



303 Najoles Road - Suite 114
Millersville, MD 21108

Phone: 410-987-6901
Fax: 410-987-0589

December 20, 2023

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

Re: **Richard and Nancy Morgan**
608 Tower Bank Road
Severna Park, MD 21409
T.M. 50 B. 24 P. 72
Complaint case# B-2023-188

Dear Ms. Seay,

Please accept this as our formal variance request to the Subdivision and Development Regulations in Article 17 on behalf of our client regarding critical area law. The variance requests are to Article 17, Section 8-201 to disturb steep slopes in the critical area.

We are requesting this variance to allow for the retaining wall, stairs, and landings leading to the water to be repaired or replaced in-kind. The entirety of the retaining wall, stairs, and landings are within slopes greater than 15% or with in the buffer. The landings and stairs stagger down the slope to provide safe access to the pier for the property. We are also requesting that a 3' x 6' landing addition be allowed to remain. This landing was constructed without permit in order to allow safe conveyance of small water craft from an existing tram to newly constructed landing. The landing was constructed without requiring the removal of any trees and minimal ground disturbance.

Explanation as required by Article 18, Section 16-305(b)

The topographical conditions of this lot cause implementation of the County's critical area program to cause unwarranted hardship on the property. A variance is necessary to replace an aging retaining wall in-kind and to repair or replace existing stairs and landings in order to provide safe access to the waterfront. There is not an area on the site where access could be made to the waterfront without disturbing steep slopes. Literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas and will not confer special privilege onto the applicant as adjacent residences have also disturbed the buffer and steep slopes in order to safely access their waterfront. These variance requests are the results of actions by the applicant. The applicant was unaware that a variance/building permits would be required to address safety issues and protect the slope

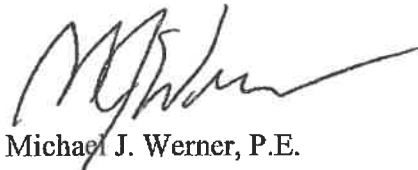
of his property due to retaining wall failure. This request does not have any bearing or connection to building on neighboring properties. The granting of this variance will not adversely affect water quality and fish as the flow characteristics of the site remain unchanged in the proposed condition as the lot coverage will not be changed and all disturbance will be restored to natural condition. Wildlife or plant habitat will not be adversely affected as the granting of the variances will allow the disturbance to be proposed in-kind of an existing retaining wall, stairs, and landings minimizing any new clearing of trees and disturbance to wildlife habitat. There are no other site planning alternatives for this site as the request is to replace or repair the existing retaining wall, stairs, and landings in-kind which reduces the amount of disturbance as much as possible.

Explanation as required by Article 18, Section 16-305(c)

