

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

APPLICANT: Tanya & Robert Murray, Jr.

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0072-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: September 21, 2023

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting variances to allow a dwelling addition (deck) and accessory structure (pool) with disturbance to slopes of 15% or greater on property located at 2939 Broad Court in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 27,402 square feet of land and is located with approximately 125 feet of road frontage on the east side of Broad Court, 330 feet east of Southaven Drive. The property is identified as Section 1, Lots 14, 15 and half of 13 of Parcel 31 in Block 16 on Tax Map 50 in the South Haven subdivision.

The property is zoned R2 – 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 LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a two-story dwelling, decks, pool, a pier, and associated facilities.

APPLICANT'S PROPOSAL

The applicants are proposing the removal of a wood deck and above-ground swimming pool within steep slopes and the 25' buffer to said slopes to allow for the construction of a new deck (26 feet by 40 feet, irregular) and inground pool (26 feet by 32 feet, irregular). The proposed work will disturb steep slopes and the buffer to the top of steep slopes.

REQUESTED VARIANCES

§ 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 deck and pool replacements would disturb 538 square feet of slopes of 15% or greater, necessitating a variance.

FINDINGS

The subject property exceeds the minimum area requirement of 20,000 square feet and the minimum width requirement of 80 feet for a lot in the R2 District not served by public sewer. The property is encumbered by steep slopes east of the existing dwelling. The existing critical area lot coverage of the site is 5,286 square feet. The proposed removal of 565 square feet and the addition of 724 square feet results in post-construction lot coverage of 5,445 square feet, which is equal to the allowed lot coverage under § 17-8-402, and well below the 30% (8,220 square feet) maximum coverage by structures allowed under § 18-4-601. A review of the County 2021 aerial photography shows an eclectic mix of dwellings and lots in this waterfront community. The existing pool and deck appear to be visible in 1998 aerial photography.

The applicants' revised letter states that they 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; and, all disturbance to steep slopes is temporary. The applicants feel that this design addresses comments made in the County findings and recommendations.

The applicants' letter further states that the existing wood deck and swimming pool are within 15% or greater steep slopes and the buffer to said slopes¹, which they contend are unique characteristics of the lot. If the variance is denied, and the existing wood deck and swimming pool cannot be replaced, the applicants further contend that they would be deprived of rights commonly enjoyed by other properties in similar areas as they believe that there are many waterfront homes in the community that have waterfront pools (27.27%).

The applicants believe that the improvements have been proposed in a manner to minimize the amount of buffer and slope disturbance, as the design has pushed the proposed pool close to the dwelling and out of steep slopes, and the woodland area would be increased with buffer and SWM plantings that will be required through the building permit process.

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

The **Development Division (Critical Area Team)** commented that the applicant is proposing to excavate at the top of a 53% slope leading directly to a tributary on the South River. Profile comments indicated that this office could not support this type of activity and although there was a slight adjustment to the plans, the applicant is still seeking to impact the required buffer. This

¹ As shown on the applicants' site plan, the existing wood deck is entirely outside the steep slopes and partially within the buffer to steep slopes; the existing pool is partially within the steep slopes and entirely within the buffer to steep slopes.

site has already been the subject of clearing violation in 2020 that resulted in the removal of all of the vegetation on the slope. Further impacts cannot be supported.

A modification will be required for the disturbance of the required slope buffer. Approval of a variance does not guarantee the approval of the modification. The modification decision will be subject to the requirements of 17-2-108.

The **Critical Area Commission** originally provided comments on this case on May 31, 2023, opposing the request to construct a pool with spa within steep slopes. The applicant has revised the original submittal to reduce the size of the pool and deck to be located entirely outside of the steep slopes. The submitted materials indicate that the only impacts to the steep slopes are temporary in nature. Provided that the steep slopes are stabilized in natural vegetation in the area where temporary disturbance is proposed, we are not opposed to this request. However, appropriate mitigation is required.

