

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S of Clarks Point Road, 570 ft. W		
centerline of Seneca Gardens Road	*	DEPUTY ZONING COMMISSIONER
15th Election District		
6th Councilmanic District	*	OF BALTIMORE COUNTY
(3735 Clarks Point Road)		
	*	CASE NO. 05-134-A
Karen A. & John H. Michel		
<i>Petitioners</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Karen A. & John H. Michel. Thereafter, a request for hearing was made by the Office of People's Counsel for Baltimore County and the matter was set in for a hearing. The variance request is for property located at 3735 Clarks Point Road in the Bowleys Quarters area of Baltimore County. The variance request is from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard lot width of 50 ft. in lieu of 55 ft. and to permit an existing garage in the front yard in lieu of the rear yard and to approve an undersized lot. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The property was posted with Notice of Hearing on November 1, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in the "Jeffersonian" newspaper on November 4, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the

11/23/04
 Ray

subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated October 26, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was John and Karen Michel. No protestants or citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 21,225 sq. ft. and is zoned DR 5.5. This is a water front property which is improved by an existing single-family dwelling, garage and two sheds. The Petitioners propose to replace the existing house with a new home which will meet all County requirements including raising the first floor above the flood tide. The existing home was damaged by the storm surge of hurricane Isabel to the extent that the first floor suffered 4 ft. of water damage. They determined the existing home can not be practically renovated but must be replaced.

The Petitioners indicated that the subject property is lot 42 of Bowley's Quarter Plat 2 which was recorded in the Land Records of Baltimore County in 1920, much before the DR regulations were imposed in 1955. The lot is 50 ft. wide but exceptionally long at over 400 ft. Having this much area, it far exceeds the regulations for a small lot in a DR 5.5 zone. The Petitioners noted that they do not own nor could they purchase property on either side to make the lot 55 ft. wide as required by the regulations. They noted that the property is served by public water and sewer.

While they intend to raze the two sheds and the damaged home, they would like to keep the existing garage that is located between the house and Clark's Road. The homes on either side apparently have been found to have their front yards on the road side which is contrary to the general rule that the water side is the front of housing along the water. To be consistent with the neighbors, the County has declared the Petitioners' front yard to be on the road side which in turn means the existing garage is in the front yard. Thus the request for variance for the garage. The Petitioners noted that many homes along the waterfront in this section of the County have garages in the roadside to the property.

The new home will be moved toward the water and be even with the Westerman home which is under construction presently. This will allow the Petitioners to live in the existing home until the new home is ready for occupancy. They noted that since they are replacing an existing home there will be no increase in density whatever. They also noted that the pattern of development in the stretch along the waterfront is one house on 50 ft. lots. Consequently, they argued that there would be not change to the character of the neighborhood. In fact, a new home in this area would enhance the neighborhood.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is 50 ft. wide as laid out in the 1920's in a

DEER RECEIVED FOR FILING
11/23/04
Raj

recorded subdivision. The DR zoning regulations were imposed many years later. As a result the lot is impacted by the new regulations in a way different from the impact on lots in subdivisions laid out after the DR regulations were imposed. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The existing home was damaged in hurricane Isabel and needs to be replaced. Denying the variance would prevent that to occur.

I further find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances as this is one home replacing another. Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. The Petitioners have demonstrated that their proposal is consistent with the pattern of development in their immediate area and so having a new home replace the existing home will not change the character of the neighborhood.

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

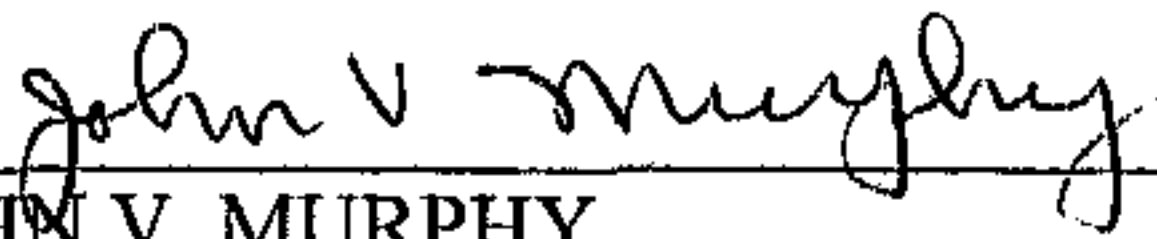
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 23 day of November, 2004, that a variance from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard lot width of 50 ft. in lieu of 55 ft. and to permit an existing garage in the front yard in lieu of the rear yard and to approve an undersized lot, be and is hereby GRANTED subject to the following conditions:

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

ORDER RECEIVED FOR FILING
11/23/04
Ray

2. Compliance with the ZAC comments made by DEPRM dated October 26, 2004, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 11/23/04
By Raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

November 23, 2004

Mr. & Mrs. John H. Michel
3735 Bowleys Quarters Road
Bowleys Quarters, Maryland 21220

Re: Petition for Administrative Variance
Case No. 05-134-A
Property: 3735 Bowleys Quarters Road

Dear Mr. & Mrs. Michel:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: John H. Michel, Esq.
5457 Twin Knolls Road
Columbia, MD 41070-0072

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3735 Clarks Point Rd 21220
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 BOZ.3c1 & 400.1

to permit a front yard lot width of 50 ft. in lieu of 55 ft. & to permit an existing garage in the front yard in lieu of the rear yard, and to approve an undersized lot.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

John H. Michel, Esq.
Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

John H. Michel
Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

John H. Michel
Name

Address

City

State

Telephone No.

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. OS-134-A

Reviewed By STJ

Date 09-10-04

Estimated Posting Date 09-19-04

REV 9/15/98

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3735 Clarks Point Road
Address
Bowleys Quarters, MD 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

To replace an existing "Isabel" impacted dwelling pursuant to BCZR 304.1.A through C, and BCZR 4A03.B.1 through 4. Specifically, to raze the existing dwelling and replace same with a new dwelling that conforms to current flood plain requirements on an "undersized" lot. Although the lot is in excess of 400' deep, it is only 50' wide in lieu of the BCZR current width requirement for DR 5.5. Lot recorded prior to 1955.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
John H. Michel
Name - Type or Print

Karen A. Michel
Signature
KAREN A. MICHEL
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of AUGUST, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John H. Michel and Karen A. Michel
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

August 27, 2004
Date

[Signature]
Notary Public Carol M. Remy
My Commission Expires 12/1/04

BAITMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 40918

DATE 09/10/04 ACCOUNT Room 00615C

AMOUNT \$ 115.00

RECEIVED FROM: Seath H. Hickey

FOR: Res. 1100 S 11th St. 101
3735 Charles Point Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

5777

PAID RECEIPT

BUSINESS ACTED THE

9/10/2004 9/10/2004 11:04:34

RECEIVED 9/10/2004 11:04:34

DEPT. 51 329 210000 VERIFICATION

TX NO. 000018

Receipt Tot 4115.00

4115.00 OK 1.00 04

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-134-A

3735 Clarks Point Road

S/side of Clarks Point Road, 570 ft. w/of Seneca Gardens Road

16th Election District

6th Councilmanic District

Legal Owner(s): John H. and Karen A. Michel

Administrative Variance: to permit a front yard lot width of 50 feet in lieu of 55 feet and to permit an existing garage in the front yard in lieu of the rear yard and to approve an undersized lot.

Hearing: Friday, November 19, 2004 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
11/007 Nov. 4 28326

CERTIFICATE OF PUBLICATION

11/4, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/4, 2004.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date: September 22, 2004

RE: Case Number 05-134-A
Petitioner/Developer: JOHN + KAREN MICHEL
Date of Hearing/Closing: October 4, 2004

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 3735 CLARKS POINT RD.

The sign(s) were posted on

9/17/04
(Month, Day, Year)

Linda O'Keefe
(Signature of Sign Poster)

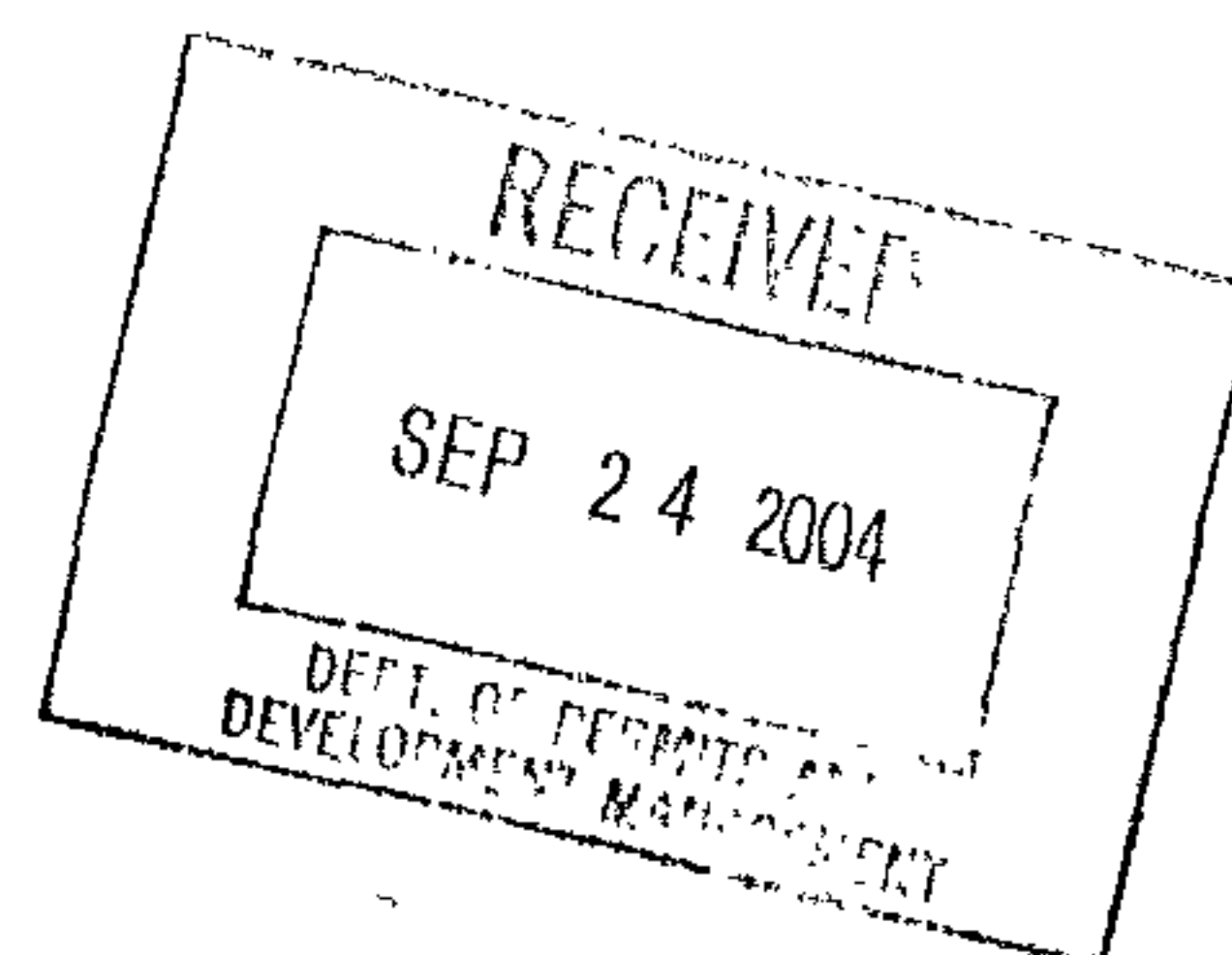
LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

