

PRO. EXHIBIT# 1
CASE: 2023-0204-V
DATE: 2/16/24

January 17, 2023

Douglas Clark Hollman, ESQ

Administrative Hearing Officer

RE: Hearing for 377 Valley Stream Road, Severna Park, MD

2023-0204-V (AD3, CD3) Timothy E. Everett and Jessica C. Everett

Dear Mr. Hollman:

I am an affected neighbor, living next door to the property addressed in this hearing. I would like to register my opposition to granting a variance for the shed in question. I am opposed because I do not want a precedent set for any variances in the Critical Area buffer. This is not a small, Replace-in-Kind shed for some life preservers, oars and motors but a significant building which incorporated a rooftop deck, with room for many people and chairs. Regardless of the conditions under which permit B02400416 was granted, the wrong was discovered (as evidenced by stop work issued June 2, 2023) and needs to be righted.

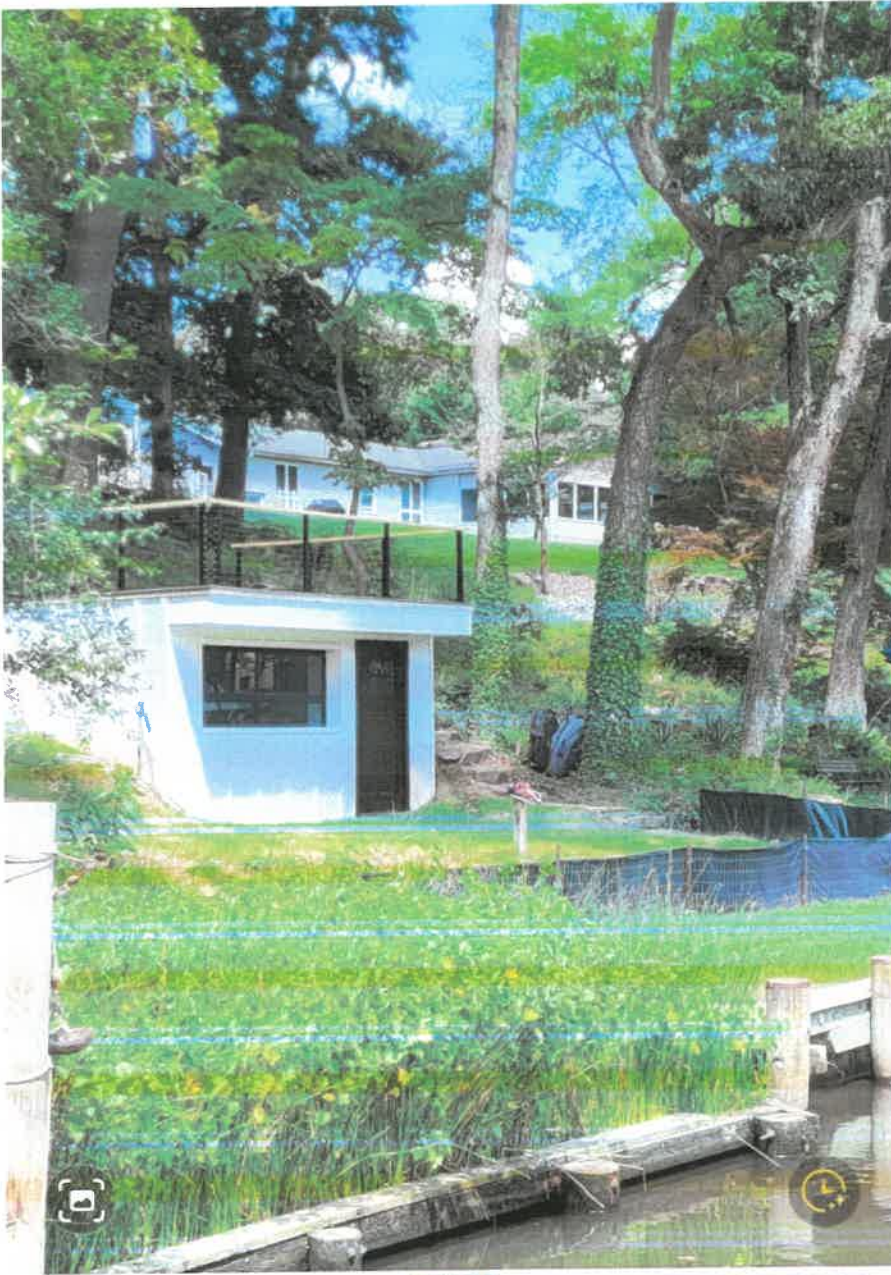
On December 5, 2023 in case number 2023-0165-V, you ruled against a variance in a case that had some similarities to this case. It requested a critical area variance to County Code Section 17-8-702(b)(1) for a shed already built. The shed was not a Replace-in-Kind and was not in the exact same footprint which is also the situation for my neighbor.

My neighbors have developed the property significantly in the past three years with a new, larger garage with a full second story for storage, expanded driveway, new sidewalks, new fencing, new bulkhead, new pier, and additional boatlifts. I do not think that denying this variance would cause them undue hardship beyond the inconvenience of removing the shed and rooftop deck. The County erred in permitting the shed in the first place and should bear the financial consequence.

Thank you.

Sincerely yours,

Betsy B. Hampton



PRO. EXHIBIT# 2
CASE: 2023-0204-V
DATE: 2/6/24

January 18, 2024

Douglas Clark Hollmann, Esq.
Administrative Hearing Officer
C/O Holly Colby
Anne Arundel County/Office of Administrative Hearings

Re: Hearing 2023-0204-V (AD3, CD3) Everett 2/06/2024 377 Valley Stream Road, Severna Park

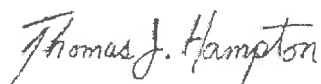
Dear Mr. Hollmann,

I am writing with regard to the construction of a "shed" under AA County Permit # B02400416. The structure was built in the Critical Area Buffer (roughly 30-50 ft from the shore of Old Man's Creek) as a Replacement in Kind. My objection to this is two pronged. First, the original structure, and only structure that ever existed at that location was a lean-to building that had three sides. It was built in the mid 1950s, by my uncle Clarence Hampton, with the south side always open to the Creek. Second, no structure had existed on this site for at least a decade. It had been in disrepair for many years and a previous owner removed the rubble. The new "shed" also has a roof top deck patio, certainly not RIK. I believe the current construction is a violation of Maryland Critical Area Law.

Moreover, my protests of this to Anne Arundel County with several phone calls in November, 2022 were ignored, and I was clearly told that any objections had to be raised within 30 days after issue of the permit. Essentially, I gave up my efforts to oppose the permit/construction. I was quite surprised to learn months later (June 2, 2023) that the Inspections & Permits Department had revoked the above Permit after complaints from other neighbors. During this process I was told on more than one occasion that the County did not have sufficient resources to thoroughly vet permit applications such as this one. Yet, they have to spend time taking phone calls, revoking permits and presumably attending hearings.

I believe the new shed should be removed and the area restored to a semi-natural state. I do not expect homeowners, especially those without significant knowledge of Chesapeake Bay history, to understand the complexity of Critical Area law. However, I would expect any engineering firm or others preparing permit applications for a client to know and respect those laws. I also expect more from County employees to head off this kind lengthy and potentially costly process. I strongly recommend the cost to remove the shed be shared by the engineering firm and the County. Not a likely outcome, I am sure, but it would be a teachable outcome.

Very truly yours,



Thomas J. Hampton, 375 Valley Stream Road, Severna Park, MD 21146 (443) 848-3479

C: Councilman Nathan Volke, Councilwoman Amanda Fiedler, Magothy River Association

On Wednesday, October 26, 2022 at 02:32:28 PM EDT, Thomas J. Hampton <hamptt@yahoo.com> wrote:

Dear Mr. Mathesius.

Re: Permit # B02400416 377 Valley Stream Road, Severna Park. 21146

On the Permit noted above, I believe the Shed, RIK, 10'x 15' never existed. The only structure that I know of was a Lean-To with its front completely open toward the creek. The Lean-To was constructed sometime in the 1950s by my uncle, Clarence Hampton. The Lean-To was dug into the hill with three walls and a sloping roof. The height at its highest point was not more than 10'. It was completely open to Old Man's Creek on the south facing side, without door or doors. It was roughly 30' from the mean high tide mark.

That structure was in disrepair by 1980 and I don't believe it was in general use after the early 1970's. In my memory, Kristin Bauer, a previous owner, had the rubble of the Lean-To removed in 2016.

Since the location of previous construction is in the "Critical Area Buffer", I question if it should permit any permanent new structure now since the Critical Area laws took effect in 1988. At the very least, it should require a separate, new application and be permitted using current law.

I would like to take the action necessary to contest the shed construction under this existing permit.

Please let me know how I should proceed.

