

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/

March 10, 2009

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

Re: Variance 08-3546 Wilder- McDaniel

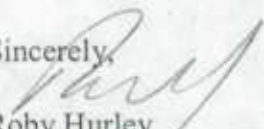
Dear Ms Whitt:

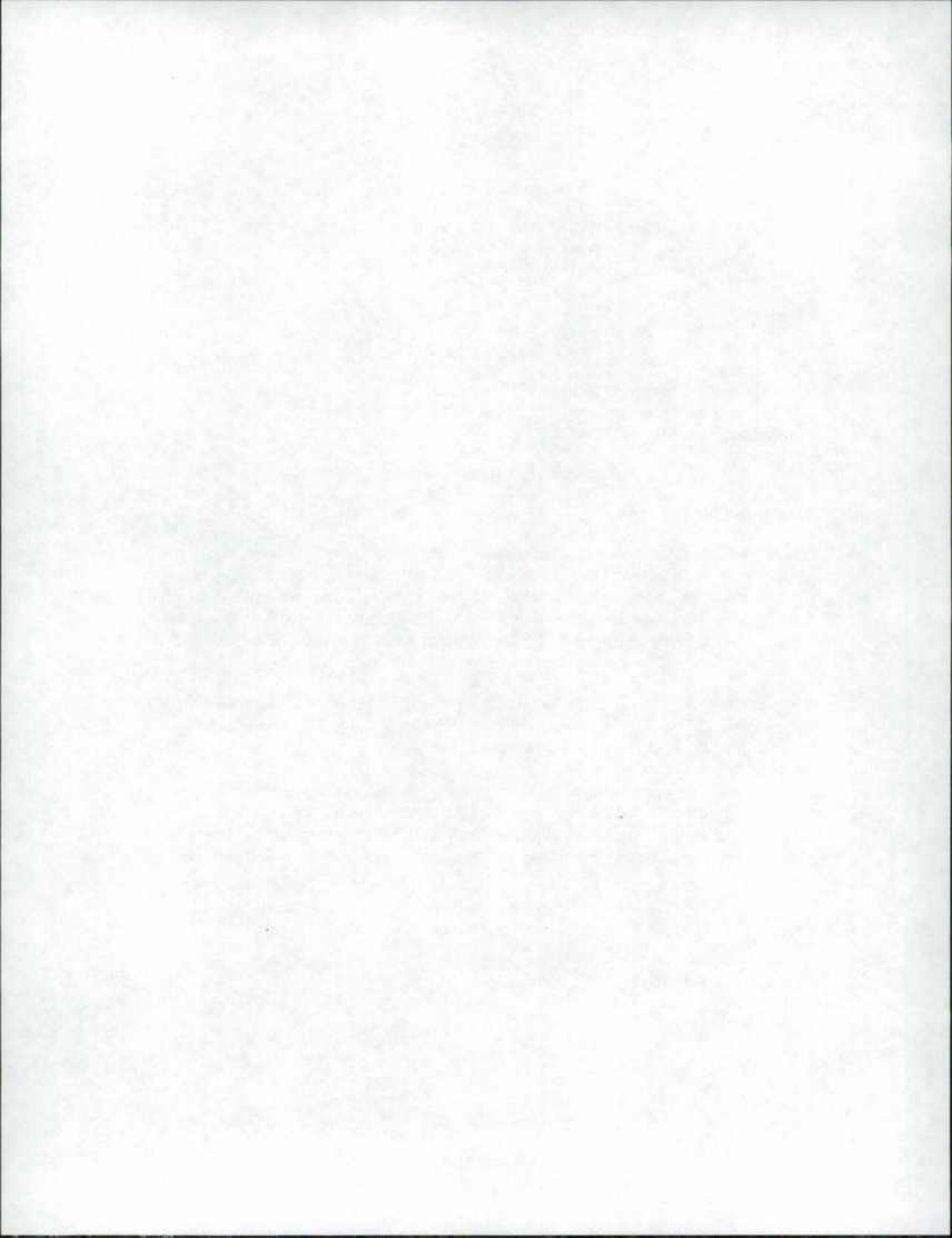
Thank you for providing information regarding the subject variance request. The applicant seeks an after-the-fact variance to permit disturbance within the 100-foot Buffer for a construction of one replacement deck and one new deck. The property is currently developed with a single family dwelling and it is classified as a Limited Development Area (LDA). It is not a mapped Buffer Management Area. The Board of Appeals had deferred action to allow the applicants time to get a survey.

Upon review of the survey and relative data, I respectfully submit that our position has not changed and we remain in opposition. As such I refer you to Ms. Kerrie Gallo's August 26, 2008 letter, which I have attached.

Thank you for the opportunity to provide comments regarding this variance request. Please include the August 26, 2008 letter and this letter in the file and submit it as a part of the record for this variance. In addition, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at 410-260-3468.

Sincerely,


Roby Hurley
Natural resources Planner
CA 483-08



Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair
Ren Serey
Executive Director

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1804 West Street, Suite 100, Annapolis, Maryland 21401
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www.dnr.state.md.us/criticalarea/

August 26, 2008

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

Re: Variance 08-3546 Wilder/McDaniel

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance. The applicant is requesting an after-the-fact variance from the 100-foot Buffer requirements in order to permit the construction of two decks. The property is designated a Limited Development Area (LDA) and is currently developed with a primary dwelling, deck, shed, and guest cottage.

Based on the information provided, it appears that applicant proposes to construct a 192 square foot deck, a 100 square foot deck, and a 120 square foot covered porch. While the application materials did not include a site plan drawn to scale or show the limit of the 100-foot Buffer on the plans, it appears that the entirety of the 192 square foot deck and a portion of the 100 square foot deck are located in the Buffer while the covered porch may be located outside of the Buffer. In general, this office would not oppose a request to construct a modest deck on a property where one otherwise does not exist. However, it appears that in this case, the existing structure had both a deck and a covered porch prior to the expansion. It also appears that a modest expansion of the existing deck could have been conducted in a manner which eliminates encroachment in the Buffer waterward of the existing deck and modest construction of a new deck could have been conducted which minimizes overall disturbance to the Buffer by locating the deck entirely outside of the Buffer. Based on these considerations, the applicant has failed to meet each and every one of the County's variance standards; including the standard of unwarranted hardship and that the request to perfect the structures is the minimum necessary to provide relief. Therefore, we oppose the applicant's request to retain the decks in the current footprint. Finally, in evaluating the applicant's request, we recommend that the Board consider and assign value to the fact that the applicant undertook actions to construct structures within the Buffer without the proper permits. In this sense, the variance request is driven by the actions of the applicant and any hardship is self imposed.

Roxana Whitt
Variance 08-3546
August 26, 2008
Page 2 of 2

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,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo
Regional Program Chief
CA483-08

BBH 4/21/09

CALVERT COUNTY BOARD OF APPEALS ORDER

Case No. 08-3546

Public Hearing: September 4, 2008 and April 2, 2009

Richard Wilder & Laura McDaniel have applied (after-the-fact) for a variance in the front setback requirement from 25' to 8'¹ for a replacement porch with an extension and a second story uncovered deck; and a variance in the 100' waterfront buffer requirement and a variance in the side setback requirement from 6' to 1' for a replacement deck with an extension. The property is located at 6599 Long Beach Drive, St. Leonard (Tax Map 32A, Block 13A, Lots 1&2, Long Beach) and is zoned RD Residential District.

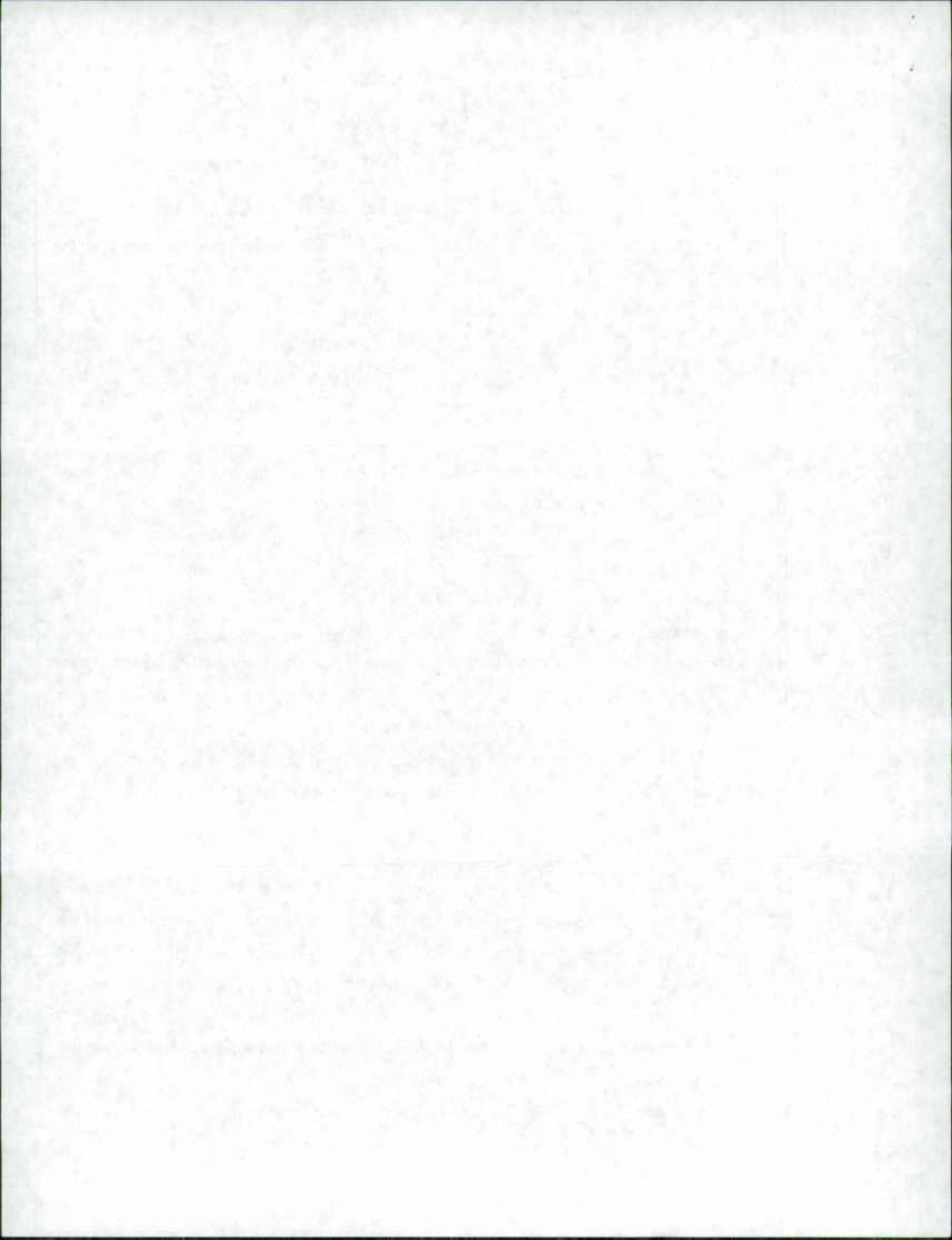
The case was presented September 4, 2008 before Board of Appeals members Mr. Michael Reber, Chairman; Dr. Walter Boynton, Vice Chairman; and Mr. Michael Redshaw, Member; (the Board). Mr. Carlton Green, Esquire, served as the Board's counsel. Mr. Richard Wilder was present and testified at the hearing. The Board deferred action at the September hearing to allow the applicants time to: (1) have a property survey completed that shows the property lines as per the deed; the house location; the cottage and shed locations; the required setbacks; and the 100' waterfront buffer line; and (2) provide documentation regarding ownership of the land on which the cottage is located.

The case was resumed on April 2, 2009 before the Board. Mr. Carlton Green, Esquire, served as the Board's counsel. Mr. Richard Wilder was present and testified at the hearing.

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. Article 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 the Ordinance.

¹ The original variance request was for a 7' front setback. The applicants modified their request between the September 2008 and April 2009 hearings to reflect the 8' front setback shown on the engineered plat.



TESTIMONY & EVIDENCE PRESENTED

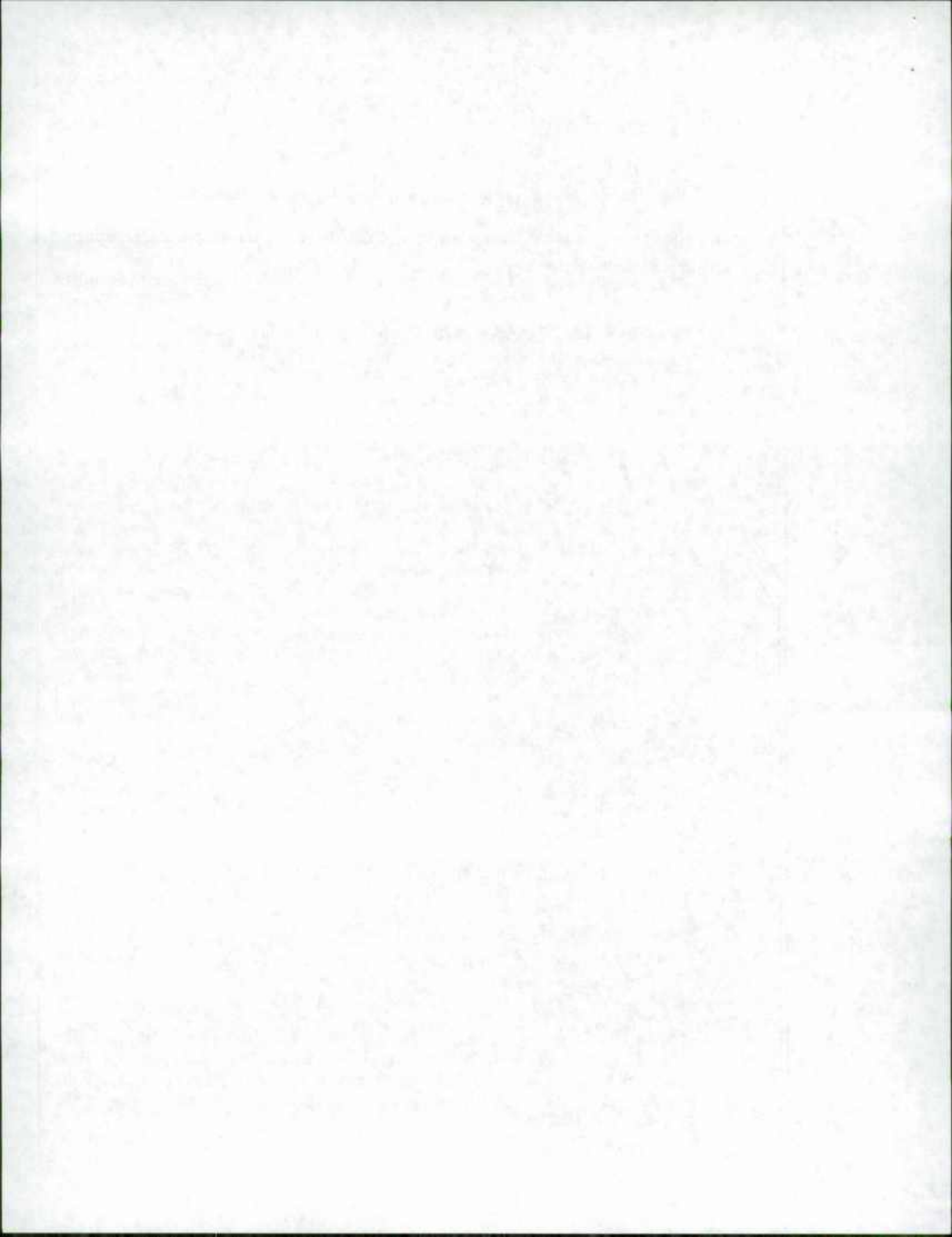
1. The following Applicant Exhibits were dated and entered into the record at the September 2008 hearing:
 - Exhibit No. 1 – Application
 - Exhibit No. 2 – Plat submitted with the Application
 - Exhibit No. 3 – Photographs (2 pages)
 - Exhibit No. 4 – Letters of Support From:
 - (1) Patricia & John Jensen, 6594 Long Beach Drive, St. Leonard, MD 20685
 - (2) Dorothy & William Duryee, 6598 Long Beach Drive, St. Leonard, MD 20685
 - (3) Anita Yannitsadis, 1626 Bayberry Road, St. Leonard, MD 20685
 - (4) Jimmy Neam, 6587 Long Beach Drive, St. Leonard, MD 20685
 - (5) Ted Dutcher, 6541 Long Beach Drive, St. Leonard, MD 20685

2. The following Staff Exhibits were dated and entered into the record at the September 2008 hearing by Roxana Whitt, Board of Appeals Administrator:
 - Exhibit No. 1 – Staff Report, including photographs taken on site
 - Exhibit No. 2 – Memo dated July 22, 2008 to Roxana Whitt from Mary Beth Cook, Zoning Officer, RE: BOA Application for Richard Wilder & Laura McDaniel (w/attachments)

3. The following correspondence was entered into the record at the September 2008 hearing:
 - Letter dated August 26, 2008 from Kerrie Gallo, Regional Program Chief, Critical Area Commission to Roxana Whitt, Calvert County Department of Planning & Zoning

4. The following Applicant Exhibits were dated and entered into the record at the April 2009 hearing:
 - Exhibit No. 5 – Letter dated February 10, 2009 from Richard Wilder to John Swartz, Planner, Calvert County Planning & Zoning w/ Buffer Management Plan
 - Exhibit No. 6 – Letter dated February 11, 2009 from Richard Wilder to Roxana Whitt, Board of Appeals Planner, Calvert County Planning & Zoning w/ information requested by Board at April hearing including a Property Survey

5. The following Staff Exhibit was dated and entered into the record at the April 2009 hearing by Roxana Whitt, Board of Appeals Administrator:

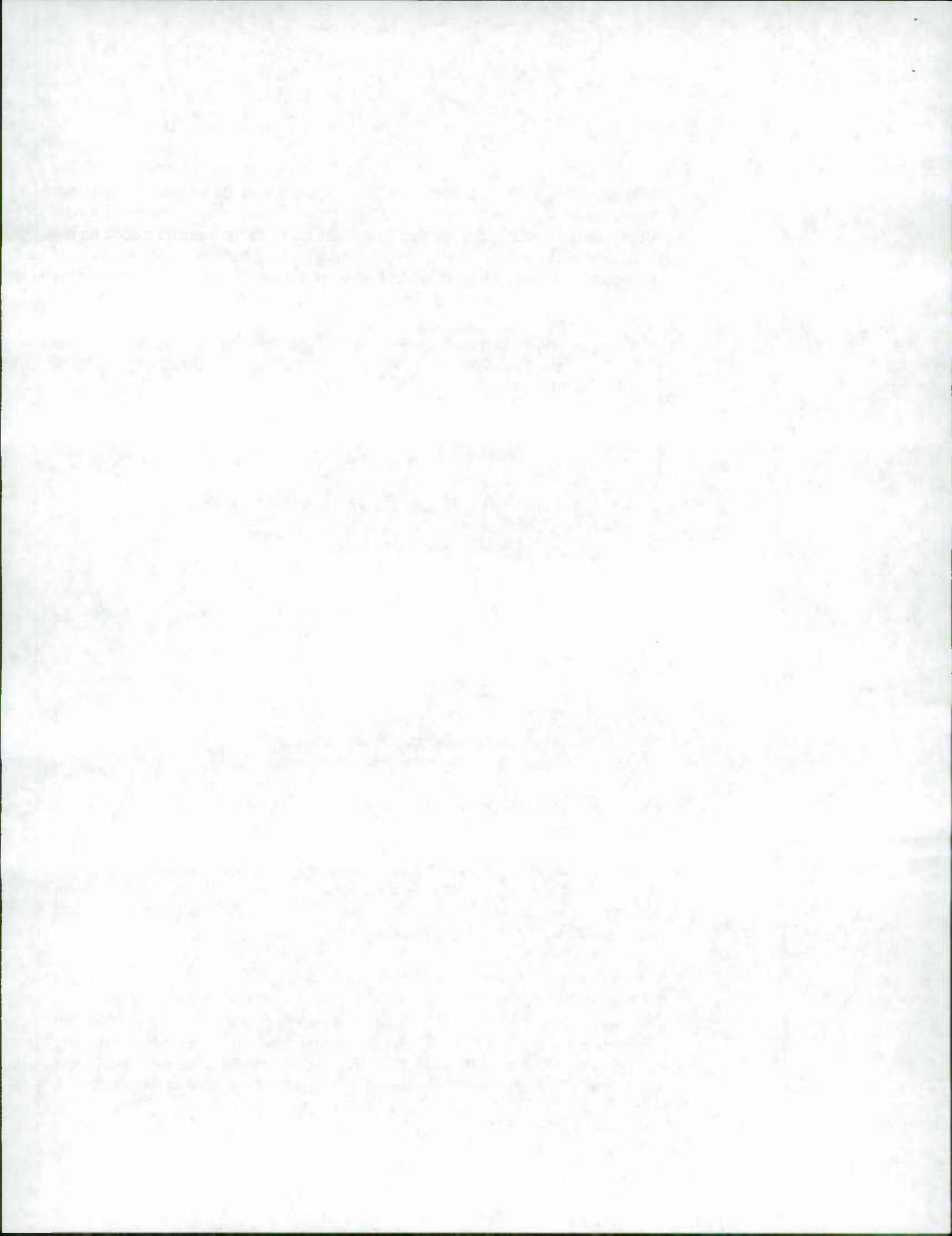


- Exhibit No. 3 – Staff Report, including photographs taken on site
6. The following correspondence was entered into the record at the April 2009 hearing:
- Letter of Support dated March 12, 2009 to the Calvert County Board of Appeals from William A. Duryee TTEE, 6598 Long Beach Drive, St. Leonard, MD 20685
 - Letter dated March 10, 2009 from Roby Hurley, Natural Resources Planner, Critical Area Commission to Roxana Whitt, Calvert County Department of Planning and Zoning

