

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/

August 19, 2008

Lillian Lord
Town of Oxford
P.O. Box 339
Oxford, MD 21654

Re: Rhodes Variance

Dear Ms. Lord:

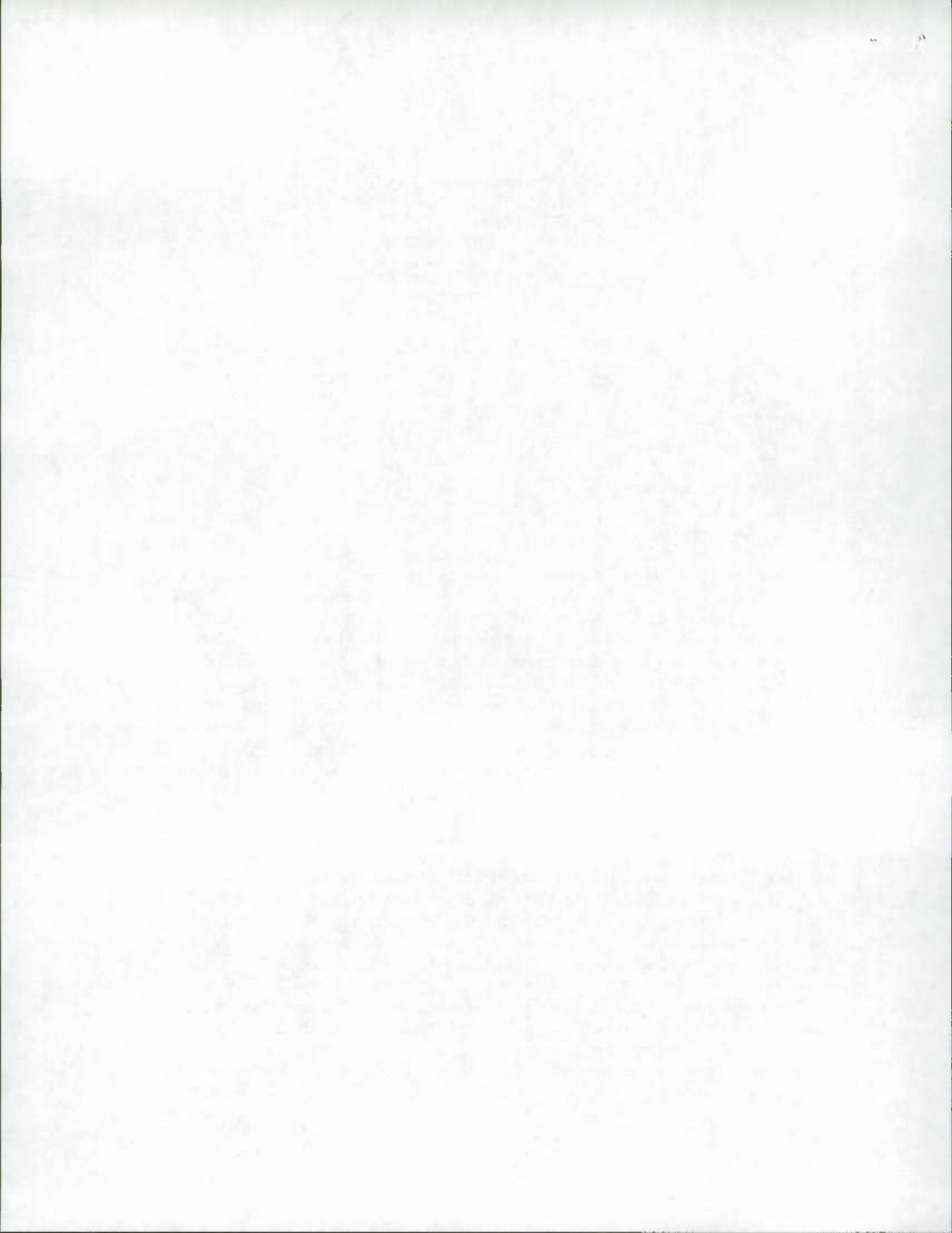
Thank you for providing information on the above referenced variance request. The applicant is proposing to construct a workshop, garage, and driveway within the 100-foot Buffer. The property is 15,862 square feet in size, is designated Intensely Developed Area (IDA), and is located in a Buffer Exemption Area (BEA). Total existing lot coverage onsite is 1,027 square feet (6.4%); the applicant proposes to increase lot coverage by 840 square feet to 1,867 square feet (11.4%). To meet 10% Pollutant Removal requirements and Buffer mitigation onsite, the applicant is proposing to plant three trees and sixty-three shrubs.

Since the property is designated BEA, a variance is not required. However, Oxford Zoning Ordinance §8.04.3a states that:

“New development or redevelopment activities, including structures, roads, parking areas, and other impervious surfaces or septic systems will not be permitted in the Buffer Exemption Area unless the applicant can demonstrate and the Planning Commission finds that there is no feasible alternative. Such findings shall document that the intrusion is the least necessary. A copy of the Planning Commission’s findings in this regard shall be available to the Critical Area Commission upon request.”

In reviewing the site plan for this application, it appears that there is ample opportunity to locate the proposed workshop, garage, and driveway *entirely* outside of the 100-foot Buffer and still be located in the rear and side yard of the lot, at least 15 feet from the street side property line, as required in §21.03.2 of the Oxford Zoning Ordinance. Therefore, Commission staff recommends that the applicant relocate the workshop,

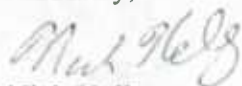




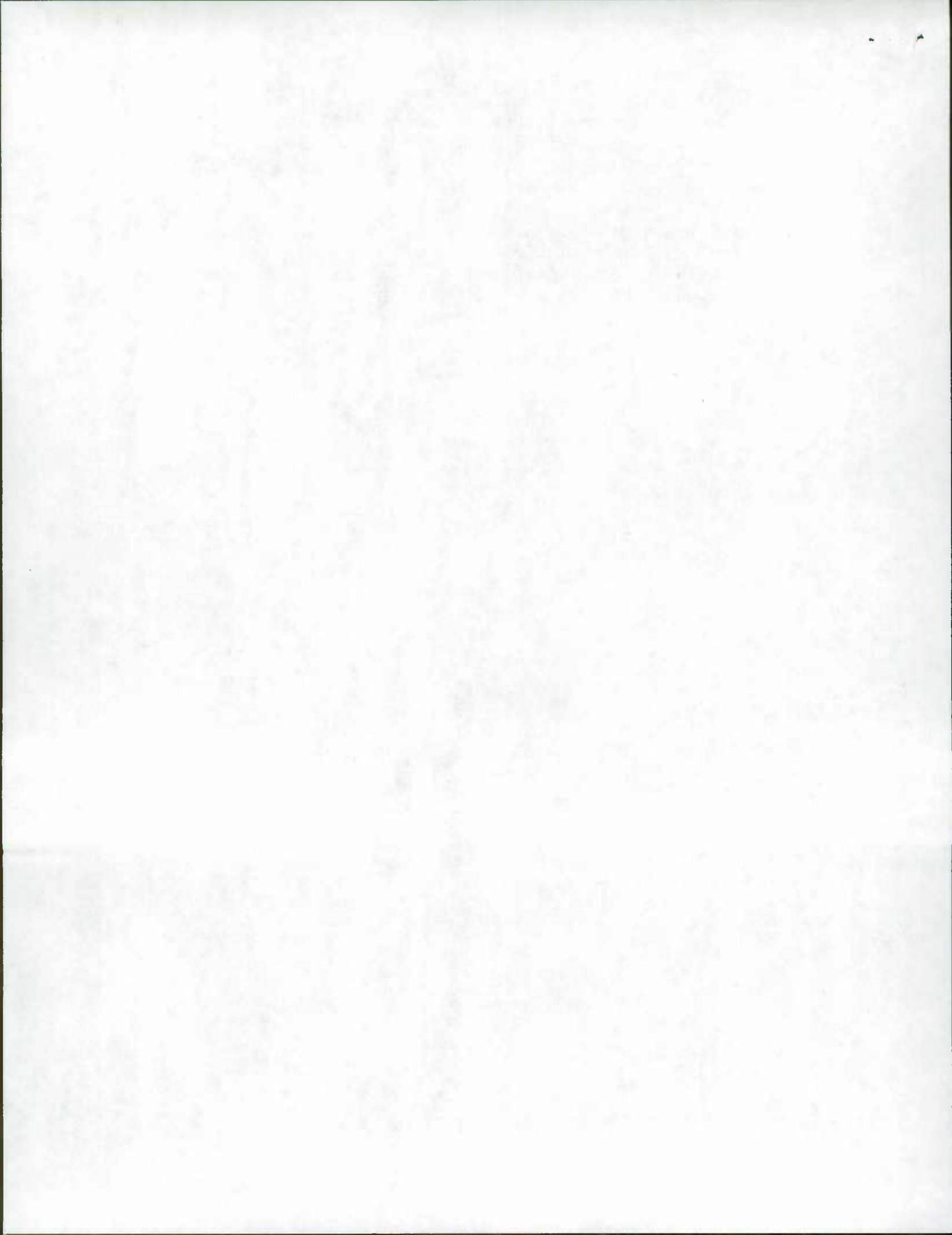
garage, and driveway outside of the Buffer area. We request the Town provide to this office a copy of the Planning Commission's findings for this application that determine there is no other feasible alternative in terms of locating these structures, and that the proposed intrusion is the least necessary onsite.

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 application. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please contact me at (410) 260-3483.

Sincerely,



Nick Kelly
Natural Resource Planner
cc: OX 433-08



Board of Zoning Appeals Oxford, Maryland

Number... 08-04
Date Filed... 7/1/08
Date Hearing... Sept. 11, 2008
Petitioners Notified... 7/2/08
Neighbors Notified... 7/2/08
Decision of Board.....

To the Board of Zoning Appeals

Pursuant to Section 11.00 of the Zoning Ordinance of Oxford, Maryland, request is hereby made for:

- Variation from strict application of said ordinance
- Decision on allegation of error
- Special Exception (See reverse side for sketch requirement)

Purpose of Request: (Describe variance requested or alleged error. If Special Exception requested state fully the kind of exception desired and reasons therefor.)

Request... Variance from literal application of Chesapeake Bay Critical Area Protection Plan pursuant to mitigation Plan (Revised 6/20/08) and letter to Board of Appeals dated 7/1/08.

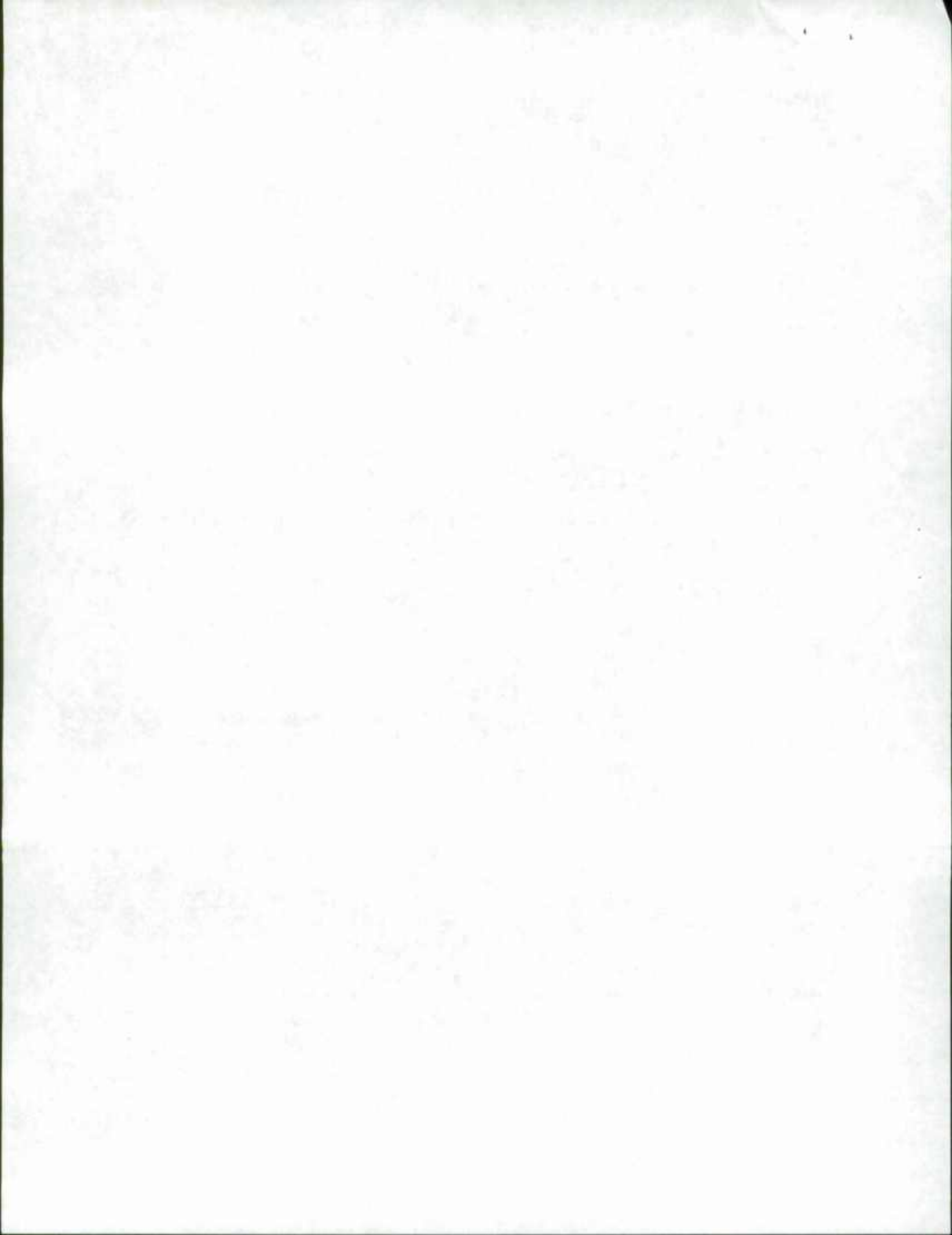
Owner of property... Harry H. & Sandra L. Rhodes
Address of owner... 222 E. Camden-Wyo. Ave. Camden, DE 19934
Telephone number... (302) 697-6673 (Home) 302 577-3470 (work)
Applicant's name and address if different from above.....

Has property in question ever been subject of previous request... NO
If so, give number and date.....

Signature of Applicant
Harry H. Rhodes III
6/30/08

IMPORTANT: Applications on which all required information is not furnished will be returned for completion before processing.

*Patron annexed few yrs ago. (BEA)? NOT worked!
↳ should be BEA but is not now.*



TOWN OF OXFORD
 Oxford, Maryland 21654
 (410) 226-5122

Permit No: 08-04
 Application Date: 2/25/08
 Zoning Classification: R-1

APPLICATION FOR BUILDING PERMIT

HISTORIC DISTRICT
 Yes No
FLOODPLAIN
 Yes No
CRITICAL AREA
IDA (IDA, LDA, RCA)

1. LOCATION OF BUILDING	NUMBER AND STREET <u>206 Bonfield Ave</u>		LOT <u>389</u>		
	SUBDIVISION				
Name		Mailing Address - Number, street, city and state	Zip code	Tel. No.	
Applicant	<u>Harry H Rhodes</u>		<u>222 E. Camden-Wye</u>	<u>19934</u>	<u>302</u>
	<u>Sandra L Rhodes</u>		<u>Ave Camden, DE</u>		<u>697-6673</u>
Property Owner	<u>Same</u>				
General Contractor	<u>Dulin Builders, 2242 MD Bldg</u>		Lic. # <u>862</u>		<u>(410) 305884</u>
Mechanic/Plum Contractor	<u>Home Tmp</u>		Lic. # <u>10474</u>		
Electrical Contractor			Lic. #		

A CERTIFICATE OF USE AND OCCUPANCY IS REQUIRED to be issued by the building official BEFORE this building may be occupied. No certificate of use and occupancy will be issued until all building and plumbing inspections have been made and approved. If the use of the building changes, a new certificate must be obtained.

