

REV: February 23, 2024

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

**RE: Severn Grove ~ Lots 24, 25, 10B P/O 11 & 12
Variance Request Article 18, Section 2-301(f)**
201 Severn Drive
Annapolis, Maryland 21301
Tax Account # 02-746-10560500

Dear Ms. Jenkins:

On behalf of the owners Mr. Michael D. Merritt & Gloria A. Merritt, please find the enclosed Variance Application. The owners are requesting (3) zoning variances to **Article 18 Section 2-301(f)** of 22.9' to the required 25-foot front yard setback for the Proposed Landing, 19.3' to the required 25-foot front yard setback for the Proposed Steps and 18' to the required 25-foot front yard setback to the Proposed Covered Porch. Lastly, a Covered Rear Access entry is being proposed and falls outside the front 25-foot setback. There are no Critical Area variances being requested.

The subject property is located off the northwest side of Severn Drive in Annapolis, Maryland. The property is rectangular in shape, 0.30 acres in size, is a legal building site and is currently improved with a single-family dwelling, patios, driveways and. The property is zoned R-1 and has a Chesapeake Bay Critical Area land use designation of LDA. Approximately 34% of the site is encumbered by 15% steep slopes with the associated 25-ft buffer intersecting the existing dwelling and a portion of the existing improvements, no work is being proposed within the steep slopes or its associated buffer. The site is currently served by a private water well and septic system.

There are several hardships and practical difficulties regarding the redevelopment of the subject property. First, the site is substandard in total surface area at 10,118 sq. ft. or roughly 25% of the lot size required. Per **Article 18, Section 4-501 Bulk Regulations**, the minimum lot size is 40,000 sq. ft. Secondly, approximately 34% of the site is encumbered by 15% steep slopes and the associated 25-ft buffer intersects the existing dwelling and a portion of the existing improvements, no work is being proposed within the steep slopes or its associated buffer.

The existing on-site developed woodlands total 4,405 s.f. (0.10 Ac.). Removal of vegetation has been avoided to construct the proposed improvements. While there is existing canopy on site shown over the proposed limit of disturbance, no impact to the associated tree is required.

The site currently has 3,813 s.f. (0.09Ac.) of impervious coverage. The proposed impervious area for this property is 3,748 s.f. (0.09 Ac.), this represents a decrease of 65 s.f. from the existing impervious coverage.

This variance request represents the minimum disturbance necessary to construct the improvements and reduces lot coverage in the critical area. The implementation of onsite sediment and erosion controls, mitigation plantings and will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the critical area program. We believe that this request meets all the requirements for a Zoning Variance.

Code Article 18-16-305(a)

Requirements for Zoning Variances. Practical difficulties prevent conformance with the strict letter of this article due to the unique physical conditions and exceptional circumstances.

1. Substandard Lot Size – Due to the severely substandard lot size for an R1 zoned property development of this property is limited because of the required property line setbacks.
2. The granting of the variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to redevelop the lot. The lot is a legal buildable lot in the R-1 zoning district. Denial of the variance would constitute an undue hardship to deny the applicant's rights commonly enjoyed by other property owners.
3. Will not confer special privilege - granting this variance would not confer a special privilege to the applicants. The applicant has made extensive efforts to lay this proposed project out in a responsible manner that places most of the proposed improvements over top of existing lot coverage and reduces the ultimate lot coverage in the LDA.

(c) Requirements for all variances.

1. Minimum necessary to afford relief - The proposed variances allow for modest uses that not only meets the “significant and reasonable standard” but also are the minimal necessary development to afford relief.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA. Vegetative clearing is reduced to the minimum necessary to construct the proposed improvements and will be mitigated appropriately during the permit process with a buffer management plan.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area. Clearing is minimal

and only for what is necessary for construction and access, and the property is not located within a Bog Protection Area.

- v. be detrimental to the public welfare as constructing a single-family dwelling and associated improvements on a residentially zoned property will not impose harm to adjacent property owners or the public.

Denial of the requested variance and a strict implementation of the County's Zoning and Critical Area Program would constitute an unwarranted hardship on the applicant and deprive them of the same rights and privileges others enjoy in the neighborhood and deny reasonable and significant use of the entire property.

We appreciate your consideration of the enclosed variance request and we remain available to answer any questions you may have.

Sincerely,

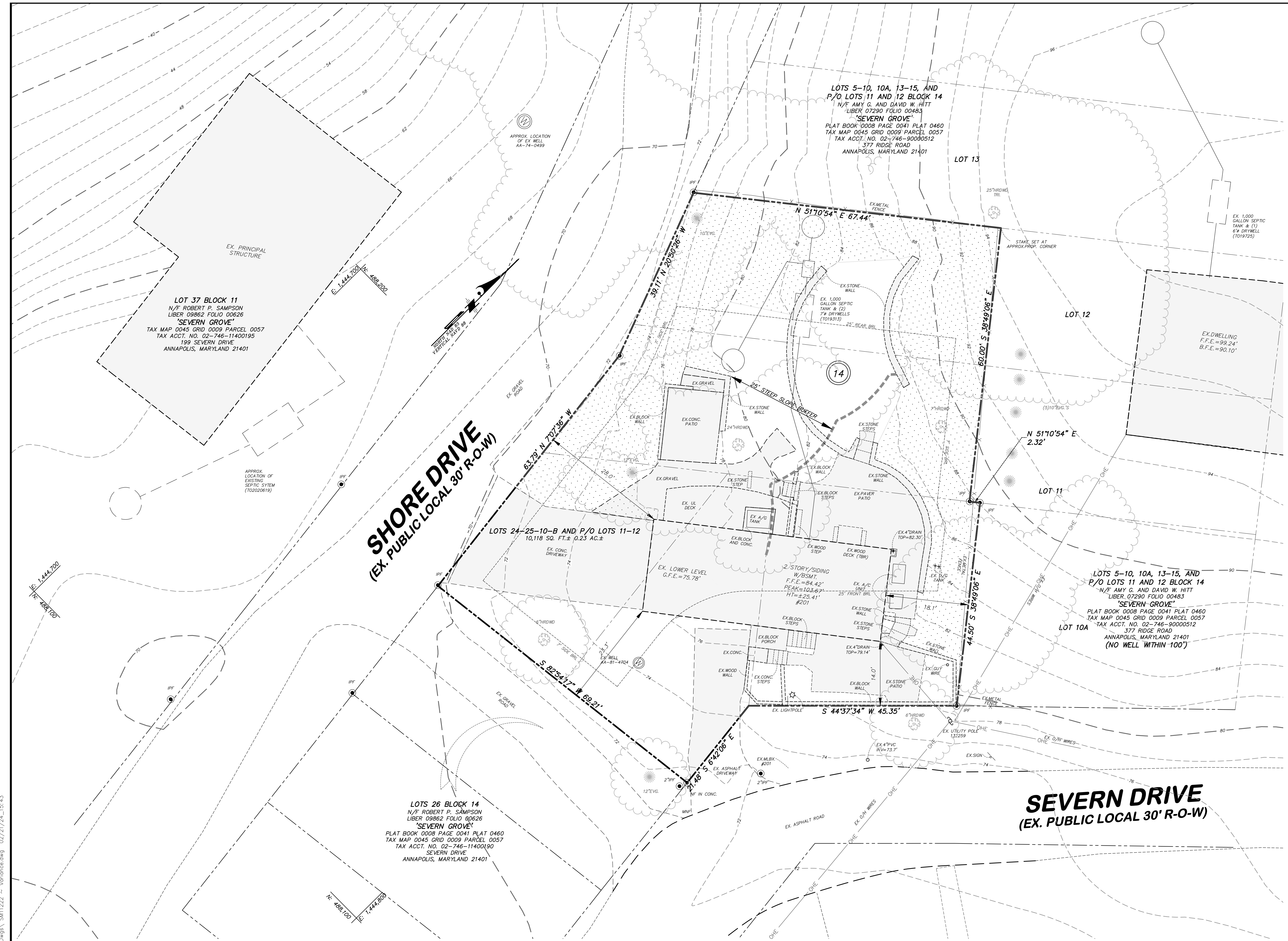
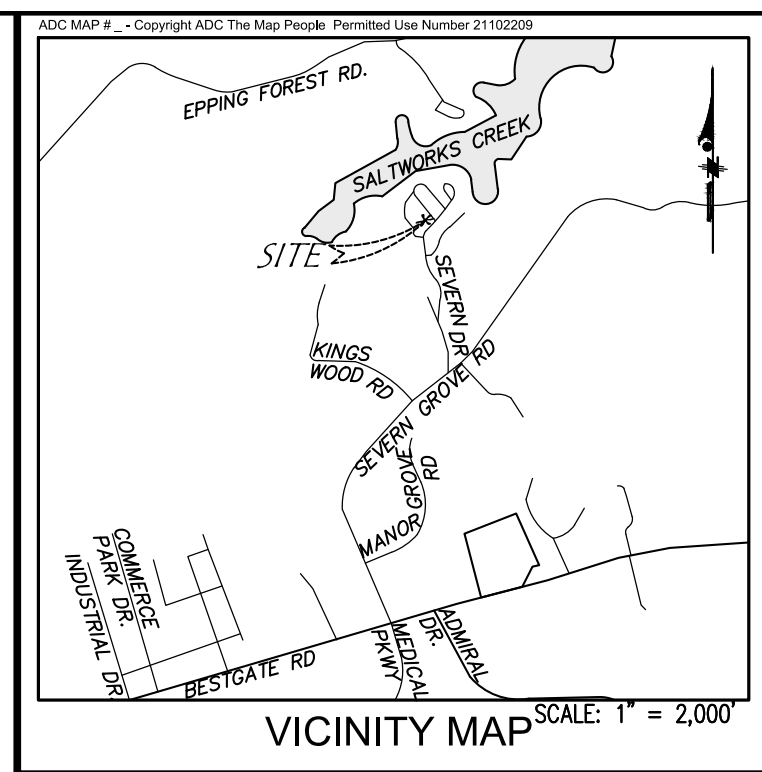
DRUM, LOYKA AND ASSOCIATES, LLC

