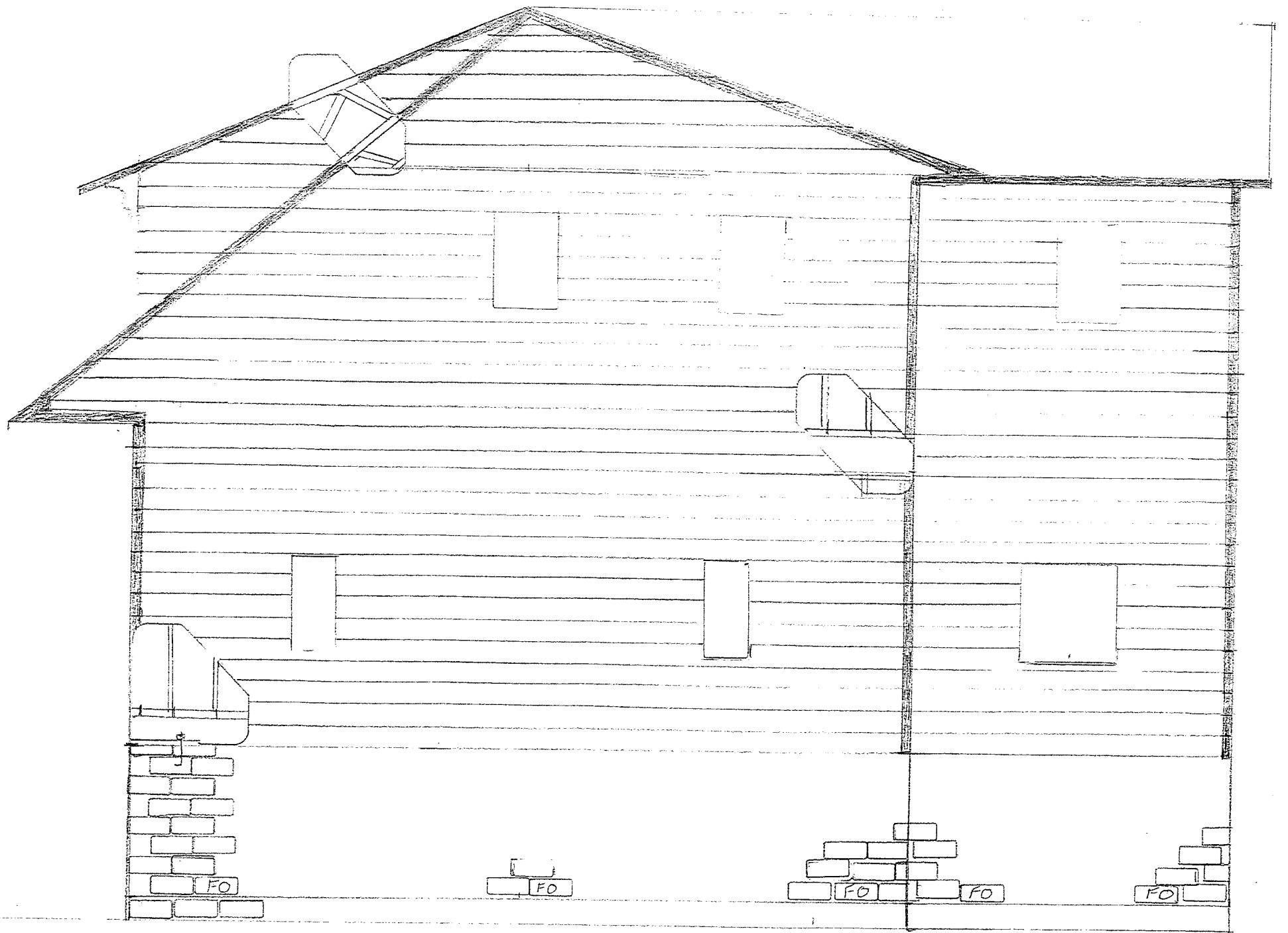
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GABLER

