

October 02, 2023

Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

RE: West Severna Park, Lot 10
8 White Oak Court
Severna Park, MD 21146
Variance Letter of Explanation

The property is located in the community of West Severna Park at 8 White Oak Court in Severna Park MD 21146. The Property is mapped within the R5 zoning district, and is entirely within the Chesapeake Bay Critical Area, with LDA use designation. The Property is heavily encumbered with steep slopes between the existing dwelling and property below. Consequently, the 100ft Buffer of tidal waters expands to include the majority of the property.

The property owners wish to remove and replace the deteriorating existing stairs and pathway with new, at grade, timbers. The proposed replacement follows the same footprint of the existing pathway and stairs. A variance to article 18-13-104 & 17-8-301b of the Anne Arundel County code are sought for construction with the expanded buffer of tidal waters and within steep slopes, respectively.

The following addresses criteria listed in article 18-16-305 of the Anne Arundel County code for granting variances:

- 1) The need for the Chesapeake Bay Critical Area variance arises from the unique physical condition of the property, specifically the extent of the expanded buffer which encumbers the entire 16,480sf of the lot. Denial of the variance would constitute an unwarranted hardship as it is not possible to develop anywhere else on the property. The replacement of the stairs and pathway will follow the existing footprint which covers 185sf of coverage on the property, which is below the allowable lot coverage in the LDA. The steep slope disturbance is necessary to remove impervious surfaces and replace existing steps and pathways, which is allowable by code.
- 2) Strict implementation of the critical area program would deprive the property owners a right commonly enjoyed by other properties in similar areas, as the property is undevelopable in strict conformance with code. The property owners are attempting to replace an aged stair system with one that is safe and new to allow access to the entirety of the property.
- 3) The granting of the variance will not confer a special privilege, as similar requests for relief have been granted to lots in similar situations.
- 4) The variance request is not based on actions by the applicant, but the existing condition inherent to the property.

- 5) The granting of the variance will not adversely affect water quality or deleteriously affect flora and fauna within the Critical Area. Instead the construction will stabilize the aged stairs and path with new and more robust system.
- 6) The criterion is not applicable, as there is no bog.
- 7) Based on the explanation provide the applicant has overcome the presumption that the development activity does not conform to the general purpose and intent of regulation.
- 8) The applicant has evaluated and implemented site planning alternatives in accordance with article 18-16-201c. The building and site plan was updated to ensure that the stairs, pathways and platforms are not expanded beyond existing footprint while complying with code. Photos have been uploaded per the pre-file request. Only hand tools will be used during construction to minimize soil disturbance. 1 tree and 3 shrubs are planted for every 100sf, or a fraction thereof, for the new impervious coverage. Furthermore any temporary disturbance of flora outside the area of development will be replaced at a ratio of 1:1. This will meet both the requirements of the 100-foot buffer mitigation and storm water management concerns.

Requirements for all variances:

- 1) The variance request constitutes the minimum necessary to afford relief, as the proposed stair and pathway replacement does not extend beyond the existing footprint.
- 2) The granting of the variance will not
 - a. Alter the essential character of the neighborhood, as this is a residential use in a residential zoning district, nor
 - b. Substantially impair the use or development of adjacent property, as the replacement stairs and pathway are located within the existing development footprint.
 - c. Mitigation will be provided in accordance with article 17-8-602c, and the buffer management plan requirements for buffer mitigation and establishment found in COMAR; therefore, the development will not reduce developed woodland cover in the critical area and,
 - d. Will not be contrary to acceptable clearing and replanting practices required for development in the Critical Area
 - e. Residential construction in a residential zoning district is in no way detrimental to the public welfare.

Requirements for Chesapeake Bay Critical Area variances:

- 1) The property is not subject to any violations of Anne Arundel County Code
- 2) This condition is not applicable.

Please contact me if you have any questions at 763-300-7565 or Jason.frandsen@gmail.com

Sincerely,

Jason & Renee Frandsen

August 3, 2023

Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

RE: West Severna Park, Lot 10
8 White Oak Court
Severna Park, MD 21146
Pre-File – Letter of Explanation

The property is located in the community of West Severna Park at 8 White Oak Court in Severna Park MD 21146. The Property is mapped within the R5 zoning district, and is entirely within the Chesapeake Bay Critical Area, with LDA use designation. The Property is heavily encumbered with steep slopes between the existing dwelling and property below. Consequently, the 100ft Buffer of tidal waters expands to include the majority of the property.

The property owners wish to remove and replace the existing stairs and pathway with new, at grade, timbers and stairs leading down the steepest part of the slopes. The proposed replacement follows the same footprint of the existing pathway and stairs. A variance to article 18-13-104 & 17-8-301b of the Anne Arundel County Code are sought for construction with the expanded buffer of tidal waters and within steep slopes, respectively.

The following addresses criteria listed in article 18-16-305 of the Anne Arundel County Code for granting variances:

- 1) The need for the Chesapeake Bay Critical Area variance arises from the unique physical condition of the property, specifically the extent of the expanded buffer which encumbers the entire 16,480 sf of the lot. Denial of the variance would constitute an unwarranted hardship as it is not possible to develop anywhere else on the property. The replacement of the stairs and pathway will follow the existing footprint which covers 185 sf of coverage on the property, which is below the allowable lot coverage in the LDA. The steep slope disturbance is necessary to remove impervious surfaces and replace existing steps and pathways, which is allowable by code.
- 2) Strict implementation of the critical area program would deprive the property owners a right commonly enjoyed by other properties in similar areas, as the property is undevelopable in strict conformance with Code. The property owners are attempting to replace an aged stair system with one that is safe and new to allow access to the entirety of the property.
- 3) The granting of the variance will not confer a special privilege, as similar requests for relief have been granted to lots in similar situations
- 4) The variance request is not based on actions by the applicant, but the existing condition inherent to the property.

- 5) The granting of the variance will not adversely affect water quality or deleteriously affect flora and fauna with the Critical Area, will stabilize the aged stairs and path with new and more robust construction.
- 6) The criterion is not applicable, as there is no bog.
- 7) Based on the explanation provide the applicant has overcome the presumption that the development activity does not conform to the general purpose and intent of regulation.
- 8) Pending pre-file review

Requirements for all variances:

- 1) The variance request constitutes the minimum necessary to afford relief, as the proposed stair and pathway replacement does not extend beyond the existing footprint.
- 2) The granting of the variance will not
 - a. Alter the essential character of the neighborhood, as this is a residential use in a residential zoning district, nor
 - b. Substantially impair the use or development of adjacent property, as the replacement stairs and pathway are located within the existing development footprint.
 - c. Mitigation will be provided in accordance with article 17-8-602c, and the buffer management plan requirements for buffer mitigation and establishment found in COMAR; therefore, the development will not reduce developed woodland cover in the critical area and,
 - d. Will not be contrary to acceptable clearing and replanting practices required for development in the Critical Area
 - e. Residential construction in a residential zoning district is in no way detrimental to the public welfare.

Requirements for Chesapeake Bay Critical Area variances:

- 1) The property is not subject to any violations of Anne Arundel County Code
- 2) This condition is not applicable.

Please contact me if you have any questions at 763-300-7565 or Jason.frandsen@gmail.com

Sincerely,

Jason Frandsen



www.exactaland.com | office: 443.819.3994



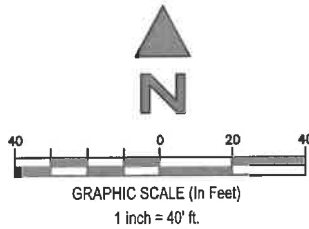
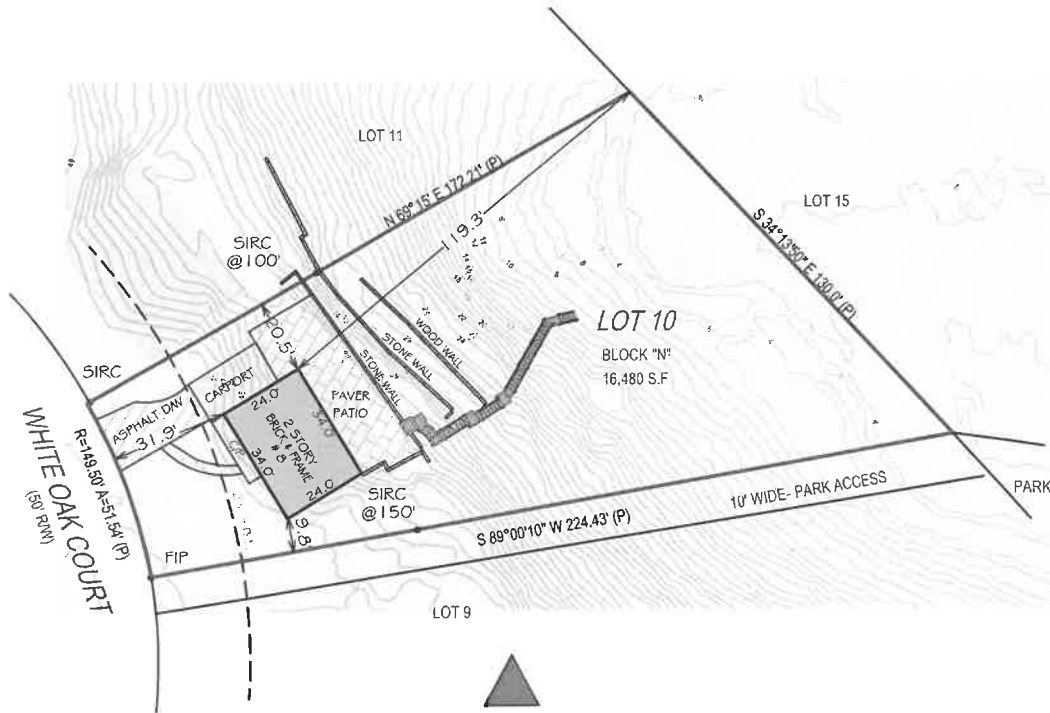
PROPERTY ADDRESS: 8 WHITE OAK COURT, SEVERNA PARK, MARYLAND 21146

SURVEY NUMBER: 2111.0943

2111.0943
BOUNDARY SURVEY
ANNE ARUNDEL COUNTY

NOTES:

1. THE PROPERTY SHOWN HEREON IS IDENTIFIED AS TAX MAP #30243600 AMONG THE ASSESSMENT RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND.



John E. Krobath
John E. Krobath
State of Maryland Professional Land Surveyor
License Number 10908 | Expires 5-26-2022

SURVEYORS CERTIFICATION:

A LICENSEE EITHER PERSONALLY PREPARED THIS DRAWING OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, ALL IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN REGULATION .12 OF CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS.

POINTS OF INTEREST:

NONE VISIBLE



Exacta Land Surveyors, LLC
LBA 21535
office: 443.819.3994
1220 E. Churchville Rd, Suite 100 | Bel Air, MD 21014



DATE SIGNED: 11/08/21
FIELD WORK DATE: 11/5/2021
REVISION DATE(S): (REV.0 11/10/2021)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

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 County

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
31	74	12	10	

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 3900 3024 3600

Project Name (site name, subdivision name, or other) West Severna Park

Project location/Address 8 White Oak Court

City Severna Park Zip 21146

Local case number

Applicant: Last name Frandson First name Jason

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 checked="" type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input type="checkbox"/> | Other <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Removal and replace deteriorated stairs and pathway with new, at grade, timbers and stairs.

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

Project Type (check all that apply)

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

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft				
IDA Area			Total Disturbed Area <table style="border: 1px solid black; width: 100px; float: right;"><tr><td style="text-align: center;">Acres</td><td style="text-align: center;">Sq Ft</td></tr><tr><td style="text-align: center;"> </td><td style="text-align: center;">185</td></tr></table>	Acres	Sq Ft		185		
Acres	Sq Ft								
	185								
LDA Area		16480							
RCA Area									
Total Area		16480	# of Lots Created						

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		11000	Existing Lot Coverage		2106
Created Forest/Woodland/Trees			New Lot Coverage		50
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		2156

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		185	Buffer Forest Clearing		0
Non-Buffer Disturbance			Mitigation		

<p><u>Variance Type</u></p> Buffer <input checked="" 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 type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Other <input type="checkbox"/> _____	<p><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input type="checkbox"/> Dwelling <input 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 Narrative

Critical area narrative addressing the five requested items:

- 1) This is a residential project. The property owners wish to remove and replace the existing deteriorated stairs and pathway with new, at grade, timbers. The proposed replacement follows the same footprint of the existing pathway and would allow for safe access to the entire property.
- 2) The property has predominantly White Oak trees with English Ivy ground covering. The square footage of trees and shrubs is 11,000sf with 185sf being disturbed by the proposed development. Any disturbance to the flora and fauna will be mitigated by the use of only hand tools during construction. No trees or bushes will be removed during construction, as the existing path will be followed.
- 3) Any detrimental effects on water quality, flora and fauna will be mitigated by following the existing pathway and not disturbing surrounding soil. Upon completion of the project any flora that has been destroyed around the construction area will be replaced. For any new non-impervious coverage, 1 tree and 3 shrubs will be planted for every 100 square feet or a fraction thereof.
- 4) The amount of impervious surfaces before construction is 2106sf with an addition 50sf after construction totaling 2156sf.
- 5) There are no rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance in the construction area.

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number B02418936

Total Site Area 16,480 Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area 11,000 Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

* Please Indicate Square Footage of Woodland Removed for the following:

- | | |
|-------------------------------------|---|
| 1. House <u>0</u> Sq. Ft. | 5. Accessory Structure <u>0</u> Sq. Ft. |
| 2. Septic or sewer <u>0</u> Sq. Ft. | 6. Additions <u>0</u> Sq. Ft. |
| 3. Well <u>0</u> Sq. Ft. | 7. Storm Water Management <u>0</u> Sq. Ft. |
| 4. Driveway <u>0</u> Sq. Ft. | 8. Other Clearing: work area; access; stockpiles, etc. <u>0</u> Sq. Ft. |

* Total Woodland Removed = 0 Sq. Ft.

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

* Please Indicate Square Footage of Impervious Coverage for the following:

- | <u>Existing Impervious</u> | <u>Proposed Impervious</u> |
|--|---|
| 1. House (roof area) <u>1400</u> Sq. Ft. | 1. House (roof area) <u>0</u> Sq. Ft. |
| 2. Driveway + Sidewalks <u>706</u> Sq. Ft. | 2. Driveway + Sidewalks <u>0</u> Sq. Ft. |
| 3. Accessory Structures <u>0</u> Sq. Ft. | 3. Accessory Structures <u>50</u> Sq. Ft. |
| | 4. Additions <u>0</u> Sq. Ft. |

* Total Existing and Proposed Impervious Coverage 2156 Sq. Ft.

Ⓢ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Jason Frandson, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 10, block # 12 of Subdivision West severna Park.


I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

[Signature] (Signature) 9/15/23 (Date)

_____ (Title)

_____ (Signature) _____ (Date)

_____ (Title)



Pathway from Patio stairs to first set of stairs. Replacing with 6x6 timber boxes filled with water permeable stone at grade.



Replace stairs with stringers and railings on both sides



Replace Stairs and pathway with 6x6 boxes/stairs/ and stringers.



Replace deteriorated stairs and with stringers and railing

Pathway 6x6 boxes at grade

Pre-file comments

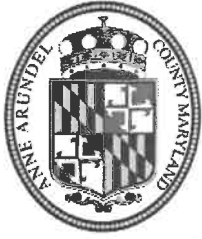
Approval is pending an approved Variance allowing disturbance to the non-modified expanded buffer and to steep slopes and the steep slope buffer. If an approved variance is obtained, submit a copy of the full variance decision as a revision to the permit application.

100-FOOT BUFFER MITIGATION

The proposed development is subject to buffer disturbance mitigation required by COMAR 27.01.09.01-2. A Buffer Management Plan, prepared in accordance with the requirements of COMAR 27.01.09.01-3, must be submitted for review. Please note that if a variance is granted for development within the expanded buffer to tidal water, mitigation by way of planting 1 tree and 3 shrubs for every 300 square feet or a fraction thereof will be required at a ratio of 3:1 for permanent disturbance and 1:1 for temporary disturbance based upon the area of development or redevelopment activity located inside the buffer. A planting plan, forestation agreement, a refundable bond (2 years after the vegetation has been planted) equal to \$1.50 per square foot and a non-refundable inspection fee of 7% equal to the bond amount will be required prior to the approval of the building permit. Specific mitigation bond and inspection fee amounts will be assessed prior to the approval of the permit.

STORMWATER MANAGEMENT

Please note that any increase in lot/impervious coverage within the buffer will be subject to mitigation for stormwater management by way of planting 1 tree or 3 shrubs for every 100 square feet or a fraction thereof of the new lot/impervious coverage. For new lot/impervious coverage in the 100-foot expanded buffer, mitigation will be assessed at a ratio of 2:1 based on the area of new lot coverage. A planting plan, forestation agreement, a refundable bond equal to \$1.50 per square foot (2 years after the vegetation has been planted) and a non-refundable inspection fee equal to 7% of the bond amount will be required. Specific stormwater mitigation requirements, which must be addressed prior to permit approval, will be assessed based on the decision of the required variance and the new lot coverage as determined by the grading reviewer.



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2023-0035-P
DATE: 10/02/2023
OPZ STAFF: Joan A. Jenkins
Kelly Krinetz

APPLICANT/REPRESENTATIVE: Jason Frandson

EMAIL: Jasonfrandson@yahoo.com

SITE LOCATION: 8 White Oak Ct, Severna Park, MD 21146

LOT SIZE: 17,840 sf

ZONING: MA1, R5 **CA DESIGNATION:** LDA **BMA:** no **or** **BUFFER:** no **APPLICATION TYPE:** Variance

Description:

The applicant proposes to remove and replace deteriorated existing stairs and pathway with new at grade timbers.

COMMENTS

Critical Area Team: No objection to the replacement of the existing steps within the existing footprint.

The applicant should submit photos of the existing stairs with the variance application.

The platform/landing areas cannot be expanded beyond what currently exists.

Zoning Administration Section:

Variance to article 18-13-104 & 17-8-201 (b) for disturbance to expanded buffer and steep slopes.

1. A variance to allow disturbance to slopes exceeding 15% in the Chesapeake Bay Critical Area (Article 17-8-201).
2. A variance to allow disturbance within the 100' Chesapeake Bay Critical Area Expanded Buffer. In accordance with § 18-13-104 (a), there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. Specific development criteria apply as set forth in Article 17 of this Code and COMAR. The proposed work will disturb the expanded buffer. A variance will be required to disturb the buffer.

