

AA 149-99
VAR

Fisher, Melissa Ann
99-0103

MSA-SIB29-59

2H
NC
4/2/99

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

April 2, 1999

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

Re: Melissa Anne & William Fisher
1999-0103-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks than required. This office offers no comment regarding the setback issue provided no Habitat Protection Areas will be impacted by the proposal.

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 149-99

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



garage across from the site which intrudes within the right-of-way.

Ms. Fisher exhibited photographs of the site and other properties within the subdivision. There are mature trees along the crest of the hill between the parking pad and the pavement. The witness testified that the grade of the access to the parking pad is an extreme hardship. She submitted letters in support of the proposal from area residents and the association. There was no opposition to the request.

I visited the site and the neighborhood. This is a well-maintained dwelling. Beyond a doubt, the driveway presents an extreme challenge for entering and departing foot traffic and vehicles. I observed other structures in close proximity to their front property lines, and in some cases, close to paved roads; including the house and detached garage at 205 Edgewater Road, directly across from the site. There is also a two-car garage around the corner at 102 Severn River Road, which is close to the paved street.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to relief from the code. I am more than satisfied that this property presents unique physical conditions, particularly its grade, but also its narrow width. In the circumstances, there is no reasonable possibility of developing the lot in strict conformance with the code. Even though these are extreme variances, there is no ability to minimize them. Fortunately, due to the narrow width of the pavement within the 50-foot right-of-way, as well as the intervening vegetation and the grade, I do not believe 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. My tour, the photographs and the right-of-way plats demonstrate that nonconforming structures are not unusual in this community.

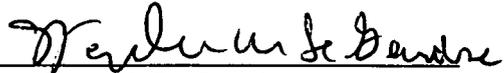
ORDER

PURSUANT to the application of Melissa and William Fisher, petitioning for a variance to permit a carport/deck 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 18th day of May, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** the following variances to permit a 16' X 32' carport/deck addition:

1. A full variance to the required 30-foot front property line setback;
2. A variance of eight feet to the 10-foot north side property line setback; and
3. A variance of two feet to the combined side yard width


Stephen M. LeGendre
Administrative Hearing Officer

5 copies

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

AA149-99

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: Anne Arundel

Date: 2-23-99

Name of Project (site name, subdivision name, or other): Rand Bay

Local case number: 1999-0103-V Melissa Ann & William Fisher

Project location/Address: 105 Edgewater Rd SEVERNA Park, MD

✓ Tax map# 32

Block# 14

Lot# 400

Parcel# 184

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: waterproof Decks w/ steps - New
access to house deck w/ less 5/6

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 1500+

{	IDA ACRES	_____	AREA DISTURBED:	_____
	LDA ACRES	<u>✓ 1500+</u>	# LOTS CREATED:	_____
	RCA ACRES	_____	# DWELLING UNITS:	_____

AGRICULTURAL LAND: _____

EXISTING FOREST/WOODLAND/TREES: _____ - FOREST/WOODLAND/TREES REMOVED: _____

- FOREST/WOODLAND/TREES CREATED: _____

EXISTING IMPERVIOUS SURFACE: _____ - PROPOSED IMPERVIOUS SURFACE: _____

TOTAL IMPERVIOUS SURFACE: _____

GROWTH ALLOCATION DEDUCTED: _____

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

MC

RECEIVED

MAR 27 1999

CHESAPEAKE BAY CRITICAL AREA COMMISSION

Local Jurisdiction Contact person: _____

Telephone number: _____

Response from Commission required by: 4/22 Hearing Date: _____

Fisher
105 Edgewater Rd.
Severna Park, Md 21146
Round Bay

Our lot is a 50 x 300ft. lot with the majority of trees closest to the house being Holly trees. Behind the hill on the majority of the lot are mostly Oak trees.

At present control of rainwater is done with gutters and downspouts.

When we are able to build our carport-porch-stairway we will add a drywell.

In doing this project we plan to go over top of existing steps and wrap around existing Holly trees to bring people safely to the top of the porch. Trimming some branches of the Holly trees would be the most disturbance. We will also be adding decorative sea grasses such as Pampas grass and climbing roses.

Because we do not want to disturb the landscape NO trees or shrubs are coming out. Over 75% of our lot is wooded and will remain so.