

SM 605-99
VAR

Garner, Bobby
99-1392

USA-S-1829-610

TB Comments
11/24/99

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

November 24, 1999

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

**RE: VAR #99-1392, Bobby Garner
CBCAC # 605-99**

Dear Ms. Holmberg:

Thank you for providing information on the referenced project. The applicant is seeking approval of an after-the-fact variance for constructing a dwelling located partially within the Buffer.

As outlined in St. Mary's Critical Area Program, the Buffer is a no disturbance area and "New development activities, including structures, roads, parking areas and other impervious surfaces, septic systems, or mining and related facilities will not be permitted in the BUFFER unless during the permit review process the applicant can demonstrate these facilities are necessarily associated with water-dependent facilities and are the only feasible alternative available to satisfy the requirements of the proposed development" (St. Mary's County Zoning Ordinance, Article III). The applicant violated St. Mary's Critical Area Program by not obtaining a variance to develop in the Buffer prior to construction. Staff recommend that the applicant be required to provide mitigation at a 3:1 ratio for the 1,888 square feet of new impervious surface in the Buffer.

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,

A handwritten signature in cursive script that reads "Tracy Batchelder".

Tracy Batchelder
Natural Resources Planner

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

CHESAPEAKE BAY CRITICAL AREA COMMISSION
 45 CALVERT STREET, 2ND FLOOR
 ANNAPOLIS, MD 21401

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: St. Mary's Date: 11-19-99
 Name of Project (site name, subdivision name, or other): Bobby Garner
 Local case number: VAAP # 99-1392
 Project location/Address: Driftwood Drive, Piney Point Landings

Tax map# 65 Block# 9 Lot# 50 Parcel# 312

Type of application:
 (Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
 Buffer Slope
 Imp. Surf. Other
- SPECIAL EXCEPTION
- CONDITIONAL USE
- REZONING
- GRADING PERMIT
- BLDG PERMIT
- INTRAFAMILY
- GROWTH ALLOCATION
- OTHERS _____

Type of Project:
 (Select all applicable)

- RESIDENTIAL
- COMMERCIAL
- WATER DEPENDENT
 FACILITY/PIER/MARINA
- INDUSTRIAL
- MIXED USE
- REDEVELOPMENT
- SHORE EROSION PROTEC.
- AGRICULTURE
- OTHERS _____
 e.g. PUD

Current Use:
 (Select all applicable)

- COMMERCIAL
- RESIDENTIAL
- AGRICULTURE
- FOREST/BUFFER/WOODLAND
- INDUSTRIAL
- INSTITUTIONAL
- OPEN SPACE/RECRE.
- SURFACE MINING
- VACANT
- WATER DEPENDENT
 FACILITY/PIER/MARINA
- OTHERS _____

Describe Proposed use of project site: Variance request from Section 38.2.13
of the Zoning Ordinance for after-the-fact construction
within the 100' critical area buffer.

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: <u>22,123 sf</u>	
IDA ACRES _____	AREA DISTURBED: _____
LDA ACRES _____	# LOTS CREATED: _____
RCA ACRES <u>22,123 sf</u>	# DWELLING UNITS: _____
AGRICULTURAL LAND: _____	
EXISTING FOREST/WOODLAND/TREES: <u>3423</u>	FOREST/WOODLAND/TREES REMOVED: _____
FOREST/WOODLAND/TREES CREATED: _____	
EXISTING IMPERVIOUS SURFACE: <u>2967</u>	PROPOSED IMPERVIOUS SURFACE: _____
TOTAL IMPERVIOUS SURFACE: _____	
GROWTH ALLOCATION DEDUCTED: _____	
RCA to LDA: _____	RCA to IDA: _____
	LDA to IDA: _____

RECEIVED
 NOV 20 1999
 CHESAPEAKE BAY
 CRITICAL AREA COMMISSION

Local Jurisdiction Contact person: Christine Holmberg
 Telephone number: 301-475-4670
 Response from Commission required by: 12-2-99

