

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/](http://www.dnr.state.md.us/criticalarea/)

September 22, 2008

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

**RE: V-080007 Variance, Magnum  
200 Bridgeview Lane, Stevensville**

Dear Ms. Maxwell:

Thank you for providing information on the above referenced variance request. The site is a 15.9 acre property located within the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. This site is currently developed with a house and associated amenities. The applicant proposes to demolish the existing house and construct a new house outside of the Critical Area Buffer as shown on the site plan. Fill for construction of the house is proposed in excess of 600 cubic yards within the floodplain, which requires a variance under County regulations. The application states that the fill is outside of the 100-foot Buffer of the Critical Area.

Provided that the subject lot is properly grandfathered, this office does not oppose the variance. However, to the extent possible, impacts to habitat and water quality should be minimized. The Critical Area Commission staff has the following comments regarding the development proposal.

1. The site plan shows a line labeled Critical Area Buffer, but does not address whether the shoreline, wetlands and drainageway potentially requiring Buffer expansion were delineated. Please have the applicant provide documentation that a professional delineation has been conducted and that requirements for Buffer expansion have been met as required in the Code of Maryland Regulations 27.01.09.01, County Code Section 14:1-51 and County Code Section 14:1-52.
2. As required under County Code § 14:1-39, when forest on the site totals less than 15% of the site area, additional forested areas shall be established so that at least 15% of the site area is in forest cover. The location of the afforested area shall be designed to protect habitats or to provide continuity with forested areas on adjacent sites. The 15% afforestation requirement should be met with plantings located in the Buffer.

3. The proposal should minimize impacts by including stormwater management design elements which increase benefits to water quality from the stormwater leaving the site to the extent practicable. These may include pervious paving, pervious deck construction, and other low impact development methods which are acceptable to the County. Please be aware that lot coverage limits would apply to some of these elements.
4. Any proposed gravel areas or gravel driveway will count toward lot coverage limits on this site.

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 500-08



*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

December 2, 2008

Mr. & Mrs. Gary L. Mangum  
319 Blue Bay Drive  
Stevensville, MD 21666

**RE: BOARD OF APPEALS CASE NO. V-080007  
VARIANCE TO PLACE FILL IN 100 YR. FLOODPLAIN  
SEDIMENT PERMIT NO. S-08-0192**

Dear Mr. & Mrs. Mangum:

Enclosed are the Board's formal Decision and the Excerpts of the Minutes from the October 14, 2008 hearing. Your request for a variance to place more than 600 cubic yards of fill within the 100-year floodplain outside the 100 ft. buffer on your property located at 200 Bridgeview Lane, Stevensville, MD was approved **with the following conditions.**

1. The fill will comply with Section 14:3-63.C as to the content of fill.
2. The Applicants must provide documentation that a professional delineation has been conducted and note the requirements for the buffer expansion have been met as required under the Code of Maryland Regulations 27.01.09.01 and County Code Section 14:1-51 and Section 14:1-52.
3. That the Applicants provide an elevation certificate for the house prior to the Certificate of Occupancy.
4. That the Applicants provide an "as built" survey of the property to include all disturbed access from the house to the 100' Critical Area.
5. That all soil that is to be used for fill must be excavated from the subject property.

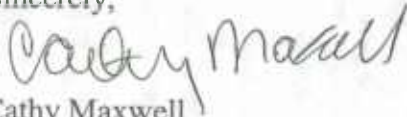
Your improvements must be constructed as shown on your Applicant's Exhibit No. 12.



Regarding variances in the floodplain, please be advised that the use of the subject property, pursuant to the grant of Variance No. V-080007, may result in an increased risk to life and property, and may further cause an increase in your premiums for national flood insurance coverage.

Please contact our Permit Dept. at 410-758-4088 concerning your pending permit. When you receive your permit, you may begin construction.

Sincerely,



Cathy Maxwell  
Clerk

Enc.