Grant D. Mays

Civil Engineering Technician

Project Associate

Cc: Michael Merritt



LEGEND

	Existing Contour
	Existing Woods Line
	Existing fence Line
	Existing Power Pole
	Existing Overhead Electric Line
	Existing Septic System
	Existing Improvements
	Existing 15% Steep Slopes
	Existing 25' Steep Slope Buffer

NATURE OF VARIANCE

-Requesting zoning variances to Article 18, Section 18-2-301(f) of the Anne County Code of 22.9 feet to the required 25 foot front yard setback for the proposed landing, 19.3 feet to the required 25 foot front yard setback for the proposed steps & 18 feet to the required 25 foot front yard setback for the proposed covered porch.

DESIGNED: REB
 ORIG. DATE: 11/2023
 MODIFIED BY/DATE:
 CADD DWG # SM11222 VARIANCE
 DLA PROJECT # SM11222

REVISIONS TO APPROVED PLANS			
No.	DATE	BY	DESCRIPTION

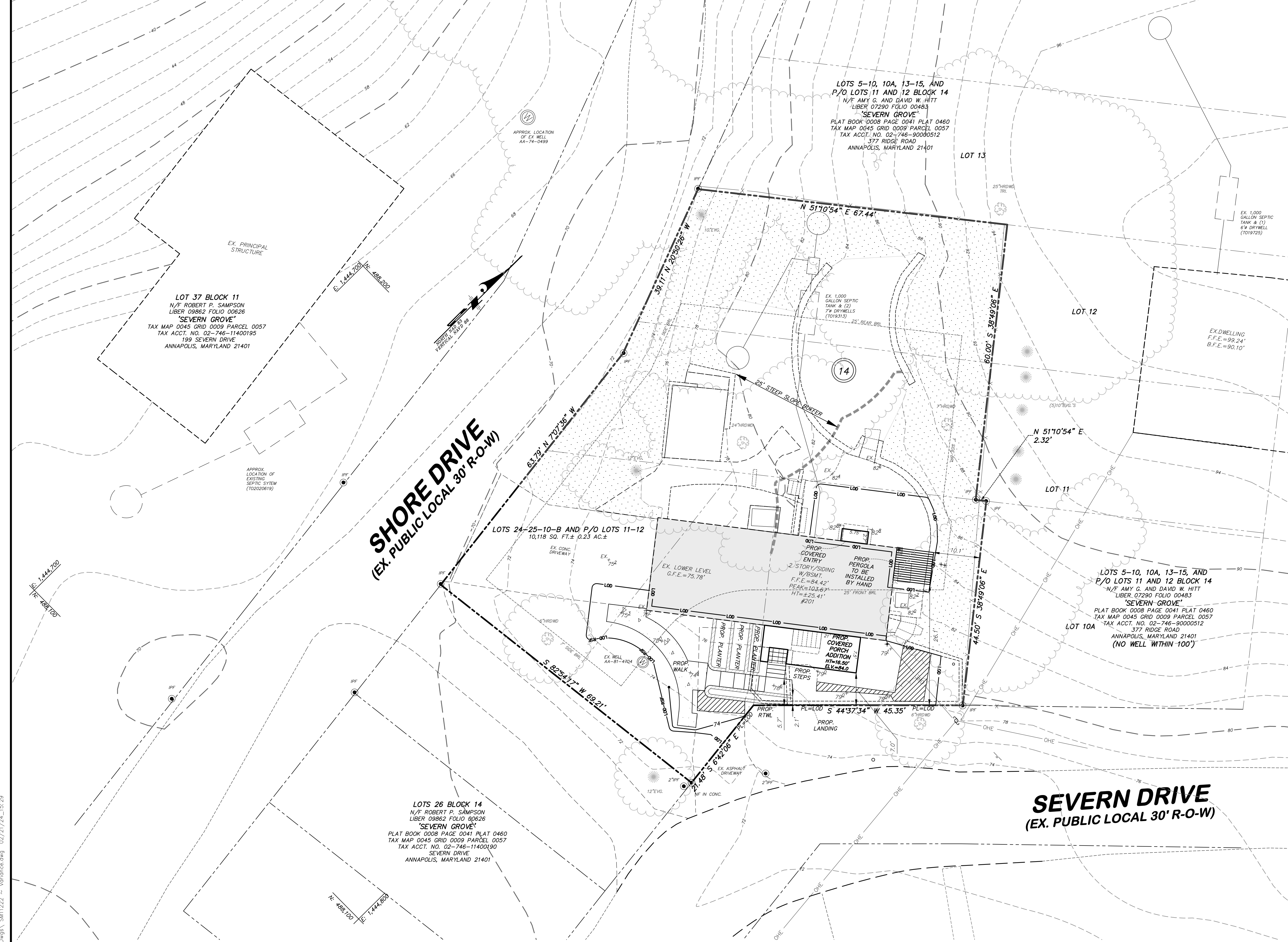
Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 35
 Annapolis, Maryland 21403
 Phone: 410-280-3122
 www.drumloyka.com | engineering@drumloyka.com

OWNER
 MICHAEL MERRITT
 201 SEVERN DRIVE
 ANNAPOLIS, MARYLAND 21401

EXISTING CONDITIONS & RESOURCE MAPPING
VARIANCE PLAN
SEVERN GROVE ~ LOTS 24,25, 10B PO 11 & 12
