



DIAMOND DECKS

Certified Master Deck Professionals

September 30, 2024.

To: Anne Arundel County
Department of Planning and Zoning
2664 Riva Road, Annapolis, MD. 21401

Variance Letter of Explanation

Property Owners:

Louis A Johnson Jr. & Sheila Johnson
2830 Broadview Terrace, Annapolis, Md. 21401
Subdivision #128 Broadview Estates South
Lot size: .08 ac, Zoning: R2, Parcel:0055, Lot: 7

To whom it may concern.

Please find submitted herewith the variance application and associated required submittal materials requesting a variance to permit the replacement of a deck “In Like Kind” but slightly smaller, and to permit disturbance to 15% slopes or greater in the Chesapeake Bay Critical Area; and to also permit disturbance to the Expanded Buffer in the Chesapeake Bay Critical Area.

Property Description

The site is identified as 2830 Broadview Terrace, Annapolis Md. 21401, Tax acct # 128-90045396, also known as Parcel 0055, Lot 7. This site is a 0.8-acre or (32,255 sf), and is zoned R2. This home is in Broadview Estates South community and is duly recorded among the plat records in Anne Arundel County at Book 97, pages 10 & 11. The site is located within the Chesapeake Bay Critical Area (LDA). This property is on a cul-de-sac and is not waterfront. This property does not fall within the 100’ buffer but it is in the “expanded Buffer” due to the site having steep slopes, especially behind the existing house.

The site is served by an existing public water line, and a private onsite sewer disposal system at the front of the property. The existing deck and replacement deck does not encroach on the private septic system, or the public water service.

This site is currently developed with an existing two-level single-family home, driveway, walkways. On the rear of the house there is currently a partially collapsing 30-year-old, two-level wood deck which consists of 806 sf open deck and 180 sf screened porch for a total of 986 sf. It is accessible from each side with steps to the ground.

Existing Deck Description

The existing Open deck is 806 sq and the existing screened porch is 180 sf together occupying 986 sf. Its roughly 8' in height. It is supported by 6x6 wood support posts that are rotting at ground level and below. The existing screened porch is currently collapsing, the original support structure has already failed, and the porch is now being supported in the front left corner with a temporary steel post. The existing screened porch and deck is now unsafe to use. The homeowners have been instructed to refrain from using their deck.

Proposed Deck Description

The proposed new deck is to be built "In Like Kind" with the same exact footprint as the existing deck, but without a 210 sf of deck extension, therefore reducing the overall deck coverage to 776 sf. The screened porch will be deleted and replaced with an open deck of the same size. This portion of the deck will have a drainage system installed which will leave the area under the deck dry and rain free. This will offset the 180 sf of impervious lot coverage from the original screened porch, therefore leaving the impervious coverage of the lot unchanged.

Variance request

The homeowners are asking for this variance to replace the existing deck with a new deck without expanding the footprint or changing the amount of impervious coverage of the lot. There will be no woodland clearing needed for the construction the new deck, and all disturbance will only be temporary. There will be minimum disturbance to the ground as we will only be disturbing roughly 10 sf per footing, for a total of only 150 sf for the entire project. There will be no heavy equipment used for the construction of this new deck. All new footing will be dug by hand and all dirt removed for these footings will be bagged until it is used as backfill. (this is a normal practice for Diamond Decks) All extra dirt remaining after backfilling will be removed from the job site. Any minor disturbance to the steep slope will be temporary.

Anne Arundel County Code (Article 17-8-201)

17-8-201 (a) states that development in the LDA may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline; and, all disturbance shall be limited to the minimum necessary.

The applicant is seeking a variance to permit disturbance to 15% or greater slopes in the Chesapeake Bay Critical Area, LDA, (Article 17-8-201 (a)). The proposed disturbance to slopes over 15% or greater will only be a temporary disturbance. The expanded buffer is being disturbed for the removal of the existing 986 sf deck, screened porch and stairs, which are being replaced with a new, slightly smaller, 776 sf deck and new steps (In Like Kind), with no changes to the basic footprint of the deck.

We feel this relief is minimal, and all disturbance will be temporary. There will be minimum disturbance to the ground as we will only be disturbing roughly 10 sf per footing, for a total of only 150 sf for the entire project. There will be no heavy equipment used for the removal and the construction of this new deck, and all new footings will be dug by hand. All dirt removed for these footings will be bagged until it is used as backfill. (this is a normal practice for Diamond Decks) All extra dirt remaining after backfilling will be removed from the job site. Any minor disturbance to the steep slope will be temporary.