CC: Joseph A. Stevens, Esq.  
Jeff Clise, Landesign  
Milt McCarthy, McCarthy & Assoc.  
John Kling  
John Scarborough  
Vijay Kulkarni  
Board Members  
Stephen H. Kehoe, Esq.  
Steve Cohoon  
Jim Barton  
Permit Dept.  
Lynn Kimbles

IN THE MATTER OF \* BOARD OF APPEALS  
THE APPLICATION OF \* OF  
GARY MANGUM & \* QUEEN ANNE'S COUNTY  
SONIA MANGUM \* Case No. V-080007

FINDINGS AND DECISION

This matter came before the Board of Appeals for hearing on Tuesday, October 14, 2008, at 6:30 p.m. at Board of Appeals office at 160 Coursevall Drive, Centreville, MD 21617, to hear and decide the application of GARY and SONIA MANGUM, being Case No. V-080007. 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 Kenneth R. Scott, Acting Chairman, Howard A. Dean, Member, Craig W. McGinnes, Alternate Member of the Board of Appeals of Queen Anne's County.

RELIEF REQUESTED

The Applicants have requested a variance from the strict application of § 14:3-32 of the Queen Anne's County Code (Floodplain Ordinance) to place more than 600 cubic yards of fill in the 100 year flood plain on property located at 200 Bridge View Lane, Stevensville, in the T. Walter White Farm Subdivision. The property is located in the Fourth Election District in the Countryside Zoning District and the RCA Critical Area District, and is designated on Sectional Map 48, Parcel 115. The property consists of 15.9 acres more or less.

### PROPERTY DESCRIPTION

The property which is the subject of this application consists of 15.9 ± acres, and is located on Tax Map 48, and designated as Parcel 115, Fourth Election District of Queen Anne's County, Maryland. The property is located at 200 Bridge View Lane, Stevensville, Maryland and has a zoning classification of Countryside Zoning District and is in the RCA Critical Area District.

### DEPARTMENT OF PUBLIC WORKS

John Kling of the Department of Public Works addressed the application. He asked the Board to consider the comments of Kevin Wagner of the Maryland Department of the Environment and require the Applicants to address those comments. He stated that the Applicants should provide sealed "as built" drawings because the Applicants are proposing to manipulate the flood plain.

### APPLICANT'S CASE

The Applicants were represented by Joseph A. Stevens, Esquire, who outlined the Applicants' case as follows. The subject property has been a lot of record since 1979. There are two categories for a fill variance:

1. Where it is very impractical to do otherwise.
2. That there is an extremely minimal impact and the logical thing to do.

In this instance, there will be 2,690 cubic yards of fill. There are no structures or buildings. The residence is 300' from the water. The pool is 250' from the water. A number of agencies support granting the application. No fill is being imported to the property and it is not being brought in dump truck loads.

Jeff Clise of Land Design testified as follows. He is a civil engineer in surveying and land planning. He works on 50 to 60 projects a year. There was already an existing home, but the



Applicants wanted a new home. Accordingly, they got a permit to raze the existing home. The excavation of the basement of the new home was generating a lot of dirt. The Applicants wanted to spread dirt on site. The Soil Conservation Service had approved the grading plan. The Applicants wanted to grade the property to the existing rip rap. The Applicants wanted to save the top soil to establish a nice lawn. What is now a grass lawn will remain a grass lawn.

The first and second floor will have a gravity septic system. The basement will have a pump and will require a pump chamber which would be above flood level. There would be a flotation device in the septic system to keep the tank from popping out. The subject residence is 25,000 square feet. There would be no negative impact as a result of granting the variance. There is not enough fill to effect the Bay and will not effect neighboring properties. The Applicants' desire to have a walk out basement is generating dirt. There is no need for storm water management because the home is 300' from the water. The excavated dirt cannot be piled on site. There are no practical alternatives to using the dirt on site. There will be no additional dirt trucked in. The flood plain elevations map is derived from data used by the Federal Emergency Management Agency. The final grading of the property would look like a natural contour. There would be a 4' fall over a 100' space. He calculated that the program would require 2,690 cubic yards of fill. The lot coverage is at 9.14% and 15% lot coverage is permitted.

Milt McCarthy testified on behalf of the application. He is employed by McCarthy and Associates, a natural resources consulting firm. He has been with the firm for 25 years. He stated that the wetlands delineation had been certified by the Army Corps. of Engineers. There were tidal wetlands on the northern part of the property and that there was a drainage ditch.

John Kling testified that FEMA lines are based on modeling done in 1984. He stated that he always takes an elevation from the FEMA map. He also stated that he did not think the proposed variance would have any impact on the Bay.

Gary Mangum testified on behalf of the application as follows. He wanted to make sure he respected the Bay. He stated that he is in the nursery business and thinks of his property as a farm. He stated that he is moving dirt from one spot to another on the property and did not wish to bring in any dirt from offsite and would not bring in any dirt from offsite. There were no afforestation issues.

#### OPPOSITION

There was no opposition to the application.

#### BOARD'S DECISION

The Board, in a unanimous decision, grants the requested variance to Applicants. Development shall be in accordance with the evidence received at the hearing and Applicants' site plan. The Board has given proper consideration to the evidence presented and the requirements of a variance pursuant to § 14-367 of the Queen Anne's County Code, noting the following:

1. The granting the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.
2. Granting the variance will not create any nuisances.
3. Granting the variance will not cause fraud or victimization of the public.
4. Granting the variance will not conflict with existing local and State laws or ordinances.
5. The literal enforcement of Chapter 18:1 would result in unnecessary hardship or practical difficulty as a result of the specified conditions.



6. The conditions are peculiar to the property involved. A literal enforcement of Chapter 18:1 would result in unnecessary hardship or practical difficulty as a result of the unspecified conditions.

7. The conditions are neither the result of any action taken by the Applicants.

8. The variance will not be contrary to the public interest.

9. Evaluation of the alternatives prove that the variance is required.

The Board, therefore, grants a variance under the strict application of Section 14:3-32 of the Code of the Public Laws of Queen Anne's County to permit the Applicants to use in excess of 600 cubic yards of fill within the 100 year flood plain outside of the 100' buffer. The fill is not to exceed 2,690 cubic yards. In addition, the granting of the variance is subject to the following conditions:

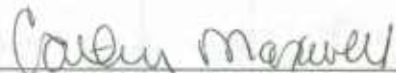
1. The fill will comply with Section 14:3-63.C as to the content of fill.
2. The Applicants must provide documentation that a professional delineation has been conducted and note the requirements for the buffer expansion have been met as required under the Code of Maryland Regulations 27.01.09.01 and County Code Section 14:1-51 and Section 14:1-52.
3. That the Applicants provide an elevation certificate for the house prior to the Certificate of Occupancy.
4. That the Applicants provide an "as built" survey of the property to include all disturbed access from the house to the 100' Critical Area.
5. That all soil that is to be used for fill must be excavated from the subject property.

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 Tuesday, October 14, 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 2nd day of December, 2008.

  
\_\_\_\_\_  
Cathy Maxwell  
Clerk

  
\_\_\_\_\_  
Stephen H. Kehoe  
Attorney for Board of Appeals



*Queen  
Anne's  
County*

**BOARD OF APPEALS**

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

**CASE NO:** V-080007  
**APPLICANT:** Gary L. & Sonia K. Mangum  
**HEARING DATE:** 10/14/08 – 6:30 p.m.  
**REQUESTING:** A variance from Chapter 14 of the Code of Public Laws of Queen Anne's Co. (1996 ED), §14:3-32 (Floodplain Ordinance), to place more than 600 cubic yards of fill within the 100-year floodplain outside the 100 ft. buffer. Located at 200 Bridgeview Lane, T. Walter White Farm Subdiv., nr. Stevensville, 4th E.D., Map 48, Parcel 115, zoned CS & RCA.

**IN ATTENDANCE:** Kenneth R. Scott, Acting Chairman; Howard A. Dean, Member; Craig W. McGinnes, Member; Stephen H. Kehoe, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; Gary L. Mangum, Applicant; Joseph A. Stevens, Esq., Attorney for Applicant; John Kling and John Scarborough, Dept. of Public Works.

**CHAIRMAN:** Anyone feel the need to go into executive session? Any discussion? Doesn't sound like any discussion. Mr. Kehoe, do you want to read the criteria for us and then we'll have a motion.

**KEHOE:** There are two sets of criteria. One is under Chapter 14 and one is under the regular variance. Do you find that failure to grant the variance would result in an exceptional hardship other than economic to the applicant.

**CHAIRMAN:** Yes.

**DEAN :** Yes.

**MCGINNES:** Yes.

**KEHOE:** Do you find that the granting of the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense.

**CHAIRMAN:** Yes.

**DEAN :** Yes.



MCGINNES: Yes.

KEHOE: Do you find that the granting of the variance will not create nuisances.

CHAIRMAN: Yes.

DEAN : Yes.

MCGINNES: Yes.

KEHOE: Do you find that the granting of the variance will not cause fraud or victimization of the public.

CHAIRMAN: Yes.

DEAN : Yes.

MCGINNES: Yes.

KEHOE: Do you find that the granting of the variance will not conflict with existing local and State laws or ordinances.

CHAIRMAN: Yes.

DEAN : Yes.

MCGINNES: Yes.

KEHOE: 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.

DEAN: Yes.

MCGINNES: Yes.

KEHOE: Do you find that those conditions are peculiar to the property involved. A literal enforcement of Chapter 18:1 would result in unnecessary hardship or practical difficulty as a result of the specified conditions.

CHAIRMAN: Yes.

DEAN: Yes.

MCGINNES: Yes.

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

CHAIRMAN: Yes.

DEAN: Yes.

MCGINNES: Yes.

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

CHAIRMAN: Yes.

DEAN: Yes.

MCGINNES: Yes.

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

CHAIRMAN: Yes.

DEAN: Yes.

MCGINNES: Yes.

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

CHAIRMAN: Yes.

DEAN: Yes.

MCGINNES: Yes.

KEHOE: In making your findings you need to put in a condition that the fill comply with §14:3-63.C. It's defines the composition of the fill. The fill shall consist of soil and rock material. That's a standard condition. You can't bring in things from a landfill.

CHAIRMAN: Do we have a motion.

MCGINNES: Yes. I'd like to make a motion in regard to Case V-080007 to approve a variance to place in excess of 600 cubic yards of fill within the 100 year floodplain and outside of the 100 ft. buffer, not to exceed 2,690 cubic yards. I would like to make that subject to the following conditions. No. 1, that the fill comply with §14:3-63.C. regarding the content of the fill. No. 2, that the applicant provide documentation that a professional delineation has been conducted and that requirements for Buffer expansion have been met as required in the Code of Md. Regs 27.01.09.01, and County Code §14:1-51 and §14:1-52. No. 3, that the provide should provide an elevation certificate for the house prior to Certificate of Occupancy being granted. Finally, No. 4, that the applicant should provide a sealed as-built survey of the property to include all disturbed areas and from the house to the 100 ft. Critical Area Buffer.

CHAIRMAN: Do we need to put anything in there regarding that the soil was on site just for future people looking at it saying, well, they did it, we can do it?

KEHOE: Yes, I think that would be evidence presented and that certainly would make them consistent with §14:3-63.C. That's the evidence that they are limited to using the on-site soil.

CHAIRMAN: So anyone looking at this case will know that we didn't grant a variance for 2,690 over, it was just moved on site.

MCGINNES: Let's add a fifth condition that the only fill used on this site would be generated from the site itself, not brought in.

DEAN: Second.

CHAIRMAN: All in favor, Aye.

DEAN: Aye.

MCGINNES: Aye.

