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Parris, Edward  
06-3379

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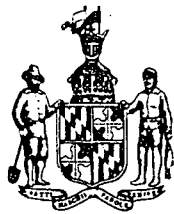
Comments 1128106-K2J

Letter emailed to Lisa

DOUGLAS F. GANSLER  
Attorney General

KATHERINE WINFREE  
Chief Deputy Attorney General

JOHN B. HOWARD, JR.  
Deputy Attorney General



MARIANNE E. DISE  
Assistant Attorney General  
Principal Counsel

SAUNDRA K. CANEDO  
Assistant Attorney General

STATE OF MARYLAND  
OFFICE OF THE ATTORNEY GENERAL  
CRITICAL AREA COMMISSION FOR THE  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

FAX NO. (410) 974-5338

WRITER'S DIRECT DIAL NO. (410) 260-3467  
scanedo@oag.state.md.us

December 18, 2008

Leslie D. Gradet, Clerk  
Robert C. Murphy Courts of Appeal Building  
361 Rowe Boulevard  
Annapolis, Maryland 21401

RE: *Margaret McHale v. Edward and Kay Parris*,  
Case No. 00374, September Term 2008

Dear Ms. Gradet:

Please accept for filing the attached two copies of Notice of Dismissal in the above referenced case.

Thank you for your assistance in this matter.

Sincerely,

Saundra K. Canedo  
Assistant Attorney General

cc: Kay Parris, Esq.

DOUGLAS F. GANSLER  
Attorney General

KATHERINE WINFREE  
Chief Deputy Attorney General

JOHN B. HOWARD, JR.  
Deputy Attorney General



MARIANNE E. DISE  
Assistant Attorney General  
Principal Counsel

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December 18, 2008

*Sent via regular U.S. Mail*

Mr. Greg Bowen, Director  
Department of Planning & Zoning for Calvert County  
150 Main Street  
Prince Frederick, Maryland 20678

RE: Margaret McHale, et al v. Edward Parris, et al,  
Court of Special Appeals, Case No. 00374, September Term 2008  
Settlement Agreement

Dear Mr. Bowen:

Enclosed please find a copy of the Notice of Dismissal along with the Settlement Agreement reached in the above matter. Please note that pursuant to paragraph 3 on page 4 of the Settlement Agreement, Variance No. 06-3379 has been withdrawn.

Thank you for your attention and assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Sandra K. Canedo".

Saundra K. Canedo  
Assistant Attorney General

cc: Carlton Green, Esq.  
Pamela R. Lucas, Esq.

IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

MARGARET MCHALE,

\*

Appellant

\*

No. 00374

v.

\*

September Term, 2008

EDWARD AND KAY PARRIS,

\*

Appellee

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LESLIE D. \*RADETT, CLERK  
COURT OF SPECIAL APPEALS

2008 DEC 18 P 2:13

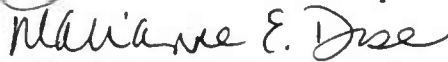
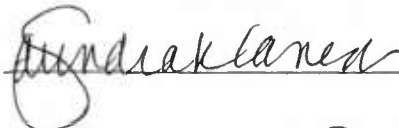
RECEIVED  
CLERK'S OFFICE

NOTICE OF DISMISSAL

Appellant, Margaret McHale, Chair, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays ("Critical Area Commission") by her attorneys, Douglas F. Gansler, Attorney General of Maryland and Sandra K. Canedo and Marianne E. Dise, Assistant Attorneys General, pursuant to Md. Rule 8-601(a), hereby dismisses the above noted appeal. Settlement has been reached in this matter and the Settlement Agreement is attached hereto as Exhibit 1.

Respectfully submitted,

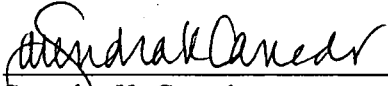
DOUGLAS F. GANSLER  
Attorney General of Maryland



Sandra K. Canedo  
Marianne E. Dise  
Assistant Attorneys General  
Critical Area Commission  
1804 West Street, Suite 100  
Annapolis, Maryland 21401  
(410) 260-3467  
Attorneys for Appellant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of December 2008, I sent a copy of the foregoing Notice of Dismissal via U.S. Mail, postage prepaid to: Kay Parris, Attorney for Appellees, 7770 Swann Lane, Owings, Maryland 20736.

  
Saundra K. Canedo

## SETTLEMENT AGREEMENT

This Settlement Agreement (also referred to as the "Agreement") is made and entered into this 17<sup>th</sup> day of December, 2008, by and between: (i) the Maryland Critical Area Commission for the Chesapeake and Atlantic Coastal Bays (the "CRITICAL AREA COMMISSION"), by and through MARGARET MCHALE, Chair, and their successors and assigns, agencies, departments, divisions, units, officers, agents, servants, representatives, employees and contractors; and (ii) Edward and Kay Parris, their heirs, executors, administrators, successors, and assigns ("MR. AND MRS. PARRIS").

### Definitions

A. The term "PARTIES" shall mean, collectively, CRITICAL AREA COMMISSION and MR. AND MRS. PARRIS.

B. The term "CIVIL ACTION" shall mean the lawsuit captioned *Margaret McHale v. Edward and Kay Parris*, Case No. C-07-1272, Circuit Court for Calvert County, presently on appeal to the Court of Special Appeals of Maryland, where the case is captioned *Margaret McHale v. Edward and Kay Parris*, Case No. 00374, September Term, 2008.

C. The "PROPERTY" shall mean the property referred to in the CIVIL ACTION with an address of 7770 Swan Lane, Owings, Maryland, in Calvert County as shown on a site plan prepared by Wilkerson & Associates, Inc. for MR. AND MRS. PARRIS dated October 2006, a copy of which is attached hereto as Exhibit A and is incorporated herein as a substantive part of this Agreement.

D. The term "RELEASED CLAIMS" includes any and all claims, demands, damages, actions, causes of action, obligations, debts of whatsoever kind or nature, known or unknown, which arise or may arise, or which arose or may have arisen, as a result of, or in any way growing out of, any of the claims or circumstances set forth in the CIVIL ACTION, whether or not they are contemplated at the present time and whether or not they arise following execution of this Agreement.

**Recitals**

WHEREAS, on January 8, 2007, following a hearing, the Calvert County Board of Appeals (the "Calvert County BOA") granted MR. AND MRS. PARRIS a variance to build a shed/workshop on the PROPERTY in the expanded Critical Area Buffer. The CRITICAL AREA COMMISSION appealed that decision and upon a Consent Motion to Remand, the Circuit Court for Calvert County ordered the case remanded to the Calvert County Board of Appeals on July 6, 2007.

WHEREAS, on August 22, 2007, the Calvert County BOA again granted MR. AND MRS. PARRIS a variance to build a shed/workshop on the PROPERTY in the expanded Critical Area Buffer. The CRITICAL AREA COMMISSION filed the CIVIL ACTION challenging the legality of the August 22, 2007, Calvert County BOA decision.

WHEREAS, on March 12, 2008, the Circuit Court for Calvert County issued an ORDER in the CIVIL ACTION affirming the Calvert County BOA decision.

WHEREAS, on April 11, 2008, the CRITICAL AREA COMMISSION noted this appeal to the Court of Special Appeals.

WHEREAS, during the pendency of the CIVIL ACTION, the PARTIES have engaged in detailed discussions regarding the most environmentally responsible manner

to accommodate the desire of MR. AND MRS. PARRIS for additional use of the PROPERTY in the expanded Buffer while at the same time address the purposes, goals and intent of the Critical Area law.

WHEREAS, MR. AND MRS. PARRIS have proposed a Development Plan (the "Plan"), shown on Exhibit B, which identifies the location of a new greenhouse, with removal of the existing greenhouse, as well as addressing erosion control and providing mitigation for the development activity at a ratio of 3:1.

WHEREAS, the CRITICAL AREA COMMISSION has entered this Agreement after a determination that this Plan meets with overall purposes, goals and intent of the Critical Area program by resulting in less adverse impact to the expanded Buffer.

NOW THEREFORE, in consideration of the mutual promises and premises hereunder, and other good and valuable consideration, the PARTIES agree as follows:

**Agreement Provisions**

1. **Recitals.** The Recitals above are incorporated into these Agreement Provisions by reference, and made a substantive part thereof.
2. **Critical Area Commission Action.** Based upon the Chair of the CRITICAL AREA COMMISSION'S determination that this Plan meets the applicable Critical Area purposes and goals, and expressly recognizing that the CRITICAL AREA COMMISSION is under no obligation pursuant to this Agreement to reach this determination, the Chair, by delegated authority agrees to:
  - (A) file notice in the CIVIL ACTION of dismissal with prejudice; and
  - (B) approve the Plan proposed by MR. AND MRS. PARRIS as detailed in Exhibit B. For purposes of clarity, Exhibit B is intended to illustrate,



among other details specified thereon, the following: (1) the location of the new 13' x 16' greenhouse and the removal of the existing greenhouse; (2) stormwater management and erosion control measures around the new greenhouse structure; and (3) mitigation at a ratio of 3:1, or approximately 624 square feet of plantings in the area of the new greenhouse structure.

3. **Mr. and Mrs. Parris' Action.** MR. AND MRS. PARRIS shall (1) remove the existing greenhouse (as depicted on Exhibit B); (2) mitigate according to the Plan; and (3) withdraw the underlying variance and present to the Calvert County Department of Planning and Zoning Office a copy of this signed Agreement for their files.

4. **Calvert County Planning and Zoning Office Action.** It is the PARTIES' understanding that the Calvert County Department of Planning and Zoning Office shall accept this Agreement and issue any necessary permits to MR. AND MRS. PARRIS for their new greenhouse structure, subject to compliance with the Calvert County building code.

5. **General Provisions.**

(a) **Construction.** Unless the context requires otherwise, singular nouns and pronouns in this Agreement shall be deemed to include the plural, and pronouns of one gender shall be deemed to include the equivalent pronoun of the other gender.

(b) **Merger and Integration.** This Agreement constitutes the entire agreement between the PARTIES and supersedes all other prior oral or written agreements between the PARTIES. It is expressly understood that no amendment,

deletion, addition, modification, or waiver of any provision of this Agreement shall be binding or enforceable unless in writing and signed by all PARTIES.

(c) Severability. Each and every provision of this agreement is severable. If any term or provision is held to be invalid, void or unenforceable by a court of competent jurisdiction for any reason whatsoever, such ruling shall not affect the validity of the remainder of the Agreement.

(d) Meaning and Effect. This Agreement has been negotiated by the PARTIES through their respective counsel. MRS. PARRIS is a retired attorney with active bar membership. The PARTIES attest, by their respective signatures below that they understand the meaning of this document and the consequences of signing it and acknowledge that each has entered into this Agreement freely and after the opportunity to consult with counsel. The PARTIES accept this Agreement as their free and voluntary act, without duress, and intend to be legally bound by it. This Agreement is made without any reliance upon any statements or representations by the PARTIES or their representative not contained herein.

(e) Costs. The PARTIES shall bear all of their own costs and shall be responsible for all of their own attorney's fees in connection with the CIVIL ACTION and in connection with the negotiation, execution, and performance of this Agreement.

(f) Applicable Law. The performance, construction and enforcement of this Agreement and any documents executed in connection with this Agreement shall be governed by the laws of the State of Maryland, without regard to conflicts of law.

(g) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have knowingly and voluntarily signed and sealed this Settlement Agreement.

STATE OF MARYLAND, CRITICAL AREA COMMISSION FOR THE  
CHESAPEAKE AND ATLANTIC COASTAL BAYS:

By: \_\_\_\_\_ (SEAL)  
Margaret McHale, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

EDWARD AND KAY PARRIS:

Edward P. Parris (SEAL)

17 December 2008  
Date

Kay S. Parris (SEAL)

December 17, 2008  
Date

(g) Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same agreement.

IN WITNESS WHEREOF, the parties have knowingly and voluntarily signed and sealed this Settlement Agreement.

STATE OF MARYLAND, CRITICAL AREA COMMISSION FOR THE  
CHESAPEAKE AND ATLANTIC COASTAL BAYS:

By: Margaret McHale (SEAL) 12/17/08  
Margaret McHale, Chair Date

[Signature]  
Witness

EDWARD AND KAY PARRIS:

\_\_\_\_\_ (SEAL) \_\_\_\_\_  
Date

\_\_\_\_\_ (SEAL) \_\_\_\_\_  
Date

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chair

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/](http://www.dnr.state.md.us/criticalarea/)

July 26, 2007

Ms. Roxanna Whitt  
Calvert County Department of Planning & Zoning  
150 Main St.  
Prince Frederick, MD 20678

RE: Variance 06-3379, Edward & Kay Parris (REMAND)

Dear Ms. Whitt:

This is a case on remand from Calvert County Circuit Court. The applicants are requesting a variance in the expanded Buffer requirements for construction of a workshop. The property is designated RCA and is currently developed with a primary dwelling, shed, and greenhouse.

Since we have no new information for consideration, please refer to the previously submitted comments from Ms. Kerrie Gallo dated November 28, 2006 for our position in this case. Please place her letter in your file and submit it as part of the record for this case. Also, please notify the Commission in writing of the decision of the Board.

Sincerely,

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

LeeAnne Chandler  
Science Advisor

cc: CA727-06

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  
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[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

November 28, 2006

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

Re: Variance 06-3379 Parris

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot expanded Buffer requirements in order to permit the construction of an accessory workshop. The property is designated a Resource Conservation Area (RCA) and is currently developed with a primary dwelling, shed, and greenhouse.

Based on the information provided, it appears that applicant proposes to construct a 728 square foot accessory workshop structure, clearing an area of 2,192 square feet of forested cover. In general, accessory structures are not permitted within the Buffer within the Critical Area. In this case, it appears that the applicant has the opportunity to request a zoning variance which would permit construction of the proposed structure outside of the Buffer. In addition, while the northeastern area of the lot appears forested on the site plan, recent aerial photos indicate that this portion of the property appears to be cleared. If opportunity exists to locate the accessory structure outside of the Buffer and in an area that is already cleared, then the Board should require the applicant to first apply for a zoning variance in an effort to minimize impacts to the Buffer and to the existing forested cover within the RCA.

In evaluating the variance request, the Board must determine that the applicant has met each and every one of the variance standards, including the standard of unwarranted hardship. Since it appears that the applicant has an opportunity to locate the proposed structure outside of the Buffer and that reasonable and significant use of the property is currently enjoyed by the applicant, it is our view that the standard of unwarranted hardship has not been met. As a result, this office is not able to support the requested variance. We recommend that the Board deny the request for a Buffer 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,

A handwritten signature in cursive script, appearing to read "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
CA 727-06

TTY for the Deaf  
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Mr. and Mrs. Ray Firebaugh have applied to the Board of Appeals for a variance in the extended waterfront buffer requirements for installation of a septic system within the extended buffer. The subject property is located on the west side of Swan Lane, and is zoned RUR Rural.

The matter was presented July 3, 1996 before Mr. William Dowell, Chairman of the Board of Appeals, Mr. John Prouty, Vice-Chairman, and Mr. Michael Reber. Mrs. Firebaugh was present at the hearing and was represented by Mr. Randy Barrett, of Wilkerson & Associates, Inc. The plat which was submitted with the application was marked Applicant's Exhibit No. 1 and entered into the record. A staff report, along with photographs taken on-site, were also entered into the record.

#### FINDINGS OF FACT

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

1. The subject property contains 5.3 acres and is located entirely within the Critical Area on the Patuxent River.
2. The lot is shallow, with a depth of 280' at its widest point, and a length of over 900'.
3. The lot adjoins a tidal wetland area adjacent to the Patuxent River.
4. Due to the shallowness of the lot and the steep slopes, the buffer is extended to encompass almost the entire lot.
5. The applicants are proposing construction of a house, driveway, and well outside the extended buffer. However, the majority of the septic system will be located within the extended buffer. The Health Department determined the location of the septic system.
6. Staff indicated no comments or objections to the plan as submitted.

## CONCLUSIONS

Based on the above findings of fact, the Board came to the following conclusions (in accordance with Section 7-3.01.A of the Calvert County Zoning Ordinance):

1. Strict application of the extended waterfront buffer requirements would impose peculiar and unusual practical difficulties and undue hardship upon the owners of the property due to the shape and topography 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 the variance is minor, and applicant will be required to direct run-off and control erosion during and after 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.
4. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County.
5. The granting of a variance will not confer upon the applicant special privileges that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area.
6. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property.
7. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law; and
8. The application for a variance was made in writing to the Board of



Appeals with a copy provided to the Critical Areas Commission.

### ORDER

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

1. That all erosion control measures and limits-of-clearing shown on the plat shall be installed and maintained as proposed.
2. Prior to issuance of a building and/or grading permit, the applicant shall be required to pay fees-in-lieu or replant vegetation at the following rates for clearing of forested area outside the buffer:

<u>Amount of Clearing</u>	<u>Fees-in-Lieu</u>	<u>Replanting</u>
less than 6,000 s.f. or less than 20% of the lot	= \$.02 per s.f.	1:1 basis (seedlings)
between 20% & 30% of the lot and greater than 6,000 s.f.	= \$.60 per s.f.	1.5:1 basis (6' trees)
greater than 30% of the lot and greater than 6,000 s.f.	= \$1.20 per s.f.	3:1 basis (6' trees)

For any disturbance within the buffer, the fees-in-lieu shall be \$.80 per s.f. and replanting shall be on a 2:1 basis (6' trees).

In accordance with Section 7-3.02 of the Calvert County Zoning Ordinance, "any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeals...may appeal the same to the Circuit Court of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Maryland Rules, Title 7, Chapter 200 within 30 days. If any

application for a variance is denied by a final order of the Board, or if appealed, by a final order of the Court, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order."

Entered: July 29, 1996  
Miriam J. America, Clerk

  
William Dowell, Chairman

727-06

# CALVERT COUNTY BOARD OF APPEALS

Case No. 06-3379 (REMAND)

Public Hearing  
August 2, 2007

This matter came before the Calvert County Board of Appeals on a remand from the Circuit Court of Calvert County. The Court vacated the Board's original decision (BOA 06-3379) and remanded the matter back to the Board for further hearing.

## BACKGROUND

Roland Joun from Wilkerson & Associates, Inc. applied on behalf of the property owners Edward & Kay Parris for a variance in the expanded buffer requirements for construction of a workshop. The property is located at 7770 Swan Lane, Owings (Tax Map 9, Parcel 11, Chaneyville) and is zoned FFD Farm and Forest District. The Board originally heard the case on December 7, 2006 and granted the requested variance in a written order dated January 8, 2007. Martin G. Madden, Chairman, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, represented by his attorneys, Douglas F. Gansler, Attorney General of Maryland, and Marianne E. Dise and Sandra K. Canedo, Assistant Attorneys General of Maryland, filed a Petition for Judicial Review of the decision by the Calvert County Board of Appeals on January 18, 2007. The property owners filed an opposition to the Petition for Judicial Review on April 23, 2007. The Petitioner filed a Notice of Substitution of party, substituting Margaret McHale for Michael G. Madden as petitioner and filed a Memorandum of Petitioner. Pitrof and Starkey, P.C. and Eugene E. Pitrof entered their appearance as attorneys for Kay Parris and Edward Parris on June 18, 2007. The Honorable Warren J. Krug from the Calvert County Circuit Court heard the matter on July 6, 2007 and remanded the matter back to the Board for taking of additional testimony by all interested parties. The Board of Appeals reconsidered the case on August 2, 2007.

**RECEIVED**

AUG 23 2007

**AUTHORITY OF THE BOARD OF APPEALS**

The jurisdiction of the Board of Appeals is based on Article 66B of the Annotated Code of Maryland, as amended, and Article 11 of the Calvert County Zoning Ordinance. Article 11 Section 1.01.B of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the authority to grant variances from the Critical Area requirements of Section 8-1 of the Ordinance.

**TESTIMONY & EVIDENCE PRESENTED**

1. The remanded case was presented August 2, 2007 before Board of Appeals members Mr. Michael Reber, Chairman, Mr. Walter Boynton, Vice Chairman, and Mr. Dan Baker (the Board). Mr. Roland Joun from Wilkerson & Associates, Inc. and Mrs. Kay Parris were present at the hearing and were represented Mr. Eugene Pitrof, Attorney. Mr. Roland Joun was certified as an expert by the Board and testified that: the variance will not result in injury to the public interest; that the variance will not adversely affect the implementation of the Comprehensive Plan; that special conditions exist due to the location of almost the entire property within the expanded buffer; and that since stormwater management will be implemented there will be no adverse affect to water quality. Mrs. Parris testified that granting the variance would not be a special privilege as there are nearby properties that have similar structures in the buffer and that the variance request is not based upon actions by the Applicants. She testified the workshop has been sized to request the minimum adjustment necessary to afford relief from the regulations.
2. A Staff Report including photographs taken on site was entered into the record and marked Staff Exhibit No. 1.
3. The following Applicant Exhibits were dated and entered into the record at the hearing:
  - Exhibit No. 1 – Remand from Circuit Court (C-07-000075)
  - Exhibit No. 2 – Plat submitted with Case No. 06-3379
  - Exhibit No. 3 – Applicant’s Memorandum Case No. 06-3379
  - Exhibit No. 4 – Aerial Maps, 7770 Swan Lake (3 Pages)
  - Exhibit No. 5 – Aerial Map, 7700 Swan Lake, 10-Foot Contours (1 Page)
4. Ms. Marianne Dise from the Office of the Attorney General, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, was present at the hearing and represented Ms. Lee Anne Chandler, Science Advisor, who testified in support of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays’ request for judicial review of the Board’s decision in

Case No. 06-3379. Ms. Chandler was certified as an expert witness in the Critical Area legislation and testified that the proposed structure would have an adverse impact on water quality and natural habitats and that restoration of the Chesapeake and the Atlantic Coastal Bays and their tributaries is dependent on minimizing further construction in the buffer. She testified the Board should not have granted the variance in Case 06-3379 as there was no supporting evidence provided that the criteria set forth in Section 11-1.01B of the Calvert Zoning Ordinance had been met.

5. The following correspondence was entered into the record at the hearing:

- Letter dated July 26, 2007 from Lee Anne Chandler, Science Advisor, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, 1804 West Street, Suite 100, Annapolis, MD 21401, with letter dated November 28, 2006, from Kerrie Gallo, Natural Resources Planner, Critical Area Commission, attached.
- Memorandum of Petitioner, Civil Action No. 04-C-000075, 13 Pages.
- Memo dated July 25, 2007 from Stephanie Taylor, Calvert County Engineering Bureau

#### FINDINGS OF FACT

Based on the application, testimony and evidence presented at the hearing, the Board makes the following Findings of Fact:

1. The property consists of 5.32 acres and is situated between Swann Lane and the Patuxent River. It is developed with a single-family, 2-story house that is situated ~150 feet from the waterfront and adjacent to the front 60-foot building restriction line. The well is located behind the house. The septic system is located to the north side of the house. A small shed and a greenhouse are also present on the property. The proposed workshop is to be located beyond the septic system on the north side of the house and within the Building Restriction Lines as established by the Calvert County Zoning Ordinance.
2. The 100-foot buffer as measured from the edge of tidal waters falls within steep slope areas; therefore the buffer is expanded as shown on the applicants' plan. Most of the lot falls within the expanded buffer, including level areas beyond the slope leading to the waterfront. The entire buildable area of the lot, as defined by the building restriction lines, is encumbered with the expanded buffer.

3. There is a large tidal marsh measuring ~300 feet in width extending into the Patuxent River from the shoreline on the property.
4. The terrain in the vicinity of the house and in the location of the proposed workshop is level. There is no erosion on the property. The buffer is naturally wooded. The site of the proposed workshop is within an area where there is canopy tree cover; however, no trees will be removed for the workshop construction.
5. The property is properly grandfathered for Critical Area variance consideration. The Board finds that the existing and proposed development in the Critical Area conforms with the general purpose and intent of the Natural Resources Article, COMAR and the requirements of the Critical Area Program.
6. Critical Area law allows 15% impervious surface on a lot of this size. Only 1.6% of the subject property is impervious, including the proposed structure.
7. Critical Area law requires a minimum of 15% forest cover. The subject property is 70% wooded.
8. Critical Area law prohibits development on steep slopes. No steep slopes will be impacted by the proposed construction.
9. No additional stormwater run-off from the proposed construction will impact tidal waters or adjoining properties because stormwater management, namely a rain garden, will attenuate any additional runoff from the new roof.
10. The Board finds the variance is the minimum adjustment necessary to afford relief from the regulations. The existing house size is not excessive, particularly for a waterfront property. The applicants are retired and their hobby is woodworking. The proposed workshop is a small 26' x 28' structure, essentially similar in size to a 2-car garage. It is the minimum size the applicants can use to house the work area they need, the power tools they use, the work tables and provide storage of materials. There will be no plumbing in the building and no driveway will be constructed to access the workshop.
11. The Board finds special conditions or circumstances exist that are peculiar to the land and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship. The entire buildable area on the parcel is within the expanded buffer, and without variance approval the applicants would be denied what virtually all other residents of Calvert County would consider reasonable and significant use of their properties.
12. The Board finds that a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County. The applicants presented as Exhibit 3 aerial

photographs/plats which show properties in the nearby vicinity that are also encumbered with an Expanded Buffer, and which have accessory structures.

13. The Board finds granting the variance will not confer upon the applicants any special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area. Many properties in the Critical Area enjoy accessory structures, and indeed other properties have been granted variances for accessory structures similar to that requested by the applicants.
14. The Board finds the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The Board finds that the contours of the land on the parcel were not changed by the applicants, except for grading to construct the basement of the Applicants' house in 1998. Additionally, there is no location in which the applicants might have placed the house that would have allowed for construction of the workshop outside the buffer.
15. The Board finds that the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County'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. The rain garden recommended by the Department of Public Works will attenuate stormwater and there will be no detrimental effect on fish, wildlife or plant habitat within the Critical Area because there will be no run-off from the building. The Board further finds that the ~300 feet of tidal marsh beyond the property's shoreline protects the waterway and that there is a tremendous amount of science that would support the assertion that this marsh itself acts as one of the most efficient buffers to the River.
16. The Board notes that the very specific features of this property prompt findings with respect to this variance and the Critical Area law that have very little application to other sites.
17. The Board finds the variance will not adversely affect the implementation of the Comprehensive Plan, nor result in injury to the public interest. The 5.3 acre property is located on a private road approximately one mile from the nearest County road. The area is zoned Residential District (RD) with Limited Development Area (LDA) Critical Area overlay zoning. The workshop is consistent with Section 2-8.03 of the Calvert County Zoning Ordinance which allows for accessory uses as may be necessary or are normally compatible with residential surroundings. The workshop does not violate building setback restrictions.

CONCLUSIONS

Based on the above findings of fact, the Board makes the following conclusions:

1. The Board concludes that it has the authority to grant the subject variance from the Critical Area requirements of Section 8-1 of this Ordinance.
2. The Board concludes that the applicant has overcome the presumption of nonconformance as required in Section 11-1.01.B.2 &3 of the Zoning Ordinance.
3. The Board concludes that:
  - a. the variance is the minimum adjustment necessary to afford relief from the regulations; and
  - b. there are special conditions or circumstances peculiar to the land or structure such that denial of the shed's placement within the buffer would rise to the level of unwarranted hardship; and
  - c. a literal interpretation of the Critical Area Legislation will deprive the applicants of rights commonly enjoyed by other properties similarly created within the Critical Area of Calvert County after adoption of the Critical Area law; and
  - d. the granting of a variance will not confer upon the applicants a special privilege that would be denied by the Calvert County Critical Area Program to other lots created after adoption of the Critical Area law within the County's Critical Area; and
  - e. the placement of a shed within the buffer will not adversely affect water quality and adversely impact fish, wildlife, and plant habitat within the County's Critical Area.

ORDER

It is hereby ordered, by a unanimous decision that a variance in the expanded buffer requirements for construction of a workshop as requested by Edward & Kay Parris be **GRANTED.**



APPEALS

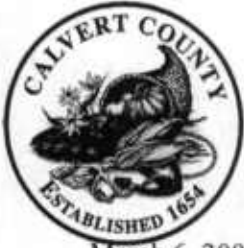
In accordance with Section 6 of the Calvert County Board of Appeals Rules of Procedure, "any party to a case may apply for a reconsideration of the Board's decision no later than 15 days from the date of the Board's Order."

In accordance with Section 11-1.07 of the Calvert County Zoning Ordinance, Board of Appeals decisions may be appealed to the Circuit Court of Calvert County by (1) any person aggrieved by any decision of the Board of Appeals or (2) any taxpayer, or (3) any officer, department, board or bureau of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Maryland Rules, Title 7, Chapter 200, as amended from time to time, within 30 days of the Board of Appeals Order.

Entered: August 22 2007  
Pamela P. Helie, Clerk

  
\_\_\_\_\_  
Michael G. Reber, Chairman

72706



PSUP  
to KC  
MSAP

# CALVERT COUNTY BOARD OF APPEALS

150 Main Street  
Prince Frederick, Maryland 20678  
Phone: (410) 535-2348 (301) 855-1243  
Fax: (410) 414-3092

March 6, 2009

Edward & Kay Parris  
7770 Swan Lane  
Owings, MD 20736

Subject: Board of Appeals Case No. 06-3379-Remand #2 – Circuit Court Case No. 04-C-07-001272  
Property Located 7770 Swan Lane, Owings, MD 20736

Dear Mr. and Mrs. Parris:

This is to notify you that the Calvert County Board of Appeals will hear the subject **REMAND** on Thursday, April 2, 2009 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, to present your case.*

You will need to stop by this office and pick up a sign which must be posted on the property at least ten days prior to the hearing as set forth in the attached Property Posting Instructions. Please do not remove the sign until after the hearing. The signed and dated Affidavit of Sign Posting must be returned to me on the date of the Public Hearing.

Also enclosed is a copy of the Notice, which was mailed to all adjoining property owners. Please use the information in the second paragraph of this Notice to complete the information required on the sign.

If you have any questions concerning this matter, please contact me at 410-535-1600, extension 2559; or the Board of Appeals Planner, Roxana Whitt, at 410-535-1600, extension 2335. Calvert County services are accessible to individuals with disabilities. Maryland relay for impaired hearing or speech available statewide toll free: (800) 735-2258.

**PLEASE NOTE THAT CELLPHONES ARE NOT ALLOWED IN THE COURTHOUSE.**

Sincerely,

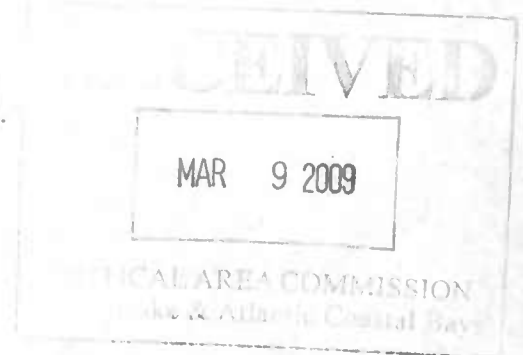
*Pamela P. Helie*

Pamela P. Helie  
Clerk to the Board

*notice of dismissal  
12/18/08*

*By [Signature]  
[Signature]*

Cc: Roland Joun, Wilkerson & Associates, Inc.  
Margaret McHale, CBCAC  
Saundra Canedo, Assistant Attorney General of Maryland  
Roby Hurley, CBCAC



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  
Fax: (410) 414-3092

**CALVERT COUNTY BOARD OF APPEALS  
PUBLIC HEARING NOTICE**

**March 6, 2009**

**NOTICE IS HEREBY GIVEN** to the applicant and affected property owners that a public hearing will be held by the Calvert County Board of Appeals on **Thursday, April 2, 2009, at 1:00 P.M.** in the County Commissioners' Hearing Room, Second Floor, Courthouse, 175 Main St., Prince Frederick, MD, on the following matter:

*Case No. 06-3379 (Remand#2 from Circuit Court): Request by Roland Joun from Wilkerson & Associates, Inc. on behalf of the property owners Edward & Kay Parris for a variance in the expanded buffer requirement for construction of a workshop. The property is located at 7770 Swan Lane, Owings, (Tax Map 9, Parcel 11, Chaneyville) and is zoned FFD Farm and Forest District.*

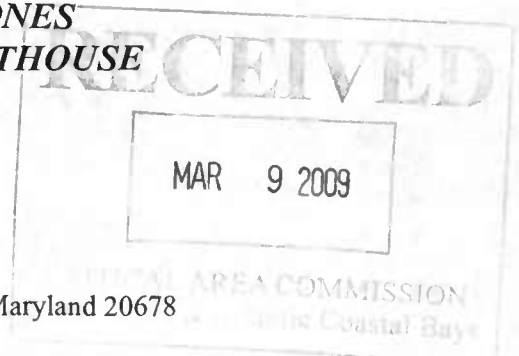
The file for this case is available for review in the Department of Planning and Zoning, County Services Plaza, 150 Main St., Prince Frederick, MD, weekdays from 8:30 a.m. - 4:30 p.m. Criteria for variance approval, which can be found in Article 11 of the Calvert County Zoning Ordinance, are also available for review on the internet at <http://www.co.cal.md.us/government/departments/planning/documents>.

Affected property owners and other members of the public may request the opportunity to provide public comment at the hearing. Written comments should be addressed to Pamela Helic, Clerk to the Board of Appeals, 150 Main Street, Prince Frederick, MD 20678; faxed to 410-414-3092; or emailed to [heliapp@co.cal.md.us](mailto:heliapp@co.cal.md.us). Copies of written comments will be provided to the Board if they are received by 2:00 p.m. the day before the hearing.

If you have any questions regarding this case, please contact the Board Clerk at 410-535-1600, ext. 2559; or the Board of Appeals Planner, Roxana Whitt, at 410-535-1600, ext. 2335.

\*\*\*\*\*

**PLEASE NOTE THAT CELLPHONES  
ARE NOT ALLOWED IN THE COURTHOUSE**



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

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

requested use and structure has been allowed in the past—they just had the misfortune of seeking this variance after 2002. In addition, the Board of Appeals is clearly the expert in this field, and it is well aware of the goal of preserving the critical area. A review of the testimony shows the Board sincerely desired to comply with the goal and intent of the State and County Critical Area Law, and their findings are affirmed with the two aforementioned exceptions. It is necessary that there be evidence submitted to the Board and findings made that all of the variance requirements are met.

Based upon the transcripts, exhibits, memoranda, and an independent review of the record, and the Court's opinion herein, it is, therefore, this 12<sup>th</sup> day of March, 2008, by the Circuit Court for Calvert County, Maryland,

**ORDERED**, that the Board of Appeals' finding that denial of the variance would constitute an "unwarranted hardship" be **AFFIRMED**, based on the Court's independent review of the testimony and exhibits before the Board; and it is further

**ORDERED**, that the Board of Appeals' finding that the applicants have met the requirements for variance approval under Zoning Ordinance §11-1.01B be **AFFIRMED** with the exception of §11-1.01.B.6.e and §11-1.01.B.6.f, and that this case be **REMANDED** to the Board of Appeals to take additional testimony on these two limited issues, and make findings accordingly.

  
Marjorie L. Clagett, Judge

*Per Pam,  
The BDA is acting  
on this Remand decision.  
She did not know about  
"Notice of dismissal"??  
what now?*

*3/10/09 Wait for A6's direction*

**RECEIVED**

AUG 14 2007

**CRITICAL AREA COMMISSION**  
Chesapeake & Atlantic Coastal Bays

**PITROF AND STARKEY, P.C.**

ATTORNEYS AT LAW  
14713 MAIN STREET

P.O. BOX 130

UPPER MARLBORO, MARYLAND 20773-0130

301-627-4300

800-862-6221

FACSIMILE (301) 627-9084

[www.lawyers.com/pitrof&starkeylaw](http://www.lawyers.com/pitrof&starkeylaw)

EUGENE E. PITROF  
THOMAS L. STARKEY  
KEITH A. LOTRIDGE  
~OF COUNSEL~  
JUSTIN J. SASSER  
ANDREW W. DYER

CALVERT COUNTY OFFICE  
30 INDUSTRY LANE  
PRINCE FREDERICK, MD 20678  
410-257-1300  
800-336-0708  
FACSIMILE (410) 257-1301

August 13, 2007

Marianne E. Dise, Esq.  
Assistant Attorney General  
Department of Natural Resources  
Critical Area Commission for the  
Chesapeake and Atlantic Coastal Bays  
1804 West Street, Suite 100  
Annapolis, Maryland 21401

Re: In the Matter of Edward and Kay Parris, applicants,  
Calvert County Board of Appeals Case Number 06-3379

Dear Marianne:

It was a pleasure to meet you and to see Lea Ann Chandler again at the Calvert County Board of Appeals hearing on the above-referenced application for a variance in the Critical Area Expanded Buffer for the construction of a 26' x 28' workshop. The testimony taken at the hearing from Roxanna Witt on behalf of Calvert County, from Roland Joun, P.E. and from Kay Parris along with the exhibits introduced into evidence, showed that Ms. Parris and her husband have been good stewards of the land they own and have proposed this workshop building in a location where it will not require the removal of any trees and where, according to Mr. Joun, with the use of a rain garden, there will be no runoff that can escape into the Patuxent River. You will recall that there are large trees between the small clearing where Mr. and Ms. Parris propose to have their workshop, and the steep slope down to the marsh grass extending from the high water mark out a considerable distance to clear water, with the land being heavily matted with root systems, Board Member Walter Boyton opined that he did not believe that there would be any runoff into the River.

Walter Boyton was a scientist at the Chesapeake Biological Laboratory. He strongly supports the Critical Area laws. He is working with former Maryland State Senator Bernie Fowler in his effort to restore the water quality of the Patuxent River at Broomes Island to what it was in the 1950s. I was Bernie Fowler's campaign chairman in his three successful runs for the Maryland Senate and have the highest admiration for him and his tenacity in continuing to

Marianne E. Dise, Esq.  
August 13, 2007  
Page 2

badger Maryland governors going back to Governor Glendenning to fund the retrofitting of the public and private wastewater treatment plants on the River to remove nitrogen and phosphorus, and to make it financially possible for all farmers to use best farming practices to avoid the escape of fertilizer from their fields into the River. Mr. Boyton has attended numerous meetings of an ad-hoc committee, of which I am a member, that organized events at Bernie's wade-ins to try to convince Governor Ehrlich, and recently Governor O'Malley, to commit some of the flush tax revenue for this purpose and to make the Patuxent a Demonstration River. Bernie is of the belief that if we can save the Patuxent River we will generate enough public support and public financing to do the same with the Chesapeake Bay.

This is where Mr. Boyton is coming from, as they say, when he pointed out how hard it was for him to take a stand against the Chesapeake Bay Commission, but he felt that this was a meritorious case and he was willing to make findings of fact that support a grant of the variance.

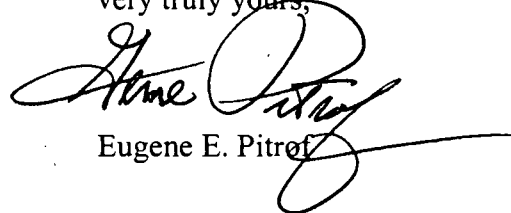
You remember the old saying that bad cases make bad law. These facts heard by an appellate court could cause the court to render an opinion that you did not like.

In my opinion, there are going to be a few meritorious applications for variances in the Buffer that should be granted, although I concede that most should be denied because they will result in damaging the water quality of the waterway which drains the property that is the subject of those applications. Perhaps this is one of those cases that do not factually warrant judicial review.

Once again, it was a pleasure to meet you. I am sure that our paths will cross again.

With kindest personal regards, I am,

very truly yours,



Eugene E. Pitro

## REPORT TO THE BOARD OF APPEALS

**FROM:** Roxana Whitt

**DATE:** December 7, 2006

**CASE NO.** 06-3379

**APPLICANT:** Edward and Kay Parris

**PROPERTY LOCATION:**

The property is located at 7770 Swann Lane, Owings, and is otherwise known as Parcel 11 of Tax Map 9 in the Land Records for Calvert County.

**REQUEST:**

The applicants in the subject case have applied for a variance in the expanded waterfront buffer requirements to construct a workshop.

**ZONING:**

The subject property is zoned Residential District (RD) with a Limited Development Area (LDA) Critical Area overlay.

**AUTHORITY OF THE BOARD OF APPEALS:**

Section 11-1.01.B of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the authority to grant variances from the Critical Area requirements.

**APPLICABLE ZONING ORDINANCE SECTIONS**

**ZONING:**

Section 2-8.03 of the Zoning Ordinance addresses the purpose and intent of the Residential District (RD):

*This Primary District is intended to provide for residential development, together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.*

CRITICAL AREA OVERLAY ZONING:

Section 8-1.04 of the Zoning Ordinance defines the nature, purpose and goals of the Limited development Area (LDA) zoning overlay, and includes the following language:

*Limited Development Areas (LDA) are those areas within the Critical Area District which are currently developed in low or moderate intensity uses. They also contain areas of natural plant and animal habitats, and the quality of runoff from these areas has not been substantially altered or impaired.*

*The purpose of the LDA is to serve as areas for low or moderate intensity development.*

*The following goals will guide development in the LDA:*

*Maintain or, if possible, improve the quality of runoff and ground water entering the Chesapeake Bay and its tributaries;*

*Maintain, to the extent practicable, existing areas of natural habitat; and*

*Accommodate additional low or moderate intensity development if this development conforms to the habitat protection criteria of Section 8-1.08; and the overall intensity of development within the LDA is not increased beyond the level established by the prevailing character as identified by density and land use currently established in the area.*

CRITICAL AREA BUFFER

Section 8-1.08.D.1 of the Zoning Ordinance defines the purpose of the Critical Area Buffer:

*The purpose of the Buffer is to:*

- a. Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;*
- b. Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;*



- c. Maintain an area of transitional habitat between aquatic and upland communities;*
- d. Maintain the natural environment of streams; and*
- e. Protect riparian wildlife habitat.*

Section 8-1.08.D.2.b indicates that the buffer shall be expanded beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments.

VARIANCE APPROVAL CRITERIA:

In accordance with Section 11-1.01.B of the Zoning Ordinance: A Critical Area variance shall be granted only if the applicant demonstrates, and the Board finds that:

- a. The variance will not result in injury to the public interest; and*
- b. Granting the variance will not adversely affect the implementation of the Comprehensive Plan; and*
- c. The variance is the minimum adjustment necessary to afford relief from the regulations; and*
- d. Special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship; and*
- e. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical area of the County; and*
- f. The granting of a variance will not confer upon an applicant a special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area; and*
- g. The variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request*

*arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property.*

- h. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat with the County'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.*

**FINDINGS BASED ON THE APPLICATION AND SITE VISIT:**

The property consists of 5.32 acres and is situated between Swann Lane and the Patuxent River.

The property is developed with a single-family, 2-story house that is situated ~150 feet from the waterfront and adjacent to the front 60-foot building restriction line.

The well is located behind the house. The septic system is located to the north side of the house. There is a small shed and a greenhouse on the property.

The 100-foot buffer as measured from the waterfront falls within steep slope areas; therefore the buffer is expanded as shown on the applicants' plan. The entire buildable area of the lot, as defined by the building restriction lines, is encumbered with the expanded buffer.

The terrain in the vicinity of the house and in the location of the proposed workshop is level. There is no erosion noted on the property.

The buffer is naturally wooded. The site of the proposed workshop is within an area where there is canopy tree cover; however, no trees will be removed for the workshop construction.

The house on the property was built in 1998. The applicants purchased the property in 1996.

Calvert County's Critical Area Program was adopted in 1989, in accordance with the 1986 Maryland Critical Area law. The property is properly grandfathered for Critical Area variance consideration.

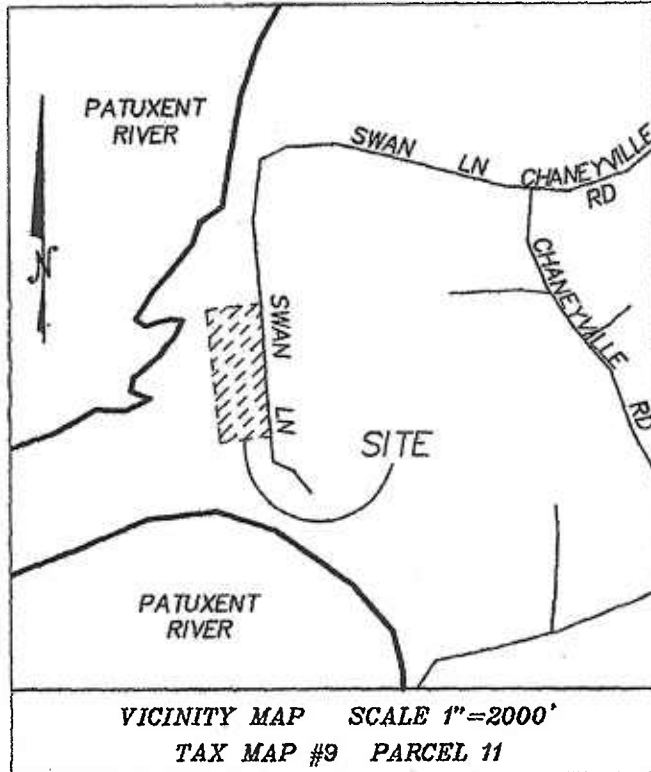
### ISSUES AND CONSIDERATIONS

The variance criteria require that the applicant establish unwarranted hardship. The Zoning Ordinance defines that term as follows:

*Unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.*

As previously noted, the expanded buffer encompasses the entire buildable area of the property. The requirement for the expanded buffer precludes any additional use on this property without Board of Appeals approval. To locate the proposed structure elsewhere on the property would require a zoning variance to the setback requirements and also the removal of forested area. Such a variance would not be supported by staff since the alternative location proposed exists.

The following factors all suggest that the proposed construction will not impair the buffer or the intent of the Critical Area program: The existing 100-foot buffer is fully forested. The land on which the construction is proposed is level, is not forested, and is 138-feet from the water. No tree removal will be required for the proposed construction.



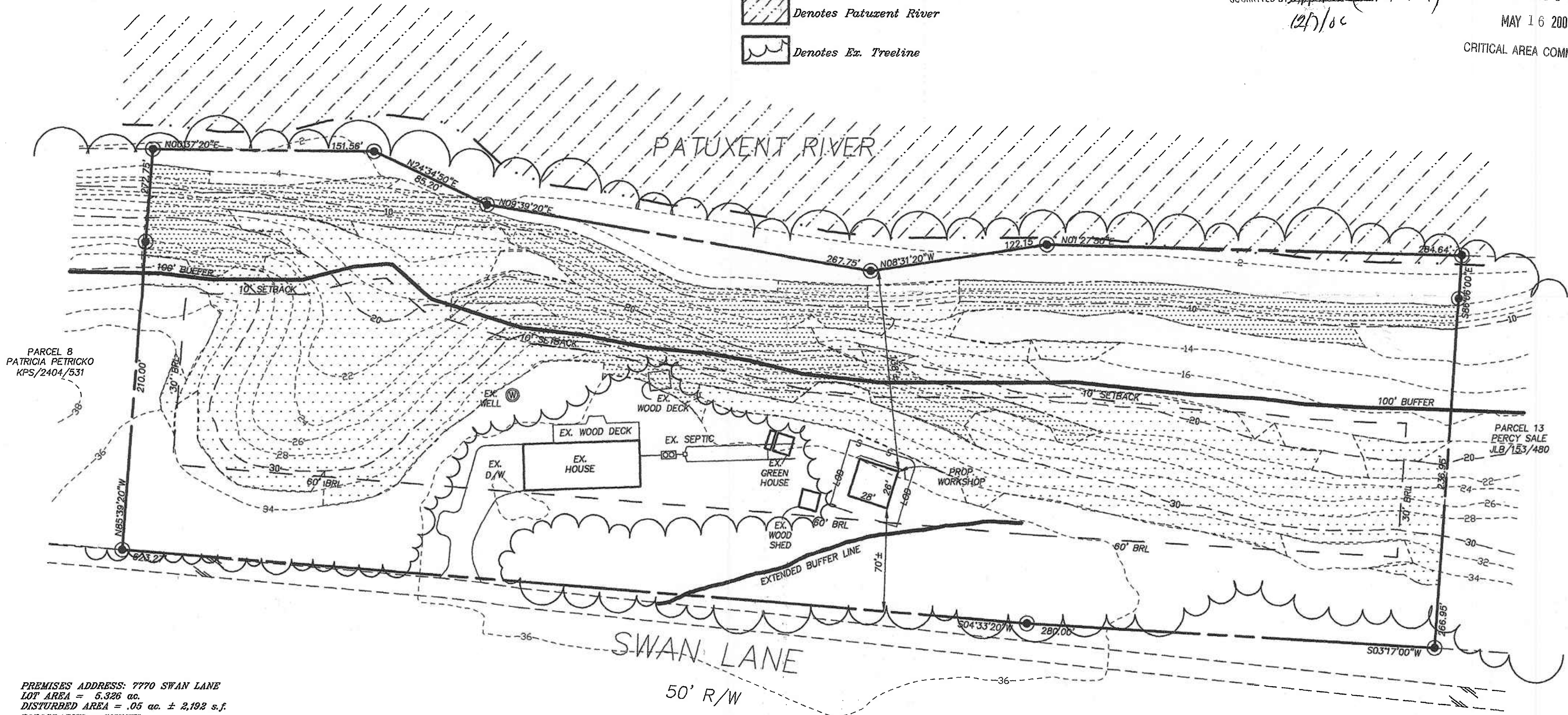
**LEGEND**

- Denotes Existing Contours
- Denotes Proposed Contours
- Denotes Proposed Silt Fence
- Denotes Limits of Disturbance
- Denotes Edge of Existing Paving
- Denotes 15% Steep Slopes
- Denotes 25% Steep Slopes
- Denotes Patuxent River
- Denotes Ex. Treeline

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.  
Driveway entrance to be constructed using valley gutter. Decks and other structures not shown hereon do not have Zoning Approval for construction.  
The issuance of County permits is a local process and does not imply the applicant has met State and Federal requirements for wetlands filling and/or wetland buffer disturbance.

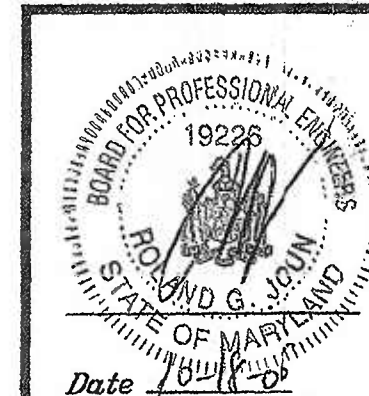
BOARD OF APPEALS  
EXHIBIT NO. 3  
SUBMITTED BY: Applicant (Parris)  
12/1/06

**RECEIVED**  
MAY 16 2007  
CRITICAL AREA COMMISSION



PREMISES ADDRESS: 7770 SWAN LANE  
LOT AREA = 5.326 ac.  
DISTURBED AREA = .05 ac. ± 2,192 s.f.  
TOPOGRAPHY = COUNTY  
SOIL TYPE = Tm, EvE, EvB s  
FF= 37'

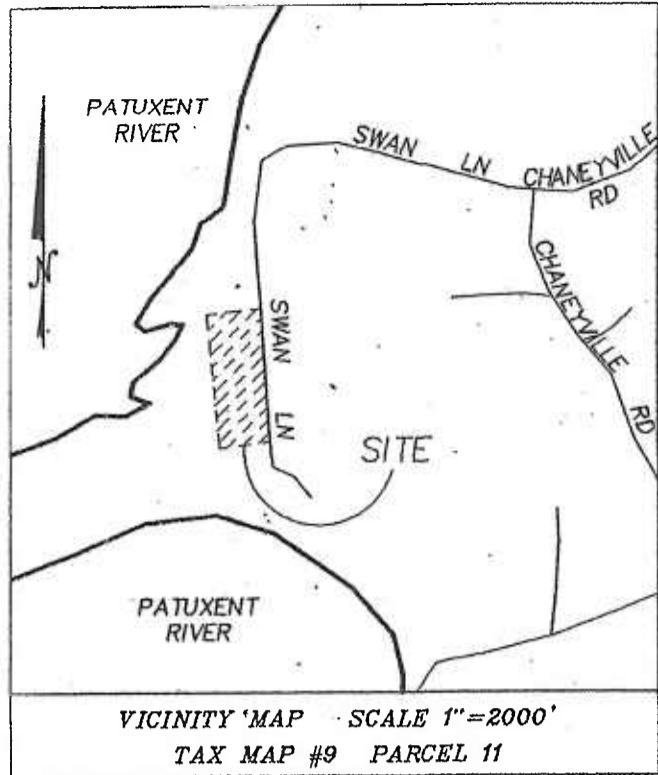
**CRITICAL AREA NOTES**  
OVERLAY = LDA  
TOTAL LOT AREA = 231,979 S.F., 5.326 AC.  
TOTAL WOODED AREA = 206,920 S.F., 4.75 AC.  
TOTAL DISTURBED AREA = 2,192 S.F., 0.05 AC.  
PROPOSED CLEARING = 2,192 S.F., 0.05 AC.  
TOTAL PROPOSED  
IMPERVIOUS AREA = 728 S.F., 0.017 AC. (0.31% OF LOT)  
EXISTING IMPERVIOUS AREA = 2996.17 S.F., 0.0685 AC (1.29% OF LOT)  
TOTAL IMPERVIOUS AREA = 3724.17 S.F., 0.0855 AC (1.6% OF LOT)



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

<b>SITE PLAN</b>		DATE OCT., 2006
T.M. 9, P. 11		SCALE 1" = 60'
<b>PARRIS PROPERTY</b>		DRAWN BY JBL/MKP
SITUATED ON SWAN LANE IN OWINGS		DRAWING # CC1523SP
SECOND DISTRICT, CALVERT COUNTY, MARYLAND		FILE # CC1523
		JOB # 06-16903

SHEET 1 OF 2



**LEGEND**

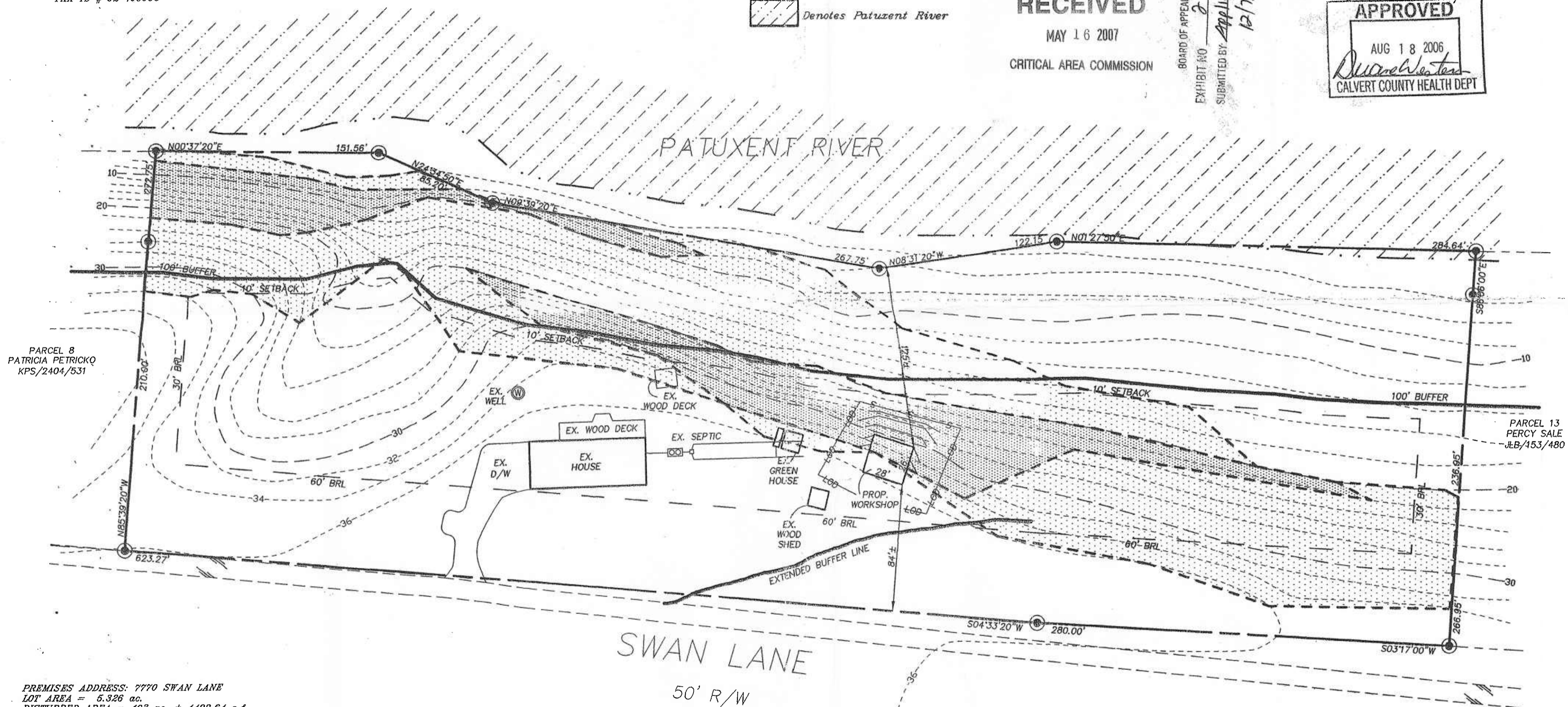
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**RECEIVED**  
MAY 16 2007  
CRITICAL AREA COMMISSION

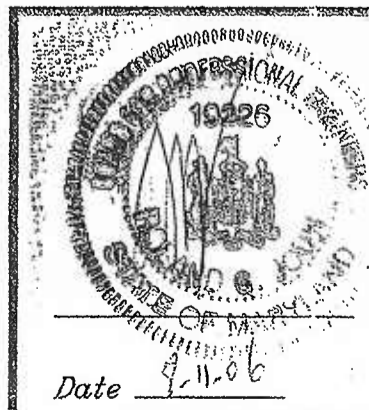
BOARD OF APPEALS  
EXHIBIT NO. 2  
SUBMITTED BY *Applied*  
12/7/06

NO indoor plumbing  
26'x28' Workshop  
**APPROVED**  
AUG 18 2006  
*Duane Weston*  
CALVERT COUNTY HEALTH DEPT



PREMISES ADDRESS: 7770 SWAN LANE  
LOT AREA = 6.326 ac.  
DISTURBED AREA = .103 ac. ± 4499.64 s.f.  
TOPOGRAPHY = COUNTY  
SOIL TYPE = Tm, EvE, EvB s  
FF= 37'

**CRITICAL AREA NOTES**  
OVERLAY = LDA-3  
TOTAL LOT AREA = 231,979 S.F., 5.326 AC.  
TOTAL WOODED AREA = 0 S.F., 0 AC.  
TOTAL DISTURBED AREA = 4,499.64 S.F., 0.103 AC.  
PROPOSED CLEARING = 0 S.F., 0 AC.  
TOTAL PROPOSED IMPERVIOUS AREA = 728 S.F., 0.017 AC. (0.31% OF LOT)  
EXISTING IMPERVIOUS AREA = 2996.17 S.F., 0.0685 AC (1.29% OF LOT)  
TOTAL IMPERVIOUS AREA = 3724.17 S.F., 0.0855 AC (1.6% OF LOT)



**WILKERSON & ASSOCIATES INC.**  
ENGINEERS & SURVEYORS  
Box 17 Dunkirk, Maryland  
(410)257-3332, (301)856-8272

**SITE PLAN**  
T.M. 9, P. 11  
**PARRIS PROPERTY**  
SITUATED ON SWAN LANE  
IN OWINGS  
SECOND DISTRICT, CALVERT COUNTY, MARYLAND

DATE  
AUG., 2006  
SCALE  
1"= 60'  
DRAWN BY  
JBL  
DRAWING #  
CC1623SP  
FILE #  
CC1623  
JOB #  
06-16903

06-3379

727-06