

GAMMA ENGINEERING

1203 West Street, Suite A
Annapolis, MD 21401
(410)626-1070 Fax (410)267-8619
Email blupt@icloud.com

July 1, 2024

Office of Planning & Zoning, Zoning Division
2664 Riva Rd.
Annapolis, MD 21401

Letter of Explanation: Variance to Expanded Shoreline Buffer

Lot 6, Palisades on Severn

Owner: Civic Association of Palisades

Tax Account: 2 608 0246 9608 Map 36, Parcel 26

Pre-File No. 2024-0053-P

This is provided as the explanation letter for the above referenced variance and to address the pre-file (2024-0052-P) comments dated 6/18/2024. Attachment (A) is a letter from the president of the Palisades Civic Association requesting Anne Arundel County's support of permitting a single-family dwelling on Lot 6 and the notification to the neighborhood. Attachment (B) is a recorded amendment signed by the original developers (Belle Grove) and Palisades Civic Association allowing the use of the lot as a single-family dwelling.

The project is an infill lot, mostly wooded, and waterfront located in the subdivision of Palisades on the Severn, critical area RLD and zoned R2. The surveyed area is 20,081 sq. ft. based on field topographic survey with a 65' deep by 103' wide relatively flat area adjacent to the road. The 160' balance of the lot to the shoreline is approximately 35% slopes; wooded with no erosion present on this slope or at the shoreline. This existing infill lot has minimal understory and a canopy of red oak, white oak and black gum (*Quercus rubra*, *Quercus Alba* and *Nyssa sylvatica*). It has 103' frontage on Diggs Road, a 25' public R/W improved via PWA in conjunction with permitting of the adjacent property.

In summary, the lot has public road frontage that was improved for the neighbor with a public water line and road surface improvements, has a flat buildable area for approximately the first 65 feet at the top of the site however a variance to the expanded shoreline buffer is requested. Relocation of the house has eliminated the previous (pre-file) slope disturbance variance request. The only variance request is to disturb the expanded buffer which covers 200' of the 220' deep lot. What makes this situation unique is that the sale of the lot by the civic association will provide needed revenue for the community to upgrade their public facilities; therefore, the granting of a SFD permit represents a benefit to the surrounding community civic association.

RESPONSE TO PREFILE COMMENTS:

The Critical Area Team *commented that the proposed disturbance on this site has not been minimized." The C.A. team acknowledged: "While it will be necessary to provide relief from the expanded buffer requirements, the disturbance to the steep slope can be avoided." "The minimum distance between the steep slopes and the rear setback is approximately 40'. "This area can accommodate a 30' deep footprint and a 10' LOD without the need for slope disturbance." "This request cannot be supported."*

To address and comply with the critical area team comment, the attached site plan indicates the north corner of the house moved 10' away from and out of the slopes. This 10' displacement results having to remove the garage popout, reducing the garage to an 18' depth, eliminating the powder room, mudroom, a reduction in the upstairs bedroom area and the basement areas but accomplishes the requested **NO disturbance to steep slopes**. The only variance is to disturb 4540 square feet of expanded buffer. The house foundation and impervious area is now 145' feet from the shoreline. The expanded buffer extends approximately 200 feet into the 220 foot deep lot, leaving a 15' to 30' strip along Diggs Road.

Zoning Administration Section *Requested that the variance site plan label the height and number of stories within the area labeled as proposed house." and concurred with Critical Area Team regarding moving the house out of the slopes.*

The height and number of stories has been added to the label of the proposed house on the plan.

Engineering Division Zoning Administration Section

Noted various technical items that have been complied with on the revised plans and it was noted: "The above comments were provided as a courtesy review"..... Since the comments are of a technical mostly nature relating to stormwater management which the site must satisfy, these comments will be specifically addressed in the grading permit review process.

SPECIFIC VARIANCE REQUEST:

1. A variance is requested to disturb 4540 square feet of expanded buffer. (Article 18-13-104 (b) (1))

After development, a 150 foot buffer will remain that is forested and is in good condition with no erosion; the expanded buffer extends approximately 200' into the 220' deep lot, there is no 15% or 25% slope disturbance proposed, the prefile review comments acknowledged: "...it will be necessary to provide relief from the expanded buffer requirements".

The proposed site area of 20,081, exceeds the R-2 lot minimum area, is served by public water and has a septic system recommendation letter for up to 3500 sq. ft. house from the Anne Arundel County Health Department. The proposed house footprint is 30' x 48' = 1440 sq. ft. with a porch pop outs and deck constructed in the 10' LOD beyond the footprint. The results of the percolation test indicate an 18' strata of sand which will be utilized to infiltrate the entire volume of the 10 year storm from the impervious areas – the driveway and house. This results in a substantial reduction from the existing condition 10 year runoff to the two reference points as demonstrated in the stormwater management comp booklet.

The following addresses the conditions for granting a variance per section 18-16-305 (b):

1. *Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity* The presence of the expanded buffer are inherent topographical feature of the site.
2. *A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County;* A 48' by 30' house (1440 square foot livable footprint) is consistent with or smaller than other waterfront houses on the Severn River in this area.
3. *The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area* The surrounding Severn River waterfront homes in this area are either consistent with this size or substantially larger, such that granting of the variance does not confer any special privilege; and the buffer provided 150' to 157' is similar to that occurring on the waterfront houses in the area. See site plan for set back from shoreline (buffer) for two adjacent houses.
4. *The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;* See site plan that indicates the site is undeveloped and there have been no physical activities on the site that caused the need for the variance.
5. *The Granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program;* See the attached site plan and stormwater management computations, which indicates that stormwater management is being provided; total infiltration of the entire 10 year runoff volume from impervious areas (not the standard increase) which will protect the water quality, wildlife and plant habitats and all other requirements of development in the critical area will be met.
6. *The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code;* See the attached site plan. There is no development proposed within the regular 100 foot shoreline buffer or buffer to a bog. The need for the variance arises from the expanded buffer which is an area approximately 150 TO 157' removed from the shoreline.

7. *The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code;* (5) A variance to a local jurisdiction's critical area program may not be granted unless: (i) Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of the critical area program would result in unwarranted hardship to the applicant; (ii) The local jurisdiction finds that the applicant has satisfied each one of the variance provisions; and (iii) Without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the critical area program.

These are the conditions contained in the County criteria and are met. See the attached site plan,

8 The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c). See the attached site plan. It utilizes micro drywells the returns the water to the ground and requires the least disturbance such as surface practices.

(c) **Requirements for all variances.** A variance may not be granted unless it is found that:

(1) the variance is the minimum variance necessary to afford relief; and See the attached site plan indicating that the development scope and size is consistent with the neighboring properties.

(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located; The surrounding properties in Herald Harbor and Palisades located on the water are mostly larger, this being similar in size will not alter the character of the immediate neighborhood in which the lot is located.

(ii) substantially impair the appropriate use or development of adjacent property; See the attached site plan that indicates there is no impact on adjacent properties.

(iii) reduce forest cover in the limited development and resource conservation areas of the critical area; See the attached site plan that indicates the forest removal that is consistent with the neighborhood and reforestation will be provided at offsite (Shady Side Bank) or fees will be paid.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor See the attached site plan, which has been prepared to meet the acceptable clearing and replanting practices.

(v) be detrimental to the public welfare. See the attached site plan, which indicates that stormwater management is being provided which will protect the water quality, wildlife and plant habitat.

If there are any questions or additional information is needed, please contact this office at (410) 626-1070.

Sincerely,

Michael Helfrich, P.E.

Attachments:

(A) letter from the president of the Palisades Civic Association requesting Anne Arundel County's support

(B) a recorded amendment signed by the original developers (Belle Grove) and Palisades Civic Association allowing the use of the lot as a single-family dwelling.

cc: owner:

President of the Palisades Civic Association

Patrick Hall

Box 301

Crownsville, MD 21032

ATTACHMENT A

April 4, 2024

Ms. Jenny Jarkowski

Director, Office of Planning and Zoning

Mr. Douglas Hollman, Esquire

Administrative Hearing Officer, Office of Administrative Hearings

Dear Ms. Jarkowski and Mr. Hollman:

The Civic Association of the Palisades, per the below explanation is selling lot 6, block 211, Palisades on the Severn with the intent to be utilized as a SFD. In order to accomplish this, the buyer is pursuing the necessary permitting. It is our understanding that percolation tests have been scheduled and a grading permit and variance application will be filed shortly. The Community Association requests Anne Arundel County provide necessary permissions to help accomplish the permitting of this property to accomplish the Palisades Community Association goal of selling the property.

Following a community-endorsed initiative earlier this fiscal year, our representatives collaborated with a real estate law firm to draft and finalize an Amendment, subsequently ratified by Belle Grove Corporation. This ratified Amendment effectively rescinds prior restrictions, thereby authorizing the Association to divest the subject property. This process aligns with our community's bylaws, particularly Article VI sections pertaining to the acquisition and disposition of real property, which necessitate approval by the general membership.

Sincerely,

Patrick Hall
President
Civic Association of Palisades
P.O. Box 301
Crownsville, MD 21032
Phone: 410-353-7973
Email: palisadesonthesevern@gmail.com

NOTICE OF PROPERTY SALE
BY THE CIVIC ASSOCIATION OF THE PALISADES, INC.

To the Members of the Civic Association of the Palisades,

In accordance with our continuous efforts to secure and enhance the Association's financial footing, and pursuant to a recent Amendment to the Declaration of Use, we are formally announcing the offering of a previously restricted waterfront lot for sale.

Historically, the Association has retained ownership of an unutilized parcel of land situated between 961 and 989 Diggs Rd., zoned RD2 for single-family residential use. Limitations on the exploitation of this asset were dictated by specific use terms, as co-determined by the Association and Belle Grove.

Following a community-endorsed initiative earlier this fiscal year, our representatives collaborated with a real estate law firm to draft and finalize an Amendment, subsequently ratified by Belle Grove. This ratified Amendment effectively rescinds prior restrictions, thereby authorizing the Association to divest the subject property. This process aligns with our community's bylaws, particularly Article VI sections pertaining to the acquisition and disposition of real property, which necessitate approval by the general membership.

Furthermore, in compliance with Section 11B-106.2 of the Maryland Real Property Code, we hereby notify all members of the impending sale of the waterfront lot located between 961 and 989 Diggs Rd. A sign will be conspicuously posted on the property detailing the sale, as required by law, and this written notice is being distributed to each lot owner as additional confirmation of the intended sale. We are providing this notice well in advance of the required 30-day notification period to ensure full transparency and to afford all members the opportunity to raise any questions or concerns regarding this matter.

The divestiture of this lot, now available to the general public, is strategic, purposed to amass capital crucial for the advancement of current and prospective infrastructural ventures. The fruition of this sale is projected to fortify the Association's financial resilience and guarantee long-term operational sustainability.

Acknowledging that not all members may be apprised of these developments through conventional communication channels, this notice serves as a direct conveyance of this pivotal update. We invite and welcome any inquiries or solicitations for further clarification.

I am personally available for discussion at (410) 353-7973 or via email at palisadesonthesevern@gmail.com.

Sincerely,

Patrick Hall

Patrick Hall
President, Board of Governors
The Civic Association of the Palisades, Inc.

THE BELLE GROVE CORPORATION
Amendment to Declaration for Use

LR - HDA Dep Amendment
11:50

HDA Deed - Belle Grove
Ref.

This Amendment to the Declaration for Use ("Amendment") is executed on this 24th day of September, 2023, by The Belle Grove Corporation ("Belle Grove"), a Maryland stock corporation.

10/24/2023 01:50
COND-CC

007881952 COM501 -
Cons founded

WHEREAS, Belle Grove previously prepared and ratified a Declaration ("Declaration") dated March 19, 1959, recorded among the Land Records of Anne Arundel County, Maryland in Liber 1281, folio 215; and

00770005 01 01 -
per 10

WHEREAS, the Declaration subjects certain real property parcels, in part, "to be used only for the purposes of a bathing beach and as a means of egress and ingress to and from the waters of the Severn River or its tributaries and for launching boats and pulling boats out of the water, and for no other purposes whatsoever..."; and

WHEREAS, Belle Grove conveyed one of the aforementioned three parcels to the Civic Association of Palisades, Inc. ("CAP"), a Maryland non-stock corporation, through a Deed (the "Restrictive Deed") dated November 30, 1972, recorded among the Land Records of Anne Arundel County, Maryland in Liber 2547, folio 63; and

WHEREAS, the Restrictive Deed places restrictions on the property, outlining the following provision:

"To have and to hold the said described lot(s) of ground and premises, unto and to the use of the party of the second part, its successors and assigns, in fee simple, subject, however to a Declaration dated March 19, 1959 and recorded among the Land Records of Anne Arundel County in Liber G.T.C. No. 1281, folio 215, by The Belle Grove Corporation."

WHEREAS, CAP seeks to continue ownership of the subject property without the burden of the aforementioned restrictive use; and

WHEREAS, Belle Grove is willing to voluntarily release the restrictive use,

NOW, THEREFORE, the said party hereby declares that all of the properties described above shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in

RECEIVED FOR RECORD
CIRCUIT COURT, A.A.

2023 OCT 26 P 1:50

the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

Paragraph Four of the Declaration is hereby amended to remove the following language:

to be used only for the purposes of a bathing beach and as a means of egress and ingress to and from the waters of the Severn River or its tributaries and for launching boats and pulling boats out of the water, and for no other purposes whatsoever.

IN WITNESS WHEREOF, the undersigned, The Belle Grove Corporation, has executed this document on the 22nd day of September, 2023.

The Belle Grove Corporation

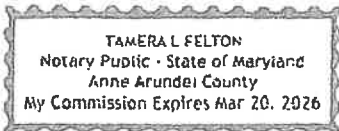
9/22/23
Date

By: [Signature] (SEAL)
Printed Name: R. Bruce Jones
Title: President

STATE OF Maryland, Anne Arundel County to wit:

I HEREBY CERTIFY that on this 22 day of September, 2023, before me, the subscriber, a Notary Public in and for the jurisdiction aforesaid, personally appeared R. Bruce Jones, acknowledged to be the Vice President of The Belle Grove Corporation, a Maryland stock corporation and that such Authorized Person, being authorized to do so, executed the foregoing instrument on behalf of The Belle Grove Corporation for the purposes therein contained, by signing in my presence the name of The Belle Grove Corporation as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Tamara L. Felton
Notary Public

My Commission Expires: March 20, 2026

[Attorney Certificate on Next Page]

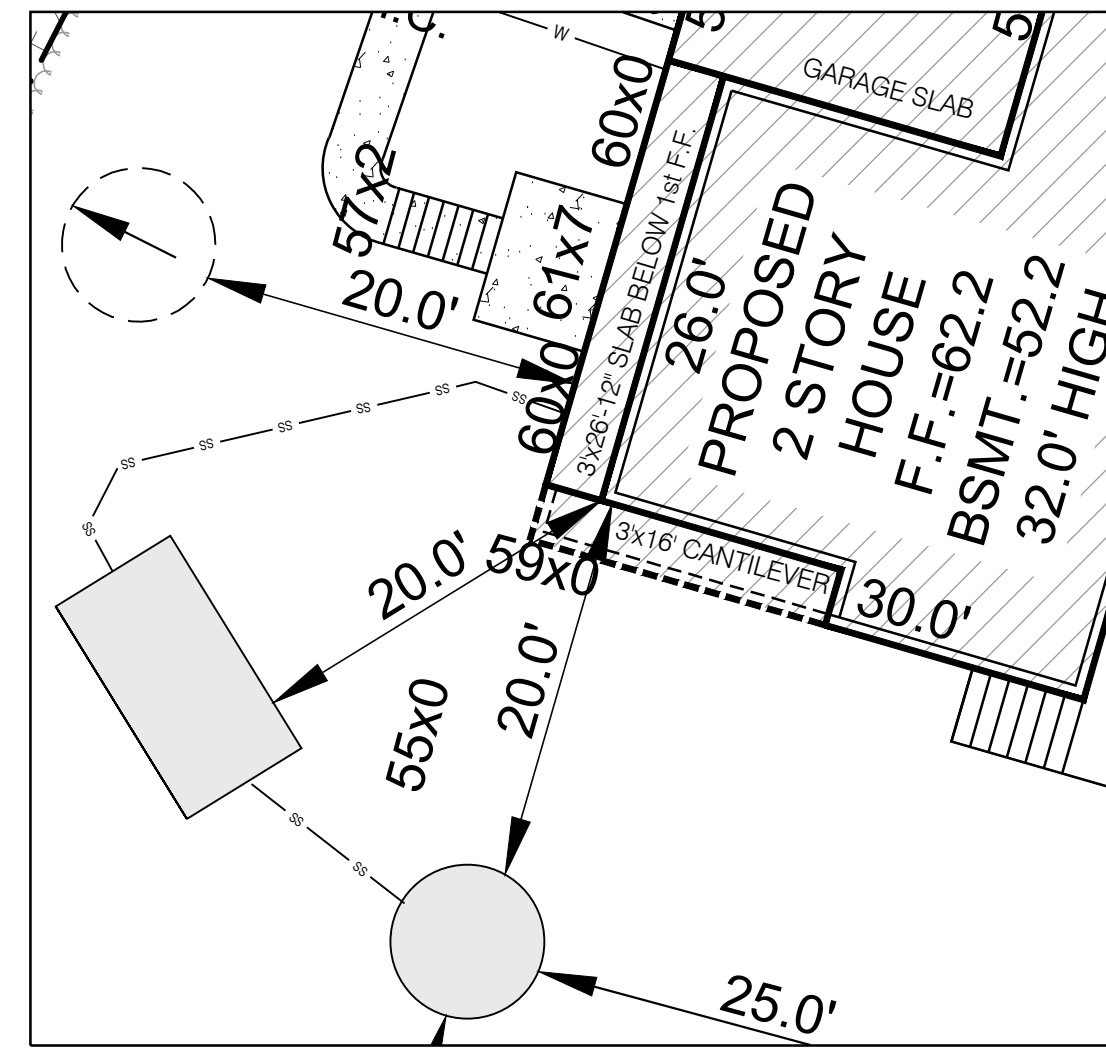
ATTORNEY'S CERTIFICATE

I HEREBY CERTIFY that the foregoing document was prepared by or under the supervision of the undersigned, an attorney duly licensed to practice before the Court of Appeals of Maryland.

Gary Damico

Gary A. Damico

After recording, please return to:
Gary Damico
Evans Law
113 Cathedral Street
Annapolis, Maryland 21401



FOUNDATION EXHIBIT

SCALE: 1" = 10'

STOCK PILE NOTES

1. MAX HEIGHT NOT TO EXCEED 10' AND SIDE SLOPE NOT TO EXCEED 2:1
2. TEMPORARY STABILIZE STOCK PILE WITH PLASTIC TARP & ANCHORS @ END OF WORK DAY



BACK ELEVATION
SCALE: 1/8\"/>

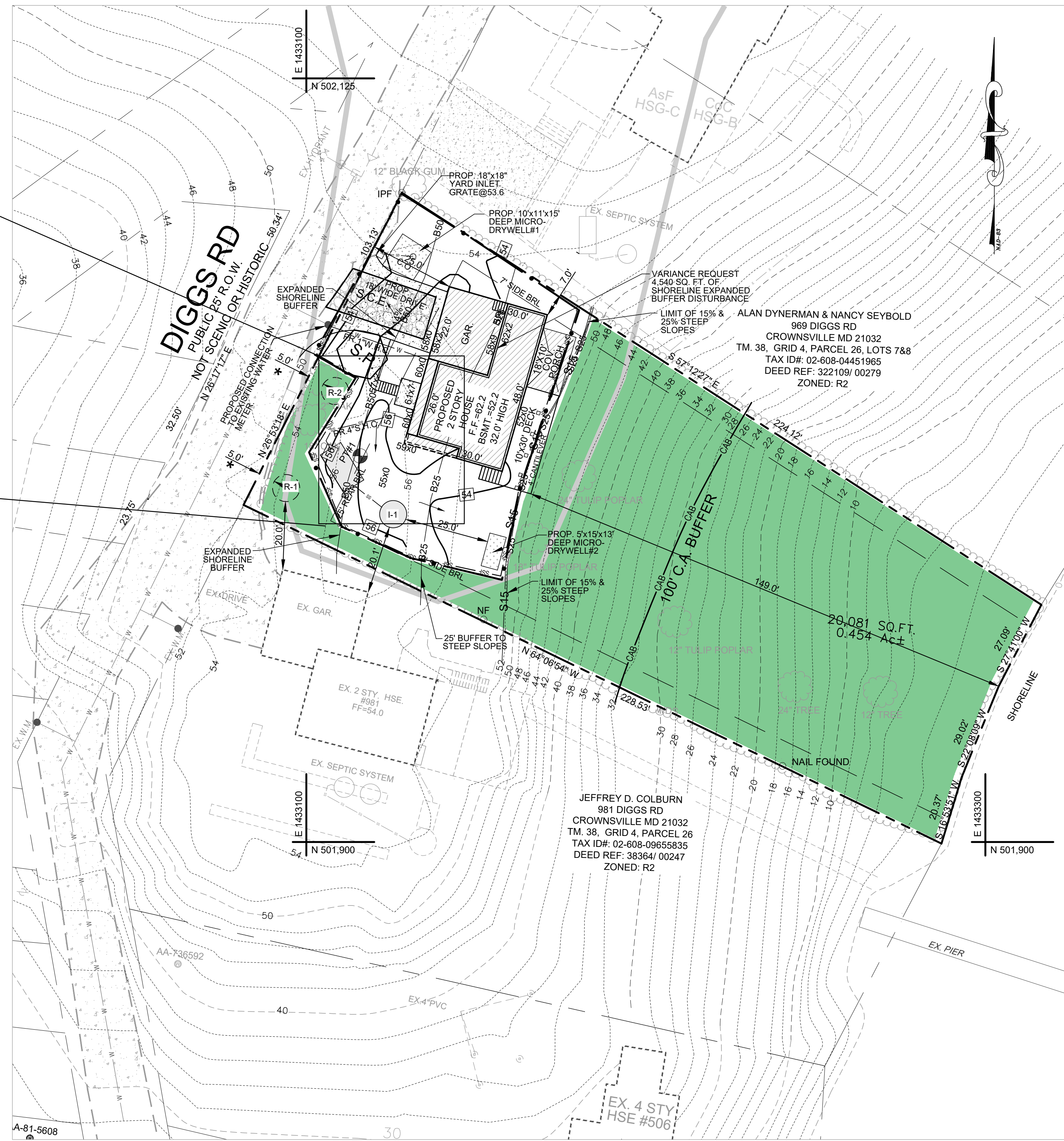
AVERAGE BLDG. HEIGHT

REAR	FRONT
36' - 3"	25' - 7"
2	
30' - 11"	

AVERAGE BUILDING HEIGHT IS 32.0'



FRONT ELEVATION
SCALE: 1/8\"/>



SITE, GRADING, SEDIMENT AND EROSION CONTROL AND VARIANCE PLAN

SCALE: 1" = 20'

VARIANCE NOTE

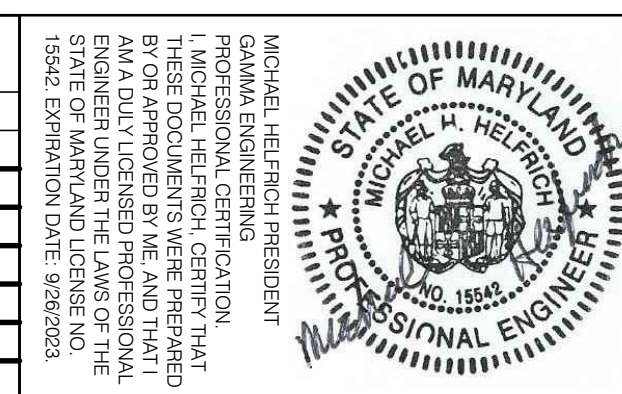
A VARIANCE IS REQUESTED TO DISTURB 4,540 SQ. FT. OF EXPANDED BUFFER. A FOOT 150' BUFFER IS PROVIDED WHICH IS FULLY STABILIZED FORESTED AND IN GOOD CONDITION WITH NO EROSION. THERE IS NO 15% OR 25% SLOPE DISTURBANCE.

LEGEND

- PROPERTY LINE / RIGHT-OF-WAY
- EXISTING CONTOUR
- EXISTING WOODS
- EXISTING FENCE
- EXISTING ZONING DESIGNATION
- EXISTING EDGE OF PAVE
- EXISTING PAVE
- EXISTING BUILDING
- EXISTING 25% SLOPES
- EXISTING 25' SLOPE BUFFER
- EXISTING 50' EXPANDED BUFFER
- PROPOSED BUFFER DISTURBANCE
- EXISTING SOILS DESIGNATION
- PROPOSED ELEVATION
- PROPOSED GRADE
- PROPOSED PAVE
- PROPOSED HOUSE
- RETAINED WOODLAND

REVISIONS

No.	Description	Approved By	Date



GAMMA ENGINEERING

1203 WEST STREET SUITE A
ANNAPOLIS, MD 21401

PHONE (410) 626-1070
FAX (410) 267-8619
EMAIL: blupt@icloud.com

OWNER:

CIVIC ASSOC OF PALISADES, INC.
P.O. BOX 301
CROWNSVILLE, MD 21032

GRADING PERMIT PLANS

SITE, GRADING, SEDIMENT AND EROSION CONTROL AND VARIANCE PLAN & HEALTH DEPARTMENT PLAN

LOT 6, BLOCK 211, SECTION J
975 DIGGS ROAD
CROWNSVILLE 21032
PALISADES ON SEVERN

TAX MAP 38, GRID 4, PARCEL 26
TAX ACCT # 02 - 608 - 02469608
2ND DISTRICT, ANNE ARUNDEL COUNTY, MD, ZONING R2

SCALE: AS SHOWN DATE: 7/05/2024 SHEET 4 OF 6

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: 6/26/24

Tax Map #	Parcel #	Block #	Lot #	Section
38	26	4	6	BK 11

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 2608-0246-9608

Project Name (site name, subdivision name, or other) Palisades on the Severn, Lot 6

Project location/Address 975 Diggs Road

City Crownsville Zip 21032

Local case number

Applicant: Last name Helfrich First name Michael

Company Gamma Engineering

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 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:

Construct new SFD

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 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		
RCA Area	<i>0.46</i>	<i>20,081</i>
Total Area		

Total Disturbed Area

Acres	<i>0.13</i>
Sq Ft	<i>5,677</i>

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	<i>0.45</i>	<i>19,774</i>	Existing Lot Coverage	<i>0</i>	
Created Forest/Woodland/Trees	<i>0</i>	<i>0</i>	New Lot Coverage	<i>0.052</i>	<i>2,275</i>
Removed Forest/Woodland/Trees	<i>0.13</i>	<i>5,677</i>	Removed Lot Coverage	<i>0</i>	
			Total Lot Coverage	<i>0.052</i>	<i>2,275</i>

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
<i>Expanded</i> Buffer Disturbance	<i>0.1</i>	<i>4,540</i>	Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type
 Buffer (*Expanded*)
 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

CRITICAL AREA REPORT
FOR
PALISADES ON THE SEVERN
LOT 6, BLOCK 211

PREPARED BY:

Gamma Engineering
1203 West Street, Suite A
Annapolis, MD 21401

JULY 2024

GAMMA ENGINEERING

1203 West Street, Suite A
Annapolis, MD 21401
(410)626-1070 Fax (410)267-8619
Email blupt@icloud.com

Critical Area Report
Office of Planning & Zoning
2664 Riva Rd.
Annapolis, MD 21401

July 1, 2024

Applicant: Michael Helfrich
1203 West Street, Suite A
Annapolis, MD 21401

Site Address: 975 Diggs Road
Crownsville, MD 21032
Lot 6, Block 211, Palisades on the Severn

RE: Information required for submission of Critical Area Report

- I. Site Description and Explanation:** The subject property is Lot 6, Block 211 in the subdivision of "Palisades on the Severn". The site contains approximately 20,081 square feet or 0.46 acres. The site is part of parcel 26 in block 4 of Tax Map 38. The lot is zoned R-2 and is in the 2nd Assessment District of Anne Arundel County. The lot is in the Critical Area and is designated as a Resource Conservation Area (RCA).

The applicant is requesting the following variance to allow construction of a single family dwelling:

Article 17-8-201(a):

- **A variance to disturb 4,540 sf of expanded buffer**

The proposed development will not alter the essential character of the neighborhood, will not impair similar development of adjacent properties, will not significantly reduce forest cover and will not be detrimental to the public welfare. The proposed development will not be inconsistent with the intent of the critical area program.

II. See enclosed site plan for vicinity map.

III. Narrative Statements:

- The proposed construction will have minimal or no effect on water quality. SWM meeting ESD requirements will be provided via infiltration drywells.
- All impervious area for the site will not exceed allowed amounts. There is no existing impervious area on the site. A total of 2,275 sf of impervious area is proposed(11.5%).
- The lot is occupied by black gum, red and white oak trees.

There are none of the following designated habitat protection areas on site: riparian forests 300' or more in length, forested blocks greater than 100 acres, or natural heritage areas. The following designated protection areas do not exist on site: non-tidal wetlands, water bird nesting sites, historical waterfowl nesting, staging or concentration areas.

IV. Site Plan

The enclosed site plan shows, if applicable, all of the following: existing vegetated area and all proposed structures. The clearing proposed is as designated, no wetlands disturbance is proposed.

V. See enclosed Notification of Project application.

Sincerely,

Michael Helfrich, P.E.

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

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Date: 6/26/24

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Local case number

Applicant: Last name Helfrich First name Michael

Company Gamma Engineering

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 AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

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Total Disturbed Area

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Existing Forest/Woodland/Trees	<i>0.45</i>	<i>19,774</i>	Existing Lot Coverage	<i>0</i>	
Created Forest/Woodland/Trees	<i>0</i>	<i>0</i>	New Lot Coverage	<i>0.052</i>	<i>2,275</i>
Removed Forest/Woodland/Trees	<i>0.13</i>	<i>5,677</i>	Removed Lot Coverage	<i>0</i>	
			Total Lot Coverage	<i>0.052</i>	<i>2,275</i>

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
<i>Expanded</i> Buffer Disturbance	<i>0.1</i>	<i>4,540</i>	Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type
 Buffer (*Expanded*)
 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



**ANNE
ARUNDEL
COUNTY**

MARYLAND
DEPARTMENT OF HEALTH

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: July 11, 2024

RE: Civic Association of Palisades Inc.
975 Diggs Road
Crownsville, MD 21032

NUMBER: 2024-0126-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling and associated facilities with less setbacks and buffer than required.

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



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2024-0052-P)

DATE OF MEETING: 6/18/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz, Habtamu Zeleke

APPLICANT/REPRESENTATIVE: Mike Helfrich of Gamma Engineering EMAIL: blupt@icloud.com

SITE LOCATION: 975 Diggs Road, Crownsville LOT SIZE: 20,081 sf ZONING: R2

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

The specific variance requests are as follows: A variance request for 575 sq. ft. of disturbance to steep (>15%) slopes and 4540sq. ft disturbance of the expanded buffer. The house has been placed at the Diggs Road building restriction line (25' rear in R2 zone) which is necessary to accommodate the septic system and off street parking. There is minimal slope disturbance(557 square feet) the buffer variance is for the 50' expanded buffer which begins 150 to 157 feet from the shoreline. (The furthestmost portion of the expanded buffer is 207'from the shoreline.) The forest removal has been minimized: on the shoreward side to be 12 feet from the house (2' from cantilevered deck) and 5 feet from the septic system and includes saving 2 trees (12" and 18" oak) located along the frontage of Diggs Road. The overall forest removal is 6140 sq. ft. reforestation will be provided from the Shady Side tree bank.

The proposed site area of 20,081, exceeds the R-2 lot minimum area is, is served by public water and has a septic system recommendation letter for up to 3500 sq. ft. house from the Anne Arundel County Health Department. The proposed house footprint is 30' x 48' = 1440 sq. ft. (+ garage and front porch pop outs). The results of the percolation test indicate an 18' strata of sand which will be utilized to infiltrate the entire volume of the 10 year storm from the impervious areas – the driveway and house. This results in a substantial reduction from the existing condition in the 10 year runoff to the two reference points as demonstrated in the stormwater management comp booklet.

COMMENTS

The **Critical Area Team** commented that the proposed disturbance on this site has not been minimized. While it will be necessary to provide relief from the expanded buffer requirements, the disturbance to the steep slope can be avoided. The minimum distance between the steep slopes and the rear setback is approximately 40' . This area can accommodate a 30' deep footprint and the 10' LOD without the need for slope disturbance. This request cannot be supported.

The **Engineering Division** reviewed the development proposal for stormwater management and utility issues and provided a list of items that need to be addressed. The list is attached as Page 2 of these pre-file comments.

The **Zoning Administration Section** notes that, while the architectural inserts are greatly appreciated, the variance site plan must label the height and number of stories within the area labeled as proposed house. The Zoning Administration Section concurs with the Critical Area Team with regard to the steep slope disturbance and the overall minimization of the variance request. The applicants are reminded that, in order for the Administrative Hearing Officer to grant a critical area variance, the applicants must demonstrate and the Hearing Officer must find that the proposal meets each and every one of the critical area variance standards provided under Section 18-16-305.

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.

2024-0052-

Menu Cancel Help

Task
I and P Engineering
Assigned to Department
Engineering
Action by Department
Engineering
Start Time

Due Date
06/17/2024
Assigned to
Habtamu Zeleke
Action By
Habtamu Zeleke
End Time

Assigned Date
06/05/2024
Status
Complete w/ Comments
Status Date
06/17/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
Variance request: Construction of SFD on waterfront lot requesting 575 SF slope disturbance and 4540 expanded buffer disturbances.

- Comments:**
1. Stormwater management will be addressed through three dry wells.
 2. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.
 3. 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 resource areas and their steep slopes and buffers. The dry well #3 is proposed within steep slopes and it is not allowed as proposed.
 4. Microscale stormwater facility(ies) design should incorporate safe conveyance for overflow discharges from 2, 10, 100-yr 24-hr storm events; plans should show overland relief paths for these storm events and ensure that no structures, or properties are negatively impacted or have water impounded against during these storm events
 5. Design professionals should review site runoff and potential (negative, adverse) impacts to neighboring properties, due to changed grades/elevation on a proposed project.
 6. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.
 7. 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.
 8. Based on the plan provided, it appears that the property will be served by a private septic and a public water.
 9. The utility for the site will be reviewed during the grading permit.
 10. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

Time Tracking Start Date **Est. Completion Date**

Display E-mail Address in ACA **Display Comment in ACA**

No

In Possession Time (hrs)

Comment Display in ACA

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

Estimated Hours
0.0

Action
Updated

Workflow Calendar

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name