

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

APPLICANTS: Harold Christopher Goodrich and
Laura Prinslow Goodrich, Trustees

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0143-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: May 28, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicants are requesting a variance to perfect a pool deck and retaining walls with less buffer than required and with disturbance to slopes of 15% or greater on property known as 454 Blue Lake Drive in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 1.35 acres (58,728 square feet) of land and is located with approximately 138 feet of frontage on the north side of Blue Lake Drive, 216 feet northwest of Severn Road. The site is identified as Lot 15 of Parcel 57 in Block 10 on Tax Map 31 in the Bluff Point on Severn subdivision.

The property is zoned R1 – Residential District as adopted by the comprehensive zoning of Councilmanic District 5 zoning maps, effective January 29, 2012.

The site is waterfront on a non-tidal lake owned by the Bluff Point Community Association. The property lies entirely within the Chesapeake Bay Critical Area overlay designated as LDA - Limited Development Area, and the shoreline is designated as buffer. Steep slopes and the expanded buffer encumber the property.

The property is currently improved with a dwelling, a shed, a gazebo, an in-ground pool, concrete pool decking, four retaining walls, and a driveway.¹

APPLICANTS' PROPOSAL

The applicants seek after-the-fact permission to perfect the replacement of an irregularly-shaped concrete pool deck in-kind and the installation of three retaining walls.²

¹ The site plan shows an existing shed. This 'shed' appears to have been permitted in 2002 as a 12 x 12 gazebo. There is a second structure labeled as 'existing gazebo' which first appeared in aerial photos in 2014. This structure is within the buffer, possibly on steep slopes. Neither a permit nor a variance have been discovered for this structure.

² A fourth wall has been built but is not in consideration here and has been removed from the building permit application as well.

REQUESTED VARIANCES

§ 18-13-104(a) of the Anne Arundel County Zoning Ordinance 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; and § 18-13-104(b) stipulates that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater. § 17-8-301 of the Subdivision 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 proposal shows 1,780 square feet of permanent disturbance to the expanded buffer and an undetermined temporary limit of disturbance for the pool deck and 3,000 square feet of disturbed area around the retaining walls. Therefore, the proposed redevelopment necessitates a variance to disturb the expanded buffer. Actual disturbance to be determined at the time of permitting.

§ 17-8-201 of the Anne Arundel County Subdivision and Development Code states that development in the LDA designated areas may not occur on slopes of 15% or greater unless development will facilitate stabilization of the slope or the disturbance is necessary to allow connection to a public utility. Three of the retaining walls are necessary to facilitate stabilization of the slope therefore a variance to steep slopes is not necessary. The fourth wall was to create a yard and not retain the slope. This wall will be removed.

Setbacks are not imposed on retaining walls or at-grade pool decking so no setback variance is required.

FINDINGS

The subject site far exceeds the minimum area and dimensional requirements of the Code for the R1 district. It is encumbered by steep slopes and the expanded critical area buffer. The aforementioned environmental constraints on the property prevent redevelopment of the site without a critical area variance. According to State Department of Assessments and Taxation records the house was constructed in 1993. Aerial photos from 1998 show the pool and concrete surround.

The existing and proposed critical area lot coverage is 11,322 square feet (19%). § 17-8-402 (b)(1) allows 15% of the parcel to be covered by lot coverage for a lot greater than 36,301 square feet. The critical area lot coverage on this site is 4% greater than the maximum allowed lot coverage. The applicants have not requested a variance to exceed lot coverage and there has been no provision shown for reducing the lot coverage on the site. If the variance is approved the applicant will have to demonstrate compliance with coverage limitations at the time of permitting.

A review of the County 2024 aerial photograph shows an eclectic mix of dwellings on large lots in this waterfront community. There are pools on a few nearby properties. The four lots of this community that front the lake all are encumbered by steep slopes.

This property is the subject of two open compliance cases B-2023-52 and E-2023-43 associated

with the construction within the buffer and steep slopes without permits. From the B-2023-52 inspection record: “Joint inspection determined 4 walls erected - Top Wall 3.65’, Second Wall 4.39’, Third Wall 4.23’, Bottom Wall 3.79’” From the E-2023-43 inspection record: “Inspector visited the referenced property in relation to a SGP for replacing a pool patio in kind. Inspection found new retaining walls inside the buffer on steep slopes without a permit. Stop work order and correction notice posted.” Building permit B02416400 originally submitted March 21, 2023 shows four retaining walls. Two subsequent revisions to the permit site plan from November 16, 2023 and January 9, 2024 show only three retaining walls.

The applicant’s letter of explanation indicates that the three retaining walls are to control erosion and stabilize existing soil. Replacement of the pool deck is due to cracks and unevenness.

The **Department of Health** commented that the property is served by public water and sewer facilities and there is no objection to the request.

The **Development Division (Critical Area Team)** commented that this site is currently under violation for construction of 4 retaining walls, replacement of pool decking and clearing/disturbance to steep slopes without permit approval. This application must address all of the items under violation since all occurred within steep slopes and the expanded buffer and all must either be permitted (which requires variance approval) or removed. There is no objection to the approval of the pool deck replacement in kind or the installation of the upper three retaining walls given the site conditions. The applicant must verify that the lower wall will be removed and the required mitigation for the development of the walls and the pool deck will be located in the area disturbed by this development.

The **Critical Area Commission** commented that based on correspondence with County staff, the upper three unpermitted retaining walls appear to be used for slope stabilization, however, the bottom unpermitted retaining wall and associated fill appear to have been installed in order to create a flat lawn area. Critical Area regulations provide for the ability to stabilize steep slopes provided the proposed development is the minimum necessary and maintains water quality and natural habitat. They oppose legalizing the unpermitted retaining wall located at the bottom of the slope as the variance request fails to meet the standard of unwarranted hardship and others. The comments did not address the pool decking replacement.

Critical Area Variance Standards

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 property, strict implementation of the County’s critical area program would result in an unwarranted hardship. In this case, this is a lot with an existing dwelling, a pool with concrete pool decking, and other accessory structures, that is encumbered by steep slopes, the 100-foot buffer and the expanded buffer.

As to the three retaining walls and pool deck, a literal interpretation of the County’s Critical Area program will deprive the applicant of rights commonly enjoyed by other properties in similar areas of the Critical Area by denying the right to replace in-kind the longstanding pool deck and to stabilize the slope with the three retaining walls. The variance request is based on conditions or circumstances that are the result of actions by the applicant including performing the work

prior to obtaining a permit. However, while the applicant did proceed without permits, that action does not cause the need for the variance, it is the site conditions requiring the variance. The request does not arise from any condition relating to land or building use on any neighboring property. With proper mitigation and stormwater management, the variance should not affect water quality or impact fish, wildlife or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and will need to work with the Office of Inspections and Permit to evaluate and implement site planning alternatives including the possible removal of lot coverage to come into compliance.

General Variance Standards

With regard to the requirements for all variances, approval of the variance will not alter the essential character of the neighborhood, as the pool decking is a replacement of longstanding decking and retaining walls are typical for stabilizing slopes. Approval of the variance will not substantially impair the appropriate use or development of the adjacent properties, as the retaining walls and pool decking do not require setbacks and adjacent properties are already developed. The variance will not reduce forest cover in the limited development area or resource conservation area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

The redevelopment footprint of the pool decking is the same size and location as the previous pool decking and the three retaining walls are necessary for stabilization of the slope, therefore, the request can be considered to be the minimum necessary to afford relief in this case.

RECOMMENDATION

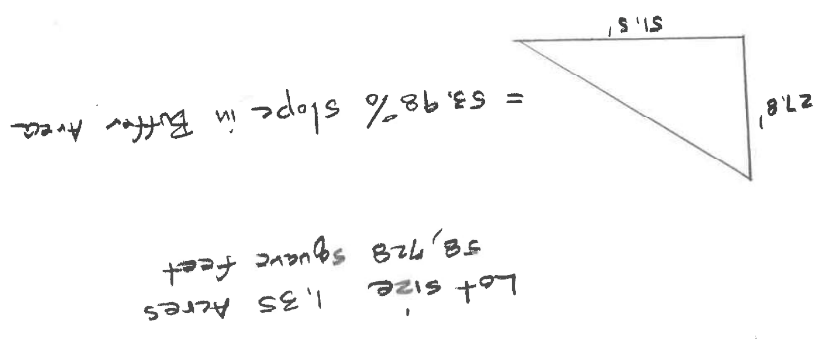
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of the proposed critical area variance to disturb the expanded buffer to perfect the three retaining walls. This Office also recommends ***approval*** of the critical area variance to disturb the expanded buffer to perfect the replacement of the existing pool decking exactly in-kind.

Should the hearing officer find that either or both of these variance requests can be approved then the approval must be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:

- (i) obtaining an approved mitigation or restoration plan;
- (ii) completing the abatement measures in accordance with the County critical area program; and
- (iii) paying any civil fines assessed and finally adjudicated.

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.

454 BLUE LAKE DRIVE SEVERNA PARK, MD
 POOL REDECKING
 SITE PLAN - LOT 15
 SCALE - 1" = 40'



Office of Zoning

Applicant: Chris and Laura Goodrich

March 16, 2024

Re: Buffer Variance in Disturbed Area

Property Location: 454 Blue Lake Drive Severna Park, MD 21146

To whom it may concern:

Requesting a variance to install three retaining walls, to correct further erosion, as well as replace existing pool deck built in the buffer zone of our property. This is due to deck support post (6x6) that needed to be replaced causing 2nd floor deck to sag and rear patio (concrete) cracked in multiple locations and no longer level.

The Goodrich's are applying for a non-modified buffer variance due to a steep slope causing significant erosion. The intent is for the three retaining walls plus significant planting to control future erosion and stabilize existing soil. Replacement of the existing pool deck due to cracks and unevenness.

We request a variance as this will not:

- (i) Alter the essential character of the neighborhood or district in which our lot is located
- (ii) Substantially impair the appropriate use or development of the 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

We appreciate your attention to this request.

Sincerely,

Chris and Laura Goodrich

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number _____

Total Site Area 58,728 Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area _____ Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

* Please Indicate Square Footage of Woodland Removed for the following:

- 1. House ∅ Sq. Ft.
- 2. Septic or sewer ∅ Sq. Ft.
- 3. Well ∅ Sq. Ft.
- 4. Driveway ∅ Sq. Ft.
- 5. Accessory Structure ∅ Sq. Ft.
- 6. Additions ∅ Sq. Ft.
- 7. Storm Water Management ∅ Sq. Ft.
- 8. Other Clearing: work area; access; stockpiles, etc. ∅ Sq. Ft.

* Total Woodland Removed = 900 Sq. Ft.

REPLACED - RETAINING WALLS. (NO TREES REMOVED)

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

* Please Indicate Square Footage of Impervious Coverage for the following:

Existing Impervious

Proposed Impervious

- | | |
|--|---|
| 1. House (roof area) <u>2,277</u> Sq. Ft. | 1. House (roof area) <u>∅</u> Sq. Ft. |
| 2. Driveway + Sidewalks <u>8,745</u> Sq. Ft. | 2. Driveway + Sidewalks <u>∅</u> Sq. Ft. |
| 3. Accessory Structures <u>300</u> Sq. Ft. | 3. Accessory Structures <u>∅</u> Sq. Ft. |
| | 4. Additions <u>∅ - replacement</u> Sq. Ft. |

* Total Existing and Proposed Impervious Coverage 11,322 Sq. Ft.

Ⓢ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Harold C Goodrich, _____, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 15, block # _____ of Subdivision BUFF POINT.

I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

- 2. Septic or sewer ∅ Sq. Ft.
- 3. Well ∅ Sq. Ft.
- 4. Driveway ∅ Sq. Ft.
- 6. Additions ∅ Sq. Ft.
- 7. Storm Water Management ∅ Sq. Ft.
- 8. Other Clearing: work area; access; stockpiles, etc. ∅ Sq. Ft.

* Total Woodland Removed = 900 Sq. Ft.

** REPLACED - RETAINING WALLS. (NO TREE REMOVAL)*

“Impervious Coverage” IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

* Please Indicate Square Footage of Impervious Coverage for the following:

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3. Accessory Structures <u>300</u> Sq. Ft.	3. Accessory Structures <u>∅</u> Sq. Ft.
	4. Additions <u>∅ - replacement</u> Sq. Ft.
* Total Existing and Proposed Impervious Coverage <u>11,322</u> Sq. Ft.	

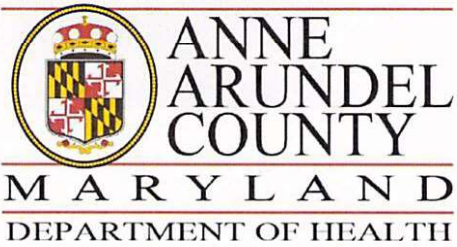
⊙ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Harold C Goodrich, _____, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 15, block # _____ of Subdivision BLUFF POINT.

I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

Harold C Goodrich (Signature) 7.23.2023 (Date)
owner (Title)

Laurel Goodrich (Signature) 07.23.2023 (Date)
owner (Title)




J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health 

DATE: March 21, 2024

RE: Christopher Harold Goodrich, Trustee
454 Blue Lake Drive
Severna Park, MD 21146

NUMBER: 2023-0143-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect a pool deck and retaining walls (3) with disturbance to slopes 15% or greater and with less buffer and less setbacks 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

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date
03/18/2024

Assigned to
Kelly Krinetz

Current Status
Complete w/ Comments

Action By
Kelly Krinetz

Comments
This site is currently under violation for construction of 4 retaining walls, replacement of pool decking and clearing/disturbance to steep slopes without permit approval.

Due Date
04/08/2024

Assigned to Department
OPZ Critical Area

Status Date
03/18/2024

Overtime
No

Start Time

This application must address all of the items under violation since all occurred within steep slopes and expanded buffer and all must either be permitted (which requires variance approval) or removed.

I have no objection to the approval of the pool deck replacement in kind or the installation of the upper three retaining given the site conditions. The applicant must verify that the lower wall will be removed and the required mitigation for the development of the walls and the pool deck will be located in the area disturbed by this development.

End Time

Billable
No

Time Tracking Start Date

In Possession Time (hrs)
0.0

Estimated Hours
0.0

Comment Display in ACA
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner

Hours Spent
0.0

Action by Department
OPZ Critical Area

Est. Completion Date
 Display E-mail Address in ACA
 Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

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 5, 2024

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

Re: Goodrich After-The-Fact Variance (2023-0143-V)

Dear Ms. Seay:

Thank you for providing information regarding the above-referenced variance request to disturb steep slopes. The 1.35-acre property is located entirely within the Limited Development Area (LDA) and partially constrained by steep slopes. The applicant is proposing to legalize the unpermitted installation of four retaining walls on steep slopes. In addition, the applicant requests to replace in-kind an existing pool deck.

Unpermitted Retaining Walls

Based on correspondence with County staff, the upper three unpermitted retaining walls appear to be used for slope stabilization; however, the bottom unpermitted retaining wall and associated fill appear to have been installed in order to create a flat lawn area. Critical Area regulations provide for the ability to stabilize steep slopes provided the proposed development is the minimum necessary and maintains water quality and natural habitat. A retaining wall on steep slopes that does not meet the requirements outlined in COMAR 27.01.02.04.C(5) requires a Critical Area variance.

After-the-Fact Variance Request

According to the application materials provided, a stop work order and correction notice have been posted for the unpermitted retaining walls. Per the Anne Arundel County Zoning Code Article 3 Section 1-207(c), a variance for a property with an outstanding violation in the Critical Area shall be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:

- i. Obtaining an approved mitigation or restoration plan;
- ii. Completing the abatement measures in accordance with the County Critical Area program; and

- iii. Paying any civil fines assessed and finally adjudicated.

Variance

Maryland's Critical Area law provides that variances to a local jurisdiction's Critical Area program may be granted only if the County's Administrative Hearing Officer (AHO) finds that an applicant has satisfied the burden to prove that the request meets each and every one of the variance standards under COMAR 27.01.12, including the standard of unwarranted hardship. Furthermore, State law establishes the presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law and County's Critical Area Program. The AHO must make an affirmative finding that the applicant has overcome this presumption, based on the competent and substantial evidence presented from the applicant.

This office is opposed to legalizing the unpermitted retaining wall located at the bottom of the slope as the variance request fails to meet the standard of unwarranted hardship and others, as described below.

First, State law defines "unwarranted hardship" to mean that, without the requested variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot. The property is currently developed with a single-family dwelling, pool, patio, gazebo, shed, walkways, and driveway. Given the applicant already has reasonable and significant use of the lot and the bottom retaining wall does not appear to stabilize the slope but instead provides a flat lawn area, denying this variance request to legalize the bottom unpermitted retaining wall would not result in an unwarranted hardship.

Second, approval of this variance would grant the applicant a special privilege that would be denied to others on similar properties within the Critical Area, as no individual is guaranteed the right to disturb steep slopes in the LDA unless the project is the only effective manner to maintain or improve the stability of the slope.

Third, the County's Critical Area program and the State Critical Area regulations place strict limits on disturbance to steep slopes in the LDA in order to meet the goals of the Critical Area law. The sensitive location of the bottom retaining wall, which does not appear to be stabilizing the slope, is not a right commonly enjoyed by other, similar properties developed under the County's Critical Area program.

In requesting a variance, the applicant bears the burden of demonstrating that each and every one of the County's variance standards have been met, including the standard of unwarranted hardship. This proposal fails to meet each of the variance standards as described in this letter. It is for these reasons that we recommend denial of the variance and recommend that the applicant remove the bottom unpermitted retaining wall and plant the area with deep-rooted, woody native trees and shrubs.

Ms. Sterling Seay
Goodrich Variance 2023-0143-V
April 5, 2024
Page 3 of 3

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions about these comments, please don't hesitate to contact me at ann.sekerak@maryland.gov or 410-260-3466.

Sincerely,



Annie Sekerak
Natural Resources Planner

cc: Kelly Krinetz, Anne Arundel County
Jennifer Esposito, CAC

file: AA 0070-24



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2023-0031-P)

DATE OF MEETING: 9/27/2023

P&Z STAFF: Sara Anzelmo and Kelly Krinetz

APPLICANT/REPRESENTATIVE: Chris & Laura Goodrich EMAIL: clccp@verizon.net

SITE LOCATION: 454 Blue Lake Drive, Severna Park LOT SIZE: 1.35 acres ZONING: R1

CA DESIGNATION: LDA BMA: NO or BUFFER: YES APPLICATION TYPE: Critical Area Variances

Letter from the applicants: *“Requesting a fourth retaining wall built to correct severe erosion. This is due to deck support post (6x6) that needed to be replaced causing 2nd floor deck to sag and rear patio (concrete) cracked in multiple locations and no longer level. The Goodrich’s are applying for a non-modified buffer variance due to a steep slope causing significant erosion. The intent is for the retaining walls plus significant planting to control future erosion and stabilize the hill. The reason is disturbance in non-modified buffer zone.”*

The proposal relates to open compliance cases (B-2023-52 and E-2023-43) associated with the construction within the buffer and steep slopes without permits. From the B-2023-52 inspection record: “Joint inspection determined 4 walls erected - Top wall 3.65', Second Wall 4.39', Third Wall 4.23', Bottom Wall 3.79'. All requiring permits, SWO and FCN previously issued by grading inspector.” From the E-2023-43 inspection record: “Inspector visited the referenced property in relation to a SGP for replacing a pool patio in kind. Inspection found new retaining walls inside the buffer on steep slopes without a permit. Stop work order and correction notice posted.”

The proposal requires after-the-fact variance relief to perfect four retaining walls with steep slope disturbance within the LDA - Limited Development Area and with disturbance within the buffer. Despite not being included in the letter of explanation, the proposed pool patio surround is located within the buffer and also requires a variance.

COMMENTS

The **Critical Area Team** commented:

- An in-kind replacement of the existing pool patio can be supported.
- The top retaining walls appear to be in response to a grading issue and can be supported.
- The bottom retaining wall and associated fill were to create a flat lawn area. This cannot be supported and should be removed.

The **Zoning Administratin Section** advises that a variance is required for all of the recently constructed and proposed improvements (i.e. all four retaining walls and the proposed pool patio surround) and not just for the “fourth retaining wall” as described in the applicants’ letter. The site plan should show slopes of 15% or greater and should show the expanded buffer line. The applicants must demonstrate how the proposal meets ALL of the Critical Area variance standards provided under Section 18-16-305(b) and (c) of the Anne Arundel County Zoning Code.

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.

2023-0143-V



Legend

Foundation

Addressing



Parcels - Annapolis City



Planning

County Planning



Elevation

Topo 2020

Index

Intermediate



Notes

Esri Community Maps Contributors,
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TomTom, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA,

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USED FOR NAVIGATION



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