

SALLY V. BALDWIN
E-Mail: Baldwin@CouncilBaradel.com
Telephone Extension: 3462

January 9, 2024

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401
Attention: Ms. Sterling Seay

Re: Variance Request
3205 Walnut Drive, Annapolis, Maryland 21403
Our File No.: 25847.1

Dear Ms. Seay:

On behalf of our clients, Brandon and Nedelka Phillips, owners of the above referenced property, we are submitting herein an application for variances to allow them to replace the existing house at 3205 Walnut Drive, located in the Town of Highland Beach. On behalf of the applicants, we respectfully request:

- Two setback variances to Anne Arundel County Code Article 18, Section 4-601, for the front/west side of the property and for the north side of the property.
- Variance to Article 17, Section 8-201 to allow development on slopes 15% or greater in the LDA, as the entire property is within the LDA and contains slopes
- Variance to Article 18, Section 13-104 (b) to allow development within the expanded buffer of the Critical Area

The lot is currently developed with a single story, single-family residence with a walk-out basement and associated improvements. The dwelling is in an extreme state of disrepair and is uninhabitable. The existing house was constructed in 1950 but has been neglected since the 1980's and appears to have an unsound foundation and thus is not able to be fixed. The owners purchased the property in 2021 and since that time have been working to develop the property with a single family dwelling in a manner that minimizes disturbances. The site is accessed by an approximately 18 foot wide paved private right-of-way owned by the Town of Highland Beach ("Town") and known as Walnut Drive, which dead ends in front of the site. Other homes have been built in the surrounding lots, with a lot owner at the dead end currently in the process of development. Additionally, the Town does not allow on-street parking in this area. Thus, Walnut Drive is congested in this area and there is no space or availability to provide parking off site.

The site is served by private well and public sewer; the well is currently located in front of the house near Walnut Drive. The property is not waterfront and ultimately drains to the tidal waters of Black Walnut Creek. The entire site is within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Most of the site contains steep slopes; the property has steep slopes from roughly the rear of the existing dwelling down to the water. A portion of the site is within the

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100 foot Critical Area buffer, and the remainder is within the Critical Area buffer, as expanded, due to the presence of steep slopes. The lot size is 15,925 square feet, leaving very little developable area without a variance. The site is not located in a Buffer Modification area and is zoned R2.

The applicants wish to raze the existing dwelling and construct a new dwelling, approximately 10.5' further from the front property line in order to allow for parking and traffic flow on Walnut Drive, as well as to preserve the existing well. Although the new footprint of the proposed dwelling will be slightly larger than the existing dwelling footprint, overall lot coverage on the site will be reduced by 322 square feet. The existing house is 1,264 square feet and the proposed house is 1,394 square feet in size. The existing lot coverage of 2,219 square feet is proposed to be reduced to 1,897 for the site overall.

Applicants seek to rebuild the single-family dwelling in largely the same location as the existing structure, but pushed further from Walnut Drive in order to accommodate parking and to preserve the existing well to minimize disturbance. Currently, there is no dedicated parking for the dwelling, street parking is restricted by the Town, and at this location could block the surrounding properties from accessing Walnut Drive. Accordingly, while on-site parking is not required per the Code it is absolutely necessary for this property. The proposed structure is approximately 53'x 25', with an elevated pervious deck on the north side that would be approximately 175 square feet in size. The applicants have worked with the Town of Highland Beach to redevelop this property, and the Town has granted the owners an easement on community property to allow them to meet the Town setbacks on the northern side of the property. The Town has approved this location for the house with its elevated pervious deck. The owners chose to place the deck in this location to minimize disturbance to 25% slopes and to keep the limits of disturbance in the rear minimized where the property is closer to the water. A small retaining wall is proposed at the edge of the downhill LOD to minimize grading and disturbance to steep slopes. Stormwater management in the form of a micro bioretention is proposed on the north side of the property. As the site is encumbered by steep slopes and is in expanded buffer, almost any work on the site would require a variance, including the rebuilding of the existing structure. The applicants' explanation and justification for each of the requested variances are set forth below:

This plan meets the intent of Code § 18-16-305(a) in regard to the **front setback variance** requested to Code § 18-4-601:

(a) The subject property is 15,925 square feet in size, is zoned R2 and is encumbered by steep slopes over much of the site. The location of the existing home, near Walnut Drive, is the flattest part of the site before it slopes downward towards Black Walnut Creek. The site is subject to the Critical Area buffer, as expanded, over the entire site. The site is located at the dead-end of a private right-of-way with a well existing between the existing home and Walnut Drive. The house is old, in disrepair and cannot be replaced without a variance. Replacing it is the most ideal remediation due to the age and condition of the dwelling. Code § 18-4-601 provides for a minimum setback of 30 feet from the front lot line. Currently, the existing house is 9.35 feet from the front lot line. In order to retain the existing well and accommodate parking, the proposed house is 19.5 feet from the front lot line. Due to the

topographical conditions on this lot, along with the existing well and existing structure, there is no reasonable possibility of developing this property without relief from the Code.

(c) (1) The variances are the minimum necessary to afford relief. The proposed house will be set further back from the front property line than the current structure, making the variance request the minimum necessary to afford relief.

(c) (2) Granting the variance will not alter the essential character of the neighborhood, substantially impair the use and development of adjacent property, or be detrimental to the public welfare. The project is located on private property and will not affect other improvements in the neighborhood. The proposed home will be further set back than the existing home, and will remain within the character of the neighborhood. The Town has approved the location of the proposed home. Further, the proposed plan allows for on-site parking which will ensure that the use and development of the adjacent properties are not impaired; the on-site parking will ensure that the right-of-way is not blocked with street parking. Finally, the variance will allow for the existing well to continue to be used, minimizing disturbance. A small amount of tree clearing is required and any mitigation necessary during the permit process will increase cover in the LDA. The proposed house is in a previously developed area, in order to minimize clearing. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements. The modernization of the existing dilapidated home into a safe structure with stormwater management (where none currently exists) will benefit the public welfare.

This plan meets the intent of Code § 18-16-305(a) in regard to the **north side setback** variance requested to Code § **18-4-601**:

(a) As stated, the subject property is encumbered by steep slopes over much of the site and the Critical Area buffer, as expanded, over the entire site. The existing home is in disrepair, and requires variance relief in order for it to be rebuilt. Code § 18-4-601 provides for a minimum setback of 7 feet from the side lot lines. While the site constraints limit the options for house placement, the proposed home itself would not encroach into the north side 7 foot setback. However, the pervious deck, would be proposed to be within the north side setback by as close as 2.75 feet. The existing structure is currently closer to the south property line than the 7 foot setback requires, and so the proposed home has been moved to meet the setback requirements on that side. The current proposal would not require a setback variance on the south side of the property, which is closer to adjacent homes. The north side setback variance would allow for the construction of the pervious deck on the side of the property that is next to a lot owned by the Town, which has approved an elevated deck in this location. Due to the topographical conditions on this lot, there is no reasonable possibility of developing this property without relief from the Code.

(c) (1) The variances are the minimum necessary to afford relief. The proposed house will not only be set further back from the south side property line than the current structure, but the house itself will not be within the setback, only the pervious deck. Thus, the variance request is the minimum necessary to afford relief.

(c) (2) Granting the variance will not alter the essential character of the neighborhood, substantially impair the use and development of adjacent property, or be detrimental to the public welfare. The proposed home will be further set back from adjacent properties than the existing home, and will remain within the character of the neighborhood. The Town has approved the location of the proposed

home. Specifically, the Town has approved an easement on the north side property line in order to accommodate the home's pervious deck as proposed. A small amount of tree clearing is required and any mitigation necessary during the permit process will increase cover in the LDA. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements. The proposed house is in a previously developed area, in order to minimize clearing. The project will not be detrimental to the public welfare, as it is located on private property and will not affect other improvements in the neighborhood. The modernization of the home into a safe structure with stormwater management will improve the public welfare.

This plan meets the intent of Code § 18-16-305(a) in regard to the **Critical Area variance** requested to Code § 17-8-201:

(b) (1) This peculiar and unique site is largely encumbered by steep slopes and their buffer. The Critical Area buffer, as expanded, goes through the existing and proposed house, impacting the owners' potential to tear down the existing structure and to rebuild. Further, the site is located at a dead end which does not allow sufficient space for on-street parking. Thus, the development potential of the site is limited due to the unique physical conditions at the site. Denial of a variance would be an unwarranted hardship for the owners, as the existing house has met its life expectancy and must be replaced in order to accommodate a single family home.

(b) (2) A literal interpretation of COMAR would deny the owners use of the property enjoyed by others as the site has steep slopes and is subject to the Critical Area buffer, as expanded. There is no way to tear down and rebuild the home without disturbing steep slopes. Denying the owners the ability to remove the existing structure and to build a single family dwelling would be a denial of rights commonly enjoyed by others. The site is not in a bog area.

(b) (3) This project will not confer special privileges to the owners, as the existing structure is old, in disrepair, and requires modernization in order to be liveable. The proposed dwelling is modest in size.

(b) (4) The request is not a result of actions of the owner. The steep slopes exist on the property from the site of the current house and sloping towards the water. The variance request arises solely from the physical constraints due to the topography of the site.

(b) (5) This project will not result in a denigration of forest or water quality as stormwater management will be provided as required by the Code, and any clearing must be mitigated for as per the Code. A small amount of tree clearing is required and any mitigation necessary during the permit process will increase cover in the LDA. The proposed house is in a previously developed area, in order to minimize clearing. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.

(b) (6) This site is not in the bog buffer.

(b) (7) This plan overcomes the presumption, as the denial of this variance would deny the owners rights of other owners in the County and the plan has been developed to reduce environmental impact. The proposed modern construction with stormwater management and mitigation will provide a benefit to the area. Additionally, the overall lot coverage on site is being reduced from the existing conditions by 322 square feet.

(b) (8) The applicants have tried alternative designs. Through that process, and attempting to minimize disturbances, the proposed house will be in a similar location as the existing structure (although further back from the road) while reducing overall lot coverage 322 square feet (14.5%). The proposed plan

would be the least impactful to the slopes and the environment while allowing the home to be built with parking so that access to Walnut Drive is not blocked.

(c) (1) The variances are the minimum necessary to afford relief. The work proposed creates a modern dwelling with a minimal amount of disturbance to steep slopes. A small retaining wall is proposed at the rear of the dwelling in order to minimize grading and disturbance to steep slopes.

(c) (2) Granting the variance will not alter the essential character of the neighborhood, substantially impair the use and development of adjacent property, or be detrimental to the public welfare. The home to be rebuilt will be largely within the existing home's footprint, and will retain the character of the community. The proposed plan provides for parking on site so that Walnut Drive access is not blocked by parked cars. The overall lot coverage on site is being reduced from the existing conditions by 322 square feet. The modernization of the home into a safe structure with stormwater management and mitigation will benefit the public welfare.

This plan meets the intent of Code § 18-16-305(a) in regard to the **Critical Area variance** requested to Code § 18-13-104:

(b) (1) This peculiar and unique site is entirely subject to the Critical Area buffer, as expanded, which goes through both the existing and proposed house. The site is largely encumbered by steep slopes, and is located at a dead end of a private right-of-way. Thus, the development potential of the site is limited due to the unique physical conditions at the site. Denial of a variance would be an unwarranted hardship for the owners, as the existing house has met its life expectancy and cannot be enjoyed by the owners in its current state. The house is old, in disrepair and cannot be replaced without a variance. Replacing it is the most ideal remediation due to the age and condition of the dwelling. The proposed home is modest in size and is in a similar location as the existing home.

(b) (2) A literal interpretation of COMAR would deny the owners use of the property enjoyed by others as the entire site is subject to the expanded buffer, and there is no way to tear down and rebuild without disturbing the expanded buffer or steep slopes. Denying the owners the ability to replace the existing structure would be a denial of rights commonly enjoyed by others. The site is not in a bog area.

(b) (3) This project will not confer special privileges to the owner, as the structure is old, in disrepair, and requires modernization in order to be liveable. The proposed dwelling is modest in size.

(b) (4) The request is not a result of actions of the owner. The steep slopes were there, the expanded buffer encumbers the site, and the owners have not started work prior to the issuance of any permits. The variance requests arise solely due to the physical constraints due to the topography of the site.

(b) (5) This project will not result in a denigration of forest or water quality as stormwater management will be provided as required by the Code, and any clearing must be mitigated for as per the Code. A small amount of tree clearing is required and any mitigation necessary during the permit process will increase cover in the LDA. The proposed house is in a previously developed area, in order to minimize clearing. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.

(b) (6) This site is not in the bog buffer.

(b) (7) This plan overcomes the presumption, as the denial of this variance would deny the owners rights of other owners in the County and the plan has been developed to reduce environmental impact. The proposed modern construction with stormwater management and mitigation will make the project

a benefit not a detriment to the area. Additionally, the overall lot coverage on site is being reduced from the existing conditions by 322 square feet.

(b) (8) The applicants have tried alternative designs. Through that process, and attempting to minimize disturbances, the proposed house will be in roughly the same footprint as the existing structure while reducing overall lot coverage. The proposed plan would be the least impactful to the slopes and the environment while allowing the home to be built with parking so that access to Walnut Drive is not blocked.

(c) (1) The variance request is the minimum to afford relief. The topography of the site leaves only one practical area for redevelopment, and the proposed home will reduce overall lot coverage. The proposal utilizes the existing footprint to the extent possible for this reason, and in order to minimize disturbance. The variance request to develop within the expanded buffer is the minimum necessary to demolish the dilapidated structure and redevelop the area with a modernized dwelling.

