



FIREFLY TECHNICAL SERVICES LLC, 1231 Summerwood Court, Arnold MD 21012
410-844-1532 Joseph@firefly-technical-services.com

To

The Office of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401
(410) 222-7450

VARIANCE FOR A BALCONY ADDITION TO THE FRONT OF A SINGLE-FAMILY DWELLING

Applicant Property:

Tax account 173090050525
359 BERKSHIRE DRIVE, RIVA MD 21140
LOT 2 OF STAFFORD ESTATES SUBDIVISION
Critical Area Designation LDA
Property is water front with to tidal waters of the united states

Description:

The applicant parcels owners wish to construct a new balcony deck above an existing deck in the front of the existing house. The new balcony requires two new concrete footing to be installed just outside of the footprint of the existing lower deck and within the expanded steep slope buffer to the adjacent contiguous steep slope. The proposed location of the new balcony and its supporting footings requires a variance to Anne Arundel County ordinance 18-13-104. The existing 100' tidal wetland buffer established by COMAR Sec. 27.02.05.09. is further expanded on this site by Anne Arundel County § 18-13-104 (b) (1) to include a expanded 50' buffer to the state established steep slope.



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The proposed residential accessory structure is located within an area designated as ecologically critical habitat for the Chesapeake Bay ecosystem. The critical area designation is LDA and the following potential environmental impacts on this sensitive habitat have been evaluated for the proposed construction:

- Any alteration of natural hydrology and drainage patterns which could disrupt the integrity of the watershed systems and tidal flows was reviewed. No alterations will result from the construction of the two supporting footings.
- Increased sedimentation and pollution resulting from residential land disturbance and use was reviewed. Best management practices for erosion and sediment control will be strictly adhered to during all construction activities to limit off-site sediment transport. The proposed disturbance is required for the installation of two concrete footings. The proposed concrete footing will be 6.25 s.f each and will be hand dug. Excavation earth material will be wheel barreled for off site disposal and no on-site storage is proposed. The total disturbance will be 12.5 s.f. within the buffer. The existing vegetation will remain around the proposed 12.5 s.f. footings and no additional stabilization is required.
- The proposed residence is situated in a designated critical area of the Chesapeake Bay and the with the best managements practices proposed the new accessory balcony to the residence will have a minimal impact on the critical area.

The following variances are requested.

§ 18-13-104. Buffers, expanded buffers, and buffer modification areas.

(a) Buffer. There shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. Specific development criteria apply as set forth in Article 17 of this Code and COMAR. NO VARIANCE IS REQUESTED

(b) Expanded buffer. Except as provided in subsection (c), the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater, nontidal wetlands, nontidal wetlands of special State concern, and hydric soils or highly erodible soils. The buffer shall be expanded as follows:

(1) If there are contiguous slopes of 15% or greater, the buffer shall be expanded by the greater of four feet for every 1% of slope or to the top of the slope and shall include all land within 50 feet of the top of the slopes. A VARIANCE IS REQUESTED TO REDUCE THE REQUIRED 50' STEEP SLOPE EXPANDED BUFFER TO 26', A 24' REDUCTION TO THE 50' EXPANDED BUFFER IS REQUESTED.

(2) If there are nontidal wetlands, nontidal wetlands of special State concern, hydric soils or highly erodible soils, the buffer shall be expanded in accordance with COMAR, Title 27.. NO VARIANCE IS REQUESTED

(c) Buffer modification areas. There shall be a buffer modification area established on a map maintained by the Office of Planning and Zoning with respect to all or part of a lot created before December 1, 1985, on which the existing pattern of development prevents the 100-foot buffer from performing its protective functions. In buffer modification areas, the buffer is not expanded, and specific



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development criteria apply as set forth in Article 17 of this Code and COMAR. . . NO VARIANCE IS REQUESTED

§ 18-4-601. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R2 District:

Minimum lot size and setbacks:

- If not served by public sewer 20,000 square feet. NO VARIANCE IS REQUESTED
- Maximum coverage by structures 30% of gross area. NO VARIANCE IS REQUESTED
- Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line 80 feet. NO VARIANCE IS REQUESTED

Minimum setbacks for principal structures:

