

IN RE: **PETITION FOR VARIANCE**
S/S of Clarks Point Road, 1000' E of
Bowleys Quarters Road
(3735 Clarks Point Road)
15th Election District
6th Council District

John H. Michel, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 08-469-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, John H. Michel, and his wife, Karen A. Michel. The Petitioners request a variance from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow three (3) mooring piles to be driven with a setback of 5.5 feet from the established divisional property line in lieu of the required 10 feet to create a boat slip. The request originated in the form of a Petition for Administrative Variance, filed on April 8, 2008, which included the Petition, a notarized Affidavit in Support of Administrative Variance, a zoning description, a zoning/site map, several photographs of the Michel's existing pier, and a March 22, 2008 letter in support of the Michel's request provided by the adjacent/impacted neighbors, August and Rosslee Dixon. The subject property and requested relief are more particularly described on a site drawing that was likewise submitted with the original petition. All of the aforementioned documents form a part of the record and have been accepted into evidence.

Notice of the Petition for Administrative Variance was properly posted. No objections or requests for hearing were received from neighbors or other interested parties. Nonetheless, the administrative variance procedure was superseded by the authority of the Deputy Zoning Commissioner who required a public hearing. The subject property was reposted with notice of the public hearing which occurred on June 6, 2008. Appearing at the hearing in support of the request was John H. Michel, Esquire on behalf of himself and his wife as the

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Date 6-15-08
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property owners. No protesting parties or other interested persons were present at the hearing. All Zoning Advisory Committee (ZAC) representatives (Bureau of Development Plans Review, State Highway Administration [SHA], Office of Planning, Department of Environmental Protection and Resource Management [DEPRM], etc.) responded to the petition prior to the June 6th hearing with no adverse input regarding the Michel's request. Also introduced and accepted into evidence was a copy of the Joint Federal and State Permits/Authorizations already issued by the Tidal Wetlands Division of the Maryland Department of Environment (MDE) for the subject mooring piles; specifically MDE Authorization No. 08-NF-1320 (an exemption), and MDSPGP Authorization No. 200861849 from the Army Corps of Engineers.

The testimony and evidence offered and accepted during the hearing disclosed that the subject property is a narrow rectangular shaped (50' wide by approximately 450' deep) waterfront lot, with parallel side boundaries, located with frontage on Seneca Creek and the south side of Clarks Point Road in Bowleys Quarters. The property contains a gross area of .49 acres, more or less, zoned D.R.5.5 and is improved with a single-family dwelling and a detached garage. The Petitioners have owned and resided on the property since August 2004.

At the time of their purchase an existing fixed pier extended approximately 58 feet from a wood bulkhead into Seneca Creek, with a floating pier extending an additional 30 to 40 feet further into the creek. Soon after acquiring the property the Michel's recognized the floating pier section as being poorly constructed and perhaps a hazard to the community. They demolished and disposed of it in early 2005. The floating pier was subsequently replaced with a fixed pier extension approximately 42 feet long in early November 2005. The fixed pier extension was properly permitted and installed under Building Permit No. B611561.

Mr. and Mrs. Michel intended to install two of the three subject mooring piles simultaneously with the new fixed pier extension in late 2005. During that time, however, DEPRM was coordinating the early stages of a dredging project for Seneca Creek. As a part of the County's project the Petitioners opted to have and pay for a dredged spur (No. 33) alongside the new fixed pier extension at a cost of \$14,475. The spur, a standard twenty (20) feet in width,

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Date 6-6-08
By [signature]

would not be dredged until long after the new fixed pier extension was installed. Therefore, and at the suggestion of DEPRM personnel (Candace Croswell & David Riter), the Michel's deferred having the new mooring piles installed. This was because the two new piles, along with one existing pile, would block the dredging contractor's equipment and prohibit the spur dredging. Had the new piles been installed at the same time as the new fixed pier extension they would have necessarily been removed (and not reinstalled) by the County's dredging contractor during the spur work. Mr. Michel testified and the photographs submitted into evidence indicate that one of the three requested piles is in fact a replacement for a previously existing pile that the dredging contractor necessarily removed in order to properly dredge the spur in January 2008. Mr. Michel also testified that installation of the subject piles appeared on the drawing submitted to obtain the fixed pier extension building permit, as well as the drawings submitted in relation to the spur dredging project, indicated as "piles by owner post-dredging."

In support of the request, testimony indicated that due to the unique configuration of the property, pre-existing location of piers and pilings, and the limited water frontage of the subject and adjacent lots, it is not possible to utilize the existing fixed pier and recently dredged spur as a boat slip without relaxing the 10 feet setback requirement for installation of the two (2) new and one (1) replacement piles. In other words, strict conformance with the 10 feet setback requirement would result in a practical difficulty, as the slip is too narrow to allow its use for a boat of the size and width traditionally moored on Seneca Creek. Additionally, the dredging project itself was intended to ensure such a use and allow for continued navigation in the area.

Notably, the site drawing indicates that the adjacent/impacted neighbors (the Dixons) existing pier likewise protrudes several feet into their 10 feet setback. Even so Mr. Michel testified, as indicated on the site plan (Petitioner's Exhibit 1) that a minimum 12 foot wide passageway would still remain between his and the Dixon's mooring piles and piers as proposed, thereby maintaining sufficient access for boats capable of floating in the shallow water inland of the proposed piles. In short, access to the Michel's and Dixon's adjoining shoreline/wood bulkheads will not be impeded in any practical way by the proposed mooring piles. In fact, in

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Date 6-6-08
By [signature]

their March 22, 2008 letter consenting to the installation of the proposed piles, the Dixons acknowledge that *"the proposed installation will not create a hardship for us or any other neighbor."* A copy of the Dixon's letter appears in the case file as Petitioners' Exhibit 2. It is therefore apparent that the location of the Petitioners' proposed mooring piles will not interfere with their neighbors' use and enjoyment of their respective piers or shorelines, or impede access thereto.

Accordingly, I am persuaded after due consideration of the testimony and evidence presented to grant the Petitioners' requested variance. The variance can be granted in strict harmony with the spirit and intent of waterfront construction regulations, and in such a manner as to avoid any injury to the public health, safety and general welfare. There will be no change to the character of the neighborhood. Mooring piles to create a boat slip are a reasonable accessory to waterfront property. Relief is necessitated given the unique configuration of the property, its narrow frontage on the water, and the location of existing piers in the vicinity. As indicated above, I find that strict compliance with the regulations would be unduly burdensome and would result in a practical difficulty and unreasonable hardship for the Petitioners. There were no adverse comments submitted by any County reviewing agency, a joint State and Federal permit has already been issued, and the neighbors on the affected side have no objections. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of June 2008 that the Petition for Variance seeking relief from Section 417.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two (2) new and one (1) replacement mooring piles to be driven with a 5.5 feet setback from the established divisional property line in lieu of the required 10 feet, in accordance with Petitioners' Exhibit 1, be and hereby is GRANTED, subject to the following restrictions:

RECEIVED FOR FILING
Date 6-6-08
By [Signature]

- 1) The Petitioners may apply for their building/mooring pile permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. See attached ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM), if applicable.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 6-6-08
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 6, 2008

John H. Michel
Karen A. Michel
3735 Clarks Point Road
Bowleys Quarters, Maryland 21220

RE: PETITION FOR VARIANCE

S/S of Clarks Point Road, 1000' E of Bowleys Quarters Road
(3735 Clarks Point Road)
15th Election District - 6th Council District
John H. Michel, et ux – Petitioners
Case No. 08-469-A

Dear Mr. and Mrs. Michel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; Bureau of Development Plans Review; DEPRM; File

CBCA Flood

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 3735 Clarks Point Road, Bowkys Quarters 21220 which is presently zoned DR 5.5

Deed Reference: 20613 / 621 Tax Account # 1504350470

(see attached deed)
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)

allow a 5.5' set back between 3 mooring piles and the divisional property line in lieu of 10'.
Specifically to 417.4'.
THE REQUIRED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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, Esquire
Name - Type or Print
[Signature]
Signature
Huddles Jones Sarteberg & Dachtelle
Company
10211 Wincopin Circle Suite 200
Address Telephone No.
Columbia, MD 21044 4107200072
City State Zip Code

Legal Owner(s):

