

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

**APPLICANT:** Civic Association of Palisades Inc.

**ASSESSMENT DISTRICT:** 2nd

**CASE NUMBER:** 2024-0126-V

**COUNCILMANIC DISTRICT:** 6th

**HEARING DATE:** September 17, 2024

**PREPARED BY:** Donnie Dyott Jr.   
Planner

**REQUEST**

The applicant is requesting a variance to allow a dwelling and associated facilities with less setbacks and buffer than required and with disturbance to slopes of 15% or greater on property located at 975 Diggs Road in Crownsville.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 20,081 square feet of land and is identified as Lot 6 of Parcel 26 in Block 4 on Tax Map 38. The subject property has been zoned R2 - Residential District since the adoption of comprehensive zoning of the Sixth Council District zoning maps effective October 7, 2011.

The subject site is a waterfront property which lies within the Chesapeake Bay Critical Area and is designated RCA - Resource Conservation Area and is not located within a BMA - Buffer Modification Area. The site is currently unimproved.

**APPLICANT'S PROPOSAL**

The applicant proposes to construct a new two story single family detached dwelling (height 32 feet) and associated facilities.

**REQUESTED VARIANCES**

§ 17-8-201(a) and § 17-8-201(b) of the Code stipulates that development in the Resource Conservation Area (RCA) or Intensely Developed Area (IDA) 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. Although the applicant contends that no steep slopes will be disturbed, the comments from the Critical Area Team indicate that the appropriate LOD will require a variance to this provision. Exact slope disturbance will be determined at the time of permit.

§ 18-13-104(a) of the 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 contiguous steep slopes of 15% or more and is to be expanded by the greater of four feet for every 1% of slope or to the top of the slope and shall include all land within 50 feet from the top of the slopes. § 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). § 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.” § 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 includes approximately 4,540 square feet of expanded buffer disturbance as shown on the site plan. Exact buffer disturbance will be determined at the time of permit.

No setback variances are required.

## **FINDINGS**

The property is of adequate size and width for a lot in the R2 District. According to the site plan, the total lot coverage after development will be 2,275 square feet which is within the allowable limit. Exact lot coverage calculations will be determined at the time of permit. The applicant argues that the presence of the expanded buffer and steep slopes on the lot prevent development of a dwelling without variance relief.

The **Health Department** commented that it has no objection to the variance request as long as a plan is submitted and approved by the Health Department.

The **Department of Inspections and Permits (Engineering Division)** provided the following 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 public water.
9. The utility for the site will be reviewed during the grading permit.
10. Based on the provided information, this office does not support this request.

The **Development Division (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 applicant does not show the required 10' LOD necessary for construction on the plan which will impact the steep slopes on site. The minimum distance between the steep slopes and the rear setback is approximately 40'. This area



2024-0126-V

can accommodate a 30' deep footprint and the 10' LOD without the need for slope disturbance. This request cannot be supported.

In order for the applicant to develop the property as shown on the site plan submitted, a steep slope variance will be required. The applicant has shown improvements that cantilever into the steep slopes on the property. Per Article 17-8-2201(a), development 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. Per the definitions contained in Title 1 of Article 17, "Development" means the subdivision of property or any activity other than farming, gardening, or yard maintenance that results in a change in existing site conditions, including the establishment of a use; the change of a use; the improvement of property through construction, alteration, or relocation of a structure; the provision of stormwater management or roads; grading; and clearing. The definition of development includes the improvement of a property through construction, which would include all portions of the dwelling to be constructed regardless of whether those improvements are elevated or not. The improvements should be removed from the steep slopes.

In addition, at the time of permitting, Inspections and Permits will require that the applicant show a 10' LOD around the proposed dwelling including the porch and deck, again, regardless of whether they are cantilevered or not. That LOD constitutes development/disturbance and will result in the need for a steep slope variance if it impacts the steep slopes. The plan that has been submitted is not located to accommodate the required LOD and will require a steep slope variance. The applicant must revise the site plan to show all of the disturbance required to construct this house and apply for the necessary variance to accommodate that development/disturbance. As stated before, this Office does not support disturbance to the steep slopes.

The **Critical Area Commission** had no comment other than appropriate mitigation is required.

The **Cultural Resources Division** commented that the property is located within an area flagged by the State of Maryland's database for archaeological potential. Development of this property shall require review for compliance with Article 17-6-502. The Cultural Resources Section shall require a site visit by a County archaeologist once a permit application is submitted to complete the review.

For the granting of a critical area variance, a determination must be made on the following:

Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in an unwarranted hardship or practical difficulty. In this case nearly the entire property is encumbered by the presence of the expanded buffer to steep slopes and a large portion is also encumbered by steep slopes. Due to these factors, developing the site with a single family dwelling would be impossible without relief from the Code and some relief is warranted.

A literal interpretation of the County's critical area program may deprive the applicant of rights that are commonly enjoyed by other properties in similar areas. The granting of the variance will not confer on the applicant a special privilege that would be denied by COMAR, Title 27. This request is not a result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property.

Provided the applicant can satisfy the Engineering Division during the grading permit process, there is no evidence that the proposal will adversely affect water quality, impact fish, wildlife or plant habitat.

However, the proposal is not in harmony with the general spirit and intent of the County's critical area program as the applicant could reduce or reconfigure the dwelling to eliminate the need for the steep slope variance. As stated in the CA Team comments, in this case a variance to steep slopes cannot be supported.

With regard to the requirements for all variances:

There is no evidence that the proposal will alter the essential character of the neighborhood, impair the appropriate use or development of adjacent property or be detrimental to the public welfare. However, the proposal is not considered to be the minimum necessary by this Office as there appears to be adequate room to design a reasonably sized dwelling that will not cause disturbance to steep slopes.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends *denial* of the proposed variances for the construction of the dwelling and associated facilities as shown on the site plan.

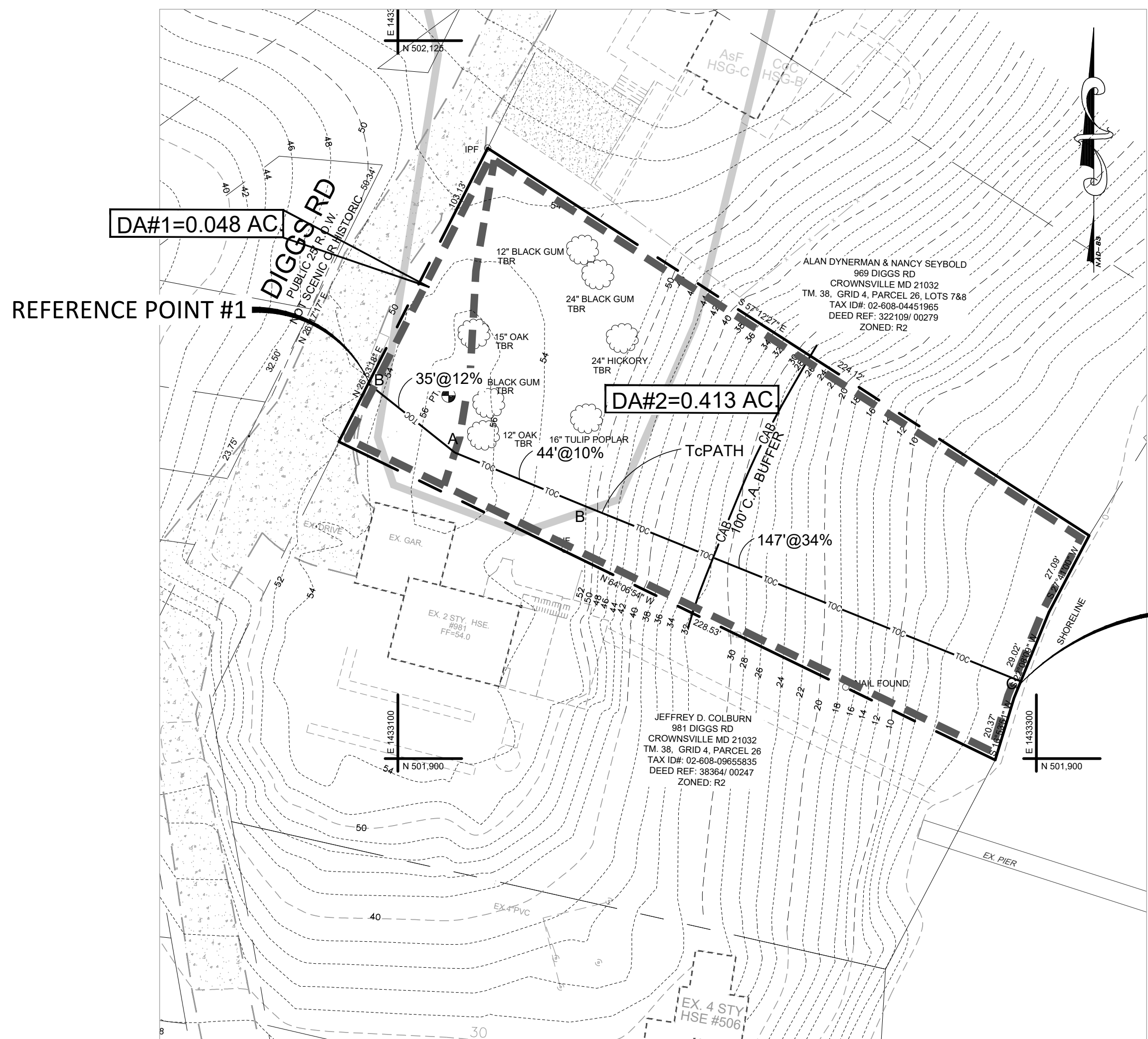
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This 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.







SOIL TYPE TABLE		
DESCRIPTION	ACREAGE	SCD TYPE
CoC (ANNAPOLIS FINE SANDY LOAM, 25 TO 40 PERCENT SLOPES)	0.274	B
AsF (COLLINGTON-WIST COMPLEX, 5 TO 10 PERCENT SLOPES)	0.187	C



**EXISTING CONDITIONS ONSITE  
DRAINAGE AREA MAP**

SCALE: 1" = 30'

**EXISTING CONDITIONS  
DRAINAGE AREA #1 SUMMARY**

AREA NO.	AREA AC.	RCN
1	0.04	78

DRAINAGE AREA = 0.04 AC.

SEGMENT A-B: 35' WOODS @ 12%  
= 0.129  
TOTAL = 0.129  
  
RCN = 78  
Tc = 0.129 HOURS  
Q TWO YEAR = 0.07 CFS  
Q TEN YEAR = 0.19 CFS

**EXISTING CONDITIONS  
DRAINAGE AREA #2 SUMMARY**

AREA NO.	AREA AC.	RCN
2	0.454	61

DRAINAGE AREA = 0.41 AC.

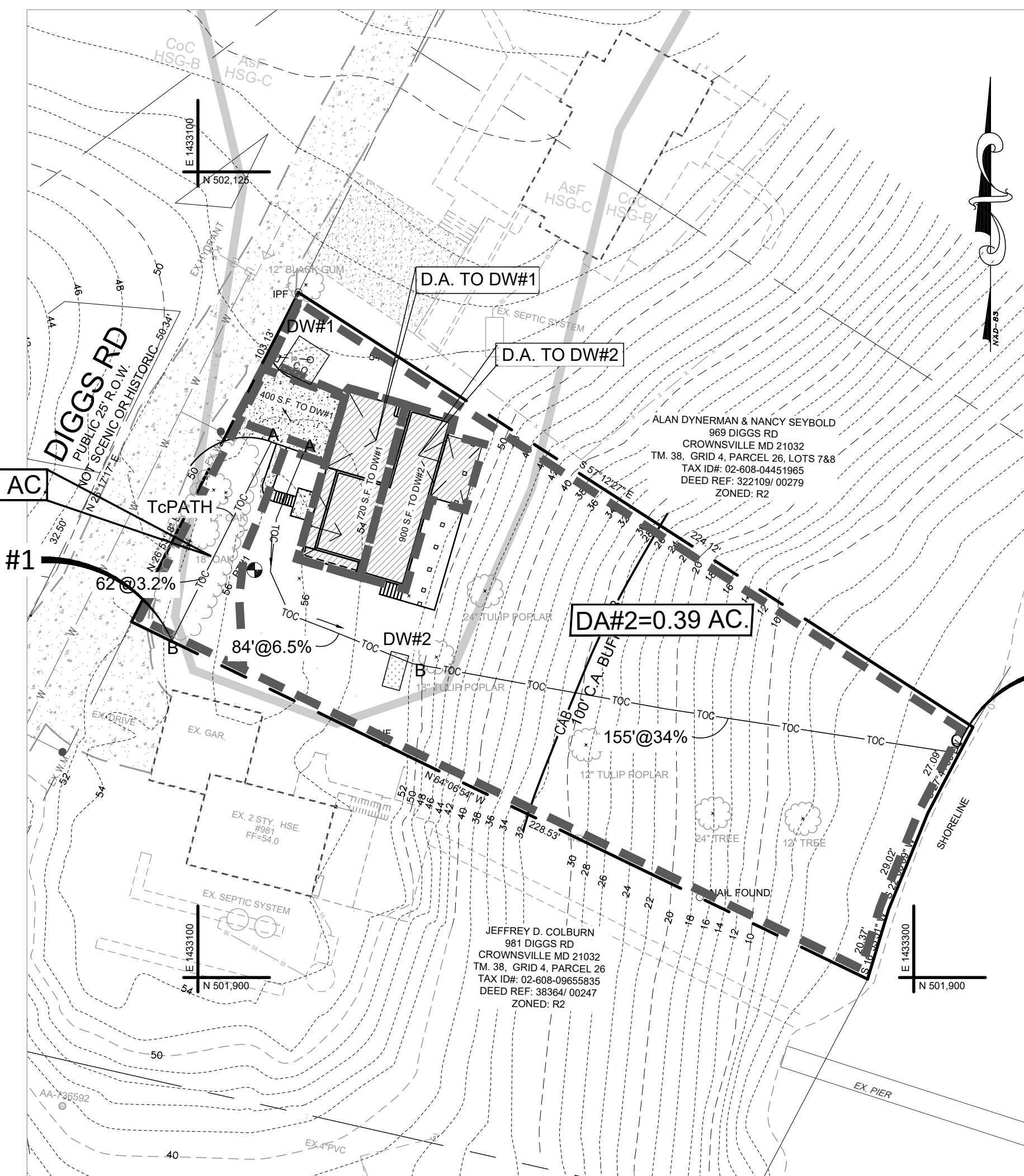
SEGMENT A-B: 44' WOODS @ 10%  
= 0.167  
SEGMENT B-C: 147' UNPAVED @ 34%  
= 0.004  
TOTAL = 0.171  
  
RCN = 61  
Tc = 0.171 HOURS  
Q TWO YEAR = 0.22 CFS  
Q TEN YEAR = 0.99 CFS

REFERENCE POINT #2

NOTE:  
THIS GRADING PERMIT IS FOR A  
SINGLE LOT AND NO POINT OF  
INVESTIGATION IS REQUIRED.

**LEGEND**

- PROPERTY LINE / RIGHT-OF-WAY
- EXISTING CONTOUR
- EXISTING WOODS
- EXISTING FENCE
- EXISTING ZONING DESIGNATION
- EXISTING EDGE OF PAVE
- EXISTING PAVE
- EXISTING BUILDING
- EXISTING SOILS DESIGNATION
- PROPOSED ELEVATION
- PROPOSED GRADE
- PROPOSED PAVE
- PROPOSED HOUSE



**DEVELOPED CONDITIONS ONSITE  
DRAINAGE AREA MAP**

SCALE: 1" = 30'

**DEVELOPED CONDITIONS  
DRAINAGE AREA #1 SUMMARY**

AREA NO.	AREA AC.	RCN
1	0.046	64

DRAINAGE AREA = 0.05 AC.

SEGMENT A-B: 84' LAWN @ 6.5%  
= 0.132  
TOTAL = 0.132  
  
RCN = 64  
Tc = 0.132 HOURS  
Q TWO YEAR = 0.00 CFS  
Q TEN YEAR = 0.15 CFS

**DEVELOPED CONDITIONS  
WITH ADJUSTED CN  
DRAINAGE AREA #2 SUMMARY**

AREA NO.	AREA AC.	RCN
2	0.370	59

DRAINAGE AREA = 0.37 AC.

SEGMENT A-B: 84' LAWN @ 6.5%  
= 0.127  
SEGMENT B-C: 155' UNPAVED @ 34%  
= 0.005  
TOTAL = 0.132  
  
RCN = 59  
Tc = 0.132 HOURS  
Q TWO YEAR = 0.17 CFS  
Q TEN YEAR = 0.85 CFS

REFERENCE POINT #2

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

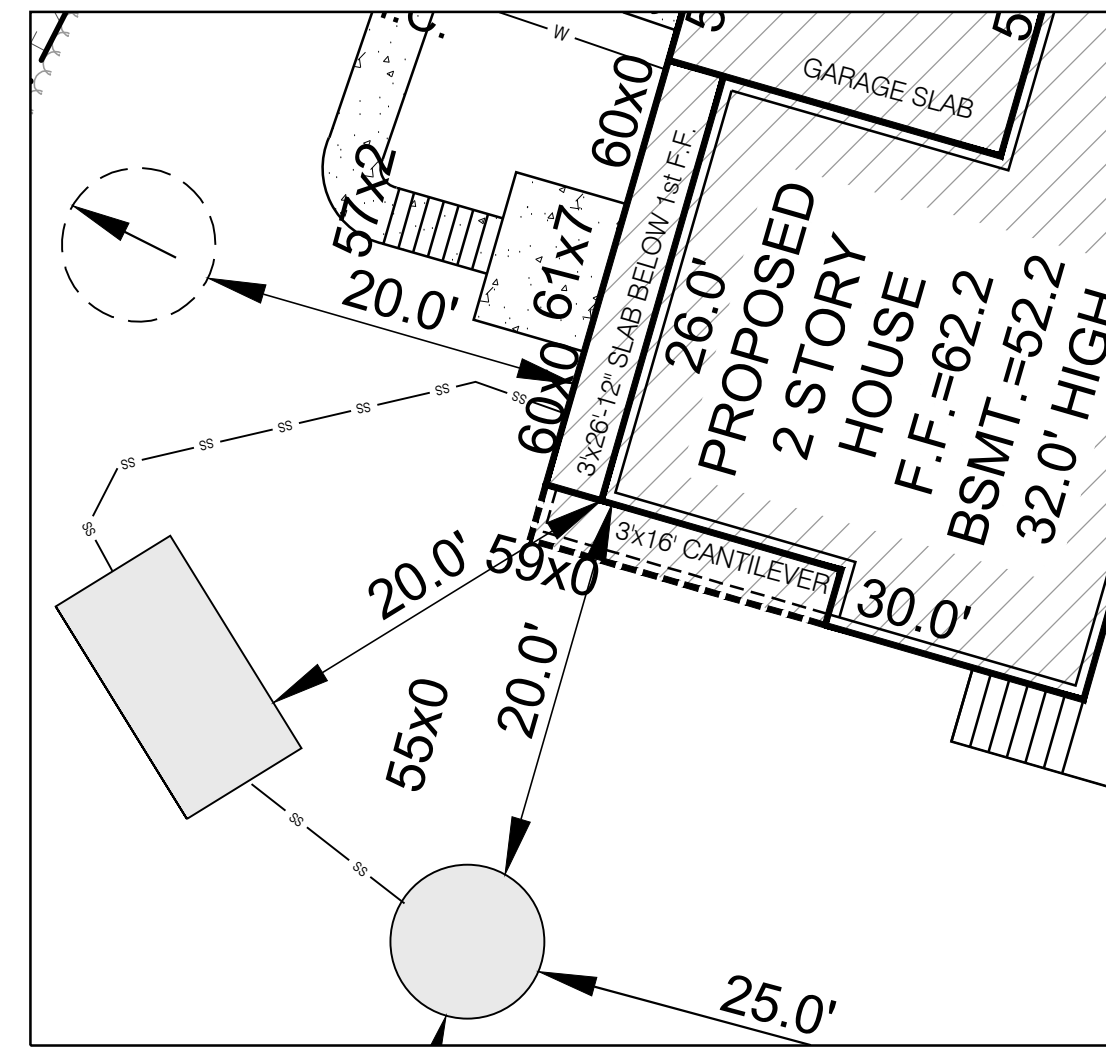
**OWNER:**  
CIVIC ASSOC OF PALISADES, INC.  
P.O. BOX 301  
CROWNSVILLE, MD 21032

**GRADING PERMIT PLANS**  
  
DRAINAGE AREA  
MAPS

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 3 OF 6

G02





**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\"/>

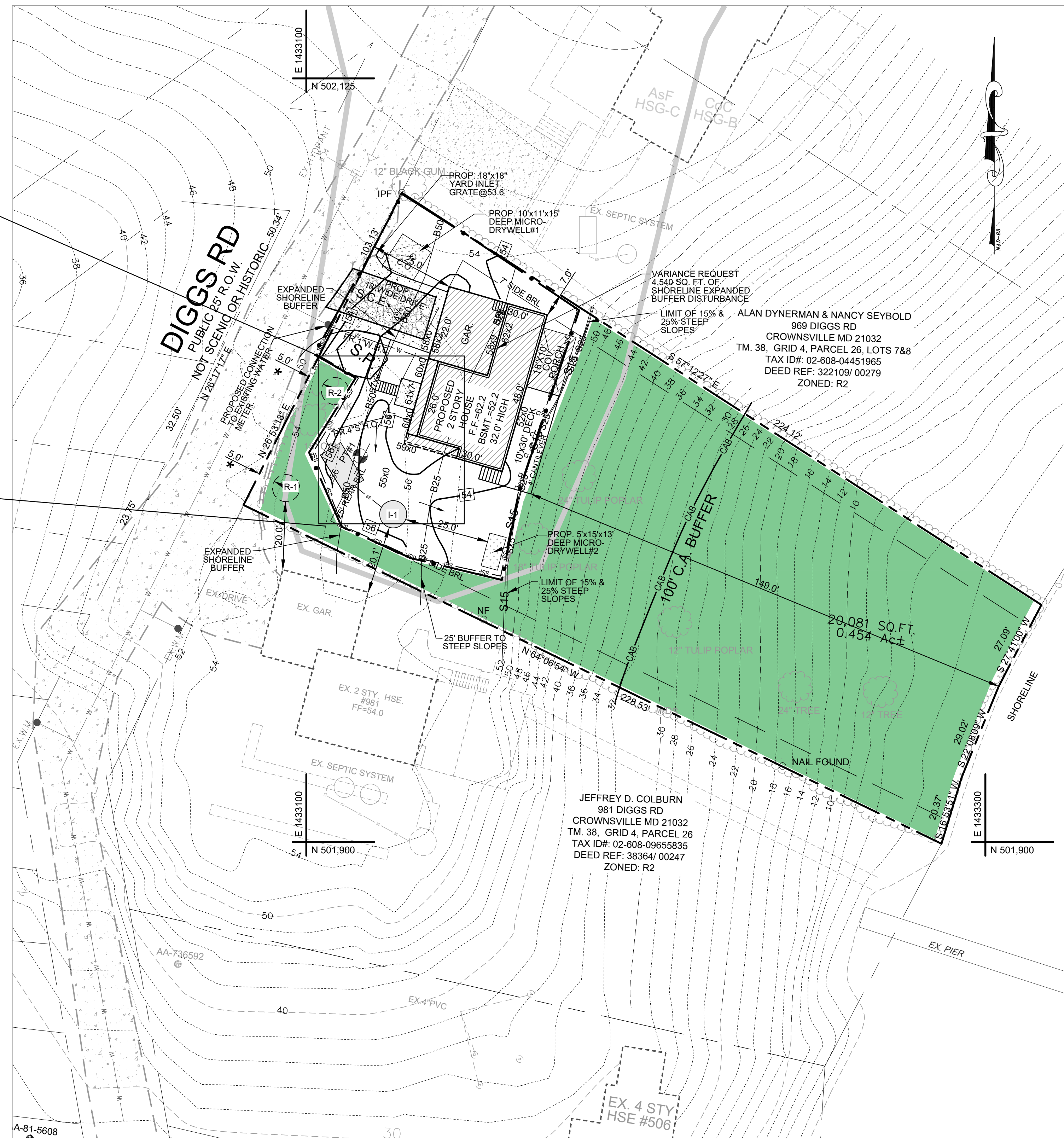
**AVERAGE BLDG. HEIGHT**

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



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](mailto: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](mailto: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 - HOA Dep Amendment  
11.00

HOA Name: Belle Grove  
Ref:

This Amendment to the Declaration for Use ("Amendment") is executed on this 22nd day of September, 2023, by The Belle Grove Corporation ("Belle Grove"), a Maryland stock corporation.

166.01  
10/27/2023 01.50

CC02-CC  
337561052 CC0501 -

Anne Arundel  
00000005 01.11 -

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

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 22<sup>nd</sup> day of September, 2023.

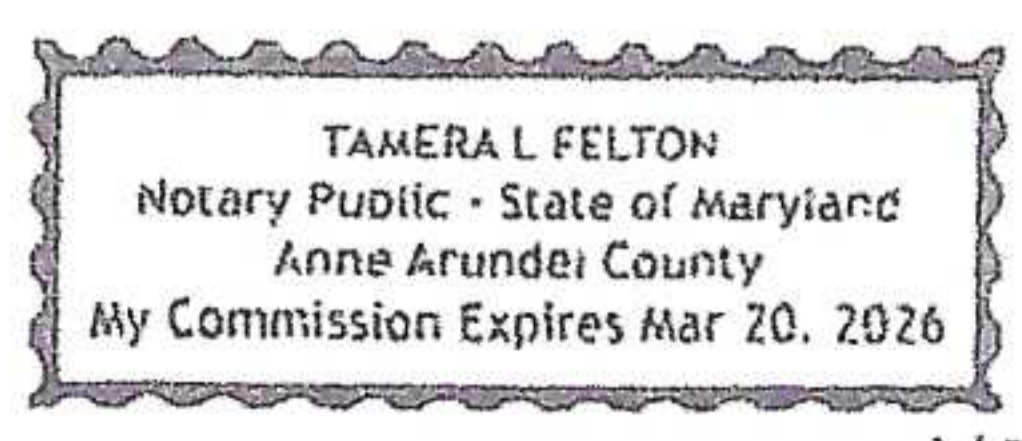
9/22/23  
Date

The Belle Grove Corporation  
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.



Tamera 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



App. H-76583

LIBER 2547 PAGE 63

This Deed, Made this 30th day of November, in the year one

thousand nine hundred and seventy-two, by and between -----

THE BELLE GROVE CORPORATION,

a body corporate of the State of-----Maryland, party-----, of the first part, Grantor, and  
CIVIC ASSOCIATION OF PALISADES, INC., a body corporate of the State of Maryland, party of  
the second part, Grantee.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the  
receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey and assign unto the  
party of the second part, its successors and assigns, in fee simple -----

-----all those----- lot(s) of ground

situate in the Third Election District of Anne Arundel County,

in the State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE FIRST on the northwest side of Arundel Boulevard at the dis-  
tance of north 75 degrees 30 minutes east 78.00 feet from the northeast side of Round  
Bay Road, as shown on a Plat of The Palisades on the Severn, recorded among the Land Rec-  
ords of Anne Arundel County in Cabinet No. 1, Rod Q, Plat No. 3; thence binding on the  
north and northeast side of Arundel Boulevard, the three following courses and distnaces,  
to wit, by a line curving to the right with a radius of 70.66 feet for a distance of  
76.25 feet (the chord of said arc being south 73 degrees 35 minutes east 72.61 feet) thence  
south 42 degrees 40 minutes east 68.33 feet; and thence by a line curving to the right  
with a radius of 88.58 feet for a distance of 37.38 feet (the chord of said arc being  
south 30 degrees 34 minutes east 37.10 feet) thence binding on the northwest, north and  
northeast side of a road adjoining Arundel Park, as shown on said Plat, by a line curving  
to the right with a radius of 55.77 feet for a distance of 169.75 feet (the chord of  
said arc being south 62 degrees 19 minutes east 111.44 feet) to the southwest corner of  
Lot No. 78 as shown on a Plat of Palisades Park dated December 3, 1953 and recorded in  
Cabinet 4, Rod G-8, Plat 9; thence north 25 degrees 28 minutes east, binding on the  
southwest of Lot No. 78, 171 feet to the waters of Round Bay; thence northwesterly, bind-  
ing on said waters, 163 feet, more or less, to intersect a line drawn north 75 degrees  
30 minutes east from the place of beginning; and thence south 75 degrees 30 minutes west,  
reversing said line and binding thereon, 152 feet to the place of beginning.

SUBJECT to a Deed of Easement and Agreement dated May 20, 1971 and recorded  
among the Land Records of Anne Arundel County in Liber M.S.H. No. 2419, folio 153, from  
The Belle Grove Corporation to Anne Arundel County, Maryland.

BEGINNING FOR THE SECOND and being known and designated as Lot No. 6, Section  
211 according to the Plat of Palisades on the Severn as recorded in the Land Records of  
Anne Arundel County in Plat Book No. 5, folio 8 (Cabinet No. 1, Rod O, Plat No. 1).

BEING the same two lots of ground which by 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.

950

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CIRCUIT COURT, A. A. COUNTY  
1972 DEC 14 PM 2:15  
MARJORIE S. ROLT, CLERK





Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lots(s) of ground and premises, unto and to the use of the said 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.

And the said Grantor covenants that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

In Testimony whereof, the said Grantor has caused its corporate seal to be hereto affixed, and its Vice-President to set his hand hereto.

WITNESS:

*[Handwritten signature]*

THE BELLE GROVE CORPORATION

BY *[Handwritten signature]* (SEAL)  
ROBERT B. JONES Vice-President

State of Maryland, Anne Arundel Co , TO WIT:

I HEREBY CERTIFY, that on this 30th day of November, 1972, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared ROBERT B. JONES - , who acknowledged himself to be the Vice-President of the Grantor Corporation, and that he, as such Vice-President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of the said corporation by himself as Vice-President.

WITNESS my hand and Notarial Seal.

*Mabel Mitchell*  
MABEL MITCHELL Notary Public  
My commission expires: July 16, 1974

THE TITLE GUARANTEE CO.  
ST. PAUL & LEXINGTON STS  
Baltimore, Md.



BEGINNING FOR THE THIRD and being known and designated as all that lot or parcel of land set forth as Arundel Park on the Plats of "Palisades on the Severn," Section K, which Plat is recorded among the Land Records of Anne Arundel County in Cabinet No. 1, Rod Q, Plat No. 3, recorded now in Plat Book No. 5, folio 39 and as shown on the Plat of "Palisades Park", recorded in Cabinet No. 4, Rod G-8, Plat No. 9, now recorded in Plat Book No. 24, folio 45.

BEING part of the parcel of land described in the Deed dated February 8, 1952 and recorded among the Land Records of Anne Arundel County in Liber J.H.H. No. 666, folio 317, from The Severn Land Company and Broadwater, Inc., to the within named Grantor, and being part of the parcel of land described in the Deed dated February 5, 1953 and recorded as aforesaid in Liber J.H.H. No. 737, folio 50, from The Severn Land Company and Broadwater, Inc. to the within named Grantor, as to the lots of ground herein conveyed.







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](mailto: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

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

Tax ID: 2608-0246-9608

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

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 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	BK11

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
- 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:

*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



# 2024-0126-V

Menu Cancel Help

Task Details OPZ Critical Area Team

**Assigned Date**

07/09/2024

**Assigned to**

Kelly Krinetz

**Current Status**

Complete w/ Comments

**Action By**

Kelly Krinetz

**Comments**

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 applicant does not show the required 10' LOD necessary for construction on the plan which will impact the steep slopes on site. 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.

**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**

07/30/2024

**Assigned to Department**

OPZ Critical Area

**Status Date**

07/25/2024

**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**



Donald Dyott Jr. <pzdyot22@aacounty.org>

## 2024-126-V Additional Comment

1 message

**Kelly Krinetz** <pzkrin00@aacounty.org>  
To: "Donald Dyott Jr." <pzdyot22@aacounty.org>

Wed, Aug 14, 2024 at 3:58 PM

I'm sending it to you this way because my comment has already been entered.

In order for the applicant to develop the property as shown on the site plan submitted, a steep slope variance will be required.

The applicant has shown improvements that cantilever into the steep slopes on the property.

Per Article 17-8-2201(a), development 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.

Per the definitions contained in Title 1 of Article 17, "Development" means the subdivision of property or any activity other than farming, gardening, or yard maintenance that results in a change in existing site conditions, including the establishment of a use; the change of a use; the improvement of property through construction, alteration, or relocation of a structure; the provision of stormwater management or roads; grading; and clearing. The definition of development includes the improvement of a property through construction, which would include all portions of the dwelling to be constructed regardless of whether those improvements are elevated or not.

The improvements should be removed from the steep slopes.

In addition, at the time of permitting, Inspections and Permits will require that the applicant show a 10' LOD around the proposed dwellings including the porch and deck again, regardless of whether they are cantilevered or not. That LOD constitutes development/disturbance and will result in the need for a steep slope variance if it impacts the steep slopes. The plan that has been submitted is not located to accommodate the required LOD and will require a steep slope variance.

The applicant must revise the site plan to show all of the disturbance required to construct this house and apply for the necessary variance to accommodate that development/disturbance.

As stated before, this Office does not support disturbance to the steep slopes.



**The Best Place  
For All**

**Kelly Krinetz**  
**Planning Administrator**  
Critical Area Team - Development Division  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, MD 21401  
Phone: (410) 222-7960  
Email: [pzkrin00@aacounty.org](mailto:pzkrin00@aacounty.org)  
[www.aacounty.org](http://www.aacounty.org)





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

---

## CAC Comments: 2024-0126-V; Civic Assoc. of Palisades/Diggs and 2024-0141-V; Crowder

---

Jennifer Esposito <jennifer.esposito@maryland.gov>  
To: Sadé Medina <pzmedi22@aacounty.org>  
Cc: Charlotte Shearin -DNR- <charlotte.shearin@maryland.gov>

Fri, Aug 2, 2024 at 3:54 PM

Good afternoon,

The Critical Area Commission has reviewed the following variances and we provide the following comments:

- 2024-0126-V; Civic Association of Palisades INC/Diggs (AA 170-24); Appropriate mitigation is required.
- 2024-0141-V; Crowder (AA 183-24); Provided that the total lot coverage on this site is less than the maximum allowed for lots of this size per the Natural Resources Article, Section 8-1808.3 (i.e. 25% of parcel + 500 sq. ft.), and provided that the Administrative Hearing Officer finds that this proposal meets each and every one of the Critical Area Variance standards, appropriate mitigation is required.

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](https://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](mailto:jennifer.esposito@maryland.gov)

# 2024-0126-V

Menu Cancel Help

Task Details OPZ Cultural Resources

**Assigned Date**

07/09/2024

**Assigned to**

Stacy Poulos

**Current Status**

Complete w/ Comments

**Action By**

Stacy Poulos

**Comments**

This property is located within an area flagged by the State of Maryland's database for archaeological potential. Development of this property shall require review for compliance with Article 17-6-502. The Cultural Resources Section shall require a site visit by a County archaeologist once a permit application is submitted to complete 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**

07/30/2024

**Assigned to Department**

OPZ Cultural Resources

**Status Date**

07/16/2024

**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**

# 2024-0126-V

Menu Cancel Help

Task Details I and P Engineering

**Assigned Date**

07/10/2024

**Assigned to**

Habtamu Zeleke

**Current Status**

Complete w/ Comments

**Action By**

Habtamu Zeleke

**Comments**

Variance request: Variance to allow a dwelling and associated facilities with less setbacks and buffers than required.

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. Based on the provided information, this office does not support this request.

**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

Task Specific Information

**Due Date**

07/30/2024

**Assigned to Department**

Engineering

**Status Date**

07/29/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

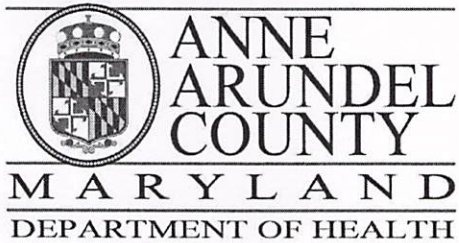
Engineering

**Est. Completion Date**

Display E-mail Address in ACA

Display Comment in ACA

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	



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



# Map Title



## Legend

### Foundation

#### Addressing



#### Parcels



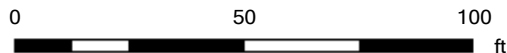
#### Parcels - Annapolis City



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

none

## Notes



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION