

**FINDINGS AND RECOMMENDATION  
OFFICE OF PLANNING AND ZONING  
ANNE ARUNDEL COUNTY, MARYLAND**

**APPLICANT:** Thomas Heyer & Deborah Odell

**ASSESSMENT DISTRICT:** 2<sup>nd</sup>

**CASE NUMBER:** 2023-0130-V

**COUNCILMANIC DISTRICT:** 6<sup>th</sup>

**HEARING DATE:** September 21, 2023

**PREPARED BY:** Sara Anzelmo  
Planner



**REQUEST**

The applicants are requesting a variance to allow a dwelling and associated facilities with less setbacks and buffer than required on property located at 1829 Cove Point Road in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The subject property consists of 1.4 acres +/- of land and is located with approximately 50 feet of frontage on the south side of Cove Point Road. It is identified as Part of Lot 6 of Parcel 100 in Block 8 on Tax Map 45F in the subdivision of Lindamoor on the Severn.

The property is primarily zoned R2 – Residential District with OS – Open Space District located in the area to the east near the shoreline. The current zoning was adopted by the comprehensive zoning for Council District 6, effective October 7, 2011.

The site fronts the Severn River to the north and Cove of Cork to the southeast, is located within the Chesapeake Bay Critical Area overlay, and is designated as part LDA – Limited Development Area and part RCA – Resource Conservation Area. The property is not mapped as buffer modified and is subject to the standard buffer regulations. It is improved with a single-family detached dwelling with a basement/garage, a pier, and other associated facilities.

**PROPOSAL**

The applicants propose to demolish the existing house and to construct a new one-story<sup>1</sup> dwelling with a partial basement and crawl space, using the same foundation. Several modest dwelling and porch expansions and a new driveway are also proposed. The dwelling would be 19'-6" high.

**REQUESTED VARIANCES**

§ 18-13-104(a) of the Anne Arundel County Zoning Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and

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<sup>1</sup> The letter of explanation and site plan indicate that the new dwelling will remain one story with a partial basement and partial crawl space. However, the construction drawings appear to show a one-and-a-half story dwelling. The applicants' representative indicated that there will be no living floor space above the first level. Some areas above the first level will have vaulted ceilings and others will be attic space and HVAC/mechanical.

tidal wetlands. § 18-13-104(b) provides for an expanded buffer where there are, among other things, steep slopes. Section 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. In the case of the subject property, the site is encumbered by the buffer to tidal water/wetlands, which expands to include 50’ beyond the top of the steep slopes. The existing dwelling is located almost entirely within the expanded buffer. The proposed redevelopment would necessitate a variance to disturb approximately 3,736 square feet of the expanded buffer. If approved, the actual amount of buffer disturbance would be determined at the time of permitting.

A review of the bulk regulations for development within an R2 District reveals that a zoning setback variance is not required.

### **FINDINGS**

The subject site is irregular in shape and far exceeds the minimum 20,000 square foot lot area and 80-foot lot width required for a lot not served by public sewer in an R2 District. The existing critical area lot coverage is 8,544 square feet. The proposed coverage would decrease to 7,147 square feet, which falls below the maximum coverage allowed.

The **Office of Inspections and Permits (Engineering Division)** provided a list of items to be addressed at permitting, but offers no objection as long as those items are addressed with the grading permit application.

The **Development Division (Critical Area Team)** commented that, based on the proposed method of construction within the existing area of development, the Team offers no objection. Mitigation and SWM [stormwater management] must be addressed with the permit application. The Team also notes that a modification will not be required for the disturbance of the required slope buffer since the variance for the expanded buffer provides the necessary relief.

The **Critical Area Commission** took no position on the variance request, but commented that appropriate mitigation is required.

The **Department of Health** does not have an approved plan for this project, but has no objection to the request as long as a plan is submitted to and approved by the Department.

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County’s Critical Area Program would result in an unwarranted hardship. In this particular case, steep slopes are present near the shoreline, causing the buffer to expand to include a significant portion of the property. The existing house is already located almost entirely within the expanded buffer, preventing any redevelopment without a critical area variance. As such, a literal interpretation of the County’s Critical Area Program would deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by denying a replacement of/upgrade to the modest, outdated (c. 1961) dwelling on this existing residentially zoned lot.

The granting of the variance would not confer on the applicants a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. With proper mitigation and stormwater management, the granting of the variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have evaluated and implemented site planning alternatives and have overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood nor would it substantially impair the appropriate use or development of adjacent property. The proposed dwelling would be in keeping with the surrounding area and would exceed the minimum setbacks required from all property lines. The variance would not reduce forest cover in the limited development area or resource conservation area, would not be contrary to acceptable clearing and replanting practices, and would not be detrimental to the public welfare.

The proposed dwelling is not considered to be excessive, and the applicants have worked to minimize the disturbance by keeping the development primarily within the already developed areas. As such, the requested variance is justified and is deemed to be the minimum necessary to afford relief in this case.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of a Critical Area variance to § 17-8-301 to allow construction of the proposed dwelling and associated facilities with approximately 3,736 square feet of disturbance to the expanded buffer as shown on the site plan submitted by the applicants.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

**OWNER**  
 THOMAS HEYER & DEBORAH ODELL  
 1828 COVE POINT ROAD  
 ANNAPOLIS, MD 21401

**DRUM, LOYKA & ASSOCIATES, LLC**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 1410 Forest Drive, Suite 35  
 Annapolis, Maryland 21403  
 Phone: 410-265-1922  
 www.drumloyka.com

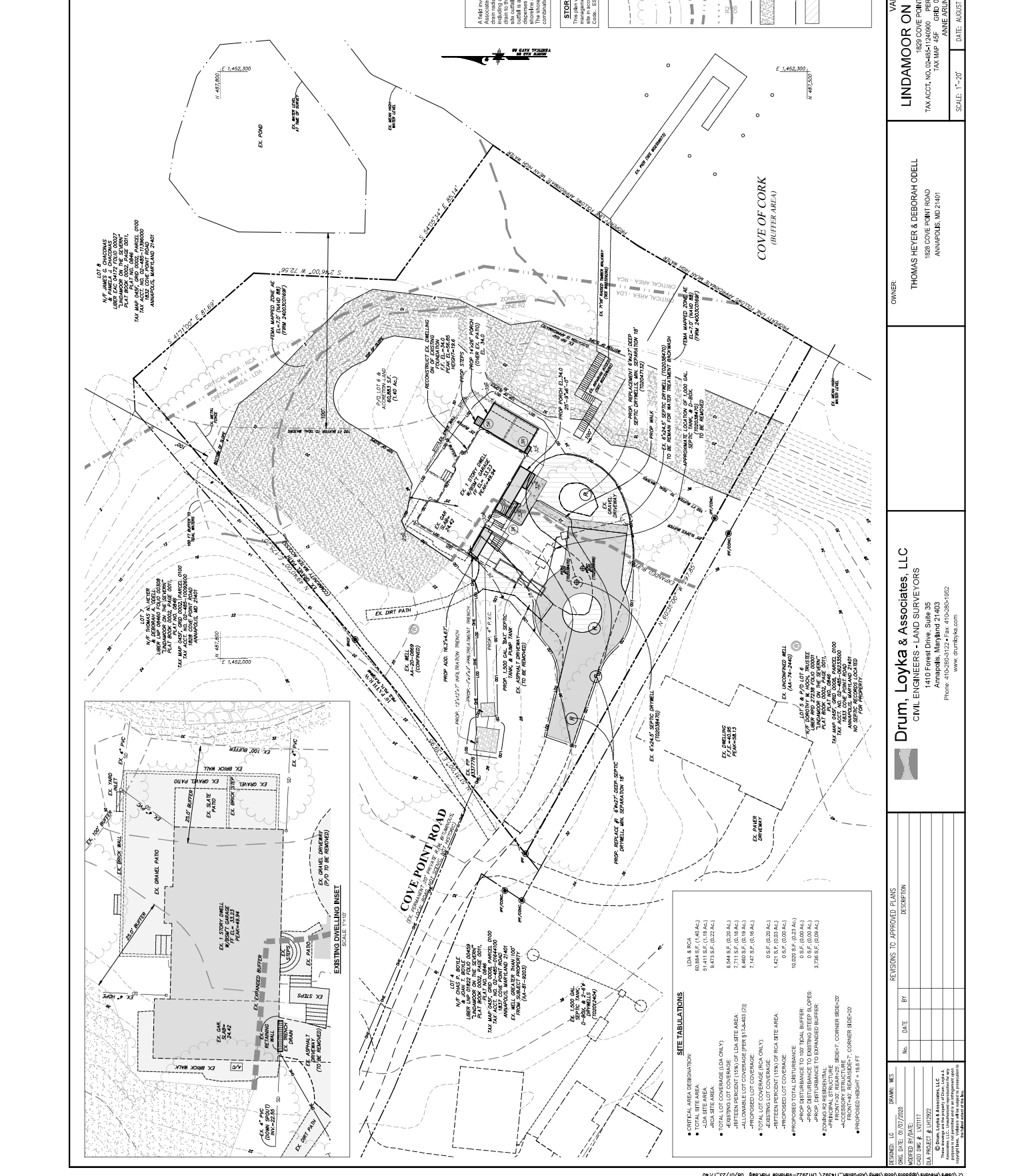
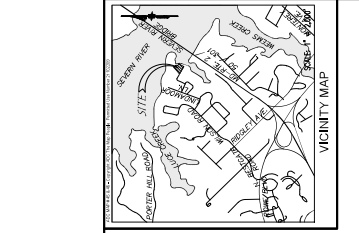
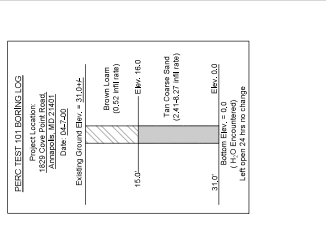
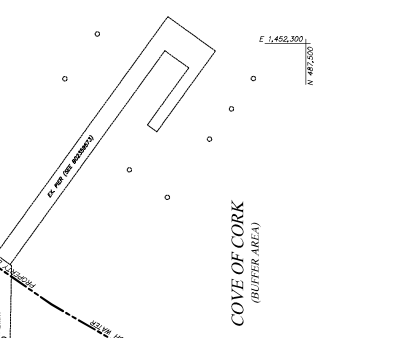
**REVISIONS TO APPROVED PLANS**

No.	DATE	BY	DESCRIPTION

SCALE: 1"=20'  
 DATE: AUGUST 1, 2022 PROJ. NO. LH1292 SHEET 1 OF 2

**OUTFALL STATEMENT**  
 A field investigation of the site outfall was performed by Drum, Loyka & Associates, LLC on 07/22/2022. The outfall is located on the eastern boundary of the site, adjacent to the Severn River. The outfall is a 24" diameter pipe that discharges into the river. The river is a tidal waterway and the outfall is subject to tidal fluctuations. The outfall is located in a wooded area and the surrounding vegetation is dense. The outfall is in good condition and the discharge is stable. The outfall is located in a wooded area and the surrounding vegetation is dense. The outfall is in good condition and the discharge is stable. The outfall is located in a wooded area and the surrounding vegetation is dense. The outfall is in good condition and the discharge is stable.

**STORMWATER MANAGEMENT REGULATION NOTE**  
 This plan was prepared under the 2010 regulations for stormwater management in Annapolis, Maryland. The plan is subject to the regulations of the Annapolis City Code, ESD to the MSB as amended through Ordinance 11-01-01.



**SITE TABULATIONS**

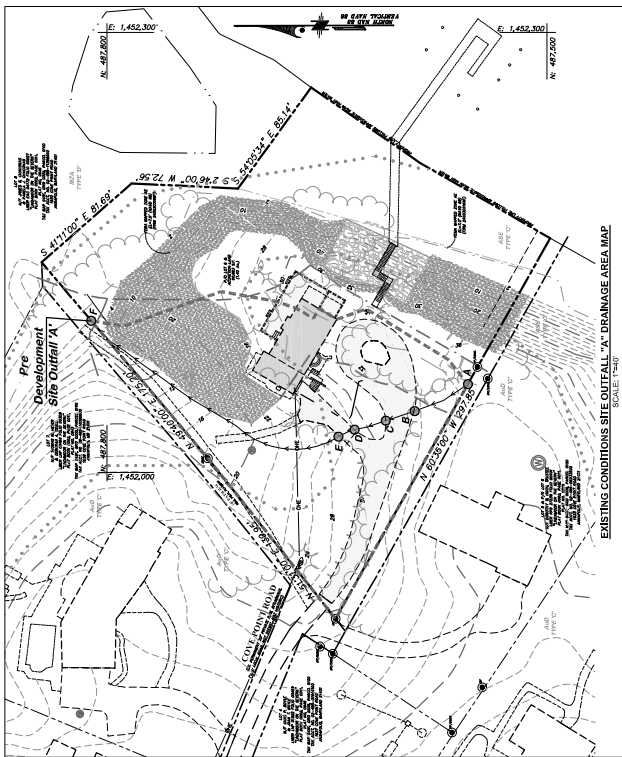
CRITICAL AREA DESIGNATION	AREA (AC)	PERCENT (19% OF RICA AREA)
CRITICAL AREA	60.8848 (1.49 AC)	1.49%
ADJ. SITE AREA	51.4118 (1.19 AC)	1.19%
ADJ. SITE AREA	9.4735 (0.22 AC)	0.22%
ADJ. SITE AREA	8.6448 (0.20 AC)	0.20%
ADJ. SITE AREA	7.7118 (0.19 AC)	0.19%
ADJ. SITE AREA	6.4805 (0.16 AC)	0.16%
ADJ. SITE AREA	1.1473 (0.03 AC)	0.03%
ADJ. SITE AREA	0.8 (0.02 AC)	0.02%
ADJ. SITE AREA	1.4518 (0.04 AC)	0.04%
ADJ. SITE AREA	10.0255 (0.23 AC)	0.23%
ADJ. SITE AREA	0.8 (0.02 AC)	0.02%
ADJ. SITE AREA	3.3935 (0.08 AC)	0.08%

**LOT 6**  
 V.P. THOMAS & ASSOCIATES  
 1828 COVE POINT ROAD  
 ANNAPOLIS, MD 21401  
 TAX MAP 45F PARCEL 100  
 DISTRICT 2nd  
 ANNE ARUNDEL COUNTY, MARYLAND

**LOT 7**  
 V.P. THOMAS & ASSOCIATES  
 1828 COVE POINT ROAD  
 ANNAPOLIS, MD 21401  
 TAX MAP 45F PARCEL 99  
 DISTRICT 2nd  
 ANNE ARUNDEL COUNTY, MARYLAND

**LOT 8**  
 V.P. THOMAS & ASSOCIATES  
 1828 COVE POINT ROAD  
 ANNAPOLIS, MD 21401  
 TAX MAP 45F PARCEL 98  
 DISTRICT 2nd  
 ANNE ARUNDEL COUNTY, MARYLAND

**LOT 9**  
 V.P. THOMAS & ASSOCIATES  
 1828 COVE POINT ROAD  
 ANNAPOLIS, MD 21401  
 TAX MAP 45F PARCEL 97  
 DISTRICT 2nd  
 ANNE ARUNDEL COUNTY, MARYLAND

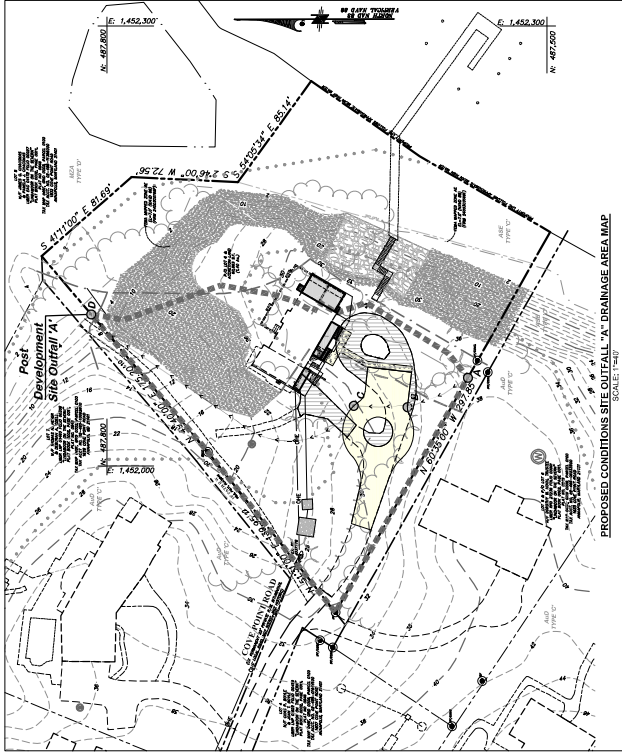
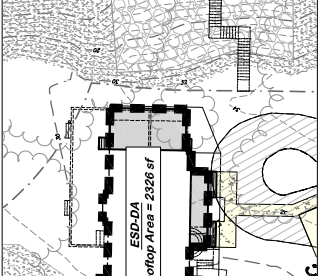


**PRE DEVELOPMENT CONDITIONS SITE OUTFALL "A"**  
 SCALE: 1"=40'  
 ROW = 75' AREA = 1,037 AC.  
 A-B = 4" SHALLOW CONCENTRATED FLOW UNPAVED @ 0.8%  
 A-C = 2" SHALLOW CONCENTRATED FLOW UNPAVED @ 0.8%  
 C-D = 2" SHALLOW CONCENTRATED FLOW UNPAVED @ 12%  
 T<sub>s</sub> = 0.10  
 Q<sub>10</sub> = 238 CFS

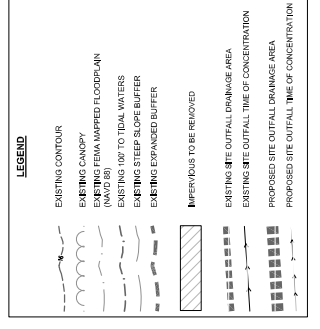
**E. Compute PE Value & ESDy for Drainage Area ("A")**

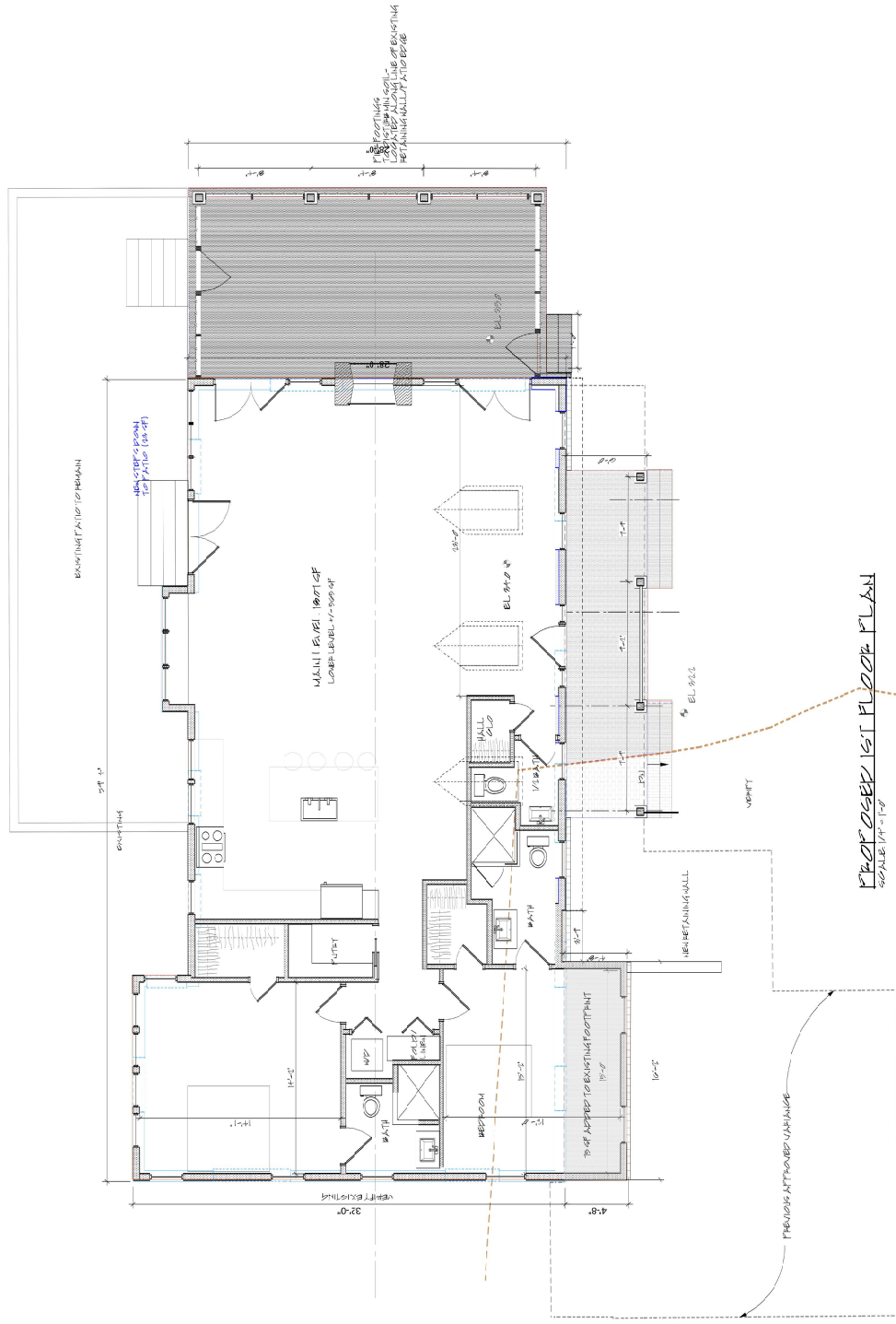
Basins	ESD Practice	Total Drainage Area	ESD Storage Volume	ESD Volume	ESD Retention Volume	ESD Retention Time (min)
17-01	25% Pre-Treat Infiltration Trench	2,245 sf	157 cf	197 cf	0.85 in	0.035
17-02	1" Infiltration Trench	2,326 sf	485 cf	461 cf	4.61 in	2.50
ESD	ESD	2,326 sf	638 cf	638 cf	3.88 in	1.05
ESD	Total Roof Area (25% + 75%)	2,326 sf	638 cf	638 cf	3.88 in	1.05
Target PE	Target ESDy	Achieved PE	Achieved ESDy			
Target PE = 1.16	Target ESDy = 398 cf	Achieved PE = 1.05	Achieved ESDy = 638 cf			
	Target Ret = 77 cf	Achieved Ret = 638 cf				

ESD Storage Provided is less than the target volume. ESD has been applied to the MEP. An additional 0 cf of Peak Management storage has been provided.  
**ESD DESIGN COMPUTATIONS FOR SITE OUTFALL "A"**  
 ESD to the MEP is required to be addressed via non-structural practices. Due to limited surface area, steep slopes, the 100-foot buffer and existing septic system components, the Permit and 43" Infiltration Trench, Water Quality (WQO), Backflow (BSP) and Channel Protection (Cp) volume requirements have been adequately addressed. (0210) Peak Management volume is being addressed with the initial reduction in peak development for coverage within the developed drainage area resulting in a reduction of peak development flow from 238 CFS to 238 CFS @ 45 min. (0211) 74'.



**PROPOSED CONDITIONS SITE OUTFALL "A"**  
 SCALE: 1"=40'  
 ROW = 75' AREA = 1,037 AC.  
 A-B = 4" SHALLOW CONCENTRATED FLOW UNPAVED @ 12%  
 A-C = 2" SHALLOW CONCENTRATED FLOW UNPAVED @ 12%  
 C-D = 2" SHALLOW CONCENTRATED FLOW UNPAVED @ 12%  
 T<sub>s</sub> = 0.10  
 Q<sub>10</sub> = 238 CFS





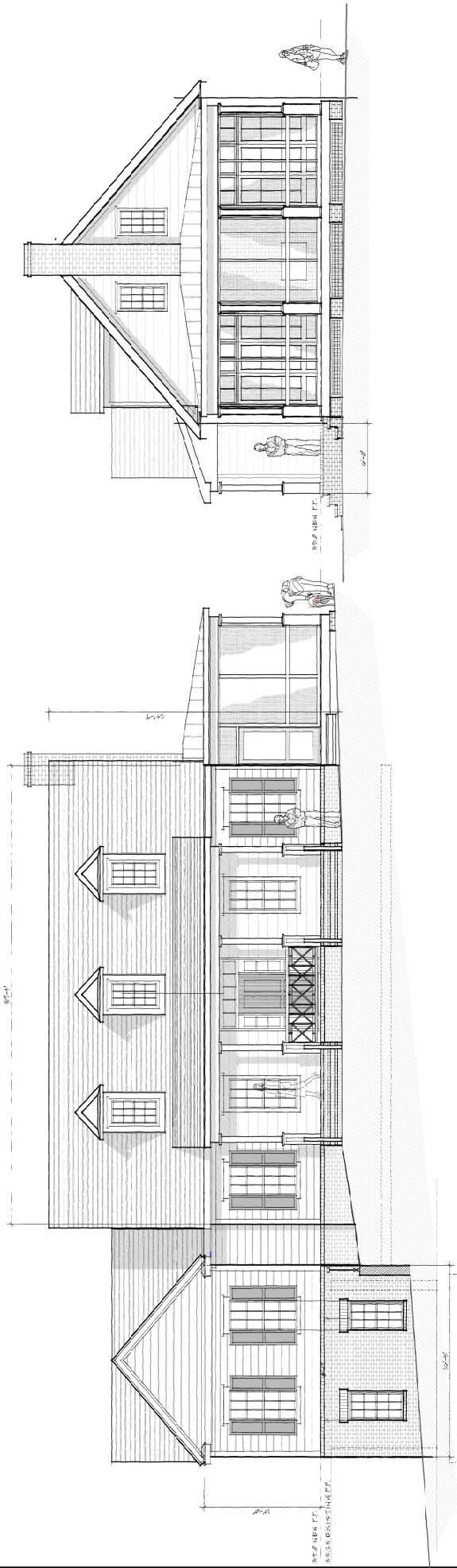
PROPOSED 1ST FLOOR PLAN  
SCALE 1/4" = 1'-0"

PROFESSIONAL JEREMY  
CROFTON ARCHITECTURE  
INCORPORATED  
1000 W. WASHINGTON  
ANNAPOLIS, MD 21401  
PROFESSIONAL ARCHITECT  
STATE OF MARYLAND LICENSE  
NO. 30322



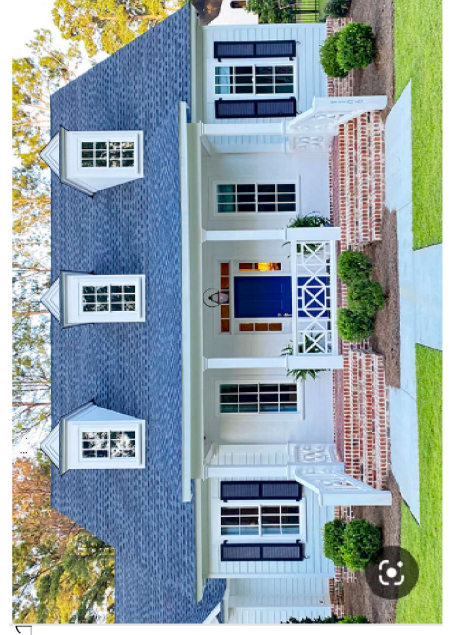
**T. AVARILL ARCHITECT, LLC**  
ANNAPOLIS, MD 21401  
410-886-8178

HEYER RESIDENCE  
1037 COVE POINT ROAD ANNAPOLIS, MARYLAND  
PROPOSED FIRST FLOOR PLAN  
1004-4-0001  
10/11/2014  
SHEET  
A-2  
1 OF 2



PROPOSED FRONT  
SCALE 1/4" = 1'-0"

PROPOSED SIDE (SOUTHEAST) ELEVATION  
SCALE 1/4" = 1'-0"



PROFESSIONAL HEREBY CERTIFICATE HEREBY DOCUMENTS WERE PREPARED ON APPROVED BY ME AND THAT I AM A LICENSED PROFESSIONAL ARCHITECT IN THE STATE OF MARYLAND LICENSE NO. 10831 EXP. DATE 03/31/2024



**T. AVERILL ARCHITECT, LLC**  
165 CONDUIT STREET  
ANNAPOLIS, MD 21403  
410.266.0378

HEYER RESIDENCE  
1817 GROVE FOUNTAIN ROAD ANNAPOLIS, MARYLAND  
ELEVATIONS  
LSP-2024-0014 T. Averill-BA Architect (10831)  
SHEET  
A-2  
2 OF 2

August 1, 2023

Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road, 3<sup>rd</sup> Floor  
Annapolis, MD 21401

**RE: Variance Request Article 17, Section 8-301(b) Buffer Disturbance  
LINDAMOOR ON THE SEVERN, P/O LOT 6 & ACCRETION LAND  
1829 Cove Point Road  
Annapolis, Maryland 21401  
Tax Account #02-485-11240900**

Dear Sir/Madam:

On behalf of the owners Mr. Thomas Heyer and Mrs. Deborah Odell, please find the enclosed proposed development Variance Plan dated August 1, 2023. The applicant/owners are seeking a variance to **Article 17, Section 8-301(b)** to allow disturbance in the expanded buffer to reconstruct the existing single-family dwelling utilizing the existing foundation to remain, a proposed front porch expansion and new screened porch within the footprint of the existing east patio.

The subject waterfront property's shoreline is mapped non-buffer modified with steep slopes and wetlands; the existing dwelling is almost entirely located within the expanded buffer to tidal waters. Improving the older existing dwelling and expansion is not possible without disturbing the buffer to tidal waters. Therefore, it appears that a variance to Article 17, Section 8-301(b) will be required to allow disturbance to the buffer. The owners have worked diligently with the project Architect to propose improvements mostly atop the existing dwelling foundation to remain and over existing lot coverage, minimizing the area of new permanent buffer disturbance. Most of the existing driveway within the buffer is proposed to be removed and vegetatively stabilized, significantly reducing the amount of lot coverage in the buffer.

### **Property Description**

The subject property is grandfathered lot located in the subdivision of Lindamoor On The Severn, in Annapolis, which was recorded in the land records of Anne Arundel County in March, 1947. The property is an irregular shaped waterfront property improved with a one story single-family detached dwelling with a basement attached basement level garage, and other associated improvements. The subject property is approximately 60,884 square feet (1.4 Ac) in area, zoned mostly R-2 with small portions near the waterfront zoned Open Space, and is entirely within the Chesapeake Bay Critical Area with mostly an LDA land use designation, and a small portion of the norther property corner located within the RCA. The sites shoreline along Cove of Cork is designated as Non-Buffer Modified. Steep slopes are present along the shoreline, causing the tidal water buffer to expand 50 feet from the crest of the steep slopes. The expanded buffer encumbers most of the existing dwelling and loop driveway. The modestly sized existing 1,712 square foot aging dwelling was constructed in 1961 according to the Maryland State Department of Assessments and Taxation and appears to not have been improved or expanded from its original footprint. The dwelling is currently served with private



septic system comprised of two 6-foot diameter drywells, a distribution box, and an existing tank per T02038470. The dwelling is served by a private well for potable water.

### **Proposed Conditions**

The Owners propose a first-floor expansion onto the south dwelling façade, outside the buffers, a screened porch overtop of the existing patio area on the east side, and a porch expansion onto the south main entrance façade. The foundation for the east porch will be comprised of piers to be hand dug to minimize buffer disturbance. The existing dwelling first floor will be reconstructed upon the existing foundation which is to remain. The house will remain as a 1-story dwelling with basement and crawl space area. As part of the proposed development the driveway is being reconfigured to both reduce the overall sites lot coverage but also reduce the lot coverage in the buffer. A new BAT unit nitrogen reducing septic tank is proposed to replace the existing tank and two sets of septic replacement drywells are designated for the future. The majority of the proposed new impervious improvements are located either overtop existing impervious or outside the expanded buffer with the exception of the south entry porch expansion.

Stormwater management is addressed via an infiltration trench with a pretreatment trench to manage the dwellings rooftop runoff to meet environmental site design requirements. The roof downspouts, including the downspouts on the eastern portion of the dwelling and porches capture runoff and are directed toward the west to the pretreatment and infiltration trenches to eliminate any roof runoff from reaching the slopes and buffers. With the existing site conditions and steep slopes, associated buffers and expanded buffers non-structural practices are not feasible. We have reviewed the existing soil conditions from the onsite and surrounding perc test and septic drywell installations that show a coarse tan sand with a minimum infiltration of at least 0.52 inches per our and increasing up to 2.41-8.27 for that coarse sand. ESD computations are included on Sheet 2 of 2 of the Variance plan along with the site outfall drainage areas and Pre & Post Development TR-55 computations that show a decrease in flows from 2.98 cfs to 2.88 cfs based on the reduction in lot coverage for this project. A full stormwater management report and geo-technical data will be submitted with the grading permit if the variance is approved. The proposed stormwater management is located in the only available portion of the site which is not encumbered by buffers, steep slopes, while maintaining their respective setbacks from the proposed septic system, and the existing well. The proposed septic drywells and tank are laid out in the only available area between the existing dwelling and the neighboring unconfined well serving 1833 Cove Point Road, and outside any 25% slopes and their associated 25-ft buffer.

A previous variance case #2020-0081-V was sought by the prior property Owner to disturb the expanded buffer to construct an addition on the south side of the existing dwelling and reconfigure the existing driveway and septic system. The variance to allow relief to Article 17, Section 8-301 was granted for 170 square of permanent buffer disturbance for the proposed addition as well as disturbance to reconfigure the associated site improvements and utilities.

Most of the proposed new impervious area is located entirely outside the expanded buffer and entirely outside the steep slopes. The proposed disturbance is the minimum necessary to expand the existing dwelling while also minimizing the impact to the sensitive environmental features due to the unique topography, the irregular shape of the lot, the proximity of the existing dwelling to the tidal waters and steep slopes. Thus, the need for the requested variance to **Article 17, Section 8-301(b)** to allow approximately 3,736 square feet of disturbance in the buffer. Much of which is temporary disturbance

(2,069 SF) for construction access and removal of large portions of the existing driveway located within the buffer. Of that area, nearly half of the temporary disturbance is for the removal of existing driveway areas (1,061 SF) in the buffer and fine grading which will be vegetatively stabilized. With the reconfiguration of the driveway a net reduction of 825 square feet of lot coverage in the buffer will occur with this redevelopment and an overall reduction of 1,397 square feet of lot coverage in the Chesapeake Bay Critical Area, bringing the site within conformance and 1,313 square feet below the current allowable lot coverage requirements within the Limited Disturbance Area designation.

### **Pre-File**

A pre-file review of the proposed plan was performed by the Office of Planning & Zoning Ms. Joan Jenkins and Kelly Krinetz. Pre-File comments were issued on July 11, 2023, the Critical Area Team noted that the proposed development is considered a demo/rebuild which provides more design flexibility in terms of the proposed expansion. It was also noted that the proposed screened porch expansion to the east must be redesigned, at minimum shall not expand beyond the existing patio.

The applicant and their design professionals considered the pre-file comments and previously worked with their project design team to present a design which minimizes the permanent disturbance and reduced lot coverage within the buffer. The proposed screened porch is design such that it does not extend outside the limits of the existing patio. A dimensioned existing conditions inset plan has now been provided as well as architectural elevations and plan for further clarity. The dwelling is proposed to be reconstructed overtop the existing foundation which is to remain to minimize the overall site disturbance and to avoid disturbance to the surrounding steep slopes entirely. The proposed front porch on the south façade has been sited such that it the entry way and roof lines are symmetrical the roof lines of the dwelling, portions of the porch and walk are sited overtop areas in the buffer which are already permanently disturbed. The proposed front porch is set further back from the tidal waters and further outside the buffer than what was granted with the previous variance.

Pre-file comments were also issued by Hala Flores, Department of Inspections and Permits requesting soil boring be provided with the variance application to validate the use of the proposed stormwater management infiltration trench with pretreatment. Environmental site design computations and a stormwater management (SWM) report shall be provided and all existing SWM shall be marked on the plan, existing and proposed drainage area maps and site outfall locations are to be provided. It was also noted that a right to discharge may be required. A copy of the comments issued are included with this variance request for review.

Although the previous variance 2020-00081 was granted for development that included a micro-bioretenion area to treat site runoff, a grading permit was never issued and the site continues to remain without any existing stormwater management. As previously noted, the property has since changed ownership, a new well was drilled to serve the dwelling with potable water in the vicinity of the micro-bioretenion previously proposed with the prior variance site design. Thus, the new proposed design utilizes an infiltration trench with pre-treatment while maintaining the minimum setback from the new well location and the designated future septic replacement drywells. A stormwater management report, drainage and outfall mapping, and a recent soil boring provided by the geotechnical consultant are included with this variance submittal for review. The Lindamoor On The Severn community riparian access path does not follow the platted 10' path right-of-way, a substantial portion of it meanders toward the east onto the subject property and conveys stormwater from Cove Point Road onto the lot

rather than the community path. If necessary, the Owner may consider granting a right-to-discharge from the community during the permitting phase of the project.

### **Conclusion**

This variance request represents the minimum buffer disturbance necessary to construct the improvements and reduces lot coverage in the Chesapeake Bay Critical Area, particularly within the buffer. A buffer management plan will be provided for on-site mitigation plantings in accordance with code requirements. The implementation of onsite stormwater management, sediment and erosion controls, and plantings will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the critical area program. We believe that this request meets all the requirements for a Critical Area variance:

Code Article 18-16-305

#### **(b) Requirements for Critical Area Variances.**

- (1) Unwarranted Hardship- This is an uncharacteristically small ~1700 sq ft house tightly bound by critical area buffers. The applicants propose a 64 square foot addition (no variance required) and two porches: a south (street side) main entry porch addition and an east side porch addition over an existing patio. Unique physical conditions including topography, the irregularly shaped lot, enveloping curved shoreline, the presence of steep slopes requiring the buffer expansion, coupled with the required dwelling and steep slope buffer septic setback's and unconfined neighboring property well setback, present significant constraints. The modest street side entry porch is only six feet wide and centered on the principal section of the house where the grade aligns with the first floor. Anywhere else would deny a significant and reasonable use that is commonly enjoyed by homeowners elsewhere and does not expand the structure toward the shoreline or steep slopes. The portion of the south facing porch that is within the buffer is just 126 square feet. (The applicants proposed porch addition is 44 square feet less than the 170 square foot buffer incursion approved for the prior owner in case #2020-081-V.) The proposed east side screened porch will be built over an existing flagstone patio, leaving the porch structure in place and require only the installation of supporting footers. The screened porch would cover a deteriorated flagstone patio and add an amenity not present. The current house is burdened by extreme noise and light pollution from the adjacent heavily trafficked Route 50 bridge and one reason why the property has remained unimproved for the past 60 years. Any attenuation of sound and light pollution provided by the addition would contribute to the use of the entire house and is a use that could not be achieved elsewhere.
- (2) Rights commonly enjoyed - the proposed improvements are in character with other dwellings in the neighborhood and even smaller than surrounding properties. An entry porch and screened porch are features commonly found throughout the neighboring properties. To deny applicants the ability to have these modest improvements to a waterfront house with less than 1800 interior square feet severely deprives applicants of rights commonly enjoyed by other property owners in the area with comparable sized lots of 60,000 feet that have been developed with structures two and three times larger.
- (3) Will not confer special privilege - granting this variance would not confer a special privilege to the applicants. Nearby properties enjoy improvements larger in scale and are greater than what is proposed for this project. The applicants appreciate that the constraints of the critical area law do not allow for development of much more than what they have proposed. They have made extensive efforts to lay this proposed project out in a responsible manner that (i)

considers surrounding environmental features, (ii) holds tight to the existing structure and associated disturbances, (iii) cuts back significantly from the scale of the development reflected in the prior owner's plans for which a variance was granted and further reduces the size of the driveway to remove 68% of the incursion of the existing driveway within the steep slopes buffer.

- (4) Actions by Applicants and Neighbors- The variance is not based on conditions or circumstances that are the result of actions by the applicants or conditions or use on neighboring properties- conditions and circumstances are based on topography, the irregular shape of the site, the enveloping shoreline, the presence of steep slopes, the septic system, and the reality that today nearly the entire existing dwelling is located within the expanded buffer. The dwelling's construction in 1961 pre-dates the current Chesapeake Bay Critical Area code. It remains largely as originally constructed and unchanged since the applicants purchased the property in 2021.
- (5) Water Quality, Intent of the Critical Area Program. The requested variances will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the critical area program. Disturbance is minimized to only what is necessary to complete the project. The porch additions will be built over existing patios/grade and not require any consequential demolition. The majority of the buffer disturbance is only temporary and in harmony with the general spirit and intent of the County's Critical Area Program by removing existing driveway impervious coverage from the buffer and replacing some 1,061 square feet of driveway with vegetative cover. Mitigation will occur in accordance with county regulations at a 3:1 ratio for buffer disturbance and will be addressed during the permitting process via a Buffer Management Plan. Sediment and erosion controls including a stabilized construction entrance and super silt fence will be utilized to ensure that construction and grading will not adversely affect the surrounding environmental features located within the Critical Area. The proposed project will provide the site with stormwater management where none currently exists. The stormwater management is being addressed per county and state regulations via infiltration trenches to treat and safely convey stormwater runoff. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.
- (6) Presumption Sec 8-1808(d)(2)(ii) – In light of all the factors discussed above, it is evident that the applicants have overcome the presumption that the use for which the variances were requested were not in conformity with the purpose and intent of the Critical Area Program.

The distance between the shoreline and the proposed porch is maintained such that the improvements are no closer to the tidal water than what already exists, and takes into account natural features and the future replacement of the septic system, and has met the requirements of § 17-9-208 of the Code. There are no bogs present on the subject property.

**(c) Requirements for all variances.**

1. Minimum necessary to afford relief - The proposed variances allow for modest uses that not only meets the "significant and reasonable standard" but also are the minimal necessary development to afford relief. Even with the improvements, there is less than 1800 interior square feet and the addition of front and side porches are in keeping with the size and scale of the 1961 development. The proposed south entry porch expansion is further from the shoreline than the existing dwelling façade and the proposed east screened porch is within the footprint of the existing raised patio. The proposed size of the dwelling and additions

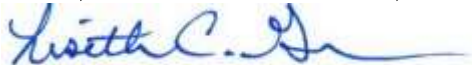
are far more modest than neighboring properties in the community. Disturbance to the buffer is the minimum necessary to construct the proposed improvements and to greatly reduce the impervious surface area within the buffer for the driveway removal.

2. The granting of the variance will not:
  - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area.
  - ii. substantially impair the appropriate use or development of adjacent properties.
  - iii. reduce forest cover in the LDA. Vegetative clearing is reduced to the minimum necessary to construct the proposed improvements and will be mitigated appropriately during the permit process with a buffer management plan.
  - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area. Clearing is minimal and only for what is necessary for construction and access, and the property is not located within a Bog Protection Area.
  - v. be detrimental to the public welfare as constructing a first-floor expansion and porches on a residentially zoned property will not impose harm to adjacent property owners or the public.

Denial of the requested variances and a strict implementation of the County's Zoning and Critical Area Program would constitute an unwarranted hardship on the applicant and deprive them of the right to develop, and deny reasonable and significant use of the entire property. The proposed expansion is sited equal distance from the shoreline as the existing dwelling. Reforestation and stormwater management will be provided on-site to the maximum extent practical.

We appreciate your consideration of the enclosed variance request and we remain available to answer any questions you may have.

Sincerely,  
DRUM, LOYKA AND ASSOCIATES, LLC



Lisette Groen  
Civil Engineering Senior Designer

Cc: Thomas Heyer

# **Chesapeake Bay Critical Area Report**

## **Lindamoor On The Severn ~ P/O Lot 6**

Tax map 45F, Grid 0008, Parcel 100

Tax Account # 02-485-11240900

**Property Address:** 1829 Cove Point Road, Annapolis, MD

**Owner & Variance Applicant:** Mr. Thomas Heyer and Mrs. Deborah Odell

**Critical Area Designation:** LDA & RCA      **Zoning:** R-2      **Lot Area:** 1.4 Ac.

### **Site Description**

The subject property is grandfathered lot located in the subdivision of Lindamoor On The Severn, in Annapolis, which was recorded in the land records of Anne Arundel County in March, 1947. The property is an irregular shaped waterfront property improved with a one story single-family detached dwelling with a basement attached basement level garage, and other associated improvements. The subject property is approximately 60,884 square feet (1.4 Ac) in area, zoned mostly R-2 with small portions near the waterfront zoned Open Space, and is entirely within the Chesapeake Bay Critical Area with mostly an LDA land use designation, and a small portion of the norther property corner located within the RCA. The sites shoreline along Cove of Cork is designated as Non-Buffer Modified. Steep slopes are present along the shoreline, causing the tidal water buffer to expand 50 feet from the crest of the steep slopes. The expanded buffer encumbers most of the existing dwelling and loop driveway. The modestly sized existing 1,712 square foot aging dwelling was constructed in 1961 according to the Maryland State Department of Assessments and Taxation and appears to not have been improved or expanded from its original footprint. The dwelling is currently served with private septic system comprised of two 6-foot diameter drywells, a distribution box, and an existing tank per T02038470. The dwelling is served by a private well for potable water.

### **Proposed Conditions**

The Owners propose a first-floor expansion onto the south dwelling façade, outside the buffers, a screened porch overtop of the existing patio area on the east side, and a porch expansion onto the south main entrance façade. The foundation for the east porch will be comprised of piers to be hand dug to minimize buffer disturbance. The existing dwelling first floor will be reconstructed upon the existing foundation which is to remain. The house will remain as a 1-story dwelling with basement and crawl space area. As part of the proposed development the driveway is being reconfigured to both reduce the overall sites lot coverage but also reduce the lot coverage in the buffer. A new BAT unit nitrogen reducing septic tank is proposed to replace the existing tank and two sets of septic replacement drywells are designated for the future. The majority of the proposed new impervious improvements are located either overtop existing impervious or outside the expanded buffer with the exception of the south entry porch expansion.

Stormwater management is addressed via an infiltration trench with a pretreatment trench to manage the dwellings rooftop runoff to meet environmental site design requirements. The dwelling and porches rooftop runoff is being captured and directed to the west via below grade pvc piping into the pretreatment and infiltration trenches to ensure that all roof stormwater is directed away from the steep slopes and buffers. A buffer management plan will address

mitigation requirements during the permitting. A copy of the Concept Stormwater Management Narrative and Computations is included with this submittal package. The proposed stormwater management is located in the only available portion of the site which is not encumbered by buffers, steep slopes, while maintaining their respective setbacks from the proposed septic system, and the existing well. The proposed septic drywells and tank are laid out in the only available area between the existing dwelling and the neighboring unconfined well serving 1833 Cove Point Road, and outside any 25% slopes and their associated 25-ft buffer.

A previous variance case #2020-0081-V was sought by the prior property Owner to disturb the expanded buffer to construct an addition on the south side of the existing dwelling and reconfigure the existing driveway and septic system. The variance to allow relief to Article 17, Section 8-301 was granted for 170 square of permanent buffer disturbance for the proposed addition as well as disturbance to reconfigure the associated site improvements and utilities.

Most of the proposed new impervious area is located entirely outside the expanded buffer and entirely outside the steep slopes. The proposed disturbance is the minimum necessary to expand the existing dwelling while also minimizing the impact to the sensitive environmental features due to the unique topography, the irregular shape of the lot, the proximity of the existing dwelling to the tidal waters and steep slopes. Thus, the need for the requested variance to **Article 17, Section 8-301(b)** to allow approximately 3,736 square feet of disturbance in the buffer. Much of which is temporary disturbance (2,069 SF) for construction access and removal of large portions of the existing driveway located within the buffer. Of that area, nearly half of the temporary disturbance is for the removal of existing driveway areas (1,061 SF) in the buffer and fine grading which will be vegetatively stabilized. With the reconfiguration of the driveway a net reduction of 825 square feet of lot coverage in the buffer will occur with this redevelopment and an overall reduction of 1,397 square feet of lot coverage in the Chesapeake Bay Critical Area, bringing the site within conformance and 1,313 square feet below the current allowable lot coverage requirements within the Limited Disturbance Area designation.

### **Description and Purpose of Variance Request**

On behalf of the property owners, we request Critical Area variance to **Article 17, Section 8-301(b)** On behalf of the owners Mr. Thomas Heyer and Mrs. Deborah Odell, please find the enclosed proposed development Variance Plan dated July 18, 2023. The applicant/owners are seeking a variance to **Article 17, Section 8-301(b)** to allow disturbance in the expanded buffer to reconstruct the existing single-family dwelling utilizing the existing foundation to remain, a proposed front porch expansion and new screened porch within the footprint of the existing east patio; resulting in approximately 3,736 square feet of disturbance in the buffer.

The need for the requested Critical Area variance arises from the unique nature, topography, and existing constraints of the property. Specifically, the irregular shape of the lot and location of the existing dwelling to the shoreline and steep slopes, proximity to the neighbors unconfined well, subject property existing well, and existing septic drywell locations.

### **Buffers**

The shoreline is mapped entirely Non-Buffer Modified, steep slopes 15% or greater boarder the shoreline from the northwest to the east, the buffer is expanded 50 feet from the crest of the steep slopes. Nearly the entire existing dwelling is located within the expanded buffer. No disturbance is proposed within the 100' buffer to tidal waters however, approximately 3,736

square feet of disturbance in the buffer. Much of which is temporary disturbance (2,069 SF) for construction access and removal of large portions of the existing driveway located within the buffer. Of that area, nearly half of the temporary disturbance is for the removal of existing driveway areas (1,061 SF) in the buffer and fine grading which will be vegetatively stabilized. With the reconfiguration of the driveway a net reduction of 825 square feet of lot coverage in the buffer will occur with this redevelopment and an overall reduction of 1,397 square feet of lot coverage in the Chesapeake Bay Critical Area, bringing the site within conformance and 1,313 square feet below the current allowable lot coverage requirements within the Limited Disturbance Area designation. A 25 foot buffer to the steep slopes also encumbers portions of both the east and west sides of the existing dwelling.

### **Vegetative Coverage**

The property is mostly developed woodland with sparse ornamental shrubs and creeping ivy. Steep slope areas are mostly stabilized with mature trees and ivy. Large areas of Phragmites boarder the shoreline. The existing tree canopy area is approximately 31,261 s.f. (0.71 ac.). Tree canopy removal proposed for the redevelopment is approximately 3,249 s.f. (0.07 ac.).

### **Lot Coverage**

The site currently has approximately 8,544 s.f (0.20 Ac.) of lot coverage, all of which is within the Chesapeake Bay Critical Area Limited Development Area (LDA) portion of the property. The proposed impervious coverage is 7,147 s.f. (0.16 Ac.), buffer slightly below the allowable lot coverage of 8,460 s.f. (0.19 Ac). The proposed developed conditions result in an overall reduction of 1,397 square feet of lot coverage in the Chesapeake Bay Critical Area, 825 s.f. of that reduction is within the expanded buffer due to the removal of most of the driveway.

### **Steep Slopes (slopes > 15%)**

Approximately 22% (13,558 s.f.) of the subject property is encumbered with steep slopes of 15% or greater. These steep slopes are mostly wooded, and extend up from the shoreline. There is no disturbance to the steep slopes proposed for the redevelopment. Portions of the eastern and western sides of the existing dwelling are located within the 25 ft buffer to steeps slopes, and the existing loop driveway. Most of the slope buffer disturbance is within areas which are already developed.

### **Predominant Soils**

The predominant soil types in the area are of Annapolis fine sandy loam soils, 15 to 25 percent slopes (AsE), Annapolis-Urban land complex 5 to 15 percent slopes (AuD), and Mispilliom and Transquaking soils, 0 to 1 percent slopes (MZA). MZA soils have type "D" hydrologic classifications however these soils are primarily located along the shoreline with in the areas encumbered by Phragmites. AsE soils can be considered Highly Erodible when located in areas with slopes greater than 15%, these soils are located primarily within the area of the expanded buffer to tidal waters and steep slopes.

### **FEMA Floodplain**

The subject property appears on FEMA Firm panel no. 24003C0169F. The property is located in floodplain Zone AE with a base flood elevation of 7.0-ft (NAVD88). No disturbance is proposed within the flood zone.

### **Drainage and Rainwater Control**



There does not appear to be any existing stormwater management on site. Stormwater management will be addressed via a pre-treatment and infiltration trench capturing roof-top runoff. Sediment and Erosion control is achieved through perimeter controls, which are adequate to handle the small drainage areas to them. The development will have no adverse effect on the sensitive environmental features of the site and surrounding areas and site disturbance and woodland clearing will be mitigated onsite per the Mitigation Planting and Buffer Management plan during the permitting process in order to meet Anne Arundel County and MDE design criteria.

### **Conclusions – Variance Standards**

The applicant proposes to reconstruct the existing single-family dwelling utilizing the existing foundation to remain, a proposed front porch expansion and new screened porch within the footprint of the existing east patio, associated site and utility improvements, and reconfigure the existing driveway; resulting in approximately 3,736 square feet of disturbance in the buffer. The need for the requested Critical Area Variance arises from the existing unique nature and constraints of this property, specifically the irregular shape of the lot, and the location of the existing dwelling and utilities in relation to the shoreline and steep slopes causing majority of the property to be encumbered by buffers. It is not possible to complete this project without disturbance to the expanded buffer. The proposed improvements are lesser in size than and amenities than other homes in the Lindamoore On The Severn subdivision and therefore will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to the public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area. With the implementation of stormwater management, mitigation, and sediment and erosion control practices, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

**Reference:**

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, Critical Area Map

Anne Arundel County Office of Planning & Zoning, Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, Critical Area Map

Federal Emergency Management Agency, 2016. Flood Insurance Rate Map

First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

Drum, Loyka and Associates LLC, August 2023 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2016 Soil Survey of Anne Arundel County Maryland.

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

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: Anne Arundel County Date August 1, 2023

Tax Map #	Parcel #	Block #	Lot #	Section
045F	0100	0008	p/o 6	

**FOR RESUBMITTAL ONLY**

Corrections

Redesign

No Change

Non-Critical Area

\* Complete only Page 1  
 General Project Information

Tax ID 02-48511240900

Project Name (site name, subdivision name, or other) Lindamoor On The Severn P/O Lot 6

Project location/Address 1829 Cove Point Road

City Annapolis, Maryland Zip 21401

Local case number

Applicant: Last name Heyer and Odell First name Thomas and Deborah

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 checked="" 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:

To reconstruct a 1-story dwelling utilizing the existing foundation, new basement and first floor expansion, new front porch, a new porch overtop existing patio, reconfigured driveway, replace septic tank and pump pit.

Yes Intra-Family Transfer <input type="checkbox"/> Grandfathered Lot <input checked="" type="checkbox"/>	Yes Growth Allocation <input type="checkbox"/> Buffer Exemption Area <input type="checkbox"/>
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### Project Type (check all that apply)

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="checkbox"/>	Recreational <input type="checkbox"/> Redevelopment <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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## SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
			Total Disturbed Area	0.23	
IDA Area	0.00		# of Lots Created	n/a	
LDA Area	1.18				
RCA Area	0.22				
Total Disturbed Area	0.23				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.71		Existing Lot Coverage	0.20	
Created Forest/Woodland/Trees	TBD		New Lot Coverage	0.01	
Removed Forest/Woodland/Trees	0.07		Removed Lot Coverage	0.05	
			Total Lot Coverage	0.16	

## VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.09		Buffer Forest Clearing	0.3	
Non-Buffer Disturbance	0.14		Mitigation	TBD	

<u>Variance Type</u>	<u>Structure</u>
Buffer <input type="checkbox"/>	Acc. Structure Addition <input type="checkbox"/>
Forest Clearing <input type="checkbox"/>	Barn <input type="checkbox"/>
HPA Impact <input type="checkbox"/>	Deck <input type="checkbox"/>
Impervious Surface <input type="checkbox"/>	Dwelling <input checked="" type="checkbox"/>
Expanded Buffer <input checked="" type="checkbox"/>	Dwelling Addition <input type="checkbox"/>
Nontidal Wetlands <input type="checkbox"/>	Garage <input type="checkbox"/>
Steep Slopes <input type="checkbox"/>	Gazebo <input type="checkbox"/>
Setback <input type="checkbox"/>	Patio <input type="checkbox"/>
Other <input type="checkbox"/>	Pool <input type="checkbox"/>
	Shed <input type="checkbox"/>
	Other <input type="checkbox"/>



**LOOKING SOUTH AT EXISTING EAST SIDE LAWN, BRICK WALL AND GRAVEL SLATE PATIO  
EAST OF TOP OF SLOPE**



**EXISTING EAST SIDE BRICK WALL AND GRAVEL SLATE PATIO**



**LOOKING NORTHEAST AT EXISTING NORTH SIDE BRICK WALL AND GRAVEL PATIO**



**LOOKING SOUTHWEST AT NORTHEAST SIDE OF THE EXISTING HOUSE & PATIOS**



**LOOKING NORTH AT SOUTH SIDE OF THE EXISTING HOUSE & DRIVEWAY**



Mark Wedemeyer, Director

## Memorandum

**To:** Planner, Office of Planning and Zoning

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

**Date:** August 9, 2023

**Subject:** Lindamoor on the Severn, P.O lot 6 and accretion land  
1829 Cove Point Road, Annapolis MD 21401  
Variance request: 2023-0130-V

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### Variance Request – Allow relief from the required lot setbacks

**Description** - The applicant proposes to reconstruct existing single-family dwelling utilizing existing foundation with a new south front porch and a new porch within foot print of existing patio on east side of dwelling. Variance requested to Article 17, Section 8-301(b) to allow disturbance in the expanded buffer for the proposed redevelopment.

**Review** - This office has reviewed the variance request for the subject property.

- 1- An infiltration trench with a pretreatment trench is proposed to manage the rooftop runoff. The submitted variance application will need to include soil borings to validate the suitability and siting of the practice. The trench, as shown, drains to a swale that flows to the adjacent private property. It is unclear if the trench is sized for the ESDv or the 10-year flow. A right to discharge permission may be required if the drainage quantity, velocity, and pattern to the swale is altered. The phreatic line from the overflow of the practice must be shown and shall not intersect the steep slopes.
- 2- Submit a SWM report and discuss/locate the existing SWM for the home. All existing SWM must be clearly marked on the plan. Specifically, discuss the SWM provided for the previous variance case 2020-0081, to disturb the expanded buffer to construct an addition and reconfigure the driveway.
- 3- A photo tour and a statement regarding the stability is needed for the steep slopes.
- 4- Submit the private R/W private easement for cove point road.

**Determination** – This office has no objection to the request as long as the comments shown above are addressed with the grading permit application.



**Critical Area Variance Guidance  
Critical Area Review Team/Development Division**

**Applicant:** Heyer  
**Case #:** 2023-0130-V  
**Date:** 9/5/23

**For a property located in the critical area, a variance to the requirements of the County's Critical Area Program may be granted if the Administrative Hearing Officer makes the findings based on the following criteria.**

- 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 would result in an unwarranted hardship.
- A literal interpretation of the Critical Area Laws would deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provision of the critical area program.
- 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 Critical Area.
- The request is not 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.
- The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the County's Critical Area program.
- The applicant, by competent and substantial evidence, has overcome the presumption contained in Natural Resources Article, 8-1808, of the state Code.
- The applicant has evaluated and implemented site planning alternatives in accordance with 18-16-201.

Based on the proposed method of construction within the existing area of development, I offer no objection to this application.

Mitigation and SWM must be addressed with the permit application.

A modification will not be required for the disturbance of the required slope buffer since the variance for the expanded buffer provides the necessary relief.



Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

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## CAC Comments\_Heyer-Odell 2023-0130-V

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Jennifer Esposito <jennifer.esposito@maryland.gov>  
Draft To: Sadé Medina <pzmedi22@aacounty.org>

Fri, Aug 18, 2023 at 1:42 PM

Good afternoon,  
The Critical Area Commission has reviewed the following variance and we provide the following comment :

- 2023-0130-V; Heyer-Odell (AA 270-23): Provided that the Administrative Hearing Officer determines that each and every one of the Critical Area variance standards are met, appropriate mitigation is required.



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 twitter\_logo.jpg

[dnr.maryland.gov/criticalarea](https://dnr.maryland.gov/criticalarea)

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### *Jennifer Esposito*

Critical Area Commission for the  
Chesapeake & Atlantic Coastal Bays  
1804 West Street, Suite 100  
Annapolis, MD 21401

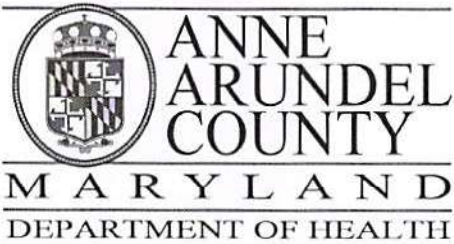
Office: 410-260-3468

(In office: Mon., Wed., Friday)

Cell: 443-569-1361

(Teleworking: Tues., Thurs.)

[jennifer.esposito@maryland.gov](mailto:jennifer.esposito@maryland.gov)



J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahealth.org

**Tonii Gedin, RN, DNP**  
Health Officer

**MEMORANDUM**

TO: Sadé Medina, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager  
Bureau of Environmental Health *BC*

DATE: August 23, 2023

RE: Thomas Heyer & Deborah Odell  
1829 Cove Point Road  
Annapolis, MD 21401

NUMBER: 2023-0130-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling and associated facilities with less setbacks and buffer than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance as long as a plan is submitted and approved by the Health Department.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

I want to...



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Address Points: 1829 COVE POINT RD,

1829



26000