A permit under which no work is commenced within six months after issuance shall expire. A permit under which work commences within six months shall become invalid One Year after the Date of Permit issuance. Inspections are required for footing trenches, foundation (waterproofing-drain tile-backfill) framing, insulation, plumbing and final. Forty-eight hour notice is required for all inspection requests, call 226-5122.

THIS APPLICATION MUST BE ACCOMPANIED BY 3 COPIES OF ALL REQUIRED DOCUMENTATION.

A. TYPE OF WORK:	B. DIMENSIONS (In Square Feet)	C. COST (Estimate)
<input type="checkbox"/> New Bldg.	Unfinished Basement _____	A. General Construction..... \$ _____
<input type="checkbox"/> Alterations	Finished Basement _____	B. Electrical..... \$ _____
<input type="checkbox"/> Addition	First Floor <u>200 sq ft</u>	C. Plumbing..... \$ _____
<input checked="" type="checkbox"/> Accessory Struct.	Second Floor _____	D. Heating, air conditioning... \$ _____
<input type="checkbox"/> Sign	Garage <u>280</u> Carport _____ Porch _____	E. Other (elevator, etc.)..... \$ _____
<input type="checkbox"/> Fence	Total Floor Area <u>480</u>	
<input type="checkbox"/> Site Development		
<input type="checkbox"/> Demolition		

TOTAL COST OF IMPROVEMENT \$ 24,000

DESCRIPTION OF PROPOSED WORK: 280 sq ft, single car garage with 200 sq ft workshop sited no less than 15 feet from side street property line (Reg § 21.03-2b)

The applicant hereby certifies and agrees as follows:
 (1) that he is authorized to make this application: (2) that the information is correct: (3) that he will comply with all regulations of The Town of Oxford which are applicable hereto: (4) that he will perform no work on the above property not specifically described in this application: (5) that he grants Town officials the right to enter onto the property for the purpose of inspecting the work permitted and posting notices.

* The Commissioners of Oxford may impose additional Application Fees commensurate with those costs incurred in the processing, review and evaluation of Permit Applications. Such costs may include, but are not limited to: consultant fees, survey costs, environmental impact characterizations, staff assignments and other related costs; legal fees incurred in reviewing applications or representing the town of Oxford, the Commissioners of Oxford, or their employees or officials, and other related costs.

Signed Harry Rhodes Print Name Harry H & Sandra L. Rhodes
 Owner - Applicant

Mailing Address 222 E. C.W. Ave Camden DE 19934 Phone 302 697 6673
 (Street or P.O. Box No.) (City) (State)

ZONING REVIEW	MAIN STRUCTURE SETBACKS	LOT COVERAGE BY EXISTING & PROPOSED BLDGS.	OFF STREET PARKING SPACES
	Front _____ ft. Side _____ ft.	_____ %	(9 x 20' each) _____
	Rear _____ ft.		
LOT DIMENSIONS	ACCESSORY STRUCTURE SETBACKS	HEIGHT (Maximum)	Use Group
Width _____ ft. Frontage _____ ft.	Front _____ ft. Side _____ ft.	_____ ft.	Construction Classification _____
Depth _____ ft. Area _____ sq. ft.	Rear _____ ft.		
Zoning <u>Approved</u>	By <u>PLB</u> Date <u>6/3/08</u>	Sediment Control _____ By _____ Date _____	
Public Works _____	By _____ Date _____	Stormwater Mgt. _____ By _____ Date _____	
Flood Control _____	By _____ Date _____	Historic District _____ By _____ Date _____	
Construction Plans _____	By _____ Date _____	Appeals Board _____ By _____ Date _____	

REQUIRED INSPECTIONS: Footing Foundation Framing Plumbing Insulation Final

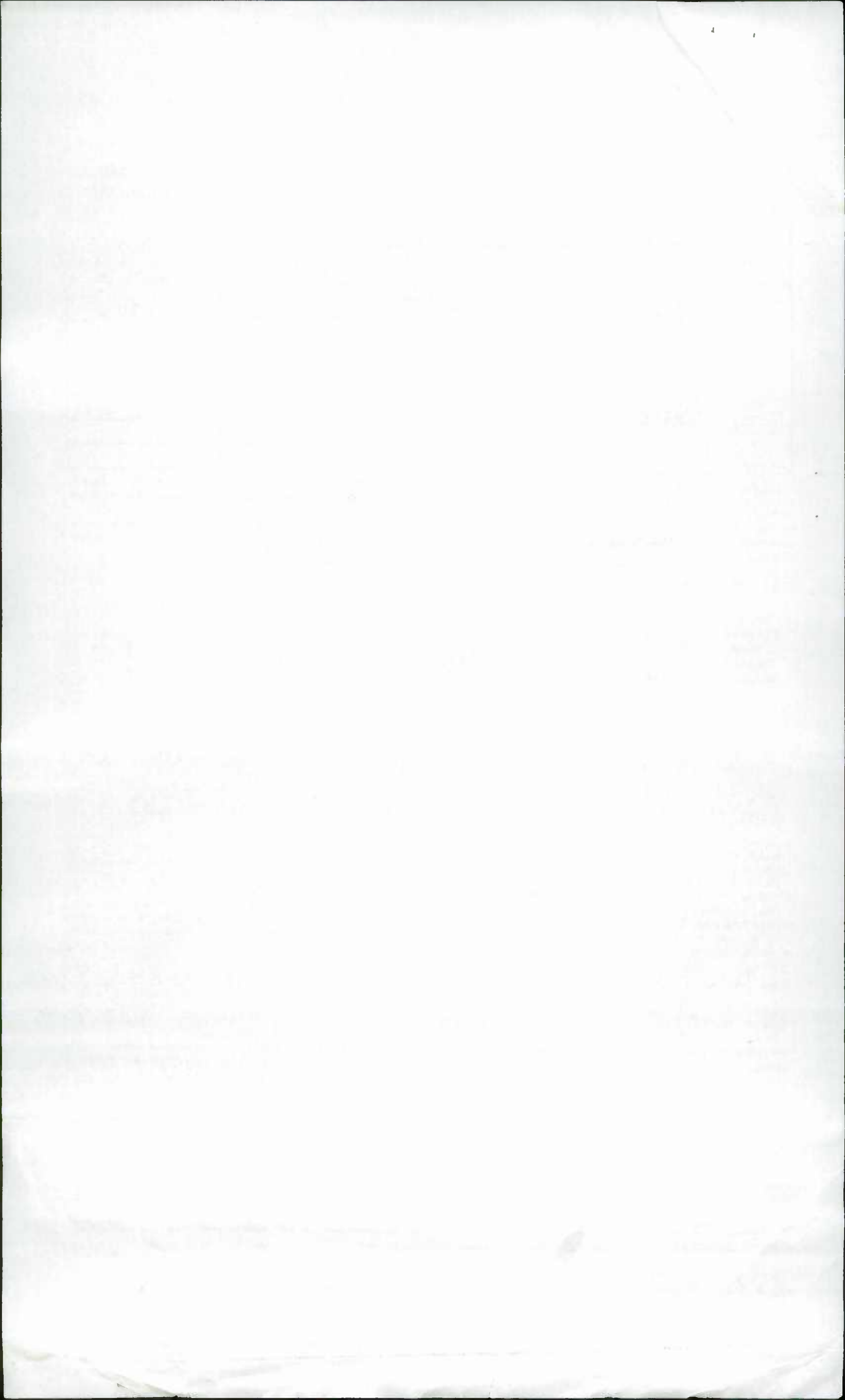
ZONING FEE \$ 25 CRITICAL AREA FEE _____ PERMIT FEE \$ 38.40

This is to Certify that Permit to Build is granted this date _____

UTILITY FEE \$ _____ Rec'd. By L. Wilhoit

Signed _____ Building Official

MAKE CHECK PAYABLE TO: Commissioners of Oxford



OXFORD PLANNING COMMISSION

MINUTES

JUNE 3, 2008

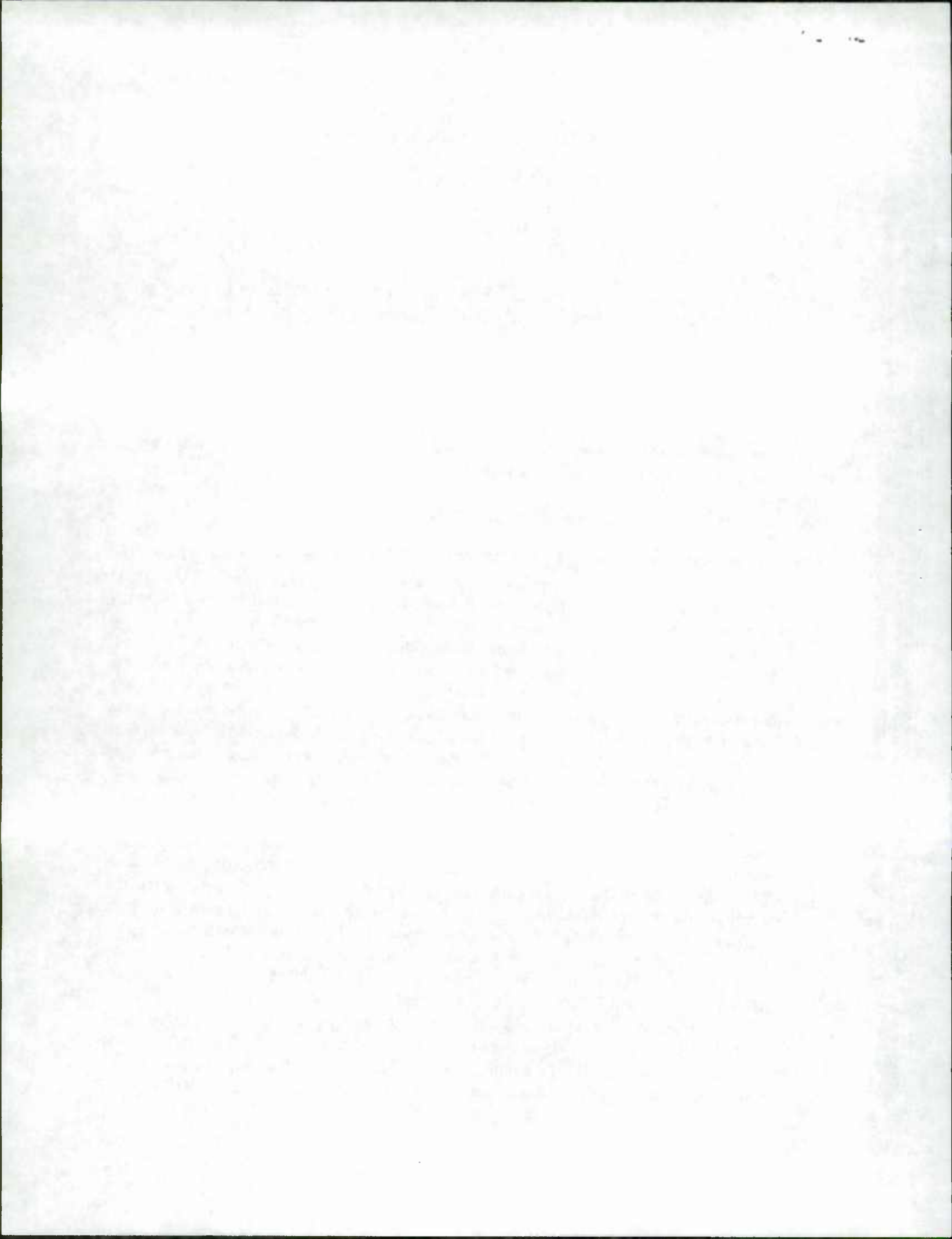
The regular monthly meeting of the Oxford Planning Commission was called to order by the chairperson, Pamela Baker, on Tuesday, June 3, 2008 in the meeting room of the Oxford Community Services Building.

Other commission members in attendance were Theodore Lutkus, Anthony Passarella, and Donald Silliman.

The minutes of the meeting of May 6, 2008 were approved and accepted with the following change: Page 2, last sentence, the word "statutes" should be "resolution."

The following building permits were reviewed by the Planning Commission:

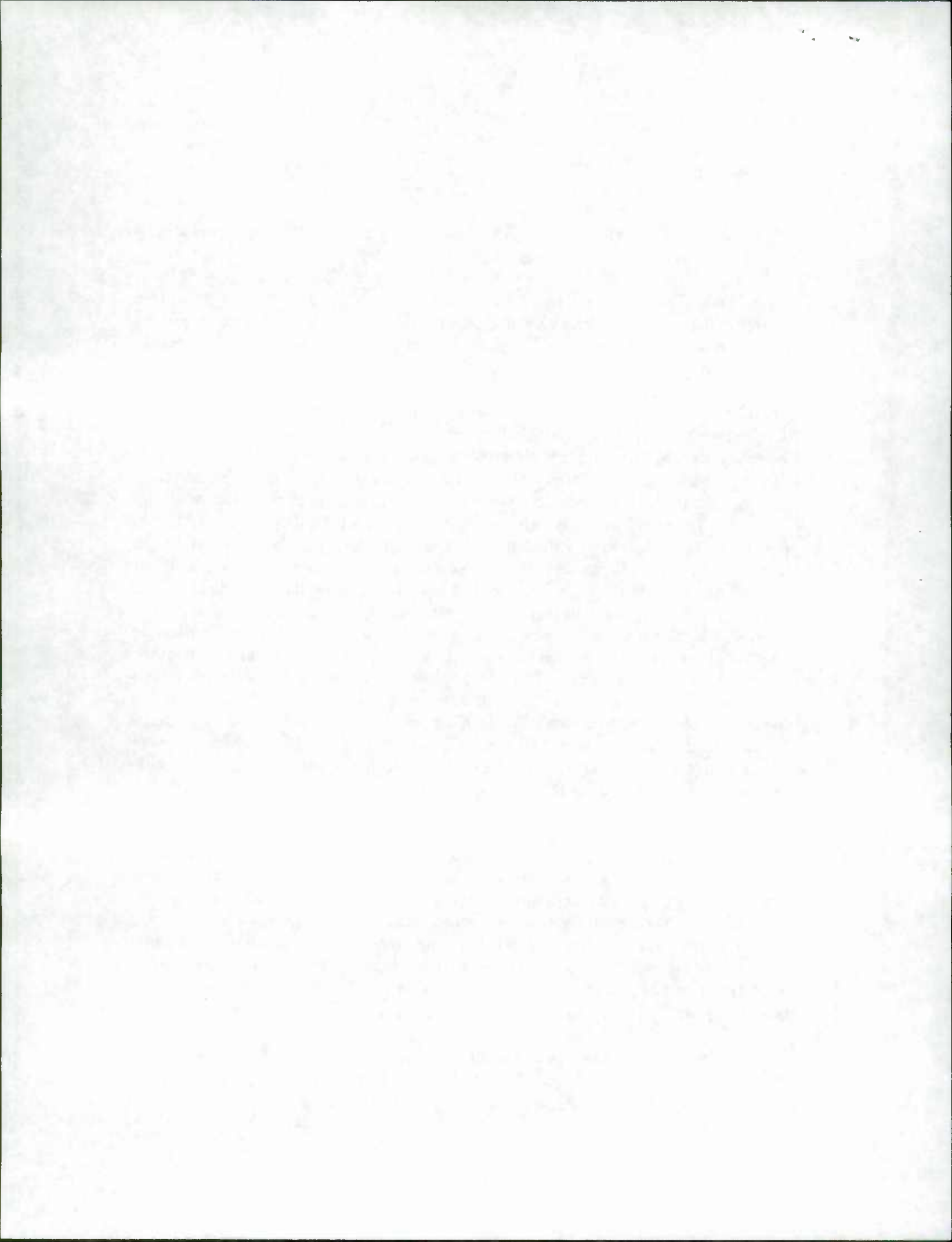
1. **Permit #08-04, Mr. and Mrs. Harry Rhodes, 206 Bonfield Ave., single car garage.** Mr. Rhodes explained to the commission that he has a corner lot at Bonfield Avenue and Division Street. He had originally submitted his plans not knowing that there would be any problems with what he was requesting to do. In looking at Section 21.03.2b of the Oxford Zoning Ordinance, Mr. and Mrs. Rhodes interpreted that to be an exception to the general rule because they have a corner lot which refers to being setback no less than 15' from the street side line. He added that when he and his wife had built their home back in 1993, the town showed the Critical Area Buffer Zone as having much less of an impact as it shows now. In meeting with the Critical Area Circuit Rider, Roby Hurley, Mr. Rhodes was informed that we would need to plant 76 trees in order to meet the critical area requirements if he were to build his garage and asked the commission where was he going to put them? Mrs. Baker agreed that in this case the accessory structure zoning was confusing because it has generally been considered that accessory structures should only be located in the rear or side yard. The other commission members agreed with her. Mr. Rhodes added that he has not had an elevation survey done but has asked his contractor to do so in order to build his garage up to the same height as his house because he did not want his car to get ruined in the event of a flood. Mrs. Baker informed Mr. Rhodes that after July 1, the town will no longer have access to a circuit rider. Mr. Rhodes responded that he had submitted a planting plan for this project some time ago but that no one had commented on it. The commission members were of the opinion that the permit was acceptable but that it would be subject to Critical Area Commission review with an acceptable mitigation plan. Mr. Silliman made a motion to approve the submitted application for the garage subject to the provision that it has to be reviewed by the Critical Area Commission and approved including an acceptable planting plan which needs to be submitted as well. Mrs. Baker added that part of the process would include an elevation certificate as well. The motion was seconded by Mr. Passarella



with all in favor. In closing, Mrs. Baker summed up that the permit was approved subject to Critical Area mitigation and sediment and erosion control.

