

MEMORANDUM

DATE: January 24, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0120-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on January 23, 2017. 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
(7708 Crossland Road)		
3 rd Election District	*	OFFICE OF
2 nd Council District		
Henry & Sharon Tusa Halperin	*	ADMINISTRATIVE HEARINGS
Legal Owners		
Petitioners	*	FOR BALTIMORE COUNTY
	*	Case No. 2017-0120-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 Henry & Sharon Tusa Halperin, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve a waiver from the required 20 ft. setback from the floodplain freeboard line required by Design Manual Plate DF-1. See Ex. 3.

Henry and Sharon Halperin 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Public Works (DPW) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the request.

The subject property is 24,287 square feet in size and zoned D.R. 2. The property is improved with an historic single-family dwelling constructed in 1935. There is a sunroom or greenhouse attached to the dwelling, which Petitioners propose to replace with (in the same footprint) an addition containing year-round living space. To do so the DPW required Petitioners to obtain a waiver under the County Code. B.C.C. § 32-8-301 *et. seq.*

ORDER RECEIVED FOR FILING

Date 12-22-16

By SW

Petitioners stated that initially Baltimore County believed their property was located within the 100-year floodplain. But Petitioners retained a civil engineer (David Thaler) who prepared a "Flood Mapping" study (Ex. 4) and determined the property is not within the floodplain. The County concedes this point. So the issue involves a waiver of the floodplain setback requirements found in the Design Manual, which was adopted pursuant to the County Code.

In a memorandum dated November 15, 2016 the DPW indicated it supported the setback waiver, upon condition that Petitioners provide structural reinforcement for the basement walls. Petitioners object to this condition and explained the proposed addition will in fact not have a basement, but will be a one-story structure situated no closer to the floodplain than the existing sunroom. The structural reinforcements referenced in DPW's comment pertain to the basement in the existing dwelling, which is not being changed or improved in any way.

As such, I do not believe the proposed condition is justified. The home has stood for over 80 years and has suffered no flood damage during that time, which includes the 25 year period during which Petitioners have owned the home. In addition, Petitioners noted Mr. Thaler inspected the basement and did not believe any additional structural support was required for the walls. Finally, Petitioners obtained flood insurance (as required by the County) and the insurer indicated the property was in an "X" zone and was a "low risk." In these circumstances I do not believe granting the waiver would increase flood heights or pose a risk to public safety, and thus I believe the requirements of B.C.C. §32-8-303(a) have been satisfied.

In addition, Petitioners' home is listed as a contributing structure in the Dumbarton Historic District, a designation granted by the U.S. Department of the Interior on December 30, 2009. Ex. 5. FEMA regulations provide that "historic structures do not have to meet the floodplain management requirements of the [federal insurance] program," provided they retain their historic

ORDER RECEIVED FOR FILING

Date 12-22-16

By SW

designation. The County Code contains a similar provision, though the wording is somewhat convoluted. BCC § 32-8-302. As Petitioners' note, though the existing sunroom detracts from the historic nature of the property, the proposed addition would be designed in the Federal style by an architect (elevation drawings were submitted as Ex. 6) and would be harmonious with and complement other historic homes in this community. Thus, I believe the historic nature of the home and the proposed addition is another factor which supports granting the waiver.

Finally, the above-cited Code provision is applicable only when "substantial improvements" are made to historic structures. Id. A "substantial improvement" means a repair or reconstruction the cost of which equals or exceeds "50% of the market value of the structure." B.C.C. § 32-8-1019dd). According to state tax records, the "improvements" owned by Petitioners are valued at \$539,800. Petitioners stated the addition will be constructed for less than \$100,000. As such, it is certainly arguable the flood plain regulations are not applicable since Petitioners have not crossed the 50% threshold for a "substantial improvement." In any event, DPW supports the waiver and for the reasons stated above I believe the request is properly granted.

THEREFORE, IT IS ORDERED this 22nd day of December, 2016 by this Administrative Law Judge, that the Petition for Special Hearing to approve to approve a waiver from the required 20 ft. setback from the floodplain freeboard line required by Design Manual Plate DF-1, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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 12-22-16

By (signature)

2. Petitioners must comply with the November 4, 2016 ZAC comment submitted by DEPS, a copy of which is attached hereto and incorporated herein.

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 12-22-16

By KW



PETITION FOR ZONING HEARING(S)

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 7708 Crossland Rd., Pikesville, MD 21208

which is presently zoned DR2

Deed References: 95421/433

10 Digit Tax Account # 03233092160

Property Owner(s) Printed Name(s) Henry Halperin, Sharon Tusa Halperin

(SELECT THE HEARING(S) BY MARKING X 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:

1. X 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 TO SECTION 500.6, BCZR PART 125.2 BUILDING CODE; SECTIONS 32-4-4-107(a)(2), 32-8-301 BCC AND DESIGN MANUAL PLATE DF-1, TO PERMIT LESS THAN THE 20 FT REQUIRED FLOOD PLAIN FREEBOARD LINE, AND FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED.
2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. _____ 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)

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):

Henry Halperin, Sharon Tusa Halperin

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7708 Crossland Rd

Pikesville

MD

Mailing Address

City

State

21208

4102740458

hhalper1@jhmi.edu

Zip Code

Telephone #

Email Address

Representative to be contacted:

Henry Halperin 7708

Name - Type or Print

Signature

7708 Crossland Rd

Pikesville

MD

Mailing Address

City

State

21208

4102740458

hhalper1@jhmi.edu

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0120-SPH Filing Date 10/28/16

Do Not Schedule Dates:

Reviewer km

Zoning Property Description for 7708 Crossland Road, Pikesville, MD 21208

Beginning at a point on the west side of Crossland Road, which is 50 feet wide, at the distance of 40 feet south of the centerline of the nearest improved intersecting street (Fairway Road) which is 80 feet wide.

BEING known as Lot No. 9, Section No. 3, as laid out and shown on the Plat of Dumbarton, which Plat is duly recorded among the Plat Records of Baltimore County in Plat Book WPC No, 7, folio 151, containing 24,287 square feet. Located in the 3 Election District and 2 Council District.

CERTIFICATE OF POSTING

RE: Case No. 2017-0120-SPH

Petitioner: Mr. & Mrs. Halperin

Hearing Date: 12/19/16

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

7708 Crossland Avenue

_____ on 11/29/16

Sincerely,

 11/29/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certificate of Posting

Case No. 2017-0120-SPH



7708 Crossland Avenue

(Posted 11/29/16)

Richard E. Hoffman 11/29/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

ENCOMPASS INSURANCE COMPANY OF AMERICA
PO BOX 660598
DALLAS TX 75266-0598

NOTICE OF NONRENEWAL OF INSURANCE

Named Insured & Mailing Address:

HENRY R HALPERIN
SHARON T HALPERIN
7708 CROSSLAND RD
BALTIMORE MD 21208

Producer: 5051182170000

SARATOGA HEYL INS SERVICES
1301 YORK RD, STE 702
LUTHERVILLE MD 21093

Policy No.: 402623143
Type of Policy: HOMEOWNERS
Date of Expiration: 12/02/2016; 12:01 A.M. Local Time at the mailing address of the Named Insured.

We will not renew this policy when it expires. Your insurance will cease on the Expiration Date shown above.

The reason for nonrenewal is we have not received the required documentation of completed repairs after our written request for the following issue discovered during a routine inspection of the dwelling.

- The rear enclosed greenhouse has a jalousie window that is boarded with a hole cut, has broken windows, has vines growing into and on top of the greenhouse and into the gutters.
- The dwelling has a damaged gutter at the left front and above the garage and a section of downspout that is detached at the far right front corner.

To continue this coverage would adversely affect our economic and business purpose in the State of Maryland. This decision applies to all coverages, including Personal Umbrella/Excess Liability, for the home. The automobile coverage, including Personal Umbrella/Excess Liability coverage will be continued uninterrupted.

JOINT INSURANCE ASSOCIATION: If you wish to replace your policy, you may be eligible for insurance from another company in the normal market. If you have difficulty procuring replacement coverage in the normal market, you possibly may obtain coverage through the Joint Insurance Association. For further information, please contact your agent or broker or the Association at the following address or phone number: Joint Insurance Association, 3290 N. Ridge Road, Suite 210, Ellicott City, MD 21043. Phone: 410-539-8808 or 800-492-5670.

Named Insured

MD - N
HENRY R HALPERIN
SHARON T HALPERIN
7708 CROSSLAND RD
BALTIMORE MD 21208

Date Mailed:
11th day of October, 2016

VICKI L. CLIPP

From: Dave Thomas <dthomas@baltimorecountymd.gov>
To: Henry Halperin <hhalper@jhmi.edu>
CC: Terry Curtis <tcurtis@baltimorecountymd.gov>, Steve Walsh
<swalsh@baltimorecountymd.gov>
Subject: RE: RE: 7708 Crossland Rd Renovation
Date: Thu, 13 Oct 2016 20:02:36 +0000

Dr. Halperin,

We were aware of the Lehmann property (7700 Crossland Rd.) order from Judge Beverungen.

The floodplain setback requirement is set forth in the Design Manual, plate DF-1, which we discussed with your engineer in our meeting on September 30, 2016. The Design Manual is authorized under Section 32.4.404 of the Baltimore County Code. Judge Beverungen's order never made reference to the Design Manual but only mentioned the floodplain title and building code.

So we are still asking for a waiver of the Design Manual requirements and intend to support it for you.

Wanting to avoid the need for a public hearing is certainly understandable but we still think it's necessary.

Let me know if there are further questions,

Thanks,

Dave



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 4615510

Sold To:

Sharon Tusa Halperin - CU00573734
7708 Crossland Rd
Pikesville, MD 21208-4309

Bill To:

Sharon Tusa Halperin - CU00573734
7708 Crossland Rd
Pikesville, MD 21208-4309

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

Nov 29, 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: # 2017-0120-SPH
7708 Crossland Road
S/corner of intersection of Crossland Road and Fairway Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) Henry & Sharon Halperin

Special Hearing: for a waiver to permit less than the 20 ft. required floodplain freeboard line, and for such other and further relief as may be required.

Hearing: Monday, December 19, 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.

