

**Critical Area Variance Guidance**  
**Critical Area Review Team/Development Division**

**Applicant:** John Krause (on behalf of owner Mr. Grieb)  
**Case #:** 2023-0210-V, 922 Arundel Dr.  
**Date:** 1/29/2024

The scope includes the construction of a second story addition to the existing structure. There are various sensitive areas and buffers within the vicinity of the project, including steep slopes, 25-foot steep slope buffer, 100-foot stream buffer, potentially a non-tidal wetland buffer, and an expanded buffer. The 100-foot stream buffer is the most expansive buffer and includes all other buffers referenced above. Consequently, the Variance is for disturbance within steep slopes (17-8-201) and the stream buffer (17-8-301). It should be noted that the limits of disturbance (LOD) were not presented on the drawing. Nonetheless, since the limits of the second story addition are confined to the footprint of the existing dwelling, disturbance is anticipated to be limited to just beyond the perimeter of the existing structure. Additionally, the limits of non-tidal wetlands, if any, were not presented on the drawings. It is not anticipated that wetlands will extend up the steep slope; therefore, disturbance of any wetlands is not anticipated. A non-tidal wetland buffer would be located within the 100-foot stream buffer, such that approval of disturbance within the stream buffer would cover a non-tidal wetland buffer.

**For a property located in the critical area, a variance to the requirements of the County's Critical Area Program may be granted if the Administrative Hearing Officer makes the findings based on the following criteria.**

- **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 would result in an unwarranted hardship.**

This site is "unique" as the existing dwelling is located near a steep slope, stream, and potential non-tidal wetland. Consequently, the existing dwelling is within the 25-foot steep slope buffer, 100-foot stream buffer, 50-foot expanded buffer from top of steep slopes, and potential 25-foot wetland buffer. The existing location of the structure creates an unwarranted hardship associated with the proposed second story addition above the existing footprint.

- **A literal interpretation of the Critical Area Laws would deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provision of the critical area program.**

The literal interpretation of the code would prohibit improvements to the existing dwelling necessary to accommodate the owner's health conditions. The applicant has abandoned the original concept to construct a single floor dwelling, which had significantly greater disturbance, and has currently proposed a second floor addition to limit the disturbance.

- **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 Critical Area.**

The granting of the Variance would not enable the owner any special privilege; rather, the proposed design is a revision from the original concept to reduce the disturbance in effort to protect the sensitive areas on the property, to the extent practical.

- **The request is not the result of actions by the applicant including the commencement of development before an application for a variance was filed and does not rise from any condition relating to land or building use on any neighboring property.**

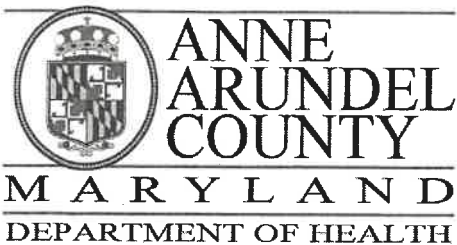
The request is not a result of the actions by the applicant; rather, the applicant is making efforts to limit disturbance within various sensitive area constraints that exist within the vicinity of the existing dwelling by confining the improvements to the existing footprint of the existing dwelling.

- **The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the County's Critical Area program.**

The current proposal limits the disturbance and is not anticipated to adversely affect water quality, fish, wildlife or habitat.

The existing dwelling is located on a property with various sensitive areas and corresponding buffers. The owner is proposing to construct an addition within the footprint of the existing dwelling. Consequently, the disturbance to sensitive

areas and corresponding buffers is reduced. The Critical Area Team has no objection to the Variance. To the extent possible, access and material storage shall be via the existing paved and developed areas. The extent of disturbance shall be minimized and will be evaluated during permit review.



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**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:** January 16, 2024

**RE:** Anthony Grieb  
922 Arundel Drive  
Arnold, MD 21012

**NUMBER:** 2023-0210-V

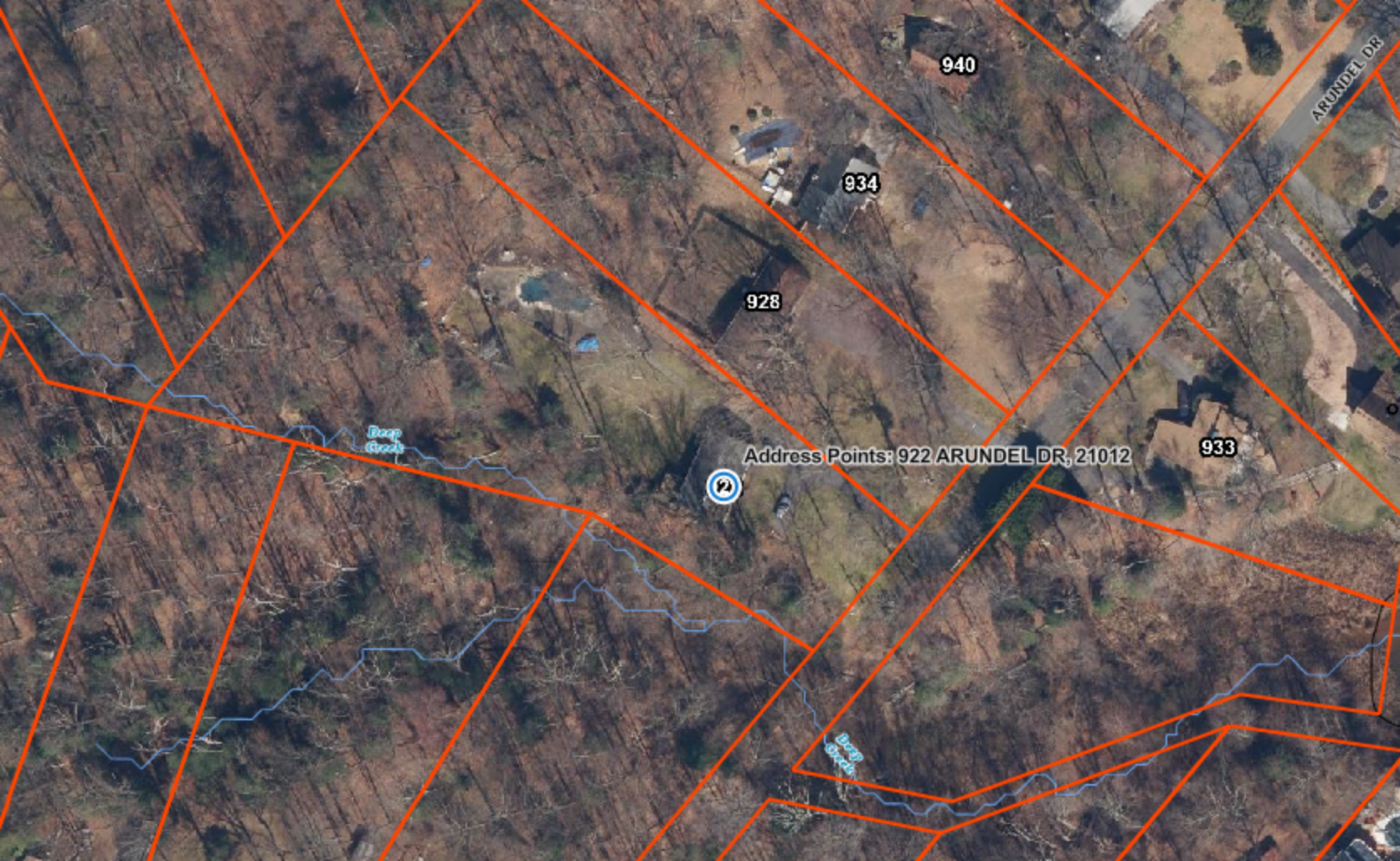
**SUBJECT:** Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (second story) with less setbacks and buffer than required and with disturbance to slopes of 15% or greater.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. 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



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