SM 167-99 Sacks, Gary
VAR

USA_S_1829_573

FB-Comments 4/8

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 8, 1999

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

RE: VAR #99-0280, Gary Sacks
CBCAC # 167-99

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of a variance to construct an addition 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 addition seems 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 1,120 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

48862 Curley's Road
Ridge, MD 20680
March 6, 1999

Mr. John Grimm,
Director of Planning and Zoning
St. Mary's County Department of Planning and Zoning
22740 Washington Street
Leonardtown, MD 20650

Dear Mr. Grimm:

The purpose of this letter is to request an approval of a variance to the Critical Area provisions in order to build an attached garage to our existing home. My wife and I propose to build a story and half addition to the North end of our existing home, which will have a footprint of no greater than 28'x40'. The ground floor would be a workshop/garage area while the upstairs would be used for storage. The present 1947 built house has neither of these areas.

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

PART ONE

A. We have chosen the proposed location of the addition through the process of elimination of all other options. Although the garage could architectectrally be built on the South side of the house it would cause the removal of a wooden deck, re-routing the existing driveway causing the removal of several trees, shrubs and grape arbor as well as having to cross the septic tank and drain fields. The West Side of the house is approximately fifty feet from the water, causing major encroachment and is architecturally not feasible. The East End of the house would also cause the removal of two beautiful large trees and would not architecturally be appealing. A detached building eliminates any possibility of having immediate access from the existing house and causing the removal of four mature trees. As summarized above all options except the one that we propose would cause an unwarranted hardship or provide maximum critical area or septic disposal area encroachment.

B. The literal interpretation of the Critical Area Program and related ordinances will deprive my wife and I, the landowners, of rights commonly enjoyed by other properties in similar areas within the Critical Area. We are only proposing a garage/workshop and a storage area (above the garage to reduce the footprint of the addition) which will partially encroach on the one hundred feet set back.

C. The granting of a variance would not confer upon us any special privilege that would be denied by the Critical Area Program. Many homes similar to ours include a garage/storage area so this addition would not be unique or unusual, but instead, a reasonable expansion of our living spaces.

D. The variance request is necessitated by the enactment of the Critical Area Program provisions after the home was built. For reasons stated in (A) the option to build outside the one hundred feet set back 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. To reduce the impact on the Critical Area we have set back the creek side of the proposed addition so that it runs seven feet back from the existing rear of the house. This also results in the addition being further away from the water than the existing structure.

PART TWO

A. Addressed in Part One: A

B. The conditions for the variance are unique due to the existing location of the house in combination with the one hundred feet setback, septic disposal area and architectural design of the house. Those not in the buffer would not have to go through the process.

C. The purpose of the variance is to allow for a reasonable expansion of our living and storage space, which was not included, when the original house was built over fifty years ago.

D. The provisions of the Critical Area Program had not been implemented when the house was built in the mid 1940's so they could be addressed at that time.

E. The proposed addition will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, and the character of the district will not be changed by the variance.

F. The proposed addition will provide approximately thirty-five feet between the closest property line and the new structure. It will therefore not infringe on the light or air of the 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 requirement 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 of our proposed addition.

Sincerely yours,

Gary L. Sacks

Martha R. Sacks

Martha R. Sacks

RECEIVED
MAR 31 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

1" = 40'

VICINITY MAP
TAX MAP 70 GR

N/F
THOMAS B. & MARY S. HOWARD
MRB 3/7/425
P. 74

Tree line

S33°10'E
609.47'

EX. 10' GRAVEL DRIVE

10 SHRUBS

10 SHRUBS

PROPOSED 67' x 14' (9388) REPLACEMENT

EX. 9396 TRAILER TO BE REMOVED

PUMP HOUSE

PARCEL 73
2.354 AC.±
MRB 493/370

EXIST. FRAME HOUSE

WOOD DECK

EXIST. SEPTIC

GRAPE ARBOR

SHRUBS

SHRUBS

EX. SEPTIC

SHED

EX. 12' x 58' TRAILER

EX. SEPTIC

SHRUBS

N46°46'59"E
168.35'

S69°39'W
170.00'

CALVERT CREEK

CURLEYS ROAD ~ 50' R/W

Tree line

N33°10'W
542.38'

Hans & ELIZABETH WOLF
EWA 943/332