

For Office Use Only

CASE # 2023-0052-11

FEE PAID 1500

DATE 5/10/2023



For Office Use Only

ZONE R2

CRITICAL AREA: IDA LDA RCA

BMA: Yes No

NO. OF SIGNS 2

VARIANCE APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): TANYA N. MURRAY AND ROBERT A. MURRAY, JR.

(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: 2939 BROAD COURT, ANNAPOLIS, MD 21401

Property Location: 125' feet of frontage on the (E) side of BROAD COURT ;
(Enter Street Name)
330 feet (E) of (Nearest intersecting street) SOUTHAVEN DRIVE .
(Enter Street Name)

12-digit Tax Account Number 2747-1050-1950 Tax District 2 Council District 6

Waterfront Lot: Y N Corner Lot: Y N Deed Title Reference 30547/62

Zoning District R2 Lot # 14, 15 & Tax Map 50 Block/Grid 16 Parcel 31

Area 0.6290 (Acres) Subdivision Name SOUTH HAVEN

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)

VARIANCE TO ARTICLE 17-8-201(a) TO ALLOW DISTURBANCE FOR THE DEMO OF A POOL AND DECK FOR THE CONSTRUCTION OF AN INGROUND POOL AND NEW WOOD DECK

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature [Signature] Owner's Signature [Signature]

Print Name TANYA N. & ROBERT A. MURRY, JR Print Name TANYA N. & ROBERT A. MURRY, JR

Mailing Address 4703 RED FOX ROAD Mailing Address 4703 RED FOX ROAD

City, State, Zip ROCKVILLE, MD 20852 City, State, Zip ROCKVILLE, MD 20852

Work Phone C/O 443-864-8589 Work Phone C/O 443-864-8589

Home Phone N/A Home Phone N/A

Cell Phone 240-388-2415 Cell Phone 240-388-2415

Email Address TNAZARIAN@GMAIL.COM Email Address TNAZARIAN@GMAIL.COM

***** Below For Office Use Only *****

Application accepted by Anne Arundel County Office of Planning and Zoning: [Signature] 5/10/2023
Initials Date

Variance to allow a dwelling addition (deck) and necessary structure (pool) with less setbacks than required and with dirt storage to slopes of 15% or greater.

M.A.F. & Associates, LLC
Matthew A. Forgen
55 Jones Station Road, W.
Severna Park, MD 21146
Phone: 443-864-8589

July 27, 2023

Planner
Department of Planning & Zoning
2664 Riva Road
Annapolis MD 21401

RE: South Haven, Lots 14, 15 and ½ of 13, 2939 Broad Court, Annapolis, MD 21401

Dear Planner:

Please accept this submittal of a variance application for the above referenced project. We are proposing the removal of a wood deck and swimming pool within steep slopes and the 25' buffer to said slopes to allow for the construction of a new deck and inground pool. The proposed work will disturb steep slopes and the buffer.

The pre-file was completed, and the Critical Area Team comment was:

Critical Area Team indicated it has no objection to the in-kind-replacement of the existing deck or the above ground swimming pool but cannot support the expansion of the pool or the development of a pool that will require excavation at the top of slopes in excess of 15% within the Critical Area. **Zoning Division** advised it does appear the pool could be moved slightly closer to the dwelling and reduced in size to minimize disturbance.

Our response:

We feel that the proposed pool is minimal in size and pulling it closer to the house would eliminate any space between the house for safe access. The proposed deck is much less in size than the existing deck. The proper buffer mitigation will be provided if the application is approved. This will add additional planting within the 100' buffer.

Changes made after variance postponement:

We have reduced the size of the proposed pool and pulled it tighter to the house. The disturbance has been reduced. The slope disturbance number has been corrected. The total buffer disturbance has been reduced. The 15% slopes have been adjusted as required in the review comments. All disturbance to steep slopes is temporary. We feel that this design addresses comments made in the county findings and recommendations.

Requested critical area variances:

WE REQUEST A VARIANCE TO ARTICLE 17-8-201(a). WE REQUEST A VARIANCE TO ALLOW 538 SQUARE FEET OF DISTURBANCE TO 15% OR GREATER STEEP SLOPES IN THE LDA AND 1,671 SQUARE FEET OF DISTURBANCE WITHIN THE 25' STEEP SLOPE BUFFER FOR THE GRADING AND CONSTRUCTION NECESSARY FOR THE REMOVAL AND REPLACEMENT OF A WOOD DECK AND SWIMMING POOL.

We feel this variance request meets the requirements of Article 18-16-305 (b) and therefore the variance should be granted.

Below is the justification for granting the above noted variances.

18-16-305(b)(1): This site is an existing, legal, lot. The existing wood deck and swimming pool are within 15% or greater steep slopes and the buffer to said slopes. There is no way to remove and replace the wood deck and swimming pool without disturbing the steep slopes and buffer. This waterfront side of the property consists entirely of slopes greater than 15% in the Critical Area. There is no way of completing the proposed developing this site without the approval of the requested variances. These are the unique characteristics of the lot. These unique lot characteristics were considered in this proposal.

18-16-305(b)(2): If this variance is denied, property owner would be deprived of rights commonly enjoyed by other properties in similar areas permitted in accordance with the provisions of the critical area program due to inability to replace the wood deck and swimming pool.

There are many waterfront homes in the community that have waterfront pools. Below is a list of the properties with waterfront pools.

Waterfront pools:
2901 Southaven Drive
2903 Southaven Drive
2925 Southaven Drive
2927 Southaven Drive
2929 Southaven Drive
2953 Southaven Drive
2825 Southaven Drive
720 Riverview Terrace
712 Riverview Terrace

The above is 27.27% of the waterfront homes in the community.

18-16-305(b)(3): The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area. This is a legal building lot, and the owner has the right to have a wood deck and swimming pool since these features exist on the lot.

There are many waterfront homes in the community that have waterfront pools. Below is a list of the properties with waterfront pools.

Waterfront pools:
2901 Southaven Drive
2903 Southaven Drive
2925 Southaven Drive
2927 Southaven Drive
2929 Southaven Drive
2953 Southaven Drive
2825 Southaven Drive
720 Riverview Terrace
712 Riverview Terrace

The above is 27.27% of the waterfront homes in the community.

18-16-305(b)(4): This variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property. The wood deck and swimming pool exists on the lot.

18-16-305(b)(5): The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program. Buffer mitigation and stormwater plantings will be provided as required through the building permit application process. Additional planting between the pool and water is very good for the water quality. We feel this proposal will not adversely impact fish, wildlife, or plant habitat.

18-16-305(b)(6): The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § ~~17-9-208~~ of this Code; The improvements have been proposed in a manner to minimize the amount of steep slope and steep slope buffer disturbance.

18-16-305(b)(7): We feel the applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code.

18-16-305(c)(1): We feel this request represents the minimum variance necessary to afford relief. The design has pushed the proposed pool close to the dwelling and out of steep slopes.

18-16-305(c)(2)(i): The approval of the variance will not alter the essential character of the neighborhood. 27.27% of the waterfront properties in this community have waterfront swimming pools.

18-16-305(c)(1)(ii): This proposed development would not impair the appropriate use or development of adjacent properties. The neighboring properties are developed with single family dwellings.

18-16-305(c)(1)(iii): The property is located partially within the LDA classification of the critical area. We will meet all critical area requirements per the submitted plan. There will not be a decrease in the amount of woodlands in the critical area. We will increase the woodland area with buffer and swm planting that will be required through the building permit process. The planting will take place between the pool and the water's edge.

18-16-305(c)(1)(iv): This proposed development is in compliance with all critical area requirements for the LDA portion of the critical area.

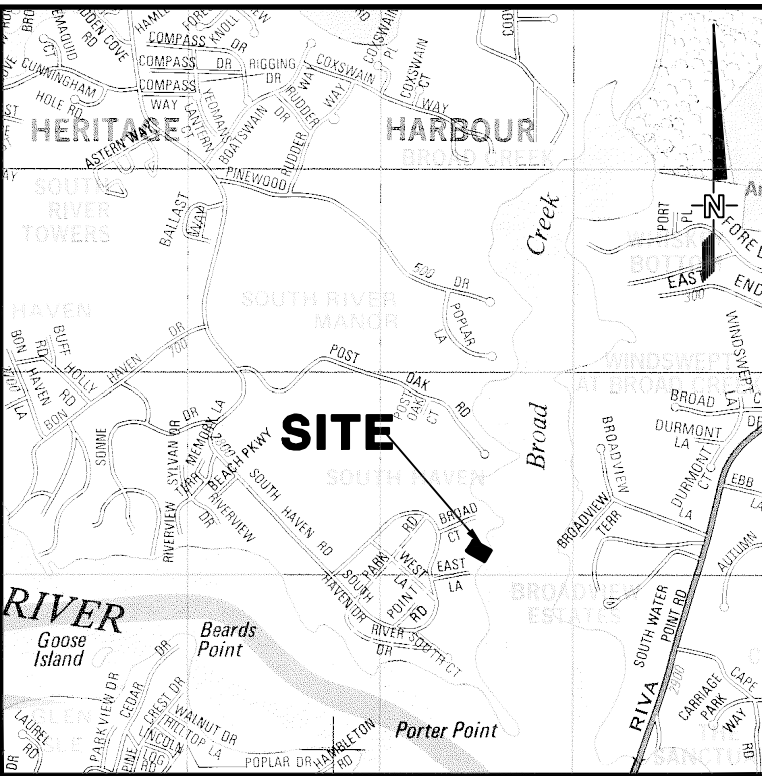
18-16-305(c)(1)(v): This development is not detrimental to the health and welfare of the community. We will increase the wooded area on the lot via buffer mitigation and swm plantings with the building permit application. The planting will take place between the pool and the water's edge. Additional planting in the critical area is very good for the health and welfare of the community.