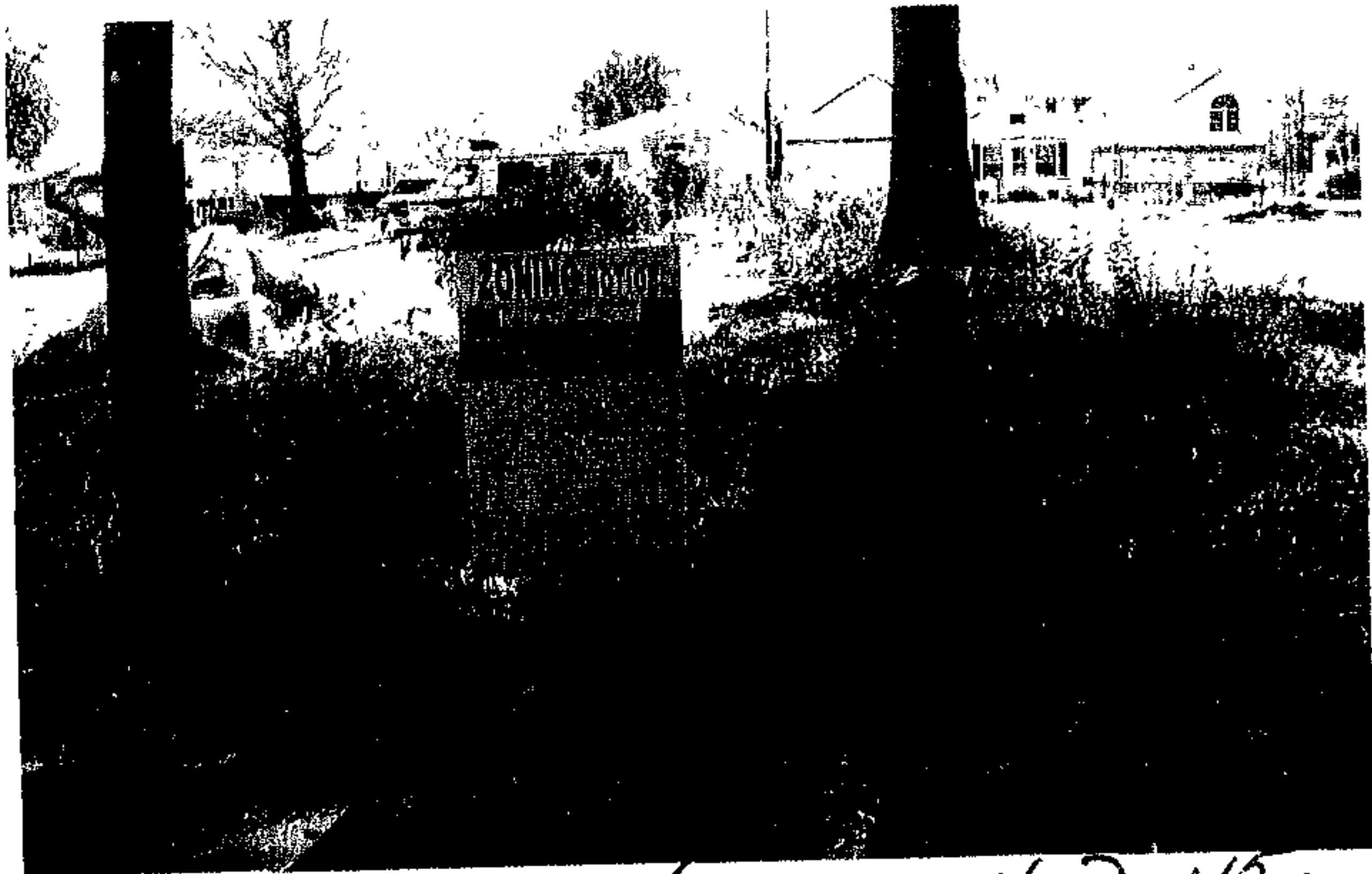
HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)





Pasted by Jerry Chen



05-134A Nov 1, 2004 @ 1:16 pm

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 4, 2004 Issue - Jeffersonian

Please forward billing to:

Catherine Burger
111 W. Chesapeake Avenue, Ste. 111
Towson, MD 21204

410-887-3353

NOTICE OF ZONING HEARING

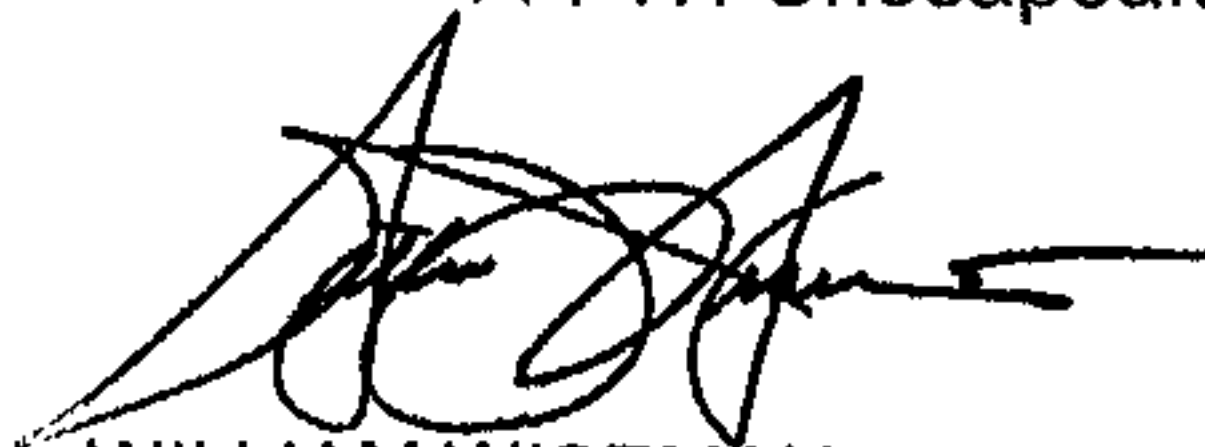
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-134-A

3735 Clarks Point Road
S/side of Clarks Point Road, 570 ft. w/of Seneca Gardens Road
15th Election District – 6th Councilmanic District
Legal Owners: John H. and Karen A. Michel

Administrative Variance to permit a 50 ft. width of property and existing garage in front of property to remain.

Hearing: Friday, November 19, 2004 at 2:00 p.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204



WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 4, 2004 Issue - Jeffersonian

Please forward billing to:
Catherine Burger
111 W. Chesapeake Avenue, Ste. 111
Towson, MD 21204

410-887-3353

CORRECTED NOTICE OF ZONING HEARING

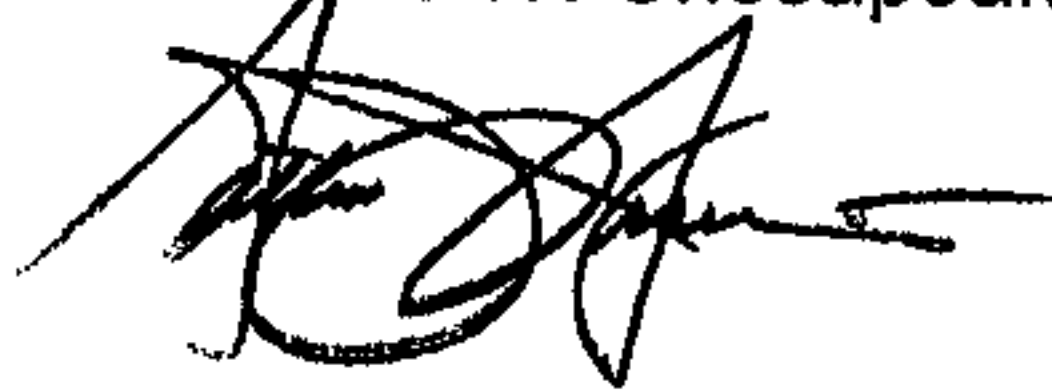
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Administrative Variance to permit a front yard lot width of 50 feet in lieu of 55 feet and to permit an existing garage in the front yard in lieu of the rear yard and to approve an undersized lot.

Hearing: Friday, November 19, 2004 at 2:00 p.m. in Room 106, County Office Building,
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WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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**Department of Permits and
Development Management**



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

October 19, 2004

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-134-A

3735 Clarks Point Road

S/side of Clarks Point Road, 570 ft. w/of Seneca Gardens Road

15th Election District – 6th Councilmanic District

Legal Owners: John H. and Karen A. Michel

Administrative Variance to permit a 50 ft. width of property and existing garage in front of property to remain.

Hearing: Friday, November 19, 2004 at 2:00 p.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John H. Michel, Huddles & Jones, 5457 Twin Knolls Road, Ste. 304, Columbia 21045
Mr. and Mrs. Michel, 3735 Clarks Point Road, Bowley's Quarters 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 4, 2004.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Visit the County's Website at www.baltimorecountyonline.info



**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 25, 2004

CORRECTED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-134-A

3735 Clarks Point Road
S/side of Clarks Point Road, 570 ft. w/of Seneca Gardens Road
15th Election District – 6th Councilmanic District
Legal Owners: John H. and Karen A. Michel

Variance to permit a front yard lot width of 50 feet in lieu of 55 feet and to permit an existing garage in the front yard in lieu of the rear yard and to approve an undersized lot.

Hearing: Friday, November 19, 2004 at 2:00 p.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John H. Michel, Huddles & Jones, 5457 Twin Knolls Road, Ste. 304, Columbia 21045
Mr. and Mrs. Michel, 3735 Clarks Point Road, Bowley's Quarters 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 4, 2004.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 134 -A Address 3735 CLARKS RD.

Contact Person: SONIA R. ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 09.10.04 Posting Date: 09.19.04 Closing Date: 10.04.04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 134 -A Address 3735 CLARKS RD.

Petitioner's Name SONIA R. ALEXANDER Telephone _____

Posting Date: 09.19.04 Closing Date: 10-04-04

Wording for Sign: To Permit 50' WIDTH OF FRONT & EXISTING GARAGE
W FRONT OF PROPERTY - & REMAIN.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number 05134 A

Petitioner: John H. & Karen A. Michel

Address or Location: 3735 Clarks Point Road

PLEASE FORWARD ADVERTISING BILL TO

Name: John H. Michel

Address 3735 Clarks Point Road

Baltimore, MD 21220

Telephone Number: 410 720-0072 (Day/Work)

- 05-134-A

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 4, 2004

John H. Michel, Esquire
Huddles & Jones, PA.
5457 Twin Knolls Road
Columbia, Maryland 21045

Dear Mr. Michel:

RE: Case Number:05-134-A, 3735 Clarks Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 10, 2004.