The **Anne Arundel Soil Conservation District** defers to the Office of Planning & Zoning. The District will provide comments during the sediment control review.

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. While the property is encumbered by steep slopes, it is already improved with a deck and an above-ground pool.

The applicants are proposing to replace the existing deck with a smaller reconfigured deck, and to replace the existing above-ground pool with a larger in-ground pool. The proposed pool includes a spa, a sun lounge, and a vanishing edge catch basin. The revised plans have reduced the size of the proposed deck and pool, which is further from the existing well and marginally further from the top of the steep slopes. However, the proposed buried water housing tank, not drawn to the indicated 25'x4'x3', is still shown within the steep slopes. Because the dimensions are not accurate to the drawing, the disturbance area cannot be verified.

As to the pool replacement, a literal interpretation of the County's Critical Area program would not deprive the applicant of rights that are commonly enjoyed by other properties in similar areas as pools are not common amenities on waterfront properties. The granting of the variance as proposed would confer on the applicants special privileges that would be denied by COMAR, Title 27. Eliminating or relocating the extra features from the proposed pool would provide an opportunity to move the pool closer to the house and away from the top of the slope, while still providing a safe area to walk around the pool, thus minimizing the disturbance to steep slopes. In addition, it would provide a location for the holding tank outside of the steep slopes.

Whereas the existing pool is located within steep slopes, and the proposed pool would be excavated at the edge of steep slopes, the existing deck and the proposed deck are located entirely outside of steep slopes. Since the proposed deck configuration is reliant on the proposed

pool configuration, its variance request will not be supported. However, the removal and replacement of the existing deck with a similar structure would only temporarily disturb a small portion of the steep slopes, and would be supported.

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. The granting of a variance may adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area and will not be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law, and further evaluation is required in order to avoid or minimize the Critical Area variance.

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.

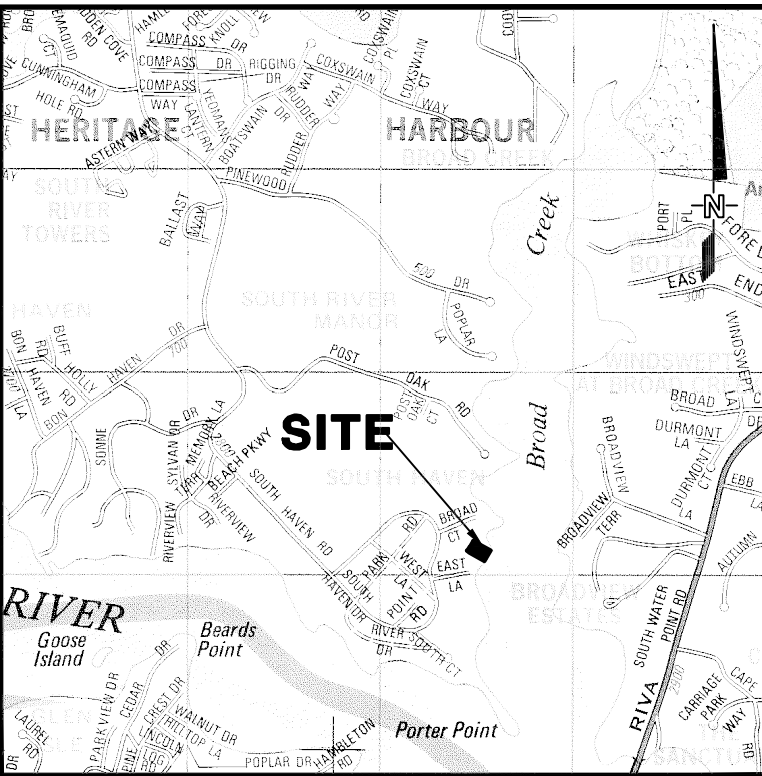
However, the request is not considered to be the minimum necessary to afford relief as there is opportunity to reduce the proposed pool size and shift its location in order to minimize disturbance.

