

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

**APPLICANT:** Daniel Duffy & Mary E. Cushing

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2023-0109-V

**COUNCIL DISTRICT:** 3

**HEARING DATE:** March 28, 2024

**PREPARED BY:** Jennifer Lechner  
Planner



**REQUEST**

The applicants are requesting a variance to allow a dwelling with less setbacks than required on property located at 1420 Woodland Beach Road in Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 4,979 square feet of land and is located with 62 feet of frontage on the west side of Woodland Beach Road. The property is identified as Parcel 246 in Grid 6 on Tax Map 17 in the Pasadena subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Council District 3, effective January 29, 2012. This unimproved site lies entirely within the Chesapeake Bay Critical Area LDA – Limited Development Area.

**PROPOSAL**

The applicants are proposing the construction of a new 2-story dwelling (26.08' x 29' with a height of 35') and associated site improvements.

**REQUESTED VARIANCES**

§ 18-4-601<sup>1</sup> of the Anne Arundel County Zoning Ordinance states that a principal structure in the R2 District must be 30 feet from the front lot line, 25 feet from the rear lot line, and 7 feet from the side lot lines. The proposed dwelling will be as close as 7 feet from the rear lot line, necessitating a variance of 18 feet.

**FINDINGS**

The subject property is rectangular in shape and is undersized at 4,979 square feet in area and 62 feet in width, with regard to the 20,000 square foot minimum area required for new lots not

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<sup>1</sup> The application referenced the reduced setbacks provided under § 18-2-301(f) - Dwellings on nonconforming lots, which applies to expansion of existing dwellings. As a new dwelling is proposed, the standard R2 setbacks apply.

served by public sewer, and to the minimum width of 80 feet, in an R2 District. A review of the County 2023 aerial photography shows the lots on the west side of Woodland Beach Road abuts a commercial marina, and the dwellings are all located in close proximity to the rear lot lines. Variance 2004-0541-V, to allow a dwelling to be constructed as close as 7 feet to the rear lot line at 1418 Woodland Beach Road (adjacent lot to the north), was granted on March 9, 2005.

Grading permit, G02019667, for the construction of a single family dwelling and associated improvements at the subject property, was submitted on February 27, 2023, prior to submission of the variance application on June 29, 2023. There has been no activity on the grading permit since the April 6, 2023 comment letter. This variance request was originally scheduled for August 22, 2023, but had been postponed on August 10, 2023 at the applicants' request. A building permit for the construction of the dwelling was not found. Variance approval must be obtained prior to a building permit being issued.

The proposed post-construction critical area lot coverage is 1,461.32 square feet, which is below the lot coverage allowed under § 17-8-402 (25% plus 500 square feet or 1,744.75 square feet). The proposed post-construction coverage by structures is 756.32 square feet, which is below the 30% (1,493.7 square feet) maximum coverage by structures allowed under §18-4-601.

The applicants' letter explains that the house is located to the rear of the lot in order to accommodate the new septic system in the front yard of the undersized lot. The letter further explains that the proposed footprint is similar to other homes in the community and the location is similar to a variance granted to the neighboring property. The applicants assert that a smaller dwelling, closer to the road, would not be in keeping with the neighborhood.

#### Agency Comments

The **Health Department** has determined that the proposed request does not adversely affect the on-site sewage disposal system, and has no objection.

The **Engineering Section** has noted that the design, as proposed, does not provide sufficient space to adequately address the SWM regulations to provide ESD to the MEP. The construction of the retaining wall and the diversion of the roof drainage around the house to the public road right of way (which lacks a public storm drain system) do not address SWM requirements and alter the drainage pattern in a manner that may exacerbate existing road flooding. Downstream road cross-sections were not provided to ensure an open drainage path exists to receive the proposed concentrated flows. No downstream investigation was conducted to show the impact of this construction on road flooding. In addition, their Office states that the applicants did not address the pre-file comments regarding the lack of SWM treatment. Their Office does not support this variance request and recommends denial since the development, as proposed, does not meet the regulatory SWM treatment requirements.

#### Variance Criteria

For the granting of a variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot, or because of

exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship in developing the lot.

In this particular case, the lot is undersized and not served by public water or sewer. This creates practical difficulties in locating the dwelling in strict conformance with the Code while also providing an adequate area for the septic system.

All of the properties along the western side of Woodland Beach Road have been constructed within the rear setback, therefore, this Office finds that granting this variance would not alter the essential character of the neighborhood. The property to the rear is zoned and used as a commercial marina, and the dwellings on either side are located close to their rear lot lines. As such, the close proximity of the proposed dwelling to the rear property line should not impair the appropriate use or development of adjacent properties. However, based on the Engineering Section comments regarding possible road flooding, the granting of the variance may be detrimental to the public welfare.

With mitigation, the granting of the variance should not reduce forest cover in the limited development areas of the critical area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area.

This Office recognizes that a variance does not necessarily require pre-approval of stormwater management and that, if approved, those items would still have to be addressed at the time of permitting. However, because the Engineering Section has indicated that this site plan cannot be approved as proposed, this Office cannot support the associated variance. The applicant is advised that, if a zoning variance is approved, any change to the proposed improvements shown on the site plan that are necessary to address the storm water management issues raised would require a new variance.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted, this Office recommends ***denial*** of a zoning variance to § 18-4-601 to allow a dwelling as close as 7 feet to the rear lot line, as proposed.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.

