

**Armond & Lisa Spikell
714 Skywater Road
Gibson Island, Maryland 21056**

March 27, 2024

Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401

RE: 714 Skywater Road
Gibson Island, Maryland 21056
Variance Letter of Explanation

My wife and I own a property located along the west side of Skywater Road, north of Yerbury Road, on Gibson Island. The street address is 714 Skywater Road, Gibson Island, Maryland 21056. The property is identified on Tax Map 33 as Lot 234 and part of Lot 233 in Grid 012 Parcel 0138 in the 3rd District. Tax Account # 03-352-00296825. Our waterfront lot is zoned R1 Residential District and is designated in the Chesapeake Bay Critical Area as a limited development area (LDA). The site is heavily encumbered by steep slopes and the expanded buffer to tidal waters. According to State tax records, the dwelling was constructed in 1928. The house is in the Gibson Island Historic District (AA-936) and is historically significant, it was designed by the artist and architect Harold Holms Wren and is built in the Spanish Revival style, constructed using stucco covered block making interior modifications difficult.

The property is our primary residence. We are both retired and are looking to modernize interior and exterior spaces so that we will be able to age-in-place. The house is sited at an elevation of approximately 111 feet above the Magothy River, has no access to the shoreline, nevertheless its primary waterfront feature is a commanding view of the river from its terrace.



However, the house is a two-level structure with a split level first floor with the entrance, a bedroom, kitchen, and dining room on one level and the living room and terrace accessed via stairs. The passage between the kitchen and dining room is by way of a hallway and two doorways too narrow for the use of a wheelchair. The only way to create an ADA accessible route to the terrace would be to modify two bearing walls and install a ramp from the dining area down to the living room. There is not enough room in the existing structure to construct a ramp of the proper length to access the waterfront view (see Exhibit C). Therefore, we would like to add a pervious deck to the kitchen so that it would be possible to enjoy the primary waterfront feature of the home without the need to negotiate stairs from the main level. Creating an opening from the kitchen would remove counter space and the existing plumbing (see Exhibit B).

We seek approval to construct an approximately 291 square foot addition to the kitchen within the expanded buffer as shown on Exhibit B.

That square footage is the minimum necessary to replace the lost kitchen counter space and create a direct passage between the kitchen, dining area and exterior deck. And While constructing the addition we would like to add a basement to provide space for the potential placement of Geothermal equipment.

The county code recognizes that having direct access to the shoreline is a primary feature of a waterfront property, § 17-8-201 specifically allows the construction of a shoreline access within a steep slope. We are requesting accommodation to provide direct ADA access to an exterior view of the shoreline within the steep slope buffer.

The property also has an existing accessory structure of approximately 417 square feet just to the east of the house. We would like to make an entrance to that structure that is wheelchair accessible, add a bathroom and reconfigure the roof. None of that work would involve any change to the building size or footprint but like the kitchen addition and deck the accessory structure is within the expanded buffer.

The existing impervious area of the lot is 7,875 square feet as shown on Exhibit F.

Natural Resources Article, § 8-1802, of the Maryland Code (iii) provides that (iii) "Lot coverage" does not include:

2. A walkway in the buffer or expanded buffer ...

Therefore, the area of Lot Coverage is 6,815 square feet or 14.9% of the area of the lot as shown in the county records. However, Exhibit A is a survey of the property dated September 14, 2023, that shows a total land area of 53,731 square feet indicating that the existing coverage is actually only 12.7% of the total land area or 1,255 square feet less than the maximum allowable area. The house currently has an open courtyard of approximately 507 square feet covered with stone, gravel, and a stone water feature. If

necessary, we could replace approximately 291 square feet of coverage in the courtyard with Dwarf Mondo Grass, a type of grass that now covers a portion of the walkway from the driveway to the courtyard. The total coverage therefore shall remain approximately the same and in no event exceed 15% of the total land area shown in the county records.

There are two existing Crape Myrtle trees which will need to be removed to perform the work, but plantings can be replaced elsewhere on the property.

The applicants have been advised by the Anne Arundel County Health Department that the proposed work would not be in conflict with the existing septic system as long as a distance of 10 feet is maintained between the system and any structure or footer for any deck and 20 feet to any basement.

This proposal meets ALL of the variance standards provided under Section 18-16-305 of the Zoning Code, as follows.

(1) Providing direct ADA access to a primary feature of the home internally is not feasible and the exterior change required faces practical difficulties because of the exceptional topographical conditions peculiar to and inherent in this particular lot, because it is so significantly impacted by the steep slope there is no reasonable possibility of making changes to the structure in strict conformance with the article; and

(b) Granting a variance for this project complies with Natural Resources Article, § 8-1808, of the State Code, in

11. *Provisions for reasonable accommodations in policies or procedures when the accommodations are necessary to avoid discrimination on the basis of physical disability,*

(2) The literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County and the loss of significant use of the property; Generous patios, terraces, porches and decks are a common feature of waterfront homes on Gibson Island and throughout the county.

(3) The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area;

(4) The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;

(5) The area to be disturbed for the kitchen expansion is approximately 240 feet from the water, 60 feet from the top of the cliff which is retained by the wood bulkhead and a concrete and steel structure. The area between the proposed addition and the top of the cliff has an existing drainage system to prevent erosion and is maintained as lawn. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program;

(6) The requested variance is not within the 100-foot upland buffer.

(7) The applicant, along with an Architect and Civil Engineer have prepared the attached exhibits which present substantial evidence to overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and

(8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c) by meeting with staff and filing a Pre-file application (2024-0015-P)

This variance would meet all of the following requirements.

- (1) the variance is the minimum variance necessary to afford relief; and
- (2) the granting of the variance will not:
 - (i) alter the essential character of the neighborhood or district in which the lot is located;
 - (ii) substantially impair the appropriate use or development of adjacent property;
 - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;
 - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
 - (v) be detrimental to the public welfare.

The property has no outstanding violations.

Respectfully
Armond & Lisa Spikell

List of Exhibits

- A. Full Survey With Topography
- B. Concept Plans Showing Existing Conditions and Proposed Changes
- C. Study of Internal Ramps

- D. Please Disregard
- E. Please Disregard
- F. Site Data with Coverage Calculations

