

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

APPLICANT: Kelly & John Christopher Elliott

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2024-0129-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: September 12, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling with less setbacks than required on property located at 1205 Garnett Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,500 square feet of land and is located with approximately 45 feet of frontage on the southwest side of Garnett Drive. It is identified as Lot 102 of Parcel 14 in Block 15 on Tax Map 57 in the Bay Highlands subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Region 7, effective June 23, 2024. The lot is not waterfront, but it is located entirely within the Chesapeake Bay Critical Area overlay and is designated as LDA - Limited Development Area. It is currently unimproved and wooded.

PROPOSAL

The applicants seek approval to construct a two-story, single-family, detached dwelling with a basement. The proposed house footprint would measure 30 feet by 55 feet (1,650 square feet) with an average height of 30.55 feet and a maximum height of 34.55 feet.

REQUESTED VARIANCES

§ 18-4-601 of the Anne Arundel County Zoning Code provides that a principal structure in an R2 District shall be set back a minimum of 20 feet from a corner side lot line. The proposed dwelling would be constructed eight feet from the corner side lot line, necessitating a variance of 12 feet.

FINDINGS

The subject property is irregular in shape and is both undersized and narrow for the district. More specifically, the 7,500 square foot lot is smaller than the minimum 15,000 square foot area required, and the 45.35 foot width is narrower than the minimum 80 foot width required for new lots served by public sewer in an R2 District. A review of the 2024 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. While many dwellings

have been constructed on two or more lots, some nearby houses have been constructed on similar, single, narrow, undersized lots. The neighborhood also contains dwellings located on corner lots that do not meet the minimum required 20' corner side setback.

The applicants' letter explains that Prout Avenue is a paper road and is unlikely to be developed because all of the other surrounding lots are developed/merged and have access to other existing streets (Henson Road, Garnett Drive, or Bay Highlands Avenue). The applicants note that, if the sewer were ever extended through Prout Avenue to tie into the sewer in Garnett Drive (highly unlikely), the lot has been designed to provide the required setbacks to the sewer (such as 50' to a well). The owners attempted to purchase the abutting Lot 103, in order to merge the lots and meet the setback, but the asking price of \$100k was cost prohibitive.

The **Office of Inspections and Permits Engineering Division** noted that stormwater management will be addressed through dry wells, roof top disconnections, and non-rooftop disconnection. The stormwater management for the site shall be addressed during the grading permit stage. Based on the above, the Engineering Division has no objection to the variance request from either an engineering and/or utility standpoint.

The **Health Department** does not have an approved plan for this project, but has no objection to the proposal as long as a plan is submitted and approved by the Department.

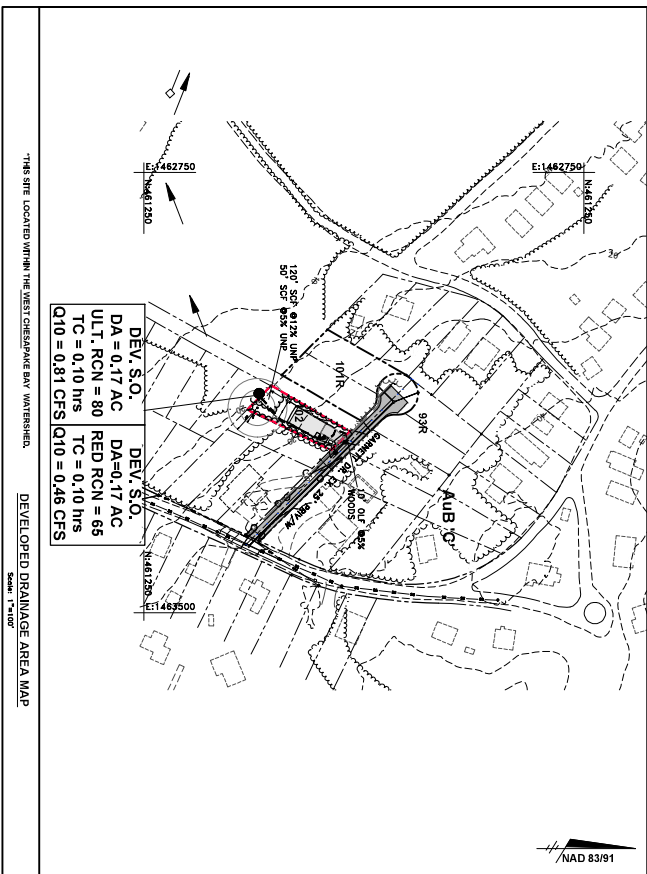
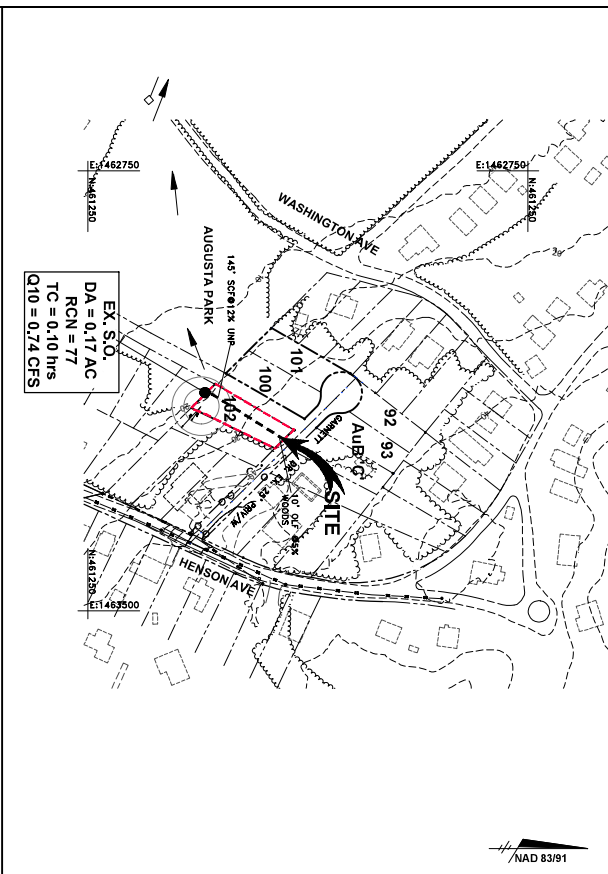
For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot or because of exceptional circumstances, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this particular case, development of the site is constrained by the practical limitations of an existing residentially zoned lot that is undersized, narrow, and at a corner location. Construction of a dwelling would be problematic without setback relief, as the Code would only allow for a width of 18 feet without a variance.