**HYDROLOGIC SOILS GROUP ACREAGE**  
ALL SOILS FOR THIS SITE ARE SOIL GROUP 'A' SOILS.

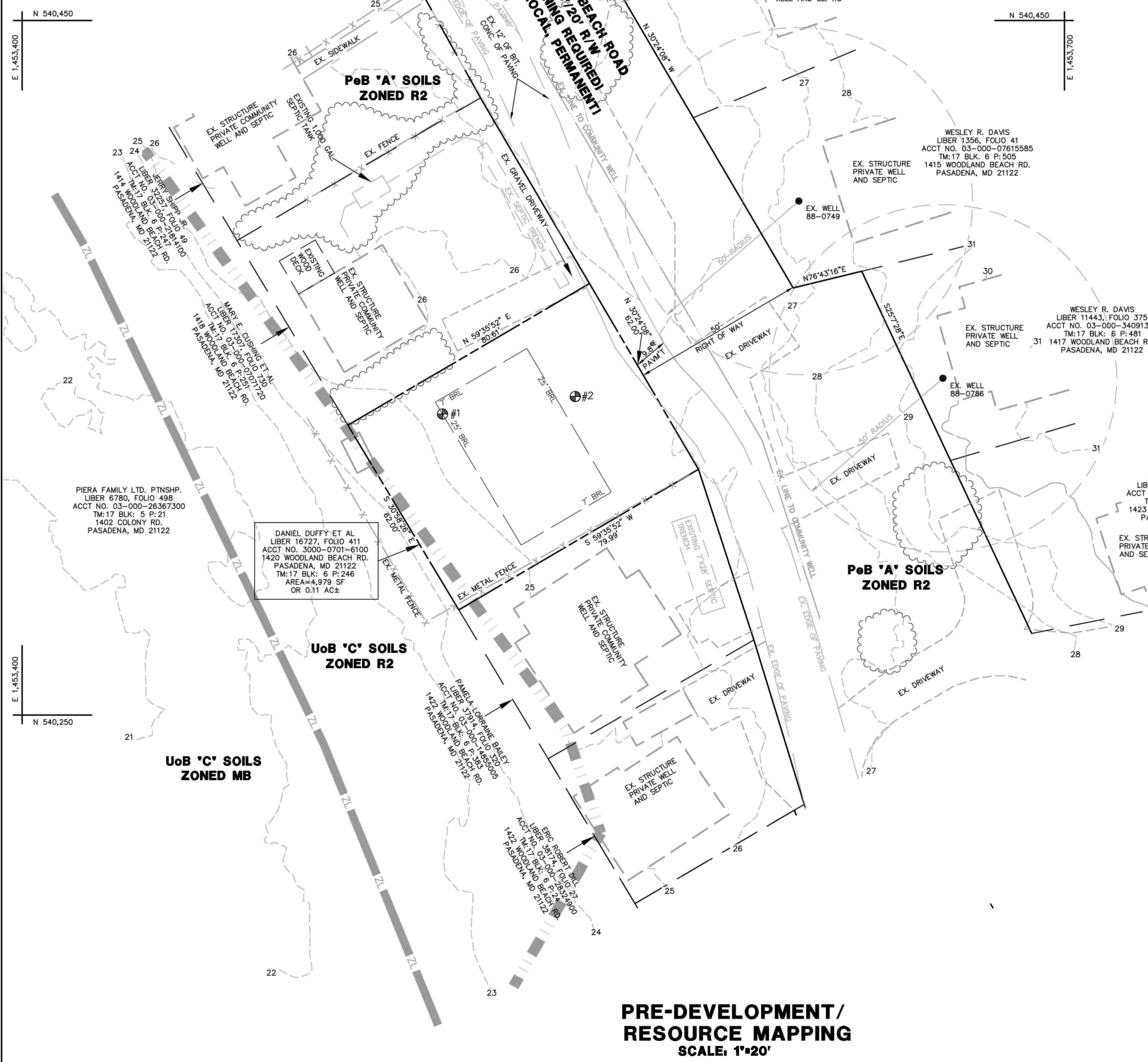
**ZONING NOTE:**  
ALL PROPERTIES SHOWN ON THIS MAP LIE WITHIN THE R2 ZONING DISTRICT.

**CRITICAL AREA NOTE:**  
ALL PROPERTIES SHOWN ON THIS MAP LIE WITHIN THE LDA CRITICAL AREA.

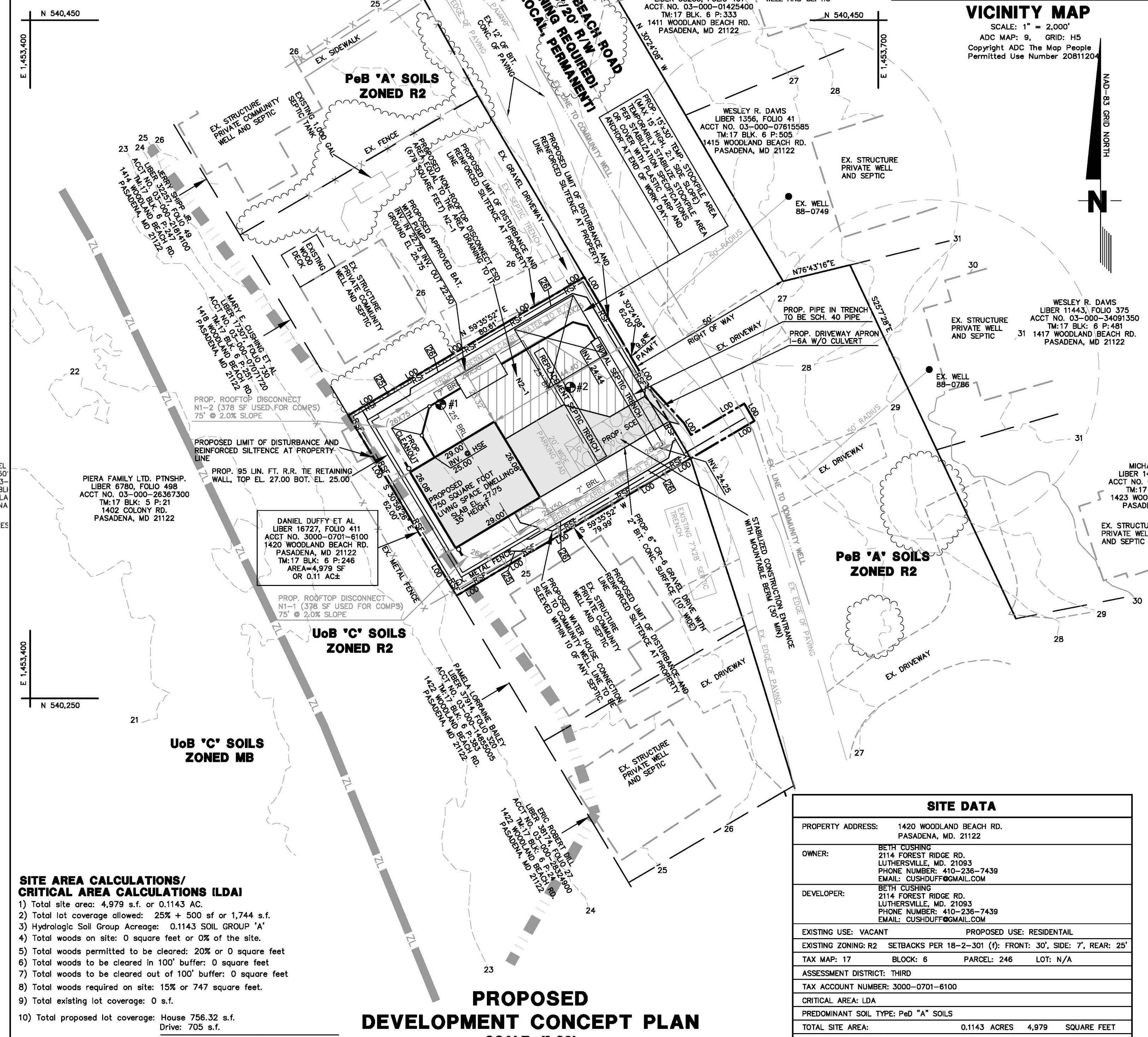
**UTILITY NOTE:**  
ALL PROPERTIES SHOWN ON THIS MAP LIE WITHIN THE RURAL SERVICE AREA (NO PUBLIC SERVICE-ON SITE WASTEWATER MANAGEMENT PROBLEM AREA) ON WATER MAP: W-3 AND RURAL SERVICE AREA (NO PUBLIC SERVICE) ON SEWER MAP: S-3.

**WATERSHED NOTE:**  
THIS SITE LIES ENTIRELY WITHIN THE PATAPSCO RIVER WATERSHED.

**FEMA MAP NOTE:**  
THIS SITE LIE ON PANEL NUMBER 2400080000 AND IS NOT WITHIN A FLOOD PLAIN.



**PRE-DEVELOPMENT/  
RESOURCE MAPPING**  
SCALE: 1"=20'



**PROPOSED  
DEVELOPMENT CONCEPT PLAN**  
SCALE: 1"=20'

- SITE AREA CALCULATIONS/  
CRITICAL AREA CALCULATIONS ILDAI**
- Total site area: 4,979 s.f. or 0.1143 AC.
  - Total lot coverage allowed: 25% + 500 sf or 1,744 s.f.
  - Hydrologic Soil Group Acreage: 0.1143 SOIL GROUP 'A'
  - Total woods on site: 0 square feet or 0% of the site.
  - Total woods permitted to be cleared: 20% or 0 square feet
  - Total woods to be cleared in 100' buffer: 0 square feet
  - Total woods to be cleared out of 100' buffer: 0 square feet
  - Total woods required on site: 15% or 747 square feet.
  - Total existing lot coverage: 0 s.f.
  - Total proposed lot coverage: House 756.32 s.f.  
Drive: 705 s.f.  
Total: 1,461.32 s.f. = 29.35% of the site
  - Total lot coverage after construction: 1,461.32 s.f. = 29.35% of the site
  - Total afforestation required: 747 square feet (to be provided via onsite plantings)

SITE DATA	
PROPERTY ADDRESS:	1420 WOODLAND BEACH RD. PASADENA, MD. 21122
OWNER:	BETH CUSHING 2114 FOREST RIDGE RD. LUTHERSVILLE, MD. 21093 PHONE NUMBER: 410-236-7439 EMAIL: CUSHDUFF@GMAIL.COM
DEVELOPER:	BETH CUSHING 2114 FOREST RIDGE RD. LUTHERSVILLE, MD. 21093 PHONE NUMBER: 410-236-7439 EMAIL: CUSHDUFF@GMAIL.COM
EXISTING USE:	VACANT
PROPOSED USE:	RESIDENTIAL
EXISTING ZONING:	R2
TAX MAP:	17
BLOCK:	6
PARCEL:	246
LOT:	N/A
ASSESSMENT DISTRICT:	THIRD
TAX ACCOUNT NUMBER:	3000-0701-6100
CRITICAL AREA:	LDA
PREDOMINANT SOIL TYPE:	PeB "A" SOILS
TOTAL SITE AREA:	0.1143 ACRES 4,979 SQUARE FEET
EXISTING IMPERVIOUS:	0.00 ACRES 0 SQUARE FEET
PROPOSED IMPERVIOUS:	0.0335 ACRES 1,461.32 SQUARE FEET
TOTAL DISTURBED AREA:	0.1183 ACRES 5,152 SQUARE FEET

**OWNER, DEVELOPER AND APPLICANT INFORMATION**  
**OWNER:**  
BETH CUSHING  
2114 FOREST RIDGE RD.  
LUTHERSVILLE, MD. 21093  
PHONE NUMBER: 410-236-7439  
EMAIL: CUSHDUFF@GMAIL.COM  
**DEVELOPER/APPLICANT:**  
BETH CUSHING  
2114 FOREST RIDGE RD.  
LUTHERSVILLE, MD. 21093  
PHONE NUMBER: 410-236-7439  
EMAIL: CUSHDUFF@GMAIL.COM

**LEGEND**

	Existing Grade		Temporary Stockpile Area		Drainage area
	Proposed Grade		Existing Structure		Proposed Rooftop Disconnect
	Limit of Disturbance		Existing Impervious To Be Removed		Area of Non-rooftop Disconnect
	Reinforced Silt Fence		Existing Fence		Zoning boundary line
	Existing Lot Line		Existing Tree		Soil boundary line
	Existing Impervious		Existing BGE Pole		PgB "A" SOILS
	Proposed Impervious				Zoning classification
	Stabilized Construction Entrance				UoB "C" SOILS
	PROP. SCE FOR SEDIMENT CONTROL				PeB "A" SOILS
					PpB "A" SOILS
					ZONED R5

**M.A.F. & ASSOCIATES, LLC**  
55 JONES STATION ROAD, W. SEVERNA PARK, MD 21146  
PHONE: 443-864-8589  
EMAIL: MFORGEN@AOL.COM

**ADMINISTRATIVE SITE PLAN**  
**DUFFY/CUSHING PROPERTY**  
**PARCEL 246**  
**1420 WOODLAND BEACH RD. PASADENA, MD. 21122**  
TAX MAP 17 BLOCK 6 PARCEL 246 TAX ACCOUNT #: 3000-0701-6100 ZONING: R2  
DATE: MARCH 12, 2023  
THIRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND  
**SHEET 1 of 1**

M.A.F. & Associates, LLC  
Matthew A. Forgen  
55 Jones Station Road, W.  
Severna Park, MD 21146  
Phone: 443-864-8589

March 12, 2024

Planner  
Department of Planning & Zoning  
2664 Riva Road  
Annapolis MD 21401

**RE: Duffy/Chushing Property, Parcel 246  
1420 Woodland Beach Road, Pasadena, MD 21122**

Dear Planner:

Please accept this submittal of a variance for the above referenced project. We are proposing to construction of a new single-family detached dwelling and associated site improvements on the above referenced property. The proposed dwelling is a 2-story dwelling with a height of 35'. The structure has a footprint of 26.08' x 29' and is setback 44.40' from the front property line, 23.32' from the northern side property line, 12.55' from the southern side property line and 7' from the rear property line. This proposal will require a zoning variance to allow development within the read lot line setback.

Please note this is an undersized R2 zoned property and therefore we are holding setbacks as noted in 18-2-301(f) "Dwelling on nonconforming lots". The setbacks that are required per this section of the code is 25' front and rear lot lines and 7' from the side lot lines.

**Pre-File comments:**

**Engineering:**

The applicant is proposing to contract a new single-family detached dwelling with a total proposed impervious of 1,517 square feet. The total disturbed area is shown as 5,152 square feet. The applicant is proposing to disconnect the non-rooftop surface (driveway) via an area next to the driveway that is equal to the area of the driveway. This area must be shown to be down gradient of the impervious cover and must be vegetated. Soil borings and photographs are required to document the status of this area and the need of soil amendments. A 1-2 feet wide transition strip should be provided from the disconnected area to the vegetated area. The plan also needs to show that the disconnection is at least 10 ft from the nearest impervious surface of similar or lower elevation to prevent reconnection. This was not demonstrated. The proposed rooftop disconnect as proposed does not meet the intent of the MDE criteria for non-rooftop disconnect credit and is not acceptable as shown. The downspouts should be disconnected via sheet flow, where no more than 500 SF of impervious is allowed to sheet flow over a vegetated area that is at least 75 feet of length. Installing a retaining wall and berms as shown for the sole purpose of carrying the water to the public road right of way is not considered "nonstructural" and creates a concentrated flow. This design does not meet the non-rooftop disconnection criteria intent or purpose. No public storm conveyance system appears to be in the public right of way to intercept and convey the flow. A downstream investigation of the drainage patterns along with cross-sections to demonstrate the outfall is adequate and to show the existing and proposed flooding limits for the 10-year storm and their encroachment levels to private properties will need to be submitted. A more detailed certified survey with spot elevations along with cross-sections will be required and a right to discharge permit may be required to address any drainage to private properties.

**Zoning:**

Advised site plan appears to be complete.

**Our response:**

**Engineering:**

The pre-file comments will be addressed with the grading permit application that is required for this project.

**Zoning:**

No response required.

**The required zoning variance is stated below.**

***WE REQUEST A 18' VARIANCE TO ARTICLE 18-2-301(f) THAT REQUIRES A REAR LOT LINE SETBACK OF 25' SETBACK TO ALLOW FOR THE CONSTRUCTION OF THE NEW DWELLING. THIS PROPOSED DWELLING WILL BE CONSTRUCTED AT 7.00' TO THE REAR LOT LINE SETBACK.***

We feel this zoning variance request meets the requirements of Article 18-16-305 (a) & (c) and therefore the variances should be granted. Below is the justification for granting the above noted variances.

***18-16-305(a)(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or:***

This site is an existing undersized legal lot. The lot is only 62' wide and 80.61' deep. This site requires a septic system for the new dwelling. This septic will sit in the front yard. There are septic setbacks that are required by the Anne Arundel County Health Department. We are required to hold the house foundation 20' from the septic trenches. We will request a variance of 10' from the Health Department to allow the septic tank 10' from the foundation. With the size of the site and required Health Department setbacks, there is no way of building a house without the need for this variance. These are the unique characteristics of the lot.

***18-16-305(a)(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot:***

With the unique characteristics of this site, we are not able to develop the property without the need of a variance. If a variance is not granted, we would only be able to construct a house that is 11' deep. This would not be in keeping with the community nor would it be a feasible structure to construct.

***18-16-305(c)(1): the variance is the minimum variance necessary to afford relief:***

This variance is the minimum variance necessary to afford relief in that the proposed dwelling footprint is the similar size as the existing dwelling within the community. We are holding the same rear setback as the neighboring property that was granted a similar variance. We feel this is a minimal impact to these setbacks.

***18-16-305(c)(2) the granting of the variance will not:***

***(i) alter the essential character of the neighborhood or district in which the lot is located:*** The approval of these variances will not alter the essential character of the neighborhood. The proposed dwelling is similar in size to other homes in the community. This is a similar request to other properties in this community.

***(ii) substantially impair the appropriate use or development of adjacent property:*** This proposed development would not impair the appropriate use or development of these properties.

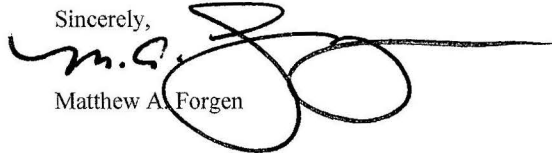
**(iii) reduce forest cover in the limited development and resource conservation areas of the critical area:** The property is located within the LDA portion of the critical area will not reduce forest cover. We will be required to provide 15% afforestation for this site.

**(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area:** The property is located within the LDA portion of the critical area but not within a bog protection area and is not contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area.

**(v) be detrimental to the public welfare:** This development is not detrimental to the health and welfare of the community. This proposal will not have an increased impact on the public water and sewer system. The site will have an onsite sewage disposal system and be connected to the community water supply system. Storm water management will be addressed with the development of this property.

If you should have any questions regarding this submittal, please feel free to contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read 'M.A. Forgen', with a long horizontal flourish extending to the right.

Matthew A. Forgen

CRITICAL AREA COMMISSION  
 CHESAPEAKE AND ATLANTIC COASTAL BAYS  
 1804 WEST STREET, SUITE 100  
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: ADHE ARUNDEL Co.

Date: 6-28-2023

Tax Map #	Parcel #	Block #	Lot #	Section
17	346	6		

**FOR RESUBMITTAL ONLY**

Corrections

Redesign

No Change

Non-Critical Area

*\*Complete Only Page 1  
 General Project Information*

Tax ID: 3000-0701-6100

Project Name (site name, subdivision name, or other) DUFFY / CUSHING PROPERTY

Project location/Address 1420 WOODLAND BEACH ROAD

City PASADENA MD. Zip 21122

Local case number \_\_\_\_\_

Applicant: Last name CUSHING First name BETH

Company \_\_\_\_\_

**Application Type (check all that apply):**

- |   |  |
|---|--|
| Building Permit <input checked="" 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 checked="" type="checkbox"/> | Subdivision <input type="checkbox"/>         |
| Grading Permit <input checked="" 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:

CONSTRUCT A SINGLE-FAMILY DWELLING  
WITHIN A REAR LOT SETBACK

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		0			5,152
LDA Area		4,979			
RCA Area		0			
Total Area		4,979	# of Lots Created		

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		0	Existing Lot Coverage		0
Created Forest/Woodland/Trees		0	New Lot Coverage		1,461.32
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		1,461.32

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		0	Buffer Forest Clearing		0
Non-Buffer Disturbance		5,152	Mitigation		0

Variance Type

Buffer	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>
Setback	<input checked="" type="checkbox"/>
Steep Slopes	<input type="checkbox"/>
Other	<input type="checkbox"/>

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input type="checkbox"/>
Dwelling	<input checked="" type="checkbox"/>
Dwelling Addition	<input type="checkbox"/>
Garage	<input type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Duffy/Cushing Property**  
**1420 Woodland Beach Road, Pasadena, MD 21122**

**CRITICAL AREA REPORT**

**PREPARED BY:**  
**M.A.F. & ASSOCIATES, LLC**  
**55 Jones Station Road, W.**  
**Severna Park, MD 21146**

**443-864-8589**

**March 12, 2024**

## **INTRODUCTION**

The lot is located at 1420 Woodland Beach Road, Pasadena, MD 21122. This is a legal lot as defined by Article 17-1-101 (63). The property owner is proposing a new single-family dwelling that falls within the rear yard setbacks within a R2 zoning area. The lot is an undersized lot for an R2 zoning district. This lot lies entirely within the LDA portion of the Chesapeake Bay Critical Area.

## **VICINITY MAP**

Included in this report and shown on the attached plan is a vicinity map designating the location of the subject site. Also included in the report is a portion of the Critical Area Map with the site located.

## **NARRATIVE**

### **EXISTING CONDITIONS**

The lot is currently an unimproved single-family dwelling lot. The lot is an undersized R2 zoned lot. The lot is clear of trees or woody vegetation. The property slopes slightly towards the western side of the property. The slope is approximately 1.5%+ to the western side of the property.

There was no wildlife seen around the property at the time of inspection. It is expected that there is very little to no wildlife use of the property.

### **PROPOSED DEVELOPMENT**

We are proposing a new single-family dwelling that falls within the rear yard setbacks within a R2 zoning district on an undersized property.

### **STORMWATER MANAGEMENT**

During construction, sediment and erosion control measures will be employed. Storm water management will be provided with the required Grading and Sediment Control Permit application.

### **IMPACT MINIMIZATION**

Due to the unique lot characteristics and need for a septic system, we feel that this development plan demonstrates a minimal impact on the environment.

## **HABITAT PROTECTION AREAS**

There is no habitat protection areas on this property.

## **AFTER CONSTRUCTION CONDITIONS AND SITE CALCULATIONS**

The proposed conditions of the site include the construction of a new house and driveway. The site calculations are as follows:

Total site area	4,979 sf
Existing woodland	0 sf
Proposed clearing	0 sf
Proposed planting	to be determined
Existing impervious coverage prior to the proposed lot coverage	0 sf
Allowed lot coverage	1,744 sf
Proposed lot coverage	1,461.32 sf
Proposed lot coverage reduction	0 sf
Existing and proposed lot coverage	1,461.32 sf

## **CONCLUSIONS**

The lot in question is an undersized legal lot located in an established community. It's not possible to construct the proposed dwelling without the need for the requested zoning variance based on the size of the lot and the need to install a septic system.

As proposed, the development of the lot does not have an adverse impact on the plant or wildlife habitat of the Critical Area. The proposed dwelling and site improvements will not adversely impact adjacent properties.

## **PLANS**

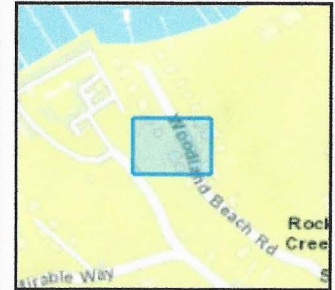
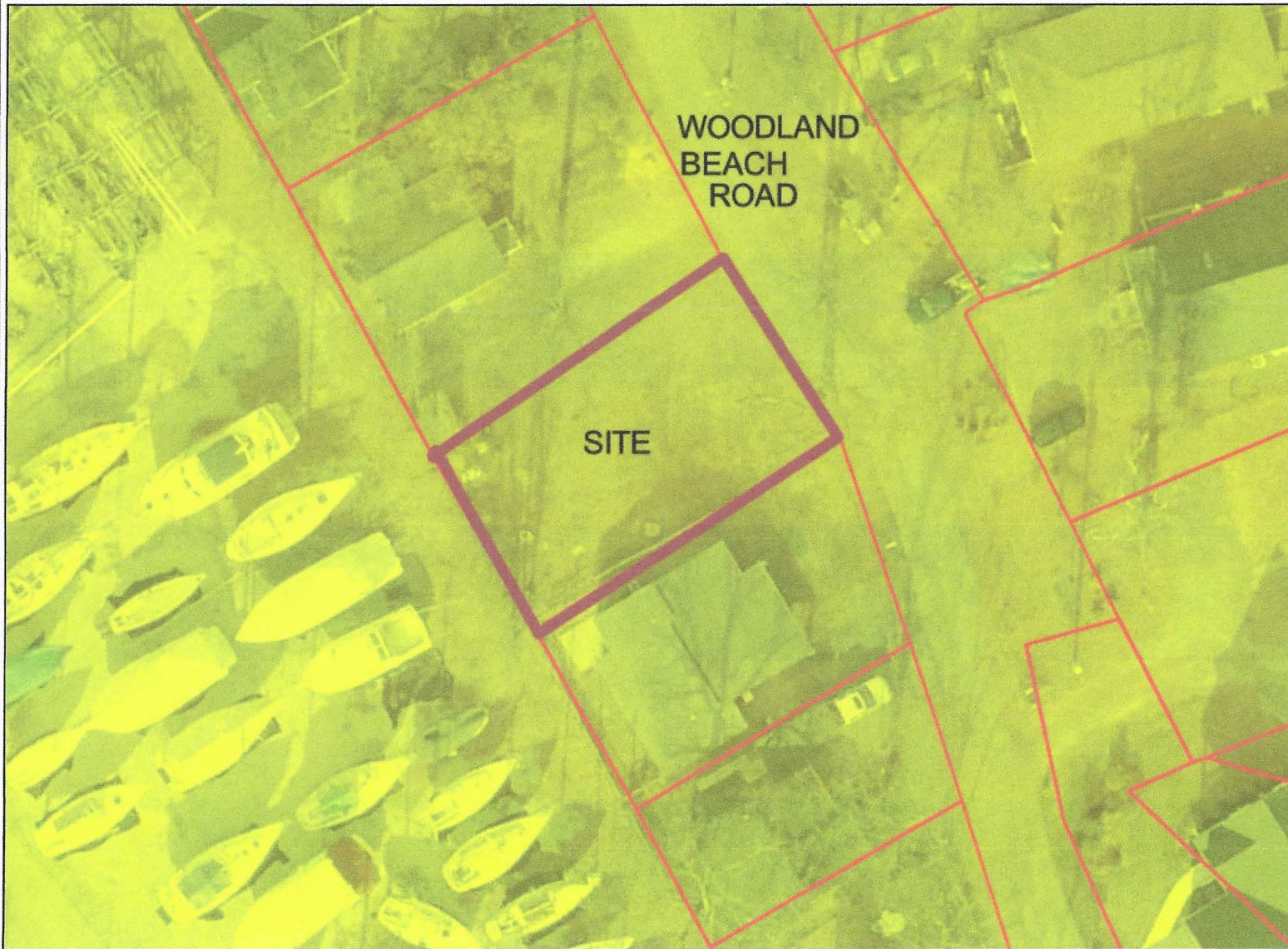
A plan showing the site and its improvements is attached to this report.

## **ADDITIONAL INFORMATION**

A Notification of Project Application for the Critical Area Commission is included in this package.

The fieldwork was conducted on March 1, 2023

# CRITICAL AREA MAP



## Legend

### Parcels



### Critical Areas

- IDA - Intensely Developed Area
- IDA - Intensely Developed Area
- LDA - Limited Development Area
- RCA - Resource Conservation Area

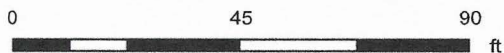
### Labels

- State Road Label
- Interstate US Road Label
- Local Road Label
- Fire Police Label
- Streams Label

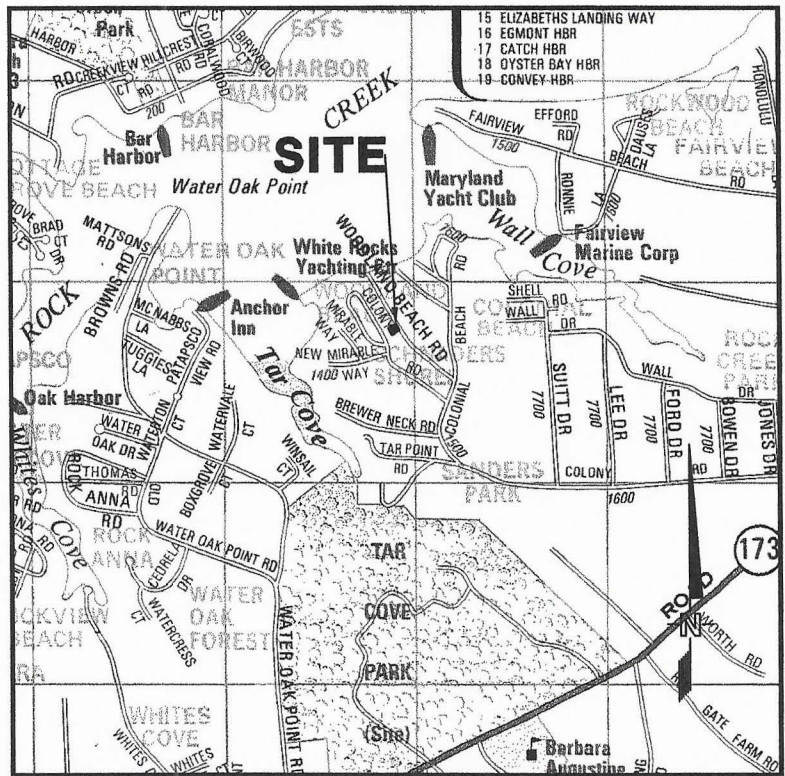
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Esri, NASA, NGA, USGS, FEMA

Notes THIS LOT LIES ENTIRELY WITHIN THE LDA



THIS MAP IS NOT TO BE USED FOR NAVIGATION



## VICINITY MAP


SCALE: 1" = 2,000'

ADC MAP: 9, GRID: H5

Copyright ADC The Map People

Permitted Use Number 20811204

**Anne Arundel County Office of Planning and Zoning**  
Individual Single Family Dwelling (SFD) Engineering Review Checklist

Project Name-Number	DUFFY/CUSHING PROPERTY P. 246	Seal 
Design Professional	Design Professional Certification (Seal, Signature, and expiration information) MICHAEL J. WERNER EXP. 8-19-24	
<p><b>Instructions:</b></p> <ol style="list-style-type: none"> <li>The checklist must be submitted with the first submittal.</li> <li>Packages submitted without the completed checklist will not be reviewed and will be returned to the applicant.</li> <li>Design Professional (<b>Des.</b>) should insert into each box either of the following:             <ol style="list-style-type: none"> <li>√ This item has been addressed</li> <li>N This item does not apply to this project</li> </ol> </li> <li>All boxes must be checked.</li> <li>The review engineer (<b>Rev.</b>) will upon review of the plans verify by inserting either of the following:             <ol style="list-style-type: none"> <li>√ This item has been adequately addressed or agree that it does not apply.</li> <li>X This item has not been adequately addressed. (Use the remarks column to indicate via letter designation, which item needs to be addressed or if a more detailed response is required then indicate in the remarks column that the item is addressed in the comment letter).</li> </ol> </li> <li><b><u>A copy of the checklist will be returned to the applicant with the comment letter.</u></b></li> <li><b><u>The checklist must be returned with the second submittal utilizing the same check format indicated in item 3 above</u></b></li> </ol>		
▶	This checklist is being provided as a general guide for identifying the minimum features that should be addressed prior to submitting the plans for engineering review <b>it is to be used in conjunction with the site development plan checklist for Single Family Dwellings (SFD).</b>	
▶	The design consultant by assigning his/her seal and signature certifies that the plans were completed in accordance with all currently applicable design standards.	
▶	<b>Plans that are incomplete as per the checklist items will result in an incomplete review and will be returned to the consultant. The resubmittal will be considered a first submittal in the review process.</b>	
▶	The Stormwater Management Concept items will be reviewed with the first submittal. If based on the review, this office determines that SWM is being addressed using Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP), then the engineering review of the final details will be completed.	
▶	If this office determines that SWM is NOT being addressed using Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP), then the engineering review of the final details will NOT be completed. The applicant will then address the comments that are required to demonstrate that ESD to the MEP has been addressed prior to commencement of final plan review.	

Professional Certification: I, Michael J. Werner, hereby certify that these documents were prepared or approved by me. and that I am duly licensed Professional Engineer under the laws of the State of Maryland, License No. 23380, Expiration date: 8-19-24.

**Anne Arundel County Office of Planning and Zoning**  
Individual Single Family Dwelling (SFD) Engineering Review Checklist

	First Submittal		Second Submittal		<b>Engineering Review for Single Lot Grading Permit Plans</b>	Remarks
	Des.	Rev.	Des.	Rev.		
<b>Stormwater Management Concept Review</b>						
1	/				<b>Drainage Area Maps</b>	
2	/				Provide the following drainage area maps: A) Entire drainage area to site and or affecting site. B) On site drainage areas to SWM devices	
3	/				<b>All Drainage area maps:</b> A) Contours numbered with legible lettering B) contour lines extend at least 200' beyond drainage area boundaries C) Travel path for Tc shown with segments labeled (distance, slope and "n" factor) D) Hydrologic soil groups delineated and shaded E) Acreage shown for entire drainage area and each sub area used in computations for curve number or "C" factor F) North arrow shown G) Scale shown.	
4	/				Soils: A) Labeled and shaded based on Hydrologic Soil Group (A, B, C, D). B) Indicate highly erodible soils by separate shading.	
5	/				If all of the required information required to be shown, such as soil and zoning etc. cannot be shown on the overall map then the information may be shown on a separate map. These maps must be shown at same scale as overall map.	
6	/				Scale shall be 1" = 100' for sites with acreage ≤ 25 acres, or 1" = 200' for sites with acreage > 25 acres.	
7	/				<b>On Site Plans</b>	
8	/				North arrow/NAD 83;	
9	/				Benchmark- BM NO., description and elevation. (Indicate vertical control used, NAVD 1929 or NAVD 1988);	
10	/				<b>Pre Development</b>	
11	/				Site outline showing bearings and distances.	
12	/				<b>Resource Mapping:</b> Provide a composite map which allows clear depiction of the existing site resources and conditions.	
13	/				Site resources include but are not limited to: A) Mature trees B) Tidal and Non tidal Wetlands (based on report) C) Floodplains D) Streams labeled as (Perennial, Intermittent, etc.), E) Slopes greater than 25% (15% in critical areas), F) Buffers to streams and wetlands, G) Historical and or archaeological resources	
14	/				<b>Highlight and shade the areas that should be protected from development:</b> This includes site resources listed above and sensitive features such as steep slopes, flood plains, etc.	



**Anne Arundel County Office of Planning and Zoning**  
Individual Single Family Dwelling (SFD) Engineering Review Checklist

	First Submittal		Second Submittal		<b>Engineering Review for Single Lot Grading Permit Plans</b>	Remarks
	Des.	Rev.	Des.	Rev.		
15	/				<b>Certification Note:</b> Provide a note certifying that the location of features shown on the <b>Resource map</b> has been field verified. Note must be signed by design consultant.	
16	/				Pre and Post development discharge points from the site shown and labeled	
17	/				Indicate if site is within any Bog Drainage or impact areas	
18	/				Provide a tabulation of sub drainage areas that provides a linkage with information used in computations. (i.e. any number used in curve number computations should be included in this table and clearly shown on the map.)	
19	/				Provide the names of public or private roads that abut or traverse the site. B) Show right of way limits C) Indicate if road is on the scenic and historic road inventory.	
20	/				Location of existing structures, septic areas, and water wells within 100 feet of site located on abutting and adjacent properties, as applicable; labeled "remain", "to be removed", or "to be abandoned".	
21	/				Property ownership and info- including the tax # for abutting and adjacent properties.	
22	/				Limits of Critical Area designations- LDA, RCA, IDA;	
23	/				<b>Proposed Development Plan</b>	
24	/				<b>Site layout meets the criteria listed below:</b>	
25	/				Proposed imperviousness and disturbance is minimized to the maximum extent practicable	
26	/				Protects conservation areas, <u>and areas delineated in line 14 above</u> , to the maximum extent practicable	
27	/				SWM is addressed by utilizing non structural practices, natural areas, landscape features and micropractices to manage runoff from impervious surfaces.	
28	/				Site graded so that runoff flows from impervious areas directly to pervious areas or natural conveyance systems	
29	/				Natural flow paths between the site and upstream and downstream systems are maintained	
30	/				Sheet flow and natural overland flow processes maintained wherever it is feasible	
31	/				Stable conveyance of runoff provided to offsite areas.	
32	N				Structural BMPs are used only where absolutely necessary	
33	/				Show and label proposed contour lines.	
34	N				Easements provided for any work proposed on private offsite properties.	
<b>End of Preliminary Plan Review</b>						

**Anne Arundel County Office of Planning and Zoning**  
Individual Single Family Dwelling (SFD) Engineering Review Checklist

	First Submittal		Second Submittal		<b>Engineering Review for Single Lot Grading Permit Plans</b>	Remarks
	Des.	Rev.	Des.	Rev.		
<b>Final Plan Review</b>						
36	/				<b>Reports, Computations and Attachments</b>	
37	/				All computations are provided in a booklet that is A) Bound B) Sheets numbered C) Signed and Sealed by design professional D) Contains a table of contents.	
38	/				Provide a narrative that describes A) How natural features are protected and enhanced, B) How natural flow patterns are maintained, C) Measures taken to reduce impervious coverage.	
39	N				Address how the 10% pollutant reduction will be achieved if required.	
40	/				<b>Study points:</b> Provide pre and post development runoff for all study points.	
41	/				The same method of computation used when comparing runoff (i.e. if TR-55 used for post development runoff, it must be used for pre development as well)	
42	/				Compute rainfall amount treated in each facility and provide a table that shows the volume treated for each nonstructural method, micro practice and structural device and includes a summary of the total volume required and provided.	
43	<b>Roads</b>					
44	/				Road plan checklist included for any proposed road improvements.	
45	/				<b>Use this section of the checklist only for plans where road improvements are not required.</b>	
46	N				If road is not improved based on current classification and no improvements are proposed, then provide modification decision information on the plan.	
47	/				Bearing and distances shown on plan and plat	
48	/				Right of way bearing and distances shown on <b>both</b> sides of each proposed or existing road that is part of contract shown in plan view; Limits defined via bearings and distance and/or complete curve information; Show maximum and minimum widths if ROW is variable.	
49	/				Existing roads that abut or traverse the site (improved and unimproved) show: A) Road name; classification of road; B) Ownership (SHA, County, Private); C) Surface type; D) Show curb and gutter or edge of pavement E) Indicate if road is scenic and historic.	
50	/				ROW labeled A) As Temporary or Permanent B) Public or Private	
51	/				Proposed right of way widths shown if applicable	
52	N				Clear sight triangle at intersections	
53	N				Existing substandard roads: Based on road classification, either provide right-of-way dedication and/or frontage road improvements (as applicable) or, submit for a modification to current Article 17 Section 2-103;	

**Anne Arundel County Office of Planning and Zoning**  
Individual Single Family Dwelling (SFD) Engineering Review Checklist

No.	First Submittal		Second Submittal		Engineering Review for Single Lot Grading Permit Plans	Remarks
	Des.	Rev.	Des.	Rev.		
54	/				<b>Storm Drainage - Stormwater Management</b>	
55	N				Storm Drainage checklist is required for any proposed public storm drainage improvements.	
	N				<b>Right to Discharge:</b> Determine if any rights-to-discharge, on-site or off-site, are required.	
	/				Provide all necessary computations and plans to show how SWM is addressed. If disconnections are used, show the flow path on a plan that includes labeled contours.	
56	/				All SWM treatments must be covered under a Private SWM agreement to be executed with the grading permit.	
57	/				<b>Water and Sewer</b>	
58	N				If public water and or sewer is being extended then please supply the completed water and sewer checklist with the necessary public plans.	
59	/				<b>This portion of the checklist is to be used only if water and or sewer system extensions are not proposed</b>	
60	N				Label all existing mains along the property frontage showing A) Sizes and types, B) As-built tracing numbers.	
61	↓				Meters, cleanouts etc. located outside of driveways.	
62	↓				Easement provided where: A) Water meter, B) Cleanout, C) Fire hydrant, D) Grinder pump, and or E) Mayo tank, is not located within public right-of-way.	
63	✓				Indicate current water and sewer service areas and category (existing, planned, no-planned service, etc.).	
64	N				Mains extended to limits of property and through the property frontage, if lot is located within the required extension distance (RED) as per the current water and sewer master plan.	
65	↓				If site is within existing or planned service and utilities are not being extended, indicate the distance between the property line and the closest public utility.	
66	↓				Show location of water and sewer connections to public utilities.	
67	N				<b>Flood Plain</b>	
68	↓				<b>Flood plain:</b> A) Determine if flood plain exists on site. B) If flood plain exists use simplified method to determine water surface elevations on site	
69	↓				For previously platted flood plain: Flood plain limits shown, and flood plain source referenced.	
70	↓				<b>For flood plains computed with this project:</b> A) Cross sections shown and labeled on the site development plan B) Q100, Elevation and station shown for each cross section	
71	↓				Floodplain drainage area information used in computations clearly depicted on drainage area maps.	
72	↓				Runoff computations for flood plains based on ultimate development of the drainage area based on zoning. No reductions based on storage in ponds, oversized pipes and undersized culverts.	
73	↓				<b>Miscellaneous</b>	
74	↓				Provide any necessary plats for easements, dedication etc.	

February 27, 2023

Anne Arundel County  
Permit Application Center  
2664 Riva Road  
Annapolis, Maryland 21401  
Attention: Jay Leshinskie

RE: Duffy/Cushing Property  
1420 Woodland Beach Road, Pasadena, MD 21122

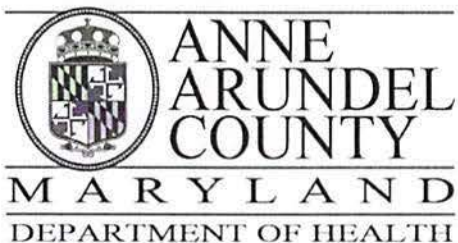
Dear Mr. Leshinskie,

This letter is to grant permission for Matthew A. Forgen of M.A.F. & Associates, LLC to sign and submit all necessary applications regarding the building and grading permitting process for the above referenced property.

Sincerely,

A handwritten signature in black ink, appearing to read 'MEC', is written over the word 'Sincerely,'.

Mary E. Cushing  
Property Owner



J. Howard Beard Health Services Building  
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**  
**Acting Health Officer**

### MEMORANDUM

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

FROM: Brian Chew, Program Manager *BC*  
Bureau of Environmental Health

DATE: July 3, 2023

RE: Daniel Duffy  
1420 Woodland Beach Road  
Pasadena, Md 21122

NUMBER: 2023-0109-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks than required.

The Health Department has reviewed the on-site sewage disposal. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal. The Health department has no objection to the above referenced request.

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

cc: Sterling Seay



Mark Wedemeyer, Director

## Memorandum

TO: Planner, OPZ Development Division

FROM: Hala Flores, P.E., Engineer Manager, Department of Inspections and Permits

SUBJECT: 1420 Woodland Beach Rd  
Pasadena 21122  
Variance Number – 2023-0109-V, Pre-file March 6, 2023

DATE: August 1, 2023

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### **Engineering and Utility Review**

The above-referenced modification request(s) has/have been reviewed for Engineering and Utility issues and the following comments apply:

**Project Information:** The applicant is proposing to contract a new single-family detached dwelling with a total proposed impervious of 1,517 square feet. The total disturbed area is shown as 5,152 square feet.

### **Review of variance plan to allow less (from 25 feet to 7 feet) rear lot setback – Code 18-2-301(f)**

This office has received the subject application and offers the following comments.

The design, as proposed, does not provide sufficient space to adequately address the SWM regulations to provide ESD to the MEP. The construction of the retaining wall and the diversion of the roof drainage around the house to the public road right of way (which lacks a public storm drain system) do not address SWM requirements and alter the drainage pattern in a manner that may exacerbate existing road flooding. Downstream road cross-sections were not provided to ensure an open drainage path exists to receive the proposed concentrated flows. No downstream investigation was conducted to show the impact of this construction on road flooding.

The applicant did not address the pre-file comments regarding the lack of SWM treatment.

**Determination** –This office does not support this variance request and recommends denial since the proposed development as proposed does not meet the regulatory SWM treatment requirements.



# OFFICE OF PLANNING AND ZONING

## CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING February 27 2023

P&Z STAFF Rob Konowal, Hala Flores

APPLICANT/REPRESENTATIVE Matt Forgen EMAIL \_\_\_\_\_

SITE LOCATION 1420 Woodland Beach Road LOT SIZE 4.979 sf ZONING R2

CA DESIGNATION LDA BMA n/a or BUFFER n/a APPLICATION TYPE Variance

Variance to allow a new dwelling with less (rear lot line) setbacks than required.

Prefile for SWM comments.

### COMMENTS

**Zoning** advised site plan appears to be complete

**Inspection and Permits** advised following comments will need to be addressed under the formal variance request application:

The applicant is proposing to construct a new single-family detached dwelling with a total proposed impervious of 1,517 square feet. The total disturbed area is shown as 5,152 square feet. The applicant is proposing to disconnect the non-rooftop surface (driveway) via an area next to the driveway that is equal to the area of the driveway. This area must be shown to be down gradient of the impervious cover and must be vegetated. Soil borings and photographs are required to document the status of this area and the need of soil amendments. A 1-2 feet wide transition strip should be provided from the disconnected area to the vegetated area. The plan also needs to show that the disconnection is at least 10 ft from the nearest impervious surface of similar or lower elevation to prevent reconnection. This was not demonstrated.

The proposed rooftop disconnect as proposed does not meet the intent of the MDE criteria for non-rooftop disconnect credit and is not acceptable as shown. The downspouts should be disconnected via sheet flow, where no more than 500 SF of impervious is allowed to sheet flow over a vegetated area that is at least 75 feet of length. Installing a retaining wall and berms as shown for the sole purpose to carry the water to the public road right of way is not considered "nonstructural" and creates a concentrated flow. This design does not meet the non-rooftop disconnection criteria intent or purpose.

No public storm conveyance system appears to be in the public right of way to intercept and convey the flow. A downstream investigation of the drainage patterns along with cross-sections to demonstrate the outfall is adequate and to show the existing and proposed flooding limits for the 10 year storm and their encroachment levels to private properties will need to be submitted. A more detailed certified survey with spot elevations along with cross-sections will be required and a right to discharge permit maybe required to address any drainage to private properties.

### INFORMATION FOR THE APPLICANT

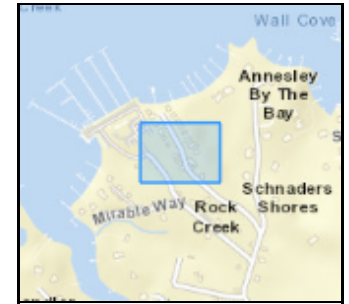
Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office 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.

2024-0109-V (2023 aerial)



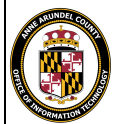
### Legend

Foundation

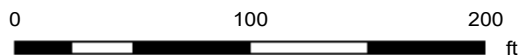
Parcels



Parcels - Annapolis City



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TomTom, Garmin, SafeGraph,  
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THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

Notes