

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/

February 28, 2008

Ms. Cathy Maxwell
Queen Anne's County
Department of Land Use, Growth Management
and Environment
160 Coursevall Drive
Centreville, Maryland 21617

**RE: V-002-0005 Variance; MD Rte 18, 800 Main St, Stevensville
Ramshead Restaurant**

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance. The site is located within the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area. The property is currently developed with a commercial building and parking areas. The applicant proposes to construct a new deck on the existing building, add parking and pave the existing stone parking area. The following comments apply to the proposal.

1. The 100 foot Critical Area Buffer line is 100 feet landward of the edge of the tidal wetlands. On the submitted plans, the 100-foot Critical Area Buffer is shown at the rear of the site. Notes on the plan indicate that MDE determined the location of tidal versus nontidal wetlands. The notes also state that the nontidal wetland is approximately 340 feet south of MD Route 18, and that the wetlands were not field verified for the plans. There appears to be a tidal wetland extending around the entire east/northeast side of the site. Because the applicant is proposing paving of the parking lot and other development activities that may be within the Buffer, the wetland must be professionally delineated and the Buffer field verified. Please have the applicant document who delineated the wetlands and what methods were used to delineate tidal versus non tidal. If the proposed work is within the Buffer and does not meet the standards of County Code § 14:1-51, a variance is necessary and the applicant must address the criteria of the County Code §14:1-68.
2. The site must address the Critical Area stormwater 10% pollution reduction requirement. Please have the applicant submit the Critical Area 10% Manual Worksheet A calculations to show how the project will comply with the regulation of County Code §14:1-37.D.

3. Our records indicate that this site is within a sensitive species project review area. Please contact Lori Byrne with DNR, at (410)260-8573 to determine how to proceed with development proposed in a sensitive species project review area.

Thank you for the opportunity to provide comments on this variance request. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 112-08
Lori Byrne, DNR

IN THE MATTER OF * BOARD OF APPEALS
THE APPLICATION OF * OF
J&B PROPERTY HOLDINGS, LLC * QUEEN ANNE'S COUNTY
* Case No. V-020005

FINDINGS AND DECISION

This matter came before the Board of Appeals for hearing on Wednesday, March 26, 2008, at 7:30 p.m. at Board of Appeals office at 160 Coursevall Drive, Centreville, MD 21617, to hear and decide the application of J&B PROPERTY HOLDINGS, LLC, being Case No. V-020005. All legal requirements pertaining to the filing of this application and notice of public hearing were substantiated and there were no objections made to the jurisdiction of this Board. This matter was heard by William D. Moore, Chairman, Kenneth R. Scott, Vice Chairman, and Howard A. Dean, Member, of the Board of Appeals of Queen Anne's County.

RELIEF REQUESTED

The Applicant has requested a variance from the strict application of §18:1-25.E.(2)(c)[1] of the Queen Anne's County Code to reduce the required front yard setback from 35' to 20' to construct a staircase access to a proposed rooftop deck and a variance from §18:1-83.O to allow for a gravel parking area of more than 25 spaces instead of paved parking area.

PROPERTY DESCRIPTION

The property which is the subject of this application is on 2.61 acres and is located in at 800 Main Street, Stevensville, MD, in the Fourth Election District, Sectional

Zoning Map 56, Parcel 65, Block 6. The property has a zoning classification of VC and IDA Critical Area.

DEPARTMENT OF LAND USE, GROWTH MANAGEMENT
AND ENVIRONMENT

Holly Tompkins testified on behalf of the Department of Land Use, Growth Management and Environment ("Department"). She is a Land Use Planner. The purpose of the application is to construct an exterior staircase to access a proposed rooftop deck and for relief from the paving. The property which is currently occupied by the Ram's Head Shore House Restaurant and Tavern ("Ram's Head") has been operating as a restaurant since the 1930s. The previous owner of the property had suspended operations for a time for reconstruction because of damage caused by Hurricane Isabel. The deck would require two points of access, and there are two proposed staircases to it. One staircase is in the rear of the building and requires no variance. The other proposed staircase, which is the subject of this application, is on the eastern side of the building and would be 20' from the right of way. The proposed rooftop deck would have canvas roof coverings. To east of the property is a cemetery, and to the west there is a school and residential area. A restaurant/tavern, which is considered a high commercial use, is a legal non-conforming use. The front end of the staircase would be 20' from the existing right of way. The front end of the building is 15' 4" from the existing right-of-way. Thirty-five feet is required. The proposed rooftop deck is permissible because it would not increase overall density by 40%.

The property is located in FEMA Floodplain C, and the Department of Public Works indicates that it is within the 100 year floodplain. There will be no additional signage for the property and will meet the design guidelines of the VC Zoning District.

Much of the parking lot is currently covered in gravel and the proposal is to continue covering it and the additional area in gravel. Section 18:1-83.O requires that a parking lot of more than 25 spaces be paved. The proposed use would require 124 parking spaces. Ms. Tompkins noted that the Applicant has indicated that its plat indicates 128 spaces. However, she could count only 123. Phragmites surrounds the current parking lot. Prior use has the gravel as an impervious surface but that paving the impervious area would not be exceeded.

She stated that the Department had no objections to the deck. She asked that any spaces on the gravel be marked and the gravel be kept from falling into the Phragmites.

APPLICANT'S CASE

Radhika Paruchuri, a planner with Harms & Associates, Inc., represented the Applicant.

William Muelhauser, the owner of Ram's Head restaurants testified on behalf of the application as follows. He stated that steel posts would be used to support the deck. These posts will be independent of the structure of the building. He owned other restaurants with outdoor seating. One outdoor deck is 38' high. The highest point of the proposed staircase is 35'. The proposed staircase is taller than the canvas roof on the deck. He also pointed out that the staircase would not extend beyond the front of the existing building. The subject property has three entrances: one in the rear, one on the eastern side and one in the front of the building. Most customers use either the side or

rear entrances. The front entrance, which is removed from most of the parking areas, is useless in terms of access to the interior.

Robert Wilson, who owns Red Eye's Dock & Bar on Kent Island testified in favor of the application. He said that Mr. Muelhauser runs a first class operation and Queen Anne's County needs more business.

Erin Brunst, who operates the Ram's Head, with her partner testified in favor of the application. She stated that the deck would allow the Ram's Head to compete year round with other businesses that have outdoor seating. The deck would add to the ambience of the Ram's Head.

Mr. Muelhauser testified further that smoking was a very tender issue, but it would not be allowed on the deck. He noted that the smoking ban that went into effect on February 1, 2008 has resulted in an increase food sales and a decrease in alcohol sales.

He testified that the spaces in the parking lot would be marked with wheel stops, which would be affixed to the ground. He had no objection to placing bollards near the base of the proposed staircase to protect it from cars in the parking lot.

OPPOSITION

No one spoke in opposition to the application.

BOARD'S DECISION

The Board, having given proper consideration to the evidence presented and the requirements of a variance pursuant to §18:1-25.E.(2)(c)[1] and to §18:1-83.O of the Queen Anne's County Code, unanimously grants the requested variance, noting the following:

1. A literal enforcement of Chapter 18:1 would result in an unnecessary hardship or practical difficulty as a result of the specified conditions.
2. The special conditions are peculiar to the property involved.
3. The special conditions are not the result of any action taken by the Applicant.
4. The granting of a variances will not be contrary to the public interest.
5. After an evaluation of the alternatives, the Board finds that the variances are required.

The staircase to the proposed deck, which is permitted, will be farther from the right of way than the existing front of the building. The Applicant has promised appropriate steps to assure that the parking lot is properly marked with wheel stops that are affixed to the ground. In addition, the Applicant has promised to place bollards around the staircase to protect it from cars in the parking lot. The Board grants the variance with the conditions that all parking stops be staked into the ground, that appropriate steps be taken to keep gravel from running off into the phragmites and/or tidal wetlands areas. All exterior structural supports to the staircase must be protected from cars by bollards. The Applicant must meet all other requirements of §18:1-83.O of the Queen Anne's County Code.

STATE OF MARYLAND

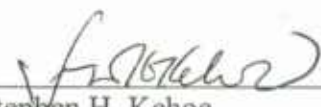
QUEEN ANNE'S COUNTY

I HEREBY CERTIFY that the foregoing is a true and correct copy of the Finding and Decision of the executive meeting of the Board of Appeals of Queen Anne's County held on Wednesday, March 26, 2008 and that the said minutes now remain on file in the Board's office.

In testimony whereof, I have hereunto subscribed my name this 10th day of April, 2008.



Cathy Maxwell
Clerk



Stephen H. Kehoe
Attorney for Board of Appeals



*Queen
Anne's
County*

BOARD OF APPEALS

160 Coursevall Drive
Centreville, MD 21617

Telephone : (410) 758-1255
Fax: (410-758-2905

County Commissioners:

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

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

CASE NO: V-020005
APPLICANT: J&B Property Holdings, LLC
HEARING DATE: 3/26/08 – 7:30 p.m.
REQUESTING: Variances from Chapter 18, of the Code of Public Laws of Queen Anne's Co. (1996 ED) as follows: (1) variance from §18:1-25.E.(2)(c)[1] to reduce the required 35 ft. front yard setback to 20 ft. to construct a staircase to access proposed rooftop deck at Ramshead Restaurant; (2) a variance from §18:1-83.O. which requires that parking lots with 25 spaces or more shall be paved. Located 800 Main St., Stevensville, 4th E.D., Map 56, Parcel 65, zoned VC and IDA.

IN ATTENDANCE: William D. Moore, Chairman; Kenneth R. Scott, Vice-Chairman; Howard A. Dean, Member; Stephen H. Kehoe, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; Holly Tompkins, Planner; Bill Muelhauser, Applicant; Eva Kerchner and Radhika Paruchuri, Harms & Assoc., Inc.

CHAIRMAN: Seeing no need for an executive session, the Board will enter into discussion.

SCOTT: I'd like to try to figure out how to protect that corner from cars. What we can put up and how we can word it so something does get done there on that corner as a condition of approval. Do you want to work with them on doing that, do they submit it back to us for approval?

TOMPKINS: Usually it would go to Permits from here. You can guide Permits on how you want things to happen.

SCOTT: Any suggestions?

CHAIRMAN: We can put conditions on.

SCOTT: I just want to figure out how to word it. That corner, that pole right there. I put a pencil mark on there about where that corner of that stairwell is going to be.

DEAN: These three poles here.

SCOTT: It's coming straight out from the brick out to here.

KEHOE: Do you want reflective materials so cars don't drive?

SCOTT: I want to put a bollard or something right there. How do I determine types of bollards? SHA approved bollards? I don't know. Highway safety bollards, I don't know how you would word it.

TOMPKINS: Actually there are some photos I think you should have as exhibits and may be able to see what they have existing and maybe that would be helpful.

SCOTT: I saw those in the back. But I'd like to protect, I think these are the poles that are susceptible. I see the bollards around so you can match them up.

DEAN: Maybe a tad larger than that up front.

PARUCHURI: On this site plan I just showed three there at the corner.

SCOTT: Yes, around this corner here. Do they park here?

PARUCHURI: There are two spaces here.

SCOTT: I'd put them there also, because you don't know who's coming out of the bar driving.

MUELHAUSER: We're doing renovations in Annapolis right now and we built a bathroom off the back of the building. It's right by a parking space (unclear).

SCOTT: How can we word this to protect the staircase from incoming cars, put bollards by the supporting posts?

KEHOE: Yes.

SCOTT: They have them all around the restaurant now in that picture.

KEHOE: It sounds like you would want like three bollards there.

SCOTT: They showed them all along the brick now, they're protecting the bricks. They've got them in this corner, they've got them all along the back.

KEHOE: It looks like three bollards in a semi-circle around that one. Would that work?

SCOTT: Yes, I guess.

PARUCHURI: There are 2 parking spaces there.

SCOTT: But the whole staircase is in the parking lot.

PARUCHURI: Yes.

SCOTT: Is there a spot in front of the staircase towards the street side?

PARUCHURI: No. These are the two parking spaces here.

SCOTT: Oh, those are parking.

PARUCHURI: These two are parking spaces.

SCOTT: So yes, we need them all along that front side there too. You have to protect all that with bollards. Protect the whole bottom of the staircase with bollards on that side. Are you protecting the back side too?

MUELHAUSER: Yes.

SCOTT: So may as well protect everything with bollards.

KEHOE: I think how you want it worded is to say that all exterior structural members for the deck be protected by bollards.

SCOTT: Everything else is in tight. The only thing they are outside on the staircase, right, outside the building?

KEHOE: Yes.

SCOTT: So that would work. Exterior structures.

KEHOE: Deck and stairwell be protected by bollards.

DEAN: Do you have to do anything for handicapped on the deck?

TOMPKINS: I don't know what the building code is for that. Unless there's an elevator.

KEHOE: To have an elevator, and I don't know what the square footage of this is, but if you achieve a certain square footage, then you have to have an elevator. That's architectural guidelines. There's a square footage after which you need to put in an elevator.

CHAIRMAN: This is less than that I assume.

DEAN: Is that the total building or just the top floor?

KEHOE: I think it's the total building. Total usable area. If you have a third floor that's not usable, for example, you have a two story building and a third floor is not usable, it's just attic space that's inaccessible for insulation, you don't need an elevator. But if you were to go and improve that area and it would put you over, then you would have to get an elevator. Those are State guidelines on where elevators are needed.

DEAN: You don't know the square footage?

KEHOE: No, I don't know offhand.

SCOTT: But that's something that when it goes to Permits, they will determine, right, or supposed to? That's not something we're supposed to be doing.

TOMPKINS: It's definitely not something that I deal with with the zoning code at all. Permits may deal with that.

SCOTT: Would it get tied up if they determine it needs to be handicapped accessible?

PARUCHURI: All first floor is handicapped accessible. It would just be the rooftop now that would be in question. I don't have a definite answer whether it meets it or not, you would have to look in the code.

CHAIRMAN: Is that Permits?

BOB WILSON: Under the American Disabilities Act, if you are offering the same services on the first floor as it would be on the deck, you would not be required to meet the requirements on the second floor.

MUELHAUSER: We've been challenged by this before.

WILSON: We're having an elevator to the second floor at Red Eyes Dock Bar because it's wintertime use and we don't have the first floor services available during the wintertime. There's will be just the opposite season. They're trying to attract their customers during the summer. Year round their first floor is always in service for what it is.

SCOTT: I wrote my condition as all exterior structural supports of deck and staircases to be protected from cars by bollards. Does that sound good to everyone?

KEHOE: I would use "supports and members".

SCOTT: Structural support and members or structural members?

KEHOE: Structural supports and members.

SCOTT: The deck and staircase be protected from cars by bollards. The other one we had was the recommendations from Land Use was clearly mark the parking spaces within the gravel area(s), contain the existing gravel from spreading further into the phragmites. How do we propose that they contain the existing gravel from spreading further into the phragmites? They would have an engineer have an idea how to do that?

PARUCHURI: Basically we already have stops there.

SCOTT: But that's to stop the cars, not the gravel.

MUELHAUSER: In the last year that we've had this, the lot has always been stone, they just didn't do a very good job maintaining it. The stone doesn't move beyond the parking stops. The only area that we have trouble maintaining a nice surface is in the drive area.

PARUCHURI: From my conversation with Holly, she was saying from where it was before and where it is now, it has been moving into the phragmites.

MUELHAUSER: No, that may be a confusion. We took the gravel back to where it was originally. There hadn't been gravel put back into that lot for years. If you remember two years ago there's gravel here and virtually dirt, then gravel, then dirt. The situation of gravel moving beyond the parking stops, I have no idea how that would occur.

DEAN: What size do you use of the blue chip.

MUELHAUSER: The stone that is behind the stop is actually (large ?). The stone we use in the driving area is probably half or quarter. That's the problem we're having inside the traffic area, especially people who like to spin their wheels. I can assure you when that does occur it is corrected in one day.

CHAIRMAN: You have traffic stops, that proves to me that it's not going to go outside. It's not going to jump over those stops and run out there in the swamp.

SCOTT: Clearly marking the parking spaces. Does that mean paint?

TOMPKINS: No. I don't mean paint. Let me clarify this parking space situation. It's a tight fit with the spaces and they're adding a few so they can get there with the numbers that they need to have to do the deck. We understand it's a tight fit and that's fine. I think that what I'm looking for is, the wheel stops are fine. I want to make sure those are spaced properly and that they are secure when a larger vehicle runs up against the wheel that it's not moving back on the gravel and moving around. I think that's more the concern that the wheel stops would move around over time and then people would be misdirected and not having parking be what it was intended to be. It's not going to happen in a day, but that the clear marking through the wheel stops is maintained over time. Because you are adding some spaces into the rear of the parking as well, that those spaces, when they're added, it's clear that where everybody is supposed to be going.

MUELHAUSER: The parking stops that are in the gravel are staked. The parking stops along the east side as you enter on the blacktop are not. We do need to stake those as well.

DEAN: They're on blacktop too?

MUELHAUSER: They're currently on blacktop.

DEAN: Do they move?

MUELHAUSER: If somebody hits them hard enough they'll move back. We're pretty good straightening them out when that occurs.

SCOTT: You also have written down "unpaved parking areas shall consist of compacted base with crushed stone placed on the compacted base". Is that what's existing?

TOMPKINS: I don't know the particulars of what's existing, how it's been constructed. Really what I'm looking for in that code is if they are going to leave it as it is that it's maintained and that it's paved.

SCOTT: So I'll leave it in here, and meet the other requirements of §18:1-83.O. and that's the maintenance package basically.

TOMPKINS: Part of §18:1-83.O. is that you pave 25 or more and that's the second sentence that I have quoted.

SCOTT: So if we grant them a variance from that, we'll just grant them a variance from the paving section of that section, right?

TOMPKINS: Essentially.

SCOTT: It says "all parking areas shall be maintained in a dust-free, safe condition at all times". So that's all in §18:O. We'll be releasing them from the paving.

KEHOE: From blacktop or concrete paving. I think you want to say a variance o allow gravel paving.

SCOTT: Right, this is a variance which requires that parking lots of 25 spaces or more shall be paved. We're giving them a variance for gravel.

MUELHAUSER: If you patronize the place, you'll notice that the gravel lot is well maintained. Trash is collected daily.

CHAIRMAN: Mr. Kehoe, do you want to read the criteria for these variances. Do we have to do each one?

KEHOE: Yes. First we'll do the variance for the stairwell. Do you find that a literal enforcement of Chapter 18:1 would result in unnecessary hardship or practical difficulty as a result of the specified conditions.

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

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

CHAIRMAN: Yes.

SCOTT: Yes.

DEAN: Yes.

CHAIRMAN: Do we have a motion.

SCOTT: I make a motion that we approve Case V-020005, the Ramshead. (1) a variance to reduce the required 35 ft. front yard setback to 20 ft. to construct a staircase to access proposed rooftop deck at Ramshead Restaurant, with a condition that all exterior structural supports and members of deck and staircase will be protected from cars by bollards. (2) a variance from §18:1-83.O. to allow a gravel parking lot with 25 spaces or more. Also with a condition that the applicant must provide clearly marked parking spaces within the gravel area(s), contain the existing gravel from spreading further into the phragmites and/or nontidal wetland areas, and meet the other requirements of §18:1-83.O. One more condition that all parking stops be staked down.

CHAIRMAN: We have a motion.

DEAN: Second.

CHAIRMAN: Seconded by Mr. Dean. All in favor, Aye.

DEAN: Aye.

SCOTT: Aye.

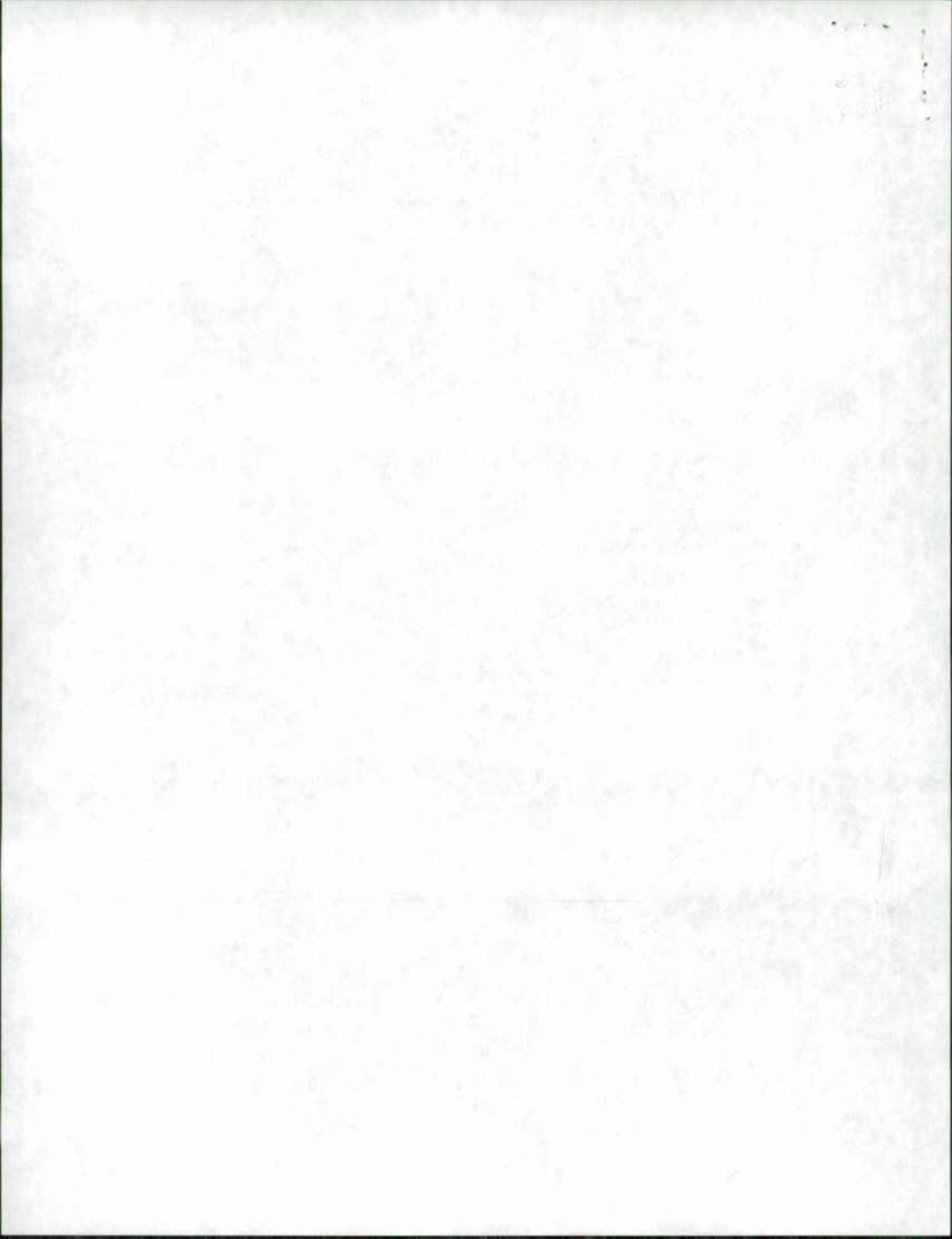
CHAIRMAN: Let the record show that Case V-020005 has been approved. I now declare this hearing to be adjourned. You will receive a formal notification as soon as possible.

Cathy Maul
Clerk

4/2/08

Date

CC: J&B Property Holdings, LLC
Eva Kerchner, Harms, Inc.
Radhika Paruchuri, Harms, Inc.
Robert Wilson
Erin Brunst
Board Members
Stephen H. Kehoe, Esq.
Holly Tompkins
Jim Barton
Permit Dept.





*Queen
Anne's
County*

BOARD OF APPEALS

160 Coursevall Drive
Centreville, MD 21617

Telephone : (410) 758-1255
Fax: (410)-758-2905

County Commissioners:

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

April 10, 2008

Mr. Bill Muelhauser
J&B Property Holdings, LLC
95 Cathedral St., Suite 200
Annapolis, MD 21401

**RE: BOARD OF APPEALS CASE NO. V-020005
VARIANCE FOR STAIRCASE AT RAMSHEAD RESTAURANT
VARIANCE FROM PAVING REQUIREMENTS**

Dear Mr. Muelhauser:

Enclosed are the Board's formal Decision and the Excerpts of the Minutes from the 3/26/08 hearing. Your request for: (1) a variance to reduce the required 35 ft. front yard setback to 20 ft. to construct a staircase to access proposed rooftop deck at Ramshead Restaurant; (2) a variance from §18:1-83.O. which requires that parking lots with 25 spaces or more shall be paved was approved **with the following conditions.**

Parking lot must be properly marked with wheel stops affixed to the ground. Bollards must be around staircase to protect it from cars in parking lot. All parking stops must be staked into the ground. Appropriate steps be taken to keep gravel from running off into the phragmites and/or tidal wetlands areas. All exterior structural supports to the deck and staircase must be protected from cars by bollards. Applicant must meet all other requirements of §18:1-83.O.

Your addition must be constructed as shown on your Applicant's Exhibit No. 11.

Please contact our Permit Office at 410-758-4088 regarding the necessary construction permits.

Sincerely,

Cathy Maxwell
Clerk



Enc.

CC: Eva Kerchner, Harms, Inc.
Radhika Paruchuri, Harms, Inc.
Robert Wilson
Erin Brunst
Board Members
Stephen H. Kehoe, Esq.
Holly Tompkins
Jim Barton
Permit Dept.
Lynn Kimbles

RECEIVED



11/11/11



**Queen
Anne's
County**

County Commissioners:

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

VIA FAX- 410-974-5338

BOARD OF APPEALS

160 Coursevall Drive
Centreville, MD 21617

Telephone : (410) 758-1255
Fax: (410-758-2905

March 7, 2008

Mr. Marshall Johnson, Natural Resources Planner
Critical Area Commission
1804 West St., Suite 100
Annapolis, MD 21401

**RE: BOARD OF APPEALS CASE NO. V-020005
YOUR FILE NO. QC 112-08
VARIANCE FOR RAMSHEAD RESTAURANT**

Dear Marshall:

Following is letter received yesterday concerning an additional variance request to not require the parking lot to be paved but remain in gravel. I am also sending your letter dated 2/28/08 for your convenience.

The public hearing is Wednesday, March 26.

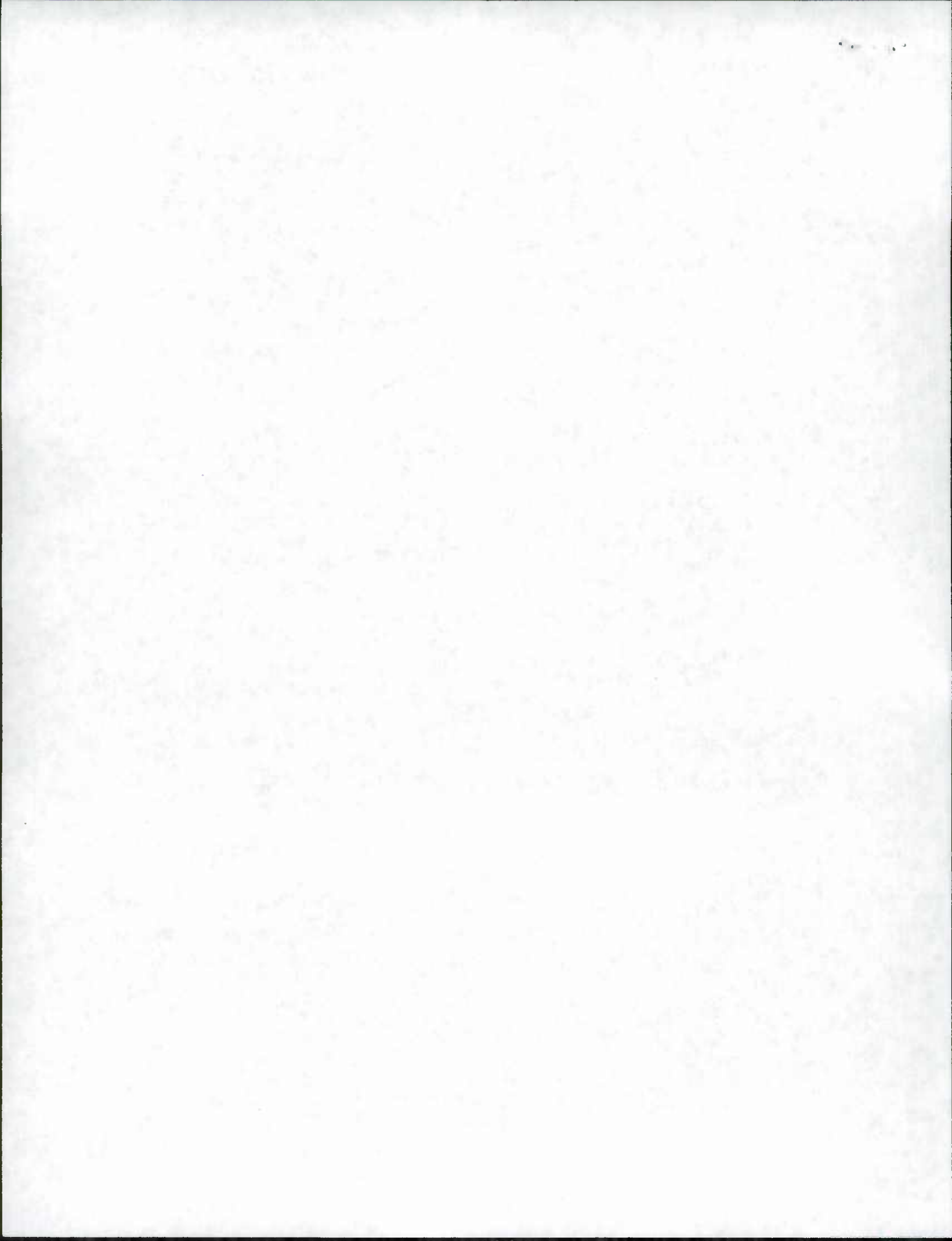
If you have any questions, please call.

Sincerely,

Cathy Maxwell
Clerk

Enc.

CC: Holly Tompkins





JOHN E. HARMS, JR. & ASSOCIATES, INC.
engineers • planners • surveyors

March 6, 2008

Board of Appeals
Queen Anne's County
160 Coursevall Drive
Centreville MD 21617

Re: Ramshead on Kent Island, proposing 2,250 sq.ft. roof-top deck
Variance to § 18: 1 -83 O (Paving Parking Lot)
W.o. #15-07-019C

Dear Mr. Chairman:

The owner of the subject property is proposing a rooftop deck as an addition to the existing restaurant located on Tax Map 52 and Parcel 65. As stated in the previous letter, the existing restaurant started in 1930's and has been in use since.

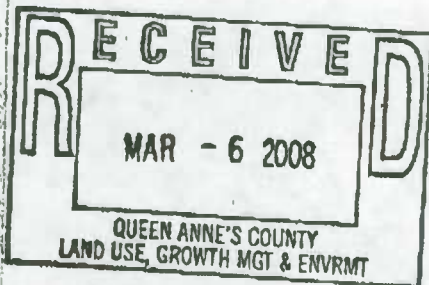
A portion of the existing parking lot which serves the site is gravel, § 18: 1 -83 O requires parking lots with 25 spaces or more to be paved. The subject property is located within the Critical Area and designated as IDA. Department of Public Works and Maryland Department of the Environment encourage the use of gravel parking and limiting impervious surfaces if at all possible.

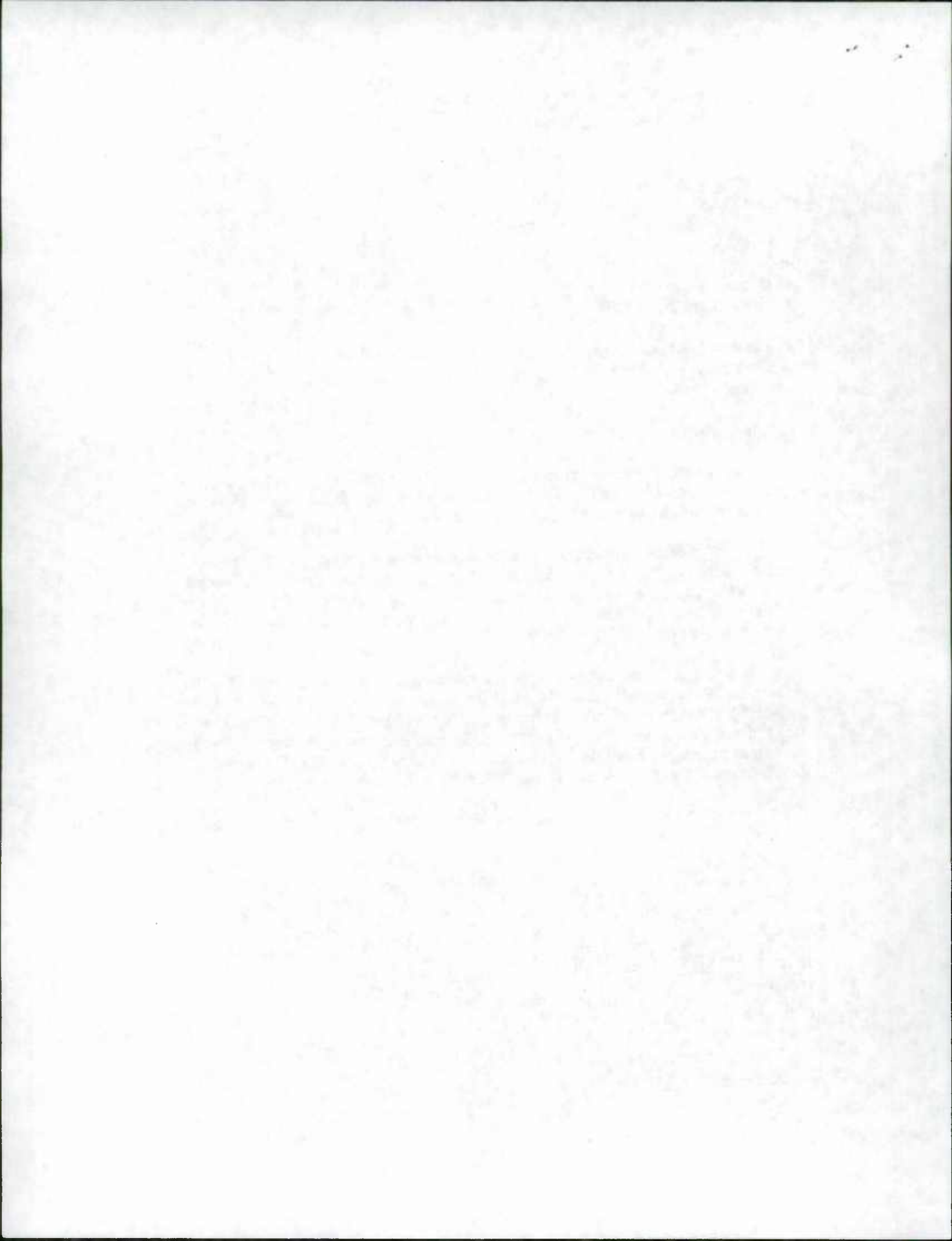
Any proposed pavement would require environmental field study to establish tidal wetlands limits to determine if the 100' buffer impacts the site (please refer to Critical Area Comments). If the proposed paving is located within the 100' buffer, it will require Critical Area variance. The owner desires to keep the parking lot as is (gravel), so as not to increase the impervious area within the Critical Area, hence a variance to § 18: 1 -83 O Paving Requirement of the Queen Anne's County Code under § 18: 1 -121 is sought.

Thank you in advance for your favorable consideration of the request, please contact me at 410-770-4566 if additional information is needed.

Very truly yours,

Eva Kerchner
Assistant Vice President







Aerial

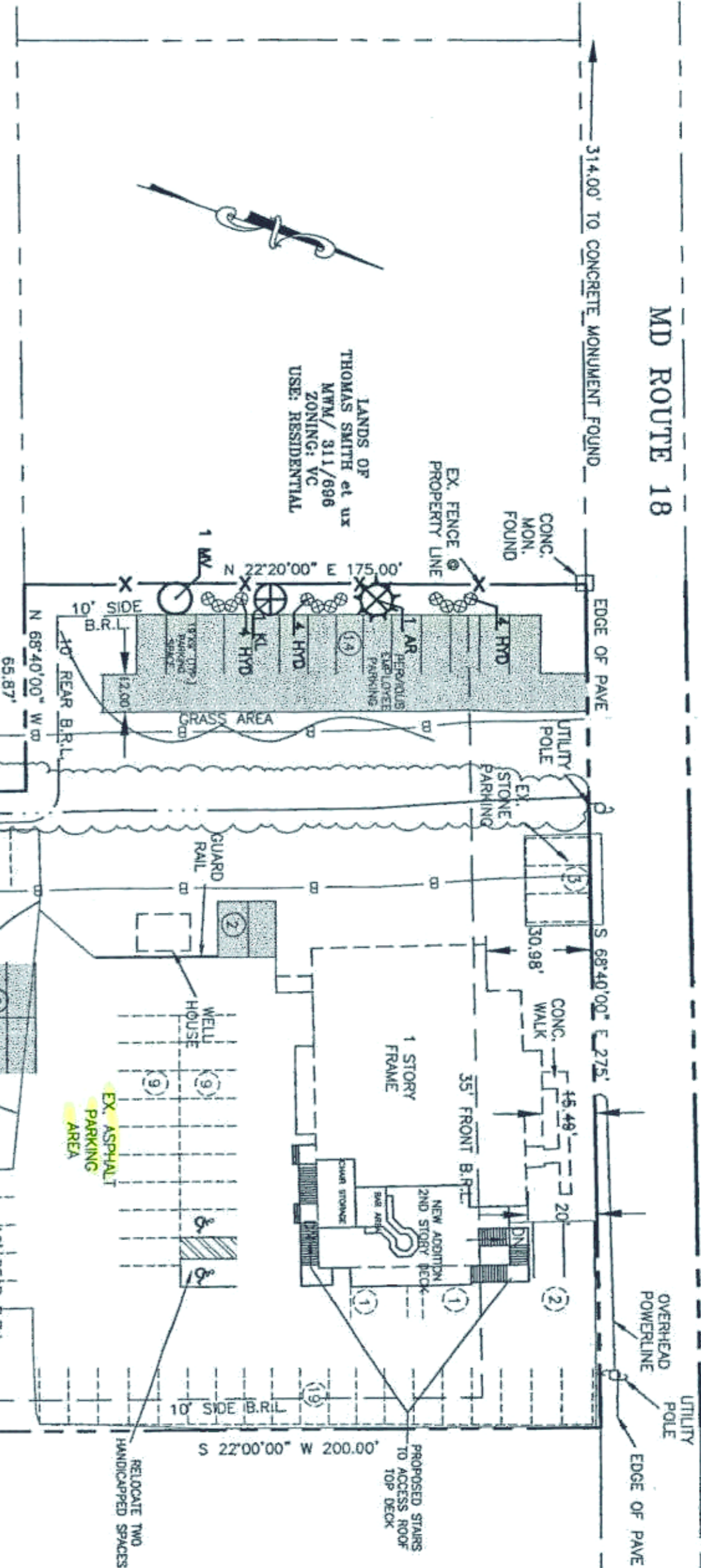


Approximate location of wetlands



MD ROUTE 18

LANDS OF
 COUNTY COMMISSIONERS OF
 QUEEN ANNE'S COUNTY
 M/N/311/698
 ZONING: SE
 USE: PUBLIC USE (LIBRARY)



LANDS OF
 BOARD OF EDUCATION FOR QUEEN ANNE'S COUNTY
 N.B.W. 6/275
 ZONING: VC
 USE: PUBLIC USE (SCHOOL)

IMPERVIOUS

ALLOWED IMPERVIOUS BASED ON 70%
 OF THE PARCEL PER THE
 QUEEN ANNE'S COUNTY ZONING ORDINANCE
 SECTION 18:1-25 (2) (c) [1]

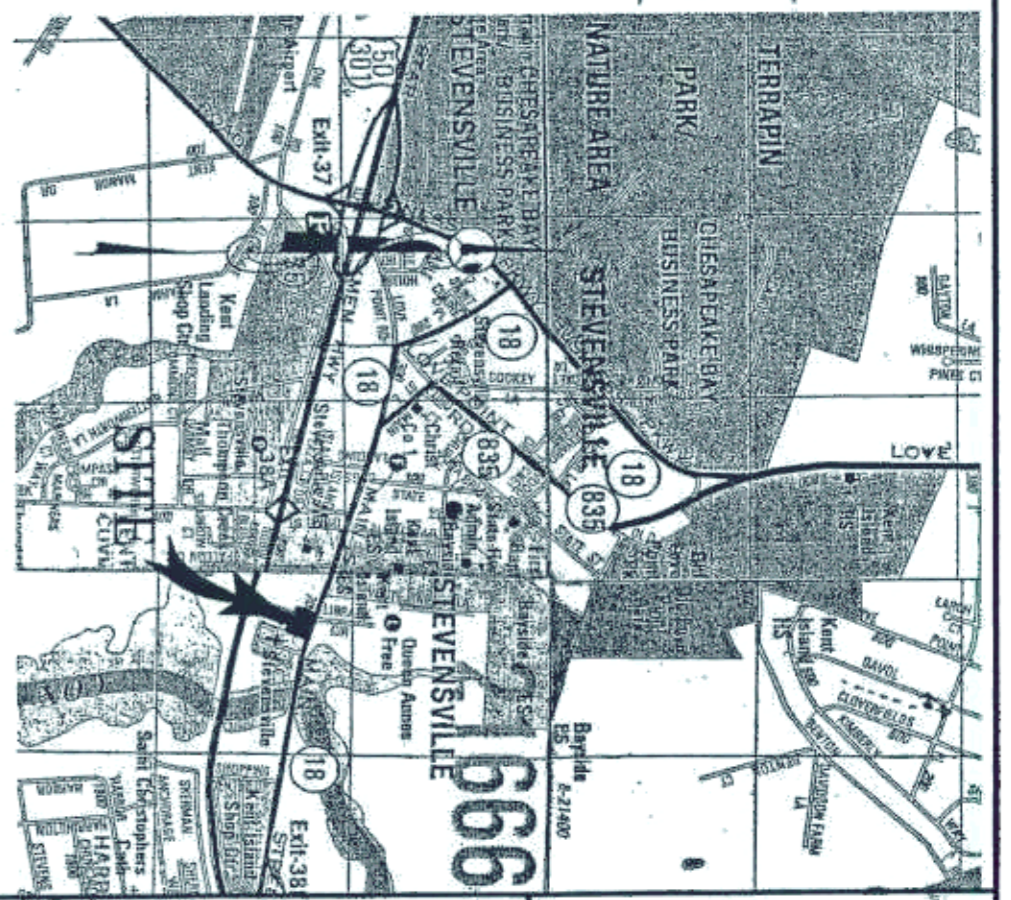
ALLOWED BUILDING AREA	78,531 SQ.FT.
ASPHALT PAVING AREA	6,837 SQ.FT.
STONE PAVING AREA	18,286 SQ.FT.
MISCELLANEOUS AREA	17,994 SQ.FT.
TOTAL EXISTING IMPERVIOUS PARKING (2)	44,122 SQ.FT.
NEW PROPOSED IMPERVIOUS PARKING (14)	32,085 SQ.FT.
REMAINING	32,085 SQ.FT.
PROPOSED PERVIOUS PARKING (14)	4,192 SQ.FT.
PROPOSED DECK	2,250 SQ.FT.

- GENERAL NOTES**
1. THE PURPOSE OF THIS CONCEPT PLAN IS TO RECEIVE VARIANCE FROM FRONT YARD SETBACK REQUIREMENTS OF § 18:1-25.e.(2)(c)[1] FOR PROPOSED ROOF TOP DECK STAIRS AS AN ADDITION TO THE EXISTING RESTAURANT.
 2. FOR DEED REFERENCE TO SUBJECT PROPERTY SEE SM/1612/99
 3. CURRENT ZONING: VC - VILLAGE CENTER
 4. CURRENT USE: COMMERCIAL (RESTAURANT)
 5. SITE IS LOCATED WITHIN THE CRITICAL AREAS AND IS DESIGNATED AS INTENSELY DEVELOPED AREAS (IDA) UNDER QUEEN ANNE'S COUNTY CHESAPEAKE BAY CRITICAL AREA ACT.
 6. PUBLIC SEWER AND ON-SITE WELL ARE BEING USED TO SERVE THE PROPERTY.
 7. BOUNDARY SURVEY HAS NOT BEEN PERFORMED. LOCATION DRAWING PREPARED BY MICHAEL SCOTT INC. DATED APRIL 18, 2007 WAS USED TO PREPARE THIS CONCEPT PLAN.
 8. NO VEGETATION WILL BE REMOVED FOR THE PROPOSED EMPLOYEE PARKING.

ENVIRONMENTAL NOTES

1. THE SITE WAS VISITED ON AUGUST 30, 2007 WITH ROD SCHWORN, CORP. OF ENGINEERS (COE) FOR DETERMINATION OF CLEANING THE ACCUMULATED SEDIMENT FROM THE EXISTING DRAINAGE SWALE WHICH DISCHARGES FROM THE SHA STRUCTURE IN MD ROUTE 18 AND FLOWS SOUTH TOWARDS MD ROUTE 50.
2. THE SITE WAS ALSO VISITED ON SEPTEMBER 7, 2007 WITH CHRIS PANK OF MDE FOR DETERMINATION OF THE DIVISION LINE BETWEEN NON-TIDAL AND TIDAL WETLANDS. THE NON-TIDAL/TIDAL LINE WAS DETERMINED TO BE APPROXIMATELY 340 FEET SOUTH OF MD ROUTE 18. LOCATION OF SWALE IS PER PLAN DATE FEBRUARY 28, 2006 PREPARED BY MCCORMICK & TAYLOR FOR SHA JOHN E. HARMS & ASSOCIATES INC. TO DATE HAS NOT FIELD VERIFIED THE LIMITS OF NON-TIDAL VS. TIDAL LIMITS.
3. THE SITE IS LOCATED IN ZONE C PER FEMA MAP # 2400540030C
4. THE SITE IS SURROUNDED BY PHRAGMITES ON THE SOUTH-EAST, SOUTH AND SOUTH-WEST SIDES.

U.S. ROUTE 50 - 301



VICINITY MAP
 SCALE: 1"=2000'

- STATEMENT OF PURPOSE AND INTENT**
- THE PURPOSE OF THIS CONCEPT PLAN IS AS FOLLOWS:
1. TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT SITE.
 2. TO SHOW LOCATION OF THE PROPOSED ROOF-TOP DECK AND THE PROPOSED PARKING.
 3. TO RECEIVE VARIANCE FROM FRONT YARD SETBACK REQUIREMENTS OF § 18:1-25.e.(2)(c)[1] FOR PROPOSED ROOF-TOP DECK STAIRS.

KEY	BOTANICAL NAME	COMMON NAME	SPACING	SIZE	ROOT	QTY.
IBES	IBES					
AR	ACER RUBRUM	RED MAPLE	48-60'	HT.	CON	1
MV	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	25'	HT.	CON	1
KL	KALMIA LATIFOLIA	MOUNTAIN LAUREL	10'	HT.	CON	1
SHRUB						
HYD	HYPERICUM DENSIFLORUM	DENSE ST. JOHN'S WORT	3' O.C.	1.5-6' HT.	CON	12

LANDS OF
 STEVENSVILLE CEMETERY INC.
 C.W.C. 122/326
 A.S.C. 2/407
 ZONING: SE
 USE: CEMETERY

RECEIVED
 FEB 19 2008
 CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays



RECEIVED
 FEB 14 2008

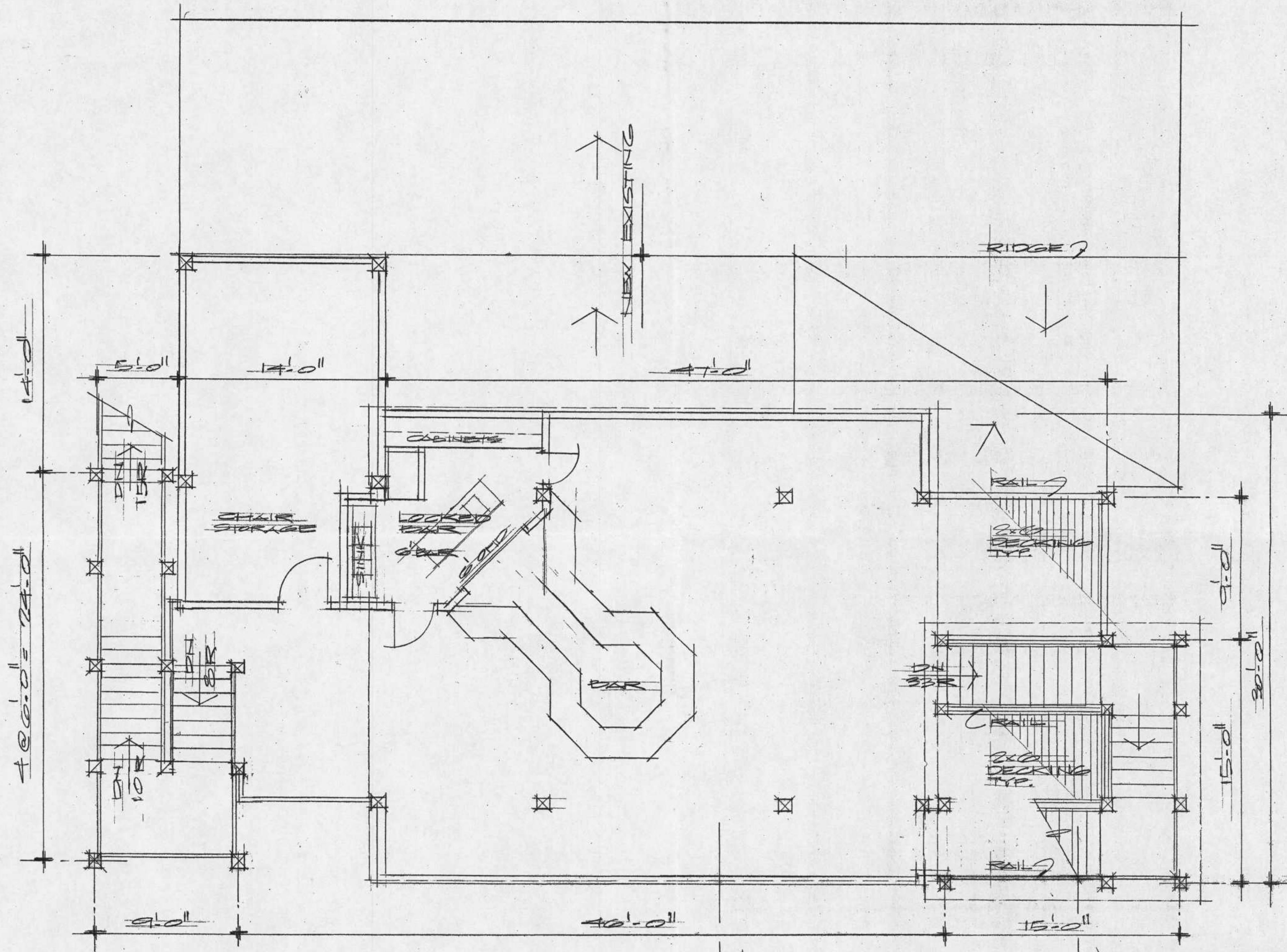
PROPOSED ADDITIONS
 FOR
RAMSHEAD
 TAX MAP 56, PARCEL 65
 QUEEN ANNE'S COUNTY, MARYLAND

DATE	REVISION
SEPTEMBER 2007	AS PER COUNTY COMMENTS
JANUARY 2008	REVISED DECK LAYOUT

DATE	JAN. 2008
JOB NO.	15-07-019C
FOLDER REF	
SCALE	1"=40'
DRAWN BY	C.G.B
DESIGNED BY	RAD
APPROVED BY	EMK

HARMS
 ENGINEERS • PLANNERS • SURVEYORS
 8626 BROOKS DRIVE, SUITE 206, EASTON, MARYLAND 21601
 Office: 410/770-4566 FAX: 410/763-6557

STATE OF MARYLAND
 PROFESSIONAL LAND SURVEYOR
 No. 21101
 DATE: 2-8-08
 SEAL



PRELIMINARY

1/4" = 1'-0"
1.20.08

BEN CARR
ARCHITECT
410-268-5970 320-227-0946

J & B PROPERTY HOLDINGS, L.L.C.
RAYSHED RESTAURANT, QUEEN ANNES CO.

ROOF DECK PLAN

3