

November 30, 2023

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

**RE: BAY RIDGE ~ LOT 34, SEC 4
43 East Lake Drive
Annapolis MD, 21403
Variance Application**

Sir/Madam:

Attached is an application and associated submittal package for a variance to the County Code for the above referenced property. In order to redevelop the subject property, the owners require a variance to the Anne Arundel County Code. The requested variance includes; **Article 18, Sections 4-601** to setback requirements and the maximum coverage by structures requirement.

The subject property is a legal building lot located at the corner of East Lake Drive and Banbridge Avenue in the community of Bay Ridge, in Annapolis. It is currently improved with an older 1940s single-family dwelling, deck, detached garage, and associated improvements. The lot is zoned R2 and is served by a well and public sewer. The property is not waterfront but is located within the Chesapeake Bay Critical Area with an LDA land use designation.

The applicant proposes to construct a modest entry porch to the front of the existing dwelling. Due to the location of the existing dwelling in relation to the property lines, the following variances to the Anne Arundel County Code are being requested: to **Article 18, Section 4-601** of 5-ft to the required 20-ft corner yard setback and to **Article 18, Section 4-601** for 6% to the required 30% maximum coverage by structures.

The need for the requested variances arises from the unique physical conditions of the site, specifically the location of the existing improvements in relation to the property line and the required setbacks. The existing property is substandard in size at less than 50% of the required area for a property that is served by public sewer in the R2 zone. This, in addition to the property being a corner lot, greatly reduces the buildable area without a variance. The existing single-family dwelling currently sits well within the corner yard setback, so any renovations would require a variance to the code. The proposed porch is modest in size and will allow for a more comfortable entry and keeping out of the elements. The majority of the porch lies outside of the setback, but in order to make the design architecturally relevant and provide

adequate depth, the porch needs to extend to the corner of the existing dwelling, which lies within the corner setback. An additional statement of justification, provided by the property owner, as well as a letter of support from a neighbor, are included as Attachment 1. In addition, another neighbor (44 East Lake Drive) sent a letter of support directly to the Hearing Officer.

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, 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, the lot size and the location of the existing improvements in relation to the property line and required setbacks. 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 with 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 enjoy improvements greater in scale to what is proposed for this project.
4. Not based on conditions or circumstances that are the result of actions by the applicant - Conditions and circumstances are based on the proximity of the existing improvements to the property line and the required setbacks, not because of actions by the applicants.
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. Stormwater management and 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 modest in size, allow for a more useful covered entry, and only require a small area of disturbance to construct.
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 no trees are proposed to be removed for the improvements. However, any required mitigation will be provided as necessary during the permitting phase of the project.
 - 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



Katie Yetman

ATTACHMENT 1

From: Robby Miller <rmiller@miller.group>
Sent: Monday, August 21, 2023 1:09 PM
To: Katie Yetman <kyetman@drumloyka.com>
Cc: Michael Drum <mdrum@drumloyka.com>
Subject: RE: FW: Bay Ridge - Miller

STATEMENT OF JUSTIFICATION

We greatly appreciate the consideration of our application and are very hopeful that we will be able to proceed with the plans for our front porch addition. The existing home size at roughly 1200 sf is significantly smaller than most of the surrounding homes in the community, and very tight for a family of four, such as ours. The front porch addition will provide a significantly improved living environment, both in terms of space and layout, and will mitigate the need for much more significant improvement measures to improve the liveability of the house. Further, from an aesthetic standpoint, the house lacks the street presence of almost all neighboring homes and is inconsistent with neighboring homes in its presentation - the front porch addition will provide a presentation that is much more consistent with neighboring homes, and give the property an and more attractive presentation to the community.