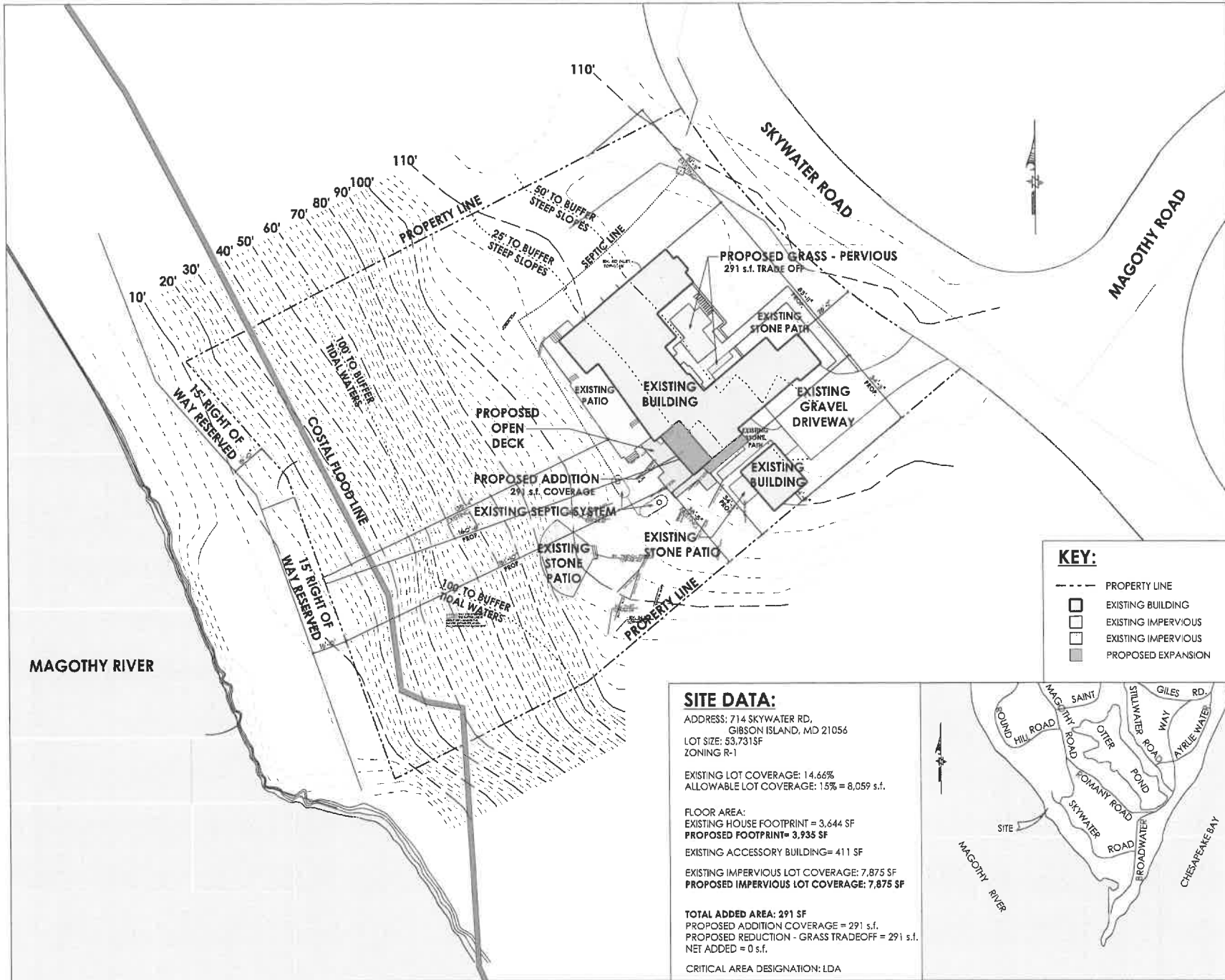
Additional Attachments

Variance Application

Deed

List of Neighboring Properties Within 300 Feet

Pre-file Comments Received



KEY:

- PROPERTY LINE
- ▭ EXISTING BUILDING
- ▭ EXISTING IMPERVIOUS
- ▭ EXISTING IMPERVIOUS
- ▭ PROPOSED EXPANSION

SITE DATA:
 ADDRESS: 714 SKYWATER RD,
 GIBSON ISLAND, MD 21056
 LOT SIZE: 53,731SF
 ZONING R-1

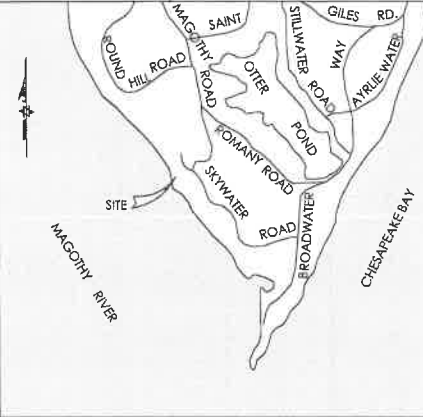
EXISTING LOT COVERAGE: 14.66%
 ALLOWABLE LOT COVERAGE: 15% = 8,059 s.f.

FLOOR AREA:
 EXISTING HOUSE FOOTPRINT = 3,644 SF
 PROPOSED FOOTPRINT = 3,935 SF
 EXISTING ACCESSORY BUILDING = 411 SF

EXISTING IMPERVIOUS LOT COVERAGE: 7,875 SF
 PROPOSED IMPERVIOUS LOT COVERAGE: 7,875 SF

TOTAL ADDED AREA: 291 SF
 PROPOSED ADDITION COVERAGE = 291 s.f.
 PROPOSED REDUCTION - GRASS TRADEOFF = 291 s.f.
 NET ADDED = 0 s.f.

CRITICAL AREA DESIGNATION: LDA



VICINITY MAP

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 jrivera@jonathanrivera.com

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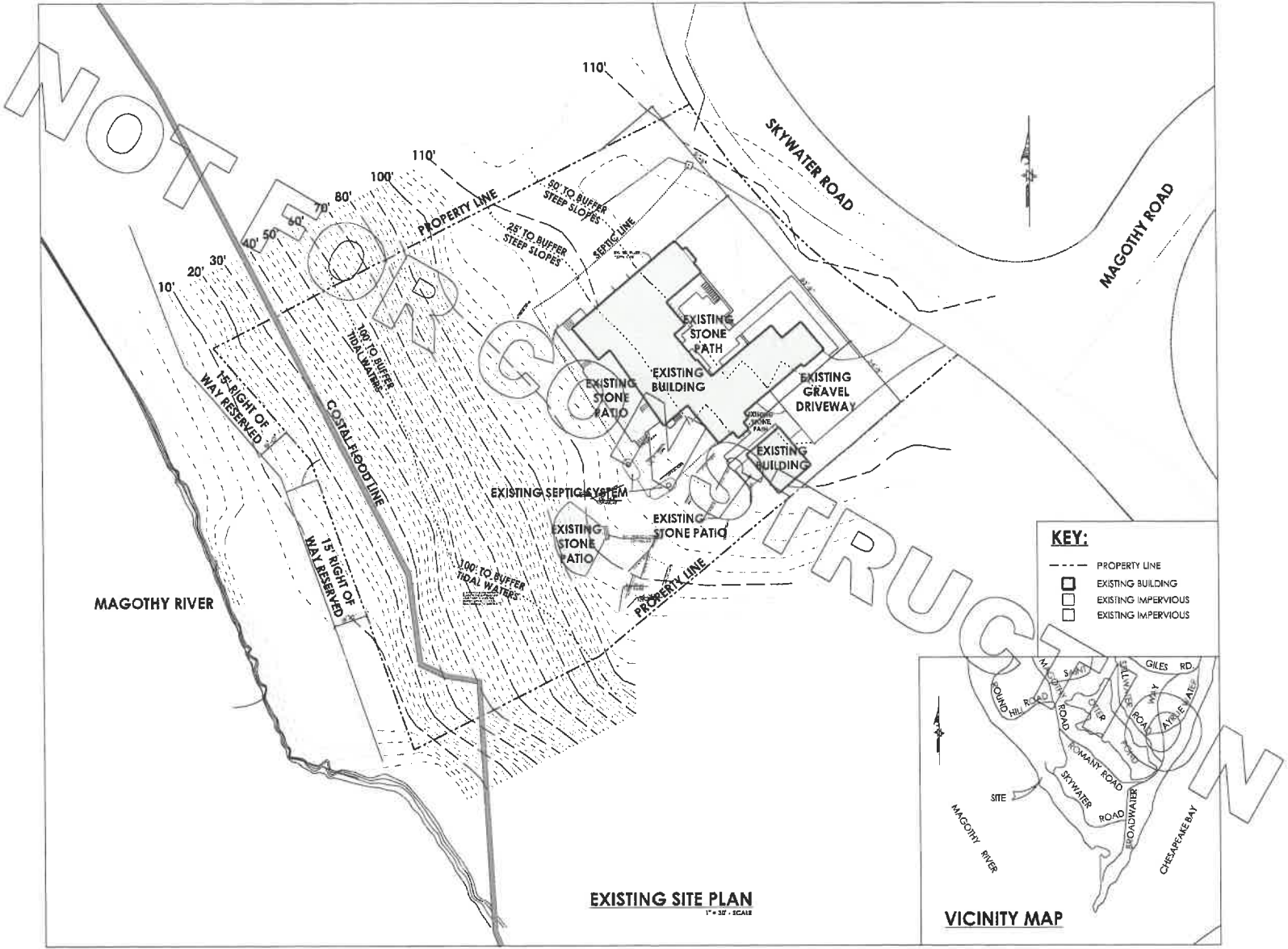
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SCALE: 1" = 30'-0"

EXISTING SITE

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PRINT DATE:
 Tuesday, February 13, 2024



