

April 17, 2024

Anne Arundel County, Office of Planning and Zoning  
2664 Riva Road, 3<sup>rd</sup> Floor  
Annapolis, MD 21401

**RE: C.E. ELLINGER PROPERTY ~ LOT 2  
230 Kirkley Road  
Annapolis MD, 21401  
Variance Application**

Sir/Madam:

Attached is a variance request application and associated submittal documents for the above referenced property. The request is to allow a modest improvement to the subject property as a variance to the Anne Arundel County Code is required. The requested variance to the Code relates to **Article 17, Section 8-201(a)** for redevelopment on slopes 15% or greater in the Limited Development Area (LDA).

The subject property is a legal non-conforming building parcel located in Annapolis with water frontage on Weems Creek. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-1 and is served by private well and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. The existing improvements are bordered by steep slopes to the south and west, which limit and restrict the areas that permit redevelopment. Primary vegetation consists of hardwood and evergreen trees, ornamental shrubs, and creeping ground cover common to wooded areas and the community.

The applicants propose to construct a small addition to the existing dwelling, revise the entry porch, and relocate the existing entry walkway that serves the dwelling. The building additions are modest in size and propose to expand the dwelling away from tidal waters. The requested steep slope variance is needed to rebuild the older entry steps into the dwelling. The proposed building additions do not need variance to the Code to acquire building permits.

Due to the unique physical conditions inherent to the property, the following variance to the Anne Arundel County Code is being requested: **Article 17, Section 8-201(a)** of approximately 723 square feet of property disturbance on slopes 15% or greater in the LDA.

The need for the requested variance arises from the unique physical conditions of the site, specifically the location of the existing structure and the presence of steep slopes. The

property and surrounding area are encumbered with steep slopes and other environmental challenges. The existing entry steps are steep and do not have consistent riser heights. This existing condition poses a serious safety hazard for the homeowners, who have elderly parents staying at their home. Access from the interior of the dwelling is also limited, as the interior staircase is narrow and steep. The new entry walk and steps have been designed to allow for safe entry into the home for the in-laws, as well as guests, by making all the risers consistent and comfortable in height. The new design will also allow the property owners to age in place without the concern of a hazardous site condition. Furthermore, the location for the new walk is in the shallower area of steep slopes in an area that appears to have been graded in the past.

The step relocation is proposed in the only viable location on the property that allows the issues to be rectified and fixed. The work does not require any more disturbance than if the existing improvements were to be removed or maintained. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and would not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare.

We believe that these requests meet all the requirements for variance, per Article 18-16-305:

**Requirements for Critical Area Variances.**

1. Unique physical conditions - Specifically topography and the location of the existing dwelling in relation to the slopes. Denial of the requested variance would constitute an unwarranted hardship on the applicant and deprive them of the right to redevelop and deny reasonable and significant use of the entire property.
2. Rights commonly enjoyed - The proposed improvements are similar and in character to those of surrounding properties. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the area.
3. Will not confer special privilege - Granting this variance would not confer a special privilege to the applicant. Nearby properties maintain improvements comparable to what is proposed for this project. The applicants have made extensive efforts to design the entry walk in a manner that considers the location of surrounding environmental features.

4. Not based on conditions or circumstances that are the result of actions by the applicant - Conditions and circumstances are based on the presence of steep slopes and the location of the existing improvements and are not because of actions by the applicant.
5. Will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area – The proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area. Disturbance is minimized only to what is necessary to complete the project and all improvements are proposed away from tidal waters. Mitigation will occur in accordance with county regulations and will be addressed during the permitting process. Sediment and erosion controls will be utilized to ensure that construction and grading will not adversely affect the surrounding environmental features located within the Critical Area. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

