

May 22, 2024

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

**RE: RIVERDALE ON THE MAGOTHY ~ LOT 52 & HALF 51  
509 NORWICH ROAD  
SEVERNA PARK, MD 21146  
Variance Application**

Sir/Madam:

Attached is a variance request application and associated submittal documents for the above referenced property. To allow for a modest replacement home and associated improvements to the subject property, 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 LDA.

The subject property is a legal non-conforming building lot located in the community of Severna Park, Maryland. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-2 and is served by public water and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. Steep slopes abut the existing driveway and improvements, which limit redevelopment without a variance. Primary vegetation consists of multiple hardwood trees and lawn area.

The applicant proposes to raze and remove the existing dwelling and construct a new dwelling in almost the same location as the existing dwelling. The new house is modest in size, is generally in the same footprint as the existing structures and is in relation to the surrounding homes in the neighborhood. Plans have been submitted to the Department of Health and there has been coordination on the septic design and proposed improvements.

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 199-sf of 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 structures in relation to the steep slopes. The new dwelling is positioned to take advantage of the disturbance to remove the existing

improvements and is set further from tidal waters than the existing dwelling. It 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 and the nitrogen reducing septic system, 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, the existing dwelling and improvements in relation to steep 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 this proposed project in a manner that considers the placement of the existing dwelling and 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. 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. The addition of stormwater management and a nitrogen reducing septic system will also enhance the environmental quality of the development. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

