



February 9, 2024

Anne Arundel County  
Office of Planning & Zoning  
2664 Riva Road  
Annapolis, MD 21401

**RE: 451 Ferry Point Road  
Annapolis, MD 21403  
Variance Application**

Sir or Madam:

Enclosed please find a complete variance application submittal package for proposed development at 451 Ferry Point Road in Annapolis. The subject property is irregularly shaped, is roughly 2.18 Ac in area, and enjoys water frontage along Aberdeen Creek. The property is currently improved with a single-family dwelling, with accessory residential site amenities, including a pool and a raised patio and gravel area between the pool and the dwelling. The property is mapped within the RLD zoning district and is entirely within the Chesapeake Bay Critical Area, with LDA & RCA land use designations. The property was created by plat, recorded in the land records of Anne Arundel County on June 17, 1980, and therefore is a grandfathered lot in the Critical Area. The shoreline is stabilized with a bulkhead and is not mapped within the Buffer Modification Area. Adjacent to the shoreline are a non-tidal wetland and steep slopes, thereby causing the 100ft buffer to tidal waters to expand. The buffer expands to encumber the wetland area, and then expands again to encumber the area of land within 50ft of the top of two pockets of steep slopes. Portions of the house, patio, pool, and driveway are within the Buffer. The dwelling is served with a private septic system and a private well.

The owner is currently redeveloping the waterfront outdoor amenities. The majority of the work is currently approved under **B02416917**, including reconfiguring the existing pool. The gravel & patio area are elevated from the pool area by an existing retaining wall. As part of the renovations, a set of existing masonry steps will be removed from the Buffer; however, these masonry steps serve to retain soil in the raised patio area. A new section of wall must be built to fill in where the stairs were removed. Additionally, a small area (195sf) of pervious grade level decking will replace the paver patio within the buffer. Therefore, we request a variance to Article 17-8-301(b) to disturb the Critical Area Buffer and to construct a wall to fill in where the stairs were removed, and to construct a pervious grade-level deck within the buffer. A pre-file Site Plan was submitted on December 1, 2023.

The proposed development meets all the criteria found in Article 18-16-305 of the Anne Arundel County Code for the granting of a variance in the Chesapeake Bay Critical Area. The following discourse addresses those criteria.

- 1) The existing masonry stairs will be removed from the buffer, and replaced with a retaining wall to maintain the patio area's elevation. Denial of the variance to construct the wall would result in an unwarranted hardship, as the masonry stairs currently function to retain soil. The wall



cannot be built anywhere else on the property, as the elevated patio area on this grandfathered lot is existing. The wall is necessary to maintain the stability of this outdoor amenity area. New stairs will be constructed outside the buffer. Additionally, the pervious grade level deck replaces the existing impervious paver and gravel area immediately outside of existing sliding glass doors to the living area of the existing dwelling.

- 2) A literal interpretation of COMAR Title 27 would deprive the applicant of rights commonly enjoyed by other properties within the Critical Area, as the scope of work within the buffer is very minimal, and is necessary to stabilize the patio area once the wall is removed, and provides a pervious surface as an outdoor amenity, as opposed to the existing impervious paves and gravel. The existing stairs within the Buffer are to be removed, and new stairs will be constructed outside the Buffer. This scope of work meets the spirit and intent of the Critical Area regulations.
- 3) The granting of the variance will not confer on the applicant any special privileges that would typically be denied by COMAR, Title 27, as the scope of work subject to the variance request is necessary to remove the masonry steps and impervious patio from the Buffer. The proposed wall is necessary to provide structural stabilization to an existing outdoor amenity. Similarly, the grade level decking replaces an existing impervious outdoor amenity area.
- 4) The variance request is not based on conditions that are the result of actions by the applicant. The variance is based the applicant's desire to reconfigure the pedestrian circulation around the pool area and remove the steps from the Buffer.
- 5) The granting of the variance will not deleteriously affect water quality or wildlife, as the scope of work will result in a net decrease in lot coverage within the Buffer.
- 6) The project has maximized the distance between tidal waters and the proposed wall, as the wall must be located where shown to perform its function, and the wall is further from tidal waters than the existing stairs. The grade level deck replaces an impervious patio.
- 7) Through reducing lot coverage overall, removing lot coverage from the Buffer, and moving lot coverage further from the shoreline, the applicant has overcome the presumption in the Annotated Code that the proposed development activity does not conform with the general purpose and intent of the Critical Area regulations.
- 8) The proposed development has undergone many iterations during the design phase, and the proposed work includes many site planning alternatives, including relocating the stairs from inside the Buffer to outside the Buffer and reducing lot coverage overall, which is precisely what the regulations encourage. The need for the variance only arises when we need to construct the retaining wall to retain the soil where the masonry stairs are being removed, and to construct the pervious grade level deck to replace the impervious outdoor amenity.

