

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

**APPLICANT:** Evergreen Ventures, LLC

**ASSESSMENT DISTRICT:** 1

**CASE NUMBER:** 2024-0168-V

**COUNCILMANIC DISTRICT:** 7

**HEARING DATE:** November 19, 2024

**PREPARED BY:** Sara Anzelmo  
Planner



**REQUEST**

The applicant is requesting a variance to perfect a dwelling addition with less setbacks and buffer than required on property located at 4760 Bayfields Road in Harwood.

**LOCATION AND DESCRIPTION OF SITE**

The subject property consists of 8.03 acres +/- of land and is located on the west side of Bayfields Road. It is identified as Parcel 574 in Block 2 on Tax Map 69.

The property is primarily zoned RA – Rural Agricultural District with two small areas zoned OS – Open Space District located at the shoreline. This waterfront site is located on Cox Creek, lies entirely within the Chesapeake Bay Critical Area overlay, and is designated as RCA – Resource Conservation Area. The shoreline is not mapped as buffer modified and is subject to the standard buffer regulations. The lot is improved with a two-story, single-family, detached dwelling, a two-story accessory structure, and other associated facilities.

**PROPOSAL**

The applicant seeks permission to perfect and complete the construction of a one-story irregularly shaped dwelling addition, a portion of a second story dwelling addition, and a concrete patio, all located on the north side of the house.<sup>1</sup>

**REQUESTED VARIANCES**

§ 18-13-104(a) of the Anne Arundel County Zoning Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands. Section 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The one-story dwelling addition, a

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<sup>1</sup> The site plan erroneously shows the existing patio to be perfected as 18’ by 18’. However, County aerial photographs clearly show that the existing patio is significantly smaller (approximately 10’ deep rather than 18’.)

portion of the two-story addition, and the patio have been constructed within the 100-foot buffer, necessitating a variance for disturbance in the buffer to include the area of the additions and patio as well as the associated limit of disturbance (LOD) required for access during construction. If the variance is approved, the actual amount of buffer disturbance would be determined at permitting.

## **FINDINGS**

The subject site is irregular in shape and easily exceeds the minimum 40,000 square foot lot area and 150-foot width required for a lot in an RA District. The pre-construction critical area lot coverage was not provided. However, the post-construction coverage is 24,065 square feet, which falls well below the maximum 52,468 square feet +/- (15%) of coverage allowed in the RCA.

The property is the subject of two open compliance cases: E-2020-848 for “grading, clearing, and disturbance with building construction and demolition in the Critical Area buffer” and B-2011-265 for “construction of an illegal garage and a single family home addition”.

The applicant’s letter explains that an expansion of the home to its current footprint was approved by the County in 1997; however, the expansion was never completed. The overall footprint of the home, walls, and roof were constructed as designed, but the siding and interior work was not completed. The applicant is seeking variance approval to obtain the building permits necessary to perfect and complete the previously approved dwelling additions. The 1997 approved plans showed wetlands and buffers. The southern and northern edges of the approved addition were just outside of the mapped 100 foot-buffer on that plan. However, the new field review shows the current tidal wetland limits and maps the current location of the 100-foot Critical Area buffer. The buffer now extends over the additions [and patio] at the north end of the home. In reviewing historic aerial photographs of the site, the applicant observes that it appears that the shoreline along the northern edge of the site has eroded, causing a shift in the 100-foot buffer location.

The **Development Division (Critical Area Team)** commented that they have no objection to the completion/renovation of the existing structure which was permitted and constructed in the late 1990’s. Aerial photos indicate that the patio was part of the improvements that were completed with the original construction. The Team has no objection to an in kind replacement of the patio; however, the site plan shows an expansion which cannot be supported. Significant clearing has occurred and a variance cannot be granted for that. The clearing will be mitigated as a violation, and the buffer must be established on site.

The **Critical Area Commission** commented that the County must ensure that appropriate mitigation is required, including ensuring that the full re-establishment of areas associated with the unpermitted clearing occurs and that any remaining mitigation is fulfilled by planting unvegetated portions of the Buffer. Based on the submitted Mitigation Plan, it does not appear that the unpermitted cleared areas (both inside and outside of the Buffer) are being fully replanted. Nor does it appear that the proposed mitigation on this site fulfills the mitigation requirements. The applicant may not be granted a variance to the mitigation standards per COMAR 27.01.09.01-2.P. The applicant should revise the Mitigation Plan to provide a Landscape Stock Table to include the size, quantity, and species that will satisfy the mitigation requirements.

The **Department of Health** has reviewed the on-site sewage disposal and well water supply system and has determined that the proposal would not adversely affect these systems.

The **Department of Recreation and Parks** commented that a portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The **Cultural Resources Section** commented that this property is located in the Cumberstone Historic District (AA-68), accessed via a designated Scenic & Historic Road (Bayfields Road). Additionally, the property has high archaeological potential. While the Cultural Resources Section has no objection to the variance, it should be noted that any development on the property is subject to compliance per Article 17-6-501 to 504. The Cultural Resources Section requires review of any grading/building permits.

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. In this case, the property is encumbered by the 100-foot buffer to tidal water/wetlands. A portion of the previously approved additions and the entire patio are located within what is now the 100-foot buffer due to shoreline erosion over time. As such, a literal interpretation of the County's Critical Area Program would deprive the applicant of rights that are commonly enjoyed by other properties in similar areas, as it would prevent the final completion of the already existing and approved improvements on the property.

The granting of the variance would not confer on the applicant a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. With proper mitigation/buffer re-establishment, the granting of the variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicant has overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law. The applicant has evaluated and implemented site planning alternatives by limiting the renovation to the completion of the already existing structure only and in an already-disturbed location. However, this Office notes the clear discrepancy between the existing patio shown on the site plan and the existing patio shown on recent aerials. Therefore, only the existing patio area can be supported.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood, as the addition is not being reconstructed and will remain in the same location where it has already existed for many years. The variance would not impair the appropriate use or development of adjacent property, as the addition exceeds the minimum setbacks required from all property lines. While the property is under violation for unpermitted clearing that is to be mitigated via onsite reforestation, the variance for the addition itself would not reduce forest cover in the resource conservation area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare.

It is unclear why the approved additions were constructed but never finished. Given the fact that the owner is attempting to finalize/complete a previously permitted project, the requested variance is justified. However, because the site plan shows the existing patio to be perfected much larger than it actually is, the associated variance for the patio is not the minimum necessary.

## **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends a ***modified conditional approval*** of a Critical Area variance to § 17-8-301 to perfect and complete the construction of the dwelling additions and patio on the north side of the dwelling within the buffer. The variance relief should only be granted to perfect the existing structures, and only the existing patio should be approved. Any approval must be conditioned on mitigation of the grading/clearing violation and on satisfying the forest conservation requirements at the time of permitting.

Should the Administrative Hearing Officer determine that a variance is warranted, any approval must be conditioned on the additional conditions provided in §18-16-305(c) and (d) as follows:

### **(c) Conditions for granting a variance in the critical area.**

(1) For a property with an outstanding violation the granting of a variance in the critical area under subsection (b) shall be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:

- (i) obtaining an approved mitigation or restoration plan;
- (ii) completing the abatement measures in accordance with the County critical area program; and
- (iii) paying any civil fines assessed and finally adjudicated.

(2) Notwithstanding the requirements of subsection (c)(1), the Office of Planning and Zoning may extend the time for abatement to the next planting season because of adverse planting conditions. An applicant may also be granted a 180 day extension to satisfy the conditions of a variance upon timely application to the Planning and Zoning Officer and good cause shown.

