

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

APPLICANT: Brandon & Nedelka Phillips

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2024-0010-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: April 2, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting variances to allow a dwelling and associated facilities with less setbacks¹ and buffer than required and with disturbance to slopes of 15% or greater on property located at 3205 Walnut Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 15,925 square feet of land and is located with approximately 73 feet of frontage on the southeast side of Walnut Drive, north of Wells Lane. It is identified as Part of Lot 1 of Parcel 192 plus approximately 0.13 acres of Parcel 196 in Grid 15 on Tax Map 57 in the Town of Highland Beach.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Council District 6, effective October 7, 2011.

The site is not waterfront; there is a parcel of land owned by the Town of Highland Beach located between the subject property and the shoreline. The lot is located entirely within the Chesapeake Bay Critical Area overlay and is designated as LDA – Limited Development Area. The nearby shoreline is not mapped as buffer modified and is subject to the standard buffer regulations. The property is currently improved with a single-family detached dwelling and associated facilities.

PROPOSAL

The applicant proposes to demolish the existing dwelling and to construct a new two-story dwelling with a walk-out basement, measuring approximately 28' by 53' at the deepest/widest points. The footprint would measure 1,394 square feet, and the height would be 33.33 feet.

REQUESTED VARIANCES

§ 18-13-104(a) of the Anne Arundel County Zoning Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and

¹ The applicant requested zoning setback variances from the front and north side lot lines. However, the Town of Highland Beach has their own zoning setback requirements and associated variance process that trumps the County setback regulations.

tidal wetlands. § 18-13-104(b) provides for an expanded buffer where there are, among other things, steep slopes. Section 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The proposed redevelopment would necessitate a variance to disturb approximately 4,475 square feet of the expanded buffer. If approved, the actual amount of buffer disturbance would be determined at the time of permitting.

§ 17-8-201(a) 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. The proposed redevelopment would necessitate a variance to disturb approximately 2,629 square feet of slopes of 15% or greater. If approved, the actual amount of slope disturbance would be determined at the time of permitting.

While the proposed dwelling does not meet the minimum setbacks required in an R2 District, the Town of Highland Beach has its own zoning setback requirements and associated variance process that trumps the County setback regulations. Therefore, a setback variance is not required.

FINDINGS

The subject property is irregular in shape and exceeds the minimum 15,000 square foot lot area required for new lots served by public sewer in an R2 District; however, the 73-foot width is narrower than the minimum 80-foot width required at the front building restriction line. The existing critical area lot coverage is 2,219 square feet. The proposed coverage would be reduced to 1,897 square feet, which falls well below the maximum 4,976 square feet (15%) allowed.

The **Critical Area Commission** believes that impacts to steep slopes can be avoided or further minimized. For example, the proposed micro-bioretention facility could be relocated and not constructed on steep slopes. There appears to be space in the front yard just south of the proposed parking pad where the applicant could place the facility. If not, the applicant could consider other alternatives for stormwater treatment to reduce steep slope disturbance, such as planter boxes or permeable pavers. The proposed plans show a retaining wall to the east of the property on the steep slopes. The applicant should consider other, non-structural alternatives to slope stabilization, such as deep rooted plantings of shrubs and herbaceous plants. Addressing the cause of any upland erosion will also help stabilize the steep slopes on the property. Furthermore, as stated in comments made by the Anne Arundel Critical Area Team during the pre-file meeting, the applicant could utilize the footprint of the existing dwelling and minimize expansion into the steep slopes and Buffer to the greatest extent possible. The proposed plans include adding a cantilever deck on the east side of the dwelling and an elevated deck on the northside of the dwelling. While both structures do not count towards lot coverage, they do increase disturbance to the expanded Buffer and steep slopes, and are not the minimum necessary to afford relief, as specified in Anne Arundel County Code 18-16-305(c)(1). Should the Administrative Hearing Officer find that this request, or a modified version of this request that reduces impacts to the Buffer and steep slopes, may be approved, the required mitigation ratio is 3:1 for permanent impacts.

The **Development Division (Critical Area Team)** commented that the entirety of this site is impacted by steep slopes, steep slope buffers, and/or a private well with the associated well setbacks, necessitating some level of relief to allow the redevelopment of the existing home. Originally, the Team's recommendation was to utilize the existing footprint. However, that location is within the well setback, and additional room is required in order to allow the well to remain in its current location. The Health Department has provided some relief from their requirements to allow the redevelopment. Provided the applicant is planning to remove the old septic system thereby disturbing the area of steep slopes in the process, the Team has no objection to the proposed retaining wall to allow the area to be stabilized. However, the Critical Area Team cannot support this request until the applicants can demonstrate that all stormwater management requirements have been appropriately addressed.

The **Department of Health** commented that additional information is needed on the type and location of the existing neighboring water supply well at 1300 Wells Lane, 3210 Walnut Drive, and 3212 Walnut Drive and the construction details of the proposed stormwater management device. The Health Department did not take a position on the variance request.

The **Office of Inspections and Permits (Engineering Division)** reviewed the development proposal for utility and stormwater management design and does not support the variance request. The Division provided a detailed list of issues that have not been addressed with the current redevelopment proposal. A copy of the full comment letter has been included in the County evidence packet presented to the Administrative Hearing Officer.

