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/

October 27, 2008

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

Re: Variance 08-3541 Zalusky

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance reconsideration. The applicant is requesting a variance in the 40 ft. building height restriction. While we acknowledge the location of the existing structure within the 100 ft. Buffer the applicant is requesting a variance from County height restrictions, which are not a consideration of the Critical Area Law and Criteria. We have no comment on this application.

Thank you for the opportunity to review.

Sincerely,

Roby Hurley
Natural Resource Planner
CA176-04 and 417-08

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

July 28, 2006

• Deck will be cantilevered

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

Re: Variance 06-3334 Zalusky

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance from the 100-foot Buffer and steep slope requirements in order to permit the construction of a single-family dwelling and septic system. The property is a designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, it appears that the property is properly grandfathered and would not be developable without some degree of variance. In addition, we note that several features of the applicant's proposed design are mandated by a consent decree from 1996 from the Maryland Department of the Environment (MDE). Specifically, the wooden retaining wall (bulkhead), construction of the dwelling on pilings, and limited size of the dwelling are elements which are limited or required by the consent decree. In appears that the applicant has generally minimized disturbance to the extent possible. As a result, this office does not oppose the granting of a variance. However, we note that disturbance and clearing within the Buffer requires mitigation at a 2:1 ratio. Since it does not appear feasible to accommodate mitigation on-site, payment of a fee-in-lieu may be necessary.

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,

Kerrie Gallo

Kerrie L. Gallo
Natural Resource Planner
CA176-04

Judge John C. North, II
Chairman

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

June 18, 2004

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 04-3029 John and Donna Zalusky

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slope requirements, and a variance to the 100-foot Buffer requirements for construction of a single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped. This office received a revised site plan for this variance request on June 14, 2004.

Providing this lot is properly grandfathered, we do not oppose this variance. Based on the revised information, we have the following comments regarding the current development proposal and variance request.

1) We recognize that the property is severely constrained by steep slopes and the 100-foot Buffer, and that a variance is necessary to development the property. We note that the site plan provided does not identify the existing forested area on the lot. The applicant should clarify this information for the purposes of determining the mitigation requirement associated with development of the lot.

2) The consent decree from the Maryland Department of the Environment (MDE) (November 22, 1996) authorizes placement of a septic system on the property (Tax Map 45A, Block B, Section 2A, Lot 16), providing the following conditions are met: the house size shall be limited to a maximum of two bedrooms and the house shall not exceed 24 feet by 40 feet; part of the sewage disposal system may be situated under the house, if the house is built on

pilings; and a bulkhead shall be installed across the lot, tying the bulkhead into the existing retaining walls on each of the adjoining lots if permitted by the adjoining landowners.

3) The applicant has made several changes to the development proposal, as shown on the revised site plan. The proposed dwelling and driveway have been shifted closer to Lake View Drive, increasing the development setback from the shoreline from 45 feet to 60 feet. The replacement septic field has been moved from beneath the dwelling, and only a portion of the primary septic field is located beneath the dwelling. The area of disturbance has been reduced from 6,000 square feet to 5,450 square feet.

If granted, we recommend the following be made conditions of this variance.

1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03). If it is not possible to accommodate the required mitigation on the site, mitigation alternatives will need to be addressed.

2) Stormwater should be directed to a best management practice to provide water quality benefits on the site. Runoff should be directed away from steep slopes.

4) With regard to the bulkhead required by MDE, clearing and grading within the Buffer should be kept to the minimum necessary for installation of the bulkhead, and mitigation should be provided at a ratio of 1:1 (as required for shore erosion control projects, Calvert County Zoning Ordinance Article 8, Section 8-1.03).

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,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CA 176-04, revised plan

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

March 24, 2004

Roxana L. Whitt
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Re: Variance 04-3029 John and Donna Zalusky

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to the steep slope requirements, and a variance to the 100-foot Buffer requirements for construction of a single-family dwelling. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Providing this lot is properly grandfathered, we do not oppose this variance. We have the following comments regarding the current development proposal.

1) We recognize that the property is severely constrained by steep slopes and the 100-foot Buffer, and that a variance is necessary to development the property. We note that the site plan provided does not identify the existing forested area on the lot. The applicant should clarify this information for the purposes of determining the mitigation requirement associated with development of the lot.

2) The consent decree from the Maryland Department of the Environment (MDE) (November 22, 1996) authorizes placement of a septic system on the property (Tax Map 45A, Block B, Section 2A, Lot 16), providing the following conditions are met: the house size shall be limited to a maximum of two bedrooms and the house shall not exceed 24 feet by 40 feet; part of the sewage disposal system may be situated under the house, if the house is built on pilings; and a bulkhead shall be installed across the lot, tying the bulkhead into the existing retaining walls on each of the adjoining lots if permitted by the adjoining landowners.

3) As shown on the site plan provided, the house is 24 feet by 40 feet, with greater than 50 percent of the primary and replacement septic drain fields located beneath the house. Has the applicant investigated alternative configurations for the house that would minimize the placement of the septic system beneath the house?

If granted, we recommend the following be made conditions of this variance.

1) Mitigation, at a ratio of 2:1 for disturbance within the Buffer, should be required (Calvert County Zoning Ordinance Article 8, Section 8-1.03). If it is not possible to accommodate the required mitigation on the site, mitigation alternatives will need to be addressed.

2) Stormwater should be directed to a best management practice to provide water quality benefits on the site. Runoff should be directed away from steep slopes.

4) With regard to the bulkhead required by MDE, clearing and grading within the Buffer should be kept to the minimum necessary for installation of the bulkhead, and mitigation should be provided at a ratio of 1:1 (as required for shore erosion control projects, Calvert County Zoning Ordinance Article 8, Section 8-1.03).

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,

Julie V. LaBranche

Julie V. LaBranche
Natural Resource Planner

CA 176-04

CAC

08-3541 4/7/08
RECONSIDERATION

CALVERT COUNTY
BOARD OF APPEALS

150 Main St.
Prince Frederick, MD 20678
410-535-2348 * 301-855-1243
TDD 800-735-2258

(P&Z USE ONLY)
FEES: PER FEE SCHEDULE
Date Filed: _____
Fees Paid: _____
Receipt No.: _____
Rec'd By: _____
Case No.: _____

APPLICATION FOR APPEAL

176-04

NOTE: IN SUBMITTING THIS APPLICATION, YOU GRANT THE BOARD OF APPEALS PLANNER THE RIGHT OF UNSCHEDULED ENTRY ONTO THE PROPERTY FOR PURPOSES OF OBTAINING INFORMATION AND PHOTOGRAPHS FOR A STAFF REPORT.

PROPERTY DESCRIPTION:

Tax Map No. 45 A Parcel _____ Block B Section 2A Lot 16

Tax ID No. _____ Property Zoning Classification RDDA

Property Address 12875 Lake View Dr

Has subject property ever been before the Board of Appeals? ✓ (yes) _____ (no)

If yes, give Case No. and date: #4-3029 (March 29, 04) #6-3334 (Aug 2, 04) #8-3541 (August 7, 08)

PROPERTY OWNER(S):

PRINTED NAME(s): John Zalusky

MAILING ADDRESS: 13018 Barredo Blvd

TELEPHONE: HOME: 410 326 3037 WORK _____ CELL 443 271 3867

EMAIL ADDRESS jzzlusky@earthlink.net

15 Sept 08

Owner's Signature and Date — Co-Owner's Signature and Date

APPLICANT (if different from owner):

PRINTED NAME: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS _____

RECEIVED
OCT 07 2008
CRITICAL AREA COMMISSION

Applicant's Signature and Date — Co-Applicant's Signature and Date

PURPOSE OF APPEAL

REQUEST IS FOR: (check all items that apply)

( ) Variance ( ) Multiple Variances
( ) Revision to a Previously Approved Variance
( ) Special Exception
( ) To Extend Time Limit on a Special Exception
( ) Revision/Modification of a Special Exception
( ) Expansion or Revision of a Non-Conforming Use
( ) Reconsideration of Previous Decision by Board
( ) Re-Schedule a Case Previously Postponed
( ) Decision on an Alleged Error made by _____

Describe in specific detail the reason each item is requested. Building Restriction Line (BRL) variances must state which BRL is at issue (i.e., front/side/rear) and indicate distances required and proposed (Example: A variance in the front setback from 60 feet to 25 feet for construction of a garage). Impervious surface variances must state existing % impervious surface and % requested. Waterfront buffer variances must state the distance to the waterfront of the proposed structure.

See attached letter by Counsel

DIRECTIONS TO PROPERTY FROM COURTHOUSE: (NOTE: FAILURE TO PROVIDE COMPLETE AND ACCURATE DIRECTIONS MAY RESULT IN A DELAY TO YOUR CASE)

Now on file

AFFECTED PROPERTY OWNERS LIST

YOU MUST LIST THE NAMES AND ADDRESS OF ALL ADJOINING PROPERTY OWNERS AND THE OWNERS OF THOSE PROPERTIES DIRECTLY ACROSS ALL ADJACENT STREETS AND/OR RIGHTS OF WAY. NOTE: FAILURE TO CORRECTLY LIST NAMES AND ADDRESSES OF ALL AFFECTED PROPERTY OWNERS MAY RESULT IN A DELAY TO YOUR CASE.

Name: See previous Application

Address:

Name:

Address:

Name:

Address:

Name:

Address:

Name:

Address:

Name:

Address:

Name:

Address:

IF YOUR PROPERTY ADJOINS A PRIVATELY OWNED ROAD, YOU MUST LIST THE NAME AND ADDRESS OF THE OWNER BELOW:

Name:

Address:

CRITICAL AREA COMMISSION
FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Date:

Tax Map #	Parcel #	Block #	Lot #	Section

Tax ID:

FOR RESUBMITTAL ONLY

Corrections ☐
Redesign ☐
No Change ☐
Non-Critical Area ☐

*Complete Only Page 1 General Project Information

Project Name (site name, subdivision name, or other)

Project location/Address

City Zip

Local case number

Applicant: Last name First name

Company

Application Type (check all that apply):

Building Permit ☐
Buffer Management Plan ☐
Conditional Use ☐
Consistency Report ☐
Disturbance > 5,000 sq ft ☐
Grading Permit ☐
Variance ☐
Rezoning ☐
Site Plan ☐
Special Exception ☐
Subdivision ☐
Other ☐ _____

Local Jurisdiction Contact Information:

Last name _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # 410-414-3092 Hearing date _____

Revised 12/14/2006

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

	Yes		Yes
Intra-Family Transfer	☐	Growth Allocation	☐
Grandfathered Lot	☐	Buffer Exemption Area	☐

Project Type (check all that apply)

Commercial	☐	Recreational	☐
Consistency Report	☐	Redevelopment	☐
Industrial	☐	Residential	☐
Institutional	☐	Shore Erosion Control	☐
Mixed Use	☐	Water-Dependent Facility	☐
Other	☐ _____		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		
RCA Area		
Total Area		

	Acres	Sq Ft
Total Disturbed Area		

# of Lots Created ☐

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Impervious Surface		
Created Forest/Woodland/Trees			New Impervious Surface		
Removed Forest/Woodland/Trees			Removed Impervious Surface		
			Total Impervious Surface		

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type		Structure	
Buffer	☐	Acc. Structure Addition	☐
Forest Clearing	☐	Barn	☐
HPA Impact	☐	Deck	☐
Impervious Surface	☐	Dwelling	☐
Expanded Buffer	☐	Dwelling Addition	☐
Nontidal Wetlands	☐	Garage	☐
Setback	☐	Gazebo	☐
Steep Slopes	☐	Patio	☐
Other	☐ _____	Pool	☐
		Shed	☐
		Other	☐ _____

CALVERT COUNTY BOARD OF APPEALS
ORDER

Case No. 08-3541
Public Hearing: August 7, 2008

John Zalusky has applied for a variance in the maximum 40' building height requirement, including the roof, to allow the building of a decorative and functional staircase the top of which will be 11' above the roof (51' above grade) and to allow the construction of an elevator shaft topped with a fire suppression system's water reservoir 12' above the roof (52'above grade) on a residential structure. The property is located at 12875 Lake View Drive, Lusby (Tax Map 45A, Lot 16, Section 2A, Drum Point) and is zoned RD/LDA Residential District/Limited Development Area.

The case was presented August 7, 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. John Zalusky and Mrs. Susan Rork were present at the hearing and were represented by Mr. Bob Crum, Attorney.

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 11-1.01.A of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the authority to grant variances from the strict application of the lot area, lot width, setback, and height requirements of this Ordinance.

TESTIMONY & EVIDENCE PRESENTED

1. The following Applicant Exhibits were dated and entered into the record at the hearing:
    - Exhibit No. 1 – Application
    - Exhibit No. 2 – House Drawing submitted with the Application
    - Exhibit No. 2a – House Drawing submitted at Hearing
    - Exhibit No. 3 – Zalusky Plat Lot 16, Block B, Section 2-A Drum Point With drawings attached
    - Exhibit No. 4 – Drawing – Front House Elevation
    - Exhibit No. 5 – Drawing – Rear House Elevation
    - Exhibit No. 6 – Drawing – Left & Right Elevations
    - Exhibit No. 7 – Drawing – House Floor Plan

- Exhibit No. 8 – Photograph
- Exhibit No. 9 – Exhibits – Other Property Photographs

2. A Staff Report prepared by Roxana Whitt, Board of Appeals Administrator, was entered into the record as Staff Exhibit No. 1.

3. The following correspondence opposing the variances requested was entered into the record at the hearing:
   - E-Mail letter from Bill & June Clarke, 12878 Lake View Drive, Lusby, Maryland 20678
   - E-Mail letter from John Gray on behalf of Lawrence Mathias

4. Mr. Brendan Callahan, Esquire, was present at the hearing and represented the adjoining property owner Mr. Richard Dunphy, who opposed the variances requested.

FINDINGS OF FACT

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

1. The property consists of 11,195 s.f., is located within Calvert County's Critical Area, and is situated between Lake View Drive and Lake Charming in Drum Point. Nearly the entire property lies within the Critical Area 100-foot buffer, and the entire building site lies within the buffer. It is currently being developed for residential use in accordance with both the Board's Order in BOA 06-3334 and a Consent Order with Maryland Department of the Environment dated November 17, 1995. The MDE Consent Order allowed placement of the septic system under the house, with the house constructed on pilings. It also required a pretreatment system, retaining walls, and limited the house footprint to a maximum 24' x 40' and the number of bedrooms to 2. The Board granted variances in the waterfront buffer, steep slopes and front setback requirements for construction, but limited the house footprint to 24' x 36'.

2. The septic system and the retaining wall have been installed. Pretreatment systems have been added to the septic system, as required. The site has been graded for construction and the steep slopes formerly present across the building site are leveled. The retaining wall rims the rear half of the property, with the wall on the lakefront side being 7+ feet high.

3. Clearing for the construction totaled 60% of the property. Impervious surface is 9.3% of the property. Sediment and erosion control measures are in place and are working properly. The buffer between the wall and the lake has been planted with 6-foot native tree species and various shrubs. Erosion control matting is in place on the steeper slope directly behind the wall.

4. The applicants propose a variance from the 40-foot height limitation to allow a house with a maximum vertical projection of 52 feet above grade. The proposed house itself is four stories and the roofline of the central portion is 40 feet above grade. A roofed projection housing a staircase extends above the central roof by 11 feet, for a total height of 51 feet above grade. A roofed projection housing an elevator shaft topped with a fire suppression system's water reservoir extends 12 feet above the central roof, for a total height of 52 feet above grade.

5. Properties on both sides and directly across the road are developed for residential use. The houses on those lots are less than 40 feet in height. No height variances have been granted in the Drum Point community.

6. To date, the property owner has received variances in the steep slope, waterfront buffer, and front setback requirements, as well as a waiver to the standard septic system requirements, all of which allowed construction of a house with a two-story design and a footprint of 24' x 36'. The Board finds that the requested variance is not the minimum adjustment necessary and that additional variances are not warranted because the applicant has an approved residential construction plan that allows reasonable and significant use of the property.

7. The Board finds that the difficulties in meeting the Zoning Ordinance requirements are self-imposed and are directly related to the house design chosen by the applicant; they do not result from circumstances affecting the property itself.

8. The Board finds that opposition to the requested variance by neighboring property owners is substantial and of merit.

CONCLUSIONS

Based on the above Findings of Fact, the Board concludes the following:

1. The Board concludes that it has the authority to grant or deny the variance requested.
2. The Board concludes that although the features of the property are unusual, the Board previously granted variances to address these factors and additional variances are not warranted.
3. The Board concludes that:
   a. granting the variance would result in injury to the public interest, and
   b. granting the variance would adversely affect the implementation of the Comprehensive Plan because the criteria for variance approval have not been met.
   c. The requested variance is not the minimum adjustment necessary to afford relief from the regulations as relief has already been granted; and

d. The variance request results from the applicant's choice of a design that exceeds height requirements.

ORDER

It is hereby ordered, by a unanimous decision that the variance in the maximum 40' building height requirement as requested by Mr. John Zalusky be **DENIED.**

APPEALS

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

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

Entered: September 2 2008
Pamela P. Helie, Clerk

Michael J. Reber
Michael J. Reber, Chairman

ROBERT S. CRUM, LLC
ATTORNEY AT LAW
DUKE STREET COMMONS
210 MERRIMAC COURT
PRINCE FREDERICK, MD 20678

MAILING ADDRESS:
P.O. BOX 854
PRINCE FREDERICK, MD 20678-0854

LOCAL (410) 535-3500
METRO (301) 855-1300
FAX (410) 535-3502

September 17, 2008

Ms. Pamela P. Helie, Clerk
Calvert County Board of Appeals
County Services Plaza
150 Main Street
Prince Frederick, MD 20678

RE: Case Number 08-3541
Property: 12875 Lake View Drive,
Lusby, MD 20657
Owner: Mr. John Zalusky

Dear Ms. Helie:

Mr. Zalusky requests that the Board reconsider that portion of Item Number 6 in the Findings of Fact set out in its order entered on September 2, 2008. Specifically, he is concerned about the reference in that paragraph to prior approval of a single family residential structure with *a two-story design*.

The staff report presented at the August 7, 2008 hearing says, in the section entitled "Issues and Considerations" that "... the signed plan indicates a 2–story house on pilings, while the permit application indicates 4 stories". It goes on to say that this is the same plan for a 2-story house presented to the Board at the time of its hearing in case number 06-3334. The last page of the staff report shows a portion of a plat containing the same note, *viz*, 24' x 36' two story house. Other identifying information, such as the name of the engineer preparing the plat and the date and purpose of the plat, are not included.

The author of the staff report says further that the "Acknowledgement of Conditions of Approval-Building Permit Application #76894 that is signed by the "Property Owner/Authorized Agent" who received the permit on April 3, 2008, shows that the structure, including the roof shall not exceed 40 feet". The Building Permit Application clearly shows that the building height is 39' and that the number of stories is 4. The engineer, Mr. Jeff Tewell at COA, is prepared to say that the reference to "two story" is an error, which likely derives from the two (2) bedrooms limitation in paragraph 9 of the Consent Order.

Based upon the foregoing, the applicant reasonably relied on his right, under section 5-1.11 of the zoning ordinance, to construct a single family residential dwelling

40 feet high. For purposes of other proceedings in connection with this proceeding, applicant does not concede that he is not entitled to either or both of the exemptions set out in that section. The applicant wishes to offer at the hearing the plans submitted in connection with the Building Permit Application.

Enclosed herewith, as required by the Rules, is a completed and signed Application Form, a copy of the Board of Appeals Order entered on September 2, 2008, and Mr. Zalusky's check for the fee. If you need anything else from me, please let me know.

Very truly yours,

Robert S. Crum

RSC:uh
cc: Mr. John Zalusky
Enclosures

CAC

CALVERT COUNTY
BOARD OF APPEALS

150 Main St.
Prince Frederick, MD 20678
410-535-2348 * 301-855-1243
TDD 800-735-2258

(P&Z USE ONLY)
FEES: PER FEE SCHEDULE
Date Filed: _____
Fees Paid: _____
Receipt No.: _____
Rec'd By: _____
Case No.: 08-3541

APPLICATION FOR APPEAL

NOTE: IN SUBMITTING THIS APPLICATION, YOU GRANT THE BOARD OF APPEALS PLANNER THE RIGHT OF UNSCHEDULED ENTRY ONTO THE PROPERTY FOR PURPOSES OF OBTAINING INFORMATION AND PHOTOGRAPHS FOR A STAFF REPORT.

PROPERTY DESCRIPTION:

Tax Map No. 45A Parcel _____ Block 16 Section 2A Lot 16

Tax ID No. ~~07-[illegible]~~ Property Zoning Classification _____

Property Address 12875 Lake View

Has subject property ever been before the Board of Appeals? ✓ (yes) _____ (no)

If yes, give Case No. **This property was the subject of a Board of Apples Case No. 06-3334, on August 3, 2006.**

PROPERTY OWNER(S):

PRINTED NAME(s): John Zalusky

MAILING ADDRESS: 13018 Barreda Blvd
Lusby MD 20657

TELEPHONE: HOME: 410 326 3057 WORK _____ CELL 443 271 3867

EMAIL ADDRESS jzalusky@earthlink.net

18 June 08

Owner's Signature and Date Co-Owner's Signature and Date

APPLICANT (if different from owner):

PRINTED NAME: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS _____

Applicant's Signature and Date Co-Applicant's Signature and Date

BOARD OF APPEALS
PROJECT REFERRAL FORM

The purpose of the preliminary project review is to determine the Board of Appeals action necessary for completion of the project you propose. You must have this form completed by the appropriate Planning and Zoning staff member before filing your application for review by the Board of Appeals.

Property Owner John L. Zalusky

Property Address 12875 Lake Drive

Property Location: Tax Map 46A Parcel [redacted] Lot 16 Section 2A Plat Drum Points

Project Description Build residential Single Family Home

Zoning RD/LDA Permit No.(s) 67025, 67026, 76894, 76897

The project described above requires the following Board of Appeals actions, in accordance with the Zoning Ordinance sections noted:

Board of Appeals Action Required	Zoning Ordinance Section
Grant a variance from § 5-1.11 A & B allowing the building of a decorative and functional staircase the top of which will be 11 ft. (51 ft. above grade) the roof and allow the construction of an elevator shaft and topped with a fire suppression system's water reservoir 12 ' above the roof (52 ft. above grade) on this residential house.	5 – 1.11 A & B

This project was reviewed by the undersigned staff member:

Name Date

Please contact Roxana Whitt or Pam Helie at 410-535-2348 for Board of Appeals information.

PURPOSE OF APPEAL

REQUEST IS FOR: (check all items that apply)

(✓) Variance ( ) Multiple Variances
( ) Revision to a Previously Approved Variance
( ) Special Exception
( ) To Extend Time Limit on a Special Exception
( ) Revision/Modification of a Special Exception
( ) Expansion or Revision of a Non-Conforming Use
( ) Reconsideration of Previous Decision by Board
( ) Re-Schedule a Case Previously Postponed
( ) Decision on an Alleged Error made by _____

Describe in specific detail the reason each item is requested. Building Restriction Line (BRL) variances must state which BRL is at issue (i.e., front/side/rear) and indicate distances required and proposed (Example: A variance in the front setback from 60 feet to 25 feet for construction of a garage). Impervious surface variances must state existing % impervious surface and % requested. Waterfront buffer variances must state the distance to the waterfront of the proposed structure.

The buildable lot is very small resulting in a very small house foot print (22' X 36', 879 sp. ft.). To provide adequate living space and storage space (there is no room for a garage) it is necessary to build vertically. We are environmentally concerned senior cisterns and expect this to be our last home, thus the house will use a small elevator, a fire protection system and we want a flat roof with a roof garden.

When our architect, Robert Neherbecky, RA, checked with Chris Campany, Assistant Director of Planning and Zoning in May of 2007, he was told that methods of access and egress to roofs are exempt from the height limitations found in §5-1.11. Neherbecky's plans used an artistically appealing stair case and elevator shaft providing access to the flat roof and garden. I also had a brief conversation with Campany about the height of the building and showed him an email copy of the plans, while we were waiting for a quorum at a C.O.I.A.C meeting, which he staffed.

(See next page)

DIRECTIONS TO PROPERTY FROM COURTHOUSE: (NOTE: FAILURE TO PROVIDE COMPLETE AND ACCURATE DIRECTIONS MAY RESULT IN A DELAY TO YOUR CASE)

Take Maryland Route 2/4 about 15 miles South from Prince Frederick. At the signs indicating Lusby Town Center, turn East on Route 760 (Rousby Hall Road) and travel 1.3 miles to the traffic roundabout. Leave the roundabout at 9 o'clock and continuing on Route 760 south 1.7 miles. On the left you will pass the entrance to the Chesapeake Ranch Estates. After passing the entrance to CRE, make the next available left at the Drum Point sign. This is Barreda Blvd. It makes a hard turn to the right. Shortly thereafter make the next available left turn on to Dogwood Drive. Go East on Dogwood to the stop sign and turn left on to Laurel. Cross the causeway and turn right on to Bay View. Precede ¾ of a mile to Lake View Drive on the right. Turn right and 12875 is the construction site on the right side of the cul de sac.

Additionally, as I walked the plans through the permitting process, they were held up by John Swartz, Critical Area Planner, while he considered of the roof height, he then signed off on the design. He was given copies of the drawings which showed the roof line, essentially as you see them now. The building permit, # 76894 was issued.

We are here today because our builder Mike Mummaugh, President of Paragon Properties, Inc., asked for confirmation beyond the building permit. I asked Crag Bowen, Director of Planning for something in writing and he turned the question over to Mary Beth Cook, who replaced Chris Campany as Assistant Director of Planning and Zoning. She reversed her predecessor's position saying that we have a Variance from §5-1.11 from the Board of Appeals.

The **staircase** should be viewed as "cupola or clock tower" pursuant to §5-1.11 B. In addition to providing roof access it serves a decorative function like a cupola or clock tower. In that regard it is 11' above the roof line, 1 foot below the 12' allowed in §5-1.11 B for cupolas and clock towers. Also occupies 112.5 sq. ft., and is thus less than the 120 sq. ft. allowed §5-1.11 B of the code.

The **elevator shaft** not only serves as a means of handicapped roof access, it also serves as the necessary static reservoir for the home's misting fire suppression system. As such it is plainly allowed by §5-1.11 A, as a "fire tower" or "water tank, "which may be 12' above the roof or 52' above the grade. The code, does not limit the height of a water tank or fire tower of this type, but the instant tank will be no higher than necessary to provide a water gravity pressure head for the sprinkler system, about 12 feet. The system is designed to be independent of electrical power because it is quite possible that a fire involve the electrical system. Thus, this system will operate with water pressure produced by gravity and accumulators (static air pressure tanks). Like a miniature community water tower. Three hundred gallons of water will be stored in tanks above the elevator shaft. To get the necessary water flow from the tanks using gravity the bottom of the reservoir must be at least equal to the highest sprinkler head. The highest sprinkler head will be just below the top of the staircase, 11 ft. above the roof line (51' above the grade). Getting water for firefighting into the stair case is critical to the systems success and in protecting the occupants of the home. In the event of a fire a staircase act as a chimney providing fuel and oxygen to the fire. Without misting fire suppression system to cool this emergency exit and it will become near impossible for the occupants to escape the house. Metropolitan Fire Protection of Clinton Maryland has helped with the design of the fire suppression sprinkler system.

(See next page)

AFFECTED PROPERTY OWNERS LIST

YOU MUST LIST THE NAMES AND ADDRESS OF ALL ADJOINING PROPERTY OWNERS AND THE OWNERS OF THOSE PROPERTIES DIRECTLY ACROSS ALL ADJACENT STREETS AND/OR RIGHTS OF WAY. NOTE: FAILURE TO CORRECTLY LIST NAMES AND ADDRESSES OF ALL AFFECTED PROPERTY OWNERS MAY RESULT IN A DELAY TO YOUR CASE.

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

This property was the subject of a Board of Apples Case No. 06-3334, on August 3, 2006.
To the best of my knowledge there have been no changes in the ownership or occupancy of the properties used in the 2006 hearing.

Name: _____

Address: _____

Name: _____

Address: _____

IF YOUR PROPERTY ADJOINS A PRIVATELY OWNED ROAD, YOU MUST LIST THE NAME AND ADDRESS OF THE OWNER BELOW:

Name: _____

Address: _____

success and in protecting the occupants of the home. In the event of a fire a staircase act as a

CRITICAL AREA COMMISSION
FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

N A

Not Applicable

Jurisdiction: _____ Date: _____

Tax Map #	Parcel #	Block #	Lot #

Tax ID: _____

FOR RESUBMITTAL ONLY

- Corrections ☐
- Redesign ☐
- No Change ☐
- Non-Critical Area ☐

*Complete Only Page 1 General Project Information

Project Name (site name, subdivision name, or other) _____

Project location/Address _____

City _____ Zip _____

Local case number _____

Applicant: Last name _____ First name _____

Company _____

Application Type (check all that apply):

- Building Permit ☐
- Buffer Management Plan ☐
- Conditional Use ☐
- Consistency Report ☐
- Disturbance > 5,000 sq ft ☐
- Grading Permit ☐
- Variance ☐
- Rezoning ☐
- Site Plan ☐
- Special Exception ☐
- Subdivision ☐
- Other ☐ _____

Local Jurisdiction Contact Information:

Last name _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # 410-414-3092 Hearing date _____

Revised 12/14/2006

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

	Yes		Yes
Intra-Family Transfer	☐	Growth Allocation	☐
Grandfathered Lot	☐	Buffer Exemption Area	☐

Project Type (check all that apply)

Commercial	☐	Recreational	☐
Consistency Report	☐	Redevelopment	☐
Industrial	☐	Residential	☐
Institutional	☐	Shore Erosion Control	☐
Mixed Use	☐	Water-Dependent Facility	☐
Other	☐ _____		

Not Applicable

SITE INVENTORY (En square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		
RCA Area		
Total Area		

	Acres	Sq Ft
Total Disturbed Area		

# of Lots Created ☐

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Impervious Surface		
Created Forest/Woodland/Trees			New Impervious Surface		
Removed Forest/Woodland/Trees			Removed Impervious Surface		
			Total Impervious Surface		

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type		Structure	
Buffer	☐	Acc. Structure Addition	☐
Forest Clearing	☐	Barn	☐
HPA Impact	☐	Deck	☐
Impervious Surface	☐	Dwelling	☐
Expanded Buffer	☐	Dwelling Addition	☐
Nontidal Wetlands	☐	Garage	☐
Setback	☐	Gazebo	☐
Steep Slopes	☐	Patio	☐
Other	☐ _____	Pool	☐
		Shed	☐
		Other	☐ _____

BOARD OF APPEALS
PROPERTY POSTING REQUIREMENTS

When you receive your Board of Appeals application form, you will also be given a printed sign that must be placed on your property as described below. If you are not given a sign, please ask for one. The Board of Appeals application fee includes the cost of one printed sign. Should you need another sign for any reason, the charge is $5.00 per sign.

Within two weeks you will receive a letter notifying you of your hearing date and time, and your case number. The letter will also contain specific language regarding the nature of your appeal. You must use the information contained in this letter to complete the sign.

Signposts must meet the height requirements noted below. Lusby Hardware on Main Street has agreed to carry signposts that meet these requirements. You may purchase one from them or construct your own.

SIGN POSTING PROCESS

1. Obtain a sign from the Department of Planning and Zoning.
2. Obtain or construct a signpost that allows the sign to be posted no less than 2 feet and no more than 5 feet above ground level.
3. Carefully read the letter you receive from the Board of Appeals regarding your case.
4. Use a black, waterproof marker to insert the proper information in the correct blank spaces on the sign. Make sure your sign includes the date and time of the hearing, the case number, and the description of the variance request.
5. At least 10 days prior to the scheduled public hearing you must post the sign on the subject property. The sign shall be posted within 15 feet of the boundary line of the property that abuts the most traveled County, State or private road. If no such road abuts the property, then the sign must be posted facing in such a manner as may be most readily seen by the public.
6. The sign must remain continuously posted on the subject property until the Board has rendered a decision on the case.
7. You must sign and return the attached affidavit to the Clerk to the Board of Appeals on the day of the hearing.

*****NOTE*****

Your case will not be considered properly advertised if the sign posting requirements noted above are not met. The Board of Appeals cannot hear and take action on your request until the requirements are met.

Calvert County
Board of Appeals
Affidavit of Sign Posting

Note: This form is to be provided to the Clerk to the Board of Appeals on the day of your hearing.

Case Number:_____

Applicant(s): _____

Subject Property Address:_____

_____

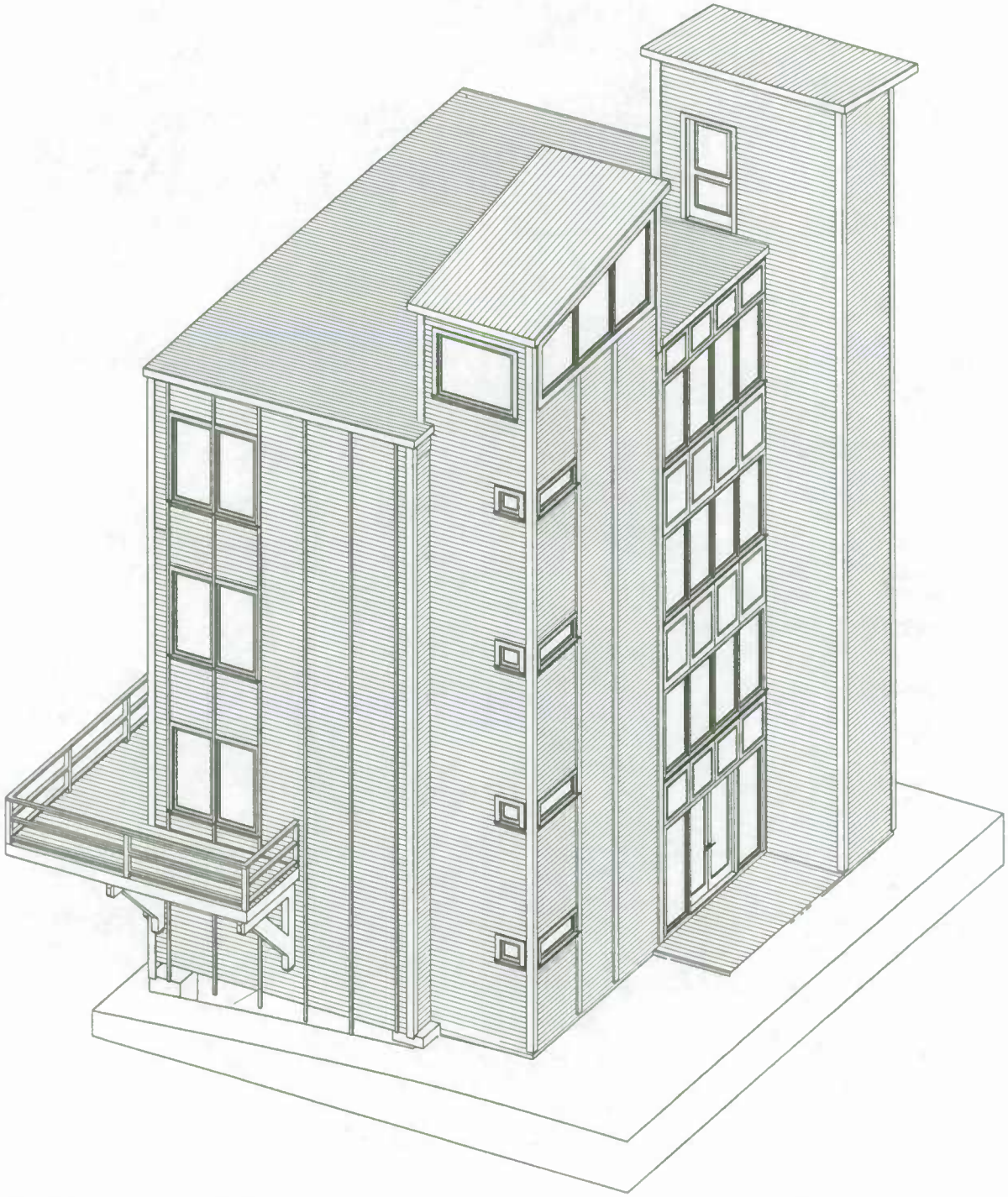
I have posted the Board of Appeals sign on the above-named property in accordance with Rule 3-101.C of the Calvert County Board of Appeals Rules of Procedure, which has been provided to me. The sign was posted at least 10 days prior to the hearing date and has remained posted until the hearing date.

I solemnly affirm under penalty of perjury that the contents of this affidavit are true and correct to the best of my knowledge and belief.

_____
(Name: Please Print)

_____
(Signature and Date)

Notice to Applicant: This signed and dated Affidavit of Sign Posting must be presented to the Clerk to the Board of Appeals at the Public Hearing for the subject case. Failure to present the Affidavit may result in postponement of the case. If the case is postponed, rescheduling of the hearing for the case will require an additional fee.



PARAGON PROPERTIES

PROJECT FOR:

ZALUSKY

APPROVED BY:

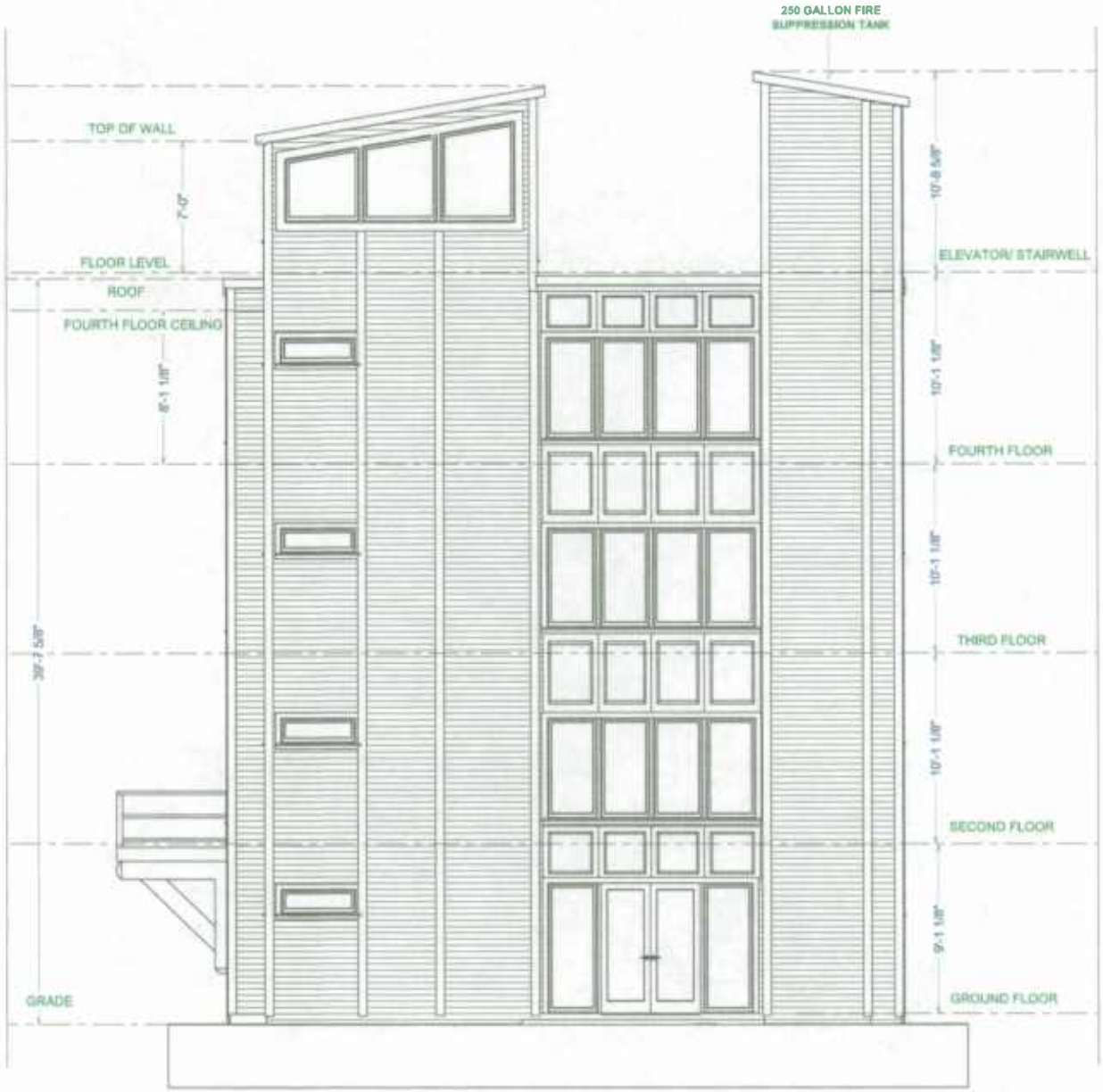
REVISIONS

	5/16/08

SCALE: 1/4" = 1 FT.

PAGE #

1



FRONT ELEVATION

PARAGON PROPERTIES

PROJECT FOR:

ZALUSKY

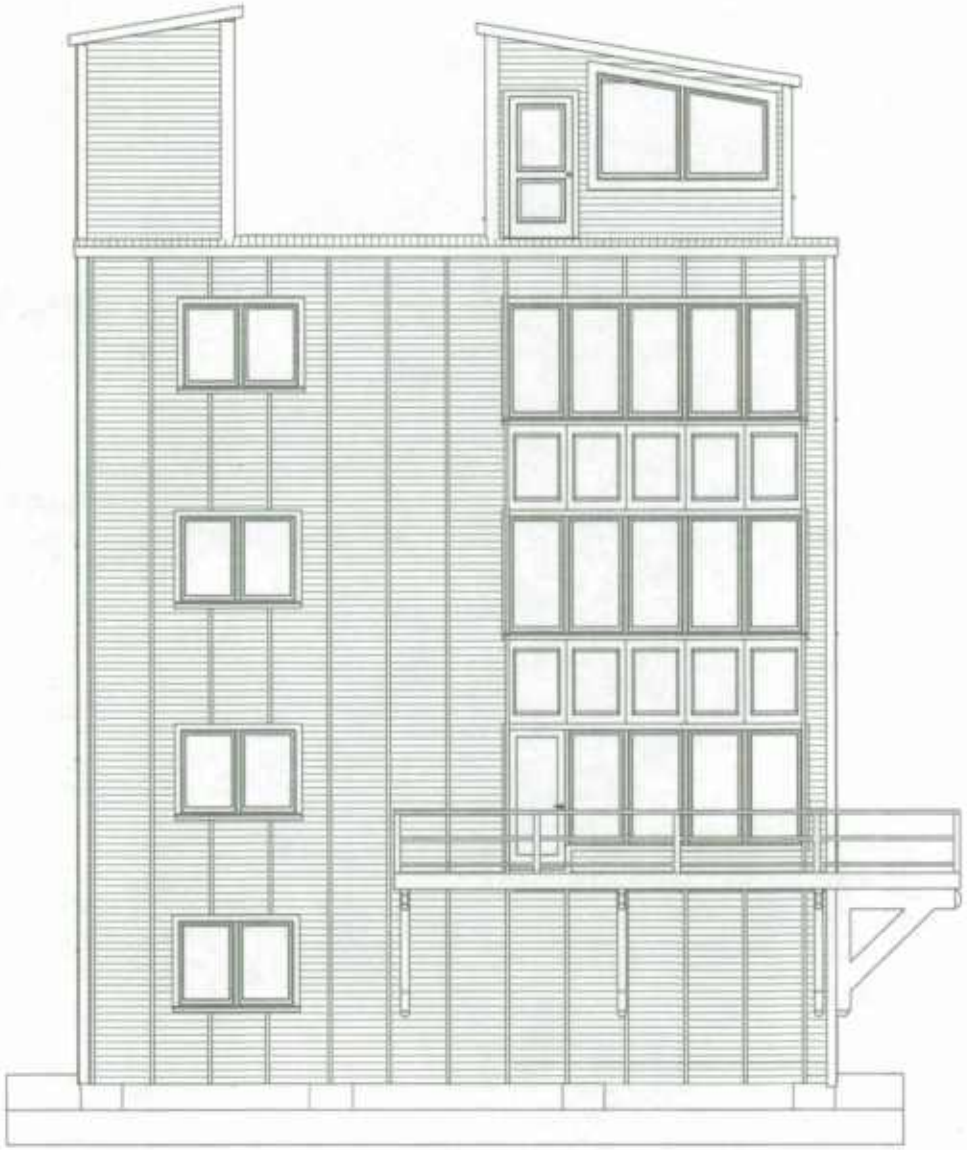
APPROVED BY:

REVISIONS	
	5/16/08

SCALE: 1/4" = 1 FT.

PAGE #

2



REAR ELEVATION

PARAGON PROPERTIES

PROJECT FOR:

ZALUSKY

APPROVED BY:

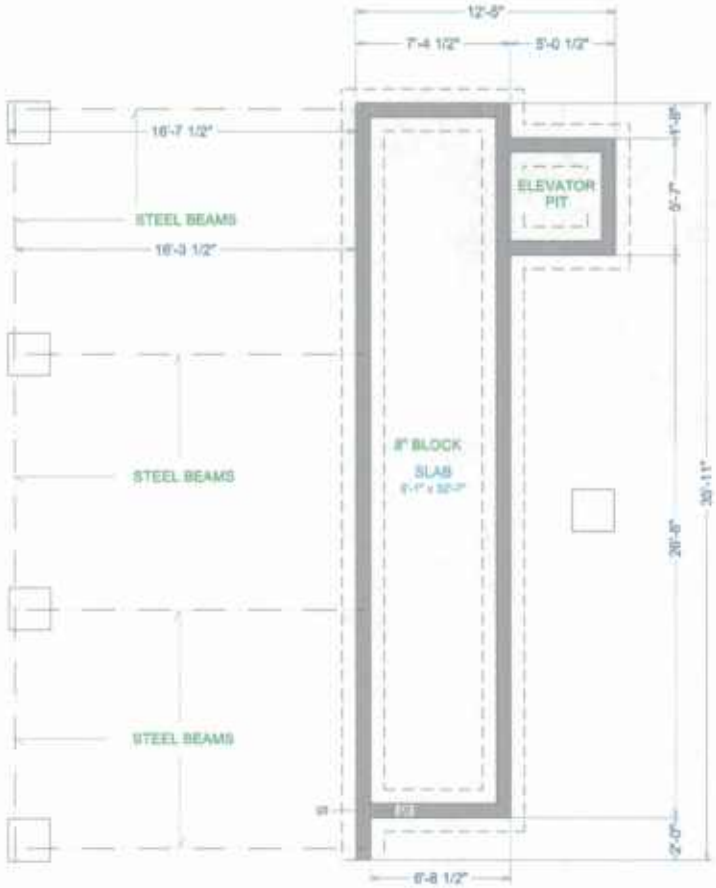
REVISIONS

	5/16/08

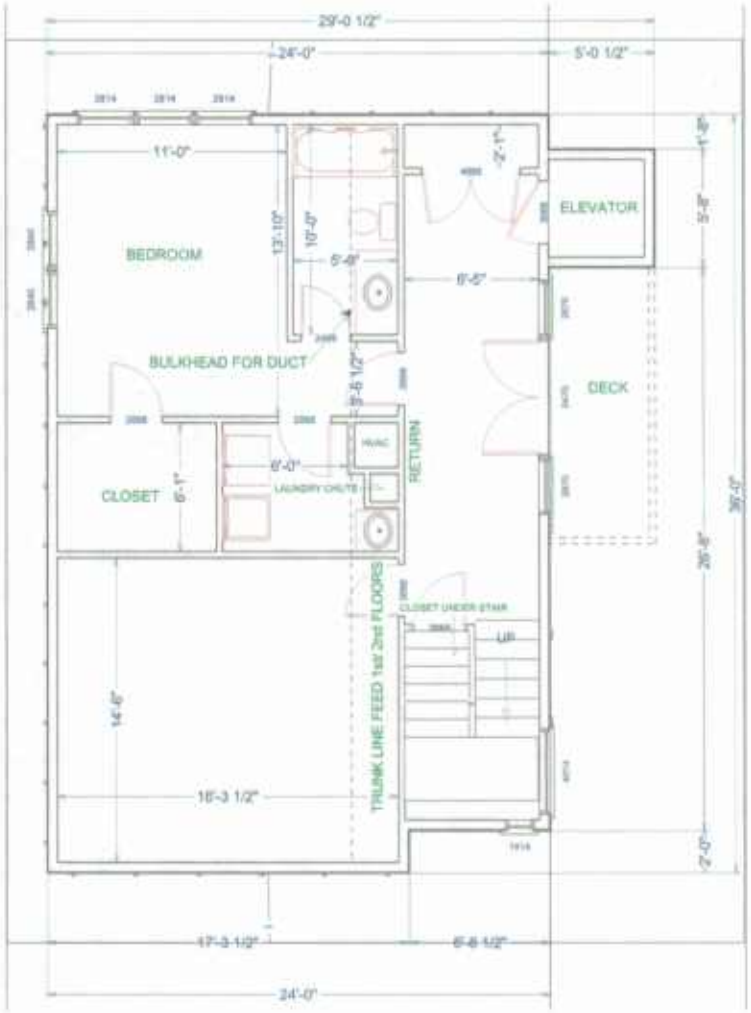
SCALE: 1/4" = 1 FT.

PAGE #

3



FOUNDATION PLAN



GROUND FLOOR PLAN

PARAGON PROPERTIES

PROJECT FOR:

ZALUSKY

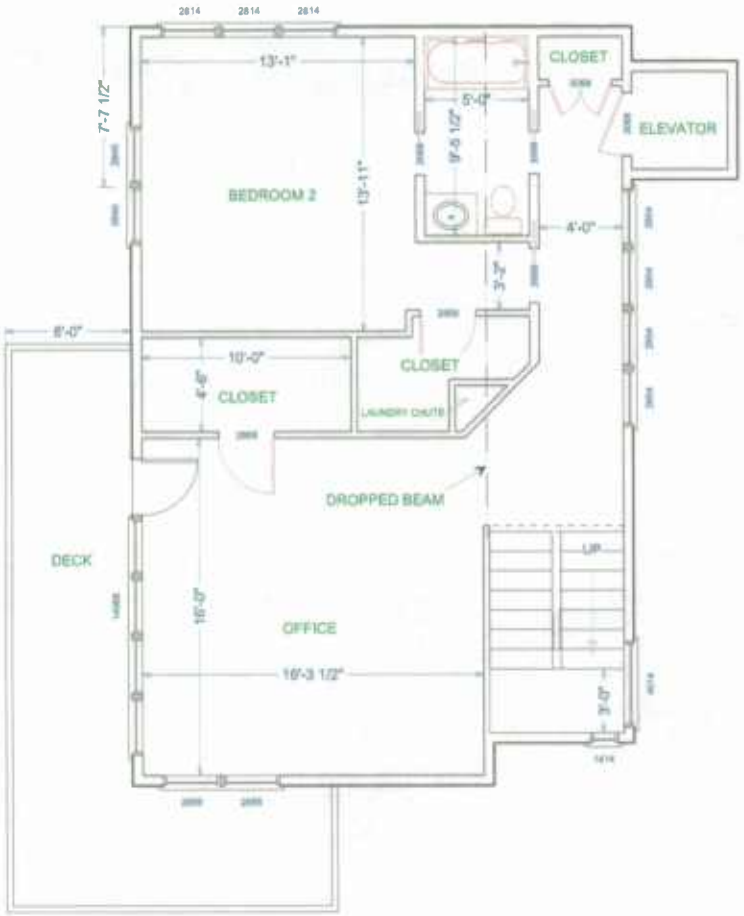
APPROVED BY:

REVISIONS	
	5/16/08

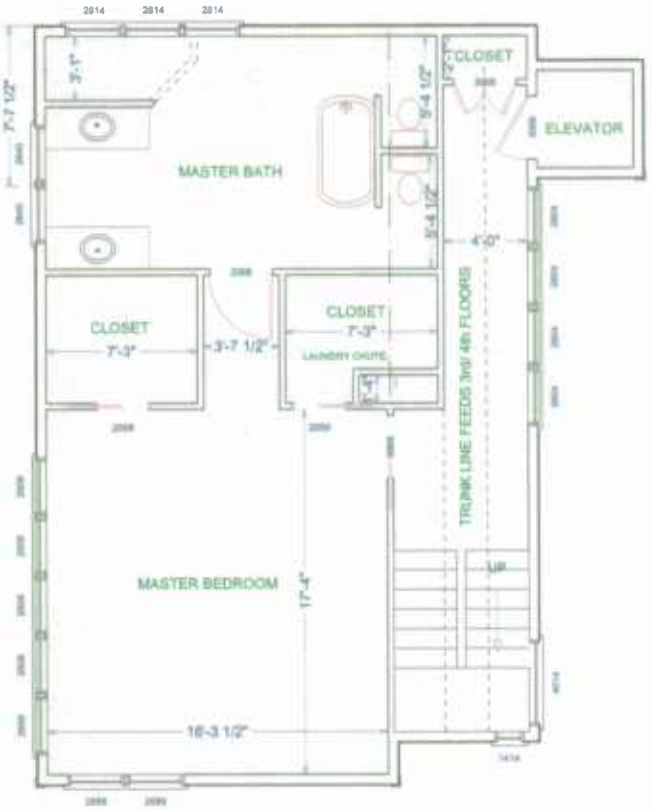
SCALE: 1/4" = 1 FT.

PAGE #

4



SECOND FLOOR PLAN



THIRD FLOOR PLAN

PARAGON PROPERTIES

PROJECT FOR:

ZALUSKY

APPROVED BY:

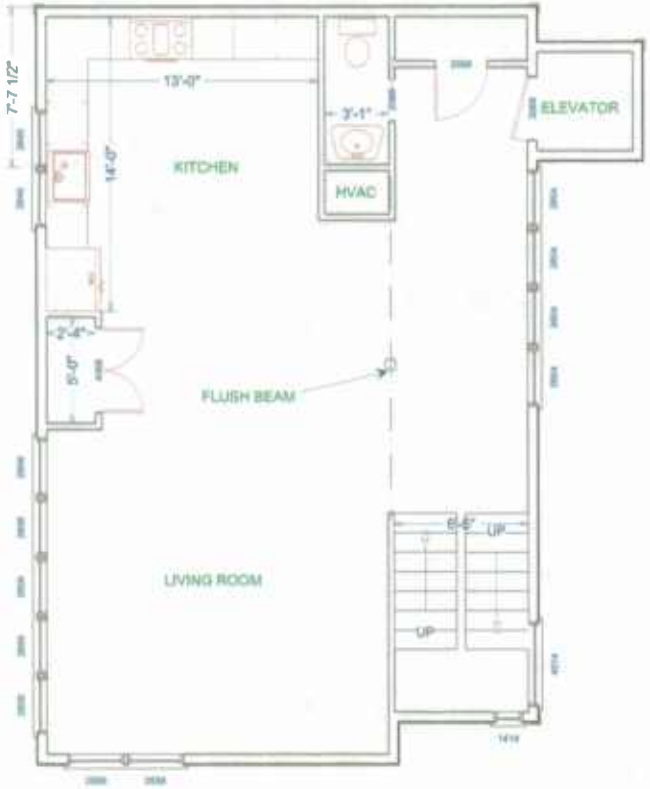
REVISIONS

5/16/08

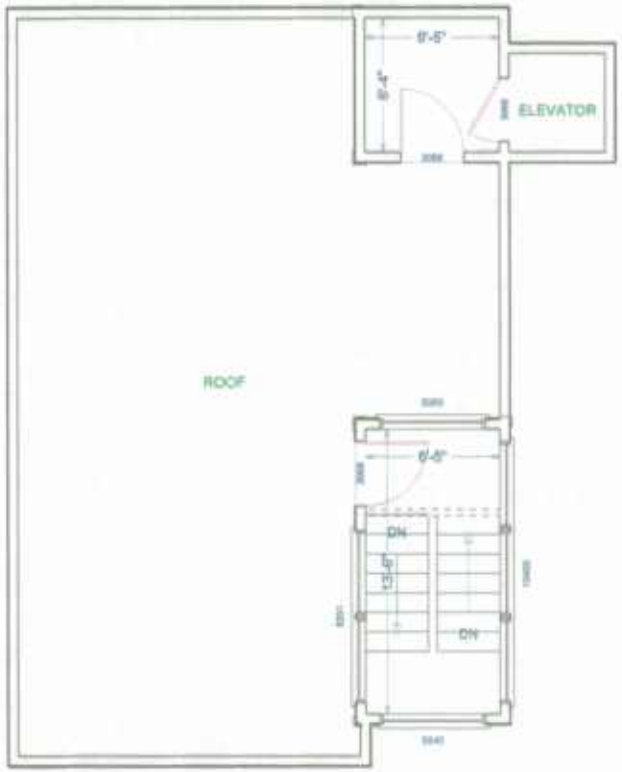
SCALE: 1/4" = 1 FT.

