



Messick & Associates  
Consulting Engineers,  
Planners, Surveyors  
& Landscape Architects

September 12, 2024

Anne Arundel County  
Office of Planning & Zoning  
2664 Riva Road  
Annapolis, Maryland 21401  
Attention: Ms. Sterling Seay

Re: VARIANCE REQUEST  
TYNAN/SMITH PROPERTY  
1012 LAKE CLAIRE DRIVE  
ANNAPOLIS, MD 21409

Dear Ms. Seay:

On behalf of the applicants, we respectfully request a variance to Article 17-8-301 (b) Development on properties containing buffers. Development on properties containing buffers shall meet the requirements of COMAR, Title 27. A variance is also requested to 18-13-104. Buffers, expanded buffers, and buffer modification areas (a) Buffer. There shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. Specific development criteria apply as set forth in Article 17 of this Code and COMAR.

The property is subject to a 100' buffer due to tidal wetlands. The lot is developed with dwelling and associated improvements. This lot meets the definition of a buildable lot, subject to the approvals of the County. The property is 13,800 square feet in area. The site is served by well and public sewer. It is served by Lake Claire Drive, a 40' public right of way. The site drains to the tidal waters of Lake Claire. The site is not waterfront. The site is located in the LDA (Limited Development Area) of the Chesapeake Bay Critical Area. The site is zoned R5.

The applicant wishes to construct a deck on the existing dwelling. The proposed deck is 12'x24' and will be pervious. Construction access to the deck is also partially located in the 100' tidal wetlands buffer. This disturbance is for access only and will provide no grading, cutting or filling in the 100' tidal wetlands buffer. The new deck will meet required zoning setbacks and will be connected to the principal dwelling. The site currently meets the underlying lot coverage requirements for a lot of this size in the LDA. Existing lot coverage is 4,171 square feet, and the allowable lot coverage is 4,312 square feet. As such, no reduction in lot coverage is required for this project. The disturbance required for replacement of the deck is under 5,000 square feet, and a Standard Grading Plan should suffice for the proposed work, should the variance be granted.

The clients have been good stewards of the environment on their property, and only wish to add a pervious deck. They replaced their asphalt driveway with a pervious paver driveway on their own accord. They have planted dense vegetation on the street side of the property. They also have a rip rap swale, that they put in place and maintain at their own expense, to convey drainage from

upstream in the Cape St. Claire neighborhood to safely convey a large volume of runoff in an adequate manner. The area of the deck is maintained lawn. The deck itself will cause little to no harm to the local environment as it will be placed on posts. The dwelling currently has a porch, and a catwalk type deck, which is primarily to exit the upper level and go down the stairs. It is not functional as an outdoor amenity. The owners applied for a permit for the deck, and it was noted during the review that the tidal wetlands had changed since the permit was done for the construction of their home. The wetland buffer in this area is, as noted, atypical as it is not native vegetation. The work proposed should have no impact on the buffer or its function.

The following is in response to the pre-file comments. Per the Zoning Administration section, the variance request has been clarified. The Critical Area Team notes the home has a ground level patio as well as a second and third level deck. The deck that is the subject of this request is a first-floor deck. The current deck mentioned by the Critical Area Team is not a functional deck for typical use by a homeowner. The existing deck is more of a catwalk type situation. The proposed deck would allow the homeowners to have a space for seating, a grill and other outdoor amenities. The disturbance for the installation would be six posts, which could be hand dug if necessary. It should be emphasized that the area where the deck is being placed is mowed lawn. The installation of an elevated deck will have little to no effect on the buffer as the disturbance is minimal, and the deck is pervious.

This plan meets the intent of 18-16-305(a):

1. The subject property is 13,800 square feet in size, and it is zoned R5 and about half the property is encumbered by the 100' buffer to tidal wetlands. The site is subject to a 100' buffer. As such, there is no reasonable possibility of developing this property without relief to the Code.

2. The exceptional circumstances and practical difficulties in redeveloping the deck have been noted in #1 above to a large degree. The deck is a minor addition to an existing dwelling, the area of the deck is mowed lawn, and the deck will be pervious, with no increase in lot coverage on the property.