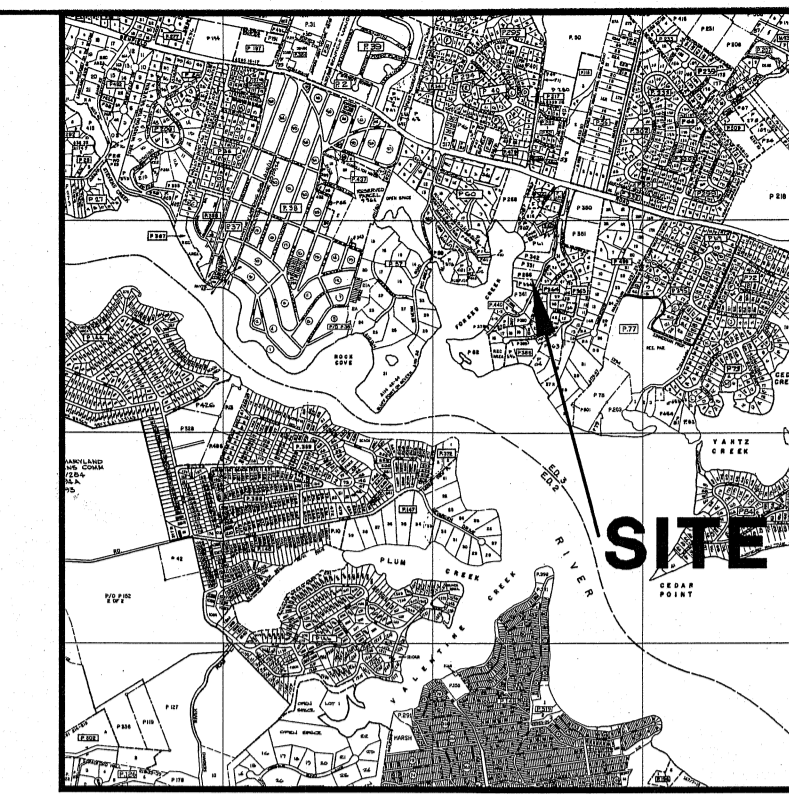
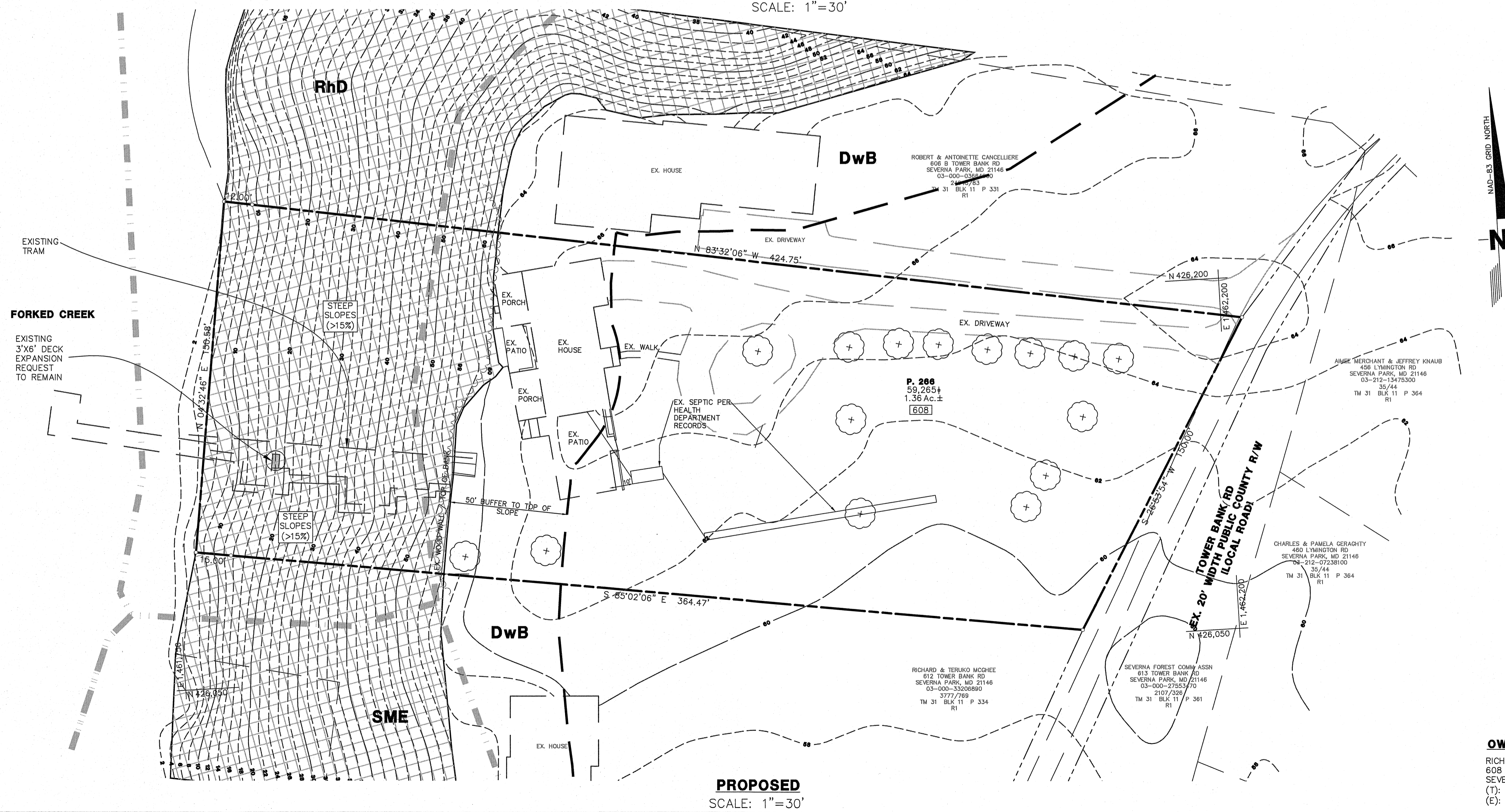
We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief because the proposed plan is the least intrusive way to restore the failing retaining wall and provide safe access to the waterfront. The granting of this variance will not alter the character of the neighborhood as the proposal aims to only replace in-kind an existing retaining wall, stairs and landing and only request that the 3'x 6' landing constructed be allowed to remain for small craft conveyance from the exiting tram to the landing. This variance will not impair the appropriate use or development of the surrounding property as it will not deny access or the possibility to build on neighboring lots. The granting of this variance will not be detrimental to the welfare of the public.

If you have any questions or need any additional information, please feel free to contact me at your convenience.

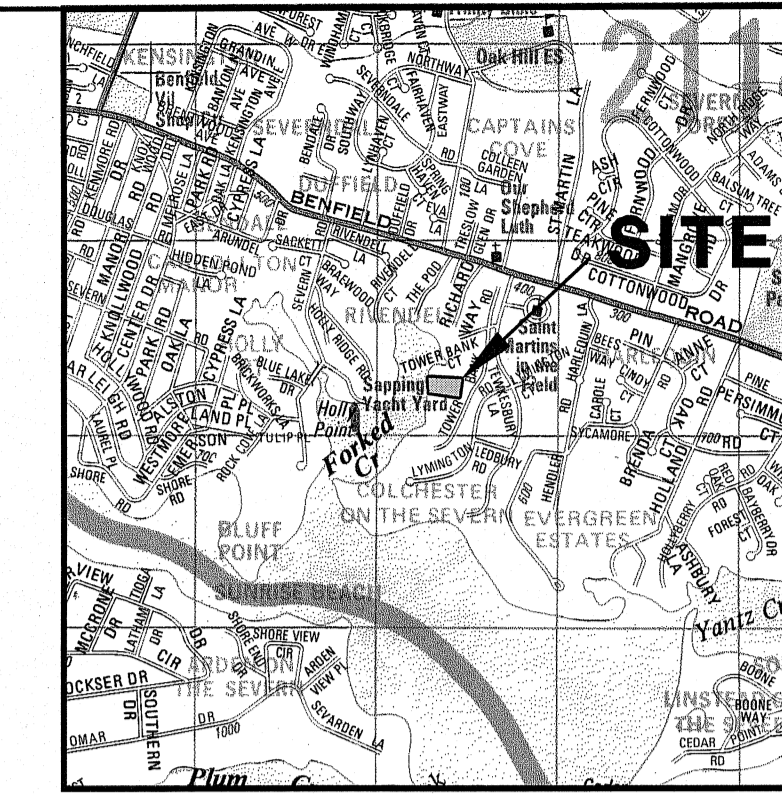
Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Werner", with a long horizontal flourish extending to the right.

Michael J. Werner, P.E.



TAX MAP
SCALE: NTS



VICINITY MAP
SCALE: 1" = 2,000'
Copyright ADC The Map People
Permitted Use Number 20403131

NOTES

1. THE LOCATIONS OF THE FEATURES SHOWN ON THE RESOURCE MAP HAVE BEEN VERIFIED.
2. THE ENVIRONMENTAL FEATURES WERE ASSESSED AND FIELD LOCATED BY A MARYLAND DEPARTMENT OF NATURAL RESOURCES "QUALIFIED PROFESSIONAL" WITH RESPECT TO THE VEGETATION AND FOREST COVER; AND BY A MARYLAND DEPARTMENT OF ENVIRONMENT "LISTED PROFESSIONAL" WITH RESPECT TO POSSIBLE WETLANDS AND STREAM DETERMINATION.
3. OFF SITE BEARING AND DISTANCES HAVE NOT BEEN VERIFIED.
4. THERE IS NO NON-TIDAL WETLANDS ON SITE.
5. THIS SITE IS NOT LOCATED IN A BOG OR CONTRIBUTING AREA TO A BOG.
6. THERE ARE SLOPES GREATER THAN 15%.
7. THIS SITE IS WITHIN THE LDA CRITICAL AREA.

NATURE OF VARIANCE

1. A VARIANCE TO ARTICLE 17-8-201 TO DISTURB STEEP SLOPES AND THEIR EXPANDED BUFFER. THE VARIANCE REQUEST IS TO ABATE COMPLAINT CASE# 8-2023-188.

SITE ANALYSIS

1. EXISTING ZONING: R1
2. TOTAL SITE AREA: 59,265 s.f.
3. PROPOSED USE: 1 SINGLE FAMILY LOT

LEGEND

	-152-	Existing Contours
		Existing Tree Line
		Soils Line
		Drainage Area
		Time of Concentration

SOIL CLASSIFICATION CHART

SYMBOL	NAME	HYDROLOGIC SOIL GROUP
DwB	Downer-Hampton-Urban land complex	A
RhD	Russell-Christiana-Hambrook complex	C

ANAREX, INC
CIVIL ENGINEERING SERVICES
LAND SURVEYING

303 Najoles Road - Suite 114
Millsville, MD 21108-2512
Phone: 410-987-6901
www.anarex.com

SHEET 1 OF 1
VARIANCE PLAN
EXISTING AND PROPOSED DRAINAGE AREA MAPS
608 TOWER BANK ROAD

608 TOWER BANK RD
SEVERNA PARK, MD 21146

TAX ACCOUNT # 3-000-17202800

TAX MAP 31 BLOCK 11 PARCEL 236 DATE: AUGUST, 2023 ZONING: R1
THIRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND ZIP CODE: 21146

OWNER/DEVELOPER:
RICHARD & NANCY MORGAN
608 TOWER BANK ROAD
SEVERNA PARK, MD
(T): 3777-7898
(E): rmorgan@higdoninc.com

Chesapeake Bay Critical Area Report

608 Tower Bank Rd
Tax Map: 31 Grid: 11 Parcel: 236
Severna Park, Md

November 2023

Prepared for:

Richard Morgan
608 Tower Bank Road
Severna Park, MD 21146

Prepared by:

Holly Oak Consulting, LLC
303 Sycamore Rd
Severna Park, MD 21146
khaines@hollyoakconsulting.com



1.0 - INTRODUCTION

The subject property is located at 608 Tower Bank Road in Severna Park, Maryland. The property is identified on Tax Map 31, Grid 11, as Parcel 236. The site is zoned R1 per the Anne Arundel County Zoning Map. Field work for this report was completed on November 10, 2023 by Kevin C. Haines of Holly Oak Consulting, LLC.

2.0 – EXISTING CONDITIONS

The site contains 1.33 acres all of which is within the Chesapeake Bay Critical Area. The site is specifically mapped within the Limited Development Area (LDA). The site falls from west to east towards the Severn River. A large portion of the site is encumbered by developed woodland (20,036 sq. ft.). The remainder of the site comprises a residence, driveway, yard and associated amenities.

The site is bordered by residentially developed properties to the north and south, the Severn River to the west, and Tower Bank Road to the east. The site is accessed by Tower Bank Road.

The United States Department of Agriculture Natural Resources Conservation Service has mapped the soils throughout Anne Arundel County and makes the mapped soils and descriptions available online through the Web Soil Survey. The data that was retrieved on November 9, 2023, and showed two (2) soil types exist in the study area. The soil type and description can be found below. A copy of the soil mapping can be found in [Appendix A](#).

<i>Map Unit Symbol</i>	<i>Map Unit Name</i>	<i>Hydric (%)</i>	<i>K-Factor (Whole Soil)</i>
DwB	Downer-Hammonton-Urban Land Complex	0	-
RhD	Russett-Christiana-Hambrook Complex	5	0.28

3.0 – AERIAL IMAGERY REVIEW & SITE HISTORY

This site is located within Severna Park, MD a suburb of the greater Baltimore and Annapolis areas. The surrounding area was largely used as a summering location from the 1920s through the 1950s, when the surrounding areas began to become developed with residential subdivisions. Several farms were also located nearby, some utilized the waters of the Severn River to send goods to market in Annapolis and Baltimore. A copy of the USGS Topographical map can be found in [Appendix A](#).

Per aerial photos from 1970-2023, the site has remained in a similar vegetative state. Aerial images are available upon request.

4.0 – PROPOSED CONDITIONS

The purpose of the application associated with this report is to remedy a violation case. Specifically the violation case involves the expansion of a deck area within a steep slope.

Forest clearing was not required for the expansion of the deck. Buffer disturbance was required, equaling the area of the deck, or 18 square feet.

Stormwater management is not required for this project as the proposal does not include disturbance above 5,000 square feet and forest clearing is not required.

5.0 – HABITAT PROTECTION AREAS

State and County Critical Area Law identifies certain areas of high environmental value as Habitat Protection Areas (HPA's). Below is a discussion of HPA's existing within the subject site.

5.1 - Steep Slopes

Anne Arundel County designates steep slopes within the Critical Area as slopes of 15% that are at least 6' high. The site does contain steep slopes and as previously mentioned the disturbance occurred within the steep slope area.

5.2 - Rare, Threatened & Endangered Species

A request for Environmental Review was submitted to the Maryland Department of Natural Resources Wildlife and Heritage Services on November 15, 2023 and a response is forthcoming. Per initial research of DNR records there does not appear to be records of RTEs within or adjacent to the boundary of this site. RTEs were not noted during the field visits to this site. The site is not within mapped FIDS habitat per MDDNR's MERLIN Online GIS Database. The on site forest is mapped as FIDS habitat.

5.3 - Wetlands, Streams, & 100-Year Floodplain

The site does not contain tidal wetlands, non-tidal wetlands, or streams per the field observations. Furthermore, both the USFWS National Wetland Inventory (*Appendix A*) and MD DNR Wetland Inventory do not indicate the presence of wetlands or streams within the boundary of the site.

The site is located within the Severn River Watershed (MD 02131002 8-digit).

The site lies within Zone X (areas of minimal flood hazard) per FEMA Flood Insurance Rate Maps # 24003C0154F (eff. 2/18/15) as shown in *Appendix A*.