2. Permit #08-25, 208 The Strand, LLC, 208 E. Strand, construction of a retaining wall on the east side of the property. Michael Klein, representative of 208 The Strand, LLC, explained to the commission this his property is bordered by a retaining wall that is poorly built but not on his property. Originally Mr. Klein had made a presentation to the Planning Commission which showed the replacement of that retaining wall in the area of where it exists now. The retaining wall would have helped in the functioning of the rain garden, which is part of Mr. Klein's stormwater plan. However, after presenting this plan to the Commissioners the Commissioners turned down Mr. Klein's offer to replace the wall because of it being located on town property and also informed Mr. Klein that no landscaping could extend onto town property. What Mr. Klein was now presenting was the same plan as he had originally presented to the commission only shifted back 3 to 4 feet back towards his house on his own property. He noted that the Historic District Commission, who approved his plan, asked that his site plan be redrawn because it did not show changes to the existing structures and only showed the retaining wall. Mr. Klein noted that he told them he would give them a site plan showing the structures as to how they would exist but that those structures have already been approved. Mrs. Baker agreed that would be a good idea since what Mr. Klein was presenting still showed the old office and various other paths that have since been removed from the property. Mr. Klein then mentioned that the town attorney, David Thompson, had noted that in his view retaining walls are to be treated as fences which means they can be on the property line and not exceed 4', which, Mr. Klein noted, his wall would meet that criteria. Mr. Klein stated that the wall cap will create a line that would extend an inch over the wall and questioned whether that had to be behind the property line or simply the face of the wall. Mrs. Baker responded that her thought was the pier and the cap would have to be on Mr. Klein's property, particularly the pier itself. Mr. Passarella asked if the retaining wall was really necessary or could Mr. Klein put in something completely underground since the top of the wall becomes impervious surface coverage. Mr. Klein responded that he had spoken with various people but there was no other solution. The commission members conveyed to Mr. Klein that they did not object to the brick wall, but because of the impervious surface coverage it would be creating, they would have to disapprove the permit since the coverage on this property has already reached its maximum coverage. Mr. Silliman made a motion to disapprove the application because of the coverage issues of the wall and that a positive recommendation be sent to the Board of Appeals recommending the wall. The motion was seconded by Mr. Lutkus and unanimously carried.

This concluded the review of building permit applications.



FAX

(five pages, including this cover letter)

June 30, 2008

To: Mrs. Lillian Lord (410) 226-5597
From: Hank and Sandy Rhodes

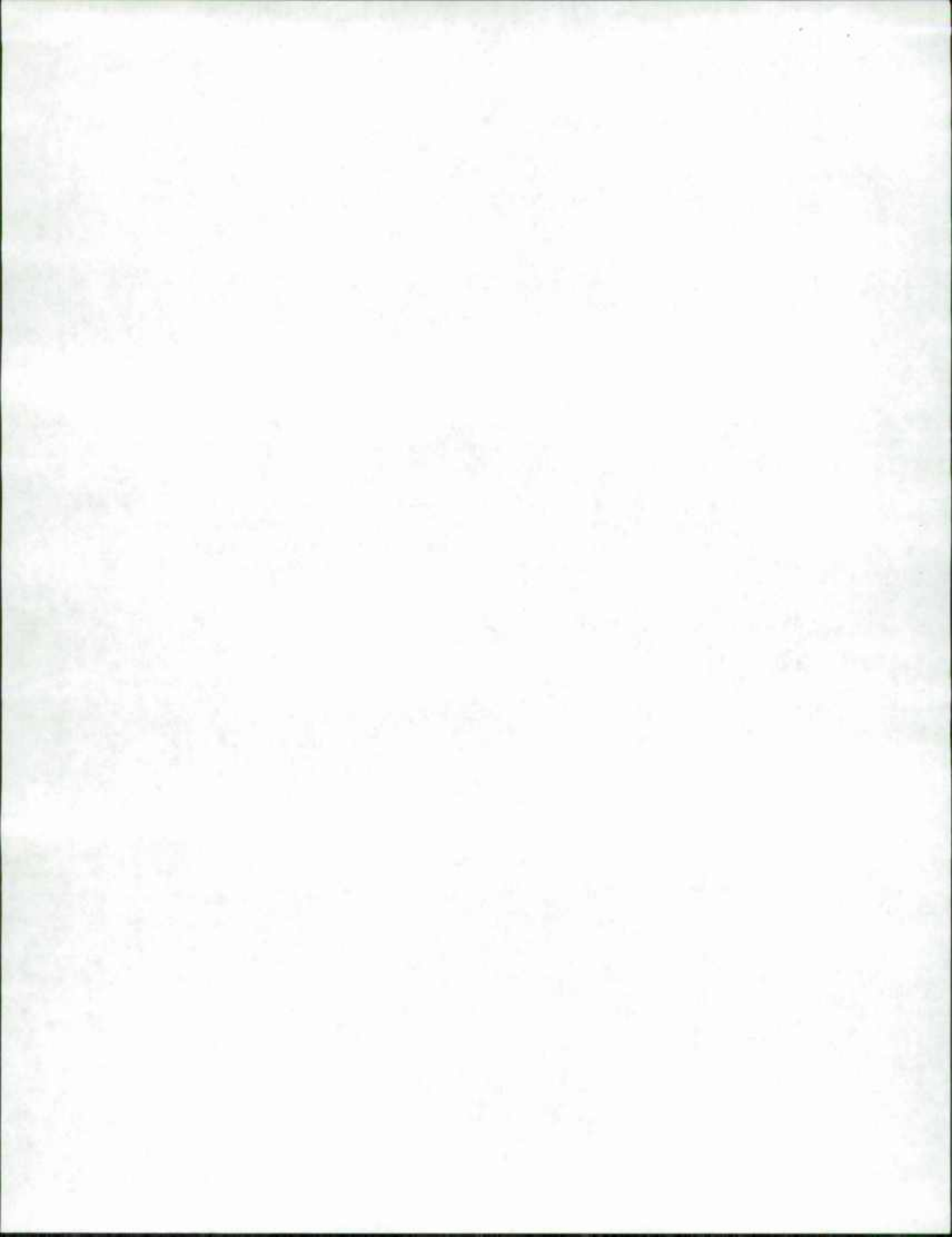
Dear Mrs. Lord,

We were not certain of the status of our revised proposal for mitigation of the incursion on the Critical Area buffer zone, or the timing of review and appeal, if any. The Town website does not designate a set schedule for meetings of the Board of Appeals, so I spent much of last night preparing for a meeting if one was scheduled for tomorrow night.

I'm transmitting here the fruit of my labor, in the hope that it will answer questions and concerns of the Planning Commission or other interested Boards or Commissions. If it is not necessary that I attend a meeting, I would be grateful not to have to travel the 110 miles from work tomorrow night, but will do so if failure to attend would be seen as some form of lack of respect or commitment.

Thanks, as always, for your guidance.

Hank Rhodes



HARRY H. AND SANDRA L. C. RHODES
222 E. Camden-Wyoming Ave.
Camden, DE 19934-1303
(302) 697-6673

July 1, 2008

Board of Appeals
Town of Oxford
PO Box 339
Oxford, MD 21654

RE: Request for Variance under Critical Area Program
840 sq. ft. garage/workshop/driveway new construction
206 Bonfield Avenue, Map 400, Block OX, parcel 389

Gentle Persons:

The undersigned applicants request a variance from the restrictions of the Town of Oxford/ Chesapeake Bay Critical Area Protection Plan ("Critical Area").

SCOPE OF PROJECT:

The Applicants propose to construct an accessory building consisting of a 280 sq. ft. single car garage, with attached 200 sq. ft. workshop, and graveled driveway and parking area, for a total impervious surface of 840 sq. feet. The total area is within the Critical Area, more than 25 feet from a tidal ditch.

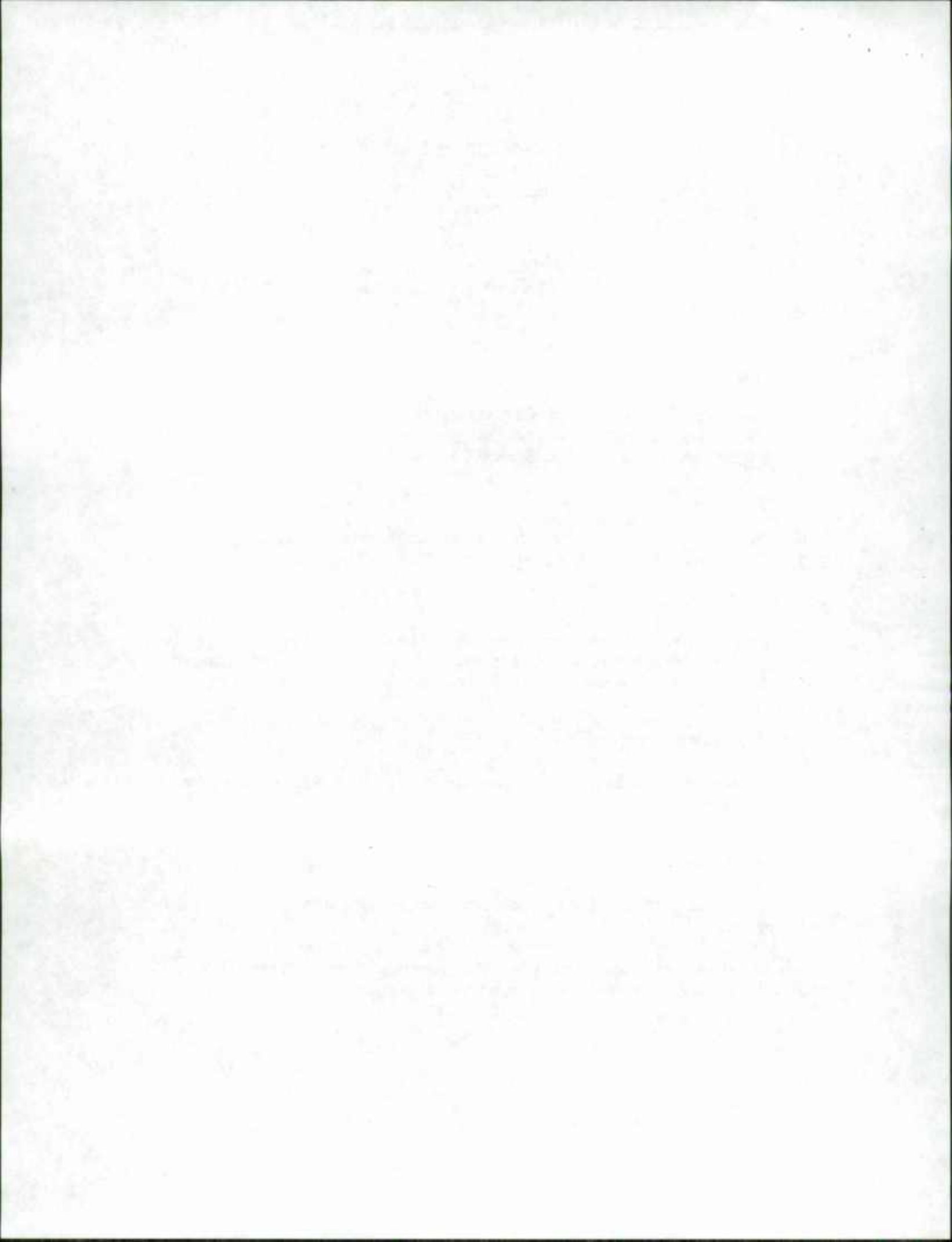
VARIANCE REQUESTED:

In consideration of a plan for mitigation of the impact of the addition of 840 sq. feet of impervious surface, the Applicants request a variance of restrictions imposed on construction of the project by the Chesapeake Bay Critical Area Protection Plan. ("Plan")

VARIANCE STANDARDS:

The Appeal Board may grant a variance of restrictions imposed on construction of the project by the Plan if,

1. A literal enforcement of the Critical Area regulations would result in an unwarranted hardship to the applicant. Unwarranted hardship means that without a variance, an



applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

2. There are special conditions or circumstances that are unique to the land or structure and that denial of the variance would result in an unwarranted hardship.

3. The literal enforcement of the Critical Area regulations will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

4. Granting a variance will not confer on an applicant any special privilege that would be denied on other lands or structures affected by the Critical Area regulations.

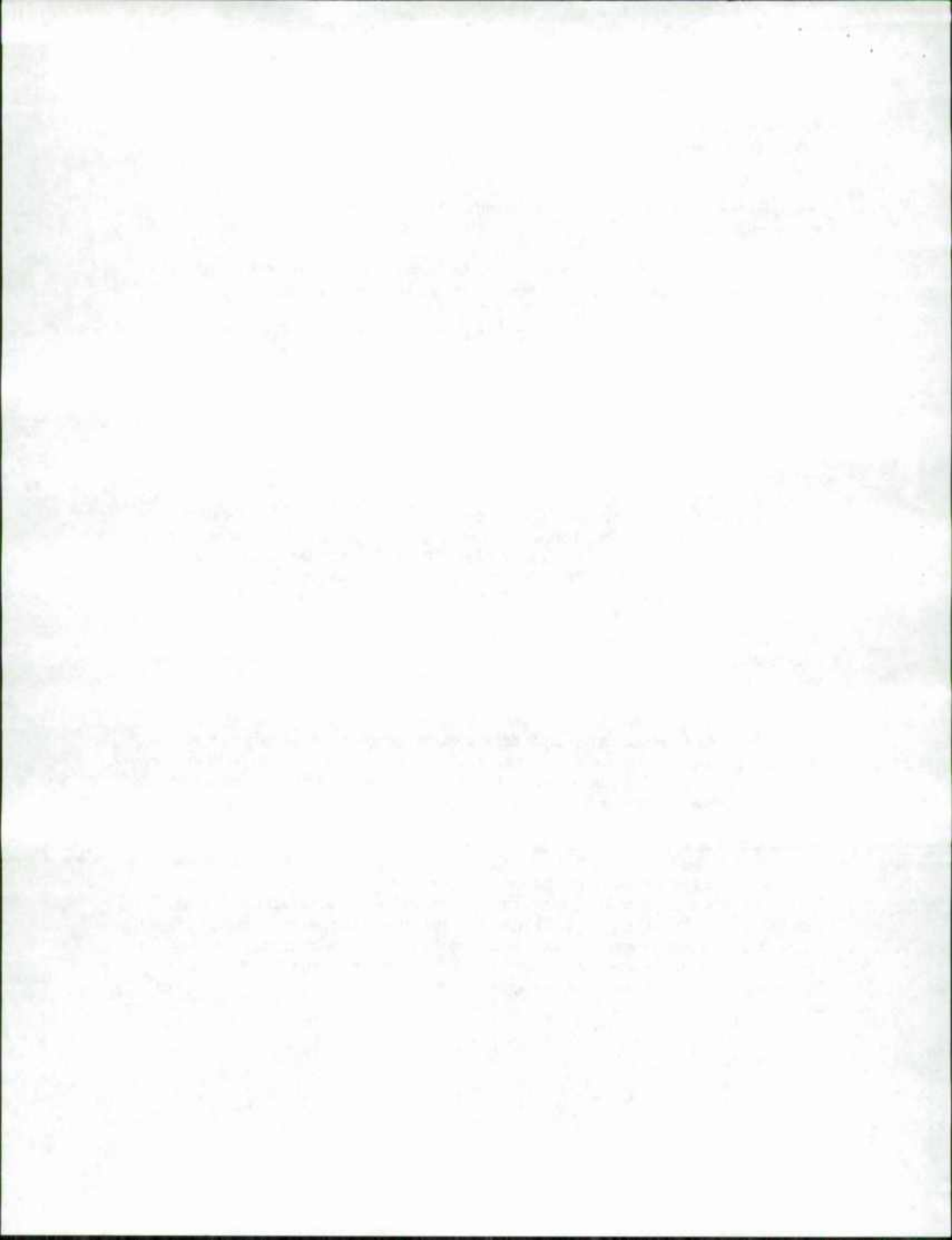
FACTS:

The lot is situated at the North East corner of Bonfield Avenue and East Division Streets, contains 15,862 sq. feet, more or less, measuring approximately 211.5 feet by 75 feet (the "lot"). The Applicants purchased the lot June 3, 1991 and constructed a 1,027 sq. ft., two story, single family dwelling in 1993 with the plan of modestly increasing the living and accessory areas for future retirement.

At the time of construction and for all times until shortly before this application process commenced, the Applicant's relied upon a January, 1988 survey of a professional land surveyor, and the Town of Oxford zoning maps for the approximate location of the 100 ft. Critical Area buffer zone boundary (the "buffer zone").

During the process of applying for this and another permit, the Applicants were advised by Oxford's Critical Area liaison officer that the buffer zone boundary is now believed to be an arc that comes within 6 feet, more or less, of the North East corner of the back of the existing dwelling and affects much more of the lot than plotted by the survey submitted with the application for the 1993 building permit. As a result, the practical, usable area remaining for construction of an accessory building appears to be wholly or mostly within the buffer zone.

Applicants have submitted a Plan for mitigation of the impact of the 840 sq. ft. of impervious surface proposed for construction within the buffer zone to include the planting 3 trees and no fewer than 42 shrubs. In addition, the Applicants sought and received approval to construct the proposed accessory building as close to the street as possible to reduce the total impervious surface of the driveway. Additionally, for complementary landscaping and further mitigation of the impervious surface, the Applicants propose to plant numerous native grasses and herbaceous plants.



The subject lot is believed to have been recorded as a legally buildable lot prior to December 1, 1985. A visual survey of the neighborhood of the lot, that being the lots on the water side of East Division Street, Bonfield Avenue and East Street, would disclose a number of dwellings and accessory buildings constructed in their respective buffer zones.

DISCUSSION :

1. A literal enforcement of the Critical Area regulations would result in an unwarranted hardship to the applicant.

The lot, though spacious compared to many in Oxford, is limited by its corner location, its narrow dimensions, and the restrictions of the buffer zone. The existing dwelling and a 183 sq. ft. addition now under construction approach the practical limits for improvement without reasonable relief from the Critical Area regulations. Without a variance, there now exists and there will not exist any accessory space for services to the lot, such as sheltering an auto, lawn equipment, lawn furniture, barbecue, bicycles, motor cycles, and hobby tools.

2. There are special conditions or circumstances that are unique to the land or structure and that denial of the variance would result in an unwarranted hardship.

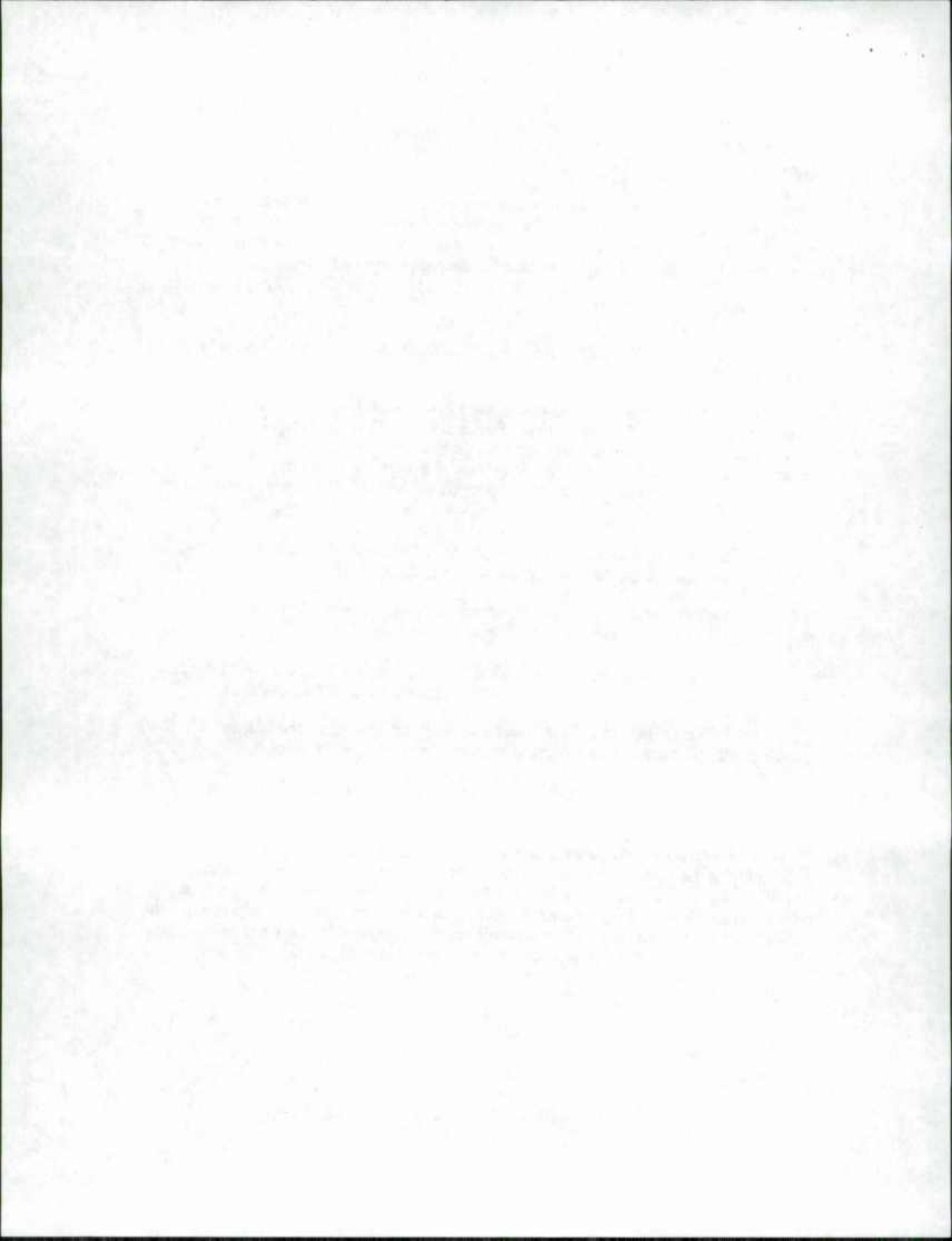
The lot, though spacious compared to many in Oxford, is limited by the set-back restrictions of its corner location and the buffer zone.

3. The literal enforcement of the Critical Area regulations will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

Several water-side lots of East Division Street, Bonfield Avenue, and East Street have dwellings and accessory buildings constructed in their respective buffer zones.

4. Granting a variance will not confer on an applicant any special privilege that would be denied on other lands or structures affected by the Critical Area regulations.

This criteria requires the applicants and the Board of Appeals to speculate as to whether or not granting the requested variance would confer a privilege that would, in the future, be denied to other lands or structures affected by the Critical Area regulations. The Applicants submit that a variance, though a matter partly of the exercise of reasonable and equal judgement, and partly of grace, would not confer a privilege not already enjoyed by many homeowners in Oxford whose lots have been developed over a period of almost 400 years.



Request for Variance
206 Bonfield Avenue
Page 4.

SUMMARY:

The Applicants purchased a lot and constructed a modest dwelling with the reasonable expectation of enlarging it for year-round residence, including additional living service space. Without conscious action on their part, the Applicants are now restricted, without variance, by a realignment of the buffer zone and Critical Area Regulations from constructing an additional accessory structure on the lot.

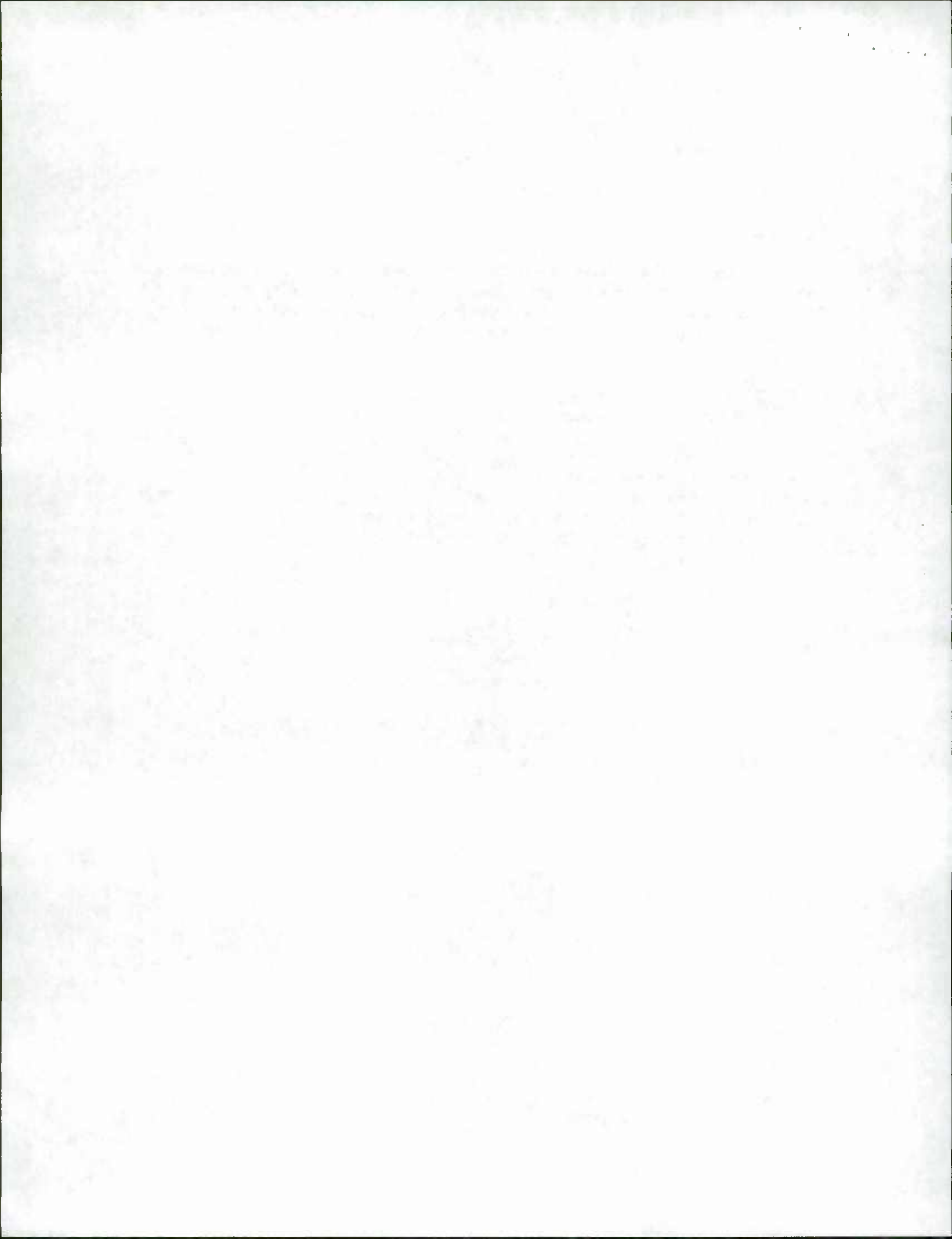
The total area of proposed and existing structures under roof will equal approximately 1,243 sq. ft. of a total lot area of approximately 15,862 sq. feet, far less than 25% of the total.

Though the Applicants stand ready to execute the proposed mitigation plan, they are concerned that so much large scale vegetation on the lot's narrow dimension will overwhelm it. However, the Applicants would also propose an alternate mitigation plan to provide for plants on public lands of the Town of Oxford or Talbot County. In all events, they request that the Board of Appeals grant a variance to the Critical Area Regulations that will permit the construction of the project, as proposed.

Sincerely,



Harry H. Rhodes, and Sandra L. Rhodes
Applicants



HARRY H. & SANDRA RHODES
222 E. Camden-Wyoming Avenue
Camden, DE 19934-1303

(302) 697-6673

302-577-8670

June 21, 2008

302-577-8656

Ms. Lillian Lord
Town of Oxford
P.O. Box 339
Oxford, MD 21654

RE: 206 Bonfield Avenue
Garage/workshop
Revised Planting/Mitigation Plan

Dear Ms. Lord,

We submit a revised plan to mitigate incursion upon the 100 Ft. Critical Area Buffer. The plan consists of a planting sketch and a calculation of the mitigation required.

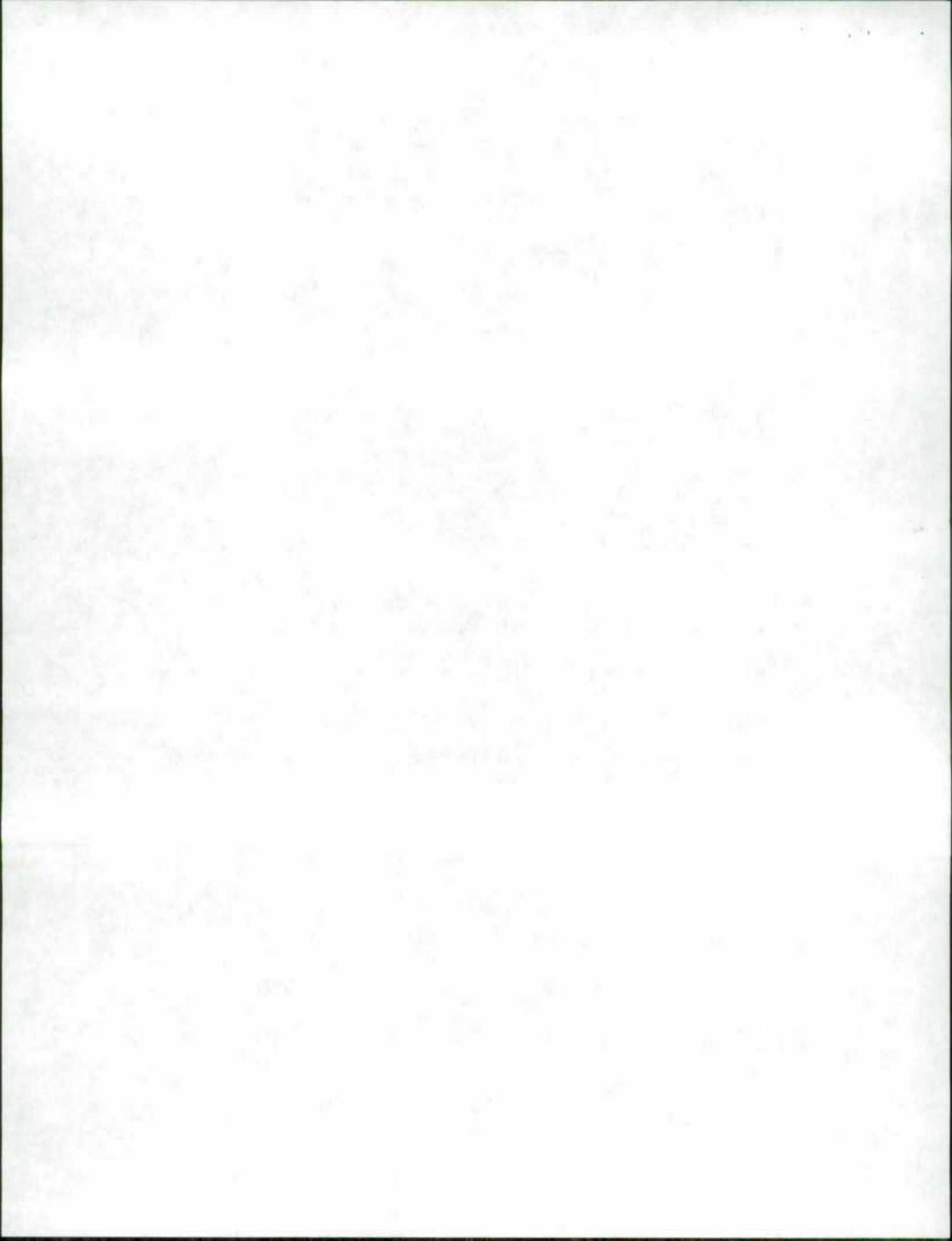
Based on the advice of Mr. Roby Hurley, we propose to plant three (3) trees and no fewer than forty-two (42) shrubs, plus native grasses and herbaceous plants to supplement the plantings already existing on the lot.

Please advise us how or if anything else remains for us to do to obtain a building permit.

Sincerely,

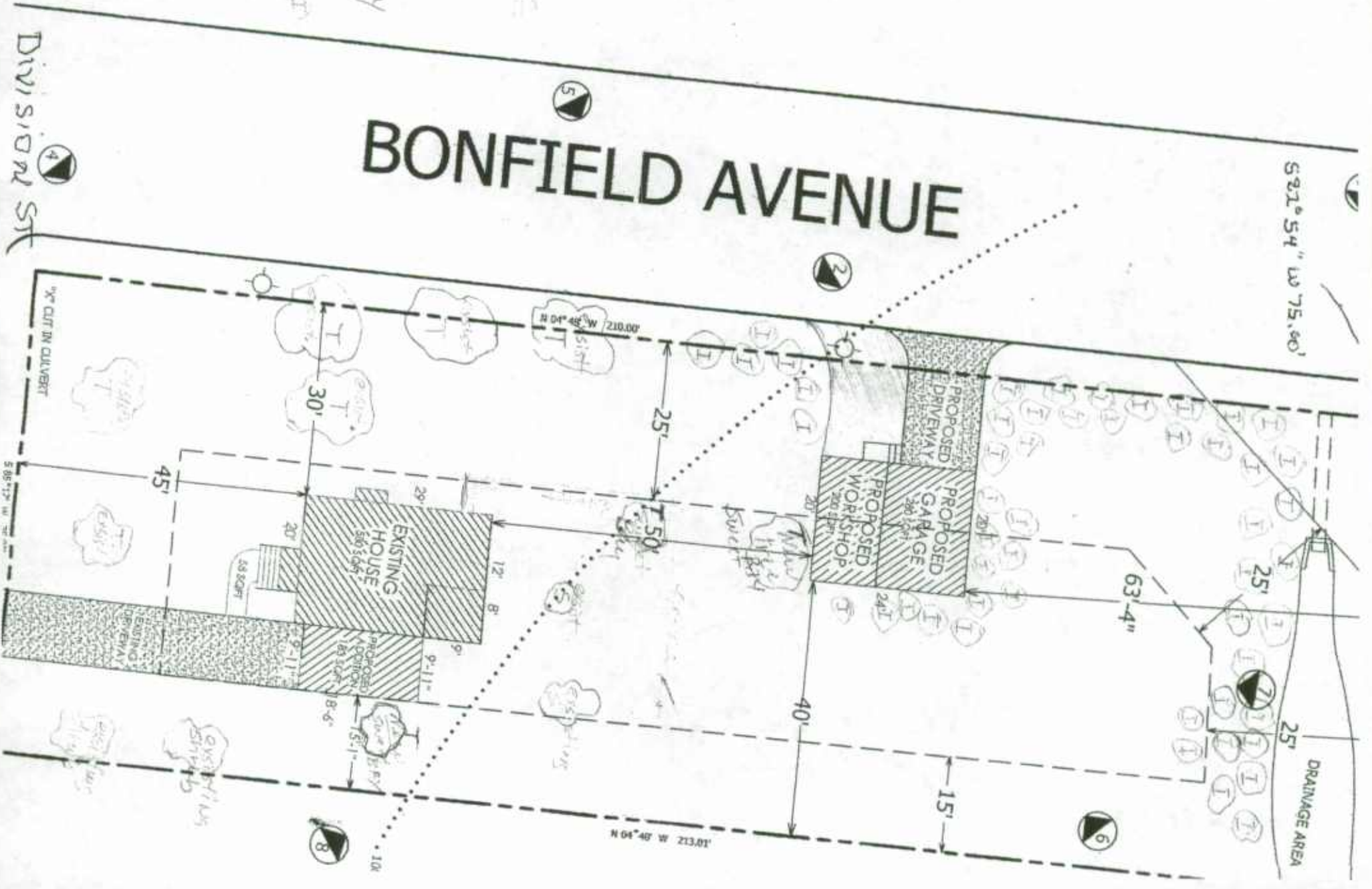

Hank and Sandy Rhodes

CC: (fax) Mr. Roby Hurley



Harry H & Sandra L. Rhodes
 MAP 400 Grid. OK Parcel 389
 June 21, 2008

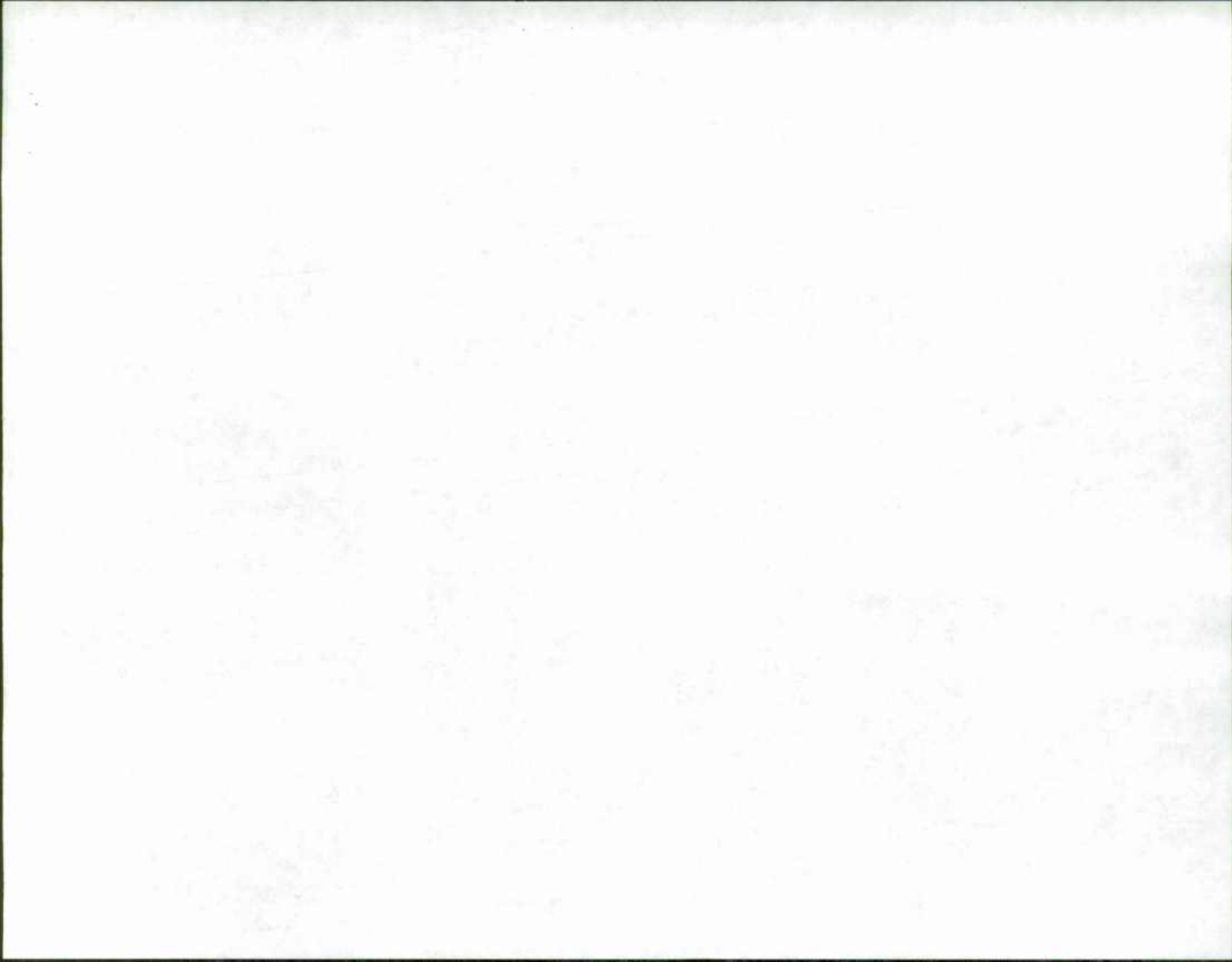
BONFIELD AVENUE



T-Sweet Bay
 S-Turkey Pt
 (50)

DIVISION ST





Harry H. and Sandra L. Rhodes
Map 400, Grid OX, Parcel 389
206 Bonfield Avenue

Garage/Workshop/Driveway Critical Buffer Area Mitigation Plan

CALCULATION OF MITIGATION AREA:

Dimensions of Garage/Workshop/Driveway: 35' X 24'
Area of Garage/Workshop/Driveway: 840 sq. ft.
Mitigation Area @ 3:1: 2520

MITIGATION PLAN:

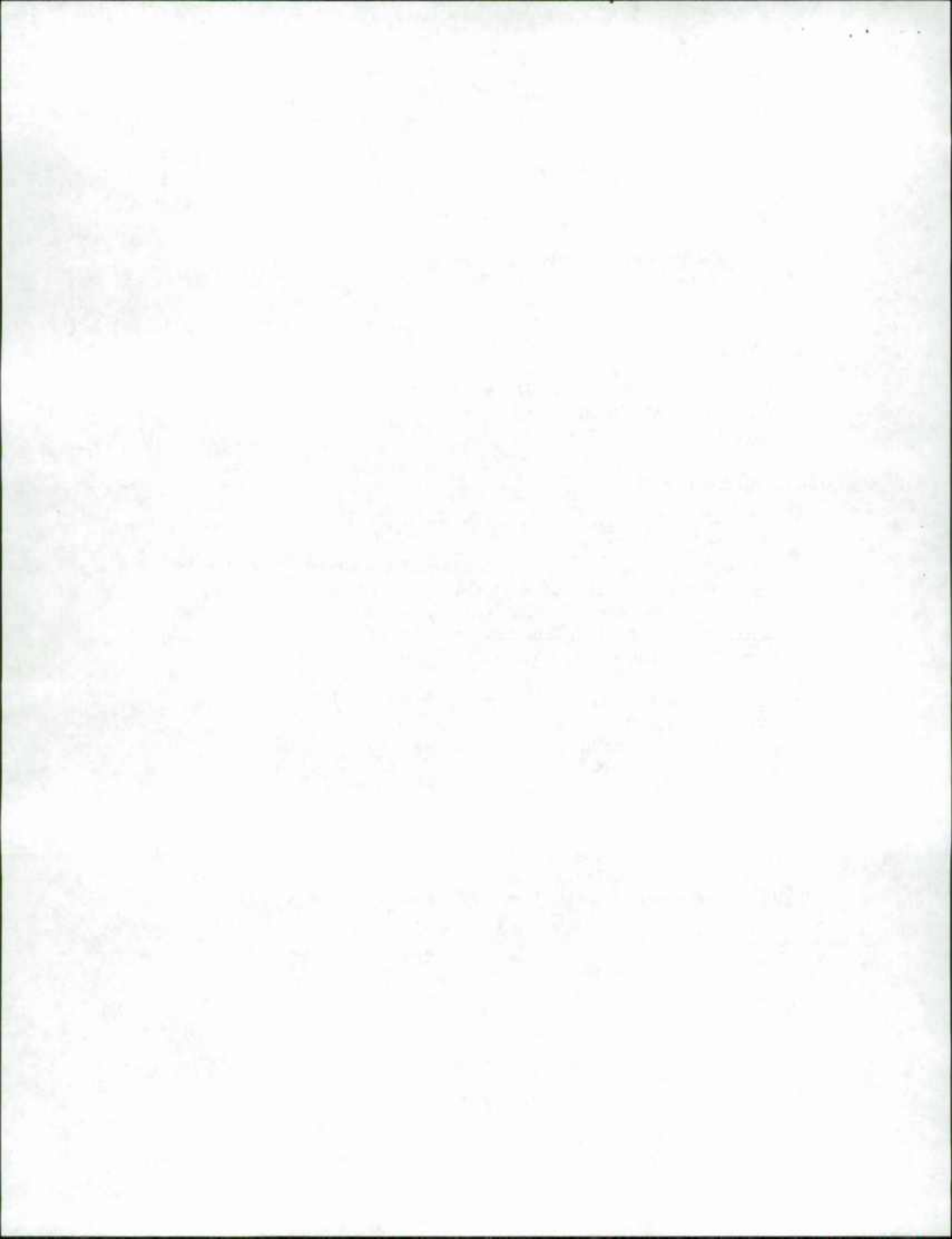
A. Recovery of part of existing impervious soil (driveway)

Dimensions of existing D/W, east side of & parallel to existing dwelling: 19'3" X 16'6"
Area of existing D/W, east side of & parallel to existing dwelling: 319.55 sq. ft.
Area of proposed addition to existing dwelling over existing D/W: 183.00 sq. ft.
Net recovery of existing D/W to be replanted: 136.55 sq. ft.
Net remaining required mitigation Area: 2,384 sq. ft.

B. Planting of trees and shrubs in critical area buffer: Net 2,384 sq. ft:

1. 24 native trees, or
2. 72 native shrubs, ground covers, and/or grasses, or
3. Combinations of 1. and 2.
 - a. three ornamental trees, planted between house and garage, and
 - b. sixty-three native shrubs and grasses planted in
 - (i) graded backfill around garage/workshop and driveway
 - (ii) in swale parallel to Bonfield Avenue, on North and South side of D/W
 - (iii) in 1,875 sq.ft. area within 25 feet of rear lot line, on either side of existing ditch, between two side yard lot lines, (75 feet apart).

went
to Adkins





Maryland Department of Planning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

MEMORANDUM

TO: Ms. Lillian Lord, Town Of Oxford

FROM: Roby Hurley, MDP, Critical Area Circuit Rider

CC: Ms. Pam Baker, Planning Commission Chair

DATE: June 17, 2008

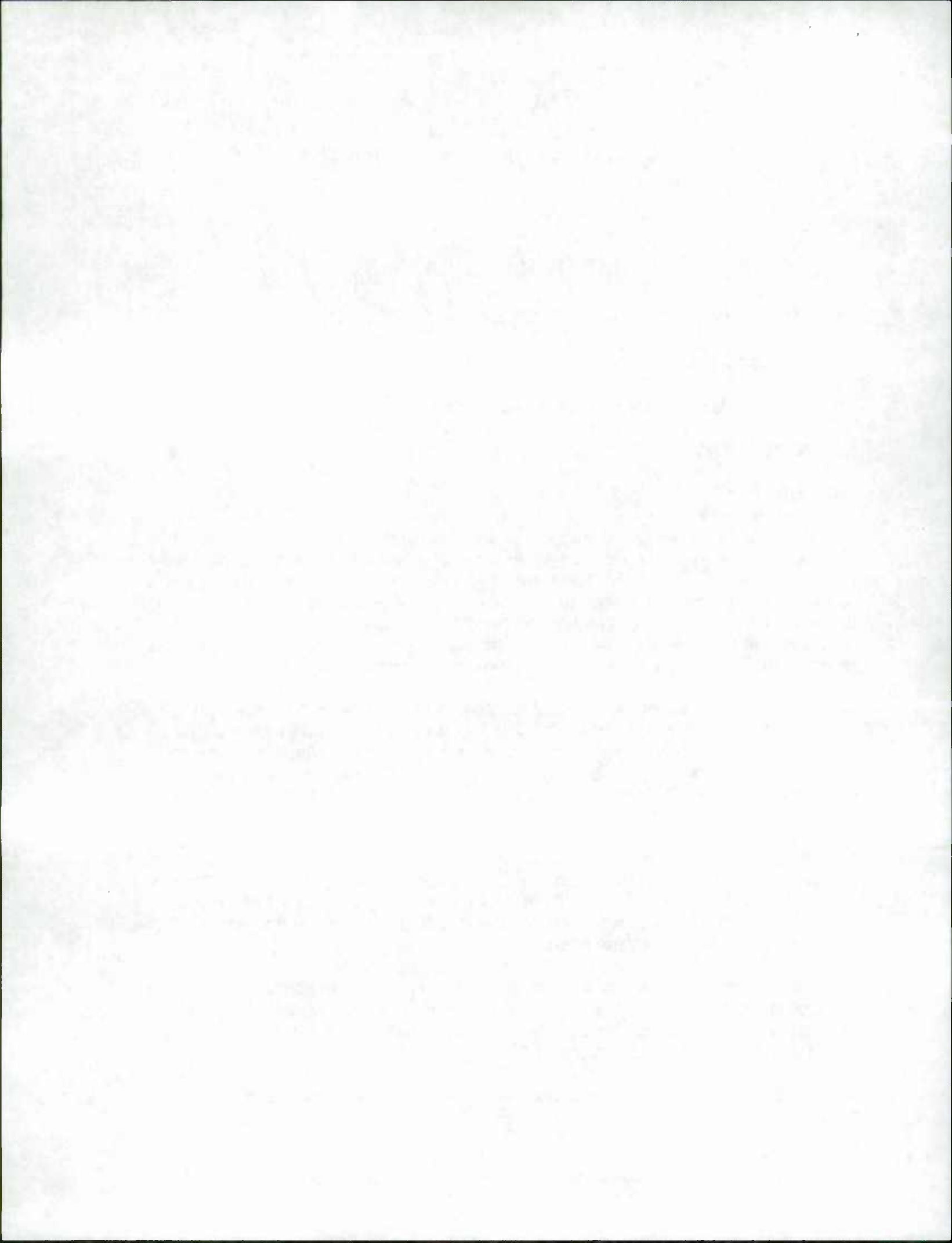
RE: Rhodes; 206 Bonfield

I have concluded review of the subject site and provide the following comments. The proposed garage, workshop and driveway are located within the 100 ft. Critical Area Buffer and the Town IDA. The Town's program does not permit development in the Buffer so a variance will be required. Based on plans received from the Rhodes and because this an existing lot of record, it is my determination that the project otherwise complies with the Town's Critical Area Program. It is apparent that the applicants have made an effort to reduce the size and location of the impacts to the Buffer.

My determination is based on review of the Town's Policy, entitled "Guidance 10 %Rule" which has been historically used by the Town for review of IDA and waterfront lots. I recommend that 1. Guideline should not be used due to the low nature of the lot and apparent ground water. The critical language located in Section 2.A. states that mitigation is required for "new impervious surface created" and 3:1 mitigation plantings will accommodate both the IDA 10% rule and Buffer impacts. Based on an undated text and site plan received 5/2/08 the correct mitigation amount is 2384 sq. ft. Allowing for recently planted trees and native species proposed for planting in the Buffer as identified on the site plan the proposed plan meets the mitigation requirements. This is based on 100 sq. ft. per magnolia and 50 sq. ft per inkberry. Normally credit is not allowed for native grasses and groundcovers however the Planning Commission and Appeals Board may look favorably on this extra effort.

A signed and dated copy of the aforementioned text and site plan should submitted by the applicants. At the time application for variance has been received the Town is required to notify the Critical Area Commission. The applicants should be prepared to meet the requirements of Ordinance 11.02, 7 and 8.

This completes my review on this project. Please let me know if I can be of further assistance.



Town Office

From: Pam Baker [507estrand@earthlink.net]
Sent: Wednesday, June 04, 2008 9:10 AM
To: roby@dmv.com
Cc: 'David Thompson'; 'Town Of Oxford'
Subject: Oxford, Critical Area, Planning Comm.

Hi Roby,

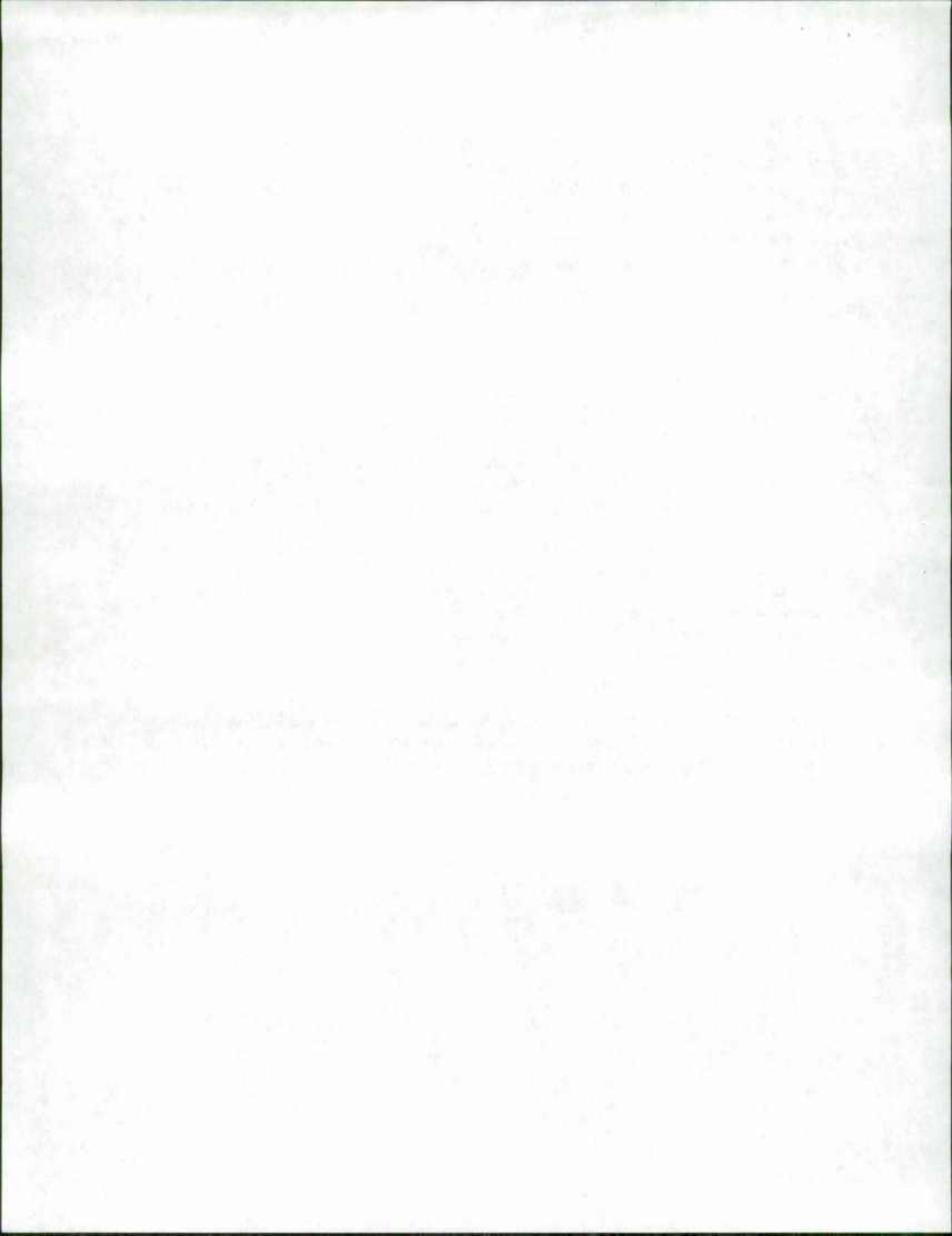
At the Planning Comm. meeting last night, we met with Hank Rhodes about his proposed garage on Bonfield Ave. We also had a copy of the email exchanges you had with him. We also met with Joe Cornett about a house he would like to buy and renovate on East Street. Several areas need clarification and I am hoping you can provide direction. I've copied Dave Thompson and Lil for any guidance they can give.

1. If a house exists in the buffer, can it be expanded? If so, how does one determine allowable set back from the water? Is it the existing footprint or "no closer than the closest existing point"?
2. For construction in the LDA, does CAC need to approve? Is there any variance from the 15% coverage?
3. Are there any plans to revise the maps? This pertains to the Cornett question: When the maps were drawn, the property was in the County. It has since been incorporated into the town and is on municipal sewer. The adjacent property is IDA. Is it appropriate for the property in question to continue to be LDA? Is there any recourse or means to have it reclassified as IDA?
4. What impact will the new regulations have on the above questions? Has the Dept. published any summaries of the changes?

I know that, much to our chagrin and regret, that you will not be a Circuit Rider after this month. We feel that we, too, are being set adrift and will now need to wade our way through the CAC morass without direction. Is there anyone who would be a likely contact for those occasional questions that arise?

Thanks for your help in the past and for any direction you can give us on these questions.

Pam



Harry H. and Sandra L. Rhodes
Map 400, Grid OX, Parcel 389
206 Bonfield Avenue

Garage/Workshop/Driveway Critical Buffer Area Mitigation Plan

CALCULATION OF MITIGATION AREA:

Dimensions of Garage/Workshop/Driveway: 35' X 24'
Area of Garage/Workshop/Driveway: 840 sq. ft.
Mitigation Area @ 3:1: 2520

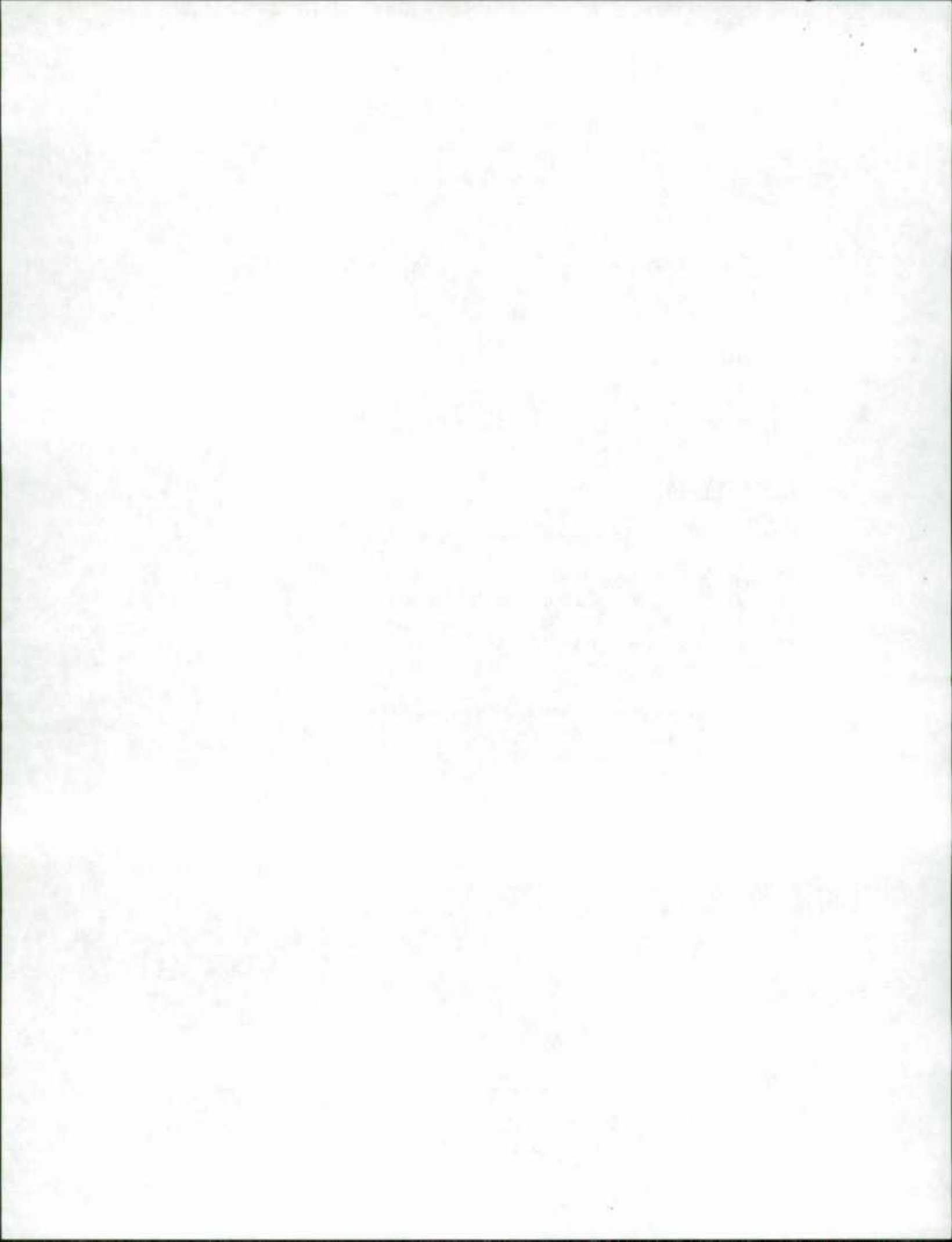
MITIGATION PLAN:

A. Recovery of part of existing impervious soil (driveway)

Dimensions of existing D/W, east side of & parallel to existing dwelling: 19'3" X 16'6"
Area of existing D/W, east side of & parallel to existing dwelling: 319.55 sq. ft.
Area of proposed addition to existing dwelling over existing D/W: 183.00 sq. ft.
Net recovery of existing D/W to be replanted: 136.55 sq. ft.
Net remaining required mitigation Area: 2,384 sq. ft.

B. Planting of trees and shrubs in critical area buffer: Net 2,384 sq. ft:

1. 24 native trees, or
2. 72 native shrubs, ground covers, and/or grasses, or
3. Combinations of 1. and 2.
 - a. three ornamental trees, planted between house and garage, and
 - b. sixty-three native shrubs and grasses planted in
 - (I) graded backfill around garage/workshop and driveway
 - (ii) in swale parallel to Bonfield Avenue, on North and South side of D/W
 - (iii) in 1,875 sq.ft. area within 25 feet of rear lot line, on either side of existing ditch, between two side yard lot lines, (75 feet apart).





Legend:



existing plantings



proposed plantings

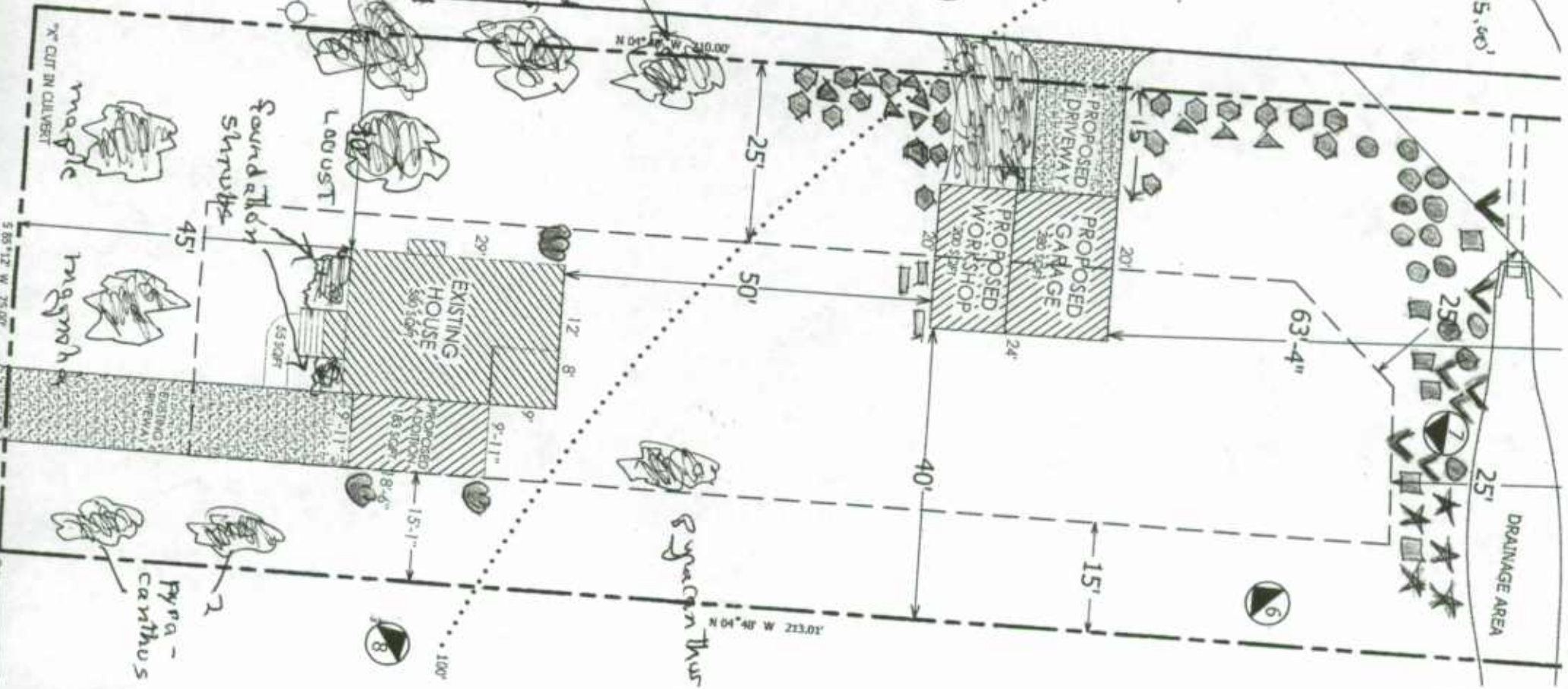
Harry H & Sandra L. Rhodes
map 400 Grid OK Parcel 389
IMPERVIOUS SURFACE MITIGATION PLAN
Garage/workshop/Driveway

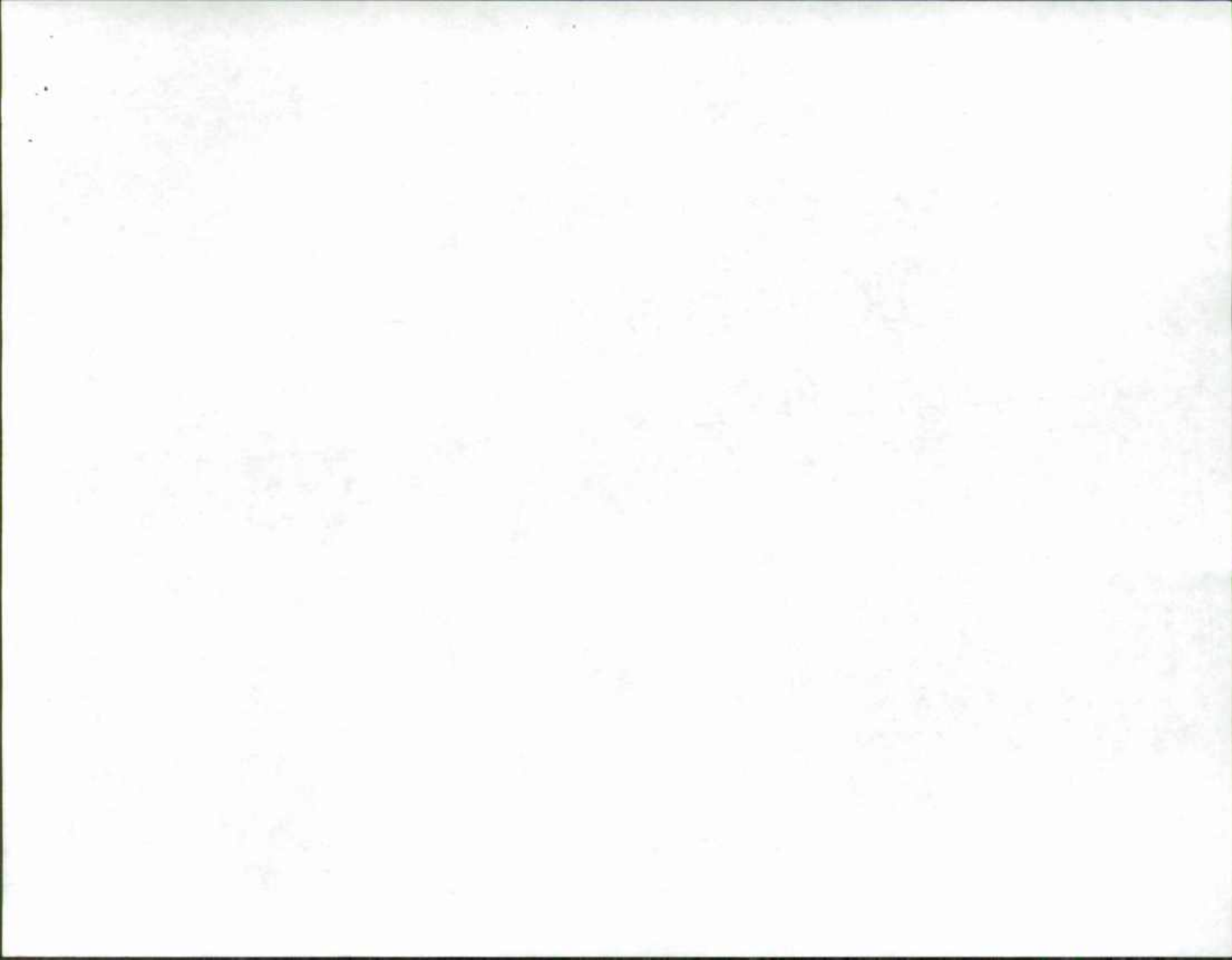
Note: 183 sq ft proposed addition
is ON existing impervious driveway surface 319 sq. ft.

DIVISION ST

BONFIELD AVENUE

S 21° 54' W 75.00'














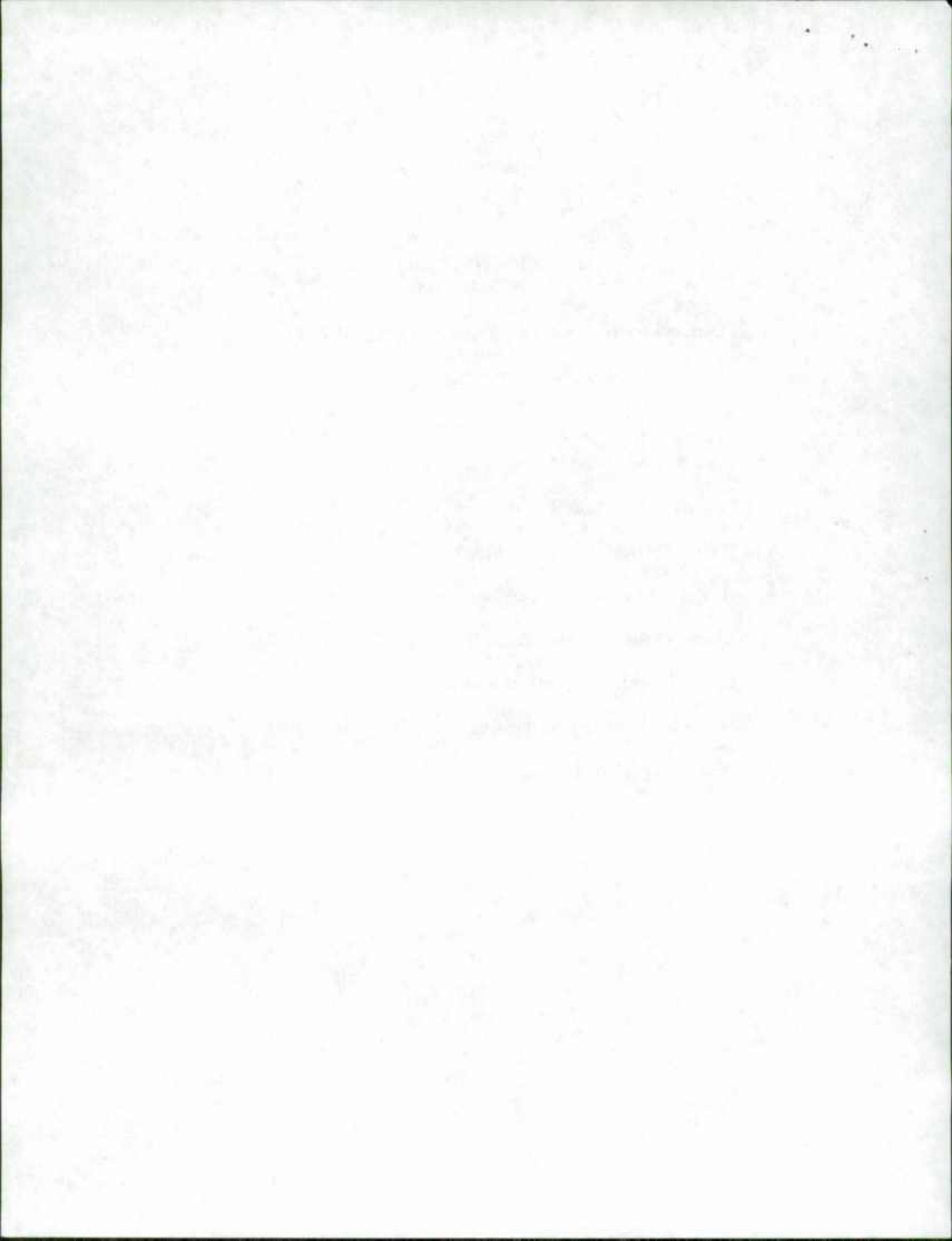


Harry H. and Sandra L. Rhodes
Map 400, Grid OX, Parcel 389
206 Bonfield Avenue

Garage/Workshop/Driveway Critical Buffer Area Mitigation Plan

“Key” to Native shrubs, grasses, wildflowers

-  Little Bluestem Grass (*Andropogon seoparius*)
-  Tussock Sedge (*Carex stricta*)
-  Poverty Oatgrass (*Danthonia spicata*)
-  Blue-eyed Grass (*Sisyrinchium atlanticum*)
-  Obedient Plant/False Dragonhead (*Physostegia virginiana*)
-  Cut Leaf Cornflower (*Rudbeckia laciniata*)
-  Joe Pyeweed (*Eupatorium dubium*)
-  Cow Parsnip (*Heracleum maximum*)
-  Gay Feather (*Liatris spicata*)
-  Virginia Blue Flag (*Iris virginica*)
-  Inkberry (*Ilex glabra*)



433-08

(BEA)

+ SWM
Plan
+ tidal
high

101 Market Street
P.O. Box 339
Oxford, Maryland 21654



BOARD MEETING:
2ND AND 4TH TUESDAY OF EACH MONTH

(410) 226-5122

Commissioners of Oxford

July 11, 2008

Mr. Nick Kelly
State of MD Chesapeake Bay
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Dear Mr. Kelly,

Enclosed is an appeal from Mr. and Mrs. Harry Rhodes, property owners at 206 Bonfield Avenue, Oxford, MD, who are requesting a variance to mitigate incursion upon the Critical Area Buffer, as well as a copy of the Oxford Planning Commission's minutes pertaining to their review of the Rhodes' permit, and various forms of correspondence from Mr. and Mrs. Rhodes, as well as our former Critical Area Circuit Rider, Roby Hurley.

The hearing for Mr. and Mrs. Rhodes has been scheduled to be held on Thursday, September 11, 2008 at 7:30 p.m. in the second floor meeting room of the Oxford Community Services Building.

We would be most appreciative if you would review and comment on the enclosed material.

If you have any questions with regards to this matter, please contact the Oxford Town Office at (410) 226-5122.