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: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

November 10, 2004

John H. Michel, Esquire
Huddles & Jones, PA.
5457 Twin Knolls Road
Columbia, Maryland 21045

Dear Mr. Michel:

RE: Case Number:05-134-A, 3735 Clarks Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 10, 2004.

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 the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

September 21, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: September 20, 2004

Item No.: 125, 127, 130, 132-137 (134)

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr JDO
DATE: October 26, 2004
SUBJECT: Zoning Item # 05-134
Address 3735 Clarks Point road (Michel Property)

Zoning Advisory Committee Meeting of September 20, 2004.

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

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

The proposed development must comply with the Limited Development Area regulations of 15% minimum tree cover, 25% maximum impervious surface limit, and Buffer Management Area regulations.

Reviewer: Martha Mickey, Sue Farinetti

Date: October 26, 2004

*Hearing Demand
gm
11/17
(michel)*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 30, 2004

RECEIVED

OCT - 1 2004

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-134 – Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Mark A. Cunningham

Division Chief:

Lynn L. Lohman

MAC/LL

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Maryland Department of Transportation

Date: 9.17.04

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

RE: Baltimore County
Item No. 134 JRA

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
VARIANCE *
3735 Clarks Point Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): John H & Karen A. Michel * FOR
Petitioner(s): * BALTIMORE COUNTY
* 05-134-A

* * * * *

ENTRY OF APPEARANCE

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



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



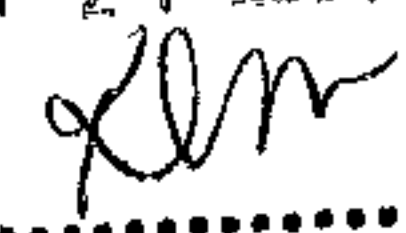
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to, John H Michel, Esquire, Huddles, Jones, P.C., 5457 Twin Knolls Road, Suite 304, Columbia, MD 21045, Petitioner(s).

RECEIVED

SEP 27 2004

Per.....




PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZAC AGENDA

Item Number: 133 **Case Number:** 5-133-A **Primary Use:** Residential **Reviewer:** JRA
Type: Administrative Variance
Legal Owner: Sally S. Goldsborough
Contract Purchaser:
Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9th **Councilmanic Dist:** 5th
Property Address: 6412 Pinehurst Road
Location: West side of Pinehurst Road, 359 feet south of centerline of Overbrook Road
Existing Zoning: DR 3.5 **Area:** 16,508 square feet
Proposed Zoning: ADMINISTRATIVE VARIANCE to permit side yard setbacks of 6 feet and sum of 16 feet in lieu of the required 10 and 25 feet.

Attorney:

Miscellaneous:

Item Number: 134 **Case Number:** 5-134-A **Primary Use:** Residential **Reviewer:** JRA
Type: Administrative Variance
Legal Owner: John H. and Karen A. Michel
Contract Purchaser:
Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15th **Councilmanic Dist:** 6th
Property Address: 3735 Clarks Point Road
Location: South side of Clarks Point Road, 570 feet west of Seneca Gardens Road.
Existing Zoning: DR 5.5 **Area:** .49 AC +/-
Proposed Zoning: ADMINISTRATIVE VARIANCE to permit a front yard width of 50 feet in lieu of 55 feet and to permit an existing garage in the front yard in lieu of the rear yard and to approve an undersized lot.

Attorney: John H. Michel, Esquire

Miscellaneous:

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Kristen Matthews
Permits & Development Mgmt.

DATE: October 14, 2004

FROM: Robin Jameson
Office of Zoning Commissioner

SUBJECT: Postponed and/or Continued Cases

The below listed cases are being returned to you office for the following reasons:

04-012-SPH This case has been set in for hearing and postponed several times. It's a Carroll Holzer/Stuart Kaplow special. The case was postponed at the hearing on October 13th because the legal owner sold the property and went to settlement last Thursday, October 7th. There is a new owner now and plans may change. The attorneys will contact you in the future if the status of this case changes and a hearing becomes necessary.

05-134-A This case was filed as an administrative variance (10/4/04). Prior to the closing date, Pete Zimmerman wrote a letter to this office demanding a hearing on the matter. The Petitioners are not happy, but Jack agrees with Pete. Please set this case in for hearing. HAVE DAVE DUVALL MAKE A NOTICE SIGN AND HAVE GARY FRUEND OR WHOMEVER POST THE SIGN AT THE PROPERTY. THANKS.

05-086-A This case was postponed in open hearing on October 12th. The case was not property posted or advertised. It must be rescheduled and re-posted. It is my understanding that Mike Tanczyn will be contracting you office regarding this matter. He represents the Petitioners.

THANKS!

:raj

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 20, 2004

John H. Michel
Huddles & Jones, P.C.
5457 Twin Knolls Road, Ste. 304
Columbia, MD 21045

Dear Mr. Michel:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-134-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above-proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information, which will be handled by this office.

If you need any further explanation or additional information, please feel free to contact at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: John & Karen Michel, 3735 Clarks Point Road, Bowleys Quarters 21220

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Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

September 23, 2004

CAROLE S. DEMILIO
Deputy People's Counsel

Lawrence E. Schmidt, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

Re: Petition for Administrative Variance
John H & Karen A Michel
Case No.: 05-134-A

RECEIVED
SEP 24 2004
ZONING COMMISSIONER

Dears Messrs. Schmidt and Murphy:

We observed that the aforementioned undersized lot case was filed as an administrative variance. We believe a hearing is warranted. These cases have their origin in relief under BCZR 304 (undersized lot) or a variance under BCZR 307. They can have a significant impact on neighborhood aesthetics among other impacts. Also, these cases have benefited from the architectural standards in BCZR 304.2B, which are generally applied by the Zoning Commissioner following a hearing. Because of the significance of issues in these cases, they have proceeded under the regular variance process with a hearing. We believe other such cases in Bowleys Quarters have gone to a hearing, where the reasons for the decision is set forth in writing.

On the other hand, the administrative process has been applied primarily for variances from building setbacks and heights.

For these reasons, we believe a hearing in this case should be advertised and scheduled under BCZR 500.6 and BCZR 500.7. We shall review your decision in the normal course. Our comments do not reflect our position on the merits of the requested relief.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw
cc: John M & Karen Michel

WILLIAM M. HUDDLES (MD, DC)
ROGER C. JONES (VA)
KENNETH K. SORTEBERG (MD, DC)
MARK S. DACHILLE (MD)

EDWARD N. HERSHON (MD)
JOHN H. MICHEL (MD, DC)
SCOTT C. HOFER (MD, VA, DC)

LAW OFFICES

HUDDLES & JONES, P.C.
OVERLOOK CENTER, SUITE 304
5457 TWIN KNOLLS ROAD
COLUMBIA, MARYLAND 21045-3259

WWW.CONSTRUCTIONLAW.COM

DC METRO | BALTIMORE METRO
(301) 621-4120 | (410) 720-0072
FAX (301) 621-4473 | (410) 720-0329 FAX

WRITER'S DIRECT E-MAIL:

michel@hjpc.com

October 4, 2004

SENT VIA FACSIMILE & U.S. MAIL
(410) 887-3468

Lawrence E. Schmidt, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
OCT - 5 2004
ZONING COMMISSIONER

Re: Case No. 05-134-A, Petition for Admin. Variance
John H. & Karen A. Michel
3735 Clarks Point Road

Dear Mssrs. Schmidt and Murphy:

My wife Karen and I ("Petitioners") received the attached letter from People's Counsel on Friday, October 1, 2004. We strongly disagree with Mr. Zimmerman's and Ms. Demilio's position that a hearing is warranted for the above referenced matter.¹ The administrative variance process was incorporated into the Baltimore County Code and Zoning Regulations ("BCZR") to save homeowners, taxpayers, and the government time and money, by eliminating otherwise unnecessary hearings. The circumstances of this petition are ideally suited to the administrative process.

The existing dwelling was primarily constructed in the 1920's, with a small addition in the early 1960's. The dwelling does not meet current BCZR set back requirements for DR 5.5, or current flood plain building standards. The structure was significantly impacted by "Isabel." The house has been "cleaned up," but it is impractical to raise and significantly renovate this home in order to meet current building standards. Like many homeowners in the area, we intend to build a new home and then raze the existing structure.²

¹ We acknowledge that a hearing would be required subject to a formal protest by someone that resides within 1000 feet of the subject property. The property has been posted for fifteen days. We have not received any negative (informal) feedback from our neighbors, nor are we aware of any formal protests.

² We likewise intend to raze an existing shed currently situated closest to the road, and a recreational/picnic building that sits nearest the shoreline. We have requested a variance to allow an existing garage to remain. However, we note that the garage is in excellent structural condition, and is situated more than 100' from the roadway. We will eventually reside the garage so that it matches the architecture of the new home. Many, if not most, of the surrounding waterfront properties have garages between the dwelling and the road.

The proposed dwelling conforms in all respects to the BCZR's, and to current flood plain building requirements. This is evident from the materials filed with our petition. No change in use is proposed. The new house will be our full time residence.

The subject lot is improved (public water and sewer), and is rectangular in shape; 425'+/- deep, and 50' wide. Although more than ample to satisfy the minimum square footage requirement, the lot, like most in the community, is narrow and a few feet short of the minimum width requirement for DR5.5. Consequently, we invoked the administrative variance process so that we can replace an old house situated on an "under sized lot."

The records filed with our petition demonstrate that the three requirements under Section 304 are satisfied. First, the lot was originally laid out and recorded among the land records of Baltimore County on "Bowley's Quarters Plat No. 2," (circa. 1920-30) well before the BCZR's were ever contemplated, but in any event before March 30, 1955. Second, as stated above, the property and proposed dwelling meet all other height and area regulations. And last, we do not own either of the adjacent properties. See e.g., Case No. 04-275-A, Findings of Fact and Conclusions of Law, p.5 (Granting petitioners' request to permit an undersize lot - 50' in lieu of 55' wide - relative to an unimproved property; "It has been this office's consistent position that Section 304 is an alternative route for approval of undersized lots. If a lot qualifies under Section 304 then nothing further is needed.")

We are unaware of any prohibition against utilizing the BCZR's administrative process under the facts cited above. Moreover, the administrative process has been utilized under similar circumstances. See e.g., Case No. 04-084-A, Findings of Fact and Conclusions of Law, (11126 Bird River Grove Road)(Petition for Administrative Variance regarding setbacks and "to approve the replacement of an existing dwelling on an undersized [waterfront] lot" granted "based upon the documentation presented.")

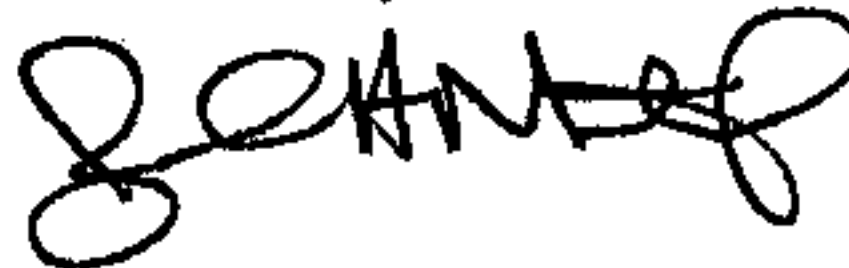
People's Counsel has not articulated any substantive concern with the subject petition. In fact, its September 23rd letter "[does] not reflect [its] position on the merits of the requested relief." Instead, it is apparent People's counsel primarily seeks to deny Petitioner's access to a legitimate administrative process under the BCZR's.