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 case, the property is subject to standard buffer/expanded buffer requirements, and the lot is also encumbered with steep slopes and their buffers throughout. The locations of the slopes, the expanded buffer, and the existing well prevent any redevelopment without slope and buffer disturbance. As such, 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 preventing redevelopment of an existing residentially zoned lot.

The granting of a critical area variance, in principle, would not confer on the applicants a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. However, based on the comments from the Engineering Division, the Critical Area Commission, and the Critical Area Team, the granting of the variance as proposed may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have not evaluated and implemented site planning alternatives to the satisfaction of the aforementioned reviewing agencies.

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 the adjacent properties, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare.

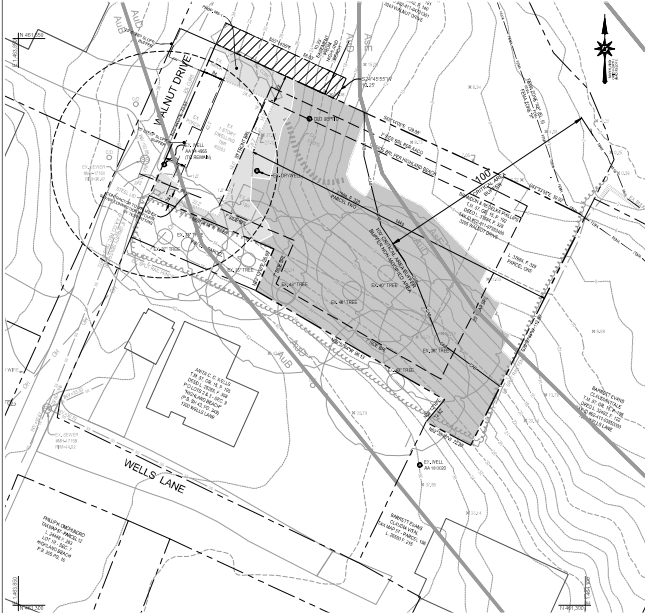
This Office recognizes that a variance does not necessarily require pre-approval of stormwater management and that, if approved, those items would still have to be addressed at the time of permitting. However, in the case of a buffer and slope disturbance variance, any approval would be tied to this specific site plan. Because the Engineering Division has indicated that this site plan cannot be approved as proposed, this Office cannot support the associated critical area variance. The applicant is advised that, if a critical area variance is approved, any change to the proposed improvements and/or limit of disturbance shown on the site plan that are necessary to address the stormwater management issues raised would require a new variance.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *denial* of the proposed Critical Area variances to § 17-8-301 and § 17-8-201(a) to allow construction of a two-story single-family dwelling with a walk-out basement and associated facilities with less buffer than required and with disturbance to slopes of 15% or greater.

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.

PLOTTED: Dec 07, 2023 - 8:28am



INSET- EXISTING CONDITIONS
SCALE: 1" = 20'



OVERALL LOCATION MAP
SCALE: 1" = 100'

SOILS TABLE				
SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRIC SOIL / HIGHLY ERODIBLE SOIL
A&E	ARPAHUTT (E) SANDY CLAY LOESS (SLOPED)	C	26%	YES / NO
A&F	ARPAHUTT (E) SANDY CLAY LOESS (SLOPED)	C	17%	NO / NO
A&G	ARPAHUTT (E) SANDY CLAY LOESS (SLOPED)	C	57%	NO / NO

LEGEND			
PROPERTY LINE (BACKYARD)	---	PERMITS	---
ADJACENT PROPERTY LINE	---	EXISTING FENCE	---
BUILDING FOOTPRINT	---	EXISTING PUBLIC UTILITY EASEMENT	---
EXISTING CONTOUR	---	EXISTING OVERHEAD POWER LINE	---
EXISTING SPOT ELEVATION	---	EXISTING PUBLIC SEWER LINE	---
EXISTING SOIL TYPE DEMINATION	---	STEEP SLOPED 14-20%	---
EXISTING DRAINAGE DIRECTION	---	STEEP SLOPED >20%	---
CLEARING AREA	---	EXISTING BUILDING	---
		PROPOSED SPOT ELEVATION	---
		PROPOSED CONTOUR LINE	---
		PROPOSED BUILDING	---
		PROPOSED PERIODIC MAINTENANCE	---
		PROPOSED STABILIZED CONSTRUCTION ENTRANCE	---
		PROPOSED ONE-SIDE	---

EXISTING CONDITIONS PLAN

FOR THE
PHILLIPS PROPERTY
3205 WALNUT DRIVE, ANNAPOLIS, MD 21403
100% DEVELOPMENT PROPOSED AND ZONED AS R-1
SECOND DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND

Bay Engineering Inc.
2000 Bay Plaza, Suite 200
Annapolis, MD 21403
Tel: 410-293-8800
www.bayeng.com

DATE: 12/07/2023
JOB NUMBER: 23001
SCALE: AS SHOWN
DRAWN BY: JLM/MLW
APPROVED BY: JLM/MLW

Revisions

No.	Date	Description

Sheet No. **2 OF 2**

GENERAL NOTES

- THIS DRAWING IS A PRELIMINARY DESIGN AND SHALL BE USED FOR INFORMATION PURPOSES ONLY. THE CLIENT SHALL VERIFY THE ACCURACY OF ALL DATA PROVIDED TO THE DESIGNER.
- THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.
- THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.

SURVEY CONTROL NOTE

THE EXISTING SURVEY DATA AND MONUMENTS SHOWN HEREON ARE BASED ON A SURVEY PERFORMED BY [NAME] ON [DATE]. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AUTHORITIES.

LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA	14,900 S.F. (0.34 AC)
PROPOSED LOT AREA	14,900 S.F. (0.34 AC)
EXISTING LOT COVERAGE	1,000 S.F. (0.07 AC)
PROPOSED LOT COVERAGE	1,000 S.F. (0.07 AC)
EXISTING LOT COVERAGE DISTURBANCE	1,000 S.F. (0.07 AC)
PROPOSED LOT COVERAGE DISTURBANCE	1,000 S.F. (0.07 AC)

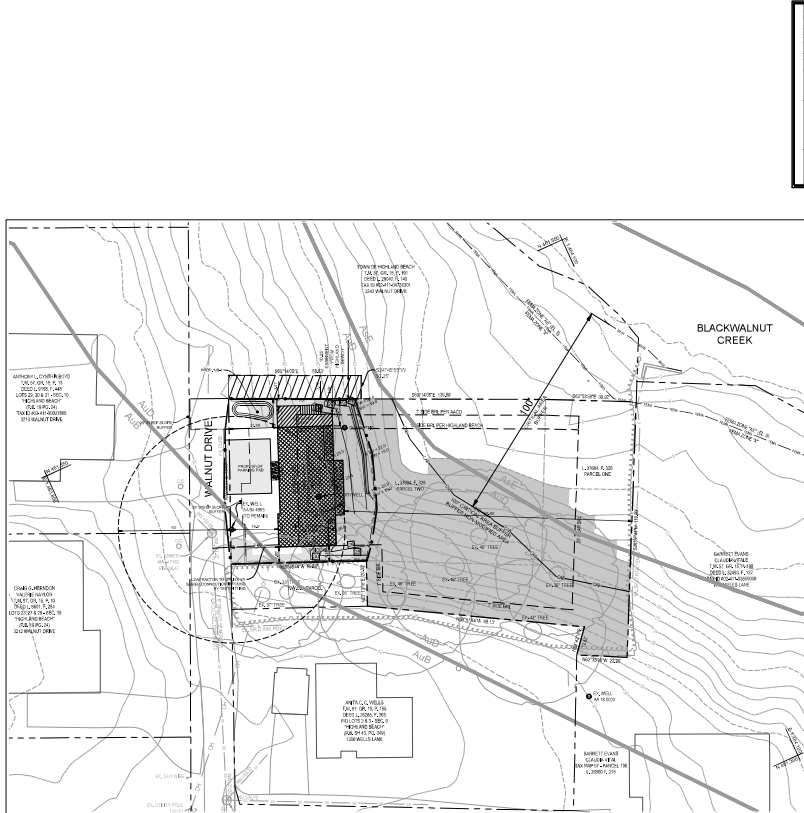
NOTE: SPREADSHEET LOT COVERAGES ARE AS FOLLOWS:
 - EXISTING LOT AREA: 14,900 S.F.
 - PROPOSED LOT AREA: 14,900 S.F.
 - EXISTING LOT COVERAGE: 1,000 S.F.
 - PROPOSED LOT COVERAGE: 1,000 S.F.
 - EXISTING LOT COVERAGE DISTURBANCE: 1,000 S.F.
 - PROPOSED LOT COVERAGE DISTURBANCE: 1,000 S.F.

DISTURBANCE SUMMARY

TOTAL PROPOSED DISTURBANCE = 1,000 S.F. (0.07 AC)
 0.20% SLOPE DISTURBANCE = 1,000 S.F. (0.07 AC)
 0.20% SLOPE DISTURBANCE = 1,000 S.F. (0.07 AC)

VARIANCE REQUEST

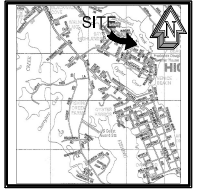
- THE CLIENT REQUESTS A VARIANCE FROM THE ZONING REGULATIONS TO PERMIT THE PROPOSED DEVELOPMENT TO BE LOCATED WITHIN THE DISTRICT.
- THE CLIENT REQUESTS A VARIANCE FROM THE ZONING REGULATIONS TO PERMIT THE PROPOSED DEVELOPMENT TO BE LOCATED WITHIN THE DISTRICT.
- THE CLIENT REQUESTS A VARIANCE FROM THE ZONING REGULATIONS TO PERMIT THE PROPOSED DEVELOPMENT TO BE LOCATED WITHIN THE DISTRICT.
- THE CLIENT REQUESTS A VARIANCE FROM THE ZONING REGULATIONS TO PERMIT THE PROPOSED DEVELOPMENT TO BE LOCATED WITHIN THE DISTRICT.
- THE CLIENT REQUESTS A VARIANCE FROM THE ZONING REGULATIONS TO PERMIT THE PROPOSED DEVELOPMENT TO BE LOCATED WITHIN THE DISTRICT.



SITE PLAN
SCALE: 1" = 10'

LEGEND

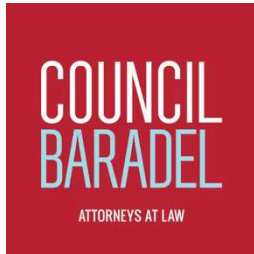
EXISTING PROPERTY LINE	---	EXISTING TREE LINE	(Symbol)	PROPOSED DRIVE ELEVATION	+ 5.00
EXISTING RESTRICTION LINE	---	EXISTING FENCE	(Symbol)	PROPOSED CONTOUR LINE	(Symbol)
EXISTING CONTOUR	(Symbol)	EXISTING PUBLIC UTILITY EASMENT	(Symbol)	PROPOSED BUILDING	(Symbol)
EXISTING SPOT ELEVATION	(Symbol)	EXISTING OVERHEAD POWER LINE	(Symbol)	PROPOSED REINFORCED CONCRETE FOUNDATION	(Symbol)
EXISTING PROPERTY DEGRADATION	(Symbol)	EXISTING PUBLIC SEWER LINE	(Symbol)	PROPOSED RAILROAD CORRECTIVE BALANCE	(Symbol)
EXISTING ZONING DESIGNATION	(Symbol)	STEEP SLOPE 15-20%	(Symbol)	PROPOSED DRIVEWAY	(Symbol)
		STEEP SLOPE 20%	(Symbol)		
		STEEP SLOPE BUFFER	(Symbol)		



Bay Engineering Inc.
 2800 South Park Road, Suite 100
 Knoxville, Tennessee 37919
 Phone: 423.595.8888
 Fax: 423.595.8889
 Email: info@bayeng.com

PHILLIPS PROPERTY
 3205 WALNUT DRIVE, ANNAPOLIS, MD 21403
 200' x 100' (1.25 AC) PARCELS TO BE PARCELED INTO (1) 200' x 50' (0.625 AC) LOTS, (1) 200' x 50' (0.625 AC) LOT, (1) 200' x 50' (0.625 AC) LOT, (1) 200' x 50' (0.625 AC) LOT, (1) 200' x 50' (0.625 AC) LOT

Sheet No. 1 OF 2



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

January 9, 2024

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

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

Dear Ms. Seay:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,


Sally V. Baldwin

cc: Brandon and Nedelka Phillips
Mike Gillespie

***CRITICAL AREA
REPORT***

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

November 2023

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

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

INTRODUCTION

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

EXISTING USE

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

SURROUNDING LAND USE

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

SOILS

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

FLOODPLAIN

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

NON-TIDAL WETLANDS

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

TIDAL WETLANDS

There appear to be no Tidal Wetlands on this site.

BODIES OF WATER

The site drains into the Black Walnut Creek.

STEEP SLOPES

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

RARE AND ENDANGERED SPECIES

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

STORMWATER MANAGEMENT

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

FOREST COVER

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

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

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

WILDLIFE TYPICAL OF THIS AREA

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

Northern Cardinal

Richmondena Cardinalis

SITE CALCULATIONS

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

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

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Subdivision - 411 Account Number - 07393400

Owner Information

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

Location & Structure Information

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

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

Town: HIGHLAND BEACH

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

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

Value Information

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

Transfer Information

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

Exemption Information

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

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

3205 WALNUT DR, 21403 X Q

Show search results for 3205 ...





▼ 3205 WALNUT DR, 21403 X Q

Show search results for 3205 ...



60ft

304 441 492 594 East A



Legend

Map Status :

- Approved Final
- Working draft map
- Submitted draft map
- Final approved map

Designation :

- HDA
- Q&Q
- RCA
- RZ/TOWNS
- UMET
- Federal
- Excluded

Boundary

- Approved Council Area Boundary
- Parish Area Boundary
- Current Boundaries
- Street Map Edge
- Imperial Field





Maxar | Microsat

Powered by
ESRI

National Flood Hazard Layer FIRMeTte



76°28'20"W 38°56'12"N



Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AP
- Regulatory Floodway

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drained areas of less than one square mile Zone

Future Conditions 1% Annual Chance Flood Hazard Zone X

Area with Reduced Flood Risk due to Levee, See Notes, Zone X

Area with Flood Risk due to Levee, Zone X

OTHER AREAS OF FLOOD HAZARD

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRS

OTHER AREAS

- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

20.2 Cross Sections with 1% Annual Chance Water Surface Elevation

17.5 Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

OTHER FEATURES

- Digital Data Available
- No Digital Data Available
- Unmapped

MAP PANELS

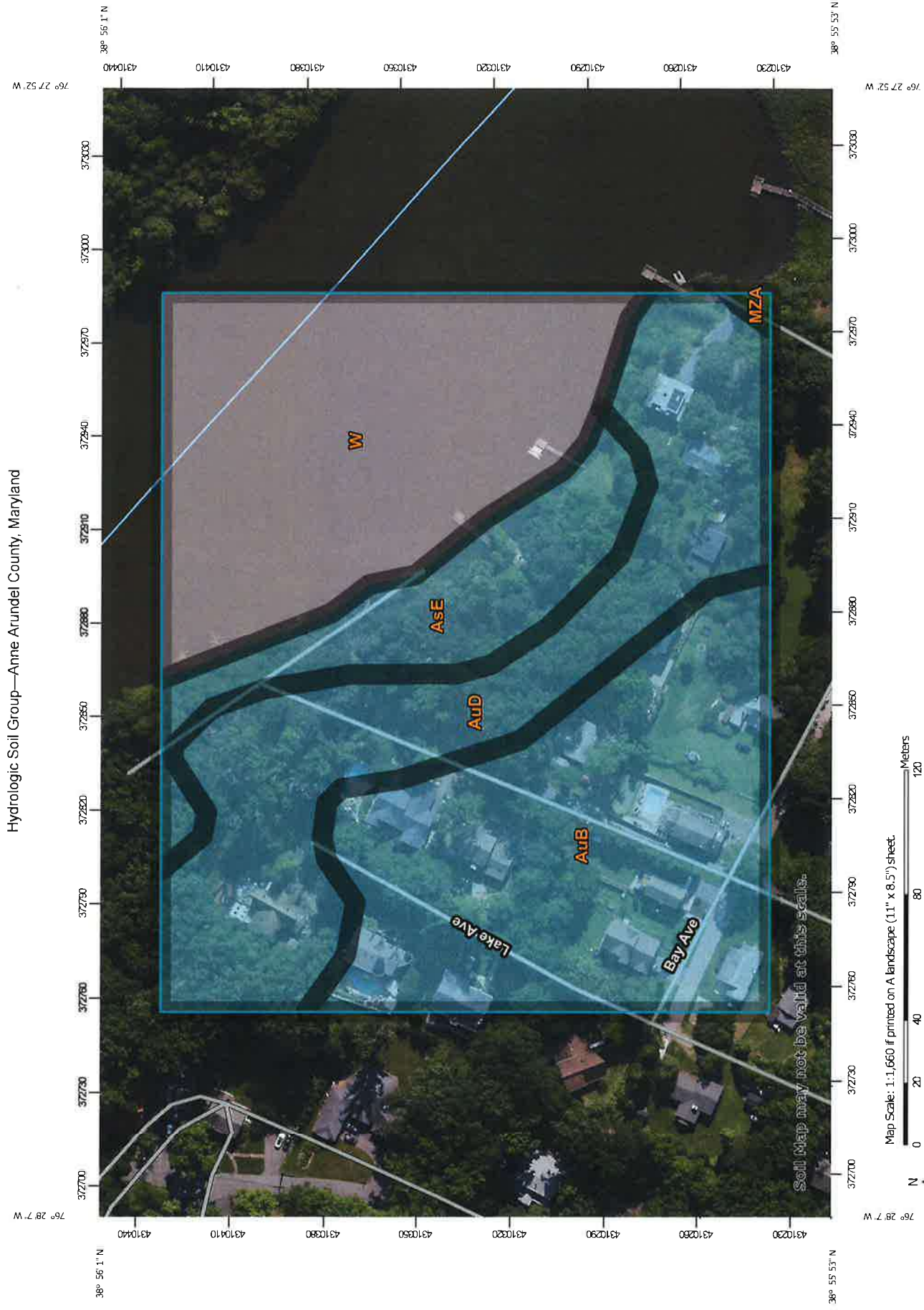
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

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

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

Hydrologic Soil Group—Anne Arundel County, Maryland



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

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

MAP LEGEND

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

MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

Hydrologic Soil Group

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

Description

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

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

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

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

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

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

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

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
57	192	15	810 1	8123

FOR RESUBMITTAL ONLY

Corrections

Redesign

No Change

Non-Critical Area

**Complete Only Page 1
General Project Information*

Tax ID: 02-411-07393400

Project Name (site name, subdivision name, or other) Phillips Property

Project location/Address 5205 Walnut Dr Annapolis 21403

City Hshland Beach / Annapolis Zip 21403

Local case number _____

Applicant: Last name Phillips First name Brandon + Nedelka

Company _____

Application Type (check all that apply):

- | | |
|--|--|
| Building Permit <input type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/> | Rezoning <input type="checkbox"/> |
| Conditional Use <input type="checkbox"/> | Site Plan <input type="checkbox"/> |
| Consistency Report <input type="checkbox"/> | Special Exception <input type="checkbox"/> |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input type="checkbox"/> | Other <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name _____

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

Fax # _____ Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Raze Existing Construct New Dwelling

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

Project Type (check all that apply)

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

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	0	0	0.102	0.102	4475
LDA Area	0.366	15,925			
RCA Area	0	0			
Total Area	0.366	15,925			

of Lots Created *0*

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

VARIANCE INFORMATION (Check all that apply)

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

Variance Type

Buffer	<input checked="" 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 checked="" 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"/>

TOWN OF HIGHLAND BEACH

(INCORPORATED 1922)

3243 Walnut Drive

Highland Beach, Maryland 21403

Planning and Zoning Commission

COMMISSIONER

Benjamin Secundy

Chairman

Craig Herndon (cherndon60@gmail.com)

April 30, 2023

Brandon and Nedelka Phillips

1420 Northgate Rd, NW

Washington, DC 20012

re: Permit Application HB #147

Demolition and New Construction

Lot 1, Block 9

3205 Walnut Drive

Highland Beach, MD

The Highland Beach Planning and Zoning Commission has APPROVED demolition and new construction plans for Lot 1, Block 9, Highland Beach. This Permit Application, HB #147 is to replace an existing structure built long before the current Highland Beach Zoning Ordinance (HB Ordinance). It is non-conforming, but it's current position can be grandfathered and replaced in it's current position according to the HB Ordinance. (It currently sits less than 10ft from Walnut Drive at a Dead End, across from an existing driveway.) The existing house has no off street parking, required on all new Highland Beach construction.

This plan (plat attached) requires changing the house seat to a size and position closer to conforming dimensions (10ft eastward). The foundation would be moved away from Walnut Drive some 10ft; and decreases the length of the western façade along Walnut Drive, to allow the necessary total of 20ft in side-setbacks required by the HB Ordinance. The 10ft movement of the foundation eastward (back from Walnut) will create a 20ft front setback that will allow parking off Walnut Drive. The house footprint is approximately the same (old/new).

Please note that a Memorandum of Understanding (12-21) between Anne Arundel County (A.A. Co.) and The Town of Highland Beach (The Town), recognizes the Highland Beach standards for construction projects, and commits the County to enforce the abiding standards for said construction. Further, the Agreement between the County and The Town states that the more restrictive Code will be the binding one in all projects in the "The Town".

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Craig", with a long horizontal line extending to the right.

Craig Herndon, Chair Planning and Zoning Commission, Highland Beach

THE TOWN OF
HIGHLAND BEACH, MARYLAND- est. 1893

Fee Received
Application # HB 147
Date 3-19-23

APPLICATION FOR ZONING APPROVAL

Complete all applicable spaces. Submit the following with \$25 fee payable to:
the Town of Highland Beach. Attach site plan with building elevations. Both must be drawn to scale.

Job location Lot # 1 Block # 9 Street Address 3205 Walnut Drive, Highland Beach, MD 21403

Lot size: Width 73.05 X 179.8 North side Depth = Total lot area 15,925
South side irregular

OWNER INFORMATION

NAME Brandon + Nedelka Phillips

MAILING ADDRESS 1420 Northgate Rd NW

CITY Washington STATE DC ZIP 20012

TELEPHONE(S) 202-262-3917

TYPE OF PROPOSED WORK: NEW ADDITION ALTERATION

DESCRIPTION OF PROPOSED WORK Eliminate non-conforming structure + rebuild new structure (improving conformity where possible.)

Total dimensions of proposed completed work. Include carports, garages, decks, porches, etc.

Building Footprint: Width 62.08 X Length 24.33 = 1503 Sq.ft. (1st Floor)

HEIGHT/ Number of stories 33.4 Ft (3 stories not to exceed 35 Ft)

SETBACKS: FRONT 21.19 RIGHT SIDE 6.98 LEFT SIDE 2.75 REAR 126.85

CORNER LOT YES NO

The applicant(s) certify and agree as follows: (1) that he/she is authorized to make this application. (2) that all information is correct. (3) that he or she will comply with all regulations of Anne Arundel County and Highland Beach that are applicable thereto; (4) that he/she will perform no work on this property not specifically described in this application; (5) that he/she grants County and Highland Beach officials the right to access the property for the purposes of inspecting the work permitted and posting notices in conformance with R2 and Anne Arundel County and Highland Beach Codes. I UNDERSTAND THAT UPON APPROVAL OF THIS ZONING APPLICATION, I MUST OBTAIN ALL REQUIRED ANNE ARUNDEL COUNTY BUILDING PERMIT(S)

SIGNED [Signature]
Owner, Agent

PRINT NAME Brandon Phillips

HIGHLAND BEACH DOES NOT ENFORCE RESTRICTIVE COVENANTS
NOTE: ZONING APPLICATIONS EXPIRE ONE YEAR FROM DATE OF APPROVAL

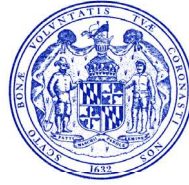
APPROVAL DATE 3-19-23 EXPIRATION DATE _____

rev 5/17/15

Approved
[Signature]

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Katherine Charbonneau
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

January 18, 2024

Mr. Sade Medina
Anne Arundel County Government
Department of Planning and Zoning
2664 Riva Rd # 3,
Annapolis, MD 21401

Re: **3205 Walnut Avenue (Tax Map 57, Parcel Number 192)**

Dear Mr. Medina:

Thank you for providing the information for the above-referenced variance application. The applicant is proposing to raze the existing dwelling to rebuild an updated 1,394 square foot dwelling with a 437 square foot gravel parking pad, 39 square foot retaining wall, 27 square foot walkway and stairs, and a stormwater management pond. The property is 0.365 acres and resides entirely within the expanded Critical Area Buffer for steep slopes within the Limited Development Area (LDA). The property has an allowable lot coverage of 4,976 square feet with the overall proposed work totaling 1,897 square feet. The applicant is requesting a variance to Anne Arundel County Code 18-13-104(b)(1-2) in order to build on steep slopes of more than 15% . The existing dwelling is outdated and does not provide parking for the current landowner.

In order to grant this variance, the Administrative Hearing Office must find the request meets each and every one of the variance standards, including the standard of unwarranted hardship. This office has reviewed the design plans submitted and believes that impacts to steep slopes can be avoided or further minimized. For example, the proposed micro-bioretenion facility could be relocated and not constructed on steep slopes. There appears to be space in the front yard just south of the proposed parking pad where the applicant could place the facility. If not, the applicant could consider other alternatives for stormwater treatment to reduce steep slope disturbance, such as planter boxes or permeable pavers.

The proposed plans show a retaining wall to the east of the property on the steep slopes. The applicant should consider other, non-structural alternatives to slope stabilization, such as deep-rooted plantings of shrubs and herbaceous plants. Addressing the cause of any upland erosion will also help stabilize the steep slopes on the property.

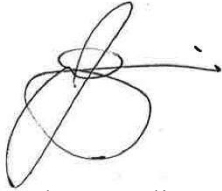
Furthermore, as stated in comments made by the Anne Arundel Critical Area team during the pre-file meeting on October 21, 2022, the applicant could utilize the footprint of the existing dwelling and minimize expansion into the steep slopes and Buffer to the greatest extent possible.

The proposed plans include adding a cantilever deck on the east side of the dwelling and an elevated deck on the northside of the dwelling. While both structures do not count towards lot coverage, they do increase disturbance to the expanded Buffer and steep slopes, and are not the minimum necessary to afford relief, as specified in Anne Arundel County Code 18-16-305(c)(1).

Should the Administrative Hearing Officer find that this request, or a modified version of this request that reduces impacts to the Buffer and steep slopes, may be approved, the required mitigation ratio is 3:1 for permanent impacts.

Thank you for the opportunity to provide comments. Please include this letter as part of the record file and provide us with a copy of the Administrative Hearing Officer's decision. If you have any questions about these comments, please feel free to contact me at (410) 260-3481 or jonathan.coplin@maryland.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Coplin', with a long horizontal stroke extending to the right.

Jonathan Coplin
Natural Resource Planner

File No. AA 15-24

Task Details OPZ Critical Area Team

Assigned Date

03/18/2024

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

The entirety of this site is impacted by steep slopes, steep slope buffers and/or a private well with the associated well setbacks necessitating some level of relief to allow the redevelopment of the existing home. Originally, our recommendation was to utilize the existing footprint however, that location is within the the well setback and additional room is required in order to allow the well to remain in its current location. The Health Department has provided some relief from their requirements to allow the redevelopment. Provided the applicant is planning to remove the old septic system thereby disturbing the area of steep slopes in the process, this Office has no objection to the proposed retaining wall to allow the area to be stabilized.

This Office cannot however support this request until the applicant can demonstrate that all SWM requirements have been appropriately addressed.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

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

Due Date

03/13/2024

Assigned to Department

OPZ Critical Area

Status Date

03/18/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

Display E-mail Address in ACA

Display Comment in ACA

Task Specific Information

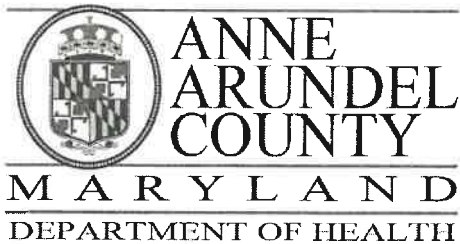
Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



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

Handwritten initials "BC" in blue ink, positioned to the right of the "FROM:" line.

DATE: January 26, 2024

RE: Brandon Phillips
3205 Walnut Drive
Annapolis, MD 21403

NUMBER: 2024-0010-V

SUBJECT: Variance/Special Exception/Rezoning

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

Based on a review of the above referenced request, additional information is needed by the Health Department on the type and location of the existing neighboring water supply well at 1300 Wells Ln., 3210 Walnut Dr. & 3212 Walnut Dr. and the construction details of the proposed stormwater management device.

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

cc: Sterling Seay

Menu Cancel Help

Task
I and P Engineering
Assigned to Department
Engineering
Action by Department
Engineering
Start Time

Due Date
03/18/2024
Assigned to
Habtamu Zeleke
Action By
Habtamu Zeleke
End Time

Assigned Date
03/12/2024
Status
Complete w/ Comments
Status Date
03/14/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
Variance comments
2024-0010-V 3205 WALNUT DR
1. A Micro Bio is proposed within a steep slope/steep slope buffer. SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their buffers. Please clarify.
2. All infiltration/filtration devices shall be located a minimum of 25 feet from the top of slopes 25%.
3. Given the disturbance to sensitive resources including the steep slopes and buffers, the proposed design adversely affects the water quality within the Critical Area. Please clarify.
4. Please verify that all of the proposed impervious surfaces are treated for water quality.
5. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted.
6. Please review existing vegetation (or lack thereof) within the steep slopes; opportunities to supplement vegetation or replanting buffers with native vegetation should be provided to enhance water quality.
7. The County Stormwater manual requires that Infiltration devices uphill from buildings and structures with basements shall be located a minimum of 20 feet from the structure, or the intersection of the structure foundation footing with the phreatic line from the overflow depth of the device, whichever is greater. Please clarify how this requirement is met.
8. Infiltration devices, including individual lot devices, shall be located a minimum of 10 feet horizontally from the property line. Please ensure that the micro bioretention area is setback/offset from property lines so that if it needs maintenance/reconstruction, easements do not need to be obtained from neighboring properties or have adverse impacts on rights-of-way.
9. The proposed house seems to be positioned closer to the steep slopes and shoreline compared to the location of the houses on neighboring properties. Please review the footprint and location of the proposed improvements (driveway, and dwelling) to further minimize impacts to steep slopes and the steep slope buffer.
10. Additional information is required to show how the site meets Environmental Site Design.
11. The stormwater management, utility/Engineering design review approval for the site shall occur at the grading permit stage.
12. Based on the provided information, this office does not support this request.

Time Tracking Start Date **Est. Completion Date**
Display E-mail Address in ACA **Display Comment in ACA**

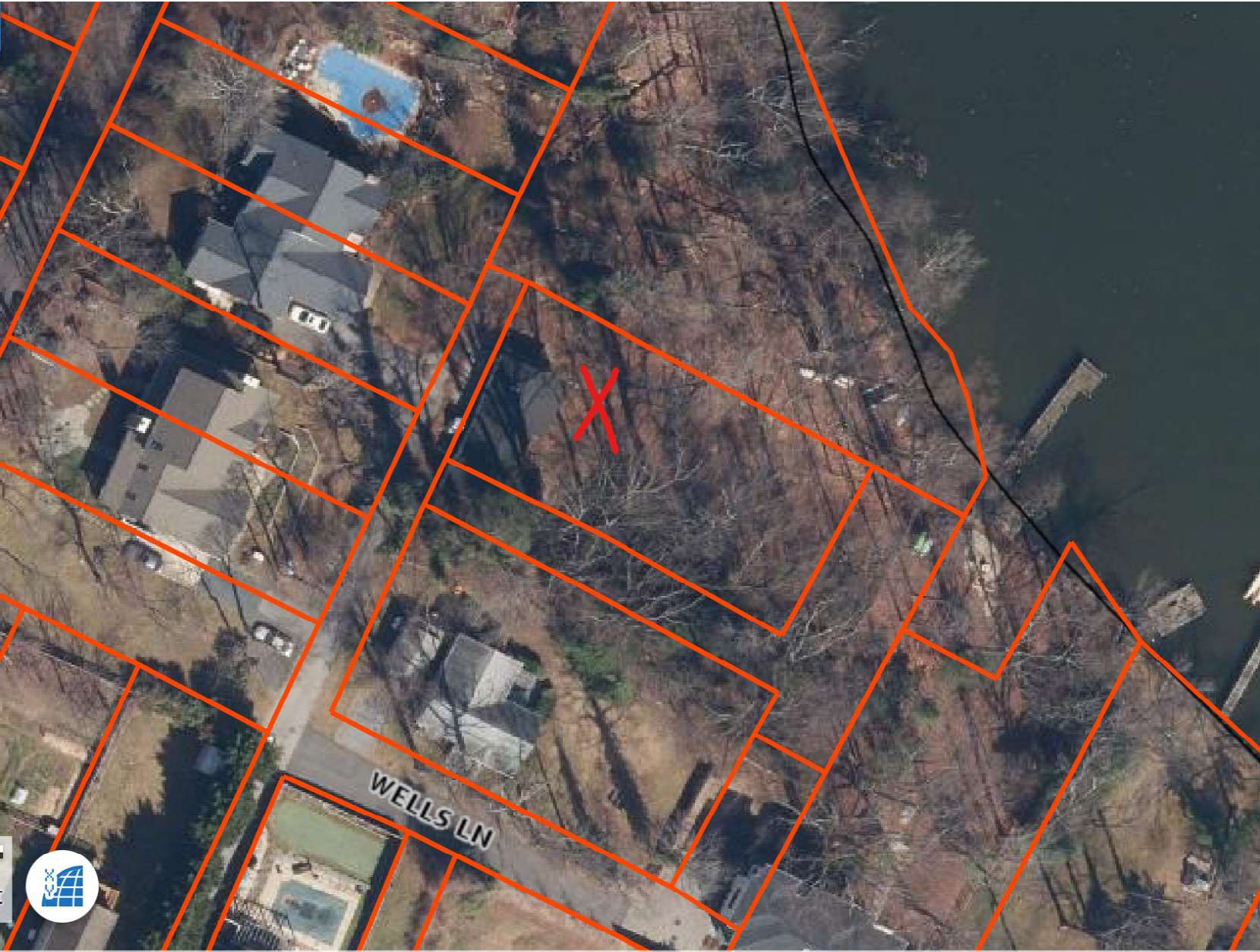
In Possession Time (hrs)
Comment Display in ACA
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner

Estimated Hours
0.0
Action
Updated

Workflow Calendar

Task Specific Information

Expiration Date **Review Notes** **Reviewer Name**
Reviewer Phone Number **Reviewer Email**



WELLS LN

