

MSA-S-1829-214

Comments 11/15/99
JC
Comments 9/13/01
JC

AA-555-99

DATE: 08/08/2001
TIME: 08:52:55

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

PROGRAM ID: PNZ030C
SCREEN ID: PNZMS30

APPLICATION TYPE	VARIANCE						
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	SQFT	TYPE
2001-0312-V	3115-9003-6125	32	24	0415	76	15625.0	E
APPLICANT NAME	ARUNDEL COMMUNITY DEVELOPMENT			APPLICATION DATE	08/02/2001		
CLASS	RESPRN	STANDARD	SETBUF	TYPE	APPLICATION FEE	0.00	
ANALYST	PAM	STATUS	OPEN	DECISION	COURT	APPEAL N	
OWNER NAME/ADDRESS/PHONE	ANNE ARUNDEL COUNTY			PROPERTY DESCRIPTION			
	SANITARY COMMISSION			LTS 76TO80 BK E PL A			
	PO BOX 2700			SHERMAN AVE			
	ANNAPOLIS			BELVEDERE BCH/HARMONY PT			
		MD 21404	TELEPHONE	410-222-7608			
PROPERTY LOCATION	125 FEET OF FRONTAGE ON S SIDE OF SHERMAN AVENUE						
	400 FEET SE OF HARMONY AVENUE IN ARNOLD						
TAX DIST	3	COUNCIL DIST	3	ZONING	R5		
WATERFRONT	N	CORNER LOT	N	CRITICAL AREA: IDA Y LDA N RCA N			
MAPS:	200	ALEX		DEED:	LIBER	00997	FOLIO 305

DATE: 08/08/2001
TIME: 08:53:09

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

PROGRAM ID: PNZ031C
SCREEN ID: PNZMS31

CASE NUMBER	2001-0312-V	APPLICATION TYPE	VARIANCE
DESCRIPTION	VARIANCE TO PERMIT A DWELLING WITH LESS SETBACKS AND BUFFER THAN REQUIRED.		

RECOMMENDATIONS

CLEAR-MENU
 PF1-MST PF2-HEA PF3-SIG PF6-COM PF11-FWD PF12-BCK
 4-© 1 Sess-1 189.9.9.4 PA10 1/1

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

September 13, 2001

Ms. Ramona Plociennik
Anne Arundel Office of Planning & Zoning
3664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0312-V, Arundel Community Development

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated IDA and is currently undeveloped.

This application appears identical to the previous variance granted on this property (1999-0417-V). This office does not oppose the siting of a single family dwelling on this property. Impacts should be minimized as much as possible. In this case, because the lots are bisected by the Critical Area line, that would mean building primarily on the non-Critical Area portion of the site. As proposed, the house is located 28 feet from the western side property line. Given a minimum setback of 7 feet in an R5 district, would it be possible to move the house closer to that side property line? Some disturbance may occur within the Critical Area, but it would be less than is currently proposed. Also, because these lots are designated IDA, the 10% pollutant reduction rule must be addressed.

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 request. 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: AA555-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

November 15, 1999 45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

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

RE: Variance 1999-0415-V, Arundel Community Development

Dear Mr. Dooley:

Thank you for providing information on the above-referenced subdivision. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and with less setbacks and Buffer than required. The property is designated IDA and was once the site of a water-treatment plant. All above ground structures have been removed, though from the site plan it appears that the foundation remains.

Provided the lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. Impacts should be minimized as much as possible. In this case, because the lots are bisected by the Critical Area line, that would mean building primarily on the non-Critical Area portion of the site. As proposed, the house is located 28 feet from the western side property line. Given a minimum setback of 7 feet in an R5 district, would it be possible to move the house closer to that side property line? Some disturbance may occur within the Critical Area, but it would be less than is currently proposed. Also, because these lots are designated IDA, the 10% pollutant reduction rule must be addressed.

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: AA555-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2001-0312-V

IN RE: ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC.

THIRD ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 6, 2001

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

RECEIVED

ZONING ANALYST: **SUZANNE DIFFENDERFER** NOV 9 2001

CHESTERBAY BAY
CRITICAL AREA COMMISSION

DATE FILED: NOVEMBER **8**, 2001

PLEADINGS

Arundel Community Development Services, Inc., the applicant, seeks a variance (2001-0312-V) to permit a dwelling with less buffer than required on property located along the south side of Sherman Avenue, southeast of Harmony Avenue, Arnold.

PUBLIC NOTIFICATION

The case was advertised in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175' of the property was notified by mail, sent to the address furnished with the application. Joseph DuBose, a construction specialist in the applicant's employ, testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that the requirements of public notice have been satisfied.

FINDINGS AND CONCLUSIONS

This case concerns the same property the subject of two prior decisions by this office. In Cases Nos. 1999-0415-V (January 6, 2000) and 1997-0037-V (January 15, 1998), the applicant received an original and a second approval to construct a single-family dwelling within the 100-foot Chesapeake Bay Critical

Area buffer to a tributary stream. The second approval having expired like the original approval, the same application has been refiled for the third time.

Suzanne Diffenderfer, a zoning analyst with the Office of Planning and Zoning, testified in support of the request. She provided minor clarification that the limit of disturbance for the dwelling is 30 feet from the stream within the expanded buffer to steep slopes.

Mr. DuBose testified that the project is ready to proceed with a builder under contract. There was no public testimony concerning the application.

Upon review of the facts and circumstances, including the prior decisions by this office, I will again grant the requested relief. The prior Orders have been modified consistent with the refinements offered by Ms. Diffenderfer. In view of the IDA designation, I have included the condition that the project is subject to the 10 percent pollutant reduction requirement.

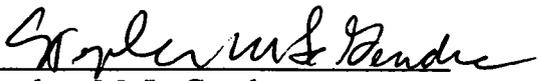
ORDER

PURSUANT to the application of Arundel Community Development Services, Inc., petitioning for a variance to permit a dwelling with less 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 8 day of November, 2001,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a variance in the amount of 70 feet for the limits of disturbance and a variance to disturb steep slopes to permit a dwelling in accordance with the site plan.

The foregoing variance is subject to the condition that the applicant shall address the 10 percent pollutant requirement to the satisfaction of the Permit Application Center.


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:

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.

762-94

RECEIVED

JAN 11 2000

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0417-V

IN RE: **ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC.**

THIRD ASSESSMENT DISTRICT

DATE HEARD: JANUARY 4, 2000

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

ZONING ANALYST: **PATRICIA A. MILEY**

DATE FILED: JANUARY 6, 2000

PLEADINGS

Arundel Community Development Services, Inc., the applicant, seeks a variance (1999-0415-V) to permit a dwelling with less buffer than required on property located along the south side of Sherman Avenue, east of Harmony Avenue, Arnold.

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. Chris Smith, an employee of ACDS, testified that the property was posted for 14 days prior to the hearing.

FINDINGS AND CONCLUSIONS

This case concerns an unimproved R-5 lot (15,625 square feet) on Sherman Avenue in the subdivision of Harmony Point, Arnold. The property lies within the Chesapeake Bay Critical Area with a designation as Intensely Developed Area (IDA). In Case No. 1997-0373-V, this office approved a buffer variance of 62 feet to the required 100-foot setback from a tributary stream. Because the applicant did not obtain a building permit within one year, the variance lapsed. See, Anne Arundel County Code, Article 28, Section 11-102.2. ACDS has filed a new request for the same relief.

Patricia A. Miley, a zoning analyst with the Department of Planning and Code Enforcement, testified that an abandoned water treatment plant was removed

from the site in 1995. The Critical Area boundary bisects the site, which is also impacted by steep slopes. Given these features, the property cannot be developed absent a variance. The witness was satisfied that the applicant has sized the proposed dwelling to minimize the extent of the relief.

Mr. Smith testified that the applicant's development of the site was held up by the subdivision of larger properties and the resolution of community concerns. The proposed dwelling will result in less impervious coverage than the old water treatment plant and does not require the removal of any trees.

Dorothy Dempsey, who lives adjacent to the site, testified that the steep ravine is a detriment to the community. Mr. Smith indicated that the County is performing a drainage study to identify capital improvements anticipated for July 2001. Claire Papenberg, another neighbor, sought and received assurances that the zoning setbacks will be met.

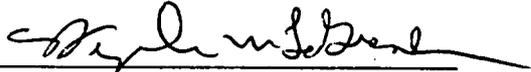
Upon review of the facts and circumstances, including the prior decision by this office, I again find and conclude that the requested relief should be granted. In this regard, I adopt the findings of the prior decision that the variance standards have been satisfied.

ORDER

PURSUANT to the application of Arundel Community Development Services, Inc., petitioning for a variance to permit a dwelling with less 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 6 day of January, 2000,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a buffer variance of 62 feet to the required 100-foot setback.


Stephen M. LeGendre
Administrative Hearing Officer

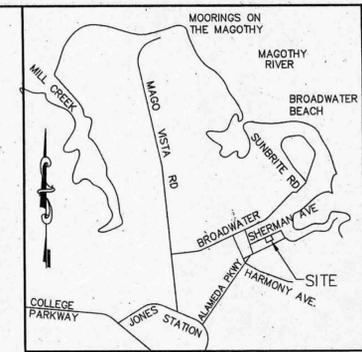
NOTICE TO APPLICANT

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:

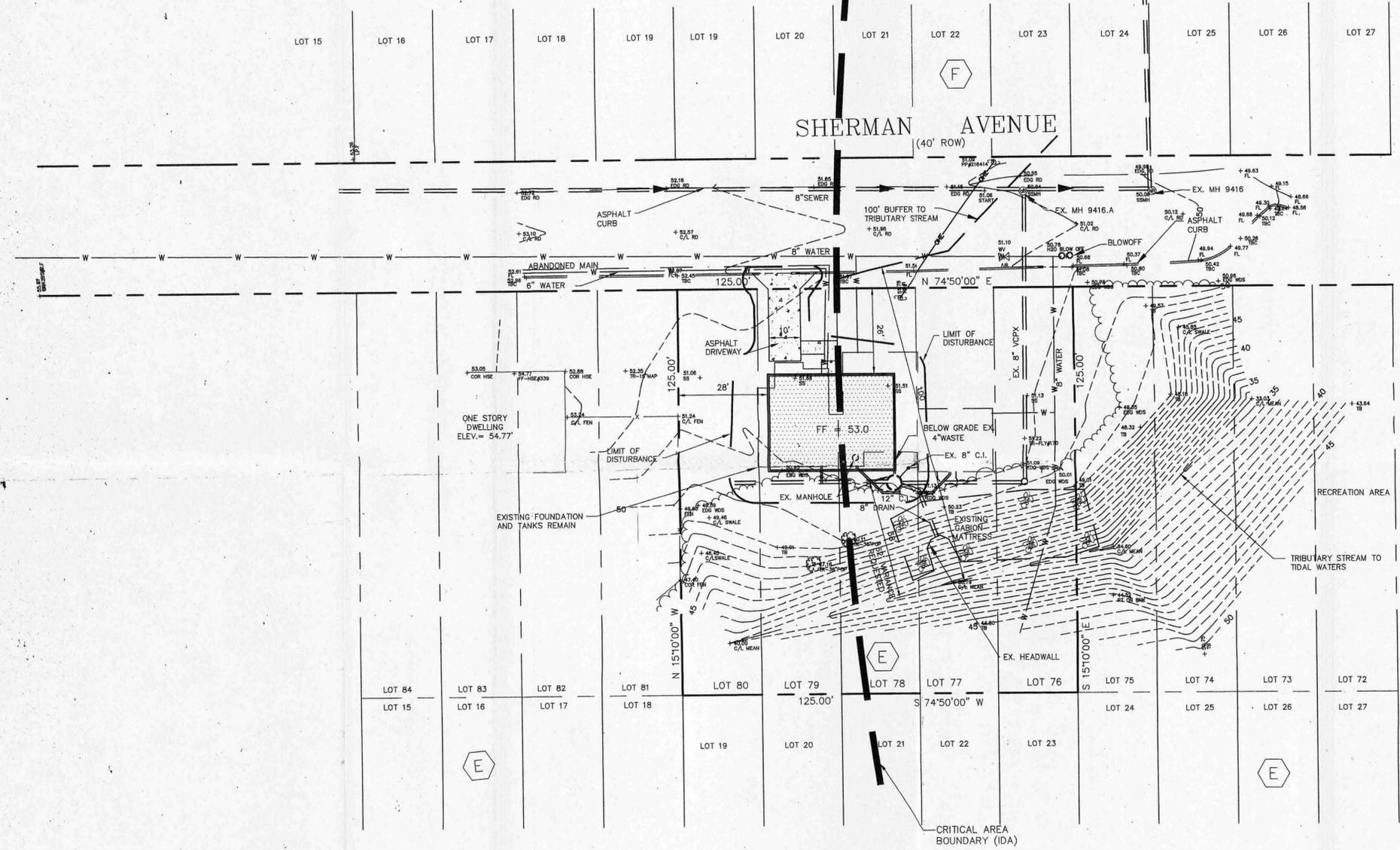
A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

