

September 9, 2024

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

**RE: SHERWOOD FOREST ~ LOT 159
159 Friar Tuck Hill
Annapolis MD, 21405
Variance Application**

Sir/Madam:

Attached is a variance request application and associated submittal documents for the above referenced property. To allow for modest improvements to the subject property, variances to the Anne Arundel County Code are required. The requested variance to the Code relates to **Article 17, Section 8-201(a)** for redevelopment on slopes 15% or greater in the LDA and to **Article 18, Section 2-301(b) and Section 4-601** to setback requirements.

The subject property is a legal non-conforming building lot located in the community of Sherwood Forest, Maryland. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-2 and is served by community water and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. The existing dwelling is surrounded by steep slopes, which encumber approximately 50% of the lot area, severely limiting and restricting the areas that allow redevelopment. Additionally, the lot is a fraction of the size required by zoning, further limiting development that does not require a setback variance. Primary vegetation consists of hardwood and evergreen trees, ornamental shrubs, and creeping ground cover common to wooded areas and the community.

The applicants are seeking approval to build a rear addition and a front screened porch to enhance their existing home. The proposed rear addition is thoughtfully designed to be modest in size and aims to expand the dwelling's footprint within an area that has already been disturbed and improved with a patio and screened porch. Allowing this addition will not only increase the functionality and comfort of the home but also ensure that the expansion occurs in a manner that minimizes environmental impact. The construction will temporarily disturb the area around the building site; however, this disturbance is primarily concentrated in areas that have already been previously altered. This approach helps to preserve the natural landscape and minimizes disruption to the steep slope area. Moreover, the addition includes an upgrade

to the septic system, which will enhance the property's environmental sustainability and compliance with current regulations.

Due to the unique physical conditions inherent to the property, the following variance to the Anne Arundel County Code is being requested: **Article 17, Section 8-201(a)** of approximately 322-sf of disturbance on slopes 15% or greater in the LDA, to **Article 18, Section 2-301(b)** of 12-ft to the requirement of architectural features extending no more than 3-ft into a required setback, and to **Article 18, Section 4-601** of 14-ft to the required 30-ft front yard setback.

The need for the requested variance arises from the unique physical conditions of the site, specifically the location of the existing structure in relation to the property lines, and the presence of steep slopes. The community of Sherwood Forest is encumbered with steep slopes and other environmental challenges.

Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and would not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management and the nitrogen reducing septic system, 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. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare.

We believe that these requests meet all the requirements for variance, per Article 18-16-305:

Requirements for Critical Area Variances.

1. Unique physical conditions - Specifically topography, the size of the lot, as well as the location of the existing dwelling in relation to the property lines and slopes. Denial of the requested variance would constitute an unwarranted hardship on the applicant and deprive them of the right to redevelop and deny reasonable and significant use of the entire property.
2. Rights commonly enjoyed - The proposed improvements are similar and in character to those of surrounding properties. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the area.
3. Will not confer special privilege - Granting this variance would not confer a special privilege to the applicant. Nearby properties maintain improvements comparable to what is proposed for this project. The applicants made an effort to design the

additions in a manner that considers the placement of the existing dwelling and septic, and location of surrounding environmental features.

4. Not based on conditions or circumstances that are the result of actions by the applicant - Conditions and circumstances are based on the small and irregular shape of the site, the presence of steep slopes, and the location of the existing improvements, and are not because of actions by the applicants.
5. Will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area – The proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area. Disturbance is minimized only to what is necessary to complete the project. Mitigation will occur in accordance with county regulations and will be addressed during the permitting process. Sediment and erosion controls will be utilized to ensure that construction and grading will not adversely affect the surrounding environmental features located within the Critical Area. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

Requirements for all variances.

