

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/](http://www.dnr.state.md.us/criticalarea/)

March 26, 2009

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

Re: 2009-0048-V – Sentimore, Christopher & Mary

Dear Ms. Cotter:

Thank you for providing information on the above referenced variance. The applicant requests a variance to allow a dwelling with less setbacks and Buffer than required. This lot is 1.35 acres and is located in the Limited Development Area (LDA). The applicant proposes to raze the existing dwelling and construct a new dwelling in largely the same footprint, no closer to Mean High Water (MHW) than the existing dwelling. The applicant proposes to construct 6,900 square feet of lot coverage, which is within the allowable coverage for a lot of this size

We cannot support this variance request as proposed. While this office does not generally oppose replacement dwellings, it appears that this replacement dwelling could be pulled entirely out of the 100-foot Buffer, with impacts only to the expanded Buffer on the southwest area of the site. Additionally, it appears that there are ample opportunities to reduce the footprint of the dwelling and to reduce the overall impact to the site by minimizing areas of lot coverage and by incorporating the footprint of the garage into the dwelling. This office recognizes that there is a 40' Building Restriction Line (BRL), however, every opportunity should be explored to minimize impacts to the Buffer prior to award of a variance, including the ability to obtain a variance to the BRL. . Finally, the applicant has shown no attempts to minimize impacts to water quality by providing stormwater management for the new developed areas. This should be a minimum requirement where impacts to the Buffer are proposed.

In summary, the applicant has failed to demonstrate that each and every one of the County's variance standards has been met. Therefore, we are unable to support this request for a variance.

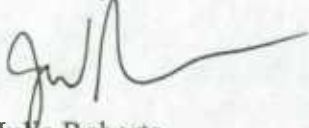
Ms. Patricia Cotter

3/26/2009

Page 2 of 2

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julie Roberts', with a long horizontal flourish extending to the right.

Julie Roberts

Natural Resource Planner

cc: AA 694-08

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December 30, 2008

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

Re: 2008-0372-V Sentimore Variance

Dear Ms. Cotter:

Thank you for providing information on the above-referenced variance application. The applicant is requesting a variance to allow development with less Buffer than required and within the expanded Buffer in the Limited Development Area (LDA) and Resource Conservation area (RCA). The proposed development is replacement of a single family dwelling and garage on grandfathered parcels. The existing lots of record are 58,607 square feet in size and are designated as LDA with a small area of RCA in the proposed undeveloped area of the lots. Please note that this area of RCA is not identified on the site plan or Critical Area Report (CAR). Total lot coverage, listed as impervious surfaces in the CAR is 7000 sq. ft. of proposed coverage. The lots are located in a mapped Buffer Modification Area.

Based on the information provided, we do not generally oppose some degree of relief via a variance on this site. However, we have a number of concerns that should be addressed by the applicant.

1. The site plan should be revised such that the proposed porch area is limited to the waterward extent of the existing dwelling. Given the large footprint of the proposed dwelling, there is no hardship associated with a reduction in design and/or size of the dwelling to maintain the existing Buffer setback. Encroachment of any portion of the proposed dwelling waterward of the existing primary dwelling footprint should not be permitted by variance.
2. We note that the area of the lot extends into the waters of the State; however, there is no delineation of private and State-owned wetland acreages. This field determined acreage should be provided prior to calculation of lot coverage as the permitted limits may be affected by the presence of State-owned wetlands.
3. Our records indicate that the northwest corner of lot 264A may be non tidal wetlands; however, the CAR does not discuss wetland identification or delineation and this should be addressed.
4. The site tabulations indicate a reduction of impervious surfaces in the Buffer but it is unclear if the reduction numbers apply to the extended Buffer as well.
5. The site plan indicates an area of direct impact to the steep slopes in the south west quadrant. It's unclear whether the disturbance is associated with removal of an existing feature or with a proposed

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12/30/2008

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AA 694-08

feature. If proposed as new, the removal of this impact should be a condition of the variance. Ample opportunity exists to construct a replacement dwelling on this 1.35 acres property without impacting steep slopes.

6. Mitigation plantings to offset 2291 sq. ft. of Buffer disturbance and any additional extended Buffer disturbance should be shown on the site plan along with the species list. The County Ordinance, Section 26-8-901 requires a Forestation Agreement.
7. Regarding impervious surfaces, now referred to as lot coverage, under Chapter 119 of the 2008 Laws of Maryland this project may be classified as under design and therefore a detailed lot coverage plan may be required. Determination of applicability is based on whether application for a building permit or grading permit was also applied for by October 1, 2008.
8. Section 26-8-203 requires nitrogen removal technology septic systems that may be applicable in this case. If not otherwise required, we recommend that the Hearing Officer require the best available nitrogen removal technology as a condition of variance approval.

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 contact me at (410) 260-3468.

Sincerely,

  
Roby Hurley

Natural Resource Planner

cc: AA 694-08

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2009-0048-V

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**CHRISTOPHER SENTIMORE AND MARY SENTIMORE**

THIRD ASSESSMENT DISTRICT

DATE HEARD: APRIL 28, 2009

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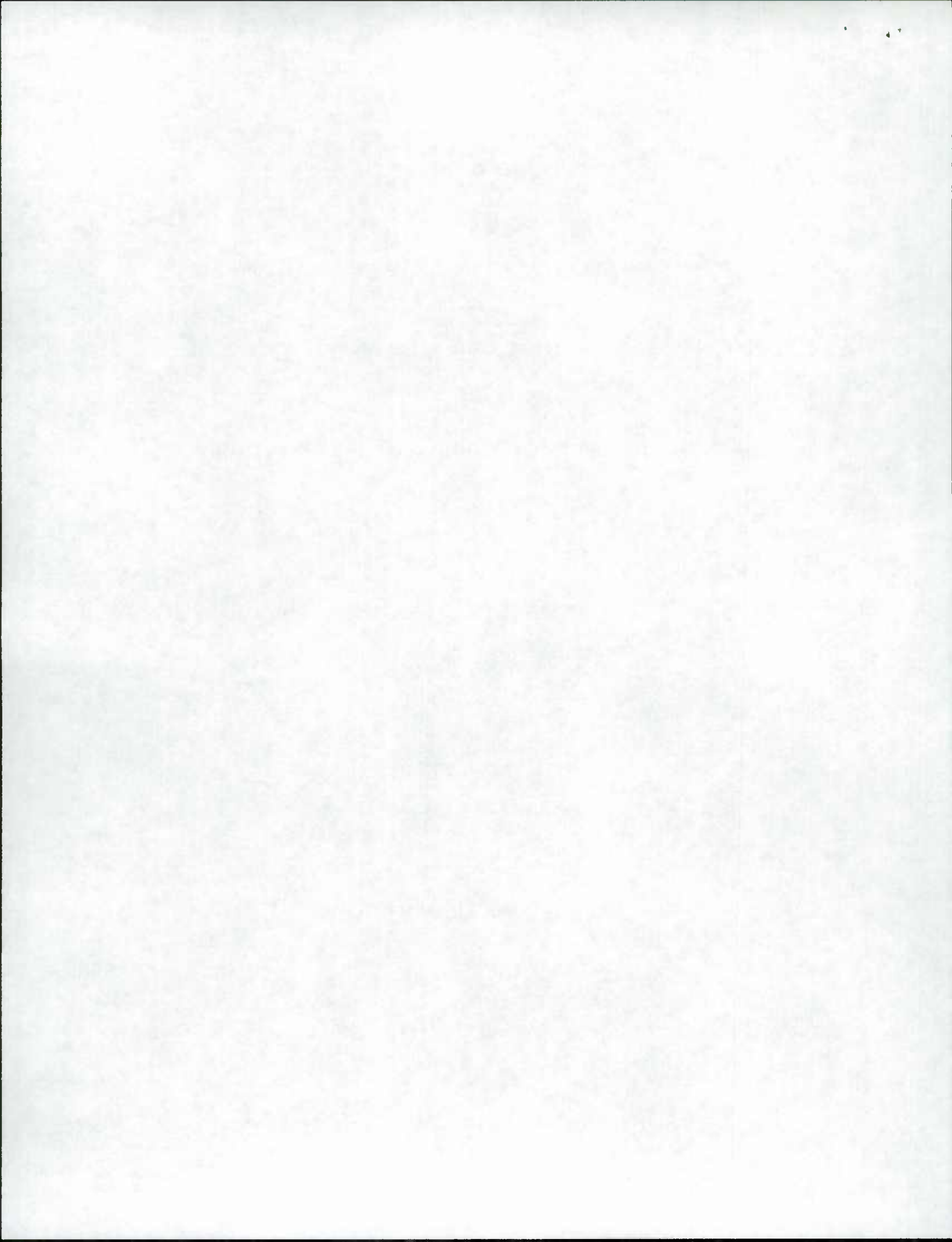
ORDERED BY:

**DOUGLAS CLARK HOLLMANN**  
ADMINISTRATIVE HEARING OFFICER

**PLANNER: WILLIAM ETHRIDGE**

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DATE FILED: MAY 18, 2009



### **PLEADINGS**

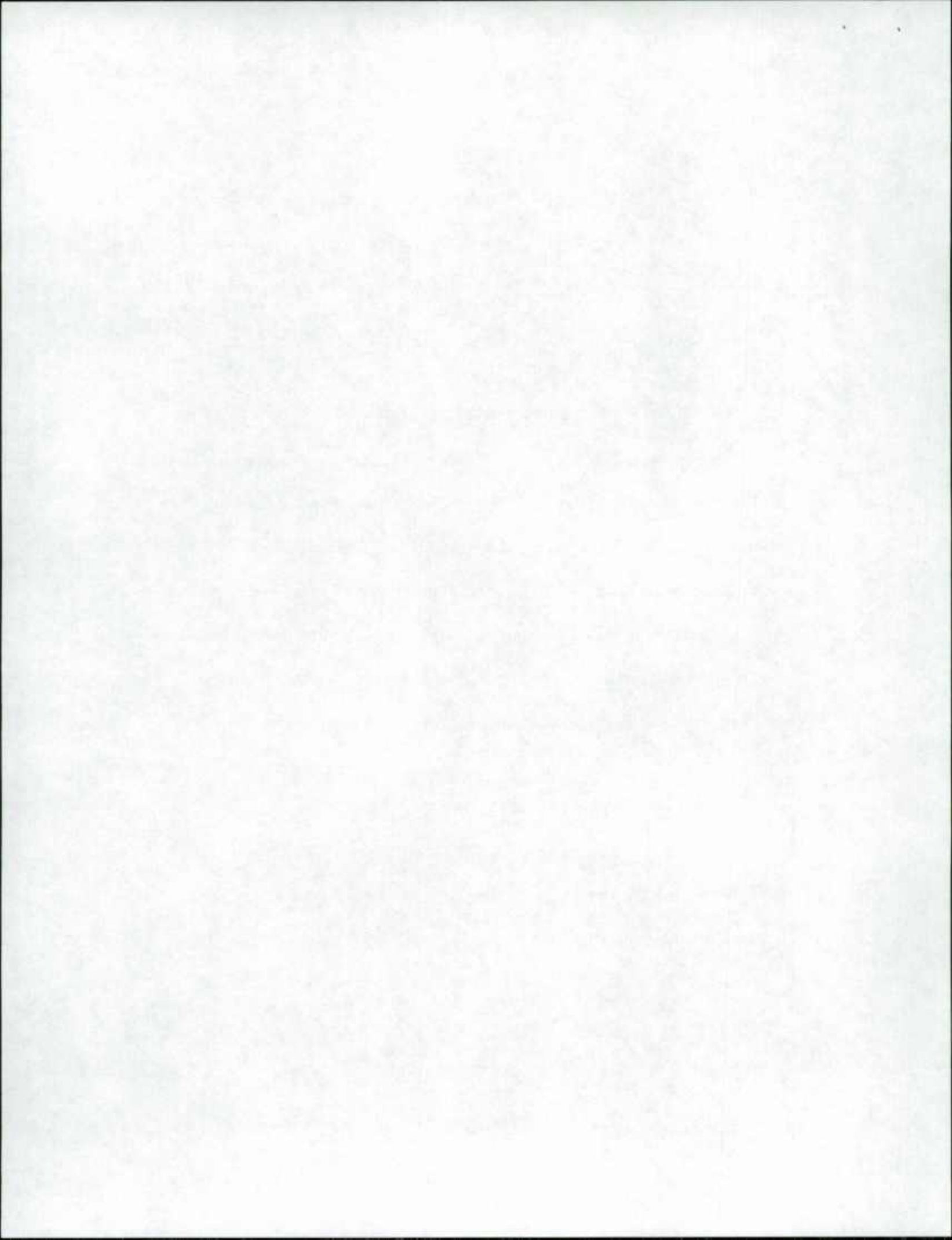
Christopher Sentimore and Mary Sentimore, the applicants, seek a variance (2009-0048-V) to allow a dwelling with less buffer than required on property located along the east side of Bywater Road, northeast of Broadwater Way, Gibson Island.

### **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. Mary Sentimore 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 April 28, 2009, in which witnesses were sworn and the following evidence was presented with regard to the proposed variances requested by the applicants.





### **The Applicants And The Property**

The subject property is owned by the applicants and has a street address of 731 Bywater Road, Gibson Island, Maryland 21056 (the Property). The Property is zoned R1-Residential District, with a Chesapeake Bay Critical Area designation as limited development area (LDA). The Property is mapped in a buffer modification area.

### **The Proposed Work**

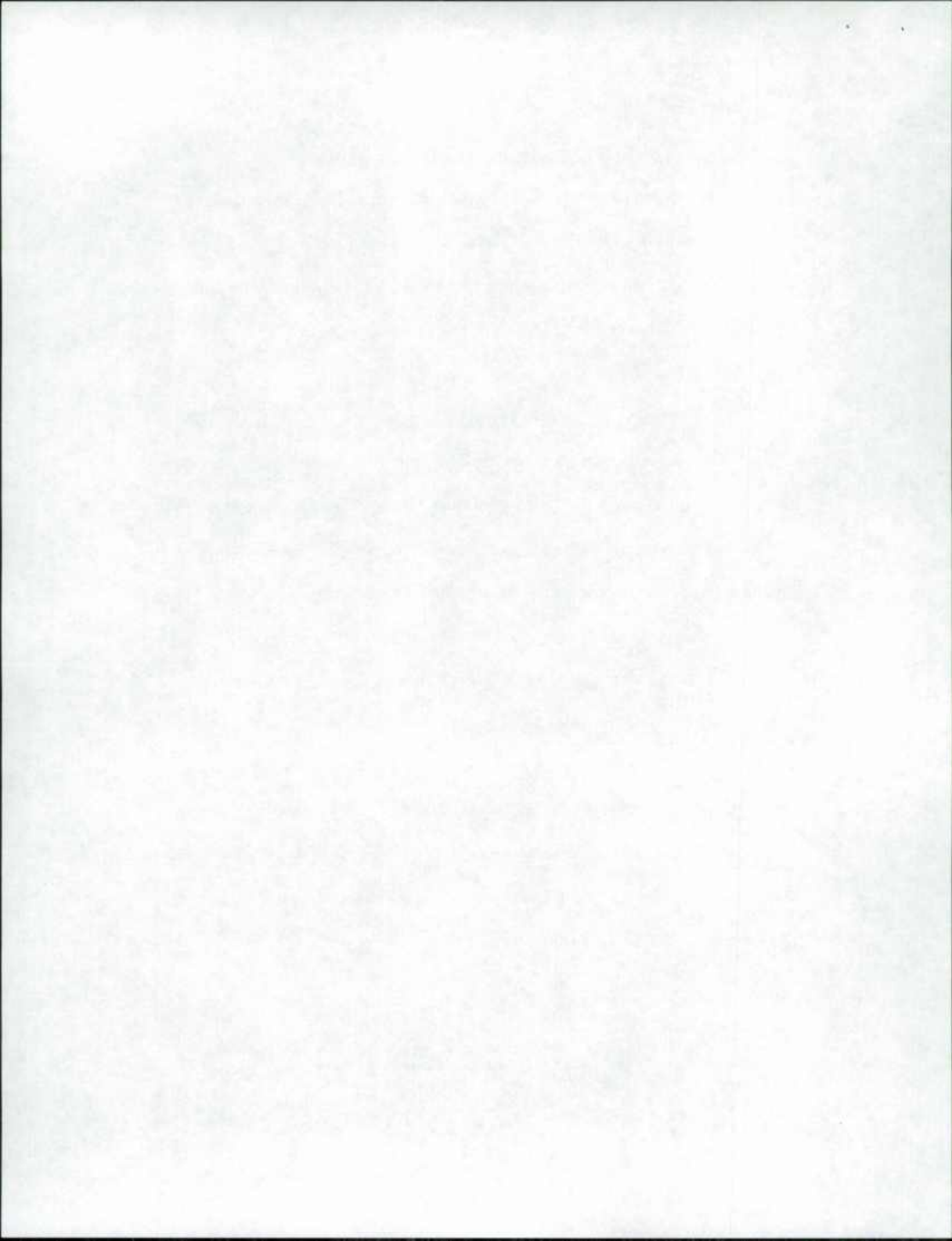
The applicants propose to raze the existing principal structure and replace it with a new single-family dwelling with attached garage. They also intend to raze an existing garage and replace it with a new detached garage.<sup>1</sup> Some of the proposed work will occur closer to the shoreline than the existing improvements on the Property.

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

§ 18-13-104(b) provides that there shall be a buffer modification area established on all or part of a lot created before December 1, 1985 on which the existing pattern of development prevents the 100-foot buffer from performing its protective functions. The Property is located in a buffer modification area where, according to Article §17-8-702, no new impervious surface may be placed nearer to the shoreline than the existing principal structure.

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<sup>1</sup> Apparently, the detached garage will not be in the buffer. Nor will it be in steep slopes or the expanded buffer to steep slopes. Finally, it does not require any setback variances. The variances granted herein, therefore, will be for the replacement dwelling.



### The Variances Requested

The work will require a critical area variance to §17-8-702 because part of the new dwelling and the waterside porch will be located closer to the shoreline than the existing principal structure.

### The Evidence Submitted At The Hearing

William Ethridge, a planner with the Office of Planning and Zoning (OPZ), testified that the Property exceeds the minimum lot size for the R1 district<sup>2</sup>. The Property also exceeds the minimum lot width of 125 feet for the R1 district<sup>3</sup>. The Property is rectangular in shape and contracts from 200 feet deep at the southern end to only 155 feet deep at the northern end. The entire Property is within the LDA, and is in a buffer modification area.

The Property is part of the Gibson Island subdivision, which was originally platted in 1925, prior to the adoption of zoning regulations and the critical area program. State records indicate that the dwelling was constructed in 1927. The applicants' deed shows they purchased the Property in February of 2008.

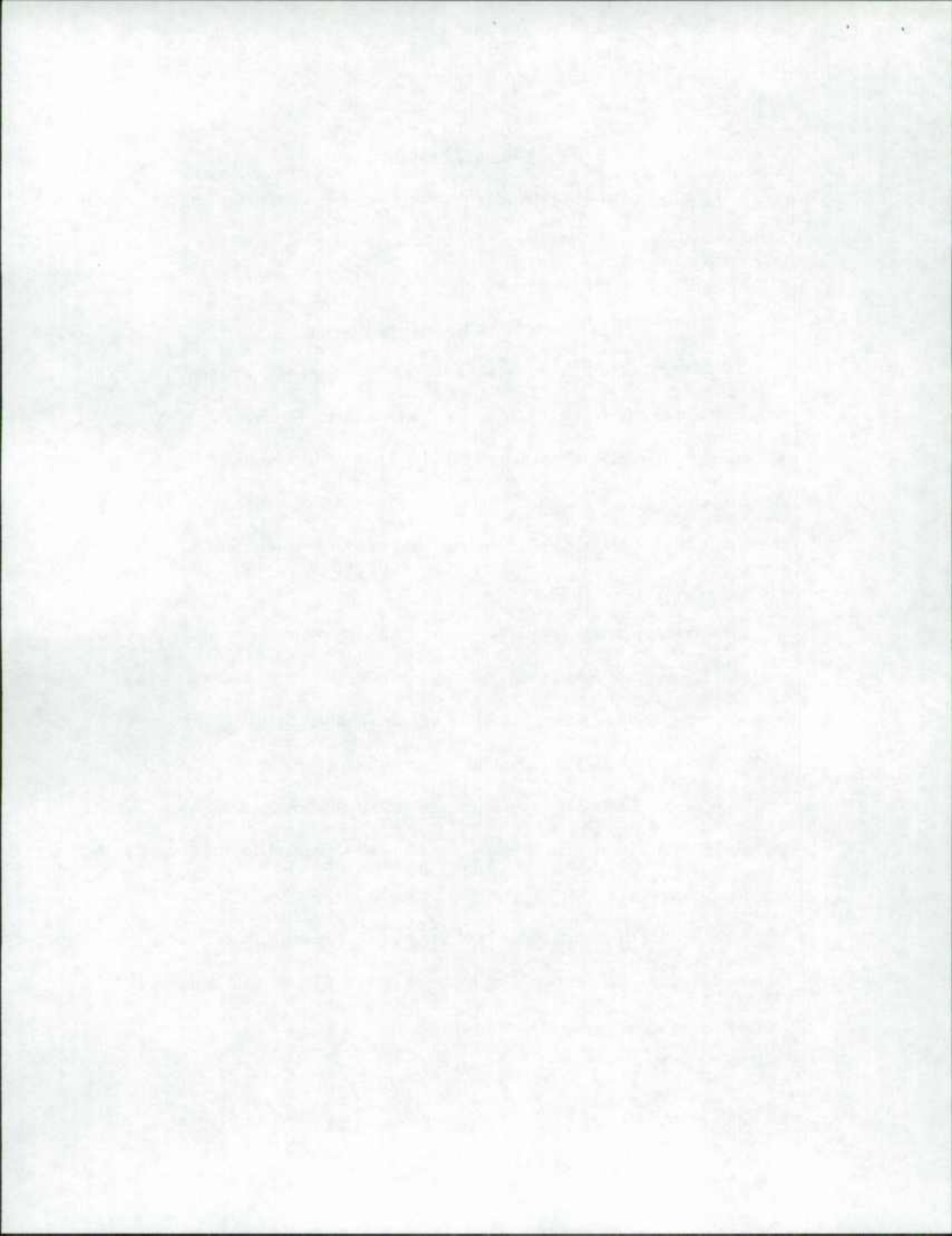
In Case No. 2008-0372-V, the applicants filed an application to demolish the existing dwelling and construct a new home with less setbacks and buffer than required. The application was withdrawn on December 17, 2008.

The existing dwelling is currently 92.5 feet from the mean high water line. Almost the entire waterside of the home is 7-8 feet inside the 100-foot buffer line.

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<sup>2</sup> 40,000 square feet required, the Property has 58,607 square feet.

