

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

APPLICANT: Robert Harris III

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2024-0020-V

COUNCILMANIC DISTRICT: 5th

HEARING DATE: April 16, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow an accessory structure (pool with patio surround) with less buffer than required on property located at 658 Rock Cove Lane in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 1.78 acres of land and is located with 20 feet of frontage on the southwest side of Rock Cove Lane, 430 feet southwest of Brickworks Lane. It is identified as Lot 24 of Parcel 57 in Grid 10 on Tax Map 31 in the subdivision of Bluff Point on the Severn.

The property is zoned R1 – Residential District, as adopted by the comprehensive zoning for Council District 5, effective January 29, 2012. The site fronts the Severn River, is located within the Chesapeake Bay Critical Area overlay, and is designated as RCA – Resource Conservation Area. The majority of the shoreline is not mapped as buffer modified and is subject to the standard buffer regulations. However, there is a small area in the southwestern corner that is mapped as BMA - Buffer Modification Area. The property is currently improved with a single-family detached dwelling and other associated facilities including a pier, walkways, and a driveway that was recently widened and expanded with a semi-circular pick-up drop-off area.¹

PROPOSAL

The applicant proposes to construct an oblong-shaped in-ground pool, measuring 16’ wide by 32’ long, and an irregularly-shaped patio surround on the waterfront side of the existing dwelling. The total area of the pool and patio combined would be 896 square 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 tidal wetlands. § 18-13-104(b) provides for an expanded buffer where there are, among other

¹ The County2024 aerial photograph shows that the existing driveway, which was widened and expanded between February and July of 2023, is wider than the driveway area shown on the current site plan. If the existing and proposed coverage presented with this application is based on the current variance site plan rather than what actually exists on the ground, then it appears that the overall lot coverage may exceed the maximum coverage allowed.

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 pool and patio would necessitate a variance to disturb an unspecified area of the buffer/expanded buffer. If approved, the actual amount of buffer disturbance would be determined at the time of permitting.

FINDINGS

The subject property is irregular in shape and far exceeds the minimum 40,000 square foot area and 150-foot width required for a lot in an R1 District. The existing critical area lot coverage is presented as 11,110 square feet. The post-construction coverage is presented as 11,183 square feet, which would fall just below the maximum 11,190 square feet (15%) of coverage allowed. If the buffer variance is approved, the site plan discrepancy (driveway area issue footnoted on Pg 1) and associated pre and post-construction coverages would need to be addressed at permitting.

The property was the subject of four prior variance applications. Under case #1999-0333-V, approval was granted to construct a single-family dwelling with buffer and slope disturbance. Under case #1999-0334-V, conditional approval was granted to construct a pool and patio within the expanded buffer. Under case #2001-0047-V, conditional approval was granted to construct a pool and patio within the expanded buffer. A pool was never constructed under the two previous variance approvals. Finally, under case #2002-0348-V, a third application to construct a pool and patio in the expanded buffer was denied, based on the recently passed Senate Bill 326 of the 2002 Session of the General Assembly, which strengthened the Critical Area regulations and the associated variance standards. That decision was not appealed to the Board of Appeals.

The **Cultural Resources Section** commented that, while this property is in an area of high archaeological potential, the proposed disturbance is confined to areas of existing disturbance. The Cultural Resources Section shall require review of building/grading permit plans to confirm no adverse effect prior to permit approval. If future development is proposed that may cause new disturbance, the Cultural Resources Section may have further archaeological requirements.

The **Development Division (Critical Area Team)** commented that they cannot support this request as it does not meet the test for approval of a variance in the Critical Area. The existing home with significant expanded buffer disturbance was constructed under variance 1999-0333-V. At the time that variance was approved, the Administrative Hearing Officer determined that was the minimum relief necessary and additional relief should not be granted. The Critical Area Team concluded that they cannot support the additional relief requested under this application.

The **Critical Area Commission** comments were not available at the time this report was prepared. However, the Commission has indicated that they intend to provide formal written comments prior to the scheduled variance hearing.

The **Department of Health** commented that the property is served by public water and sewer facilities. Therefore, the Department has no objection.

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. The need for a variance must be substantial and urgent and not merely for the convenience of an applicant. In this particular case, while the lot is encumbered by steep slopes and the expanded buffer, the presence of steep slopes and of the buffer are not unique to this particular lot.

The granting of a critical area variance for a pool in the buffer would confer on the applicant a special privilege that would be denied by COMAR, Title 27. The applicant already has the benefit of a substantial dwelling with multiple outdoor amenity areas. Therefore, the applicant is not being denied reasonable use of this residentially zoned lot. The variance request is not based on conditions or circumstances that are the result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance 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 applicant has not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and has not evaluated or implemented site planning alternatives.

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 resource conservation area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare.

The lot is encumbered by steep slopes and the expanded buffer, and these environmental features do prevent further development of the lot without variance relief. However, a pool is considered a luxury rather than a necessity and is not necessary to achieve reasonable and significant use of a residential property. More importantly, the site plan shows that the proposed pool and patio would be located within the dedicated Forest Conservation Area, which would not be allowed. Because the variance relief is not warranted, it cannot be supported and cannot be considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of the proposed Critical Area variance.

