AA 146-99 Harbin, Mark
VAR 99-0096

MSA-S1829-56

LH
Comment
4/2/99

yard width of 20 feet. However, Section 10-104(e)(11) increases the side setback one-foot for every 10 feet or fraction of 10 feet by which the dwelling exceeds 50 feet. In this case, the east side setback increases from seven feet to nine feet. Accordingly, the proposal necessitates a variance of one-foot to the west side setback, two feet to the east side setback and seven feet to the combined side yard width.

Charlene L. Morgan, a zoning analyst with the Department of Planning and Code Enforcement, testified that this is a property in an older neighborhood which is below the area and width requirements for the R-2 district. The replacement dwelling maintains the same footprint on the waterside. The improvements will not exceed 30 percent of the net area of the lot. In the circumstances, she supported the application.

Mr. Harbin testified that the property has served as a part-time residence for four years but now will become the applicants' full-time home. He indicated that his neighbors do not object to the proposal. The applicants intend to enhance existing groundcover plantings in an effort to minimize runoff from the site.[1]

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to relief from the code. This case satisfies the test of unique physical conditions, consisting of a lot below the minimum area and width for the district. In the circumstances, there is no reasonable possibility of developing the

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[1]The project also includes a shale filter septic system required by the Health Department.

lot in strict conformance with the code. I further find that the variance is the minimum necessary to afford relief. The applicants have maintained the same side setbacks as the existing dwelling and will build no closer to the water. 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 be detrimental to the public welfare. The approval shall be subject to the condition in the Order.[2]

ORDER

PURSUANT to the application of Mark and Barbara Harbin, petitioning for a variance to permit a principal structure 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 6th day of May, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** the following variances:

1. A variance of 1-foot to the west side setback.
2. A variance of two feet to the east side setback.
3. A variance of seven feet to the combined side yard width.

The foregoing variances are subject to the condition that the applicants shall

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[2]This case was advertised for a buffer variance. However, because the property is exempt, none is required. The condition of the approval is that the applicants shall mitigate any new disturbance to the buffer in accordance with the buffer exemption area policy.

mitigate any new disturbance to the buffer in accordance with the County's Buffer Exemption Area Policy.

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.

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

April 2, 1999

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

Re: Mark & Barbara Harbin
1999-0096-V

Dear Mr. Dooley:

I would like to comment on the above-referenced request to permit a single family dwelling that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. From the information provided it appears the proposed dwelling will match the same footprint and the existing dwelling; therefore, it is not clear why a Buffer variance is required since the subject lot is mapped as a Buffer Exemption Area (BEA). If the new dwelling will not use the existing foundation, we recommend that it be sited closer to Grandview Road in order to minimize impacts to the Buffer.

In any case, we recommend mitigation for any new disturbance to the Buffer to be at either a 3:1 ratio if the proposal does not meet the BEA policy, or according to the BEA policy is a Buffer variance is not needed.

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 146-99

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

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

AA146-99

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: ANNE ARUNDEL County Date: 2/20/99

Name of Project (site name, subdivision name, or other): 1699 Grandview Rd LONG POINT Mark & Barbara Harbin

Local case number: 1999-0096-V

Project location/Address: 1699 Grandview Rd

Tax map# 25 Block# 17 Lot# 5+6 Parcel# 0095

Type of application: (Select all applicable)

- ☐ SUBDIVISION
- ☒ SITE PLAN
- ☒ VARIANCE: Buffer__ Slope__ Imp.Surf.__ Other X
- ☐ 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: Residential SINGLE FAMILY DWELLING w/ less slb & buffer

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 7,720 ¢

IDA ACRES _____ AREA DISTURBED: 4,800

~~LDA ACRES~~ 7,720 ¢ # LOTS CREATED: _____

RCA ACRES _____ # DWELLING UNITS: _____

AGRICULTURAL LAND: _____

EXISTING FOREST/WOODLAND/TREES: 3,000 FOREST/WOODLAND/TREES REMOVED: N/A

FOREST/WOODLAND/TREES CREATED: N/A

EXISTING IMPERVIOUS SURFACE: 3,037 ¢ PROPOSED IMPERVIOUS SURFACE: 2,744 ¢

DEMO

TOTAL IMPERVIOUS SURFACE: 3,037 ¢

GROWTH ALLOCATION DEDUCTED: _____

RCA to LDA: _____ RCA to IDA: _____ LDA to IDA: _____

~~LDA~~ IDA

attached

2430

RECEIVED
MAR 19 1999
CHESAPEAKE BAY CRITICAL AREA COMMISSION

Local Jurisdiction Contact person: _____

Telephone number: _____

Response from Commission required by: _____ Hearing Date: _____

Applicates Name: Mark and Barbra Harbin

IDA

This site is located in the Buffer Exemption and is in the ~~LDA~~ classification. This site is waterview per Plat Book, folio 43. Per the subdivision plat, South Shore Parkway is a paper road. The construction will take place 42' from M. H. W..

Chesapeake Bay Critical Area Report - Check List

1.) The homeowners are requesting to demolish the existing 1 story dwelling and construct a 2 story dwelling with garage using the same side yard setbacks. A variance of 4' is requested for the west side yard and a variance of 3' is requested for the east side yard for a total of 20'.

2.) A copy of the vicinity map is enclosed.

3.) Narrative Statement:

I.) Thier are 4 large trees and 95' of hedging for approximately 3,000 sq. ft. of vegetation.

II.) Most of the rainwater goes from the downspouts to the ground. No additional runoff will be created.

III.) Silt fence will be installed on the water side to prevent any silting to the water. Existing septic system will remain in place so minimum disturbance will take place.

IV.) a. The existing square footage currently wooded is approximately 3,000 sq. ft. (including canopy cover). No trees will be disturbed for construction.

b. The total existing impervious is 3,037. The total proposed is 2,744 sq. ft.. Removal of dwelling, sidewalks and partial driveway to match existing impervious. Not to exceed the existing impervious.

c. The disturbed area will be approximately 4,800 sq. ft.

d. This lot is not sloped but is located in the flood zone a.b and c..

V.) 1. The site is located in an existing subdivision. We are not disturbing any habitat protection areas.

SITE STATISTICS

Total site area = 7720 ϕ

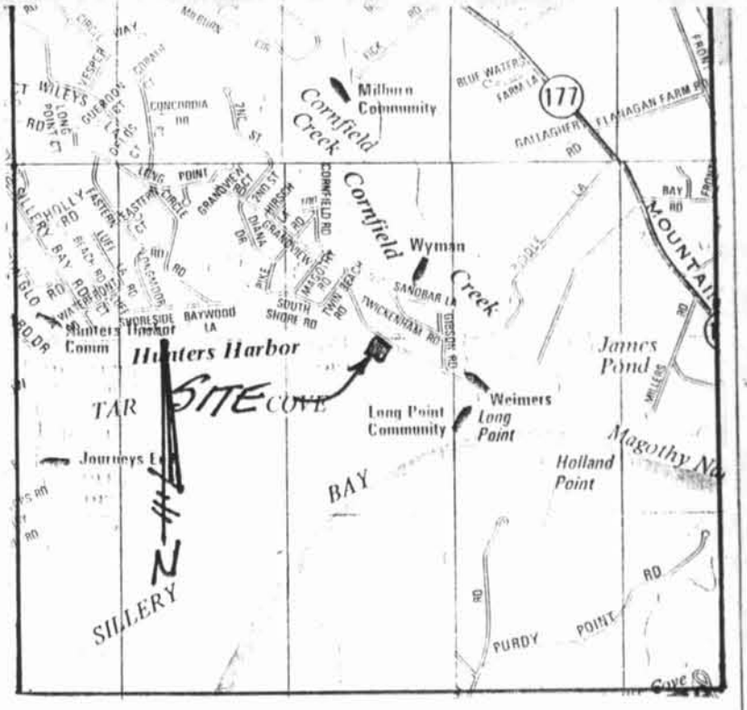
Ex. Dwell & Porch = 1528 ϕ
Ex Shed 120 ϕ
Ex Walks & Driveway = 1389 ϕ

Total Ex Imp. = 3037 ϕ

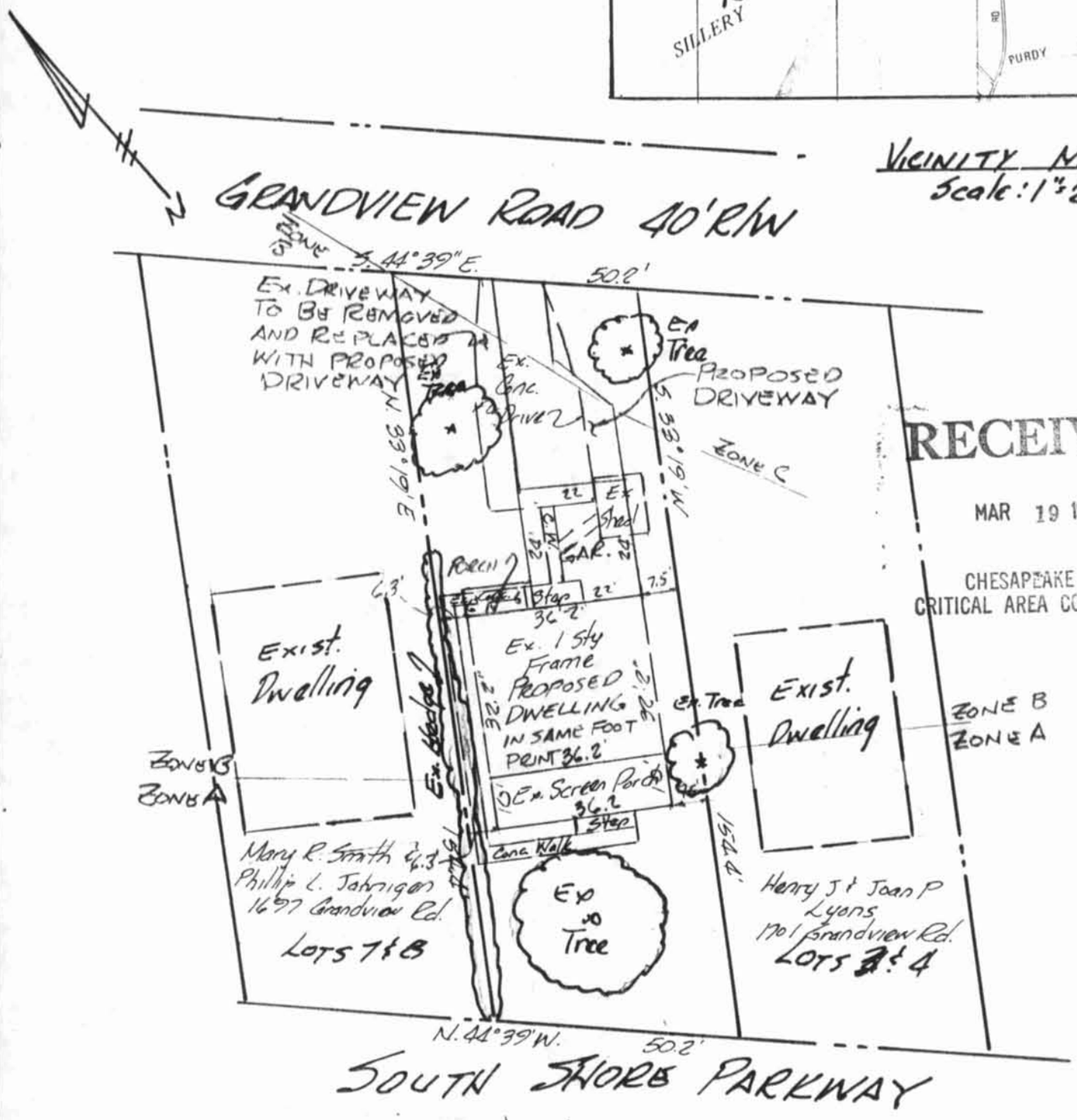
Prop. Dwell w/ Garage = 2134 ϕ

Prop. Drive. 610 ϕ

Total Proposed Impervious 2744 ϕ



VICINITY MAP
Scale: 1" = 2000'



RECEIVED
MAR 19 1999
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

NOTES

1. This Lot is in the crit. Area.
2. Veg. on site 3000 ϕ
   no veg will be removed.
3. Removal of ex. Imp. will match Proposed Impervious.

PLAN
Scale: 1" = 30'

LOT 5 & 6 BLOCK 'D'
LONG POINT ON THE MAGOTHY
1699 GRANDVIEW ROAD

"THE HABIN PROP."

Third Assessment District
Anne Arundel Co., Maryland
Feb. 1999 Scale: As Shown