

AA 76-99
VAR

Ruegg, Daniel
98-0444

MSA_51829-27

LT
Comment
2/15/99



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 18, 1999

:

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

Re: Daniel Ruegg, Lots 114, 115
1998-0444-V

Dear Mr. Dooley:

I have received the above-referenced request to permit disturbance to steep slopes and the expanded Buffer. Provided these lots are properly grandfathered, this office will not oppose the placement of a single family dwelling. However, the entire site is covered with steep slopes greater than 25%.

As proposed, this office cannot support the request. We could support a request that reduces the impacts for clearing, impervious area and grading. The entirety of the lots are slopes that are greater than 25%. The necessary clearing and grading for the dwelling is excessive. We recommend the applicant reduce the footprint, thereby reducing the amount of clearing and grading. In addition, the proposed method of stormwater management is not clear; however disturbance to the Buffer should be the minimum possible. Mitigation should be at a 3:1 ratio of native species.

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

Sincerely,

Lisa A. Hoerger
Environmental Specialist

cc: AA 76-99

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



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

SEE
 AA 75-99
 FOR SITE
 PLAN &
 CA.
 REPORT

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel

Date: October 12, 1998

Name of Project (site name, subdivision name, or other): Holly Hill Harbour

Local case number: _____

Lots 114-115

Project location/Address: 114 and 115 Walnut Road, Edgewater, Md.
21037

Tax map# 60

Block# 15

Lot# 114-115

Parcel# 43

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 _____
 ← 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: One single family
detached dwelling.

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 0.34

IDA ACRES 0

AREA DISTURBED: 0.21

LDA ACRES 0.34

LOTS CREATED: 0

RCA ACRES 0

DWELLING UNITS: 1

AGRICULTURAL LAND: 0

EXISTING FOREST/WOODLAND/TREES: 0.30 FOREST/WOODLAND/TREES REMOVED 0.20

FOREST/WOODLAND/TREES CREATED: 0

EXISTING IMPERVIOUS SURFACE: 0 PROPOSED IMPERVIOUS SURFACE: 0.08

TOTAL IMPERVIOUS SURFACE: 0.08

GROWTH ALLOCATION DEDUCTED: N/A

RCA to LDA: N/A

RCA to IDA: N/A

LDA to IDA: N/A

Local-Jurisdiction-Contact-person: _____

Telephone number: _____

Response from Commission required by: _____

Hearing Date: _____

44 76-99

CASE # 1998-0443-V
FEE PAID \$150.00
DATE 12/17/98



ZONE R5 ALEX 25.E1!
200 MAP 114 1000 MAP _____
CRITICAL AREA:
IDA ___ LDA ___ RCA ___

VARIANCE APPLICATION

Applicant: Mr. Daniel Ruegg See 1998-0444-V
(All persons having 10% or more interest in property)

Property Address: Walnut Road, Edgewater, MD 21037

Property Location: 100 feet of frontage on the (R)s, e, w) side of
Walnut Road street, road, lane, etc.; 250 feet
(n, s, e, w) of Overhill Road street, road, lane, etc. (nearest intersecting street).

Tax Account Number 1-411-09211800 (114) Tax District 1st Council District 7
1-411-09211700 (115)

Waterfront Lot NA Corner Lot NA Deed Title Reference 7622/0724 (114)
7609/0191 (115)

Zoning of Property R5 Lot # 114/7150A Tax Map 60 Block 15 Parcel 43

Area (sq. ft. ~~or acres~~) 14,600 Subdivision Name Holly Hill Harbor

Description of Proposed Variance Requested (Explain in sufficient detail including distances from property lines, heights of structures, size of structures, use, etc.)
Variance to permit structures within steep slopes
Variance requested to allow disturbance to slopes in excess of 15 percent that are located within the Chesapeake Bay Critical Area.

LDA BUFFER EXEMPT

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature

Owner's Signature

Mr. Daniel Ruegg & Diane Ruegg
Print Name

Mr. Daniel Ruegg & Diane Ruegg
Print Name

3519 Saratoga Avenue
Street Number, Street, PO Box

3519 Saratoga Avenue
Street Number, Street, PO Box

Annapolis, MD 21403

Annapolis, MD 21403

City, State, Zip
410-268-5307

City, State, Zip
410-268-5307

Home Phone Work Phone

Home Phone Work Phone

For Office Use Only ANNE ARUNDEL CO.

Application accepted by Anne Arundel County, Office of Planning & Code Enforcement

RECEIVED

Charles L Morgan 12/17/98
Signature

DEC 10 1998
Date

PLANNING & CODE ENFORCEMENT

Legal as of 1978 - 31.25% IMPERVIOUS

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the code. For these Critical Area properties, due to the expanded buffer features, a strict implementation of the program would result in an unwarranted hardship to the applicant. To literally interpret the program would deprive the applicant of rights commonly enjoyed by other properties in similar areas of the Critical Area of the County to be developed with single-family dwellings. Conversely, the granting of the variances will not confer on the applicant any special privilege that would be denied by the program to other lands within the County's Critical Area. There is nothing to suggest that the requests are based on conditions resultant of actions by the applicant; nor do they arise from conditions relating to land use on neighboring property. Finally, the granting of conditional variances 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. I find that the variances have been minimized. The location of the dwellings is being driven by the point of access. The proposed access is preferable to the alternate route to the south. These structures are not overly large. I find that the granting of the variances will 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. The approvals shall be subject to the conditions in the Order.

ORDER

PURSUANT to the application of Daniel Ruegg, petitioning for variances to permit structures within steep slopes; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 12th day of March, 1999,

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

1. Case No. 1998-0443-V - a variance to permit disturbance to steep slopes in the expanded buffer.
2. Case No. 1998-0444-V - a variance of 54 feet to the 100-foot buffer as well as a variance to permit disturbance to steep slopes in the expanded buffer.

The foregoing variances are subject to the following conditions:

- A. Access shall be a variable width use in common easement from the unnamed 15-foot right-of-way.
- B. There shall be no access from Walnut Road.
- C. The applicant shall provide reforestation at a rate of 3:1 for the total amount of woodland removed on site.
- D. The remainder of the woodland on site shall be placed in a conservation