

DC 357-99  
VAR

Brooks, Archie  
1931

MSA-S-1829-418

Comments  
7/19

# Board of Appeals

DORCHESTER COUNTY, MARYLAND

Appeal Case No. 1931

Date Filed 6/21/99

To the Board of Appeals:

Pursuant to Section 155.20 of the Dorchester County Zoning Code, enacted on January 20, 1976

a request is hereby made for:

- (x) Variation from strict application of said ordinance
- ( ) Decision on allegation of error
- ( ) Special Exception

JUL 7 1999

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

Purpose of Appeal: (Describe variance requested or alleged error. If Special Exception requested state fully the kind of exception desired and reasons therefor.)

Applicant is requesting a variance to permit the construction of a single family dwelling with the 100 ft. tidewater buffer, in the location and configuration as indicated on the attached sketch. The variance requested for this application is 40' ft. The following sections of the Dorchester County Zoning Code apply: 155-38(J)(15), tidewater. 155-20D - Variances, 155-380 - Impervious surfaces. Also requesting an impervious surface variance. Total coverage of parcel will be 23% or 5,261.5 square feet. Variance requested: 8% or 1,864.5 square feet.

Zoned: RR - Rural Residential

Property Located: 4712 Steamboat Road Containing: 22,651 sq. ft. <sup>are</sup>

Map: 51 Block: 13 Parcel: 204 Lot: \_\_\_\_\_ Election Dist.: 9

Owner of property Archie S. Brooks

Address of owner 414 Maryland Ave., Cambridge, Md Tele. # \_\_\_\_\_

Applicant's name and address if different from above N/A

Tele. # 228-2911

Has property in question ever been subject of previous appeal: Yes # 354 Date: 5/4/78

FLOODPLAIN: Yes  6 No \_\_\_\_\_ Exempt \_\_\_\_\_ CRITICAL AREAS: Yes  LDA No \_\_\_\_\_

Permission is hereby granted to conduct necessary inspections of these premises for which this appeal is requested.

*Archie S Brooks*

Signature of Owner

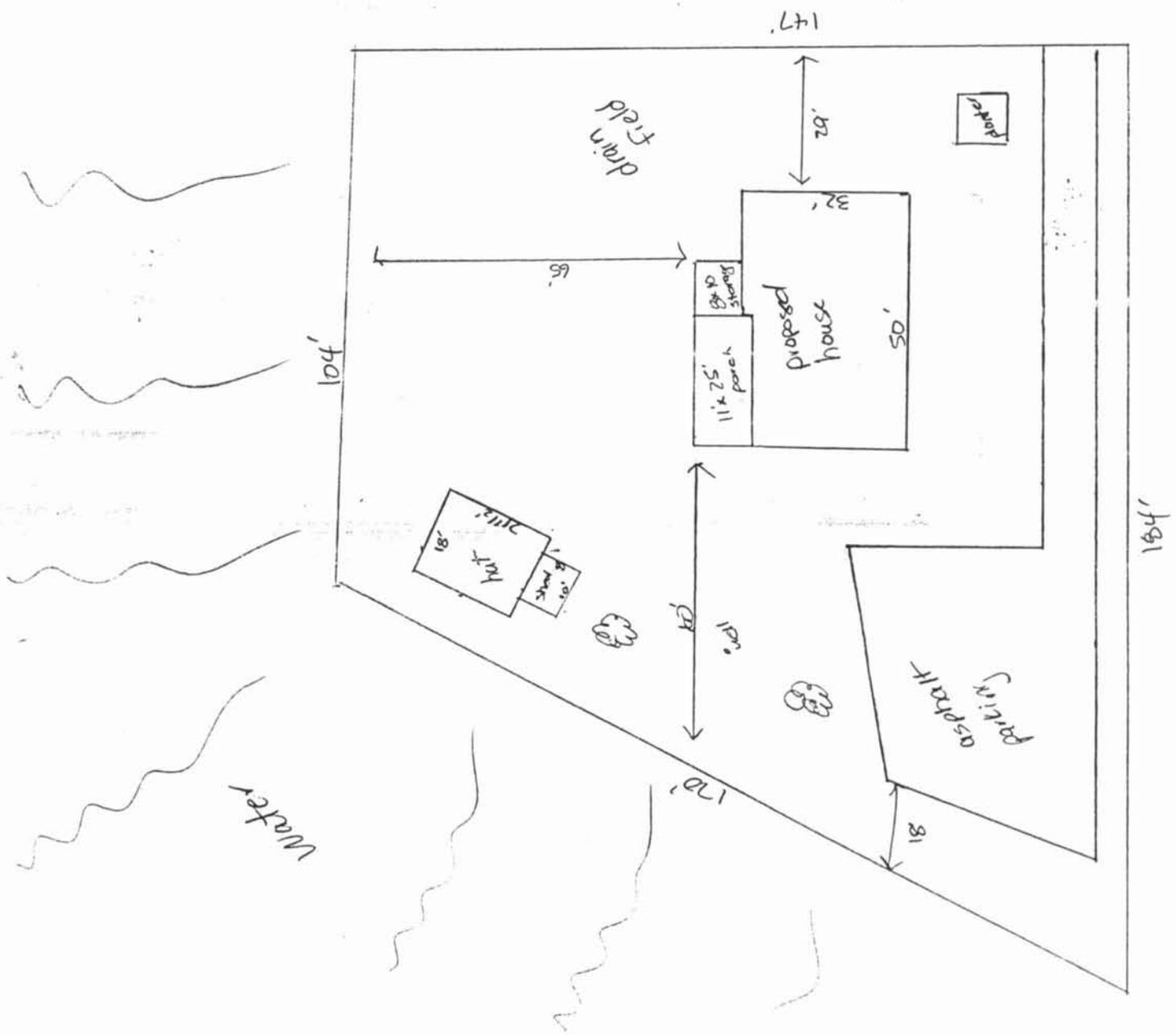
Signature of Applicant

IMPORTANT: Applications on which all required information is not furnished will be returned for completion before processing. Draw sketch on reverse side or provide separate sheet.

dec 11

- Created 1953
- Just ~~under~~ <sup>over</sup> 1/2 acre
- Bullheaded
- Asphalt parking
- Septic - Easterly property line 40' strip
- Lawn
- Existing pavilion
- No other place to put a house & be out of the Buffer

- Hut tree since 1978  
 Got a variance



RECEIVED

JUL 7 1999

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

DORCHESTER COUNTY BOARD OF APPEALS

107-90 ?

Date: July 23, 1999  
Reference: BOA Case #1931 - Variance  
from tidewater buffer setback requirement  
to construct a dwelling  
RR, Rural Residential District

Archie Brooks  
414 Maryland Avenue  
Cambridge, MD 21613

Dear Mr. Brooks,

The Dorchester County Board of Appeals, after public hearing of your request on July 22, 1999, hereby notifies you of their action taken. Their decision was to:

- Approve the request with no special conditions.  
 Approve the request with the following stipulations/conditions:

**PLEASE BE SURE TO OBTAIN YOUR BUILDING PERMIT OR CERTIFICATE OF USE**

Before you start construction and/or operation you will need to obtain the following:

**Building, electrical and plumbing permits.**

1. If you should fail to use or start construction of your Special Exception within two (2) years of approval, the approval shall become void. (Note: This time limit does not apply to variances.)
2. Any person or party allegedly aggrieved by any decision of the Board of Appeals may appeal the same to the Circuit Court of Dorchester County within thirty (30) days of the notification of the decision. You are strongly advised not to commence any construction until the appeal period has expired.
3. The Department of Planning and Zoning will be responsible for the enforcement of any stipulations/conditions that the Board of Appeals has placed on this approval.

If you have any questions regarding the above, please contact this office immediately and speak with the undersigned.

Sincerely,

DORCHESTER COUNTY BOARD OF APPEALS



Steve Dodd  
Executive Secretary

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

July 22, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning  
County Office Building  
P.O. Box 107  
Cambridge, MD 21613

**RE: Brooks Property (Appeal No. 1931), Variance Request**

Dear Mr. Dodd:

Thank you for the opportunity to review the above referenced variance request. The applicant is proposing to construct a single family dwelling in the 100-foot Buffer to Church Creek. The applicant is seeking a variance to the 100-foot Buffer and the impervious surfaces limitations. The property covers 19,229.804 square feet (0.44 acres) in a designated Limited Development Area (LDA). A variance is necessary because the proposed house would encroach on the Buffer by fifty-two (52) feet.

The majority of the parcel is located within the 100-foot Buffer. It is my understanding that a forty foot strip of land along the eastern boundary of the property must remain undeveloped to accommodate the septic field. There appears to be no other location out of the Buffer for the proposed dwelling. We do not oppose the variance to the 100-foot Buffer.

New development in the LDA must comply with the impervious surfaces limitations set forth in Natural Resources Article Sec.8-1808.3 and Dorchester County Zoning Regulations Sec.155-47.1(O). Impervious surfaces on parcels existing before December 1, 1985 and are ½ acre or less are limited to 25% of the parcel. This limit may be exceeded with the permission of the Director as long as certain conditions are met.

The applicant is proposing development that will cover 5,261 feet total. A driveway, asphalt parking area, and brick pavilion already exist on the property, creating 3,397 square feet of impervious surfaces. The additional development will cover 1,864 square feet. A variance to the impervious surfaces limitations will not be necessary provided that the proposed development satisfies the conditions set forth in Sec.155-47.1(O)(3). In particular, the applicant must show that new impervious surfaces have been minimized, water quality impacts have been minimized

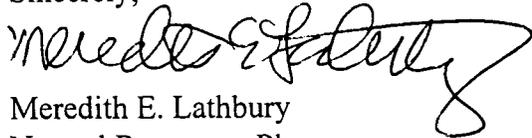
Branch Office: 31 Creamery Lane, Easton, MD 21601  
(410) 822-9047 Fax: (410) 820-5093

Mr. Dodd  
July 22, 1999  
Page Two

through site design and/or best management practices, and the property owner will perform onsite mitigation.

Please include this letter in the record for variance. Please notify the Commission in writing of the decision made in this case. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7173.

Sincerely,



Meredith E. Lathbury  
Natural Resources Planner

cc: Ms. Regina Esslinger  
DC 357-99

**DORCHESTER COUNTY PLANNING & ZONING OFFICE**

P. O. Box 107  
CAMBRIDGE, MARYLAND 21613  
PHONE: 410-228-3234



**Sent Via Telefax**

July 21, 1999

Ms. Meredith Lathbury  
Critical Areas Commission  
Annapolis MD

RE: Board of Zoning Appeals Case #1931  
Archie Brooks

Dear Meredith,

Please be advised that BOA Case #1931 is being amended to reflect a change in the acreage of the subject parcel. We recently received confirmation of the parcel size from a surveyor, based on the description of the parcel in the applicants' deed. I am enclosing same.

Based on Section 155-38(O)(3) of the Dorchester County Code, the applicant is permitted up to 6010 square feet of impervious coverage, if all of the conditions listed under this subsection are met. Since the applicant is proposing a total impervious coverage of 5261.5 square feet (including existing improvements) it appears that no impervious surface variance is necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Dodd", is written over a horizontal line.

Steve Dodd  
Director

# **WILLIAM C. CRAIG & CO. LLC**

## **LAND SURVEYORS**

300 Academy St., Suite 202  
Cambridge, MD 21613

E-Mail: [billcra@fastol.com](mailto:billcra@fastol.com)

Telephone (410) 228-2295

Fax (410) 228-3238

July 20, 1999

Mr. Steve Dodd  
Dorchester County Planning & Zoning

### **HAND DELIVERED**

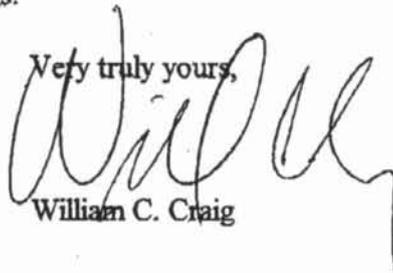
### **RE: ACREAGE - ARCHIE BROOKS**

Dear Steve,

Attached is a computer printout showing the area of Mr. Brooks parcel of land according to his deed description. The square footage is 19,229.804, and the acreage is 0.44 (yellow highlighted numbers). These areas result from plotting the deed, and do not represent a boundary survey.

Please call if you have any questions.

Very truly yours,



William C. Craig

### **Attachments**

cc: Mr. Archie Brooks