October 3, 2023

Administrative Hearing Officer Douglas Clark Hollmann
Arundel Center
PO Box 2700
Annapolis, MD 21404

RE: Letter of Support
Front Porch Addition
43 E. Lake Drive, Annapolis, MD

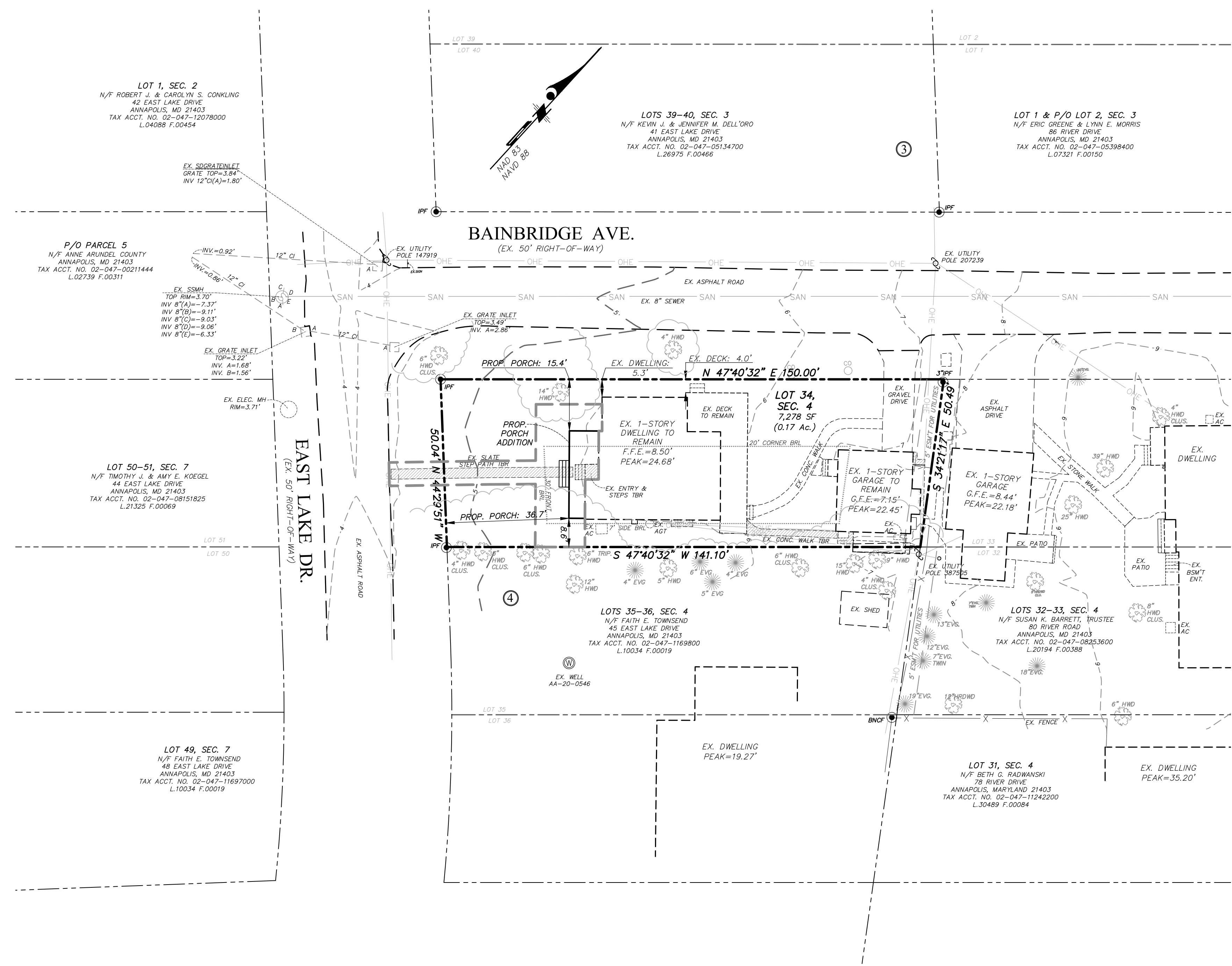
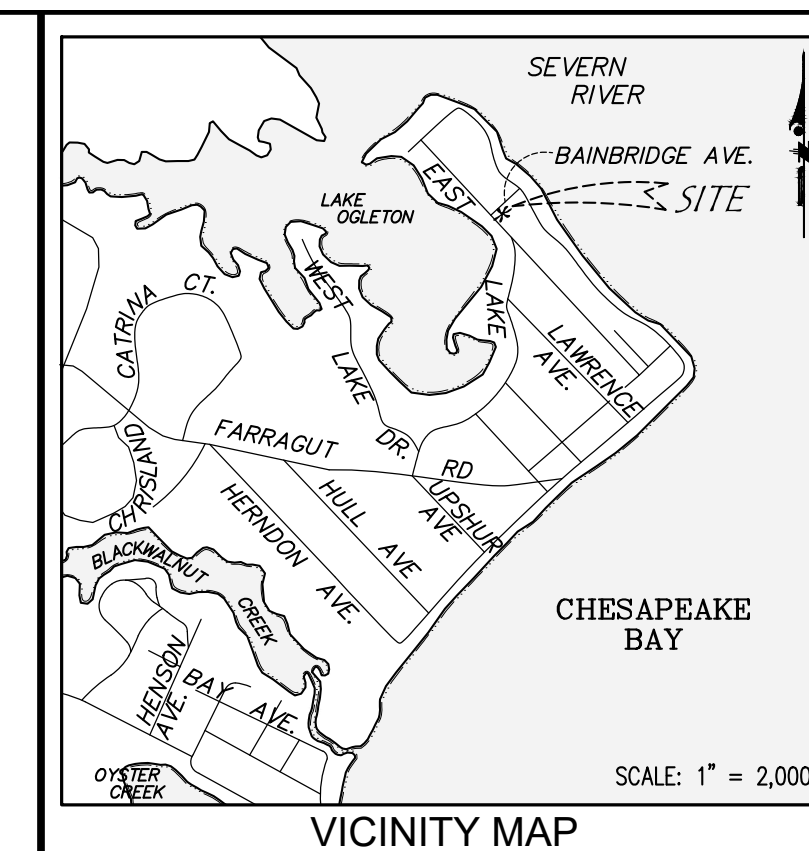
Dear Administrative Hearing Officer Hollman:

We are writing to show our full support of the Miller's planned front porch addition at 43 E. Lake Drive. We have had a chance to review the details of the project. We are in full agreement that the proposed front porch addition will be a welcome improvement to the presentation of the property, and that the street frontage of the home will be more consistent with neighboring homes once it is completed. The Millers have always taken excellent care of the home and property and have been great neighbors. We strongly support their plans to further enhance the property with the proposed front porch addition.

Thank you,

A handwritten signature in black ink, appearing to read "Kevin and Jenny Dell'Oro". The signature is fluid and cursive, with a large initial "K" and "J" followed by the last name "Dell'Oro".

Kevin and Jenny Dell'Oro
41 E. Lake Drive
Annapolis, MD 21403



LEGEND

- Existing Contour
- Existing Woods Line
- Existing Power Pole
- Existing Overhead Electric
- Existing Sewer Line
- Existing Well
- Existing Spot Elev.
- Setbacks/Building Restriction Lines
- Limit of Disturbance
- Existing Improvements
- Existing Improvements to be Removed

SITE TABULATIONS

- Total Site Area: 7,278 S.F. (0.17 Ac.)
- Lot Coverage: 2,618 S.F. (0.06 Ac.)
 - Existing Lot Coverage: 2,618 S.F. (0.06 Ac.)
 - Allowable Lot Coverage (17-8-403): 2,588 S.F. (0.06 Ac.)
 - Proposed Lot Coverage: 2,588 S.F. (0.06 Ac.)
- Coverage by Structures: 2,418 S.F. (±33%)
 - Existing Coverage by Structures: 2,418 S.F. (±33%)
 - Allowable Coverage by Structures: 2,183 S.F. (30%)
 - Proposed Coverage by Structures: 2,593 S.F. (±36%)
- Critical Area Designation: LDA
- Site Zoning: R-2
 - Principal Structure Setbacks
 - Front: 30'
 - Rear: 25'
 - Side: 7'
 - Corner: 20'

LOT 1, SEC. 2
N/F ROBERT J. & CAROLYN S. CONKLING
42 EAST LAKE DRIVE
ANNAPOLIS, MD 21403
TAX ACCT. NO. 02-047-12078000
L.04088 F.00454

LOTS 39-40, SEC. 3
N/F KEVIN J. & JENNIFER M. DELL'ORO
41 EAST LAKE DRIVE
ANNAPOLIS, MD 21403
TAX ACCT. NO. 02-047-05134700
L.26979 F.00466

LOT 1 & P/O LOT 2, SEC. 3
N/F ERIC GREENE & LYNN E. MORRIS
86 RIVER DRIVE
ANNAPOLIS, MD 21403
TAX ACCT. NO. 02-047-05398400
L.07321 F.00150

P/O PARCEL 5
N/F ANNE ARUNDEL COUNTY
ANNAPOLIS, MD 21403
TAX ACCT. NO. 02-047-00211444
L.02739 F.00311

LOT 50-51, SEC. 7
N/F TIMOTHY J. & AMY E. KOEGL
44 EAST LAKE DRIVE
ANNAPOLIS, MD 21403
TAX ACCT. NO. 02-047-08151825
L.21329 F.00069

LOT 49, SEC. 7
N/F FAITH E. TOWNSEND
48 EAST LAKE DRIVE
ANNAPOLIS, MD 21403
TAX ACCT. NO. 02-047-11697000
L.10034 F.00019

LOTS 35-36, SEC. 4
N/F FAITH E. TOWNSEND
45 EAST LAKE DRIVE
ANNAPOLIS, MD 21403
TAX ACCT. NO. 02-047-1169800
L.10034 F.00019

LOTS 32-33, SEC. 4
N/F SUSAN K. BARRETT, TRUSTEE
80 RIVER ROAD
ANNAPOLIS, MD 21403
TAX ACCT. NO. 02-047-08253600
L.20194 F.00368

LOT 31, SEC. 4
N/F BETH G. RADWANSKI
78 RIVER DRIVE
ANNAPOLIS, MARYLAND 21403
TAX ACCT. NO. 02-047-11242200
L.30489 F.00084

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| | |
|-----------------------|------------|
| DESIGNED: MMD | DRAWN: KLY |
| ORIG. DATE: 05-03-22 | |
| MODIFIED BY/DATE: | |
| CADD DWG # BMD4822 | |
| DLA PROJECT # BMD4822 | |

| REVISIONS TO APPROVED PLANS | | | |
|-----------------------------|------|----|-------------|
| No. | DATE | BY | DESCRIPTION |
| | | | |
| | | | |
| | | | |

Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 35
 Annapolis, Maryland 21403
 Phone: 410-280-3122 • Fax: 410-280-1952
 www.drumloyka.com

CLIENT:
 MR. & MRS. ROBERT MILLER
 43 EAST LAKE DRIVE
 ANNAPOLIS, MARYLAND 21403

VARIANCE PLAN
BAY RIDGE ~ LOT 34, SEC. 4
 43 EAST LAKE DRIVE, ANNAPOLIS, MD 21403
 TAX ACCT. NO. 02-047-09493425
 TAX MAP 0057 GRID 0010 PARCEL 0029 DISTRICT 2ND
 ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=20' DATE: APRIL 24, 2023 PROJ. NO: BMD4822 SHEET 1 OF 1

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 |
|-----------|----------|---------|-------|---------|
| 0057 | 0029 | 0010 | 34 | 4 |
| | | | | |
| | | | | |

FOR RESUBMITTAL ONLY

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

* Complete only Page 1
 General Project Information

Tax ID 02-047-09493425

Project Name (site name, subdivision name, or other) Bay Ridge ~ Lot 34, Sec. 4

Project location/Address 43 East Lake Drive

City Annapolis, Maryland Zip 21403

Local case number _____

Applicant: Last name Miller First name Robert

Company _____

Application Type (check all that apply):

- | | |
|---|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Building Permit <input type="checkbox"/> Buffer Management Plan <input type="checkbox"/> Conditional Use <input type="checkbox"/> Consistency Report <input type="checkbox"/> Disturbance > 5,000 sq ft <input type="checkbox"/> Grading Permit | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Rezoning <input type="checkbox"/> Site Plan <input type="checkbox"/> Special Exception <input type="checkbox"/> Subdivision <input type="checkbox"/> Other _____ |
|---|---|

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:

To construct attached entry porch to existing single-family dwelling

| | | | |
|-----------------------|-----|-----------------------|-----|
| | Yes | | Yes |
| Intra-Family Transfer | | Growth Allocation | |
| Grandfathered Lot | X | Buffer Exemption Area | |

