

CA 249-05 Fisher, Hughy
VAR 3177

MSA-S-1849-4851

Comments
KJ
Comments 1/2/85

6/2/05 - Record left open to obtain Health Dept. approval

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

April 4, 2006

Mr. John Swartz
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Denyer Habitat Protection Plan
TM16, P201, Lot 3R

Dear Mr. Swartz:

This letter is in response to the above referenced Habitat Protection Plan (HPP) submitted to this office for review and comment. The applicant's property has been identified as containing Puritan Tiger Beetle habitat, as well as Forest Interior Dwelling Bird (FIDs) habitat. At this time, this office has received comments from the Department of Natural Resources' Wildlife and Heritage Division regarding their review of the HPP. These comments have been taken into consideration and incorporated into the comments below. Please note that this review is intended for and is applicable to only Lot 3R.

Protections for Puritan Tiger Beetle habitat:

- a) Shoreline and cliff stabilization- In order to protect the habitat of the Puritan tiger beetle, it is my understanding that the HPP will contain a note stating that future stabilization of the cliff area is prohibited in perpetuity. Provided this note is included, this issue has been addressed.
- b) Cliff Setback-It is my understanding that the County has made a determination that the cliff on the applicant's property falls into a Category 3 per the requirements of the zoning ordinance. The DNR has recommended a 200-foot cliff setback in order to protect the habitat of the Puritan tiger beetle. Given the constraints of the steep slopes, as well as surrounding Buffer areas for non-tidal wetlands, the applicant's proposed 150-foot setback appears reasonable and adequate to ensure both protection for the species and to accommodate the applicant's request to construct a dwelling.
- c) Minimization of Impervious Surface Areas: While the applicant remains within the 15% impervious surface area limit for the property, it does not appear that minimization of impact was fully considered. For impervious surface areas which can be considered accessory uses such as patios, porches, etc., the County should consider the requirement of pervious construction. It appears that there is ample opportunity to reduce the impervious footprint by at

least 747 square feet based on these features alone. Also, we note the addition of a future pool on the most recent site plan accompanying the HPP. We strongly recommend that the County include a prohibition on the drainage of water from this feature onto the property should it be permitted. The drainage of water in an area of cliffs, erodible soils, and/or tiger beetle habitat is not consistent with the criteria for protection outlined in the County's ordinance. If this condition cannot be added, then we recommend a prohibition on a future pool.

- d) Stormwater Management: Provided that the applicant incorporates stone surge pads and directs downspouts to discharge away from the cliff face, it appears that adequate stormwater infiltration would be achieved without additional structural measures.

Protections for FIDs habitat-

- a) Clearing: The applicant's HPP states that a majority of the proposed development will take place in an area previously cleared for construction, therefore impacting only edge habitat. In order to make a determination regarding the mitigation requirements, it is necessary for the County to make a determination that the previous clearing referred to in the HPP was legally permitted by the County. Assuming that the clearing was permitted, it appears that mitigation at a 1:1 ratio would be acceptable. If the County determines that the clearing was not permitted, the characterization of edge versus interior FIDs habitat would change, as well as the mitigation requirement. Please note that the applicant has stated an additional 14,844 square feet of forest clearing is necessary in order to construct the proposed dwelling. No information has been provided by the applicant addressing how the mitigation requirement will be met. This information should be included within the HPP. We note that mitigation for FIDs habitat requires the creation of alternative FIDs habitat, by planting onsite to the extent possible, and then by payment into the County's fee-in-lieu program.
- b) Time of Year Restriction: We note that a time of year restriction will apply to the property during which no construction activity, clearing, or any other type of disturbance may take place. This time of year restriction is April through August.

Thank you for the opportunity to provide comments on this HPP. If you have any questions regarding the comments in this letter, please give me a call at 410-260-3482. Also, please provide the Commission of a copy of the final HPP once it is ready for recordation.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA249-05

CC: Katharine McCarthy, DNR

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

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May 3, 2005

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

Re: Variance 05-3177 Fisher

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slopes requirements in order to demolish and reconstruct the existing dwelling, as well as to construct a detached garage structure. The property is designated a Limited Development Area (LDA) and is currently developed.

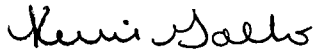
Based on the information provided, we provide the following comments:

1. Based on the site conditions, it appears that there is ample room to develop a detached garage without disturbance to steep slopes. In addition, it does not appear that the applicant has made any attempt to locate the garage on the flat portion of the property. Based on this information, it does not appear that the applicant has demonstrated that denial of the variance would result in an unwarranted hardship.
2. Should the Board approve a variance request on this property, we recommend that the applicant be required to construct the proposed walkways as pervious. Based on an April 25th site visit, the existing timber walkways do not appear to be pervious. In order to be considered pervious, the walkways must be constructed with spaces between the boards, have six inches of gravel underneath the entirety of the walkway and have vegetative plantings surrounding the base of the walkway.
3. As currently proposed, the applicant is proposing to remove approximately 5,768 square feet of forested cover. The Calvert County Zoning Ordinance requires that this forest cover be replaced on no less than an equal basis.

Roxana Whitt
Variance 04-3177
May 3, 2005
Page 2

Thank you for the opportunity to provide comments. This office is unable to offer support for this variance at this time. We recommend that the applicant submit a revised site which avoids disturbance to steep slopes. Please include this letter as a part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA249-05

CA 0249 05

RECEIVED

Case No. 05-3177

AUG 4 2005

CRITICAL AREA COMMISSION

Public Hearing
May 5, 2005
June 2, 2005
July 7, 2005

Hugh & Jean Fisher have applied for a variance in the steep slope requirements to construct a replacement dwelling and a new detached garage. The property is located at 6420 Long Beach Drive, St. Leonard (Lot 3-R, Block 16, Section A, Long Beach on the Bay) and is zoned R-1 Residential.

The matter was presented May 5, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman and Mr. Daniel Baker. Mr. Hugh Fisher and Mrs. Jean Fisher were present at the hearing and were represented by Mr. Jeff Tewell from Collinson, Oliff and Associates. The plat submitted with the application was marked Applicants' Exhibit No. 1, dated and entered into the record at the hearing. A packet of information submitted by the Applicants, showing houses in the Long Beach on the Bay Area, was marked Applicants' Exhibit No. 2, dated and entered into the record at the hearing. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the hearing and spoke on behalf of the CBCAC. Mr. William McGilvery and Mr. Franz Legenfelder were present at the hearing and spoke regarding the proposed construction. A Staff Report along with photographs taken on site was also entered into the record. The Board deferred action at the May hearing pending a site visit.

The matter was again presented June 2, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman and Mr. Daniel Baker. Mr. Hugh Fisher and Mrs. Jean Fisher were present at the hearing and were represented by Mr. Jeff Tewell from Collinson, Oliff and Associates. A revised plat, submitted at the hearing, was marked Applicants' Exhibit No. 1, dated and entered into the record at the hearing. Mr. Jeff O'Brien, Architect, was present at the hearing and spoke in support of the Applicants'

request. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the hearing and spoke on behalf of the CBCAC. The Board deferred action at the June hearing and requested the Applicants clarify septic system issues with the Health Department.

