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Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

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

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

A handwritten signature in blue ink, appearing to be "BC", written over the printed name of Brian Chew.

DATE: September 19, 2023

RE: James G. Mullins
203 Pauline Court
Arnold, MD 21012

NUMBER: 2023-0141-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions (deck and roof over existing deck) with less setbacks than required and with new lot coverage nearer to the shoreline than the closest façade of the dwelling.

The Health Department has reviewed the on-site sewage disposal. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department has no objection to the above referenced request.

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

cc: Sterling Seay



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

CAC Comments re: Mullins 2023-0141-V, Taylor 2023-0147-V, Vaughn 2023-0149-V, Katz 2023-0153-V

Jennifer Esposito <jennifer.esposito@maryland.gov>

Tue, Sep 12, 2023 at 3:06 PM

To: Sadé Medina <pzmedi22@aacounty.org>

Good Afternoon,

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

- 2023-0141-V; Mullins (AA 291-23): Appropriate mitigation is required.
- 2023-0147-V; Taylor (AA 292-23): Appropriate mitigation is required, including the required mitigation for the removal of developed woodland/forest on the site.
- 2023-0149-V; Vaughn (AA 296-23): Appropriate mitigation is required, including at a 3:1 ratio for the square footage of Buffer disturbance, plus at an additional 1:1 ratio for the square footage of tree canopy removed from the site. Additionally, Buffer establishment is required for the amount of lot coverage proposed outside of the Buffer. Further, at the time of grading permit, the applicant shall provide an updated site plan that separately lists out the existing and proposed lot coverage by Critical Area land designation as the lot coverage is limited to 15% of the land located within the LDA, and separately, the amount of land located within the RCA.
- 2023-0153-V; Katz (AA 297-23): Appropriate mitigation is required, including at a 3:1 ratio for the square footage of Buffer disturbance, plus at an additional 1:1 ratio for the square footage of tree canopy removed from the site. Additionally, Buffer establishment is required for the amount of lot coverage proposed outside of the Buffer. Further, at the time of grading permit, the applicant shall provide an updated site plan that separately lists out the existing and proposed lot coverage by Critical Area land designation as the lot coverage is limited to 15% of land located within the LDA, and separately, the amount of land located within the RCA. It appears the proposed lot coverage will total 7,973 square feet or 14.2% of the site area located within the LDA.

Please let me know if you have any questions.

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

Jennifer Esposito

Critical Area Commission for the



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dnr.maryland.gov/criticalarea

Chesapeake & Atlantic Coastal Bays

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OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING: 7/31/2023

P&Z STAFF: Sara Anzelmo, Kelly Krintetz

APPLICANT/REPRESENTATIVE: James G. Mullins EMAIL: czmullins@aol.com

SITE LOCATION: 203 Pauline Ct, Arnold LOT SIZE: 23,735 sf ZONING: R5

CA DESIGNATION: IDA BMA: X or BUFFER: N/A APPLICATION TYPE: Variance

The applicant proposes to construct a vaulted roof over an existing deck (10'1" x 30'7") and build a 222 sq ft deck [access deck/catwalk] over a portion of the existing concrete patio. The proposal would necessitate a variance to allow new critical area lot coverage nearer to the shoreline than the facade of the existing principal structure.

Currently there is no cover over the existing deck; and, in the summer, it is too hot to sit outside. In addition, there are significant sun rays on that section of the house, which adds a considerable amount of heat to the house. The house roof line does not have an overhang, so rain directly hits the house which is problematic in severe thunderstorms. There is currently soil under the deck; and, in heavy rains, there is soil runoff on the concrete patio adjacent to the deck and water pooling at the back door. The existing roof (29 yrs old) needs to be replaced within 2 years, and the additional roof over the deck will blend in with the new roof. The roof structure will not impede any of the neighbor's views of the water line. The second part of the scope of work is to build a deck (222 sq ft) over an existing concrete patio. The house was constructed to have a deck, but it was never built. Currently there is a ledger board, two exterior doors and outlets on the side in question. So it makes sense to construct a deck. The deck will not impede the view of the water from both neighbors. There is an existing concrete patio so there is no impact on impervious soil.

COMMENTS

The **Critical Area Team**: Provided that the applicant can provide evidence of full compliance with the approval requirements outlined in the County Code, the Team has no objection to this request.

The **Zoning Administration Section**: The site plan must label the dimensions and height of the proposed structures. The property was the subject of a prior variance application (2009-0231-V and BA 4-10V) to perfect a retaining wall and deck without permits in the BMA. After consulting with the Critical Area Team, it has been determined that a variance for steep slope disturbance would not be required for the upper level porch/deck construction. The applicants are advised that, in order for a critical area variance to be granted for new lot coverage nearer to the shoreline, they must demonstrate compliance with ALL of the critical area variance standards provided under Section 18-16-305 of the Code. They must demonstrate to the satisfaction of the Administrative Hearing Officer that the 30'7" wide porch represents the minimum variance necessary to afford relief.

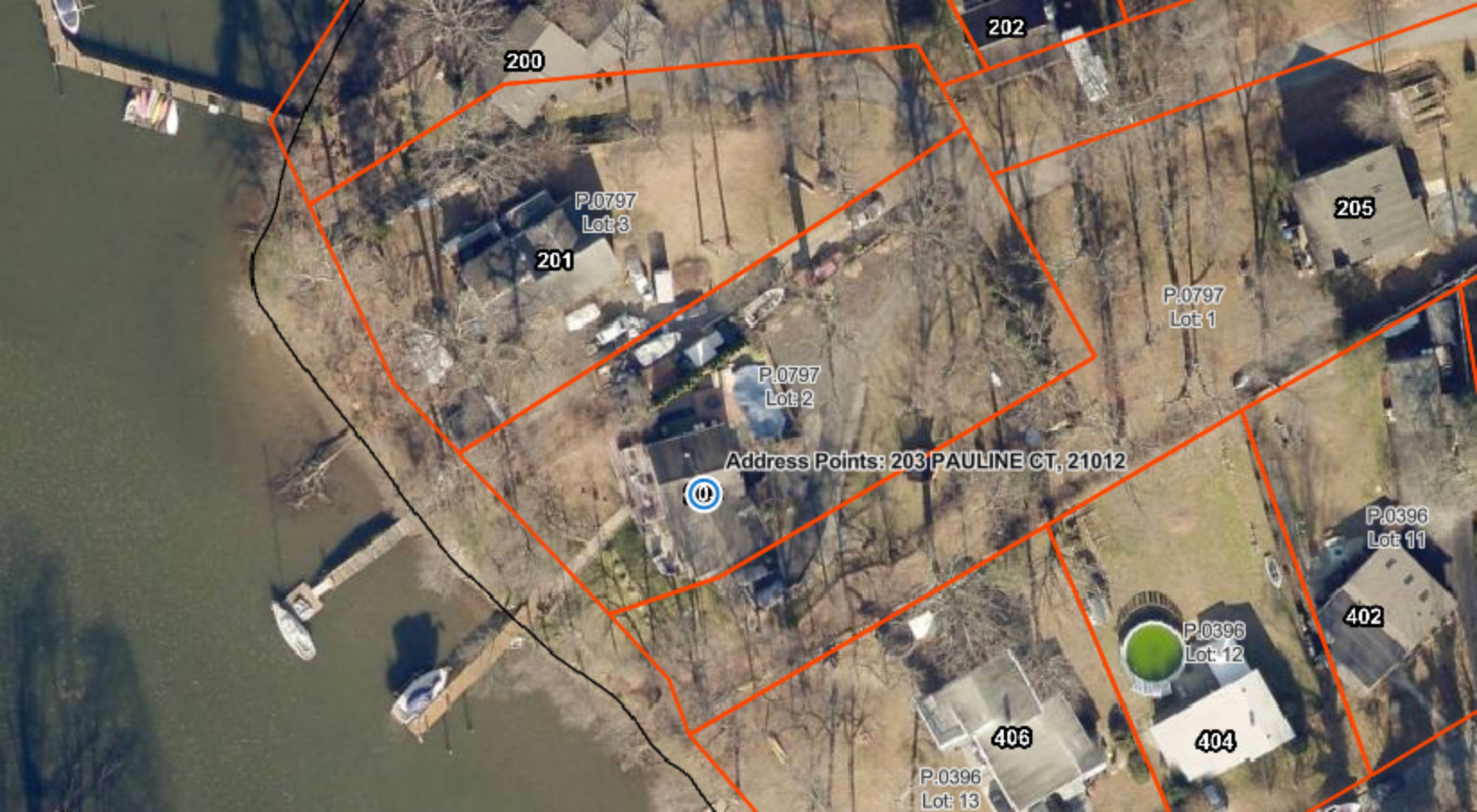
INFORMATION FOR THE APPLICANT

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.



200

202

P.0797
Lot 3

201

P.0797
Lot 2

P.0797
Lot 1

205

Address Points: 203 PAULINE CT, 21012



P.0396
Lot 11

402

P.0396
Lot 12



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404

P.0396
Lot 13

203 Pauline Ct Looking North



203 Pauline Ct Looking East