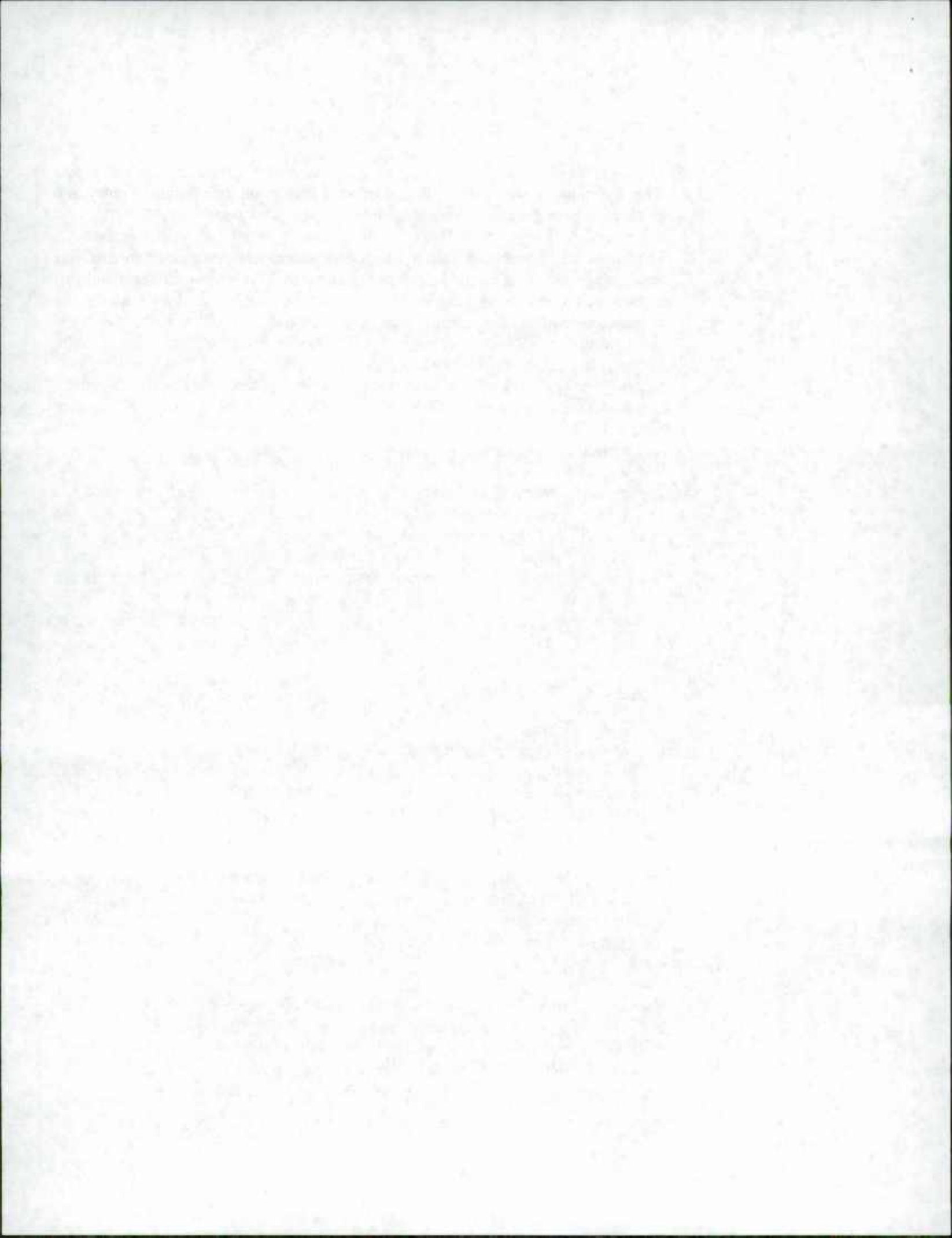
FINDINGS OF FACT

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

1. The property is a residential building lot in the Long Beach subdivision. It consists of .21 acre (9088 s.f.) and is situated in the southwest corner of the intersection of Bayberry Road and Long Beach Drive. The lot is triangular in shape: Two sides have road frontage and the third side is adjacent to the County-owned Flag Ponds Park. The lot is separated from the Chesapeake Bay waterfront by the County park; however, the lot lies in close proximity to the Bay and the southern portion is encumbered by the 100-foot waterfront buffer as measured from mean high tide on the Bay. The buffer extends across the park property and onto the subject property. The terrain of the lot is level and barely above mean high tide. The entire property lies within the 100-year floodplain.
2. The lot is developed with a 2-story house. A 1.5-story cottage is located behind the house. The house was constructed in 1950, prior to zoning in Calvert County. It is situated ~27 feet from the property line along Bayberry Road, ~1 foot from the property line adjacent to Flag Ponds Park, and ~16 feet from the front property line along Long Beach Drive. The cottage is situated ~21 feet from the front property line along Bayberry Road. It actually falls across the original subject property line, with 3 s.f. of the structure on the County park property.
3. At the request of the Board, the applicant provided a property survey that includes the established property lines, house location, cottage and shed locations, setbacks, and the 100' waterfront buffer line. The applicant also provided documentation addressing the acquisition of the cottage located on the subject property. The concrete patio associated with the cottage also extends onto park property. Both the cottage and patio were constructed prior to ownership of the property by the applicant. A shed that is used by the subject property owners is located on the Flag Ponds Park property, as well.



4. In addition to the house and cottage that were present on the property when it was purchased by the current owner in 2006, the applicants have constructed a new porch with a 2nd story deck above on the east side of the house, and a deck on the south side of the house. The house previously had a small porch on the east side and a stoop on the south side. The new structures do not meet the front and side setback requirements and they extend into the 100-foot waterfront buffer. The front setback along Long Beach drive is reduced to 8 feet with the new porch and front portion of the deck. The deck and stairs on the south side of the house actually encroach onto the park property and further extend into the waterfront buffer. The applicant proposes to remove a portion of this deck, with the resulting depth of the structure at 8.5 feet rather than 12 feet. This reduces the proposed side setback to 1 foot. The applicant acknowledges the responsibility to remove any portion of the construction that encroaches onto the park property.
5. A row of shrubbery separates the front of the house from the pavement on Long Beach Drive. The front porch is barely visible from the roadfront. Because this is the last house on the street, no neighboring properties are likely to be affected by the extension of the front porch into the setback. The 2nd story deck would appear to have greater impact on the owners of the properties directly across Long Beach Drive, but they support the applicant's request. The property affected by the reduced setback resulting from the deck construction on the south side of the property is the County-owned Flag Ponds Park.
6. Any addition to the sides or front of the house would require variance approval. Additions could only be made to a small portion of the rear of the house without variance approval. Decks and porches are common features on properties throughout the County and in the Critical Area. The proposed deck and porch are not uncharacteristically large or imposing, and their location atop grass lawn does little to impact the waterfront buffer; they are simply closer to the property lines than allowed. Replacement of the porch and deck within their previous footprints would be allowed without variance approval; however, the existing structures were very small and afforded less than adequate level landing area at the entrances to the house. Conversely, a variance to 1 foot, as requested by the applicants, would not allow the property owners to navigate the dwelling's perimeter without walking on the adjacent property. The existing house has a corner located 1 foot from the same property line, but exacerbating this situation without reason is not warranted.
7. The location of the existing septic system, well, HVAC units, oil tank, and house limit the space available for the proposed structures. Alternate locations for the proposed structures are not available without removing trees and requiring additional variances. Additionally, the structures are meant to serve as level areas for ingress and egress from the house and thus need to be located as proposed.

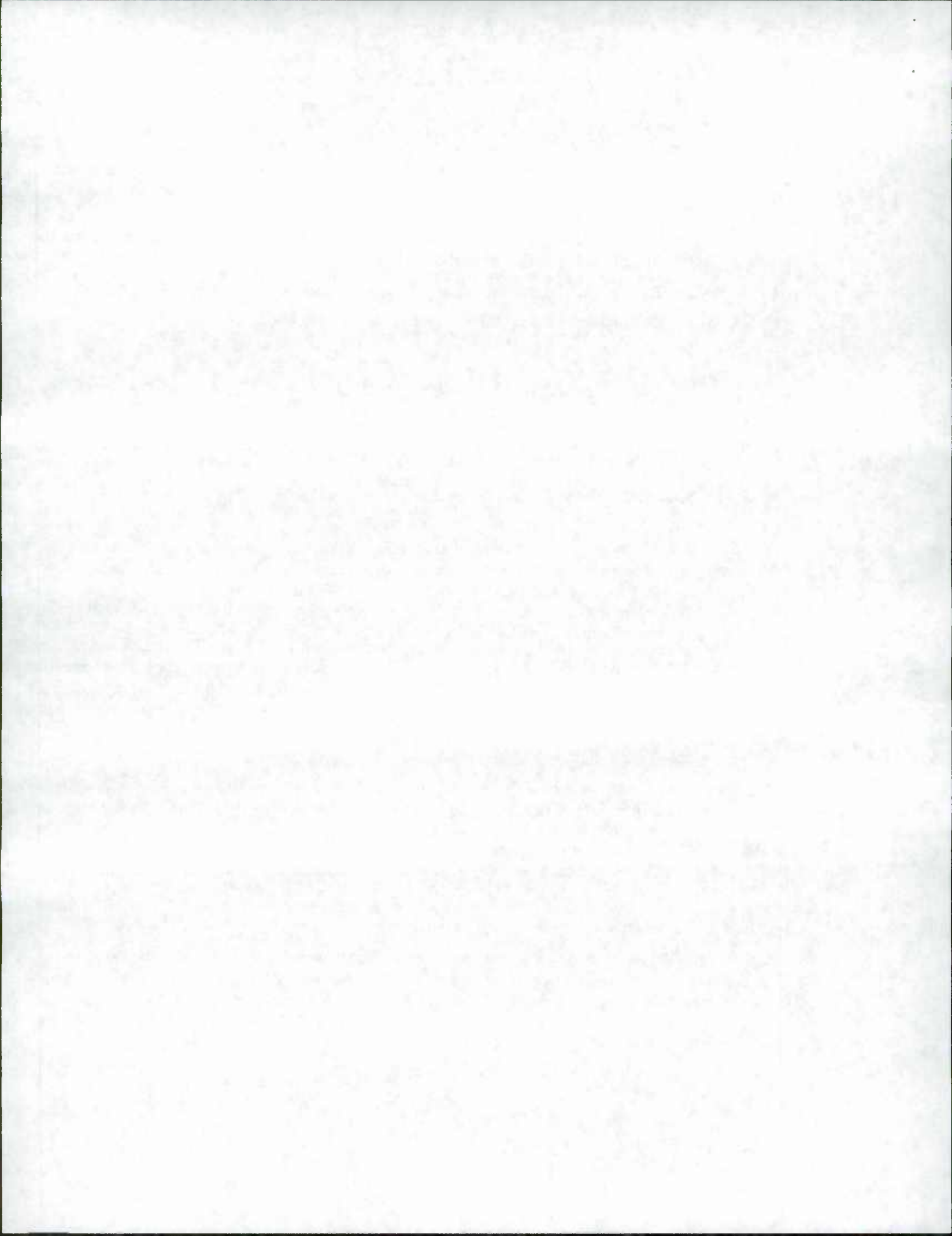


8. The deck and porch allow modestly-sized, level areas for safe ingress and egress from the house's two portals. Denial of adequate, level, safe points of entry to a home would result in unwarranted hardship.
9. The applicants prepared a Buffer Management and Reforestation Plan that was approved by Calvert County's Critical Area Planner. The Plan includes planting 6 shrubs and 2 trees, and further notes that no vegetation was removed for the construction and that drainage patterns were not altered.

CONCLUSIONS

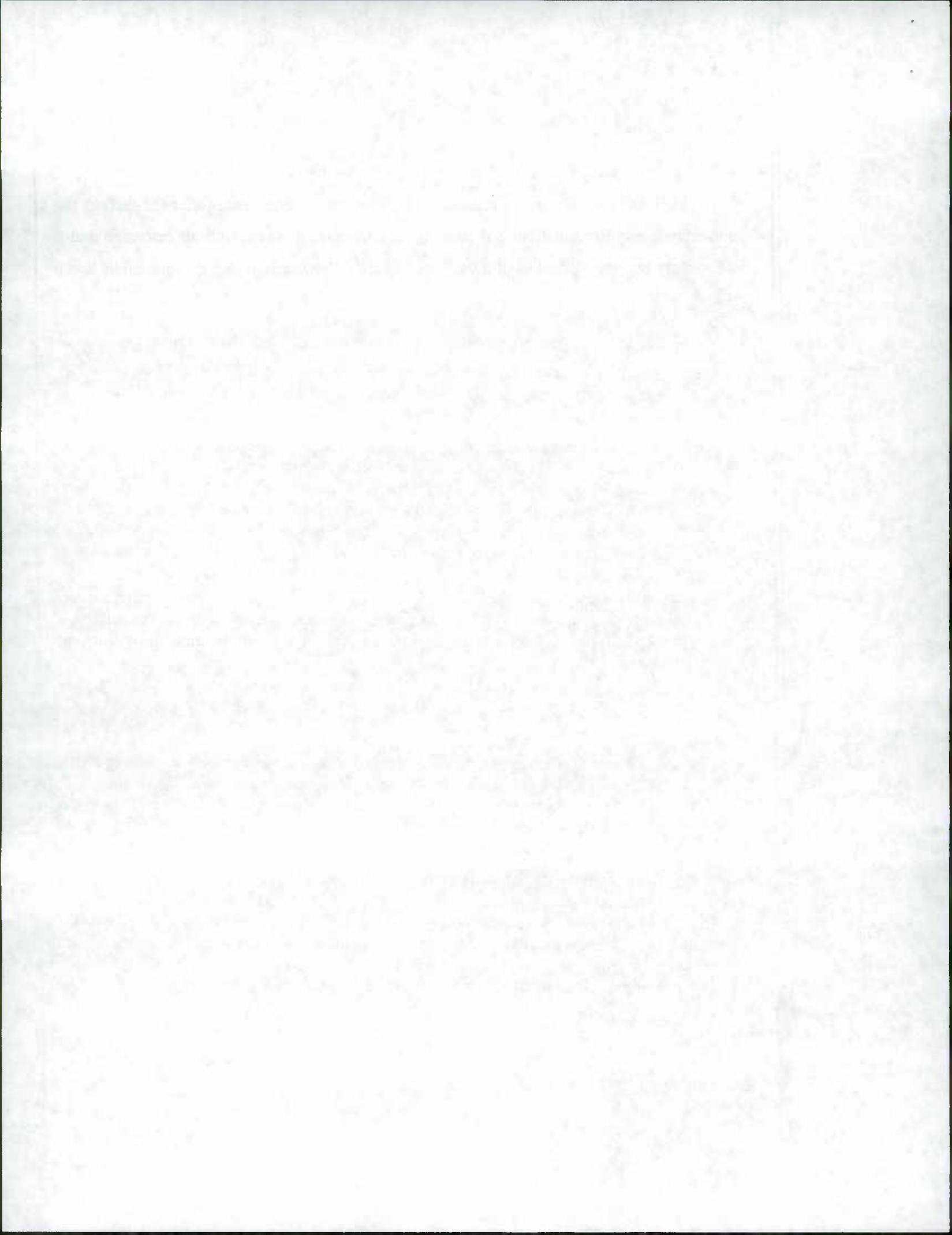
Based on the above findings of fact, the Board came to the following conclusions (in accordance with Section 11-1.01.A of the Calvert County Zoning Ordinance):

1. The Board of Appeals concludes that it has the authority to grant or deny the variances requested.
2. The Board concludes that peculiar and unusual practical difficulties exist on the subject parcel and such difficulties are created by the small size of the property, its triangular shape, the requirement for two front setbacks, and the imposition of a 100' waterfront buffer from the Chesapeake Bay, all of which limit the space available within the Building Restriction Lines for any construction.
3. The Board concludes that:
 - a. The variances will not result in injury to the public interest as the proposed structures are relatively small in size, are, in part, replacements of existing landings, and will be located adjacent to undeveloped land rather than other residential properties.
 - b. Granting the variances will not adversely affect the implementation of the Comprehensive Plan as the applicants are not proposing to alter the residential use of the property. Decks and porches are commonly enjoyed amenities on residences throughout Calvert County.
 - c. The variances, as modified by this order, are the minimum adjustment necessary to afford relief from the regulations as the structures are relatively small and are attached to a house that is already in place.
 - d. The variance requests are ultimately not based upon circumstances that are the result of actions by the applicant. This is an-after-the-fact variance; however, the two front setback requirements, the location of the existing house which has been in place for many years, and the small size of the property limit the availability for placement of the structures without variance approval.



Based on the above Findings of Fact, and 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 the subject variance 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 required variance standards as:
 - a. Special conditions or circumstances exist that are peculiar to the land and structure and a literal enforcement of provisions within the County's Critical Area Program would result in unwarranted hardship.
 - b. 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, specifically the right to have a level entry deck attached to an existing house. Decks are a commonly enjoyed amenity on houses throughout Calvert County and the applicant could not construct them on this small, oddly shaped property without variance relief.
 - c. The granting of the variance will not 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 and the State's critical area. The deck is of modest size and is typical of such structures enjoyed by persons with properties located in the Critical Area and throughout Calvert County. Further, the reduction in the size of the deck approved herein also reduces the amount of buffer that is already minimally impacted by its construction.
 - d. The variance request is not based upon conditions or circumstances that are the result of actions by the applicant. This is an-after-the-fact variance; however, the two front setback requirements, the location of the existing house which has been in place for many years, and the small size of the property limit the availability for placement of the structure without impacting the buffer.
 - e. Granting the variance will not adversely affect water quality or adversely impact fish, wildlife, and plant habitat within the County's Critical Area, and granting the variances will be in harmony with the general spirit and intent of the Critical Area law. The uncovered deck is pervious, the deck is located over grass lawn, no cutting of woody vegetation was associated with its construction, and a Buffer Management and Reforestation Plan has been approved by Calvert County's Critical Area Planner.



ORDER

It is hereby ordered, by a unanimous decision that the variance (after-the-fact) in the front setback requirement from 25' to 8' for a replacement porch with an extension and a second story uncovered deck; and a variance in the 100' waterfront buffer requirement and a variance in the side setback requirement for a replacement deck with an extension be **GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

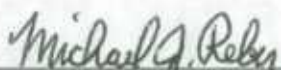
1. The **side setback shall be reduced to no less than 3 feet** rather than the 1-foot setback requested. The portion of the deck that extends closer than 3 feet from the side property line shall be removed **within 60 days** of the signed date of this order.
2. All permits and approvals required by 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.
3. 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 the Zoning 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: April 16 2008
Pamela P. Helie, Clerk



Michael J. Reber, Chairman

RECEIVED

APR 17 2009

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

483-08



**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

Richard Wilder & Laura McDaniel
6599 Long Beach Drive
St. Leonard, MD 20685

Subject: Board of Appeals Case No. 08-3546 – Property Located at 6599 Long Beach Drive,
St. Leonard, Maryland 20685

Dear Applicants:

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 front setback requirement from 25' to 7' for a replacement porch with an extension and a second story uncovered deck; and a variance in the 100' waterfront buffer requirement and a variance in the side setback requirement from 6' to 1' for a replacement deck with an extension. As you know, the Board deferred action to allow you time to have a property survey completed that includes the established property lines, the house location, the cottage and shed locations, the setbacks, and the 100' waterfront buffer line. The Board also requested you provide documentation regarding the acquisition of the cottage located on the subject property.

Prior to rescheduling the hearing, the Board has also asked the Calvert County Zoning Officer to verify that you have met mitigation requirements for the construction that is the subject of your request.

Once the subject information is received and reviewed, your case 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 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: Amber Widmayer, CBCAC
- Kerrie Gallo, CBCAC
- John & Patricia Jensen
- Dorothy & William Duryee
- Mary Beth Cook, Calvert County Zoning Officer
- Anastasis Yannitsadis
- Jimmy Neam
- Ted Dutcher

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

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

1000

08-3546

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

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. 9088 Parcel 1,2,3 Block 13-A Section A Lot 1+2
 Tax ID No. 01-045067 Property Zoning Classification _____
 Property Address 6599 Long Beach Drive, St. Leonard MD 20685
 Has subject property ever been before the Board of Appeals? _____ (yes) X (no)
 If yes, give Case No. and date: _____

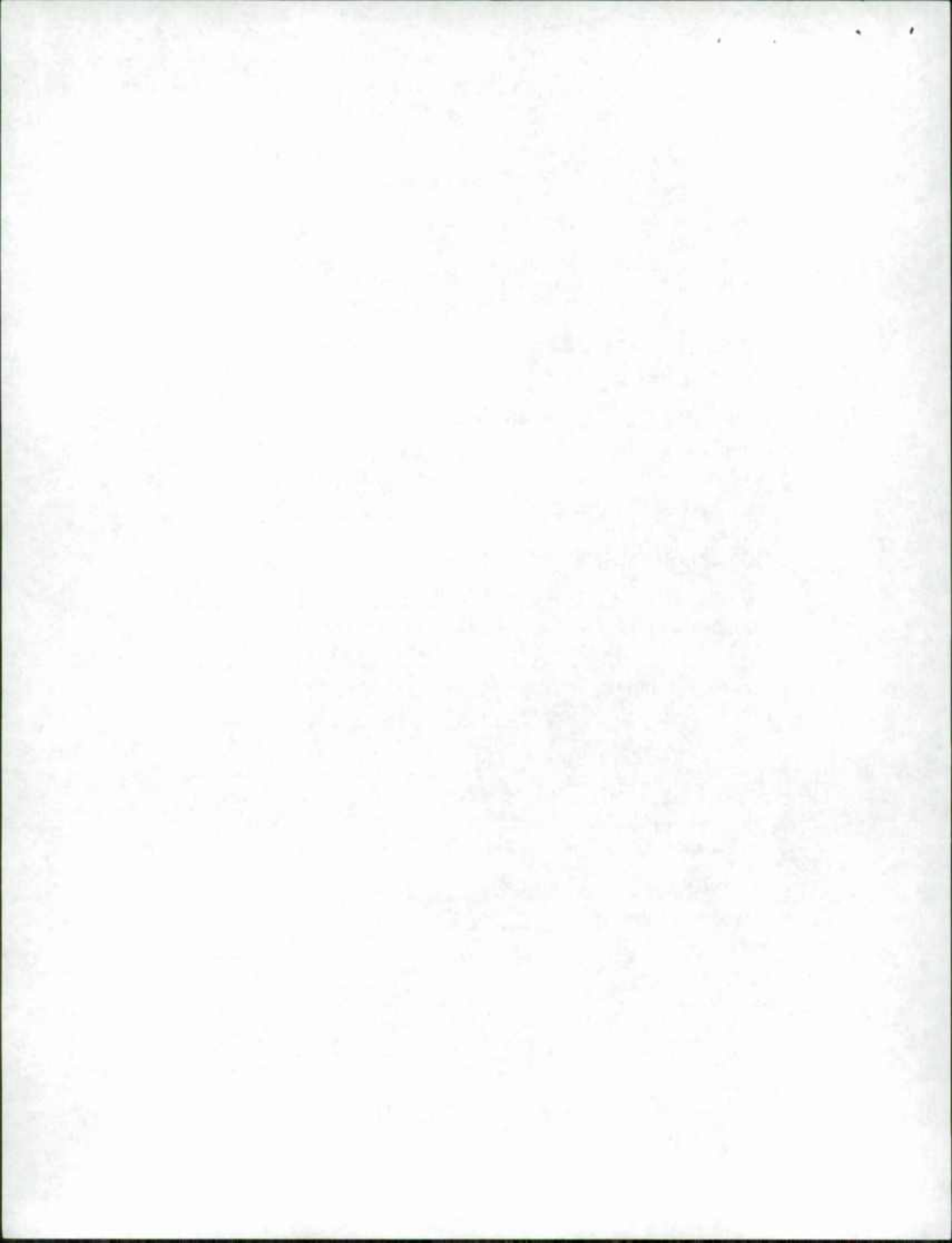
PROPERTY OWNER(S):

