

AA 314-05
VAR

Biggs, Craig
0138

MSA-S-1829-4649

Comments
6/17/05 JC

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

June 17, 2005

Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

Re: Variance 2005-0138-V Craig Biggs

Dear Ms. Rhodes:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated a Limited Development Area (LDA) and is currently developed with a single-family dwelling.

Providing the lot is properly grandfathered, this office does not oppose the variance; however impacts must be minimized and the variance the minimum necessary. Based on the information provided, we have the following comments regarding the development proposal and variance request.

- 1) As shown on the site plan provided, the applicant proposes to remove the existing dwelling and construct a new dwelling in roughly the same footprint. The applicant also proposes to remove an existing concrete patio and construct a 304 square foot garage in the same location. As reported in the variance application, no clearing is proposed for construction. We note that the property is currently nonconforming with respect to impervious surface coverage with 2,354 square feet or 49.5 percent, which exceeds the permitted limit of 1,696 square feet or 25 percent plus 500 square feet. The current development proposal will maintain the existing nonconforming condition with respect to impervious surface coverage.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Plantings should be accommodated on the site to the extent possible.

Lori Rhodes
Variance 2005-0138-V Craig Biggs
June 17, 2005
Page 2

- 3) Stormwater should be directed to a best management practice or to a stable and densely vegetated outfall to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. 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,



Julie V. LaBranche
Natural Resource Planner

AA 314-05 Biggs

LETTER OF EXPLANATION:

This is a request to raze an existing 86 years old two story house and replace it with a new two story house of the same square footage (1891 sq ft). This project also includes replacing an accessory structure (+/- 120 sq ft) with a new detached garage.

This is an old house in very poor condition. The original structure was constructed by non-professionals using inferior materials and has been expanded and enclosed over the years. Given its current condition and the type, grade and condition of its systems (electrical, plumbing and gas furnace) it is uninhabitable. The foundation is +/- 1 square foot cement piling approx. one and a half feet below grade. Sagging and settling is apparent; it's amazing it has stood all these years.

There are 13 homes on Rio Lane. Every one has had significant remodeling; two have been razed and rebuilt. This house would be the last one to be improved-in this case, a tear down and rebuild.

Lots in this community along Rio Lane range from 57 feet to 39 feet wide. This property is the smallest at 39 feet wide. When all three streets in the community are examined, the lots are in the 50 foot range. This lot is long and narrow, and rises +/- 7 feet from the front to the back

Landscaping is standard for a residential lot. It includes shrubs, flowering plants, a small holly bush, evergreen hedge, three rose bushes and one mature tree. Will re-landscape consistent with house design, screening requirements and professional landscaping recommendations.

The current structure is 5 feet from the property line on both sides and 34 feet from the front property line. It is requested that these setbacks be approved for this nonconforming lot.

RECEIVED

MAY 11 2005

CRITICAL AREA COMMISSION

314-05

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2009-0241-V

CRIAG BIGGS

THIRD ASSESSMENT DISTRICT

DATE HEARD: JANUARY 5, 2010

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: WILLIAM ETHRIDGE

DATE FILED: JANUARY 11, 2010

PLEADINGS

Craig Biggs, the applicant, seeks a variance (2009-0241-V) to allow a dwelling with less setbacks than required on property located along the east side of Rio Lane, south of Arundel Lane, Severna Park.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's web site 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 feet of the property was notified by mail, sent to the address furnished with the application. Mr. Biggs testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on January 5, 2010, in which witnesses were sworn and the following evidence was presented with regard to the proposed variances requested by the applicant.

The Property

The applicant owns the subject property, which has a street address of 1047 Rio Lane, Severna Park, Maryland 21146. The property is identified as Lot 12, Parcel 1 on Tax Map 39 in the Severn Heights subdivision. It is a grandfathered

lot and is zoned R1-Residential District. This is a non-waterfront lot with a Chesapeake Bay Critical Area designation as limited development area (LDA).

The property is not located in a buffer management area.

The Proposed Work

The applicant proposes to raze the existing dwelling and construct a new dwelling that will be one-story in height and 11 feet from the rear lot line, 8 feet from the north side lot line, and 9 feet from the south side lot line, all as shown on County Exhibit 2¹ admitted into evidence at the hearing on this application.

The Anne Arundel County Code

Article 18, § 18-4-501 requires that a principal structure in an R1 district shall be set back a minimum of 35 feet from the rear lot line and 15 feet from each side lot line, with a combined side setback of 40 feet.