<sup>3</sup> 125' required, the Property has 320'(+/-).



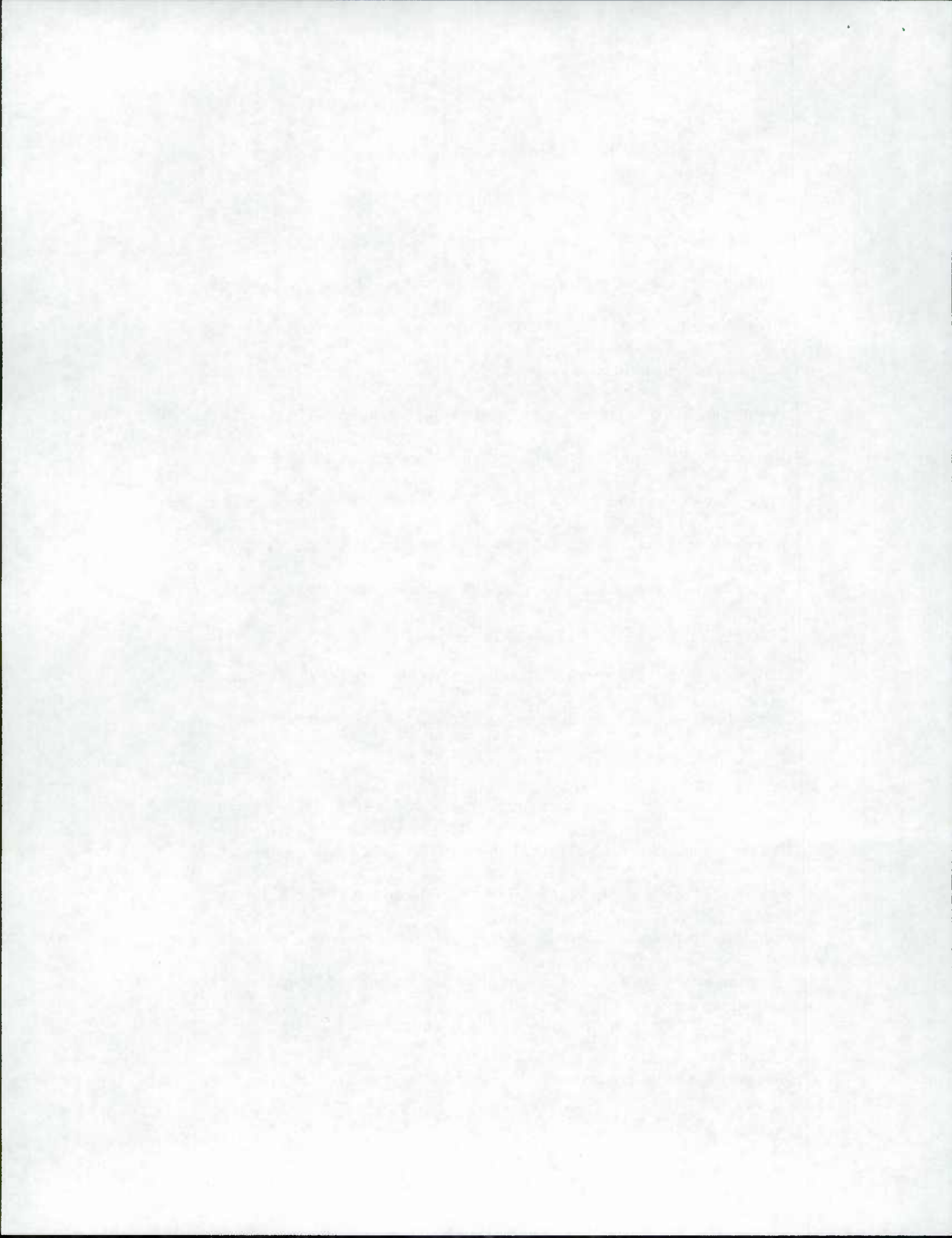
Also, roughly half of the home on the southern side is within the expanded buffer to steep slopes. Consequently, any additions/modifications in those areas of the home would require a variance.<sup>4</sup> The proposal would remove an existing 2,300 square-foot home (and garage), and replace it with a 3,700 square foot home. Areas of existing impervious slated on the Property are to be removed as part of the redevelopment. In addition to adding a second story, significant additions are being made to the southwestern and western sides of the home. A covered deck (5 feet deep by 55 feet wide) is also proposed on the waterside of the home.

The existing impervious surface for this Property is 4,593 square feet. The proposed impervious surface will be 6,900 square feet, (an increase of 2,307 square feet). However, the amount of impervious surface within the buffer area is being reduced from 2,291 square feet to 2,141 square feet (-150 square feet). The allowable impervious coverage limit for the Property is 8,791 square feet. The work, therefore, will increase impervious surface but be considerably less than what is allowed.

Mr. Ethridge conducted a site visit on April 16, 2009. Photos were taken and are being submitted as County Exhibit 9. OPZ concluded that the existing home began as a temporary seasonal second residence, and has now become the applicants' permanent residence. The design of the home is such that the locations of certain rooms are awkward in their placement, and that additional space is needed for the applicants' family. Also, it is apparent that the type of

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<sup>4</sup> Roughly two-thirds of the house is within either the 100-foot buffer or the expanded buffer.



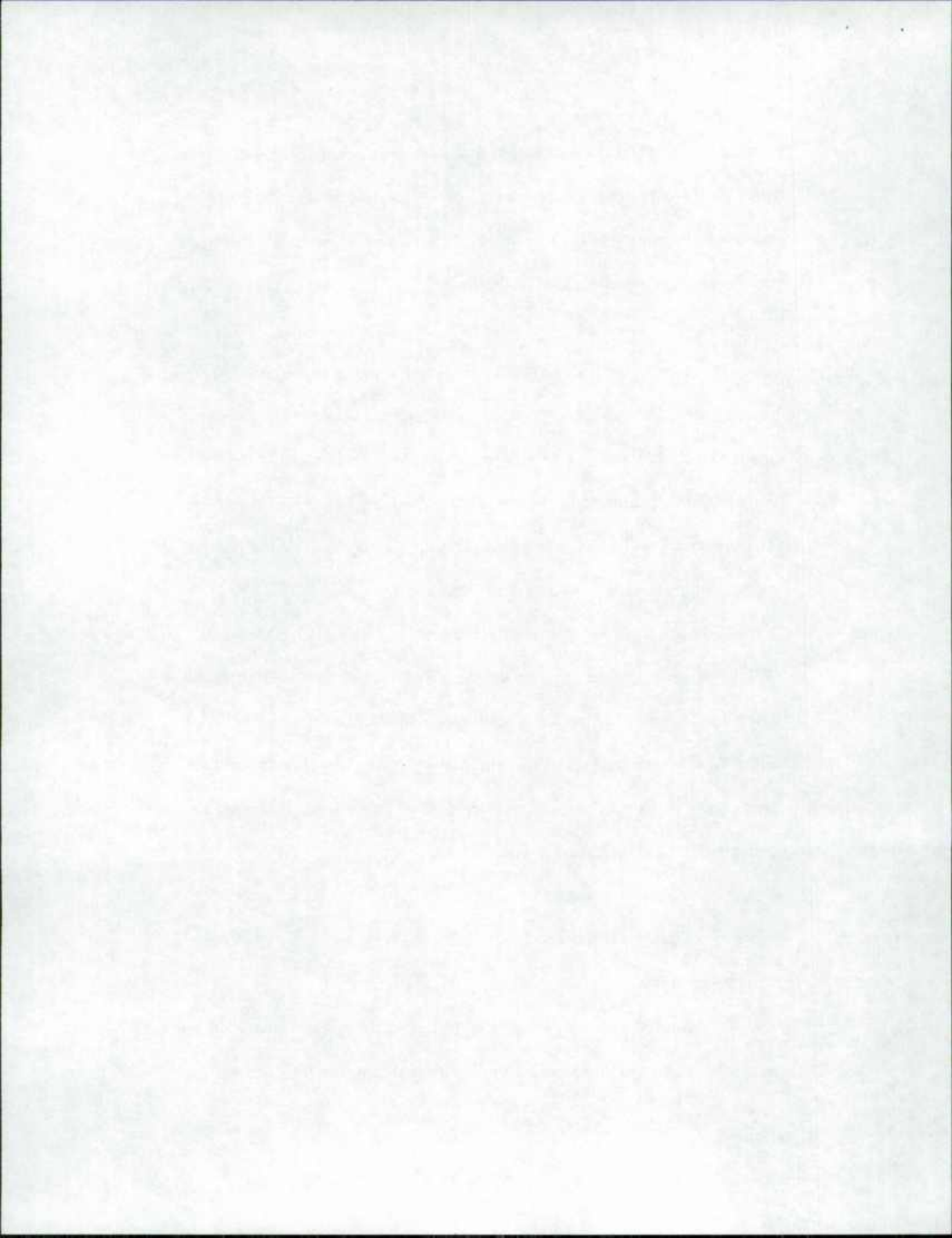
improvement that is being requested is widespread in this neighborhood. Several homes on Bywater Road and surrounding streets are considerably larger in size and scope. They also include such amenities as swimming pools, waterside patios, and covered or screened porches on the waterside, features that do not exist on the Property.

The Department of Health has reviewed the variance request and indicated that they do not have an approved plan for this project and added that the plans submitted with their variance application do not match Department of Health approved plans. Additionally, the house must be no larger than 3,703 square feet. The Department of Health has no objection to the variance provided an accurate plan is submitted and approved by their Department.

The Critical Area Commission commented in a memo dated March 26, 2009 that it thought the replacement dwelling could be built entirely outside the buffer, thus lessening the impacts on the buffer and extended buffer. The Commission also thought the overall size of the dwelling as well as impervious surface could be reduced. Finally, the Commission believes that mitigation should be required if the variances are granted.

The Critical Area Team from the OPZ did not oppose the variances requested but asked that additional buffer plantings be required as part of the permit review process.

OPZ concluded that the location of the home demonstrates an exceptional circumstance inherent to the lot, preventing the applicants from reasonable

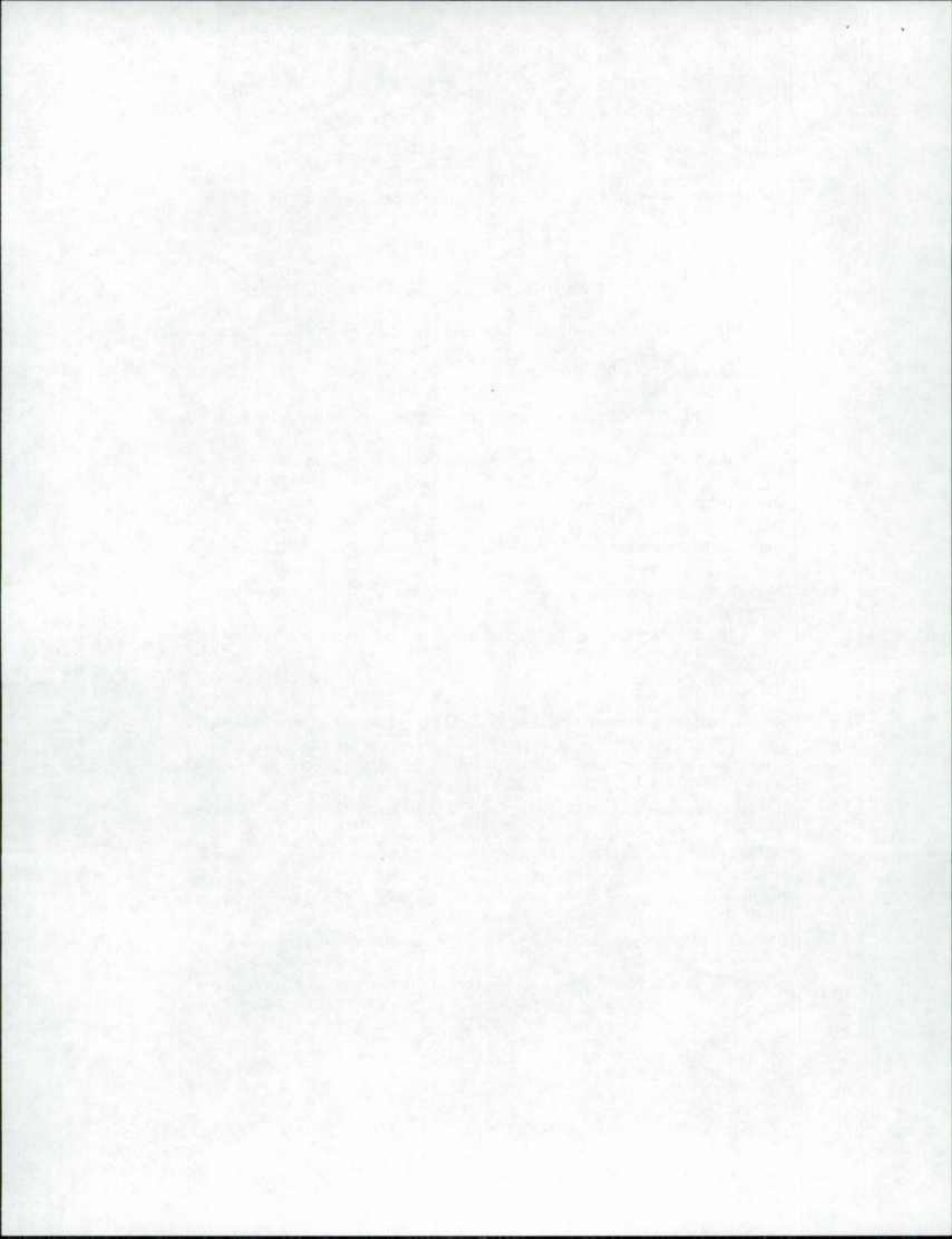




development without obtaining a variance. Due to the home's original construction, within the 100-foot buffer and the expanded buffer, no improvements can be made to a significant portion of the home without obtaining a variance. A further restriction is that the community association refused to grant the applicants a variance so that the new dwelling could be located closer to the road and further from the water.

In addition, the applicants are reducing the amount of impervious surface within the buffer. A strict implementation of the program would result in an unwarranted hardship, denying the applicants the right to improve the dwelling and reconfigure the garage and driveway, rights commonly enjoyed by other properties in this community and in the critical area.

Mr. Ethridge testified that the variances requested are not based on conditions or circumstances that are the result of actions by the applicants and do not arise from any condition relating to land or building use on any neighboring property. The granting of the variances will not adversely affect water quality or impact fish, wildlife or plant habitat and will be in harmony with the general spirit and intent of the critical area program. Finally, the approval of the variances will not necessarily alter the essential character of the neighborhood nor impair the use of any adjacent property as the improvements result in development that is consistent with and in keeping with adjacent properties.

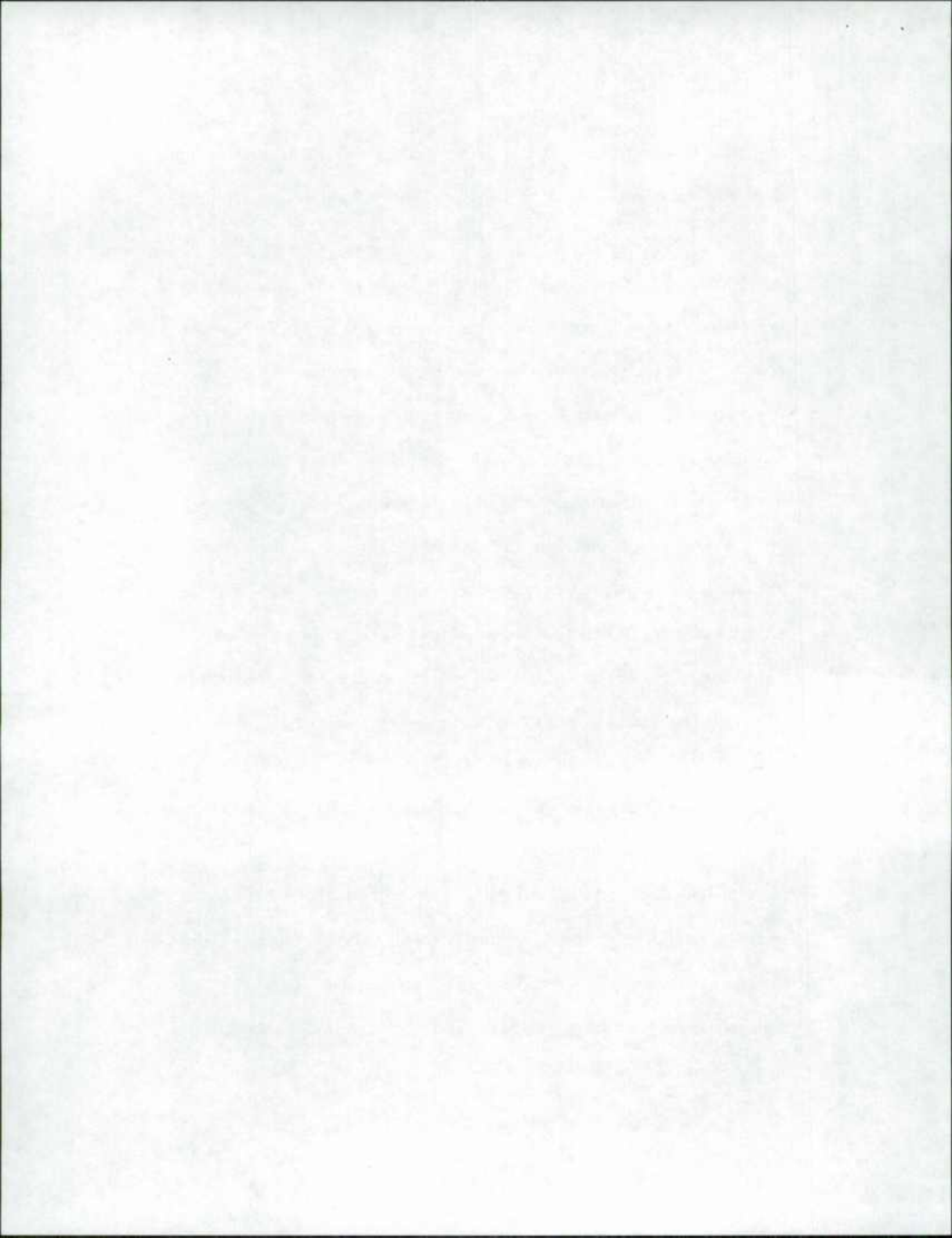


For all these reasons, Mr. Ethridge testified that the OPZ has concluded that the application meets the standards found in § 18-16-305 and recommends that the application be granted.

Peter Loyka, the applicants' engineering consultant, explained the proposed improvements to the Property. He confirmed the testimony of Mr. Ethridge and pointed out that the impervious surface would be less than allowed once all the work is done. He also made clear that the Property consists of two buildable lots and that the applicants intend to consolidate them, thus lessening future impacts had the second lot remained available for another structure.

Vincent Greene, applicants' architect, testified extensively about efforts to place the house further away from the water, and that there is no need for any setback variances. He also discussed the refusal of the community association to grant a variance to the community's front lot line setback and allow the house to be placed closer to the street. As it is, the street side of the dwelling will be placed as close to the road as possible.

The new dwelling has been designed with a waterside porch. The porch is narrow, but its addition constitutes a further intrusion into the buffer. The intrusion is minimal - 5.5 feet - and Mr. Greene testified that houses on the water, particularly in this neighborhood, are improved with waterside porches, and that to deny such an amenity here would deprive the applicants of an amenity enjoyed by their neighbors. The house cannot be pushed farther away from the water to avoid this, or narrowed from its already narrow configuration without making the



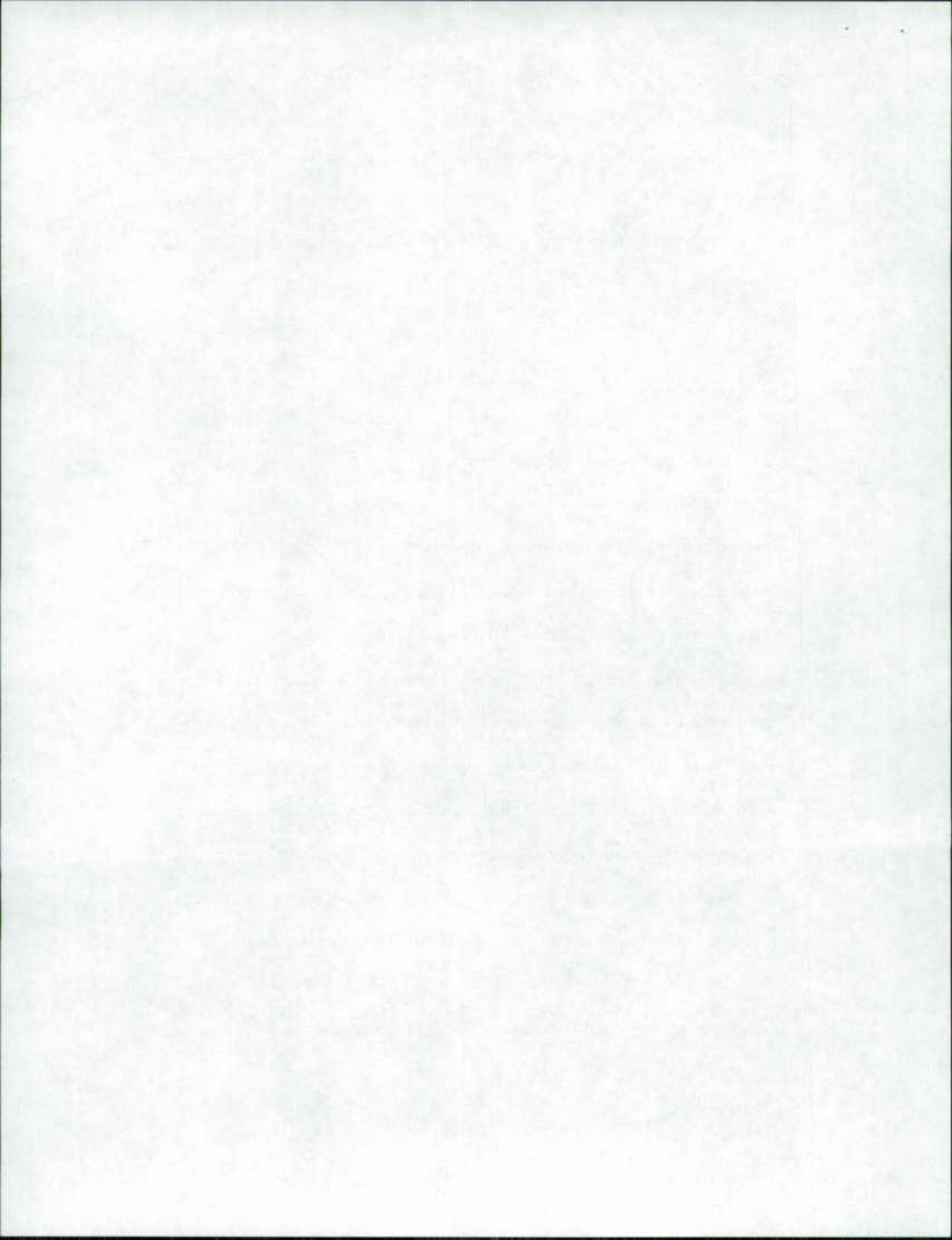
interior difficult to develop and utilize. For all these reasons, he asked that the porch be allowed.

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 that the applicants are entitled to conditional relief from the Code. The Property contains restrictions in the form of building restriction lines, setbacks, steep slopes, and extended buffers such that the proposed new dwelling will be sited in the only available location. The applicants could reconstruct the existing dwelling on its present footprint without variances. However, they have expanded the dwelling closer to the water than that, and, thus, need variances because there will be new impervious surface closer to the shoreline than the existing dwelling.

The existing house has no waterside porch; the need for the variances is driven by the applicants' desire to have a waterside porch. I find that this desire is not unreasonable, and to deny the applicants a waterside porch would be denying them the use of the entire parcel since such a porch is part of the reason to live on the water. The proposed porch is modest. Indeed, it is quite narrow. The variances needed to accomplish this result are also modest. Therefore, for the following reasons, I find that the criteria for granting a critical area variance have been met in this case.

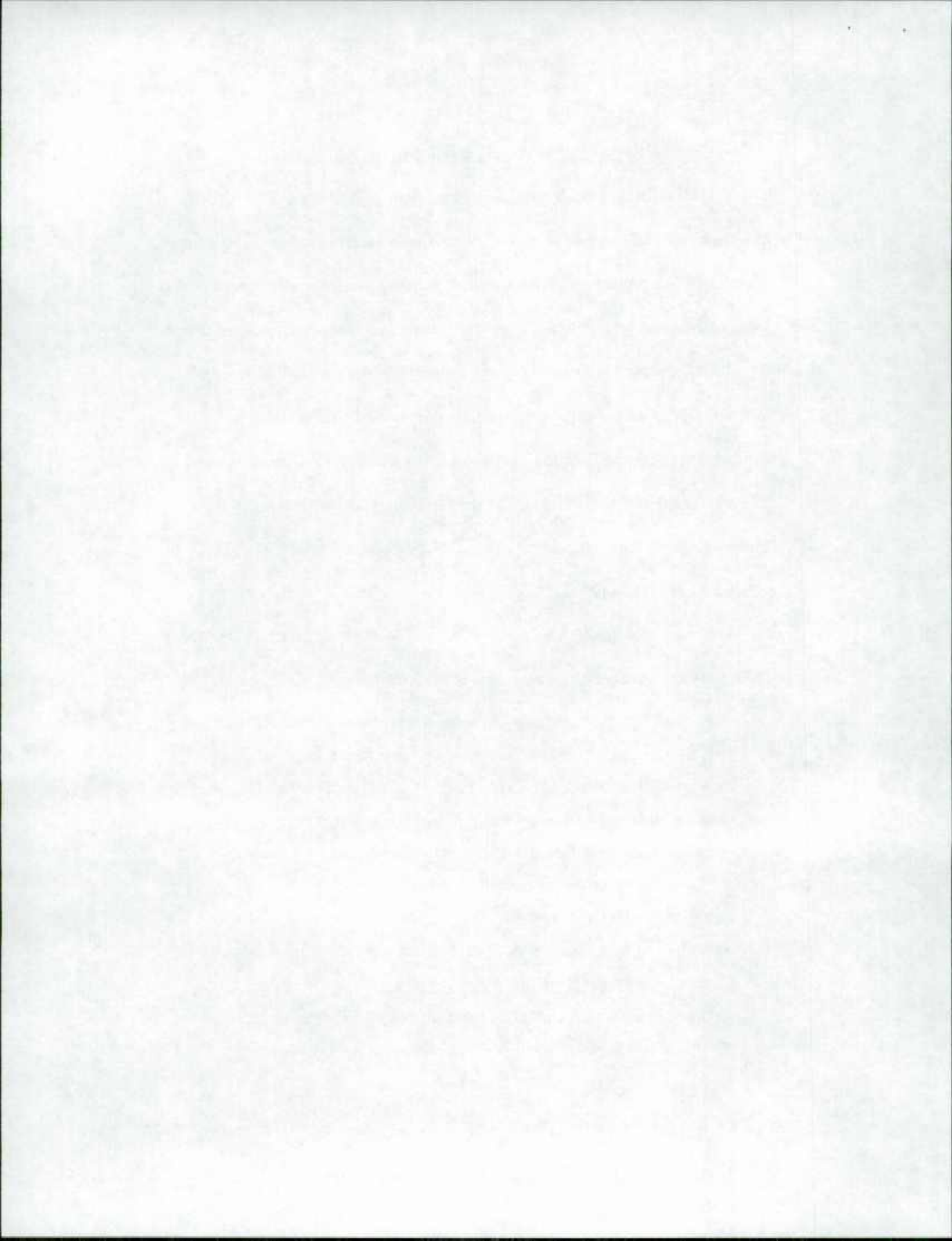


### State Critical Area Variance Requirements

§ 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).

In *Becker v. Anne Arundel County*, *supra*, 174 Md.App. at 131; 920 A.2d at 1128, the Court of Special Appeals said the following:

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 each one 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 to overrule recent decisions 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

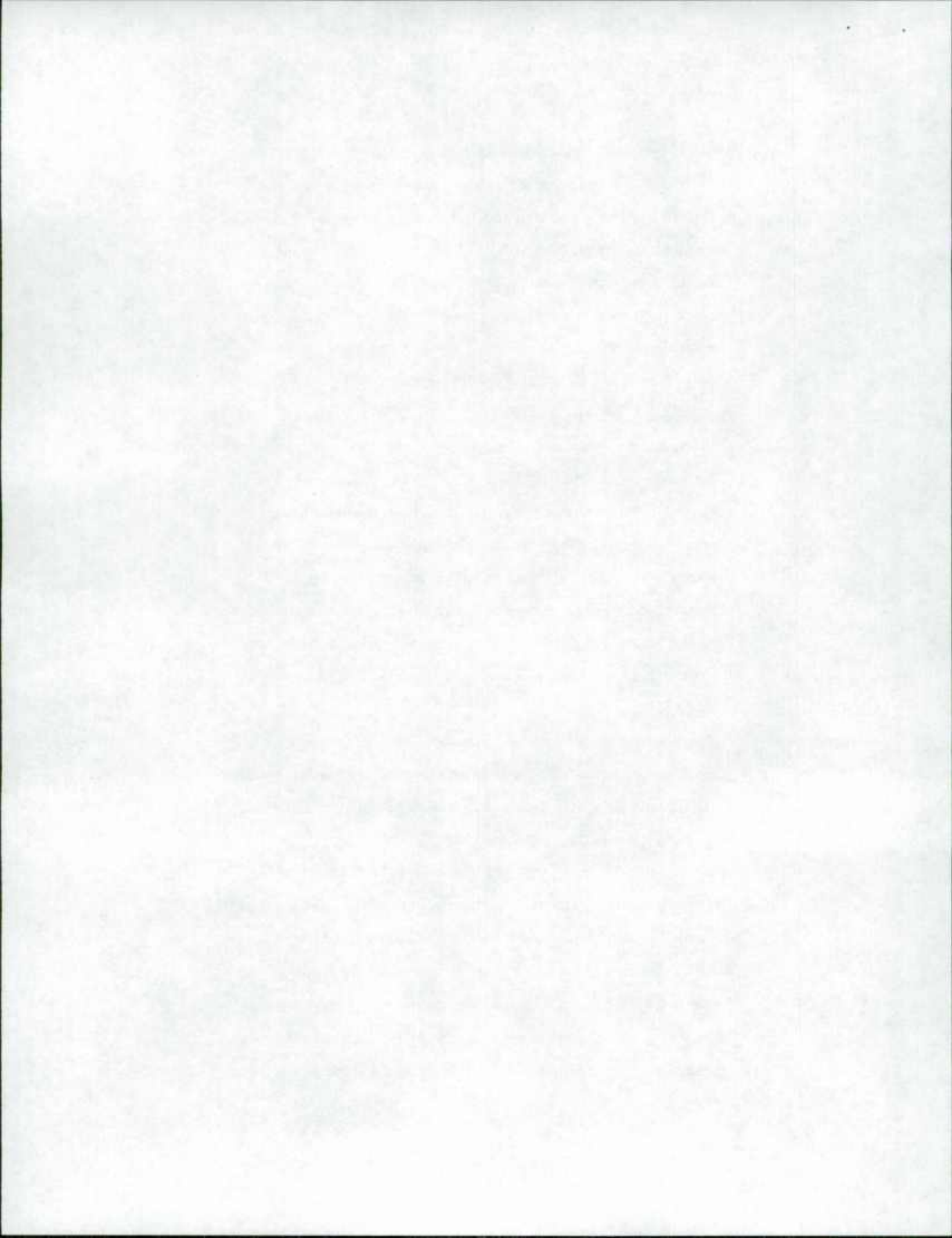




enjoyed by others in the critical area, a board may compare it to uses or development that predated the critical area program; (2) an applicant for a variance may generally satisfy variance standards rather than satisfy all standards; and, (3) a board could grant a variance if the critical area program 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].”<sup>5</sup> Furthermore, the applicants carry the burden of convincing the Hearing Officer “that the applicant has satisfied each one of the variance provisions.”<sup>6</sup> (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 applicants fail to meet just *one* of these 12 criteria, the variance is *required* to be denied. *Becker v. Anne Arundel County, supra*, 174 Md.App. at 124; 920 A.2d at 1124. (Emphasis in original.)

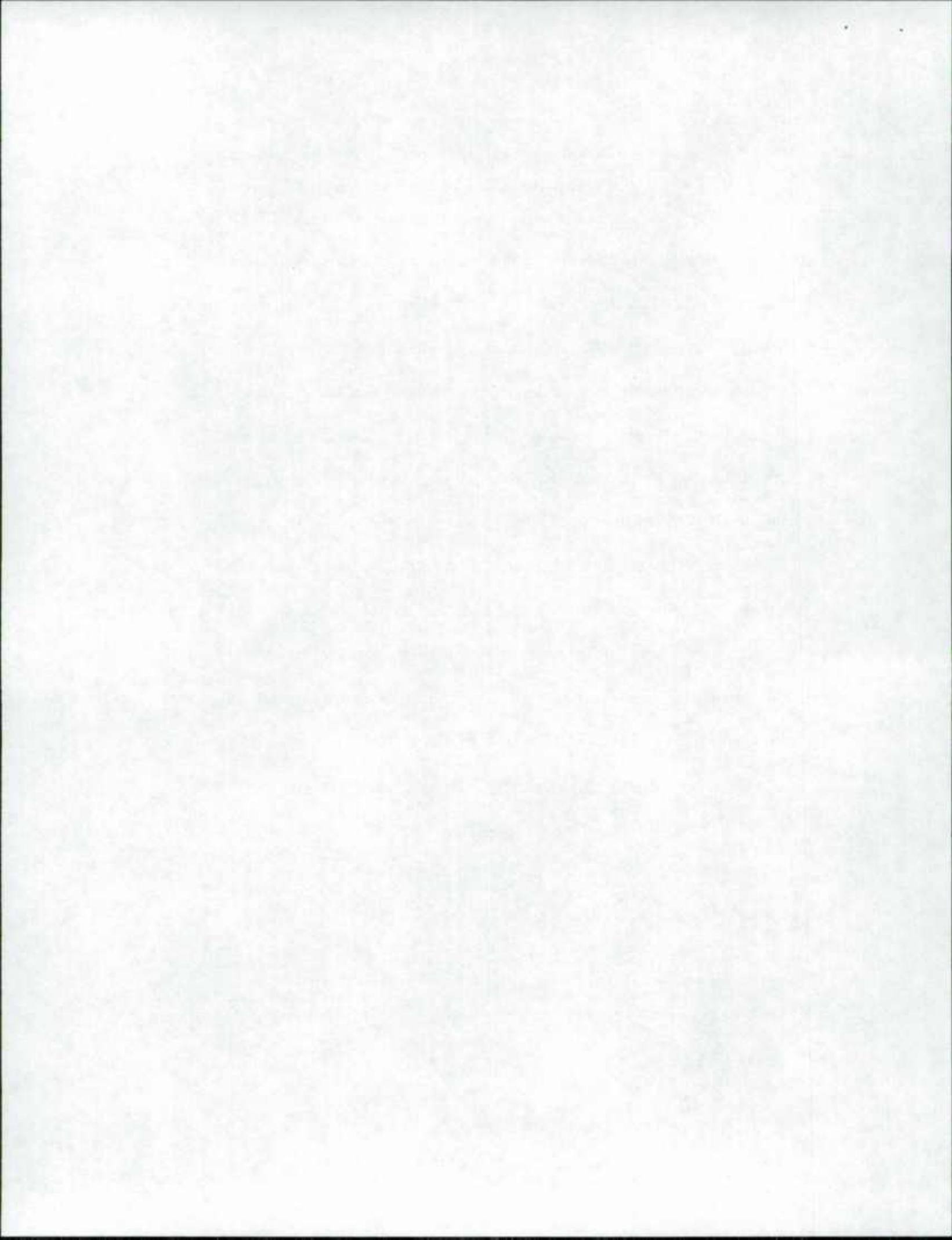
### County Critical Area Variance Requirements

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

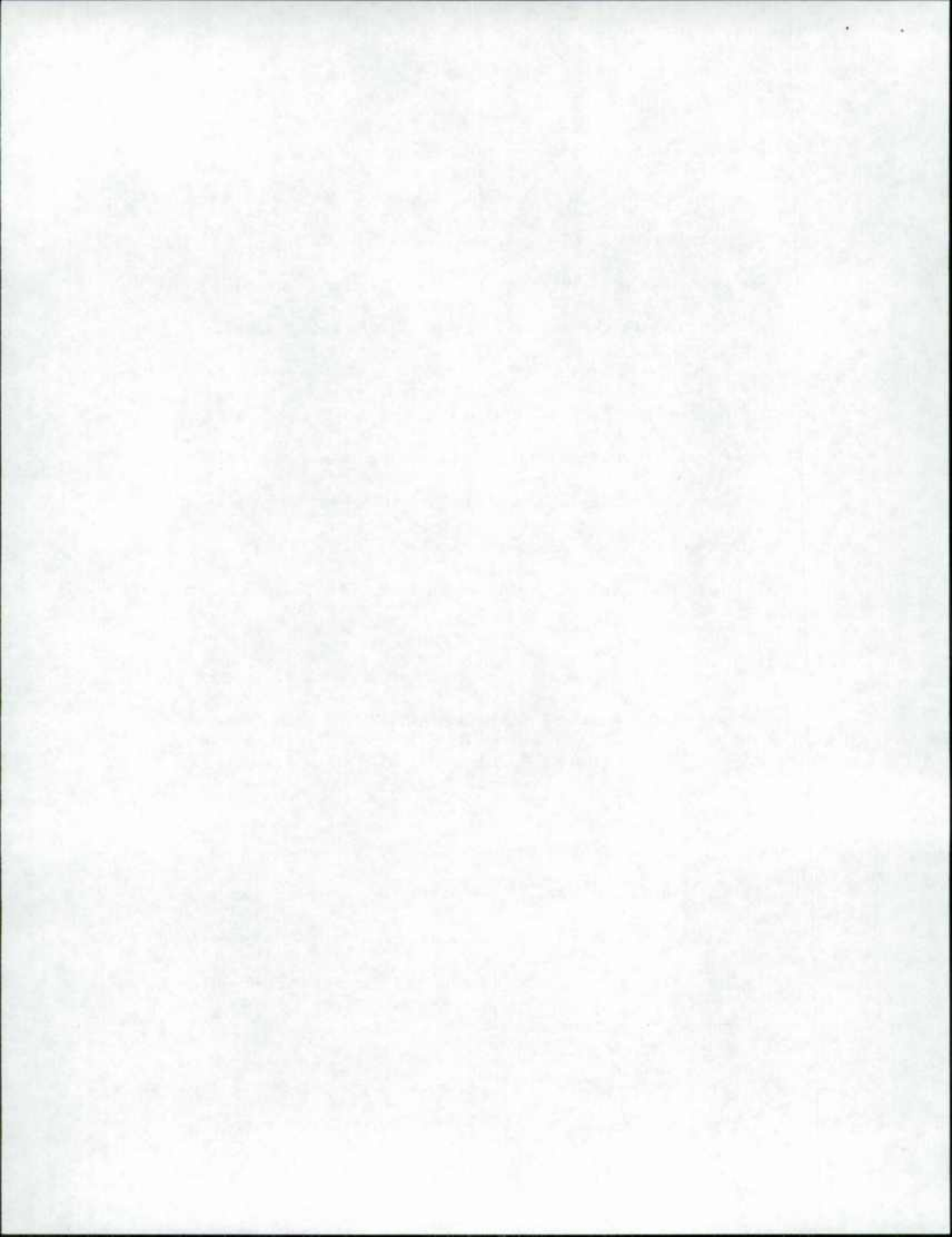
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<sup>5</sup> § 8-1808(d)(2)(ii) of the Natural Resources Article. References to State law do not imply that the provisions of the County Code are being ignored or are not being enforced. If any difference exists between County law and State law, or 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.

<sup>6</sup> § 8-1808(d)(4)(ii).



- (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 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).
- (3) The granting of a variance will not confer on the applicants 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).
- (4) The variance request is not based on conditions or circumstances that are the result of actions by the applicants, 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 County's critical area 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).<sup>7</sup>

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.

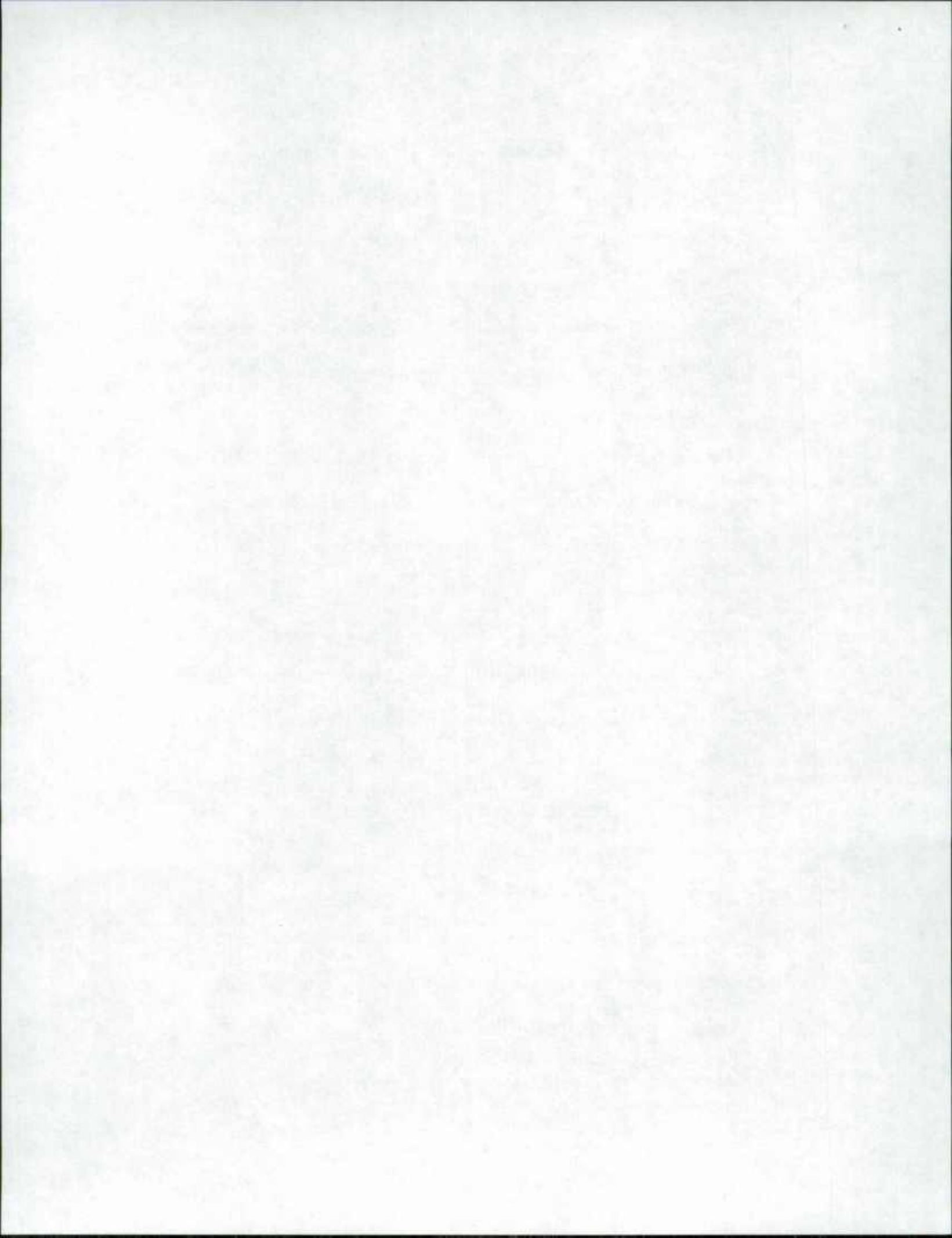
#### **Findings - Critical Area Variances**

I find, based upon the evidence, that:

- Because of the unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the Property, i.e., the area taken up by steep slopes and the buffer, as well as the existing improvements on it, strict implementation of the County's critical area

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<sup>7</sup> Subsection (b)(6) refers to bogs, which are not present on the subject property.

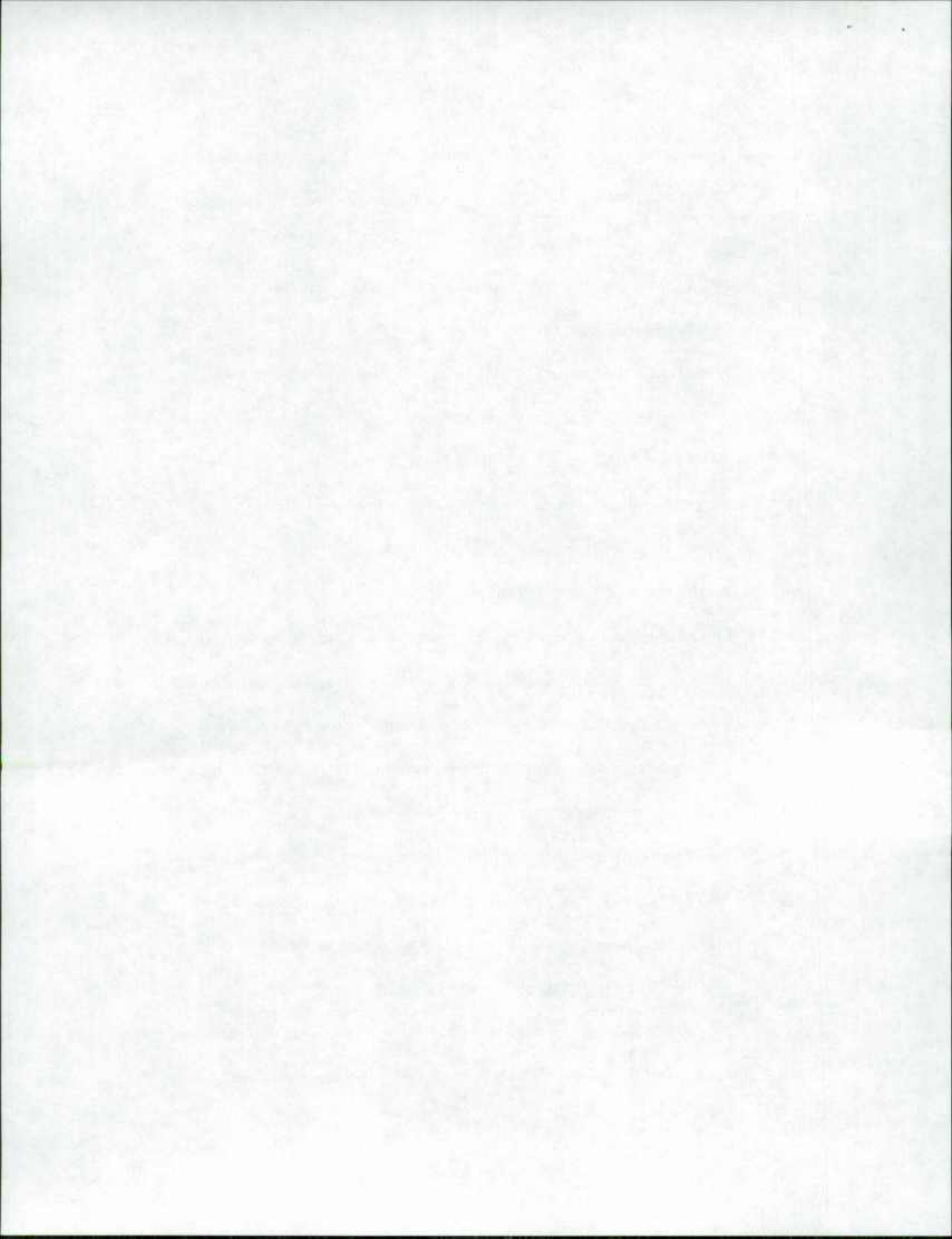




program would result in an unwarranted hardship to the applicants that would deprive the applicants of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County.

Subsection (b)(1) and (2).

- Furthermore, the granting of the critical area variances requested will not confer on the applicants 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 similar dwellings in the neighborhood. Subsection (b)(3).
- I find that the critical area variances requested are not based on conditions or circumstances that are the result of actions by the applicants, 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. Subsection (b)(4).
- The granting of the critical area variances requested 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. The proposed work will be offset by the removal of impervious surface and the mitigation that the applicants will undertake. Mr. Ethridge

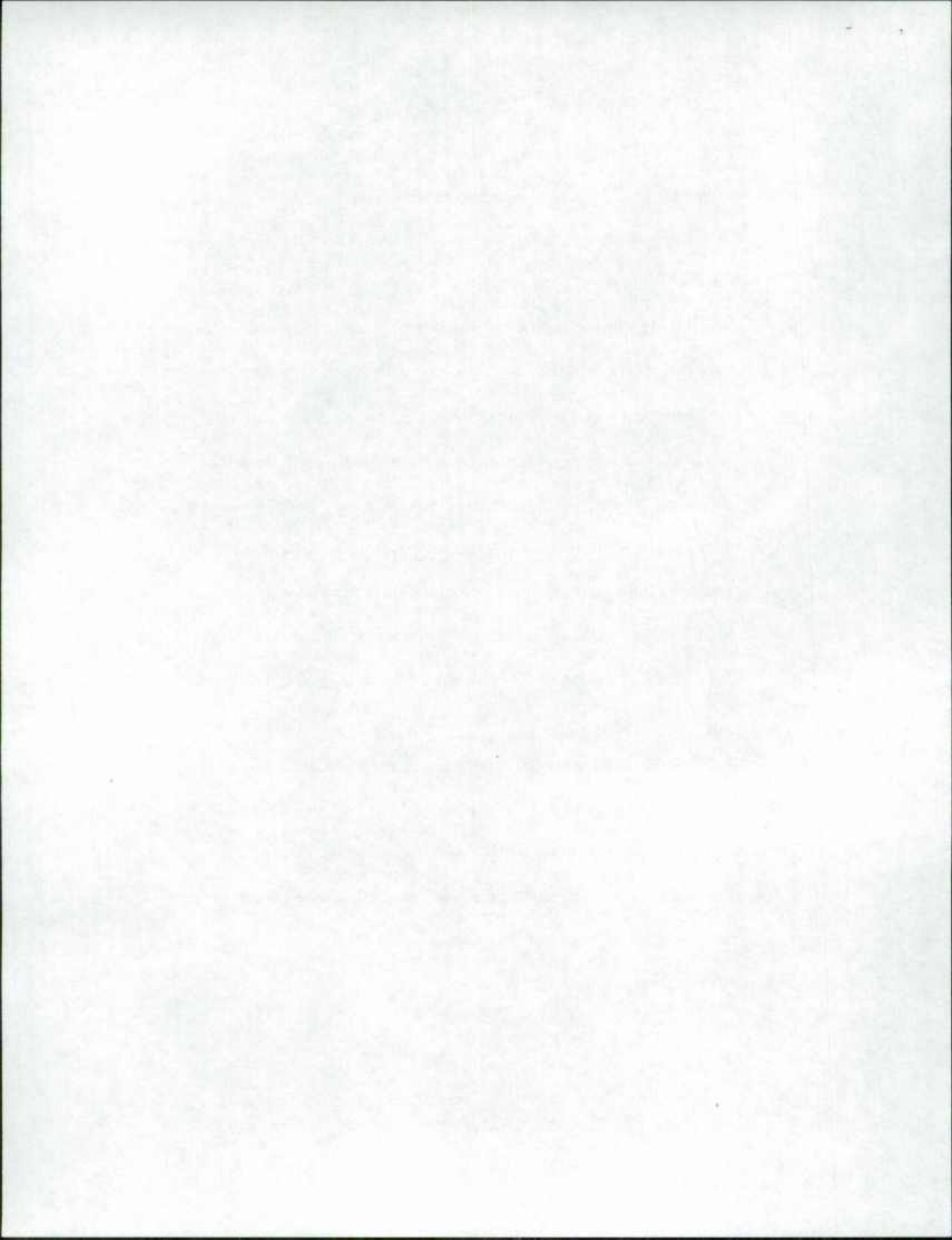


testified that the use of mitigation and silt fences, combined with the limited work to be performed, indicated that that the proposed work would not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program. Subsection (b)(5).

- Furthermore, I find that the applicants, by competent and substantial evidence, has 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)] for the reasons set forth above, and because I find that the applicants would be denied reasonable and significant use of the entire parcel or lot for which the critical area variances are requested if the proposed work was not allowed. Subsection (b)(7).

I further find that the critical area variances represent the minimum relief.

There was nothing to suggest that the granting of the critical area variances 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.



Accordingly, for the above reasons, I will grant a critical area variance to §17-8-702 to allow the proposed work to be done which will increase the amount of impervious surface closer to the shoreline than the existing principal structure.

**ORDER**

PURSUANT to the application of Christopher Sentimore and Mary Sentimore, petitioning for a variance to allow a dwelling with less buffer than required, and

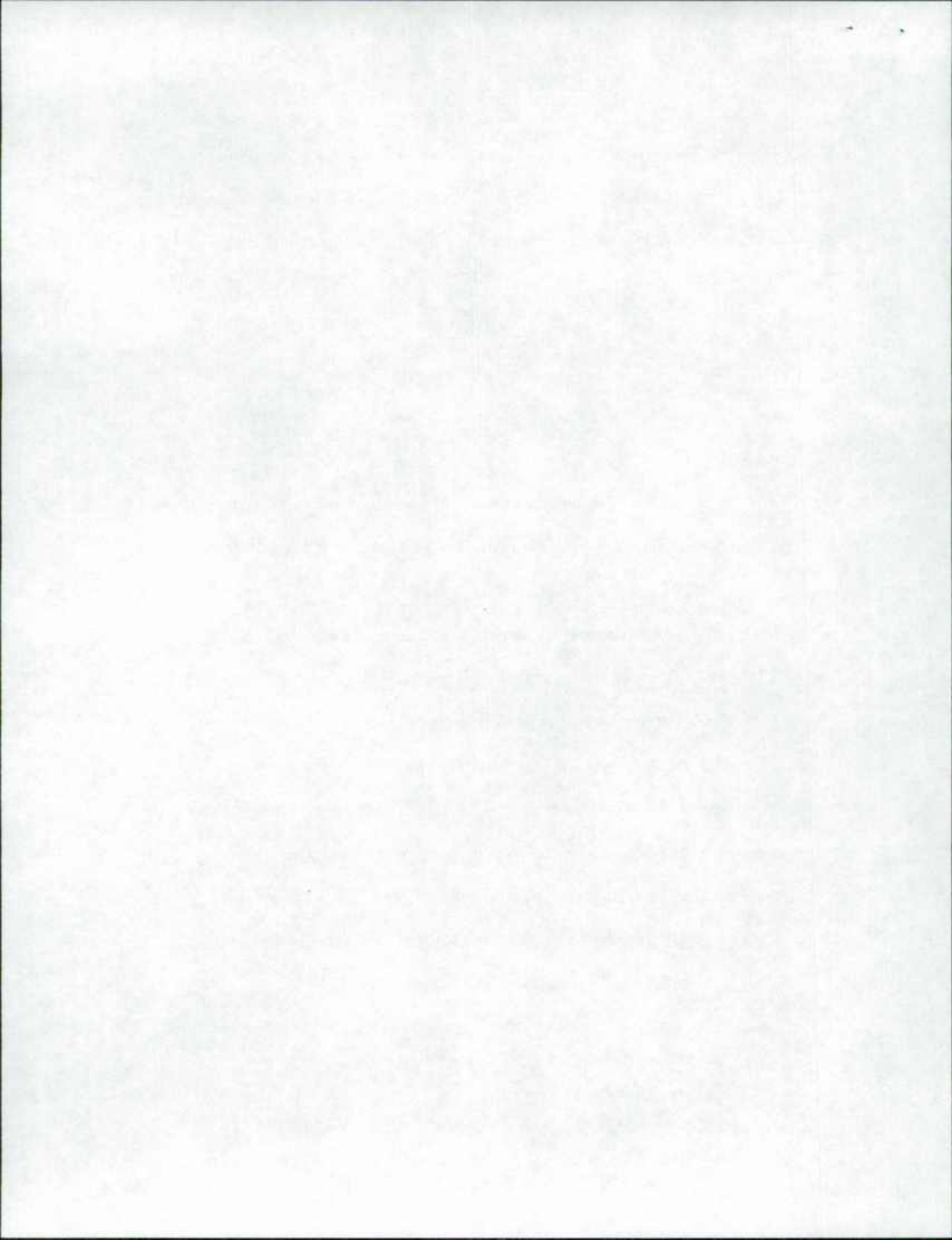
PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **18th day of May, 2009**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted** a critical area variance of six (6) feet to §17-8-702 to allow the proposed work as shown on County Exhibit 2.

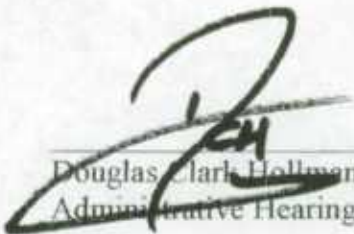
*Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein as modified by this Order.*

The foregoing variances are subject to the following conditions:

- A. The applicants shall consolidate the two lots shown on County Exhibit 2 into one lot prior to obtaining a building permit.



- B. The applicants shall comply with any instructions and necessary approvals from the Permit Application Center, the Department of Health, and/or the Critical Area Commission.
- C. The applicants shall provide mitigation as required by the Critical Area Commission and/or the Permit Application Center.
- D. No further expansion of the dwelling or any accessory structure toward the shoreline is allowed.



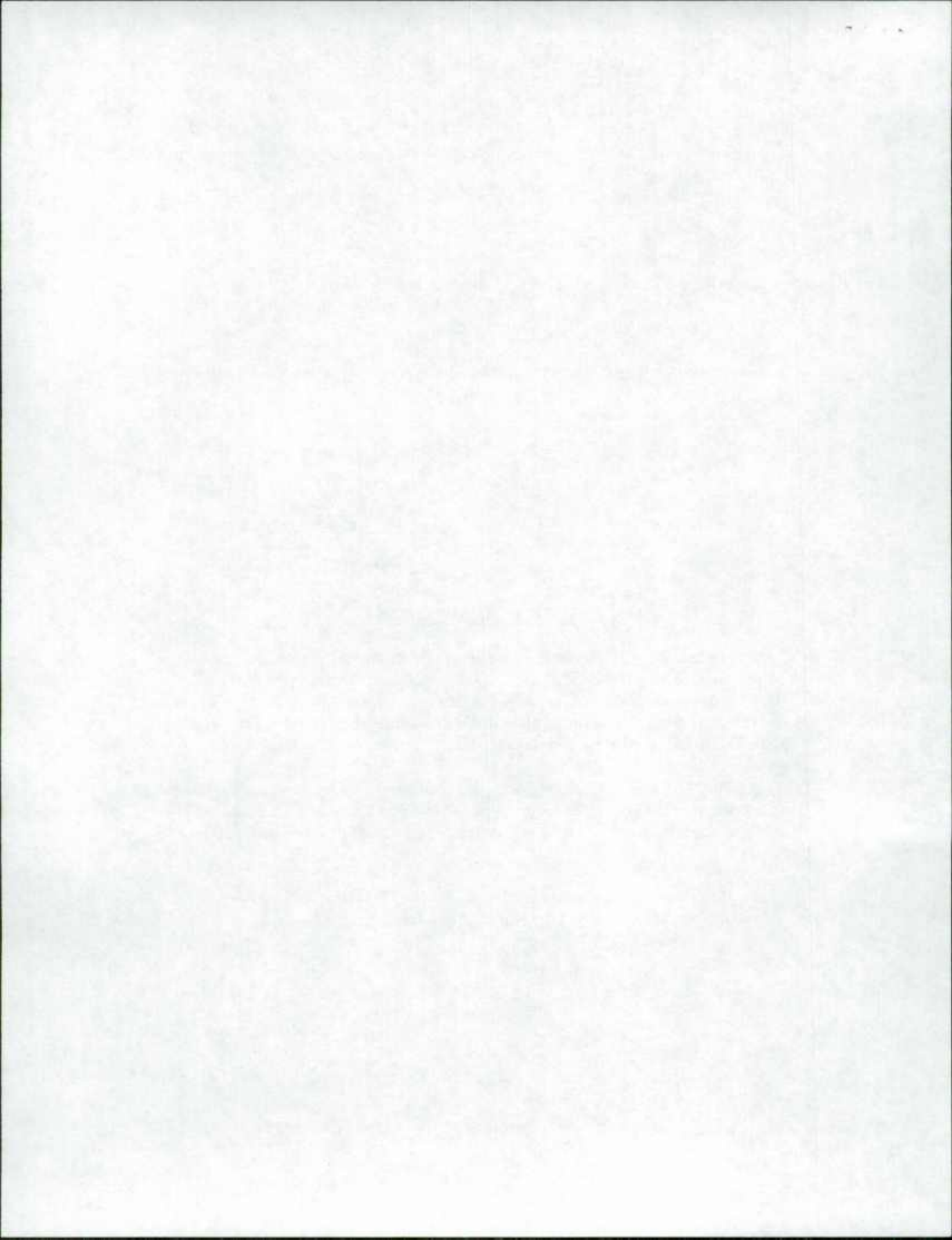
Douglas Clark Hollmann  
Administrative Hearing Officer

#### NOTICE TO APPLICANT

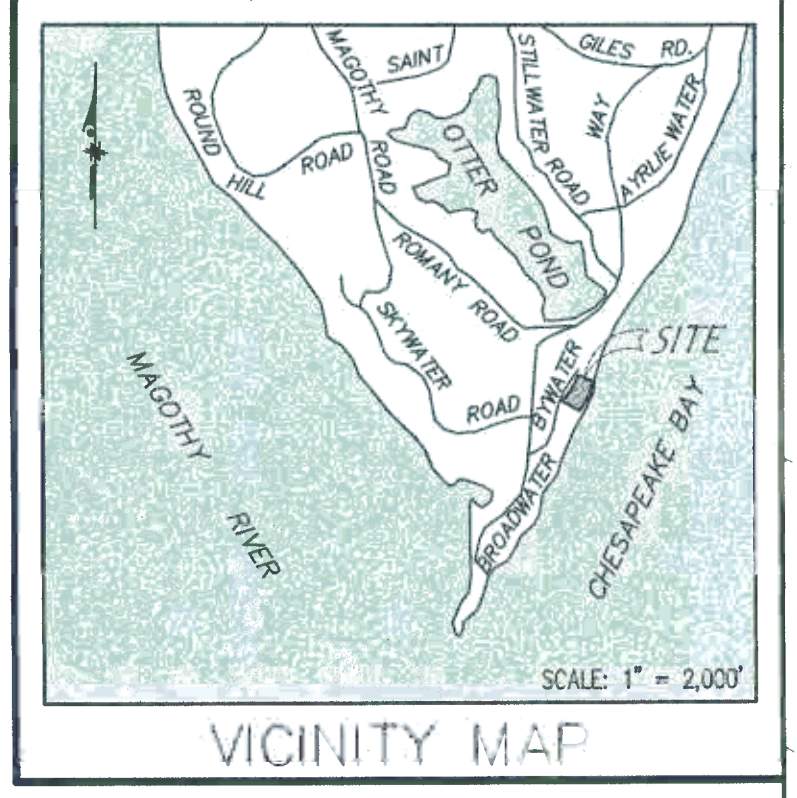
Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals. **A permit for the activity that was the subject of this variance application will not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

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

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







- NOTES:**
1. TOPOGRAPHY AND LOCATION SURVEY WAS PERFORMED BY DRUM, LOYKA & ASSOCIATES, LLC ON SEPTEMBER 2008.
  2. BEARINGS AND HORIZONTAL CONTROL SHOWN HEREON ARE BASED ON ANNE ARUNDEL COUNTY MONUMENT #B2-AZ (NAD 83).
  3. VERTICAL CONTROL IS BASED ON ANNE ARUNDEL COUNTY MONUMENT #B2-AZ, ELEV.=16.11 (NGVD 29).



- LEGEND**
- 16- EXISTING CONTOUR
  - 15% - 25% STEEP SLOPES
  - EX. WOODS LINE
  - LIMIT OF DISTURBANCE
  - 24- PROPOSED GRADE
  - 272+ PROPOSED SPOT ELEV.

**CHESAPEAKE BAY**  
(BUFFER MODIFICATION AREA)

(FLOOD MAP PANEL NO. 240008-0029 C)

FLOOD ZONES INDICATED FOR THIS PROPERTY:  
ZONE VII (EL 11)  
ZONE A9 (EL 10)  
ZONE B

**SITE TABULATIONS**

• TOTAL SITE AREA (LOTS 263, 263A, & 234A) (DEED):	58,607 S.F. (1.35 Ac.)
• ACTUAL SITE AREA (LOTS 263, 263A, & 234A) (MHW):	53,130 S.F. (1.22 Ac.)
• IMPERVIOUS AREA:	
-EXISTING IMPERVIOUS SITE COVERAGE:	4,593 S.F. (0.11 Ac.)
-ALLOWABLE IMPERVIOUS SITE COVERAGE (15%) (DEED):	8,791 S.F. (0.20 Ac.)
-ALLOWABLE IMPERVIOUS SITE COVERAGE (15%) (MHW):	7,970 S.F. (0.18 Ac.)
-PROPOSED IMPERVIOUS SITE COVERAGE:	6,900 S.F. (0.16 Ac.)
• COVERAGE BY STRUCTURES:	
-EXISTING COVERAGE BY STRUCTURES:	2,430 S.F. (+/- 5%)
-PROPOSED COVERAGE BY STRUCTURES:	4,133 S.F. (+/- 8%)
• SLOPE DISTURBANCE TABULATIONS:	
-TOTAL SLOPE DISTURBANCE:	0 S.F. (0.00 Ac.)
• IMPERVIOUS AREA OUTSIDE BUFFER:	
-EXISTING AREA:	2,302 S.F. (0.05 Ac.)
-PROPOSED AREA:	4,759 S.F. (0.11 Ac.)
• IMPERVIOUS AREA INSIDE BUFFER:	
-EXISTING AREA:	2,291 S.F. (0.05 Ac.)
-PROPOSED AREA:	2,141 S.F. (0.05 Ac.)
• CRITICAL AREA DESIGNATION: LDA	
• ZONING R-1	
FRONT 40', REAR 35'', SIDE 15', COMB. 40'	

**\*\*NOTE:** GIBSON ISLAND CORPORATION REGULATIONS REQUIRE A 40' SETBACK FOR PRINCIPAL STRUCTURES TO THE ROAD RIGHT-OF-WAY.

DESIGNED: AMD  
ORIG. DATE: SEPT. 17, 2008  
MODIFIED BY/DATE: AMD 2.24.09  
CADD DWG #: GS03408-V  
DLA PROJECT #: GS03408

REVISIONS TO APPROVED PLANS			
No.	DATE	BY	DESCRIPTION

**DRUM, LOYKA & ASSOCIATES, LLC**  
CIVIL ENGINEERS—LAND SURVEYORS  
209 WEST STREET, SUITE 203  
ANNAPOLIS, MARYLAND 21401  
410-280-3122

OWNER:  
**MR. & MRS. CHRISTOPHER J. SENTIMORE**  
731 BYWATER ROAD  
GIBSON ISLAND, MARYLAND  
410-255-7043

PERC. NO. T02038235  
VARIANCE PLAN  
**GIBSON ISLAND ~ LOTS 263, 263A & 264**  
731 BYWATER ROAD  
TAX ACCT. NO.s (LOTS 263 & 263A) 03-350-29907100 (LOTS 264A) 03-350-28789850  
TAX MAP 34 GRID 13 PARCEL 101 DISTRICT 3RD  
ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1" = 20'  
DATE: 2/24/09  
PROJ. NO: GS03408-V  
SHEET 1 OF 1

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