

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

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

April 29, 2008

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

**RE: V-040005 (114 Parks Road)
Thomas Fox**

Dear Ms. Maxwell:

Thank you for providing information on the variance request for the above referenced proposal. Please accept this letter and submit as part of the record for the hearing on this variance. The site is an approximately 1.5 acre lot located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The site is partially within a tidal wetland and partly within the Critical Area 100 foot Buffer that extends from the wetland. There are an existing house, shed, driveway and deck on the site. The applicant proposes to build an accessory structure which would house both a garage and second story apartment and porch within the Buffer. The proposal does not meet requirements for development in the Critical Area of Queen Anne's County, specifically, § 14:1-51 Buffer standards and requirements. In addition, the applicant does not meet the State or County variance standards. It is important to note that the Queen Anne's County Circuit Court has recently reaffirmed that all variance standards must be met in order to grant a variance. (*McHale v. Queen Anne's County Board of Appeals*, Civil Action #12458). This letter specifically addresses the variance request for this project.

The applicant is requesting a variance to construct an accessory structure (detached 30 x 30 foot garage with a second story apartment and porch) within the Critical Area 100-foot Buffer. This office opposes the variance to build a new accessory structure (detached 30 x 30 foot garage with a second story apartment and porch) in the Buffer, because the applicant does not meet the State-mandated standards for a Critical Area variance. For the Board's information, we provide the following analysis of the requested variance in the context of Queen Anne's County's variance standards.



Disturbance to the 100-foot Buffer

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards. Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The Board of Appeals must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this instance, the applicant's request for a variance to allow new construction of a accessory structure with disturbance to the 100-foot Buffer on a lot with adequate undeveloped area to place it outside of the Buffer, is in direct conflict with Queen Anne's County's Zoning Code provisions regarding new structures in the Buffer.

It is clear that, under the County Code, the applicant's proposed Buffer disturbance cannot be allowed because new structures such as proposed, are not allowed in the Buffer. Moreover, the proposed disturbance within the Buffer should not be permitted with a variance because it is in conflict with the County's Buffer management goals and will create unnecessary adverse impacts to water quality and habitat. Further, the applicant cannot meet each one of Queen Anne's County's variance standards as discussed below.

Relevant Variance Standards

§ 14:1-66.A - *A literal enforcement of this Chapter 14:1 would result in unnecessary hardship as the result of specified conditions, which hardship is not shared by owners of other property in the same development area*

Denial of this variance request would not create an unwarranted hardship since the applicant will not be denied reasonable use of the entire lot. The applicant already has full use of a house, detached accessory structure (shed), deck, large circular driveway and yard. In light of those existing facilities available to the applicant for use of the property, not being able to build an additional accessory structure with a 900 square foot garage, second story living space and porch does not present an unwarranted hardship. A literal interpretation of Queen Anne's County's regulation of the Buffer will not deprive the applicant of a right commonly enjoyed by other properties in similar areas because this office does not support variances for development on lots where the proposed development can be constructed in conformance with the law. The applicant has not shown that construction of an accessory structure on this site in the Buffer is a right

commonly enjoyed by any property in the Critical Area, or a right enjoyed by other properties in similar areas within the Queen Anne's County Critical Area.

§ 14:1-66.B - *Those conditions are peculiar to the property involved*

There are no conditions that are peculiar to this property that would require the applicant to seek a Buffer variance since there is adequate area on this site out of the Buffer to locate a reasonable expansion in a manner that would minimize the shoreward extent of intrusion into the Buffer. The applicant suffers no hardship from not being able to locate a new accessory structure on the property because the applicant already has use of a house, shed, driveway, yard porch and deck on the property. The applicant already enjoys reasonable use of the lot for residential purposes.

§ 14:1-66.C - *Those conditions are not the result of any action taken by the applicant*

The variance request is based upon the proposed actions of the applicant. It appears that the applicant has voluntarily chosen to locate the proposed structure such that it does not meet Buffer standards, and consequently the applicant has created the need for the variance.

§ 14:1-66.E - *The variance will not confer upon an applicant any special privilege denied to other owners of like property and/or structures within the critical area;*

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. This office would not support a similar variance request on other properties. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that the requested variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

§ 14:1-66.G - *The variance is the minimum deviation from the provisions of this Chapter 14:1 that will make possible the reasonable use of land or structures; and*

The property has a house, shed, deck, driveway and yard in the Buffer. No variance is necessary for continued use of the existing house and associated amenities already in the Buffer on the site. Therefore, the requested variance is not the minimum adjustment necessary to afford relief from the regulations because the regulations do not prevent the applicant from using the property.

§ 14:1-66.D - *The variance will not be contrary to the public interest or the policies, goals and objectives of this Chapter 14:1 and the Queen Anne's County Critical Area Program; § 14:1-66.F - The variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitats within the critical area; § 14:1-66.H - The granting of the variance will be in harmony with the general purpose and intent of this Chapter 14:1 and the Queen Anne's County Critical Area Program and the variance shall not result in a use not permitted in the applicable development area or an increase in the applicable density limitations.*

In contrast with the above standards, granting the requested variances is not in harmony with the general spirit and intent of the Critical Area law and regulations. The Buffer

standards are intended to protect water quality and wildlife habitat to the extent possible. The proposed accessory structure does not protect water quality and wildlife habitat to the extent possible, because it would prevent stormwater infiltration and vegetation in that area, elements which provide benefits to fish, wildlife, and plant habitat. The County Critical Area Program recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay. The County's Critical Area Program is intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual detrimental impacts of development on the Bay.

This letter has addressed all of the relevant variance standards. Based on the information provided, none of the variance standards are met. The County and State law provide that in order to grant a variance, the applicant must meet and satisfy each and every variance standard. This applicant has failed to meet any of the County standards. Because the applicant has failed to meet all of the County and State variance standards, this office recommends that the Board deny the applicant's request for this variance and deny the applicant's request to build the proposed structure.

Thank you for the opportunity to provide comments regarding this variance request. Please include this letter within 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 additional questions please contact me at 410-260-3479.

Sincerely,



Marshall Johnson
Natural Resources Planner

cc: QC 202-08

IN THE MATTER OF * BOARD OF APPEALS
THE APPLICATION OF * OF
THOMAS A. FOX and * QUEEN ANNE'S COUNTY
BONNIE J. FOX * Case No. V-040005

FINDINGS AND DECISION

This matter came before the Board of Appeals for hearing on Thursday, April 24, 2008 at 6:15 p.m., at Board of Appeals office at 160 Coursevall Drive, Centreville, MD 21617, to hear and decide the application of THOMAS A. FOX and BONNIE J. FOX (the "Applicant"), being Case No. V-040005. 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, Howard A. Dean, Member, and Craig W. McGinnes, Alternate Member, of the Board of Appeals of Queen Anne's County.

RELIEF REQUESTED

The Applicant has requested a variance from strict application of §14:1-11 (Definition of Buffer) of Chapter 14, of the *Code of Public Laws of Queen Anne's County, 1996 ED.*, to construct a 30' x 30' two story garage/apartment with a 10' x 30' porch and stairway landing within the 100' Critical Area Buffer; and (2) a variance from §18:1-45.D.(1) to exceed the 20' height restriction for a total height of 25'.

PROPERTY DESCRIPTION

The property which is the subject of this application consists of 1.5 acres, is located at 114 Parks Road, Chester, Maryland, in the Benton Pleasure Subdivision. The

property is located in the Fourth Election District, and is designated as Zoning Map 57, Parcel 378, Lot 103C, zoned NC-20 and is in the LDA Critical Area District.

DEPARTMENT OF LAND USE GROWTH MANAGEMENT AND ENVIRONMENT

Gene Palmatary addressed the application on behalf of the Department of Land Use Growth Management and Environment (the "Department"). Mr. Palmatary testified that the application for a variance into the Critical Area Buffer would permit the Applicant to encroach 15' into the buffer, reducing the buffer to 85'. He also stated that the variance's height limitation would allow for a height of 25' because the basis this effect is to accommodate the way the trusses for the proposed building would be made. He stated that the house is 26' so that the proposed 25' height would not be out of scale with the residence on the property. He noted that there is no impervious coverage issue and that if the application was approved that any driveway should use stone or gravel as the surface. He also stated that if approved, a buffer mitigation plan for 2 trees for the amount of area disturbed.

APPLICANT'S CASE

He stated that when he first moved to the property 16 years ago the buffer line was on the other side of the property. He said that his father-in-law is ill and he may need a place for an apartment for his father-in-law to live. Mr. Palmatary interjected that the Critical Area runs down the middle of the property. There had been an administrative subdivision to allow the Foxes to acquire a neighboring property so the roadway did not go through the marsh.

OPPOSITION

Tom Leigh, a Chester River Keeper and advocate for the Chester River and all of the Eastern Bay spoke in opposition to the application. He stated that there is a 1,000' buffer area which has a 100' setback that could be increased to 200' under the legislation. He stated that he opposed any intrusion onto the property.

Sam Walters spoke in opposition to the application. She said that her concern was that the construction would interfere with wildlife.

Eddie Walters testified against the application. He said he had no problem with the applicants or their desire to improve their property. However, he opposed any intrusion into the buffer.

REBUTTAL TESTIMONY

On rebuttal Mr. Fox said that he did not want to see marsh destroyed. That his house is now in the Critical Area and he would make whatever modifications to the property necessary in order to allow him to build the garage and apartment. His intent was to have an in-law apartment.

Mr. Dean questioned whether the proposed garage can be shifted on the property. Mr. Fox said he had not looked into that possibility.

BOARD'S DECISION

The Board of Appeals of Queen Anne's County has given consideration to the limitations, guidelines and standards set forth in the *Code* and makes the following specific findings:

1. The Board finds that special conditions or circumstances do not exist that are peculiar to the land or structures involved and that the literal enforcement of

provisions and requirements of the County Critical Area Program would result in unwarranted hardship.

2. The Board finds that a literal interpretation of the provisions of the Critical Area Program and related ordinances will not deprive the Applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

3. The Board finds that the granting of the variance will confer upon the Applicant any special privilege that would be denied by the County Critical Area Program to other lands or structures within the Critical Area.

4. The Board finds that the variance is based upon conditions or circumstances which are the result of actions by the Applicant, including the commencement of development activity before an application for a variance has been filed. The Board further finds that the request does not arise from a condition relating to land or building use, either permitted or non-conforming on any neighboring property.

5. The Board finds that the granting of the variance will adversely affect water quality or adversely affect fish, wildlife, or plant habitat within the Critical Area and the granting of the variance will not be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program.

The Board recognizes that under the Critical Area law the ability to grant a variance is very limited. The Applicant has not demonstrated that without the variance he is facing a reasonable, significant use of the entire parcel. The Board appreciates the Applicant's desire to build an apartment for his ailing father-in-law. The Board also recognizes that the Critical Area runs down the middle of the property creating some difficulty in locating it. However, the Applicant has not examined all possibilities to

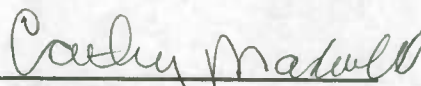
locate the proposed addition outside the Critical Area. In addition, because the property is already improved by a residence, the Applicant can make reasonable and significant use of the property without the variance.

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 Thursday, April 24, 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 28th day of May, 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-040005
APPLICANT: Thomas A. Fox & Bonnie J. Fox
HEARING DATE: 4/24/08 – 6:15 p.m.
REQUESTING: (1) a variance from Chapter 14, §14:1-11 (Definition of Buffer) of the Code of Public Laws of Queen Anne's Co. (1996 ED), to construct a 30 ft. x 30 ft. 2-story garage/apt. with 10 ft. x 30 ft. porch, and stairway and landing within the 100 ft. Critical Area Buffer; (2) variance from §18:1-45.D.(1) to exceed the 20 ft. height restriction for a total height of 25 ft. Located at 114 Parks Rd., Benton's Pleasure Subdiv., 4th E.D., Map 57, Parcel 378, Lot 103C, zoned NC-20 and LDA.

IN ATTENDANCE: William D. Moore, Chairman; Howard A. Dean, Member; Craig W. McGinnes, Member; Stephen H. Kehoe, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; Gene Palmatary, Zoning Inspector; Thomas & Bonnie Fox, Applicants.

CHAIRMAN: This is probably the toughest one of any variance that we ever get. The Court overturned us and I don't know how the others will vote or I don't know how I will. But it's certainly rough now building anything in the buffer. We let some guy do it and the Court said, no, you can't. Our attorney will read the criteria. Does the Board have any more questions?

MCGINNES: The original house construction, you built the house or you bought it new?

FOX: Bought it new.

KEHOE: When was the house built.

FOX: 16 years ago, so 1992/1991.

MCGINNES: Does it have an attached garage now?

FOX: It has a small one-car garage that is part of the house.

KEHOE: Is there a bump out on the front of the house?

FOX: Yes, a small bump out on the side.

CHAIRMAN: Does the Board see a need for an executive session?

DEAN: No.

MCGINNES: No.

CHAIRMAN: Mr. Kehoe, when Critical Areas was here, what do they call it now? What kind of hardship do they call it? Now it's different than what it was as of a few months ago. Last year you would have been better off.

KEHOE: The term is "reasonable and significant use of the entire parcel". That's the standard now under the relatively new Critical Area regulations.

CHAIRMAN: What would they consider, that's difficult for you to say, a reasonable use? Certainly it's a house but when you go to the garage.

KEHOE: We had the one a couple weeks ago with the swimming pool. They would look at any accessory structure as if you have an existing residence, you do have reasonable and significant use of the entire parcel and therefore the accessory structure would exceed the requirements.

CHAIRMAN: You do understand that we just got overturned in court for the same thing that you are asking for.

FOX: I understand.

CHAIRMAN: Mr. Kehoe, would you like to read the criteria. Do we have any more discussion? This is certainly the toughest one I've been in. He's got a house and he wants a garage like the other guys.

DEAN: Can this building be turned?

FOX: I never considered that because in the process I thought since it's not impacting. I realize things are changing all the time to preserve the Bay and I'm glad of that.

DEAN: How much width do you have here.

FOX: It's 30 x 30 ft.

DEAN: No, I mean from the critical areas over to your property lines, do you know?

FOX: I do not know. Because it's 30 x 30, no matter which way you turn it, I don't think you'll going to be able to block it in there. It's 15 ft. over and I don't think I have 15 ft. behind it.

CHAIRMAN: You probably would have been better off, and I don't know how these gentlemen are going to vote, but getting a 1 ft. x 1 ft. variance from the sides. It probably still wouldn't fit.

KEHOE: It would have been much less stringent criteria.

CHAIRMAN: Much, much less.

DEAN: Can you go within one ft. of the critical area?

CHAIRMAN: You can touch that line and be one foot away from there. We just approved one with 3 inches.

FOX: I can certainly go back and measure it and process it again.

CHAIRMAN: I'm not saying you're going to get turned down. We even made the Sunpaper for giving it to them actually.

MCGINNES: That's the thing. Even if it gets turned down it could still be a protractive issue. Even if it got approved it could still become a protractive issue.

FOX: Am I to understand that that line has recently been extended back further? The 100 ft. setback.

LEIGH: The 100 ft. setback is now being extended to 200 ft.

DEAN: Effective when?

PALMATARY: That's not in this case though.

LEIGH: As of this past legislative session.

KEHOE: Effective July 1st.

MCGINNES: So if he was going to change this, he'd have to get it filed before that took effect.

PALMATARY: No, because this is already a lot of record. It's all new lots.

KEHOE: If he's putting in an application under Chapter 18 instead of Chapter 14, he would not have to wait a year.

PALMATARY: Mr. Chairman, can I say something?

CHAIRMAN: Come on up here, Mr. Palmatary. I'm just trying to help the gentleman out here.

PALMATARY: So am I. You're asking if he could turn it. If he still turns it, the one front corner is still going to be in that buffer. He doesn't have 30 ft. If he could turn it and meet 3 ft. rear and 3 ft. side and be out of the buffer, he wouldn't even had to come here.

MCGINNES: Except for the height.

PALMATARY: Except for the height.

CHAIRMAN: How far is it from this line to right here.

PALMATARY: It's not 30 ft. We tried to turn it to see if it would work but it wouldn't work. That one corner is going to be sticking in that buffer just a little bit at 30 ft. That's the size he's trying to get approved.

CHAIRMAN: Thank you, Mr. Palmatary. Mr. Kehoe, would you like to read the criteria.

KEHOE: Do you find that special conditions or circumstances exist that are peculiar to the land or structures involved and that the literal enforcement of provisions and requirements of the County Critical Area Program would result in unwarranted hardship.

CHAIRMAN: No.

DEAN: No.

MCGINNES: No.

KEHOE: Do you find a literal interpretation of the provisions of the Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area.

CHAIRMAN: No.

DEAN: No.

MCGINNES: No.

KEHOE: Do you find that granting of the variance will confer upon the applicant any special privilege that would be denied by the County Critical Area Program to other lands or structures within the Critical Area.

CHAIRMAN: Yes.

DEAN: Yes.

MCGINNES: Yes.

KEHOE: Do you find the variance is not based upon conditions or circumstances which are the result of actions by the applicant.

CHAIRMAN: Yes.

DEAN: Yes.

MCGINNES: Yes.

KEHOE: Do you find that the request does not arise from a condition relating to land or building use, either permitted or non-conforming on any neighboring property.

CHAIRMAN: No.

DEAN: No.

MCGINNES: No.

KEHOE: Do you find that the granting of the variance will not adversely affect water quality or adversely affect fish, wildlife, or plant habitat within the Critical Area.

CHAIRMAN: No.

DEAN: No.

MCGINNES: No.

KEHOE: Do you find that the granting of the variance will be in harmony with the general spirit and intent of the State Critical Area Law and the County Critical Area Program.

CHAIRMAN: No.

DEAN: No.

MCGINNES: No.

CHAIRMAN: That's a tough one. I feel as bad for you as anybody we've had up here for a year or so. Do we have a motion.

MCGINNES: I make a motion in regard to Case V-040005 to deny the request for the variance to intrude into the Critical Area buffer and for the variance for the height exceeding 20 feet.

CHAIRMAN: We have a motion to deny the variance.

KEHOE: As a point of discussion, we didn't go through the criteria on the height so if you are going to deny the Critical Area, you would just find that the height variance is moot.

MCGINNES: Do you want me to repeat the motion for the record?

KEHOE: Yes.

MCGINNES: I'd like to make a motion in regard to Case V-040005 to deny the request for the variance to construct a garage/apartment within the 100 ft. Critical Area buffer which renders the request for a variance in regards to the height of the building moot.

DEAN: I'll second it.

CHAIRMAN: All in favor, aye.

DEAN: Aye.

MCGINNES: Aye.

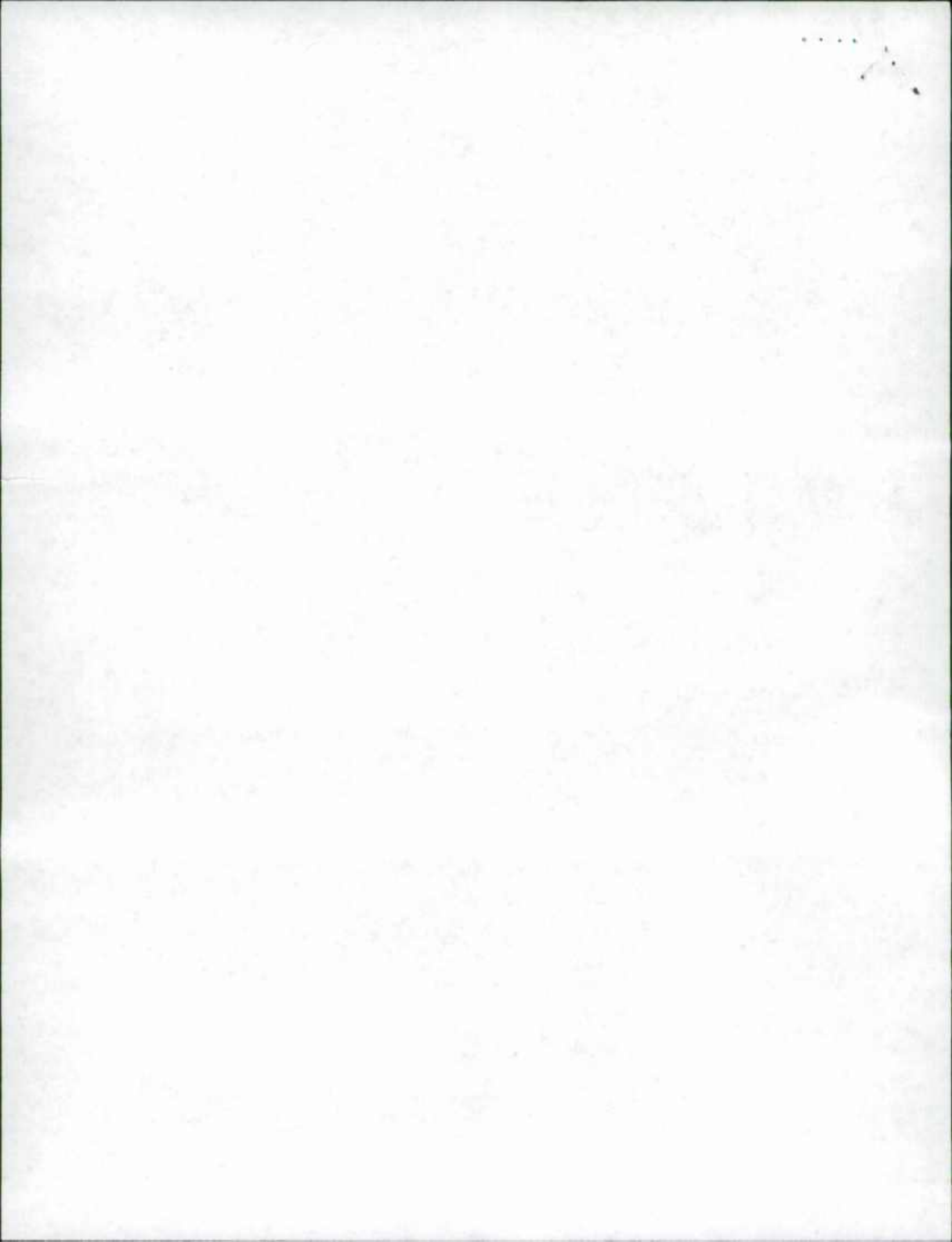
CHAIRMAN: Let the record show Case V-040005 has been denied. I now declare this hearing to be adjourned.

Cathy Madill
Clerk

4/28/08

Date

CC: Thomas A. & Bonnie J. Fox, Applicants
Tom Leigh
Harold & Lillian Walters
Board Members
Stephen H. Kehoe, Esq.
Steve Cohoon
Jim Barton
Gene Palmatary
Permit Dept.





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

DEPARTMENT OF LAND USE, GROWTH
MANAGEMENT & ENVIRONMENT

160 Coursevall Drive
Centreville, MD 21617

Telephone Community Planning: (410) 758-1255
Fax Community Planning: (410) 758-2905
Telephone Land Use: (410) 758-1255
Fax Land Use: (410) 758-2905
Telephone Permits: (410) 758-4088
Fax Permits: (410) 758-3972

March 25, 2008

Thomas A. & Bonnie J. Fox
114 Parks Road
Chester, MD 21619

RE: Tax Map 57- Parcel 378
Lot 103C - Benton's Pleasure
Zoned: Neighborhood Conservation-20

Dear Mr. & Mrs. Fox:

Upon review of the above mentioned application, I determined that your proposed garage/apartment does not meet the 100ft setback from tidal water as required by *Section 14-111 (10) Definitions of the Chesapeake Bay Critical Area Act Buffer (spelled with a capital B) means a natural vegetated area or vegetated area established or managed to protect aquatic, wetland shoreline, and terrestrial environments from manmade disturbances. In the critical area district, the Buffer is a continuous area located immediately landward of tidal waters (measured from the mean high water line), tributary streams in the critical area, and tidal wetlands and has a minimum width of 100ft. The Buffer shall be expanded beyond the minimum depth to include certain sensitive areas as per requirements established in this subtitle.* Also Section 18-1 45 D. (1) states A building on a residential lot less than two acres may not exceed 20 feet in height. A review of your building plans show that the height of the proposed building is 25 feet.

Therefore based on the reasons stated above your permit application is hereby denied. However should you wish to seek possible relief you may do so by applying to the Board of Appeals. Contact person for the Board is Cathy Maxwell at 410-758-1255.

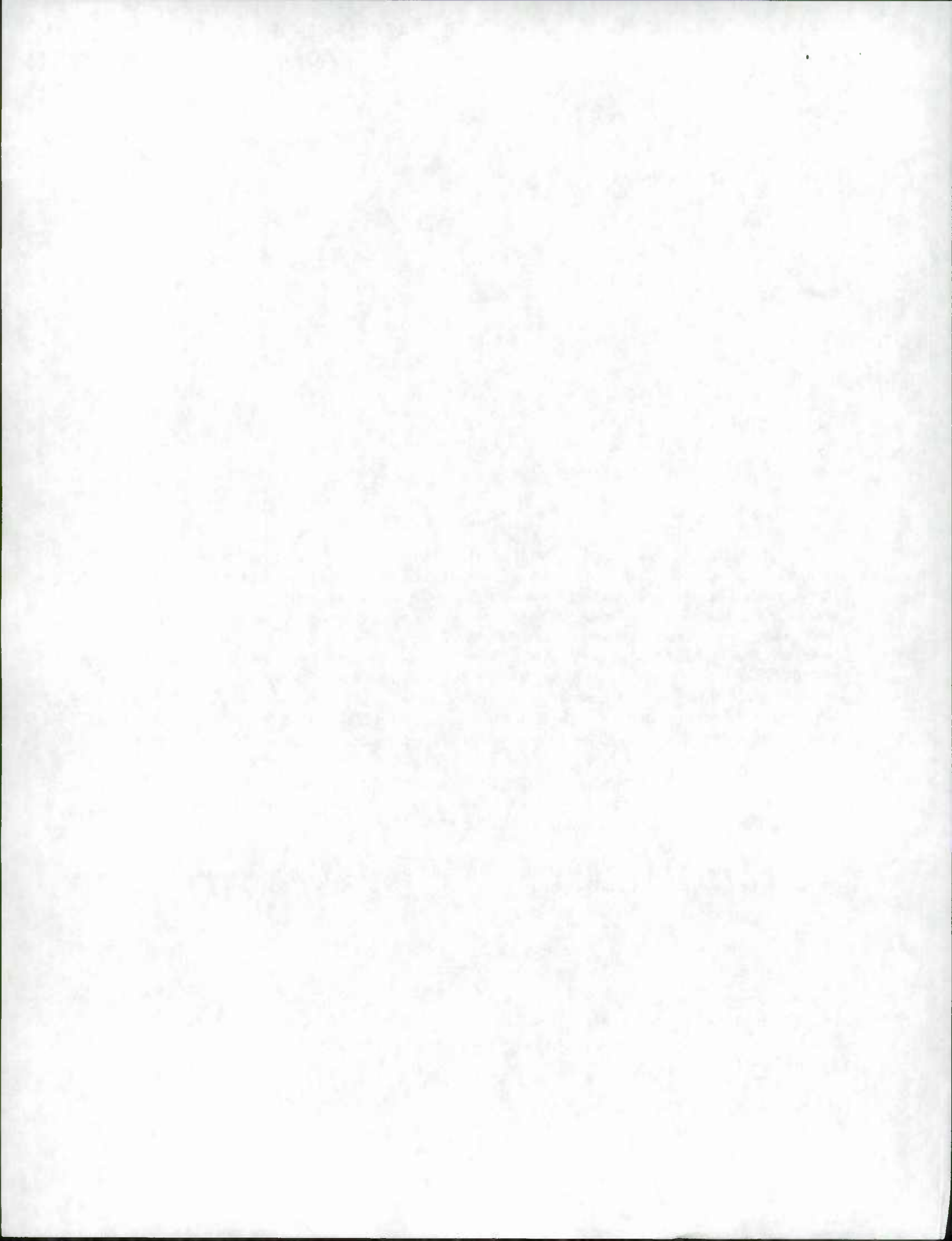
Should you have any other questions concerning this matter you may contact me at 410-758-4088 between 8:00 a.m. and 9:30 a.m. Monday thru Friday.

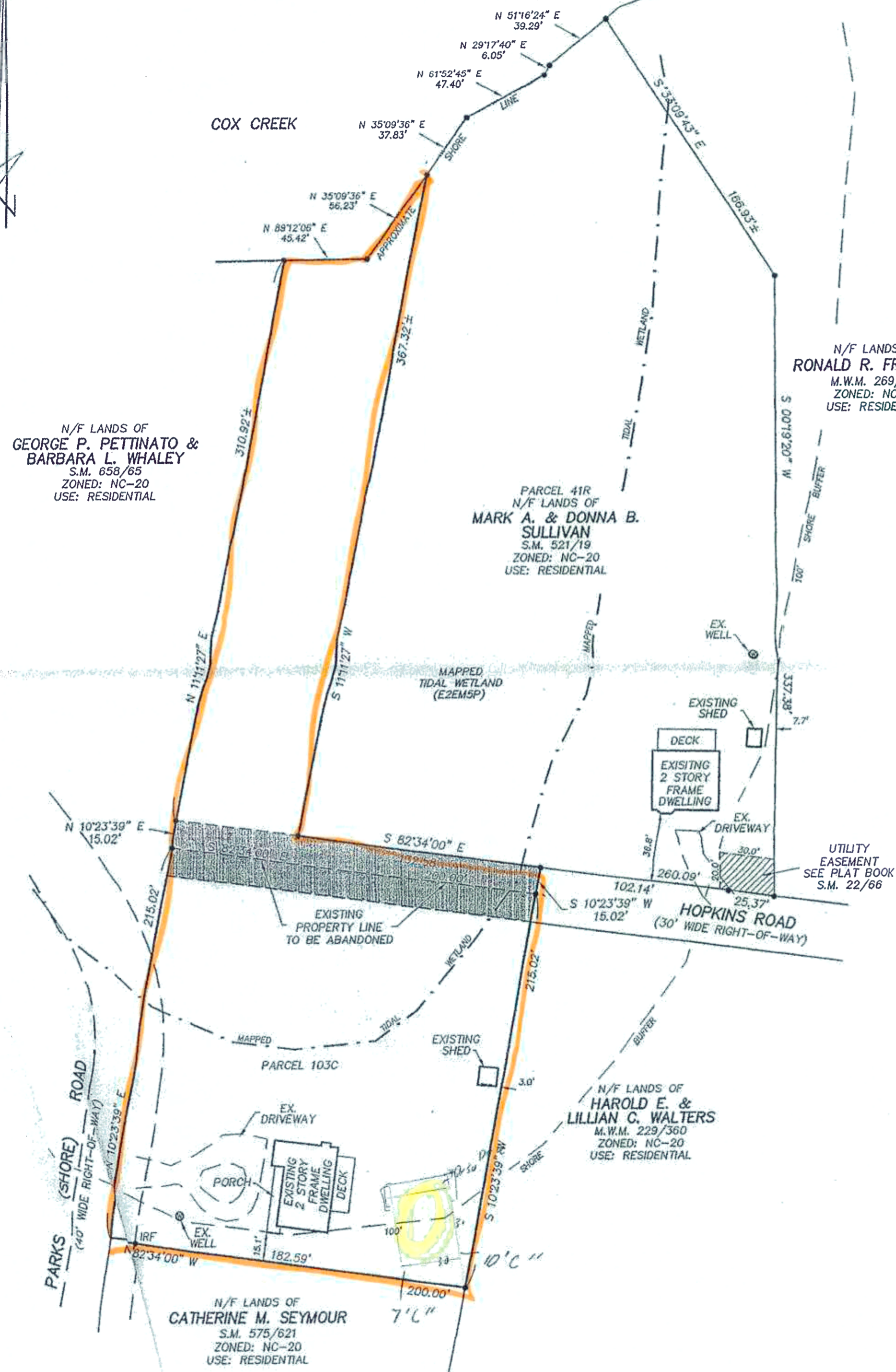
Sincerely,

Gene A. Palmatary
Zoning Inspector

GAP/VJS/v

cc: Board of Appeals





N/F LANDS OF
**GEORGE P. PETTINATO &
 BARBARA L. WHALEY**
 S.M. 658/65
 ZONED: NC-20
 USE: RESIDENTIAL

PARCEL 41R
 N/F LANDS OF
MARK A. & DONNA B. SULLIVAN
 S.M. 521/19
 ZONED: NC-20
 USE: RESIDENTIAL

N/F LANDS OF
RONALD R. FREDERICK
 M.W.M. 269/342
 ZONED: NC-20
 USE: RESIDENTIAL

N/F LANDS OF
**HAROLD E. &
 LILLIAN C. WALTERS**
 M.W.M. 229/360
 ZONED: NC-20
 USE: RESIDENTIAL

N/F LANDS OF
CATHERINE M. SEYMOUR
 S.M. 575/621
 ZONED: NC-20
 USE: RESIDENTIAL

RIGHT TO FARM STATEMENT
 THERE SHALL BE NO BASIS, UNDER THE QUEEN ANNE'S COUNTY ZONING ORDINANCE, FOR RECOURSE AGAINST THE EFFECTS OF ANY NORMAL FARMING OPERATIONS CONDUCTED IN ACCORDANCE WITH STANDARD AND ACCEPTABLE BEST MANAGEMENT PRACTICES. NORMAL AGRICULTURAL EFFECTS INCLUDE, BUT ARE NOT LIMITED TO NOISE, ODOR, VIBRATION, FUMES, DUST, SPRAY DRIFT OR CLARIFICATION.

NOTE:
 AFTER THIS PLAT IS FINALLY APPROVED AND RECORDED, ANY PRIOR SIZE OR CONFIGURATION OF ALL OR PART OF THE LAND SHOWN ON THIS PLAT, OR PRIOR STATUS OF ANY SUCH LAND AS A "LOT" UNDER ANY ZONING ORDINANCE OF SUBDIVISION REGULATIONS, IS SUPERSEDED BY THE SIZE AND CONFIGURATION OF THE LOTS SHOWN ON THIS PLAT.

PROPOSED LOTS IMPERVIOUS AREA TABLE

PARCEL	GROSS AREA	IMPERVIOUS AREA-ALLOWED	IMPERVIOUS EXISTING	IMPERVIOUS REMAINING
41R	2.078 AC.±	0.312 AC.±	0.038 AC.±	0.274 AC.±
103C	1.555 AC.±	0.233 AC.±	0.045 AC.±	0.188 AC.±

EXISTING AREA
 PARCEL 41R = 2.647 AC.±
 PARCEL 103C = 0.986 AC.±

PROPOSED AREA
 PARCEL 41R = 2.078 AC.±
 PARCEL 103C = 1.555 AC.±
 AREA TO BE TRANSFERRED FROM P. 41R TO P. 103C = 0.569 AC.±

LEGEND:
 —●— DENOTES COMPUTED POINT UNLESS OTHERWISE SPECIFIED
 I.P.F. DENOTES IRON PIPE FOUND
 I.R.S. DENOTES IRON ROD SET
 N/F DENOTES NOW OR FORMERLY
 B.R.L. DENOTES BUILDING RESTRICTION LINE
 [Hatched Box] DENOTES PORTION OF HOPKINS ROAD UNIMPROVED AND ABANDONED NOW CLAIMED BY THE OWNERS SHOWN HEREON PURSUANT TO REAL PROPERTY ARTICLE 2-114.

- NOTES:**
- FOR CURRENT DEED REFERENCE SEE:
 PARCEL 41R - S.M. 521/19
 PARCEL 103C - M.W.M. 380/435
 - THE SOLE PURPOSE OF THIS PLAT IS TO CONVEY 0.569 AC.± FROM PARCEL 41R TO PARCEL 103C. THERE WILL BE NO NEW BUILDING LOTS CREATED DUE TO THIS ADMINISTRATIVE SUBDIVISION.
 - PROPERTY SHOWN HEREON IS ZONED: NC-20.
 - MINIMUM LOT SIZE - 20,000 SQ.FT.
 - TOTAL NUMBER OF LOTS EXISTING - 2
 - TOTAL NUMBER OF LOTS PROPOSED - 2
 - THIS SUBDIVISION PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A REVIEW OF AN ABSTRACT OF TITLE.
 - THE PROPERTY SHOWN HEREON IS LOCATED ENTIRELY WITHIN THE CHESAPEAKE BAY CRITICAL DESIGNATION (LDA).
 - BOUNDARY INFORMATION FOR PARCEL 41R WAS TAKEN FROM A PLAT ENTITLED "ADMINISTRATIVE PLAT, LOTS 110 & P/O LOT 41, BENTON'S PLEASURE" PREPARED BY LAND FORMS/PBS & J, RECORDED IN THE QUEEN ANNE'S COUNTY LAND RECORDS ON AUGUST 23, 1995 IN LIBER S.M. 22, FOLIO 66.
 - BOUNDARY INFORMATION FOR PARCEL 103C IS A RESULT OF A FIELD RUN SURVEY BY McCrone, Inc. IN OCTOBER 2003.

OWNER PARCEL 103C
 THOMAS A. & BONNIE J. FOX
 114 PARKS ROAD
 CHESTER, MD 21619

OWNER PARCEL 41R
 MARK A. & DONNA B. SULLIVAN
 120 HOPKINS ROAD
 CHESTER, MD 21623

SURVEYOR
 McCrone, Inc.
 207 N. LIBERTY STREET
 CENTREVILLE, MD 21617

RECEIVED
 APR. 7 2008
 CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays



McCRONE
 ENGINEERING & ENVIRONMENTAL SCIENCES
 LAND PLANNING & SURVEYING & CONSTRUCTION SERVICES
 207 NORTH LIBERTY STREET
 SUITE 100
 CENTREVILLE, MARYLAND
 (410) 756-2237

SCALE	1"=50'
DATE	SEPT. 2003
JOB NO.	D1030490
FOUNDER REF	104
DESIGNED BY	BWF
APPROVED BY	J. KIRBY
REVISION	
DATE	01-28-04
AS PER COMMENTS	

ADMINISTRATIVE SUBDIVISION
 ON THE LANDS OF
THOMAS A. & BONNIE J. FOX
 AND
MARK A. & DONNA B. SULLIVAN
 TAX MAP 57, GRID 19, PARCELS 103C & 41R
 FOURTH ELECTION DISTRICT, QUEEN ANNE'S COUNTY, MARYLAND
 PREPARED FOR: THOMAS A. FOX

SEAL
 DATE
 ANNAPOLIS-CENTREVILLE-ELKTON-SALISBURY-SOUTHERN MARYLAND