 201 SEVERN DRIVE, ANNAPOLIS, MARYLAND 21401
 TAX ACCT. NO. 02-746-10560500
 TAX MAP 45 GRID 9 PARCEL 57 DISTRICT 2ND
 ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1" = 10' DATE: 2/21/2024 PROJ. NO: SM11222 SHEET 1 OF 2

P:\SM11222\CADD-22-SM11222\Eng Drawings\SM11222 - Variance.dwg 02/21/24 15:43



LEGEND

	Existing Contour
	Existing Woods Line
	Reinforced Silt Fence
	Limit of Disturbance
	Existing Power Pole
	Existing Overhead Electric Line
	Existing Septic System
	Proposed Contour
	Existing Dwelling
	Existing Lot Coverage To Be Removed
	Existing 15% Steep Slopes
	Existing 25' Steep Slope Buffer

SITE TABULATIONS

• Total Site Area:	10,118 S.F. (0.30 Ac.)
• Total Disturbed Area:	1,725 S.F. (0.04 Ac.)
• Lot Coverage:	
-Existing Lot Coverage:	3,813 S.F. (0.09 Ac.)
-Allowable Lot Coverage (17-8-403):	3,748 S.F. (0.09 Ac.)
-Proposed Lot Coverage:	3,734 S.F. (0.09 Ac.)
• Coverage by Structures:	
-Existing Coverage by Structures:	1,835 S.F. (0.04 Ac.)
-Allowable Coverage by Structures (25%):	2,530 S.F. (0.06 Ac.)
-Proposed Coverage by Structures:	1,931 S.F. (0.04 Ac.)
• Critical Area Designation:	LDA
• Site Zoning: R1	
Setbacks (18-2-301(E))	
-Front:	25'
-Rear:	25'
-Side:	7'