John H. Michel
Name - Type or Print
[Signature]
Signature
Karen A. Michel
Name - Type or Print
Karen G. Michel
Signature
3735 Clarks Point Road
Address Telephone No.
Bowkys Quarters, MD 21220
City State Zip Code

Representative to be Contacted:

John H. Michel Cell# 410-336-2527
Name
10211 Wincopin Circle Suite 200
Address Telephone No.
Columbia, MD 21044 4107200072
City State Zip Code

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. 08-469-A

Reviewed By CM Date 4-8-08

REV 7/20/07

Estimated Posting Date 4-20-08

RECEIVED FOR FILING
Date 6-6-08
By [Signature]

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 Rd.
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):

The request is to replace 1 mooring pile and install 2 new mooring piles with a 5.5 minimum setback from the divisional property line in lieu of 10' following the recent dredging of Seneca Creek and a spur (#33) along the applicant's existing pier to create a boat slip. The narrow (50') property boundaries and the configuration of the existing 100' long pier make it impractical/impossible to utilize the recently dredged spur for a boat slip/boat of the size the dredging itself was intended to ensure can continue to reside and navigate the waters of Seneca Creek, without relaxing the setback requirement. Without the mooring piles boats tied alongside the pier will be damaged. Moreover, relaxing the set back will not cause hardship to either adjacent property, and will allow the petitions to utilize the spur that was dredged recently at a cost of \$14,475.-

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 24th day of march, 2008, 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).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 12.1.08

ZONING DESCRIPTION FOR 3735 Clarks Pt. Road
(address)

Beginning at a point on the South side of
(north, south, east or west)

Clarks Point Road which is 50' Wide
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of ± 1000' East of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Bowleys Quarters Road
(name of street)

which is ± 40' wide. *Being Lot # 42
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of Bowleys Quarters
(name of subdivision)

as recorded in Baltimore County Plat Book # ~~Bowleys~~ Quarters Plat No 2, Folio # WPC 7, Folio 13

containing ± 21,000 SF. Also known as 3735 Clarks Pt. Rd.
(square feet or acres) (property address)

and located in the 15th Election District, 6th Councilmanic District.

As recorded in Deed filed among Land Records in Liber 20613 Folio 621

08-469-A

**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: #2008-0469-A

3735 Clarks Point Road

S/side of Clarks Point Road, 1000 feet east of Bowleys
Quarter Road

15th Election District

6th Councilmanic District

Legal Owner(s): John & Karen Michel

Variance: to allow a 5.5 foot setback between 3 mooring
piles and the divisional property lines in lieu of the re-
quired 10 feet.

Hearing: Friday, June 6, 2008 at 9:00 a.m. in Room
106, County Office Building, 111 West Chesapeake
Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

(2) For Information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391.
5/275 May 22 173710

CERTIFICATE OF PUBLICATION

5/22/, 2008

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 5/22/, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **12137**

Date: **4-8-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/8/2008 4/08/2008 09:55:57 1
 REG # 01 WALKIN JRIC JMR
 >>RECEIPT # 370133 4/08/2008 OFLN
 Dept 5 520 ZONING VERIFICATION
 012137
 Recpt Tot \$65.00
 \$65.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		000		6150				65.00
Total:								65.00

Rec
 From:

J. MICHEL

For:

3725 CLAREY PLANT RD AN VALLEJO
00-909-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 04/22/08

Case Number: 08-469-A

Petitioner / Developer: JOHN MICHEL

Date of Hearing (Closing) MAY 5, 2008

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 ROAD

The sign(s) were posted on: 04/18/08



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

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 469 -A Address 3735 CLARKS POINT RD
Contact Person: CRAIG Mc GRAW Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4-20-08 Posting Date: 4-20-08 Closing Date: 5-5-08

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

- 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.
- 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.
- 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.
- 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 08- 469 -A Address 3735 CLARKS POINT RD
Petitioner's Name JOHN Telephone _____
Posting Date: 4-20-08 Closing Date: 5-5-08
Wording for Sign: To Permit A ~~30~~ SETBACK OF 5.5 FEET FROM
THE DIVISIONAL PROPERTY LINE IN LIEU OF THE
REQUIRED 10 FEET

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 8, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2008-0469-A

3735 Clarks Point Road
S/side of Clarks Point Road, 1000 feet east of Bowleys Quarter Road
15th Election District – 6th Councilmanic District
Legal Owners: John & Karen Michel

Variance to allow a 5.5-foot setback between 3 mooring piles and the divisional property lines in lieu of the required 10 feet.

Hearing: Friday, June 6, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director



TK:klm

C: John Michel, 10211 Wincopin Circle, Ste. 200, Columbia 21044
Mr. & Mrs. Michel, 3735 Clarks Point Road, Bowleys Quarters 21220

- NOTES: (1) **THE ZONING OFFICE WILL HAVE A ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 22, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 22, 2008 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall Sipple
Permits & Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 2008-0469-A

3735 Clarks Point Road

S/side of Clarks Point Road, 1000 feet east of Bowleys Quarter Road

15th Election District – 6th Councilmanic District

Legal Owners: John & Karen Michel

Variance to allow a 5.5-foot setback between 3 mooring piles and the divisional property lines in lieu of the required 10 feet.

Hearing: Friday, June 6, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

May 5, 2008

John H. Michel, Esquire
Huddles Jones Sorteberg & Dachille
10211 Wincopin Circle, Suite 200
Columbia, MD 21044

Dear Mr. Michel:

RE: Case Number: 08-469-A, 3735 Clarks Point Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 8, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
John H. Michel Karen A. Michel 3735 Clarks Point Road Bowleys Quarters 21220

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 15, 2008

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

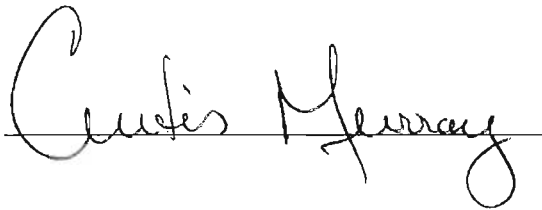
RECEIVED
APR 18 2008
BY: _____

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-469- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 14 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: May 14, 2008

SUBJECT: Zoning Item #08-469-A
Address 3735 Clarks Point Road
(Michel Property)

Zoning Advisory Committee Meeting of April 14, 2008

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

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

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

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.

Reviewer: Regina Esslinger Date: May 9, 2008

S:\Devcoord\I ZAC-Zoning Petitions\ZAC 2008\ZAC 08-469-A.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: May 7, 2008

TO: Kristen Matthews
Dept. of Permits & Development Mgmt.

FROM: Patricia Zook, Secretary to
Thomas H. Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance – 5-5-08 Closing Date
Case No. 08-469-A -- 3735 Clarks Point Road

After a review of the above-captioned case file, Tom Bostwick has requested that this case be set in for a public hearing. Since the case involves a pier, it should have been a variance case, not an administrative variance. The administrative variance process is limited to minor additions, garages, decks and sunrooms, etc., which do not meet the current regulations.

We are returning the file to you for further processing such as notifying the Petitioners, posting and advertising of the hearing notices. Per Tom, the County is to post and advertise the hearing.

Thank you for your attention and cooperation in this matter.

c: Criag McGraw, Zoning Review Office

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2008

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For April 21, 2008
Item Nos. 08-450, 451, 452, 453, 454,
456, 457, 458, 459, 460, 462, 463, 464,
465, 466, 468, 469.

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

DAK:CEN:lrk

cc: File

ZAC- 04162008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: APRIL 18, 2008

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

RE: Baltimore County
Item No. CE-469A
3735 CLARKS POINT ROAD
MICHEL PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. CE-469A.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
May 8, 2008 *Development Management*

John Michel, Esq.
Huddles, Jones, Sarteberg & Dachille
10211 Wincopin Circle, #200
Columbia, MD 21044

Dear Mr. Michel:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 08-469-A

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

The hearing has been scheduled, and the notice of public hearing will indicate the date, time and location of the hearing. This notice will also contain the date that the sign will be reposted with the hearing information at the expense of the Zoning Office.

The property will also be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian.