**Requirements for all variances.**

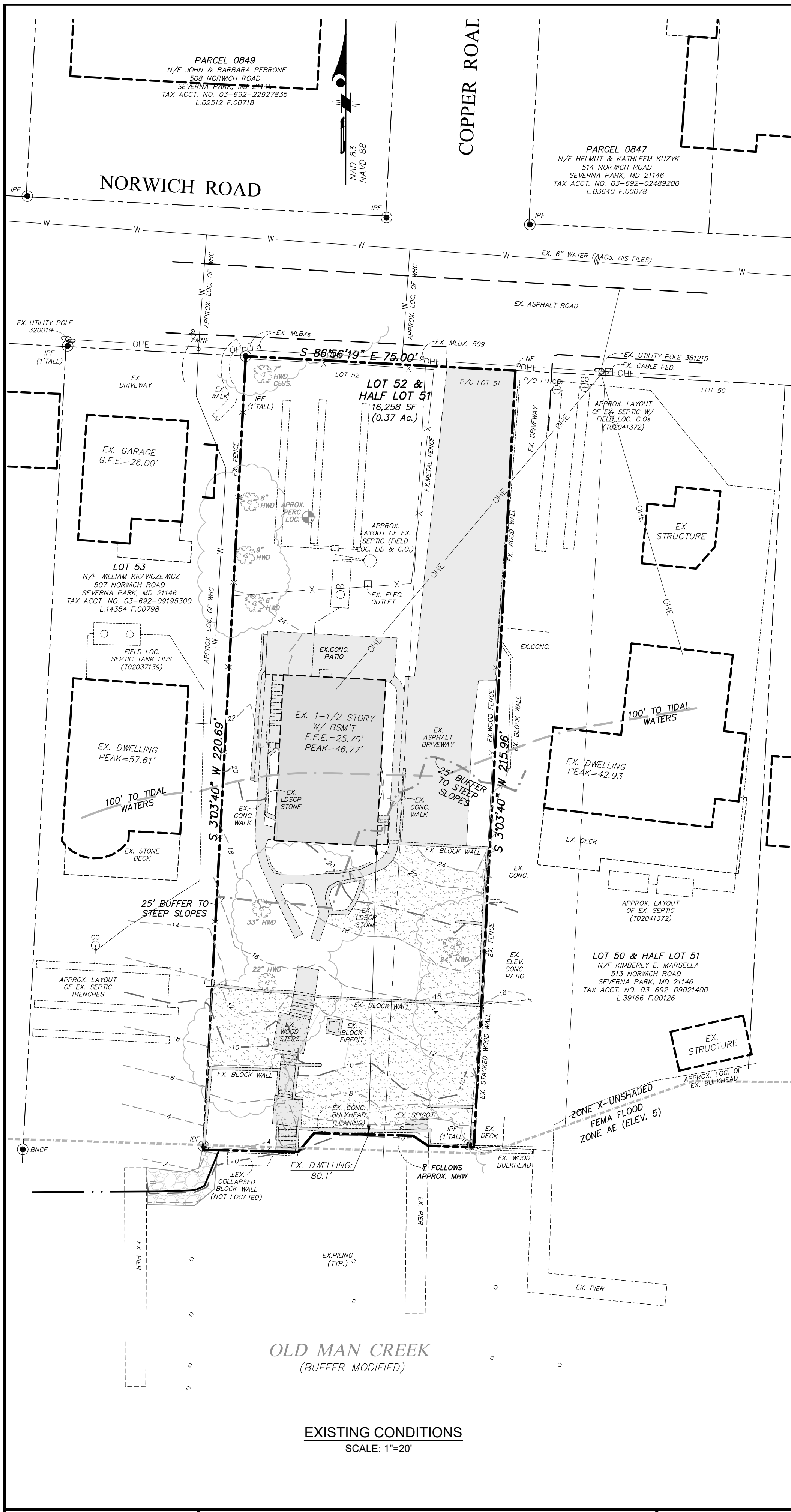
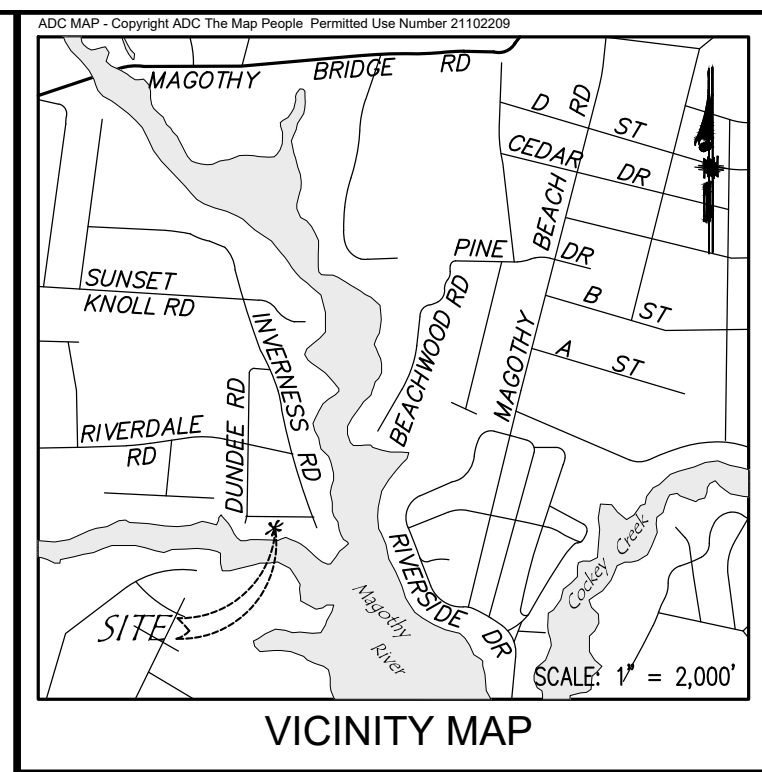
1. Minimum necessary - The improvements are minimal and are sited to utilize the footprint of the existing improvements to minimize disturbance.
2. The granting of the variance will not:
  - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with other 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.