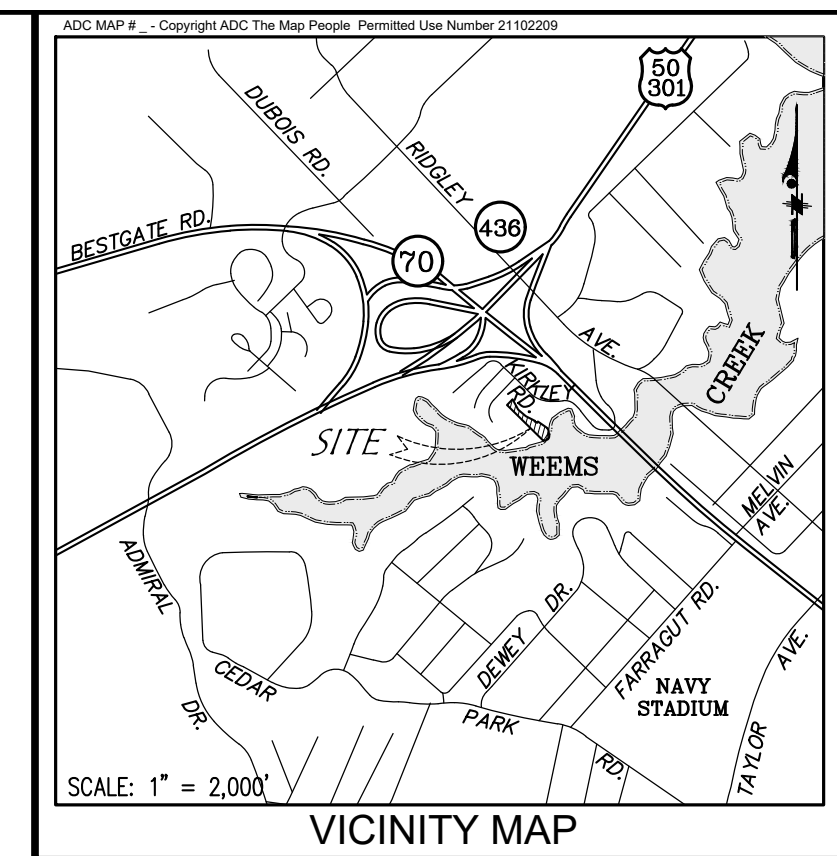
**Requirements for all variances.**

1. Minimum necessary - The improvements are minimal and are sited in an already developed location and have been designed to minimize disturbance.
2. The granting of the variance will not:
  - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with other properties of the surrounding area.
  - ii. substantially impair the appropriate use or development of adjacent properties.
  - iii. reduce forest cover in the LDA as appropriate mitigation will be required as part of the permit process.
  - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area.
  - v. be detrimental to the public welfare.

Thank you for your attention to this matter. Please contact us if we may be of further service during your review of this variance request.

Sincerely,  
DRUM, LOYLA & ASSOCIATES, LLC

  
Katie Yetman



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S26° 49' 03"W	7.50
L2	S63° 10' 57"E	30.00
L3	N26° 49' 03"E	15.00

NOTE: Contractor to field locate ex. utilities to determine exact location. Reconnect as necessary.

**WEEMS CREEK**  
(BUFFER MODIFIED)

**LEGEND**

- Existing Contour
- Existing Woods Line
- Existing Power Pole
- Existing Overhead Electric
- EX. 27.7 + Existing Spot Elev.
- Existing Well
- 100' to Tidal Waters
- Existing Improvements
- Steep Slopes 15% or Greater
- Limit of Disturbance
- Proposed Grade
- 27.2 + Proposed Spot Elev.
- Ex. Lot Coverage to be Removed

**SITE TABULATIONS**

- Total Site Area: 44,014 S.F. (1.01 Ac.)
- Critical Area Designation: LDA
- Site Zoning: R-1
- Principal Structure Setbacks**
  - Front: 40'
  - Rear: 35'
  - Side: 15'/40'
- Lot Coverage:
  - Existing Lot Coverage: 9,369 S.F. (0.22 Ac.)
  - Allowable Lot Coverage: 6,602 S.F. (0.15 Ac.)
  - Max Allowable Lot Coverage (17-8-403): 9,092 S.F. (0.21 Ac.)
  - Proposed Lot Coverage: 9,092 S.F. (0.21 Ac.)
- Steep Slopes:
  - Total Steep Slopes within Area of Development: 6,345 S.F. (0.15 Ac.)
  - Total Steep Slopes Disturbed: 723 S.F. (0.02 Ac.)



DESIGNED: MMD	DRAWN: KLY
ORIG. DATE: 06-19-17	
MODIFIED BY/DATE:	
CADD DWG # EB10117	
DLA PROJECT # EB10117	
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REVISIONS TO APPROVED PLANS			
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: 410-280-1952  
www.drumloyka.com

OWNER:  
**MR. & MRS. WILLIAM BENTLEY**  
230 KIRKLEY ROAD  
ANNAPOLIS, MARYLAND 21401

VARIANCE PLAN  
**C.E. ELLINGER PROPERTY ~ LOT 2**  
230 KIRKLEY ROAD, ANNAPOLIS, MARYLAND 21401  
TAX ACCT. NO. 02-000-03744100  
TAX MAP 0451 GRID 0007 PARCEL 0737 DISTRICT 2ND  
ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=20'    DATE: APRIL 17, 2024    PROJ. NO: EB10117    SHEET 1 OF 1

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Existing Interior Staircase



Existing Exterior Staircase



Existing Exterior Staircase - Uneven Riser Heights



Existing Exterior Staircase - Uneven Riser Heights



Existing Exterior Staircase

CRITICAL AREA COMMISSION  
 FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS  
 1804 WEST STREET, SUITE 100  
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: \_\_\_\_\_ Date \_\_\_\_\_

Tax Map #	Parcel #	Block #	Lot #	Section
045I	0737	0007	2	

**FOR RESUBMITTAL ONLY**

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

\* Complete only Page 1  
 General Project Information

Tax ID

Project Name (site name, subdivision name, or other)

Project location/Address

City  Zip

Local case number

Applicant: Last name  First name

Company

**Application Type (check all that apply):**

- |  |  |
|--|--|
| Building Permit <input type="checkbox"/>           | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/>    | Rezoning <input type="checkbox"/>            |
| Conditional Use <input type="checkbox"/>           | Site Plan <input type="checkbox"/>           |
| Consistency Report <input type="checkbox"/>        | Special Exception <input type="checkbox"/>   |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/>         |
| Grading Permit <input type="checkbox"/>            | Other <input type="checkbox"/>               |

**Local Jurisdiction Contact Information:**

Last name: \_\_\_\_\_ First name \_\_\_\_\_

Phone # \_\_\_\_\_ Response from Commission Required By \_\_\_\_\_

Fax # \_\_\_\_\_ Hearing date \_\_\_\_\_



**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

Construct addition to existing single-family dwelling and relocate existing entry steps with associated improvements

Intra-Family Transfer	Yes	Growth Allocation	Yes
Grandfathered Lot	X	Buffer Exemption Area	X

**Project Type (check all that apply)**

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	X
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

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

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area	0.09	
LDA Area	1.01		# of Lots Created	0	
RCA Area					
Total Area	1.01				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.56		Existing Impervious Surface	0.22	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.00	
Removed Forest/Woodland/Trees	0.00		Removed Impervious Surface	0.00	
			Total Impervious Surface	0.21	

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00		Buffer Forest Clearing		
Non-Buffer Disturbance	0.08		Mitigation		

Variance Type

Buffer	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>
Impervious Surface	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>
Steep Slopes	X
Setback	<input type="checkbox"/>
Other	<input type="checkbox"/>

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input type="checkbox"/>
Dwelling	<input type="checkbox"/>
Dwelling Addition	<input type="checkbox"/>
Garage	<input type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>

X Entry Steps

# Chesapeake Bay Critical Area Report

## C.E. Ellinger Property ~ Lot 2

Tax Map 45I, Grid 7, Parcel 737

Tax Account No. 02-000-03744100

**Property Address:** 230 Kirkley Road  
Annapolis, Maryland 21401

April 17, 2024

**Property Owners & Variance Applicant:** William and Holly Bentley

**Critical Area Designation:** LDA

**Zoning:** R-1

**Lot Area:** 1.01 Ac.

### Site Description

The subject property is a legal non-conforming building parcel located in Annapolis with water frontage on Weems Creek. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-1 and is served by private well and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. The existing improvements are bordered by steep slopes to the south and west, which limit and restrict the areas that permit redevelopment.

### Description and Purpose of Variance Request

The applicants propose to construct a small addition to the existing dwelling, revise the entry porch, and relocate the existing entry walkway that serves the dwelling. The building additions are modest in size and propose to expand the dwelling away from tidal waters. The requested steep slope variance is needed to rebuild the older entry steps into the dwelling. The proposed building additions do not need variance to the Code to acquire building permits. Due to the unique physical conditions inherent to the property, the following variance to the Anne Arundel County Code is being requested: **Article 17, Section 8-201(a)** of approximately 723 square feet of property disturbance on slopes 15% or greater in the LDA.

### Vegetative Coverage and Clearing

Primary vegetation consists of hardwood and evergreen trees, ornamental shrubs, and creeping ground cover common to wooded areas and the community. The existing wooded area totals roughly 24,300-sf. No tree removal is proposed for the development. Any reforestation and afforestation requirements for this property will be addressed during the permit phase of this project.

### Impervious Lot Coverage

The site currently has 9,369-sf of lot coverage. The proposed impervious lot coverage for this property is 9,092-sf, which is the allowable and an overall reduction.

**Steep Slopes (slopes > 15%)**

The subject property contains approximately 6,345-sf of steep slopes around the area of proposed development, all of which are concentrated around the existing improvements. Approximately, 723-sf of slopes will be disturbed as part of the proposed construction.

**Predominant Soils**

The predominant soil type is Collington-Wist-Urban land complex, 5 to 15 percent slopes (CpD) and Collington, Wist, and Westphalia soils, 15 to 25 percent slopes (CSE). These soils have a type "A" hydrologic classification, and CSE is considered a hydric soil.

**Drainage and Rainwater Control**

There appear to be no visible stormwater management devices on site. Stormwater management and sediment and erosion control will be provided for the proposed improvements and the specific design computations will be addressed during the permit phase of the project in accordance with Anne Arundel County design criteria.

**Conclusions – Variance Standards**

The step relocation is proposed in the only viable location on the property that allows the issues to be rectified and fixed. The work does not require any more disturbance than if the existing improvements were to be removed or maintained. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and would not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare.

**Reference:**

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

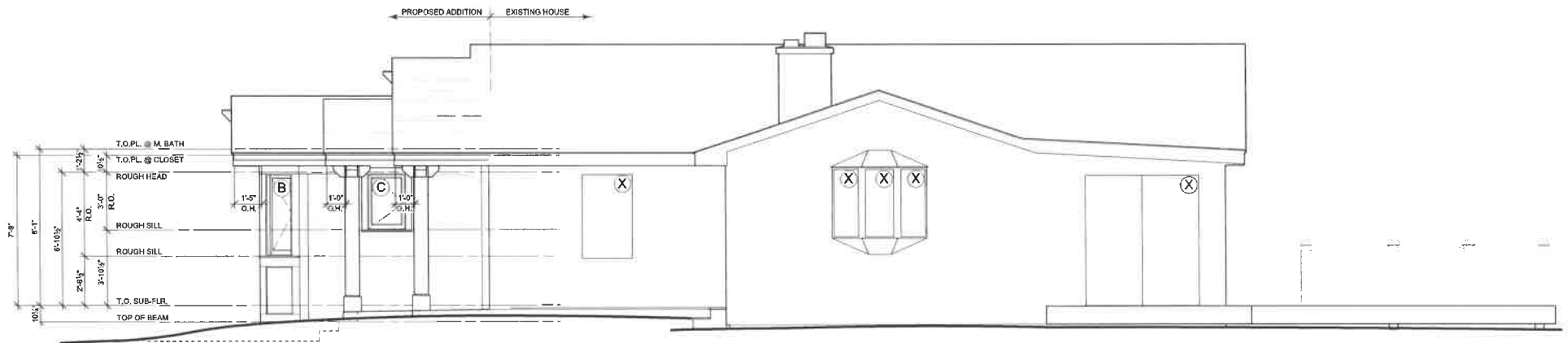
Drum, Loyka and Associates LLC, 2024 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2003 Soil Survey of Anne Arundel County Maryland.

State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District







SOUTHWEST ELEVATION

1/4"=1'-0"



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0028-P  
DATE: 03/26/2024  
STAFF: Joan A. Jenkins (OPZ)  
Kelly Krinetz (OPZ)

**APPLICANT/REPRESENTATIVE:** Katie Yetman/Drum Loyka

**EMAIL:** kyetman@drumloyka.com

**SITE LOCATION:** 230 Kirkley Rd, Annapolis

**LOT SIZE:** 43,124 sf

**ZONING:** R1      **CA DESIGNATION:** LDA      **BMA:** yes    or    **BUFFER:**      **APPLICATION TYPE:** variance

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**Description:**

The applicant proposes an addition to the existing dwelling with entry step reconstruction  
Variance required for steep slope disturbance.

#### COMMENTS

**Critical Area Team:** Additional information about the construction of the proposed entrance and revised sidewalk will need to be provided. The site plan depicts a longer sidewalk which includes steps in the design which is typically not the way improvements made to facilitate aging in place are designed.

#### **Zoning Administration Section:**

Include the height of the dwelling on the site plan. Note the definition of height from 18-1-101

“Height” when used in reference to a structure means the vertical distance from the average height of the highest roof surface for a structure with a roof or from the highest point of a structure without a roof to the grade plane. For purposes of this definition, “grade plane” means the average of the finished ground levels between the structure and a point six feet from the structure or, if the lot line is closer than six feet from the structure, the lot line.

