AA 383-99 Sherman, James
VAR 99-0284

MSA — S1829 - 150

Letter LC 8/3/99

Letter 8/24/99 LC

16 J-13 Letter 12/10/99

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

August 23, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0284-V, James Sherman - **ADDITIONAL COMMENTS**

Dear Mr. Dooley:

Please accept these additional comments on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less Buffer than required. The property is designated LDA and is currently undeveloped. The entire lot is within the Buffer due to the presence of non-tidal wetlands and a tributary stream.

It has come to our attention that this parcel may not be grandfathered under the Critical Area regulations. According to the Critical Area report and the site plan, the subject property is Tax Map 40, Block 24, Parcel 235. According to the County printout accompanying the application, the subject property is Tax Map 41, Block 13, Parcel 48. I have reviewed the deed referenced on the application (Liber 6333, Folio 111). It appears that at one time Parcel 235 contained approximately 56 acres. Over the years, pieces of the parcel were conveyed to other parties, including the Federal government and the State Highway Administration. According to the deed, which was recorded October 1, 1993, the present property owner, James Sherman, purchased the property and paid an agricultural transfer tax for 7.136 acres (tax account no. 03-000-17467800). Further, after visiting the County tax assessors office, it appears that in 1997, 0.54 acres were separated from the parent parcel (tax account no. 03-000-17467800) and given a new parcel number and new tax account no. (03-000-90097992). Thus, it appears that this parcel may not be grandfathered.

If this parcel is not properly grandfathered, this office opposes the variance requested. New lots within the Critical Area must fully comply with all Critical Area regulations. Creating a lot which requires a variance in order to be developed does not meet the standards set forth in the County's Zoning Ordinance for Critical Area variances, nor does it meet the standards set forth in COMAR 27.01.11.

Thank you for the opportunity to submit additional comments. Please include this letter in your file (along with our previous letter) and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA383-99

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

August 3, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0284-V, James Sherman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The tributary stream on this parcel is not clearly identified on the site plan, but it appears that much of the parcel would be within the 100-foot Buffer. Impacts to the Buffer should be minimized as much as possible. Would it be possible to shift the house further away from the wetland, to decrease impacts to the non-tidal wetland buffer? Mitigation should be provided for disturbance within the 100-foot Buffer to the tributary stream at a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA383-99

MEMORANDUM

TO: David M. Plott

FROM: Amanda E. Smith

DATE: October 7, 1999

RE: Sherman Property / Chain of Title

Pursuant to your request, I have reviewed the Deeds in the chain of title to Parcel 235, purchased by James Sherman on October 1, 1993 containing 7.136 acres of non-contiguous land to ascertain the approximate date that the existing parcel was created.

Following is an outline of the chain of title and out conveyances of the original 56.3 acres of land.

Date Of Conveyance	References	Property
12/1/32	FSR 107 @ 34	Barclet to Labrot & Company 56.3 acres
12/26/41	JHH 251, Folio 314	Labrot & Company to William H. Labrot
11/29/49	Liber 548 Folio 581	TO: State Roads Commission of Maryland (unspecified amount of land)
1/13/53	738 @ 17	TO: State Roads Commission of Maryland (unspecified amount of land)
1/13/53	738 @ 21	TO: State Roads Commission of Maryland (unspecified amount of land)
12/10/53	802 @ 444	TO: Norton's – **1.0 acre** Known as Parcel 164
6/7/55	948 @ 162	Declaration of Taking by U.S. Government **16.66 acres** **2.23 acres** **1.44 acres**

EXHIBIT "2"

10/13/54	883 @ 266	Declaration of Taking by U.S. Government **23.76 acres**

The total acreage that was conveyed during the 50's and specifically described in the above-referenced deeds totals 45.06 acres. The State Highway deeds refer to plats and do not specify the exact amount of land taken.