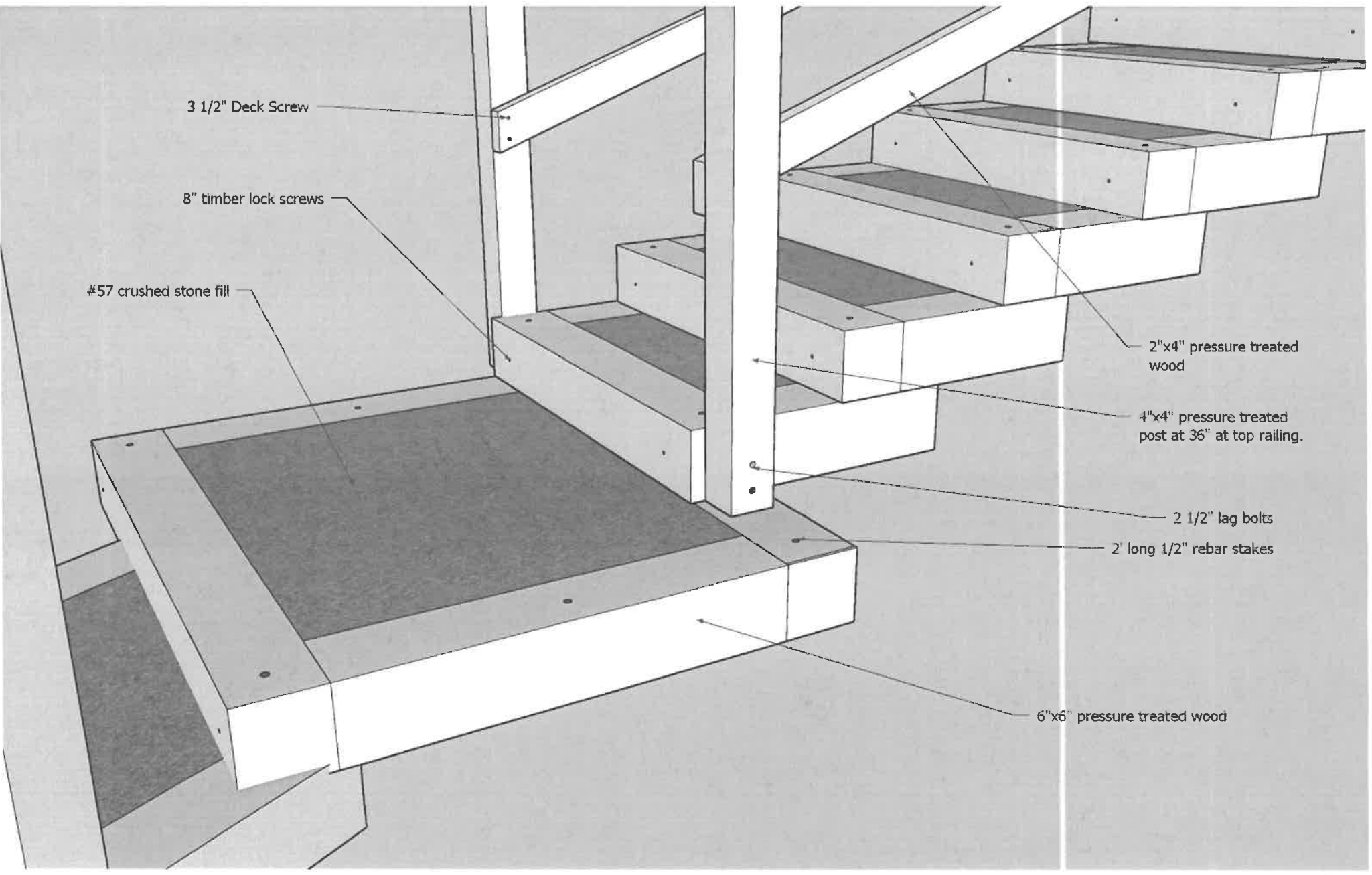
The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must meet ALL of the Critical Area variance standards provided under Section 18-16-305, which includes the requirement that the variance must be the minimum necessary to afford relief.

The Letter of Explanation for your variance submission should demonstrate that you meet all of those standards.

INFORMATION FOR THE APPLICANT

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.



3 1/2" Deck Screw

8" timber lock screws

#57 crushed stone fill

2"x4" pressure treated wood

4"x4" pressure treated post at 36" at top railing.

2 1/2" lag bolts

2' long 1/2" rebar stakes

6"x6" pressure treated wood

