



August 5, 2024

Ms. Sterling Seay
Office of Planning and Zoning
Zoning Division
2644 Riva Road, 3rd Fl.
Annapolis, MD 21401

Re: 1660 & 1700 Pleasant Plains Road
Future Subdivision of P36

Dear Ms. Seay:

In accordance with Article 18-4-301, Bulk Regulations for the RA District, the maximum density is One Unit per 20 Acres. We are requesting a Variance to this provision to allow Two (2) Existing Houses to remain at a density of 1 unit per 5.5 acres as follows:

A. Existing Conditions:

1. The Site is a Waterfront Parcel comprising approximately 11.187 acres.
2. The Site is zoned RA.
3. The Site contains two (2) Existing Homes which are currently occupied by aging family members.
4. The Site was the subject of a Non-Conforming Use Decision, Case 2024-0231-N, recognizing two (2) Existing Dwellings on the Parcels (see attached).

B. Proposed Conditions:

1. The Site is 11.187 acres with two (2) Existing Dwellings.
2. The Site has received Acceptable Percolation Tests to allow establishment of the required 10,000 SF Septic Reserve Areas.
3. The Proposed Layout provides for Lot Areas of 3.9095 acres (Lot #1) and 5.8585 acres (Lot #2) as shown on the attached Site Plan.
4. The Minimum Lot Size for an RA Lot is 40,000 SF, the proposed Lots exceed this requirement (see Site Plan).

The request is for a Density Variance to allow the two Existing Houses to remain on independent Lots. Therefore, a Variance to Allow the Subdivision of the 11.187 acres to create the Two (2) Lots which exceed minimum lot size can be evaluated as follows:

Following the shoreline to the north, you will note that the zoning changes to RLD within the property of the same ownership. Following the shoreline to the south, you will note the Lot Sizes are 1722 Pleasant Plains Road (3.2 acres), 1720 Pleasant Plains Road (3.76 acres), and 1718 Pleasant Plains Road (2.69 acres). These Lot sizes are consistent with the proposed Lot sizes for the subject Parcel just to their north. (See Site Plan.)

This Variance Request is also consistent with the Variance Requirements as outlined in 18-16-305, Variances as follows:

(a) Requirements for Zoning Variances:

1. The Lot would be considered to contain Unique Physical Conditions because the Lot is approximately 11.187 acres and contains two (2) Existing, Registered Dwellings. There is no possibility to meet the 20 Ac. Density Requirement, and the physical conditions of the lot size make it impossible to develop the Site in strict conformance with the Code.
2. The Exceptional Circumstance which requires a Variance to avoid Unnecessary Hardship or Practical Difficulties is as follows:
 - a. Due to the family history and the existence of the dwellings since 1923 and 1930 respectively, and the provision of the original RA Zoning Law of 1952 Allowing Two (2) Principal Dwellings on a Lot (see Zoning History: page 2 of the Non-Conforming Decision). The existence of the two homes can only be resolved by obtaining a Density Variance and the subsequent subdivision to memorialize the Decision.
 - b. The history of the property maintained within the family is as follows:

The property was originally owned by William T. and Kate Davidson. William and Kate had four children, Kate Davidson Cole, Clark Davidson, Nan Davidson Stock, and William Davidson, Jr. Upon the deaths of William and Kate, a one quarter interest of the property was conveyed to each of the children. William and Kate had resided at 1700, and 1660 was used as a rental property for the Navy during WWII and ultimately became the home of the heirs of William Davidson, Jr.

The current status of ownership is, 50% by the Coles (Kate and her descendants, originally 25% plus the addition of the Nan Stork 25% buy out.), 25% by the William Davidson, Jr. heirs and 25% by the Clark Davidson heirs.

In order to allow a Continued, Simplified Conveyance to the future heirs, the Subdivision is necessary to avoid Practical Difficulties, as the Davidson heirs would retain one (1) Lot and the Cole heirs would retain the other. Both families hope to convey In Fee Simple Property to future generations.

(b) Critical Area Variance: NA

(c) Requirements for All Variances:

1. The Variance is the minimum necessary to afford relief because there are Two Existing Dwellings on one (1) Parcel and by creating lots around these dwellings, it provides for orderly transfer to future heirs.
2. The granting of the Variance will not:
 - (i). Alter the essential character of the neighborhood per the Proposal is it is consistent with adjoining lots to the north.
 - (ii). Will not impair development of the adjacent properties as they have been developed at less than or equal densities and currently contain Existing Houses.
 - (iii). Due to the presence of Steep Slopes and Buffers, the redevelopment potential will be limited, particularly on Site 1660 Pleasant Plains Road. If development is proposed, it will most likely occur on the same footprint.
 - (iv). Impact the Critical Area as the Request is a Zoning Variance only.
 - (v). Be detrimental to Public Welfare as subdivision of the property is required to meet all development standards to allow two (2) Houses on the Existing Parcel.

We believe the Proposed Variance Request is consistent with the Non-Conforming Use Decision and will allow the two (2) Houses to remain on separate Parcels.

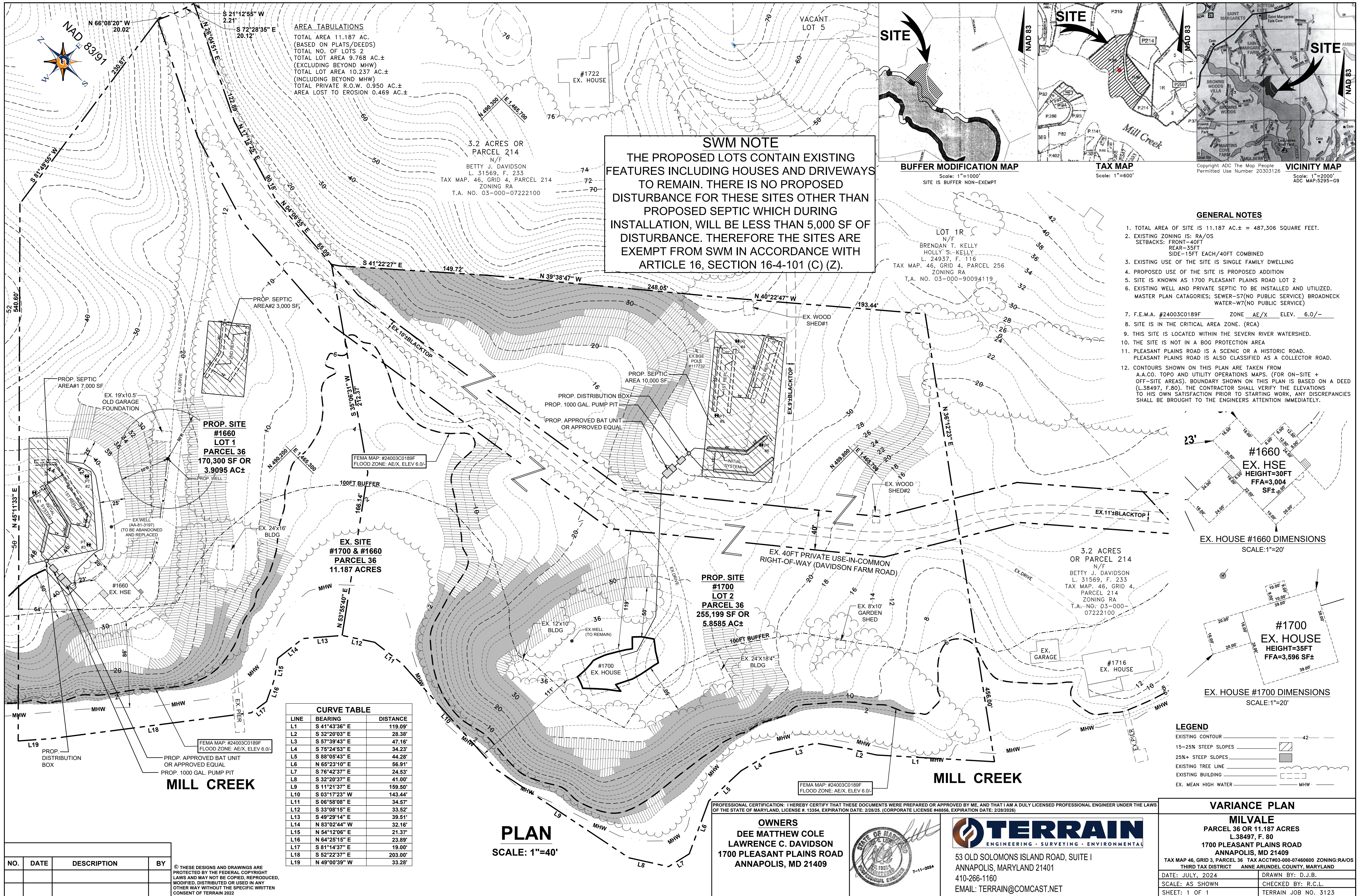
If you should have any questions or comments or need additional information, please contact our office.

Sincerely,
Terrain



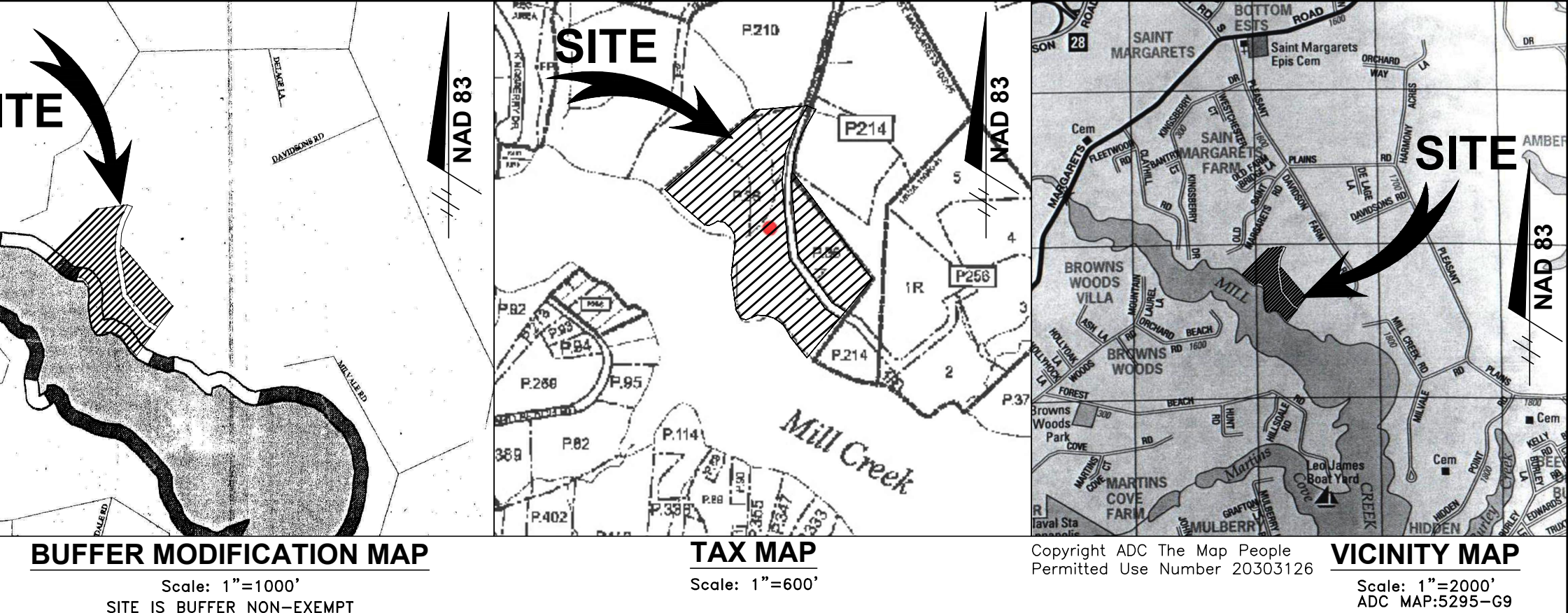
Roy C. Little
Director of Engineering
RCL/II.3123



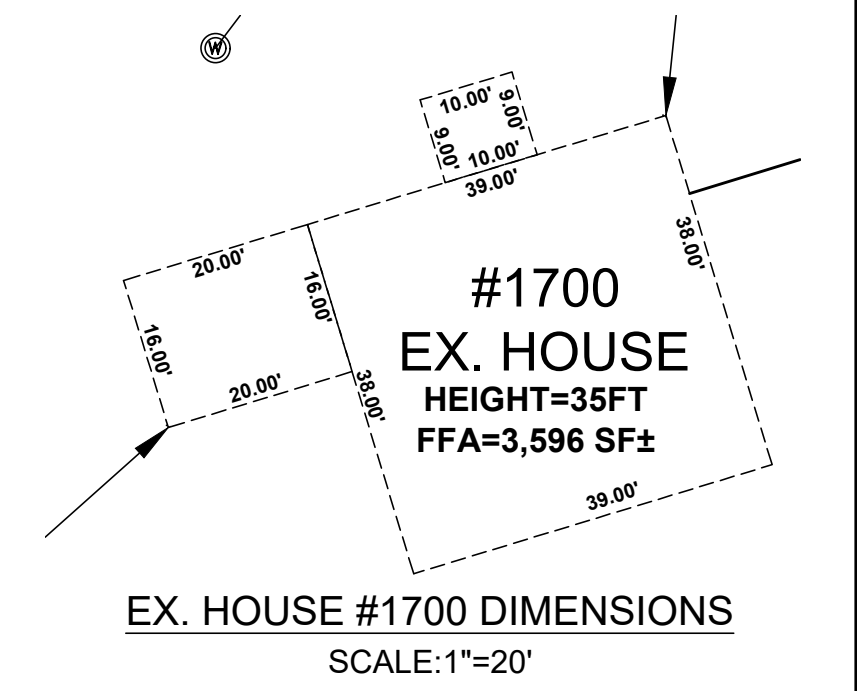
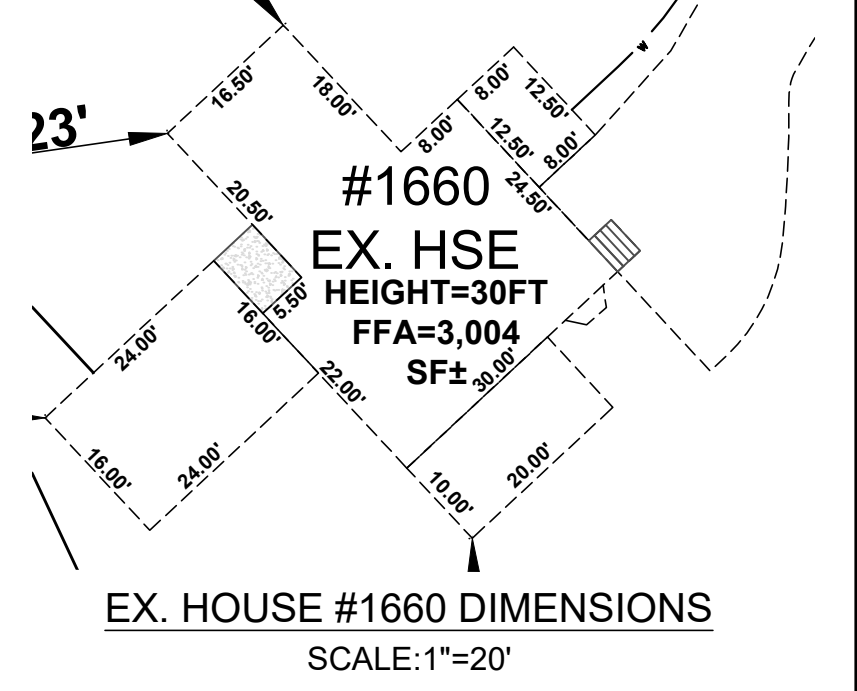


AREA TABULATIONS
 TOTAL AREA 11.187 AC.
 (BASED ON PLATS/DEEDS)
 TOTAL NO. OF LOTS 2
 TOTAL LOT AREA 9.768 AC.±
 (EXCLUDING BEYOND MHW)
 TOTAL LOT AREA 10.237 AC.±
 (INCLUDING BEYOND MHW)
 TOTAL PRIVATE R.O.W. 0.950 AC.±
 AREA LOST TO EROSION 0.469 AC.±

SWM NOTE
 THE PROPOSED LOTS CONTAIN EXISTING FEATURES INCLUDING HOUSES AND DRIVEWAYS TO REMAIN. THERE IS NO PROPOSED DISTURBANCE FOR THESE SITES OTHER THAN PROPOSED SEPTIC WHICH DURING INSTALLATION, WILL BE LESS THAN 5,000 SF OF DISTURBANCE. THEREFORE THE SITES ARE EXEMPT FROM SWM IN ACCORDANCE WITH ARTICLE 16, SECTION 16-4-101 (C) (Z).



- GENERAL NOTES**
- TOTAL AREA OF SITE IS 11.187 AC.± = 487,306 SQUARE FEET.
 - EXISTING ZONING IS: RA/OS
 SETBACKS: FRONT-40FT
 REAR-35FT
 SIDE-15FT EACH/40FT COMBINED
 - EXISTING USE OF THE SITE IS SINGLE FAMILY DWELLING
 - PROPOSED USE OF THE SITE IS PROPOSED ADDITION
 - SITE IS KNOWN AS 1700 PLEASANT PLAINS ROAD LOT 2
 - EXISTING WELL AND PRIVATE SEPTIC TO BE INSTALLED AND UTILIZED.
 MASTER PLAN CATEGORIES; SEWER-S7(NO PUBLIC SERVICE) BROADNECK WATER-W7(NO PUBLIC SERVICE)
 - F.E.M.A. #24003C0189F ZONE AE/X ELEV. 6.0/-
 - SITE IS IN THE CRITICAL AREA ZONE. (CA)
 - THIS SITE IS LOCATED WITHIN THE SEVERN RIVER WATERSHED.
 - THE SITE IS NOT IN A BOG PROTECTION AREA
 - PLEASANT PLAINS ROAD IS A SCENIC OR A HISTORIC ROAD.
 PLEASANT PLAINS ROAD IS ALSO CLASSIFIED AS A COLLECTOR ROAD.
 - CONTOURS SHOWN ON THIS PLAN ARE TAKEN FROM A.A.CO. TOPO AND UTILITY OPERATIONS MAPS. (FOR ON-SITE + OFF-SITE AREAS). BOUNDARY SHOWN ON THIS PLAN IS BASED ON A DEED (L38497, F.80). THE CONTRACTOR SHALL VERIFY THE ELEVATIONS TO HIS OWN SATISFACTION PRIOR TO STARTING WORK, ANY DISCREPANCIES SHALL BE BROUGHT TO THE ENGINEERS ATTENTION IMMEDIATELY.



CURVE TABLE

LINE	BEARING	DISTANCE
L1	S 41°43'36" E	119.09'
L2	S 32°20'03" E	28.38'
L3	S 7°39'43" E	47.16'
L4	S 75°24'53" E	34.23'
L5	S 88°05'43" E	44.28'
L6	N 65°23'10" E	56.91'
L7	S 76°42'37" E	24.53'
L8	S 32°20'37" E	41.00'
L9	S 11°21'37" E	159.50'
L10	S 03°17'23" W	143.44'
L11	S 06°58'08" E	34.57'
L12	S 33°08'15" E	33.52'
L13	S 49°29'14" E	39.51'
L14	N 83°02'44" W	32.16'
L15	N 54°12'06" E	21.37'
L16	N 64°25'15" E	23.89'
L17	S 81°14'37" E	19.00'
L18	S 52°22'37" E	203.00'
L19	N 49°00'39" W	33.28'

PLAN
 SCALE: 1"=40'

OWNERS
 DEE MATTHEW COLE
 LAWRENCE C. DAVIDSON
 1700 PLEASANT PLAINS ROAD
 ANNAPOLIS, MD 21409

TERRAIN
 ENGINEERING · SURVEYING · ENVIRONMENTAL
 53 OLD SOLOMONS ISLAND ROAD, SUITE I
 ANNAPOLIS, MARYLAND 21401
 410-266-1160
 EMAIL: TERRAIN@COMCAST.NET

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE # 13354, EXPIRATION DATE: 2/28/25. (CORPORATE LICENSE #48856, EXPIRATION DATE: 2/28/2026)

VARIANCE PLAN

MILVALE
 PARCEL 36 OR 11.187 ACRES
 L.38497, F. 80
 1700 PLEASANT PLAINS ROAD
 ANNAPOLIS, MD 21409

TAX MAP 46, GRID 3, PARCEL 36 TAX ACCT#03-000-07460600 ZONING:RA/OS
 THIRD TAX DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

DATE: JULY, 2024 DRAWN BY: D.J.B.
 SCALE: AS SHOWN CHECKED BY: R.C.L.
 SHEET: 1 OF 1 TERRAIN JOB NO. 3123

NO.	DATE	DESCRIPTION	BY

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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: AUGUST 6, 2024

Tax Map #	Parcel #	Block #	Lot #	Section
46	36	3	N/A	N/A

Tax ID: 03-000-07460600

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) MILVALE

Project location/Address 1700 PLEASANT PLAINS ROAD

City ANNAPOLIS Zip 21409

Local case number

Applicant: Last name COLE First name FRANCES

Company TERRAIN (ROY C. LITTLE, P.E.)

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:

REQUESTING A VARIANCE TO THIS PROVISION TO ALLOW TWO (2) EXISTING HOUSES TO REMAIN AT DENSITY OF ONE (1) UNIT PER 5.5 ACRES

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	0		0	0
LDA Area	0	0			
RCA Area	11.187	487,306			
Total Area	11.187	487,306			

0# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	6.59	287,123	Existing Lot Coverage	0.35	15,190
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0	0
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage		

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	0	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"/> 2 EXISTING HOUSES
Expanded Buffer	<input type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/> DENSITY VARIANCE	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

Critical Area Report
For:
1660 and 1700 Pleasant Plains Road
Annapolis, MD 21409
Tax Map 46, Block 3, Parcel 36

August, 2024

Prepared By:
Terrain, Inc.
53 Old Solomons Island Road, Ste. 1
Annapolis, MD 21401
(410) 266-1160
terrain@comcast.net

CHESAPEAKE BAY CRITICAL AREA REPORT
1660 and 1700 Pleasant Plains Road
TAX MAP 46, BLOCK 3, PARCEL 36

INTRODUCTION

This is a 11.187 acres, waterfront property, and is located at 1660 and 1700 Pleasant Plains Road, Annapolis, Maryland 21409. The property fronts on Mill Creek. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Resource Conservation Area (RCA). The property is zoned RA.

EXISTING LAND USE

The site is a waterfront parcel comprising approximately 11.187 acres. The site contains two (2) Existing Houses which are currently occupied by aging family members. The site was the subject of a Non-Conforming Use Decision, Case 2024-0231-N. Recognizing two (2) Existing Houses on the Parcels.

PROPOSED LAND USE

The site is 11.187 acres with two (2) Existing Houses. The site has received Acceptable Percolation Tests to allow establishment of the required 10,000 sf septic Reserve areas. The proposed layout provides for Lot Areas of 3.9095 acres (Lot #1) and 5.8585 acres (Lot #2) as shown on the attached Site plan. The minimum Lot size for an RA Lot is 40,000 sf, the proposed Lots exceed this requirement (see Site Plan).

SURROUNDING LAND USE

This is a waterfront property with the surrounding parcels being waterfront or non-waterfront.

FLOODPLAIN

The property is shown on the Federal Emergency Management Agency (FEMA) panel 24003C0189f, Zone AE/X, Elevation 6.0/-.

BUFFER MODIFICATION

The property is PARTLY mapped buffer modified. (see plan)

TIDAL WETLANDS

This site is waterfront with an existing pier and there are no tidal – wetlands.

BODIES OF WATER

The property is a waterfront lot which fronts the Mill Creek.

STEEP SLOPES

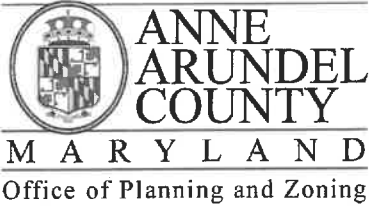
There are no steep slopes on-site that will be disturbed.

RARE AND ENDANGERED SPECIES

There are no federally or state listed species of rare, threatened or endangered species of plants or animals on this site.

DATES OF FIELD WORK

August, 2024



2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Jenny B. Jarkowski
Planning and Zoning Officer

May 7, 2024

Dee Matthew Cole et. al.
1700 Pleasant Plains Road
Annapolis, MD 21409

Email: FAWCOLE@GMAIL.COM

RE: Nonconforming Use Application Case 2024-0231-N
1700 Pleasant Plains Road, Annapolis, MD 21409

Dee Matthew Cole et. al.:

Enclosed is the Office of Planning and Zoning Administrative Decision concerning the status of the use of your property. Carefully review the entire document. If you have any questions, please contact our Office at 410-222-7437.

In summary, the decision issued on May 7, 2024 **DOES** register a second dwelling on the subject property as an allowed nonconforming use of the subject lands.

The enclosed Administrative Decision shall be binding unless appealed to the Anne Arundel County Board of Appeals within thirty (30) days of the date of decision. The Board of Appeals can be reached at 410-222-1119.

Yours Truly,

A handwritten signature in black ink, appearing to read "R. Konowal".

Robert Konowal
Planner

Enclosure

c.c. terrain@comcast.net



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2024-0071-P)

DATE OF MEETING: 08/01/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Frances Cole / Terrain Inc. EMAIL: fawcole@gmail.com, terrain@comcast.net

SITE LOCATION: 1700 Pleasant Plains Rd, Annapolis LOT SIZE: 11.187 ac. ZONING: RA/OS

CA DESIGNATION: RCA BMA: Small Part or BUFFER: Large Part APPLICATION TYPE: Density Variance

The applicant proposes to subdivide an existing 11.187 ac. parcel into two separate lots. The property is split zoned RA and OS. The applicant is seeking a variance to allow two lots with greater density than allowed. The property is the subject of a recently approved nonconforming use application (2023-0231-N) which registered a second principal structure (detached dwelling) and a two-story garage used for accessory boat storage on the subject lot. The specific sizes of the RA vs. the OS portions of the site were not provided; therefore, the proposed density variance cannot be properly quantified until the size of the RA portion of the site is known. From the applicant's letter of explanation...

(a) Requirements for Zoning Variances:

1. Because the Lot is approximately 11.187 acres and contains two (2) Existing, Registered Dwellings, there is no possibility to meet the 20 Ac. Density Requirement and the physical conditions of the lot size make it impossible to develop the Site in strict conformance with the Code.
2. Due to the family history and the existence of the dwellings since 1923 and 1930 respectively, and the provision of the original RA Zoning Law of 1952 Allowing Two (2) Principal Dwellings on a Lot (see Zoning History: page 2 of the Non-Conforming Decision). The existence of the two homes can only be resolved by obtaining a Density Variance and the subsequent subdivision to memorialize the Decision.

(b) Critical Area Variance: NA

(c) Requirements for All Variances:

1. The Variance is the minimum necessary because of the Two Existing Dwellings on one (1) Parcel.
2. The granting of the Variance will not:
 - (i). Alter the essential character of the neighborhood per the Proposal is it is consistent with adjoining lots to the north.
 - (ii). Will not impair development of the adjacent properties as they have been developed at less than or equal densities and currently contain Existing Houses.
- (iii) & (iv). Impact the Critical Area as the Request is a Zoning Variance only.
- (v). Be detrimental to Public Welfare as subdivision of the property is required to meet all development standards to allow two (2) Houses on the Existing Parcel.

We believe the Proposed Variance Request is consistent with the Non-Conforming Use Decision and will allow the two (2) Houses to remain on separate Parcels.

COMMENTS

The **Critical Area Team** reviewed the proposal and provided no comment, but the Team noted that all Critical Area regulations must be met at the time of subdivision.

The **Zoning Administration Section** reminds the applicant that, in order for a density variance to be granted, the applicant must demonstrate compliance with the variance standards provided under Section 18-16-305. Thus far, no justification has been provided for the actual need for a variance. The existence of a registered nonconforming second dwelling does not in and of itself justify a density variance. A variance is not considered to be necessary because the two dwellings are already allowed to remain. In fact, the Code generously allows for replacement, relocation, and transfer of nonconforming uses, and it even allows for potential expansion by special exception. There has been no justification presented to show that any hardship exists by keeping the two dwellings on one property as they have been for many years. As a reminder, the Code specifically excludes financial considerations as a factor to be relied upon when determining unnecessary hardship.

While the applicant's letter indicates that the dwellings will remain unchanged, the subdivision would allow for intensification of the existing conditions in the future, under the current or future ownership. There would no longer be a floor area limitation for the second dwelling, the expansion or redevelopment of which would likely result in greater lot coverage in the RCA in the future.

The **Cultural Resources Section** commented that the current proposal shows existing conditions shall remain as-is; therefore, Cultural Resources would have no concerns when reviewing this application. If improvements or further development were to be proposed in future, there may be additional requirements (such as a site visit) to complete review for compliance with Article 17 due to the high archaeological potential of this area and the historic age of the extant structure(s).

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence. A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.