Hearing Date: 12-9-99

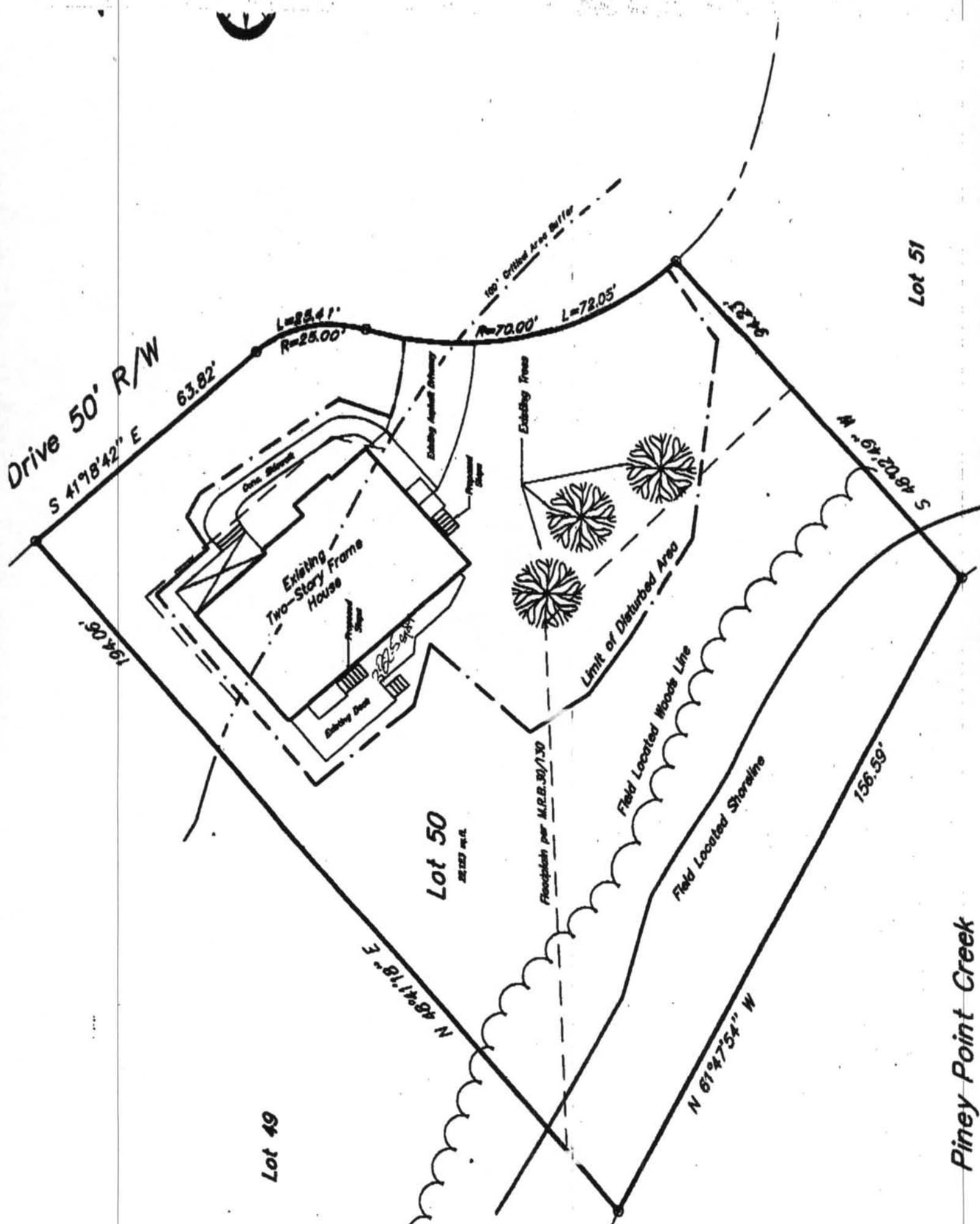
RECEIVED

NOV 23 1993

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Critical Area Notes

- 1. Approximately 22,123 square feet (0.507 Acres) of Lot 50 shown hereon lie within Maryland's Critical Area. Any and all development activities proposed within this area are subject to Critical Area Regulations and will not be permitted until all appropriate local, state and federal agencies have conducted a thorough environmental review and have approved the development plan.*
- 2. The 100 foot Critical Area Buffer must remain in natural vegetation and may not be disturbed except as provided under Section 38.2 of the St. Mary's County Critical Area Ordinance, Part 13, Habitat Protection.*
- 3. All existing forest shown hereon shall remain undisturbed except as permitted under the provisions of the St. Mary's County Critical Area Ordinance and designated on this plat shall be preserved from future disturbance.*
- 4. Existing impervious surface within 100 foot Critical Area Buffer is 1,888 square feet.*
- 5. Area of slopes 15% or greater is 0 square feet.*
- 6. Existing trees or forested area is 3,423 square feet.*
- 7. Area of existing impervious surfaces is 2,967 square feet.*
- 8. Locations of natural areas, habitats of threatened or endangered species and habitats of significant plants or wildlife are identified on this plat in accordance with Section 38.2 of the St. Mary's County Critical Area Ordinance, Part 13, Habitat Protection.*
- 9. Proposed areas of vegetation clearing is 0 square feet.*
- 10. Existing area of soil disturbance is 7,983 square feet.*
- 11. Required areas of reforestation or afforestation is 0 square feet.*



Piney Point Creek