

November 14, 2023

Anne Arundel County, Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

RE: SHERWOOD FOREST ~ LOT 341
341 Thorsby Hill
Annapolis MD, 21405
Variance Application

Sir/Madam:

Attached is a variance request application and associated submittal documents for the above referenced property. To allow for modest improvements to the subject property, variances to the Anne Arundel County Code are required. The requested variance to the Code relates to **Article 17, Section 8-201** for redevelopment on slopes 15% or greater in the LDA.

The subject property is a legal non-conforming building lot located in the community of Sherwood Forest, Maryland. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-2 and is served by community water and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. The existing dwelling is surrounded by steep slopes, which encumber approximately 27% of the lot area, severely limiting and restricting the areas that allow redevelopment. Primary vegetation consists of hardwood and evergreen trees, ornamental shrubs, and creeping ground cover common to wooded areas and the community.

The applicants propose to construct a small addition to the existing dwelling. The building addition is modest in size and allows for needed interior dwelling renovation to include kitchen expansion and handicap accessibility. A prior Variance to the Code was approved 23 years ago for the subject property. The variance allowed the initial summer cottage to be rebuilt and the small dwelling was adequate for the family at the time. The applicant for the prior variance was the mother of the current residence. The current plan proposes to expand the dwelling footprint in an area that has been previously disturbed and is improved with stairs, a wall and decking. To construct the proposed dwelling addition, temporary disturbance is necessary around the building addition. The temporary disturbance accounts for the majority of the steep slope disturbance.

Due to the unique physical conditions inherent to the property, the following variance to the Anne Arundel County Code is being requested: **Article 17, Section 8-201(a)** of approximately 371-sf of disturbance on slopes 15% or greater in the LDA. The slope disturbance is needed to remove existing structures, associated improvements, and construct new property improvements.

The need for the requested variance arises from the unique physical conditions of the site, specifically the location of the existing structure, and the presence of steep slopes. The community of Sherwood Forest is encumbered with steep slopes and other environmental challenges.

The addition is proposed in the only viable location on the property and does not require any zoning variances, even with the diminutive lot size. It is within the limits of existing improvements and does not require any more disturbance than if the existing improvements were to be removed or maintained. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant, and would not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management and the nitrogen reducing septic system, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare.

We believe that these requests meet all the requirements for variance, per Article 18-16-305:

Requirements for Critical Area Variances.

1. Unique physical conditions - Specifically topography, the irregularly shaped lot, the size of the lot, as well as the location of the existing dwelling in relation to the property lines and slopes. Denial of the requested variance would constitute an unwarranted hardship on the applicant and deprive them of the right to redevelop and deny reasonable and significant use of the entire property.
2. Rights commonly enjoyed - The proposed improvements are similar and in character to those of surrounding properties. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the area.
3. Will not confer special privilege - Granting this variance would not confer a special privilege to the applicant. Nearby properties maintain improvements comparable to what is proposed for this project. The applicants have made extensive efforts to design this proposed project in a manner that considers the placement of the existing dwelling and location of surrounding environmental features.
4. Not based on conditions or circumstances that are the result of actions by the applicant - Conditions and circumstances are based on the small and irregular shape of the site, the presence of steep slopes, and the location of the existing improvements, and are not because of actions by the applicant.
5. Will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area - The proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area. Disturbance is


minimized only to what is necessary to complete the project. Mitigation will occur in accordance with county regulations and will be addressed during the permitting process. Sediment and erosion controls will be utilized to ensure that construction and grading will not adversely affect the surrounding environmental features located within the Critical Area. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

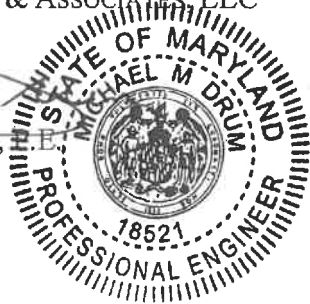
Requirements for all variances.

1. Minimum necessary - The improvements are minimal and are sited to utilize the footprint of the existing improvements to minimize disturbance.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with other properties of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA as appropriate mitigation will be required as part of the permit process.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area.
 - v. be detrimental to the public welfare.

Thank you for your attention to this matter. Please contact us if we may be of further service during your review of this variance request.

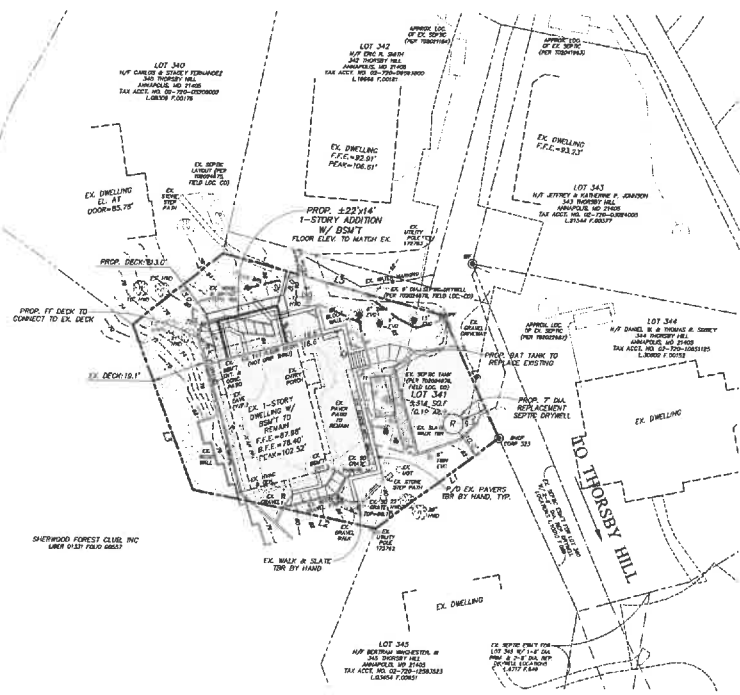
Sincerely,
DRUM, LOYKA & ASSOCIATES, LLC


Michael Drum, P.E.
Principal





LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S53° 42' 01" W	53.71
L2	N78° 44' 48" W	65.58
L3	N33° 33' 48" W	61.60
L4	N51° 48' 12" E	40.59
L5	S74° 57' 48" E	50.43
L6	S24° 43' 20" E	47.28



LEGEND	
	Existing Contour
	Existing Woods Line
	Existing Power Pole
	Existing Overhead Conduit
	Existing Waterline
	Existing Spot Elev.
	Existing Improvements
	Sleep Slopes 15% or Greater
	Limit of Disturbance
	Proposed Grade
	Proposed Spot Elev.

SITE TABULATIONS	
• Total Site Area:	8,314 S.F. (0.19 Ac.)
• Critical Area Designation:	LOA
• Site Zoning:	R-2
Enclosed Structure Setbacks	
-Front:	30'
-Rear:	25'
-Side:	7'
• Lot Coverage:	
-Existing Lot Coverage:	4,312 S.F. (0.10 Ac.)
-Allowable Lot Coverage (17.8-403):	4,141 S.F. (0.10 Ac.)
-Proposed Lot Coverage:	4,141 S.F. (0.10 Ac.)
• Coverage by Structures:	
-Existing Coverage by Structures:	1,827 S.F. (12%)
-Allowable Coverage by Structures:	2,494 S.F. (30%)
-Proposed Coverage by Structures:	2,174 S.F. (26%)
• Sleep Slopes:	
-Total On-Site Sleep Slopes:	1,855 S.F. (0.14 Ac.)
-On-Site Sleep Slopes Disturbed:	371 S.F. (0.00 Ac.)

DESIGNED: MMD	DRAWN: VLT	REVISIONS TO APPROVED PLANS	
DATE: 06-29-23		No.	DATE BY DESCRIPTION
WORKED BY: JHE			
CADD DWG #: SM18423			
DLA PROJECT #: SM18423			

Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 35
 Annapolis, Maryland 21403
 Phone: 410-285-3122 • Fax: 410-285-1852
 www.drumloyka.com

CLIENT:
CHIP & CELIE MASSEY
 341 THORSBY HILL
 ANNAPOLIS, MARYLAND 21405

VARIANCE PLAN
SHERWOOD FOREST ~ LOT 341
 341 THORSBY HILL, ANNAPOLIS, MARYLAND 21405
 TA ACCT. NO. 02-720-37823410
 TAX MAP 0033 GRID 0619 PARCEL 0295 DISTRICT 2nd
 ANNE ARUNDEL COUNTY MARYLAND

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: _____

Date _____

Tax Map #	Parcel #	Block #	Lot #	Section
0039	0295	0019	341	

FOR RESUBMITTAL ONLY

Corrections
 Redesign
 No Change
 Non-Critical Area

* Complete only Page 1
 General Project Information

Tax ID 02-720-12079073

Project Name (site name, subdivision name, or other) Sherwood Forest ~ Lot 341

Project location/Address 341 Thorsby Hill

City Annapolis Maryland Zip 21405

Local case number _____

Applicant: Last name Massey, III First name C.R.

Company _____

Application Type (check all that apply):

Building Permit	Variance	<input checked="" type="checkbox"/>
Buffer Management Plan	Rezoning	<input type="checkbox"/>
Conditional Use	Site Plan	<input type="checkbox"/>
Consistency Report	Special Exception	<input type="checkbox"/>
Disturbance > 5,000 sq ft	Subdivision	<input type="checkbox"/>
Grading Permit	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:

Construct attached addition to existing single-family dwelling with associated improvements

	Yes		Yes
Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	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"/>
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SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area	0.04	
LDA Area	0.19		# of Lots Created	0	
RCA Area					
Total Area	0.19				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.15		Existing Impervious Surface	0.10	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.002	
Removed Forest/Woodland/Trees	0.04		Removed Impervious Surface	0.005	
			Total Impervious Surface	0.10	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00		Buffer Forest Clearing		
Non-Buffer Disturbance	0.04		Mitigation		

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input checked="" type="checkbox"/>
Impervious Surface	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>	Dwelling Addition	<input checked="" type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Steep Slopes	<input checked="" type="checkbox"/>	Gazebo	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

Chesapeake Bay Critical Area Report

Sherwood Forest ~ Lot 341

Tax Map 39, Grid 19, Parcel 295

Tax Account No. 02-720-07953410

Property Address: 341 Thorsby Hill
Annapolis, Maryland 21405

November 14, 2023

Property Owners & Variance Applicant: Mr. and Mrs. Caleb Massey

Critical Area Designation: LDA **Zoning:** R-2 **Lot Area:** 0.19 Ac.

Site Description

The subject property is a legal building lot located off of Thorsby Hill in the community of Sherwood Forest. The site is currently improved with a single-family dwelling and associated improvements, which are surrounded by steep slopes. The lot is zoned R-2 and is completely within the Chesapeake Bay Critical Area, with an LDA land use designation. Private septic and Sherwood Forest public water service the property.

Description and Purpose of Variance Request

The applicants propose to construct an attached addition to the existing single-family dwelling with the associated improvements. Due to the unique physical conditions inherent to the property, the following variances to the Anne Arundel County Code are being requested: **Article 17, Section 8-201(a)** of 371-sf of disturbance on slopes 15% or greater in the LDA. The slope disturbance is needed to remove existing structures, associated improvements, and construct the new property improvements.

The applicants propose to construct a small addition to the existing dwelling. The building addition is modest in size and allows for needed interior dwelling renovation to include kitchen expansion and handicap accessibility. A prior Variance to the Code was approved 23 years ago for the subject property. The variance allowed the initial summer cottage to be rebuilt and the small dwelling was adequate for the family at the time. The applicant for the prior variance was the mother of the current residence. The current plan proposes to expand the dwelling footprint in an area that has been previously disturbed and is improved with stairs, a wall and decking. To construct the proposed dwelling addition, temporary disturbance is necessary around the building addition. The temporary disturbance accounts for the majority of the steep slope disturbance.

Vegetative Coverage and Clearing

The property's primary vegetative covering is a creeping ivy that is common to wooded areas in the community. Some ornamental shrubs and decorative landscaping surround the existing dwelling. The remainder, and majority, of the lot is covered in trees. The existing wooded area totals roughly 6,500-sf. The proposed vegetative clearing is approximately 1,800-sf., the majority of which is necessary for access. Reforestation and afforestation requirements for this property will be addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 4,312-sf of lot coverage. The proposed impervious lot coverage for this property is 4,141-sf, which is the allowable. The site currently has 1,827-sf of coverage by structures. The proposed coverage by structures is 2,174-sf, which is within the allowable amount.

Steep Slopes (slopes > 15%)

The subject property contains approximately 2,211-sf of steep slopes, or 27% of the site area, all of which are concentrated around the existing improvements. Approximately, 371-sf of slopes will be disturbed as part of the proposed construction. The majority of this disturbance is necessary for access.

Predominant Soils

The predominant soil type is Collington-Wist complex, 5 to 10 percent slopes (CoC). This soil has a type "B" hydrologic classification, and is not considered a hydric soil (soils characteristic of wetlands).

Drainage and Rainwater Control

There appear to be no visible stormwater management devices on site. Stormwater management and sediment and erosion control will be provided for the proposed improvements and the specific design computations will be addressed during the permit phase of the project in accordance with Anne Arundel County design criteria.

Conclusions – Variance Standards

The need for the requested variances arises from the unique physical conditions of the site, specifically the diminutive size of the lot and the presence of steep slopes. The addition is proposed in the only viable location on the property and does not require any zoning variances, even with the diminutive lot size. It is within the limits of existing improvements and does not require any more disturbance than if the existing improvements were to be removed or maintained. The entire community of Sherwood Forest is inhibited by steep slopes and the majority of the lots in Sherwood are well under the required 20,000-sf minimum for lots served by a private septic system. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant, and will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management and the nitrogen reducing septic system, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare. Stormwater Management and reforestation requirements will be addressed during the permit phase of the project. Reforestation will be provided on-site to the extent practicable.

Reference:

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

Drum, Loyka and Associates LLC, 2023 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2003 Soil Survey of Anne Arundel County Maryland.

State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District

a Team

Due on **07/06/2023**, assigned to **Kelly Krinetz**

 Marked as **Complete w/ Comments** on **06/29/2023** by **Kelly Krinetz**


No objection to the proposed second story. This site was granted a variance in 2000 to allow steep slope disturbance for the construction of the current dwelling. At that time, the approval

Comment: would have been based on a determination that the disturbance was the minimum necessary to afford the applicant relief. Therefore, there is no justification to support additional relief at this time. An alternative design must be considered.



OPZ Cultural Resources

Due on **07/06/2023**, assigned to **Darian Beverungen**

 Marked as **Complete w/ Comments** on **07/05/2023** by **Darian Beverungen**

The subject property is located within the Sherwood Forest Survey District which is listed in the Maryland Inventory of Historic Properties (AA-941). This variance pre-file request is to add a

Comment: second story addition onto the existing dwelling. The existing dwelling is a modern construction within the community, and our office would have no objection to this variance request as it would not impact the historic integrity of the district.



Technical Review

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 - [OPZ Long Range Planning](#)
 - [OPZ Regional Team](#)
 - [OPZ Residential Team](#)
 - [I and P Engineering](#)
-  [▼ OPZ Critical Area Team](#)

Due on **07/06/2023**, assigned to **Kelly Krinetz**

 Marked as **Complete w/ Comments** on **06/29/2023** by **Kelly Krinetz**

Comment:

No objection to the proposed second story. This site was granted a variance in 2000 to allow steep slope disturbance for the construction of the current dwelling. At that time, the approval would have been based on a determination that the disturbance was the minimum necessary to afford the applicant relief. Therefore, there is no justification to support additional relief at this time. An alternative design must be considered.

-  [▼ OPZ Cultural Resources](#)

Due on **07/06/2023**, assigned to **Darian Beverungen**

 Marked as **Complete w/ Comments** on **07/05/2023** by **Darian Beverungen**

Comment:

The subject property is located within the Sherwood Forest Survey District which is listed in the Maryland Inventory of Historic Properties (AA-941). This variance pre-file request is to add a

..... the community, and our cities would like to request that the proposed project not impact the historic integrity of the district.

 Technical Review

Pre-File Comment Issuance

Accela Citizen Access | Copyright 2021

Background: The initial cottage was built by the Sherwood Forest Company in 1938. The present owners' parents purchased the property as a vacation home from Sherwood Forest Company in 1944 when LCDR Caleb R Massey was stationed in Washington, DC during World War II.

Sherwood Forest was developed as a vacation community where its inhabitants shared facilities such as dining halls. Amenities were provided only from June to September. The cottages were not inhabited during the winter. The character of the community has evolved so that now cottages have been "winterized" and a large percentage are primary residences.

Multiple interior changes were made over time that did not change the overall footprint to a significant degree. The original furnace and wiring remained until the property was rebuilt in the year 2000-2001. The new dwelling was built with minimal change to the footprint in order to avoid delaying the project due to need for neighbor approval.

The present owners' father, the original owner died in 1990 and the house was inherited by his wife, Kathryn Massey. The dwelling had served as a vacation home for her family which included four children and 11 grandchildren. At age 86 she was in progressively poor health and deeded the property as inheritance, a gift, to the present owners, with the understanding that the home would still be made available to family members as a vacation home, consistent with intent of the original developers of Sherwood Forest.

With the recent retirement of the present owner, Caleb R Massey, III, at age 75, the utilization of the property has changed. In the intervening 23 years since it was rebuilt, family dynamics have changed making it possible for the present owners to spend more time while the extended family spends less time. The goal of the present renovation/addition is to expand the kitchen, and provide storage, while maintaining the availability of use by the family, as understood when the property was deeded by Kathryn Massey. The addition of a bedroom will facilitate use as a vacation property by the family. The interior will be renovated to be more handicapped accessible.

A preliminary hearing with Anne Arundel County approved a second story, but this was not approved by the Sherwood Forest Design and Review Committee, due to the objection of the neighbors.

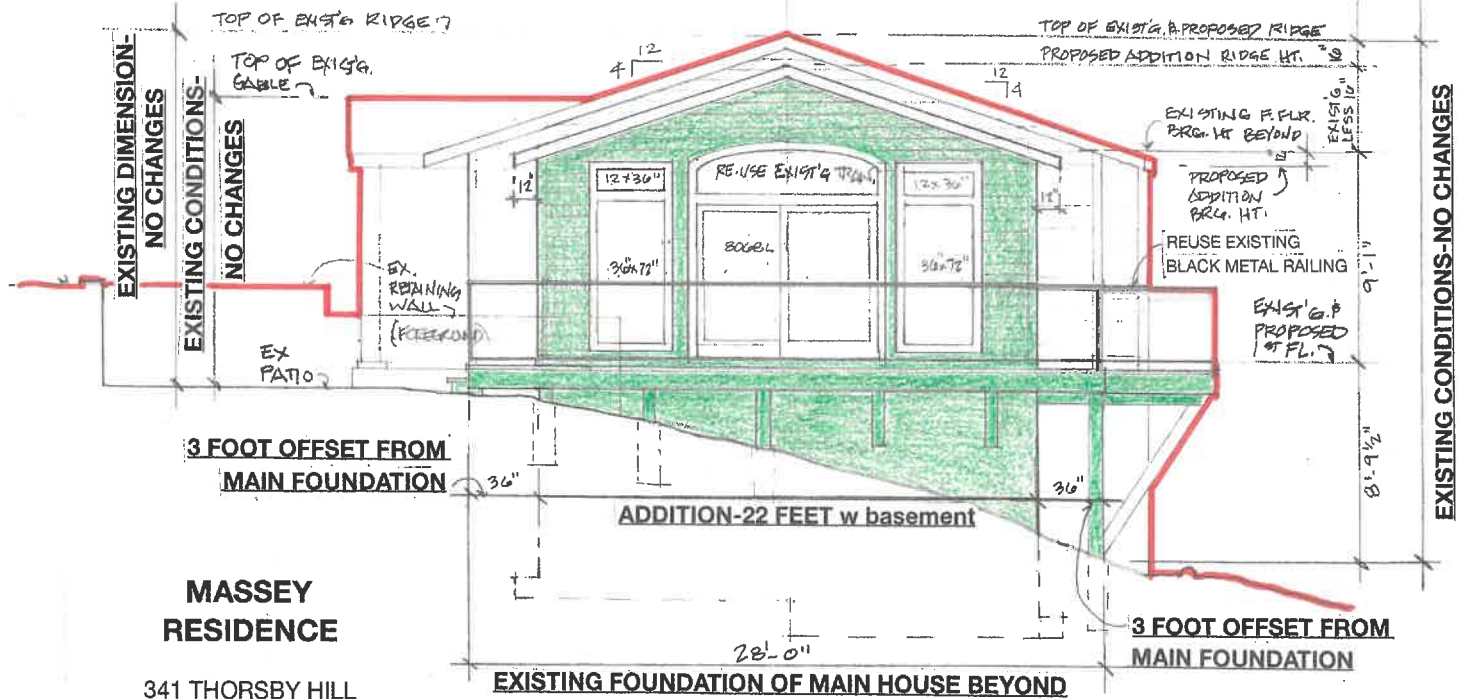


PHOTO LOCATION 1



PHOTO LOCATION 2





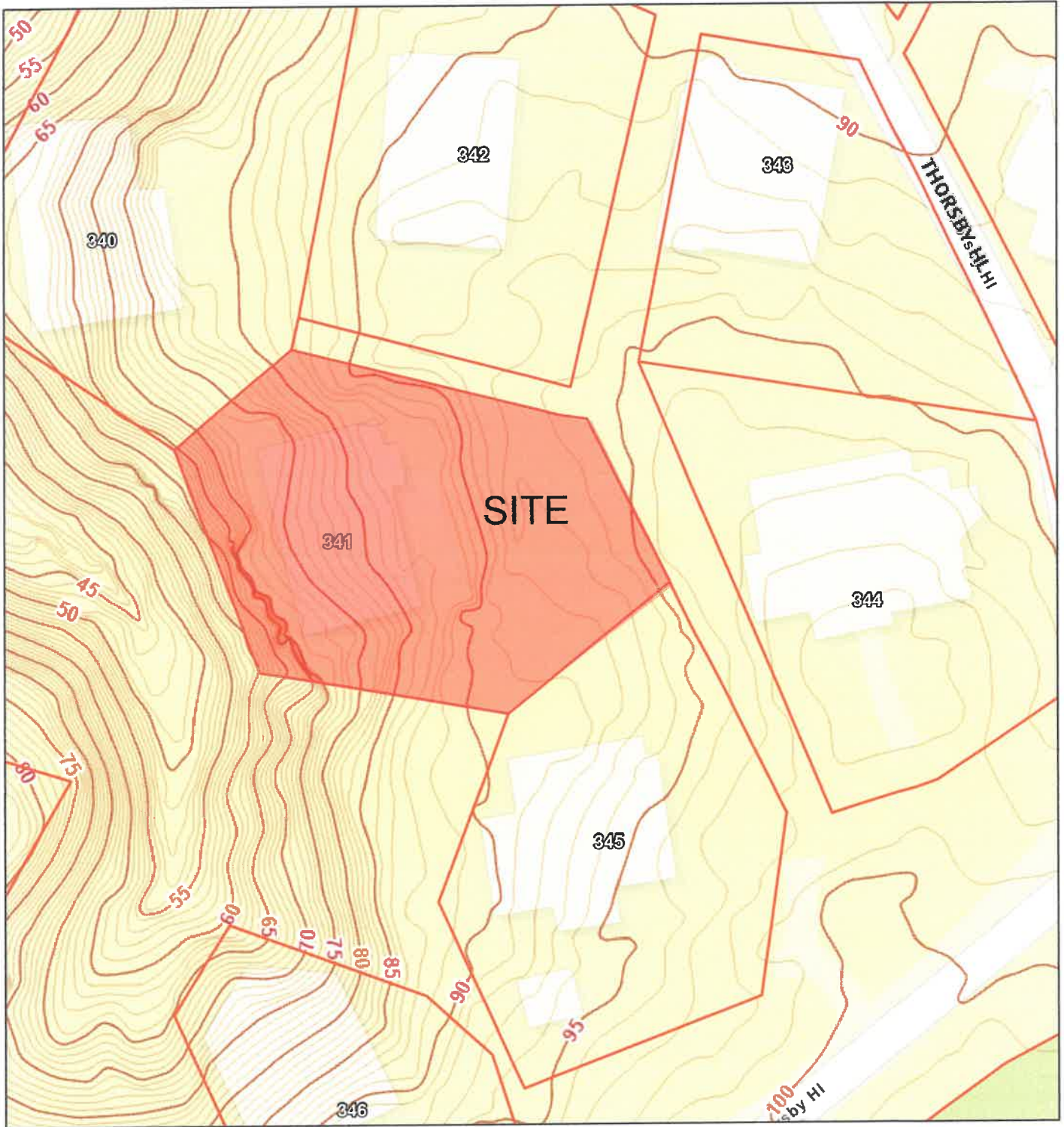
**MASSEY
RESIDENCE**

341 THORSBY HILL
SHERWOOD FOREST, MD. 21405

4.24.23

3 NORTH ELEVATION
SCALE: 3/16"=1'-0"

Anne Arundel County Engineering Record Drawing and Monuments



11/15/2023, 1:52:27 PM

Topo_2020

Index

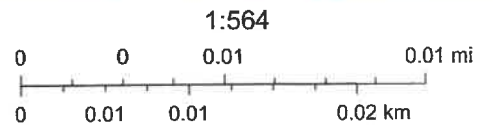
Intermediate

Local Road Label

 County Boundary

 Address Points

 Parcels



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Anne Arundel County

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