

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Sikora Properties LLC

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0168-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: March 7, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicant is requesting a variance to allow a dwelling and associated facilities with disturbance to slopes of 15% or greater and that does not comply with the designated location of a waterfront lot on property known as 610 Echo Cove Drive in Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 19,942 square feet of land and is located with approximately 69 feet of frontage on the northwest side of Echo Cove Drive, southwest of Blue Bird Lane. The subject property is identified as Lot 758 of Parcel 142 in Block 8 on Tax Map 31 in the Sunrise Beach subdivision. The subject property is zoned R2 - Residential District as adopted by the comprehensive zoning of the Sixth Council District zoning maps effective October 7, 2011. This is a waterfront lot on the Severn River that lies entirely within the Chesapeake Bay Critical Area, is designated as LDA - Limited Development Area, and is mapped in a Buffer Modification Area (BMA). There is currently an existing shed on the site, shown as to be removed. Otherwise the site is unimproved, predominantly wooded, and is heavily encumbered by steep slopes. The property is served by a private well and septic system.

APPLICANT'S PROPOSAL

The applicant seeks to develop the property with a two-story dwelling, irregularly shaped, 32 feet wide by 36 feet deep, with a two car garage, basement and associated facilities.

REQUESTED VARIANCES

§ 17-8-201(a) of the Anne Arundel County Subdivision and Development Code states that development in the LDA or RCA designated areas may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. The proposed dwelling and associated facilities will disturb 4,806 square feet of slopes of 15% or greater necessitating a variance to this provision. Exact slope disturbance will be determined at the time of permit.

§ 18-2-402(1) provides that the location of a principal structure on a waterfront lot is based in part on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another. The proposed dwelling is forward of both dwellings to either side, necessitating a variance to this provision.

FINDINGS

This Office finds that the subject property is essentially an undeveloped lot¹ that is narrow, and undersized in area by less than 100 square feet to the area requirements of a lot in the R2 District without public sewer. In addition, the property is heavily encumbered by steep slopes making development of the property difficult without a variance.

Total proposed lot coverage after development is 2,971 square feet with exact lot coverage calculations to be determined at the time of permit. In addition, proposed is disturbance to 4,806 square feet of the 14,336 square feet of slopes 15% or greater on the lot.

While each variance must stand on its own merit the property to the west of the subject property at 612 Echo Cove Drive was the subject of a variance (2016-0059-V) which granted disturbance to steep slopes to permit a dwelling and associated facilities.

The County made comments at the pre-file stage that an approved septic and well design must be submitted before this site can be fully evaluated and they must demonstrate that stormwater management can be addressed. This application was submitted and then postponed. The applicant revised the grading and variance site plan and rescheduled the variance hearing. The letter of explanation states that the finished area was decreased from 4,000+ sq ft to 2,500 sq ft which also allowed a reduction in the size of the proposed septic system. This change also allowed the dwelling location to be shifted towards Echo Cove Road and away from the shoreline and steeper slopes nearer to the water. The applicant contends that a ‘relatively in line’ variance is not required due to the distance of the proposed house from the water and the distance of adjacent properties. This Office notes that a mathematical distance is no longer applied to this provision. The applicant writes that the proposed dwelling cannot be moved any closer to Echo Cove Road due to the minimum required setbacks to the existing shallow wells on the opposite side of Echo Cove Road.

Grading permit G02019919 comments from the CA Environmental review, engineering review and grading review are requesting revisions to the grading site plan as of January 2024.

The **Health Department** commented that they do not have an approved plan for this project, but has no objection to the request provided a plan is submitted and approved by the Health Department.

The **Critical Area Commission** did not take a position on the request but noted that the proposed house seems to be positioned closer to the steep slopes and shoreline compared to the

¹ The site plan shows an existing shed to be removed. No other development is onsite.

location of the houses on neighboring properties. It appears that the driveway, parking, and dwelling could be shifted closer to the road to further reduce impacts to steep slopes and the steep slope buffer. In order for this variance to be granted the Administrative Hearing Officer must determine that each and every one of the variance standards are met, including that this proposal is the minimum necessary to provide relief. Provided that this variance, or a modified version of this request is granted, appropriate mitigation is required.

The **Development Division (Critical Area Team)** commented that while it can certainly be argued that because of the exceptional topography on this site some relief may be warranted, the applicant has yet to provide the AHO with sufficient information necessary to make the findings required for approval. The proposed method of SWM is not guaranteed to provide the necessary protections to result in no adverse effects on water quality and in fact may result in an erosive condition.

In addition, the proposed dwelling on this site is designed to be in compliance with the neighboring homes rather than to comply with the limitations that exist for this lot. The area suitable for development on this lot is very limited and must accommodate the home as well as a septic system, well and SWM. In the event that there isn't sufficient room for all of these, the size of the home and proposed lot coverage should be reduced, not the effectiveness of the systems proposed to manage the runoff. Less coverage would allow for the reduction in SWM requirements without sacrificing effectiveness. Not every lot can support a home with a 1600 square foot footprint and two car garage.

Denial is recommended until a suitable layout is designed that reduces the lot coverage and steep slope disturbance while effectively managing the stormwater that will result from the proposed construction.

The **Department of Inspections and Permits (Engineering Division)** made the following comments:

1. The proposed rain barrels are within steep slopes and their buffers. A dedicated area for re-using this runoff has not been shown on the plans; irrigating steep slopes may not be feasible. Based on this, it is not clear if the proposed rain barrels are suitable or sustainable for the site conditions.
2. Verify that no structure or properties including existing and proposed properties are adversely affected in storm events including 100-year storms. Please show overland relief paths for the 100-year storm to show the water does not impound against structures or properties.
3. The proposed runoff patterns between the house structure and property line may cause erosion within steep slopes. Please clarify.
4. Given the disturbance to sensitive resources including the steep slopes and their buffers, the proposed design adversely affects the water quality within the Critical Area. Please clarify.
5. Please review existing vegetation (or lack thereof) within the steep slopes; opportunities to supplement vegetation or replanting buffers with native vegetation should be provided to enhance water quality.
6. The proposed house seems to be positioned closer to the steep slopes and shoreline compared to the location of the houses on neighboring properties. Please review the footprint and location

of the proposed improvements (driveway, and dwelling) to further minimize impacts to steep slopes and the steep slope buffer.

7. Please ensure that micro bioretention area is setback/offset from property lines so if it needs maintenance/reconstruction, easements do not need to be obtained from neighboring properties or have adverse impacts to rights-of-way.

Critical Area Variance Criteria

For the granting of a critical area variance, a determination must be made as to whether, because of certain unique physical conditions such as exceptional topographical conditions peculiar to and inherent to the property, strict implementation of the County's critical area program would result in an unwarranted hardship. In this case, the presence of steep slopes on a large portion of the site does make development difficult without relief from the Code. As such the applicant may be entitled to some Code relief and a literal interpretation of the County's critical area program will deprive the applicant of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County by denying the right to develop an existing residential lot with an allowed use.

While some relief may be warranted due to the property being significantly encumbered by steep slopes and the buffer to steep slopes, the granting of a variance as proposed would confer on the applicant a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance will adversely affect water quality or impact fish, wildlife or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have reduced the size of the house from the pre-file stage, however, the same living area could be obtained by removing the integrated two car garage and proposing a shallower footprint. The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law.

However, while this Office does recognize that some relief is warranted to develop the lot, the proposal is not considered to be the minimum necessary to afford relief. It appears that the steep slope disturbance could be minimized with a smaller footprint or by locating the house away from the steep slopes.

