

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

APPLICANT: Robert Beer

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2024-0085-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: July 16, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting variances to allow walkways and retaining walls with less setbacks and buffer than required and with disturbance to slopes of 15% or greater on property located at 1313 Saint Josephs Court in Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 2.04 acres of land and is located on the southeast side of Saint Josephs Court, approximately 100 feet south of Saint Pauls Way. It is identified as Lot 5 of Parcel 337 in Grid 17 on Tax Map 38 in the Bayberry Hill subdivision.

The property is zoned RLD – Residential Low Density District, as adopted by the comprehensive zoning for Council District 6, effective October 7, 2011. The lot fronts Hopkins Creek, lies entirely within the Chesapeake Bay Critical Area overlay, and is designated as LDA – Limited Development Area. The nearby shoreline is not mapped as buffer modified and is subject to the standard buffer regulations. The property is currently improved with a single-family detached dwelling and associated facilities.

PROPOSAL

The applicant proposes to remove the existing brick paver walkways and timber retaining walls and replace them with Techo Bloc manufactured concrete pavers, steps, and wall systems. The proposed improvements would be located to the rear (roadside) of the dwelling.

REQUESTED VARIANCES

§ 18-13-104(a) of the Anne Arundel County Zoning 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. § 18-13-104(b) provides for an expanded buffer where there are, among other things, steep slopes. Section 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The proposal would necessitate a

variance to disturb approximately 2,980 square feet of the expanded buffer.

§ 17-8-201(a) provides that development in the Limited Development Area (LDA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. The proposal would necessitate a variance to disturb slopes of 15% or greater. If approved, the actual amount of slope disturbance would be determined at the time of permitting.

A review of the bulk regulations for development within an RLD District reveals that a setback variance is not required.

FINDINGS

The subject property is irregular in shape and far exceeds the minimum 40,000 square foot area and minimum 150-foot width required for a lot in an RLD District. The existing critical area lot coverage is reported as 7,441 square feet. The proposal would include the removal of 1,789 square feet of existing coverage (river cobble), which would be replaced with native plant material. The post-construction lot coverage is reported as 5,652 square feet. However, the Critical Area Project Notification worksheet does not appear to take into account the additional lot coverage to be added via the widened walkway and steps. If approved, the actual amount of existing and proposed coverage must be properly demonstrated at the time of permitting.

The applicant's letter explains that the existing stairway timbers are rotting/splitting and that the pavers have settled, creating tripping hazards and serious liability issues for ingress and egress to and from the home's front entrance. The applicant attests that the existing grade currently slopes from the street toward the front of the house. Surface water runoff from the street to front house foundation is compounded by poorly constructed paver walkway and wall systems that pitch and direct surface drainage towards the house, foundation, and framing. The applicant intends to correct these deficiencies while implementing additional drainage improvement measures during the new construction work. The letter and site plan refers to the proposal as an "in-kind" replacement of the existing walkways and retaining walls. This Office notes that the existing structures are not being replaced in-kind. Nevertheless, the critical area variance is required regardless of whether or not the proposal meets the definition of an in-kind replacement.

The **Critical Area Commission** took no position on the variance request, but commented that appropriate mitigation must be provided.

The **Development Division (Critical Area Team)** has no objection to the proposed variance and noted that mitigation will be determined at permitting.

The **Department of Health** has reviewed the onsite sewage disposal and well water supply system for the subject property and has determined that the request would not adversely affect these systems. Therefore, the Department has no objection to the proposed variance.

The **Soil Conservation District** reviewed the proposal and provided no comment.

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 particular property, strict

implementation of the County's Critical Area Program would result in an unwarranted hardship. In this case, the property is subject to standard buffer/expanded buffer requirements, and the lot is encumbered with steep slopes and their buffers throughout. It is impossible to replace the failing walkways and walls without buffer and slope disturbance. As such, a literal interpretation of the County's Critical Area Program would deprive the applicant of rights that are commonly enjoyed by other properties in similar areas by preventing much-needed repairs of existing improvements.

The granting of a critical area variance would not confer on the applicant a special privilege 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 proper mitigation, the variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicant has overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and has evaluated and implemented site planning alternatives to the satisfaction of the Critical Area Team.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood, substantially impair the appropriate use or development of the adjacent properties, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare.

There is no way to replace the deteriorating walkways or walls without buffer and slope disturbance. The proposed improvements are not considered to be excessive for their intended purpose, and the variance is considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of the proposed Critical Area variances to § 17-8-301 and § 17-8-201(a) to allow walkways and retaining walls with less buffer than required and with disturbance to slopes of 15% or greater.

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.



BARKS ROAD
Landscape Architecture Ltd.

Jan 16, 2024

Anne Arundel County
Office of Planning and Zoning; Zoning Administration
2664 Riva Road
Annapolis, MD 21401

Re: Variance Pre-Filing Letter of Explanation, Dr. Robert Beer Residence, 1313 St. Josephs Court, Crownsville, MD 21032 (Permit No: B02422311 – review comments attached)

To whom it may concern,

The following pre-file information and description is submitted to request a variance to Environmentally Sensitive Areas; however, we strongly believe that the scope of work should be allowed under the provisions of the Code to avoid the need for a variance.

The subject property, located at 1313 St. Josephs Court, Crownsville, MD (the “Beer” residence) is entirely within steep slopes or their buffers. The proposed scope of work would be limited to areas between the house and the street to “replace in kind” deteriorating and failing brick paver walkways and timber retaining walls with Techo Bloc manufactured concrete pavers, steps and wall systems.

Existing stairway timbers are rotting/splitting and pavers have settled, creating tripping hazards and serious liability issues for ingress and egress to and from the home’s front entrance. The existing grade currently slopes from the street toward the front of the house. Surface water runoff from street to front house foundation is compounded by poorly constructed paver walkway and wall systems that pitch and direct surface drainage towards the house, foundation and framing.

It is our intention to correct these deficiencies while implementing additional drainage improvement measures during the new construction work. We are proposing a reduction of impervious area within our work area by removing existing river rock in plant bed areas and replacing it with mulch. In addition, we are proposing native plant material in all areas within our LOD work area. All work is proposed to be completed by hand with no use of heavy machinery.

It is our position that a variance should not be required for this work. A mechanism should be available to issue permits for safety and maintenance-related cases where a legally existing



BARKS ROAD
Landscape Architecture Ltd.

structure requires "in-kind" replacement. No disturbance to steep slopes is proposed, nor is any clearing or tree removal.

Sincerely,

Eric J. Blamphin, ASLA

President, Barks Road Landscape Architecture Ltd.

BRLA License #3452/MHIC #148166

cc: Dr. Robert Beer

Allocation Review

▼ Septic Review

Due on 12/12/2023, assigned to Eric Olmscheid

☒ Marked as Revision Needed on 12/06/2023 by Eric Olmscheid

Show the entire septic system including the BAT unit, surrounding disposal bed, and existing septic tank per installation diagram T02047435 on the site plan. For a copy of health department records that may be used as reference please visit <https://www.ahealth.org/environmental-health/wells-and-septic-systems/request-copies-septic-or-well-records-online>

Comment: Clearly show on the site plan that no excavation will take place closer than the existing retaining walls to the existing septic system on site.

The existing septic system must be fenced off prior to septic review approval of this building permit. Please contact me for a site visit once this has been completed.

For questions regarding the specific review comments above, please contact hdoims00@aaacounty.org

▼ Well Review

Due on 12/12/2023, assigned to Eric Olmscheid

☒ Marked as Revision Needed on 12/06/2023 by Eric Olmscheid

Show the existing well AA-S1-3662 on the site plan. The proposed retaining walls must be 30' or no closer than existing to the well on site.

Comment: The existing well (AA-S1-3662) must be raised to at least 8" above grade and fitted with a two-piece (Water Systems Council PAS 97) vermin-proof cap prior to Health Department approval of this permit. Two-piece caps held to the casing with horizontal bolts/screws are not permitted. Once the work has been completed, please submit pictures of the wellhead to hdoims00@aaacounty.org to show compliance so that the well review may be approved.

Additional Information:

CRITICAL AREA REPORT

1313 St. Josephs Court
Crownsville, MD 21032
Tax Map 38, Parcel 0337
Tax Account #2-044-9002-3567
Critical Area LDA - RLD
Lot 5

INTRODUCTION

This site is in the LDA area of Anne Arundel County Critical Area program. The site is known as 1313 St. Josephs Court. The property is zoned RLD. The lot consists of 2.04 acres. The lot is residential and improved with a single family home and detached garage. The property is served by well and septic.

PURPOSE

The proposed scope of work would be limited to areas between the house and the street to “replace in kind” deteriorating and failing timber retaining walls with dry-set precast concrete wall units. New walls not to exceed the height of existing walls. Area within L.O.D. is 2,980 square feet.

Walkways to connect the existing house to the detached garage will be replaced and modified. Design changes proposed and shown for the walkway connecting the house to the garage have been made for safety and aesthetic reasons. New walkways will be reconstructed to direct water flow away from the house foundation.

River cobble to be removed and replaced with native groundcovers and shrubs. A significant reduction of impervious coverage (1,500 square feet +/-) will result from the removal of river cobble areas within L.O.D.

No disturbance to steep slopes is proposed.

PROPERTY CHARACTERISTICS

The property has approximately 62,000 square feet of woodland (70% of the property). All woodlands will remain with no forest clearing or tree removal. The existing Lot coverage on this site is 7,441 square feet. The new Lot coverage will be reduced to 5,652 square feet. Lot coverage allowed is 13,329 square feet.

There are existing stairway timbers that are rotting/splitting and pavers have settled, creating tripping hazards and serious liability issues for ingress and egress to and from the home's front entrance. The existing grade currently slopes from the street toward the front of the house. Surface water runoff from street to front house foundation is compounded by poorly constructed paver walkway and wall systems that pitch and direct surface drainage towards the house, foundation and framing.

STORMWATER MANAGEMENT

It is our intention to correct these deficiencies while implementing additional drainage improvement measures during the new construction work. We are proposing a reduction of impervious area within our work area by removing existing river rock in plant bed areas and replacing it with mulch. In addition, we are proposing native plant material in all areas within our LOD work area. All work is proposed to be completed by hand with no use of heavy machinery.

IMPERVIOUS COVERAGES (square feet)

Ex. House	= 1,826	Ex. House	= 1,826
Ex. Detached Garage	= 700	Ex. Detached Garage	= 700
Ex. Driveway/Sidewalks/Ret. Walls	= 4,915	Prop. Drives/Walks/Walls/Cobble	= 3,126
Total <u>Existing</u> Impervious	= 7,441	Total <u>Proposed</u> Impervious	= 5,652
		REDUCTION (sqft)	= 1,789

HABITAT PROTECTION

The lot is heavily wooded. There will be no woodland disturbance in order to protect the wildlife.

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: 5-2-24

Tax Map #	Parcel #	Block #	Lot #	Section
38	337		5	

Tax ID: 2-044-9002-3567

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

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

Project location/Address 1313 ST Joseph Ct

City Crownsville Zip 21032

Local case number

Applicant: Last name Blamphin First name ERIC

Company BARKS ROAD Landscape

Application Type (check all that apply):

Building Permit ☒
Buffer Management Plan ☐
Conditional Use ☐
Consistency Report ☐
Disturbance > 5,000 sq ft ☐
Grading Permit ☐

Variance ☒
Rezoning ☐
Site Plan ☐
Special Exception ☐
Subdivision ☐
Other ☐

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Replace Failing Retaining walls
& walkways

Intra-Family Transfer ☐
Grandfathered Lot ☐

Growth Allocation ☐
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		
LDA Area	2.04	87,120
RCA Area		
Total Area		

Total Disturbed Area Acres Sq Ft 2,980

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		62,000	Existing Lot Coverage		7,441
Created Forest/Woodland/Trees			New Lot Coverage		
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		-1,789
			Total Lot Coverage		5,652

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance (Expanded)		2,980	Buffer Forest Clearing		0
Non-Buffer Disturbance			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 ☒

Retaining wall
Sidewalks

BAYBERRY HILL PROPERTY OWNERS ASSOCIATION, INC.

1318 Saint Josephs Court, Crownsville, MD 21032

March 25, 2024

Anne Arundel County
Office of Planning and Zoning, Zoning Administration
2664 Riva Road
Annapolis, MD 21401

Re: Bayberry Hill Property Owners Association Support of Variance, Dr. Robert Beer
Residence, 1313 St. Josephs Court, Crownsville, MD 21032 (Permit No: B02422311;
Pre-file#: 2024-0007-P

To whom it may concern,

The Bayberry Hill Property Owners Association (BHPOA) is aware of Dr. Robert Beer's intention to remove four (4) existing failing retaining walls and construct four (4) retaining walls in addition to replacement of the failing walkways on his property located at 1313 St. Josephs Court, Crownsville, MD 21032.

The BHPOA supports these replacements and will not oppose the issuance of a variance to allow him to perform this work.

If you have any questions, please feel free to contact me.

Sincerely,



Tim Zulick
Head, Architectural Review Committee
Bayberry Hill Property Owners Association
tzulick2@gmail.com



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

CAC Comments: 2024-0078-V Bentley, 2024-0080-V Beatley, 2024-0081-V Rattner, 2024-0085-V Beer

Jennifer Esposito <jennifer.esposito@maryland.gov>

Fri, May 10, 2024 at 4:01 PM

To: Sadé Medina <pzmedi22@aacounty.org>

Good afternoon,

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

- 2024-0078-V; Bentley (AA 102-24);
- 2024-0080-V; Beatley (AA 103-24);
- 2024-0081-V; Rattner (AA 104-24); and
- 2027-0085-V; Beer (AA 110-24)

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.



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 twitter_logo.jpg

dnr.maryland.gov/criticalarea

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)

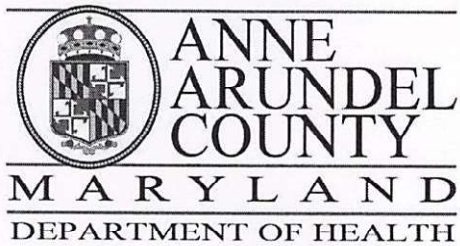
Cell: 443-569-1361

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov

2024-0085-V

<div>Menu</div>		<div>Cancel</div>	<div>Help</div>
<div>Task</div> <div>OPZ Critical Area Team</div> <div>Assigned to Department</div> <div>OPZ Critical Area</div> <div>Action by Department</div> <div>OPZ Critical Area</div> <div>Start Time</div>		<div>Due Date</div> <div>05/23/2024</div> <div>Assigned to</div> <div>Kelly Krinetz</div> <div>Action By</div> <div>Kelly Krinetz</div> <div>End Time</div>	<div>Assigned Date</div> <div>05/02/2024</div> <div>Status</div> <div>Complete w/ Comments</div> <div>Status Date</div> <div>05/06/2024</div> <div>Hours Spent</div> <div>0.0</div> <div>Comments</div> <div>No objection. Mitigation will be determined with permit.</div> <div>In Possession Time (hrs)</div> <div>Comment Display in ACA</div> <div><div><input checked="" type="checkbox"/> All ACA Users</div><div><input checked="" type="checkbox"/> Record Creator</div><div><input checked="" type="checkbox"/> Licensed Professional</div><div><input checked="" type="checkbox"/> Contact</div><div><input checked="" type="checkbox"/> Owner</div></div> <div>Workflow Calendar</div>
<div>Billable</div> <div>No</div> <div>Time Tracking Start Date</div> <div>Display E-mail Address in ACA</div> <div>No</div>	<div>Overtime</div> <div>No</div> <div>Est. Completion Date</div> <div><div><input checked="" type="checkbox"/> Display Comment in ACA</div></div>		
<div>Estimated Hours</div> <div>0.0</div>	<div>Action</div> <div>Updated</div>		
<div>Task Specific Information</div>			
<div>Expiration Date</div> <div>Reviewer Phone Number</div>	<div>Review Notes</div> <div>Reviewer Email</div>	<div>Reviewer Name</div>	




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: May 10, 2024

RE: Robert Beer
1313 Saint Josephs Court
Crownsville, MD 21032

NUMBER: 2024-0085-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow walkways and retaining walls with less setbacks and buffer than required and with disturbance to slopes of 15% or greater.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department has no objection to the above referenced request.

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

cc: Sterling Seay



SAINT JOSEPHS CT

Tax Account Number: 204490023567