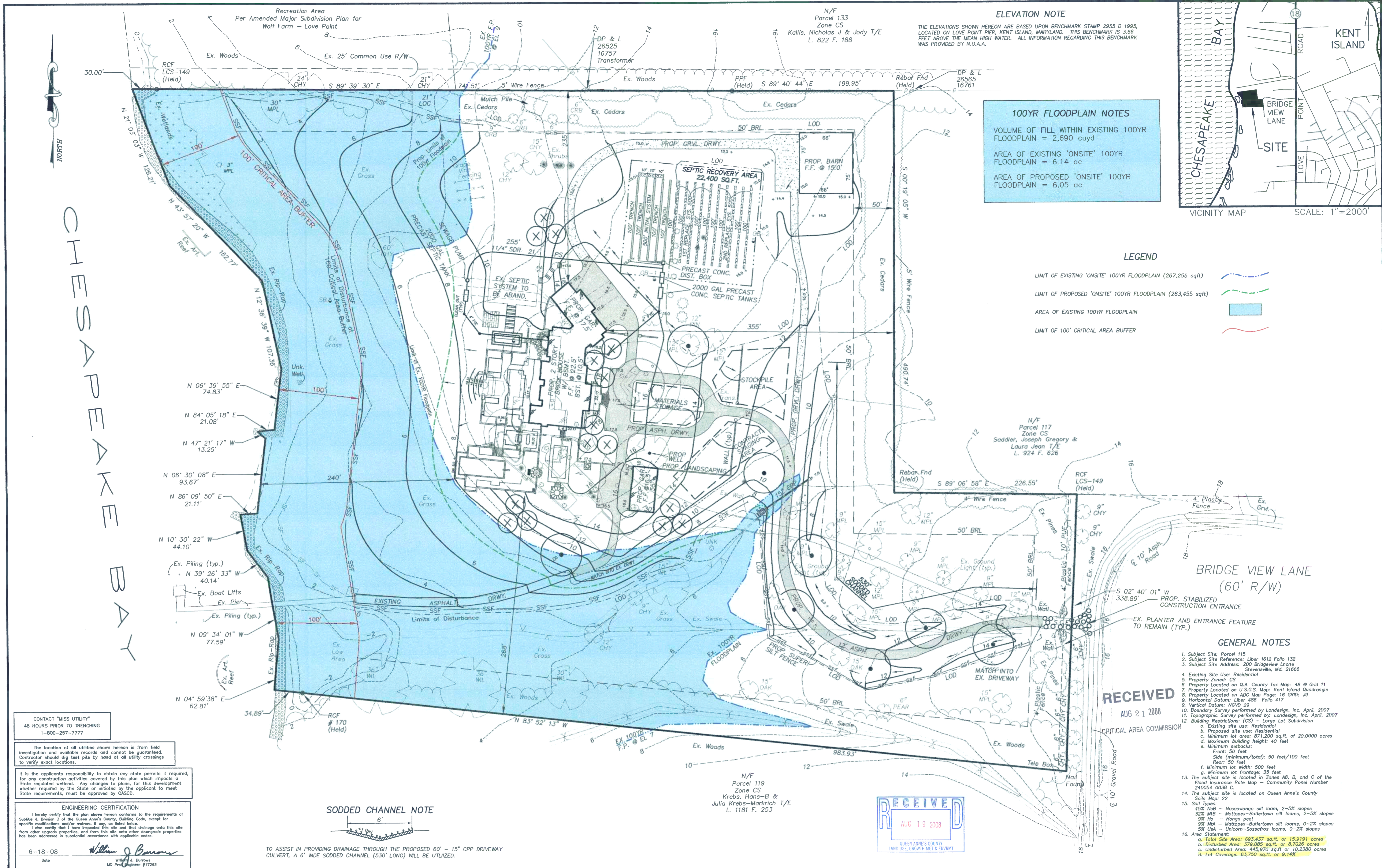
CHAIRMAN: Let the record show that Case V-080007, Mangum, has been approved. You will receive a written opinion. I now declare this hearing to be adjourned.

Cathy Maxwell  
Clerk

10/15/08  
Date

CC: Gary L. & Sonia K. Mangum, Applicants  
Joseph A. Stevens, Esq.  
Jeff Clise, Landesign  
Milt McCarthy, McCarthy & Assoc.  
John Kling  
John Scarborough  
Vijay Kulkarni  
Board Members  
Stephen H. Kehoe, Esq.  
Steve Cohoon  
Jim Barton  
Permit Dept.



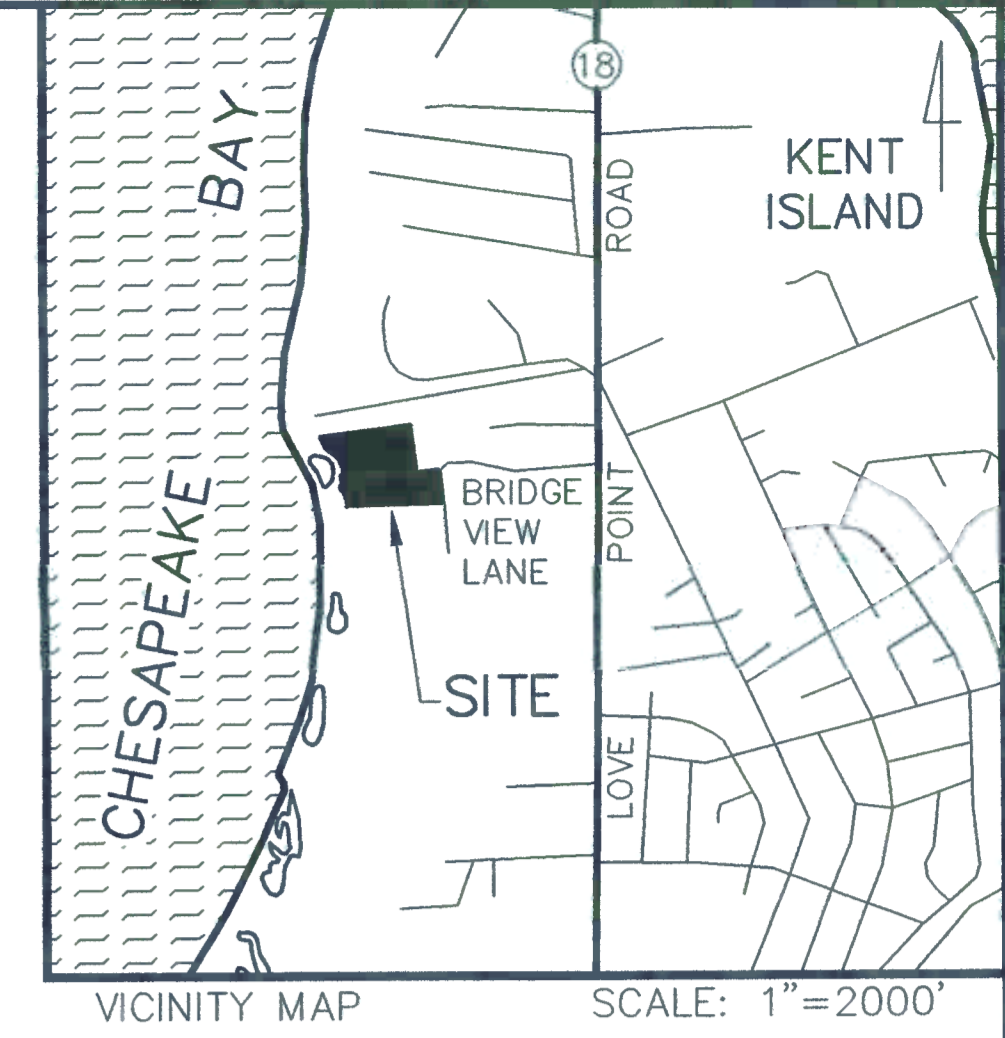


**100YR FLOODPLAIN NOTES**

VOLUME OF FILL WITHIN EXISTING 100YR FLOODPLAIN = 2,690 cuyd

AREA OF EXISTING 'ONSITE' 100YR FLOODPLAIN = 6.14 ac

AREA OF PROPOSED 'ONSITE' 100YR FLOODPLAIN = 6.05 ac



**LEGEND**

LIMIT OF EXISTING 'ONSITE' 100YR FLOODPLAIN (267,255 sqft)

LIMIT OF PROPOSED 'ONSITE' 100YR FLOODPLAIN (263,455 sqft)

AREA OF EXISTING 100YR FLOODPLAIN

LIMIT OF 100' CRITICAL AREA BUFFER

**BRIDGE VIEW LANE (60' R/W)**

PROP. STABILIZED CONSTRUCTION ENTRANCE

EX. PLANTER AND ENTRANCE FEATURE TO REMAIN (TYP.)

