

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

APPLICANT: Eric Beauvois

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2024-0087-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: July 23, 2024

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicant is requesting variances to allow a dwelling and associated facilities with less setbacks than required and with disturbance to slopes 15% or greater on property located at 835 Robin Hood Hill in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 85 feet of road frontage on the east side of Robin Hood Hill, 400 feet east of Allan-A-Dale Hill and is 7,260 square feet in area, more or less. The site is shown on Tax Map 39, Grid 19, as Parcel 295, Lot 835 in the Sherwood Forest subdivision. The property is zoned R2-Residential District. The current zoning was adopted by the Comprehensive zoning for the Sixth Council District enacted on October 7, 2011.

This site has no frontage on the water but is located in the Chesapeake Bay Critical Area and designated LDA-Limited Development Area.

The property is currently developed with a two-story single family detached dwelling that is served by public water and private septic.

APPLICANT'S PROPOSAL

The applicant is proposing to raze the existing dwelling and construct a new dwelling in generally the same location.

REQUESTED VARIANCES

§ 17-8-201 of the Anne Arundel County Subdivision Code states that development in LDA or RCA designated areas may not occur on lands with a slope of 15% or greater. The proposed dwelling will disturb 1,377 square feet of lands with a slope of 15% or greater plus a 10-foot limit of disturbance surrounding the construction. The total disturbance will be determined at permitting.

§ 18-4-601 of the Anne Arundel County Zoning Code requires that in an R2-Residential District the principal structure shall be set back a minimum of 30 feet from the front lot line. The dwelling is proposed to be located as close as four feet from the front lot line at the western corner necessitating a variance of 26 feet, and on the northeastern side proposed is a porch with steps 15.1 feet from the front lot line necessitating a variance of 15 feet to the front lot line setback requirement.

§ 18-4-601 of the Code also requires that a principal structure be set back a minimum of 25 feet from a rear lot line whereas the proposed dwelling is to be located as close as 22.6 feet from the rear lot line necessitating a variance of 8 feet.

FINDINGS

This Office finds that the subject property is a severely undersized site that does not meet the dimensional requirements for a lot in an R2 District. While the application pertains to new construction where typically there are few constraints to development, the small size of the lot severely limits the placement of a structure in accordance with setback provisions of the Code. Furthermore, much of the property is encumbered by slopes of 15% or greater and redevelopment of the subject property is impossible without disturbing these slopes. In this case a literal interpretation of the Critical Area Laws would deprive applicants of rights commonly enjoyed by others (i.e. a dwelling on a presumed legal lot) in similar areas as permitted in accordance with the provision of the Critical Area program. Denial of the variances would preclude development of the site and thus cause hardship in the use of the property.

Replacement of the dwelling in essentially the same location will require variances to the required front and rear lot line setbacks but will, however, minimize the disturbance to steep slopes by locating the dwelling a few feet further from the steep slopes. The requested variance of 26 feet for a reduced front lot line setback of four feet actually occurs for only a corner of the structure on the northwestern side then widens to a setback of 15.1 feet for the steps from a porch at the northeastern side. This proposed setback of four feet is one foot closer to the front lot line than the setback of the existing dwelling that is to be replaced.

The variance to disturb steep slopes 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. The variance to allow disturbance to slopes will not be contrary to acceptable clearing and replanting practice. The granting of the steep slope variance will not adversely affect water quality or impact fish, wildlife or plant habitat.

Approval of the variances will not alter the essential character of the neighborhood as the improvements proposed will result in development that is essentially consistent (e.g. setbacks) with this neighborhood that predates the Zoning Code. Approval of the variances will not negatively impact the use of any adjacent property as the improvements are located well enough away from existing dwellings on abutting properties so as to not have any negative effect. The variances are considered to be the minimum necessary to afford relief.

The **Development Division (Critical Area Team)** indicated they have no objection to the

proposed location which falls primarily within the location of the existing improvements. Clearing limitations and mitigation will be addressed at permit.

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

The **Critical Area Commission** did not oppose the request and commented that appropriate mitigation is required.

The **Cultural Resources Section** commented that the subject property is located within Sherwood Forest (AA-941) which is listed on the Maryland Inventory of Historic Properties (MIHP). Proposed demolitions must comply with Section 105.8 of the Construction and Property Maintenance Codes Supplement, which says that a permit to demolish or remove a historic structure may not be issued, unless the applicant demonstrates compliance with Article 17-6-501 of the County Code. As Sherwood Forest is on the MIHP, all demolitions must be reviewed as per 17-6-501 of the Code. Until the project has been reviewed for compliance with Article 17-6-501, our office is not able to recommend approval of a variance at this time. Additional documentation, including a demolition worksheet, shall be required for review with the building permit application. Please contact the historic sites planner, Darian Beverungen, pzbeve19@aaacounty.org, with any questions and to receive a demolition worksheet to include for the review.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Article 18, §18-16-305. under the County Code, the Office of Planning and Zoning recommends the following be **approved** all in accordance with the plans filed with this application;

- 1) A variance to disturb 1,377 square feet of lands with a slope of 15% or greater to allow a dwelling and an undetermined are to include the limits of disturbance during construction;
- 2) Variances of 26 feet and 15 feet to the front lot line setback;
- 3) A variance of 8 feet to the rear lot line setback.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) 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.



LEGEND

- | | | | | | | | | | | | | |
|-----------------|--------------------|--------------------|---------------------------|------------------|--------------------|-----------------------------|----------------------|---------------------|----------------------|-----------------|-------------------------|-------------------------|
| Exiting Contour | Exiting Woods Line | Exiting Power Pole | Exiting Overhead Electric | Exiting Vaseline | Exiting Spot Elev. | Sharp Bypass 15% or Greater | Limit of Disturbance | Proposed Spot Elev. | Proposed Sample Line | Super Off Fence | Set 830 Septic Easement | Set 830 Septic Easement |
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SITE TABULATIONS

- [illegible]

REVISIONS TO APPROVED PLAN

[illegible]

Drum, Loyka & Associates, LLC
CIVIL ENGINEERS • LAND SURVEYORS

Annapolis, Maryland 21403
Phone: 410-280-3122 • Fax: 410-280-1952
www.drumtoyka.com

CILENIT.

ERIC & ANNE BEAUVOIS
12219 GARRISON FOREST ROAD
OWINGS MILLS, MD 21117

VARIANCE PLAN

SHERWOOD FOREST ~ LOT 835
835 ROBIN HOOD HILL, ANNAPOLIS, MD 21405

TAX ACCT. No. 02-720-08376315

| | | | |
|--------------|-----------|-------------|--------------|
| TAX MAP 0039 | GRID 0019 | PARCEL 0295 | DISTRICT 2nd |
|--------------|-----------|-------------|--------------|

| | | |
|-----------------|------------------|------------------|
| SCALE: AS SHOWN | DATE: MAY 7 2024 | PROJ: NO-SP06123 |
|-----------------|------------------|------------------|

SHEET 1 OF 1



| | | | | |
|----------------------|------------------------|------------------------|----------------------------|------------------------|
| Existing Contour | Existing Woods Line | Existing Power Pole | Existing Overhead Electric | Existing Waterline |
| | | | | |
| EX. 27.7 + | | $6'$ | | |
| Limit of Disturbance | Proposed Spot Elev. | Proposed Spot Elev. | Proposed Spot Elev. | Proposed Spot Elev. |
| | | | | |
| Super 3/4" Fence | Lot 335 Septic Element | Lot 335 Septic Element | Lot 335 Septic Element | Lot 335 Septic Element |
| | | | | |

SITE TABULATIONS

- | Item | Value |
|------------------------------------|---------------------|
| Total Site Area | 7,200 S.F. (0.17 A) |
| Critical Area Designation | LDA |
| Site Zoning | R-2 |
| Principal Structure Sublot | |
| Front | 2,204 S.F. (0.05 A) |
| Side 1 | 2,527 S.F. (0.05 A) |
| Side 2 | 2,347 S.F. (0.05 A) |
| Side 3 | 2,109 S.F. (0.05 A) |
| Side 4 | 1,526 S.F. (0.04 A) |
| Side 5 | 1,678 S.F. (0.04 A) |
| Side 6 | 4,098 S.F. (0.09 A) |
| Side 7 | 1,377 S.F. (0.03 A) |
| Lot Coverage | |
| -Existing Lot Coverage | |
| -Allowed Lot Coverage | |
| -Proposed Coverage by Structures | |
| Coverage by Structures | |
| -Existing Coverage by Structures | |
| -Allowed Coverage by Structures | |
| -Proposed Coverage by Structures | |
| Shade Structures | |
| -Total On-Site Shade Spots | |
| -Total On-Site Shade Spots Divided | |

May 7, 2024

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

**RE: SHERWOOD FOREST ~ LOT 835
835 Robin Hood Hill
Annapolis MD, 21405
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, variances to the Anne Arundel County Code are 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 and to **Article 18, Section 2-301(b) and Section 4-601** to setback requirements.

The subject property is a legal non-conforming building lot located in the community of Sherwood Forest, Maryland. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-2 and is served by community water and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. The existing dwelling is surrounded by steep slopes, which encumber more than half of the property area (+/-56%), severely limiting and restricting the spaces that allow redevelopment. Primary vegetation consists of hardwood and evergreen trees, and creeping ground cover common to wooded areas and the community.

The applicants propose to raze and remove the existing dwelling and construct a new dwelling in the same location as the existing dwelling. According to tax records, the existing dwelling was constructed in the 40s. It was originally built as a summer cottage and no longer meets the standards for a dwelling to accommodate today's families. The new house is modest in size and is generally in the same footprint as the existing structures. It was designed to take advantage of every square foot to accommodate the owner's family while maintaining the character of the existing dwelling. Plans for the development have been approved by the neighboring properties and have been submitted to the Sherwood Forest community.

Due to the unique physical conditions inherent to the property, the following variance to the Anne Arundel County Code are being requested: **Article 17, Section 8-201(a)** of approximately

1,377-sf of disturbance on slopes 15% or greater in the LDA, to **Article 18, Section 2-301(b)** of 12-ft to the requirement of architectural features extending no more than 3-ft into a required setback, and to **Article 18, Section 4-601** of 26-ft to the required 30-ft front yard setback and 3-ft to the required 25-ft rear yard setback.

The need for the requested variance arises from the unique physical conditions of the site, specifically the size of the lot, the location of the existing structure, and the presence of steep slopes. The subject property is 37% of the required lot size by zoning and more than half of that area is encumbered with steep slopes. The entire community of Sherwood Forest is encumbered with substandard lot sizes, steep slopes, and other environmental challenges.

The new dwelling is proposed in the only viable location on the property and is within the limits of existing improvements. 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 topography, the irregularly shaped lot, the size of the lot, as well as the location of the existing dwelling in relation to the property lines and 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 small and irregular shape of the site, 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

2024-0087-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

05/10/2024

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

No objection to the proposed location which falls primarily within the location of the existing improvements.

Clearing limitations and mitigation will be addressed at permit.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

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

Due Date

05/31/2024

Assigned to Department

OPZ Critical Area

Status Date

05/10/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



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

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

Jennifer Esposito <jennifer.esposito@maryland.gov>

Wed, May 15, 2024 at 8:00 AM

To: Sadé Medina <pzmedi22@aacounty.org>

Good morning,

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

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

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

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



 facebook_logo.jpg

 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

2024-0087-V

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

05/10/2024

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

The subject property is located within Sherwood Forest (AA-941) which is listed on the Maryland Inventory of Historic Properties (MIHP). Proposed demolitions must comply with Section 105.8 of the Construction and Property Maintenance Codes Supplement, which says that a permit to demolish or remove a historic structure may not be issued, unless the applicant demonstrates compliance with Article 17-6-501 of the County Code. As Sherwood Forest is on the MIHP, all demolitions must be reviewed as per 17-6-501 of the Code. Until the project has been reviewed for compliance with Article 17-6-501, our office is not able to recommend approval of a variance at this time. Additional documentation, including a demolition worksheet, shall be required for review with the building permit application. Please contact the historic sites planner, Darian Beverungen, pzbeve19@aacounty.org, with any questions and to receive a demolition worksheet to include for the review.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

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

Due Date

05/31/2024

Assigned to Department

OPZ Cultural Resources

Status Date

05/13/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Cultural Resources

Est. Completion Date

- ☐ Display E-mail Address in ACA
- ☒ Display Comment in ACA

Task Specific Information

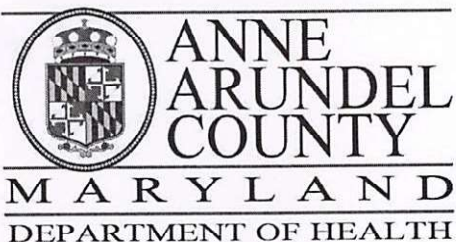
Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



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 *BC*

DATE: May 15, 2024

RE: Eric Beauvois
835 Robin Hood
Annapolis, MD 21405

NUMBER: 2024-0087-V

SUBJECT: Variance/Special Exception/Rezoning

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

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

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

cc: Sterling Seay

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 |
|-----------|----------|---------|-------|---------|
| 0039 | 0295 | 0019 | 835 | |
| | | | | |
| | | | | |

FOR RESUBMITTAL ONLY

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

* Complete only Page 1
General Project Information

Tax ID 02-720-08376315

Project Name (site name, subdivision name, or other) Sherwood Forest ~ Lot 835

Project location/Address 835 Robin Hood Hill

City Annapolis Maryland Zip 21405

Local case number _____

Applicant: Last name Beauvois First name Eric

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 | <input checked="" type="checkbox"/> | Buffer Exemption Area | <input type="checkbox"/> |

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 | <input checked="" type="checkbox"/> |
| 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 | Total Disturbed Area | Acres | Sq Ft |
|------------|-------|-------|----------------------|-------|-------|
| IDA Area | | | | 0.11 | |
| LDA Area | 0.17 | | # of Lots Created | 0 | |
| RCA Area | | | | | |
| Total Area | 0.17 | | | | |

| | Acres | Sq Ft | | Acres | Sq Ft |
|--------------------------------|-------|-------|-----------------------------|-------|-------|
| Existing Forest/Woodland/Trees | 0.15 | | Existing Impervious Surface | 0.05 | |
| Created Forest/Woodland/Trees | 0.00 | | New Impervious Surface | 0.05 | |
| Removed Forest/Woodland/Trees | 0.07 | | Removed Impervious Surface | 0.05 | |
| | | | Total Impervious Surface | 0.05 | |

VARIANCE INFORMATION (Check all that apply)

| | Acres | Sq Ft | | Acres | Sq Ft |
|------------------------|-------|-------|------------------------|-------|-------|
| Buffer Disturbance | | | Buffer Forest Clearing | | |
| Non-Buffer Disturbance | 0.11 | | Mitigation | | |

| Variance Type | | Structure | |
|--------------------|-------------------------------------|-------------------------|-------------------------------------|
| 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 | <input checked="" type="checkbox"/> |
| Expanded Buffer | <input type="checkbox"/> | Dwelling Addition | <input type="checkbox"/> |
| Nontidal Wetlands | <input type="checkbox"/> | Garage | <input type="checkbox"/> |
| Steep Slopes | <input checked="" type="checkbox"/> | Gazebo | <input type="checkbox"/> |
| Setback | <input checked="" 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
Sherwood Forest ~ Lot 835
Tax Map 39, Grid 19, Parcel 295
Tax Account No. 02-720-08376315

Property Address: 835 Robin Hood Hill
Annapolis, Maryland 21405

May 7, 2024

Property Owners & Variance Applicant: Eric and Anne Beauvois

Critical Area Designation: LDA

Zoning: R-2

Lot Area: 0.17 Ac.

Site Description

The subject property is a legal building lot located off of Nottingham Hill in the community of Sherwood Forest. The site is currently improved with a single-family dwelling and associated improvements, which are surrounded by steep slopes. The lot is zoned R-2 and is completely within the Chesapeake Bay Critical Area, with an LDA land use designation. Private septic and Sherwood Forest public water service the property.

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 variances to the Anne Arundel County Code are being requested: **Article 17, Section 8-201(a)** of approximately 1,377-sf of disturbance on slopes 15% or greater in the LDA, to **Article 18, Section 2-301(b)** of 12-ft to the requirement of architectural features extending no more than 3-ft into a required setback, and to **Article 18, Section 4-601** of 26-ft to the required 30-ft front yard setback and 3-ft to the required 25-ft rear yard setback.

The applicants propose to raze and remove the existing dwelling and construct a new dwelling in the same location as the existing dwelling. According to tax records, the existing dwelling was constructed in the 40s. It was originally built as a summer cottage and no longer meets the standards for a dwelling to accommodate today's families. The new house is modest in size and is generally in the same footprint as the existing structures. It was designed to take advantage of every square foot to accommodate the owner's family while maintaining the character of the existing dwelling. Plans for the development have been approved by the neighboring properties and have been submitted to the Sherwood Forest community.

Vegetative Coverage and Clearing

The property's primary vegetation is woodland and creeping ivy that is common to wooded areas in the community. The existing wooded area totals roughly 6,700-sf. The proposed clearing is approximately 3,000-sf., the majority of which is necessary for access. Reforestation and afforestation requirements for this property will be addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 2,024-sf of lot coverage. The proposed impervious lot coverage for this property is 2,327-sf, which is the allowable. The site currently has 1,525-sf of coverage by structures. The proposed coverage by structures is 1,678-sf, which is within the allowable amount.

Steep Slopes (slopes > 15%)

The subject property contains approximately 4,096-sf of steep slopes, or 56% of the site area, all of which are concentrated around the existing improvements. Approximately, 1,377-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, as well as to install the new nitrogen reducing BAT septic tank.

Predominant Soils

The predominant soil types are Annapolis Fine Sandy Loam, 40 to 80 percent slopes (AsG) and Collington and Annapolis soils, 10 to 15 percent slopes (CRD). These soils have type "C" and "B" hydrologic classifications and AsG 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 need for the requested variances arises from the unique physical conditions of the site, specifically the diminutive size of the lot and the presence of steep slopes. The proposed 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 entire community of Sherwood Forest is inhabited with steep slopes and most of the lots in Sherwood are well under the required 20,000-sf minimum for lots served by a private septic system. 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 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. 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

PRE-FILE #: 2024-0038-P
DATE: 04/29/2024
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)
Habtamu Zeleke (I&P)

APPLICANT/REPRESENTATIVE: Katie Yetman/Drum Loyka

EMAIL: kyetman@drumloyka.com

SITE LOCATION: 835 Robin Hood Hill

LOT SIZE: 7,260

ZONING: R2 **CA DESIGNATION:** LDA **BMA:** No **or** **BUFFER:** No **APPLICATION TYPE:** Variance

DESCRIPTION:

The applicant proposes to raze the existing house and construct a new single family dwelling. The proposed structure will impact steep slopes. Variance required for steep slopes and setbacks.

COMMENTS

I & P Engineering:

1. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integration of the slope and cause slope failure.
2. 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.
3. 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.
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 a recommendation on the feasibility of various BMPs.
5. Based on the plan provided, it appears that the property will be served by a private septic and public water. The county mapping inventory does not show the existing water, please clarify.
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 a courtesy review as information for review and consideration comments at the pre-file.

Critical Area Team: No objection since the rebuild is generally within the existing footprint. The variance plan should include the disturbance required for the proposed septic.

Cultural Resources: The subject property is located within Sherwood Forest (AA-941) which is listed on the Maryland Inventory of Historic Properties (MIHP). Proposed demolitions must comply with Section 105.8 of the Construction and Property Maintenance Codes Supplement, which says that a permit to demolish or remove a historic structure may not be issued, unless the applicant demonstrates compliance with Article 17-6-501 of the County Code. As Sherwood Forest is on the MIHP, all demolitions must be reviewed as per 17-6-501 of the Code. Until the project has

been reviewed for compliance with Article 17-6-501, our office is not able to recommend approval of a variance at this time. Additional documentation, including a demolition worksheet, shall be required for review. Please contact the historic sites planner, Darian Beverungen, pzbeve19@aacounty.org, with any questions and to receive a demolition worksheet to include for the review.

Zoning Administration Section:

The site plan must show the height in feet in the area of the house and dimensions of the proposed structure.

Include tabulations for steep slope disturbance.

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.

835 Robin Hood Hill



Legend

Foundation

Addressing



Parcels



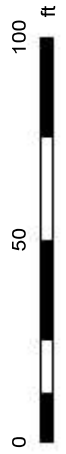
Parcels - Annapolis City



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Notes

none



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

