

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

APPLICANT: David Katz

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0153-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: June 27, 2024

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicant is requesting variances to allow a dwelling addition (2nd story and deck) with less setbacks and buffer than required on property located at 343 Kingsberry Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 87,289 square feet of land and is located with approximately 212 feet of road frontage on the east side of Kingsberry Drive, south of Bantry Court. The property is identified as Lot 19 of Parcel 384 in Grid 3 on Tax Map 46. The property has been split-zoned primarily RLD - Residential Low Density District with a sliver of OS - Open Space District associated with a stream buffer in the rear of the property since the adoption of comprehensive zoning of the Fifth Councilmanic District zoning maps, effective January 29, 2012. This is a nonwaterfront lot located partially in the Chesapeake Bay Critical Area, designated primarily LDA – Limited Development Area in the front of the lot and RCA - Resource Conservation Area in the rear. The site is encumbered by a perennial tributary stream and its buffer, steep slopes, the buffer to steep slopes, and the RLD 50-foot planted buffer requirement. The property is currently improved with a dwelling and associated features. The site is served by a private well and septic system.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a second story addition, two additions to the front of the house, and a rear deck.

REQUESTED VARIANCES

§ 18-13-104(a) of the 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. § 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). § 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.” § 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 deck and steps will be within the expanded buffer causing disturbance to the expanded buffer, necessitating a variance to this provision as shown on the

site plan. Exact buffer disturbance will be determined at the time of permit.

§ 18-4-401(b) requires that a 50-foot planted buffer area shall be located and maintained between the principal structure and the crest of steep slopes. The proposed improvements will be located in the required 50-foot planted buffer from steep slopes, necessitating a variance to allow construction of a deck and stairs within the required 50-foot planted buffer to steep slopes.

§ 18-4-601 of the Code requires that a principal structure be setback 50 feet from the front lot line in the RLD - Residential Low Density District. The proposed dwelling addition will be located 45.5 feet from the front lot line requiring a variance of 5 feet to the requirement.

FINDINGS

This Office finds that this is a large oddly shaped lot. The subject property far exceeds the minimum lot requirement and the minimum lot width requirement for a lot in the RLD District. The property is encumbered by steep slopes along the perennial stream buffer, east of the existing dwelling, which causes the buffer to be expanded. The dwelling is located very close or at the expanded buffer line making any expansion additions difficult without a variance.

The plan shows existing critical area lot coverage of the site is 5,864 square feet. The proposed post-construction lot coverage will be 6,611 square feet, which is below the maximum 13,093 square feet allowed by the Code.

A review of the County 2024 aerial photograph shows an eclectic mix of dwellings on large lots immediately surrounding the subject property. According to the State Department of Assessments and Taxation records the existing dwelling was built in 1976 prior to the adoption of the critical area laws. A variance was granted for a lot within St Margarets Farm subdivision at 1612 Pleasant Plains Road (2016-0188-V) which related to a pool in the front yard of a nonwaterfront lot.

The applicant's letter explains that the dwelling has been vacant for nearly 27 years and is uninhabitable. The property was cited for being unsafe by the County on multiple occasions prior to the applicant's ownership. The letter stresses that a renovation of the existing dwelling is required.

Agency Comments

The **Health Department** commented that they do not have an approved plan for this project. There is no objection provided a plan is submitted and approved by the Department.

The **Development Division (Critical Area Team)** commented that there is no objection to the proposed renovations and the addition of the second story. However, the applicant did not provide justification for the deck as requested in the pre-file comments. This area will be disturbed with the removal of the existing septic, however, redevelopment of this area must still meet the required standards for approval. Mitigation will be determined with the permit application.

The **State Critical Area Commission** took no position but commented that appropriate mitigation should be provided.

The **Department of Inspections and Permits (Engineering)** commented the following:

1. The site includes a County or FEMA floodplain (Mill Creek). Submit the Plat that shows the floodplain dedications. If the floodplain is not currently dedicated, it will need to be dedicated before approval of the grading permit.
2. Stormwater management will be addressed through rooftop and non-rooftop disconnections and sheet flow.
3. The stormwater management, utility/Engineering design review approval for the site shall occur at the grading permit stage.
4. Based on the plan provided, it appears that the property will be served by a private well and septic.
5. Determination/Recommendation - Based on the above, this office has no objection to the above-referenced variance request from either an engineering and/or utility standpoint.

The **Cultural Resources Section** commented that this project area is in an area of high archaeological potential, but the plans that are included with the variance application indicate the proposed disturbance is limited to areas of previous disturbance within the footprint of the existing house. The Cultural Resources Section will need to review any associated grading/building permit to verify that the proposed LOD has not changed, but has no objection to the variance.

Variance Requirements

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 developed with an existing dwelling and improvements that is encumbered by steep slopes which expand the stream buffer. Regarding the RLD planted buffer, the 50-foot buffer is close to the existing house and the proposed improvements which makes the maintenance of a 50-foot planted buffer impossible.

A literal interpretation of the County's critical area program will deprive the applicant of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County by denying them the right to construct an addition and a deck onto an existing dwelling. The granting of the variance will not confer on the applicant special privileges that would be denied by COMAR, Title 27. 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. With stormwater management the granting of the variance should not adversely affect water quality or impact fish, wildlife or plant habitat and will 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 and implemented site planning alternatives given that there has been no justification for the deck.

Approval of the variances would not alter the essential character of the neighborhood. Approval of the variances will not substantially impair the appropriate use or development of adjacent property, as the dwelling will be located well away from the dwellings on abutting lots. The variance to the

front setback is a minor deviation from the requirement and the improvements are a continuation of the line of the facade of the house or behind the facade line. The variance will not reduce forest cover in the limited development area or the resource conservation area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

The request for the second story addition and the additions to the front of the house are considered the minimum necessary, however, there has been no justification for the deck and therefore, the variance requests for the deck cannot be considered to be the minimum necessary to afford relief.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth in § 18-16-305, under the County Code, the Office of Planning and Zoning recommends ***approval*** of the critical area variance requests to § 18-13-104 (b) to allow less buffer than required for the second story addition and approval of the request to § 18-4-401 to allow less planted buffer than required in the RLD District for the second story addition as shown on the site plan. This Office recommends ***denial*** of the variance request to § 18-13-104 (b) to allow less buffer than required and to § 18-4-401 to allow less planted buffer than required in the RLD District for the deck.

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.