Thank you,

Thomas J. Hampton (Tom)
375 Valley Stream Road
Severna Park, MD 21146

Cell (443) 848-3479



2664 Riva Road
Annapolis MD 21401
www.aacounty.org/ip
Phone: (410) 222-7730

Mark R. Wedemeyer, Director

June 2, 2023

Timothy E. Everett
377 Valley Stream Road
Severna Park 21146

Re: B02400416

Dear Mr. Everett:

The purpose of this letter is to inform you that the above referenced permit has been revoked in accordance with Article 15, Section 105.6.1 of the Building Code. It has been brought to the Department's attention that the 10' x 15' storage building proposed to be replaced in kind, in fact did not exist as depicted on the plans submitted with the permit application and the work completed was not a replacement in kind. No further work shall be done until this matter has been resolved.

Please contact Cindy Riggs at 410.222.4865 or iprigg00@aacounty.org should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "W. Jay Leshinski".

W. Jay Leshinski
Assistant Director

cc: Andrew McCarra, I&P
James Haupt, I&P
Cindy Riggs, I&P
Permit File
Chron File



10 30 2022 15 51

PRO. EXHIBIT# 3
CASE: 2023-0204-V
DATE: 2/10/24

January 23, 2024

Dear Judge Hollmann,

We, the undersigned, are united in expressing our opposition to granting a variance to Timothy E. Everett and Jessica C. Everett of 377 Valley Stream Rd (2023-0204-V (AD3, CD3) for a new structure that was built in March 2023 within the 100 ft. no-build critical area buffer of the Chesapeake Bay. The permit application was submitted with false information citing that this structure was to be a Replacement in Kind for an existing shed of the same size and placement, yet no other permanent structure existed prior to this (pictures attached).

The previous owner had, over the course of several years, dug into the hill, placed black plastic over the abandoned hole, and added a temporary tent with chairs as well as a homemade firepit. But there was never any real structure there. The new building, a 10' x 15' entertainment bar/shed with a 150 sq. ft. rooftop deck, was constructed in March 2023 using large machinery to further dig out a copious amount of dirt from the hill, and with no notice to neighbors creek side. The county was called on multiple occasions from the Fall of 2022 onwards, before and during construction, by several neighbors on both sides of the creek to contest the permit as Replacement in Kind, yet nothing was done. It wasn't until after construction began that Jim Johnson, the Code Administrator for Critical Areas in Anne Arundel County, was contacted, and he responded decisively. After looking into the matter, he determined that the county, having only two reviewers to do site visits for thousands of applications, mistakenly approved the application and issued a permit for the structure. According to him, in order for a structure to be considered as Replacement in Kind, a valid standing structure had to have been there within the last 12 months. His conclusion was that there was no such structure there prior to this for the last year, and he recommended that the permit be revoked. A stop work order was issued, though not before the majority of work was finished. After further review, the county agreed with Mr. Johnson, and revoked the permit, based on the fact that the structure is not actually replacing any other permanent structure, and that it is, in fact, a brand-new structure within the 100 ft. no-build buffer.

We strongly feel that the request for a variance should be denied, and the structure removed at this point at the permit company and county's expense, as the permit was issued based on incorrect information provided on the permit application. We have a precious resource in our Bay that we, as waterfront owners, and the county, have a responsibility to help protect. When we buy waterfront property, we enter into an agreement with the county, and with each other, to be stewards of the Chesapeake Bay. We have a right to enjoy our properties, and use them as we wish, but we also have a responsibility to live in concert with, and not destroy, nature. There is a moratorium on building in the 100 ft buffer for a reason. Construction of impervious surfaces in the 100 ft. buffer in particular leads to more unabated runoff, which in turn, fills in our creek, and prevents us from being able to navigate our own waters. Our creek was just dredged a few years ago, and yet, we're seeing even more runoff from that property now

whenever it rains because of the additional impervious surfaces. We all need to be in this together, united in helping to prevent illegal building, unnecessary runoff, to preserve nature, and preserve our ability for us all to be able to enjoy our creek as well as the larger Chesapeake Bay region for years to come.

We appreciate your time and attention to this matter.

