Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

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/

September 10, 2010

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

Re: Bryant Variance
2010-0183-V

Dear Ms. Cotter:

Thank you for forwarding information on the above referenced variance request. The applicant is requesting a variance to disturb steep slopes greater than 15% in the Critical Area. The site is approximately 11,624 square feet in size and lies entirely within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The site is currently developed with a dwelling and garage. The applicant is proposing to construct a driveway across steep slopes to access the garage which would result in a lot coverage increase of approximately 900 square feet. With the proposed driveway, the site will contain 27.2% lot coverage, below the 31.25% allowed by law.

This applicant was party to a variance request, along with several other property owners, reviewed by this office in 2008 (2008-0364-V). That variance was denied by the Hearing Officer and later appealed to the Board of Appeals, at which time the applicant failed to appear for the hearing. It appears from the materials submitted with the current variance request, the applicant has reduced the size of the proposed driveway and eliminated any proposed off-street parking. Provided the lot is properly grandfathered, we do not oppose the variance request for a driveway onto the property. However, we recommend that storm water management designs based on the Maryland Department of the Environment's Environmental Site Design standards be incorporated into the project to offset the increased nutrient load associated with the increase in lot coverage. Please note that the proposed development on this property triggers the requirement for Buffer establishment as detailed within COMAR 27.01.09.01-01. In this case, establishment is based on the net increase in lot coverage outside of the Buffer. Should the variance

request be approved, the applicant must submit a Buffer Management Plan in accordance with COMAR 27.01.09.01-3 detailing compliance with the establishment provisions.

Thank you for the opportunity to provide comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call (410) 260-3479.

Sincerely,

Turcan Hockaday
Natural Resources Planner
AA 553-08

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

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/

April 29, 2009

Ms. Suzy Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: 2008-0364-V – Bryant, Mark

Dear Ms. Schappert:

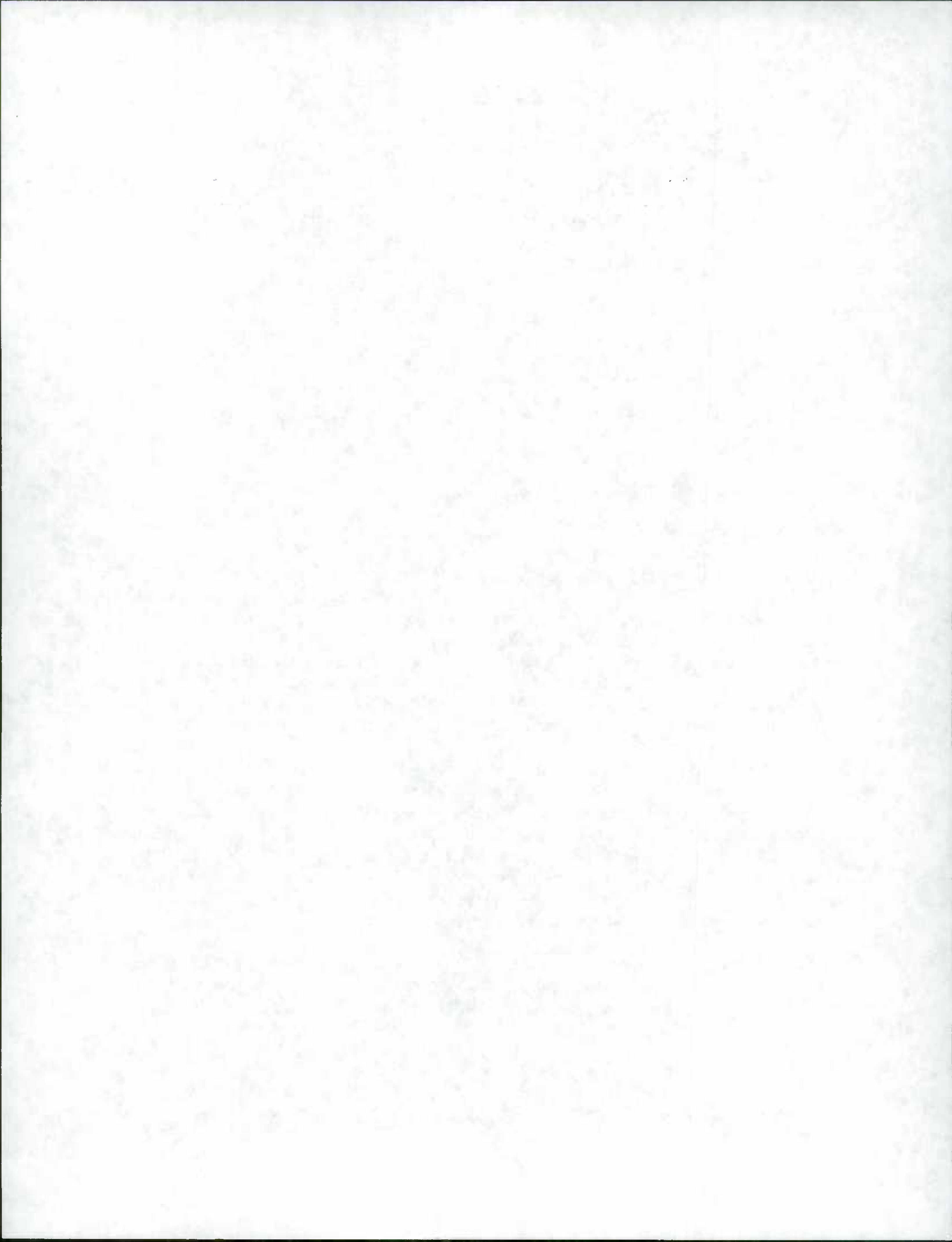
We have received notice that the above referenced variance request will be heard on May 26, 2009 by the Board of Appeals. We sent a letter on December 30, 2008 indicating that we did not oppose the applicants' variance request. Additional information was presented at the hearing on February 13, 2009 and the Hearing Officer denied the applicants the variance. The applicants are currently requesting a variance to allow associated facilities (driveway and parking) with greater lot coverage than allowed and with disturbance to slopes greater than 15%. An existing court order has allowed the owners of lots 7 and 8 of this subdivision to deny the use of Heidi Lane whose entrance is located on their property. These currently existing lots are over their lot coverage limit at an average of 23%.

Given the additional information presented at the hearing, we question whether each and every one of the County's variance standards have been met as is required in order for the Board to grant a variance to the Critical Area Law and Criteria. According to the Hearing Officer's report, "this proposed disturbance to the Critical Area arises from the applicants' refusal to sign off on a road maintenance agreement that will allow them to continue using Heidi Lane to access their lots." Based on this statement, the necessity for the variance is based on actions of the applicants and any hardship is self-imposed. Since the applicants have therefore failed to meet each and every one of the County's variance standards, this office can no longer support this variance request.

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. If you have any questions, please call me at (410) 260-3476.

Sincerely,

Julie Roberts
Natural Resources Planner



Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

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/

December 30, 2008

Ms. Pam Cotter
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, MD 21401

Re: 2008-0364-V – Bryant, Mark

Dear Ms. Cotter:

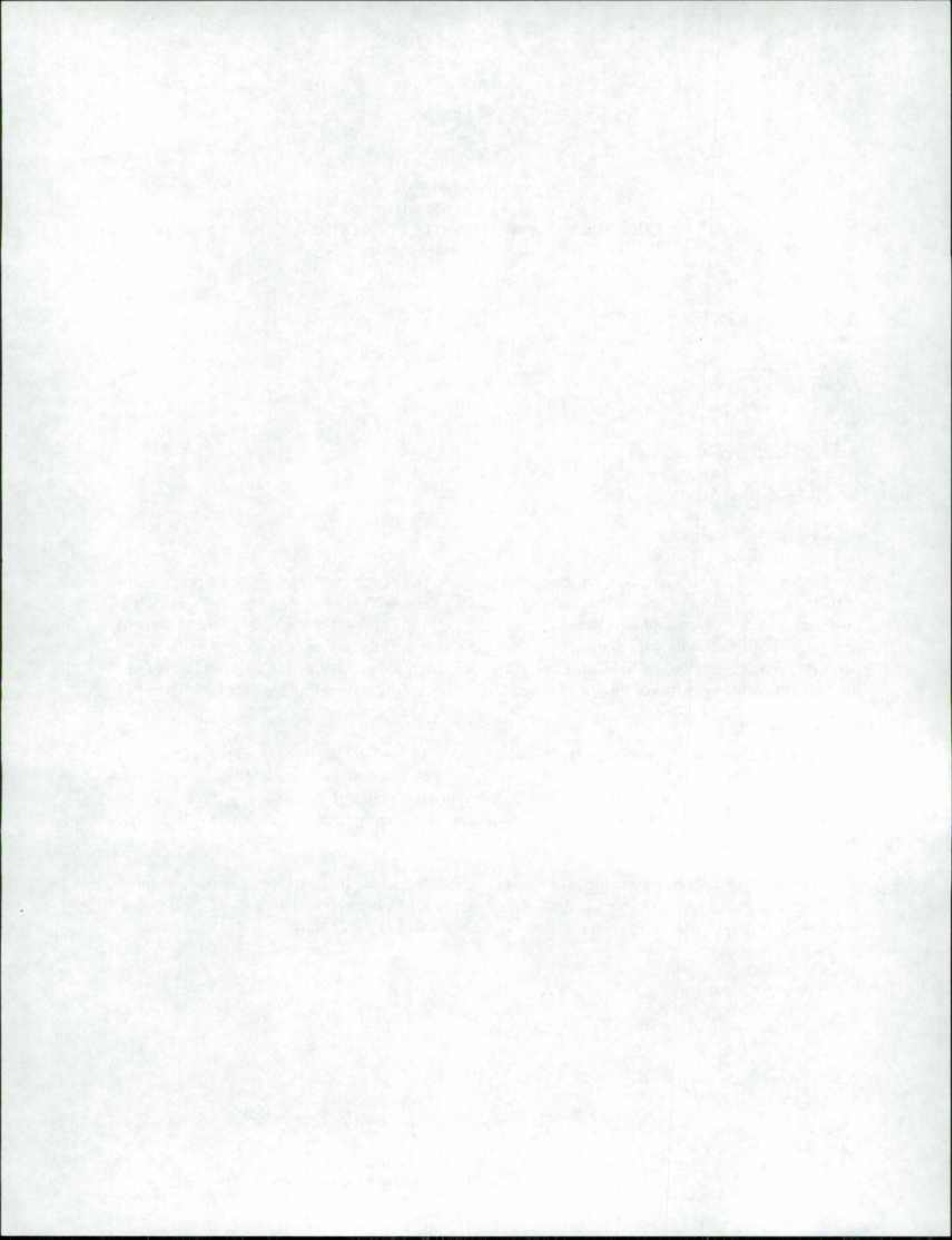
We have received information on the above-referenced variance request. The applicant is requesting a variance to allow associated facilities (driveway and parking) with greater lot coverage than allowed and with disturbance to slopes greater than 15%. An existing court order has allowed the owners of lots 7 and 8 of this subdivision to deny the use of Heidi Lane whose entrance is located on their property. Without this access to Heidi Lane, it appears that there is currently no point of ingress or egress to the other nine lots of this subdivision. These currently existing lots are over their lot coverage limit at an average of 23%.

Provided these lots are properly grandfathered, we do not oppose the variance request for a point of ingress and egress off of Nabbs Creek Road. However, we cannot support any additional proposed off-street parking. We recommend that mitigation be required at a ratio of 3:1 for the increase in lot coverage. The applicants should provide a plantings plan, including species, size, spacing and schedule to the County for review and comment.

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. If you have any questions, please call me at (410) 260-3476.

Sincerely,

Julie Roberts
Natural Resources Planner
cc: AA 553-08



553-08

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2010-0183-V

MARK BRYANT AND CATHERINE BRYANT

THIRD ASSESSMENT DISTRICT

DATE HEARD: SEPTEMBER 28, 2010

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: JOHN R. FURY

DATE FILED: **OCTOBER 11, 2010**

PLEADINGS

Mark Bryant and Catherine Bryant, the applicants, seek a variance (2010-0183-V) to allow associated facilities (driveway) with disturbance to slopes 15% or greater on property located along the north side of Nabbs Creek Road, east of Altoona Beach Road, in Glen Burnie.

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. Mark Bryant testified that the property was posted for the requisite time period prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on September 28, 2010, in which witnesses were sworn and the following evidence was presented with regard to the proposed variances requested by the applicants. John Fury, a planner with the Office of Planning and Zoning (OPZ), recommended approval.

In Case No. 2008-0364-V, heard on January 27, 2009, Mark Bryant and three of his neighbors sought variances to allow associated facilities (driveway and

parking) with greater critical area lot coverage than allowed and with disturbance to slopes 15% or greater. That request was denied. This application differs from the 2008 application only in that Mr. Bryant has added his wife to the application and dropped the request for greater critical area lot coverage. He still asks for a variance to disturb steep slopes to construct a driveway from Nabbs Creek Road to his dwelling. If approved, the work will take place in steep slopes, as shown on County Exhibit 2 admitted into evidence at the hearing.

The findings set forth in the 2008 Decision are incorporated herein. None of the facts have changed since the last hearing. The record shows that the lot owned by Mr. and Mrs. Bryant is in the middle of a number of lots that front on Nabbs Creek. The land in which the lots are located consists of a steep rise from the water to a ridge upon which the owners of the lots have erected dwellings and accessory structures. Continuing in a southerly direction, the ground falls away into a shallow depression which then rises steeply to Nabbs Creek Road. The lots are accessed by Heidi Way,[1] an improved 20-foot private right-of-way, which also services several other lots along Nabbs Creek. After being denied the right to use Heidi Way without signing a road agreement, the applicants, along with other nearby property owners, attempted unsuccessfully to establish easement rights via litigation filed in the Circuit Court for Anne Arundel County in Civil Action C-04-096536.

[1] The access road was identified in the prior decision as Heidi Lane. Ms. Luger testified in the hearing on this application that it should be called Heidi Way.

Heidi Luger testified against the variance as she did in the 2008 case. She is the owner of Lots 7 and 8, which are improved with a dwelling in which she has lived for many years. The practice in the past was that the lots along Nabbs Creek were accessed by a tar and chip road that began at Ms. Luger's property and ran along the shallow depression behind the houses on the water. This road became the subject of the lawsuit referenced above because of damage to the area caused by developers bringing in materials to build and improve the dwellings along the water that are located to the west of Ms. Luger's property. Ms. Luger proposed a road maintenance agreement for the lot owners to sign. Not everyone has agreed to do so, including the applicants. The standoff at the earlier hearing between the applicants and Ms. Luger continues.

DECISION

Upon review of the facts and circumstances, I find and conclude, for the reasons stated below and in the prior decision, that the applicants are not entitled to relief from the Code. At the prior hearing, it was unclear why the road agreement had not been signed. At this hearing, Ms. Luger made it clear that she wanted to be compensated for the damage to her property caused by the builder of the applicants' home. She said the damage was $20,000. When asked specifically whether the road agreement and the claim for compensation were connected in order for the Bryants to gain access to their property over Heidi Way, Ms. Luger said that she wanted to get paid before she would allow the Bryants to sign off on

the road agreement. The applicants testified that they did not want to pay for something they didn't do and have refused to pay Ms. Luger. As a result, the applicants seek variances to gain direct access to their property from Nabbs Creek Road.

The Circuit Court has decided that Ms. Luger controls access to Heidi Way. This Office cannot tell Ms. Luger to give the Bryants access to their property. Also, this Office cannot decide the legality of Ms. Luger's claim that the applicants have to pay her $20,000 to gain access to Heidi Way. The only issue is whether the applicants are entitled to a variance to disturb steep slopes to gain access to Nabbs Creek Road.

The applicants are not entitled to the variance because the need arises from their refusal to pay the price Ms. Luger is demanding. This is a self-imposed condition. I can understand their objection but the following example will explain the result reached here. If the price Ms. Luger was demanding was five dollars, for example and the Bryants thought that was too high, would the variance be granted? No. $20,000? No again. The law does not grant or deny variances based on whether the property owner (or the Hearing Officer) thinks the price to access property without disturbing the critical area is too high. The applicants were presumed to know of the access problem when they purchased their lot.

The phrase "presumed to know" is a concept that exists in the legal world but not in the real world. The Bryants testified that they were unaware of the access problem and the damage to Ms. Luger's property when they purchased

their lot. (They have since also learned that the stairs they thought were on their land were built on their neighbor's property. Fortunately, the neighbor has been kind enough to allow the Bryants to use the stairs to access their property.) It is obvious that the Bryants were ill-served by their builder and whomever they relied upon in deciding to purchase their lot. Better counsel would have resolved the road issue ahead of their purchase of the property as well as Ms. Luger's claim that her property was damaged from the work done on the applicants' home. However, such unfortunate events do not overcome the requirements of the critical area where access is available over Heidi Way but for the refusal on the part of the Bryants to pay Ms. Luger's price.

A number of other points need to be made. First, the "domino effect" of granting the requested variance must be considered. If the Bryants obtain a variance to build their driveway, every lot on Heidi Way will be entitled to variances to construct their own driveways across the steep slopes that lie between Heidi Way and Nabbs Creek Road. The disturbance that will occur if the requested variance is granted will be multiplied many times over.

Second, Ms. Luger's claim that the Bryants have to compensate her for damage caused by the builder may not be valid. Although the hearings were not held to determine who caused Ms. Luger's damage, the evidence seems to show that the builder is the culprit. If this is true, the builder is liable. For example, if the Bryants had owned their home and hired a builder to rebuild it, damage caused by the builder to property nearby would be the liability of the builder, not the

Bryants. I do not have the jurisdiction to decide this issue, and the facts may cause the Bryants to assume some or all of the liability for the damage Ms. Luger suffered, but on the facts that I have seen over two hearings, the proper defendant is the builder, not the Bryants.

Furthermore, Ms. Luger's claim against the applicants may be time-barred. The Bryants purchased the property on September 3, 2004. It appears that the work that was done by the builder was done prior to settlement on September 3, 2004. The statute of limitations in Maryland is normally 3 years from the date when the person who has sustained damage becomes aware of the damage. The 3-year period would appear to have run out in September, 2007. Therefore, Ms. Luger's claim against the builder *and* the applicants cannot be brought in 2010.

In addition, there is an undated letter in the file to the applicants from Ms. Luger which states that "I went to court for damages on December 1, 2005 and was awarded $120.00 from that case *which he has not paid either.*" (Emphasis added.) The context suggests that Ms. Luger is referring to the builder. If so, any further claims <u>against the builder</u> may be barred for failure to plead the claim now being made by Ms. Luger in the 2005 case against the builder. Also, the facts may show that any further claim <u>against the applicants</u> may be barred as well for failure to include the claim against them in the 2005 lawsuit against the builder.

I think Ms. Luger should uncouple the damage claim from the road agreement if, after consulting an attorney, it appears that <u>any</u> of the following is true about the facts in this situation:

(a) The Bryants did not cause the damage to Ms. Luger's property and, therefore, Ms. Luger has no claim against the Bryants for damage done by the builder who sold the reconstructed house to the Bryants; or

(b) The time to file a claim against the Bryants began to run in September, 2004, and more than 3 years have passed without bringing suit against the Bryants, or

(c) The filing of the December 2005 lawsuit against the builder bars any claim against the Bryants for the same damage because Ms. Luger did not sue the Bryants as well as the builder.

These suggestions would be invalid if the work was done by the builder within three years of 2010, or the applicants caused the damage, but the letter in the file states that Ms. Luger sued the builder in December, 2005, which is consistent with the applicants purchasing their property on September 3, 2004. The damage appears to have been done by the time the applicants took title to their property.

Third, I make these suggestions because the people who live in this community are all good people. It's a lovely area on the water. Heidi Way should revert to the Heidi Way that has served these homes for decades. I'm sure everyone would like to return to the way it used to be. If not, legal fees, litigation, and hard feelings will take away the benefits of living there. The road access needs to be resolved because if any one of the intervening property owners decides to exercise his or her rights to bar access across their lot (as was suggested at the hearing by placing abandoned vehicles in the way), other property owners will be

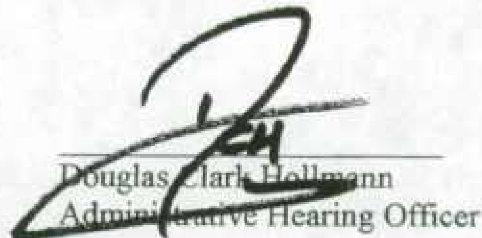
adversely affected.[2] Emergency vehicles, fuel trucks, delivery trucks, and visitors, not to mention homeowners, will not be able to access these homes. Cooperation is needed regardless of the outcome of any litigation, permit applications, or agreements. The people who owned these lots in the past obviously cooperated with each other; the current owners should take advantage of this opportunity to show that civility and fair-dealing have not disappeared in the twentieth century.

ORDER

PURSUANT to the application of Mark Bryant and Catherine Bryant, petitioning for a variance to allow associated facilities (driveway) with disturbance to slopes 15% or greater, 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 October, 2010**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants' request is **denied**.



Douglas Clark Hollmann
Administrative Hearing Officer

[2] An existing owner can sell at any time to someone who might have a different attitude toward cooperating with the other property owners along Heidi Way. All the property owners need to resolve the access issue to make this problem go away permanently.

NOTICE TO APPLICANTS

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.

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

553-08

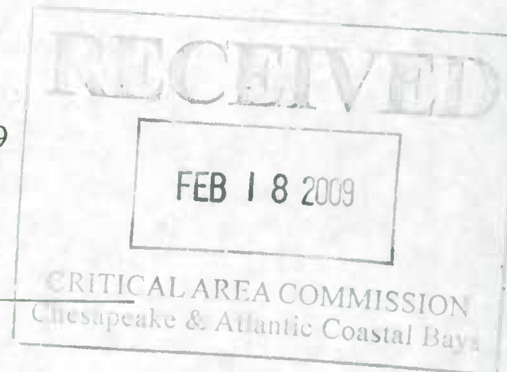
IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2008-0364-V

MARK BRYANT, RONALD M. HALL, GREGORY SILVESTRI, SR., AND MARIE SCHNEIDER

THIRD ASSESSMENT DISTRICT

DATE HEARD: JANUARY 27, 2009



ORDERED BY:
DOUGLAS CLARK HOLLMANN, ADMINISTRATIVE HEARING OFFICER

PLANNER: JOHN R. FURY

DATE FILED: **FEBRUARY 13th, 2009**

PLEADINGS

Mark Bryant, Ronald M. Hall, Gregory Silvestri, Sr., and Marie Schneider, the applicants, seek a variance (2008-0364-V) to allow associated facilities (driveway and parking) with greater critical area lot coverage than allowed and with disturbance to slopes 15% or greater on properties located along the north side of Nabbs Creek Road, east of Altoona Beach Road, in Glen Burnie.

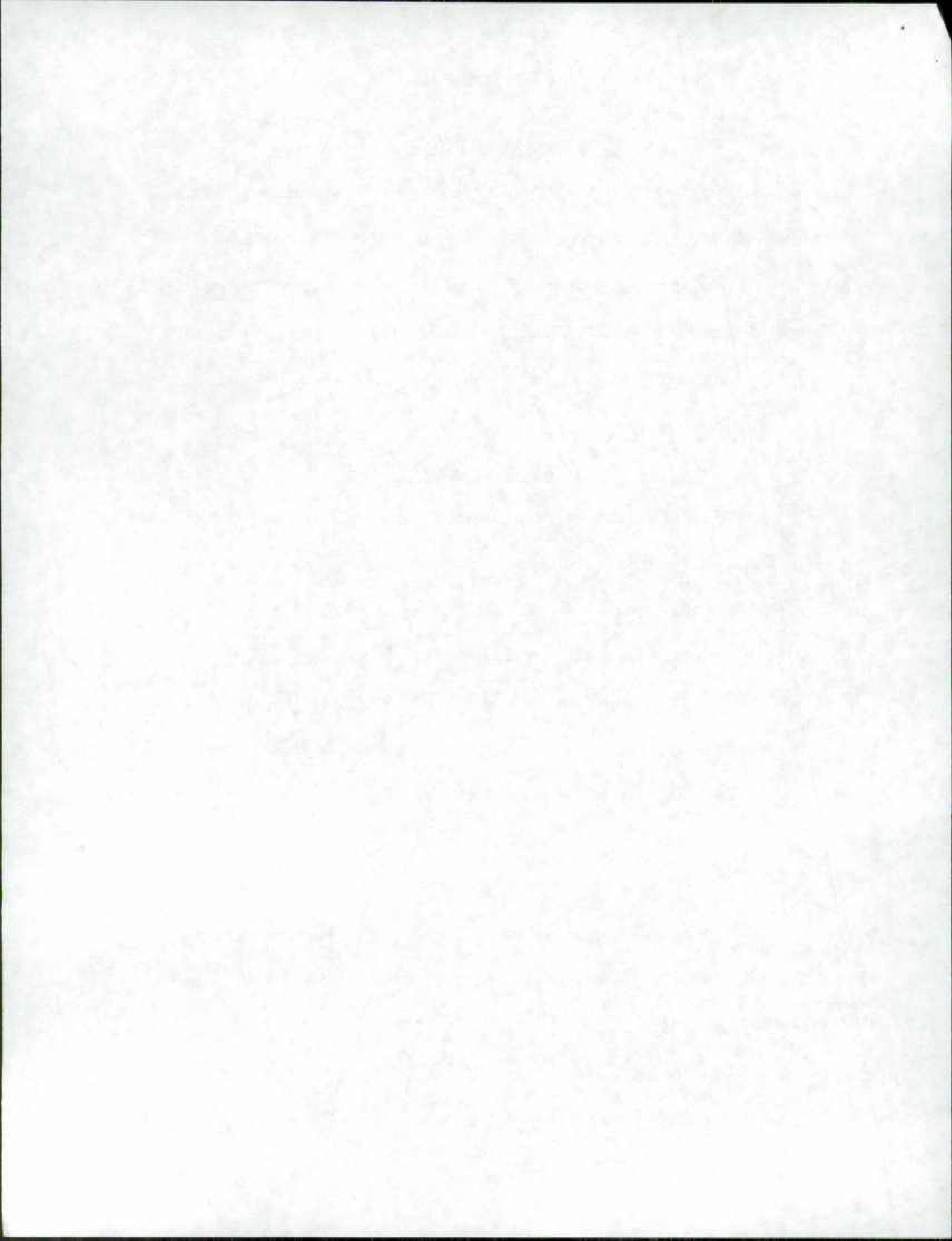
PUBLIC NOTIFICATION

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. Ronald M. Hall testified that the properties were posted for the requisite time period prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on January 27, 2009, in which witnesses were sworn and the following evidence was presented with regard to the proposed variances requested by the applicants.

The subject site is comprised of four improved lots that are in the ownership and possession of the applicants. These lots are located in the



subdivision of Altoona Beach with street addresses of 946, 950, 952, 954 Nabbs Creek Road, Glen Burnie, Maryland, 21060. The four lots will be referred to herein as the Property. The Property is located within the Chesapeake Bay critical area and is designated as limited development area (LDA). The Property is zoned R2-Residential District.

The Proposed Work

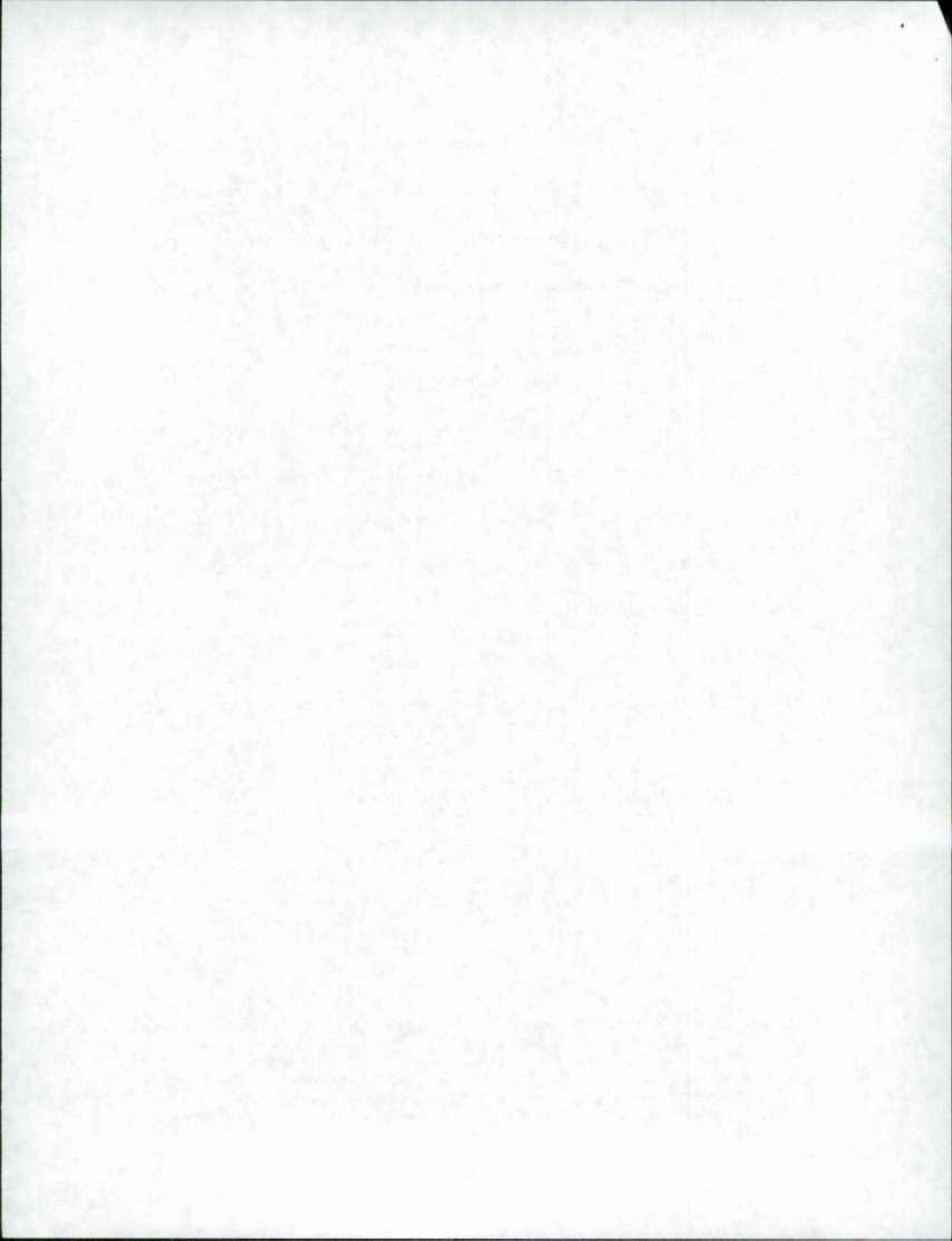
The applicants are seeking variances to allow the construction of a driveway and off-street parking that would service the four lots that they own.[1] The work would be performed with disturbance of steep slopes in the LDA. The proposed work will also increase the impervious surfaces on the Property and exceed the maximum allowed.

The Variances Requested

The work proposed by the applicants, therefore, will require the following variances.

1. First, the applicants request a critical area variance from § 17-8-402(b)(1) for impervious surface limitations because the lot coverage, as proposed, will exceed the 31.25% limitation for a lot of this size.

[1] As shown on the site plan for the Property, the four lot owners are applying for variances to the critical area requirements. The Office of Planning and Zoning (OPZ) has properly considered their requests separately in order to compute impervious surface limits. *See*, page 2 of OPZ Findings and Recommendation admitted as County Exhibit 1. For the purposes of this decision, however, the four lots will be considered as one property (the Property) because, for the purpose of granting a critical area variance, there are no differences between them as far as the application of the critical area law and the provisions governing the granting of variances from the law.



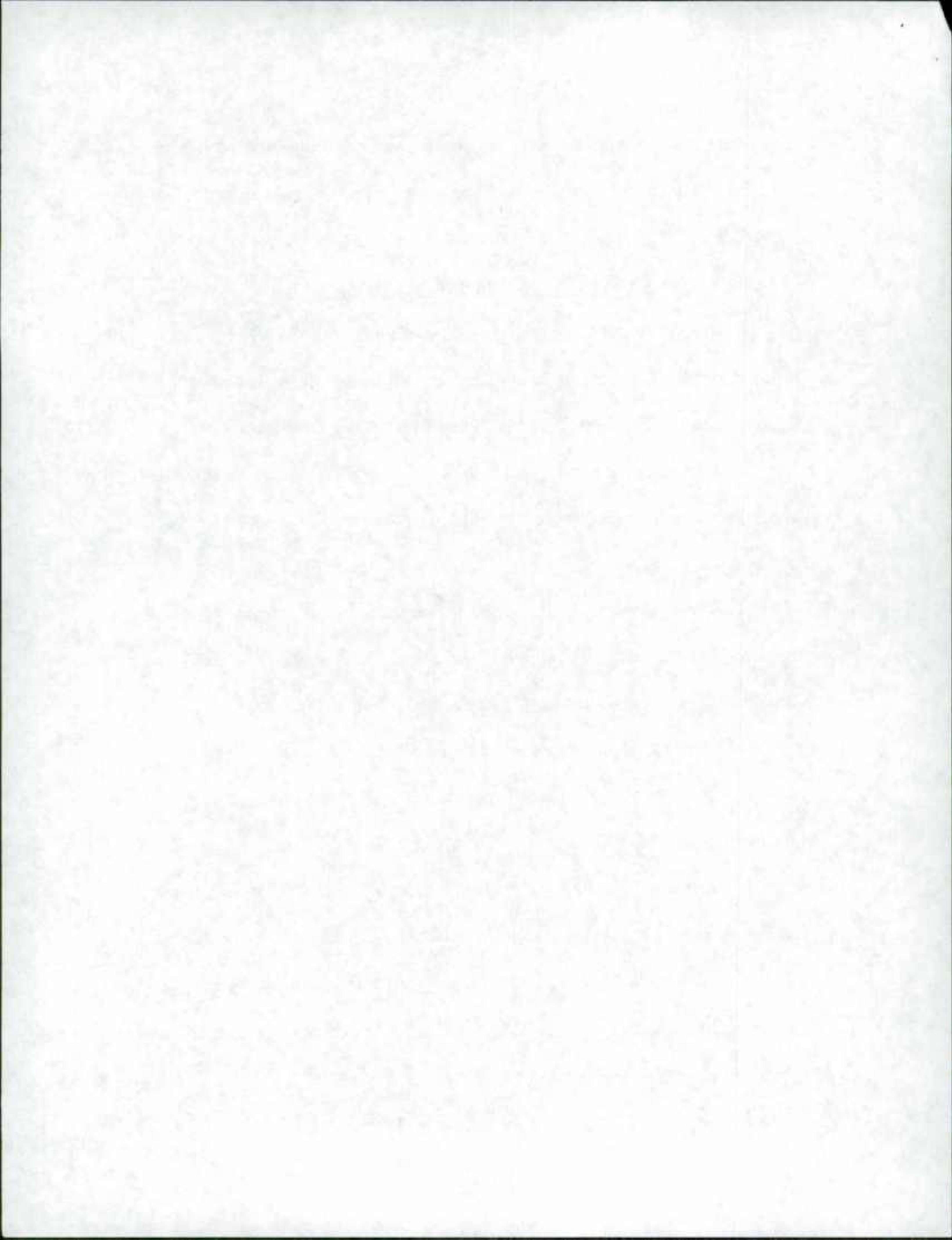
2. Second, the applicants request a critical area variance from § 17-8-201 because there will be disturbance to steep slopes as indicated on the site plan for the Property.

The Evidence Submitted At The Hearing

John R. Fury, a planner with the Office of Planning and Zoning (OPZ), testified that the Property is located in the subdivision of Altoona Beach with street addresses of 946, 950, 952, 954 Nabbs Creek Road, Glen Burnie, Maryland, 21060. All four lots are located within the Chesapeake Bay critical area and are designated as limited development area (LDA). They are all zoned R2-Residential District.

The four lots owned by the applicants extend from the waters of Nabbs Creek to Nabbs Creek Road, a public thoroughfare. They are part of a series of lots identified as Lots 1-17 as shown on County Exhibit 2, "Supplemental Site Plan for Variance," which was admitted into evidence at the hearing. The applicants' lots (Lots 13, 14, 15, and 16), which places them in the middle of the lots that front on Nabbs Creek.

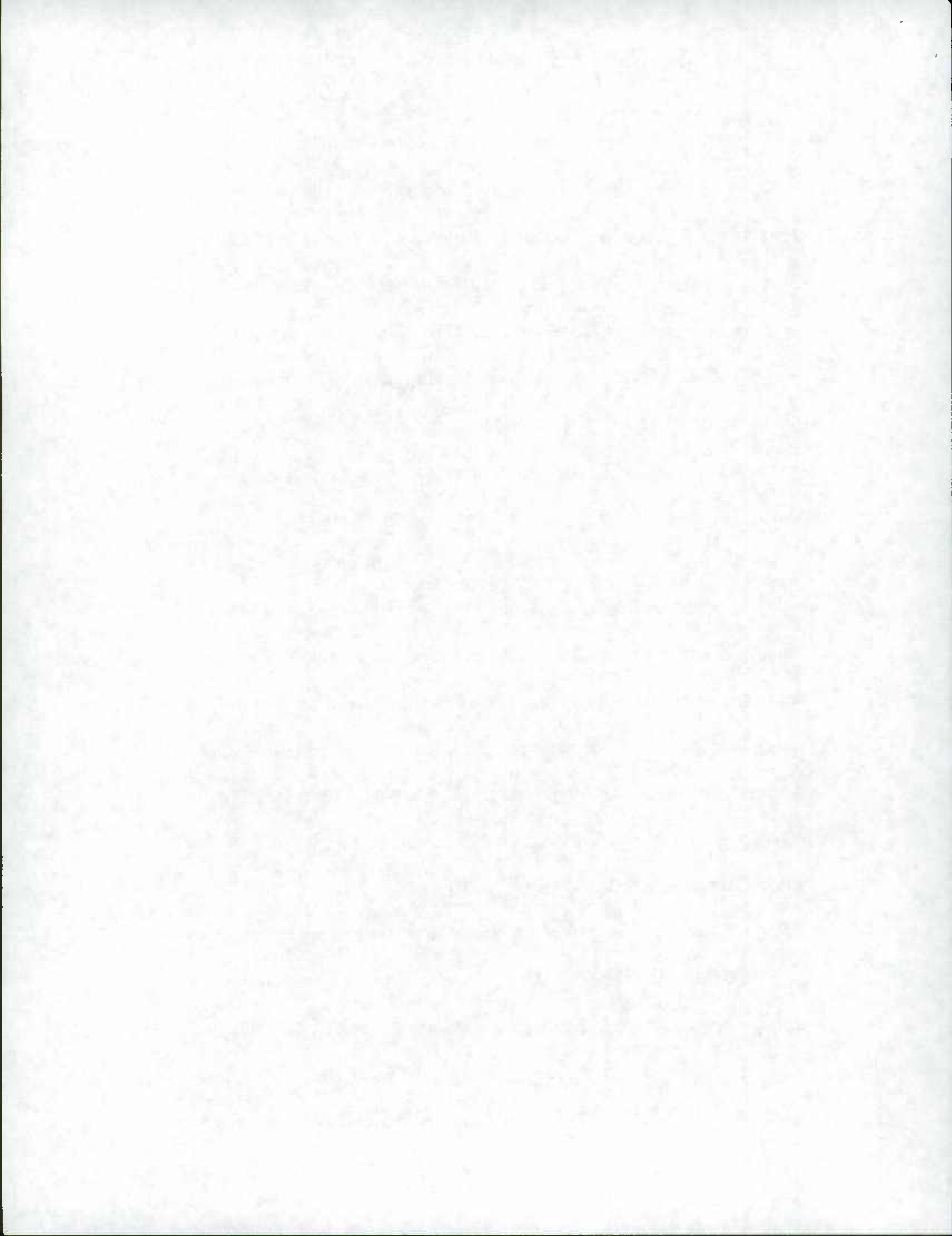
The topography of the area in which the lots are located consists of a steep rise in a southerly direction from Nabbs Creek to a ridge upon which the owners of the lots have erected dwellings and accessory structures. Continuing in a southerly direction, the ground falls away into a shallow depression, which then rises steeply to Nabbs Creek Road.



Mr. Fury testified that the site consists of four grandfathered lots in the critical area, each of which is improved with a dwelling and associated facilities. Each lot has 50 feet of frontage along Nabbs Creek Road, which is an improved 30-foot County right-of-way. The dwellings are set back at least 100 feet from the road and three of them have detached garages. Very steep slopes of 40% are present in the rear yards with the elevation falling from approximately 52 feet at the frontage along Nabbs Creek Road to 30 feet at the general location of the principal structures on the site. An off-street parking area is located on Lots 14 and 15, which services the applicants' lots.

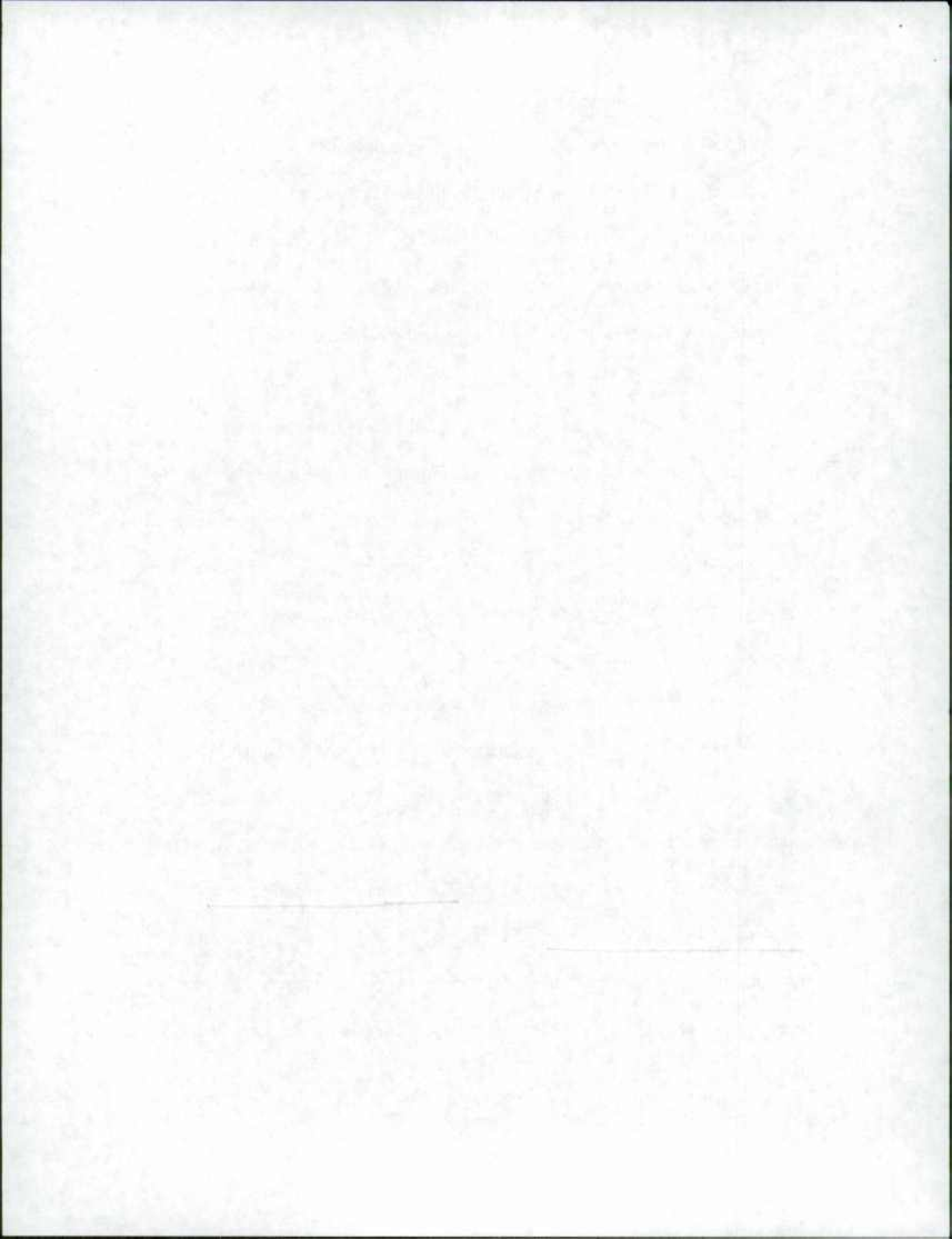
The lots are accessed by Heidi Lane, an improved 20-foot private right-of-way, which also services several other lots along Nabbs Creek. After being denied the right to use Heidi Lane without signing a road agreement, the applicants, along with other nearby property owners, attempted unsuccessfully to establish easement rights via litigation filed in the Circuit Court for Anne Arundel County in Civil Action C-04-096536. The purpose of this application by the four applicants is to obtain relief from the critical area requirements to allow them to access their lots without using Heidi Lane.

Mr. Fury testified that OPZ concluded that the site does present unique physical conditions, consisting of steep slope topography in the rear yards, which would make access to the lots unfeasible without a variance. Accordingly, a strict implementation of the critical area program would result in an unwarranted hardship to the applicants. In addition, the circumstances of the private road are



exceptional circumstances such that some relief is necessary to avoid an unnecessary hardship to the applicants because a literal interpretation of the critical area program would deprive the applicants of rights commonly enjoyed by other properties in similar areas of the critical area, namely, to allow access to the lots owned by the applicants. Mr. Fury testified that OPZ did not believe that the conditions were the result of actions by the applicants. With mitigation and stormwater management, the granting of the variances requested would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area and would be in harmony with the general spirit and intent of the critical area program.

However, Mr. Fury, stated that OPZ did not believe that the variances requested were the minimum necessary to afford relief. More specifically, the amount of impervious coverage and corresponding disturbance to steep slopes could be greatly reduced by narrowing the width of the proposed driveway and eliminating the additional off-street parking area. Mr. Fury testified that OPZ concluded that the granting of the requested variances for a driveway 30 feet in width and a parking area that comprises of 2,600 square feet of impervious surfaces on top of steep slopes would confer a special privilege that the critical area program typically denies to other property owners. Consequently, OPZ recommends denial of the variance because all of the relative standards have not been met.



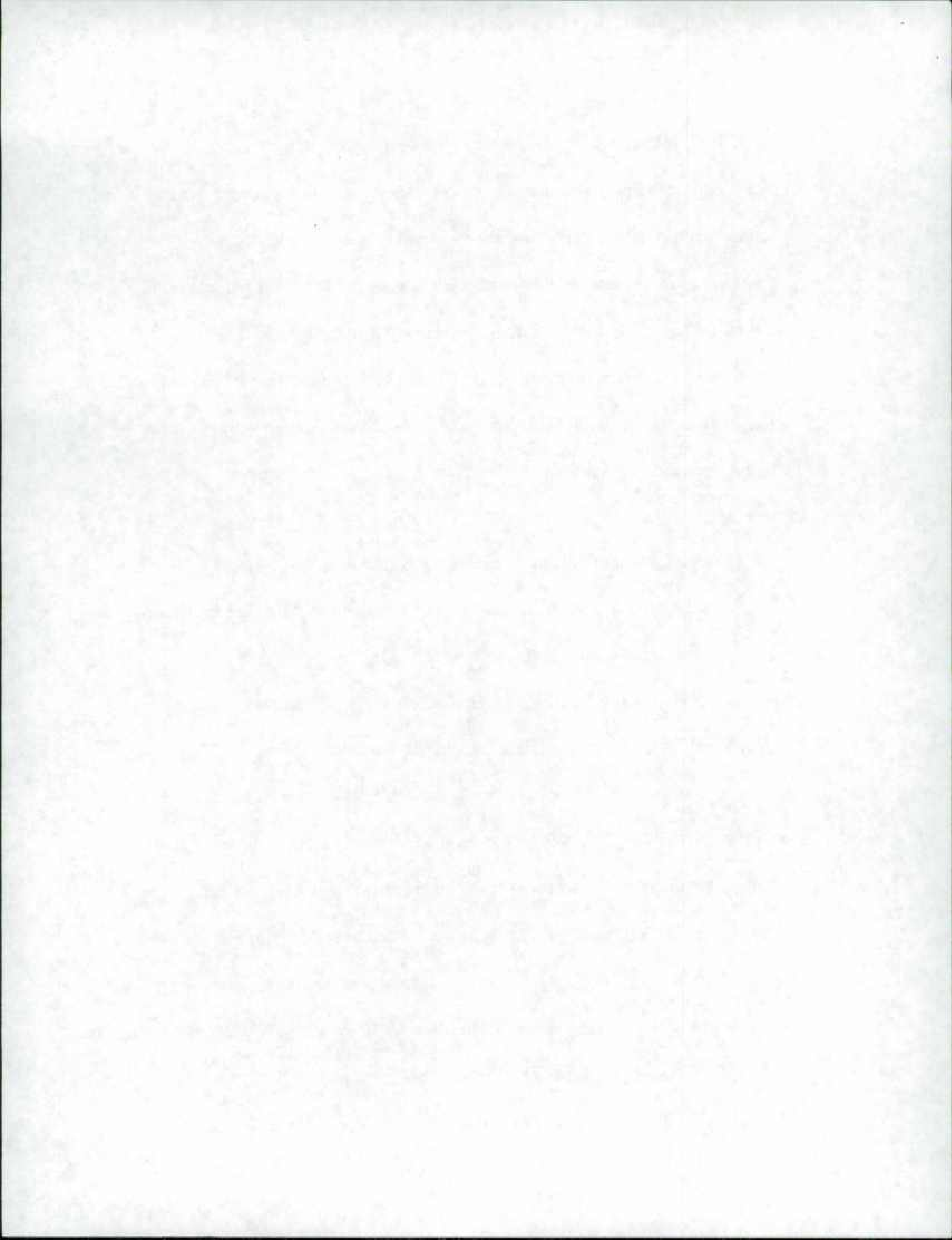
The Development Division reviewed the requested variances and commented that the proposed access for boat trailers was excessive and that the applicants should reduce impervious coverage wherever possible.

The Critical Area Commission did not oppose the variances requested but could not support the off-street parking component of the requests. The Commission recommended that mitigation be required at a ratio of 3:1 for the increase in lot coverage and that the applicants should provide a plantings plan including species, size, space, and schedule to the County for review and comment.

The Department of Health offered no objection to the request.

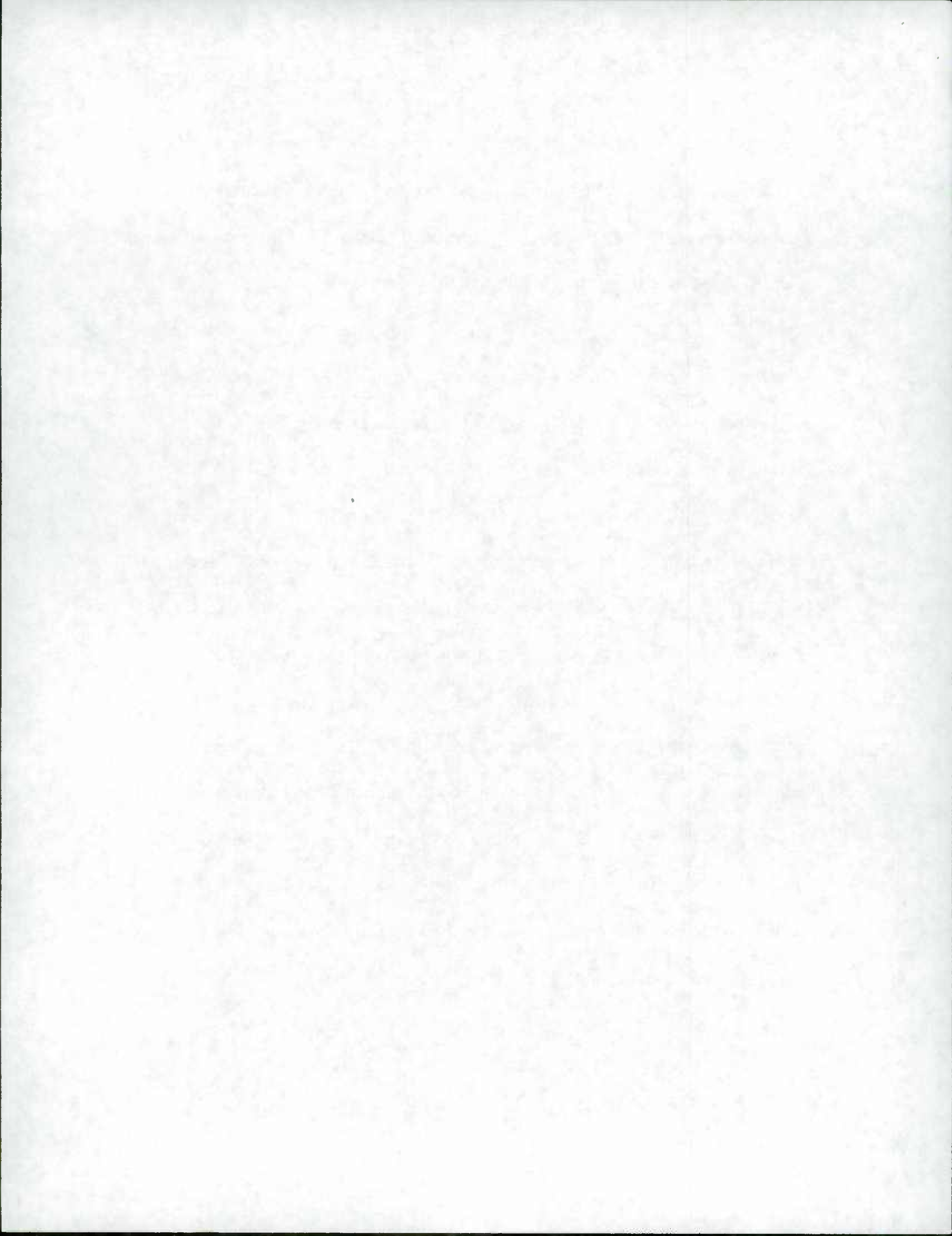
Accordingly, Mr. Fury testified that OPZ recommended that the applicants' variance requests be denied.

Exhibits submitted by the OPZ relating to the application consisted of: (County Exhibit 1) the Finding and Recommendation dated January 23, 2009; (County Exhibit 2) the variance application and attached documents received by the OPZ on November 24, 2009, including a letter from Dick Parrish, a friend of the applicants, detailing the reasons for the need for the variance(s) entitled "Letter of Explanation for Variance," and a plat of the Property entitled "Supplemental Site Plan for Variance," (County Exhibit 3) a critical area report prepared by the applicants; (County Exhibit 4) a copy of the deed to the Property; (County Exhibit 5) a letter from the Department of Health addressing the requested variance(s); (County Exhibit 6) a letter from the Commission dated December 30, 2008;



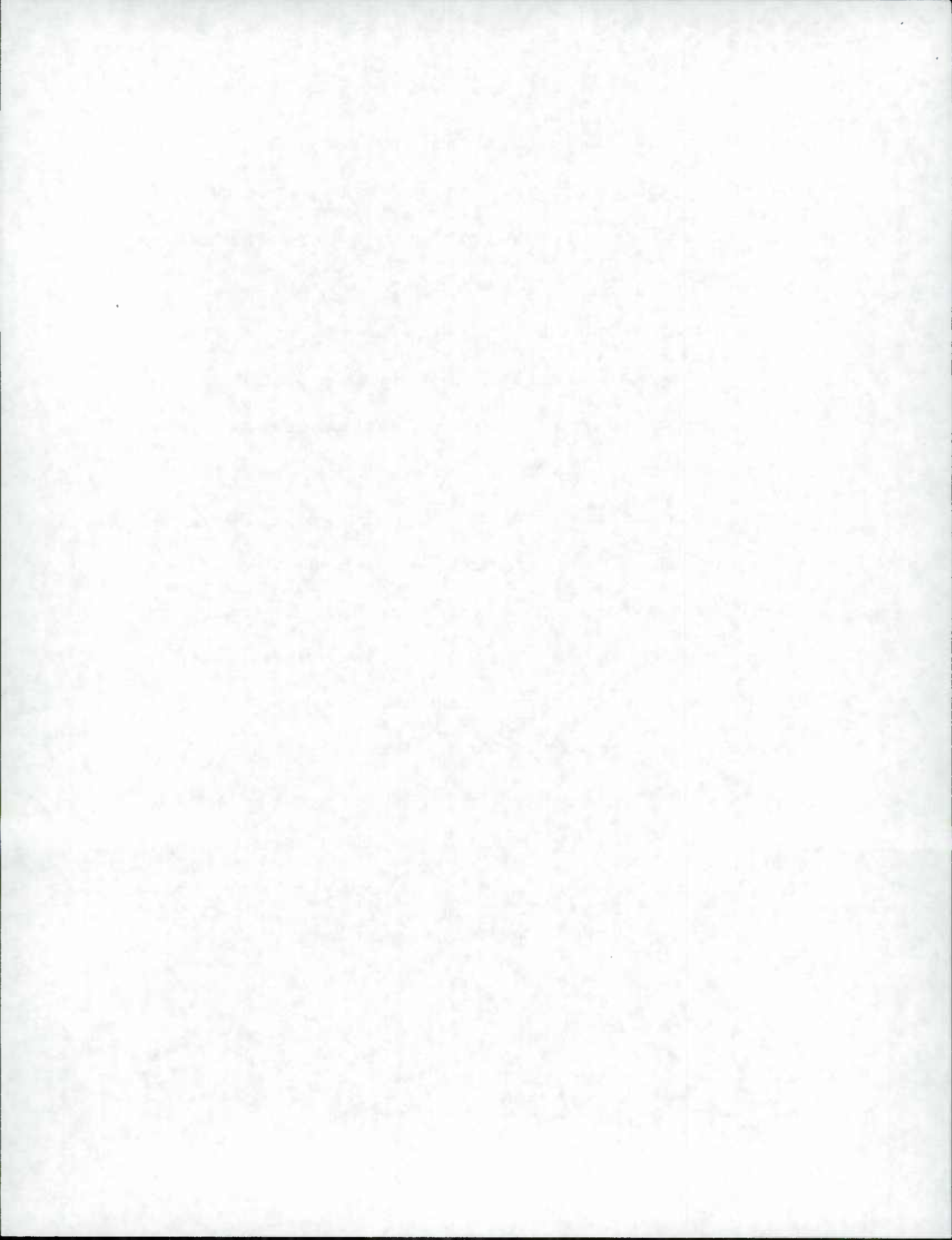
(County Exhibit 7) a critical area report worksheet and other work papers relating to the computation of impervious surfaces; (County Exhibit 8) a topographical map of the area;(County Exhibit 9) a plat entitled "Plat of Hiltz Property - Altoona Beach" dated June 10, 1939; (County Exhibit 10) a letter from Heidi Luger (owner of Lots 7 & 8) with attached Court Order dated July 18, 2005, in the matter of *Nicklas E. Musgrave v. Heidi M. Luger*, Circuit Court for Anne Arundel County, Case No. C-04-0965636 DJ; (County Exhibit 11) aerial photographs of the area; (County Exhibit 12) a hand-written letter by Heidi Luger to "Ronald and Julie;" County Exhibit 13 "Private Road Agreement" dated June, 2005, and recorded in the Land Records of Anne Arundel County, Maryland in Book 17389, Page 212.

Mr. Dick Parrish of Dick Parrish Design, the applicants' consultant for the Property, testified, among other things, that the purpose of the request for the variances was to provide access to existing dwellings and garages on the Property and to provide parking alongside Nabbs Creek Road. The extent of the paving needed for the driveway to the lots owned by the applicants, and the parking alongside Nabbs Creek Road, was because of the need to overcome the steep grade from the lots owned by the applicants up to Nabbs Creek Road. In particular, the area and shape of the driveway was to allow the applicants to transport boats to and from their lots.



George Lutche, who lives across Nabbs Creek from the Property, testified in favor of the application. He cited the history of the subdivision and its development with improved dwellings and structures and the need for the owners of the four lots involved in this application to access their properties.

Heidi Luger testified against the application. She is the owner of Lots 7 and 8, which are improved with a dwelling in which she has lived for many years. The practice in the past was that the lots along Nabbs Creek were accessed by a tar and chip road that began at Ms. Luger's property and ran along the shallow depression behind the houses on the water. This road, called Heidi Lane on the plat submitted into evidence, became the subject of the lawsuit referenced above because of damage to the area caused by developers bringing in materials to build and improve the dwellings along the water that are located to the west of Ms. Luger's property. Ms. Luger proposed a road maintenance agreement for the lot owners to sign: all those except for the applicants signed the agreement. The above-referenced lawsuit was an unsuccessful attempt by some of the lot owners that use Heidi Lane to establish their right to use Heidi Lane. Because the applicants believe that Ms. Luger has blocked their access to their lots over Heidi Lane, the applicants wish to exit their lots directly onto Nabbs Creek Road. However, because their lots are in the critical area, and because of the presence of steep slopes, they need variances to perform the work.



Ms. Luger testified that she had no objection to the applicants joining in the road agreement the other property owners had signed. No one explained during the hearing why the applicants had refused to do so.

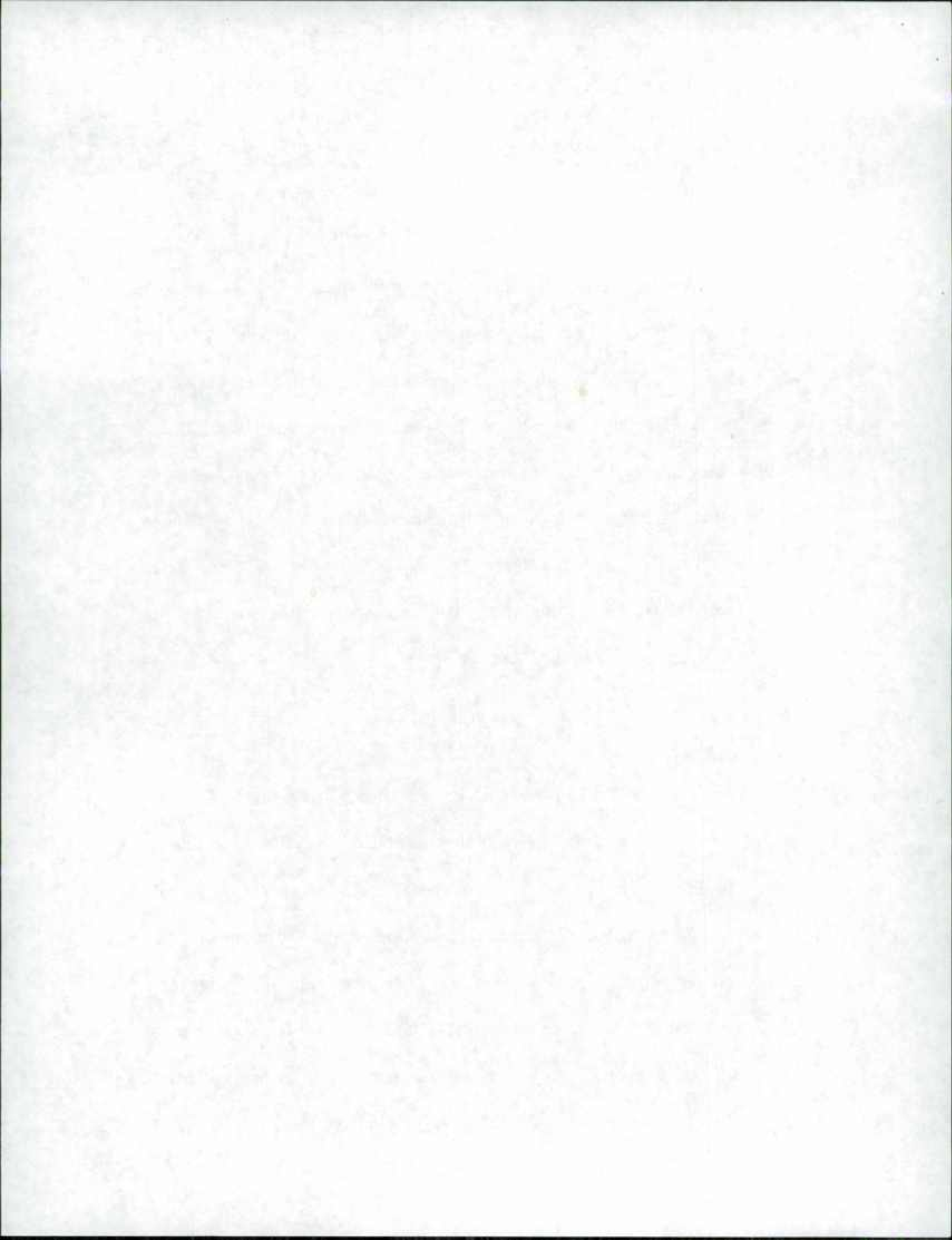
Stephen Fosler testified that his stepmother lives at 938 Nabbs Creek Road, which is a property to the west and not shown on the plat in evidence. However, Mr. Fosler's father, who recently died, had apparently signed off on the road agreement indicating that the Fosler family still had access to 938 Nabbs Creek Road via Heidi Lane. Mr. Fosler spoke neither for nor against the application, only wanting clarification as to whether his family had access over Heidi Lane to the lot now owned by his stepmother.

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

DECISION

Upon review of the facts and circumstances, I find and conclude, for the reasons stated below, that the applicants are not entitled to relief from the code as to the critical area variances they have requested.

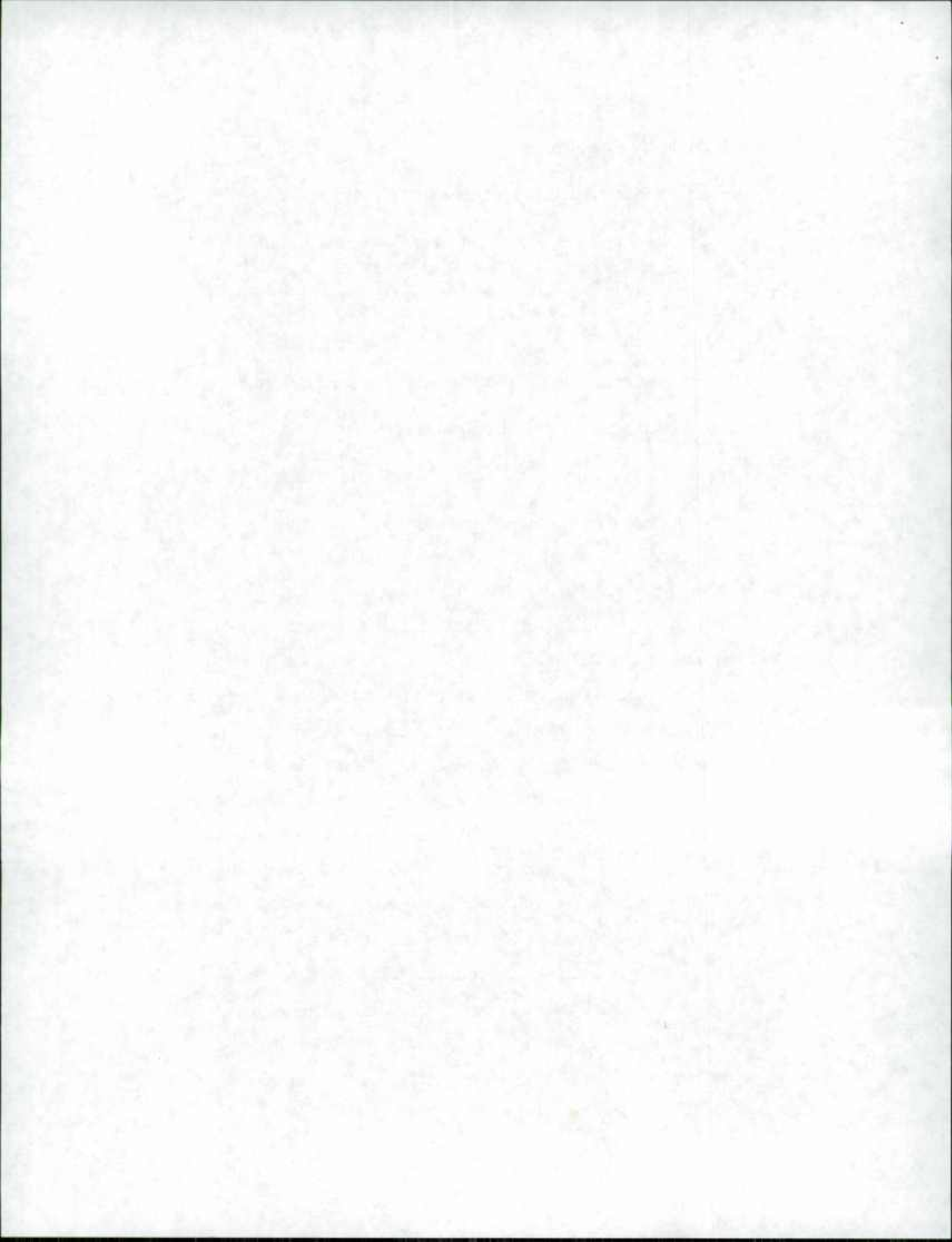
§ 8-1808(d)(2) of the Natural Resources Article, Annotated Code of Maryland, provides in subsection (ii), that "[i]n considering an application for a variance [to the critical area requirements], a local jurisdiction shall presume that the specific development in the critical area that is subject to 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 laws and regulations governing variances, and the changes made by the Legislature in 2002 and 2004 to the critical area law, were discussed in *Becker v. Anne Arundel County, supra,* 174 Md.App. at 131; 920 A.2d at 1128:

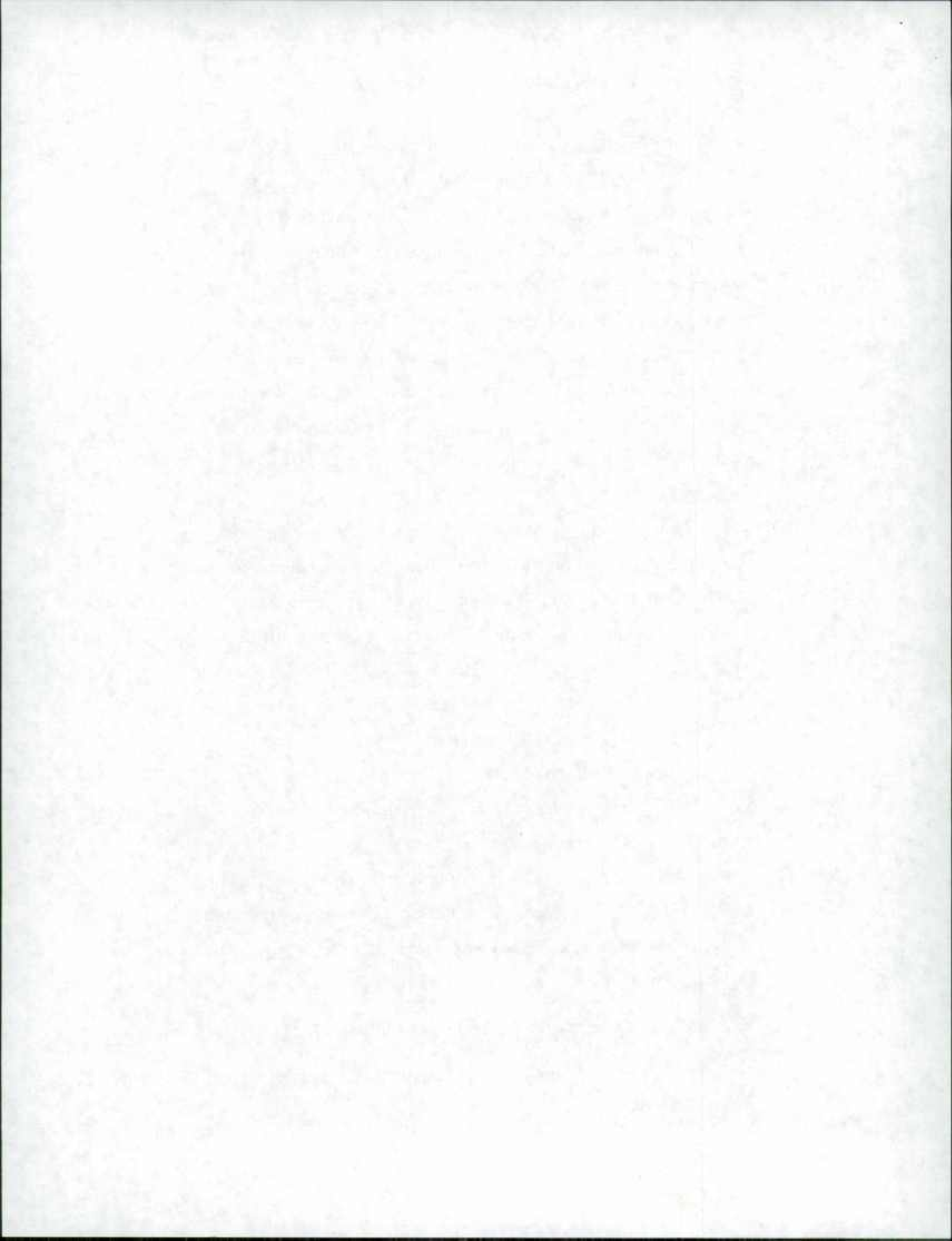
> In 2002, the General Assembly amended the [critical area] law. ... The amendments to subsection (d) provided that, (1) in order to grant a variance, the Board had to find that the applicant had satisfied <u>each one</u> of the variance provisions, and (2) in order to grant a variance, the Board had to find that, without a variance, the applicant would be deprived of a use permitted to others in accordance with the provisions in the critical area program. ... The preambles to the bills expressly stated that it was the intent of the General Assembly <u>to overrule recent decisions</u> of the Court of Appeals, in which the Court had ruled that, (1) when determining if the denial of a variance would deny an applicant rights commonly enjoyed by others in the critical area, a board may compare it to uses or development that predated the critical area program; (2) an applicant for a variance may generally satisfy variance standards rather than satisfy all standards; and, (3) a board could grant a variance if the critical area program would deny development on a specific portion of the applicant's property rather than considering the parcel as a whole.



In 2003, the Court of Appeals decided Lewis v. Dep't of Natural Res., 377 Md. 382, 833 A.2d 563 (2003). Lewis was decided under the law as it existed prior to the 2002 amendments (citation omitted), and held, *inter alia,* that (1) with respect to variances in buffer areas, the correct standard was not whether the property owner retained reasonable and significant use of the property outside of the buffer, but whether he or she was being denied reasonable use within the buffer, and (2) that the unwarranted hardship factor was the determinative consideration and the other factors merely provided the board with guidance. *Id.* at 419-23, 833 A.2d 563.

Notwithstanding the fact that the Court of Appeals expressly stated that Lewis was decided under the law as it existed prior to the 2002 amendments, in 2004 Laws of Maryland, chapter 526, the General Assembly again amended State law by enacting the substance of Senate Bill 694 and House Bill 1009. The General Assembly expressly stated that its intent in amending the law was to overrule Lewis and reestablish the understanding of unwarranted hardship that existed before being "weakened by the Court of Appeals." In the preambles, the General Assembly recited the history of the 2002 amendments and the Lewis decision. The amendment changed the definition of unwarranted hardship [found in § 8-1808(d)(2)(i)] 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." (Emphasis added.)

The question of whether the applicants are entitled to the variances requested begins, therefore, with the understanding that, in addition to the other specific factors that must be considered, the applicants 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]."[2] Furthermore, the applicants carry the burden of convincing the Hearing Officer 'that the applicant has satisfied each one of the variance provisions."[3] (Emphasis added.) "*Anne Arundel County's local Critical Area variance program contains 12 separate criteria. ...Each of these individual criteria must be met.* If the applicant fails to meet just *one* of these 12 criteria, the variance is *required* to be denied.[4] *Becker v. Anne Arundel County, supra,* 174 Md.App. at 124; 920 A.2d at 1124. (Emphasis in original.)

Critical Area Variances

Variance To The Impervious Surface Restrictions

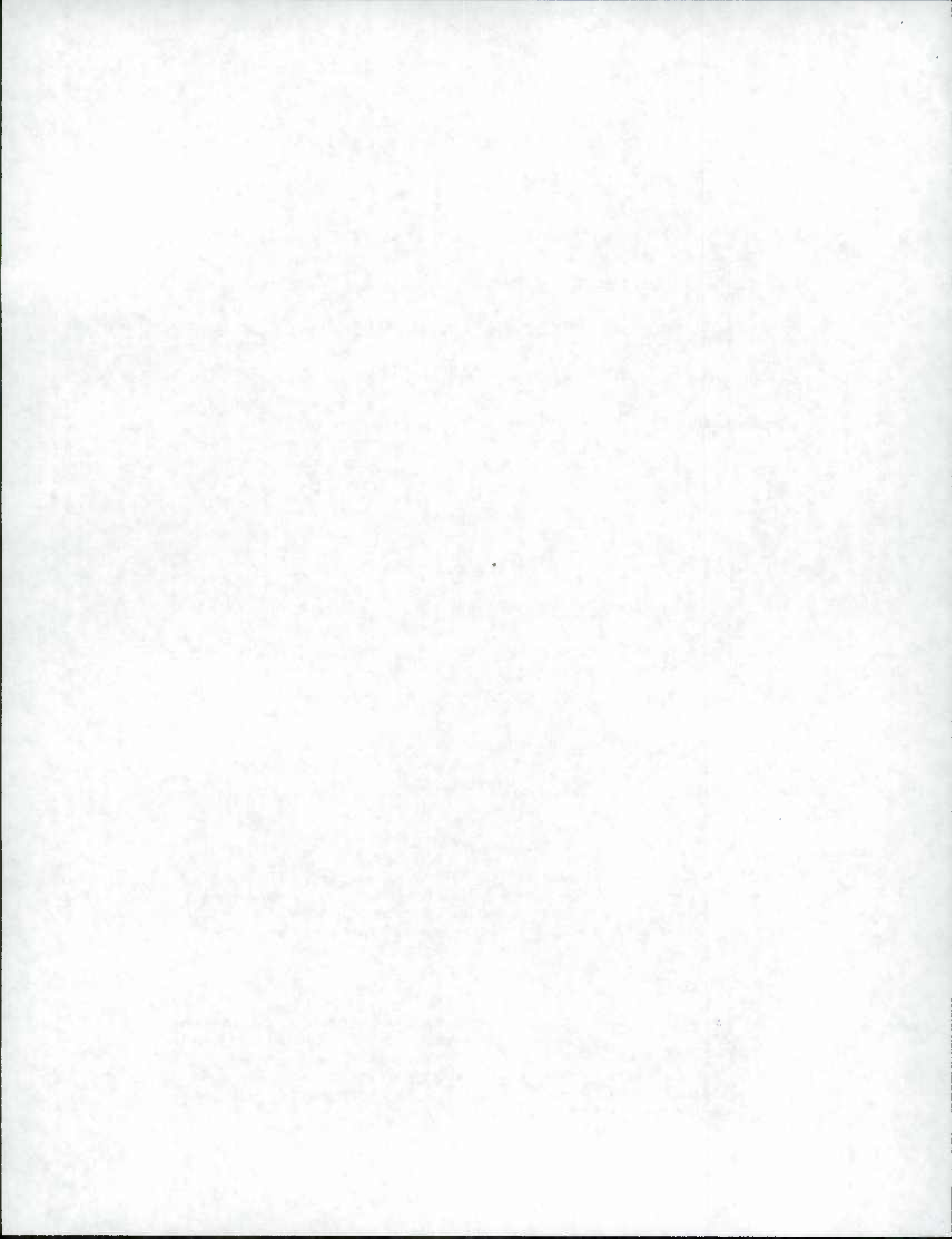
Anne Arundel County Code, Article 17§ 17-8-402(b)(1) limits impervious surfaces on a site zoned LDA to 31.25% in lots that are between 8,001 and 21,780 square feet. The evidence shows a critical area variance from § 17-8-402(b)(1) for impervious surface limitations is required because the lot coverage, as proposed,

---

[2] § 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 law and State law, or if some State criteria were omitted from County law, 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.

[3] § 8-1808(d)(4)(ii).

[4] The requirements for a variance from a general zoning requirement are fewer than for a variance from the critical area requirements. More importantly, the two subsections of the criteria for obtaining a variance from the zoning law, found in § 18-16-305 of the Anne Arundel County Code, are expressed in the alternative, i.e., if either ground is found to exist, the variance from the zoning law must be granted. This is in contrast to the requirements for a variance from the critical area in which each requirement must be satisfied for the variance to be granted.



will exceed the 31.25% limitation for a lot of this size. Therefore, a variance to § 17-8-402(b)(1) is required.

Variance to Steep Slopes Requirements

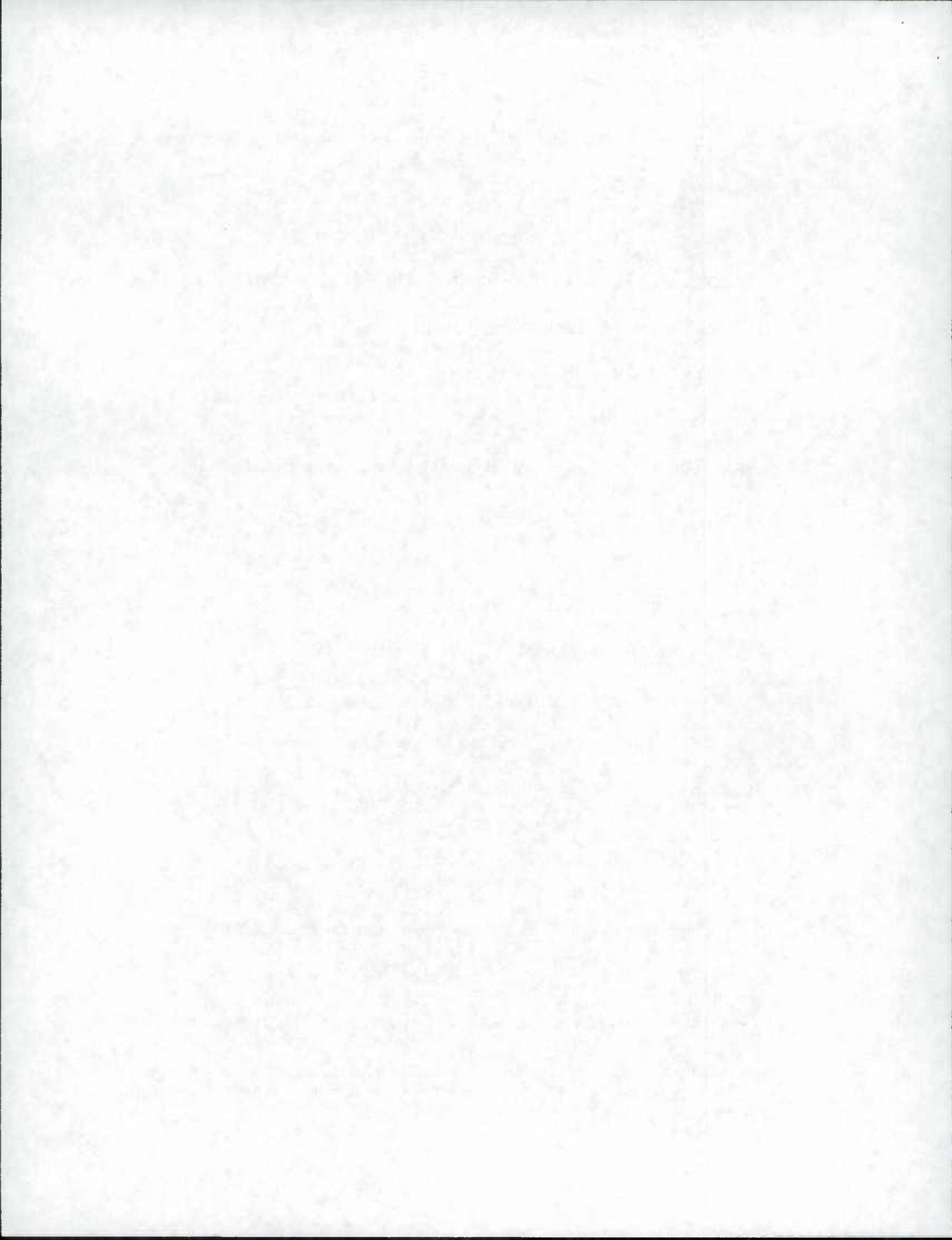
Anne Arundel County Code, Article 17, §17-8-201 provides that development in the LDA may not occur within slopes of 15% or greater unless development will facilitate the stabilization of the slope or the disturbance is necessary to allow connection of a public utility. There is no evidence that the work proposed is for the purpose of facilitating the stabilization of slopes or necessary to allow connection of a public utility. For reasons set forth above, i.e. that the work will be performed in the steep slope area or the expanded buffer, steep slope disturbance will occur and a variance to § 17-8-201 is necessary to allow the proposed work to occur.

Requirements for Critical Area Variances

§ 18-16-305 sets forth the requirements for granting a variance for property in the Critical Area. Subsection (b) reads, in part, as follows:[5] a variance may be granted if the Administrative Hearing Officer finds that:

(1) 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 would result in an

[5] Subsection (b)(6) is not set forth below because it is concerned with variances to develop property with bogs. There is no evidence that bogs are present on the Property. Therefore, this criteria is not relevant to the application being considered.



unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808 of the State Code, to the applicants. Subsection (b)(1).

(2) 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 applicants of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provision of the critical area program within the critical area of the County. Subsection (b)(2).[6]

(3) The 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. Subsection (b)(3).[7]

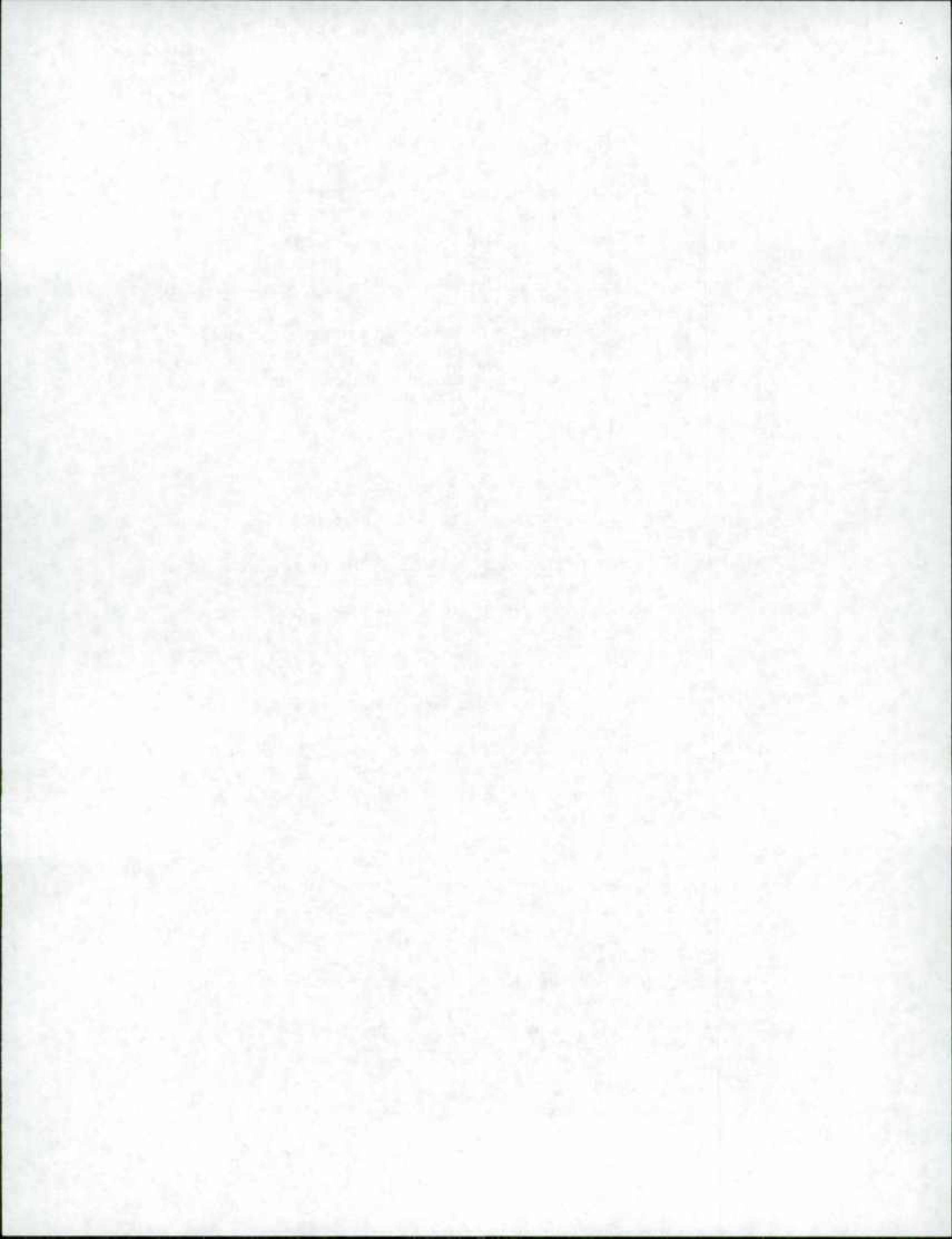
(4) The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not rise from any condition relating to land or building use on any neighboring property. Subsection (b)(4).

(5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area and will be in harmony with the general spirit and intent of the

---

[6] The remainder of Subsection (b)(2) is not set forth as it relates to bogs.

[7] The remainder of Subsection (b)(3) is not set forth as it relates to bogs.



County's critical area program or bog protection program. Subsection (b)(5).

(6) The applicants, by competent and substantial evidence, have overcome the presumption contained in the Natural Resources Article, § 8-1808(d)(2), of the State Code. Subsection (b)(7).[8]

Furthermore, a variance may not be granted unless it is found 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, 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.

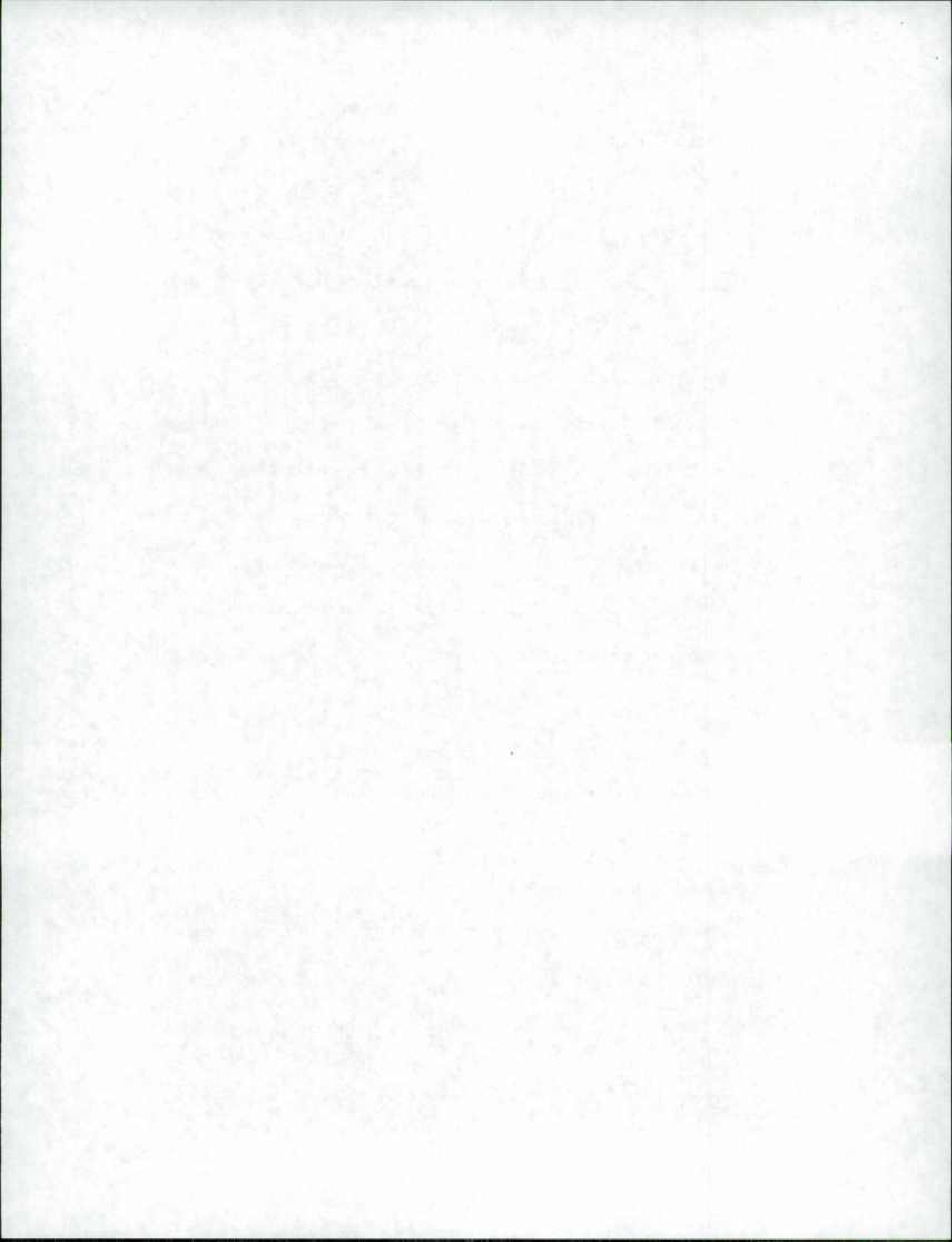
Findings - Critical Area Variances

I find, based upon the evidence, the following with regard to the provisions set forth above:

Subsection (b)(1) - Unique Physical Conditions

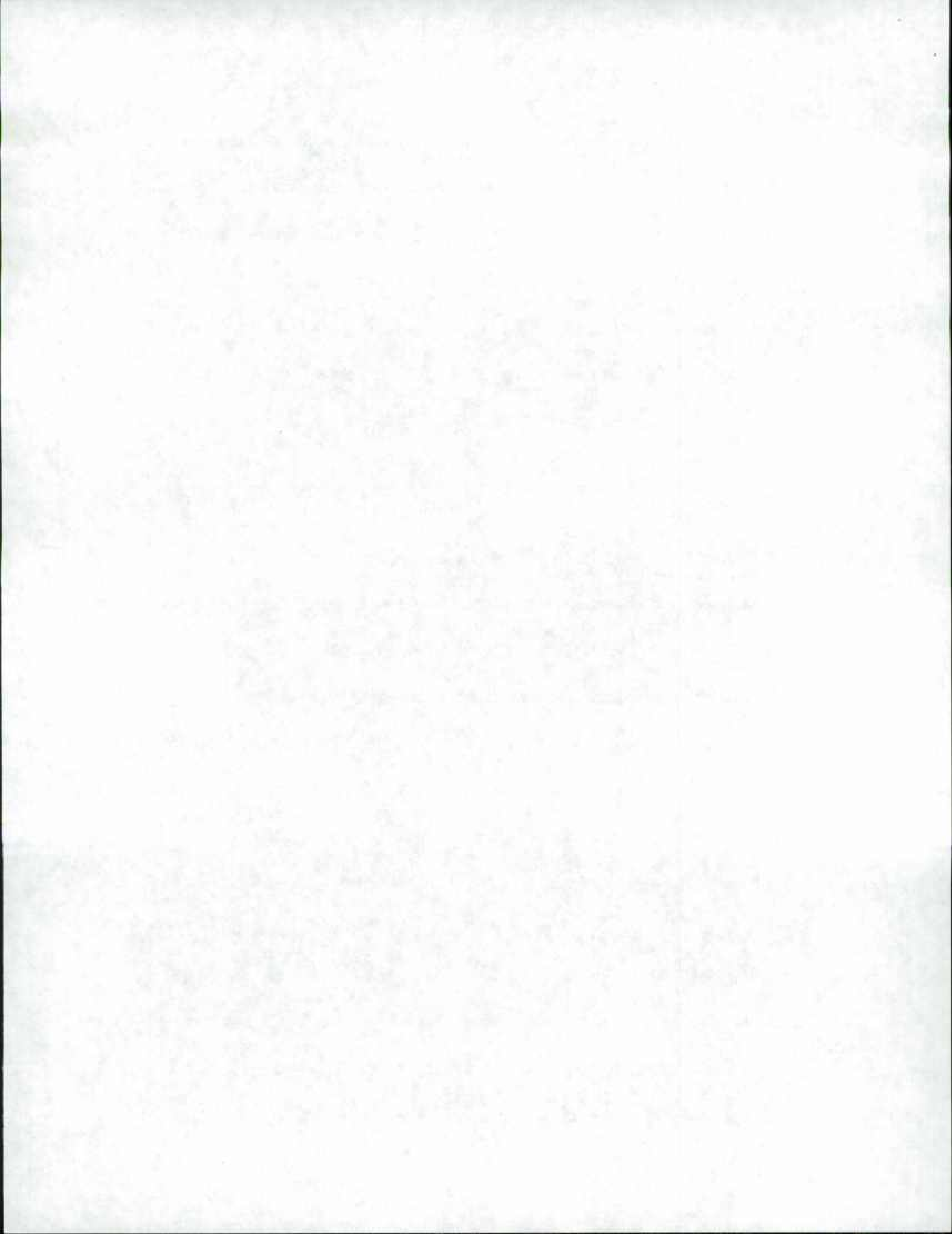
The Property contains unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the subject Property, i.e., steep slopes in close proximity to the dwellings on the Property. The proposed

[8] Subsection (b)(6) refers to bogs, which are not present on the Property, and is not a factor in this application. Therefore, it is not repeated here. Subsection (b)(7) thereby becomes the 6th factor to be considered in deciding whether to grant or deny a variance to perform work in the critical area.



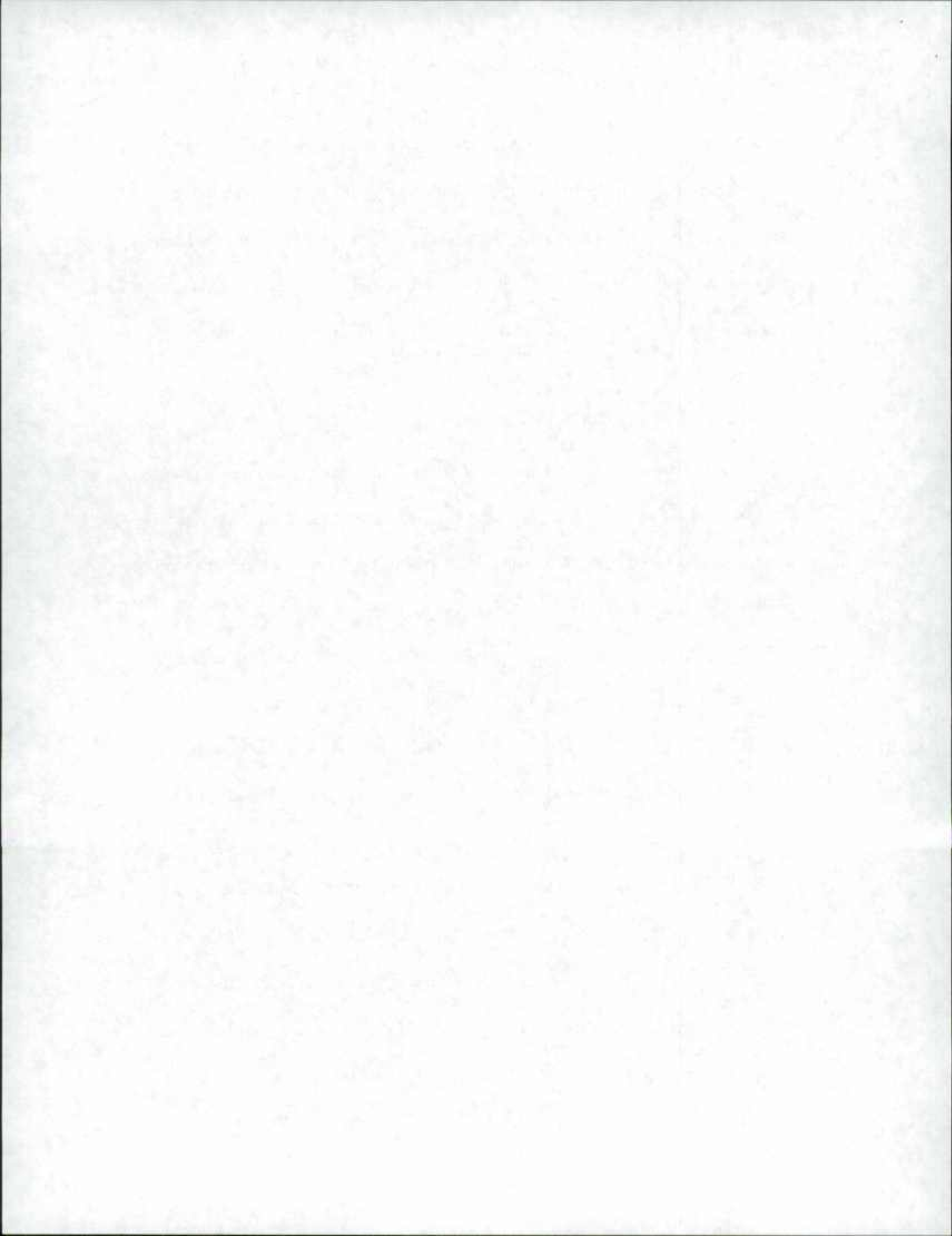
work, installing the proposed driveway and parking, will take place in steep slopes and increase impervious surfaces. However, the need for the variances requested in this application is not caused by the unique physical conditions of the lots owned by the applicants. The need is caused by the desire on the part of the applicants to construct an alternative way to reach the applicants' lots from Nabbs Creek Road. If there was no way into the applicants' lots except from Nabbs Creek Road, the need to perform work in the critical area would be caused by the steep slopes and a variance to allow work in the critical area and to increase impervious surfaces would probably be granted. However, this proposed disturbance to the critical area arises from the applicants' refusal to sign off on a road maintenance agreement that will allow them to continue using Heidi Lane to access their lots. It is crystal clear that if Heidi Lane was a public road, the applicants' request to create a new driveway access up and over steep slopes to Nabbs Creek Road would be denied. Similarly, if Heidi Lane was not available to the applicants to access their properties because of erosion or some other act that removed Heidi Lane as a means of access, variances might be granted to provide a new access. However, that is not the case in this situation.

No evidence was presented at the hearing as to why the applicants refused to sign the road agreement their neighbors had signed. Ms. Luger testified that she was not against the applicants signing the road agreement and had not barred them from doing so. It is apparent that Ms. Luger has acknowledged the rights of the lot owners to cross her lots to gain access to their lots. This state of legal facts



existed when the applicants purchased their lots, and continues. Whether or not the demand by Ms. Luger to have the lot owners sign off on the road agreement that was entered into evidence is reasonable or not is a determination that I cannot and need not make. It is sufficient that I conclude that the need for the variances is not caused by the topography of the Property but by the actions of the applicants.

Because of this finding, the applicants are unable to overcome the requirement that strict implementation of the critical area program would result in an unwarranted hardship. Unwarranted hardship means 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." Natural Resources Article § 8-1808(d)(1). (Emphasis added.) The Legislature has made it clear that an analysis of the facts underlying an application for a variance from the critical area must consider whether the denial of the variance would deny the applicants "reasonable and significant use of the entire parcel or lot" they own. This has been confirmed by the courts. *Becker v. Anne Arundel County, supra.* The Property is developed, but the denial of the requested variances does not prevent the applicants the "reasonable and significant use of the entire parcel or lot" they own. If the applicants had no access to their lots without the improvements they proposed, this factor might be overcome. However, their refusal, without a justifiable basis, to reach agreement with Ms. Luger to access their lots over the existing right-of-way everyone has previously used, and which other property owners along Heidi

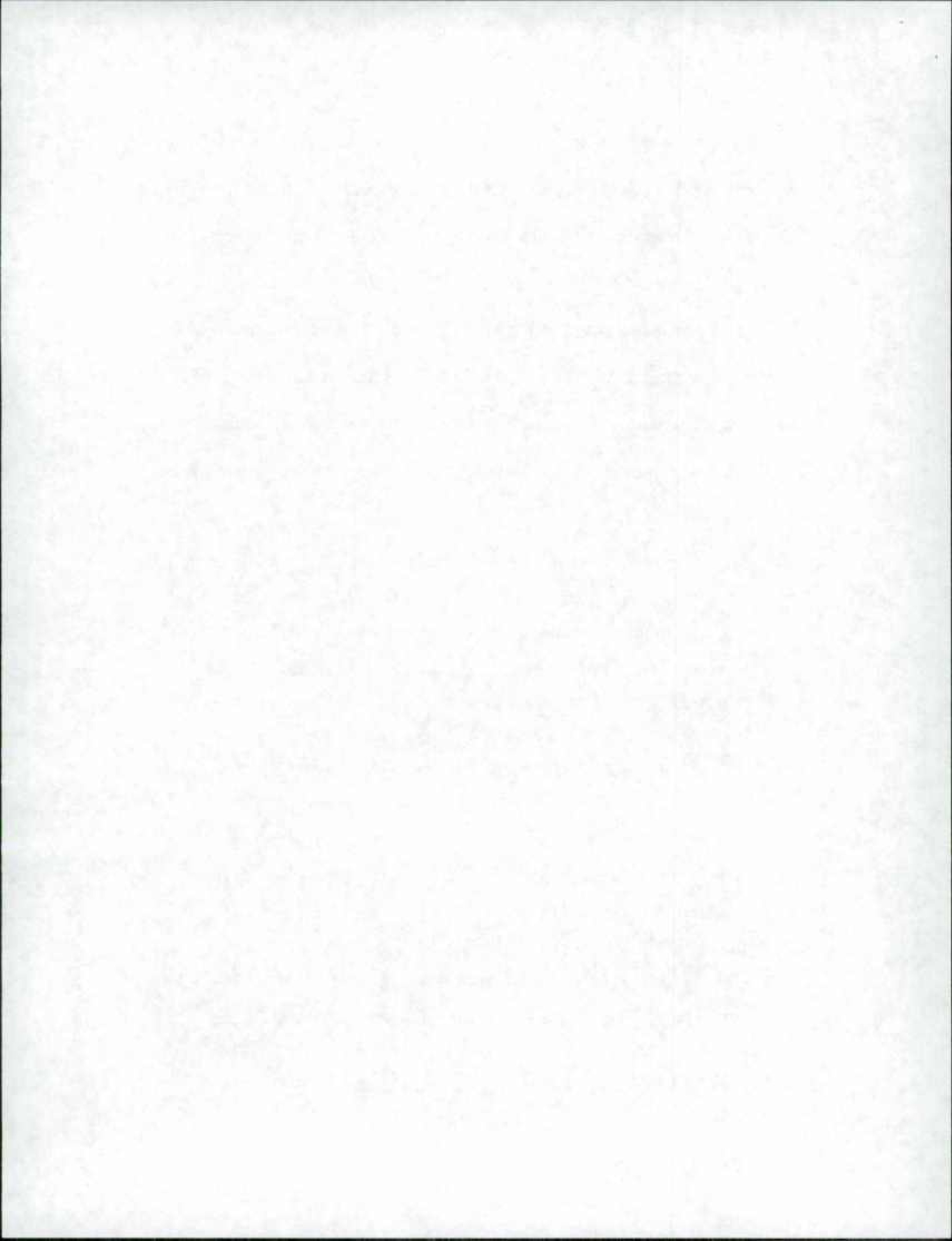


Lane use now, is a self-induced hardship. Therefore, the applicants have failed to satisfy subsection (b)(1) and show that the critical area requirements have created a hardship from which they need to be exempted in order to use their entire property. Accordingly, their request for the critical area variances must be denied.

This conclusion is confirmed when the nature of the application is analyzed to determine whether the requested critical area variances constitute a hardship that warrants variances from the critical area law, or whether the requested variances are for improvements that are merely a "convenience" desired by the property owner.

> "It generally is not a hardship to be without a desired convenience or amenity on one's property, because zoning restrictions are to be enforced in the absence of a 'substantial and urgent' need for a variance. *See* Belvoir Farms Homeowners Ass'n, 355 Md. at 261, 734 A.2d 227. When a variance would be required to build within the critical area buffer, for example, the fact that a particular improvement would enhance the owner's enjoyment of the property did not establish that it would be a hardship to continue using the property without the variance. *See, e.g.,* Citrano v. North, 123 Md.App. 234, 717 A.2d 960 (1998) (fact that proposed deck created "pleasant amenity" did not create hardship); *North v. St. Mary's County,* 99 Md.App. 502, 519, 638 A.2d 1175 (owner's desire to build gazebo to read and view creek is not evidence of hardship), *cert. denied sub nom.* Enoch v. North, 336 Md. 224, 647 A.2d 444 (1994).

Chesley v. City of Annapolis, 176 Md.App. 413, 435, 993 A.2d 475, 488-489 (2007).



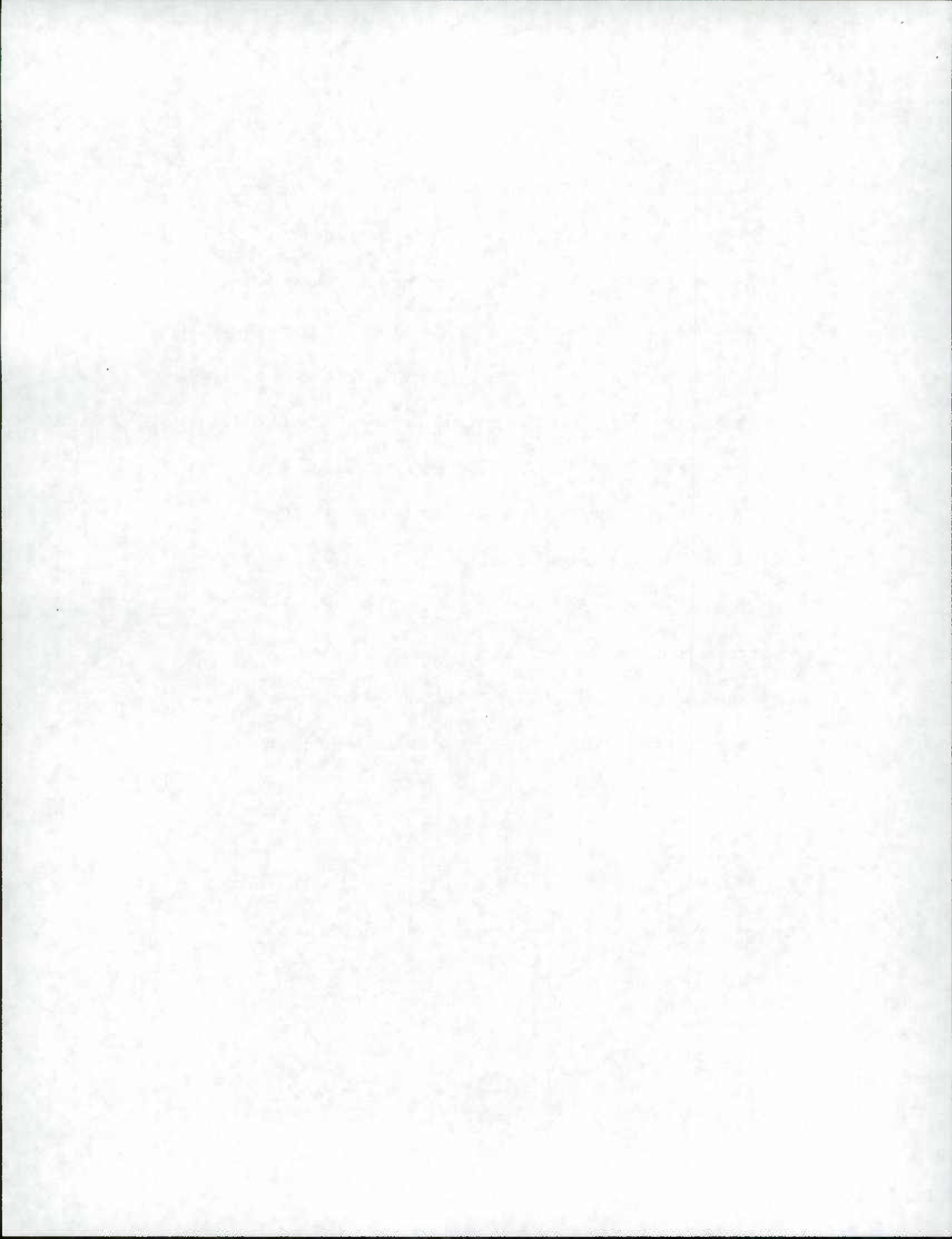
The need for the applicants to develop access to their lots that is separate from an existing access route may not be a convenience similar to wanting a deck to gaze upon the water, but it appears to be a problem created by the applicants. Therefore, the applicants have not carried their burden in showing that a denial of the critical area variances constitutes a hardship that would deprive them of the "reasonable and significant use of the entire parcel or lot" they own. They have access to their lots. The critical area was not designed to be waived upon claims that an existing access way was not satisfactory to the applicants.

While the applicants must meet each element contained in § 18-16-305,[9] and the denial of a variance under the first element contained in Subsection (b) may make the analysis of the remaining five elements unnecessary, I will make findings under those elements as well.

Subsection (b)(2) - Denial Of Rights Enjoyed By Others

I cannot conclude that the denial of the requested critical area variances would deprive the applicants 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. The proposed access roadway and parking is excessive in the critical area and as close to Nabbs Creek as it would be if approved. Accordingly, I cannot conclude that the applicants are being denied

[9] § 8-1808(d)(4)(ii); *Becker v. Anne Arundel County, supra,* 174 Md.App. at 131; 920 A.2d at 1128. There is no doubt that each element must be satisfied because the connector "and" separates Subsections (a)(6) and (a)(7) of § 18-16-305.



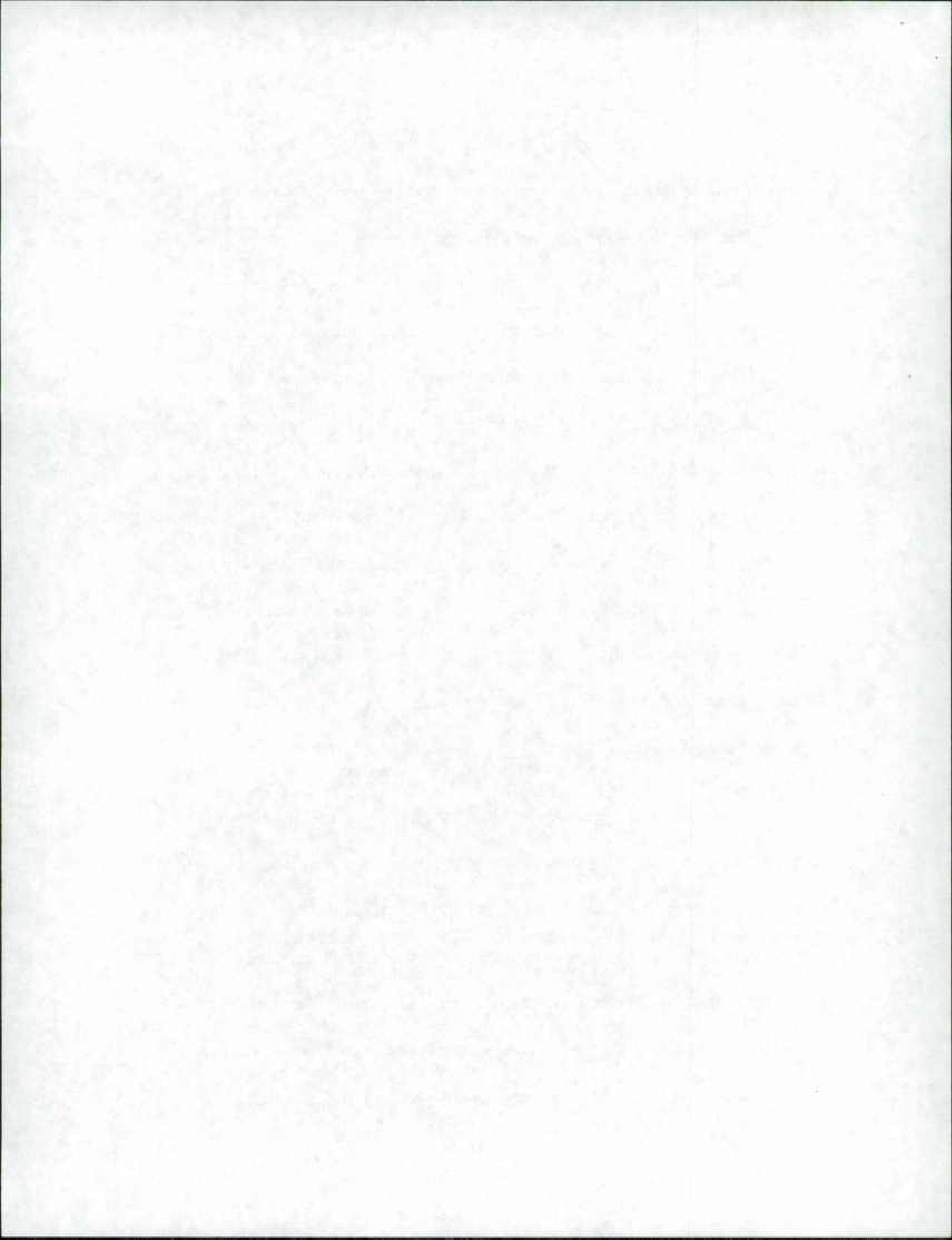
rights currently enjoyed by others in the critical area. Because of this finding, I find that they have failed to carry the burden on this element.

Subsection (b)(3) - Special Privilege

Since I am denying the critical area variances requested by the applicants for reasons set forth in this decision, it is unnecessary to consider whether the granting of the variances would confer a special privilege on them 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. However, I conclude that it is unlikely that a similar request for another property in the critical area would be granted. Therefore, granting the requested variances would confer a special privilege on the applicants. Accordingly, even though this element appears to be irrelevant to the decision reached in this case, the applicants have failed to carry their burden on this element as well.

Subsection (b)(4) - Actions By The Applicant Or Conditions On Neighboring Properties

I find that the critical area variances requested are not based on the commencement of development before an application for a variance was filed, and do not arise from any condition relating to land or building use on any neighboring property. However, for reasons stated above, I find that the variances requested are based on conditions or circumstances that are the result of actions by the applicants. As discussed above in the analysis of subsection (b)(1), the need to improve the Property is for convenience reasons and not in order to reasonably



and significantly use the entire Property. Therefore, the applicants have failed to carry their burden as to this element of § 18-16-305.

Subsection (b)(5) - Environmental Impacts

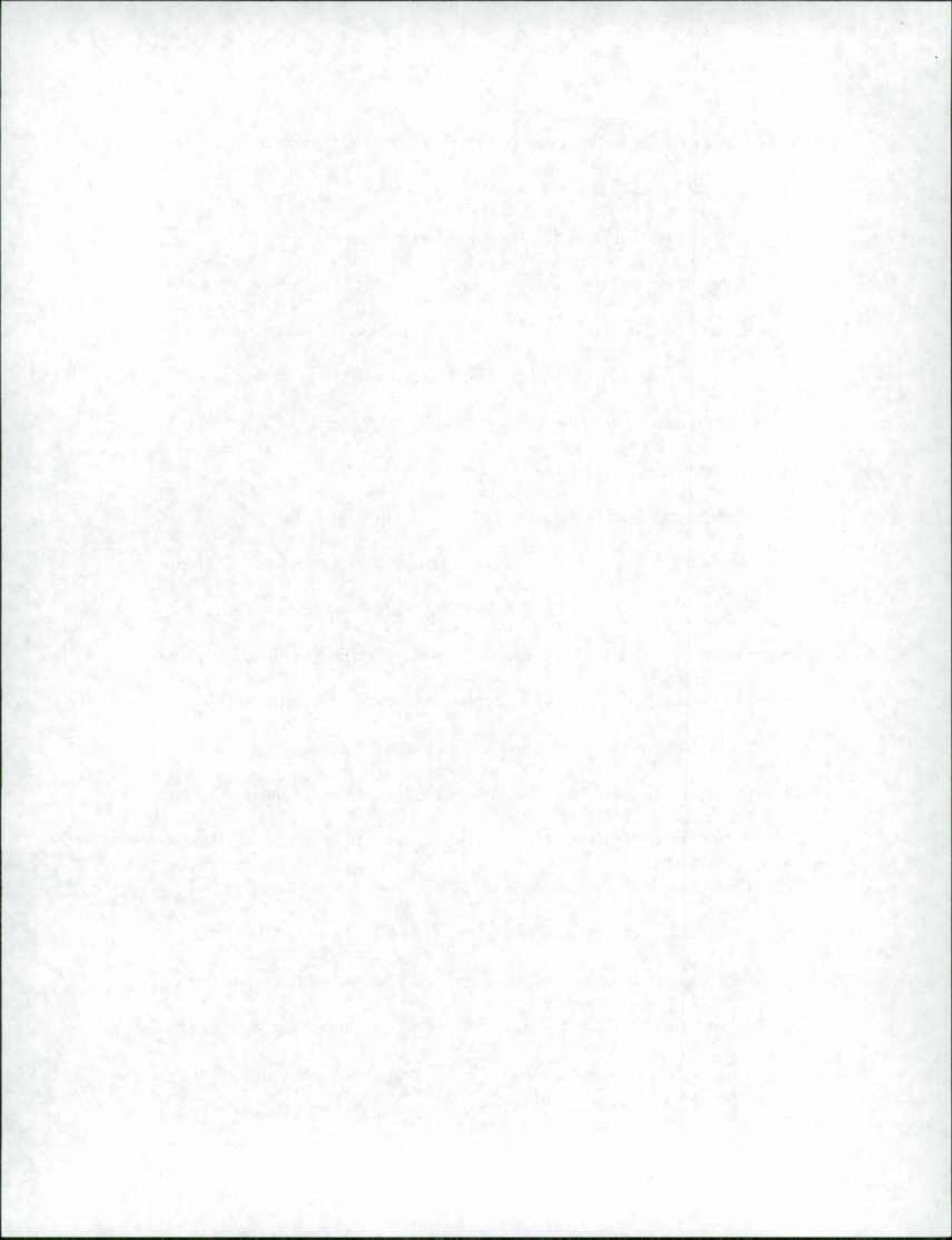
There was evidence that the proposed work would not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the County's critical area or a bog protection area and would be in harmony with the general spirit and intent of the County's critical area program. Therefore, I find that this element of § 18-16-305 has been satisfied.

Subsection (b)(7) - Presumption

I find that the applicants have not overcome the presumption contained in the Natural Resources Article, § 8-1808(d)(2), of the State Code [which is incorporated into § 18-16-305 subsection (b)(2)] "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]."[10] This is because I have determined that the applicants would not be denied reasonable and significant use of the entire parcel or lot for which the critical area variances are requested if the proposed work is not allowed [subsection (b)(1)], because the denial of the requested critical area variances would not deprive the applicants of rights commonly enjoyed by other lands or properties in similar areas that are permitted in the critical area [subsection (b)(2)], because the granting of the requested critical area variances would confer a special benefit upon the applicants that is

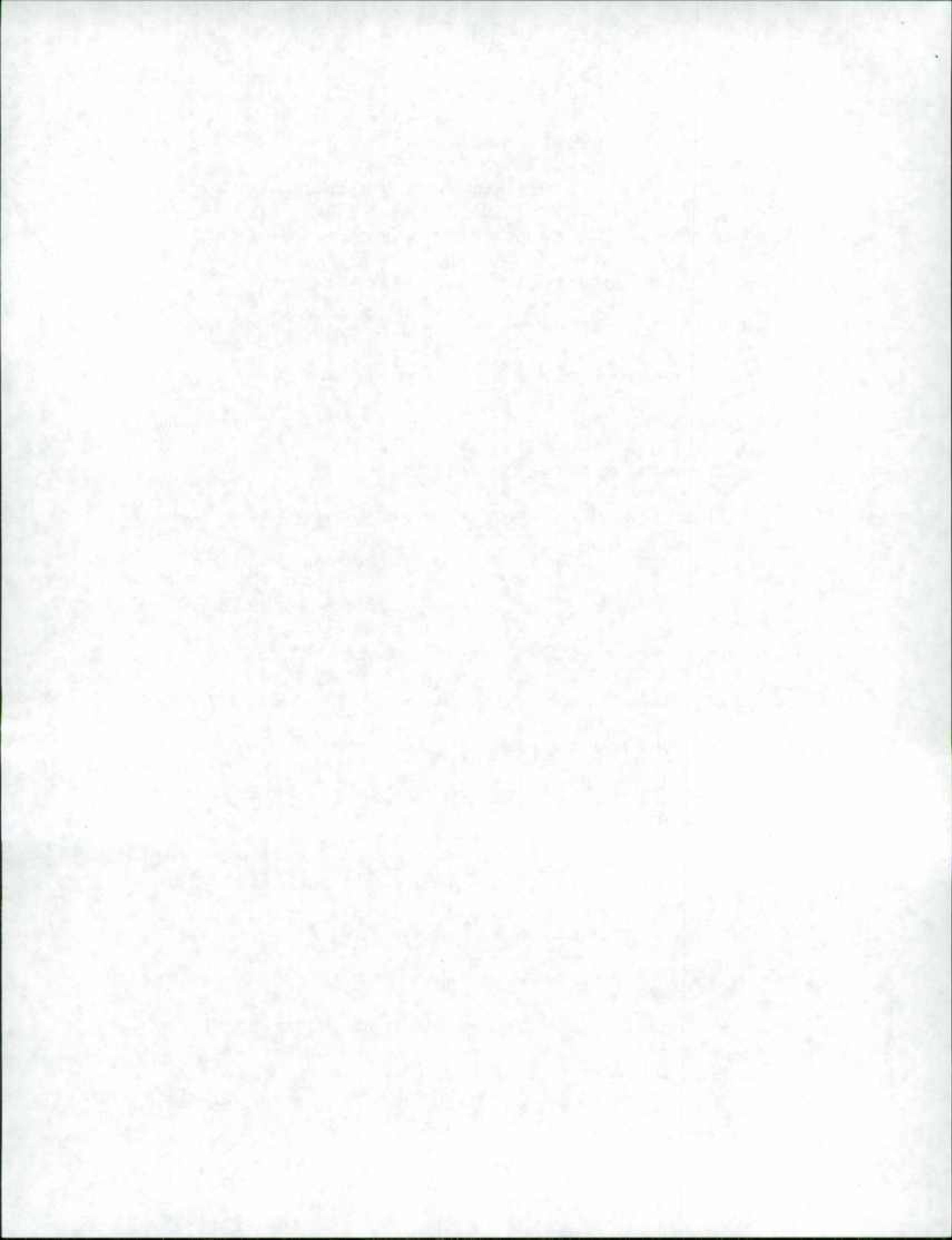
---

[10] § 8-1808(d)(2)(ii) of the Natural Resources Article.



denied to other lands or properties in similar areas under the critical area law [subsection (b)(3)], and because the need for the requested critical area variances is the result of the actions of the applicants since their request is based on convenience and not hardship [subsection (b)(4)]. For these reasons, I find that the applicants have not overcome the presumption in § 8-1808(d)(2) that the application does not conform to the general purpose and intent of the critical area law, regulations adopted under the critical area law, and the requirements of the County's critical area program.

I also find that the proposed work would alter the essential character of the neighborhood because of the nature and scope of the driveway and parking proposed by the applicants. However, the proposed work would not 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. There was testimony that the size of the proposed driveway and parking could be reduced. Apparently, the extent of the proposed improvements stem from a need to move boats into and out of the applicants' lots. However, because the applicants can obtain access to their lots via Heidi Lane, and because the proposed work could be reduced, assuming that the other objections would be overcome, I cannot find that any variance granted would be the minimum variance necessary to overcome hardship caused by the strict implementation of the critical area law. § 18-16-305(c).



Accordingly, for the above reasons, the requested critical area variances are denied.

ORDER

PURSUANT to the application of Mark Bryant, Ronald M. Hall, Gregory Silvestri, Sr., and Marie Schneider, petitioning for a variance to allow associated facilities (driveway and parking) with greater critical area lot coverage than allowed and with disturbance to slopes 15% or greater, and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 13th day of February, 2009,

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

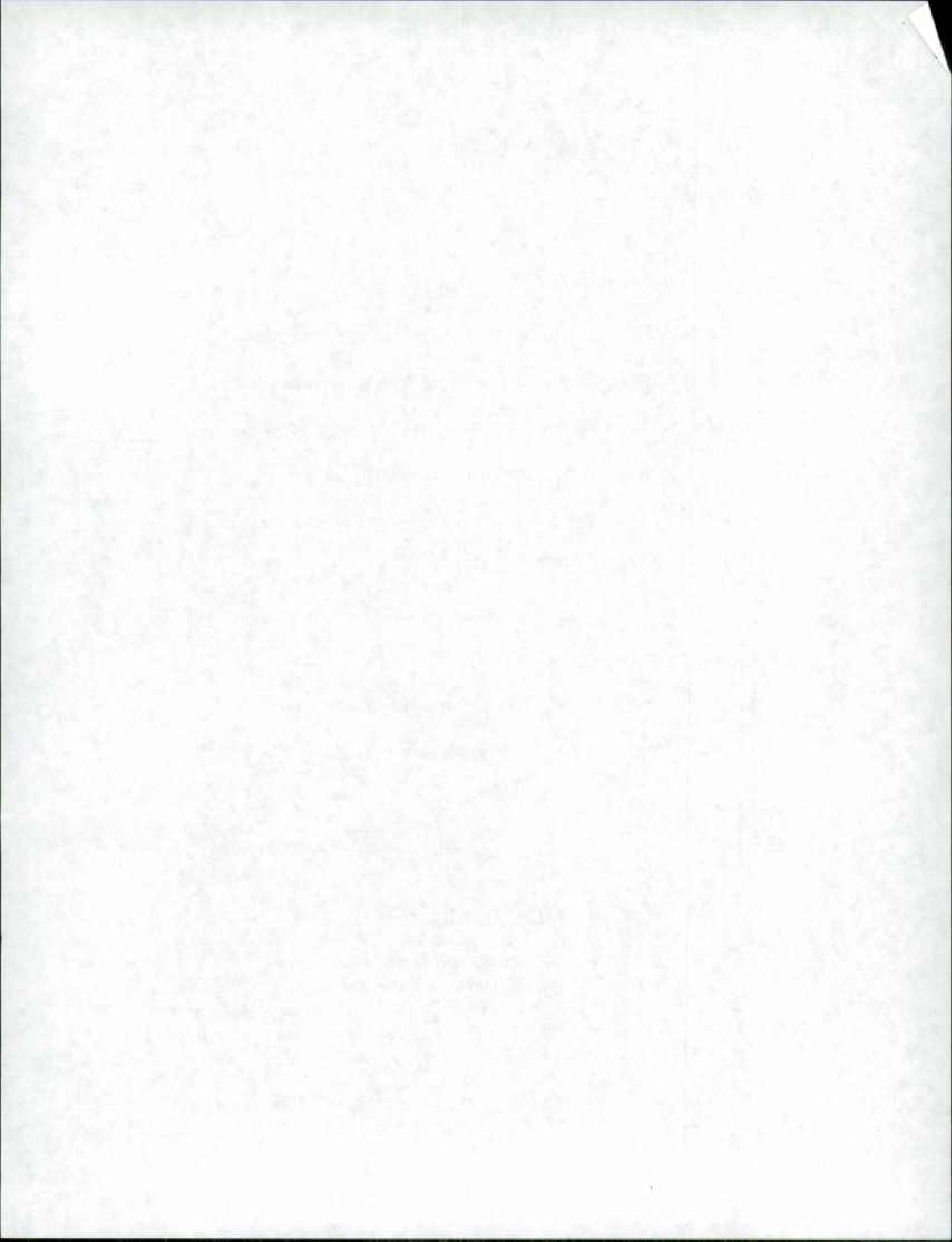
1. A variance from § 17-8-402(b)(1) for impervious surface; and
2. A variance from § 17-8-201 for disturbance to steep slopes.

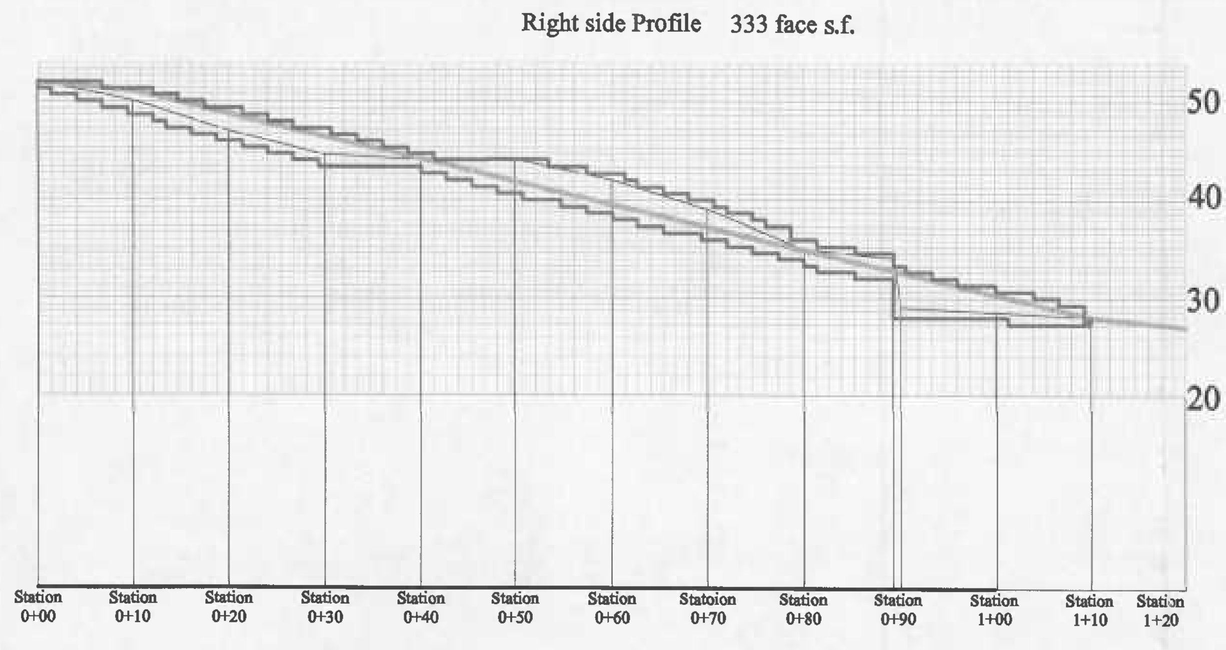
Douglas Clark Hollmann
Administrative Hearing Officer

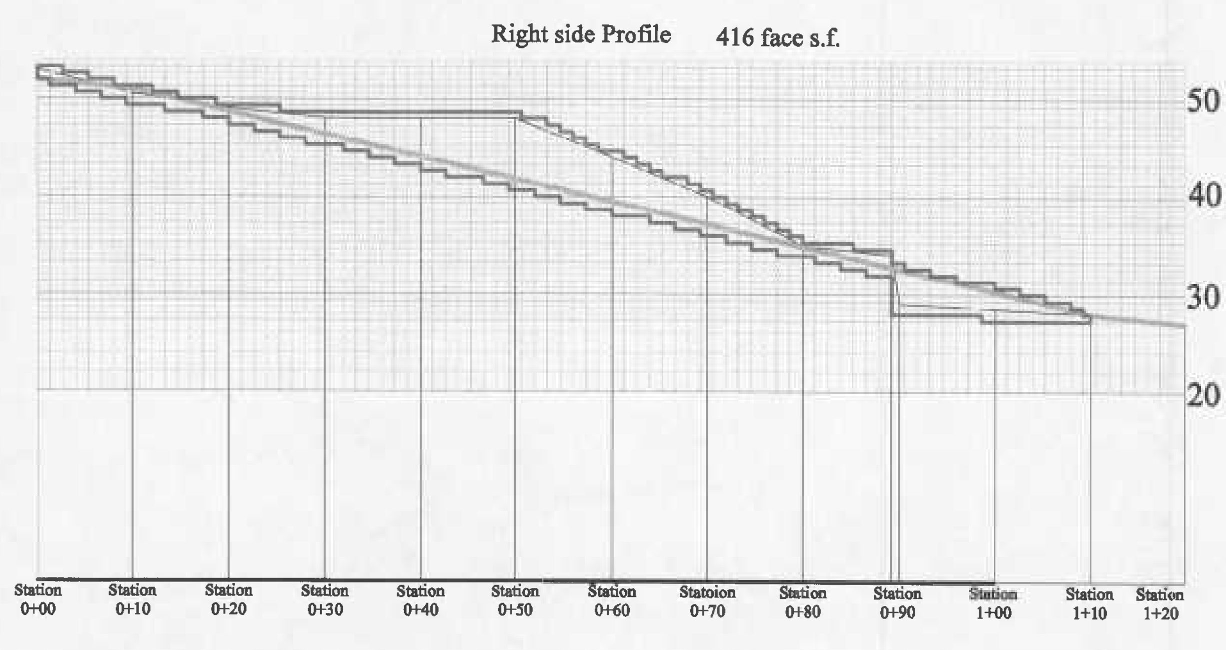
NOTICE TO APPLICANT

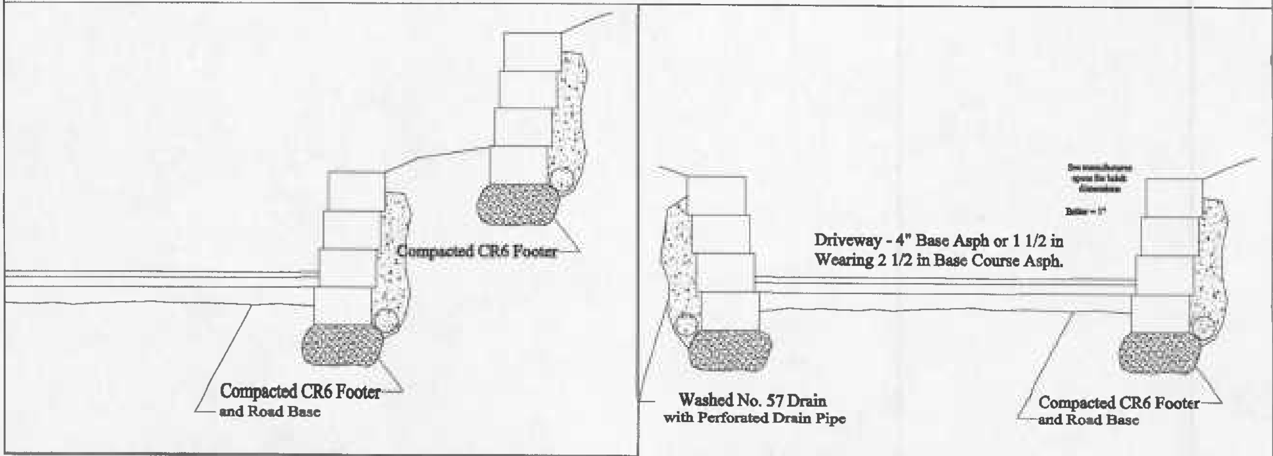
Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals. **A permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

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

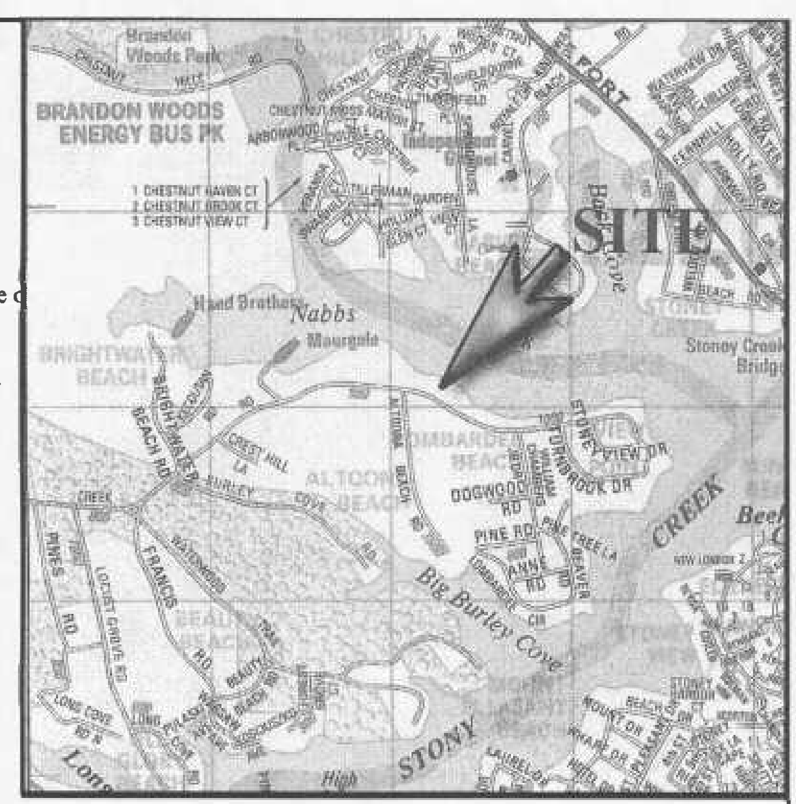




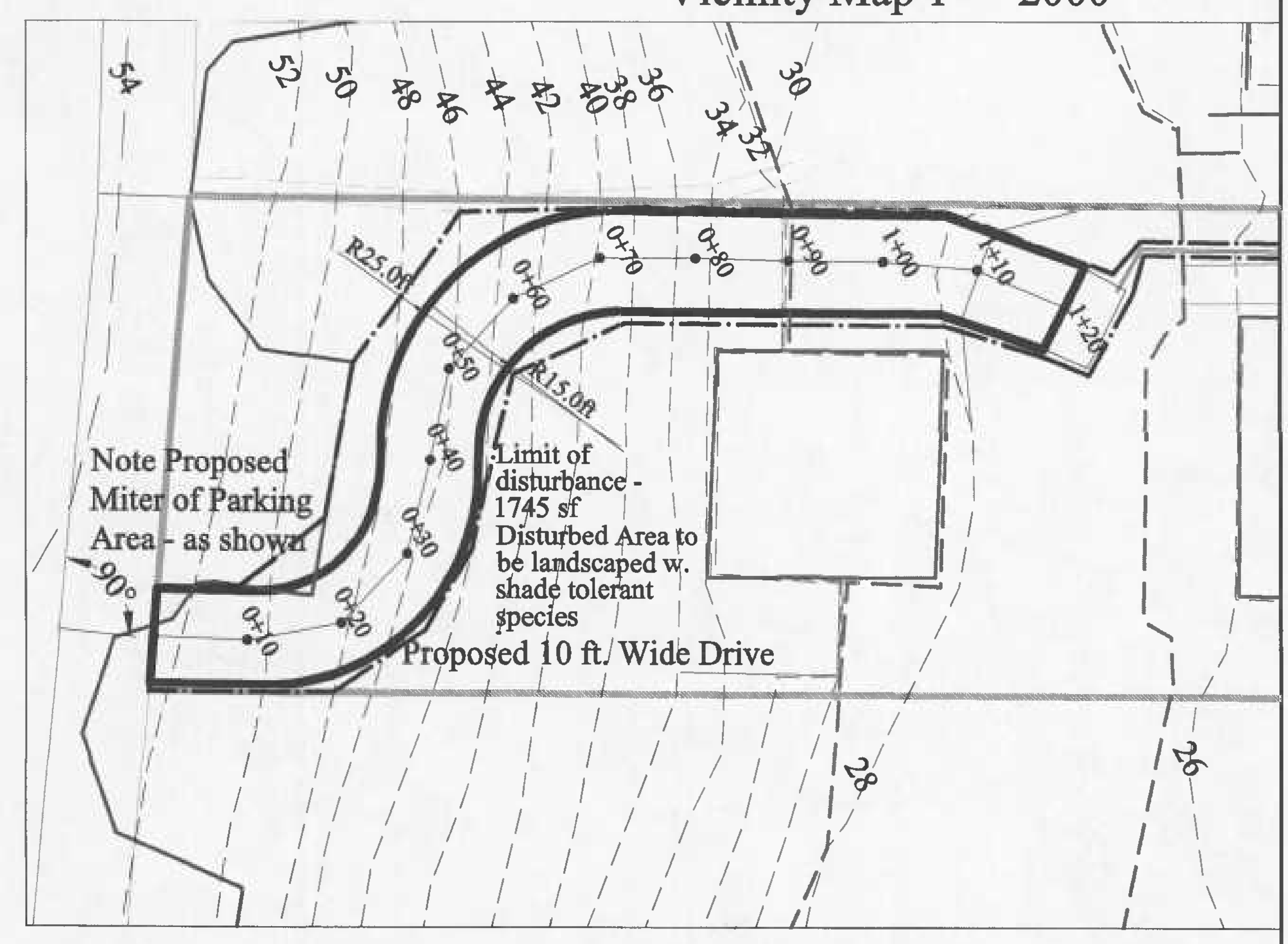




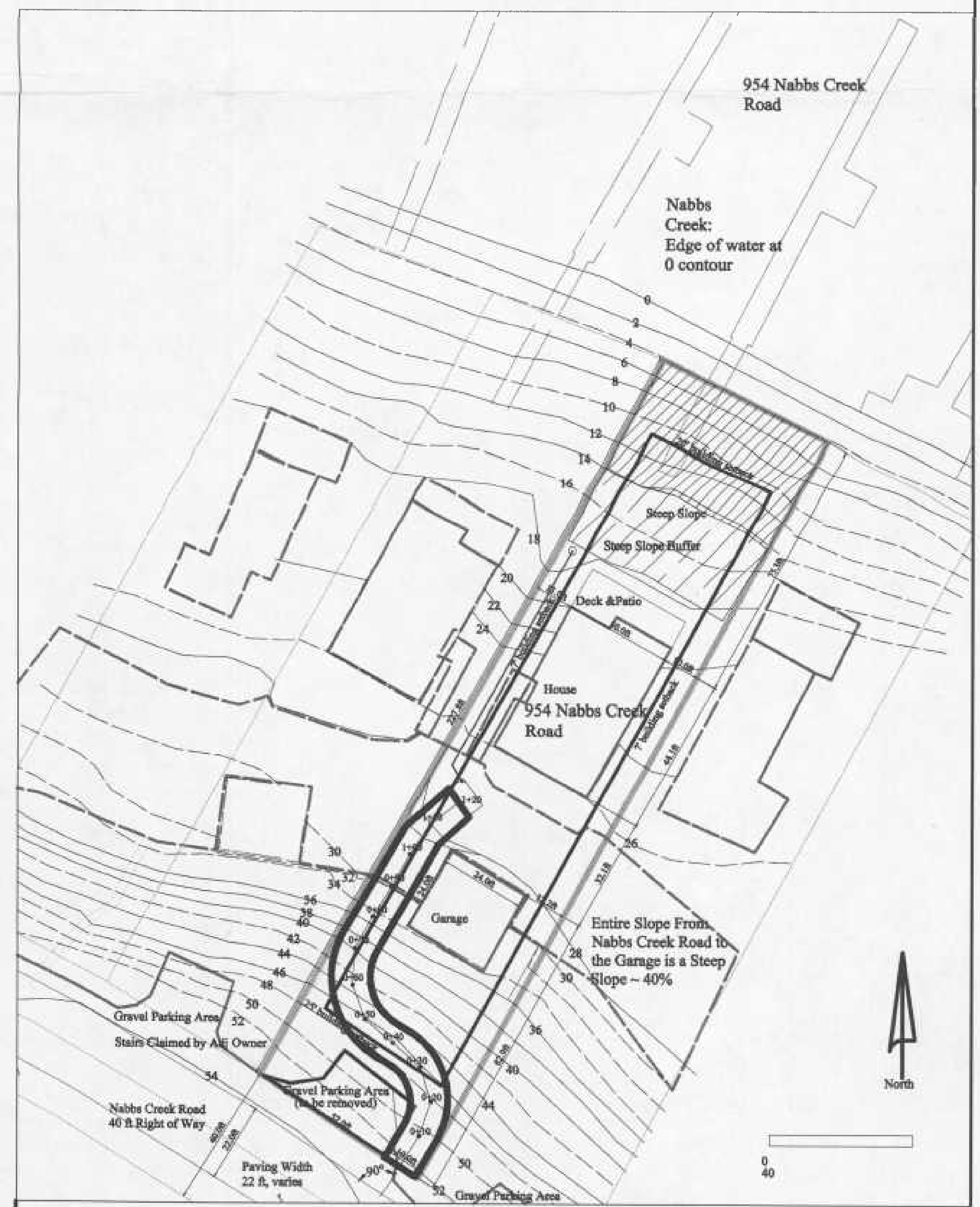
1) Property Line as shown.
2) Zoning is R5
3) The lot is entirely within the LDA Critical Area
4) All Structures shown are existing. Only the driveway is proposed.
5) Setbacks are as indicated, Front 25', Rear 20' and side 7'
6) There is no vehicular access to the Garage. There is currently no pedestrian access on the lot between the c parking and the house.
7) Drainage Structures are as shown on this plan. (Proposed). Existing underground utilities are beyond the scope of these plans.
8) No Drainage Easement, none would be required.
9) The slope between the garage and the road is the only "forested" portion of the site.
10) All natural features are shown.
11) Topography is shown at two foot intervals
12) n/a
13) Vicinity Map in upper right corner



Vicinity Map 1" = 2000'



Detail 1" = 20'



Administrative Site Plan 1" = 40'

Sequence of Construction:

1. Call for an inspection 48 hours prior to beginning construction.
2. Install silt fence around the first area to be disturbed, the water quality boxes.
3. Install the water quality boxes.
4. Call for an inspection before continuing.
5. Excavate only a portion of the project at any one time.
6. Stabilize any portion left idle for 14 days or more with grass and erosion mat.
7. Stabilize at the end of each days work with silt fence.
8. Install drainage prior to beginning driveway.
9. Call for inspection of drainage system.
10. Install the Walls.
11. Install the driveway.
12. Call for a final Inspection.

Proposed Storm water Attenuation Box

10 ft x 5 ft x 3 ft 150 cu.ft. total volume
10 ft x 5 ft x 2 ft 100 cu.ft. WQ volume

Wall Specifications

1. Wall to be assembled with pins only.
2. Modular units must be laid horizontally.

Excavation Specifications

1. Excavate so that fill is placed on a level surface.
2. Remove roots and organic matter from the fill.
3. Place fill in 8" lifts and compact to 95% maximum density.
4. Place geogrid where required as the fill progresses.

Site Statistics
Soils Type "B"
Area of Site: 11624 s.f. 0.267 acres
Limit of Disturbance: 1,745 s.f. 0.040 acs

Existing Impervious
1392 sf house
824 sf gravel areas, upper and lower
90 sf walks
440 sf garage
Total Existing Impervious 2746 sf 23.6%

Proposed 900 sf driveway - roadside gravel parking 475 sf leaving 425 sf additional or 3171 sf impervious on the lot.
Proposed total impeviousness 27.2%

Driveway to provide vehicular access to Garage and access accomodation under FHA guidelines

NOTE: Copyright © Kretsch Engineering LLC. No part of this drawing may be reproduced, stored or transmitted by any means, without the prior written permission of the engineer.
The original client is granted a non transferrable License of Reasonable Use.

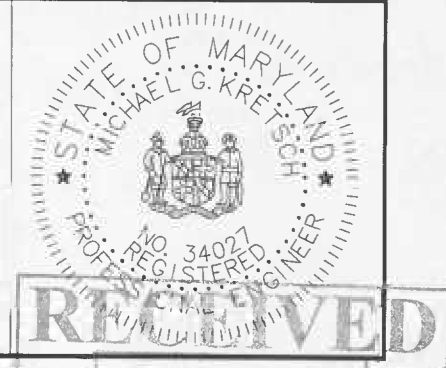
The use of this drawing by anyone other than the original client or for any purpose other than the original intent for which it was created is done solely at the risk of of the user and no liability for such use will extend to the engineer.

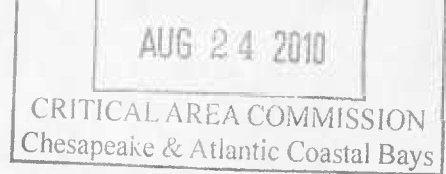
I hereby certify that these plans were prepared by me or approved by me and that I am a duly licensed Professional Engineer under the laws of the State of Maryland. Michael G Kretsch license no. 34027__________ Date: ______
Expiration Date: January 16th 2011

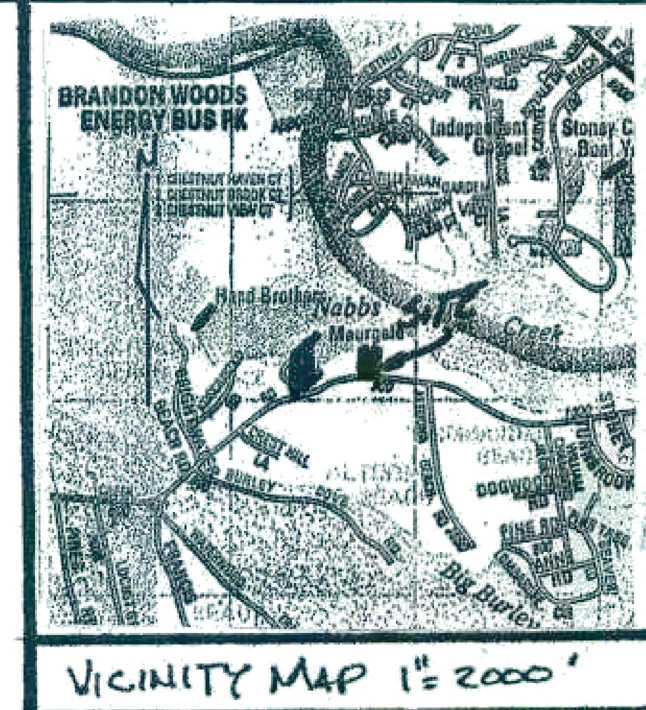
Designer:
Kretsch Engineering LLC
P.O.Box 97, Easton MD 21601
27730 Glebe Road,
Easton MD 21601
410-822-9498
kretsch.eng@gmail.com

Owner:
Mark and Catherine Bryant
954 Nabbs Creek Road
Glen Burnie MD 21060-8434

Location
Map 11 Grid 14 Parcel 36
Lot 13 954 Nabbs Creek Road
Altoona Beach Subdivision




RECEIVED
AUG 24 2010
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays



VICINITY MAP 1" = 2000'

SUBJECT LOTS

NABBS CREEK

N

TO ROCK CREEK

SILVESTRI LOT 16 #946

SCHNEIDER LOT 15 #950

HALL LOT 14 #952

BRYANT LOT 13 #954

LOT 12 #956 GARNETT

LOT 11 #960 DARRELL

LOT 10 #960 DARRELL

LOT 9 #962 COHEN

LOT 8

LOT 7

HEIDI LUGER ALBERT ROSALL #966

#942 HERSON

EX TAR & CHIP ROADWAY

EX GARAGE

EX GARAGE

EX GARAGE

NEW DRIVE

PROPOSED OFF STREET PARKING

EX OFF STREET PARKING

50'

HEIDI LANE (PRIVATE)

NO ACCESS

NABBS CREEK ROAD 30'

10 20 30 40 50

Dick Parrish
Design
22 Carroll Road
Pasadena, MD 21122

Supplemental Site Plan for Variance		
SCALE: 1" = 40'	APPROVED BY:	DRAWN BY
DATE: 10/08		REVISED
MARK & CATHERINE BRYANT et al		
946-954 Nabbs Creek Rd Glen Burnie		DRAWING NUMBER