Additionally, the proposed work complies with the criteria contained in 18-16-305(c) for the granting of all variances. The following discourse addresses those criteria, as well.

- 1) The variance is certainly the minimum necessary to afford relief. The wall is a necessary structural element of the raised patio area once the masonry stairs are removed. The



construction of the wall does not disturb any additional area of the Buffer, beyond what is necessary to demolish the stairs. Additionally, the grade level deck is within the footprint of the paver patio & gravel area.

2) The granting of the variance will not:

- i) The variance will not alter the essential character of the neighborhood, as the proposed amenities serve a single-family residential structure in a residential zoning district.
- ii) The wall will not substantially impair the use or enjoyment of adjacent properties, as the wall will match the height of the existing retaining wall.
- iii) Mitigation measures and buffer establishment will be proposed as part of the permitting process; therefore, the proposed work will not reduce forest cover in the limited development area.
- iv) No clearing is proposed as part of removing the masonry stairs or constructing the retaining wall; therefore, the proposed work will not be contrary to clearing requirements in the Critical Area.
- v) The construction of a retaining wall on private property to retain soil and stabilize a residential outdoor amenity is in no way detrimental to the public health, safety, & welfare.

Article 18-13-305(d) is not applicable, as this variance request is not the subject of an outstanding violation.

If you have any questions regarding this variance request, or any of the materials contained within this submittal package, please contact me at 667-204-8042 or [wbower@atwell-group.com](mailto:wbower@atwell-group.com). Thank you.

Respectfully,

**ATWELL, LLC**

Annapolis, MD



**William Bower, PE, PLS**  
Sr. Project Manager

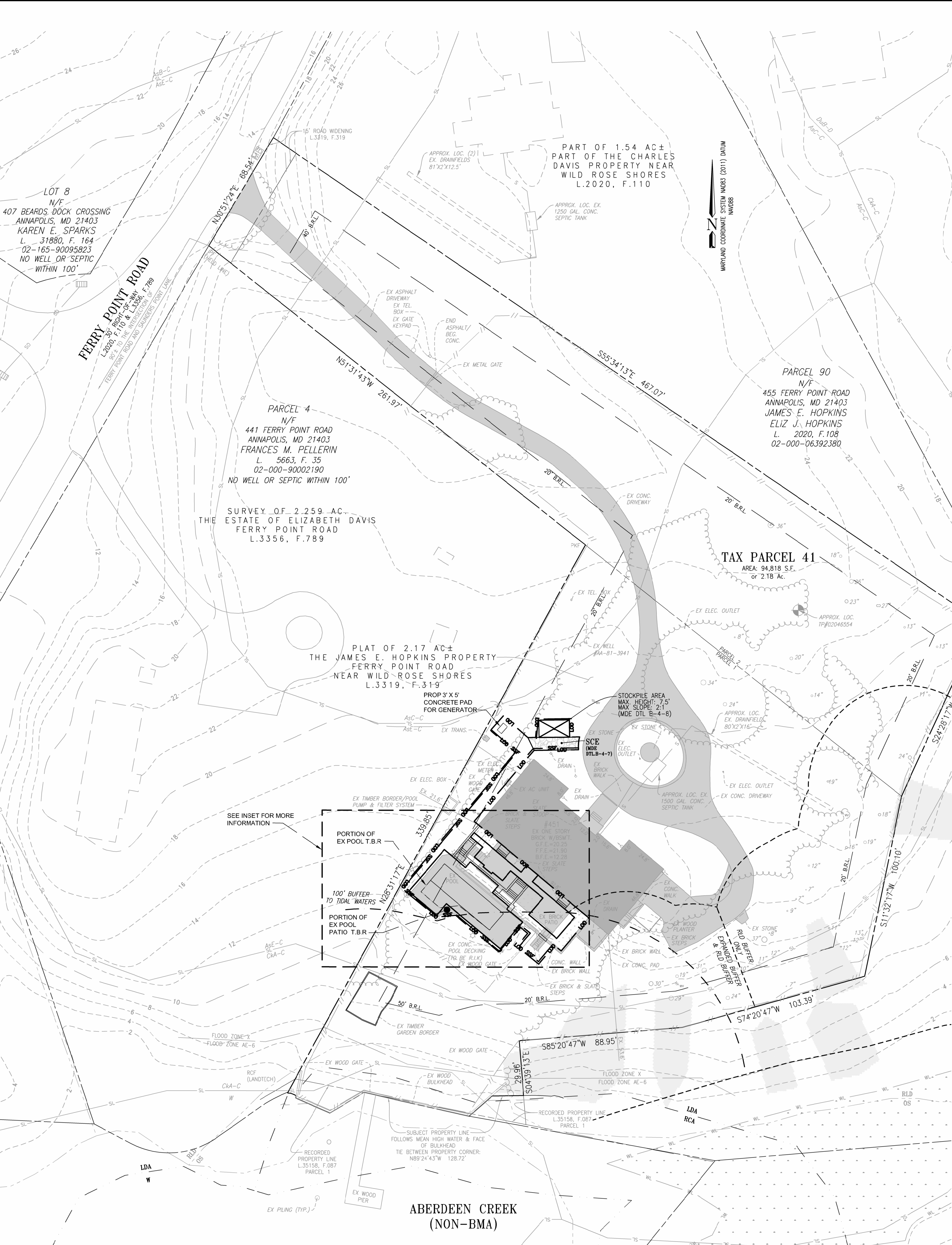
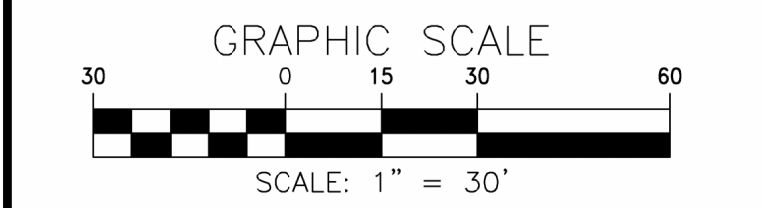
**GENERAL NOTES:**

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MOST CURRENT VERSION OF THE ANNE ARUNDEL COUNTY DEPT. OF PUBLIC WORKS STANDARD DETAILS FOR CONSTRUCTION OF STORM DRAINS, ROADS, AND STORMWATER MANAGEMENT.
- NECESSARY PRECAUTIONS SHALL BE TAKEN BY THE CONTRACTOR TO PROTECT EXISTING SERVICES AND MAINS. ANY DAMAGE TO EXISTING SERVICES AND MAINS DUE TO THEIR NEGLIGENCE SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE.
- THE EXISTING UTILITIES AND OBSTRUCTIONS SHOWN ARE FROM THE BEST AVAILABLE RECORDS AND SHALL BE VERIFIED BY THE CONTRACTOR TO HIS OWN SATISFACTION BEFORE STARTING CONSTRUCTION. NEITHER CPJA NOR ANNE ARUNDEL COUNTY DEPT. OF PUBLIC WORKS WARRANT OR GUARANTEE THE COMPLETENESS OR THE CORRECTNESS OF THE INFORMATION GIVEN.
- IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO SPECIFICALLY MENTION ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THE PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF HIS RESPONSIBILITY TO PERFORM SUCH WORK.
- THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES AT LEAST 5 DAYS PRIOR TO STARTING CONSTRUCTION OF THE PROJECT.
- THE CONTRACTOR SHALL NOTIFY THE ANNE ARUNDEL COUNTY DEPT. OF INSPECTIONS AND PERMITS FIVE (5) WORKING DAYS PRIOR TO STARTING WORK SHOWN ON THE DRAWINGS.
- THE CONTRACTOR SHALL NOTIFY MISS UTILITY @ 1-800-257-7777 FIVE (5) WORKING DAYS PRIOR TO STARTING WORK SHOWN ON THESE DRAWINGS.
- ALL UTILITY POLES SHALL BE BRACED AS NECESSARY AT THE CONTRACTOR'S EXPENSE. UTILITY POLES SHALL BE RELOCATED AT THE OWNER'S EXPENSE IN CASES WHERE THEY WILL INTERFERE WITH CONSTRUCTION. ALL WORK WITHIN 10 FT OF OVERHEAD LINES SHALL CONFORM WITH THE MARYLAND HIGH VOLTAGE LINE ACT, THE NATIONAL ELECTRICAL SAFETY CODE, AND OCCUPATIONAL SAFETY AND HEALTH CODE.
- PIPE ELEVATION REFER TO INVERTS, UNLESS OTHERWISE NOTED.
- ALL STORM DRAIN PIPES ARE POLYVINYL CHLORIDE (PVC) UNLESS OTHERWISE NOTED, AS SCH 40 PVC.
- CONTRACTOR TO PLACE CUT MATERIAL ON THE HIGH SIDE OF TRENCH WHEN WORKING ON UNDERGROUND UTILITIES.
- THE FIELDWORK FOR THIS SURVEY WAS STARTED ON JANUARY 11, 2020 WITH THE LAST DATE OF FIELDWORK BEING JANUARY 12, 2020 BY CPJA.
- COORDINATES SHOWN HEREON WERE ESTABLISHED USING TRIMBLE'S REAL-TIME KINETICS AND THEIR VIRTUAL REFERENCE STATION SYSTEM (VRS) AND ARE BASED ON MARYLAND COORDINATE SYSTEM NAD83 (2011). THE AVERAGE SCALE FACTOR FOR THE SUBJECT PROPERTY IS 0.99995070. THE AVERAGE PROPERTY ELEVATION BASED UPON NAVD83 VERTICAL DATUM IS 18 FEET, FOR AN ELEVATION FACTOR OF 1.0000432. THE COMBINED FACTOR FOR THE SUBJECT PROPERTY IS 0.99995502. ALL BEARINGS AND DISTANCES SHOWN ARE BASED ON GRID COORDINATES.
- DEED REFERENCE L: 35158 F: 37 PLAT REFERENCE L: 3319 F: 319

