

CA 306-00  
VAR

Ismael, Abdel  
2647

MSA\_S-1829-954

HC letter  
6/21/00

306-00 LAC

Case No. 00-2647

Public Hearing  
July 6, 2000

Mr. and Mrs. Abdel Ismael have applied to the Board of Appeals for a variance in the 100' waterfront buffer requirements to construct a two-story addition to their existing residence. The subject property is known as Lot 7R in the Hilltop Acres Subdivision, is located on the east side of Crabhouse Road adjacent to Hellen Creek, and is zoned R-1 Residential.

The matter was presented July 6, 2000, before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. John Smith, Vice-Chairman, and Mr. Walter Boynton, Alternate for Mr. H. Wilson Dowell, Member. Mr. and Mrs. Abdel Ismael were present at the hearing. Mr. Paul Celmer, neighbor and friend of Mr. and Mrs. Ismael, was also present at the hearing. The plat which was submitted with the application was marked Applicants' Exhibit No. 1, dated, and entered into the record at the hearing. A letter dated July 5, 2000, from Mr. and Mrs. J. Goodman, supporting the Applicants' request, was read into the record at the hearing. A staff report and photographs taken on-site were also entered into the record.

FINDINGS OF FACT

Through testimony and evidence presented at the hearing, the Board found the following

facts to be true:

1. The subject property contains 1.14 acres and is currently improved with a 2-level house.
2. The house is situated approximately 70 feet from the waterfront. There is dense tree cover along the driveway and to either side of the house, with a grass lawn. The lot drops down approximately 6' from the edge of the lot to the water. There is a slight slope from the house to the water. There is no apparent erosion on the site.
3. The Applicants are requesting a variance in the 100' waterfront buffer requirements to construct a two-story addition to their existing residence. The addition will be constructed on the right side of the house away from the water. The property on this right side is flat and open. The disturbed area will be approximately 1150 square feet.

RECEIVED

AUG 3 2000

CHESAPEAKE BAY  
CRITICAL AREA  
PERMISSION

4. A 500-gallon septic tank will be installed in the left front corner of the house, using the existing septic drainfields, as required by the Health Department. There will be no alterations to the septic fields.
5. Comments dated June 21, 2000, were received from the Chesapeake Bay Critical Area Commission indicating the addition is a reasonable expansion of living space, that the septic system should be located outside of the Buffer, and recommended that any approval be conditioned on mitigation for all disturbances within the Buffer at a 2:1 ratio.
6. Comments dated July 3, 2000, were received from the Engineering Bureau indicating all downspouts must outfall onto riprap pads and that positive drainage away from the proposed addition must be provided.
7. Comments dated June 8, 2000, were received from the Calvert Soil Conservation District indicating the site plan shows no erosion and sediment control. An erosion and sediment control plan must be submitted to the Calvert Soil Conservation District and approval from Planning and Zoning and Public Works must be obtained before a grading permit can be issued.
8. There was no one present at the hearing that objected to the Applicants' request.

#### CONCLUSIONS

Based on the above findings of fact, the Board came to the following conclusions

(in accordance with Section 7-3.01B of the Calvert County Zoning Ordinance):

1. Strict application of the waterfront buffer requirements would impose peculiar and unusual practical difficulties and undue hardship upon the owners of the property due to the topography of the lot and the fact that the waterfront buffer encompasses the entire width of the lot. It would be impossible to build a side addition without a variance.
2. Granting the variance would not cause injury to the public interest or substantially impair the intent of the Comprehensive Plan as the current proposal is a reasonable expansion of living space and in concert with development on adjoining parcels within the community. The addition will be placed on the lot within the Building Restriction Lines in an area requiring minimal clearing. There will be no grading between the house and the water except for the digging required to bury the additional septic tank.

3. Findings were made which demonstrate that special conditions or circumstances exist that are peculiar to the land and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship.
4. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County.
5. The granting of a variance will not confer upon the applicant special privileges that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area.
6. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property.
7. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law.
8. The application for a variance was made in writing to the Board of Appeals with a copy provided to the Critical Areas Commission.

#### ORDER

It is hereby ordered, by a unanimous decision, that the variance in the waterfront buffer requirements as requested by Mr. and Mrs. Abdel Ismael, be granted based on the above findings of fact and conclusions, subject to the following conditions:

1. Mitigation for disturbed areas within the buffer must be at a 2:1 ratio.
2. A super silt fence between the house and the water must be erected prior to construction.
3. Positive drainage must be provided away from the proposed addition.
4. Downspouts must outfall onto riprap pads.
5. No grading will be permitted between the house and the water.

In accordance with Section 7-3.02 of the Calvert County Zoning Ordinance, "any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals...may appeal the same to the Circuit Court of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Maryland Rules, Title 7, Chapter 200 within 30 days. If any application for a variance is denied by a final order of the Board, or if appealed, by a final order of the Court, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order."

Entered: <sup>AUG</sup> July 2, 2000  
Pamela P. Helie, Clerk

Michael J. Reber  
Michael J. Reber, Chairman

Judge John C. North, II  
Chairman



Ren Serey  
Executive Director

**STATE OF MARYLAND  
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Ms. Roxana Whitt  
Calvert County Planning & Zoning  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2647, Abdel Ismael

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the waterfront Buffer requirements in order to construct a two story addition to an existing house. The property is designated LDA.

Important information is missing from this variance application. The location of the Buffer is not shown and the amount of existing and proposed impervious surfaces is not quantified. Also, there is no description of any vegetation and whether any clearing or grading is necessary to construct the addition. From the information that was provided, it seems that the addition is a reasonable expansion of living space, though ideally it would be placed outside of the Buffer. Also, I have noted that the health department approved it with a note that says, "must install septic system prior to issuance of construction permits." Where is the septic system being installed? Its location should also be shown on the site plan. It should not be located within the Buffer. Mitigation should be provided for all disturbance within the Buffer at a 2:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. If additional or revised information is submitted, please provide it to this office for further review. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: CA306-00

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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Calvert Date: 6/5/00

Name of Project (site name, subdivision name, or other): Abdel Ismael

Local case number: 00-2647

Project location/Address: \_\_\_\_\_

Tax map# 42 Block# \_\_\_\_\_ Lot# LR Parcel# 345

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: TWO STORY ADDITION

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 1.14

IDA ACRES \_\_\_\_\_ AREA DISTURBED: \_\_\_\_\_

LDA ACRES ✓ # LOTS CREATED: \_\_\_\_\_

RCA ACRES \_\_\_\_\_ # DWELLING UNITS: \_\_\_\_\_

AGRICULTURAL LAND: \_\_\_\_\_

EXISTING FOREST/WOODLAND/TREES: \_\_\_\_\_ FOREST/WOODLAND/TREES REMOVED: \_\_\_\_\_

FOREST/WOODLAND/TREES CREATED: \_\_\_\_\_

EXISTING IMPERVIOUS SURFACE: \_\_\_\_\_ PROPOSED IMPERVIOUS SURFACE: \_\_\_\_\_

TOTAL IMPERVIOUS SURFACE: \_\_\_\_\_

GROWTH ALLOCATION DEDUCTED: \_\_\_\_\_

RCA to LDA: \_\_\_\_\_ RCA to IDA: \_\_\_\_\_ LDA to IDA: \_\_\_\_\_

RECEIVED  
JUN 18 2000  
CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

Local Jurisdiction Contact person: Roxana L. Whitt  
Telephone number: 410-535-1600 Ext. 335

Response from Commission required by: 6/30/00 Hearing Date: 7/6/00

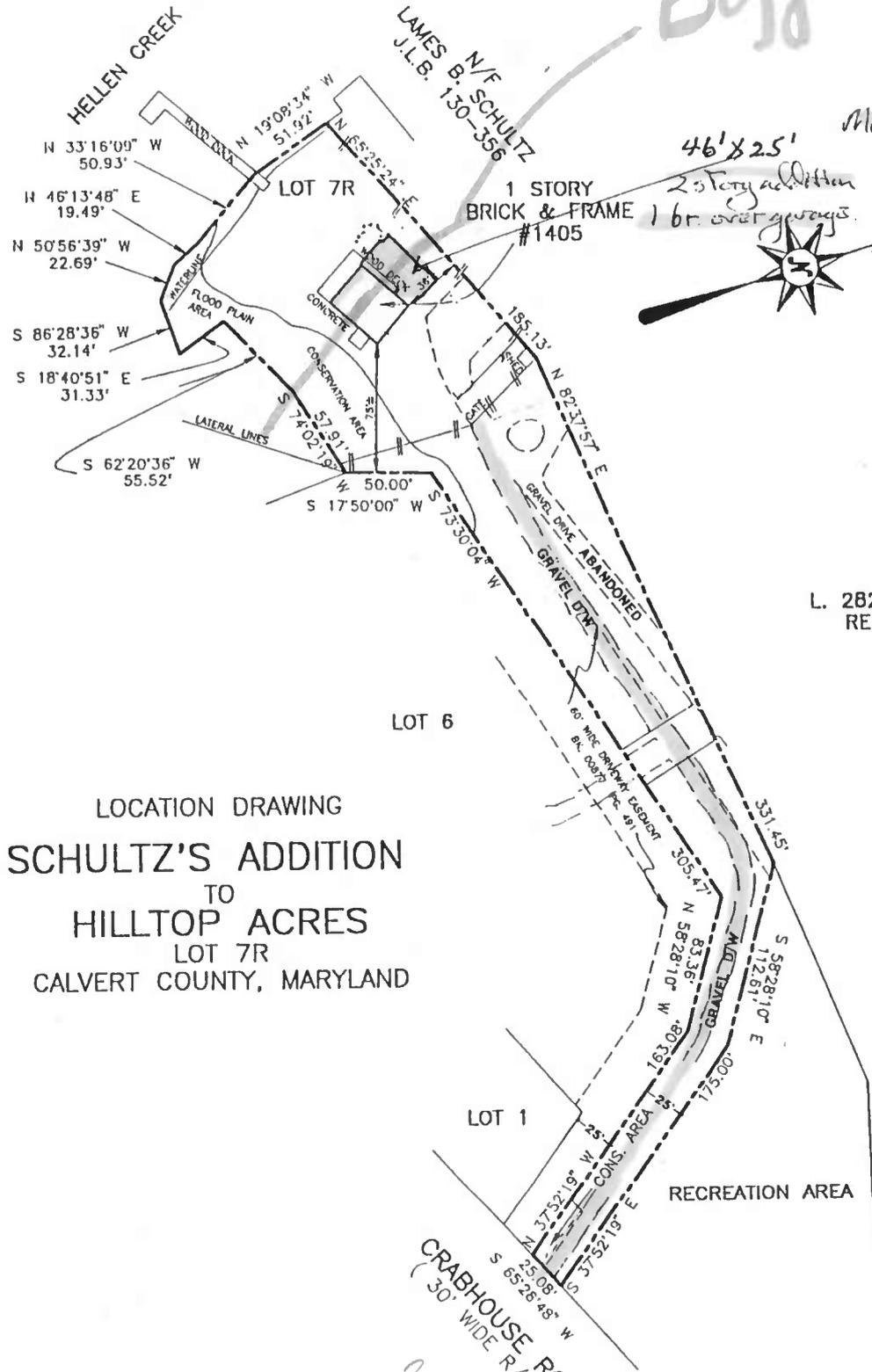
00-2647

CASE NO. PJS960512

*Buffer*  
Preliminary for Board of Appeals only  
**APPROVED**

Must install septic system prior to issuance of construction permits  
MAY 25 2000

CALVERT COUNTY HEALTH DEPT



L. 282 F. 807 RESIDUE

LOCATION DRAWING  
SCHULTZ'S ADDITION  
TO  
HILLTOP ACRES  
LOT 7R  
CALVERT COUNTY, MARYLAND

*Trees on site?  
Ant. of impervious?  
Buffer?*

REVISED 08-09-1996.

PROPERTY ADDRESS: 1405 CRABHOUSE ROAD

THE DWELLING SHOWN HEREON IS LOCATED IN ZONE C (AREA OF MINIMAL FLOODING) ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM F.I.R.M. MAP COMMUNITY PANEL NO. 240011 0031 B AS REVISED 05/31/1984.

**CERTIFICATE**  
I HEREBY DECLARE THAT THE POSITION OF ALL THE VISIBLE EXISTING IMPROVEMENTS SHOWN ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN ESTABLISHED BY PROPER FIELD METHODS.  
*Gary Oean Simpson*  
GARY OEAN SIMPSON  
Reg. MARYLAND Property Line Surveyor No. 514

REFERENCES	
PLAT BK.	
PLAT NO.	
LIBER 602	
FOLIO 794,795	

**CMS**  
CENTRAL MARYLAND SURVEYORS, INC.  
4319 NORTHMEW DRIVE (301) 262-2500 FAX (301) 262-9878 BOWIE, MD 20716

DATES:	SCALE: 1" = 100'
WALL CHECK:	DRAWN BY: S.D.
HSE. LOC.: 05/03/96	JOB NO. 1361-96
BOUNDARY:	

- NOTES: 1) This location drawing is of benefit to a consumer only in so far as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing.  
2) This location drawing is not to be relied upon for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.  
3) B.R.L. information, if shown was obtained from existing record plat or was provided to CMS, and is not guaranteed by CMS, Inc.  
4) Flood Zone information is subject to the interpretation of the originator.  
5) CMS, Inc. does not certify to unshown or unrecorded encroachments or overlaps.  
6) Level of accuracy 10'±.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

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