201 Laguna Avenue
Suite 3
Annapolis, MD 21403

The Kettz
Residence

1115 Maple Drive
Annapolis, Maryland 21409

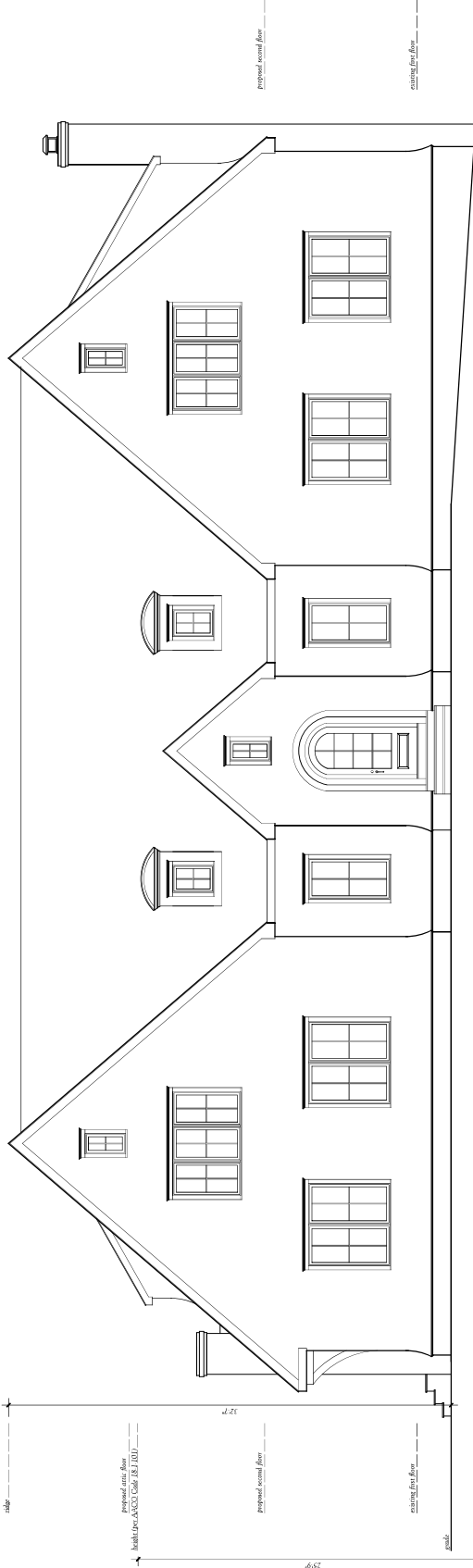
Date: 03.17.24
Scale: 1/4" = 1'-0"
Drawing No.: 24-100
Professional:

Proposed
Elevations

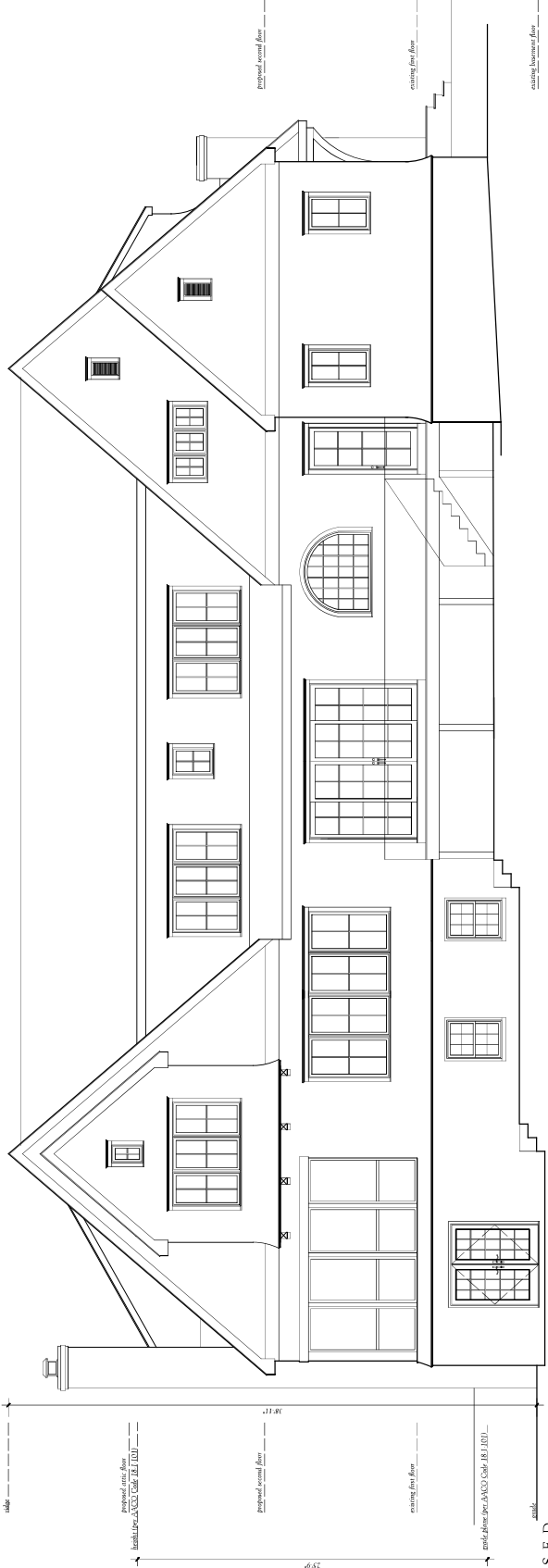
A4
of 6

DRAFT
Not intended for construction
© 2024 SSAI

NOT FOR CONSTRUCTION



PROPOSED
WEST ELEVATION



PROPOSED
EAST ELEVATION



SPEIGHT
 ARCHITECTS, INC.
 2021 Laguna Avenue
 Suite 3
 Newport, RI 02840

**The Kitz
 Residence**
 1415 South Falls
 Warwick, RI 02886

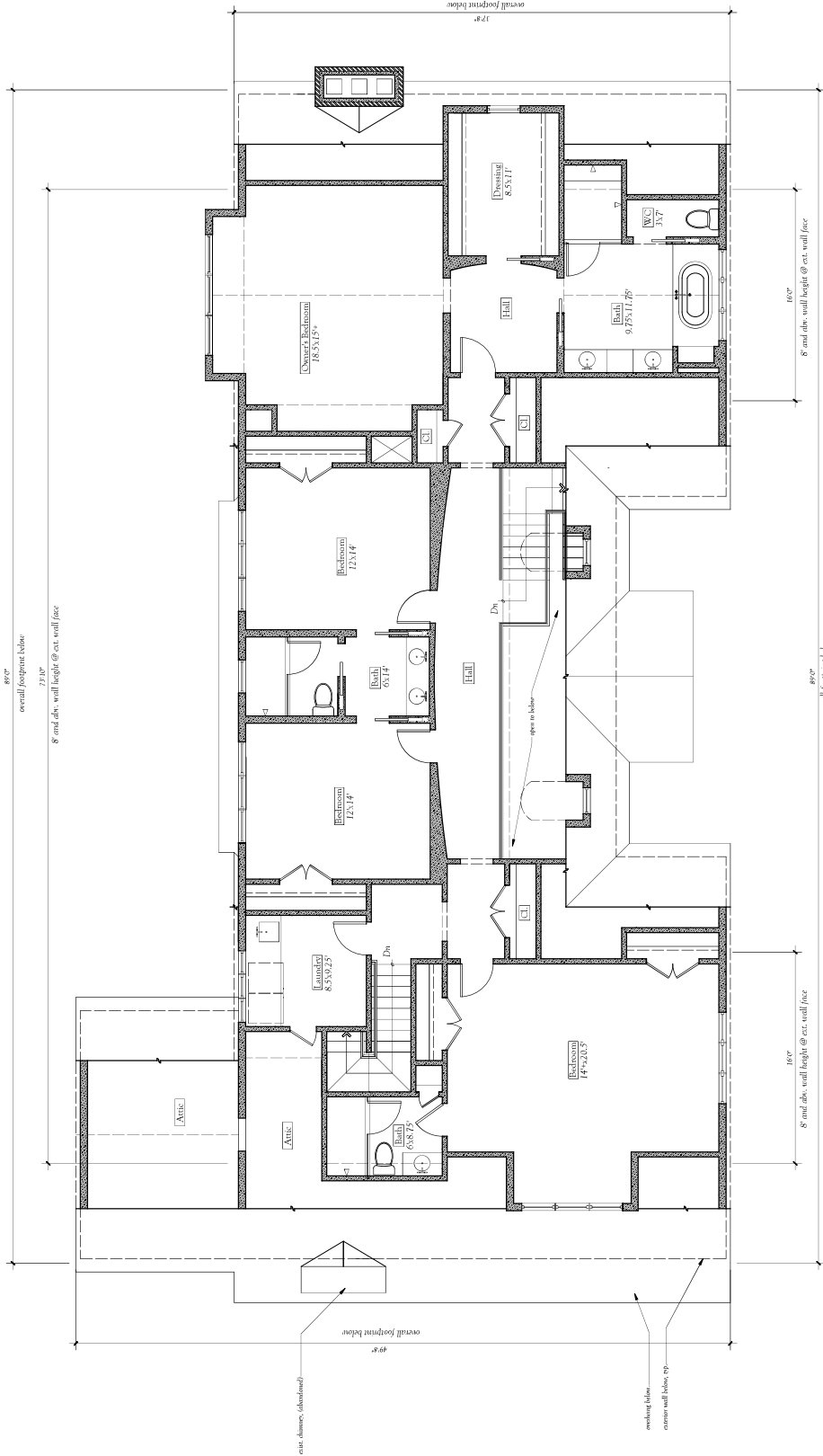
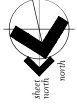
Job #: 01-23-24
 scale: 1/4" = 1'-0"
 drawings: 24-100
 revisions:

Proposed
 Second Floor
 Plan

A3
 of 6

DRAFT
 Not intended for construction
 without the architect's consent
 © 2024 SSAI

NOT FOR CONSTRUCTION



PROPOSED
 SECOND FLOOR PLAN

LEGEND

EXISTING CONTOUR	DAC
SOIL TYPE	DAC
SUBURBAN	CSE
EXISTING DRIVEWAY	
EXISTING DRIVE	
EXISTING WOODS	
EXISTING PROPERTY LINE	
EXISTING ZONING LINE	
EXISTING ARE TO BE PROTECTED FROM DEVELOPMENT	
BUILDING FOOTPRINT LINE	
10% SLOPE	
20% SLOPE	
SUBURBAN 10'	
SUBURBAN 60'	
CIRCULAR DRAINAGE	

- NOTES:**
- THE LOCATIONS OF THE FEATURES SHOWN ON THE RESOURCE MAP HAVE BEEN FIELD VERIFIED.
 - THE RESOURCE MAP WAS PREPARED BY A PROFESSIONAL ENGINEER IN ACCORDANCE WITH THE DEPARTMENT OF NATURAL RESOURCES' QUALIFIED PROFESSIONAL WITH RESPECT TO THE RESOURCE MAP ACT.
 - THE RESOURCE MAP IS A PRELIMINARY RESOURCE MAP AND IS NOT A FINAL LISTED PROFESSIONAL WITH RESPECT TO POSSIBLE WETLANDS AND STREAM DETERMINATION.
 - THE SITE IS WITHIN THE CRITICAL AREA (WMA OF LDA AND RCA).
 - THE SITE IS NOT LOCATED IN A BOG OR CONTRIBUTING AREA TO A BOG.
 - THERE ARE STEEP SLOPES GREATER THAN 15% ON THE SITES WITHIN ZONE X.
 - KROSSBERRY DRIVE IS NOT ON THE SCENIC OR HISTORIC ROAD INVENTORY.
 - THE SITE IS NOT LOCATED IN A BOG OR CONTRIBUTING AREA TO A BOG.
 - SEWER SERVICE - BROWNSNECK / FUTURE SERVICE (MAY 25' / PRIVATE SEPTIC).

NOTE: THE LOCATIONS OF THE FEATURES SHOWN ON THE RESOURCE MAP HAVE BEEN FIELD VERIFIED.