Approval of the variance would not alter the essential character of the neighborhood or substantially impair the appropriate use or development of any adjacent property. The required seven-foot setback from Lot 103 is being met, and the variance relief is only being sought to the corner side lot line that abuts an unimproved private right-of-way. There is no evidence to indicate that the proposed variance would be detrimental to the public welfare. The 30-foot dwelling width is not considered to be excessive; therefore, the variance is considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **approval** of the proposed zoning variance to § 18-4-601 to allow a dwelling to be constructed eight feet from the corner side lot line, as shown on the site plan submitted by the applicant.

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.



ZONING & SOILS TABLE			
SITE/D.A.	ZONING: R2		ERODIBILITY FACTOR
SYMBOL	SOILS TYPE	CLASS	K FACTOR & SLOPES
AUB	ANNAPOLIS URBAN	C	0.24, 0.5% SLOPES
	LAND COMPLEX		

OVERBANK FLOOD PROTECTION STATEMENT

THE EXISTING RINFLOW IS 0.74 CFS (10 Y). AFTER RUNNING THE DEVELOPED DRAINAGE AREA USING THE CRITICAL ZONING ON OF 80 (S2, C SOLI), THE RINFLOW IS INCREASED TO 0.81 CFS. HOWEVER AFTER CONSIDERING THE JUST DEFENSE OF THE SHIP CAN BE REDUCED ABOUT 6% BY THE SLOPPED (BY REDUCING THE POST DEVELOPMENT RATE) TO 65 WILL BELOW THE EX. CN OF 77 AND A RATE OF 0.46 CFS WILL BELOW THE EX. RATE OF 0.74 CFS.

THEREFORE, THE OUTFALL IS ADEQUATE AND NO FURTHER VOLUMES ARE NEEDED

(SEE SWM ESD & ONE YEAR RINFLOW COMPS ON SHEET 6)

[illegible][illegible]

ZONING & SOILS TABLE			
SITE/DZ ZONING - RZ		EROSION FACTOR	
SYMBOL	SOILS TYPE	CLASS	K FACTOR & SLOPES
A&B	ANNUAL/US URBAN	"C"	0.24, 0-4% SLOPES
L&D	LAND COMPLEX		

EXEMPTING SITE NOTATIONS:	
EX. ZONING: R2	
CRITICAL AREA: ENTIRE SITE IS IN LDA	
EX. SITE TABULATIONS & CRITICAL AREA CLEARING/COVERAGE ALLOWABLES:	
EX. LOT AREA: 7,600 S.F. OR 0.17 AC. TL.	
TOTAL EX. IMPERVIOUS COVERAGE = 0 S.F. OR 0 AC. TL.	
MAX. IMPERVIOUS COVERAGE ALLOWED = 20% S.F.	
TOTAL EXISTING WOODLANDS: 7,500 S.F. OR 0.17 AC. TL.	
MAX. CLEARING ALLOWED - FOR SITE LESS THAN 1/2 AC. = 6,534 S.F. MAX.	
DEVELOPED SITE TABULATIONS:	
TOTAL CLEARING PROPOSED = 6,383 S.F. OR 0.14 AC. TL. (64.8%)	
MITIGATION FEE IN L&U = 6,383 S.F. X \$2.00 = \$12,766.00	
TOTAL CLEARING REMAINING = 6,534 S.F. - 6,383 S.F. = 171 S.F.	
TOTAL IMPERVIOUS COVERAGE PROPOSED = 2,246 S.F. OR 0.05 AC. TL. (3.3%)	
TOTAL COVERAGE BY STRUCTURES = 1,682 S.F.(2.2%)	

