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10/17/07

- CA 601-07  
VAR

Turner, Mike  
07-3479

51829-6501

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/)

March 31, 2009

Dr. David Brownlee  
Calvert County Department of Planning and Zoning  
150 Main Street  
Prince Fredrick, Maryland 20678

Re: SPR 06-31 Solomon's Town Park- Consistency Report  
(Tax Map 44, parcel 679)

Dear Dr. Brownlee:

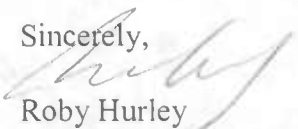
Thank you for providing information on the above referenced site plan. The Calvert County Department of Public Works is proposing to construct multiple athletic fields and paved parking areas to accommodate approximately 300 cars. Approximately 16.8 acres of the property are located within the Critical Area and are designated as a Limited Development Area (LDA). The Critical Area portion of the property appears undeveloped.

Based on the information provided we have the following comments:

1. Sheet 2 of 10 includes a discrepancy in the number of parking spaces to be included on site. The Area Tabulation chart states "Total Parking Recommended = 340, Total Parking Recommended = 295". Please provide this office with clarification as to the exact number of parking spaces to be provided on site, within the Critical Area.
2. While the County's response adequately addresses our previous concerns, please complete the enclosed consistency report standard form for the Commission's files. Please note that the form includes a signature line for the appropriate contact within the County.

Thank you for the opportunity to provide comment. If you have any questions or concerns, please contact me at (410) 260-3468.

Sincerely,

  
Roby Hurley  
Natural resources Planner  
CA 489-06

RT  
3/31/09

601-07

RECEIVED

MAR 30 2009

JUDICIAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays

# CALVERT COUNTY BOARD OF APPEALS ORDER

Case No. 07-3479 (REMAND)  
Public Hearing: March 5, 2009

This matter came before the Calvert County Board of Appeals on a Remand from the Circuit Court of Calvert County, Circuit Court Case No. 04-C-08-000449.

## BACKGROUND

Mike Turner from Mike Turner Custom Homes, Inc. applied for a variance in the steep slope requirement and a variance in the extended buffer requirement to construct a single-family dwelling, deck, porch, driveway, well and septic system. The property is located at 615 Willow Road, Lusby (Tax Map 35, Block 25, Plat 7, Lot 48R, White Sands) and is zoned RD/LDA (Residential District/Limited Development Area). Mr. Michael Reber, Chairman; Dr. Walter Boynton, Vice Chairman; and Mr. Michael Redshaw, Member (collectively, the Board) heard the case on November 1, 2007 & December 6, 2007 and denied the requested variance in a written order dated December 21, 2007. Mr. Turner applied for a Reconsideration of the Board's decision. The Board heard the Reconsideration request on March 6, 2008 and denied the requested Reconsideration in an Order dated March 20, 2008. Mr. Turner (Petitioner), represented by, Nicholas J. Ferrante, Esquire, filed a Petition for Judicial Review on April 3, 2008 requesting the Circuit Court for Calvert County reverse or modify the decision of the Board. The Honorable Marjorie L. Clagett from the Calvert County Circuit Court heard the matter on October 20, 2008 and remanded the matter to the Board. The Court found that the original record was insufficient to determine whether Petitioner met requirements (a), (b), (e), (f), and (h) of Article 11-1.01.B.6 of the Calvert County Zoning Ordinance. The Court instructed the Board to take further testimony on these requirements.

The remanded case was presented March 5, 2009 before Mr. Michael Reber, Chairman; Dr. Walter Boynton, Vice Chairman; and Mr. Michael Redshaw, Member (collectively, the Board). Mr. Carlton Green, Esquire, served as the Board's Counsel. Mr. Mike Turner was present at the hearing and was represented by Mr. Nicholas Ferrante,

Esquire, and Mr. Nicholas Montgomery, engineering technician from Collinson, Oliff & Associates, Inc.

**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 or deny variances from the Critical Area requirements of Section 8-1 of the Ordinance.

**TESTIMONY & EVIDENCE PRESENTED**

1. The following Applicant's Exhibits were dated and entered into the record at the March hearing.
  - Exhibit No. 1 – Remand from Circuit Court No. 04-C-08-000449
  - Exhibit No. 2 – Board of Appeals Orders No. 90-1332; No. 93-1824; and No. 93-1921
  - Exhibit No. 3 – Memo dated March 5, 2009 from Ron Babcock, Soil Conservation Service to Pam Helie, Planning and Zoning; RE: Appeals Case No. 07-3479
  - Exhibit No. 4 – Planting Plan, Lot 48-R, Block 25, Lot 7, White Sands, dated 3-4-09
  
2. A Staff Report prepared by Roxana Whitt, Board of Appeals Administrator, was entered into the record at the March hearing as Staff Exhibit No. 1.

**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 .20 acre and is located on the northeast side of Willow Drive at its terminus in the White Sands subdivision.
  
2. The tract is partially wooded and has steep slopes across ~90% of the lot area. Most of the lot exhibits slopes in excess of 25%. The entire site lies within the slope-extended buffer as measured from a tributary of St. Leonard Creek.

3. Stormwater flows naturally from the site toward the east and southeast. Adjacent Lot 47 is developed with a single family home. Adjacent lot 707R is also developed with a single-family home that was the subject of a previous Board of Appeals case. The septic recovery area for that lot lies adjacent to the subject property.
4. The platted cul-de-sac at the end of Willow Road is not constructed and is not used as a public road; it was deeded by the White Sands Civic Association to the owners of Lot 707R, reserving the right of access for the owner of the subject lot. The owners of Lot 707R have constructed riprap ditches and stormwater diversions within this cul-de-sac area. Some of the riprap ditches were placed on the subject lot.
5. The well that serves Lot 47 to the north was incorrectly placed on the subject property, Lot 48R, when the house on Lot 47 was constructed. The owner of the subject property also previously owned Lot 47 and was responsible for constructing the house on that lot and drilling the well in its incorrect location. The well cannot be relocated to Lot 47 because the original development plan for Lot 47 was not followed during construction and there is no location for the well that meets required setbacks from the septic system and house. Now, the subject lot cannot be developed without relocating the incorrectly placed well. As a means of partially addressing the well-placement error, the well serving Lot 47 is proposed to be removed and replaced in a new location *on the subject property, Lot 48R*, within a well easement specified by the Calvert County Health Department. The well that is proposed to serve the subject lot will be located at the south edge of the well easement. The subject lot will then be required to support two wells. A temporary road is proposed to be constructed on the subject lot to provide access to drill and maintain both wells.
6. In granting preliminary approval for the well and septic plan, the Calvert County Health Department is honoring a sewage disposal permit that was issued in 1986. Without the 1986 permit, the Health Department would not approve construction on this lot because it would not meet current standards for septic system installation and well location.
7. The applicants propose phased construction, with the first phase being construction of the access road to drill the wells. Proposed disturbance for this road is 7596 s.f., or 88% of the lot. Proposed tree clearing totals 5206 s.f., or 85% of the forested area on the lot. The area of the access road along the boundary with Lot 707R must remain open and free of permanent structures and trees to allow future access to the well sites.
8. The proposed house size is 40' x 22', with a partial basement and partial crawl space beneath the 2-story upper level. A 10' x 12' deck is proposed for the rear. The slope across the building site, as measured from the upper corner of the proposed building to the stormwater pad, is greater than 30%.

9. Total proposed impervious surface is 2143 s.f., or 24.9% of the lot area. Maximum allowed impervious surface is 25%.
10. The proposed stormwater control consists of a 10' x 10' x 1' surge stone pad, with downspouts discharging into the surge stone pad on filter cloth.
11. Proposed sediment and erosion control includes an earth dike on the down-slope side, with chain link reinforced silt fence behind. The earth dike is proposed to remain in place after dwelling construction and be planted with native plantings.
12. The Board visited this property in November 2007 and has first-hand knowledge of its specific features. The Board finds that the preponderance of steep slopes covering nearly the entire property makes it particularly difficult to develop without creating significant environmental impact. The Board finds that the applicant has failed to demonstrate that the proposed development will not adversely affect water quality and habitat. The proposal calls for disturbance and clearing of 88% of this steep-sloped lot and the Board finds the proposed stormwater management devices are inadequate and are likely to fail in the event of a significant storm event, leading to significant erosion and impacts to the nearby tidal waters.
13. The Board finds the applicant has proposed a relatively modest house size; however, even this house size on a lot with significant limitations poses an environmental hazard.
14. The Board finds the applicant has not proved a hardship as the hardship in the case is partially self-imposed due to the applicant's previous actions when developing the adjoining lot, e.g. the misplacement of the house, septic systems, and the well. The Board finds the disturbance required to drill a new well on extraordinarily steep slopes within the extended buffers would provide to the applicant a right that is not commonly enjoyed by other property owners in the Critical Area.
15. The Board finds that denial of the variances would not constitute a taking of the property because the applicant has alternatives for realizing its value other than through the proposed construction. Specifically, the applicant has met the minimum criteria specified in Section 5-1.09.H of the Calvert County Zoning Ordinance for certification of Transferable Development Rights, which may be sold to the County. This Ordinance provision was instituted specifically to address compensation for retirement, rather than development, of unimproved subdivision lots. This provision works especially well where development impacts might be significant, such as is anticipated with the subject lot. While a lot line adjustment to exclude the well might be required, the plan submitted with this application indicates that the criteria for certification as provided in the Zoning Ordinance have been met.

16. The Board finds that the applicant must meet **each** of the variance criteria found in Section 11-1.01.B of the Calvert County Zoning Ordinance in order for the requested variances to be approved. Failure to meet even a single criterion must result in denial of the variance request, in accordance with Critical Area law and the Critical Area variance component of the Calvert County Zoning Ordinance.

### 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 or deny the subject variance from the Critical Area requirements of Section 8-1 of this Ordinance.
2. The Board concludes that the applicant has not overcome the presumption of nonconformance as required in Section 11-1.01.B.2 &3 of the Zoning Ordinance. The Board concludes that clearing 85-88% of the steep slopes on the subject lot will lead to significant erosion and impacts to the nearby tidal waters and habitat.
3. The Board concludes that:
  - a. Granting the variance will result in injury to the public interest as runoff from the subject lot will impact adjacent Lot 707R. In addition, water quality in the tributary and tidal waters of St. Leonard Creek will continue to deteriorate with the proposed construction.
  - b. Granting the variance will adversely affect the implementation of the water quality component the Comprehensive Plan. Calvert County's goal is to maintain or improve water quality and the excessive introduction of sediment to creeks, tributaries, rivers and the main stem of the Chesapeake Bay is contrary to this goal.
  - c. The variance may be the minimum adjustment necessary to afford relief from the regulations because of the peculiar circumstances surrounding the property, particularly the presence of the incorrectly placed well. The applicant's proposal for a 40' x 22' house with a basement, a 2' overhang on the east edge of the house, and a porch is relatively small by Calvert County standards. In addition, the applicant proposes use of a septic system with denitrification which has been approved by the Calvert County Health Department and the site plan meets the requirements of the Calvert County Soil Conservation District. However, the clearing exceeds that which would normally be allowed for construction on a Critical Area lot, particularly one with slopes of this magnitude.
  - d. Special conditions or circumstances exist that are peculiar to the land or structure within Calvert County. However, a literal enforcement of the provisions of County's Critical Area Program would not result in

unwarranted hardship. There are means available to the applicant to realize the value of this property other than the proposed construction. The applicant has the right to seek compensation through Transfer Development Rights or other types of sale of the land.

- e. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program will not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County. Typically those rights are the ability to have a house, septic system, water, driveway and parking; however, other properties are not granted the right to inflict the potential for serious and significant erosion onto neighboring properties and the environment.
- f. The granting of the variances will confer upon the 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. The impacts associated with drilling two wells on this property, one to serve the neighboring lot and one to serve the subject lot, while impacting extraordinarily steep slopes within the extended buffers is not a right commonly enjoyed by other applicants for structures in the Critical Area.
- g. The variance request is at least partially based upon conditions or circumstances which are the result of actions by the applicant because the applicant placed the well serving the adjoining property on the subject property.
- h. Granting the variance will adversely affect water quality and adversely impact fish, wildlife, and plant habitat within the County's Critical Area, and granting the variance will not be in harmony with the general spirit and intent of the Critical Area law. The general spirit and intent of the Critical Area Law is to protect tidal waters and tidal creeks in Maryland from further deterioration and to try to improve the degraded state of these waters. Neither evidence nor testimony was presented that convinced the Board that development of this lot with the proposed plan would meet either the general spirit or the intent of the Critical Area law.

### ORDER

It is hereby ordered, by a unanimous decision that a variance in the steep slope requirement and the variance in the extended buffer requirement to construct a single-family dwelling, deck, porch, driveway, well and septic system on the subject property, as requested by Mike Turner from Mike Turner custom Homes, Inc., be **DENIED** as the applicant has



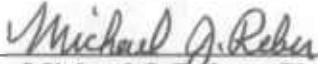
failed to meet the criteria set forth in Article 11, Section 1.01.B, items a, b, d, e, f, g, and h of the Calvert County Zoning Ordinance as set forth above.

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: March 27 2009  
Pamela P. Helie, Clerk

  
\_\_\_\_\_  
Michael J. Reber, Chairman

07-3479  
REMAND

NOV 21 2008

RECEIVED  
NOV 26 2008  
PLANNING AND ZONING

IN THE CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

IN THE MATTER OF MIKE TURNER

Case No.: C-08-449

\*  
\*  
\*

\* \* \* \* \*

OPINION AND ORDER

This matter was before the Court on October 20, 2008, on a Petition for Judicial Review. Counsel for both parties were present. The Court heard oral argument on the Petition, after which the Court took the matter under advisement. For the following reasons, the requested relief in the Petition for Judicial Review is GRANTED, and the decision of the Calvert County Board of Appeals is REMANDED.

**I. Standard of Review**

The standard for judicial review on zoning matters, including critical area variances, is "whether the issue before the administrative body is 'fairly debatable' and that is, whether its determination is based upon evidence from which reasonable persons could come to different conclusions." *White v. North*, 356 Md. 31, 44 (1999). "For its conclusion to be fairly debatable, the administrative agency overseeing the variance decision must have 'substantial evidence' on the record supporting its decision." *White*, 356 Md. at 44. "Whether reasoning minds could reasonably reach a conclusion from facts in the record is the essential test. If such a conclusion is sufficiently supported by the evidence, then it is based upon substantial evidence." *Stansbury v. Jones*, 372 Md. 172, 182 (2002). "A court must consider all of the evidence before the zoning authority; the decision is 'fairly debatable' if it is supported by substantial evidence on the record taken as a whole." *Sedney v. Lloyd*, 44 Md.App. 633, 637 (1980).

**II. Background**

Petitioner, Mike Turner, submitted an application for a variance in the steep slope requirements and variance in the extended buffer requirement to construct a single-family dwelling, deck, porch, driveway, well, and septic system. The property is located at 615 Willow Road, Lusby, Maryland (Tax Map 35, Block 25, Plat 7, Lot 48R, White Sands). The Calvert

AW/Hrs  
10/02 - mild  
opposition  
2/22/08  
No opposition

County Board of Appeals (the Board) held two public hearings on November 1, 2007, and December 6, 2007, and denied Petitioner's application. Petitioner filed a Request for Reconsideration, which, after a hearing on March 6, 2008, was also denied by the Board. A timely Petition for Judicial Review was filed April 3, 2008.

### III. Discussion

Petitioner contends that the Board's denial of his application was based on findings unsupported by the evidence in the record. Section 11-1.01.B of the Calvert County Zoning Ordinance (Zoning Ordinance), which deals with variances in critical areas, requires an applicant to carry the burden of proof and burden of persuasion to overcome the presumption of nonconformance. In addition, § 11-1.01.B.6 lists eight requirements that an applicant must demonstrate before a variance may be granted by the Board:

- (a) The variance will not result in injury to the public interest.
- (b) Granting the variance will not adversely affect the implementation of the Comprehensive Plan.
- (c) The variance is the minimum adjustment necessary to afford relief from the regulations.
- (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.
- (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.
- (f) The granting of a variance will not confer upon an applicant 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.
- (g) The variance request is not based upon conditions or circumstances which are the result of actions by the applicant.
- (h) 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 that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law.

After a review of the record and the Board's written opinions, which deny the variance and deny the request for reconsideration, the Court finds that the record is insufficient to support the Board's findings. In particular, the record is deficient on whether Petitioner met requirements (a), (b), (e), (f), and (h) of § 11-1.01.B.6 of the

Zoning Ordinance, which are listed above. Therefore, the Court shall remand the case to permit the Board to take further testimony on these requirements.

  
MARJORIE L. CLAGETT, JUDGE

*November 19, 2008*

*Marjorie L. Clagett  
Judge*

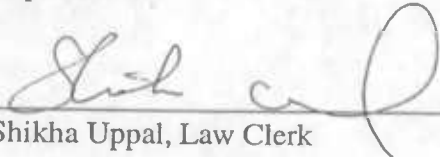
**Copies to:**

Nicholas Ferrante, Esq.  
135 West Dares Beach Road  
Suite 209A  
Prince Frederick, MD 20678

Pamela Lucas, Esq.  
175 Main Street  
Prince Frederick, MD 20678

**Certificate of Service**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of November, 2008, a copy of the foregoing Order was delivered to the above named parties.

  
\_\_\_\_\_  
Shikha Uppal, Law Clerk

## CALVERT COUNTY BOARD OF APPEALS

Case No. 07-3479

Public Hearing  
November 1, 2007  
December 6, 2007

Mike Turner from Mike Turner Custom Homes, Inc. has applied for a variance in the steep slope requirement and a variance in the extended buffer requirement to construct a single-family dwelling, deck, porch, driveway, well and septic system. The property is located at 615 Willow Road, Lusby (Tax Map 35, Block 25, Plat 7, Lot 48R, White Sands) and is zoned RD/LDA Residential District/Limited Development Area.

### 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 case was presented November 1, 2007 before Board of Appeals members Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman, and Mr. Michael Redshaw (the Board). Mr. Mike Turner was present at the hearing and was represented by Mr. Nicholas Montgomery from Collinson, Oliff, and Associates, Inc.
2. A Staff Report including photographs taken on site was entered into the record at the November hearing and marked Staff Exhibit No. 1.
3. The following Applicant Exhibits were dated and entered into the record at the November hearing:
  - Exhibit No. 1 – Application
  - Exhibit No. 2 – Plat of Subject Property

4. The following correspondence was entered into the record at the November hearing:
  - Letter dated October 17, 2007 from Amber Widmayer, Chesapeake Bay Critical Area Commission
  - Memo dated October 23, 2007 from Stephanie Taylor, Calvert County Engineering Bureau
  - Memo dated October 22, 2007 from Ron Babcock, Soil Conservation District
5. The following persons testified at the November hearing:
  - Amber Widmayer, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
  - Tom Spilman, 1925 Owensville Court, Dunkirk, MD 20754
  - Alison Spilman, 1925 Owensville Court, Dunkirk, MD 20754
  - Lynelle Morsell, 625 Willow Road, Lusby, MD 20657
6. The Board deferred action at the November hearing pending a site visit.
7. The Board visited the site between the November and December hearings.
8. The case was again presented December 6 before Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman, and Mrs. Lisa Sanders, member (the Board). Mr. Mike Turner was present at the hearing and was represented by Mr. Nicholas Montgomery from Collinson, Oliff and Associates, Inc.
9. The following persons testified at the December hearing:
  - Amber Widmayer, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
  - Tom Spilman, 1925 Owensville Court, Dunkirk, MD 20754

#### FINDINGS OF FACT

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

1. The property consists of .20 acre and is located on the northeast side of Willow Drive at its terminus in the White Sands subdivision.

2. The tract is wooded throughout with large trees and has steep slopes across ~90% of the area. Most of the lot exhibits slopes in excess of 25%. The entire site lies within the slope-extended buffer as measured from a stream that feeds Johns Creek off St. Leonard Creek.
3. Stormwater flows naturally from the site toward the east and southeast. Adjacent Lot 47 is developed with a single family home. Adjacent Lot 707R is also developed with a single-family home that was the subject of a previous Board of Appeals case. The septic recovery area for that lot lies adjacent to the subject property; the house is on the opposite side of the property.
4. The cul-de-sac area at the end of Willow Road is not a public road, but was deeded by the White Sands Association to the owners of Lot 707R. They have constructed riprap ditches and stormwater diversions within the former right-of-way. Some of the riprap ditches were placed on the subject lot. The subject lot has the right of access across the former Willow Road right-of-way.
5. The well that serves Lot 47 to the north was placed in error on the subject property, Lot 48R, when the house on Lot 47 was constructed. The owner of the subject lot also owned Lot 47 when the well was drilled and that house constructed. The well serving Lot 47 is to be removed and replaced in a new location on Lot 48R, within the well easement. The well to serve the subject lot will be located at the south edge of the well easement. A temporary road is proposed to be constructed on the subject lot to provide access to drill both wells.
6. The Health Department has granted preliminary approval for the well and septic plan. They have indicated that Health Department approval would not be granted for the subject lot under current standards because of the problem with the well location. They are also honoring a sewage disposal permit that was issued in 1986. The proposed septic system consists of 3 vertical trenches located on the front half of the lot. Health Department notes indicate that pre-treatment of septic effluent is required.
7. The applicants propose to first construct the access road to drill the wells. Proposed clearing for this road is 7596 s.f., or 88% of the lot. Proposed tree clearing totals 5206 s.f., or 85% of the forested area on the lot. The area of the access road along the boundary with Lot 707R is required to remain open and free of permanent structures to allow future access to the well sites.
8. The proposed house size is 40' x 22', with a partial basement and partial crawl space beneath the 2-story upper level. A 10' x 12' deck is proposed for the rear. The slope across the building site, as measured from the upper corner of the proposed building to the stormwater pad, is greater than 30%. The location of the proposed septic system is dictating where the house must be situated on this lot.
9. Total proposed impervious surface is 2143 s.f., or 24.9%. Maximum allowed impervious surface is 25%.



10. The proposed stormwater control consists of a 10' x 10' x 1' surge stone pad, with all downspouts discharging into the surge stone pad on filter cloth.
11. Proposed sediment and erosion control to be employed during construction includes an earth dike on the down-slope side, with chain link reinforced silt fence behind. The earth dike is proposed to remain in place after dwelling construction and be planted with native plantings.
12. Based on the site visit and the weight of testimony and evidence presented, the Board finds this is an extremely small and difficult lot with steep slopes covering most of the property. The Board finds that the applicant has not demonstrated the proposed development will not adversely affect water quality and habitat: The proposal calls for clearing 84-88% of the tree cover on a steep lot and the Board finds the proposed stormwater management devices are inadequate and are likely to fail in the event of a significant storm event, leading to significant erosion and impacts to the nearby tidal waters.
13. The Board finds the applicant has proposed a modest house size; however, even this house size on a lot with significant limitations poses an environmental hazard.
14. The Board finds the applicant has not proved a hardship as the hardship in the case is partially self-imposed due to the applicant's previous actions when developing the adjoining lot, e.g. the misplacement of the house, septic systems, and the well. The Board finds the disturbance required to drill a new well on extraordinarily steep slopes within the extended buffers would provide to the applicant a right that is not commonly enjoyed by other applicants for structures in the Critical Area.

### 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 variances from the Critical Area requirements of Section 8-1 of this Ordinance.
2. The Board concludes that the applicant has not overcome the presumption of nonconformance as required in Section 11-1.01.B.2 & 3 of the Zoning Ordinance.
3. The Board concludes :
  - a. The variance will result in injury to the public interest; and
  - b. Granting the variance will 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 do not exist that are peculiar to the land or structure within Calvert County and a literal enforcement of provisions within the County's Critical Area Program would not 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 not 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 confer upon the 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 partially based upon conditions or circumstances which are the result of actions by the applicant
  - h. the granting of a variance will 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.

#### ORDER

It is hereby ordered, by a unanimous decision that a variance in the steep slope requirement and the variance in the extended buffer requirement to construct a single-family dwelling, deck, porch, driveway, well and septic system as requested by Mike Turner from Mike Turner Custom Homes, Inc. be **DENIED**:


#### 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: December 21 2007  
Pamela P. Helie, Clerk

  
\_\_\_\_\_  
Michael J. Reber, Chairman

IN THE CIRCUIT COURT FOR CALVERT COUNTY, MARYLAND

PETITION OF MIKE TURNER :  
5715 Oak Crest Drive  
St. Leonard, MD 20685

FOR JUDICIAL REVIEW OF THE :  
DECISION OF BOARD OF APPEALS :  
150 Main St. : Civil Action No. 04-C-08-000449  
Prince Frederick, MD 20678

IN THE CASE of MIKE TURNER :  
Board of Appeals :  
BOA Case #07-3479 :

NOTICE OF FILING OF PETITION FOR JUDICIAL REVIEW

Pursuant to Maryland Rule 7-202(d)(3), you are hereby notified that on April 3, 2008, a  
Petition for Judicial Review was filed in the above case and that any party wishing to oppose the  
Petition must file a response within 30 days after the date of mailing of this notice.

The date of mailing of this notice is April 14, 2008.

*Pamela P. Helie*  
Pamela P. Helie  
Clerk to the Board of Appeals  
150 Main Street  
Prince Frederick, MD 20678  
(410) 535-1600



## CALVERT COUNTY BOARD OF APPEALS

Case No. 07-3479(R)

Public Hearing  
March 6, 2008

Mike Turner from Mike Turner Custom Homes, Inc. has applied for a Reconsideration of the Board's decision in denying a variance in the steep slope requirement and a variance in the extended buffer requirement to construct a single-family dwelling, deck, porch, driveway, well and septic system. The property is located at 615 Willow Road, Lusby (Tax Map 35A, Block 25, Plat 7, Lot 48R, White Sands) and is zoned RD/LDA Residential District/Limited Development Area.

### AUTHORITY OF THE BOARD OF 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."

### TESTIMONY & EVIDENCE PRESENTED

1. In accordance with Rule 6-101B of the Calvert County Board of Appeals Rules of Procedure, the Board shall reconsider a matter if evidence is submitted which could not reasonably have been presented at the original hearing. The Board shall not reconsider a matter if evidence is submitted which could reasonably have been presented at the original hearing.
2. The record for Board of Appeals Case No. 07-3479, established during the Board of Appeals hearings held November 1, 2007 and December 6, 2007 is incorporated by reference.
3. Mr. Mike Turner from Turner Custom Homes submitted an application on January 7, 2008 for reconsideration of the Board's decision in Case No. 07-3479 dated December 21, 2007. The application included a letter dated January 4, 2007, from Mr. Jeff Tewell from Collinson, Oliff & Associates, Inc. requesting the Board reconsider the case based on the fact that the Board did not base its decision on a complete understanding of the case. Specifically, the

letter provided responses to the criteria for approving a Critical Area variance as outlined in written Order No. 07-3479.

4. The reconsideration request was presented March 6, 2007 before Board of Appeals members Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman, and Mr. Michael Redshaw (the Board).
5. Mr. Mike Turner was present at the hearing and was represented by Mr. Nicholas Montgomery and Mr. Jeff Tewell from Collinson, Oliff & Associates. Mr. Tewell presented a brief argument addressing why the case should be reopened and reconsidered.
6. Mr. Tom Spilman & Mrs. Alison Spilman, 1925 Owensville Court, Dunkirk, MD 29754, spoke at the hearing.

#### FINDINGS OF FACT

The Board finds that evidence and testimony presented by the Applicant and his representatives could reasonably have been presented at the original hearings. The Board finds the issues raised by the Applicant in this case were available and presented to the Board at the time the decision for Case 07-3479 was rendered.

#### CONCLUSIONS

The Board concludes that Case No. 07-3479 shall not be reopened and not be reconsidered.

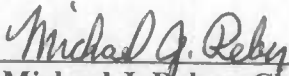
#### ORDER

It is hereby ordered, by a unanimous decision, that the Request for Reconsideration of the Board's decision in Board of Appeals Case No.07-3479 submitted by Michael Turner from Turner Custom Homes Inc. be **DENIED** based on the above findings of fact and conclusions.

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 Title 7, Chapter 200, as amended from time to time, within 30 days<sup>1</sup> of the Board of Appeals Order.

Entered: March 20 2008  
Pamela P. Helie, Clerk

  
\_\_\_\_\_  
Michael J. Reber, Chairman

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<sup>1</sup> The subject Reconsideration Request was submitted 15 days after the date of the Order for BOA Case No. 07-3479. In accordance with Rule 6-101B.7 of the Rules of Procedure, Calvert County Board of Appeals, the appeal period shall resume on the date of the Board of Appeals' written decision on the reconsideration request and/or revised Order for the case.

601-07

## CALVERT COUNTY BOARD OF APPEALS

Case No. 07-3479

Public Hearing  
November 1, 2007  
December 6, 2007

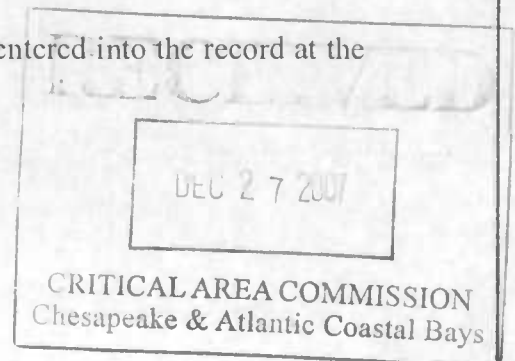
Mike Turner from Mike Turner Custom Homes, Inc. has applied for a variance in the steep slope requirement and a variance in the extended buffer requirement to construct a single-family dwelling, deck, porch, driveway, well and septic system. The property is located at 615 Willow Road, Lusby (Tax Map 35, Block 25, Plat 7, Lot 48R, White Sands) and is zoned RD/LDA Residential District/Limited Development Area.

### 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 case was presented November 1, 2007 before Board of Appeals members Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman, and Mr. Michael Redshaw (the Board). Mr. Mike Turner was present at the hearing and was represented by Mr. Nicholas Montgomery from Collinson, Oliff, and Associates, Inc.
2. A Staff Report including photographs taken on site was entered into the record at the November hearing and marked Staff Exhibit No. 1.
3. The following Applicant Exhibits were dated and entered into the record at the November hearing:
  - Exhibit No. 1 – Application
  - Exhibit No. 2 – Plat of Subject Property





4. The following correspondence was entered into the record at the November hearing:
  - Letter dated October 17, 2007 from Amber Widmayer, Chesapeake Bay Critical Area Commission
  - Memo dated October 23, 2007 from Stephanie Taylor, Calvert County Engineering Bureau
  - Memo dated October 22, 2007 from Ron Babeock, Soil Conservation District
  
5. The following persons testified at the November hearing:
  - Amber Widmayer, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
  - Tom Spilman, 1925 Owensville Court, Dunkirk, MD 20754
  - Alison Spilman, 1925 Owensville Court, Dunkirk, MD 20754
  - Lynelle Morsell, 625 Willow Road, Lusby, MD 20657
  
6. The Board deferred action at the November hearing pending a site visit.
  
7. The Board visited the site between the November and December hearings.
  
8. The case was again presented December 6 before Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman, and Mrs. Lisa Sanders, member (the Board). Mr. Mike Turner was present at the hearing and was represented by Mr. Nicholas Montgomery from Collinson, Oliff and Associates, Inc.
  
9. The following persons testified at the December hearing:
  - Amber Widmayer, Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
  - Tom Spilman, 1925 Owensville Court, Dunkirk, MD 20754

**FINDINGS OF FACT**

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

1. The property consists of .20 acre and is located on the northeast side of Willow Drive at its terminus in the White Sands subdivision.

2. The tract is wooded throughout with large trees and has steep slopes across ~90% of the area. Most of the lot exhibits slopes in excess of 25%. The entire site lies within the slope-extended buffer as measured from a stream that feeds Johns Creek off St. Leonard Creek.
3. Stormwater flows naturally from the site toward the east and southeast. Adjacent Lot 47 is developed with a single family home. Adjacent Lot 707R is also developed with a single-family home that was the subject of a previous Board of Appeals case. The septic recovery area for that lot lies adjacent to the subject property; the house is on the opposite side of the property.
4. The cul-de-sac area at the end of Willow Road is not a public road, but was deeded by the White Sands Association to the owners of Lot 707R. They have constructed riprap ditches and stormwater diversions within the former right-of-way. Some of the riprap ditches were placed on the subject lot. The subject lot has the right of access across the former Willow Road right-of-way.
5. The well that serves Lot 47 to the north was placed in error on the subject property, Lot 48R, when the house on Lot 47 was constructed. The owner of the subject lot also owned Lot 47 when the well was drilled and that house constructed. The well serving Lot 47 is to be removed and replaced in a new location on Lot 48R, within the well easement. The well to serve the subject lot will be located at the south edge of the well easement. A temporary road is proposed to be constructed on the subject lot to provide access to drill both wells.
6. The Health Department has granted preliminary approval for the well and septic plan. They have indicated that Health Department approval would not be granted for the subject lot under current standards because of the problem with the well location. They are also honoring a sewage disposal permit that was issued in 1986. The proposed septic system consists of 3 vertical trenches located on the front half of the lot. Health Department notes indicate that pre-treatment of septic effluent is required.
7. The applicants propose to first construct the access road to drill the wells. Proposed clearing for this road is 7596 s.f., or 88% of the lot. Proposed tree clearing totals 5206 s.f., or 85% of the forested area on the lot. The area of the access road along the boundary with Lot 707R is required to remain open and free of permanent structures to allow future access to the well sites.
8. The proposed house size is 40' x 22', with a partial basement and partial crawl space beneath the 2-story upper level. A 10' x 12' deck is proposed for the rear. The slope across the building site, as measured from the upper corner of the proposed building to the stormwater pad, is greater than 30%. The location of the proposed septic system is dictating where the house must be situated on this lot.
9. Total proposed impervious surface is 2143 s.f., or 24.9%. Maximum allowed impervious surface is 25%.

10. The proposed stormwater control consists of a 10' x 10' x 1' surge stone pad, with all downspouts discharging into the surge stone pad on filter cloth.
11. Proposed sediment and erosion control to be employed during construction includes an earth dike on the down-slope side, with chain link reinforced silt fence behind. The earth dike is proposed to remain in place after dwelling construction and be planted with native plantings.
12. Based on the site visit and the weight of testimony and evidence presented, the Board finds this is an extremely small and difficult lot with steep slopes covering most of the property. The Board finds that the applicant has not demonstrated the proposed development will not adversely affect water quality and habitat: The proposal calls for clearing 84-88% of the tree cover on a steep lot and the Board finds the proposed stormwater management devices are inadequate and are likely to fail in the event of a significant storm event, leading to significant erosion and impacts to the nearby tidal waters.
13. The Board finds the applicant has proposed a modest house size; however, even this house size on a lot with significant limitations poses an environmental hazard.
14. The Board finds the applicant has not proved a hardship as the hardship in the ease is partially self-imposed due to the applicant's previous actions when developing the adjoining lot, e.g. the misplacement of the house, septic systems, and the well. The Board finds the disturbance required to drill a new well on extraordinarily steep slopes within the extended buffers would provide to the applicant a right that is not commonly enjoyed by other applicants for structures in the Critical Area.

### 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 variances from the Critical Area requirements of Section 8-1 of this Ordinance.
2. The Board concludes that the applicant has not overcome the presumption of nonconformance as required in Section 11-1.01.B.2 &3 of the Zoning Ordinance.
3. The Board concludes :
  - a. The variance will result in injury to the public interest; and
  - b. Granting the variance will 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 do not exist that are peculiar to the land or structure within Calvert County and a literal enforcement of provisions within the County's Critical Area Program would not result in unwarranted hardship; and
  - c. a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will not deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County; and
  - f. the granting of a variance will confer upon the 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 partially based upon conditions or circumstances which are the result of actions by the applicant
  - h. the granting of a variance will 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.

**ORDER**

It is hereby ordered, by a unanimous decision that a variance in the steep slope requirement and the variance in the extended buffer requirement to construct a single-family dwelling, deck, porch, driveway, well and septic system as requested by Mike Turner from Mike Turner Custom Homes, Inc. be **DENIED**:

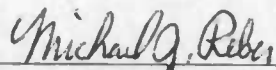
**APPEALS**

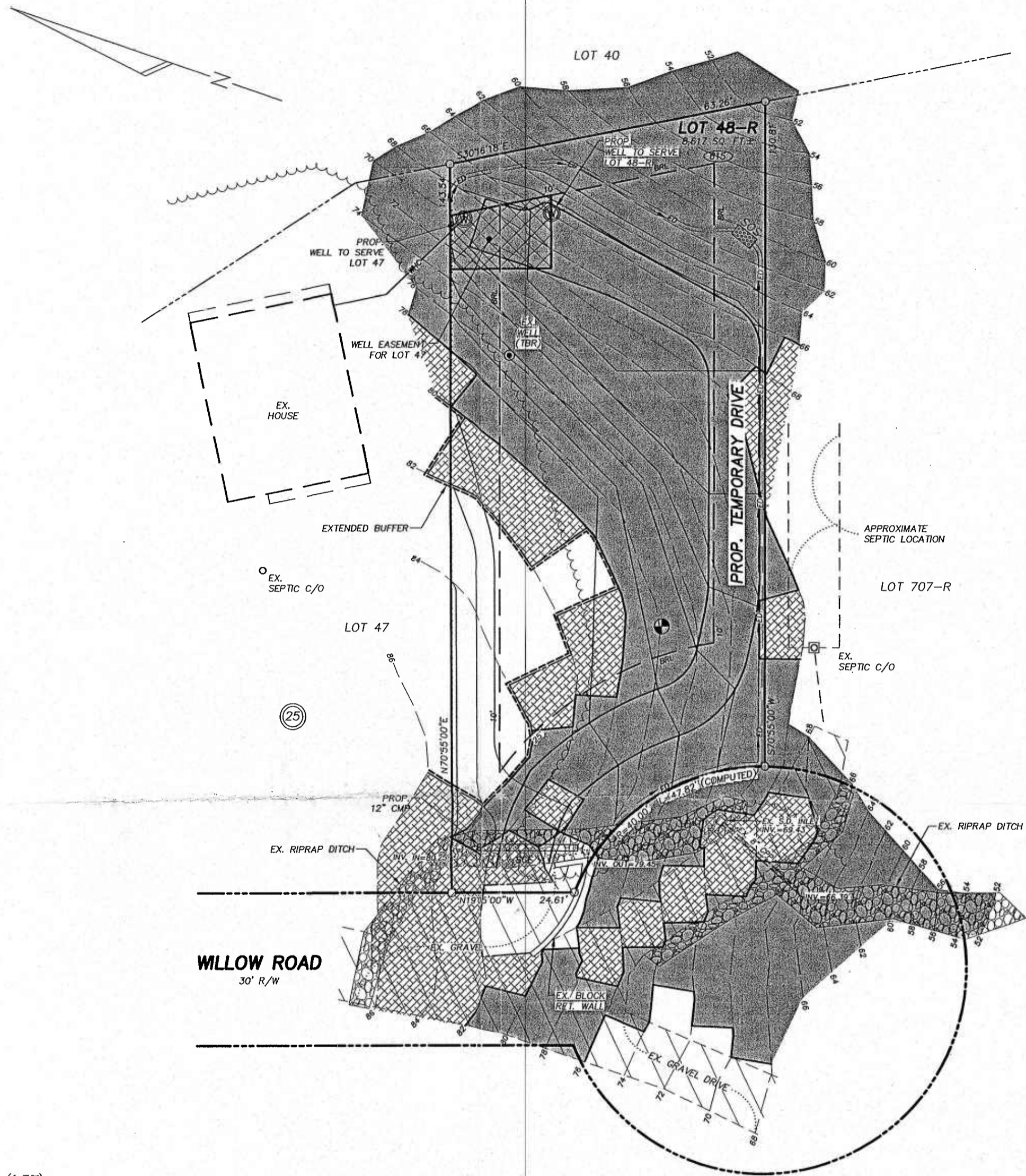
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aggrieved by any decision of the Board of Appeals or (2) any taxpayer, or (3) any officer, department, board or bureau of Calvert County. Such appeal shall be taken according to the Maryland Rules as set forth in Maryland Rules, Title 7, Chapter 200, as amended from time to time, within 30 days of the Board of Appeals Order.

Entered: December 21 2007  
Pamela P. Helic, Clerk

  
\_\_\_\_\_  
Michael J. Reber, Chairman



**NOTES:**  
 ALL DISTURBED SLOPES OF 15% OR GREATER SHALL BE STABILIZED WITH EROSION CONTROL MATTING AND NATIVE SPECIES PLANTINGS.  
 THERE SHALL BE NO STOCKPILING OF EXCAVATED MATERIAL ON SITE.  
 THE PROPOSED EARTHDIKE & STONE OUTLET STRUCTURE SHALL BE BACKED BY CHAINLINK SUPER SILT FENCE.  
 THE EARTH DIKE SHALL REMAIN IN PLACE PERMANENTLY AND BE PLANTED WITH NATIVE SPECIES PLANTINGS.  
 THE PROPOSED TEMPORARY DRIVE SHALL BE REMOVED AND STABILIZED AFTER THE INSTALLATION OF BOTH WELLS HAS BEEN COMPLETED.

**HEALTH DEPARTMENT NOTES:**  
 THE EXISTING WELL IS TO BE ABANDON PER C.O.M.A.R. REGULATIONS.  
 THE LOCATION OF THE WELLS ARE TO BE FIELD STAKED BY A LICENSED SURVEYOR BEFORE INSTALLATION.

**INFORMATION STATEMENT**

LOT AREA: 8,608 SQ. FT. ±  
 DISTURBED AREA: 7,596 SQ. FT. ±  
 EX. IMPERVIOUS AREA: 142 SQ. FT. ± (1.7%)  
 PROP. TEMPORARY IMPERVIOUS AREA: 1,971 SQ. FT. ± (22.9%)  
 FORESTED AREA: 6,147 SQ. FT. ±  
 FORESTED AREA TBR: 5,206 SQ. FT. ±

OWNER: MIKE TURNER CUSTOM HOMES  
 DEED: A.B.E. 671 @ 129  
 TAX I.D.#: 01-061518

SOILS MAP #28  
 SOIL TYPE: S<sub>CE</sub> SASSAFRAS & WESTPHALIA SOILS,  
 STEEP, NON-HYDRIC

THIS LOT IS LOCATED IN THE CRITICAL AREA.  
 THIS LOT WAS RECORDED PRIOR TO JULY 1984,  
 WHEN STORMWATER MANAGEMENT WAS NOT REQUIRED.

CONTACT "MISS UTILITY" AT 1-800-257-7777 AT LEAST  
 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.

DECKS AND OTHER STRUCTURES NOT SHOWN 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 &  
 FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR  
 WETLAND BUFFER DISTURBANCE.

THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE  
 REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES,  
 EASEMENTS, RIGHTS-OF-WAY OR BUILDING RESTRICTION  
 LINES NOT SHOWN.

A - 18 - 88A

- LEGEND**
- 25% OR GREATER SLOPES
  - 15% TO 24% SLOPES
  - EXTENDED BUFFER
  - LIMIT OF DISTURBANCE
  - EARTH DIKE  
BACKED WITH CHAINLINK SUPER SILT FENCE
  - EXISTING TREELINE
  - ASSIGNED HOUSE NUMBER
  - PERCOLATION TEST
  - PROPOSED WELL
  - STABILIZED CONSTRUCTION ENTRANCE
  - STONE OUTLET STRUCTURE
  - WELL EASEMENT FOR LOT 47

# GRADING PLAN FOR WELL INSTALLATION

## LOT 48-R ~ BLOCK 25 ~ PLAT 7

### WHITE SANDS

FIRST DISTRICT, CALVERT COUNTY, MARYLAND

FOR: MIKE TURNER

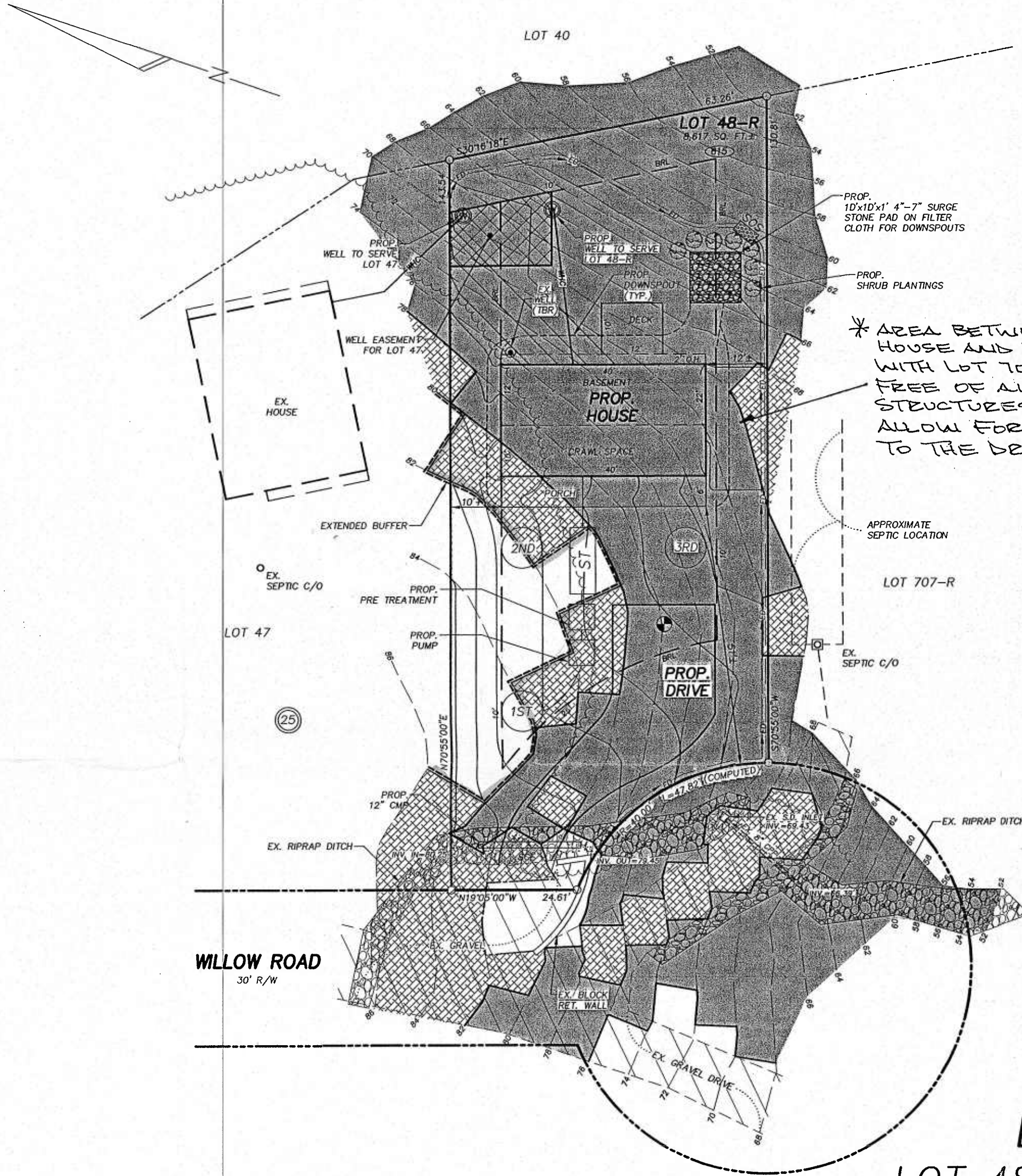
SUBDIVISION PLAT RECORDED IN PLAT BOOK A.W.R. 1 @ 61 & A.B.E. 676 @ 785



**COA** COLLINSON, OLIFF & ASSOCIATES, INC.  
 Surveyors • Engineers  
 Land Planners  
 110 MAIN STREET  
 PRINCE FREDERICK, MARYLAND 20678  
 410-535-3101 • 301-855-1599 • FAX 410-535-3103

DATE	9-17-07	SCALE	1" = 20'
JOB NO.	1-9385	DRAWN BY	NJM
FLDR REF.	WHITE SANDS PLAT 7	APPROVED	JLT
DATE		REVISION	

9-17-07  
 DATE



**NOTES:**  
 ALL DOWNSPOUTS SHALL DISCHARGE INTO SURGE STONE PAD ON FILTER CLOTH AS SHOWN.  
 A 6" GRAVEL BED SHALL BE PLACED BENEATH ALL DECKS AND PORCHES.  
 ALL DISTURBED SLOPES OF 15% OR GREATER SHALL BE STABILIZED WITH EROSION CONTROL MATTING AND NATIVE SPECIES PLANTINGS.  
 THERE SHALL BE NO STOCKPILING OF EXCAVATED MATERIAL ON SITE.  
 THE PROPOSED EARTHDIKE & STONE OUTLET STRUCTURE SHALL BE BACKED BY CHAINLINK SUPER SILT FENCE.  
 THE EARTH DIKE SHALL REMAIN IN PLACE AFTER DWELLING CONSTRUCTION AND BE PLANTED WITH NATIVE PLANTINGS.

**HEALTH DEPARTMENT NOTES:**  
 THE PROPOSED SEPTIC TANK SHALL BE TRAFFIC BEARING.  
 THE EXISTING WELL IS TO BE ABANDON PER C.O.M.A.R. REGULATIONS.  
 THE PROPOSED DRILLED WELLS TO SERVE LOT 47 & LOT 48-R SHALL BE INSTALLED BEFORE THE HOUSE IS CONSTRUCTED. (SEE GRADING PLAN FOR WELL INSTALLATION FOR ADDITIONAL INFORMATION.)  
 THE LOCATION OF THE WELLS, HOUSE, SEPTIC TANK & SEPTIC PITS ARE TO BE FIELD STAKED BY A LICENSED SURVEYOR BEFORE INSTALLATION.

**INFORMATION STATEMENT**

22' x 40' TWO STORY HOUSE ON PARTIAL BASEMENT  
 6' x 40' PORCH  
 2' x 40' OVERHANG  
 10' x 12' DECK

FIRST FLOOR ELEVATION: 81.0  
 BASEMENT ELEVATION: 70.0

LOT AREA: 8,608 SQ. FT. ±  
 DISTURBED AREA: 7,596 SQ. FT. ±  
 IMPERVIOUS AREA: 2,143 SQ. FT. ± (24.9%)  
 FORESTED AREA: 6,147 SQ. FT. ±  
 FORESTED AREA TBR: 5,206 SQ. FT. ± (84.7%)

OWNER: MIKE TURNER CUSTOM HOMES  
 DEED: A.B.E. 671 @ 129  
 TAX I.D.#: 01-061518

SOILS MAP #28  
 SOIL TYPE: S<sub>1</sub>E SASSAFRAS & WESTPHALIA SOILS, STEEP, NON-HYDRIC

THIS LOT IS LOCATED IN THE CRITICAL AREA.  
 THIS LOT WAS RECORDED PRIOR TO JULY 1984, WHEN STORMWATER MANAGEMENT WAS NOT REQUIRED.  
 CONTACT "MISS UTILITY" AT 1-800-257-7777 AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ANY WORK.  
 DECKS AND OTHER STRUCTURES NOT SHOWN 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 & FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR WETLAND BUFFER DISTURBANCE.

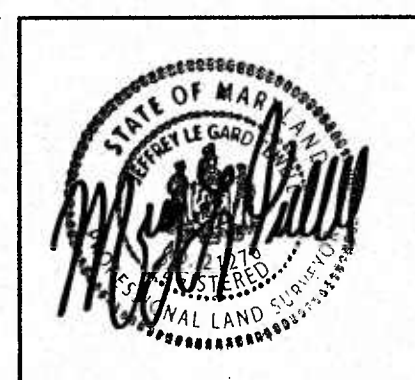
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- LEGEND**
- 25% OR GREATER SLOPES
  - 15% TO 24% SLOPES
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  - ASSIGNED HOUSE NUMBER
  - PERCOLATION TEST
  - PROPOSED WELL
  - STABILIZED CONSTRUCTION ENTRANCE
  - STONE OUTLET STRUCTURE

**BUILDING PERMIT PLAT**  
 LOT 48-R ~ BLOCK 25 ~ PLAT 7  
**WHITE SANDS**

FIRST DISTRICT, CALVERT COUNTY, MARYLAND  
 FOR: MIKE TURNER

SUBDIVISION PLAT RECORDED IN PLAT BOOK A.W.R. 1 @ 61 & A.B.E. 676 @ 785



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DATE	7-17-07	SCALE	1" = 20'
JOB NO.	1-9385	DRAWN BY	NJM
FLDR REF.	WHITE SANDS PLAT 7	APPROVED	JLT
DATE	9-17-07	REVISION	REVISED GRADING & SEPTIC LAYOUT
DATE	9-20-07	REVISION	HD NOTE

9-17-07  
 DATE