



Messick & Associates

Consulting Engineers,  
Planners, Surveyors  
& Landscape Architects  
*"Designing Success Since 1951"*

August 17, 2023

Ms. Sterling Seay, Zoning Administrator  
Anne Arundel County  
Planning & Zoning  
2664 Riva Road  
Annapolis, MD 21401

Re: Variance Application: Katz Property  
343 Kingsberry Drive, Annapolis Maryland 21409 (the "Property")  
Tax Map 46, Grid 3, Parcel 384, Lot 19  
Explanation Letter

Dear Ms. Seay:

Attached for your review and processing is a variance application for the above referenced Property. The Property is in the St. Margarets Farm subdivision on the east side of Kingsberry Drive approximately 250' south of the intersection with Bantry Court in St. Margarets, Annapolis, Anne Arundel County. St. Margaret's Farm is a subdivision created in the early 1970's, with roughly 33 single family residences, most of which sit on a lot of at least 2 acres. The Property is one of the few in the subdivision where most of the land area is in the Chesapeake Bay Critical Area (both the Intense Development Area and the Resource Conservation Area overlay zones). The Property consists of 2.0 acres (87,289 sq.ft.) of land zoned RLD and OS and the lot is served by private well and septic utilities. The applicant is seeking a permit to demolish an existing single-family detached residential dwelling and reconstruct a new single-family dwelling on the Property, with a floor area nearly identical to the existing residence. The existing dwelling has been left vacant for nearly 30 years and is uninhabitable, having been cited for its unsafety by the County on multiple occasions prior to the applicant's ownership.

Specifically, the applicant is requesting the following variances:

1. A variance of 10 feet to the 50' front yard setback in the RLD zone (Article 18-4-401(a)(1)).
2. A variance to allow construction of a principal structure within 50' of the crest of "steep slopes" (Article 18-4-401(b)).
3. A variance to allow disturbance within the 100' Chesapeake Bay Critical Area Expanded Buffer (Article 18-13-104(b)(1)).

Based on the ongoing, more than 30-year deterioration of the existing residence, a renovation of the existing dwelling cannot be accomplished and a new residence must be constructed. The proposed new residence is widely supported by the St. Margarets Farm HOA as prior to the applicant's ownership, the HOA and the previous owner were embroiled in ongoing litigation over the continued deterioration of the residence, which was left to rot by the then owner, who was the heir to the previous owner's estate. The existing home is viewed as a blight on the community and attracted unsafe conditions for children in the neighborhood as well as attracted vandals and squatters. More importantly, the proposed new structure is consistent with the character of the community and the variances being requested are the minimum necessary to afford relief, as further outlined below.



We believe the proposed variance meets all applicable criteria in accordance with the Anne Arundel County Code. Specifically:

Requirements for critical area variances (Art. 18-16-305):

- (b)(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 unwarranted hardship.*

The Property is a legally buildable grandfathered irregular lot with exceptional topographic conditions including steep slopes, steep slope buffers, a perennial stream and stream buffer and existing drainage easements with an existing, unoccupiable dwelling which does not meet the current front yard setback or slope setback (resulting from the zoning of the Property being changed from R-1 to RLD since original subdivision was platted and the enactment of the Critical Area Legislation after same). Currently, the Property is a legally buildable RLD/OS zoned grandfathered lot but it is unable to be improved in strict conformance with the County's Critical Area and Zoning regulations that were enacted after its creation. Without a variance, the Applicant will not be able to obtain permits required in accordance with reasonable and significant use of the Property (a single-family detached residential house consistent with the neighborhood as permitted in the RLD zone by right) which in turn will deny reasonable use of the Property. Perhaps most importantly, the Applicant has a family of 5 dependents, and the real estate market in Anne Arundel County, Maryland and Nationally, is extremely limited for affordable, sizable residences for such similar sized family. Housing inventory is at an historical low, with pricing and financing costs at a 40-year high. As a result, requested variances, especially those requesting relief, which was once permitted for the existing lot, should be given significant deference by the County in its review.

- (b)(2) *A literal interpretation of the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas.*

The Property is a legally buildable grandfathered lot in the Chesapeake Bay Critical Area and a literal interpretation of the critical area program would deny the Applicant reasonable and significant use of the Property consistent with the character of the neighborhood.

- (b)(3) *The granting of a variance will not confer on an applicant any special privilege that would be denied by the County's critical area program to other lands or structures within the County critical area.*

Granting of a variance to allow the improvement of the Property for residential purposes will not grant any special privileges that are not enjoyed by all residential lot owners within the neighborhood and the critical area. Most importantly, the construction of the new dwelling will result in the removal of the existing septic system within the expanded steep slope buffer, which system will be replaced by a BAT septic system, which will be located outside of the expanded buffer. This will result in a much more favorable environmental condition than currently exists and advance the environmental goals and agendas of the County in removing these old systems from buffers related to the Critical Area.



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

The conditions and circumstances that gave rise to this variance application are the result of the existing lot configuration, the existing environmental constraints, the rezoning of the Property and existing house location. They are not in any way based on actions caused by the Applicant, and do not arise from conditions relating to land or building use on any neighboring property. Moreover, the requests outlined herein are consistent with the character of the neighborhood in that most, if not all of the homes, would require similar variances given that each was developed under the previous, applicable R1 bulk regulation standards.

- (b)(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 spirit and intent of the County's critical area program.*

The Applicant proposes a single-family residential house, which is similar to and typical of the existing houses within the neighborhood. The storm water management ESD requirement is being provided with rooftop and non-rooftop disconnect credits, sheet flow to buffer areas and additional buffer plantings are being proposed on-site in addition to the ESD water quality improvements; therefore, the variance will have no adverse impact to water quality or fish, wildlife, or plant habitat. It is also in harmony with the spirit and intent of the critical area program to allow reasonable use of a legally buildable grandfathered lot in the critical area that predate the critical area law and regulations (Plat approved 11/22/1974). If fact, the requested variance will confer a positive benefit on water quality in that the construction of the new dwelling will result in the removal of the existing septic system within the expanded steep slope buffer, which system will be replaced by a BAT septic system, which will be located outside of the expanded buffer. This will result in a much more favorable environmental condition that currently exists and advance the environmental goals and agendas of the County in removing these old systems from buffers related to the Critical Area.

- (b)(6) *The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure.*

Nearly the entire lot is located in the critical area expanded buffer and the existing house is being removed and reconstructed within the existing cleared area on site (no clearing is required). The proposed development envelope is reasonably small for a lot within this community and the distance between the steep slopes and the proposed house is maximized in so far as possible given the location of the existing cleared areas on-site and Health Department setbacks.



- (b)(7) *The applicant, by competent and substantial evidence, has overcome the presumption contained in Natural Resources Article, § 8-1808.*

For reasons set forth herein and the evidence presented in the attached application, the Applicant has overcome the presumption contained in Natural Resources Article § 8-1808.

- (b)(8) *The applicant has evaluated and implemented site-planning alternatives.*

Site planning alternatives have been considered and the variance requests have been minimized in so far as possible; however, reasonable and significant development of the site is impossible in strict conformance with the zoning and critical area criteria. The applicant is proposing a house which is consistent with the other houses in the neighborhood.

Requirements for all variances:

- (c)(1) *The variance is the minimum variance necessary to afford relief.*

The site is a legally buildable, grandfathered single-family residential lot that predates the Chesapeake Bay Critical Area regulations and the zoning was down zoned from R-1 to RLD. The proposed house footprint is typical for the neighborhood and the variance is the minimum necessary to afford relief. The Applicant is only seeking reasonable use of the lot for residential purposes.

- (c)(2) *The granting of a variance will not (i) alter the essential character of the neighborhood or district in which it is located; (ii) substantially impair the appropriate use or development of adjacent property; (iii) reduce forest cover in the limited development and resource conservation areas of the critical area; (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area; nor (v) be detrimental to the public welfare.*

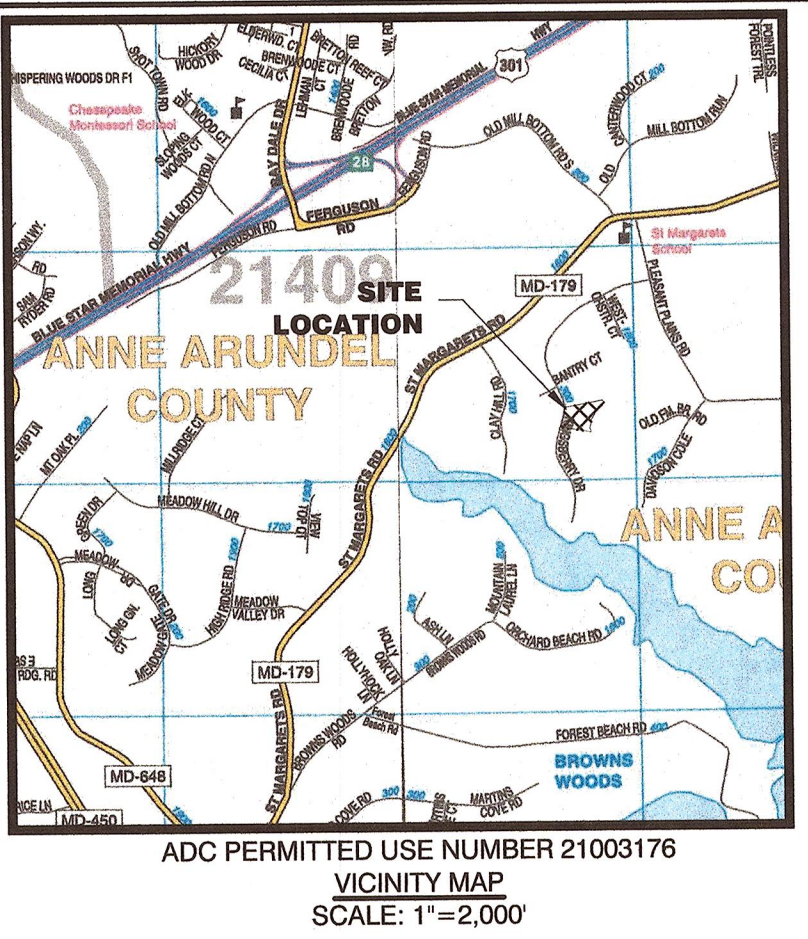
Granting of the variance will allow the Property to be used in a manner that is consistent with similar surrounding properties in the neighborhood. It will have no impact on the use or development of adjacent properties. Storm water management is achieved by rooftop and non-rooftop disconnect credits, sheet flow to buffer areas and additional plantings are proposed so it will have no impact on forest cover or be contrary to acceptable clearing and replanting practices. Granting of the variance will not be detrimental to the public health, safety, or welfare.

If there are any questions concerning this application, please do not hesitate to contact me.

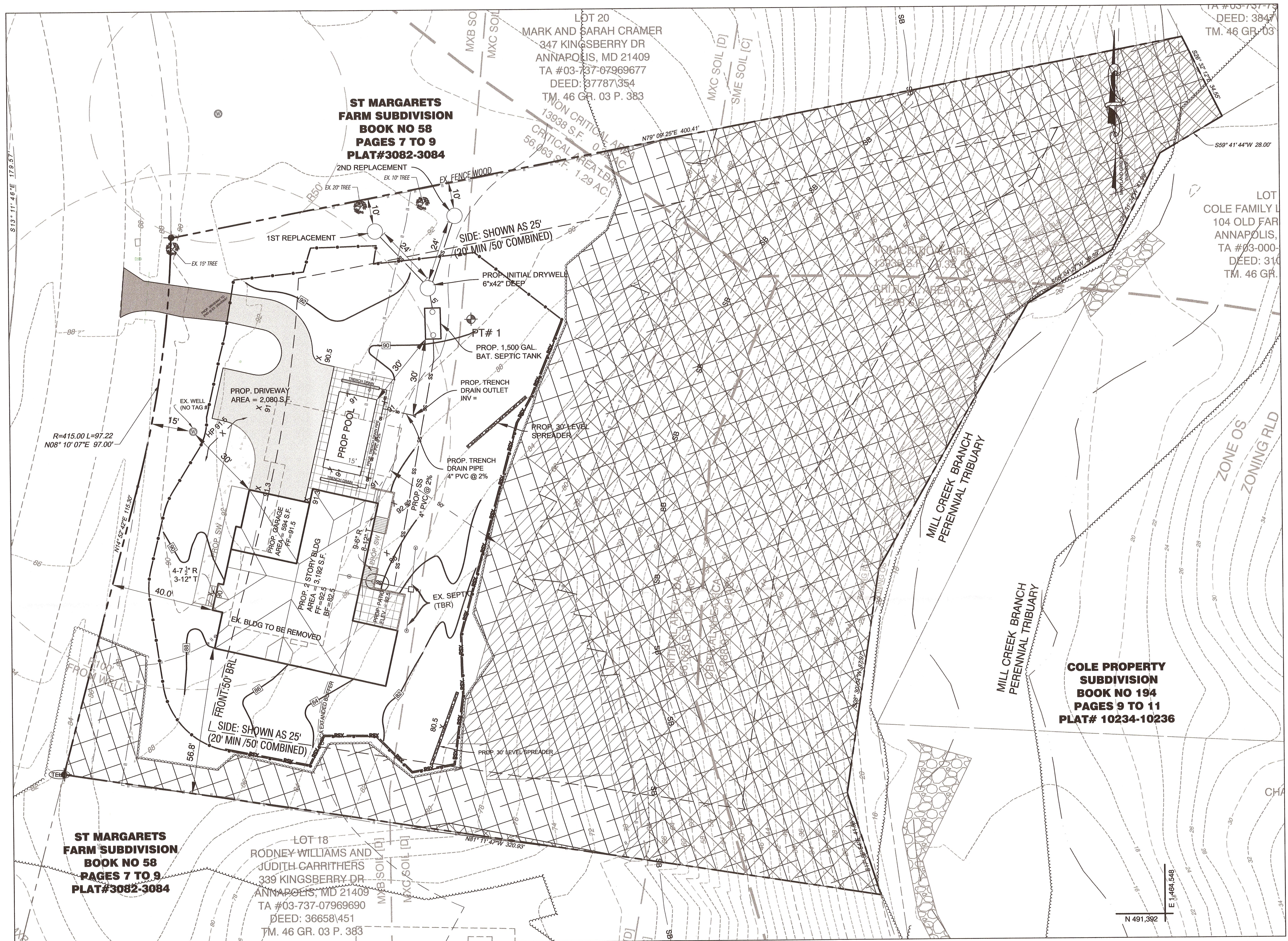
Sincerely,  
MESSICK GROUP, INC.  
T/A MESSICK & ASSOCIATES

Timothy Brenza, Vice President





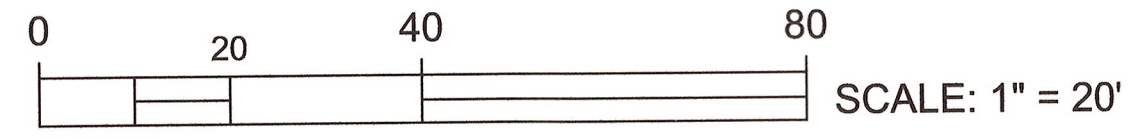
ADC PERMITTED USE NUMBER 21003176  
VICINITY MAP  
SCALE: 1"=2,000'



**LEGEND**

- PROP PAVEMENT
- ENVIRONMENT STEEP SLOPES BETWEEN 15% AND 25%
- ENVIRONMENT STEEP SLOPES GREATER THAN 25%
- EXISTING STORM WATER MANAGEMENT EASEMENT
- PROPERTY LINE
- EXISTING CONTOUR
- PROP CONTOUR
- 25-FT STEEP SLOPE SETBACK TREE LINE
- CRITICAL AREA LINE
- CRITICAL AREA DESIGNATION
- SOIL TYPE AREA
- SOIL TYPE
- LIMITS OF DISTURBANCE (LOD)
- 100-FT STREAM BUFFER
- SILT FENCE WITH TREE PROTECTION
- EXISTING WATER
- EXISTING SEWER
- EXISTING STORM DRAINAGE
- EXISTING TREES
- ESD DEVICE: MICRO BIO
- ESD DEVICE: BIO SWALE
- RIP-RAP AREA
- PROP STORM DRAINAGE
- PROP STORMWATER STRUCTURES

**SITE PLAN**



**ST MARGARETS FARM SUBDIVISION**  
BOOK NO 58  
PAGES 7 TO 9  
PLAT#3082-3084

LOT 18  
RODNEY WILLIAMS AND  
JUDITH CARRITHERS  
339 KINGSBERRY DR  
ANNAPOLIS, MD 21409  
TA #03-737-07969690  
DEED: 36658/451  
TM. 46 GR. 03 P. 383

LOT 20  
MARK AND SARAH CRAMER  
347 KINGSBERRY DR  
ANNAPOLIS, MD 21409  
TA #03-737-07969677  
DEED: 37787/354  
TM. 46 GR. 03 P. 383

LOT  
COLE FAMILY L  
104 OLD FAR  
ANNAPOLIS,  
TA #03-000-  
DEED: 310  
TM. 46 GR.

**COLE PROPERTY SUBDIVISION**  
BOOK NO 194  
PAGES 9 TO 11  
PLAT# 10234-10236



REVISION DESCRIPTION	BY	DATE

**MESSICK & ASSOCIATES\***  
CONSULTING ENGINEERS,  
PLANNERS AND SURVEYORS

7 OLD SOLOMONS ISLAND ROAD, SUITE 202  
ANNAPOLIS, MARYLAND 21401  
(410) 266-3212 \* FAX (410) 266-3502  
email: engr@messickandassociates.com

\* MESSICK GROUP INC. T/A MESSICK AND ASSOCIATES

07-7-23

\*PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 21591, EXPIRATION DATE: 05/14/26

**OWNER/DEVELOPER:**  
DAVID KATZ  
1931 PENDENNIS DRIVE  
ANNAPOLIS, MD 21409  
(T) 410 410-266-3212  
(E) C/O ENGR@MESSICKANDASSOCIATES.COM

G02019  
**VARIANCE SITE PLAN**

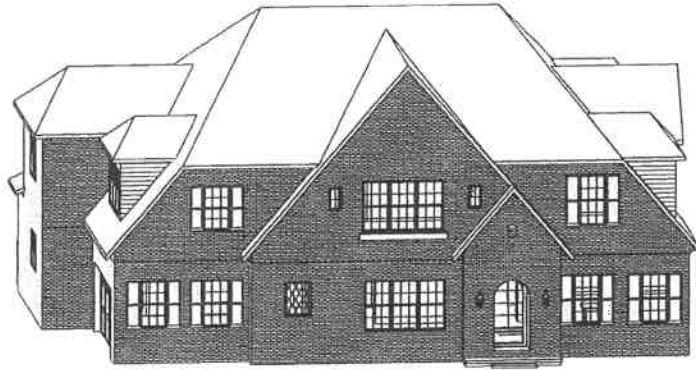
**KATZ PROPERTY**  
ST MARGARET'S FARM SUBDIVISION  
SINGLE FAMILY DWELLING VARIANCE PLAN  
LOT 19, 343 KINGSBERRY DRIVE  
ANNAPOLIS, MD 21409

TAX MAP: 46 GRID: 3 PARCELS: 384  
THIRD ASSESSMENT DISTRICT  
SCALE: AS SHOWN

TAX ACCOUNT: 03-737-07969691 ZONING: RLD/OS  
ANN ARUNDEL COUNTY, MARYLAND 21409  
DATE: AUGUST 2023 SHEET: 11 OF 1

August 2023 FILE: 6/14/2023-1493-343 Kingsberry Drive/MS/Variances site plan/25-1493-343 Kingsberry Drive-variances plan.dwg





1. 2D FRONT VIEW



2. 2D FRONT VIEW



3. 2D REAR VIEW



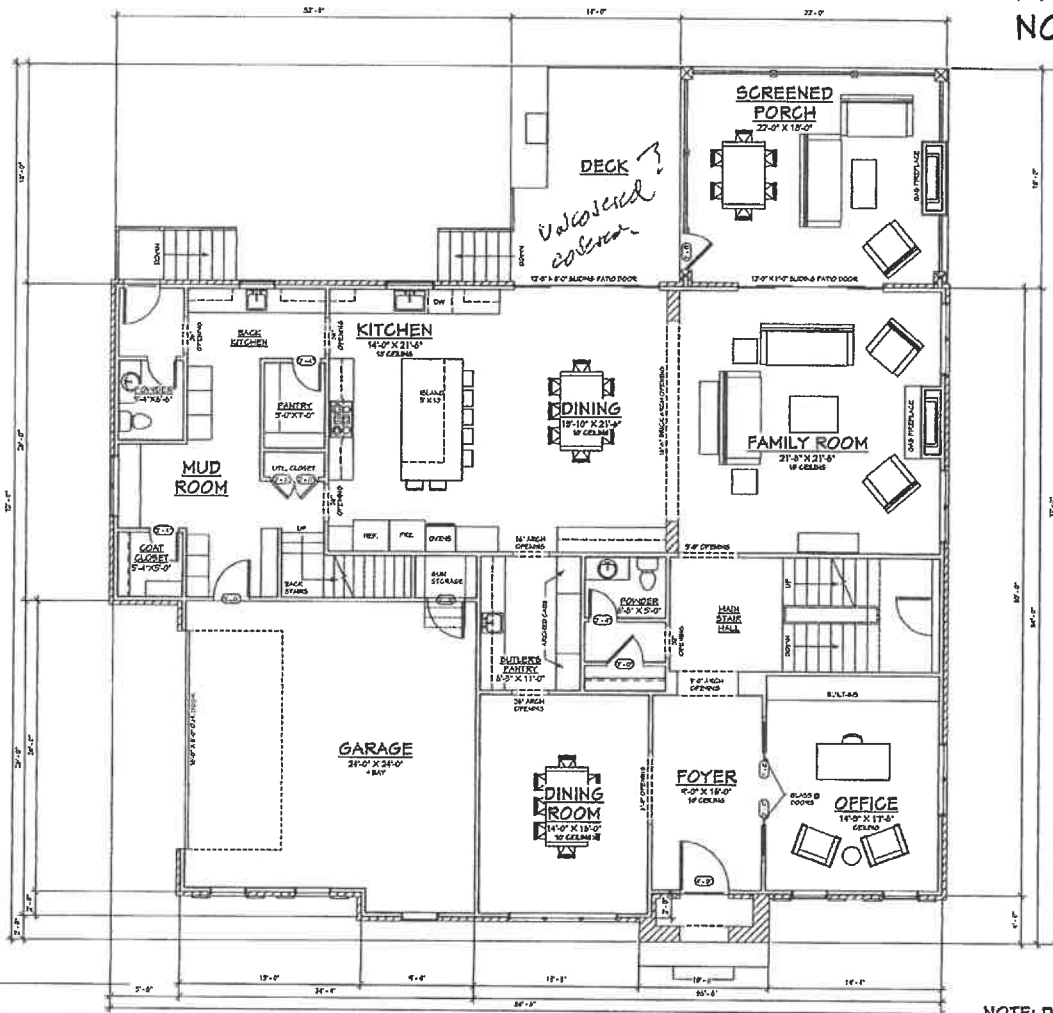
KATZ RESIDENCE-OPT 2  
343 KINGSBERRY  
DRIVE

Desig Katz <sup>5/23</sup> 4/30/23





# PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION



**DISCLAIMER OF WARRANTIES**  
 The user agrees to hold the Designer harmless from and against all claims, damages, and expenses, including reasonable attorney's fees, arising from the use of the drawings, specifications, or any other documents prepared by the Designer, whether or not such claims, damages, or expenses are caused in whole or in part by the negligence of the Designer. This disclaimer shall not apply to claims, damages, or expenses caused by the Designer's gross negligence or willful and wanton disregard of the user's safety. The user shall be responsible for obtaining all necessary permits and for complying with all applicable laws, codes, and regulations. The Designer is not responsible for any delays or stoppages of work caused by the user or any third party. The Designer is not responsible for any conditions or circumstances not shown on the drawings. The Designer is not responsible for any conditions or circumstances not shown on the drawings. The Designer is not responsible for any conditions or circumstances not shown on the drawings.

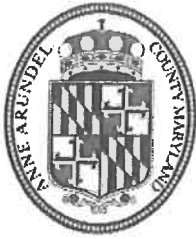
**THE DESIGN FIRM**  
 Home Design Specialists  
 11000 130th Ave SE, Suite 100  
 Bellevue, WA 98004  
 Phone: 206.451.1000  
 Fax: 206.451.1001

SCALE: NOTED  
 DATE: 04/15/2007  
 PROJECT: 207-2007  
 SHEET: A-3  
 FIRST FLOOR PLAN

FINISHED SQ. FT.	
FINISHED	2073 SF
GASHEMENT	AD
FIRST FLOOR	1713 SF
SECOND FLOOR	1325 SF
<b>GRAND TOTAL</b>	<b>3038 SF</b>

NOTE: DRAWINGS ARE NOT PRINTED TO NOTED SCALE

FIRST FLOOR PLAN  
**A-3**  
 07/15/07 10:00 AM



# OFFICE OF PLANNING AND ZONING

## CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING: 7/25/2023

P&Z STAFF: Sara Anzelmo, Hala Flores, Kelly Krintetz

APPLICANT/REPRESENTATIVE: Tim Brenza/Messick & Assoc. EMAIL: tim@messickandassociates.comv

SITE LOCATION: 343 Kingsberry Drive, Annapolis LOT SIZE: 2 acres ZONING: RLD/OS

CA DESIGNATION: Part LDA, Part RCA BMA: N/A or BUFFER: X APPLICATION TYPE: Variance

The applicant proposes to demolish an existing single-family detached residential dwelling and reconstruct a new single-family dwelling with a floor area nearly identical to the existing residence. The existing dwelling has been left vacant for nearly 30 years and is uninhabitable, having been cited for its unsafety by the County on multiple occasions prior to the applicant's ownership. The proposed redevelopment would necessitate the following variances:

- 1) A variance of 10 feet to the 50' front yard setback in the RLD zone (Article 18-4-401(a)(1)).
- 2) A variance to allow construction of a principal structure within 50' of the crest of steep slopes (Article 18-4-401(b)).
- 3) A variance to allow disturbance within the 100' Chesapeake Bay Critical Area Expanded Buffer (Article 18-13-104(b)(1)).

Based on the ongoing, more than 30-year deterioration of the existing residence, a renovation of the existing dwelling cannot be accomplished and a new residence must be constructed. The proposed new residence is widely supported by the St. Margarets Farm HOA. Prior to the applicant's ownership, the HOA and the previous owner were embroiled in ongoing litigation over the continued deterioration of the residence, which was left to rot by the then owner, who was the heir to the previous owner's estate. The existing home is viewed as a blight on the community and attracted unsafe conditions for children in the neighborhood as well as attracted vandals and squatters. More importantly, the proposed new structure is consistent with the character of the community and the variances being requested are the minimum necessary to afford relief.

### COMMENTS

The **Engineering Division** reviewed the proposal for Engineering and Utility issues and noted six items that will need to be addressed by the applicant. (See attached memo.)

The **Critical Area Team** commented that the proposed expansion into the expanded area falls within an area of the lot that currently houses the existing septic system and will be disturbed by the replacement of that system. This area is already cleared and currently used as a yard area in support of the existing home so this is not new disturbance of an area of undisturbed buffer. The applicant shall demonstrate compliance with approval standards during the variance process.

The **Zoning Administration Section** noted that the site plan should show an existing improvement vs. proposed improvement plan. The amount of buffer disturbance should be quantified on the plan. The applicant must demonstrate that the proposal meets all of the the standards for granting a critical area variance provided under Section 18-16-305.

### INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

\*\*\* A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.



Mark Wedemeyer, Director

## Memorandum

TO: Sara Anzelmo, Critical Area Planner, OPZ Zoning Division

FROM: Hala Flores, P.E., Engineer Manager, Department of Inspections and Permits

SUBJECT: (Katz Property) - 343 Kingsberry Drive, Annapolis MD 21409  
Pre-file 2023-0011-P

DATE: July 21, 2023

### Engineering and Utility Review

The above-referenced modification request(s) has/have been reviewed for Engineering and Utility issues and the following comments apply:

**Project Information:** The Applicant proposes to demolish and reconstruct a single family dwelling. The existing dwelling was built in the 1970s and is claimed to be uninhabitable and cited for being unsafe. The site drains to the Mill Creek Branch. This requires variances to three code articles

- 1- A variance of 10 feet to the 50 feet front yard setback in the RLD zone 18-4-401(a) (1).
- 2- A variance to allow construction of a principal structure within 50' of the crest of "steep slopes" (8-4-401(b))
- 3- A variance to allow disturbance within the 100 feet Chesapeake Bay Critical Area Expanded Buffer 18-13-104(b)(1).

This office has received the subject application and has the following comments:

1. Submit a plan that shows the existing layout, imperviousness, and buildable area. This needs to be compared to the proposed layout to verify the statement on the prefile application (the coverage is nearly the same).
2. The site includes a County or FEMA floodplain (Mill Creek). Submit the Plat that shows the floodplain dedications. If the floodplain is not currently dedicated, it will need to be dedicated prior to approval of the grading permit.
3. An existing and proposed DA maps identifying the existing and proposed site outfalls needs to be included with the variance permit application. Due to the expanded buffer, SWM must be met using minimization techniques, alternative surfaces, or nonstructural methods. The submitted plan didn't include any information on how SWM will be addressed for this site.
4. Provide soil borings for any proposed SWM micro practice with the variance application to validate the suitability and siting of the facilities.
5. Provide a SWM report with the variance application to show how the ESDv is addressed for the site.
6. Indicate in the SWM report how minimization of impervious surface and/or alternative surfaces are addressed with this reconstruction.

**Critical Area Narrative Statement**  
**For: 343 Kingsberry Drive**  
**Annapolis, Md. 21409**  
**AACo. Tax Map 46, Grid 3, Parcel 384, Lot 19**

August 17, 2023

PREPARED BY:  
MESSICK AND ASSOCIATES.  
7 OLD SOLOMONS ISLAND ROAD, SUITE 202  
ANNAPOLIS, MARYLAND 21401  
410-266-3212

PREPARED FOR:  
DAVID AND JOANNE KATZ  
1931 PENDENNIS DRIVE  
ANNAPOLIS, MD 21409



In accordance with the Anne Arundel County's Critical Area Report Criteria for a variance application, attached is a description of the subject property, proposed use, description of existing vegetation, proposed development, mitigation requirements, impervious area calculation and description of the habitat protection areas on-site.

**A. Project Location, Use and Relevant History:**

The site is located on the east side of Kingsberry Drive approximately 250' south of the intersection with Bantry Court in central Anne Arundel County. Most of the site is located in the Chesapeake Bay Critical Area (both the Intense Development Area and Resource Conservation overlay zones). The site consists of 2.00 acres (87,289 sq.ft.) of land zoned RLD and OS and the lot is served by private well and septic utilities. The site is legally buildable grandfathered lot in the Critical Area. The existing site is improved with a 2-story single family residential structure which has a non-conforming front yard or RLD setback to 15% slopes (as a result of the property being changed from R-1 to RLD since it was originally platted in 1976 before the Chesapeake Bay Critical Area Regulations were created). The applicant is seeking a permit to demolish the existing single-family detached residential dwelling and reconstruct a new single-family dwelling on the property.

**B. Description of Vegetative & Proposed Disturbance:**

Approximately 55,218 sq.ft. of the site is vegetated by aerial extent (75.3% of the critical area portion of the property). The existing vegetation consists primarily of deciduous hardwood species typical of the Tulip Poplar Forest association. Soils on site consist primarily of Mattapex-Butlertown soils (MxB, MxC) with an area of Sassafras and Croom soils on the east side of the site. These soils are not hydric or highly erodible. The existing house is located on a small ridgeline with the front yard draining to Kingsberry Drive and the rear yard draining toward a tributary stream off Mill Creek.

The proposed disturbance is limited the minimum area necessary to remove and re-construct the existing house on-site so it is in consistent with the character of the neighborhood. Storm water management is being provided by providing ESD rooftop and non-rooftop disconnect credits, and sheet flow to wooded buffer areas.

**C. Potential Impacts and Mitigation:**

The proposed rooftop disconnect credits, non-rooftop disconnect credits and sheet flow to wooded buffer credits exceed the ESD to the MEP storm water management requirements for the proposed redevelopment of the property. Native trees and shrubs are proposed within the 50' buffer to steep slopes in addition to the minimum storm water management requirement.

**D. Site Data and Critical Area Coverage and Clearing:**

The following data apply to the Critical Area Portion of the site:

CBCA/Limited Development Area:	56,063 sq.ft. (1.287 ac.)
CBCA/Resource Conservation Area:	17,288 sq.ft. (0.397 ac.)
Total CBCA Site Area:	73,351 sq.ft. (1.684 ac)

**Existing Conditions:**

Total existing coverage=	5,600 sq.ft. (7.63% of the CBCA)
Existing wooded area=	55,218 sq.ft. (75.3%% of the CBCA)

**Proposed Conditions:**

Total existing coverage=	7,973 sq.ft. (10.86% of the CBCA)
Existing wooded area=	55,218 sq.ft. (75.3% of the CBCA) (i.e., no clearing proposed)

**E. Description of Habitat Protection Areas:**

The majority of the site is located within the Critical Area Expanded Buffer. The eastern portion of the site abuts a tributary stream off Mill Creek and the abutting slopes are in excess of 15%. Therefore, the CBCA expanded buffer includes the 100' buffer to the tributary stream, adjacent 15% contiguous slopes and 15' from the top of the steep slopes. The Chesapeake Bay Critical Area Project Notification Application Form, Site Plan, Topographic map and associated supporting documents are attached. The attached narrative statement was prepared by Timothy Brenza, RLA of Messick and Associates on May 10, 2023.

CRITICAL AREA COMMISSION  
 CHESAPEAKE AND ATLANTIC COASTAL BAYS  
 1804 WEST STREET, SUITE 100  
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: ANNE ARUNDEL COUNTY MARYLAND Date: MAY 2023

Tax Map #	Parcel #	Block #	Lot #	Section
46	384	3	19	N/A

FOR RESUBMITTAL ONLY	
Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>

\*Complete Only Page 1  
General Project Information

Tax ID: 3-737-07969691

Project Name (site name, subdivision name, or other) KATZ PROPERTY

Project location/Address 343 KINGSBERRY DRIVE

City ANNAPOLIS, MARYLAND Zip 21409

Local case number \_\_\_\_\_

Applicant: Last name KATZ First name DAVID & LEAHNE

Company (N/A)

**Application Type (check all that apply):**

- |                           |                                     |                   |                                     |
|---------------------------|-------------------------------------|-------------------|-------------------------------------|
| Building Permit           | <input type="checkbox"/>            | Variance          | <input checked="" type="checkbox"/> |
| Buffer Management Plan    | <input type="checkbox"/>            | Rezoning          | <input type="checkbox"/>            |
| Conditional Use           | <input type="checkbox"/>            | Site Plan         | <input type="checkbox"/>            |
| Consistency Report        | <input type="checkbox"/>            | Special Exception | <input type="checkbox"/>            |
| Disturbance > 5,000 sq ft | <input type="checkbox"/>            | Subdivision       | <input type="checkbox"/>            |
| Grading Permit            | <input checked="" type="checkbox"/> | Other             | <input type="checkbox"/>            |

**Local Jurisdiction Contact Information:**

Last name \_\_\_\_\_ First name \_\_\_\_\_

Phone # \_\_\_\_\_ Response from Commission Required By \_\_\_\_\_

Fax # \_\_\_\_\_ Hearing date \_\_\_\_\_

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site: DEMOLISH EXISTING RESIDENTIAL

DWELLING AND CONSTRUCT A NEW SINGLE FAMILY DWELLING SWM  
RSD DEVICES, PRIVATE UTILITIES AND ASSOCIATED GRADING IN THE CRITICAL AREA

Intra-Family Transfer  Yes  
 Grandfathered Lot

Growth Allocation  Yes  
 Buffer Exemption Area

**Project Type (check all that apply)**

Commercial   
 Consistency Report   
 Industrial   
 Institutional   
 Mixed Use   
 Other

Recreational   
 Redevelopment   
 Residential   
 Shore Erosion Control   
 Water-Dependent Facility

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft
IDA Area	0	0
LDA Area	1.287 ac	56,063
RCA Area	0.397 ac	17,288
Total Area	1.684 ac	73,351

Total Disturbed Area 0.526 Acres 22912 Sq Ft

# of Lots Created

	Acres	Sq Ft	Acres	Sq Ft
Existing Forest/Woodland/Trees	1.208	55,218	Existing Lot Coverage	0.183 5600
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.183 7973
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.126 5600
			Total Lot Coverage	0.183 7973

**VARIANCE INFORMATION (Check all that apply)**

	Acres	Sq Ft	Acres	Sq Ft
Buffer Disturbance	0.196	8,520	Buffer Forest Clearing	0 0
Non-Buffer Disturbance	0.330	14,380	Mitigation	

Variance Type

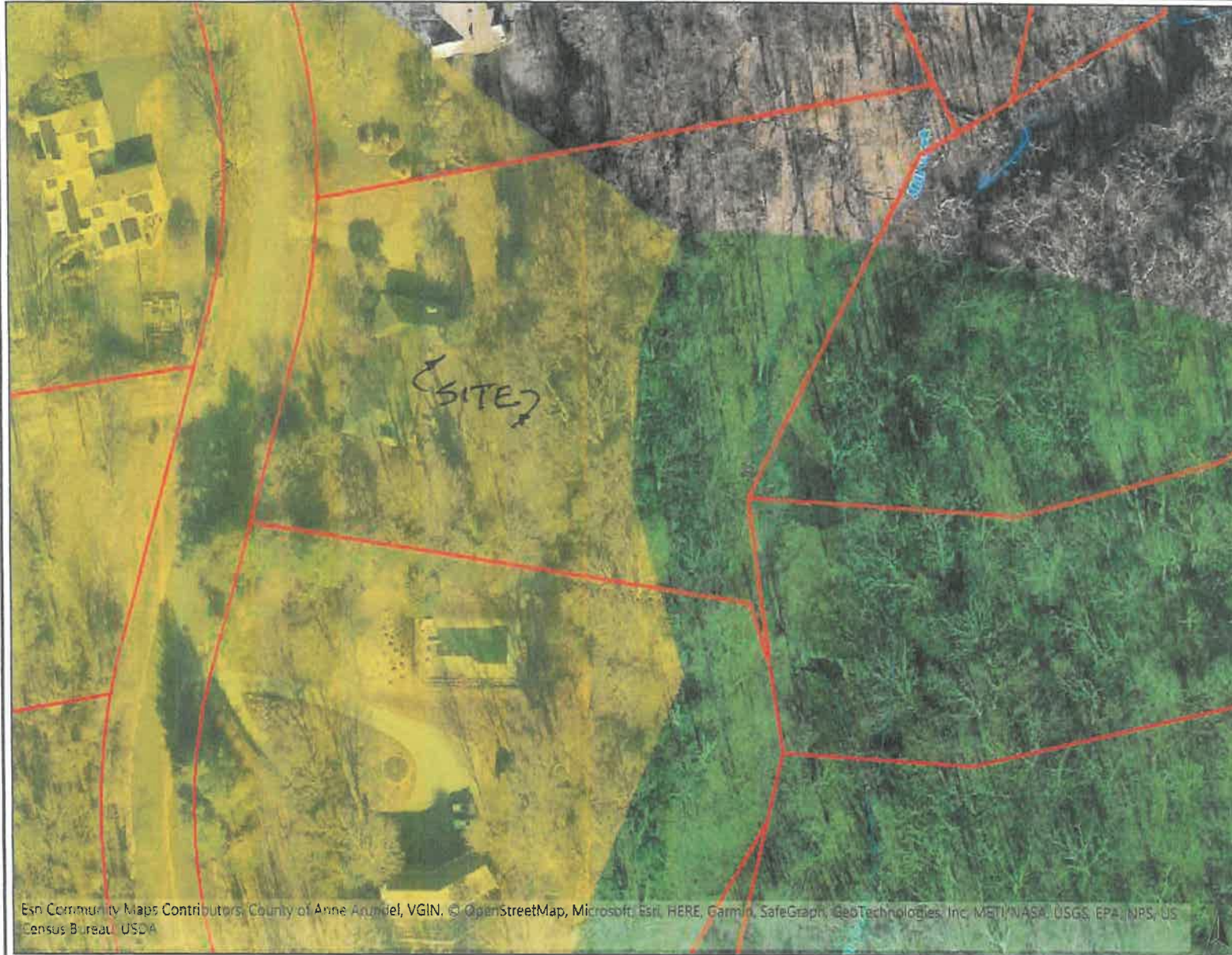
Buffer   
 Forest Clearing   
 HPA Impact   
 Lot Coverage   
 Expanded Buffer   
 Nontidal Wetlands   
 Setback   
 Steep Slopes   
 Other

Structure

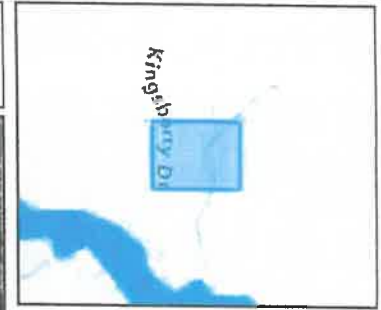
Acc. Structure Addition   
 Barn   
 Deck   
 Dwelling   
 Dwelling Addition   
 Garage   
 Gazebo   
 Patio   
 Pool   
 Shed   
 Other  SCREENED PORCH/TERRACE



# Critical Area Map



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## Legend

Foundation  
Addressing

Parcels



City of Annapolis Parcels



Planning

Planning

IDA - Intensely  
Developed Area

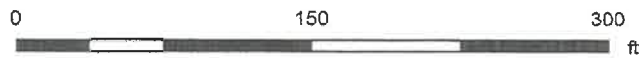
LDA - Limited  
Development Area

RCA - Resource  
Conservation Area

FED - Federal Land

Labeling

Basemap Label



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes





## CRITICAL AREA REPORT CRITERIA

If your property is located within the Chesapeake Bay Critical Area, you will need to provide the Zoning Office with more information in order to process your request. In reviewing your application, the Office of Planning and Zoning must determine the impact your proposal will have on stormwater management and plant and animal habitat in conformance with Critical Area Law.

You are responsible for submitting 4 copies of a Critical Area Report with your Zoning Application. Each copy of the Critical Area Report should include:

1. Project Notification Application Form
2. A Site Plan – The site plan of the property should be drawn to an engineers scale (1"=20', 30' or 40') showing the applicable features of the subject property; steep slopes, existing tree line, wetlands (tidal and non-tidal), mean high water line, floodplain, proposed landscaping, all buffers, and all existing structures.
3. A topographic map to scale (available in the mapping office on the 4<sup>th</sup> floor of building 2664 Riva Rd)
4. A narrative statement (a paragraph or less) on a separate sheet addressing each point listed below:
  - A. Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.
  - B. Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.
  - C. Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).
  - D. Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.
  - E. If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.