

AA202-99 Davis, Marjorie & Leslie
VAR 1999-0153

MSA - 51029-85

RC letter
4/22/99

expired, the applicants refiled a similar request. (For the new application, the garage is attached to the dwelling, thereby eliminating the need for a side setback variance for an accessory structure.)

Patricia A. Cotter, a planner with the Office of Planning and Zoning, testified that a new dwelling will be constructed on the foundation of a dwelling that was demolished in 2001. The new construction is no closer to the street right-of-way or mean high water as compared to the original dwelling. There were no adverse agency comments. The Chesapeake Bay Critical Area Commission requested mitigation at a 2:1 ratio for disturbance within the Chesapeake Bay Critical Area buffer and 1:1 for disturbance outside the buffer. By way of conclusion, Ms. Cotter supported the application.

Jude Wikramanayake, the applicants' attorney, represented that they encountered contractor delays but are now intent on moving the project forward.

Jack Roadhouse, President of the Oakwood Homeowners Association, offered support for the application.

There was no other testimony in the matter.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to relief from the code. In this regard, I adopt the findings and conclusions of the prior Order. The approval is subject to the conditions in the Order.

10 feet for accessory structures. Accordingly, the dwelling additions require a variance of 1-foot to the rear setback; while the detached garage requires a variance of two feet to the east side setback.

Suzanne Schappert, a zoning analyst with the Department of Planning and Code Enforcement, testified that this grandfathered lot is below the standards for the district as to area. The dwelling additions will not increase the encroachment into the rear yard. The garage could be attached to the dwelling without the need for a variance. The witness noted that this office previously granted conditional approval for the same dwelling additions. See, Case No. 1995-0513-V (January 19, 1996). In the circumstances, she supported the application, subject to Health Department approval of the well and mitigation in accordance with the County Buffer Exemption Policy.¹

Mr. Davis testified that the applicants have occupied the residence since 1975. He indicated that there is no neighborhood opposition to the proposal.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to conditional relief from the code. This case minimally satisfies the test of unique physical conditions, consisting of the small lot size, such that there is no reasonable possibility of developing the lot in strict conformance with the code. I further find that the variance is the minimum necessary to afford relief. These variances are comparatively minor. There was

¹The witness clarified that the second floor addition extends only as far as the glass enclosed porch and does not extend over the pervious deck.



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 22, 1999

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

RE: Variance 1999-0153-V, Majorie and Leslie Davis

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit an addition with less setbacks than required. The property is currently developed with a single family dwelling and is Buffer Exempt.

Since no Habitat Protection Areas will be disturbed and there will be no conflict with regard to impervious surface limits, this office has no comment on the setback issue. The application indicates the property is designated IDA. According to the Critical Area map in our office, this property is designated LDA. This should be verified. If in fact the property is designated IDA, then the applicant is required to meet the 10% pollutant reduction requirement as indicated in §1A-104(b)(3) of the County Zoning Ordinance.

Also, a large portion of the proposed garage is located within the 100-foot Buffer. Mitigation for all new impervious surfaces within the 100-foot Buffer should occur at a 2:1 ratio in accordance with the County Buffer Exemption Policy. The site plan shows the garage as being 18' x 18'6", however in measuring the proposed garage, it appears to be 28' x 18'6". This should be clarified. As currently drawn on the site plan, it appears that approximately 444 square feet of new impervious surface will be placed within the 100-foot Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA202-99

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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: AA Coan Date: 4/6/99
 Name of Project (site name, subdivision name, or other): DAVES
 Local case number: 1999-0153-V
 Project location/Address: Thomas Point Rd.
 Tax map# 601 Block# 03 Lot# 28 Parcel# 9

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: Addition to Dwelling
& Garage

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: <u>9410 #</u>		AREA DISTURBED: _____
IDA ACRES: <u>9410 #</u>		# LOTS CREATED: _____
LDA ACRES: _____		# DWELLING UNITS: _____
RCA ACRES: _____		
AGRICULTURAL LAND: _____		
EXISTING FOREST/WOODLAND/TREES: _____	FOREST/WOODLAND/TREES REMOVED: _____	
FOREST/WOODLAND/TREES CREATED: _____		
EXISTING IMPERVIOUS SURFACE: <u>1244</u>	PROPOSED IMPERVIOUS SURFACE: <u>1030</u>	
TOTAL IMPERVIOUS SURFACE: <u>2274</u>		
GROWTH ALLOCATION DEDUCTED: _____		<u>2940 # permitted</u>
RCA to LDA: _____	RCA to IDA: _____	LDA to IDA: _____

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

Variance Application
Chesapeake Bay Critical Area Report
Anne Arundel County, Maryland

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APR 20 1999

Property Address: 3754 Thomas Point Road
Annapolis, Maryland

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

1. Statement of why a variance is needed.

The existing structure is less than 100' from Thomas Point Road. The addition to the principle structure and the accessory structure will not meet present set-back requirements.

- The existing structure is 24' south of Thomas Point Road. The additional will be 24' from the Street.
- The garage east side wall to property line set-back will 9'6".
- The addition 10' x 13' (130 SF) will be the same elevation as the existing 1,244 SF building.

2. A map showing the direction to the property is attached.

3. Narrative Statements

- Trees - types and number on parcel. There are a total of 16 trees on the property marked as follows: O = Oak (9) , M= Maple (4), P=Pine (1), B=Birch (1) , and H = Holly (1). Two trees will be removed: 1 dead oak - struck by lightning till be removed for the garage and 1 Birch tree for the 10' x 13' first floor addition. Three of the trees and several feet of shrubbery are of the property lines.

The owner will replace two trees following construction.

- Type of rainwater control. Rainwater at present drains off onto the existing ground surface. The impact of the additional rainwater from the small increase in square footage of structures is not anticipated to have any effect, and will continue to drain onto the property. No special techniques are required.
- Methods to minimize water quality and habitat impact from proposed construction. No anticipated impact on water quality or habitat impact.
- Square footage of site.

Total parcel square footage - 9,916 SF

Existing impervious acreage

- 1,564 SF [16% of lot surface] less than .04 of an acre

Proposed impervious acreage

- 2,094 SF [22% of lot surface] less than .05 of an acre

Wooded square footage - estimate of wooded footage [trees and shrubbery] 16 trees at 3 SF and 15' of shrubbery and various plantings on the side yard property lines at approximately 45 SF [15' x 3'] for a total of 93 SF.

- Habitat protection areas: The parcel is presently a single family home and that usage will continue, it is close to but not presently part of a habitat protection area. The granting of this variance will not result in any negative impact on these protected areas.

4. Provide a plan of property, drawn to scale.

A building location survey is utilized. The scale is 1" = 40'. It includes the present structure, the proposed changes, the location of all trees, and provides dimensions for all existing and proposed structures.

- steep slope - not applicable - construction is on flat portion of parcel
- existing tree line - individual trees are shown. See #3 above.
- Wetlands [tidal and nontidal] Floodplain [tidal and nontidal] not location of property.
- Any proposed planting or landscaping on property. The two trees removed for construction will be planted in a new location as close as possible to their original sites.

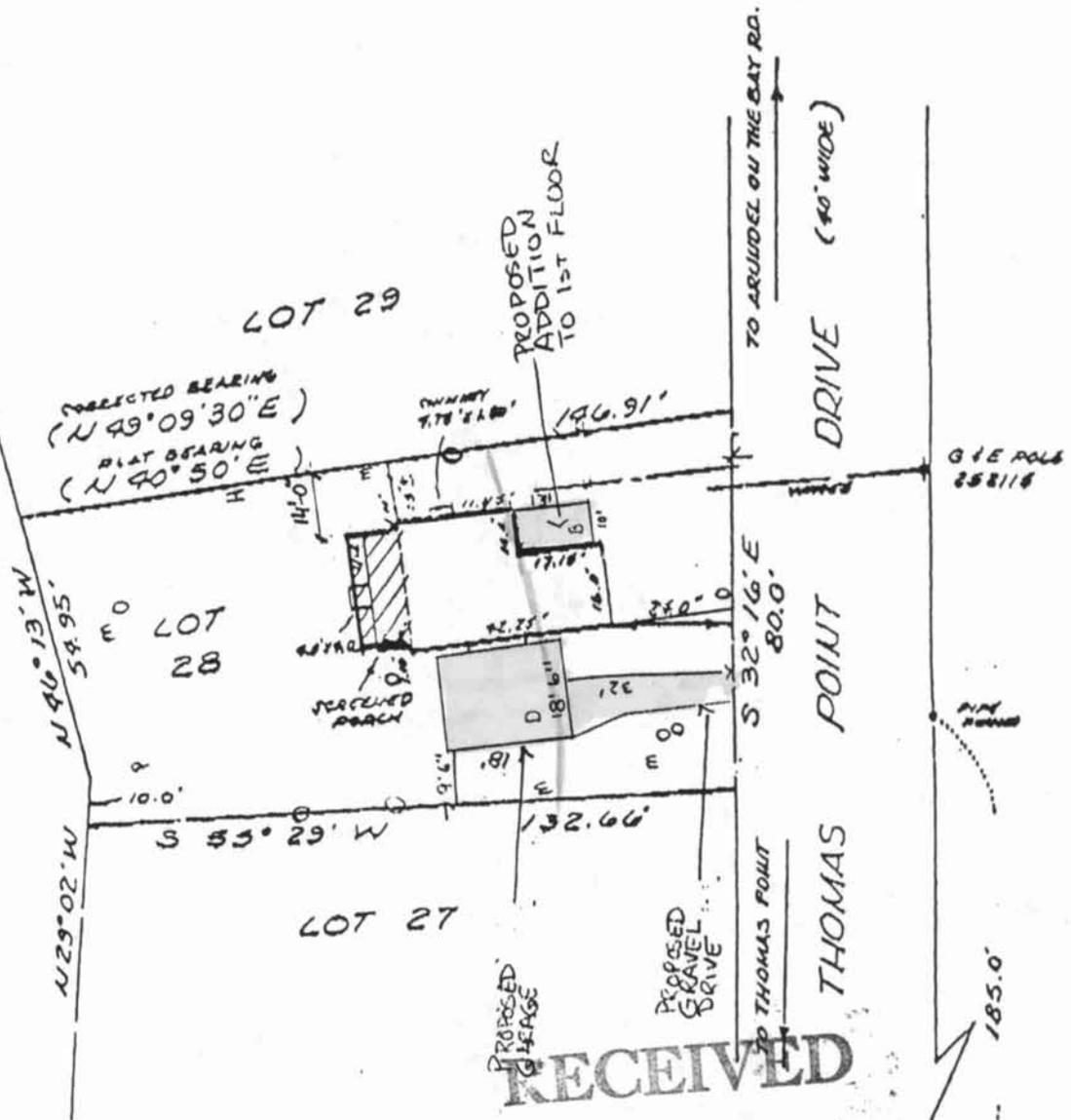
5. A copy of a Notification of Project Application is attached.

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APR 20 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

SOUTH RIVER



LEDGEND FOR TREES SHOWN ON PLAN

- o oak p pine
- B Birch H Hooly
- M Maple

APR 20 1999

CHESAPEAKE BAY
No. 7th CRITICAL AREA COMMISSION

This ~~survey~~ does not constitute a lot survey.
This will certify that I have located the improvements
on the above lot as indicated and find no encroachments.

Edward C. York, III
EDWARD HALL, III & ASSOCIATES P. A.
Professional Land Surveyors
No. 1 KING CHARLES PLACE
ANNAPOLIS, MARYLAND

HOUSE LOCATION SURVEY
LOT 28
OAK WOOD
NEAR THOMAS POINT
2ND District, Anne Arundel County, Maryland
See Plat Records, A. A. Co.
PLAT BOOK 23 FOLIO 43
Scale 1" = 40' Date DEC. 1975