This plan also meets the intent of 18-16-305(b) for critical area variances.

1. What is peculiar about and inherent to this lot is that it is subject to a 100' buffer to tidal wetlands that encumbers about half the property. The property is developed, and there is no possibility of adding a deck, a typical feature on most dwellings near the water, without relief to the Code.

2. A literal interpretation of COMAR would deny the owners use of the property enjoyed by others as the site is subject to the 100' tidal wetlands buffer, and there is no way to do the proposed work without disturbing the 100' buffer. As a deck is a fairly typical amenity for waterfront homes, for the owners to not be allowed to proceed would be a denial of rights commonly enjoyed by others. This proposal also will not increase lot coverage in the 100' tidal wetlands buffer.

The site is not in a bog area.

3. This project will not confer special privileges to the owner, most homes have a deck, and the deck would be placed on lawn, on posts, with no new lot coverage.

4. The request is not a result of actions of the owner. The 100' tidal wetlands buffer encumbers about half the site, and owners have not started work prior to the issuance of any permits.

5. This project will not result in a denigration of forest or water quality. The deck is not considered lot coverage, and will not increase lot coverage in the buffer. No tree clearing is required or proposed. Stormwater management will be provided as required by the Code, most likely by planting for stormwater mitigation, and any clearing must be mitigated for as per the Code.

6. This site is not in the bog buffer.

7. This plan meets the presumption, as the denial of this variance would deny the owners rights of other owners in the County. The development is not detrimental to the environment as there is no increase in lot coverage, and modern construction will make the project a benefit not a detriment to the area.

8. The applicant has tried alternative design. The deck has been reduced in size to meet the required R5 setbacks prior to submittal of the permit.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA. The work performed will not be contrary to clearing and replacement practices, and will not alter the character of the neighborhood or be detrimental to the public welfare.

1. The variance request is the minimum to afford relief. The request is the minimum to allow for construction of a deck, with no new lot coverage proposed.

2. i. This variance will not alter the essential character of the neighborhood. The new deck is typical of other homes in the area. A review of aerial topography of the area will show an abundance of decks.

ii. This variance will not impair the use of adjoining properties. The proposal will not impact neighbors. The new deck will not be on the side of the dwelling, so it is away from the neighbors.

iii. No tree clearing is proposed and any mitigation necessary during the permit process will not decrease tree cover in the LDA or RCA.

iv. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.

v. The project will not be detrimental to the public welfare, as it is located on private property.

This plan proposes the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

As this proposal is for deck construction disturbance has been minimized. A grading permit should not be required. It appears that this request is consistent with other development in this area. Denial of this request would not allow the owner to enjoy property rights common to other properties in this area.

The enclosed plan represents the location of the proposed work to add the deck. In closing, the variances requested are the minimum necessary to afford relief, and is not based on conditions or circumstances that are a result of actions by the applicant. We thank for in advance for your consideration to this request.

If you have any questions, or if you require additional information, please feel free to contact me at 410-266-3212.

