

August 6, 2024

Anne Arundel County
Office of Planning
2664 Riva Road, 1st Floor
Annapolis MD 21401

Re: Variance Application
Article 17, Section 8-201 Steep Slope Disturbance
Forest Glen – Lots 292-295
8034 Forest Glen Drive
Pasadena, Maryland 21122

Dear Sir/Madam:

On behalf the property owners Mr. James E. Stancil and Mrs. Renita W. Stancil of 8034 Forest Glen Drive, Pasadena; Drum, Loyka & Associates, LLC hereby request a Chesapeake Bay Critical Area variance to allow relief to **Article 17, Section 8-201** to allow development to occur within steep slopes 15% or greater. The proposed disturbance is necessary to make repairs to the existing dwelling as a result of damage caused by tree falling on the house. The proposed disturbance is the minimum necessary as per the enclosed proposed site plan dated August 6, 2024.

The subject property is approximately 13,288 square feet (0.30 Ac) in area. The property is located entirely within the limits of the Chesapeake Bay Critical Area with a Limited Development Area (LDA) land use designation, and is zoned R2- Residential. Currently, the property is developed with an existing 1-story single-family dwelling with basement, screened porch, wood deck, concrete patio, asphalt driveway, and associated improvements. The property has frontage the tidal waters of Main Creek and the shoreline is mapped within the Buffer Modified Area. Steep slopes 15% and greater are present on the north side of the property between the shoreline and abut the existing house. There are concrete steps and a wood walk which provide riparian access through the steep slopes. An existing block foundation ruins are located at the water frontage near the pier. The shoreline is stabilized with wood bulkhead and scrub vegetation. The remainder of the site is vegetated with turf lawn and several hardwood trees. The site is served by a private well for potable water and an on-site private sewage disposal system.

A large 42” hardwood cluster tree stump remains located near the northeast corner of the dwelling. The tree had fallen onto the existing dwelling, damaging a portion of the dwelling’s foundation wall and the screened porch roof. The remains of the fallen tree have been removed but the large stump is still present. The owner’s insurance company performed a damage assessment of the structure and has determined that a 15-ft portion of the existing dwelling foundation must be reconstructed and repairs to the porch and roof are necessary. To perform the repairs, the tree stump will need to be removed and a portion of the existing concrete riparian access steps will need to be replaced. No expansion to the

existing structures and lot coverage is proposed. Since the house and adjacent improvements abut the steep slopes, in order to make the repairs we are requesting relief to **Article 17, Section 8-201** to allow development to occur within steep slopes 15% or greater. It is our opinion that a code Modification to Article 17, Section 6-404 will also be necessary for the disturbance to the 25-ft steep slope buffer, the Modification request will be submitted under separate cover during the permitting process.

A pre-file review by the Office of Planning and Zoning was issued on July 8, 2024, the Confirmation of Pre-file comments are enclosed for review. The Critical Area Team had no objection and Zoning confirmed the requested variance is required and that the zoning setback noted for the rear needed to be corrected. Subsequent to the pre-file, the plan has been updated to correct the rear setback noted, no other changes have been made to the plan.

The applicant proposes to make in-kind repairs to the existing single-family dwelling; resulting in approximately 118 square feet of steep slope disturbance and 250 square feet of disturbance in the 25-ft buffer to the steep slopes. The need for the anticipated variance arises from the unique physical conditions of the site, specifically the topography, an existing tree which has fallen, and their relation to the existing improvements. It is not possible to complete these repairs without disturbance to the slopes or their buffer. We believe that the variance request meets all the requirements for a Critical Area variance:

Code Article 18-16-305

(b) Requirements for Critical Area Variances.

- (1) Unwarranted Hardship- Unique physical conditions including topography, the proximity of steep slopes requiring the slope and slope buffer disturbance. A strict implementation of the code would deprive the applicant of the right to make the necessary repairs to their existing dwelling.
- (2) Rights commonly enjoyed - the proposed repairs are in character with the existing dwelling and other dwellings in the neighborhood and surrounding properties. To deny applicants the ability to perform these modest repairs deprives applicants of rights commonly enjoyed by other property owners in the area.
- (3) Will not confer special privilege - granting this variance would not confer a special privilege to the applicants.
- (4) The variance is not based on actions by the applicant, and will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program.
- (5) Water Quality, Intent of the Critical Area Program. The requested variance will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the critical area program. Disturbance is minimized to only what is necessary to complete the project. With the implementation of sediment and erosion controls, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program.
- (6) Due to the proximity of the existing dwelling to the tidal waters, it is not possible to perform the proposed repairs outside the 100-ft setback to the tidal waters of Main

Creek. No new lot coverage is proposed and the configuration of the structures and improvements will remain in-kind.

- (7) Presumption – In light of all the factors discussed above, it is evident that the applicants have overcome the presumption contained in the Natural Resources Article 8-1808.
- (8) Site Planning Alternatives – Due to the location of the existing dwelling there are no alternatives feasible to repair the structure to avoid the need for a variance.

(c) Requirements for all variances.

1. Minimum necessary to afford relief - The proposed variance allows for modest in-kind repairs which not only meets the “significant and reasonable standard” but also are the minimal necessary to afford relief.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA. The fallen tree has resulted in the sites reduction of the developed woodland to naturally occur and no actual tree canopy removal will occur with proposed repairs. The site disturbance is the minimum necessary to construct the proposed repairs.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area. No actual tree canopy clearing is proposed, only 30 square feet of low-level vegetation removal is necessary for construction and access, and the property is not located within a Bog Protection Area.
 - v. be detrimental to the public welfare as in-kind repairs to an existing single-family dwelling on a residentially zoned property will not impose harm to adjacent property owners or the public.

Thank you for your consideration of this requested variance. Please contact us if we may be of further services during your review.

Sincerely,

DRUM, LOYKA AND ASSOCIATES, LLC



Lisette C. Groen
Civil Engineering Senior Designer

Forest Glen Lots 292-295
Variance Application
August 6, 2024

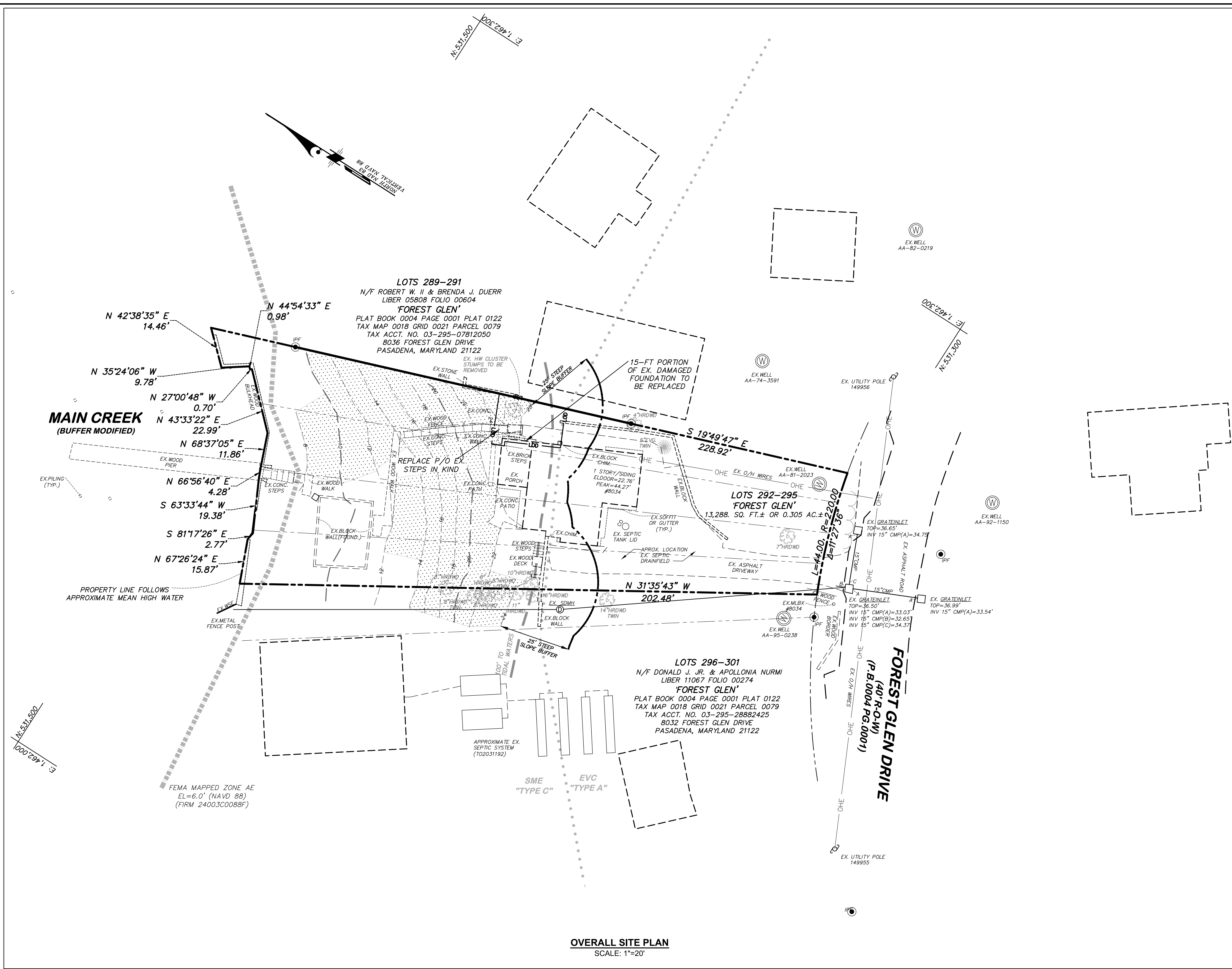
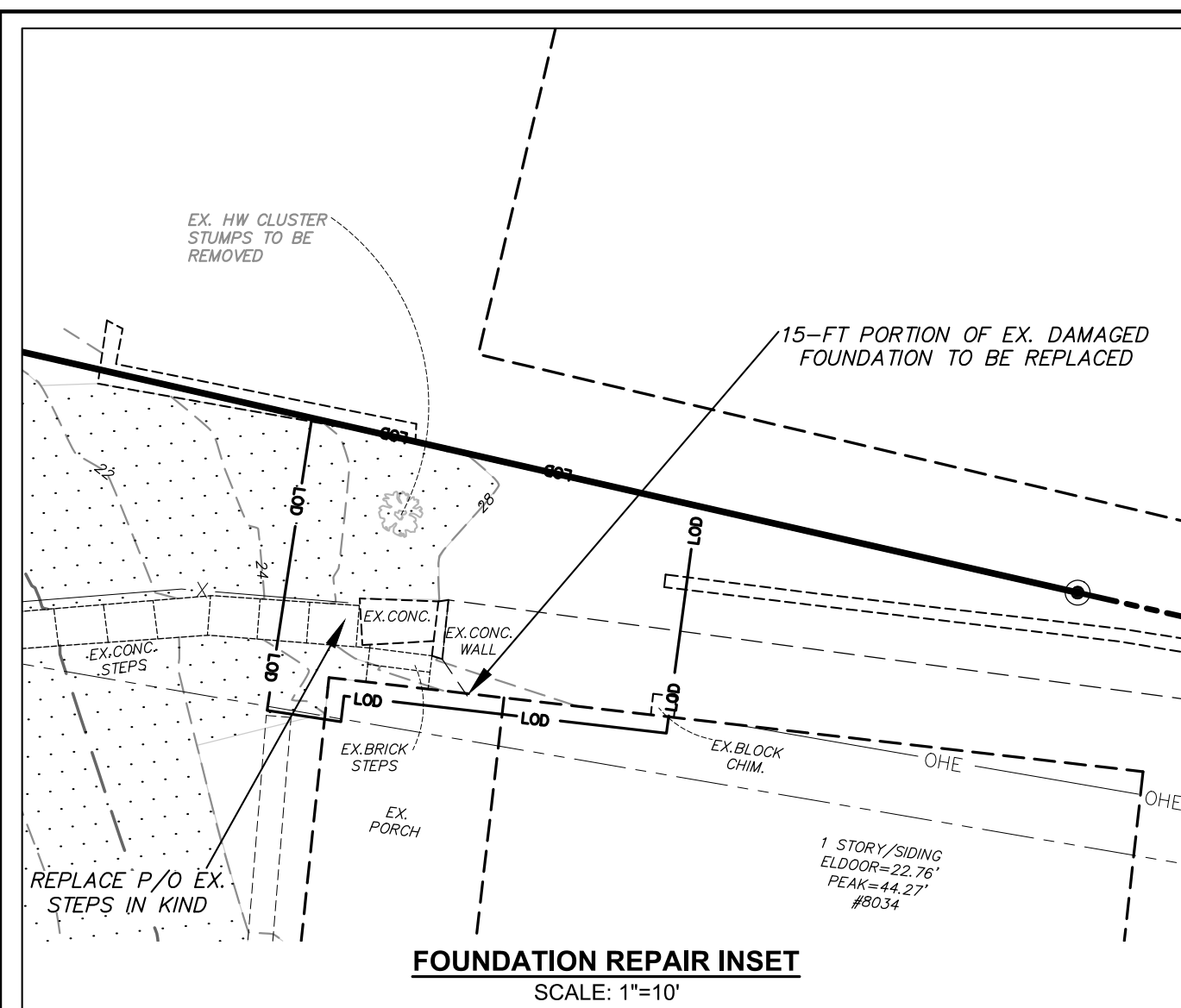
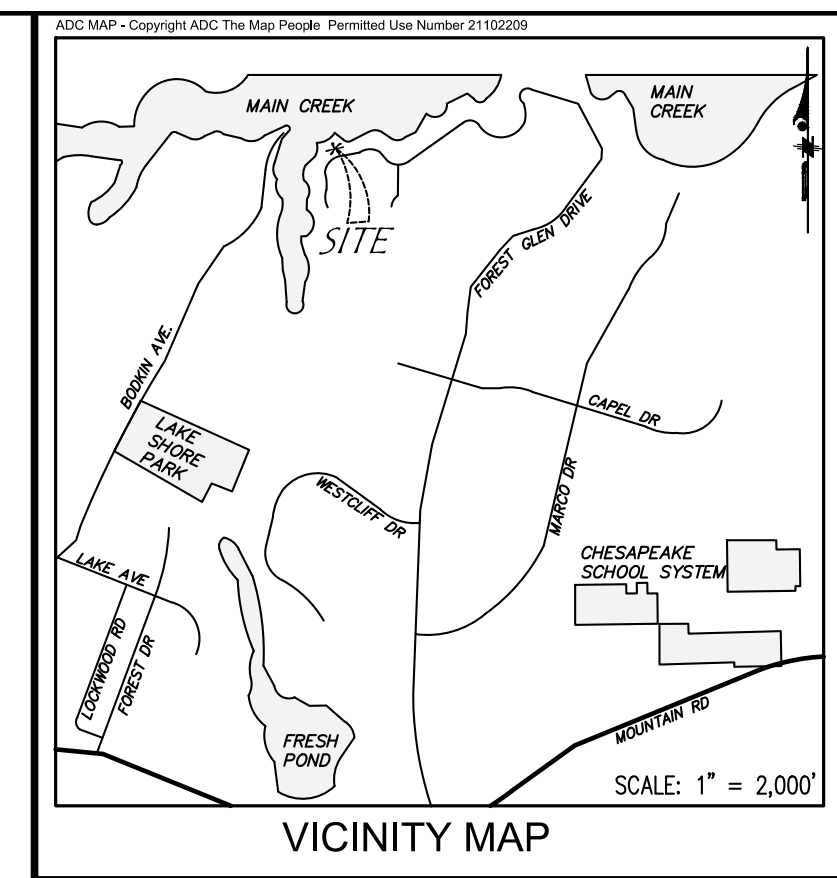


East corner of existing dwelling damaged and remaining hardwood tree cluster stumps.

Forest Glen Lots 292-295
Variance Application
August 6, 2024



East corner of existing dwelling damaged roof.



LEGEND

	Existing Contour
	Existing Woods Line
	Existing fence Line
	Existing Overhead Electric Line
	Existing Power Pole
	100' Tidal Water Line
	FEMA Floodline
	Limit of Disturbance
	Existing 25' Steep Slope Buffer
	Existing 15% Steep Slopes

SITE TABULATIONS

• TOTAL SITE AREA:	13,288 S.F. (0.30 Ac.)
• TOTAL DISTURBED AREA:	369 S.F. (0.01 Ac.)
• LOT COVERAGE:	
-EXISTING LOT COVERAGE:	3,661 S.F. (0.08 Ac.)
-ALLOWABLE LOT COVERAGE:	4,153 S.F. (0.10 Ac.)
-PROPOSED LOT COVERAGE:	3,661 S.F. (0.08 Ac.)
• CRITICAL AREA DESIGNATION:	LDA
• ZONING:	R-2
SETBACKS: R2 Residential	
-PRINCIPAL STRUCTURE	
FRONT=30', REAR=25', SIDE=7', CORNER =20'	
HEIGHT	
-EX. DWELLING HEIGHT = ±15'	
-PROP. DWELLING HEIGHT = ±15'	

P:\FP10324\CADD-24-FP10324\Eng Drawings\FP10324-VAR.dwg 08/08/24_10:22

DESIGNED: GDM DRAWN: GDM

ORIG. DATE: 6/12/2024

MODIFIED BY/DATE:

CADD DWG # FP10324-BP

DLA PROJECT # FP10324

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REVISIONS TO APPROVED PLANS			
No.	DATE	BY	DESCRIPTION

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

1410 Forest Drive, Suite 35
Annapolis, Maryland 21403
Phone: 410-280-3122
www.drumloyka.com | info@drumloyka.com

"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 no. _____
expiration date: _____"

OWNERS:
JAMES E. STANCIL & RENITA W. STANCIL
8034 FOREST GLEN DRIVE
PASADENA, MARYLAND 21122
JESLAWGROUP@GMAIL.COM

VARIANCE SITE PLAN
FOREST GLEN ~ LOTS 292-295
8034 FOREST GLEN DRIVE, PASADENA, MARYLAND 21122

TAX MAP 18 GRID 21 PARCEL 79 DISTRICT 3RD
TAX ACCT. NO. 03-295-02553100
ANNE ARUNDEL COUNTY, MARYLAND

SCALE: AS LABELED DATE: 8/6/2024 PROJ. NO: FP10324 SHEET 1 OF 1

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date August 6, 2024

Tax Map #	Parcel #	Block #	Lot #	Section
0018	0079	0021	293-295	

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

* Complete only Page 1
General Project Information

Tax ID 03-295-02553100

Project Name (site name, subdivision name, or other) Forest Glen ~ Lots 292-295

Project location/Address 8034 Forest Glen Drive

City Pasadena, Maryland Zip 21122

Local case number

Applicant: Last name Stancil First name James & Renita

Company n/a

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 type="checkbox"/>	Other	<input type="checkbox"/>

Local Jurisdiction Contact Information:

Last name: _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

A 15-ft portion of the existing dwelling foundation is to be reconstructed and repairs to the porch roof. To perform the repairs, the tree stump will need to be removed and a portion of the existing concrete riparian access steps will need to be replaced in kind.

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

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	X
Industrial	<input type="checkbox"/>	Residential	X
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		Acres	Sq Ft
	0.00		Total Disturbed Area	0.01	
IDA Area	0.00				
LDA Area	0.30		# of Lots Created	n/a	
RCA Area	0.00				
Total Disturbed Area	0.01				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.049	2,139	Existing Lot Coverage	0.08	
Created Forest/Woodland/Trees	TBD	TBD	New Lot Coverage	0.00	
Removed Forest/Woodland/Trees	0.001	30	Removed Lot Coverage	0.00	
			Total Lot Coverage	0.08	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00		Buffer Forest Clearing	0.0	
Non-Buffer Disturbance	0.00		Mitigation	TBD	

<u>Variance Type</u>	<u>Structure</u>
Buffer	Acc. Structure Addition
Forest Clearing	Barn
HPA Impact	Deck
Impervious Surface	Dwelling
Expanded Buffer	Dwelling Addition
Nontidal Wetlands	Garage
Steep Slopes	Gazebo
Setback	Patio
Other	Pool
	Shed
	Other

Chesapeake Bay Critical Area Report

Forest Glen ~ Lots 292-295

Tax map 18, Grid 0021, Parcel 79

Tax Account # 03-295-02553100

Property Address: 8034 Forest Glen Drive, Pasadena, MD

Owner & Variance Applicant: Mr. James Stancil and Mrs. Renita Stancil

Critical Area Designation: LDA **Zoning:** R-2 **Lot Area:** 0.30Ac.

Site Description

The subject property is approximately 13,288 square feet (0.30 Ac) in area. The property is located entirely within the limits of the Chesapeake Bay Critical Area with an LDA land use designation, and zoned R2. Currently, the property is developed with an existing 1-story single-family dwelling with basement, screened porch, wood deck, concrete patio, asphalt driveway, and associated improvements. The property has frontage to the tidal waters of Main Creek and the shoreline is mapped within the Buffer Modified Area. The 100-foot buffer to tidal waters runs through the existing dwelling. Steep slopes 15% and greater are present on the north side of the property between the shoreline and abut the existing dwelling. There are concrete steps and a wood walk which provide riparian access through the steep slopes. An existing block foundation ruins are located at the water frontage near the pier. The shoreline is stabilized with wood bulkhead and scrub vegetation. The remainder of the site is vegetated with turf lawn and several hardwood trees. One of the 42" hardwood clusters had fallen in a storm and severely damaged the existing dwelling. The tree debris were removed from the site but the large stump remains near the northeast corner of the house. The site is served by a private well for potable water and an on-site private sewage disposal system.

Description and Purpose of Variance Request

The property owners propose to make repairs to 15-ft section of the house foundation as a result of the 42" tree which had fallen onto the existing dwelling. The owner's insurance company performed a damage assessment of the structure and has determined that a 15-ft portion of the existing dwelling foundation must be reconstructed and repairs to the porch roof are necessary. To perform the repairs, the tree stump will need to be removed and a portion of the existing concrete riparian access steps will need to be replaced.

The proposed repairs are to be in-kind and no expansion to the existing structures and lot coverage is proposed. Since the house and adjacent improvements abuts the steep slopes, in order to make the repairs we are requesting relief to **Article 17, Section 8-201** to allow development to occur within steep slopes 15% or greater. It is our opinion that a code Modification to Article 17, Section 6-404 will also be necessary for the disturbance to the 25-ft steep slope buffer.

The need for the requested Critical Area variance arises from the unique nature, topography, and existing constraints of the property. Specifically, the location of the existing dwelling to the steep slopes and the large tree which fell on the house.

Buffers

The property has frontage to the tidal waters of Main Creek and the shoreline is mapped within the Buffer Modified Area. The 100-foot buffer to tidal waters runs through the existing dwelling. Steep slopes 15% and greater are present on the north side of the property between the shoreline and abut the existing dwelling. The 25-ft buffer to steep slopes also runs through the existing dwelling. The proposed site disturbance is only 396 s.f., all of which is located in the 25-ft buffer to steep slopes and mostly within 100-ft to tidal waters.

Vegetative Coverage

The property is mostly turf lawn and developed woodland with sparse areas of ornamental shrubs, hardwood trees and shrub. Steep slope areas are mostly stabilized with turf lawn and scrub. The existing tree canopy area is approximately 2,139 s.f. (0.05 ac.). Tree canopy located within the limit of disturbance is approximately 30 s.f..

Lot Coverage

The site currently has approximately 3,661 s.f (0.08 Ac.) of lot coverage, all of which is within the Chesapeake Bay Critical Area Limited Development Area (LDA). There is no new proposed impervious lot coverage and will remain the same in the ultimate site conditions after the in-kind repairs. The site will remain below the allowable lot coverage of 4,153 s.f. (0.10 Ac).

Steep Slopes (slopes > 15%)

Approximately 28% (3,703 s.f.) of the subject property is encumbered with steep slopes of 15% or greater. These steep slopes are mostly lawn, and extend up from the shoreline and abut the existing improvements. Portions of the existing dwelling are located within the 25 ft buffer to steep slopes. Most of the slope buffer disturbance is within areas which are already developed. The proposed slope and slope buffer is the minimum necessary to repair the dwelling.

Predominant Soils

The predominant soil types in the area are of Sassafras and Croom soils, 15 to 25 percent slopes (SME), Evesboro and Galestown soils, 5 to 10 percent slopes (EVC). SME soils have type "C" hydrologic classifications and EVC are classified as "A". Neither of these soils are considered to be hydric or highly erodible.

FEMA Floodplain

The subject property appears on FEMA Firm panel no. 24003C0088F. The existing dwelling is located in zone X. The shoreline is mapped in Zone AE with a floodplain a base flood elevation of 6.0-ft (NAVD88). No disturbance is proposed within the flood zone.

Drainage and Rainwater Control

There does not appear to be any existing stormwater management on site. No new impervious surface is proposed and drainage patterns will remain relatively unchanged. Sediment and Erosion control will be achieved through perimeter controls in accordance to the Soil Conservation District standards, which are adequate to handle the small drainage areas to them. The development will have no adverse effect on the sensitive environmental features of the site and surrounding areas and site disturbance and woodland clearing will be stabilized and mitigated onsite during the permitting process in order to meet Anne Arundel County code criteria.

Conclusions – Variance Standards

The applicant proposes to make in-kind repairs to the existing single-family dwelling; resulting in approximately 118 square feet of steep slope disturbance and 250 square feet of disturbance in the 25-ft buffer to the steep slopes. The need for the requested Critical Area Variance arises from the existing unique nature and constraints of this property, specifically the location of the existing dwelling and tree stump to the shoreline and steep slopes. It is not possible to complete this project without disturbance to the slopes or their buffer. The proposed repairs will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to the public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area and to maintain their existing improvements. With the implementation of mitigation, and sediment and erosion control practices, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

Reference:

Anne Arundel County Office of Planning & Zoning, Critical Area Map

Anne Arundel County Office of Planning & Zoning, Zoning Map

Anne Arundel County Office of Planning & Zoning, Buffer Exemption Map

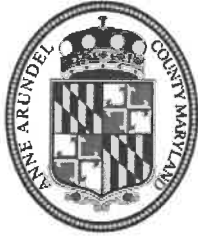
Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, Critical Area Map

Federal Emergency Management Agency, 2016. Flood Insurance Rate Map

First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

Drum, Loyka and Associates LLC, August 2024 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2016 Soil Survey of Anne Arundel County Maryland.



OFFICE OF PLANNING AND ZONING
CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0042-P
DATE: 07/08/2024
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)

APPLICANT/REPRESENTATIVE: Lisette Groen / Petra Contractors

EMAIL: lgroen@drumloyka.com/mgroves@petracontractors.net

SITE LOCATION: 8034 Forest Glen Dr, Pasadena

LOT SIZE: 15,881 SF

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

DESCRIPTION:

The applicant proposes to reconstruct the dwelling foundation and repairs to the porch roof after a tree fell on the structure. Riparian access steps will also be replaced. All work to be done in-kind, no expansion to the existing structures or lot coverage is proposed. Disturbance to steep slopes.

COMMENTS:

Critical Area Team: No objection

Zoning Administration Section:

Variance required for disturbance to steep slopes, 17-8-201

Site plan: note that the zoning setback for the rear is 25', not 27' as shown on the site plan

INFORMATION FOR THE APPLICANT

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.