

QC 80-07 Aufderheide, Richard

VAR 020007

51829-6204



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 1, 2007

Ms. Vivian Swinson  
Queen Anne's County  
Office of Planning and Zoning  
160 Coursevall Drive  
Centreville, Maryland 21617

**RE: V-020007; 856 Thompson Creek Road  
Richard Aufderheide**

Dear Ms. Swinson:

Thank you for providing information on the above referenced variance. The lot is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The property is currently developed with a single family dwelling. The applicant proposes to construct a new garage and is requesting a variance to exceed building coverage on the site. Since there appears to be no Critical Area issues, this office has no comment regarding this request.

Thank you for the opportunity to provide comments on this variance request. 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 additional questions please contact me at 410-260-3479.

Sincerely,

Marshall Johnson  
Natural Resources Planner

QC 80-07



*Queen  
Anne's  
County*

**County Commissioners:**

Eric S. Wargotz, M.D., Commission President  
Courtney M. Billups, District 1  
Paul L. Gunther, District 2  
Gene M. Ransom III, District 3  
Carol R. Fordonski, District 4

May 24, 2007

**BOARD OF APPEALS**

160 Coursevall Drive  
Centreville, MD 21617

Telephone Planning: (410) 758-1255  
Telephone Permits: (410) 758-4088  
Fax Planning: (410) 758-2905  
Fax Permits: (410) 758-3972

*Acting Director: J. Steven Cohoon*

Mr. & Mrs. Richard J. Aufderheide  
856 Thompson Creek Rd.  
Stevensville, MD 21666

**RE: BOARD OF APPEALS CASE NO. V-020007  
VARIANCE TO EXCEED 60% SQUARE FOOT AREA  
REQUIREMENT FOR DETACHED GARAGE  
BUILDING PERMIT NO. B07-0119**

Dear Mr. & Mrs. Aufderheide:

Enclosed are the Board's formal Decision and the Excerpts of the Minutes from the 4/25/07 hearing. Your request for a variance from Chapter 18 of the Public Laws of Queen Anne's Co. (1996 ED), §18-1-45.C.(2) to exceed the 60% sq. ft. area requirement allowed to construct a detached garage was approved as follows:

**The Board approves the construction of a detached garage which would exceed the allowable limit on accessory structures by a maximum 280 square feet.**

**Please contact our Permit Dept. at 410-758-4088 to amend your building permit to conform with the Board's decision. When you receive your permit, you may begin construction.**

Sincerely,

Cathy Maxwell  
Clerk

Enc.

CC: Gene Wesolowski, GW Homes  
Gene Palmatary  
Permit Dept.

Bd. Members  
Helen Spinelli

Stephen H. Kehoe, Esq.  
James H. Barton

IN THE MATTER OF \* BOARD OF APPEALS  
THE APPLICATION OF \* OF  
RICHARD J. AUFDERHEIDE and \* QUEEN ANNE'S COUNTY  
SARAH E. AUFDERHEIDE \* Case No. V-020007

### FINDINGS AND DECISION

This matter came before the Board of Appeals for hearing on Wednesday, April 25, 2007 at 5:30 p.m., at Board of Appeals office at 160 Coursevall Drive, Centreville, MD 21617, to hear and decide the application of RICHARD J. AUFDERHEIDE and SARAH E. AUFDERHEIDE, DDS (the "Applicant"), being Case No. V-020007. All legal requirements pertaining to the filing of this application and notice of public hearing were substantiated and there were no objections made to the jurisdiction of this Board. This matter was heard by William D. Moore, Chairman, Kenneth R. Scott, Vice Chairman, and Howard A. Dean, Member, of the Board of Appeals of Queen Anne's County.

### RELIEF REQUESTED

The Applicant has requested a Variance from strict application of §18:1-45.C.(2) of Chapter 18, of the *Code of Public Laws of Queen Anne's County, 1996 ED.*, to construct an accessory 48' x 24' detached garage that would exceed the limitation set forth in §18:1-45.C.(2) of the Code that limits the size of accessory structures to 60% of the square footage of the principal building on lots that are smaller than two acres.

### PROPERTY DESCRIPTION

The property which is the subject of this application is located at 856 Thompson Creek Road, Stevensville, Maryland. The property is located in the Fourth Election

District, and is designated as Zoning Map 56, Parcel 31, Block No. 18, Lot 2, zoned NC-20 and LDA Critical Area. The property consists .5 acre more or less.

#### PLANNING AND ZONING

Gene Palmatary testified on behalf of the Department of Planning and Zoning. He stated that since the property was under 2 acres, no accessory structure could exceed 60% of the square footage of the principal structure. The principal structure was 1,415 square feet and the allowable space for an accessory structure would be 849 square feet. There is an existing shed that is 191 square feet. The proposed 24' x 48' garage would occupy 1,152 square feet. The total of square footage of accessory buildings would be 1,343 square feet, which amount is 514 square feet in excess of the amount allowed under the Code. Mr. Palmatary noted that there is a forestry station on the property and if the application were approved, the forestry station would have to be moved to the satisfaction of Planning and Zoning. He stated that the Department did not have an objection to the application.

#### APPLICANT'S CASE

Gary Wesolowski of GW Homes testified on behalf of the application. Mr. Wesolowski is the principal of GW Homes, which would build the proposed detached garage. Mr. Wesolowski testified as follows:

The Aufderheides have done things the right way. They have a forested area and have done what they need to do to relocate that forested area. He stated that the proposed garage exceeds the footprint of the main house but that he designed it to make it fit aesthetically. He introduced several pictures to show that the vicinity of the Aufderheide's home, there were a number of large garages. He conceded that he did not

know the exact dimensions of those garages. He did, however, believe that the proposed garage was on the same scale as several of the neighbors' garages. The 191 square foot utility storage shed on the property was nicely done and he did not want to remove it. He also stated that the Aufderheides have purchased high quality furniture from Backyard Billy's for their yard.

Mr. Aufderheide testified that he had a number of older cars and did not want to make the neighbors look at his cars. As such, he needs the garage at its size. Mr. Aufderheide also testified that he did not want to build a carport.

Dr. Aufderheide testified that the design is intended to make the building look aesthetically pleasing.

Mr. Wesolowski testified that the garage would have a bath and stair but no kitchen facilities. He suggested that he might wish to put in dormers. Mr. Wesolowski noted that the building restriction must be observed. Mr. Wesolowski testified that he has gone to a great effort to create a living area where the addition and main house were complementary. He stated that the main house was a two story cape cod.

#### OPPOSITION

Beth and Wayne Stanley testified in opposition to the application. They stated that they were more concerned about knowing what was going on on the Aufderheide's property. They stated that their own home is beautiful but the County fought them every step of the way.

Mr. Wesolowski testified that the height of the proposed garage is 19' 8" which conforms to the height of the Stanleys' garage. Mr. Aufderheide testified that he did not

want cars in the driveway and that the garage was not going to block the view of any neighbors.

#### BOARD'S DECISION

The Board finds that the proposal to build a detached garage with a 24' x 48' footprint does not need the criteria for variance set forth in Chapter 18:1 of the Code. The Board believes that given the size of the subject property, that accessory structures that exceed the allowable footprint for accessory structures by 514' is excessive. The Board does find, however, that a detached garage (together with the existing outbuilding) that would exceed the allowable square footage by 280' would be admissible under the Ordinance. As such, the Board makes the following findings of facts:

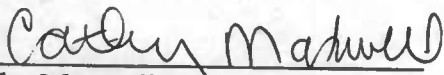
1. A literal enforcement of Chapter 18:1 would result in unnecessary hardship or practical difficulty as a result of the specified conditions.
2. Those conditions are peculiar to the property involved.
3. The conditions are not the result of any action taken by the Applicants.
4. The variance will not be contrary to the public interest.
5. An evaluation of the alternatives proves that the variance is required.

Accordingly the Board approves the construction of a detached garage which would exceed the allowable limit on accessory structures by a maximum 280 square feet.

STATE OF MARYLAND  
QUEEN ANNE'S COUNTY

I HEREBY CERTIFY that the foregoing is a true and correct copy of the Finding and Decision of the executive meeting of the Board of Appeals of Queen Anne's County held on Wednesday, April 25, 2007, and that the said minutes now remain on file in the Board's office.

In testimony whereof, I have hereunto subscribed my name this 24th day of May, 2007.

  
Cathy Maxwell  
Clerk

  
Stephen H. Kehoe  
Attorney for Board of Appeals





*Queen  
Anne's  
County*

**County Commissioners:**

Eric S. Wargotz, M.D., Commission President  
Courtney M. Billups, District 1  
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*Acting Director: J. Steven Cohoon*

**EXCERPTS OF THE MINUTES OF THE  
BOARD OF APPEALS  
OF QUEEN ANNE'S COUNTY**

**CASE NO:** V-020007  
**APPLICANT:** Richard J. & Sarah E. Aufderheide  
**HEARING DATE:** 4/25/07  
**REQUESTING:** A variance from Chapter 18 of the Public Laws of Queen Anne's Co. (1996 ED), §18-1-45.C.(2) to exceed the 60% sq. ft. area requirement allowed to construct a 48 ft. x 24 ft. detached garage. Located at 856 Thompson Creek Rd., nr. Stevensville, 4th E.D., Map 56, Parcel 31, Lot 2, zoned NC-20 and LDA.

**IN ATTENDANCE:** William D. Moore, Chairman; Kenneth R. Scott, Vice-Chairman; Howard A. Dean, Member; Stephen H. Kehoe, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; Gene Palmatary, Zoning Inspector; Helen Spinelli, Land Use Planner; Richard J. & Sarah E. Aufderheide, Applicants; Gary Wesolowski, GW Homes.

**CHAIRMAN:** Seeing no need for an executive session, the Board will enter into its deliberations. We'll have some discussion. Mr. Kehoe, the Board certainly isn't here to cut deals but I guess we can talk about what may be allowed or what I think or Howard may think completely different.

**KEHOE:** You are not here to cut deals but in granting a variance one of the criteria is that evaluation of alternatives proves the variance is required. So essentially if you grant a variance, it should be the minimum variance that the Board feels is appropriate.

**CHAIRMAN:** I think it's big, it's nice looking, it's well built, but it certainly is big.

**SCOTT:** I'm with you. I did some calculations on my own. I figured if we knocked off a bay, he's still going to be over but it will be much less over.

**WESOLOWSKI:** I'm not the owner but I would just say that if it was me, I would look at saying, if you really were to drive down the road and see this community and if you knock off a bay and it's another 200 sq. ft., the value that that's going to bring

by taking that away versus what it can be to do it the right way, because they have impervious pavers in their driveway to make sure they can get all the calculations. They have vehicles, they have kids, they have family, it's going to make the community nice. Even though I would say it's just a number, it's really going to make the structure, right the way it is it's going to make the property right. I think it wouldn't hurt at all, I think it's actually going to help, and allow us to make it a beautiful place and allow them to keep their place clean, get the storage that they need.

CHAIRMAN: I did ride down there.

SCOTT: Did you guys buy the lot also?

WESOLOWKSI: I apologize, I was going to say it's not right up against the main road either, it's set back.

SCOTT: Who subdivided the lot, was it subdivided before you bought it?

R. AUFDERHEIDE: It was done prior to when we purchased it.

SCOTT: Are you going to move the house up to the front.

R. AUFDERHEIDE: No.

SCOTT: Everything was already done?

R. AUFDERHEIDE: It was already on there.

CHAIRMAN: When you bought it, the lot that you live on, which is closest to the water, was there a house there?

R. AUFDERHEIDE: Yes, it had already been built. It was about a year and a half old.

CHAIRMAN: So you bought it from Wm. Dixon? Was the house that's there where you want to put the garage ever out by the water or it never was.

R. AUFDERHEIDE: At one time I believe it was. I believe he moved it.

S. AUFDERHEIDE: He moved it and then he subdivided it and built a home on it.

CHAIRMAN: Theodoli.

S. AUFDERHEIDE: Right, and she bought it from the Dixons.

CHAIRMAN: And they subdivided it and Michael Foster was just the representative.

S. AUFDERHEIDE: Correct.

CHAIRMAN: Where are we, gentlemen?

SCOTT: I'm stuck.

KEHOE: You may want to put a motion on the table before going through the criteria. If you are going to reduce the size.

WESOLOWKSI: Can I make a motion not to reduce the size?

SCOTT: We can make a motion to grant it as it is and if it doesn't pass.

CHAIRMAN: If we make a motion to grant it as it is and we turn it down.

KEHOE: In discussion you might want to amend the motion, in other words, you may want to make your motion before the criteria are read in the context of what's on the table. It sounds at this point from the discussion that a motion as is will not pass. So you may want to make a motion as is and amend the motion based on the discussion. But in the context of this one I suggest doing it before you read the criteria.

CHAIRMAN: And they can appeal.