The matter was again presented July 7, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Daniel Baker and Mr. Michael Redshaw, alternate for Mr. Walter Boynton. Mr. Hugh Fisher and Mrs. Jean Fisher were present at the hearing and were represented by Mr. Jeff Tewell from Collinson, Oliff and Associates, Mr. Sam Grimm from Grimm Construction, and Mr. Jeff O'Brien, Architect. The following Exhibits were dated and entered into the record at the hearing: (1) a revised plat, with Health Department approval, showing existing and proposed conditions on site was marked Applicants' Exhibit No. 1; (2) a revised plat showing existing and proposed stormwater management proposed on site was marked Applicants' Exhibit No. 2; and (3) a document package showing Phase I construction and a planting plan was marked Applicants' Exhibit No. 3. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the hearing and spoke on behalf of the CBCAC.

FINDINGS OF FACT

Through testimony and evidence presented at the hearings, the Board found the following facts to be true:

1. The subject property contains 13,593 s.f. The property is zoned R-1 Residential.

2. The property is developed with a 1.5 story house that is accessed from a driveway that extends to Hickory Road.
3. The property is situated on a ridge above Long Beach Drive, with the terrain sloping toward the road front and the southeast property corner.
4. The Applicants are requesting a variance in the steep slope requirements to construct a 30' x 40' replacement dwelling and a new 24' x 24' detached garage.
5. The Applicants and the Applicants' Representative testified at the May hearing that: (1) the site has an existing single-family home which was constructed in the early 1940's; (2) the driveway comes off of Hickory Road; (3) they have an agreement with the adjoining property owner to allow their driveway to cross the adjoining property owner's driveway; (4) the Health Department has an issue with the proposed detached garage; (5) the packet marked as Exhibit No. 2 and presented at the hearing shows eight properties in Long Beach that are closer to the water than their proposed house; (6) the Exhibit 2 shows garages built into steep slopes; (7) when the proposed garage is constructed, retaining walls would be put in to stabilize the slopes; (8) the proposed house is 6' wider than the existing house and has been moved away from the steep slopes; (9) the existing house is outlived and the proposed house would be used as a retirement home; (10) the garage could not be located on the flat portion of the lot as there would not be room for a turn around and there would be problems accessing the garage; (11) there would be no problem with eliminating some of the existing walk area and the existing concrete pad on site; and (12) the hardship requiring the variance is that there is limited space on the lot for the proposed garage and there is a large tree on site that they do not want to remove.
6. Staff comments received at the May hearing indicated: (1) Planning and Zoning does not support the proposed garage, which would require digging into the side of a bank. There is reason for concern that the house on the adjoining lot, which is situated on this slope, could be affected by the proposed garage construction; (2) the proposed house is larger than the house it replaces and impervious surfaces have increased more than two-fold even though the Applicants are still within the impervious surface limitations; (3) the Applicants propose to clear 5,768 s.f. of forest canopy cover, changing the forest conditions from the current level of 68% to 25%; (4) Planning and Zoning does not support the plan as proposed given the significant amount of clearing and the substantial increase in impervious surfaces on the steep slopes; (5) careful consideration for protection from erosion and stormwater runoff is requested; (6) a foundation location plat and final as built certificate should be required, demonstrating that all development, including grading, has proceeded according to any of the

plans the Board approves; (7) no stockpiling of excavated materials should be allowed on site; and (8) mitigation in the form of plantings should be required.

7. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the May hearing and indicated the Applicants must prove the issue of hardship, as it is CBCAC's opinion there are other locations on the property for the proposed garage.
8. Mr. William McGilvery, adjoining property owner, was present at the May hearing and spoke in support of the Applicants' request. He indicated the proposed garage with a retaining wall would stop erosion. He also indicated if the bank is kept in tact, erosion would continue to come across his property.
9. Mr. Franz Legenfelder, adjoining property owner, was present at the May hearing and asked to look at the site plans. He indicated he does not notice any erosion on his side of the property line now; however, he is concerned that disturbing the bank next to Lots 19 and 20 could cause problems.
10. The Board deferred action at the May hearing pending a site visit and asked the Applicants to have the corners for the proposed garage and house staked prior to its visit.
11. The Board visited the site between the May and June hearings. Based on this visit the Board determined the Applicants have gone to a great deal of effort to stabilize the property. The Board also advised it is concerned the new construction will create runoff issues if the Applicants go into the cliff to put the garage in.
12. The Applicants and the Applicants' Representative were present at the June hearing and testified that: (1) the site plan, marked as Exhibit 1, was revised to remove the existing concrete pad, which reduces impervious surfaces on site, and keeps the existing large tree; (2) clearing on site has been reduced from 6,000 s.f. to 3,700 s.f.; (3) the construction on site would take place in phases with the garage constructed first; and (4) the Applicants have talked with Mr. McFadden from the Health Department; however, the issue with the placement of the proposed garage and the Health Department issue with the septic system has not been resolved.
13. Mr. Jeff O'Brien, architect for the proposed project, was present at the June hearing and testified: (1) the biggest obstacle for the proposed project is Health Department cooperation; (2) originally an attached garage was considered; however, this was not feasible as a large tree (which the Fishers' wish to retain) was in the way; (3) retaining walls off the garage would be used to minimize impact to the slope; (4) the proposed house

footprint is close to the size of the original structure; (5) the house was designed with an effort to maintain the character of the existing house in the design of the new house; and (6) impervious surfaces on site can be revised.

14. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the June hearing and testified that CBCAC has no problem with rebuilding the house as proposed; however, CBCAC comments on the proposed garage have not changed. In CBCAC's opinion the garage could be smaller and moved closer to the proposed house.
15. The Board deferred action at the June hearing pending resolution of the outstanding Health Department issue.
16. The Applicants and the Applicants' Representative were present at the July hearing and indicated: (1) the Health Department has approved a new septic tank with a pretreatment unit. Two pit systems have been approved for the site; (2) the embankment where the proposed garage is to be located is a man made slope installed when the driveway was constructed. The basic change to the proposed grade is to remove a section of the embankment and place the garage in that area. Excavated material would be removed from site; (3) the garage would be constructed as the first phase of the project and that area would be stabilized prior to proceeding with construction of the proposed dwelling; (4) the existing site currently has no stormwater runoff controls in place. Drywells would be installed and gravel beds would be placed adjacent to the new concrete patio and walk to control stormwater runoff; (5) forested area to be removed is below the maximum of 6,000 s.f. and includes the removal of two diseased trees; (6) only the northern most half of the proposed dwelling would be constructed on a basement; and (7) a detailed landscaping and replanting plan was provided to the Board using species native to the Critical Area proposed.
17. Mr. O'Brien, Architect, was present at the July hearing and provided drawings detailing the Phase I Construction and the proposed replanting plan (marked as Applicants' Exhibit No. 3). He indicated: (1) the proposed structure is being designed to maintain the integrity of the existing dwelling; (2) the 2' longer and 4' wider footprint for the new structure is needed to accommodate modern closets, baths, etc.; (3) he has been working with the Applicants for over a year to make this structure the best possible for the site, the Fishers and the County; (4) only a portion of the structure would be constructed on a basement; (5) architectural elements have been added to the house design to prevent the structure from looking like a three story box and to accommodate the site; (6) the garage would be constructed as Phase I and the area would be stabilized prior to

further construction on site; and (7) stormwater management features proposed with the new construction will benefit the site.