EXISTING SITE PLAN
1" = 30' - SCALE

VICINITY MAP

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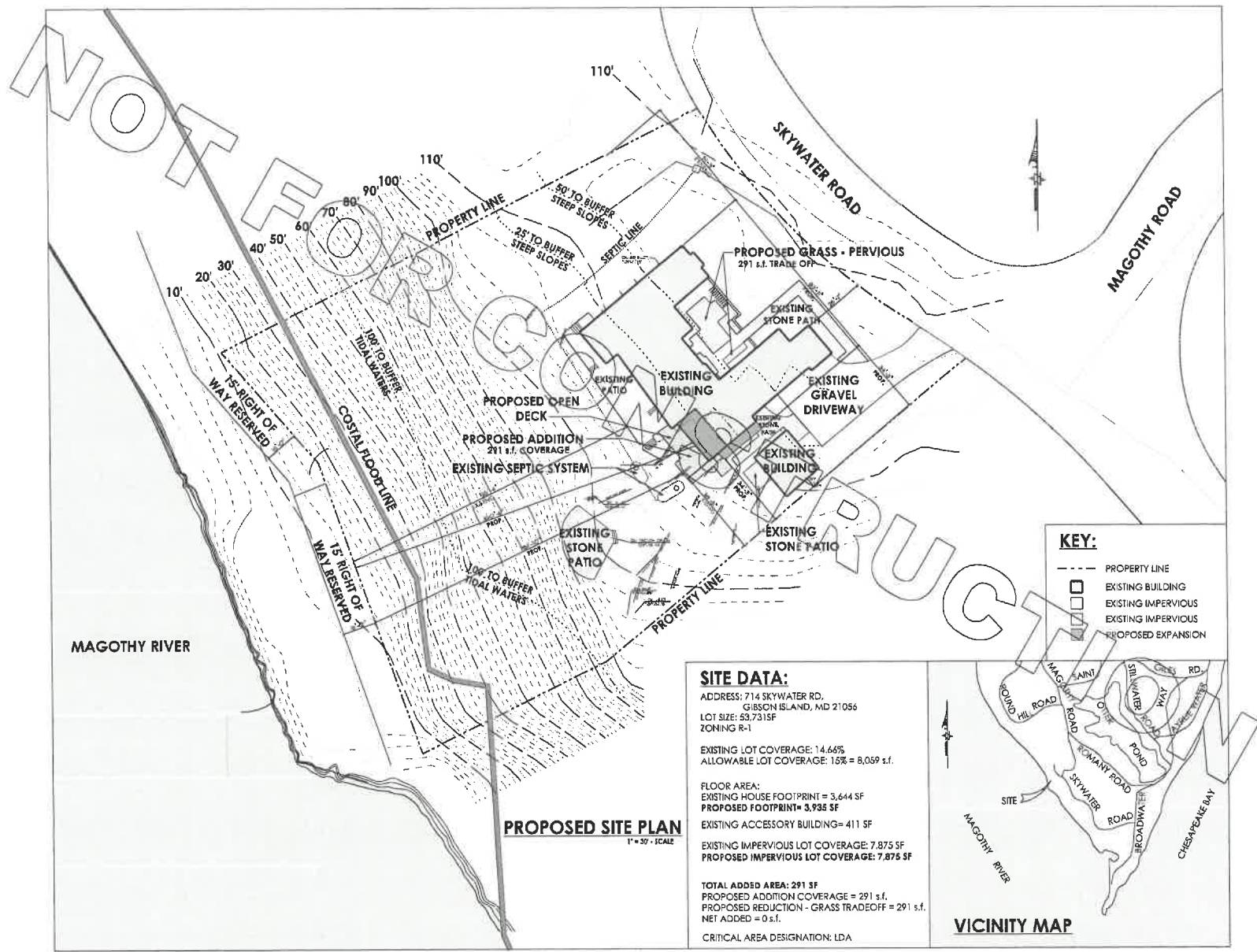
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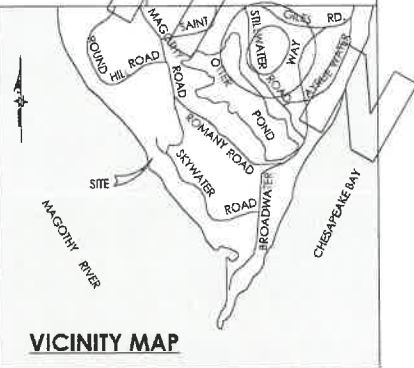
PROPOSED SITE

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PRINT DATE:
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SITE DATA:
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 GIBSON ISLAND, MD 21056
 LOT SIZE: 53,731 SF
 ZONING R-1
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 ALLOWABLE LOT COVERAGE: 15% = 8,059 s.f.
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 EXISTING ACCESSORY BUILDING = 411 SF
 EXISTING IMPERVIOUS LOT COVERAGE: 7.875 SF
 PROPOSED IMPERVIOUS LOT COVERAGE: 7.875 SF
 TOTAL ADDED AREA: 291 SF
 PROPOSED ADDITION COVERAGE = 291 s.f.
 PROPOSED REDUCTION - GRASS TRADEOFF = 291 s.f.
 NET ADDED = 0 s.f.
 CRITICAL AREA DESIGNATION: LDA



PROPOSED SITE PLAN
 1" = 30' - SCALE

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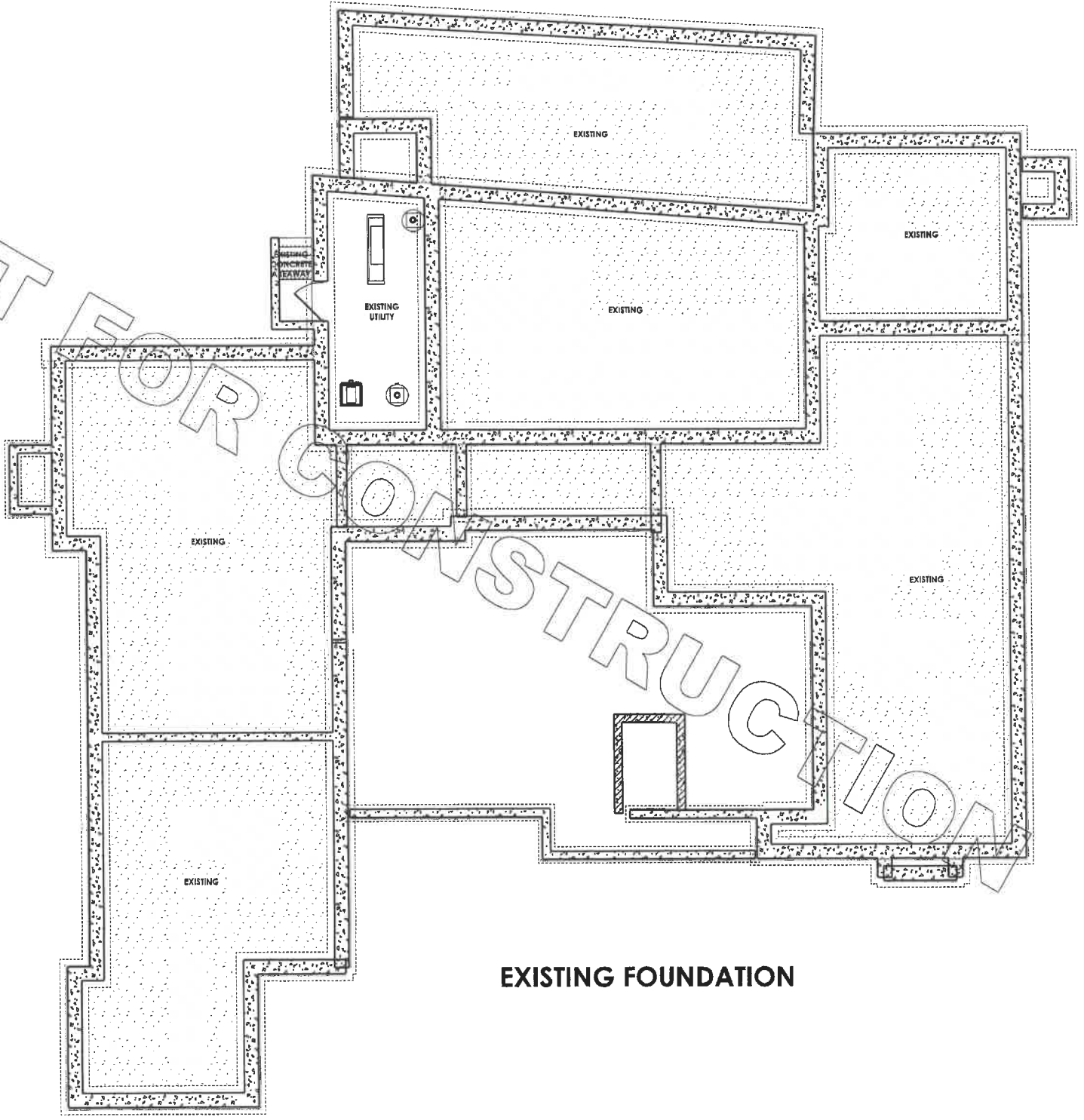
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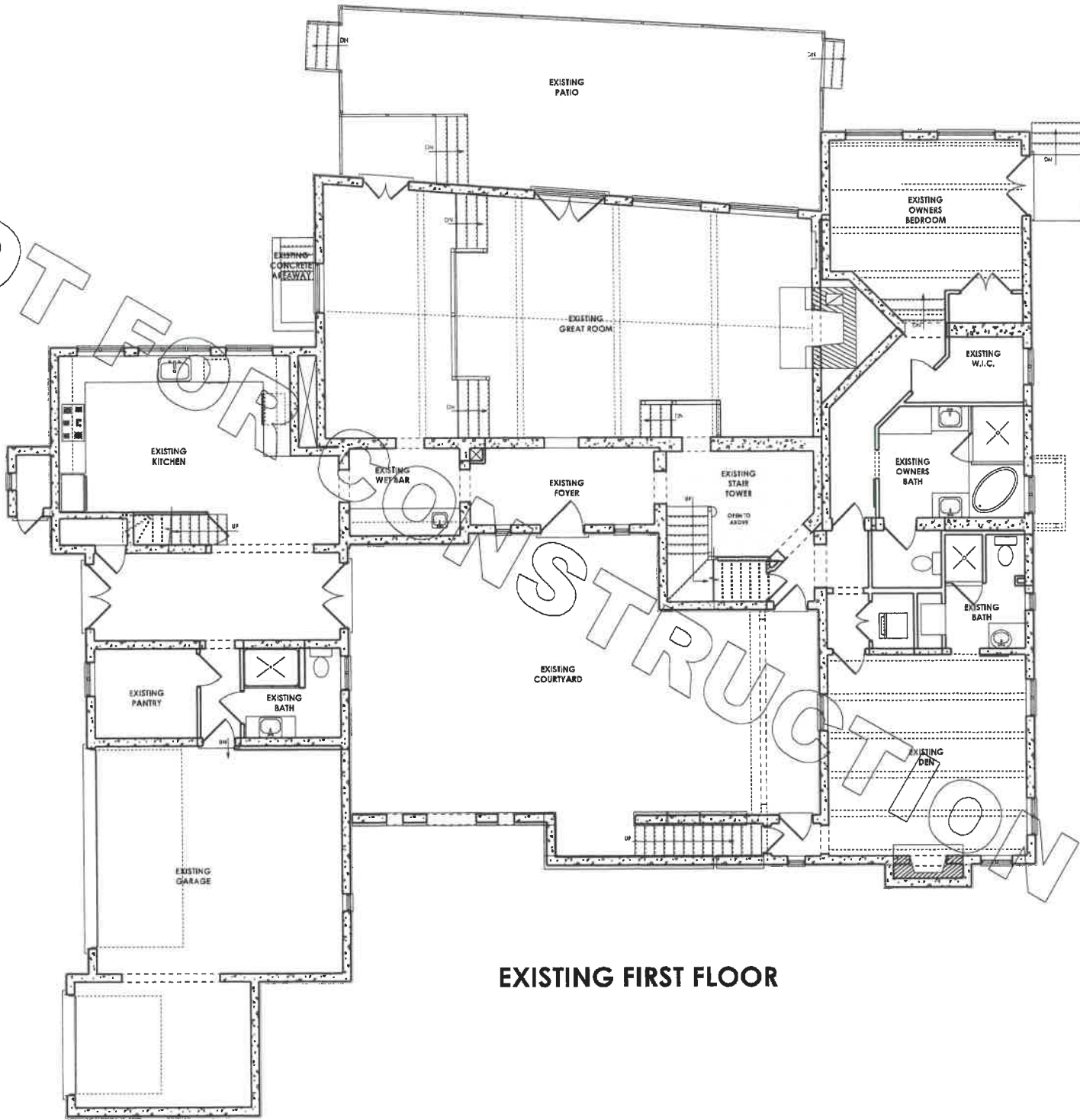
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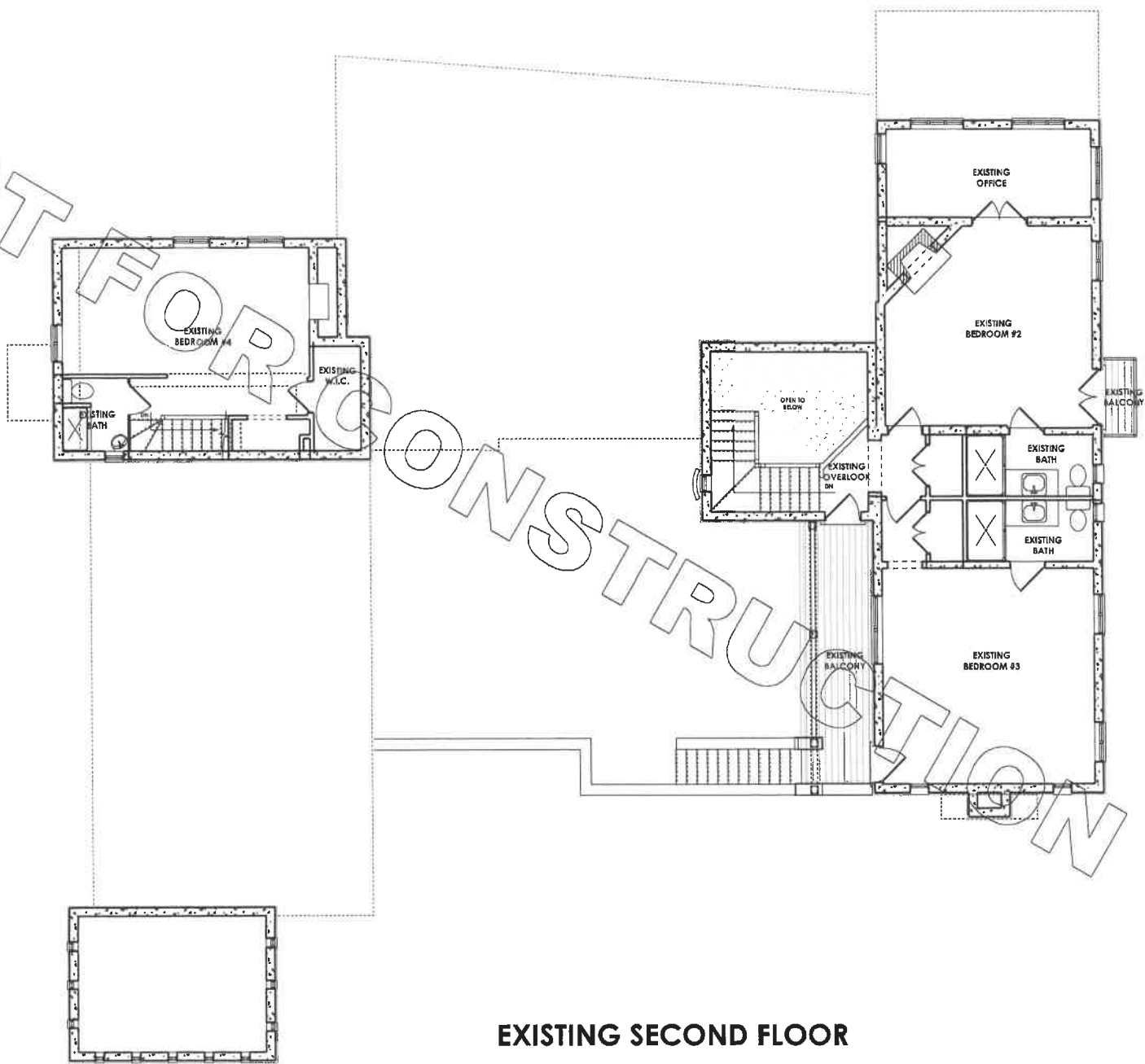