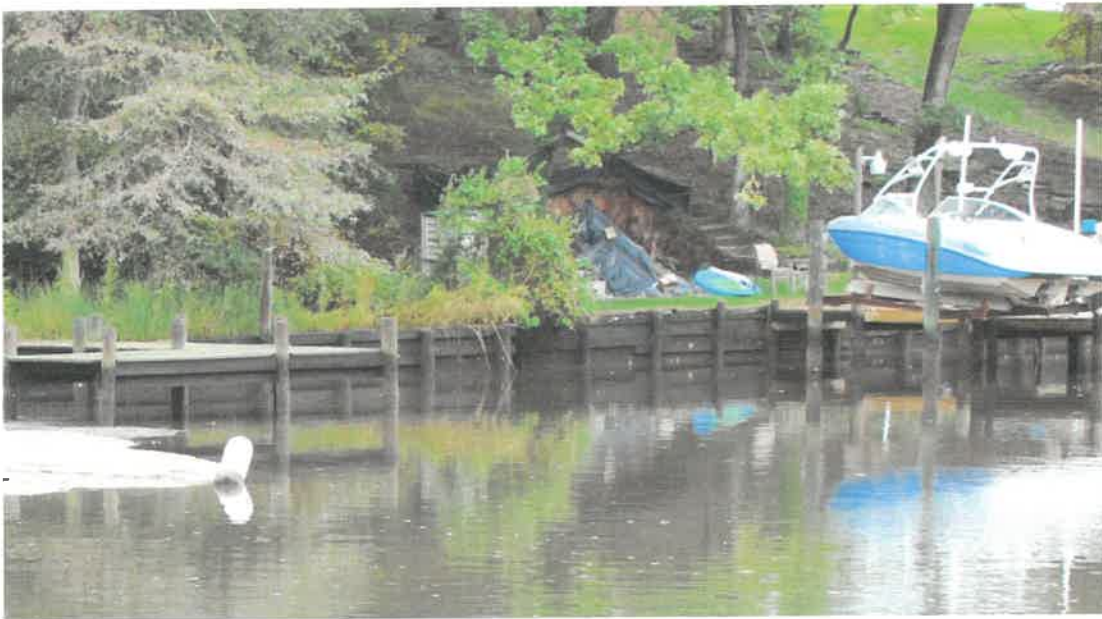
Sincerely,
The Undersigned

Josh Booth, Concerned Neighbor, Waterfront
Darlene and Augie DeCapite, 278 Capote Ct West, Waterfront
Julien and Hayley Meyer, 266 Capote Court East, Waterfront
Sal de Perignat, 272 Capote Ct W, Severna Park, MD. Waterfront owner, Old Man Creek
Mary Reinecke, 270 Capote Ct East, Waterfront
Victoria Wasmus, Concerned Neighbor

377 Valley Stream Road, Old Man Creek View



377 Valley Stream in 2015. Nothing on the hill except for a small plastic rectangular storage container.



2016: The previous homeowner starting digging out the hill, and then put black plastic on it. The plastic was there for several years afterwards.



2018: A tent and fencing was erected, and some outdoor chairs placed underneath. Black plastic is still there.



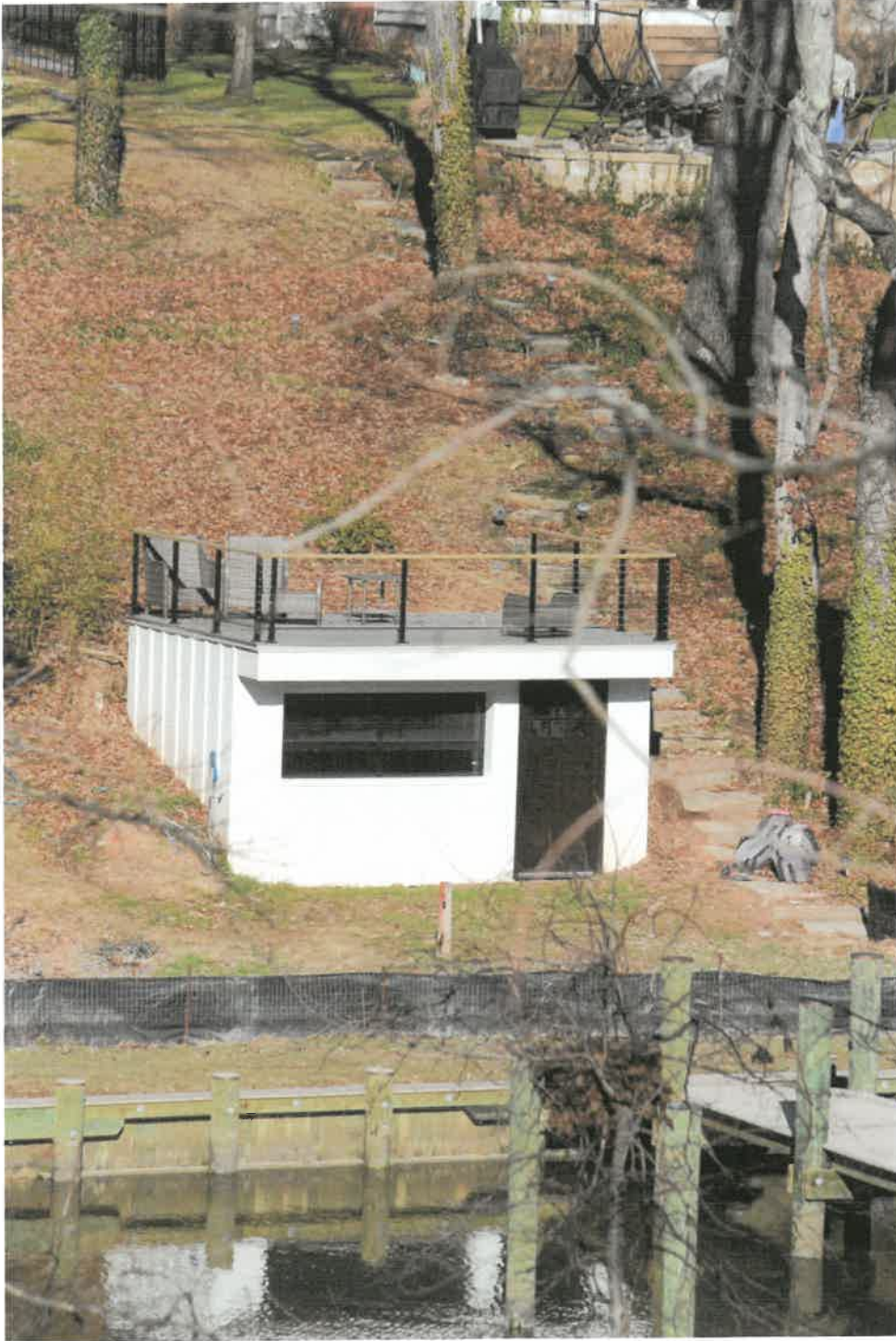
2020: View of the tent, which is clearly on an uneven ground surface, and homemade firepit with rough surround. Black plastic can be seen covering the hill behind and around the tent.

March 2023:
Caterpillar machines
dug out more of the
hill, in violation of
Critical Area laws
requiring hand
digging within the
100 ft. buffer.

Note: Why would
the hill need to be
dug out so much if
there had already
been a structure
there with a
concrete foundation
pad?



March/April 2023: A new structure
appeared, built into the hillside. If erosion
control had been necessary where the black
plastic had previously been, then wouldn't a
simple retaining wall have sufficed? Why
the need for a new building there?



January 2024:
Completed 10' x 15'
entertainment bar/shed
with rooftop deck

PRO. EXHIBIT# 4
CASE: 2023-0204-V
DATE: 2/6/24

January 29, 2024

Douglas Clark Hollmann, Esq.
Administrative Hearing Officer
C/O Holly Colby
Anne Arundel County/Office of Administrative Hearings

Re: Hearing 2023-0204-V (AD3, CD3) Everett 2/06/2024 377 Valley Stream Road, Severna Park

Dear Mr. Hollmann,

The Magothy River Association (MRA) has always been a supporter of Maryland's Critical Area Laws and a proponent of their enforcement within the Magothy Watershed. The construction of a shed close to the waters of Old Man's Creek in Severna Park is a violation of those laws. This was brought to our attention by local residents. One of those residents, Mr. Thomas Hampton, is a long time very active member of MRA. We would draw your attention to his opposition to the shed.

Poor water quality in many Magothy creeks has been a detriment to local communities over the last four decades. It has progressed to the point where oxygen levels are often poor to none, and red tide and sulfur bacteria algal blooms occur fairly often. The sulfur bacteria blooms turn creek waters milky green and, especially in summer, cause the water to smell like rotten eggs.

Anne Arundel County is responsible to the State of Maryland and County residents to enforce Critical Area Laws. Moreover, all County employees should be concerned about quality of life issues in our communities. Poor water quality in County creeks may soon cause decreased property values, or at least suppress increases, in some locations where very large tax base properties exist today. Please enforce and furthermore, champion the laws designed to protect our Bay and its tributaries.

Sincerely,

Paul Spadaro, President, Magothy River Association