

Letter Of Explanation

Time Extension Variance
312 Boxwood Grove Ln
Case Number: 2022-0141-V

To: Office of Administration Hearings

This last year had many unexpected personal issues hampering our focus on the property. We are now faced with the realization of how long it takes to get through the steps of building a new home. A whole year has slipped away with so much more to accomplish in just a few short months.

The bulk of time lost was dealing with the recovery and complications of my wife's open heart surgery, coupled afterwards with tending to the healthcare of her out-of-state elderly parents. Only recently have we been able to focus on the property. Frankly, I was naive to how long this process actually requires. The stress of the present expiration date of June 2024, has become overwhelming.

Our request to extend the expiration date one year would be greatly appreciated.

Respectfully,

Ronald and Bonnie Steele
1 Pointless Forest Trl
Annapolis, MD 21409

ronsteele22@gmail.com

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER: 2022-0141-V

RONALD B. STEELE AND BONNIE L. VAN SCIVER-STEELE

SECOND ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 15, 2022

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: **ROBERT KONOWAL**

DATE FILED: **NOVEMBER 29, 2022**

PLEADINGS

Ronald B. Steele and Bonnie L. Van Sciver-Steele, the applicants, seek a variance (2022-0141-V) to allow a dwelling with less setbacks and planted buffer than required on property with a street address of 312 Boxwood Grove Lane, Annapolis, MD 21403.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the subject property was notified by mail, sent to the address furnished with the application. Mike Werner testified that the property was posted for more than 14 days prior to the hearing and submitted an affidavit to that effect (Applicants' Exhibit 1). Therefore, I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on November 15, 2022, in which witnesses were sworn and the following evidence was presented with regard to the proposed variance requested by the applicants.

The Property

The applicants own the subject property which has 32 feet of frontage on the northwest side of Boxwood Grove Lane, 1,150 feet northwest of Arbutus Road, Annapolis. It is identified as Lot R of Parcel 297 in Grid 20 on Tax Map

51H. The property comprises 2.39 acres and is zoned RLD - Residential Low Density District. This waterfront lot on Crab Creek is designated in the Chesapeake Bay Critical Area as limited development area (LDA). The shoreline of the subject property is partially located in the buffer modification area (BMA) and partially outside the BMA. The southeast shoreline of the lot is located within a BMA.

The site is currently developed with a single-family dwelling (c.1920), a detached garage, detached carport, driveway and a pier is located on the west side of the property. The property is served by a private well and septic.

The Proposed Work

The proposal calls to demolish the existing dwelling, detached garage and carport and construct a new single-family detached dwelling with attached garage, screen porch and covered deck. A detached garage is proposed to the east of the dwelling. New septic and well facilities are to be located on the east half of the lot. A reconfigured driveway is also proposed all as shown on the site plan admitted into evidence at the hearing as County Exhibit 2.

The Anne Arundel County Code

§ 18-4-401(b) requires that a 50-foot planted buffer be located and maintained between the principal structure and the crest of steep slopes. The proposed dwelling and driveway are to be partially located in the 50-foot planted buffer as shown on the attached site plan. It is estimated that approximately 1,800 square feet of the dwelling and approximately 300 square feet of the new driveway

is to be located in the 50-foot planted buffer. The exact disturbance to the planted buffer will be determined at the time of building permit.¹

The Variance Requested

The proposal requires a zoning variance to the requirement of § 18-4-401(b) to allow disturbance to the 50-foot planted buffer to allow the applicants to construct the proposed dwelling and driveway as shown on County Exhibit 2 (actual disturbance to be determined at the time of permitting).

The Evidence Submitted At The Hearing

Findings and Recommendations of the Office of Planning and Zoning (OPZ)

Robert Konowal, a zoning analyst with OPZ, presented the following:

- OPZ finds that the subject property at 2.39 acres significantly exceeds the minimum required lot area of 40,000 square feet for a lot in a RLD district. The lot also exceeds the minimum lot width requirement of 150 feet. However, more importantly the subject property does have extensive frontage on the water with steep slopes following the shoreline. The buffer and the steep slopes do limit development of the site at the west end of the site to a narrow band of land approximately 40 feet in width that parallels the north shoreline and steep slopes. There is also a large area of land located away from the shoreline at the west end of the site in excess of 10,000 square feet available for development.