JT 11/815 November 29 4615510

CERTIFICATE OF POSTING

RE: Case No. 2017-0120-SPH

Petitioner: Mr. & Mrs. Halperin

Hearing Date: 12/19/16

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

7708 Crossland Avenue

_____ on 11/29/16

Sincerely,

 11/29/16

Richard E. Hoffman

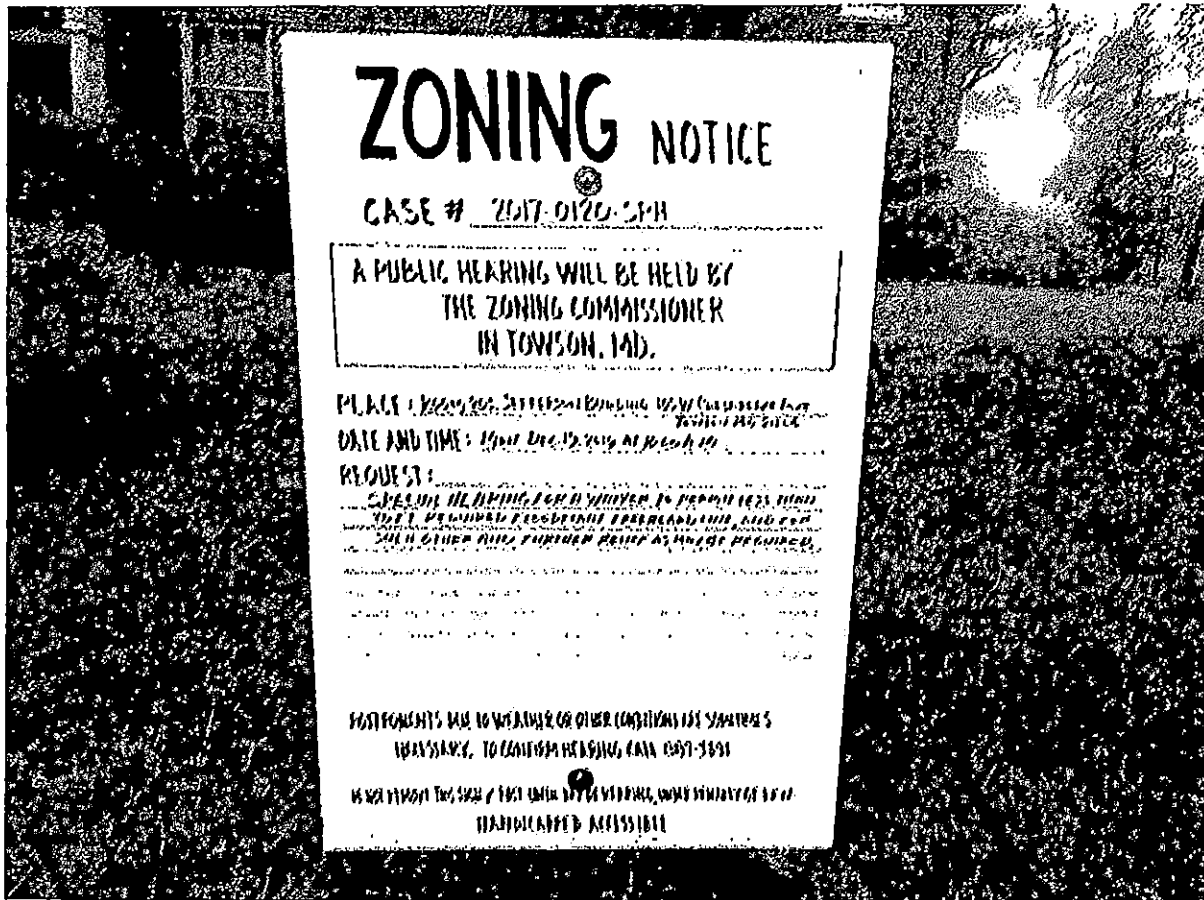
904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certificate of Posting

Case No. 2017-0120-SPH



7708 Crossland Avenue

(Posted 11/29/16)

 11/29/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



KEVIN KAMENETZ
County Executive

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

November 21, 2016

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: 2017-0120-SPH

7708 Crossland Road

S/corner of intersection of Crossland Road and Fairway Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Henry & Sharon Halperin

Special Hearing for a waiver to permit less than the 20 ft. required floodplain freeboard line, and for such other and further relief as may be required.

Hearing: Monday, December 19, 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. Halperin, 7708 Crossland Road, Pikesville 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 29, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 29, 2016 Issue - Jeffersonian

Please forward billing to:
Sharon Tusa Halperin
7708 Crossland Road
Pikesville, MD 21208

410-215-3144

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: 2017-0120-SPH

7708 Crossland Road

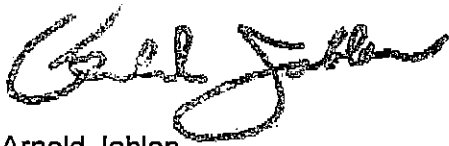
S/corner of intersection of Crossland Road and Fairway Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Henry & Sharon Halperin

Special Hearing for a waiver to permit less than the 20 ft. required floodplain freeboard line, and for such other and further relief as may be required.

Hearing: Monday, December 19, 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 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
7708 Crossland Road; S corner of
intersection of Crossland Road & Fairway
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Henry & Sharon Halperin
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-120-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 04 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 4th day of November, 2016, a copy of the foregoing Entry of Appearance was mailed to Henry Halperin, 7708 Crossland Road, Pikesville, Maryland 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0120-SPH.

Property Address: 7708 CROSSLAND RD.

Property Description: S/COR OF INTERSECTION OF
CROSSLAND RD. & FAIRWAY.

Legal Owners (Petitioners): HENRY R. HALPERIN, SHARON TUSA HALPERIN

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: SHARON TUSA HALPERIN

Company/Firm (if applicable): _____

Address: 7708 CROSSLAND RD
Pikesville, MD 21208

Telephone Number: 410-215-3144

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

№ 145728

Date: 10/28/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	Bldg	0000		6150					75. —

Total: 75. —

Rec From: SHARON HALPERIN

For: 2017-01-20 - SPH

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRU
10/28/2016 10/28/2016 09:59:20 2
REG #502 WALKIN JEE
>>RECEIPT # 987349 10/28/2016 GFLH
Dept S 528 ZONING VERIFICATION
CR NO. 145728
Recpt Tot \$75.00
\$75.00 CR \$1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

December 15, 2016

Henry & Sharon Tusa Halperin
7708 Crossland Road
Pikesville MD 21208

RE: Case Number: 2017-0120 SPH, Address: 7708 Crossland Road

Dear Mr. & Ms. Halperin

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 28, 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 cursive script, 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: 10/31/16

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. 2017-0120-SPH

*Special Hearing
Henry & Sharon Tusa Halperin
7708 Crossland Road.*

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 black ink, appearing to read "Wendy Wolcott".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 11/22/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-120

NOV 30 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 7708 Crossland Road
Petitioner: Henry and Sharon Halperin
Zoning: DR 2
Requested Action: Special Hearing

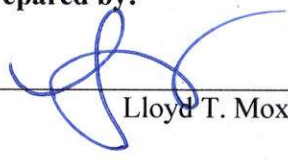
The Department of Planning has reviewed the petition for a special hearing to determine whether or not to the Administrative Law Judge should approve a waiver to Section 500.6 of the BCZR; Part 125.2 of the Building Code; Section 32.4-4-107(a)(2), 32-8-301 of the BCC and Design Manual Plate DF-1, and to permit less than the 20 foot required floodplain freeboard line.

A site visit was conducted on November 10, 2016.

The Department has no comment on the petitioned zoning relief.

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: Bill Skibinski
Henry Halperin
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

NOV 04 2016

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: November 4, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0120-SPH
Address 7708 Crossland Road
(Halperin Property)

Zoning Advisory Committee Meeting of November 7, 2016

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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

Additional Comments:

A forest buffer variance may be necessary prior to issuance of any County permit.

Reviewer: Glenn Shaffer

Date: November 4, 2016

ORDER RECEIVED FOR FILING

Date 12-22-16

By SW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 11/22/2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-120

INFORMATION:

Property Address: 7708 Crossland Road
Petitioner: Henry and Sharon Halperin
Zoning: DR 2
Requested Action: Special Hearing

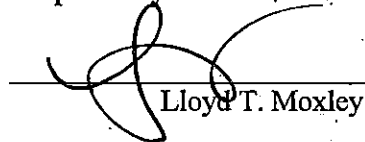
The Department of Planning has reviewed the petition for a special hearing to determine whether or not to the Administrative Law Judge should approve a waiver to Section 500.6 of the BCZR; Part 125.2 of the Building Code; Section 32.4-4-107(a)(2), 32-8-301 of the BCC and Design Manual Plate DF-1, and to permit less than the 20 foot required floodplain freeboard line.

A site visit was conducted on November 10, 2016.

The Department has no comment on the petitioned zoning relief.

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: Bill Skibinski
Henry Halperin
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

NOV 04 2016

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: November 4, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0120-SPH
Address 7708 Crossland Road
(Halperin Property)

Zoning Advisory Committee Meeting of November 7, 2016

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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

Additional Comments:

A forest buffer variance may be necessary prior to issuance of any County permit.

Reviewer: Glenn Shaffer

Date: November 4, 2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For November 7, 2016
Item No. 2017-0120

DATE: November 7, 2016

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

The Director of Public Works will make comments on this.

*

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*

*

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0120-11072016.doc

**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: Steven A. Walsh, Director *SAW*
Department of Public Works

DATE: November 15, 2016

SUBJECT: Case No: 2017-0120-SPH
7708 Crossland Road, Baltimore, Maryland 21208

This is a Special Hearing to determine whether the Administrative Law Judge should approve a waiver to the following:

- Baltimore County Code Section 32.4.1.4 which prohibits development in a riverine flood plain, and,
- Department of Public Works Design Manual Plate DF-1 requiring a setback from the riverine flood plain.

The petitioner has demonstrated that the proposed development (replacing an existing sunroom with year round living space) is not located within the riverine flood plain.

The Department of Public Works supports the waiver to the setback requirement subject to the following condition: provide structural reinforcing to the basement walls as shown on petitioners engineers drawing dated September 22, 2016, attached.

Attachment

ECA/TWC/s

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: November 4, 2016

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Additional Comments:

A forest buffer variance may be necessary prior to issuance of any County permit.