(d) **Lapse.** Any critical area variance granted for a property with an outstanding violation shall lapse by operation of law if the conditions of subsection (c)(1) are not satisfied within 90 days or as extended.

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.

**NARRATIVE:**

THIS GRADING PLAN IS FOR 4760 BAYFIELD ROAD, HARWOOD, MD, IS TO MEMORANDIZE THE WORK BEING BY THE PROPERTY OWNERS. THE PROPERTY OWNERS PURCHASED THE PROPERTY IN OCTOBER 2020. THE PROPERTY HAD BEEN NEGLECTED AND IN DISREPAIR. THE PROPERTY OWNERS BEGAN CLEARING TREES THAT WERE GROWING WITHIN THE FOUNDATION OF THE ADDITIONAL Y they began clearing a number of small trees and shrubs as well as larger diseased or dying trees. THE PROPERTY WAS CITED FOR VIOLATION OF A NUMBER OF COUNTY CODES, INCLUDING CLEARING WITHOUT A GRADING PERMIT.

THE WORK SHOWN ON THIS PLAN IS ONLY TO BRING THE PROPERTY BACK TO LIVABLE CONDITIONS. CLEARING AND FINO GRADING IS PROPOSED, HOWEVER NO EARTHWORK, CUTTING OR FILLING IS BEING PROPOSED. THE LIMIT OF DISTURBANCE IS THE AREA OF TREE CLEARING AND CUTTING.

THE ONE-STORY ADDITION WAS CONSTRUCTED WITHOUT A PERMIT. THE PROPERTY OWNERS ARE IN THE PROCESS OF APPLYING FOR AND GAINING THE PERMIT.

NO STORMWATER MANAGEMENT IS BEING PROPOSED AT THIS TIME BECAUSE NO STORMWATER BASINS WERE ADDED AS PART OF THIS WORK.

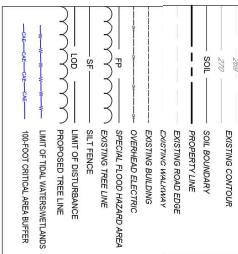
**SOIL SERIES MAP UNIT - ANNE ARUNDEL COUNTY, MD**

SYMBOL	SOIL SERIES NAME	HYDRIC RATING	HSG	Kc/Factor	DRAINAGE CLASS
CAO	CLAMBERTON MATTHEW COMPLEX, 2% SLOPES	NON-HYDRIC (S)	C2	0.37	SOMEWHAT
SOA	SHADOCK/ELEKTO COMPLEX, 2-3% SLOPES	NON-HYDRIC (S)	B2	0.37	POORLY DRAINED
W	WATER	N/A	N/A	N/A	N/A

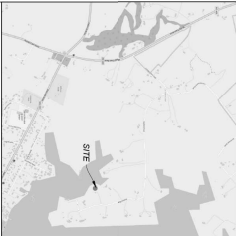
**AREA TABULATION**

Category	Area (Acres)
TOTAL SITE AREA	8.83 AC
TOTAL DISTURBED AREA	47,460 S.F. (1.09 AC)
EXISTING IMPROVEMENTS	24,935 S.F. (0.56 AC)
TOTAL IMPROVEMENTS	24,935 S.F. (0.56 AC)
TOTAL WOODED AREA	29,033 S.F. (0.66 AC)
WATER	10.77 AC
WATERSHED	WEST WATERSHED

