

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

APPLICANT: Number 5 Maryland Ave LLC

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0131-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: September 26, 2023

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting variances to allow a dwelling (demo/rebuild) with less setbacks than required and with disturbance to slopes of 15% or greater on property located at 1724 Westmoreland Trail in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 9,528 square feet of land and is located with approximately 20 feet of road frontage on the southern side of Westmoreland Trail, approximately 250 feet south of Birdbrook Trail. The property is identified as Lots 11 and 12 of Parcel 41 in Block 3 on Tax Map 45 in the Epping Forest subdivision.

The property is zoned R1 – Residential District, as adopted by the comprehensive zoning for Council District 6, effective October 7, 2011. This site lies entirely within the Chesapeake Bay Critical Area, is designated primarily LDA – Limited Development Area, with RCA - Resource Conservation Area at the southern tip, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a one-story dwelling, pier, and associated facilities.

APPLICANT'S PROPOSAL

The applicant is proposing to remove the existing dwelling and construct a new two-story dwelling with a basement.

REQUESTED VARIANCES

§ 18-4-501 of the County Code states that the minimum setbacks for principal structures in the R1 District is 15 feet, 40 feet combined, from the side lot lines. The proposed new dwelling will be as close as 5 feet from the west side property line, as close as 9 feet from the northeast side property line, and 14 feet combined, necessitating variances of 10 feet, 6 feet, and 26 feet, respectively.

§ 17-8-201(a) of the County Code states that development in the Limited Development Area

(LDA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline; and, all disturbance shall be limited to the minimum necessary. The proposed demo/rebuild will disturb approximately 2,451 square feet of slopes of 15% or greater, necessitating a variance. The final amount of disturbance will be determined during permit review.

FINDINGS

This Office finds that the subject property is irregularly shaped and undersized with regard to the minimum area requirement of 40,000 square feet and the minimum width requirement of 125 feet for a lot in the R1 District. The property is encumbered by steep slopes. The existing critical area lot coverage of the site is 1,700 square feet. The proposed post-construction lot coverage is 1,576 square feet, which is well below the lot coverage (2,977.5 square feet) allowed under §17-8-402. The existing coverage by structures is 1,188 square feet. The proposed post-construction coverage by structures is 1,064 square feet, which is well below the 25% (2,382 square feet) maximum coverage by structures allowed under §18-4-501. A review of the County 2023 aerial photography shows an eclectic mix of dwellings and lots in this waterfront community.

The applicant's letter states that the footprint of the proposed house will be slightly smaller than the existing house built in 1928, thereby reducing the overall lot coverage. The proposed house will include a 623 square foot deck built approximately over the footprint of the existing deck, and wrapping around the western side of the house. The applicant states that the slope disturbance is predominantly for the work area and replacement of the septic tank, and is the minimum necessary to perform the work. The applicant believes that the setback variances are unavoidable due to the underlying zoning and location of the existing dwelling.

The applicant further states that the lot is extremely undersized for an R1 lot, is encumbered by steep slopes, and posits that there is no reasonable possibility of developing the property without relief. The existing dwelling has met its life expectancy and is located within steep slopes. The applicant proposes a modern dwelling, mostly within the existing footprint in order to minimize the amount of disturbance. Through the design process, the applicant determined that replacing the dwelling in roughly the same footprint would be the least impactful to the slopes and environment.

Agency Comments

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

The **Cultural Resource Section** commented that the subject property includes an unrecorded historic resource. Their office will need to conduct a review for the demolition of the existing structure once the permit application is submitted. A site visit with photo-documentation may be required prior to demolition approval. Please contact the Historic Sites Planner, Darian

Beverungen, pzbeve19@aacounty.org with any questions.

The **Critical Area Commission** noted that appropriate mitigation is required.

The **Critical Area Team** offers no objection to the replacement of the existing structure and deck. The site plans are unclear with regard to the proposed construction along the waterside of the dwelling. The deck should not be expanded into the steep slopes. Mitigation will be determined at permit. A modification will be required.

The **Engineering Section** advised that no SWM ESD practices may be located in any environmentally sensitive areas or their buffers.

Variance Criteria

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. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, the property is unique due to the shape and size of the lot, which makes conforming to the minimum side lot setbacks, while also avoiding the steep slopes, virtually impossible. The proposed dwelling appears to have been designed to stay within the existing footprint, while slightly increasing the distance to the west side lot line, resulting in a reduction in the lot coverage for the property. The steep slope disturbance appears to be temporary and the minimum necessary for the demo/rebuild with a new septic system.

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 mitigation, the granting of the variance should not adversely affect water quality or impact fish, wildlife or plant habitat, and will be in harmony with the general spirit and intent of the County's critical area program.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, be contrary to acceptable clearing and replanting practices, reduce forest cover in the limited development area, or be detrimental to the public welfare.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted, as proposed, this Office recommends ***approval*** of zoning variances to §18-4-501 to allow a principal structure as close as 5 feet from the west side property line, as close as 9 feet

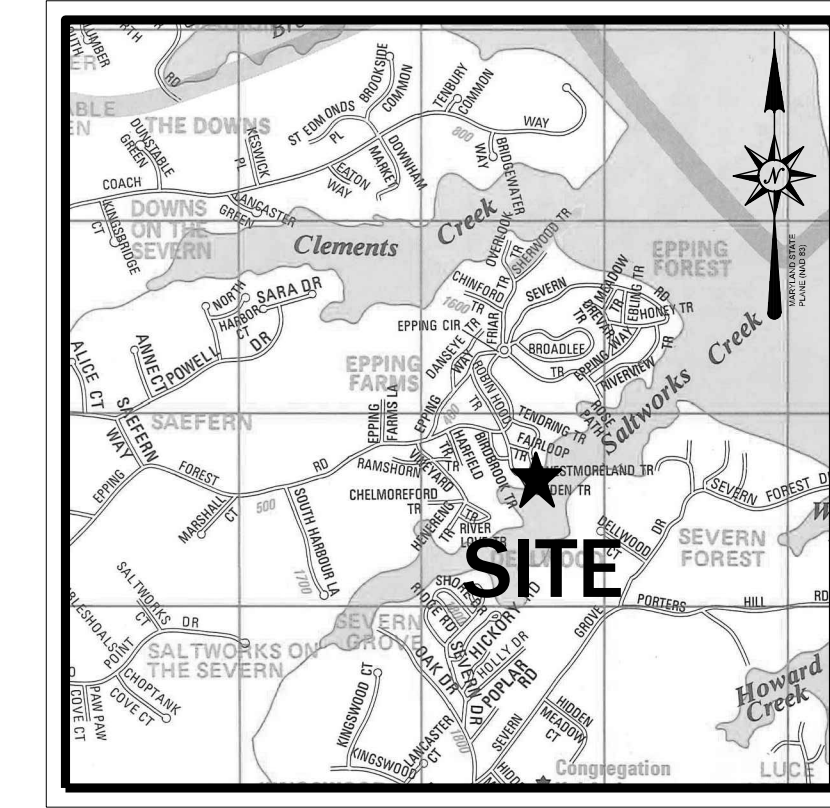
from the northeast side property line, and 14 feet combined; and ***approval*** of the Critical Area variance to § 17-8-201(a) to disturb steep slopes. The final amount of disturbance will be determined during permit review.

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.

VARIANCE PLAN FOR 1724 WESTMORELAND TRL

ANNAPOLIS, MD 21401
EPPING FOREST, LOTS 11 & 12, BLOCK 43, SC A
TAX ID#: 02-240-09452100
TAX MAP 45, GRID 3, PARCEL 41
SECOND DISTRICT ~ ANNE ARUNDEL COUNTY ~ ZONED R-1/LDA

VARIANCE REQUEST:
-17-8-201(a) WHICH STATES IN PART THAT DEVELOPMENT MAY NOT OCCUR WITHIN SLOPES 15% OR GREATER
-18-4-501 R1 BULK REGULATIONS WHICH STATE IN PART THAT THE MINIMUM SIDE YARD SETBACK IS 15' COMBINED 40'



VICINITY MAP
SCALE: 1"=2000'
COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NO. 08301200

LEGEND

PROPERTY LINE / RIGHT-OF-WAY	---	LIMIT OF DISTURBANCE	---
EXISTING CONTOUR	--- 30 ---	SUPER SILT FENCE	--- SF --- SF --- SF ---
EXISTING SPOT ELEVATION	x 30.50	100' CRITICAL AREA BUFFER	--- CA ---
EXISTING UTILITY POLE W/ OVERHEAD WIRE	--- OH ---	25% STEEP SLOPES	--- S ---
EXISTING BUILDING	--- B ---	EXISTING SOILS TYPE DESIGNATION	CRD/CSF
BUILDING RESTRICTION LINE	--- BR --- BR ---	PROPOSED OPEN DECK	--- O ---
		PROPOSED NON-ROOFTOP DISCONNECT	--- N ---



EXISTING CONDITIONS PLAN
SCALE: 1" = 20'



PROPOSED DEVELOPMENT PLAN
SCALE: 1" = 20'

CALL "MISS UTILITY"
TELEPHONE 1-800-257-7777
FOR UTILITY LOCATION AT
LEAST 48 HOURS BEFORE
BEGINNING CONSTRUCTION.

EXISTING LOT COVERAGE SUMMARY

DESCRIPTION	AREA
TOTAL LOT AREA	9,528 SQ. FT. ± OR 0.219 ACRES
EX. LOT COVERAGE.....	1,700 SQ. FT. ± OR 0.039 ACRES
EX. LOT COVERAGE WITHIN SETBACK LINES....	233 SQ. FT. ± OR 0.005 ACRES
ALLOWABLE COVERAGE W/IN LDA (31.25%).....	2,978 SQ. FT. ± OR 0.068 ACRES
EX. WOODS ON SITE.....	5,520 SQ. FT. ± OR 0.127 ACRES

NOTE: BREAKDOWN OF EXISTING LOT COVERAGES ARE AS FOLLOWS:

- EX. HOUSE AND COVERED PORCH = 1,188 SF
- EX. ASPHALT DRIVE = 512 SF
- TOTAL = 1,700 SF

PROPOSED LOT COVERAGE SUMMARY

DESCRIPTION	AREA
TOTAL LOT AREA.....	9,528 SQ. FT. ± OR 0.219 ACRES
ALLOWABLE MAX COVERAGE W/IN LDA (31.25%).....	2,978 SQ. FT. ± OR 0.068 ACRES
PROPOSED LOT COVERAGE.....	1,576 SQ. FT. ± OR 0.036 ACRES
PROPOSED LOD.....	5,175 SQ. FT. ± OR 0.119 ACRES
TOTAL STEEP SLOPE DISTURBANCE.....	2,451 SQ. FT. ± OR 0.056 ACRES
TOTAL STEEP SLOPE BUFFER DISTURBANCE.....	2,678 SQ. FT. ± OR 0.061 ACRES
PROP. LOT COVERAGE WITHIN SLOPE BUFFER.....	1,576 SQ. FT. ± OR 0.036 ACRES
TOTAL DISTURBANCE WITHIN CA BUFFER.....	4,495 SQ. FT. ± OR 0.103 ACRES
EX. WOODS TO BE REMOVED.....	1,327 SQ. FT. ± OR 0.030 ACRES

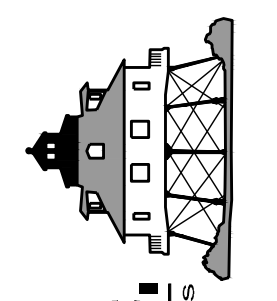
NOTE: BREAKDOWN OF PROPOSED LOT COVERAGES ARE AS FOLLOWS:

- PROP. HOUSE AND COVERED PORCH = 1,064 SF
- EX. ASPHALT DRIVE = 512 SF
- TOTAL = 1,576 SF

Revisions	Description
Rev. #	Date
By	

I hereby certify that these documents were prepared by me or under my direct supervision and that I am a duly licensed professional land surveyor under the laws of the State of Maryland.
License No. Exp./Renewal Date

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www.bayengineering.com

Date	AUGUST, 2023
Job Number	21-8279
Scale	AS SHOWN
Drawn By	J. SLEINKER
Approved By	T. MARTIN
Folder Reference	DONAHUE 1724 WESTMORELAND TRAIL

VARIANCE SITE PLAN
SITE PLANS
1724 WESTMORELAND TRAIL
ANNAPOLIS, MARYLAND 21401
TAX MAP 45 - GRID 3 - PARCEL 41
EPPING FOREST, LOTS 11 & 12, BLOCK 43, SC A
DEED REFERENCE: 34656 / 404 T.A. #02-240-09452100 - ZONED: R1 / LDA
SECOND DISTRICT - ANNE ARUNDEL COUNTY

Bay Engineering Inc.
Engineers, Planners and Surveyors



August 11, 2023

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401

Attention: Ms. Sterling Seay

Re: VARIANCE REQUEST
NUMBER 5 MARYLAND AVE LLC
1724 WESTMORELAND TRAIL
ANNAPOLIS, MD 21401

Dear Ms. Seay:

On behalf of the applicants, we respectfully request a variance to Article 17-8-201(a) which states in part that 15% slopes or greater in the LDA shall not be disturbed. A variance is also requested to Article 18-4-501, R-1 Bulk Regulations which states in part that there is a minimum side lot line setback of 15 feet, with a combined side yard setback of 40 feet. This lot meets the definition of a buildable lot, subject to the approvals of the County. The property is 9,528 square feet in area. The site is served by public water (Epping Forest water supply) and septic. The site is located on Westmoreland Trail, a 20' wide right of way. Access to the site is and will remain from Westmoreland Trail. The site drains to the tidal waters of the Severn River. The site abuts community property that abuts mean high water, as such it may meet the definition of a waterfront lot. The site is located in the LDA (Limited Development Area) of the Chesapeake Bay Critical Area. The site is located in a Buffer Modification area and is not subject to a 50' expanded buffer. The site contains some steep slopes but is surrounded on all sides by steep slopes. There is a 25' buffer noted to these slopes. The site is zoned R-1.

The applicant wishes to raze the existing house and construct a new dwelling in the same footprint. The new footprint will be slightly smaller than the existing footprint, due to the proposed removal of a bumpout on the west side of the dwelling. A slightly larger porch is being added to the street side, however the overall lot coverage for the house is being reduced by 124 square feet. A deck would wrap around over this space. This feature will be located 10.85' from the west lot line. The east side of the dwelling will be located 9.02' from the east property line. At 9,528 square feet, the lot is substantially smaller than an R1 lot. The dwelling is located in the steep slopes on the property. The existing lot coverage is 1,700 square feet, which includes all lot coverage on the property. The existing house is approximately 41'x26' with an 8'x9' bumpout on the west side. The house was constructed in 1928.

The proposed structure is approximately 40.5'x27' with an 623 square foot deck constructed approximately over the existing deck. The pervious deck will expand up the west side of the dwelling to where the bumpout is located. The existing house is 1,188 square feet, and the proposed house is 1,064 square feet. The house size is proposed to be reduced by 124 square feet, including the relocated front porch. The slope disturbance is predominantly to the 25% or greater slopes is on the south and west side of the dwelling and is predominantly for work area and replacement of the septic tank. The site is restricted for stormwater management. A review of the site plan will show the disturbance is minimized, and only the area necessary to perform the work. The overall lot coverage in the LDA will be reduced by 124 square feet. The setback variances are unavoidable due to the underlying zoning and the location of the existing dwelling. An attempt to meet R2 zoning requirements for setbacks has been attempted.

Pre file comments noted concern about stormwater management. It should be noted that the proposal includes a cistern for the front of the house, which while being in the buffer it very close to the buffer line, and not located on steep slopes. Rain handlers or similar will be utilized for the waterfront side of the dwelling. This site is reducing lot coverage and replacing an existing dwelling in the same footprint. This fact alone will reduce stormwater impacts, however the cistern provides stormwater management to the extent practicable. The plan is being sent to the Health Department for their review.

The stormwater management shown is a concept. It is our understanding that I&P is reviewing how stormwater management is treated on sites such as this, which are extremely encumbered by steep slopes and their buffer.

This plan meets the intent of 18-16-305(a):

1. The subject property is 9,528 square feet in size, and it is zoned R1. The lot is extremely undersized for an R1 lot, which has a minimum lot area of 40,000 square feet per 18-4-501. The site is encumbered by steep slopes in and around much of the site, and much of the site is in the 25' steep slope buffer. As such, there is no reasonable possibility of developing this property without relief to the Code.
2. The exceptional circumstances and practical difficulties in redeveloping the deck have been noted in #1 above to a large degree. The house is old and cannot be replaced without a variance. There is no realistic way to even reconstruct the dwelling in the same footprint without a variance. The slope disturbance is minimal.

This plan also meets the intent of 18-16-305(b) for critical area variances.

1. What is peculiar about and inherent to this lot is that it is very undersized in relation to its zoning. It is almost entirely surrounded or encumbered by steep slopes and their buffer. Denial of a variance would be a hardship for the owners, as the house has met its life expectancy and cannot be enjoyed by the owners in its current state. The work proposed creates a modern dwelling with the minimal amount of disturbance while maintaining the existing footprint for a large degree.