DESIGNED: REB DRAWN: GDM
 ORIG. DATE: 11/2023
 MODIFIED BY/DATE:
 CADD DWG # SM11222 VARIANCE
 DLA PROJECT # SM11222

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REVISIONS TO APPROVED PLANS			
No.	DATE	BY	DESCRIPTION

Drum, Loyka & Associates, LLC
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 1410 Forest Drive, Suite 35
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 Phone: 410-280-3122
 www.drumloyka.com | engineering@drumloyka.com

OWNER
 MICHAEL MERRITT
 201 SEVERN DRIVE
 ANNAPOLIS, MARYLAND 21401

DEVELOPED CONDITIONS PLAN
 VARIANCE PLAN
SEVERN GROVE ~ LOTS 24,25, 10B PO 11 & 12
 201 SEVERN DRIVE, ANNAPOLIS, MARYLAND 21401
 TAX MAP 45 GRID 9 PARCEL 57 DISTRICT 2ND
 ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1" = 10' DATE: 2/21/2023 PROJ. NO: SM11222 SHEET 2 OF 2

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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: Anne Arundel County

Date December, 1 2023

Tax Map #	Parcel #	Block #	Lot #	Section
45	9		24,25,10B	

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

* Complete only Page 1
General Project Information

Tax ID 03-887-07075600

Project Name (site name, subdivision name, or other) Severn Grove ~ Lots 24, 25, 10B PO 11 & 12

Project location/Address 201 Severn Drive

City Annapolis, Maryland Zip 21401

Local case number

Applicant: Last name Merritt First name Michael

Company n/a

Application Type (check all that apply):

Building Permit	<input checked="" 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:

To add a front addition to the existing dwelling with steps and other associated improvements, a rear covered entry to replace the existing entry deck & a pergola on the eastern side of the existing dwelling over top of an existing patio.

	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 checked="" type="checkbox"/> <u>Additions</u>	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
	0.00	0	Total Disturbed Area	0.04	1,725
IDA Area	0.00	0			
LDA Area	0.30	10,118	# of Lots Created	n/a	
RCA Area	0.00	0			
Total Disturbed Area	0.04	1,725			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.10	4,405	Existing Lot Coverage	0.09	3,813
Created Forest/Woodland/Trees	0	0	New Lot Coverage		
Removed Forest/Woodland/Trees	0.000	0	Removed Lot Coverage	0.001	65
			Total Lot Coverage	0.09	3,748

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00	0	Buffer Forest Clearing	0.00	0
Non-Buffer Disturbance	0.04	1,725	Mitigation	TBD	TBD

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

Chesapeake Bay Critical Area Report

Severn Grove ~ Lots 24, 25, 10B P/O 11 & 12

Tax Map 45, Grid 9, Parcel 57

Tax Account No. 02-746-10560500

Property Address: 201 Severn Drive
Annapolis, Maryland 21401

Property Owner & Variance Applicant: Mr. Michael Merritt

Critical Area Designation: LDA **Zoning:** R-1 **Lot Area:** 0.30 Ac.

Site Description

The subject property is located off the west side of Severn Drive in Annapolis, Maryland. The property is irregular in shape, 0.30 acres, is a legal building site and is currently improved with a single-family dwelling. The property is zoned R-1 and has a Chesapeake Bay Critical Area land use designation of LDA. The existing dwelling is located 14- ft from the front property line and 18-ft off of the side property line. The site is currently served with a private water well and septic system.

Description and Purpose of Variance Request

The owners are requesting a zoning variance to **Article 18 Section 4-501 Bulk Regulations** to provide relief of 33-ft to the required 40-ft front property line setback and 5-ft to the required 15-ft side property line setback to construct a Front Porch Addition, new Rear Covered Entry porch, steps and a Pergola overtop an existing patio. There are no Critical Area variances being requested.

