

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/

January 27, 2009

Ms. Roxana Whitt
Calvert County Board of Appeals
150 Main Street
Prince Frederick, Maryland 20678

Re: Spilman Variance 08-3518

Dear Ms. Whitt:

Thank you for forwarding additional information on the above referenced variance request. The applicant is requesting an after-the-fact variance to allow disturbance to the Buffer which is expanded to include contiguous slopes 15% or greater. The request seeks to legalize existing retaining walls, patios and a driveway which were built without permits. The 1.77 acre lot is designated as a Limited Development Area (LDA) and it appears that the lot is currently developed with a dwelling, driveway, decks, three patios, a shed, a pier, and a wooden walkway and steps. This letter has been preceded by letters from Ms. Amber Widmayer, Natural Resources Planner for the Critical Area Commission, dated April 16 and August 26, of 2008, on the same subject.

It appears that the only changes that were made to the most recent application are a mitigation plan, receipt for violation payment and a planting bond. The mitigation plan which is barely legible appears to contain some plantings in the area of the retaining walls. It is unclear if the plantings are for remediation for the violation or for mitigation for Buffer impacts should the variance be granted, both of which are now required for violations/ after the fact variances under Chapter 119 of the 2008 Laws of Maryland.

Based on the latest proposed site plan, we continue to oppose the variance as requested. Specifically, the applicants have submitted insufficient site plan data, have failed to demonstrate any effort to minimize impacts to the Buffer, and have not met each and every one of the County's variance standards, particularly in regard to demonstrating that an unwarranted hardship would exist without the variance and in demonstrating that the variance is the minimum necessary to provide relief. For inclusion in the Board's record for this variance, any and all of this office's recommendations previously stated in Ms. Widmayer's August 26, 2008 letter stand. I have attached Ms. Widmayer's August 26, 2008 letter for reference.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Roby Hurley
Natural Resources Planner
[CA 183-08]

Enclosure

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Srey
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/

August 26, 2008

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

Re: Spilman Variance 08-3518

Dear Ms. Whitt:

Thank you for forwarding additional information on the above referenced variance request. The applicant is requesting an after-the-fact variance to allow disturbance to the Buffer which is expanded to include contiguous slopes 15% or greater. The request seeks to legalize existing retaining walls, patios and a driveway which were built without permits. The 1.77 acre lot is designated as a Limited Development Area (LDA) and it appears that the lot is currently developed with a dwelling, driveway, decks, three patios, a shed, a pier, and a wooden walkway and steps.

It appears that the only changes that were made to the revised plan submitted to this office are that the existing gravel driveway will be converted to asphalt, and that three rain gardens and ten rain barrels will be placed on the property. The plans do not show that any attempt will be made to remove or reduce the extent of the unpermitted structures described above. The driveway, retaining walls, and patios remain unaltered. The applicant has not addressed the variance standards as required to show that the additional disturbance to the Buffer beyond what was permitted by the 1993 variance was necessary to provide reasonable and significant use of the property, or explained why the 1993 variance did not provide reasonable and significant use of the property. It is a reasonable presumption that once a variance to disturb the expanded Buffer for construction of a dwelling, driveway and septic system has been granted, as it was in 1993, that reasonable and significant use of the property exists. The applicant has not met the burden to show that denial of a second variance would result in an unwarranted hardship.

Additionally, the applicant has provided no information as to why the existing lot coverage and cleared areas exceed what was approved in the 1993 variance based on the applicant's submitted plans at that time. As this office noted in our April 16, 2008 letter, the Critical Area notes on the 1993 plan indicate that 69,303 square feet of the property would remain forested and that 3,582 square feet would be developed as impervious surface. In contrast, the plan submitted for the current variance indicates that there are 3,954 square feet of impervious surface area and only 47,508 square feet of forested area

remain on the property. To the extent that the additional 372 square feet of impervious surface and 21,795 square feet of clearing was done to accommodate the structures at issue in the current variance, the applicant should provide mitigation plantings at a 4:1 ratio for the total area of disturbance from clearing, grading and new impervious surfaces. The applicant should also resolve any remaining discrepancies between the clearing calculations on the 1993 plan and current plan. If the additional clearing was not permitted and mitigated for under a County approved Buffer Management Plan, the clearing should be addressed and mitigated as a violation.

This office opposes granting the requested variance. The applicant has not addressed any of the variance standards, and has not demonstrated that each and every variance standard has been met, as is necessary to obtain a variance from the County's existing Critical Area law. In particular, the applicant has not demonstrated that the development of the property that was permitted under the 1993 variance was insufficient to provide reasonable and significant use of the entire property, and that an unwarranted hardship would exist without being granted the current variance. In contrast, it appears that the applicant already enjoys reasonable and significant use of the property.

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

The relevant County Code provisions requiring the variance in this case include 8-1.01.C.4.a which provides that only structures that are water dependent facilities may be located in the Buffer, 8-1.01.C.4.e which prohibits any grading or disturbance in the Buffer that is not for erosion control or to enhance the Buffer function and 8-1.04.G.1.e which prohibits development on slopes greater than 15% unless "the project is the only effective way to maintain or improve the stability of the slopes."

It is our position that the applicant's Buffer and steep slope disturbance is in conflict with the County's Buffer management goals and will create unnecessary adverse impacts to water quality and habitat. While this office understands it is sometimes necessary to disturb steep slopes in association with proposed development or redevelopment, all disturbance must be the minimum necessary to both establish a dwelling and maintain the structural integrity of the dwelling. Further, the applicant cannot meet each one of Calvert County's variance standards. I have discussed the County's variance standards as they pertain to this case below.

Relevant Variance Standards

11-1.01.B6.c-*the variance is the minimum adjustment necessary to afford relief from the regulations*

The 1993 variance permitted construction of a dwelling, driveway, and septic system on the property which granted the property owner reasonable and significant use of the entire property. No additional relief was necessary to afford the property owner relief from the regulations. Additionally, prior to 1993, the property was already developed with a pier, detached waterside deck in the Buffer, and waterside shed in the Buffer. Therefore, the applicant already had the use of a deck before the patios adjacent to the house were constructed and the applicant has not shown that additional patios were necessary for reasonable use of the property.

11-1.01.B6.d-special conditions or circumstances 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 result in unwarranted hardship

While the presence of steep slopes and expanded Buffer require that the applicant seek a variance for development of this property, to deny the requested variances for the currently proposed project would not create an unwarranted hardship for the applicant. The General Assembly and Calvert County Code state that unwarranted hardship means that without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested. This is not the case where a property such as this is already developed with a dwelling. As described above, even before the property was developed with a dwelling, driveway and septic system, the property was already developed with a pier, a detached waterside deck in the Buffer, and a waterside shed in the Buffer. The applicant does not suffer an unwarranted hardship from being denied permission to more intensively develop the property with the retaining walls, expanded driveway and patios.

11-1.01.B6.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

A literal interpretation of Calvert County's regulation of the Buffer will not deprive the applicant of a right commonly enjoyed by other properties in similar areas because this office does not support variance requests that are not the minimum necessary for redevelopment of a property, particularly where adverse impacts to water quality and plant and wildlife habitat will occur as a result. The applicant has not shown that construction of several retaining walls, additional patios and an expanded driveway in the expanded Buffer is a right commonly enjoyed by any property in the Critical Area, or a right enjoyed by other properties in similar areas within the Calvert County Critical Area.

11-1.01.B6.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

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. This office would not support a similar variance request to create new disturbance to the expanded Buffer or steep slopes where evidence has not been provided to show that it is the minimum necessary disturbance in develop a property. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that the requested variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

11-1.01.B6.g-the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. If the variance request is based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed, the Board of Appeals may consider that fact; and

The extent of the variance requested is based upon the actions of the applicant. The applicant chose to construct the retaining walls, expanded driveway and patios in the slope expanded Buffer without permission which created significant new disturbance to the Buffer and steep slopes. Consequently the applicant has created the need for the current variance.

11-1.01.B6.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.

In contrast with the above standard, granting the requested variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. The footprints of the retaining walls, expanded driveway and patios within the expanded Buffer and slopes greater than 15% required clearing of established vegetation and prevents regeneration of vegetation in that area which would provide benefits to fish, wildlife, and plant habitat. The County law recognizes that a naturally vegetated fully functioning Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This after-the-fact variance request not only further reduces the functions provided by the Buffer, but creates extensive disturbance of the soils on steep slopes on this site, and significantly contributes to the cumulative impacts of development on the Bay.

Because the Commission opposes the requested variance with reference to the expanded Buffer and steep slope disturbance from the constructed retaining walls, expanded driveway and patios, and because the applicant has not met each one of Calvert County's variance standards, we recommend that the variance request for the development be denied. Further, the applicant should be required to remove the unpermitted structures and restore the footprint of the development with native vegetation to stabilize the disturbed steep slopes.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Amber Widmayer
Natural Resources Planner
cc: CA 183-08

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/

April 16, 2008

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

Re: Spilman Variance 08-3518

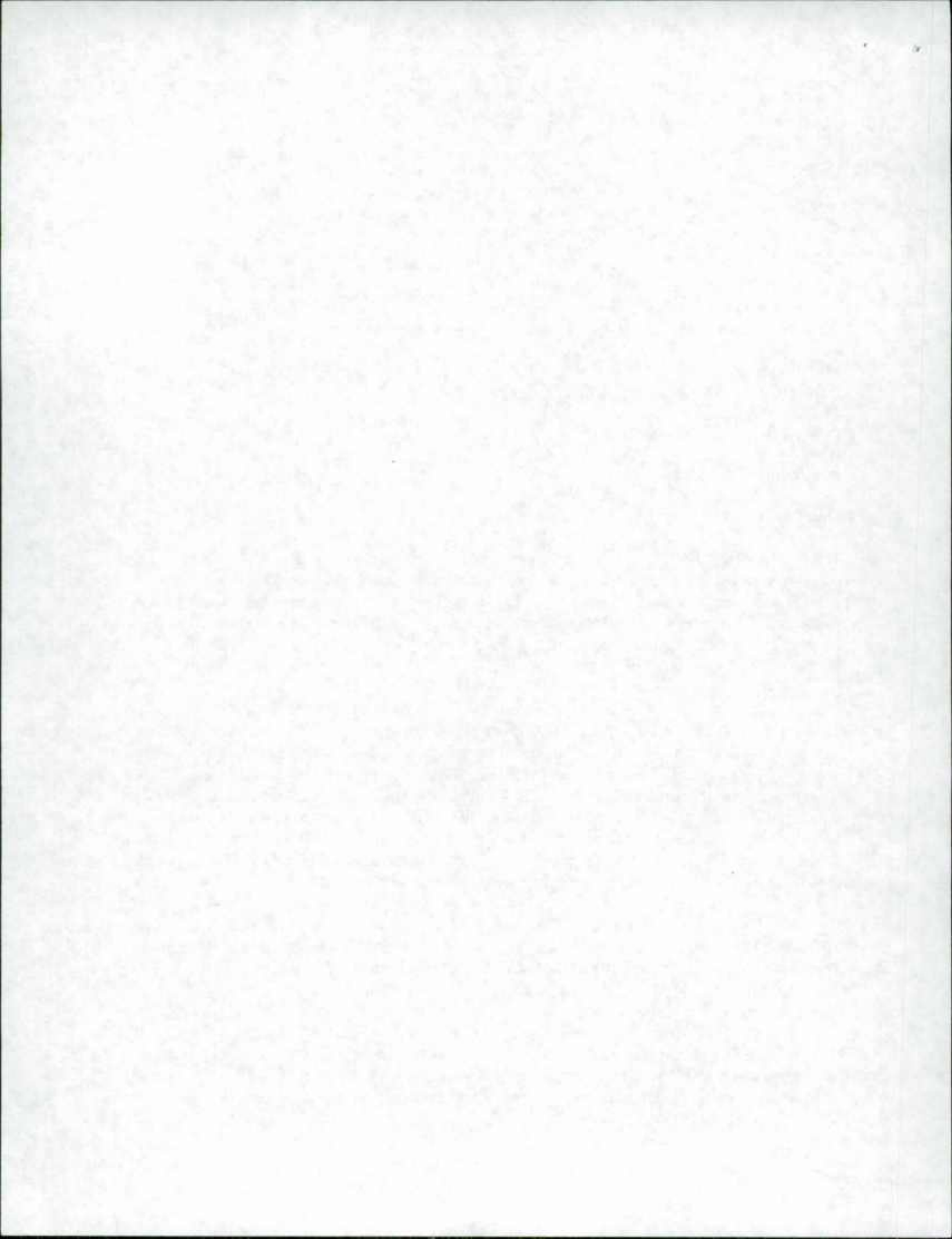
Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance to allow disturbance to the Buffer which is expanded to include contiguous slopes 15% or greater. The request seeks to legalize existing retaining walls, patios and a driveway which were built without permits. The 1.77 acre lot is designated as a Limited Development Area (LDA) and it appears that the lot is currently developed with a dwelling, driveway, decks, three patios, a shed, a pier, and a wooden walkway and steps.

Based on the information submitted at this time, this office can not support the proposed variance. It appears that the applicant was granted a variance in 1993 for disturbance to the expanded Buffer for construction of the dwelling, driveway and septic system. The applicant now requests an after-the-fact variance to legalize further disturbance for several additional structures within the sensitive and protected Buffer and steep slopes. However, the applicant has not demonstrated that the development of the property that was permitted under the 1993 variance was insufficient to provide reasonable and significant use of the entire property. It is the applicant's burden to show that the newly developed structures, in addition to the development that was permitted in 1993, are the minimum necessary to provide such reasonable use.

It appears from aerial photos and the 1993 variance plan that the existing pier, detached wood deck and shed at the shoreline were already on the property prior to construction of the house. Therefore, the applicant already had the use of a deck before the patios adjacent to the house were constructed and the applicant has not shown that an additional patio was necessary for reasonable use of the property.

It is unclear what part of the driveway is included in this variance request. It appears that anything more than a driveway with the minimum necessary width to access the property would be excessive given the extreme environmental constraints on the property. Given these



Ms. Roxana Whitt

April 17, 2008

Page 2 of 2

constraints, this office would not have supported a request for a variance to expand the driveway beyond the scope of what was originally approved in the 1993 variance.

It is also unclear which of the now constructed retaining walls were built within the scope of the approved 1993 variance for construction of the dwelling, as opposed to after-the-fact. To the extent that retaining walls were constructed on the property beyond the scope of what was approved in the 1993 variance, we recommend that the variance be denied in the absence of a showing that the walls were necessary to address an active erosion problem on the slopes.

There are a number of discrepancies between the calculations on the 1993 plan which was the basis for granting the variance for the dwelling construction, and the current plan. The Critical Area Notes on the 1993 plan indicate that 69,303 square feet of the property would remain forested and that 3,582 square feet would be developed as impervious surface. In contrast, the plan submitted for the current variance indicates that there are 3,954 square feet of impervious surface area and only 47,508 square feet of forested area remaining on the property. To the extent that the additional 372 square feet of impervious surface and 21,795 square feet of clearing was done to accommodate the structures at issue in the current variance, the applicant should provide mitigation plantings at a 4:1 ratio for the total area of disturbance from clearing, grading and new impervious surfaces. The applicant should also resolve any remaining discrepancies between the clearing calculations on the 1993 plan and current plan. If the additional clearing was not permitted and mitigated for under a County approved Buffer Management Plan, the clearing should be addressed and mitigated as a violation.

If the applicant does not provide information showing that the currently requested variance to permit the continuance of the constructed patios, retaining walls and driveway meet the County's variance standards, this office recommends that the variance be denied and that the applicant be required to remove the structures and restore the site to a vegetated stabilized condition, in addition to providing the required mitigation plantings described above.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

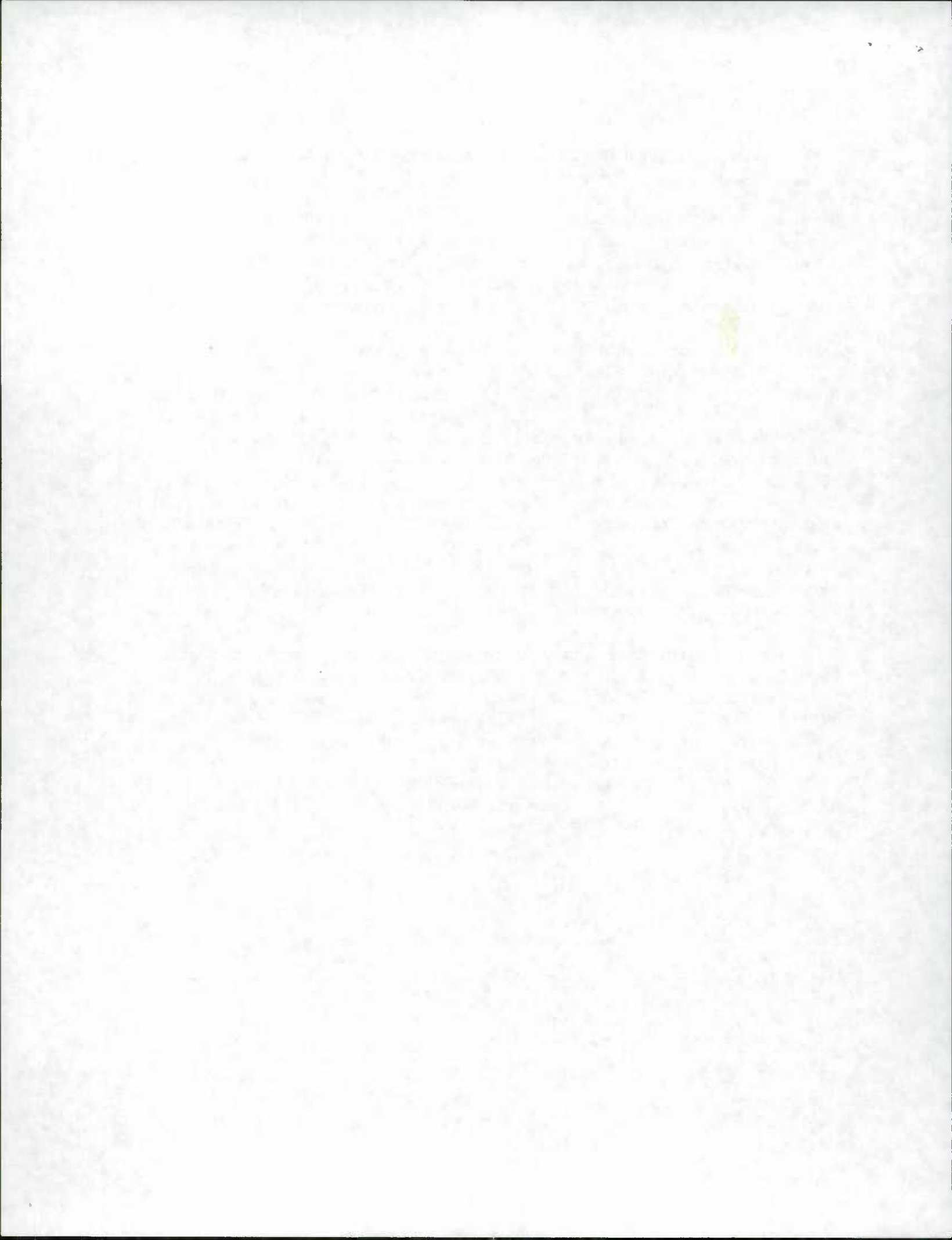
Sincerely,



Amber Widmayer

Natural Resources Planner

cc: CA 183-08



JUDGE JOHN C. NORTH, II
CHAIRMAN
410-822-2627 OR 410-874-2418
410-822-2283 FAX

SARAH J. TAYLOR, PhD
EXECUTIVE DIRECTOR
410-874-2418
410-874-2228 FAX



WESTERN SHORE OFFICE
45 CALVERT ST., 2ND FLOOR
ANNAPOLIS, MARYLAND 21401

EASTERN SHORE OFFICE
21 CREAMERY LANE
EASTON, MARYLAND 21821

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

October 5, 1993

Ms. Roxana Homer
Calvert County Planning
& Zoning
Courthouse Annex
Prince Frederick, MD 20678

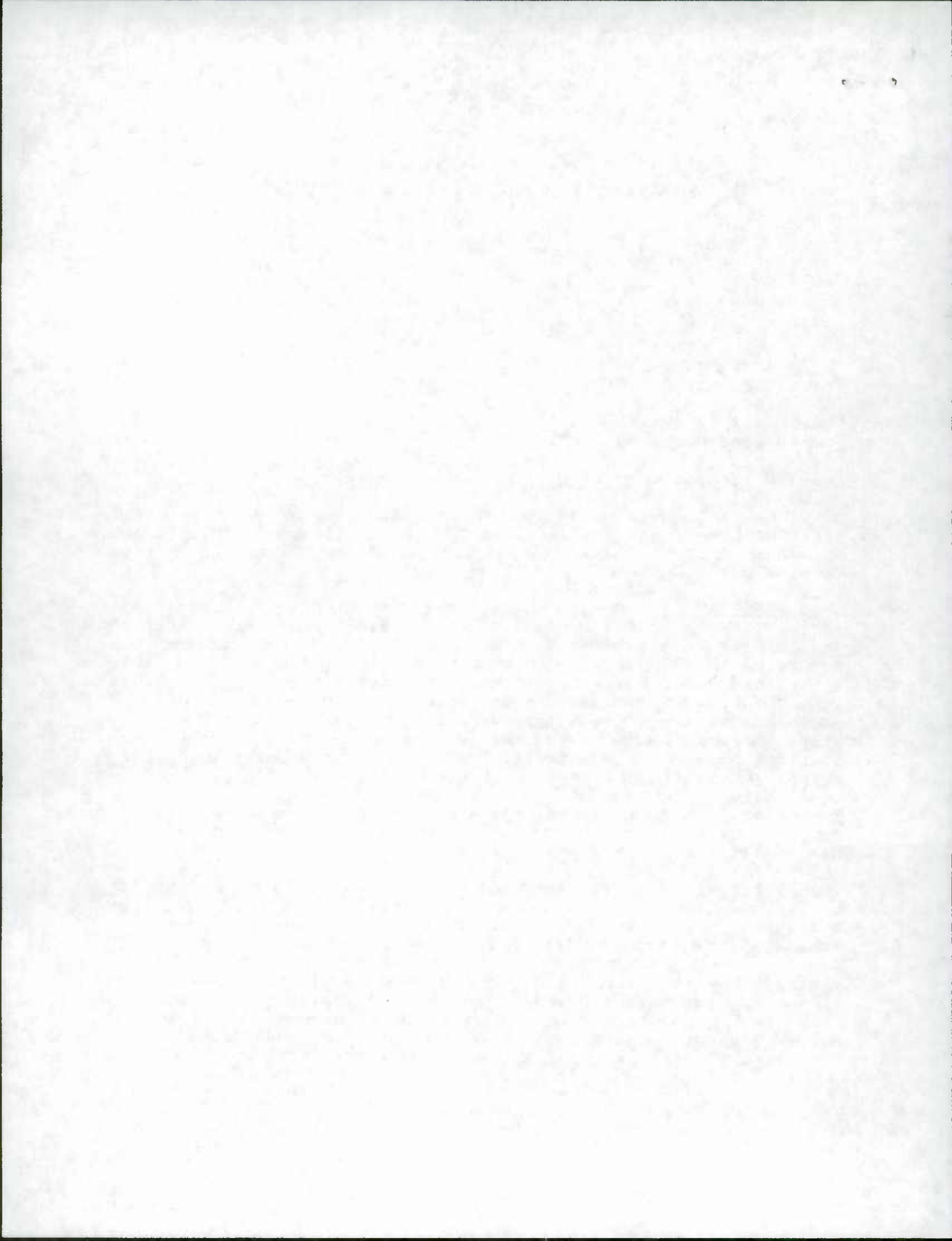
Dear Ms. Homer:

The following comments and recommendations are being forwarded in reference to the notification for the application of variances from the Critical Area regulations which were received by the Commission on September 10, 1993:

Stewart\93-1920 - The applicant proposes to build a retaining wall in the 100-foot buffer. On August 24, 1993 a visit was conducted in order to determine whether significant shore erosion was occurring in the area designated by the applicant. It was determined after the site visit in a letter dated August 31, 1993 to Eddie Dichter (enclosed) that "because the shoreline consists of shore grasses as well as a grassed lawn, and shows no evidence that shore erosion is occurring" there was no need for a retaining wall. Critical Area staff recommends denial of the variance to build a retaining wall in the 100-foot buffer.

McMichael\93-1925 - Because the applicant has no room to move the proposed house outside of the extended buffer, Critical Area staff has no comment on this project.

Jones\93-1923 - The applicant proposes to build within the 100-foot buffer two houses on one lot which will be divided into two buildable lots. After carefully reviewing the projects, Critical Area staff recommends denial of the variances. If the applicant had proposed construction of one house on an existing lot, a variance may be justified if the house were kept out of the Buffer as much as the site allowed. However, the applicant is proposing one new lot which, if approved, would be unbuildable without a Buffer variance. Such a situation would not be justifiable under the Critical Area law of the County's Critical Area program.



Continue, Page Two
October 5, 1993
Ms. Homer

Marshall\93-1922 - Because a small part of the existing pool is in the 100 foot buffer, Critical Area staff has no comment on this project.

Staughton\93-1926 - The applicant proposes to build a house and deck in the 100-foot buffer. Critical Area Commission staff has determined that because the size of the lot and septic field would prevent placing the house and deck out of the 100 foot buffer, Critical Area Commission staff has no comment on this project.

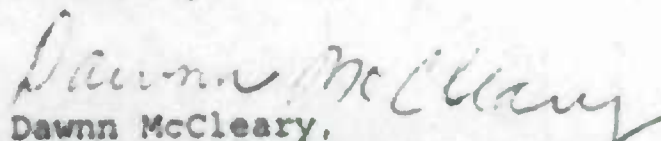
Rubinstein\93-1921 & Gerald\93-1924 - The applicant proposes to build two houses on steep slopes. After reviewing the above project, Critical Area Commission staff has determined that the placement of the proposed houses can not be moved any farther off the slopes. Because of this, any development on the slope should be mitigated with appropriate plantings of natural vegetation. Steep slopes should also be stabilized in order to minimize any run-off from the site during and after construction.

Osbourn\93-1919 - The applicant proposes to build a retaining wall in the 100-foot buffer. After carefully reviewing the above project, as well as seeking advice from the Tidal Wetlands Division within the Department of Natural Resources, there is no evidence of shore erosion occurring on the site. Because of this, Critical Area Commission staff recommend denial of the variance request to build a retaining wall.

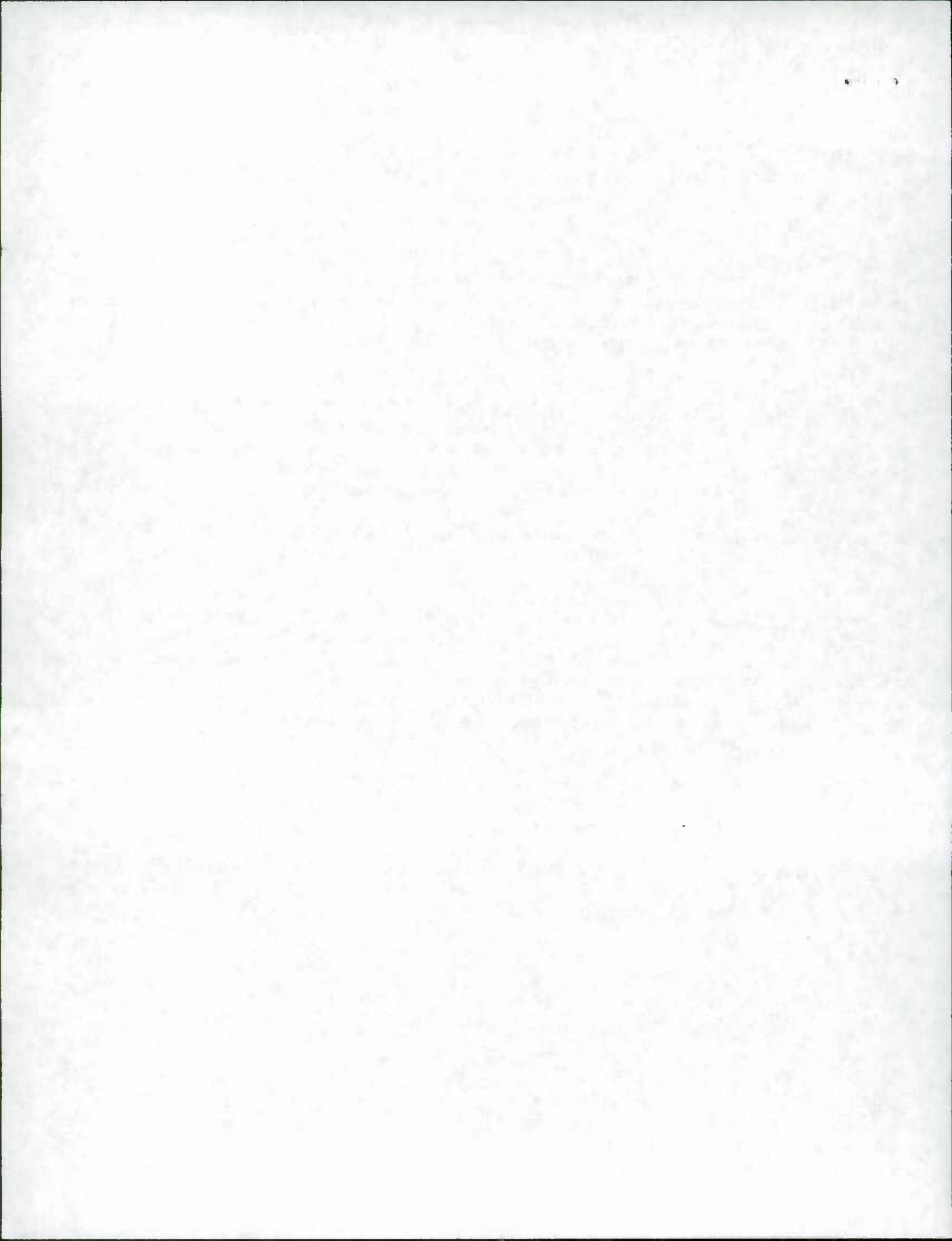
The recommendation for denial is based on the fact that no evidence was submitted to verify that significant erosion is occurring on the shoreline of the applicant's property.

Thank you for your submission of the variance requests. If you have any further questions in reference to this matter, please do not hesitate to contact me.

Sincerely,


Dawn McCleary,
Natural Resources Planner

cc: Dr. David Brownlee
Ren Serey



18302

2/20/9
[Signature]

RECEIVED
FEB 25 2009

PLANNING DEPARTMENT

CALVERT COUNTY BOARD OF APPEALS ORDER

Case No. 08-3518

Public Hearings: May 1, 2008, July 3, 2008, September 4, 2008, & February 5, 2009

James & Alison Spilman have applied (after-the-fact) for a variance in the steep slope requirement and a variance in the expanded buffer requirement for retaining walls, patios, and a driveway. The property is located at 600 Willow Road, Lusby (Tax Map 35A, Lot 707R, White Sands) and is zoned RD/LDA Residential District/Limited Development Area.

The case was presented May 1, 2008 before Board of Appeals members Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman and Mr. Michael Redshaw, member (the Board). Mr. Carlton Green, Esquire, served as the Board's counsel. Mr. James Spilman and Mrs. Alison Spilman were present at the hearing and were represented by Mr. Roland Joun from Wilkerson & Associates, Inc. and Mr. Michael Manning, Esquire. The Board deferred action at the May 1, 2008 hearing pending a site visit and to allow the applicants' representative, Wilkerson & Associates Inc., time to prepare the case for presentation to the Board.

The case was again presented July 3, 2008 before Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman and Mrs. Lisa Sanders, Member (the Board). Mr. James Spilman was present at the hearing and was represented by Mr. Roland Joun from Wilkerson & Associates, Inc. and Mr. Michael Manning, Esquire. The Board deferred action at the July 3, 2008 hearing: (1) to allow the applicants time to work with their engineer and the Calvert County Department of Public Works to develop a plan to place parking for the subject property at the top of Willow Drive without the driveway as required by Board of Appeals Order No. 93-1921; (2) to allow the applicants time to prepare a revised site plan showing the parking and stormwater management proposed for the site; (3) to allow the applicants time to be prepared to address environmental impacts to the site from the driveway as it currently exists; and (4) to allow the applicants time to obtain documentation to substantiate their allegations that the Calvert County inspectors played a role in construction of any of the structures that were present at the 2004 final approval of their house and that are currently

1875
No. 1000

Received of
the Treasurer of the
City of New York

the sum of
Five Hundred Dollars

for the purchase of
City Bonds

determined to be in violation of either the Board's previous Order No. 93-1921 or the Calvert County Zoning Ordinance.

The case was again presented September 4, 2008 before Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman and Mrs. Lisa Sanders, Member; the Board. Mr. James Spilman was present at the hearing and was represented by Mr. Roland Joun from Wilkerson & Associates, Inc. and Mr. Michael Manning, Esquire. The Board deferred action at the September 4, 2008 hearing to allow time for the Calvert County Zoning Officer to verify that mitigation requirements for the construction that is the subject of this case have been met, in accordance with the 2008 revisions to the Critical Area law..

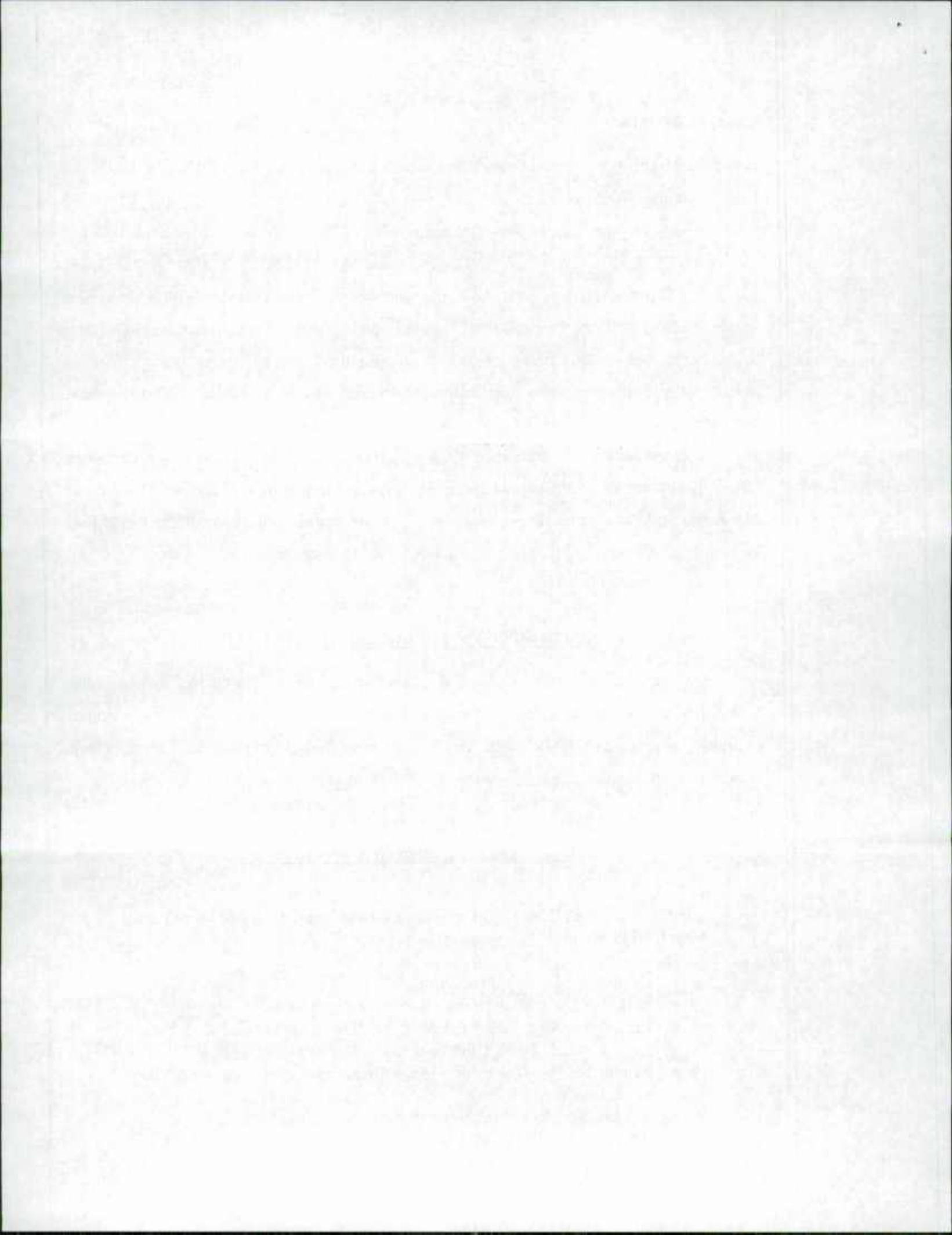
The case was again prescted February 5, 2009 before Mr. Michael Reber, Chairman, Dr. Walter Boynton, Vice Chairman and Mrs. Lisa Sanders, Esquirc, Member (the Board). Mr. James Spilman was present at the hearing and was represented by Mr. Roland Joun from Wilkerson & Associates, Inc. and Mr. Michael Manning, Esquire.

AUTHORITY OF THE BOARD OF APPEALS

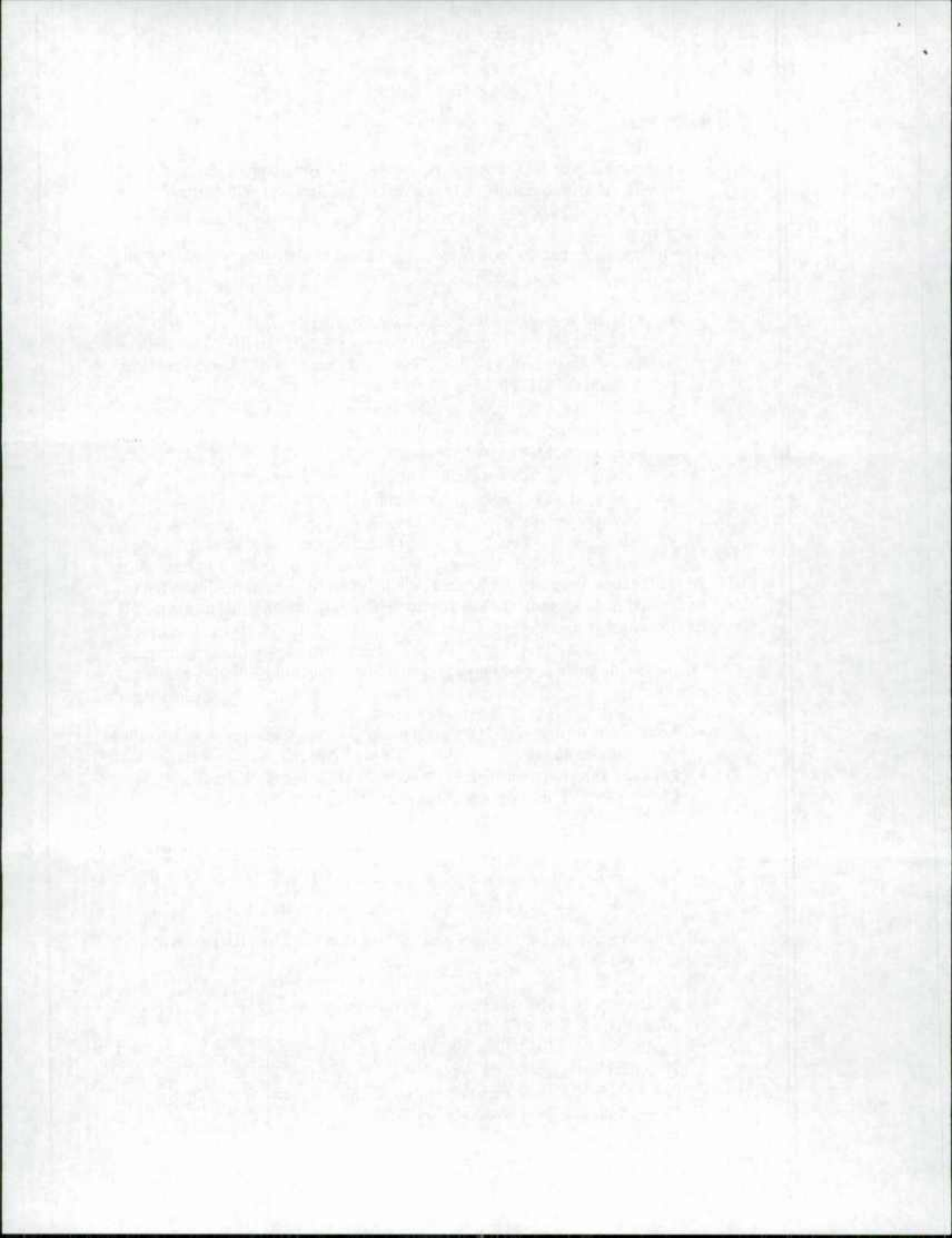
The jurisdiction of the Board of Appeals is based on Article 66B of the Annotated Code of Maryland, as amended. Article 11 Section 1.01.B of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the authority to grant variances from the Critical Area requirements of Section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

TESTIMONY & EVIDENCE PRESENTED

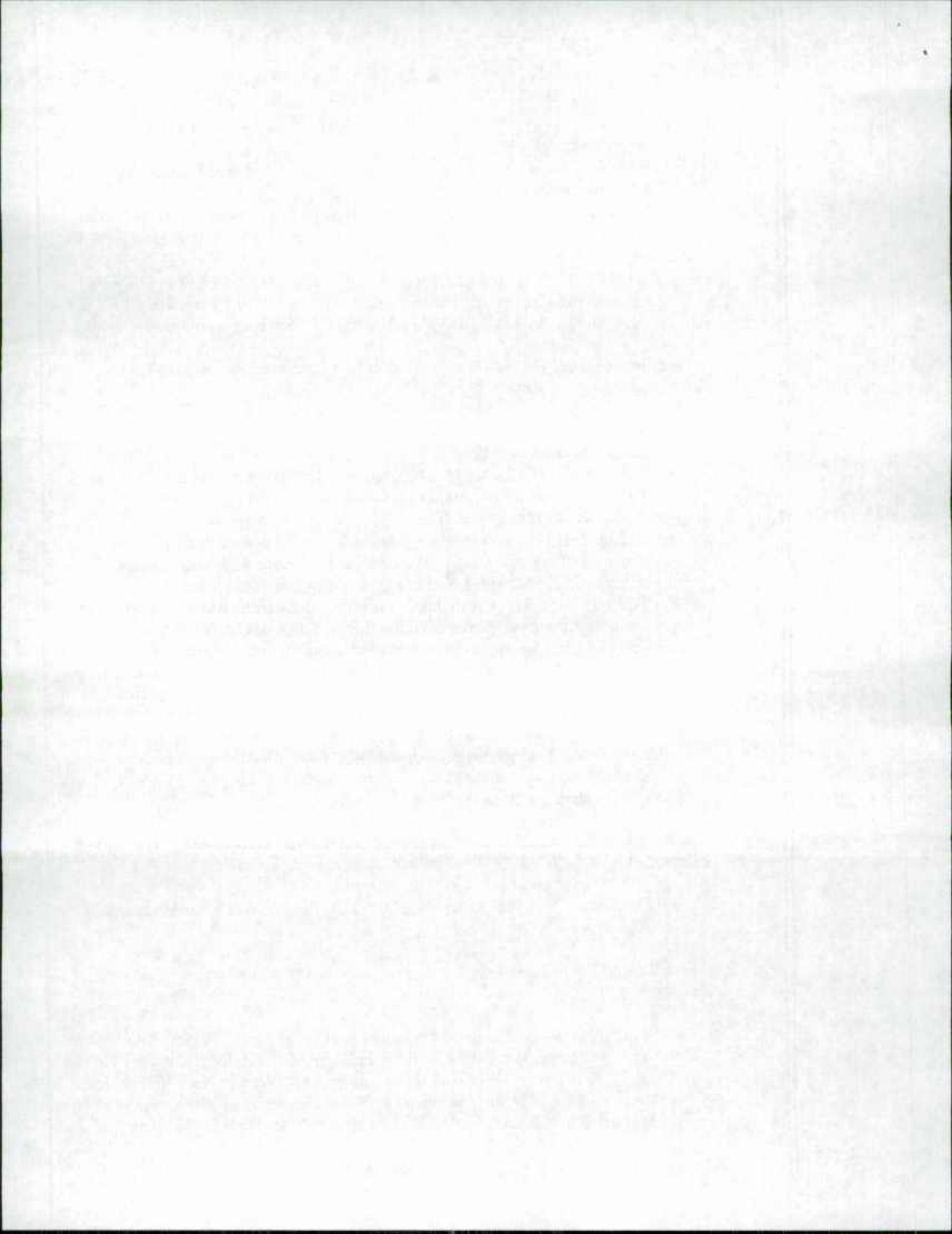
1. The following Applicant Exhibits were dated and entered into the record at the May 1, 2008 hearing:
 - Exhibit No. 1 - Application
 - Exhibit No. 2 - Plat submitted with the Application
 - Exhibit No. 3 - Letter dated April 29, 2008 from Michael K. Manning, P.A. to Pamela Helie, Clerk to the Board of Appeals
 - Exhibit No. 4a - Letter of Support from Lynelle Morsell, 625 Willow Road, Lusby, MD 20657
 - Exhibit No. 4b - Architectural Review Request and Approval from White Sands Civic Association, Inc.



- Exhibit No. 4e - Petition of Support Re Retaining Walls and Patio Variance Requested for the Spilman Residence at 600 Willow Road, Lusby, MD 20657
2. The following Applicant Exhibits were dated and entered into the record at the July 3, 2008 hearing.
 - Exhibit No. 5 – Photos of Site (Large White Board)
 - Exhibit No. 6 a – Letter dated December 9, 2007 to Mr. Tom Spilman from Donald T. Ward, P.E., Ward Associates, 1120 Thompson Court, St. Leonard, MD 20685
 - Exhibit No. 6 b – Letter dated December 9, 2007 to Mr. Tom Spilman from Donald T. Ward, P.E., Ward Associates, 1120 Thompson Court, St. Leonard, MD 20685
 - Exhibit No. 7a & 7b – Photos (1 each)
 - Exhibit No. 8 – Existing Improvement Plat, Lot 707R, Plat 16, White Sands, dated July 2008, Sheet 1 of 2
 - Exhibit No. 9 – Plat (No Title or Date) Showing Lot and House
 3. A Staff Report prepared by Roxana Whitt, Board of Appeals Administrator, was dated and entered into the record at the July 3, 2008 hearing as Staff Exhibit No. 1.
 4. The following correspondence was entered into the record at the July 3, 2008 hearing:
 - Letter date April 16, 2008 from Amber Widmayer, Chesapeake Bay Critical Area Commission to Roxana Whitt, Board of Appeals Administrator
 - Letter of Support dated June 25, 2008 from Theodora K. Watts to Pamela Helie, Clerk to the Board of Appeals, Re Case No. 08-3518, Spilman
 5. The following person testified at the July 3, 2008 hearing:
 - Theodora K. Watts, 620 Willow Road, Lusby, MD 20657
 6. The following Applicant Exhibits were dated and entered into the record at the September 4, 2008 hearing:
 - Exhibit No. 10 – Revised Plat – Existing Improvements Plat, dated July 2008, Lot 707R, Plat 16, White Sands
 - Exhibit No. 11 – Deed between White Sands Civic Association and Steven J. & Tracy Rubinstein, dated 23 September 2002
 - Exhibit No. 12 – Deed between Steven & Tracy Rubenstein and James T. and Alison Spilman dated 26 September 2002



- Exhibit No. 13 – White Sands Civic Association, Inc. Rules and Regulations, page 4 of 6, effective June 27, 2008
 - Exhibit No. 14 – Letter of Support from Theodora Watts, dated August 17, 2008
 - Exhibit No. 15 – Variance Request Maximum Allowable Driveway Slope, dated 7/29/08
 - Exhibit No. 16 – E-mail dated August 11, 2008 from Ronald Clark to Michael Manning, (with Engineering Bureau memo to Roxana Whitt, from Ronald J. Clark, dated August 5, 2008, RE BOA Case No. 08-3581 Spilman – Follow-Up Memo)
7. The following Staff Exhibits were entered into the record at the September 4, 2008 hearing:
- Exhibit No. 2 – Memos to Roxana Whitt from Ronald Clark, Engineering Bureau Chief, Public Works, dated July 14, 2008 and August 5, 2008
 - Exhibit No. 3 – Letter to Ronald Clark, Engineering Bureau Chief, Public Works, dated August 7, 2008 from Michael K. Manning, Reynolds and Manning, P.A.
 - Exhibit No. 4 – Memorandum from Mary Beth Cook, Calvert County Zoning Officer, to Roxana Whitt, Board of Appeals Planner, dated August 6, 2008 (with attachments: (1) Memorandum from Roxana Whitt to Mary Beth Cook, dated August 6, 2008 (with attachments: (1) Memorandum from Roxana Whitt to Mary Beth Cook, dated August 6, 2008 RE: BOA Cases Affected by New Critical Area Legislation; and (2) Letter dated August 2, 2008 from Marianne E. Dise, Assistant Attorney General, Principal Counsel, Chesapeake Bay Critical Area Commission, to Calvert County Board of Appeals, RE: Notice of Important Changes to law RE Critical Area Variances
 - Exhibit No. 5 – Letter dated August 26, 2008 from Amber Widmayer, Chesapeake Bay Critical Area Commission to Roxana Whitt, Calvert County Department of Planning and Zoning
8. The following Applicant Exhibit was entered into the record at the February 5, 2009 hearing:
- Exhibit No. 17 – Mitigation Plan, Lot 707R, Plat 16, White Sands, dated July 2008
9. The following Staff Exhibits were entered into the record at the February 5, 2009 hearing:
- Exhibit No. 6 – Memo dated December 2, 2008 to Roxana Whitt, Board of Appeals Planner from Mary Beth Cook, Zoning Officer, RE: BOA Case No. 08-3518, James & Alison Spilman w/attachments (Receipt No. 1409; Critical Area bond form; Mitigation Plan, Lot 707R; Plat White Sands; Memo to Roxana Whitt, Board of Appeals Planner from Mary Beth Cook, Zoning



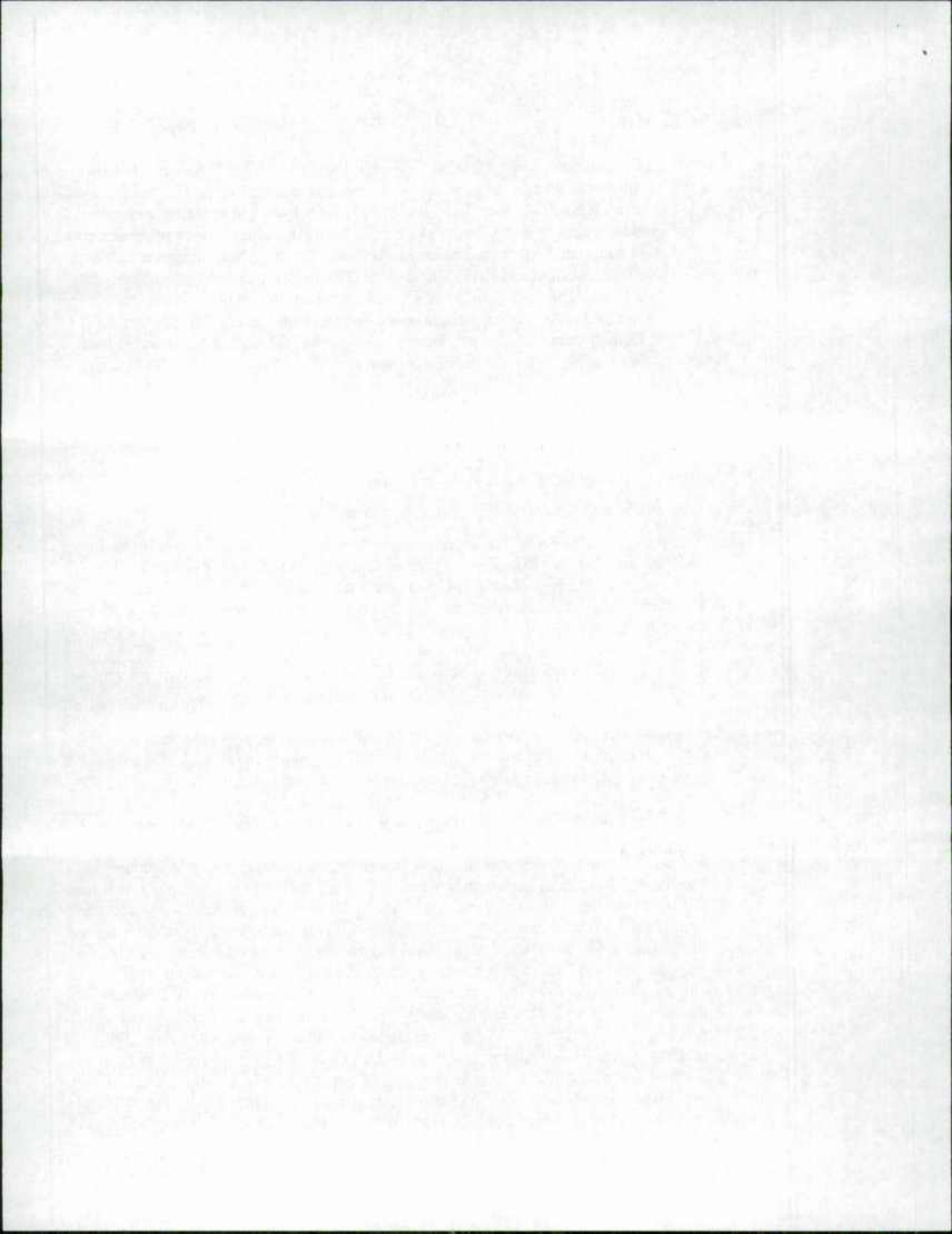
Officer, dated September 30, 2008, RE BOC Case No. 3518, James & Alison Spilman

- Exhibit No. 7 – Letter dated January 27, 2009 from Roby Hurley, Natural Resources Planner, Chesapeake Bay Critical Area Commission w/attachments (Letter dated April 16, 2008 from Amber Widmayer, Natural Resources Planner, Chesapeake Bay Critical Area Commission; Memo dated September 30, 2008 from Mary Beth cook, Zoning Officer, Re: BOA Case No. 3518, James and Alison Spilman; Memo dated December 2, 2008 from Mary Beth Cook, Zoning Officer RE: BOA Case No. 08-3518, James & Alison Spilman; Receipt No. 1409, Critical Area Bond form.)

FINDINGS OF FACT

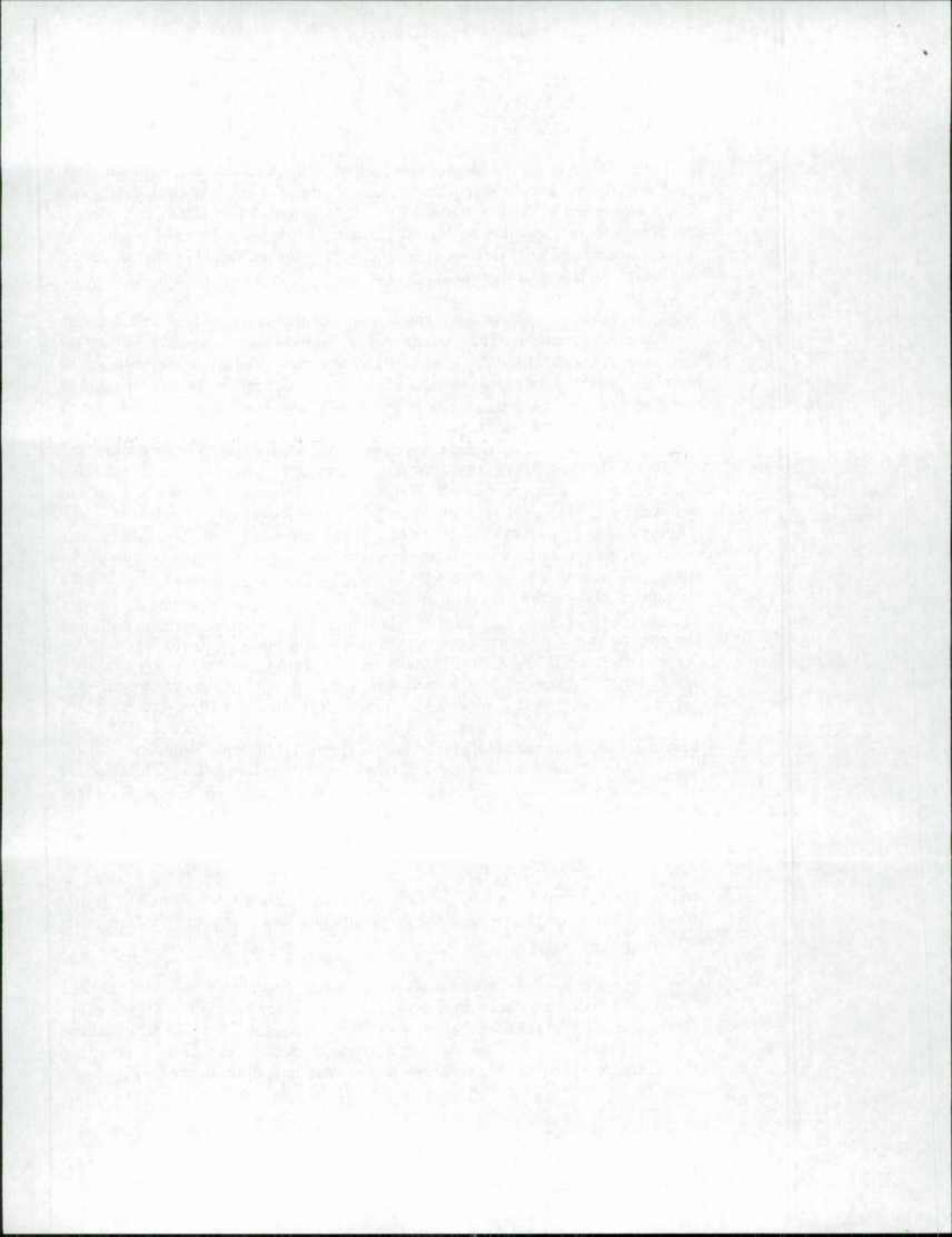
Based on the application, site visit, and testimony and evidence presented at the hearings the Board makes the following Findings of Fact:

1. The property consists of 1.8 acres and is situated at the end of Willow Road in the White Sands subdivision. It is comprised of three lots that were deemed unbuildable on their own, but were combined to create one buildable lot. It has frontage on St. Leonard Creek, with stairs descending to the pier at the waterfront. The terrain is very steep throughout, falling in slopes of ~25% from the edges of two knolls, one knoll on each of the northeastern and northwestern corners of the lot. A deep swale separates the knolls and serves as a conduit to St. Leonard Creek for all the stormwater runoff from the subject property and other properties above. Riprap has been installed in both natural and constructed swales and on some hillsides to control erosion from stormwater runoff. The tree cover on the lot is a mixture of hardwoods and pines, although some significantly large trees, as well as smaller trees and understory, have been removed. Ornamentals have been planted under the opened canopy.
2. The Board of Appeals granted a Critical Area variance for development of this property in 1993, when it was owned by Mr. Steven Rubenstein. The variance allowed minimal disturbance to the property's steep slopes for construction of a dwelling. Three separate hearings were conducted on the request, during which time the Board deliberated on how to allow development of the property without causing harm to the environment. The Board was specifically concerned about clearing and the potential for erosion. The owners' engineering representative from RDA, Inc. responded to the Board's concerns by providing a revised development plan that eliminated the driveway and showed a parking pad in the cul-de-sac. He indicated on the submittal form with this plan that it "would be the best for development of this property." The Calvert County Department of Public Works considered the plan preferable. The Board agreed, and in its Order in this case specifically did not approve construction of a driveway on the property's steep slopes. In an unprecedented step, the Board required the owner to obtain easement over, or ownership of, the cul-de-sac at the end of Willow Road for the purpose of constructing a parking pad to serve the



dwelling. This area was somewhat less steep than the lot itself, and positioning the parking there was thought to require considerably less clearing. At that time, the cul-de-sac was owned by the White Sands Civic Association. It was subsequently decided to Calvert County, and then to Mr. Rubenstein, all for the purpose of meeting the Board's intentions in the variance it granted. The property, including the cul-de-sac, was sold to the current owners in 2002.

3. The current owners obtained a building permit that was designed in accordance with the approved variance. They constructed a 3-level house on the knoll on the northwestern corner of the lot. The septic system was installed on the knoll on the northeastern side of the lot. It subsequently came to the attention of the Department of Planning and Zoning that tree clearing, grading and construction on this lot is ~~significantly more than the Board of Appeals approved~~ with the original variance. A deck, patios, retaining walls and a driveway were added without proper permits and beyond the scope of the variance approval. The current plan shows that virtually the entire cul-de-sac area was cleared. Impervious surfaces exceed that proposed and approved by 1286 s.f., not including the impervious surface within the cul-de-sac. The additional clearing and impervious surfaces have contributed to increased stormwater runoff and erosion, which is evident on slopes throughout the upper portion of the property. Those are the very issues the Board was attempting to avoid by limiting the clearing and construction on the lot in 1993.
4. The current owners were issued a Notice of Violation in 2007 by the Enforcement Division of Planning and Zoning for unauthorized clearing, including the removal of canopy trees. Additionally, the owners were cited for unpermitted construction of a driveway, retaining walls and a patio within the extended waterfront buffer and on steep slopes. The owners provided correspondence to the Enforcement Division indicating that the tree removal was an effort to protect their home from dead or dying trees. While the fine for tree removal was subsequently reduced, it was still imposed for unauthorized clearing. Photos provided to the Enforcement Division indicate that at least some of the removed trees were dead or dying. They were located on the perimeter of the cleared areas and likely had root damage from the grading and construction.
5. An inspection was conducted by the Calvert County Engineering Bureau on July 10, 2008 to confirm compliance with the originally approved plot plan. The inspection revealed:
 - A driveway was constructed that is not in compliance with the Calvert County Road Ordinance due to its steep grade. This driveway was not shown on the approved plot plan and was apparently constructed after the final grading inspection. The Engineering Bureau required the driveway to be removed or brought into compliance via a revised/approved plan and subsequent construction.



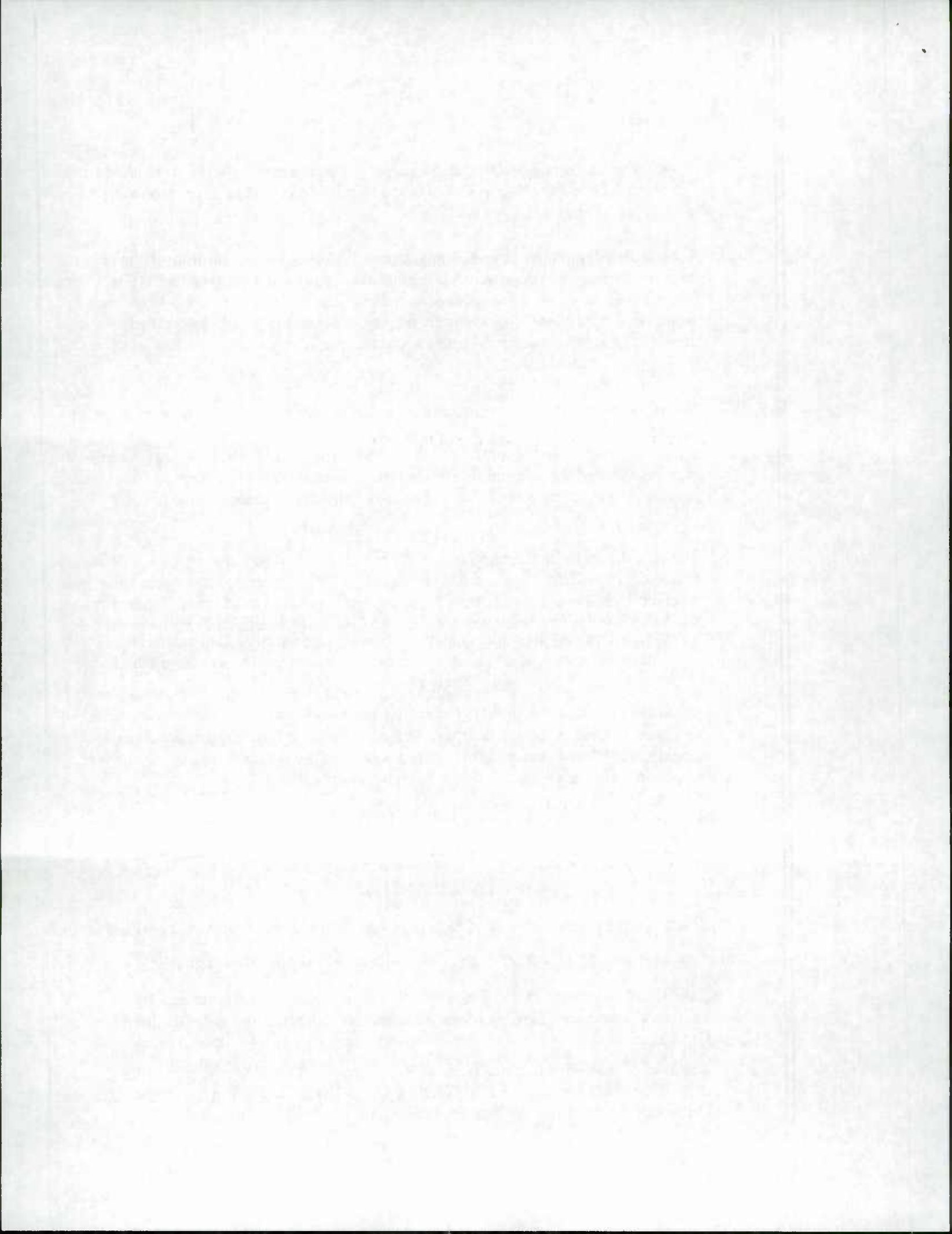
- The Engineering Bureau also required that a turnaround pad be constructed within the cul-de-sac either as shown on the approved plot plan or as per approved revised plan if proposed.
6. The Engineering Bureau subsequently received a revised site plan from the applicants' engineer for proposed improvements to be made in connection with the subject site. In lieu of removing the driveway as required in the Engineering Bureau's Memo to the Board of Appeals Administrator, the applicant proposed to keep it as constructed, pave it, and construct rain gardens and rain barrels to channel the impervious areas to the structures for water quality treatment.
 7. The retaining walls were constructed based on advice from Calvert County Inspectors to address issues of slope stability and erosion during the time of construction and were constructed in accordance with engineering standards. Board of Appeals members visited the site and determined the retaining walls are necessary to minimize damage to the environment and possibly avoid structural damage to the house.
 8. The Board concludes the parking for this site was not constructed in the cul-de-sac as required in Board of Appeals Order No. 93-1921. However, expert testimony was received from the applicants' engineer advising construction of a parking area in this cul-de-sac area would require extensive backfilling, the erection of retaining walls that would be 10-12 feet high, and would add to disturbance on the property.
 9. The property owners also submitted a notarized letter to the Engineering Bureau acknowledging that the driveway does not meet the maximum slope requirement and requested a variance be granted from that requirement by the Engineering Bureau. The Engineering Bureau approval was granted subject to the owner accepting all liability for any drainage or safety issue associated with this construction.
 10. Right of access to the adjacent property shall be via the cul-de-sac owned by the applicants.

CONCLUSIONS

Based on the above findings of fact, the Board came to the following conclusions (in accordance with Section 11-1.01.B of the Calvert County Zoning Ordinance):

1. The Board concludes that it has the authority to grant or deny the subject variances from the Critical Area requirements of Section 8-1 of this Ordinance.
2. The Board concludes that the applicants have overcome the presumption of nonconformance as required in Section 11-1.01.B.2 & 3 of the Zoning Ordinance for the driveway and the retaining walls.

The Board concludes that the applicants have not overcome the presumption



of nonconformance as required in Section 11-1.01.B.2 &3 of the Zoning Ordinance for the patios.

3. The Board concludes that the applicant has met each of the following variance standards for the driveway and retaining walls. Based on expert testimony received, the Board concludes the driveway was constructed to address the fact that there is no practical engineering solution to parking within the cul-de-sac. The Board concludes that the driveway minimizes overall impact to the site.

The Board concludes the applicants have not met each of the following variance standards for the patios as denial of the patios does not rise to the level of unwarranted hardship; the patios themselves do not afford stabilization and minimization of environmental impact and are not necessary for reasonable and significant use of the property.

- a. The variances for the retaining walls and driveway will not result in injury to the public interest, but will actually benefit the public interest if they minimize erosion on the property.

Granting the requested variances for the patios would result in injury to the public interest as the patios do not conform to the Critical Area variance criteria.

- b. Granting the variances for the retaining walls and driveway will not adversely affect the implementation of the Comprehensive Plan as this is a grandfathered lot located in a zoning area where the owners have the right to construct a single-family residence.

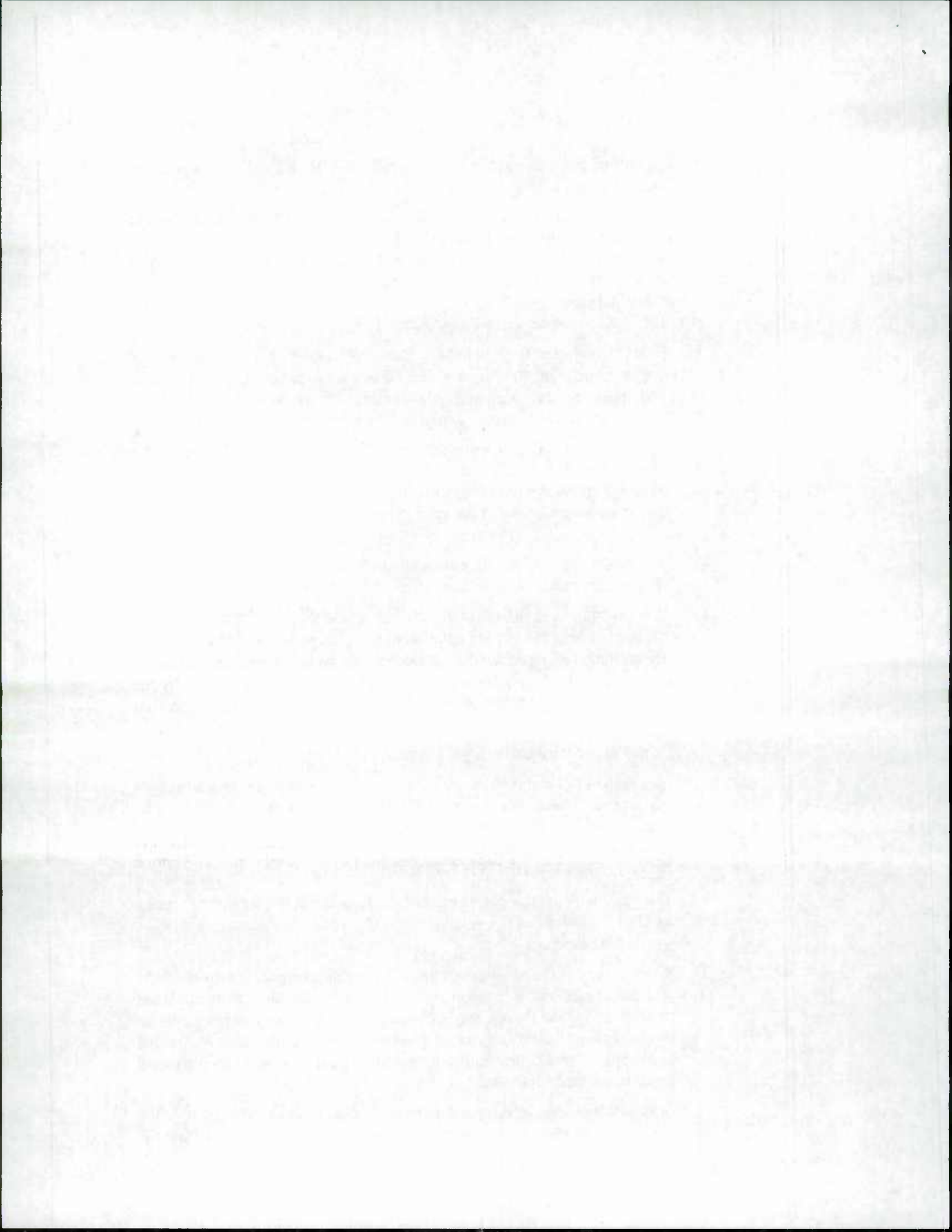
Granting the variances for the patios would adversely affect the implementation of the Comprehensive Plan as the patios are not in conformance with Critical Area variance criteria.

- c. The variances for the retaining walls and the driveway are the minimum adjustments necessary to afford relief from the regulations. The approval of the driveway is a minimum adjustment as it provides a means for parking other than use of the cul-de-sac, thereby eliminating the potential for increased impact to the site.

The variances for the patios are not the minimum adjustment necessary to afford relief from the regulations. The patios are not necessary for use of the property.

- d. Special conditions or circumstances exist that are peculiar to the land and structures on this property such that a literal enforcement of provisions within the County's Critical Area Program as they apply to the retaining walls and the driveway would result in unwarranted hardship. Denial of the ability to adequately protect the property would result in unwarranted hardship.

Special conditions or circumstances do not exist that are peculiar to the land or structures such that a literal enforcement of provisions within the



County's Critical Area Program as they apply to the patios would not result in unwarranted hardship.

- e. A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances as they pertain to the retaining walls and driveway will deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County.

A literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances as they pertain to the patios will not deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County.

- f. The granting of variances for the retaining walls and driveway will not confer upon the applicants any special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area. The applicants provided sufficient evidence of additional harm if the driveway and retaining walls were required to be removed.

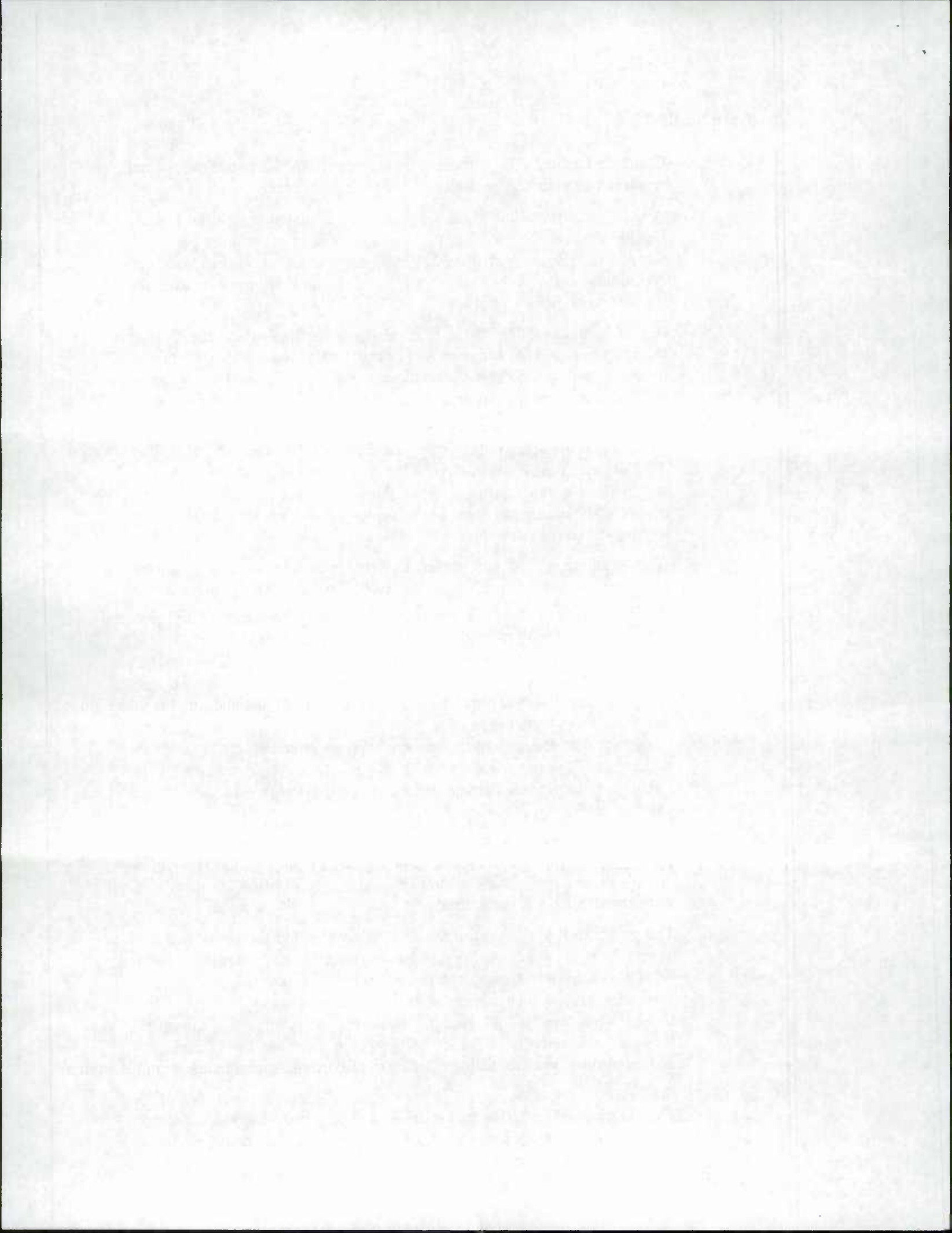
The granting of variances for the patios would confer upon the applicants a special privilege that would be denied by the Calvert County Critical Area Program to other lands or structures within the County's Critical Area.

- g. The variance requests for the retaining walls and driveway are not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. The retaining walls and driveway were constructed to address factors related to the property's steep slopes and in an effort to minimize further environmental damage to the site and potential damage to the existing house.

The variance requests for the patios are based upon conditions and circumstances that are the result of actions by the applicant. The patios are not necessary for stabilization or significant use of the property and were constructed without permit.

- h. The granting of variances for the retaining walls and driveway will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area, and the granting of the variances will be in harmony with the general spirit and intent of the Critical Area law. The retaining walls and driveway help minimize erosion. Additionally, a Buffer Management Plan has been developed and approved by the Calvert County Department of Planning and Zoning.

The granting of the variances for the patios would adversely affect water quality and adversely impact fish, wildlife, and plant habitat within the



County's Critical Area as those items increase stormwater runoff and displace plant and animal habitat within the buffer area.

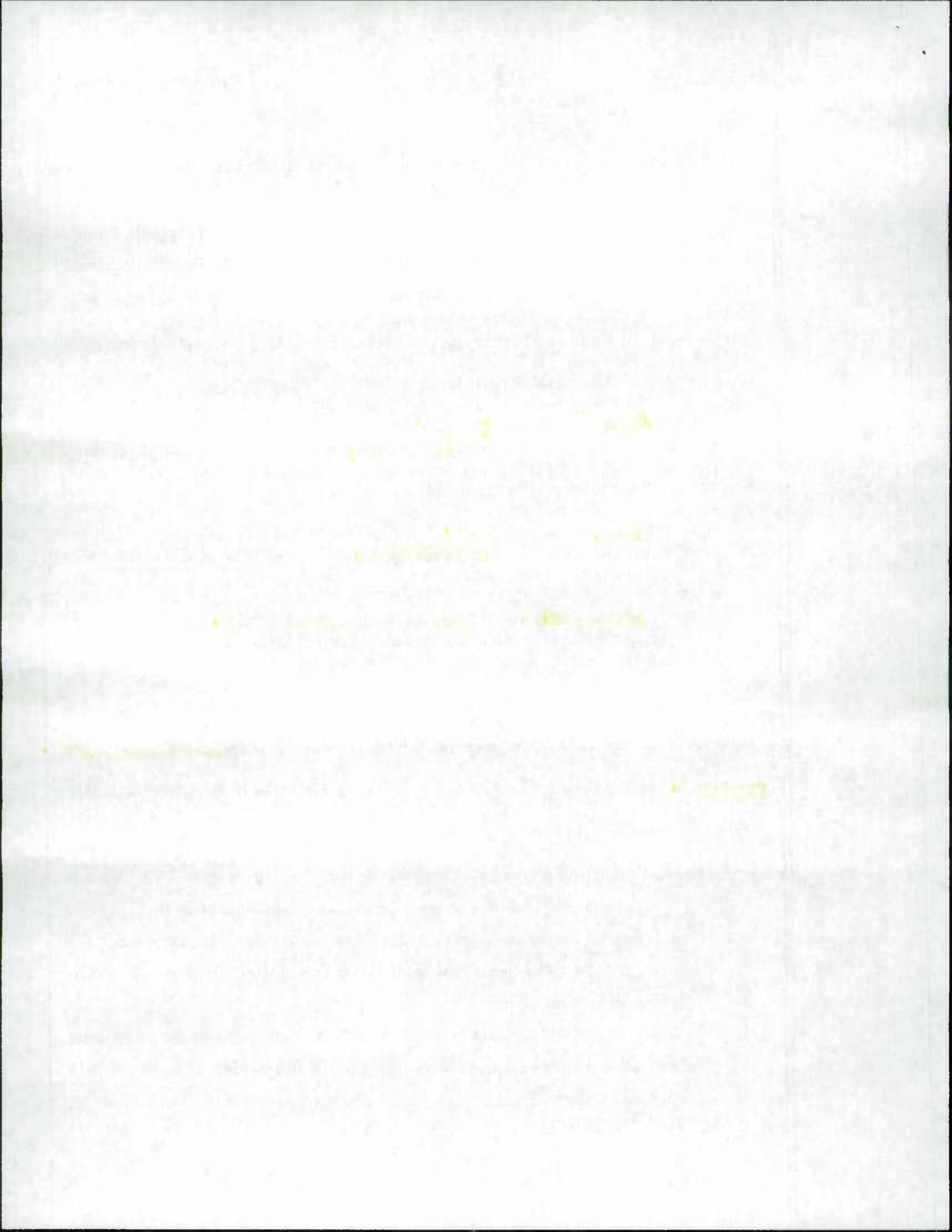
ORDER

It is hereby ordered, by a unanimous decision, that the variance in the steep slope requirement and the variance in the expanded buffer requirement for the patios as requested by James & Alison Spilman be **DENIED** and:

1. The patio located on the east side of the property at the base of the steps leading to the walkway to the water is to be removed and replaced with natural vegetative cover. The stairwell adjacent to the east-side patio, which connects to the pathway to the dock may remain.
2. The patio on the west side of the house that connects through the walkway underneath the deck is to be removed and replaced with pervious surfaces or returned to natural vegetative cover.
3. The walkway patio located beneath the deck is to be removed and replaced with pervious surfaces or returned to natural vegetative cover.

It is hereby ordered, by a unanimous decision, that the variance in the steep slope requirement and the variance in the expanded buffer requirement for retaining walls & a driveway as requested by James & Alison Spilman be **GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. All permits and approvals required by the Calvert County Zoning Ordinance and the Department of Planning and Zoning and those required by any other departments, agencies, commissions, boards or entities, in accordance with County, State and Federal law, must be obtained for the development activity approved by this Order.
2. In accordance with Section 11-1.02.C.3 of the Calvert County Zoning Ordinance any violation of conditions imposed by the Board of Appeals shall be considered a violation of this Ordinance and subject to the enforcement provisions of Section 1-7.



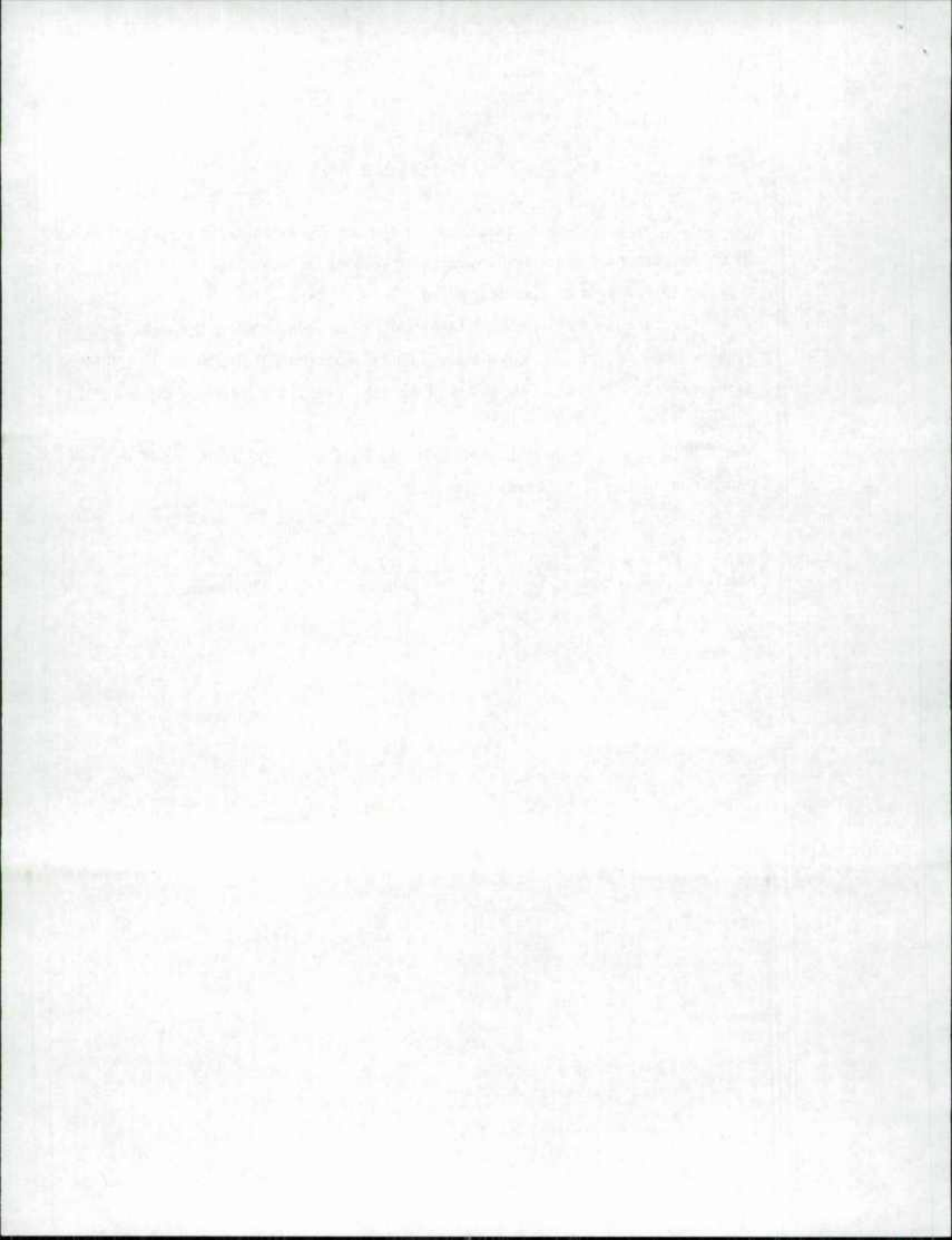
APPEALS

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: February 24 2009
Pamela P. Helie, Clerk

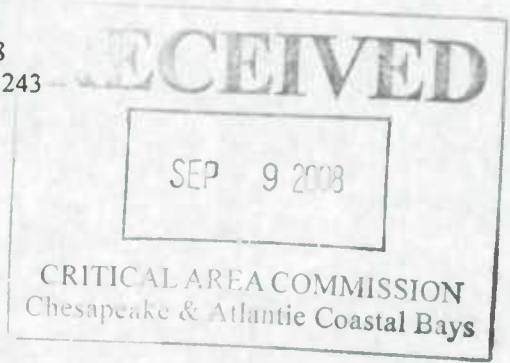
Michael J. Reber
Michael J. Reber, Chairman





**CALVERT COUNTY
BOARD OF APPEALS**

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



September 8, 2008

James & Alison Spilman
1925 Owensville Court
Dunkirk, MD 20754

Subject: Board of Appeals Case No. 08-3518 – Property Located at 600 Willow Road,
Lusby, Maryland

Dear Mr. and Mrs. Spilman:

This is to confirm the action taken by the Board of Appeals at its Thursday, September 4, 2008 hearing regarding your request for a variance in the expanded buffer requirement for retaining walls, a patio and a driveway. As you know, the Board deferred action to allow time for the Calvert County Zoning Officer to verify that you have met mitigation requirements for the construction that is the subject of your ease.

Once verification is received from the Zoning Officer, your ease will be scheduled for the next available Board hearing.

In accordance with Rule 5-101.A of the Board's Rules of Procedure, any request by the Board for additional information shall stay the 45-day time normally required for the Board to make its decision. Cases that have been deferred for a period of 6 months or longer, with no action during that time period, are considered closed. Such easements may be scheduled to be heard by the Board only upon receipt of a new application and application fee.

If you have any questions I can be reached at 410/535-1600, extension 2559.

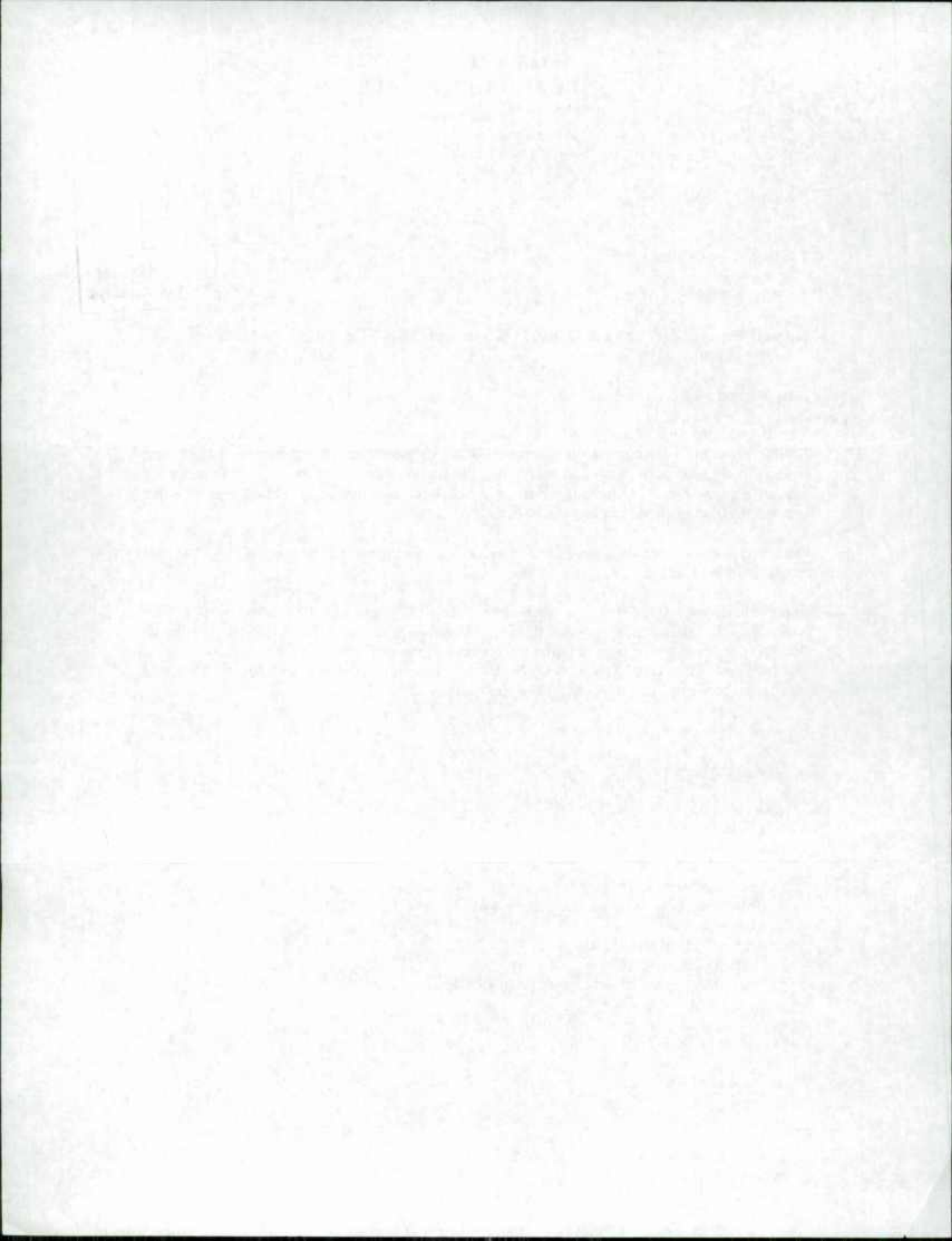
Sincerely,

Pamela P. Helie
Clerk to the Board

- Cc: Michael Manning, Attorney
- Roland Joun, Wilkerson & Associates, Inc.
- Theodora Watts
- Amber Widmayer, CBCAC
- Kerrie Gallo, CBCAC
- Mary Beth Cook, Calvert County Zoning Officer

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

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



CA 183-08



**CALVERT COUNTY
BOARD OF APPEALS**

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

July 16, 2008

James & Alison Spilman
1925 Owensville Court
Dunkirk, MD 20754

Subject: Board of Appeals Cases No. 08-3518 – Property Located at 600 Willow Road,
Lusby, Maryland

Dear Mr. and Mrs. Spilman:

This is to clarify information in my letter to you dated July 7, 2007 regarding deferral of the subject Board of Appeals Case.