- FLOOR ELEVATION NOTES:
1. BR. BASEMENT FLOOR ELEVATION BASED ON 8 FT. BELOW T.O.F.
 2. 1ST. FIRST FLOOR ELEVATION BASED ON 1.35 FT ABOVE T.O.F. (TOP OF FOUNDATION) ELEVATION.
 3. 2ND. SECOND FLOOR ELEVATION BASED ON 10.32 FT. ABOVE FIRST FLOOR.
 4. BUILDER TO CONFIRM FLOOR ELEVATIONS PRIOR START OF CONSTRUCTION.

SEE NOTES ON SHT. 1

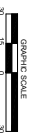
WANTING TO ALLOW PERSON OF 20" CORNER SIZE ATTACK
IN THE MOUNT OF 12 TO ALLOW AN 8 SIDE STRIKING ALONG PROUT ARE

A PAPER ROAD.

GRAPHIC SCALE

30 15 0 30

DEVELOPED CONDITIONS - SCALE: 1"=30'



DEVELOPED CONDITIONS - SCALE: 1"=30'

PROFESSIONAL SEAL & E-PRINT: ARCHITECTURE CENTER THAT
 LIVES! We are the only architectural firm in the U.S. with
 LAWS OF THE STATE OF MARYLAND, LICENSE # 11354 and
 OWNER & ARCHITECT

MEET A JOHN, CHRIS & MARY ELIOTT
 MARY ELIOTT CLARK, SINGLES & CLARK, SINGLES MD 20687
 CONTACT: MARY ELIOTT CLARK, SINGLES & CLARK, SINGLES
 PHONE: 240-664-7778 DDD 555-353-448
 WWW.MARYELIOTTCLARKSINGLES.COM
 WE ARE A CUSTOMER SERVICE FIRM

DEVELOPER: 333 THOMAS SQ. C/BOX 661, #37
 JANNY GRIFFITHS, SINGLES & GRIFFITHS, SINGLES MD 21006
 CONTACT: JANNY GRIFFITHS, SINGLES & GRIFFITHS, SINGLES
 PHONE: 443-893-8008
 WWW.JANNYGRIFFITHS.COM
 CDP/ARCHITECT NOTICE

THE DESIGNS AND DRAWINGS ARE PROTECTED BY THE

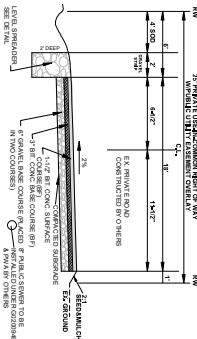


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LAND ENGINEERING & DEVELOPMENT SERVICES
53 OLD SOLOMON'S ISLAND ROAD, SUITE 1
ANNAPOLIS, MARYLAND 21401

BAY HIGHLANDS 'LOT 102'
RECORDED IN P.8, 9, PG. 49
TAX MAP 57, GRID 15, PIO PARCEL 14
TAX ACCT. NO. 2-046-07856620
ADDRESS: 1205 GARNETT DR, ANNAPOLIS MD 21402
2ND TAX DISTRICT * ZONING R2 * PAVAN RD 8399 * A-4-CO, MD
DATE: JUNE, 2024 DRAWN BY: S.R.K.

G 02019763
DEVELOPED CONDITIONS
VARIANCE PLANS

GARNETT DRIVE-PRIVATE U
N-179



1. STANDARD A.A. COUNTY DRIVE
4. PROPOSED DRIVEWAY STANCE

DRIVEWAY NOTES
1. SEE NTH. STAGE FIELD CONSTRUCTION ENTRANCE PROVIDED IN PROULT AVE.
2. CONTRACTOR TO MATCH LINE AND GRADE FOR DRIVEWAY AS SHOWN.

PERCENT IMPERVIOUS = 1662 S.F. / 500 S.F. SITE AREA = 0.2216 = 22.2%

DEVELOPED IMPROVED COVERAGE						
AGE	HOUSING UNIT	POUCH UNIT	FP	WALK UNIT	WINDOW UNIT	DRIVE UNIT
15000	54	10	13	40	420	234
PERCENT IMPROVED = 2346.5 / 7.7 2001 SUR AREA = 31.3%						

DEVELOPER COVERAGE BY STRUCTURES						
AGE	HOUSING UNIT	POUCH	STIR UNIT		TOTAL UNIT	
15000	54	17			146	

DEVELOPED SITE TABULATIONS:

TOTAL CLEAVING PROPOSED = 6,535 S.F. OR 84.14 AC. TL (46.8%)
MITIGATION FEE IN JULY = \$365 S.F. / \$2.00 = \$72,900
TOTAL CLEAVING REMAINING = 6534 S.F. - 6,535 S.F. = -171 S.F.

TOTAL IMPERVIOUS COVERAGE PROPOSED = 2,348 S.F. OR 0.08 AC. TL (3.3%)
TOTAL COVERAGE BY STRUCTURES = 1,665 S.F.(22.2%)

MAX. CLEARING ALLOWED = FOR SITE LESS THAN 1/2 AC

[illegible]

TOTAL EXISTING WOODLANDS = 7,500 S.F. OR 0.17 AC. TL.

MAX. IMPERVIOUS COVERAGE ALLOWED = 2375 S.F.

TOTAL EX. IMPERVIOUS COVERAGE = 0 S.F. OR 0 AC. TL.

[illegible]

EX 107 AREA-7 500 S E OR 017 AC TI

EX. SITE TABULATIONS & CRITICAL AREA CLEARING/COVERAGE ALLOC

CRITICAL AREA: ENTIRE SITE IS IN LDA

EX, ZONING: R2

EXISTING SITE NOTATIONS:

EXISTING SITE NOTATIONS:

[illegible]

LAND COMPLEX

AUB	ANNAPOLIS URBAN	'C'	0.24, 0-5% SL
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SYMBOL	SOILS TYPE	CLASS	K FACTOR &
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SITE/D A ZONING: B2	ERODIBILITY

ZONING & SOILS TABLE

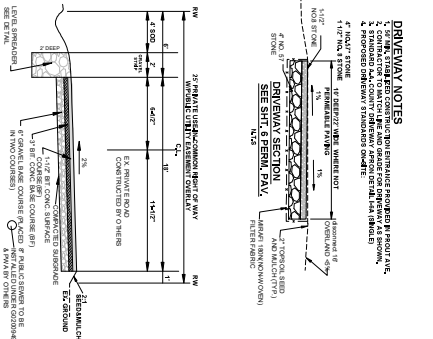
SITE/DRAINAGE ZONING: R2		ZONING & SOILS TABLE	
SYMBOL	SOILS TYPE	CLASS	ERODIBILITY FACTOR K FACTOR & SLOPES
ANB	ANNAPOLIS URBAN	C	0.24 - 0.5% SLOPES
	LAND COMPLEX		
<p>EXISTING SITE NOTATIONS:</p> <p>EX. ZONING: R2</p> <p>CRITICAL AREA: ENTIRE SITE IS IN LDA</p> <p>EX. SITE TABULATIONS & CRITICAL AREA CLEARING COVERAGE ALLOWABLES:</p> <p>TOTAL EX. HEDGING COVERAGE = 0 S.F. OR 0% AC. TL</p> <p>TOTAL EX. IMPERVIOUS COVERAGE = 0 S.F. OR 0% AC. TL</p> <p>TOTAL EX. ALLOWED COVERAGE = 2315 S.F.</p> <p>TOTAL EXISTING WOODLANDS = 7,800 S.F. OR 0.18 AC. TL</p> <p>MAX. CLEARING ALLOWED = FOR SITE LESS THAN 1/2 AC. = 6,534 S.F. MAX.</p> <p>DEVELOPED SITE TABULATIONS:</p> <p>TOTAL CLEARING PROPOSED = 6,538 S.F. OR 0.14 AC. TL (64.0%)</p> <p>IMPROVEMENTS IN LDU = 6,535 S.F. * 82.0% = 5,357 S.F.</p> <p>TOTAL CLEARING REMAINING = 6,534 S.F. - 6,535 S.F. = 171 S.F.</p> <p>TOTAL IMPERVIOUS COVERAGE PROPOSED = 2,348 S.F. OR 0.05 AC. TL (51.3%)</p> <p>TOTAL COVERAGE BY STRUCTURES = 1,685 S.F. (22.2%)</p>			

DEVELOPED IMPROVEDS COVERAGE									
AGE	DECLARATION (P)	POLICY (N)	FP	WAC (S)	STRT (S)	WTR (H)	INVESTOR (D)	TRIAL (S)	
10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10
PERCENT IMPROVEDS = 2066.1 / 7,200.01, STRT AREA = 31.3%									
DEVELOPED COVERAGE BY STRUCTURES									
AGE	DECLARATION (P)	POLICY (N)	FP	WAC (S)	STRT (S)	WTR (H)	INVESTOR (D)	TRIAL (S)	
10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10	10/10/10
PERCENT IMPROVEDS = 1460.5 / 7,200.01, STRT AREA = 0.216-0.27%									

[illegible]

NOTE A: DISCONNECTIONS

DISCONNECTION AREAS WITHIN THE LIMIT OF DISTURBANCE ARE REQUIRED TO BE TILLED TO A DEPTH OF 12" PRIOR TO PLACEMENT OF 12" OF COMPOST & VEGETATIVE COVER SUCH AS SOD.



- FLOOR ELEVATION NOTES:
1. BF: BASEMENT FLOOR ELEVATION BASED ON 8 FT BELOW T.O.F.
 2. 1FL: FIRST FLOOR ELEVATION BASED ON 1.35 FT ABOVE T.O.F. (TOP OF FOUNDATION) ELEVATION.
 3. 2FL: SECOND FLOOR ELEVATION BASED ON 10.32 FT. ABOVE FIRST FLOOR.
 4. BUILDER TO CONFIRM FLOOR ELEVATIONS PRIOR START OF CONSTRUCTION.

SEE NOTES ON SHIT. 1

WANTING TO ALLOW REDUCTION OF 20' CORNER SIDE ATTACK

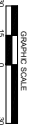
IN THE MOUNTAIN OF 1/2 TO ALLOW AN 8' SIDE STRIKING ALONG PROUTY AVE.

A PAPER ROAD.

GRAPHIC SCALE

30 15 0 30

DEVELOPED CONDITIONS - SCALE: 1"=30'



DEVELOPED CONDITIONS - SCALE: 1"=30'

[illegible]

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LAND ENGINEERING & DEVELOPMENT SERVICES
53 OLD SOLDOMON'S ISLAND ROAD, SUITE 1
ANNA POLIS, MARYLAND 21140
(410) 266-1110 • FAX (410) 266-6120 • EMAIL: TERRAIN@COMCAST.NET

DATE: JAN, 2024	DRAWN BY: S.R.K.
SCALE: AS SHOWN	CHECKED BY: R.C.L.
BAY HIGHLANDS LOT 102	
TAX MAP 57, GRID 15, PIO PARCEL 14	
TAX ACCT. NO. 2-446-0/7656620	
ADDRESS: 1205 GARNETT DR, ANNAPOLIS MD 21404	
2ND TAX DISTRICT - ZONING: R2 - MD MAD 8391 - A.A.C.CO. MD	

VARIANCE PLANS

G 02019763



July 5, 2024

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

Re: G02019763 – Lot 102 Bay Highlands - Variance Request

To Whom It May Concern:

In order to recognize the Site Development as proposed, we are requesting a Variance as follows:

§ 18-4-601. Bulk regulations R2 Zoning – to the Corner Side Setback of 20’, to allow a variance of 12’ to this setback.

Existing Conditions:

1. As shown on the Resource Map Sheet 3, the site is a legally buildable lot located in the LDA designation of the Critical Area and contains 7,500 s.f. The lot borders Garnett Dr. to the north and is 45.35’ wide along this private road, which has recently been constructed and improved with a sewer by others. The rear width of the lot is 57.79’ wide. The lot borders Prout Ave. to the west, which is a paper road with no sewer. The length of the lot along this roadway is 154.92’ with the opposing lot line abutting undeveloped Lot 103 being 158.47’ long.
2. The front BRL is 30’ along Garnett Drive and the standard side setbacks of 7’ and rear setback of 25’ are shown on the plan, along with the 20’ corner side setback along Prout Ave. for which we are seeking relief.
3. Bay Highlands is an old subdivision with many of the surrounding lots having been merged with other lots. Lots 100/101 on the opposite side of Prout Ave. is merged and is under permit review and Lots 92/93 on the other side of Garnett Dr. have also been merged and are under permit review. Lot 103 is an existing building lot to the east of the site and fronts Garnett Dr. This lot is owned by the owner to east who has merged with other lots around their existing home fronting on Henson Ave. The remaining lots on Prout Ave. south of the site are merged with other lots, except for two lots located closer to Bay Highlands Road and are owned by the builder of Lot 102 who plans to access the lots via that roadway. Augusta Park is located on the west side of Prout Ave. abutting Lot 100/101.
4. The lot is presently undeveloped and wooded and subject to clearing and impervious limitations as noted on Sheet 3 and 4 of the plans.
5. Garnett Dr. and Prout Ave. are private roads with public utility easement overlays. While most of the private roads in Bay Highlands are owned by the BHCA civic association, Garnett and Prout are owned by the abutting owners as was previously established with the development of Garnett Dr. by others. Therefore, the property owner of Lot 102 owns to the center of these streets along their frontage.

Developed Conditions:

1. The proposed house has been designed to fit within the standard front, rear and standard 7' side setbacks with the rear basement floor and first floor decks (with gaps) also being located outside the 25' rear setback as shown on Sheet 4. The house is modest in size and is in keeping with the size of houses on similar lots in the neighborhood. Note: the house has been reduced in size from the Pre-file plan, which allows for the driveway to come off Garnett Drive and the previous stub road/turnaround on Prout Ave. to be eliminated based on comments from the Engineering Section. Also, the minimum relief to the side setback being requested is now only 12' not 13' since the house has gone from 32' wide to 30' wide.
2. Clearing and impervious limitations have been met.
3. Stormwater management and sediment controls have been designed and reviewed by the County. Reviewers under the referenced grading permit and demonstrate the site can meet these requirements.

Justification:

1. The relief is the minimum necessary to allow the property owner to develop this non-conforming legally buildable lot.
2. The County Code allows relief to the corner side setback when a private road intersects a public road but does not provide this relief to a private road intersecting a private road.
3. The A.A. Co. Design Manual requirements specifically say the standards are a general guide for private road design and the Manual states that it was developed in coordination with the GDP General Development Plan and Article 18 of the Code. A specific requirement of intersection setbacks is covered in the Manual and requires more restrictive setbacks in certain conditions. It is our belief that this is why the Code provided specific relief to the public/private intersection since it involved a public road which must seek relief via variances or modifications if not in compliance with the Manual, while it is only a guide for a private road so there would have been no need to put formal relief in the Code for a private/private intersections. Only those provisions specifically related to private roads in the Code would require relief through the modification and/or variance process.
4. The previous Assistant Planning and Zoning Officer (Christopher Soldano) stated in an email in 2006 that setbacks do not apply to private roads because they are not shown on the GDP and that only a 5' setback or 18' setback if parking was to be provided in front of the house on the private road would be necessary. These are the same setbacks that the Code applies to standard cluster lots as described in the Code. As stated in the email, it was being forwarded to the Planning and Zoning Officer (Joseph Rutter), the head planner (Steve Callahan) and Gary Maragos (currently Planning Maps).
5. Prout Ave. is a paper road and unlikely to be developed as all of the other surrounding lots are developed/merged and have access to other existing streets (Henson Rd, Garnett Dr., Bay Highlands Ave). If the sewer were ever extended thru Prout Ave. to tie into the sewer in Garnett Dr. (highly unlikely) the lot has been designed to provide the required setbacks to the sewer (such as 50' to a well).
6. The owner attempted to purchase the abutting Lot 103 in order to merge the lots and meet the setback, but the asking price of \$100k was cost prohibitive.

Requirements for All Variances:

1. The Site Design is the minimum relief necessary because the house is 32' wide and the lot in the area of the house (set at the limit of the 30' front setback) is only approximately 46' wide
2. The granting of the Variances **will not:**
 - i. Alter the essential character of the neighborhood or district in which the Lot is located because the lot and house will be in keeping with the character of the neighborhood and will be of similar size with regards to both. Placement on the lot will be in line with the house on Lot 100/101.
 - ii. Substantially impair the appropriate use or development of adjacent property. Adjacent properties are currently developed or being developed. Lot 103 is a separate building lot which will require variances of its own to be developed if the property owner does not merge it with his developed abutting lot. The design uses the minimum buildable area necessary to build the house, drive, utilities well and sewer (from ex. sewer cleanout) and stormwater management and maintain necessary setbacks. The lot development has been designed so that if a permit is sought by the abutting owner for Lot 103, then our development would not interfere with their ability to meet utility setbacks and the house would likely be very similar to the one being proposed on Lot 102 since it is also a narrow single lot.
 - iii. reduce forest cover in the limited development and resource conservation areas of the critical area as a reforestation fee will be paid prior to permit approval for planting elsewhere in the critical area as allowed for by Code.
 - iv. be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; as stated above the site meets the clearing allowed requirement for its lot size and a fee in lieu of reforestation will be provided prior to permit approval. The site is not in a bog area.
 - v. nor be detrimental to the public welfare, because the lot is being developed off of an 18' wide roadway with a tee turnaround which allows for fire/police access and all building codes for the house will be followed (sprinklers, etc.)

In summary, we believe the Variance is necessary to Allow Development of the Lot in accordance with all Critical Area and other criteria as outlined in the Code. If you should have any questions or comments or need additional information, please do not hesitate to call our office at (410) 266-1160 x307 or email stacy@terrainmd.com

Sincerely,
TERRAIN

Stacy R. Kimmett

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: JULY 8, 2024

Tax Map #	Parcel #	Block #	Lot #	Section
57	14	15	102	N/A

Tax ID: 02-046-07656620

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) BAY HIGHLANDS, LOT 102

Project location/Address 1205 GARNETT DRIVE

City ANNAPOLIS Zip 21403

Local case number

Applicant: Last name ELLIOTT First name KELLY & JOHN

Company TERRAIN INC.

Application Type (check all that apply):

Building Permit	<input checked="" 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 checked="" 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:

REQUESTING A REDUCTION TO THE 20' CORNER SIDE SETBACK OF 12' TO ALLOW IT TO BE 8'
THE HOUSE HAS REDUCED IN SIZE FROM PRE-FILE

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	0.17	7,500		0.15	6,563
LDA Area	0	0			
RCA Area	0	0			
Total Area	0.17	7,500	0 # of Lots Created		

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.17	7,500	Existing Lot Coverage	0	0
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.05	2,346
Removed Forest/Woodland/Trees	0.14	6,363	Removed Lot Coverage	0	0
			Total Lot Coverage	0.05	2,346

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.15	6,563	Mitigation	0	0

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

CRITICAL AREA REPORT-1205 GARNETT DR. LOT 102 BAY HIGHLANDS

PREPARED BY TERRAIN FOR VARIANCE – JULY 2024

NARRATIVE:

Existing Conditions:

1. As shown on the Resource Map Sheet 3, the site is a legally buildable lot located in the LDA designation of the Critical Area and contains 7,500 s.f. The lot borders Garnett Dr. to the north and is 45.35' wide along this private road, which has recently been constructed and improved with a sewer by others. The rear width of the lot is 57.79' wide. The lot borders Prout Ave. to the west, which is a paper road with no sewer. The length of the lot along this roadway is 154.92' with the opposing lot line abutting undeveloped Lot 103 being 158.47' long.
2. The front BRL is 30' along Garnett Drive and the standard side setbacks of 7' and rear setback of 25' are shown on the plan, along with the 20' corner side setback along Prout Ave. for which we are seeking relief.
3. Bay Highlands is an old subdivision with many of the surrounding lots having been merged with other lots. Lots 100/101 on the opposite side of Prout Ave. is merged and is under permit review and Lots 92/93 on the other side of Garnett Dr. have also been merged and are under permit review. Lot 103 is an existing building lot to the east of the site and fronts Garnett Dr. This lot is owned by the owner to east who has merged with other lots around their existing home fronting on Henson Ave. The remaining lots on Prout Ave. south of the site are merged with other lots, except for two lots located closer to Bay Highlands Road and are owned by the builder of Lot 102 who plans to access the lots via that roadway. Augusta Park is located on the west side of Prout Ave. abutting Lot 100/101.
4. The lot is presently undeveloped and wooded and subject to clearing and impervious limitations as noted on Sheet 3 and 4 of the plans.
5. Garnett Dr. and Prout Ave. are private roads with public utility easement overlays. While most of the private roads in Bay Highlands are owned by the BHCA civic association, Garnett and Prout are owned by the abutting owners as was previously established with the development of Garnett Dr. by others. Therefore, the property owner of Lot 102 owns to the center of these streets along their frontage.

Developed Conditions:

1. The proposed house has been designed to fit within the standard front, rear and standard 7' side setbacks with the rear basement floor and first floor decks (with gaps) also being located outside the 25' rear setback as shown on Sheet 4. The house is modest in size and is in keeping with the size of houses on similar lots in the neighborhood. Note: the house has been reduced in size from the Pre-file plan, which allows for the driveway to come off Garnett Drive and the previous stub road/turnaround on Prout Ave. to be eliminated based on comments from the Engineering Section. Also, the minimum relief to the side setback being requested is now only 12' not 13' since the house has gone from 32' wide to 20' wide.
2. Clearing and impervious limitations have been met.
3. Stormwater management and sediment controls have been designed and reviewed by the County. Reviewers under the referenced grading permit and demonstrate

SEE RESOURCE NOTES & CRITICAL AREA TABULATIONS NEXT PAGES.

ZONING & SOILS TABLE			
SITE/D.A. ZONING: R2			ERODIBILITY FACTOR K FACTOR & SLOPES
SYMBOL	SOILS TYPE	CLASS	
AuB	ANNAPOLIS URBAN LAND COMPLEX	'C'	0.24, 0-5% SLOPES

RESOURCE MAPPING NOTES

1. THE SUBJECT SITE CONSISTS OF A LEGAL LOT TS KNOWN AS LOTS 102 OF BAY HIGHLANDS CREATED PRIOR TO 1985 AND IS A LEGAL BUILDABLE LOT ENTITLED TO CLEARING AND IMPERVIOUS AS PER CODE.
2. TOPOGRAPHY AND SITE PROPERTY LINES FOR THE SUBJECT SITE IS BASED A FIELD SURVEY FOR LOT 102 AND ADJOINING LOTS $\frac{100}{101}$ AND PHYSICAL FEATURES PAVING, SEWER, POLES, ETC. ALONG GARNETT DR. AND FOR OFFSITE AREA USING ANNE ARUNDEL COUNTY DIGITAL AERIAL TOPOGRAPHY AND BEST AVAILABLE PUBLIC RECORDS.
3. LOT 102 LIES IN THE LDA DESIGNATION OF THE CRITICAL AREA. IT DOES NOT LIE WITHIN A BOG AREA OR BOG DRAINAGE AREA. THE SITE LIES WITHIN ZONE X, AN AREA OF LESS THAN 0.2% CHANCE FLOODING AS SHOWN ON FIRM MAP 24003C0262F.
4. THERE ARE NO EXISTING STREAMS ON THE PROPERTY. THERE ARE NO STEEP SLOPES OR THEIR BUFFERS AFFECTING THE PROPERTY, BUT THERE IS A SMALL AREA OF STEEP SLOPES ON THE NEIGHBORING LOTS TO THE EAST ALTHOUGH THEY ARE NOT A LARGE ENOUGH OF AN AREA TO MEET THE DEFINITION OF STEEP SLOPES. THESE AREAS ARE OUTSIDE THE LIMITS OF DISTURBANCE.
5. THIS SITE DRAINS TO BLACK WALNUT CREEK / WEST CHESAPEAKE BAY WATERSHED NO. 02-13-10-02 AND THE BAY.
6. SOIL TYPES ARE 'C' ON-SITE AuB - ANNAPOLIS URBAN LAND COMPLEX, 0-5% SLOPES. SEE TABLE THIS SHEET.
7. GARNETT DRIVE IS AN EX. 25' PRIVATE RIGHT OF WAY WITH A PUBLIC UTILITY EASEMENT OVERLAY. A PUBLIC WORKS AGREEMENT AND GRADING PERMIT ARE IN PLACE AND THE IMPROVEMENTS HAVE BEEN CONSTRUCTED AS OF MAY 2024 UNDER G02009497.
8. THERE ARE NO EXISTING STRUCTURES ON LOT 102.
9. LOT 102 CONSISTS OF DEVELOPED WOODLAND AS THE BAY HIGHLANDS SUBDIVISION, WHICH THIS LOT IS A PART, CONTAINS AN AREA OF TREES & NATURAL VEGETATION INTERSPERSED WITH RESIDENTIAL DEVELOPMENT. CLEARING SHALL BE THE MINIMUM NECESSARY TO CONSTRUCT THE HOUSE, DRIVE, WELL, SEWER, STORMWATER MANAGEMENT AND REASONABLE YARD AREA.
10. LOT DEVELOPMENT WILL UTILIZE PUBLIC SEWER AND PRIVATE WELL.

DEVELOPED COVERAGE BY STRUCTURES								
AREA	HOUSE/GAR (SF)	PORCHES (SF)		STEPS (SF)				TOTAL (SF)
LOT 102	1596	54		12				1662
PERCENT IMPERVIOUS = 1662 S.F. / 7,500 S.F. SITE AREA = 0.2216 -22.2%								



Mark Wedemeyer, Director

Memorandum

To: Sara Anzelmo, Office of Planning and Zoning

From: Subhash Dhir, Engineering Division, Department of Inspections & Permits

Date: August 30, 2024

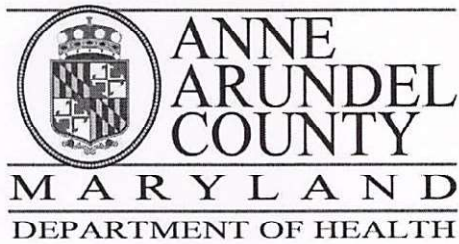
Subject: 1205 Garnett Drive, Annapolis, MD.
Variance Case # 2024-0129-V

Variance Request – Variance request for bulk regulations R2 zoning-to the Corner Side Setback of 20', to allow a variance of 12' to this setback. The site is approximately 7,500 sf. and located in Critical area.

Review - This office has received the subject application, reviewed for engineering (utilities, stormwater) issues and has the following comments:

1. Based on the plan provided, it appears that the property will be served by public sewer and water well.
2. Stormwater management will be addressed through Dry wells, roof top disconnections and non-rooftop disconnection.
3. The stormwater management for the site shall be addressed during grading permit.

Determination/Recommendation – Based on the above, this office has no objection to the above referenced variance request from either an engineering and/or utility standpoint.




J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health 

DATE: July 11, 2024

RE: Kelly Elliott
1205 Garnett Drive
Annapolis, MD 21403

NUMBER: 2024-0129-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks 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



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Lot 98

Lot 97

P.0014
Lot 100

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Lot 101

1201

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1205

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P.0
Lot

HENSLOW AVE