Counsel's letter refers generally to "neighborhood aesthetics" and "architectural standards." I trust the material that accompanied our petition demonstrates that we are equally concerned and committed to improving the community. I would be happy to discuss the details with the Commissioner's office, or People's Counsel. However, I respectfully disagree that a formal hearing is appropriate for this request.

A hearing - absent a protest under Section 304.4 - will only serve to delay the process and increase cost to the Petitioners, taxpayers, and the government.

Thank you for your consideration on this matter.

Sincerely,



John H. Michel

Enclosure

cc: Peter Max Zimmerman, People's Counsel for Baltimore County (w/enc.)
Carole S. Demilio, Deputy People's Counsel (w/enc.)

Jack,
Bette thinks you should
review this admin. variance.
See attached letter from People's
Counsel & answer to Peter's
request by Petitioners.
Set in for hearing or what?
- yes set up for hearing 10/12/04

WILLIAM M. HUDDLES (MD, DC)
ROGER C. JONES (VA)
KENNETH K. SORTEBERG (MD, DC)
MARK S. DACHILLE (MD)

EDWARD N. HERSHON (MD)
JOHN H. MICHEL (MD, DC)
SCOTT C. HOFER (MD, VA, DC)

LAW OFFICES

HUDDLES & JONES, P.C.

OVERLOOK CENTER, SUITE 304
5457 TWIN KNOLLS ROAD
COLUMBIA, MARYLAND 21045-3259

WWW.CONSTRUCTIONLAW.COM

October 25, 2004

DC METRO (301) 621-4120 FAX (301) 621-4473	BALTIMORE METRO (410) 720-0072 (410) 720-0329 FAX
--	---

WRITER'S DIRECT E-MAIL:

Department of Permits & Development Management,
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Attn: Mr. John Lewis

Re: Case No. 05-134-A
3735 Clarks Point Road
John & Karen Michel

Subj: Re-posting Requirement

Dear Mr. Lewis:

Thank you for taking my telephone call earlier today. As you may recall, my wife and I originally petitioned for an administrative variance to re-build on an undersized (50' wide in lieu of 55' wide) lot. Although no protest was received during the original posting period, it is apparent that the Zoning Commissioner has exercised his discretion to require a formal hearing at the request of People's Counsel.

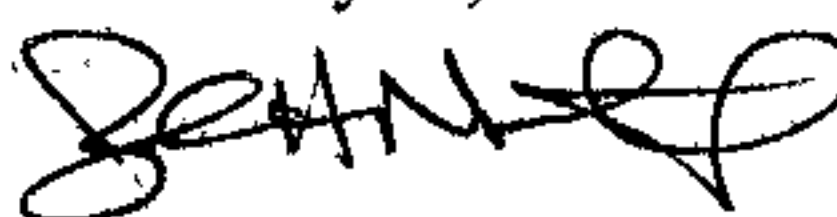
The purpose of my call was inquire about a discrepancy between two documents I recently received (in the same envelope) from DPDM. The first was an October 20th letter, and the second was an October 19th Notice of Zoning Hearing. The Notice indicates it is the petitioner's responsibility to re-post by November 4th, but provides no specific sign language. The October 20th letter indicates that the reposting "will be handled by [your] office."

In any event, I understand from our conversation that the County will take care of the sign re-posting, and I can expect a bill from the newspaper for the applicable advertising charges.

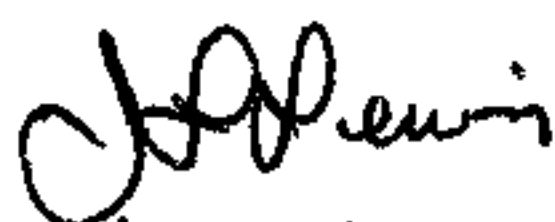
Ordinarily, I would not be compelled to confirm our conversation. However, I simply wish to avoid any unnecessary delays. In other words, I want to make sure there is no confusion, and that the necessary posting period is fulfilled prior to the November 19th hearing.

SIR,
BALTIMORE COUNTY IS POSTING THE
PROPERTY AT COUNTY COST, YOU WILL
NOT BE RESPONSIBLE FOR THIS. THE
ADVERTISING AND POSTING THE COSTS OF
SAME WILL ALSO BE COUNTY RESPONSIBILITY.

Thank you,



John H. Michel

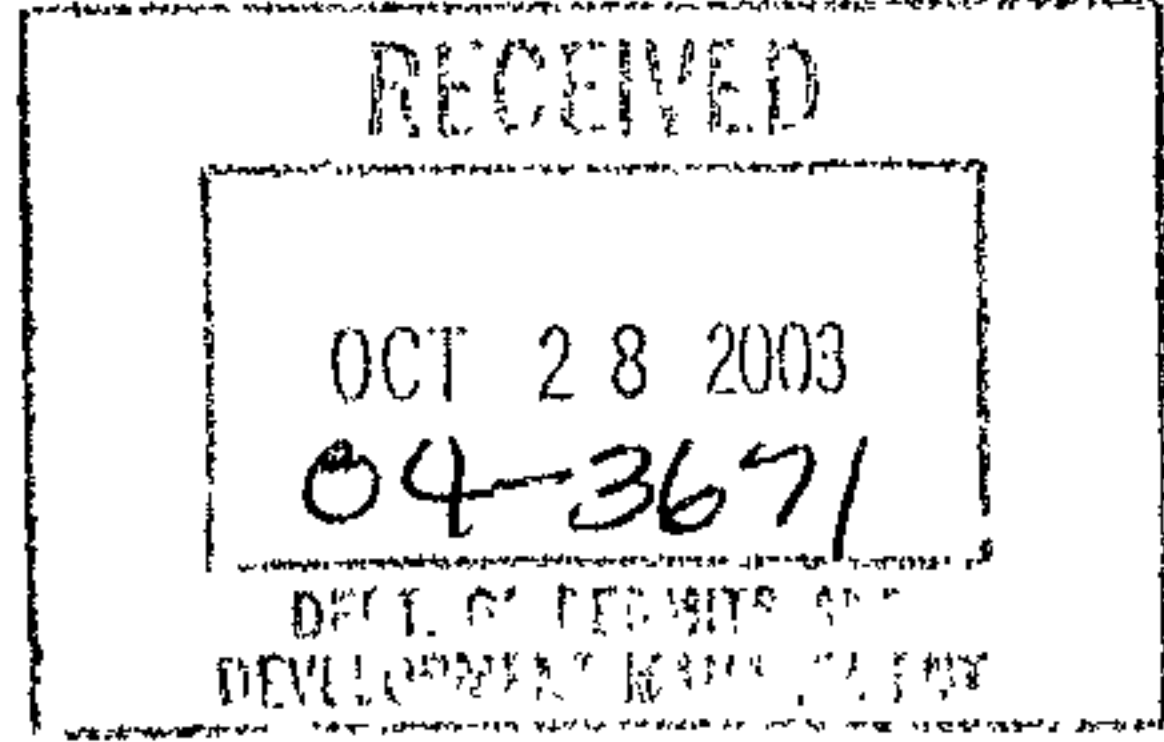


JOHN L. LEWIS, PLANNER II

410-887-3391

1995 CELEBRATING 10 YEARS OF SERVICE 2005

TO THE CONSTRUCTION INDUSTRY



RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
VARIANCE * ZONING COMMISSIONER
3735 Clarks Point road *
15th Election & 6th Councilmanic Districts *
Legal Owners(s): John H. & Karen A. Michel * FOR
Petitioner(s) * BALTIMORE COUNTY
* 05-134-A

RECEIVED

OCT - 5 2004

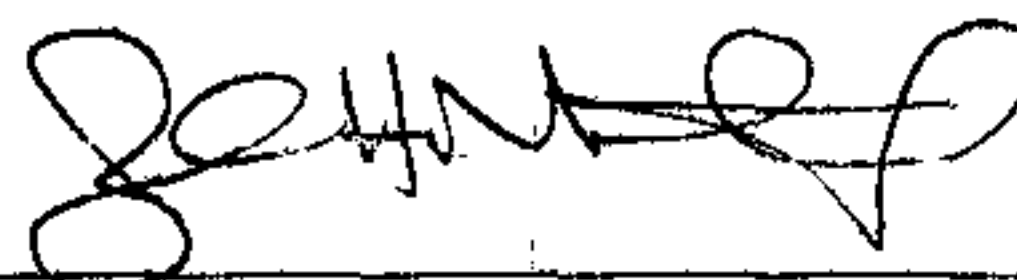
CERTIFICATE OF SERVICE

ZONING COMMISSIONER

I hereby certify that on this 4th day of October, 2004, a copy of my October 4, 2004 letter to the Zoning Commissioner and Deputy Zoning Commissioner was sent by first class mail, postage prepaid to:

Peter Max Zimmerman
People's Counsel for Baltimore County
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

Carole S. Demilio
Deputy People's Counsel for Baltimore County
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204



John H. Michel

This Deed

MADE THIS 25th day of August in the year Two Thousand Four by and between Gilbert L. Brazier, party of the first part, and John H. Michel and Karen A. Michel, parties of the second part.

Witnesseth, That in consideration of the sum of [REDACTED], the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives, heirs and assigns, in fee simple, that parcel of ground situate in Baltimore County, Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot numbered Forty-Two (42), Plat Two, as shown on the Plat of the property of Bowleys Quarters Company of Baltimore County, which Plat is duly filed among the Land Records of Baltimore County in Plat Book WPC No. 7, Folio 13. The improvements thereon being known as No. 3735 Clarks Point Road, Baltimore, MD 21220-4002.

Tax Id: 15-1304350470

BEING the same parcel of ground which by deed dated October 15, 1980 and recorded among the Land Records of Baltimore County, Maryland in Liber No. 6218, folio 256 was granted and conveyed by James I. Disney unto Gilbert L. Brazier, the Grantor herein.

THE WITHIN GRANTEE(S) DO HEREBY CERTIFY UNDER THE PENALTY(IES) OF PERJURY THAT THE LAND CONVEYED HEREIN IS RESIDENTIALLY IMPROVED OWNER-OCCUPIED REAL PROPERTY AND THAT THE RESIDENCE WILL BE OCCUPIED BY US AS EVIDENCED BY THE SIGNATURE(S) BELOW.

This is to certify the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

Edward J. Brush, Esquire

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives, heirs and assigns, in fee simple.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

OS. 134 A

WITNESS the hands and seals of said Grantor(s) and Grantee(s).

Test:

[Handwritten signature]

Gilbert L. Brazier (SEAL)
GILBERT L. BRAZIER

John H. Michel (SEAL)
JOHN H. MICHEL

Karen A. Michel (SEAL)
KAREN A. MICHEL

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I Hereby Certify, That on this 25th day of August in the year Two Thousand Four, before me, the subscriber, a Notary Public of the State of Maryland, County of Baltimore personally appeared Gilbert L. Brazier and John H. Michel and Karen A. Michel known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal

Robin A. Ballinger

My Commission Expires: September 1, 2007

File Number: 790GRM
THE FOUNTAINHEAD TITLE GROUP
16 GREENMEADOW DRIVE
STE 200
TIMONIUM, MD 21093

AFTER RECORDATION, PLEASE RETURN TO:
MR. AND MRS. JOHN H. MICHEL
3735 CLARKS POINT RD
BALTIMORE, MD 21220

OS-34.A



SOUTH ELEVATION

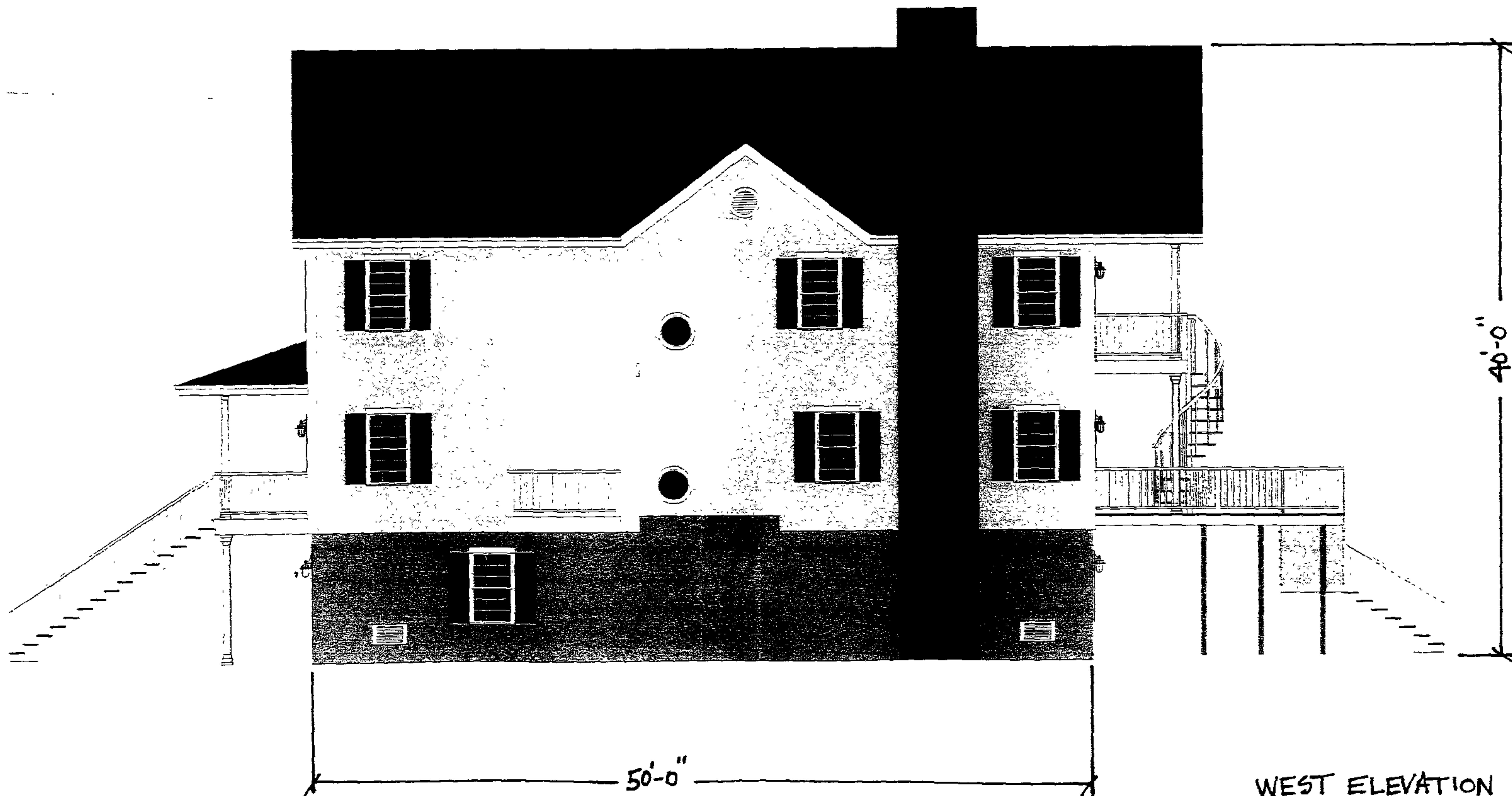
3735 CLARKS POINT ROAD
 Bowleys Quarters, Maryland 21220
 (Proposed Dwelling)
 15th Election District, BC
 Zoning: DR 5.5

Date: 8-26-04

Scale: 1/8" = 1'-0" Approx.

Drawn By: JHM / JHM

OS-134-A



WEST ELEVATION

3735 CLARKS POINT ROAD
 Bowleys Quarters, Maryland 21220
 (Proposed Dwelling)
 15th Election District, BC
 Zoning: DR 5.5

Date: 8-26-04

Scale: 1/8" = 1'-0" Approx.

Drawn By: JHM / *JHM*

05-134 A

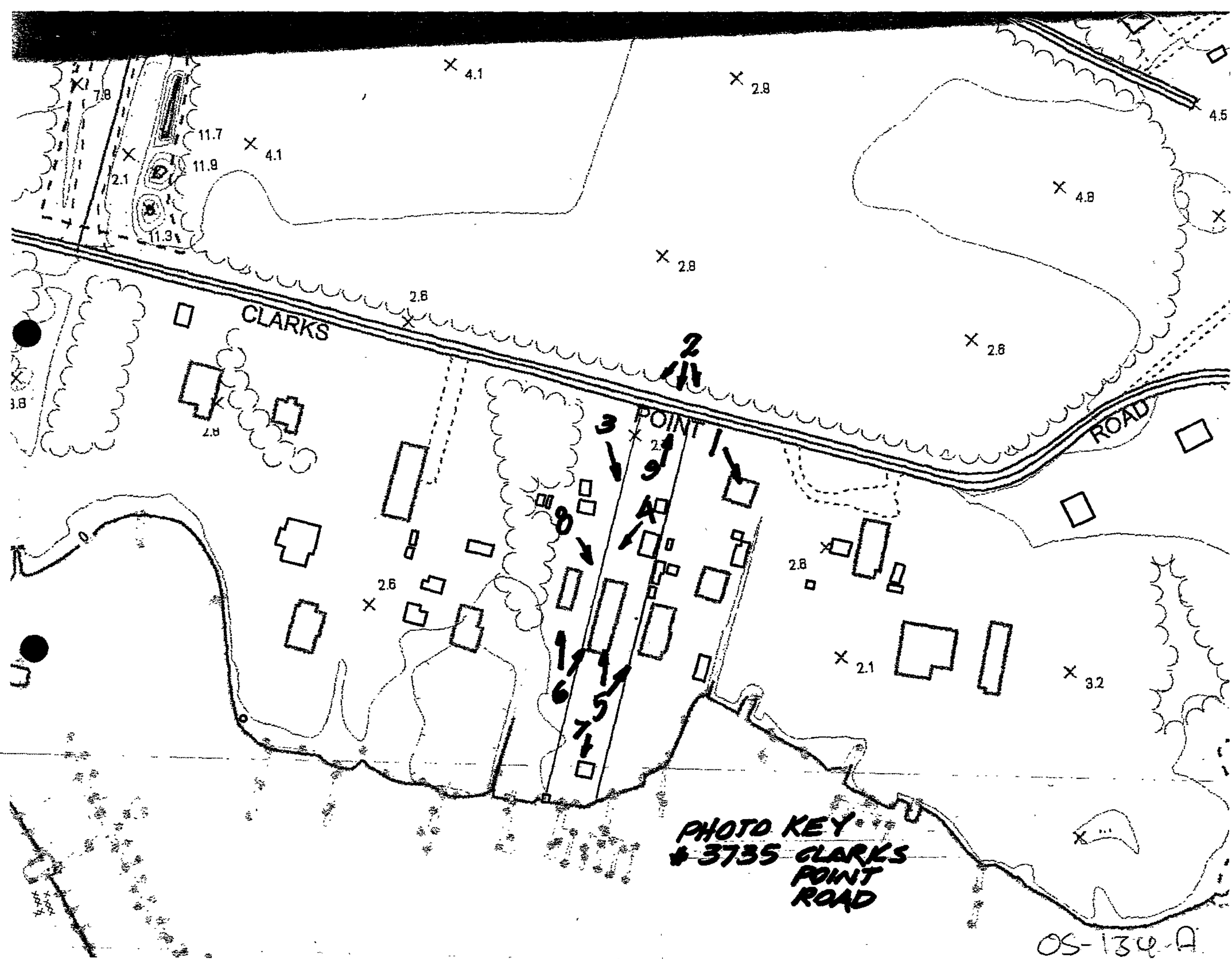
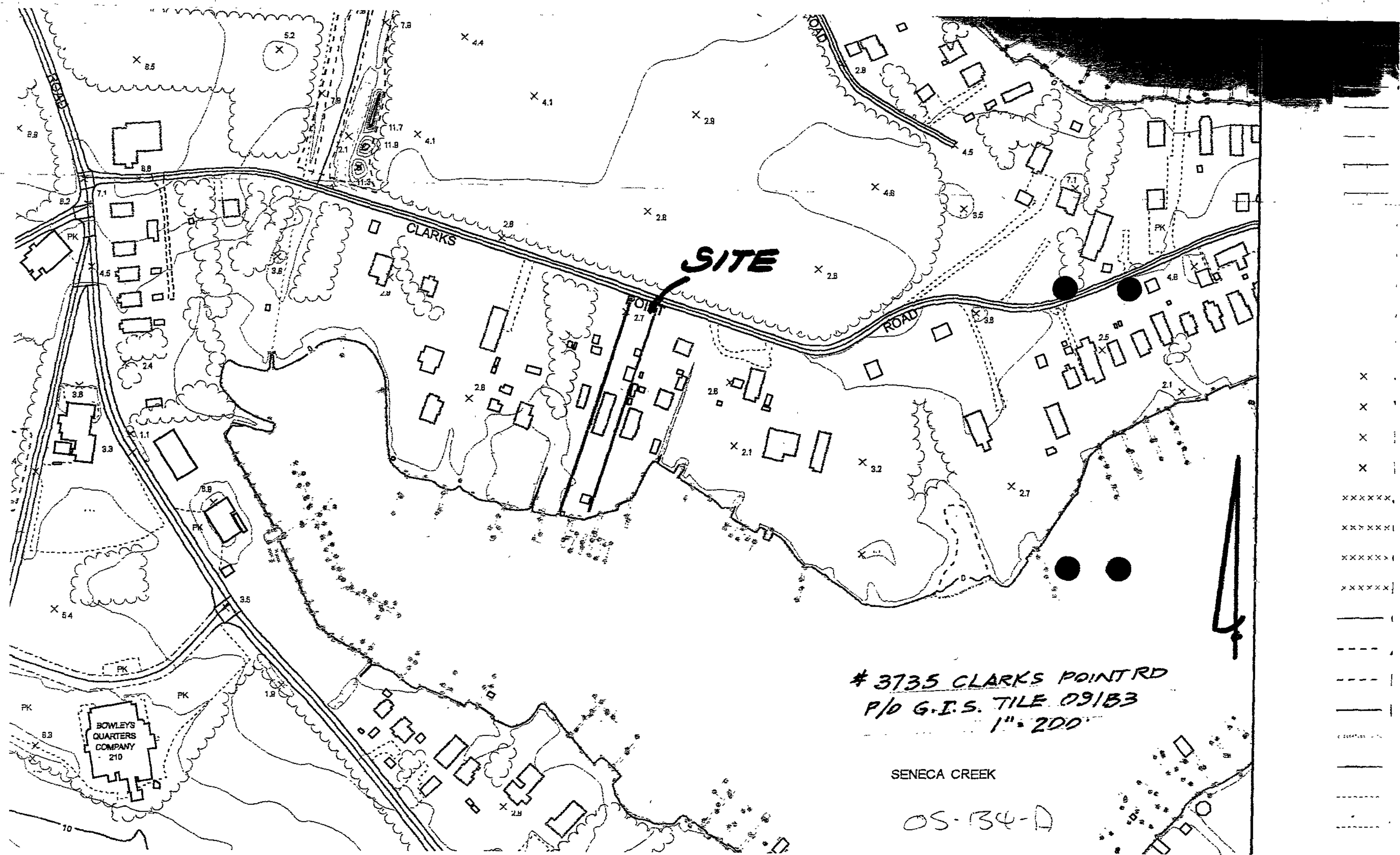