Item four in paragraph one of the July 7th letter should be deleted and replaced with the following:

As you know the Board deferred action to allow you time to:

(4) obtain whatever documentation that is necessary and available to substantiate your allegations that the Calvert County inspectors played a role in construction of any of the structures that were present at the 2004 final approval of your house and that are currently determined to be in violation of either the Board's previous Order 93-1921 or the Calvert County Zoning Ordinance.

We are anticipating receipt of all requested items no later than Thursday, July 31, 2008. Once the information requested is received, it will be forwarded to the Chesapeake Bay Critical Area Commission for review and comment. Your case would then be scheduled for the next available Board hearing.

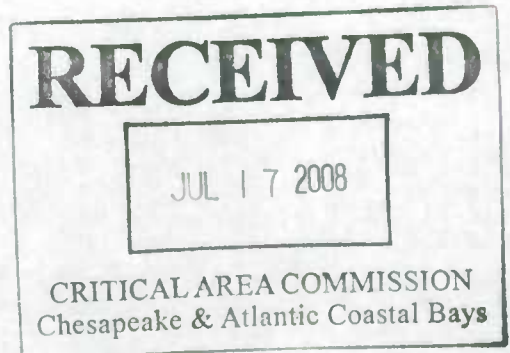
In accordance with Rule 5-101.A of the Board's Rules of Procedure, any request by the Board for additional information shall stay the 45-day time normally required for the Board to make its decision. Cases that have been deferred for a period of 6 months or longer, with no action during that time period, are considered closed. Such cases may be scheduled to be heard by the Board only upon receipt of a new application and application fee.

If you have any questions I can be reached at 410/535-1600, extension 2559.

Sincerely,

Pamela P. Helie
Clerk to the Board

Cc: Michael Manning, Attorney
Roland Joun, Wilkerson & Associates, Inc.
Theodora Watts
Amber Widmayer, CBCAC



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

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

RECEIVED



LIBRARY OF THE
UNIVERSITY OF CALIFORNIA



**CALVERT COUNTY
BOARD OF APPEALS**

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

July 7, 2008

James & Alison Spilman
1925 Owensville Court
Dunkirk, MD 20754

Subject: Board of Appeals Cases No. 08-3518 – Property Located at 600 Willow Road,
Lusby, Maryland

Dear Mr. and Mrs. Spilman:

This is to confirm the action taken by the Board of Appeals at its Thursday, July 3, 2008 hearing regarding your request for a variance in the expanded buffer requirement for retaining walls, a patio and a driveway. As you know, the Board deferred action to allow you time to: (1) work with your engineer and the Calvert County Department of Public Works to develop a plan to place parking for the subject property at the top of Willow Drive without the driveway as required by Board of Appeals Order No. 93-1921; (2) provide a revised site plan showing this parking and also showing stormwater management proposed for the site; (3) be prepared to address/have your representative address why you think there is no environmental impact to the site with the driveway as it currently exists; and (4) obtain information from the Calvert County Department of Inspection and Permits addressing such items as what inspections were completed for the construction at this site prior to 1994 and who approved the inspections.

The requested information must be received in this office no later than Thursday, July 31, 2008. Once the information requested is received, it will be forwarded to the Chesapeake Bay Critical Area Commission for review and comment. Your case would then be scheduled for the next available Board hearing.

In accordance with Rule 5-101.A of the Board's Rules of Procedure, any request by the Board for additional information shall stay the 45-day time normally required for the Board to make its decision. Cases that have been deferred for a period of 6 months or longer, with no action during that time period, are considered closed. Such cases may be scheduled to be heard by the Board only upon receipt of a new application and application fee.

If you have any questions I can be reached at 410/535-1600, extension 2559.

Sincerely,

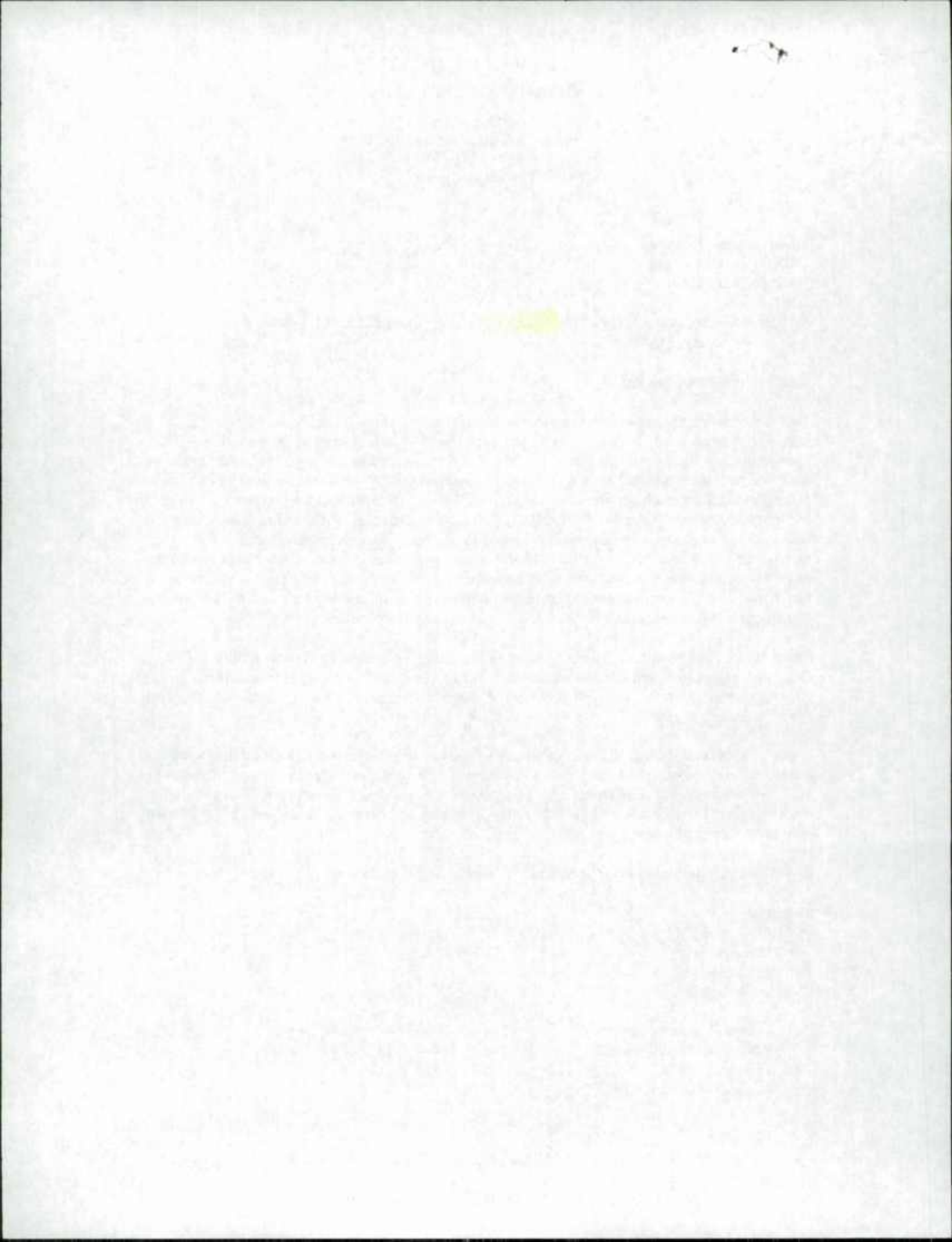
A handwritten signature in cursive script that reads "Pamela P. Helie".

Pamela P. Helie
Clerk to the Board

Cc: Michael Manning, Attorney
Roland Joun, Wilkerson & Associates, Inc.
Theodora Watts
Amber Widmayer, CBCAC

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

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



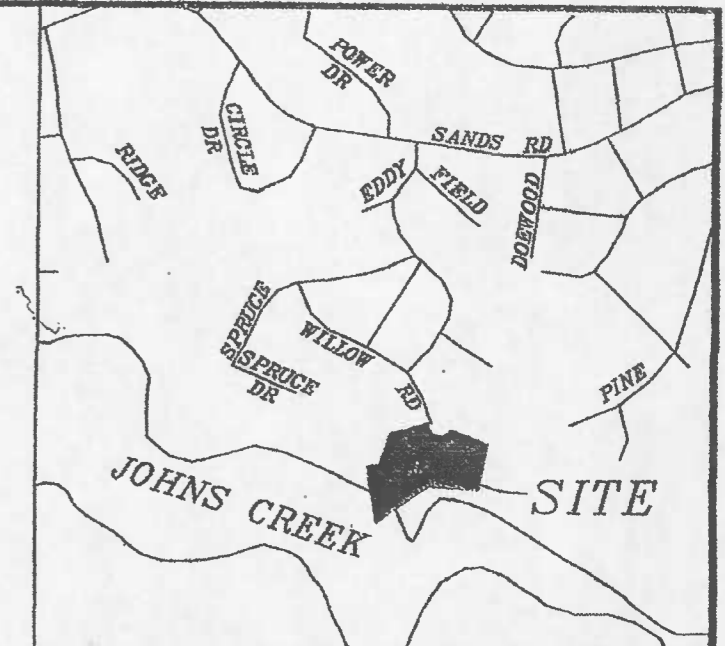
THE CONSERVATION AREAS, NON-TIDAL WETLAND BUFFERS, AND NON-TIDAL WETLANDS SHOWN HEREON ARE TO BE LEFT UNDISTURBED IN PERPETUITY AND TO SERVE FOR WATER QUALITY BENEFITS.
 DRIVEWAY ENTRANCE TO BE CONSTRUCTED USING VALLEY GUTTER, DECKS AND OTHER STRUCTURES NOT SHOWN HEREON DO NOT HAVE ZONING APPROVAL FOR CONSTRUCTION. THE ISSURANCE OF COUNTY PERMITS IS A LOCAL PROCESS AND DOES NOT IMPLY THE APPLICANT HAS MET STATE AND FEDERAL REQUIREMENTS FOR WETLANDS FILLING AND/OR WETLAND BUFFER DISTURBANCE.

CRITICAL AREA NOTES

OVERLAY: LDA
 LOT AREA (IN C.A.): 77,171 S.F., 1.771 AC.
 WOODED AREA (IN C.A.): 47,508 S.F., 1.090 AC.
 AREA TO BE CLEARED: 0 S.F., 0 AC.
 IMPERVIOUS AREA (IN C.A.):
 HOUSE = 1,336 S.F., 0.031 AC.
 DRIVEWAY = 2,618 S.F., 0.060 AC.
 TOTAL 3,954 S.F. (5.12% OF LOT)

PREMISES ADDRESS: 600 WILLOW ROAD
 LOT AREA = 1.771 AC., 77,171 S.F.
 TOPOGRAPHY = COUNTY
 SOIL TYPE = SrE 85
 EXISTING HOUSE ELEVATIONS
 FF = 50'
 BF = 41'

Proposed LOD = 8,164 sq.ft
 Prop. SSF = 135 l.f.
 no clearing proposed



VICINITY MAP SCALE 1" = 2000'
 TAX MAP: 35A SUBDIVISION: 135
 TAX ID#: 01-166808

LEGEND

- Denotes Existing Contours
- Denotes Proposed Contours
- Denotes Proposed Silt Fence
- Denotes Limits of Disturbance
- Denotes Existing Driveway
- Denotes Edge of Ex. Paving
- Denotes Existing Stream
- Denotes 15-25% Steep Slopes
- Denotes 25-100% Steep Slopes
- Denotes Rip Rap
- Denotes Proposed Rain Barrels

MITIGATION REQUIREMENTS

Unpermitted Impervious Area	Required Mitigation (4:1)	Mitigation Provided
372 s.f.	1,488 s.f.	2,700 s.f.

PLANTING SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	ROOT PREP	Total Mitigation Credit
	<i>Qutrya virginiana</i>	Eastern Hophornbeam	3 (incl 9 shrubs)	2-2 1/2" cal.	B&B	1,200 s.f.
	<i>Viburnum acerfolium</i>	Maple-leaved Viburnum	15 (does not include shrubs above)	3 gal.	Cout.	1,500 s.f.

RECEIVED

JAN 8 2009

CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bay



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

MITIGATION PLAN

LOT 707R PLAT 16

WHITE SANDS

FIRST ELECTION DISTRICT, CALVERT COUNTY, MARYLAND

DATE
 JULY 2008
 SCALE
 1" = 30'
 DRAWN BY
 AI/PM
 DRAWING #
 C0659SP707R
 FILE #
 C0659
 JOB #
 08-17277

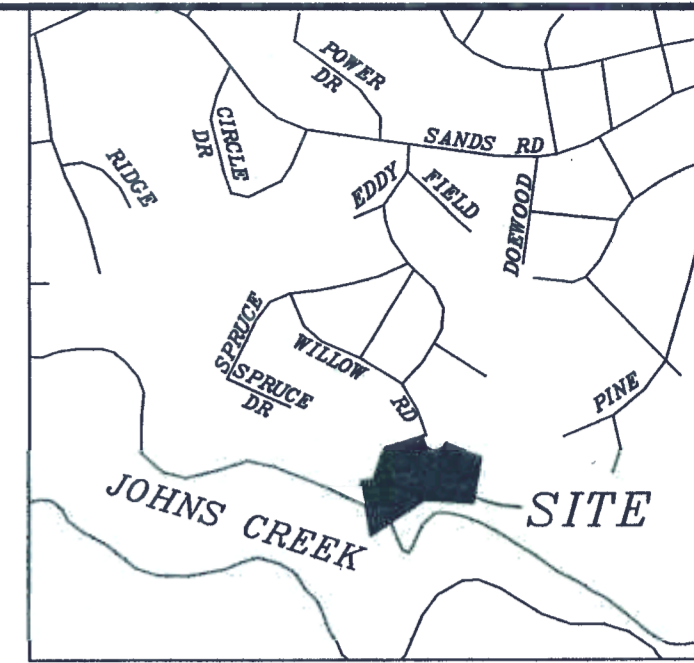
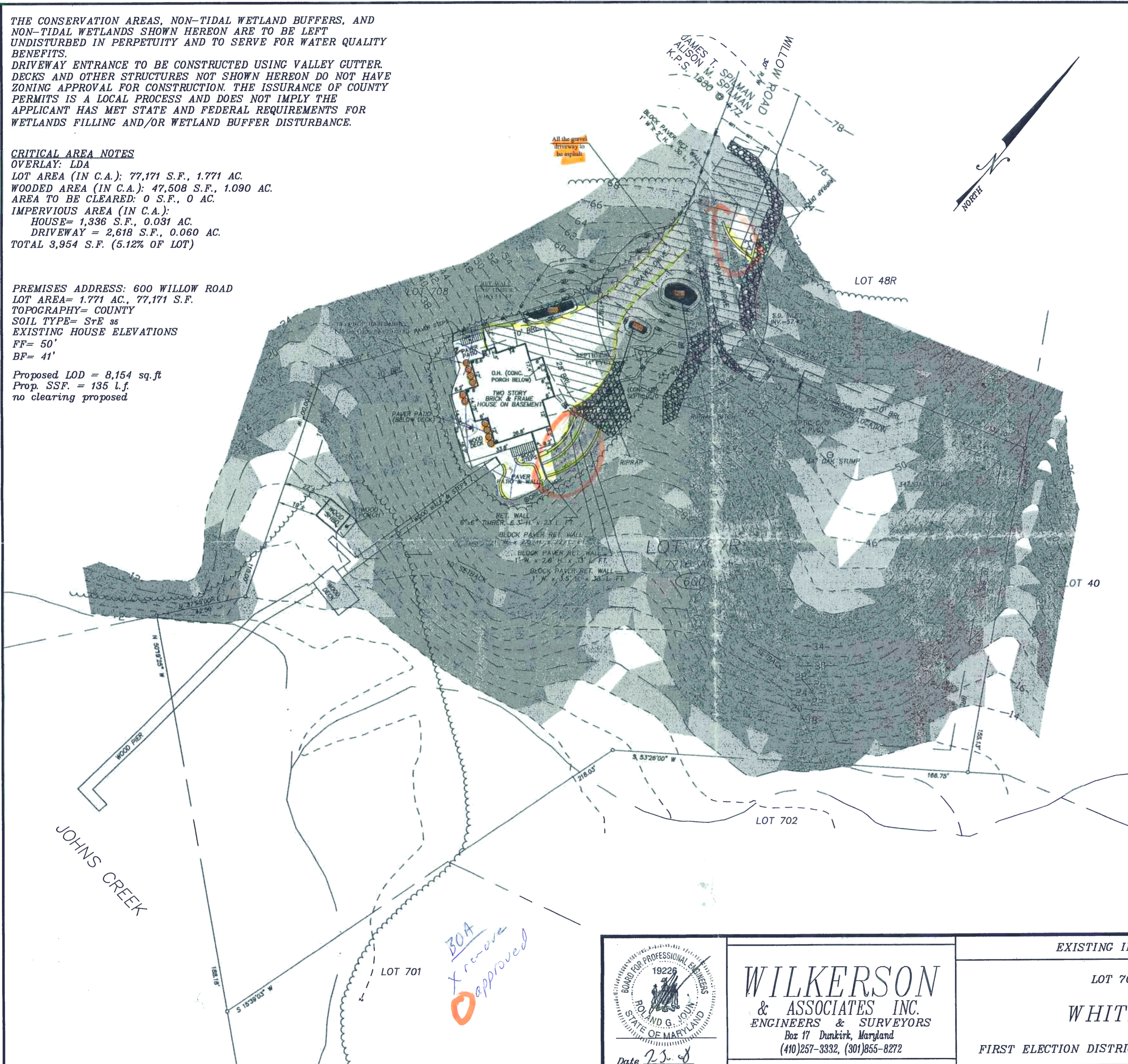
THE CONSERVATION AREAS, NON-TIDAL WETLAND BUFFERS, AND NON-TIDAL WETLANDS SHOWN HEREON ARE TO BE LEFT UNDISTURBED IN PERPETUITY AND TO SERVE FOR WATER QUALITY BENEFITS.
 DRIVEWAY ENTRANCE TO BE CONSTRUCTED USING VALLEY CUTTER. DECKS AND OTHER STRUCTURES NOT SHOWN HEREON DO NOT HAVE ZONING APPROVAL FOR CONSTRUCTION. THE ISSURANCE OF COUNTY PERMITS IS A LOCAL PROCESS AND DOES NOT IMPLY THE APPLICANT HAS MET STATE AND FEDERAL REQUIREMENTS FOR WETLANDS FILLING AND/OR WETLAND BUFFER DISTURBANCE.

CRITICAL AREA NOTES

OVERLAY: LDA
 LOT AREA (IN C.A.): 77,171 S.F., 1.771 AC.
 WOODED AREA (IN C.A.): 47,508 S.F., 1.090 AC.
 AREA TO BE CLEARED: 0 S.F., 0 AC.
 IMPERVIOUS AREA (IN C.A.):
 HOUSE= 1,336 S.F., 0.031 AC.
 DRIVEWAY = 2,618 S.F., 0.060 AC.
 TOTAL 3,954 S.F. (5.12% OF LOT)

PREMISES ADDRESS: 600 WILLOW ROAD
 LOT AREA= 1.771 AC., 77,171 S.F.
 TOPOGRAPHY= COUNTY
 SOIL TYPE= StE 35
 EXISTING HOUSE ELEVATIONS
 FF= 50'
 BF= 41'

Proposed LOD = 8,154 sq.ft
 Prop. SSF = 135 l.f.
 no clearing proposed



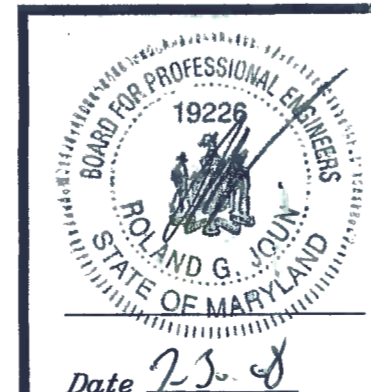
VICINITY MAP SCALE 1" = 2000'
 TAX MAP: 35A SUBDIVISION: 135
 TAX ID#: 01-166808

LEGEND

- Denotes Existing Contours
- Denotes Proposed Contours
- Denotes Proposed Silt Fence
- Denotes Limits of Disturbance
- Denotes Existing Driveway
- Denotes Edge of Ex. Paving
- Denotes Existing Stream
- Denotes 15-25% Steep Slopes
- Denotes 25-100% Steep Slopes
- Denotes Rip Rap
- Denotes Proposed Rain Barrels



SHEET 1 OF 3

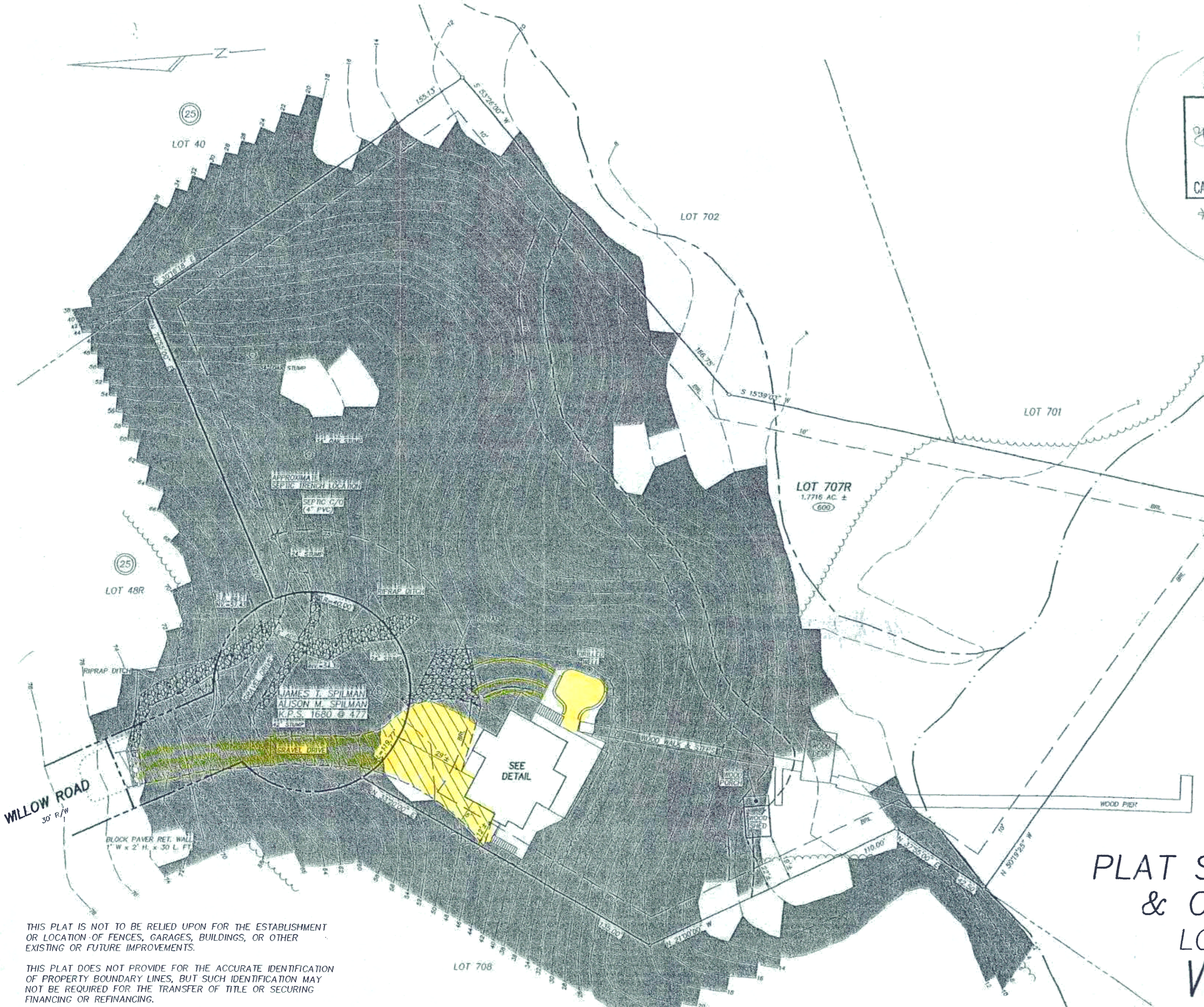


WILKERSON & ASSOCIATES INC.
 ENGINEERS & SURVEYORS
 Box 17 Dunkirk, Maryland
 (410)257-3332, (301)855-8272

EXISTING IMPROVEMENTS PLAT
 LOT 707R PLAT 16
WHITE SANDS
 FIRST ELECTION DISTRICT, CALVERT COUNTY, MARYLAND

DATE: JULY 2008
 SCALE: 1" = 30'
 DRAWN BY: AI/PM
 DRAWING #: CC659SP707R
 FILE #: CC659
 JOB #: 08-17277

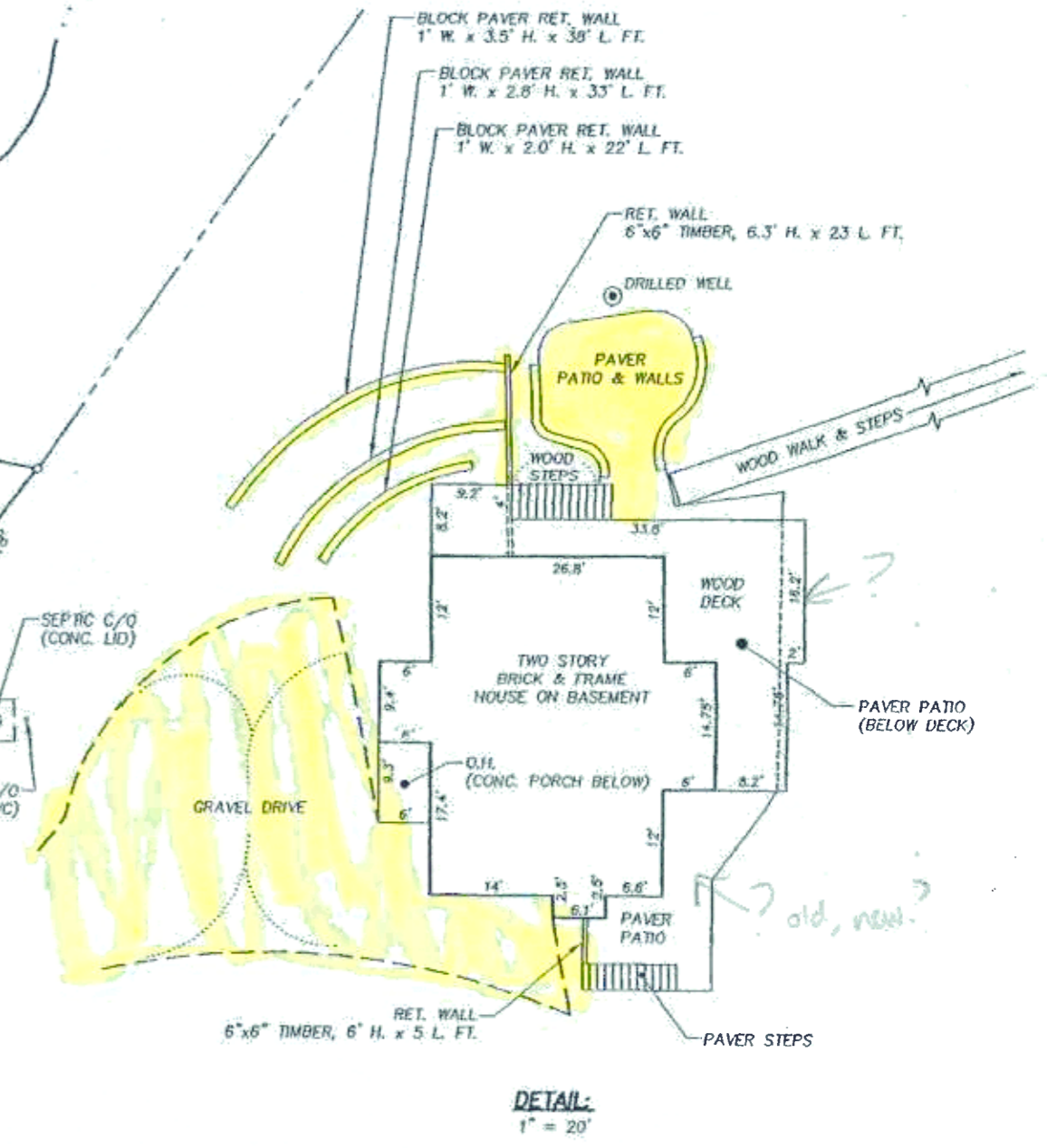
30A
 remove approved



Ret. walls
APPROVED
Johannes Temmagon
 MAR 11 2008
 CALVERT COUNTY HEALTH DEPT
** Already Built*

INFORMATION STATEMENT

38.8' X 41.3' TWO STORY HOUSE
 ON BASEMENT
 6' X 9.3' OVERHANG WITH CONC. PORCH BELOW
 16.2' X 31' DECK
 PAVER PATIO & RETAINING WALLS
 LOT AREA: 1.7716 ACRES ±
 LOT 707R IMPERVIOUS AREA: 3,954 SQ. FT. ± (5.1%)
 R.O.W. IMPERVIOUS AREA: 2,618 SQ. FT. ±
 FORESTED AREA: 47,508 SQ. FT. ± (62.5%)
 OWNER: JAMES & ALISON SPILMAN
 DEED: K.P.S. 1680 @ 477
 TAX I.D.#: 01-166808
 SOILS MAP #35
 SOIL TYPE: S1E SASSAFRAS AND WESTPHALIA SOILS,
 STEEP
 THIS LOT IS IN THE CRITICAL AREA.
 THIS LOT WAS RECORDED PRIOR TO JULY 1984.
 WHEN STORMWATER MANAGEMENT WAS NOT REQUIRED.
 SEE ZONING BOARD OF APPEALS CASE NO. 93-1921



**PLAT SHOWING IMPROVEMENTS
 & COUNTY TOPOGRAPHY
 LOT 707R ~ PLAT 16
 WHITE SANDS**

FIRST DISTRICT, CALVERT COUNTY, MARYLAND
 FOR: JAMES SPILMAN

SUBDIVISION PLAT RECORDED IN PLAT BOOK A.W.R. 1 @ 61, J.L.B. 1 @ 110 & A.B.E. 696 @ 65

THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS.
 THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
 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.
 THIS PLAT IS NOT A BOUNDARY SURVEY AND DOES NOT MEET THE MINIMUM STANDARDS FOR A BOUNDARY SURVEY AS DEFINED BY C.O.M.A.R. REGULATIONS.
 THIS PLAT IS A "SPECIAL PURPOSE SURVEY" PER SECTION 09.13.06.10 OF C.O.M.A.R. REGULATIONS.

- LEGEND**
- 15% OR GREATER SLOPES & EXTENDED BUFFER
 - EXISTING TREELINE
 - 50' WETLANDS BUFFER PER A.B.E. 696 @ 65
 - ASSIGNED HOUSE NUMBER
 - EX. SHORELINE
 - EX. CENTERLINE OF STREAM
 - DISTURBED AREA PER "CRITICAL AREA PLOT PLAN" BY: R.D.A., LLC. DATED: AUGUST, 1993

I HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN. THIS IS NOT A PROPERTY LINE SURVEY.
James Spilman L.S. 21270 3-7-08
 SURVEYOR DATE



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	3-7-08	SCALE	1" = 30'
JOB NO.	1-9770	DRAWN BY	NJM
FLDR REF.	WHITE SANDS PLAT 16	APPROVED	JLT
DATE		REVISION	