We also feel that denial of the variances will deprive the applicant of the rights commonly enjoyed by other properties in the neighborhood and cause unwarranted hardship that would deny the applicant reasonable and significant use of their home. The owner is not requesting these variances based on conditions or circumstances that are the result of actions by the applicant.

Anne Arundel County Code (18-13-104b)

18-13-104 (b) states that the expanded buffer shall be expanded beyond 100' to include (contiguous sensitive areas, such as) steep slopes of 15% or greater, Non Tidal Wetlands, Non tidal Wetlands of Special State Concern, and hydric soils or highly erodible soils

The buffer shall be expanded by the greater of four feet for every 1% of slope or to the top of the slope and shall include all land within 50' of the top of the slopes

The applicant is also seeking a variance to permit disturbance to the Expanded Buffer per Article 18-13-104(b). The 100' buffer is not shown on this site plan since this property is more than 120' from the 100' buffer. However, due to the steep slopes, the entire site is within the expanded buffer.

The expanded buffer is being disturbed for the removal of the existing 986 sf deck, screened porch and stairs, which are being replaced with a new, slightly smaller, 776 sf deck and new steps (In Like Kind), with no changes to the basic footprint of the deck.

We feel this relief is minimal, and all disturbance will be temporary. There will be minimum disturbance to the ground as we will only be disturbing roughly 10 sf per footing, for a total of only 150 sf for the entire project. There will be no heavy equipment used for the removal and the construction of this new deck, and all new footings will be dug by hand. All dirt removed for these footings will be bagged until it is used as backfill. (this is a normal practice for Diamond Decks) All extra dirt remaining after backfilling will be removed from the job site. Any minor disturbance to the steep slope will be temporary.

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Sincerely,

William Zinnert

President / Diamond Decks

Certified Master Deck Professional

William@DiamondDecksMd.com

410-952-9034

Critical area calcs:
 Driveways & walkways 5712sf
 House & screened porch 2567sf
 Shed 160sf
 Total 8439sf
 Lot coverage = 24.2%
 ****No new impervious added****

This is a two page
 LEGAL (8 1/2" x 14") sized
 document and is not
 valid without both
 pages. See page two
 (or reverse) for
 Survey Notes.



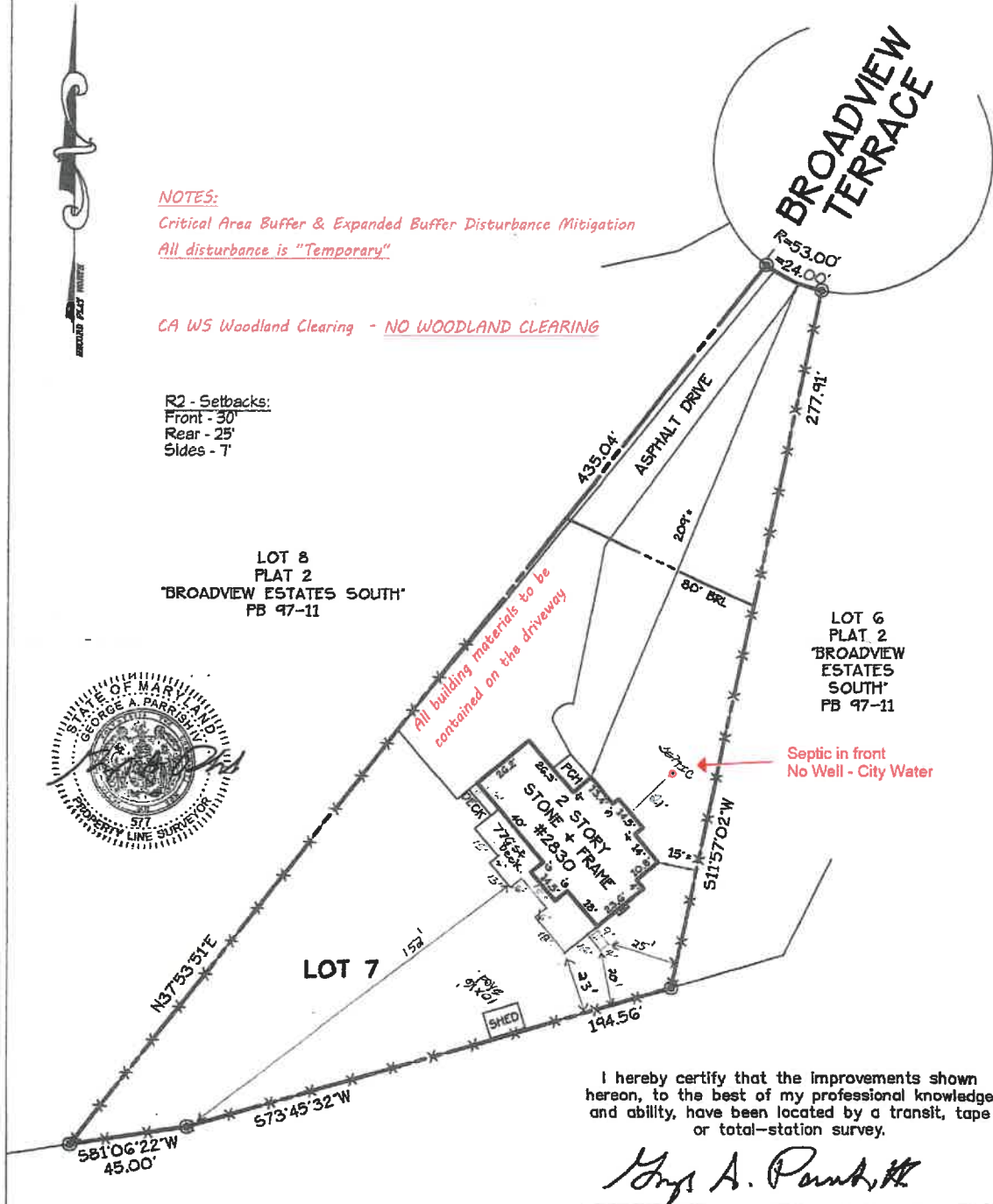
NOTES:
 Critical Area Buffer & Expanded Buffer Disturbance Mitigation
 All disturbance is "Temporary"

CA WS Woodland Clearing - NO WOODLAND CLEARING

R2 - Setbacks:
 Front - 30'
 Rear - 25'
 Sides - 7'

LOT 8
 PLAT 2
 'BROADVIEW ESTATES SOUTH'
 PB 97-11

LOT 6
 PLAT 2
 'BROADVIEW ESTATES SOUTH'
 PB 97-11



I hereby certify that the improvements shown hereon, to the best of my professional knowledge and ability, have been located by a transit, tape or total-station survey.

George A. Parrish IV

2830 BROADVIEW TERRACE PB 97-11

GEORGE A. PARRISH IV PROP.LS#577 7/31/24
 LICENSE EXPIRATION DATE 03/24/2025

LOCATION DRAWING
 LOT 7 PLAT 2
BROADVIEW ESTATES SOUTH
 SECOND DISTRICT
 ANNE ARUNDEL COUNTY, MARYLAND
 SCALE: 1" = 50' AUGUST 2024
 PROJECT #68257
 F/N: BROADVIEWESTATESOUTH-P2-L7



ADVANCED SURVEYS
 PO BOX 880
 CHESAPEAKE BEACH, MARYLAND 20732
 P: (410)288-9712 F: (410)288-9716

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
0050	0055		7	

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

*Complete Only Page 1
General Project Information

Tax ID: 02-128-90045396

Project Name (site name, subdivision name, or other) Johnson Deck Replacement

Project location/Address 2830 Broadview Terrace.

City Annapolis Zip 21401

Local case number Profile # 2024-0092-P Permit # B02429541

Applicant: Last name Zinnert First name William

Company Diamond Decks

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

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Single Family Residential - Replace existing Deck "IN KIND"

Intra-Family Transfer <input type="checkbox"/> Yes Grandfathered Lot <input type="checkbox"/>	Growth Allocation <input type="checkbox"/> Yes Buffer Exemption Area <input type="checkbox"/>
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Project Type (check all that apply)

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="checkbox"/>	Recreational <input type="checkbox"/> Redevelopment <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area		150
LDA Area	0.8 AC	35,255			
RCA Area			# of Lots Created		
Total Area	0.8 AC	35,255			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage	8600	8439
Created Forest/Woodland/Trees		0	New Lot Coverage		0
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		8439

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance (expanded)		150	Buffer Forest Clearing		0
Non-Buffer Disturbance		0	Mitigation		0

<p><u>Variance Type</u></p> Buffer <input type="checkbox"/> Forest Clearing <input type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input checked="" type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Other <input type="checkbox"/>	<p><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Dwelling <input type="checkbox"/> Dwelling Addition <input type="checkbox"/> Garage <input type="checkbox"/> Gazebo <input type="checkbox"/> Patio <input type="checkbox"/> Pool <input type="checkbox"/> Shed <input type="checkbox"/> Other <input type="checkbox"/>
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DIAMOND DECKS

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Critical Area Narrative

Property Owners:

Louis A Johnson Jr. & Sheila Johnson
2830 Broadview Terrace, Annapolis, Md. 21401

Proposed use:

The proposed use of the property is Single Family Residential. The proposed “In Kind” deck replacement is for the continued reasonable enjoyment of the use of their home.

Trees & Shrubs:

The property is mostly cleared in front of the house but it does have approximately 8,600 sf of woodlands scattered throughout the property mostly towards the rear of the house. It is made up of Typical Oak, Pine, and Maple, and Crepe Myrtle trees, along with typical popular shrubs near the house including Holly, Azalea, Myrtle, Boxwood, and grasses. (pictures have been submitted with the variance docs)

Disturbance & Mitigation:

The total disturbance to the property will be during the digging of new footings for the replacement deck. There will be 13 to 15 footings at roughly 10 sf per hole for a total of 150 sf of total disturbance. There will be minimum disturbance to the ground as we will only be disturbing roughly 10 sf per footing, for a total of only 150 sf for the entire project. There will be no heavy equipment used for the construction of this new deck. All new footing will be dug by hand and all dirt removed for these footings will be bagged until it is used as backfill. (this is a normal practice for Diamond Decks) All extra dirt remaining after backfilling will be removed from the job site.

Water Quality Impact:

There will be no impact on water quality as there will be no runoff and the property is not waterfront.

Lot Coverage:

The square footage of the property is 35,255 sf. The existing impervious coverage is 8,439 sf which is 24.6% of the total lot coverage. There will be no proposed change to the impervious lot coverage. There will be No woodland clearing, and all disturbance will be temporary.

General site details:

There are no protected habitat areas on this property. The property is not in the 100’ buffer zone, but is considered to be in the “expanded Buffer” zone due to its steep slopes of 15% or greater. The entire property falls into the expanded buffer zone.

Critical Area Calc's
 driveways & walkways 5712sf
 house & screened porch 2567sf
 shed 160sf
 Total 8439sf

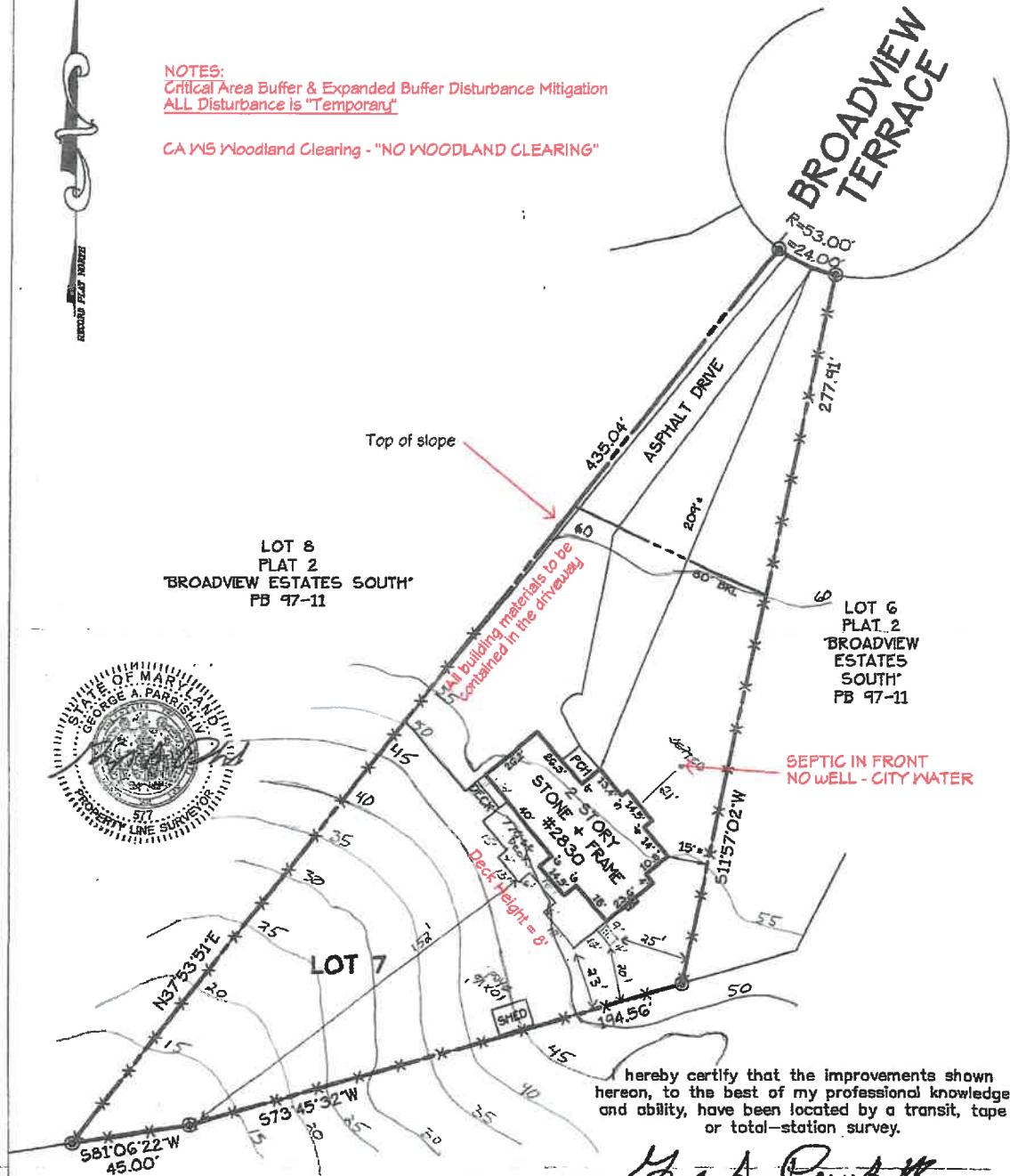
Total land area 35,255sf
 Total lot coverage = 24.6%
 No New Impervious added

SHEET 1 OF 2

This is a two page
 LEGAL (8 1/2" x 14") sized
 document and is not
 valid without both
 pages. See page two
 (or reverse) for
 Survey Notes.

NOTES:
 Critical Area Buffer & Expanded Buffer Disturbance Mitigation
 ALL Disturbance is "Temporary"

CA WS Woodland Clearing - "NO WOODLAND CLEARING"



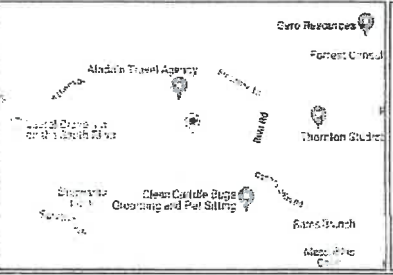
I hereby certify that the improvements shown hereon, to the best of my professional knowledge and ability, have been located by a transit, tape or total-station survey.

George A. Parrish IV

GEORGE A. PARRISH IV PROP.LS#577 7/31/24
 LICENSE EXPIRATION DATE 03/24/2025

2830 BROADVIEW TERRACE PB 97-11

LOCATION DRAWING
 LOT 7 PLAT 2
BROADVIEW ESTATES SOUTH
 SECOND DISTRICT
 ANNE ARUNDEL COUNTY, MARYLAND
 SCALE: 1" = 50' AUGUST 2024
 PROJECT #68257
 F/N: BROADVIEWESTATESSOUTH-P2-L7





2830 Broadview Terrace,
Annapolis Md. 21401

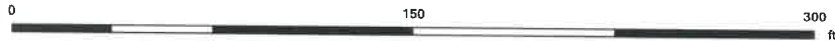
TOPO Map Scale 1" = 50'



Legend

- Foundation
- Addressing
- Parcels
- City of Annapolis Parcels
- Elevation
- Topo 2023
 - Index
 - Intermediate

Notes



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Johnson Deck Project
2830 Broadview Terrace
Annapolis, Md. 21401