5.4 – Buffer and Expanded Buffer

The site does not contain the buffer or expanded buffer.

5.5 – Other HPAs Not Contained within Study Area

Several HPAs are not mapped within or adjacent to the study area. MDDNR's MERLIN online mapping database was reviewed and showed that the following HPA's are not located within or near the study area: Submerged aquatic vegetation, shellfish beds, historical waterfowl staging and concentration areas, sensitive species project review areas, and natural heritage areas.

6.0 – EXISTING VEGETATION & WILDLIFE

Much of the vegetation on-site is common for the shores of the Severn River. The vegetation comprises a southern red oak (*Quercus falcata*), chestnut oak (*Quercus montana*), and black gum (*Nyssa sylvatica*) canopy. The understory is dominated by American holly.

The unforested portions of the site are vegetated with lawn and landscape beds typical of a residential use.

References

- Brown, R.G. and M.L. Brown. 1972. *Woody Plants of Maryland*. Port City Press, Baltimore, Maryland.
- Eyre, F. H. (1980). *Forest cover types of the United States and Canada*. Washington, D.C. (5400 Grosvenor Lane, Washington, D.C. 20014): Society of American Foresters.
- Foell, Stephanie (2004). *McLean Property, Maryland Historical Trust Determination of Eligibility Form*. Baltimore, MD: Maryland Historical Trust.
- Jones, Claudia, McCann, Jim, & McConville, Susan. (2001). *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.
- Kaufman, S. R., & Kaufman, W. (2013). *Invasive plants: a guide to identification, impacts, and control of common North American species*. Mechanicsburg, PA: Stackpole Books.
- Lerman, S., Nislow, K., Nowak, D., DeStefano, S., Kind, D. and Jones-Ferrand, T. (2017). *Using urban forest assessment tools to model bird habitat potential -*
- Maryland DNR (Department of Natural Resources). 1997. *State Forest Conservation Technical Manual*. Third Edition, Ginger Page Howell and Todd Ericson, Editors.

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: November 14, 2023

Tax Map #	Parcel #	Block #	Lot #	Section
0031	0331	11	2	N/A

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 03-000-03664900

Project Name (site name, subdivision name, or other) Glenwood on Severn

Project location/Address 608 Tower Bank Road

City Severna Park Zip 21146

Local case number _____

Applicant: Last name Morgan First name Richard

Company N/A

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 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 perfect an outstanding violation for the expansion of a deck (18 sq. ft.)
--

Intra-Family Transfer <input type="checkbox"/> Yes Grandfathered Lot <input type="checkbox"/>	Growth Allocation <input type="checkbox"/> Yes Buffer Exemption Area <input type="checkbox"/>
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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	-	18
LDA Area	1.36	59,265			
RCA Area			# of Lots Created	0	
Total Area	1.36	59,265			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.46	20,036	Existing Lot Coverage	0.21	9,311
Created Forest/Woodland/Trees	0	0	New Lot Coverage	-	18
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage	0.21	9,329

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00	18	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	-	-	Mitigation	TBD	TBD

<p style="text-align: center;"><u>Variance Type</u></p> Buffer <input 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 checked="" type="checkbox"/> Steep Slopes <input type="checkbox"/> Other <input type="checkbox"/>	<p style="text-align: center;"><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input checked="" 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"/>
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HOLLY OAK
CONSULTING, LLC

303 Sycamore Rd
Severna Park, MD 21146
P: 410 306-3119
Email: info@hollyoakconsulting.com

PROJECT

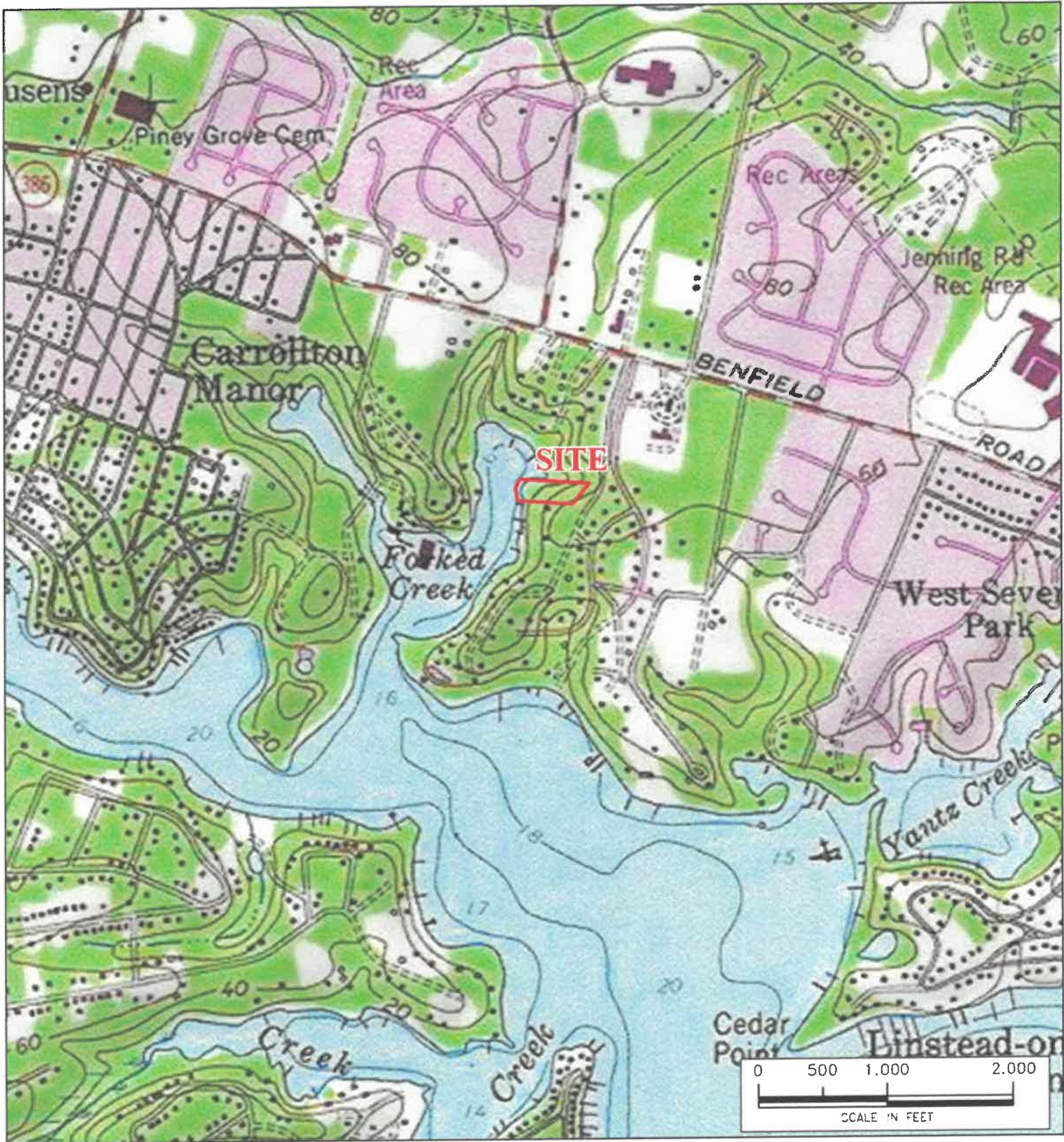
**608 TOWER
BANK ROAD**


SEVERNA PARK, MD 21146
ANNE ARUNDEL CO., MD

DRAWING TITLE

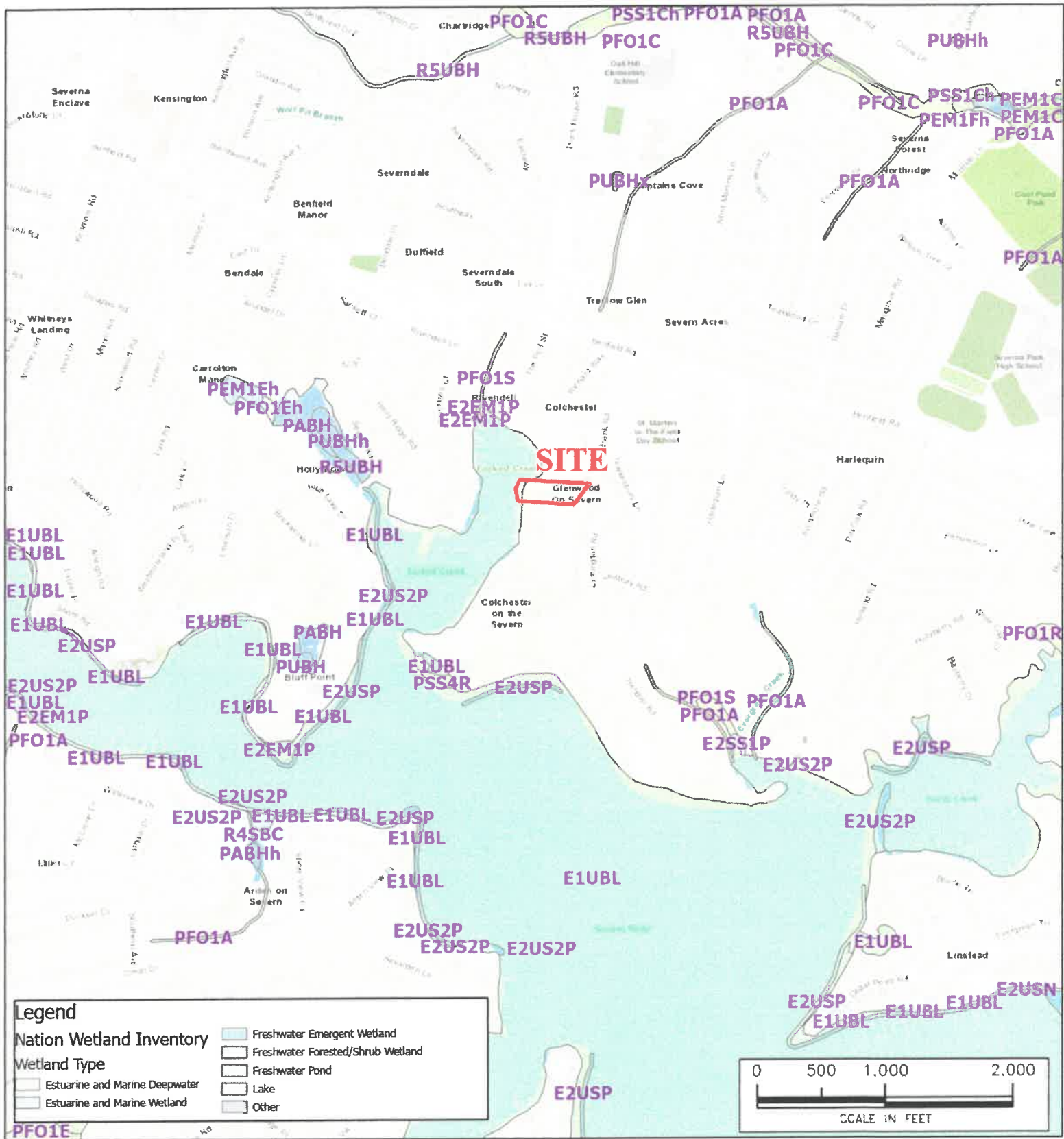
**VICINITY
MAP**

PRJ. NO. 23-85	FIGURE 1
DRAWN BY KCH	
SCALE 1"=1,000'	
DATE 11/15/2023	



 403 Sycamore Rd Severna Park, MD 21116 P: 410-906-3419 Email: info@hollyoakconsulting.com	PROJECT	DRAWING TITLE	PROJ. NO. 23-85	FIGURE
	608 TOWER BANK ROAD	USGS 24K TOPOGRAPHICAL MAP	DRAWN BY KCH	2
	SEVERNA PARK, MD 21145 ANNE ARUNDEL CO., MD		SCALE 1"=1,000'	
			DATE 11/15/2023	

11/15/2023 4:26:22

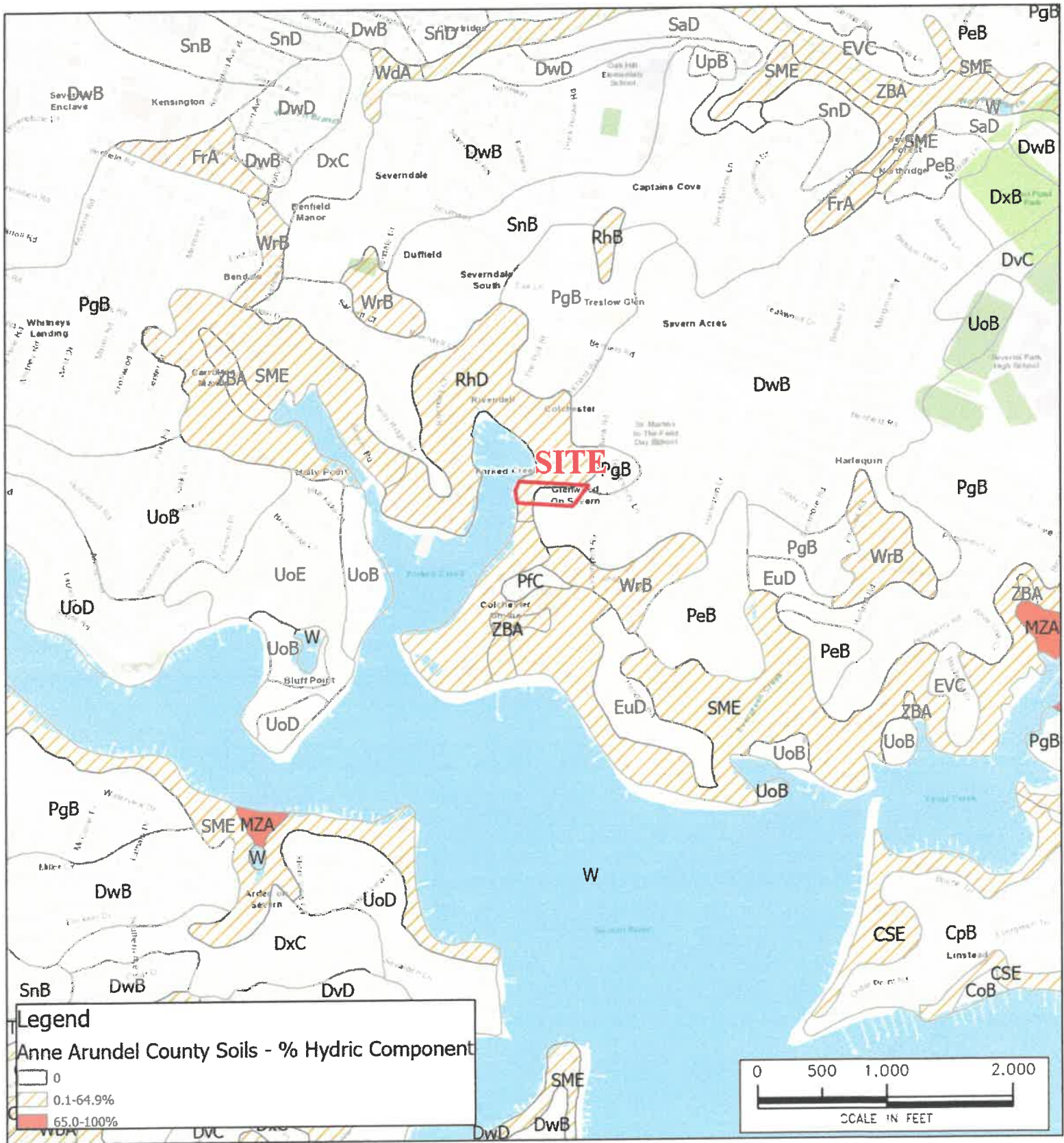


HOLLY OAK CONSULTING
301 Seawore Rd
Severna Park, MD 21116
P: 410-319-9010-3419
Email: info@hollyoakconsulting.com

PROJECT
608 TOWER BANK ROAD
SEVERNA PARK, MD 21116
ANNE ARUNDEL CO., MD

DRAWING TITLE
USFWS NATIONAL WETLAND INVENTORY

PROJ. NO. 23-85	FIGURE 3
DRAWN BY KCH	
SCALE 1" = 1,000'	
DATE 11/15/2023	



HOLLYOAK
CONSULTING, INC.

383 Swamore Rd
Severna Park, MD 21146
P: 410 906-3419
Email: info@hollyoakconsulting.com

PROJECT

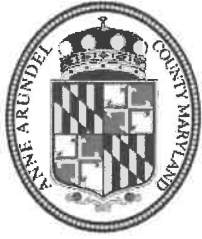
**608 TOWER
BANK ROAD**

SEVERNA PARK, MD 21146
ANNE ARUNDEL CO., MD

DRAWING TITLE

**USDA NRCS
SOIL
SURVEY**

PROJ. NO. 23-85	FIGURE 1
DRAWN BY KCH	
SCALE 1"=1,000'	
DATE 11/15/2023	



OFFICE OF PLANNING AND ZONING
CONFIRMATION OF PRE-FILE

PRE-FILE #: 2023-0043-P
DATE: 10/05/2023
OPZ STAFF: Jennifer Lechner
Kelly Krinetz

APPLICANT/REPRESENTATIVE: Richard & Nancy Morgan / Anarex, Inc.

EMAIL: matt@anarex.com

SITE LOCATION: 608 Tower Bank Road, Severna Park, 21146

LOT SIZE: 1.33 acres

ZONING: R1 **CA DESIGNATION:** LDA **BMA:** NO or **BUFFER:** YES **APPLICATION TYPE:** Variance

The applicants are requesting the following variances to perfect the replacement of a retaining wall and water access steps with a tram platform greater than 36sqft (B02418296 to abate B-2023-188):

1. A variance to 17-8-301, to allow development in the buffer and expanded buffer.
2. A variance to 18-2-403, to allow a water access landing greater than 36sqft.

COMMENTS

Critical Area Team:

No objection to the replacement/repair of the steps and retaining walls.

Retaining wall locations should be clearly shown/labeled on the site plan.

Additional explanation/photos should be provided to justify the 3x6 platform.

Zoning Administration Section:

The Letter of Explanation for the variance submission should reference the correct Code sections.

The Administrative Site Plan should clearly show the footprint of the retaining wall, water access steps and landings.

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.

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.