PRINTED NAME(s): Richard Wilder + Laura McDaniel
 MAILING ADDRESS: 6599 Long Beach Drive
St. Leonard MD 20685
 TELEPHONE: HOME: 484-431-7011 WORK 610-931-2328 CELL 484-431-7011
 EMAIL ADDRESS LMRW2004@yahoo.com
 _____ 7/11/08 _____ Laura McDaniel 7/11/08
 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



PURPOSE OF APPEAL

REQUEST IS FOR: (check all items that apply)

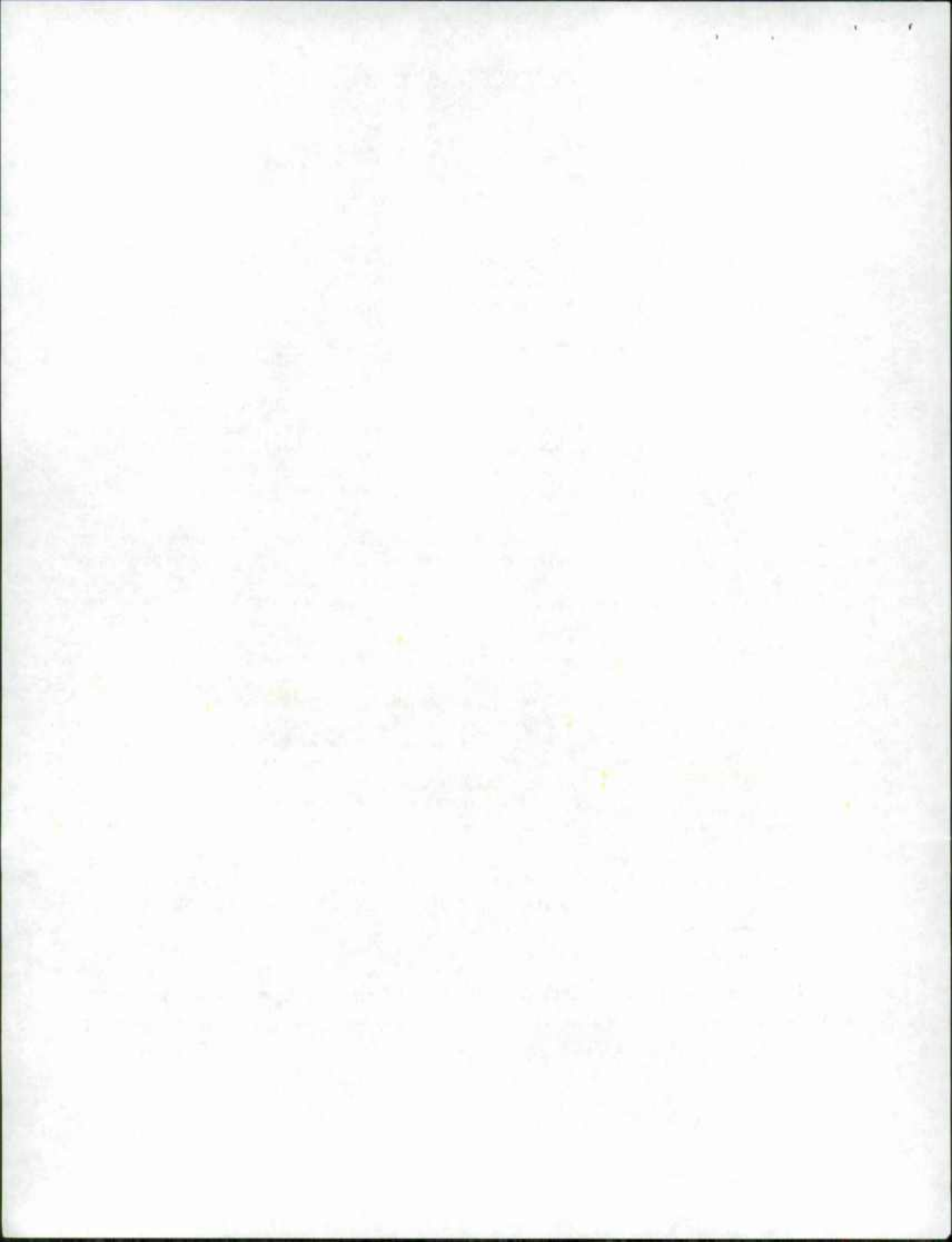
- Variance Multiple Variances
- Revision to a Previously Approved Variance
- Special Exception
- To Extend Time Limit on a Special Exception
- Revision/Modification of a Special Exception
- Expansion or Revision of a Non-Conforming Use
- Reconsideration of Previous Decision by Board
- Re-Schedule a Case 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.

We are seeking approval on three variances, after the fact, associated with a deck and porch project at our home. Our property is triangle shaped and is on the corner lot of Long Beach Drive and Bayberry (one side of the property touches Long Beach and the other Bayberry). We are at the end of Long Beach before you touch the Bay and on the North side of Flag Pond. We have no adjoining residential property owners. Given the shape of the property, we were limited with options when we replaced our front door porch. We had to replace the old one that was rotting away, but are guilty of acting first without a permit. We are seeking a 1st variance from 25' to 7' in front of our house to extend the replacement porch (with second story uncovered deck). The house and old porch never had a full 25' set back when constructed over half a century ago and we are asking to extend an additional 3'. The larger porch only adds 80 sf of impervious area, or less than 1% additional impervious area to the entire property (bringing the property total to 20.4%). We are also seeking a 2nd variance, from 6' to 1', for a larger side deck. Again we were limited in our options due to the property configuration, house placement, septic location and desire to not remove any tree cover. There are no neighbors on this side as we only face water. The new deck is not impervious, allowing water to run through and under it. Finally, we are seeking a 3rd variance from 100' to 70' for this side deck. Portions of the existing structure and old deck have been in the buffer area for many years and we are asking to extend an additional 9' from the edge of the old deck (not 30'). There are no grading, sloping, run off, septic or tree cover changes associated with the project and the property remains a 83.8% wooded area.

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

Route 4/2 South to Calvert Beach Road. Left on Calvert Beach, through the traffic circle and Left on Long Beach Road. Follow all the way to the end (it becomes Long Beach Drive along the way). We are the last house on the Right #6399.

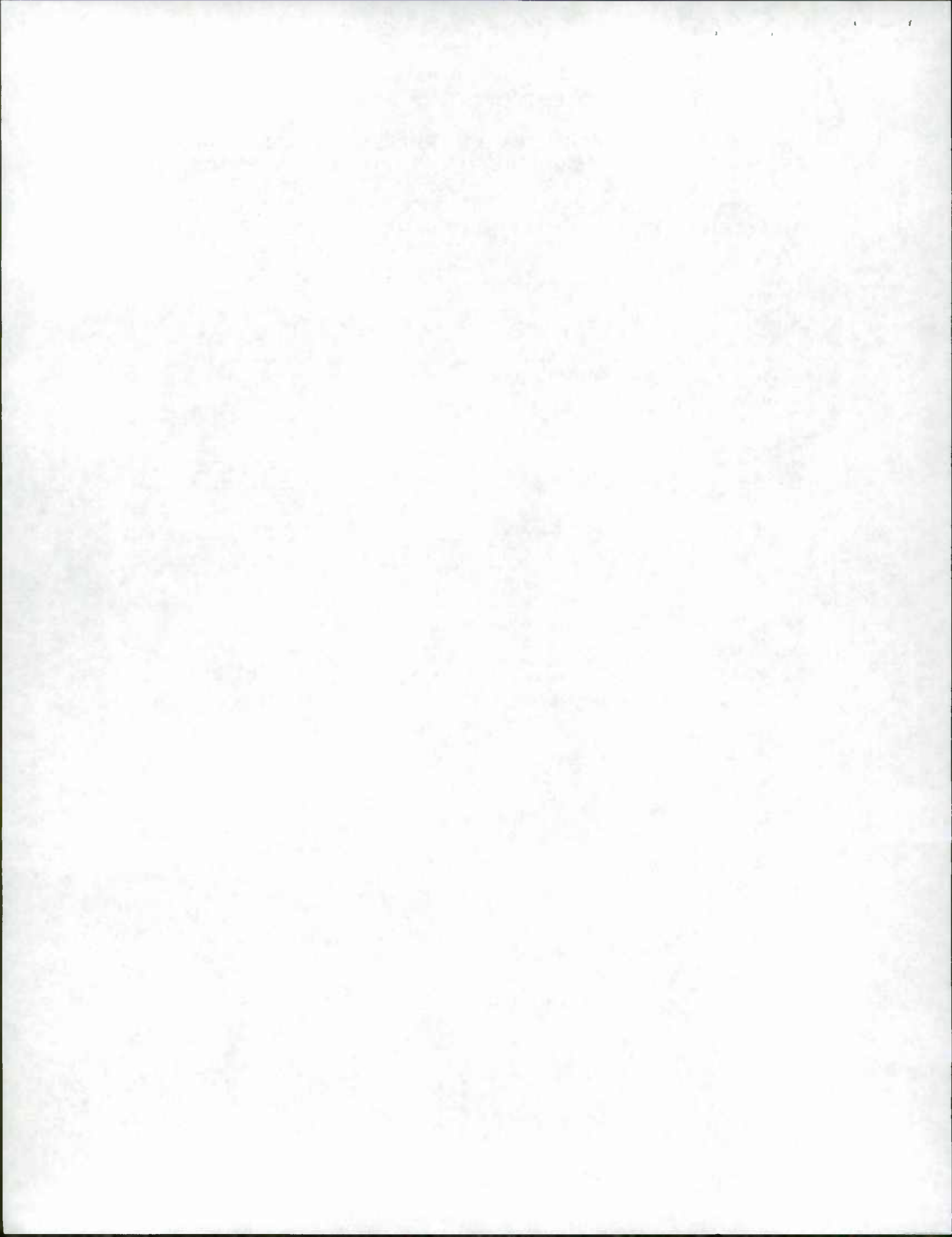


AFFECTED PROPERTY OWNERS LIST

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 Duryee
Address:	6598 Long Beach Drive, St. Leonard MD 20685
Name:	John and Patricia Jensen
Address:	6594 Long Beach Drive, St. Leonard MD 20685
Name:	Paula and Charles T. Linthicum
Address:	6595 Long Beach Drive, St. Leonard MD 20685
Name:	Anastasia Yannitsabis
Address:	1626 Bayberry, St. Leonard MD 20685

Note: The property is a corner triangle with two sides framed by Long Beach Drive and Bayberry. There are no residential property owners adjoining to the property. All are across the street. The back part of the property abuts a jetty and is on the north end of Flag Ponds Nature Park.



Richard Wilder & Laura McDaniel
6599 Long Beach Drive
St. Leonard, MD 20685
484-431-7011

July 11, 2008

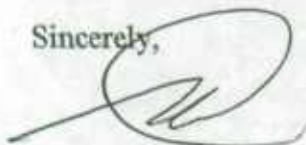
To: Calvert County Board of Appeals:

Attached please find an Application for Appeal for work being done at our home. It is to request three variances that we wish to be granted pertaining to a deck and a porch. We have completed the information to the best of our ability and hope that you find the request reasonable in nature. Given the odd configuration of the lot and the placement of the existing structure, we tried to find the least intrusive design and size. We respect the location of our property and the proximity to the bay. As such, the final design fits the spirit of Long Beach, increases the impervious space by less than 1% and the property still remains over 83% wooded.

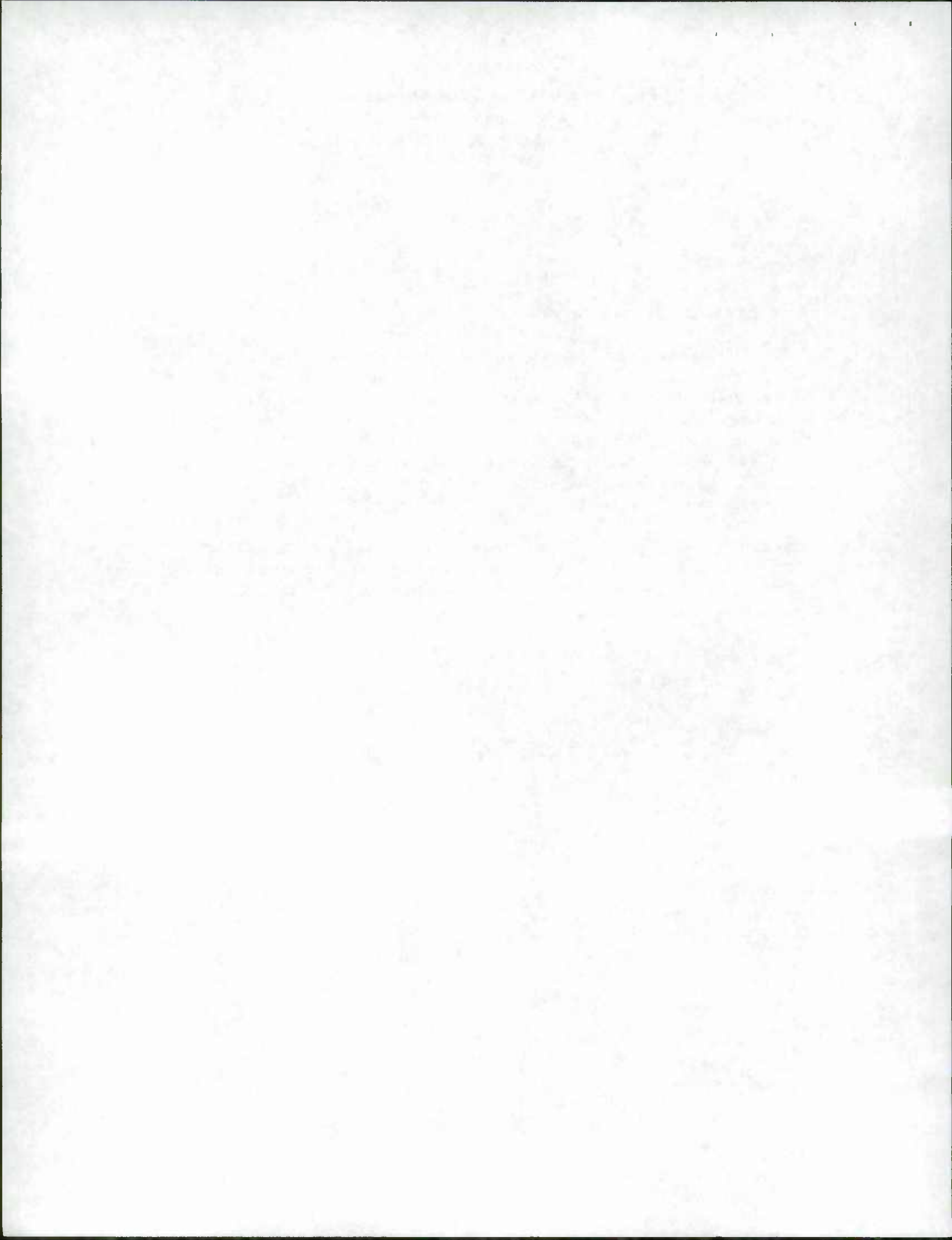
Please contact me immediately if there are any questions, suggestions or additional information that would aid in the evaluation of the request. We are truly apologetic that we did not request a permit before we started and hope to meet or exceed any requirements of the Board.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Richard Wilder', written over a horizontal line.

Richard Wilder



Calvert County Critical Area Form

If your property is located within the Critical area (land within 1,000 feet of the mean high water line of the Chesapeake Bay, Patuxent River, or their tributaries, or the landward boundary of tidal wetlands or heads of tide), please complete the following information. Supplying this information is required and will greatly expedite the processing time of your permit.

Date: 7/6/08 Tax ID #: 01-045067

Tax Map #	Parcel #	Block #	Lot #	Section
32-A	1, 2, 3	13-A	1+2	A

Project Name/Location:
 Address: 6599 Long Beach Drive, St Leonard MD 20685

Applicant's Information:

Last Name: <u>Wilder</u>	First Name: <u>Richard</u>
Phone: <u>484-431-7011</u>	Email: <u>LMRW2004@1/ahoo.com</u>
Address: <u>6599 Long Beach Drive, St. Leonard MD 20685</u>	

Agent's Information:

Last Name:	First Name:
Phone:	Email:
Address:	

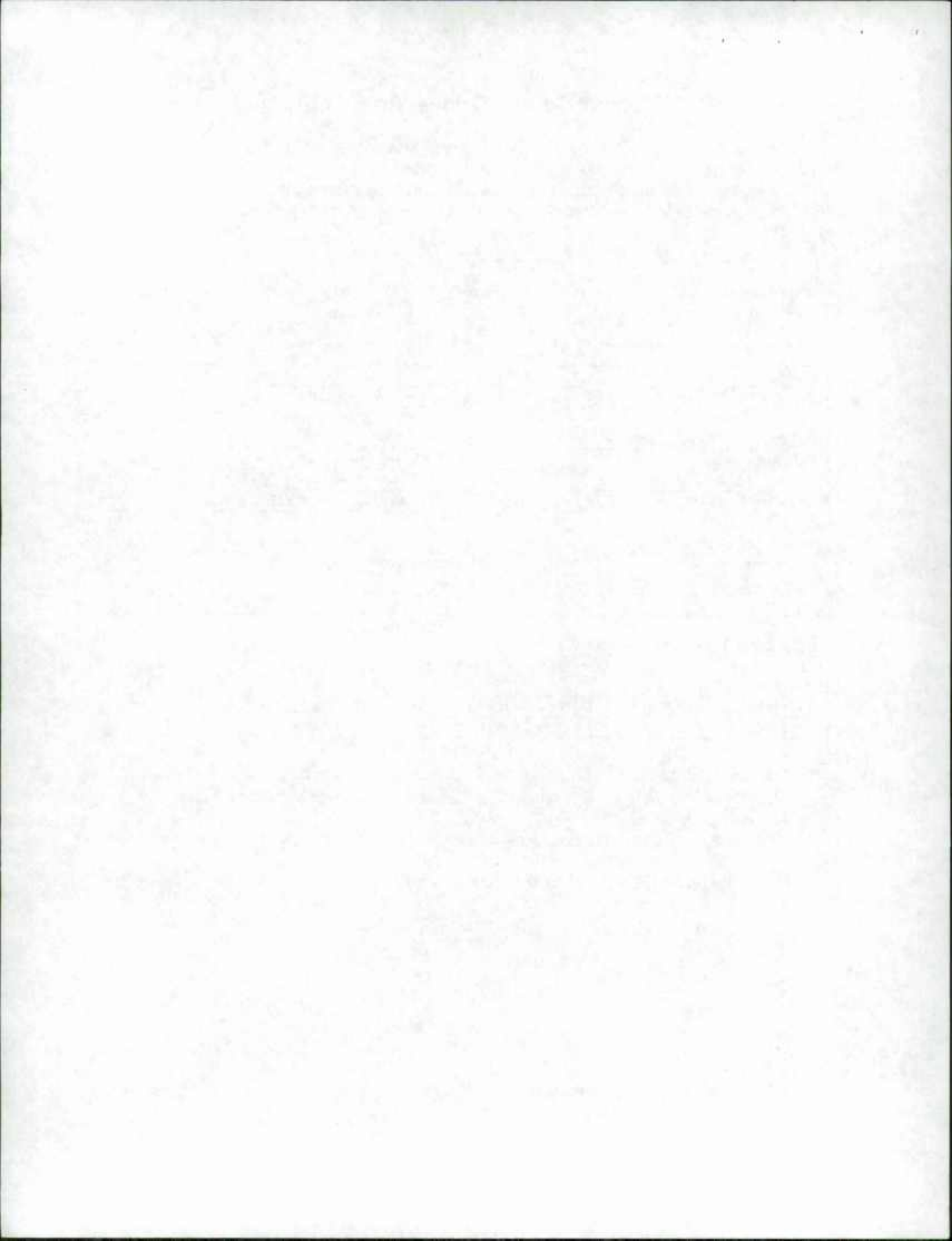
Application Type (check all that apply):

Building Permit	<input checked="" type="checkbox"/>	Grading Exemption	<input type="checkbox"/>	Variance	<input checked="" type="checkbox"/>
Buffer Cutting Permit	<input type="checkbox"/>	Grading Permit	<input type="checkbox"/>	Other	<input type="checkbox"/>
Buffer Management Plan	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>	Specify:	
Clearing Outside of Buffer	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>		

Describe Proposed Project:

1. Replace old front covered porch with a larger covered porch and a second level uncovered deck.
2. Replace old uncovered back deck with larger deck.

Note: Variances are required for the above projects.



