

AA 106-99
VAR

Pickett, Ronald
99-0082

MSA-51029-44

CH
comment
3/15/99

I visited the site and the neighborhood. This is a community of well-maintained waterfront homes. The dwellings to either side are substantially smaller than the applicants' house. The dwelling on the lot to the west is approximately 35 feet from the building restriction line with a brick barbecue between the building restriction line and the front property line. The dwelling on the property to the east is right up to the building restriction line with a brick patio over the line.

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 (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.

This case minimally satisfies the unique physical conditions criteria, consisting of the dwelling placed at the minimum building restriction line, with waterside sliders, such that there is no reasonable possibility of building a deck in strict conformance with the code. This is admittedly a very large deck; yet it is still well outside the 100 foot Critical Area buffer. The deck is barely above

grade, and it maintains the same east side building line as the dwelling. Although the building activity without a permit is not to be condoned, there is no change in the essential character of the waterfront neighborhood nor any substantial impairment to the use or development of neighboring properties. I conclude that the granting of the variance will not be detrimental to the public welfare.

ORDER

PURSUANT to the application of Ronald and Marie Pickett, petitioning for a variance to permit a dwelling addition 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 28th day of April, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are granted a variance of thirty feet to the front setback and 4 feet to the east side setback to permit an "L" shaped deck (42' X 16' and 15' X 12').


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:

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 15, 1999

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

Re: Ronald & Marie Pickett
1999-0082-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks. This office offers no comment regarding setback issues. However, the advertisement also states the deck will require less Buffer. It appears the proposed deck is outside of the 100-foot Buffer on this lot. From the information provided, it does not appear that an expanded Buffer is required on this site. If the proposed deck does intrude into the Buffer, we recommend mitigation of native species be performed in the Buffer.

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,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Environmental Specialist

cc: AA 106-99

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

AA 106-99

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel County Date: Feb. 15, 1999
Name of Project (site name, subdivision name, or other): Persimmon Point - Lot 107
Local case number: 1999-0082-U Ronald & Macie Pickett
Project location/Address: 1130 River Bay Rd., Annapolis, MD 21401

Tax map# 33 Block# 23 Lot# 107 Parcel# 59

Type of application:
(Select all applicable)

- SUBDIVISION
- SITE PLAN
- VARIANCE:
Buffer Slope
Imp. Surf. Other Min. side yard
- 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: Addition of wooden deck
less side & Buffer

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: <u>0.48</u>	
IDA ACRES _____	AREA DISTURBED: <u>900 S.F.</u>
LDA ACRES <u>0.48</u>	# LOTS CREATED: _____
RCA ACRES _____	# DWELLING UNITS: _____
AGRICULTURAL LAND: _____	
EXISTING FOREST/WOODLAND/TREES: <u>0.04</u>	FOREST/WOODLAND/TREES REMOVED: <u>0</u>
FOREST/WOODLAND/TREES CREATED: <u>0.02</u>	
EXISTING IMPERVIOUS SURFACE: <u>0.15</u>	PROPOSED IMPERVIOUS SURFACE: <u>0</u>
TOTAL IMPERVIOUS SURFACE: <u>0.15</u>	
GROWTH ALLOCATION DEDUCTED: _____	
RCA to LDA: _____	RCA to IDA: _____
	LDA to IDA: _____

BEA
why Buffer?
111 -> keep slopes

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



MAGOTHY ENVIRONMENTAL SERVICES, INC.

ENVIRONMENTAL ENGINEERING
400 BEACH ROAD ARNOLD, MARYLAND 21012
(410) 544-7626 FAX (410) 544-5361

CRITICAL AREA REPORT

Cape St. Claire, Plat B, Lot 107, Persimmon Point
1130 River Bay Road, Annapolis, MD
B02134620 Tax No. 3165-0992-5007

GENERAL - This site is located in the LDA of the Anne Arundel Critical Areas program and is at tax map 33, block 23, parcel 59. This is land of the subdivision Persimmon Point and is Lot 107, of Plat B. The present condition of the site is essentially an improved older neighborhood. The house, driveway, walks and deck are existing. The purpose of the request is for the deck applied for under the above permit. The variance is for sideline setback distance. Also made a part of this submittal is a site plan showing natural features and existing and proposed development.

SOILS - The soil survey shows this site contains Evesboro loamy sand. This soil is well drained.

WETLANDS - The site has no wetlands. There exists a bulkhead and pier along the Magothy River shoreline. All development will be kept away from the shore by more than 100'.

SLOPES - The site is level with slopes of about 1% toward the shoreline.

VEGETATION - The site is essentially a grassed yard. There are several trees on the site which are not significant. The site qualifies for a buffer planting plan due to the critical area and the lack of vegetation.

FLOODPLAIN - The site is partially in the tidal floodplain as described by the FEMA map. The 100 year flood elevation is shown as 9'.

WATER AND SEWER - The site is served by public sewer and a drilled well. These are presently connected to the existing house.

STORMWATER MANAGEMENT - Stormwater management is not needed as the improvements of deck is considered pervious. The existing roof tops are guttered with downspouts directed to the yard. There is no sign of erosion. The runoff will not increase as a result of the project.

AREA ANALYSIS IN SQUARE FEET

Site	Area	Disturb	Impervious	Forest clear
Existing Lot	20750		6618	0
%			32%	

There will be no changes in net impervious area.

REFORESTATION - A buffer planting plan of at least 852 sq. ft. will be required. No additional forest will be removed as a result of the project.

ROAD AND STORM DRAINAGE - River Bay Road is paved and stable. The access to this site is directly from the street via existing driveway. There are existing storm drains nearby.

HABITAT PROTECTION - There are no significant issues such as water birds or fish sites on this site. The site is in the critical area buffer. The soils show no signs of erosion. Habitat will not be compromised with the development of the addition.

Richard B. Bellars, Jr.

President
2-11-99