Sincerely,  
Messick and Associates

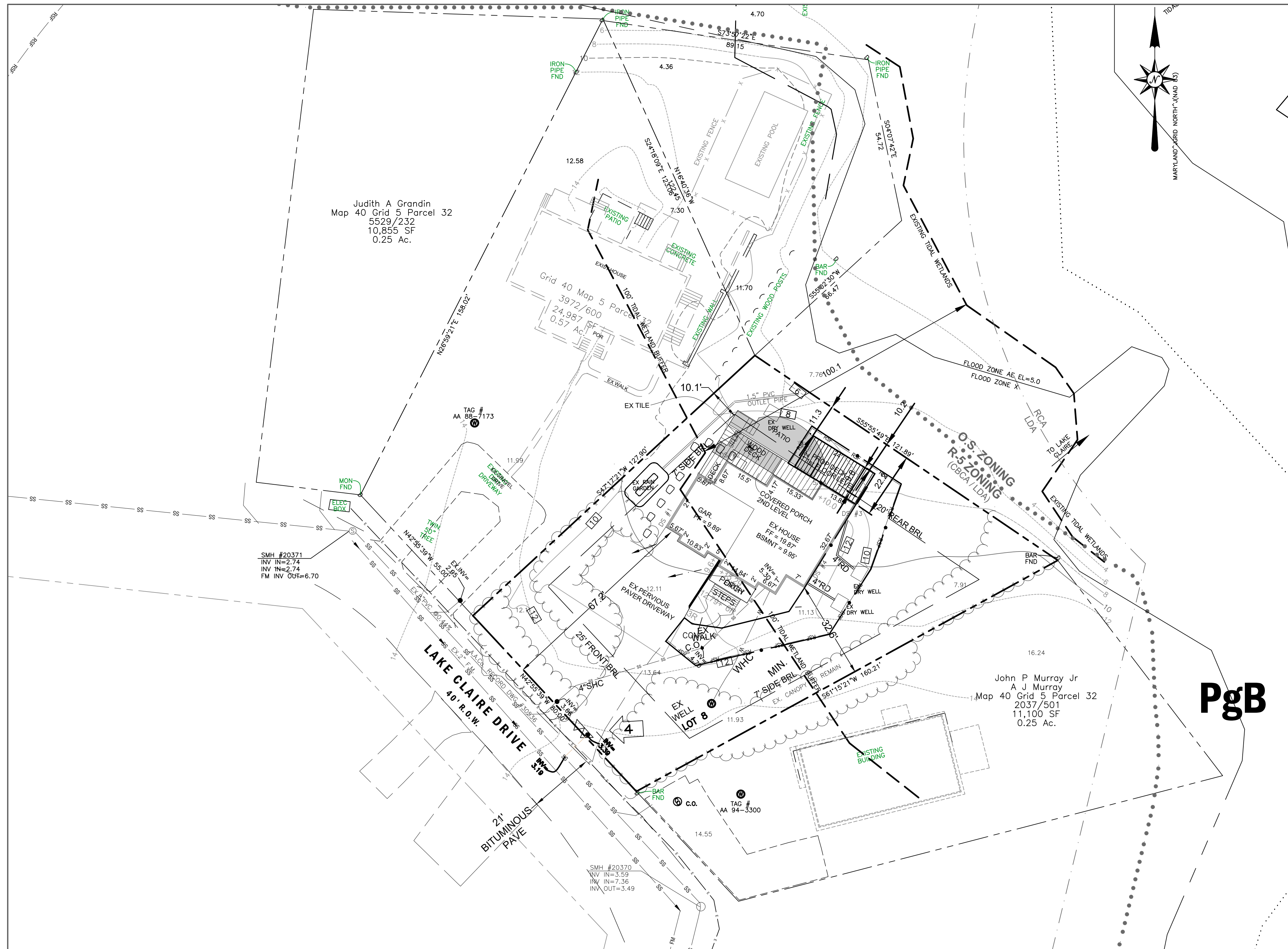
*Mike Gillespie*

Mike Gillespie  
Project Manager





ADC PERMITTED USE NUMBER 21003176  
VICINITY MAP  
SCALE: 1"=2,000'



**SITE PLAN**

SCALE: 1"=20'

1012 LAKE CLAIRE DRIVE  
ANNAPOLIS, MD 21409  
**CAPE SAINT CLAIRE BLOCK AS, LOT 8**  
**AN R5 SINGLE FAMILY LOT**  
PLAT REFERENCE: 22 / 6  
TAX MAP 40, BLOCK AS, PARCEL 32  
LOT 8 BLK AS PLAT 9 CAPE ST. CLAIRE  
Tax Id # 03-165-90224640  
DEED 19606 / 398  
THIRD DISTRICT ANNE ARUNDEL COUNTY

**IMPERVIOUS COVERAGE SUMMARY**

DESCRIPTION	AREA
EXISTING LOT AREA .....	13,800 SQ. FT. ±
EXISTING IMPERVIOUS AREA	4,171 SQ. FT. ±
PROPOSED IMPERVIOUS AREA	0 SQ. FT. ±