**NOTE:**  
CONTRACTOR IS SOLELY RESPONSIBLE TO LOCATE ALL UTILITIES TO DETERMINE EXACT LOCATIONS, AND TO RELOCATE/RECONNECT AS REQUIRED.

**UTILITY STATEMENT:**  
THE UNDERGROUND UTILITIES SHOWN HEREON (IF ANY) HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. UNLESS OTHERWISE NOTED, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

- LEGEND**
- PROPERTY LINE
  - ADJOINING PROPERTY LINE
  - CRITICAL AREA DESIGNATION BOUNDARY
  - SOIL TYPE
  - ZONING
  - FLOOD ZONE X
  - FEMA FLOOD ZONE
  - EXISTING CONTOURS
  - EXISTING BUILDINGS
  - EXISTING SEWER HOUSE CONNECTION
  - EXISTING STORMDRAIN PIPES
  - EXISTING WOOD FENCE
  - WETLAND
  - TRANS. TRANSFORMER
  - AC AIR CONDITIONER
  - TEL. TELECOMMUNICATIONS
  - L. F. LIBER; FOLIO
  - N/F NOW OR FORMERLY
  - LIGHT
  - MAILBOX
  - WATER VALVE/PIGOT
  - PKF PK OR MAGNETIC NAIL FOUND
  - IPF IRON PIPE FOUND
  - RCF REBAR AND CAP FOUND
  - F.F.E. FIRST FLOOR ELEVATION
  - B.F.E. BASEMENT FLOOR ELEVATION
  - G.F.E. GARAGE FLOOR ELEVATION
  - B.R.L. BUILDING RESTRICTION LINE
  - ROOF DRAIN SPOUT
  - 12" SINGLE TREE WITH SIZE
  - 15" TWIN TREE WITH SIZE
  - T.B.R. TO BE REMOVED
  - L.D.B. LIMITS OF DISTURBANCE
  - PROPOSED DECK AREA
  - PROPOSED WALL
  - SSF SUPER SILT FENCE
  - STEEP SLOPES > 15%
  - NWI WETLAND AREA
  - EXISTING IMPERVIOUS AREAS
  - EXISTING STRUCTURE
  - EXISTING RIP RAP



**SITE TABULATIONS:**

TOTAL SITE AREA: 94,818 SF (2.18 AC.)

CRITICAL AREA DESIGNATION: LDA (LIMITED DEVELOPMENT AREA) 94,818 SF (2.18 AC.) (98.6%)  
RCA (RESOURCE CONSERVATION AREA) 1,294 SF (0.03 AC.) (1.4%)

SITE AREA (LDA): 93,524 SF (2.15 AC.) (98.6%)  
SITE AREA (RCA): 1,294 SF (0.03 AC.) (1.4%)

ZONING DISTRICT: RLD (RESIDENTIAL LOW-DENSITY)  
OS (OPEN SPACE)

SITE AREA (RLD): 92,023 SF (2.11 AC.) (97.0%)  
SITE AREA (OS): 2,795 SF (0.06 AC.) (2.3%)  
LIMITS OF DISTURBANCE: 4,862 SF (0.11 AC.)

EXISTING C.A. LOT COVERAGE: (LDA): 16,232 SF (0.37 AC.) (17.1%) (RCA): 0 SF  
LDA: 3,972 SF  
EX HOUSE: 8,604 SF  
EX DRIVEWAY: 643 SF  
EX PORCH: 78 SF  
EX PATIO: 974 SF  
EX POOL: 280 SF  
EX CONCRETE: 826 SF  
EX STONE: 441 SF  
EX STEPS: 219 SF  
EX WALLS: 201 SF

ALLOWABLE C.A. LOT COVERAGE (LDA): 14,029 SF (0.32 AC.) (15.0%)  
GRANDFATHERED LOT COVERAGE: 16,017 SF (0.37 AC.) (16.9%)  
[§17-8-403]

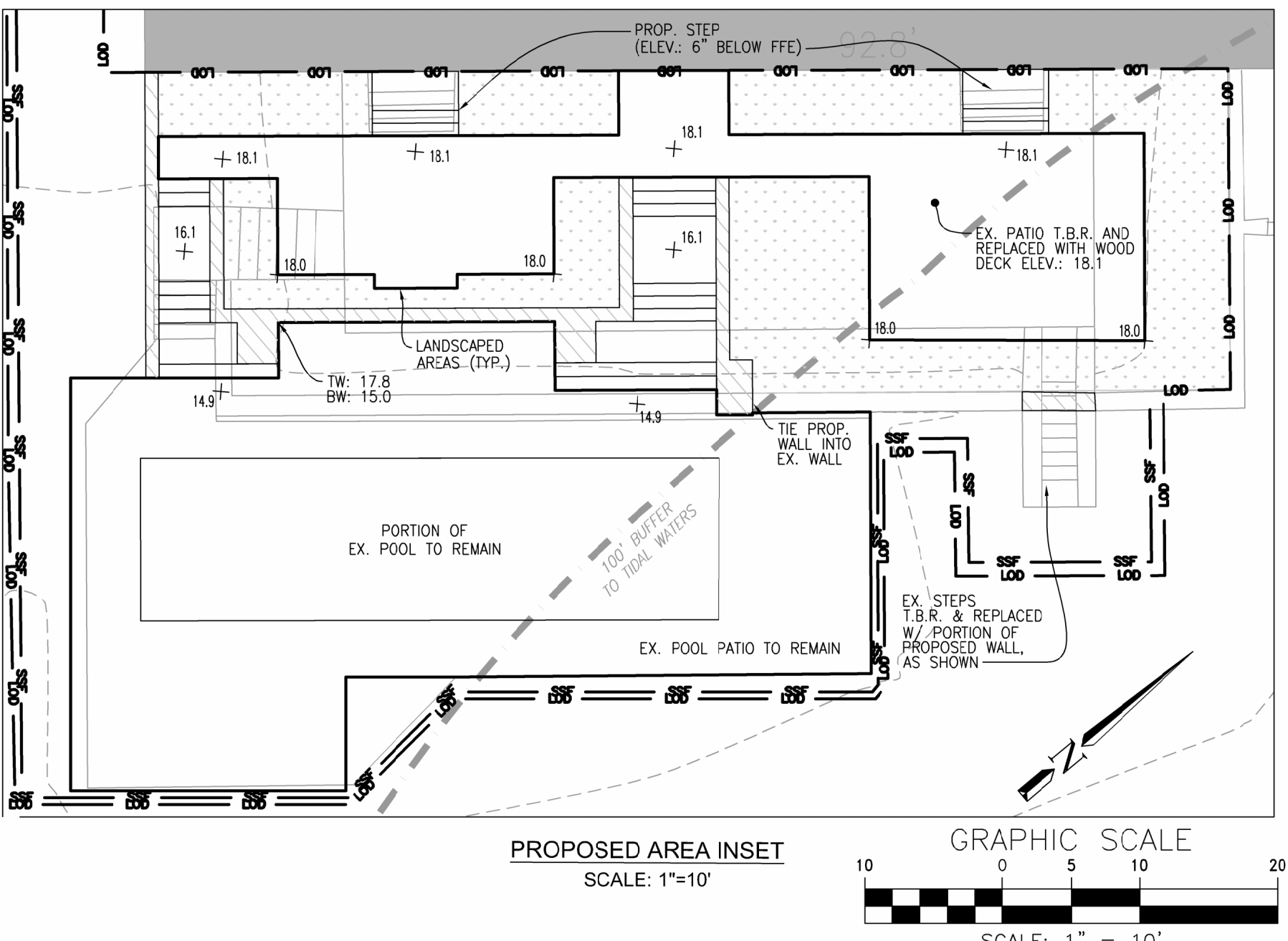
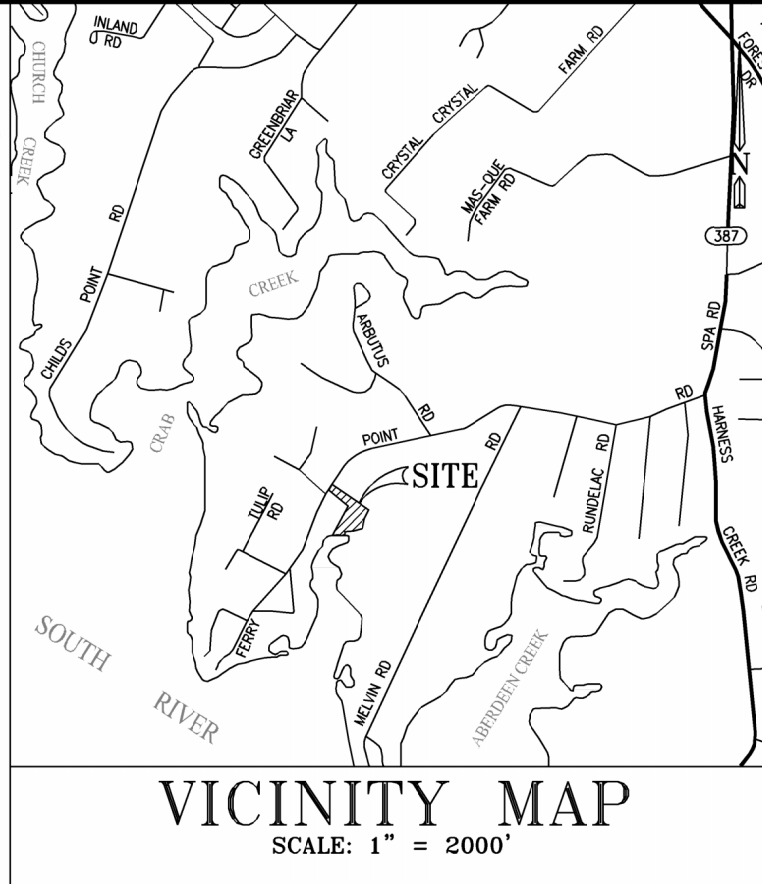
PROPOSED LOT COVERAGE: (LDA): 15,496 SF (0.35 AC.) (16.3%) (RCA): 0 SF  
LDA: 3,972 SF  
EX HOUSE: 8,604 SF  
EX DRIVEWAYS: 441 SF  
EX STONE: 486 SF  
EX WALKWAYS: 112 SF  
EX WALLS: 17 SF  
EX MISC.: 78 SF  
EX PORCHES: 1,156 SF  
PROP WALKWAYS: 114 SF  
PROP POOL: 504 SF  
PROP CONCRETE PAD: 15 SF

EX COV. BY STRUCTURES (RLD): 4,878 (0.11 AC.) (5.3%)  
MAX. COV. BY STRUCT. (RLD): 23,096 SF (0.53 AC.) (25.0%)  
PROP. COVERAGE BY STRUCT. (RLD): 4,735 SF (0.11 AC.) (5.0%)

ZONING SETBACKS RLD: PRINCIPAL STRUCTURE  
FRONT: 50'  
SIDE: 20'  
REAR: 40'  
HEIGHT: 45'

ACCESSORY STRUCTURE  
FRONT: 60'  
SIDE: 20'  
REAR: 20'

EXISTING CANOPY: 55,000 SF (1.26 AC.) (57.9%)  
MAXIMUM ALLOWABLE CLEARING: 16,475 SF (0.38 AC.) (30.0%)  
PROPOSED CLEARING: 0 SF



**Revisions**

Rev. #	By	Date	Description

I hereby certify that these documents were prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Maryland.

WILLIAM BOWEN, PE, PLS  
58977  
12/19/25  
Expiration Date

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866.850.4200 www.atwell-group.com  
2081 RIVA ROAD, BUILDING 800  
ANNAPOLIS, MARYLAND 21401  
410.897.9590

Date: February 9, 2024  
Job Number: 23007243  
Scale:  
Drawn By: JCL  
Approved By: WB  
Folder Reference: ENGINEERING

ADMINISTRATIVE PLAN  
WILD ROSE SHORES

TAX MAP 56, GRID 03, PARCELS 41  
TAX ID: #02-000-90002191  
451 FERRY POINT ROAD  
ANNAPOLIS, MARYLAND 21403  
SECOND DISTRICT ANNE ARUNDEL COUNTY ZONING DISTRICT RLD

Sheet No. 01 OF 01

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
56	41			

Tax ID: 02-000-90002191

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
 General Project Information

Project Name (site name, subdivision name, or other) 451 Ferry Point Rd - Thornton Residence

Project location/Address 451 Ferry Point Rd

City Annapolis, MD Zip 21403

Local case number

Applicant: Last name Thornton First name Leslie

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:

Remove existing lot coverage. Construct retaining wall and pervious grade level deck within buffer

Intra-Family Transfer <input type="checkbox"/> Yes Grandfathered Lot <input checked="" 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"/>
---	---

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area		4,862sf
LDA Area		93,524sf			
RCA Area		1,294sf			
Total Area		94,818sf	# of Lots Created	0 lots created	

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		16,475sf	Existing Lot Coverage		16,232sf
Created Forest/Woodland/Trees		0sf	New Lot Coverage		0sf
Removed Forest/Woodland/Trees			Removed Lot Coverage		734sf
			Total Lot Coverage		15,498sf

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		750sf	Buffer Forest Clearing		0sf
Non-Buffer Disturbance			Mitigation		750sf

<p><u>Variance Type</u></p> 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 type="checkbox"/> Steep Slopes <input type="checkbox"/> Other <input type="checkbox"/>	<p><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Dwelling <input 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 checked="" type="checkbox"/> Retaining Wall
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# **Chesapeake Bay Critical Area Report**

## **Thornton Residence**

Tax Map 56, Grid 03, Parcel 41  
Tax Account No. 02-000-90002191

**Property Address:** 451 Ferry Point Rd, Annapolis, MD 21403

**Property Owner & Variance Applicant:** Leslie M Thornton, Trustee

**Critical Area Designation:** LDA & RCA **Zoning:** RLD/OS **Lot Area:** 94,818sf

### **Site Description**

Enclosed please find a complete variance application submittal package for proposed development at 451 Ferry Point Road in Annapolis. The subject property is irregularly shaped, is roughly 2.18 Ac in area, and enjoys water frontage along Aberdeen Creek. The property is currently improved with a single-family dwelling, with accessory residential site amenities, including a pool and a raised patio and gravel area between the pool and the dwelling. The property is mapped within the RLD zoning district and is entirely within the Chesapeake Bay Critical Area, with LDA & RCA land use designations. The property was created by plat, recorded in the land records of Anne Arundel County on June 17, 1980, and therefore is a grandfathered lot in the Critical Area. The shoreline is stabilized with a bulkhead and is not mapped within the Buffer Modification Area. Adjacent to the shoreline are a non-tidal wetland and steep slopes, thereby causing the 100ft buffer to tidal waters to expand. The buffer expands to encumber the wetland area, and then expands again to encumber the area of land within 50ft of the top of two pockets of steep slopes. Portions of the house, patio, pool, and driveway are within the Buffer. The dwelling is served with a private septic system and a private well.

### **Proposed Use**

The owner is currently redeveloping the waterfront outdoor amenities. The majority of the work is currently approved under B02416917, including reconfiguring the existing pool. The gravel & patio area are elevated from the pool area by an existing retaining wall. As part of the renovations, a set of existing masonry steps will be removed from the Buffer; however, these masonry steps serve to retain soil in the raised patio area. A new section of wall must be built to fill in where the stairs were removed. Additionally, a small area (195sf) of pervious grade level decking will replace the paver patio within the buffer. Therefore, we request a variance to Article 17-8-301(b) to disturb the Critical Area Buffer and to construct a wall to fill in where the stairs were removed, and to construct a pervious grade-level deck within the buffer. A pre-file Site Plan was submitted on December 1, 2023.

## **Vegetative Coverage**

Vegetative stabilization consists of lawn area, isolated trees, and ornamental shrubs. The area to be disturbed on-site by the proposed work will be roughly 4,862 sf (0.11 Ac.) and includes portions of the existing structures and improvements. The existing tree canopy area on-site is approximately 16,475sf (0.38 Ac.) The tree canopy to be removed is 0 sf (0.00 Ac.), or roughly 0% of existing wooded area.

## **Lot Coverage**

The site is currently improved with 16,232 sf (0.37 Ac.) of existing lot coverage in the LDA, and 0 sf in the RCA. The proposed lot coverage for this property is 15,498sf (0.35 Ac.) in the LDA, and 0 sf in the RCA. The lot coverage for the site will be reduced by 734sf. This is less than the allowable grandfathered amount of lot coverage for the LDA portion of the site, which is 16,017sf.

## **Steep Slopes (slopes $\geq$ 15%)**

The subject property contains some small pockets of steep slopes in the southeastern portion of the site. The steep slope swill not be disturbed.

## **Predominant Soils**

The predominant soil types in the area are Annapolis Fine Sandy Loam (AsE &AsC), and Colemantown fine sandy loam (CkA). The soils have a type C hydrologic classification. The Annapolis soils are not considered hydric, but the Colemantown soils have a 95% rating. The Colemantown soils are mapped entirely within the 100ft & Expanded Buffer, and therefore, do not cause any further buffer expansion.

## **Drainage and Rainwater Control**

Runoff from this property flows toward both the Aberdeen Creek and the Ferry Point Rd. No stormwater management appears to exist for the property. The proposed improvements will include the use of super silt fence around the proposed construction for sediment control.

## **Conclusions**

The applicants propose to update and maintain existing residential site amenities. The scope of work includes removing lot coverage from the buffer and reducing overall lot coverage on the site. With the implementation of current standards and environmental systems that include reforestation, and sediment controls, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

This report is based on a Variance Plan prepared by Atwell, LLC and dated February 2024.





## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE (2023-0057-P)

DATE OF MEETING: 12/1/2023

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Leslie Thornton/Thomas Hall, CPJ Assoc. EMAIL: thall@cpja.com, lestermil@aol.com.

SITE LOCATION: 451 Ferry Point Road, Annapolis LOT SIZE: 2.18 ac ZONING: RLD/OS

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

The property owner wishes to demolish a portion of the existing improvements that are located within the 100' buffer to tidal waters, and repair the existing pool deck, while reconfiguring the size and dimensions of the pool. While most of the work is located outside of the 100' buffer and the expanded buffer, small areas will be in conflict with these buffer areas. Approximately 15 sf of disturbance is located within the expanded buffer, and 1,108 sf of disturbance is located within the 100' buffer. Of the 15 sf of disturbance within the expanded buffer, approximately 1 sf is to remove lot coverage from within the buffer, with the remaining disturbance being provided to have adequate space to install additional plantings. The disturbance within the 100' buffer is required to demolish the existing steps and a portion of the retaining wall, to demolish a portion of the existing brick patio, and to replace the existing pool decking. The steps and a portion of the retaining wall are being removed entirely, being replaced with only a small portion of retaining wall to connect the two existing retaining walls. The brick patio is being replaced with wood decking and is being reduced in area. The existing pool decking is cracked in multiple locations, and the owners wish to replace it before full global failure. The pool decking will be replaced in-kind. The existing pool decking is not expanding within the 100' buffer. In order to perform this work, a variance to §17-8-301(b) is being requested, to allow disturbance to the buffer to tidal waters.

#### COMMENTS

The **Critical Area Team** reviewed the proposal and offered no objection.

The **Zoning Administration Section** reminds the application that, in order for a Critical Area variance to be approved, the applicant 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).

#### 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.