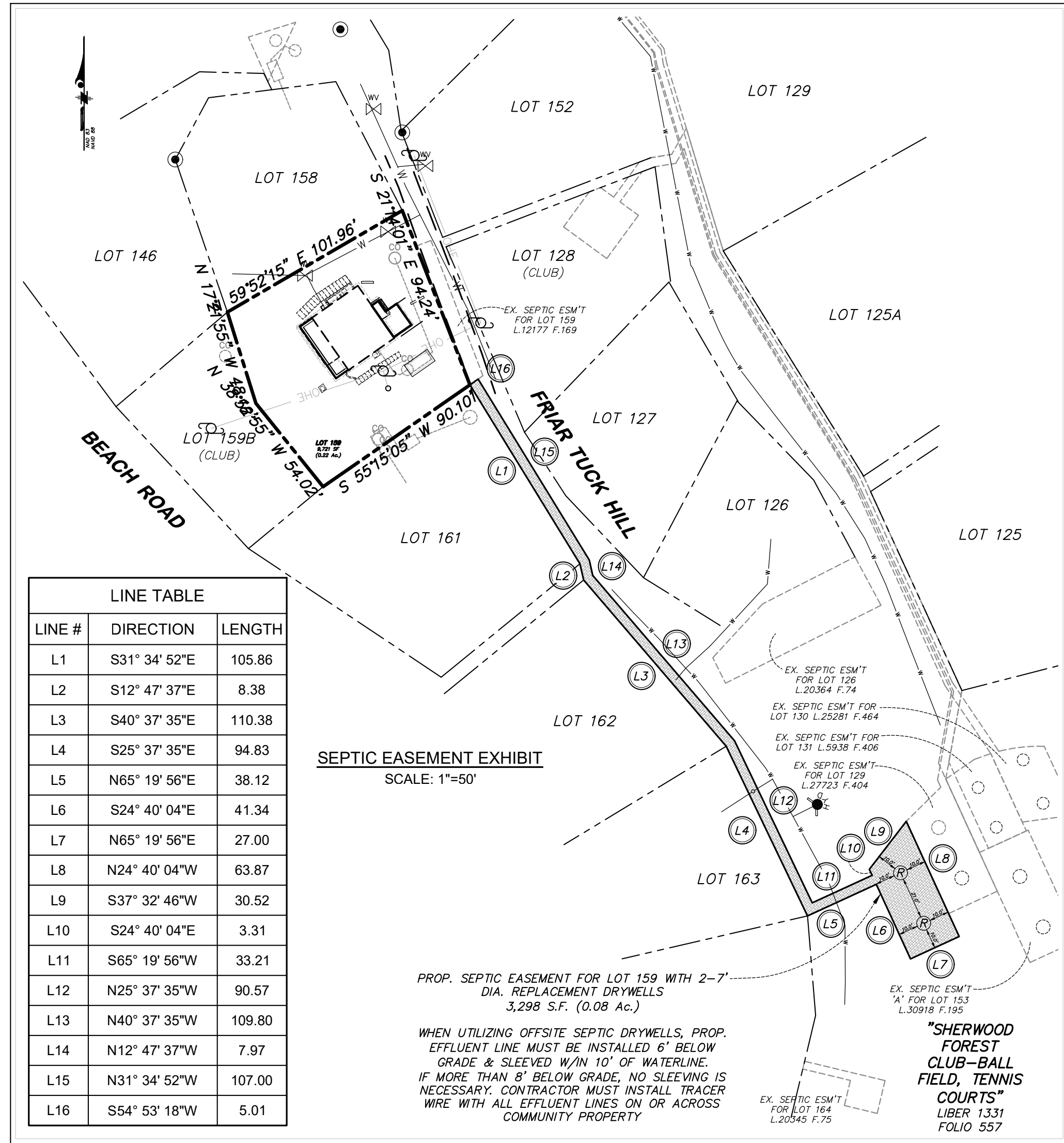
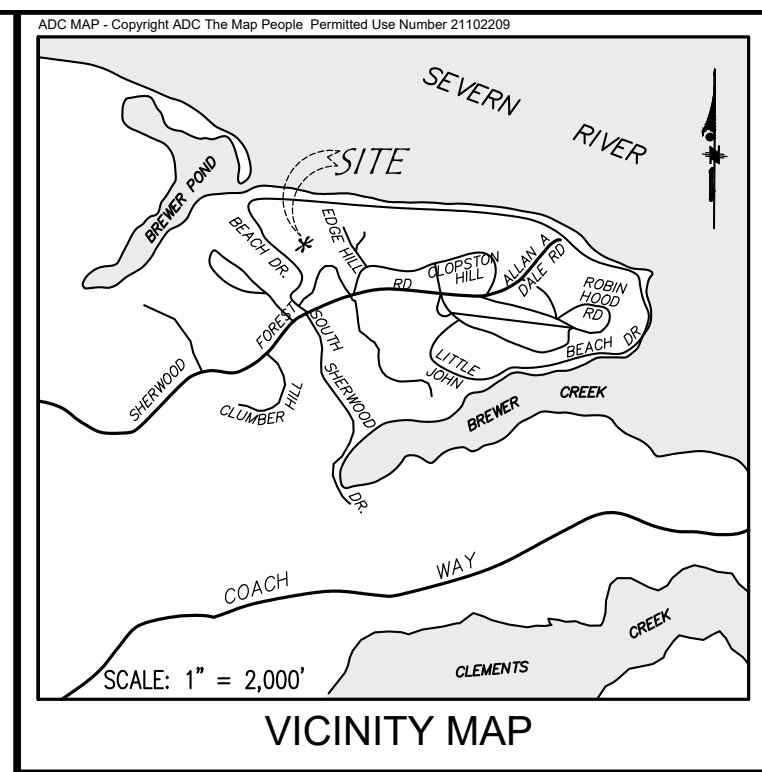
1. Minimum necessary - The improvements are minimal and within the scope of the surrounding properties. The rear addition is sited to utilize the footprint of the existing improvements to minimize disturbance.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with other properties of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA as appropriate mitigation will be required as part of the permit process.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area.
 - v. be detrimental to the public welfare.

