SM 166-99 Quinette, Joan
VAR

MSA_S_1829_572

PB Comments 4/1/99

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

April 1, 1999

Ms. Christine Holmberg
Department of Planning and Zoning
P.O. Box 3000
Leonardtown, MD 20650

RE: VAR #99-0303, Jean Quinette
CBCAC # 166-99

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct additions to an existing single family dwelling located within the 100 foot Buffer. This property appears to be an existing grandfathered lot.

Staff have no objection to the granting of this variance as the proposed additions seem to be a reasonable size. However, if a variance request is approved, it is recommended that the applicant be required to mitigate adverse impacts to water quality and enhance habitat within the Buffer. In accordance with St. Mary's County Zoning Ordinance (Article III), we recommend that the applicant provide 3:1 mitigation for the additional 566 square feet of impervious surface in the Buffer. Mitigation plantings should occur within the Buffer and native species should be used.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, you can contact me at (410) 260-7073.

Sincerely yours,

Tracy Batchelder

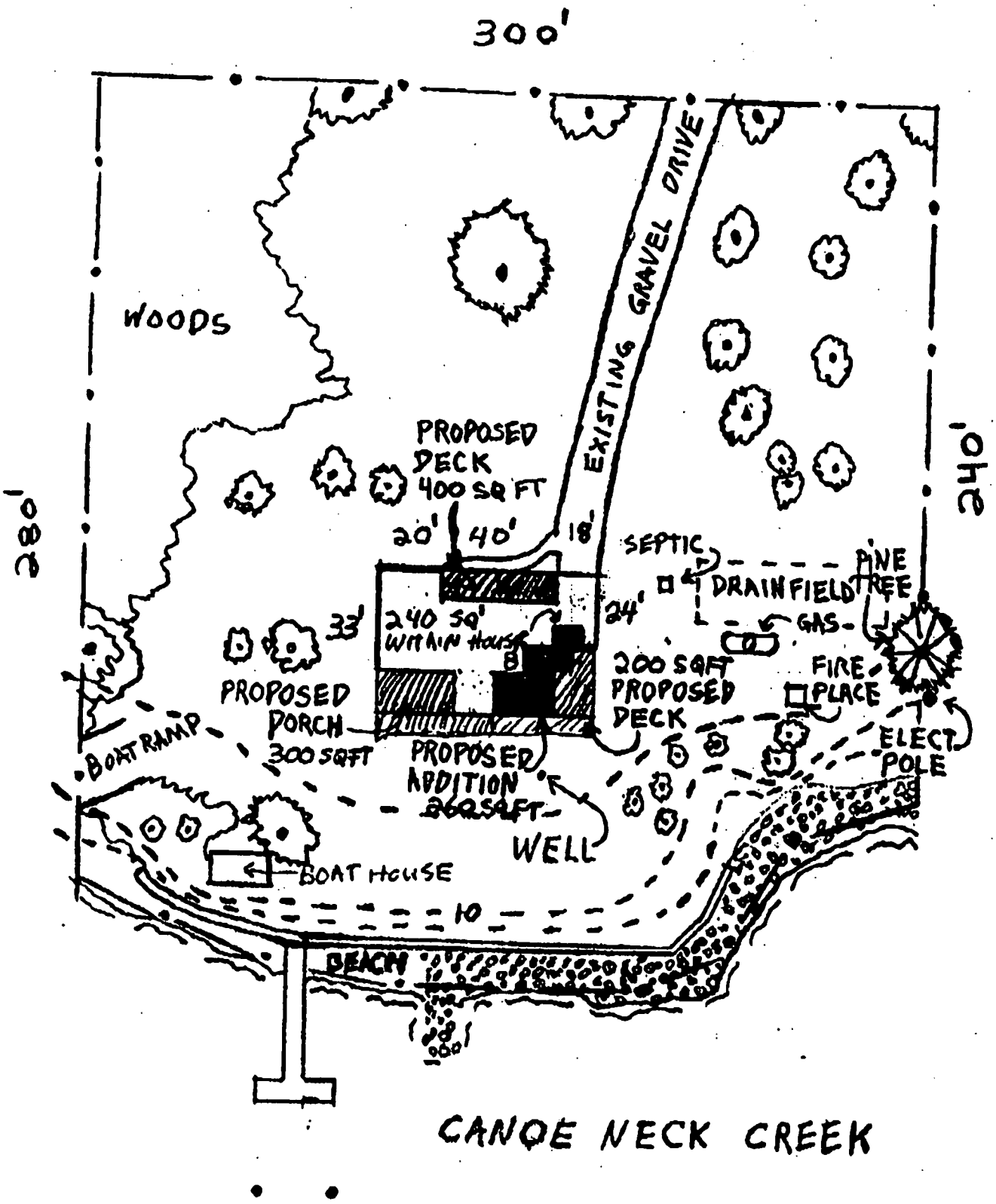
Tracy Batchelder
Natural Resources Planner

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

Revised Site plan 3-25-99

GERARDS·COVE



CRITICAL AREA SITE PLAN
SCALE = 1" = 50'-0"

RECEIVED
MAR 31 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Screen porch Total 420.

in Buffer 240

New front deck 400

not in Buffer

New rear deck 452

in Buffer ~~140~~

262

New living space 320

in Buffer 64 ϕ

Total New in Buffer

$\boxed{566\phi}$

420
400
452
320
1592

Mrs. Jean B Quinnette
21726 Gerard's Cove Road
Abell, Maryland 20606
Phone301 7693279 or 202 462-4547

March 4,1999

Director of Planning and Zoning
St. Mary's County Department of Planing and Zoning
328 Washington Street
Leonardtown, MD 20650

Dear Sir or Madam,

This letter is a request for approval of variance to the Critical Area provisions in order to build an addition to our existing house. My son's and I propose to build a one story addition on the south side of the home evening out the back line of the house. This addition would provide much needed space for a modern size kitchen, dining room, mud room, and a screened in porch. The total addition will amount to about 980sq'. The existing kitchen is only 80sq', and there is no dining room or mud room at this time. The absence of this space is becoming more a hard ship as I am aging and my family is growing.

The following is provided to respond to the questions in the Critical Area Zoning Variance.

PART ONE

A. Because the house is situated on a point, building on either two ends or the back would encroach the buffer, leaving only the front of the house out side the buffer. The existing kitchen is on the back and end of the house, facing the water. It is separated from the front of the house by a bathroom, a brick chimney, and the stairway. This would prevent expanding the existing kitchen towards the front of the house. The only solution is to build to the rear, extending the kitchen out to the rear line of the house.
B. The literal interpretation of the Critical Area Program and related ordinances will deprive my family and I (the land owners) of rights commonly enjoyed by other, like a large modern kitchen, a dining room, and a modest deck on the back of the house.

C. The granting of a variance request would not confer upon us any special privilege that would be denied by the Critical Area Program. Many homes like ours include additions in the critical area for a variety of reasons including decks, porches, family rooms, and others. This addition would not be unique or be unusual, but instead, a reasonable expansion of our living space.

D. The variance request is necessitated by the enactment of the Critical Area Program provisions after the house was built. For reasons stated in (A) the option to build outside the 100 foot buffer is not reasonable.

E. The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area. It will be in harmony with the general spirit and intent of the Critical Area Program.

F. Please consider the size of this partially wooded property nearly five acres, where evidence of years of planting trees are evident throughout the property. At least six trees planted this year, and a desire to plant more in the future. Consider the modest size house, and the modest proposed addition. Consider the amount land preserved in a natural state, for this one modest size house. Consider that the house was built in 1952, by my father who loved and cared for the land as I have, and now my Sons and there children, and you must conclude that the variance is the minimal relaxation of the ordinance and an assurance that there will be caretakers of the critical area in the future.

PART TWO

A. Because of the conditions stated in "A" of "PART ONE" There is only one option outside the buffer and it in every way presents the most hardship and impracticality to the owner if the strict letter of the regulations were to be carried out.

B. The conditions for the variance are unique due to the property being large, partly wooded in older growth and well planted with large and small trees in the open areas with many shrubs and low growth plantings. The proposed addition is several hundred feet from the nearest property line. The proposed structure will not be built any closer to the water than the existing structure stands today.. This proposed addition will be only slightly noticeable to one adjoining neighbor, and absolutely out of sight of the other.

C. The purpose of the variance is to allow for reasonable expansion of our living space, which was not included ,when the original house was built in 1952.

D. The house was built many years before the idea of a Critical Area Program was ever thought of. In addition we did not anticipate the need for additional space until after the Critical Area Program went into effect.
E. The addition will not pose any risk to the public nor be injurious to other property or improvements in the neighborhood. It will not change the character of the neighborhood.
F. The house is several hundred feet in all directions to all adjacent property lines, and could not impair supply of light or air to adjacent property. No additional persons will occupy our home due to this addition and since the addition will be architecturally consistent with the existing house and will be built to the same standards of construction it will not diminish the property values of the neighborhood.
G. The proposed variance will comply with the comprehensive plan as well as possible with the requirements being set forth by the Planning Office. The granting of this variance is the minimum relaxation of the provisions and is necessary to achieve a reasonable use of the land.

Thank you for your consideration in this matter,

Jean B. Quinnette

Mrs. Jean B, Quinnette

Subscribed and sworn to before me, in my presence, this 9th day of MARCH 19 99, a Notary Public in and for the STATE of MARYLAND.

Phyllis T. Abell
Notary Public

My commission expires 8-1 19 99