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.

11 January 2024

ANNE ARUNDEL COUNTY
DEPT. OF PLANNING & CODE ENFORCEMENT
Heritage Office Complex - 2662 Riva Road
Annapolis, MD 21401

SUBJECT: 658 ROCK COVE LANE
Severn Park, MD, 21146
Lot 24, Plat 3; Bluff Point on the Severn
VARIANCE: DISTURBANCE TO THE EXPANDED BUFFER

The subject waterfront property comprises an area of 74,601 Sq.Ft and includes an existing 2 story house and driveway, The site is Zoned R-1, in the RCA Critical Area and not in the Buffer Modification Area or Flood Zone.

Our plan, is to construct a 16' x 32' inground pool & patio (896 sf in the Expanded Buffer). The pool is proposed in the same vicinity of a pool approved by a previous variance (1999-0334-V). The variance was submitted by the previous homeowners and never built. We are told a variance is required to Art. 17-8-301 to disturb the Expanded Buffer. Therefore, a Variance to construct the pool is hereby requested and is believed well justified by the following:

- o The pool has been sized and positioned in the same vicinity as the previously approved pool. The pool location is in a previously approved disturbed area for the original house construction (1999-0333-V) now maintained as lawn.
- o Our neighbors currently enjoy similar size or larger swimming pools and the proposal will not alter views of the adjacent owners.
- o The proposal removes coverage from the 100' buffer and results in a mere 73 sq.ft net increase of coverage. Other than Expanded Buffer disturbance, all other Zoning setback, coverage limitations & Well requirements will be met.
- o This proposal is in harmony with the previously approved variance. It is believed the variance being requested is the minimum necessary to afford relief from the zoning code.

Based upon the above, it is hereby requested that this variance be granted. Should there be a need for additional information, please contact me at (443) 623-4143.

Respectfully,

Robert Harris III

Pen Mar Environmental Services, LLC

P.O. Box 6809
Annapolis, MD 21401
2dmusser1@gmail.com
443.875.3955

**CHESAPEAKE BAY CRITICAL AREA REPORT with NARRATIVE
DESCRIPTION**

PROPERTY: Lot 24, Plat 3, Bluff Point on the Severn
658 Rock Cove Lane, Severna Park, MD 21146

CURRENT OWNER: Robert Harris
658 Rock Cove Lane
Severna Park, MD 21146

DESCRIPTION: 1.78 Acres
Tax Map 31, Grid 10, Parcel 57
Tax ID#3126-9004-8952

ZONING: R1 – Residential

CRITICAL AREA: RCA – Resource Conservation Area

DATE: December 22, 2023

Introduction and Site Description:

This Chesapeake Bay Critical Area Report is being prepared to meet Anne Arundel County standards for development in the Chesapeake Bay Critical Area. The 1.72 acre (74,801 sq. ft.) site is located in Severna Park, Maryland in central Anne Arundel County (Fig. 1). The subject property is zoned as R1 – Residential (Fig. 2) and is located within the Severn River Watershed (8 Digit #02131002). The site is currently developed and exhibits 11,110 square feet of existing impervious area (14.85% of site area) in the form of an existing single-family home with driveway and patio areas. The existing home is surrounded by developed woodland that is under a Forest Conservation Easement. Canopy coverage is approximately 31,638 square feet which is 42.3% of the site area. The entire 74,601 sq. ft. site has been designated as a Resource Conservation Area (RCA) within the Chesapeake Bay Critical Area (Fig. 3).

The property is located at the east end of Rock Cove Lane, South of Benfield Road. It is bordered on both the north and east sides by developed residential property. It is bordered along its' south property boundary by the Severn River. To the west of the subject property is the R5 zoned Carrollton Manor Subdivision. The property lies at the top of a knoll with "steep-slopes", draining south towards the Severn River and west to the Carrollton Manor subdivision. Onsite topographic elevations range from 0' above sea level (a.b.s.) along the shores of the Severn River up to 26' a.b.s. centrally on the property (Fig. 4).

The existing homes in this subdivision are served by public sewer and water service.

Existing Vegetation:

The subject property includes a single family home and is approximately 42.3% forested with developed woodland as it is bordered in three directions by other residential, single-family homes (Figs. 5-5(a)). The developed woodland that exists on the property is protected by a recorded Forest Conservation Easement. It is dominated by intermediate-aged, upland deciduous trees with a moderately dense understory. The overstory trees on the property include a dominance chestnut oak (*Quercus prinoides*), sassafras (*Sassafras albidum*), red maple (*Acer rubrum*) and southern red oak (*Quercus falcata*). Virginia pine (*Pinus virginiana*) trees are scattered throughout the wooded slope. The understory is dense with American holly (*Ilex opaca*) and also includes eastern red bud (*Cercis canadensis*), mountain laurel (*Kalmia latifolia*) and coastal pepperbush (*Clethra alnifolia*). Partridge berry (*Mitchella repens*) was noted as a groundcover. Many of the chestnut oaks on the site are in decline or standing dead. No trees over 30-inches in diameter were found on the property.