If you should have any questions regarding this submittal, please feel free to contact me at the number above.

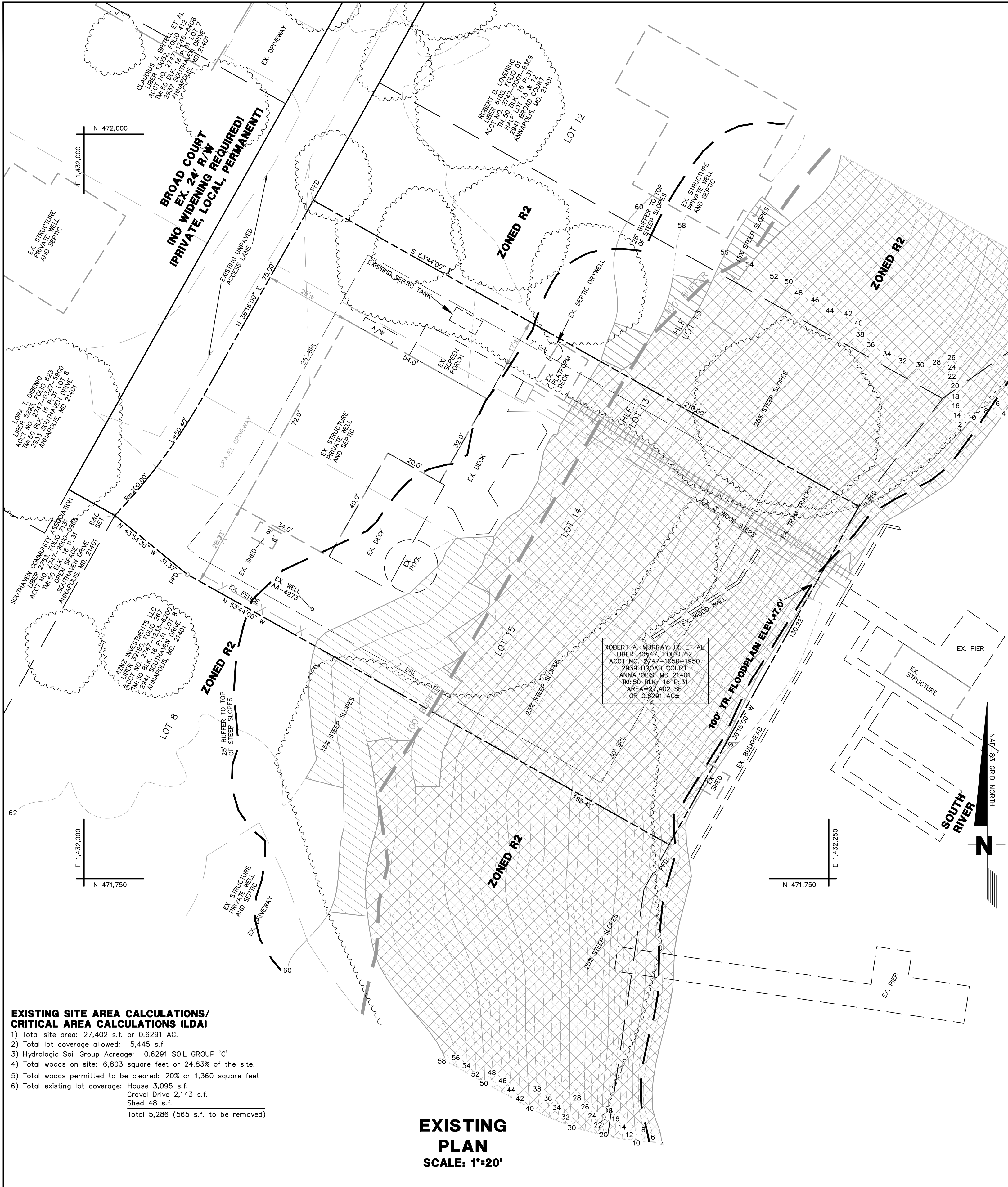
Sincerely,

A handwritten signature in black ink, appearing to read 'M. A. Forgen', with a long, sweeping horizontal line extending to the right.

Matthew A. Forgen
MAF & Associates, LLC



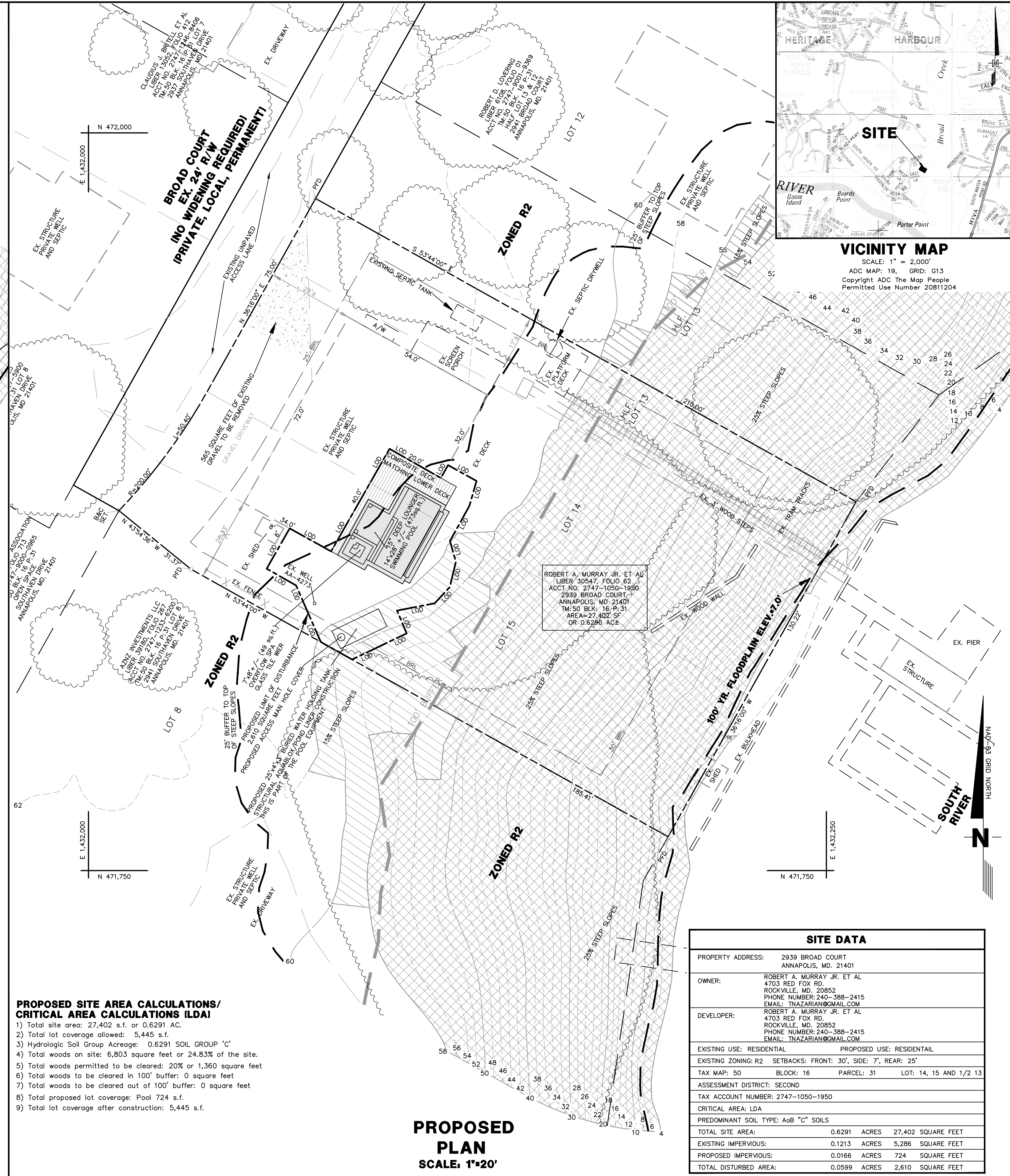
VICINITY MAP
 SCALE: 1" = 2,000'
 ADC MAP: 19, GRID: G13
 Copyright ADC The Map People
 Permitted Use Number 2081204



EXISTING PLAN
 SCALE: 1"=20'

**EXISTING SITE AREA CALCULATIONS/
 CRITICAL AREA CALCULATIONS (LDA)**

- Total site area: 27,402 s.f. or 0.6291 AC.
- Total lot coverage allowed: 5,445 s.f.
- Hydrologic Soil Group Acreage: 0.6291 SOIL GROUP 'C'
- Total woods on site: 6,803 square feet or 24.83% of the site.
- Total woods permitted to be cleared: 20% or 1,360 square feet
- Total existing lot coverage: House 3,095 s.f.
 Gravel Drive 2,143 s.f.
 Shed 48 s.f.
 Total 5,286 (565 s.f. to be removed)



PROPOSED PLAN
 SCALE: 1"=20'

**PROPOSED SITE AREA CALCULATIONS/
 CRITICAL AREA CALCULATIONS (LDA)**

- Total site area: 27,402 s.f. or 0.6291 AC.
- Total lot coverage allowed: 5,445 s.f.
- Hydrologic Soil Group Acreage: 0.6291 SOIL GROUP 'C'
- Total woods on site: 6,803 square feet or 24.83% of the site.
- Total woods permitted to be cleared: 20% or 1,360 square feet
- Total woods to be cleared in 100' buffer: 0 square feet
- Total proposed lot coverage: Pool 724 s.f.
- Total lot coverage after construction: 5,445 s.f.

SITE DATA	
PROPERTY ADDRESS:	2939 BROAD COURT, ANNAPOLIS, MD, 21401
OWNER:	ROBERT A. MURRAY JR. ET AL 4703 RED FOX RD. ROCKVILLE, MD, 20852 PHONE NUMBER: 240-388-2415 EMAIL: TNAZARIAN@GMAIL.COM
DEVELOPER:	ROBERT A. MURRAY JR. ET AL 4703 RED FOX RD. ROCKVILLE, MD, 20852 PHONE NUMBER: 240-388-2415 EMAIL: TNAZARIAN@GMAIL.COM
EXISTING USE:	RESIDENTIAL
PROPOSED USE:	RESIDENTIAL
EXISTING ZONING:	R2
SETBACKS:	FRONT: 30', SIDE: 7', REAR: 25'
TAX MAP:	50 BLOCK: 16 PARCEL: 31 LOT: 14, 15 AND 1/2 13
ASSESSMENT DISTRICT:	SECOND
TAX ACCOUNT NUMBER:	2747-1050-1950
CRITICAL AREA:	LDA
PREDOMINANT SOIL TYPE:	A&B "C" SOILS
TOTAL SITE AREA:	0.6291 ACRES 27,402 SQUARE FEET
EXISTING IMPERVIOUS:	0.1213 ACRES 5,286 SQUARE FEET
PROPOSED IMPERVIOUS:	0.0166 ACRES 724 SQUARE FEET
TOTAL DISTURBED AREA:	0.0599 ACRES 2,610 SQUARE FEET

OWNER, DEVELOPER AND APPLICANT INFORMATION

OWNER:
 ROBERT A. MURRAY JR. ET AL
 4703 RED FOX RD.
 ROCKVILLE, MD, 20852
 PHONE NUMBER: 240-388-2415
 EMAIL: TNAZARIAN@GMAIL.COM

DEVELOPER/APPLICANT:
 ROBERT A. MURRAY JR. ET AL
 4703 RED FOX RD.
 ROCKVILLE, MD, 20852
 PHONE NUMBER: 240-388-2415
 EMAIL: TNAZARIAN@GMAIL.COM

LEGEND

	Existing Grade		Existing Structure		15%+ STEEP SLOPES
	Proposed Grade		Existing Fence		25%+ STEEP SLOPES
	Limit of Disturbance		Existing Tree		25' BUFFER TO TOP OF STEEP SLOPES
	Existing Lot Line		Existing BGE Pole		100' BUFFER
	Existing Impervious To Be Removed				
	Proposed Impervious				

ZONED R2 Zoning classification

M.A.F. & ASSOCIATES, LLC

55 JONES STATION ROAD, W.
 SEVERNA PARK, MD 21146
 PHONE: 443-864-8589
 EMAIL: MFORGEN@AOL.COM

ADMINISTRATIVE SITE PLAN

SOUTH HAVEN
LOTS 14, 15 AND 1/2 LOT 13
2939 BROAD COURT ANNAPOLIS, MD, 21401

TAX MAP 50 BLOCK 16 PARCEL 31 TAX ACCOUNT #2747-1050-1950 ZONING: R2
 DATE: JULY 27, 2023
 SECOND ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

SHEET 1 of 1