¹ A review of the site indicated that no variance to the setback requirements of the Code is required.

- The applicants are proposing two structures; a single-family detached dwelling with attached two car garage and a detached three car garage which together have a total footprint of 4,128 square feet. As indicated earlier, approximately 1,800 square feet of the dwelling and 300 square feet of a new driveway are located in the 50-foot planted buffer. OPZ is of the opinion that the proposed development of the site is excessive and could be redesigned to provide for a dwelling and detached garage without the need for variances. A slightly smaller dwelling could be located within the 40-foot wide band of land located outside the buffer paralleling the north shoreline and the detached garage located to the available area on the east half of the site. The applicants have failed to demonstrate any practical difficulty in complying with the Code and that denial of the requested variance would cause hardship in the use of these lands.
- Since the variance requested is not warranted it cannot be the minimum necessary to afford relief.
- Approval of the variance will not alter the essential character of the neighborhood nor negatively impact the use of any adjacent property as the proposed development does not violate any established set back pattern and is located well enough away from dwellings on abutting properties so as to have no impact. The requested variance will not reduce forest cover in the LDA and will not be contrary to acceptable clearing and replanting practices. The applicants have not however provided the necessary information regarding

stormwater management. Consequently there is insufficient evidence to suggest that the variance will not be detrimental to the public welfare at this time.

- In conclusion, the variance is not considered to be warranted as there does appear to be the opportunity to relocate the proposed improvements outside the buffer nor can it be determined at this time that the variance will not be detrimental to the public welfare.
- The Department of Health indicated that they do not have an approved plan for this project but would have no objection to the request as long as a plan is submitted and approved by the Health Department.
- The Engineering Division of the Department of Inspections and Permits advised that they cannot recommend approval of the variance until comments concerning stormwater management for the site are addressed satisfactorily.
- Based upon the standards set forth under § 18-16-305 under which a variance may be granted, OPZ recommends denial of the variance.

Other Testimony and Exhibits

The applicants were assisted at the hearing by their engineer, Michael Werner of Anarex, Inc. The applicants wish to rebuild the existing dwelling and improve the site so that they can live on the property. The property is large at 2.39 acres but impacted by steep slopes and other environmental features. The driveway cannot be shifted out of the 50-foot planted buffer.

