

79 West Street, Level 2  
Annapolis, MD 21401  
202.436.5311  
[www.HD2Architects.com](http://www.HD2Architects.com)

May 13, 2024

AACo Planning and Zoning  
Critical Area Team  
2664 Riva Road  
Annapolis, MD 21401

RE: 402 Arundel Rd., Tracy's Landing, Maryland 20779  
Owner/Applicant: Mr. James Radack  
Critical Area Designation IDA AACo Zoning: R2

#### LETTER OF EXPLANATION

Variance application for improvements to a Single Family Dwelling in the Critical Area requesting relief from Relief from 18-2-301(f)

Dear Critical Area Team,

This proposed remodel came before you in 2021 and was ultimately approved by the hearing officer, Mr. Hollmann. Unfortunately, the project did not commence due to the skyrocketing economic climate of construction. The approved variance expired. Earlier this year, we submitted a permit on behalf of Mr. Radack to rebuild-in-kind the front porch and create safer steps and landing to access his home to make some progress the livability and improvements to his home. That permit review is in process, awaiting a modification approval for **Article 17-6-404**. (It is our hope and expectation that the modification request is viewed favorably for the property and therefore includes both the initial porch permit as well as this upcoming permit application for the full scope of desired renovations to the home.)

Mr. James Radack purchased Critical Area Lot 19 in Tracy's Landing (3850 sq ft). He also purchased adjacent Lots 3 and 4 which are unimproved and unbuildable per AACo Health Department. The entirety of Lot 19 is unique in its narrowness and consistent steep slopes. Mr. Radack wishes to make improvements to the home (built in 1929, per SDAT) and Lot 19 to address erosion issues, replace a pair of decks that are not code-compliant, improve the safety and access to the site and expand the livable area of the small bungalow (735 sq ft. per SDAT). Mr. Radack's goal is to complete the improvements and move from his current location in Washington, DC to the newly remodeled home and site.

The Bungalow (approx. 20' x 27') is the only structure on the site and consists of 735 sq ft above grade living area (one bedroom and one full bath on the main level with a walk-out basement). There is an unusually designed landing and a steep, non-compliant stair from the main level to a lower basement decked area all under roof. (See Exhibit B, pp. 4). The height of the existing structure is approximately 15' from the front porch to the roof ridge. The structure is within the R-2 setbacks on the south (front) and east (side) locations. The distances from the structure to the property lines are as follows: Front: 14', East Side: 5.25' (3.5' as proposed), West Side: 12.25', Rear – 44.75' (41.75' as proposed).

Mr. Radack still desires to extend the decking at the entry porch to create an uncovered, level area for the storage of garbage and recycling containers. At 8"-24" from a sloping grade, this extension requires relief from **Article 18-2-301(f)** as the proposed decking structure is eleven (11) feet from the 25-foot front setback requirement.

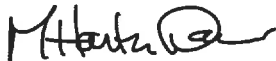
In the rear of the home, there is currently a covered deck area with living space above. The covered landing from the kitchen (main level) and deck (lower level) are beyond their serviceable life. The piers, stairs and railings do not meet safety standards. It is Mr. Radack's intention to replace the compromised piers and covered deck with additional living space and a crawl space foundation. The east corner of the home is currently 5.25' from the property line. The newly designed living space includes a cantilevered glazing wall on both the lower level and the upper levels at this location. These new, safer interior steps access the reconstructed basement level and are angled to be the most efficient use of space possible in such a small footprint. Cantilevering was prioritized to avoid additional foundation requirements within the setback. The existing footer will be 'replaced in kind'. Regarding the cantilevered glazing walls, Mr. Radack requests a relief of four (4) feet from **Article 18-2-301(f)**. The projection proposed be as close as 3' from the property line at its closest point (3.5' is proposed).

Beyond the new living space, there are stacked decks proposed that have been scaled back from the original variance application. The steep slopes render the entire yard to be extremely limiting in its usefulness for occupants. The main-level deck would extend narrowly from the proposed living space and expand as it projects out less than 12' from the house at +/-15" above grade at the highest point. The widest portion of that deck is +/- 13'-7". The lower-level deck (10.88' d. x 18.6' w.) is proposed to transition from the new lower-level living space to the back yard and provide a location for a sunken hot tub. The approximate height above grade is 6'-7" above grade due to the extreme slope. Other than the proposed hot tub, the decks would be considered pervious as there are no impervious materials under the proposed decking. There are two septic tanks located in proximity to the proposed decks. We have met directly with the AACo Health Department to review the design and they indicate approval of the deck and footing locations as well as the added finished square footage of the addition.

This alteration can be done without negatively impacting the water quality or natural habitats through the diligent utilization of stormwater management (SWM) controls and site remediation with vegetation. The required storm water management that will accompany the approved variance and ultimately the permit will greatly enhance the environmental conditions on the site. Every effort has been made to design in response to the environmentally sensitive issues. A total of **7 sq ft** of lot coverage is proposed to be added and remains below the maximum allowed (1,155 sq ft). Cantilevered structures are utilized to ensure minimal and temporary disturbances during construction. There are currently nominal beneficial plants or trees on the site. The proposed terraced walkway (east façade) and additional vegetation (throughout) will improve the stability of the site. Holistically, the improvements will enhance the essential character of Fair Haven Cliffs while also benefiting this and lower parcels that are impacted by SWM issues. Purposefully designed features that direct water to a variety of best management practices will ensure that the resiliency of the structure and site will be significantly improved for decades to come.

Thank you for your time and consideration.

Sincerely,

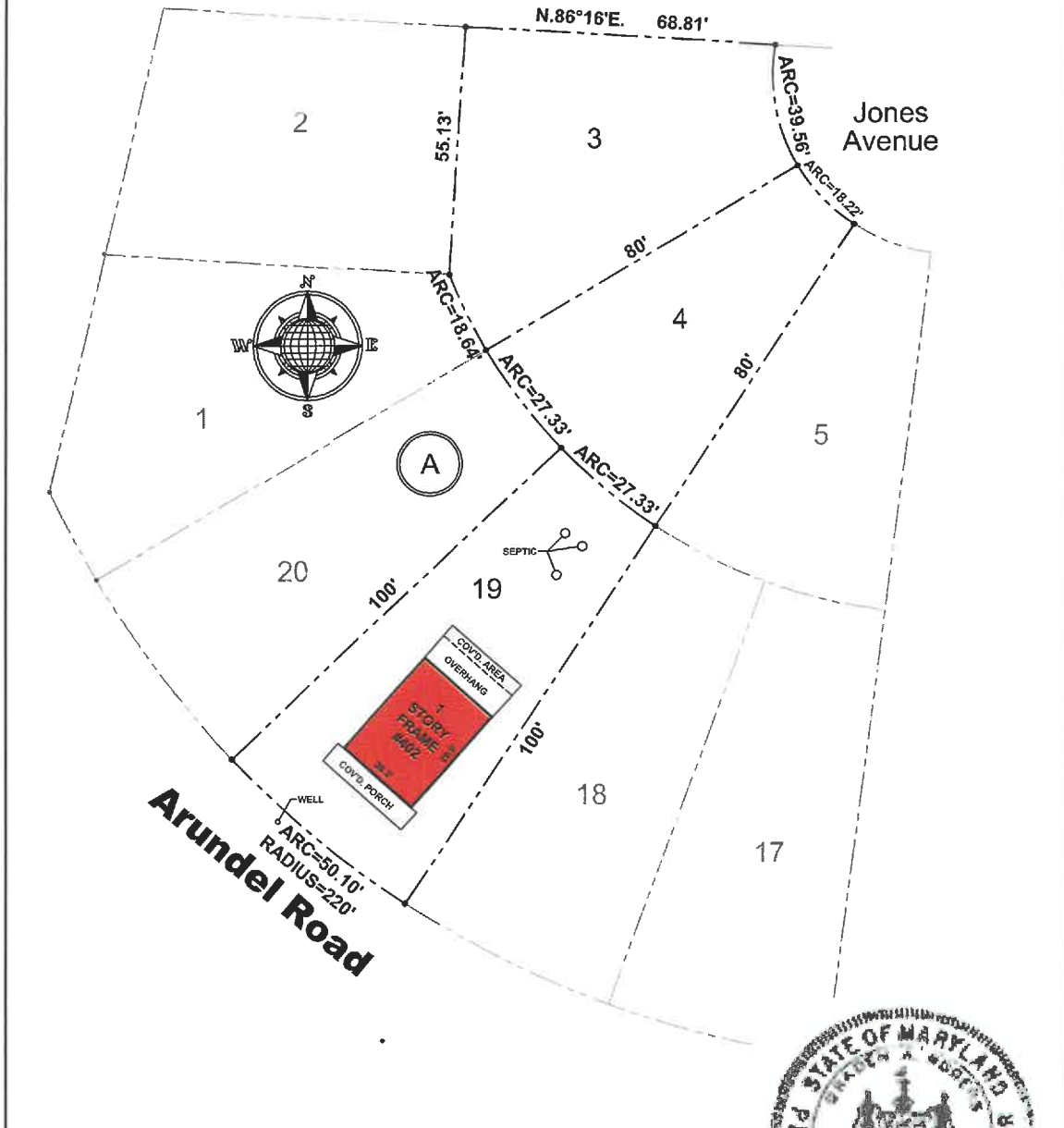


Melanie Hartwig-Davis, AIA, NCARB, LEED AP BD+C

# Landtech Associates, Inc.

10260 Old Columbia Road Rivers Center - Suite "J"  
 Columbia, Md. 21046  
 Phone: 410-290-8099 Fax: 410-290-8299  
 email: landtechsurvey@comcast.net

NOTE: NOT TO BE USED FOR ISSUANCE OF PERMITS



**NOTES:**

- 1) This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
- 2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings or other existing or future improvements.
- 3) This plat does not provide for the accurate identification of property lines, but such identification may not be required for the transfer of title or securing financing or re-financing.
- 4) No title report furnished.
- 5) Property line survey recommended to determine the exact location of improvements and/or encroachments, if any.
- 6) Property subject to any / all rights-of-way, easements, and / or covenants of record and / or imposed by law.

License Expires: 3/28/2022

Certification: This is to certify that the improvements indicated hereon are located as shown.

*Graden A. Rogers*

GRADEN A. ROGERS- Propt. L.S. MD. Lic. No 119

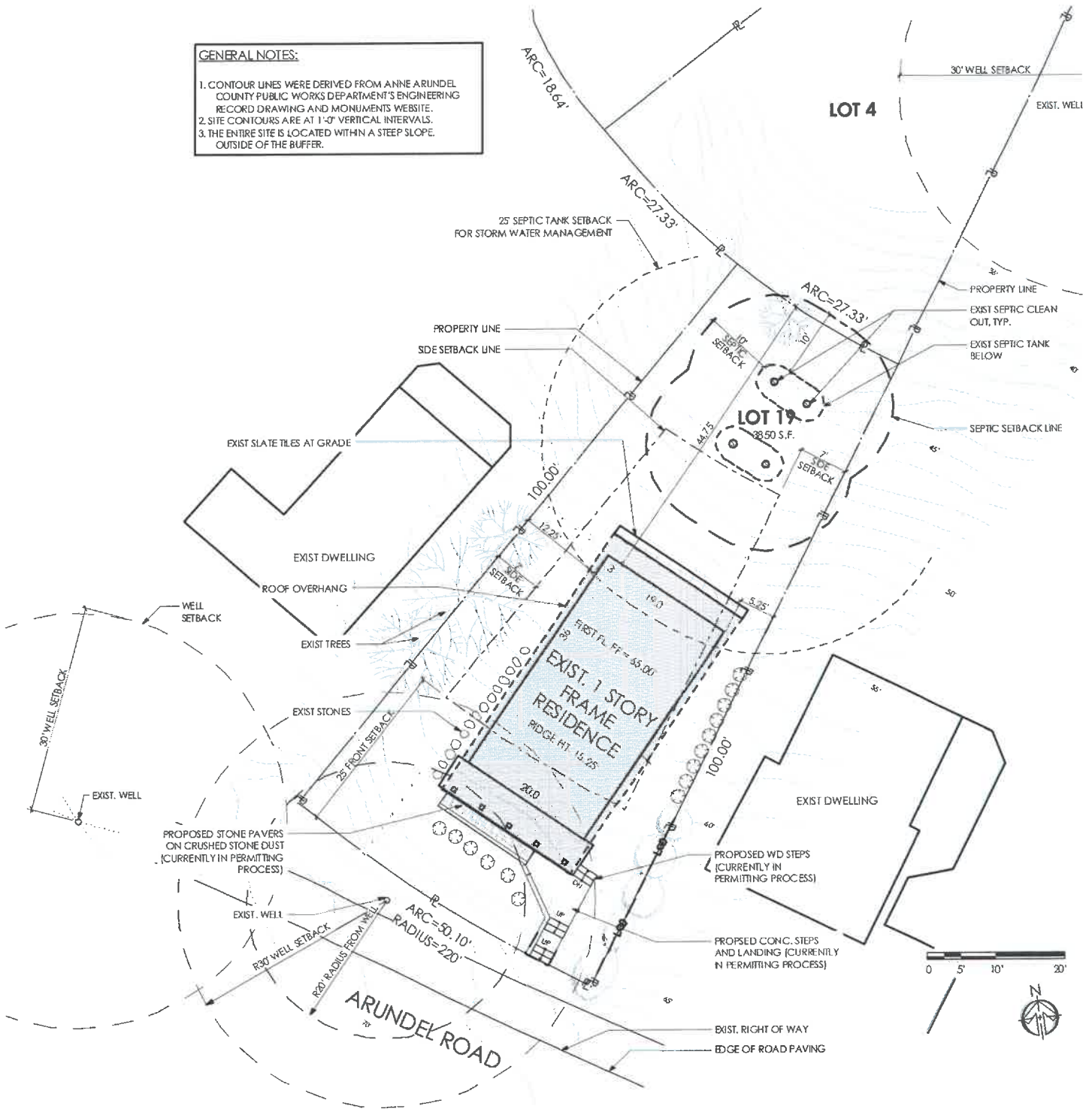
LIBER:	FOLIO:	<b>402 Arundel Road</b>			
LOT: 3,4,19	BLOCK: A			SECTION:	PLAT:
PLAT ENTITLED: Fair Haven Cliffs					
RECORDED IN: Anne Arundel County, Maryland		SCALE: 1"=30'	CASE NO: 201503PM		
PLAT BOOK: 1	PAGE: 26	PLAT NO:	DATE: 8/24/20	JOB NO: LT2201348	

# Exhibit B

402 Arundel Road, Tracy's Landing, MD 20779

**GENERAL NOTES:**

1. CONTOUR LINES WERE DERIVED FROM ANNE ARUNDEL COUNTY PUBLIC WORKS DEPARTMENT'S ENGINEERING RECORD DRAWING AND MONUMENTS WEBSITE.
2. SITE CONTOURS ARE AT 1'-0" VERTICAL INTERVALS.
3. THE ENTIRE SITE IS LOCATED WITHIN A STEEP SLOPE OUTSIDE OF THE BUFFER.



**EXISTING SITE PLAN**  
 Zoning: R2  
 Critical Area Designation: IDA  
 TOTAL AREA: 3,850 SF



# Exhibit B

402 Arundel Road, Tracy's Landing, MD 20779



THE EXISTING 1-STORY FRAME DWELLING WAS CONSTRUCTED IN 1929 AND IS LOCATED +/- 25 FEET FROM ARUNDEL ROAD. THE NEW HOMEOWNER PROPOSES A NUMBER OF ALTERATIONS TO IMPROVE THE SAFETY AND LIVABILITY OF THE HOME WHILE ALSO INCREASING THE RESILIENCY OF THE STRUCTURE AND SITE.

1



EXISTING EDGE OF ARUNDEL ROAD RIGHT OF WAY FACILITATES PARKING.

2



# Exhibit B

NO SAFE PATH TO REAR YARD OR GARBAGE CANS. EROSION ALONG THE DECK AND FOUNDATION CREATES DIFFICULT ACCESS PASS THE HOUSE TO THE REAR OF THE LOT. HOMEOWNER PROPOSES INSTALLING RAILROAD TIES AT CERTAIN INTERVALS TO STABILIZE THE SLOPE FOR PASSAGE.



4



5



6

WEST FACADE OF THE STRUCTURE HAS SIMILAR EROSION AND IRREGULAR STEPPING STONE PATH



# Exhibit B



8



7

THE REAR OF THE HOME DISPLAYS AN EXISTING COVERED DECK AREA AT THE WALK-OUT BASEMENT. THE EXISTING FOOTERS ARE CLEARLY A CONCERN ON THE STEEP SLOPE.



9

EXISTING COVERED DECK AREA AT THE WALK-OUT BASEMENT. THE STAIRS AND RAILINGS ARE NOT CODE-COMPLIANT AND ARE STRUCTURALLY COMPROMISED.



10



# Exhibit B

402 Arundel Road, Tracy's Landing, MD 20779



**REAR ELEVATION:** EXISTING FACADE TO BE DEMOLISHED AND REPLACED WITH NEW FOUNDATION AND LIVING SPACE UNDER EXISTING ROOFLINE.

11



**VIEW LOTS 4 AND 19:** ILLUSTRATES STEEP SLOPES

12



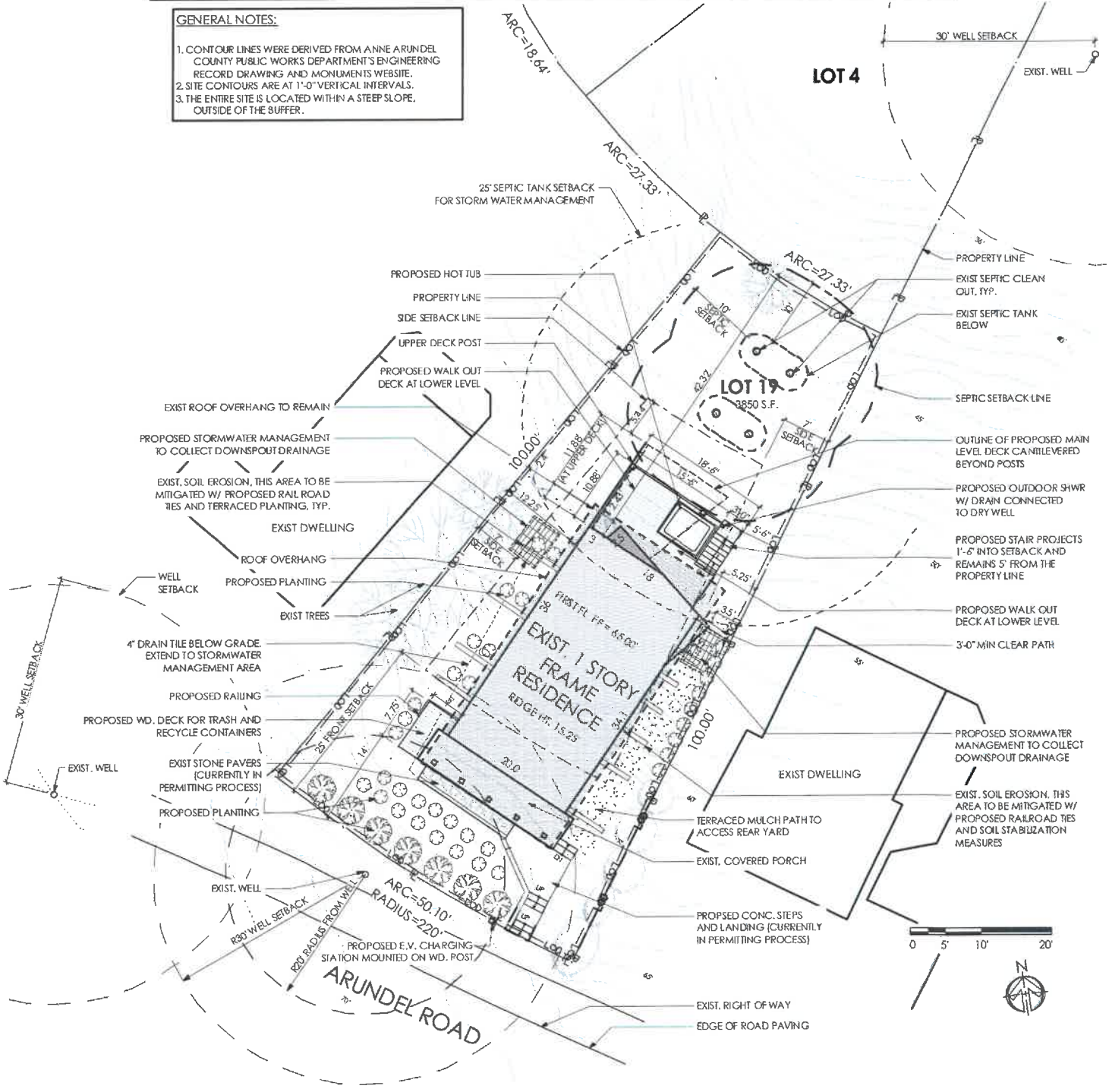


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402 Arundel Road, Tracy's Landing, MD 20779

A VARIANCE AND MODIFICATIONS ARE REQUIRED TO RECTIFY THESE EXISTING SAFETY CONCERNS AND TO MAKE THE DESIRED IMPROVEMENTS TO THE HOME'S LIVABILITY.

**GENERAL NOTES:**  
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 2. SITE CONTOURS ARE AT 1'-0" VERTICAL INTERVALS.  
 3. THE ENTIRE SITE IS LOCATED WITHIN A STEEP SLOPE, OUTSIDE OF THE BUFFER.



