

USA-S-1829-195

AA 510-99  
VAR

Haskell, Sandra  
99-0381

RC letter 10/14/99

510-99

**RECEIVED**

NOV 23 1999

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

**CASE NUMBER 1999-0381-V**

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**IN RE: SANDRA HASKELL**

**THIRD ASSESSMENT DISTRICT**

**DATE HEARD: NOVEMBER 18, 1999**

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**ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER**

**ZONING ANALYST: PATRICIA A. MILEY**

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**DATE FILED: NOVEMBER 19, 1999**

## **PLEADINGS**

Sandra Haskell, the applicant, seeks a variance (1999-0381-V) to permit a deck with less setbacks and buffer than required on property located along the northeast side of River Bank Court, east of Hilltop Road, Baltimore.

## **PUBLIC NOTIFICATION**

The case was advertised in accordance with the provisions of the County Code. Ms. Haskell testified that the property was posted for 14 days prior to the hearing.

## **FINDINGS AND CONCLUSIONS**

The applicant owns a condominium townhouse known as 1362 Riverbank Court in the subdivision of Stoney Beach, Baltimore. The property comprises 1,480 square feet and is zoned R-5 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). The applicant proposes to construct a 16' X 18' rear deck addition within 50 feet of the Patapsco River.

The Anne Arundel County Code, Article 28, Section 1A-104(a)(1) requires a minimum 100-foot buffer landward from the mean high-water line of tidal waters. Accordingly, the proposal necessitates a variance of 50 feet.

Patricia A. Miley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the site was approved with the buffer running through the townhouse grouping. Absent a variance, a deck would not be allowed.

She indicated that the proposal is consistent with other variances in the neighborhood. The requirement for mitigation was explained to the applicants. There was no adverse testimony at the hearing.

Upon review of the facts and circumstances, I find and conclude that the application satisfies the variance standards set forth in Section 11-102.1. This includes both the Critical Area standards under subsection (b) as well as the general standards under subsection (c). As noted, this office has approved a series of similar requests in the same community. See, by way of example, Cases Number 1999-0128-V and 1999-0130-V. The approval shall be subject to mitigation at a 3:1 ratio.

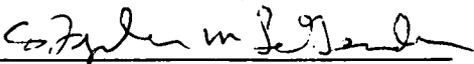
### ORDER

PURSUANT to the application of Sandra Haskell, petitioning for a variance to permit a deck with less setbacks and buffer 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 19<sup>th</sup> day of November, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a variance of 50 feet to the required 100-foot Critical Area buffer to permit a 16' X 18' deck. The approval is subject

to mitigation of native species at a 3:1 ratio.

  
Stephen M. LeGenre  
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

October 14, 1999

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

RE: Variance 1999-0381-V, Sandra Haskell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit decks with less Buffer than required.

Because the attached decks are of reasonable size, this office does not oppose the variance requested. Mitigation in the form of native plantings should be performed at a 3:1 ratio for the disturbance within the 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,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler  
Natural Resources Planner

cc: AA510-99

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



DATE: 09/14/1999  
TIME: 14:35:48

ANNE ARUNDEL COUNTY, MARYLAND  
PACE ZONING APPLICATION SYSTEM  
CREATE APPLICATION REQUEST

PROGRAM ID: PNZ020C  
SCREEN ID: PNZMS20

AA510-99

APPLICATION TYPE	VARIANCE	MAP	BLK	PARCEL	LOT	SQFT	TYPE
CASE NUMBER	TAX ACCT NBR	11	10	0275		1480.0	U
1999-0381-V	3771-9010-0104						
APPLICANT NAME	HASKELL, SANDRA	APPLICATION DATE		09/14/1999			
CLASS RESPRN	STANDARD SETBUF	APPLICATION FEE		125.00			
ANALYST	LSS STATUS OPEN	DECISION		COURT APPEAL			
OWNER NAME/ADDRESS/PHONE	PROPERTY DESCRIPTION						
HASKELL, SANDRA S	IMPSU 355 BLD 52 PH 61						
1362 RIBER BANK CT	1362 RIVER BANK CT						
UNIT 355	STONEY BEACH CONDO						
BALTIMORE	MD 21286	TELEPHONE					
PROPERTY LOCATION	20 FEET OF FRONTAGE ON NE SIDE OF RIVER BANK CT.						
	140 FEET E OF HILLTOP RD.		IN BALTIMORE				
TAX DIST	3	COUNCIL DIST	3	ZONING		R15	
WATERFRONT	N	CORNER LOT	N	CRITICAL AREA: IDA N LDA Y RCA N			
MAPS:	200	ALEX		DEED: LIBER		9061 FOLIO 454	

CLEAR-MENU RECORD SUCCESSFULLY ADDED

DATE: 09/29/1999      ANNE ARUNDEL COUNTY, MARYLAND      PROGRAM ID: PNZ021C  
 TIME: 08:29:08      PACE ZONING APPLICATION SYSTEM      SCREEN ID: PNZMS21  
 UPDATE DESCRIPTION AND RECOMMENDATION DATA

CASE NUMBER      1999-0381-V      APPLICATION TYPE      VARIANCE  
 DESCRIPTION  
 VARIANCE TO PERMIT A DECK WITH LESS SETBACKS AND BUFFER THAN REQUIRED.

*Stoney Beach*  
*R5*

176  
371  
399

RECEIVED

OCT 1 1999

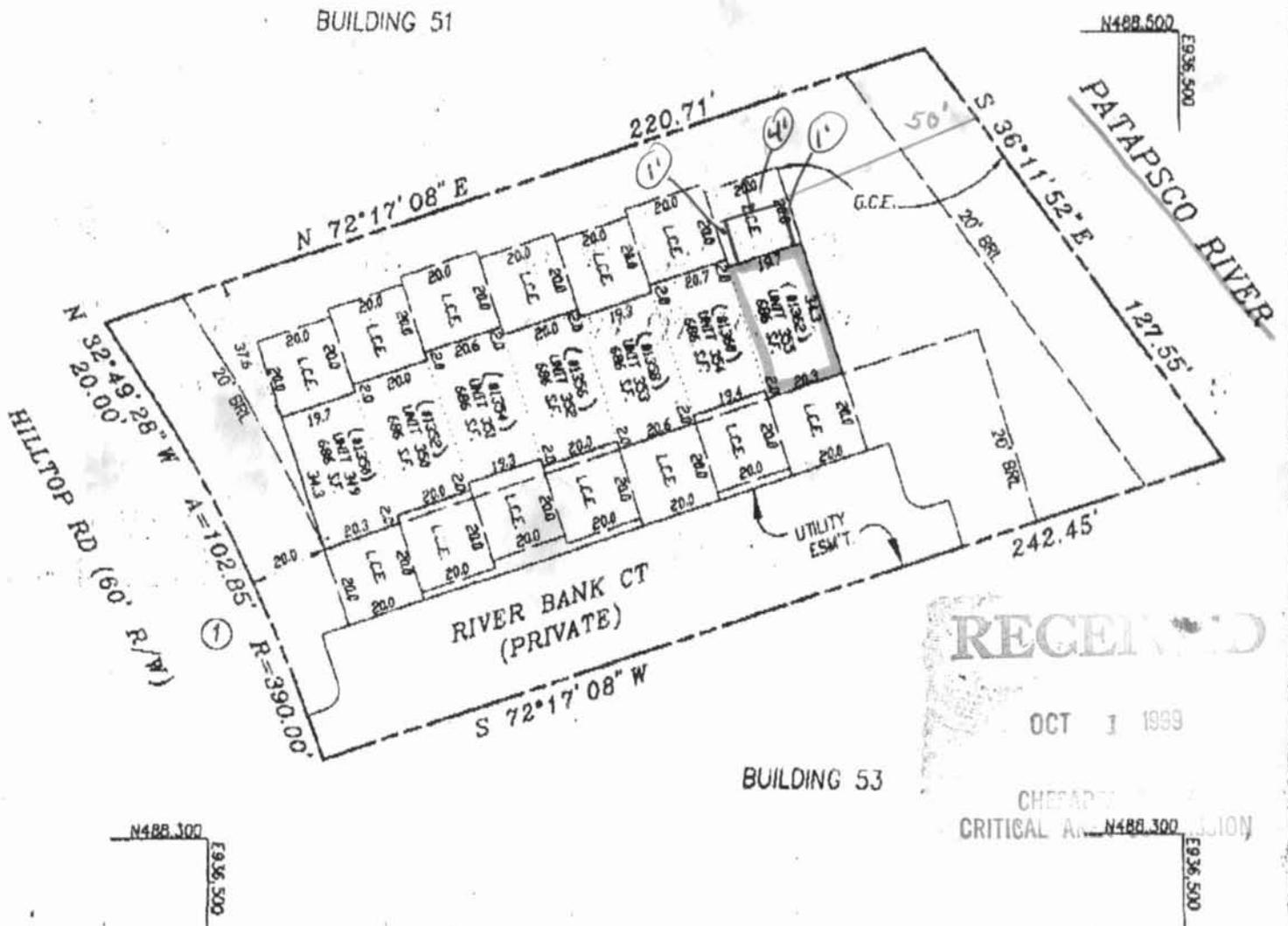
CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

# LAND UNIT 'B'

PHASE 61, BUILDING 52  
27,648 S.F. OR 0.6347 AC.

## CURVE TABLE

#	RADIUS	ARC	$\Delta$	CH. BRG.	CH. L.
1	390.00'	102.85'	15°06'37"	N25°16'10"W	102.55'





## VICINITY MAP

SCALE: 1" = 2000'

## LEGEND:

1) FUTURE PHASES ARE DEFINED BY A DASHED LINE.

2) "SUBDIVIDED UNIT" # (B -61 -52 -349)

B	-	61	-	52	-	349
LAND UNIT LETTER		PHASE #		BLDG #		SUBDIVIDED UNIT #

3) ADDRESS ON RIVERBANK COURT IS THE NUMBER IN PARENTHESIS.

4) L.C.E. (LIMITED COMMON ELEMENTS) DESIGNATED ON THIS PLAT ARE RESERVED FOR THE FOR THE EXCLUSIVE USE OF "SUBDIVIDED UNIT" TO WHICH THEY ARE APPURTENANT.

5) "SUBDIVIDED UNIT" MEANS A THREE-DIMENSIONAL AREA AS DESCRIBED IN THE AMENDED DECLARATION.

6) G.C.E. = GENERAL COMMON ELEMENT.

## NOTES:

1) THE ELEVATIONS SHOWN HEREON ARE BASED ON U.S. COASTAL GEODETIC SURVEY VERTICAL CONTROL DATUM.

2) THE BOTTOM OF EACH SUBDIVIDED UNIT IS AT ELEVATION -20.00.

3) THE TOP OF EACH SUBDIVIDED UNIT IS AT ELEVATION 100.00.

4) THE AREA OF EACH SUBDIVIDED UNIT IS DESIGNATED HEREON AS SF.

5) PHASE SHOWN IS A PORTION OF SUPPLEMENTAL AND AMENDED PLAT  
FOR SUBDIVISION OF RIVERBANK COURT PLAT BOOK 102 PAGE 2

# LAND UNIT 'B'

PHASE 61, BUILDING 52  
27,648 S.F. OR 0.6347 AC.

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