

AA 85-99
VAR

Vining, Bill
99-0048

MSA-51829-30

pc 2-24-99
letter

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 24, 1999

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

RE: Variance 1999-0048-V, Bill Vining

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owner has applied for a variance to permit a dwelling on steep slopes with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not object to the siting of a single family dwelling on it. However, impacts of the development should be minimized to the greatest extent possible. As currently proposed, Commission staff has two concerns with this application. First, it appears that the amount of clearing proposed on the steep slopes could be further minimized. Second, although the proposed plan is within the 15% impervious surface limit, it appears that the amount of impervious surface, especially the driveway, could be further minimized. Eliminating the loop in front of the house would also allow the house to be moved further off the steep slopes. A plat note should be included to state that any future structure or addition on this property can not exceed 496 square feet without a variance to the impervious surface limit. With regard to stormwater, it appears that the infiltration trench will treat the runoff from the house, but it is not clear whether the driveway runoff will also be captured.

Mitigation for clearing 24% of the lot should be provided at a 1.5 to 1 ratio (a total of 16,905 square feet) in accordance with the Anne Arundel 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 in writing of the decision made in this case.

Sincerely,

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

LeeAnne Chandler
Natural Resources Planner

cc: AA85-99

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



Area; (3) the granting of the variance will not confer on the applicant 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 applicant 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.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to conditional relief to the code. Based on the record and a review of the site plan, it is clear that due to the expanded buffer features of this site, a strict implementation of the Critical Area Program would result in an unwarranted hardship to the applicant. To literally interpret the program would deprive him the right commonly enjoyed by other properties in similar areas within the Critical Area of the County to be developed with a single-family residence. Conversely, the granting of the variance does not confer on the applicant any special privilege that the program denies to other lands within the Critical Area. There was nothing to suggest that the request is based on conditions resultant of his actions. Finally, the granting of a conditional 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. Nevertheless, there is an issue whether the proposal minimizes the impact to the expanded buffer and steep slopes. The dwelling is setback 55 feet from the front property line, which is 15 feet beyond the minimum setback for the R-1 district. While at first blush the loop driveway appears to be pushing the dwelling onto the slope, the septic system is the real limitation. Nevertheless, I believe there is room for a small adjustment, say relocating the dwelling five feet closer to the front lot line. Other areas of concern are the parking pad, the stormwater management device and the limits of disturbance behind the improvements. These will be the subject of conditions. I further find that with appropriate conditions, the granting of the variance 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.

ORDER

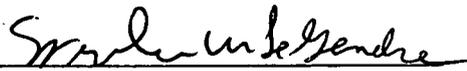
PURSUANT to the application of Bill Vining, petitioning for a variance to permit a dwelling on steep slopes with less buffer than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 9th day of April, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant's request for a variance to disturb steep slopes in the expanded

buffer is hereby **granted** subject to the following conditions:

1. The applicant shall relocate the dwelling five feet plus or minus closer to the front lot line.
2. The applicant shall delete the portion of the parking pad within the steep slopes.
3. The applicant shall relocate the stormwater management to under the driveway on the northern boundary of the lot.
4. The limits of disturbance behind the improvements shall not exceed 10 feet.
5. Mitigation for clearing shall be provided at a 3:1 ratio.


Stephen M. LeGendre
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.

IN RE: * ANNE ARUNDEL COUNTY
BILL VINING * ADMINISTRATIVE HEARINGS
SECOND ASSESSMENT DISTRICT * CASE NO. 1999-0048-V

* * * * *

AMENDED ORDER

Subsequent to the filing of the April 9, 1999 Memorandum of Opinion and Order, the applicant's engineer determined that the site topography will not accommodate the relocation of the stormwater management device under the driveway on the northern boundary line. In the circumstances, the Order will be amended to delete the requirement. On Page 5, Condition No. 3 is hereby deleted. Conditions 4 and 5 are renumbered 3 and 4, respectively.

In all other respects, the Memorandum of Opinion and Order are unchanged.

So Ordered, this 28 day of April, 1999,



Stephen M. LeGendre
Administrative Hearing Officer

RECEIVED

MAY 4 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 CO

Date: 1-19-99

Name of Project (site name, subdivision name, or other): SAEPERN SEC 7 BLOCK E LOT 14

Local case number: _____

Project location/Address: POWELL DRIVE SAEPERN

Tax map# 45

Block# 2

Lot# _____

Parcel# 503

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: CONSTRUCTION OF A SINGLE FAMILY HOME
ON A LEGAL LOT

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: <u>49658[±]</u>	AREA DISTURBED: <u>15,520[±]</u>
IDA ACRES _____	# LOTS CREATED: _____
LDA ACRES <u>49658[±]</u>	# DWELLING UNITS: <u>1</u>
RCA ACRES _____	
AGRICULTURAL LAND: _____	
EXISTING FOREST/WOODLAND/TREES: <u>45400[±]</u>	FOREST/WOODLAND/TREES REMOVED: <u>11270[±]</u>
FOREST/WOODLAND/TREES CREATED: <u>0</u>	
EXISTING IMPERVIOUS SURFACE: <u>6952[±]</u>	PROPOSED IMPERVIOUS SURFACE: <u>6952[±]</u>
TOTAL IMPERVIOUS SURFACE: <u>6952[±]</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: _____

PROPERTY OWNERS WITHIN 175'

SAEFERN SECTION "E"

LOT 3
STEPHEN R. KRAUSE
508 POWELL DRIVE
ANNAPOLIS MD. 21401
TM. 45 BLK. 2 P. 563
2-705-07278617 5799/81 R-1

LOT 4
WILLIAM A. WHITE
506 POWELL DRIVE
ANNAPOLIS MD. 21401
TM. 45 BLK. 2 P. 563
2-705-03995708 5692779 R-1

LOT 8
GERARD G. COLEMAN
496 SARA DRIVE
ANNAPOLIS MD. 21401
TM. 45 BLK. 2 P. 563
2-705-04996850 3820656 R-1

LOT 11R
RICHARD A. JAMES
490 SARA DRIVE
ANNAPOLIS MD. 21401
TM. 45 BLK. 2 P. 563
2-705-90016709 3096231 R-1

LOT 12R
JEAN L. JONES
495 SARA DRIVE
ANNAPOLIS MD. 21401
TM. 45 BLK. 2 P. 563
2-705-90002146 5444641 R-1

LOT 15
WILLIAM B. BALL
499 POWELL DRIVE
ANNAPOLIS MD. 21401
TM. 45 BLK. 2 P. 563
2-705-0240405 7188750 R-1

LOT 16
RICHARD E. HOPKINS
501 POWELL DRIVE
ANNAPOLIS MD. 21401
TM. 45 BLK. 2 P. 563
2-705-00301125 3641728 R-1

EPPING FARMS

LOT 3
JAMES L. HOLLOWAY 3 RD.
1694 EPPING FARMS LANE
ANNAPOLIS MD. 21401
TM. 45 BLK. 2 P. 743
2-218-00013877 6338/595 R-1

ANNE ARUNDEL COUNTY GRID NORTH

YELLOW POPLAR
BLACK CHERRY, BLACK LOCUST
POISON IVY, RASPBERRY, HONEYSUCKLE
CHRISTMAS FERN

GRASS SP.
GOLDENROD
ASTER SP.
RASPBERRY

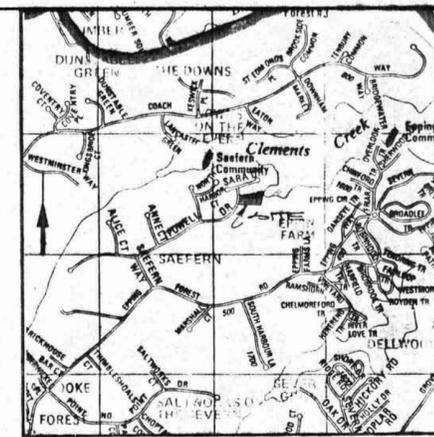
PHRAGMITES
HIGHTIDE BUSH

SAEFERN SECTION VII
BLOCK "E"
TM. 45 BLK. 2 P. 563
PLAT BOOK: 36 PAGE: 73
R-1

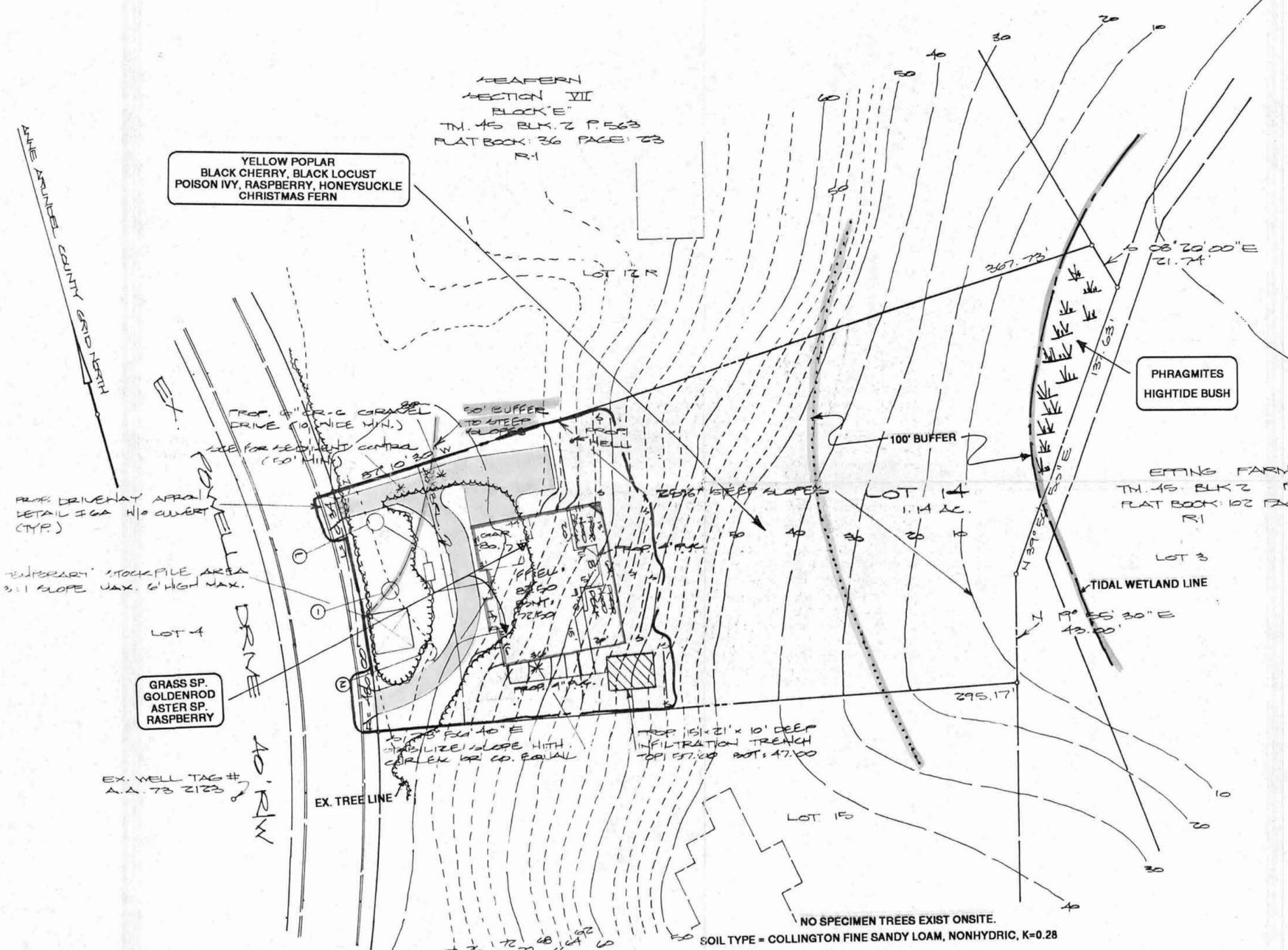
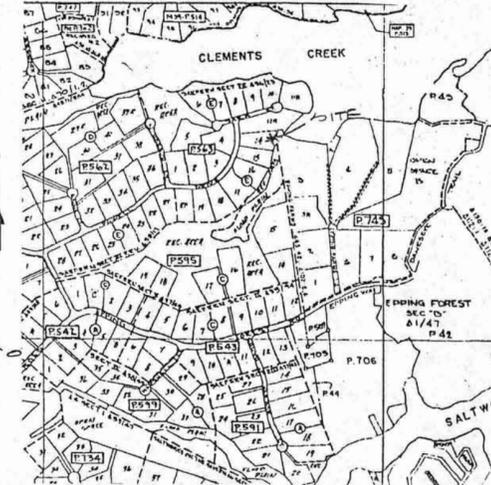
EPPING FARMS
TM. 45 BLK. 2 P. 743
PLAT BOOK: 102 PAGE: 5
R-1

TAX MAP
SCALE: 1" = 1,200'

ZONING MAP
SCALE: 1" = 2,000'



VICINITY MAP
SCALE: 1" = 2,000'



NO SPECIMEN TREES EXIST ONSITE.
SOIL TYPE = COLLINGTON FINE SANDY LOAM, NONHYDRIC, K=0.28

WOODLAND CALCULATION
1) TOTAL WOODLANDS ON SITE: 45,408 SF
2) WOODLANDS ALLOWED TO BE CLEARED: 30%
OF 45,408 SF: 13,622 SF
3) WOODLANDS TO BE CLEARED: 11,270 SF
OR 24%

IMPERVIOUS CALCULATIONS
1) 15% OF SITE ALLOWED
2) PROPOSED IMPERVIOUS: 14%

* THE NATURE OF THIS PLAN IS TO
ALLOW DISTURBANCE WITHIN 25%
STEEP SLOPES AND THE BUFFER
TO THE SLOPES

* VARIANCE PLAN
SAEFERN SECTION VII BLOCK "E"
LOT 14

2ND DISTRICT ANNE ARUNDEL COUNTY, MD.
SCALE: 1" = 40' JANUARY 1999
TAX MAP: 45 BLOCK: 2 PARCEL: 503

ANAREX INC.
ENGINEERS SURVEYORS
EXPEDITORS PLANNERS
303 NAIJLES ROAD, SUITE 114
MILLERSVILLE MD 21108
PHONE: (410) 987-6901
FAX: (410) 987-0589

M. Allen
1/14/99

PLAN PREPARED BY:
CATTAIL CONSULTING
POST OFFICE BOX 1599
SEVERNA PARK, MD 21146
(410) 544-0133

Francis P. ...
1-99

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

FEB 10 1999

RECEIVED