Thank you for your attention to this matter. Please contact us if we may be of further service during your review of this variance request.

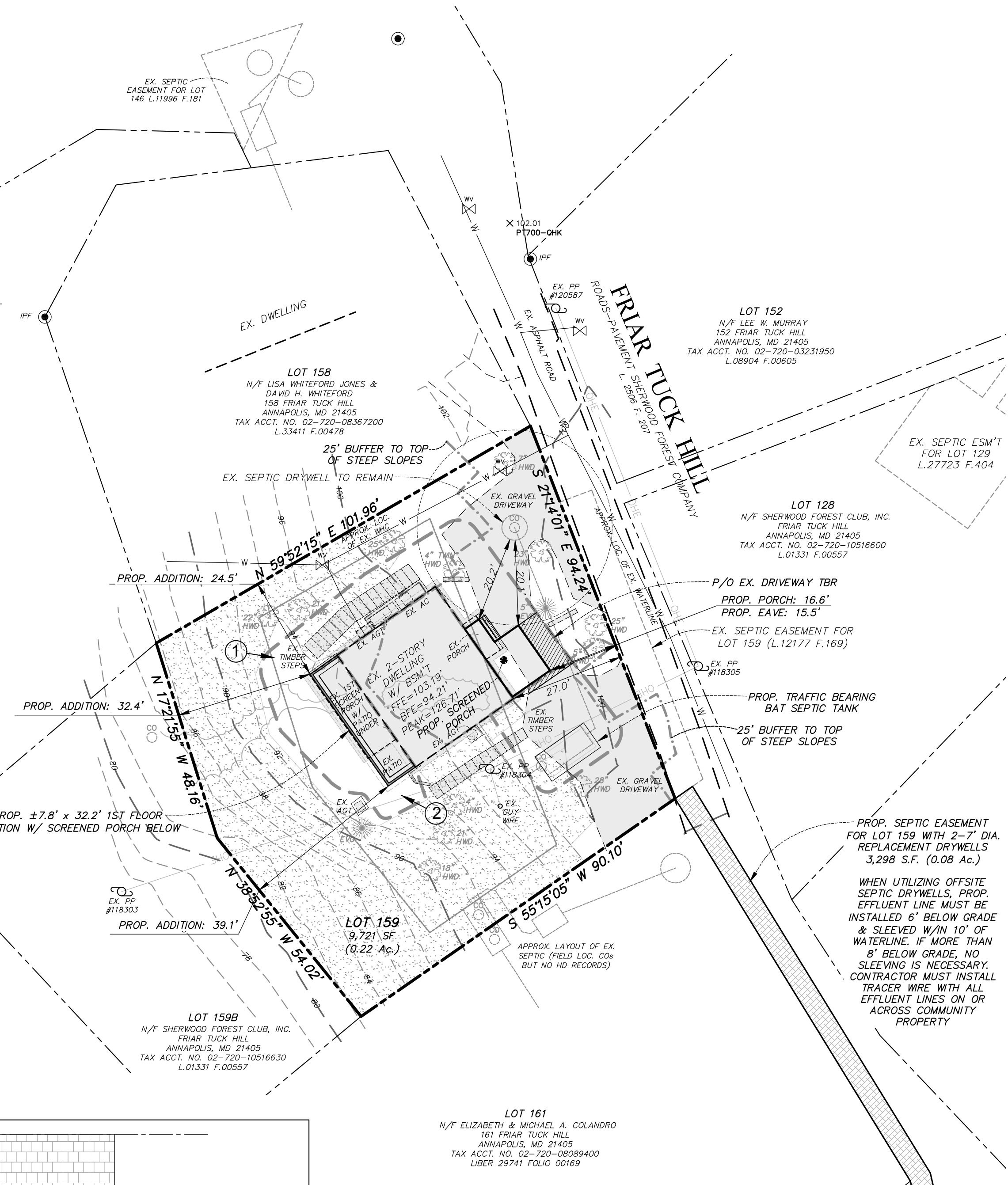
Sincerely,
DRUM, LOYKA & ASSOCIATES, LLC



Katie Yetman

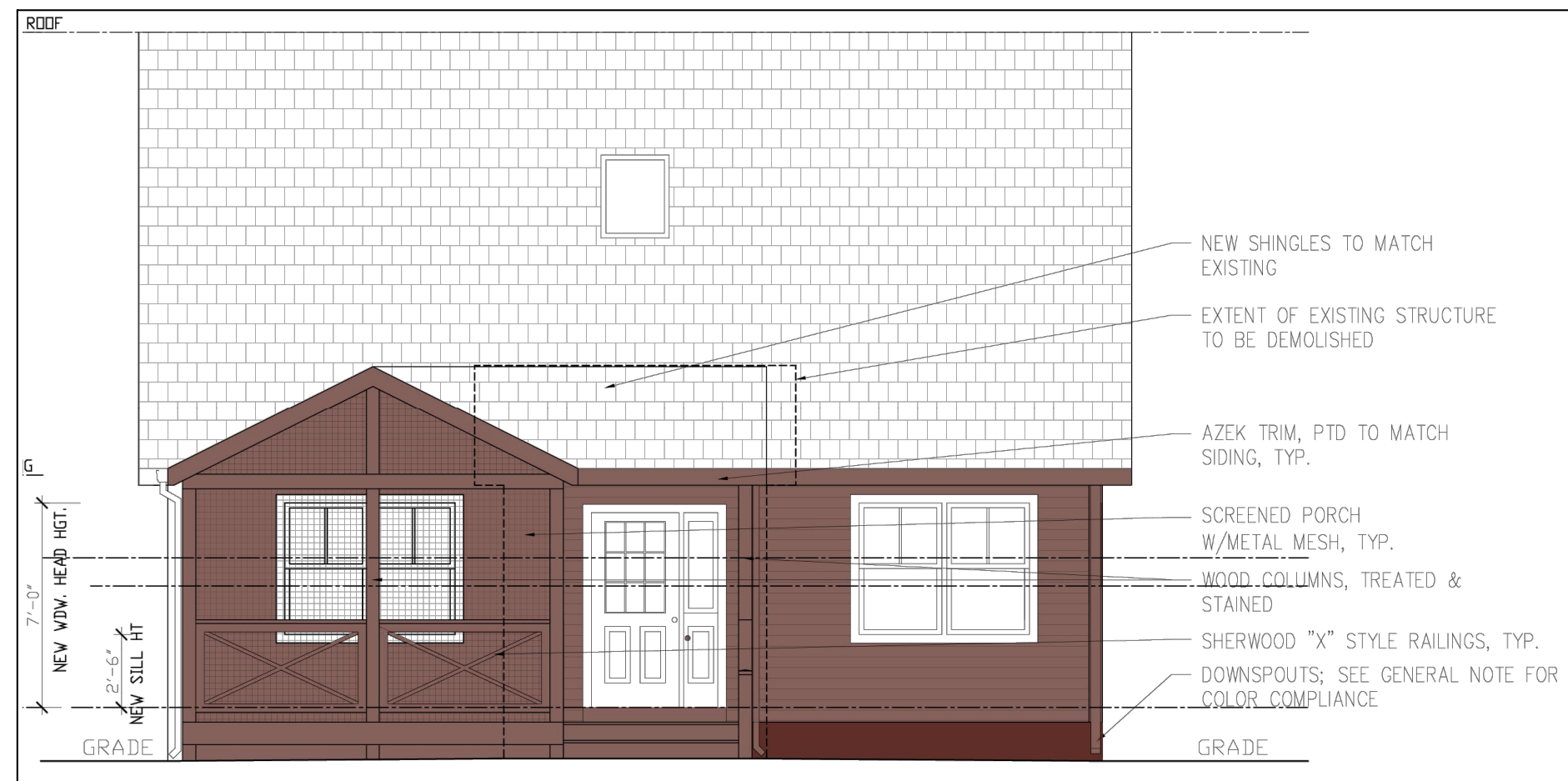


1 EX. FIRST FLOOR SCREENED PORCH



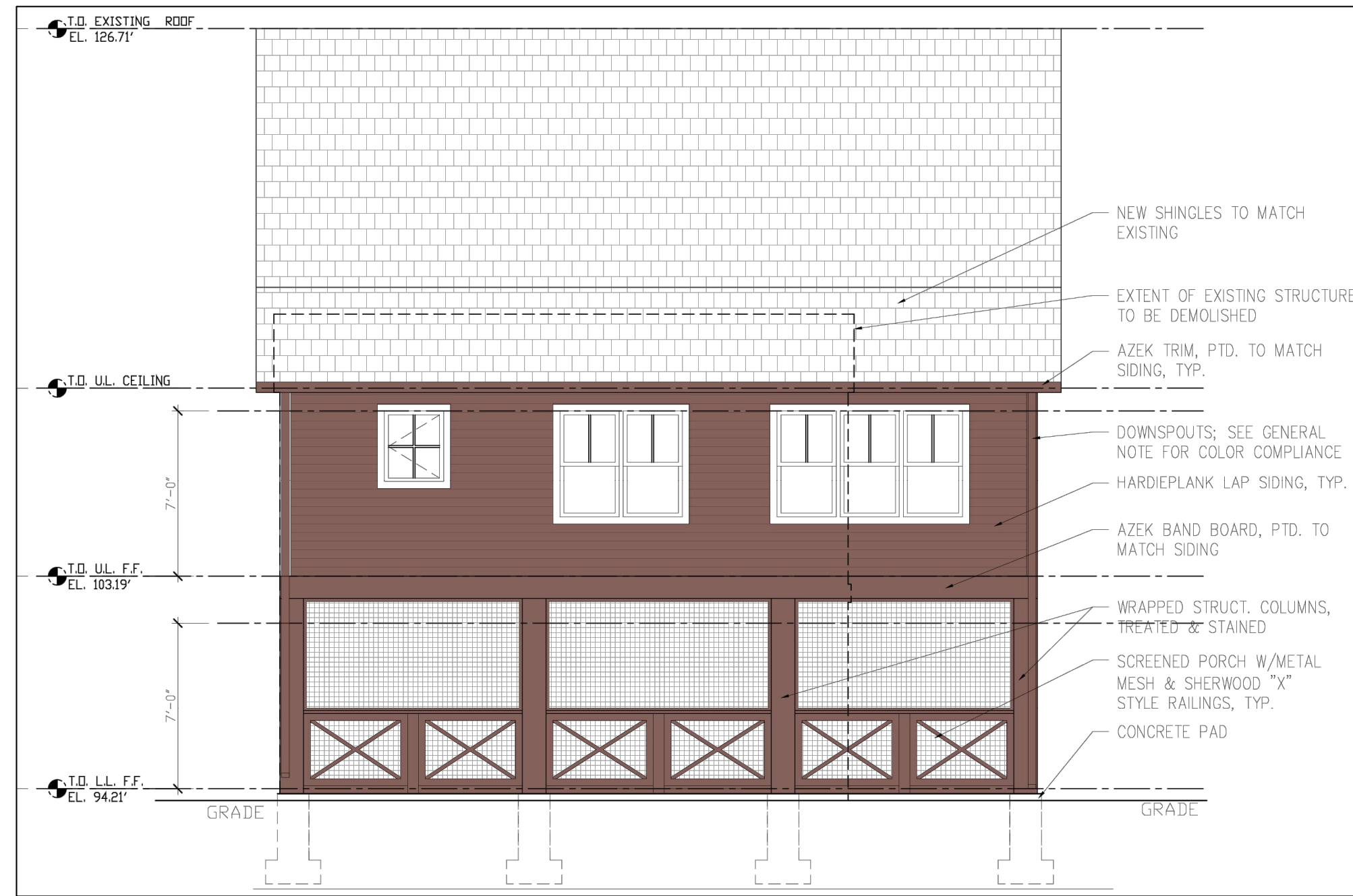
LEGEND

- Existing Contour
- Existing Woods Line
- Existing Power Pole
- Existing Overhead Electric Line
- Existing Spot Elev.
- Existing Wateline
- 25' Buffer to Top of Steep Slopes
- Existing Improvements
- Steep Slopes 15% or Greater
- Limit of Disturbance
- Proposed Grade
- Proposed Spot Elev.