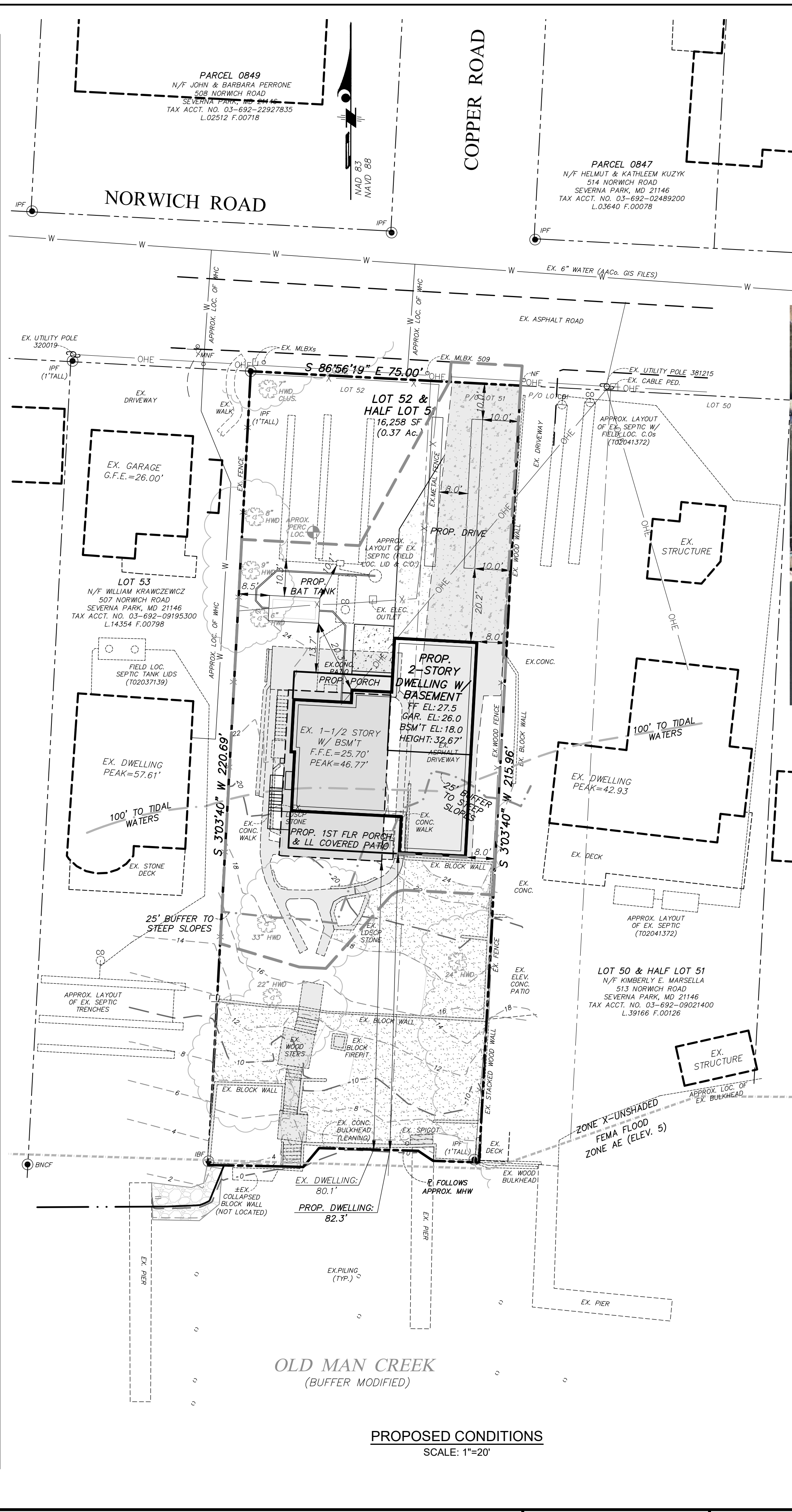
Sincerely,  
DRUM, LOYKA & ASSOCIATES, LLC



Katie Yetman



**EXISTING CONDITIONS**  
SCALE: 1"=20'



**PROPOSED CONDITIONS**  
SCALE: 1"=20'



- LEGEND**
- Existing Contour
  - Existing Woods Line
  - Existing Power Pole
  - Existing Overhead Electric Line
  - Existing Waterline
  - Existing Spot Elev.
  - 100' to Tidal Waters
  - Steep Slopes 15% or Greater
  - Existing Improvements
  - Limit of Disturbance

**SITE TABULATIONS**

• Total Site Area:	16,258 S.F. (0.37 Ac.)
• Critical Area Designation:	LDA
• Site Zoning:	R-2
<b>Principal Structure Setbacks</b>	
-Front:	30'
-Rear:	25'
-Side:	7'
<b>Lot Coverage:</b>	
-Existing Lot Coverage:	5,663 S.F. (0.13 Ac.)
-Allowable Lot Coverage (17-8-403):	5,605 S.F. (0.13 Ac.)
-Proposed Lot Coverage:	5,365 S.F. (0.12 Ac.)
<b>Coverage by Structures:</b>	
-Existing Coverage by Structures:	1,737 S.F. (+11%)
-Allowable Coverage by Structures:	4,877 S.F. (30%)
-Proposed Coverage by Structures:	3,127 S.F. (+19%)
<b>Steep Slopes:</b>	
-Total On-Site Steep Slopes:	3,211 S.F. (0.07 Ac.)
-Total On-Site Steep Slopes Disturbed:	199 S.F. (0.00 Ac.)
-Total Off-Site Steep Slopes Disturbed:	0 S.F. (0.00 Ac.)

P:\R03020\CADD-24-RK03020\Eng Dwg\ RK03020-V.dwg 05/22/24\_12:26

DESIGNED:	DRAWN: KLY
ORIG. DATE: 12-20-22	
MODIFIED BY/DATE:	
CADD DWG # RK03020	
DLA PROJECT # RK03020	

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. DAVID KLINK  
 509 NORWICH ROAD  
 SEVERNA PARK, MARYLAND 21146

**VARIANCE PLAN**  
**RIVERDALE O/T MAGOTHY ~ LOT 52 & HALF LOT 51**  
 509 NORWICH ROAD, SEVERNA PARK, MARYLAND 21146  
 TAX ACCT. NO. 03-692-3202100  
 TAX MAP 0024 GRID 0014 PARCEL 0339 DISTRICT 3RD  
 ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=20'    DATE: MAY 22, 2024    PROJ. NO: RK03020    SHEET 1 OF 1

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
0024	0339	0014	835	

**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:

Raze and remove existing single-family dwelling and construct new single-family dwelling  
 With associated improvements

	Yes		Yes
Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
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
			Total Disturbed Area	0.22	
IDA Area			# of Lots Created	0	
LDA Area	0.37				
RCA Area					
Total Area	0.37				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.09		Existing Impervious Surface	0.13	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.07	
Removed Forest/Woodland/Trees	0.01		Removed Impervious Surface	0.08	
			Total Impervious Surface	0.12	

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance	0.22		Mitigation		

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input type="checkbox"/>
Impervious Surface	<input type="checkbox"/>	Dwelling	X
Expanded Buffer	<input type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Steep Slopes	X	Gazebo	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

**Chesapeake Bay Critical Area Report**  
**Riverdale on the Magothy ~ Lot 52 & Half of Lot 51**  
Tax Map 24, Grid 14, Parcel 339  
Tax Account No. 03-692-32072100

**Property Address:** 509 Norwich Road  
Severna Park, Maryland 21146

May 22, 2024

**Property Owners & Variance Applicant:** David Klink

**Critical Area Designation:** LDA

**Zoning:** R-2

**Lot Area:** 0.37 Ac.

**Site Description**

The subject property is a legal non-conforming building lot located in the community of Severna Park, Maryland. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-2 and is served by public water and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. Steep slopes abut the existing driveway and improvements, which limit redevelopment without a variance. Primary vegetation consists of multiple hardwood trees and lawn area.

**Description and Purpose of Variance Request**

The applicant proposes to raze and remove the existing single-family dwelling and construct a new single-family dwelling with associated improvements. 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 199-sf of disturbance on slopes 15% or greater in the LDA.

The applicant proposes to raze and remove the existing dwelling and construct a new dwelling in almost the same location as the existing dwelling. The new house is modest in size, is generally in the same footprint as the existing structures and is in relation to the surrounding homes in the neighborhood. Plans have been submitted to the Department of Health and there has been coordination on the septic design and proposed improvements.

**Vegetative Coverage and Clearing**

The property's primary vegetation is lawn area with multiple hardwood trees. The existing wooded area totals roughly 3,800-sf. The proposed clearing is approximately 380-sf., the majority of which is necessary for the septic tank upgrade. Reforestation and afforestation requirements for this property will be addressed during the permit phase of this project.

**Impervious Lot Coverage**

The site currently has 5,663-sf of lot coverage. The proposed impervious lot coverage for this property is 5,365-sf, which is below the allowable. The site currently has 1,737-sf of coverage by structures. The proposed coverage by structures is 3,127-sf, which is within the allowable amount.

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

The subject property contains approximately 3,211-sf of steep slopes, all of which are concentrated around the existing improvements. Approximately, 199-sf of slopes will be disturbed as part of the proposed construction. Most of this disturbance is necessary for access and removal of the existing improvements.

**Predominant Soils**

The predominant soil types are Evesboro-Galestown-Urban land complex, 15 to 25 percent slopes (EuE) and Patapsco-Fort Mott-Urban land complex, 0 to 5 percent slopes (PgB). These soils have a type "A" hydrologic classification and are not considered 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 need for the requested variances arises from the unique physical conditions of the site, specifically the location of the existing improvements in relation to the steep slopes. The new dwelling is proposed in the same location as the existing improvements. It does not require any more disturbance than if the existing improvements were to be removed or maintained. The proposed dwelling is also set further from tidal waters than the existing dwelling. 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 will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the habitat and on of stormwater management and the nitrogen reducing septic system, 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. Stormwater Management and reforestation requirements will be addressed during the permit phase of the project. Reforestation will be provided on-site to the extent practicable.



**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



# OFFICE OF PLANNING AND ZONING

## CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING April 2024

P&Z STAFF Rob Konowal, Kelly Krinetz

APPLICANT/REPRESENTATIVE Drum Loyka EMAIL kyetman@drumloyka.com

SITE LOCATION 509 Norwich Road (2024-0034-P) LOT SIZE 16,258 sf ZONING R2

CA DESIGNATION LDA BMA X or BUFFER \_\_\_\_\_ APPLICATION TYPE CA Variance

Demolish existing single family detached dwelling and construct new single family detached dwelling.  
Variance required to disturb slopes of 15% or greater, new lot coverage nearer to the shoreline than façade of existing principal structure?

### COMMENTS

Zoning – Outline of existing dwelling needs to be labeled as it is difficult to determine if new dwelling requires additional variance of new lot coverage nearer to shoreline. Also cannot determine location of steep slopes on property (shading too light?). Indicate height of new dwelling in feet.

Critical Area Team - A variance is not required for the disturbance necessary to remove a structure from steep slopes and associated buffers. The proposed expansion of the home could have been designed to remain out of the slopes and the buffer and therefore cannot be supported. In addition, it appears that the expansion results in new coverage forward of the front facade since the applicant has proposed the expansion over an existing driveway which is not considered an in kind replacement.

### Engineering -

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. Provide a qualified professional review of the condition of suitability steep slopes; ensure the proposed improvement including quality and other limits does not adversely impact the intensity of the slope and can cause slope failure.
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. Describe the site's hydrologic, and topographic characteristics and provide recommendations on the feasibility of various BMPs.
5. Based on the plan provided, it appears that the property will be served by private septic and public water.
6. The stormwater management, utility/Engineering design review approval for the site shall occur at the grading permit stage.
7. The above is provided as courtesy review comments at the pre-file stage to review and consider the design plan; additional details regarding the proposed improvements site of disturbance, for example, steep slopes, buffer is required at the grading permit stage.

### INFORMATION FOR THE APPLICANT

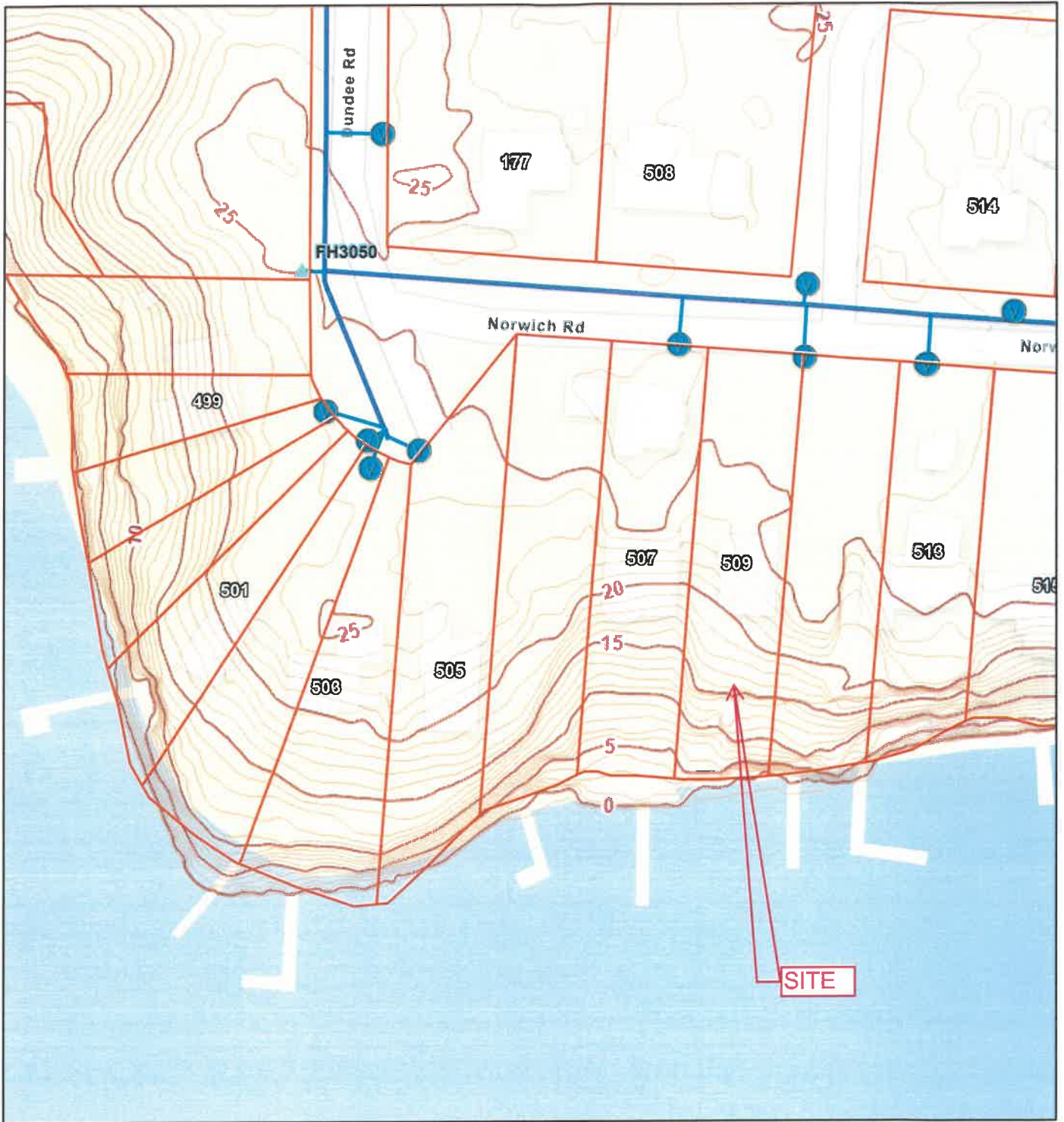
Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office 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.

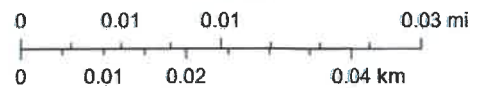
# Anne Arundel County Engineering Record Drawing and Monuments



5/24/2024, 3:20:26 PM

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- |                   |                         |                 |
|-------------------|-------------------------|-----------------|
| Topo_2020         | ○ Address Points        | — Water Service |
| — Index           | ▭ Parcels               | — Water Pipes   |
| Intermediate      | ▲ Water (Fire) Hydrants |                 |
| Local Road Label  | ▲ Public Hydrant        |                 |
| ▭ County Boundary | ● Water Meter Vaults    |                 |



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Anne Arundel County

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