- GENERAL NOTES**
- Subject Site: Parcel 115
  - Subject Site Reference: Liber 1612 Folio 132
  - Subject Site Address: 200 Bridgeview Lane, Stevensville, Md. 21666
  - Existing Site Use: Residential
  - Property Zoned: CS
  - Property Located on O.A. County Tax Map: 48 @ Grid 11
  - Property Located on U.S.G.S. Map: Kent Island Quadrangle
  - Property Located on ADC Map Page: 16 GRID: J9
  - Horizontal Datum: Liber 486 Folio 417
  - Vertical Datum: NGVD 29
  - Boundary Survey performed by Landesign, Inc. April, 2007
  - Topographic Survey performed by Landesign, Inc. April, 2007
  - Building Restrictions: (CS) - Large Lot Subdivision
    - Existing site use: Residential
    - Proposed site use: Residential
    - Minimum lot area: 871,200 sq.ft. of 20,000 acres
    - Maximum building height: 40 feet
    - Minimum setbacks:
      - Front: 50 feet
      - Side (minimum/total): 50 feet/100 feet
      - Rear: 50 feet
    - Minimum lot width: 500 feet
    - Minimum lot frontage: 35 feet
  - The subject site is located in Zones AB, B, and C of the Flood Insurance Rate Map - Community Panel Number 240054 0038 C.
  - The subject site is located on Queen Anne's County Soils Map: 22
  - Soil Types:
    - 45% M8B - Nassawonga silt loam, 2-5% slopes
    - 32% M1B - Mottopex-Buttertown silt loams, 2-5% slopes
    - 9% H0 - Hongo peat
    - 9% M1A - Mottopex-Buttertown silt loams, 0-2% slopes
    - 5% U8A - Unicorn-Sossafros loams, 0-2% slopes
  - Area Statistics:
    - a. Total Site Area: 693,437 sq.ft. or 15.9191 acres
    - b. Disturbed Area: 379,085 sq.ft. or 8.7026 acres
    - c. Undisturbed Area: 445,970 sq.ft. or 10.2380 acres
    - d. Lot Coverage: 63,750 sq.ft. or 9.14%

CONTACT "MISS UTILITY"  
48 HOURS PRIOR TO TRENCHING  
1-800-257-7777

The location of all utilities shown hereon is from field investigation and available records and cannot be guaranteed. Contractor should dig test pits by hand at all utility crossings to verify exact locations.

It is the applicants responsibility to obtain any state permits if required, for any construction activities covered by this plan which impacts a State regulated wetland. Any changes to plans, for this development whether required by the State or initiated by the applicant to meet State requirements, must be approved by QASCD.

**ENGINEERING CERTIFICATION**

I hereby certify that the plan shown hereon conforms to the requirements of Subtitle 4, Division 3 of the Queen Anne's County, Building Code, except for specific modifications and/or waivers, if any, as listed below.

I also certify that I have inspected this site and that drainage onto this site from other separate properties, and from this site onto other downgrade properties has been addressed in substantial accordance with applicable codes.

6-18-08  
Date  
W. J. Burrows  
MD Professional Engineer #17263



TO ASSIST IN PROVIDING DRAINAGE THROUGH THE PROPOSED 60' - 15" CPP DRIVEWAY CULVERT, A 6' WIDE SODDED CHANNEL (530' LONG) WILL BE UTILIZED.

DATE	REVISION
7-24-08	Update Deed Ref. Number, Name and revise 100yr Floodplain Delineation



**Landesign**

ENGINEERS \* SURVEYORS \* PLANNERS

2905 MITCHELLVILLE ROAD SUITE NO. 111  
BOWIE, MARYLAND 20716  
(301) 249-8802

**OWNER/DEVELOPER**

GARY AND SONIA MANGUM  
319 BLUE BAY ROAD  
STEVENSVILLE, MD. 21666  
410-643-4112

**VARIANCE PLAN FOR FILL WITHIN EX. 100YR FLOODPLAIN**

LIBER: SM 1612 FOLIO: 132  
**MANGUM PROPERTY**  
TAX MAP: 48, GRID: 11, PARCEL: 115  
4TH ELECTION DISTRICT  
QUEEN ANNE'S COUNTY, MARYLAND

DATE: June, 2008	SCALE: 1" = 50'
DESIGN BY: J.C.	DRAWN BY: DH&JF
CHECKED BY: W.B.	SHEET No: 1 of 1
COMPUTER: 'E'	JOB No: 07-004
FIELD BOOK: 116	