DATE: 3/28/24

WAYNE A. NEWTON, P.E. #71591

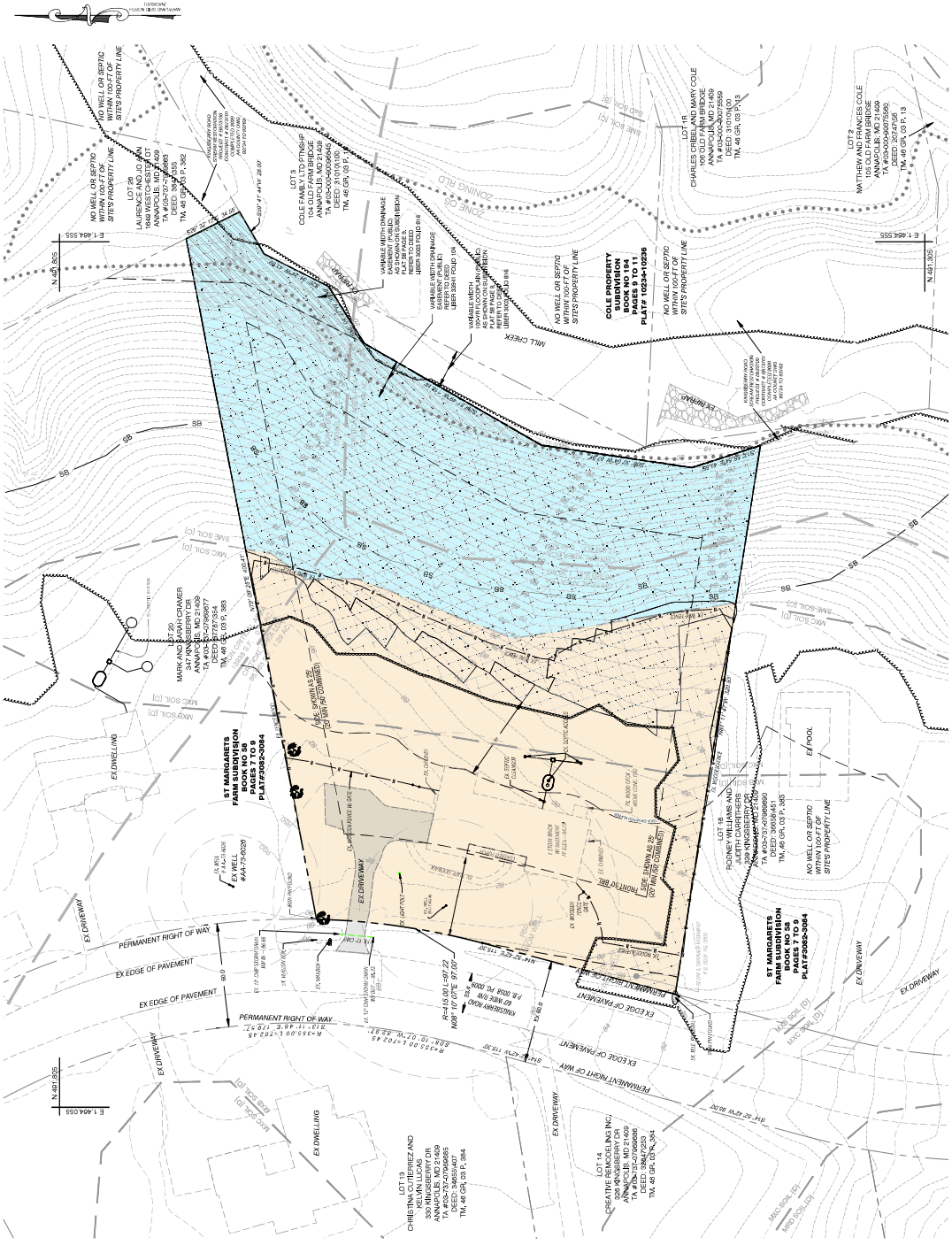
SEALS TABLE

NO. OF SEALS	NO. OF SEALS	TOTAL
MADE	MADE	1,11
MADE	MADE	0,89
SIGNATURE	SIGNATURE	2,00

EXISTING SITE CONDITIONS & RESOURCE MAPPING

KATZ PROPERTY
 ST MARGARETS FARM SUBDIVISION
 SINGLE FAMILIAL RESIDENTIAL ZONING PLAN
 LOT 14 CROSSBERRY DRIVE
 ANNAPOLIS, MD 21403

DATE: MARCH 2024



PLAN
 SCALE: 1" = 30'

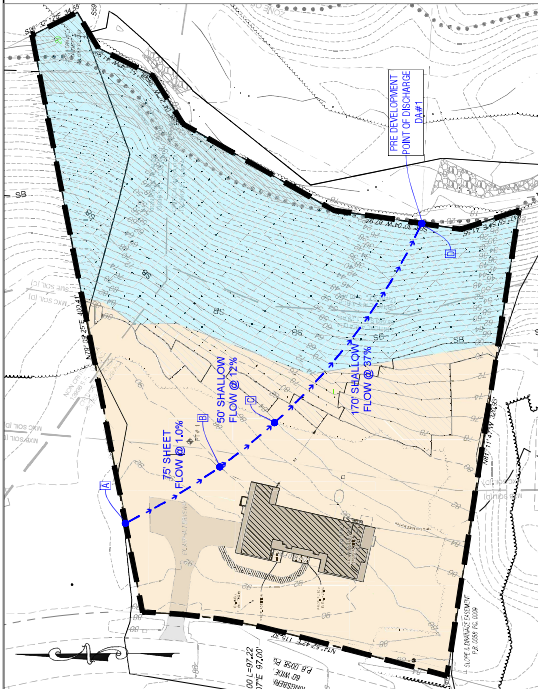
OWNER/DEVELOPER:
 DAVID AND LENNE KATZ
 1551 PONDICKE DRIVE
 ANNAPOLIS, MD 21403
 (410) 426-2312
 (E) COENR@MESSICKANDASSOCIATES.COM

OWNER/DEVELOPER:
 DAVID AND LENNE KATZ
 1551 PONDICKE DRIVE
 ANNAPOLIS, MD 21403
 (410) 426-2312
 (E) COENR@MESSICKANDASSOCIATES.COM

MESSICK & ASSOCIATES*
 CONSULTING ENGINEERS
 PLANNERS AND SURVEYORS
 7 OLD SOLOMONS ISLAND ROAD, SUITE 202
 ANNAPOLIS, MARYLAND 21401
 (410) 266-2312 • FAX (410) 266-5302
 email: eng@messickandassociates.com

REVISION	DESCRIPTION	BY	DATE



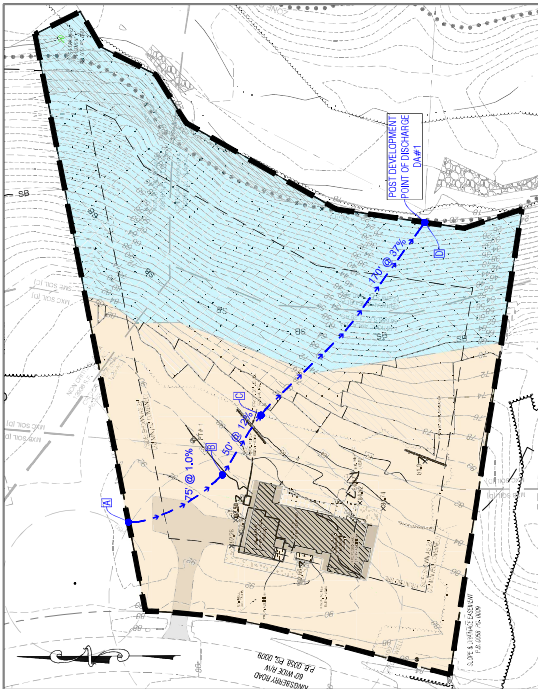


EXISTING CONDITIONS DRAINAGE AREA MAP
SCALE 1" = 40'