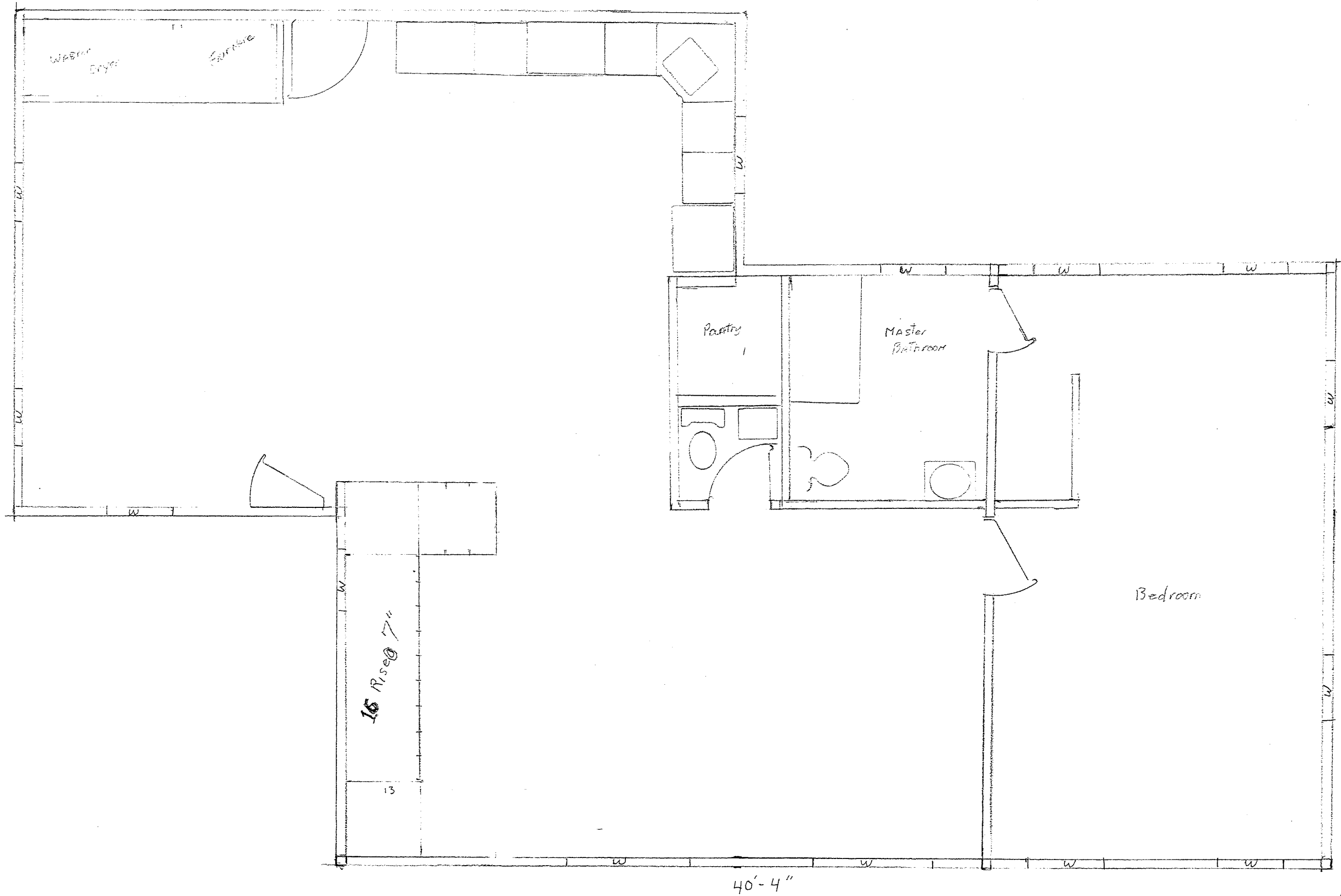
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27'-6"



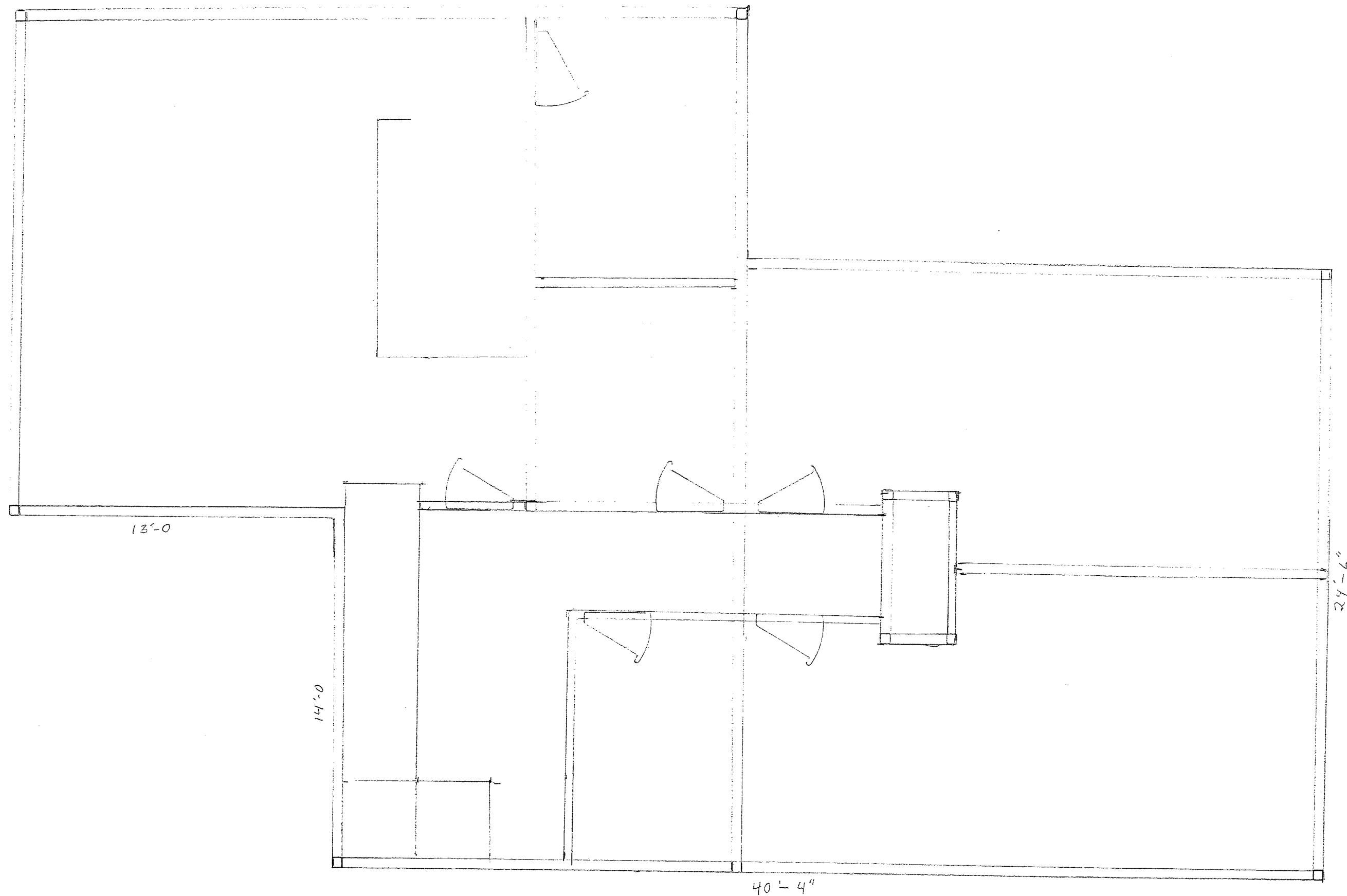
GABLER

SCALE $\frac{1}{4} = 1'-0"$



GABLER

SCALE 1/4" = 1'-0"



GABLER

SCALE $\frac{1}{4} = 1'-0"$