**NOTE**  
BREAKDOWN OF EXISTING IMPERVIOUS AREAS ARE AS FOLLOWS:

- HOUSE = 1,550 SQ. FT. ±
- PORCHES = 289 SQ. FT. ±
- ENTRY/WALK = 196 SQ. FT. ±
- FLAGSTONE WALK = 48 SQ. FT. ±
- GRAVEL = 148 SQ. FT. ±
- DRIVE = 1,627 SQ. FT. ±
- PATIO = 313 SQ. FT. ±
- TOTAL = 4,171 SQ. FT. ±

ALLOWABLE IMPERVIOUS COVERAGE SHALL NOT EXCEED 31.25% OF THE LOT AREA OR 4,312 SQ. FT.

DISTURBED AREA = 1,650 SQ. FT.

NOTE: SITE PLAN PER FIELD SURVEY DATA PROVIDED BY CLIENT AND FIELD OBSERVATION BY MESSICK & ASSOCIATES.

**DISTURBANCE SUMMARY**

TOTAL PROPOSED DISTURBANCE: 1,650 SQ. FT.

TOTAL DISTURBANCE OUTSIDE 100' TIDAL WETLANDS BUFFER: 382 SQ. FT.  
TEMPORARY DISTURBANCE: 382 SQ. FT.  
PERMANENT DISTURBANCE: 0 SQ. FT.

TOTAL DISTURBANCE INSIDE 100' TIDAL WETLANDS BUFFER: 1,268 SQ. FT.  
TEMPORARY DISTURBANCE: 1,051 SQ. FT.  
PERMANENT DISTURBANCE: 217 SQ. FT.

**VARIANCE REQUEST**

- 17-8-301. BUFFERS
- (a) SCOPE. THIS SECTION DOES NOT APPLY TO A BUFFER MODIFICATION AREA.
  - (b) DEVELOPMENT ON PROPERTIES CONTAINING BUFFERS. DEVELOPMENT ON PROPERTIES CONTAINING BUFFERS SHALL MEET THE REQUIREMENTS OF COMAR, TITLE 27. DISTURBANCE IN THE BUFFER OR EXPANDED BUFFER IS NOT PERMITTED.
- 18-13-104. BUFFERS, EXPANDED BUFFERS, AND BUFFER MODIFICATION AREAS.
- (a) BUFFER. THERE SHALL BE A MINIMUM 100-FOOT BUFFER LANDWARD FROM THE MEAN HIGH-WATER LINE OF TIDAL WATERS, TRIBUTARY STREAMS, AND TIDAL WETLANDS. SPECIFIC DEVELOPMENT CRITERIA APPLY AS SET FORTH IN ARTICLE 17 OF THIS CODE AND COMAR.

REVISION DESCRIPTION	BY	DATE

**MESSICK & ASSOCIATES \***  
CONSULTING ENGINEERS,  
PLANNERS AND SURVEYORS

7 OLD SOLOMONS ISLAND ROAD, SUITE 202  
ANNAPOLIS, MARYLAND 21401  
(410) 266-3212 \* FAX (410) 266-3502  
email: engr@messickandassociates.com

\* MESSICK GROUP INC. T/A MESSICK AND ASSOCIATES

**OWNER:**  
JOHN TYNAN  
RACHEL SMITH  
1012 LAKE CLAIRE DRIVE  
ANNAPOLIS, MD 21409

**DEVELOPER:**  
BAY RIDGE LAWN AND LANDSCAPE  
244 S. OLD MILL BOTTOM ROAD  
ANNAPOLIS, MD 21409  
(T): 410-980-8372  
(E): BAYRIDGEHARDSCAPES@GMAIL.COM

**VARIANCE SITE PLAN**

**TYNAN/SMITH PROPERTY**  
SITE PLAN  
1012 LAKE CLAIRE DRIVE  
ANNAPOLIS, MD 21409

TAX MAP: 40 GRID: 5 PARCEL: 32 LT 8  
THIRD ASSESSMENT DISTRICT  
SCALE: AS SHOWN

TAX ACCOUNT: 03-165-90224640  
ANN ARUNDEL COUNTY, MARYLAND 21409  
DATE: AUGUST 2024

ZONING: R-5 / LDA  
SHEET: 1 OF 1



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:

Tax Map #	Parcel #	Block #	Lot #	Section
40	32	5	8	AS/9

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

Tax ID: 03-165-9022.4640

Project Name (site name, subdivision name, or other) Tynan/Smith Property

Project location/Address 1012 Lake Claire Drive

City Annapolis MD Zip 21409

Local case number

Applicant: Last name Tynan Smith First name John Reed

Company

**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:

*Variance Request to construct a permeable Deck in the 100' Tidal Wetlands buffer*

Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	Buffer Exemption Area	<input checked="" 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	0.038	4,650	
LDA Area	0.317	13,800			
RCA Area	0	0			
Total Area	0.317	13,800			

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.081	3,515	Existing Lot Coverage	0.096	4,171
Created Forest/Woodland/Trees	TBD	TBD	New Lot Coverage	0	0
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage	0.096	4,171

**VARIANCE INFORMATION (Check all that apply)**

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.029	1,268	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.009	382	Mitigation	TBD	TBD

<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 checked="" type="checkbox"/>
Lot Coverage	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input checked="" 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 type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

***CRITICAL AREA  
REPORT***

**1012 LAKE CLAIRE DRIVE  
ANNAPOLIS, MD 21409**

**August 2024**

Prepared for:  
John Tynan  
Rachel Smith  
1012 Lake Claire Drive  
Annapolis, MD 21409

Prepared by:  
Messick and Associates  
7 Old Solomons Island Road  
Suite 202  
Annapolis, MD 21401

## INTRODUCTION

This site is a 13,800 square foot property that is located on the northeast side of Lake Claire Drive in Annapolis, MD. The proposal is to construct a deck which would be attached to the existing dwelling. The site is served by public sewer and well. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Limited Development Area (LDA). The property is zoned residential, R-5.

## EXISTING USE

The property consists of 13,800 square foot property. The site is currently developed. The property is currently a residential lot developed with a house, driveway, deck, patio and associated improvements. The property is a corner lot located off a public right of way to Lake Claire Drive.

## SURROUNDING LAND USE

The properties that abut the site are typical of Cape St. Claire, and developed as single-family lots. The general area is developed as single-family lots. The site is bounded by a developed property to the northwest and southeast, with Lake Claire Drive to the southwest, and to the northeast, the tidal waters of Lake Claire.

## PROPOSED WORK

The owners wish to construct a permeable deck which would be attached to the existing home. The deck is to be attached to the dwelling, and as such is not lot coverage. The work to construct the deck will require 1,268 square feet of disturbance in the 100' tidal wetlands buffer, and 217 square feet of permanent disturbance, which is a permeable deck.

## SOILS

The U.S. Department of Agriculture Soil Survey, defines the property to have a soil type of PgB – Patapsco-Fort Mott Urban Land Complex, 0 TO 5% Slopes (A Soils)

## FLOODPLAIN

The property described hereon is located in the flood hazard zones "X" - (area of minimal flood hazard) as delineated on the firm flood insurance map #24003C0187F dated February 18, 2015 for said county and distributed by the Federal Emergency Management facility.

## NON-TIDAL WETLANDS

There appear to be no Non Tidal Wetlands on the site.



## TIDAL WETLANDS

There appear to be no Tidal Wetlands on this site, however the site is subject to the 100' expanded buffer to Tidal Wetlands.

## BODIES OF WATER

The site drains into Lake Claire.

## STEEP SLOPES

There are no steep slopes on the property.

## RARE AND ENDANGERED SPECIES

A review of Federal and/or State listed species of rare, threatened or endangered species of plants or animals has been requested via the enclosed letter to Lori Byrne of the Maryland Department of Natural Resources Fish, Heritage and Wildlife Administration.

## STORMWATER MANAGEMENT

Stormwater management will be provided as required during the permit process.

## FOREST COVER

The existing forest cover is limited to a few overstory trees. The understory is mostly lawn. The following are typical trees of areas such as this site:

<u>Common Name</u>	<u>Scientific Name</u>
Black Locust	<i>Robinia pseudoacacia</i>
Eastern Sycamore	<i>Platanus occidentalis</i>
American Holly	<i>Ilex opaca</i>
Beech	<i>Fagus grandifolia</i>
White Poplar	<i>Populus alba</i>
Mountain Laurel	<i>Kalmia latifolia</i>

## WILDLIFE TYPICAL OF THIS AREA

<u>Common Name</u>	<u>Scientific Name</u>
Eastern Gray Squirrel	<i>Sciurus Carolinensis</i>
Blue Jay	<i>Cyanocitta Cristata</i>
Common Crow	<i>Corvus Brachythynchos</i>
Northern Cardinal	<i>Richmondena Cardinalis</i>

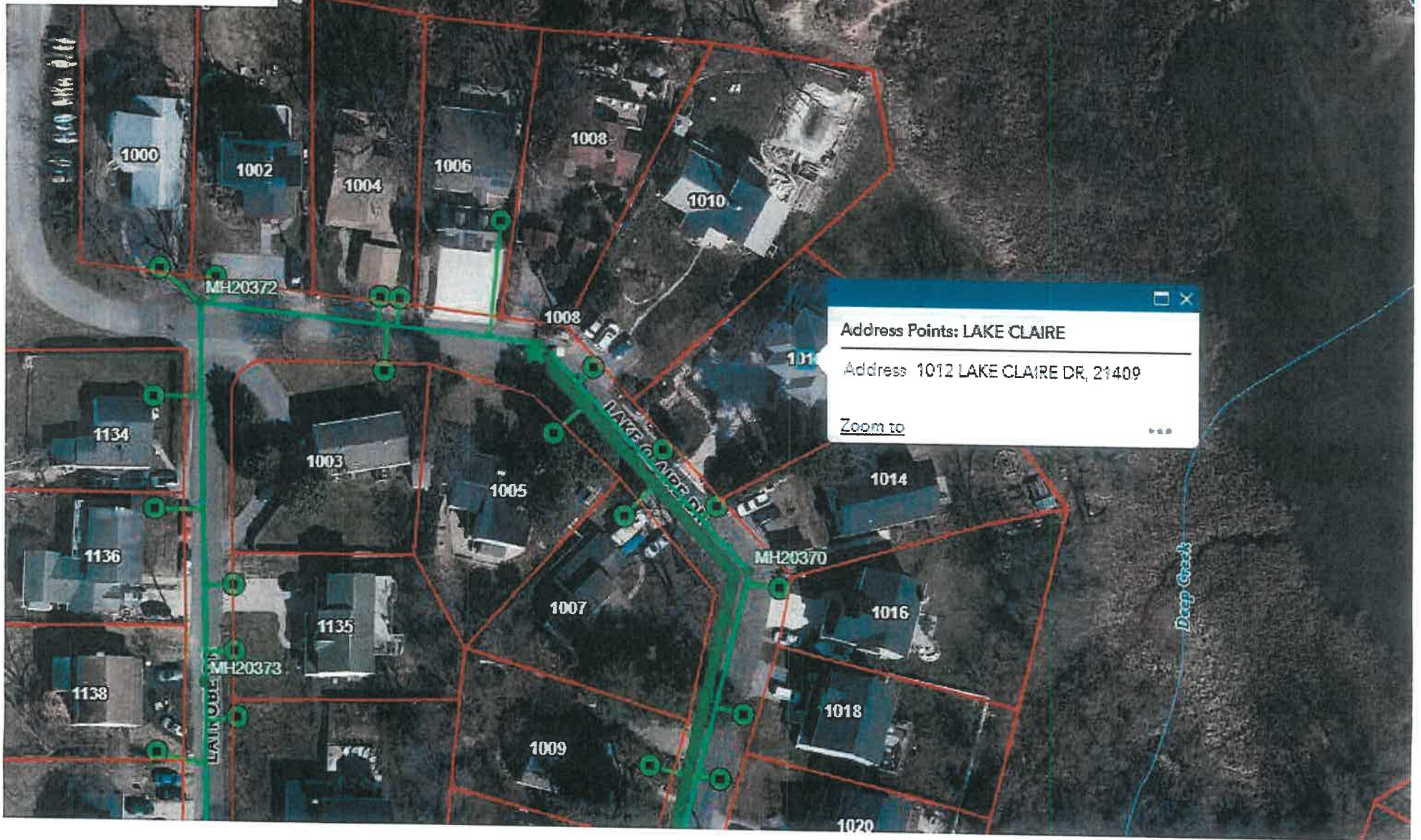
## SITE CALCULATIONS

1. Total Site area.....13,800 sq. ft.
2. Site area in Critical area.....13,800 sq. ft
3. Existing lot coverage .....4,171 sq. ft.
4. Lot coverage to be removed.....0 sq. ft.
4. Proposed lot coverage .....0 sq. ft.
5. Total Lot Coverage after Construction...4,171 sq. ft.
6. Proposed Disturbed Area.....1,650 sq. ft.

1012 LAKE CLAIRE DR, 21 X



Show search results for 1012 L...



Address Points: LAKE CLAIRE

Address 1012 LAKE CLAIRE DR, 21409

Zoom to



Deep Creek



1012 LAKE CLAIRE DR, 21 X



Show search results for 1012 L...







Community Maps Contributors: County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US Census... Powered by 1146

*Zoning Map*





Critical Area Map



Butter Map



# National Flood Hazard Layer FIRMMette



76°27'18"W 39°3'15"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone J
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone O

**OTHER AREAS**

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5 Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

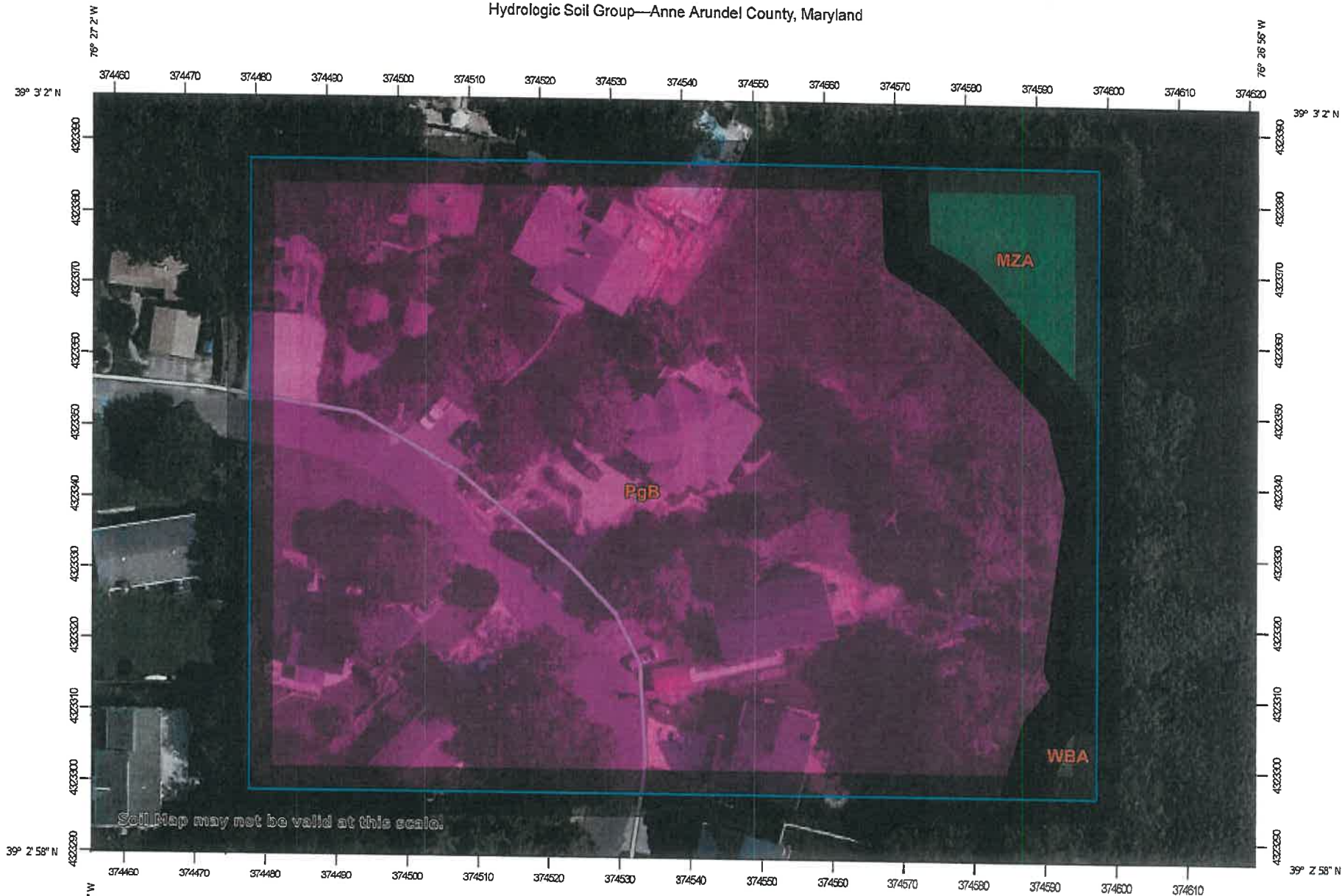
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/9/2024 at 2:41 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

76°26'41"W 39°2'47"N



# Hydrologic Soil Group—Anne Arundel County, Maryland



Soil Map may not be valid at this scale.

Map Scale: 1:752 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



Natural Resources  
Conservation Service

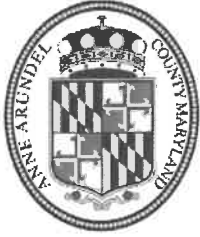
Web Soil Survey  
National Cooperative Soil Survey

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
MZA	Mispillion and Transquaking soils, 0 to 1 percent slopes, tidally flooded	A/D	0.2	7.1%
PgB	Patapsco-Fort Mott- Urban land complex, 0 to 5 percent slopes	A	2.4	91.9%
WBA	Widewater and Issue soils, 0 to 2 percent slopes, frequently flooded	C/D	0.0	1.0%
<b>Totals for Area of Interest</b>			<b>2.6</b>	<b>100.0%</b>







## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0074-P  
DATE: 08/16/2024  
OPZ STAFF: Jennifer Lechner  
Kelly Krinetz

**APPLICANT/REPRESENTATIVE:** Messick & Associates

**EMAIL:** [engr@messickandassociates.com](mailto:engr@messickandassociates.com)

**SITE LOCATION:** 1012 Lake Claire Drive, Annapolis

**LOT SIZE:** 13,800 SF

**ZONING:** R5      **CA DESIGNATION:** LDA      **BMA:** n/a      **BUFFER:** YES      **APPLICATION TYPE:** Variance

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The applicants are proposing to construct a deck on the rear of the house which will disturb the buffer to tidal wetlands. A setback variance for an open deck is not required.

§ 17-8-301 (b) Development on properties containing buffers. Development on properties containing buffers shall meet the requirements of COMAR, Title 27.

§ 18-13-104 (a) Buffer. There shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. Specific development criteria apply as set forth in Article 17 of this Code and COMAR.

#### **COMMENTS**

##### **Critical Area Team:**

The existing home is improved with a ground level patio as well as a second and third level deck. Buffer encroachment for additional outdoor amenities would not meet the standards for variance approval.

##### **Zoning Administration Section:**

The 100-foot buffer along Deep Creek has no effect on the subject property.

The property contains the 100-foot buffer to the tidal wetlands of Lake Claire, which requires a variance to disturb.

The Letter of Explanation should be revised to accurately describe the relief requested.

In addition, the site plan should be revised to indicate the height/floor level of the proposed deck.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards and provide adequate justification for each of the variances required.

#### **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.

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.