



CHARLES COUNTY GOVERNMENT
Department of Planning & Growth Management

Deborah A. Carpenter, AICP
Director

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November 3, 2021

George Holmes
7320 Benedict Ave.
Benedict, MD 20612

Re: SDP-200010,
River's Edge Restaurant

Dear Mr. Holmes:

Thank you for providing your scope of work via e-mail on September 28, 2021. I have reviewed your proposal along with my colleagues and we have the following information to offer. Based on the information provided by you, our Building Code Official, Mr. Don Litten, has determined that the scope of work indicates that the proposed development will be a new structure and not a repair. With that in mind, I have included the next steps for you from each of the disciplines that have been involved in the review of your Site Development Plan for the River's Edge Restaurant.

Zoning

- 1) The project will require a Major Site Development Plan that details the replacement of the restaurant. The application currently under review can be amended to indicate that it is a Major Site Plan vs a Minor Site Plan and no action is required on your part for that change.
- 2) Based on the Final Design of the building, ADA accessibility will be evaluated for compliance. Revised plans should show ADA access to the site from the existing and proposed ADA parking spaces.
- 3) Please provide a photometric and site lighting plan for the site. This is required to be provided during the SDP review. Section 297-305 and 297-306 details the requirements for the lighting fixtures.

Floodplain

- 1) I have reviewed the appraisal and the structural inspection reports provided by you for the River's Edge project. After my review, I have the following comments:
 - 1) As mentioned in the meeting we held on March 12, 2020, and in follow up e mails, please **provide a detailed cost estimate for the materials and labor necessary to reconstruct the building.** This information was not provided within the appraisal. By detailed, I mean that you need to provide an itemized list of the materials used for construction (ex. # of 2x6's, paint, flooring, etc.). For a sample list of materials that must be included, please see section 4.4.1 starting on page 45 of the Substantial Improvement/Substantial Damage Desk Reference (FEMA P 758) This cost estimate must also include the labor cost for the repair/replacement. Even if the labor will be done by you, we still need to know approximately how many people for how many hours at the current labor rate will be required to make the repairs/reconstruct the restaurant.
- 2) The appraisal appears to be done to market the property for sale. I appreciate the three different appraisal approaches provided within the report; however, we only look at the Cost approach for the

structure that is to be improved when making a Substantial Improvement determination. We do not look at the value of the land, land improvements (e.g., landscaping, paving, parking lots, piers, etc.), and accessory buildings. The market value of the building for a Substantial Improvement determination does not include the value of the use or occupancy (shown as Entrepreneur profit of 15%). Using the information provided, it appears that the market value of the structure pre damage was roughly \$353,876.00. This includes the value of the restaurant (\$505,537.00) minus the 30% physical depreciation value provided in your appraisal (\$151,661.00).

- 3) Once I receive your detailed cost estimate for the materials and labor necessary to reconstruct the building, I will be able to make the Substantial Improvement determination. The appraisal report on page 40 indicates that the restaurant building itself has been removed. Further on page 40 (in the last paragraph), the report states that there predominately remains a wood studded shell, portions of which may or may not be able to be used in terms of renovation but assumed to be demolished to deck level. The report also indicates that the cost to demolish the building should cost approximately \$20,000.00. Please include the cost of demolition in your cost estimate for the reconstruction/repair.
- 4) It should also be noted that if this were a "new" building in the V zone, it would need to be constructed landward of the mean high-water line. For the purposes of this review, we are considering this to be a repair/replacement and therefore the restaurant will not need to be relocated landward of mean high water.

Stormwater Management

- 1) If any of the proposed improvements total greater than 5,000 square feet of disturbance, the Applicant will need to address the 3-step Stormwater Management Process.

Adequate Public Facilities

- 1) Revise the Preliminary Adequate Public Facilities (PAPF) form for the replacement restaurant. No fees will be charged for the revision. After the PAPF is revised, you will need to submit a traffic study.

Environmental

- 1) The proposed lot coverage increase indicated on the latest plans may require a variance. Staff needs to know where the increase in lot coverage is coming from. If this increase is associated with the second ADA parking space being installed, the Planning Director may allow for reasonable accommodation without the need for a variance as long as certain findings are made in accordance with Section 297-132.D (6) of the Charles County Zoning Ordinance. (attached)

Site Design & Architectural Review

- 1) A Site Design & Architectural Review application is required in accordance with the ASDGS Commercial criteria.

Commercial Permit Review & Building Code

- 1) Submit a New Commercial Building Application
- 2) Provide signed and sealed drawings from your Architect and Engineer for the new construction

In accordance with Section 297-461 of the Charles County Zoning Ordinance, the structure is a non-conforming structure because it could not be approved today as a new structure in the Village Commercial (CV) Zone over tidal waters. However, the structure was in compliance with the zoning regulations in place at the time it was originally built, and the enactment of the new regulations rendered it non-conforming.

When a non-conforming use is abandoned for more than one year, it loses its non-conforming status. We appreciate that there have been extenuating circumstances and you have been working with Staff since the restaurant was damaged several years ago now. However, the one-year clock for replacement will begin as of the date of this letter. If you obtain building permits within one year of the date of this letter, the non-conforming use can continue. However, if you do not obtain a building permit within a year, you will be unable to rebuild the restaurant at its current location.

Staff would be happy to meet with you to discuss any of the items within this letter and to help you through the process. If you should need any further information, please contact me at 301-638-2408 or e-mail palmerk@charlescountymd.gov.

Sincerely,

Kelly M. Palmer

Kelly M. Palmer, CFM, Planner III

Cc: Deborah Carpenter, AICP, Director