**LEGEND**



**VICINITY MAP**  
SCALE: 1" = 200'

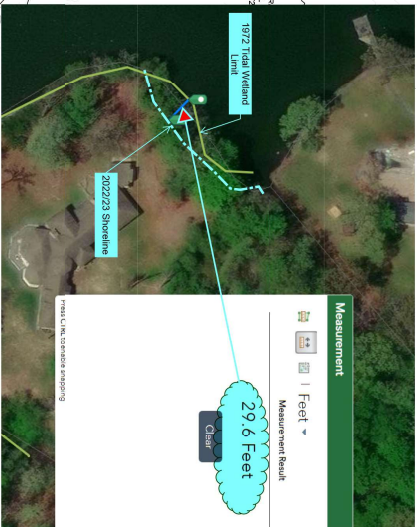


**EXISTING FOREST COVER MAPPING  
2023 PHOTOGRAPH**

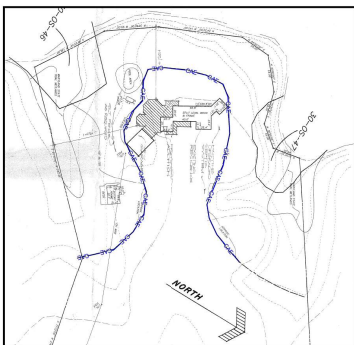


- NOTES**
- There are no steep slopes or highly erodible soils beyond the standard 100-foot ideal wetland/waterland buffer. As such, no expansion of the buffer is necessary.
  - The ideal wetland of Cox Creek are mapped as a historic wetland staging area.
  - Forest on the site is mapped as potential forest interior habitat.
  - No rare, threatened or endangered species are reported for the project area.
  - No anomalous fish propagation waters are noted on adjacent to the subject property.
  - No colonial waterbird nesting sites are present on adjacent to the site.
  - No natural heritage areas, and plant and wildlife habitats of local significance are reported to occur on adjacent to the property.

**SHORELINE EROSION MAPPING**



**1997 APPROVED HOUSE EXPANSION PLAN**



**REVISIONS**

No.	Date	Description

**CRITICAL AREA FINDINGS PLAN**  
PROPERTY OF ALLEN AND BROOKS  
HARWOOD, MARYLAND  
SEVENTH ELECTION DISTRICT  
ANNE ARUNDEL COUNTY, MARYLAND

4760 BAYFIELD ROAD

Designed	ATW	04/21
Drawn		
Checked		
Scale:	1" = 30'	

Drawing No. **SGP-2**  
Sheet 2 of 3

**PROFESSIONAL CERTIFICATION**  
I, **ALLEN AND BROOKS**, ENGINEER, HEREBY CERTIFY THAT I AM A duly Licensed Professional Engineer under the laws of the State of Maryland. License No. 25894. Expiration Date: 12/31/2025.



**Eco-Science Professionals, Inc.**  
CONSULTING ENGINEERS  
11000 WOODBURN ROAD, SUITE 100  
GREENBELT, MARYLAND 20770  
TEL: 301-344-1100  
WWW.ECO-SCIENCE.COM

MANAGED BY  
**ALLEN AND BROOKS**  
11000 WOODBURN ROAD, SUITE 100  
GREENBELT, MARYLAND 20770  
TEL: 301-344-1100  
WWW.ANDPRO.COM

**Eco-Science**  
**Professionals, Inc.**  
*Consulting Ecologists*



P.O. Box 5006 Glen Arm, Maryland 21057

Telephone (410) 683-7840 Fax (410) 683-7817

August 22, 2024

Mr. Carlos Allen  
Evergreen Ventures  
P.O. Box 3030  
Warrenton, Virginia 20188

RE: 4760 Bayfield Road

Dear Carlos,

Eco-Science Professionals, Inc. has performed a field review and assessment of the subject property to determine the nature and extent of the regulated resources on the property. The property is located at the referenced address in the Harwood section of Anne Arundel County, Maryland. The property is identified as parcel 574 on tax map 69 and are recorded as part of the Bayfield community. The property is located within the Resource Conservation Area overlay of the Chesapeake Bay Critical area. The lot is 8.03 acres.

The subject property has been previously developed for single family residential use. Per the tax records, the original home on the property was constructed in 1951. An expansion of the home to its current footprint was approved by Anne Arundel County in 1997. A two-story frame outbuilding and pool were also identified on the 1997 site plans. These structures are still present on the property.

