AA 90-99 Jones, Edgar
VAR 99-0059

MSA_S1829-35

5/23

LH comment 3/10/97

Comments 5/23/03 BL

applicant is entitled to conditional relief from the code. For this Critical Area property, due to the proximity to water, a strict implementation of the program would result in an unwarranted hardship. To literally interpret the program would deny the applicant the right to redevelop the property with a single-family dwelling, a right commonly enjoyed by other properties in similar areas in the Critical Area. Conversely, the granting of the variance will not confer on the applicant any special privilege that the program typically denies. There was no suggestion that the request results from the actions of the applicant; nor from land use on neighboring property. Finally, with mitigation and other conditions, the variance will not adversely impact Critical Area resources and will harmonize with the general spirit and intent of the program.

I further find that variance represents the minimum relief. As indicated, the replacement structure will be further from water as compared to the previously approved expansion of the existing dwelling. There was nothing to suggest that the granting of the variance will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property or cause a detriment to the public welfare.

ORDER

PURSUANT to the application of Edgar Jones, petitioning for a variance to permit a dwelling with less setbacks 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 27 day of June, 2003,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County that the applicant is hereby **granted** a variance of 22 feet to the 100-foot buffer to permit a dwelling in accordance with the site plan.

The foregoing variance is subject to the following conditions:

1. The applicant shall provide mitigation at a 2:1 ratio for disturbance in the buffer and a 1:1 ratio for disturbance outside the buffer with plantings of native species directed to nonforested areas in the buffer.
2. No further development is allowed in the buffer.
3. The applicant shall provide stormwater management satisfactory to the Permit Application Center.

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.

Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

May 22, 2003

Ramona Plociennik
Anne Arundel County
Office of Planning and Code Enforcement
2664 Riva Road
Annapolis, Maryland 21404

Re: Variance 2003-0145, Edgar Jones

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a single-family dwelling with less setbacks and Buffer than allowed. The property is designated an Intensely Developed Area (IDA) and a Buffer Exemption Area (BEA). The property is currently developed with a single-family dwelling and driveway.

Provided this property is properly grandfathered, we do not oppose this variance. However, several issues should be addressed. We have the following comments regarding the current development proposal.

1) Based on the site plan provided, the current development proposal for this property does not include a deck. This office does not oppose attached decks of reasonable size provided impacts are minimized and the variance requested is the minimum to provide relief. If construction of a deck is anticipated in the future, we recommend that a deck be included as part of the current variance request. Since substantial reconstruction is proposed for the site, a deck could easily be incorporated in to the current development proposal to maximize the distance between the shoreline and new development, and minimize disturbance within the Buffer (as required by the Anne Arundel County Zoning Ordinance Article 28, 1A-109(3)). This office would not support an additional variance to construct a deck at a later time, which would result in additional disturbance within the Buffer.

2) Mitigation, at a ratio of 2:1 for disturbance within the Buffer and 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings, consisting of a mix of native trees and shrubs, should be first directed to non-forested areas within the Buffer then to other areas of

the property. Since mitigation will be required for a significant area of new impervious surface coverage, mitigation alternatives may need to be addressed.

3) Because the property is designated an Intensely Developed Area, water quality improvements must be provided on site. Reductions in pollutants from runoff can be achieved through the implementation of a stormwater best management practice and with plantings. Mitigation plantings can be used for this purpose.

Thank you for the opportunity to provide comments. 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,

Julie V. LaBranche

Julie V. LaBranche
Natural Resources Planner

cc: AA 90-99, revised plan

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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: _____ Date: 4/9/03

Name of Project (site name, subdivision name, or other): EDGAR JONES PROP.

Local case number: _____ (SEE: G02009527)

Project location/Address: 406R LAKEVIEW AVE
EDGEWATER, MD. 21037

Tax map# 65 Block# 5 Lot# – Parcel# 11

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
- ☐ WATER DEPENDENT FACILITY/PIER/MARINA

Describe Proposed use of project site: CONSTRUCT SINGLE FAMILY RESIDENCE

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA 0.63

IDA ACRES 0.63 AREA DISTURBED: 0.27

LDA ACRES _____ # LOTS CREATED: 0 (EX. LOT)

RCA ACRES _____ # DWELLING UNITS: 1 (EX. HOUSE)

AGRICULTURAL LAND: _____

EXISTING FOREST/WOODLAND/TREES: 7,000 s.f. FOREST/WOODLAND/TREES REMOVED: 0

FOREST/WOODLAND/TREES CREATED: 2,969 s.f.

EXISTING IMPERVIOUS SURFACE: 2,677 s.f. PROPOSED IMPERVIOUS SURFACE: 2,433 s.f.

TOTAL IMPERVIOUS SURFACE: 5,110 s.f.

max. limit 5,445 ft²

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: _____

CRITICAL AREA REPORT – NARRATIVE STATEMENT
EDGAR JONES PROPERTY
406R LAKEVIEW DRIVE, EDGEWATER, MD. 21037

1. Variance to 100 foot buffer to permit construction of single family dwelling. Previously granted in 1999-0059-V. Subject to application in G02009527.

2. Please see Critical Area Plan.

3. - Predominant trees are locust. See existing trees on Critical Area Plan.

   - Roof leaders and sheet flow through existing grass.

   - Provide on-site plantings of 8 trees and 23 shrubs to complement existing trees on site. All existing trees to remain. Sediment controls will be provided. All disturbance will be vegetatively stabilized.

   - Existing woodlands comprise approximately 7,000 square feet. Proposed disturbance is 11, 850 square feet. The parcel is 0.63 acres (27,443 square feet) in size. Existing impervious is 2,677 square feet. Final impervious surface will be 5,110 square feet (with 5,445 permitted in the IDA for a lot of this size.).

   - This site is subject to the 100 foot critical area buffer. No other HPA concerns are evident.