2. A literal interpretation of COMAR would deny the owners use of the property enjoyed by others as the site has steep slopes and their buffers. The structure itself is in steep slopes, and their buffers, and the slope disturbance is primarily for some grading and work area as well as installation of stormwater management and upgraded septic system. For the owners to not be allowed to proceed would be a denial of rights commonly enjoyed by others.

The site is not in a bog area.

3. This project will not confer special privileges to the owner, as the structure is old, and the house is proposed almost in the same footprint. The site is typical of many properties on the Severn River and its tributaries, and the relief requested is minimal.

4. The request is not a result of actions of the owner. The steep slopes were there, the zoning was determined by Anne Arundel County, and the owners have not started work prior to the issuance of any permits.

5. This project will not result in a denigration of forest or water quality as stormwater management will be provided as required by the Code, and any clearing must be mitigated for as per the Code. The amount of new lot coverage is minimal as noted above. Stormwater management via micro-bioretenement and drywell will be provided as necessary at permit should the variance be granted. This would decrease runoff and erosion and on-site stormwater management will provide an overall benefit to the environment.

6. This site is not in the bog buffer.

7. This plan meets the presumption, as the denial of this variance would deny the owners' rights of other owners in the County. The development is not detrimental to the environment as

stormwater management and modern construction will make the project a benefit not a detriment to the area.

8. The applicant has tried alternative design. Through the process of determining the footprint and location of the new dwelling, it came to be that replacing it in roughly the same footprint would be the least impactful to the slopes and the environment.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

1. The variance request is the minimum to afford relief. The request is the minimum to allow for construct a new dwelling with a more modern and environmentally friendly structure.

2. i. This variance will not alter the essential character of the neighborhood. The new house is about the same footprint as the existing structure and will be located in basically the same footprint.

ii. This variance will not impair the use of adjoining properties. The proposal will not impact neighbors. The new dwelling is mostly in the same footprint as the existing dwelling.

iii. No tree clearing is required and any mitigation necessary during the permit process will increase cover in the LDA or RCA, as the site is in the IDA.

iv. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.

v. The project will not be detrimental to the public welfare, as it is located on private property.

This plan proposes the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

As this proposal is for construction in the relative same footprint, and disturbance has been minimized. A grading permit will be required, and stormwater management is shown on the plan. It appears that this request is consistent with other development in this area. Denial of this request would not allow the owner to enjoy property rights common to other properties in this area.

The enclosed plan represents the location of the proposed work to the deck. In closing, the variances requested are the minimum necessary to afford relief and is not based on conditions or circumstances that are a result of actions by the applicant. We thank for in advance for your consideration to this request.

If you have any questions, or if you require additional information, please feel free to contact me at 410-897-9290.

Sincerely,
Bay Engineering, Inc.

Mike Gillespie

Mike Gillespie
Designercc: owner, File

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: AACO

Date: _____

Tax Map #	Parcel #	Block #	Lot #	Section
<u>45</u>	<u>41</u>	<u>3</u>	<u>11-12</u>	<u>A</u>

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: 2-240-09452100

Project Name (site name, subdivision name, or other) Number 5 Maryland Ave LLC Project

Project location/Address 1729 Westmoreland Trail

City Annapolis Zip 21401

Local case number _____

Applicant: Last name _____ First name _____

Company Number 5 Maryland Ave LLC

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 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:

Remove Ex. Structure Construct New Dwelling on Same General 1 foot Print

Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	Buffer Exemption Area	<input checked="" type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input checked="" type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	0	0		0.119	5,175
LDA Area	2.219	9,528			
RCA Area	0	0			
Total Area	0.219	9,528	# of Lots Created		

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	6.127	5,535	Existing Lot Coverage	0.039	1,700
Created Forest/Woodland/Trees	TBD	TBD	New Lot Coverage	0.032	1,576
Removed Forest/Woodland/Trees	0.080	1,327	Removed Lot Coverage	0.037	1,700
			Total Lot Coverage	0.036	1,576

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.123	4,195	Buffer Forest Clearing	0.030	1,327
Non-Buffer Disturbance	0.016	680	Mitigation	TBD	TBD

Variance Type

Buffer	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>
Setback	<input checked="" type="checkbox"/>
Steep Slopes	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input type="checkbox"/>
Dwelling	<input checked="" type="checkbox"/>
Dwelling Addition	<input type="checkbox"/>
Garage	<input type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>

***CRITICAL AREA
REPORT***

**DONAHUE PROPERTY
1724 WESTMORELAND TRAIL
ANNAPOLIS, MD 21401**

July 2023

Prepared for:
Number 5 Maryland Ave LLC
18 West Street
Annapolis, MD 21401

Prepared by:
Bay Engineering, Inc.
2661 Riva Rd. Building 800
Annapolis, MD 21401

INTRODUCTION

This site is a 8,044 square foot property that is located 1724 Westmoreland Trail in Annapolis, MD. The property is lots 11-12 block 43, section A of Epping Forest. The proposal is to raze an existing dwelling and construct a new dwelling. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Limited Development Area (LDA). The property is zoned R1.

EXISTING USE

The site is currently developed with a house, driveway and associated improvements. The property is served by septic and the Epping Forest water system. The property is waterfront by definition, but does not abut mean high water. The site contains steep slopes, and drains to Saltworks Creek, a tributary of the Severn River. The site is served by Westmoreland Trail, a variable width private right of way.

SURROUNDING LAND USE

The properties that abut the site are developed as single-family lots. The general area is developed as single-family lots that are part of the Epping Forest subdivision. The site is bounded by a developed property to the north and south, Westmoreland Trail to the west and community property to the east.

SOILS

The U.S. Department of Agriculture Soil Survey defines the property to have a soil type of CRD – Collington and Annapolis Soils, 10-15% slopes (B Soils)

FLOODPLAIN

The property is located on the Federal Emergency Management Agency Map (FEMA), panel #24003C0169F Dated February 18, 2015 and lies within zone X, area of minimal flooding, and Zone AE Elevation 6.0’.

NON-TIDAL WETLANDS

There appear to be no Non Tidal Wetlands on the site.

TIDAL WETLANDS

There appear to be no Tidal Wetlands on this site.

BODIES OF WATER

The site drains overland to Saltworks Creek.

STEEP SLOPES

The site has steep slopes, which occur on throughout the site. Part of the variance request is to disturb steep slopes. The disturbance to the steep slopes is the minimum necessary for the proposed work.

RARE AND ENDANGERED SPECIES

A review of Federal and/or State listed species of rare, threatened or endangered species of plants or animals has been requested via the enclosed letter to Lori Byrne of the Maryland Department of Natural Resources Fish, Heritage and Wildlife Administration.

STORMWATER MANAGEMENT

Stormwater management will be provided as required during the permit process.

FOREST COVER

The existing forest cover is limited to over story trees which occur through out the site. The understory is mostly lawn.

The following are typical trees of areas such as this site:

<u>Common Name</u>	<u>Scientific Name</u>
Black Locust	<i>Robinia pseudoacacia</i>
Eastern Sycamore	<i>Platanus occidentalis</i>
American Holly	<i>Ilex opaca</i>
Beech	<i>Fagus grandifolia</i>
White Poplar	<i>Populus alba</i>
Mountain Laurel	<i>Kalmia latifolia</i>

WILDLIFE TYPICAL OF THIS AREA

<u>Common Name</u>	<u>Scientific Name</u>
Eastern Gray Squirrel	<i>Sciurus Carolinensis</i>
Blue Jay	<i>Cyanocitta Cristata</i>
Common Crow	<i>Corvus Brachythynchos</i>
Northern Cardinal	<i>Richmondena Cardinalis</i>

SITE CALCULATIONS

1. Total Site area.....9,528 sq. ft.
2. Site area in Critical area.....9,528 sq. ft
3. Existing Lot Coverage1,700 sq. ft.
4. Proposed Impervious area ...1,576 sq. ft.
5. Total Impervious Coverage Allowed 2,978 sq. ft.

Real Property Data Search ()
 Search Result for ANNE ARUNDEL COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None
 Account Identifier: District - 02 Subdivision - 240 Account Number - 09452100

Owner Information

Owner Name: NUMBER 5 MARYLAND AVE LLC Use: RESIDENTIAL
 Principal Residence: NO
 Mailing Address: 18 WEST ST Deed Reference: /34556/ 00404
 ANNAPOLIS MD 21401-

Location & Structure Information

Premises Address: 1724 WESTMORELAND TRL Legal Description: LTS 11 12 BK 43 SC A
 ANNAPOLIS 21401-0000 1724 WESTMORELAND TRL
 EPPING FOREST

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0045 0003 0041 2230050.02 240 A 43 11 2023 Plat Ref: 0001/ 0039

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1928	1,193 SF	132 SF	6,837 SF	

Stories Basement Type	Exterior Quality Full/Half Bath	Garage	Last Notice of Major Improvements
1 YES	STANDARD UNIT FRAME/3	2 full	

Value Information

	Base Value	Value		
		As of 01/01/2023	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	480,500	731,200		
Improvements	90,500	119,300		
Total:	571,000	850,500	571,000	664,167
Preferential Land:	0	0		

Transfer Information

Seller: GOODSPEED JOHN D	Date: 05/08/2020	Price: \$525,000
Type: ARMS LENGTH IMPROVED	Deed1: /34556/ 00404	Deed2:
Seller: PRATT JR, RICHARD R	Date: 06/22/1999	Price: \$287,000
Type: ARMS LENGTH IMPROVED	Deed1: /09260/ 00239	Deed2:
Seller: POWER ROBT B	Date: 11/19/1986	Price: \$161,000
Type: ARMS LENGTH IMPROVED	Deed1: /01349/ 00173	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

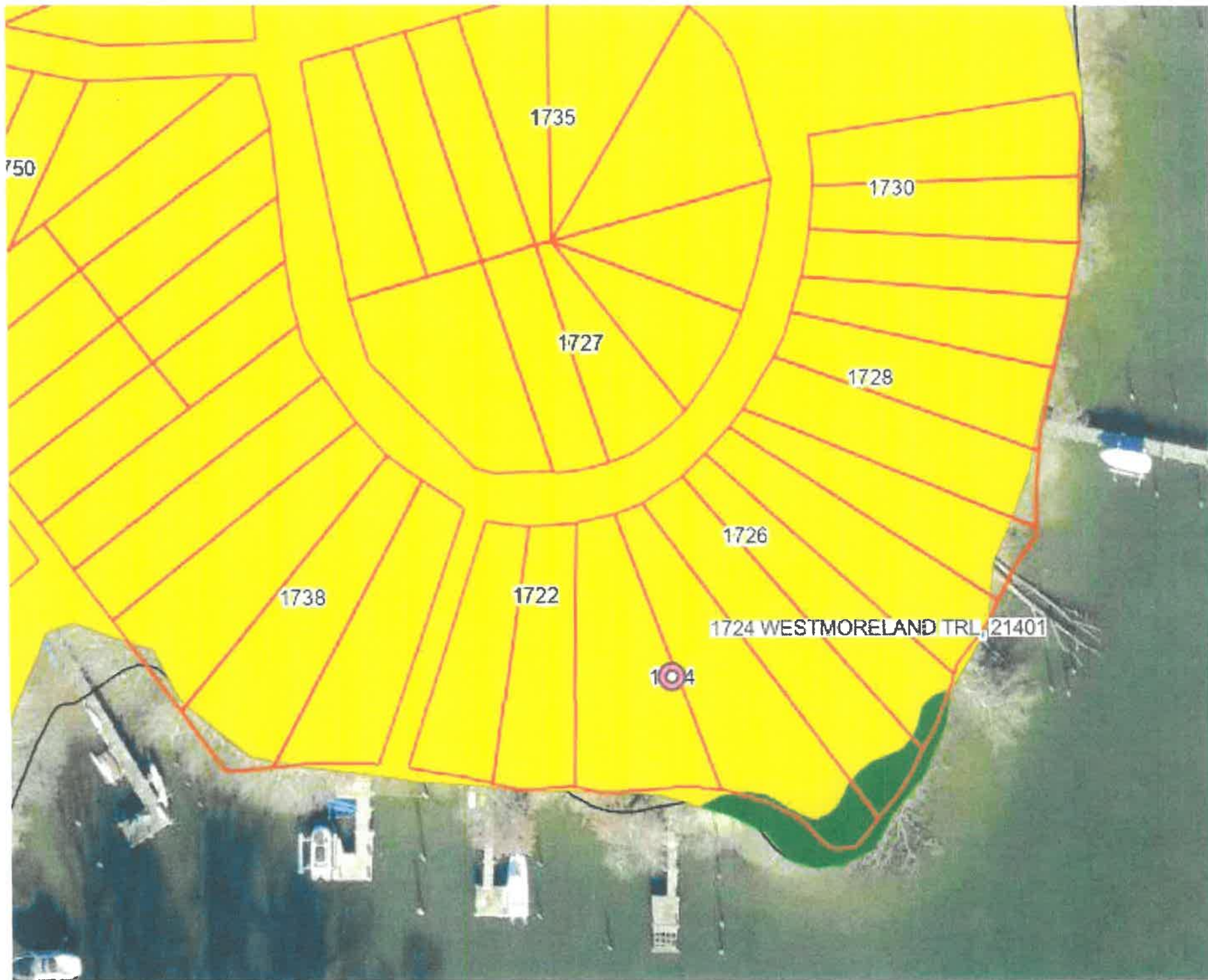
Homeowners' Tax Credit Application Information

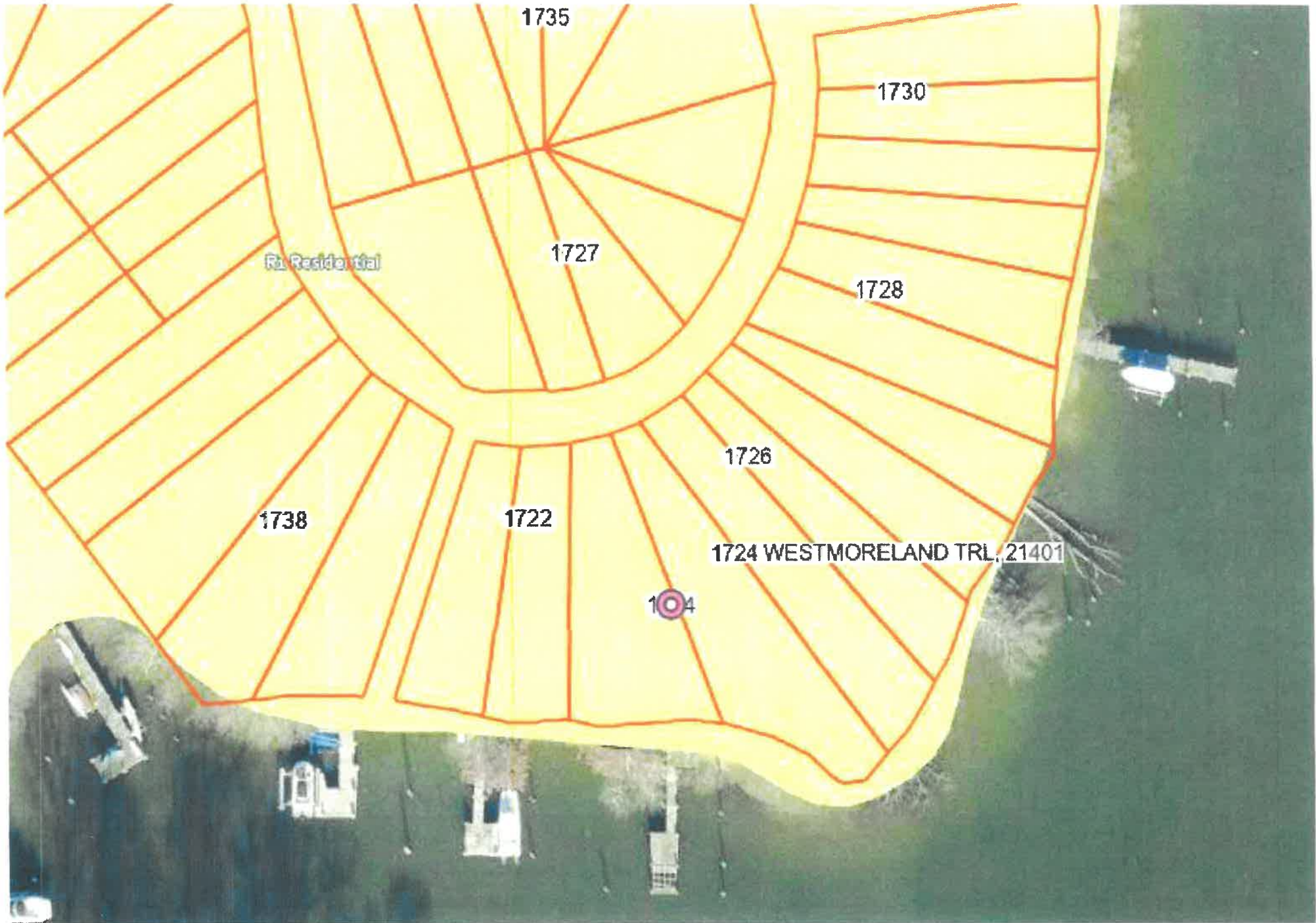
Homeowners' Tax Credit Application Status: No Application Date:



Figure 1: Aerial view of property boundaries in a residential area.







National Flood Hazard Layer FIRMMette



76°32'9" W 39°0'52" N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
<i>Zone A, V, A99</i> |
| | | With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone D</i> |
| | | Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> |
| | | Area with Reduced Flood Risk due to Levee. See Notes, <i>Zone X</i> |
| | | Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard <i>Zone X</i> |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance |
| | | 17.5 Water Surface Elevation |
| | | 8 Coastal Transect |
| | | 19 Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| MAP PANELS | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

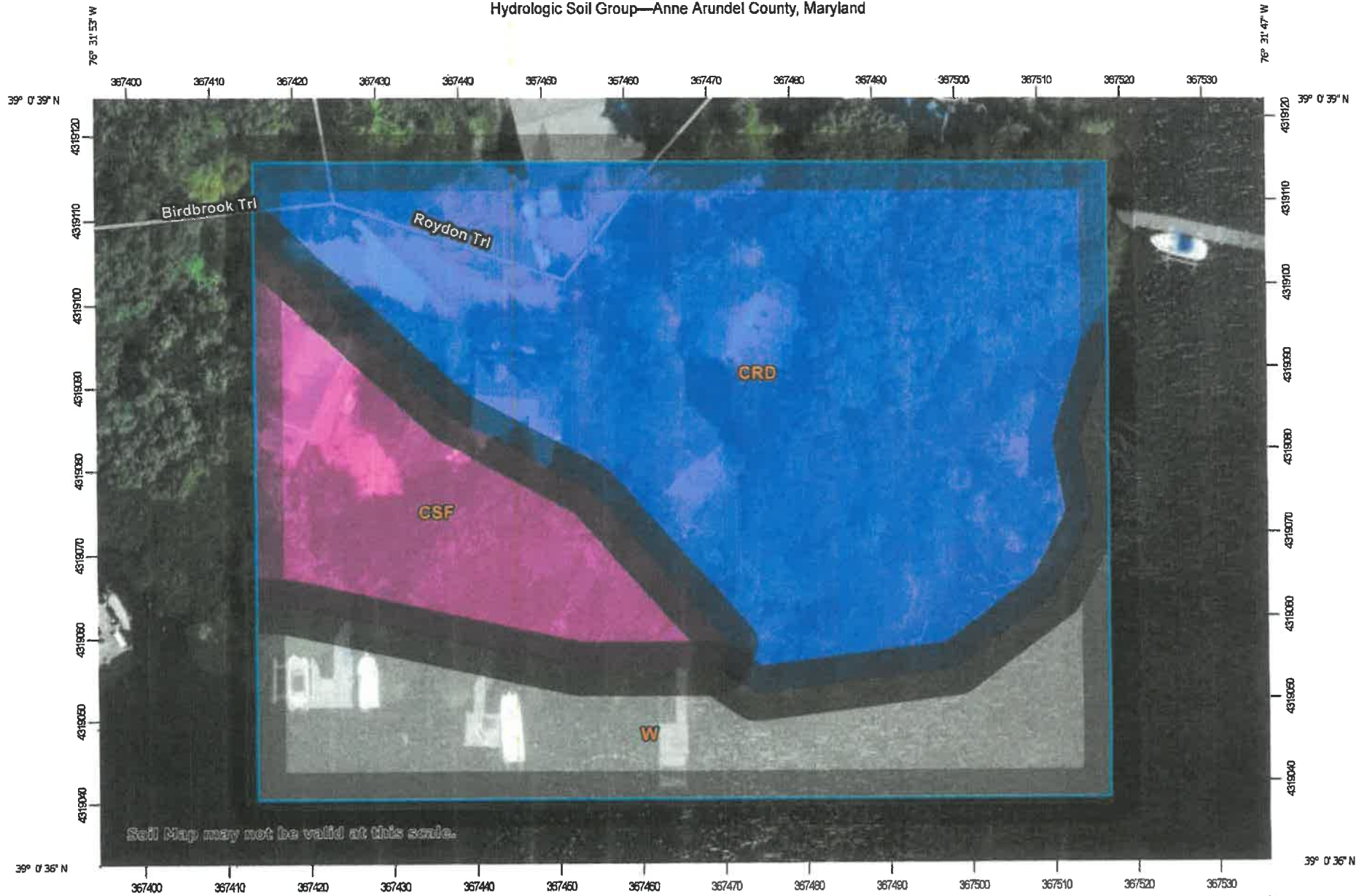
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/25/2023 at 11:00 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

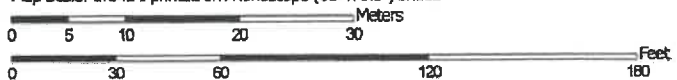


76°31'32" W 39°0'24" N

Hydrologic Soil Group—Anne Arundel County, Maryland



































Map Scale: 1:648 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



MAP LEGEND

- Area of Interest (AOI)**
 -  Area of Interest (AOI)
- Soils**
 - Soil Rating Polygons**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Lines**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Points**
 -  A
 -  A/D
 -  B
 -  B/D
- Soils**
 -  C
 -  C/D
 -  D
 -  Not rated or not available
- Water Features**
 -  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
 -  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Anne Arundel County, Maryland
 Survey Area Data: Version 21, Sep 14, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2022—Aug 13, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CRD	Collington and Annapolis soils, 10 to 15 percent slopes	B	1.1	57.1%
CSF	Collington, Wist, and Westphalia soils, 25 to 40 percent slopes	A	0.4	18.3%
W	Water		0.5	24.5%
Totals for Area of Interest			2.0	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

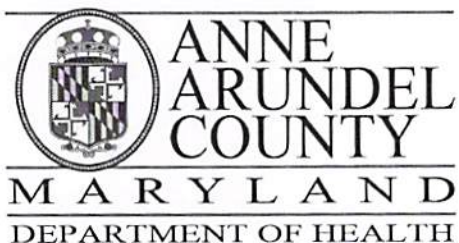
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



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 *BC*
Bureau of Environmental Health

DATE: September 5, 2023

RE: Hayley Kehyannah
1724 Westmoreland
Annapolis, MD 21401

NUMBER: 2023-0131-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks than required and with disturbance to slopes of 15% or greater.

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

2023-0131-V

Menu	Cancel	Help	
Task OPZ Cultural Resources	Due Date 09/08/2023	Assigned Date 08/15/2023	
Assigned to Department OPZ Cultural Resources	Assigned to Stacy Poulos	Status Complete w/ Comments	
Action by Department OPZ Cultural Resources	Action By Stacy Poulos	Status Date 09/08/2023	
Start Time	End Time	Hours Spent 0.0	
Billable No	Overtime No	Comments This property includes an unrecorded historic resource. Our office will need to conduct our review for the demolition of the existing structure once the permit application is submitted. A site visit with photo-documentation may be required prior to demolition approval. Please contact the Historic Sites Planner, Darian Beverungen, pzbeve19@aacounty.org with any questions.	
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)	
Display E-mail Address in ACA <input type="checkbox"/>	Display Comment in ACA <input checked="" type="checkbox"/>	Comment Display in ACA	
No		<input checked="" type="checkbox"/> All ACA Users	
		<input checked="" type="checkbox"/> Record Creator	
		<input checked="" type="checkbox"/> Licensed Professional	
		<input checked="" type="checkbox"/> Contact	
		<input checked="" type="checkbox"/> Owner	
Estimated Hours 0.0	Action Updated	Workflow Calendar	



CAC Comments_Lisiewski 2023-0129-V & No. 5 Maryland Ave LLC 2023-0131-V

1 message

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

Tue, Aug 22, 2023 at 3:25 PM

Good afternoon,

The Critical Area Commission has reviewed the following variances and we provide the following comments :

- **2023-0129-V; Lisiewski (AA 277-23):** The applicant is requesting a variance to disturb the Critical Area Buffer and steep slopes in order to remove an existing dwelling and associated lot coverage, and to rebuild a larger dwelling and associated lot coverage. While the lot is constrained by the expanded Critical Area Buffer and steep slopes, the proposal does not appear to meet each and every one of the Critical Area variance standards including unwarranted hardship and that the proposal is the minimum necessary to provide relief. The applicant has every opportunity to locate the proposed dwelling closer to Wallace Manor Road and further from Gingerville Creek entirely outside of the expanded Critical Area Buffer. Doing so would completely eliminate the need for this variance request. Also, it appears that the applicant could reduce the footprint of the proposed house to better align the proposal with the Critical Area law and regulations. In order to grant the variance, the Administrative Hearing Officer must determine that the applicant meets each and every one of the Critical Area Variance standards.
- **2023-0131-V; No. 5 Maryland Ave LLC (AA 278-23):** Appropriate mitigation is required.

The above comments have also been submitted to the County's project-review portal.



 facebook_logo.jpg

 twitter_logo.jpg

dnr.maryland.gov/criticalarea

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

2023-0131-V

Menu	Cancel	Help	
Task OPZ Critical Area Team	Due Date 09/05/2023	Assigned Date 08/15/2023	
Assigned to Department OPZ Critical Area	Assigned to Kelly Krinetz	Status Complete w/ Comments	
Action by Department OPZ Critical Area	Action By Kelly Krinetz	Status Date 09/11/2023	
Start Time	End Time	Hours Spent 0.0	
Billable No	Overtime No	Comments There is no objection to the replacement of the existing structure and deck. The site plans are unclear with regard to the proposed construction along the waterside of the dwelling. The deck should not be expanded into the steep slopes.	
		Mitigation will be determined at permit.	
		A modification will be required.	
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)	
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA	
No		<input checked="" type="checkbox"/> All ACA Users	
		<input checked="" type="checkbox"/> Record Creator	
		<input checked="" type="checkbox"/> Licensed Professional	
		<input checked="" type="checkbox"/> Contact	
		<input checked="" type="checkbox"/> Owner	
Estimated Hours 0.0	Action Updated	Workflow Calendar	



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING July 22, 2022

P&Z STAFF Rkonowal, K. Krinetz, J. Bory

APPLICANT/REPRESENTATIVE Kim Burke Mike Gillespie EMAIL _____

SITE LOCATION 1724 Westmoreland Trail LOT SIZE 9,528 sf ZONING R1

CA DESIGNATION LDA BMA ___ or BUFFER X APPLICATION TYPE CA Variance

Demo/rebuild single family detached dwelling with front and side attached deck, and new septic tank and drywell

Variances required for side lot line setbacks (undersized R1 lot 7 feet req'd), disturbance to expanded buffer and slopes greater than 15%

COMMENTS

Engineering advised that no SWM ESD practices may be located in any environmentally sensitive areas or their buffers. If indeed the site is buffer and not modified, no SWM practices may be in the 100 buffer. The entire site is steep slope and buffer. shaded as 25% slopes, therefore there is no area to provide SWM.

Critical Area Team advised Per correspondence with the Health Department, although recommendations were made in May 2021, a site plan for the addition has not been submitted and the application is still pending. Every effort should be made to locate/design the system to minimize disturbance to the onsite slopes including locating the system on the roadside if possible. Expansion of the footprint or decks that results in additional permanent slope disturbance will not be supported. The LOD that will be established for temporary disturbance during demolition is not intended to open that area for, construction/grading.

Additional comments may be generated once the septic plan has been approved.

Zoning requests house and deck dimensions be labeled, also indicate number of stories. New dwelling offers opportunity to comply with side lot line setbacks. Need to justify. Please provide floor plan if possible.

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.

2023-0131-V

2023 AERIAL

