

DC 730-05
VAR

Kirtland, William
2273

MSA-S-1829-4981

11/2/10
File originally
cleaned by DJ

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/

December 12, 2005

Mr. Steve Dodd
Dorchester County Planning and Zoning Office
P.O. Box 107
Cambridge, Maryland 21613

**RE: DC 730-05 William Kirtland
Dorchester County Project 2273**

Dear Mr. Dodd:

Thank you for providing information on the referenced variance request. The applicant is proposing to demolish an existing dwelling and rebuild a dwelling in a different location, reconfigure an existing driveway, demolish an existing outbuilding, and relocate an existing sewage reserve area. The applicant is requesting a variance to portions of the proposed improvements within the 100-foot Buffer.

The property is not an existing grandfathered lot; however, the existing dwelling, most of the driveway, an existing outbuilding, and portions of the sewage reserve area are located within the 100-foot Buffer. Originally, the applicant had intended to request a variance to construct a substantial addition to the existing dwelling in its current location, approximately 55 feet from the water's edge. After meeting with Dorchester County staff and Critical Area Commission staff, the applicant determined that rather than obtaining a variance for additional impacts within the 100-foot Buffer, a better alternative would be to redesign the site and build a new dwelling. This option would provide opportunities to significantly decrease disturbance and adverse impacts within the Buffer.

Currently, the existing impervious surface area associated with the house, driveway, and an outbuilding within the 100-foot Buffer is 5,151 square feet. Approximately 2,400 square feet of the sewage reserve area is also within the 100-foot Buffer. The proposed redevelopment plan will result in 3,148 square feet of impervious surface area within the Buffer. The proposed sewage reserve area will be located entirely outside the 100-foot Buffer. The net result is that impervious surface area within the Buffer will be reduced by more than 2,000 square feet and there will be no impacts to the Buffer associated with the sewage reserve area.

Mr. Dodd
December 12, 2005
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The Critical Area Commission does not oppose the proposed variance request, as the applicants have significantly reduced the area of disturbance within the 100-foot Buffer, and the proposed development activities are generally located further from the water's edge than what currently exists on the property. The applicants have also located the proposed sewage reserve area entirely outside the 100-foot Buffer. If the variance request is approved, the Commission recommends that the applicant be required to provide planted mitigation at three-to-one for the area of impact within the Buffer. This mitigation should be located in the 100-foot Buffer on the project site.

Thank you for the opportunity to provide comments on this variance request. If you would like to discuss these comments, please call me at (410) 260-3480.

Sincerely yours,



Mary R. Owens, Chief
Program Implementation Division

DC 730-05



DORCHESTER COUNTY

PLANNING & ZONING OFFICE
501 Court Lane, Room 107
P.O. Box 107
Cambridge, Maryland 21613

Steve Dodd, Director
Rodney Banks, Asst. Director
410-228-3234 office
410-228-1563 facsimile

8/13/2007

Mr. and Mrs. William Kirtland
13624 Spinning Wheel Drive
Germantown, MD 20814

Re: Planting Plan Maintenance and Management Agreement
Tax Map 18 Block 7 Parcel 202 Lot 3

Dear Mr. and Mrs. Kirtland,

Enclosed for your review is a copy of the Planting Plan and Maintenance Agreement form for mitigation on your property, located on Hudson Road. I have also enclosed a copy of a facsimile I received from Wye Tree Landscapes. I used the quote from this company to determine the surety amount of \$8197.20 for the Agreement.

Please inform the office of Planning and Zoning when you have a site plan drawn up for the plantings. I will work with you to develop the Planting Plan Agreement. Once the planting is completed, a site visit will be scheduled to inspect the plant material for compliance with the Agreement. Follow-up site visits will occur on an annual basis to determine survival and additional maintenance, if necessary.

If you have any questions, please feel free to contact me at 410-228-3234.

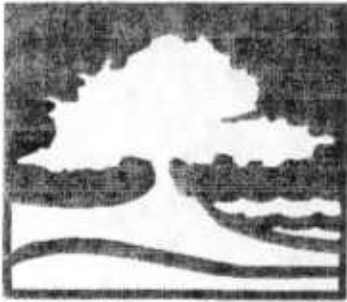
Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Bonsteel".

Michael Bonsteel
Environmental Planner

Encl. (2)

cc: Julie Roberts, CAC



WYE TREE LANDSCAPES

216 Bay Street
P.O. Box 1498
Easton, Maryland 21601
410-820-7651
800-787-1530
410-820-5738 Fax

SIZE 1/100

Bill & Ann Kirtland
1128 Hudson Road
Cambridge, MD 21613

August 13, 2007

RE: Mitigation Amount - 9,348 sq.'

Foundation Plantings		3,175 sq.'	
• 3 - 2" cal. Trees @ 400 sq.' credit =	<i>100</i>	1,200 sq.'	\$1,296.
• 20 large Shrubs - 24-36" @ 100 sq.' credit =	<i>50</i>	2,000 sq.'	\$2,037.
Total Foundation Plantings =		3,200 sq.'	

Buffer Planting - West side of Property

• 60 Shoreline Grass - 1 qt. @ 25 sq.' credit =		1,500 sq.'	\$360.	<i>no credit for non-woody stems - only woody stems</i>
<i>seedlings replace</i> • 50 large Tree Seedlings 1-2 year @ 64 sq.' credit =		3,200 sq.'	\$2,250.	
• 16 large Shrubs - 24-36" @ 100 sq.' credit =	<i>50</i>	1,600 sq.'	\$888.	
Total Buffer Plantings =		6,300 sq.'		
Total Buffer Plantings =		\$6,831.00		

DORCHESTER COUNTY BOARD OF APPEALS

Date: December 16, 2005
Reference: BOA Case #2273 - Variance
from tidewater buffer setback requirement
to allow the construction of a dwelling
RC, Resource Conservation Zoning District

William and Ann Kirtland
13624 Spinning Wheel Drive
Germantown, MD 20847

Dear Mr. and Mrs. Kirtland,

The Dorchester County Board of Appeals, after public hearing of your request on Thursday, December 15, 2005, hereby notifies you of their action taken. Their decision was to:

- Approve the request with no special conditions.
- Approve the request with the following stipulations/conditions:

Applicant must provide 3:1 mitigation. Please contact Bob Cadwallader at 410-228-3234 on Tuesday's and Thursday's for more information on planting; old home and shed must be removed within 60 days of issuance of Certificate of Occupancy; replace large tree that will be removed to locate new house; must convert areas shown on site plan back to pervious surface (old home, shed, driveway).

PLEASE BE SURE TO OBTAIN YOUR BUILDING PERMIT OR CERTIFICATE OF USE

Before you start construction and/or operation you will need to obtain the following:

Building, plumbing and electrical permits

1. If you should fail to use or start construction of your Special Exception within two (2) years of approval, the approval shall become void. (Note: This time limit does not apply to variances.)
2. Any person or party allegedly aggrieved by any decision of the Board of Appeals may appeal the same to the Circuit Court of Dorchester County within thirty (30) days of the notification of the decision. You are strongly advised not to commence any construction until the appeal period has expired.
3. The Department of Planning and Zoning will be responsible for the enforcement of any stipulations/conditions that the Board of Appeals has placed on this approval.

If you have any questions regarding the above, please contact this office immediately and speak with the undersigned.

Sincerely,

DORCHESTER COUNTY BOARD OF APPEALS



Steve Dodd
Executive Secretary

cc: Sean Callahan Rob Collison

BOARD OF APPEALS
Dorchester County, Maryland

Appeal Case No. 2273
Date Filed: **10/28/05**
Fee Paid: **\$250.00**

To the Board of Appeals:

Pursuant to Article V, §155-21 of the Dorchester County Zoning Code, adopted November 24, 1998, effective January 1, 1999, a request is hereby made for:

- Variation from strict application of said ordinance
- Decision on allegation of error
- Special Exception
- Amend stipulations of previous appeal case

Purpose of Appeal: (Describe variance requested or alleged error. If Special Exception requested state fully the kind of exception desired and reasons therefore.) **To request a variance from the tidewater buffer setback requirement to allow the construction (replacement) of a dwelling. House will be 56' from the shoreline. Variance requested: 44'.**

Applicable Section(s) of Code: **Section 155-20; 155-20D; 155-38J(15)**

Zoned: **RC, Resource Conservation** Road Classification: **minor collector** Tax ID # **08/179506**
 Property Located: **1126 Hudson Road, Cambridge, MD 21613** Containing: **19.71 acre(s)**
 Map: **18** Block: **7** Parcel: **202** Lot: **3** SBDV# **982** Election District: **8**
 Owner of property: **William R. and Ann M. Kirtland**
 Address of owner: **13624 Spinning Wheel Drive, Germantown, MD 20847** Telephone # **301-315-7351**
 Applicant's name and address if different from above: **Lane Engineering**
15 Washington Street, Cambridge, MD 21613 Telephone # **410-221-0818**
 Has property in question ever been subject of previous appeal: **NO**

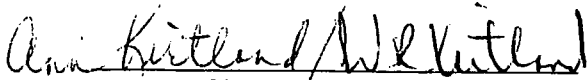
FLOODPLAIN: YES **6'**

CRITICAL AREAS: YES **RCA**

Permission is hereby granted to conduct necessary inspections of these premises for which this appeal is requested.

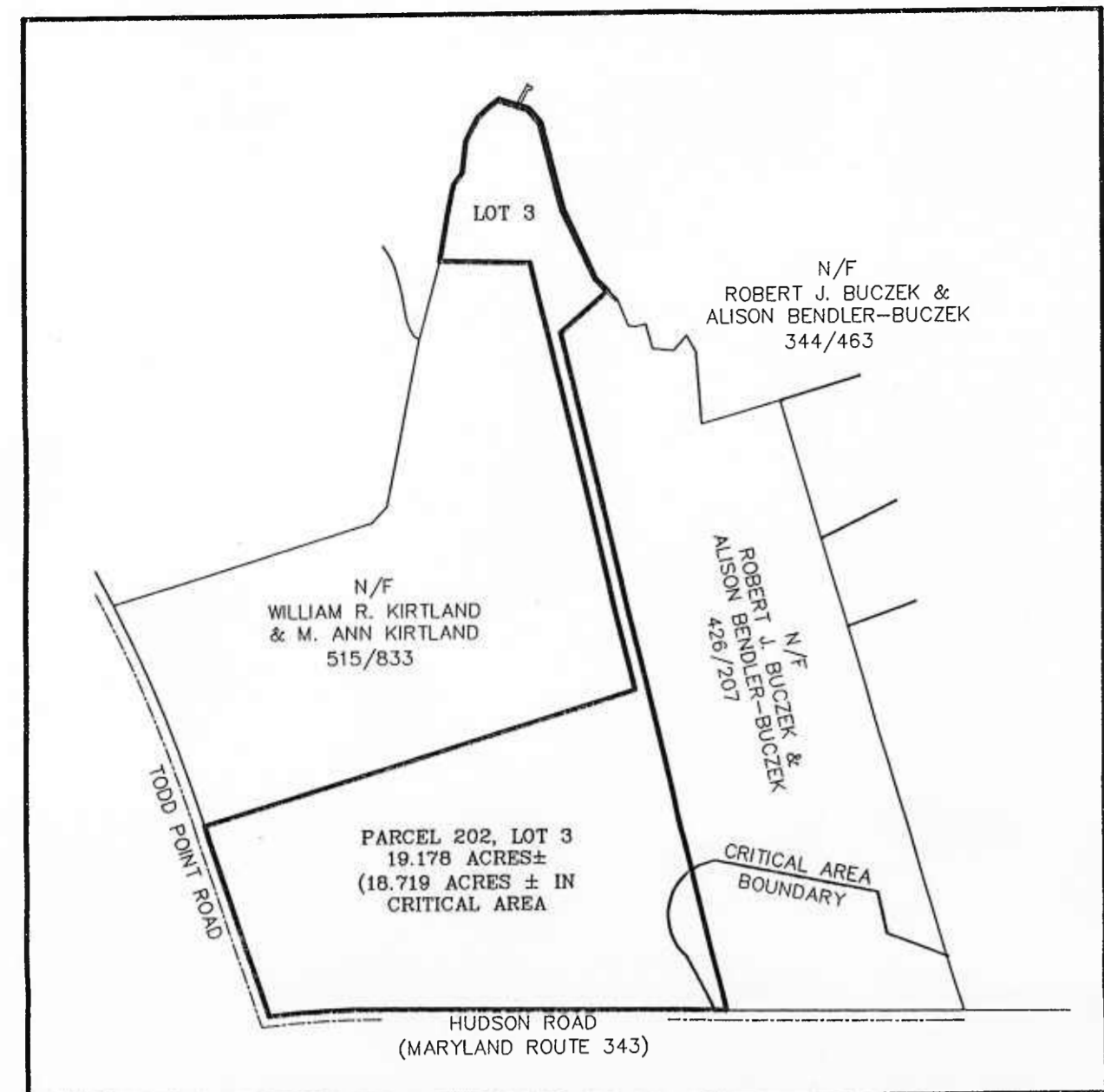
No fees shall be refunded if an application is withdrawn after the publication of the public hearing notice.

Solely in the case of a Critical Area variance request, is the request in any way related to a disability of the applicant or anyone in the applicant's household? **NO**


Signature of Owner


Signature of Applicant

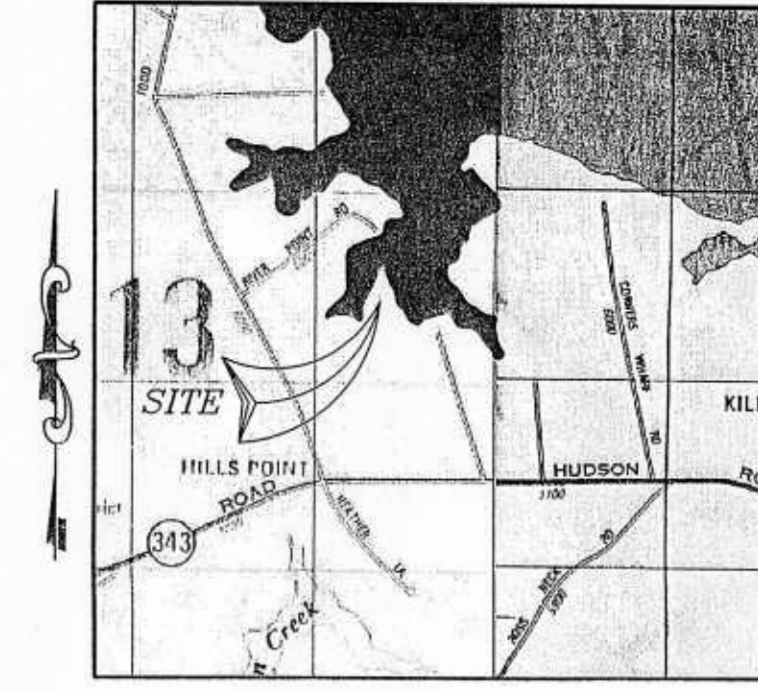
IMPORTANT: A sketch of the property with proposed buildings or uses must be submitted by the applicant. Applications on which all required information is not furnished will be returned for completion before processing.



INSET OF PARCEL 202, LOT 3
SCALE: 1"=400'

LEGEND

	EXISTING GRAVEL
	EXISTING SEWAGE RESERVE AREA
	PROPOSED SEWAGE RESERVE AREA
	100' BUFFER
	IMPERVIOUS SURFACE TO BE REMOVED
	EXISTING WELL
	EXISTING UTILITY POLE
	PROPERTY CORNER
	EXISTING TREE



VICINITY MAP
SCALE: 1" = 2000'
Copyright of the ADC Map People
Permitted Use No. 20992180



AREA CALCULATIONS

TOTAL PARCEL AREA	19.178 AC.± (835,394 SF)
TOTAL AREA WITHIN 100' BUFFER	2.001 AC.± (87,160 SF)
ALLOWABLE IMPERVIOUS AREA ON PARCEL	125,309 SF± (15% OF 835,394 SF)
ALLOWABLE IMPERVIOUS AREA IN 100' BUFFER	13,074 SF± (15% OF 87,160 SF)

IMPERVIOUS AREA CALCULATIONS (OUTSIDE 100' BUFFER)

EXISTING IMPERVIOUS AREA	3,426 SF±
DRIVEWAY	312 SF±
ACCESSORY STRUCTURES	312 SF±
TOTAL	3,738 SF± (0.45% OF 835,394 SF)

PROPOSED IMPERVIOUS AREA

DWELLING	2,093 SF±
DRIVEWAY	1,485 SF±
POOL	529 SF±
TOTAL	4,107 SF±

NET IMPERVIOUS AREA = 7,892 SF± (EXISTING IMPERVIOUS + PROPOSED IMPERVIOUS - IMPERVIOUS TO BE REMOVED)

TOTAL IMPERVIOUS AREA OUTSIDE 100' BUFFER = 7,892 SF± (0.94% OF 835,394 SF)

IMPERVIOUS AREA CALCULATIONS (WITHIN 100' BUFFER)

EXISTING IMPERVIOUS AREA:

DRIVEWAY	3,576 SF±
DWELLING	1,351 SF±
ACCESSORY STRUCTURES	214 SF±
TOTAL	5,141 SF± (5.9% OF 87,160 SF)

PROPOSED IMPERVIOUS AREA

PROPOSED DWELLING	2,527 SF±
PROPOSED DRIVEWAY	621 SF±
TOTAL	3,148 SF±

IMPERVIOUS AREA TO BE REMOVED

DRIVEWAY	3,294 SF±
DWELLING	1,361 SF±
ACCESSORY STRUCTURE	214 SF±
TOTAL	4,869 SF±

NET IMPERVIOUS AREA WITHIN 100' BUFFER = 3,430 SF± (EXISTING IMPERVIOUS + PROPOSED IMPERVIOUS - IMPERVIOUS TO BE REMOVED)

TOTAL IMPERVIOUS AREA IN 100' BUFFER = 3,430 SF± (3.9% OF 87,160 SF)

IMPERVIOUS SURFACE TO BE REMOVED WITHIN THE 100' BUFFER = 1,721 SF±



Lane Engineering, Inc.
Civil Engineers - Land Planning - Land Surveyors

408 N. Washington St., Easton, MD 21601 (410) 822-8003 FAX (410) 822-2024
15 Washington St., Cambridge, MD 21613 (410) 221-0818 FAX (410) 476-9942
1148 West Water St., Centreville, MD 21617 (410) 758-2095 FAX (410) 758-4422

DATE	9-1-05
SCALE	1"=30'
JOB NO.	050787
DRAWN BY	CLG
DWG. NAME	050787SSP1
APPROVED	J.E.H.

PROPOSED HOUSE & SRA WORKSHEET
SHOWING THE LANDS OF
WILLIAM & ANN KIRTLAND
IN THE EIGHTH ELECTION DISTRICT
TAX MAP 18 GRID 7 PARCEL 202, LOT 3
DORCHESTER COUNTY, MARYLAND