Elevation drawings are helpful when included with the variance application.

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.

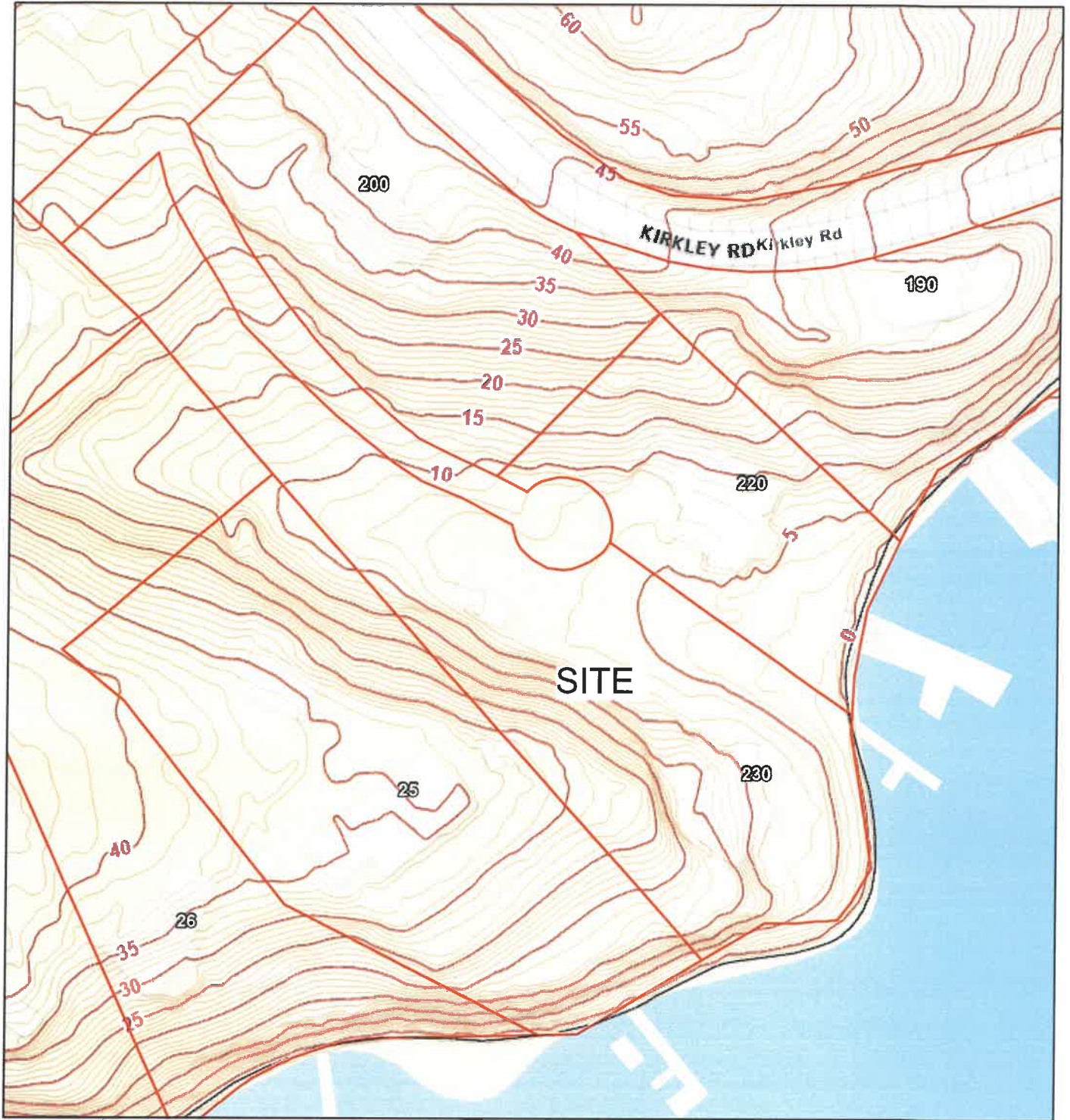
#### INFORMATION FOR THE APPLICANT

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.



# Anne Arundel County Engineering Record Drawing and Monuments



4/17/2024, 11:39:32 AM

Topo\_2020

Index

Intermediate

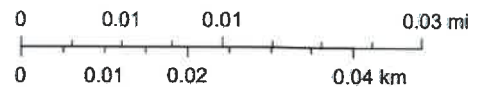
Local Road Label

 County Boundary

 Address Points

 Parcels

1:1,128



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Anne Arundel County

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