I calculate the following:

56.3	ACRES TOTAL
44.09	TAKEN BY U.S. GOVERNMENT
1.0	TO NORTON
4.08	ASSUME TAKEN BY STATE
7.064	CONVEYED TO SHERMAN
56.234	

The last conveyance made out of the original chunk of Parcel 235 was on October 13, 1954 to the U.S. Government and left the remaining ~~7.136~~ 7.064 non-contiguous piece that was conveyed to Sherman on 10/1/93.

We have some miscellaneous deeds that appear to pertain to the conveyance of the current Revell Downs subdivision that was also owned originally by William Labrot. I do not think these deeds are relevant to the remainder of Parcel 235.

ANNE
ARUNDEL
COUNTY,
MARYLAND

2664 Riva Road, P.O. Box 6675
Annapolis, Maryland 21401

Department of Planning and Code Enforcement

222-7437

August 30, 1999

Mr.James R. Sherman
3904 Myrtle Avenue
Baltimore, MD. 21227

Re: Case #1999-0284-V
TM 40 BLK 24 P235

Mike Gallitor

Dear Mr. Sherman:

Enclosed is a copy of the Chesapeake Bay Critical Area Commission review comments pertaining to your variance application. These comments must be addressed prior to your September 9th variance hearing. If these comments are not addressed, it could result in a negative recommendation of your variance application.

If you have any questions regarding this application, you should contact this Office at 410-222-7437.

Sincerely,

Patricia A. Miley

Patricia A. Miley
Planner

cc: Alpha File

EXHIBIT "1"

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

August 23, 1999

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0284-V, James Sherman - **ADDITIONAL COMMENTS**

Dear Mr. Dooley:

Please accept these additional comments on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less Buffer than required. The property is designated LDA and is currently undeveloped. The entire lot is within the Buffer due to the presence of non-tidal wetlands and a tributary stream.

It has come to our attention that this parcel may not be grandfathered under the Critical Area regulations. According to the Critical Area report and the site plan, the subject property is Tax Map 40, Block 24, Parcel 235. According to the County printout accompanying the application, the subject property is Tax Map 41, Block 13, Parcel 48. I have reviewed the deed referenced on the application (Liber 6333, Folio 111). It appears that at one time Parcel 235 contained approximately 56 acres. Over the years, pieces of the parcel were conveyed to other parties, including the Federal government and the State Highway Administration. According to the deed, which was recorded October 1, 1993, the present property owner, James Sherman, purchased the property and paid an agricultural transfer tax for 7.136 acres (tax account no. 03-000-17467800). Further, after visiting the County tax assessors office, it appears that in 1997, 0.54 acres were separated from the parent parcel (tax account no. 03-000-17467800) and given a new parcel number and new tax account no. (03-000-90097992). Thus, it appears that this parcel may not be grandfathered.

If this parcel is not properly grandfathered, this office opposes the variance requested. New lots within the Critical Area must fully comply with all Critical Area regulations. Creating a lot which requires a variance in order to be developed does not meet the standards set forth in the County's Zoning Ordinance for Critical Area variances, nor does it meet the standards set forth in COMAR 27.01.11.

Thank you for the opportunity to submit additional comments. Please include this letter in your file (along with our previous letter) and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA383-99

ANNE ARUNDEL CO.
RECEIVED
AUG 27 1999
PLANNING & CODE ENFORCEMENT

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 5, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: BA19-00V, James Sherman

Dear Mr. Dooley:

We would like to comment on the above referenced case. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

It is our understanding that there is considerable conflicting opinion and information on whether or not this lot is considered grandfathered and/or buildable under the County's regulations. Provided that this issue is resolved and the lot is found to be grandfathered and/or buildable, this office does not oppose the siting of a single family dwelling on it. It appears that siting the dwelling in the additional area found during the property survey will decrease impacts to the Buffer. The dwelling should be sized, designed and located to minimize clearing and grading. Our office supports the variance in the yard setback requirements in order to accommodate a house as far from the wetlands as possible. We recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer to the tributary stream.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA383-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

AA383-99

ANNE ARUNDEL COUNTY
MARYLAND

BOARD OF APPEALS
P.O. BOX 2700
ANNAPOLIS, MARYLAND 21404
410-222-1119

April 25, 2000

NOTICE OF APPEAL HEARING

BA 19-00V
James Sherman

The Board of Appeals will conduct a public hearing on the above case on Wednesday, June 7, 2000, at 5:30 P.M. in the Council Chambers, First Floor, Arundel Center, 44 Calvert Street, Annapolis, Maryland.

This is an appeal from a decision of the Administrative Hearing Officer. This appeal is taken from the denial of a variance to permit construction of a dwelling with less setbacks and buffer than required. The property is located 217' along the east side of Bay Head Road, 100' northeast of Woods Landing Drive, Annapolis.

Interested persons are advised to contact the Board of Appeals at 410-222-1119 to confirm that the hearing will proceed as advertised. The Board may choose to close a portion of the meeting to obtain legal advice or to discuss personnel matters as authorized by Section 10-508(a)(7) or Section 10-508(a)(1) of the Open Meetings Act.

Mary M. Leavell
Clerk

cc: Property Owners
News Media
Critical Area Commission
Stephen M. LeGendre
Kevin P. Dooley (1999-0284-V)
David M. Plott, Esquire

AA 383-99

RECEIVED
FEB 10 2000
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0284-V

IN RE: **JAMES SHERMAN**

THIRD ASSESSMENT DISTRICT

DATE HEARD: JANUARY 11, 2000

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: **KEVIN DOOLEY**

DATE FILED: **FEBRUARY** 8, **2000**

PLEADINGS

James Sherman, the applicant, seeks a variance (1999-0284-V) to permit a dwelling with less setbacks and buffer than required on property located along the east side of Bay Head Road, northeast of Woods Landing Drive, Annapolis.

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. The applicant submitted the affidavit of David Sell indicating that the property was posted on December 23, 1999.

FINDINGS AND CONCLUSIONS

This case concerns 0.63 acres of unimproved property fronting on Bay Head Road, just north of its intersection with Woods Landing Drive. The site is split zoned R-1 residential and OS Open Space. The applicant proposes to construct a 26' X 48' dwelling in the R-1 portion of the site. The dwelling is planned within 45 feet from a tributary stream and 10 feet from the rear property line.

The Anne Arundel County Code, Article 28, Section 1A-104(a)(1) establishes a minimum 100-foot buffer from a tributary stream. Section 2-305(a)(3) requires a rear yard at least 35 feet deep. Accordingly, the proposal necessitates a buffer variance of 55 feet and a variance of 25 feet to the rear

setback.[1]

Kevin Dooley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the site is considered a legal lot. It is below the standard for the R-1 district as to area. It is hourglass in shape and bisected by nontidal wetlands. The northern portion of the site is characterized by wetlands and their buffers. The dwelling is proposed in the shallow (76 feet in depth) southern portion of the site. The witness indicated that the southern portion is preferred for development because there would be less impact to nontidal wetlands. He submitted a packet of agency comments. The County's Department of Recreation and Parks is planning a multi-use trail route following the east side of Bay Head Road. The Chesapeake Bay Critical Area Commission's December 10, 1999, comment recommended mitigation at a 3:1 ratio. By way of conclusion, Mr. Dooley supported the application.

Mr. Sherman testified that the property is a residue parcel created in the 1950's when the United States Government acquired the adjacent Nike site. He acquired the property in 1993 along with other acreage. He does not own any contiguous land. He submitted several photographs of the site and the surrounding area. He believes that the proposed 2,500 square foot house is compatible with the neighborhood and contended that the requested variance does not arise from his

[1]The applicant originally requested a variance of five feet to the 40-foot front setback to permit a 5' X 20' dwelling extension. This aspect of the proposal was withdrawn at the hearing with the result that the front setback variance is denied. See, Section 11-106.

actions and represents the minimum relief.