EXISTING CONDITIONS DRAINAGE AREA 1c

ITEM	TYPE	LENGTH (ft)	SLOPE (%)
1	SHALLOW CONCENTRATED FLOW	170	0.2%
2	SHALLOW CONCENTRATED FLOW	170	0.2%
3	SHALLOW CONCENTRATED FLOW	170	0.2%
4	SHALLOW CONCENTRATED FLOW	170	0.2%
5	SHALLOW CONCENTRATED FLOW	170	0.2%

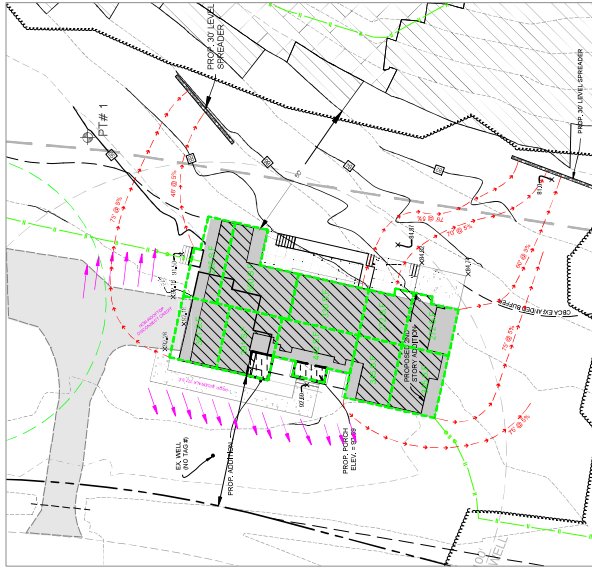
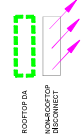
NO.	DATE	DESCRIPTION



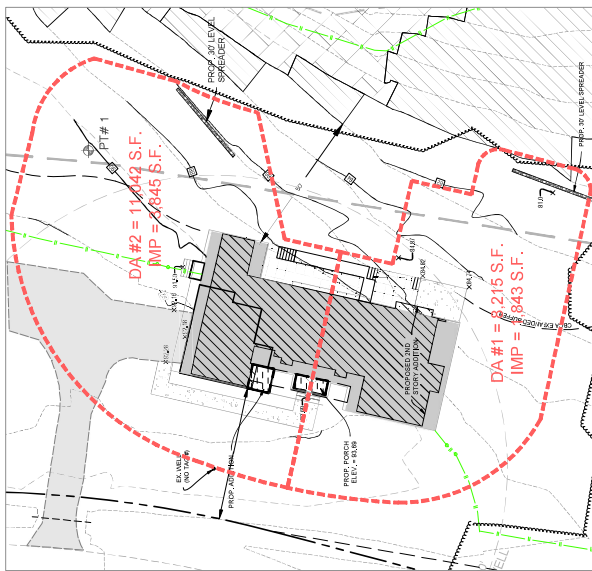
PROPOSED CONDITIONS DRAINAGE AREA MAP
SCALE 1" = 40'

PROPOSED CONDITIONS DRAINAGE AREA 1c

ITEM	TYPE	LENGTH (ft)	SLOPE (%)
1	SHALLOW CONCENTRATED FLOW	170	0.2%
2	SHALLOW CONCENTRATED FLOW	170	0.2%
3	SHALLOW CONCENTRATED FLOW	170	0.2%
4	SHALLOW CONCENTRATED FLOW	170	0.2%
5	SHALLOW CONCENTRATED FLOW	170	0.2%



ROOFTOP & NON-ROOFTOP DISCONNECT CREDITS MAP
SCALE 1" = 20'



SHEET FLOW TO BUFFER
SCALE 1" = 20'

EXISTING & PROPOSED DRAINAGE AREA MAPS

KATZ PROPERTY
ST MARGARET'S FARM SUBDIVISION
SINGLE FARM LOT DISCONNECT CREDITS PLAN
LOT 100, MESSICK DRIVE
ANNAPOLIS, MD 21403

TAKING OFF: 03/27/2024
DATE: MARCH 2024

OWNER/DEVELOPER:
DAVID AND LENNE KATZ
1581 FRODOXIE DRIVE
ANNAPOLIS, MD 21403
(410) 426-2312
(E) CO.ENG@MESSICKANDASSOCIATES.COM

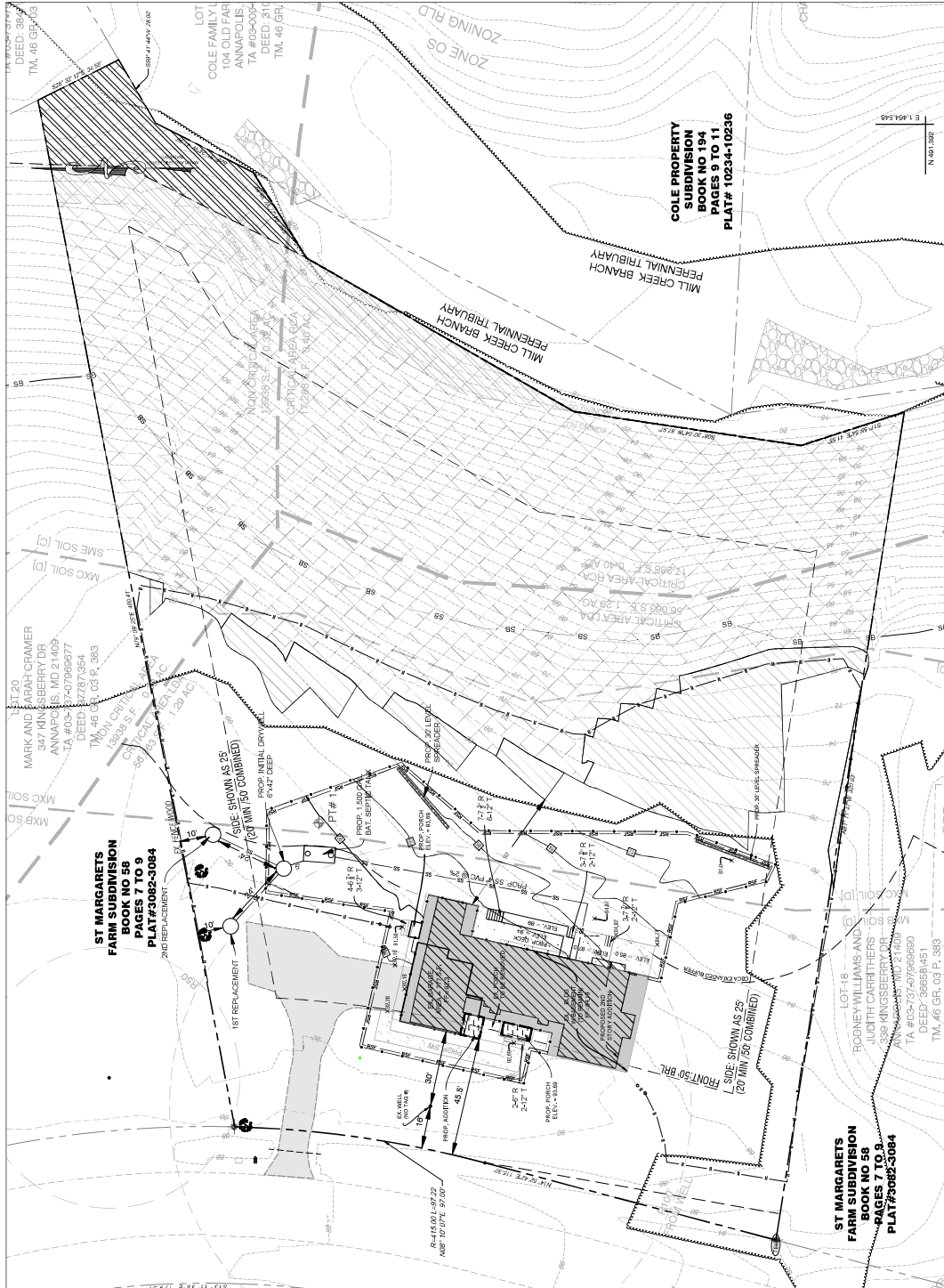


MESSICK & ASSOCIATES*
CONSULTING ENGINEERS
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-2312 • FAX (410) 266-3502
email: eng@messickandassociates.com

NO.	DATE	DESCRIPTION

LEGEND

---	EXISTING CONTOUR
---	SOIL TYPES
---	D&C
---	D&C
---	CSE
---	EXISTING DRIVEWAY
---	EXISTING SIDEWALK
---	EXISTING WOODLANDS
---	EXISTING PROPERTY LINE
---	EXISTING ZONING LINE
---	PROPOSED CONTOUR
---	PROPOSED DRIVEWAY
---	PROPOSED BUILDING
---	PROPOSED WELL
---	RAILING DESCRIPTION LINE
---	15% SLOPE
---	25% SLOPE
---	CR&L EXPANDED BUFFER



SITE AREA TABLE

CRITICAL AREA	AREA S.F.	AREA AC.
CR&L DA	56,063	1.29
CR&L PA	17,288	0.40
EX. COVERAGE (TOTAL)	5,864	0.13
-HOUSE	3,315	0.08
-DRIVEWAY & SIDEWALK	2,549	0.06
PROPOSED COVERAGE (TOTAL)	6,611	0.15
-HOUSE	3,378	0.08
-DRIVEWAY	2,024	0.05
-PAV'D & SIDEWALK	1,209	0.03
TOTAL COVERAGE AREA WITHIN EXPANDED BUFFER	185	0.00

HYDROLOGIC SOIL GROUP

AREA (AC.)	A	B	B/C	C	D	TOTAL
	0.00	0.00	0.00	0.89	1.11	2.00

SOILS TABLE

SOIL	PERCENTAGE	PERCENTAGE
M&B	100%	100%
MAC	0%	0%
MAC D	0%	0%
S&M	0%	0%

OWNER/DEVELOPER:
 DAVID AND LENNE KATZ
 1551 FROENKLE DRIVE
 ANNAPOLIS, MD 21401
 (410) 426-2312
 (E) COENR@MESSICKANDASSOCIATES.COM

OWNER/DEVELOPER:
 KATZ PROPERTY
 ST MARGARETS FARM SUBDIVISION
 SINGLE-FAMILY RESIDENTIAL ZONING PLAN
 LOT 18, 19, 20, 21, 22, 23, 24
 ANNAPOLIS, MD 21401
 TA #03-07-07969680
 DEED: 366581451
 TM. 46 GR. 03 P. 383
 SCALE AS SHOWN
 DATE: MARCH 2024



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 CONSULTING ENGINEERS
 PLANNERS AND SURVEYORS
 7 OLD SOLOMONS ISLAND ROAD, SUITE 202
 ANNAPOLIS, MARYLAND 21401
 (410) 266-2312 • FAX (410) 266-3502
 email: engr@messickandassociates.com

MISS UTILITY
 BEFORE YOU DIG, EVERYONE USES THE LAW

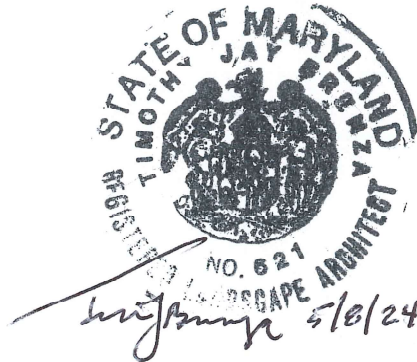
REVISION	DESCRIPTION	BY	DATE

Critical Area Narrative Statement
For: 343 Kingsberry Drive
Annapolis, Md. 21409
AACo. Tax Map 46, Grid 3, Parcel 384, Lot 19

August 17, 2023
(Revised May 8th, 2024)

PREPARED BY:
MESSICK AND ASSOCIATES.
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
410-266-3212

PREPARED FOR:
DAVID AND JOANNE KATZ
1931 PENDENNIS DRIVE
ANNAPOLIS, MD 21409



In accordance with the Anne Arundel County's Critical Area Report Criteria for a variance application, attached is a description of the subject property, proposed use, description of existing vegetation, proposed development, mitigation requirements, impervious area calculation and description of the habitat protection areas on-site.

A. Project Location, Use and Relevant History:

The site is located on the east side of Kingsberry Drive approximately 250' south of the intersection with Bantry Court in central Anne Arundel County. Most of the site is located in the Chesapeake Bay Critical Area (both the Intense Development Area and Resource Conservation overlay zones). The site consists of 2.00 acres (87,289 sq.ft.) of land zoned RLD and OS and the lot is served by private well and septic utilities. The site is legally buildable grandfathered lot in the Critical Area. The existing site is improved with a 1-story/with basement single family residential structure which has a non-conforming front yard or RLD setback to 15% slopes (as a result of the property being changed from R-1 to RLD since it was originally platted in 1976 before the Chesapeake Bay Critical Area Regulations were created). The applicant is seeking a permit to add a small addition to and second story to an existing single-family dwelling on the property.

B. Description of Vegetative & Proposed Disturbance:

Approximately 55,218 sq.ft. of the site is vegetated by aerial extent (75.3% of the critical area portion of the property). The existing vegetation consists primarily of deciduous hardwood species typical of the Tulip Poplar Forest association. Soils on site consist primarily of Mattapex-Butlertown soils (MxB, MxC) with an area of Sassafras and Croom soils on the east side of the site. These soils are not hydric or highly erodible. The existing house is located on a small ridgeline with the front yard draining to Kingsberry Drive and the rear yard draining toward a tributary stream off Mill Creek.

The proposed disturbance is limited the minimum area necessary to remove and re-construct the existing house on-site so it is in consistent with the character of the neighborhood. Storm water management is being provided by providing ESD rooftop and non-rooftop disconnect credits, and sheet flow to wooded buffer areas.

C. Potential Impacts and Mitigation:

The proposed rooftop disconnect credits, non-rooftop disconnect credits and sheet flow to wooded buffer credits exceed the ESD to the MEP storm water management requirements for the proposed redevelopment of the property. Native trees and shrubs are proposed within the 50' buffer to steep slopes in addition to the minimum storm water management requirement.

D. Site Data and Critical Area Coverage and Clearing:

The following data apply to the Critical Area Portion of the site:

CBCA/Limited Development Area:	56,063 sq.ft. (1.287 ac.)
<u>CBCA/Resource Conservation Area:</u>	<u>17,288 sq.ft. (0.397 ac.)</u>
Total CBCA Site Area:	73,351 sq.ft. (1.684 ac)

Existing Conditions:

Total existing coverage=	5,864 sq.ft. (8.00% of the CBCA)
Existing wooded area=	55,218 sq.ft. (75.3%% of the CBCA)

Proposed Conditions:

Total existing coverage=	6,611sq.ft. (9.01% of the CBCA)
Existing wooded area=	55,218 sq.ft. (75.3% of the CBCA)
	(i.e., no clearing proposed)

E. Description of Habitat Protection Areas:

The majority of the site is located within the Critical Area Expanded Buffer. The eastern portion of the site abuts a tributary stream off Mill Creek and the abutting slopes are in excess of 15%. Therefore, the CBCA expanded buffer includes the 100' buffer to the tributary stream, adjacent 15% contiguous slopes and 15' from the top of the steep slopes. The Chesapeake Bay Critical Area Project Notification Application Form, Site Plan, Topographic map and associated supporting documents are attached. The attached narrative statement was prepared by Timothy Brenza, RLA of Messick and Associates on May 10, 2023.

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 MARYLAND Date: MAY 2023

Tax Map #	Parcel #	Block #	Lot #	Section
44	384	3	19	N/A

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 3-737-07969691

Project Name (site name, subdivision name, or other) | KATZ PROPERTY

Project location/Address | 343 KINGSBERRY DRIVE

City | ANNAPOLIS, MARYLAND | Zip | 21409

Local case number | _____

Applicant: Last name | KATZ | First name | DAVID & LEANNE

Company | (N/A)

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 checked="" type="checkbox"/> | Other | <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site: RECONSTRUCT EXISTING RESIDENTIAL

DWELLING AND CONSTRUCT NEW STORM WATER MANAGEMENT
ESD DEVICES, PRIVATE UTILITIES AND ASSOCIATED GRADING IN THE CRITICAL AREA

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	- 0 -	- 0 -
LDA Area	1.287 ac	56,063
RCA Area	0.397 ac	17,288
Total Area	1.684 ac	73,351

Total Disturbed Area

Acres	0.526
Sq Ft	22912

of Lots Created

	Acres	Sq Ft	Acres	Sq Ft
Existing Forest/Woodland/Trees	1.268	55,218	Existing Lot Coverage	0.135 9865
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.017 744
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	- 0 - 0
			Total Lot Coverage	0.152 6611

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft	Acres	Sq Ft
Buffer Disturbance	0.196	8520	Buffer Forest Clearing	0 0
Non-Buffer Disturbance	0.330	14380	Mitigation	

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

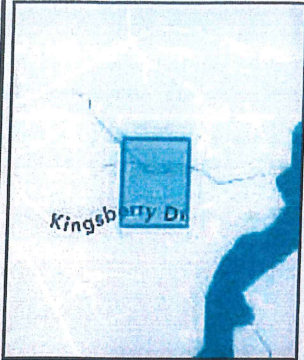
SCREENED PORCH/TERACE



Critical Area Map



Esri Community Maps Contributor, County of Anne Arundel, VGIN, Google StreetMap, Microsoft, Esri, HERE, DeLorme, SafeGraph, StreetView, Swatch, Time Warner, USGS, EPA, NPS, US Census Bureau, USDA



Legend

Foundation Addressing

Parcels

City of Annapolis Parcels

Planning

Planning

- IDA - Intensely Developed Area
- LDA - Limited Development Area
- RCA - Resource Conservation Area
- FED - Federal Land

Labeling

Basemap Label

Notes

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



CRITICAL AREA REPORT CRITERIA

If your property is located within the Chesapeake Bay Critical Area, you will need to provide the Zoning Office with more information in order to process your request. In reviewing your application, the Office of Planning and Zoning must determine the impact your proposal will have on stormwater management and plant and animal habitat in conformance with Critical Area Law.

You are responsible for submitting 4 copies of a Critical Area Report with your Zoning Application. Each copy of the Critical Area Report should include:

1. Project Notification Application Form
2. A Site Plan – The site plan of the property should be drawn to an engineers scale (1"=20', 30' or 40') showing the applicable features of the subject property; steep slopes, existing tree line, wetlands (tidal and non-tidal), mean high water line, floodplain, proposed landscaping, all buffers, and all existing structures.
3. A topographic map to scale (available in the mapping office on the 4th floor of building 2664 Riva Rd)
4. A narrative statement (a paragraph or less) on a separate sheet addressing each point listed below:
 - A. Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.
 - B. Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.
 - C. Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).
 - D. Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.
 - E. If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2024-0037-P)

DATE OF MEETING: 4/25/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz, Habtamu Zeleke

APPLICANT/REPRESENTATIVE: David Katz/Tim Brenza EMAIL: dkatz@katzday.com, engr@messickandassociates.com

SITE LOCATION: 343 Kingsberry Drive, Annapolis LOT SIZE: 2 acres ZONING: RLD/OS

CA DESIGNATION: LDA/RCA BMA: N/A or BUFFER: Yes APPLICATION TYPE: Variance

The applicant's original variance application (submitted 7/7/23) proposed the demolition of the existing structure and reconstructing a significantly larger house on the property. In an effort to minimize their variance request, they are adding a partial second story addition and renovating the existing structure instead of demolishing and reconstructing a new one. The existing dwelling has been left vacant for nearly 27 years and is uninhabitable, having been cited for its unsafety by the County on multiple occasions prior to the applicant's ownership.

Specifically, the applicant is requesting the following variances:

1. A variance of 5 feet to the 50' front yard setback in the RLD zone (Article 18-4-401(a)(1)).
2. A variance to reconstruct/renovate a principal structure within 50' of the crest of "steep slopes" (Article 18-4-401(b)).
3. A variance to allow disturbance within the 100' Chesapeake Bay Critical Area Expanded Buffer (Article 18-13-104(b)(1)).

Based on the ongoing, more than 27-year deterioration of the existing residence, a renovation of the existing dwelling is required. The condition of the existing home is viewed as a blight on the community and attracted unsafe conditions. More importantly, the proposed reconstructed structure is consistent with the character of the community and the variances being requested are the minimum necessary to afford relief.

COMMENTS

The **Critical Area Team** has no objection to the proposed second story addition. However, the applicant will need to demonstrate compliance with the variance approval criteria for the proposed deck.

The **Engineering Division** reviewed the development proposal for stormwater management and utility issues and provided a list of items that need to be addressed. The list is attached as Page 2 of these pre-file comments.

The **Zoning Administration Section** notes that the variance site plan must label the dimensions, height, and number of stories of the proposed structures. While the second story over the existing dwelling is reasonable, the applicant must demonstrate that the long deck meets all of the Critical Area variance standards and that the request is the minimum necessary to afford relief.

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.

2024-0037-P

Menu Cancel Help

Task
I and P Engineering
Assigned to Department
Engineering
Action by Department
Engineering
Start Time

Due Date
04/18/2024
Assigned to
Habtamu Zeleke
Action By
Habtamu Zeleke
End Time

Assigned Date
04/12/2024
Status
Complete w/ Comments
Status Date
04/19/2024
Hours Spent
0.0

Billable
No
Overtime
No

Comments
Variance s requests:
1. A variance of 10 feet to the 50 feet front yard setback in the RLD zone 18-4-401(a) (1).
2. A variance to allow construction of a principal structure within 50' of the crest of "steep slopes" (8-4-401(b)).
3. A variance to allow disturbance within the 100-foot Chesapeake Bay Critical Area Expanded Buffer 18-13-104(b)(1).

Comments:
1. This reviewer is unclear what type of SWM practice (s) are proposed. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resources including steep slopes and buffers.
2. Please review existing vegetation (or lack thereof) within the steep slopes; opportunities to supplement vegetation or replanting buffers with native vegetation should be reviewed and provided to enhance water quality.
3. Show and label clearly the proposed SWM practice (s) on the site plan.
4. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted.
5. The site includes a County or FEMA floodplain (Mill Creek). Submit the Plat that shows the floodplain dedications. If the floodplain is not currently dedicated, it will need to be dedicated before approval of the grading permit.
6. Based on the plan provided, it appears that the property will be served by a private septic and well.
7. The stormwater management, utility/Engineering design review approval for the site shall occur at the grading permit stage.
8. The above is provided as courtesy review comments at the pre-file stage to review and consider the design plan, additional reviews and detailed reviews are at the grading permit stage.

Time Tracking Start Date **Est. Completion Date**
Display E-mail Address in ACA **Display Comment in ACA**

In Possession Time (hrs)
Comment Display in ACA
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner
Workflow Calendar

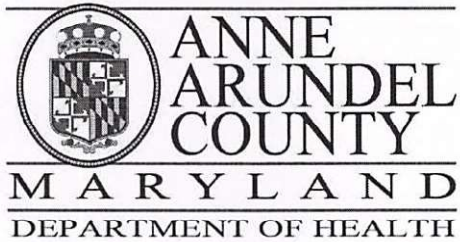
Estimated Hours
0.0
Action
Updated

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name




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: June 5, 2024

RE: David Katz
343 Kingsberry Drive
Annapolis, MD 21409

NUMBER: 2023-0153-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling and associated facilities with less setbacks and buffer than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay

2023-0153-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

05/09/2024

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

No objection to the proposed renovations and the addition of the second story.

The applicant did not provide justification for the deck as requested in the pre file comments. This are will be disturbed with the removal of the existing septic however redevelopment of this are must still meet the required standards for approval.

Mitigation will be determined with the permit application.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0,0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

05/30/2024

Assigned to Department

OPZ Critical Area

Status Date

05/10/2024

Overtime

No

Start Time

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



Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

CAC Comments_2023-0153-V; Katz, 2024-0087-V; Beauvois

Jennifer Esposito <jennifer.esposito@maryland.gov>
To: Sadé Medina <pzmedi22@aacounty.org>

Wed, May 15, 2024 at 8:00 AM

Good morning,

The Critical Area Commission has reviewed the following variances and appropriate mitigation is required:

- 2023-0153-V; Katz (AA 297-23);
- 2024-0087-V; Beauvois (AA 116-24);

Thank you for the opportunity to provide comments. If you have any questions or concerns, please let me know.

The above comments have been uploaded to the County's online portal.



Jennifer Esposito

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays

1804 West Street, Suite 100

Annapolis, MD 21401

Office: 410-260-3468

(In office: Mon., Wed., Friday)

Cell: 443-569-1361

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov

2023-0153-V

Menu Cancel Help

Task Details I and P Engineering

Assigned Date

05/28/2024

Assigned to

Habtamu Zeleke

Current Status

Complete w/ Comments

Action By

Habtamu Zeleke

Comments

Variance request: Variance to allow a dwelling addition (second story and deck) with less setbacks and buffers than required.

Comments:

1. The site includes a County or FEMA floodplain (Mill Creek). Submit the Plat that shows the floodplain dedications. If the floodplain is not currently dedicated, it will need to be dedicated before approval of the grading permit.
2. Stormwater management will be addressed through rooftop and non-rooftop disconnections and sheet flow.
3. The stormwater management, utility/Engineering design review approval for the site shall occur at the grading permit stage.
4. Based on the plan provided, it appears that the property will be served by a private well and septic.
5. Determination/Recommendation - Based on the above, this office has no objection to the above-referenced variance request from either an engineering and/or utility standpoint.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

05/30/2024

Assigned to Department

Engineering

Status Date

05/30/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

Engineering

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

2023-0153-V

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

05/09/2024

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

This project area is in an area of high archaeological potential, but the plans that are included with the variance application indicate the proposed disturbance is limited to areas of previous disturbance within the footprint of the existing house. The Cultural Resources Section will need to review any associated grading/building permits to verify that the proposed LOD has not changed, but has no objection to the variance.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

05/30/2024

Assigned to Department

OPZ Cultural Resources

Status Date

06/07/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Cultural Resources

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



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



0 300 600 ft



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Notes