

AA 535-99  
VAR

Tom, Eva  
99-0400

MSA\_S\_1829-204

LC letter  
10/15/99

DATE: 10/01/1999  
TIME: 13:35:10

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

PROGRAM ID: PNZ020C  
SCREEN ID: PNZMS20

CA  
AA 535-99

APPLICATION TYPE	VARIANCE							
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	ACRES	TYPE	
1999-0400-V	7000-9001-0612	70	07	0003	6A	1.220	R	
APPLICANT NAME	TOM, EVA		APPLICATION DATE		10/01/1999			
CLASS RESPRN	STANDARD	SETBKS	TYPE	DECK	APPLICATION FEE	125.00		
ANALYST	LSD	STATUS	OPEN	DECISION	COURT	APPEAL		
OWNER NAME/ADDRESS/PHONE	PROPERTY DESCRIPTION							
TOM, RICHARD S	1.22 ACRES OR LT 6A							
4002 13TH ST	1668 CEDAR LA							
	PROCTORS SUB							
CHESAPEAKE BEACH	MD 20732	TELEPHONE						
PROPERTY LOCATION	100 FEET OF	FRONTAGE ON E		SIDE OF CEDAR LANE				
	0 FEET S	OF JACKS RD.		IN SHADYSIDE				
TAX DIST	7	COUNCIL DIST	7	ZONING			R1	
WATERFRONT	N	CORNER LOT	Y	CRITICAL AREA: IDA N LDA Y RCA N				
MAPS:	200	ALEX		DEED: LIBER 9396 FOLIO 385				

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

DATE: 10/01/1999  
TIME: 13:35:42

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

PROGRAM ID: PNZ021C  
SCREEN ID: PNZMS21

CASE NUMBER 1999-0400-V APPLICATION TYPE VARIANCE  
DESCRIPTION

variance to permit a deck addition with less setbacks than required.

RECEIVED

OCT 13 1999

CHESAPEAKE BAY  
CRITICAL AREA COMMISSION



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 15, 1999

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

RE: Variance 1999-0400-V, Eva Tom

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks than required. The property is designated LDA and is currently being developed with a single family dwelling.

This office has no comment on the setback issue. However, please note that the percentage of clearing for development of this lot is 22% of the existing forest on site. (This is reflected in the Critical Area Site Tabulations on the most recent site plan.) Clearing at this level should be mitigated at a 1.5 to 1 ratio in accordance with §1A-104(c)(3) of the County Zoning Ordinance. This differs from the condition required in the approval of the variance granted earlier this year.

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: AA535-99

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



178-99

**RECEIVED**

**MAR 15 1999**

**CHESAPEAKE BAY  
CRITICAL AREA COMMISSION**

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

**CASE NUMBER 1999-0042-V**

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IN RE: **EVA TOM**

SEVENTH ASSESSMENT DISTRICT

DATE HEARD: MARCH 9, 1999

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

ZONING ANALYST: **SUZANNE SCHAPPERT**

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DATE FILED: MARCH 11, 1999

## **PLEADINGS**

Eva Tom, the applicant, seeks a variance (1999-0042-V) to permit a dwelling with less setbacks than required on property located along the east side of Cedar Lane, south of Jacks Road, Shady Side.

## **PUBLIC NOTIFICATION**

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

## **FINDINGS AND CONCLUSIONS**

This case concerns unimproved property with a street address of 1668 Cedar Lane, located in the Proctors subdivision, Shady Side. The property comprises 1.22 acres and is zoned R-1 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). The applicant seeks to construct a two-story dwelling to be located 15 feet from the north side property line, the boundary with Jacks Road, a private drive.

The Anne Arundel County Code, Article 28, Section 2-305 requires side yards at least 15 feet wide with a combined width of side yards of 40 feet, except that a corner lot shall have a side building line of 40 feet from and parallel to the side street line or right-of-way. Accordingly, the proposal necessitates a variance of 25 feet.

Suzanne Schappert, a zoning analyst with the Department of Planning and Code Enforcement, testified that this site is a grandfathered lot which is long and narrow and below the minimum width for the district. The private road in question serves as a driveway to another dwelling and a pathway to the water. In view of the constraints of the site, she supported the application, with a series of five conditions.

Ms. Tom testified that the side street setback issue arose late in the development of the property. She contended that the placement of the dwelling is well suited to the community and will maximize the degree of privacy. She expressed a willingness to comply with the conditions requested by PACE.

Gary Carneal, an abutting resident, testified in support of the proposal. There was no opposition.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the code. This case satisfies the test of unique physical conditions, consisting of a lot below the standards for the district with respect to width, such that there is no reasonable possibility of developing the lot in strict conformance with the code. The applicant has minimized the variance necessary to afford relief. The proposal maintains the minimum side setback for the R-1 district. The side street is used as access and a pathway. There was 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. To the

contrary, the evidence indicated that this proposal is consonant with the community and will have no negative impacts. The approval shall be subject to the conditions in the Order.

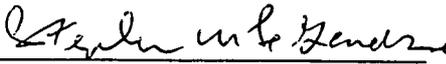
**ORDER**

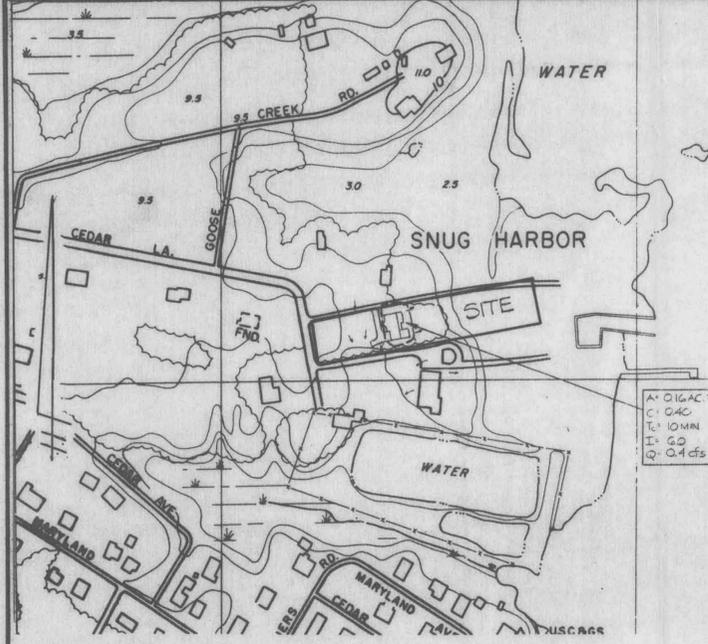
PURSUANT to the application of Eva Tom, petitioning for a variance to permit a dwelling with less setbacks than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 11<sup>th</sup> day of March, 1999,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant's request for a variance of 25 feet to the required 40-foot setback from a side street line is hereby **granted**. The foregoing variance is subject to the following conditions:

1. There shall be no disturbance within the 100-foot buffer.
2. Reforestation shall be required at a 1:1 replacement rate for the total amount of forest/woodland removed.
3. All remaining forest/developed woodland shall be placed into a conservation easement prior to permit approval.
4. Stormwater management shall be provided in a manner acceptable to PACE.
5. The applicant shall be subject to the Floodplain management ordinance.

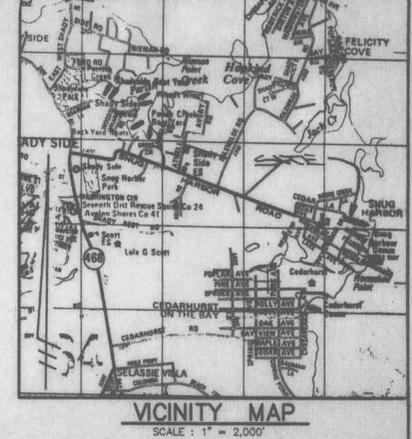
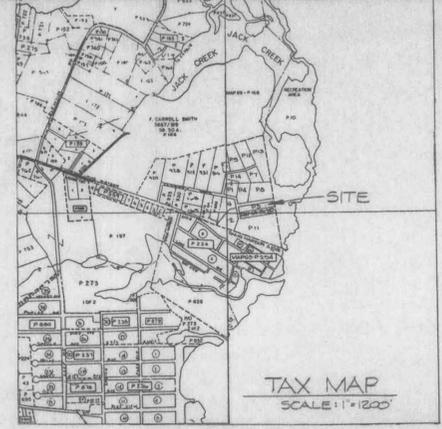
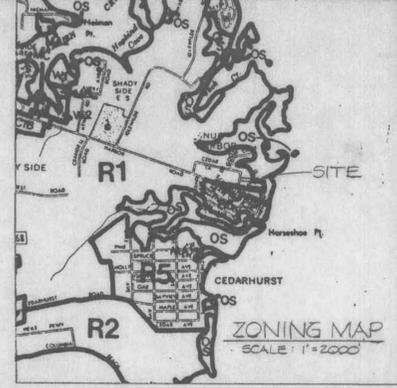
  
\_\_\_\_\_  
Stephen M. LeGendre  
Administrative Hearing Officer



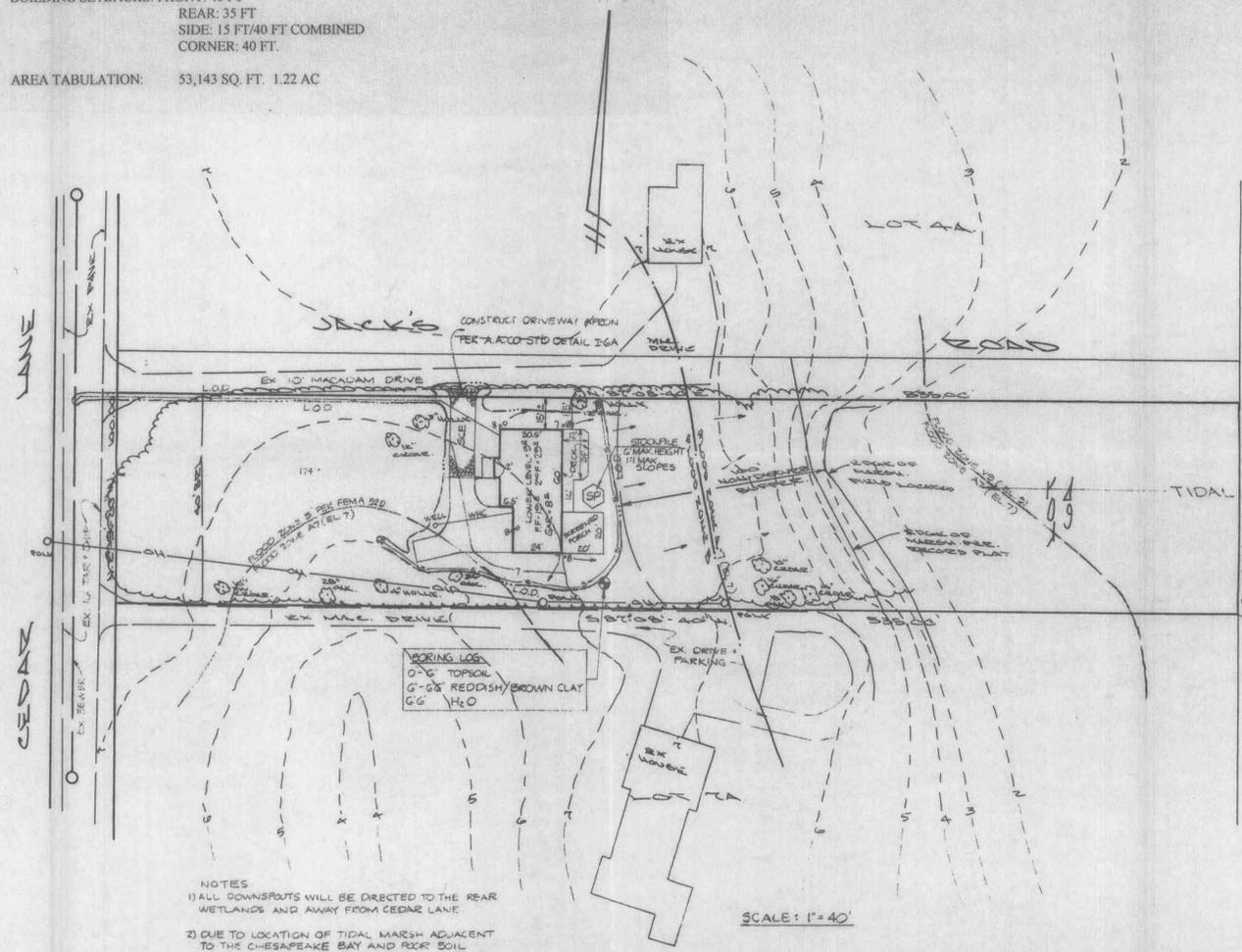
SEWERAGE AREA MAP  
SCALE: 1" = 200'

GENERAL NOTES

- OWNER: EVA I. TOM  
4002 13<sup>TH</sup> STREET  
CHESAPEAKE BEACH, MD 20732  
410-741-5772
- SITE REFERENCE: TAX MAP 70 - BLOCK 7 - PARCEL 3
- DEED REFERENCE:
- TAX ACCOUNT# 7000-9001-0612
- EXISTING ZONING IS R-1
- EXISTING USE IS DWELLING UNDER CONSTRUCTION
- EXISTING USE IS RESIDENTIAL
- UTILITIES: THIS SITE IS SERVED BY PUBLIC SEWER AND PRIVATE WELL.
- BOUNDARY: BOUNDARY INFORMATION IS BASED ON PLAT OF PROCTOR'S HOLDINGS OF CLARY'S HOPE
- STORMWATER MANAGEMENT: (BILL 81-94) - THIS SITE HAS APPROVED VEGETATIVE PLANTINGS SEE G02006984
- BUILDING SETBACKS: FRONT: 40 FT  
REAR: 35 FT  
SIDE: 15 FT/40 FT COMBINED  
CORNER: 40 FT.
- AREA TABULATION: 53,143 SQ. FT. 1.22 AC



- PROPERTY OWNERS WITHIN 175'
- GEORGE U. CARNEAL, III AND TRACI V. CARNEAL  
1670 CEDAR LANE  
SHADY SIDE, MD 20764  
7000-0211-9000  
TAX MAP 70, PARCEL 11
- WILLIAM L. CHEATHAM  
1657 CEDAR LANE  
SHADY SIDE, MD 20764  
7000-9001-0613  
TAX MAP 70, PARCEL 6
- WILDA S. AND TERRY M. KIVETT  
1669 CEDAR LANE  
SHADY SIDE, MD 20764  
7000-0364-9610  
TAX MAP 70, PARCEL 2
- LEO G. AND SHARON J. CAPPS  
1664 CEDAR LANE  
SHADY SIDE, MD 20764  
7000-0070-2900 & 7000-0377-5800  
TAX MAP 70, PARCEL 4 & 8
- RONALD G. & PATRICIA A. HAVELOCK  
1654 CEDAR LANE  
SHADY SIDE, MD 20764  
7000-0197-3200  
TAX MAP 70, PARCEL 1
- GEO W. PROCTOR  
1362 DRIVER ROAD  
MARRIOTTSVILLE, MD 21104  
7000-0378-7000  
TAX MAP 70, PARCEL 10



- NOTES
- 1) ALL DOWNSPOUTS WILL BE DIRECTED TO THE REAR WETLANDS AND AWAY FROM CEDAR LANE.
  - 2) DUE TO LOCATION OF TIDAL MARSH ADJACENT TO THE CHESAPEAKE BAY AND POOR SOIL CONDITIONS STORM WATER MANAGEMENT WILL BE PROVIDED WITH VEGETATIVE PLANTINGS PER MEETING WITH PERMIT APPLICATION CENTER.

CRITICAL AREA SITE TABULATIONS

SITE AREA	53,143 SF (1.22 AC)
FOREST/DEVELOPED WOODLAND	36,143 SF (0.83 AC)
TIDAL MARSH	17,000 SF (0.39 AC)
FOREST CLEARING	8,015 SF (0.18 AC)
PERCENTAGE CLEARING	22%
IMPERVIOUS COVERAGE	3,600 SF (0.08 AC)
PERCENTAGE IMPERVIOUS	6.7%
NO DISTURBANCE IS PROPOSED WITHIN BUFFER.	
NO WOODLAND CLEARING OFFSITE IS PROPOSED.	

- NOTES
1. BUILDING PERMIT NUMBER B02078238.
  2. BENCH MARK - STA. #39 (A.A. CO.) ELEVATION 9.06 FT.
  3. 100 YEAR FLOOD ELEVATION IS 7.0 FEET\*.
  4. SEE FLOOD INSURANCE RATE MAP PANEL 52.
  5. LOWEST FLOOR LEVEL 8.0 ELEVATION.
  6. STRUCTURE TO BE BUILT ON CEMENT BLOCK FOUNDATION.
  7. ALL ELECTRICAL OUTLETS SHALL BE ABOVE THE FIRST FLOOR ELEVATION AND PANEL BOX MINIMUM 1' ABOVE F.F.
  8. ALL ELECTRIC HEAT PANELS SHALL BE ABOVE ELEVATION 8.0.
  9. ALL PLUMBING FIXTURES SHALL BE ABOVE ELEVATION 8.0.
- \* PROPOSED STRUCTURE IS LOCATED WITHIN ZONE "B" AND NOT WITHIN 100 YEAR FLOOD PLAIN.

VARIANCE REQUESTED:

A VARIANCE IS SOUGHT TO ARTICLE 28, SECTION 2-305 TO ALLOW A BUILDING CORNER SETBACK TO BE REDUCED FROM THE REQUIRED 40 FEET TO 15 FEET.

NOTE:

THIS VARIANCE REQUEST IS FOR AN ATTACHED DECK TO THE REAR OF THE DWELLING. A VARIANCE (1999-0042V) WAS GRANTED ON MARCH 11, 1999 FOR THE CORNER SETBACK FOR THE CONSTRUCTION OF THE DWELLING. HOWEVER THE SITE PLAN UTILIZED FOR THAT VARIANCE INDICATED THE WRONG DECK. THE PERMIT APPLICATION CENTER NOTICED THE DIFFERENCE AND IS REQUIRING THE OWNER TO ACQUIRE A VARIANCE FOR THE NEW DECK AS SHOWN ON THIS PLAN. THE HOUSE IS UNDER CONSTRUCTION AT THIS TIME AND THE OWNERS WOULD LIKE TO HAVE THE CONTRACTOR COMPLETE THE DECK AS DESIRED WHILE HE IS ON SITE. SEE BUILDING PERMIT B02078238 AND GRADING PERMIT G02006984.



NO	DESCRIPTION	BY	DATE
REVISIONS			



**ED BROWN & ASSOCIATES, INC.**  
LAND SURVEYORS - LAND PLANNERS  
DEVELOPMENT CONSULTANTS  
1993 MORELAND PARKWAY - SUITE #103  
ANNAPOLIS, MARYLAND 21401  
ANNAPOLIS (410)288-8013 BALTIMORE (410)269-7632

SCALE: AS SHOWN  
DATE: AUGUST 1999  
DRAWN BY: E.A.B.  
CHECKED BY: E.A.B.  
JOB NO: 99-45  
SHEET 1 OF 1

CRITICAL AREA STUDY  
VARIANCE SITE PLAN  
LOT 6A  
PROCTOR'S HOLDINGS  
OF  
CLARY'S HOPE  
SEVENTH DISTRICT  
ANNE ARUNDEL COUNTY, MARYLAND