RECOMMENDATION

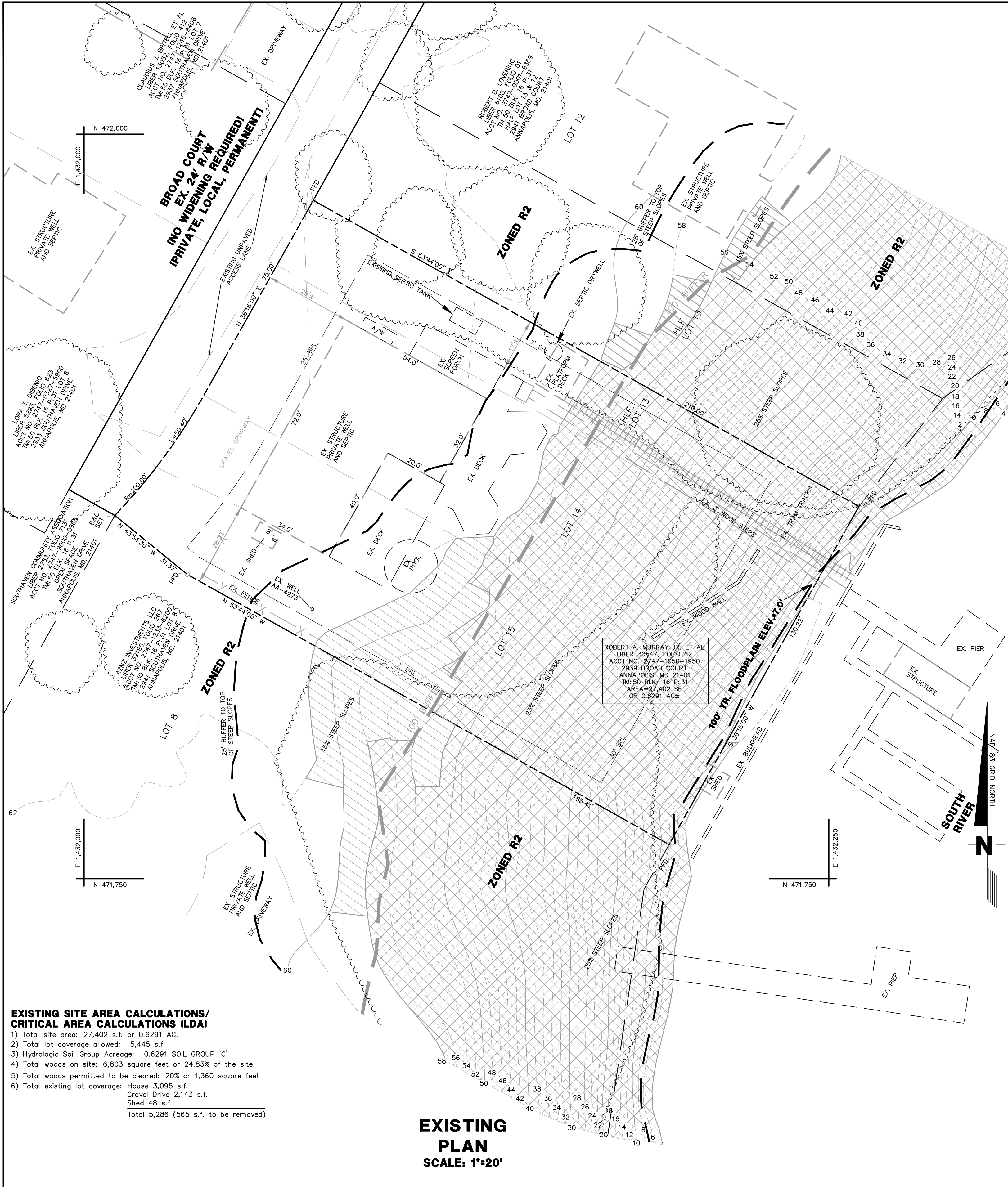
Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted, as proposed, this Office recommends *denial* of the Critical Area variance request to § 17-8-201(a) to disturb steep slopes. However, the County would support the approval of a variance to allow disturbance of steep slopes for the replacement in-kind² of the existing deck and pool.

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.

² § 17-1-101(59) “In-kind replacement” means the removal of a permanent structure and the construction of another permanent structure in the same location that is smaller than or identical to the original structure in use, footprint, area, height, width and length.



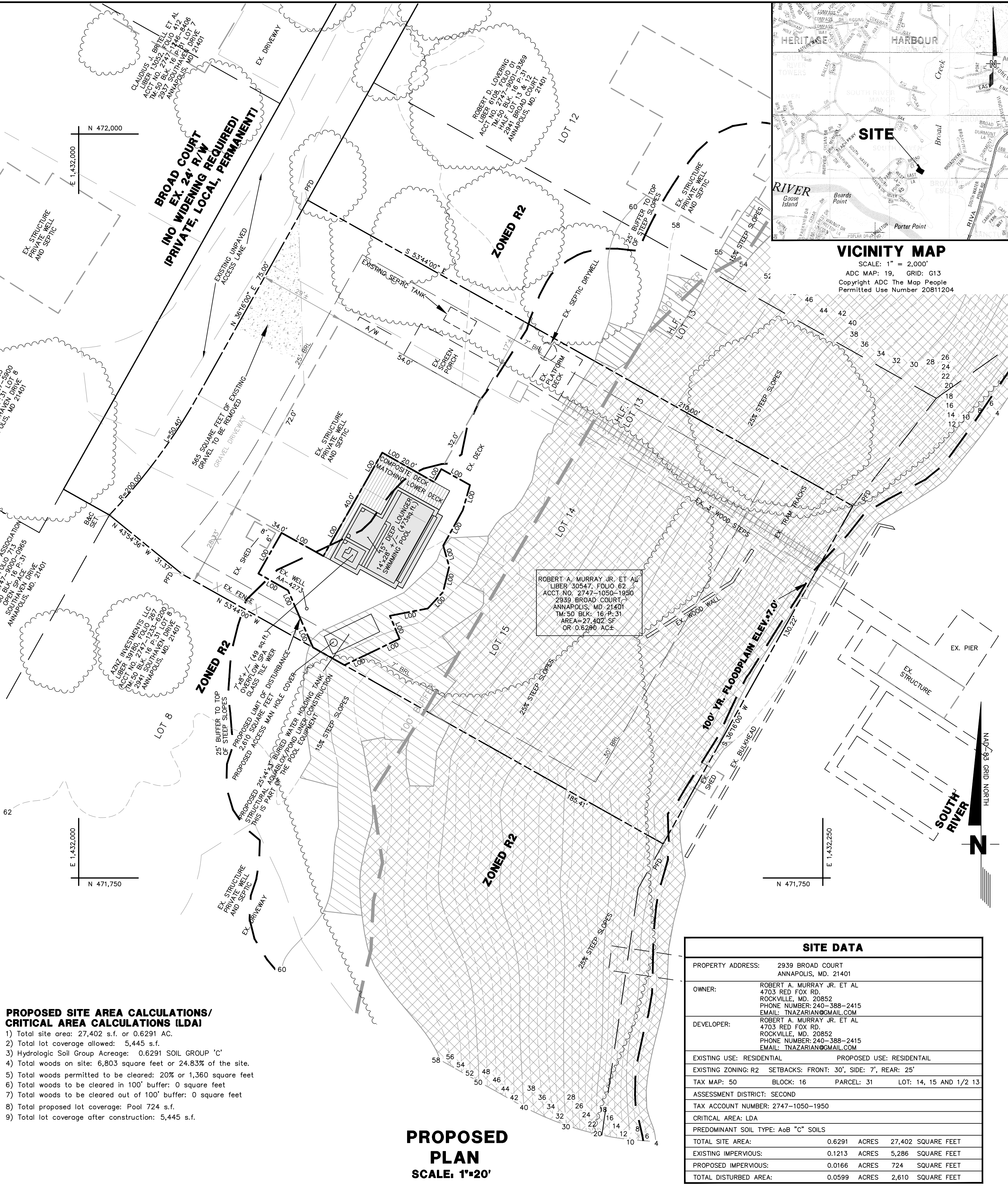
VICINITY MAP
 SCALE: 1" = 2,000'
 ADC MAP: 19, GRID: G13
 Copyright ADC The Map People
 Permitted Use Number 2081204



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

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

South Haven Lots 14, 15 and 1/2 13
2939 Broad Court, Annapolis MD 21401

CRITICAL AREA REPORT

PREPARED BY:
M.A.F. & ASSOCIATES, LLC
55 Jones Station Road, W.
Severna Park, MD 21146

443-864-8589

May 9, 2023

INTRODUCTION

The lot is located at 2939 Broad Court, Annapolis, MD 21401. This is a legal, improved lot as defined by Article 17-1-101 (64). The property improvements consist of a single-family dwelling, driveway, waterfront wood decks and swimming pool. This lot lies within the LDA portion of the Chesapeake Bay Critical Area. The property owner is proposing to remove one of the wood decks and swimming pool to allow for a new wood deck and inground pool. This works disturbance required will impact a small amount of 15% steep slopes, and the steep slope buffer. All proposed development is outside of the 100' buffer to the shoreline.

VICINITY MAP

Included in this report and shown on the attached plan is a vicinity map designating the location of the subject site. Also included in the report is a portion of the Critical Area Map with the site located.

NARRATIVE

EXISTING CONDITIONS

The lot is currently improved with a single-family dwelling, driveway, waterfront wood decks and swimming pool. The lot has a small, forested area. The property slopes towards the eastern side of the property. The slope is 15%+ to the water side of the property.

There was little wildlife seen around the property at the time of inspection. It is expected that there is very little to no wildlife use of the property.

PROPOSED DEVELOPMENT

The property owner is proposing to remove one of the wood decks and swimming pool to allow for a new wood deck and inground pool. This works disturbance required will impact a small amount of 15% steep slopes, and the steep slope buffer. All proposed development is outside of the 100' buffer to the shoreline.

STORMWATER MANAGEMENT

There is no stormwater management required for this proposal. The proposed work does not include any additional lot coverage.

IMPACT MINIMIZATION

Due to the location of the existing wood deck and swimming pool, there is no way to remove and replace them without this minimal impact. We feel that this development demonstrates a minimal impact on the environment.

HABITAT PROTECTION AREAS

The habitat protection areas on this property are the 100' buffer to the shoreline. No work is proposed within the 100' buffer.

AFTER CONSTRUCTION CONDITIONS AND SITE CALCULATIONS

The proposed conditions of the site include the construction of a new house and driveway. The site calculations are as follows:

Total site area	27,402 sf
Existing woodland	+/_ 6,809 sf
Proposed clearing	0 sf
Proposed planting	0 sf
Existing impervious coverage prior to the proposed lot coverage	5,286 sf
Allowed lot coverage	5,445 sf per code
Proposed lot coverage	902 sf
Proposed lot coverage reduction	743 sf
Existing and proposed lot coverage	5,445 sf

CONCLUSIONS

The lot in question is a legal lot located in an established community. It's not possible to remove and replace the wood deck and swimming pool without the need for variances based on their location.

As proposed, the development of the lot does not have an adverse impact on the plant or wildlife habitat of the Critical Area. The proposed work will not adversely impact adjacent properties.

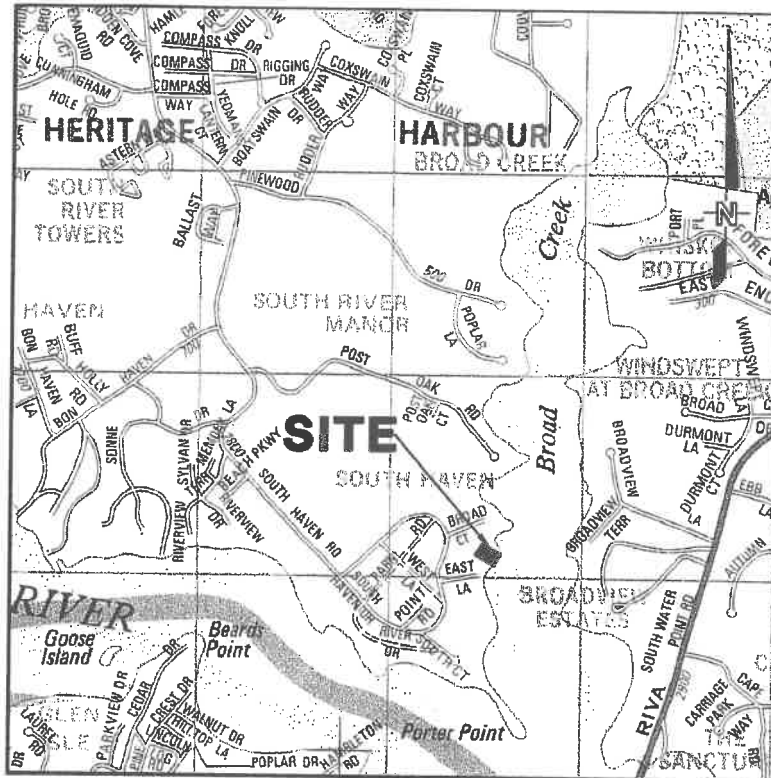
PLANS

A plan showing the site and its improvements is attached to this report.

ADDITIONAL INFORMATION

A Notification of Project Application for the Critical Area Commission is included in this package.

The fieldwork was conducted on April 5, 2023



VICINITY MAP

SCALE: 1" = 2,000'

ADC MAP: 19, GRID: G13

Copyright ADC The Map People
Permitted Use Number 20811204

Map Title CRITICAL AREA MAP



Legend

- Parcels
- Critical Areas
LDA - Limited Development Area
- Labels
Local Road Label
- County Boundary
- Orthophoto 2021
Red: band_1
Green: band_2
Blue: band3

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

Esri, NASA, NGA, USGS, FBMA

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: ANNE ARUNDEL Co.

Date: 5-9-2023

Tax Map #	Parcel #	Block #	Lot #	Section
<u>50</u>	<u>31</u>	<u>16</u>	<u>14, 15 &</u>	
			<u>1/2 13</u>	

Tax ID: 2747-1050-1950

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Project Name (site name, subdivision name, or other) SOUTH HAVEN LOTS 14, 15 & 1/2 13

Project location/Address 2939 BROAD COURT

City ANNAPOLIS MD Zip 21401

Local case number _____

Applicant: Last name MURRAY First name ROBERT

Company _____

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 EXISTING WOOD DECK AND SWIMMING POOL FOR THE CONSTRUCTION OF A NEW DECK & SWIMMING POOL

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		27,402
RCA Area		
Total Area		27,402

Total Disturbed Area Acres Sq Ft 2730

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		6803	Existing Lot Coverage		5286
Created Forest/Woodland/Trees		0	New Lot Coverage		902
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		743
			Total Lot Coverage		5445

VARIANCE INFORMATION (Check all that apply)

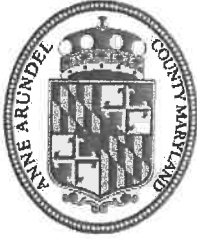
	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		0
Non-Buffer Disturbance		2730	Mitigation		0

Variance Type

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

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING May 5, 2023

P&Z STAFF Rob Konowal, Kelly Krinetz

APPLICANT/REPRESENTATIVE Matt Forgen EMAIL _____

SITE LOCATION 2939 Broad Court LOT SIZE 27,402 sf ZONING R2

CA DESIGNATION LDA BMA X or BUFFER _____ APPLICATION TYPE Variance

Proposed removal of existing wood deck and above-ground swimming pool and construct new deck and inground swimming pool.

Variances required to disturb slopes greater than 15%. Modification will also be required to disturb steep slope buffer.

COMMENTS

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.

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.



ANNE
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COUNTY

MARYLAND

DEPARTMENT OF HEALTH

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: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

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

DATE: August 14, 2023

RE: Robert Jr. & Tanya Murray
2939 Broad Court
Annapolis, MD 21401

CASE
NUMBER: 2023-0072-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance request to allow variance to allow a dwelling addition (deck) and accessory structure (pool) 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 requests 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

Critical Area Variance Guidance
Critical Area Review Team/Development Division

Applicant: Murray
Case #: 2023-0072-V
Date: 8/29/23

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.

The applicant is proposing to excavate at the top of a 53% slope leading directly to a tributary on the South River. Prefile comments indicated that this office could not support this type of activity and although there was a slight adjustment to the plans, the applicant is still seeking to impact the required buffer. This site has already been the subject of clearing violation in 2020 that resulted in the removal of all of the vegetation on the slope. Further impacts cannot be supported.

A modification will be required for the disturbance of the required slope buffer. Approval of a variance does not guarantee the approval of the modification. The modification decision will be subject to the requirements of 17-2-108.



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

CAC Comments re: 2023-0072-V Murray (AA 170-23); 2023-0098-V Watson (AA 261-23); 2023-0125-V Schreifels (AA 262-23)

Jennifer Esposito <jennifer.esposito@maryland.gov>
To: Charlotte Shearin -DNR- <charlotte.shearin@maryland.gov>

Thu, Aug 3, 2023 at 1:11 PM

Good afternoon,

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

- 2023-0072-V; Murray (AA 170-23): This office originally provided comments on this case on May 31, 2023, opposing the request to construct a pool with spa within steep slopes. The applicant has revised the original submittal to reduce the size of the pool and deck to be located entirely outside of the steep slopes. The submitted materials indicate that the only impacts to the steep slopes are temporary in nature. Provided that the steep slopes are stabilized in natural vegetation in the area where temporary disturbance is proposed, we are not opposed to this request. However, appropriate mitigation is required.
- 2023-0098-V; Watson (AA 261-23): Appropriate mitigation is required.
- 2023-0125-V; Schriefels (AA 262-23): Appropriate mitigation is required.

Please feel free to contact me if you have any questions or concerns.



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dnr.maryland.gov/criticalarea

Jennifer Esposito

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays

1804 West Street, Suite 100

Annapolis, MD 21401

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Anne Arundel Soil Conservation District

**2662 Riva Road Suite 150
Annapolis, Maryland 21401
410-571-6757 www.aascd.org**

Advancing the Wise Use of Our Natural Resources

05-25-2023

Ms. Ramona Plociennik
Office of Planning and Zoning
Anne Arundel County Heritage Office Center
2664 Riva Road, MS #6301
Annapolis, MD 21401

Subject: MURRAY, ROBERT & TANYA 2023-0072-V

The variance received May 24 2023 has been reviewed and the District defers to the Office of Planning and Zoning. The District will provide comments during the sediment control review.

Sincerely,
Justin Valkos
AASCD

2023-0072-V (FEB 2023 AERIAL W/ TOPO)



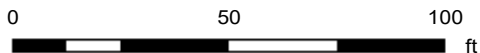
Legend

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City
- Planning
- County Planning
- Elevation
- Topo 2020
- Index
- Intermediate

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Nearmap

Notes



THIS MAP IS NOT TO BE USED FOR NAVIGATION