

AA 176-99 Robert Johnson

VAR

1999-0128-V

MSA - 51829 - 72

LH
Comment
4/9/99

Area and will be in harmony with the general spirit and intent of the program. 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.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to modified relief from the code. Due to the proximity of Stoney Creek, a strict implementation of the County's Critical Area Program would cause an unwarranted hardship. That is, the applicant would be deprived of the right commonly enjoyed by other properties in similar areas within the Critical Area of the County to be improved with a waterfront deck. Conversely, to grant a modified variance will not confer any special privilege that would otherwise be denied by the program to other lands within the Critical Area. There is nothing to suggest that the variance request is based on conditions resultant from actions by the applicants nor does it relate to land or building use on neighboring property. Finally, the granting of a modified variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat and will be in harmony with the general spirit and intent of the program.

The remaining issue in this case concerns the subsection (c) criteria. Although I am sympathetic to the applicants' desire for a 20-foot deep deck, and despite the distance to water, this represents more than a minimum variance. Recent decisions by this office have approved variances for decks in this

community as follows:

1. Case No. 1997-0361-V (December 19, 1997): irregularly shaped deck (approximately 17' X 18') 13 feet from the rear property line.
2. Case No. 1997-0362-V (January 13, 1998): 14' X 18' deck 31 feet from Stoney Creek.
3. Case No. 1998-0128-V (June 5, 1998): 18' X 18' ground level deck and 14' X 14' upper deck within 7 feet from the rear property line and the shoreline of Stoney Creek.
4. Case No. 1998-0311-V (December 10, 1998): 18' X 18' lower deck 40 feet from the Patapsco River. (In this case, there was already an upper deck extending 12 feet from the unit.)

Each of these cases presents its own circumstances. Some involve the buffer; some do not. But all of the approved decks are smaller than this proposal. I will approve a lower deck measuring 18' X 18' and an upper deck measuring 18' X 16'.¹ With these modifications, I find and conclude that the granting of the variance will 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.

¹Today, I have also approved an 18' X 16' deck 30 feet from the Patapsco River in Case No. 1999-130-V.

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 9, 1999

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

Re: Robert Johnson
1999-0128-V

Dear Mr. Dooley:

I have received the above-referenced request to permit a deck that will require less setbacks and Buffer. This office offers no comment regarding the setback issue. In regard to the Buffer, mitigation of native species should be performed at a 3:1 ratio.

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 176-99

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



AA17699

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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: AA17699 AA17699 Date: 3/22/99

Name of Project (site name, subdivision name, or other): Stoney Beach

Local case number: 1999-0128-V Court Johnson

Project location/Address: 7945 Rivin Rock Way / Unit 331 Baltimore MD
21220

Tax map# 11 Block# 10 Lot# 331 Parcel# 25

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 _____
- c.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: Want to build a deck onto the back of our townhouse, as the majority of townhomes in the community have.
18' x 20'

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: _____

IDA ACRES _____ AREA DISTURBED: _____

LDA ACRES 1320 # # LOTS CREATED: _____

RCA ACRES _____ # DWELLING UNITS: _____

AGRICULTURAL LAND: _____

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

FOREST/WOODLAND/TREES CREATED: _____

EXISTING IMPERVIOUS SURFACE: 700 # PROPOSED IMPERVIOUS SURFACE: _____

TOTAL IMPERVIOUS SURFACE: _____

GROWTH ALLOCATION DEDUCTED: _____

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

* upper + lower decks - no impervious added 18' x 20'

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

* rear yard is grass

Robert & Marihelen Johnson
7945 River Rock Way
Baltimore, MD 21226
(410) 437-1943

March 16, 1999

To Whom It May Concern:

Approval is hereby requested for the construction of a deck measuring 18'x20' on the rear of our property located at 7945 River Rock Way in the Villages of Stoney Beach. A copy of the contractor's proposal for the deck is attached.

The Villages of Stoney Beach are comprised of 456 townhomes. Three sides of the development are waterfront and approximately 90% of the homes already have decks in place which are of the same size and appearance.

The building in which our home is situated is much further back from the water (~130 feet by our measurement) than other buildings immediately adjacent. Construction of the deck extending 20' from our home would still result in maintaining significant footage away from the water.

Thank you, in advance, for your prompt response to this request. Should you have any questions or concerns, please do not hesitate to contact me at my home telephone as listed above, or at my office (410) 531-4256.

Very truly yours,

Marihelen Johnson

Attachment

depth 20'
width 18' leaving 1' on each side of deck