AA 88-99 Heckendorf, David
VAR 99-0055

MSA_S1829-33

Cit
Comment
8/12/99

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

March 12, 1999

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

Re: David Heckendorf
1999-0055-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a single family dwelling that will require less setbacks and Buffer than allowed. Provided this lot is properly grandfathered, this office has no objection to siting a dwelling on this lot. The narrative provided by the applicant suggests there is no additional area to accommodate the dwelling outside of the Buffer because of the location of the septic and stormwater management trenches. However, we received two different site plans that show the septic area in two different locations. If there is sufficient room to shift the dwelling we recommend the applicant consider that action in order to minimize disturbance to the Buffer.

It was difficult to locate this lot on the Buffer Exemption Area Maps (BEA) provided by the County, therefore I was unable to determine whether this lot is mapped as a BEA. In any case, mitigation should be as prescribed by your office once that determination is made.

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

Lisa A. Hoerger
Environmental Specialist

cc: AA 88-99

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

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 from the code. For this Critical Area property, due to the proximity to water on two sides, 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 the right commonly enjoyed by other waterfront properties in similar areas in the Critical Area to be developed with a single-family residence. Conversely, the granting of a conditional variance will not confer on the applicant any special privilege that the program denies to other lands within the Critical Area. The variance request is not the result of actions by the applicant nor does it arise from conditions relating to land use on neighboring property. 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. The issue remains whether this proposal satisfies the criteria of subsection (c). While the applicant has maintained the average setback to water and has decreased coverage, the proximity to the conservation easement remains a concern. The original dwelling measures 22' X 40'. The proposed replacement dwelling is 32' X 65' with an attached garage (25'11" X 28'11") and a 10-foot wrap around deck. By contrast, the structure may not exceed a width of 25 feet if it is to maintain 10 feet of separation from the conservation easement . I believe that the appropriate resolution is to approve the proposal with appropriate conditions to protect the easement. There was nothing to suggest that the granting of a conditional variance will 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 approval shall be subject to the conditions in the Order.[1]

ORDER

PURSUANT to the application of David Heckendorf, 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

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[1]The conditions are based on information provided to this office by Ms. Schappert following her further review.

and in accordance with the provisions of law, it is this 8th day of April, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant's request for a buffer variance of 40 feet to the required 100-foot buffer is hereby **granted** subject to the following conditions:

1. The applicant shall protect the conservation easement with silt fencing placed at the edge of the easement to provide a physical barrier to limit disturbance during the period of construction.
2. The deck pilings shall be hand dug away from the easement. The deck shall be cantilevered with only the overhang extending to the edge of the easement.
3. The grading permit shall be revised to show the placement of the silt fence. A note shall be added to the plan indicating that no disturbance shall occur outside the silt fence.
4. The applicant shall provide stormwater management and buffer plantings satisfactory to PACE.

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:

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

AA 88-99

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel Date: 1/27/99

Name of Project (site name, subdivision name, or other): Waterwood Lot 1

Local case number: 1999-0055-V David Heckendorf

Project location/Address: 7674 Waterwood Trail, Glen Burnie

Tax map# 11 Block# 20 Lot# 1 Parcel# 60

Type of application: (Select all applicable)

- ☐ SUBDIVISION
- ☐ SITE PLAN
- ☒ VARIANCE:
  Buffer X 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 replacement house on site. Less s/b & buffer

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

BEA?

TOTAL ACRES IN CRITICAL AREA: 1.33

IDA ACRES 0 AREA DISTURBED: .44

LDA ACRES 0 # LOTS CREATED: 0

RCA ACRES 1.33 # DWELLING UNITS: 1

AGRICULTURAL LAND: 0

EXISTING FOREST/WOODLAND/TREES: .33 FOREST/WOODLAND/TREES REMOVED: .03

FOREST/WOODLAND/TREES CREATED: 2100 SF

EXISTING IMPERVIOUS SURFACE: 3653 SF PROPOSED IMPERVIOUS SURFACE: 4395 SF

TOTAL IMPERVIOUS SURFACE: 4395 SF

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: _____

GAMMA ENGINEERING

844 WEST STREET, ANNAPOLIS, MD 21401
(410) 626-1070

February 1, 1999

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

Applicant: David Heckendorf
1107 Broadview Blvd.
Glen Burnie, MD 21061

Site Address: 7674 Waterwood Trail
Glen Burnie, MD 21061

RE: Information required for submission of Critical Area Report for variance

I. Site Description and Explanation: The subject property is approximately 57,935 square feet or 1.33 acres with 25' feet of frontage at the end of Waterwood Trail and 425 +/- feet of water frontage on Stoney Creek. The property is known as Lot 1 and is located in the subdivision of Waterwood. The house address is 7674 Waterwood Trail. The site is parcel 60 in block 20 of Tax Map 11. The lot is zoned RLD and is in the 3rd assessment district of Anne Arundel County. The lot is in the Critical Area and is designated as a Resource Conservation Area (RCA).

The applicant is requesting a 40' variance to the required 100' buffer to allow construction of a replacement single-family home.

The granting of the variance will not alter the essential character of the neighborhood, will not impair similar development of adjacent properties, will not reduce forest cover 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.

RECEIVED
FEB 10 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

A variance is requested to allow replacement of existing house that was proposed to remain and be remodeled with an addition. The existing house was found to have inadequate footers, such that the existing house is structurally useless.

The proposed replacement will be located no closer to the shoreline on average than the existing house, represents less impervious area in the buffer, occupies an existing area of lawn and all disturbance is contained wholly in the Conservation Easement recorded in conjunction with the subdivision.

The proposed location is consistent with the approved General Development Plan of the subdivision. Lastly, the balance of the lot is occupied with the 10,000 square foot septic area, buffer and stormwater management trench leaving no other location for the house.

SUMMARY TABLE:

	Existing	Proposed
Imperviousness in Buffer	2212	1080
Distance from Shoreline	78' average	78.5' average 60' minimum

We are requesting a 40' variance to the required 100' buffer to allow construction of a replacement house on the site.

II. See enclosed site plan for vicinity map.

III. Narrative Statements:

- The predominant trees on site are cedar, oak and maple. The trees are located at the rear of the lot, occupying approximately 25% of the lot area.
- Rain water drains from west to east. There is no development proposed with this variance that will alter runoff and SWM practices are proposed for the addition.
- The proposed construction will have no effect on water quality or adverse effects on steep slopes.
- No trees will be removed.
- Impervious area will decrease.
- Reforestation will be provided in accordance with the attached plan.

There are none of the following designated habitat protection areas on site: wetlands, anadromous fish propagation waters, water bird nesting sites, historical waterfowl nesting, staging or concentration areas, riparian forests 300' or more in length, forested blocks greater than 100 acres, or natural heritage areas.

IV. Site Plan

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

V. See enclosed Notification of Project application.

Sincerely,

Michael Helfrich, P.E.