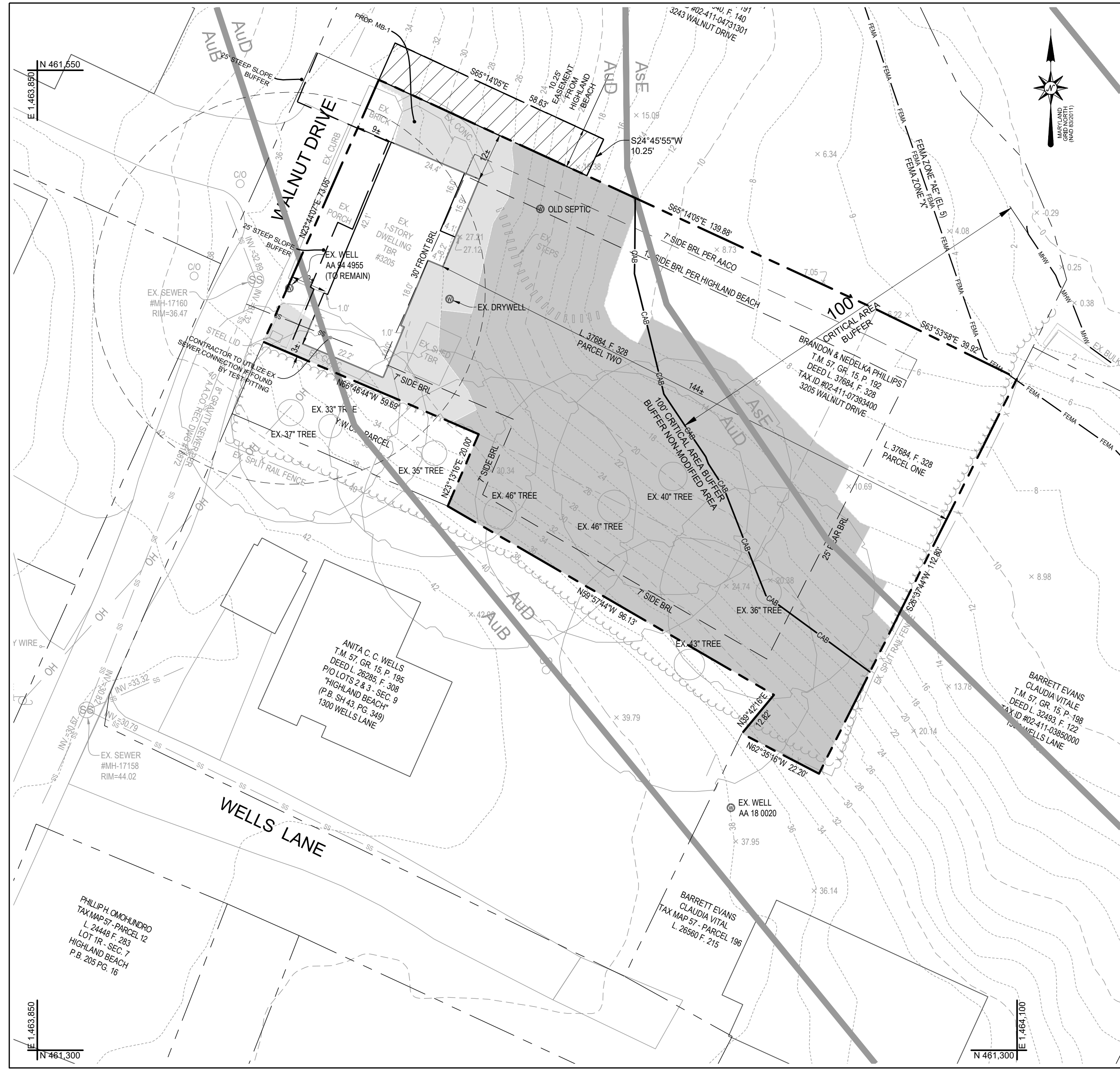
(c) (2) This variance will not alter the essential character of the neighborhood. The subject property is within a neighborhood of residential homes that are functional and occupied. The new house will utilize the area of the property that has already been developed, with an updated home in which the owners can live. The site currently has a dilapidated and unsafe structure that is out of place in the residential area. The proposed design is consistent with the residential properties in the area. This variance will not impair the use of adjoining properties. The proposal will not impact neighbors. The new dwelling is mostly in the same footprint as the existing dwelling, and provides for parking on site so that Walnut Drive access is not blocked by parked cars. The proposed house is in a previously developed area, in order to minimize clearing. The project will not be detrimental to the public welfare, as it is located on private property and will not affect other improvements in the neighborhood. The modernization of the home into a safe structure with stormwater management will improve the public welfare.

For the reasons set forth above, on behalf of the applicants we ask that the requested variances be granted. Thank you for your consideration.

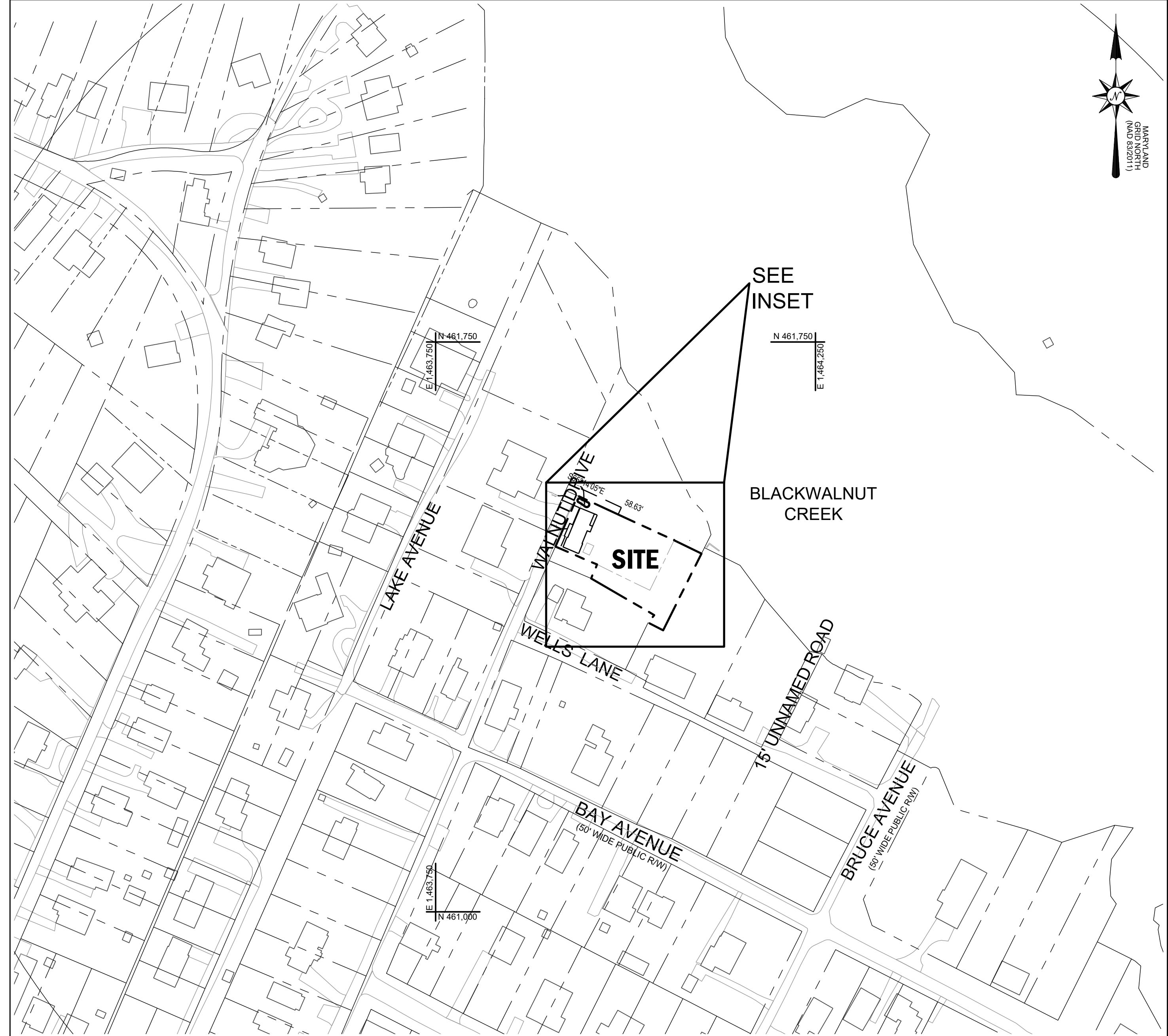
Sincerely,


Sally V. Baldwin

cc: Brandon and Nedelka Phillips
Mike Gillespie



INSET - EXISTING CONDITIONS
SCALE: 1" = 20'



OVERALL LOCATION MAP
SCALE: 1" = 100'

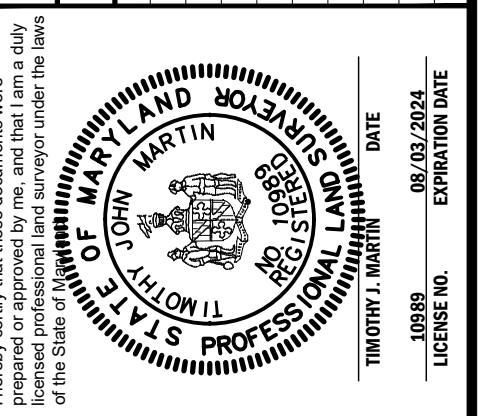
SOILS TABLE

SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRIC SOIL	HIGHLY ERODABLE SOIL
AaE	ANNAPOLIS FINE SANDY LOAM (15-25% SLOPES)	C'	26.9%	YES	NO
AuB	ANNAPOLIS-URBAN LAND COMPLEX (0-5% SLOPES)	C'	71.6%	NO	NO
AuD	ANNAPOLIS-URBAN LAND COMPLEX (5-15% SLOPES)	C'	1.5%	NO	NO

LEGEND

PROPERTY LINE / RIGHT-OF-WAY	---	FEMA LINE	----	EXISTING BUILDING	▭
ADJOINING PROPERTY LINE	---	EXISTING TREE LINE	~~~~~	PROPOSED SPOT ELEVATION	+ 5.00
BUILDING RESTRICTION LINE	---	EXISTING FENCE	-x-x-	PROPOSED CONTOUR LINE	20
EXISTING CONTOUR	- - - - 142 - - - -	EXISTING PUBLIC UTILITY EASEMENT	---	PROPOSED BUILDING	▭
EXISTING SPOT ELEVATION	x122.3	EXISTING OVERHEAD POWER LINE	OH OH	PROPOSED REINFORCED SILT FENCE	RSF RSF
EXISTING SOILS TYPE DESIGNATION	AsB	EXISTING PUBLIC SEWER LINE	SS SS	PROPOSED LIMIT OF DISTURBANCE	---
EXISTING ZONING DESIGNATION	OS / C1	STEEP SLOPES 15 - 25%	▭	PROPOSED STABILIZED CONSTRUCTION ENTRANCE	SCCE
CRITICAL AREA	CAB CAB	STEEP SLOPES >25%	▭	PROPOSED DRIVEWAY	▭

Rev. #	By	Date	Description



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Date: DECEMBER 2023
Job Number: 21-8204
Scale: AS SHOWN
Drawn By: J. SLENKER / M. GILLESPIE / J. MARLOWE
Approved By: T. MARTIN
Folder Reference: PHILLIPS HIGHLAND BEACH

EXISTING CONDITIONS PLAN
FOR THE
PHILLIPS PROPERTY
3205 WALNUT DRIVE, ANNAPOLIS, MD 21403
TAX MAP 57 - GRID 15 - PARCEL 192 - PLO LOT 1 - BLK 3
TAX ID# 02-411-07393400 - DEED REFERENCE: 37684328
ZONED: R2 / LDA
SECOND DISTRICT - ANNE ARUNDEL COUNTY

GENERAL NOTES

- OWNER: BRANDON & NEDELKA PHILLIPS
1420 N. GATE ROAD NW
WASHINGTON, MD 20012
PHONE: (202) 262-3917
EMAIL: brandbz@gmail.com
- ENGINEER: BAY ENGINEERING INC.
2681 RIVA ROAD, BUILDING 800
ANNAPOLIS, MD 21401
(410) 897-9290
C/O MIKE GILLESPIE
- THE SITE ADDRESS IS: 3205 WALNUT DRIVE, ANNAPOLIS, MD 21403
- THE PROPERTY IS KNOWN AS:
TAX MAP 57, GRID 15, PARCEL 192, TOTAL AREA = 15,925 SQ. FT. OR 0.365 AC., (DEED REF: 37684 / 328), P/O LOT 1 BLK 9 "HIGHLAND BEACH"
- TAX ACCOUNT NO.: 02-411-07393400
- THIS PLAN DOES NOT REFLECT A BOUNDARY SURVEY. EXISTING BOUNDARY AND FEATURES SHOWN HEREON WERE TAKEN FROM DEEDS AND PLATS OF RECORD AUGMENTED WITH GIS DATA, AND A FIELD RUN TOPOGRAPHICAL SURVEY PERFORMED BY BAY ENGINEERING INC FEBRUARY 2022.
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHTS-OF-WAYS, OR MORE STRINGENT BUILDING RESTRICTION LINES NOT SHOWN HEREON.
- EXISTING ZONING IS R2 - RESIDENTIAL DISTRICT
SETBACKS PRINCIPAL STRUCTURE:
FRONT = 30'
SIDE = 7'
REAR = 25'
- PROPOSED SITE UTILITIES ARE PRIVATE WELL (W-9, FUTURE SERVICE - BROAD CREEK) AND PUBLIC SEWER (S-9, EXISTING SERVICE - ANNAPOLIS).
- THE SITE IS LOCATED WITHIN THE LDA (LIMITED DEVELOPMENT AREA) AND THE RCA (RESOURCE CONSERVATION AREA) OF THE CHESAPEAKE BAY CRITICAL AREA.
- S15-25% SLOPES ON SITE: 1,338 SQ. FT. OR 0.031 AC. ; > 25% SLOPES ON SITE: 1,291 OR 0.030 AC.
- THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONES "AE" (AREA WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN WITH BASE FLOOD ELEVATION OF 5 FEET) AND "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C02022F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- NOTE: THERE ARE NO PROPOSED DISTURBANCES WITHIN THE 100' CRITICAL AREA BUFFER.

SURVEY CONTROL NOTE

THE COORDINATES AND ELEVATIONS SHOWN HEREON ARE BASED ON RTK (REAL TIME KINEMATIC) OBSERVATIONS UTILIZING KEYNET GPS NETWORK. THE HORIZONTAL DATUM IS REFERENCED TO MARYLAND STATE PLANE NAD (83/91) AND THE VERTICAL DATUM IS REFERENCED TO NAVD 88.

LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA.....	15,925 SQ. FT. OR 0.366 AC.
ALLOWABLE LOT COVERAGE (31.25%).....	4,976 SQ. FT. OR 0.114 AC.
EXISTING LOT COVERAGE.....	2,219 SQ. FT. OR 0.051 AC.
EXISTING DEVELOPED WOODS.....	8,000 SQ. FT. OR 0.184 AC.
EXISTING DEVELOPED WOODS TO BE REMOVED.....	130 SQ. FT. OR 0.003 AC.
MAXIMUM CLEARING ALLOWED (20%).....	1,548 SQ. FT. OR 0.035 AC.
LIMIT OF DISTURBANCE.....	4,475 SQ. FT. OR 0.102 AC.

NOTE: BREAKDOWN OF LOT COVERAGES ARE AS FOLLOWS

- EX BUILDINGS = 1,264 SF
- EX BRICK = 116 SF
- EX SLATE = 440 SF
- EX CONC. WALLS, SHEDS = 399 SF
- TOTAL = 2,219 SF

ALL EXISTING LOT COVERAGE TO BE REMOVED:

- PROPOSED LOT COVERAGE:
- PR. BUILDING = 1,394 SF
- PR. PAVEMENT = 437 SF
- PR. WALK & STAIRS = 27 SF
- PR. WALL = 39 SF
- TOTAL PROPOSED = 1,897 SF

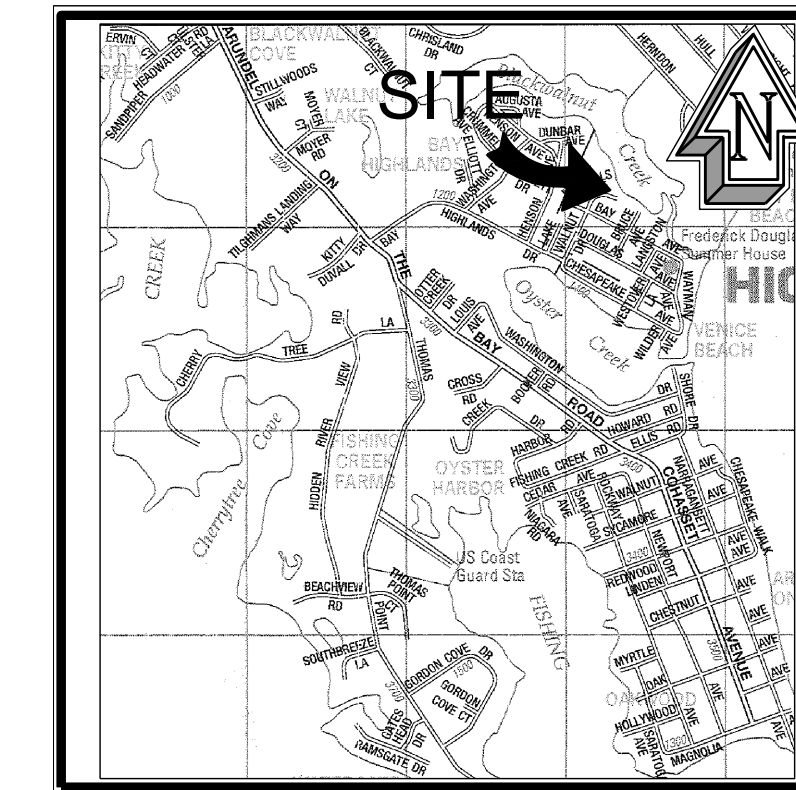
TOTAL PROPOSED LOT COVERAGE = 1,897 SQ. FT. OR 0.044 AC.

DISTURBANCE SUMMARY

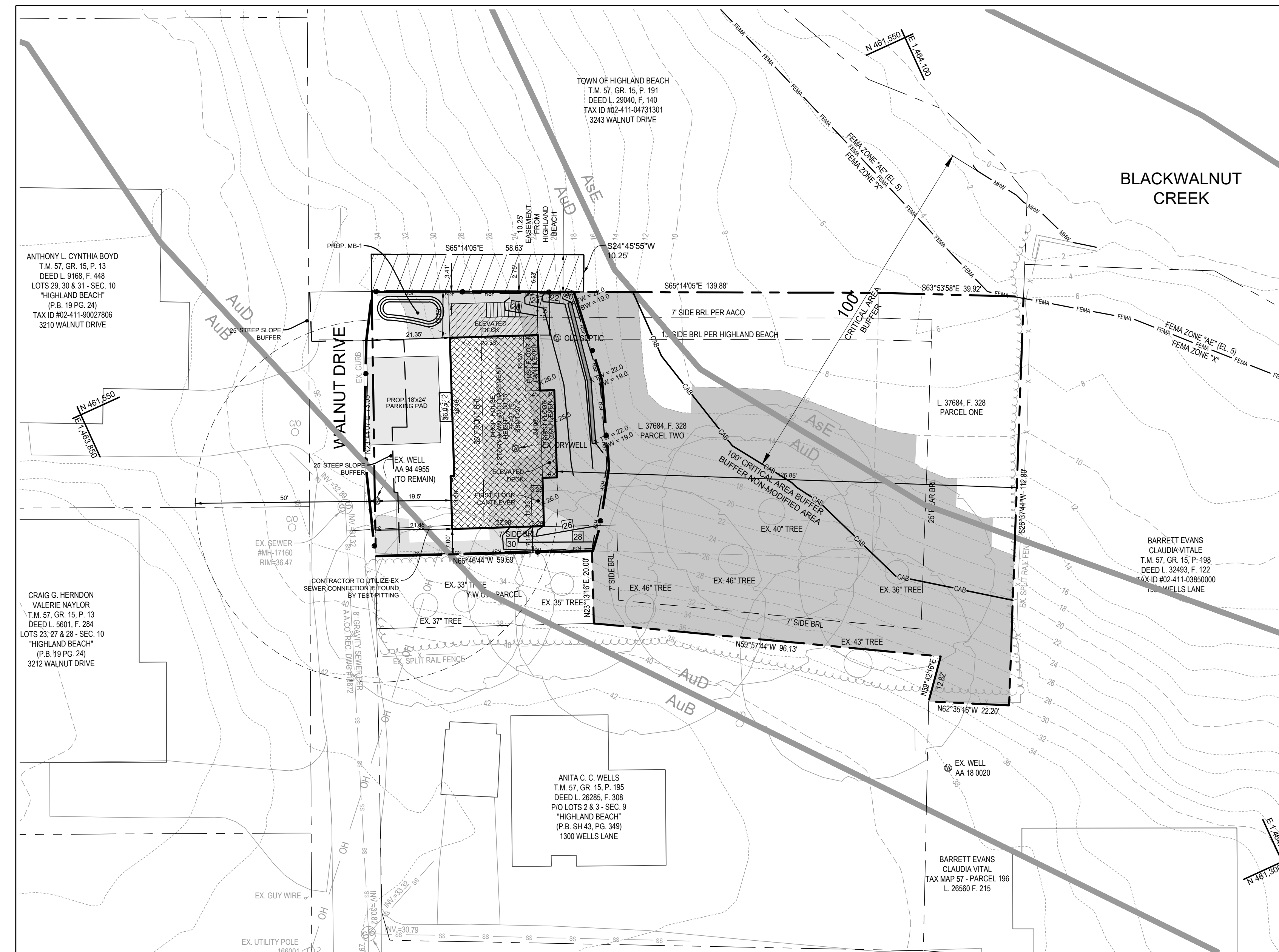
- TOTAL PROPOSED DISTURBED AREA = 4,475 SQ. FT. OR 0.102 AC.
- S15%-25% SLOPE DISTURBANCE = 1,338 SQ. FT. OR 0.031 AC.
- S 25% > SLOPE DISTURBANCE = 1,291 SQ. FT. OR 0.030 AC.

VARIANCE REQUEST

- § 18-4-701. STATES IN PART THAT A STRUCTURE IN AN R5 ZONING DISTRICT WILL HAVE A FRONT YARD SETBACK OF 25' AND A SIDE YARD SETBACK OF 7'
- § 17-8-201. DEVELOPMENT ON SLOPES OF 15% OR GREATER.
(a) DEVELOPMENT IN THE LDA, DEVELOPMENT IN THE LIMITED DEVELOPMENT AREA (LDA) OR IN THE RESOURCE CONSERVATION AREA (RCA) 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. ALL DISTURBANCE SHALL BE LIMITED TO THE MINIMUM NECESSARY.
- § 18-13-104. BUFFERS, EXPANDED BUFFERS, AND BUFFER MODIFICATION AREAS.
(a) BUFFER. THERE SHALL BE A MINIMUM 100-FOOT BUFFER LANDWARD FROM THE MEAN HIGH-WATER LINE OF TIDAL WATERS, TRIBUTARY STREAMS, AND TIDAL WETLANDS. SPECIFIC DEVELOPMENT CRITERIA APPLY AS SET FORTH IN ARTICLE 17 OF THIS CODE AND COMAR.
(b) EXPANDED BUFFER. EXCEPT AS PROVIDED IN SUBSECTION (C), THE 100-FOOT BUFFER SHALL BE EXPANDED BEYOND 100 FEET TO INCLUDE SLOPES OF 15% OR GREATER, NONTIDAL WETLANDS, NONTIDAL WETLANDS OF SPECIAL STATE CONCERN, AND HYDRIC SOILS OR HIGHLY ERODIBLE SOILS. THE BUFFER SHALL BE EXPANDED AS FOLLOWS:
(1) IF THERE ARE CONTIGUOUS SLOPES OF 15% OR GREATER, THE BUFFER SHALL BE EXPANDED BY THE GREATER OF FOUR FEET FOR EVERY 1% OF SLOPE OR TO THE TOP OF THE SLOPE AND SHALL INCLUDE ALL LAND WITHIN 50 FEET OF THE TOP OF THE SLOPES.



VICINITY MAP
SCALE: 1" = 2,000'
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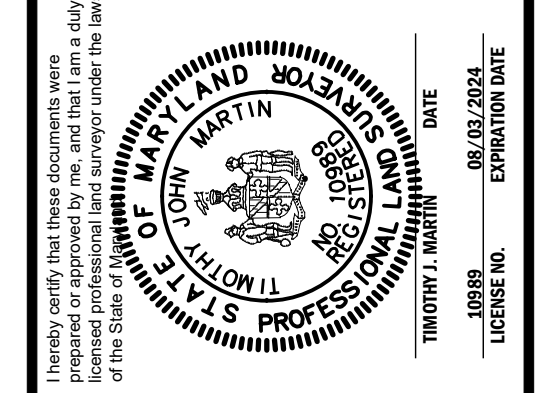
SITE PLAN
SCALE: 1" = 20'

LEGEND

PROPERTY LINE / RIGHT-OF-WAY	---	FEMA LINE	---	EXISTING BUILDING	[Symbol]
ADJOINING PROPERTY LINE	---	EXISTING TREE LINE	[Symbol]	PROPOSED SPOT ELEVATION	+ 5.00
BUILDING RESTRICTION LINE	---	EXISTING FENCE	[Symbol]	PROPOSED CONTOUR LINE	[Symbol]
EXISTING CONTOUR	--- 142 ---	EXISTING PUBLIC UTILITY EASEMENT	[Symbol]	PROPOSED BUILDING	[Symbol]
EXISTING SPOT ELEVATION	x122.3	EXISTING OVERHEAD POWER LINE	[Symbol]	PROPOSED REINFORCED SILT FENCE	[Symbol]
EXISTING SOILS TYPE DESIGNATION	AsB	EXISTING PUBLIC SEWER LINE	[Symbol]	PROPOSED LIMIT OF DISTURBANCE	[Symbol]
EXISTING ZONING DESIGNATION	OS / C1	STEEP SLOPES 15 - 25%	[Symbol]	PROPOSED STABILIZED CONSTRUCTION ENTRANCE	[Symbol]
CRITICAL AREA	CAB	STEEP SLOPES >25%	[Symbol]	PROPOSED DRIVEWAY	[Symbol]
		STEEP SLOPE BUFFER	[Symbol]		

Revisions

Rev. #	By	Date	Description



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Date	DECEMBER 2023
Job Number	21-8204
Scale	AS SHOWN
Drawn By	J. SLENKER / M. GILLESPIE / J. MARLOWE
Approved By	T. MARTIN
Folder Reference	PHILLIPS HIGHLAND BEACH

VARIANCE SITE PLAN

SITE PLANS FOR THE PHILLIPS PROPERTY

3205 WALNUT DRIVE, ANNAPOLIS, MD 21403
TAX MAP 57 - GRID 15 - PARCEL 192 - P/O LOT 1 - BLK 9
TAX ID#: 02-411-07393400 - DEED REFERENCE: 37684/328
ZONED: R2 / LDA
SECOND DISTRICT - ANNE ARUNDEL COUNTY

Sheet No. **1 OF 2**

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:

Tax Map #	Parcel #	Block #	Lot #	Section
57	192	15	pl 1	Blk 3

Tax ID: 02-411-07393410

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) Phillips Property

Project location/Address 5205 Walnut Dr Annapolis 21403

City Hickland Branch / Annapolis Zip 21403

Local case number _____

Applicant: Last name Phillips First name Brandon + Nadelka

Company _____

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 AACo Zoning Administration Section First name _____

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # _____ Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Phase 2 dwelling Construct New Dwelling

- | | | | |
|-----------------------|-------------------------------------|-----------------------|--------------------------|
| 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"/> | Recreational | <input type="checkbox"/> |
| Consistency Report | <input type="checkbox"/> | Redevelopment | <input type="checkbox"/> |
| Industrial | <input type="checkbox"/> | Residential | <input checked="" type="checkbox"/> |
| Institutional | <input type="checkbox"/> | Shore Erosion Control | <input type="checkbox"/> |
| Mixed Use | <input type="checkbox"/> | Water-Dependent Facility | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | | |

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	<i>0</i>	<i>0</i>		<i>0.102</i>	<i>4475</i>
LDA Area	<i>0.366</i>	<i>15,925</i>			
RCA Area	<i>0</i>	<i>0</i>	# of Lots Created		<i>0</i>
Total Area	<i>0.366</i>	<i>15,925</i>			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	<i>0.184</i>	<i>8,000</i>	Existing Lot Coverage	<i>0.051</i>	<i>2219</i>
Created Forest/Woodland/Trees	<i>TBD</i>	<i>TBD</i>	New Lot Coverage	<i>0.044</i>	<i>1897</i>
Removed Forest/Woodland/Trees	<i>0.003</i>	<i>130</i>	Removed Lot Coverage	<i>0.051</i>	<i>2219</i>
			Total Lot Coverage	<i>0.044</i>	<i>1897</i>