The expansion of the home appears to have been initiated per the approved plans but has never been completed. The overall footprint of the home, walls, and roof were constructed as designed but siding and interior work was not completely. The pool is in a degraded condition with stone tiling over the prior concrete deck being damaged.

The area surrounding the home is maintained as lawn. A field survey from 2021 by Essayons Engineering Services documented forest clearing that had been recently performed. The survey was intended "to memorialize work begun on the property". Notes on the plan indicate that the property had been "neglected and was in disrepair" when purchased by the current owners in 2020. The plan further states that the owners did remove "larger dead or diseased trees" and "small trees and shrubs" that had overgrown areas around the house and that the property had been cited for violations related to this clearing.

Field review of the site in 2024 revealed site conditions similar to those shown on the 2021 Essayons plan. The house, pool, and outbuildings are present as shown and forest/tree limits remain consistent. This plan did show a 100-year floodplain but did not show the limits of tidal wetlands/waters adjacent to the site or the 100-foot Critical Area buffer. The 1997 approved County plans did show wetlands and buffers. The southern and northern edges of the approved addition just outside the mapped 100 foot-buffer on that plan.

Our field review has updated the Essayons plans with the current tidal wetland/waters limits and mapped the current location of the 100-foot Critical Area buffer. The buffer now extends over the addition at the north end of the home, creating a 1290 sq.ft. conflict. In reviewing historic air photographs of the site, it appears that the shoreline along the northern edge of the site has eroded, causing a shift in the 100-foot buffer location.

Lawn areas around the home are maintained by periodic mowing. The existing stone driveway shown on the 2021 plans is partially overgrown with grass. A small swimming pool is present within the lawn, just south of the home. The pool sits on a slight rise overlooking Cox Creek. The pool and deck are in disrepair.

A formal, multi-slip dock is present along the shoreline of Cox Creek, in front of the home and an unimproved boat launch is present on the southwest corner of the shoreline. Riprap slope protection is present along the shoreline of Cox Creek to the west of the house but this does not extend along the shoreline north or south of the house. Open tidal waters are present along the shoreline to the west and north of the home. Tidal wetlands are present within a swale along the southern edge of the property. The swale extends onto the site and further upslope on the adjacent property south of the site. The wetland vegetation near the open water interface includes narrow-leaf cattail, swamp hibiscus, high-tide bush, and American three-square. Further upslope woody vegetation is present along the perimeter of the wetlands which includes red maple and black gum. The upland/wetland interface is defined by a clear topographic boundary.

There are no steep slopes or highly erodible soils beyond the standard 100-foot tidal waters/wetland buffer. As such no expansion of the buffer is necessary.

The tidal waters of Cox Creek are mapped as a historic waterfowl staging area.

The lawn area occupies approximately 1.65 acres. The balance of the property, excepting the emergent wetland areas, is forested. The forest, which occupies roughly 5.9 acres of the site, is present along portions of the shoreline but primarily is located east of the lawn/house extending to Bayfields Road. The driveway runs through this forested portion of the site. The forest is mixed with white oak, willow oak, sweet gum, red maple, black gum, American holly and red cedar. The understory is fairly open in the stand.

Forest on the site is mapped as potential forest interior habitat.

No rare, threatened or endangered species are reported for the project area.

No anadromous fish propagation waters are noted on/adjacent to the subject property.

No colonial waterbird nesting sites are present on/adjacent to the site.

No natural heritage areas, and plant and wildlife habitats of local significance are reported to occur on/adjacent to the property.

The Resource Conservation Area overlay of the Critical Area establishes limitations for lot coverage and forest/forest clearing. The lot coverage limitation of 15 percent is 1.2 acres. Existing lot coverage on the site includes the driveway, home, outbuilding and pool. These features create 0.55 acres of coverage. Existing forest exceeds the 15% afforestation requirement. Any forest clearing will generate a reforestation obligation. If clearing is less than 20% of the existing forest, 1.2 acres, the required mitigation will be based on 1:1. If clearing exceeds 20 percent the mitigation obligation will be 1.5:1 for all forest cleared up to 30% , 1.8 acres. Clearing above 30% is not permitted within a variance.

