

Letter RC 5-3-99

MSA - 51829 - 95

AA 222-99
VAR

Crump, David
99-0180

yard setback of 20 feet in the R-5 district. Section 1A-105(c) does not permit development on slopes of 15 percent or greater in the LDA. Accordingly, the proposal necessitates a variance of 10 feet from the rear setback and a variance to disturb steep slopes.

Suzanne Schappert, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is a grandfathered lot. It is irregular in shape, and contains steep slopes and several mature trees. The proposal will decrease the extent of nonconformance. In the circumstances, she supported the application, provided any vegetation removed is replaced in kind.¹

Joe Mayer, the applicants' architect, testified that the septic system has been relocated to the satisfaction of the Health Department. The total area of onsite construction is approximately 3,560 square feet. The applicants expect to minimize impacts to the steep slopes during the demolition phase with silt fencing.

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to relief from the code. Considering the zoning variance, this case satisfies the test of unique physical conditions, consisting of an irregular six sided shape, such that there is no reasonable possibility of developing the property in strict conformance with the code. Considering the Critical Area variance, due to the steep slope features of the site, a strict implementation of the program would result in an unwarranted hardship. To literally interpret the

¹The witness also indicated that the Health Department is waiting on additional information regarding the onsite sewage disposal system.

program would deprive the applicants of rights commonly enjoyed by other properties in similar areas within the Critical Area to be redeveloped with a single-family home. Conversely, the granting of the variance will not confer on the applicants any special privilege that the programs denies to other lands within the Critical Area. There is nothing to suggest that the request is based on circumstances resultant from actions by the applicants; nor does it arise from conditions relating to land use on neighboring property. Finally, with conditions, the granting of the 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.

Considering both variances, I find that the request is the minimum necessary to afford relief. This proposal will reduce the extent of nonconformance. The impact to steep slopes will be minimized with appropriate sediment control devices. The applicants will revegetate where structures are removed and any vegetation which is removed will be replaced in kind. There is nothing to suggest that the granting of the variances 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 conditions in the Order.

ORDER

PURSUANT to the application of David and Linda Crump, petitioning for a

variance to permit a dwelling with less setbacks and on steep slopes; and

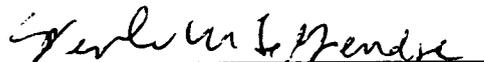
PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 12th day of July, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** the following variances to permit a replacement dwelling in accordance with the site plan:

1. A variance of 10 feet to the 20-foot rear property line setback.
2. A variance to disturb steep slopes.

The foregoing variances are subject to the following conditions:

- A. Any vegetation which is removed shall be replace in kind.
- B. Areas where structure are removed shall be revegetated.
- C. The applicants shall provide sediment and erosion control as directed by PACE.
- D. The building permit shall be subject to the approval of the Health Department.


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:



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

May 3, 1999

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

RE: Variance 1999-0180-V, David and Linda Crump

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The property owners have applied for a variance to permit a dwelling with less setbacks and in steep slopes. The property is currently developed with a single family dwelling (to be demolished) and is Buffer Exempt.

This office has no comment on the setback issue. With regard to the impact to steep slopes, it appears that the new house will be placed primarily on the footprint of the existing house. Impacts to the steep slopes should be minimized as much as possible, especially during demolition of the existing house. Any vegetation which is removed should be replaced in kind. In addition, areas where structures are removed should be revegetated wherever possible.

Please note that the location of the proposed parking area is not shown on the site plan. In addition, the narrative statement says that the total area of on-site construction will be roughly 35600 square feet. As the lot area is only 7351 square feet, this should be clarified and corrected.

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: AA222-99

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

NOTIFICATION OF PROJECT APPLICATION

Jurisdiction: ANNE ARUNDEL Date: 3.30.99

Name of Project (site name, subdivision name, or other): 308 SEVEN ROAD

Local case number: _____

Project location/Address: 308 SEVEN ROAD CROWNSVILLE MD 21032

Tax map# 38 Block# 5 Lot# 21-23 Parcel# 24

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
- OTHERS _____

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
- OTHERS _____

Describe Proposed use of project site: SINGLE FAMILY DWELLING

SITE INVENTORY OF AREA ONLY IN THE CRITICAL AREA

TOTAL ACRES IN CRITICAL AREA: 7531 SF

IDA ACRES	_____	AREA DISTURBED:	<u>3500</u>
LDA ACRES	<u>7531 SF</u>	# LOTS CREATED:	_____
RCA ACRES	_____	# DWELLING UNITS:	<u>1</u>
AGRICULTURAL LAND:	_____		

EXISTING FOREST/WOODLAND/TREES: 4000 FOREST/WOODLAND/TREES REMOVED: 0
 FOREST/WOODLAND/TREES CREATED: 314

EXISTING IMPERVIOUS SURFACE: 1052 SF PROPOSED IMPERVIOUS SURFACE: 1366 SF
 TOTAL IMPERVIOUS SURFACE: 1366 SF

GROWTH ALLOCATION DEDUCTED: _____

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

RECEIVED

APR 29 1999

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

CHESAPEAKE BAY
 CRITICAL AREA COMMISSION



J. Mayer
ARCHITECTS

Joseph G. Mayer, AIA, Principal

20 Loretta Avenue, Annapolis, MD 21401
(410) 266-9560 Fax: (410) 266-9561

11554 S. Somerset Avenue, Princess Anne, MD 21853
Telephone/Fax: (410) 651-1140

Variance Application for 308 Severn Road
David and Linda Crump
March 30, 1999

Critical Area Specifications

Acreage of Lot: 7351 SF
Zoning: R-5 (LDA- buffer exempt)

Impervious Area before Construction: 1052 SF (14%)
Impervious Area after Construction: 1366 SF (19%)
Allowable Impervious Area: 2338 SF (31.8%)

Acreage of Wooded Area: 4000 SF +/-
No woodland is anticipated to be removed

RECEIVED

APR 29 1999

CHESAPEAKE BAY
CRITICAL AREA COMMISSION



Variance Application for 308 Severn Road

David and Linda Crump

March 30, 1999

Critical Area Information

Variance Request

Reduction of the required rear yard setback requirement from 20 ft. to 10 ft. in an R-5 zoning district as required in Section 2-506 of the Anne Arundel County Zoning Code for the construction of a new single family dwelling

Narrative Statement

This property presently contains an existing one story dwelling which is planned to be demolished for the construction of a new dwelling as depicted in the proposed site plan. We plan to site the new house further up the hill away from an existing 5 ft. diameter tree and further away from the waters of Round Bay.

This lot falls within the Chesapeake Bay Critical Area. It is not waterfront but it is across the street from lots that border on Round Bay. This property is critical area zoned LDA and is buffer exempt. The property contains several large mature trees and no woodland it anticipated to be removed as part of this construction.

The total area of on-site construction will be roughly 35600 SF and all excavated material will be taken off site upon excavation. The majority of the construction occurs in the footprint of the existing house that is to be removed. Sediment and erosion control measures will be utilized in accordance with the grading permit review. increases to the net impervious area on-site will be limited to an increased foot area and the installation of a graded parking pad.

In general, the local wildlife is limited to small animals, mostly mice, squirrels, and raccoons.

Kevin P. Dooley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the property is located in an older summer community and is well below the minimum standards for the current zoning. The lot is only 47 feet wide. The new garage addition will maintain the same west side building line as the existing garage. In the circumstances, he supported the application, conditioned on mitigation (planting or fee-in lieu) equal to the amount of new impervious surfaces and approval by the Health Department.

Mr. Smeltz testified that the applicants have owned the property since 1988 and occupied it as their primary residence since 1990. The dwelling was renovated in 1990 with the site substantially reforested. There is little opportunity for any additional plantings. The new addition will be a single story and served by electricity only. The entire structure will be utilized as a hobby/woodworking shop. The witness indicated that there is a small shed on the property to the west at a distance of about 10 feet from the common property line. He stated that the neighbors do not oppose the application. There was no opposition at the hearing.

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 well below the minimum area and width for the R-2 district. In the circumstance, there is no reasonable possibility of developing the property in strict conformance with the code. I further find that the variance is the minimum necessary to afford relief. The applicants are removing a smaller shed addition which is closer to the side property line. The replacement

addition will maintain the same setback as the rest of the garage. There is 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 conditions in the Order.

ORDER

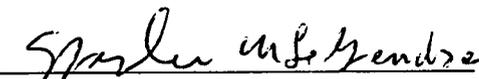
PURSUANT to the application of Paul and Verna Smeltz, petitioning for a variance to permit an accessory structure with less setbacks than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 12th day of July, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** a variance of seven feet to the 10-foot west side property line setback to permit a one-story 14' X 19' garage addition.

The foregoing variance is subject to the following conditions:

1. The applicants shall provide mitigation on a 1:1 ratio based on the amount of new impervious surface created (plantings or fee-in lieu).
2. The building permit shall be subject to review and approval by the Health Department.


Stephen M. LeGendre
Administrative Hearing Officer

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

May 6, 1999

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

Re: Paul & Verna Smeltz
1999-0181-V

Dear Mr. Dooley:

I have received the above-referenced request to permit an addition to an existing garage that will require less setbacks. This office has no comment regarding the setback issue. However, the lot is mapped as an Intensely Developed Area that requires the applicant to meet the 10% Pollutant Reduction Rule. On a lot of this size, native plantings are sufficient.

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, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 223-99

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



March 31, 1999

Re: Request for a Variance
Paul W. Smeltz
1686 Twickenham Road
Pasadena, MD 21122

Critical Area Report

1. A variance is needed to obtain a building permit to demolish a 6' x 12' shed, then build a 14' x 19' addition to extend the existing garage/workshop. The proposed workshop will be three (3) feet from the property line on one side.
2. Vicinity Map (see attached)
3. Narrative Statement
 - a) Trees: two (2) chestnut and one (1) sassafras.
 - b) The existing structure is next to the driveway that is pitched towards the common area (vacant lot) for rainwater runoff and the proposed structure will use the same system for rainwater runoff.
 - c) The proposed structure will use a post and beam foundation, will have minimal excavation and all dirt will be hauled away.
 - d) Sq. ft. of trees and flower gardens: 645
Sq. ft. to be disturbed: 194
Total impervious coverage before: 2,698 sq. ft.
Total impervious coverage after: 2,964 sq. ft.
Lot size: 7,050 Sq. ft.
 - e) Habitat protection areas: none
4. Plan (see attached)
5. Notification of Project Application (see attached)