PROPOSED FRONT ELEVATION
SCALE: NTS

ARCHITECT:
S.A.H. Design
8220 Kerry Rd.
Chesapeake, MD 20815
PH: 202.271.1408



PROPOSED REAR ELEVATION
SCALE: NTS



2 EX. FIRST FLOOR SCREENED PORCH & PATIO

SITE TABULATIONS

- Total Site Area: 9,721 S.F. (0.22 Ac.)
- Critical Area Designation: LDA
- Site Zoning: R-2
- Principal Structure Setbacks:
 - Front: 30'
 - Rear: 25'
 - Side: 7'
- Lot Coverage:
 - Existing Lot Coverage: 3,080 S.F. (0.07 Ac.)
 - Max Allowable Lot Coverage (17-8-403): 3,034 S.F. (0.07 Ac.)
 - Proposed Lot Coverage: 3,034 S.F. (0.07 Ac.)
- Coverage by Structures:
 - Existing Coverage by Structures: 1,163 S.F. (±12%)
 - Allowable Coverage by Structures: 2,916 S.F. (30%)
 - Proposed Coverage by Structures: 1,346 S.F. (±14%)
- Steep Slopes:
 - Total On-Site Steep Slopes: 4,824 S.F. (0.11 Ac.)
 - Total On-Site Steep Slopes Disturbed: 322 S.F. (0.01 Ac.)
 - Total Off-Site Steep Slopes Disturbed: 0 S.F. (0.00 Ac.)

P:\SM08524\CADD-24-SM08524\Eng_Dwg\SM08524-V.dwg, 11/05/24_11:51

DESIGNED:	DRAWN: KLY	REVISIONS TO APPROVED PLANS			
ORIG. DATE: 06-11-2024	MODIFIED BY/DATE:	No.	DATE	BY	DESCRIPTION
CADD DWG # SM08524					
DLA PROJECT # SM08524					

Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 35
 Annapolis, Maryland 21403
 Phone: 410-280-3122
 www.drumloyka.com

CLIENT:
JAMES & DOLLIE MCKITTRICK
 159 FRIAR TUCK HILL
 ANNAPOLIS, MD 21405

VARIANCE PLAN
SHERWOOD FOREST ~ LOT 159
 159 FRIAR TUCK HILL, ANNAPOLIS, MD 21405
 TAX ACCT. NO. 02-720-07550319
 TAX MAP 0039 GRID 0019 PARCEL 0295 DISTRICT 2nd
 ANNE ARUNDEL COUNTY, MARYLAND

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: _____ Date _____

Tax Map #	Parcel #	Block #	Lot #	Section
0039	0295	0019	159	

FOR RESUBMITTAL ONLY

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

* Complete only Page 1
 General Project Information

Tax ID

Project Name (site name, subdivision name, or other)

Project location/Address

City Zip

Local case number

Applicant: Last name First name

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: _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Construct porch and addition to existing single-family dwelling with associated improvements

Intra-Family Transfer	<input type="checkbox"/>	Yes	Growth Allocation	<input type="checkbox"/>	Yes
Grandfathered Lot	<input checked="" type="checkbox"/>	X	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		Acres	Sq Ft
IDA Area			Total Disturbed Area	0.05	
LDA Area	0.22		# of Lots Created	0	
RCA Area					
Total Area	0.22				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.21		Existing Impervious Surface	0.07	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.00	
Removed Forest/Woodland/Trees	0.00		Removed Impervious Surface	0.00	
			Total Impervious Surface	0.07	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00		Buffer Forest Clearing		
Non-Buffer Disturbance	0.05		Mitigation		

<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"/>
Impervious Surface	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>	Dwelling Addition	<input checked="" type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Steep Slopes	<input checked="" type="checkbox"/>	Gazebo	<input type="checkbox"/>
Setback	<input checked="" type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input checked="" type="checkbox"/> Screened Porch

Chesapeake Bay Critical Area Report

Sherwood Forest ~ Lot 159

Tax Map 39, Grid 19, Parcel 295

Tax Account No. 02-720-07550319

Property Address: 159 Friar Tuck Hill
Annapolis, Maryland 21405

September 9, 2024

Property Owners & Variance Applicant: James & Dollie McKittrick

Critical Area Designation: LDA

Zoning: R-2

Lot Area: 0.22 Ac.

Site Description

The subject property is a legal building lot located off Friar Tuck Hill in the community of Sherwood Forest. The site is currently improved with a single-family dwelling and associated improvements, which are surrounded by steep slopes. The lot is zoned R-2 and is completely within the Chesapeake Bay Critical Area, with an LDA land use designation. Private septic and Sherwood Forest public water service the property.

Description and Purpose of Variance Request

The applicant proposes to construct a new front porch and rear addition to the existing single-family dwelling with the associated improvements. Due to the unique physical conditions inherent to the property, the following variance to the Anne Arundel County Code is being requested: **Article 17, Section 8-201(a)** of approximately 322-sf of disturbance on slopes 15% or greater in the LDA, to **Article 18, Section 2-301(b)** of 12-ft to the requirement of architectural features extending no more than 3-ft into a required setback, and to **Article 18, Section 4-601** of 14-ft to the required 30-ft front yard setback.