WESOLOWSKI: This sounds terrible so far. You can't keep going this way. I know we don't have a motion on the table yet but Mr. Palmatary is here, we've held him up, he's actually been through the community, he's seen the place. He knows where are and I was just reading through his staff report and it says that staff has no objection to granting of the variance. I know you ultimately will decide that. But I'm just saying from the respect that, the neighbors were here to ask questions, I don't think the Aufderheides want to do anything but better their community and the place where they are. I don't think taking out a 10 or 12 ft. section of a bay is going to improve the project. I would just say maybe could you consider any comments that, this might be a bad thing, but Mr. Palmatary might have about the community to about the project because I think if you were to see it and to know where it was, I don't think you would be challenged by the motion to grant it.

SCOTT: It's a tough precedent to set in that neighborhood though. If they do it here, every other neighbor can come in.

WESOLOWSKI: Well, I would agree with that.

SCOTT: And put another bay or two on their garage.

WESOLOWSKI: But then you still have the next door neighbor who just came in and got an oversized lot that was way under what should have been allowed to be subdivided, was approved too. There are going to be variances and that's what the variance is about. There are other neighbors who could eventually do the same thing. When I look at it relative to the situation and the value of what it's going to mean to the community, I don't think it's going to be viewed by anyone as breaking a rule, to tell you honestly. I think if you look at the actual physical project, I'm making a case, in my own opinion, for this as not being a problem for the community. I think it would be worse if they weren't granted the appeal, they had to build a humongous deck that sticks out around the forestation area and you see that from the road, for them to actually under the zoning effectively get their approval. It doesn't make sense to me to see something detracting from the property when in fact they could build it under those conditions as it was previously stated. So I think this helps the community and would help them too. I know you guys just want to kick me out so I'm sorry.

SCOTT: Helen, can I ask you a question.

SPINELLI: Sure.

SCOTT: Do you want to come up and say your name and be sworn in.

SPINELLI: I'm Helen Spinelli and I swear to tell the truth. I'm a land use planner with the county.

SCOTT: Could you just real quick tell me why this is in the Code, the 60%.

SPINELLI: Just for the reason you are talking about. So we don't have structures that are larger than a percentage of the dwelling unit.

SCOTT: Is it an aesthetic thing?

SPINELLI: Yes. This property owner has gone to the proper extent of reducing impervious surface. You are aware that this is critical area and a sensitive area. The reason we have impervious surface limitations is because of non-point source pollution, and you know all this, Kenny. But from the actual zoning perspective, the accessory use to be smaller than the main use at 60% has a specific purpose, that it not be

overwhelming of the major house. The challenges are when you have these smaller, older homes, although this one isn't because it was moved and things like that, that you have that problem. But these aren't large lots. We've had problems more of a question of size when we deal with in the AG and Countryside zones. And there are some other opportunities to do farm dwellings and things like that. But it's the same issue of having a larger building that's larger than the 60%. I don't know if that helps you at all but it's really not to overwhelm the major dwelling unit, the principle dwelling unit. It's important, it was thought out by the Planning Commission when we updated the Code in 2004 and things like that.

CHAIRMAN: Do we have a motion.

WESOLOWSKI: Can I make a motion to have it approved as it is and then second in discussion?

SCOTT: I make a motion.

CHAIRMAN: Let him read the criteria first.

SCOTT: It's still a motion, we'll see how it votes and then if we want to reduce it or change it.

KEHOE: If they strike out all the criteria, you want to do a motion. Do you find that a literal enforcement of Chapter 18:1 would result in unnecessary hardship or practical difficulty as a result of the specified conditions.

CHAIRMAN : No.

SCOTT: No.

DEAN: No.

KEHOE: Do you find those conditions are peculiar to the property involved.

CHAIRMAN : No.

SCOTT: No.

DEAN: No.

KEHOE: Do you find those conditions are not the result of any action taken by the applicants.

CHAIRMAN : No.

SCOTT: No.

DEAN: No.

KEHOE: Do you find that the variance will not be contrary to the public interest.

CHAIRMAN : No.

SCOTT: No.

DEAN: No.

KEHOE: As an evaluation of the alternatives do you find that the variance is required.

CHAIRMAN : No.

SCOTT: No.

DEAN: No.

SCOTT: If we make a motion now to deny this, I would like to offer a motion to reduce it by 240 sq. ft. That's just taking 10 ft. off one side of your garage, give you three bays and that's what I'm thinking. I don't know how you two are thinking. You two can vote the other way and give them all four bays.

DEAN: I think that's fair because if they do this, then the whole community does it.

CHAIRMAN: What's the difference in that, would that be the same as taking down the structure that's there now?

SCOTT: That would give them 270 sq. ft. over and they still have their shed.

CHAIRMAN: What I'm asking is, is cutting that section out the same as taking this other structure down? If they take the other structure down and keep this.

SCOTT: No, if you take the other structure down.

CHAIRMAN: It would still be bigger than that. How much are you asking to cut out.

SCOTT: It's 38 x 24 now.

WESOLOWSKI: One of the thing that Sarah and Rick had mentioned, they had bought a brand new large shed, I don't know what you could do with it, you could sell it and you could move the lawn equipment into the garage. If you were talking about somewhere around 190 sq. ft. for the shed and about 210 for the garage, rather than having the accessory shed, they may want to propose something like that where they eliminate that additional accessory structure, even though it's pleasing.

SCOTT: It would be 514 minus 191, that would be 323 sq. ft. over. It's still that size thing, it's just going to dwarf this house.

R. AUFDERHEIDE: Respectfully, we're not talking about a tiny house and putting like a huge pole building and jamming it on the lot. We took a lot of time to have engineers take a look at it. It's rather pleasingly laid out. The way it's laid out is kind of facing back towards the original property.

WESOLOWSKI: They've created, because they now own two pieces of property, it's kind of like an estate. They're out front, their garage where they can pull off of the pavers so they are going to shield all the traffic from the street, and so it's going to come around and then they have their main home. So I think when you look at the whole property which is how they are looking at it, I think it is pleasing because it's not going to have the garage facing a small house. You can see on this drawing, it's labeled "rear elevation". When you come down Thompson Creek Rd., these garage doors are going to face the larger house on the front and it's creating a court yard. This structure, when you are driving down Thompson Creek Rd., you're not going to look like, look at that. They have a car shop, there's four bays there, it's going to look like a building that's servicing the property.

CHAIRMAN: You're saying the doors won't face their house.

WESOLOWSKI: Yes.

SCOTT: Bigger than the one out front?

S. AUFDERHEIDE: Yes.

CHAIRMAN: Usually we would just cut you off, we're trying to...

WESOLOWSKI: I know, and I appreciate it. I know ultimately, as a contractor, I don't want to go back and put something obtrusive up front, when they've really thought about how to make this work on their property as a whole. It's not going to be

like you are driving down the road and you're going to say, Oh, look at that 4-car garage and that little house, because it's not going to be there.

S. AUFDERHEIDE: It's just not designed that way.

WESOLOWSKI: Yes, they have a fence on their property which is a nice, brand new vinyl fence, which creates a little area for the home out front because they are not restricted by the property line, they didn't set that back, so that home has its area and its back yard and this nice fence, which if course I didn't bring a picture of for you. Then that creates its own entity and it's going to make it good in that way. I know these things are hard to describe that you can't see. And all the street traffic that's going to come down that will use the garage will come down to that first lot and it's going to be screen everything, there aren't going to be cars parked in front of it or other things.

CHAIRMAN: That's your case, now we're going to talk.

WESOLOWSKI: Sorry, I'll shut up, you can cut me off.

CHAIRMAN: I've let you go probably longer than I should have. We're going to get a motion. Kenny, whatever motion you want to put in, what do you want to do.

KEHOE: If you leave it like it is, then the only rational motion is to deny the application. If there's a motion to amend, then you'll have to revisit the criteria based on what the amendment says. The motion as I understood it is to reduce it in width by 10 ft.

SCOTT: Yes. But that hasn't been made yet. We haven't read the criteria for that.

KEHOE: Right. Once that motion is on the table, you'll want to hear the criteria for it.

SCOTT: Let's make a motion for the four doors and see what happens first, the whole thing. Can we revisit it after we make that motion?

KEHOE: Your findings, you would have to move to deny the application.

SCOTT: Right, that is what my motion would be.

CHAIRMAN: Then that ends it.

KEHOE: That ends it. If you want to give something less I think before you do a motion to deny the application, you would want to do your motion. If you move to deny the application, the case is closed, the hearing is over. If you want to give something less that would justify a variance, you need to make that motion before you vote. You might make your motion to reduce it by 10 ft. and see how that goes.

SCOTT: They have the ability to appeal anything we do anyway.

KEHOE: Yes. They can appeal that it was less than what they asked for.

SCOTT: Right now they are 514 sq. ft. over.

CHAIRMAN: Do you want to give a certain amount over and that way it gives them the option of also taking down, but you don't want to do that.

SCOTT: That's what I'd do, a square footage over. 514 minus 240 would be 274 sq. ft. over. I'd square it up to 280 sq. ft. over. I don't know how you two feel about it. If I make that motion and it doesn't pass.

KEHOE: I think you'd just go back.

SCOTT: But if we had made a motion right now to put all four doors, the whole thing, and we denied it, it's over.

KEHOE: The hearing is over.

SCOTT: I'll make a motion that Case V-020007, Aufderheide, a variance to exceed the 60% square footage area requirement allowed under §18-1-45.C.(2) to construct a detached garage that would put them at a total of 280 sq. ft. over the 60% sq. foot requirement.

DEAN: Second.

CHAIRMAN: Mr. Kehoe, do you want to read the criteria.

KEHOE: Do you find that a literal enforcement of Chapter 18:1 would result in unnecessary hardship or practical difficulty as a result of the specified conditions.

CHAIRMAN : Yes.

SCOTT: Yes.

DEAN: Yes.

KEHOE: Do you find those conditions are peculiar to the property involved.

CHAIRMAN : Yes.

SCOTT: Yes.

DEAN: Yes.

KEHOE: Do you find those conditions are not the result of any action taken by the applicants.

CHAIRMAN : Yes.

SCOTT: Yes.

DEAN: Yes.

KEHOE: Do you find that the variance will not be contrary to the public interest.

CHAIRMAN : Yes.

SCOTT: Yes.

DEAN: Yes.

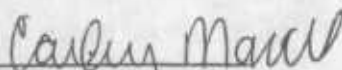
KEHOE: Do you find that an evaluation of the alternatives proves that the variance is required.

CHAIRMAN : Yes.

SCOTT: Yes.

DEAN: Yes.

CHAIRMAN: The motion was made and seconded. All in favor of the motion as amended by Mr. Scott signify by saying "Aye". (all in favor). All opposed, "No". (No one opposed). Let the record show that Case V-020007 has been approved as amended by Mr. Scott. There will be a formal decision forthcoming. When you receive this, you may proceed with your permitting process. I declare this hearing adjourned.

  
Cathy Maxwell, Clerk

4/26/07

Date

CC: Richard J. & Sarah E. Aufderheide    Gene Wesolowski, GW Homes  
Bd. Members                                    Stephen H. Kehoe, Esq.  
Gene Palmatary                                Helen Spinelli  
James H. Barton                                Permit Dept.

IN THE MATTER OF  
THE APPLICATION OF

BOARD OF APPEALS OF  
QUEEN ANNE'S COUNTY

Richard J. & Sarah E. Aufderheide

856 Thompson Creek Rd.

Stevensville, MD 21666

CASE NUMBER V-020007

Please check one:

Property Owner  Contract Purchaser \_\_\_\_\_ Lessee \_\_\_\_\_

Applicant's Phone No.:

H: 410-604-0867 W: 410-604-6915

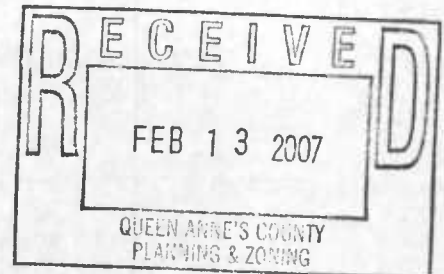
TO THE BOARD OF APPEALS OF QUEEN ANNE'S COUNTY:

1. Application is hereby made for: (Check one)

Appeal from the County Zoning Administration

Variance

Conditional Use



2. Description of Property:

a) Election District 4 Sectional Zoning Map 56

b) Name of Subdivision \_\_\_\_\_

c) Parcel No. 31 Block No. 18 Lot No. 2

d) Abutting or binding roads Thompson Creek Rd.

e) Acres or Size of Property .5 acres

f) Improved or Unimproved Improved

g) Zoning District NC-20 Critical Areas District LDA

h) 911 Address 856 Thompson Creek Rd., Stevensville, MD 21666



3. Relief requested.

Please state with specificity the relief which you request and the facts upon which you base this request:

A variance to exceed the square footage allowed under §18:1-44.C.(2) to construct a  
48 ft. x. 24 ft. detached garage.

4. State the name, address and Phone No. of the record owner of the property involved. If Applicant is not the record owner, also state your status with regard to the property.

Same

Owner's Phone No.: H: \_\_\_\_\_ W: \_\_\_\_\_

5. Names and addresses of persons to be summoned as witness or notified of hearing (please circle one): Daniel Palmer, GW Homes, Inc., 202 St. Claire Place, Suite 100,  
Stevensville, MD 21666 410-643-6300. (Notify)

6. Previous Applications. If this property has previously been the subject of a prior application, state the name, date, the number of the application and the results thereof.

7. Documents required for submission. Please attach hereto the following documents: **EIGHT COPIES REQUIRED UNLESS OTHERWISE SPECIFIED. FAILURE TO ATTACH ANY REQUIRED DOCUMENT WILL SUSPEND THE APPLICATION PROCESS UNTIL SUBMISSION. DOCUMENT MAY NOT BE ALTERED OR AMENDED AT THE TIME OF THE HEARING WITHOUT APPROVAL OF THE BOARD.**

1. Application, including "Affidavit As To Owners of Adjoining Property". (attached).
2. One copy of the most recent deed to property.
3. If Applicant is Lessee, Lease Agreement between Lessee and Lessor.
4. Queen Anne's Co. Sectional zoning map.
5. Queen Anne's Co. Tax map.
6. Correspondence from the Department of Planning & Zoning.

- 7. Notification of Project Application form (attached) if property is located within the Critical Area.
- 8. Correspondence from the Critical Area Commission, if applicable.
- 9. Correspondence from the Queen Anne's Co. Health Dept., if applicable.
- 10. Correspondence from Queen Anne's Co. Sanitary District, if applicable.
- 11. Soil conservation permit, if applicable.
- 12. Copy of building or use permit, if applicable.
- 13. Site plan, concept plan or sketch plan required by Chapter 18, §18:1-139 and §18:1-158, of the Code of Public Laws of Queen Anne's Co. (1996 ED).
- 14. Army Corps of Engineers and Dept. of Natural Resources permits, if applicable. (These permits shall be required to be obtained and introduced for the record for all applications involving structures in navigable waters and requiring Army Corps of Engineers and Dept. of Natural Resources permits).
- 15. For pier applications, depth soundings are required.
- 16. Any other documents necessary for project approval pursuant to Chapter 14, §18:1-132, of the Code of Public Laws of Queen Anne's Co. (1996 ED).
- 17. Any other documents necessary for project approval pursuant to Chapter 14, §14:1-61, of the Code of Public Laws of Queen Anne's Co. (1996 ED).

I CERTIFY that a copy of the within Application was filed with the Queen Anne's Co. Board of Appeals on this 13<sup>th</sup> day of February, 2007.

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing application are true and correct to the best of my personal knowledge, information and belief.

*Sian Anderson*  
 Applicant or his/her or their Attorney

AFFIDAVIT AS TO OWNERS OF ADJOINING PROPERTIES

Instructions

All adjoining property owners should be listed below by parcel number, owner's name and address as per the records of the Dept. of Assessments and Taxation located at 120 Broadway, Centreville, MD 21617.

<u>Parcel Number</u>	<u>Owner's Name &amp; Address as per Assessment Records</u>
1. <u>56/30</u>	<u>W. Robbins Jefferson</u> <u>846 Thompson Creek Rd., Stevensville, MD 21666</u>
2. <u>56/47</u>	<u>Joel D. Berger</u> <u>201 Arnold Lane, Stevensville, MD 21666</u>
3. <u>56/32</u>	<u>Wayne L. Stanley</u> <u>900 Thompson Creek Rd., Stevensville, MD 21666</u>
4. _____	_____ _____
5. _____	_____ _____

(Use additional sheet if necessary).

By signature on Page 3 of this application, the applicant does solemnly declare and affirm under the penalties of perjury that the contents of the foregoing Affidavit as to Owners of Adjoining Property is true and correct to my personal knowledge, information and belief.

THE PROPERTY SHOWN HEREIN IS SUBJECT TO THE 2003 STATE OF MARYLAND PROTECTED AFFORESTATION ACT, WHICH IS A "C" CATEGORY AS PER THE PROTECTED AFFORESTATION ACT. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE PROPERTY SHOWN HEREIN IS SUBJECT TO THE 2003 STATE OF MARYLAND PROTECTED AFFORESTATION ACT, WHICH IS A "C" CATEGORY AS PER THE PROTECTED AFFORESTATION ACT. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSES.

LINE	MARKING	DISTANCE
1	N 82°52'47" E	33.84'
2	N 82°52'47" E	33.84'
3	S 89°23'07" W	31.42'
4	S 89°23'07" W	31.42'
5	N 82°52'47" E	45.17'
6	N 82°52'47" E	10.85'
7	N 82°52'47" E	14.34'
8	N 82°52'47" E	89.87'
9	N 82°52'47" E	35.06'
10	S 89°23'07" W	15.07'
11	S 89°23'07" W	38.08'
12	N 27°28'48" E	24.85'
13	N 82°52'47" E	49.82'
14	N 82°52'47" E	81.45'
15	N 82°52'47" E	44.35'
16	S 89°23'07" W	44.35'
17	S 89°23'07" W	44.35'
18	N 27°28'48" E	24.85'
19	N 82°52'47" E	44.35'
20	N 82°52'47" E	44.35'

**RECEIVED**  
**FEB 15 2007**  
 CRITICAL AREA COMMISSION  
 Chesapeake & Atlantic Coastal Bays

**LEGEND**

- MONUMENTS PROTECTED AFFORESTATION
- MONUMENTS PROTECTED AFFORESTATION FOR PLAT S.M. 21/27 TO BE RELOCATED
- MONUMENTS SHARED ACCESS DRIVEWAY EASEMENT FOR PLAT S.M. 21/27



**PROTECTED AFFORESTATION AREAS**

LOT 1 - MONUMENT AFFORESTATION AREA - 1.000 AC. (1.000 AC. TOTAL PER STATE LOT)

LOT 2 - MONUMENT AFFORESTATION AREA - 1.000 AC. (1.000 AC. TOTAL PER STATE LOT)



VICINITY MAP  
 SCALE = 3000'  
 Copyright of the ADC Map People  
 Permitting Use No. 20082180

NO.	DATE	REVISION	BY	PREPARED

RELOCATION OF AFFORESTATION AREA ON THE LANDS OF  
**RICHARD J. AUFDERHEIDE & SARAH E. AUFDERHEIDE**  
 IN THE FOURTH ELECTION DISTRICT,  
 QUEEN ANNE'S COUNTY, MARYLAND  
 TAX MAP 56 GRID 18 PARCEL 31 LOTS 1 & 2

DATE: 11-30-06  
 SCALE: 1"=400'  
 JOB NO.: 060741  
 DRAWN BY: RLEAH  
 DWG. NAME: 060741D32  
 APPROVED: B.F.L.

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

E-mail: moe@lane.com  
 117 Bay St. Eaton, MD 21601 (410) 822-8003 FAX (410) 822-2024  
 15 Washington St. Cambridge, MD 21613 (410) 221-0816 FAX (410) 478-8942  
 1149 West Water St. Centerville, MD 21617 (410) 758-2095 FAX (410) 758-4422

SHEET No. 1 OF 1  
 FILE No. A944

DATE



DEPARTMENT OF PLANNING & ZONING  
QUEEN ANNE'S COUNTY  
160 COURSEVALL DR.  
CENTREVILLE, MARYLAND 21617

410-758-4088 Permits  
410-758-3972 Fax  
410-758-1255 Planning  
410-758-2905 Fax  
410-758-2126 TDD

February 7, 2007

Richard & Sarah Aufderheide  
852 Thompson Creek Road  
Stevensville, MD 21666

RE: Tax Map 56- Parcel 31 – Lot 2  
Zoned: Neighborhood Conservation-20  
Building Permit application #B07-0119

Dear Mr. & Mrs. Aufderheide:

Upon review of the above-mentioned permit application I have determined that the proposed accessory building exceeds the square footage allowed under Section 18-1-44 C. (2) of the Queen Anne's County Code which states: *In all districts, all buildings on a residential lot of less than two acres, other than the principal building, may not cover an area of the lot greater than 60% of the area covered by the existing principle building.* Therefore, your building permit is denied. Should you wish to seek possible relief you may do so by applying to the Queen Anne's County Board of Appeals. For your convenience an application for the Board has been enclosed. Any questions regarding the Board of Appeals should be directed to Mrs. Cathy Maxwell at 410-758-1255.

Please feel free to contact me should you have any other questions. I can be reached from Monday thru Friday from 8:00 am to 9:30 am at 410-758-4088.

Sincerely,

Gene A. Palmatary  
Zoning Inspector

GAP/VJS/v

cc: Board of Appeals