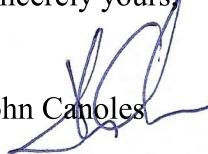
Per our 2024 site visit and the 2021 site plan, a total of 9,630 qs.ft. of forest clearing was performed without County approval This includes 6,060 sq.ft. of clearing in the buffer and 3,570 sq.ft. outside the buffer. Per County regulations reforestation for clearing without approval will require 4:1 mitigation in the buffer and 3:1 mitigation outside the buffer. These requirements result in a total reforestation obligation of 34,950 sq.ft.

The accompanying plan provides further documentation and depiction of the resource conditions on the site.

Please review this findings letter and plan and provide any comments. Do not hesitate to contact me if you have any further questions. Upon review and approval of these Critical Areas findings a Critical Area Management Plan detailing the required reforestation can be provided.

This letter and accompanying plan may be submitted to Anne Arundel County as documentation of our findings.

Sincerely yours,



John Canoles

Enc.

cc: file



## CRITICAL AREA REPORT NARRATIVE

**Re: 4760 Bayfields Rd Variance Application**

### **Part F. Variance Provisions (COMAR 27.01.12.04 Variance Standards)**

*Briefly explain any special features of the site or special conditions or circumstances peculiar to the land or structure and how a literal enforcement of the Critical Area regulations relative to these special features, conditions, or circumstances would result in unwarranted hardship.*

The literal interpretation of the Critical Area regulations would create an unwarranted hardship to the property owner because they are being applied retroactively as the result of natural processes that have caused the critical area buffer to encumber a greater percentage of the property than when the existing structure on the property was constructed. Per the 1997 approved building plans, the existing house was constructed outside the 100-foot buffer. In reviewing historic aerial photographs, it can be seen that the 1997 era shoreline north of the home extended further into the creek than it does today. Erosion along the shoreline has caused a change in the buffer limits, bringing the house into conflict with the 100-foot buffer. Requiring the property owner to mitigate for buffer impacts for an existing structure that was previously approved and constructed outside the buffer will add substantial cost and constraint to the property, creating an unwarranted hardship.

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*Briefly explain how a literal interpretation of the Critical Area regulations would deprive you (the property owner) of a use of land or a structure permitted to others in accordance with the provisions of the Critical Area program.*

The literal interpretation of the regulations would require the removal of a portion of the existing home that is within the currently defined buffer limits. Given that the home was constructed with County approval, outside the buffer, and is only in conflict with the buffer limits due to natural forces outside the control of the current landowner, denial of the variance would deprive the owner reasonable use of the property. The provisions of the Critical Area program allow for reasonable uses of the property and would not penalize a property owner for site changes caused by natural processes.

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*Briefly explain how granting of the variance would not confer upon you (the property owner) any special privilege that would be denied by the Critical Area regulations to other lands or structures within the Critical Area.*

The granting of the variance would not confer any special privilege to the property owner that would not be granted others because the variance process is designed to permit reasonable use of lands, including encroachments in the buffer, when no reasonable or practicable alternatives. Certainly, this project meets that threshold given that the existing home was constructed with County approval outside the buffer.

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*Briefly explain how the variance request is not based upon conditions or circumstances that are the result of actions by you (the property owner).*

The conditions/circumstances that instigate the need for the variance request are based on the fact that the 100-foot critical area buffer now extends over the existing home on the property. This conflict is the result of natural processes in which erosion along the shoreline has changed the buffer location from its position when the house additional were permitted in 1997. The property owner did not construct the house in its current location, did not obtain the permits for the addition in 1997, and did not have any influence or control over the shoreline erosion that has caused the buffer to encroach over the home.

