

303 Najoles Road - Suite 114  
Millersville, MD 21108

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

January 4, 2024

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

**Re: 1165 Latrobe Drive  
Annapolis, MD 21409**

Dear Ms. Seay,

Please accept this as our formal variance request to the Zoning Regulations on behalf of our client. The variance requests are to Article 18, Section 9 – 203(a) of the OS Bulk Regulations. We are requesting 35' variance to the required 50' to any lot line setback

We are requesting this variance to allow a deck be built for the existing structure.

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

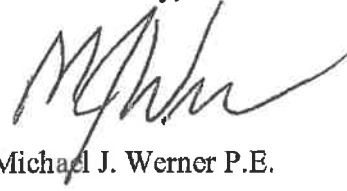
We believe the granting of this variance is warranted because the subject is incorrectly zoned as OS instead of R-5. All surrounding property that is developed is zoned R-5. The subject lot has an existing structure on it and currently does not meet the OS setbacks. It should be noted that the property owners received a letter from Eric Ketterling, Senior Planner stating that the property is recommended to be rezoned from OS to R-5. The property owners do not wish to wait for the rezoning process to take place due to the time involved and would like relief now. If the property was zoned correctly a variance would not be required.

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

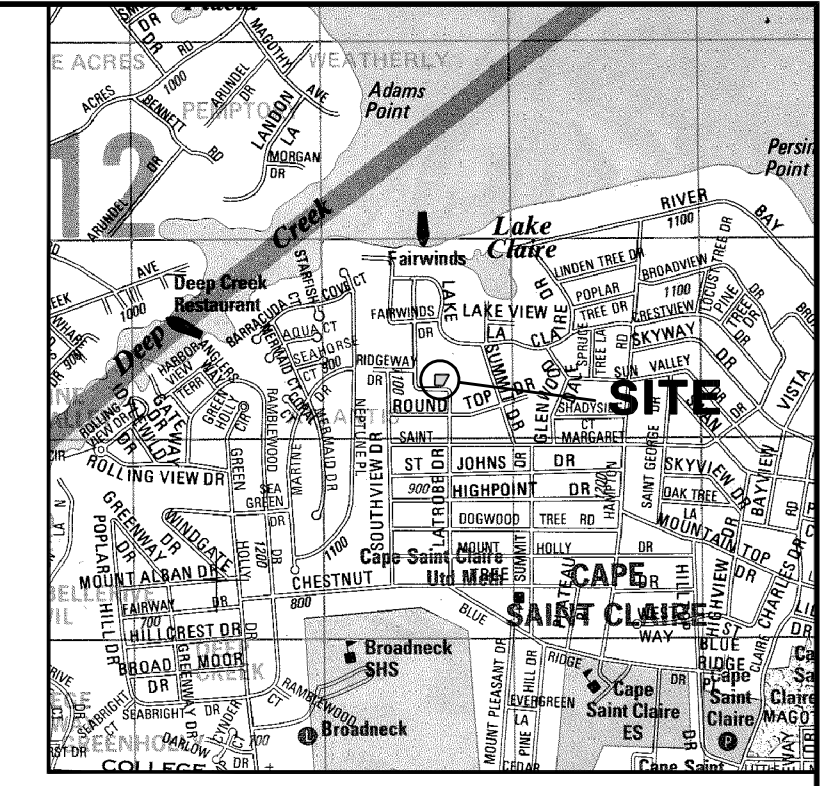
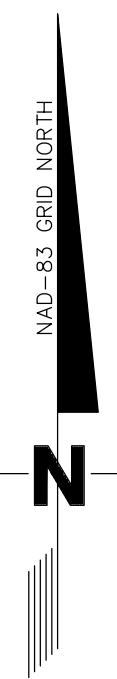
We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief based upon the nature of the lot and the unique physical conditions, such as the site is already developed with an existing structure. The granting of this variance will not alter the character of the neighborhood. 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 and all surrounding properties have been developed. The granting of this variance will not be detrimental to the welfare of the public and in fact will provide additional safety measures for the existing use of the building

