

MSA-S-1829-201

LC  
letter  
10/18/99

DATE: 09/27/1999  
TIME: 15:33:31

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

PROGRAM ID: PNZ020C  
SCREEN ID: PNZMS20

*AA 532-99*

APPLICATION TYPE	VARIANCE						
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	SQFT	TYPE
1999-0390-V	3222-9007-4464	32E	19	0410	1	19424.0	R
APPLICANT NAME	AINSWORTH, RICHARD			APPLICATION DATE	09/27/1999		
CLASS COM	STANDARD	TIME	TYPE	APPLICATION FEE	250.00		
ANALYST	LSD	STATUS	OPEN	DECISION	COURT	APPEAL	
OWNER NAME/ADDRESS/PHONE	CYPRESS COVE GENERAL PTNSHP			PROPERTY DESCRIPTION			
	519 COCKEYSMILL RD			LT 1			
				21 CYPRESS COVE RD			
				CYPRESS COVE ESTATES			
REISTERSTOWN	MD 21136	TELEPHONE					
PROPERTY LOCATION	25 FEET OF		FRONTAGE ON E	SIDE OF RITCHIE HWY.			
	1500 FEET S		OF CYPRESS RD.	IN SEVERNA PARK			
TAX DIST	3	COUNCIL DIST	5	ZONING	R2		
WATERFRONT	Y	CORNER LOT	N	CRITICAL AREA: IDA Y LDA N RCA Y			
MAPS:	200	ALEX		DEED: LIBER	7351	FOLIO	478

CLEAR-MENU RECORD SUCCESSFULLY ADDED  
PF2-HEA PF3-SIG PF5-CNT PF6-COM PF11-FWD

DATE: 09/27/1999  
TIME: 15:35:03

ANNE ARUNDEL COUNTY, MARYLAND  
PACE ZONING APPLICATION SYSTEM  
CREATE DESCRIPTION AND RECOMMENDATION DATA

PROGRAM ID: PNZ021C  
SCREEN ID: PNZMS21

CASE NUMBER	1999-0390-V	APPLICATION TYPE	VARIANCE
DESCRIPTION	VARIANCE TO PERMIT AN EXTENSION IN TIME FOR THE IMPLEMENTATION AND COMPLETION OF A PREVIOUSLY APPROVED SPECIAL EXCEPTION AND VARIANCE.		

*Check the old files*

**RECEIVED**

OCT 13 1999

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

*463-95  
209 98*



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 18, 1999

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

RE: Variance 1999-0390-V, Richard Ainsworth

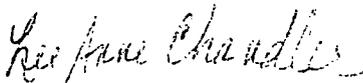
Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved special exception and variance.

Provided that the plans have not changed and site conditions remain the same, this office does not oppose this variance. If the plans change, please forward them to this office for further review.

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: AA532-99

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

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBERS 1999-0390-V

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IN RE: RICHARD AINSWORTH

THIRD ASSESSMENT DISTRICT

DATE HEARD: DECEMBER 7, 1999

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ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: PATRICIA A. MILEY

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DATE FILED: DECEMBER 9, 1999

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DEC 15 1999  
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CRITICAL AREA COMMISSION

## **PLEADINGS**

Richard Ainsworth, the applicant, seeks a variance (1999-0390-V) to permit an extension in the time required for the implementation and completion of a previously approved special exception and variance on property located along the east side of Ritchie Highway, south of Cypress Road, Severna Park.

## **PUBLIC NOTIFICATION**

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

## **FINDINGS AND CONCLUSIONS**

This case concerns property located at 831 Ritchie Highway, Severna Park. The property comprises 3.748 acres and is zoned R-2 residential with a Chesapeake Bay Critical Area designations as Intensely Developed Area (IDA) and Resource Conservation Area (RCA). In Cases No. 1998-0132-S and 1998-0133-V (November 4, 1998), this office conditionally approved a special exception to permit a nursing home facility and variances to permit a nursing home with less lot area, buffer and setbacks than required and a freestanding sign with less setbacks. Under Anne Arundel County Code, Article 28, Section 12-107(a), a special exception is rescinded by operation of law if action to implement the use has not begun within one year and the use is not completed and in

operation within two years. Under Section 11-102.2, a variance becomes void unless a building permit conforming to the plans is obtained within one year of the grant and construction is completed within two years of the grant. On September 27, 1999, the applicant filed a timely request to extend the approvals. He requests an extension to November 4, 2000 to obtain the building permit and November 4, 2001 to complete the project.

Patricia A. Miley, a zoning analyst with the Department of Planning and Code Enforcement, testified that the applicant is diligently pursuing the project, including the preparation of environmental reports, the filing of a grading permit application, a submission to the Maryland Department of Health and Mental Hygiene and an application for financing to Housing and Urban Development. Given the complexity of coordinating the various elements, she supported the extension request.

Mr. Ainsworth testified that the architect has completed the schematic design which must receive the approval of the Maryland Department of Health and Mental Hygiene before the County can issue a building permit. He confirmed that the project is pending approval of a wetlands permit and HUD financing. There was no adverse testimony concerning the extension request.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the code. There has been a sufficient showing of exceptional circumstances, consisting of the complexity of coordinating the various agency approvals, such that a variance is necessary to avoid an

unnecessary hardship and to enable the applicant to develop the lot. I further find that the variance is the minimum necessary to afford relief. The applicant seeks to extend the time to complete by two years. So long as the conditions of the original approval continue to attach, I find 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.

### **ORDER**

PURSUANT to the application of Richard Ainsworth, petitioning for a variance to permit an extension in time for the implementation and completion of a previously approved special exception and variance; and

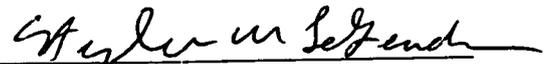
PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 9<sup>th</sup> day of December, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a variance to extend the time to obtain a building permit until November 4, 2000, and the time to complete construction and implement the special exception use until November 4, 2001.

The foregoing variance is subject to the following conditions:

1. The applicant shall not exceed the limits of disturbance depicted on the site plan.

2. The applicant shall satisfy the general notes and the specific notes on the site plan.
3. The final landscape plan shall be subject to approval by the Department of Planning and Code Enforcement.
4. The clearing of forest area shall not exceed 30 percent of the existing forest area.

  
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.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.



NOT FOUND

Parris N. Glendening  
Governor

Kathleen Kennedy Townsend  
Lt. Governor

**Maryland Department of Natural Resources**  
**ENVIRONMENTAL REVIEW**

Tawes State Office Building  
Annapolis, Maryland 21401

November 17, 1999

Sarah J. Taylor-Rogers  
Secretary

Stanley K. Arthur  
Deputy Secretary

Mr. Charles Armstrong  
Maryland Office of Planning  
Maryland State Clearinghouse  
for Intergovernmental Assistance  
301 West Preston Street  
Baltimore, Maryland 21201-2365

RE: Office of Planning Clearinghouse # 990927-1008  
HUD Section 232 Mortgage Insurance for a 52 bed Assisted Living Facility (3.7 acres)  
Kris-Leigh Assisted Living at Cypress Creek  
Severna Park, Maryland  
Cypress Creek Natural Heritage Area, Magothy River

Dear Mr. Armstrong:

Thank you for the opportunity to provide comments on the Kris-Leigh Assisted Living at Cypress Creek project. The applicant has applied for a variance from the Anne Arundel County Critical Area Program (1998-0132-S, 1998-0133-V) and is in the process of applying to the Maryland Department of the Environment for a jurisdictional determination of wetlands in the vicinity of a proposed storm water management outfall (RAMS#200060275). Impacts to the adjacent Cypress Creek Natural Heritage Area are currently under review by the Wildlife and Natural Heritage Division of the Department of Natural Resources.

In correspondence with the applicant (attached), the Department of Natural Resources (DNR) has requested that the applicant show on their plans that they are avoiding impacts to threatened and endangered species. We have specifically requested that the applicant meet the following criteria:

1. The proposed work should not impact vegetation within the 100 foot buffer indicated on the attached map.
2. Infiltration methods should be used to the greatest extent possible to control all stormwater runoff from the proposed development.

Additional documentation showing avoidance of protected species should be sent to Katherine McCarthy, Wildlife and Heritage Division, Tawes State Office Building, E-1, Annapolis, Maryland 21401. If you have any questions concerning the DNR project review, you may contact Kate Meade of my staff at (410) 260-8336.

Sincerely,

Ray C. Dintaman, Jr., Director  
Environmental Review Unit

RCD:CDM

cc: Katherine McCarthy  
Lisa Hoerger

**RECEIVED**

NOV 22 1999

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION