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	<i>0.051</i>	<i>4475</i>	Buffer Forest Clearing	<i>0.003</i>	<i>130</i>
Non-Buffer Disturbance	<i>0</i>	<i>0</i>	Mitigation	<i>TBD</i>	<i>TBD</i>

- | Variance Type | Structure |
|--|--|
| Buffer <input checked="" type="checkbox"/> | Acc. Structure Addition <input type="checkbox"/> |
| Forest Clearing <input type="checkbox"/> | Barn <input type="checkbox"/> |
| HPA Impact <input type="checkbox"/> | Deck <input type="checkbox"/> |
| Lot Coverage <input type="checkbox"/> | Dwelling <input checked="" type="checkbox"/> |
| Expanded Buffer <input type="checkbox"/> | Dwelling Addition <input type="checkbox"/> |
| Nontidal Wetlands <input type="checkbox"/> | Garage <input type="checkbox"/> |
| Setback <input checked="" type="checkbox"/> | Gazebo <input type="checkbox"/> |
| Steep Slopes <input checked="" type="checkbox"/> | Patio <input type="checkbox"/> |
| Other <input type="checkbox"/> | Pool <input type="checkbox"/> |
| | Shed <input type="checkbox"/> |
| | Other <input type="checkbox"/> |



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING 10.21.2022

P&Z STAFF Sumner Handy

APPLICANT/REPRESENTATIVE Mike Gillespie EMAIL MGillespie@bayengineering.com

SITE LOCATION 3205 Walnut Avenue, Annapolis LOT SIZE 10,500 square feet ZONING R2

CA DESIGNATION LDA BMA or BUFFER X APPLICATION TYPE variance

The applicant proposes to raze the existing dwelling and to construct a new single-family detached dwelling. The proposal requires variances to allow disturbance to the buffer and to steep slopes, and to front and side setback requirements.

COMMENTS

The Critical Area Team noted that the proposal is to move the house further into the buffer and into the steepest area of the property. The applicant should utilize the existing footprint and minimize expansion into the slopes and buffer as much as possible.

The Zoning Administration Section requests that the symbology used on the site plan (for steep slopes, buffers, etc.) be clarified in a legend. Please label the height and number of stories of the proposed dwelling. Applicants will need to demonstrate that the variance request is the minimum request necessary to afford the relief sought, in addition to satisfying all Critical Area variance standards as set forth in County Code Section 18-16-305(b) and the other standards by which all variances are assessed as set forth in County Code Section 18-16-305(c); no justification / letter of explanation is provided for review during this pre-file.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

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.

***CRITICAL AREA
REPORT***

**PHILLIPS PROPERTY
3205 WALNUT DRIVE
ANNAPOLIS, MD 21409**

November 2023

Prepared for:
Brandon & Nedelka Phillips
1420 N Gate Road NW
Washington, DC 20012

Prepared by:
Atwell LLC
2661 Riva Rd. Building 800
Annapolis, MD 21401

INTRODUCTION

This site is a 15,925 square foot property that is located on the east side of Walnut Drive, a variable width right of way, in Highland Beach, MD. The property is 3025 Walnut Drive. The proposal is to remove the existing improvements and construct a new dwelling with a deck on the property. The site is served by public sewer and well. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Limited Development Area (LDA). The site is not waterfront, and is not located in a buffer modification area. The property is zoned residential, R-2.

EXISTING USE

The property consists of 15,925 square foot property. The site is currently developed with a house and associated improvements. The property is served by an access to Walnut Drive, a variable width right of way.

SURROUNDING LAND USE

The properties that abut the site are developed as single-family lots or community property. The site is bounded by a developed property to the east and south. It is bounded by the Walnut Drive to the west, and Highland Beach community property to the north.

SOILS

The U.S. Department of Agriculture Soil Survey, defines the property to have a soil type of AsE – Annapolis Fine Sandy Loam 15 TO 25% Slopes (C Soils), AuB – Annapolis Urban Land Complex 0-5% slopes (C Soils) and AuD – Annapolis Urban Land Complex 5-15% Slopes (C Soils)

FLOODPLAIN

The property described hereon is located in the flood hazard zones "X" - (area of minimal flood hazard) and zone 'AE' (elevation 5.0') as delineated on the firm flood insurance map #24003C0262F dated February 18, 2015 for said county and distributed by the Federal Emergency Management facility.

NON-TIDAL WETLANDS

There appear to be no Non Tidal Wetlands on the site.

TIDAL WETLANDS

There appear to be no Tidal Wetlands on this site.

BODIES OF WATER

The site drains into the Black Walnut Creek.

STEEP SLOPES

There are steep slopes on the property, defined as 15% or greater in the Critical Area. A portion of the steep slopes will be disturbed, and the entire site is in the expanded buffer.

RARE AND ENDANGERED SPECIES

A review of Federal and/or State listed species of rare, threatened or endangered species of plants or animals has been requested via the enclosed letter to Lori Byrne of the Maryland Department of Natural Resources Fish, Heritage and Wildlife Administration.

STORMWATER MANAGEMENT

Stormwater management will be provided as required during the permit process.

FOREST COVER

The existing forest cover is limited to a few overstory trees. The property would be defined as develop woodlands. The understory is mostly ground level, and includes ivy and several invasive species.

The following are typical trees of areas such as this site:

<u>Common Name</u>	<u>Scientific Name</u>
White Oak	<i>Quercus alba</i>
Eastern Sycamore	<i>Platanus occidentalis</i>
American Holly	<i>Ilex opaca</i>
Beech	<i>Fagus grandifolia</i>
Yellow Poplar	<i>Liriodendron tulipifera</i>
Mountain Laurel	<i>Kalmia latifolia</i>

WILDLIFE TYPICAL OF THIS AREA

<u>Common Name</u>	<u>Scientific Name</u>
Eastern Gray Squirrel	<i>Sciurus Carolinensis</i>
Osprey	<i>Pandion haliaetus</i>
Common Crow	<i>Corvus Brachyrynchos</i>

Northern Cardinal

Richmondena Cardinalis

SITE CALCULATIONS

1. Total Site area.....15,925 sq. ft.
2. Site area in Critical area.....15,925 sq. ft
3. Existing lot coverage2,219 sq. ft.
4. Existing lot coverage to remain....0 sq. ft.
4. Proposed lot coverage1,897 sq. ft.
5. Total Lot Coverage after Construction...1,897 sq. ft.

Real Property Data Search ()
Search Result for ANNE ARUNDEL COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None
Account Identifier:

District - 02 Subdivision - 411 Account Number - 07393400

Owner Information

Owner Name: PHILLIPS BRANDON Use: RESIDENTIAL
PHILLIPS NEDELKA Principal Residence: NO
Mailing Address: 1420 N GATE ROAD NW Deed Reference: /37684/ 00328
WASHINGTON DC 20012-1218

Location & Structure Information

Premises Address: 3205 WALNUT DR Legal Description: PT LT 1 BK 9
ANNAPOLIS 21403-0000 3205 WALNUT DR
Waterview HIGHLAND BEACH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0057 0015 0192 2090003.02 411 9 1 2021 Plat Ref:
Town: HIGHLAND BEACH

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1951 1,006 SF 432 SF 10,500 SF

StoriesBasementType Exterior QualityFull/Half BathGarageLast Notice of Major Improvements
1 YES STANDARD UNITASBESTOS SHINGLE/3 1 full/1 half

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of	
			07/01/2022	07/01/2023
Land:	342,000	342,000		
Improvements	89,200	98,900		
Total:	431,200	440,900	437,667	440,900
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
BATIGNE DANIEL R	10/08/2021	\$450,000
Type: ARMS LENGTH MULTIPLE	Deed1: /37684/ 00328	Deed2:
Seller: LAWSON WARNER	Date: 06/27/1988	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /04632/ 00186	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

3205 WALNUT DR, 21403 X Q

Show search results for 3205



▼ 3205 WALNUT DR, 21403 X 🔍

Show search results for 3205





Address Points:

Fu Address 3205 WALNUT DR, 21403
City Name ANNAPOLIS

[Zoom to](#) ...

Legend

Map Status *i*

- Final approved map
- Working draft map
- Summary draft map
- Final approved map

Designation *i*

- IDA
- IDA
- RCA
- Wetland
- LWET
- Federal
- Excluded

Boundary

- Boundary
- Boundary
- Boundary
- Boundary

Anne Arundel (Final approved)

-
-
-
-
-
-

30 m
100 ft



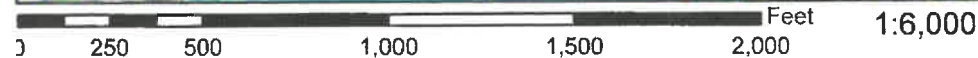
Leaflet | Map data © OpenStreetMap contributors, Imagery © Mapbox



National Flood Hazard Layer FIRMette



76°28'20"W 38°56'12"N



76°27'43"W 38°55'44"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

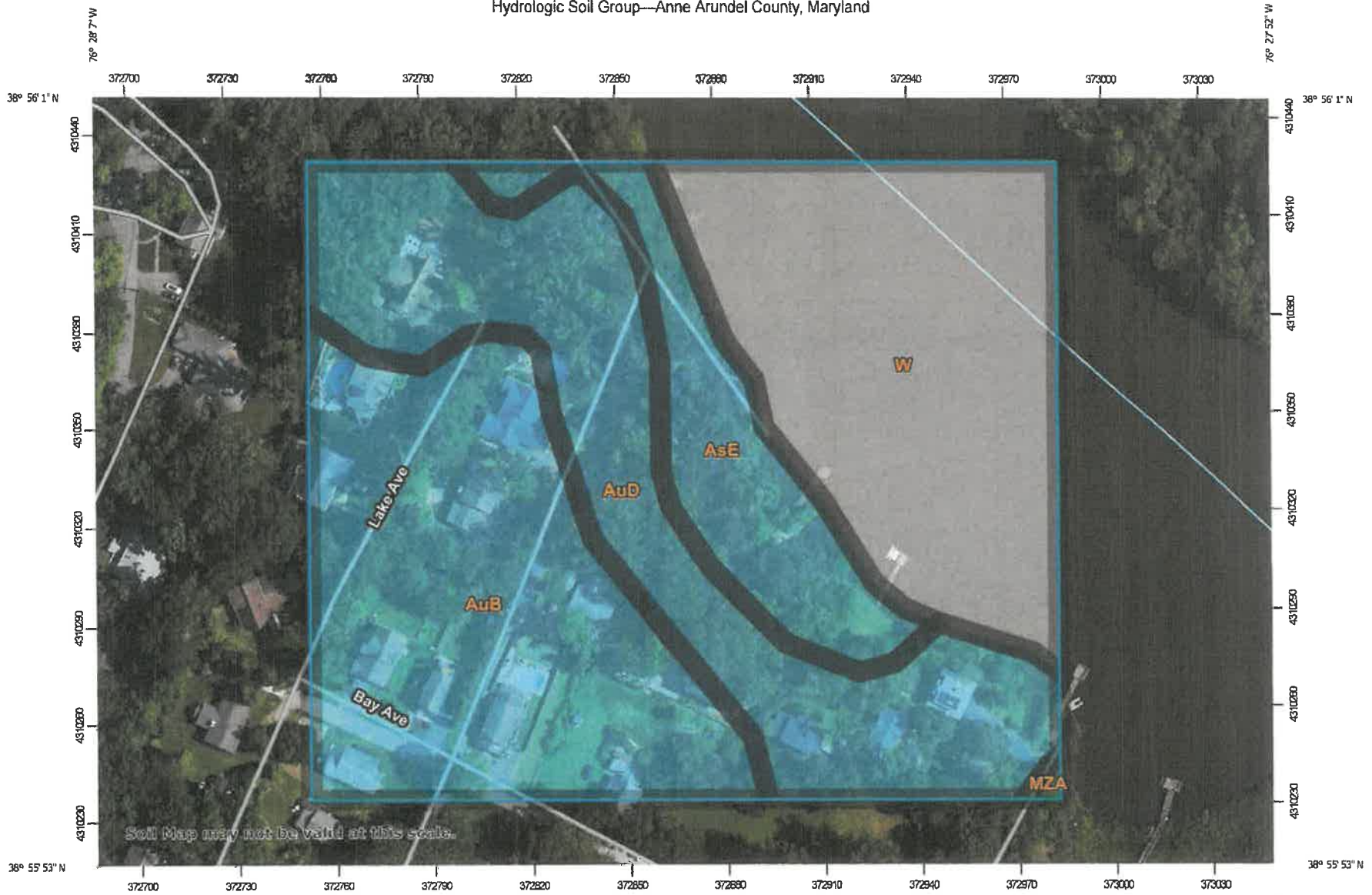
- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A99
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
 - OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone C
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee. See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D
 - OTHER AREAS**
 - NO SCREEN Area of Minimal Flood Hazard Zone A
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone B
 - GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
 - OTHER FEATURES**
 - 20.2 Cross Sections with 1% Annual Chance
 - 17.5 Water Surface Elevation
 - Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
 - MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/6/2022 at 9:56 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Hydrologic Soil Group—Anne Arundel County, Maryland



Soil Map may not be valid at this scale.

































Map Scale: 1:1,660 if printed on A landscape (11" x 8.5") sheet.



Map projection; Web Mercator Corner coordinates: WGS84 Edge ticks: UTM Zone 18N WGS84



MAP LEGEND

- Area of Interest (AOI)**
 -  Area of Interest (AOI)
- Soils**
 - Soil Rating Polygons**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Lines**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Points**
 -  A
 -  A/D
 -  B
 -  B/D
- Soils**
 -  C
 -  C/D
 -  D
 -  Not rated or not available
- Water Features**
 -  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
 -  Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Anne Arundel County, Maryland
 Survey Area Data: Version 22, Sep 12, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2022—Aug 13, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AsE	Annapolis fine sandy loam, 15 to 25 percent slopes	C	1.3	11.7%
AuB	Annapolis-Urban land complex, 0 to 5 percent slopes	C	3.5	31.3%
AuD	Annapolis-Urban land complex, 5 to 15 percent slopes	C	3.1	28.0%
MZA	Mispillion and Transquaking soils, 0 to 1 percent slopes, tidally flooded	A/D	0.0	0.2%
W	Water		3.2	28.9%
Totals for Area of Interest			11.2	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher