

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

APPLICANT: Jacqueline Roche & Derryk Downey

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2018-0287-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: March 14, 2024

PREPARED BY: Sara Anzelmo
Planner

REQUEST

The applicants are requesting a variance to allow dwelling additions (raised shed roof, decks, and stairs)¹ with less setbacks than required and with disturbance to slopes of 15% or greater on property located at 329 Epping Way in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 11,466 square feet of land and is located on the southeast side of Epping Way, 0 feet east of Rodin Path. It is identified as Lots 18 thru 21 and part of Lot 17 of Parcel 41 in Block 3 on Tax Map 45 in the Epping Forest subdivision.

The property is zoned R1 – Residential District, as adopted by the comprehensive zoning for Council District 6, effective October 7, 2011. The site is not waterfront, but it lies entirely within the Chesapeake Bay Critical Area overlay and is designated as LDA – Limited Development Area. It is currently improved with a single-family detached dwelling and other associated facilities.

PROPOSAL

The applicants propose to construct a 10' by 28' screened porch over an existing deck on the south side of the house; to construct multiple decks/landings and stairs; and to increase the roof and wall height of the existing shed. The existing shed roof is a slanted shed-style roof, which would be replaced with a gable roof. The wall height at the short end of the shed would be increased by two additional feet to match the existing wall height at the high end of the shed. The new gable ridge would be 5'-10" higher than the existing high side wall of the shed/new eave height.

REQUESTED VARIANCES

§ 17-8-201(a) of the Anne Arundel County Subdivision and Development Code provides that development in the Limited Development Area (LDA) 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. A variance is required to disturb an

¹ The original application also included an outdoor shower enclosure. However, based on comments from the Health Department, the applicants have removed the shower enclosure from the proposed site plan.

unspecified area of slopes of 15% or greater in order to add an exterior wood stair and deck/landing to an existing structure and to provide access to the rear yard and for the temporary disturbance associated with the construction of the screened porch on top of an existing deck. If approved, the amount of slope disturbance would be determined at the time of permitting.

§ 18-5-501 provides that a principal structure in an R1 District shall be set back a minimum of 40 feet from a corner side lot line. § 18-2-204(a) provides that a structure located within three feet of a principal structure is part of the principal structure and is not an accessory structure. As such, the shed (located 2.51 feet from the dwelling) is considered part of the principal structure. This lot is considered a corner through lot (i.e. a lot having frontage on three sides). As such, Rodin Path and Little John Trail (unimproved) are considered front lot lines and Epping Way is considered a corner side lot line.² The proposed increased wall and roof pitch area would be located 17.86 feet from the corner side lot line along Epping Way, necessitating a variance of 23 feet.

FINDINGS

The subject property is irregular in shape and is undersized. More specifically, the 11,466 square foot area is significantly smaller than the minimum 40,000 square foot area required for new lots in an R1 District. A review of the County 2023 aerial photograph shows an eclectic mix of dwellings in this older waterfront community. The homes occupy a wide variety of lot shapes and sizes. Similar to the subject property, many nearby lots are undersized and are encumbered with steep slopes. Many of the neighborhood dwellings, including the subject house (c. 1920), were originally constructed prior to the enactment of zoning or critical area laws.

The property was the subject of two prior variance applications. Under case number 2018-0287-V, approval was granted to allow construction of a deck and attached shed with less setbacks than required and with disturbance to slopes of 15% or greater. Under case number 1998-0026-V, approval was granted to allow construction of a 12' by 40' deck addition within steep slopes.

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

The **Soil Conservation District** provided no comment.

The **Critical Area Commission** commented that appropriate mitigation is required.

The **Development Division (Critical Area Team)** has no objection and commented that mitigation will be assessed at permitting.

For the granting of a critical area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's critical area program would result in an unwarranted hardship. In this particular case, the lot is undersized, abuts three roads, and is encumbered by slopes of 15% or greater. While these conditions are not particularly unique relative to other properties within the neighborhood, it is clear that almost any alterations to the dwelling would require some slope

² It should be noted that the County's determination of the front, side, and rear lot lines has changed from that of the prior variances. This determination is based on current Code definitions and in order to be consistent with recent interpretations of similar sites.

disturbance and/or zoning setback relief. The proposed screened porch and decks/landings and stairs and are relatively modest modifications that this Office considers to be typical for the area and reasonable, particularly given the fact that they are proposed within areas that have already been developed/disturbed. However, the applicants' letter of explanation provides no justification as to why the proposed increased wall and roof height of the shed are necessary or why the prior variance in 2018, which was specifically for the subject shed, did not sufficiently provide the relief necessary to allow reasonable and significant use of their property.