- Front lot line 30 feet. NO VARIANCE IS REQUESTED
- Rear lot line 25 feet. NO VARIANCE IS REQUESTED
- Side lot line 7 feet. NO VARIANCE IS REQUESTED
- Corner side lot line 20 feet. NO VARIANCE IS REQUESTED
- Principal arterial or higher classification road 40 feet. NO VARIANCE IS REQUESTED
-

Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height:

- Front lot line 40 feet. NO VARIANCE IS REQUESTED
- Side and rear lot lines 7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet. NO VARIANCE IS REQUESTED
- Corner side lot line. NO VARIANCE IS REQUESTED

Maximum height limitations:

- Principal structures 35 feet. NO VARIANCE IS REQUESTED



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- Accessory structures 25 feet or the height of the principal structure, whichever is less. NO VARIANCE IS REQUESTED

Justification:

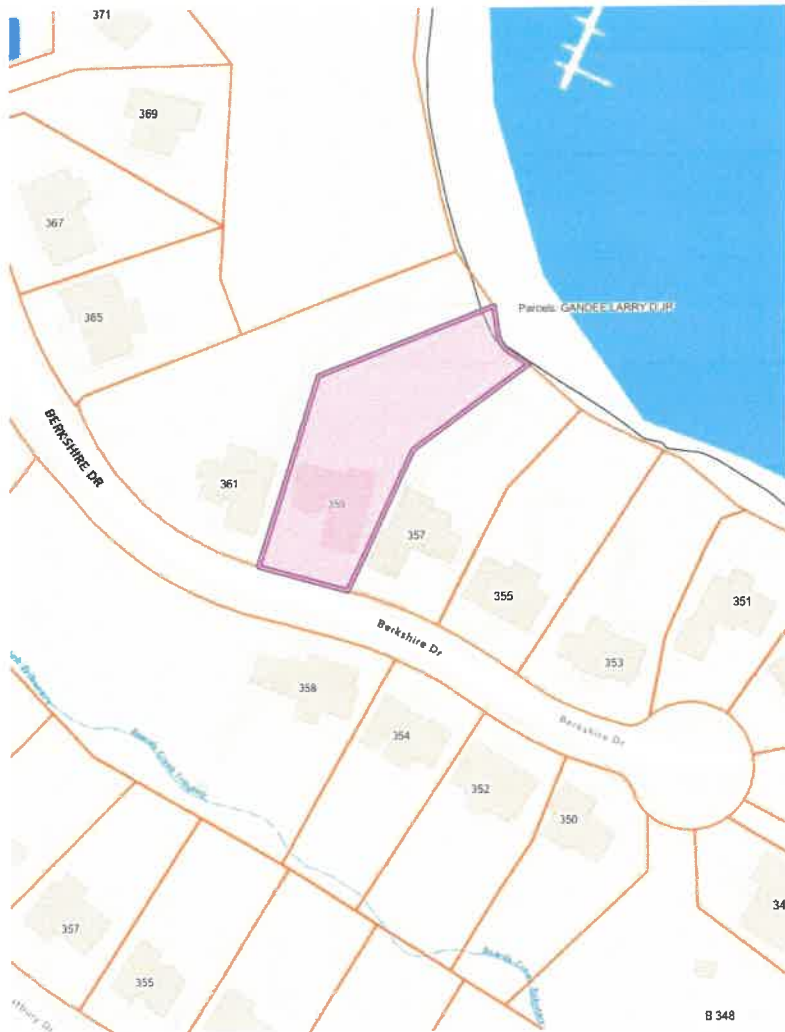
The applicant parcels owners desire to provide an accessory balcony to the existing structure in harmony with the waterfront characteristics of the neighborhood. The proposed 24' reduction to the 50' steep slope buffer is the minimum required to relieve the owners of the hardships associated with the existing lower deck already encroaching into the buffer area and to lawfully extend a second story balcony above the lower deck similarly to adjacent neighborhood residences.

Joseph Louis RCD
Firefly technical Services LLC

Attachment exhibits below.