Site Information (Check box if applicable)

Intrafamily Transfer Lot (Minor Subdivisions Only)	<input type="checkbox"/>	Commercial	<input type="checkbox"/>	Residential - new build	<input type="checkbox"/>
Lot Created Prior to 12-13-88	<input checked="" type="checkbox"/>	Industrial	<input type="checkbox"/>	Residential - Addition, Accessory Structure, etc	<input checked="" type="checkbox"/>
Growth Allocation	<input type="checkbox"/>	Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Buffer Exemption Area	<input type="checkbox"/>	Mixed Use	<input type="checkbox"/>	Water-Dependant Facility	<input type="checkbox"/>
Variance Required	<input checked="" type="checkbox"/>	Recreational	<input type="checkbox"/>	Other	<input type="checkbox"/>

Critical Area Zoning District:	Acres	or Square Feet
Critical Area Overlay: - IDA		+/- 9130
- LDA		
- RCA		
Total Area:		9130

Forest and Impervious Surface Coverage:	In Buffer (sq ft)	Outside Buffer (sq ft)
Existing Forest/Woodland/Trees	3473	3785
Created Forest/Woodland/Trees	0	0
Removed Forest/Woodland/Trees	0	0
Total Forest/Woodland/Trees to Remain	3473	3785
Total Forest/Woodland/Trees to be Planted	0	0
Existing Impervious Surface	327	1462
New Impervious Surface	30	50
Removed Impervious Surface	0	0
Total Impervious Surface	357	1512

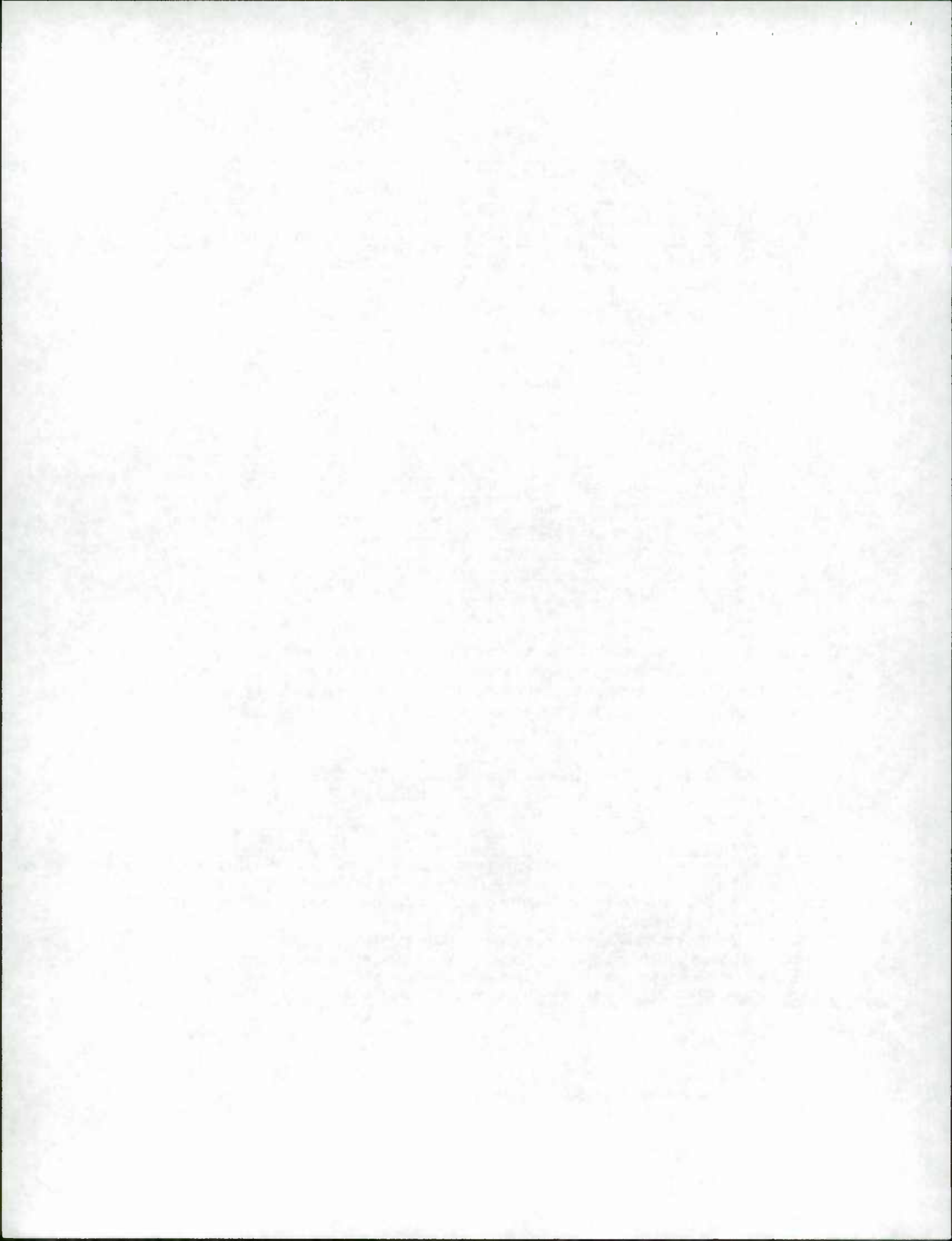
Total impervious is 20.4% for entire property

Trees and/or shrubs must cover or be established to cover 15% of the lot or parcel area. Impervious Surface limits are as given in Section 8-1.04.G.1.f of the Zoning Ordinance including Table 8-1.01 repeated below. Impervious areas are surfaces through which water cannot penetrate such as houses, garages, decks, sheds, pools, driveways, and walkways.

Lot/Parcel Size (in square feet)	Impervious Surface Limit
0 - 8,000	25% of parcel plus 500 square feet*
8,001 - 21,780	31.25% of parcel*
21,781 - 36,300	5,445 square feet*
Greater than or equal to 36,301	15% of parcel

*(i) the property owner shall perform mitigation as per Section 8-1.04.G.3 for the square feet of impervious surface added above 15 percent of the parcel or shall use Best Management Practices approved by the Department of Public Works to offset potential adverse water quality impacts from the new impervious surfaces, or

*(ii) if paragraph (i) is not feasible, the property owner may pay a fee-in-lieu of performing the on-site mitigation equal to \$0.80 multiplied by the area in square feet of the new Impervious surface that exceeds 15 percent of the parcel. All fees-in-lieu collected under this Section will be placed in the Critical Area fees-in-lieu fund to support projects that improve water quality.



If the property has an IDA designation, then Section 8-1.03 of the Zoning Ordinance needs to be addressed. The 10% reduction in pollution requirements must be met.

Attach a plat showing structures, water dependent facilities (piers, revetments, etc.), impervious surfaces, waterways, streams, wetlands, forest protection areas and areas to be planted. In general, clearing or cutting of existing vegetation (not lawns) requires mitigation.

Variations are required for any proposed activity that would not be allowed by the Zoning Ordinance such as building non-water-dependent structures in the 100 ft or extended Critical Area Buffer, Building on slope > 15%, or exceeding the clearing or impervious surface limits.

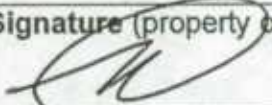
Addition information required for water dependent structures is given below.

The scaled drawings/plats submitted with the building permit application must include the following:

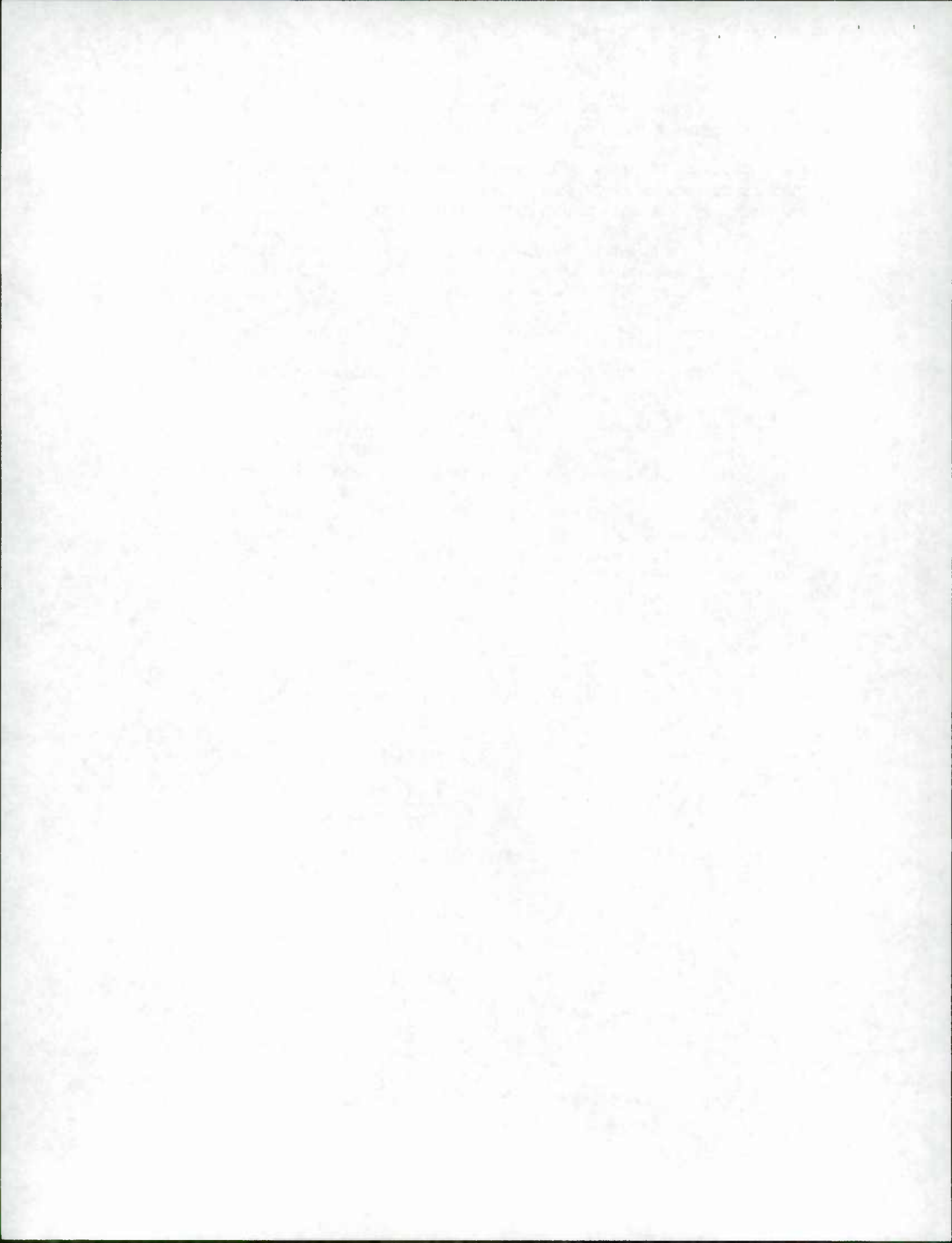
- A. Existing and proposed water dependent facilities,
- B. Lateral lines and adjacent property shorelines (must stay 25ft from each lateral line) and
- C. Harbor line if applicable (See Harbor Line Map in Office of Planning and Zoning).

Proposed activities below mean high water, in tidal or nontidal wetlands, or within 25' of a wetland require review and approval from Maryland Department of the Environment, the Army Corp of Engineers and Calvert County. A copy of all federal and state permits or letters of exemption must accompany permit applications to the County. For all proposed water dependent structures, a building permit is required. If the activity requires ground disturbance in the 100 ft. buffer, a grading permit is required.

I hereby certify that I have the authority to make this application and the information given is correct.

Date: 7/11/08	Signature (property owner or authorized agent): 
------------------	---

See the Calvert County Zoning Ordinance (Article 8-1) for additional information and requirements.



**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 Richard Wilder
 Property Address 6599 Long Beach Dr St Leonard 20685
 Property Location: Tax Map _____ Parcel _____ Lot 142 Section A Plat _____
 Project Description Decks
 Zoning LDA Permit No.(s) 79121

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

Specific Board of Appeals Action Required	Zoning Ordinance Section
Variance to front BRL from 25' to 7'	5-1.09 A.1. Table 5-4
Variance to side BRL from 6' to 1'	5-1.09.A.1 Table 5-4
Variance for a structure in the 100' Critical Area Buffer \approx 30'	8-1.08.D.3.c

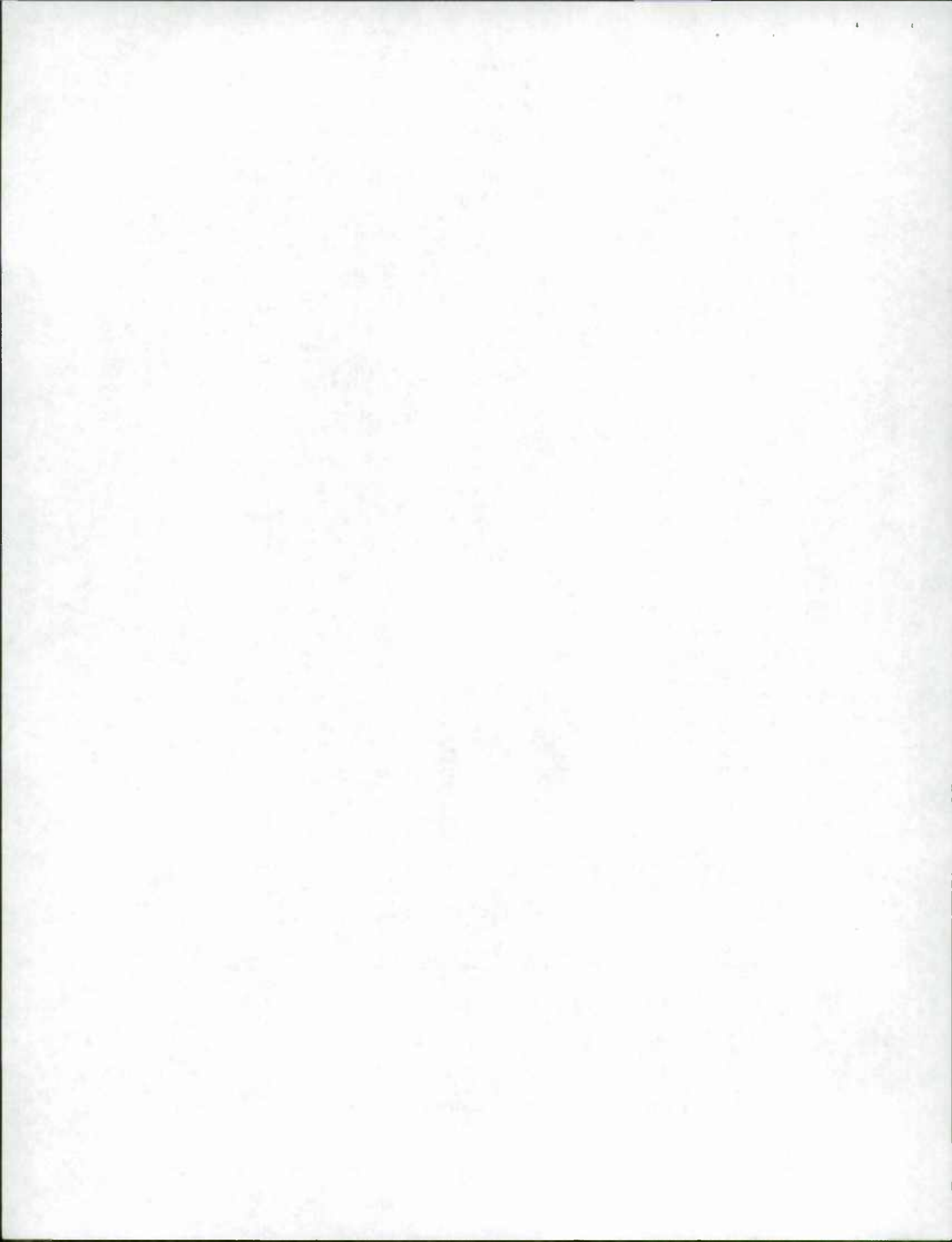
This project was reviewed by the undersigned staff member:

John Swartz 7/21/08
 Name Date

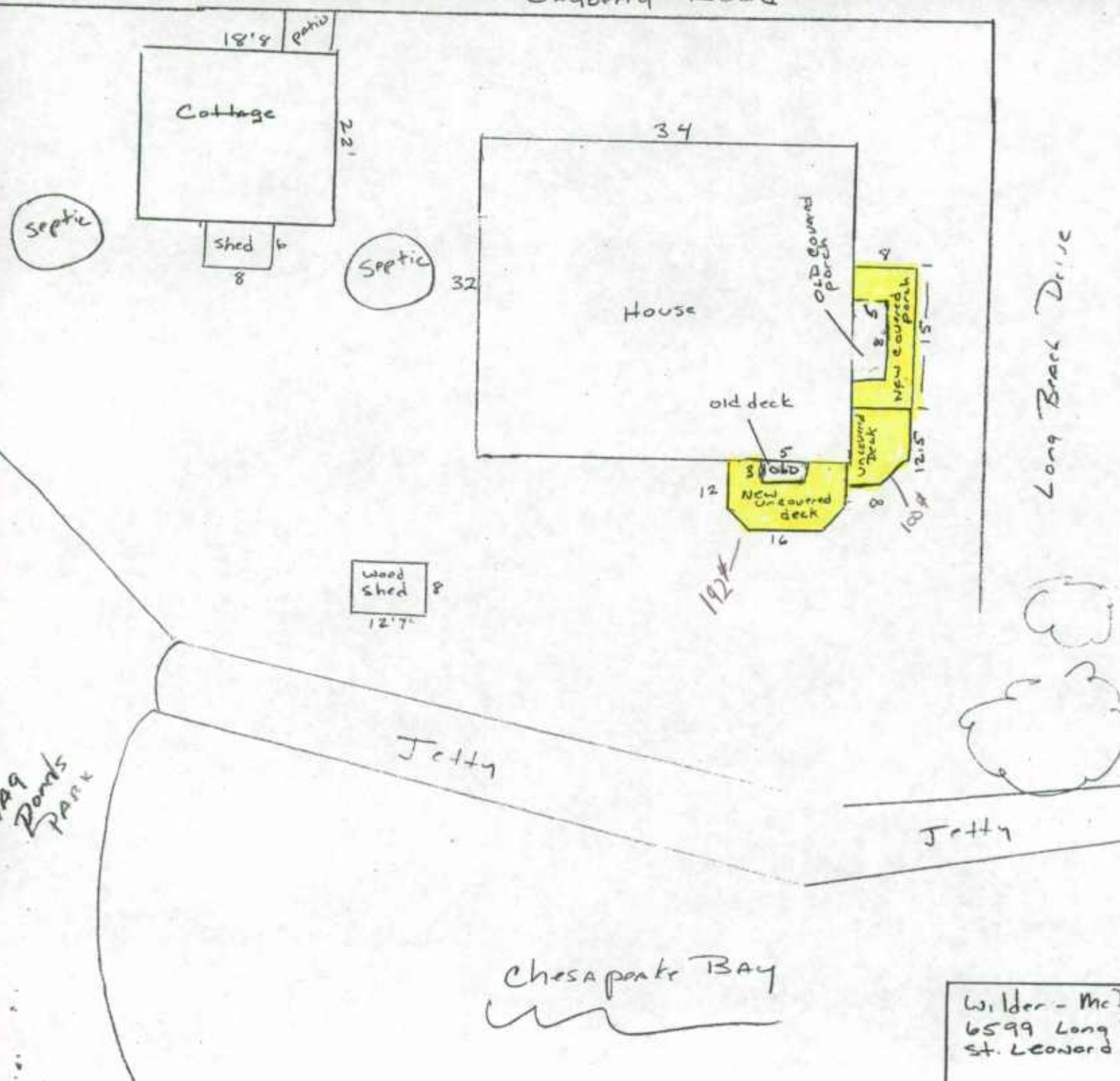
Project Referral Approved by:

 Zoning Officer/Planning Commission Administrator Date

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



Dayberry Road



Total lot size = 9130±
 Lot is 83.8% wooded
 No trees to be removed
 Proposed Area of disturbance = 357 sf
 No slopes disturbed

Existing
 Impervious Areas
 House = 1088 sf
 Cottage = 412 sf
 Shed = 48 sf
 Wood shed = 101 sf
 Old Front porch = 40 sf
 Patio, etc. = 100 sf
 Total 1789 sf

Proposed
 Addition 80 sf

Total impervious 1869 sf
 or 20.4%

Long Branch Drive



Chesapeake Bay

Wilder - McDowell
 6599 Long Branch Drive
 St. Leonard, MD 20685

11

CRITICAL AREA FORM

June 24, 2005

If your property is located within the Critical Area (land within 1,000 feet of the mean high water line of the Chesapeake Bay or Patuxent River, its tributaries, or the landward boundary of tidal wetlands), please complete the following information. Supplying this information will greatly expedite the processing time of your permit.

Owners Name: Richard Wilder and Laura McDaniel Address: 6599 Long Beach Drive St. Leonard, MD 20685

Phone: 484-431-7011 Tax ID 01-045067 Tax Map _____ Parcel 1,2,3 Lot 1+2 Block 13-A Section A

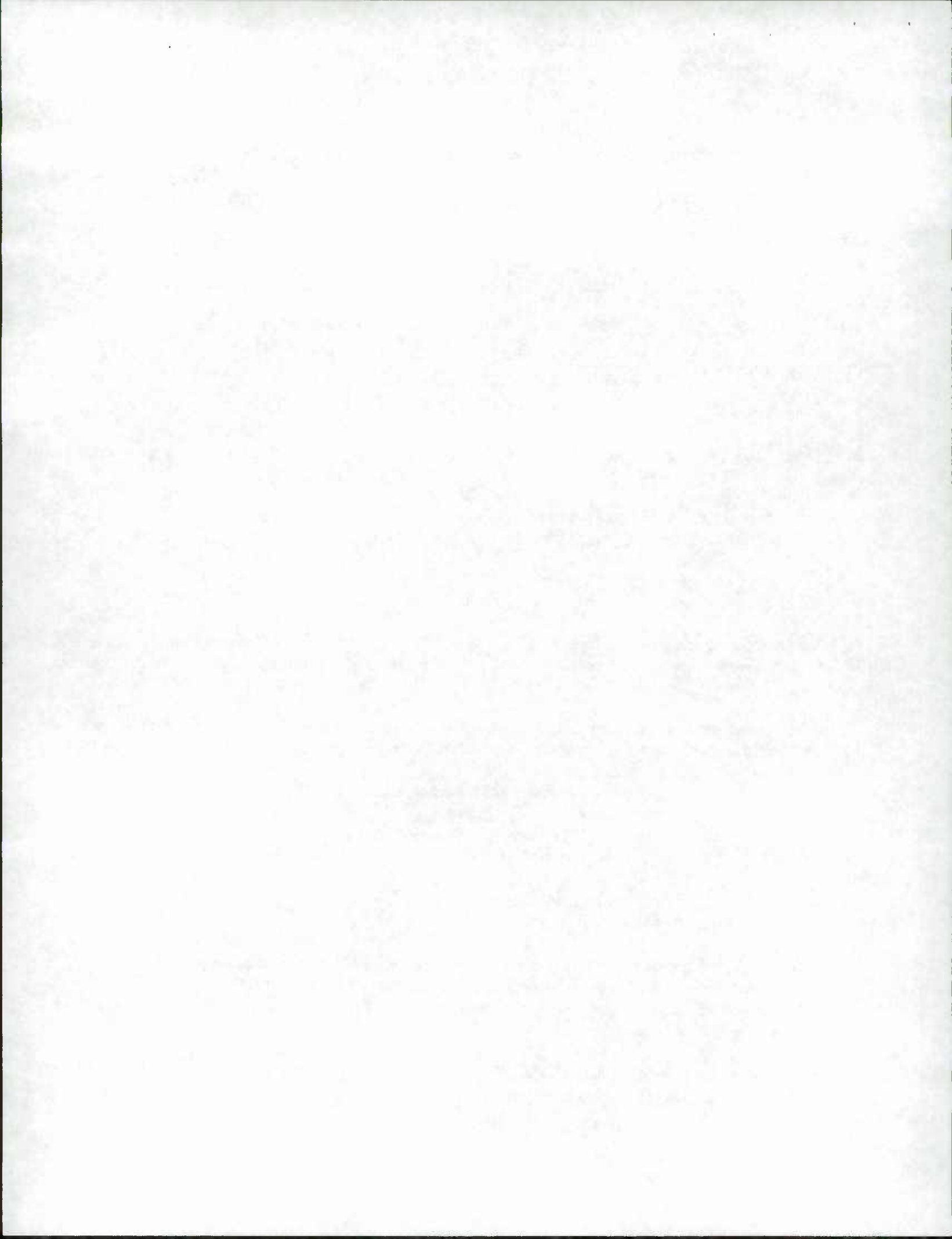
IDA ___ LDA-3 ___ LDA ___ RCA ___ Total square footage of property: ± 9,130 sf

- Purpose of the permit: Replace old front porch with new porch - larger size
Replace old back deck with larger deck
- Total square footage of disturbance for the project: 357 sf
- Will any of the proposed disturbance occur within the 100 ft. buffer adjacent to a tidal waterway or wetland?
Yes ___ No Not sure as house may be already.
- Do trees cover at least 15% of the property? Yes ___ No X
(Calculate: size of property 9,130± x 15% = 1369.5 / 400 = 3.4 = approximate number of 6' tall and 1 1/2" caliper or larger trees required to meet the 15% tree cover requirement)
Have 19 trees which = 83.8% wooded area
- What is the square footage of the area of tree cover to be removed? 0 sq. ft.
- Is the proposed building site on slopes of 15% or greater? Yes ___ No X (If yes, this information should be shown on the plat. Any development on 15% or greater slopes will require a variance from the Board of Appeals.)
- Identify on the plat any waterways and wetlands which may be adjacent to or on the property. (This includes both tidal and non-tidal rivers, bays, creeks, streams, marshlands, swamps, bogs, etc.)
- Identify on the plat and give the square footage of the impervious areas on the property. (Impervious areas are surfaces through which water cannot seep. For example, house, garage, shed, pool, or driveways which are constructed with concrete, asphalt, or CR 6 stone, etc. Wooden decks are not included unless there is no spacing between the boards, they are covered, enclosed, or have an impervious surface underneath.)

Total square footage of existing impervious area = 1,789
 Square footage of proposed impervious area = 80 additional sf

Note: Lots under 1/2 acre may not have impervious area in excess of 25% of total lot area.
 Lots over 1/2 acre may not have impervious area in excess of 15% of total lot area.
 If the recorded plat for this property indicates the impervious area limit to be different than indicated above, we will be required to use that amount.

9. In addition, if the property is in the IDA designation, then Section 8-1.02.F.2 "Stormwater" of the Calvert County Zoning Ordinance will need to be addressed.



ADDITIONAL INFORMATION REQUIRED FOR WATER DEPENDENT PROJECTS:

10. What type of water dependent project are you proposing?

- A. Private Pier yes
- B. Community Pier yes
- C. Revetment yes
- D. Marsh Creation yes
- E. Other

NO

How many feet of shoreline exist on site? 0

11. The drawings/plats to be submitted with the building permit application must include the following:

- A. Show both existing and proposed water dependent facilities on the plat.
- B. Show the lateral lines and adjacent properties shorelines - must stay 25 feet from each lateral line
- C. Show harbor line if applicable (See Harbor Line map in the office of Planning and Zoning.)

12. A County Building Permit Application must be submitted with the following additional information if proposing a water dependent project which meets the requirements of the State of Maryland Pier and Piling Notification Form.

- A. A copy of the completed State of Maryland Pier and Piling Notification Form
- B. A copy of the approval letter from the State
- C. A completed County grading permit or grading exemption form if applicable

13. A County Building Permit Application must be submitted with the following additional information if proposing a water dependent project which does not meet requirements in #12 above.

- A. Copy of State approval(s)
- B. Copy of Federal approval letter(s)
- C. A completed County grading permit or grading exemption form if applicable

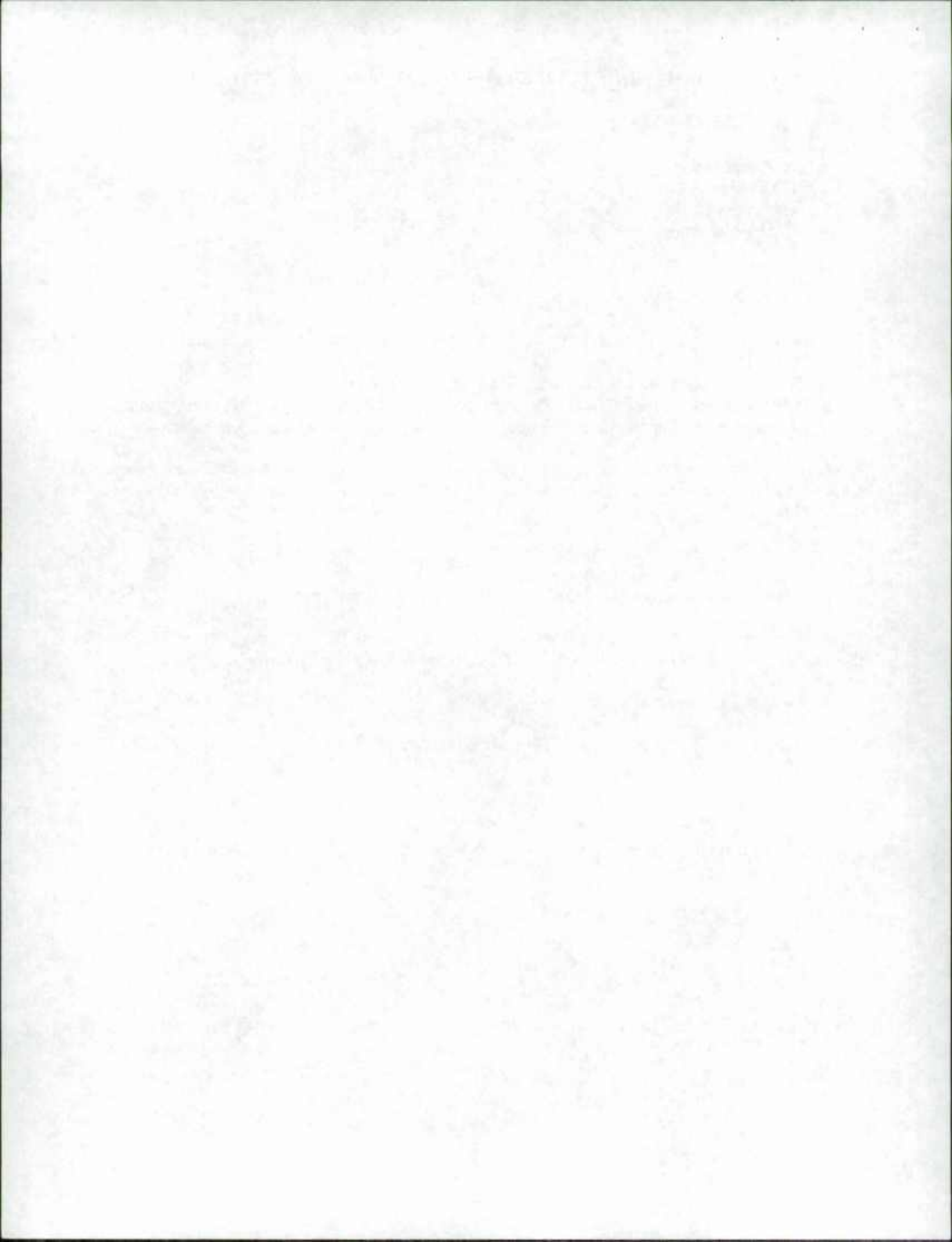
I hereby certify that I have the authority to make this application and the information given is correct.

DATE: 6/19/08

SIGNATURE: _____
(property owner or
authorized agent)



See the Calvert County Zoning Ordinance and the Calvert County Critical Area Program for additional information and requirements.



17171

Check the status of your permit online at: www.co.cal.md.us/permikups/default.aspx

**APPLICATION FOR
HEALTH DEPARTMENT/
ZONING APPROVAL
AND/OR
BUILDING PERMIT**

Calvert County Inspections and Permits Division
150 Main Street, Suite 201, Prince Frederick, MD 20678
(410) 535-2155 or (410) 535-2156



Office Use Only

Building A/P # _____
Grading A/P # _____
Received by: _____ Date: _____

To be Completed by Applicant:

Tax ID # 01-045067
Tax Map _____ Grid _____ Parcel 1, 2, 3
Blk 13-A Lot 1+2 Sect A

Also To be Completed by Applicant:

Property Owner Information	Name: <u>Richard Wilder + Laura McDaniel</u>	Phone: <u>484-431-7011</u>
	Mailing Address: <u>6599 Long Beach Drive</u>	
	City, State & Zip: <u>St. Leonard, MD 20685</u>	E-mail: <u>LMRW2004@yahoo.com</u>
Job Location Information	Town or Subdivision: <u>Long Beach on the Bay</u>	Deed Reference:
	Premise Address: <u>6599 Long Beach Drive</u>	Lot Size or Acreage: <u>± 10,750 sf</u>
	City, State & Zip: <u>St. Leonard, MD 20685</u>	
	Directions to site from Courthouse: <u>Rt 2/4 South. Left on Calvert Beach; Right on Long Beach Drive to end.</u>	
Contractor Information	Company Name: <u>Artie Mills (also self work)</u>	Phone: <u>410-353-5490</u>
	Mailing Address: <u>6614 Revell Rd</u>	City, State & Zip: <u>Fairhaven, MD 20779</u>
	Contractor's Name: <u>Artie Mills</u>	E-mail:
	Calvert County License #:	State License #:

SPECIAL INSTRUCTIONS:

- A. An approved sewerage and water certificate must be obtained prior to issuance of a building permit.
- B. Inspectors shall be notified, 24 hours prior to an inspection, by calling the Inspections & Permits Division at (410) 535-2155
 - 1. Before footings or slabs are poured;
 - 2. Before foundation walls are backfilled;
(Foundation Location Surveys must be submitted and approved for new dwellings prior to calling for a Framing Inspection)
 - 3. Before framed walls are insulated;
(Note: Certifications required for engineered floor and roof systems.)
 - 4. Before interior walls are covered; and
 - 5. Upon completion of building
- C. Permit is good for only 6 months unless under continuous construction.
- D. See information sheets which pertain to your project for other special instructions.
- E. Return this completed application and other required information to the Inspections & Permits Division.

PROPOSED CONSTRUCTION INFORMATION

FLOODPLAIN

Description of Work: MAIN HOUSE:
Replace front porch (rotten) with new, larger porch and second floor deck. Replace old back deck with newer, larger deck.

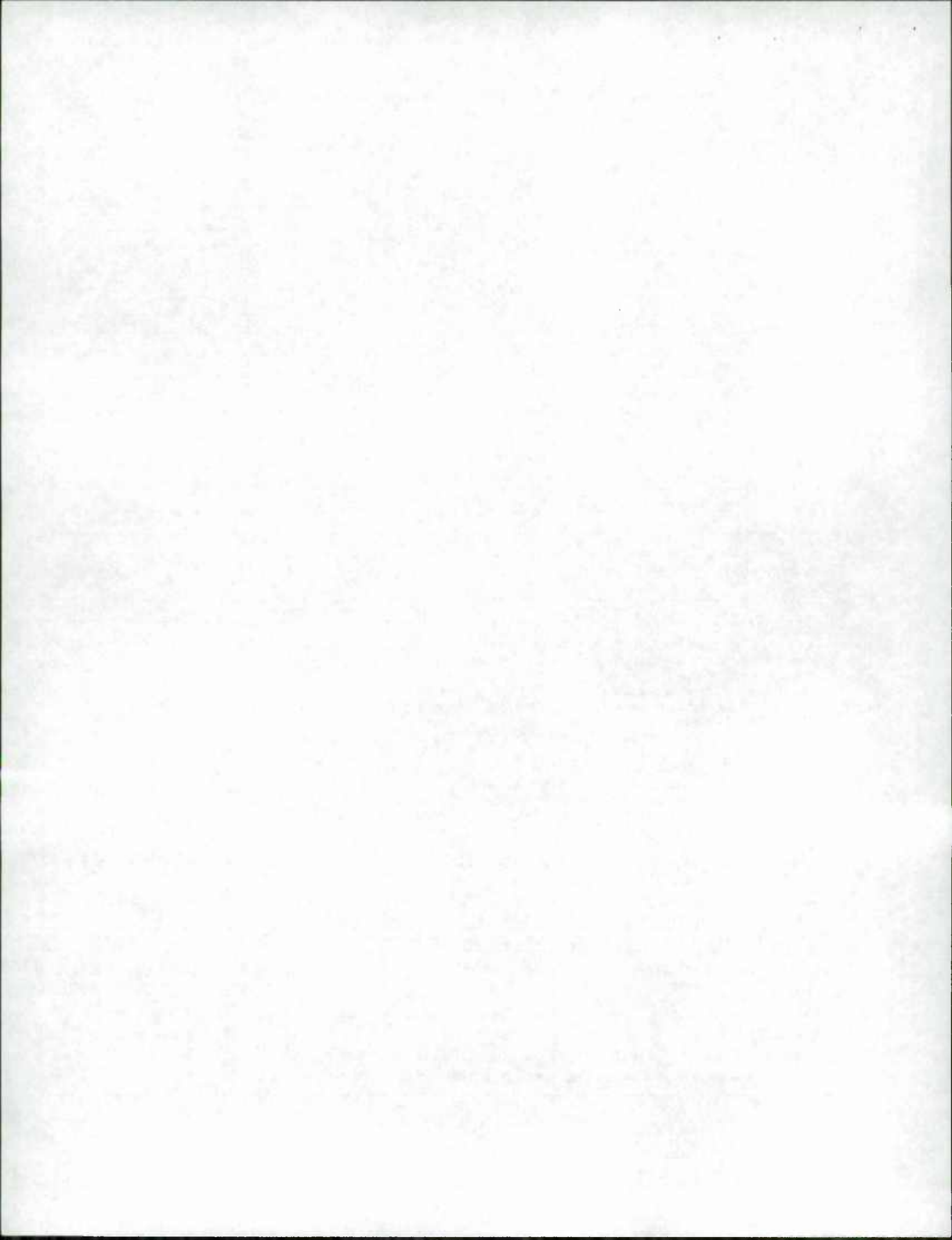
Burst Cottage: Replace bathroom fixtures and mis'd wall coverings damaged from floods.

Total Square Footage of Proposed Finished Floor Area: Total Square Footage of Proposed Porches, Garages, Decks, Sheds, etc.: 357 sf


Type of Work: New Addition Existing (remodel, repair) Replacement Demolition Fire Restoration

Type of Structure:

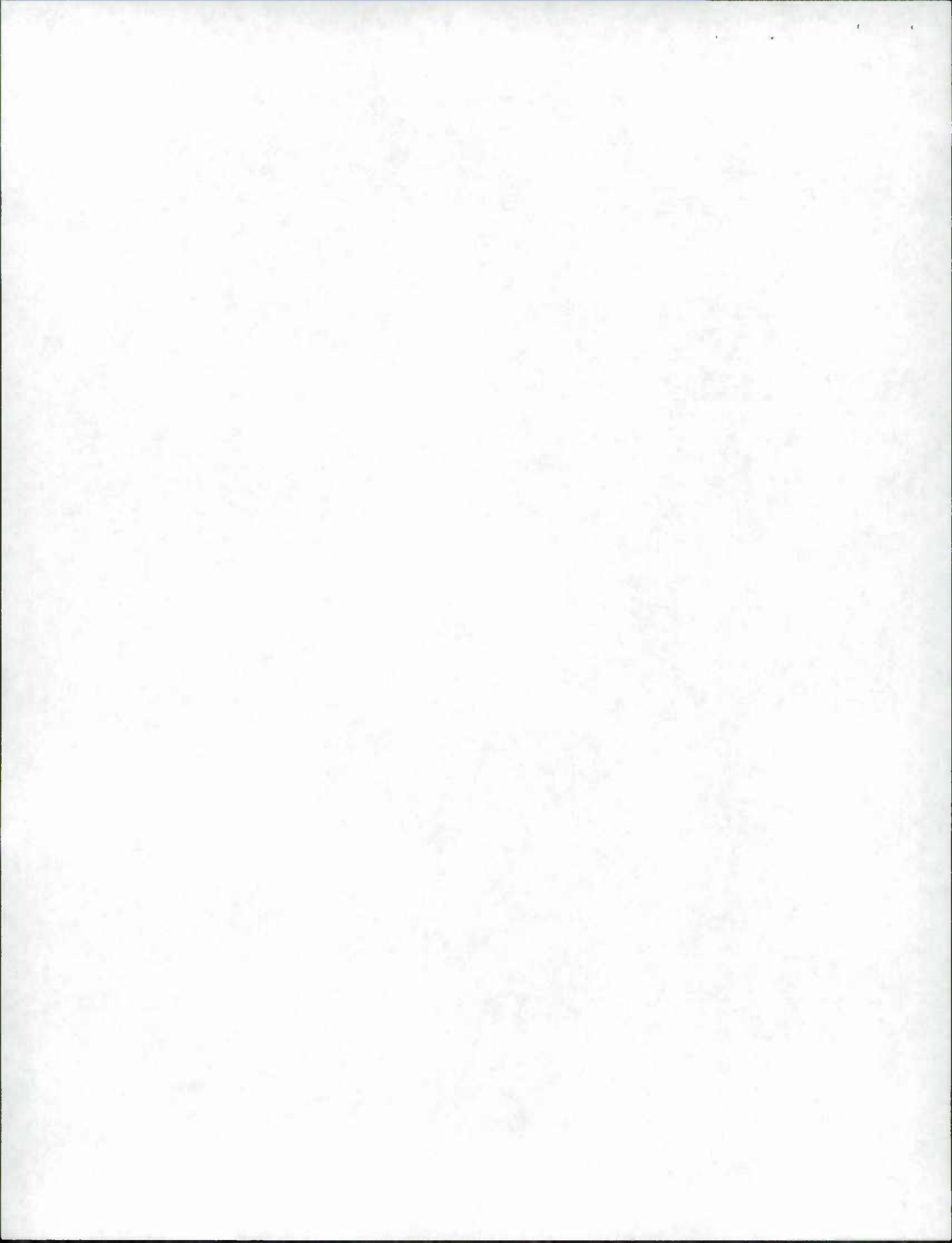
- | | | | |
|--|--|--|--|
| <input checked="" type="checkbox"/> Single Family Detached Home | <input type="checkbox"/> Accessory Apartment | <input type="checkbox"/> Modular Home | <input type="checkbox"/> Dbl. Wide Mobile Home |
| <input type="checkbox"/> Single Wide Mobile Home | <input type="checkbox"/> Single Family Attached Home | <input type="checkbox"/> Apartment/Condo | <input type="checkbox"/> Construction Trailer |
| <input type="checkbox"/> Res. Accessory Structure | <input type="checkbox"/> Res. Water Dependent | <input type="checkbox"/> Comm. Water Dependent | <input type="checkbox"/> Comm. Accessory Structure |
| <input type="checkbox"/> Single Wide Mobile Home replaced w/DBL Wide, Modular, Stick Built | <input type="checkbox"/> Commercial Building | | |

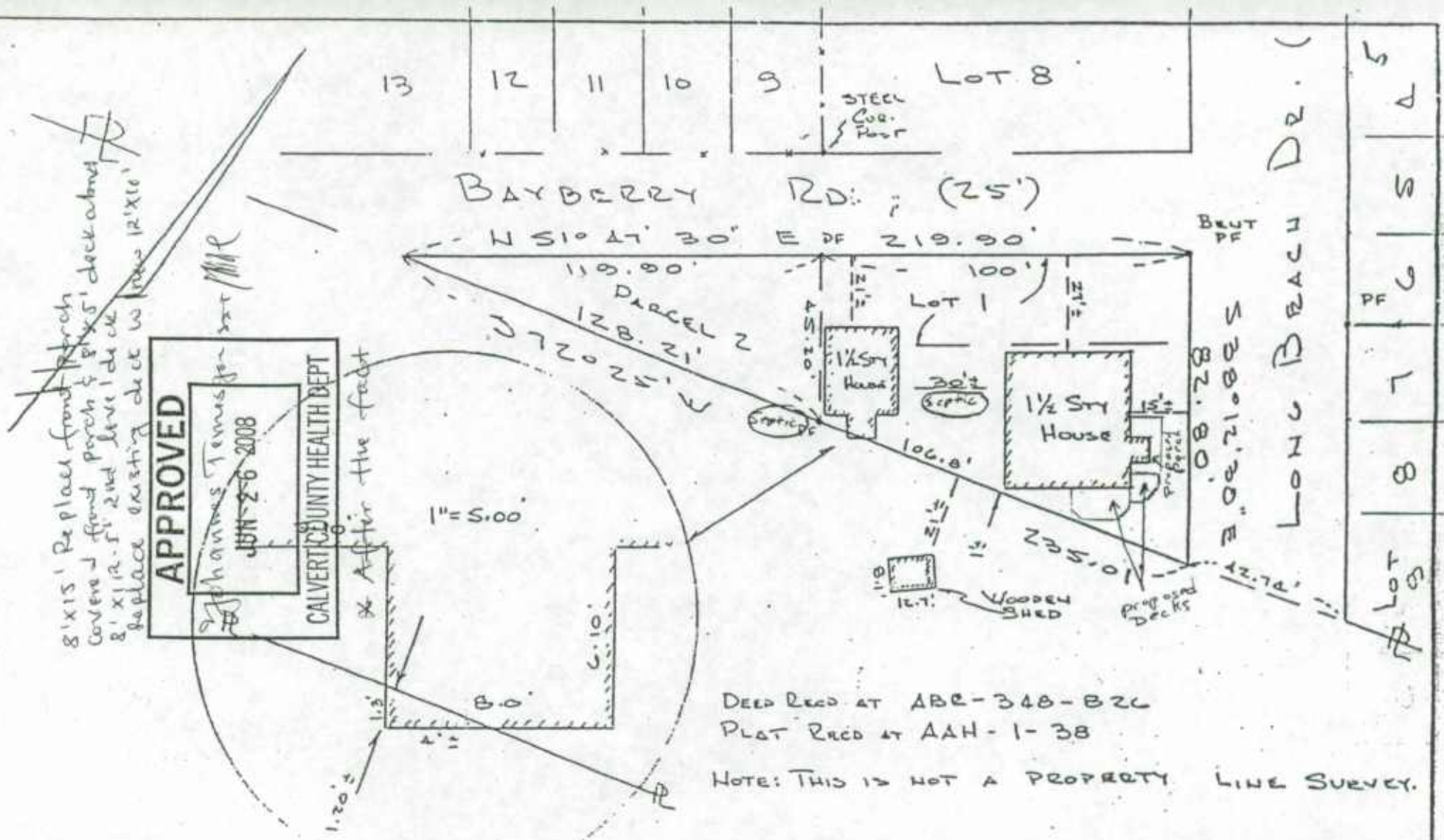


Check the status of your permit online at: www.co.cal.md.us/permlkups/default.aspx

# Bldgs:	# Units:	Footing <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Pile <input type="checkbox"/> Caisson	Estimated Construction Cost: \$
# Kitchens:	# Stories:	<input type="checkbox"/> Other	10,000
# Full Baths:	Bldg. Height:	Exterior <input type="checkbox"/> Wood <input type="checkbox"/> Metal <input type="checkbox"/> Brick	Heat <input type="checkbox"/> Oil <input type="checkbox"/> Gas <input type="checkbox"/> Electric
# Half Baths:	# Fireplaces:	Walls <input type="checkbox"/> Vinyl <input type="checkbox"/> Other	<input type="checkbox"/> Other
# Rooms: (exclude kitchen & baths)		Interior <input type="checkbox"/> Plaster <input type="checkbox"/> Panel <input type="checkbox"/> Drywall	Equipment <input type="checkbox"/> Air Cond. <input type="checkbox"/> Boiler <input type="checkbox"/> Furnace
		Walls <input type="checkbox"/> Other	<input type="checkbox"/> Heat Pump <input type="checkbox"/> Other
<input type="checkbox"/> Basement <input type="checkbox"/> Slab <input type="checkbox"/> Crawl		Roof <input type="checkbox"/> Flat <input type="checkbox"/> Pitch <input type="checkbox"/> Shed	Is the property in the Critical Area? <u>Yes</u>
		Structure <input type="checkbox"/> Other	Board of Appeals Case # _____
Sewerage: <input type="checkbox"/> Public <input type="checkbox"/> Septic Tank		Roof <input type="checkbox"/> Built-up <input type="checkbox"/> Roll <input type="checkbox"/> Shingles	Is the Property in a Town Center? <u>NO</u>
Water: <input type="checkbox"/> Public <input type="checkbox"/> Individual Well		Cover <input type="checkbox"/> Other	
Use & Occupancy Permit Requested:			
<input type="checkbox"/> Use & Occupancy Permit with structural modification <input type="checkbox"/> Use & Occupancy Permit with no structural modification			
Complete: Existing Use _____ Proposed Use: _____			
I hereby certify that I have the authority to make this application, that the information given is correct, and that use and construction shall conform to the County Health Regulations, the Building Code and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.			
SIGNATURE OF OWNER OR AUTHORIZED AGENT: 		DATE: 6/19/08	
PLEASE PRINT NAME: Richard Wildea		PHONE: 484-431-7011	

Updated May 2006





8'x15' Replace front porch
 concrete & front porch to 8'x5' deck about
 8'x12.5' 2nd level deck
 Replace existing deck with 12'x10'

APPROVED

Johnnie Thomas

JUN 26 2008

CALVERT COUNTY HEALTH DEPT

After the fact

DEED REC'D AT ABC-348-B2C
 PLOT REC'D AT AAH-1-38

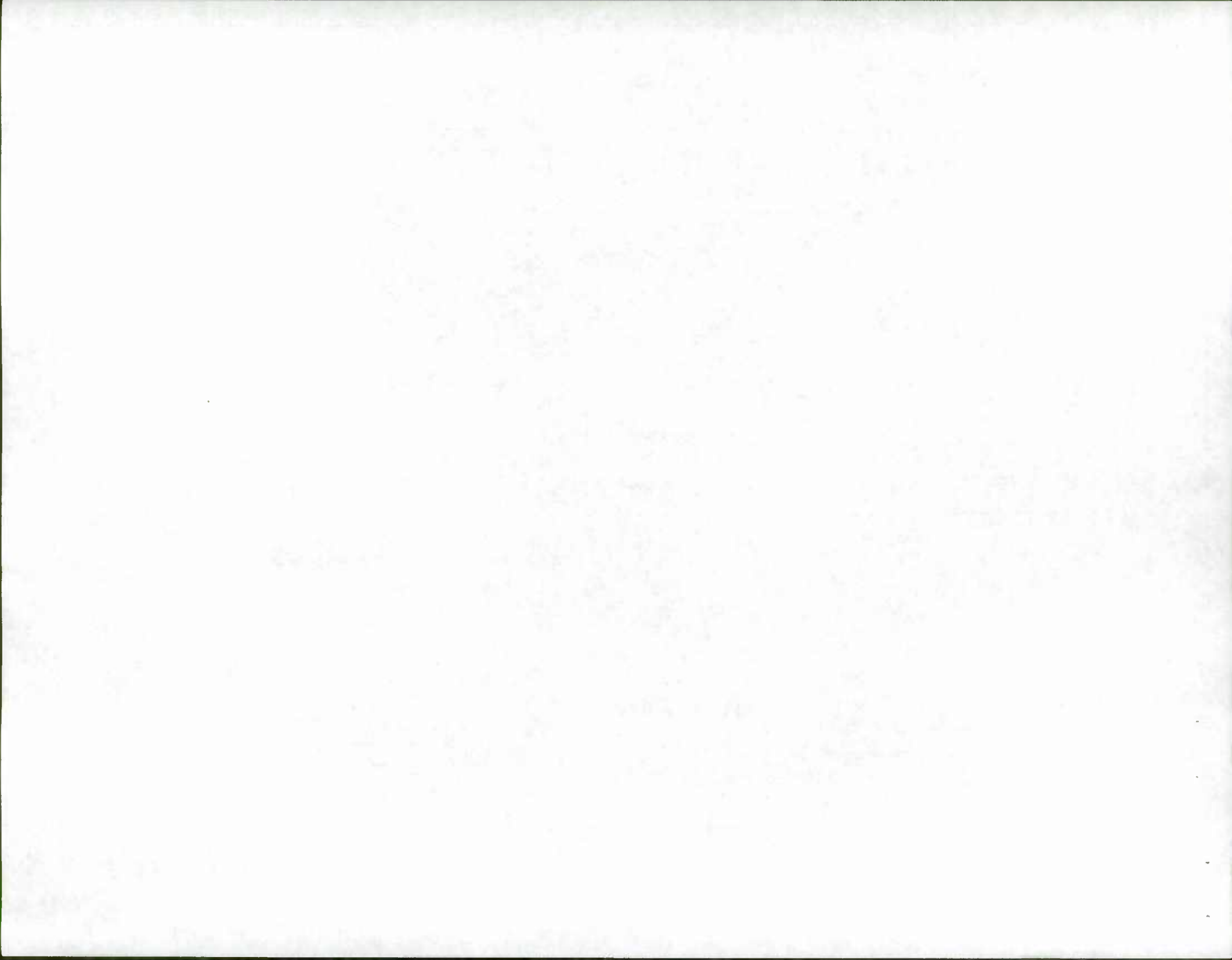
NOTE: THIS IS NOT A PROPERTY LINE SURVEY.



Frank Buckler

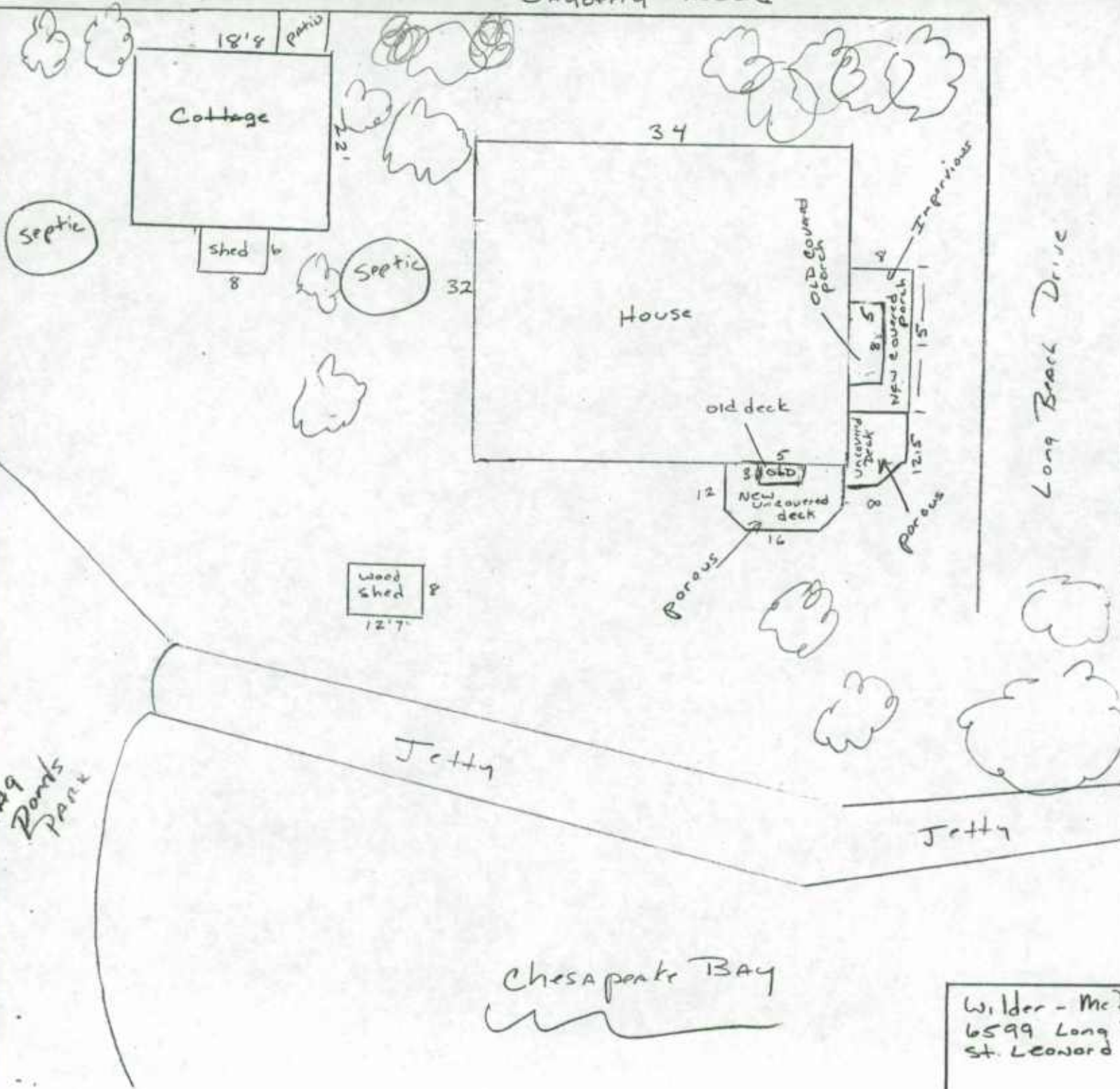
I CERTIFY THAT THE IMPROVEMENTS SHOWN HEREON ARE IN THE FLOOD HAZARD AREA AS SHOWN ON THE APPLICABLE HUD FLOOD HAZARD BOUNDARY MAP.

HOUSE LOCATION		
JAMES D. LEE PROPERTY		
LOTS 1 & 2, BLOCK 13A	SCALE	DRAWN BY
SECTION A	1" = 40'	REVISED
LONG BEACH ON THE BAY		
1ST DIST., CAL. CO. MD.		
DATE	APPROVED BY	DRAWING NUMBER
6/22/08	FRANK BUCKLER	78



DAYBERRY ROAD

12



Total lot size = 9130 ±
 Lot is 83.8% wooded
 No trees to be removed
 Proposed Area of disturbance = 357 sf
 No slopes disturbed

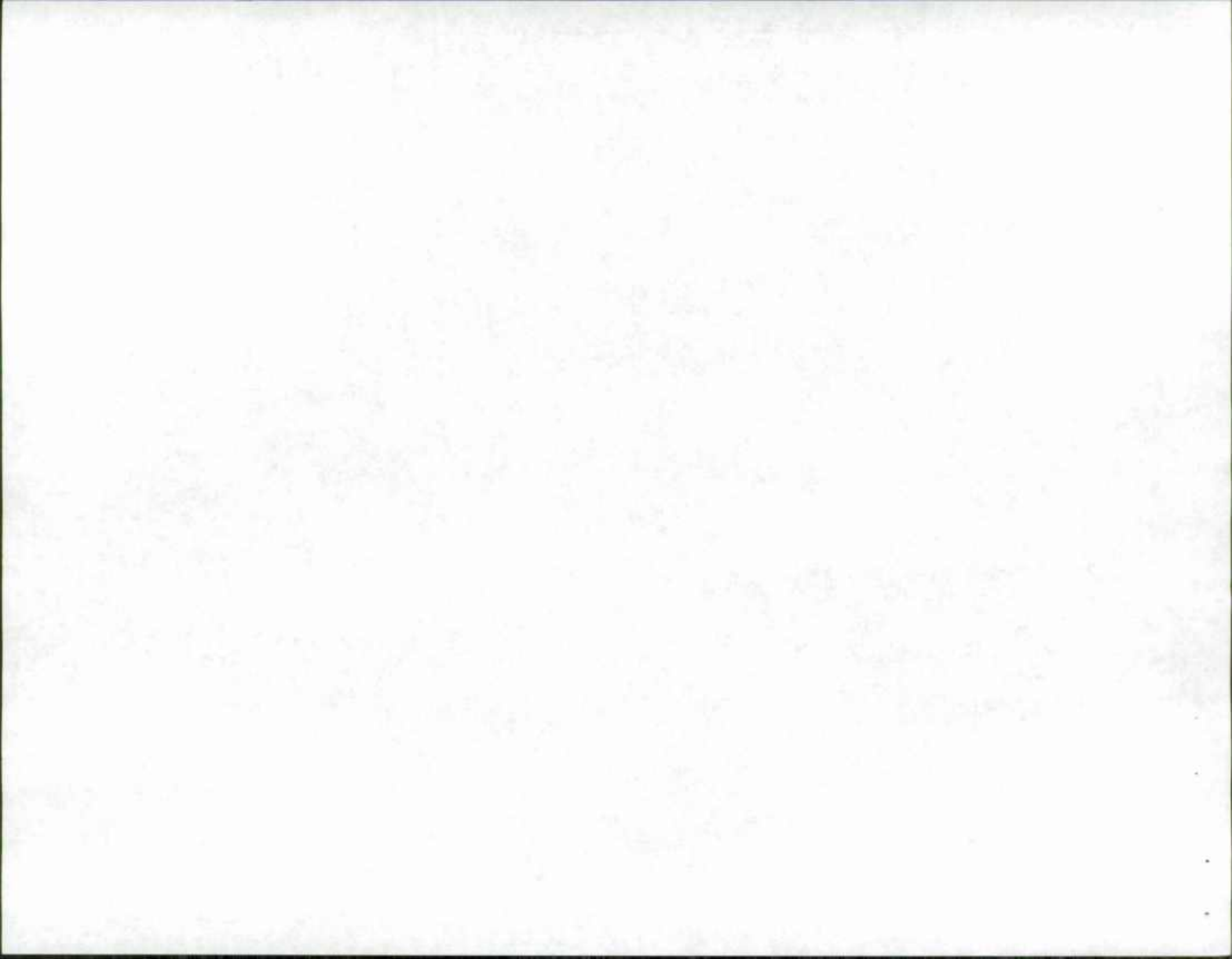
Existing Impervious Areas

House =	1088 sf
Cottage =	412 sf
Shed =	48 sf
Wood shed =	101 sf
Old Front porch =	40 sf
Patio, etc =	100 sf
Total	1789 sf
Proposed Addition	80 sf
Total impervious	1869 sf
	or 20.4%

Long Branch Drive

Chesapeake Bay

Wilder - McDaniel
 6599 Long Branch Drive
 St. Leonard, MD 20685



CAC
CA483-08

Richard Wilder & Laura McDaniel
6599 Long Beach Drive
St. Leonard, MD 20685
484-431-7011

February 11, 2009

Ms. Roxana Whitt
Board of Appeals Planner
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Dear Roxana;

Enclosed is material requested for Board of Appeals Case No. 08-3546 pertaining to our house at 6599 Long Beach Drive in St. Leonard. A copy of the letter is enclosed.

Per the request of the Board, we have had a property survey completed by Wilkerson & Associates. The survey differed with original site drawing provided with the home purchase and, as a result, we have modified our request for the side deck depth from 12' to 8.5. This reduces the requested square footage by 71 sf and we are still seeking a property line setback of +/- 1 foot. Please see the attached property survey and proposed revisions. All of the other proposed changes for the front porch and deck are still requested, although the front setback variance being sought would decrease from 7' to 8'.

In the letter from the Board, it was requested that we provide information regarding the acquisition of the cottage located on the property. I believe what the Board was requesting was information on the small, 3 square foot, portion of property that includes the corner of an attached storage room. I have included a copy of the deed showing Parcel 3 and the Legal Attachment from our closing. I hope that this satisfies the requirement for information.

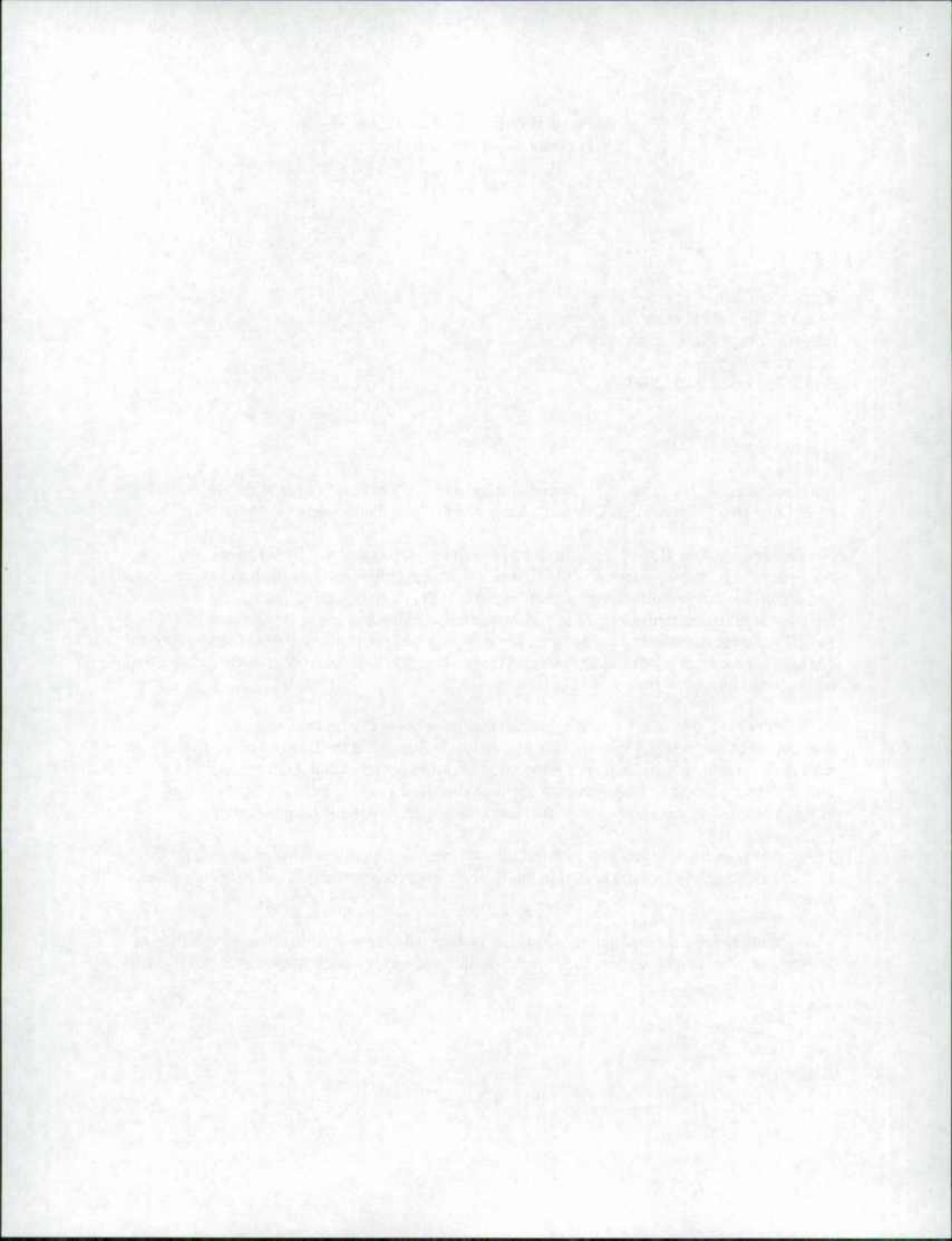
I have met with John Swartz and received his approval for the proposed plantings to meet the mitigation requirements as requested in the Board's letter (copy attached) and have paid the \$500 fine.

I am hoping that the information provided meets the requirements of mitigation as specified in the request. Please let me know the next step in the process and thank you again for all the help.

Sincerely,



Richard Wilder





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

Richard Wilder & Laura McDaniel
6599 Long Beach Drive
St. Leonard, MD 20685

Subject: Board of Appeals Case No. 08-3546 – Property Located at 6599 Long Beach Drive,
St. Leonard, Maryland 20685

Dear Applicants:

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 front setback requirement from 25' to 7' for a replacement porch with an extension and a second story uncovered deck; and a variance in the 100' waterfront buffer requirement and a variance in the side setback requirement from 6' to 1' for a replacement deck with an extension. As you know, the Board deferred action to allow you time to have a property survey completed that includes the established property lines, the house location, the cottage and shed locations, the setbacks, and the 100' waterfront buffer line. The Board also requested you provide documentation regarding the acquisition of the cottage located on the subject property.

Prior to rescheduling the hearing, the Board has also asked the Calvert County Zoning Officer to verify that you have met mitigation requirements for the construction that is the subject of your request.

Once the subject information is received and reviewed, your case 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 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".

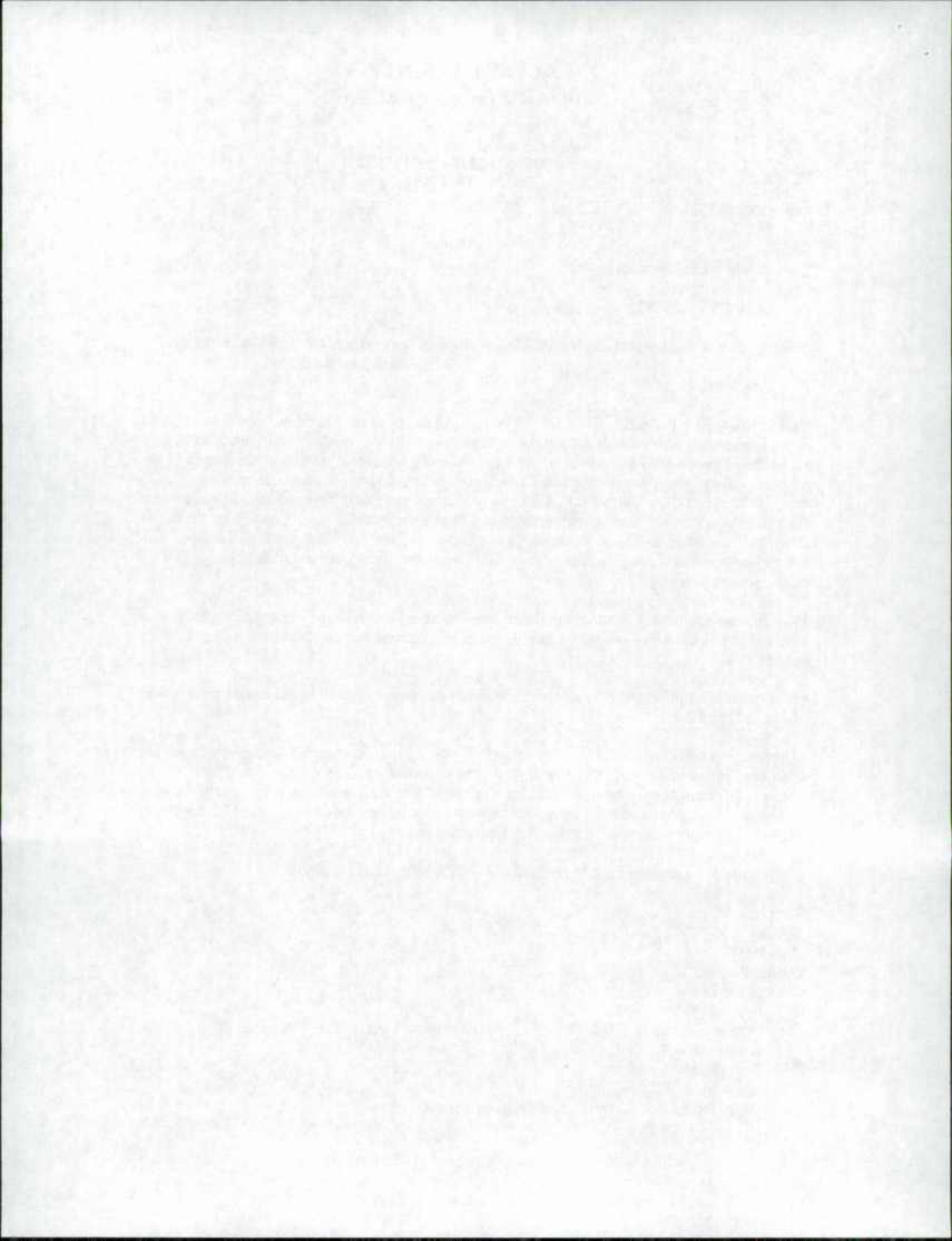
Pamela P. Helie
Clerk to the Board

Cc: Amber Widmayer, CBCAC
Kerrie Gallo, CBCAC
John & Patricia Jensen
Dorothy & William Duryee
Mary Beth Cook, Calvert County Zoning Officer

Anastasis Yannitsadis
Jimmy Neam
Ted Dutcher

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

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



50
20
5400
2700

BK 02775 PG 429

File No.
Tex ID # 01-045067

This Deed, made this 26th day of April, 2006, by and between Christopher J. Reynolds and Margaret W. Reynolds, parties of the first part, Grantors; and Laura M. McDaniel and Richard E. Wilder, parties of the second part, Grantees.

- **Witnesseth** -

That for and in consideration of the sum of Five Hundred Forty Thousand And 00/100 Dollars (\$540,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Laura McDaniel and Richard E. Wilder, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple, all that lot of ground situate in the First Election District in the County of Calvert, State of Maryland and described as follows, that is to say:

PARCEL 1:

All of Lots Numbered One (1) and Two (2) in Block No. 13-A, Section A of Long Beach on the Bay, as per Plat thereof recorded in Liber AAH No. 1, folio 38, one of the Plat Books of Calvert County, Maryland.

PARCEL 2:

All that triangular shaped lot or parcel of ground lying to the rear of Lots One (1) and Two (2) in Block 13-A, Section A of Long Beach on the Bay as per Plat hereinabove mentioned and being more particularly described as follows:

BEGINNING for the same at an iron pipe planted at the Northwest corner of Lot One (1) and running thence South 51 degrees 41 minutes 30 seconds East 119.9 feet to an iron pipe; thence North 92 degrees 25 minutes 00 seconds East 128.21 feet to an iron pipe planted at the Southwest corner of Lot Two (2); thence with the western boundary of Lots One (1) and Two (2), North 38 degrees 12 minutes 30 seconds West 45.16 feet to the place of beginning.

PARCEL 3:

All that triangular piece of land, containing approximately three (3) square feet, on which the Southernmost corner of the smaller one and one-half story house site, and shown as Parcel 3 on a Plat by Frank Buckler dated June 24, 1988 and recorded in Calvert County, Maryland at Book 472, folio 248.

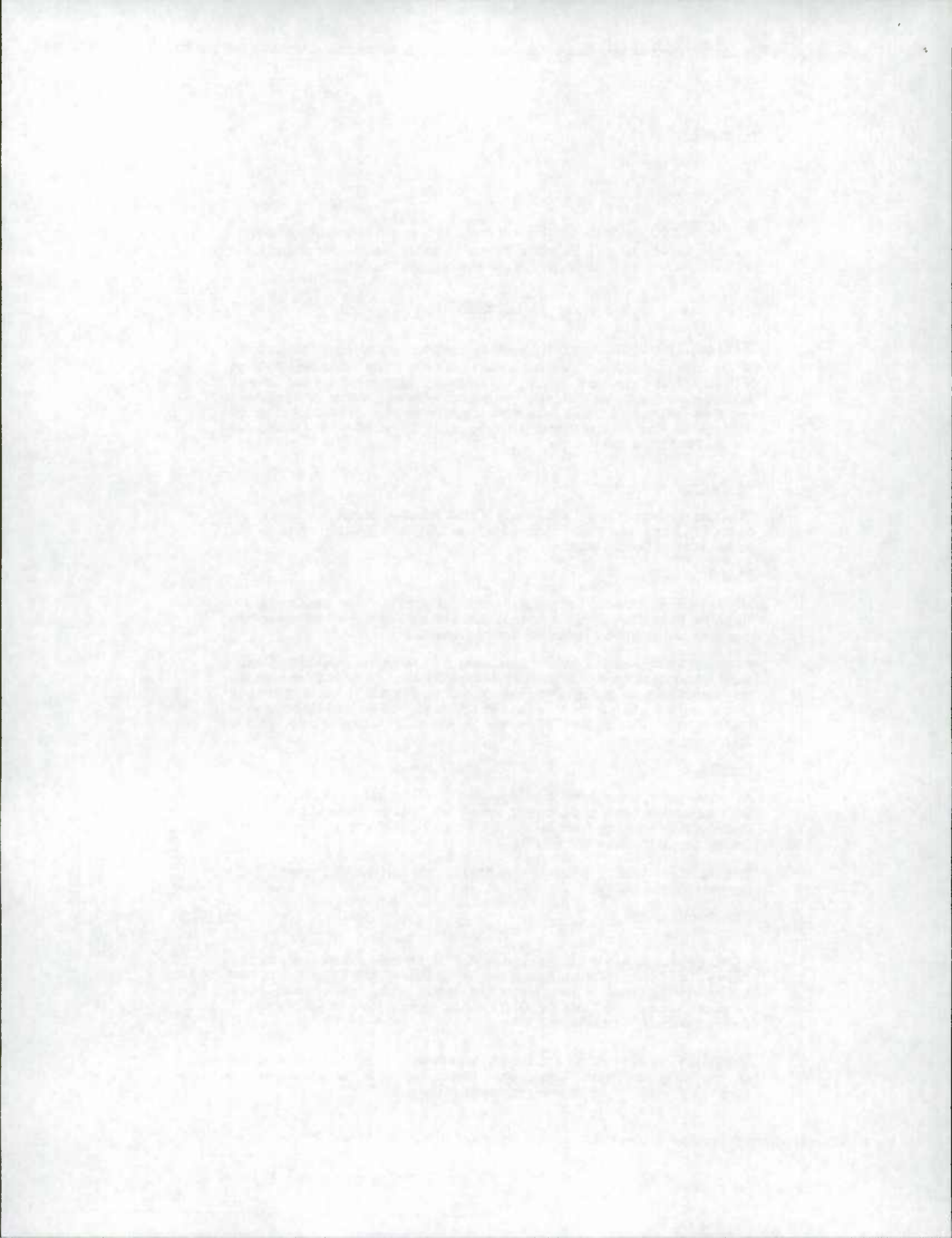
THE property address being known as No. 6599 Long Beach Drive, St. Leonard, Maryland 20685.

TAX ID# 01-045067

BEING the same property which, by Deed dated April 18, 1989, and recorded among the Land Records of the County of Calvert, State of Maryland, in Liber No. 472, folio 249, was granted and conveyed by Richard S. Lee, Personal Representative of the Estate of James D. Lee, deceased (Calvert County Estate No. 4317) unto Christopher J. Reynolds and Margaret W. Reynolds, as tenants by the entireties.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

RECORDING FEE	28.00
RECORDATION T	5,400.00
TR TAX STATE	2,700.00
TOTAL	8,148.00
Rest CV01	Rcpt # 35391
KPS AHS	Blk # 890
Jun 03, 2006	10:09 am

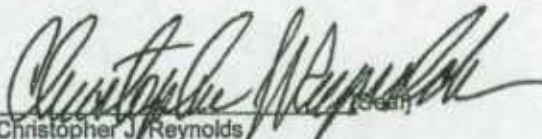
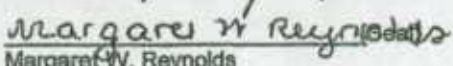


To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Laura McDaniel and Richard E. Wilder, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness the hands and seals of said Grantors, the day and year first above written.

WITNESS:


Christopher J. Reynolds

Margaret W. Reynolds

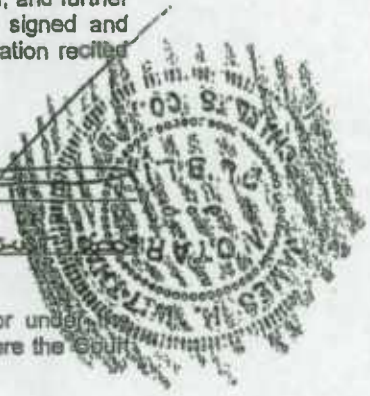
STATE OF MARYLAND, COUNTY OF CALVERT to wit:

I hereby certify that on this 26th day of April, 2006, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Christopher J. Reynolds and Margaret W. Reynolds, the Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

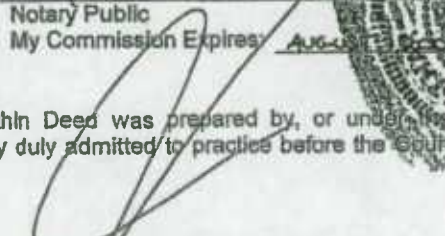
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

James H. Witthar
NOTARY PUBLIC
Charles County, Maryland
My Commission Expires 8/1/09


Notary Public
My Commission Expires: August 1, 2009



THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Attorney Jason E. Sklar

AFTER RECORDING, PLEASE RETURN TO:

This is to Certify that the Taxes on Property Description within have been paid to and including 05/11/06 9-2006
Calvert County Treasurer

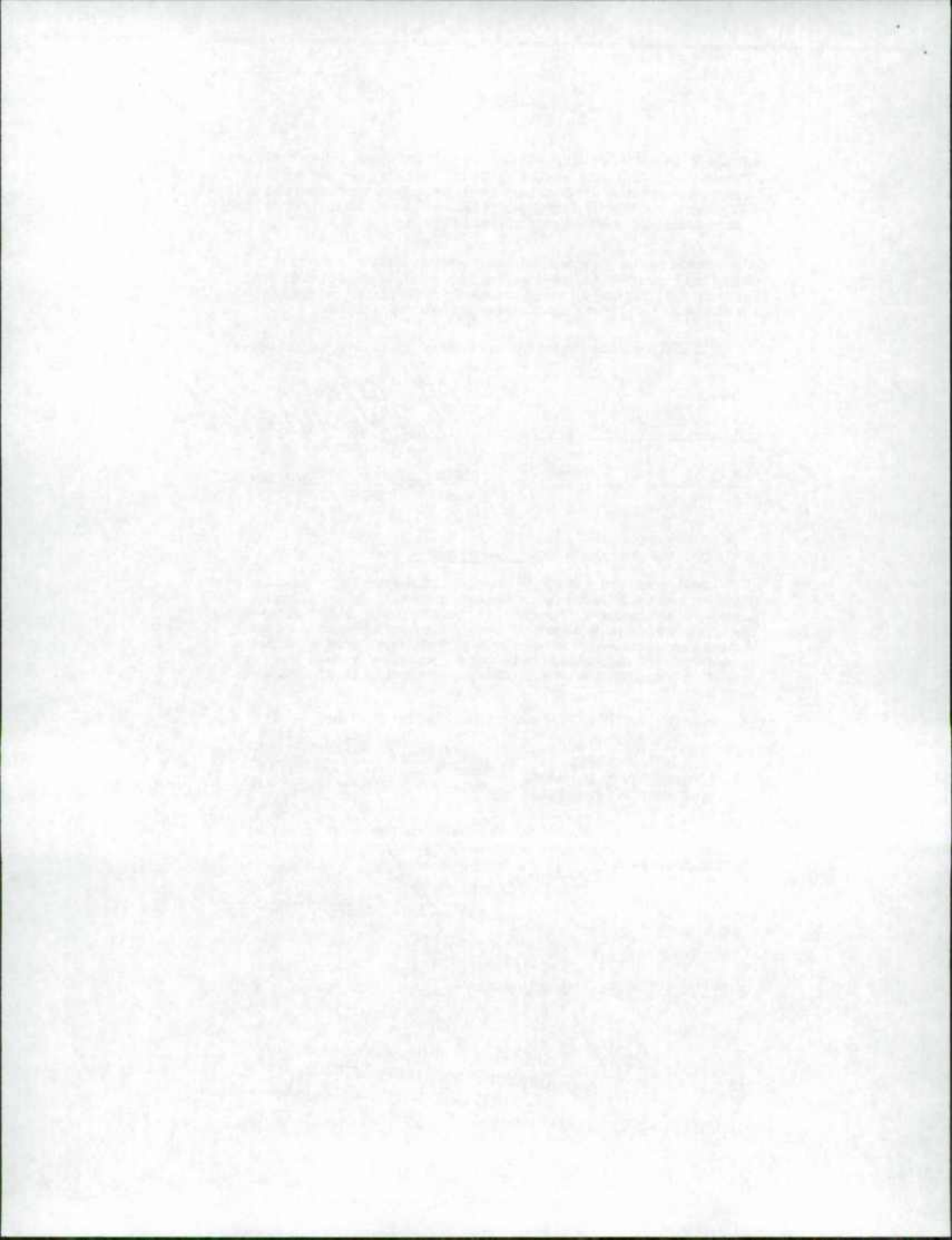


EXHIBIT "A"
LEGAL DESCRIPTION

All those parcels or lots of ground situate in the First Election District, Calvert County, Maryland, and described as follows, that is to say:

Parcel 1) All of Lots numbered One (1) and Two (2) in Block NO. 13-A, Section A of Long Beach on the Bay, as per plat thereof recorded in Liber A.A.H. No. 1, folio 38, one of the Plat Books of Calvert County, Maryland.

Parcel 2) All that triangular shaped lot or parcel of ground lying to the rear of Lots One (1) and Two (2) in Block 13-A, Section A of Long Beach on the Bay as per plat hereinabove mentioned and being more particularly described as follows:

Beginning for the same at an iron pipe planted at the northwest corner of Lot 1 and running thence South 51 degrees 41 minutes 30 seconds East 119.9 feet to an iron pipe, thence North 72 degrees 25 minutes 00 seconds East 128.21 feet to an iron pipe planted at the southwest corner of Lot 2; thence with the western boundary of Lots 1 and 2, North 38 Degrees 12 minutes 30 seconds West 45.16 feet to the place of beginning.

Parcel 3) All that triangular piece of land, containing approximately Three (3) square feet, on which the southernmost corner of the smaller one and one-half story house sits, and shown as Parcel 3 on a Plat by Frank Buckler dated June 24, 1988, and recorded in Calvert County deed bk 472 pg 248

Parcel No.: 01/045067

Current/Prior Deed Reference: Deed from Richard S. Lee, Personal Representative of James D. Lee, Deceased to Christopher J. Reynolds and Margaret W. Reynolds dated 4/18/1989 recorded on 4/20/1989 at DBV 472, Page 249.

File Number: 200600438

MORTGAGE

FROM: Laura McDaniel and Richard E. Wilder

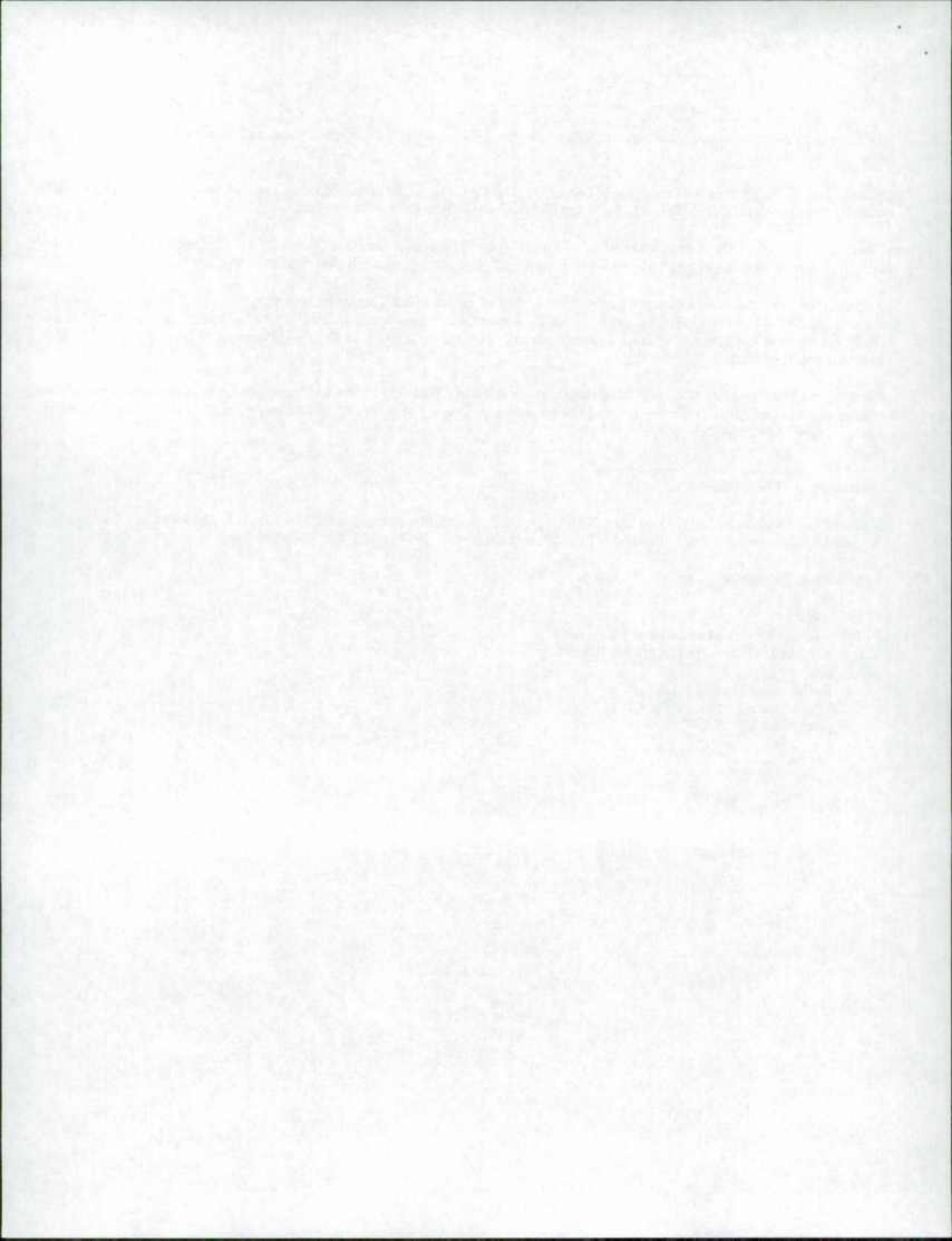
TO: ABN AMRO Mortgage Group, Inc ISAOA

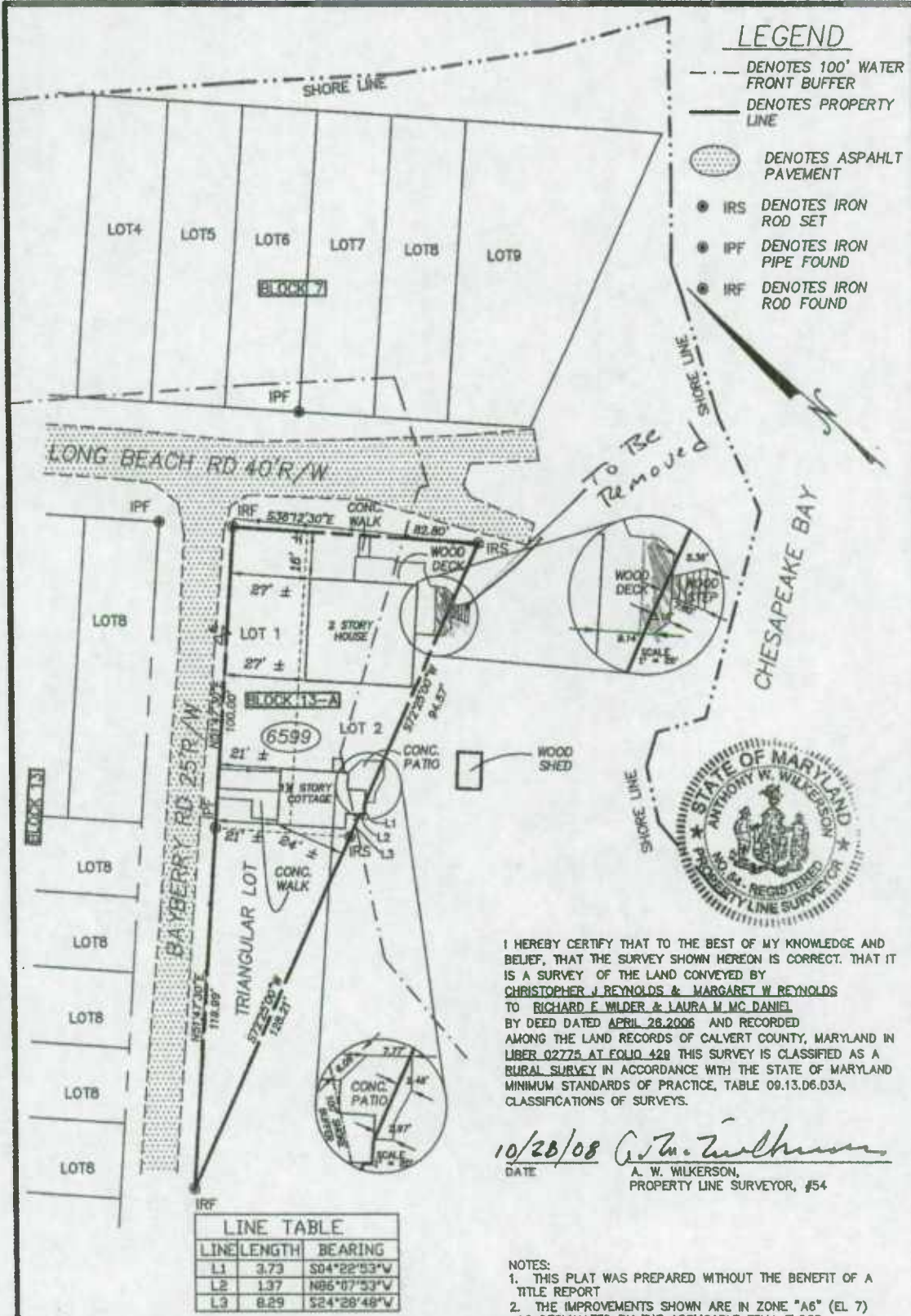
MAIL TO:

Renaissance Settlements, L.L.C.

400 Penn Center Boulevard, Suite 707

Pittsburgh, PA 15235





LEGEND

- DENOTES 100' WATER FRONT BUFFER
- DENOTES PROPERTY LINE
- DENOTES ASPHALT PAVEMENT
- IRS DENOTES IRON ROD SET
- IPF DENOTES IRON PIPE FOUND
- IRF DENOTES IRON ROD FOUND



I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SURVEY SHOWN HEREON IS CORRECT. THAT IT IS A SURVEY OF THE LAND CONVEYED BY CHRISTOPHER J REYNOLDS & MARGARET W REYNOLDS TO RICHARD F WILDER & LAURA W MC DANIEL BY DEED DATED APRIL 26, 2006 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY, MARYLAND IN LIBER 02775 AT FOLIO 428 THIS SURVEY IS CLASSIFIED AS A RURAL SURVEY IN ACCORDANCE WITH THE STATE OF MARYLAND MINIMUM STANDARDS OF PRACTICE, TABLE 09.13.D6.D3A, CLASSIFICATIONS OF SURVEYS.

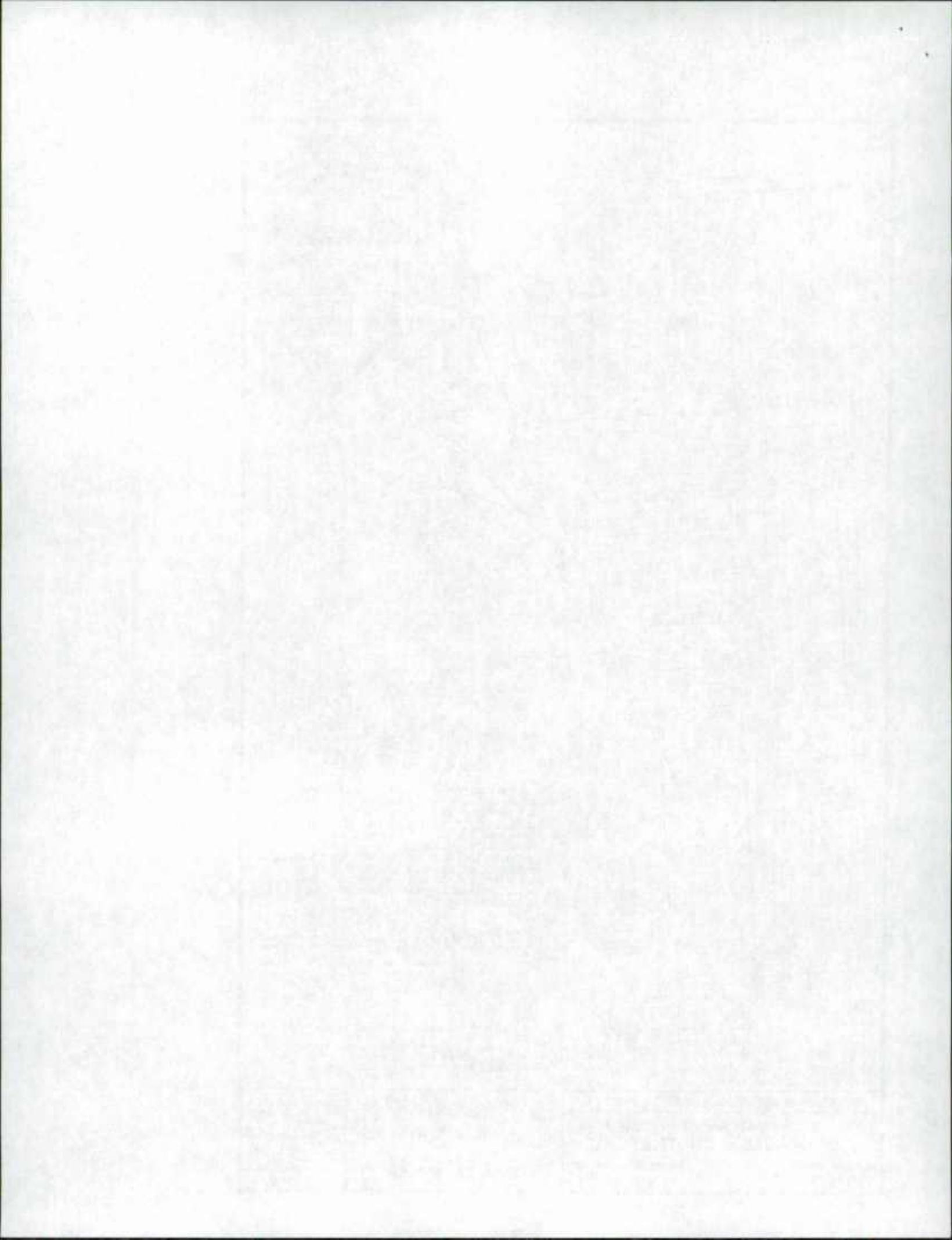
10/28/08 *A. W. Wilkerson*
 DATE A. W. WILKERSON,
 PROPERTY LINE SURVEYOR, #54

LINE TABLE	
LINE LENGTH	BEARING
L1 3.73	S04°22'53"V
L2 1.37	N85°07'53"V
L3 8.29	S24°28'48"V

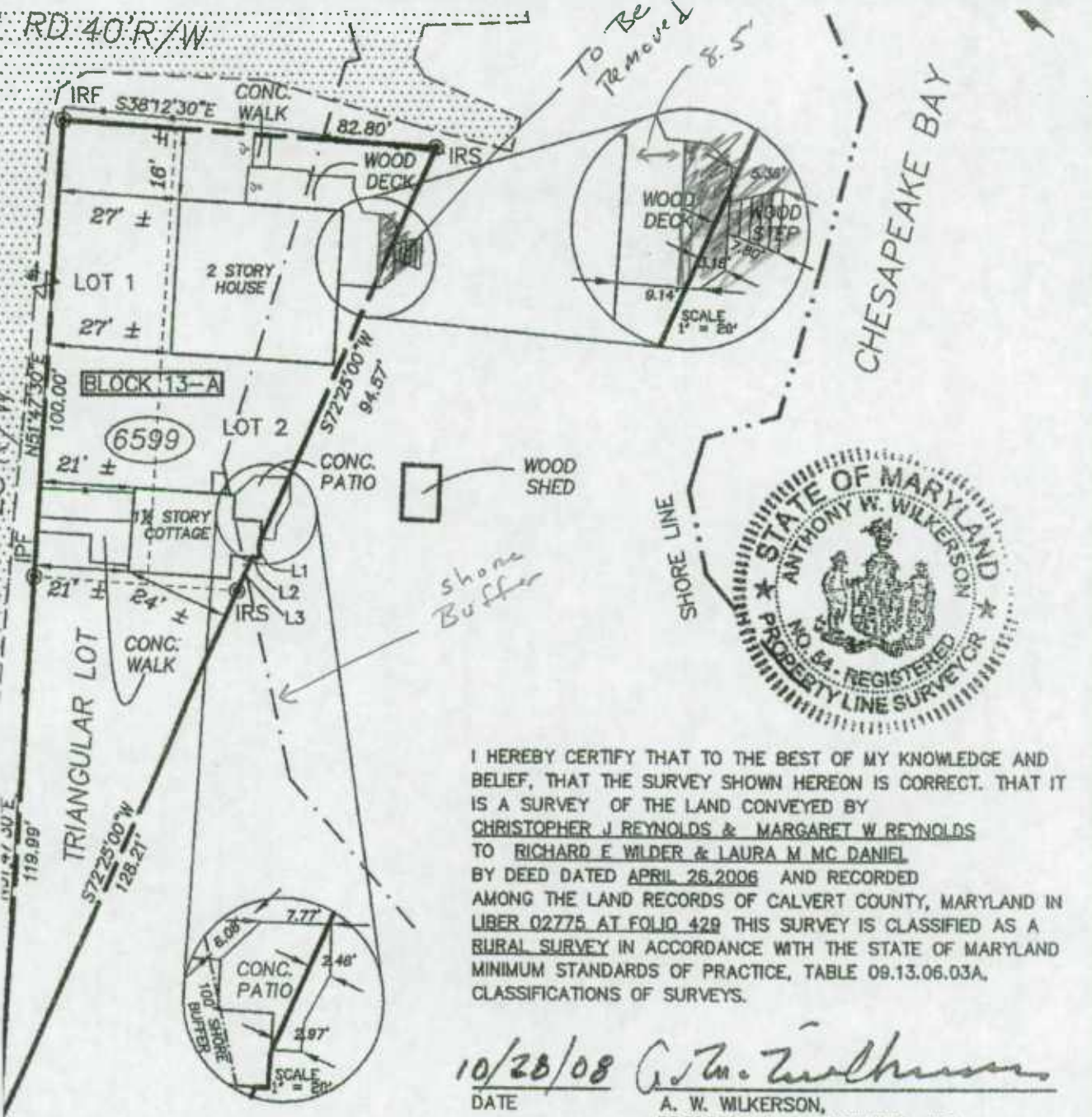
- NOTES:
1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT
 2. THE IMPROVEMENTS SHOWN ARE IN ZONE "A6" (EL 7) AS DESIGNATED BY THE APPLICABLE FEMA FLOOD INSURANCE RATE MAP PANEL NO. 240011 0023C AND ARE WITHIN THE FLOOD HAZARD AREA.

DEED REFERENCE: KPS 2775/429
 PLAT REFERENCE: AAH 1/38

<p>PROPERTY SURVEY AND LOCATION PLAN</p> <p>LOT 1, 2 & TRIANGULAR LOT BLOCK 13-A LONG BEACH ON THE BAY</p> <p>1st ELECTION DISTRICT SCALE 1" = 40'</p> <p>CALVERT COUNTY, MARYLAND OCT., 2008</p>	<p>WILKERSON & ASSOCIATES INC. ENGINEERS & SURVEYORS</p> <p>Box 17 Dunkirk, Maryland (410)257-3332, (301)855-8272</p>	<p>DRAWN BY CRK</p> <p>SCALE 1" = 40'</p> <p>DATE OCT., 2008</p> <p>JOB NO. 08-17526</p> <p>FILE CC556</p> <p>DWG CC556</p>
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RD 40' R/W



I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE SURVEY SHOWN HEREON IS CORRECT. THAT IT IS A SURVEY OF THE LAND CONVEYED BY CHRISTOPHER J REYNOLDS & MARGARET W REYNOLDS TO RICHARD E WILDER & LAURA M MC DANIEL BY DEED DATED APRIL 26, 2006 AND RECORDED AMONG THE LAND RECORDS OF CALVERT COUNTY, MARYLAND IN LIBER 02775 AT FOLIO 429 THIS SURVEY IS CLASSIFIED AS A RURAL SURVEY IN ACCORDANCE WITH THE STATE OF MARYLAND MINIMUM STANDARDS OF PRACTICE, TABLE 09.13.06.03A, CLASSIFICATIONS OF SURVEYS.

10/28/08 *A. W. Wilkerson*
 DATE A. W. WILKERSON,
 PROPERTY LINE SURVEYOR, #54

RF

LINE TABLE		
LINE	LENGTH	BEARING
L1	3.73	S04°22'53"W
L2	1.37	N86°07'53"W
L3	8.29	S24°28'48"W

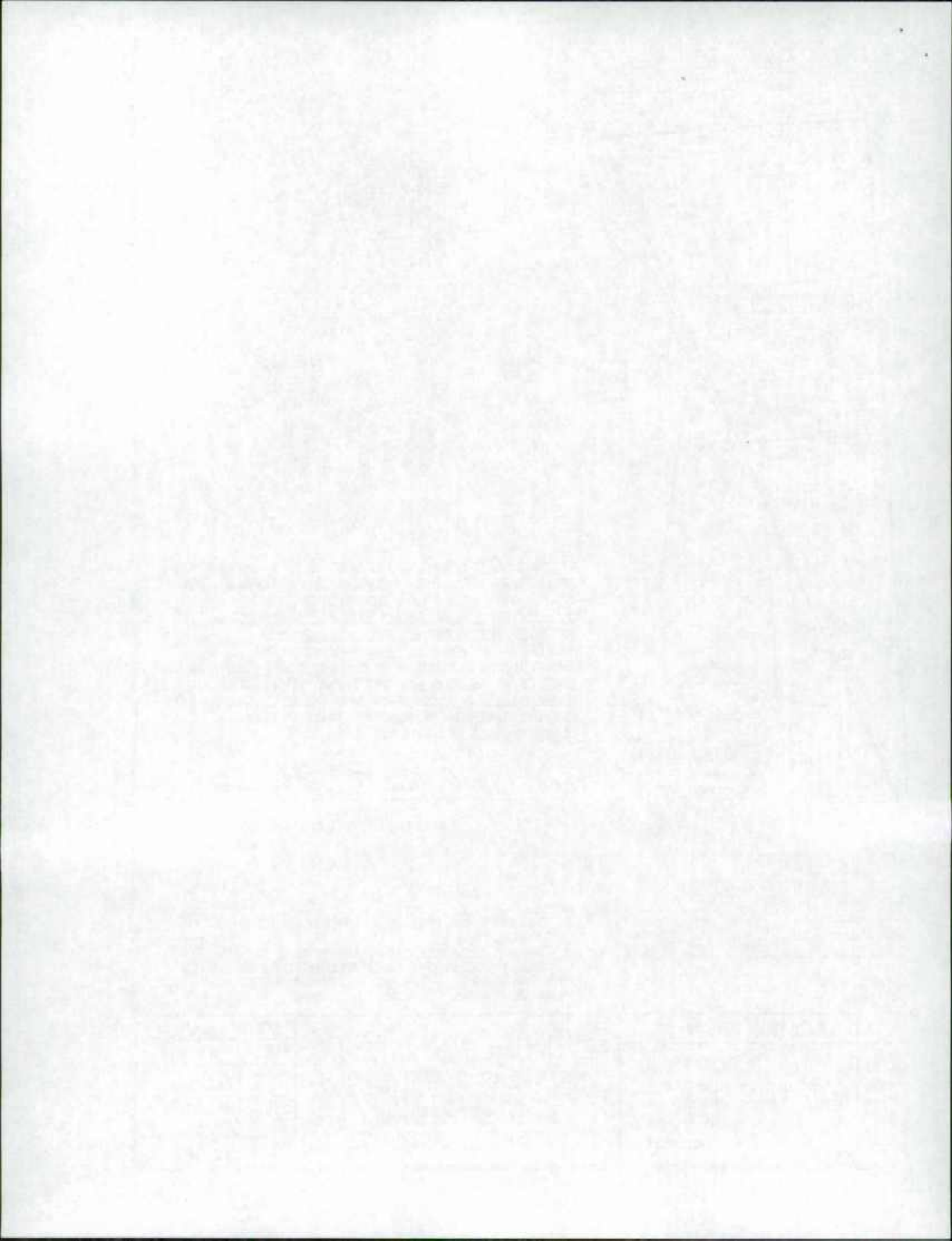
NOTES:
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 2. THE IMPROVEMENTS SHOWN ARE IN ZONE "A6" (EL 7) AS DESIGNATED BY THE APPLICABLE FEMA FLOOD INSURANCE RATE MAP PANEL NO. 240011 0023C AND ARE WITHIN THE FLOOD HAZARD AREA.

2775/429
 1/38

Y AND LOCATION PLAN
GULAR LOT BLOCK 13-A
CH ON THE BAY
 CALVERT COUNTY, MARYLAND
 OCT., 2008

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

DRAWN BY	CRK
SCALE	1" = 40'
DATE	OCT., 2008
JOB NO.	08-17526
FILE	CC556
DWG	CC556



Richard Wilder & Laura McDaniel
6599 Long Beach Drive
St. Leonard, MD 20685
484-431-7011

4:21 mitin

February 10, 2009

John Swartz
Planner
Calvert County Planning and Zoning
150 Main Street
Prince Frederick, MD 20678

Dear John;

Enclosed is a proposed planting plan for our property in response to the Board of Appeals request for mitigation (copy attached). I have also enclosed another site drawing that shows the placement of existing trees and shrubbery on the property. As you can see, the property is already well planted with foliage and over 80% wooded based upon the Critical Area Form calculation for tree coverage. Additionally, the north and east side of property fence is lined with shrubbery.

For the project being proposed, there is a disturbance of 211 square feet. This is the sum of two parts of the project that are in the 100' buffer zone, specifically:

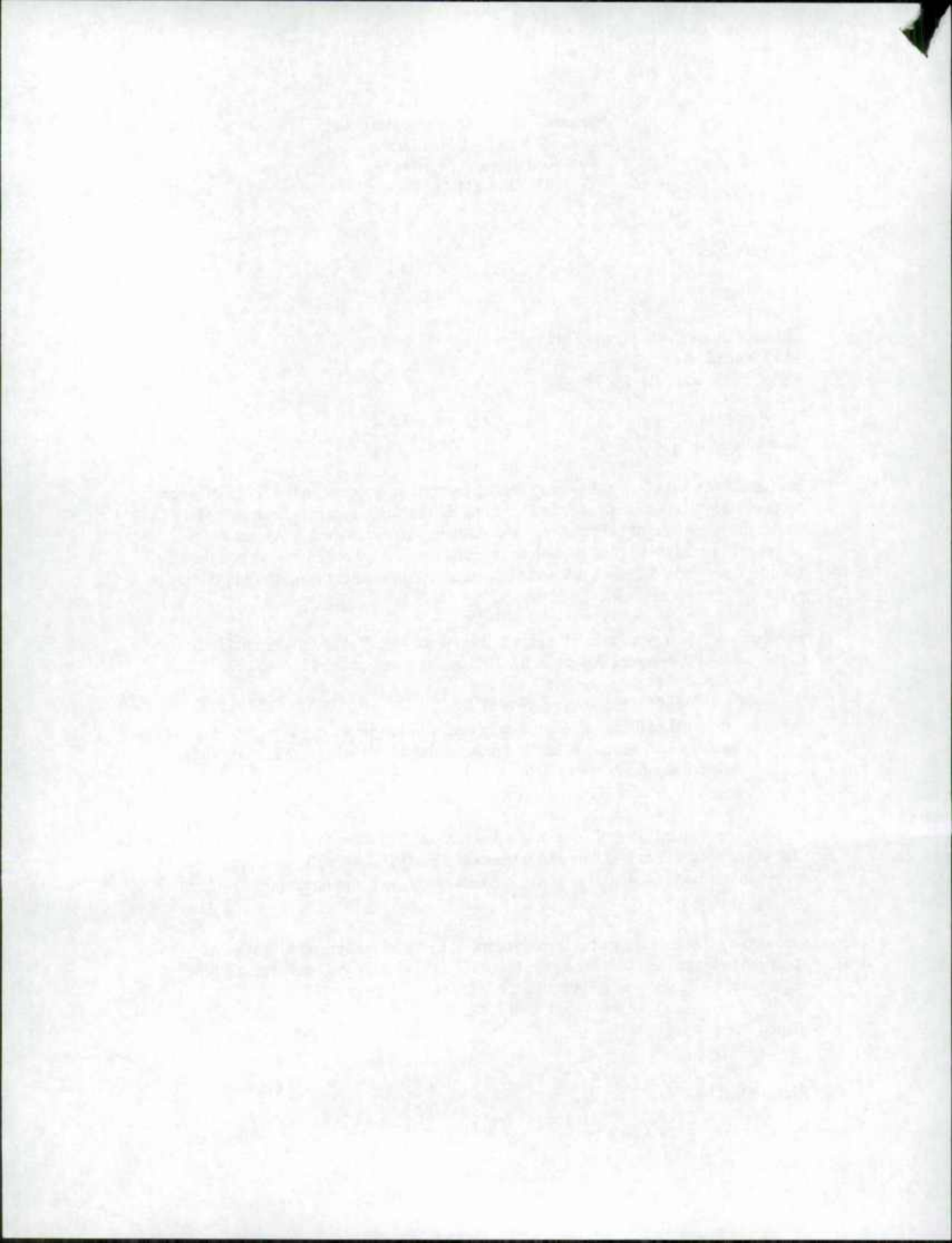
- 90 sf for the front uncovered deck;
- 121 sf for the side uncovered deck (we are proposing to modify this from the original 192 square feet and reduced the calculated square footage by the original stoop footprint of 15 sf);
- For a total 211 square feet.

As presented in the Board of Appeals package, no trees or other foliage were removed for this project, vegetation loss was minimized and drainage was not altered in any way. The proposed addition was placed next to the house where there was no plantings, only grass and buffer beds.

I am hoping that the information provided meets the requirements of mitigation as specified in the request. Please let me know if I need to do anything else to meet the requirements. Thank you again for all the help.

Sincerely,

Richard Wilder





**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

Richard Wilder & Laura McDaniel
6599 Long Beach Drive
St. Leonard, MD 20685

Subject: Board of Appeals Case No. 08-3546 – Property Located at 6599 Long Beach Drive,
St. Leonard, Maryland 20685

Dear Applicants:

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 front setback requirement from 25' to 7' for a replacement porch with an extension and a second story uncovered deck; and a variance in the 100' waterfront buffer requirement and a variance in the side setback requirement from 6' to 1' for a replacement deck with an extension. As you know, the Board deferred action to allow you time to have a property survey completed that includes the established property lines, the house location, the cottage and shed locations, the setbacks, and the 100' waterfront buffer line. The Board also requested you provide documentation regarding the acquisition of the cottage located on the subject property.

Prior to rescheduling the hearing, the Board has also asked the Calvert County Zoning Officer to verify that you have met mitigation requirements for the construction that is the subject of your request.

Once the subject information is received and reviewed, your case 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 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: Amber Widmayer, CBCAC
Kerrie Gallo, CBCAC
John & Patricia Jensen
Dorothy & William Duryee
Mary Beth Cook, Calvert County Zoning Officer
Anastasis Yannitsadis
Jimmy Neam
Ted Dutcher

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

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