Environmental Features and Habitat Protection Areas:

According to a review of Maryland's Environmental Resources and Land Information Network (MERLIN), the site is not considered to be Forest Interior Bird Dwelling species (FIDs) habitat and it is not within a sensitive species review area (Fig. 6). Additionally, steep slopes over 15% and their associated buffers are located on the property. No non-tidal wetlands are indicated on the MERLIN Wetlands Map or the Fish and Wildlife Service National Wetland Inventory Map (Fig. 7 and Fig. 8). However, the site review indicated two small, isolated, nontidal wetlands in the southwest corner of the site that lies adjacent to the tidal wetland. The location of these nontidal wetlands is indicated on the Variance Pre-file/Site Plan does not change the expanded 100-foot tidal wetland buffer. The property is waterfront and the 100-foot buffer to tidal waters expands across the southern half of the property. A small portion of the 100-year floodplain is located along the south shoreline of this property and is shown on the site plan prepared by Boyd & Dowgallio, P.A. (Fig. 9). Additionally, the review identified no historic waterfowl staging areas or colonial water bird nesting sites.

Soils:

The USDA Natural Resources Conservation Service identifies one soil type is found on site which is Udorthents, loamy (UoE) on 5% - 25% slopes (Fig.10). The Udorthents, loamy, is a loam soil down to 72 inches. It is well drained and does not have a hydric soil rating. The Annapolis fine sandy loam has a whole soil erosion "K" factor rating of 0.37.

Proposed Use:

The property owner is proposing to install a swimming pool (459 sq. ft.) and associated sidewalk (437 sq. ft.) to surround the pool. This will create an additional 896 square feet of impervious surface. Given the existing, on-site, impervious area of 11,110 square feet and adding the proposed 896 square feet of new impervious area; a total of 12,006 square feet of impervious area is proposed on the site. This is 816 square feet above the allowable 15% of the site or 11,190 square feet. It is proposed that 823 square feet of existing asphalt driveway will be

removed to offset the new impervious area as identified on the attached Site Plan prepared by Boyd and Dowgiallo, P.A. (Fig. 10). This will bring the total proposed onsite Lot Coverage to 11,183 square feet which is now below the allowable 15% or 11,190 square feet. No forest clearing is proposed as a result of this proposed construction.

Stormwater management will be in compliance with the AACO Stormwater Management Practices and Procedures Manual updated 10-1-2017 and will utilize Environmental Site Design (ESD) to the Maximum Extent Possible (MEP). Reforestation will be on a 2:1 basis for the new impervious area or 1,792 square feet ($896 \times 2 = 1,792$).

Minimization of Impacts:

The proposed structure is being located within the limits of an existing retaining wall and will not encroach further into the 100-foot buffer to tidal water than existing site improvements. Impervious surfaces have been reduced to be below the permissible 15% of lot coverage which is 11,190 square feet. No additional forest clearing is proposed.

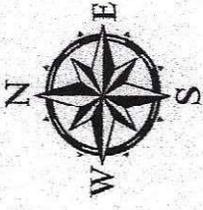
Conclusions:

The site is located in a Buffer Modification Area along the shores of the Severn River. Based upon the field review it was determined the no significant or endangered vegetation exists on the property. While steep slopes exist on the site, the proposed new structure is generally outside of the steep slopes as it is within an existing retaining wall. No hydric soils are mapped on the project area. Other than the steep slopes, 100-foot buffer to tidal water, no other habitat protection areas were found to exist.

Proposed new impervious area within the RCA Critical Area is 896 square feet for a new swimming pool and concrete apron. After removing 823 square feet of existing driveway and adding the existing home and improvements, the total impervious area is 11,183 sq. ft. which is below the maximum 15% permitted of 11,190 sq. ft. No forest area is proposed to be removed. Stormwater management will be in compliance with the AACO Stormwater Management Practices and Procedures Manual updated 10-1-2017 and will utilize Environmental Site Design (ESD) to the Maximum Extent Possible (MEP).

List of Figures

- Fig. 1 – Vicinity Map
- Fig. 2 - AACO Zoning Map
- Fig. 3 – Critical Areas Map
- Fig. 4 – Topography Map
- Figs. 5-5(a) - Aerial Photos
- Fig. 6 – MD MERLIN Habitat Protection Areas
- Fig. 7 – MD MERLIN Wetland Areas
- Fig. 8 - USFWS – NWI Map
- Fig. 9 – USDA Soil Survey
- Fig. 10 – Site Plan



Features

□ County Boundary

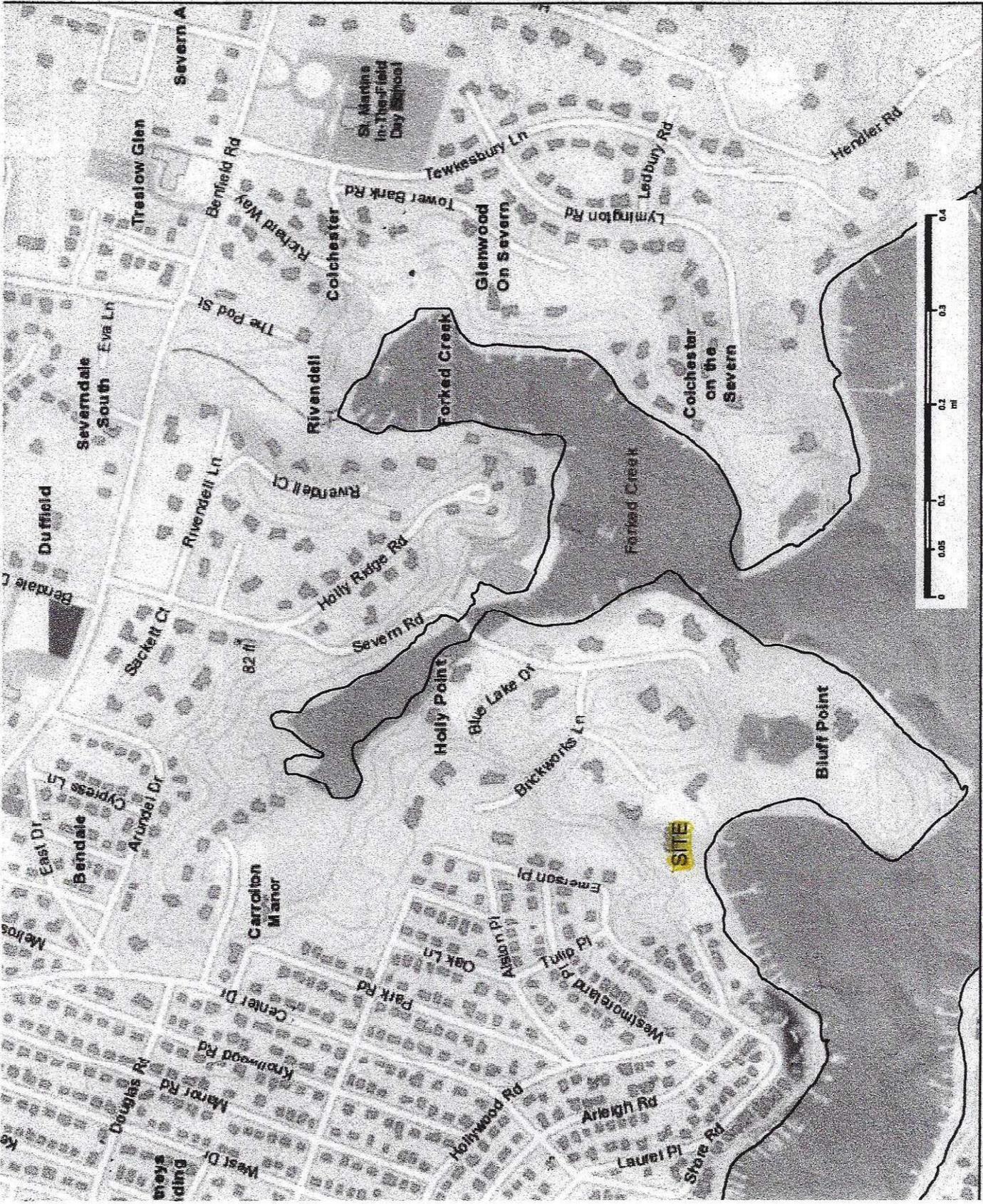
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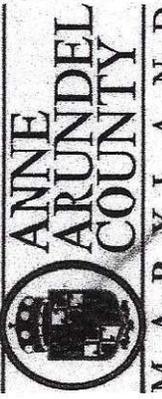
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Fig. 1



Vicinity Map - 658 Rock Cove Ln





Features

Zoning

- Parcels
- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway
- City of Annapolis
- MA1-Community Marina
- MA2-Light Commercial Marina
- MA3-Yacht Club
- MB-General Commercial Marina
- MC-Heavy Commercial Marina
- MXD-C Mixed Use Commercial
- MXD-R Mixed Use Residential
- MXD-T Mixed Use Transit
- MXD-E Mixed Use Employment
- C-COR Odenton Core
- C-EOD East Odenton
- C-HS Odenton Historic
- C-IND Odenton Industrial
- C-NOD North Odenton
- C-TRA Odenton Transition
- CS Open Space
- R1 Residential
- R10 Residential
- R15 Residential
- R2 Residential
- R22 Residential
- R5 Residential
- RA Rural Agricultural
- RLD Residential Low Density
- SB Small Business
- TC Town Center
- W1 Industrial - Light
- W2 Industrial - Light
- W3 Industrial - Heavy
- Water
- County Boundary