Michael Gallatin, the applicant's engineering consultant, explained that the property presented what he termed a "boundary nightmare". The property is not described in any deed by metes and bounds. Instead, it is pieced together from all the adjacent deeds and reflects what is left after every other out conveyance back to the 1920's. The witness submitted a buildable lot letter from the Permit Application Center dated January 10, 2000.[2] The applicant originally proposed a dwelling in the northern part of the site in the wetlands buffer. The applicant has relocated the dwelling to a higher elevation with an increased setback from water. The witness contended that the site cannot be developed absent an impact to the tributary stream buffer (which encompasses the entire property), and that the proposal minimizes the extent of the impact. The site development will incorporate a grading permit, silt fencing and sediment controls to minimize stream impacts. With respect to the setback variance, the witness considers the site unique because all but one foot of the depth along the southern boundary is encompassed by front and rear setbacks The witness contended that the denial of the variances would be a hardship because the applicant would be unable to develop the site with a single-family dwelling. He stated that there are townhouses in Woods Landing that are even closer to the center line of the stream.

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[2]According to the witness, the Permit Application Center issued a buildable lot letter in 1997 based on a site area of only 0.53 acres. Recent title research identified approximately 0.09 acre of additional land along the southern boundary.

He contended that the proposed construction is reasonable, especially as compared to much larger area homes.

There was substantial public opposition to the application. Nancy Wright, President of the Broadneck Federation of Community Associations, Inc., observed that the site, which was once tidal wetlands, is at the headwaters of the Little Magothy River. She contended it is deserving of Open Space status. She reported that the site is low lying and remains wet even during periods of extended drought. She expressed concern for the potential for onsite migration of contaminates from the adjacent Nike site. She considers the proposed backyard to be far too shallow. She suggested that a purchase by the County would be a better use of the property. In the alternative, she requested that any variances are minimized with the applicant required to perform soil testing for hazardous materials with the results provided to the ultimate purchaser. The witness also supplied a copy of a letter dated August 23, 1999, from the Chesapeake Bay Critical Area Commission questioning whether the site is grandfathered under the Critical Area regulations.

Robert Houlne expressed concern that development of the site will cause additional silting to tidal portions of the Magothy River and also cause increased flooding at the culvert under Bay Head Road.[3]

William Miller, who lives adjacent to the property, observed that his 10 acres and the 23-acre Nike site drain to the property. He was unsuccessful in his

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[3]Bay Head Road narrows at the site.

efforts to acquire the property from a prior owner. He noted that the property survey includes to the center line of Bay Head Road. Finally, when the sewer was extended in 1997, he was lead to believe by County representatives that the property was not buildable.

Other protestants included Dan Roper, Kim VonParis, Thomas Rose, Arthur Marchand, Chris Hilton, Mary Feik, Barbara Hitchings, Mary Lehr, Suzanne Mallano, Maria Dawson, Robert Poor, and Catherine O'Malley. These witnesses expressed a variety of concerns, some unique and some universal. Matters discussed included the cumulative impact on the bay from the development of sensitive properties one at a time; the element of speculation in developing a small remainder following out conveyances; the impacts to plants and wildlife; the comparatively significant extent of the requested relief; traffic hazard associated with the proposed driveway; and the likelihood that the site will flood.

I visited the site and the neighborhood. The northern two thirds of this wooded site is characterized by a drainage course feeding a culvert at the low point in Bay Head Road. The southern third is visibly higher in elevation. The area is developed with a variety of dwelling styles, including the established Woods Landing community, individual older homes, and Chesapeake Preserve, a new subdivision of large two story homes which is still under construction.

The standards for granting variances are contained in Section 11-102.1. Under subsection (a), a zoning variance may be granted only after determining either (1) unique physical conditions, peculiar to the lot, such that there is no

reasonable possibility of developing the lot in strict conformance with the code; or (2) exceptional circumstances such that the grant of a variance is necessary to avoid an unnecessary hardship, and to enable the applicant to develop the lot. Under subsection (b), for a property in the Critical Area, a variance to the Critical Area program requirements may be granted if (1) due to features of the site or other circumstances, a strict implementation of the program would result in an unwarranted hardship to the applicant; (2) a literal interpretation of the program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicant any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicant and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

In Anne Arundel County, Critical Area variances are measured against the unwarranted hardship standard. The issue is whether the denial of the application is a denial of "reasonable and significant use." Belvoir Farms Homeowners Association,

Inc., v. North, 355 Md. 259 (1999). The factors enumerated in the variance statute "cannot be construed individually to overrule a finding of unwarranted hardship... ." White v. North, 356 Md. 31, (1999).

Before applying the variance standards, I am compelled to comment on the status of the property. The applicant's case places strong emphasis on the buildable lot letter.[4] In the typical case, this office does not look behind the determination.[5] But the record in this case raises some doubt about the letter.

On the one hand, Mr. Sherman asserted that the parcel is a residue created in the 1950's when the federal government acquired the Nike site. Mr. Gallatin added that it was pieced together from several adjacent deeds and is the remainder from out conveyances back to the 1920's. Finally, recent title research increased the area from .54 acres to .63 acres. The only other information in the record is the applicant's title deed (Liber 6333, Folio 111). It adds very little.

On the other hand, the property is admittedly nowhere described by metes

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[4]The term "buildable lot" is nowhere defined in the Code. Presumably, the Permit Application Center letter means "buildable approved lot", as defined in Article 26, Section 2-409(d): "an approved lot that can reasonably be expected to receive federal, State, and County approvals necessary for the issuance of a building permit." See also "approved lot", as defined in Article 26, Section 2-409(c): "(1) a legally existing lot, tract, or parcel of record created as a separate lot, tract, or parcel before June 3, 1952; (2) a lot, tract, or parcel of record created on or after June 4, 1952, in compliance with the zoning and subdivision regulations in effect at the time of its creation; or (3) a lot, tract, or parcel of record created on or before January 14, 1970 that is not exempt from this article under the provisions of Section 1-105 of this article and that is subdivided in accordance with the provisions of this article."

[5]Despite the significance the applicant attaches to the buildable lot letter, the document recites that it "is sent for informational purposes only and is not to be considered as an administrative or adjudicatory order from which an appeal to the County Board of Appeals may be taken."

and bounds. And, despite the apparent prescriptive public easement to Bay Head Road, the applicant's site plan incorporates to the middle of pavement within the property boundary. Finally, despite current indications, there is at least anecdotal evidence that the property was not considered buildable by the County in the past. In sum, rather than a buildable approved lot, the property may be no more than an uneconomic remnant created by the actions of either the federal government or the applicant's predecessors in title.

Even if the property is a buildable approved lot, I do not believe that the applicant has met his heavy burden of proof on the merits of the variance application. Even if the zoning setback variance satisfies the subsection (a) criteria and the Critical Area buffer variance satisfies all of the subsection (b) criteria, the combined proposal does not satisfy the subsection (c) criteria. Thus, when the northern portion of the site was under consideration for development, the applicant was proposing a substantially smaller dwelling (26'X30' versus 26'X48'). Section 10-105(a) permits as little as 600 square feet of usable floor area. While it is laudable that the applicant seeks to increase the distance to water, he is still only permitted the minimum relief. Additionally, I believe that a home with a rear yard that is only 10 feet deep is an aberration in this or any R-1 neighborhood and would be detrimental to the public welfare.

ORDER

PURSUANT to the application of James Sherman, petitioning for a variance

to permit a dwelling with less setbacks and buffer than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 8th day of February, 2000,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant's request is **denied**.

Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

December 10, 1999

Ms. Pam Miley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0284-V, James Sherman - Revised Plans

Dear Ms. Miley:

Thank you for providing the revised plans for the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less Buffer than required. The property is designated LDA and is currently undeveloped.

It appears that siting the dwelling in the additional area found during the property survey will decrease impacts to the Buffer. The dwelling should be designed and located to minimize clearing and grading. Our office supports the variance in the yard setback requirements in order to accommodate a house as far from the wetlands as possible. We recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer to the tributary stream.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

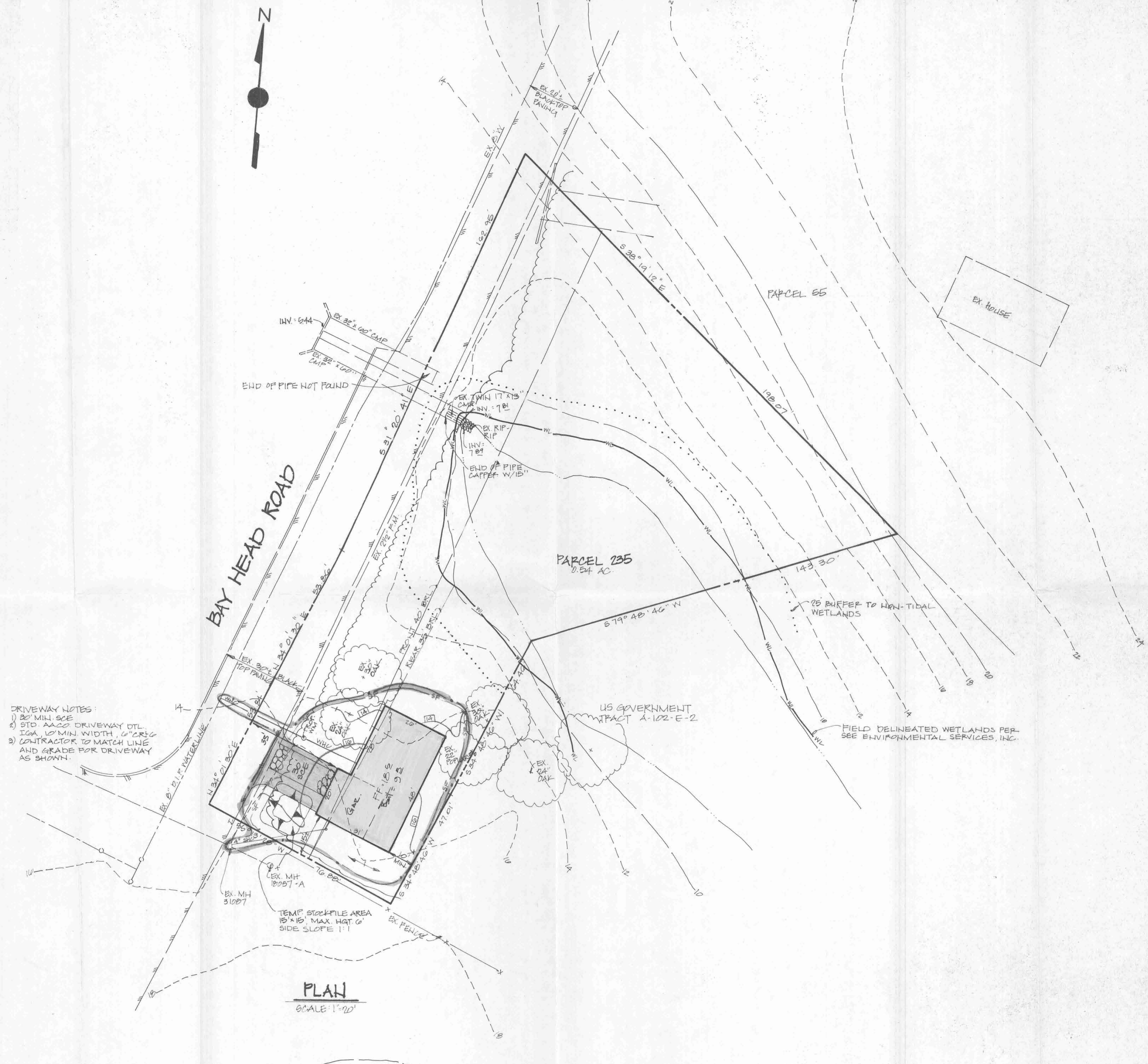
LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: David M. Plott, Esq.
AA383-99

CRITICAL AREA SITE CALCULATIONS

1.	Site Area	27,415 Sq.Ft.
2.	Site Area in the Critical Area	27,415 Sq.Ft.
3.	Site Area Outside Critical Area	0 Sq.Ft.
4.	Existing Impervious Area	0 Sq.Ft.
5.	Proposed Impervious Area	1,798 Sq.Ft. (6.5%)
6.	Maximum Impervious Area	5,445 Sq.Ft.
7.	Total Proposed Disturbance	4,400 Sq.Ft.
8.	Total Forested Area in Critical Area	22,000 Sq.Ft.
8.	Total Forested Area to Remain in Critical Area	17,970 Sq.Ft.
9.	Total Forested Area to be removed in Critical Area	4,030 Sq.Ft. (18.3%)



REVISION BLOCK			
NO.	DATE	DESCRIPTION	BY

OWNER / DEVELOPER
JAMES R. SHERMAN
3904 MYRTLE AVE.
HALETHORPE, MD.
410-636-5934

12/2/99

TERRAIN, INC.

LAND ENGINEERING & DEVELOPMENT SERVICES
2444 SOLOMON'S ISLAND ROAD, SUITE 210
ANNAPOLIS, MARYLAND 21401
(410) 266-1160
FAX (410) 266-6129

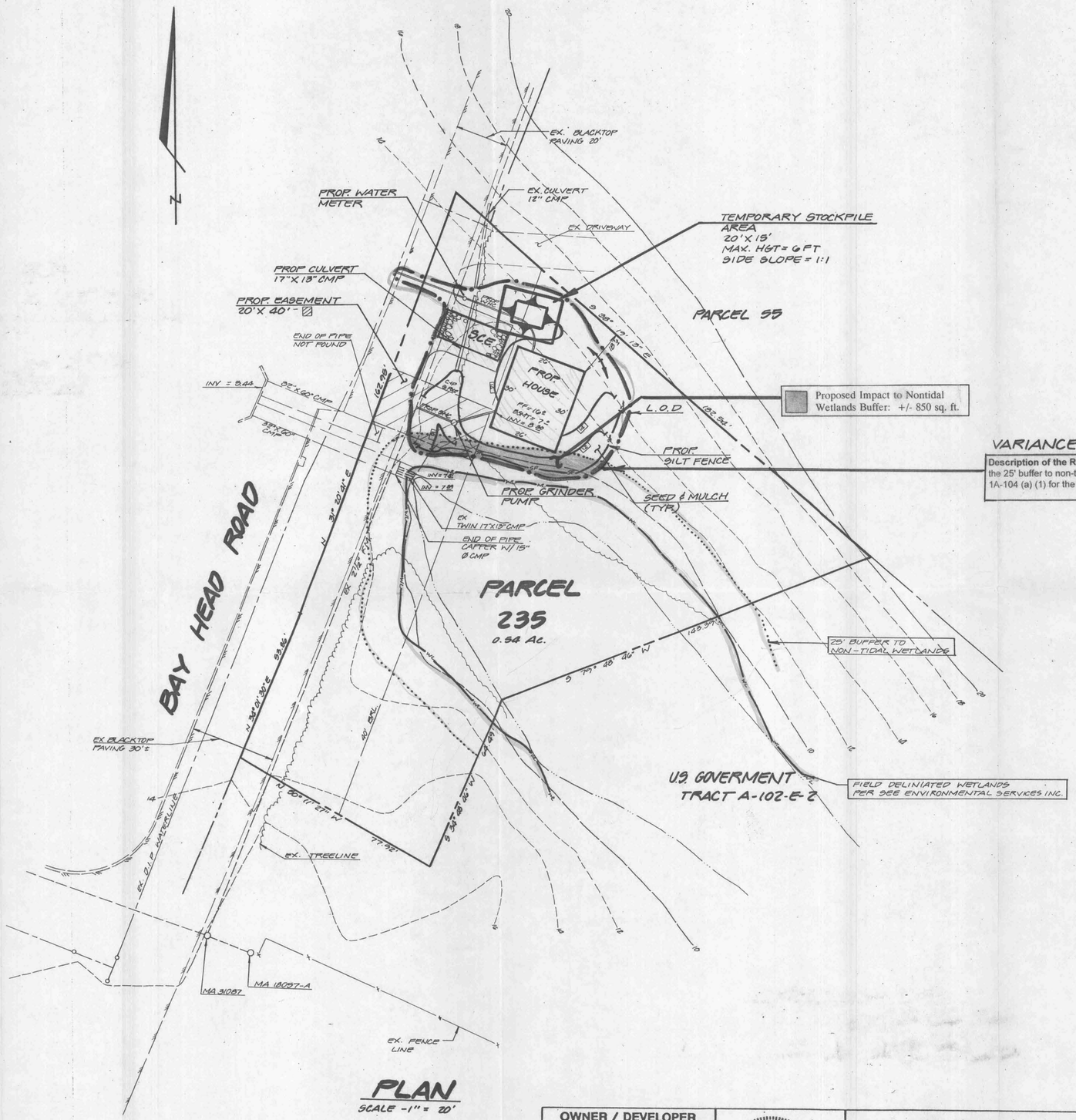
GRADING, EROSION AND SEDIMENT CONTROL PLAN

SHERMAN PROPERTY
AT BAY HEAD ROAD

TAX MAP 40, BLOCK 24, PARCEL 235
3RD. TAX DISTRICT ANNE ARUNDEL CO., MD

DATE: NOVEMBER, 1999	DRAWN BY: KAF
DRAWING NO.	CHECKED BY: TJS
SHEET 2 OF 2	TERRAIN JOB NO. 624

RECEIVED
DEC 8 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION



PLAN

SCALE -1" = 20'

VARIANCE REQUEST:

Description of the Requested Variance: The owner is requesting a variance to disturb the 25' buffer to non-tidal wetlands and the 100' buffer to tributary stream per Article 28 1A-104 (a) (1) for the construction of a house and associated grading.

REVISION BLOCK			
NO.	DATE	DESCRIPTION	BY

OWNER / DEVELOPER

JAMES R. SHERMAN
8191 RITCHIE HIGHWAY
PASADENA, MD. 21122
(410) 544-7755

STATE OF MARYLAND THOMAS NORMAN SETTLE No. 18858 REGISTERED PROFESSIONAL ENGINEER
6/25/98

TERRAIN, INC.

LAND ENGINEERING & DEVELOPMENT SERVICES
2444 SOLOMON'S ISLAND ROAD, SUITE 210
ANNAPOLIS, MARYLAND 21401
(410) 266-1160
FAX (410) 266-6129

VARIANCE SITE PLAN

SHERMAN PROPERTY

AT BAY HEAD ROAD

TAX MAP 40, BLOCK 24, PARCEL 235
3RD TAX DISTRICT ANNE ARUNDEL CO., MD

DATE: JUNE, 1998	DRAWN BY: MBM
DRAWING NO.	CHECKED BY:
SHEET 2 OF 2	TERRAIN JOB NO. 624