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

Sincerely,

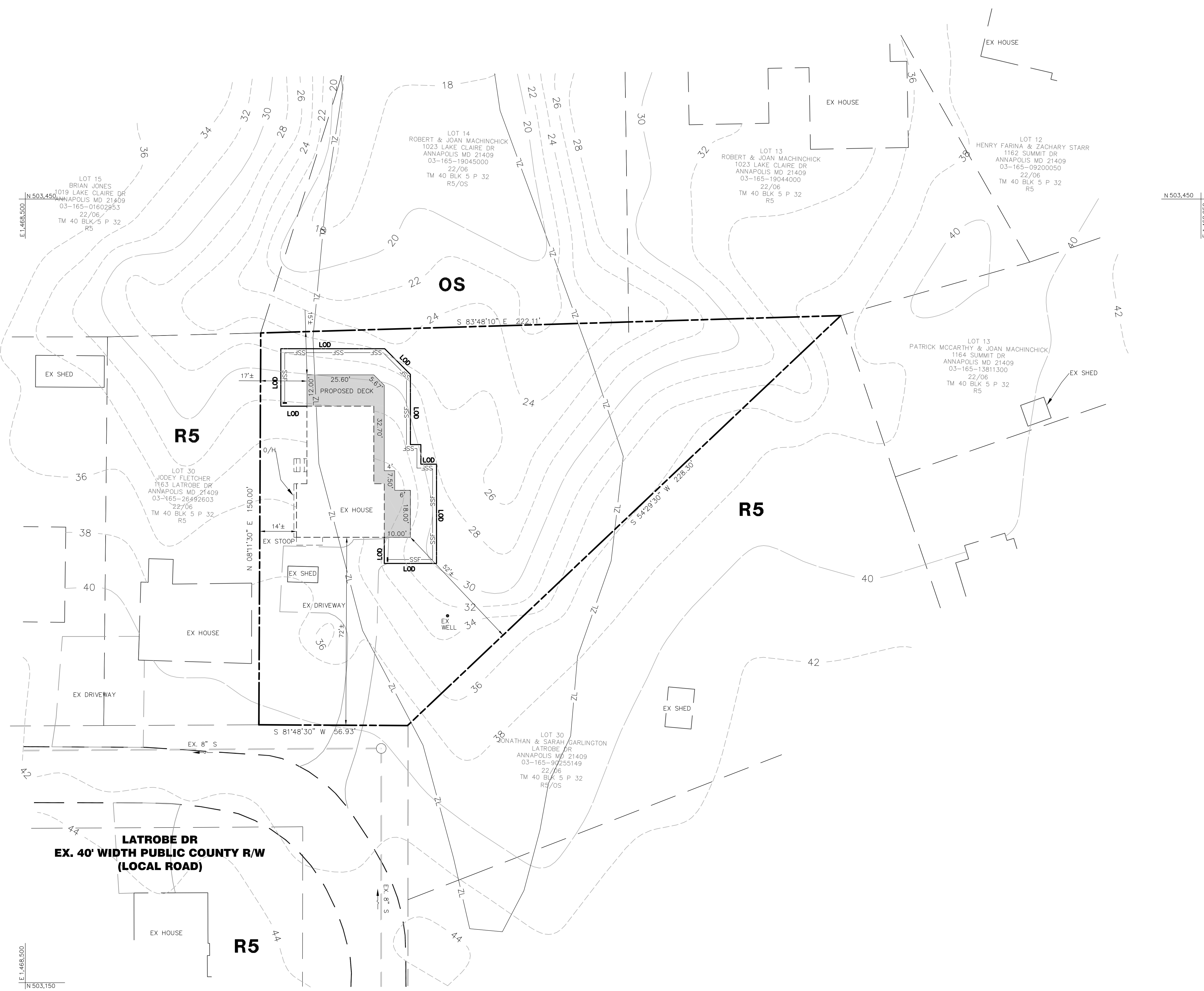
A handwritten signature in black ink, appearing to read 'MJ Werner', written in a cursive style.

Michael J. Werner P.E.



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

**SITE ANALYSIS**  
 1. EXISTING ZONING: OS (12,647 SF)  
 R5 (8,503 SF)  
 2. EXISTING USE: 1 SINGLE FAMILY LOT



**LATROBE DR**  
 EX. 40' WIDTH PUBLIC COUNTY R/W  
 (LOCAL ROAD)

**OWNER:**  
 JOEL LEWIS & ELIZABETH BAUER  
 1165 LATROBE DR  
 ANNAPOLIS, MD 21409

#	REVISIONS:	APPROVED BY:	DATE:

**ANAREX, INC**  
 CIVIL ENGINEERING SERVICES  
 LAND SURVEYING  
 303 Najoles Road - Suite 114  
 Millersville, MD 21108-2512  
 Phone: 410-987-6901  
 www.anarex.com

SHEET 1 OF 1  
**VARIANCE PLAN**  
**CAPE SAINT CLAIRE**  
**LOT 29, BLOCK Aq, PLAT 9**  
 1165 LATROBE DR  
 ANNAPOLIS, MD 21409  
 GP # :  
 TAX MAP 40 BLOCK 5 PARCEL 32 TAX ACCOUNT # 03-165-90069316 ZONING: R-5 OS  
 DATE: JANUARY, 2024  
 THIRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND 21409

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
0040	0032	5	29	N/A

Tax ID: 03-165-90069316

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
 General Project Information

Project Name (site name, subdivision name, or other) Cape St. Claire

Project location/Address 1165 Latrobe Drive

City Annapolis Zip 21146

Local case number

Applicant: Last name Lewis First name Joel

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 construct a new deck on the rear and side of the existing house.

Intra-Family Transfer  Yes  
 Grandfathered Lot

Growth Allocation  Yes  
 Buffer Exemption Area

**Project Type (check all that apply)**

Commercial   
 Consistency Report   
 Industrial   
 Institutional   
 Mixed Use   
 Other

Recreational   
 Redevelopment   
 Residential   
 Shore Erosion Control   
 Water-Dependent Facility

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft
IDA Area		
LDA Area	0.48	20,850
RCA Area		
Total Area	0.48	20,850

Total Disturbed Area 

Acres	0.02
Sq Ft	680

# of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.28	12,000	Existing Lot Coverage	0.08	3,585
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.02	650
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage	0.10	4,235

**VARIANCE INFORMATION (Check all that apply)**

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.02	680	Mitigation	TBD	TBD

Variance Type  
 Buffer   
 Forest Clearing   
 HPA Impact   
 Lot Coverage   
 Expanded Buffer   
 Nontidal Wetlands   
 Setback   
 Steep Slopes   
 Other

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

# **Chesapeake Bay Critical Area Report**

**1065 Latrobe Drive  
Tax Map: 40 Grid: 5 Parcel: 32  
Annapolis, MD**

**November 2023**

*Prepared for:*

Mr. Joel Lewis  
1165 Latrobe Drive  
Annapolis, MD 21409

*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 1165 Latrobe Drive in Annapolis, Maryland. The property is identified on Tax Map 40, Grid 5, as Parcel 32, Lot 29. The site is zoned R5/OS 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 0.48-acre all of which is within the Chesapeake Bay Critical Area. More specifically, the site is mapped within the Limited Development Area (LDA). The site falls from south to north towards a drainage. A large portion of the site is encumbered by developed woodland (12,000 sq. ft.). The remainder of the site comprises a residence, driveway, yard and associated amenities.

The site is bordered by both residentially developed and undeveloped lots. The site is accessed by Latrobe Drive to the south.

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 one (1) soil type exists 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>
PgB	Patapsco-Fort Mott-Urban land complex	0	0.05

## 3.0 – AERIAL IMAGERY REVIEW & SITE HISTORY

This site is located within the Cape St. Claire neighborhood in Annapolis, 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 Magothy 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 applicant proposes to construct a new deck in the non-forested portion of the site.

Forest clearing will not be required for the construction of deck. Buffer disturbance is not required. The project proposes adding a total of 680 sq. ft. of lot coverage.

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 not include steep slopes in the area of development.

### 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.

### 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 within the boundary of the site.

The site is located within the Magothy River Watershed (MD 02131001 8-digit).

The site lies within Zone X (areas of minimal flood hazard) per FEMA Flood Insurance Rate Maps #24003C0187F (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 Magothy River. The vegetation comprises a southern red oak (*Quercus falcata*) and tulip poplar (*Liriodendron tulipifera*) 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  
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| Buffer Management Plan <input type="checkbox"/>    | Rezoning <input type="checkbox"/>            |
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| Consistency Report <input type="checkbox"/>        | Special Exception <input type="checkbox"/>   |
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Last name \_\_\_\_\_ First name \_\_\_\_\_

Phone # \_\_\_\_\_ Response from Commission Required By \_\_\_\_\_

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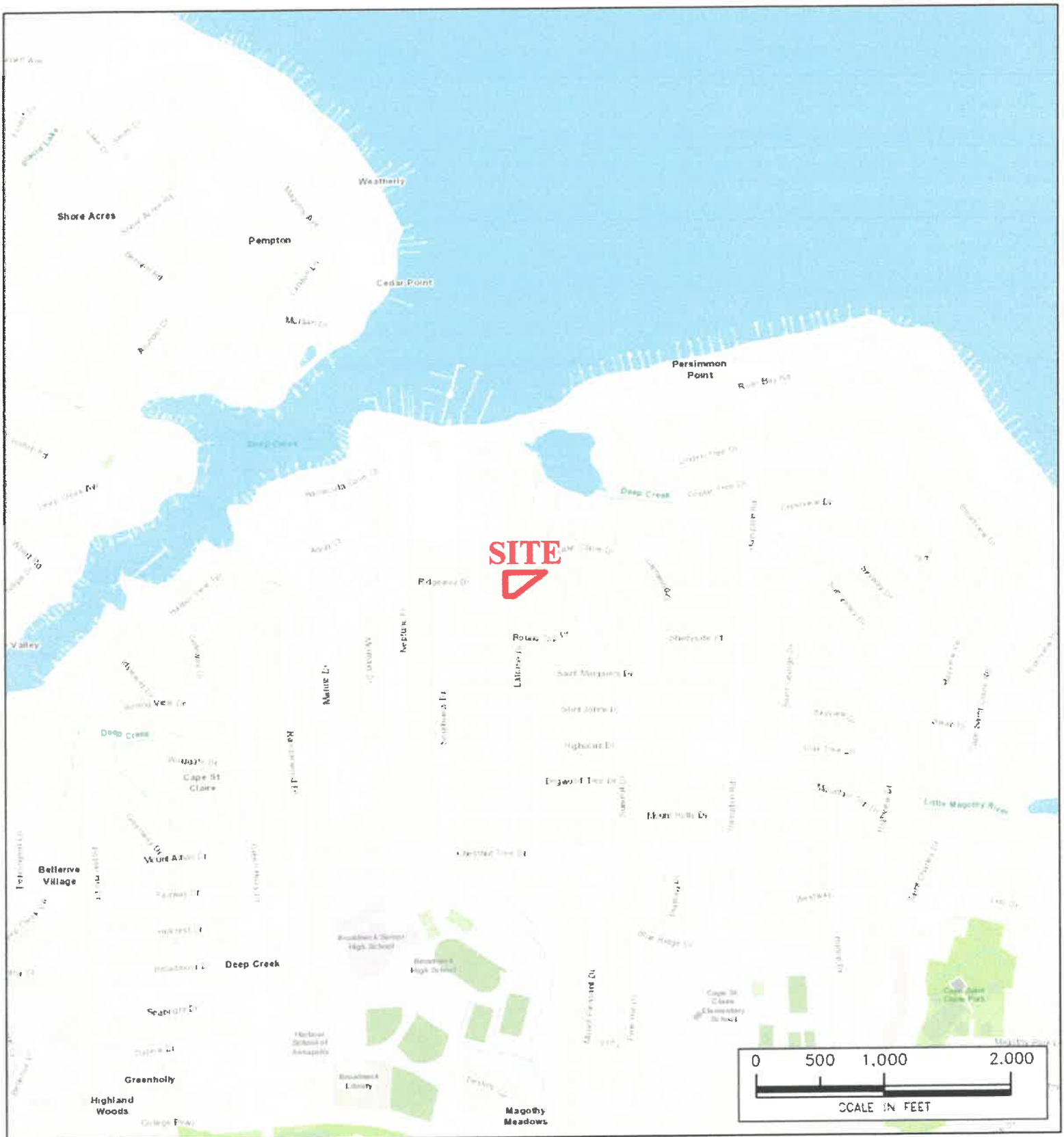
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 Forest Clearing   
 HPA Impact   
 Lot Coverage   
 Expanded Buffer   
 Nontidal Wetlands   
 Setback   
 Steep Slopes   
 Other

Structure

Acc. Structure Addition   
 Barn   
 Deck   
 Dwelling   
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 Gazebo   
 Patio   
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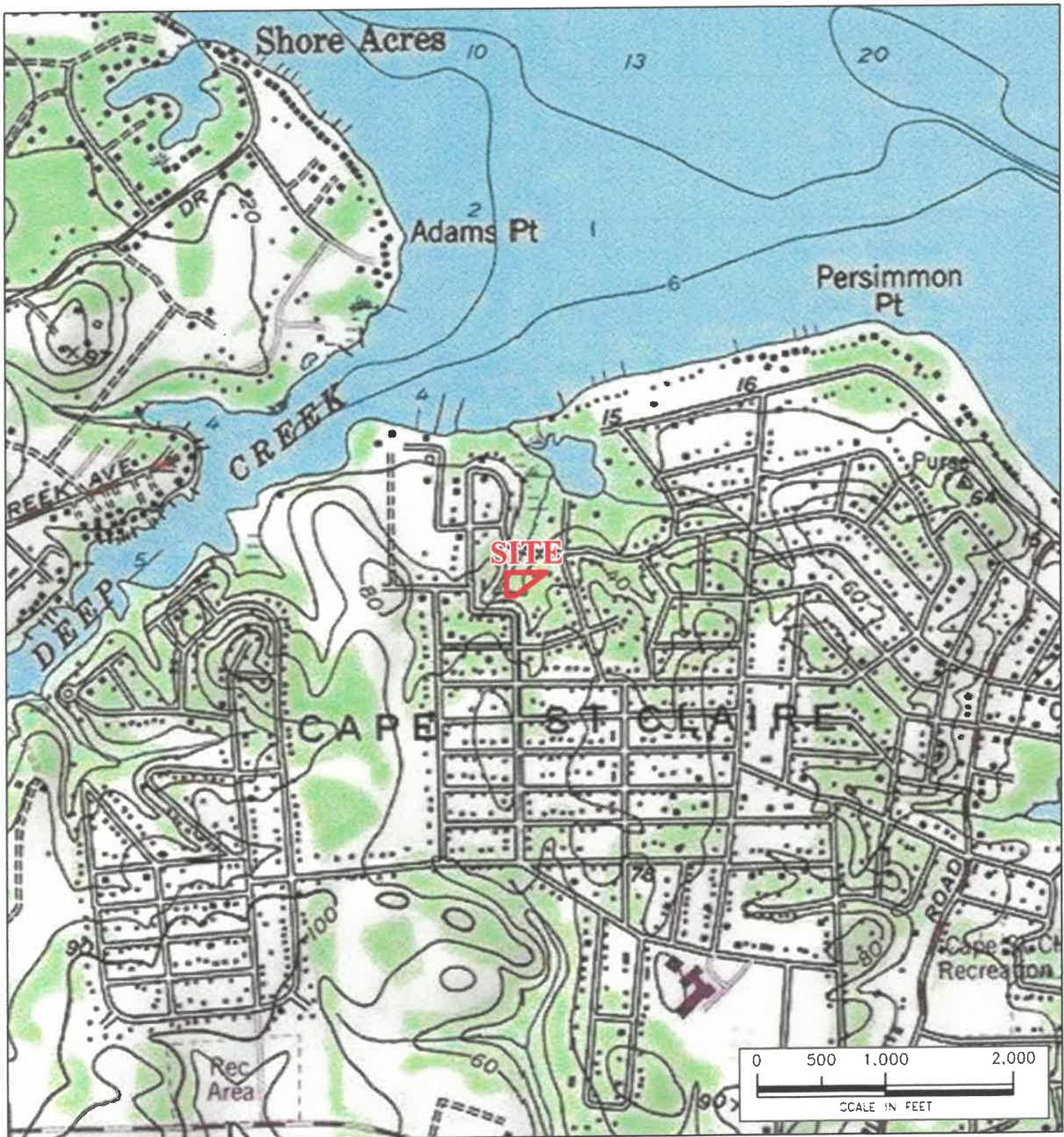



303 Sycamore Rd  
Severna Park, MD 21116  
P: 410-319-0064-3119  
Email: info@hollyoakconsulting.com

PROJECT  
**1165 LATROBE DRIVE**  
ANNAPOLIS, MD 21409  
ANNE ARUNDEL CO., MD

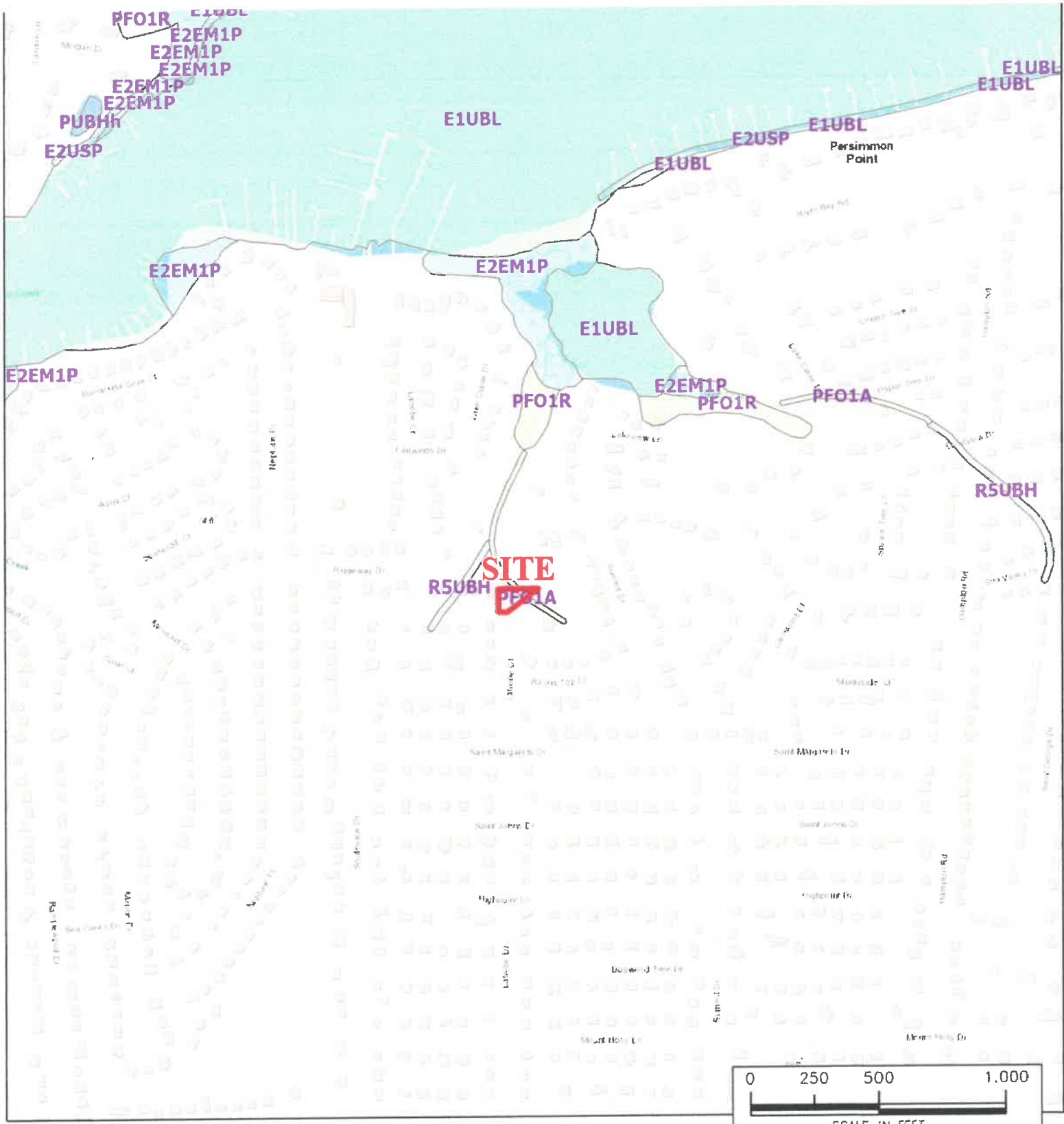
DRAWING TITLE  
**VICINITY MAP**

PROJ. NO. 23-86	FIGURE <b>1</b>
DRAWN BY KCH	
SCALE 1"=1,000'	
DATE 11/15/2023	



 <p>HOLLY OAK CONSULTING</p> <p>303 Seasmore Rd Severna Park, MD 21116 P: (410) 906-3119 Email: info@hollyoakconsulting.com</p>	PROJECT	DRAWING TITLE	PROJ. NO. 23-86	FIGURE
	1165 LATROBE DRIVE	TOPOGRAPHIC MAP	DRAWN BY KCH	2
	ANNAPOLIS, MD 21409 ANNE ARUNDEL CO., MD		SCALE 1" = 1,000'	
			DATE 11/15/2023	

5/23/2023 10:58 AM

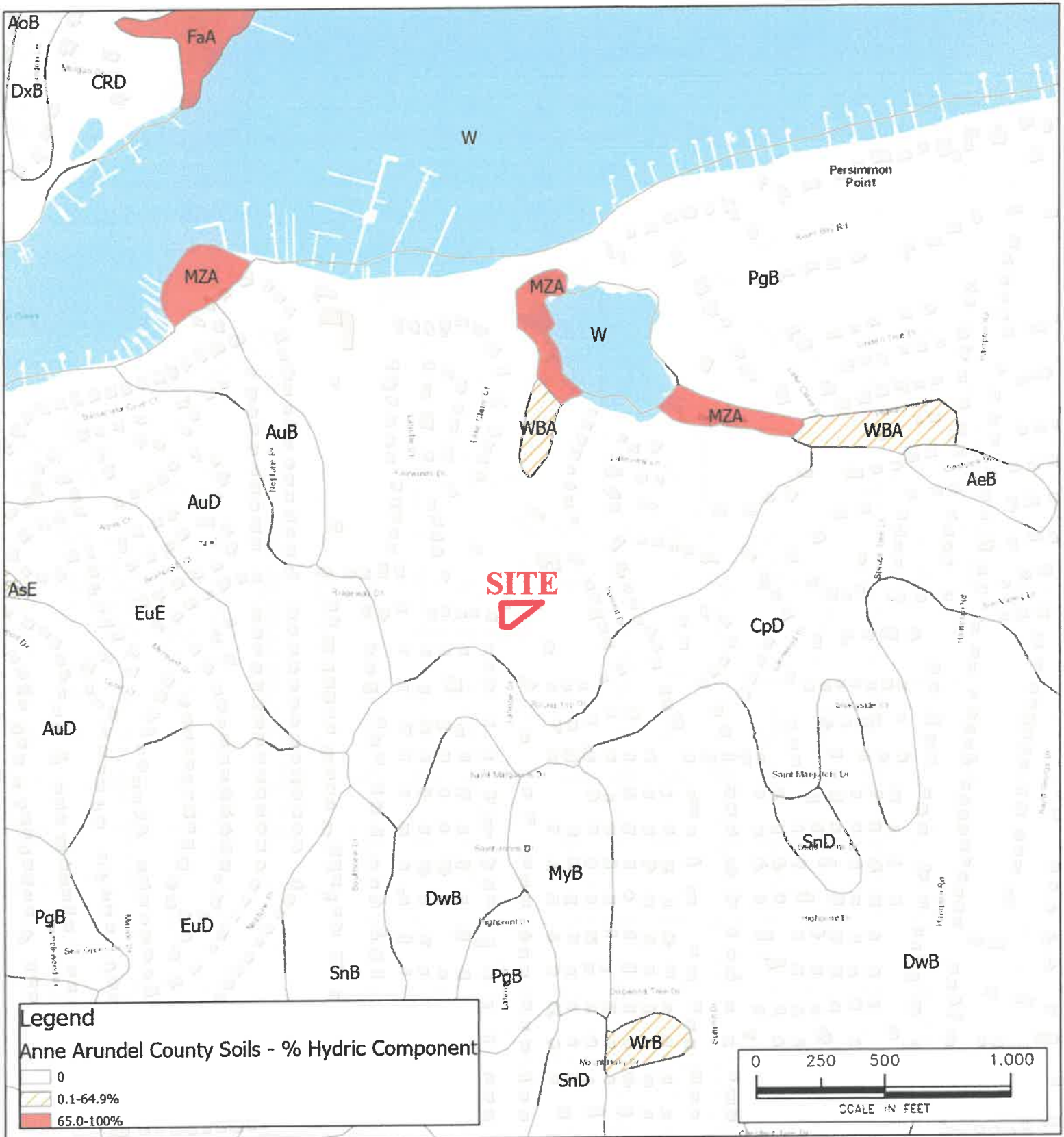


303 Sycamore Rd  
Severna Park, MD 21116  
P: (410) 908-3119  
Email: info@hollyoakconsulting.com

PROJECT  
**1165 LATROBE DRIVE**  
ANNAPOLIS, MD 21409  
ANNE ARUNDEL CO., MD

DRAWING TITLE  
**USFWS NATIONAL WETLAND INVENTORY**

PROJ. NO. 23-86	FIGURE <b>2</b>
DRAWN BY KCH	
SCALE 1"=500'	
DATE 11/15/2023	



303 Sycamore Rd  
Severna Park, MD 21116  
P: 410.396-3119  
Email: info@hollyoakconsulting.com

PROJECT  
**1165 LATROBE DRIVE**  
ANNAPOLIS, MD 21409  
ANNE ARUNDEL CO., MD

DRAWING TITLE  
**USDA NRCS SOIL SURVEY**

PROJ. NO. 23-86	FIGURE
DRAWN BY KCH	<b>1</b>
SCALE 1"=500'	
DATE 11/15/2023	



2664 Riva Road, P.O. Box 6675  
Annapolis, MD 21401  
410-222-7450



**Jenny B. Jarkowski**  
**Planning and Zoning Officer**

July 25, 2023

JOEL LEWIS  
1165 LATROBE DR  
ANNAPOLIS MD 21409

Re: **Comprehensive Zoning Map Change**

Dear Joel Lewis,

The Office of Planning and Zoning is in the process of developing a Region Plan for the Broadneck peninsula and the Lake Shore peninsula, including the communities of Pasadena, Gibson Island, Severna Park, Arnold, Cape St. Claire, and Broadneck (Region 4). The Region Plan is a community-driven land use plan that builds on the work of Plan2040—the Countywide General Development Plan—in smaller areas. One element of the Region Plan is an update of the Zoning Map. The Zoning Map applies the Zoning requirements for allowed uses, density, and scale of development in County Code (Article 18) to properties within Anne Arundel County.

The Office of Planning and Zoning staff and an appointed Stakeholder Advisory Committee conducted a comprehensive review of the Zoning Map and are recommending changes. These changes may better conform zoning to existing development on the property, make the zoning consistent with the Planned Land Use Map adopted in Plan2040, achieve a strategy in Plan2040 and/or support a change of use in the future that benefits the community. The Planned Land Use Map illustrates general land use categories (e.g. commercial, low density residential, etc.) to describe the different types of land uses and to identify, on a broad scale, where those uses are most appropriate.

The Office of Planning and Zoning is contacting property owners whose Zoning designation is recommended to change.

The property listed at 1165 Latrobe Dr, Cape St Claire and/or  
Tax Account Number: 316590069316

Is either partially or entirely zoned OS currently, and that portion is proposed to change to:

**R5**

You can view the property on an interactive version of the Preliminary Draft Zoning Map at [www.aacounty.org/RegionPlans](http://www.aacounty.org/RegionPlans).

This change is part of an effort to update mapping of the OS (open space) zoning district. The OS district generally aligns with the 100-year floodplain as mapped in 1985 by the Federal Emergency Management Area. The FEMA floodplain maps have been updated over time, and now deviate from the OS zoning district. Other areas are also included in the OS zoning district