There are several hardships and practical difficulties regarding the redevelopment of the subject property. First, the site is severely substandard in total surface area at 10,118 sq. ft. or roughly 25% of the lot size required. Per **Article 18, Section 4-501 Bulk Regulations**, the minimum lot size is 40,000 sq. ft. Secondly, approximately 34% of the site is encumbered by 15% steep slopes and the associated 25-ft buffer intersects the existing dwelling and a portion of the existing improvements, no work is being proposed within the steep slopes or its associated buffer. Lastly, the practical difficulty related to the redevelopment of the site is the existing house foundation is 14-ft from the front property line and 18.1-ft off the side property line. This was the existing condition of the property when the applicant purchased the home. The proposed addition will encroach an additional 7-ft towards the front property line and the proposed pergola will encroach an additional 5-ft into the side yard setback.

A pre-filing review was not required for this project as the scope of the variance is not related to the Critical Area Program or environmentally sensitive areas, it is not creating a new single-family dwelling and the disturbed area is well below 5,000 square feet.

Vegetative Coverage and Clearing

The subject property is stabilized with various native evergreen & hardwood trees. In addition to the native species there are a handful of ornamental shrubs and trees along with a large portion of dense grass. The undeveloped northwestern portion of the site is entirely encumbered with existing woodlands, majority of the species in this area are native. This property is vegetatively stabilized with developed woodland, in a variety of stages of life allowing for succession to take place. Preservation of the existing developed woods on site is of utmost importance preserving various sources of habitat for the native flora and fauna. The existing on-site wooded area totals roughly 4,405 s.f. (0.10 Ac.). Removal of vegetation has been avoided to construct the proposed improvements. While there is existing canopy on site shown over the proposed limit of disturbance, no impact to the associated tree is required.

Lot Coverage

The site currently has 3,813 s.f. (0.09Ac.) of impervious coverage. The proposed impervious area for this property is 3,748 s.f. (0.09 Ac.), this represents a decrease of 65 s.f. from the existing impervious.

Lot Size

Per **Article 18, Section 4-501**, the minimum lot size for an R1 zoned lot is 40,000 square feet. The subject property is only 10,118 square feet, roughly 25% of the lot size required. The existing dwelling is located 14-ft off the front property line, the proposed Front Covered Porch addition will encroach an additional 7-ft towards the front property line. The proposed pergola will require relief of the 15-ft yard setback to allow development to take place 10-ft from the side property line.

Predominant Soils

The predominant soil type is Annapolis fine sandy loam, 5 to 10 percent slopes (AsE). This soil has a type "C" hydrologic classification and is not a hydric soil.

Drainage and Rainwater Control

Runoff from the site sheet flows across the site and ultimately drains to the existing public right of ways along Severn Drive & Shore Drive, existing flow paths will be preserved to the maximum extent practical. No Stormwater management is required for this development.

Conclusions – Variance Standards

The applicant proposes to construct a Front Covered Porch Addition with associated improvements including new stairs & walk, Rear Covered Entry and a Pergola. The need for the requested Zoning Variance arises from the existing unique nature and constraints of this property, specifically the location of the existing structure to the southeast and northeast property line, the proximity of the steep slopes and associated buffer, substandard lot size for R1 zoning, presence of developed woodlands on the northwestern portion of the property and the irregular shape of the lot. The proposed improvements are consistent in size and nature with other homes in the area and therefore will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to the public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area. With the disturbance being below 5,000 sq. ft., implementation of sediment and erosion control practices to be addressed during permitting, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

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 , 2016. 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 –2016 Soil Survey of Anne Arundel County Maryland.

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

From: Sterling Seay <pzseay16@aacounty.org>
Sent: Monday, November 20, 2023 4:26 PM
To: Robert Baxter <rbaxter@drumloyka.com>
Cc: Grant Mays <gmays@drumloyka.com>
Subject: Re: Zoning Variance for additions to an existing house PRE-FILE?

Bobby,

The general rule is a variance pre-file is required for for a new dwelling, development impacting environmentally sensitive areas or disturbing 5,000 square feet or more, and to bog or critical area provisions.

Sterling

On Mon, Nov 20, 2023 at 4:11 PM Robert Baxter <rbaxter@drumloyka.com> wrote:

Sterling,

Hope all is well. I always struggle with the determination of the requirement for a *Pre-File* for a residential variance for additions to an existing home. We would need (2) zoning variances. No critical area variances required, no environmental impacts. Is a Pre-File required in this circumstance?

Thanks!

Bobby

Robert E. Baxter, Jr.

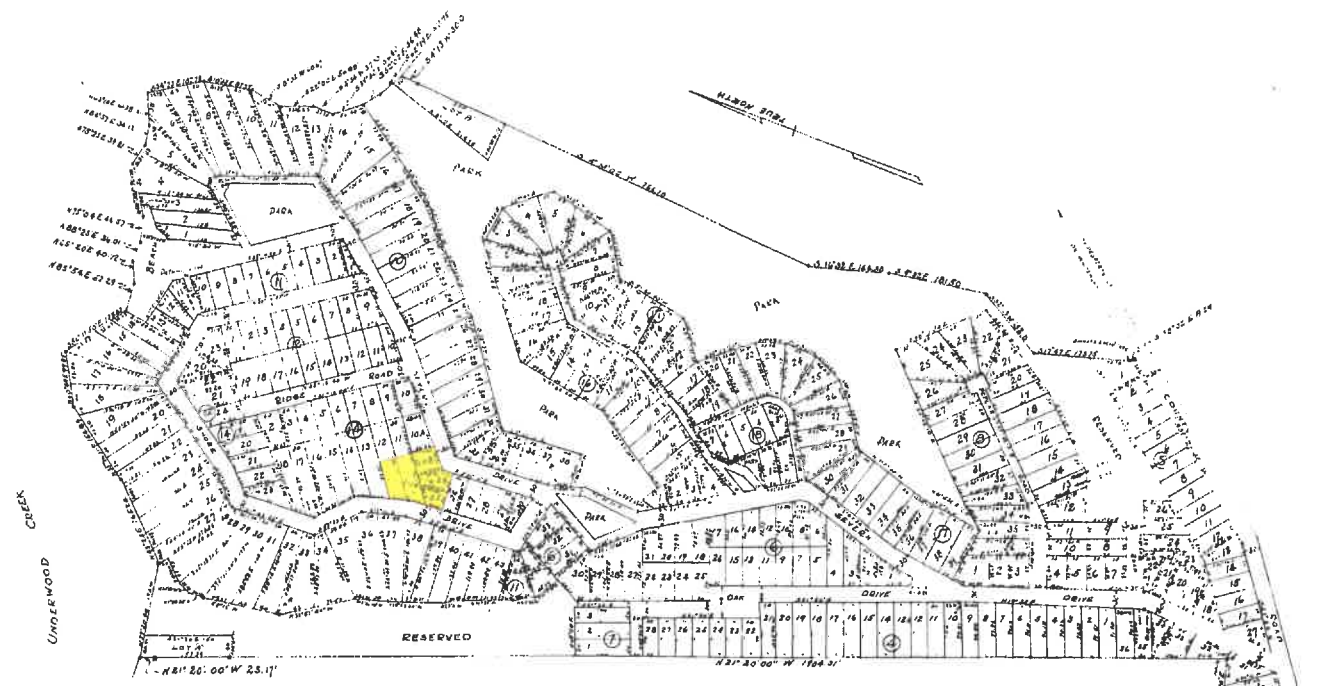
Drum, Loyka, & Associates, LLC

1410 Forest Drive, Suite 35

Annapolis, MD 21403
Phone: [410\) 280-3122](tel:(410)280-3122) ext. #107

rbaxter@drumloyka.com

www.drumloyka.com



CABINET No. 1
 ROD No. A-1
 PL T. No. 10
 Anne Arundel Co.

NOTE: CONCRETE MONUMENTS SHOWN THIS WAY
 IRON PIPE SHOWS THIS WAY

SEVERN GROVE
 OVERLOOKING BEAUTIFUL SEVERN RIVER
 DEVELOPED BY SEVERN GROVE CO.
 22ND ELECTION DISTRICT, AA COUNTY, MD.
 JUNE 10, 1932
 Edward J. Coffey & Co.
 Surveyors and Civil Engineers
 Annapolis, Maryland.



Restrictions recorded in
 Land Record F. S. R. No 97 folio 197
 Filed June 14 - 1932
 (No 460)