**PROPOSED SITE PLAN**  
 Zoning: R2  
 Critical Area Designation: IDA  
 TOTAL AREA: 3,850 SF

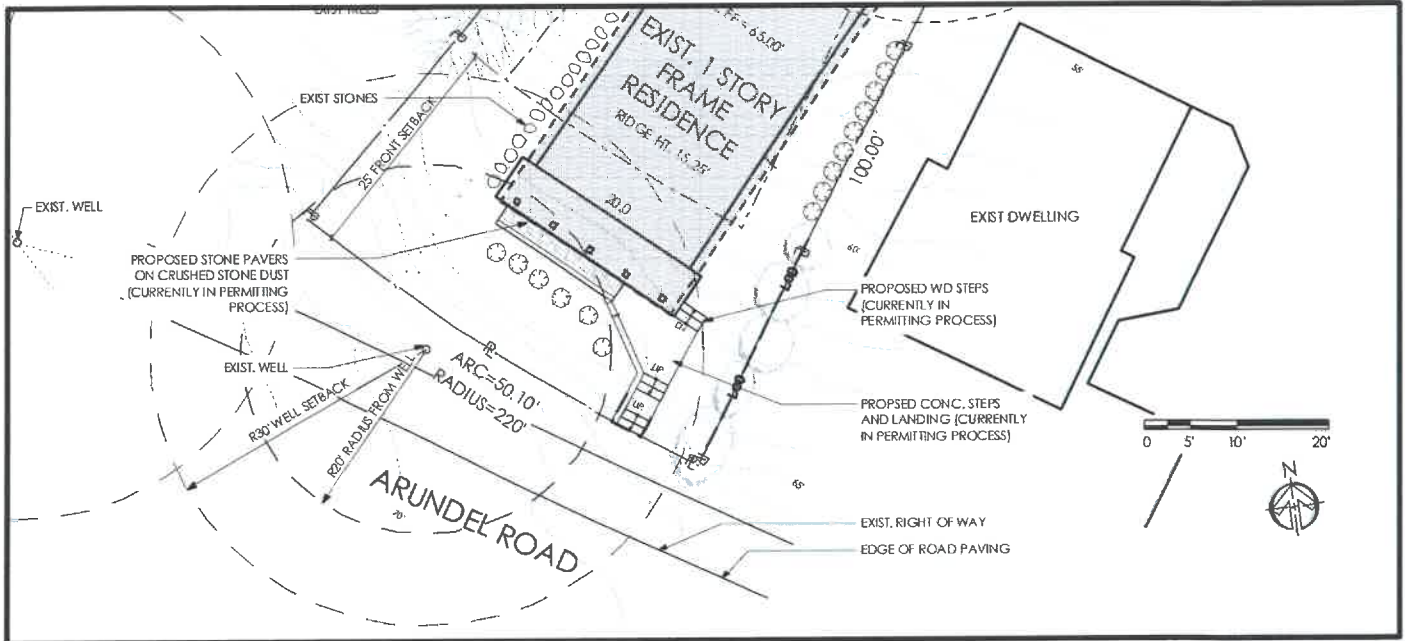


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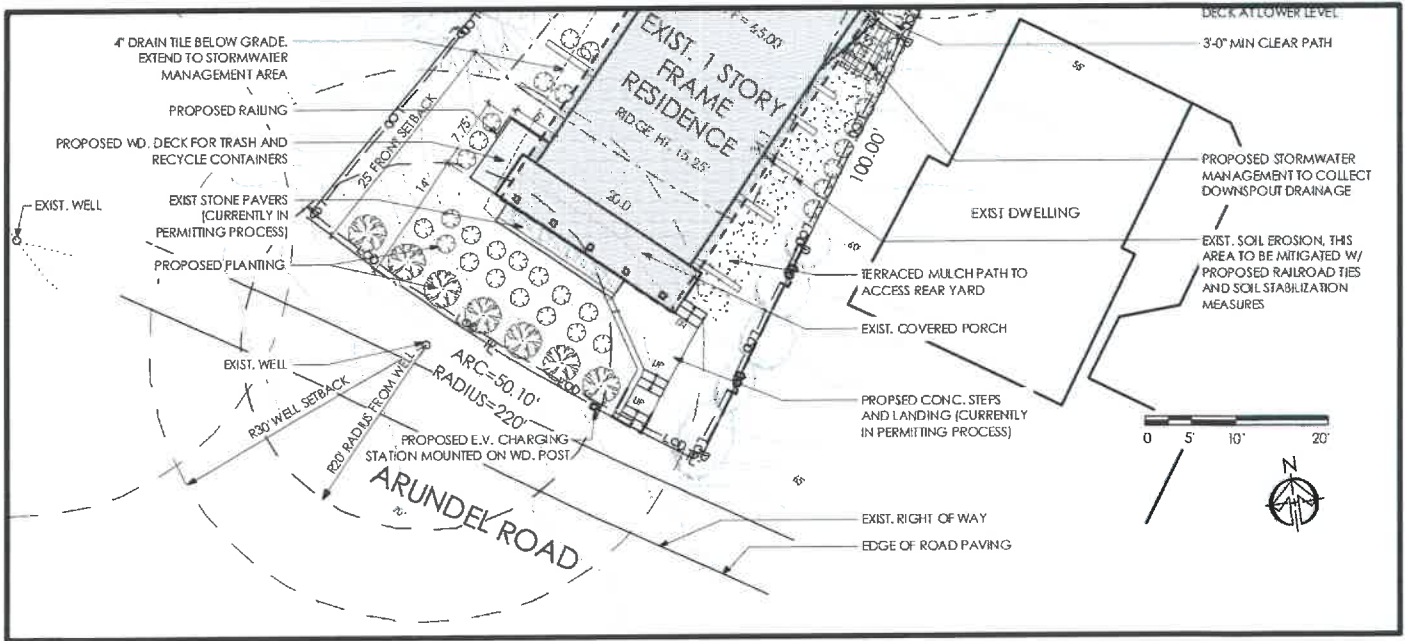
## EXISTING FRONT PORCH

EXISTING FRONT PORCH AND HOUSE ARE IN THE 30'-0" FRONT YARD SETBACK



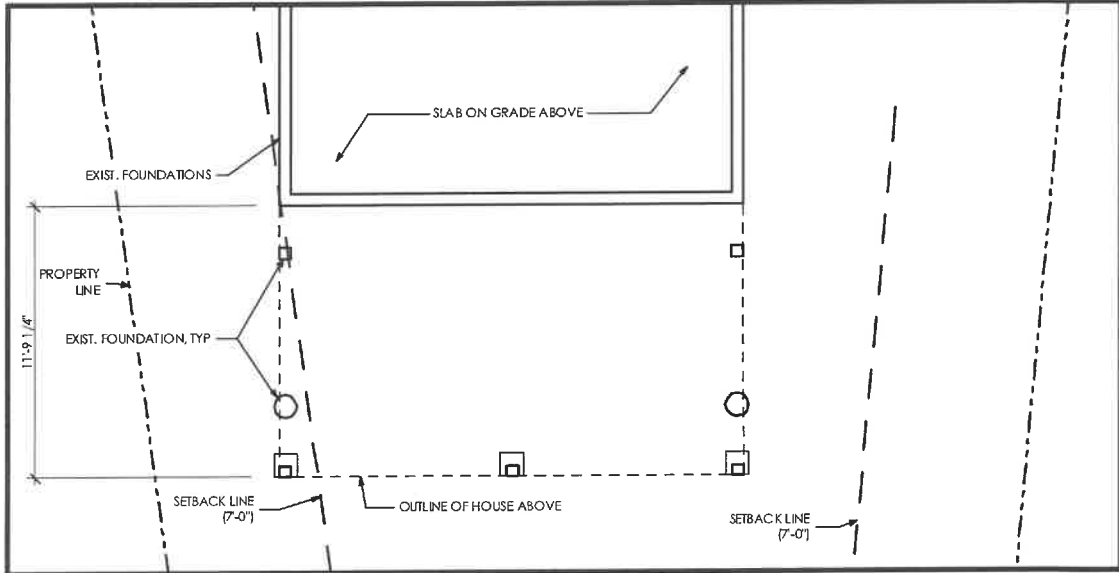
## PROPOSED ENTRY DESIGN

CONCRETE WALKWAY, STEPS AND LEVEL TRANSITION AREA TO THE EXISTING PORCH (CURRENTLY IN PERMITTING PROCESS). PROPOSED EXTENDED DECKING WILL PROVIDE A 5'X7'-9" AREA FOR TRASH AND RECYCLED CONTAINERS. GRADE VARIES (18-4-601)

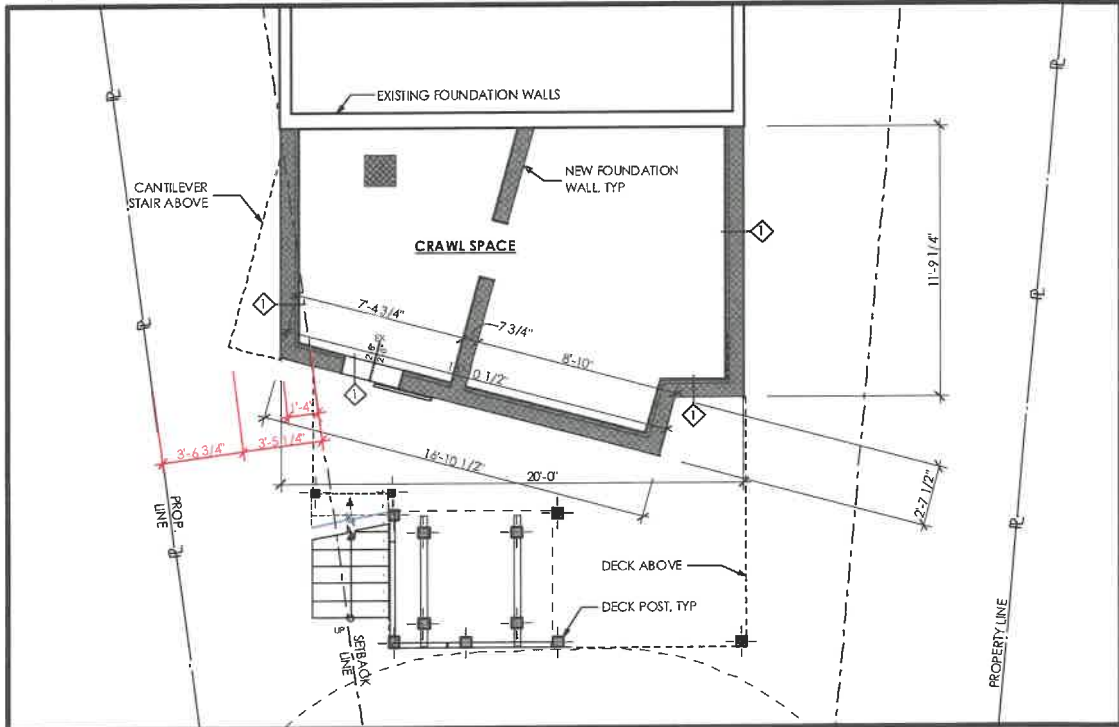


# Exhibit B

**EXISTING DECK FOUNDATION (BASEMENT LEVEL)**  
WALK OUT BASEMENT AND THE DECK ABOVE ENCROACH THE SIDE SETBACK, +/- 1'-6" AND ARE IN STEEP SLOPES



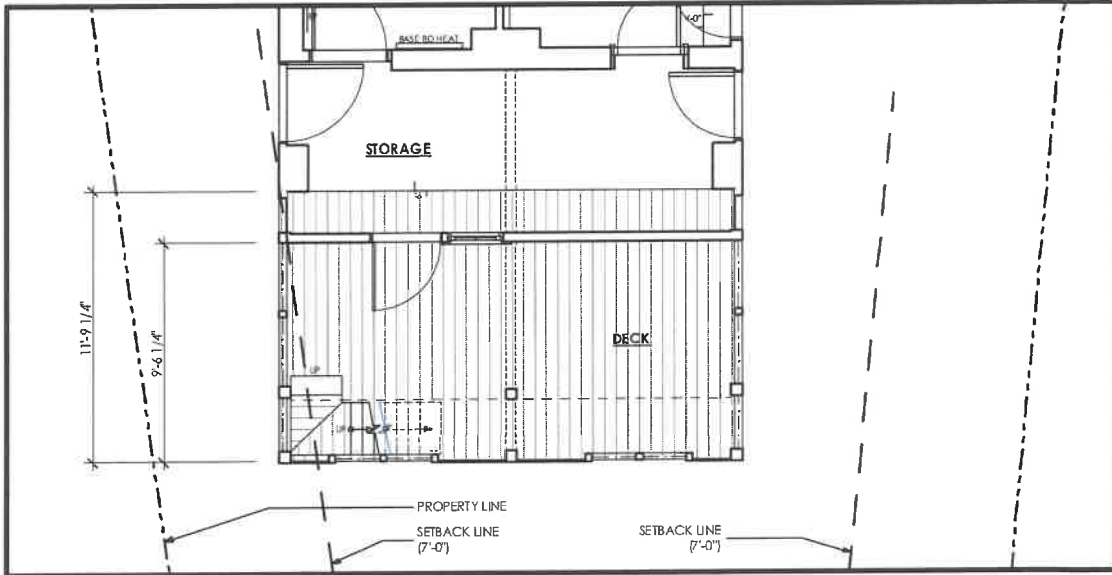
**PROPOSED FOUNDATION PLAN UNDER NEW FINISHED SPACE**  
PROPOSE NEW FOUNDATIONS TO REPLACE DETERIORATED COLUMN FOUNDATION. ANGLED PORTION OF NEW FOUNDATION EXTENDS 1'-6" BEYOND THE EXISTING FOUNDATION PIERS BUT REMAINS UNDER EXISTING ROOF OVERHANGS.



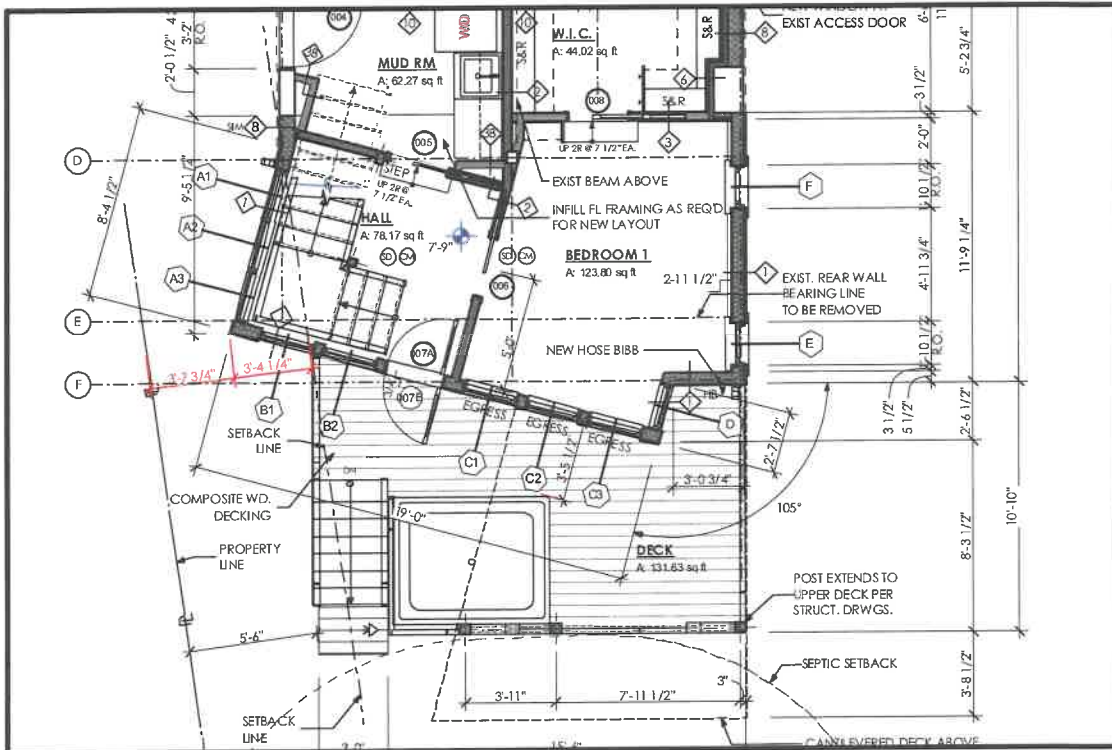
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402 Arundel Road, Tracy's Landing, MD 20779

**EXISTING FLOOR PLAN (BASEMENT LEVEL)**  
WALK OUT BASEMENT AND THE DECK ABOVE ENCROACH THE SIDE SETBACK, 5'-6" FROM PROPERTY LINE AND ARE IN STEEP SLOPES



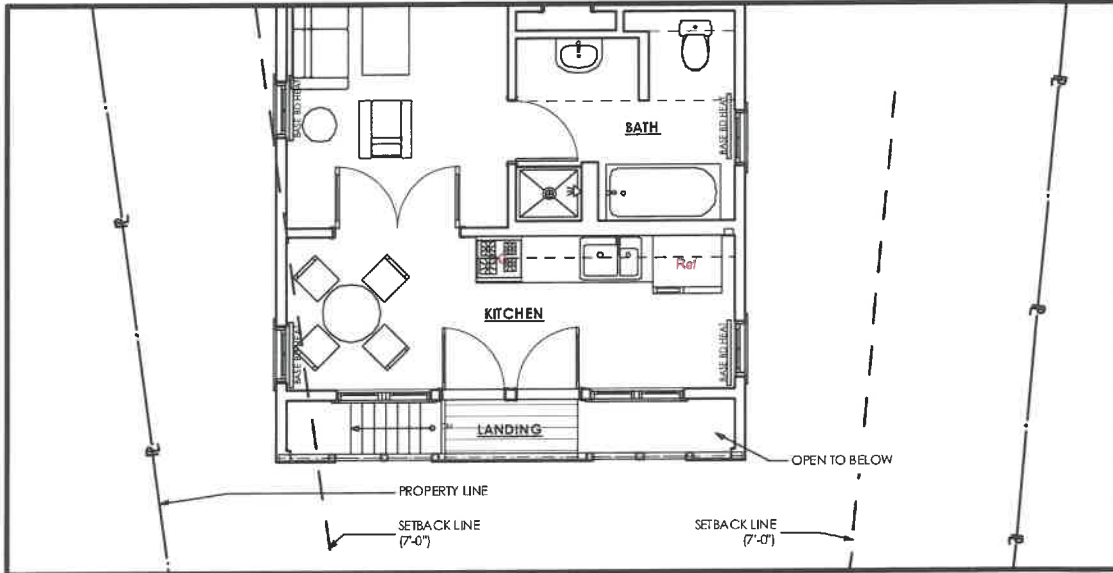
**PROPOSED FLOOR PLAN (BASEMENT LEVEL) WITH NEW FINISHED SPACE AND DECK**  
PROPOSED CANTILEVERED GLAZING PROJECTS INTO SETBACK 3'-5" FROM THE PROPERTY LINE. (18-4-601) DECK IS LOCATED IN STEEP SLOPES (17-6-403 OR 404)



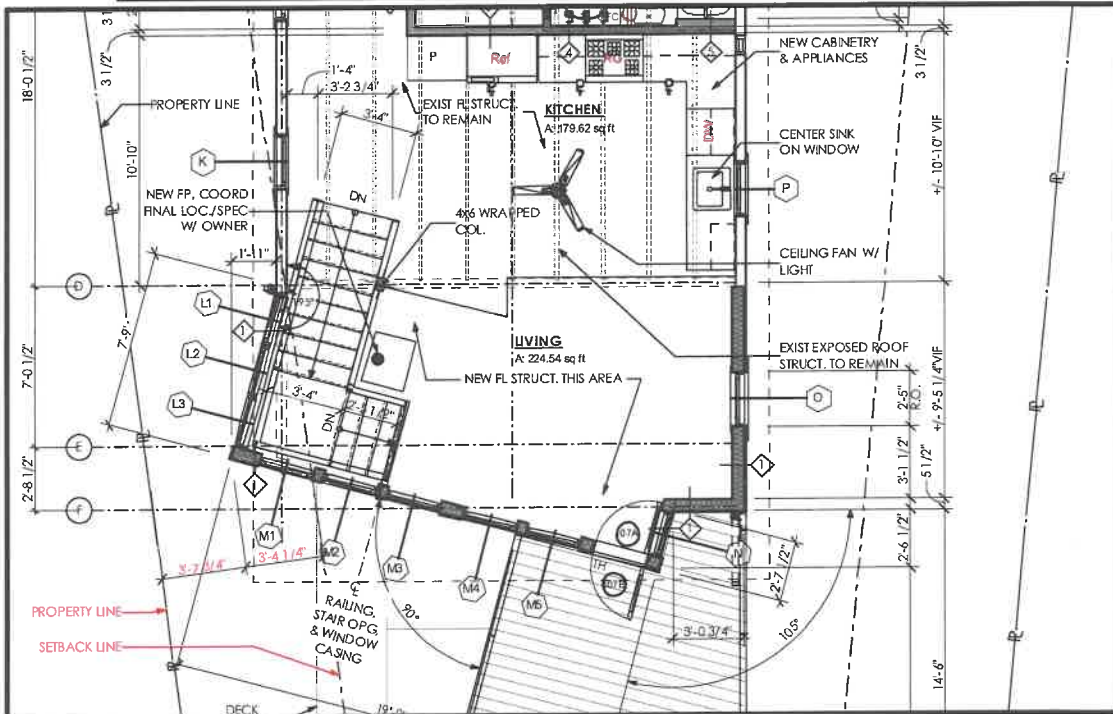
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402 Arundel Road, Tracy's Landing, MD 20779

**EXISTING FLOOR PLAN (MAIN LEVEL)**  
WALK OUT BASEMENT AND THE DECK ABOVE ENCROACH THE SIDE SETBACK, 5'-6" FROM PROPERTY LINE AND ARE IN STEEP SLOPES



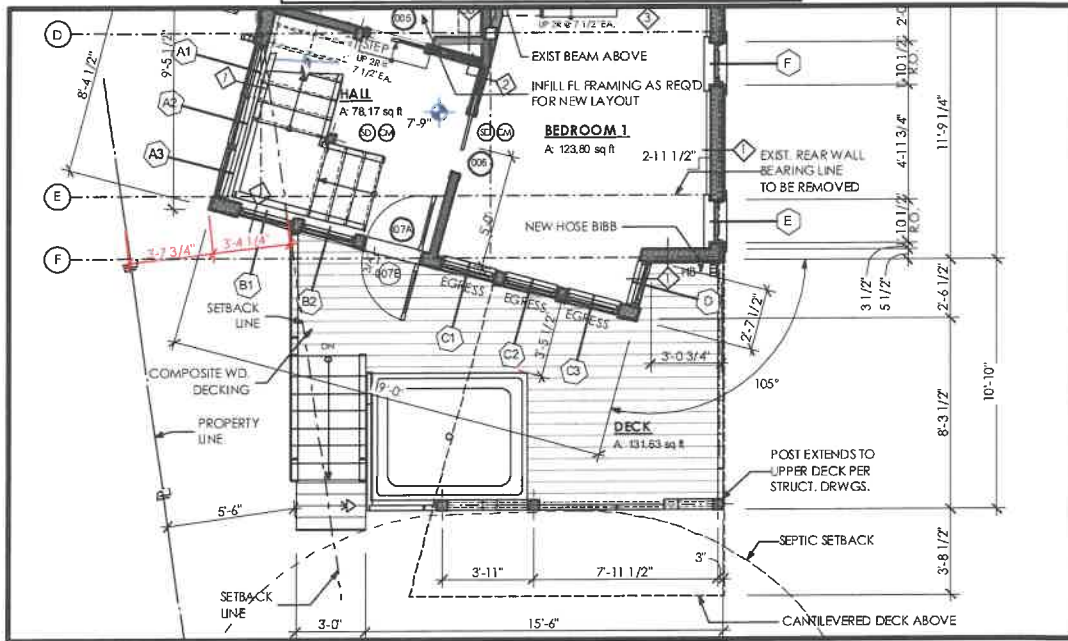
**PROPOSED FLOOR PLAN (MAIN LEVEL) WITH NEW FINISHED SPACE**  
EXISTING ROOF ABOVE TO REMAIN. PROPOSE CANTILEVERED GLAZING PROJECTS INTO SETBACK 3'-8" FROM THE PROPERTY LINE. (17-6-403 OR 404, 18-4-601)



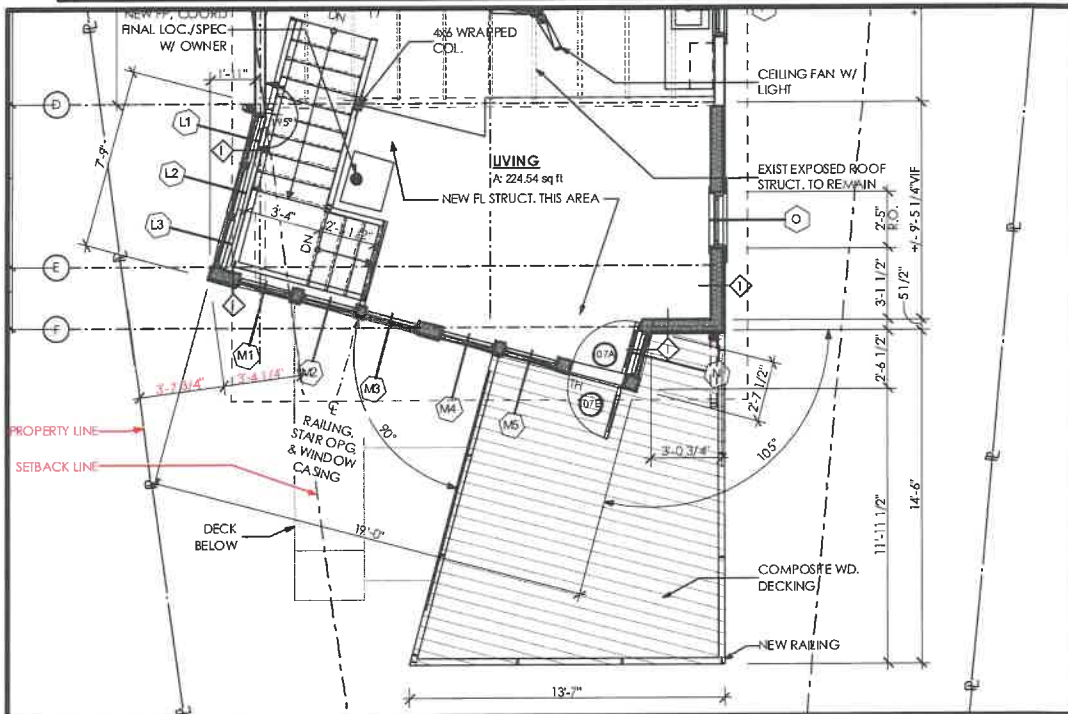
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### PROPOSED DECK (BASEMENT LEVEL) REQUIRES DISTURBANCE TO STEEP SLOPES

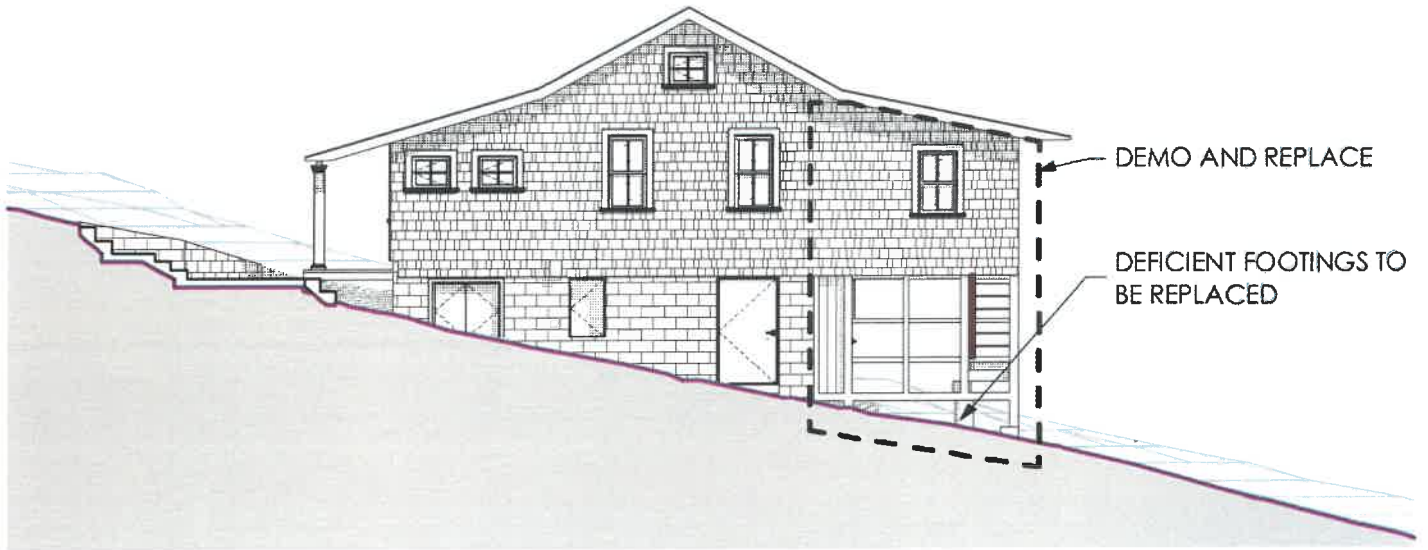


### PROPOSED DECK (MAIN LEVEL) DUE TO THE ENTIRE SITE BEING STEEP SLOPES, THE HOMEOWNER PROPOSES TO CREATE USABLE OUTDOOR LIVING SPACE BY CREATING DECKS. REQUIRES DISTURBANCE TO STEEP SLOPES (17-6-403 OR 404)

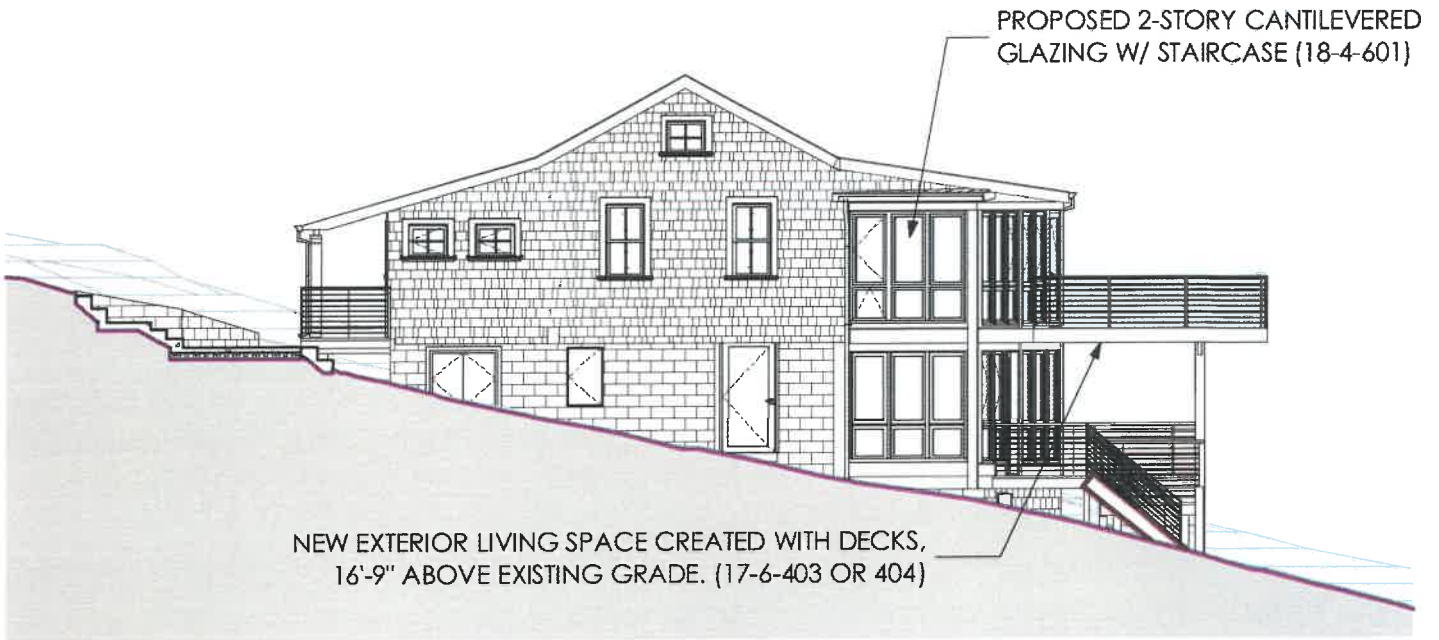


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402 Arundel Road, Tracy's Landing, MD 20779



**EXISTING NORTHEAST ELEVATION**

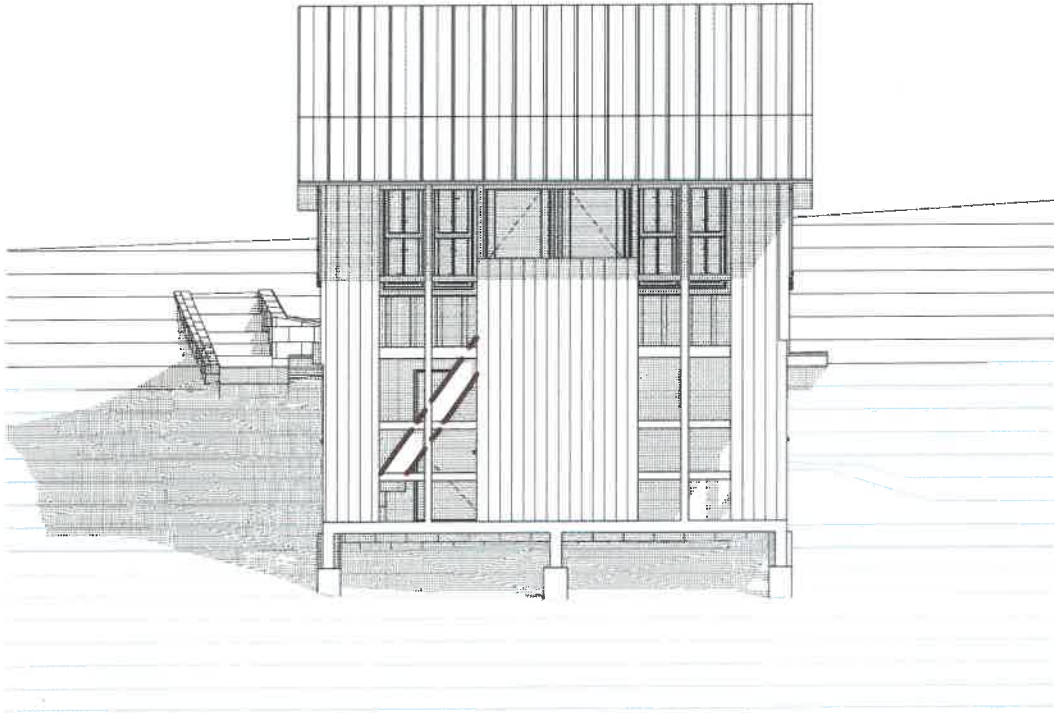


**PROPOSED NORTHEAST ELEVATION**

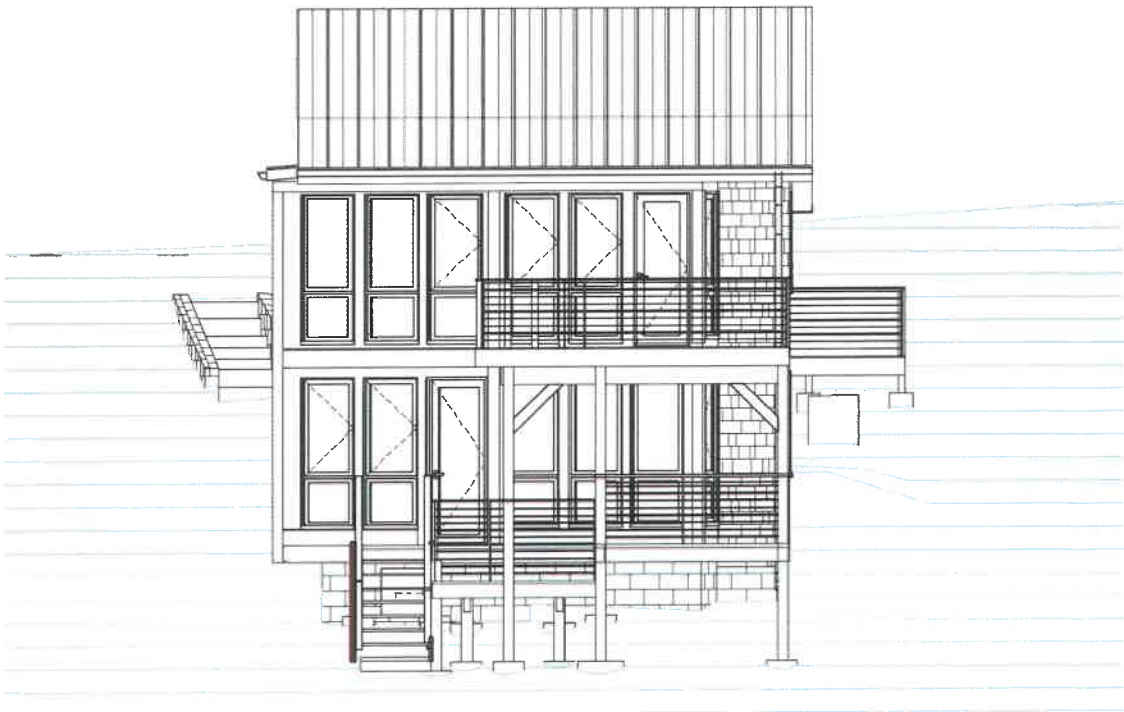


# Exhibit B

402 Arundel Road, Tracy's Landing, MD 20779



EXISTING NORTH ELEVATION



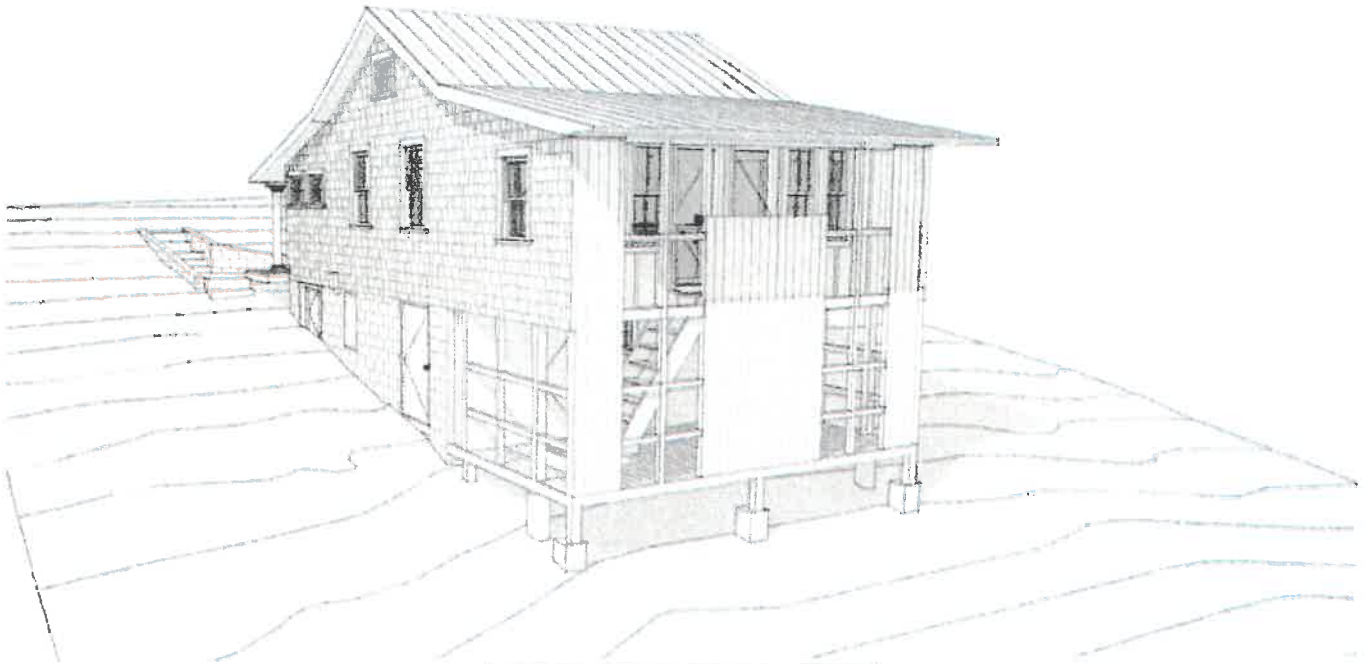
PROPOSED NORTH ELEVATION



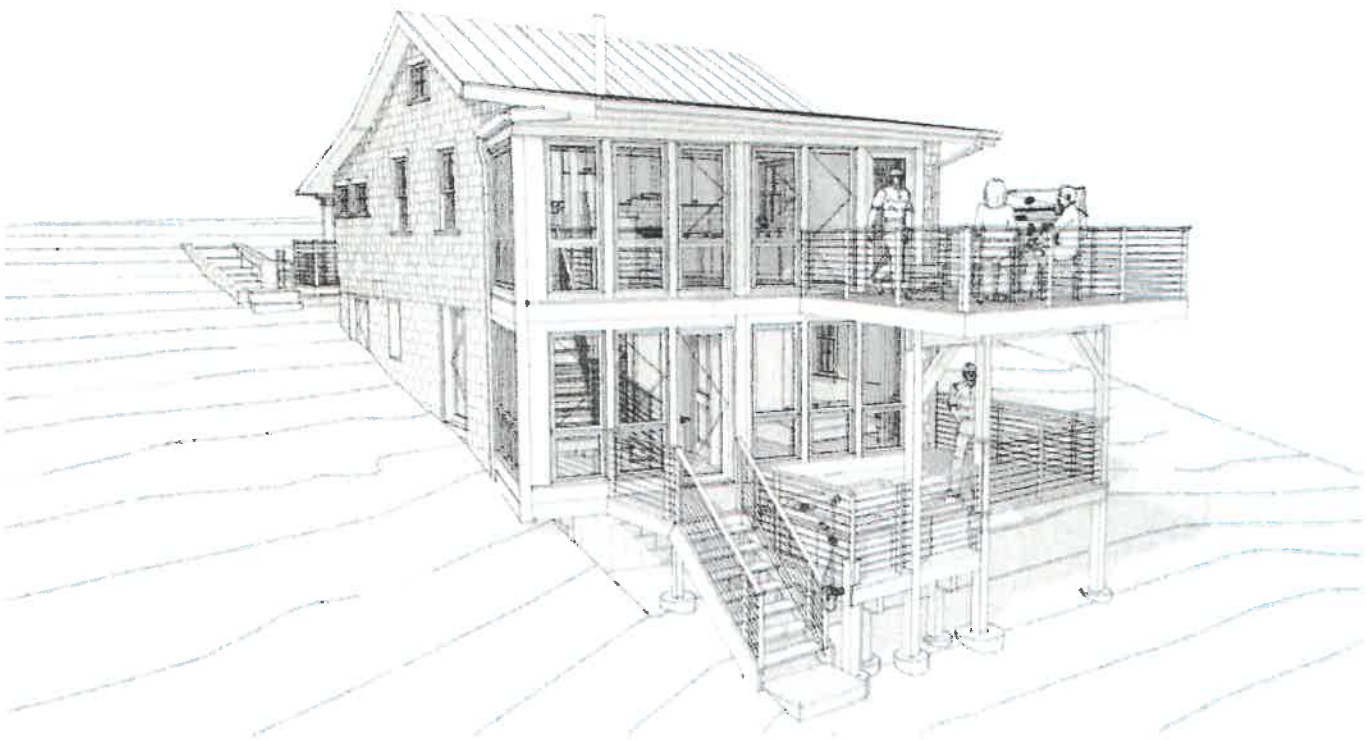


**Exhibit B**

402 Arundel Road, Tracy's Landing, MD 20779



**EXISTING NORTH PERSPECTIVE**



**PROPOSED NORTH PERSPECTIVE**



THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF HD SQUARED ARCHITECTS, LLC. THEY SHALL NOT BE USED OR REPRODUCED FOR ANY OTHER USE OR WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ARCHITECT.

Limit of Disturbance (LOD) spreadsheet		2/20/2024
10'-0" BUFFER AROUND WORK AREA FOR L.O.D.		
* NO BUFFER REQUIRED AT WALKWAY demo/new		
LOCATION	S.F.	NOTES
HOUSE ADDITION AND NEW DECKS	2,933.00	ALSO INCLUDES LANDSCAPING, MULCH PATHS, AND MATERIAL STOCKPILE AREAS
<b>TOTAL LIMIT OF DISTURBANCE</b>	<b>2,933.00</b>	

\*House Constructed in 1929

**402 Arundel Road, Tracy's Landing**  
**Lot Coverage Spreadsheet - Anne Arundel County**

2/21/2024

ZONE = R-2, DA critical area						
PERCENTAGE ALLOWED =	critical area, SF amount per 17-8-205 (30% lot coverage)					
LOT SIZE =	3,850.00 sf					
LOT COVERAGE MAX	30%					
LOT COVERAGE ALLOWED =	1,155.00 sf					
STRUCTURE & ACCESSORIES	EXIST. S.F.	REMOVED S.F.	ADDED S.F.	PROPOSED S.F.	DIFFERENCE (S.F.)	NOTES
PARKING AREA	0.00	0.00	0.00	0.00	0.00	Parking is provided on street right of way. No opportunity within property line due to steep slopes.
EXIST SLATE BORDERS	33.00	33.00	0.00	0.00	-33.00	at front porch and rear yard
FRONT STEPS AND STONE PAVERS	117.00	0.00	0.00	117.00	0.00	
HOUSE	984.50	0.00	2.75	987.25	2.75	(Includes overhangs) Added S.F. includes glazed projection
HOT TUB	0.00	0.00	37.25	37.25	37.25	On lower level deck
<b>TOTAL LOT COVERAGE S.F.</b>	<b>1,134.50</b>	<b>33.00</b>	<b>40.00</b>	<b>1,141.50</b>	<b>7.00</b>	
lot coverage percentage	29.47%			29.65%		
Max SF allowed by code	1,155.00			1,155.00		
Lot Coverage SF Remaining	20.5			13.50		

\*House Constructed in 1929

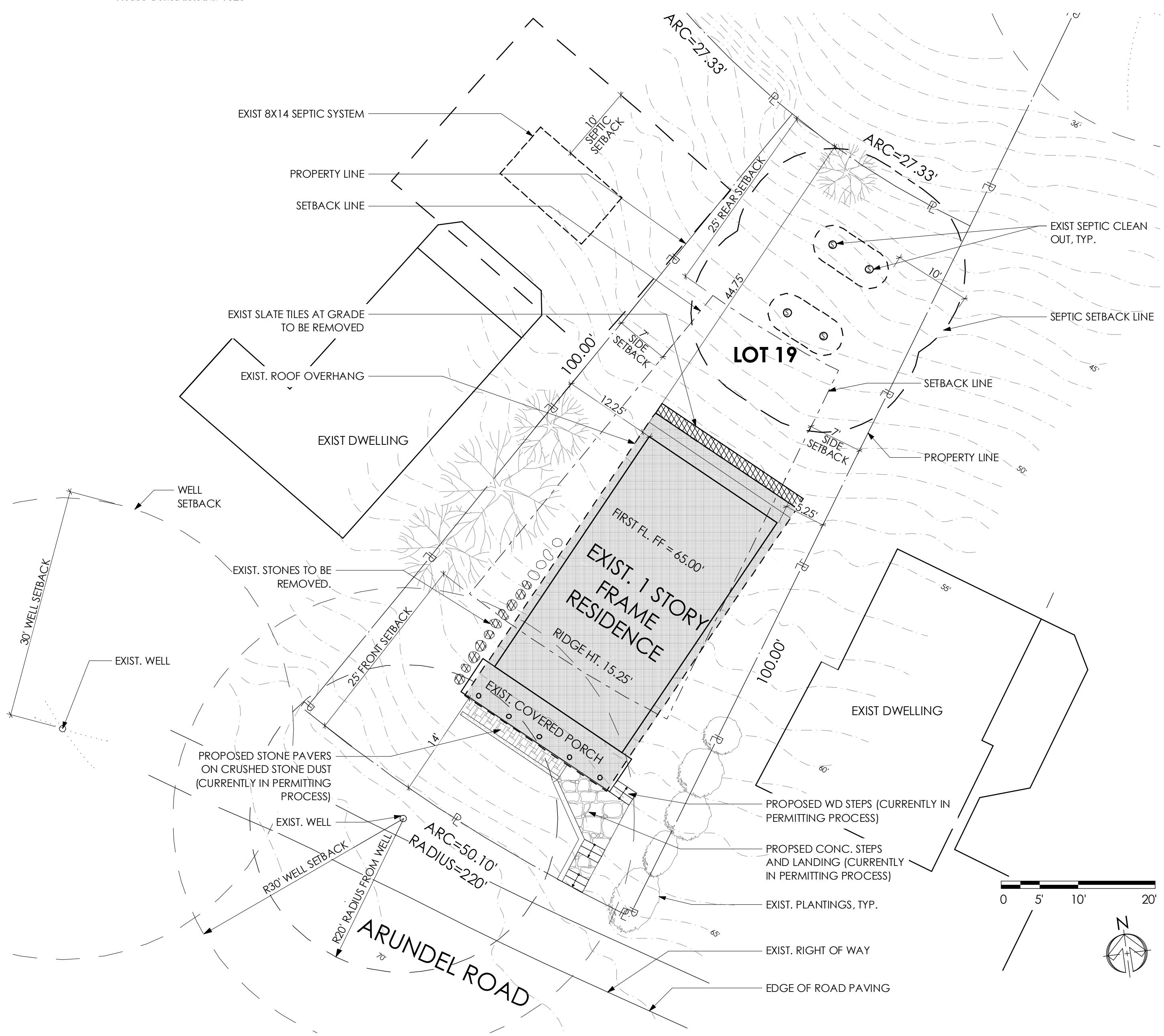
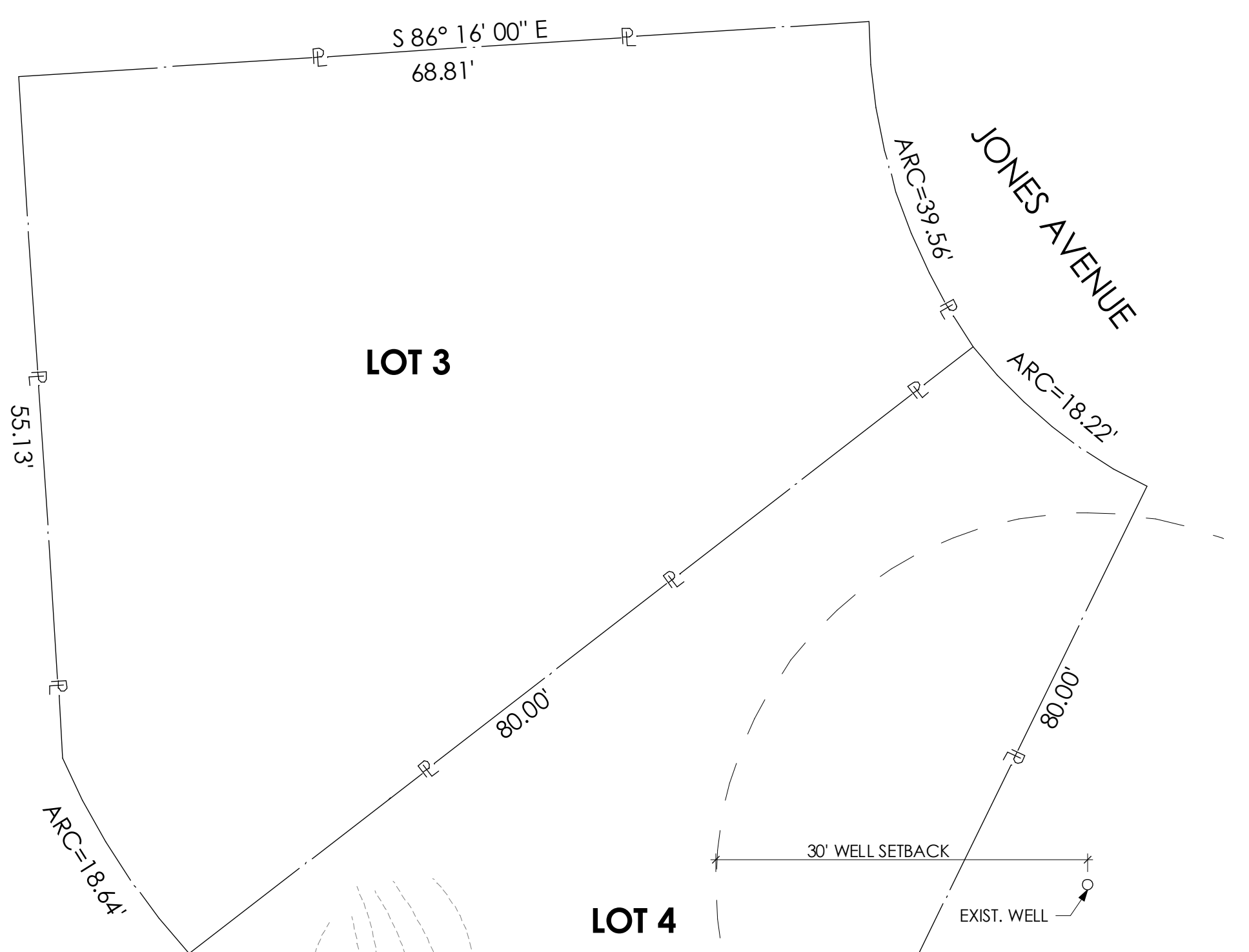


**Vicinity Map**  
 NOT TO SCALE

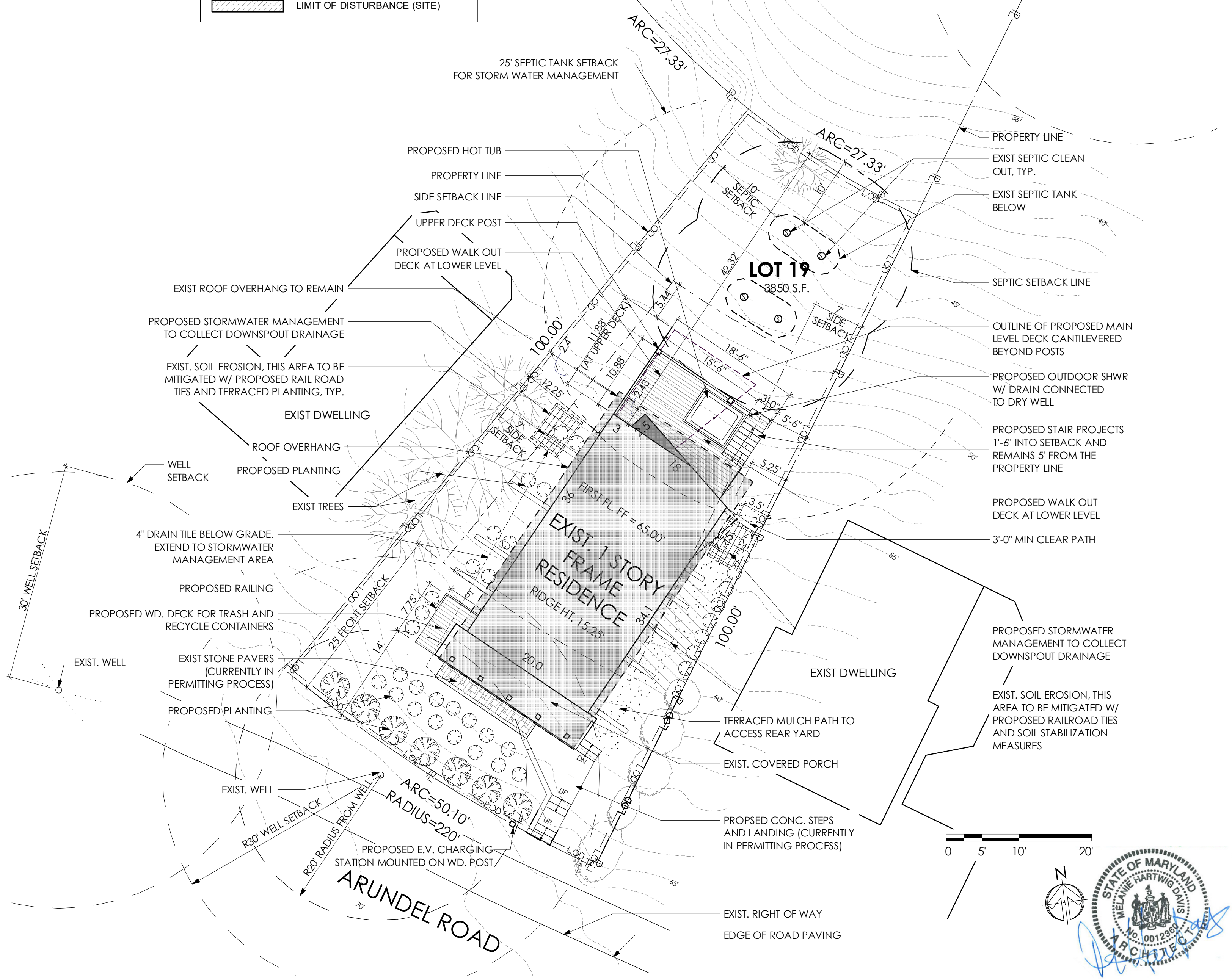
- GENERAL NOTES:**
- CONTOUR LINES WERE DERIVED FROM ANNE ARUNDEL COUNTY PUBLIC WORKS DEPARTMENT'S ENGINEERING RECORD DRAWING AND MONUMENTS WEBSITE.
  - SITE CONTOURS ARE AT 1'-0" VERTICAL INTERVALS.
  - THE ENTIRE SITE IS LOCATED WITHIN A STEEP SLOPE, OUTSIDE OF THE BUFFER.
  - VEGETATION SHOWN IS INTENDED FOR CONCEPTUAL PURPOSES AND NOT ALL-INCLUSIVE OF THE FINAL LANDSCAPE DESIGN.

**DRAWING LEGEND**

- LOD - LIMIT OF DISTURBANCE
- OHW - OVERHEAD WIRE
- BUILDING SETBACK LINE
- PROPERTY LINE
- ACCESSORY BUILDING SETBACK LINE
- SEWER CLEAN OUT (APPROX LOC.)
- EXISTING IMPERVIOUS SURFACE
- REMOVED IMPERVIOUS SURFACE
- NEW IMPERVIOUS SURFACE
- ADDITIONS
- DECK
- LIMIT OF DISTURBANCE (ADDITION)
- LIMIT OF DISTURBANCE (SITE)



**Existing Site Plan**  
 SCALE: 1" = 10'



**Proposed Site Plan**  
 SCALE: 1" = 10'

**HD Squared Architects**

**Radack Residence**

REVISION DATE

STRUCTURAL ENGINEER: N/A

CIVIL ENGINEER: N/A

MEP ENGINEER: N/A

LANDSCAPE ARCHITECT: N/A

**HD SQUARED ARCHITECTS, LLC**

MAIN OFFICE: 79 WEST ST, ANNAPOLIS, MD 21401  
 MELANIEHD@HD2ARCHITECTS.COM, 202.456.5311

SATELLITE OFFICE: 3201 BELLEVIEW AVE, CHEVERLY, MD 20785

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO: 12340, EXPIRATION DATE: 7-2-22

**Radack Residence**

PROJECT: Addition

PROJECT PHASE: Variance

DRAWN BY: JCR/MRG

DATE: 5/1/24

**AS-0.1**  
 Architectural Site Plan - Variance

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

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: ANNE ARUNDEL COUNTY

Date: MAY 1, 2024

Tax Map #	Parcel #	Block #	Lot #	Section
81	160	12	19	

FOR RESUBMITTAL ONLY	
Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>
*Complete Only Page 1 General Project Information	

Tax ID: 08-268-0011-4600

Project Name (site name, subdivision name, or other) RADACK RESIDENCE, TRACY'S LANDING

Project location/Address 402 ARUNDEL ROAD

City TRACY'S LANDING Zip 20779

Local case number

Applicant: Last name HARTWIG-DAVIS First name MELANIE

Company HD SQUARED ARCHITECTS

**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:

EXISTING SITE IS A SINGLE FAMILY DWELLING AND IS TO REMAIN A SINGLE FAMILY DWELLING.

Intra-Family Transfer <input type="checkbox"/> Grandfathered Lot <input checked="" type="checkbox"/>	Growth Allocation <input type="checkbox"/> Buffer Exemption Area <input type="checkbox"/>
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**Project Type (check all that apply)**

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="checkbox"/>	Recreational <input type="checkbox"/> Redevelopment <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft		Acres	Sq Ft
IDA Area	.192	3850	Total Disturbed Area	.067	2933
LDA Area					
RCA Area			# of Lots Created		
Total Area					

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		300	Existing Lot Coverage		1135
Created Forest/Woodland/Trees		0	New Lot Coverage		40
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		33
			Total Lot Coverage		1142

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		0
Non-Buffer Disturbance			Mitigation		TBD

<p><u>Variance Type</u></p> Buffer <input type="checkbox"/> Forest Clearing <input type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input checked="" type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Other <input type="checkbox"/>	<p><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Dwelling <input type="checkbox"/> Dwelling Addition <input checked="" 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"/>
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## Re: CHESAPEAKE BAY CRITICAL AREA REPORT AND HABITAT ASSESSMENT

**Variance application for:** 402 Arundel Rd., Tracy's Landing, Maryland 20779, Anne Arundel Co.

**Tax Map 81 Grid 12 Parcel 160 Lot #19**

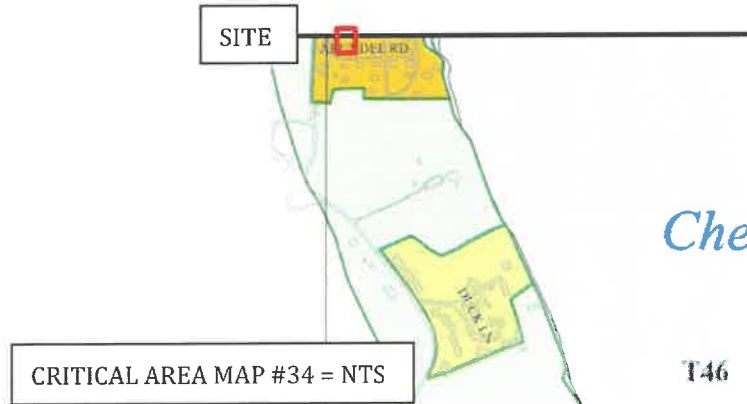
**Owner/Applicant:** Mr. James Radack (Purchased 9/2020)

**Critical Area Designation:** IDA **AACo Zoning:** R2

May 2024 (originally approved 2021)

### NARRATIVE:

This Critical Area Report has been prepared to support an application for a Critical Area and Zoning Variance for a house renovation on a 8,350 square foot / 0.192-acre lot located in the Fair Haven Cliffs subdivision of Tracys Landing, Anne Arundel County. This residential Lot 19 is located entirely within the Chesapeake Bay Critical Area with an IDA land use designation and R2 zoning. It is not within the 100' buffer. (See ill. #1 – AACo Critical Area Map #34). The entirety of Lot 19 is non-conforming and unique in its narrowness and consistent steep slopes.



Mr. James Radack purchased this Critical Area parcel in Tracy's Landing (3850 sq ft). (He also purchased adjacent Lots 3 and 4 (see Exhibit A) which are unimproved and unbuildable per AACo Health Department.) The entirety of Lot 19 is in steep slopes. Mr. Radack wishes to make improvements to the home (1929, per SDAT) and Lot 19 to address erosion issues, replace a pair of decks that are not code-compliant, improve the safety and access to the site and expand the livable area of the small bungalow (735 sq ft. per SDAT).

There is currently a permit in process to replace in kind the existing porch as well as install concrete steps to this porch. Safely accessing the house, the trash cans, and the rear of the lot is a challenge in good weather and even worse in inclement weather due to erosion of the steep slopes.

Mr. Radack desires to extend the decking at the repaired entry porch to create an uncovered, level area for the storage of garbage and recycle containers. This improvement requires relief from **Article 18-2-301(f)** as the proposed decking structure is eleven (11) feet to the 25-foot front setback requirement. In the rear of the home, there is a covered deck area with living space above. The covered landing from the kitchen (main level) and deck (lower level) are beyond their serviceable life. The piers, stairs and railings do not meet safety standards. Mr. Radack proposes to replace the compromised piers and covered deck with additional living space and a crawl space foundation. The east corner of the home is currently 5.25' from the property line. In this same area, the newly designed living space includes a two-level cantilevered glazing wall. This cantilevered area will contain the new steps to access the reconstructed basement level. Regarding the cantilevered glazing walls, Mr. Radack requests a relief of four (4) feet from **Article 18-2-301(f)**. The projection proposed be as close as 3' from the property line at its closest point (3.5' is proposed).

Beyond the new living space, Mr Radack is proposing two decks requiring a modification approval of **Article 17-6-404 (which appears to be formerly 17-6-403?)**. The steep slopes render the entire yard to be extremely limiting in its usefulness for occupants. The main-level deck would extend narrowly from the proposed living space and expand as it projects out less than 12' from the house at +/-15" above grade at the highest point. The widest portion of that deck is +/- 13'-7". The lower-level deck (10.88' d. x 18.6' w.) is proposed to transition from the new lower-level living space to the back yard and provide a location for a sunken hot tub. The approximate height above grade is 6'-7" above grade due to the extreme slope. Other than the proposed hot tub, the decks would be considered pervious as there are no impervious materials under the proposed decking. There are two septic tanks located in proximity to the proposed decks. We have met directly with the AACo Health Department to review the design and they indicate approval of the deck and footing locations as well as the added finished square footage of the addition.

#### **EXISTING AND PROPOSED SITE CONDITIONS:**

The subject lot is located in the dense Fair Haven Cliffs subdivision approximately 600 feet from the Chesapeake Bay. There is a somewhat level right of way for Arundel Road that provides for parking at the property line which immediately begins sloping downward to the north.

The mapped soil types in the County Soil Survey (from USDA Web Soil Survey) are 15-25% slopes Marr and Dodon Soils (MDE). No tidal or non-tidal wetlands are present on or adjacent to the lot.

There are 1,134.50 sq ft of lot coverage currently for the structure including stone paths. The proposed cantilevered stairway (2.75 sft) and hot tub (48 sft) will result in an additional 7 sqft when the removal of pathways is considered. The proposed lot coverage would be 1,141.5 sqft leaving 13.5 sqft allowed remaining.

The lot is notably void of beneficial vegetation. The west and east property lines have several ornamental shrubs, a few evergreens for privacy, and grasses that are primarily on adjacent properties. These would not be impacted by the proposed renovation of the structure. The homeowner anticipates installing plantings along the entry on the south as well as the west terraced property to help mitigate erosion. Additional plantings required for mitigation will be determined at time of permit submission. There are currently no gutters or downspouts on the historic structure, exacerbating the erosion. These will be installed during construction and the strategic direction of stormwater to features such as drywells and other bioretention areas will help to mitigate erosion and runoff occurring. There are no protected habitats or environmental features on the parcel.

This report is based on the AACo's Engineering Record Drawings, Maryland's Environmental Resource & Land Information Network (MERLIN) an August 2020 Landtech Associates Plat,

documentation by HD Squared Architects, LLC including an April Site Plan, architectural plans and multiple site visits by HD Squared staff.

**CONCLUSION:**

There are essentially no beneficial plants or trees jeopardized on the site. This alteration can be done without negatively impacting the water quality or natural habitats through the diligent utilization of stormwater management controls and site remediation with vegetation. The cantilevered structures proposed will ensure minimal and temporary disturbances during construction. As to the resulting condition of the site, the improvements will ultimately benefit this and adjacent sites that are impacted by storm water management issues.

Sincerely,

Melanie Hartwig-Davis, AIA, LEED AP BD+C



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE (2024-0032-P)

DATE OF MEETING: 4/3/2024

P&Z STAFF: Sara Anzelmo

APPLICANT/REPRESENTATIVE: J. Radack/M. Hartwig-Davis EMAIL: permits@hd2architects.com, radjamdc@gmail.com

SITE LOCATION: 402 Arundel Road, Tracys Landing LOT SIZE: 3,850 sf ZONING: R2

CA DESIGNATION: IDA BMA: N/A or BUFFER: N/A APPLICATION TYPE: Variance

From the architect: This proposed remodel came before you in 2021 and was ultimately approved by the hearing officer, Mr. Hollmann. Unfortunately, the project did not commence, and the approved variance expired. Earlier this year, we submitted a permit on behalf of Mr. Radack to rebuild-in-kind the front porch and create safer steps and landing to access his home. That permit review is in process. Mr. Radack still desires to extend the decking at the entry porch to create an uncovered, level area for the storage of garbage and recycle containers. At 8"-24" from grade, this extension requires relief from Article 18-2-301(f) as the proposed decking structure is eleven (11) feet to the 25-foot front setback requirement.

In the rear of the home, there is currently a covered deck area with living space above. The covered landing from the kitchen (main level) and deck (lower level) are beyond their serviceable life. The piers, stairs and railings do not meet safety standards. It is Mr. Radack's intention to replace the compromised piers and covered deck with additional living space and a crawl space foundation. The east corner of the home is currently 5.25' from the property line. The newly designed living space includes a cantilevered glazing wall on both the lower level and the upper levels at this location. These new, safer interior steps access the reconstructed basement level and are angled to be the most efficient use of space possible in such a small footprint. Cantilevering was prioritized to avoid additional foundation requirements within the setback. The existing footer will be 'replaced in kind'. Regarding the cantilevered glazing walls, Mr. Radack requests a relief of four (4) feet from Article 18-2-301(f). The projection proposed be as close as 3' from the property line at its closest point (3.5' is proposed).

Beyond the new living space, Mr Radack is proposing two decks requiring a modification approval of Article 17-6-404 (which appears to be formerly 17-6-403?). The steep slopes render the entire yard to be extremely limiting in its usefulness for occupants. The main-level deck would extend narrowly from the proposed living space and expand as it projects out less than 12' from the house at +/-15" above grade at the highest point. The widest portion of that deck is +/- 13'-7". The lower-level deck (10.88' d. x 18.6' w.) is proposed to transition from the new lower-level living space to the back yard and provide a location for a sunken hot tub. The approximate height above grade is 6'-7" above grade due to the extreme slope. Other than the proposed hot tub, the decks would be considered pervious as there are no impervious materials under the proposed decking. There are two septic tanks located in proximity to the proposed decks. We have met directly with the AACo Health Department to review the design and they indicate approval of the deck and footing locations as well as the added finished square footage of the addition.

#### COMMENTS

The **Zoning Administration Section** notes that, despite the property being located within the Chesapeake Bay Critical Area, a pre-file is not required for zoning setback variances or for modifications. With the prior variance (2021-0084-V), it was already determined that a variance for slope disturbance is not required in the IDA - Intensely Developed Area and that only a modification for disturbance within steep slopes is necessary. Therefore, the applicant may proceed with the variance application at his earliest convenience.

#### 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.