

MSA-5-1829-4865

PTX
5/16/27 STUWUWUWU

case not open

PTX-5/16/27 STUWUWUWU

Revised 5/16/27

Revised 10/19/27



4/15/07
• Board deferred case pending further info

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/

October 19, 2006

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

Re: Variance 05-3209R Baker
Reconsideration Request-Revised

Dear Ms. Whitt:

This letter is in regard to our continuing review of the above referenced variance request. Based on the information provided, it appears that the applicant has revised the site plan to include curb and gutter construction, directing stormwater runoff to a proposed inlet, piped conveyance system and proposed storm drain. In addition, it appears that the location of the proposed driveway and garage have been changed to an easterly location in order to connect to the proposed conveyance system.

This office has reviewed and commented on this variance request four previous times. As a component of each of those reviews and comment letters, Commission staff has consistently expressed concern over the size of the dwelling footprint, and consistently requested that the applicant make an attempt to minimize the dwelling footprint. While we acknowledge the efforts the applicant has made to address stormwater runoff problems, we remain concerned with the same issues previously and consistently expressed. It is our view that a smaller dwelling footprint or an alternative design would create space for the proposed bioretention facility to be moved away from the cliff and gully, as far as possible. Previous cliff failures throughout the County have seemingly demonstrated a direct relationship between the amount of impervious surface area on a property and the stability of erodible soils.

In this case, the area of the property proposed as a bioretention facility appears to be mapped by the Soil Survey of Calvert County as Sassafrass fine, sandy loam and Sassafrass loam. The soil survey further classifies these soil types as unsuited for shallow, water development and for excavated ponds. This is likely due to their erodibility and potential for catastrophic slope failure. This office remains concerned about the proximity of the large bioretention facility to the eroding gully and to the edge of the cliff. We question whether it can be assured that adverse impacts to water quality will not occur as a result of this variance.

In summary, it remains our view that the applicant has failed to demonstrate that opportunities for minimization have been fully maximized. Where further minimization is possible and where a variance of a lesser degree could be granted, we question whether the standard of unwarranted hardship can be met. In addition, it appears that further steps could be taken to decrease the dwelling footprint, move the bioretention facility away from the

Roxana Whitt
Variance 05-3209R
October 19, 2006
Page 2

cliff and to provide greater assurances that adverse impacts to water quality have been minimized. Therefore, this office remains unable to offer support for this variance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as 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
CA404-05

Robert L. Ehrlich, Jr.
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SHD₂ - unsuited for
Sic 5 - shallow
water develop,
excavated
ponds

August 29, 2006

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

Re: Variance 05-3209R Baker
Reconsideration Request

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance reconsideration request. The applicant is requesting a variance from the expanded Buffer, steep slope, and cliff setback requirements in order to construct a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

In evaluating the applicant's reconsideration request, we acknowledge that a stormwater management study was provided which attempts to address runoff from Beach Drive. While this study was submitted in support of the applicant's view that by addressing stormwater runoff from Beach Drive, the post-construction condition of the site will be improved and stormwater runoff will be effectively managed, Commission staff respectfully disagrees. Previous concerns by this office included not only addressing runoff from Beach Drive, but design and placement of the proposed bioretention pond, placement of the proposed swale, and the excessive size of the proposed dwelling in relation to the specific erosive conditions of this site. In regard to these concerns, the applicant has provided no additional information which alters the view of Commission staff that a variance of a lesser degree, combined with significant overmanagement of stormwater runoff is the only way to make a determination that each and every one of the County's variance standards has been met. As such, we remain strongly opposed to the variance as requested. I have provided specific concerns which support our continued opposition to the applicant's variance below.

1. The footprint of the proposed dwelling does not appear to have been decreased as previously requested. It is our view that the size of the proposed dwelling footprint is excessive, particularly given the location of the property within the Buffer, as well as the active erosion of the cliff face and gully on the property. While other properties within the neighborhood may enjoy similarly sized dwellings, the Board should consider the erosive conditions particular to this site. It appears that a smaller dwelling, and subsequently a variance of a lesser degree, could be accommodated on the site which would still provide the applicant with adequate habitable space. This reduction in footprint would result in reduced impervious surface area on the site, would allow additional space to move the bioretention pond further back from the cliff and/or construct an additional pond on the northeast side of the dwelling to provide stormwater management in excess of the

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

standard 1-inch rain event. We continue to recommend that the Board require a revised site plan showing a smaller footprint.

2. As previously mentioned, the addition of the bioretention pond is a desirable feature to the site. However, as currently proposed, the pond employs an outfall pipe which discharges directly into the eroding cliff face and is placed in close proximity to the edge of the cliff. At a very minimum, the outfall pipe should daylight to provide overland flow prior to discharging on to the cliff face or utilize an alternative discharge method. It is our view that channelization of the pond's discharge pipe will lead to further erosion of the soils within the cliff and eventual cliff slump.
3. The proposed swale appears to direct runoff again directly towards the area of the eroding gully. In order to prevent continued erosion of this area, the applicant should consider whether a second bioretention pond could intercept and hold some of the runoff prior to being discharged. A small dwelling footprint would allow the applicant to consider such an option.
4. In regard to the proposed pipe intercepting runoff from Beach Drive, this office has serious concerns. Specifically, the proposed pipe appears to provide only a channelizing mechanism to direct stormwater runoff to a different area of Beach Drive, namely the cliff face near the edge of existing Lot 7. There does not appear to be any quality management provided. While this may address some of the runoff problems inherent to the applicant's property, this office questions whether adverse impacts to Lot 7 will be created, as well as whether adverse impacts to water quality and plant and wildlife habitat will be incurred as a result of this proposed mechanism. In addition, we question whether the proposed pie will require additional review and approval by the County Public Works Department.

In summary, this office has outstanding concerns with the current development proposal and information shown on the site plan. Specifically, because a dwelling of a significantly smaller size than the one proposed could be constructed, it does not appear that the standard of unwarranted hardship has been met. In addition, the applicant must prove that the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area. Due to the concerns associated with the location and design of the bioretention pond, the potential for cliff slump, and the concerns over channelization of stormwater runoff, we believe that this standard cannot be assured and has not been met. Therefore, we do not believe that the applicant has overcome the burden to meet each of the County's variance standards, and we recommend that the Board deny the applicant's request for a variance as proposed.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as 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
CA404-05

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
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10/4/05 Board Findings
• failure of part - mushy answers re: County's intent to fix roadside problems (unclear)

• concern for location of ravine which is eroding (neighboring properties)

• house size, incompatible w/ conditions on site → could lead to catastrophic erosion → substantially reduce house

• smaller variance would be appropriate
• no unwarranted hardship → smaller structure could be built

• Variance Denied

October 4, 2005

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

Re: Variance 05-3209 Baker-Revised

Dear Ms. Whitt:

Thank you for providing information on the above referenced revised variance. The applicant is requesting a variance from the expanded Buffer, steep slope, and cliff setback requirements in order to construct a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

While it appears that the applicant has attempted to address some of our previous concerns by providing a bioretention pond to capture stormwater runoff, the location of the proposed pond is of concern. As demonstrated by similar erosion problems on other properties within the County, there appears to be a direct relationship between the direction and location of concentrated stormwater flows and the ability of an unstable cliff face to support an excessive amount of development. That is, the greater the quantity of stormwater resulting in runoff, as opposed to being infiltrated, the greater the chances for continued cliff face slough and undercutting. Due to these outstanding concerns, we provide the following comments.

1. The footprint of the proposed dwelling does not appear to have been decreased as previously request. As stated, the size of the proposed dwelling footprint seems excessive, particularly given the location of the property within the Buffer, as well as the active erosion of the cliff face on the property. It appears that a smaller dwelling could be accommodated on the site which would still provide the applicant with adequate habitable space. This reduction in footprint would result in reduced impervious surface area on the site, would allow the dwelling to be located farther back from the cliff face, and would allow for adequate space on the northwestern side of the dwelling to relocate the proposed bioretention pond. We recommend that the Board require a revised site plan showing a smaller footprint.
2. While the proposed bioretention pond does provide storage of runoff and would help reduce the velocity of stormwater running over the cliff face, the pond should be located as far from



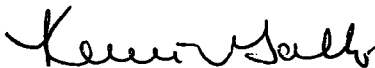
Roxana Whitt
Variance 05-3209
October 4, 2005
Page 2

the eroding edge of the cliff as possible. Based on conditions observed during a site visit, it is our opinion that the soil conditions near the eroding gully cannot support the size and amount of water that would potentially be stored in the pond. However, since the pond is a highly desirable mechanism for the treatment of runoff, we recommend that it be relocated to the northwestern side of the proposed dwelling, as far from the eroding gully as possible. The applicant should then implement the proposed plantings so that they are located between the pond and the eroding gully. With a reduction in dwelling footprint, it appears that the site could support this stormwater facility design and more reasonably provide assurance of minimal adverse impacts.

As stated, this office has outstanding concerns with the current development proposal and information shown on the site plan. Because we do not believe that the applicant has overcome the burden to meet each of the County's variance standards, we cannot support the applicant's variance request. Specifically, because a dwelling of a significantly smaller size than the one proposed could be constructed, it does not appear that the standard of unwarranted hardship has been met. In addition, the applicant must prove that the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area. Due to the concerns associated with the location of the bioretention pond, we believe that this standard has not been met. We recommend that the applicant submit a site plan which demonstrates that impacts to the Buffer have been minimized and that addresses the outstanding concerns with the proposed bioretention facility.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as 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
CA404-05

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States been through the wringer as well as created serious safety concerns
back to variance standard
Position of the Commission that unworn
serious cliff integrity + serious safety concerns
point re grading directing towards gully
drywell issue
footprint is 1912 excessive for a site w/in the Buffer Partial only
drywells are an issue

July 29, 2005

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

Re: Variance 05-3209 Baker

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the expanded Buffer, steep slope, and cliff setback requirements in order to construct a primary dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped. *Due to above, all of variance standards have not been met - particularly; -unwarranted hardship (smaller house could be built) - adverse impacts to H₂O, fish, plant, wildlife.*

During a recent site visit, it was noted that the cliff face on the property is currently experiencing significant erosion. Of particular concern, the northwestern portion of the property exhibits evidence of recent cliff sloughing, forming a deep v-shaped gully. In addition, it was noted that the topography of the surrounding neighborhood and subject lot appears to result in the direction of stormwater runoff towards this gully area. Based on these observations, this office has significant concerns regarding the impact of the applicant's development proposal on the stability of the eroding cliff face. Therefore, we provide the following comments:

1. Given the sensitive nature of an actively eroding cliff face, as well as the presence of expanded Buffer on the site, the size of the proposed dwelling footprint seems excessive. It appears that a smaller dwelling could be accommodated on the site which would still provide the applicant with adequate habitable space. This reduction in footprint would result in reduced impervious surface area on the site, and would allow the dwelling to be located farther back from the cliff face. We recommend that the Board require a revised site plan showing a smaller footprint.
2. It does not appear that any structural stormwater management structures are proposed as a component of the applicant's proposal. While there are three structures labeled as drywells on the site plan, it appears that these are actually components of the septic system, and serve no true stormwater management benefit. In addition, it appears as though the applicant is proposing to grade the site in order to elevate the dwelling. This grading appears to create a drainage pattern directly aimed towards the eroding gully. We strongly recommend that the



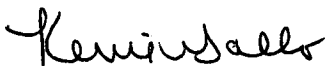
Board require the applicant to revise the grading plan and provide multiple structural stormwater management structures which intercept the flow of rooftop runoff and provide infiltration opportunities as far away from the cliff face as possible. It appears that a reduced dwelling footprint would allow the applicant more room to locate these structures.

3. While conducting a site visit, it was noted that there are multiple locations where shrub plantings exist which are not shown on the site plan. Please advise the applicant that all disturbance to the Buffer, including any movement of the earth and/or the removal of existing vegetation, requires mitigation at a 2:1 ratio. We recommend that the applicant utilize the required mitigation plantings to provide added filtration opportunities between the dwelling and the actively eroding cliff face and gulley.

In considering this variance request, the applicant must overcome the burden to prove that each of the County's variance standards has been met. We do not believe that the applicant has overcome this burden, and therefore cannot support the applicant's variance request. Specifically, because a dwelling of a significantly smaller size than the one proposed could be constructed, it does not appear that the standard of unwarranted hardship has been met. In addition, the applicant must prove that the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area. Due to the lack of stormwater management structures, the grading as proposed, and the excessive disturbance and size of footprint proposed on the site, we believe that this standard has not been met. In contrast, it appears that great potential exists to create a situation similar to those seen in neighboring communities within the County where the integrity of eroding cliffs, as well as the safety and security of the property owners' dwellings, have been compromised in part due to overdevelopment and the mismanagement of stormwater runoff.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as 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
CA404-05

Case No. 06-3265

Public Hearing
January 5, 2006

Roland Joun from Wilkerson & Associates has applied on behalf of the property owner John L. Baker for a Reconsideration of the Board's decision in Case No. 05-3209, John L. Baker, Property Owner. The property is located at 5416 Beach Drive, St. Leonard and is zoned R-1 Residential.

The matter was presented January 5, 2006 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman and Mr. Daniel Baker. Mr. Daniel LaPlaca, Attorney and Mr. Roland Joun from Wilkerson & Associates were present at the hearing and represented the property owner Mr. John L. Baker.

TESTIMONY AND EVIDENCE PRESENTED

1. The record for Board of Appeals Case No. 05-3209 established during the Board of Appeals hearings held August 4, 2005, September 4, 2005 and October 6, 2005 was incorporated by reference.
2. Mr. Roland Joun from Wilkerson & Associates submitted on behalf of the property owner John L. Baker a request dated November 17, 2005, for reconsideration of the Board's decision in Case No. 05-3209 dated November 3, 2005.
3. Mr. Kevin Shaver from Wilkerson & Associates submitted an e-mail dated November 21, 2005 indicating the reconsideration request is based on: (1) the Board's belief that the size of the proposed house was a major factor in the amount of runoff generated from the site; (2) they would like to present a drainage area study that will demonstrate that by altering the flow of the runoff from the public road there would be no net increase from the current conditions in the amount of runoff from the site using the house size shown on the site plan presented at the hearing; and (3) they are prepared to demonstrate that the subject case is an "apples and oranges" comparison to a case of cliff failure occurring in the Chesapeake Ranch Estates that the Board made reference to in their decision in Case No. 05-3209.
4. Mr. Daniel LaPlaca, Attorney and Mr. Roland Joun from Wilkerson & Associates were present at the January 5, 2006 hearing and presented a brief argument addressing proposed stormwater management. They

Case No. 06-3265

Page 2

requested the Board reopen Case No. 05-3209 and also requested time to obtain off-site agreements and easements needed to implement the proposed stormwater management plan.

5. In accordance with Rule 6-101B. of the Rules of Procedure for Calvert County Board of Appeals, the Board shall reconsider a matter if evidence is submitted which could not reasonably have been presented at the original hearing. The Board shall not reconsider a matter if evidence is submitted which could reasonably have been presented at the original hearing.

FINDINGS OF FACT

The Board found that evidence submitted by the Applicant regarding aggressive stormwater management was sufficient to allow the Board to reconsider the matter.

CONCLUSIONS

The Board concludes that Case No.05-3209 shall be reopened and reconsidered at an alternative time in the future when the case can be added to the Board's regularly scheduled agenda.

ORDER

It is hereby ordered, by a unanimous decision, that the Request for Reconsideration of the Board's decision in Board of Appeals Case No.05-3209 submitted by Mr. Roland Joun from Wilkerson & Associates on behalf of the property owner John L. Baker be **GRANTED** based on the above findings of fact and conclusions.

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

Case No. 06-3265

Page 3

within 30 days.¹ 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: February 8 2006
Pamela P. Helie, Clerk

Michael J. Reber
Michael J. Reber, Chairman

¹ The subject Reconsideration Request was submitted 14 days after the date of the Order for BOA Cases No. 05-3209. In accordance with Rule 6-101B.7 of the Rules of Procedure, Calvert County Board of Appeals, the appeal period shall resume on the date of the Board of Appeals' written decision on the reconsideration request and/or revised Order for the case.

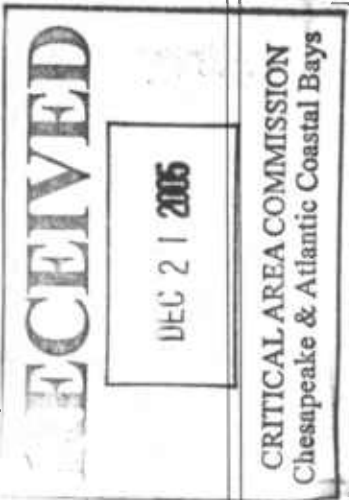
Jeffrey & Linda Baker have applied for a variance in the 100' waterfront buffer requirements and a variance in the steep slope requirements for construction of an attached garage on slopes of 15% or better. The property is located at 139 Deer Court, Lusby (Lot 22 & P/O Lot 23, Block A, Section 23-B, Drum Point) and is zoned R-1 LDA.

The matter was presented December 1, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman and Mr. Daniel Baker. Mr. Jeffrey Baker was present at the hearing and was 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 plat with Health Department approval was marked Applicants' Exhibit No. 2, dated and entered into the record at the hearing. A Staff Report along with photographs taken on site was 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 26,337 s.f. and is zoned R-1 LDA.
2. The property is currently developed with a 3-level house and patio situated ~40 feet from the bulkhead at the waterfront. There are scattered trees throughout the lawn area. The front portion of the lot is level. The bank at the waterfront is about 22%.
3. The Applicants are requesting a variance in the 100' waterfront buffer requirements for construction of an addition to their existing single-family dwelling.



4. The Applicant and the Applicant's Representative testified: (1) the property is currently developed; (2) in the early 90's a variance was granted for the dwelling and the deck that exists; (3) a variance request for a deck and shed was denied in 1992; (4) the Bakers purchased the property 3 years ago; (5) the owners wanted to keep the garage in line with the existing house; however, the Health Department denied this based on the septic location and space for a reserve septic system; (6) the well is located on the opposite side of the house prohibiting location of the garage there; (7) the existing driveway is impervious and would be removed and turned into pervious; (8) impervious surfaces on site would be reduced to less than 15%; (9) a quit claim deed would be requested from the Drum Point Property Owners Association for an area between the bulkhead and lot line to increase the square footage of the property; (10) the garage cannot be constructed on the opposite side of the house as bedrooms are located at this end of the house; (11) the owner has spoken with the adjoining neighbors and they have no objections to the proposed construction; (12) garages of the size proposed are common in Calvert County.
5. Staff comments indicated: (1) the property is situated on the waterfront of Mill Creek and much of the property lies within the waterfront buffer; (2) there is no erosion noted on site; (3) the previous property owners applied for and were granted a variance to construct the house that currently exists on the property with the condition that impervious surfaces were not to exceed 15%; (4) a second variance request for a deck and a shed was denied by the board; (5) the request for the deck was denied in part because the Board found that the applicant enjoyed a wrap-around deck and the variance request for the shed was denied because the Board found the shed could be located outside the buffer; (6) the current request is for a garage; (7) the court has held that denial of a variance for construction of a garage could be considered a deprivation of a right commonly enjoyed in the Critical Area, resulting in unwarranted hardship; (8) there is a question whether the garage could be located outside the buffer; (9) the applicants propose 6 drywells to collect roof runoff from both the proposed garage and the existing house; (10) no stormwater management is currently functioning on site; (11) the applicants propose plantings between the garage and the property line, an improvement to the site; (12) the large strip of land between the bulkhead and lot lines is grassy lawn and it is unclear who owns it; (13) there are questions as to whether the garage could be located outside the buffer and if the mitigation proposed provides a better situation than that which currently exists; and (14) the Department of Planning and Zoning does not object to the variances as long as the Board receives sufficient testimony to overcome the burdens noted above.
6. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the hearing and testified indicating: (1) the location of the drainfields are not identified; (2) significant improvements

are being made on site; however, the CBCAC is concerned with the garage being located close to the water; and (3) the Applicant should consider a rain garden for stormwater management.

7. Neighboring property owners have been notified of the proposed request and have not opposed the construction either orally or in writing.

CONCLUSIONS

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

1. Strict application of the 100' waterfront buffer requirements and the steep slope requirements for construction of a 30' x 34' attached garage with a 6' stairway that abuts the existing deck on slopes of 15% or greater would impose peculiar and unusual practical difficulties and undue hardship upon the owner due to the location and layout of the existing house, the location of the existing well and the Health Department requirement for the location of the septic system and septic fields, which limit the space available on site for the proposed garage.
2. Granting the variances 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 and have not objected either orally or in writing. The owner has spoken with adjoining property owners and they have verbally indicated they have no objections to the proposed construction.
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. A garage of the size proposed is common in Calvert County. A location that would have minimal infringement on the buffer was not approved by the Health Department.
4. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances would deprive the Applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County. The Applicants only seek to the right to construct a garage addition to their existing single-family dwelling.

5. The granting of the variances will not confer upon the Applicants 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 construct an attached garage.
6. The variance requests are 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. Other areas of the property were not acceptable for the proposed construction based on Health Department requirements.
7. The granting of the variances 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 based on the conditions included as part of this request.
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 100' waterfront buffer requirements and the variance in the steep slope requirements to construct an attached garage on slopes of 15% or better as requested by Jeffrey and Linda Baker be **GRANTED** based on the above findings of fact and conclusions subject to the following conditions:

1. Approval by the Zoning Enforcement Officer for Board of Appeals is required prior to issuance of a Use and Occupancy permit or other final approval for the project as determined by the Division of Inspection and Permits.
2. Mitigation in the critical area is required and is a condition of this approval. A plan to provide native vegetation plantings for the waterfront of the property shall be worked out with and agreed to by Planning and Zoning Staff.

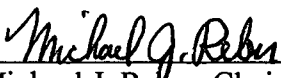
3. The impervious driveway must be changed to pervious.
4. The approximately 5,000 s.f. area of property currently owned by the Drum Point Property Owners Association and located between the bulkhead and the property line must be obtained via quitclaim deed prior to issuance of a building permit.
5. The shoreline must be aggressively planted with native vegetation to mitigate and improve water from the land to Leasons Cove as worked out with and approved by Planning and Zoning Staff.
6. The existing septic system must be modified to a pre-treatment (denitrofication) system.
7. The property shall be developed in phases with each phase being stabilized prior to proceeding to the next phase.
8. A phasing plan shall be submitted with the building permit.
9. Prior to work being done on site, the location of the house and the limitation of clearing shall be staked and marked.
10. 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.
11. There shall be no stockpiling of excavated materials on site.
12. A foundation location plat prepared by a registered surveyor must be submitted to and approved by the Department of Planning and Zoning prior to framing.
13. A 6' washed gravel bed shall be placed under any decks or deck areas to provide stabilization.

14. All downspouts shall discharge into drywells or other appropriate and approved stormwater management devices as recommended by the Department of Public Works.
15. 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 the structures were built according to the approved plan, prior to final approval of the project.

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: December 20 2005
Pamela P. Helie, Clerk



Michael J. Reber, Chairman

CBCA

Case No. 05-3247

Public Hearing
December 1, 2005

Bob Davis & Associates has applied on behalf of the property owners Robert & Mary Beth Otto for a variance in the 100' waterfront buffer requirements for construction of an addition to their existing single-family dwelling. The property is located at 4147 Hance Road, Port Republic (Parcel 39) and is zoned RUR Rural.

The matter was presented December 1, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman and Mr. Daniel Baker. Mr. Bob Davis was present at the hearing and was represented by Mr. Jeff Tewell from Collinson, Oliff and Associates. The plat submitted with the application was marked Applicant's Exhibit No. 1, dated and entered into the record at the hearing. A Staff Report along with photographs taken on site was 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 3.70 acres and is zoned RUR Rural.
2. The property is currently developed with a 1-story house that is situated primarily within the 100-foot buffer.
3. The topography slopes gently toward the waterfront, with the exception of the bank at the waterfront, which is quite steep, but wooded.
4. The Applicant is requesting a variance in the 100' waterfront buffer requirements for construction of an addition to their existing single-family dwelling.
5. Staff Comments indicated: (1) the proposed addition, garage and driveway are located on the east side of the house, away from the water; (2) the slope in that area is level and grass covered; (3) the requested addition impacts the buffer only slightly and represents a reasonable expansion of the dwelling; and (4) no objections are noted and no conditions are suggested.

RECEIVED

DEC 2 | 2005

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

6. The Applicant and the Applicant's representative testified: (1) the existing dwelling is entirely within the buffer; (2) the proposed addition would be constructed away from the water; (3) only a small portion of the proposed addition would be located within the buffer; (4) the Health Department requires that the septic be replaced; (5) the replacement septic will be upgraded and the drainfields moved away from the water; (6) a denitrofication septic system will be installed as required by the Health Department; (7) no objection is noted to the installation of drywells; and (8) the portion of the driveway that is steepest and goes down the slope would be eliminated and replanted.
7. The addition could not be constructed without a variance.
8. Neighboring property owners have been notified of the proposed request and have not opposed the construction either orally or in writing.

CONCLUSIONS

Based on the above findings of fact, the Board came to the following conclusions (in accordance with Sections 11-1-1.01.A and 11-1.01.B of the Calvert County Zoning Ordinance) and based on evidence and testimony presented:

1. Strict application of the 100' waterfront buffer requirements for construction of a 26' x 30' garage and a 28' x 40' addition to their existing single-family dwelling would impose peculiar and unusual practical difficulties and undue hardship upon the owner due to the topography of the property and its location almost entirely within the buffer. The proposed addition would be placed on the most buildable portion of 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 and have not objected either orally or in writing. Only a small portion of the addition would be located within the critical area buffer.
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. Without the requested variance construction of an addition would not be possible.

4. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances would deprive the Applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County. The Applicants only seek to construct an addition and a garage with minimal infringement to the buffer.
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. Additions to long existing houses are common in Calvert County. The addition would be constructed away from the water.
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. The Applicant will replace the existing septic system with a denitrofication type system and drywells will be installed to provide stormwater management.
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 100' waterfront buffer requirements to construct a 28' x 40' addition and a 26' x 30' garage addition to an existing single-family dwelling as requested by Bob Davis and Associates on behalf of the property owners Robert & Mary Beth Otto be **GRANTED** based on the plat submitted as Exhibit No. 1 and based on the above findings of fact and conclusions subject to the following conditions:

1. Installation of drywells outside the buffer is required.

2. The existing gravel driveway shall be returned to pervious vegetative cover.
3. The property shall be developed in phases with each phase being stabilized prior to proceeding to the next phase.
4. A phasing plan shall be submitted with the building permit.
5. Prior to work being done on site, the location of the house and the limitation of clearing shall be staked and marked.
6. The Applicant's 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.
7. There shall be no stockpiling of excavated materials on site.
8. A foundation location plat prepared by a registered surveyor must be submitted to and approved by the Department of Planning and Zoning prior to framing.
9. A 6' washed gravel bed shall be placed under any decks or deck areas to provide stabilization.
10. All downspouts shall discharge into drywells or other appropriate and approved stormwater management devices as recommended by the Department of Public Works.
11. A final as-built certification prepared by a registered surveyor must be submitted for approval by the Department of Planning and Zoning showing that the grading was performed and the structures were built according to the approved plan, prior to final approval of the project.

12. Approval by the Zoning Enforcement Officer for Board of Appeals is required prior to issuance of a Use and Occupancy permit or other final approval for the project as determined by the Division of Inspection and Permits.

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: December 20 2005
Pamela P. Helie, Clerk



Michael J. Reber, Chairman

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Kerrie

Case No. 05-3209

RECEIVED

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CRITICAL AREA COMMISSION

Public Hearing
August 4, 2005
September 4, 2005
October 6, 2005

Kevin Shaver from Wilkerson & Associates has applied on behalf of the property owner John Baker for a variance in the extended buffer requirements, a variance in the cliff setback requirements, and a variance in the steep slope requirements to construct a single-family dwelling with a garage. The property is located at 5416 Beach Drive, St. Leonard (Lots 1&2/ P/O Bayside Park & P/O Avenue B, Calvert Beach) and is zoned R-1 Residential.

The matter was presented August 4, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman, and Mr. Dan Baker. Mr. Kevin Shaver from Wilkerson & Associates and Mr. William O'Neill building contractor were present at the hearing and represented the property owner Mr. John Baker. The following Exhibits were dated and entered into the record at the hearing: (1) a plat with Health Department approval was marked Applicant's Exhibit No. 1; (2) a plat for the subject property showing a house and a garage was marked Applicant's Exhibit No. 2; and (3) a map of the area with supporting documentation from Real Property Data Search was marked Applicant' Exhibit No. 3. Mr. Phillip Yates, Mr. Bob Walker, Mr. Thomas Kunkle, Mrs. Fay Kunkle, and Mr. John Weaver were present at the hearing and spoke addressing concerns with the subject request. Mr. Phillip Yates provided photographs of the area, which were marked Yates Exhibit No. 1. Mr. Bob Baker was present at the hearing and spoke in support of the Applicant's request. Ms. Kerrie Gallo was present at the hearing and spoke addressing Chesapeake Bay Critical Area Commission concerns. A letter from John and Jennifer Mesirov and a letter from Sue and Randy DaCamara opposing the Applicant's request were entered into the record at the hearing. A Staff Report and photographs taken on site were also

entered into the record. The Board deferred action at the August hearing pending a site visit and a written resolution regarding the right-of-way for the subject property.

The matter was again presented September 1, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman, and Mr. Dan Baker. Mr. Kevin Shaver from Wilkerson & Associates and Mr. William O'Neill building contractor were present at the hearing and represented the property owner Mr. John Baker. The following Exhibits were dated and entered into the record at the hearing: (1) a revised plat was marked Applicant's Exhibit No. 1; and (2) a right-of-way deed was marked Applicant's Exhibit No. 2. Mr. Phillip Yates and Mr. Bob Walker were present at the hearing and spoke addressing concerns with the Applicant's request. Mr. Bruce Baker and Ms. Michele Rockhill were present at the hearing and spoke in support of the Applicant's request. The Board deferred action at the September hearing to allow County Staff and the appropriate agencies time to review the revised plat presented at the hearing; to allow the Applicant time to consider reducing the size of the proposed house; and to receive information from the Applicant as to what the County has designed for stormwater management at Beach Drive.

The matter was again presented October 6, 2005 before Mr. Michael J. Reber, Chairman of the Board of Appeals, Mr. Walter Boynton, Vice Chairman, and Mr. Dan Baker. Mr. Kevin Shaver and Mr. Roland Joun from Wilkerson & Associates and Mr. William O'Neill, building contractor were present at the hearing and represented the property owner Mr. John Baker. The following Exhibits were dated and entered into the record at the hearing: (1) a letter dated October 4, 2005 from the National Rehabilitation Hospital was marked Applicant's Exhibit No. 1; (2) an e-mail (last dated 24 September 2005) regarding Calvert Beach Drainage was marked Applicant's Exhibit No. 2; and (3) an e-mail (last dated

13 September 2005) regarding Calvert Beach Drainage was marked Applicant's Exhibit No. 3. Mr. Bob Walker and Mr. Randy DaCamara spoke at the hearing addressing concerns with the proposed request. Ms. Christy Baker and Ms. Michele Rockhill were present at the hearing and spoke in support of the proposed request. Ms. Kerrie Gallo was present at the hearing and spoke addressing concerns of the Chesapeake Bay Critical Area Commission with the proposed request. A Staff Report was entered into the record at the hearing.

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 .289 acre. The property is zoned R-1 Residential.
2. The property is situated on a cliff of ~55 feet in height. There are scattered trees and shrubs on a grassy lawn that is maintained right up to the cliff edge. The cliff is kudzu-covered.
3. The Applicant is requesting a variance in the extended buffer requirements, a variance in the cliff setback requirements, and a variance in the steep slope requirements to construct a 56' x 38' single-family dwelling with a garage.
4. Staff comments submitted at the August hearing indicated: (1) development of this lot must proceed very carefully to avoid erosion that could lead to serious consequences; (2) the cliff face is protected by nothing more than kudzu; (3) signs of erosion are very evident, particularly on the north end where a swale is developing; (4) the property catches stormwater from Avenue B and the confronting properties that are uphill; (5) stormwater from this property moves toward the cliff; (6) there is a small berm on the lot, near the cliff, but it would be of little assistance in a significant rainfall event; (7) no stormwater devices are shown or discussed with the proposed development and some are warranted; (8) the house is of substantial size for the subject lot, which is less than 1/3 acre with less than 1/4 acre usable ground; and (9) it is strongly recommended that the footprint

on the subject house be limited to ~1,000 s.f. to allow adequate area for stormwater devices.

5. The Applicant indicated at the August hearing that: (1) the property size is 90' x 140'; (2) the proposed dwelling is 1,912 s.f.; (3) there is an expanded buffer on the entire site; (4) only 20% of the lot is buildable; (5) a small area on the lot has 15% slopes; (5) drywells are proposed on the southeast corner of the site for stormwater management; (6) the dwelling has been located as far away from the cliff as possible; (7) the size of the proposed dwelling is not excessive; (8) there are houses in the neighborhood that are similar in size to the one proposed; (9) mitigation will be provided for any disturbed areas; and (10) the location of the septic system prevents drywells from being located on the front of the property.
6. Mr. Phillip Yates, Mr. Bob Walker, Mr. Thomas Kunkle, Mrs. Fay Kunkle, and Mr. John Weaver were present at the August hearing and spoke addressing concerns with the subject request. Mr. Phillip Yates provided photographs, which were marked Yates Exhibit No. 1. Concerns expressed related primarily to the site of the proposed structure, stormwater runoff, and the potential for serious erosion of the cliff.
7. Mr. Bob Baker was present at the August hearing and spoke in support of the Applicant's request.
8. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the August hearing and spoke addressing CBCAC concerns with the current development proposal. She indicated CBCAC does not believe that the Applicant has overcome the burden to meet each of the County's variance standards and that CBCAC cannot support the Applicant's variance requests.
9. The Board deferred action at the August hearing pending a site visit and to allow the Applicant time to seek resolution of a right-of-way issue.
10. The Board visited the site between the August and September hearings. Based on the visit the Board advised it was concerned with the stability of the lot and the size of the house proposed, based on the size of the property.
11. The Applicant and the building contractor indicated at the September hearing that: (1) a revised site plan had been prepared proposing shrubs and trees, which will provide root mass for the cliff; (2) the revised site plan deletes the drywells and included a bioretention facility designed for a 1" rain storm; (3) the house size has been designed with a first floor bedroom and a handicapped bathroom; (4) the proposed house would be two stories with a total of 3,584 s.f.; and (5) due to physical impairment, the

prospective property owners need full accommodations on a lower level, but the 2-story house is proposed to accommodate guests.

12. Staff indicated at the September hearing that this is a critical site and review of the revised site plan presented at the hearing is needed from Engineering and the CBCAC.
13. Mr. Phillip Yates and Mr. Bob Walker were present at the September hearing and spoke addressing concerns with the proposed request.
14. Mr. Bruce Baker and Ms. Michele Rockhill were present at the September hearing and spoke in support of the Applicant's request.
15. The Board deferred action at the September hearing to allow County Staff and the appropriate agencies time to review the revised plat presented at the hearing; to allow the Applicant time to address with the County what has been designed for stormwater management at Beach Drive; and to allow the Applicant time to consider reducing the size of the proposed dwelling.
16. The matter was again presented October 6, 2005 before the Board. The Board indicated they asked for stormwater management devices to handle a 6" rainfall event, but the design proposed only handles a 1" rainfall event.
17. Staff comments presented at the October hearing indicated: (1) a revised plan was received showing a bioretention pond for stormwater attenuation, and showing various tree plantings; (2) the proposed bioretention facility is perched at the head of a steep, eroded ravine that descends along the cliff face; (3) outfall from the pond is into the ravine, with a riprap pad within the ravine; (4) due to the eroded nature of the cliff and the potential for slope failure, the Department of Planning and Zoning declines to support the design proposal; (5) the house size has not been reduced by the Applicant in spite of the Board's previous concerns; (6) the Department of Planning and Zoning declines to support the variances requested in order to accommodate a house of the size proposed; (7) a smaller house footprint would be more appropriate for the subject lot; (8) the same square footage can be accommodated by utilizing a 2-story design with a footprint half the size proposed; and (9) a smaller house footprint would minimize impervious surfaces and allow stormwater management facilities to be located in a more suitable area on the lot.
18. The Applicant and the Applicant's representatives testified at the October hearing that: (1) the erosion the Board noted along the edge of the cliff on the subject property is caused by off-site runoff from an up-site area; (2) the revised plan includes a bioretention area proposed for stormwater "Quality Control", which is what the manual calls for; (3) "Quantity

Control" is not what is needed for a lot of this size as it would cause more on-site erosion; (4) stormwater control cannot be provided on this lot with pads or infiltration trenches as the soil is sandy and water would go to the face of the cliff; (5) an investigation was made with Calvert County to determine any plans for stormwater management in the area and the investigation revealed the Department of Public Works has been trying to get a stormwater system in place for the past 12 years, but they do not know when this will happen; (6) reducing the size of the proposed structure will not help in terms of runoff to the Bay; (7) the proposed construction will not exceed impervious surface limits for the site; (8) houses in the surrounding area are larger than what is proposed for the subject lot; (9) the prospective purchasers of the subject lot could reduce the house size by 2'; however, due to medical conditions of the proposed owner a bedroom is needed on the first floor (see Applicant's Exhibit No. 1); (10) this is a buildable lot and what is proposed will help reduce runoff in the area; and (11) the proposed bioretention facility will reduce velocity of runoff.

19. Ms. Kerrie Gallo from the Chesapeake Bay Critical Area Commission (CBCAC) was present at the October hearing and testified indicating the CBCAC has outstanding concerns with the current development proposal and information shown on the site plan. She indicated the CBCAC does not believe the Applicant has overcome the burden to meet each of the County's variance standards and the CBCAC cannot support the variances requested.
20. Mr. Randy DaCamara and Mr. Bob Walker were present at the October hearing and spoke in opposition to the proposed request.
21. Ms. Christy Baker and Ms. Michele Rockhill were present at the October hearing and spoke supporting the proposed request.
22. The Board advised the Applicant that the subject lot is similar to a lot in Chesapeake Ranch Estates that has a steep cliff, which is eroding and the erosion comes up to the existing structure on site. Planning and Zoning and the Chesapeake Bay Critical Area Commission do not support the proposed request and what is proposed is not acceptable to the Board.
23. The lot is properly grandfathered for variance consideration.

CONCLUSIONS

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

1. The Applicant failed to demonstrate through exhibits and testimony that strict application of the extended buffer requirements, the cliff setback requirements and the steep slope requirements to construct the proposed single-family dwelling with a garage would impose peculiar and unusual practical difficulties or undue hardship. The height and erosion of the cliffs render this a difficult lot to develop. The construction of a house in the proposed location and of the size proposed is incompatible with the conditions on the lot. The Board is concerned that the proposed construction could lead to catastrophic erosion of the cliff endangering not only this property but also adjacent properties.
2. Granting the variances to construct the proposed single-family dwelling with a garage would cause injury to the public interest or substantially impair the intent of the Comprehensive Plan, as neighboring properties would be negatively affected by the construction proposed. Testimony was received regarding runoff, erosion, and failure of the cliff with the proposed construction. The Board notes that a lesser variance may be appropriate but was not requested. The Board also notes that this is a grandfathered lot and the Applicant has the right to build on this lot, but the Board cannot support the variances as requested.
3. Findings were made which demonstrate that special conditions or circumstances exist that are peculiar to the land, but the applicant failed to demonstrate that a literal enforcement of provisions within the County's Critical Area Program for construction of the proposed single-family dwelling with a garage would result in unwarranted hardship. The Board determined this lot has the potential for catastrophic erosion should a structure of the size and in the position proposed be constructed and such an event would not be consistent with the Critical Area Program or the Calvert County Comprehensive Plan. The Board received written comments and oral testimony from both the Critical Area Commission and from Calvert County Planning and Zoning and neither agency supports the plan as currently proposed.
4. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will not deprive the Applicant of rights commonly enjoyed by other properties in similar areas

within the Critical Area of the County. The Board recognizes that this is a buildable lot; however, the Board cannot support the plan as currently configured due to the concern about failure of the cliff.

5. The granting of the variances will 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 requests are not based upon conditions or circumstances, which are the result of actions, by the Applicant nor do the requests 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 variances will adversely affect water quality and adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and the granting of the variance will not 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 Area Commission.~~

ORDER

It is hereby ordered, by a unanimous decision, that the variance in the extended buffer requirements, the variance in the cliff setback requirements, and the variance in the step slope requirements to construct the proposed single-family dwelling with a garage requested by Kevin Shaver from Wilkerson & Associates on behalf of the property owner John Baker be **DENIED** based on the above findings of fact and conclusions.

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: November 8 2005
Pamela P. Helie, Clerk

Michael J. Reber
Michael J. Reber, Chairman

404-05



CALVERT COUNTY BOARD OF APPEALS

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

November 8, 2006

Mr. Roland Joun
Wilkerson & Associates
P. O. Box 17
Dunkirk, MD 20754

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

Subject: Board of Appeals Case No. 05-3209R

Dear Mr. Joun:

This is to confirm the action taken by the Board of Appeals at its regular hearing on Thursday, November 2, 2006 regarding your application on behalf of the property owner John Baker for a variance in the extended buffer requirements, a variance in the cliff setback requirements, and a variance in the steep slope requirements to construct a single family dwelling with a garage. (NOTE: Case No. 05-3209 is being reopened based on the Board's decision in previous Reconsideration Case No. 06-3265). As you know, the Board deferred action on the case pending receipt of a Brief from Mr. Daniel LaPlaca, Attorney for Mr. Baker, addressing the status of the right-of-way on the subject property.

Once the requested information has been received and reviewed your case will be rescheduled for the next available Board hearing.

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.

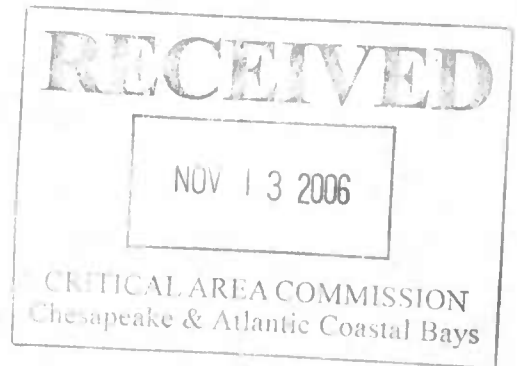
If you have any questions, I can be reached at (410)535-1600, extension 2559.

Sincerely,

Pamela P. Helie,
Clerk to the Board of Appeals

Cc : John Baker
Daniel LaPlaca, Attorney
Randy & Sue DaCamara
C. M. Rockhill
Phillip Yates

Charles Crump
Bob Waller
Kerrie Gallo, CBCAC
Teddy Barnett



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

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



CALVERT COUNTY BOARD OF APPEALS

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

October 6, 2006

Mr. Roland Joun
Wilkerson & Associates
P. O. Box 17
Dunkirk, MD 20754

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

Subject: Board of Appeals Case No. 05-3209R

Dear Mr. Joun:

The subject case will be continued at the next Board of Appeals hearing scheduled for **November 2, 2006** in the Commissioners' Hearing Room, Second Floor Courthouse, Prince Frederick, Maryland. Your case has been scheduled for the morning session, which begins at **9:00 a.m.** You are hereby notified to be present, either in person or represented by an agent or attorney to present your case.

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.

For your information, cases that have been deferred, continued or postponed for a period of 6 months or longer, with no action during that time period, are considered closed. Such cases may be scheduled to be heard by the Board only upon receipt of a new application and application fee as described in Rule 2 of the Rules of Procedure, Calvert County Board of Appeals.

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

Sincerely,

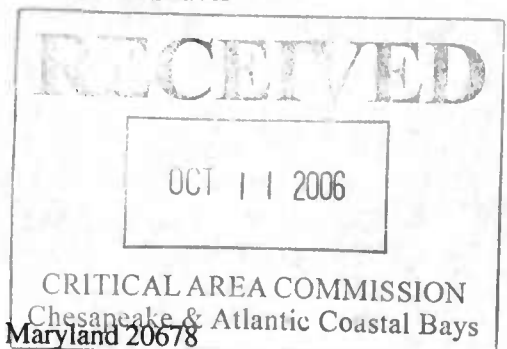
A handwritten signature in cursive script that reads "Pamela P. Helie".

Pamela P. Helie
Clerk to the Board

Cc: John Baker
Daniel LaPlaca, Attorney
Randy & Sue DaCamara
C. M. Rockhill
Phillip Yates
Teddy Barnett
Ed Miffleton

Shaunna & Bert Thornley
John Weaver
Bob Walker
Kerrie Gallo, CBCAC
Peter & Barbara Freeman
Thomas & Fay Kunkel
John & Jennifer Mesirov

William O'Neill
Bruce & Christy Baker
John & Pat McKnett
Kevin Shaver



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

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



4440

CALVERT COUNTY BOARD OF APPEALS

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

August 4, 2006

Patrick & Judith McBride
546 Fawns Walk
Annapolis, MD 21401-5659

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

Re: Board of Appeals Case No. 06-3340

Dear Applicant:

This is to confirm the action taken by the Board of Appeals at its regular hearing on Thursday, July 3, 2006 regarding your application for a variance in the front setback requirements from 25' to 13.2', a variance in the left side setback requirements from 6' to 3.7', a variance in the right side setback requirements from 6' to 4.5', a variance in the rear setback requirements from 25' to 13' and a variance in the 100' waterfront buffer requirements for construction of a replacement dwelling. As you know the Board deferred action on your application: (1) to allow pending issues with the Health Department to be resolved; (2) for a revised plat addressing Health Department decisions; and (3) to allow you time to request a variance in the impervious surface requirements and pay the associated \$150 fee.

Please provide the requested information as soon as possible. Once the information is received and reviewed, your case will be scheduled for the next available Board of Appeals hearing.

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.

For your information, cases that have been deferred, continued or postponed for a period of 6 months or longer, with no action during that time period, are considered closed. Such cases may be scheduled to be heard by the Board only upon receipt of a new application and application fee as described in Rule 2 of the Rules of Procedure, Calvert County Board of Appeals.

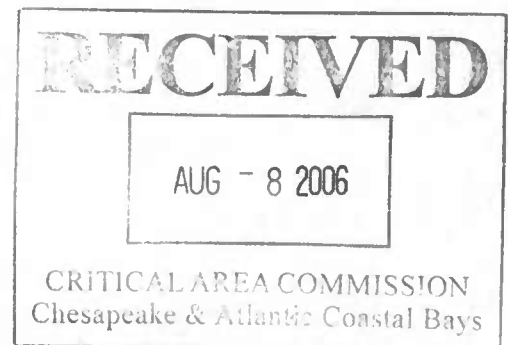
If you have any questions, I can be reached at (410) 535-1600, extension 2559.

Sincerely,

Handwritten signature of Pamela P. Helie in cursive.

Pamela P. Helie
Clerk to the Board

Cc: Matt Tippet, RDA
Kerrie Gallo, CAC



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

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



**CALVERT COUNTY
BOARD OF APPEALS**

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

December 7, 2005

Roland Joun
Wilkerson & Associates
P. O. Box 17
Dunkirk, MD 20759

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

Subject: Board of Appeals Case No. 06-3265 – Request for Reconsideration
Board of Appeals Case No. 05-3209 – John Baker, Property Owner

Dear Applicant:

This is to notify you that the Calvert County Board of Appeals will hear your application for a Reconsideration of the Board Action taken on Case No. 05-3209 on Thursday, January 5, 2006 in the Commissioners' Hearing Room, Second Floor, Courthouse, Prince Frederick, Maryland. Your case has been scheduled for the afternoon session, which begins at 1:00 p.m.

You are hereby notified to be present, either in person or represented by an agent or attorney. AT THAT TIME YOU WILL BE ALLOWED 15 MINUTES TO MAKE A PRESENTATION TO THE BOARD ADDRESSING WHY CASE 05-3209 SHOULD BE RECONSIDERED. All other parties shall have the right to make a brief response to your statement.

Also enclosed, for your information, is a copy of the Notice, which was mailed to all adjoining property owners.

If you have any questions concerning this matter, please contact the Department of Planning & Zoning at (410) 535-2348 or (301) 855-1243. Calvert County services are accessible to individuals with disabilities. Maryland relay for impaired hearing or speech available statewide toll free: (800) 735-2258.

Sincerely,

Handwritten signature of Pamela P. Helie in cursive.

Pamela P. Helie
Clerk to the Board

Cc: Michael Reber, Chairman BOA
John Baker, Property Owner

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

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

BAKER

Helle, Pamela P.

From: Kevin [kshaver@wilkersonnassociates.com]
 Sent: Monday, November 21, 2005 3:49 PM
 To: Helle, Pamela P.
 Cc: rjoun@wilkersonnassociates.com
 Subject: Reconsideration Request (Case # 05-3209)

06-3265

Pam:

The reconsideration request is based on the Board's belief that the size of the proposed house was a major factor in the amount of runoff generated from this site. Roland Joun stated at the last hearing that the majority of the runoff from this site is generated by runoff from the county road. Therefore, in order to meet the needs of our client, who is afflicted with Polio, and needs a house that will meet the American with Disabilities Act standards, we would like to present a drainage area study that will demonstrate that by altering the flow of the runoff from the public road there would be no net increase from the current conditions in the amount of runoff from the site using the house size shown on the site plan presented at the hearing.

Additionally, the Board made reference in their decision to a case of cliff failure occurring in the Chesapeake Ranch Estates. Our firm has been hired as a consultant in that case, and we are prepared to demonstrate that the case in CRE is an "Apples and Oranges" comparison.

Kevin E. Shaver
 Wilkerson & Associates, Inc.
 P.O. Box 17
 Dunkirk, MD 20754
 (800) 894-8272
 (301) 855-8272
 (410) 257-3332
 (301) 855-8380 (fax)

11/22/2005

003/004

12/19/2005 MON 9:44 FAX 410 414 3092 PLANNING ZONING

04 04 05



CALVERT COUNTY BOARD OF APPEALS

150 Main Street
Prince Frederick, Maryland 20678
Phone: 410-535-1600 Ext. 356 • 301-855-1243 Ext. 356

September 6, 2005

Mr. Kevin Shaver
Wilkerson & Associates
P. O. Box 17
Dunkirk, MD 20754

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

Subject: Board of Appeals Case No. 05-3209 (John Baker, Property Owner)

Dear Mr. Shaver:

This is to confirm the action taken by the Board of Appeals at its regular hearing on Thursday, September 1, 2005, regarding your request on behalf of the property owner John Baker for a variance in the extended buffer requirements, a variance in the cliff setback requirements, and a variance in the steep slope requirements to construct a 56' x 38' single-family dwelling with a garage. The Board deferred action on your application to allow County Staff and the appropriate agencies time to review the revised plat you presented at the hearing. The Board also requested you review the stormwater management plan proposed, consider reducing the size of the proposed house, and provide information as to what the County has designed for stormwater management at Beach Drive.

This is to notify you that the Calvert County Board of Appeals will continue hearing your application for appeal on Thursday, October 6, 2005 in the Commissioners' Hearing Room, Second 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.

For your information, cases that have been deferred, continued or postponed for a period of 6 months or longer, with no action during that time period, are considered closed. Such cases may be scheduled to be heard by the Board only upon receipt of a new application and application fee as described in Rule 2 of the Rules of Procedure, Calvert County Board of Appeals.

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

Sincerely,

Pamela P. Helie
Pamela P. Helie,
Clerk to the Board of Appeals

Cc: Michael Reber, Chairman BOA
John Baker
Kerrie Gallo, CBCAC
John & Jennifer Mesirov
Sue & Randy DaCamara
Bert Thornley
William O'Neill

Bruce Baker
Thomas & Fay Kunkel
Bob Walker
Phillip Yates
John Weaver
Michelle Rockhill

RECEIVED

SEP 07 2005

CRITICAL AREA COMMISSION

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

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

**BOARD OF APPEALS
STAFF REPORT FOR THE DEPARTMENT OF PLANNING AND ZONING**

DATE: August 4 , 2005

CASE NO. 05-3209

APPLICANT: John Baker

VARIANCE TYPE: Buffer, Cliff Setback, Steep Slope

PROPERTY LOCATION: 5416 Beach Dr., Calvert Beach

PROPERTY SIZE: .289 acre

GENERAL SITE CONDITIONS:

The property is situated on a cliff of ~55 feet in height. There are scattered trees and shrubs on the grass lawn that is maintained right up to the cliff edge. The cliff is kudzu-covered.

COMMENTS:

Development of this lot must proceed very carefully so as to avoid erosion that could lead to serious consequences. The cliff face is protected by nothing more than kudzu. Signs of erosion are very evident, particularly on the north end where a swale is developing. The property catches stormwater from Avenue B and the confronting properties that are uphill. Stormwater from this property moves toward the cliff. There is a small berm on the lot, near the cliff, but it would be of little assistance in a significant rainfall event. There are no stormwater devices shown or discussed with this development. Obviously, some are warranted.

The house is of substantial size for a lot that is not even 1/3 acre, and with really less than 1/4 acre being usable ground. This is particularly true given the particular circumstances. It is strongly recommended that the footprint on this house be limited to ~1000 s.f., allowing adequate area for stormwater devices.

**BOARD OF APPEALS
STAFF REPORT FOR THE DEPARTMENT OF PLANNING AND ZONING**

DATE: August 4 , 2005

CASE NO. 05-3209

APPLICANT: John Baker

VARIANCE TYPE: Buffer, Cliff Setback, Steep Slope

PROPERTY LOCATION: 5416 Beach Dr., Calvert Beach

PROPERTY SIZE: .289 acre

GENERAL SITE CONDITIONS:

The property is situated on a cliff of ~55 feet in height. There are scattered trees and shrubs on the grass lawn that is maintained right up to the cliff edge. The cliff is kudzu-covered.

COMMENTS:

A revised plan was received for review, showing a bioretention pond for stormwater attenuation, and various tree plantings. These comments pertain to the revised plan.

The proposed bioretention facility is perched at the head of a steep, eroded ravine that descends along the cliff face. Outfall from the pond is into the ravine, with a riprap pad within the ravine. Given the eroded nature of the cliff and the potential for slope failure, the Department of Planning and Zoning declines to support this design proposal.

In spite of the Board's previous concerns, the house remains the same size as originally proposed. The Department of Planning and Zoning cannot support the variances requested in order to accommodate a house of this size. The particular circumstances of the property, namely the erosion along the cliff face and the fact that no more than ¼ acre of this lot is buildable ground, suggest that a smaller house footprint would be more appropriate for the lot. The same square footage can be accommodated by utilizing a 2-story design with a footprint half the size. A smaller house footprint would minimize impervious surfaces and allow stormwater management facilities to be located in a more suitable area.

Memo

To: Roxanna Whitt
From: Stephanie Taylor, Site Engineering Technician ST
Date: September 30, 2005
Re: BOA Case No. 05-3209

We offer the following comments regarding the revised Board of Appeals case referenced above:

1. Per section 123.3.5(A) of the 2001 Calvert County Stormwater Management Ordinance, Lots 1 acre or less in size recorded prior to 1984 shall institute non-structural practices to the maximum extent possible and shall pay a Fee-in-Lieu.
2. The bio-retention area shown appears to be suitable for stormwater management. There is concern regarding the discharge onto the steep slopes and adequate stabilization of the outfall. In addition, the typical section indicates a pre-treatment chamber for 25% volume, the location of which is not indicated on the plan view.

**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 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 Block 3 Section _____
Property Address 5416 Beach Drive, St. Leonard, MD 20685
Zoning R-1 Critical Area Designation LDA
Total Acreage of Property 12,500 s.f. Tax ID 01-030388

PROJECT INFORMATION:

Type of construction proposed Single-family detached dwelling
Total square footage of the proposed construction 1,912 s.f.
Total square footage of existing impervious surface 0 s.f.
Total square footage of proposed impervious surface 1,912 s.f.
Total square footage of existing tree cover 500 s.f.
Total square footage of disturbed area and/or tree cover to be removed 5,280.67 s.f.
Is the proposed construction site within the waterfront buffer? yes
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.**

CC: KERRIE L. GALLO

FAX: 410.974.5338

Peter A. & Barbara W. Freeman
 5424 Beach Drive
 St. Leonard, MD 20685
 410-495-8444; work: 202-294-5399

September 4, 2006

Calvert County Board of Appeals
 150 Main Street
 Prince Frederick, Maryland 20678

Reference: Variance 05-3209R Baker, Reconsideration Request
 Hearing date of September 7, 2006

Dear Board Members:

We are writing to support the above-referenced Variance Request for relief from the critical area requirements at 5416 Beach Drive.

We have owned the property at 5424 Beach Drive since 1998 and share the same waterfront cliff face as 5420 and 5416 Beach Drive, and take great pride in it and the neighborhood. Indeed, we support all efforts to improve the quality of the neighborhood. We most definitely do welcome the addition of another quality home in the neighborhood which we believe will be built at 5416 Beach Drive if this variance is granted.

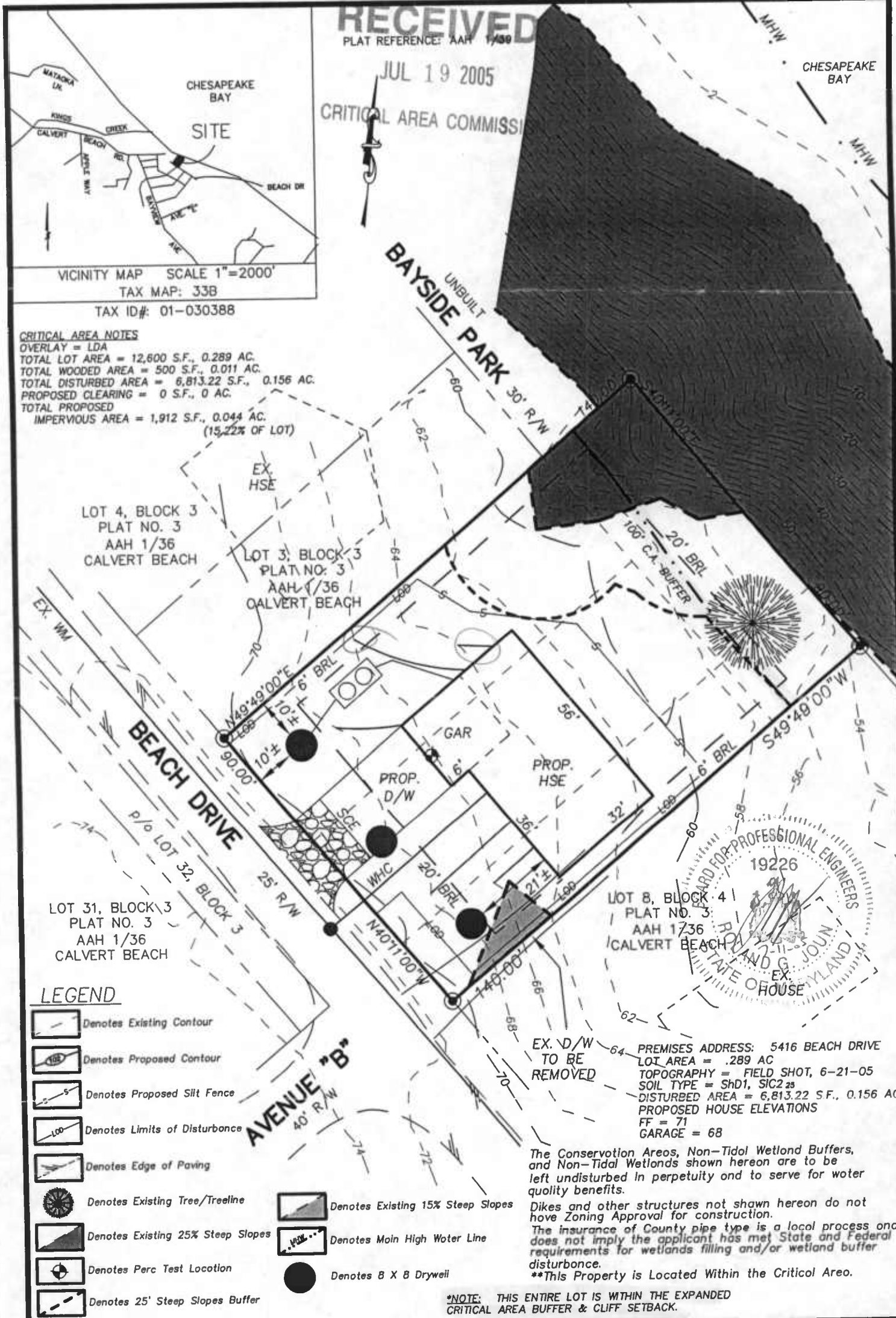
We understand there is concern about drainage onto the property and the possibility of said drainage causing excessive erosion, but we believe that such fears are ill-founded. Based on our observation of the runoff in times of heavy rain, such as last week and previous hurricanes, there is as least as much runoff - and possibly more - that comes through our property. Yet, neither we nor neighboring properties have suffered one bit of damage.

We expanded our house in 1999, after obtaining similar variances and all needed permits, from approximately 800 square feet to approximately 2500 square feet, much larger than the proposed house at 5416 Beach Drive. We obtained those permits in approximately 8 weeks while meeting all County requirements, including a perc test, demolition of an old septic tank, and installation of a new one.

The excessive time that the request for variance on 5416 Beach Drive leads us to believe that those opposing it have concerns other than drainage (which wouldn't affect their property in any event), such as potential partial blocking of views or simple desire to restrict ownership in the neighborhood. We strongly believe that such reasons are wholly out of place. Any buyer of property buys it knowing that conditions on surrounding properties may change in ways that are unpredictable or unavoidable under permitted changes. Objecting to what a legal owner of a property wishes to do under permitted variances and regulations is certainly others' right, but should never be supported by the authorities.

On a more positive note, we believe that the conversion of a vacant lot to one containing a new, modest, well-constructed home will greatly improve the property values of all surrounding properties. In addition, it will certainly increase the taxes collected by the County. Presumably, the planning objective of the County is to make sure that all its citizens not only have a safe and healthy environment in which to live,

COPY



RECEIVED
 PLAT REFERENCE: AAH 1/36

JUL 19 2005

CRITICAL AREA COMMISSION



VICINITY MAP SCALE 1"=2000'
 TAX MAP: 33B
 TAX ID#: 01-030388

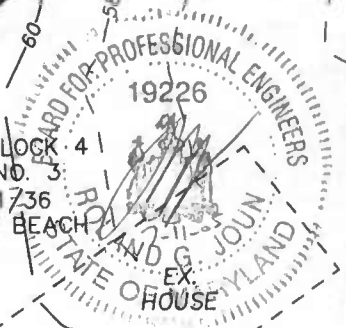
CRITICAL AREA NOTES
 OVERLAY = LDA
 TOTAL LOT AREA = 12,600 S.F., 0.289 AC.
 TOTAL WOODED AREA = 500 S.F., 0.011 AC.
 TOTAL DISTURBED AREA = 6,813.22 S.F., 0.156 AC.
 PROPOSED CLEARING = 0 S.F., 0 AC.
 TOTAL PROPOSED IMPERVIOUS AREA = 1,912 S.F., 0.044 AC. (15.22% OF LOT)

LOT 4, BLOCK 3
 PLAT NO. 3
 AAH 1/36
 CALVERT BEACH

LOT 3, BLOCK 3
 PLAT NO. 3
 AAH 1/36
 CALVERT BEACH

LOT 31, BLOCK 3
 PLAT NO. 3
 AAH 1/36
 CALVERT BEACH

LOT 8, BLOCK 4
 PLAT NO. 3
 AAH 1/36
 CALVERT BEACH



LEGEND

- Denotes Existing Contour
- Denotes Proposed Contour
- Denotes Proposed Silt Fence
- Denotes Limits of Disturbance
- Denotes Edge of Paving
- Denotes Existing Tree/Treeline
- Denotes Existing 15% Steep Slopes
- Denotes Existing 25% Steep Slopes
- Denotes Mean High Water Line
- Denotes Perc Test Location
- Denotes 8 X 8 Drywell
- Denotes 25' Steep Slopes Buffer

PREMISES ADDRESS: 5416 BEACH DRIVE
 LOT AREA = .289 AC
 TOPOGRAPHY = FIELD SHOT, 6-21-05
 SOIL TYPE = ShD1, SIC2₂₅
 DISTURBED AREA = 6,813.22 S.F., 0.156 AC.
 PROPOSED HOUSE ELEVATIONS
 FF = 71
 GARAGE = 68

The Conservation Areas, Non-Tidal Wetland Buffers, and Non-Tidal Wetlands shown hereon are to be left undisturbed in perpetuity and to serve for water quality benefits.
 Dikes and other structures not shown hereon do not have Zoning Approval for construction.
 The insurance of County pipe type is a local process and does not imply the applicant has met State and Federal requirements for wetlands filling and/or wetland buffer disturbance.
 **This Property is Located Within the Critical Area.

*NOTE: THIS ENTIRE LOT IS WITHIN THE EXPANDED CRITICAL AREA BUFFER & CLIFF SETBACK.

SITE PLAN		DRAWN BY MKP	
LOTS 1 & 2, P/O BAYSIDE PARK & P/O AVENUE B CALVERT BEACH		SCALE 1" = 30'	
1st ELECTION DISTRICT CALVERT COUNTY, MARYLAND SCALE: 1" = 30' JULY, 2005		DATE JULY, 2005	
WILKERSON & ASSOCIATES ENGINEERS & SURVEYORS Box 17 Dunkirk, Maryland (410)257-3332, (301)855-8272		JOB NO. 04-14568	
		FILE CC271	
		DWG CC271	

Revised for 05-3209

For 8/04/05 BUA HOBING

LEGEND:

- Denotes Existing Contour
- Denotes Proposed Contour
- Denotes Proposed Silt Fence
- Denotes Limits of Disturbance
- Denotes Edge of Paving
- Denotes Existing Tree/Treeline
- Denotes Existing 25% Steep Slopes
- Denotes Perc Test Location
- Denotes 25' Steep Slopes Buffer
- Denotes Existing 15% Steep Slopes
- Denotes Main High Water Line
- Denotes 8 X 8 Drywell

CRITICAL AREA NOTES

OVERLAY = LDA
 TOTAL LOT AREA = 12,600 S.F., 0.289 AC.
 TOTAL WOODED AREA = 500 S.F., 0.011 AC.
 TOTAL DISTURBED AREA = 6,813.22 S.F., 0.156 AC. *549 = 3:1*
 PROPOSED CLEARING = 0 S.F., 0 AC.
 TOTAL PROPOSED IMPERVIOUS AREA = 1,912 S.F., 0.044 AC. (15.22% OF LOT)

The Conservation Areas, Non-Tidal Wetland Buffers, and Non-Tidal Wetlands shown hereon are to be left undisturbed in perpetuity and to serve for water quality benefits. Dikes and other structures not shown hereon do not have Zoning Approval for construction. The insurance of County pipe type is a local process and does not imply the applicant has met State and Federal requirements for wetlands filling and/or wetland buffer disturbance. ****This Property is Located Within the Critical Area.**

***NOTE: THIS ENTIRE LOT IS WITHIN THE EXPANDED CRITICAL AREA BUFFER & CLIFF SETBACK.**

PREMISES ADDRESS: 5416 BEACH DRIVE
 LOT AREA = 0.289 AC
 TOPOGRAPHY = FIELD SHOT, 6-21-05
 SOIL TYPE = ShD1, SIC2_{ss}
 DISTURBED AREA = 6,813.22 S.F., 0.156 AC.
 PROPOSED HOUSE ELEVATIONS
 FF = 71'
 GARAGE = 68'

STORMWATER MANAGEMENT COMPUTATION:

LOT AREA A = 0.289 AC.
 IMP AREA Ai = 0.044 AC.
 I = $\frac{Ai}{A} = \frac{0.044}{0.289} = 15.22\%$

Soil: (B) => s=0.29
 1- WATER QUALITY VOLUME (WQv):
 $WQv = \frac{(1)(Rv)(A)}{12}$

$Rv = 0.05 + 0.009(I)$
 $= 0.05 + 0.009(15.22)$
 $= 0.18698$

$WQv = \frac{(1)(0.18698)(0.289)}{12} = 0.0045 \text{ AC-FT}$
 $= 196.2 \text{ CU.FT.}$

A Min. WQv of 0.2 inch per Acre shall be met at sites or in drainage area that have less than 15% impervious cover. Site has more than 15% impervious So WQv = 197 Cu.ft

2- RECHARGE VOLUME (Rev):

$Rev = \frac{(S)(Rv)(A)}{12}$
 $REV = \frac{(0.29)(0.18698)(0.289)}{12} = 0.00131 \text{ AC-FT}$
 $= 56.89 \text{ CU.FT.}$

3-CHANNEL PROTECTION STORAGE VOLUME (Cpv):

CN = 65
 Tc = 0.1 hrs = 6 minutes
 $la = (200/CN) - 2 = 1.08$
 $la/P = 1.08/2.7 = 0.40$ (where P: 1-year rainfall depth)
 Unit Peak factor $qu = 900 \text{ csm/in}$ (fig D.11.1 SWM Manual 2000)
 $Qa = 0.376 \text{ in}$ (1 year runoff)
 one year post development peak discharge
 $qi = quAxQa$
 $= 900x0.000462x0.376$
 $= 0.153 < 2.0 \text{ cfs}$

=> Cpv is not required

BIORETENTION PLANTING DETAIL

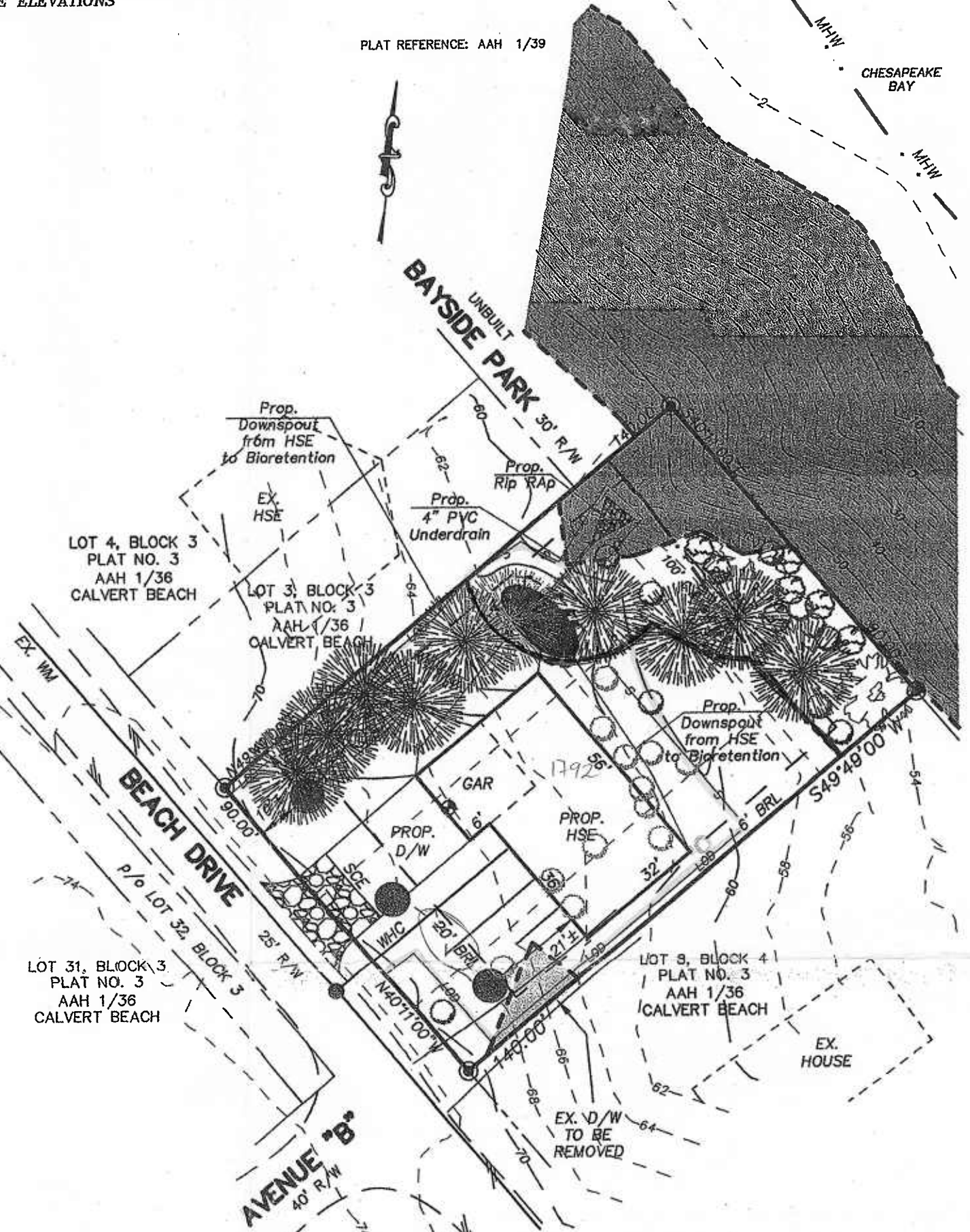
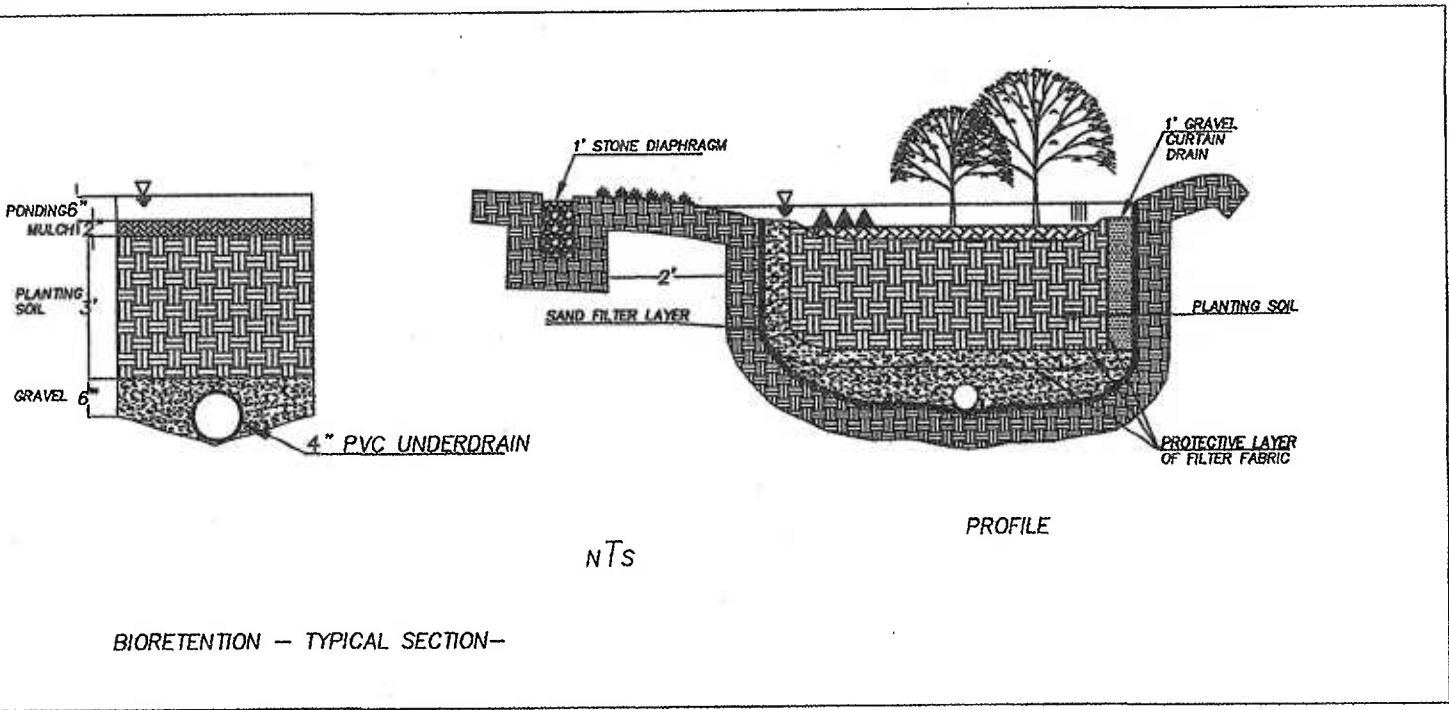
TREE: RED MAPLE (2)
 SWEET BAY MAGNOLIA (1)
 SHRUBS: Highbush Blueberry (3)
 Witch Hazel (2)
 PERENNIALS: ROSE TURTLEHEAD (10)

BIORETENTION AREA
 Pretreatment: (25% of WQv)
 Adequate pretreatment for a bioretention system is provided when all the following are provided:
 1- 20 ft grass filter strip below a level spreader or an optional sand filter layer;
 2- gravel diaphragm;
 3- 2" to 3" mulch layer.

Treatment: (75% of WQv)
 FILTER BED AREA = $\frac{(WQv)(df)}{(k \times (df+hf)) \times tf}$
 $= \frac{(0.75)(197)(3.0)}{(0.5 \times (0.5+3.0)) \times 2.0} = 126.64 \text{ S.F.}$

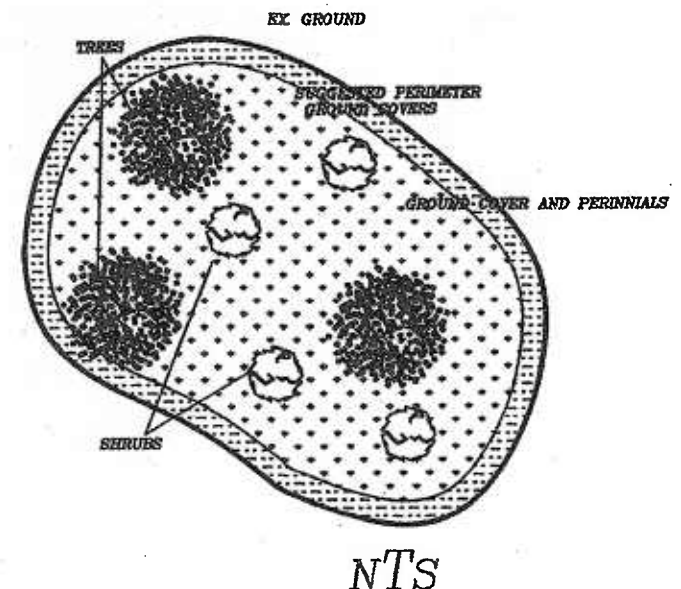
WHERE:
 Treatment of 75% of WQv
 Drain Time $tf = 2$ days
 Permeability Coeff. $k = 0.5 \text{ ft/day}$
 Ponding Water $hf = 0.5 \text{ ft}$
 $Df = 3.0 \text{ ft}$

USE A 130 S.F. BIORETENTION



BUFFER PLANTING SCHEDULE

Symbol	Botanical name	Common name	Size/Spacing	Root Prep.	Quantity
	Cornus sericea	Red-Osier Dogwood	3 Gal.	Cont.	9
	Acer rubrum	Red Maple	1 1/2" - 2" Cal.	B&B	2

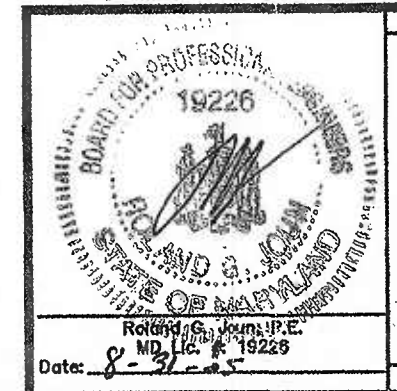


5/11/08
 6/22/08
 SUBMITTED BY: [Signature]
 EXHIBIT NO. [Number]
 BOARD OF APPEALS

RECEIVED
 SEP 16 2005
 CRITICAL AREA COMMISSION

PLAT REFERENCE: ABE 1/223

SHEET 1 OF 2



WILKERSON & ASSOCIATES INC.
 ENGINEERS & SURVEYORS
 Box 17 Dunkirk, Maryland
 (410)257-3332, (301)855-8272

SITE PLAN

LOTS 1 & 2, P/O BAYSIDE PARK & P/O AVENUE B
 CALVERT BEACH

1ST ELECTION DISTRICT CALVERT COUNTY, MARYLAND
 SCALE: 1" = 30'
 August, 2005

DRAWN BY: MKP/WMC
 SCALE: 1"=30'
 DATE: August, 2005
 JOB NO.: 04-14568
 FILE: CC271
 DWG: CC271

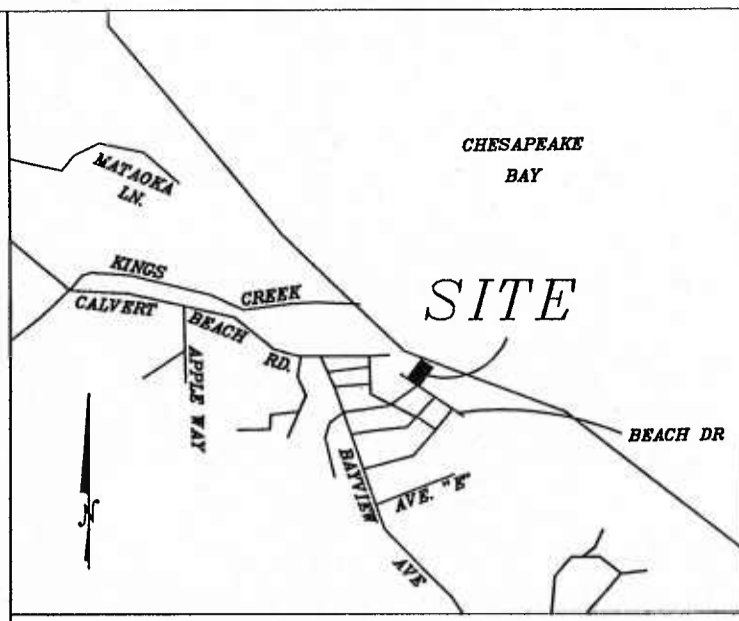
designed to hold 5.3" of rainfall

The Conservation Areas, Non-Tidal Wetland Buffers, and Non-Tidal Wetlands shown hereon are to be left undisturbed in perpetuity and to serve for water quality benefits.
 Dikes and other structures not shown hereon do not have Zoning Approval for construction.
 The insurance of County pipe type is a local process and does not imply the applicant has met State and Federal requirements for wetlands filling and/or wetland buffer disturbance.
 **This Property is Located Within the Critical Area.
 *NOTE: THIS ENTIRE LOT IS WITHIN THE EXPANDED CRITICAL AREA BUFFER & CLIFF SETBACK.

Sassafras
 SHD₂ - Fine sand loam
 SIC₃ - loam
 Unsited for shallow water developments & excavated ponds

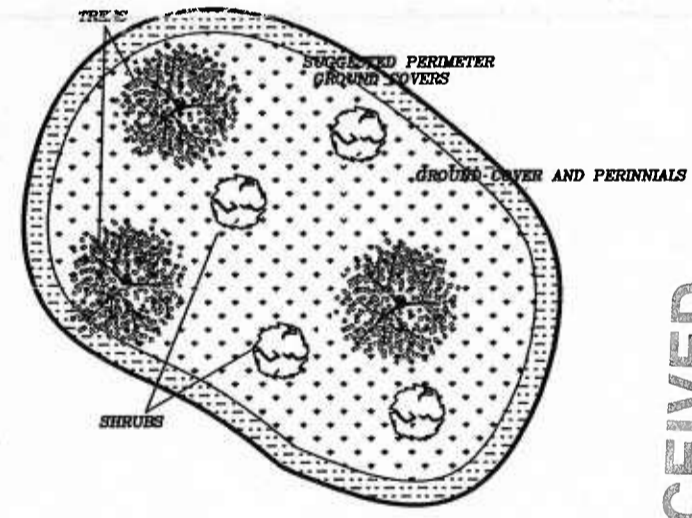
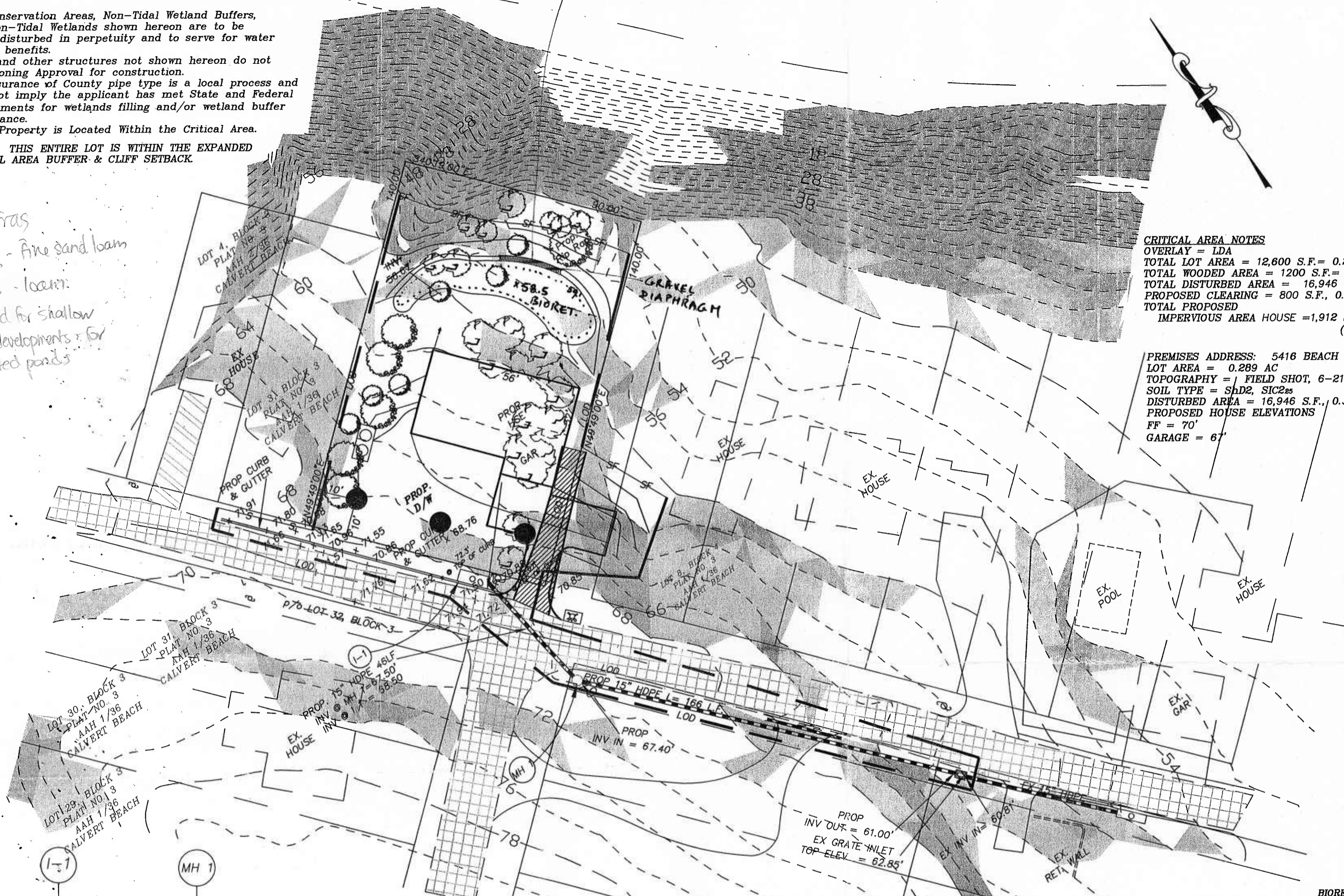
CRITICAL AREA NOTES
 OVERLAY = LDA
 TOTAL LOT AREA = 12,600 S.F. = 0.289 AC.
 TOTAL WOODED AREA = 1200 S.F. = 0.0275 AC.
 TOTAL DISTURBED AREA = 16,946 S.F. = 0.39 AC.
 PROPOSED CLEARING = 800 S.F., 0.009 AC.
 TOTAL PROPOSED IMPERVIOUS AREA HOUSE = 1,912 S.F. = 0.044 AC. (15.17% OF LOT)

PREMISES ADDRESS: 5416 BEACH DRIVE
 LOT AREA = 0.289 AC
 TOPOGRAPHY = FIELD SHOT, 6-21-05
 SOIL TYPE = SHD₂, SIC_{2as}
 DISTURBED AREA = 16,946 S.F., 0.39 AC.
 PROPOSED HOUSE ELEVATIONS
 FF = 70'
 GARAGE = 6'

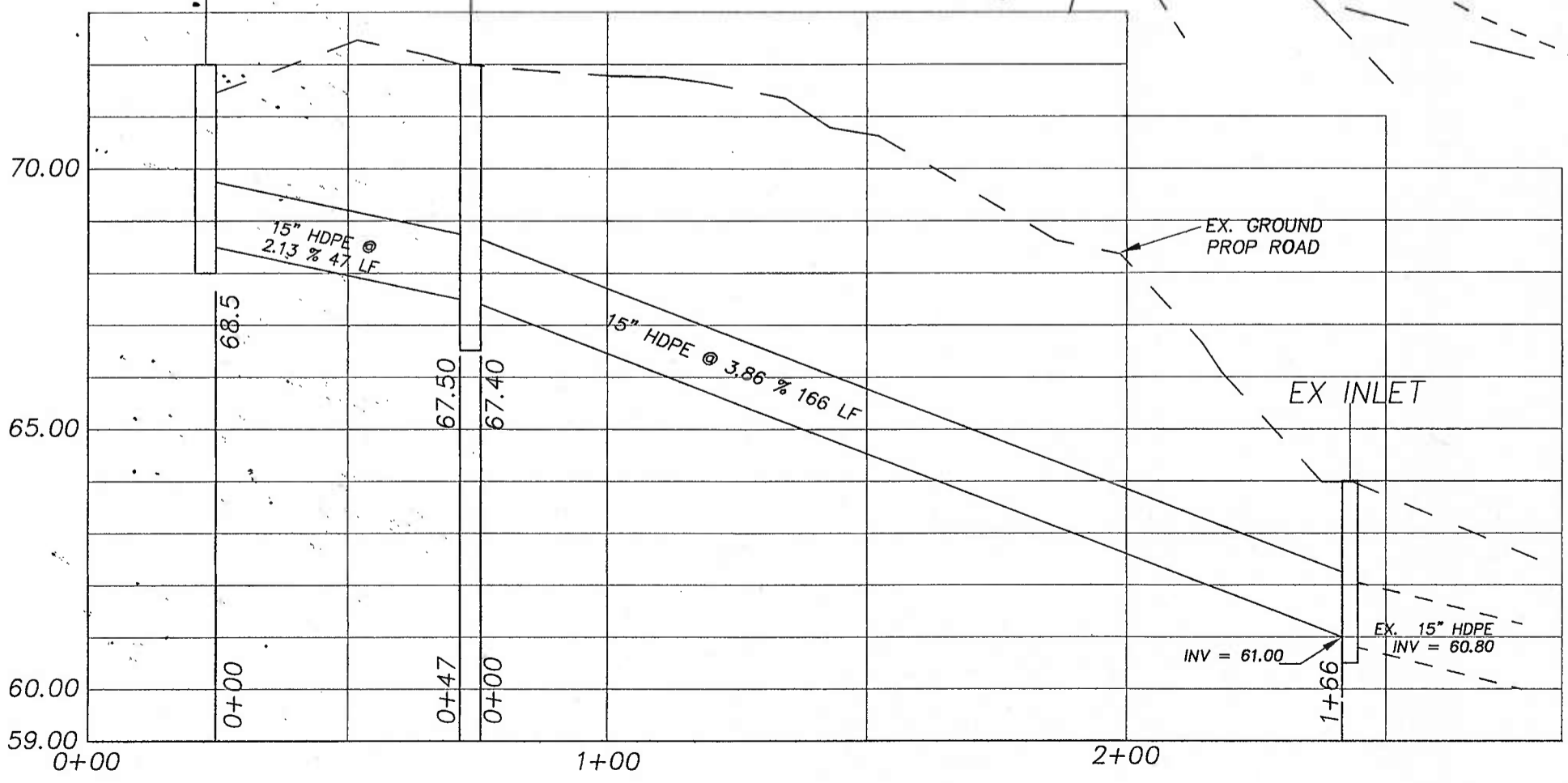
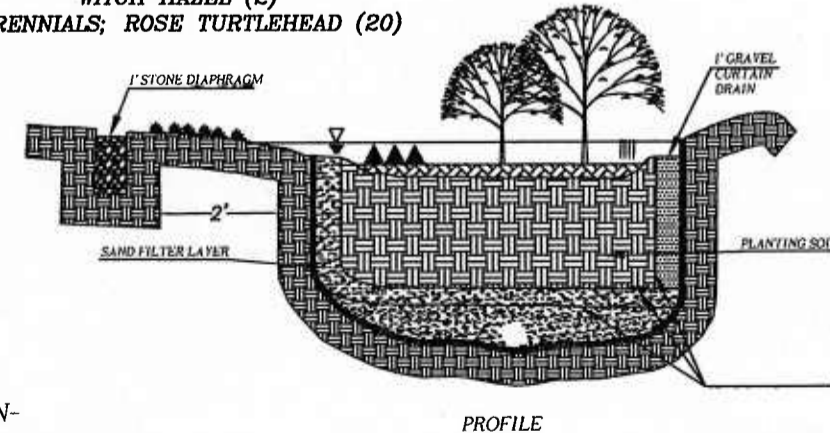


VICINITY MAP SCALE 21"=2000'
 TAX MAP: 33B
 TAX ID#: 01-030388

- LEGEND**
- Denotes Existing d/w to be removed
 - Denotes Existing Contours
 - Denotes Proposed Contours
 - Denotes Proposed Silt Fence
 - Denotes Proposed Limit of Disturbance
 - Denotes Existing Paving & Ex. d/w
 - Denotes Proposed Silt Fence
 - Denotes Proposed Limit of Disturbance
 - Denotes 6 X 8 Drywell
 - Denotes 16% Steep Slopes
 - Denotes 25% Steep Slopes
 - Denotes Type A-10 Inlet By AMERICAST
 - Denotes Type STD-WR Inlet By AMERICAST
 - Denotes Ex Tree
 - Denotes Ex Shrub



BIORETENTION PLANTING DETAIL
 TREE: RED MAPLE (2)
 SWEET BAY MAGNOLIA (1)
 SHRUBS: Highbush Blueberry (3)
 WITCH HAZEL (2)
 PERENNIALS: ROSE TURTLEHEAD (20)



STORM DRAIN PROFILE
 SCALE: 1" = 30' VERT
 1" = 3' HORIZ

RECEIVED
 OCT 17 2006
 CRITICAL AREA COMMISSION

	WILKERSON & ASSOCIATES INC. ENGINEERS & SURVEYORS Box 27 Dunkirk, Maryland (420)287-3332, (302)888-8272 Date 10-13-06	STORM DRAIN DESIGN		DATE	OCT 2006
		LOTS 1 & 2. P/O BASIDE PARK AND P/O AVENUE B CALVERT BEACH 1ST ELECTION DISTRICT, CALVERT COUNTY, MARYLAND SCALE: 1" = 30'		SCALE	1"=30'
				DRAWN BY	AI/MKP
				DRAWING #	CC271
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