The applicants are seeking approval to build a rear addition and a front screened porch to enhance their existing home. The proposed rear addition is thoughtfully designed to be modest in size and aims to expand the dwelling's footprint within an area that has already been disturbed and improved with a patio and screened porch. Allowing this addition will not only increase the functionality and comfort of the home but also ensure that the expansion occurs in a manner that minimizes environmental impact. The construction will temporarily disturb the area around the building site; however, this disturbance is primarily concentrated in areas that have already been previously altered. This approach helps to preserve the natural landscape and minimizes disruption to the steep slope area. Moreover, the addition includes an upgrade to the septic system, which will enhance the property's environmental sustainability and compliance with current regulations.

Vegetative Coverage and Clearing

The property's primary vegetation is woodland and creeping ivy that is common to wooded areas in the community. The existing wooded area totals roughly 9,300-sf. No trees will be removed for the proposed construction and any reforestation and afforestation requirements for this property will be addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 3,080-sf of lot coverage. The proposed impervious lot coverage for this property is 3,034-sf, which is the max allowable. The site currently has 1,163-sf of coverage by structures. The proposed coverage by structures is 1,346-sf, which is within the allowable amount.

Steep Slopes (slopes > 15%)

The subject property contains approximately 4,824-sf of steep slopes, or about 50% of the site area, all of which are concentrated around the existing improvements. Approximately, 322-sf of slopes will be disturbed as part of the proposed construction. The majority of this disturbance is necessary for access, with the remainder allotted for the septic tank replacement.

Predominant Soils

The predominant soil type is Annapolis Fine Sandy Loam, 15 to 25 percent slopes (AsE). This soil has a type "C" hydrologic classification, and is considered a hydric soil.

Drainage and Rainwater Control

There appear to be no visible stormwater management devices on site. Stormwater management and sediment and erosion control will be provided for the proposed improvements and the specific design computations will be addressed during the permit phase of the project in accordance with Anne Arundel County design criteria.

Conclusions – Variance Standards

The need for the requested variances arises from the unique physical conditions of the site, specifically the diminutive size of the lot and the presence of steep slopes. The addition is proposed in the only viable location on the property, lies within the footprint of existing improvements and does not require permanent slope disturbance. It does not require any more disturbance than if the existing improvements were to be removed or maintained. The new entry porch allows for a more useful element. The entire community of Sherwood Forest is inhabited with steep slopes and most of the lots in Sherwood are well under the required 20,000-sf minimum for lots served by a private septic system. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request 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. With the implementation of stormwater management and the nitrogen reducing septic system, 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. The variance is

the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare. Stormwater Management and reforestation requirements will be addressed during the permit phase of the project. Reforestation will be provided on-site to the extent practicable.

Reference:

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

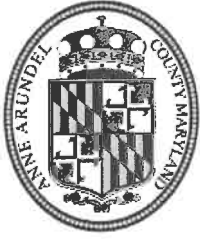
Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

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

Drum, Loyka and Associates LLC, 2024 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2003 Soil Survey of Anne Arundel County Maryland.

State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0083-P
DATE: 08/28/2024
OPZ STAFF: Jennifer Lechner
Kelly Krinetz

APPLICANT/REPRESENTATIVE: James McKittrick / Drum, Loyka & Associates LLC

EMAIL: jdmckittrick@verizon.net / kvetman@drumloyka.com

SITE LOCATION: 159 Friar Tuck Hill, Annapolis

LOT SIZE: 9,721 SF

ZONING: R2 **CA DESIGNATION:** LDA **BMA:** n/a **BUFFER:** n/a **APPLICATION TYPE:** Variance

The applicants are proposing to construct a 1st-floor addition on the rear of the dwelling, a screened porch on the front of the dwelling, and associated facilities.

The following variances are requested:

- Article 18-4-601 to allow the dwelling addition to be constructed as close as 16 ft to the front lot line.
- Article 17-8-201 to allow disturbance to slopes greater than 15% within the critical area LDA.

COMMENTS

Zoning Administration Section:

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.

The Administrative Site Plan should indicate the dimensions (length, width and height) of the proposed addition and screened porch, the setbacks of the proposed construction to all lot lines, and indicate if the area under the existing screened porch/proposed addition will be developed.

OPZ Critical Area Team:

The existing dwelling sits at the top of a 45% slope.

There is no objection to the proposed improvements at the front of the dwelling.

Provided the applicant can meet the variance approval standards, this Office recommends limiting the improvements to the rear of the dwelling to the existing footprint of the patio/existing screen porch with no additional expansion. A steep slope Modification will be required.

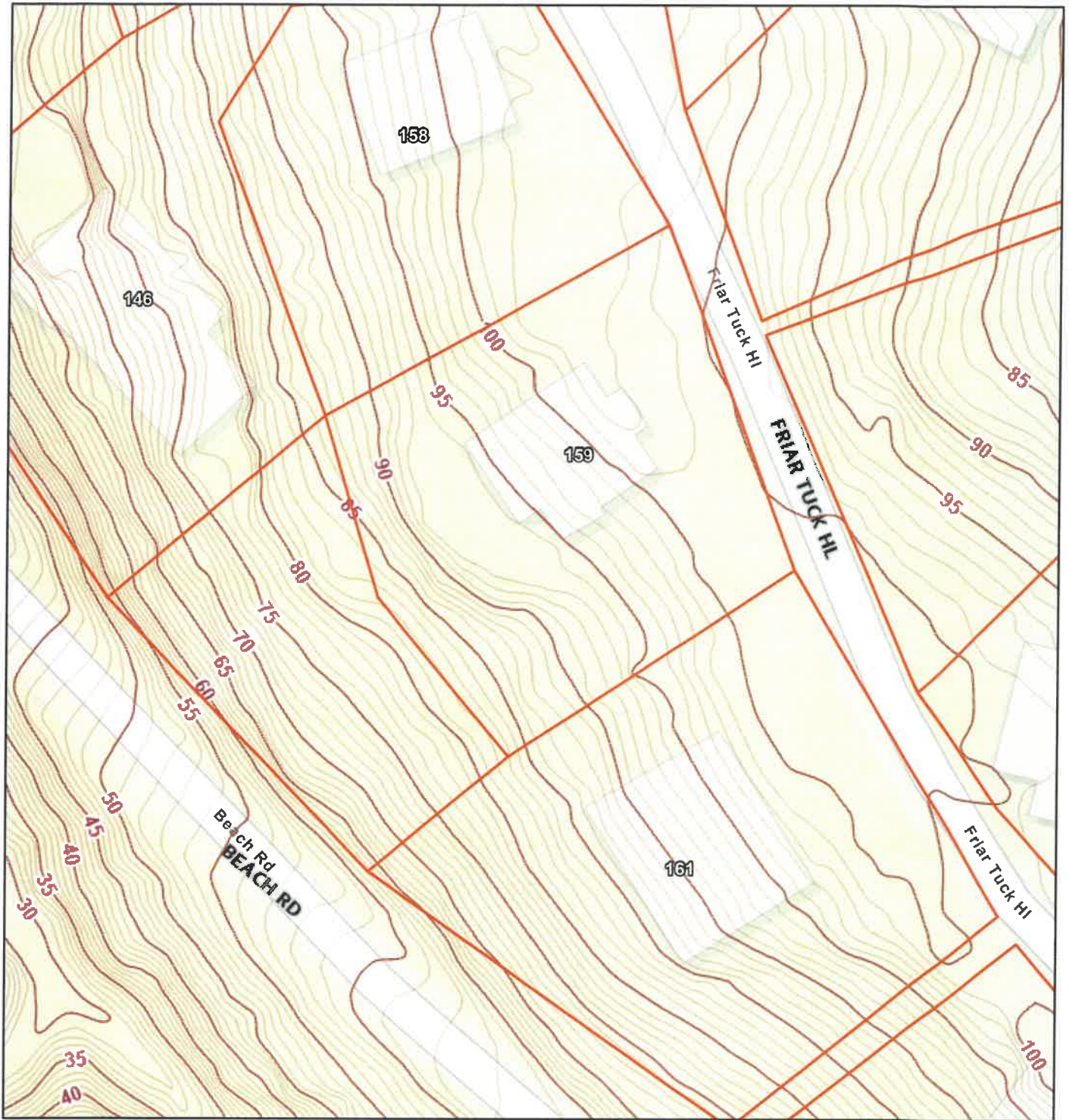
INFORMATION FOR THE APPLICANT

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.

Anne Arundel County Engineering Record Drawing and Monuments



9/10/2024, 12:38:00 PM

1:564

Topo_2020

 County Boundary

0 0 0.01 0.01 mi

 Index

 Address Points

0 0.01 0.01 0.02 km

 Intermediate

 Parcels

Local Road Label

Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS