

Applicant Exhibit 1
2024-0155-V
10/31/2024

*VARIANCE HEARING
1700 PLEASANT PLAINS RD
ANNAPOLIS MD 21409*

CASE # 2024-0155V

10/31/2024 – 11 AM



ENGINEERS, PLANNERS & SURVEYORS

**53 OLD SOLOMONS ISLAND ROAD * SUITE I
ANNAPOLIS, MD 21401**

**phone: 410-266-1160 * email: terrain@terrainmd.com;
Stacy@terrainmd.com; Roy@terrainmd.com**

PRESENTED BY: ROY C. LITTLE, P.E.

CONTACT FOR OWNER/APPLICANT:

FRANCES COLE

C/O Cole Ventures, Inc.

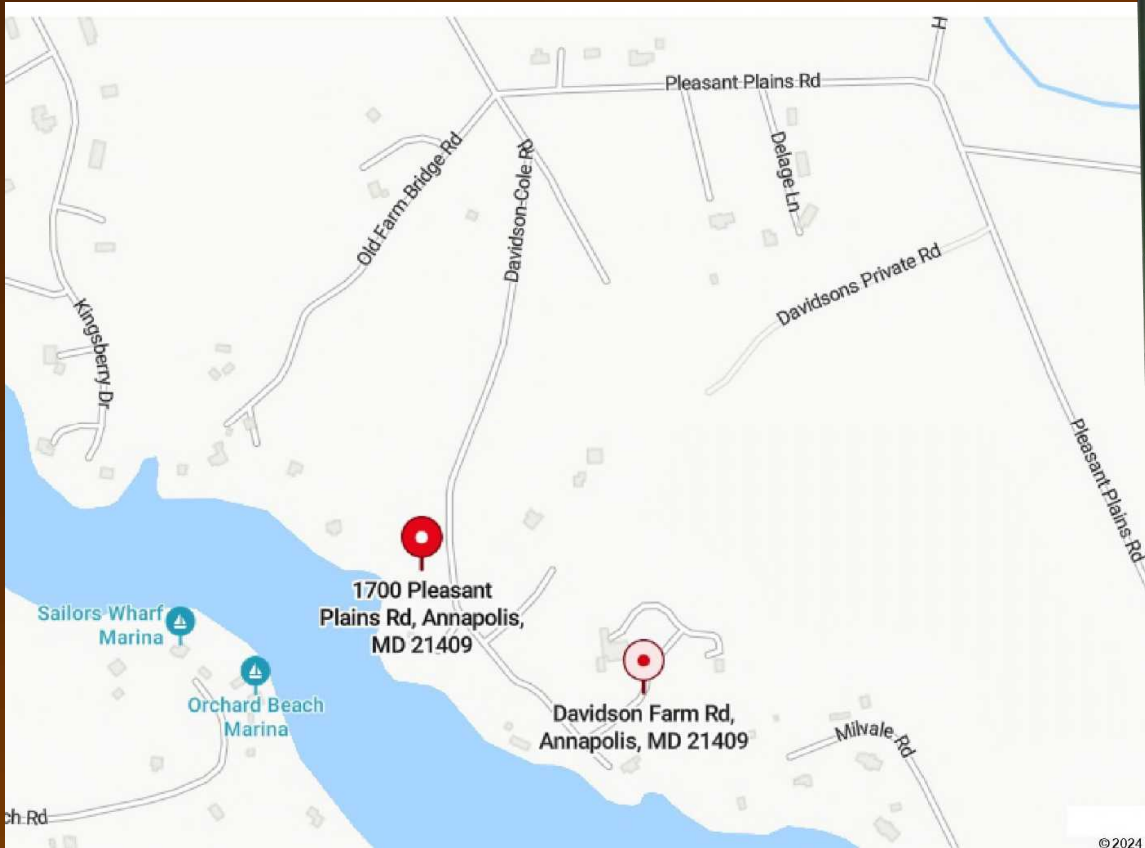
1650 Pleasant Plains Rd

Annapolis, MD 21409

410-974-0397

fawcole@gmail.com





VICINITY MAP



Account Identifier: District - 03 Subdivision - 000 Account Number - 07460600

Owner Information

Owner Name: COLE DEE MATTHEW ETAL
 DAVIDSON LAWRENCE C ETAL
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1700 PLEASANT PLAINS RD
 ANNAPOLIS MD 21409-
Deed Reference: /38497/ 00080

Location & Structure Information

Premises Address: 1700 PLEASANT PLAINS RD
 ANNAPOLIS 21409-0000
 Waterfront
Legal Description: 11.187 ACRES
 1700 PLEASANT PLAINS RD
 MILVALE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0046	0003	0036	3110050.02	000				2025	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1923	4,426 SF		11.1800 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
	YES	STANDARD UNIT	FRAME/	3	2 full/ 2 half	1 Detached	

OWNER/SITE INFORMATION

July 11, 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. 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.

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/IL.3123





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.

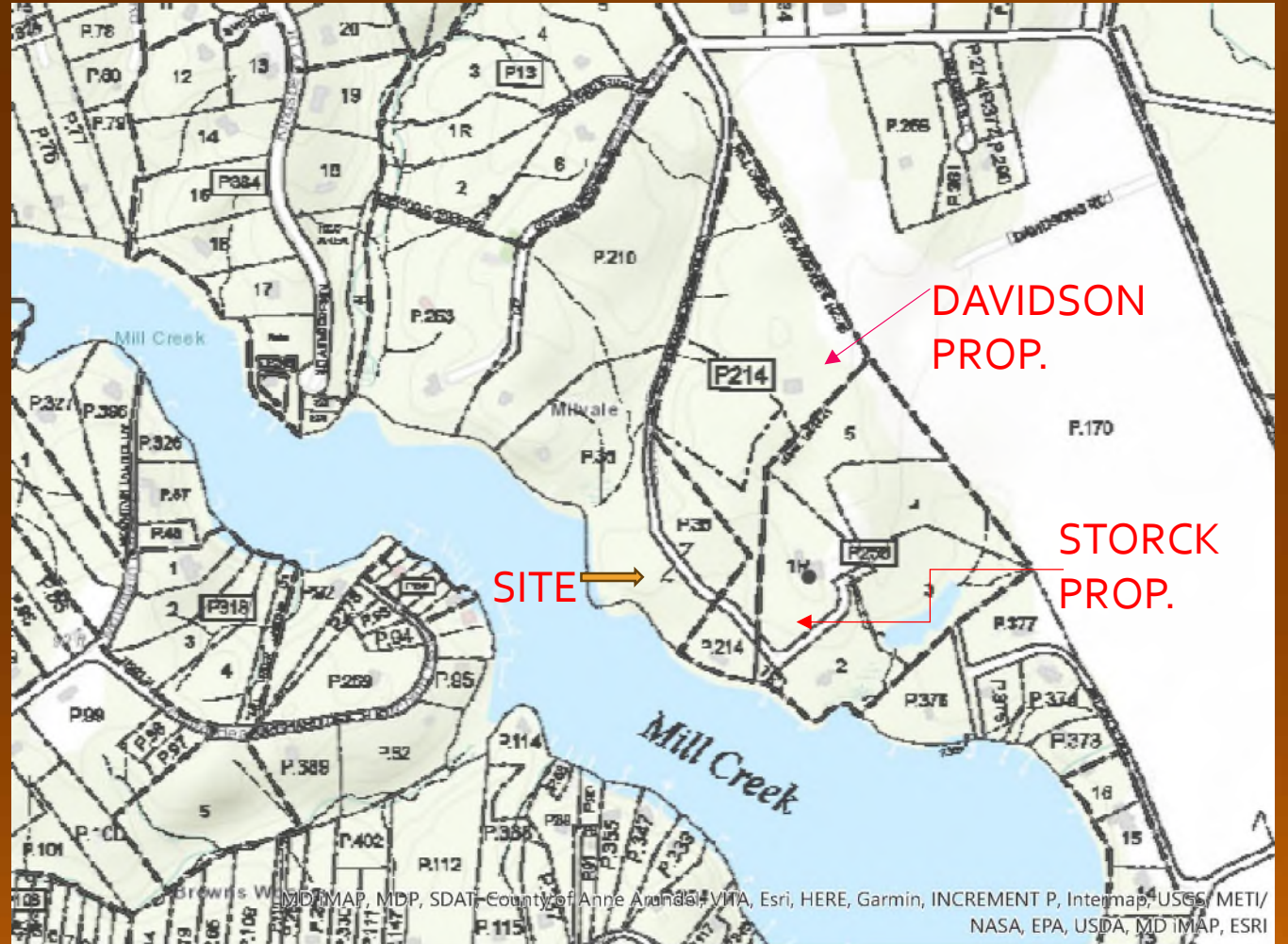
Yours Truly,

Robert Konowal
Planner

Enclosure

c.c. terrain@comcast.net

"Recycled Paper"
www.aacounty.org



**TAX MAP SHOWING SURROUNDING PARCELS
SEE PLATS ON LATER SLIDES**

NON-CONFORMING USE LETTER

**ADMINISTRATIVE DECISION
NONCONFORMING USE**

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

**ASSESSMENT DISTRICT: Third
CASE NUMBER: 2023-0231-N
PREMISE: 1700 Pleasant Plains
Annapolis, MD 21409**

BACKGROUND

This Administrative Decision is the direct result of the application of Dee Matthew Cole et. al. to register a second principal dwelling on property located at 1700 Pleasant Plains Road, Annapolis, Maryland, as a nonconforming use pursuant to Article 18, Section 15-101 of the Anne Arundel County Zoning Ordinance. Such registration is a prerequisite to obtaining a Zoning Certificate of Use, as required by Article 18, Section 2-202 and to applying for a special exception to expand a nonconforming use under Article 18, Section 15-103.

The administrative process in this case was undertaken in accordance with the provisions of Article 18, Section 15-101, which charges the Office of Planning and Zoning with the responsibility of determining the nonconforming status of each applicant's use. This has resulted in the compilation of documents, maps, photographs and other material supplied to or collected by this Office. The material supports the following findings of fact.

The subject site is approximately 11.187 acres in area. These lands are located some 1,200 feet south of Pleasant Plains Road and do not have direct frontage on Pleasant Plains Road but gain access to that Road via a 40-foot wide use-in-common right-of-way shared by other properties that bisects the subject property. The site has frontage on the water and is located on Mill Creek in the Chesapeake Bay Critical Area and is designated "RCA-Resource Conservation Area".

The property is identified as Parcel 36 in Grid 3 on Tax Map 46. The site is described in a Deed recorded in the Anne Arundel County Land Records at Book 38497, Page 80. The subject site is for the most part currently zoned RA-Rural Agricultural District. There is a central portion of the site zone OS-Open Space District that is vacant and not in use.

Conforming Uses

- Dwelling #1 – 1700 Pleasant Plains Road; a 2-½ story dwelling with front porch measuring approximately 38 feet by 39 feet with a one-story side addition measuring 16 feet by 20 feet and one story front porch measuring 9 feet by 10 feet having a finished floor area of approximately 3,596 square feet. (1092 sf unfinished basement, 320 sf crawl space, 1412 sf finished first floor, 1092 sf finished second floor, 1092 finished third floor, 320 screened porch, and 90 sf front porch)

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- Residential accessory structures which include the following:
 1. A two-story detached garage measuring 18.3 feet by 24 feet with 440 square feet on each floor (total floor area 880 sf).
 2. A one-story garden shed measuring 8 feet by 10 feet with 80 square feet of floor area.
 3. A one-story shed measuring 10 feet by 12 feet with 120 square feet of floor area.

Nonconforming Use

- Dwelling #2 – 1660 Pleasant Plains Road; an irregular-shaped two-story dwelling measuring approximately 52.5 feet at its widest point and 62 feet at its longest point having a finished floor area of 3,004 square feet. (427.25 sf of unfinished basement space, 778 sf crawl space, 297 sf slab on grade, 1502.25 sf finished first floor, 1502.25 sf finished second floor, 200 sf screened porch, 38.5 sf rear entry porch)
- Two-story garage used for accessory boat storage measuring 16 feet wide by 24 feet long (1st level 384 sf floor space, 2nd floor 256 sf of floor space used for storage)

Section 18-1-101 defines a nonconforming use as a use that was allowed when it came into existence but that is no longer allowed under the law in effect in the zoning district in which the use is located. In order to qualify as a nonconforming use, the use must have started at a time when it was a permitted use and each use of the subject property must satisfy the provisions of Article 18, Title 15 of the 2005 Zoning Ordinance. Section 15-104 requires that a nonconforming use terminates when the use ceases operation for twelve consecutive months or when the scope of the use is so significantly reduced during the 12-month period as to change its nature or character. Further, Section 15-101(c) states that there is a rebuttable presumption that a use in existence continuously for a period of 10 years is a nonconforming use.

ZONING HISTORY

The subject property was zoned A–Agricultural District at the time of the adoption of the 1952 Zoning Ordinance. Under Section 13-321 (Rear Dwellings Regulated) of the 1952 Zoning Code, two principal dwellings were permitted as a conditional use.

As a result of the first comprehensive rezoning for the Southern Third Assessment District effective May 6, 1973, the subject property was reclassified R1–Residential District. Section 13-304, Uses Permitted, of the 1971 Zoning Ordinance did not include two principal dwellings on one lot as a permitted use.

With the second comprehensive rezoning for the Southern Third Assessment District effective February 13, 1989, the RA-Rural Agricultural District zoning was applied to the subject property. Section 2-204 of the 1985 Zoning Ordinance did not permit two principal dwellings in the RA District.

The third comprehensive rezoning for this particular area of the County was the Broadneck Small Area Plan effective May 26, 2002. The RA–Rural Agricultural zoning classification was retained and was governed by the zoning laws in the 1985 Zoning Ordinance as set out above.

The 2005 Zoning Ordinance was effective May 12, 2005. Section 18-4-106 lists the permitted, conditional and special exception uses for the RA District. Multiple single-family dwellings on one lot are not permitted. In addition, Section 18-4-102 limits the number of dwellings on a lot to one single-family detached dwelling.

The most recent comprehensive rezoning for the Fifth Council District, where the subject property is located, became effective January 29, 2012 continued to retain the RA–Rural Agricultural zoning classification which was governed by the zoning laws in the 2005 Zoning Ordinance as set out above.

Based on the zoning history described above, the applicant has the burden of proof to show that the nonconforming use was established on the subject property prior to May 6, 1973, and that use of the second dwelling continued without cessation for a period of not more than twelve consecutive months to the present date.

EVIDENCE

The following evidence was submitted by the applicant or collected by this Office to substantiate the continued use of the subject property:

- Copy of a Deed dated the 25th day of January, 2022 conveying the subject property from William P. Storck and Gertrude J. Trumpy, Trustees of the William P. Storck and Gertrude J. Trumpy Revocable Trust of 2016, dated November 14, 2016; Christian D. Stork, Elisabeth Chapman Derrer and Caroline Isabel Emory Teeling conveying all of the subject property to Dee Matthew Cole and Frances A.W. Cole. This deed is recorded in the Anne Arundel County Land Records at Book 38497 at Page 80.
- A Site Plan prepared by Terrain Engineering Surveying Environmental dated December 2023 showing the noted conforming and nonconforming improvements located on the subject property.
- A three-page set of dimensioned floor plans for 1700 Pleasant Plains Road showing the basement, first, second and third floor levels of the dwelling as well as the two-story garage showing an office on the second level.
- A three-page set of dimensioned floor plans for 1660 Pleasant Plains Road showing the basement and crawl space, first and second floor levels of the dwelling, as well as the two-story garage used for boat storage and second floor for general storage.

- A one page summary sheet detailing the floor area of each improvement on the subject property.
- A letter from Terrain providing a detailed historical overview of the property which has been part of an Extended-Family Ownership Group that has, according to the letter, endured continuously, in various deeded forms, since approximately 1880. The letter states that the previous owners built several rental cottages in the late 1920's and 1930's on the original farm to augment agricultural income of which these lands were a part of. Most of these rental structures became the primary residences for the property owner's children and were subdivided from the original farm. The nonconforming house, located at 1660 Pleasant Plains was built in the 1940's and is the only remaining rental cottage.
- Copy of State of Maryland Department of Assessments and Taxation Residential Worksheet for Reassessment Year 2022 pertaining to the subject property. The worksheet notes two dwellings on the property with build dates of 1923 and 1930.
- Copies of State of Maryland Department of Assessments and Taxation Assessment Notices for the years 2021, 2018, 2015 2012 pertaining to 1700 Pleasant Plains Road as the principal residence.
- Copies of IRS Form Schedule E - Supplemental Income and Loss Form for the years 2014 through 2023 declaring rental income received for each of the two dwellings; 1660 and 1700 Pleasant Plains.
- Aerial photographs reviewed by this Office on Geocortex show the two structures for the following years:

1970, 1977, 1980, 1984, 1995, 1998, 2000, 2002, 2005, 2007, 2010, 2011, 2012, 2014, 2016, 2017, 2018, 2020, 2021 and 2023.

DISCUSSION

In order to qualify as nonconforming, the use of the subject property must have existed at a time when such use was permitted and the use must have remained continuous (without a lapse of more than twelve (12) consecutive months). Based on the zoning history described above, the applicant has the burden of proof to show that the nonconforming use was established on the subject property prior to May 6, 1973, and that use of the second dwelling continued without cessation for a period of not more than twelve consecutive months to the present date. Section 18-15-104 requires that a nonconforming use terminates when the use ceases operation for twelve consecutive months or when the scope of the use is so significantly reduced during the 12-month period as to change its nature or character. Section 18-15-101(c) states that there is a rebuttable presumption that a use in existence continuously for a period of 10 years is a nonconforming use.

The applicant has provided and/or the County obtained evidence that two dwellings have existed on the subject property since at least 1973. The evidence supporting the

application that has been reviewed by this Office includes but is not limited to State of Maryland Department of Assessments and Taxation records, income tax records and aerial photographs. In particular, aerial imagery reviewed by this Office shows the existence of both structures on this property since at least 1973, and State tax assessment records indicate that the two dwellings were constructed in 1923 and 1930. The applicant has satisfactorily provided evidence of 10 years of continuous use via income tax records showing rental income for the last 10 years thereby creating a rebuttable presumption of a nonconforming use which has not been rebutted by any evidence to the contrary.

Therefore, it is the decision of the Office of Planning and Zoning that a nonconforming use **DOES** exist on the site, and the extent of that use is as follows:

- Dwelling #2 – 1660 Pleasant Plains Road; an irregular shaped two-story dwelling measuring approximately 52.5 feet at its widest point and 62 feet at its longest point having a finished floor area of 3,004 square feet. (427.25 sf of unfinished basement space, 778 sf crawl space, 297 sf slab on grade, 1502.25 sf finished first floor, 1502.25 sf finished second floor, 200 sf screened porch, 38.5 sf rear entry porch)
- Two-story garage used for accessory boat storage measuring 16 feet wide by 24 feet long (1st level 384 sf floor space, 2nd floor 256 sf of floor space used for storage)

Article 18, Title 15-101(d) requires the Office of Planning and Zoning to determine whether the use may be registered as a nonconforming use and to classify the nonconforming use based on the zoning district in which the use would be allowed. If the use is specified in more than one zoning district, the Office of Planning and Zoning shall classify the use based on what it considers to be the most appropriate district. Therefore, it is the decision of the Office of Planning and Zoning that the nonconforming use of the subject property is hereby classified as an RA - Rural Agricultural District type nonconforming use. All other use on the subject property must conform to the requirements set forth in the Zoning Code for an RA - Rural Agricultural District

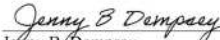
This Administrative Decision shall be binding unless appealed to the Anne Arundel County Board of Appeals within thirty (30) days, as provided by Article 3, Subsection 1-104 (c) (Appendix B, Rule #2-101 of the Board of Appeals of Anne Arundel County as revised in 2001).



Robert Konowal
Planner
Office of Planning and Zoning

05/07/2024

Date


Jenny B. Dempsey
Planning and Zoning Officer

05/07/2024

Date

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

APPLICANT: Dee Matthew Cole, Frances A.W. Cole **ASSESSMENT DISTRICT:** 3

CASE NUMBER: 2024-0155-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: October 31, 2024

PREPARED BY: Sara Anzelmo
Planner

REQUEST

The applicants are requesting a variance to allow a two-lot residential subdivision with greater density than allowed in an RA - Rural Agricultural District on property located at 1700 Pleasant Plains Road in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 9.768 acres¹ of land and straddles Davidsonville Farm Road, a private right-of-way. It is identified as Parcel 36 in Grid 3 on Tax Map 46.

The property is zoned RA - Rural Agricultural District. The site fronts Mill Creek, lies entirely within the Chesapeake Bay Critical Area overlay, and is designated as RCA – Resource Conservation Area. A small portion of the subject’s shoreline is mapped as a BMA - Buffer Modification Area, but the remainder of the shoreline is subject to the standard buffer regulations.

PROPOSAL

The applicant proposes to subdivide the existing 9.768 acre parcel¹ into two lots: proposed Lot 1 consisting of 3.9095 acres and proposed Lot 2 consisting of 5.8585 acres.

REQUESTED VARIANCES

§ 18-4-301 of the Anne Arundel County Zoning Code provides that the maximum density in an RA - Rural Agricultural District is one dwelling unit per 20 acres. The applicant seeks to subdivide 9.768 acres into two lots with a density of 4.095 units per 20 acres, necessitating a variance of 3.095 dwelling units per 20 acres.

FINDINGS

A review of the County 2024 aerial photograph shows that the subject property is located within a larger area of lots, including those to the immediate north, east, and south, that are also zoned RA. The lots are of various shapes and sizes, some smaller and some larger than the subject site.

¹ The total area according to plats/deeds is 11.187 acres. However, due to shoreline erosion and a private right-of-way that runs through the property, the actual current lot area is 9.768 acres.

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The property was the subject of a recently approved nonconforming use application (Case No. 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 **Department of Health** does not have an approved plan for this project, but has no objection to the variance request as long as a plan is submitted and approved by the Department. The issue of crossing the common right of way with the septic line must be addressed and rectified.

The **Development Division (Critical Area Team)** reviewed the proposal and has no objection to the proposed variance.

The **Critical Area Commission** commented that the process of subdividing two grandfathered dwellings on one parcel within the Resource Conservation Area of the Critical Area triggers the delineation of a 200-foot Critical Area Buffer. It appears that dwellings will be located within the 200-foot Buffer and expanded Buffer. Therefore, any proposed improvements to the existing improvements will require a Critical Area variance. Additionally, the subdivision will trigger a Buffer establishment requirement for both lots based on the total amount of lot coverage located outside of the critical Area Buffer.

The **Cultural Resources Section** commented that the current proposal shows existing conditions mostly will remain as-is; however, upon further review, it appears that new septic areas are proposed that may present new disturbance in an area of high archaeological potential. While the Cultural Resources Section has no objection to the variance application, they require more information on existing conditions and the current placement of the existing septic. A site visit may be required for the grading permit application review in order to assess whether any potential archaeological resources require documentation prior to new disturbance activities for the proposed septic installation. Once the plans are ready for submission for a grading permit application, the applicant may contact Anastasia Poulos, pzpoul44@aacounty.org, to provide further information and, if required, to arrange a site visit.

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 lot or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicants.

The applicants’ letter explains that the subject property has been in the family for many years and has been passed down to and shared by various heirs. Their specific stated goal is to subdivide the property in order to allow for a “continued, simplified conveyance to the future heirs”, and they are using the nonconforming second dwelling as justification for a subdivision that exceeds the maximum density allowed in the RA District. However, the existence of a registered nonconforming second dwelling does not in and of itself justify a density variance. The nonconforming use registration is a formal zoning process that is specifically intended to allow a use that is no longer permitted in the zoning district to remain, but it does not grant additional rights beyond those provided under Title 15 of the Zoning Code.

The applicants contend that the variance is necessary to allow the two existing dwellings to remain on independent lots and that the physical conditions of the site make it impossible to

2024-0155-V

develop the site in strict conformance with the Code. They attest that the existence of the two homes can only be resolved by obtaining a density variance. However, this is simply not true. A variance is not necessary at all because the two dwellings are already allowed to remain on the lot via the nonconforming use registration. In fact, the Code generously allows for replacement, relocation, and transfer of nonconforming uses, and it even allows for potential expansion by special exception. The two dwellings can remain on the property, just as they have for many years, without any variance relief. The applicants’ desire for simplification of future family transfers is not enough to warrant variance relief. In fact, the Code specifically excludes financial considerations as a factor to be relied upon when determining whether an unnecessary hardship or exceptional circumstance exists.

The proposed density variance would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. However, while the applicants’ letter indicates that the dwellings will remain unchanged, the subdivision would allow for the potential intensification of the existing nonconforming use, under 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 critical area lot coverage in the RCA. More importantly, because the registered second dwelling is already allowed to remain, to be replaced, to be relocated, and to be transferred to future owners, the variance is not warranted. Therefore, the request for relief cannot be supported and cannot be considered the minimum necessary to afford relief in this case.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of the proposed variance.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.

From: Kelly Krinetz <pzkrin00@aacounty.org>
Sent: Wednesday, May 29, 2024 4:27 PM
To: Roy Little <Roy@terrainmd.com>
Subject: Re: FW: Decision - 1700 Pleasant Plains Road Nonconforming Use

COMAR does not allow for density variances in the RCA and we have not required them in situations where the dwellings already exist since density is dwelling units per acreage.

On Wed, May 8, 2024 at 10:09 PM Roy Little <Roy@terrainmd.com> wrote:

Kelly ,

You and I discussed this project several years ago . It is a site that contains two existing homes and we received the non conforming decision recognizing the residences , the site is zoned RA with an RCA overlay . We are now moving forward with the variance application and just wanted to confirm that we need a density variance to RA and RCA ?

Thanks

Roy

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

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 03-000-07460600

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
- 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

AERIAL PHOTO OF ENTIRE COLE-DAVIDSON FARM

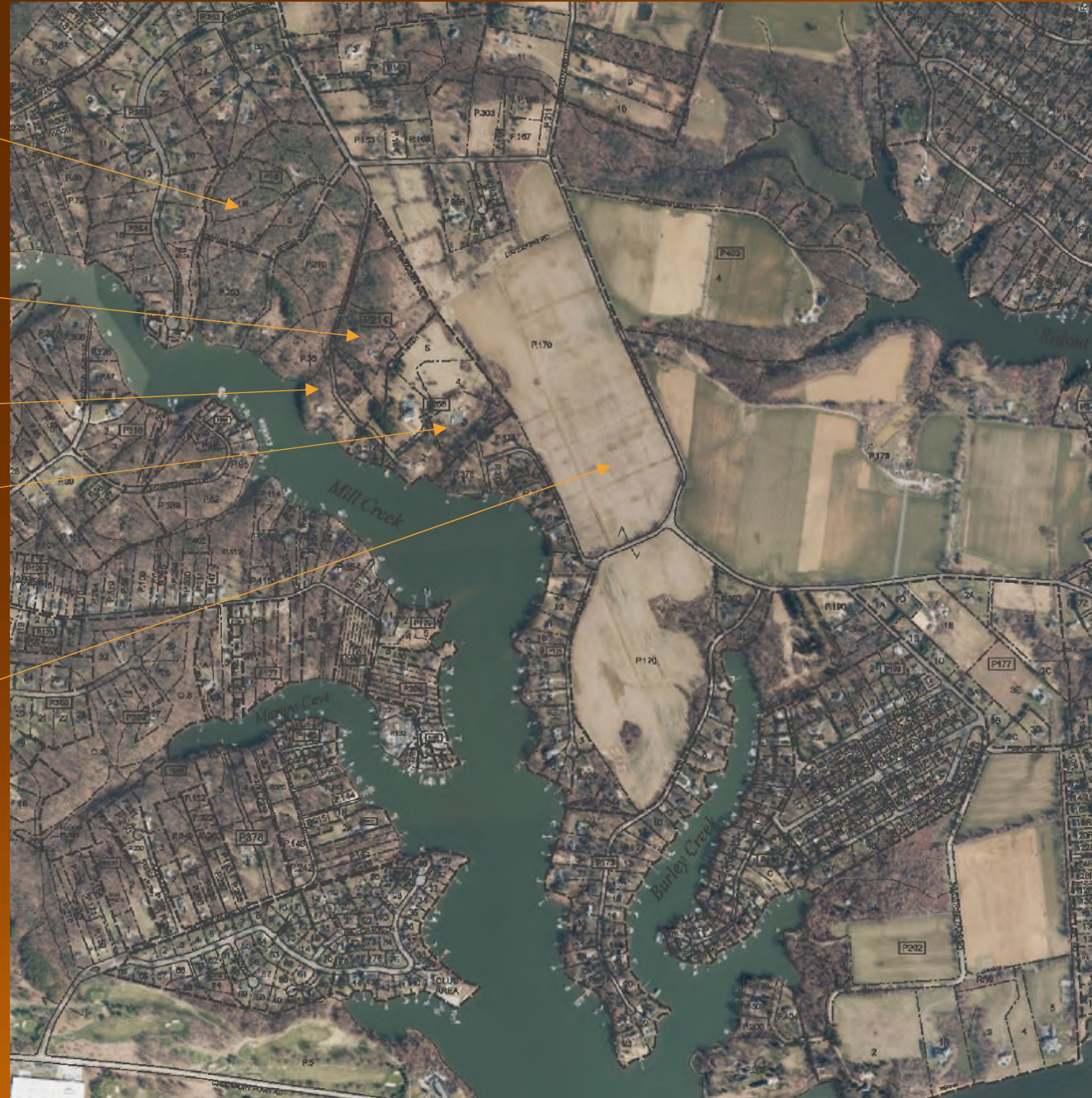
COLE PLAT

DAVIDSON PLAT

SUBJECT SITE

STORCK PLAT

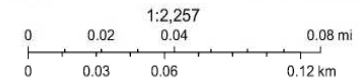
DAVIDSON FAMILY FARM 121.8+AC. DAIRY FARM (P.170)





10/30/2024, 6:11:54 PM

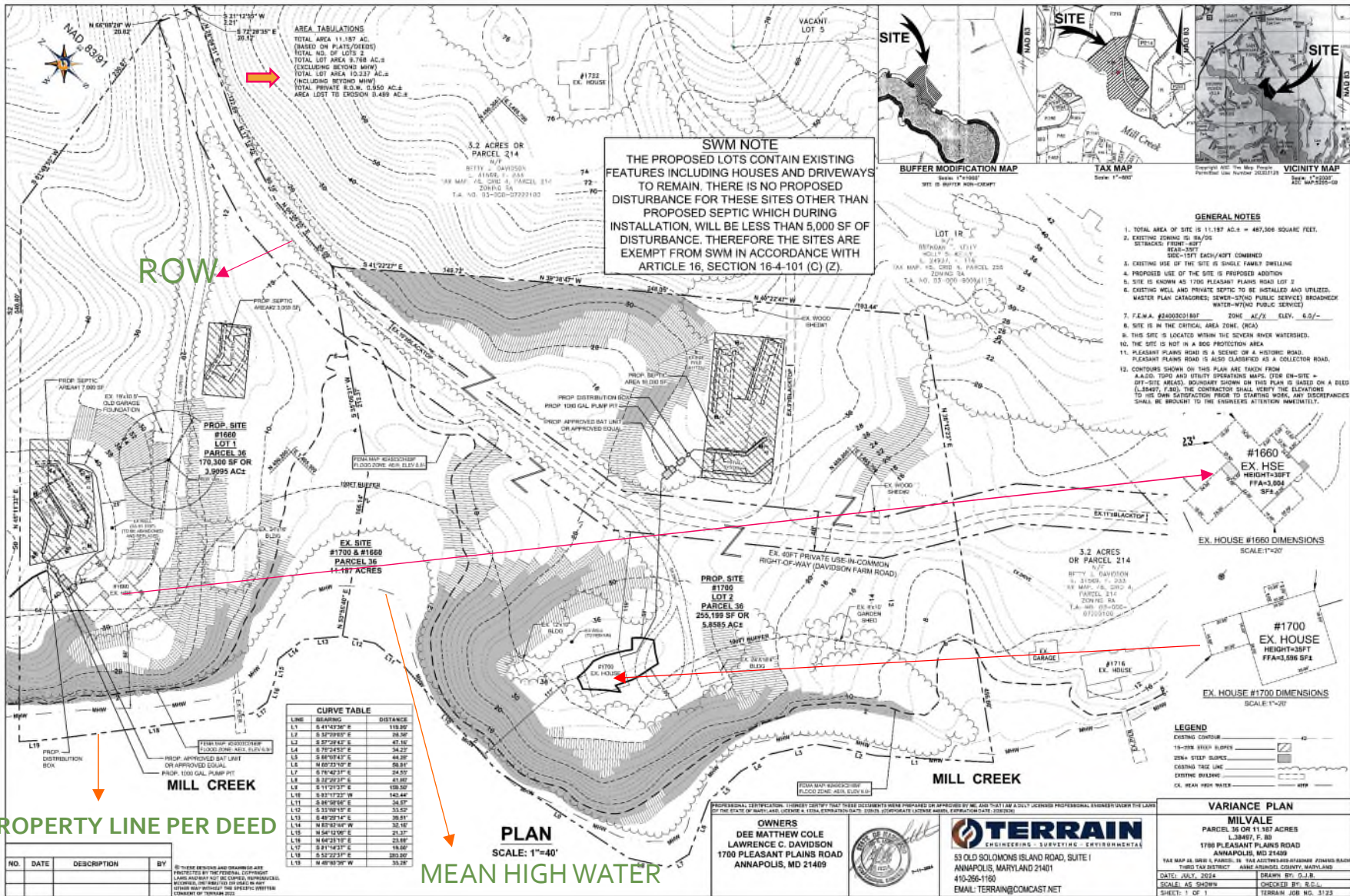
- Parcel Boundaries
- Six Inch Imagery 2014-2016
- State Boundary Mask



MD IMAP, MDP, SDAT, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, MD IMAP, DoIT, MD IMAP, ESRI

County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | MD IMAP | MD IMAP, DoIT | MD IMAP, USDA | MD IMAP, USGS | MD IMAP, COMMERCE, DHCD, MDP, MHT, MDOT, MDOT SHA, USDOT, FHWA, DoIT | MD IMAP, MDP, MHT | MD IMAP, MDP, MHT, NPS | MD IMAP, MDP | MD

AERIAL PHOTO SHOWING SITE AND HOUSES/LOTS ON STORCK PROPERTY & DAVIDSON PROPERTY



VARIANCE SITE PLAN

STORCK PLATS (RA/RCA ADMINISTRATIVELY SPLIT 5.77 AC. PARCEL INTO TWO PIECES TO LEGALIZE 2 EX. HOUSES FROM ONE PARCEL SO THEY EACH HAD THEIR OWN LOT)

BOOK 185 PAGE 26 PLAT 1011

A. GENERAL NOTES

- All fields including soil, drainage and contouring shall be retained unaltered in accordance with the PUBLIC HEALTH COMMISSION ZONING REGULATIONS.
- Coordinates as shown herein are based on the NAD 83 datum.
- The project herein consists of a 2.69 AC. area of wetland, floodplain and other areas of the area to be surveyed, planned and shown on this plat.
- The entire project shall be shown on a single sheet with the entire project contained on the one sheet.
- The owner hereby dedicates to the public the easement shown herein for the use and purpose stated hereon.
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B. OWNER'S DEDICATION

I, William H. Storck, owner of the property shown and described herein, hereby dedicate to the public the easements shown herein for the use and purpose stated hereon, in accordance with the provisions of the PUBLIC HEALTH COMMISSION ZONING REGULATIONS, and I hereby certify that the same are in accordance with the provisions of the PUBLIC HEALTH COMMISSION ZONING REGULATIONS.

C. SURVEYOR'S CERTIFICATE

I, William H. Storck, a duly Licensed Professional Surveyor, State of Maryland, do hereby certify that the plat herein shown is correct; that it represents a true and correct survey of the property shown and described hereon, and that the same is in accordance with the provisions of the PUBLIC HEALTH COMMISSION ZONING REGULATIONS.

D. OWNER/DEVELOPER CERTIFICATION

I, William H. Storck, do hereby certify that the plat herein shown is correct; that it represents a true and correct survey of the property shown and described hereon, and that the same is in accordance with the provisions of the PUBLIC HEALTH COMMISSION ZONING REGULATIONS.

E. ADMINISTRATIVE PURPOSE NOTE

This plat is an administrative purpose note and is not a subdivision of land.

F. STORMWATER MANAGEMENT NOTE

The stormwater management for the property shown and described hereon shall be in accordance with the provisions of the PUBLIC HEALTH COMMISSION ZONING REGULATIONS.

G. COASTAL FLOODPLAIN NOTE

The property shown and described hereon is located within a coastal floodplain.

H. PERPETUAL RIGHT-TO-DISCHARGE NOTE

The property shown and described hereon is subject to a perpetual right-to-discharge easement.

I. WAIVER NOTE

The owner hereby waives any claim to the property shown and described hereon.

J. WAIVER 4888 CONDITION NO. 8 NOTE

The owner hereby waives any claim to the property shown and described hereon.

ANN ARUNDEL COUNTY DEPARTMENT OF PLANNING AND ZONING ENFORCEMENT
APPROVED BY [Signature]
DATE 11/3/15

ANN ARUNDEL COUNTY HEALTH DEPARTMENT
APPROVED BY [Signature]
DATE 11/3/15

ANN ARUNDEL COUNTY DEPARTMENT OF PLANNING AND ZONING ENFORCEMENT
DATE 11/3/15

ANN ARUNDEL COUNTY HEALTH DEPARTMENT
DATE 11/3/15



SEPTIC AREA NOTE

The 10,000 S.F. septic areas as shown herein shall remain undisturbed by buildings, easements, rights-of-way, and other permanent or physical objects.

RA SETBACKS

FRONT 40'
REAR 15'
SIDE 15'
MIN. FRONTAGE 150'

OS SETBACKS

50' - FROM ANY LOT LINE
70' - FROM ANY STREET
MIN. FRONTAGE

OWNER'S DEDICATION

See Plat 1 of 2 for complete Owner's Dedication

WILLIAM H. STORCK
[Signature]
11/3/15

WILLIAM H. STORCK
[Signature]
11/3/15

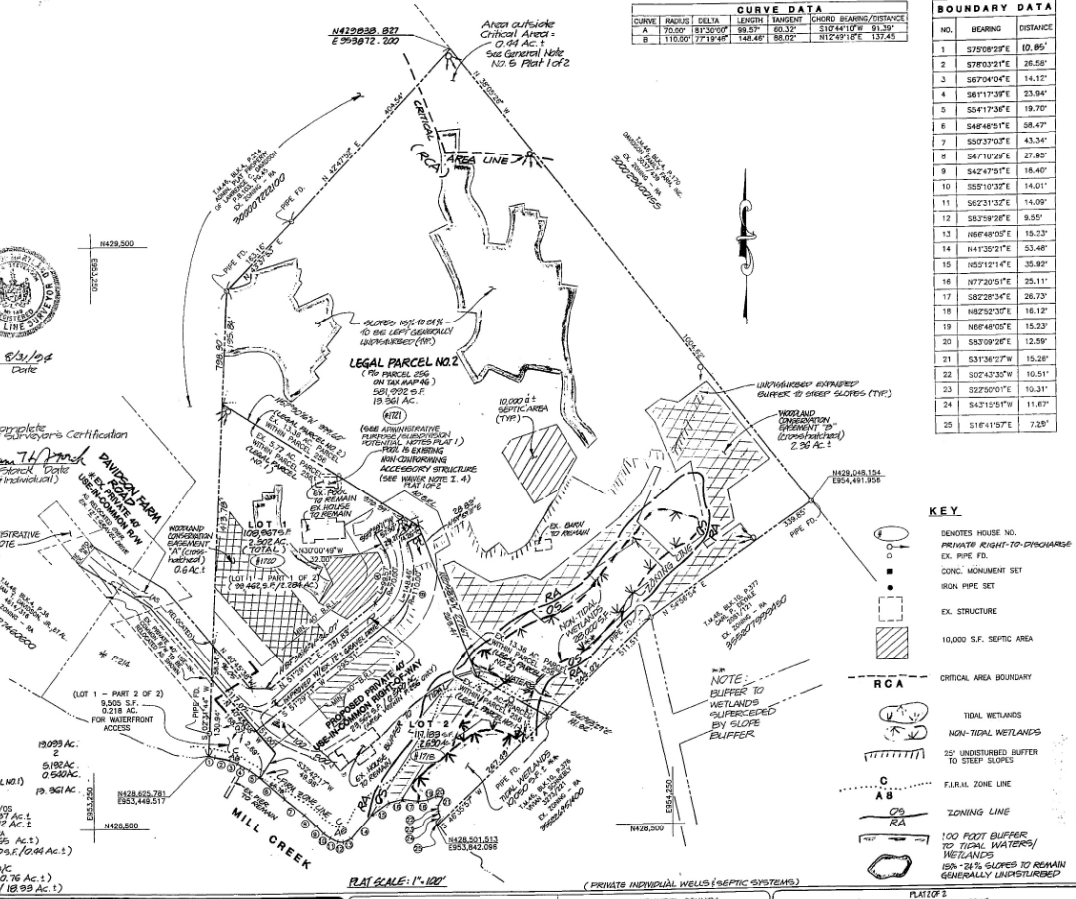
ZONING AREAS

AREA	AREA	RA ZONE	OS ZONE
Lot 1	1.80 AC.	0.81 AC. 1	0.81 AC. 1
Lot 2	3.97 AC.	N/A	N/A
PRIV ROW	0.91 AC.	N/A	N/A
Parcel No 2	18.91 AC.	0.91 AC. 1	0.91 AC. 1

PLAT SUMMARY

TOTAL PLAT AREA: 19,029 AC.
TOTAL AREA FAMILY RESIDENTIAL LOTS PLATS 1 & 2: 0.54 AC.
TOTAL AREA PRIV ROW: 0.91 AC.
TOTAL AREA LEGAL PARCEL NO. 2: 18.91 AC.
TOTAL AREA NON-TIDAL WETLANDS: 15,000 S.F.

ANN ARUNDEL COUNTY DEPARTMENT OF PLANNING AND ZONING ENFORCEMENT
ANN ARUNDEL COUNTY HEALTH DEPARTMENT



ANN ARUNDEL COUNTY DEPARTMENT OF PLANNING AND ZONING ENFORCEMENT
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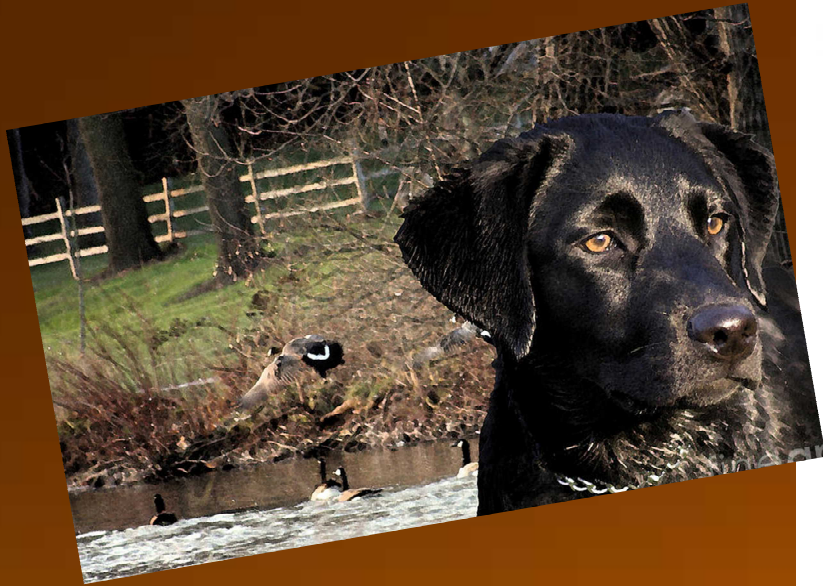
APPROVED BY [Signature] DATE 11/3/15
APPROVED BY [Signature] DATE 11/3/15

SCALE AS SHOWN
ON THE SURVEY PLAT

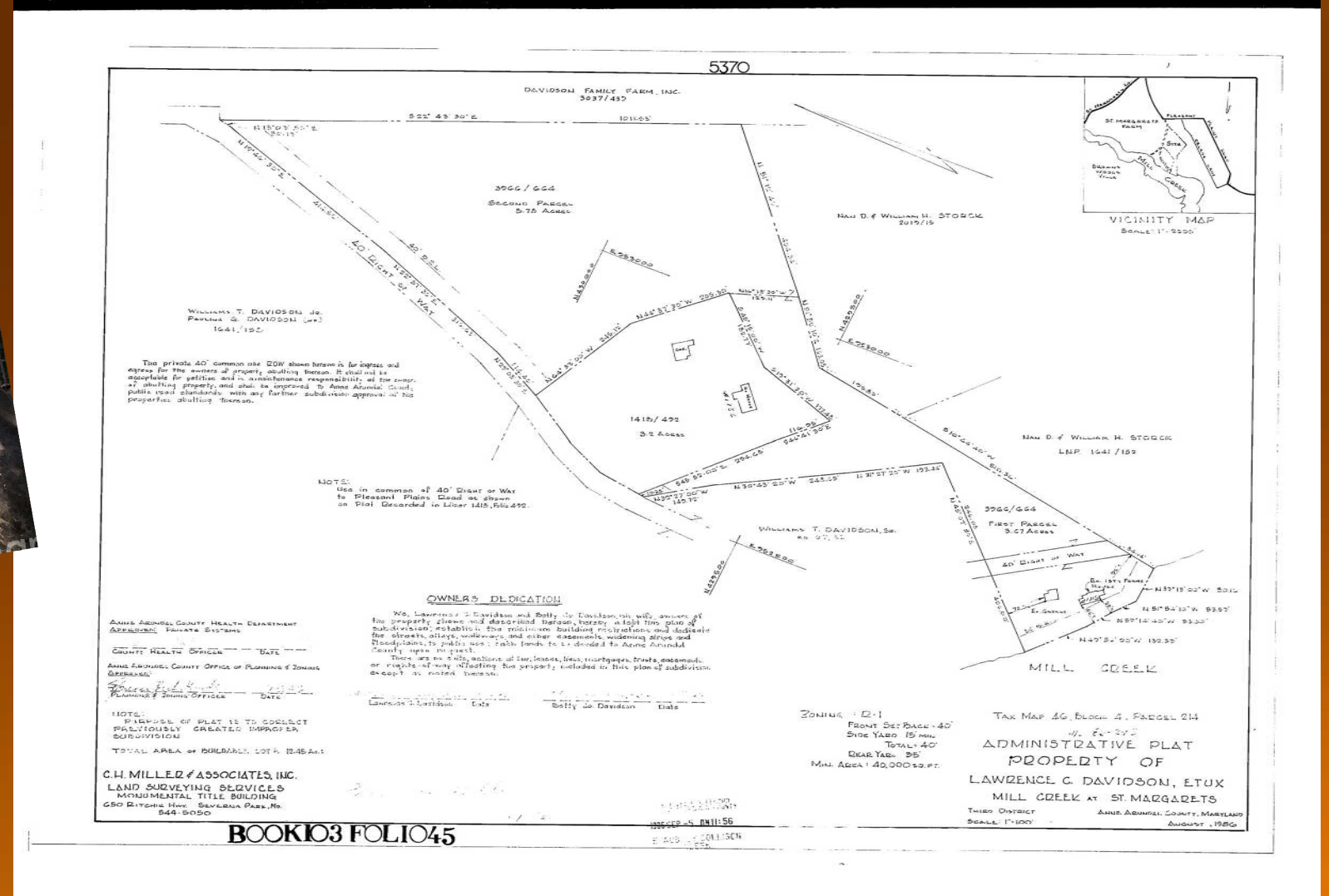
ANN ARUNDEL COUNTY DEPARTMENT OF PLANNING AND ZONING ENFORCEMENT
ANN ARUNDEL COUNTY HEALTH DEPARTMENT

1720 PLEASANT PLAINS LOT 1R NOW 3.76 AC.
(LATER PLAT ADDED LAND) - HOUSE REBUILT 2014
1718 PLEASANT PLAINS LOT 2 = 2.69 AC.
HOUSE BUILT IN 1950

DAVIDSON PLATS (RA/PART RCA – PREVIOUSLY R₁) LOTS MEET R₁ DENSITY – DO NOT MEET RA DENSITY



1722 PLEASANT PLAINS
3.2 AC. HOUSE BUILT 1960



QUESTION & ANSWER



CONCLUSION

