

AA 51-99
VAR

O'Neill, David
99-0026

MSA-S1829-17

Letter #10 2-9-99
Letter #11 4-9-99
Letter #12 8-5-99

51-99

RECEIVED

OCT 19 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0310-V

IN RE: **DAVID AND CHRISTINE O'NEILL**

SECOND ASSESSMENT DISTRICT

DATE HEARD: OCTOBER 5, 1999

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: **SUZANNE DIFFENDERFER**

DATE FILED: OCTOBER 14, 1999

PLEADINGS

David and Christine O'Neill, the applicants, seek a variance (1999-0310-V) to permit a dwelling with less setbacks and buffer than required on property located along the south side of Broadlee Trail, southeast of Moldon Path, Annapolis.

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. Mr. O'Neill testified that the property was posted for 13 days prior to the hearing. The applicants were instructed to maintain the posting through October 8, 1999.¹ I find and conclude that there was adequate public notice.

FINDINGS AND CONCLUSIONS

This case concerns unimproved property on Broadlee Trail, in the subdivision of Epping Forest, Annapolis. The property is known as Lot 7 through 9, Tax Map 45, Block 3, Parcel 41. It comprises 8,250 square feet and is zoned R-1 Residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). The applicants propose to construct a single-family dwelling in the expanded Critical Area buffer and on steep slopes. The home will be located 32

¹Subsequent to the hearing, this office received correspondence from Tim and Connie McClueb indicating that they are in the process of replacing their septic and drywell on adjacent lot 6. Given the timing and nature of their letter, I contacted the Health Department and was advised that there is no conflict between the two projects.

feet from the front lot line and 30 feet from the rear lot line.²

The Anne Arundel County Code, Article 28, Section 1A-104(a)(1) establishes a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands. The buffer expands to include all land within 50 feet of the top of steep slopes. Section 1A-05(c) prohibits development on 15 percent or greater slopes in the LDA. Section 2-305 requires a front setback of 40 feet and a rear setback of 35 feet in the R-1 district. Accordingly, the proposal necessitates a variance to disturb steep slopes in the expanded buffer and a variance of eight feet to the front setback and five feet to the rear setback.

Suzanne Diffenderfer, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is a grandfathered lot in an older cottage community with other nonconforming dwellings. The site is below the minimum standards for the district with respect to area and width. It is steeply sloped and entirely within the expanded buffer. The siting of the dwelling has been established based on the location of the well and septic, which received conditional approval from the Health Department in a letter dated October 5, 1999. In the circumstances, the witness supported the application, subject to mitigation in the form of native plantings at a ratio of 3:1 for disturbance within the expanded

²This property is before this office for the second time in seven months. In Case No. 1999-0026-V, the applicants requested a variance for a dwelling on steep slopes with less setbacks and buffer than required and with greater impervious coverage than allowed. A hearing was conducted on March 4, 1999. At the conclusion of the hearing, the case was continued on the record until April 22, 1999. On April 19, 1999, the applicants requested a postponement. As a result of filing the new application, Case No. 1999-0026-V is considered withdrawn and an Order of Dismissal shall be entered.

buffer.

Michael Helfrich, the applicants' engineer, confirmed that the site plan has received conditional approval from the Health Department. This property will be served by an off-site well and a sand filter. The applicants will also be required to provide a new well for adjacent lots 10 through 14 and 19. The witness testified that the proposed dwelling is consistent with the character of the neighborhood and agreed to 3:1 mitigation.

Ken Morford, an authorized representative of the Epping Forest Board of Directors, sought an assurance that the variance would be contingent on Health Department approval. He also noted that there are discrepancies in the surveys between the present and prior applications. Mr. Helfrich explained that discrepancies are not uncommon in Epping Forest and that the design adheres to the more restrictive survey information.

The standards for granting variances are contained in Section 11-102.1. Under subsection (a), a zoning variance may be granted only after determining either (1) unique physical conditions, peculiar to the lot, such that there is no reasonable possibility of developing the lot in strict conformance with the code; or (2) exceptional circumstances such that the grant of a variance is necessary to avoid an unnecessary hardship, and to enable the applicants to develop the lot. Under subsection (b), for a property in the Critical Area, a variance to the Critical Area program requirements may be granted if (1) due to features of the site or other circumstances, a strict implementation of the program would result in an

unwarranted hardship to the applicants; (2) a literal interpretation of the program will deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicants any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicants and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

In Anne Arundel County, Critical Area variances are measured against the unwarranted hardship standard. The issue is whether the denial of the application is a denial of "reasonable and significant use." Belvoir Farms Homeowners Association, Inc., v. North, __ Md. __, (1999) [No. 159, 1998 Term, filed August 2, 1999]. The factors enumerated in the variance statute "cannot be construed individually to overrule a finding of unwarranted hardship... ." White v. North, __ Md. __, (1999) [No. 85, 1998 Term, filed September 14, 1999].

Upon review of the facts and circumstances, I will grant conditional relief. Considering the Critical Area variances, a single-family home is a reasonable and

significant use, and its denial will be an unwarranted hardship. The variance criteria, considered as a whole are generally met. The request does not arise from the applicants' actions or surrounding land use; and with mitigation, the variance will not adversely impact Critical Area resources and will harmonize with general spirit and intent of the program. With respect to the zoning variances, this case satisfies the test of unique physical conditions, consisting of a lot which is substandard with respect to area and width. Given the additional restrictions for well and septic, there is no reasonable possibility of developing the lot in strict conformance with the code. Considering the application as a whole, I find that the variances are the minimum necessary to afford relief. The dwelling is consistent with the character of the neighborhood. Provided the present and any additional requirements of the Health Department are met, the grant of the variance will not substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. The approval shall be subject to the conditions in the Order.

ORDER

PURSUANT to the application of David and Christine O'Neill, petitioning for a variance to permit a dwelling with less setbacks and buffer than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 14th day of October, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County,
that the applicants are hereby **granted** the following variances:

1. A variance to permit a dwelling in the expanded buffer and on steep slopes.
2. A variance of eight feet to the required 40-foot front setback.
3. A variance of five feet to the required 35-foot rear setback.

The foregoing variances are subject to the following conditions:

- A. The applicants shall adhere to the requirements of the Health Department dated October 5, 1999 (Attachment A) and any other requirements imposed by the Health Department at the time of building permit.
- B. The applicants shall provide mitigation in the form of native forest plantings at a 3:1 ratio for disturbance within the expanded buffer.


Stephen M. LeGenre
Administrative Hearing Officer

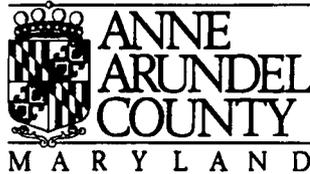
NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.



DEPARTMENT OF HEALTH
J. HOWARD BEARD HEALTH SERVICES BUILDING
3 HARRY S. TRUMAN PARKWAY
ANNAPOLIS, MARYLAND 21401
410-222- 7210
FAX 410-222-7678
TDD FOR THE HEARING IMPAIRED 410-222-7153
www.health.co.anne-arundel.md.us/

October 5, 1999

FRANCES B. PHILLIPS, R.N., M.H.A.
Health Officer

David O'Neill
332 Epping Way
Annapolis, MD 21401

Re: T02023303
Lots 7, 8, 9 Broadlee Trail

Dear Mr. O'Neill:

The site plan submitted on October 4, 1999 is approvable if the following criteria is met:

1. A successful percolation test for a five (5) foot diameter drywell.
2. An easement recorded in Land Records between the two properties for a water well off site.
3. The existing water well on 332 Epping Way must be abandoned and sealed and a new well drilled into a confined aquifer is required.
4. An innovative and alternative approval.

If you have any questions regarding this matter, please contact me at 410-222-7210.

Sincerely,

A handwritten signature in cursive script that reads "Don Curtian".

Don Curtian, R.S.
Soil & Site Evaluation
Sanitary Engineering
Division of Community and
Environmental Health

DC/rl

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

August 5, 1999

Mr. Kevin Dooley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0310-V, David and Christine O'Neill

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling in the expanded Buffer on steep slopes with less setbacks than required. The property is designated LDA and is currently developed with a large garage and associated concrete pad.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, impacts including clearing and grading within the expanded Buffer must be minimized to the greatest extent possible. This office review two other plans for houses on this property under County Variance Case No. 1999-0026. The current plan appears to improve on previous plans by further minimizing the impacts to this site, though the limits of disturbance are not clearly identified. Mitigation in the form of native forest plantings should occur at a 3:1 ratio for the disturbance within the expanded Buffer in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA51-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



DATE: 07/27/1999
TIME: 08:20:36

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
UPDATE APPLICATION REQUEST

PROGRAM ID: PNZ020C
SCREEN ID: PNZMS20

CA
AA51-99

APPLICATION TYPE	VARIANCE						
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	SQFT	TYPE
1999-0310-V	2240-9007-1058	45	03	0041	7	8250.0	R
APPLICANT NAME	O'NEILL, DAVID AND CHRISTINE			APPLICATION DATE	07/21/1999		
CLASS	RESPRN	STANDARD	SETBUF	TYPE	APPLICATION FEE	125.00	
ANALYST	RMG	STATUS	OPEN	DECISION	COURT	APPEAL	
OWNER NAME/ADDRESS/PHONE	PROPERTY DESCRIPTION						
O'NEILL, DAVID M	LTS 7 TO 9 BK 16 SC						
332 EPPING WAY	BROADLEE TRL						
	EPPING FOREST						
ANNAPOLIS	MD 21401	TELEPHONE	410-849-5657				
PROPERTY LOCATION	75 FEET OF FRONTAGE ON S SIDE OF BROADLEE TRAIL						
	20 FEET SE OF MOLDON PATH IN ANNAPOLIS						
TAX DIST	2	COUNCIL DIST	6	ZONING	R1		
WATERFRONT	N	CORNER LOT	N	CRITICAL AREA:	IDA N LDA Y RCA N		
MAPS:	200 U21	ALEX	20-D3	DEED:	LIBER 2927	FOLIO	441

CLEAR-MENU RECORD SUCCESSFULLY UPDATED
PF2-HEA PF3-SIG PF5-CNT PF6-COM PF11-FWD

DATE: 07/21/1999
TIME: 14:07:01

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
CREATE DESCRIPTION AND RECOMMENDATION DATA

PROGRAM ID: PNZ021C
SCREEN ID: PNZMS21

CASE NUMBER	1999-0310-V	APPLICATION TYPE	VARIANCE
DESCRIPTION	A VARIANCE TO PERMIT A DWELLING WITH LESS SETBACKS AND BUFFER THAN REQUIRED.		

CRITICAL AREA REPORT
FOR
EPPING FOREST
LOTS 7-9, BLK 16

PREPARED BY
GAMMA ENGINEERING
844 WEST STREET
ANNAPOLIS, MD 21401

JULY 1999

July 19, 1999

Critical Area Report
Office of Planning & Zoning
2664 Riva Rd.
Annapolis, MD 21401

Applicant: Katherine O'Neill
332 Epping Way
Annapolis, MD 21401

RE: Letter of Explanation for variance

Site: Lots 7-9, Block 16, Epping Forest

I. Site Description and Explanation: The subject property has approximately 75 feet total frontage on the south side of S. Broadlee Trail right-of-way. The property is located in the subdivision of "Epping Forest" The site is part of parcel 41 in block 3 of Tax Map 45. The lots are zoned R1 and are in the 2nd Assessment District of Anne Arundel County. The lots are in the critical area and is designated as a Limited Development Area(LDA).

The applicant is requesting the following variances:

A variance is requested to disturb steep slopes in the Critical Area and a 10' variance to the required 40' front yard setback.

The granting of the variance will not alter the essential character of the neighborhood, will not impair similar development of adjacent properties and will not be detrimental to the public welfare. The granting of the variance will not be inconsistent with the intent of the critical area program.

II. See enclosed site plan for vicinity map.

III. Narrative Statements:

- The predominant trees on site are red and pin oak. The ground cover consists of poison ivy and honeysuckle.

- Rain water drains from north to south. The proposed development will not significantly alter runoff and no SWM practices are provided for the proposed construction.
- The proposed construction will have minimal or no effect on water quality or adverse effects on steep slopes.
- Impervious area will not exceed 25% of the lot.
- Reforestation will be provided in accordance with the approved reforestation plan.

There are none of the following designated habitat protection areas on site: Riparian forests 300' or more in length, forested blocks greater than 100 acres or natural heritage areas. The following designated protection areas do not exist on site: non-tidal wetlands, anadromous fish propagation waters, water bird nesting sites, historical waterfowl nesting, staging or concentration areas.

IV. Site Plan

The enclosed site plan shows, if applicable, all of the following: existing vegetated area and all proposed structures. The clearing proposed is designated and no wetlands disturbance is proposed.

V. See enclosed Notification of Project Application.

Sincerely,


Michael Helfrich, P.E.

CHESAPEAKE BAY CRITICAL AREA COMMISSION
 45 CALVERT STREET, 2ND FLOOR
 ANNAPOLIS, MD 21401

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel County

Date: 7/19/99

Name of Project (site name, subdivision name, or other): Epping Forest Lot 7-9
Blk 16

Local case number: _____

Project location/Address: Broadlee Tr, Annapolis, MD 21401

Tax map# 45 Block# 16 Lot# 7-9 Parcel# 41
and 3

Type of application:
 (Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
 - Buffer Slope
 - Imp. Surf. Other
- SPECIAL EXCEPTION
- CONDITIONAL USE
- REZONING
- GRADING PERMIT
- BLDG PERMIT
- INTRAFAMILY
- GROWTH ALLOCATION
- OTHERS _____

Type of Project:
 (Select all applicable)

- RESIDENTIAL
- COMMERCIAL
- WATER DEPENDENT FACILITY/PIER/MARINA
- INDUSTRIAL
- MIXED USE
- REDEVELOPMENT
- SHORE EROSION PROTEC.
- AGRICULTURE
- OTHERS _____
 e.g. PUD

Current Use:
 (Select all applicable)

- COMMERCIAL
- RESIDENTIAL
- AGRICULTURE
- FOREST/BUFFER/WOODLAND
- INDUSTRIAL
- INSTITUTIONAL
- OPEN SPACE/RECRE.
- SURFACE MINING
- VACANT
- WATER DEPENDENT FACILITY/PIER/MARINA
- OTHERS _____

Describe Proposed use of project site: single family home

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

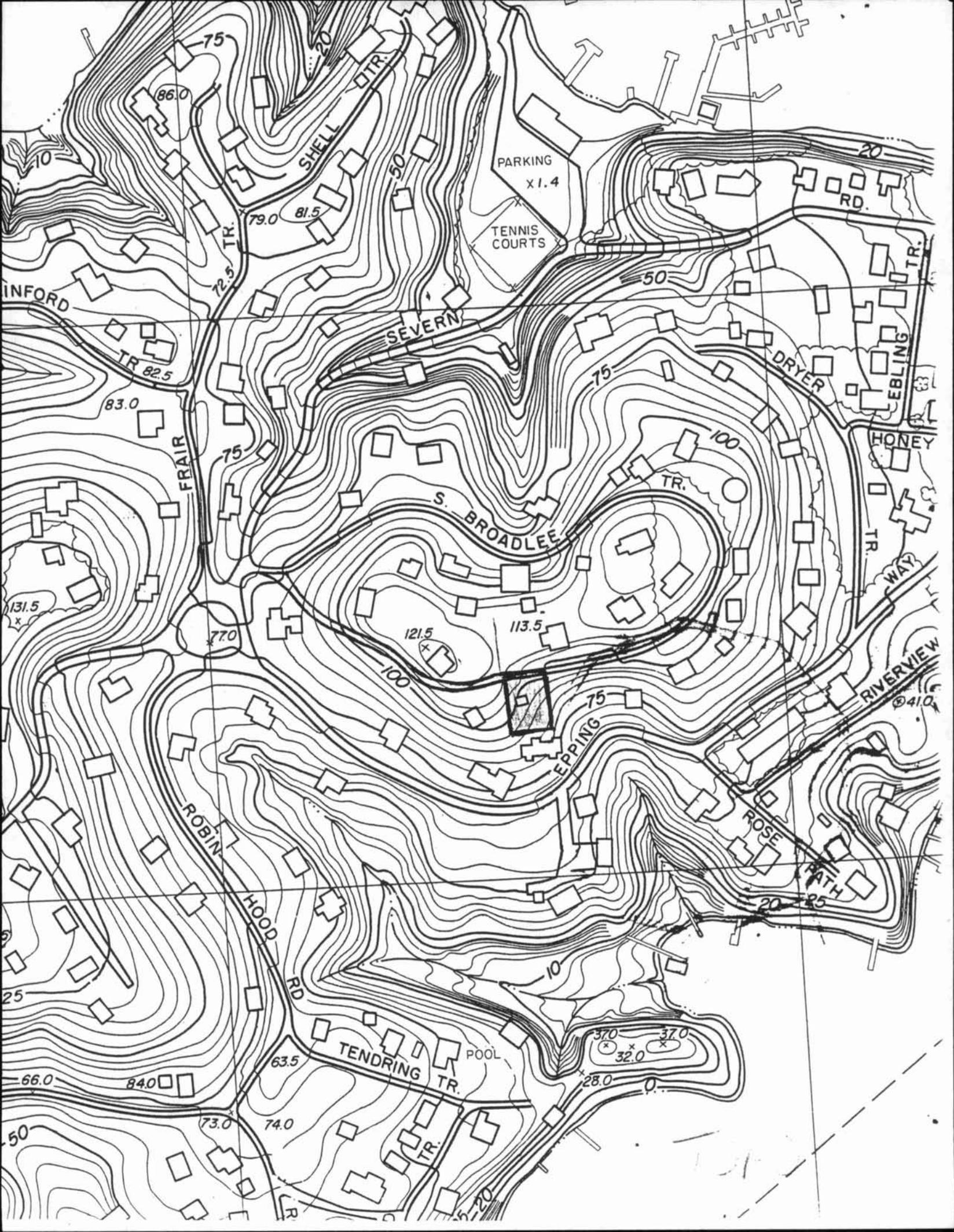
TOTAL ACRES IN CRITICAL AREA:	<u>.19</u>	AREA DISTURBED:	<u>.10</u>
IDA ACRES	<u>0</u>	# LOTS CREATED:	<u>0</u>
LDA ACRES	<u>.19</u>	# DWELLING UNITS:	<u>1</u>
RCA ACRES	<u>0</u>		
AGRICULTURAL LAND:	<u>0</u>		
EXISTING FOREST/WOODLAND/TREES:	<u>35%</u>	FOREST/WOODLAND/TREES REMOVED:	<u>0</u>
FOREST/WOODLAND/TREES CREATED:	<u>0</u>		
EXISTING IMPERVIOUS SURFACE:	<u>0</u>	PROPOSED IMPERVIOUS SURFACE:	<u>1308 sf</u>
TOTAL IMPERVIOUS SURFACE:	<u>1308 sf</u>		<u>(16%)</u>
GROWTH ALLOCATION DEDUCTED:	_____		
RCA to LDA:	_____	RCA to IDA:	_____
		LDA to IDA:	_____

Local Jurisdiction Contact person: _____

Telephone number: _____

Response from Commission required by: _____

Hearing Date: _____





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 9, 1999

Ms. Pam Miley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0026-V, David and Christine O'Neill

Dear Ms. Miley:

Thank you for providing the revised information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling in the expanded Buffer on steep slopes with less setbacks and greater impervious coverage than allowed. The property is designated LDA and is currently developed with a large garage and associated concrete pad.

As indicated in our previous comments, provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. It appears that the applicant has reduced the proposed amount of grading, clearing, and impervious surfaces since the previous submittal. In the letter listing the changes made, #8 is not clearly explained nor is it shown clearly on the site plan. It states, "The existing wood retaining wall will be backed up by an extension of the existing garage, poured concrete foundation/retaining wall...". This should be clarified.

Mitigation in the form of native forest plantings should occur at a 3:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA51-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





ANNE
ARUNDEL
COUNTY,
MARYLAND

AA 51-99

2664 RIVA ROAD, P.O. BOX 6675
ANNAPOLIS, MARYLAND 21401

DEPARTMENT OF PLANNING AND CODE ENFORCEMENT

To: Don Curtian, Health Department
Chief William Ray, Office of the Fire Marshall
Amy Leahy, Recreation & Parks
Frank Coxson, State Highway Administration
Bob Tyson, Traffic Review
Chuck Yocum, Anne Arundel County Public Schools
Lillian M. Griffith, Soil Conservation District
Lisa Hoerger, Critical Area Commission
Lois Villemaire. Permit Application Center

From: Cindy White, PACE - Zoning Administration

Subject: 1999-0026-V David O'Neill

Date: March 12, 1999

The above-mentioned application is rescheduled for a hearing on April 22, 1999 at 9:30 AM. Subsequent to the original transmittal, the applicant submitted a revised plan to this Office. Because the variance hearing is approximately five weeks away, it is important that I have your review comments for the revised plan no later than **April 12, 1999**. This allows the applicant sufficient time to address any agency comments prior to the variance hearing. If necessary, you can fax the comments to this Office at 222 - 4483.

Thank you in advance for your assistance in this matter. If you have any questions or a problem with the revisions to the plans, please contact this Office at 222 - 7437.

RECEIVED

MAR 17 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

**DICK PARRISH
22 CARROLL ROAD
PASADENA, MD 21122
410-544-3615**

March 11, 1999

Pam Miley
Planning and Code Enforcement
2664 Riva Road
Annapolis, MD 21401

Re: **Dave Oneill 1999-0026V**

Pam,

Attached are 14 copies of a revised plan as discussed. Changes made are as follows:

1. Scale changed from 1"=20' to 1"=10' for clarity.
2. Extraneous information removed, i.e. silt fence, for clarity.
3. House has been rotated clockwise to take advantage of the existing foundation, which acts as a retaining wall, hence less earth moving.
4. The three significant trees are shown and will be retained. All other woody vegetation is < 3" diameter.
5. Roughly one-half of the existing gravel area for parking is shown "to be removed" and vegetated.
6. The rear ten feet of the house will be on piles.
7. The front projection will be on a crawl space to save the large tree nearby.
8. The existing wood retaining wall will be backed up by an extension of the existing garage, poured concrete foundation/retaining wall to stabilize the area and to direct storm water out to the road, not over the slope.
5. Less wooded area will be disturbed/removed.
6. Less excavation.
7. Less impervious surface.

We have tried to utilize the existing and natural features on the lot to minimize grading and tree removal.

See you in April!

Sincerely,

DICK
Dick Parrish

RECEIVED

MAR 17 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

PACE-DEVELOPMENT DIVISION

RECEIVED
MAR 12 1999
RECEIVED

DATE: 03/12/1999
TIME: 09:48:54

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
UPDATE APPLICATION REQUEST

PROGRAM ID: PNZ020C
SCREEN ID: PNZMS20

APPLICATION TYPE	VARIANCE								
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	SQFT	TYPE		
1999-0026-V	2240-9007-1058	45	03	0041	7	8250.0	R		
APPLICANT NAME	ONEILL, DAVID AND CHRISTINE			APPLICATION DATE		01/21/1999			
CLASS	RESPRN	STANDARD	SETBUF	TYPE	APPLICATION FEE		125.00		
ANALYST	RMG	STATUS	OPEN	DECISION	HEARD/WT	COURT	ADMINIST	APPEAL	N
OWNER NAME/ADDRESS/PHONE	PROPERTY DESCRIPTION								
O'NEILL, DAVID M	LTS 7 TO 9 BK 16 SC								
332 EPPING WAY	BROADLEE TRL								
	EPPING FOREST								
ANNAPOLIS	MD 21401	TELEPHONE							
PROPERTY LOCATION	75 FEET OF	FRONTAGE ON S		SIDE OF BROADLEE TRAIL					
	500 FEET E	OF SEVERN ROAD		IN EPPING FOREST					
TAX DIST	2	COUNCIL DIST	6	ZONING				R1	
WATERFRONT	N	CORNER LOT	N	CRITICAL AREA: IDA N LDA Y RCA N					
MAPS:	200	U21	ALEX 20D3	DEED: LIBER 2927 FOLIO 441					

CLEAR-MENU RECORD SUCCESSFULLY UPDATED
PF2-HEA PF3-SIG PF5-CNT PF6-COM PF11-FWD

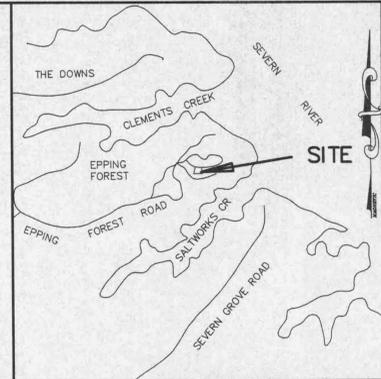
DATE: 03/12/1999 ANNE ARUNDEL COUNTY, MARYLAND PROGRAM ID: PNZ021C
TIME: 11:53:10 PACE ZONING APPLICATION SYSTEM SCREEN ID: PNZMS21
UPDATE DESCRIPTION AND RECOMMENDATION DATA

CASE NUMBER 1999-0026-V APPLICATION TYPE VARIANCE
DESCRIPTION
VARIANCE TO PERMIT A DWELLING ON STEEP SLOPES WITH LESS
SETBACKS AND BUFFER AND GREATER IMPERVIOUS COVERAGE THAN ALLOWED.

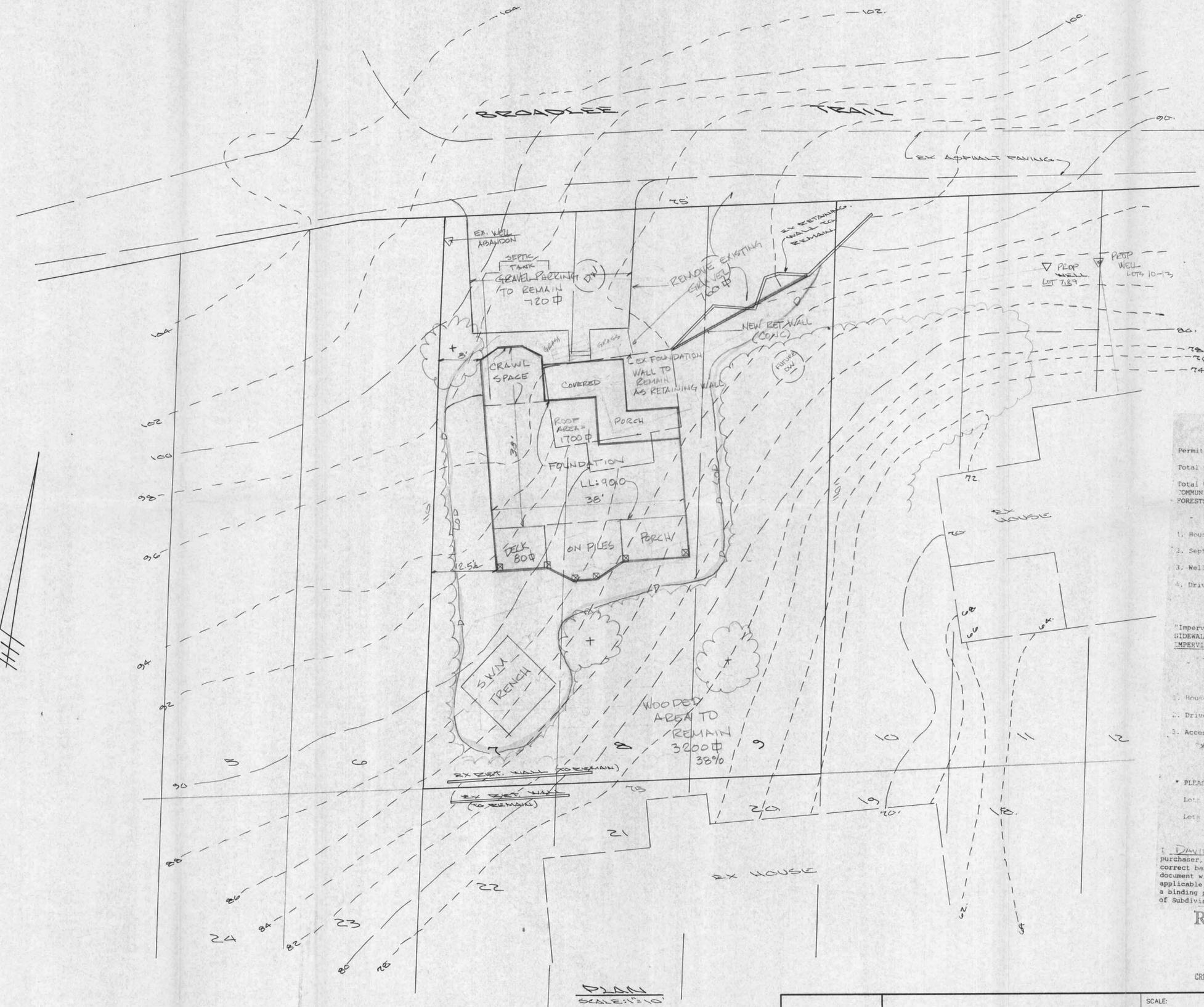
PACE DEVELOPMENT DIVISION
MAR 12 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

RECEIVED
MAR 18 1999



VICINITY MAP
SCALE: 1" = 2,000'



CRITICAL AREA WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number: 1999-00264

Total Site Area: _____ Square Feet (1 Acre = 43,560 Square Feet).

Total Wooded Area: _____ Square Feet - "Wooded" MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS, SHRUBS AND UNDERGROWTH, INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

- Please Indicate Square Footage of Woodland Removed for the following:
- | | |
|-------------------------------------|---|
| 1. House _____ Sq. Ft. | 5. Necessary structures _____ Sq. Ft. |
| 2. Septic or sewer _____ Sq. Ft. | 6. Additions _____ Sq. Ft. |
| 3. Well _____ Sq. Ft. | 7. Storm water management 540 Sq. Ft. |
| 4. Driveway _____ Sq. Ft. | 8. Other Clearing: work areas; access; stockpiles, etc. _____ Sq. Ft. |
| Total Woodland Removed 2750 Sq. Ft. | |

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVEL IS CONSIDERED AN IMPERVIOUS SURFACE.

- Please Indicate Square Footage of Impervious Coverage for the Following:
- | Existing Impervious | Proposed Impervious |
|--|---------------------------------------|
| 1. House (roof area) _____ Sq. Ft. | 1. House (roof area) 1700 Sq. Ft. |
| 2. Driveway + sidewalks 1675* Sq. Ft. | 2. Driveway + sidewalks 720 Sq. Ft. |
| 3. Accessory structures 476* Sq. Ft. | 3. Accessory structures _____ Sq. Ft. |
| * REMOVE 700 sq ft GRAVEL AND 478 sq ft ACC. SURF. | 4. Additions _____ Sq. Ft. |
| Total Existing and Proposed Impervious Coverage 7420 Sq. Ft. | |

* PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.
Lots 1/2 acre or less are limited to 25% impervious coverage of total lot area.
Lots greater than 1/2 acre are limited to 15% impervious coverage of total lot area.

I, DAVID O'NEILL, hereby certify that the above (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 789, block # 16 of Subdivision EPPING FOREST.

RECEIVED

RECEIVED
MAR 12 1999
PACE DEVELOPMENT DIVISION

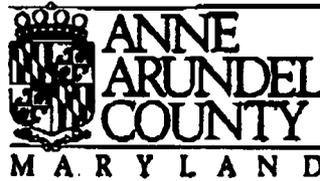
MAR 17 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

JAY GEORGE
PROPERTY PLATS, LOCATION PLATS
MISCELLANEOUS CIVIL DRAFTING
7917 OAKWOOD ROAD
GLEN BURNIE, MARYLAND 21081
TELEPHONE 410-781-7366
EVENING HOURS

DICK PARRISH
DESIGN
22 CARROLL ROAD
PASADENA, MARYLAND 21122
TELEPHONE 544-3615

SCALE:	AS SHOWN
DRAWN BY:	JAY
CHECKED BY:	D.P.
DATE:	march 1999
JOB NO.:	2282
SHEET	1 OF 1

SITE PLAN
LOTS 7 - 9
BLOCK 16
EPPING FOREST
TAX MAP 45, BLOCK 03, PARCEL 41
FOR DAVID M. O'NEILL
SECOND DISTRICT
ANNE ARUNDEL COUNTY MARYLAND



FAX TRANSMITTAL

ANNE ARUNDEL COUNTY PLANNING & CODE ENFORCEMENT 410-222-4483 (FAX)

Date: _____

TO: Lee Ann Chandler

FAX #: 410-974-5338

PAGES: (INCLUDING COVER SHEET) 3

FROM: Pam Miley

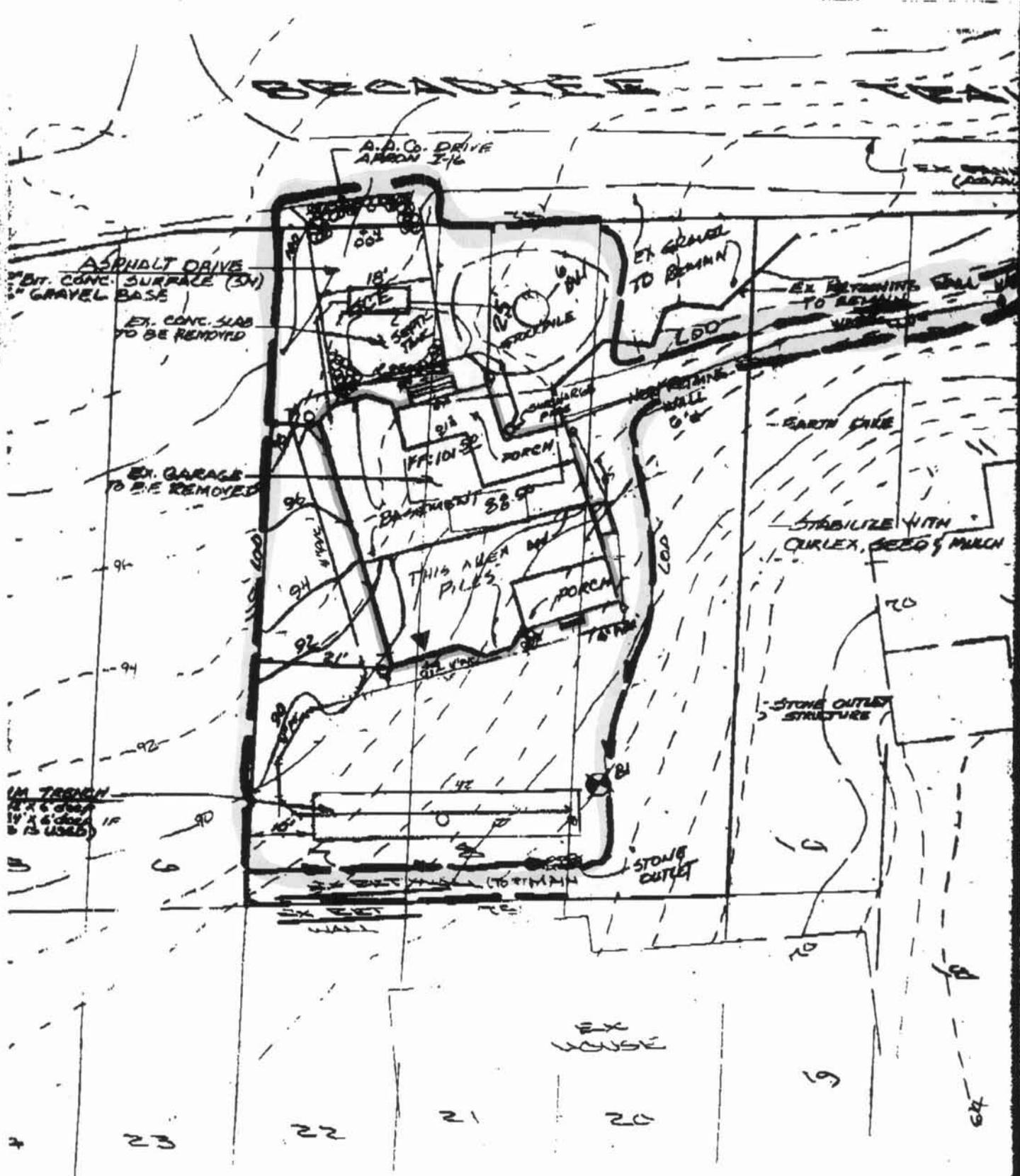
PHONE #: 410-222-7437

COMMENTS:

O'Neill Variance 1999-0026-V

Please give me a call about this.

If you do not receive all of the pages shown, please call at the number above.



IN TRENCH
12' x 6' deep
14' x 6' deep
8' is used

Thursday
10:00 am

PLAN:
SCALE 1"=20'

L.O.D. ?
L. of clearing
Impervious



DICK PARRISH DESIGN
22 CARROLL ROAD
PASADENA, MD 21122
410-544-3615

March 2, 1999

Pam Miley
Planning and Code Enforcement
2664 Riva Road
Annapolis, MD 21401

Re: Variance David and Christine Oneill 1999-0026V

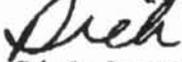
Dear Ms Miley,

The attached revised plans are provided for your use, as requested.

We have eliminated the retaining walls and associated fill. We have removed the driveway and garage under the house. The disturbed area is reduced and the impervious area has been reduced significantly. We have increased the basement depth to 12' to provide a walkout from the partial basement. The rear portion of the house that was proposed for a basement is now on piles. The house is still parallel to the contour to minimize grading and take advantage of the natural grade.

We have done what we can reasonably do to minimize the impacts to the lot.

Sincerely,



Dick Parrish
Cc: Dave Oneill



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 9, 1999

Mr. Kevin Dooley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0026-V, David and Christine O'Neill

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling in the expanded Buffer on steep slopes with less setbacks and greater impervious coverage than allowed. The property is designated LDA and is currently developed with a large garage and associated concrete pad.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, clearing and grading within the expanded Buffer must be minimized to the greatest extent possible and impervious coverage should be kept to the limit allowed by law. The site plan is not clear with regard to the limits of the gravel drive (i.e., is this existing or proposed?; is this in addition to the proposed asphalt drive?) nor is it clear where or how the garage would be entered. Further, the applicant is proposing to clear and grade the entire site. This is not minimizing site impacts.

This office recommends that the applicant reassess the constraints of the site and redesign accordingly. For example, the dwelling could be moved to sit straight on the site. This may help eliminate some of the grading and may allow direct garage access, thus eliminating excess impervious surface. In addition, given the steepness of the site, the proposed house could be constructed on pilings, allowing the vegetation to be cut at the surface but eliminating the need to disturb the soils. Mitigation in the form of native forest plantings should occur at a 3:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA51-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



IN RE: * ANNE ARUNDEL COUNTY
 DAVID AND CHRISTINE O'NEILL * ADMINISTRATIVE HEARINGS
 SECOND ASSESSMENT DISTRICT * CASE NO. 1999-0026-V

* * * * *

ORDER

At the conclusion of the March 4, 1999 hearing, the case was continued on the record until April 22, 1999. On April 19, 1999, the applicants requested a postponement. Subsequently, the applicants filed a new application which was assigned Case No. 1999-0310-V. As a result of the new application, the captioned case is considered withdrawn.

It is this 14th day of October, 1999,

Ordered by the Administrative Hearing Officer of Anne Arundel County, that the captioned application is hereby **dismissed** in accordance with Article 28, Section 11-106 of the Anne Arundel County Code for lack of prosecution.

Stephen M. LeGendre
 Stephen M. LeGendre
 Administrative Hearing Officer

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OCT 19 1999

CHESAPEAKE BAY
 CRITICAL AREA COMMISSION

DATE: 01/26/1999
TIME: 13:06:15

ANNE ARUNDEL COUNTY, MARYLAND
PACE ZONING APPLICATION SYSTEM
UPDATE APPLICATION REQUEST

PROGRAM ID: PNZ020C
SCREEN ID: PNZMS20

AA51-99

APPLICATION TYPE	VARIANCE						
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	SQFT	TYPE
1999-0026-V	2240-9007-1058	45	03	0041	7	8250.0	R
APPLICANT NAME	ONEILL, DAVID AND CHRISTINE			APPLICATION DATE	01/21/1999		
CLASS	RESRPN	STANDARD	SETBUF	TYPE	APPLICATION FEE	125.00	
ANALYST	RMG	STATUS	OPEN	DECISION	COURT	APPEAL	
OWNER NAME/ADDRESS/PHONE				PROPERTY DESCRIPTION			
O'NEILL, DAVID M				LTS 7 TO 9 BK 16 SC			
332 EPPING WAY				BROADLEE TRL			
				EPPING FOREST			
ANNAPOLIS	MD 21401	TELEPHONE					
PROPERTY LOCATION	75 FEET OF	FRONTAGE ON S		SIDE OF BROADLEE TRAIL			
	500 FEET E	OF SEVERN ROAD		IN EPPING FOREST			
TAX DIST	2	COUNCIL DIST	6	ZONING	R1		
WATERFRONT	N	CORNER LOT	N	CRITICAL AREA: IDA N LDA Y RCA N			
MAPS:	200 U21	ALEX	20D3	DEED:	LIBER 2927	FOLIO	441

DATE: 01/27/1999 ANNE ARUNDEL COUNTY, MARYLAND PROGRAM ID: PNZ021C
TIME: 10:55:10 PACE ZONING APPLICATION SYSTEM SCREEN ID: PNZMS21
UPDATE DESCRIPTION AND RECOMMENDATION DATA

CASE NUMBER 1999-0026-V APPLICATION TYPE VARIANCE
DESCRIPTION
VARIANCE TO PERMIT A DWELLING ON STEEP SLOPES WITH LESS
SETBACKS AND BUFFER AND GREATER IMPERVIOUS COVERAGE THAN ALLOWED.

RECOMMENDATIONS

RECEIVED

JAN 29 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

RECEIVED

JAN 29 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 CALVERT STREET, 2ND FLOOR
ANNAPOLIS, MD 21401

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel Date: 12/5/98
 Name of Project (site name, subdivision name, or other): DAVID ONETT EPPING FOREST
 Local case number: 1999-0026-V
 Project location/Address: LOTS 7-9 BLK 16 EPPING WAY, Annapolis

Tax map# 45 Block# 03 Lot# 7-3 Parcel# 41
 PK 16

Type of application:
(Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
 - Buffer Slope
 - Imp. Surf. Other
- SPECIAL EXCEPTION
- CONDITIONAL USE
- REZONING
- GRADING PERMIT
- BLDG PERMIT
- INTRAFAMILY
- GROWTH ALLOCATION

Type of Project:
(Select all applicable)

- RESIDENTIAL
- COMMERCIAL
- WATER DEPENDENT FACILITY/PIER/MARINA
- INDUSTRIAL
- MIXED USE
- REDEVELOPMENT
- SHORE EROSION PROTEC.
- AGRICULTURE
- OTHERS _____
e.g. PUD

Current Use:
(Select all applicable)

- COMMERCIAL
- RESIDENTIAL
- AGRICULTURE
- FOREST/BUFFER/ WOODLAND
- INDUSTRIAL
- INSTITUTIONAL
- OPEN SPACE/RECRE.
- SURFACE MINING
- VACANT Garage
- WATER DEPENDENT FACILITY/PIER/MARINA

Describe Proposed use of project site: DEMOLISH EX. GARAGE, BUILD NEW SEP

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: <u>0.19 - 8,250 #</u>	
IDA ACRES _____	AREA DISTURBED: <u>0.19</u>
LDA ACRES <u>0.19 8,250 #</u>	# LOTS CREATED: _____
RCA ACRES _____	# DWELLING UNITS: <u>1</u>
AGRICULTURAL LAND: _____	
EXISTING FOREST/WOODLAND/TREES: <u>8250</u>	FOREST/WOODLAND/TREES REMOVED: <u>8200</u>
FOREST/WOODLAND/TREES CREATED: <u>0</u>	<u>Permitted 2578.13</u> <u>3220 #</u>
EXISTING IMPERVIOUS SURFACE: <u>2347</u>	PROPOSED IMPERVIOUS SURFACE: <u>0.054</u>
TOTAL IMPERVIOUS SURFACE: <u>2340 3220 #</u>	<u>2340</u>
GROWTH ALLOCATION DEDUCTED: _____	
RCA to LDA: _____	RCA to IDA: _____
	LDA to IDA: _____

Proposed
 1520 # Foot Print
 500 # Concrete pad
 1200 # GRAVEL
 3220 # Impervious

RECEIVED

Local Jurisdiction Contact person: _____
 Telephone number: _____
 Response from Commission required by: _____ Hearing Date: _____

RECEIVED

JAN 29 1952

CHESAPEAKE DIV
CRITICAL AREA

**DICK PARRISH DESIGN
22 CARROLL ROAD
PASADENA, MD 21122**

November 10, 1998

**CRITICAL AREA REPORT
DAVID AND K. CHRISTINE ONEILL
EPPING FOREST, ANNAPOLIS**

**David and Christine Oneill
Variance Application**

This property consists of three recorded lots in the subdivision of "Epping Forest", in the Second District, Anne Arundel County. Total lot area is 8,250 square feet. The surrounding lots are developed with single family dwellings and associated accessory buildings. This community was recorded in the 1930's and some dwellings date to that era. Most have been rehabilitated and some are modern dwellings built in the last two decades.

The proposal for this lot is to construct a new two-story dwelling with a garage under. Several retaining walls will be needed to accommodate the structure due to severe slopes on the lot. The construction will be consistent with others within the community. Existing on the lot presently is a garage/storage building and wooden retaining walls. These walls are failing and the structure is in fair to good condition.

The predominant woody vegetation on the lot are poplars with smaller and fewer oaks. The understory consists of holly and dogwood. Ground cover is sparse with some laurel present. Slope on the lot exceeds 30% in places and overall slope averages over 20%.

Mitigation of erosion will be accomplished by structural stabilization and poured concrete retaining walls. Stormwater management is proposed at the low end of the lot so that the result will be no net increase in runoff for a ten-year storm event. Stabilization of remaining slopes not walled can be accomplished by plantings of dense ground covers of ivy resulting in a low-maintenance vegetative cover.

There are no wetlands or wildlife habitats within or adjacent to the site.

5

**CHESAPEAKE BAY CRITICAL AREA REPORT
CHECK LIST
Anne Arundel County, Maryland**



TO: Property Owners in the Chesapeake Bay Critical Area

DATE: 12-5-98

FROM: Department of Planning and Code Enforcement

SUBJECT: Information Required for Submission of Critical Area Report - Zoning Applications

Zoning Case Number _____ Applicant's Name DAVID ONEILL
Critical Area Classification: LDA/RCA/IDA; Tax Map 45 Block 03 Parcel 41

Your property is located within the Chesapeake Bay Critical Area. In reviewing your application, Planning and Code Enforcement must determine the impact your proposal will have on stormwater management and plant and animal habitat in conformance to Critical Area criteria. Your plan must meet the criteria for your classification and satisfy COMAR 14.15.11 regarding variances. You are responsible for supplying five copies of the VICINITY MAP, NARRATIVE STATEMENT AND PLAN to the Zoning Administration Division of the Department of Planning and Code Enforcement with your zoning application. Applications within the Critical Area will not be accepted without a complete Critical Area Report.

1. A brief explanation of why you need a variance or special exception. If you have applied for a building or grading permit, please list the permit number(s). 902006850
2. A VICINITY MAP showing clear directions to your property and the address.
3. A short, 1 or 2 sentence per item, NARRATIVE STATEMENT which provides the following information (if checked):

Type of predominant trees and shrubs (maple, oak, evergreen, etc.) on the entire parcel. (At least 15% of the lot must have trees and shrubs or additional plantings will be required. Trees and shrubs must cover the area 25' from the water on waterfront lots except for access area.)

Method of control of rainwater from existing and proposed structures, driveways and parking. (Where does it go now? Where will additional runoff go? Any special techniques?)

Methods to minimize impacts on water quality and habitat from proposed construction (e.g. stormwater management, sediment control, replanting, avoiding slopes).

Square footage of site that is currently wooded or has trees and shrubs; square footage to be disturbed by proposed work; acreage of lot; total impervious coverage before and after work (Any lot in LDA or RCA that is 21,780 square feet or less cannot have more than 25% impervious surface covered unless further restricted by plat. Lots over 1/2 acre cannot exceed 15% coverage.)

Habitat protection areas: Buffers, expanded buffers, wetlands, rare and endangered species, anadromous fish propagation waters, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests 300' or more in width, forested blocks 100 acres or more, natural heritage areas, plant and wildlife habitats of local significance.

4. A PLAN of your property, drawn to scale (a plot plan, grading plan or building location survey can be used) showing (if checked):

Steep slopes (15% or greater - show any slope if you aren't sure of percentage of slope)

Existing tree line, individual trees and all proposed clearing, grading or any disturbance

Wetlands (tidal and nontidal) Floodplain (tidal and nontidal)

Any proposed planting or landscaping on property

Other (water depths, buffers as shown on record plat, habitat protection areas as identified in 3e, and plat notes)

5. ONE copy of a Notification of Project Application supplied with this check list.

Residential lots in IDA will be required to meet the criteria for LDA. Special circumstances where LDA criteria cannot be met will be reviewed in conjunction with the Critical Area Commission. Commercial, institutional or industrial uses in IDA must meet the 10% Pollutant Reduction Rule.

RECEIVED

JAN 29 1999

CHESAPEAKE BAY
CRITICAL AREA