

AA 435-06     Aherne Hill, LLC  
VAR            0204

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**STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

July 13, 2006

1804 West Street, Suite 100, Annapolis, Maryland 21401  
(410) 260-3460 Fax: (410) 974-5338  
[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

Ms. Ramona Plociennik  
Anne Arundel County  
Office of Planning & Zoning  
2664 Riva Road, MS 6301  
Annapolis, Maryland 21401

**RE: AA 435-06 Aherne Hill, LLC  
Local Case No.: 2006-0204-V**

Dear Ms. Plociennik:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with disturbance to nontidal wetlands. The property is designated Limited Development Area (LDA) and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose a variance to construct a dwelling. Due to the property being entirely impacted by nontidal wetlands a variance is necessary for use of the property. The applicant has received a permit from MDE to allow disturbance of 3,840 square feet of nontidal wetlands and mitigation for this disturbance has been included. It appears that the applicant has minimized impact to the extent possible. If the variance is granted we recommend mitigation for removed forest at a rate of 2:1 and all areas disturbed during construction should be replanted.

Thank you for the opportunity to provide comments on this variance request. 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 black ink, appearing to read "Jennifer B. Lester".

Jennifer B. Lester  
Natural Resources Planner

435-06

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2006-0204-V

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**AHERNE HILL, LLC**

SECOND ASSESSMENT DISTRICT

DATE HEARD: MARCH 1, 2011

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ORDERED BY:

**DOUGLAS CLARK HOLLMANN**  
ADMINISTRATIVE HEARING OFFICER

**PLANNER: ROBERT KONOWAL**

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DATE FILED: MARCH 15, 2011

## **PLEADINGS**

Aherne Hill, LLC, the applicant, seeks a variance (2006-0204-V) to allow a dwelling, driveway, and associated facilities with less setbacks and buffer than required on property located along the north side of Creek Drive, west of Harbor Road, Annapolis.

## **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. William Aherne 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 March 1, 2011, in which witnesses were sworn and the following evidence was presented with regard to the proposed variance requested by the applicant.

### **The Property**

The applicant owns the subject property which has a street address of 1264A Creek Drive, Annapolis, Maryland 21403. The property is zoned R2-Residential District. This is a non-waterfront lot in the Chesapeake Bay Critical Area designated as limited development area (LDA). The property is identified as

Lot 27, Block 21, Parcel 10, on Tax Map 57. It is a habitat protection area because of the presence of nontidal wetlands.

#### **The Proposed Work**

The applicant proposes to construct a single-family detached dwelling with rear deck, driveway, and water well, as shown on the Variance Site Plan admitted into evidence at the hearing as County Exhibit 2. The work will disturb approximately 3,840 square feet of nontidal wetlands in a habitat protection area.

#### **The Anne Arundel County Code**

Article 17, § 17-8-502 provides that a habitat protection area shall be preserved and protected.

#### **The Variance Requested**

The work proposed, therefore, will require a critical area variance to § 17-8-502 to disturb and/or remove 3,840 square feet of a nontidals wetland in a habitat protection area on the subject property.

#### **The Evidence Submitted At The Hearing**

Robert Konowal, a planner with the Office of Planning and Zoning (OPZ), testified in favor of granting the requested variance. A variance was granted in Case No. 2003-0034-V (April 24, 2003) to the prior owner to construct a single-family dwelling that is essentially the same as the current application. The prior owner did not obtain a building permit in the time allowed and the 2003 variance lapsed. The new owner asks for substantially the same relief.

The property is an undersized grandfathered lot encumbered by wetlands. No development can occur on the property without a variance. The community is developed with similar dwellings and the proposed dwelling will have a minimum front yard that mirrors the setbacks on adjacent properties. The limits of disturbance – 10 feet around the dwelling and the well – are the minimum needed to construct a dwelling.<sup>1</sup> The dwelling itself is not considered excessive.

Mr. Konowal reported that the Department of Health indicated they have evaluated the onsite well water supply system. Their Department has determined that the proposed request does not adversely affect these systems and they have no objection to the request. The Development Division has no objection to this variance subject to the applicant receiving authorization from the Maryland Department of Environment. The Critical Area Commission indicated they do not oppose the request. Mitigation should be provided at the ratio of 3:1 for the limit of disturbance in the expanded buffer. A buffer management plan will be required and fee-in-lieu may be collected if there is not adequate area to plant onsite.

Mr. Aherne and Nancy Hill, principals of the applicant, testified that this is a continuation of the hearing held on August 1, 2006. The case was continued by agreement of all parties in the hope that the applicant could resolve the objections of the neighbors. Those negotiations were not successful. The applicant asked that the hearing be resumed.

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<sup>1</sup> The applicant obtained a grading permit but exceeded the limits and a stop work order was placed on the property. The area that was illegally disturbed will be mitigated. No new work will take place in the area that was disturbed.

Mr. Aherne and Ms. Hill testified that the applicant is proposing a modest dwelling that is comparable to other development in the neighborhood. The proposed house is virtually identical to the one approved in Case No. 2003-0034-V. The proposed work will disturb nontidal wetlands but the applicant has minimized the impacts by reducing the house and driveway. The proposed dwelling will be built on pilings approximately 8 feet above ground.<sup>2</sup>

A number of people testified in opposition to the requested variance. They said the community was opposed to the development of this property because it is the catch-basin for seven other properties. Gerald Winegrad thought that the proposed dwelling could be minimized and pointed out that the applicant was well-aware of the difficulties in developing this property when it was purchased. Mr. Winegrad opposed granting the variance, saying that the development of the property would adversely affect neighboring properties. Water flows across the property and eventually into Oyster Creek. Robert Eyster testified that he has lived in the community for many years and the property is under water much of the time. Irma Butcher testified that she lives across the street. She is opposed to the variance because she worries the drainage problem that currently exists will be made worse. Norman MacLeod testified that he is a past president of the community association and knowledgeable about the site. He said that there is a clay layer not many feet below the surface of the land in the community and that drainage is blocked by this layer from going deeper. Consequently, in heavy rains

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<sup>2</sup> A requirement of coastal flood management, not the critical area.

the community floods. Because of this, rain gardens and other stormwater management devices will not work on this property.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

## **DECISION**

### **State Requirements for Critical Area Variance**

§ 8-1808(d)(2) of the Natural Resources Article, Annotated Code of Maryland, provides in subsection (ii), that “[i]n considering an application for a variance [to the critical area requirements], a local jurisdiction shall presume that the specific development in the critical area that is subject to the application and for which a variance is required does not conform to the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the jurisdiction’s program.” (Emphasis added.) “Given these provisions of the State criteria for the grant of a variance, the burden on the applicant is very high.” *Becker v. Anne Arundel County*, 174 Md. App. 114, 124; 920 A.2d 1118, 1124 (2007).

The Court of Appeals in *Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, et al. v. Moreland, LLC, et al*, No. 55, September Term 2010, issued January 28, 2011, reaffirmed these factors. See page of slip opinion: “Failure by the applicant to satisfy even one of the variance criteria requires the denial of the variance application. [Citing § 8-1808(d)(4)(ii) and



Anne Arundel County Code § 3-1-207. The proponent of the variance, moreover, bears the burden of proof and persuasion to overcome the presumption that granting the variance requests do not conform to the critical area law. § 8-1808(d)(3).”<sup>3</sup>

The question of whether the applicant is entitled to the variance requested begins, therefore, with the understanding that, in addition to the other specific factors that must be considered, the applicant must overcome the presumption, “that the specific development in the critical area that is subject to the application ... does not conform to the general purpose and intent of [the critical area law].”<sup>4</sup> Furthermore, the applicant carries the burden of convincing the Hearing Officer “that the applicant has satisfied each one of the variance provisions.”<sup>5</sup> (Emphasis added.)

#### **County Requirements for Critical Area Variance**

§ 18-16-305(b) sets forth six separate requirements (in this case) that must be met for a variance to be issued for property in the critical area. They are (1) whether a denial of the requested variance would constitute an unwarranted hardship, (2) whether a denial of the requested variance would deprive the

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<sup>3</sup> The requirements set forth in § 3-1-207 for the Board of Appeals are virtually identical to those that govern variances granted or denied by this office. § 18-16-305.

<sup>4</sup> § 8-1808(d)(2)(ii) of the Natural Resources Article. References to State law do not imply that the provisions of the County Code are being ignored or are not being enforced. If any difference exists between County Code and State law, or if some State criteria were omitted from County Code, State law would prevail. *See*, discussion on this subject in *Becker v. Anne Arundel County*, *supra*, 174 Md. App. at 135; 920 A.2d at 1131.

<sup>5</sup> § 8-1808(d)(4)(ii).

applicant of rights commonly enjoyed by other property owners, (3) whether granting the variance would confer a special privilege on the applicant, (4) whether the application arises from actions of the applicant, or from conditions or use on neighboring properties, (5) whether granting the application would not adversely affect the environment and be in harmony with the critical area program, and (6) whether the applicant has overcome the presumption in Natural Resources Article, § 8-1808(d)(2)(ii), of the State law that the variance request should be denied.

Provided that an applicant meets the above requirements, a variance may not be granted unless six additional factors are found: (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) the variance will not substantially impair the appropriate use or development of adjacent property; (4) the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area; (5) the variance will not be contrary to acceptable clearing and replanting practices required for development in the critical area; or (6) the variance will not be detrimental to the public welfare.

#### **Findings - Critical Area Variance**

The testimony and the history of this area show that development has proceeded apace in this area since public sewer was brought to the community. This solved one problem - sewage treatment in low-lying areas - but opened a new

can of worms - development - which had been held back by the failure of properties to perc. The subject property is at the bottom of the drainage area along Creek Drive (if a drop of a foot or two across many properties can be considered the "bottom"). Drainage problems are further exacerbated by a layer of clay only a few feet below the surface. Therefore, when it rains, flooding occurs on many properties. When it stops raining, the ground dries up and becomes rock-hard. If the wet ground remains long enough, nontidal wetland plant species are found and the habitat protection provisions of the Code apply to the land.

Many properties in this area flood in heavy rain. It may have been better if none of these properties had been developed. However, the reality is that the surrounding lots are developed and the applicant owns a lot that had been platted prior to the enactment of the critical area law. The critical area restrictions, then, clash with the right of a property owner to develop the property.

The property is particularly sensitive. Photographs introduced into evidence show much of the property under water. Surface water flows to the front on the property and then across the street through a culvert (recently renovated) and into a 12-inch storm drain pipe that takes the surface water toward Oyster Creek. The culvert and storm drain is shown on the site plan. Ms. Butcher testified that the pipe was broken on her neighbor's property. She said the neighbor has refused requests from others to repair the pipe.

The evidence shows that the property is a catch-basin for other properties. However, there was evidence presented that the ability of the property to continue

its function as wetlands can continue with the construction of the dwelling on pilings, limitations on disturbance, and stormwater management devices such as rain gardens and bio-retention cells. Routing gutter drain pipes into expanded rain gardens may help slow the impact of rain that comes off the structure. There is no doubt that the property would better serve the community if it were left in its natural state. However, on these facts, I conclude that with proper development and stormwater management, the property can continue to serve as a filter for surface water flowing toward Oyster Creek and allow the construction of the modest dwelling proposed.

**Subsection (b)(1) - Unwarranted Hardship.**

In *Becker v. Anne Arundel County*, *supra*, 174 Md. App. at 132-3; 920 A.2d at 1129, the Court of Special Appeals discussed the definition of unwarranted hardship found in § 8-1808(d)(1) of the Natural Resources Article in the State Code: “The amendment changed the definition of unwarranted hardship to mean that, ‘without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.’”

I find that the denial of the variance would constitute an unwarranted hardship that would deny the applicant use of the entire parcel. The applicant has the right to develop this grandfathered lot in order to have “reasonable and significant use of the entire ... lot” that is the subject of this application. The proposed house is modest. Therefore, I find that the applicant **has met** the requirements of subsection (b)(1).

**Subsection (b)(2) - Deprive Applicant Of Rights**

I find that the applicant would be deprived of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program, i.e., the right to develop this grandfathered lot for residential use. Therefore, I find that the applicant **has met** the requirements of subsection (b)(2).

**Subsection (b)(3) - Special Privilege**

I further find that the granting of the critical area variance requested will not confer on the applicant any special privilege that would be denied by COMAR, 27.01, the County's critical area program, to other lands or structures within the County's critical area. There was testimony that the proposed improvements are comparable to other improvements in the neighborhood. *See*, County Exhibit 2. Therefore, I find that the applicant **has met** the requirements of subsection (b)(3).

**Subsection (b)(4) - Actions By Applicant Or Neighboring Property**

I find that the critical area variance requested is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property. Therefore, I find that the applicant **has met** the requirements of subsection (b)(4).

### **Subsection (b)(5) - Water Quality, Intent Of Critical Area Program**

A report by Cattail Consulting, admitted into evidence in 2006 as County Exhibit 6, concludes that the proposed work would not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program. The site has no stormwater management facilities on it now and the development of adjoining properties have forced it to accept more water than before. The dwelling will be 8 feet off the ground and allow vegetation to grow under the dwelling and not impede wetland hydrology. The development of this site will result in the loss of habitat where the driveway will be located but this loss will be mitigated by replacement elsewhere that will actually increase wetlands in the Bay. The existing vegetation on the site is phragmites, which has insignificant wildlife value and will be replaced with native species. There will be no net loss of wetlands. The evidence shows that the culvert under Creek Drive has been renovated recently and should improve drainage of the site. Therefore, I find that the applicant **has met** the requirements of subsection (b)(5).

### **Subsection (b)(7) - § 8-1808(d)(2)(ii) Presumption**

In *Becker v. Anne Arundel County*, *supra*, 174 Md. App. at 133; 920 A.2d at 1129, the Court of Special Appeals discussed the presumption found in § 8-1808(d)(2)(ii) of the Natural Resources Article: "The amendment also created a

presumption that the use for which the variance was being requested was not in conformity with the purpose and intent of the critical area program.”

I find that the applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808(d)(2), of the State law (which is incorporated into § 18-16-305 subsection (b)(2)) for the reasons set forth above. Therefore, I find that the applicant **has met** the requirements of subsection (b)(7).

I further find that the critical area variance represents the minimum relief. There was nothing to suggest that the granting of the critical area variance would alter the essential character of the neighborhood, 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, or cause a detriment to the public welfare.

### **ORDER**

PURSUANT to the application of Aherne Hill, LLC, petitioning for a variance to allow a dwelling, driveway, and associated facilities with less setbacks and buffer 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 **15<sup>th</sup> day of March, 2011**,

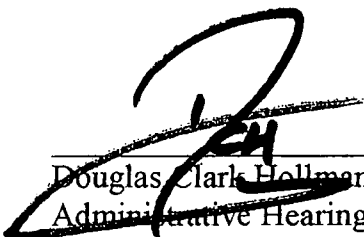
**ORDERED**, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is **granted** a critical area variance to § 17-8-502 to disturb and/or remove 3,840 square feet of a nontidal wetlands in a habitat

protection area to construct the single-family dwelling and associated facilities as shown on County Exhibit 2.

*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.*

The foregoing variance is 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.
- B. The applicant shall comply with any instructions and necessary approvals from the Maryland Department of Environment, and any other local, state, or federal agency having jurisdiction over the property for the purposes of constructing the proposed dwelling.
- C. This Order does not constitute a building permit. In order for the applicants 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 eighteen 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.

**RE: An Appeal From A Decision Of The  
Administrative Hearing Officer**

\* **BEFORE THE**  
\*  
\* **COUNTY BOARD OF APPEALS**  
\*  
\* **OF ANNE ARUNDEL COUNTY**  
\*  
\* **CASE NO.: BA 129-05V**  
\* **(2005-0332-V)**  
\*  
\* **Hearing Date: June 29, 2006**

**BLUE HEEL, LLC & WILLIAM AHERNE**

**Petitioners**

**MEMORANDUM OF OPINION**

**Summary of Pleadings**

This is an appeal from a decision of the Administrative Hearing Officer. This appeal is taken from the conditional granting of a variance to permit construction of a dwelling with less setbacks and buffer than required, on property located 227' along west side of Beach Dr. Blvd., 0' south of Branhum Rd., Edgewater.

**Summary of Evidence**

Mr. William Aherne, sole managing member of Blue Heel, LLC, testified that he has resided in Anne Arundel County for 38 years. He is a builder and bought the property under the name of Blue Heel, LLC. Without a variance, the buildable area on the lot comprises only 489 square feet. Tim Martin with Bay Engineering prepared the site plan. The property is zoned R5 Residential; it is located in the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area (CA). The property is triangular in shape, it has wetlands and a forested area; without a variance it would not be buildable. The proposed footprint of the residence would measure 1,280 square feet with the 2-car garage. The house will have 4 bedrooms, 2.5 bathrooms, and a crawlspace for a total of 1,700 square feet of living space. Variances have been granted in the surrounding community. There would be 1,822 square feet of disturbance in buffer and 762 square feet of wetland disturbance. The house is a modest size that fits into

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Critical Area Commission  
Chesapeake & Atlantic Coastal Bays

the character of the neighborhood. A fee will be paid in lieu of mitigation. He placed as much of the house in the developable area as possible. The property is in a nice area. There has been a lot of development in the area since public sewer was installed 8-10 years ago. He and his father own Lot 89 under the name of Heron Investments. A variance was obtained to build on Lot 89.

Mr. Eric See, an environmental expert, testified that he prepared the CA reports for both lots 89 and 90. The Maryland Department of Environment (MDE) required the properties to go through non-tidal wetlands mitigation. A culvert under Beach Drive Blvd. drains the subdivision through the two properties. Due to site constraints, there is no other practical way to develop the subject lot. A variance would be needed to build any house on the property. In recent years, there have been numerous similar variances issued for houses in the community. Granting the requested variance would not confer a special privilege on the Petitioners. There would be no adverse impact on the CA ecosystems if the County uses the fee paid in lieu of mitigation to reforest other areas and due to the Petitioners' use of stormwater management. The house would be in harmony with the general spirit and intent of the CA regulations because the regulations have specific provisions for grandfathered lots. The lots were designated as RCA because they would not perc. The property would have been designated as LDA if sewer had existed at the time it was zoned.

Mr. Shep Tullier, land use planner and consultant, testified that he has visited the neighborhood and the subject property. He reviewed the CA report and site plan to determine if the property could meet the variance criteria. He believes that the request is justified. There are unique physical conditions consisting of both tidal and non-tidal wetlands. The conditions on the property are inherent in the property; not caused by the acts of the Petitioners. When he visited the site, there was water pooling on properties throughout the neighborhood.

Mr. Donald Bartnick, Protestant, testified that his property is located approximately four houses from the Petitioners' property. He bought the property four to five years ago. The Petitioners bought their property in 2004, with the intent of seeking a variance to develop the property. The Petitioners need a variance because they bought property knowing that a majority of the property was not buildable. There is no hardship when the party needing the variance brought the need upon themselves. The surrounding neighborhood has a drainage problem that will be exacerbated with the additional impervious surface from the development of the Petitioners' lot.

Mr. David Lindenauer, Protestant, testified that he moved to the area four years ago. His house is located at the end of a dirt road nicknamed "Lindy Lane." His house is located on lots 23-25. After he moved in, he bought lot 88 to ensure that no one would build on it. There is always standing water in the entrance area. He also owns one-half of lot 22.

Mr. Rob Konowal, a planner with the Office of Planning and Zoning (OPZ), testified that he prepared the findings and recommendations before the Administrative Hearing Officer (AHO). The subject property meets all of the area requirements. Because of the unique physical conditions, strict interpretation of the Code would result in an unwarranted hardship to the Petitioners. The property is very irregularly shaped and has significant non-tidal wetland coverage. In addition, the sanitary sewer line and drainage ditch are within 10' of the northeast property line. The County would recommend granting the variances.

All testimony was stenographically recorded and the recording is available to be used for the preparation of a written transcript of the proceedings.

## Findings and Conclusions

The Petitioners have requested a variance of 7' to the required 25' front setback and a variance to disturb the non-tidal wetland buffer. The proposed house would have a 1,280 square foot footprint and would include a two-car garage. The property is triangular in shape. It is zoned R5 Residential and classified as RCA. To grant the requested variances, the Petitioners' must satisfy an extensive list of requirements set out in the Code. See § 3-1-207. The requirements established for variances within the CA are exceptionally difficult to overcome. In order for this Board to grant a variance, each and every Code requirement must be satisfied; failure to meet even one requirement results in a denial. The requirements for the setback variance and the requirements for the CA buffer variance are slightly different. We address the setback variance requirements first.

In order for this Board to grant the Petitioners a setback variance, they must establish

that 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 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.

*Id.* § 3-1-207(a)(1) and (2). Testimony offered by the Mr. Aherne, Mr. See, Mr. Tullier and Mr. Konowal of OPZ, established that the subject property is within the wetlands buffer and contains non-tidal wetlands. These conditions are unique physical conditions that would cause the Petitioner to suffer an unnecessary hardship, if the Code is strictly enforced. See *id.* Accordingly, we find that the Petitioner has satisfied the first of several burdens.

The Petitioners must then show that "the variance is the minimum variance necessary to afford relief." *Id.* § 3-1-207(c)(1). According to Mr. See's testimony, the Petitioners moved the house closer to the road in an effort to disturb the least amount of buffer. Although we

appreciate the Petitioners' attempt to limit the disturbance of the CA buffer, we believe that it could be achieved more effectively by reducing the size of the house and the garage. As such, we find that the requested variance is not the minimum necessary.

Next, the Petitioners need to prove that "the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located." *Id.* § 3-1-207(c)(2)(i). With the various variances throughout the community, we do not believe that an 18' front yard setback compared to the 25' required front yard setback would alter the essential character of the neighborhood.

The Petitioners must also show that "the granting of the variance will not substantially impair the appropriate use or development of adjacent property." *Id.* § 3-1-207(c)(2)(ii). A shorter front yard setback would not, in and of itself, have any affect on adjacent property. However, we are concerned that the additional impervious surface from the house would cause additional flooding and drainage problems throughout the community. Thus, we believe there would be an impairment of the use of adjacent properties.

In addition, the Petitioners need to prove that "the granting of the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area." *Id.* § 3-1-207(c)(2)(iii). The entire property is classified as RCA; building the house anywhere on the property would reduce forest cover in the RCA. However, because the Petitioners propose to pay a fee in lieu of mitigation, the fee could be used to replant in other RCA districts. Therefore, we find that there would not be any reduction of forest cover in the RCA.

The Petitioners must also establish that "the granting of the variance will not be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area." *Id.* § 3-1-207(c)(2)(iv). Paying a fee in lieu of mitigation is an acceptable practice for CA development. However, because of the decimation of the non-tidal wetlands, the

increase in impervious surface, the size of the house and the two-car garage, we do not find that the Petitioners have met the requirements of Section 3-1-207(c)(2)(iv).

The last requirement that the Petitioners must prove in order to be granted a standard variance is to show that "the granting of the variance will not be detrimental to the public welfare." *Id.* § 3-1-207(c)(2)(v). A front yard setback that is 7' shorter than the required 25' would usually not be detrimental to the public welfare. Here, if we were to grant the requested variance it would lead to additional flooding and drainage problems in the community and extensive removal and interference with the RCA qualities of the CA. We believe these results would be detrimental to the public.

Granting a variance in the CA requires the Petitioner to overcome an extremely difficult burden. The Petitioners must establish that their proposal will meet the numerous requirements set out in the Code. This Board can grant a CA variance only when the Petitioners meet each element of their burden.

The Petitioners must first establish "that because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program or bog protection program would result in an unwarranted hardship." Code, § 3-1-207(b)(1). Here, the subject property has a number of unique conditions, including, tidal and non-tidal wetlands and its irregular size and shape. These various features are "unique physical conditions" as defined by the CA variance requirements of the Code. *Id.* Because the property has so many CA restrictions, strict implementation of the Code would certainly cause the Petitioners to suffer an unwarranted hardship. Variances are necessary to prevent the Petitioners from suffering an unwarranted hardship. However, we do not believe that

the Petitioners have shown that variances of the scale proposed are warranted as we will discuss in greater detail later in the opinion.

The Petitioners next must establish that “[a] literal interpretation of COMAR, 27.01, Criteria for Local Critical Area Program Development or the County’s critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County.” *Id.* § 3-1-207(b)(2)(i). There is only 489 square feet of buildable area on the Petitioners’ property. A variance would be needed to develop the property. Therefore, we find that a literal interpretation of the CA laws would deprive the Petitioners of developing their property.

Next, the Petitioners must show that “[t]he granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, 27.01, the County’s critical area program to other lands or structures within the County critical area, or the County’s bog protection program to other lands or structures within a bog protection area.” *Id.* §3-1-207(b)(3). Variances have been granted throughout the community. Thus, we do not believe that granting the Petitioners’ variance would give them a special privilege.

The Petitioners also must establish that “[t]he variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.” *Id.* §3-1-207(b)(4). The unique conditions of the Petitioners’ property are natural conditions, inherent in the property. None of the development issues were created by the Petitioners. It is important to note that simply because the Petitioners bought property knowing that it would be difficult to develop does not, itself, create a self imposed hardship. *See Stansbury v. Jones*, 372 Md. 172; 812 A.2d



312 (2002). Accordingly, we find that the requested variances are needed due to nature, not any acts of the Petitioners.

The next burden that the Petitioners must overcome is to show that “[t]he granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County’s critical area or a bog protection area and will be in harmony with the general spirit and intent of the County’s critical area program or bog protection program.” *Id.* §3-1-207(b)(5). The subject property is a non-waterfront CA property with non-tidal wetlands. The proposed location of the house would require direct impact to the non-tidal wetlands, which would result in an adverse impact on wildlife and the plant habitat of the area. In recent memory, this Board has not heard of someone actually building in the non-tidal wetlands. There is no doubt that the non-tidal wetlands would be irreparably harmed by the Petitioners proposal. Unlike the Petitioners, we cannot be cavalier in dismissing the importance of non-tidal wetlands; their importance in the environment is evident in that they are protected under federal, state and local laws. In addition, we are not convinced that the proposed stormwater management would provide the necessary controls needed to handle the additional impervious surface. The large amount of impervious coverage so close to and within the wetlands would reduce vegetative cover and alter the hydrology of the area. Therefore, we find that there would be an adverse affect on the various ecosystems in the area.

The subject property is not within the County’s bog protection area and thus, Code Section 3-1-207(b)(6) does not apply and need not be addressed.

The Petitioners’ next burden is to establish that through “competent and substantial evidence, [they] ha[ve] overcome the presumption contained in the Natural Resources Article, § 8-1808(d)(2), of the State Code.” *Id.* § 3-1-207(b)(7). Under the above cited section of the Natural Resources Article it is presumed “that the specific development activity in the critical

area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the local jurisdiction's program." Md. Code Ann., Natural Resources §8-1808(d)(2)(i). The majority of the Petitioners' property is not buildable due to the natural characteristics inherent in the property. Like the other property owners in the community, the Petitioners want to build a home and we cannot fault them for that. However, here the Petitioners propose to build a house with a two-car garage, on top of non-tidal wetlands on property designated RCA. Allowing the Petitioners to build a house with a two-car garage is not necessary to avoid denying the Petitioners a reasonable and significant use of their property. Alternative plans exist that would provide for less disturbance to the CA. Therefore, we find that the Petitioners' proposed house would fall outside the intent of the CA programs.

Next, the Petitioners have the burden of proving that "the variance is the minimum variance necessary to afford relief." Code, § 3-1-207(c)(1). The house proposed by the Petitioners is average in size for the community. Testimony offered by Mr. Aherne, Mr. See and Mr. Tullier established that a variance would be required to develop the property regardless of the size of the house. The Petitioners made several modifications throughout the planning process in an effort to build with the least disturbance to the CA as possible. However, we find it difficult to believe that the house as proposed is the minimum necessary to afford the Petitioners relief. A house with a two-car garage is clearly not the minimum necessary. With an environmentally sensitive property such as this, State and County regulations require that the variance be the **absolute** minimum necessary to grant relief. This minimum must protect the CA—not the Petitioners' idea of what size home they would prefer. The CA Program was designed to protect the Chesapeake Bay and its tributaries—not the property owner's ability to make a buck or to build whatever they desire.

In addition, the Petitioners must show that the house must not “alter the essential character of the neighborhood or district in which the lot is located.” *Id.* § 3-1-207(c)(2)(i). We do not believe that the style of the house, itself, would alter the “the essential character of the neighborhood.” *Id.* § 3-1-207(c)(1), (c)(2)(i). However, because of the environmentally sensitive nature of the property and the surrounding area, we believe that the addition of such a large structure actually in the non-tidal wetlands and the required buffer thereto would alter the essential character. Moreover, the Petitioners’ proposal would be a permanent disturbance to the non-tidal wetlands; directly contrary to federal, state and local wetland programs.

The Petitioners must also show that “the granting of the variance will not substantially impair the appropriate use or development of adjacent property.” *Id.* § 3-1-207(c)(2)(ii). As we addressed previously, the surrounding area is plagued with flooding and drainage problems. We believe that the proposed stormwater management would fail to alleviate the additional flooding and drainage problems that are bound to arise with the additional impervious surface of the Petitioners’ house. In addition, we find persuasive the testimony of Mr. Bartnick and Mr. Lindenauer regarding the conditions of the surrounding community. Their properties already suffer from serious drainage problems that we find will be exacerbated with the construction of the Petitioners’ house, as proposed. The house will be in the non-tidal wetlands that are an important natural collection and filtration device for stormwater. Accordingly, we find that there would be a substantial impairment of the appropriate use of neighboring property.

The Petitioners’ next hurdle requires them to show that “the granting of the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area.” *Id.* § 3-1-207(c)(2)(iii). The property is classified as RCA. The Petitioners’ proposal provides for a fee in lieu of mitigation; which means that there will be a reduction of forest cover, but the Petitioners will pay to have forest cover planted elsewhere in the CA. As such, we

find that although there would be a reduction of forest cover on the Petitioners' RCA property; there would be replanting in another RCA location, thus balancing out and satisfying the requirements of the Code.

The Petitioners must also establish that "the granting of the variance will not be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area." *Id.* § 3-1-207(c)(2)(iv). As we addressed previously in this decision, paying a fee in lieu of mitigation is an acceptable practice for CA development. However, development in non-tidal wetlands require the strictest scrutiny. Non-tidal wetlands provide habitat for animal and plant life; erosion and stormwater control; and improve water quality to name a few of their beneficial characteristics. Therefore, we must reiterate that due to the decimation of the non-tidal wetlands, the increase in impervious surface, the size of the house and the size of the two-car garage that the Petitioners proposed, we find that the Petitioners have not met the requirements of Section 3-1-207(c)(2)(iv).

Lastly, the Petitioners must show that "the granting of the variance will not be detrimental to the public welfare." *Id.* § 3-1-207(c)(2)(v). Normally, when variances are necessary to build a house, it would not be detrimental to the public welfare. However, this case is different because the non-tidal wetlands on the property would be permanently impacted and the present hydrology of the site destroyed; the additional impervious surface will create additional drainage problems for the area; the Petitioners' failure to show that their proposal is the minimum necessary under the Code; and the Petitioners' failure to overcome the presumption of nonconformity of the Natural Resources Article of the Maryland State Code. Thus, we find that the granting of the Petitioners' requested variance would be detrimental to the public welfare.

**ORDER**

For the reasons set forth in the foregoing Memorandum of Opinion, it is this 20<sup>th</sup> day of SEPT., 2006, by the County Board of Appeals of Anne Arundel County, ORDERED, that the Petitioners' request for:

- (1) a variance of 7' to the required 25' front setback; and
- (2) a variance to disturb within the non-tidal wetlands,

are hereby **DENIED**.

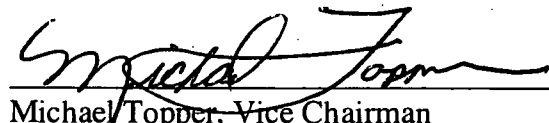
Any appeal from this decision must be in accordance with the provisions of Section 604 of the Charter of Anne Arundel County, Maryland.

If this case is not appealed, exhibits must be claimed within 90 days of the date of this Order; otherwise, they will be discarded.

Any notice to this Board required under the Maryland Rules shall be addressed as follows: Anne Arundel County Board of Appeals, Arundel Center, P.O. Box 2700, Annapolis, Maryland 21404, ATTN: Mary M. Leavell, Clerk.

COUNTY BOARD OF APPEALS  
OF ANNE ARUNDEL COUNTY

  
\_\_\_\_\_  
Anthony V. Lamartina, Chairman

  
\_\_\_\_\_  
Michael Topper, Vice Chairman

  
\_\_\_\_\_  
Vance N. Remillard, Member

*(John W. Boring, Member, and William Moulden, Member, did not participate in this appeal.)*


**DISSENTING**

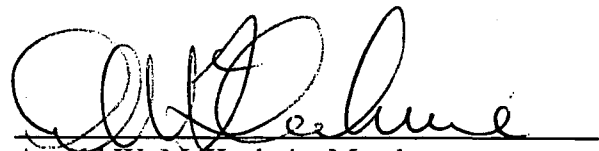
Unlike our colleagues, we believe that the variances in this case should be granted. We believe that the Petitioners have satisfied each of the necessary Code requirements.

First, we believe that in order to keep with the essential character of the neighborhood under Section 3-1-207(c)(2), the house needs to be a certain size. *See also* § 3-1-207(c)(1). The size of home that the Petitioners proposed was consistent with other homes in the area. What amounts to the minimum necessary is a subjective test. Our colleagues believe that the size of the house and the two-car garage proposed by the Petitioners is not the minimum necessary. However, we disagree. Viewing the variance requirements as a whole, we believe that the two-car garage is necessary to fit in with the essential character of the neighborhood and the Petitioners should not be punished for trying to meet the requirements of the Code.

We believe that the testimony of the Petitioners' engineers and the County's planner should receive more deference; they are trained to determine the best ways to utilize the land, with the least amount of impact to the land. All of the specifications for the property including the location, the size and the stormwater management proposed by the Petitioners were selected and/or approved by expert engineers after they reviewed all necessary information. The use and support of engineers in designing the Petitioners' proposed home and all of its necessary utilities leads us to believe that the plan meets Code requirements.

It is for the above reasons that we respectfully dissent.

  
\_\_\_\_\_  
Ray J. Jicka, Member

A handwritten signature in cursive script, appearing to read "Arnold W. McKechnie", written over a horizontal line.

Arnold W. McKechnie, Member

# 1264A CREEK DRIVE

## OYSTER HARBOR

### INTRODUCTION

The property located at 1264A Creek Drive in Oyster Harbor is found within the Limited Development Area of the Critical Area and is proposed to be improved with one single-family residence. The site is entirely nontidal wetland and a variance is needed to construct the house and its associated structures (e.g. driveway).

### VICINITY MAP

Included in this report and shown on the attached plan is a vicinity map designating the location of the subject site. Also included in the report are portions of the County soil survey, the nontidal wetland map of the area and the Critical Area Map with the site located.

### NARRATIVE

#### EXISTING CONDITIONS

The property is vegetated with *Phragmites* throughout, along with red maple, willow and sweetgum in the overstory. Other species found include multiflora rose and greenbriar. The site has hydric soils and there was standing water on much of the lot the day of the fieldwork.

No wildlife was observed the day of the fieldwork. The surrounding neighborhood is developed with small lots and many houses, so wildlife use of this lot is expected to be minimal. There were no rare, threatened or endangered species seen during the fieldwork, nor any critical habitats. There are no steep slopes on the lot.

#### STORMWATER MANAGEMENT

There is no storm water management on the lot at this time since the lot is unimproved. With construction of the house and driveway, the County will require storm water management, which will be accomplished via onsite vegetative planting.

#### IMPACT MINIMIZATION

The house will be constructed on gravel placed in the wetland. A permit from the State Department of the Environment has been obtained to allow disturbance to 3,840 square feet. A fee was paid into the State Wetland Compensation Fund for 7680 square feet (2:1 mitigation) and mitigation onsite for 900 square feet of wetland disturbance will also be addressed.



## HABITAT PROTECTION AREAS

The Habitat Protection Area found on this lot is the nontidal wetland. Because the wetland encompasses the entire lot, there is no way to improve the lot without impacting the wetland.

## PROPOSED CONDITIONS AND SITE CALCULATIONS

The proposed conditions of the site will be the construction of the house, a driveway, a well and the sewer hook-up. The house is proposed to be constructed on pilings and the only permanent fill will be for the driveway. Per County personnel in the Permit Application Center, even though the house will be on pilings and be eight feet above grade, thus allowing vegetation to grow under the house and not impede the wetland hydrology, all of the improvements are to be considered impervious. Based on that consideration, the site calculations are as follows:

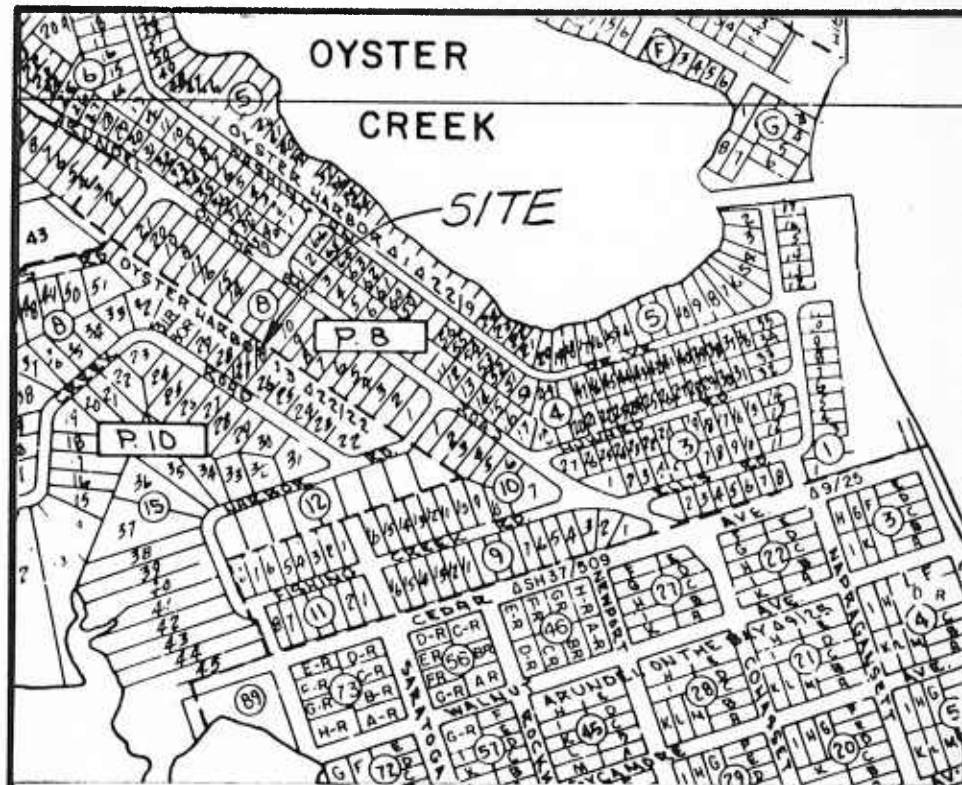
Total lot area	11,250 square feet
Existing woodland	11,250 square feet
Proposed clearing	3,690 square feet
Allowed impervious coverage	3,516 square feet
Proposed impervious surface	1,464 square feet

## CONCLUSIONS

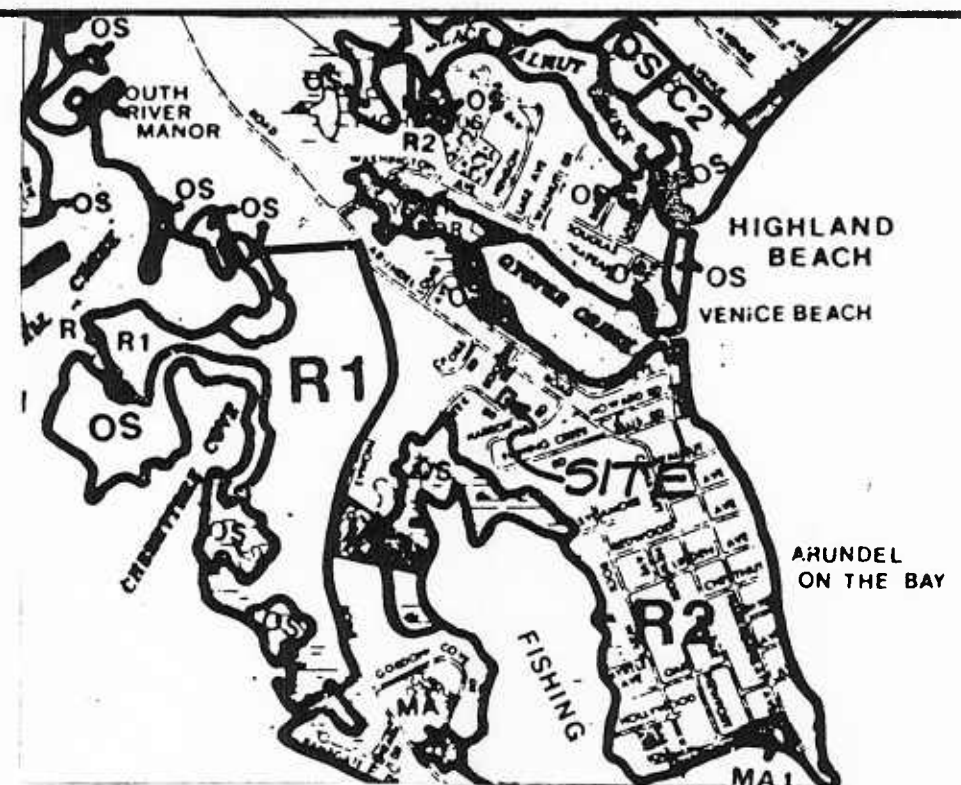
There can be no development of this lot without the requested variance. Because the lots on each side of this one have already been improved with houses, driveways and yards, the runoff from those lots all collects on this lot, adding to an already wet situation. Much of the rest of Oyster Harbor has already been built, so the request for a house on this lot is in keeping with the surrounding area. Any woodland removed will have to be replaced offsite or a fee in lieu paid so there will be no net loss of woodland. In this case, the amount of woodland removed will have to be replaced at a value of at least 2:1, thereby actually increasing the amount of woodland in the County. The wildlife habitat loss is minimal because much of the vegetation is *Phragmites*, which has insignificant wildlife value. Any wetland impacts have been mitigated per the requirements of the MD Department of the Environment and resulted in no net loss of wetlands.

## PLANS

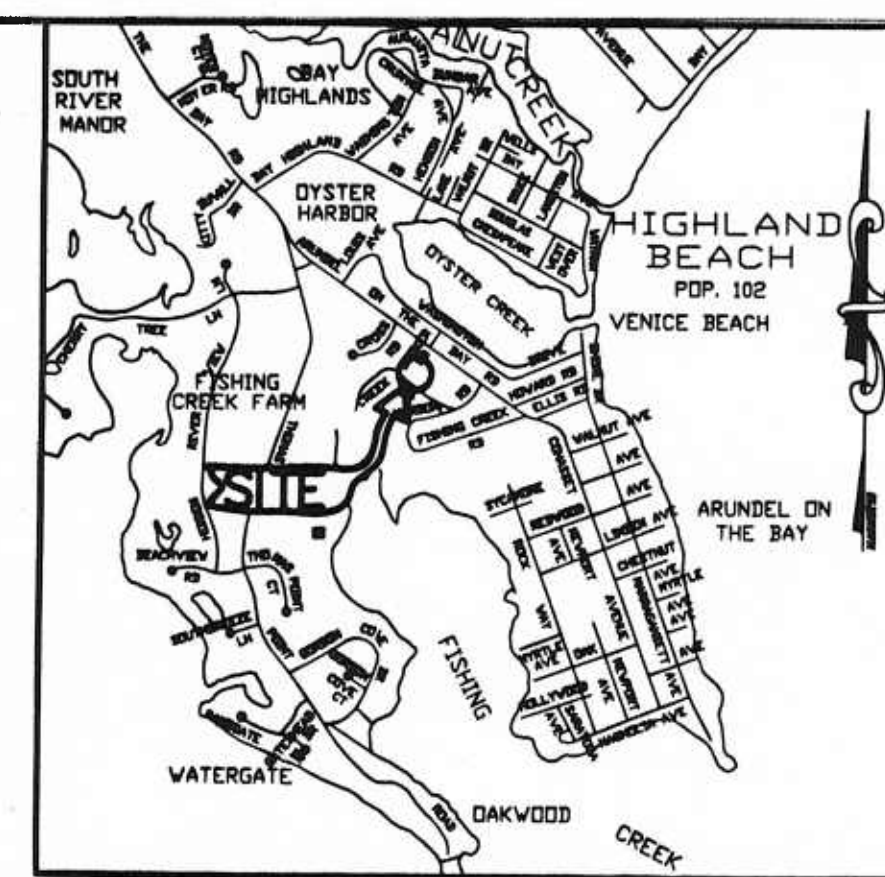
Attached to this report is a plan showing the existing and proposed conditions of the lot, along with the house and driveway locations and woodland to remain.



**TAX MAP**  
SCALE: 1" = 600'



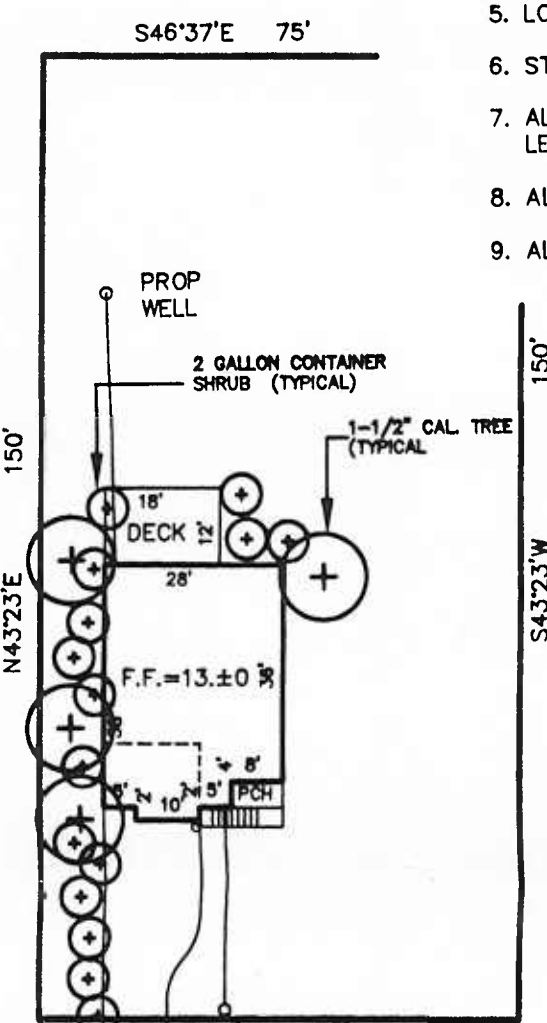
**ZONING MAP**  
SCALE: 1" = 2000'



**VICINITY MAP**  
SCALE: 1" = 2,000'

**FLOOD PLAIN NOTES:**

- BUILDING PERMIT NO.: Boz1
- BENCHMARK STATION NO.: SOUTHEAST CORNER OF LOT 27 IS ELEV. 5.4.
- 100 YEAR FLOOD PLAIN ELEVATION: 7.0
- SEE FLOOD PLAIN INSURANCE PANEL NO. 44, ZONE: A-B
- LOWEST FLOOR ELEVATION: 8.0
- STRUCTURE TO BE BUILT ON RAISED CONCRETE FOUNDATION.
- ALL ELECTRICAL HEAT PANELS SHALL BE ABOVE THE FIRST FLOOR LEVEL AND PANEL BOX 2' ABOVE F.F. MIN.
- ALL ELECTRICAL HEAT PANELS SHALL BE ABOVE ELEVATION: 8.0
- ALL PLUMBING FIXTURES SHALL BE ABOVE ELEVATION: 8.0.



**PLANTING PLAN**  
SCALE: 1" = 30'

**SITE ANALYSIS**

A = 0.41 ACRES±  
C = 0.40  
Tc = 10 MINUTES  
I = 6.1  
Q = 1.0 C.F.S.

**CRITICAL AREA NOTES**

LOT SIZE	11,250 SQ.FT.
IMPERVIOUS EXISTING	0 SQ.FT.
IMPERVIOUS PROPOSED	1,464 SQ.FT.
IMPERVIOUS ALLOWED	3,516 SQ.FT.
EXISTING WOODLAND	10,050 SQ.FT.
WOODLAND TO BE REMOVED	3,690 SQ.FT.

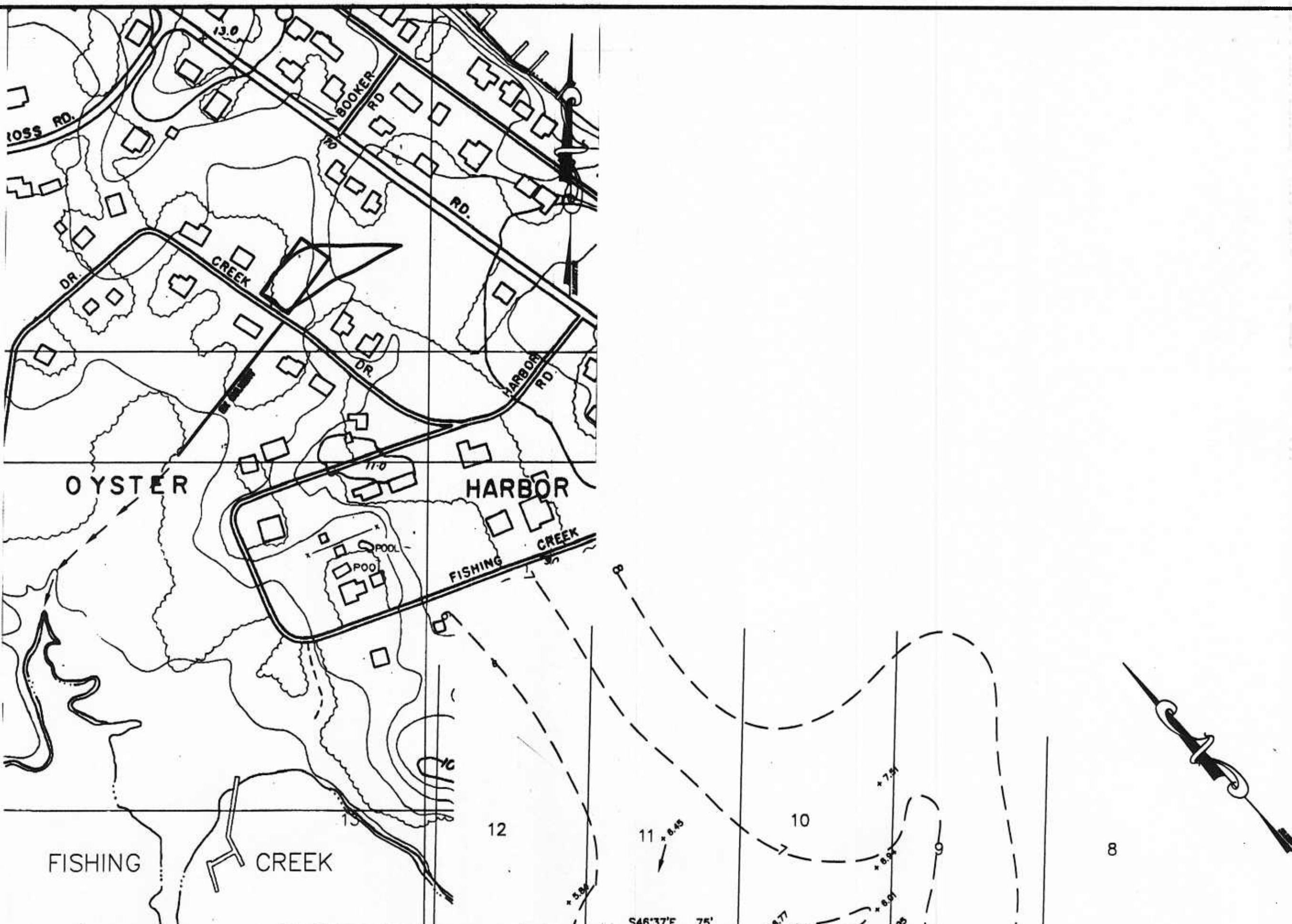
**STORMWATER MANAGEMENT NOTE**

DUE TO THE CLAYEY SOILS AND THE HIGH WATER TABLE, THERE IS NO OPPORTUNITY TO CONSTRUCT A CONVENTIONAL STORM WATER MANAGEMENT SYSTEM ON SITE. THEREFORE, WE ARE PROPOSING TO PLANT VEGETATION TO "SOFT-SEAL" THE PROPOSED IMPERVIOUS AREA. WE WILL PROVIDE AND INSTALL FOUR (4) 1-1/2" CAL. DECIDUOUS SHADE TREES (B&B) AND FIFTEEN (15) 2 GALLON CONTAINER SHRUBS TO RESOLVE THE ISSUE. THESE PLANT MATERIALS WILL BE THE SUBJECT OF A REFORESTATION AGREEMENT AND SECURITY TO BE POSTED WHEN THE PERMIT IS READY FOR ISSUANCE. PLANT GROUP CONSISTS OF 1 TREE AND 3 SHRUBS AND EQUAL 400 SQ.FT. OF IMPERVIOUS. PROVIDED 4 GROUPS (4 x 400 = 1,600 + 3 SHRUBS @ 35 SQ.FT. = 1,705 SQ.FT.)

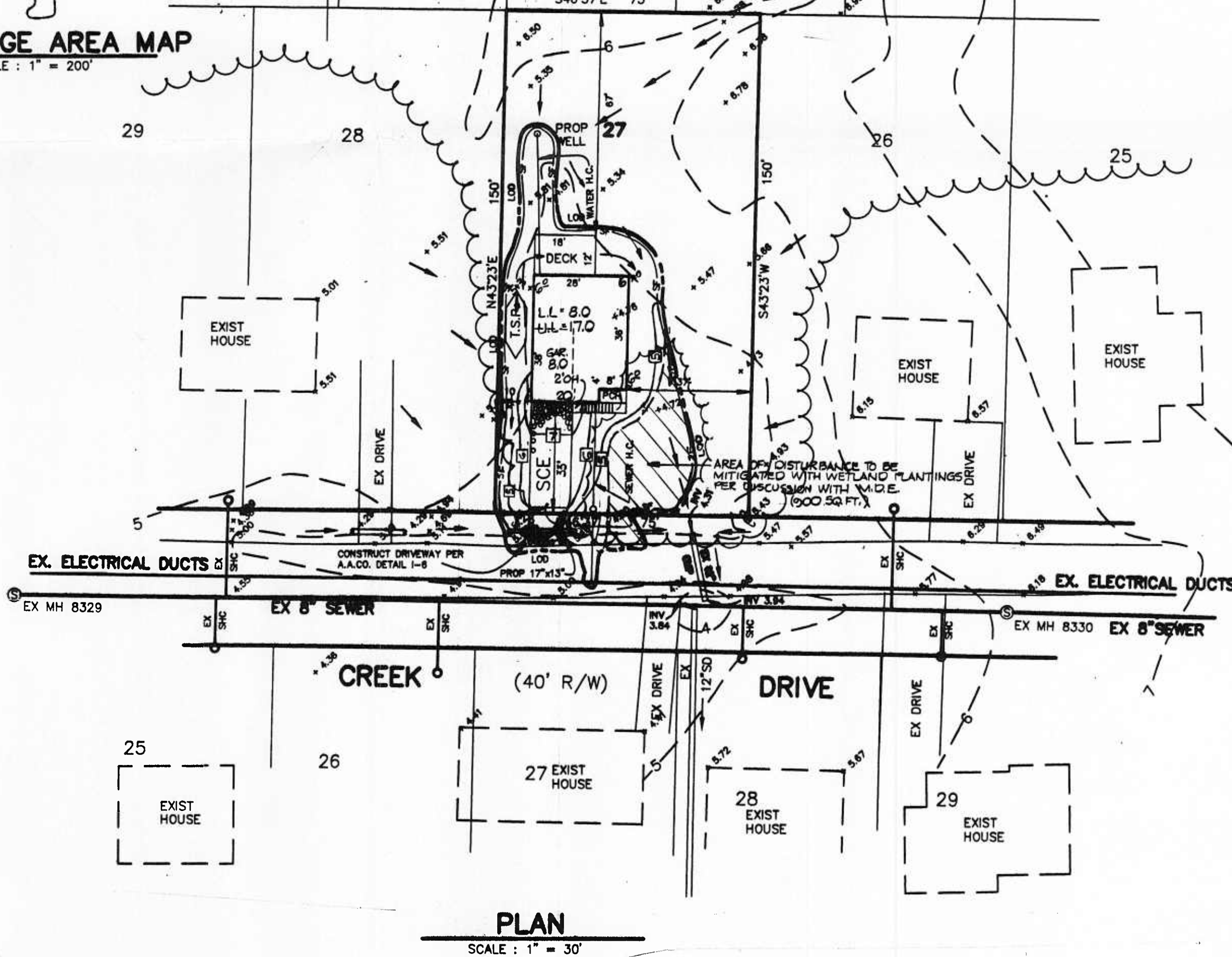
**VARIANCE REQUESTED:**

A VARIANCE IS SOUGHT TO ARTICLE 18, SECTION 13-104 TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE, DRIVEWAY AND WELL WITHIN NONTIDAL WETLANDS.

PROPOSED CLEARING 4,720 SQ.FT.



**DRAINAGE AREA MAP**  
SCALE: 1" = 200'



**PLAN**  
SCALE: 1" = 30'

**QUANTITIES**

1. CUT	50 C.Y.	
2. FILL	50 C.Y.	
3. AREA TO BE VEGETATIVELY STABILIZED:	3256 S.F.	0.075 ACRES.
4. AREA TO BE MECHANICALLY STABILIZED:	1,464 S.F.	0.034 ACRES.

NOTE: THE EARTHWORK QUANTITIES SHOWN ARE FOR THE PURPOSE OF PERMIT FEE CALCULATION. THE CONTRACTOR SHALL VERIFY ALL QUANTITIES AND SOIL TYPES TO HIS OWN SATISFACTION.

**LEGEND**

EXISTING GRADE	-----110-----
PROPOSED GRADE	=====110=====
EXISTING ELEVATION	110.8
PROPOSED ELEVATION	110x8
SILT FENCE	—SF—
LIMIT OF DISTURBANCE	LOD
STABILIZED CONSTRUCTION ENTRANCE	S.C.E.
STOCK PILE	SP



**ED BROWN & ASSOCIATES, INC.**  
LAND SURVEYORS - LAND PLANNERS  
DEVELOPMENT CONSULTANTS  
19 LORETTA AVENUE  
ANNAPOLIS, MARYLAND 21401  
ANNAPOLIS 410-266-6199 BALTIMORE 410-841-0119

SCALE: AS NOTED  
DATE: APRIL 2006  
DRAWN BY: JAY  
CHECKED BY: EAB  
JOB NO: 04-326  
SHEET 1 OF 1

**VARIANCE SITE PLAN**  
LOT 27, BLOCK 8  
OYSTER HARBOR  
PLAT #3  
1264 A CREEK DRIVE, ANNAPOLIS  
SECOND DIST. - ANNE ARUNDEL CO., MARYLAND

**General Notes:**

- OWNER / APPLICANT: AHERNE HILL LLC  
2 KENT ROAD  
ANNAPOLIS, MD 21401  
443-336-8373
- SITE REFERENCE: TAX MAP 57, BLOCK 21, PARCEL 10
- Tax Account: 2597-01642625
- Existing Zoning is R-2.
- Existing use is Residential, No change is proposed.
- Utilities on this site will be served by public sewer and private water.
- Total site area of application: 11,250 sq. ft. 0.25 Ac.,
- Soil Type: MuB2 Monmouth Loamy Sand
- This site is situated in the Chesapeake Bay Critical Area
- The Landscape / Screening requirements of the Anne Arundel County Landscape Manual will be complied with for this project.
- Survey Data supplied by Ed Brown Associates, Inc.

**OWNERS WITHIN 175'**

TAX MAP 57, BLOCK 21, PARCEL 8, BLOCK 8	TAX MAP 57, BLOCK 21, PARCEL 10, BLOCK 8
LOT 15 BR & WT PROPERTIES LLC 7865 QUATERFIELD ROAD SEVERN, MARYLAND 21444 TAX # 2597-0914-9000	LOT 24 SHIRLEY D. ALLEN 1276 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0011-6000
LOT 14 FRANK RUFF 2924 KILKENNY COURT DAVIDSONVILLE, MARYLAND 21035 TAX # 2597-0970-0600	LOT 25 ADAM W. BIELSKI 1774 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0242-0755
LOT 13 ROSE A. MOORHEAD 1944 S. STREET S.E. WASHINGTON, DC 20020 TAX # 2597-0844-6200	LOT 26 NICHOLAS VON DER WENSE 1266 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0827-5400
LOT 12 ELIZABETH F. JOHNSON FANNIE J. RANDALL 1055 GREEN MOUNTAIN CIRCLE COLUMBIA, MARYLAND 21044 TAX # 2597-0671-1615	LOT 28 & 29 THOMAS E. STRANGE, JR. 307 BELVEDERE AVENUE CAMBRIDGE, MARYLAND 21613 TAX # 2597-0159-4415
LOT 11 NANCY ROSENSHINE & DAVID SUNSHINE 3344 ARUNDEL ON THE BAY ROAD ANNAPOLIS, MARYLAND 21403 TAX # 2597-0670-7400	00T 30R JOHN A. & KIMBERLY D. BORIS 1263 CREEK DRIVE ANNAPOLIS, MARYLAND TAX # 2597-0418-4605
LOT 10 GRETCHEN TAUCHER 3346 ARUNDEL ON THE BAY ROAD ANNAPOLIS, MARYLAND 21403 TAX # 2597-0503-5100	BLOCK 15 LOT 24 ROBERT B. FISH & REBECCA E. FETTERS 1263 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0838-4200
LOT 9 JOSEPH N. GROOMES 3348 ARUNDEL ON THE BAY ROAD ANNAPOLIS, MARYLAND 21403 TAX # 2597-0321-2701	LOT 25 CHARLES M. & IWA SIMON 1265 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0230-1815
LOT 8 DUSTIN KIERNAN 3350 ARUNDEL ON THE BAY ROAD ANNAPOLIS, MARYLAND 21403 TAX # 2597-0350-2800	LOT 26 TIFFANY S. & IRMA K. BUTCHER 1271 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0230-1800
LOT 7 MARY O'BRIEN 3352 ARUNDEL ON THE BAY ROAD ANNAPOLIS, MARYLAND 21403 TAX # 2597-0627-0600	LOT 27 TIFFANY S. & IRMA K. BUTCHER 1271 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0230-1800
	LOT 28 GRETCHEN G. KROCHMAL C/O INNOVATIVE PROP. INC. 435 7TH STREET ANNAPOLIS, MARYLAND 21403 TAX # 2597-0838-8200
	LOT 29 STEPHEN B. PICARDE 1275 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0838-8100
	LOT 30 JEFFREY L. WAGENMANN 1277 CREEK DRIVE ANNAPOLIS, MARYLAND 21403 TAX # 2597-0996-6600

NO	DESCRIPTION	BY	DATE
	REVISIONS		