The Variances Requested

The work proposed by the applicant, therefore, will require the following variances:

1. A variance of twenty-four (24) feet to the 35-foot rear setback requirement of § 18-4-501; and
2. A variance of seven (7) feet to the 15-foot north side setback requirement of § 18-4-501; and

¹ There were a number of site plans presented at the hearing. The only way in which they varied was as to the depiction of the septic system. The Department of Health had objected to the plan attached to the variance, contending that it was different from the approved one. County Exhibit 2 has been approved by the Department of Health, as per the testimony of Mr. Biggs and County Exhibit 9, a letter dated January 4, 2009 from the Department of Health.

3. A variance of six (6) feet to the 15-foot south side setback requirement of § 18-4-501; and
4. A variance of twenty-three (23) feet to the 40-foot combined lot line setback requirement of § 18-4-501.

The Evidence Submitted At The Hearing

William Ethridge, a planner with the Office of Planning and Zoning (OPZ), testified that the subject property contains 7,000 square feet. The property has been zoned R1-Residential since the adoption of the Broadneck Small Area Plan effective May 26, 2002. Mr. Ethridge testified that the property is improved with a 1½ story single-family dwelling constructed in 1935. The property is served by public water and private septic.

Mr. Ethridge testified that the subject property does not meet the minimum lot size or lot width for the R1 district.² The property is rectangular in shaped, which appears to have been platted prior to the adoption of zoning regulations and the critical area program. The attached deed shows the applicant purchased the property in September of 1978.

The proposed home size is 33 feet wide at its widest and 82 feet long at it's longest. It would be one-story in height and consist of 1,405 square feet. The plans show a two-car garage in the rear and a front porch that runs the width of the home. OPZ spoke with the applicant on December 28, 2009 to discuss several

² 40,000 square feet and 125 feet width required, 7,000 square feet and 47 feet width shown.

options for reducing the amount of variances requested, specifically the orientation of the rear garage, and how that affects the amount of impervious surface on the property. While OPZ appreciates the proposal in that it will eliminate two unattached, accessory structures, by incorporating them into the principal dwelling staff tried to convince the applicant that orienting the garage toward Springdale Lane at the rear instead of toward the south, as presently planned, would reduce a significant amount of impervious surface which is shown running along the south side of the home toward Rio Lane. While the impervious amount is grandfathered, the property is in excess of current allowable impervious surface amounts by 1,490 square feet,³ and this variance request does not propose to reduce that amount.

Additionally, OPZ also proposed detaching the garage from the principal structure to reduce the amount of variance requested from 24 feet for a principal structure, to only 4 feet for an accessory structure. OPZ also discussed the idea of converting the front porch, into a pervious deck, and the recommendation of plantings at a 3:1 ratio for the 3 trees that are shown on the site plan to be removed, as well as rain gardens at the downspouts for the new structure to treat stormwater onsite. Mr. Biggs did not agree with these suggestions and said he will explain at this hearing why many of those options are not feasible.

³ 2,250 square feet of impervious allowed, 3,740 square feet of impervious existing.

The Department of Health submitted a memo dated November 19, 2009 which states: *The site plan approved by the Health Department does not match the site plan attached to the variance. The Health Department recommends denial of this variance based on the above.*

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, Mr. Ethridge testified that OPZ recommends approval of the requested variances with the following conditions: (1) stormwater management be installed for all new areas of impervious surface, to the satisfaction of the Permit Application Center, and that stormwater be channeled to vegetated outfalls to provide water quality control onsite; (2) mitigation plantings be required at a ratio of 3:1 for any trees that are removed as a result of disturbance, to be planted waterward of the dwelling to the extent possible.

Mr. Biggs, with the assistance of his architect, Carrie T. Walker, affirmed that the existing house needs to be replaced. The property also contains a small garage and shed at the rear of the property, which increases in width and elevation toward the rear. The existing garage and driveway access Springdale Lane behind the property but this road is not public, is narrow, and not maintained well. Water from springs behind the property flows north along Springdale Lane to Arundel Lane where it travels down Arundel Lane toward the shoreline. This water freezes, as shown by photographs introduced into evidence as Applicant's Exhibit 2, making access via Springdale Lane less than desirable.

Mr. Biggs explained that he has lived in the existing house for 30 years, and intends to live there as long as he can. However, he has had two knee operations and wants to get away from multiple stories. He intends to build a one-story house in place of the existing home. Both Mr. Biggs and Ms. Walker pointed out that the grandfathered lot is below-minimum size for an R1 lot and will need variances no matter what Mr. Biggs intends to build on the property.

Mr. Biggs explained why he wants to relocate the garage to the rear of the proposed house rather than rebuild the one on Springdale Lane. The proposed garage will be part of the new house and allow him to access it without going outside. It will also be on grade and eliminate having to negotiate steps to get to the location of the present garage.

The present house has had a driveway that extends from Rio Lane to the corner of the house. Mr. Biggs would like to extend the driveway from Rio Lane to the rear of the proposed house so cars can enter the garage from the south side. This increases the impervious surface on the site, but Mr. Biggs intends to replace the existing macadam driveway with gravel, and use tire track surfaces to reduce the impervious footprint of the driveway. Mr. Biggs said this would reduce the impervious surface calculation by 330 square feet. Furthermore, Mr. Biggs volunteered to eliminate a portion of the proposed house to further reduce the amount of impervious surfaces on the property. This would be accomplished by creating two 5' x 5' square indentions in the sides of the proposed house (not the garage) where the garage begins. In other words, the last 5 feet of the side walls

of the house before they reach the garage would be inset 5 feet. This indentation is not shown on County Exhibit 2, but the location of the first indentation can be seen where the east wall of the proposed house closest to the garage, indicated as being 5 feet in length, meets to the 9-foot wall that parallels the garage. Mr. Biggs proposes to 'notch' this corner where the house meets the garage. The second indentation would mirror the first one on the north side of the proposed house. These changes would reduce impervious surface by 50 square feet.

Witnesses discussed placing the garage behind the house but up on Springdale Lane as a separate accessory structure rather than as part of the proposed house. This would reduce the setbacks required, but would require the use of Springdale Lane, which Mr. Biggs does not want to do. It would also require him to negotiate steps. Finally, the garage would loom over the house, which will only be one-story. There is no opportunity to place the garage in the front yard as this is where the septic system is located, and which would block any view of the Severn River.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer visited the property but did not speak with anyone.

DECISION

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to conditional relief from the Code.

Requirements for Zoning Variances

§ 18-16-305 sets forth the requirements for granting a zoning variance.

Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the

zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. "Uniqueness" requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People's Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008); *Umerley v. People's Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary's County*, 99 Md.App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

The variance process for subsection (2) - practical difficulties or unnecessary hardship - is simpler. A determination must be made that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship, and to enable the applicant to develop the lot.

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the hearing officer also finds that: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, (3) substantially impair the appropriate use or development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

Findings - Zoning Variances

I find, based upon the evidence, that because of the unique physical conditions peculiar to and inherent in the subject property, i.e., the less-than minimum size and width of the subject property, and the location of the existing dwelling that will be razed, there is no reasonable possibility of developing the lot in strict conformance with the Code.

I also find, that because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. The applicant wishes to rebuild an existing dwelling that is in need of extensive repair. The proposed work does not expand the footprint and is reasonable. Therefore, to deny this request would cause unnecessary hardship to the applicant.

However, arguments were put forward that the improvements could be rearranged to reduce setbacks and impervious surface. While the application is for setback variances to the zoning restrictions, impervious surface is a factor that can be taken into account under the broad discretion given to the Hearing Officer to consider other factors, such as critical area concerns. § 18-16-306(b).

The balance here is between the needs of the applicant to improve his property and protecting the environment. The applicant has expressed good reasons for wanting to build the garage where it is proposed. Springdale Lane is not an acceptable main access point, and would impose a burden on the applicant in negotiating the stairs to a garage on Springdale Lane that can be eliminated by

allowing the garage to be built at grade at the rear of the property. The impervious surface on the site caused by the need to extend the driveway to the rear of the property, even taking into account the reductions proposed by the applicant, is of concern. Recognizing that the proposed impervious surface will not exceed what already exists (and may, in fact, be reduced), it is already more than permissible limits and would not be allowed but for the grandfathered status of the property. The applicant has proposed to reduce the impervious surface by a total of 380 square feet. While this is not a considerable amount, it is considerable when the narrow, below-minimum size of the property is taken into account. There does not seem to be much else the applicant can do to reduce the impact the improvements will have on the property. Taking into account that the property is located directly across the street from the Severn River, this is disturbing. However, the dwelling will be situated 40 feet from the lot line, which is what is required by the Code for a dwelling in an R1 zone. While the garage could be eliminated, one already exists, which is grandfathered. And a two-car garage is an amenity in this community that is shared by other properties. Hopefully, stormwater management controls will reduce the impact of these improvements on the Severn River.

Therefore, I find that the requested variances are the minimum necessary to afford relief. I further find that the granting of the variances requested will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent

property, reduce forest cover in the limited development and resource conservation areas of the critical area, be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

ORDER

PURSUANT to the application of Craig Biggs, petitioning for a variance to allow a dwelling with less setbacks than required; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **11th day of January, 2010**,

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

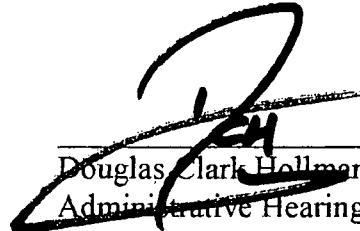
1. A variance of twenty-four (24) feet to the 35-foot rear setback requirement of § 18-4-501; and
2. A variance of seven (7) feet to the 15-foot north side setback requirement of § 18-4-501; and
3. A variance of six (6) feet to the 15-foot south side setback requirement of § 18-4-501; and
4. A variance of twenty-three (23) feet to the 40-foot combined lot line setback requirement of § 18-4-501.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein as modified by this Order.

The foregoing variances are subject to the following conditions:

- A. The applicant shall comply with any instructions and necessary approvals from the Permit Application Center, the Department of Health, and/or the Critical Area Commission, including but not limited to any direction regarding the use of nitrogen removal system technology and mitigation plantings.
- B. The applicant shall replace the existing macadam driveway with a surface/or design approved by the Critical Area Commission and/or the Permit Application Center so as to reduce the impervious surface of the driveway to the greatest extent possible.
- C. The applicant shall modify the proposed dwelling as shown on County Exhibit 2 by creating two 5' x 5' square indentions in the sides of the proposed house (not the garage) where the garage begins. The first indentation will be located in the south wall of the proposed house closest to the garage, indicated as being 5 feet in length, where it meets the 9-foot wall that parallels the garage. The second indentation will mirror the first one on the north side of the proposed house.

D. This Order does not constitute a building permit. In order for the applicant to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty 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. **A permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

Further § 18-16-405(a) provides that a variance expires by operation of law unless the applicant obtains a building permit within 18 months. Thereafter, the variance shall not expire so long as construction proceeds in accordance with the permit.

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

314-05
RECEIVED

DEC 12 2005

CRITICAL AREA COMMISSION

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2005-0138-V

IN RE: CRAIG BIGGS

THIRD ASSESSMENT DISTRICT

DATE HEARD: JULY 7, 2005
LAST EVIDENCE: DECEMBER 6, 2005

ORDERED BY: STEPHEN M. LeGENDRE, ADMINISTRATIVE HEARING OFFICER

PLANNER: LORI RHODES

DATE FILED: DECEMBER 6th, 2005

PLEADINGS

Craig Biggs, the applicant, seeks a variance (2005-0138-V) to permit a dwelling and accessory structure with less setbacks than required on property located along the east side of Rio Lane, south of Arundel Lane, Severna Park.

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 feet of the property was notified by mail, sent to the address furnished with the application. Mr. Biggs 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

The applicant owns a single-family residence with a street address of 1043 Rio Lane, in the subdivision of Severn Heights, Severna Park. The property comprises 4,783 square feet and is zoned R-1 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). In addition to the dwelling, the property is improved with a patio, macadam driveway and

walkway.¹ The request is to redevelop the property with a dwelling and detached garage. Based on the revised site plan dated December 6, 2005, the new dwelling (23 by 46 feet) is located 34 feet from the front lot line, five feet from the north side lot line abutting Arundel Lane and five feet from the south side lot line. The garage (20 by 16 feet) is located 18 feet from the north side boundary and four feet from the south side boundary. Finally, ^{proposed} impervious surfaces comprise 2,440 square feet.

Anne Arundel County Code, Article 28, Section 2-305(a) requires principal structures in the R-1 district to maintain a front setback of 40 feet and side yards 15 feet wide with a combined width of 40 feet, except that a corner lot shall have a side building line 40 feet from and parallel to the side street line. Section 2-306(a) requires accessory structures to maintain 15 feet from the side boundaries. However, Section 2-306(b) requires accessory structures to maintain 40 feet from the side street line; provided the side street setback is 25 feet when the property is the only lot fronting on the same side of the block.² Accordingly, the dwelling requires variances of six feet to the front setback, 10 feet to the south side setback and 35 feet to the side street setback. The garage requires variances of 11 feet to the south side setback and seven feet to the side street setback.³

¹ The existing impervious surfaces comprise 2,911 square feet.

² In this case there is no other dwelling on the same side of the block.

³ Bill No. 4-05 revised, restated and recodified the zoning code effective May 12, 2005. Article 18, Section 2-101(b) provides that an application for variance filed on or before April 4, 2005 is governed by the prior law. The application in this case was filed on April 1, 2005.

Lori Rhodes, a planner with the Office of Planning and Zoning, testified that the property is well below the minimum area and width for the R-1 district. The existing dwelling was constructed in 1919 and is in poor condition. There are other nonconforming structures in the neighborhood. The witness summarized the agency comments. The Chesapeake Bay Critical Area Commission requested mitigation and control of stormwater. By way of conclusion, Ms. Rhodes supported the application.

Mr. Biggs confirmed the substance of the application. (The record was left open for the submission of a revised site plan showing a net reduction in impervious coverage.)

Upon review of the facts and circumstances, I find and conclude that that applicant is entitled to conditional relief from the code. This property satisfies the test of unique physical conditions, consisting of its greatly reduced area and width, such that there is no reasonable possibility of development in strict conformance with the code. I further find that the variances represent the minimum relief. The replacement dwelling is similar in size and location to the existing dwelling. There is a net reduction in impervious coverage. There was nothing to suggest that the granting of the variances would alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property or cause a detriment to the public welfare. The approval is subject to the conditions in the Order.

ORDER

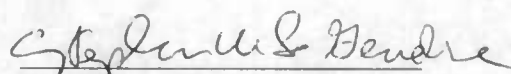
PURSUANT to the application of Craig Biggs, petitioning for a variance to permit a dwelling and accessory structure with less setbacks than required; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 6th day of December, 2005,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is **granted** variances for the dwelling in the amount of six feet to the front setback, 10 feet to the south side setback and 35 feet to the side street setback. The applicant is also **granted** variances for the accessory structure in the amount of 11 feet to the south side setback and seven feet to the side street setback.

The foregoing approval is subject to the following conditions:

1. Impervious coverage shall not exceed 2,440 square feet.
2. The applicant shall provide mitigation at a 1:1 ratio for disturbance outside the buffer with plantings onsite to the extent practicable.
3. Stormwater shall be directed to a best management practice or to a stable, densely vegetated outfall to provide water quality benefits on the site.


Stephen M. LeGenre
Administrative Hearing Officer

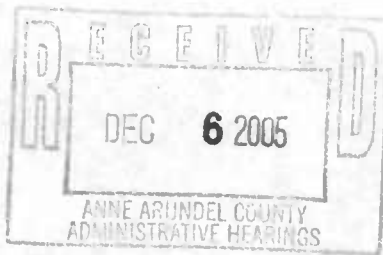
NOTICE TO APPLICANT

Within thirty 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 provision 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 that will be discarded.



PROPOSED DWELLING



EMPERORS SUMMAR

EXISTING.	2911 ^{sq}	N ↓
PROPOSED	2440 ^{sq}	
REDUCTION	(471 ^{sq})	

CRAIG BIGGS
1043 Rio Lane
SEVERNA PARK
MIDDLING

- NOTE:
1. This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
 2. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
 3. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or re-financing.

NOTE: THIS SITE LIES WITHIN ZONE AS SHOWN ON COMMUNITY PANEL NUMBER 24 11001 101E DATED 1/26/02

NO TITLE REPORT PROVIDED

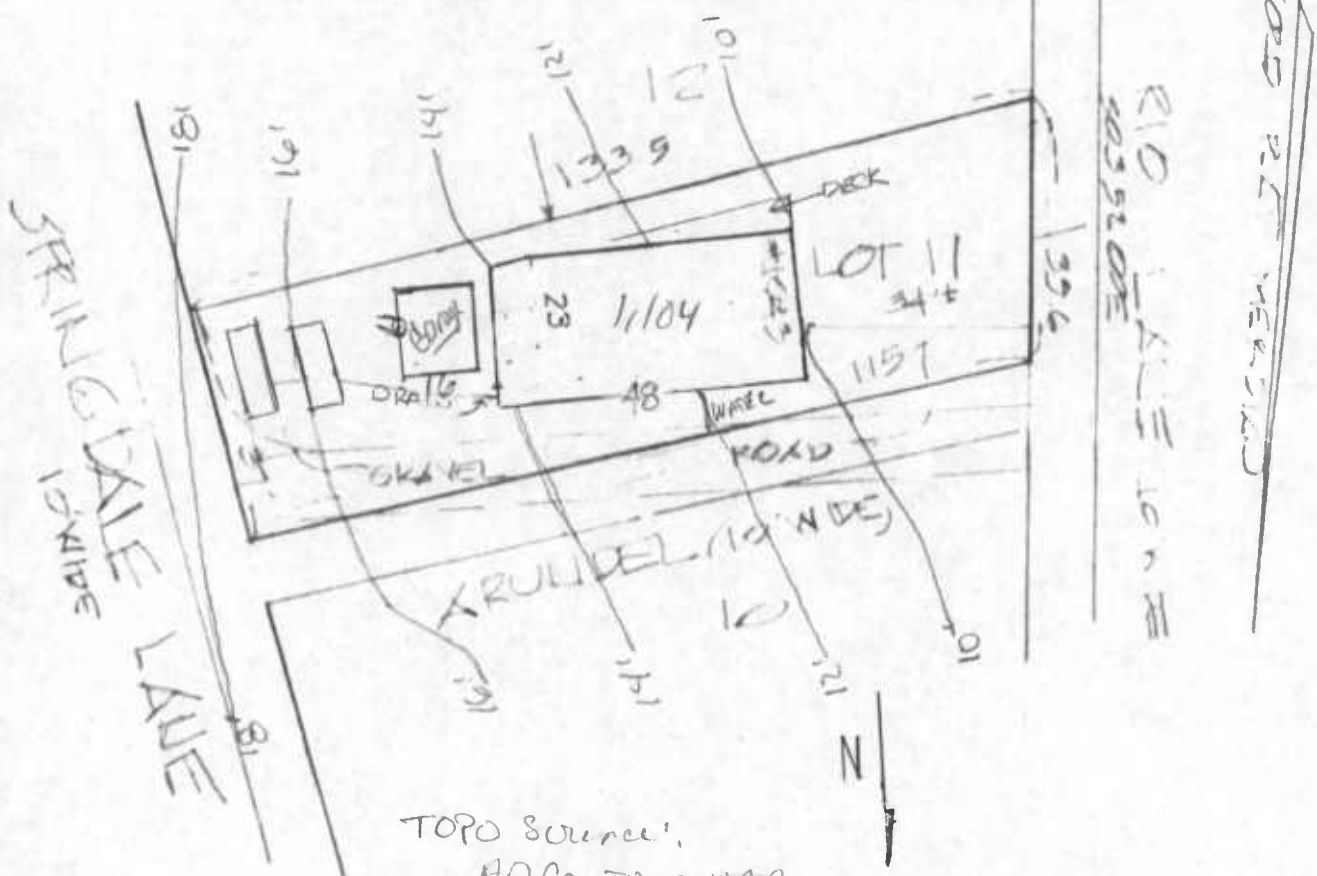
LOCAL US...
CITY...
COUNTY...
STATE...



SEVERN SURVEYS

Land Development, Land Planning
Land Surveying
SUN VALLEY BUSINESS CENTER
8009 JUMPERS HOLE ROAD • SUITE J
PASADENA, MARYLAND 21122
Phone: 410-760-9817
FAX: 410-760-9821

PROPOSED DWELLING



TOPO SOURCE:
AACo. TOPO MAP

NOTE:
This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
This plat does not provide for the accurate identification of property boundary lines and such identification may not be required for transfer of title or securing financing or re-financing.

NOTE: THIS SITE LIES WITHIN
ZONE C AS SHOWN ON
COMMUNITY PANEL NUMBER
2400000000
DATED MAY 02 1993

NO TITLE REPORT PROVIDED



SEVERN SURVEYS

Land Development, Land Planning
Land Surveying
SUN VALLEY BUSINESS CENTER
8009 JUMPERS HOLE ROAD • SUITE J
PASADENA, MARYLAND 21122
Phone: 410-760-9817
FAX: 410-760-9821

RECEIVED

MAY 11 2005

CRITICAL AREA COMMISSION

LOT 11 H/15
SEVERN HEIGHTS
HATBOX IS P/C
THIRD ASSESSMENT DISTRICT
ARLINGTON COUNTY, MD
SCALE 1"=20' N.Y. 12/25/2004

4717B - M4020 PARCEL 1