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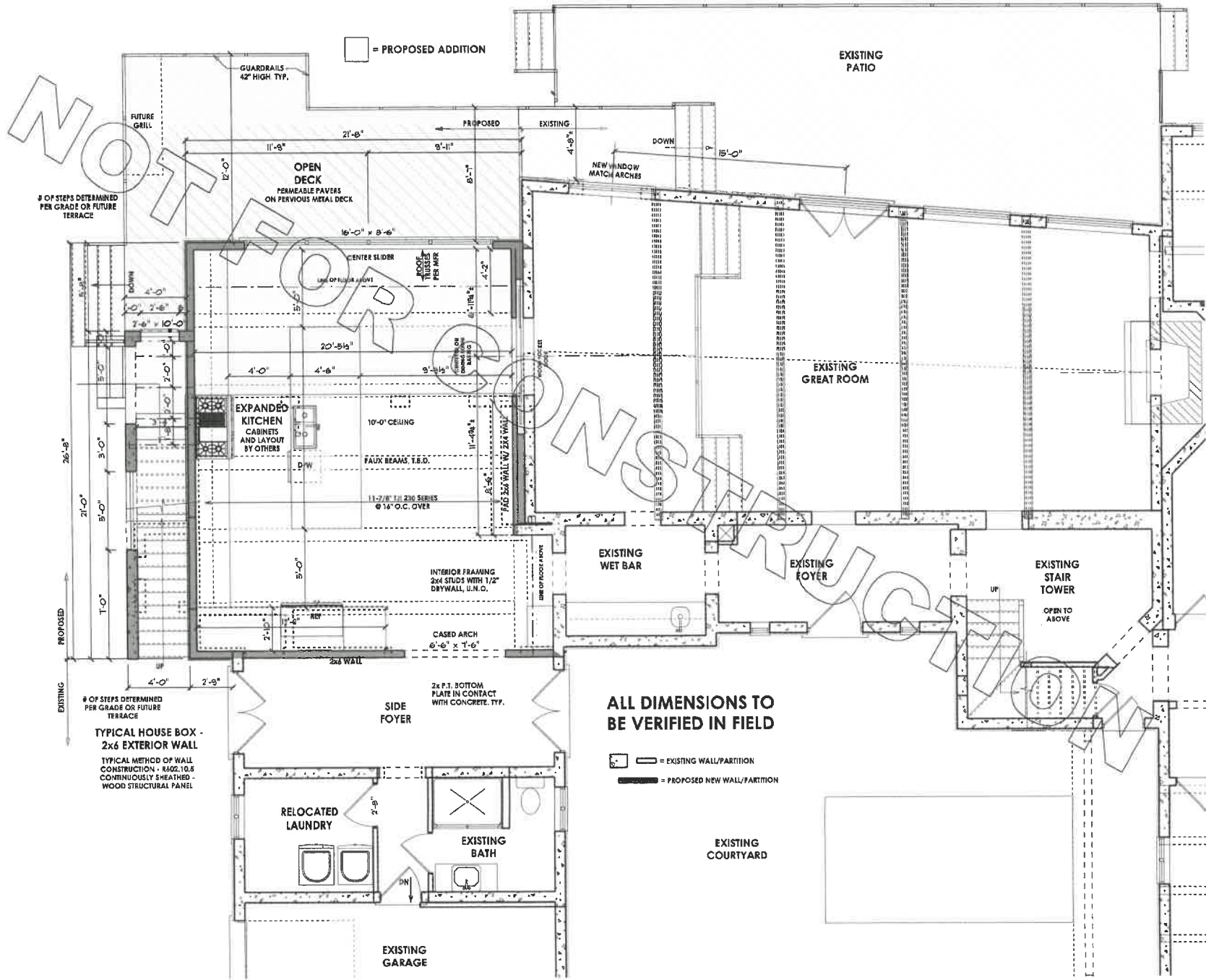
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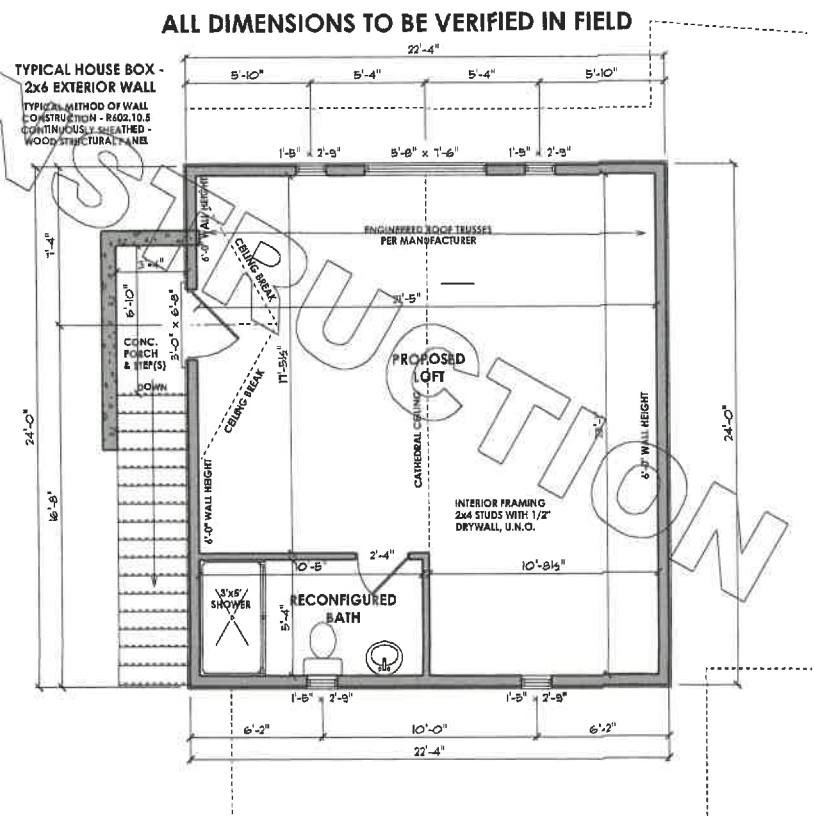
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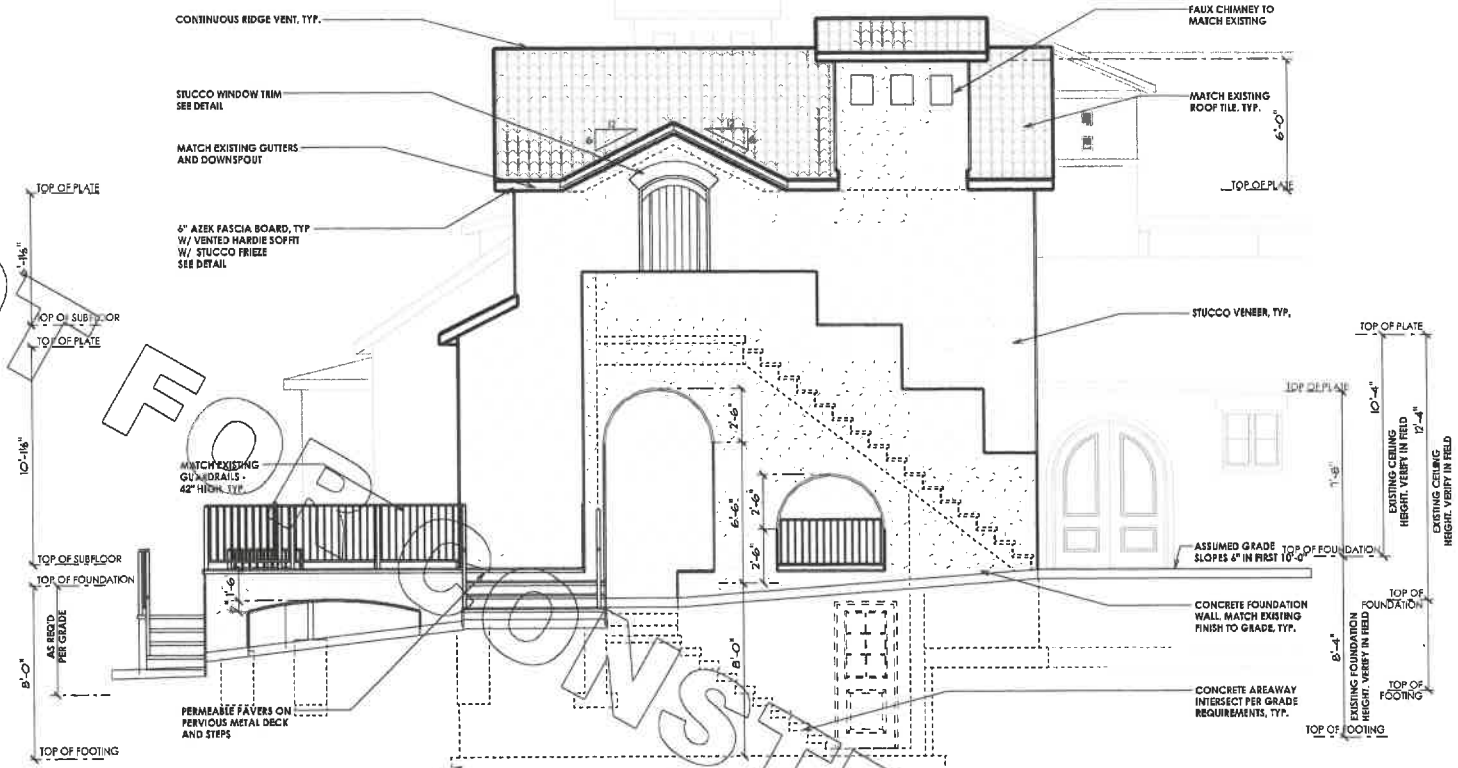
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ELEVATIONS

2.01

PRINT DATE:
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ALL TRUSS OVERHANGS/EAVES ARE SHOWN AT 12"



LEFT ELEVATION

NOTE:
 STAIRS WITH 2 OR MORE RISERS SHALL BE PROVIDED WITH HANDRAILS. HANDRAILS SHALL BE A MINIMUM OF 34" IN HEIGHT AND NOT MORE THAN 38" IN HEIGHT. RAILS ARE TO BE MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.
 PORCHES, DECKS, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS A MINIMUM OF 36" HIGH.
 RISERS ARE TO BE CLOSED SUCH THAT THE OPENING BETWEEN THE TREADS DOES NOT PERMIT THE PASSAGE OF A 4" DIA. SPHERE.

NO FOR CONSTRUCTION

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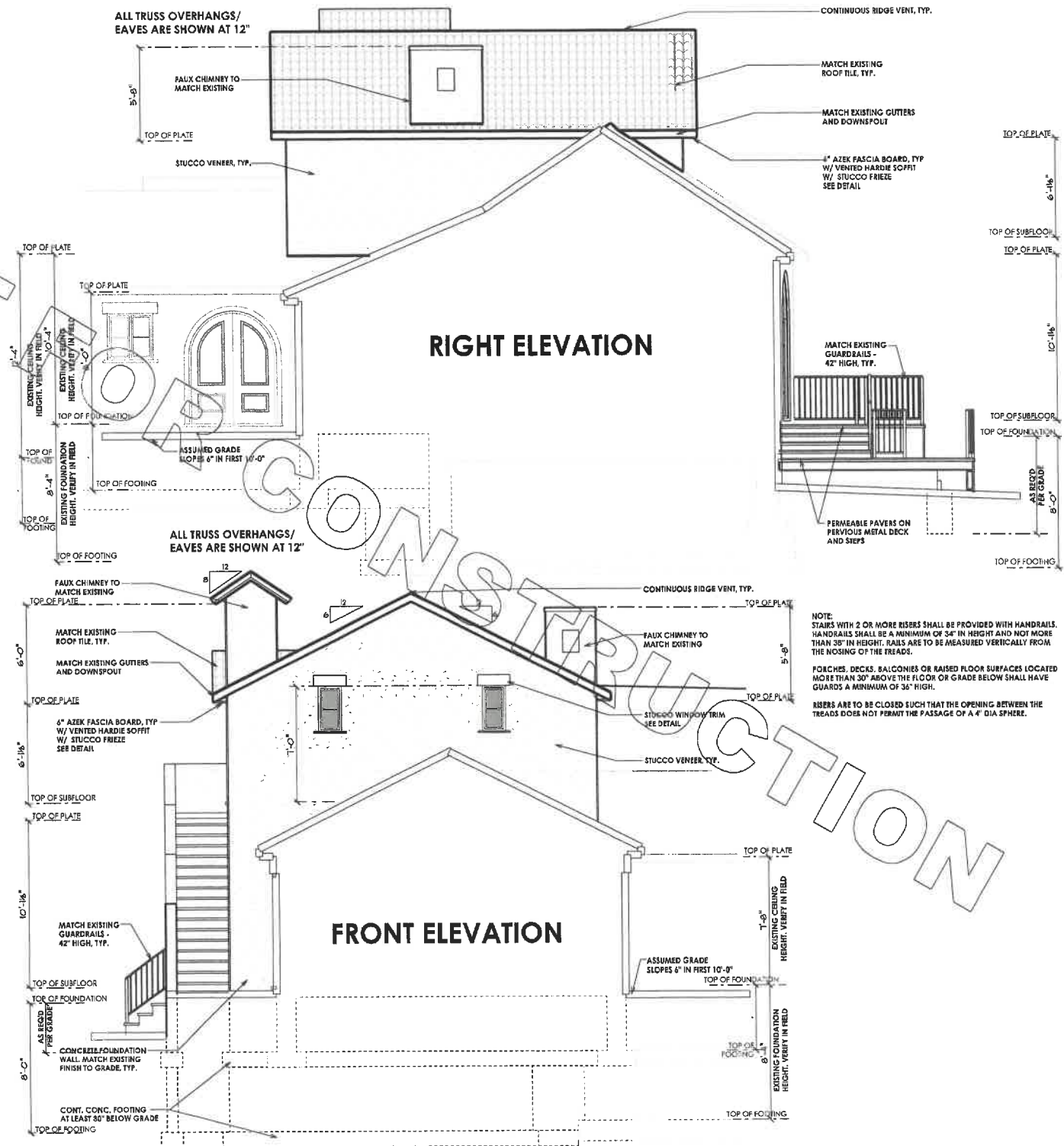
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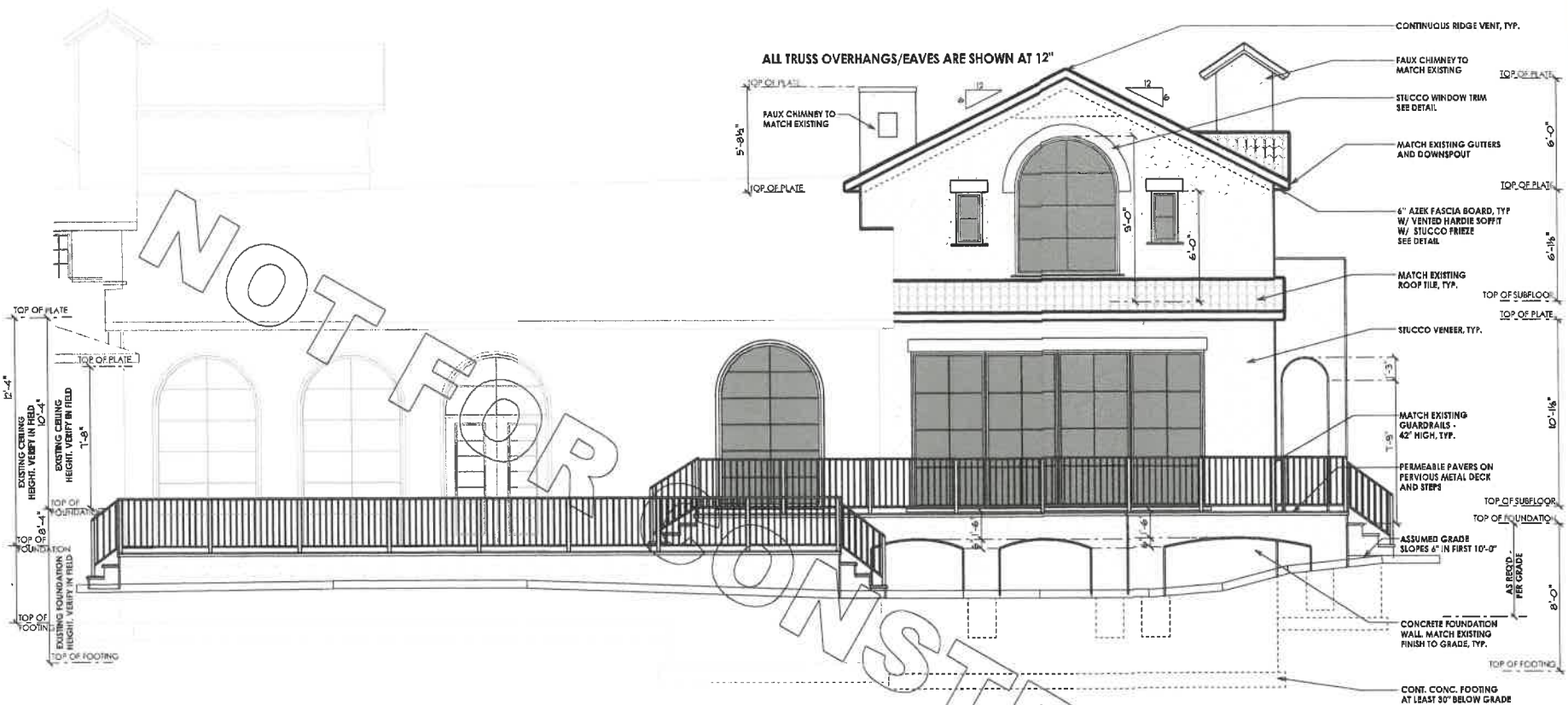
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ELEVATIONS
2.02
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REAR ELEVATION

NOTE:
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ELEVATIONS

2.03

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LOT 234 AND P/O LOT 233

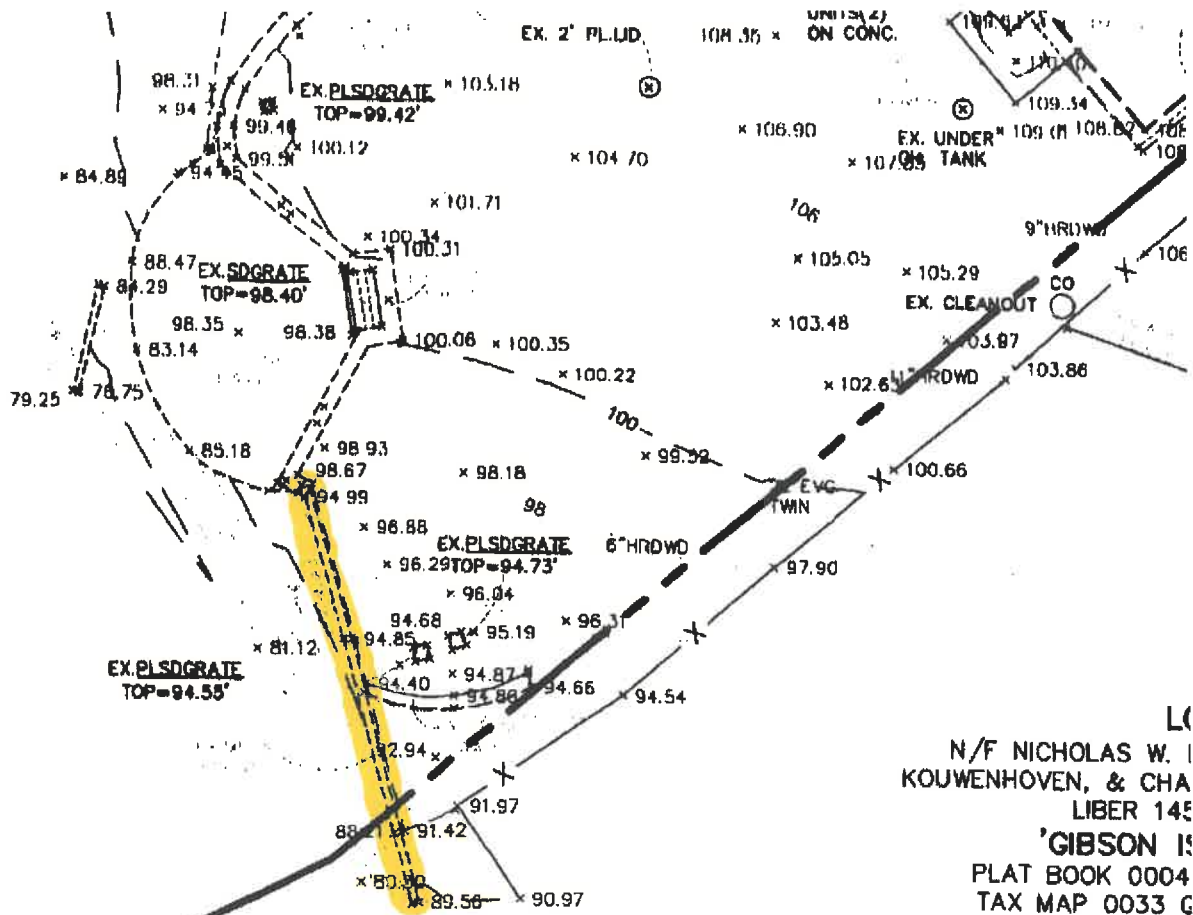
N/F ARMOND AND LISA SPIKELL
LIBER 26478 FOLIO 00033

'GIBSON ISLAND PLAT A'

PLAT BOOK 0004 PAGE 0047 PLAT 0167
TAX MAP 0033 GRID 0012 PARCEL 0138
TAX ACCT. NO. 03-350-00296825
714 SKYWATER ROAD
GIBSON ISLAND, MARYLAND 21056
53,731 SQ. FT. ± 1.23 Ac. ±

LOT 234

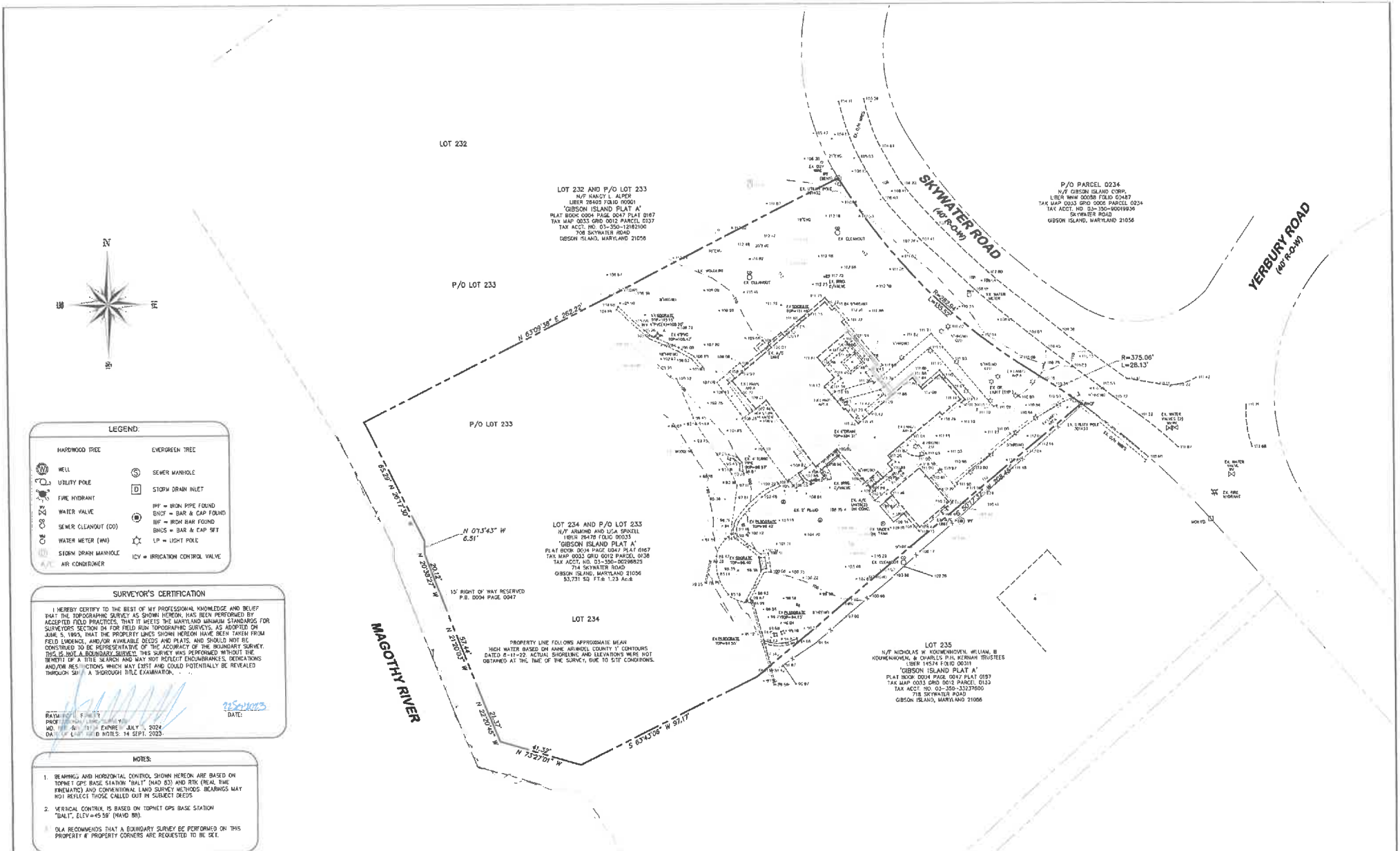
PROPERTY LINE FOLLOWS APPROXIMATE MEAN
LINE BASED ON ANNE ARUNDEL COUNTY 1' CONTOURS
-22. ACTUAL SHORELINE AND ELEVATIONS WERE NOT
THE TIME OF THE SURVEY, DUE TO SITE CONDITIONS.



N/F NICHOLAS W. I
KOUWENHOVEN, & CHA
LIBER 145
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PLAT BOOK 0004
TAX MAP 0033 G
TAX ACCT. NO
718 SK'
GIBSON ISLANI

41.32'
V 73°27'01" W

S 63°43'06" W 97.17'



LEGEND:

	HARDWOOD TREE		EVERGREEN TREE
	WELL		SEWER MANHOLE
	UTILITY POLE		STORM DRAIN INLET
	FIRE HYDRANT		IPF = IRON PIPE FOUND
	WATER VALVE		BCF = BAR & CAP FOUND
	SEWER CLEANOUT (CO)		BNS = BAR & CAP SET
	WATER METER (WM)		LP = LIGHT POLE
	STORM DRAIN MANHOLE		ICV = IRRIGATION CONTROL VALVE
	A/C		

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE TOPOGRAPHIC SURVEY AS SHOWN HEREON, HAS BEEN PERFORMED BY ACCEPTED FIELD PRACTICES, THAT IT MEETS THE MARYLAND MINIMUM STANDARDS FOR SURVEYORS SECTION 04 FOR FIELD RUN TOPOGRAPHIC SURVEYS, AS ADOPTED ON JUNE 5, 1985, THAT THE PROPERTY LINES SHOWN HEREON HAVE BEEN TAKEN FROM FIELD EVIDENCE, AND/OR AVAILABLE DEEDS AND PLATS, AND SHOULD NOT BE CONSIDERED TO BE REPRESENTATIVE OF THE ACCURACY OF THE BOUNDARY SURVEY. THIS IS NOT A BOUNDARY SURVEY. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT REFLECT ENCUMBRANCES, INDICATIONS AND/OR RESTRICTIONS WHICH MAY EXIST AND COULD POTENTIALLY BE REVEALED THROUGHOUT SA A THOROUGH TITLE EXAMINATION.

[Signature]
DATE: 14 SEPT. 2023

PROF. REG. NO. 11000
MD. REG. NO. 11 EXPIRES JULY 1, 2024
DA. REG. NO. 11000 NOTES: 14 SEPT. 2023

NOTES:

1. BENCHMARKS AND HORIZONTAL CONTROL SHOWN HEREON ARE BASED ON TOPNET GPS BASE STATION "BAL1" (NAID 83) AND RTR (REAL TIME KINEMATIC) AND CONVENTIONAL LAND SURVEY METHODS. BOUNDRIES MAY NOT REFLECT THOSE CALLED OUT IN SUBJECT DEEDS.
2. VERTICAL CONTROL IS BASED ON TOPNET GPS BASE STATION "BAL1", ELEV = 45.58' (NAVD 80).
3. OLA RECOMMENDS THAT A BOUNDARY SURVEY BE PERFORMED ON THIS PROPERTY IF PROPERTY CORNERS ARE REQUESTED TO BE SET.

DESIGNED BY: GSP	DATE: 14 SEPT. 2023
MODIFIED BY: GSP	DATE: 14 SEPT. 2023
CADD DWG # 051523-5	
PLA PROJECT # 051523	

No.	DATE	BY	DESCRIPTION

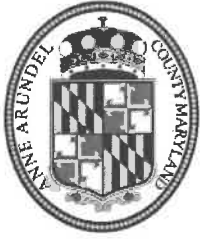
Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 35
 Annapolis, Maryland 21403
 Phone: 410-280-3122 Fax: 410-280-1962
 www.drummyka.com

CLIENT:
 ARMOND & LISA B. SPIKELL
 714 SKYWATER ROAD
 GIBSON ISLAND, MARYLAND 21056

TOPOGRAPHIC & LOCATION SURVEY
GIBSON ISLAND ~ LOT 234 AND P/O LOT 233
 714 SKYWATER ROAD, GIBSON ISLAND, MARYLAND 21056
 TAX ACCT. NO. 03-350-0029036
 TAX MAP 0033 GRID 0012 PARCEL 0138 DISTRICT 3RD
 ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=20'
 DATE: 14 SEPT. 2023
 PROJ. NO. 051523
 SHEET 1 OF 1





OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0015-P
DATE: 02/23/2024
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)

APPLICANT/REPRESENTATIVE: Armand Spikell

EMAIL: aspikell@roadsidellc.com

SITE LOCATION: 714 Skywater Road, Gibson Island

LOT SIZE: 45,558 sf

ZONING: R1 **CA DESIGNATION:** LDA **BMA:** no **or BUFFER:** yes **APPLICATION TYPE:** Variance

DESCRIPTION

The applicant proposes to add 210 sf kitchen addition and a pervious deck. Add basement. Accessory structure renovations: wider entrance, add bathroom, and reconfigure the roof. The lot is heavily encumbered by steep slopes and the expanded buffer.

COMMENTS

Critical Area Team: The existing home has 4,623 sq ft of habitable space with a 3,644 sq ft footprint. The home is multilevel and would require renovations to provide an age in place condition. Although the addition is minimal, the applicant has not adequately demonstrated why the needed renovations could not occur within the existing footprint eliminating the need for the variance all together. The applicant will need to provide this information to demonstrate that the proposed request meets the test for the minimum necessary to afford the applicant relief.

The proposed deck expansion cannot be supported. In addition, the site plan references both lot coverage and impervious coverage and the calculations are significantly different. A breakdown of the areas included in each of these classifications must be provided as it appears that there may be an error in the calculations and that this site could be subject to the 10% reduction requirement for sites that exceed the lot coverage limitations.

Zoning Administration Section:

Site Plan: Show dimensions of proposed construction on site plan.

Applicants should contact the Health Department regarding the distance requirement for any proposed construction to the existing septic system.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must meet ALL of the variance standards provided under Section 18-16-305 of the Zoning Code, which includes the requirement that the variance must be the minimum necessary to afford relief.

The Letter of Explanation for your variance submission should demonstrate that you meet all of those standards.

INFORMATION FOR THE APPLICANT

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.