A literal interpretation of the County's critical area program would deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by denying the ability to make the modest adjustments needed to cure functional deficiencies. The granting of the variances would not confer on the applicants a special privilege that would be denied by COMAR, Title 27. The variance requests are not based on conditions or circumstances that are the result of actions by the applicants and do not arise from any condition relating to land or building use on any neighboring property. With proper mitigation, the proposal would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's critical area program. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have evaluated and implemented site planning alternatives by reducing the screened porch size, adjusting the floorplan, and eliminating the shower enclosure to satisfy earlier comments.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare.

However, the existing shed was constructed in 2020 with variance approval that was determined to be the minimum variance necessary to afford relief. Without any justification for the increased wall and roof height of the shed, it is impossible for this Office to determine whether the setback variance is warranted or is the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of the proposed critical area variance to § 17-8-201(a) for construction a screened porch, decks/landings, and stairs with disturbance to slopes of 15% or greater. However, this Office recommends ***denial*** of the proposed zoning variance to § 18-5-501 for construction of a shed addition with less setbacks than required.

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



VICINITY MAP
SCALE: 1" = 200'
ADD PERMITTED USE NUMBER 2100176

- CRITICAL AREA NOTES**
1. THE ENTIRE SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA / LIMITED DEVELOPMENT AREA CLASSIFICATION.
 2. THE ENTIRE SITE IS ZONED R-1.
 3. THE SITE IS NOT LOCATED IN A BGS PROTECTION AREA.

INDEX OF SHEETS

NO.	DESCRIPTION
1	EXISTING CONDITIONS
2	PROPOSED CONDITIONS

REVISION DESCRIPTION	BY	DATE

MESSICK & ASSOCIATES
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 • FAX (410) 266-3522
eml@messickandassociates.com



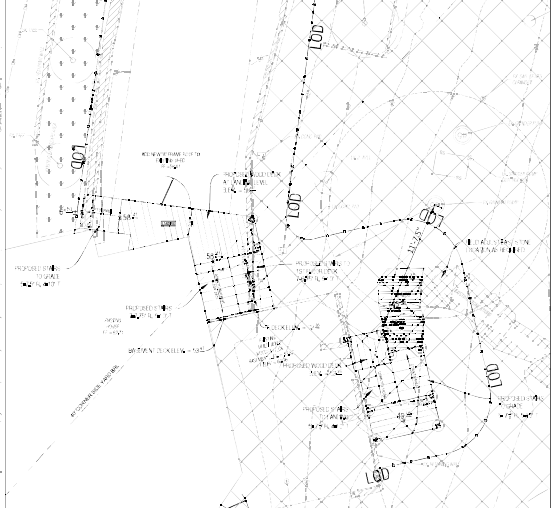
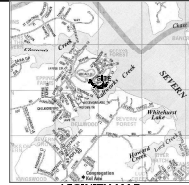
OWNER:
JACQUELINE R ROCHE
DERRYK DOWNEY
329 EPPING WAY
ANNAPOLIS, MD 21401

**EXISTING CONDITIONS
VARIANCE SITE PLAN
329 EPPING WAY
ANNAPOLIS, MD 21401**

DATE: 10/15/2015
SCALE: 1" = 10'

TAX ACCOUNT: 046-0000000000
ANNAPOLIS, MARYLAND 21401
DATE: 10/15/2015

10/15/2015 10:15:00 AM C:\Users\jmessick\Documents\329 Epping Way\329 Epping Way.dwg



SITE IMP. COVERAGE

EX. HOUSE	1,133 S.F.	-0.026 AC.
EX. DRIVE WAY & SIDEWALKS	1,789 S.F.	-0.041 AC.
EX. 10' x 20' SHED	200 S.F.	-0.005 AC.
EX. 8' x 8' HOT TUB	64 S.F.	-0.001 AC.
TOTAL EX. COVERAGE	3,186 S.F.	-0.073 AC.
PROP. SCREENED PORCH	286 S.F.	-0.009 AC.
PROP. STEPPING STONES	25 S.F.	-0.001 AC.
TOTAL PROP. COVERAGE	291 S.F.	-0.007 AC.
COVERAGE REMOVED	80 S.F.	-0.002 AC.
TOTAL FINAL COVERAGE	3,377 S.F.	30.80%
EX. COVER + P&L COVER + REMOVED		
TOTAL PERMITTED COVERAGE	10,964.21 S.F. SITE	31.25%
EX. WOODED COVERAGE	1,290 S.F.	-0.030 AC.

SITE PLAN
SCALE: 1" = 10'

INSET DETAIL
SCALE: 1" = 4'

LIMIT OF DISTURBANCE

	AREA S.F.	AREA AC.
PROP. DECK	810	-0.019
PROP. PORCH	310	-0.007
STONE REMOVAL	81	-0.002
TOTAL	1,201	-0.026

REVISION	DESCRIPTION	BY	DATE

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OWNER:
JACQUELINE R ROCHE
DERRYK DOWNEY
329 EPPING WAY
ANNAPOLIS, MD 21401

PROPOSED CONDITIONS
VARIANCE SITE PLAN
329 EPPING WAY
ANNAPOLIS, MD 21401

THIS MAP IS PREPARED BY THE ENGINEER AND SURVEYOR IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS OF THE BOARD OF PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF MARYLAND. THE ENGINEER AND SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE INFORMATION SUBMITTED IS TRUE AND CORRECT. THE ENGINEER AND SURVEYOR HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE INFORMATION SUBMITTED SINCE THE DATE OF THE PREPARATION OF THIS MAP.

DATE PLOTTED: 04/11/2023 10:00 AM. PLOTTER: HP DesignJet T1100. PLOT SCALE: 1" = 10'. PLOT SHEET: 1 OF 2.



Messick & Associates

Consulting Engineers,
Planners, Surveyors
& Landscape Architects
"Designing Success Since 1951"

March 4, 2024

Ms. Sterling Seay, Zoning Administrator
Anne Arundel County
Planning & Zoning
2664 Riva Road
Annapolis, MD 21401

Re: Variance Application For:
329 Epping Way, Annapolis Maryland 21401
Tax Map 45, Grid 3, Parcel 41, Lot 18-21 & p/o Lot 17
Explanation Letter

Dear Ms. Seay:

Attached for your review and processing is a Variance Application for the above referenced Property. The Property is in the Epping Forest subdivision and located on the south side of Epping Way at the intersection with Robin Path and Little John Trail (an unimproved right of way). The lot was created in 1926, prior to the Anne Arundel Zoning Code and Chesapeake Bay Critical Area (CBCA) development regulations. The site is a non-waterfront, non-conforming R-1 zoned lot located entirely within the CBCA/LDA overlay zone. The site consists of 0.25 acres (10,964 sq.ft.) of land and the lot is served by private well and septic utilities. The lot is improved with an existing single family detached residential house, driveway and shed (which is located within 3' of the existing house and therefore considered part of the principal structure). Expansion of the existing structure is permitted subject to a 25' front and rear setback and 15' side setback in accordance with Article 18-2-301(f) of the Anne Arundel County Code.

Specifically, the applicant is requesting the following variances:

1. A variance to disturb 15% slopes and slope buffer in the Critical Area (Article 17-8-201).
2. A variance to reduce the R-1 zone "40' Corner Side Yard" setback to add an a-frame roof and a deck/stair to an existing structure. (Article 18-4-501).

The site was the subject of previous variances in 1998 (1998-0026-V; for a 12' x 40' deck) and in 2018 (2018-0287-V; for a 10' x 20' shed, and 8' x 24' deck). The applicant is seeking a variance to 1) disturb 15% slopes and the slope buffer in the Critical Area as required to add an exterior wood stair and deck/landing to an existing structure and to provide access to the rear yard; and 2) to allow a 22.14' reduction in the 40' "corner side yard" setback to add a new "A"-frame roof to an existing shed (considered part of the principal structure) and add an exterior wood stair and deck/landing to an existing structure. It should be noted that the prior variance in 1998 treated the lot line on the south side of the site as a "25' non-conforming rear yard" and the setback abutting Epping Way was treated as a 25' non-conforming "Front Yard". However, the County has revised their application of the setbacks and treats the southern lot line as a "7' non-conforming side yard" and Epping Way as a "standard 40' corner side yard" setback in accordance with Article 18-4-501.



The variances being requested are the minimum necessary to afford relief, as further outlined below. We believe the proposed variance meets all applicable criteria in accordance with the Anne Arundel County Code. Specifically:

Requirements for Critical Area variances (Art. 18-16-305):

- (b)(1) *Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in unwarranted hardship.*

The Property is an undersized R-1 non-conforming grandfathered irregular lot with exceptional topographic conditions including steep slopes and steep slope buffers. Currently, the Property is a legally buildable R-1 zoned grandfathered lot but it is unable to be improved in strict conformance with the County's Critical Area and Zoning regulations that were enacted after its creation. Without a variance, the Applicant will not be able to obtain permits required in accordance with reasonable and significant use of the Property (a single-family detached residential house consistent with the neighborhood as permitted in the R-1 zone by right) which in turn will deny reasonable use of the Property.