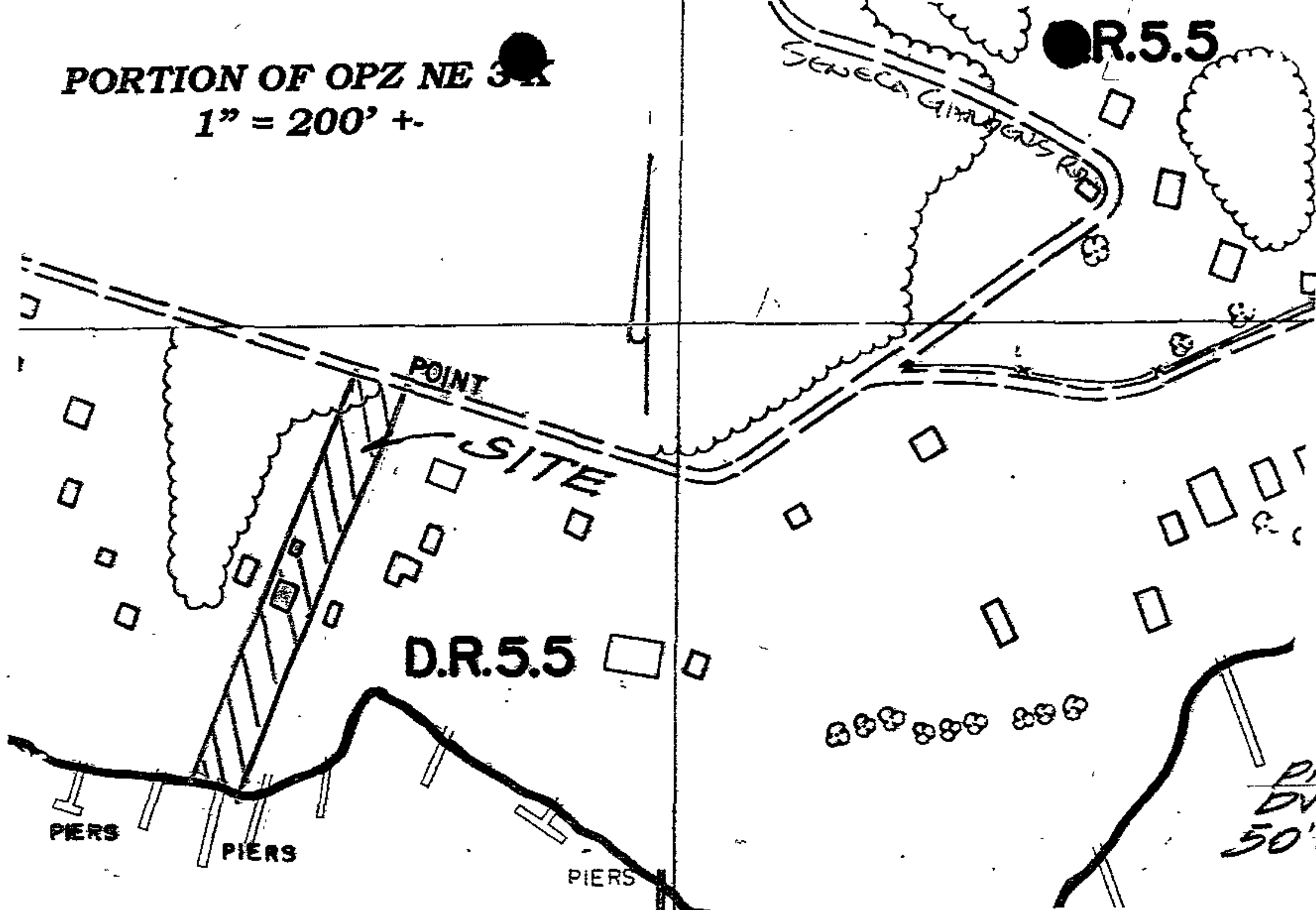
PHOTO KEY
3735 CLARKS
POINT
ROAD

OS-134-A



PORTION OF OPZ NE 3-K

1" = 200' +/-



NOTES

1. NO KNOWN PRIOR ZONING HEARINGS.
2. OWNERSHIP (PER S.D.A.T.):
DEED REFERENCE : 6218-256
GILBERT L. BRAZIER
3735 CLARKS POINT ROAD
BALT, MD 21220
C/O JOHN H. MICHEL
PHONE: 410-882-7621
3. PROPERTY INFORMATION (PER S.D.A.T.):
TAX MAP 91 PARCEL 150 LOT 42
ACCT. NO. 1504350470
LOT 42 "BOWLEYS QUARTER PLAT NO.2" (7/13)
4. AREA OF SUBJECT SITE: 21,225 SF +/- OR 0.49 AC. +/-
5. EXISTING SINGLE FAMILY RESIDENCE TO BE RAZED.
PROPOSED NEW SINGLE FAMILY RESIDENCE TO BE BUILT.
6. SITE IS IN C.B.C.A. (LDA) PER MAP NO. 91.
7. SITE LIES IN FLOOD ZONE A10 PER F.E.M.A. F.I.R.M. 240010 0435 B.
8. EXISTING ZONING OF SITE AND SURROUNDING PROPERTY: D.R. 5.5 PER OPZ NE 3-K
9. UTILITIES SHOWN HEREON ARE PER REFERENCED PLANS.

NEW DEED:
JOHN H. & KARENA MICHEL

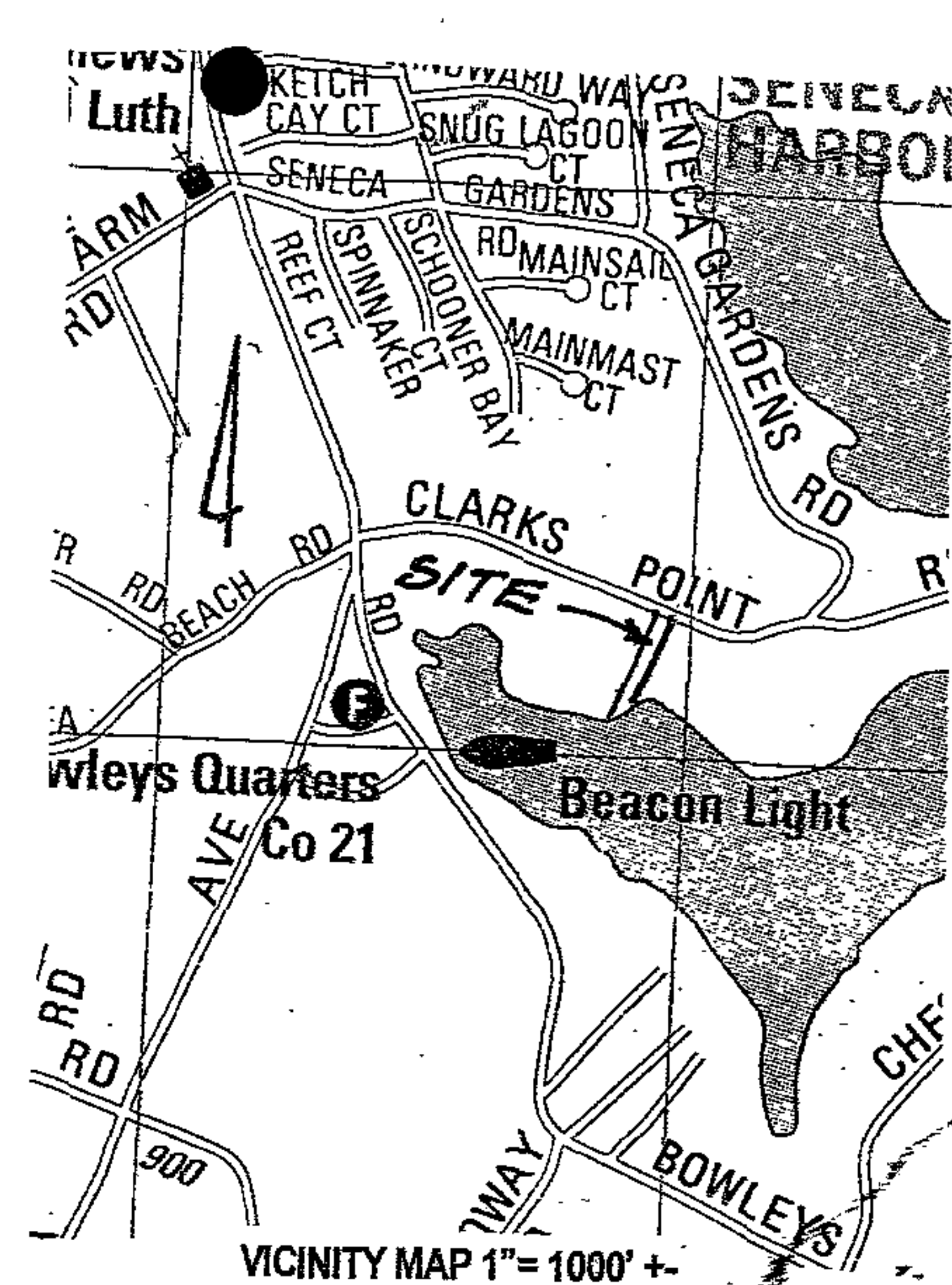
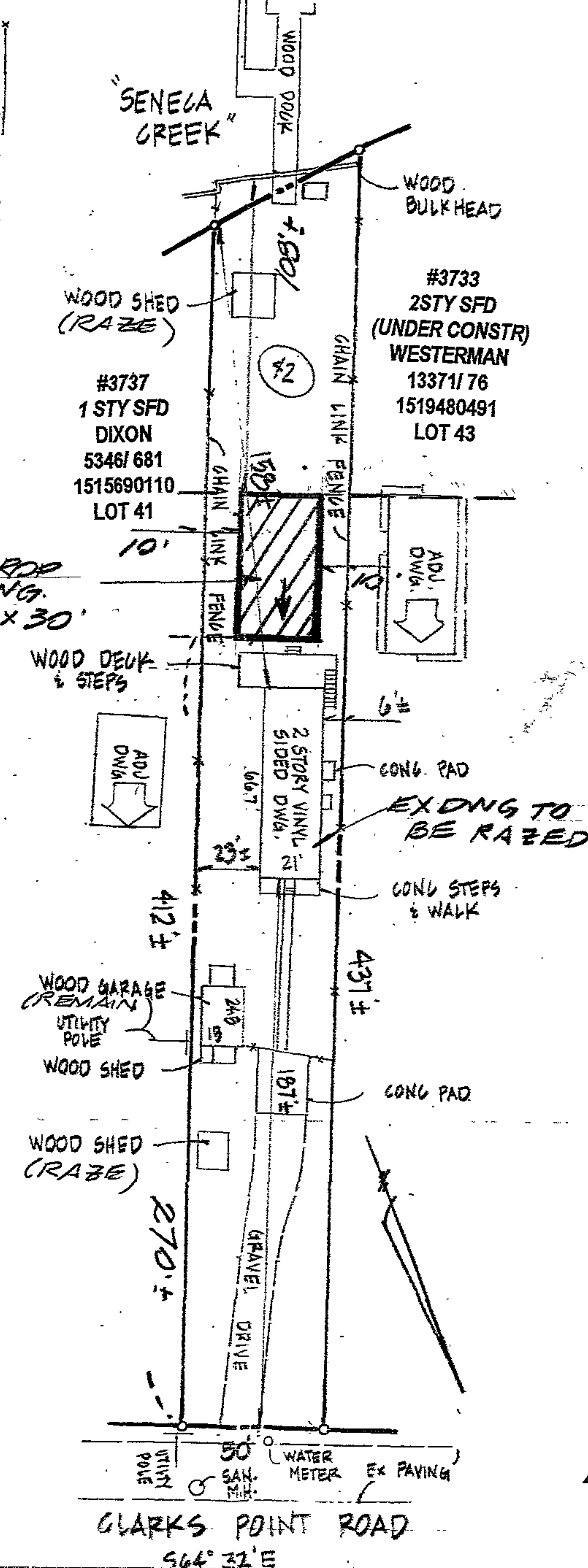
J.S. DALLAS, INC.

Surveying & Engineering

13523 Long Green Pike

Baldwin, MD. 21013

(410) 817-4600



PUBLIC WATER & SEWER.
NOT A HISTORIC PROPERTY
OR BUILDING.

**SITE PLAN TO ACCOMPANY PETITION
FOR UNDERSIZED LOT**

3735 CLARKS POINT ROAD

15TH ELEC. DIST. 6TH COUNC. DIST. BALTIMORE COUNTY, MD.
AUGUST, 2004

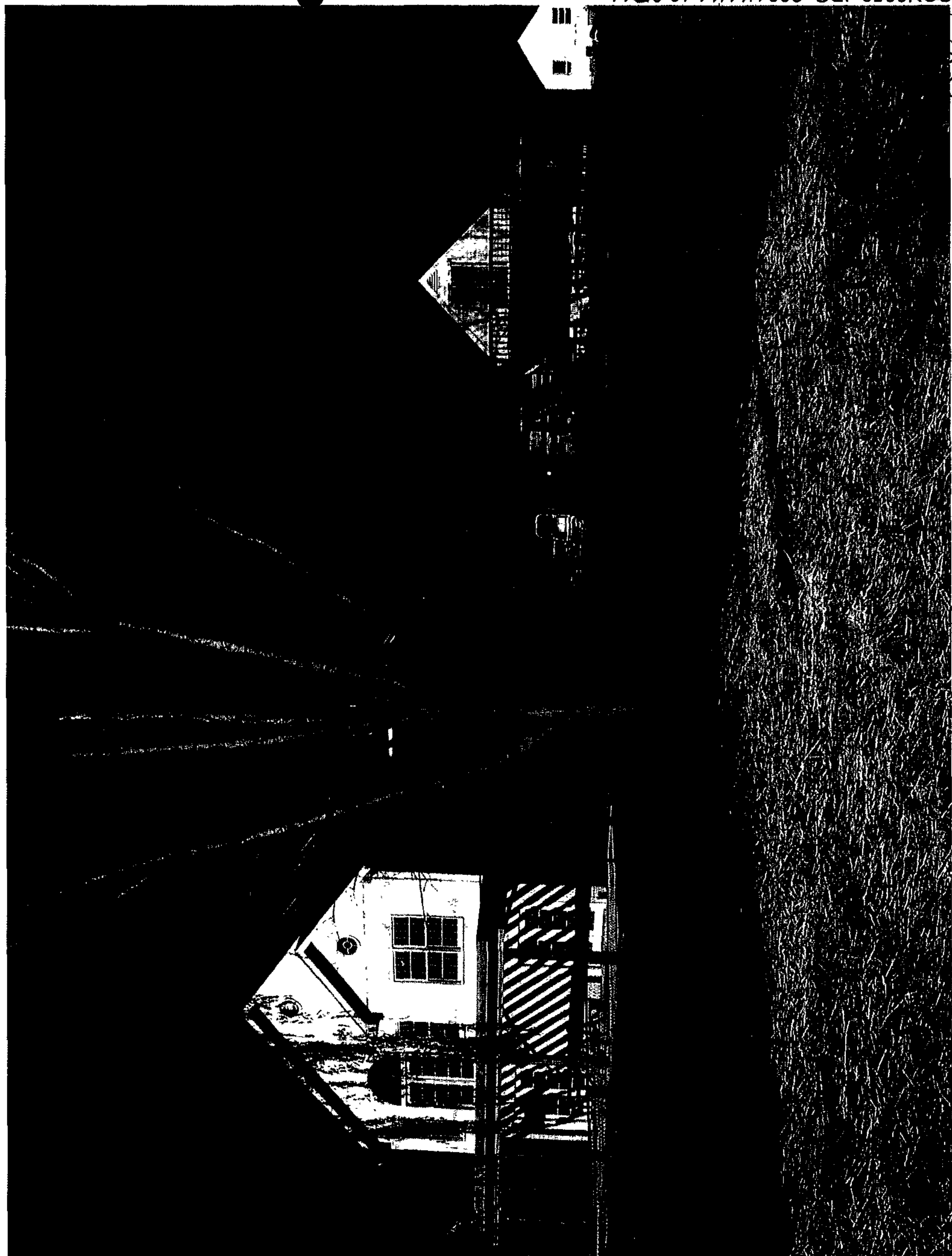
SCALE: 1" = 50'

OS-134-A

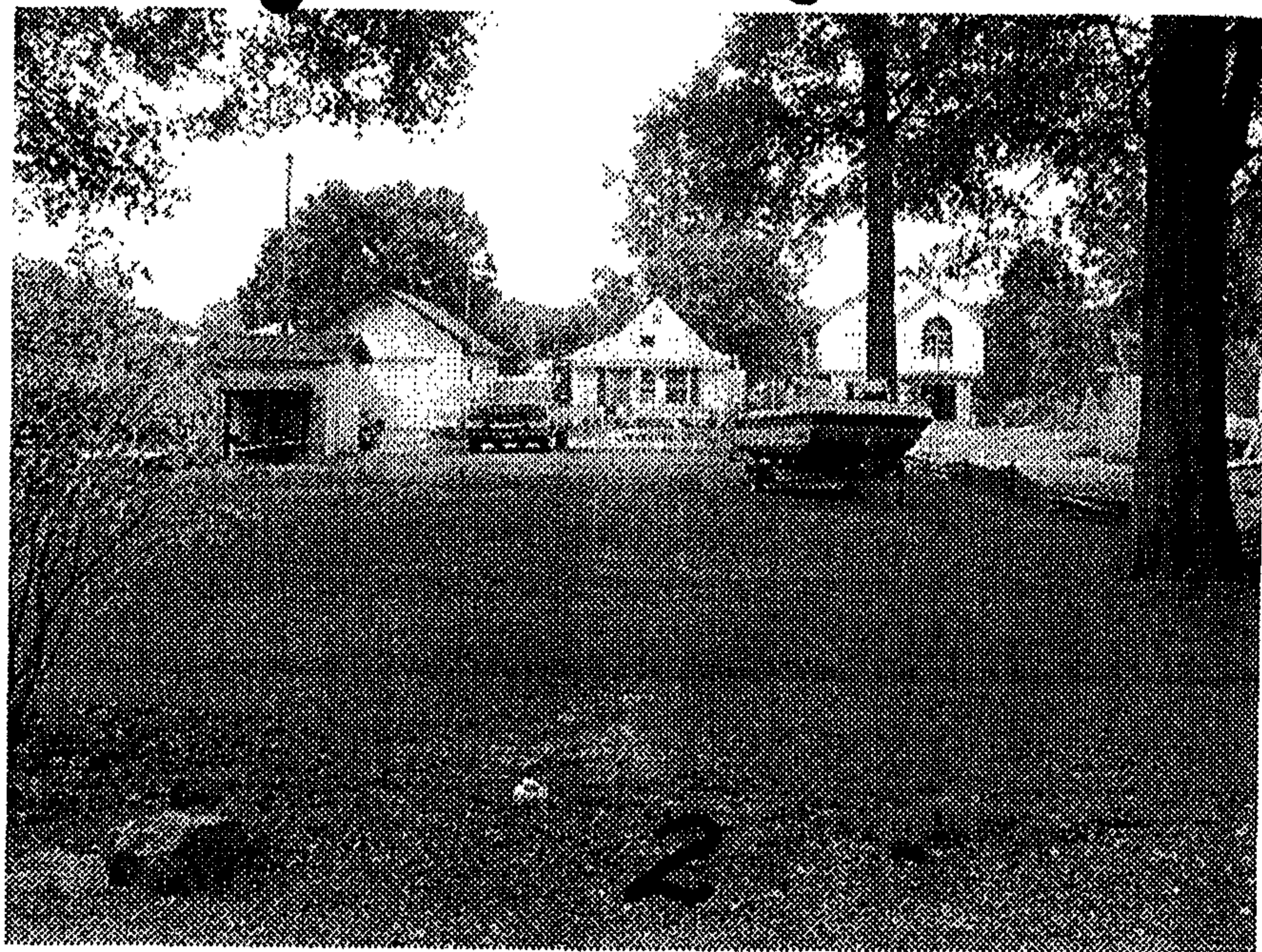
Lo. #04-1042



h #0007

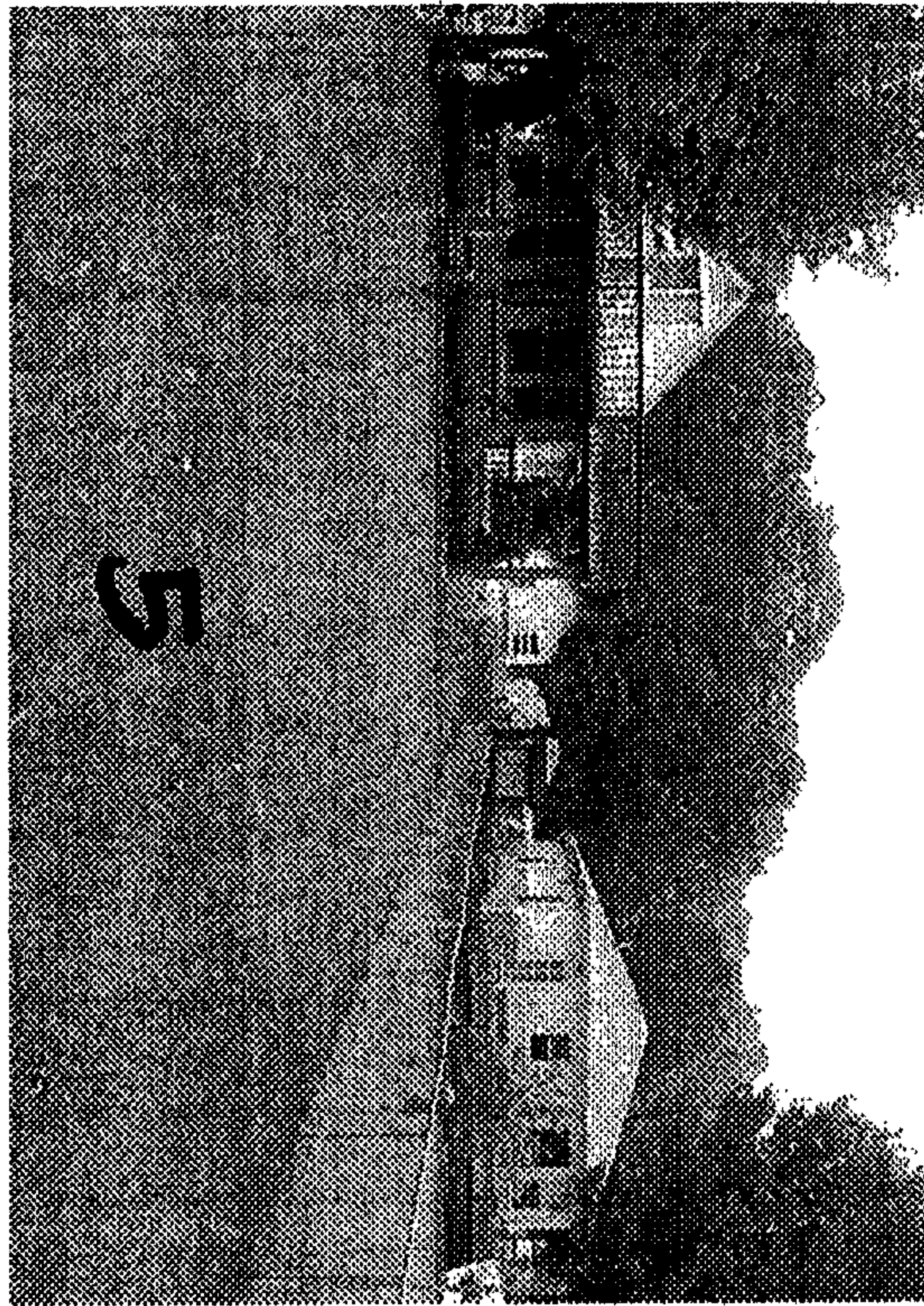


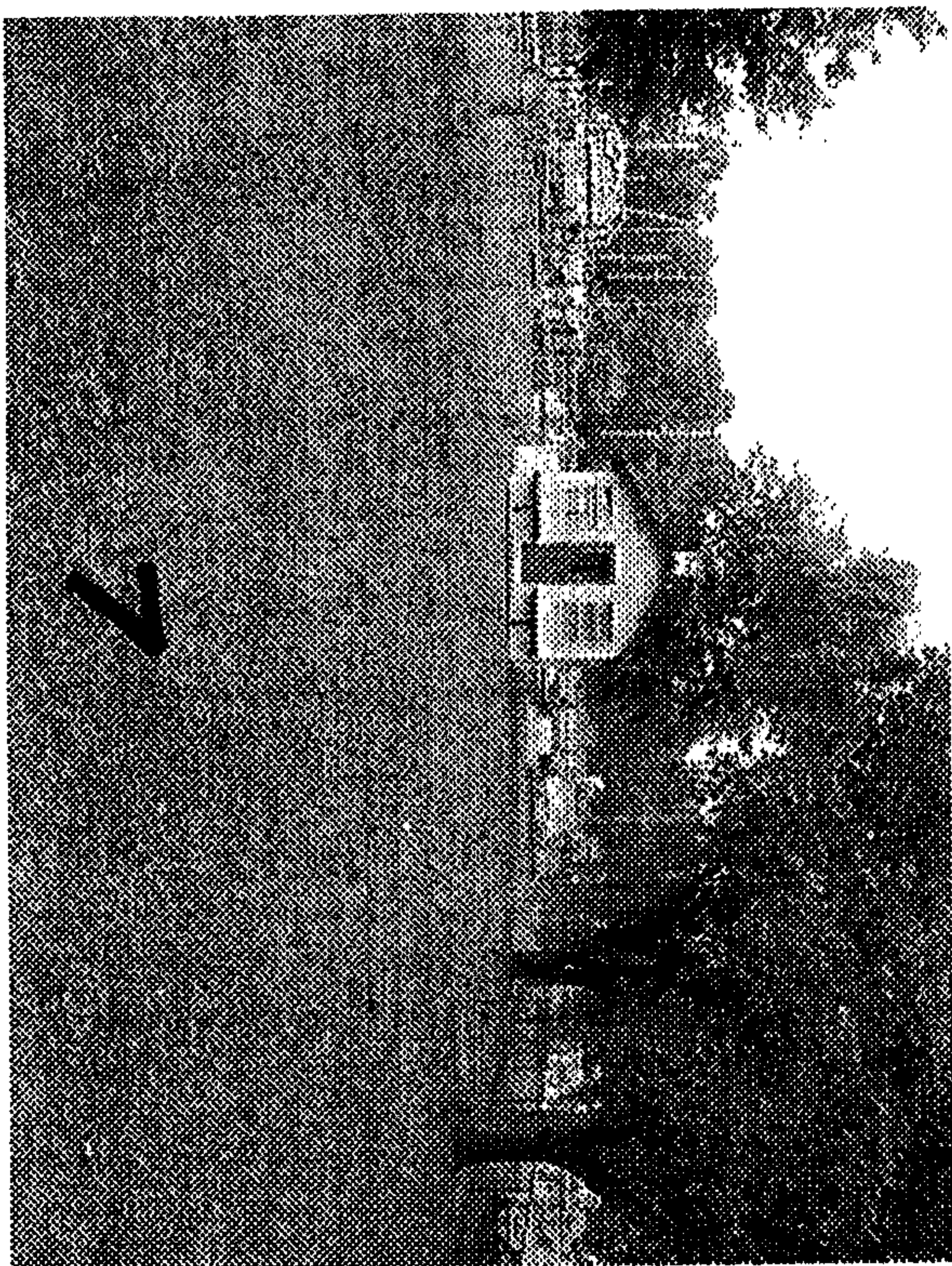




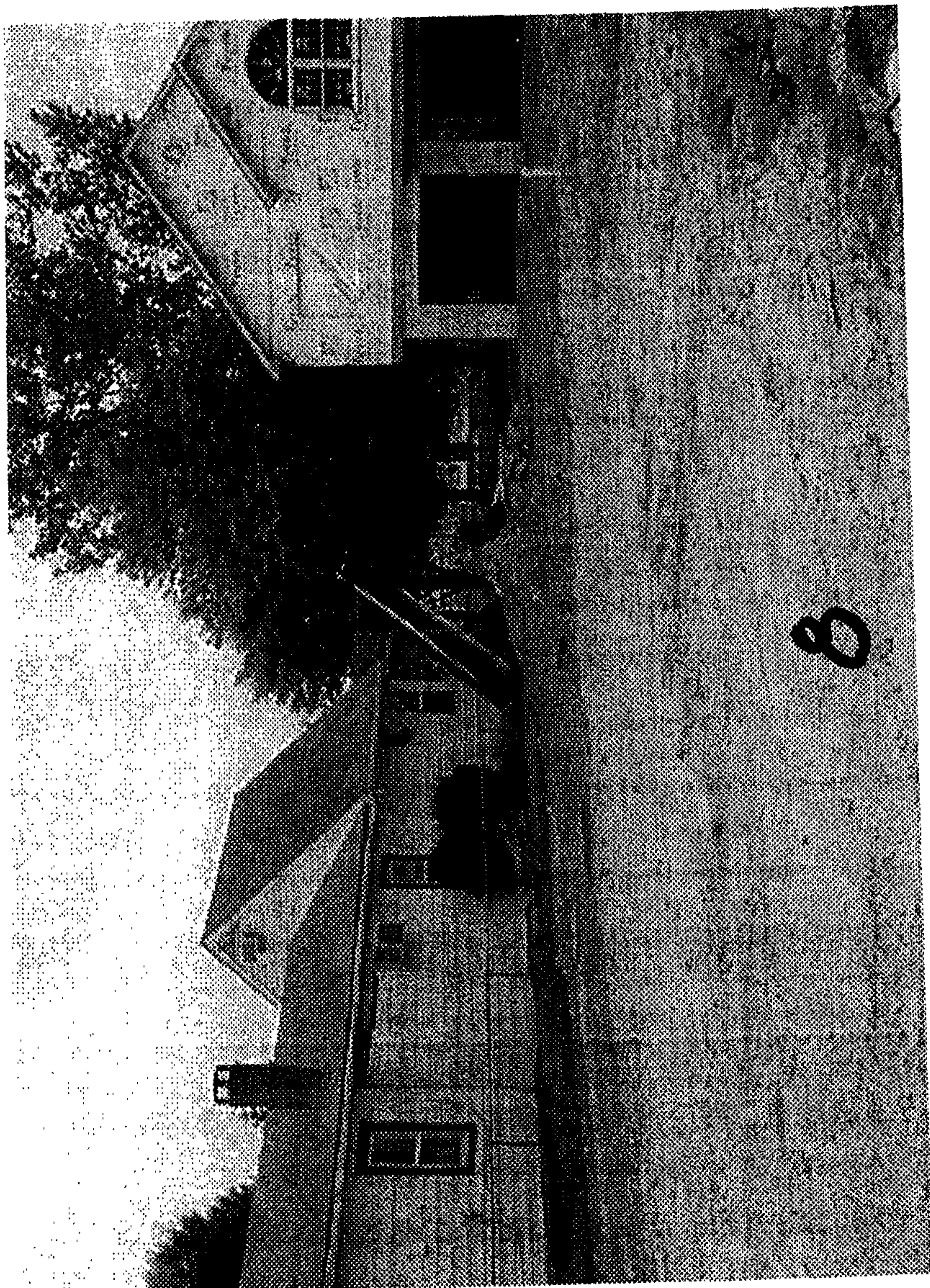


05-134-A





OS-134.A





OS-134-A