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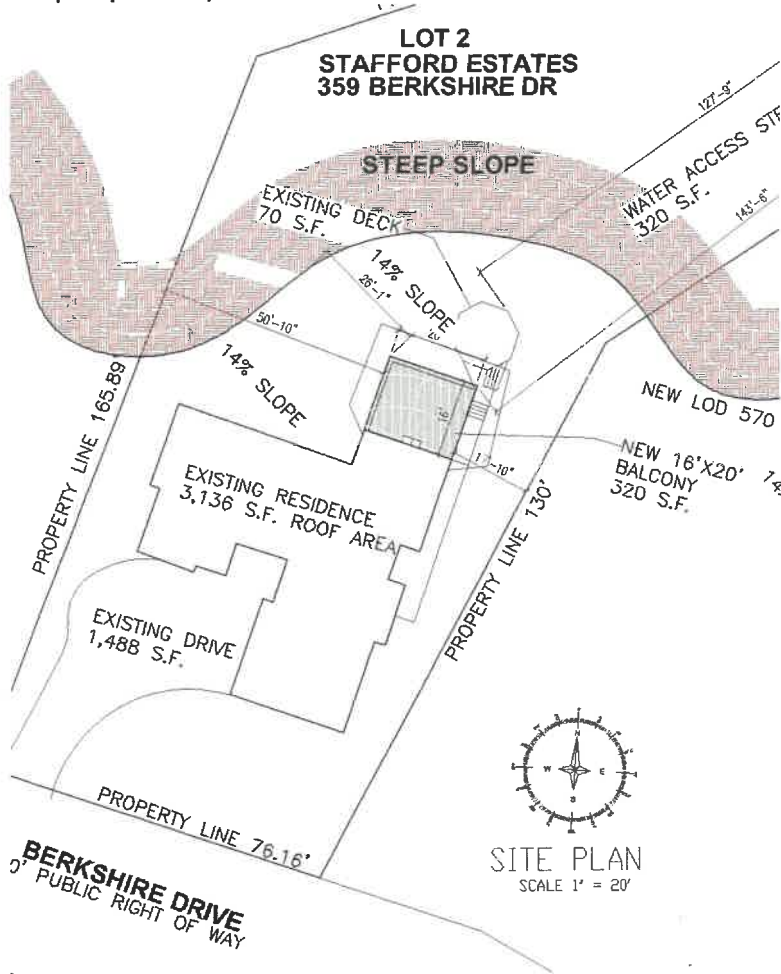


Vicinity map



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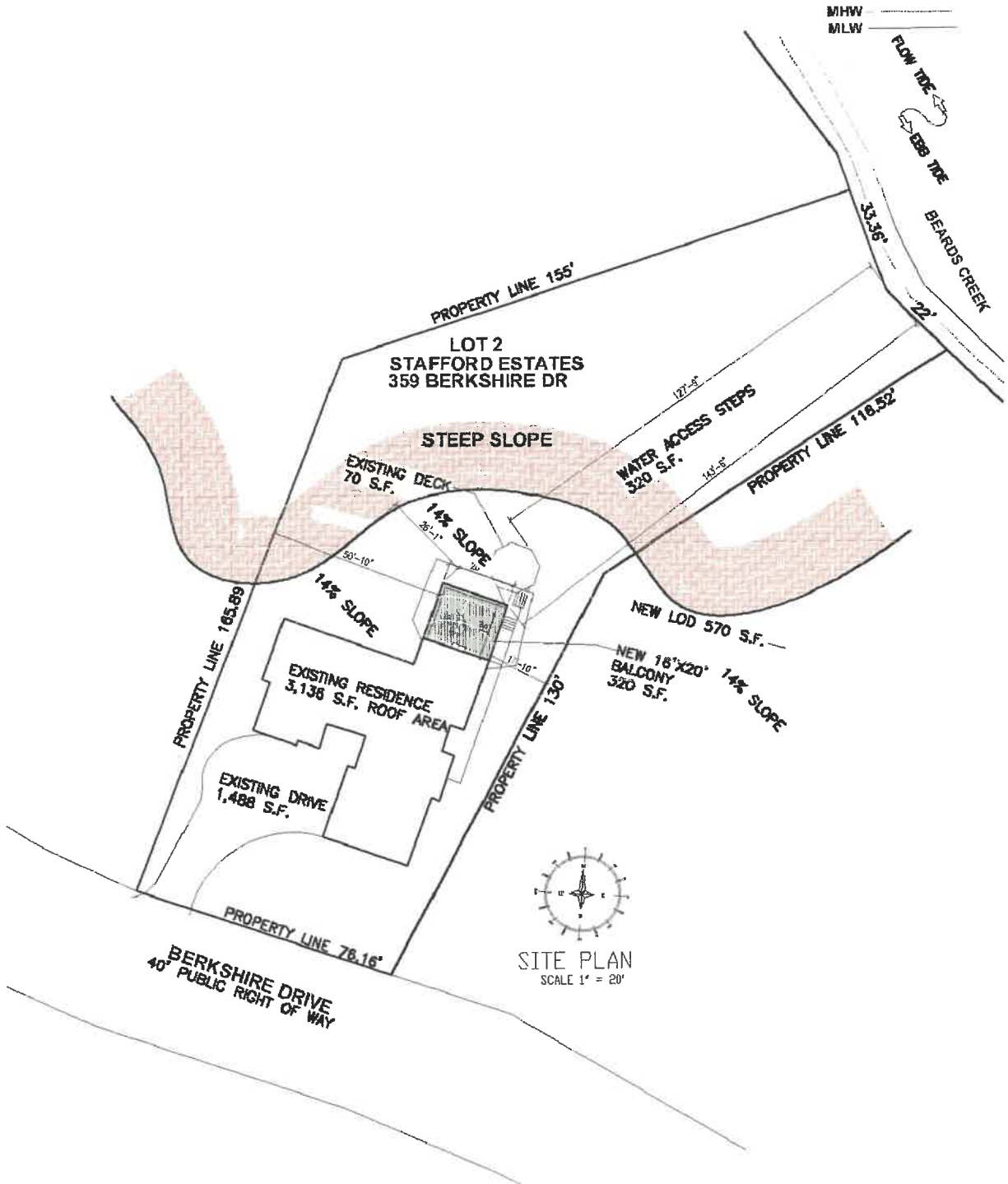
Steep slopes Site plan



Overall site plan



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Proposed front elevation.



PROPOSED FRONT ELEVATION

SCALE 3/16" = 1'-0"

OWNER
 DONNIE AND RESSAMA GANDEK
 359 BERKSHIRE DRIVE
 RIVA MD, 21140
 301-440-4138
 dganand@rainbowconstructs.com

DESIGNER
 JOSEPH LOUIS
 1231 SUMMERWOOD COURT
 ARNOLD MD, 21012
 410-844-1588
 joseph@firefly-technical-services.com

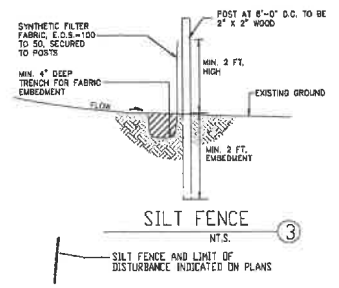
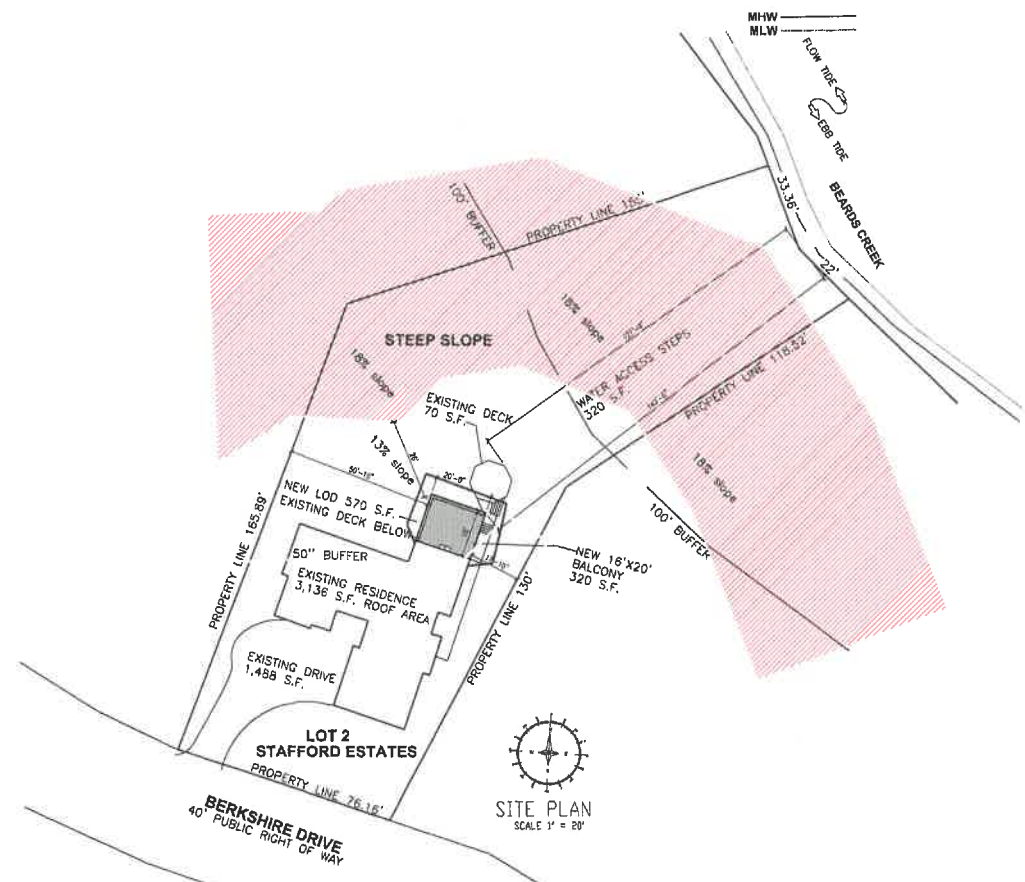
LOUIS DESIGNS
 RESIDENTIAL
 DESIGNERS
 JOSEPH LOUIS
 410-844-1588

PROJECT WILL CONSTRUCT A 20'X16 BALCONY OVER AN EXISTING DECK.

Lot Use Description: Residential
 Area = 523
 Lot Area = 82,610
 = 81,791 = 56,300 5,415 square feet



PROJECT SHALL COMPLY TO ALL ADOPTED CODES INCLUDING BUT NOT LIMITED TO SEE ANNE ARUNDEL COUNTY ADOPTED CODES



NEW BALCONY
STAFFORD ESTATES LOT 2
 359 BERKSHIRE DRIVE, RIVA MD 21140

1ST ISSUE 7-28-23

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: 10-10-23

Tax Map #	Parcel #	Block #	Lot #	Section
0055	0054	1	2	

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 3090050525

Project Name (site name, subdivision name, or other) 359 BERKSHIRE DRIVE

Project location/Address 359 BERKSHIRE DRIVE

City RIVA Zip 21140

Local case number

Applicant: Last name GANDEE First name DONNIE

Company INDIVIDUAL

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 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:

CONSTRUCT A 20'X16 BALCONY OVER AN EXISTING DECK.

Intra-Family Transfer <input type="checkbox"/> Yes Grandfathered Lot <input type="checkbox"/>	Growth Allocation <input type="checkbox"/> Yes Buffer Exemption Area <input type="checkbox"/>
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Project Type (check all that apply)

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="checkbox"/>	Recreational <input type="checkbox"/> Redevelopment <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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SITE INVENTORY (Enter acres or square feet)

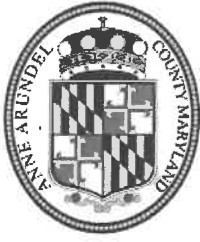
	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area		570
LDA Area		22,161.00	# of Lots Created	0	
RCA Area					
Total Area		22,161.00			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	5,445		Existing Lot Coverage		4,944
Created Forest/Woodland/Trees	0		New Lot Coverage		320
Removed Forest/Woodland/Trees	0		Removed Lot Coverage		
			Total Lot Coverage		5,264

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		320	Buffer Forest Clearing		0
Non-Buffer Disturbance			Mitigation		480

Variance Type	Structure
Buffer <input type="checkbox"/>	Acc. Structure Addition <input checked="" 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 type="checkbox"/>
Expanded Buffer <input checked="" type="checkbox"/>	Dwelling Addition <input type="checkbox"/>
Nontidal Wetlands <input type="checkbox"/>	Garage <input type="checkbox"/>
Setback <input 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"/>



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2024-00011-P)

DATE OF MEETING: 2/9/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Grandee/J. Louis, Firefly Technical Svcs EMAIL: Joseph@firefly-technical-services.com

SITE LOCATION: 359 Berkshire Drive, Riva LOT SIZE: 22,161 sf ZONING: R2

CA DESIGNATION: LDA BMA: No or BUFFER: Yes APPLICATION TYPE: Critical Area Variance

The applicants wish to construct a new 16-foot by 20-foot (320 sf) balcony deck above an existing deck in the front (waterfront) of the existing house. The new balcony requires two new concrete footings to be installed just outside of the footprint of the existing lower deck and within the expanded steep slope buffer to the adjacent contiguous steep slope, necessitating a Critical Area variance for development within the expanded buffer. The existing 100' tidal wetland buffer established by COMAR Sec. 27.02.05.09. is further expanded on this site by Anne Arundel County § 18-13-104 (b) (1) to include an expanded 50' buffer to the state established steep slope.

Justification: The applicants desire to provide an accessory balcony to the existing structure in harmony with the waterfront characteristics of the neighborhood. The proposed 24' reduction to the 50' steep slope buffer is the minimum required to relieve the owners of the hardships associated with the existing lower deck already encroaching into the buffer area and to lawfully extend a second story balcony above the lower deck similarly to adjacent neighborhood residences.

COMMENTS

The **Critical Area Team** commented that the first floor deck was expanded substantially between 2018 and 2020 without the benefit of an approved permit or a variance to allow buffer disturbance. The applicant should not benefit from this work when proposing additional expansion.

The **Zoning Administration Section** concurs with the Critical Area Team and advises the applicants that, in order for a Critical Area variance to be approved, the applicants must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305(b) and (c). Given the recent unpermitted deck expansion and the fact that the applicants already enjoy the benefit of a substantial outdoor amenity area, it may be difficult for the applicants to demonstrate unwarranted hardship or that they are being denied reasonable and significant use of the property. The first page of the construction drawing documents attached to this pre-file application also shows a 6' by 8' kayak storage at the shoreline; however, this is not noted in the letter of explanation or on any of the other site plan documents. Such a structure would require a critical area variance for development within the buffer and would have to meet the same standards mentioned above.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

oning Review

Due on 08/30/2023, assigned to Michael Day
Marked as Revision Needed on 08/30/2023 by Michael Day

Comment: Permit approval pending adequately addressing Environmental comments.

Additional Information:

Reviewer Phone Number 410-222-6896

Environmental Review

Due on 08/30/2023, assigned to Michael Day
Marked as Revision Needed on 08/30/2023 by Michael Day

As per COMAR and Article 18-13-104 this site has Critical Area buffer located onsite as the Critical Area buffer includes contiguous slopes greater than 15% and includes all land within 50 feet from the slope. This site is mapped Critical Area buffer and includes contiguous slopes greater than 15%. Please show the location of the Critical Area buffer onsite. Disturbance is not permitted to the Critical Area buffer without a variance. Please contact our Zoning Division at (410) 222-7437 to discuss the variance application process.

Comment: Mitigation is required for buffer disturbance approved under a variance at the following rates, 1:1 for temporary disturbance and 1:3 for permanent disturbance.

A buffer management plan that addresses the required mitigation is required prior to permit approval.

Additional Information:

Reviewer Phone Number 410-222-6896

Grading Review

Due on 08/30/2023, assigned to RONNELL ROULHAC
Marked as Revision Needed on 08/30/2023 by RONNELL ROULHAC

A 25 foot undisturbed buffer must be maintained from the top of 25% or greater slopes within a sensitive area.

Comment: Please address comments made by the environmental reviewer regarding needing a variance or modification. Approval will be withheld pending the approval of the requested variance or modification.

Additional Information:

Reviewer Phone Number 410-222-7771

Tree Review

Plan Review

Due on 08/30/2023, assigned to CHAITANYA DOSHI
Marked as Approved on 08/29/2023 by CHAITANYA DOSHI

Additional Information:

Reviewer Phone Number 410-222-7704

Engineering Review

WAMP Review

Location Review