- (b)(2) *A literal interpretation of the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas.*

The Property is a legally buildable grandfathered lot in the Chesapeake Bay Critical Area and a literal interpretation of the critical area program would deny the Applicant reasonable and significant use of the Property consistent with the character of the neighborhood.

- (b)(3) *The granting of a variance will not confer on an applicant any special privilege that would be denied by the County's critical area program to other lands or structures within the County critical area.*

Granting of a variance to allow the improvement of the Property for residential purposes will not grant any special privileges that are not enjoyed by all residential lot owners within the neighborhood and the critical area. Mitigation planting is proposed for any disturbance that is approved. This will result in a much more favorable environmental condition than currently exists and advance the environmental goals and agendas of the County related to the Critical Area.

- (b)(4) *The variance request is not based on conditions or circumstances that are the result of the actions by the applicant, including the commencement of development before an application for a variance was filed and does not arise from any condition relating to land or building use on any neighboring property.*

The conditions and circumstances that gave rise to this variance application are the result of the existing lot configuration, the existing environmental constraints, the zoning of the Property, the existing house location, and the revised County interpretation/application of the building setbacks. They are not based on actions caused by the Applicant, and do not arise from conditions



relating to land or building use on any neighboring property. Moreover, the requests outlined herein are consistent with the character of the neighborhood in that most, if not all of the homes, would require similar variances given that each was developed prior to the applicable R1 bulk regulations in the Code.

- (b)(5) *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area and will be in harmony with the spirit and intent of the County's critical area program.*

The Applicant proposes modest improvements which are similar to and typical of the existing houses within the neighborhood. There are no storm water management requirements (since the Limit of Disturbance is less than 5,000 s.f.) and planting mitigation will be provided as required on-site; therefore, the variance will have no adverse impact to water quality or fish, wildlife, or plant habitat. It is also in harmony with the spirit and intent of the critical area program to allow reasonable and significant use of a legally buildable grandfathered lot in the critical area that predate the critical area law and regulations. In fact, the requested variance will confer a positive benefit on water quality due to the mitigation plantings proposed.

- (b)(6) *The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the hog and each structure.*

The entire lot is in the Critical Area and the existing house is being improved over existing areas on site that are already improved (no clearing is required). The proposed development envelope is reasonably small for a lot within this community and the disturbance to steep slopes has been maximized in so far as possible given the location of the existing steep sloped areas and improvements on-site.

- (b)(7) *The applicant, by competent and substantial evidence, has overcome the presumption contained in Natural Resources Article, § 8-1808.*

For reasons set forth herein and the evidence presented in the attached application, the Applicant has overcome the presumption contained in Natural Resources Article § 8-1808.

- (b)(8) *The applicant has evaluated and implemented site-planning alternatives.*

The proposed porch has been reduced in size to comply with the 7' R-1 non-conforming side yard setback and the outdoor shower has been removed from the plan. Site planning alternatives have been considered and the variance requests have been minimized in so far as possible; however, reasonable, and significant development of the site is impossible in strict conformance with the zoning and critical area criteria. The applicant is proposing a house with similar improvements consistent with the other houses in the neighborhood.



Requirements for all variances:

(c)(1) *The variance is the minimum variance necessary to afford relief.*

The site is a legally buildable, grandfathered single-family residential lot that predates the Chesapeake Bay Critical Area regulations and the zoning was implemented after the existing house was built. The proposed improvements are typical for the neighborhood and the variance is the minimum necessary to afford relief. The Applicant is only seeking reasonable use of the lot for residential purposes.

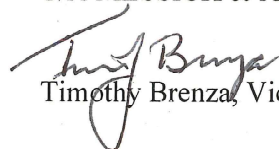
(c)(2) *The granting of a variance will not (i) alter the essential character of the neighborhood or district in which it is located; (ii) substantially impair the appropriate use or development of adjacent property; (iii) reduce forest cover in the limited development and resource conservation areas of the critical area; (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area; nor (v) be detrimental to the public welfare.*

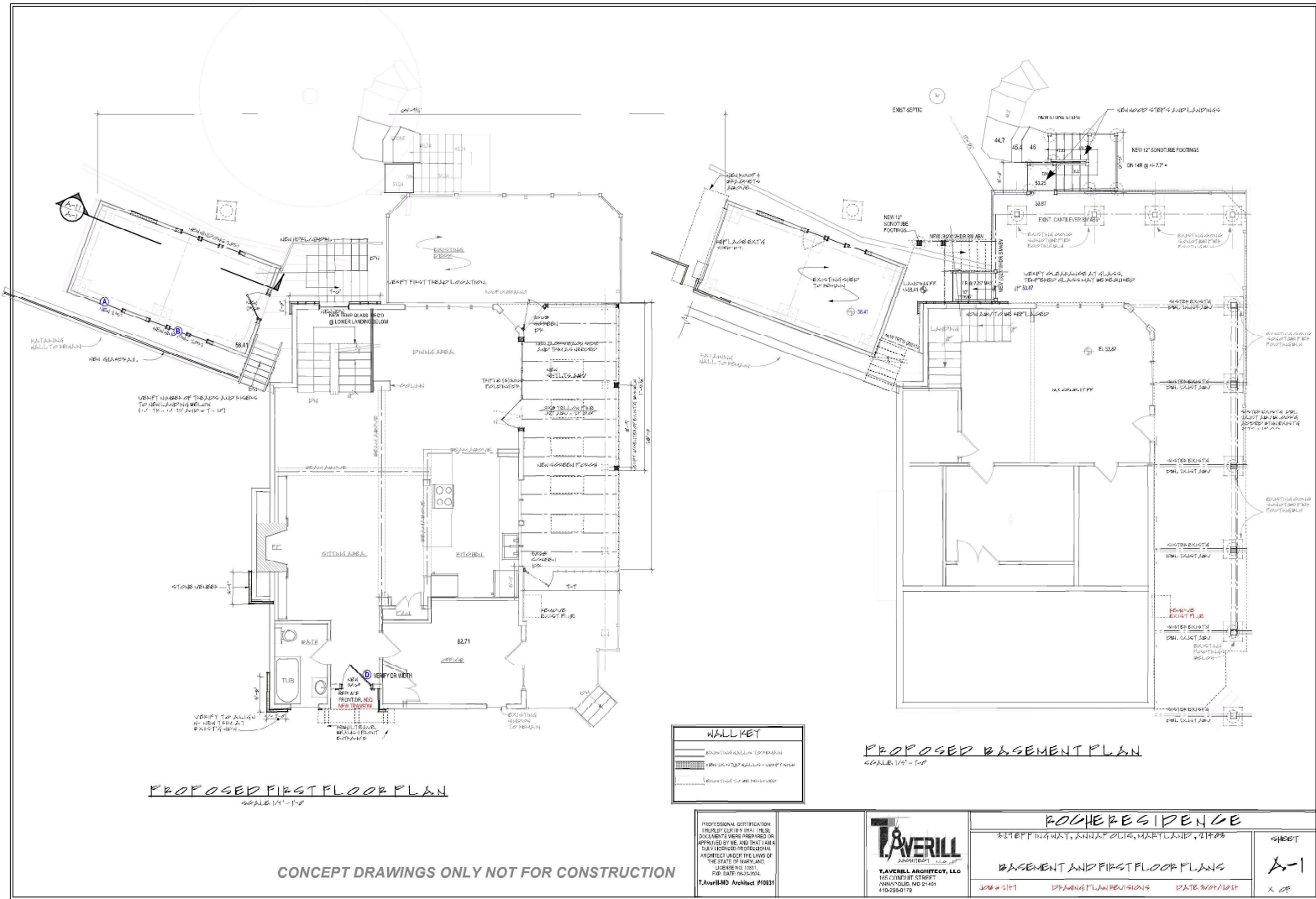
Granting of the variance will allow the Property to be used in a manner that is consistent with similar surrounding properties in the neighborhood. It will have no impact on the use or development of adjacent properties. No clearing is required and no storm water management is required (since there is less than 5,000 s.f of disturbance). On-site mitigation plantings will be provided as required so it will have no impact on forest cover or be contrary to acceptable clearing and replanting practices. Granting of the variance will not be detrimental to the public health, safety, or welfare.

We believe the proposed variance meets all applicable criteria in accordance with the Anne Arundel County Code. If there are any questions concerning this application, please do not hesitate to contact our office.

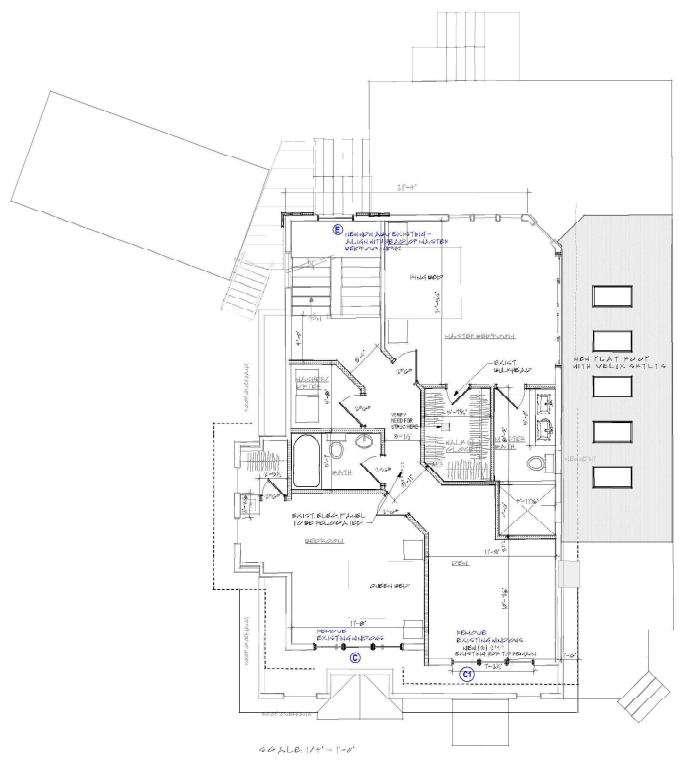
Sincerely,

MESSICK GROUP, INC.
T/A MESSICK & ASSOCIATES


Timothy Brenza, Vice President




CONCEPT DRAWINGS ONLY NOT FOR CONSTRUCTION



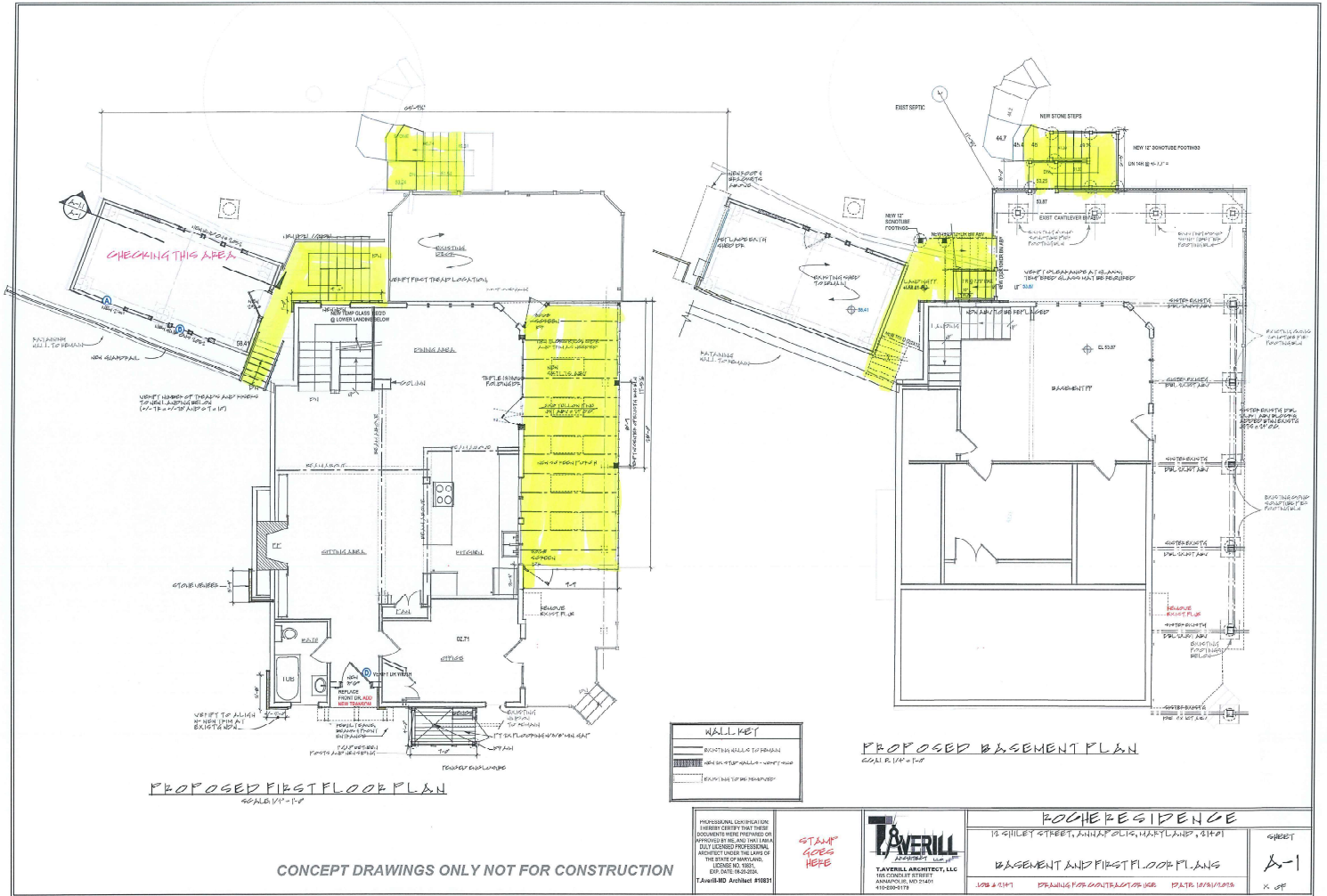
NOTES
 ① IN THIS DRAWING ELEMENTS TO GO WITH STONE VENEER (APPROX.)

CONCEPT DRAWINGS ONLY NOT FOR CONSTRUCTION

<p>PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR PREPARED BY ME OR THAT I AM A LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. EXP. DATE: 06/30/2024 TAVENILL Architect #19831</p>	 <p>TAVENILL ARCHITECT, LLC 100 CONDUIT STREET ANNAPOLIS, MD 21401 410.296.0172</p>	<p>ROCHE RESIDENCE 3177 DIAMANT, ANNAPOLIS, MARYLAND, 21403 SECOND FLOOR PLAN AND ROOF FRAMING</p>	<p>SHEET 2-2 2 OF 2</p>
		<p>JOB # 2161 DRAWING PLAN REV: 01/24 DATE: 9/24/2024</p>	



CONCEPT DRAWINGS ONLY NOT FOR CONSTRUCTION



PROPOSED FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

PROPOSED BASEMENT PLAN
SCALE 1/8" = 1'-0"

CONCEPT DRAWINGS ONLY NOT FOR CONSTRUCTION

PROFESSIONAL ENGINEER
I HEREBY CERTIFY THAT THESE
DRAWINGS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A
FULLY LICENSED PROFESSIONAL
ARCHITECT UNDER THE LAWS OF
THE STATE OF MARYLAND.
EXPIRES 06/30/2024
TAVERRILL ARCHITECT 018831

STAMP
GOES
HERE



ROCHE RESIDENCE

19 CHILBY STREET, ANNAPOLIS, MARYLAND, 21401

BASEMENT AND FIRST FLOOR PLANS

JOB # 0147 DRAWING FOR CONTRACTOR USE DATE 10/26/2023

SHEET
2-1
X OF

**Critical Area Narrative Statement
For 329 Epping Way
Annapolis, Md. 21401**

October 25, 2023

PREPARED BY:
MESSICK AND ASSOCIATES.
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
410-266-3212

PREPARED FOR:
JACQUELINE R. ROCHE & DERRYK DOWNEY
329 EPPING WAY
ANNAPOLIS, MARYALND 21401

Project Location

The project site is located at 329 Epping Way in central Anne Arundel County as shown on Tax Map #45; Grid #3, Parcel 41, and includes part of Lot 17 and Lots 18-21 in the Epping Forest subdivision.

Site Description:

The Property is in the Epping Forest subdivision on the south side of Epping Way at the intersection with Robin Path and Little John Trail (an unimproved right of way). The lot was created in 1926, prior to the Anne Arundel Zoning Code and Chesapeake Bay Critical Area (CBCA) development regulations. The site is a non-waterfront, non-conforming R-1 zoned lot located entirely within the CBCA/LDA overlay zone. The site consists of 0.25 acres (10,964 sq.ft.) of land and the lot is served by private well and septic utilities. The lot is improved with an existing single family detached residential house, driveway and shed (which is located within 3' of the existing house and therefore considered part of the principal structure).

Existing Vegetative Communities:

The majority of the site is not wooded; however, there are several individual native and non-native trees located on site including Red Oaks and Crape Myrtle. The site includes approximately 1,232 square feet of wooded canopy coverage by aerial extent.

Existing Environmental Features:

The entire site is in the Chesapeake Bay Critical Area/Limited Development overlay zone. A majority of the eastern half of the site consists of slopes in excess of 15%. There are no tidal or non-tidal wetlands, floodplains or other environmentally sensitive areas located on-site.

Description of the proposed development:

The site was the subject of previous variances in 1998 (1998-0026-V; for a 12' x 40' deck) and in 2018-19 (2018-0287-V; for a 10' x 20' shed, and 8' x 24' deck). The applicant is seeking a variance to 1) disturb 15% slopes/slope buffer in the Critical Area as required to add an exterior wood stair and landings between floors of an existing structure and to provide access to the rear yard, 2) allow a 17.14' reduction in the 25' front yard setback to add a new "A"-frame roof to an existing shed (considered part of the principal structure). It should be noted that the prior variance in 1998 treated the lot line on the south side of the site as a "rear" yard. Based on the orientation of the existing house, road access to it, the orientation of the neighboring houses, and definitions of a "front yard" in Article 18-1-101 (60) and a "yard" in Article 18-1-101 (140), we believe

the “front” yard abuts Epping Way, the “rear” yard abuts Little John Trail (opposite the front yard, similar to the neighboring houses) and the “side” lot lines extend along the southern property line and northern property lines as shown on the Variance Site Plan.

Potential impacts and mitigation:

There is only a small increase to coverage in the critical area and mitigation will be provided by providing on-site mitigation plantings as required; therefore, the proposed development will not have a negative impact on the Chesapeake Bay Critical Area portion of the site.

Site Investigation

The site investigation for this critical area report was conducted by Timothy Brenza, RLA of Messick and Associates, Inc. on October 25, 2023.

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: OCTOBER 2023

Tax Map #	Parcel #	Block #	Lot #	Section
45	41	3	P/017, 18-21	

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 02-240-9009304

Project Name (site name, subdivision name, or other) 329 EPPING WAY

Project location/Address 329 EPPING WAY

City ANNAPOLIS, MARYLAND Zip 21401

Local case number _____

Applicant: Last name ROCHE / DOWNEY First name JACQUELINE / PERRYK

Company N/A

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 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: 1) A VARIANCE TO DISTURB 15% SLOPES AND SLOPE BUFFER IN THE CRITICAL AREA, AND 2) TO REDUCE THE FRONT YARD SETBACK TO ADD AN "A-FRAME" ROOF TO AN EXISTING STRUCTURE.

	Yes		Yes
Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	Buffer Exemption Area	<input checked="" type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input checked="" 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)

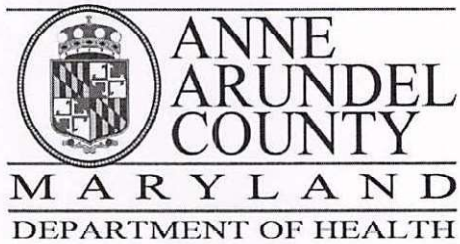
	Acres	Sq Ft		Acres	Sq Ft
IDA Area	0	0	Total Disturbed Area	0.0257	1,232
LDA Area	0.252	10,964			
RCA Area	0	0	# of Lots Created		
Total Area	0.252				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.030	1290	Existing Lot Coverage	0.073	3166
Created Forest/Woodland/Trees			New Lot Coverage	0.007	303
Removed Forest/Woodland/Trees			Removed Lot Coverage	0.002	80
			Total Lot Coverage	0.078	3386

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance	0.0257	1232	Mitigation		

<u>Variance Type</u>		<u>Structure</u>	
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"/>



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
Health Officer

MEMORANDUM

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

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

DATE: March 5, 2024

RE: Derryk Downey
329 Epping Way
Annapolis, MD 21401

NUMBER: 2023-0195-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions (outdoor shower enclosure, raised roof, deck, and stairs) with less setbacks than required and with disturbance to slopes of 15% or greater.

The Health Department does have an approved plan for this project. The Health Department has no objection to the above reference variance request as long as a plan is submitted and approved by the Health Department..

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

cc: Sterling Seay



Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

CAC Comments_2023-0195-V Downey, 2023-208-V Massey, 2023-0213-V Richards

Jennifer Esposito <jennifer.esposito@maryland.gov>
To: Sadé Medina <pzmedi22@aacounty.org>
Cc: Charlotte Shearin -DNR- <charlotte.shearin@maryland.gov>

Wed, Dec 20, 2023 at 4:28 PM

Good afternoon,

The Critical Area Commission has reviewed the following variances and appropriate mitigation is required:

- 2023-0195-V; Downey (AA 398-23);
- 2023-0208-V; Massey (AA 379-23); and
- 2023-0213-V; Richards (AA 384-23)

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

The above comments have been uploaded to the County's online portal.



Jennifer Esposito

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays

1804 West Street, Suite 100

Annapolis, MD 21401

Office: 410-260-3468

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

Cell: 443-569-1361

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov

Menu Cancel Help

Task
OPZ Critical Area Team
Assigned to Department
OPZ Critical Area
Action by Department
OPZ Critical Area
Start Time

Due Date
01/26/2024
Assigned to
Kelly Krinetz
Action By
Kelly Krinetz
End Time

Assigned Date
01/19/2024
Status
Complete w/ Comments
Status Date
01/22/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
No objection.
Mitigation will be accessed at permit.

Time Tracking Start Date
Display E-mail Address in ACA
No

Est. Completion Date
 Display Comment in ACA

In Possession Time (hrs)
Comment Display in ACA

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

Estimated Hours
0.0

Action
Updated

Workflow Calendar

Task Specific Information

Review Notes
Reviewer Email

Reviewer Name

Reviewer Phone Number