Project Type (check all that apply)

| | |
|--------------------|--|
| Commercial | Recreational |
| Consistency Report | Redevelopment |
| Industrial | Residential X |
| Institutional | Shore Erosion Control |
| Mixed Use | Water-Dependent Facility |
| Other | |

SITE INVENTORY (Enter acres or square feet)

| | Acres | Sq Ft | | Acres | Sq Ft |
|------------|-------|-------|----------------------|-------|-------|
| | | | Total Disturbed Area | 0.02 | |
| IDA Area | | | # of Lots Created | 0 | |
| LDA Area | 0.17 | | | | |
| RCA Area | | | | | |
| Total Area | 0.17 | | | | |

| | Acres | Sq Ft | | Acres | Sq Ft |
|--------------------------------|-------|-------|-----------------------------|--------|-------|
| Existing Forest/Woodland/Trees | 0.04 | | Existing Impervious Surface | 0.06 | |
| Created Forest/Woodland/Trees | 0.00 | | New Impervious Surface | 0.0037 | |
| Removed Forest/Woodland/Trees | 0.00 | | Removed Impervious Surface | 0.0044 | |
| | | | Total Impervious Surface | 0.06 | |

VARIANCE INFORMATION (Check all that apply)

| | Acres | Sq Ft | | Acres | Sq Ft |
|------------------------|-------|-------|------------------------|-------|-------|
| Buffer Disturbance | 0.00 | | Buffer Forest Clearing | 0.00 | |
| Non-Buffer Disturbance | 0.02 | | Mitigation | 0.00 | |

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Impervious Surface
 Expanded Buffer
 Nontidal Wetlands
 Steep Slopes
 Setback X
 Other

Structure

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

X Porch

Chesapeake Bay Critical Area Report

Bay Ridge ~ Lot 34, Sec. 4

Tax Map 57, Grid 10, Parcel 29

Tax Account No. 02-047-09493425

Property Address: 43 East Lake Drive
Annapolis, Maryland 21403

November 29, 2023

Property Owner & Variance Applicant: Mr. & Mrs. Robert Miller

Critical Area Designation: LDA

Zoning: R2

Lot Area: 0.17 Ac.

Site Description

The subject property is an 0.17-acre legal building lot located at the corner of East Lake Drive and Banbridge Avenue in the community of Bay Ridge. The site is currently improved with a single-family dwelling, deck, detached garage, and associated improvements. Public sewer and well service the property. The lot is zoned R2 and is completely within the Chesapeake Bay Critical Area, with an LDA land use designation.

Description and Purpose of Variance Request

The existing property is substandard in size at less than 50% of the required area for a property that is served by public sewer in the R2 zone. This, in addition to the property being a corner lot, greatly reduces the buildable area without a variance. The existing single-family dwelling currently sits well within the corner yard setback, so any renovations would require a variance to the code. The proposed porch is modest in size and will allow for a more comfortable entry and keeping out of the elements. Due to the location of existing improvements and physical conditions inherent to the property, the following variances to the Anne Arundel County Code are being requested: **Article 18, Section 4-601** of 5-ft to the required 20-ft corner yard setback and to **Article 18, Section 4-601** for 6% to the required 30% maximum coverage by structures.

Vegetative Coverage and Clearing

The property's primary vegetative covering is lawn area with a few trees around the improvements. The existing wooded area totals roughly 1,600-sf. There is no proposed clearing for the project. If needed, any mitigation requirements for this property will be reviewed and addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 2,618-sf of lot coverage. The proposed impervious lot coverage is 2,588-sf, which meets the allowable.

Predominant Soils

The predominant soil type is Patapsco-Fort Mott-Urban land complex (PgB). This soil has a type "A" hydrologic classification and is not considered a hydric soil.

Drainage and Rainwater Control

There appear to be no visible stormwater management devices on site. Stormwater management and sediment and erosion control 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 size of the lot and the location of the existing improvements, in relation to the property lines. 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. 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.

Reference:

Anne Arundel County Office of Planning & Zoning, 2015 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2010 Buffer Exemption Map

Anne Arundel County Office of Planning & Zoning, 2022 Land Use and Zoning Map

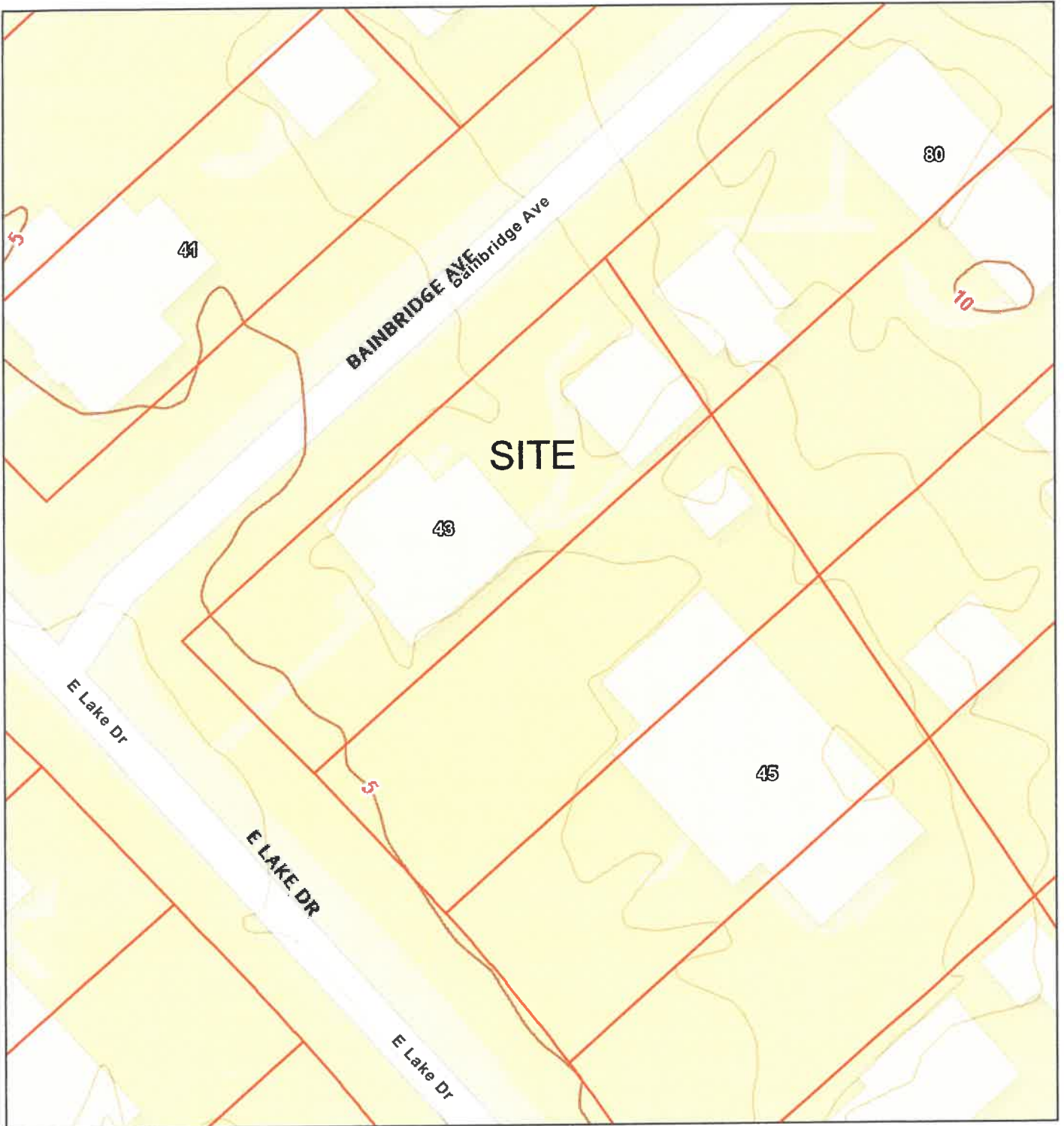
Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

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 –2015 Soil Survey of Anne Arundel County Maryland.

Anne Arundel County Engineering Record Drawing and Monuments



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Intermediate

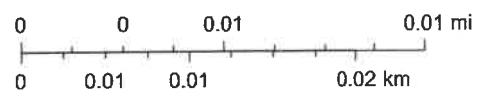
Local Road Label

County Boundary

Address Points

Parcels

1:564



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Anne Arundel County

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