AA 118-99 McGowan, Edward
VAR 99-0087

MSA_S1829-5.0

CH
3/15/99
Comment

dwelling and stormwater management device are wholly outside the buffer. Percolation testing has determined the placement of the septic facilities. In the circumstances, she supported the application, with appropriate conditions.

Roy Little, the applicant's engineer, testified that the site plan has been prepared in accordance with the Health Department's review comments related to the septic facilities. The project will require a grading permit as well as review and approval by the Maryland Department of the Environment.

Two property owners across Arundel Drive expressed concerns about the proposal. Henry Meyers, Sr., the owner of vacant Lots 225 through 227, inquired whether the development would increase the discharge of surface waters to his property. Mr. Little indicated that the applicant will manage its stormwater with the discharge to the rear of Lot 217. Sal Micciche inquired whether there would be any impact on his ability to provide well and septic for Lots 223 and 224. Mr. Little responded that the well and septic for this proposal exceed the minimum separation required by the Health Department.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to conditional relief from the code. Due to the tributary stream and its buffer, a strict implementation of the Critical Area 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 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 will not

confer on the applicant any special privilege that the program denies to other lands within the Critical Area. There is nothing to suggest that the request is based on conditions resultant 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. I find that the variance is the minimum necessary to afford relief. The dwelling and storm water management device are outside the buffer. There is no possibility of installing the septic system without impacting the buffer. I further find that the granting of the variance will not alter the essential character of the neighborhood. With appropriate conditions, the granting of the variance will not 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.

ORDER

PURSUANT to the application of Edward McGowan, Jr., petitioning for a variance to permit a septic facility 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 4th day of June, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a variance to the 100-foot Critical

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: Edward McGowan, 1999-0087-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a septic and stormwater management facilities with less setbacks and Buffer than required. This office offers no comment regarding setback issues. Provided this lot is properly grandfathered, we do not oppose the placement of a single family dwelling on this lot.

We are concerned with the location of the septic facilities. It appears the replacement systems could be located outside of the 100-foot Buffer provided that area of the lot would support a mound system. We recommend the applicant consider this possibility. Mitigation for clearing associated with the installation of the mound system should be at a 3:1 ratio with native species.

In regard to the stormwater management facility, it appears to be located outside the 100-foot Buffer to the tributary stream with the exception of the outfall. Can the outfall be located at some point on the lot other that at the edge of the stream? Our concern is erosion of the streambank.

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 118-99

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

TERRAIN INC.

Civil Engineering, Surveying & Developement Services

February 24, 1999

Mr. Michael Slattery
Wildlife & Heritage Division, E-1
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401

Re: Shore Acres, Lot 217
Arundel Drive

Dear Mr. Slattery:

The purpose of this correspondence is to request an environmental review statement for the above referenced project. The owners are requesting a variance to disturb the 100' buffer landward from a tributary stream per Article 28, Title 1A, Section 1A-104 (A)(1). The stormwater management facility requires a 45' variance and the septic system line runs perpendicular through the buffer.

Enclosed, please find a copy of the Chesapeake Bay Critical Area Report.

If you should have any questions or comments or need additional information, please do not hesitate to contact our office at (410) 266-1160.

Sincerely,
Terrain, Inc.

Michael S. Gallatin,
President

MSG/wnf

742-1.01

The Woodbridge Center ■ P.O. Box 6396 ■ 2444 Solomon's Island Rd. ■ Suite 210 ■ Annapolis, Maryland 21401
(410) 266-1160 ■ (410) 266-1161 ■ (410) 266-1162 ■ Fax (410) 266-6129

CHESAPEAKE BAY CRITICAL AREA REPORT
ARUNDEL DRIVE, LOT 217
TAX MAP 33, BLOCK 22, PARCEL 37

INTRODUCTION

This is a 43,560 sq.ft. or 1.0 acre property that is located on the north side of Arundel Drive in Anne Arundel County, Maryland. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Limited Development Area (LDA). The property is zoned R-1. The owners are requesting a variance to disturbance to the 100' buffer landward from a tributary stream per Article 28, Title 1A, Section 1A-104 (a)(1). The stormwater management facility requires a 45' variance and the septic system line runs perpendicular through the buffer.

EXISTING LAND USE

The site is currently vacant. The proposed use is the construction of a single family dwelling, served by private septic system and well water.

SURROUNDING LAND USE

The surrounding properties consist of single family dwellings in the Shore Acres Subdivision.

SOILS

The U.S. Department of Agriculture SCS 1973 Soil Survey of Anne Arundel County, sheet 20 shows the subject property to contain the soil type:

MuB2- Monmouth Loamy Sand

FLOODPLAIN

The property is shown on the Federal Emergency Management Agency (FEMA) panel 240008 0028 C. The site is shown as Zone "C". All proposed work is above the 100 year flood elevation of 9.0

NON-TIDAL WETLANDS

There will be disturbance to a tributary stream to tidal waters and its associated buffers for a on-site stormwater management system and parts of the septic system.

BODIES OF WATER

The property does not front on any body of water.

STEEP SLOPES

Steep slopes of 15%+ do not exist on this site.

FOREST COVER

The predominant tree types are identified at the end of this report. The site consists of grass, areas with a few trees and shrubs.

RARE AND ENDANGERED SPECIES

There are no federally or state listed species of rare, threatened or endangered species of plants or animals on this site.

STORMWATER MANAGEMENT

The proposed runoff will be collected by gutters and downspouts and conveyed to a private on-site stormwater management facility.

FOREST MITIGATION

Replanting/fee-in-lieu of will be addressed with Anne Arundel County Permit Application Center at time of building permit for any woodlands removed on-site.

DATES OF FIELD WORK

December 8,1998

FOREST COVER

The Balance of the vegetation on the site is indicated below:

COMMON NAME	SCIENTIFIC NAME
Sweet Gum	Liquidamber Styraciflua
Oak Species	Quercus Spp.
Maple	Acer Rubrum

SHRUBS/HERBACEOUS

COMMON NAME	SCIENTIFIC NAME
Poison Ivy	Txicodendron Radicans
Wild Honey Suckle	Lonicera Dioica

SITE CALCULATIONS

1.	Site Area	43,560 Sq.Ft.
2.	Site Area in the Critical Area	43,560 Sq.Ft.
3.	Site Area Outside Critical Area	0 Sq.Ft.
4.	Existing Impervious Area	0 Sq.Ft.
5.	Proposed Impervious Area	2,420 Sq.Ft. (6%)
6.	Total Proposed Disturbance	13,800 Sq.Ft.
7.	Total Forested Area in Critical Area	43,560 Sq.Ft.
8.	Total Forested Area to Remain in Critical Area	29,760 Sq.Ft.
9.	Total Forested Area to be removed in Critical Area	12,950 Sq.Ft. (29.9%)