

DC 217-06  
VAR

Robinson, Maurice  
2286

MSA. S. 1829-5782

4/13/06 J6L  
Comments

LH  
Comments  
11/20/07

LH  
Comments  
2/25/07

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/)

October 29, 2010

Mr. Steven Dodd  
Dorchester County Planning and Zoning  
County Office Building  
P.O. Box 307  
Cambridge, Maryland 21613

Re: Robinson BEA

Dear Mr. Dodd:

Thank you for forwarding information on the above referenced project. The applicant proposes to construct a septic tank to use in conjunction with an aquaculture facility. This lot is 1.0 acres and is located in the Resource Conservation Area (RCA). This property is mapped a Buffer Exemption Area (BEA). There is significant history on this site and multiple requests have been made over the years to the Dorchester County Health Department, Planning and Zoning, and the Maryland Department of the Environment (MDE) to expand the existing use of this property or change the use of this property from commercial to residential. The proposed septic tank appears to be in conjunction with the expansion of an existing aquaculture facility.

Given the complex history on this site and the extensive conversations between the applicants and other state agencies, this office has no additional comments to provide to the Planning Commission. Please have the Commission provide their decision in writing back to this office for our files.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at 410-260-3476.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roberts", with a long horizontal line extending to the right.

Julie Roberts  
Natural Resources Planner

Cc: DC 217-06



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February 23, 2007

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

Re: Local Case # 1149, Maurice Robinson

Dear Mr. Dodd:

This office has received updated information concerning the above-referenced project. In my last comment letter dated January 26, 2007, I questioned whether the proposed use was permitted under the County's Zoning Ordinance since the site is located in the Resource Conservation Area (RCA). Since that time, the applicant has confirmed that the proposed use is for a water-dependent crab shedding operation, but not for processing. Therefore, in the Table of Uses contained in the County Zoning Regulations, this use appears to be permitted under the use category titled "Maritime - Water-dependent fisheries facility, commercial." This use is permitted in the RCA and may be permitted in the Buffer. Due to this clarification, this office has no further comments regarding use issue.

In regard to the impacts to the Buffer, we recommend the footprint of the structures located at or near the shoreline are minimized. In addition, we recommend mitigation be performed for the new footprint with native shrubs and grasses. These plantings will help to offset stormwater generated by the parking area and roof, and will enhance the habitat on the site.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger, Chief  
Project Evaluation Division

cc: DC 217-06

Robert L. Ehrlich, Jr.  
Governor



Michael S. Steele  
Lt. Governor

Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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April 13, 2006

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

**RE: DC 217-06 1537 Bennett Road  
Local Case # 2286**

Dear Mr. Dodd:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to allow a dwelling unit in the Buffer. The parcel consists of approximately 1 acre and is located in the RCA and is entirely constrained by the 100' Buffer. Currently, the parcel is improved by a dirt driveway. According to the staff report provided by Dorchester County, the conditions of the property are such that there is no alternative location for the proposed dwelling unit.

State and local Critical Area law prohibits the construction of new non-water dependent structures in the 100' Buffer, unless the lot is properly grandfathered. A lot is properly grandfathered when the applicant can provide documentation that the lot existed prior to 1985. We oppose this variance as the County has been unable to find documentation evidencing that the lot is properly grandfathered. However, if the Board were to determine that the lot is properly grandfathered we would not oppose this variance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3481.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lester", with a long horizontal flourish extending to the right.

Jennifer B. Lester  
Natural Resources Planner

**DORCHESTER COUNTY PLANNING & ZONING OFFICE**

P. O. BOX 107

CAMBRIDGE, MARYLAND 21613

PHONE: 410-228-3234



April 11, 2006

Dorchester County Board of Zoning Appeals  
Dorchester County Office Building  
Cambridge, MD 21613

Gentlemen:

At their regular meeting on April 5, 2006 the Dorchester County Planning Commission gave the following recommendations, based on the information available to them at the time they reviewed the Appeals cases, scheduled for April 20, 2006.

Case #2282 – Linkwood Ventures, LLC. The applicant is requesting a special exception to expand an existing manufactured home park and to request a special exception to construct a wastewater treatment plant. The property is located on the northeast side of US Route 50 near Linkwood and contains 259.2 acres. It is zoned RR-MH, Rural Residential-Manufactured Home Overlay District. The Planning Commission recommended approval.

Case #2283 – Capozzi Homes, LLC. The applicant is requesting variances from the front, side and rear yard setback requirements to allow the (re)construction of a commercial building. The property is located at 5518 Mount Holly Road and contains .75 acres. It is zoned B-1, Neighborhood Business Zoning District. In reviewing this case, the Planning Commission would ask if there is going to be rental office space as well as a construction office. If so, how will parking and traffic flow be accommodated.

Case #2284 – MCB Harmony Farms, LLC. The applicant is requesting a variance from the (expanded) tidewater buffer requirement to allow two proposed sewage reserve areas to be located in the expanded buffer. The property is located at the south side of Wingate Bishops Head Road and contains 1.839 acres. It is zoned V, Village Zoning District. The Planning Commission felt that this is an issue that can only be solved by a variance.

Case #2285 – Richard and Laura Era. The applicants are requesting a variance from the tidewater setback to allow an addition to an existing dwelling.

The property is located at 5303 Morris Neck Road and contains 2.91 acres. It is zoned RC, Resource Conservation Zoning District. The Planning Commission does not believe 10-feet will be an issue based on the house being in the 100-foot buffer itself.

Case #2280 - Maurice Jay Robinson, The applicant is requesting a variance from the tidewater buffer. He is also requesting a variance from the minimum required square footage for a single family dwelling. The property is located at 1537 Bennett Road and contains one acre. It is zoned RC, Resource Conservation Zoning District. After hearing the staff report presented by Wanda Cole, Critical Area Planner, the Planning Commission supports her recommendation that the variance be denied.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Steve M. Dodd". The signature is fluid and cursive, written over a light background.

Steve M. Dodd  
Director

SMD/sw



# DORCHESTER COUNTY HEALTH DEPARTMENT ENVIRONMENTAL HEALTH OFFICE

3 Cedar Street  
Cambridge, MD 21613

Roger Harrell, MHA  
Health Officer

410-228-1167  
FAX: 410-901-8192

August 16, 2010

Ross Andrew LLC  
c/o Mr. Jay Robinson  
5415 Bonnie Brook Road  
Cambridge, MD 21613

Re: Building Permit Application; BP100203, Aquaculture Facility  
1537 Bennett Road, Crocheron Tax Map 113, Parcel 63

Dear Mr. Robinson,

This office has reviewed the referenced building permit application and the associated wetlands license. This proposal is to create a 38 slip marina/aquaculture facility. The slips range in length from 30-48 feet. You have estimated that this facility would involve 40-50 workers on a fulltime basis. The estimated wastewater design flow for this facility would be 600-750 gallons per day of sanitary wastewater.

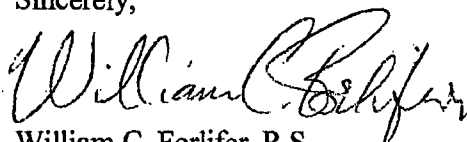
The Annotated Code of Maryland, Environment Article, § 9-333 Marinas, requires that a person may not construct any additional slips at an existing marina unless the wastewater treatment system is adequate to handle any existing and increased flow. This property has no onsite sewage disposal capability as determined in the site evaluation by this office in 2004. Your subsequent appeal of that decision was withdrawn May 26, 2005 as part of a settlement agreement between you and the Department of the Environment. In that settlement, the Department agreed to allow the construction of a one bedroom structure to be served by a waterless toilet and a graywater holding tank. The agreement also stipulated that there would be no expansion of the use allowed until public sewer is available. The existing storage building for the crab shedding operation (BP070161) was approved on the basis that there would be no sanitary facilities. This current proposal (BP100203) is clearly a significant expansion of the use and would require a potable water supply and sanitary facilities for the workers. Unfortunately, the property can not support an onsite sewage disposal system, and a sewage holding tank system can not be approved for an expanded use. This office must deny approval of the building permit application.

The regulations relevant to this matter are:

1. COMAR 26.04.02.02D(4) A person may not construct or alter any...commercial establishment...and a county may not issue, if applicable, a building permit...until the Approving Authority has certified the existing on-site sewage disposal and water supply systems as capable of handling the existing sewage flows and any reasonable foreseeable increase in sewage flows.
2. COMAR 26.04.02.03B Holding tanks...may not be permitted to serve new construction or for the purpose of adding capacity to an existing disposal system in order to accommodate a change in property use.
3. COMAR 26.04.02.07B Chemical toilets shall be used only for special term events and in the abatement of problems.

The regulations cited above are delegated to the Dorchester County Health Department by the Maryland Department of the Environment (MDE). You have the right to a conference if you are aggrieved by this decision. An opportunity for a conference will be provided if a written request is filed with this Department within ten (10) days of receipt of this letter. At the conference you should be prepared to present your reasons why you believe our decision is in error. You also have the right to have counsel present at the conference. If you have further questions regarding this matter, call me at 410-228-1167.

Sincerely,



William C. Forlifer, R.S.

Director of Environmental Health

cc: Steve Dodd, Director of Planning & Zoning  
Michael Bonsteel, Environmental Planner  
Naomi Howell, R.S., MDE Regional Sanitarian  
Roger Harrell, Health Officer



Sent via e-mail



**DORCHESTER COUNTY**

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

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

July 29, 2010

**Mr. Jay Robinson**  
**5415 Bonnie Brook Road**  
**Cambridge, MD 21613**

Re: BP#100203, aquaculture facility permit  
Tax Map 113 Block 7 Parcel 63 Lot N/A

Dear Mr. Robinson,

It has come to the attention of this office that the building permit for your aquaculture facility (BP #100203) was issued in error. The permit was not reviewed by the Health Department per Dorchester County Code per §155-8.C and must therefore be revoked (§155-8.E) until the Health Department grants approval.

This problem arose due to the fact that the building permit was not sent to the Health Department for review as it was treated like a pier on private property, which usually does not require Health Department approval. However, the aquaculture facility that you proposed is of a different nature than a typical pier and *does* require Health Department review.

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

Sincerely,

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

Michael Bonsteel  
Environmental Planner

cc: File, Dorchester Planning and Zoning  
Sandy Russum, Lane Engineering, LLC  
Bill Forlifer, Dorchester Health Department



**DORCHESTER COUNTY**

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

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

May 18, 2010

**Mr. Jay Robinson**  
**5415 Bonnie Brook Road**  
**Cambridge, MD 21613**

Re: Pier expansion and aquaculture facility  
Tax Map 113 Block 7 Parcel 63 Lot N/A

Dear Mr. Robinson,

Thank you for meeting with Steve Dodd and myself today regarding the proposed aquaculture project at your Bennett Road property.

After discussing the proposed improvements to the existing facilities, we have determined that the proposed aquacultural use and expansion of the existing pier for this use may be permitted according to Dorchester County Code. As the current and proposed uses are classified as *maritime* (Table of Permitted Uses, Maritime, Water-dependent fisheries facility, commercial), §155-38.H.3.d does not apply and there is no need to seek approval from the Planning Commission. A building permit will be required for any proposed structural improvements.

At this point, the Dorchester County Department of Planning and Zoning has no objections to the proposed project and anticipates that it will be of great benefit to the local economy and to the citizens of Dorchester County.

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

Sincerely,

Michael Bonsteel  
Environmental Planner

cc: File, Dorchester Planning and Zoning  
Sandy Russum, Lane Engineering, LLC  
Gary Setzer, MDE

DC 217-06

**ROBERT S. COLLISON, P.A.**

**Attorney at Law  
311 High Street  
Post Office Box 1176  
Cambridge, Maryland 21613**

Phone 410-228-1911

Fax 410-376-0075

February 27, 2007

Mr. Steve Dodd, Director  
Dorchester County Department of Planning & Zoning  
501 Court Lane  
Cambridge, Maryland 21613

RE: Case No. 1149  
Maurice "Jay" Robinson

Dear Steve:

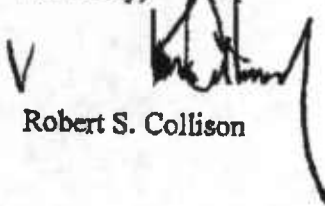
This letter shall serve as the formal request of Maurice "Jay" Robinson, owner of the property identified as Parcel No. 63, Tax Map 113, to permit the construction thereon of a facility for water-dependent fisheries. Mr. Robinson plans to construct a pier for the purposes of having watermen deliver their crabs, shellfish and fish on site. Additionally, he plans to construct a building to house a crab shedding operation and storage of the crabs, fish and shellfish.

It is our position, that the above-stated activities, constitute water-dependent fisheries facilities, which are a permitted use of right, within the RC district. The pier is required for off-loading the shellfish, crabs and fish. Because of the need to maintain a constant flow of saltwater in and out of the crab-shedding tanks, a location in close proximity to the waters is required.

It is our understanding, that in light of Mr. Robinson's clarification of the proposed uses on the site, Lisa A. Hoerger, of the State of Maryland Critical Area Commission will be forwarding to you, an amended letter which will state that the Commission has no objection to the proposed facility and pier.

If you should have any questions, or if any additional information or documentation is needed, please contact my office at 410-228-1911.

Sincerely,



Robert S. Collison



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

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January 26, 2007

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

Re: Local Case # 1149, Maurice Robinson

Dear Mr. Dodd:

This office has received the site plan for the above-referenced project. The applicant proposes to site a seafood operation on a lot that is completely within the 100-foot Buffer and is in the Resource Conservation Area (RCA). We reviewed a variance request for the property in April 2006. At that time, it was our understanding the lot was proposed for use as a residential property, and did not oppose the variance to site the dwelling in the 100-foot Buffer provided the lot was properly grandfathered.

The current application proposes a commercial operation. I have reviewed the County Zoning Code, specifically section 155-34 which provides a table of permitted uses, and this type of operation does not appear on this list. While the water-dependent nature of this operation may not totally exclude it from being located in the 100-foot Buffer, the commercial use may exclude it from being located in the RCA. Therefore, we recommend the County consider the use proposed and whether it is a use contemplated by the ordinance. If not, growth allocation may be necessary to allow a commercial operation on this lot.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions.

Sincerely,

Lisa A. Hoerger, Chief  
Project Evaluation Division

cc: DC 217-06

Mr. Banks read agency comments into the record. The County Highway Department had no comments. The Health Department had no objection. The Planning Commission does not believe 10' will be an issue based on the house being in the 100' buffer itself. The Critical Area Commission does not oppose this request, but recommended 3:1 mitigation.

No one spoke in favor of this request and no one was opposed.

Mr. Howard announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Mr. Howard called for a motion regarding this case. "I would like to make a motion to approve this case with the following stipulation: applicant must mitigate at a ratio of 3:1." Motion made by Mr. Foxwell. Seconded by Mr. Cromwell and unanimously carried.

#### Case #2286 – Maurice Jay Robinson

To request a variance from the tidewater buffer setback requirement to allow a dwelling to be constructed in the tidewater buffer. Also to request a variance from the minimum required square footage for a single-family dwelling. Property located at 1537 Bennett Road and contains one acre. RC, Resource Conservation Zoning District.

Mr. Robinson, and any other person who would be testifying in this case, were sworn in.

Mr. Banks read the case and all pertinent information into the record.

Larry Bohlen, attorney for the applicant, told the Board that they would rely on their written responses to the criteria. Mr. Bohlen submitted an agreement between Mr. Robinson and the State, in regards to the use of the property (holding tank). Mr. Robinson told the Board that neighbor Roy Todd had no objection to this request. He also told the Board that there had been a dwelling on this property which was destroyed by Hurricane Isabel. He plans on making this home a vacation home for personal use.

Mr. Banks read agency comments into the record. The County Highway Department had no comments. The Planning Commission recommended denial. The Critical Area Commission opposed this variance request. Cristina Creager, 2904 Crocheron Road, stated her opposition in a letter to the Board. Andy Dumaine, 2904 Crocheron Road, also stated her opposition in a letter to the Board.

Wanda Cole, Environmental Planner for Planning and Zoning, came forward to state her position and staff report for the Board.

No one spoke in favor of this request and no one was opposed.

Mr. Howard announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Mr. Howard called for a motion regarding this case. "In regards to the Critical Area variance, I would like to make a motion to deny this case." Motion made by Mrs. McCulley. Seconded by Mr. Foxwell and unanimously carried. "In regards to the variance for the size of the house, I would like to make a motion to deny this case." Motion made by Mr. Cromwell. Seconded by Mrs. McCulley and unanimously carried.

With no further business, a motion was made by Mr. Cromwell to adjourn. Seconded by Mrs. McCulley and unanimously carried. Time of adjournment: 11:45 PM.

Respectfully submitted,

Rodney Banks  
Executive Secretary

The Dorchester County Board of Appeals met in regular session on Thursday, September 21, 2006 in Room 110 of the County Office Building at 7:00 PM. Present were Ed Howard, Vice-Chairman, Wendell Foxwell, Catherine McCulley, James Spicer, Walt Gunby, Attorney, Steve Dodd, Director of Planning, with Merris Hurley recording.

An introduction was made by Chairman Howard, explaining the procedures of this meeting to the audience. He then asked Mr. Dodd to read the first case.

**Case #2305 – Taylors Island Volunteer Fire Company**

To request, as a special exception, a communication tower (for wireless internet). Also, to request a variance from the minimum required setback. Property located at 510 Taylors Island Road and contains .34 acres. V, Village Zoning District.

No one was present for this case, therefore Mr. Foxwell made a motion to continue the case until next month. Seconded by Ms. McMullely and unanimously carried.

**Case #2306 – Neck District Volunteer Fire Company**

To request, as a special exception, a communication tower (for wireless internet). Property located at 954 Cooks Point Road and contains 5.38 acres. V, Village Zoning District.

Mr. Roche, Mr. Kramer, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Brian Roche, 211 E. Appleby Avenue, Cambridge, MD came forward and explained to the Board that he wished to rely on his written responses to the criteria.

Mr. Dodd read agency comments into the record. The County Highway Department had no comments. The Health Department had no objection. The Planning Commission had no problem with the request.

Robert Kramer, 1019 Hudson Road, (member of NDVFC) came forward in favor of this request. No one was opposed.

Mr. Howard announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Mr. Howard called for a motion regarding this case. "After all members have reviewed and signed the Findings of Fact, I move that we approve this case." Motion made by Mr. Foxwell. Seconded by Ms. McCulley and unanimously carried.

**Case #2307 – Wayne Markey**

To request, as a special exception, an accessory structure prior to principal structure. Property located at 4407 Pine Top Road (Taylors Island) and contains 27 acres. RC, Resource Conservation Zoning District.

Mr. Markey, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Wayne Markey, 1805 Valley Brook Drive, Kingsville, MD explained to the Board that he would rely on his written responses to the criteria.

Mr. Dodd read agency comments into the record. The County Highway Department had no comments. The Health Department had no objection. The Planning Commission would approve this request with the stipulation that a building permit for the principal structure be applied for and construction started within a year.

No one spoke in favor of this request and no one was opposed.

Mr. Howard announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Mr. Howard called for a motion regarding this case. "After all members have reviewed and signed the Findings of Fact, I move that we approve this case with the following stipulations: 1) applicant must start construction of principal structure by September 21, 2007; 2) no electric or plumbing in accessory structure; 3) no human habitation of accessory structure." Motion made by Ms. McCulley. Seconded by Mr. Foxwell and unanimously carried.

**Case #2308 – Dorothy Ernst**

To request, as a special exception, an accessory structure prior to principal structure. Also, to request a special exception for the same accessory structure to exceed the footprint of the (future) dwelling. Property located at 4923 Payne Road and contains 6.6 acres. AC, Agricultural Conservation Zoning District.

Ms. Ernst, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Dorothy Ernst, 16 Phyllis Drive, Glen Burnie, MD explained to the Board that she would rely on her written responses to the criteria. She also told the Board that the structure would be for her horses, horse trailer, tractor and hay. Ms. Ernst told the



Board that there is a house on one side of her lot, and nothing on the other. One of the lots in this subdivision has goats.

Mr. Dodd read agency comments into the record. The County Highway Department had no comments. The Health Department had no objection. The Planning Commission felt that there are a number of issues that need to be addressed and would not feel comfortable granting this request.

No one spoke in favor of this request and no one was opposed.

Mr. Howard announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Mr. Howard called for a motion regarding this case. "After all members have reviewed and signed the Findings of Fact, I move that we approve this case with the following stipulations: 1) applicant must start construction of principal structure by September 21, 2007; 2) no human habitation of accessory structure." Motion made by Mr. Foxwell. Seconded by Mr. Spicer and unanimously carried.

**OLD BUSINESS: #2286 – JAY ROBINSON**

Rob Collison and Jay Robinson came forward to ask the Board to re-hear Mr. Robinson's case, with a substantially different application. Mr. Collison explained to the Board that the major difference in the case was that they were only asking for a tidewater buffer variance, with no density variance request. Mr. Collison explained that that would be reducing the variance request by half. They will also address soil issues with the new case. With no sketch available, the Board would not make a decision. Mr. Collison and Mr. Robinson must come back with a sketch and more information. Ms. McCulley made a motion to this effect, seconded by Mr. Spicer and unanimously carried.

**OLD BUSINESS: #2301 GWENDOLYN DALES**

Mr. Dodd read an email from Ms. Dales, withdrawing this request.

A motion was made by Ms. McCulley to approve the minutes of the August 24, 2006 meeting. Seconded by Mr. Foxwell and unanimously carried.

With no further business, a motion was made by Ms. McCulley to adjourn. Seconded by Mr. Foxwell and unanimously carried. Time of adjournment: 9:30 PM.

Respectfully submitted,



Steve Dodd  
Executive Secretary

**ROBERT S. COLLISON, P.A.**

**Attorney at Law**  
311 High Street  
Post Office Box 1176  
Cambridge, Maryland 21613

Robert S. Collison, Esq.  
rob@cambridgetitle.net

Phone 410-228-1911  
Fax 410-376-0075

August 16, 2006

Mr. Steve Dodd, Director  
Dorchester County Planning & Zoning  
501 Court Lane  
Cambridge, Maryland 21613

RE: Reconsideration of Variance Request  
1537 Bennett Road, Crocheron, Maryland  
Owner: Maurice Jay Robinson

Dear Mr. Dodd:

Please be advised that I have been retained by M. Jay Robinson to represent him in his application for a variance from the tidewater buffer. By application submitted earlier this year, Mr. Robinson sought to obtain a variance from the tidewater buffer, in order to permit him to construct a structure on his property located at 1537 Bennett Road, Crocheron, Maryland. The structure was to be located on the site where a prior structure existed, but which was destroyed by hurricane Isabelle.

By letter/notice dated April 21, 2006, Mr. Robinson was informed that the variance request was denied by the Board of Zoning Appeals. A review of the file indicated that the board primarily based its decision on the following factors: (1) questions as to the actual boundary lines and ownership of the site in question; and (2) insufficient evidence of any prior residential structure on the site.

New information on both of those issues is now available which would substantial impact the evaluation of his application, and Mr. Robinson requests the opportunity to present this new information and evidence to the Board for re-consideration of his variance request. We are mindful of the fact that the county code provides for a one-year waiting period for resubmittals, following the denial of an application; however, in light of the new and substantial information directly addressing the concerns of the board, we feel that a reconsideration is warranted.


We respectfully request that we have an opportunity to present this new information before the Board as soon as possible. If you should have any questions, or if

any additional information is needed, please contact my office at 410-228-1911.  
Thanking you for you and the Board's consideration, I am

Cordially yours,



Robert S. Collison



M. Jay Robinson

BP040051



# DORCHESTER COUNTY HEALTH DEPARTMENT ENVIRONMENTAL HEALTH DIVISION

3 Cedar Street  
Cambridge, MD 21613

410-228-1167  
FAX: 410-901-8192

Roger Harrell, MHA  
Health Officer

September 30, 2004

M. Jay Robinson  
5415 Bonnie Brook Road  
Cambridge, MD 21613

Re: Informal Conference Decision  
Building Permit Application #040051, Single Family Dwelling  
Application for Sanitary Construction Permit, Permit Application Number: 3720  
1537 Bennett Road, Crocheron; Tax Map 113, Parcel 63

Dear Mr. Robinson,

On ~~May 19, 2004~~, an ~~informal conference~~ was held in this office with you, ~~Mr. [redacted]~~, ~~Mr. [redacted]~~, ~~Mr. [redacted]~~ and Mr. Don Wilson, R.S. to review and discuss the referenced case. The central issue in this case is what structure if any existed on the property before Hurricane Isabel and how was it used. During the conference, we disagreed concerning the use and status of the improvements on the property. Mr. Wilson recommended that additional documentation be obtained. In August, some documents were obtained from the Dept. of Assessments & Taxation through the efforts of the Office of the Attorney General. I have reviewed those documents.

It is the position of this office that the Assessments records are the best available third party description of the improvement history of the property and they support the following conclusions:

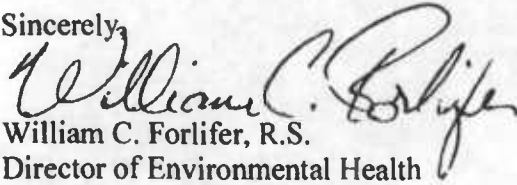
1. No structure of any significant value existed on the property after January 2000.
2. Sometime prior to January 2000 a wood framed commercial storage building of 435 square feet existed on the property. The building had no heat. The 1997 assessment indicated a current market value for the building of \$1,500.
3. The structure was not a dwelling.

Since there has not been an owner-occupied dwelling unit on the property this case does not meet the criteria listed in the §9-223 of the Environment Article. Therefore, the Application for a Sanitary Construction Permit must meet the requirements of COMAR 26.04.02, and the Dorchester County Groundwater Protection Report. As reported in the letter dated April 14, 2004, that application was evaluated and denied because there is no land available for sewage disposal more than 100 feet from the mean high water line as required in COMAR 26.04.02.04J. An on-site sewage disposal system installed at this site would jeopardize the water quality of the adjacent shellfish growing waters and violate COMAR 26.04.02.04E. The construction of a single family dwelling on this site would constitute new construction and a change in use.

COMAR 26.04.02.03B prohibits the permitting of a holding tank to serve new construction or accommodate a change in use.

The referenced building permit application was not approved due to the fact that no suitable on-site sewage disposal system can be permitted on this site. However, as previously stated, this office would not object to a building permit for a replacement storage building of approximately 1,000 square feet with no plumbing. If you wish to appeal this decision, you may do so in accordance with the attached Notice of Right to Appeal a Denial.

Sincerely,



William C. Forlifer, R.S.  
Director of Environmental Health

cc: ✓ Karen Houtman, Dorchester County Planning & Zoning  
Don Wilson, R.S., Md. Dept. of the Environment  
Roger Harrell, Health Officer

DORCHESTER COUNTY BOARD OF APPEALS

STAFF REPORT

CASE # 2286

1. Request for: a 100' variance from the 100' tidewater buffer setback requirement to allow construction of a 575 square foot dwelling.
2. Applicant: Maurice Jay Robinson
3. Size of Property: one acre, more or less
4. Zoning of Property: RC, with RCA Critical Area overlay
5. Description of Area: The property is located at 1537 Bennett Road in Crocheron. It is a grandfathered lot that is entirely constrained by the 100' tidewater buffer and vegetated tidal wetlands. The driveway into the proposed home site has tidal ditches on each side.

The proposed home site will be located on soils classified as Honga Peat, which are typically formed by submerged tidal wetland vegetation to a depth of 60-inches. The proposed home site also lies entirely within the 100-year floodplain. There is no opportunity to locate a house on this site to minimize its encroachment toward the edge of tidal water, or within the 100-year floodplain. See attached photographs depicting site conditions.

The applicant has not been able to adequately demonstrate that there was prior residential use of this site. He has provided affidavits from people who have used the site. There was never an approved septic disposal system for the site. Aerial photography suggests a small structure in the marsh, but not in the area Mr. Robinson advises a previous structure once stood.

The property boundaries on the tax map indicate that the actual boundaries are unknown. Staff conducted deed research back to the 1940s and found no metes and bounds descriptions that provided lat/long locations nor true compass headings to indicate accurate bearings.

6. Special Issues in the Case: The County health department had denied the site for on-site septic disposal, as the State laws for on-site septic disposal require a minimum setback from shorelines. This setback is independent of the Critical Area shorelines, as it also applies to western Maryland properties located along perennial waterways.

Mr. Robinson appealed the County's decision to Maryland Dept. of the Environment (MDE). MDE' issued a Consent Agreement with Mr. Robinson that would allow a waterless toilet system for a structure to measure no more than 575 square feet. By signing the Consent Agreement, Mr. Robinson waived any right to appeal other decisions related to this case. → probably only MDE decisions

Mr. Robinson has not obtained the services of a structural engineer to consider the suitability of this site for a dwelling and driveway. The 1992 soil survey cites engineering characteristics for building site development on Honga Peat soils as severe for structures with and without basements, severe for shallow excavations, severe for roads and streets, and severe for lawns and landscaping. Wetness, ponding, excess salt, excess sulfur, and low strength are all cited as hazards for building site development. For construction material, the soils are rated poor for roadfill due to low strength and wetness.

This area of the County sustained severe damaged during tropical storm Isabel. Given the site's location near open water, within the floodplain, and the poor soil ratings, staff is concerned that this is an unsafe and environmentally unsound location for a dwelling. These soils do not have the capacity to bear the weight of regular vehicular travel and parking. The depth of peat indicates pilings must be used to support a structure. Staff recommends this variance be denied.

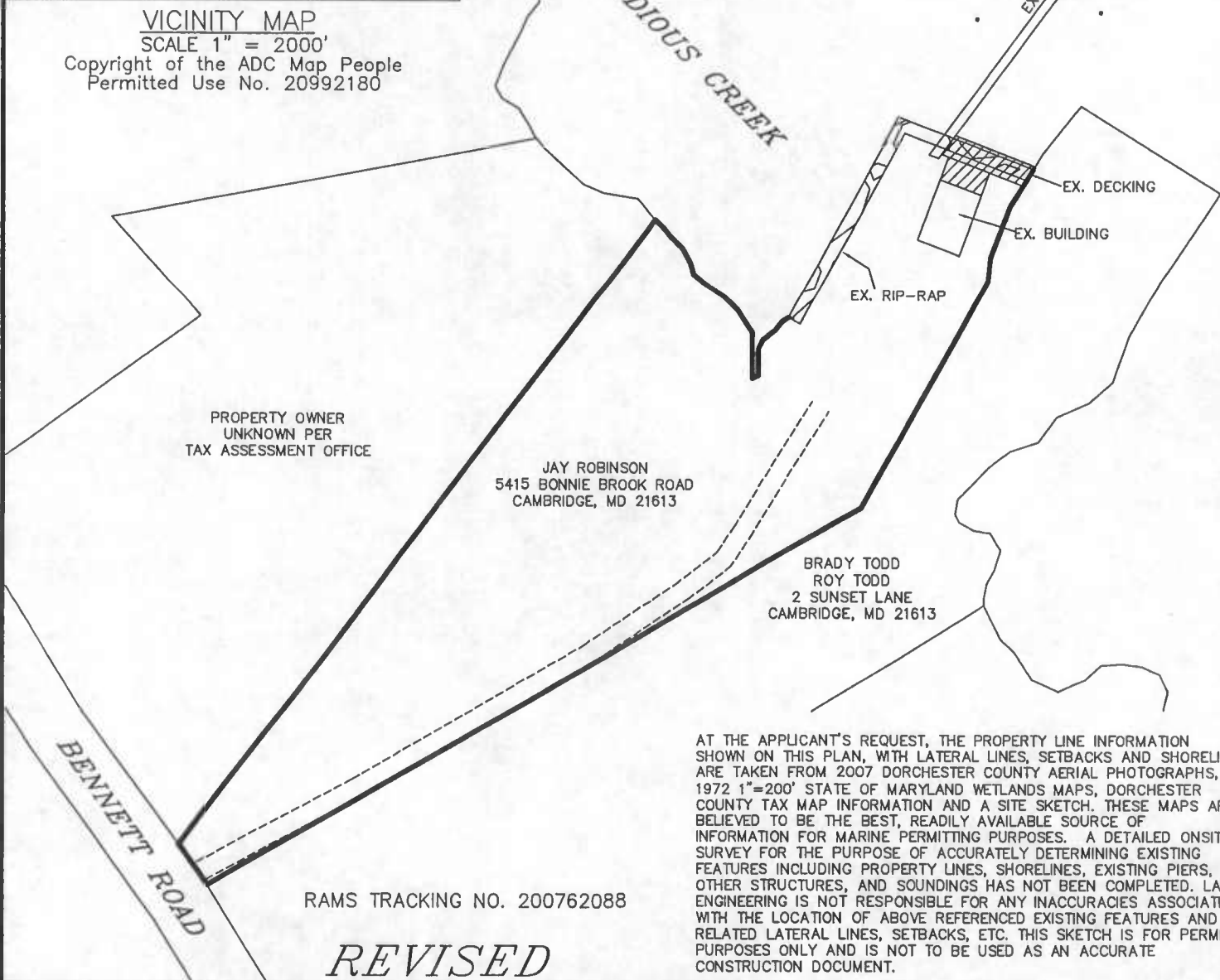
Case Reviewed by Wanda Cole

April 5, 2006




VICINITY MAP  
SCALE 1" = 2000'

Copyright of the ADC Map People  
Permitted Use No. 20992180



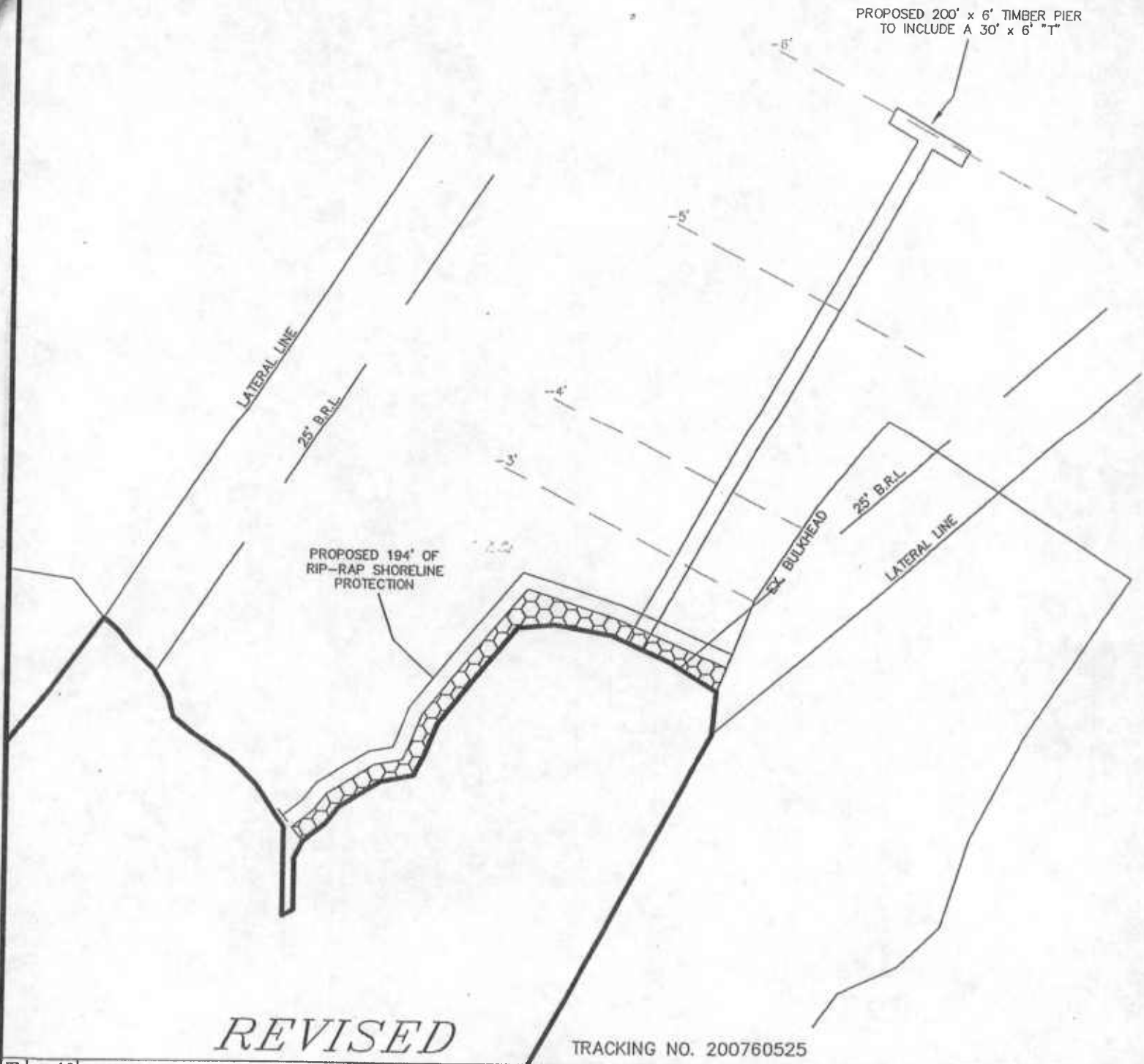
AT THE APPLICANT'S REQUEST, THE PROPERTY LINE INFORMATION SHOWN ON THIS PLAN, WITH LATERAL LINES, SETBACKS AND SHORELINE ARE TAKEN FROM 2007 DORCHESTER COUNTY AERIAL PHOTOGRAPHS, 1972 1"=200' STATE OF MARYLAND WETLANDS MAPS, DORCHESTER COUNTY TAX MAP INFORMATION AND A SITE SKETCH. THESE MAPS ARE BELIEVED TO BE THE BEST, READILY AVAILABLE SOURCE OF INFORMATION FOR MARINE PERMITTING PURPOSES. A DETAILED ONSITE SURVEY FOR THE PURPOSE OF ACCURATELY DETERMINING EXISTING FEATURES INCLUDING PROPERTY LINES, SHORELINES, EXISTING PIERS, OTHER STRUCTURES, AND SOUNDINGS HAS NOT BEEN COMPLETED. LANE ENGINEERING IS NOT RESPONSIBLE FOR ANY INACCURACIES ASSOCIATED WITH THE LOCATION OF ABOVE REFERENCED EXISTING FEATURES AND RELATED LATERAL LINES, SETBACKS, ETC. THIS SKETCH IS FOR PERMIT PURPOSES ONLY AND IS NOT TO BE USED AS AN ACCURATE CONSTRUCTION DOCUMENT.

**REVISED**

FILE No. C320	SHEET No. 1 OF 3	EXISTING CONDITIONS PLAN		DATE 12-19-08	<p><b>Lane Engineering, LLC.</b> Civil Engineers - Land Planning - Land Surveyors</p>  <p>E-mail: mail@leinc.com 117 Bay St. Easton, MO 21601 (410) 822-8003 FAX (410) 822-2024 15 Washington St. Cambridge, MO 21813 (410) 221-0818 FAX (410) 478-9942 114B West Water St. Centreville, MO 21617 (410) 758-2095 FAX (410) 758-4422</p>
		FOR JAY ROBINSON		SCALE 1" = 100'	
		IN THE TENTH ELECTION DISTRICT		JOB NO. 070023	
DORCHESTER COUNTY, MARYLAND		DRAWN BY S.K.R.	OWG. NAME 070023VMP6	APPROVED J.S.C.	
TAX MAP 113	GRID 7	PARCEL 63			



- 1. LOT SIZE ..... 1.00 AC.±
- 2. LOT DEPTH ..... 637'±
- 3. LOT WIDTH AT SHORELINE ..... 335'±
- 4. DISTANCE TO CHANNEL CENTERLINE ..... >1000'±
- 5. MAX. CHANNELWARD ENCROACHMENT ..... 200'
- 6. THERE ARE ADJACENT NEIGHBORING PIERS EAST AND WEST OF THE PROPOSED SITE PIER.
- 7. 911 ADDRESS : 1537 BENNETT ROAD  
CROCHERON, MARYLAND 21627



*REVISED*

TRACKING NO. 200760525

PROPOSED IMPROVEMENTS PLAN

FOR  
**JAY ROBINSON**

IN THE TENTH ELECTION DISTRICT  
DORCHESTER COUNTY, MARYLAND

DATE  
1-25-07

SCALE  
1" = 50'

JOB NO.  
070023

DRAWN BY  
S.K.R.

DWG. NAME  
070023VMP2

APPROVED

**Lane Engineering, LLC.**

Civil Engineers - Land Planning - Land Surveyors

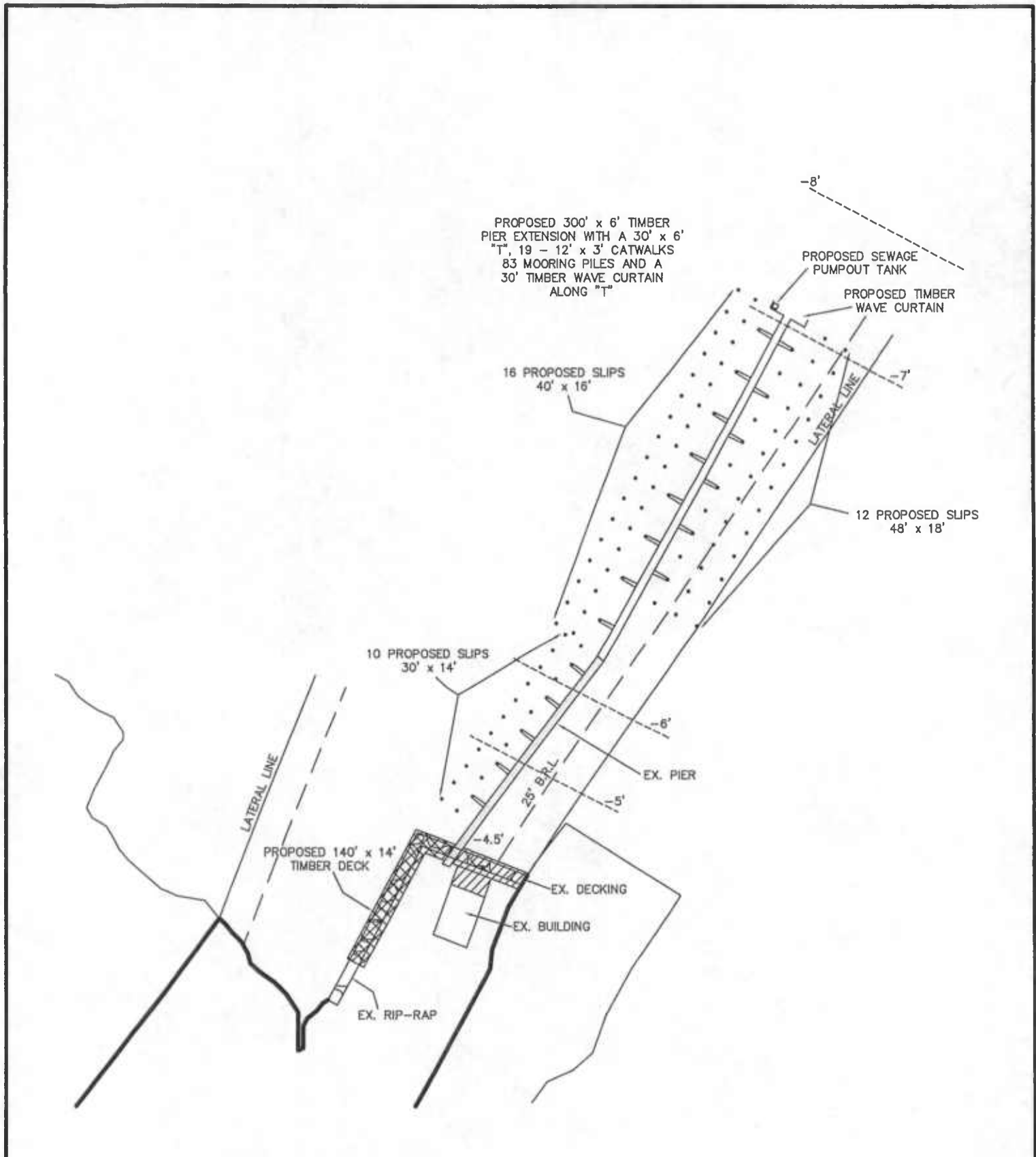


E-mail: [moll@lane.com](mailto:moll@lane.com)

117 Bay St. Easton, MD 21601 (410) 822-8003 FAX (410) 822-2024  
15 Washington St. Cambridge, MD 21613 (410) 221-0818 FAX (410) 476-9942

SHEET No.  
2 OF 3

FILE No. C320



PROPOSED 300' x 6' TIMBER  
PIER EXTENSION WITH A 30' x 6'  
"T", 19 - 12' x 3' CATWALKS  
83 MOORING PILES AND A  
30' TIMBER WAVE CURTAIN  
ALONG "T"

PROPOSED SEWAGE  
PUMPOUT TANK

PROPOSED TIMBER  
WAVE CURTAIN

16 PROPOSED SLIPS  
40' x 16'

12 PROPOSED SLIPS  
48' x 18'

10 PROPOSED SLIPS  
30' x 14'

PROPOSED 140' x 14'  
TIMBER DECK


EX. DECKING

EX. BUILDING

EX. RIP-RAP

*REVISED*

RAMS TRACKING NO. 200762088

FILE No. C320 SHEET No. 2 OF 3	PROPOSED IMPROVEMENTS PLAN		DATE 12-19-08
	FOR <b>JAY ROBINSON</b> IN THE TENTH ELECTION DISTRICT DORCHESTER COUNTY, MARYLAND		SCALE 1" = 100'
			JOB NO. 070023
TAX MAP 113      GRID 7      PARCEL 63		DRAWN BY S.K.R.	<b>Lane Engineering, LLC.</b> Civil Engineers - Land Planning - Land Surveyors  E-mail: mail@leinc.com 117 Bay St. Easton, MD 21801 (410) 822-8003 FAX (410) 822-2024 15 Washington St. Cambridge, MD 21613 (410) 221-0818 FAX (410) 478-9942 1148 West Water St. Centreville, MD 21617 (410) 758-2095 FAX (410) 758-4422
		DWG. NAME 070023VMPB	
		APPROVED J.S.C.	



VICINITY MAP 1" = 2000'

1. IPF DENOTES IRON PIPE FOUND.
2. FOR CURRENT DEED SEE LIBER 242 FOILO 026 IN THE LAND RECORDS OF DORCHESTER COUNTY, MARYLAND.
3. IRCS DENOTES IRON ROD AND CAP SET.
4. IRCF DENOTES IRON ROD AND CAP FOUND.
5. THIS PLAT PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE.
6. NO TIDAL AND/OR NONTIDAL WETLANDS THAT MAY EXIST ON THE PROPERTY HAVE BEEN LOCATED BY THIS SURVEY.
7. THIS PLAT MAY NOT SHOW ALL RECORDED/UNRECORDED OR UNWRITTEN EASEMENT WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT VISIBLE USES OF THE LAND. HOWEVER, THIS DOES NOT GUARANTEE THAT NO EASEMENTS EXIST.
8. PROPERTY APPEARS TO BE WITHIN FLOOD ZONE A4 AS SHOWN ON FEMA 240026 0575 B. FLOOD INFORMATION HAS BEEN SCALED FROM THIS MAP AND IS APPROXIMATE. NO GROUND ELEVATIONS WERE MEASURED TO DETERMINE THE LIMITS OF FLOOD ZONES.
9. THE LOCATION OF ALL UTILITIES ABOVE OR BELOW GROUND MAY NOT SHOWN ON THIS PLAT. LOCATION OF ALL UTILITIES SHOWN SHOULD BE VERIFIED.
10. CONTACT DORCHESTER COUNTY HEALTH DEPARTMENT FOR LOCATION OF SEWAGE RESERVE AREA.
11. M.D.E. HAS AUTHORIZED THE DISTURBANCE OF 4.900 SQ.FT. OF THE UPLAND.
12. PARCEL ZONING- RC
13. CRITICAL AREA DESIGNATION- RCA
14. IMPERVIOUS SURFACE COVERAGE IS RESTRICTED TO 15% OF THE AREA OF THE PARCEL.
15. THERE WERE NO VISUAL SIGHTINGS OF RARE, THREATENED OR ENDANGERED SPECIES, OR OTHER HABITAT AREAS PROTECTED UNDER CRITICAL AREA LAW.
16. INTENDED USE OF PROPERTY/BUILDING- WATER DEPENDANT SEAFOOD UNLOADING & BUYING STATION.
17. OUTDOOR LIGHTING WOULD BE LIMITED TO FLOOD LIGHTING ATTACHED TO BUILDING.

LINE	BEARING	DISTANCE
L 1	S 68° 35' 02" E	21.83'
L 2	N 78° 07' 03" E	37.95'
L 3	N 43° 02' 01" E	25.55'
L 4	S 78° 58' 38" E	50.21'
L 5	N 54° 29' 31" W	30.00'

PROPERTY OWNER- ROSS ANDREW, LLC  
 A MARYLAND LIMITED LIABILITY CO.  
 616 WILLIAMS ST.  
 BERLIN, MD. 21811-1224

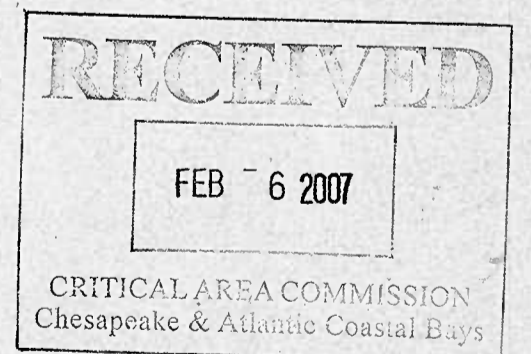
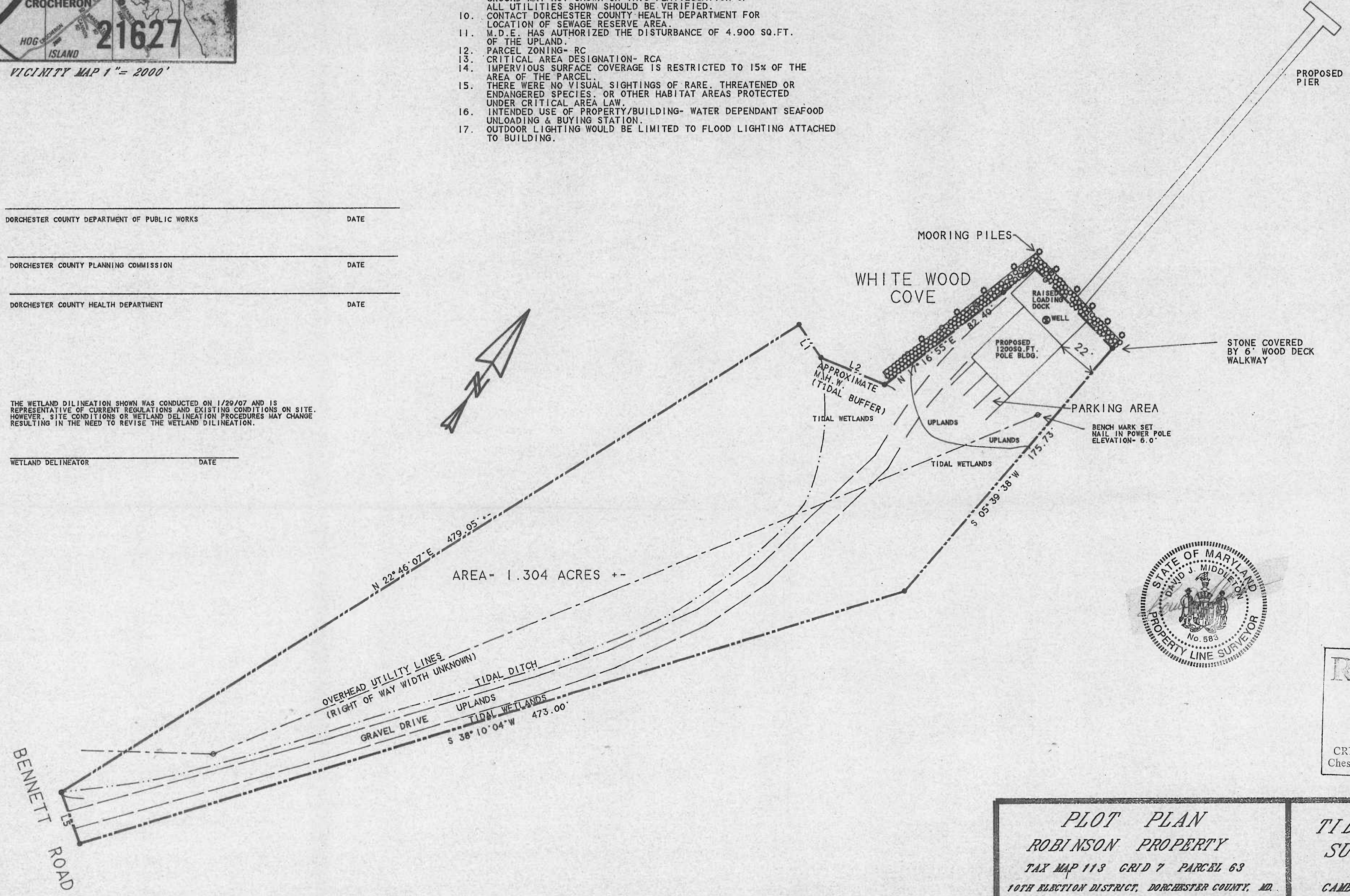
DORCHESTER COUNTY DEPARTMENT OF PUBLIC WORKS \_\_\_\_\_ DATE \_\_\_\_\_

DORCHESTER COUNTY PLANNING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_

DORCHESTER COUNTY HEALTH DEPARTMENT \_\_\_\_\_ DATE \_\_\_\_\_

THE WETLAND DILINEATION SHOWN WAS CONDUCTED ON 1/29/07 AND IS REPRESENTATIVE OF CURRENT REGULATIONS AND EXISTING CONDITIONS ON SITE. HOWEVER, SITE CONDITIONS OR WETLAND DILINEATION PROCEDURES MAY CHANGE RESULTING IN THE NEED TO REVISE THE WETLAND DILINEATION.

WETLAND DELINEATOR \_\_\_\_\_ DATE \_\_\_\_\_



**PLOT PLAN**  
**ROBINSON PROPERTY**  
 TAX MAP 113 GRID 7 PARCEL 63  
 10TH ELECTION DISTRICT, DORCHESTER COUNTY, MD.  
 SCALE: 1" = 40' NOVEMBER 20, 2006

**TIDEWATER LAND SURVEYORS INC**  
 507 COURT LANE  
 CAMBRIDGE, MARYLAND 21613  
 PHONE: 410/221/0008 FAX: 410/221/1250

P&Z# 1149