Reviewer: Glenn Shaffer

Date: November 4, 2016

CASE NO. 2017-

0120-SPH

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

11/7

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Public Works
going TO Comment

11/4

DEPS
(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

11/22

PLANNING
(if not received, date e-mail sent _____)

N/C

10/31

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

11/15

Public Works

Comment

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11/29/16

SIGN POSTING Date: 11/29/16 by Hoffman

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

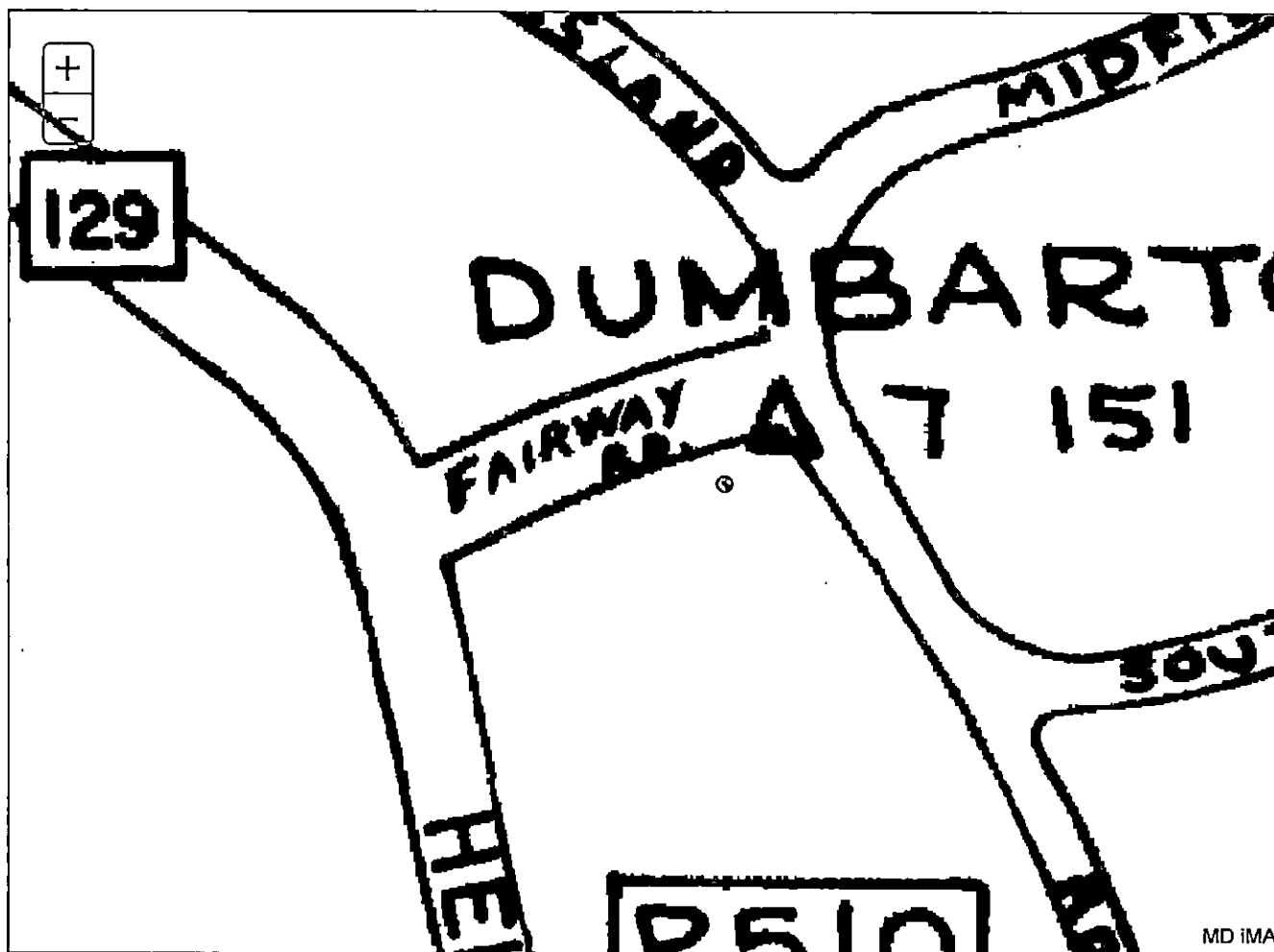
Comments, if any: _____

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 03 Account Number - 0323092160							
Owner Information										
Owner Name:		HALPERIN HENRY HALPERIN SHARON TUSA				Use: Principal Residence:		RESIDENTIAL YES		
Mailing Address:		7708 CROSSLAND RD BALTIMORE MD 21208-4309				Deed Reference:		/09542/ 00433		
Location & Structure Information										
Premises Address:		7708 CROSSLAND RD 0-0000				Legal Description:		PT LT 9 SW COR FAIRWAY DUMBARTON		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0078	0004	0510		0000	3		9	2017	Plat Ref:	0007/0151
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use	
1935		4,633 SF					24,287 SF		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
2 1/2	YES	STANDARD UNIT		BRICK	3 full/ 1 half	1 Attached	2001			
Value Information										
				Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2016		As of 07/01/2017		
Land:				219,500	219,500					
Improvements				539,800	539,800					
Total:				759,300	759,300	759,300				
Preferential Land:				0						
Transfer Information										
Seller: AIN ROBERT				Date: 01/07/1993		Price: \$390,000				
Type: ARMS LENGTH IMPROVED				Deed1: /09542/ 00433		Deed2:				
Seller: HORNSTEIN HANNA G				Date: 10/11/1988		Price: \$412,500				
Type: ARMS LENGTH IMPROVED				Deed1: /07996/ 00813		Deed2:				
Seller:				Date:		Price:				
Type:				Deed1:		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2016			07/01/2017			
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00			0.00			
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: Approved 05/15/2008										

Baltimore County

[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **03** Account Number: **0323092160**

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>).

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 03 Account Number - 0323092160							
Owner Information										
Owner Name:			HALPERIN HENRY HALPERIN SHARON TUSA				Use: Principal Residence:		RESIDENTIAL YES	
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Location & Structure Information										
Premises Address:			7708 CROSSLAND RD 0-0000				Legal Description:		PT LT 9 SW COR FAIRWAY DUMBARTON	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0078	0004	0510		0000	3		9	2014	Plat Ref:	0007/0151
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built			Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1935			4,633 SF				24,287 SF		04	
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2 1/2	YES	STANDARD UNIT	BRICK	3 full/ 1 half	1 Attached	2001				
Value Information										
			Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015 As of 07/01/2016			
Land:			243,500		219,500					
Improvements			475,500		539,800					
Total:			719,000		759,300		745,867		759,300	
Preferential Land:			0						0	
Transfer Information										
Seller: AIN ROBERT				Date: 01/07/1993				Price: \$390,000		
Type: ARMS LENGTH IMPROVED				Deed1: /09542/ 00433				Deed2:		
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Type: ARMS LENGTH IMPROVED				Deed1: /07996/ 00813				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 05/15/2008										

CASE NAME Halperin
CASE NUMBER 2017-0120-SPH
DATE 12-19-2016

[illegible]



National Flood Insurance Program (NFIP)

Floodplain Management Bulletin **Historic Structures**

FEMA P-467-2

May 2008



FEMA

Introduction

The National Flood Insurance Program (NFIP) gives special consideration to the unique value of one of our Nation's most significant resources – its historic buildings, landmarks, and sites. It does so in two ways.

First, the NFIP floodplain management regulations provide significant relief to historic structures. Historic structures do not have to meet the floodplain management requirements of the program as long as they maintain their historic structure designation. They do not have to meet the new construction, substantial improvement, or substantial damage requirements of the program. This exclusion from these requirements serves as an incentive for property owners to maintain the historic character of the designated structure (44 CFR §60.3). It may also serve as an incentive for an owner to obtain historic designation of a structure.

Secondly, a designated historic structure can obtain the benefit of subsidized flood insurance through the NFIP even if it has been substantially improved or substantially damaged so long as the building maintains its historic designation. The amount of insurance premium charged the historic structure may be considerably less than what the NFIP would charge a new non-elevated structure built at the same level. Congress requires that the NFIP charge actuarial rates for all new construction and substantially improved structures (National Flood Insurance Act of 1968, 42 U.S.C. 4015).

Although the NFIP provides relief to historic structures from having to comply with NFIP floodplain management requirements for new construction, communities and owners of historic structures should give consideration to mitigation measures that can reduce the impacts of flooding on historic structures located in Special Flood Hazard Areas (44 CFR §60.3). Mitigation measures to minimize future flood damages should be considered when historic structures are rehabilitated or are repaired following a flood or other hazard event. Qualified professionals such as architects, historic architects, and engineers who have experience in flood mitigation techniques can help identify measures that can be taken to minimize the impacts of flooding on a historic structure while maintaining the structure's historic designation.

The purpose of this floodplain management bulletin is to explain how the NFIP defines historic structure and how it gives relief to historic structures from NFIP floodplain management requirements (44 CFR §60.3). This bulletin also provides guidance on mitigation measures that can be taken to minimize the devastating effects of flooding to historic structures.

Background on the NFIP

Congress created the NFIP in 1968 to provide federally supported flood insurance coverage, which generally was not available from private companies. The NFIP is based on a mutual agreement with communities that have been identified as having Special Flood Hazard Areas. The Federal Emergency Management Agency (FEMA) will make flood insurance coverage available in a

community provided that it adopts and enforces floodplain management regulations that meet or exceed the minimum requirements of the NFIP (44 CFR §60.3). This is accomplished through local floodplain management regulations.

The NFIP minimum building and development regulations that communities must adopt require that new and substantially improved and substantially damaged residential buildings be elevated so that the lowest floor is at or above the Base Flood Elevation (BFE) determined for the site. Non-residential buildings have the option of elevation or dry floodproofing to the BFE [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. Dry floodproofing means making a building watertight, substantially impermeable to floodwaters to the BFE.

Substantial improvement means *“any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed.”*

Substantial improvement also includes the repair of buildings that have been substantially damaged. Substantial damage means *“damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”*

In summary, structures that are “substantially improved” and “substantially damaged” must be brought into compliance with the community’s floodplain management requirements [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].

The NFIP and Historic Structures

This section provides information on the NFIP definition of “historic structure” and the floodplain management requirements that will be included in community floodplain management ordinances.

Definition of “Historic Structures”

The definition section of the NFIP [Code of Federal Regulations (CFR) 44 Part 59], defines “historic structure” as *“any structure that is:*

- (1) *Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (This includes structures that are determined to be eligible for listing by the Secretary of the Interior as a historic structure. A determination of “eligibility” is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register.)*

- (2) *Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (3) *Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or*
- (4) *Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:*
 - (a) *By an approved state program as determined by the Secretary of the Interior or*
 - (b) *Directly by the Secretary of the Interior in States without approved programs."*

This definition was coordinated with the Department of Interior when it was added to the NFIP Regulations in 1989.

The purpose of this definition is to provide NFIP communities with criteria to distinguish between "historic structures" and the other existing buildings which remain subject to NFIP floodplain management requirements (44 CFR §60.3). While it is important to preserve historic structures and other cultural resources, it is also critical to ensure that other existing flood-prone structures are protected from flood damage when they are substantially improved or substantially damaged.

Floodplain Management Requirements that Provide Relief for Historic Structures

The NFIP floodplain management requirements contain two provisions that are intended to provide relief for "historic structures" located in Special Flood Hazard Areas:

- (1) The definition of "substantial improvement" at 44 CFR 59.1 includes the following exclusion for historic structures,
 - "Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".*The same exemption also applies to "historic structures" that have been "substantially damaged".

This provision exempts historic structures from the substantial improvement and substantial damage requirements of the NFIP.

- (2) The other provision of the NFIP floodplain management regulations that provides relief for "historic structures" is the variance criteria at 44 CFR 60.6(a). This provision states:
 - "Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure."*

Under the variance criteria, communities can place conditions to make the building more flood resistant and minimize flood damages, but such conditions should not affect the historic

character and design of the building. *See* the section on Minimizing the Impacts of Flooding on Historic Structures for ideas on conditions that could be established to make the building more flood resistant and to minimize flood damages.

Communities have the option of using either provision for addressing the unique needs of “historic structures”. Communities should adopt only one option to address “historic structures.” Some communities have chosen to adopt an ordinance that requires variances for improvements or repairs to “historic structures” and do not exclude such improvements from the substantial improvement definition in their ordinance. Other communities include the “historic structures” exemption as part of their “substantial improvement” definition. In either case, “historic structures” can be excluded from the NFIP elevation and floodproofing requirements. Whether a community exempts a “historic structure” under the substantial improvement definition or through the variance process, the exemption of the “historic structure” from the NFIP floodplain management requirements should be documented and maintained in the community permit files.

However, if plans to substantially improve a “historic structure” or repair a substantially damaged “historic structure” would result in loss of its designation as an “historic structure”, the structure no longer qualifies for the exemption and would be required to meet the NFIP floodplain management regulations (44 CFR §60.3). This determination needs to be made in advance of issuing a permit. This provides an incentive to the property owner to maintain the structure’s historic designation rather than altering the structure in such a way that it loses its designation as a “historic structure”.

Even if a “historic structure” is exempted from the substantial improvement and substantial damage requirements, consideration should be given to mitigation measures that can reduce the impacts of future flooding. There are mitigation measures that can reduce flood damages to historic structures without affecting the structure’s historic designation. *See* the section on Minimizing the Impacts of Flooding on Historic Structures.

Historic buildings may also be subject to the local building codes. Many States and communities use the International Codes as the basis for their buildings codes. The International Codes contain provisions for addressing historic buildings in a manner consistent with the NFIP.

Historic Structures in the Floodway

The NFIP floodplain management requirements could apply to an addition to a “historic structure”, if the structure or addition is located in a floodway. The floodway includes the channel of the river and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood without increasing flood levels by more than one foot (44 CFR § 59.1, “regulatory floodway”). All structures and improvements to structures, including additions to “historic structures”, must comply with the floodway encroachment provisions of 44 CFR § 60.3(c)(10) and (d)(3) of the NFIP Regulations.

44 CFR § 60.3(c)(10) applies to rivers and streams where FEMA has established BFEs, but has not provided the community with the data necessary to designate a floodway:

Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM [Flood Insurance Rate Map], unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§ 60.3(d)(3) applies to rivers and streams where FEMA has provided both established BFEs and provided the community with the data necessary to designate a floodway:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

As an example, an addition, or any portion thereof, to a “historic structure” that expands the square footage of the structure beyond its footprint into the floodway must comply with the regulatory floodway criteria [44 CFR §60.3(c)(10) and (d)(3)]. These additions can obstruct flood flows and increase flood stages. Under 44 CFR § 60.3(d)(3), such an addition would be prohibited if any rise in the flood level would result from the addition. FEMA defines “any” as meaning a zero increase.

New Construction and Non-contributing Structures in Historic Districts

Generally, registered historic districts contain a mix of buildings. In addition to structures that contribute to the historic significance of the district, there will generally be structures in historic districts that have no historical significance and which do not contribute to the historic significance of a registered historic district (called “non-contributing” structures). In addition, there may be sites in these districts that are undeveloped or vacant land. Whole districts cannot be exempt from floodplain management regulations and a blanket variance cannot be issued for all land within these districts. The non-contributing structures and vacant lots in historic districts remain subject to all of the floodplain management requirements that apply to new construction and substantial improvements (44 CFR §60.3).

Some communities have argued that they should be allowed to grant variances for new buildings or for substantial improvements to non-contributing buildings in historic districts. They claim that requiring that the new structures or substantially improved structures be elevated to BFE could be harmful to the historic significance of the district. FEMA maintains that this would be contrary to the purposes of the NFIP and could result in greatly increased flood damages and, in some instance,

To obtain a permit to reconstruct an attached, glass enclosed room within its existing footprint, Public Works has indicated that we must obtain a waiver from the 20 foot riverine flood plain setback requirement noted in Baltimore County Design Manual, plate DF-1 (Noted on DF-1 to apply to "New structures or Additions Adjacent to Floodplain"), which is authorized in Sec. 32.4.404

Our residence was built in 1934 and has an attached, glass-enclosed room which was constructed around 1970. This glass room is no longer safe or functional. We purchased the house in 1993, and the glass-enclosed room was initially used for tutoring students and recreational activities for family children.

Often after heavy wet snowfalls the glass would break, resulting in the need to replace glass panels; however, the frame can no longer accommodate these piecemeal replacements. As a result, it has become very difficult to repair, with broken glass remaining. The repeated damage has caused our homeowners insurance company to issue a notice of denial of continued coverage. (See Attached denial of re-insurance.) The room has become unusable.

In 2009 our house was listed as a contributor to the Dumbarton Historic District, within the U.S. Department of the Interior's National Register of Historic Places. The glass enclosed room does not conform to the architect Kenneth Miller's Federal Revival design of the residence.

Our proposed reconstruction will conform to the Federal Revival style, and is a non-substantial improvement. Since the proposed reconstruction is not in the Western Run floodplain, but is within 20 feet of it, The Department of Public Works will not approve a building permit for the reconstruction because of the 20 foot set back requirement noted in Baltimore County's Design Manual, Plate DF-1, authorized in Section 32.4.404 of the Baltimore County code. Public Works will, however, support a waiver for the reconstruction (see note from Dave Thomas of Public Works).

"Special Hearing"

6. Joe Merry did the intake for the Halperins. Special language would be "Waiver from the required 20' setback from floodplain freeboard line required by Design Manual Plate DF-1"

"and other such relief as required" ~~is~~
may be

DLT
10/28/2016

Case No.: 2017-0120-SPH

JIS
12/19
10am

Exhibit Sheet

Petitioner/Developer

PW 12-22-16

Protestants

PW 1-24-17

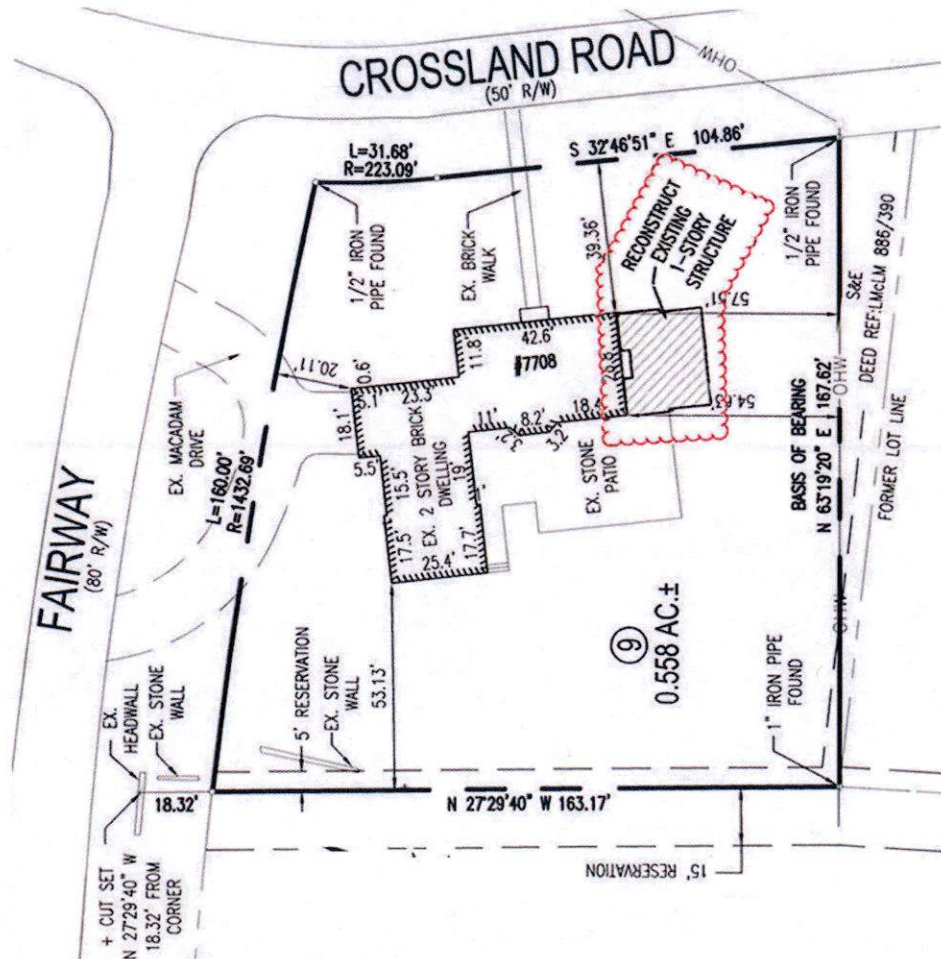
No. 1	Plan	
No. 2	Photos	
No. 3	Design Manual DF-1	
No. 4	Flood Mapping	
No. 5	Dumbarton Historic District Info.	
No. 6	Elevation drawings	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

ADDRESS 7708 Crossland Rd OWNER(S) NAME(S) Sharon and Henry Halperin

SUBDIVISION NAME Dumbarton LOT # 9 BLOCK # _____ SECTION # 3

PLAT BOOK # 7 FOLIO # 151 10 DIGIT TAX # 0323092160 DEED REF. # 9542 / 433



PLAN DRAWN BY Thompson/Beck/Halperin DATE 10/26/2016 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 078B1

SITE ZONED DR 2

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE _____

OR SQUARE FEET 24,287

HISTORIC? Yes

IN CBCA? No

IN FLOOD PLAIN? No

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

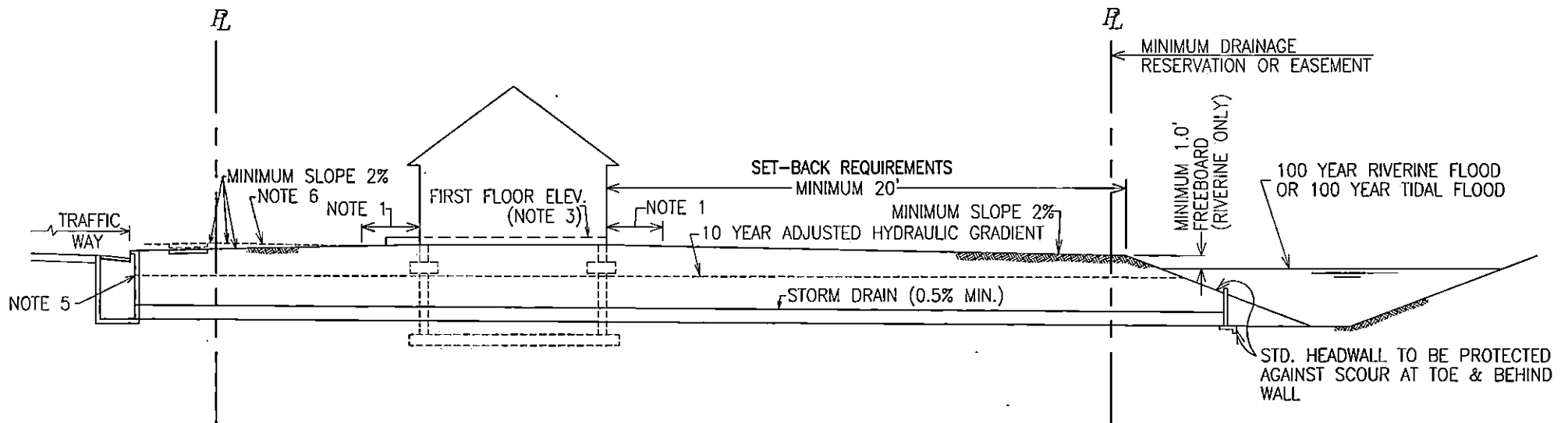
VIOLATION CASE INFO:

EX. 1

2017-0120 SPH

EX. 2





NOTES

NEW STRUCTURES OR ADDITIONS ADJACENT TO FLOODPLAIN

1. DESIRED SLOPE OF GROUND FOR 10' ADJACENT TO BUILDING IS 5% (ALL SIDES OF BUILDING).
2. THE 20' MINIMUM BUILDING SETBACK SHALL APPLY TO THE FRONT, REAR AND SIDES OF ALL RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL STRUCTURES.
3. FIRST FLOOR ELEVATION TO BE 2 FEET ABOVE MAXIMUM FLOOD LEVEL OF 100-YEAR STORM (RIVERINE OR TIDAL).
4. BASEMENT CONSTRUCTION BELOW THE MAXIMUM FLOOD SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
5. STORM DRAIN SHALL BE SIZED SO THAT 10 YEAR ADJUSTED HYDRAULIC GRADIENT IS 1'-6" MINIMUM BELOW THE ESTABLISHED GRADE (TOP OF CURB).
6. WHEN GROUND SLOPES TOWARD BUILDING, FLOW SHALL BE DIRECTED AROUND SIDES OF BUILDING USING ADEQUATELY SIZED SWALES OR DRAINS.
7. SEE SET-BACK REQUIREMENTS ABOVE. SET-BACK IS MEASURED FROM 100 YEAR FLOODPLAIN PLUS ONE-FOOT VERTICAL FREEBOARD.

DEPARTMENT OF PUBLIC WORKS
STORM DRAINAGE DESIGN

TYPICAL SECTION THROUGH LOT SHOWING MINIMUM DRAINAGE REQUIREMENTS

EX.3

ISSUED: _____
REVISED: FEBRUARY, 1985
REVISED: MARCH, 2005

PLATE

DF-1



Maryland's National Register Properties

[Back to Results List](#)



Photo credit: MHT Files, n.d.

Description: The Dumbarton Historic District is a suburban subdivision roughly bounded by Park Heights Avenue, Slade Avenue, Seven Mile Lane, and Old Court Road in the Pikesville Area of Baltimore County. Primarily developed over the period 1924-1956, the district reflects the influence of Olmstedian design principles in its curvilinear streets following the natural topography, and generously sized lots retaining the established vegetation. The houses vary in size, and their siting varies with the topography of the lots. The housing styles reflect a wide range of American and European prototypes, and the buildings were designed by many of Baltimore's most prominent residential architects of the period, including many of those who had been commissioned to design houses for the city's premier suburban developer, the Roland Park Company, in its Guilford and Homeland subdivisions. The spacing of the housing conveys a sense of openness and suggests a collection of country estates. While the majority of the housing in Dumbarton was designed in traditional styles, the mid-century Ranch, Contemporary, and International types are also represented in the district. While conveying an impression of spaciousness, Dumbarton is recognizable as a clearly defined, visually cohesive neighborhood. Buildings represent a range of construction materials, including wood frame, brick, and stone masonry; roof coverings include slate, tile, asphalt, or composition shingles. Many of the properties contain accessory buildings such as garages; while these secondary structures were not specifically counted, those that were constructed during the period of significance, between 1924 and 1956, and retain integrity are considered to contribute to the character of the district.

Dumbarton Historic District

Inventory No.: **BA-3237**

Date Listed: **12/30/2009**

Location: **Pikesville, Baltimore County**

Category: **District**

Period/Date of Construction: **1924-1956**

Architect/Builder: **Architects: Palmer and Lamdin and others**

[Open National Register Form](#)



[Show Boundary Map](#)

Significance: The Dumbarton Historic District is historically significant for its association with the suburbanization of Baltimore City. Developed in the mid-1920s, it represents the northwestward expansion of the city during the period, and the importance of the Park Heights corridor as a center of the city's Jewish community. Many of Dumbarton's original residents were prominent Jewish merchants and industrialists who were tacitly denied access to the city's established suburbs because of their religious and ethnic affiliations. At the turn of the 19th century, Baltimore's early Jewish community was concentrated in Oldtown and South Baltimore, in the earliest-settled parts of the city adjacent to the harbor. Solomon Etting, a prominent early Jewish resident, estimated that approximately 150 Jews lived in the city in 1825. Later in the 19th century, Baltimore's upwardly- and outwardly-mobile Jewish community established a pattern of relocation from the early neighborhoods around the city center along a series of northwesterly routes centering on Park Heights Avenue. By the 1860s, some Jews began to move "uptown" to areas north and west of Oldtown, such as Reservoir Hill and Madison Park/Eutaw Place, near Druid Hill Park, the city's largest public park. This trend continued into the early 20th century. A social and ethnic stratification began to emerge, separating more prosperous "uptown" Jews of German heritage and less prosperous and more recently arrived "downtown" Jews from Eastern Europe. In 1901, an especially elite group of wealthy Jews, mostly of Germanic heritage, established the Suburban Club in a location along the Park Heights corridor between Druid Ridge Cemetery and the northwestern boundary of Baltimore City. Built at the considerable cost of \$200,000, the Suburban Club not only assessed substantial dues, but also required that its members contribute a certain amount of money annually to Jewish charities. The pattern of Jewish migration through the city was complex, and occurred along several major arteries including

EX. 5

Liberty Road, Reisterstown Road, and Park Heights Avenue. Expansion along the Park Heights corridor took place in several stages in the early 20th century. Among the neighborhoods that particularly attracted middle-class Jewish homebuyers were Forest Park and Park Heights. The resources along Lower Park Heights, between Druid Hill Park and the Park Circle neighborhood, consisted primarily of rowhouses and minor commercial buildings, whereas the development just beyond the city limits was decidedly suburban in character. The most influential enterprise in developing suburban communities for Baltimore's elite during this period was the Roland Park Company. Beginning in the 1890s with the development of Roland Park in North Baltimore, the Roland Park Company set the standard for suburban residential development. Its projects combined a high degree of quality in design, both of the community and its architecture. As was common at the time, the Roland Park Company employed discriminatory covenants in its property deeds to exclude African-American and Jewish residents from its communities. The Dumbarton Historic District, in part developed as an "alternative" to other suburban developments which excluded Jews, nevertheless was influenced by the design and planning precepts of the Roland Park Company and its emulators. The layout of the district, with its curvilinear streets, lot configurations, and naturalistic landscaping generally reflect design principles associated with Frederick Law Olmsted which characterized the Roland Park Company's seminal developments. Architects and builders whose creations contributed to the distinctive character of such Roland Park Company communities as Guilford, Homeland, and The Orchards were hired to design and build houses in Dumbarton as well. The architectural firm of Palmer and Lamdin, long associated with Roland Park Company projects, designed several houses in Dumbarton.



United States Department of the Interior
National Park Service

National Register of Historic Places Continuation Sheet

BA-3237
Dumbarton Historic District
Name of Property

Baltimore County, Maryland
County and State

Section 7 Page 3

7708	Crossland Rd.	Federal Revival	1934	Kenneth C. Miller	Slate/brick/concrete	Contributing
7709	Crossland Rd.	Half-Timbered Tudor Revival	1930	Attributed to Edward L. Palmer, Jr.	Slate/stone/stone	Contributing
7800	Crossland Rd.	Norman Cottage	1931	J. Winthrop Wolcott	Comp/brick/stone	Contributing
7802	Crossland Rd.	Dutch Colonial Revival	1950		Slate/brick- frame/concrete	Contributing
7803	Crossland Rd.	French Colonial Revival	1950		Slate/brick/concrete	Contributing
7804	Crossland Rd.	Neo-French	1971		Slate/brick/concrete	Non-contributing
7805	Crossland Rd.	Federal Revival	1950		Slate/brick/concrete	Contributing
7806	Crossland Rd.	Federal Revival	1950		Comp/brick/concrete	Contributing
7808	Crossland Rd.	Federal Revival	1950		Slate/brick/concrete	Contributing
7810	Crossland Rd.	Federal Revival	1947		Slate/stone/concrete	Contributing
3501	Midfield Road	Contemporary	1956		Slate/brick/concrete	Contributing
3503	Midfield Road	Norman Cottage	1937	William D. Lamdin	Slate/stone/stone	Contributing
3504	Midfield Road	Federal Revival	1949		Comp/brick/concrete	Contributing
3506	Midfield Road	Tudor Revival	1948		Slate/stone/concrete	Contributing
3500	Old Court Rd.	Neo-French	1953		Slate/brick/concrete	Non-contributing
3502	Old Court Rd.	Ranch	1944		Comp/frame/concrete	Contributing
3504	Old Court Rd.	Contemporary	1950		Comp/stone/concrete	Contributing
3506	Old Court Rd.	Federal Revival	1948	Palmer & Lamdin	Slate/brick/concrete	Contributing
3508	Old Court Rd.	Federal Revival	1932	William D. Lamdin	Slate/stone/stone	Contributing
3510	Old Court Rd.	Federal Revival	1930	J. Winthrop Wolcott	Tile/stucco/stone	Contributing
3512	Old Court Rd.	Neo-French	1928- 2008		Slate-standing seam metal/brick-stucco; stone- concrete	Non-contributing
3401	Overbrook Rd.	Georgian Revival	1933		Slate/brick/stone	Contributing
3403	Overbrook Rd.	Ranch	1948		Comp/brick/concrete	Contributing
3407	Overbrook Rd.	Federal Revival	1940		Slate/brick/concrete	Contributing
3500	Overbrook Rd.	Federal Revival	1948		Slate/brick/concrete	Contributing



1 DEMO - EAST ELEVATION
SCALE: 1/4" = 1'-0"



2 NEW WORK - EAST ELEVATION
SCALE: 1/4" = 1'-0"

GRAPHIC SCALE
0 2 4 8 FEET 12
SCALE: 1/4" = 1'-0"

BECK POWELL & PARSONS

Architecture • Planning • Interior Design

100 West Road, Suite 300
Towson, Maryland 21204
410-828-9220
Copyright (c) 2014 BECK, POWELL & PARSONS, INC.

REVISIONS		
NO.	DATE	DESCRIPTION

PROJECT:

**HALPERIN
RESIDENCE**
7708 CROSSLAND ROAD
PIKESVILLE, MD 21208

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

DRAWING TITLE:
EXTERIOR ELEVATIONS

DESIGNED	JOB NO.	2014117
DRAWN	SCALE	AS SHOWN
CHECKED	DATE	10/4/16
DATE	DRAWN	A-6
BY	DATE	

Ex. 6

BECK POWELL & PARSONS

Architecture • Planning • Interior Design

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Towson, Maryland 21204
410-528-8220
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REVISIONS		
NO.	DATE	DESCRIPTION

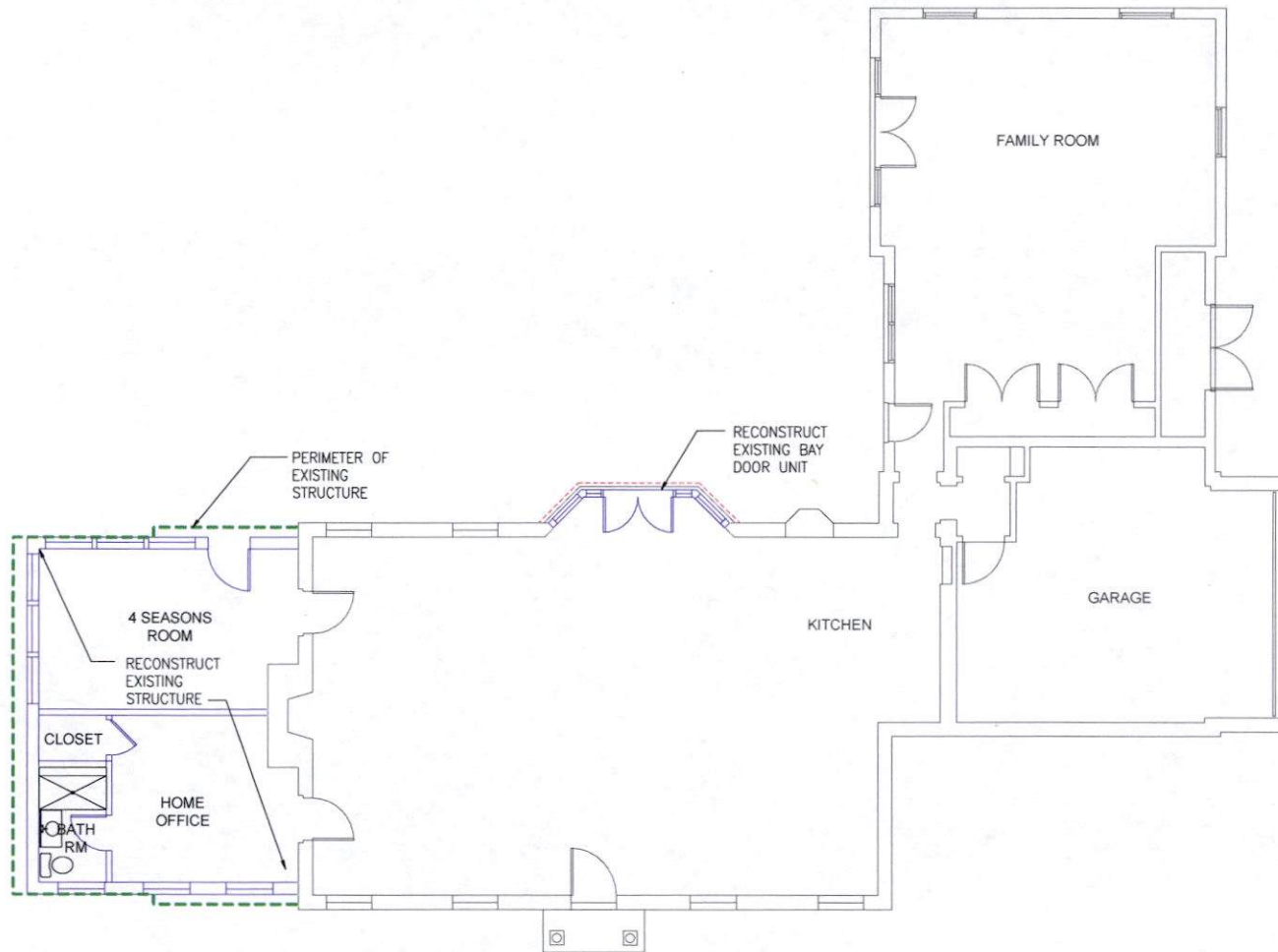
PROJECT:

**HALPERIN
RESIDENCE**
7708 CROSSLAND ROAD
PIKESVILLE, MD 21208

PRELIMINARY DRAWING
NOT FOR CONSTRUCTION

DRAWING TITLE:
FIRST FLOOR PLAN

DESIGNED	JOB NO. 2014117
DRAWN	SCALE AS SHOWN
CHECKED	DATE 6-17-16
TITLE BP&P	DRAWING A-4

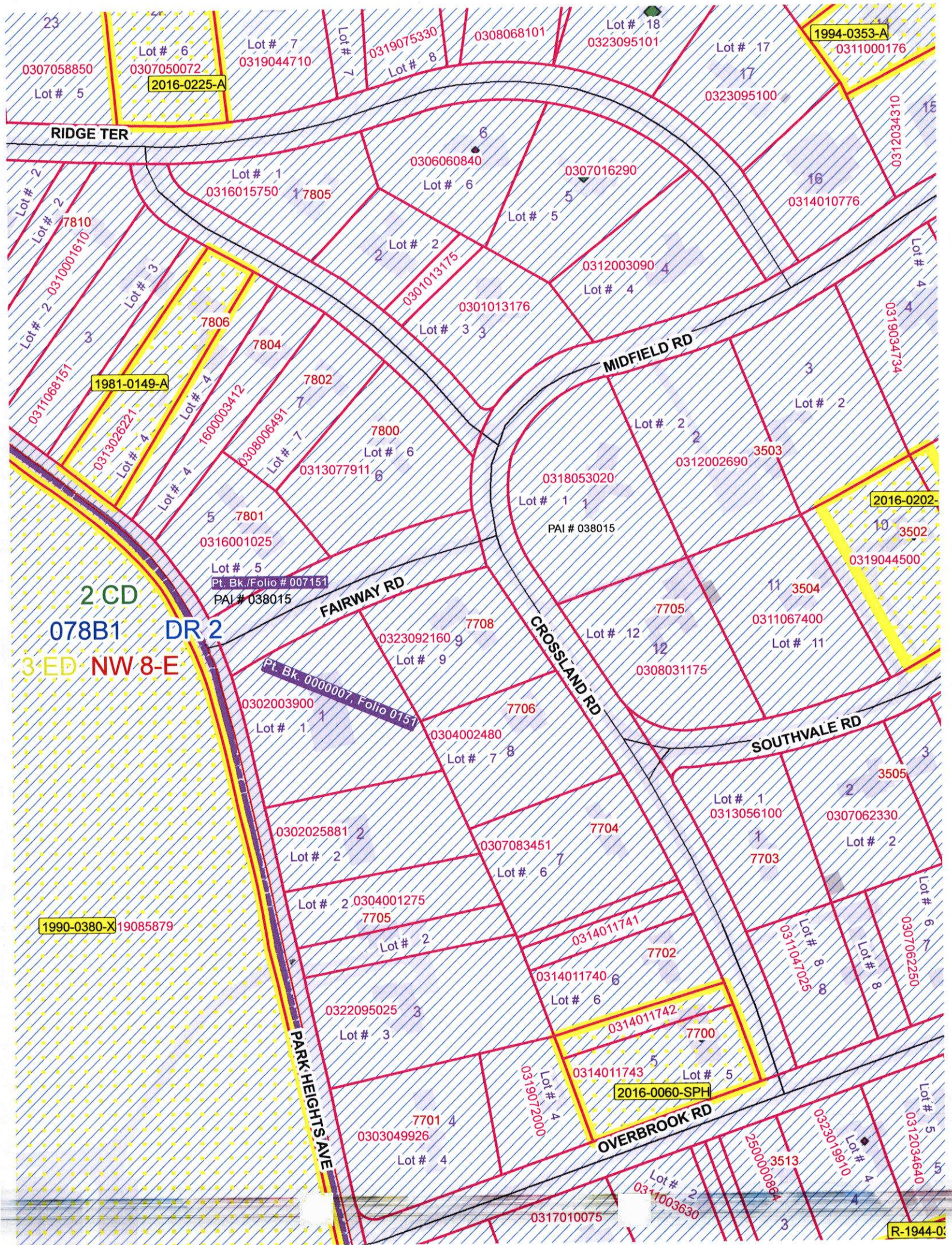


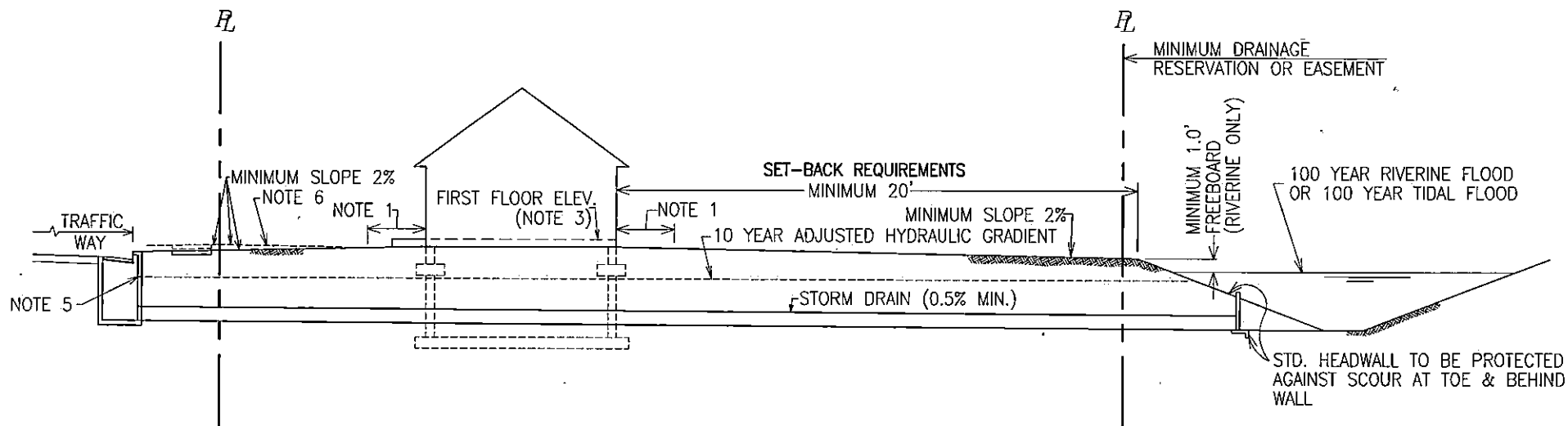
1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

GRAPHIC SCALE
0 2 4 8 FEET 12
SCALE: 1/4" = 1'-0"









NOTES

NEW STRUCTURES OR ADDITIONS ADJACENT TO FLOODPLAIN

1. DESIRED SLOPE OF GROUND FOR 10' ADJACENT TO BUILDING IS 5% (ALL SIDES OF BUILDING).
2. THE 20' MINIMUM BUILDING SETBACK SHALL APPLY TO THE FRONT, REAR AND SIDES OF ALL RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL STRUCTURES.
3. FIRST FLOOR ELEVATION TO BE 2 FEET ABOVE MAXIMUM FLOOD LEVEL OF 100-YEAR STORM (RIVERINE OR TIDAL).
4. BASEMENT CONSTRUCTION BELOW THE MAXIMUM FLOOD SHALL BE IN ACCORDANCE WITH ALL REQUIREMENTS OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
5. STORM DRAIN SHALL BE SIZED SO THAT 10 YEAR ADJUSTED HYDRAULIC GRADIENT IS 1'-6" MINIMUM BELOW THE ESTABLISHED GRADE (TOP OF CURB).
6. WHEN GROUND SLOPES TOWARD BUILDING, FLOW SHALL BE DIRECTED AROUND SIDES OF BUILDING USING ADEQUATELY SIZED SWALES OR DRAINS.
7. SEE SET-BACK REQUIREMENTS ABOVE. SET-BACK IS MEASURED FROM 100 YEAR FLOODPLAIN PLUS ONE-FOOT VERTICAL FREEBOARD.



DEPARTMENT OF PUBLIC WORKS
STORM DRAINAGE DESIGN

TYPICAL SECTION THROUGH LOT SHOWING MINIMUM DRAINAGE REQUIREMENTS

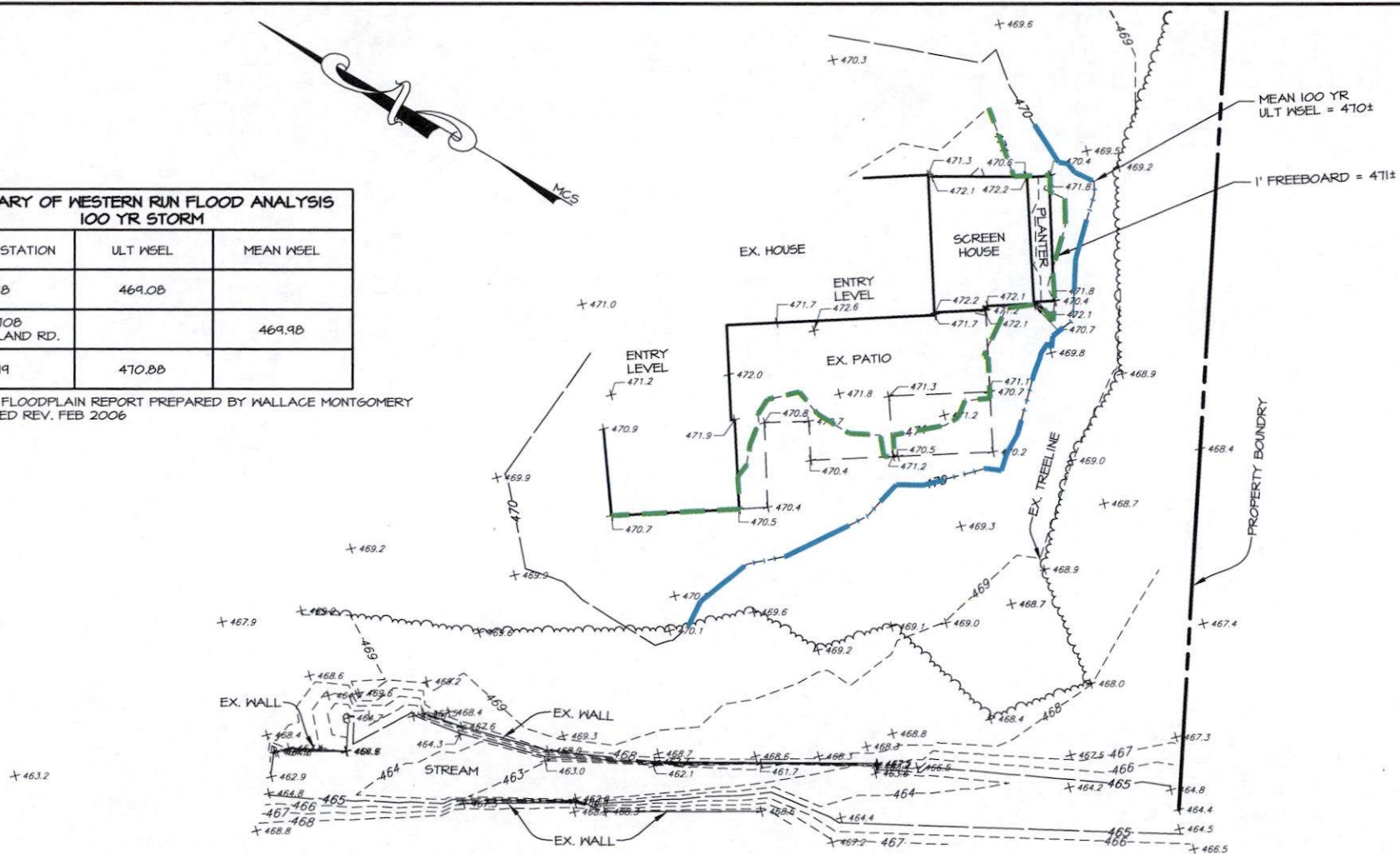
ISSUED: _____
REVISED: FEBRUARY, 1985
REVISED: MARCH, 2005

PLATE

DF-1

SUMMARY OF WESTERN RUN FLOOD ANALYSIS 100 YR STORM		
RIVER STATION	ULT WSEL	MEAN WSEL
18	469.08	
7708 CROSSLAND RD.		469.98
19	470.88	

** FROM FLOODPLAIN REPORT PREPARED BY WALLACE MONTGOMERY
DATED REV. FEB 2006

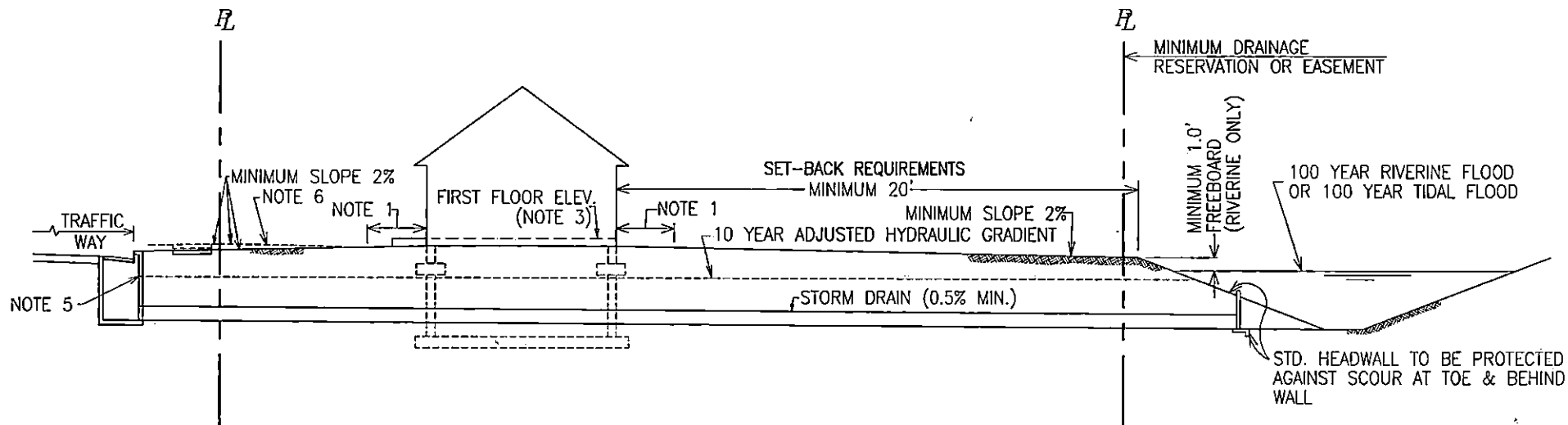


DSThaler
& ASSOCIATES, INC.

7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-1428
410-944-3647 www.dsthaler.com

**FLOOD MAPPING FOR
7708 CROSSLAND ROAD**

BALTIMORE COUNTY, MARYLAND
PROJECT NO. 04147 DRAWN BY: MJB DATE: 08-30-16
SCALE: 1"=20'



NOTES

NEW STRUCTURES OR ADDITIONS ADJACENT TO FLOODPLAIN

1. DESIRED SLOPE OF GROUND FOR 10' ADJACENT TO BUILDING IS 5% (ALL SIDES OF BUILDING).
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DEPARTMENT OF PUBLIC WORKS
STORM DRAINAGE DESIGN

TYPICAL SECTION THROUGH LOT SHOWING MINIMUM DRAINAGE REQUIREMENTS

ISSUED: _____
REVISED: FEBRUARY, 1985
REVISED: MARCH, 2005

PLATE

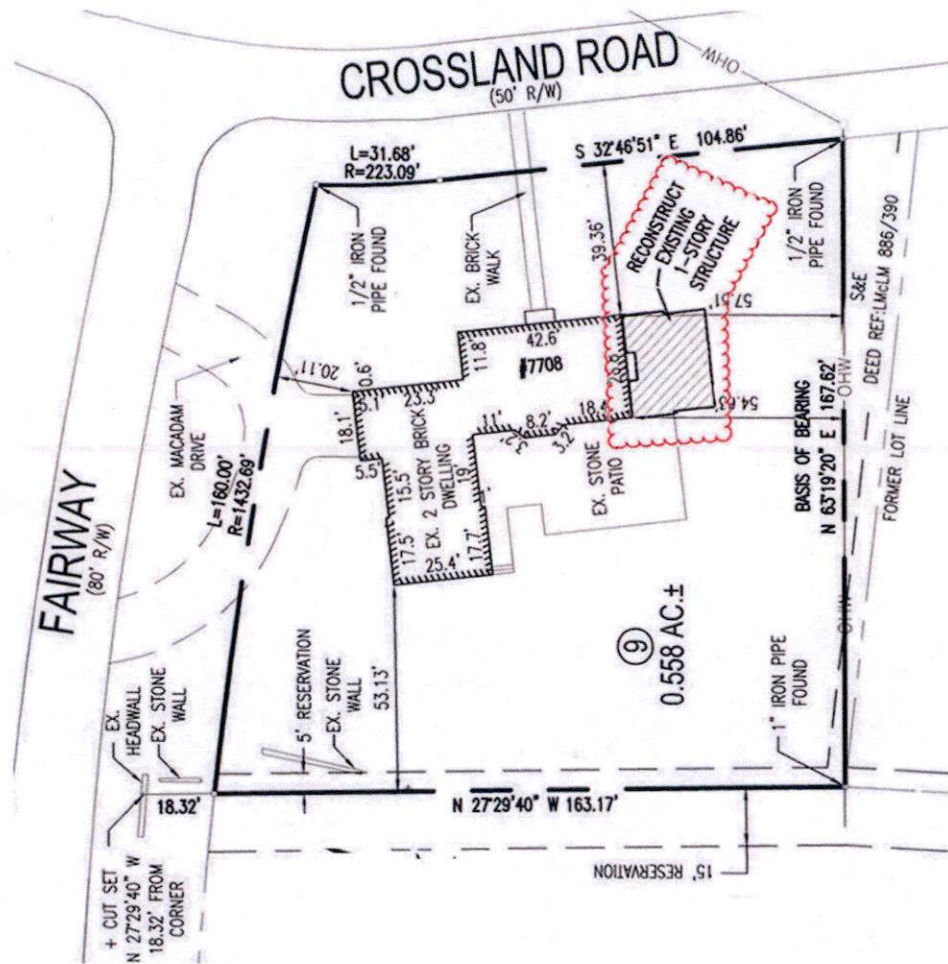
DF-1

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

ADDRESS 7708 Crossland Rd OWNER(S) NAME(S) Sharon and Henry Halperin

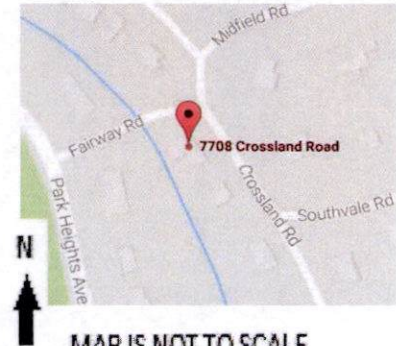
SUBDIVISION NAME Dumbarton LOT # 9 BLOCK # _____ SECTION # 3

PLAT BOOK # 7 FOLIO # 151 10 DIGIT TAX # 0323092160 DEED REF. # 9542 / 433



PLAN DRAWN BY Thompson/Beck/Halperin DATE 10/26/2016 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 078B1

SITE ZONED DR 2

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE _____

OR SQUARE FEET 24,287

HISTORIC? Yes

IN CBCA? No

IN FLOOD PLAIN? No

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

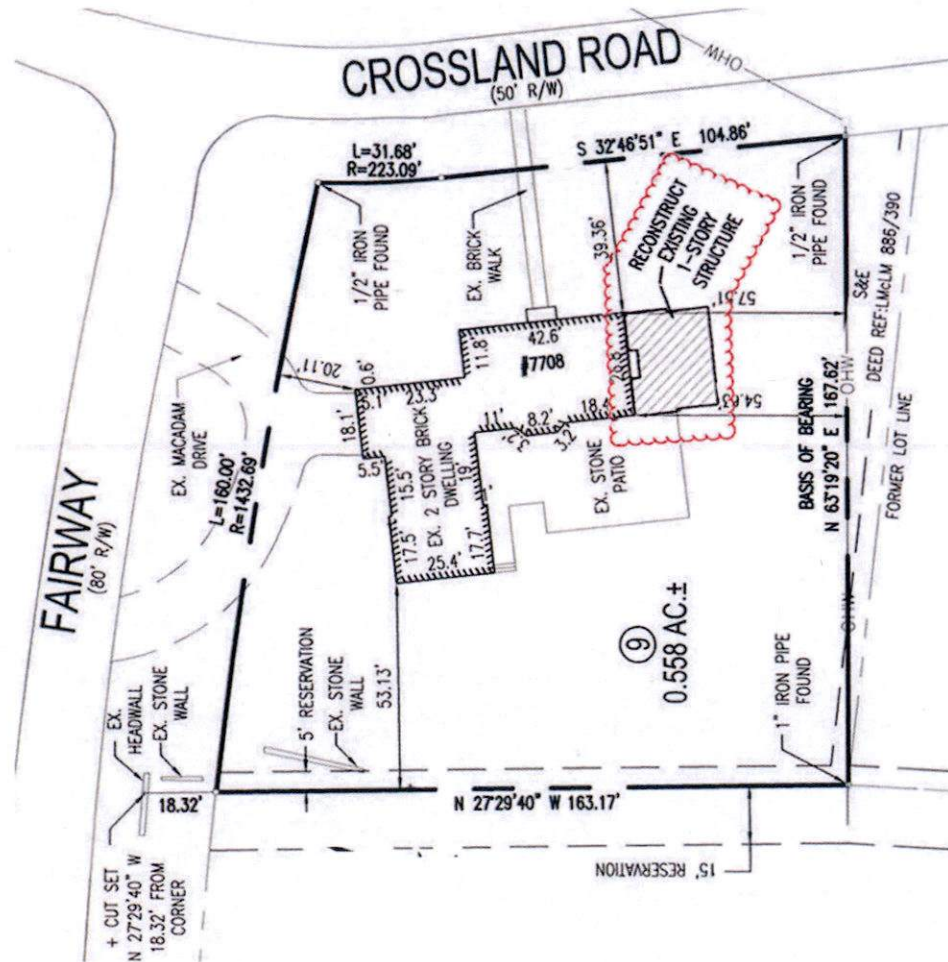
VIOLATION CASE INFO:

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

ADDRESS 7708 Crossland Rd OWNER(S) NAME(S) Sharon and Henry Halperin

SUBDIVISION NAME Dumbarton LOT # 9 BLOCK # _____ SECTION # 3

PLAT BOOK # 7 FOLIO # 151 10 DIGIT TAX # 0323092160 DEED REF. # 9542 / 433



PLAN DRAWN BY Thompson/Beck/Halperin DATE 10/26/2016 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 078B1

SITE ZONED DR 2

ELECTION DISTRICT 3

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WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING ? No

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2017-0120 SPA