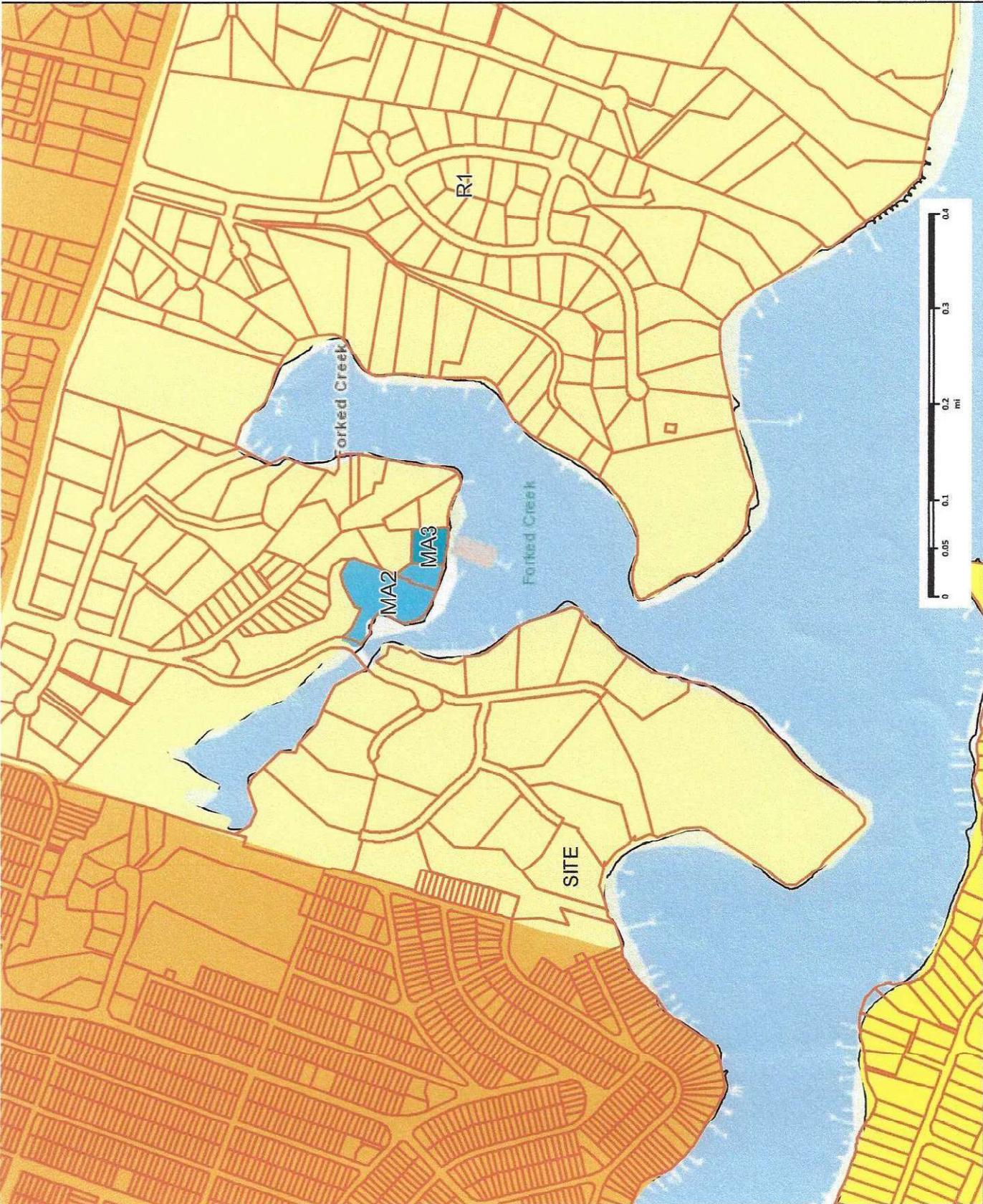
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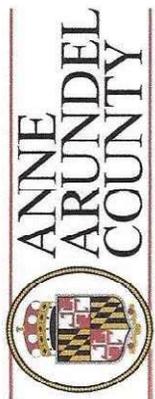
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Fig 2



Zoning Map 658 Rock Cove Ln



Anne Arundel County Critical Area Map

Legend

-  Road Edge
-  Building Foot Print
-  Water
- Critical Areas**
-  RCA - Resource Conservation Area
-  LDA - Limited Development Area
-  IDA - Intensely Developed Area

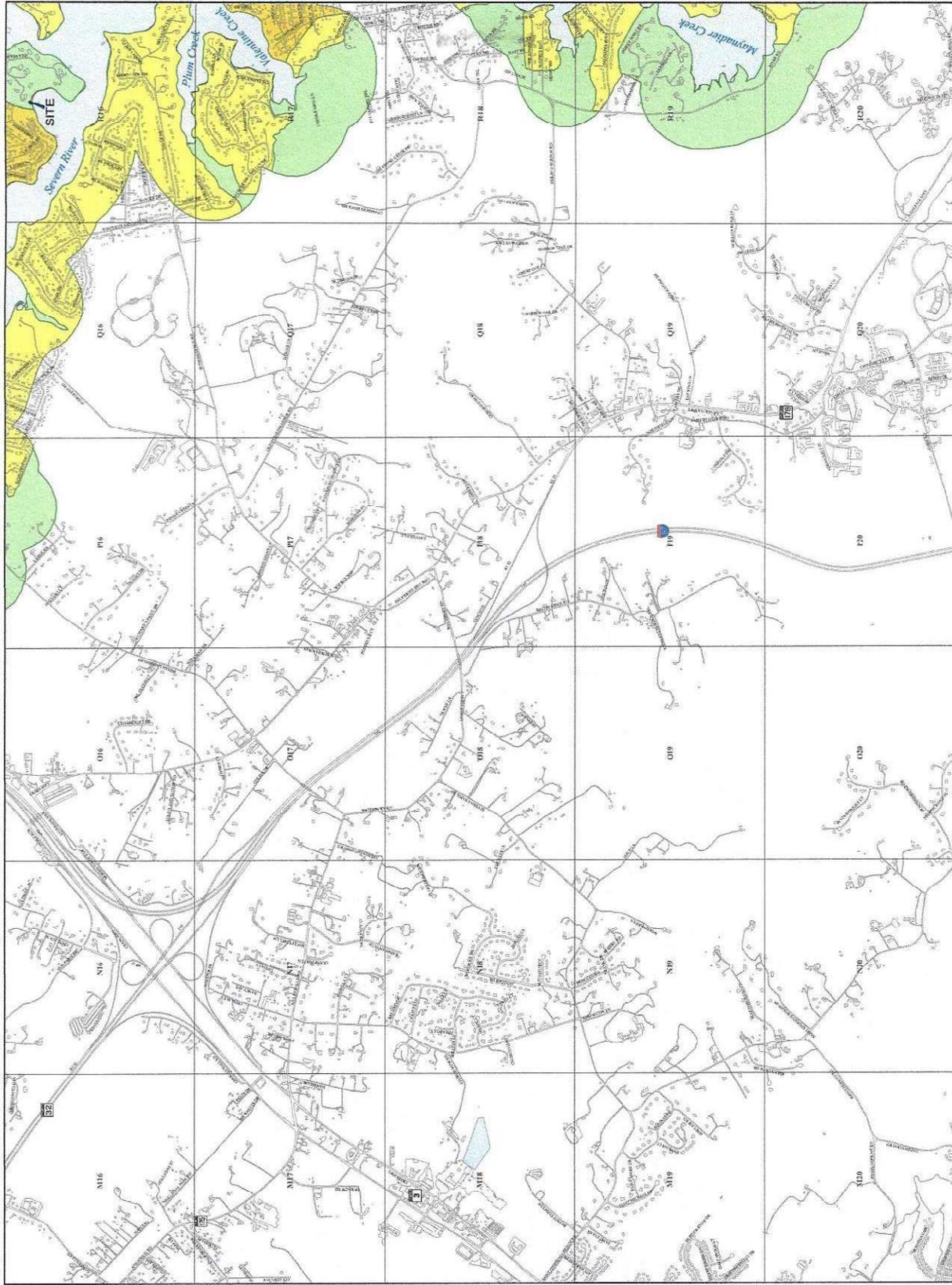


1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40

Sheet No. 15



Map Scale: 1" = 1000'



2004 Revisions derived from 2002 aerial photography. (Issue February 7, 2002)
Original boundary overlaid on 2004 map with 2004 Critical Area Map Publications.pdf
Copyright 2001

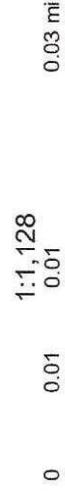
Fig. 3

Topo Map - 658 Rock Cove Ln



10/17/2023, 11:18:17 AM

1:1,128



- Local Road Label
- County Boundary
- Parcels
- Topography 2017 - 1ft contours
- Index
- Intermediate
- Topo 2017 Labels
- Impervious Surfaces 2020
- DECK
- DRIVEWAY
- BUILDING
- PIER
- ROAD
- SIDEWALK
- PATIO

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasyrisen, Fijkswaterstaat, GSA, Geoland, FEMA, Fig. 4

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Aerial Photo - 658 Rock Cove Ln



10/17/2023, 9:58:28 AM

- Local Road Label
- County Boundary
- Orthophoto 2021
- Red
- Green
- Blue
- Parcels

1:1,128
0 0.01 0.02 0.01 0.01 0.03 mi
0 0.01 0.02 0.04 km

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA,

Fig 5

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Aerial Photo#2 - 658 Rock Creek Ln



1/30/2024, 6:15:48 PM

-  County Boundary
-  Blue: Blue
- Orthophoto 2023
-  Red: Red
-  Structure Address
-  Green: Green
-  Parcels

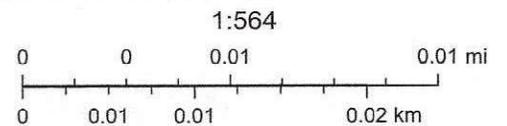


Fig. 5(a)

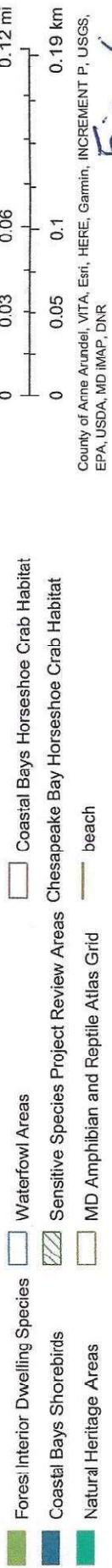
Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS.

MERLIN Living Resources -6558 Rock Cove Ln



10/17/2023, 10:56:41 AM

1:4,514



County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, MD IMAP, DNR

Fig. 6

County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | MD IMAP, DoIT | MD IMAP, USDA | MD IMAP, USGS | MD IMAP, COMMERCE, DHCD, MDP, MHT, MDOT, MDOT SHA, USDOT, FHWA, DoIT | MD IMAP, MDP,



U.S. Fish and Wildlife Service

National Wetlands Inventory

NWI Map - 658 Rock Cove Ln



U.S. Fish and Wildlife Service, National Standards and Support Team
wetlands.team@fws.gov

October 17, 2023

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Fig. 8

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

Soil Map—Anne Arundel County, Maryland
(658 Rock Cove Ln)



Map Scale: 1:1,080 if printed on A landscape (11" x 8.5") sheet.



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



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: 1-30-2024

Tax Map #	Parcel #	Block #	Lot #	Section
31	057	10	24	P13

FOR RESUBMITTAL ONLY

Corrections

Redesign

No Change

Non-Critical Area

*Complete Only Page 1
General Project Information

Tax ID: 3126-9004-8952

Project Name (site name, subdivision name, or other) Robert Harris Property

Project location/Address 658 Rock Cove Lane

City severna Park Zip 21146

Local case number

Applicant: Last name Harris First name Robert

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:

Existing Single family home is proposing a new pool is the Expanded buffer to steep slopes

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		
RCA Area	1.78	74,801
Total Area		

Total Disturbed Area Acres Sq Ft 73

of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		31,638	Existing Lot Coverage	11,110	11,110
Created Forest/Woodland/Trees		0	New Lot Coverage		896
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		823
			Total Lot Coverage		11,183

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		73	Buffer Forest Clearing		0
Non-Buffer Disturbance			Mitigation		219

Variance Type
 Buffer
 Forest Clearing
 HPA Impact
 Lot Coverage
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes
 Other

Structure
 Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other

Menu	Cancel	Help
Task OPZ Cultural Resources	Due Date 02/27/2024	Assigned Date 02/06/2024
Assigned to Department OPZ Cultural Resources	Assigned to Stacy Poulos	Status Complete w/ Comments
Action by Department OPZ Cultural Resources	Action By Stacy Poulos	Status Date 04/01/2024
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments While this property is in an area of high archaeological potential, the proposed disturbance is confined to areas of existing disturbance. The Cultural Resources Section shall require review of building/grading permit plans to confirm no adverse effect prior to permit approval. If future development is proposed that may cause new disturbance, the Cultural Resources Section may have further archaeological requirements.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
No		<input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar
Task Specific Information		

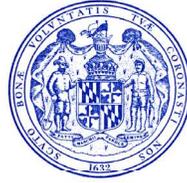
Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	

Menu	Cancel	Help
Task OPZ Critical Area Team	Due Date 03/28/2024	Assigned Date 02/06/2024
Assigned to Department OPZ Critical Area	Assigned to Kelly Krinetz	Status Complete w/ Comments
Action by Department OPZ Critical Area	Action By Kelly Krinetz	Status Date 04/05/2024
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments This Office cannot support this request as it does not meet the test for approval of a variance in the Critical Area. The existing home with significant expanded buffer disturbance was constructed under variance 1999-0333-V. At the time that variance was approved, the AHO determined that was the minimum relief necessary and additional relief should not be granted. This Office cannot support the additional relief requested under this application.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
		<input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar
Task Specific Information		

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	

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

April 11, 2024

Ms. Sterling Seay
Planning Administrator
Anne Arundel County Zoning Division
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: **658 Rock Cove Lane (Tax Map 31, Parcel Number 57); Variance**

Dear Ms. Seay:

Thank you for providing updated information regarding the above-referenced variance application. The applicant is proposing to remove an existing 141 square foot fishpond from within the Critical Area Buffer and construct a 459 square foot in-ground pool and 384 square foot patio, all within the Buffer. Additionally, the applicant proposes to remove a strip of the driveway and existing parking area totaling 682 square feet. The property is 1.72 acre and resides within the expanded buffer for steep slopes of the Critical Area in the Resource Conservation Area (RCA) designation. The property has an allowable lot coverage of 11,190 square feet with improvements totaling 11,183 square feet.

