

AA 645-99
VAR

Meizner, Charles
99-0465

MSA_S-1829-239

*LC Meizner
1/27/00*

645-99

RECEIVED

FEB 15 2000

**CHESAPEAKE BAY
CRITICAL AREA COMMISSION**

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 1999-0469-V

IN RE: CHARLES AND MARY JO MEIZNER

FIRST ASSESSMENT DISTRICT

DATE HEARD: FEBRUARY 8, 2000

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: SUZANNE DIFFENDERFER

DATE FILED: FEBRUARY 10, 2000

PLEADINGS

Charles and Mary Jo Meizner, the applicants, seek a variance (1999-0469-V) to permit a dwelling, stormwater management, septic tank, driveway and well with less setbacks and buffer than required on property located along the east side of Kenney Court, north of Kenney Lane, Edgewater.

PUBLIC NOTIFICATION

The case was advertised in accordance with the provisions of the County Code. Mr. Meizner 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 3303 Kenney Court, in the subdivision of Turnbull Estates, Edgewater. The property comprises 44,956 square feet and is zoned R-1 Residential. It lies within the Chesapeake Bay Critical Area's Limited Development Area (LDA) and Resource Conservation Area (RCA). The applicants seek to develop the property with a single-family dwelling and appurtenances within the tidal wetlands buffer and the expanded buffer due to hydric soils. This property was before this office in Case No. 1998-0195-V(August 7, 1998). The order approved variances to permit a single-family dwelling, a septic tank, a well and a driveway within the expanded buffer for hydric soils and a stormwater management facility within the 100-foot

buffer. The approval has expired. Accordingly, the applicants have renewed the request.

Suzanne Diffenderfer, a zoning analyst with the Department of Planning and Code Enforcement, testified that a portion of the delay in the development of this site is attributable to a minor subdivision lot line change. These applicants initially sought to increase the footprint of the dwelling as compared to the footprint approved in 1998. Following adverse comments from the environmental agencies, they reverted to the previously approved plan. In the circumstances, the witness supported the application, conditioned on mitigation at a 3:1 ratio for all disturbance within the buffer.

James Ruff, the applicants' consulting engineer, confirmed the chain of events, as well as their understanding of the mitigation. There was no adverse testimony at the hearing.

Upon review of the facts and circumstance, I find and conclude that the applicants are entitled to relief from the code. In this regard, I incorporate by reference the findings and conclusion of the prior decision. The approval is again subject to the same mitigation.

ORDER

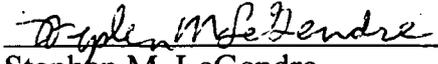
PURSUANT to the application of Charles and Mary Jo Meizner, petitioning for a variance to permit a dwelling, stormwater management, septic tank, driveway and well with less setbacks and buffer than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 10th day of February, 2000,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are hereby **granted** the following variances:

1. A variance to permit a single-family dwelling within the expanded buffer for hydric soils;
2. A variance to permit a stormwater management facility within the 100-foot Critical Area buffer;
3. A variance to permit a septic tank within the expanded buffer for hydric soils;
4. A variance to permit a well within the expanded buffer for hydric soils; and
5. A variance to permit a driveway within the expanded buffer for hydric soils.

The foregoing variances are subject to the conditions that the applicants shall adhere to the previously approved site plan and shall provide mitigation at a 3:1 ratio with native plantings for new disturbance to the buffer.



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.



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

January 27, 2000

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

RE: Variance 1999-0469-V, Charles & Mary Jo Meizner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling, stormwater management, septic tank, driveway and well with less setbacks and Buffer than required. The property has a split designation of LDA and RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. This office understands that a previous variance was granted in 1998 to permit a dwelling on this lot, based on a different site plan. The currently proposed dwelling has nearly twice the footprint of the previously approved dwelling. This office recommends that the house be redesigned and the footprint made smaller in order to minimize impacts to the Buffer. Perhaps if the footprint were made smaller, the stormwater management facility could also be made smaller, further minimizing impacts. As proposed, the development would require clearing 43% of the forest on site, with disturbance as close as 20 feet from the edge of tidal wetlands. As stated above, we do not oppose the siting of a single family dwelling on this lot, however it appears that impacts could be further reduced. Mitigation should be provided at a 3:1 ratio for all 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,

LeeAnne Chandler
Natural Resources Planner

cc: AA645-99

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



DATE: 12/09/1999
TIME: 10:50:21

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

PROGRAM ID: PNZ020C
SCREEN ID: PNZMS20

AA645-99

APPLICATION TYPE	VARIANCE							
CASE NUMBER	TAX ACCT NBR	MAP	BLK	PARCEL	LOT	ACRES	TYPE	
1999-0469-V	1871-9010-0180	56	20	0136	57RA	1.030	R	
APPLICANT NAME	MEIZNER, CHARLES & MARY JO			APPLICATION DATE		12/01/1999		
CLASS RESPRN	STANDARD	SETBUF	TYPE	APPLICATION FEE		125.00		
ANALYST KPD	STATUS	OPEN	DECISION	COURT		APPEAL		
OWNER NAME/ADDRESS/PHONE				PROPERTY DESCRIPTION				
MEIZNER, CHARLES A				LT 57RA SC 2				
3301 KENNEY CT				3303 KENNEY CT				
				TURNBULL ESTATES				
EDGEWATER	MD 21037	TELEPHONE	410-798-4683					
PROPERTY LOCATION	153 FEET OF	FRONTAGE ON E		SIDE OF KENNEY COURT				
	250 FEET N	OF KENNEY LANE		IN EDGEWATER				
TAX DIST 1	COUNCIL DIST	7	ZONING					
WATERFRONT N	CORNER LOT	N	CRITICAL AREA: IDA N LDA Y RCA Y					
MAPS: 200	ALEX	DEED: LIBER 9007 FOLIO 706						

CLEAR-MENU RECORD SUCCESSFULLY UPDATED

PF2-HEA PF3-SIG

PF5-CNT PF6-COM

PF11-FWD

DATE: 12/07/1999
TIME: 12:42:17

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

PROGRAM ID: PNZ021C
SCREEN ID: PNZMS21

CASE NUMBER	1999-0469-V	APPLICATION TYPE	VARIANCE
DESCRIPTION	VARIANCE TO PERMIT A DWELLING, STORMWATER MANAGEMENT, SEPTIC TANK, DRIVEWAY AND WELL WITH LESS SETBACKS AND BUFFER THAN REQUIRED.		

Attachment 1

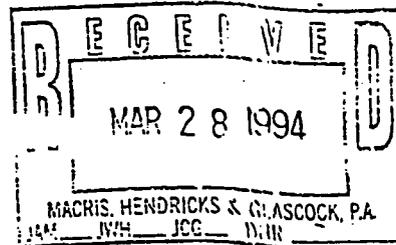


William Donald Schaefer
Governor

Maryland Department of Natural Resources
Fish, Heritage & Wildlife Administration
P.O. Box 68
Main Street
Wye Mills, Maryland 21679

Terry C. Brown, M.D.
Secretary

March 25, 1994



Doug Sievers
Macris, Hendricks & Glascock, P.A.
9220 Wightman Rd.
Suite 120
Gaithersburg, MD 20879-1226

RE: Turnbull Estates

Dear Mr. Sievers:

I have reviewed the development plan that you sent me dated March 14, 1994. The site is potential Forest Interior Breeding Bird Habitat (FIBS). The open water areas adjacent to the project site are considered Waterfowl Concentration and Staging Areas. We do not, however, have any problems with the proposed plan, at this time.

Please call me at 410-827-8612 if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Peter R. Bendel".

Peter R. Bendel
Bay Wildlife Biologist

cc: Cynthia Sibrel
Glenn Therres
Larry Hindman

Telephone: 410-827-8612

Attachment 2

NOTES

1. Topography and Boundary Information from Macris, Hendricks, and Glascock, P. A.
2. Tax Map 56, Block 20 Parcels 135 & 136
3. Existing Zone is R1
4. There are no steep slopes.

CRITICAL AREA SUMMARY

Lot Area: 1.03205 ac (44,956 sqft)

Disturbed Area: 16,480 sqft

Existing Impervious Area: 0 sqft

Proposed Impervious Area:

House: 3248 sqft

Drive: 782 sqft

Total: 4030 sqft (8.9%)

Proposed SWM Facility: 2,186 sqft

Existing Forest Area: 33,968 sqft

Forest to be removed: 14,672 sqft

Forest to remain: 19,296 sqft (42.9%)