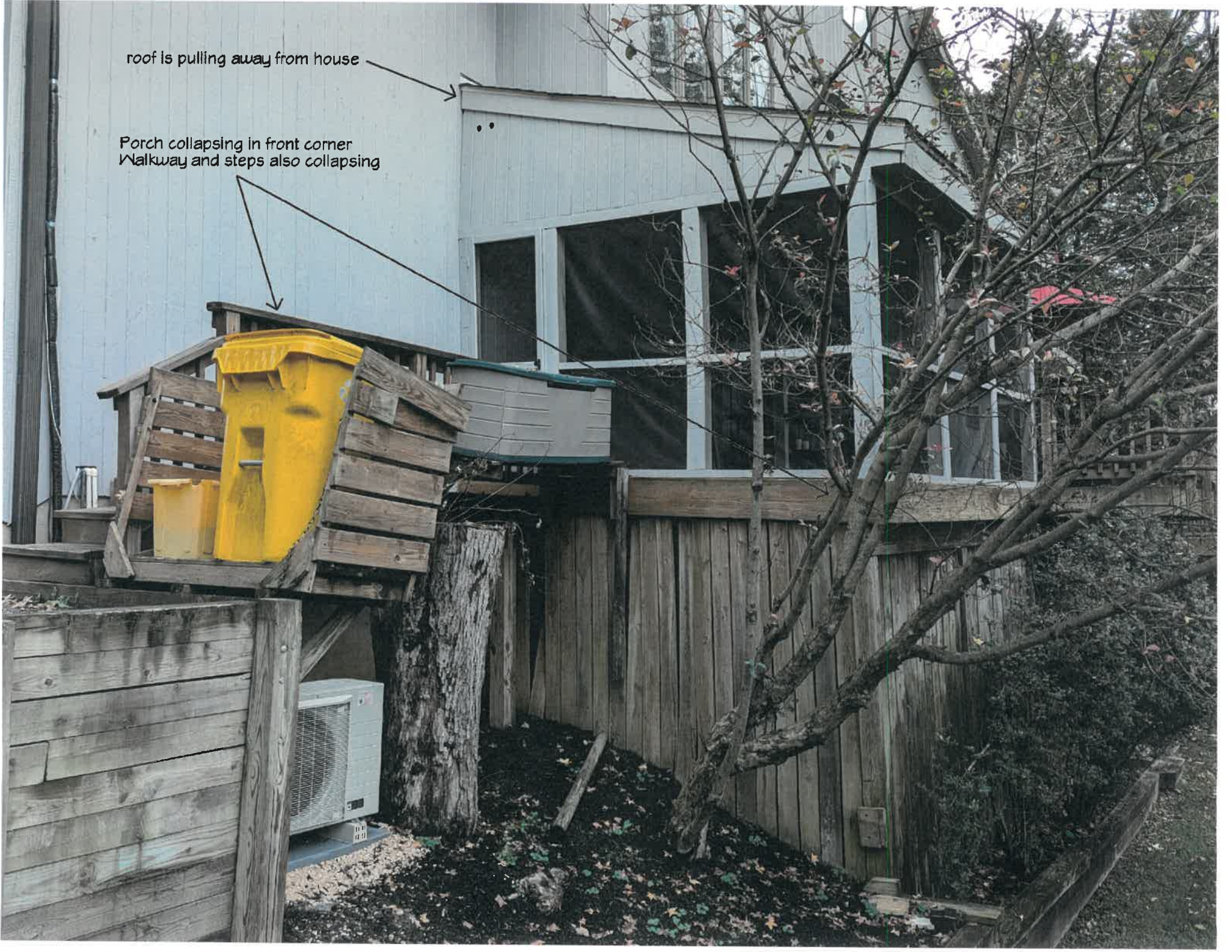
Entrance to property
Lined with Crepe Myrtle Trees



**Failed footer, post rotten
Porch supported by steel posts**

roof is pulling away from house

Porch collapsing in front corner
Walkway and steps also collapsing





Left side of porch collapsing





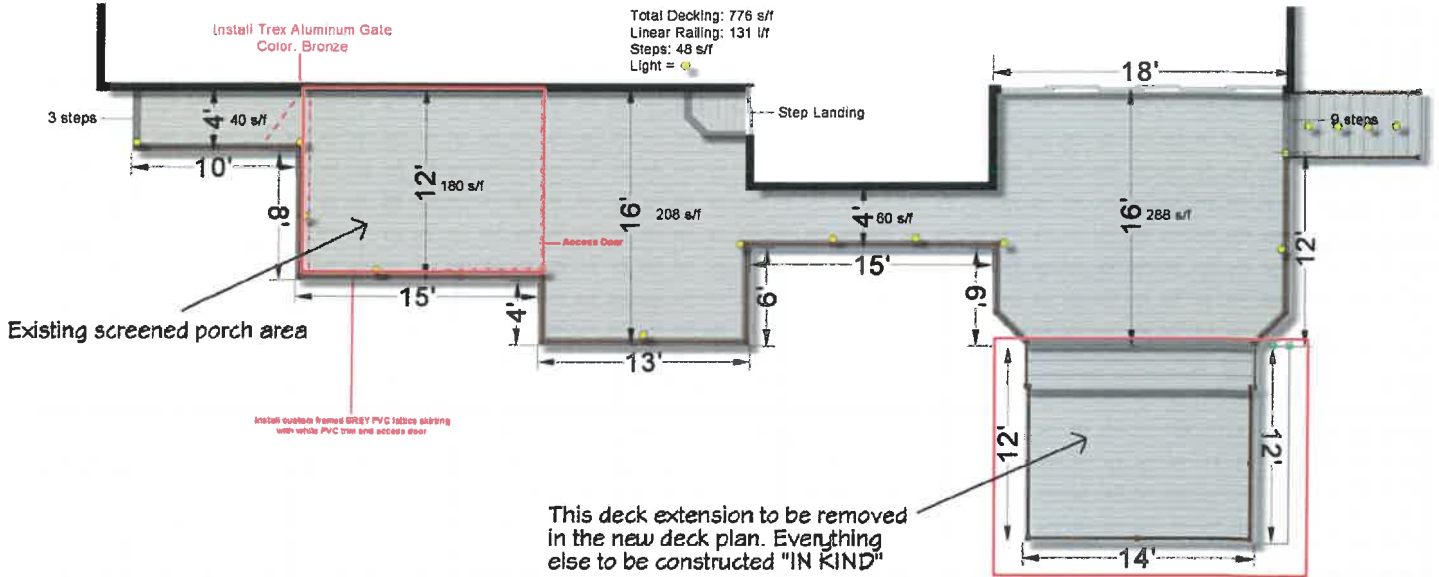
This deck extension & Pergola
to be removed and not replaced



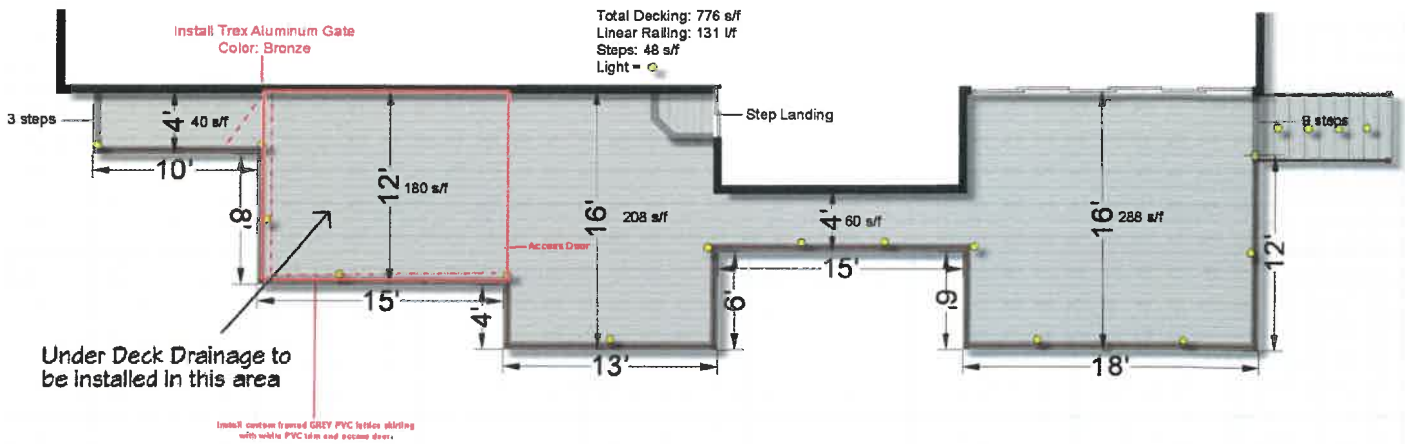
This deck extension and pergola to be removed, and not replaced

Deck Replacement Project for Louis & Sheila Johnson

EXISTING DECK



PROPOSED DECK



To:

Zoning Division of Anne Arundel County
Office of Planning & Zoning
2664 Riva Rd. Annapolis Md. 21401

Property:

2830 Broadview Terrace
Annapolis, Md. 21401
Existing Permit application # B02429541

Pre-File Letter of Explanation in Support of Variance Application

To whom it may concern,

I am representing the property owners (Louis & Sheila Johnson) of 2830 Broadview Terrace, Annapolis Md. 21401. The property is located in the "Broadview Estates South" community off of Riva Rd. in Annapolis. The homeowners are requesting approval to replace their collapsing 30 year old outdoor deck with a new outdoor deck "In Like Kind" but slightly smaller. They are requesting relief from the "Buffer, Expanded Buffer/Variance-SEC 18-13-104 as noted in the Environmental review comments for permit # B02429541 by Mr. Adam Brown. (See page 2)

The proposed deck replacement will consist of removing 986sf of deck which includes 180sf of screened porch. The proposed new deck will now be 776 sf which will also include 180sf of impervious deck (open deck with a deck drainage system installed under it). This is a reduction of 210 sf. The 180 sf of impervious surface area will be in the same location as the original screened porch area, so the impervious lot coverage remains the same.

(See Page 2 for the original Environmental Review Comments)

To address the Critical Area Buffer & Expanded Buffer Disturbance Mitigation concern, all disturbance will be temporary as there will be no changes to the impervious coverage of the property.

To address the CA WS Woodland Clearing concerns, there will be NO WOODLAND CLEARING of any kind.

(clarification) There will be no disturbance to the vegetation on the property or even the vegetation that is close to the original deck. The only disturbance to the property will be during the installation of new deck support posts. All excavated ground pertaining to the installation of new deck support posts will be contained and re-used as backfill once the new posts are installed. All stored materials will be isolated in the driveway area so there will be no disturbance to the pervious ground coverage. *(You will find notations to this effect on the submitted site plan).*

Sincerely,

William Zinnert

President / Diamond Decks

Certified Master Deck Professional

William@DiamondDecksMd.com

410-952-9034

Environmental Review Comments

Permit # B02429541

Environmental Review

Due on 08/26/2024, assigned to Adam Brown
Marked as Under Review on 08/22/2024 by Adam Brown

Due on 08/26/2024, assigned to Adam Brown
Marked as Revision Needed on 08/27/2024 by Adam Brown

BUFFER, EXPANDED BUFFER/VARIANCE-SEC 18-13-104

A review of Anne County records shows the area for the proposed scope of work to be causing disturbance in a 50' expanded buffer for steep slopes and 100' critical area buffer. There shall be a minimum 100-foot buffer landward from the mean high water line of tidal waters, the edge of the bank of tributary streams and landward of a tidal wetlands. The 100-foot buffer shall be expanded beyond 100 feet to include contiguous sensitive areas, such as slopes of 15% or greater. If there are contiguous slopes of 15% or greater, the buffer shall be expanded by the greater of four feet for every 1% of slopes or to the top of the slope and shall include all land within 50 feet of the top of the slopes. Your proposed construction will be within the buffer to tributary streams and within steep slopes and their required buffer. Therefore, a variance to construct within the buffer will be required. Please contact the Zoning Division at 410-222-7437 for variance information and procedures.

Comment:

Critical Area Buffer & Expanded Buffer Disturbance Mitigation-COMAR 27.01.09.01-2H-Advisory

Mitigation is required when a variance is needed for disturbance/development in the critical area buffer and expanded buffer. Mitigation is calculated at 3:1 for permanent disturbance and 1:1 for temporary disturbance. Further comments are pending an approved variance and revisions.

CA WS Woodland Clearing

A review of 2024 aerial images shows the proposed scope of work to be located in or near areas of vegetation (trees, shrubs). Please revise the critical areas worksheet to indicate how much clearing will be related to the scope of work. If it is determined that no clearing will be required, then please provide a note on the site plan indicating no woodland clearing.

Additional Information:

Reviewer Name	Adam Brown
Reviewer Email	pzbrow23@aacounty.org
Reviewer Phone Number	410-222-6996



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0092-P
DATE: 09/19/2024
OPZ STAFF: Jennifer Lechner
Kelly Krinetz

APPLICANT/REPRESENTATIVE: Louis & Sheila Johnson / Diamond Decks

EMAIL: william@diamonddecksmd.com

SITE LOCATION: 2830 Broadview Terrace, Annapolis

LOT SIZE: 0.8 acres

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

The applicants are proposing to replace their collapsing 30 year old outdoor deck with a new outdoor deck "In Like Kind" but slightly smaller. B02429541 was submitted on 08/12/2024.

The following variances are requested:

- Article 18-13-104 to allow disturbance to the 100ft buffer and/or expanded buffer.
- Article 17-8-201 to allow disturbance to slopes greater than 15% within the critical area LDA/RCA.

COMMENTS

Zoning Administration Section:

Revise the Administrative Site Plan to: include the height of the deck and screen porch, along with the length and width dimensions on the site plan; clearly identify and label the topo on the site plan; clearly indicate the top of slopes and the 100ft buffer/expanded buffer.

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.

OPZ Critical Area Team:

No objection to the proposed replacement/reduction of the existing deck.

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.