General Variance criteria

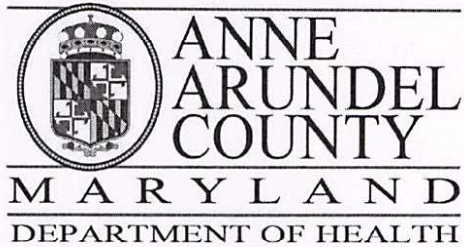
With regard to the requirements for all variances, approval of the variances will not alter the essential character of the neighborhood, as the dwelling size appears to be comparable to other dwellings in the surrounding area. Approval of the variances will not substantially impair the appropriate use or development of adjacent property, as the new dwelling will exceed all side setback requirements and will be far enough away from adjacent dwellings so as to have minimal impact. With proper mitigation, the variance will not reduce forest cover in the limited development area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare. However, the proposed improvements should be redesigned to minimize the environmental impacts.

In summary, while a variance to the Critical Area program may be justified in principle, the request is not considered to be the minimum necessary to afford relief. The applicants have not adequately investigated alternate locations that will minimize the variance to the Critical Area program.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***denial*** of the proposed critical area variance to disturb steep slopes and to not comply with the designated location of a waterfront lot.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.



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3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the FROM field.

DATE: February 23, 2024

RE: Sikora Properties, LLC
610 Echo Road
Crownsville, MD 21032

NUMBER: 2023-0168-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling and associated facilities with disturbance to slopes of 15% or greater and that does not comply with the designated location of a principal structure of a waterfront lot.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



Joan Jenkins <pzjenk00@aacounty.org>

2023-0168-V

Jennifer Esposito <jennifer.esposito@maryland.gov>
To: Joan Jenkins <pzjenk00@aacounty.org>

Thu, Feb 22, 2024 at 4:30 PM

Good afternoon,

The Critical Area Commission has reviewed the following variance and we provide the following comments:

- 2023-0168-V; Sikora (AA 318-23): We note that the proposed house seems to be positioned closer to the steep slopes and shoreline compared to the location of the houses on neighboring properties. It appears that the driveway, parking, and dwelling could be shifted closer to the road to further reduce impacts to steep slopes and the steep slope buffer. In order for this variance to be granted the Administrative Hearing Officer must determine that each and every one of the variance standards are met, including that this proposal is the minimum necessary to provide relief. Provided that this variance, or a modified version of this request is granted, appropriate mitigation is required.

Thank you for the opportunity to provide comments. If you have any questions or concerns, please let me know.

 facebook_logo.jpg twitter_logo.jpgdnr.maryland.gov/criticalarea

Jennifer Esposito

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, MD 21401

Office: 410-260-3468

(In office: Mon., Wed., Friday)

Cell: 443-569-1361

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov

[Quoted text hidden]

2023-0168-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

09/28/2023

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

While it can certainly be argued that because of the exceptional topography on this site some relief may be warranted, the applicant has yet to provide the AHO with sufficient information necessary to make the findings required for approval. The proposed method of SWM is not guaranteed to provide the necessary protections to result in no adverse effects on water quality and in fact may result in an erosive condition.

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End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0,0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

02/27/2024

Assigned to Department

OPZ Critical Area

Status Date

02/28/2024

Overtime

No

Start Time

Hours Spent

0,0

Action by Department

OPZ Critical Area

Est. Completion Date

Display E-mail Address in ACA

Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

2023-0168-V

Menu Cancel Help

Task Details I and P Engineering

Assigned Date

02/26/2024

Assigned to

Habtamu Zeleke

Current Status

Complete w/ Comments

Action By

Habtamu Zeleke

Comments

Variance comments

2023-0168-V, 610 Echo Cove Drive

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End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0,0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Task Specific Information

Due Date

02/27/2024

Assigned to Department

Engineering

Status Date

02/27/2024

Overtime

No

Start Time

Hours Spent

0,0

Action by Department

Engineering

Est. Completion Date

Display E-mail Address in ACA

Display Comment in ACA

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	



Legend

Foundation
Addressing



Parcels



Parcels - Annapolis City



Elevation

Topo 2020



Intermediate



Notes

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