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



VICINITY MAP
SCALE: 1"=2000'

RECEIVED
SEP 4 2001
CHESAPEAKE BAY
CRITICAL AREA
COMMISSION



- NOTES:**
1. TOPOGRAPHY PROVIDED BY POST, BUCKLEY, SCHUH, AND JERNIGAN, JULY 1997. BOUNDARY LINES SHOWN HEREON ARE FOR CONVENIENCE ONLY. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.
 2. SUBSURFACE UTILITIES SHOWN HEREON WERE TAKEN FROM BEST AVAILABLE RECORDS. NO TEST PITS OR SUBSURFACE INVESTIGATIONS WERE PERFORMED AS PART OF THIS WORK.
 3. A WATER TREATMENT FACILITY WAS PREVIOUSLY LOCATED ON THIS SITE, THE OUTLINES OF WHICH ARE SHOWN ON THIS PLAN. PER MATT MIRENZI OF ANNE ARUNDEL COUNTY WATER FACILITY OPERATIONS, THE BUILDING AND ALL ASSOCIATED MANHOLES AND WATER SEWER PIPING FOUND WITHIN 2' OF THE SURFACE WERE REMOVED CIRCA 1995. MANY PARTS OF THE FORMER WATER TREATMENT FACILITY LOCATED 2' OR MORE BELOW GRADE, INCLUDING BUILDING FOUNDATIONS, MANHOLES, WATER/SEWER PIPING, AND SETTLING TANKS, REMAIN ON THE PROJECT SITE.

ZONING: R5
FRONT YARD : 25 FEET
REAR YARD : 20 FEET
SIDE YARD : 7' MIN. COMBINATION 20'. SIDE YARD FOR CORNER LOT SHALL BE AT LEAST 20' FROM AND PARALLEL TO THE SIDE STREET LINE OR RIGHT OF WAY.

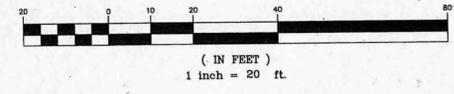
SITE TABULATIONS

SITE AREA:	15,825 S.F.	0.359 AC.
*SITE AREA WITHIN CRITICAL AREA:	8,750 S.F.	0.201 AC.
TOTAL DISTURBED SITE AREA:	3,350 S.F.	0.077 AC.
CRITICAL AREA TO BE DISTURBED:	1,350 S.F.	0.031 AC.
DISTURBED AREA TO BE VEGETATIVELY STABILIZED:	1,850 S.F.	0.042 AC.
CRITICAL AREA TO BE VEGETATIVELY STABILIZED:	840 S.F.	0.019 AC.
DISTURBED AREA TO BE STRUCTURALLY STABILIZED:	1,500 S.F.	0.034 AC.
CRITICAL AREA TO BE STRUCTURALLY STABILIZED:	510 S.F.	0.012 AC.
*PREDOMINANT SOIL TYPE = EVESBORO - URBAN LAND COMPLEX		

LEGEND

EXISTING SPOT ELEVATION	+227.46
EXISTING CONTOUR	(dashed line)
WATER VALVE	(W symbol)
POWER POLE	(P symbol)
TREE	(T symbol)
SANITARY SEWER MANHOLE	(S symbol)
EX. WATERLINE	(W symbol)
EX. SANITARY SEWER LINE	(S symbol)

GRAPHIC SCALE



DESIGNED BY: MWE		DATE: 8/97		REVISIONS	
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

DRUM, SNELL & ASSOCIATES, LC
CIVIL ENGINEERS
ONE STATE CIRCLE
ANNAPOLIS, MARYLAND 21401
410-280-3122

OWNER/DEVELOPER
A.A. Co. DEPARTMENT OF PUBLIC WORKS
1 HARRY S. TRUMAN PARKWAY
ANNAPOLIS, MD 21401

VARIANCE PLAN
LOTS 76-80 SHERMAN AVENUE
HARMONY POINT BLOCK E
TAX ACCT. NO. 3-115-9003-6125
TAX MAP 32 GRID 24 PARCEL 415 3RD DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1" = 20' DATE: SEPT 1997 FILE NO. SA-05297 SHEET 1 OF 1