18. Staff indicated at the July hearing that a meeting was held with Mr. O'Brien and Mr. Tewell regarding this project and they have gone a long way to address Staff and Board concerns. Staff recommended a planting plan and what is proposed is generous for the site. Stormwater controls for the site have been maximized and a pretreatment unit on the septic system is being installed, even though it is not required. Staff requested that the Applicants testify as to the hardship associated with the proposed location for the garage.
19. Mr. Tewell responded there is a hardship and indicated there is no garage on site now. Also he advised any location on the site for the garage would involve a slope. If it has been determined that garages are something that have been approved previously, then it is a question of what makes the most sense for this site. In this case, the property will be developed in phases, which allows the garage portion of the site to be stabilized prior to construction of the new dwelling. In addition, locating the garage as proposed would eliminate the need to create any additional driveway. The only location on site that is not 15% slopes or greater is where Health Department has dictated the septic system must be placed.
20. Mr. Franz Legenfelder, adjoining property owner, was present at the July hearing and indicated he was concerned about vegetation on the slope. He indicated the garage construction as proposed should help stabilize the slope. He was also concerned the garage location as proposed would be too close to the property line.
21. Letters from fourteen (14) neighboring property owners submitted at the July hearing, supporting the Applicants' request, were entered into the record.

CONCLUSIONS

Based on the above findings of fact, the Board came to the following conclusions (in accordance with Section 11-1.01.B of the Calvert County Zoning Ordinance):

1. The Applicants have demonstrated through testimony and Exhibits that strict application of the steep slope requirements for construction of a replacement dwelling and a new detached garage would impose peculiar and unusual practical difficulties and undue hardship upon the owners due to the topography of the property. The Applicants are replacing an existing

single-family dwelling that has been on site for generations and constructing a new two-car garage on the property.

2. Granting the variance would not cause injury to the public interest or substantially impair the intent of the Comprehensive Plan, as neighboring property owners have been notified of the proposed construction. Concerns expressed by an adjoining property owner were addressed at the hearings. In addition, letters from 14 neighbors supporting the Applicants' request were entered into the record at the July hearing.
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. The Applicants are replacing an existing single-family dwelling that has been on site for generations and constructing a new two-car garage on the property.
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 the 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. The Applicants only seek the right to reconstruct the house and add a detached garage on the property.
6. The variance request is not based upon conditions or circumstances which are the result of actions by the Applicants, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property but due to the physical characteristics of this property and its location within the Critical Area.
7. The granting of the 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 as to stormwater management and the phasing of the project.
8. The application for a variance was made in writing to the Board of Appeals with a copy provided to the Critical Area Commission.

ORDER

It is hereby ordered, by a unanimous decision, that the variance in the steep slope requirements to construct a 30' x 40' replacement dwelling and a new 24' x 24' detached garage as requested by Hugh and Jean Fisher be **GRANTED** based on the above findings of fact and conclusions subject to the following conditions:

1. The property shall be developed in phase with each phase being stabilized prior to proceeding to the next phase.
2. A phasing plan shall be submitted with the building permit.
3. Prior to work being done on site, the location of the house and the limitation of clearing shall be staked and marked.
4. The Applicants' construction representative shall meet with representatives from the Department of Planning and Zoning and the Department of Public Works to determine the construction grading and limit of clearing prior to construction start.
5. There shall be no stockpiling of excavated materials on site.
6. A foundation location plat by a registered surveyor must be submitted to and approved by the Department of Planning and Zoning prior to framing.
7. A 6" washed gravel bed shall be placed under any deck or deck areas to provide stabilization.
8. All downspouts shall discharge into drywells.
9. A final as-built certification by a registered surveyor must be submitted for approval by the Department of Planning and Zoning showing that the grading was performed and structures were built according to the approved plan, prior to the final approval of the project.

10. The proposed garage shall be located no closer than the 5' Building Restriction Line to the rear of the lot and no closer than the 15' Building Restriction Line to the west side of the lot.

11. The Board approved the planting plan, included as part of Applicants' Exhibit No. 3, which was submitted at the July hearing.

In accordance with Section 6 of the Calvert County Board of Appeals Rules of Procedure, "any party to a case may apply for a reconsideration of the Board's decision no later than 15 days from the date of the Board's Order."

In accordance with Section 11-1.02 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: ^{AUG} July 3 2005 ^{PH}
Pamela P. Helie, Clerk

Michael J. Reber
Michael J. Reber, Chairman



**CALVERT COUNTY
BOARD OF APPEALS**

150 Main Street
Prince Frederick, Maryland 20678
Phone: 410-535-2348 • 301-855-1243

CA 249-OS

June 7, 2005

Board of Commissioners
Gerald W. Clark
David F. Hale
Linda L. Kelley
Wilson H. Parran
Susan Shaw

Mr. and Mrs. Hugh Fisher
4418 44th Street, NW
Washington, D.C. 20016

Subject: Board of Appeals Case No. 05-3177

Dear Mr. and Mrs. Fisher:

This is to confirm the action taken by the Board of Appeals at its regular hearing on Thursday, June 2, 2005, regarding your request for a variance in the steep slope requirements to construct a replacement dwelling and a new detached garage. The Board deferred action on your application and also requested you clarify septic system issues with the Health Department.

Your case will be continued at the next Board of Appeals Hearing scheduled for **Thursday, July 7, 2005**, in the Commissioners' Hearing Room, 2nd Floor, Courthouse, Prince Frederick, Maryland. Your case has been scheduled for the **morning session, which begins at 9:00 A.M.**

In accordance with Rule 5-101.A of the Board's Rules of Procedure, any request by the Board for additional information shall stay the 45-day time normally required for the Board to make its decision.

If you have any questions, I can be reached at (410)535-1600, extension 2559.

Sincerely,

Pamela P. Helie,
Clerk to the Board of Appeals

Cc: Michael Reber, Chairman BOA
Jeff Tewell, COA
Kerrie Gallo, CBCAC
William McGilvery
Franz & Erica Lengenfelder
Jeff O'Brien
Roxana Whitt, Staff to BOA

RECEIVED

JUN 8 2005

CRITICAL AREA COMMISSION

Mailing Address: 175 Main Street, Prince Frederick, Maryland 20678

Maryland Relay for Impaired Hearing or Speech 1-800-735-2258

299-05



CALVERT COUNTY BOARD OF APPEALS

150 Main Street
Prince Frederick, Maryland 20678
Phone: 410-535-2348 • 301-855-1243

May 11, 2005

Board of Commissioners
Gerald W. Clark
David F. Hale
Linda L. Kelley
Wilson H. Parran
Susan Shaw

RECEIVED

MAY 13 2005

CRITICAL AREA COMMISSION

Mr. and Mrs. Hugh Fisher
4418 44th Street, NW
Washington, D.C. 20016

Subject: Board of Appeals Case No. 05-3177

Dear Mr. and Mrs. Fisher:

This is to confirm the action taken by the Board of Appeals at its regular hearing on Thursday, May 5, 2005, regarding your request for a variance in the steep slope requirements to construct a replacement dwelling and a new detached garage. The Board deferred action on your application pending a site visit and requested you have the corners for the proposed house and garage staked by a professional surveyor or engineer. Please have this staking completed by May 20, 2005.

Your case will be continued at the next Board of Appeals Hearing scheduled for **Thursday, June 2, 2005**, in the Commissioners' Hearing Room, 2nd Floor, Courthouse, Prince Frederick, Maryland. Your case has been scheduled for the **morning session, which begins at 9:00 A.M.**

In accordance with Rule 4-101.G of the Board's Rules of Procedure, any request by the Board for additional information shall stay the 45-day time normally required for the Board to make its decision.

If you have any questions, I can be reached at (410)535-1600, extension 2559.

Sincerely,

Pamela P. Helie,
Clerk to the Board of Appeals

Cc: Michael Reber, Chairman BOA
Jeff Tewell, COA
Kerrie Gallo, CBCAC
William McGilvery
Franz & Erica Lengenfelder
Roxana Whitt, Staff to BOA

Mailing Address: 175 Main Street, Prince Frederick, Maryland 20678

Maryland Relay for Impaired Hearing or Speech 1-800-735-2258

PURPOSE OF APPEAL

REQUEST IS FOR: (check all items that apply)

- Variance Multiple Variances
- Revision to a Previously Approved Variance
- Special Exception
- To Extend Time Limit on a Special Exception
- Revision/Modification of a Special Exception
- Expansion of a Non-Conforming Use
- Reconsideration of Previous Decision by Board
- Re-Schedule a Case Previously Postponed
- Decision on an Alleged Error made by _____

Describe in specific detail the reason each item is requested. Building Restriction Line (BRL) variances must state which BRL is at issue (i.e., front/side/rear) and indicate distances required and proposed (Example: A variance in the front setback from 60 feet to 25 feet for construction of a garage). Impervious surface variances must state existing % impervious surface and % requested. Waterfront buffer variances must state the distance to the waterfront of the proposed structure.

SUBJECT SITE IS LOCATED IN THE CRITICAL AREA,
CONTAINS SLOPES GREATER THAN 15% & IS IMPROVED WITH
A SINGLE FAMILY DWELLING. A VARIANCE IS REQUESTED
TO CONSTRUCT A REPLACEMENT DWELLING & A NEW
DETACHED GARAGE ON 15% OR GREATER SLOPES.

NOTE: Nine copies of the plat must be filed with the application. Additionally, one plat which exhibits a Health Department Approval Stamp must be provided to the Clerk to the Board no later than at the hearing for the case. Drawings must be to scale and clearly show all dimensions of existing and requested structures and improvements, and distances to property lines and waterways. Topography on 2-foot contours is required for all new houses and replacement dwellings, and may be required for substantial additions and/or in areas with steep slopes. Field-run topography is required for new homes on all lots less than 20,000 s.f.

NOTE: APPLICATIONS AND PLANS THAT ARE INCOMPLETE MAY BE RETURNED TO THE APPLICANT FOR COMPLETION BEFORE SCHEDULING FOR PUBLIC HEARING.

**BOARD OF APPEALS
CRITICAL AREA FORM**

**THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED FOR ALL
CRITICAL AREA VARIANCE CASES:**

PROPERTY LOCATION AND INFORMATION:

Tax Map # 32A Parcel — Lot 3R Block 16 Section A
Property Address 6420 LONG BEACH DRIVE ST. LEONARD MD 2068
Zoning R-1 Critical Area Designation LDA
Total Acreage of Property 13,593 ± Tax ID 01-040898

PROJECT INFORMATION:

Type of construction proposed SINGLE FAMILY DWELLING & DETACHED GARAGE
Total square footage of the proposed construction 1,956 (HOUSE, PORCHES & GARAGE)
Total square footage of existing impervious surface 1,649 ±
Total square footage of proposed impervious surface 3,336 ± = 24.5%
Total square footage of existing tree cover 9,226 ±
Total square footage of disturbed area and/or tree cover to be removed 8,784 / 5,768
Is the proposed construction site within the waterfront buffer? NO
Is the proposed construction site on slopes greater than 15%? YES

ALL PLANS MUST CONTAIN THE FOLLOWING INFORMATION:

- Location and dimensions of the proposed construction.
- Location and dimensions of all existing improvements on the property.
- Location and dimensions of driveways, parking areas and accessory structures.
- Distances from proposed construction to all property lines and waterways/wetlands.
- Location of the approved well and the septic system drainfields.
- Location of the tree canopy line and limit of clearing.
- Waterfront and/or wetland buffers.

****For all new and replacement dwellings and for substantial additions, fully engineered plans are required, showing 2-foot contours, grading, and proposed sediment and erosion control measures.**

**NOTE: APPLICATIONS AND PLANS THAT ARE INCOMPLETE MAY BE
RETURNED TO THE APPLICANT FOR COMPLETION BEFORE SCHEDULING
FOR PUBLIC HEARING.**

Collinson, Oliff & Associates, Inc.

PO Box 2209
Prince Frederick, MD 20678
Phone: 410-535-3101 • 301-855-1599
Fax: 410-535-3103
Email: jtewell@coainc.com

Memo

To: Calvert County Planning & Zoning

Attr: Roxana Whit

From: Jeff Tewell

CC:

Date: 6/30/2005

Project: BOA Case # 05-3177 Fisher

Re: Revised site plans & copy with Health Dept. approval

CA 24905

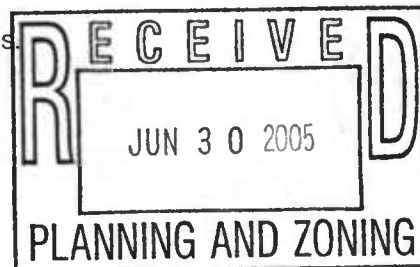
JT

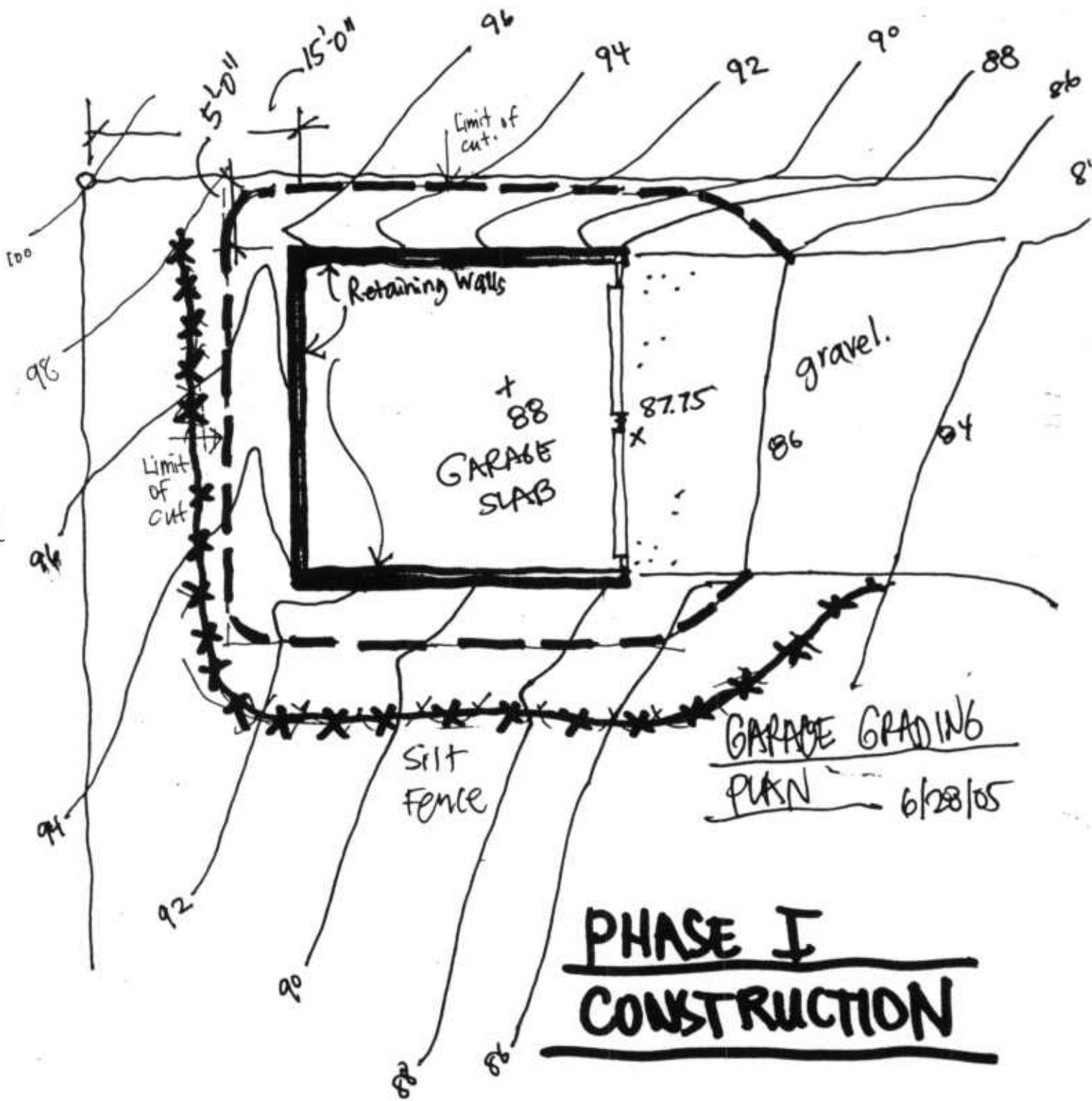
Roxana,

Attached are copies of the revised site plan for Fisher with Health Dept. approval. I would like to provide a brief outline of some key points I will be addressing at the hearing.

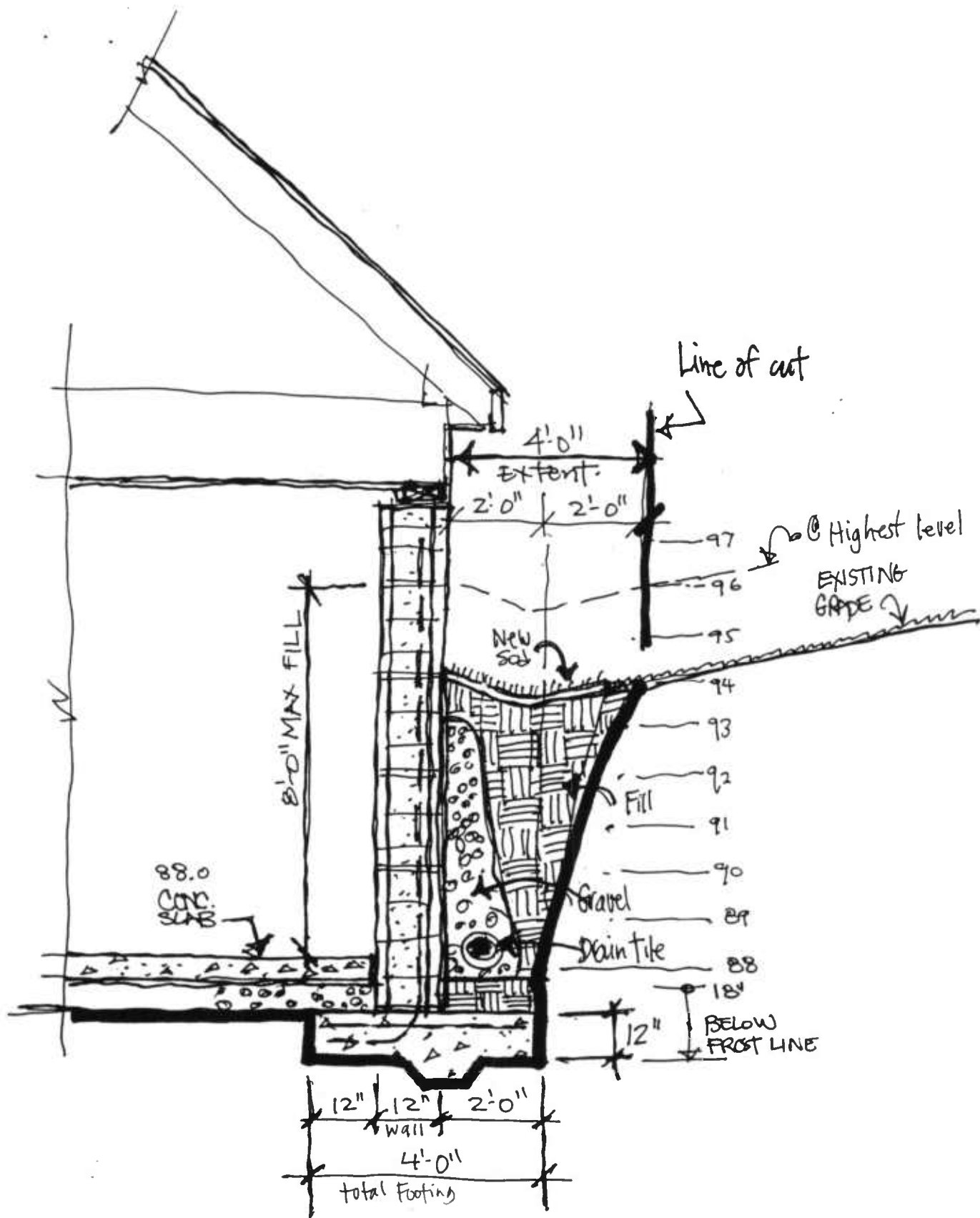
- 1) The embankment where the proposed garage is to be located was a man made slope installed when the driveway was constructed. There is basically no change to the proposed grade, only to remove a section of the embankment with excavated material being removed immediately.
- 2) The existing site has no storm water runoff controls in place. With the drywells proposed and the gravel bed adjacent to the new concrete patio and walk, we feel the storm water runoff will be greatly improved even with the additional impervious surfaces which are still below the amount allowed under critical area law.
- 3) The Fisher's are proposing to install a pretreatment unit with the new septic system which will reduce the amount of nitrogen being absorbed into groundwater. This obviously is a much better environmental condition than the current undocumented system.
- 4) Forested area to be removed is below the maximum of 6,000 square feet and a detailed landscaping and replanting plan will be provided with species native to the Critical Area being proposed.

Please feel free to contact me with any additional comments or concerns.



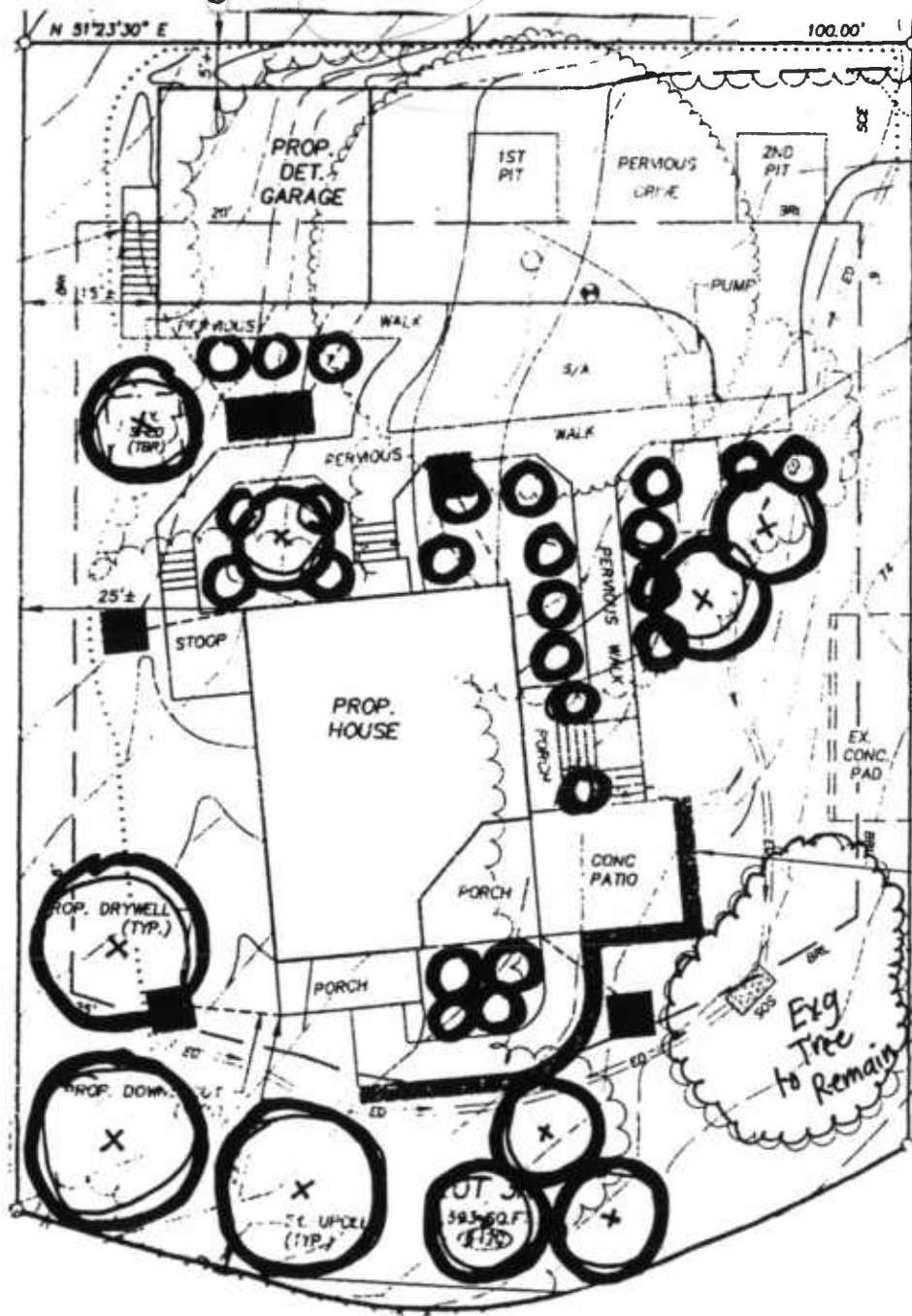


PHASE I
CONSTRUCTION



Retaining wall - typical 3-sides of garage

Replanting w/ 3,700 SF of Native Trees - why not 5958?



LANDSCAPE PLAN -
RE-PLANTING PER
CAWERT CO. CRITICAL
AREA NATIVE TREE
GUIDELINES. - 2005.

• Caliper of trees?

(3) LARGE CANOPY TREES. (400 SF) ea.

- eastern red cedar
- red maple.

(7) UNDERSTORY TREES. (200 SF) ea.

- Eastern Redbud
- White Flowering Dogwood
- American Holly.

(5) MIXED SHRUBS (100 SF) ea.

- Sweetbay Magnolia
- Wax Myrtle
- Mountain Laurel

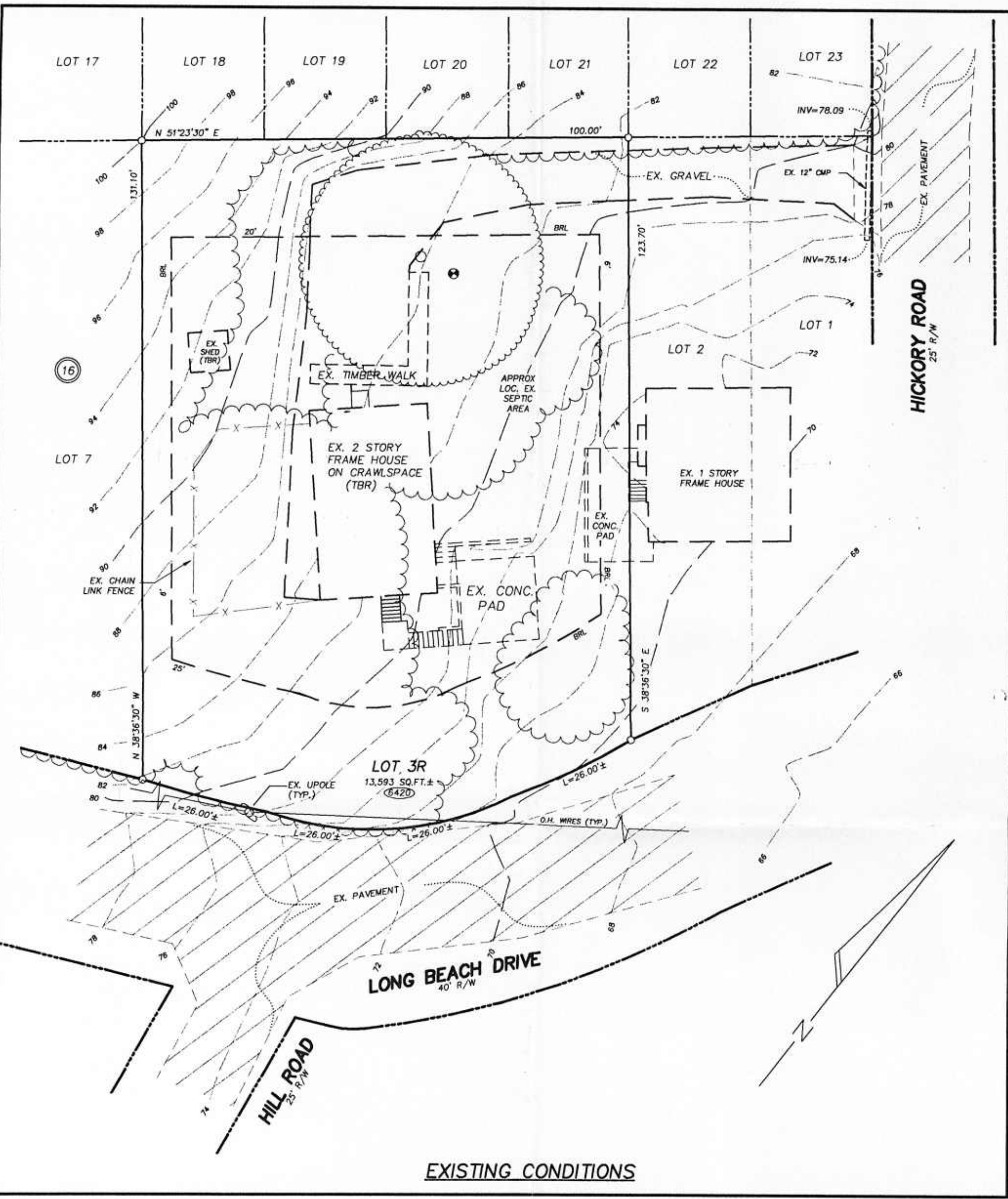
(4) MIXED SHRUBS. (50 SF) ea.

- Nanny berry
- Spice bush.

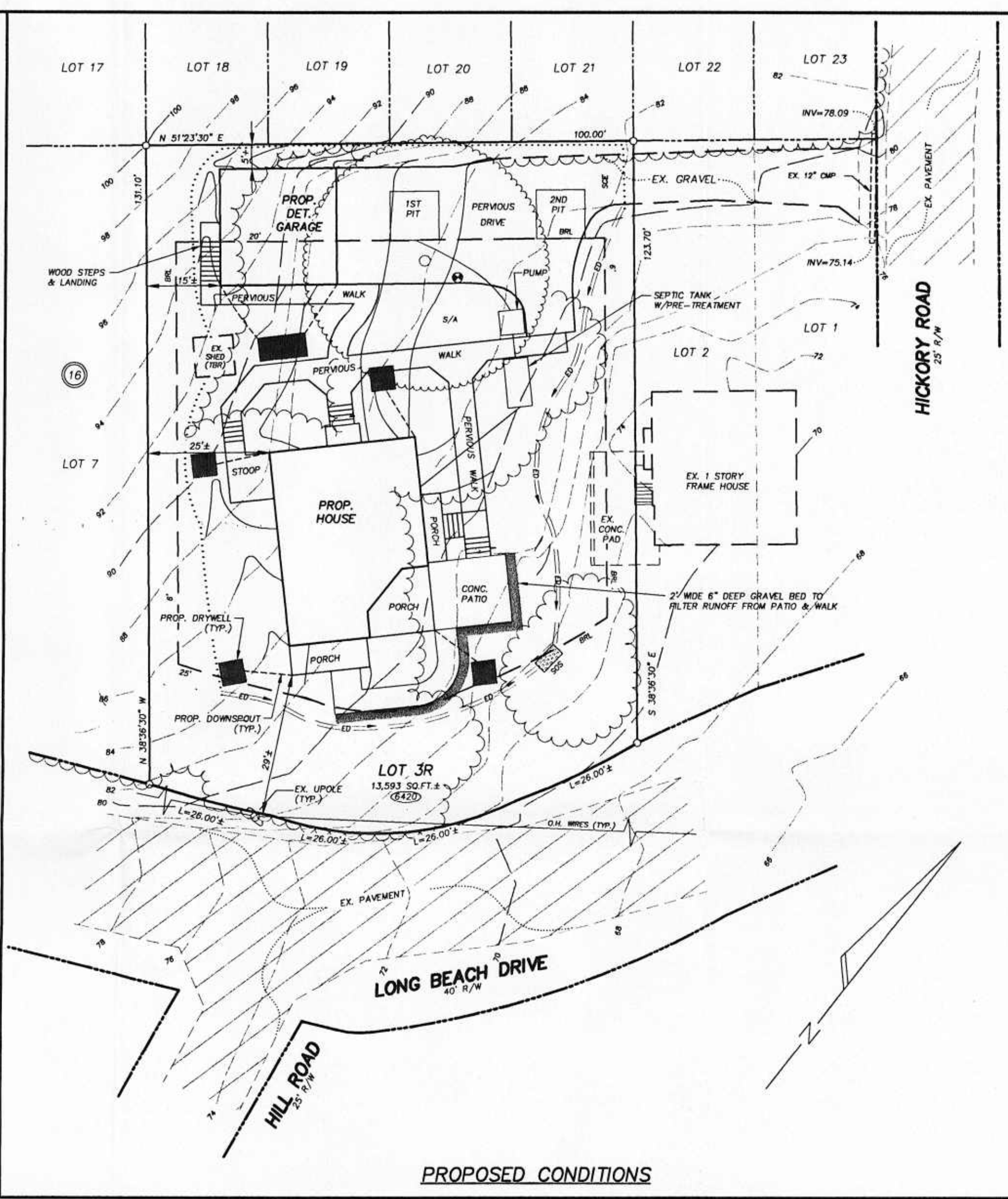
(16) MIXED SHRUBS (25 SF) ea.

- Pink Azalea

CC12-50



EXISTING CONDITIONS

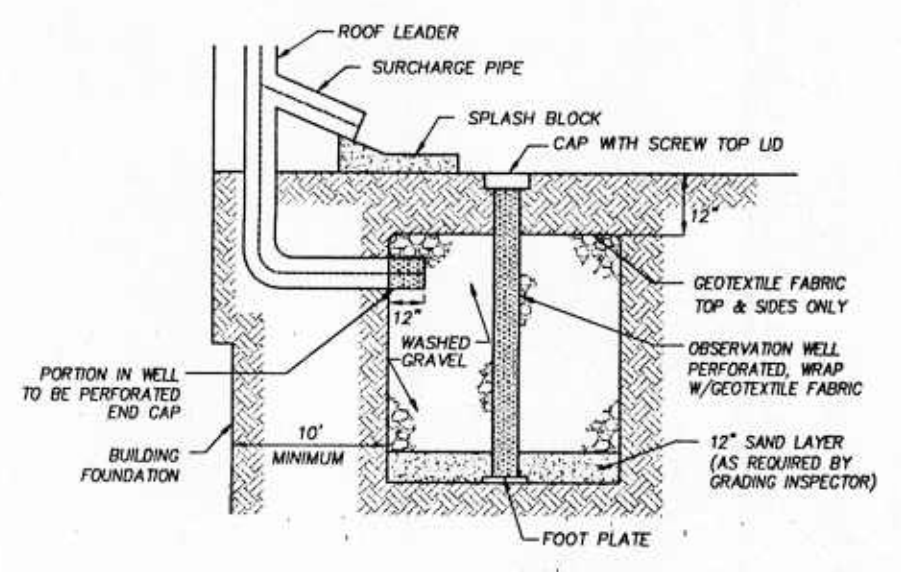


PROPOSED CONDITIONS

INFORMATION STATEMENT

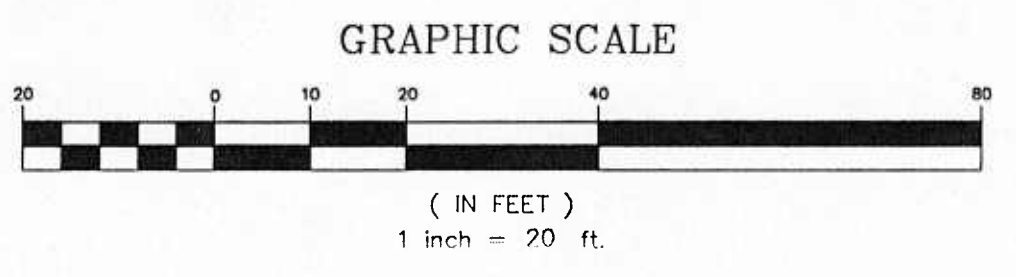
DEMOLISH EXISTING DWELLING
 30' X 40' TWO STORY HOUSE
 ON BASEMENT
 VARIABLE SIZE PORCHES (4)
 VARIABLE SIZE CONCRETE 14' X 16'
 FIRST FLOOR ELEVATION: 89.5
 BASEMENT ELEVATION: 80.5
 24' X 24' DETACHED GARAGE
 GARAGE ELEVATION: 88.0
 LOT AREA: 13,593 SQ. FT. ±
 DISTURBED AREA: 8,784 SQ. FT. ±
 EX. IMPERVIOUS AREA: 1,649 SQ. FT. ±
 PROP. IMPERVIOUS AREA: 2,760 SQ. FT. ± (20.3%)
 FORESTED AREA: 9,226 SQ. FT. ±
 FORESTED AREA TBR: 5,958 SQ. FT. ±
 OWNER: HUGH A. II & JEAN C. FISHER
 DEED: KPS 2205 @ 281
 TAX I.D.#: 01-040898
 SOILS MAP #32
 SOIL TYPE: ShD2 SASSAFRAS FINE SANDY LOAM,
 10 TO 15 PERCENT SLOPES,
 MODERATELY ERODED
 THIS LOT IS IN THE CRITICAL AREA.

THIS LOT WAS RECORDED PRIOR TO JULY 1984, WHEN STORMWATER MANAGEMENT WAS NOT REQUIRED.
 CONTACT "MISS UTILITY" AT 1-800-257-7777 AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.
 DECKS AND OTHER STRUCTURES NOT SHOWN DO NOT HAVE ZONING APPROVAL FOR CONSTRUCTION.
 THE ISSUANCE OF COUNTY PERMITS IS A LOCAL PROCESS AND DOES NOT IMPLY THE APPLICANT HAS MET STATE & FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR WETLAND BUFFER DISTURBANCE.
 THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, RIGHTS-OF-WAY OR BUILDING RESTRICTION LINES NOT SHOWN.
 THE DRIVEWAY SHALL BE CONSTRUCTED OF A PERVIOUS MATERIAL
 DOWNSPOUTS SHALL DISCHARGE INTO DRYWELLS AS SHOWN.
 ALL DISTURBED SLOPES SHALL BE STABILIZED WITH SOD.
 PROPOSED HOUSE TO UTILIZE PROPOSED SEPTIC WITH PRE TREATMETN AND PUBLIC WATER.
 ALL EXCAVATED MATERIAL SHALL BE REMOVED WITH NO STOCKPILING ON SITE.
 PROJECT TO BE CONSTRUCTED IN PHASES WITH GARAGE COMPLETED AND AREA STABILIZED PRIOR TO HOUSE DEMOLITION & CONSTRUCTION.



DRYWELL DETAIL

STANDARD DIMENSIONS FOR 500 SQ. FT. ROOFTOP AREA (MAXIMUM ALLOWED)
 5' W X 5' L X 4' D OR 100 C.F. (WITH A VOID RATIO OF 0.40) PROVIDES 40 C.F. OF STORAGE VOLUME PER DRYWELL.



LEGEND

	EXISTING TREELINE
	ASSIGNED HOUSE NUMBER
	PERCOLATION TEST
	STABILIZED CONSTRUCTION ENTRANCE
	STOCKPILE AREA
	STONE OUTLET STRUCTURE

COLLINSON, OLFF & ASSOCIATES, INC.
COA Surveyors • Engineers
 Land Planners
 288 MERRIMAC COURT
 PRINCE FREDERICK, MARYLAND 20678
 410-335-3101 • 301-855-1599 • FAX: 410-335-3103 • EMAIL: INFO@COAINC.COM

SCALE AS SHOWN	DATE	REVISION
8-30-05		
JOB NO. 1-8265		
DRAWN BY NJM/RCJ		
APPROVED NJM, RAC		
CASE NO.		

FOLDER REFERENCE LONG BEACH ON THE BAY, SEC. A
 DATE

BUILDING PERMIT PLAT
LOT 3-R ~ BLOCK 16 ~ SECTION A
LONG BEACH ON THE BAY
 FIRST DISTRICT, CALVERT COUNTY, MD.
 SUBDIVISION RECORDED IN PLAT BOOK A.A.H. 1 @ 38 & K.P.S. 2409 @ 116
 FOR: HUGH FISHER