PAGE #

5



FOURTH FLOOR PLAN



ROOF PLAN

PARAGON PROPERTIES

PROJECT FOR:

ZALUSKY

APPROVED BY:

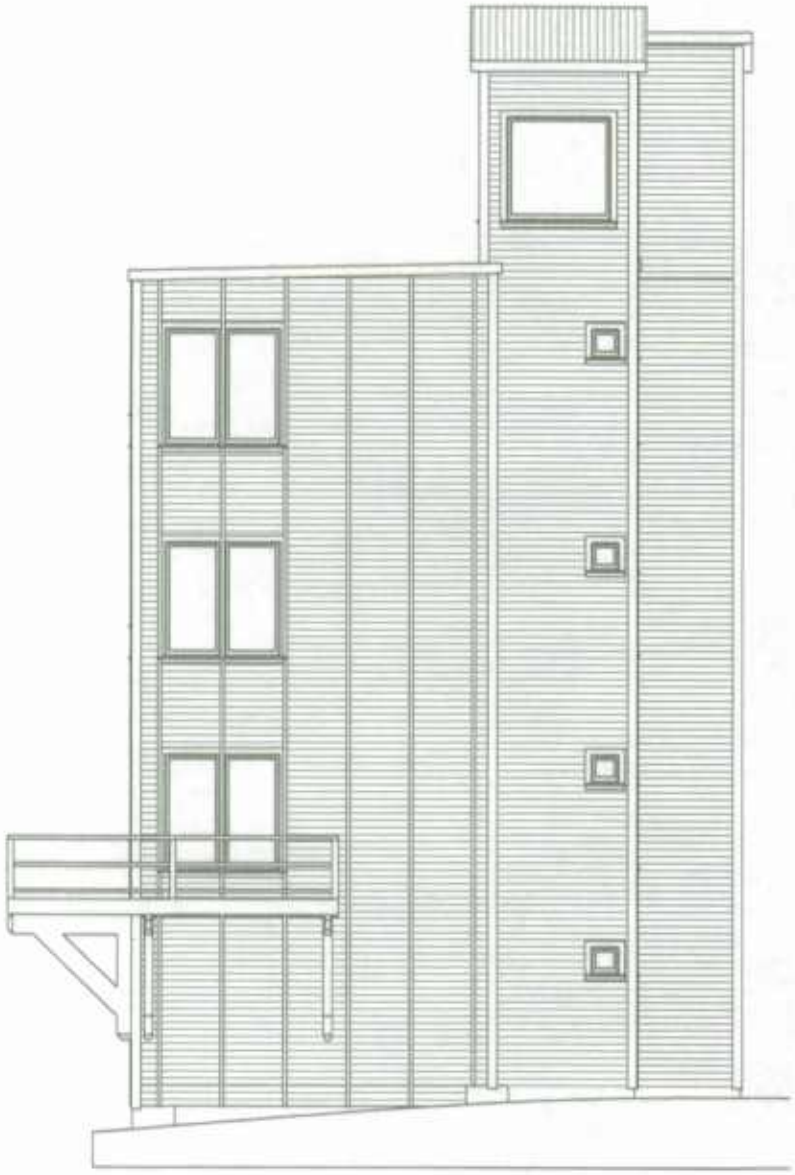
REVISIONS

5/16/08

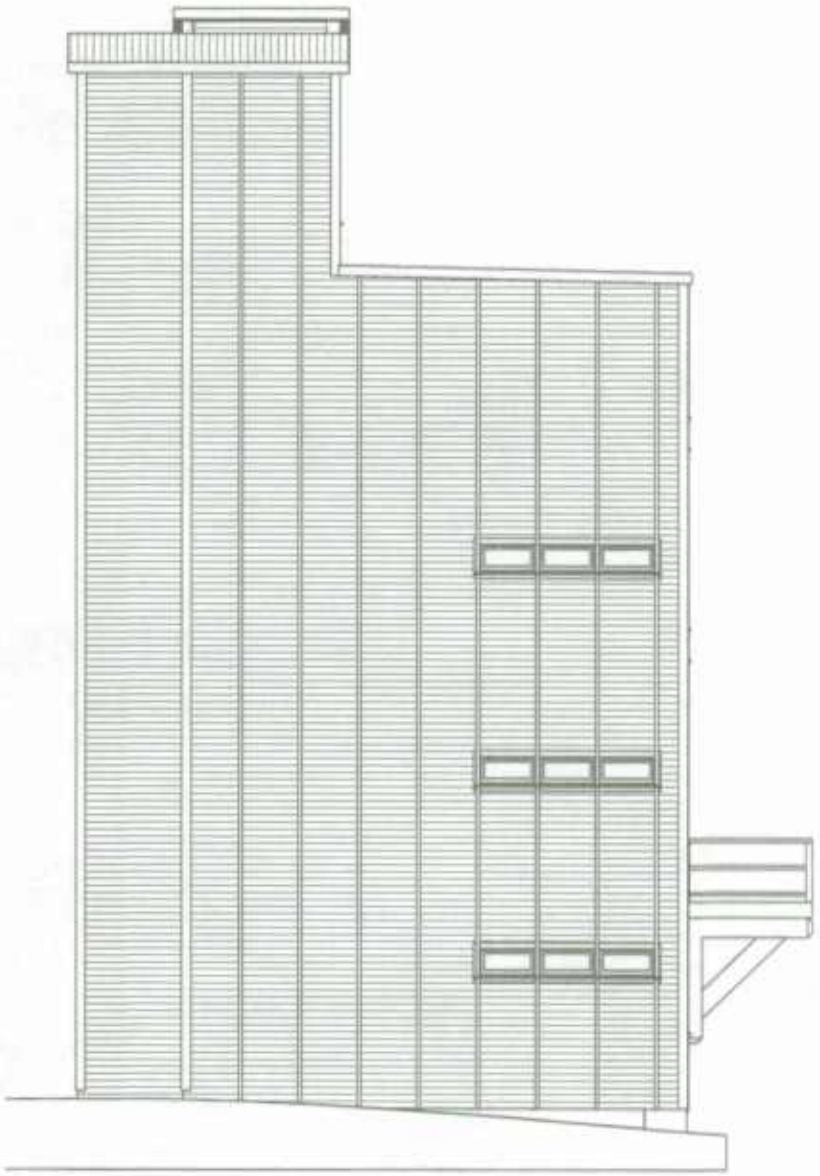
SCALE: 1/4" = 1 FT.

PAGE #

6



LEFT ELEVATION



RIGHT ELEVATION

PARAGON PROPERTIES

PROJECT FOR:

ZALUSKY

APPROVED BY:

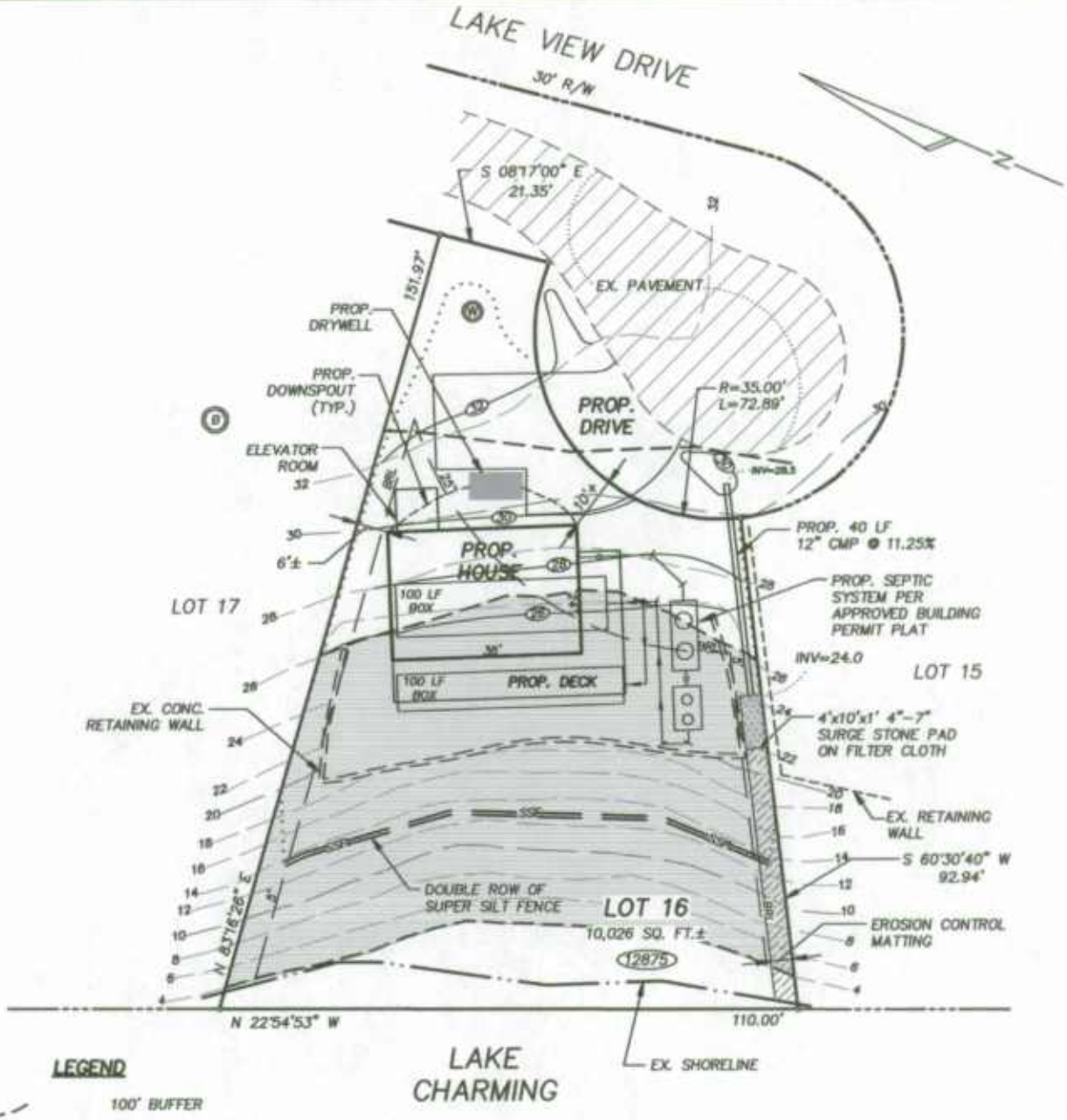
REVISIONS

5/16/08

SCALE: 1/4" = 1 FT.

PAGE #

7



LEGEND

- 100' BUFFER
- EXISTING SHORELINE
- 25% OR GREATER SLOPES
- SSF — SUPER SILT FENCE
- LIMIT OF WORK
- ASSIGNED HOUSE NUMBER
- PROPOSED WELL

PLAT SHOWING SITE	COLLINSON, OLIFF & ASSOCIATES, INC.	DRAWN BY RCJ
DRUM POINT	Surveyors · Engineers Land Planners	SCALE 1"=30'
LOT 16 ~ BLOCK B ~ SECTION 2-A	110 MAIN STREET PRINCE FREDERICK, MARYLAND 20678	DATE JUNE 2008
FIRST DISTRICT, CALVERT COUNTY, MD.	301-855-1599 · 410-535-3101 · FAX 410-535-3103	JOB NO. 1-8847
FOR: JOHN ZALUSKY		FOLDER DRUM POINT SEC 2-A

SUBDIVISION PLAT RECORDED IN PLAT BOOK A.A.H. 1 @ 44

417-08 ?

Calvert County Board of Appeals

Memo

To: Amber Widmayer, Chesapeake Bay Critical Area Commission

From: Pam Helie, Clerk to the Board of Appeals

CC: Roxana Whitt, BOA Staff

Date: July 7, 2008

Re: Board of Appeals Cases for Review

The following case is scheduled to come before the Board of Appeals on Thursday, August 7, 2008. Please review the enclosed information and provide comments to Roxana Whitt, Board of Appeals, 150 Main Street, Prince Frederick, MD 20678, by Tuesday, July 29, 2008.

Case No. 08-3541: John Zalusky has applied for a variance in the maximum 40' building height requirement, including the roof, to allow the building of a decorative and functional staircase the top of which will be 11' above the roof (51' above grade) and to allow the construction of an elevator shaft topped with a fire suppression system's water reservoir 12' above the roof (52'above grade) on a residential structure. The property is located at 12875 Lake View Drive, Lusby (Tax Map 45A, Lot 16, Section 2A, Drum Point) and is zoned RD/LDA Residential District/Limited Development Area.

ht limit
septic under house - MDE consent after appeal
limits ~~LA~~ + BR.
Lucas related

CA176-04

Case No. 06- 3334

Public Hearing
August 3, 2006

John Zalusky has applied for a variance in the waterfront buffer requirements, a variance in the steep slopes requirements, and a variance in the front setback requirements from 25' to 10' for construction of a single-family dwelling, deck, retaining wall and driveway within the 100' buffer on slopes of 15% or greater. The property is located at 12875 Lake View Drive, Lusby (Tax Map 45A, Lot 16, Block B, Section 2-A, Drum Point) and is zoned RD/LDA Residential District/Limited Development Area.

AUTHORITY OF THE BOARD OF APPEALS

Section 11-1.01.A of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the following authority:

> *To grant variances from the strict application of the area, yard and height requirements of this Ordinance.*

Section 11-1.01.B of the Calvert County Zoning Ordinance provides that the Board of Appeals shall have the authority to grant variances from the Critical Area requirements of Section 8-1 of this Ordinance.

TESTIMONY & EVIDENCE PRESENTED

1. The case was presented August 3, 2006 before Board of Appeals members Mr. Michael Reber, Chairman, Mr. Walter Boynton, Vice Chairman, and Mr. Dan Baker (the Board). Mr. John Zalusky was present at the hearing and was represented by Mr. Jeffrey Tewell from Collinson, Oliff & Associates and Mr. Robert Crum, Attorney.

2. A Staff Report dated August 3, 2006, along with photographs taken on site, was entered into the record as Staff Exhibit No. 1.

3. The following Applicant Exhibits were dated and entered into the record at the hearing:

- Applicant's Exhibit No. 1 – Plat Submitted With Application
- Applicant's Exhibit No. 2 – Plat w/Planting Plan

4. The following person testified at the hearing:

   - Ms. Kerrie Gallo, Chesapeake Bay Critical Area Commission
   - Mr. John Gray, 243 Cove Drive, Lusby, MD 20657

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

   - Letter dated July 28, 2006 from Kerrie Gallo, Chesapeake Bay Critical Area Commission
   - Memo dated August 1, 2006 from Stephanie Taylor, Engineering Bureau
   - Memo dated July 20, 2006 from Ron Babcock, Soil Conservation District

FINDINGS OF FACT

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

1. The applicant in the subject case has applied for variances from the following Zoning Ordinance requirements: Critical Area waterfront buffer, Critical Area steep slope, and front setback from 25' to 10', for construction of a dwelling, retaining wall, septic system and driveway.

2. The property is located at 12875 Lake View Dr. in the Drum Point subdivision and is otherwise known as Lot 16, Block B, Section 2A of Tax Map 45A in the Land Records for Calvert County.

3. The property consists of 11,195 s.f., is located within Calvert County's Critical Area, and is situated between Lake View Drive and Lake Charming in Drum Point.

4. Properties on both sides and directly across the road are developed for residential use.

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

6. Section 2-8.03 of the Zoning Ordinance addresses the purpose and intent of the RD:

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

7. Section 8-1.04 of the Zoning Ordinance defines the nature, purpose and goals of the LDA zoning overlay, and includes the following language:

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

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

   The following goals will guide development in the LDA:

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

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

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

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

   The purpose of the Buffer is to:
   Provide for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the Bay and its tributaries;
   Minimize the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;
   Maintain an area of transitional habitat between aquatic and upland communities;
   Maintain the natural environment of streams; and
   Protect riparian wildlife habitat.

9. Section 8-1.04.G.1.f of the Zoning Ordinance addresses development on steep slopes:

   Development on slopes greater than 15 percent, as measured before development, shall be prohibited unless the project is the only effective way to maintain or improve the stability of the slopes and is consistent with the policies in Section 8-1.04 of this Ordinance. (Section 8-1.04 addresses all aspects of the Limited Development Area.)

10. Section 5-1.07 of the Zoning Ordinance states the following with regard to setbacks in general:

In general, the purpose of setbacks is to ensure that the use of a property does not infringe on the rights of neighbors, to allow room for lawns and trees, for light and sunshine in the home, for space for recreation outside the home, and to serve as filtration areas for stormwater runoff.

11. Section 5-1.07 of the Zoning Ordinance also states the following with regard to front setbacks:

    Front Setbacks: Adequate front yards reduce the noise and dust that can reach a home. Within a district, relatively uniform setbacks are needed to prevent structures from obstructing view on adjoining lots.

12. The property was the subject of numerous hearings in 2004, with no resolution of the issues before the Board. The conditions of the property and the issues are the same today as then.

13. Nearly the entire property lies within the Critical Area 100-foot buffer, and the entire building site lies within the buffer.

14. Nearly the entire site exhibits steep slopes, which are defined by Critical Area law as being slopes greater than 15%. More than half of the site exhibits slopes in excess of 25%. The slope across the building site ranges from 16% to 40%, with an average of 30%.

15. In 1983, the Calvert County Health Department issued a permit for sewage disposal on this property, based on a percolation test and the ability to install a single septic system on site. No house was constructed on the lot.

16. In 1993, the Calvert County Health Department denied a permit for sewage disposal on the subject property. The denial was based on the presence of slopes greater than 25% and insufficient area to locate the septic system outside areas of 25% slopes, as per COMAR requirements.

17. The property owner appealed this denial, and an agreement was reached between the Maryland Department of the Environment (MDE) and the property owner. The agreement is detailed in a Consent Order dated November 17, 1995.

18. The Consent Order allowed placement of the septic system under the house, with the house constructed on pilings. It also required a pretreatment system, retaining walls, and limited the house footprint to a maximum 24' x 40' and the number of bedrooms to 2.

19. Without the previous permit issued in 1983 and the subsequent Consent Order, the subject property would be deemed unbuildable because COMAR requirements for installation of a septic system could not be met.

20. The Board is not bound by the conditions of the Consent Order.

21. The last standard percolation test performed on this property by the Health Department was in 1992. A memorandum the Health Department provided to the Board of Appeals in 2004 indicated that "additional testing due to the appeal process" was performed, "with satisfactory results" in 1995.

22. Current COMAR and Health Department requirements do not allow installation of septic systems on slopes of 25% or greater; do not allow fill to modify slopes greater than 25% for the purpose of septic system installation; do not allow installation of septic systems under houses, for lots created after 1985 (the Calvert County Health Department has never granted a similar approval); require re-testing for percolation approval every ten years; and require one primary and two backup drainfields.

23. The proposal before the Board includes installation of retaining walls with backfill to achieve slopes less than 25%, places the septic system under the house and includes one primary and one backup drainfield.

24. In its previous hearings on the matter, the Board clearly indicated that a smaller house footprint, which would require less clearing of forest and result in less impervious surface, would be more in keeping with the spirit and intent of the Critical Area law. The applicant has responded with the current application showing a reduced house length from 40 feet to 36 feet, and keeping the original depth of 24 feet.

25. Proposed clearing is 5990 s.f., or 60% of the property.

26. Proposed impervious surface is 9.3% of the property.

27. Pretreatment and nitrogen removal systems have been added to the septic system.

28. The retaining wall will be a maximum of 7 feet high.

29. A planting plan and phasing plan are included with the current proposal.

30. The property was recorded prior to 1986 and is deemed by the State of Maryland to be properly grandfathered for Critical Area variance consideration.

31. The applicant purchased the property in 1983, prior to Critical Area law.

32. Additional modifications have been made to the plan which are consistent with limiting the impact to Lake Charming and the associated adjacent environments and neighboring properties as follows: (1) both the primary and back-up septic systems will be installed during the initial construction phase to minimize impact to the site; (2) the house has been moved farther away from the water as suggested by the Board; (3) the retaining wall, which is part of the consent order, is not objectionable to the

Board or the Critical Area Commission and any concerns of relative agencies will be resolved by the Applicant; (4) the applicant will provide a cantilevered deck to minimize impacts to the site and to avoid negative interactions with the septic field; (5) the applicant has addressed concerns of the Engineering Bureau; and (6) the Critical Area Commission has reviewed the Applicant's request and is not opposed to the variances.

CONCLUSIONS

Based on the above findings of fact, the Board came to the following conclusions (in accordance with Section 11-1.01.A of the Calvert County Zoning Ordinance) and based upon testimony and evidence presented:

1. The Board of Appeals concludes that it has the authority to grant a variance in the front setback requirements from 25' to 10' as set forth in this Ordinance.
2. The Board concludes that peculiar and unusual practical difficulties exist on the parcel, and such difficulties are created by the small size and topography of the lot and the property's location within the critical area.
3. The Board concludes that:
   a. the variance will not result in injury to the public interest; and
   b. granting the variance will not adversely affect the implementation of the Comprehensive Plan; and
   c. the variance is the minimum adjustment necessary to afford relief from the regulations; and
   d. the variance request is not based upon conditions or circumstances which are the result of actions by the applicant.

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) and based upon testimony and evidence presented:

1. The Board concludes that it has the authority to grant the subject variances from the Critical Area requirements of Section 8-1 of this Ordinance.
2. The Board concludes that the applicant has overcome the presumption of nonconformance as required in Section 11-1.01.B.2 &3 of the Zoning Ordinance.
3. The Board concludes that the applicant has met each of the following

variance standards:

a. The variance will not result in injury to the public interest; and

b. granting the variance will not adversely affect the implementation of the Comprehensive Plan; and

c. the variance is the minimum adjustment necessary to afford relief from the regulations; and

d. special conditions or circumstances exist that are peculiar to the land or structure within Calvert County and that a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship; and

e. a literal interpretation of the Critical Area Legislation and the Calvert County Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the County; and

f. the granting of a variance will not confer upon an applicant 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; and

g. the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. 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

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.

ORDER

It is hereby ordered, by a unanimous decision, that the variance in the waterfront buffer requirements, the variance in the steep slopes requirements and the variance in the front setback requirements from 25' to 10' for construction of a single-family dwelling, deck, retaining wall and driveway within the 100' buffer on slopes of 15% or greater as requested

by John Zalusky be **GRANTED** based on the above findings of fact and conclusions 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 before commencing the development activity approved by this Order.
2. A denitrification septic system must be installed.
3. The property shall be developed in phases with each phase being stabilized prior to proceeding to the next phase.
4. A phasing plan shall be submitted with the building permit.
5. Prior to work being done on site, the location of the house and the limitation of clearing shall be staked and marked.
6. The Applicant's construction representative shall meet with representatives from the Department of Planning and Zoning and the Department of Public Works to determine the construction grading and limit of clearing prior to construction start.
7. There shall be no stockpiling of excavated materials on site.
8. A foundation location plat prepared by a registered surveyor must be submitted to and approved by the Department of Planning and Zoning prior to framing.
9. A 6" washed gravel bed shall be placed under any decks or deck areas to provide stabilization.

10. All downspouts shall discharge into drywells or other appropriatc and approved stormwater management devices as recommended by the Department of Public works.
11. A final as-built certification by a registered surveyor must be submitted for approval by the Department of Planning and Zoning showing that the grading was performed and structures were built according to the approved plan, prior to final approval of the project.
12. Approval by the Zoning Enforcement Officer for the Board of Appeals is required prior to issuance of a Use and Occupancy Permit, or other final approval for the project, as determined by the Division of Inspection and Permits.

In accordance with Section 11-1.01.F.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.

In accordance with Section 11-1.01G of the Calvert County Zoning Ordinance if any application for a variance is denied by a final order of the Board, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order. If any such denial by the Board is appealed to a higher Court and the Board's denial is upheld, a second application involving substantially the same subject matter shall not be filed within one year from the date of the final order of the Court.

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

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

Entered: August 28 2006
Pamela P. Helie, Clerk

Michael J. Reber
Michael J. Reber, Chairman

CAC

CALVERT COUNTY
BOARD OF APPEALS

150 Main St.
Prince Frederick, MD 20678
410-535-2348 * 301-855-1243
TDD 800-735-2258

(P&Z USE ONLY)
FEES: PER FEE SCHEDULE
Date Filed: _____
Fees Paid: _____
Receipt No.: _____
Rec'd By: _____
Case No.: 06-3334

APPLICATION FOR APPEAL

NOTE: IN SUBMITTING THIS APPLICATION, YOU GRANT THE DEPARTMENT OF PLANNING & ZONING THE RIGHT OF UNSCHEDULED ENTRY ONTO THE PROPERTY FOR PURPOSES OF OBTAINING INFORMATION AND PHOTOGRAPHS FOR A STAFF REPORT.

PROPERTY DESCRIPTION:

Tax Map No. 45A Parcel _____ Block B Section 2A Lot 16

Tax ID No. 01-071726 Property Zoning Classification RD/LDA

Property Address 12875 LAKE VIEW DR. LUSBY MD 20657

Has subject property ever been before the Board of Appeals? X (yes) _____ (no)

If yes, give Case No. and date: 04-3029 JUNE-AUGUST 2004

PROPERTY OWNER(S):

PRINTED NAME(s): JOHN L. ZALUSKY

MAILING ADDRESS: 13018 BARREDA BLVD LUSBY MD 20657

TELEPHONE: HOME: 410-326-3037 WORK _____ CELL 443-271-3867

EMAIL ADDRESS _____

21 June 06

Owner's Signature and Date

Co-Owner's Signature and Date

APPLICANT (if different from owner):

PRINTED NAME: _____

MAILING ADDRESS: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS _____

RECEIVED
JUL 12 2006
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

Applicant's Signature and Date

Co-Applicant's Signature and Date

PURPOSE OF APPEAL

REQUEST IS FOR: (check all items that apply)

( ) Variance (X) Multiple Variances
( ) Revision to a Previously Approved Variance
( ) Special Exception
( ) To Extend Time Limit on a Special Exception
( ) Revision/Modification of a Special Exception
( ) Expansion or Revision of a Non-Conforming Use
( ) Reconsideration of Previous Decision by Board
( ) Re-Schedule a Case Previously Postponed
( ) Decision on an Alleged Error made by _____

Describe in specific detail the reason each item is requested. Building Restriction Line (BRL) variances must state which BRL is at issue (i.e., front/side/rear) and indicate distances required and proposed (Example: A variance in the front setback from 60 feet to 25 feet for construction of a garage). Impervious surface variances must state existing % impervious surface and % requested. Waterfront buffer variances must state the distance to the waterfront of the proposed structure.

SUBJECT SITE IS WATERFRONT & CONTAINS SLOPES GREATER THAN 15%. A VARIANCE IS REQUESTED TO CONSTRUCT A SINGLE FAMILY DWELLING, DECK, RETAINING WALL & DRIVEWAY WITHIN THE 100' BUFFER AND ON 15% OR GREATER SLOPES. THE PROPOSED DECK WILL BE 49' FROM THE SHORELINE & PROPOSED RETAINING WALL WILL BE 25' FROM THE SHORELINE. A REDUCTION IN THE FRONT SETBACK FROM 25' TO 10' IS ALSO REQUESTED FOR THE DWELLING.

DIRECTIONS TO PROPERTY FROM COURTHOUSE: (NOTE: FAILURE TO PROVIDE COMPLETE AND ACCURATE DIRECTIONS MAY RESULT IN A DELAY TO YOUR CASE)

RTE 214 SOUTH, LT ROUSBY HALL RD, LT BARREDA BLVD, LT DOGWOOD, LT LAUREL WAY, RT BAY VIEW, RT LAKE VIEW, LOT ON RTE END.

AFFECTED PROPERTY OWNERS LIST

YOU MUST LIST THE NAMES AND ADDRESS OF ALL ADJOINING PROPERTY OWNERS AND THE OWNERS OF THOSE PROPERTIES DIRECTLY ACROSS ALL ADJACENT STREETS AND/OR RIGHTS OF WAY. NOTE: FAILURE TO CORRECTLY LIST NAMES AND ADDRESSES OF ALL AFFECTED PROPERTY OWNERS MAY RESULT IN A DELAY TO YOUR CASE.

Name: WILLIAM & REBECCA RIDGELL
Address: 12870 LAKEVIEW DR. LUSBY MD 20657

Name: WILLIAM & JUNIATA CLARKE
Address: 12878 LAKEVIEW DR. LUSBY MD 20657

Name: GINA M. MOSES
Address: 12879 LAKEVIEW DR. LUSBY MD 20657

Name: RICHARD & BRENDA DUNPHY
Address: 12871 LAKE VIEW DR. LUSBY MD 20657

Name:
Address:

Name:
Address:

Name:
Address:

IF YOUR PROPERTY ADJOINS A PRIVATELY OWNED ROAD, YOU MUST LIST THE NAME AND ADDRESS OF THE OWNER BELOW:

Name: DRUM POINT PROPERTY OWNERS ASSOC.
Address: P.O. BOX 563 LUSBY MD 20657

BOARD OF APPEALS

CRITICAL AREA FORM

COMPLETION OF THIS FORM IS REQUIRED FOR ALL CRITICAL AREA VARIANCE CASES:

PROPERTY LOCATION AND INFORMATION:

Tax ID #: 01-071726

Map # 45A Parcel _____ Lot 16 Block B Section 2A

Property Address 12875 LAKE VIEW DR. LUSBY MD 20657

Zoning RD Critical Area Designation LDA

Total Acreage of Property 10,026 ±ft Acreage in Critical Area 10,026 ±ft

PROJECT INFORMATION:

Type of construction proposed SINGLE FAMILY DWELLING

Total square footage of the proposed construction 1,424 ±ft

Total square footage of existing impervious surface 0

Total square footage of proposed impervious surface 928 ft

Total square footage of existing tree cover 10,026 ±ft

Total square footage of disturbed area 5,990 ±ft

Total square footage of tree cover to be removed 5,990 ±ft

Is the proposed construction site within the waterfront buffer? YES

Is the proposed construction site on slopes greater than 15%? YES

NOTE: APPLICATIONS AND PLANS THAT ARE INCOMPLETE ARE NOT CONSIDERED TO HAVE BEEN PROPERLY SUBMITTED AND WILL BE RETURNED TO THE APPLICANT FOR COMPLETION BEFORE SCHEDULING FOR PUBLIC HEARING.

04-3029

IN THE MATTER OF:

JOHN ZALUSKY
LOT 16, BLOCK B, SEC.2A
DRUM POINT

MARYLAND DEPARTMENT OF
THE ENVIRONMENT

WATER MANAGEMENT ADMINISTRATION
2500 Broening Highway
Baltimore, Maryland 21224

* * * * * * * * * * * * * * *

CONSENT ORDER

WHEREAS, the State of Maryland, Department of the Environment ("the Department" or "MDE"), pursuant to the powers, duties and responsibilities vested in the Secretary of the Environment by the Environment Article, Titles One and Nine, including Section 9-223, Annotated Code of Maryland, and by Code of Maryland Regulations Section 26.04.02, the Secretary of MDE is charged with the responsibility for carrying out and enforcing State laws in order to prevent, abate, and control pollution of State waters and protect public health, welfare, and the environment;

WHEREAS, these responsibilities of the Secretary of MDE have been delegated through the Water Management Administration, to the Calvert County Health Department ("CCHD");

WHEREAS, John and Donna Zalusky ("Owners") own property located at Lot 16, Block B, Section 2A, Tax Map No. 45A, Drum Point Subdivision in Calvert County, Maryland (the "Property" or the "Lot");

WHEREAS, Owners desire to sell the Lot as a buildable Lot, and commenced the process to obtain a sewage disposal system

TO: Julie
Le Blanche

permit for residential purposes for the Property;

WHEREAS, on March 2, 1992, the Owners submitted sanitary permit application No. 92-01071726-22;

WHEREAS, the Department has concluded that disposal of sewage to the ground at the Property would be prejudicial to health;

WHEREAS, on June 30, 1993, and again on October 20, 1994, the CCHD denied the Owners' permit application No. 92-01071726-22;

WHEREAS, the Department has reasonable grounds to deny the permit application;

WHEREAS, on November 16, 1994, Owners requested an administrative hearing on the denial of the permit application;

WHEREAS, MDE subsequently discovered that a sewage disposal permit had previously been issued for this property on August 8, 1983;

WHEREAS, the Department has concluded that to allow Owners to install a sewage disposal system on the Property would be a reasonable solution to sewage problems on the property and would not be an undue risk to the environment or to public health, safety and welfare, pursuant to Md. Env't Code Ann. § 9-223, so long as certain conditions are met;

WHEREAS, Owners do not agree or acknowledge that a sewage disposal problem exists at the subject property such that disposal of sewage to the ground would be prejudicial to health and do not agree or acknowledge that the Department had reasonable grounds to deny their permit applications; but, Owners do hereby agree to the

terms of this Consent Order and believe that such terms present a reasonable compromise and settlement to the dispute between the parties hereto.

WHEREAS, the parties wish to give notice of the contents of this Consent Order to all future Owners of the property;

NOW, THEREFORE, the parties agree that:

1. The CCHD shall approve sanitary permit application No. 92-01071726-22 subject to the conditions which are set forth in this Consent Order (the "Permit").

2. The Owners hereby withdraw their request for administrative hearing, dated November 16, 1994, concerning the previous denial of the permit application.

3. At the time of execution of this Consent Order, Owners shall record, at their sole expense, in the Land Records of Calvert County, a fully signed copy of this Consent Order with the deed to the property, by submitting this Order to the Clerk of the Circuit Court, Court House, Prince Frederick, Maryland 20678.

4. Provided they meet the terms, conditions and requirements set forth in this Consent Order, Owners shall be permitted to install on the Property a sewage disposal system which shall comply with design criteria and all other requirements set forth in COMAR § 26.04.02 except for 26.04.02.04I and .04J(1); and which shall meet all other requirements of this Consent Order.

5. Owners shall submit to the CCHD for review and approval an engineered design for the installation of a bulkhead across the Lot, tying the bulkhead into the existing retaining

walls on each of the adjoining lots if permitted by the adjoining landowners. If permission from neighbors is not obtained after reasonable effort by the Owners, the Owners shall construct the bulkhead to the limit of the side property lines. The design shall be prepared by an engineer licensed in the State of Maryland.

6. Owners shall submit to the CCHD for review and approval an engineered site plan showing ALL proposed improvements for the Lot, including the house site, a well site (which meets all setback requirements of 26.04.04), sewage disposal system, driveway, underground utilities, and any other components which might impact the ability of the Lot to be provided with an adequate water supply and sewage disposal system. The site plan shall be prepared and signed by an engineer registered in the State of Maryland. The Plan must be of sufficient scope and detail to allow approval by the CCHD.

7. Owners shall delineate sufficient area on a survey plat to allow for the installation of an initial and one replacement disposal system. Accurate topography shall be clearly shown on the plat. Owners shall reserve, on the Lot, area for all pretreatment units, including septic tank(s), pumping chamber and advanced pretreatment unit.

8. The sewage disposal system shall incorporate advanced pretreatment (e.g., recirculating sand filter or equivalent) prior to final disposal.

9. The house size shall be limited to a maximum of two (2) bedrooms. The footprint of the house shall not exceed 24 feet

by 40 feet. If the house is to be built on pilings, part of the sewage disposal system may be situated under the house.

10. Owners shall obtain the Department's and CCHD's approval for the bulkhead, initial sewage disposal system, and well prior to seeking the County's approval for a construction permit to build the house. In addition, Owners shall complete construction of the bulkhead, initial sewage disposal system and well prior to beginning construction of the house.

11. Owners shall permit representatives of the Department and the CCHD to enter the Property at any reasonable time, without prior notice, from the time the first permit is issued under the terms of this Consent Order, until all requirements of the regulations are met, to inspect the Property to ensure that Owners are complying with the conditions and other provisions set forth in this Consent Order.

12. The Owners hereby agree that the terms of this Consent Order shall be made an express part of any contract for the sale of the property which is the subject of this action.

13. By recording this Consent Order under paragraph 3, the terms of this Consent Order shall become binding on all future owners of the Property, or of any portion of the Property.

14. The term "Owners" as used herein shall refer to all present and future owners of the Property.

15. The terms of this Consent Order may only be modified in a writing signed by all parties and recorded in the Land Records of Calvert County.

16. Nothing in this Order shall be construed to limit any authority of the Department or the CCHD to issue any other Orders, enforce any applicable permits, or to take any action they deem necessary to protect the public health or comfort, or to limit any authority the Department or the CCHD have or may hereafter be delegated. Any approval of plans or designs by the Department or the CCHD pursuant to this Consent Order represents adequacy of design and does not warrant that the plan or design will be successful in treating sewage. Nor does the Department's or CCHD's approvals pursuant to this Consent Order serve as a guarantee that the sewage disposal system will function for any particular length of time or at all. In the event the system fails to function adequately, it is Owner's responsibility to provide for an alternative means of sewage disposal that satisfies the requirements of Maryland law and regulations.

ORDERED BY:

11/22/96
Date

J. L. Hearn, Director
Water Management Administration

CONSENTED TO BY:

8 August 96
Date

John Zalusky, Owner

8/8/96
Date

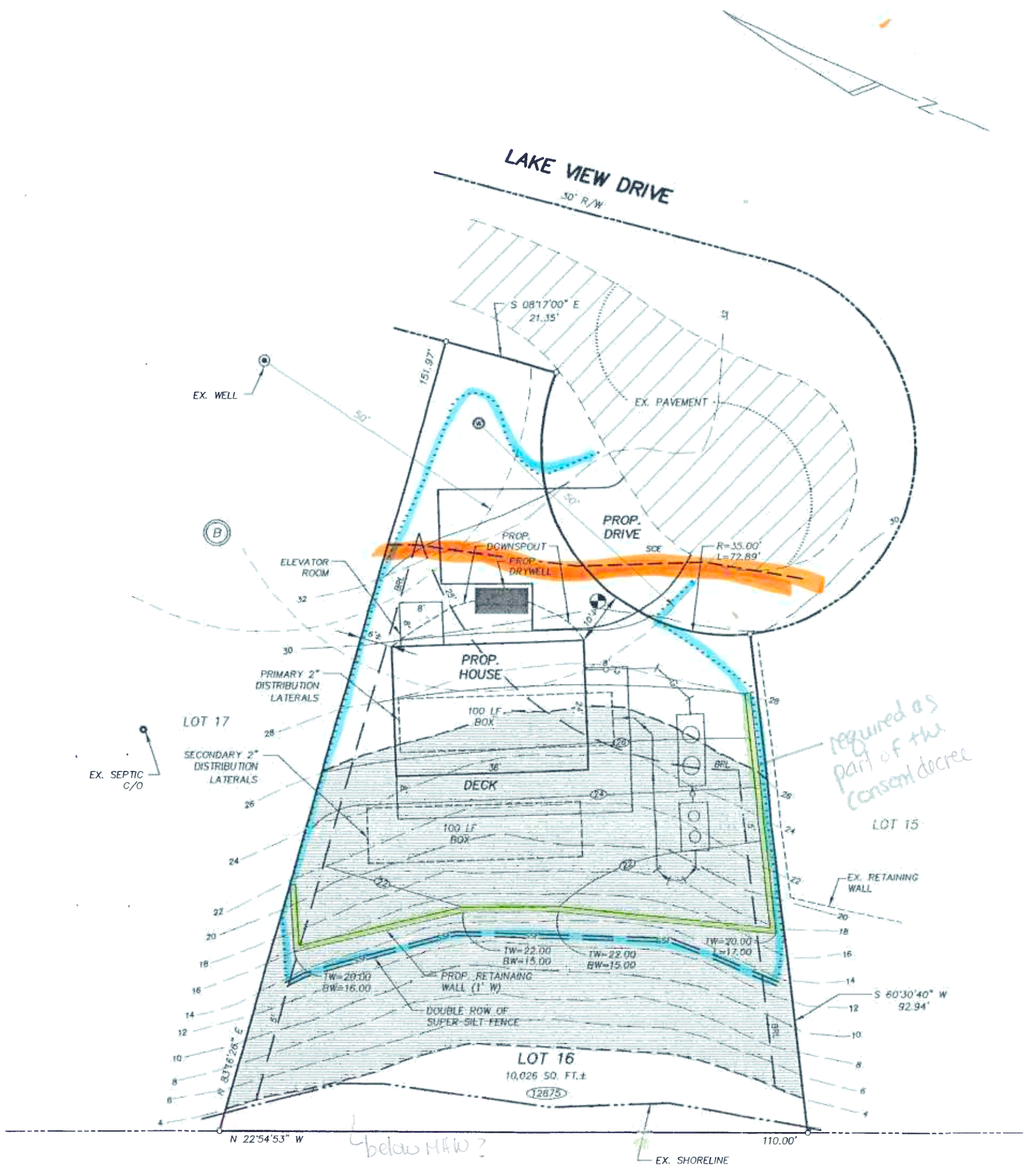
Donna Zalusky, Owner

Sept. 5, 1996
Date

Mark Davis, Esquire
Attorney for Owners

Approved as to form and legal sufficiency on this 17th day of November, 1995.

Neile Sue Friedman
Assistant Attorney General

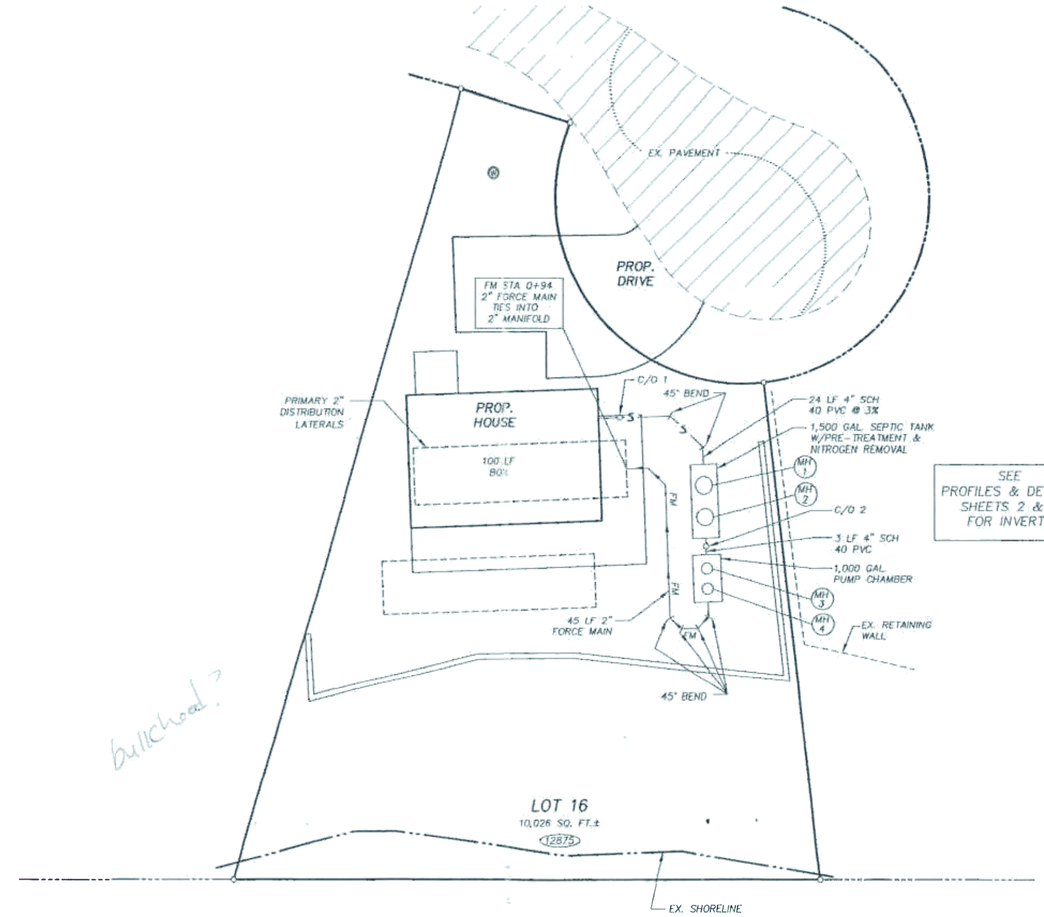


LAKE CHARMING

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.



SEE PROFILES & DETAILS SHEETS 2 & 3 FOR INVERTS

DETAIL
1"=20'

CONTACT HEALTH DEPARTMENT PRIOR TO SEPTIC SYSTEM INSTALLATION.

INFORMATION STATEMENT

24' X 36' TWO STORY HOUSE – 864
ON PILINGS
8' WRAP-AROUND DECK
8' X 8' ELEVATOR 64

FIRST FLOOR ELEVATION: 33.0

LOT AREA: 10,026 SQ. FT. ±
DISTURBED AREA: 5,990 SQ. FT. ±
IMPERVIOUS AREA: 928 SQ. FT. ±
FORESTED AREA: 10,026 SQ. FT. ±
FORESTED AREA TBR: 5,990 SQ. FT. ±

OWNER: JOHN ZALUSKY
DEED: K.P.S. 2259 @ 435
TAX I.D.#: 01-071726

SOILS MAP #45
SOIL TYPE: SrE SASSAFRAS & WESTPHALIA SOILS, STEEP

THIS LOT IS IN THE CRITICAL AREA.

THIS LOT WAS RECORDED PRIOR TO JULY 1984, WHEN STORMWATER MANAGEMENT WAS NOT REQUIRED.

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

DECKS AND OTHER STRUCTURES NOT SHOWN DO NOT HAVE ZONING APPROVAL FOR CONSTRUCTION.

THE ISSUANCE OF COUNTY PERMITS IS A LOCAL PROCESS AND DOES NOT IMPLY THE APPLICANT HAS MET STATE & FEDERAL REQUIREMENTS FOR WETLAND FILLING AND/OR WETLAND BUFFER DISTURBANCE.

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

PRE-TREATMENT AND LOW PRESSURE DOSE WILL BE REQUIRED PER CALVERT COUNTY HEALTH DEPARTMENT.

THE DRIVEWAY SHALL BE CONSTRUCTED OF A PERVIOUS MATERIAL.

DOWNSPOUTS SHALL DISCHARGE INTO DRYWELLS AS SHOWN.

A 6" GRAVEL BED SHALL BE PLACED BENEATH ALL DECKS AND HOUSE. – have to be constructed on pilings

SEE ZONING BOARD OF APPEALS CASE No. 04-3029

SEE ATTACHED CONSTRUCTION PHASING PLAN SHEET 4 OF 4.

RECEIVED
JUL 12 2006
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

LEGEND

- 100' BUFFER
- EXISTING SHORELINE
- 25% OR GREATER SLOPES
- PERFORATED DISTRIBUTION LATERAL
- FM — FORCE MAIN
- S — GRAVITY COLLECTION SEPTIC LINE
- SSF — SUPER SILT FENCE
- LIMIT OF WORK
- EXISTING TREELINE
- ASSIGNED HOUSE NUMBER
- PERCOLATION TEST
- W — PROPOSED WELL
- S/A — STOCKPILE AREA
- SCE — STABILIZED CONSTRUCTION ENTRANCE

COLLINSON, OLIFF & ASSOCIATES, INC.
Surveyors • Engineers
Land Planners
288 MERRIMAC COURT
PRINCE FREDERICK, MARYLAND 20678
410-535-3101 • 301-855-1598 • FAX: 410-535-3103 • EMAIL: INFO@COAINC.COM

STATE OF MARYLAND
WILLIAM E. WELCH
No. 11668
PROFESSIONAL ENGINEER
DANIEL J. OLIFF LSM
6/12/06
DATE

FOLDER REFERENCE
TAX MAP 45A

DATE	REVISION

SCALE AS SHOWN
DATE 8-13-06
JOB NO. 1-8847
DRAWN BY RCJ
APPROVED DJK/JLT
CASE NO.

BUILDING PERMIT PLAT & LOW PRESSURE DOSE SEPTIC SYSTEM

DRUM POINT

LOT 16 ~ BLOCK B ~ SECTION 2-A

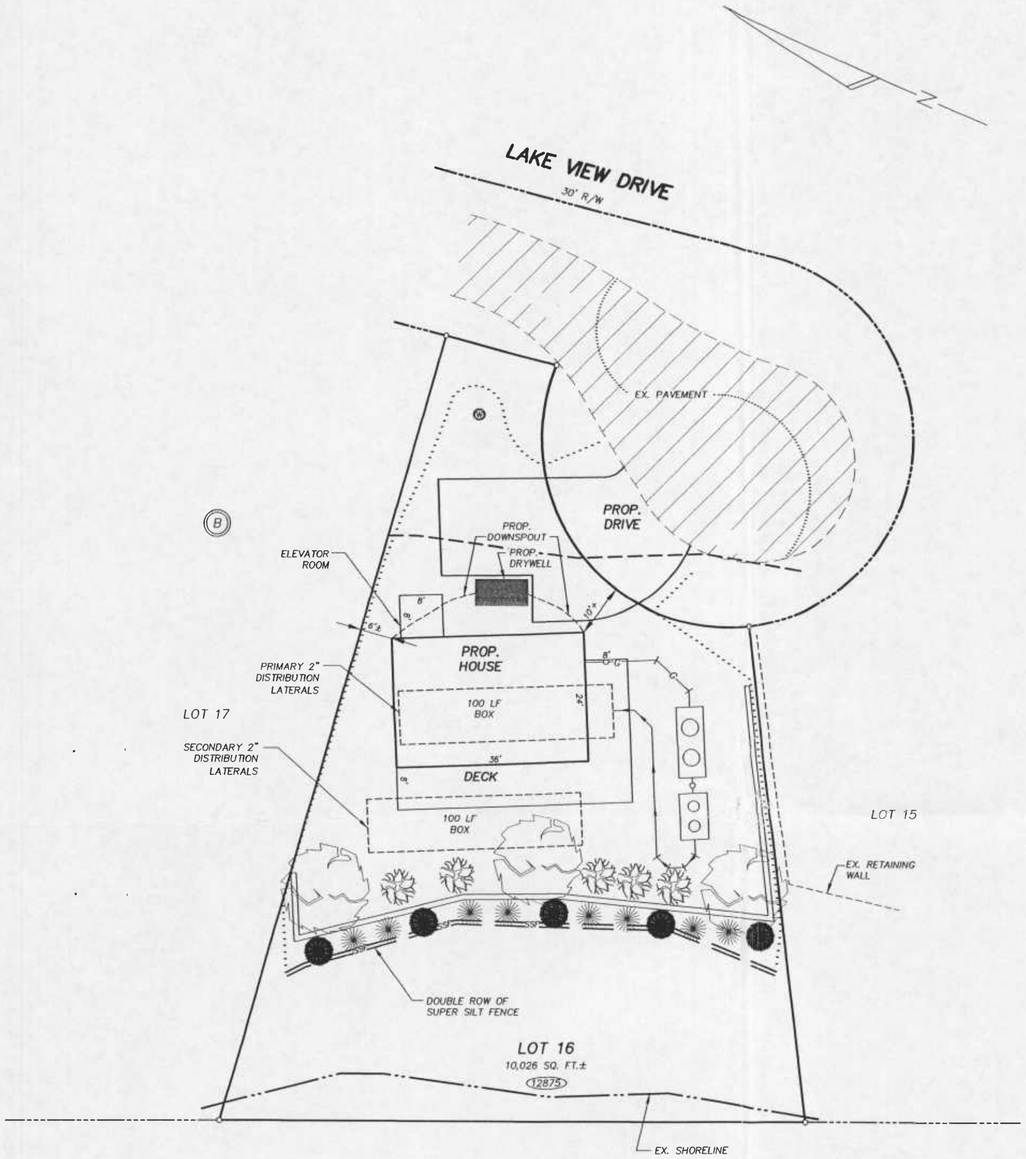
FIRST DISTRICT, CALVERT COUNTY, MARYLAND
SUBDIVISION PLAT RECORDED IN PLAT BOOK A.A.H. 1 @ 44

FOR: JOHN ZALUSKY

SHEET NO. 1 OF 4

FILE NO. A – 17 – 122

A – 17 – 122



LAKE
CHARMING

PLANTING PLAN

LANDSCAPE SCHEDULE				
SYMBOL	BOTANICAL NAME / COMMON NAME	QUANITY	SIZE	SPACING
	WILLOW OAK / QUERCUS PHELLOS	3	1 1/2 – 2" CALIPER	MAX 40' C/C
	SWEET BAY MAGNOLIA / VIRGINIANA	5	5' – 6'	MAX 10' C/C
	ROSEBAY RHODODENDRON / RHODODENDRON MAXIMUM	5	5' – 6'	MAX 8' C/C
	MOUNTAIN LAUREL – KALMIA LATIFOLIA	8	5' – 6'	MAX 8' C/C

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

A – 17 – 122 C

PHASE ONE

1. STAKEOUT LIMIT OF DISTURBANCE AND CONTACT PLANNING & ZONING FOR INSPECTION AND APPROVAL BEFORE GOING TO THE NEXT PHASE.

PHASE TWO

1. CLEAR ONLY WHERE NECESSARY TO INSTALL REQUIRED EROSION AND SEDIMENT CONTROL PRACTICES.
2. INSTALLATION OF THE EROSION ANS SEDIMENT CONTROL PRACTICES WHERE INDICATED ON THE APPROVED EROSION AND SEDIMENT CONTROL PLAN.
3. CONTACT THE APPROPRIATE INSPECTING AGENCY. NO FURTHER CLEARING, GRADING, OR OTHER LAND DISTURBANCE ACTIVITY IS PERMITTED UNTIL THE INSPECTING AGENCY CERTIFIES THAT ALL REQUIRED EROSION AND SEDIMENT CONTROLS ARE PROPERLY INSTALLED ACCORDING TO THE RELEVANT CONSTRUCTION STANDARDS. ALL OTHER BUILDING AND GRADING INSPECTION APPROVALS MAY NOT BE AUTHORIZED UNTIL THE INITIAL APPROVAL BY THE INSPECTING AGENCY IS GIVEN.
4. SEDIMENT CONTROL PRACTICES WILL BE MAINTAINED ACCORDING TO THE MARYLAND 1994 STANDARDS AND COUNTY REGULATION UNTIL THE ENTIRE SITE IS STABILIZED, INSPECTED AND FINAL APPROVAL IS GIVEN BY THE APPROPRIATE STATE/COUNTY DEPARTMENTS. THIS STEP IS MAINTAINED CONTINUOUSLY.
5. CONTACT PLANNING AND ZONING FOR APPROVAL PRIOR TO MOVING TO PHASE THREE.

PHASE THREE

1. INSTALL RETAINING WALL, PRIMARY AND SECONDARY SEPTIC DRAIN FIELDS, SEPTIC TANK AND PUMP CHAMBER WITH FORCE MAIN UNDER CALVERT COUNTY HEALTH DEPARTMENT SUPERVISION.
2. INSTALL FILL MATERIAL AND STABILIZE ANY AREAS WHICH WILL NOT BE DISTURBED FURTHER. NO HEAVY CONSTRUCTION MACHINERY TO TRAVERSE OVER SEPTIC FIELD AREA. CONSTRUCTION IMPACTS TO DRAIN FIELD AREA TO BE MINIMIZED.
3. CONTACT PLANNING AND ZONING FOR APPROVAL PRIOR TO MOVING TO PHASE FOUR.

PHASE FOUR

1. INSTALL FOUNDATION ON PILINGS WITH FIRST FLOOR DECKING ONLY.
2. PROVIDE FOUNDATION LOCATION PLAT BY A LICENSED SURVEYOR FOR PLANNING AND ZONING REVIEW PRIOR TO MOVING TO PHASE FIVE.

PHASE FIVE

1. COMPLETE HOUSE, DRIVEWAY ANL WELL.
2. INSTALL DRYWELL FOR ROOF DRAINS AND 6" WASHED GRAVEL BED BENEATH HOUSE AND DECK.
3. INSTALL REQUIRED PLANTINGS AND PROVIDE FINAL STABILIZATION.
4. PROVIDE FINAL AS–BUILT TOPOGRAPHIC SURVEY PREPARED BY A LICENSED SURVEYOR TO PLANNING AND ZONING FOR REVIEW AND APPROVAL PRIOR TO U & O.
5. CALL FOR INSPECTION.
6. INSPECTORS MAY HAVE THE RIGHT TO REQUIRE STABILIZATION OF ANY AREAS THEY DEEM NECESSARY DURING CONSTRUCTION.

LEGEND

- 100' BUFFER
- EXISTING SHORELINE
- ASSIGNED HOUSE NUMBER
- (W) PROPOSED WELL

COLLINSON, OLIFF & ASSOCIATES, INC.
Surveyors • Engineers
Land Planners
288 MERRIMAC COURT
PRINCE FREDERICK, MARYLAND 20678
410-535-3101 • 301-855-1599 • FAX: 410-535-3103 • EMAIL: INFO@COAINC.COM

STATE OF MARYLAND — DANIEL J. KELSH — PROFESSIONAL ENGINEER — LSM
DATE 6/11/96

REVISION

FOLDER REFERENCE TAX MAP 45A
DATE

SCALE AS SHOWN
DATE 6-1206
JOB NO. 1-8847
DRAWN BY RCJ
APPROVED DJK/JLT
CASE NO.

CONSTRUCTION PHASING AND PLANTING PLAN

DRUM POINT

LOT 16 ~ BLOCK B ~ SECTION 2-A

FIRST DISTRICT, CALVERT COUNTY, MARYLAND
SUBDIVISION PLAT RECORDED IN PLAT BOOK A.A.H. 1 @ 44

FOR: JOHN ZALUSKY

SHEET NO. 4 OF 4

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