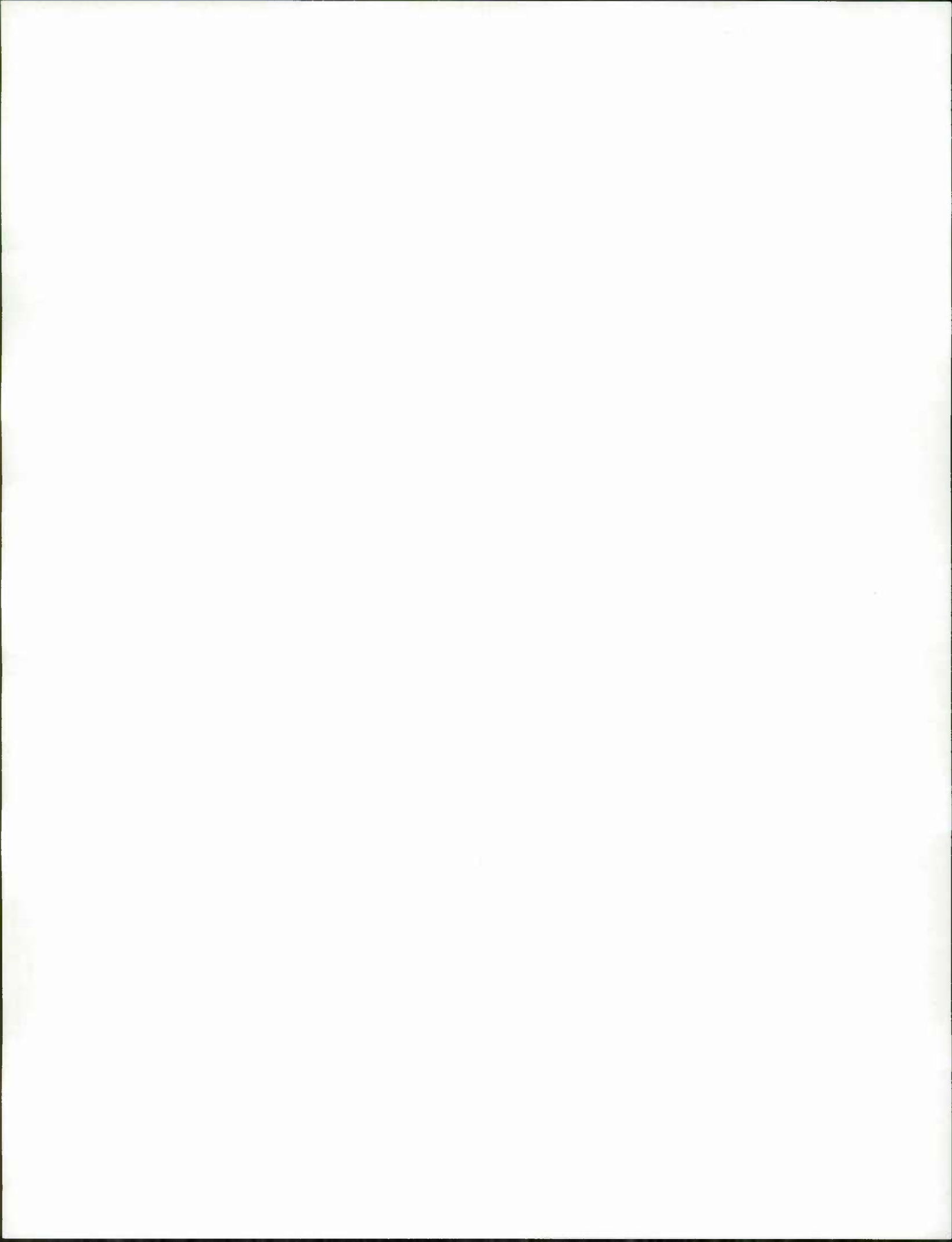
Sincerely,

Lillian Lord
Administrator/Clerk-Treasurer

LL:lw

enclosures





HANK AND SANDY RHODES
222 E. Camden-Wyoming Ave.
Camden, DE 19934-1303

(302) 697-6673

April 29, 2008

Mrs. Lord
Commissioners of Oxford
Town of Oxford
PO Box 339
Oxford, MD 21654

RE: building permit application; 840 sq. ft. garage/workshop/driveway new construction
206 Bonfield Avenue, Map 400, Block OX, parcel 389
Critical Area Buffer "Planting Plan"

Dear Mrs. Lord:

We enclose a planting plan for mitigation of new impervious soil in the critical area buffer.

Sincerely,



Harry H. Rhodes, III



Sandra L. Rhodes

Enclosures: 3
Calculation
Plot Plan
Plant "key"

CC: Mr. Roby Hurley (by fax) (410) 822-3746

left message 6/6/8 requesting # of Shrub +
tree species also by e-mail

(II) PREPARED A RESTORATION OR MITIGATION PLAN, APPROVED BY THE LOCAL JURISDICTION, TO ABATE IMPACTS TO WATER QUALITY OR NATURAL RESOURCES AS A

RESULT OF THE VIOLATION; AND

(III) PERFORMED THE ABATEMENT MEASURES IN THE APPROVED PLAN IN ACCORDANCE WITH THE LOCAL CRITICAL AREA PROGRAM.

Harry H. and Sandra L. Rhodes
 Map 400, Grid OX, Parcel 389
 206 Bonfield Avenue

Garage/Workshop/Driveway Critical Buffer Area Mitigation Plan

"Key" to Native shrubs, grasses, wildflowers

- Little Bluestem Grass (*Andropogon scoparius*)
- ▲ Tussock Sedge (*Carex stricta*)
- Poverty Oatgrass (*Danthonia spicata*)
- ◼ Blue-eyed Grass (*Sisyrinchium atlanticum*)
- Obedient Plant/False Dragonhead (*Physostegia virginiana*)
- Cut Leaf Cornflower (*Rudbeckia laciniata*)
- ★ Joe Pyeweed (*Eupatorium dubium*)
- ▼ Cow Parsnip (*Heracleum maximum*)
- Gay Feather (*Liatris spicata*)
- ▲ Virginia Blue Flag (*Iris virginica*)
- ✓ ● Inkberry (*Ilex glabra*)

as per phone msg 4/12
 3 - 5 Bay Mag
 50 Inkberry

1 (V) IF THE LOCAL JURISDICTION FINDS THAT THE ACTIVITY
2 OR STRUCTURE FOR WHICH A VARIANCE IS REQUESTED COMMENCED WITHOUT
3 PERMITS OR APPROVALS AND:

4 1. DOES NOT MEET EACH OF THE VARIANCE
5 CRITERIA UNDER THIS SUBSECTION, THE LOCAL JURISDICTION SHALL DENY
6 THE REQUESTED VARIANCE AND ORDER REMOVAL OR RELOCATION OF ANY
7 STRUCTURE AND RESTORATION OF THE AFFECTED RESOURCES; OR

8 2. DOES MEET EACH OF THE VARIANCE CRITERIA
9 UNDER THIS SUBSECTION, THE LOCAL JURISDICTION MAY GRANT ~~PROPOSED~~
10 APPROVAL TO THE REQUESTED VARIANCE.

11 (VI) 1. WITHIN 10 WORKING DAYS AFTER ISSUANCE OF A
12 PROPOSED APPROVAL OF A VARIANCE UNDER SUBPARAGRAPH (V) 2 OF THIS
13 PARAGRAPH, THE LOCAL JURISDICTION SHALL SUBMIT THE PROPOSED
14 APPROVAL TO THE COMMISSION FOR THE COMMISSION'S REVIEW AND FINAL
15 APPROVAL.

16 2. THE COMMISSION SHALL REVIEW AND ISSUE A
17 FINAL DECISION ON A PROPOSED LOCAL APPROVAL IN ACCORDANCE WITH
18 PROCEDURES ESTABLISHED IN REGULATIONS ADOPTED BY THE COMMISSION.

19 (6) (7) This subsection does not apply to building permits or
20 activities that comply with a buffer exemption plan or buffer management plan of a
21 local jurisdiction which has been approved by the Commission.

22 [(6)] (8) Notwithstanding any provision of a local law or ordinance,
23 or the lack of a provision in a local law or ordinance, all of the provisions of this
24 subsection shall apply to, and shall be applied by, a local jurisdiction in the
25 consideration, processing, and decision on an application for a variance.

26 (e) (1) The Commission shall adopt by regulation on or before December
27 1, 1985 criteria for program development and approval, which are necessary or
28 appropriate to achieve the standards stated in subsection (b) of this section. Prior to
29 developing its criteria and also prior to adopting its criteria, the Commission shall
30 hold at least 6 regional public hearings, 1 in each of the following areas:

- 31 (i) Harford, Cecil, and Kent counties;
- 32 (ii) Queen Anne's, Talbot, and Caroline counties;
- 33 (iii) Dorchester, Somerset, and Wicomico counties;
- 34 (iv) Baltimore City and Baltimore County;

JDA

Harry H. and Sandra L. Rhodes
Map 400, Grid OX, Parcel 389
206 Bonfield Avenue

Garage/Workshop/Driveway Critical Buffer Area Mitigation Plan

CALCULATION OF MITIGATION AREA:

Dimensions of Garage/Workshop/Driveway: 35' X 24'
Area of Garage/Workshop/Driveway: 840 sq. ft.
Mitigation Area @ 3:1: 2520

MITIGATION PLAN:

A. Recovery of part of existing impervious soil (driveway)

Dimensions of existing D/W, east side of & parallel to existing dwelling: 19'3" X 16'6"
Area of existing D/W, east side of & parallel to existing dwelling: 319.55 sq. ft.
Area of proposed addition to existing dwelling over existing D/W: 183.00 sq. ft.
Net recovery of existing D/W to be replanted: 136.55 sq. ft.
Net remaining required mitigation Area: 2,384 sq. ft.

B. Planting of trees and shrubs in critical area buffer: Net 2,384 sq. ft:

1. 24 native trees, or
2. 72 native shrubs, ground covers, and/or grasses, or
3. Combinations of 1. and 2.
 - a. three ornamental trees, planted between house and garage, and
 - b. sixty-three native shrubs and grasses planted in
 - (i) graded backfill around garage/workshop and driveway
 - (ii) in swale parallel to Bonfield Avenue, on North and South side of D/W
 - (iii) in 1,875 sq.ft. area within 25 feet of rear lot line, on either side of

existing ditch, between two side yard lot lines, (75 feet apart).

RIT Notes 2.A.
 o too low for Res BMP - use tree/shrub
 o above calcs correct/does not
 incl Prop Addn
 o Needs Veri - CA P. Note.
 o Needs BMP form for AB/CP

UNOFFICIAL COPY OF HOUSE BILL 1253

15 (1) (d) In this subsection, "unwarranted hardship" means that, without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

4 (2) (i) A LOCAL JURISDICTION SHALL PROCESS AN APPLICATION FOR A VARIANCE REGARDING A PARCEL OR LOT THAT IS SUBJECT TO A CURRENT VIOLATION OF THIS SUBTITLE, A REGULATION ADOPTED UNDER THE AUTHORITY

THIS SUBTITLE, OR ANY PROVISION OF AN ORDER, PERMIT, PLAN, OR LOCAL PROGRAM IN ACCORDANCE WITH SUBSECTION

(C)(1)(III)15 OF THIS SECTION.

(II) In considering an application for a variance, a local jurisdiction shall presume that the specific development activity in the critical area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the local jurisdiction's program.

9 (##) (III) If the variance request is based on conditions or

10 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, a local jurisdiction ~~may~~ SHALL consider that fact.

13 (3) (i) An applicant has the burden of proof and the burden of persuasion to overcome the presumption established under paragraph (2)(II) of this subsection.

16 (ii) 1. Based on competent and substantial evidence, a local jurisdiction shall make written findings as to whether the applicant has overcome the presumption established under paragraph (2)(i) of this subsection.

19 2. With due regard for the person's experience, technical competence, and specialized knowledge, the written findings may be based on evidence introduced and testimony presented by:

22 A. The applicant;

23 B. The local jurisdiction or any other government agency; or

25 C. Any other person deemed appropriate by the local jurisdiction.

27 (4) A variance to a local jurisdiction's critical area program may not be granted unless:

29 (i) Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the critical area program would result in unwarranted hardship to the applicant;

32 (ii) The local jurisdiction finds that the applicant has satisfied each one of the variance provisions; and

5



Maryland Department of Planning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

MEMORANDUM

TO: Ms. Lillian Lord, Town Of Oxford

FROM: Roby Hurley, MDP, Critical Area Circuit Rider

CC: Ms. Pam Baker, Planning Commission Chair

DATE: June 17, 2008

RE: Rhodes; 206 Bonfield

I have concluded review of the subject site and provide the following comments. The proposed garage, workshop and driveway are located within the 100 ft. Critical Area Buffer and the Town IDA. The Town's program does not permit development in the Buffer so a variance will be required. Based on plans received from the Rhodes and because this an existing lot of record, it is my determination that the project otherwise complies with the Town's Critical Area Program. It is apparent that the applicants have made an effort to reduce the size and location of the impacts to the Buffer.

My determination is based on review of the Town's Policy, entitled "Guidance 10 %Rule" which has been historically used by the Town for review of IDA and waterfront lots. I recommend that 1. Guideline should not be used due to the low nature of the lot and apparent ground water. The critical language located in Section 2.A. states that mitigation is required for "new impervious surface created" and 3:1 mitigation plantings will accommodate both the IDA 10% rule and Buffer impacts. Based on an undated text and site plan received 5/2/08 the correct mitigation amount is 2384 sq. ft. Allowing for recently planted trees and native species proposed for planting in the Buffer as identified on the site plan the proposed plan meets the mitigation requirements. This is based on 100 sq. ft. per magnolia and 50 sq. ft per inkberry. Normally credit is not allowed for native grasses and groundcovers however the Planning Commission and Appeals Board may look favorably on this extra effort.

A signed and dated copy of the aforementioned text and site plan should submitted by the applicants. At the time application for variance has been received the Town is required to notify the Critical Area Commission. The applicants should be prepared to meet the requirements of Ordinance 11.02, 7 and 8.

This completes my review on this project. Please let me know if I can be of further assistance.

Incentives

- South Side Local Development Corporation Programs and Services
- Neighborhood Assistance Program: Ten-year \$2.5 million state funded initiative designed to fund programs in education, human services, job development, drug and crime prevention, housing, and leadership development
- Technical assistance to business and property owners attempting to maintain historic and architectural integrity
- Streetface Program provides subsidies for business façade improvements
- Sign Grant Program offers a 50 percent matching grant up to \$500 for signage
- Regional marketing of East Carson Street businesses
- Neighborhood design standards protect investments
- SSLDC advocates community issues (zoning, regional development, transportation, etc.)

Back in Business

The South Side, capitalizing on its compact urban design and charming Victorian features, has overcome economic hardship. As Beth Marcello, former SSLDC Board of Directors President, explained "Carson Street was one of those neighborhoods where there was no reason to be there...but now it has a wonderful walkable business district with almost everything you could want, a high rate of ownership, and a lot of pride from the past."

Distribution of Public and Private Investment (1985-2005)	
Commercial Corridor	\$16mil
SSW	\$103mil
Public Total	\$119 mil
Commercial Corridor	\$68 mil
SSW	\$300 mil
Private Total	\$368 mil
TOTAL	\$487 mil

Source: URA

Sources

Interviews Conducted:

- Rick Belloli, Executive Director, South Side Local Development Company
- Beth Marcello, Former President of Board of Directors, South Side Local Development Company
- Robert Rubinstein, Director Business Development Center, Urban Redevelopment Authority of Pittsburgh

Works Consulted:

- Fuoco, Michael A. 2002. "How the South Side got its Groove Back." *Pittsburgh Post Gazette*. 7/7.
- History of South Side-
<http://www.southsidepittsburgh.com/about.asp?navid=2>
- Holland, Dan. 1998. "Historic Preservation of Pittsburgh's Neighborhood Business Districts." *The National Main Street Center*, www.danielholland.com/mainstreet.html
- National Trust for Historic Preservation Main Street Program, www.mainstreet.org
- O'Toole, Christine H. 2005. "Arts and Science Remake the Steel City" *New York Times*. 7/20.
- Pittsburgh Metropolitan Statistical Area Economy, http://www.artsnet.org/aaco/economics_pdfs/Chapter%20Three%20Pittsburgh%20MSA%20Economy.pdf
- South Side Local Development Company, www.southsidepgh.com/SSLDC/index.htm
- Schooley, Tim. 2002. "URA's façade program, 'Streetface', helps neighborhoods maintain character." *Biz Journals*, June 14.
- Streetface Program Summary, Urban Redevelopment Authority of Pittsburgh, www.ura.org/pdfs/mainstreets/Streetface.pdf
- Urban Redevelopment Authority of Pittsburgh, About the URA Showcase Projects: South Side Works, ura.org/showcaseProjects_ssWorks3.html