with unclear justification. Since the original inclusion of the OS zoning district, County Code and State and federal laws and regulations have been adopted that include more stringent protections of floodplains, streams, and wetlands. These other regulations are more effective and appropriate tools than the Zoning Map for managing risks of development in floodplains and conserving the natural functions of streams and floodplains. The County proposes to remap the OS zoning district so that it applies to public parks and privately owned areas that provide active and passive recreational amenities, platted floodplains, conservation easements and other preservation areas. For properties that do not meet those criteria, the Office of Planning and Zoning proposes to apply the adopted zoning for the remainder of the property to the entire property. The development potential of a specific property depends on field assessments of regulated natural features including floodplains, stream and wetlands, so the change in zoning may not actually allow for more development than could be permitted under existing zoning.

Please note that this is a preliminary recommendation and should not be considered final until the Zoning Map has been adopted by the County Council. If you have questions regarding this letter please email [Region4@aacounty.org](mailto:Region4@aacounty.org) or call 410-222-7432.

Please visit [www.aacounty.org/RegionPlans](http://www.aacounty.org/RegionPlans) to learn more about the Region Plan. Please note that there is a public comment period on the Preliminary Draft Zoning Map scheduled to run from July 25 to August 28, 2023. There will be future opportunities for public comment to the County Planning Advisory Board and the County Council. Though not yet scheduled, the Planning Advisory Board hearing is expected to be in the fall of 2024 and Council hearings are anticipated for winter 2025.

#### Responses to Common Questions:

1. Why is the County doing this now?
  - a. Anne Arundel County has conducted comprehensive zoning updates approximately every 10 years, typically following adoption of an updated General Development Plan. To provide more opportunity for local community input, this cycle of comprehensive zoning is being conducted as part of each Region Plan.
2. Why is my zoning changing when my property is already developed?
  - a. The proposed zoning map change is intended to better align with existing development. This will support better infrastructure planning by more accurately reflecting actual conditions on the ground.
3. How will this affect my property taxes?
  - a. The State Department of Assessment and Taxation (SDAT) assesses the value of properties for tax purposes. You can contact about implications for your specific property at (410) 974-5709 or [sdat.aa@maryland.gov](mailto:sdat.aa@maryland.gov). In general, a change related to OS zoning on residential properties are not expected to change the assessed value for property unless there is land that can be further subdivided. Zoning changes to commercial, mixed use, or industrial zones may lead to increased assessed value, and therefore increased property tax.

Sincerely,

Eric Ketterling  
Senior Planner