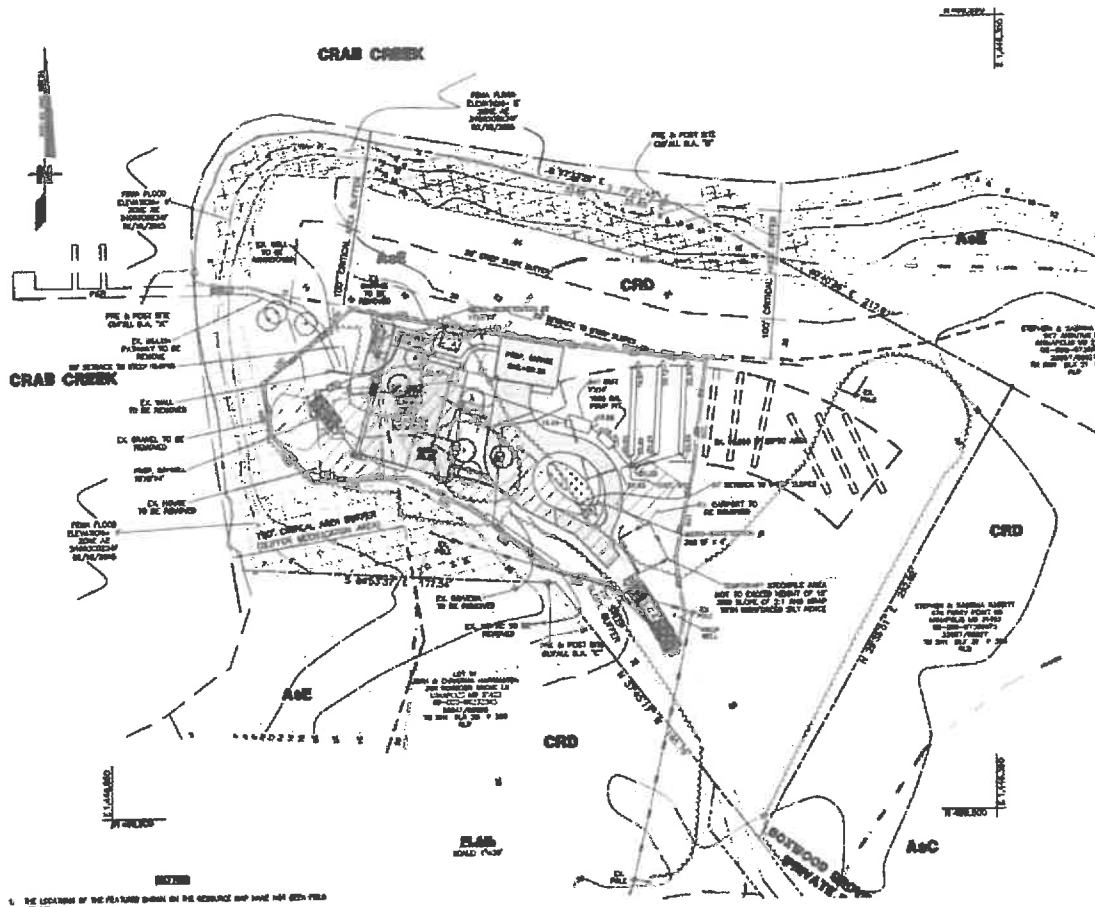
There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

DECISION

The applicants wish to demolish the existing dwelling and structures on their property and build a new home. The existing conditions are shown by the following exhibit:



The dwelling to be removed is located within the green bulge to the west on the above exhibit. The new dwelling (and garage) will be located as shown on the following exhibit and will utilize the existing driveway to access the site:



The bulk of the disturbance within the 50-foot planted buffer will be required to remove the existing dwelling and other improvements located at the west end of the property. The western edge of the proposed dwelling will be inside the limits of disturbance to remove the existing dwelling. In other words, there will be no new disturbance to build the new dwelling in the location proposed. Given that the application needs no critical area variances, that the property is narrow at the western end, and that the new dwelling cannot be shifted significantly to the east without interfering with the proposed septic system, I find that denial of the requested variance would cause the applicants an unnecessary

hardship. The applicants need to have access to the building site which will be partially located within the 50-foot buffer which is itself already disturbed. Strict enforcement of the 50-foot planted buffer requirement would render almost all of the site unusable for the location of a modern single-family dwelling as proposed by the applicants.

I further find that the granting of a zoning variance will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development area of the critical area, be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

ORDER

PURSUANT to the application of Ronald B. Steele and Bonnie L. Van Sciver-Steele, petitioning for a variance to allow a dwelling with less setbacks and planted buffer than required on property with a street address of 312 Boxwood Grove Lane, Annapolis;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **29th day of November, 2022**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted** a zoning variance to the requirement of § 18-4-401(b) to allow disturbance to the 50-foot planted buffer to allow the

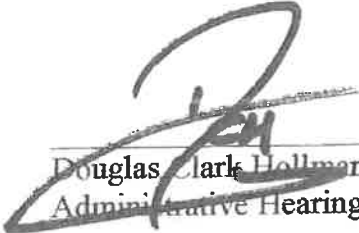
applicants to construct the proposed dwelling and driveway as shown on County Exhibit 2 (actual disturbance to be determined at the time of permitting).

The foregoing variance is subject to the condition that the applicants shall comply with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.

This Order does not constitute a building permit. In order for the applicants to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein. The decision and order shall not prohibit the applicants from making minor changes to the facilities as presently shown on County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variance granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning and the

Department of Inspection and Permits and the Department of Inspection and Permits.



Douglas Clark Hollmann
Administrative Hearing Officer

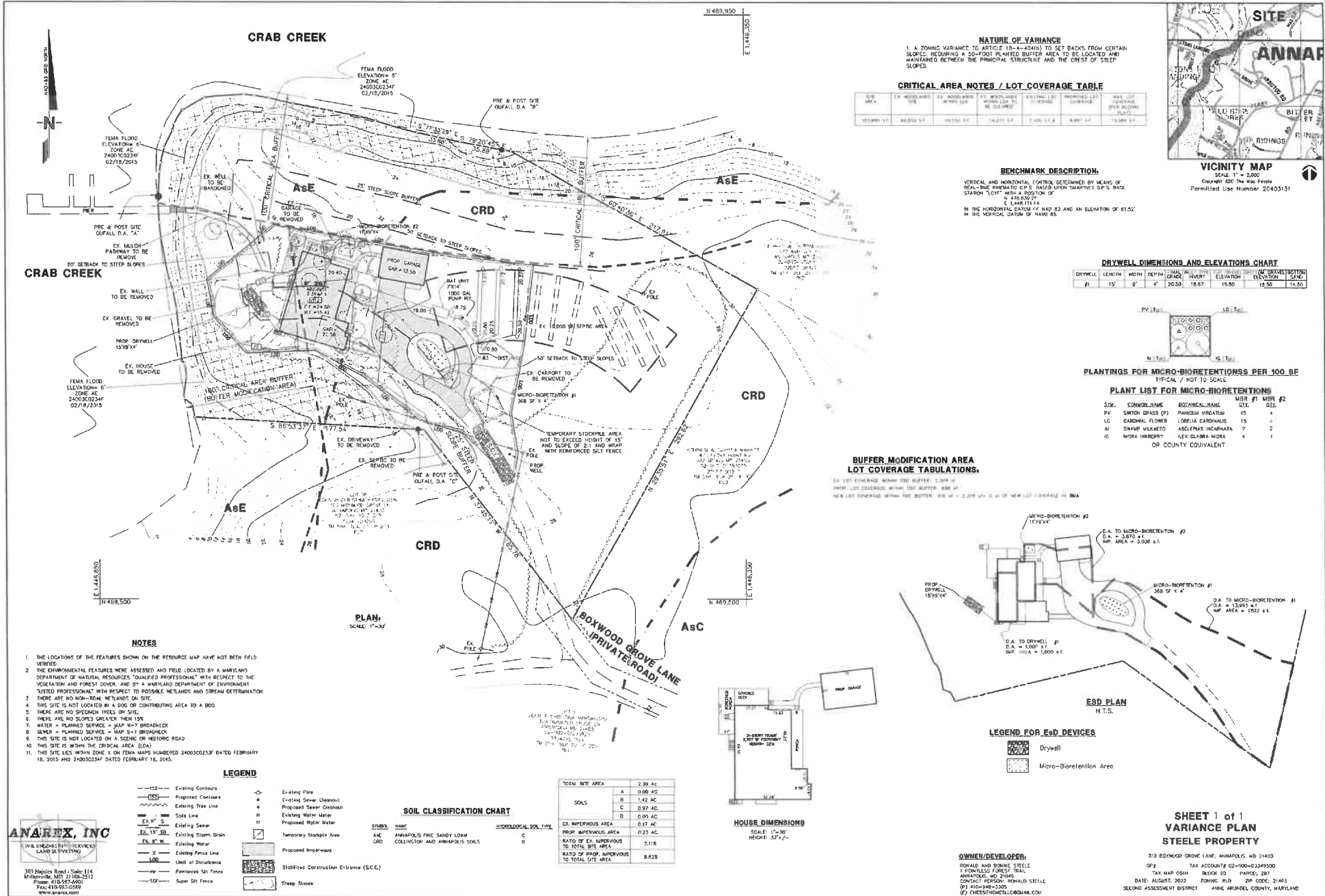
NOTICE TO APPLICANTS

This Order does not constitute a building permit. In order for the applicants to perform the work permitted in this decision, the applicants must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Any person, firm, corporation, or governmental agency having an interest in this Decision and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals within thirty (30) days from the date of this Decision. **If the variance or variances granted in this case relate to work in the critical area, a permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled **expires by operation of law** unless the applicants **within 18 months** of the granting of the variance or special exception (1) obtain a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicants obtain a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, or they may be discarded.

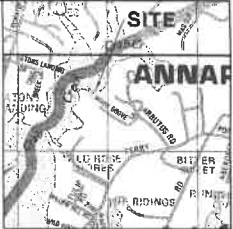


NATURE OF VARIANCE
 1. A ZONING VARIANCE TO ARTICLE 18-4-404(B) TO SET BACKS FROM CERTAIN SLOPES, REQUIRING A 50-FOOT PLANTED BUFFER AREA TO BE LOCATED AND MAINTAINED BETWEEN THE PRINCIPAL STRUCTURE AND THE CREST OF STEEP SLOPES.

CRITICAL AREA NOTES / LOT COVERAGE TABLE

CRITICAL AREA	AREA	PERCENTAGE	MAXIMUM COVERED AREA
CRITICAL AREA #1	1,448.350	100%	1,448.350
CRITICAL AREA #2	1,448.350	100%	1,448.350

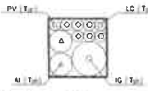
BENCHMARK DESCRIPTION:
 VERTICAL AND HORIZONTAL CONTROL DETERMINED BY MEANS OF REAL-TIME KINEMATIC GPS'S TRACKED UPON SHARPNET GPS'S BASE STATION 'LOFT' WITH A POSITION OF 43° 48' 00" N, 76° 00' 00" W IN THE HORIZONTAL DATUM OF NAD 83 AND AN ELEVATION OF 61.52' IN THE VERTICAL DATUM OF NAVD 83.



VICINITY MAP
 SCALE: 1" = 500'
 Copyright ADC The Map People
 Permitted Use Number 20403131

DRYWELL DIMENSIONS AND ELEVATIONS CHART

DRYWELL #	LENGTH	WIDTH	DEPTH	FINAL GRADE	VERT. CURVE	ELEVATION	TOP OF DRYWELL SAND	BOTTOM SAND
#1	12'	8'	4'	20.00	18.07	19.50	19.50	14.50



PLANTINGS FOR MICRO-BIORETENTIONS PER 100 SF
 TYPICAL / NOT TO SCALE

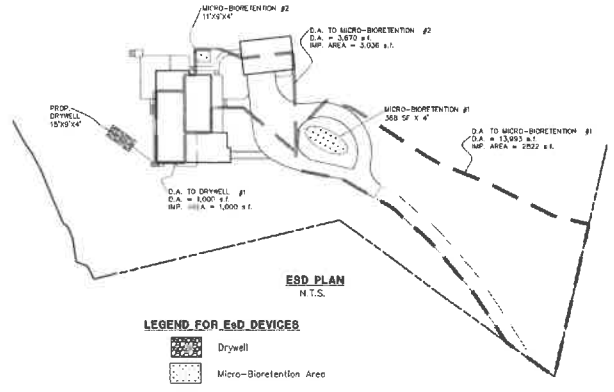
PLANT LIST FOR MICRO-BIORETENTIONS

SKC	COMMON NAME	BOTANICAL NAME	MFR #1	MFR #2
PV	SWITCH GRASS (P)	PANICUM VIRGATUM	15	4
LC	CARDINAL FLOWER	LOBELIA CARDINALIS	15	4
MI	SWAMP MILKWEED	ASCLEPIAS INCARNATA	7	2
IC	WYMA INHERENT	HEX CLABRA NODIA	4	1

OR COUNTY EQUIVALENT

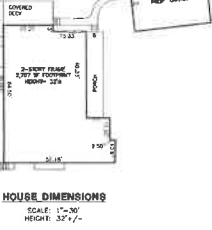
BUFFER MODIFICATION AREA LOT COVERAGE TABULATIONS

EX. LOT COVERAGE WITHIN THE BUFFER: 3.58%
 PROP. LOT COVERAGE WITHIN THE BUFFER: 8.88%
 NEW LOT COVERAGE WITHIN THE BUFFER: 5.30% (14' x 20' x 20' x 20' x 20' x 20')



LEGEND FOR ESD DEVICES

- Micro-Bioretentation Area
- Drywell



HOUSE DIMENSIONS
 SCALE: 1" = 20'
 HEIGHT: 32' 1/2"

SOIL CLASSIFICATION CHART

SOILS	AREA
A	0.00 AC
B	1.42 AC
C	0.92 AC
D	0.00 AC
EX. IMPERVIOUS AREA	0.12 AC
PROP. IMPERVIOUS AREA	0.23 AC
RATIO OF EX. IMPERVIOUS TO TOTAL SITE AREA	7.11%
RATIO OF PROP. IMPERVIOUS TO TOTAL SITE AREA	9.82%

- NOTES**
- THE LOCATIONS OF THE FEATURES SHOWN ON THE RESOURCE MAP HAVE NOT BEEN FIELD VERIFIED.
 - THE ENVIRONMENTAL FEATURES WERE ASSESSED AND FIELD LOCATED BY A MARILAND 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.
 - THERE ARE NO NON-BUILD WETLANDS ON SITE.
 - THIS SITE IS NOT LOCATED IN A DOG OR CONTRIBUTING AREA TO A DOG.
 - THERE ARE NO SPECIALLY TREES ON SITE.
 - THERE ARE NO SLOPES GREATER THAN 15%.
 - WATER = PLANNED SERVICE - MAP W-7 BROADBENT.
 - SEWER = PLANNED SERVICE - MAP S-7 BROADBENT.
 - THIS SITE IS NOT LOCATED ON A SCenic OR HISTORIC ROAD.
 - THIS SITE IS WITHIN THE CRITICAL AREA (LEA).
 - THIS SITE LIES WITHIN ZONE X ON FEMA MAPS NUMBERED 240030234F DATED FEBRUARY 18, 2015 AND 240030234F DATED FEBRUARY 18, 2015.

- LEGEND**
- Existing Contours
 - Proposed Contours
 - Existing Tree Line
 - Sole Line
 - Existing Sewer
 - Existing Storm Drain
 - Existing Manhole
 - Existing Fence Line
 - Utility or Disturbance
 - Remotely Sited Fence
 - Super Silt Fence
 - Existing Pole
 - Existing Sewer Cleanout
 - Proposed Sewer Cleanout
 - Existing Water Meter
 - Proposed Water Meter
 - Temporary Stockpile Area
 - Proposed Improvements
 - Stabilized Construction Entrance (S.C.E.)
 - Sleep Stakes

ANAREX, INC
 (A) LAND ENGINEERING SERVICES
 LAND SURVEYING
 303 Napier Road, Suite 114
 Millersville, MD 21104-2512
 Phone: 410-987-6001
 Fax: 410-987-6289
 www.anarex.com

SHEET 1 of 1
VARIANCE PLAN
STEELE PROPERTY

OWNER/DEVELOPER:
 RONALD AND BONNIE STEELE
 1 POINTLESS FOREST TRAIL
 ANNAPOLIS, MD 21403
 CONTACT PERSON: RONALD STEELE
 (P) 410-948-3385
 (F) THESHOMELOCATOR.COM

312 BODWOOD GROVE LANE, ANNAPOLIS, MD 21403
 OFP TAX ACCOUNTY 02-000-0349550
 TAX MAP OSH BLOCK 20 PARCEL 287
 DATE: AUGUST, 2012 ZONING: RLD ZIP CODE: 21403
 SECOND ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND