

AA 650-06 Mitchell, Herbert
VAR 0341

10/23/06 KS
Comments

4/19/07 KS
Comments

MSA-S, 1829-5506



STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 19, 2007

Ms. Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: 2006-0341V/BA 5-07V
625 Holly Ridge Road; Herbert Mitchell

Dear Ms. Plociennik:

Thank you for providing revised information on the above referenced variance. The applicant received a modified approval to allow a new dwelling with less Buffer than required and with disturbance to slope of 15% or greater from the Administrative Hearing Officer (AHO) on November 16, 2006. The approval required the applicant to delete and revegetate the extension of the existing driveway parallel to the shore and continuing to the water. The property is designated as Limited Development Area (LDA) and the lot is currently developed with a single family dwelling, decks, garage, driveways, retaining wall, and pool.

This office supports the decision made by the Administrative Hearing Officer in finding that the applicant's are entitled to the modified, conditional relief granted. The driveway constitutes an excessive amount of impervious surface within the Buffer that could be removed and impacts reduced. However, should the Board find reason to modify that decision, this office recommends that the driveway width be minimized to the maximum extent possible. Additionally, as the applicants state that the need for the driveway is to access their pier, the portion of driveway that continues to the water could be removed.

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,

A handwritten signature in cursive script that reads "Kate Schmidt".

Kate Schmidt
Natural Resource Planner
AA650-06

Robert L. Ehrlich, Jr.
Governor



Martin G. Madden
Chairman

Michael S. Steele
Lt. Governor

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
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October 23, 2006

Ms. Ramona Plociennik
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Re: 2006-0341V; 625 Holly Ridge Road
Herbert Mitchell

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a new dwelling with less Buffer than required and with disturbance to slope of 15% or greater. The property is designated as Limited Development Area (LDA) and the lot is currently developed with a single family dwelling, decks, garage, driveways, retaining wall, and pool.

This office does not oppose the establishment of a new dwelling in the same location as, and no further shoreward than, the existing dwelling. However, impacts should be minimized to the extent possible and the variance the minimum necessary. In this instance, the dwelling is located in approximately the same footprint as the existing house. However, the applicant will require a variance for impervious surface over 15%. Currently, 35.8% of the site is covered with impervious surface. The redevelopment plan will only reduce the impervious surface to 31.66%. Grandfathered LDA's over one acre in size are limited to 15% impervious surface. Additionally, impervious surface within the 100-foot Buffer should be mitigated at a 3:1 ratio. It would appear from the aerial imagery that plantings could be accommodated shoreward of the dwelling. Plantings should consist of densely grouped native trees and shrubs. The submitted planting plan of only shrubs should be revised to include trees as provided in Anne Arundel County Code Section 17-8-303.

Disturbance to Steep Slopes, Grading and Structures in the 100-foot Buffer

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards,

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including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Hearing Officer must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant is requesting to grade steep slopes within the 100-foot Buffer shoreward of the proposed dwelling and to place new structures in the 100-foot Buffer in the form of steps, landings, and retaining walls. While we note that this office understands the need to grade steep slopes in association with proposed development, all proposed grading must be necessary to both establish a dwelling and maintain the structural integrity of the dwelling. Based on the information provided, it is our position that the amount of grading and stabilization proposed is excessive and beyond what is necessary to stabilize the dwelling.

The County's Critical Area Law and Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. The applicant's grading proposal lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. In opposing the disturbance to steep slopes variance, I have addressed each of the standards as it pertains to this case:

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

As indicated, we are not opposing the applicants' right to replace an existing dwelling within the Buffer and ensure the structural stability of that dwelling. However, as stated in Anne Arundel County Code 17-8-201 & 202, development may not occur within slopes of 15% or greater unless it will facilitate stabilization of the slope and development should be located to avoid disturbance of existing native or wooded vegetation. Section 17-8-301 states no new structures may be located in the 100-foot Buffer except for water-dependent uses and shore erosion protection measures and Section 17-8-302 states that the 100-foot Buffer and expanded Buffer shall be maintained in natural vegetation. Currently, a house exists on the site of approximately the same size as the one proposed, 2,927 square feet. Additionally, the applicant has large amounts of impervious surface on the property both within and outside of the 100-foot Buffer. And finally, based on aerial imagery there are existing trees and shrubs within the area proposed to be graded. Therefore, it would appear that there is sufficient opportunity to redevelop the house site and provide for a stable structure. The steep slopes area behind the house may be stabilized by finding more opportunities to reduce impervious surface which is facilitating runoff onto the steep slopes and by providing additional trees and shrubs to naturally revegetate the area. As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor.

2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

This office would not support similar variance requests to grade both steep slopes and the 100-foot Buffer, where evidence has not been provided to show that it is necessary to locate a dwelling on

the property. There is sufficient opportunity on this property to construct a new dwelling and stabilize the steep slope area through natural means. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. To grant a variance to disturb steep slopes and the 100-foot Buffer beyond what has been established as law by the County would confer a special privilege on the applicant (Section 17-8-201 & 302). The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*

Based on the information provided, the applicant has not shown a need to disturb this area. The proposed grading and removal of existing vegetation will further disrupt the ability of the 100-foot Buffer to function.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The proposal would reduce the mix of vegetation that could potentially exist on the site to only shrubs, whereas a mix of native shrubs, trees, and ground cover could provide significant benefits to fish, wildlife, and plant habitat. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay.

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,



Kate Schmidt
Natural Resource Planner
cc: AA650-06

650-06

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2006-0341-V

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DEC 26 2006

CRITICAL AREA COMMISSION

IN RE: HERBERT AND JANE MITCHELL

THIRD ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 16, 2006

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

PLANNER: LORI RHODES

DATE FILED: DECEMBER 21, 2006

PLEADINGS

Herbert and Jane Mitchell, the applicants, seek a variance (2006-0341-V) to allow a dwelling and associated facilities with less buffer than required and with disturbance to steep slopes on property located along the south side of Holly Ridge Road, south of Severn Road, Severna Park.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's web site in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175 feet of the property was notified by mail, sent to the address furnished with the application. Stan Serwatka, a land development and permit consultant to the applicants, testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

FINDINGS AND CONCLUSIONS

The applicants own a single-family residence with a street address of 625 Holly Ridge Road, in the Holly Point subdivision, Severna Park. The property comprises 1.83 acres and is zoned R1 Residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). This is a waterfront lot on Forked Creek. The request is to remove the dwelling and associated

improvements (garage/carport, retaining walls, paving and well) followed by the redevelopment of the site with a dwelling and associated facilities (stairs, landings, retaining walls, infiltration trench, septic system and well).¹ The project impacts the Chesapeake Bay Critical Area buffer as expanded for steep slopes and disturbs the slopes.

Anne Arundel County Code, Article 18, Section 18-13-104(a) creates a 100-foot buffer from tidal waters. The buffer expands to include all lands within 50 feet of contiguous steep slopes. Article 17, Section 17-8-201 proscribes the disturbance of steep slopes in the LDA. Accordingly, the applicants request variances to disturb the expanded buffer and steep slopes.

Lori Rhodes, a planner with the Office of Planning and Zoning, testified that the property is very irregular in shape with steep slopes on all sides. The existing dwelling was constructed in 1950. The redevelopment proposal disturbs 7,185 square feet of steep slopes and 16,642 square feet of expanded buffer. There is a net reduction in impervious coverage, from 28,552 square feet (35.8 percent) to 25,239 square feet (31.6 percent). The proposal includes grading of steep slopes on the east side of the dwelling to divert stormwater to an infiltration trench and to minimize erosion. The witness summarized the agency comments. The Department of Health requested plan approval. The County's Development Division questioned the degree of slope destabilization and recommended minimization of impervious coverage and a vegetative management plan for

¹ The existing pool, a shed and a structure near the water are retained.

disturbances in the buffer. The Chesapeake Bay Critical Area Commission does not oppose a new dwelling no closer to the water than the existing dwelling, subject to mitigation. However, the Commission questioned the extent of grading and stabilization in front of the dwelling and stated that the granting of relief does not harmonize with the general spirit and intent of the Critical Area program. By way of conclusion, Ms. Rhodes opposed the application on the grounds that the proposal does not harmonize with the spirit and intent of the Critical Area program, the relief has not been minimized and the granting of the variances could substantially impair the appropriate use or development of adjacent property.

Mr. Serwatka testified that the existing dwelling is sliding down slope and a variance for replacement of the dwelling without retaining walls would not cure the problem.² Conversely, it would be detrimental to remove the driveway because the result would be to undermine the dwelling on the adjacent property. The replacement dwelling is no closer to water and approximately the same size as the existing dwelling (2,927 square feet versus 2,823 square feet). The applicants are adding a walkway and stairs in the buffer (247 square feet) to provide handicapped access to the pool and to the water. They have already removed 879 square feet of sidewalks from eroding slopes. The proposal includes a grading permit, an infiltration trench to manage runoff from the driveway and hillside and a buffer management plan.

² Mr. Serwatka submitted a booklet of photographs showing the eroding slopes.

Mr. Mitchell submitted a letter summarizing the extent of the erosion. In brief, the hillside, which was once a sand quarry, experiences significant erosion and tree loss during heavy rains. The pool is unusable and sections of the dwelling and garage are separating. Finally, the terraced walls and walkways are failing.

William Chesshire, the applicant's architect/builder, confirmed that erosion has compromised the retaining walls at the pool and along the driveway. The project includes the relocation of the septic system away from the water. Finally, the new dwelling includes an integral garage for handicapped accessibility.

Gary Evans, a representative for a neighboring property to the west, testified that the highly erodible soils require stabilizing retaining walls. He also indicated that it is impossible to grade out the 40 to 50 percent slopes without expanding the area of disturbance.

Peter Rheinstein, who resides on the adjacent property to the northeast, confirmed the extent of the erosion. He also sought and received clarification of the locations of the replacement septic and water well.

I visited the site and the neighborhood. The garage/carport and the dwelling are physically and functionally obsolete. The dwelling includes an expansive waterside deck and patio overlooking the pool area further down slope. A long driveway descends from the road along the north side of the garage/carport and the dwelling, wraps in front of the dwelling, and then continues to the water's edge. The driveway transitions from asphalt to gravel in front of the dwelling, and then transitions back to asphalt. The railroad tie walls along the driveway and behind

the pool are rotting and show obvious failures. There is evidence of soils eroding from the hillside towards the creek. Additional timber courses have been added to a second retaining wall (pressure treated) between the pool and the railroad tie wall in an apparent effort to protect the hillside. New block walls and stairs have been constructed on the waterside of the dwelling. There is a substantial parking or boat turnaround area between the pool and a small cottage near the water. A combination riprap and sandstone wall protects the shoreline. The adjacent uses are the Rhinestein dwelling to the north at the base of the slope and two dwellings to the west on the side of the slope. There are several homes on a ridge across the creek.

The standards for granting variances are contained in Section 18-16-305. Under subsection (b), for a property in the Critical Area, a variance to the Critical Area program requirements may be granted only after determining that (1) due to unique physical conditions, peculiar to the lot, a strict implementation of the program would result in an unwarranted hardship to the applicants; (2) a literal interpretation of the program will deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicants any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicants and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water

quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to modified, conditional relief from the code. For this Critical Area property, due to the extent of the expanded buffer and the steep, erodible slopes, a strict application of the program would result in an unwarranted hardship. Under a literal interpretation of the program, the applicants would be denied the right to redevelop the property and protect the hillside, rights commonly enjoyed by other properties in similar areas of the Critical Area. Conversely, the granting of modified, conditional relief is not a special privilege that the program typically denies to other properties in similar areas in the Critical Area. There is no indication that the request results from the actions of the applicants or from land use on neighboring properties. I further find that the granting of modified, conditional relief will not adversely impact Critical Area assets and harmonizes with the general spirit and intent of the program.

I have absolutely no doubt that this application would have benefited from better communications between the applicants' design team and the reviewing agencies. The variances for this application relate primarily to the need for slope

stabilization. However, leading up the hearing, the applicants' design team either failed to communicate the extent of the destabilization, or failed to convince the reviewing agencies of the extent of the destabilization. As a result, the reviewing agencies concluded that the request should be denied. After hearing all the testimony, reviewing the photographs and visiting the site, I am satisfied that it would be imprudent to raze the existing dwelling and built a new dwelling in the same location without grading the slopes and installing retaining walls.

Additionally, the walkway and stairs provide a reasonable means of access from the home site to the pool and the water. Nevertheless, the applicants are retaining an excessive amount of impervious coverage in the buffer. While it may be inadvisable to eliminate the driveway along the north side of the dwelling, there is no justification for retaining the driveway past the point where it traverses the slope and turns to parallel the shore. The modification will both substantially reduce impervious coverage in the buffer and provide the opportunity for mitigation. So modified, the granting of a conditional variance will not alter the essential character of the neighborhood, substantially impair the use or development of adjacent property or constitute a detriment to the public welfare. The approval is subject to the conditions in the Order.

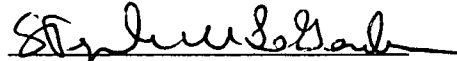
ORDER

PURSUANT to the application of Herbert and Jane Mitchell, petitioning for a variance to allow a dwelling and associated facilities with less buffer than required and with disturbance to steep slopes; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 21st day of December, 2006,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted a modified** buffer variance and a variance to disturb steep slopes to permit a dwelling and associated facilities. The approval is subject to the following conditions:

1. The site plan is revised to delete the extension of the driveway parallel to the shore and continuing to the water with the areas revegetated.
2. The applicants shall provide a grading permit, stormwater management and mitigation consisting of native species as determined by the Permit Application Center.
3. The applicants shall provide a Vegetative Management Plan satisfactory to the County Forester.
4. The building permit is subject to the approval of the Health Department.
5. No further expansion of the dwelling is allowed and no new accessory structures are allowed.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further Section 18-16-405(a) provides that a variance expires by operation of law unless the applicant obtains a building permit within eighteen months. Thereafter, the variance shall not expire so long as construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise that will be discarded.

**RE: An Appeal From A Decision Of The
Administrative Hearing Officer**

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**BEFORE THE
COUNTY BOARD OF APPEALS
OF ANNE ARUNDEL COUNTY**

HERBERT & JANE MITCHELL

Petitioner

**CASE NO.: BA 5-07V
(2006-0341-V)**

Hearing Date: April 26, 2007

MEMORANDUM OF OPINION

Summary of Pleadings

This is an appeal from a decision of the Administrative Hearing Officer. This appeal is taken from the conditional granting of a variance to permit a dwelling and associated facilities with less buffer than required and with disturbance to steep slopes on property known as 625 Holly Ridge Road, Severna Park.

Summary of Evidence

Ms. Jane Mitchell testified by proffer that she and her husband purchased the property in 1999. The dwelling was constructed in 1950. There is a garage, pool, driveway, pier and accessory structures on the site. Photos of the site from 1952 to the present were entered into the record. Ms. Mitchell is in poor health and will be confined to a wheelchair eventually. The roads will permit her to access the water as she ages. They plan to abandon the drywell and septic tank and rebuild the house, so that it will be wheelchair/handicapped accessible. Currently the present house has been condemned since the water contains radium. Neighbors have written letters of support. The Critical Area Commission supports the application and redevelopment of the property, recommending trees and slope stabilization. There is a portion of the driveway at the water's edge that Ms. Mitchell wants to keep and the County wants her to remove.

CRITICAL AREA COMMISSION

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Mr. Herbert Mitchell testified regarding the boating activities of the family and the manner in which they access the water.

Mr. Jeff Bugno, an expert engineer, stated that he has visited the property and surrounding neighborhood. He is familiar with the Critical Area requirements. His firm reviewed the original site plan and edited it. He described the revised plans and the removal of additional impervious surface near the pool. Starting on the water, on both sides, is forest, which continues along the driveway and downhill to the road. The soils are very sandy. The proposed house is in the same general location as the existing one, but it is farther from the street and steep slopes. He described the stormwater management system to be implemented. Vegetative plantings along the hill are shown on the site plan. They will be implemented to the east and south of the proposed house. Public water will serve the new house. Proposed sewer plans are on file, which show a proposed extension on Holly Ridge Road. Ms. Mitchell has a medical condition, and it is nearly impossible for her to access the existing pier and boat. The variances would not confer a special privilege.

Mr. Eric See, an expert in environmental science, stated that he has visited the property and is familiar with the Critical Area program. There have been improvements and various additions to the original house such as a swimming pool, numerous retaining walls, and a road that goes to the existing boat ramp and pier. The original site plan shows existing impervious surface covering 35.8% of the site. The redevelopment will result in coverage of only 30.5%. If left unimproved, Mr. See feels that the access road would be degraded from the wheels of the boat trailer and cause greater environmental harm. He believes that the proposed redevelopment is in the general spirit and intent of the Critical Area program. The impacts would be minimal since the development proposed is lesser than the current improvements.

Mr. Sheppard Tullier, an expert land use planner, described the variances for the dwelling and disturbance to steep slopes for the dwelling and to reestablish structural integrity of the retaining walls. The Petitioners could rebuild on the footprint, but the property is on such steep slopes, that further disturbance would be necessary to stabilize the house. He described the site in detail. The requested variances would allow the Mitchell's to raze the existing structure, and rebuild. He believes there would be a net improvement with Reinstein's issues as well. He believes what is proposed is in general harmony with the spirit and intent of Critical Area program. The property owners have the right to utilize the property, but cannot do so without variances.

Mr. Peter Rheinstein, an adjacent neighbor, stated that his wife has the same medical condition as Ms. Mitchell. The problems with erosion/water runoff have caused him to lose the use of his property in each February and March. They are concerned that the redevelopment plans do not address the drainage problem.

Ms. Miriam Rheinstein testified that she has resided on her property for 35 ½ years. In the last nine to ten years, use of her property has been difficult because of excessive runoff. Approximately three years ago, the retaining wall collapsed and she hired a landscaping company to clean up the mess.

Ms. Lori Rhodes, a planner with the Office of Planning and Zoning,, stated that she is familiar with the variance application and has visited the site. Almost the entire site is within the expanded buffer. The only area of concern is with the amount of impervious surface proposed for the site. She would like additional impervious surface to be removed from the site. Additional mitigation should be done to restore the buffer on part of the property. The Petitioners intend to restore the buffer, improve the stormwater management and divert water. The Health Department indicated that they had no approved plan on file. The connection of the

house to the public water and sewer system will eliminate the Health Department issues. The additional impervious shown as to be removed on the site plan satisfies the County's concerns.

All testimony was stenographically recorded and the recording is available to be used for the preparation of a written transcript of the proceedings.

Findings and Conclusions

The subject waterfront property is zoned R1-Residential and classified as LDA within the Critical Area. The Petitioners have requested variances to construct within the required Critical Area Buffer and to disturb slopes of 15% or greater. The requested variances would allow the Petitioners to reconstruct a house and associated facilities on the property.

In order for this Board to grant the requested variances, the Petitioner must satisfy a very rigorous set of requirements set forth in Section 3-1-207 of the Anne Arundel County Code (Code). Each and every requirement must be satisfied; thus, failure to meet even one Code requirement requires this Board to deny the requested variances. The first requires the applicant to show that "because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot, or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in an unwarranted hardship." *Id.* § 3-1-207(b)(1). The property is unusually shaped and has steep slopes on all sites. The property is immediately adjacent to the tidal waters and is consumed by the required buffers thereto. Ms. Rhodes and Mr. Bugno testified that without the requested variances, the lot could not be developed. Therefore, we find that the property has unique physical conditions that would cause the Petitioners to suffer an unwarranted hardship if the Code is strictly applied.

The Petitioners next must show that "[a] literal interpretation of COMAR, 27.01, Criteria for Local Critical Area Program Development or the County's critical area program and related

ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County.” *Id.* § 3-1-207(b)(2)(i). The community is entirely developed; there are homes of various sizes throughout the community. Indeed, this property is currently developed, but the house is in such a state of disrepair that it cannot be occupied. Like other property owners in the community, the Petitioners would like an inhabitable house on their property. Thus, we find that strict application of the Critical Area law would deprive the Petitioners of the same rights enjoyed by others in the community.

Next, the Petitioners must prove that “the granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, 27.01, the County’s critical area program to other lands or structures within the County critical area” *Id.* § 3-1-207(b)(3). As we previously addressed, the surrounding community is completely developed. The variances would permit the lot owner to reconstruct a home on the site, which development would decrease the amount of impervious coverage on the property and place more of the dwelling outside of the buffer. The requested variances would not confer any special privilege on the Petitioners beyond that enjoyed throughout this neighborhood and what is currently enjoyed on this property.

The Petitioners must establish that “[t]he variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.” *Id.* § 3-1-207(b)(4). The variance requests are based on the physical conditions on the property that render development of the lot in accordance with the Code nearly impossible. No redevelopment has taken place on the property and there are no conditions on neighboring properties that affect the

Petitioners' property except for drainage issues that will be addressed through the stormwater management on site and the maintenance of the existing driveway. Accordingly, we find that the need for the requested variances was created by nature, not man.

The Petitioners must also show that "[t]he granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program." *Id.* § 3-1-207(b)(5). Ms. Rhodes and Mr. See testified that there would be no adverse impact from the proposed redevelopment on the Critical Area ecosystems. The site plan was revised to reduce the disturbance within and impact to the Critical Area. The Critical Area Commission recommended approval of the plan. The amount of the impervious surface on this site will be reduced with the redevelopment and modern stormwater management systems shall be implemented to control runoff. We find that the Petitioners' proposal is "in harmony with the general spirit and intent of the County's" Critical Area program. *Id.*

The subject property is not within the 100-foot upland buffer of a bog. Therefore, Section 3-1-207(b)(6) does not apply and merits no further discussion.

Next, the Petitioners must establish that "by competent and substantial evidence [it] has overcome the presumption contained in the Natural Resources Article, Section 8-1808(d)(2), of the State Code." *Id.* § 3-1-207(b)(7). Under Section 8-1808(d)(2) of the Natural Resources Article it is presumed "that the specific development activity in the critical area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the local jurisdiction's program." Md. Code Ann., Natural Resources §8-1808(d)(2)(i). As we previously addressed, there would be less adverse impact on the Critical Area ecosystems from

the grant of the requested variances than from the existing developed condition. A house is a permitted use on this property and this application seeks only to reconstruct what currently exists on site—but with lesser impact. We find that the Petitioners have overcome the presumption of the Natural Resources Article.

The Petitioners also must show that “the variance is the minimum variance necessary to afford relief.” Code, § 3-1-207(c)(1). They have the right to construct on the existing footprint of the structure, which could result in a larger home with more impervious surface within the buffer. The proposed house is comparable to other homes in the community. The area on the lot outside of the buffer is the only location available (and approved by the Health Department) for the septic system (some of the septic will be within the buffer, however). Accordingly, we find that the requested variances are the minimum necessary.

The Petitioners next must show that “the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located [or] substantially impair the appropriate use or development of adjacent property.” *Id.* § 3-1-207(c)(2)(i) and (ii). The houses in the surrounding community are similar in size to the house that the Petitioners propose to construct. This house would be a simple reconstruction of a residence atop a previously developed, albeit aged, home. The neighbors are rightfully concerned regarding drainage in the area that impacts their property. Our review of the site plan and the testimony of the engineers leads us to conclude that the granting of the requested variances would not impair the appropriate use or development of neighboring property. The house will be setback adequately from the property lines and the retaining walls, stormwater management, plantings and grading will decrease runoff from this property. Therefore, we find that granting the requested variances will not have any effect on the character of the neighborhood or impair the use of adjacent property.

Next, the Petitioners must show that “the granting of the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area and will not be contrary to acceptable clearing and replanting practices required for development in the critical area.” *Id.* § 3-1-207(c)(2)(iii). The site plan shows a significant amount of revegetation on the site. The reforestation required would increase in forest cover. Thus, we find that grant of the requested variances would not reduce forest cover.

Lastly, the Petitioners must also show that “the granting of the variance will not be detrimental to the public welfare.” *Id.* § 3-1-207(c)(2)(v). The Petitioners simply want to rebuild a house on the property. They have taken numerous steps to ensure that the development would have the least impact on the Critical Area while recognizing that the septic system meets the requirements of the Health Department. We do not believe that allowing the Petitioners to reconstruct the house on this site will be detrimental to the public.

ORDER

For the reasons set forth in the foregoing Memorandum of Opinion, it is this 15th day of AUG., 2007, by the County Board of Appeals of Anne Arundel County, ORDERED, that the Petitioners’ request for:

- (1) A variance to disturb steep slopes of 15% or greater in an LDA or RCA designated area, *see*, § 17-8-201; and
- (2) A variance to disturb the 100 foot minimum buffer from the tidal water, *see*, §18-13-104(g)


is hereby **GRANTED** on condition that the Health Department approve the plan for the project and that a Vegetative Management Plan be approved by the County Forester.

Any appeal from this decision must be in accordance with the provisions of Section 604 of the Charter of Anne Arundel County, Maryland.

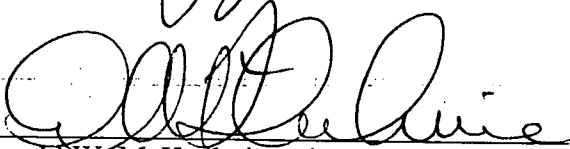
If this case is not appealed, exhibits must be claimed within 90 days of the date of this Order; otherwise, they will be discarded.

Any notice to this Board required under the Maryland Rules shall be addressed as follows: Anne Arundel County Board of Appeals, Arundel Center, P.O. Box 2700, Annapolis, Maryland 21404, ATTN: Mary M. Leavell, Clerk.

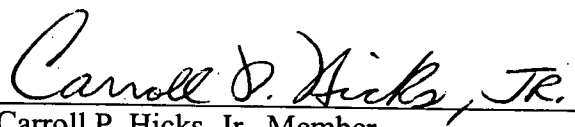
COUNTY BOARD OF APPEALS
OF ANNE ARUNDEL COUNTY



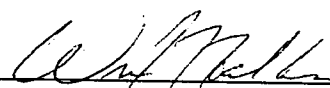
William C. Knight, III, Chairman



Arnold W. McKechnie, Vice Chairman



Carroll P. Hicks, Jr., Member



William Moulden, Member



Andrew C. Pruski, Member

(John W. Boring, Member, and James E. Rzepkowski, Member, did not participate in this appeal.)

**ANNE ARUNDEL COUNTY SOIL CONSERVATION DISTRICT
DETAILS AND SPECIFICATIONS
FOR VEGETATIVE ESTABLISHMENT**

Following initial soil disturbance or redistribution, permanent or temporary stabilization shall be completed within seven calendar days for the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and fourteen days for all other disturbed or graded areas on the project site.

Permanent Seeding
A. Soil Tests: Lime and fertilizer will be applied per soil tests results for sites greater than 5 acres. Soil tests will be done at completion of rough grading. Rates and analyses will be provided to the grading contractor as well as the contractor.

1. Occurrence of acid sulfate soils (grayish black color) will require covering with a minimum of 12 inches of clean soil with 6 inches minimum capping of top soil. No stockpiling of material is allowed. If needed, soil tests should be done before and after a 6 week incubation period to allow oxidation of sulfates.
The minimum soil conditions required for permanent vegetative establishment are:
a. Soil pH shall be between 6.0 and 7.0.
b. Soluble salts shall be less than 500 parts per million (ppm).
c. The soil shall contain less than 40% clay but enough fine grained material (>30% silt plus clay) to provide the capacity to hold a moderate amount of moisture. An exception is for loesslike or sericic loesslike soils to be planted, then a sandy soil (<30% silt plus clay) would be acceptable.
d. Soil shall contain 1.5% minimum organic matter by weight.
e. Soil must contain sufficient pore space to permit adequate root penetration.
f. If these conditions cannot be met by soils on site, adding topsoil is required in accordance with Section 21, Standard and Specifications for Topsoil or amendments made as recommended by a certified agronomist.

B. Seeding Preparation: Area to be seeded shall be loose and friable to a depth of at least 3 inches. The top layer shall be loosened by raking, disking or other acceptable means before seeding occurs. For sites less than 5 acres, apply 100 pounds of dolomitic limestone and 21 pounds of 10-10-10 fertilizer per 1,000 square feet. Harrow or disk lime and fertilizer into the soil to a depth of at least 3 inches on slopes flatter than 3:1.
C. Seeding: Apply 5-6 pounds per 1,000 square feet of tall fescue between February 1 and April 30 or between August 15 and October 31. Apply seed uniformly on a moist firm seedbed with a cyclone seeder drill, cuppicker seeder or hydroseeder (slurry includes seeds and fertilizer, recommended on steep slopes only). Maximum seed depth should be 1/4 inch in clayey soils and 1/2 inch in sandy soils. Apply water with the hydroseeder method. Irrigate where necessary to support adequate until vegetation is firmly established. If other seed mixes are to be used, select from Table 25, entitled "Permanent Seeding For Low Maintenance Areas" from the current Standards and Specifications for Soil Erosion and Sediment Control. Mixes suitable for this area are 1, 3 and 5-7. Mixes 5-7 are suitable in non-mowable situations.

D. Mulching: Mulch shall be applied to all seeded areas immediately after seeding. During the time periods when seeding is not permitted, mulch shall be applied immediately after grading.
Mulch shall be unrotted, unchopped, small grain straw applied at a rate of 2 tons per acre or 90 pounds per 1,000 square feet (2 bales). If a mulch anchoring tool is used, apply 2.5 tons per acre. Mulch materials shall be relatively free of all kind of seeds and shall be completely free of prohibited noxious weeds. Spread mulch uniformly, mechanically or by hand, to a depth of 1-2 inches.

E. Securing Straw Mulch: Straw mulch shall be secured immediately following mulch application to minimize movement by wind or water. The following methods are permitted:

- Use a mulch anchoring tool which is designed to punch and anchor mulch into the soil surface to a minimum depth of 2 inches. This is the most effective method for securing mulch, however, it is limited to relatively flat areas where equipment can operate safely.
- Wood cellulose fiber may be used for anchoring straw. Apply the fiber binder at a net dry weight of 750 pounds per acre. If mixed with water, use 50 pounds of wood cellulose fiber per 100 gallons of water.
- Liquid binders may be used and applied heavier at the edges where wind catches mulch, such as in valleys and on crests of slopes. The remainder of the area should cover uniformly after binder application. Binders listed in the 1994 Standards and Specifications for Soil Erosion and Sediment Control or approved equal shall be applied at rates recommended by the manufacturer.
- Lightweight plastic netting may be used to secure mulch. The netting will be staked to the ground according to manufacturer's recommendations.

Temporary Seeding:
Lime: 100 pounds of dolomitic limestone per 1,000 square feet.
Fertilizer: 15 pounds of 10-10-10 per 1,000 square feet.
Seed: Perennial rye - 0.92 pounds per 1,000 square feet (February 1, through April 30 or August 15 through November 1).
Millet - 0.92 pounds per 1,000 square feet (May 1 through August 15).
Same as 1 D and E Above.

No fill may be placed on frozen ground. All fill to be placed in approximately horizontal layers, each layer having a loose thickness of not more than 8 inches. All fill in roadways and parking areas is to be classified Type 2 as per Anne Arundel County Code - Article 21, Section 2-308, and compacted to 90% density by compaction by other than the ASTM D-1557-66T (Modified Proctor). Any fill within the building area is to be compacted to a minimum of 95% as determined by methods previously mentioned. Fills for pond embankments shall be compacted as per MD-378 Construction Specifications. All other fills shall be compacted sufficiently so as to be stable and prevent erosion and slippage.

Permanent Sod:
Installation of sod should follow permanent seeding dates. Permanent sod is to be laid flat, state approved sod; lime and fertilizer per permanent seeding specifications and lightly irrigate soil prior to laying sod. Sod is to be laid on the contour with all ends tightly abutting. Joints are to be staggered between rows. Water and roll or tamp sod to insure positive root contact with the soil. All slopes steeper than 3:1, as shown, are to be permanently sodded or protected with an approved erosion control netting. Additional water for establishment may be required. Sod is not to be applied on frozen ground. Sod shall not be harvested or transplanted when moisture content (dry or wet) and/or extreme temperature may adversely affect its survival. In the absence of adequate rainfall, irrigation should be performed to insure established sod.

Mining Operations:
Sediment control plans for mining operations must include the following seeding dates and mixtures:
For seeding dates of:
February 1 through April 30 and August 15 through October 31, use seed mixture of tall fescue at the rate of 2 pounds per 1,000 square feet and sericea lespedeza at the minimum rate of 0.5 pounds per 1,000 square feet.
Topsoil shall be applied as per the Standard and Specifications for Topsoil from current Maryland Standards and Specifications for Soil Erosion and Sediment Control.

NOTE: Use of this information does not preclude meeting all of the requirements of the current Maryland Standards and Specifications for Soil Erosion and Sediment Control.
NOTE: Projects within 4 miles of the BW Airport will need to adhere to Maryland Aviation Administration's seeding specification restrictions.

SEQUENCE OF CONSTRUCTION:

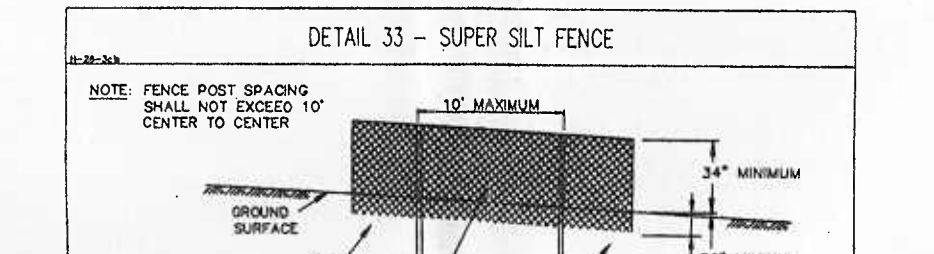
- Contractor/Developer shall contact the Anne Arundel County Department of Inspections and Permits at 410-222-7700 at least 48 hrs. prior to the start of construction. Work may begin upon approval by Dept. of Inspections and Permits. 2 Days
- Install S.C.E., Super Silt Fence and Reinforced Silt Fence as indicated. 2 Days
- Demo existing house and begin clearing and rough grading of site. Excavate for basement, footers, and foundation. Begin house foundation. At house backfill stabilize all affected areas as per the stabilization specifications. 4 Weeks
- Install all utilities*, including WIC and SEPTIC SYSTEM, construct retaining walls and driveway. 6 Months
- Install SWM Device and Plantings. 2 Days
- Fine grade site. 2 Days
- Stabilize all disturbed areas with seed and mulch as indicated. Upon Inspector's approval remove any remaining sediment control devices. 2 Days
- Final cleanup and maintenance. 2 Days

*Utilities Note: Disturb only that area which can be backfilled and stabilized in one working day.

STANDARD RESPONSIBILITY NOTES

- (We) certify that:
 - All development and construction will be done in accordance with this sediment and erosion control plan, and further, authorize the right of entry for periodic on-site evaluation by the Anne Arundel Soil Conservation District Board of Supervisors or their authorized agents.
 - Any responsible personnel involved in the construction project will have a certificate of attendance from the Maryland Department of the Environment's approved training program for the control of sediment and erosion before beginning the project.
Responsible personnel on site: **HERBERT J. MITCHELL**
 - If applicable, the appropriate enclosure will be constructed and maintained on sediment basin(s) included in this plan. Such structure(s) will be in compliance with the Anne Arundel County Code.
- The developer is responsible for the acquisition of all easements, right, and/or rights-of-way that may be required for the sediment and erosion control practices, stormwater management practices and the discharge of stormwater onto or across adjacent or downstream properties included in the plan.
- Initial soil disturbance or re-disturbance, permanent stabilization shall be completed within seven calendar days for the surface of all perimeter controls, dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1) and fourteen days for all other disturbed or graded areas on the project site. Temporary stabilization of the surface of perimeter controls, dikes, swales, ditches, and perimeter slopes may be allowed at the discretion of the sediment control inspector.
- The sediment control approvals on this plan extend only to areas and practices identified as proposed work.
- The approval of this plan for sediment and erosion control does not relieve the developer/consultant from complying with Federal, State or County requirements pertaining to environmental issues.
- The developer must request that the Sediment Control Inspector approve work completed in accordance with the approved erosion and sediment control plan, the grading or building permit, and the ordinance.
- All material shall be taken to a site with an approved sediment and erosion control plan.
- On all sites with disturbed areas in excess of two acres, approval of the sediment and erosion control inspector shall be required on completion of installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading. This will require first phase inspections other building or grading inspection approvals may not be authorized until the initial approval by the sediment and erosion control inspector is given.
- Approval shall be requested on final stabilization of all sites with disturbed areas in excess of two acres before removal of controls.
- Existing topography must be field verified by responsible personnel to the satisfaction of the sediment control inspector prior to commencing work.

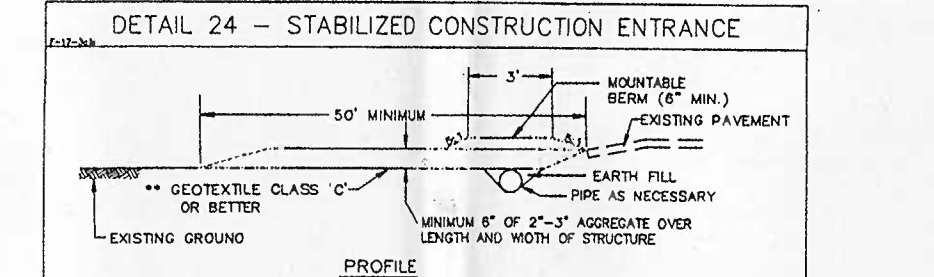
Signature of Developer/Owner: *Herbert J. Mitchell* Date: *P.H.C.*
Print Name: **HERBERT J. & JANE M. MITCHELL**
Title: **OWNER**
Address: **625 HOLLY RIDGE ROAD**
SEVERNA PARK, MARYLAND 21146
Telephone Number: **410-518-6740**



CRITICAL AREA NOTES (LDA)

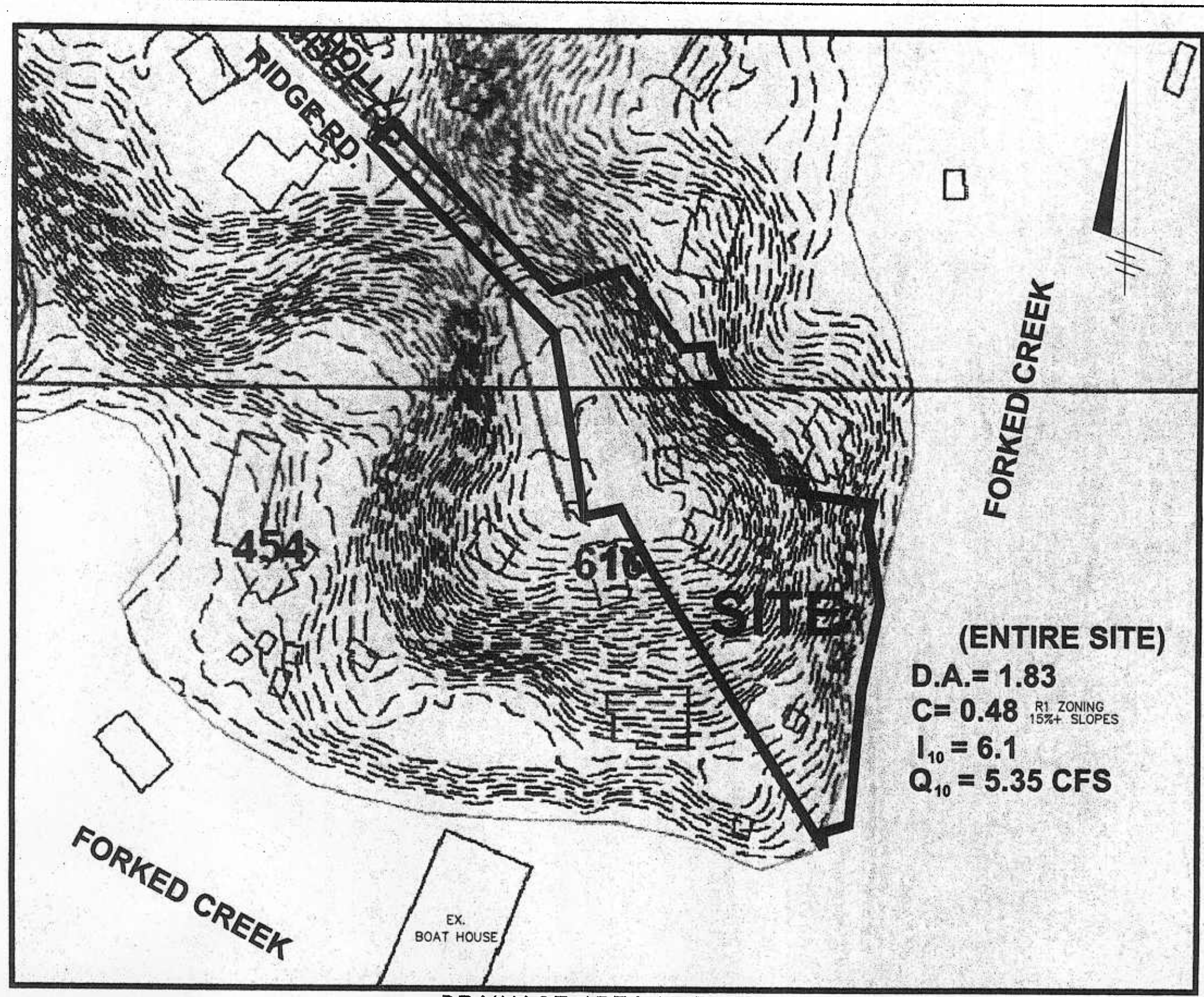
A. Total Site Area:	79,715 sq. ft. or 1.830 Ac.±
B. Total Existing Woodland Onsite: (50% of total site)	39,850 sq. ft. or 0.914 Ac.±
C. Total Woodlands to be Cleared: (20% of woodlands)	7,970 sq. ft. or 0.18 Ac.±
D. Total Existing Impervious Area Onsite: (35.8%)	28,552 sq. ft. or 0.65 Ac.±
E. Existing Impervious Area to Remain: (23.5%)	18,798 sq. ft. or 0.43 Ac.±
F. Existing Impervious Area to be Removed: (12.3%)	9,754 sq. ft. or 0.22 Ac.±
G. Proposed Impervious Area (House = 2,927 sq.ft.) (Drive and Sidewalks 3,524 S.F.)	6,451 sq. ft. or 0.15 Ac.±
H. Total Impervious Area: After Construction: (31.6%)	25,239 sq. ft. or 0.580 Ac.±

*INCLUDES ALL SLOPE AREAS THAT ARE ERODED AND BRUSH AND LOW GROWTH AREAS



AS-BUILT NOTE
ALL GRADING, DRAINAGE, STRUCTURES, AND/OR SYSTEMS, EROSION AND SEDIMENT CONTROL PRACTICES INCLUDING FACILITIES AND VEGETATIVE MEASURES HAVE BEEN COMPLETED IN CONFORMANCE WITH THE APPROVED PLANS AND SPECIFICATIONS, EXCEPT AS NOTED.

(OWNER)
(ENGINEER)



CRITICAL AREA NOTES (LDA)

A. Total Site Area:	79,715 sq. ft. or 1.830 Ac.±
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*INCLUDES ALL SLOPE AREAS THAT ARE ERODED AND BRUSH AND LOW GROWTH AREAS

OUTFALL STATEMENT
THIS SITE SHEET FLOWS ALONG THE EXISTING ROAD ALONG THE NORTH SIDE OF THE PROPERTY AND SHEET FLOWS DOWN THE SLOPES TO THE TIDAL WATERS OF FORKED CREEK. THIS SITE HAS A DIRECT TIDAL OUTFALL.

STORMWATER MANAGEMENT NOTE
STORMWATER MANAGEMENT WILL BE PROVIDED BY THE USE OF AN INFILTRATION DEVICE TO PROVIDE WATER QUALITY AND QUANTITY FOR THE EXISTING AND PROPOSED IMPERVIOUS AREAS ONSITE AFTER CONSTRUCTION. PLANTINGS WILL ALSO BE PROVIDED ON THE SLOPES TO PROVIDE SLOPE STABILIZATION AND WATER QUALITY.

****NATURE OF VARIANCE:**
TO ALLOW DISTURBANCE TO 15%+ SLOPES AND THE 50' EXPANDED BUFFER TO 15% SLOPES IN THE CRITICAL AREA (LDA). THE SCOPE OF WORK WILL CONSIST OF REMOVAL OF THE EXISTING HOUSE, CONSTRUCT A NEW HOUSE AND TO REGRADE THE SLOPES AND ADD RETAINING WALLS TO ELIMINATE THE CURRENT EROSION CONDITIONS AND SEDIMENT FLOWING INTO FORKED CREEK.

CONSULTANTS CERTIFICATE
"THE DEVELOPER'S PLAN TO CONTROL SILT AND EROSION IS ADEQUATE TO CONTAIN THE SILT AND EROSION ON THE PROPERTY COVERED BY THE PLAN. I CERTIFY THAT THIS PLAN OF EROSION AND SEDIMENT CONTROL REPRESENTS A PRACTICAL AND WORKABLE PLAN BASED ON MY PERSONAL KNOWLEDGE OF THIS SITE, AND WAS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ANNE ARUNDEL COUNTY SOIL CONSERVATION DISTRICT PLAN SUBMITTAL GUIDELINES AND THE CURRENT MARYLAND STANDARDS AND SPECIFICATIONS FOR SEDIMENT AND EROSION CONTROL. I HAVE REVIEWED THIS EROSION AND SEDIMENT CONTROL PLAN WITH THE OWNER/DEVELOPER."
MD. P.E. LICENSE #12287
MD. LAND SURVEYOR LICENSE #
MD. LANDSCAPE ARCHITECT #
NAME: JASGIE A. SIMS
FIRM NAME: CHESAPEAKE LAND CONSULTING, INC.
STREET ADDRESS: 313 NAJOLAS RD., MILLERSVILLE, MD 21108 (SUITE 1V)
9/17/06

21.0 STANDARD AND SPECIFICATIONS
FOR
TOPSOIL
DEDUCTION
Placement of topsoil over a prepared subsoil prior to establishment of permanent vegetation.
Purpose
To provide a suitable soil medium for vegetative growth. Soils of concern have low moisture content, low mineral levels, low pH, materials toxic to plants, and/or unacceptable soil gradation.
Conditions Where Practice Applies

- This practice is limited to areas having 2:1 or flatter slopes where:
 - The texture of the exposed subsoil/parent material is not adequate to produce vegetative growth.
 - The soil material is so shallow that the rooting zone is not deep enough to support plants or furnish continuing supplies of moisture and plant nutrients.
 - The original soil to be vegetated contains material toxic to plant growth.
 - The soil is so acidic that treatment with limestone is not feasible.
- For the purpose of these Standards and Specifications, areas having slopes steeper than 2:1 require special consideration and design for adequate stabilization. Areas having slopes steeper than 2:1 shall have the appropriate stabilization shown on the plans.

Construction and Material Specifications

- Topsoil salvaged from the existing site may be used provided that it meets the standards as set forth in these specifications. Typically, the depth of topsoil to be salvaged for a given soil type can be found in the representative soil profile section in the Soil Survey published by USDA-SCS in cooperation with Maryland Agricultural Experiment Station.
- Topsoil Specifications - Soil to be used as topsoil must meet the following:
 - Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand. Other soils may be used if recommended by an agronomist or soil scientist and approved by the appropriate approval authority. Regardless, topsoil shall not be a mixture of contrasting textured subsoils and shall contain less than 5% by volume of cinders, stones, slag, coarse fragments, gravel, sicks, roots, trash, or other materials larger than 1 1/2 inch in diameter.
 - Topsoil must be free of plants or plant parts such as Bermuda grass, quackgrass, Johnsongrass, poison ivy, thistle, or others as specified.
 - Where the subsoil is either highly acidic or composed of heavy clays, ground limestone shall be spread at the rate of 4-8 tons/acre (200-400 pounds per 1,000 square feet) prior to the placement of topsoil. Lime shall be distributed uniformly over designated areas and worked into the soil in conjunction with tillage operations as described in the following procedures.

For sites having disturbed areas over 5 acres:

- Place topsoil (if required) and apply soil amendments as specified in 20.0 Vegetative Stabilization - Section I - Vegetative Stabilization Methods and Materials.

For sites having disturbed areas over 5 acres:

- On soil meeting Topsoil specifications, obtain test results discarding fertilizer and lime amendments required to bring the soil into compliance with the following:
 - pH for topsoil shall be between 6.0 and 7.5. If the tested soil demonstrates a pH of less than 6.0, sufficient lime shall be prescribed to raise the pH to 6.5 or higher.
 - Organic content of topsoil shall be not less than 1.5 percent by weight.
 - Topsoil having soluble salt content greater than 500 parts per million shall not be used.
 - No sod or seed shall be placed on soil which has been treated with soil sterilants or chemicals used for weed control until sufficient time has elapsed (14 days min.) to permit dissipation of phytotoxic materials.

NOTE: Topsoil substitutes or amendments, as recommended by a qualified agronomist or soil scientist approved by the appropriate approval authority, may be used in lieu of natural topsoil.

Place topsoil (if required) and apply soil amendments as specified in 20.0 Vegetative Stabilization - Section I - Vegetative Stabilization Methods and Materials.

Topsoil Application

- When topsoiling, maintain needed erosion and sediment control practices such as diversions, Grade Stabilization Structures, Earth Dike, Slope Silt Fence and Sediment Traps and Basins.
- Grades on the areas to be topsoiled, which have been previously established, shall be maintained, about 4" - 8" higher in elevation.
- Topsoil shall be uniformly distributed in a 4" - 8" layer and lightly compacted to a minimum thickness of 4". Spreading shall be performed in such a manner that sodding or seedling can proceed with a minimum of additional soil preparation and tillage. Any irregularities in the surface resulting from topsoiling or other operations shall be corrected in order to prevent the formation of depressions or water pockets.
- Topsoil shall not be placed while the topsoil or subsoil is in a frozen or muddy condition, when the subsoil is excessively wet or in a condition that may otherwise be detrimental to proper grading and seedbed preparation.

Alternative for Permanent Seeding - Instead of applying the full amounts of lime and commercial fertilizer, composted sludge and amendments may be applied as specified below:

- Composted Sludge Material for use as a soil conditioner for sites having disturbed areas over 5 acres shall conform to the following requirements:
 - Composted sludge shall be supplied by, or originate from, a person or persons that are permitted (at the time of acquisition of the compost) by the Maryland Department of the Environment under COMAR 26.04.05.
 - Composted sludge shall contain at least 1 percent nitrogen, 1.5 percent phosphorus, and 0.2 percent potassium and have a pH of 7.0 to 8.0. If compost does not meet these requirements, the appropriate constituents must be added to meet the requirements prior to use.
 - Composted sludge shall be applied at a rate of 1 ton/1,000 square feet.
- Composted sludge shall be amended with a potassium fertilizer applied at the rate of 4 lb/1,000 square feet, and 1/3 the normal lime application rate.

INDEX OF DRAWINGS

NO.	DESCRIPTION
1.	COVER SHEET
2.	PLAN VIEW
3.	PLAN VIEW & SWM, PLANTING DETAILS & NOTES
4.	PLANTING PLAN
5.	EXISTING FEATURES PLAN

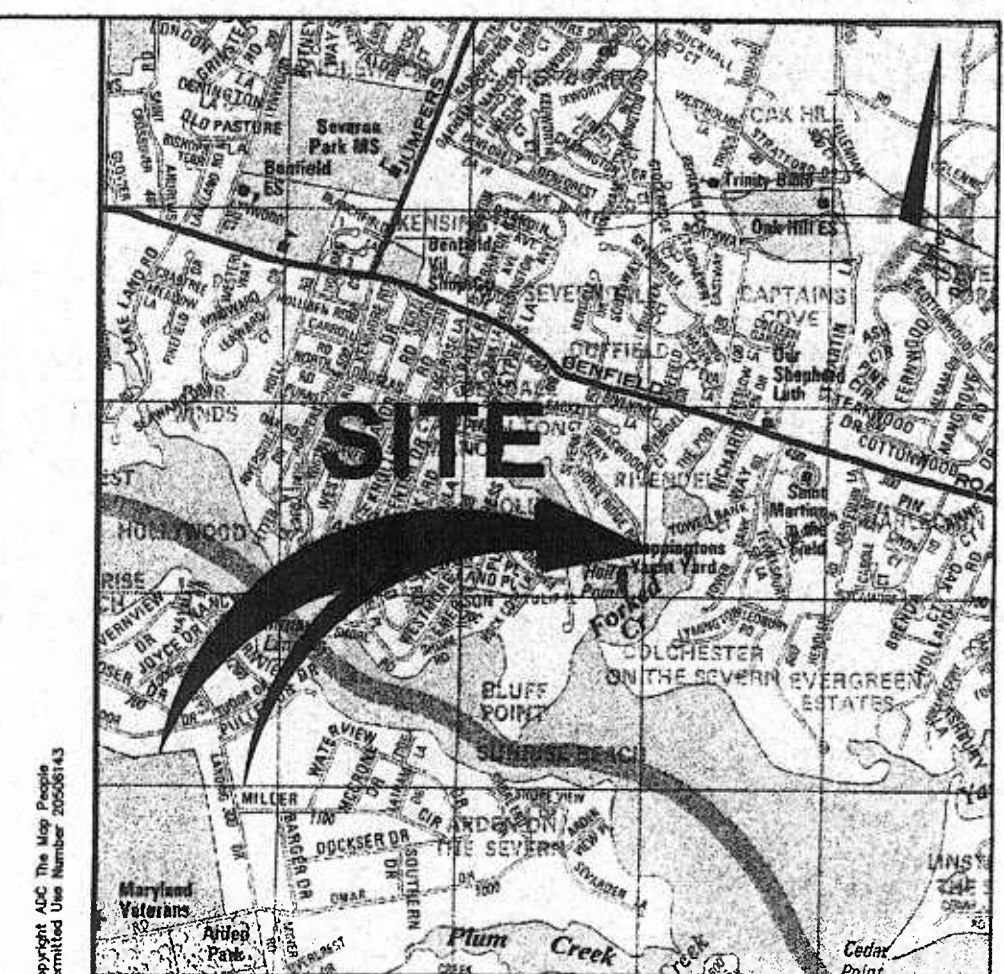
ALL EXISTING FEATURES, TOPOGRAPHY AND BOUNDARY SHOWN HEREON WAS OBTAINED FROM A FIELD SURVEY PROVIDED BY DRUM, SNELL & ASSOCIATES.

OWNER/DEVELOPER
HERBERT J. & JANE M. MITCHELL
625 HOLLY RIDGE ROAD
SEVERNA PARK, MARYLAND 21146
LIBER 9218, FOLIO 031
TEL: 410-518-6740

CHESAPEAKE LAND CONSULTING, INC.
Land Development and Permit Services
313 NAJOLAS ROAD
MILLERSVILLE, Maryland 21108
Phone: 410-729-5533
Fax: 410-729-5533

CLC, Inc.

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VICINITY MAP
SCALE: 1" = 2,000'
ADD MAP: 1L GRID: H-455

GENERAL NOTES

- Total area of site is: 79,715 sq. ft. or 1.83 Ac.±
- Existing Zoning is: RI
- Setbacks: Front: 100' Rear: 35' Side: 15' (Combined: 40')
- Existing Use of the site is: SINGLE FAMILY DWELLING
- Site is known as: 625 HOLLY RIDGE ROAD
- Well and Septic to be installed and utilized.
- FEMA-FIRM Map # 240008-0027C Zone A6 Elev. 7.0
- Site is within the Critical Area Zone. Zone: LDA (MAP II)
- No property line survey made at this time.
- This site is located within the Severn River Watershed.
- The contractor shall be responsible for repairing and replacing any existing fences, driveways, etc. damaged or removed during construction.
- The contractor shall notify "MISS UTILITY" (1-800-257-7777), five (5) working days before starting work shown on these drawings.
- This plan is intended to provide sediment and erosion control during the grading of the road(s) and lot(s) and the construction of the house(s). Measures have been taken to prevent sediment from leaving the site.
- CLC, Inc. has not field-verified existing utility information. It is the responsibility of the contractor to contact and obtain all records, information, and locations prior to commencement of grading operations. Any discrepancies shall be brought to CLC, Inc.'s attention immediately.
- Contours shown on this plan are taken from FIELD SURVEY (on-site areas). For off-site areas they are taken from A. C. Co. Topo and Utility Operations maps. The contractor shall verify the elevations to his own satisfaction prior to starting work. Any discrepancies shall be brought to CLC, Inc.'s attention immediately.
- Any pertinent information within 100' of the property line is shown.
- All roof areas shall drain through downspouts onto splash blocks and ultimately discharge to a vegetatively stabilized area.

EROSION CONTROL GENERAL NOTES:

- AGENCY NOTIFICATION**
The Contractor shall notify Anne Arundel County Department of Inspection and Permits (410-222-7700) at least 48 hours before starting work.
- MAINTENANCE OF SOIL EROSION CONTROL PROCEDURES**
1. All damage to the soil and erosion mitigation shown on this plan shall be repaired at the end of each day's work.
2. The contractor is to maintain these Sediment and Erosion Control Structures as specified on each sheet.
- GENERAL EROSION CONTROL PROCEDURES**
1. Sod is to be placed on all areas shown and on graded areas with slopes greater than 3 to 1.
2. All downspouts are to be carried to the toe of fill slopes.
3. Splash blocks are to be provided at all downspouts not discharging onto a paved surface.
4. All excess material (if any) shall be removed to a site approved by the Anne Arundel Soil Conservation District (410-222-7822).
5. Cut and fill quantities provided under Site Analysis do not represent bid quantities. These quantities do not distinguish between topsoil, structural fill or embankment material, nor do they reflect consideration of undercutting or removal of unsuitable material. The contractor shall familiarize himself with site conditions which may affect the work.

EARTHWORK ANALYSIS

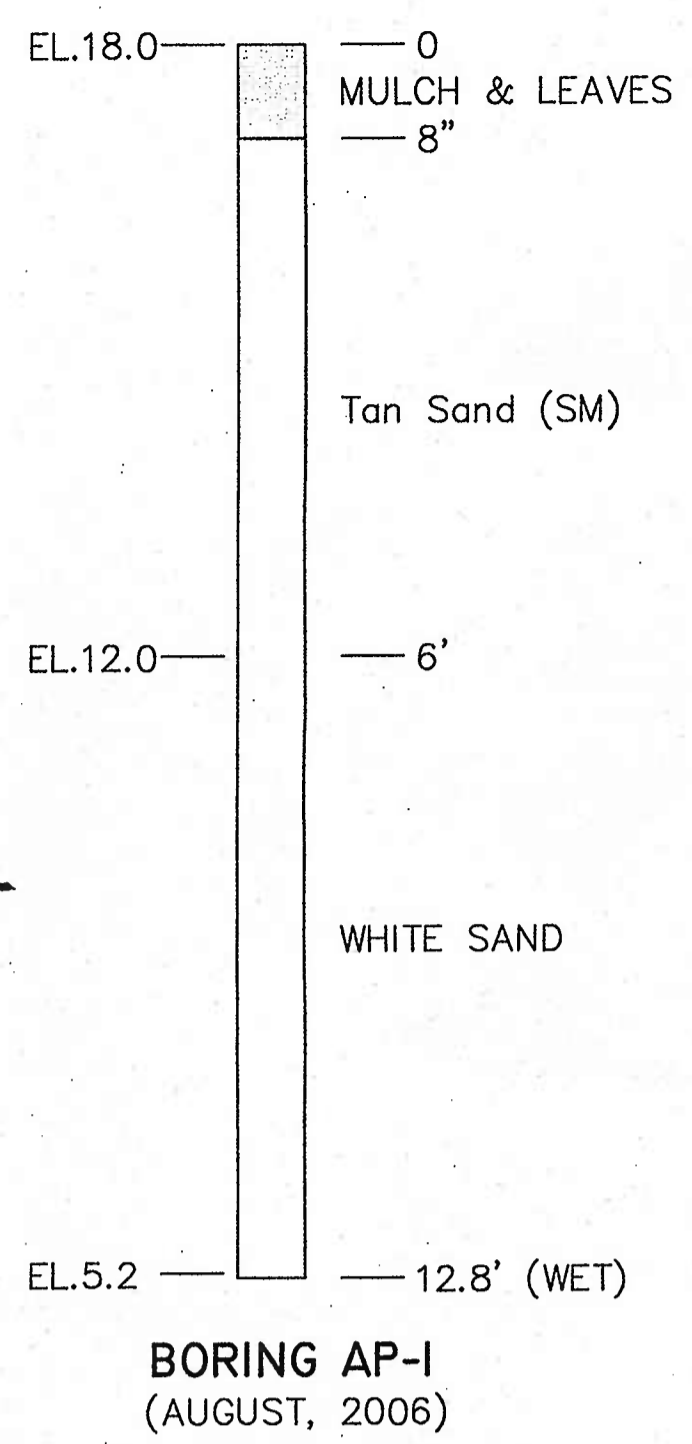
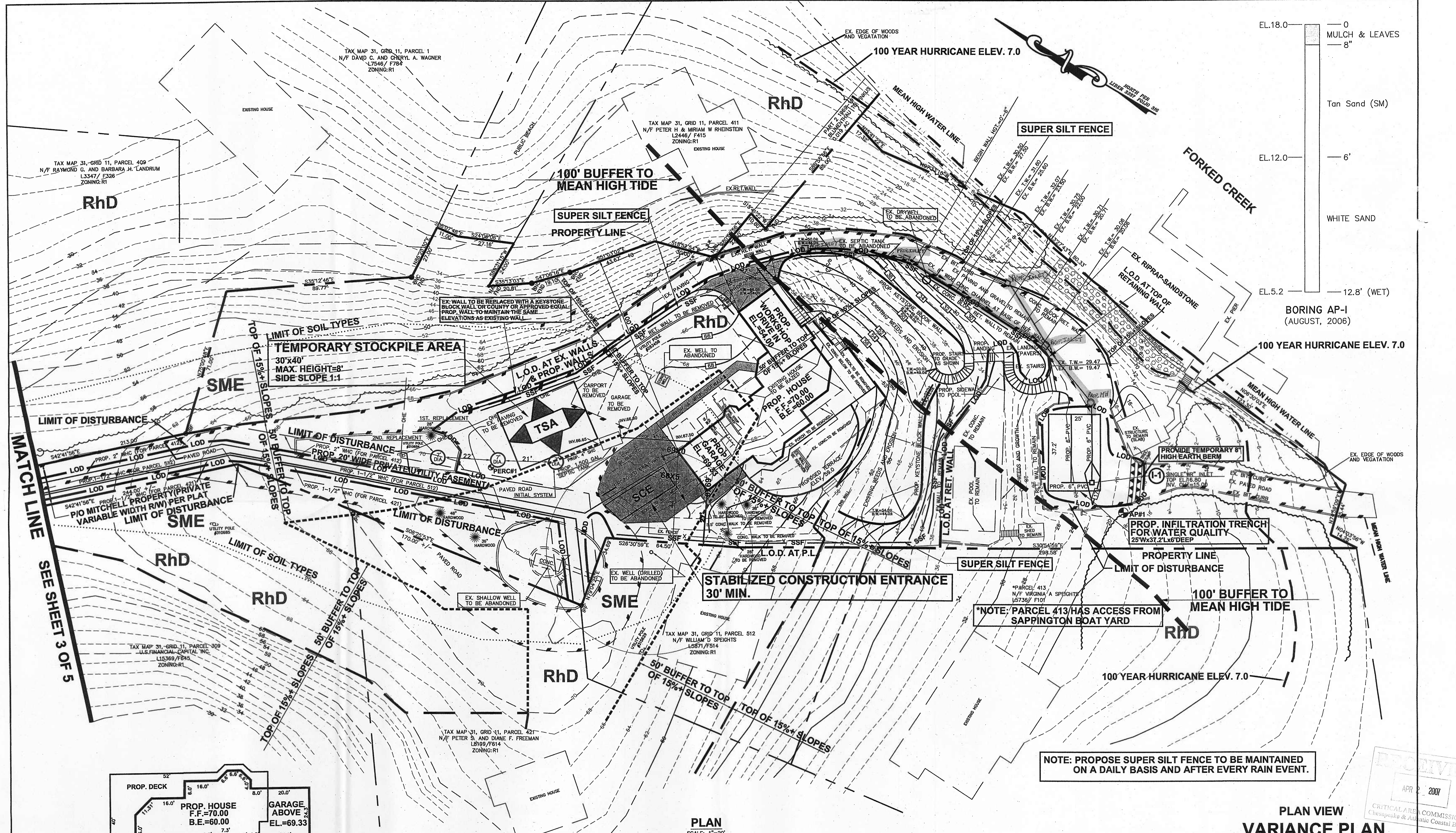
1. CUT:	150	CU. YDS. +/-
2. FILL:	1650	CU. YDS. +/-
3. SPILL / BORROW:	1500	CU. YDS. +/-
4. TOTAL AREA STRUCTURALLY STABILIZED:	25,239	SQ. FT. 0.579 Ac.±
5. TOTAL AREA VEGETATIVELY STABILIZED:	8,105	SQ. FT. 0.186 Ac.±
6. TOTAL AREA DISTURBED:	33,344	SQ. FT. 0.765 Ac.±
7. PREDOMINANT SOIL TYPE:	SME-SASSAFRAS AND CROOK SOILS	
	15 TO 25% SLOPES	
	RH-BUSSETT, ALBANY-HANBROOK COMPLEX - 10 TO 15% SLOPES	

"GRADING & SEDIMENT CONTROL PLAN"

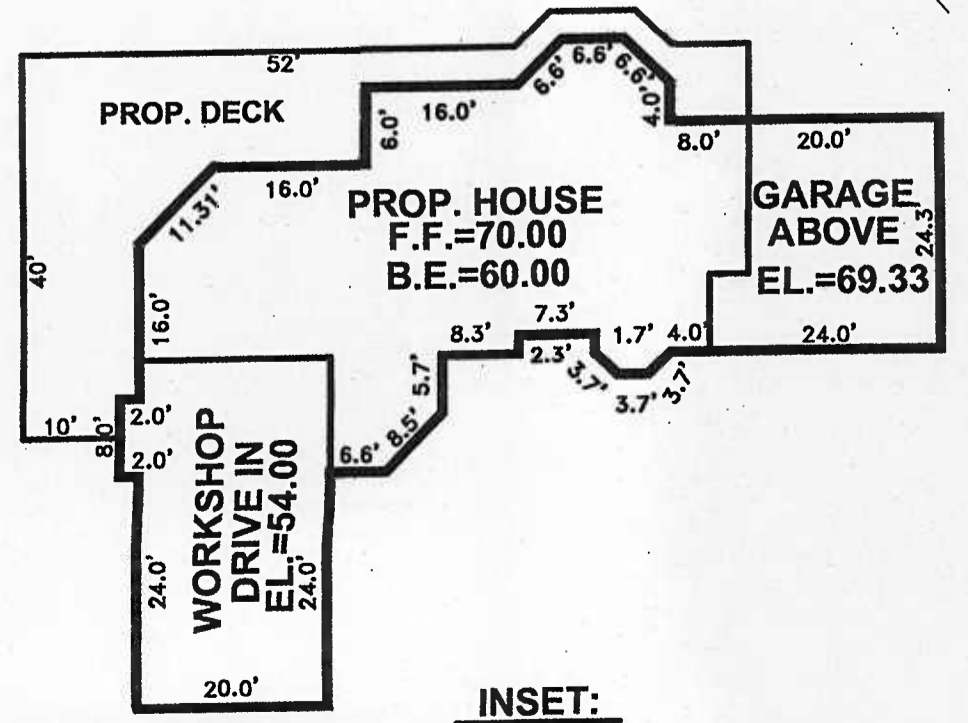
Anne Arundel Soil Conservation District
Sediment and Erosion Control Approval
District Official: *[Signature]*
Date: APR 2, 2006
AASCD # _____
SMALL POND/CAUSION
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays
Reviewed for technical adequacy by:
USDA, Natural Resources Conservation Service

****VARIANCE PLAN**

MITCHELL PROPERTY
#625 HOLLY RIDGE ROAD, SEVERNA PARK 21146
ANNE ARUNDEL COUNTY, MARYLAND
TAX MAP: 31 GRID: 11 PARCEL: 412
TAX DISTRICT: 03 SUBDIV: 000 TAX ACCT. NO.: 90006120
DRAWN BY: E.D.S. CLC Job #RS 10276
CHECKED BY: S. J. S. SCALE: As Noted
DATE: SEPTEMBER, 2006 SHEET 1 OF 5



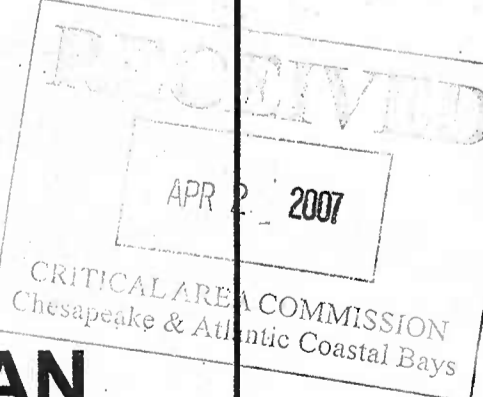
MATCH LINE SEE SHEET 3 OF 5



INSET:
1"=20'

PLAN
SCALE: 1"=20'

NOTE: PROPOSE SUPER SILT FENCE TO BE MAINTAINED ON A DAILY BASIS AND AFTER EVERY RAIN EVENT.

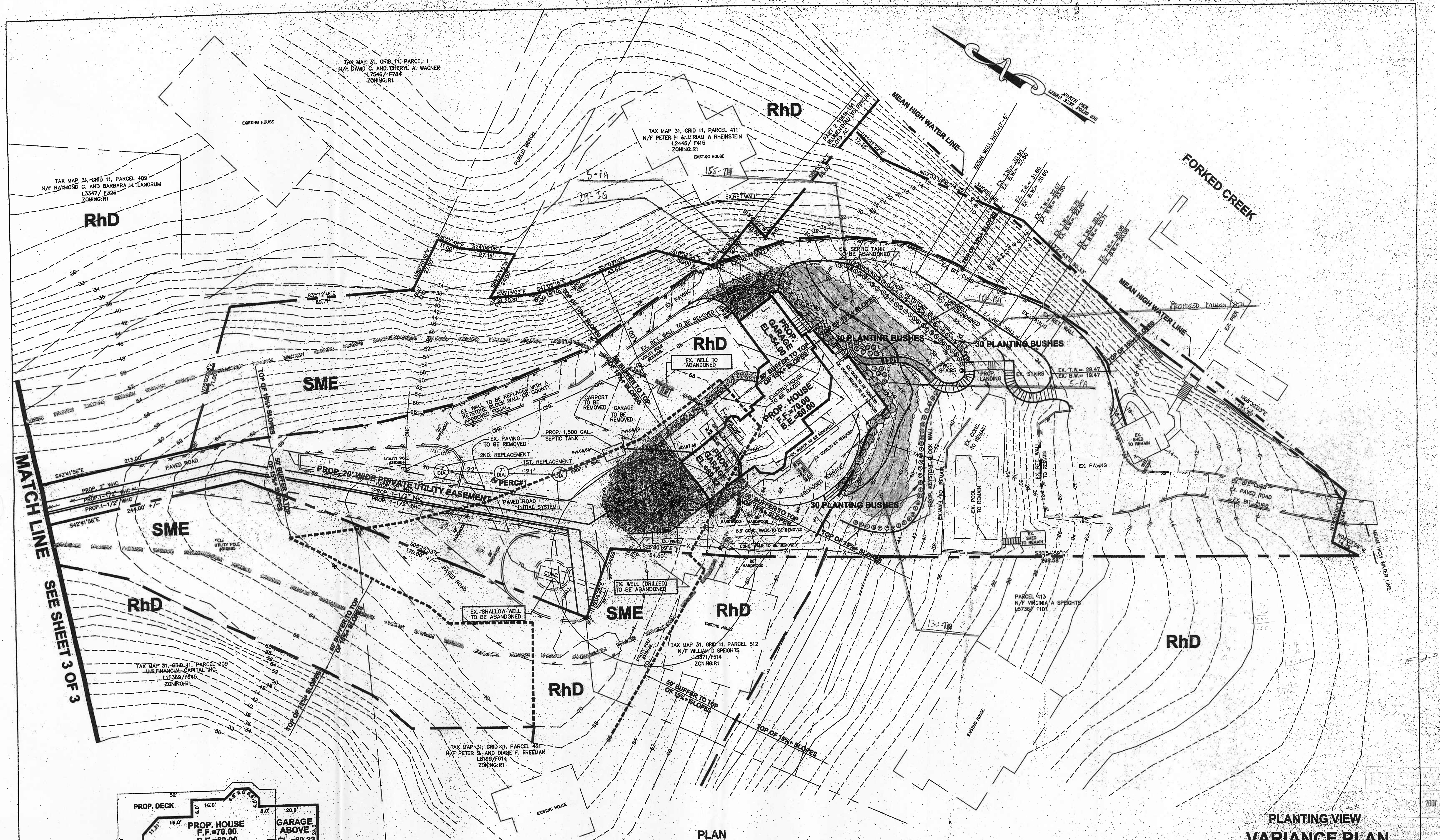


**PLAN VIEW
VARIANCE PLAN**

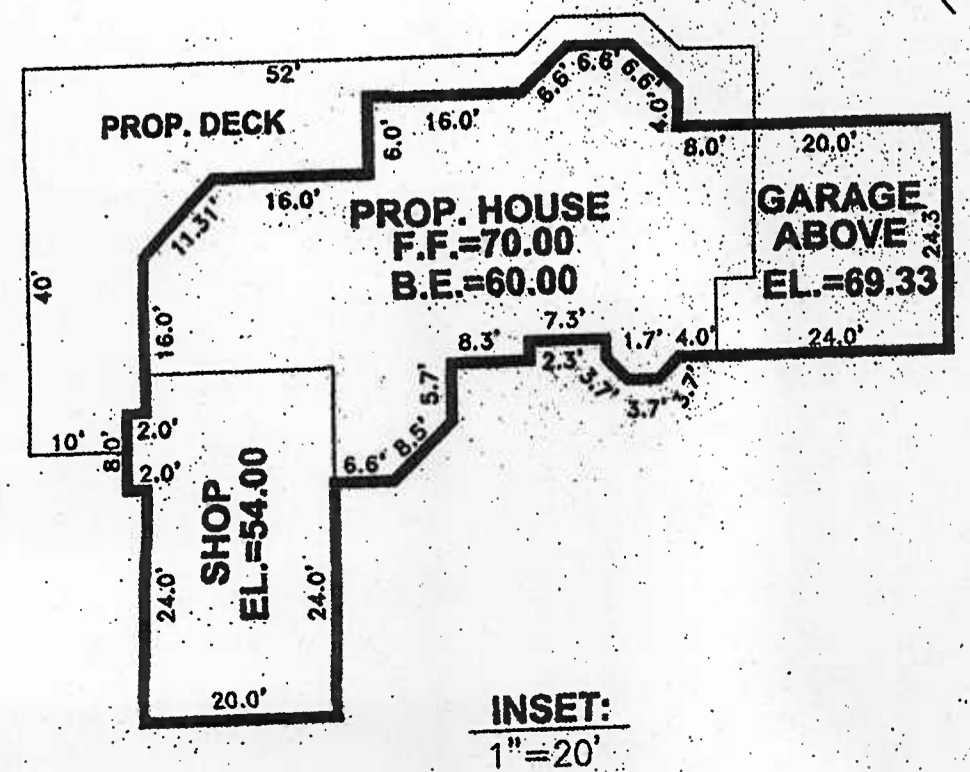
**GRADING, EROSION AND
SEDIMENT CONTROL PLAN**

<p>ANNE ARUNDEL COUNTY MARYLAND</p>	<p>OWNER HERBERT J. & JANE M. MITCHELL 625 HOLLY RIDGE ROAD SEVERNA PARK, MARYLAND 21146 LIBER 9218, FOLIO 031 TEL: 410-518-6740</p>	<p>CHESAPEAKE LAND CONSULTING, INC. Land Development and Permit Services 313 NAJOLLES ROAD MILLERSVILLE, Maryland 21108 Phone: 410-729-5533 Fax: 410-729-5533</p>	<p>MITCHELL PROPERTY #625 HOLLY RIDGE ROAD, SEVERNA PARK 21146 ANNE ARUNDEL COUNTY, MARYLAND TAX MAP: 31 GRID: 11 PARCEL: 412 TAX DISTRICT: 03 SUBDIV.: 000 TAX ACCT. NO.: 90006120</p>
	<p>DATE: SEPTEMBER, 2006</p>		<p>DRAWN BY: E.D.S. CLC Job #630 CHECKED BY: S. J. S. SCALE: As Noted DATE: SEPTEMBER, 2006 SHEET 2 OF 5</p>

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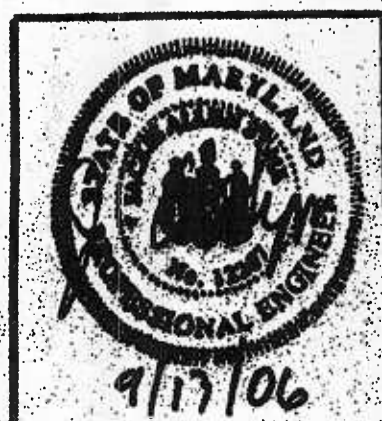
MATCH LINE SEE SHEET 3 OF 3



ADD TO PLANTING SCHEDULE

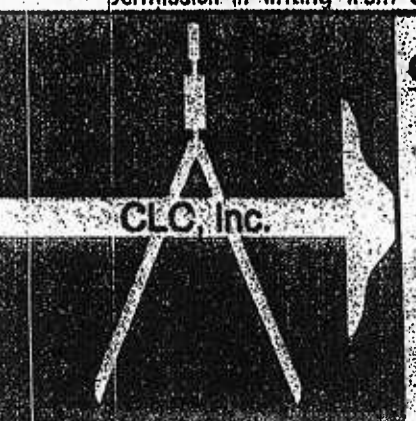
SPECIES	SPACING	SIZE	NO.	SYMBOL	OR
Dwarf 2nd-Boehm	5' o.c.	2-2 1/2"	24	1g	or 4
Pink Azalea	4' o.c.	18-24"	20	PA	or 3
Trumpet Honeysuckle	3' o.c.	18-24"	285	TH	or 5

PLAN
SCALE: 1"=20'



ANNE ARUNDEL COUNTY
MARYLAND

OWNER
HERBERT J. & JANE M. MITCHELL
625 HOLLY RIDGE ROAD
SEVERNA PARK, MARYLAND 21146
LIBER 9218, FOLIO 051
TEL: 410-518-6740

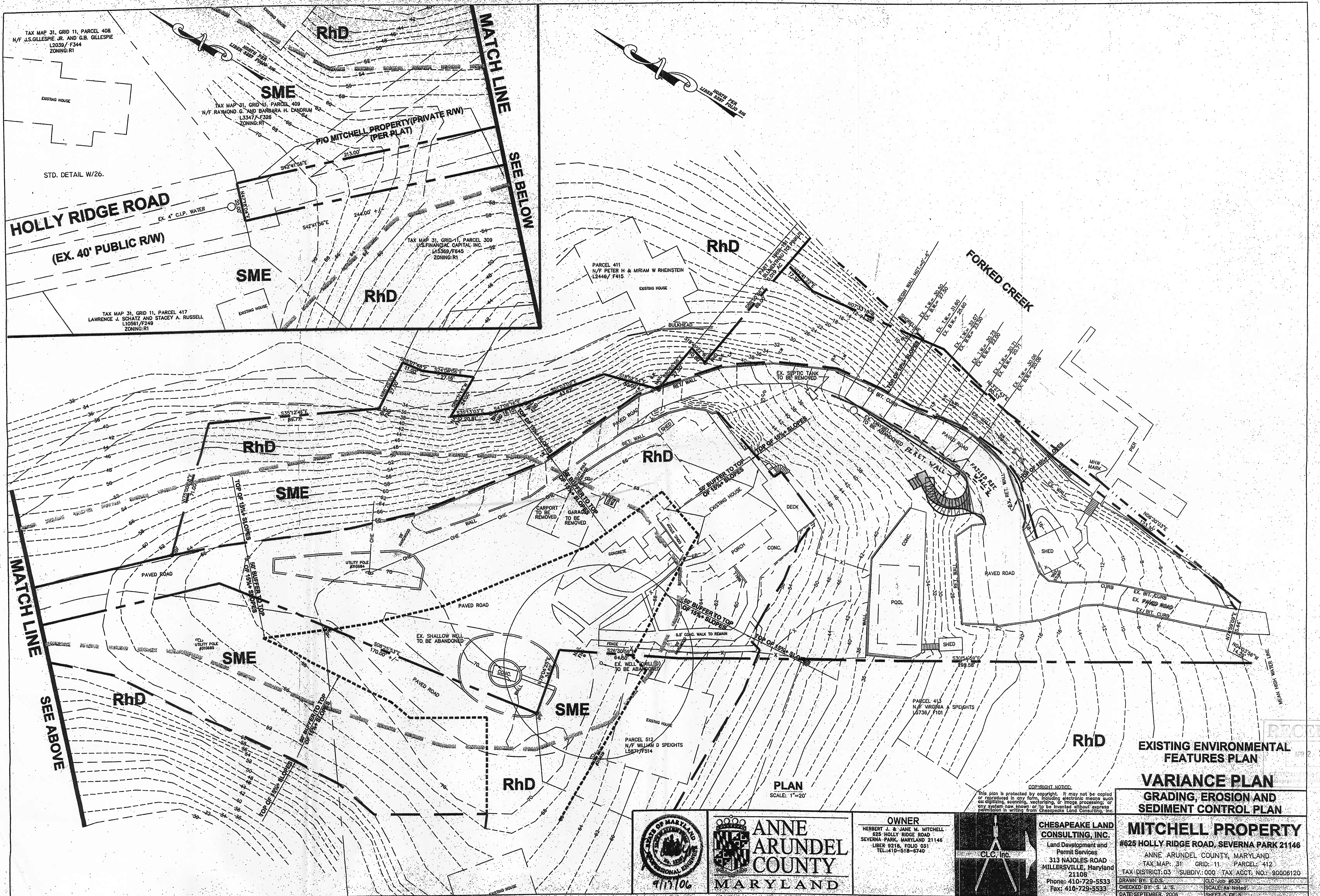


CHESAPEAKE LAND CONSULTING, INC.
Land Development and Permit Services
313 NAJOLLES ROAD
MILLERSVILLE, Maryland 21108
Phone: 410-729-5533
Fax: 410-729-5533

MITCHELL PROPERTY
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ANNE ARUNDEL COUNTY, MARYLAND
TAX MAP: 31 GRID: 11 PARCEL: 412
TAX DISTRICT: 03 SUBDIV: 000 TAX ACCT. NO.: 90006120
DRAWN BY: F.D.S. CLO Job #630
CHECKED BY: S.J.S. SCALE: As Noted
DATE: SEPTEMBER, 2008 SHEET 4 OF 5

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PLANTING VIEW
VARIANCE PLAN
GRADING, EROSION AND SEDIMENT CONTROL PLAN



TAX MAP 31, GRID 11, PARCEL 408
N/F J.S. GILLESPIE, JR. AND G.B. GILLESPIE
L2039 / F344
ZONING: R1

TAX MAP 31, GRID 11, PARCEL 409
N/F RAYMOND G. AND BARBARA H. DANDRUM
L3347 / F326
ZONING: R1

TAX MAP 31, GRID 11, PARCEL 309
U.S. FINANCIAL CAPITAL, INC.
L45369 / F845
ZONING: R1

TAX MAP 31, GRID 11, PARCEL 417
LAWRENCE J. SCHATZ AND STACEY A. RUSSELL
L10561 / F249
ZONING: R1

PARCEL 411
N/F PETER H & MIRIAM W RHEINSTEIN
L2446 / F415

PARCEL 413
N/F WIRVONIA
L736 / F101
SPEIGHTS

PARCEL 512
N/F WILLIAM D SPEIGHTS
L5671 / F514

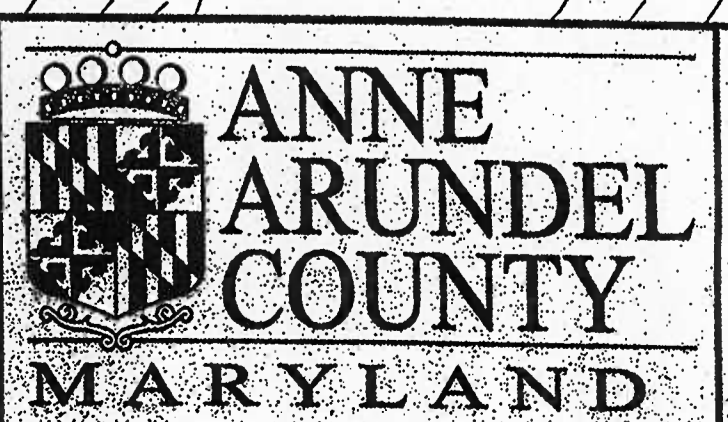
EXISTING ENVIRONMENTAL
FEATURES PLAN

VARIANCE PLAN
**GRADING, EROSION AND
SEDIMENT CONTROL PLAN**

MITCHELL PROPERTY
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ANNE ARUNDEL COUNTY, MARYLAND
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TAX DISTRICT: 03 SUBDIV: 000 TAX ACCT. NO.: 90006120
DRAWN BY: E.D.S. CLC Job #630
CHECKED BY: S.J.S. SCALE: As Noted
DATE: SEPTEMBER, 2006 SHEET 5 OF 5

PLAN
SCALE: 1"=20'

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