This office is opposed to this variance request as the applicant has not met the variance standards in COMAR 27.01.12 and Anne Arundel County Code 18-16-305 for development in the Critical Area Buffer as outlined below:

1. *Due to special features of the site or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the local Critical Area program would result in an unwarranted hardship to the applicant;*

Natural Resource Article, 8-1808, defines "unwarranted hardship" to mean that, without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested. The applicant is requesting to install a new in-ground pool and patio in an area that is currently improved with a fishpond. The dwelling and existing associated amenities were built under variance 1999-0333-V. and determined to be the minimum necessary to provide relief from the law. As of April 5, 2024, the applicant has the following amenities onsite: 5,815 square foot driveway, 128 square foot covered porch, 462 square feet of sidewalk, 96 square foot stoop, 95 square feet of steps, 654 square feet of concrete patio, two retaining walls, and 3,860 square foot dwelling. This office does not consider, and has never considered, a pool and patio to meet the standard of unwarranted

hardship. While the applicant is proposing to remove 823 square feet of driveway to meet the lot coverage limit for the site, they will be adding a 459 square foot in-ground pool and 437 square foot patio. The applicant already has reasonable and significant use of the entire lot with the existing amenities onsite; therefore, this request cannot meet this standard.

2. *A literal interpretation of the local Critical Area program would deprive the applicant of a use of land or a structure permitted to others in accordance with the provisions of the local Critical Area program;*

No applicant is guaranteed the right to a pool and patio within the Critical Area Buffer. The applicant is not deprived of the full use of the property and already has amenities commonly enjoyed by other property owners; a pool and patio are not necessary to ensure this. No individual has the right to disturb the Buffer onsite to construct a pool and patio. Therefore, denial of this variance would not deprive the applicant of a right permitted to others in accordance with the Anne Arundel County Critical Area program.

3. *The granting of the variance would not confer upon the applicant any special privilege that would be denied by the local Critical Area program to other lands or structures in accordance with the provisions of the local Critical Area program;*

The granting of this variance would absolutely confer a special privilege upon the applicant. Given that this office has never considered a pool and patio in the Buffer to be a right guaranteed to others, and that the applicant already enjoys reasonable and significant use of the lot; granting a variance to allow for a pool and patio in the Buffer would confer a special privilege on this applicant.

4. *The variance request is not based upon conditions or circumstances that are the result of actions by the applicant;*

Based on information provided to this office, the applicant has met this standard.

5. *The variance request does not arise from any conforming or nonconforming condition on any neighboring property;*

The applicant has followed the correct procedures for procuring appropriate approvals prior to commencement of work for this variance request. The applicant has met this standard.

6. *The granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area; and*

Granting this variance would adversely affect water quality and plant habitat. The applicant requests to construct a pool and patio within the Critical Area Buffer. The Buffer has been expanded to encompass steep slopes of greater than 15% as outlined in Anne Arundel County Code 18-13-104 (b) (1-2). This area is sensitive to erosion and is thus protected by the Critical Area law to limit disturbance. Runoff from the proposed development will flow to the tidal water body south of the property and could impact the sensitive steep slopes along

the way, further eroding the Critical Area Buffer. The patio and pool do not provide habitat or water quality benefits to nearby Rock Cove; therefore, this request will adversely impact fish, wildlife, and plant habitat in the Critical Area.

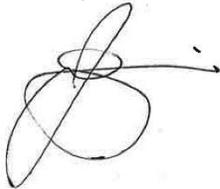
7. *The granting of the variance would be in harmony with the general spirit and intent of the Critical Area law, the regulations in this subtitle, and the local Critical Area program.*

The goals of the Critical Area law are to (1) minimize adverse impacts on water quality that result from development, (2) conserve fish, wildlife, and plant habitat, and (3) establish land use policies that accommodate development while recognizing that development adversely affects the first two goals. Granting this variance to allow for the construction of a pool and patio is not in harmony with the spirit and intent of the Critical Area Law. As stated previously, the applicant currently enjoys several amenities onsite and is requesting to add even more in a highly sensitive area specifically protected under the Critical Area law and regulations. The goal of the Critical Area law is to promote environmental stewardship of the land while allowing for development to occur; however, the extent of this request and its location in the Critical Area Buffer does not constitute stewardship. Therefore, this request should be denied.

In requesting a variance, the applicant bears the burden of demonstrating that each and every one of the variance standards have been met, including the standard of unwarranted hardship. The applicant has failed to meet the standards for a variance request as discussed above. Therefore, this request should be denied.

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,



Jonathan Coplin
Natural Resource Planner

File No. AA 0077-24

CC. Ms. Katherine Charbonneau, CAC
Ms. Charlotte Shearin, CAC
Ms. Jennifer Esposito, CAC



M A R Y L A N D
DEPARTMENT OF HEALTH

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.aahhealth.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

DATE: February 9, 2024

RE: Robert Harris III
658 Rock Cove Lane
Severna Park, MD 21146

NUMBER: 2024-0020-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure (pool) with less buffer than required.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

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

cc: Sterling Seay

ROCK GOVE LN