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

Very truly yours,


W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Mr. & Mrs. Michel, 3735 Clarks Point Road, Bowleys Quarters 21220



MARYLAND DEPARTMENT OF THE ENVIRONMENT

1800 Washington Boulevard • Baltimore MD 21230
10-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Shari Wilson
Secretary

Anthony G. Brown
Lt. Governor

May 8, 2008

JOHN H. MICHEL
C/o Milton Rehbien
1414 Burke Road
Middle River, MD 21226

Re: MDSPGP Authorization Number: 200861849
MDE Authorization Number: 08-NF-1320

Dear Mr. Michel:

The Tidal Wetlands Division has evaluated your application to replace in kind one mooring pile and emplace two new mooring piles to create a boat slip, all within a maximum of 100 feet channelward of an existing bulkhead at 3735 Clarks Point Road in Bowleys Quarters, Baltimore County, Maryland. Your project qualifies for an exemption from obtaining a State Tidal Wetland License provided that you perform all works in accordance with the plan date 3/22/08 and conditions attached to your signed application.

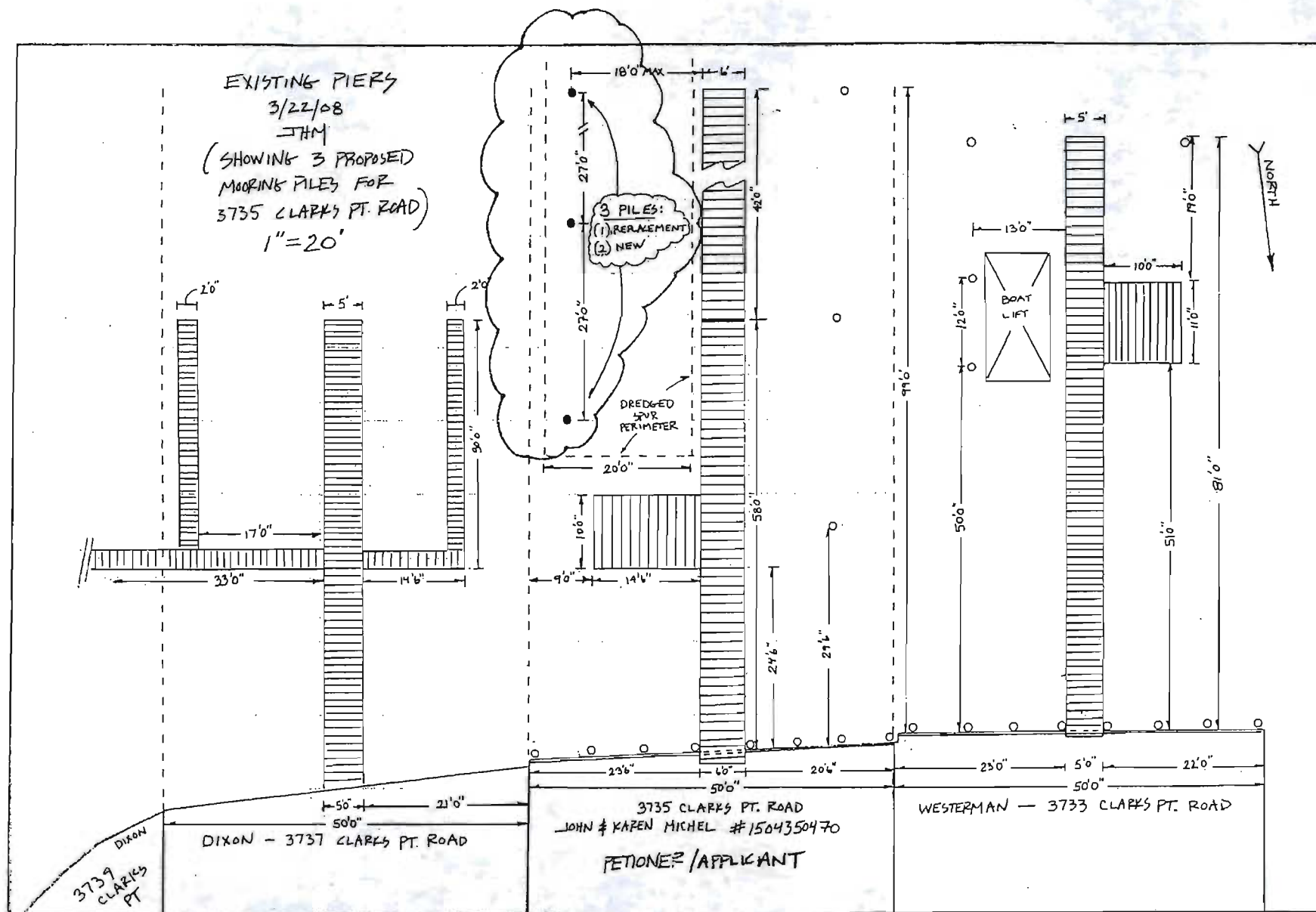
If your project qualifies for federal approval under the Maryland State Programmatic General Permit (MDSPGP), that permit is also attached. If the MDSPGP is not attached, your project does not qualify for federal authorization under this permit and you will hear directly from the Corps of Engineers. You should not begin any work until you have obtained all necessary State, local and federal authorizations.

All work shall be permitted under, and performed in accordance with the Critical Area requirements of the local jurisdiction where the project is located. This authorization does not constitute authorization for disturbance in the 100-foot Critical Area Buffer. "Disturbance" in the Buffer means clearing, Grading, construction activities, or removal of any size of tree or vegetation. Any anticipated Buffer disturbance requires prior written approval, before commencement of land-disturbing activity.

Please take a moment to read and review your authorizations to insure that you understand the limits of the authorized works and all of the general and special conditions. Please call H. Joseph Hamilton at 410-537-3834 with any questions.

Sincerely,


Richard J. Ayella, Chief
Tidal Wetlands Division



JOHN H. MICHEL
200861849/08-NF-1320
3/22/08



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

IMPORTANT INFORMATION ABOUT YOUR PROJECT

Corps Permit Tracking No.:

200861849

Date:

May 7, 2008

Permittee/Project Name:

John Michel

MDSPGP-3 Category and Activity No.:

I-A3

Dear Applicant:

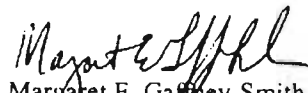
The U. S. Army Corps of Engineers, Baltimore District, has determined that the proposed work meets the terms and conditions of the Maryland State Programmatic General Permit-3 (MDSPGP-3), provided the work is completed in compliance with the plan(s) (enclosed), the standard MDSPGP-3 conditions (enclosed), the applicable MDSPGP-3 activity-specific conditions (enclosed), and special conditions (enclosed, if applicable). This MDSPGP-3 verification is provided pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act. If any of the information contained in your application and/or plans is later found to be in error, the MDSPGP-3 authorization for your project may be modified, suspended, or revoked.

As a condition of the MDSPGP-3 authorization, you, the permittee, are required to complete and sign the enclosed Compliance Self-Certification Form regarding the completed work and any required mitigation, and return to the above address within 60 days following completion of the authorized work and any required mitigation.

In addition, please note, if you sell the property associated with this permit, when the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new property owner(s). Although the construction period for work authorized by this MDSPGP-3 is finite, the permit itself, with its limitations, does not expire. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, you must have the transferee (new owner) provide a mailing address and telephone number along with their signature and date in the space provided below, and mail a copy to the above address.

Your MDSPGP-3 authorization is valid until September 30, 2011 unless the MDSPGP-3 is modified, reissued, or revoked. You must remain informed of the changes to the MDSPGP-3. When changes to the MDSPGP-3 occur, a public notice announcing the changes will be issued. If you have commenced construction or are under contract to commence construction of this authorized work prior to the expiration, modification, or revocation date of the MDSPGP-3 itself, you have 12 months from the effective date of the MDSPGP-3's expiration, modification or revocation to complete the work under the present terms and conditions of this MDSPGP-3.

In order for this authorization to be valid, you must obtain all required Federal, State, and local permits.


Margaret E. Gaffney-Smith
Chief, Regulatory Branch

TRANSFeree SIGNATURE

DATE

AREA CODE / TELEPHONE NO.

PRINTED NAME

ADDRESS



DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

REPLY TO
ATTENTION OF

Effective October 1, 2006

Corps Permit Number

CENAB-OP-R-MDSPGP-3 (MARYLAND STATE PROGRAMMATIC GENERAL PERMIT-3)

TO WHOM IT MAY CONCERN:

Upon the recommendation of the Chief of Engineers, and under the provisions of Section 404 of the Clean Water Act, as amended, and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), the Secretary of the Army hereby authorizes the discharge of dredged or fill material or the placement of structures into Waters of the United States, including wetlands and navigable waters. These discharges and structures must comply with all the terms and conditions identified in this MDSPGP-3. It has been determined that the project qualifies for the MDSPGP-3. Accordingly, you are authorized to undertake the activity pursuant to:

1. Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and/or
2. Section 404 of the Clean Water Act (33 U.S.C. 1344).

You are authorized to perform work in accordance with the terms and conditions specified in Section VI of the MDSPGP-3 effective on October 1, 2006.

VI. General Conditions: To qualify for MDSPGP-3 authorization, the prospective permittee must comply with the following general conditions, as appropriate, in addition to any activity-specific conditions in the MDSPGP-3 category list and any case-specific special conditions imposed by the Corps.

A. General Requirements:

1. **Other Permits:** Authorization under the MDSPGP-3 does not obviate the need to obtain other Federal, State, or local authorizations required by law.

2. **Applicability:** Applicability of the MDSPGP-3 shall be reviewed with reference to the Corps definition of waters of the United States, including wetlands, and navigable waters of the United States. Applicants are responsible for delineating boundaries of all waters of the United States, including wetland boundaries. The delineation of wetland boundaries shall be accomplished in accordance with the current Federal manual for identifying jurisdictional wetlands and appropriate guidance issued by the Corps of Engineers.

3. **Minimal Effects:** Projects authorized by the MDSPGP-3 shall have no more than minimal individual and cumulative adverse environmental effects.

4. **Discretionary Authority:** Notwithstanding compliance with the terms and conditions of the MDSPGP-3, the Corps retains discretionary authority to require an alternate Corps permit review for any project under all categories of the MDSPGP-3 based on concerns for the aquatic environment or for any other factor of the public interest. This authority may be invoked on a case-by-case basis during the review process for Category III activities whenever the Corps determines that, based on the concerns stated above, the potential consequences of the proposed project warrant individual review. In some rare instances, the Corps may have concerns for the aquatic environment or for any other public interest factor pertaining to a specific proposed project, which has already received a case-specific verification as a Category I activity. In order to evaluate this project under an alternate Corps permit review, the verification must be suspended in accordance with Section VII.E of the MDSPGP-3.

Whenever the Corps notifies an applicant that an alternate Corps permit may be required, authorization under the MDSPGP-3 is voided. No work may be conducted until the individual Corps permit is obtained, or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under the MDSPGP-3.

5. **Single and Complete Projects:** The MDSPGP-3 shall not be used for piecemeal work and shall be applied to single and complete projects, including maintenance activities. All components of a project, including all attendant features both temporary and permanent, shall be reviewed together as constituting one single and complete project. All planned

phases of multi-phased projects (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be applied for and reviewed together as constituting one single and complete project. The MDSPGP-3 shall not be used for any activity or portion of a project, e.g., a pier or boat ramp, that is part of, or dependent on, an overall project, e.g., the dredging of a main navigation channel or a spur channel, for which an individual permit or some other alternate Corps permit is required.

6. **Use of Multiple MDSPGP-3 Category I Activities:** More than one Category I activity may be used to authorize a single and complete project under the MDSPGP-3. However the project must meet the specific requirements of each Category I activity and the total extent of project impacts must not exceed the acreage limit of the Category I activity with the highest specified acreage limit (e.g., if armoring the toe of an existing culvert is constructed under Category I.b(2) with an associated nontidal bank stabilization authorized under Category I.f(1), the maximum total impact limits to waters of the United States for the single and complete project may not exceed 1.0 acre (43,560 square feet).

7. **Authorized Activities in Navigable Waters Subject to Section 10 of the Rivers and Harbors Act of 1899:**

a. If future operations by the United States require removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable water, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

b. The U.S. Code of Federal Regulations, Title 33, Part 64 states that all structures erected in navigable waters in depths in excess of three feet at mean low water (MLW) require obstruction lights unless the applicant is advised to the contrary by the Coast Guard District Commander. If the structures authorized by this permit are to be built in water depths in excess of three feet at MLW, the permittee must contact the Commander (AOWW), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia, 23704, to ascertain the need for obstruction lights.

B. National Concern:

1. **Historic Properties:** Any activity authorized by the MDSPGP-3 shall comply with Section 106 of the National Historic Preservation Act. MDE, in cooperation with the Maryland Historic Preservation Office, shall conduct an initial review and notify the Corps if any archaeological or other cultural resources are in the vicinity of the project. The Corps may require applicants to perform a survey of archaeological and historical resources in the project area. The Corps shall determine if consultation under Section 106 with MHT or the Advisory Council on Historic Preservation is required. The applicant must notify the Corps if the activity may affect any historic properties listed or eligible for listing, or that the applicant has reason to believe may be eligible for listing on the National Register of Historic Places. If the permittee, during construction of work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the permit area subject to DA jurisdiction that might be eligible for listing in the National Register of Historic Places, the permittee shall immediately stop work in the permit area and notify the District Engineer. The permittee shall not begin or continue work until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity may proceed. Information on the location and existence of historical resources can be obtained from the Maryland Historic Trust, Office of Preservation Services, and the National Register of Historic Places.

2. **National Lands:** Activities authorized by the MDSPGP-3 shall not impinge upon the value of any Federal land, including but not limited to, National Wildlife Refuges, National Forests, National Marine Sanctuaries or any area administered by the National Park Service (e.g., Assateague Island National Seashore).

3. **Endangered Species:** The MDSPGP-3 does not authorize any activity that may affect a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA); or which may destroy or adversely modify the critical habitat of such species unless and until appropriate coordination with the applicable resource agency(s) is complete and all such issues are resolved in accordance with the applicable regulations and the procedures outlined in the MDSPGP-3 Standard Operating Procedures. MDE, in cooperation with DNR, shall conduct an initial review and notify the Corps and FWS or NMFS if any Federally-listed species or critical habitat is likely to be in the vicinity of the project. The Corps shall determine if consultation with FWS or NMFS is required under Section 7 of the ESA. If consultation is required, the applicant, after notification, shall not begin or continue work until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is eligible for authorization. Information on the location of threatened and endangered species and their critical habitat can be obtained from the FWS and NMFS.

4. **Essential Fish Habitat (EFH):** Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires an EFH consultation with the NMFS for any action or proposed action authorized, funded, or undertaken by a Federal agency that may adversely affect EFH. EFH has been defined by Congress as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. NMFS has determined that many of the MDSPGP-3 Category I activities are eligible for EFH general or programmatic concurrence and require no further EFH consultation. NMFS, in consultation with the District, has determined that individual EFH consultation is needed for some projects potentially eligible for authorization under Category I (includes those projects requiring EFH screening process under Category II) and all Category III projects of the MDSPGP-3 that may adversely affect EFH. The Corps will coordinate with NMFS as part of the Category II and Category III review procedures. EFH conservation recommendations made by NMFS will normally be included as a permit requirement by the Corps. If the EFH coordination and consultation requirements can not be resolved under the MDSPGP-3 process, an alternate Corps permit review is required for the project.

5. **Wild and Scenic Rivers:** No activity is authorized under the MDSPGP-3 that occurs in a component of the National Wild and Scenic River System, including rivers officially designated by Congress as study rivers for possible inclusion in the system, while such rivers are in an official study status, unless the appropriate Federal agency, with direct management responsibility for the river, has determined in writing that the proposed activity will not adversely affect any National Wild and Scenic River, including study rivers. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U. S. Forest Service, Bureau of Land Management, or U. S. Fish and Wildlife Service.)

6. **Federally Authorized Civil Works Projects:**

a. **Federal Navigation Projects:** The MDSPGP-3 does not authorize interference with any Federal navigation project. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (See VI.A.7.a. above)

b. **Other Federally Authorized Civil Work Projects (i.e., flood control, dams, and reservoirs):** The MDSPGP-3 does not authorize interference with any proposed or existing Federally-authorized civil works project.

7. **Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes;

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest;

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit;

d. Design or construction deficiencies associated with the permitted work; and

e. Damage claims associated with any future modification, suspension or revocation of the MDSPGP-3 or any specific MDSPGP-3 verification.

8. **Navigation:** Projects authorized under the MDSPGP-3 shall not cause interference with navigation, and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to projects authorized under the MDSPGP-3. Nothing in the MDSPGP-3 shall in any way restrict the District Engineer, U. S. Army Engineer District, Baltimore, from exercising his legal authority to protect the public interest in navigation or from exercising his authority under the Navigation Servitude of the United States. (See VI.A.7.a. above)

C. Minimization of Environmental Impacts:

1. **Minimization:** Discharges of dredged or fill material into waters of the United States and adverse impacts of such discharges on the aquatic ecosystem shall be avoided and minimized to the maximum extent practicable on-site.

2. **Mitigation:**

a. Generally, compensatory mitigation will be required for all permanent tidal or nontidal wetland impacts either through the State's tidal or nontidal wetland compensation fund or by the permittee as required by special condition of the MDSPGP-3 or the State authorization.

b. Generally, compensatory mitigation will be required for all permanent impacts of 200 linear feet or greater to stream channels, rivers, and other open waters as appropriate under Federal guidance and to the extent necessary to ensure that the impacts are minimal. A proposed compensatory mitigation proposal may be submitted with the application to expedite the process. The Corps will determine if the project is eligible for authorization under the MDSPGP-3 subject to the applicant's submittal of a compensatory mitigation proposal for stream impacts. Compensatory mitigation plans for projects in or near streams or other open waters will generally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat impact concerns.

3. **Work in Wetlands:** Heavy equipment working in wetlands shall be avoided if possible and, if required, soil and vegetation disturbance shall be minimized by using techniques such as timber mats, geotextile fabric, and vehicles with low-pressure tires. Disturbed areas in wetlands shall be restored to preconstruction contours and elevations upon completion of the work.

4. **Temporary Fill and Mats:** Temporary fill and the use of mats are both considered a discharge of fill material and must be included in the quantification of impact area authorized by the MDSPGP-3. Temporary fill (e.g., access roads, cofferdams) in waters and wetlands authorized by the MDSPGP-3 shall be properly stabilized during use to prevent erosion. Temporary fill in wetlands shall be placed on geotextile fabric laid on the existing wetland grade. Upon completion of the work, all temporary fills shall be disposed of at an upland site, suitably contained to prevent erosion and transport to a waterway or wetland. Temporary fill areas shall be restored to their original, pre-construction contours and revegetated with native wetland species.

5. **Erosion and Sediment Control:** Adequate erosion and sediment control measures, practices and devices, such as vegetated filter strips, geotextile silt fences, phased construction, or other devices or methods, shall be used to reduce erosion and retain sediment on-site during and after construction. These devices and methods shall be capable of (a) preventing erosion, (b) collecting sediment and suspended and floating materials, and (c) filtering fine sediment. Erosion and sediment control devices shall be removed when the work is complete and the site has been successfully stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date. In-stream work shall be conducted "in the dry" whenever practicable. This should be accomplished using stream diversion devices, other than earthen or stone cofferdams. In addition, work in waters of the United States should be performed during periods of low-flow or no-flow, whenever practicable.

6. **Aquatic Life Movements:** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. A low flow channel must be maintained through any discharges placed for armoring across the channel so as to not impede flow in the waterway and/or not to block or impede the movements of anadromous, estuarine and resident fish. NOTE: Please refer to Appendix C for an expanded version of General Condition VI.C.6 entitled, "Guidance for Constructing Man-Made Stream Crossings and Scour Protection for Man-Made Stream Crossings to Pass Migratory Fish in The Coastal Plain Region of Maryland, and Lower Piedmont Region of Cecil, Harford, and Baltimore Counties, Maryland". This document includes recommended guidance on fish passage and hydrological parameters to ensure that man-made stream crossings do not adversely affect migratory fish.

7. Water Crossings:

- a. All temporary and permanent crossings of waterbodies shall be suitably bridged, culverted or otherwise constructed to withstand and to prevent the restriction of high flows and tidal flows; to maintain existing low flows; and to prevent the obstruction of movement by aquatic life indigenous to the water body, including anadromous, estuarine, and resident fish species.
- b. All water crossings (e.g., utility lines and road crossings) must be constructed roughly perpendicular to waters of the United States, including streams and wetlands. Where a utility line or access road is constructed parallel to a stream corridor, an undisturbed buffer shall be maintained between the utility line/access road and the waterway to avoid or minimize potential future impacts to waters of the United States. These potential impacts would include such issues as sewer line leaks or failures, future stream channel meandering, stream bank instability and failure, and right-of-way maintenance.
- c. Water crossings must be constructed "in the dry" whenever practicable. This should be accomplished by using stream diversion devices other than earthen or stone cofferdams.
- d. Equipment shall cross streams only at suitably constructed permanent or temporary crossings.
- e. Temporary structures and fills shall be removed and the area restored to its original contours and elevations, or to the conditions specified in the approved plans. The temporary structures and the areas of fill associated with these structures must be included in the total waterway/ wetlands impacts.

8. Discharge of Pollutants: All activities that are authorized under the MDSPGP-3 and that involve any discharge or relocation of pollutants into waters of the United States shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the CWA (33 U.S.C. 1251 et. Seq.), and applicable State and local laws and regulations.

9. Spawning Areas: Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill materials, in fish and shellfish spawning or nursery areas during spawning seasons shall be avoided. Impacts to these areas shall be avoided or minimized to the maximum extent practicable during all other times of year. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

10. Waterfowl Breeding and Wintering Areas: Discharges into breeding and wintering areas for migratory waterfowl shall be avoided to the maximum extent practicable.

11. Environmental Values: The permittee shall make every reasonable effort to construct or operate the work authorized under the MDSPGP-3 in a manner that maintains as many environmental values as practicable, and that avoids or minimizes any adverse impacts on existing fish, wildlife, and natural environmental values.

D. Procedural Conditions:

1. Inspections: The permittee shall permit the District Engineer or his authorized representative(s) to make periodic inspections at any time deemed necessary to ensure that the work is being performed in accordance with the terms and conditions of the MDSPGP-3. The District Engineer may also require post-construction engineering drawings (as-built plans) for completed work, and post-dredging survey drawings for any dredging work.

2. Compliance Certification: Every permittee who receives a written MDSPGP-3 verification shall submit a signed Compliance Certification Form within 60 days following completion of the authorized work and any required mitigation (but not mitigation monitoring, which requires separate submittals). Failure to submit the Compliance Certification Form by the permittee could result in the Corps taking appropriate non-compliance enforcement action against the permit holder. The blank Compliance Certification Form will be forwarded to the permittee with the MDSPGP-3 verification. The completed form will include the following:

- a. A statement that the authorized work either was or was not done in accordance with the MDSPGP-3 verification, including any general and/or specific conditions. If the activity was not done in accordance with the MDSPGP-3 verification, including any general and/or specific conditions, the permittee shall describe the specifics of the deviation from the authorized activity.

b. A statement that any required mitigation was or was not completed in accordance with the permit conditions. If the mitigation was not completed in accordance with the permit conditions, the permittee shall describe the specifics of the deviation from the permit conditions.

c. The signature of the permittee, certifying the completion of the work and compensatory mitigation.

After the project is completed, the certification shall be sent to the Baltimore District at the following address:

U. S. Army Corps of Engineers
Baltimore District
Attn: CENAB-OP-R
P. O. Box 1715
Baltimore, MD 21203-1715

3. **Transfer of MDSPGP-3 Verifications:** If the permittee sells the property associated with a MDSPGP-3 verification, the permittee may transfer the MDSPGP-3 verification to the new owner by submitting a letter to the Baltimore District Corps of Engineers office to validate the transfer. A copy of the MDSPGP-3 verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this MDSPGP-3 are still in existence at the time the property is transferred, the terms and conditions of this MDSPGP-3, including special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this MDSPGP-3 permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

(Transferee)

(Date)

4. **Maintenance:** The permittee shall maintain the work or structure authorized by the MDSPGP-3 in good condition and in compliance with the terms and conditions of the MDSPGP-3.

5. **Property Rights:** The MDSPGP-3 does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

6. **Modification, Suspension and Revocation:** The MDSPGP-3, or any verification under it, may be either modified, suspended, or revoked, in whole or in part, pursuant to DA policies and procedures and any such action shall not be the basis for any claim for damages against the United States.

7. **Restoration:** The permittee, upon receipt of a notice of revocation of authorization under the MDSPGP-3, shall restore the wetland or waterway to its former condition, without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

8. **Special Conditions:** The Corps may impose special conditions on any project authorized under the MDSPGP-3, in cases where the Corps determines that special conditions are necessary to avoid or minimize adverse effects on the environment or on any other factor of the public interest. Failure to comply with all conditions of the authorization/verification, including special conditions, will constitute a permit violation/unauthorized work and may subject the permittee to criminal, civil, or administrative penalties, and/or restoration.

9. **False or Incomplete Information:** If the project is verified by the Corps or MDE under the MDSPGP-3 and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the MDSPGP-3 verification may be revoked and the Government may institute appropriate legal proceedings.

10. **Compliance:** Any activity performed in waters of the United States, including wetlands and navigable waters, that is not in compliance with all the terms and conditions of the MDSPGP-3 that includes the MDSPGP-3 Category List activity-specific conditions, constitutes unauthorized work and is subject to an enforcement action by the Corps or the EPA. Furthermore, the MDSPGP-3 does not delegate any Section 404 enforcement or regulatory authority. When unauthorized

work occurs in waters of the United States, including wetlands and navigable waters, it is subject to one or more of the following responses by EPA and/or the Corps:

- a. A Cease and Desist order and/or an administrative compliance order requiring remedial action.
- b. Initiation and assessment of a Class I administrative penalty order pursuant to Section 309(g) of the CWA.
- c. Initiation and assessment of a Class II administrative penalty for continuing violation pursuant to Section 309(g) of the CWA.
- d. Referral of the case to the U. S. Attorney with a recommendation for a civil or criminal action.
- e. If the Corps determines that an after-the-fact application is appropriate, it will be reviewed following the appropriate procedures.
- f. Any other appropriate response.



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

MDSPGP-3 PERMIT COMPLIANCE, SELF-CERTIFICATION FORM (10/1/06)

Corps Permit Tracking No. _____ Category & Activity Number _____
Project Name _____ Applicant Name _____
Waterway _____ County _____

Dear Permittee:

In accordance with the compliance certification condition of your MDSPGP-3 authorization, you are required upon completion of all permitted work, or if mitigation/compensation is required, within 60 days following completion of the authorized work and any required mitigation (but not the mitigation monitoring, which requires separate submittals), to complete and sign this certification form and return it to the Corps of Engineers, Baltimore District to the address shown above and include ATTN: CENAB-OP-R.

Please note that the permitted activity is subject to compliance inspections by U.S. Army Corps of Engineers representatives. As a condition of this permit, failure to return this notification form, provide the required information below, or to perform the authorized work in compliance with the permit, can result in suspension, modification or revocation of your authorization in accordance with 33 CFR Part 325.7 and/or administrative, civil, and/or criminal penalties, in accordance with 33 CFR part 326.

Please provide the following information:

1. Date authorized work commenced: _____ 2. Date authorized work completed: _____
3. Was all work and any required mitigation, completed in accordance with your MDSPGP-3 authorization, including all general and/or specific conditions? YES _____ NO _____
4. Explain in detail any deviations to the authorized work and/or mitigation (use additional sheets if necessary)

5. Was mitigation accomplished through a contribution to the Maryland Nontidal Wetlands Compensation Fund?
YES _____ NO _____ (if NO complete Nos. 6 and 7 below).
6. Wetland Mitigation: Required? YES _____ NO _____ Required Completion Date _____
Completed? YES _____ NO _____ Mitigation Monitoring Reports Required? YES _____ NO _____
7. Attach labeled photographs showing completed work including mitigation area(s).

I hereby certify that, except as noted above, that all work, including mitigation, has been completed in accordance with the terms and conditions, including special conditions of the above referenced permit.

Signature of Permittee _____ Date _____

Signature of Contractor/Agent _____ Date _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 1715
BALTIMORE, MD 21203-1715

Corps Permit Tracking Number

MDSPGP-3
CATEGORY I ACTIVITY (I-a(3))
Piers

The projects, structures and activities, listed below, must comply with all activity-specific conditions, in addition to all of the general conditions of this general permit.

This activity authorizes private, non-commercial piers (Section 10)(Navigable waters of the United States, including nontidal navigable waters of the United States, e.g., Potomac and Susquehanna Rivers).

Conditions:

- (i) Application must be submitted to MDE for Corps authorization.
- (ii) This activity authorizes only 1 pier and 4 boat hoists or lifts per property.
- (iii) This activity does not authorize individual floating piers.
- (iv) If the pier is crossing open waters, it may not exceed 6 feet in width. If the pier is crossing areas of vegetated wetlands, it must not exceed 3 feet in width and must be constructed a minimum of 3 feet above the wetland surface elevation.
- (v) Piers with 6-foot wide decking that cross open tidal waters must have their decking constructed a minimum of 4 feet above mean low water to minimize shading of SAV. Alternatively, decking of a pier over open tidal waters may be constructed no lower than 3 feet above mean low water if the deck width does not exceed 5 feet.
- (vi) The total area of all fixed and floating auxiliary platforms including Ts, Ls, and step down platforms must not exceed 200 square feet and must not be located over vegetated wetlands.
- (vii) Floating auxiliary structures authorized by this activity are limited to floating finger piers, including small floating jet-ski piers and platforms; and floating gangways provided the total square footage of these floating structures does not exceed 200 square feet for any one project.
- (viii) Platforms must not be constructed within the landward 50% of the main pier section.
- (ix) The project must not create more than 4 boat slips.
- (x) The project must not include more than 2 osprey poles per property.
- (xi) The project must not include more than 2 three-pile dolphins.
- (xii) The pier must not include more than two, 3-foot wide finger piers, and the finger piers must not exceed 50 % of the proposed slip length.
- (xiii) The project must meet the minimum extended property line setback requirements established by the local jurisdiction in which the activity is proposed. In localities where there are no set back requirements, the structure(s) must be constructed in a manner that does not obstruct ingress and egress from adjacent properties.
- (xiv) Piers must not extend within 100 feet of an MDE-approved water ski course.

MDSPGP-3
CATEGORY I ACTIVITY (I-a(3))

Piers

-2-

- (xv) Piers must not extend more than a distance of 25% of the width of the waterway, channelward of the mean high water line and/or vegetated tidal wetlands; provided the pier does not come within 20 feet of any marked or unmarked channel (area normally traversed by boats or areas of water commonly used for navigation) or within 150 feet of the horizontal limits of a Federal navigation channel.
- (xvi) This activity does not authorize dredging. Authorization of the pier is based upon current water depths and propeller dredging is not authorized.
- (xvii) It should not be presumed that this pier authorization predetermines, in any way, that future requests to dredge for navigational access would be similarly authorized. Any decision on future dredging proposals adjacent to this property will be based upon existing, historical, physical, and biological characteristics of the waterway, and will include consideration of water depths, submerged aquatic vegetation, consideration of any other aquatic resources present, or other factors that may be relevant.
- (xviii) Whenever possible, construction of the pier/platform shall be constructed from uplands, open water, or from the structure itself. Marsh mats shall be used if equipment is placed in vegetated wetlands and must be removed immediately following construction of the pier and the wetland area restored to its preconstruction condition if damaged.
- (xix) The permittee acknowledges the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels and/or ice flows within the waterway. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of vessels moored thereto from damage by wave wash and/or ice flows, and the permittee shall not hold the United States liable for such damage.

Pl. Bk. 64, Folio 130

2200015404

2.8

SENECA HARBOR (PDM File/Project # 15-558)

CLARKS POINT RD

Pl. Bk. 64, Folio 131

2200015405

6 CD

15 ED

Flood Zone AE

DR 5.5

SITE
↓

NE 3-K

115C2

SENECA CREEK HYDROLOGY AREA

RC 5

08-9-4

3735 Clarks Pt.
Pier



08465-A



K-69h-80



Case No.: 08-469-A 3735 CLARKS POINT RD

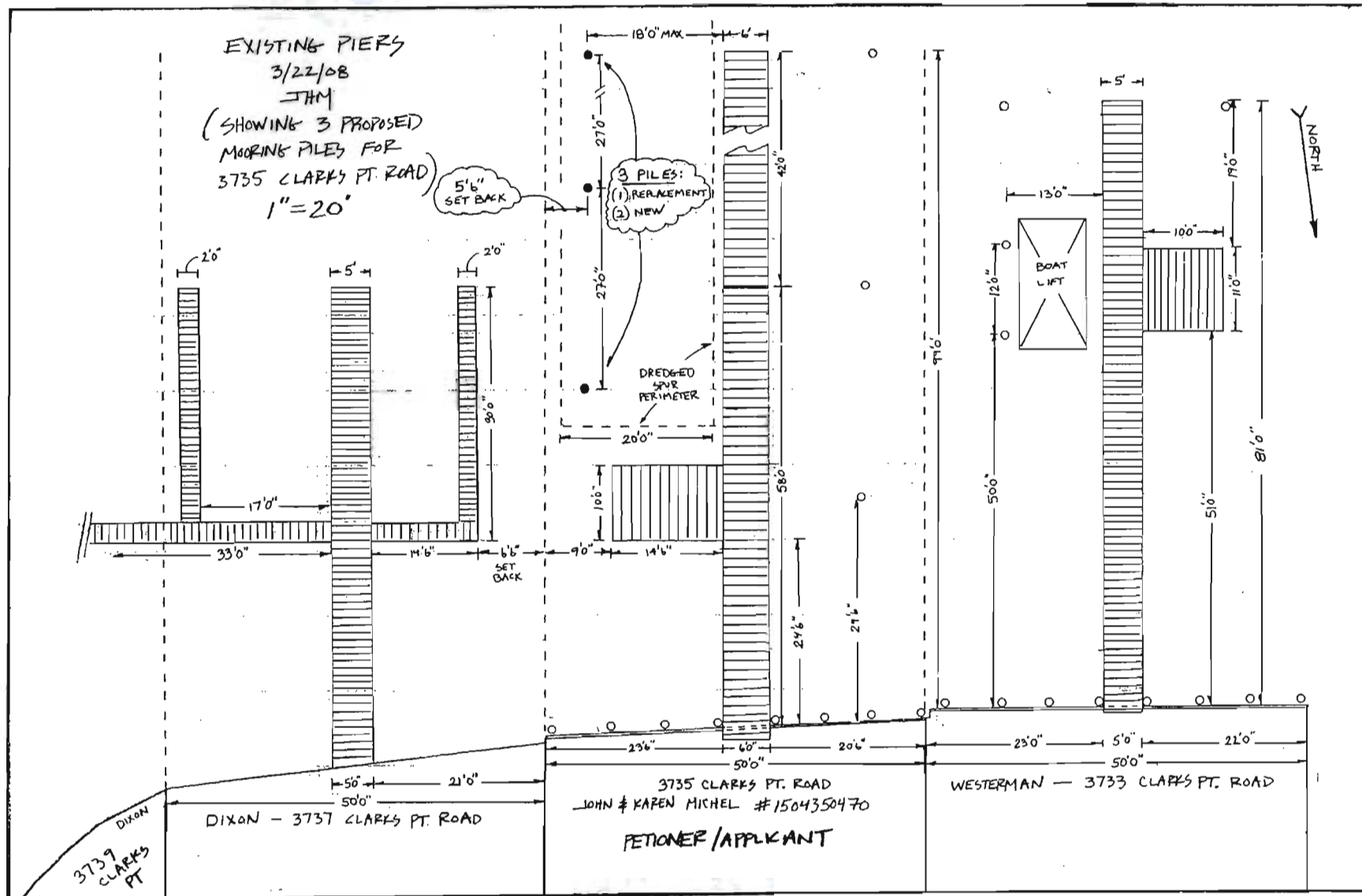
Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	LETTER OF SUPPORT ADJACENT NEIGHBOR	
No. 3	APPLICATION FOR PIER PERMIT WITH ACCOMPANYING DIAGRAM	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

08-469-A



AUGUST & ROSSLEE DIXON
3737 Clarks Point Road
Bowleys Quarters, Maryland 21220

March 22, 2008

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

Subj: Consent to Mooring Pile Installation

TO WHOM IT MAY CONCERN:

Mr. & Mrs. Michel, our neighbors and the owners of 3735 Clarks Point Road, have notified us of their desire to have three (3) mooring piles installed alongside their pier (on the side adjacent to our property) to create a boat slip, and that they are submitting the appropriate paper work to obtain a permit to do so. We are aware that the Michel's are making their request now that Baltimore County and its contractor have finished dredging the main channel in Seneca Creek and a spur from the channel up to and along side their existing pier.

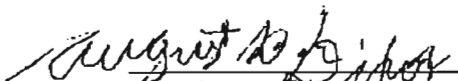
We understand that one (1) of the three (3) piles is intended to replace a previously existing pile that was removed by the County's contractor to permit the dredging (Spur #33), and that the other two (2) piles are to be installed adjacent and parallel to the Michel's pier as shown on the drawing they are submitting to obtain the required permits.

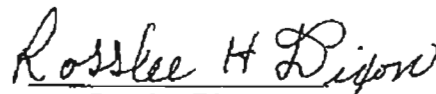
Moreover, we have reviewed the Michel's drawing and understand that the three (3) mooring piles would be installed so as to encroach somewhat on the 10' divisional property line setback as otherwise required by Section 417.4 of the Baltimore County Zoning Regulations. Specifically, that after installation the setback between the divisional property line and the piles may be as little as 5' in lieu of 10'. The proposed installation will not create a hardship for us or any other neighbor.

Furthermore, we believe that requiring strict compliance with the setback requirements in Section 417.4 – especially after having obligated themselves to pay for the spur dredging – would constitute a practical difficulty and/or an unreasonable hardship for the Michel's. Simply put, narrow lot widths (50') like the Michel's dictate that the 10' setback be relaxed. Otherwise, it is not possible to create a slip for a boat size that the dredging itself was intended to ensure can continue to navigate Seneca Creek. In addition, a boat merely tied alongside the Michel's pier without the assistance of mooring piles would easily become damaged.

For all of the above reasons we do not object to the Michel's request for a variance and permit, or to the installation of the three (3) piles.

Sincerely,


August Dixon


Rosslee Dixon

PETITIONER' S

EXHIBIT NO. 2

AUGUST & ROSSLEE DIXON
3737 Clarks Point Road
Bowleys Quarters, Maryland 21220

March 22, 2008

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

Subj: **Consent to Mooring Pile Installation**

TO WHOM IT MAY CONCERN:

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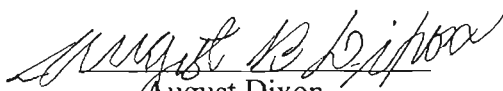
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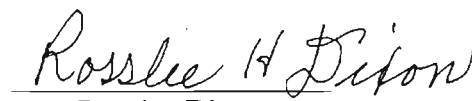
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For all of the above reasons we do not object to the Michel's request for a variance and permit, or to the installation of the three (3) piles.

Sincerely,


August Dixon


Rosslee Dixon

08-469-4

ISSUED 11-E-05 APPLICATION FOR PERMIT BALTIMORE COUNTY MARYLAND DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT TOWSON, MARYLAND 21204 DATE: 11/8/05 OEA: HISTORIC DISTRICT/BLDG. PERMIT #: B611561 RECEIPT #: A532537 CONTROL #: XREF #: FEE: 20.00 PAID: 20.00 PAID BY: 411 INSPECTOR:

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

PROPERTY ADDRESS 3735 Clarks Pt. Rd SUITE/SPACE/FLOOR SUBDIV: TAX ACCOUNT #: 1504350470 DISTRICT/PRECINCT 15 OWNER'S INFORMATION (LAST, FIRST) NAME: John & Karen Michel ADDR: 3735 Clarks Pt. Rd, Bowleys Quarters, MD 21220 APPLICANT INFORMATION NAME: Owner - John H. Michel COMPANY: STREET 3735 Clarks Pt. Rd CITY, ST, ZIP Bowleys Quarters MD 21220 PHONE #: 410335-8470 MHIC # MHBR # APPLICANT SIGNATURE: DRC# PLANS: CONST PLOT PLAT DATA EL 2 PL 2 TENANT CONTR: Bay Pile Driving (Jeff) 4108793121 ENGR: SELLR:

DOES THIS BLDG. HAVE SPRINKLERS YES NO

- TYPE OF IMPROVEMENT
- 1. NEW BLDG CONST
 - 2. ADDITION
 - 3. ALTERATION
 - 4. REPAIR
 - 5. WRECKING
 - 6. MOVING
 - 7. OTHER

DESCRIBE PROPOSED WORK: REPLACE EXISTING FLOTION pier & construct a 6' x 40' pier extension (to replace floating pier that was removed) in Severn Creek. Army Corp & State permits may be required for this construction.

- TYPE OF USE
- RESIDENTIAL
- 01. ONE FAMILY
 - 02. TWO FAMILY
 - 03. THREE AND FOUR FAMILY
 - 04. FIVE OR MORE FAMILY (ENTER NO UNITS)
 - 05. SWIMMING POOL
 - 06. GARAGE
 - 07. OTHER pier extension.

- NON-RESIDENTIAL
- 08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
 - 09. CHURCH, OTHER RELIGIOUS BUILDING
 - 10. FENCE (LENGTH HEIGHT)
 - 11. INDUSTRIAL, STORAGE BUILDING
 - 12. PARKING GARAGE
 - 13. SERVICE STATION, REPAIR GARAGE
 - 14. HOSPITAL, INSTITUTIONAL, NURSING HOME
 - 15. OFFICE, BANK, PROFESSIONAL
 - 16. PUBLIC UTILITY
 - 17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
 - 18. SIGN
 - 19. STORE MERCANTILE RESTAURANT SPECIFY TYPE
 - 20. SWIMMING POOL SPECIFY TYPE
 - 21. TANK, TOWER
 - 22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
 - 23. OTHER

- TYPE FOUNDATION
- 1. SLAB
 - 2. BLOCK
 - 3. CONCRETE
- BASEMENT
- 1. FULL
 - 2. PARTIAL
 - 3. NONE

- TYPE OF CONSTRUCTION
- 1. MASONRY
 - 2. WOOD FRAME
 - 3. STRUCTURE STEEL
 - 4. REINF. CONCRETE
- TYPE OF HEATING FUEL
- 1. GAS
 - 2. OIL
 - 3. ELECTRICITY
 - 4. COAL
- TYPE OF SEWAGE DISPOSAL
- 1. PUBLIC SEWER EXISTS PROPOSED
 - 2. PRIVATE SYSTEM EXISTS PROPOSED
 - SEPTIC EXISTS PROPOSED
 - PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2. ESTIMATED COST: \$4,000 OF MATERIALS AND LABOR PROPOSED USE: EXISTING USE:

- OWNERSHIP
- 1. PRIVATELY OWNED
 - 2. PUBLICLY OWNED
 - 3. SALE
 - 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE 6. HIRISE #EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS

GARBAGE DISPOSAL 1. YES 2. NO BATHROOMS CLASS 34 LIBER 87 FOLIO 13

BUILDING SIZE LOT SIZE AND SETBACKS FLOOR SIZE 21200 SF FRONT STREET SIDE STREET FRONT SETBK SIDE SETBK SIDE STR SETBK REAR SETBK

APPROVAL SIGNATURES		DATE
BLD INSP	:	:
BLD PLAN	120. FINAL - JAL	11-8-05
FIRE	:	:
SEDI CTL	:	:
ZONING	11/8/05	11/8/05
PUB SERV	11/8/05	11/8/05
ENVRMNT	11/8/05	11/8/05
PLANNING	:	:
TS	11/8/05	11/8/05

1. YES 2. NO MAKE CHECKS

PETITIONER'S

(LAND -- NO PERMIT FEES REFUNDED)

EXHIBIT NO. 3

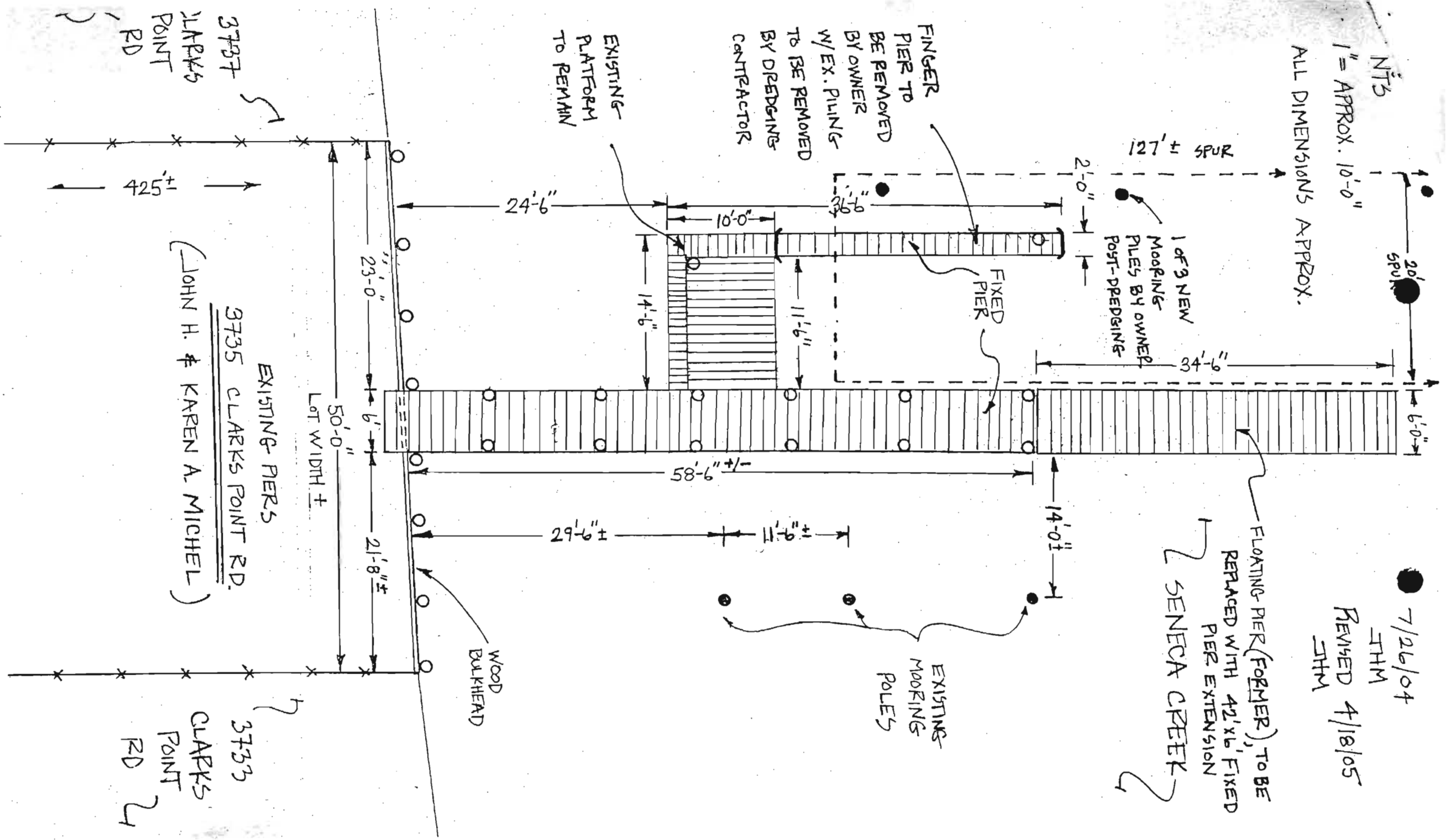
7/26/04
JHM

REVISED 4/18/05
JHM

N.T.S

1" = APPROX. 10'-0"

ALL DIMENSIONS APPROX.



PORTION OF OPZ NE 3-K

1" = 200' +/-

POINT SITE

D.R.5.5

PIERS

PIERS

PIERS

D.R.5.5

50

9. UTILITIES SHOWN HEREON ARE PER REFERENCED PLANS.

(410) 817-4600

D.R.5.5

"SENECA
CREEK

WOOD.
BULKHEAD

#3733
2STY SFD

WESTERMAN
13371/76
1519480491
LOT 43

#3737
1 STY SFD
DIXON
5346/ 681
1515690110
LOT 41

DWG. —
50' x 30

ADD -
DMA

WOOD GARAGE
UTILITY POLE

50' WATER
FAN. METER EX PAVING

CLARK'S POINT ROAD
S64° 32' E

VICINITY MAP 1" = 1000' + -

15TH ELEC. DIST. 6TH COUNC. DIST. BALTIMORE COUNTY, MD.
AUGUST, 2004 SCALE: 1"= 50'

CM 469 08-469

J.O. # 04-1042

PETITIONER'S

EXHIBIT NO.