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*Briefly explain how the request does not arise from any conforming or non-conforming condition on any neighboring property.*

The request for variance is based solely on the fact that the buffer location has encroached on the existing, approved, home location. The request is in no way related to any condition or use on a neighboring property.

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*Briefly describe how the granting of the variance would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area. Include any proposed mitigative measures to minimize impacts to these resources.*

The grating of the variance to allow the existing structure to remain will not adversely affect water quality or adversely impact, fish, wildlife or plant habitat within the Critical Area because no change in use is proposed on the lot. The house footprint and use of the property remain consistent with the previously approved site development.

The applicant is proposing onsite reforestation to re-establish forested buffers that were impacted by prior and current ownership.

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*Briefly explain how the granting of the variance would be in harmony with the general spirit and intent of the Critical Area regulations.*

The Critical Area regulations are designed to maximize resource protection while allowing reasonable property development. Granting a variance to permit an existing, County approved structure, where no changes in site use are proposed is in keeping with the spirit and intent of the regulations.

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*As part of the Critical Area Report Narrative:*

*Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.*

*If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.*

SEE ATTACHED FINDINGS LETTER AND PLAN

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
69	574			

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
 General Project Information

Tax ID: 01-02658600

Project Name (site name, subdivision name, or other) Allen Brooks Property

Project location/Address 4760 Bayfields Rd

City Harwood Zip 20776

Local case number G02018956

Applicant: Last name Allen First name Carlos

Company Evergreen Ventures LLC

**Application Type (check all that apply):**

- |   |  |
|---|--|
| Building Permit <input type="checkbox"/>                      | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input checked="" 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 checked="" type="checkbox"/> | Subdivision <input type="checkbox"/>         |
| Grading Permit <input checked="" 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:

Single Family House
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Yes Intra-Family Transfer <input type="checkbox"/> Grandfathered Lot <input type="checkbox"/>	Yes Growth Allocation <input type="checkbox"/> 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	1.09	47,460
LDA Area			# of Lots Created		
RCA Area	8.03	349,787			
Total Area					

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	5.88	256,035	Existing Lot Coverage	0.55	24,065
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0	0
Removed Forest/Woodland/Trees	0.18	7,725	Removed Lot Coverage	0	0
			Total Lot Coverage	0.55	24,065

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.023	1,000	Buffer Forest Clearing	0.023	1,000
Non-Buffer Disturbance	1.067	46,460	Mitigation	0.083	3,600

<p><u>Variance Type</u></p> Buffer <input checked="" type="checkbox"/> Forest Clearing <input checked="" type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input type="checkbox"/> Steep Slopes <input type="checkbox"/> Other <input type="checkbox"/>	<p><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input type="checkbox"/> Dwelling <input type="checkbox"/> Dwelling Addition <input checked="" 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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# 2024-0168-V

Menu Cancel Help

**Task**  
OPZ Critical Area Team  
**Assigned to Department**  
OPZ Critical Area  
**Action by Department**  
OPZ Critical Area  
**Start Time**

**Due Date**  
11/08/2024  
**Assigned to**  
Kelly Krinetz  
**Action By**  
Kelly Krinetz  
**End Time**

**Assigned Date**  
11/08/2024  
**Status**  
Complete w/ Comments  
**Status Date**  
11/08/2024  
**Hours Spent**  
0.0

**Billable**  
No

**Overtime**  
No

**Comments**  
We offer no objection to the completion/renovation of the existing structure which was permitted and constructed in the late 1990s. Aerial photos indicate that the patio was part of the improvements that were completed with the original construction. I have no objection to an in kind replacement of the patio however the site plan shows an expansion which cannot be supported. Significant clearing has occurred and a variance cannot be granted for that. The clearing will be mitigated as a violation and the buffer must be established on site.

**Time Tracking Start Date**  
No

**Est. Completion Date**

**In Possession Time (hrs)**

**Display E-mail Address in ACA**  **Display Comment in ACA**  **Comment Display in ACA**

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

**Estimated Hours**  
0.0

**Action**  
Updated

**Workflow Calendar**

Task Specific Information

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<b>Expiration Date</b>	<b>Review Notes</b>	<b>Reviewer Name</b>
<b>Reviewer Phone Number</b>	<b>Reviewer Email</b>	



Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

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**CAC Comments: 2024-0168-V Evergreen Ventures, 2024-0171-V Moynihan, 2024-0173-V Tynan, 2024-0174-V Fasano, 2024-0176-V McKittrick, 2024-0185-V Johnson**

1 message

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Jennifer Esposito <jennifer.esposito@maryland.gov>

Fri, Oct 11, 2024 at 10:20 AM

To: Sadé Medina <pzmedi22@aacounty.org>

Cc: Sterling Seay <pzseay16@aacounty.org>, Charlotte Shearin -DNR- <charlotte.shearin@maryland.gov>

Good morning,

The Critical Area Commission has reviewed the following variances and we provide the following comments:

- 2024-0168-V; Evergreen Ventures (AA 223-24): The County must ensure that appropriate mitigation is required, including ensuring that the full re-establishment of areas associated with the unpermitted clearing occurs, and that any remaining mitigation is fulfilled by planting unvegetated portions of the Buffer. Based on the submitted Mitigation Plan, it does not appear that the unpermitted cleared areas (both inside and outside of the Buffer) are being fully replanted. Nor does it appear that the proposed mitigation on this site fulfills the mitigation requirements. The applicant may not be granted a variance to the mitigation standards per COMAR 27.01.09.01-2.P. The applicant should revise the Mitigation Plan to provide a Landscape Stock Table to include the size, quantity, and species that will satisfy the mitigation requirements.
- 2024-0171-V; Moynihan (AA 229-24): In order for the Administrative Hearing Officer to grant this after-the-fact variance, the applicant must meet each and every one of the variance standards including unwarranted hardship and that the project will not adversely affect water quality or habitats within the Critical Area.
- 2024-0173-V; Tynan (AA 231-24): The property is currently improved with driveway, front porch, dwelling with patio and rear deck, and riparian access. It does not appear that a proposal for an additional outdoor amenity (a 288-square-foot deck) meets the Critical Area Variance standards, including unwarranted hardship as the applicant currently enjoys reasonable and significant use of the property.
- 2024-0174-V; Fasano (AA 230-24): The property is currently improved with a driveway, walkways, and dwelling with an existing deck. The dwelling is located on top of a 40% slope. The applicant should consider constructing the screen porch on top of the existing deck to minimize impacts to steep slopes. Given the existing improvements, this request does not meet all of

the Critical Area variance standards, including unwarranted hardship. If this request were to be denied the applicant will still have reasonable and significant use of the entire parcel. Additionally, impacts to the steep slopes to construct the screened porch can adversely impact water quality and habitats.

- 2024-0176-V McKittrick (AA232-24): Provided that the proposed improvements to the rear of the dwelling are limited to the existing footprint, and provided that the Administrative Hearing Officer finds that each and every one of the variance standards have been met, appropriate mitigation is required.
- 2024-0185-V; Johnson (AA 249-24): Appropriate mitigation is required.

Thank you for the opportunity to provide comments. If you have any questions or concerns, please let me know.

The above comments have been uploaded to the County's online portal.



 facebook\_logo.jpg

 twitter\_logo.jpg

[dnr.maryland.gov/criticalarea](http://dnr.maryland.gov/criticalarea)

### *Jennifer Esposito*

Critical Area Commission for the  
Chesapeake & Atlantic Coastal Bays

1804 West Street, Suite 100

Annapolis, MD 21401

Office: [410-260-3468](tel:410-260-3468)

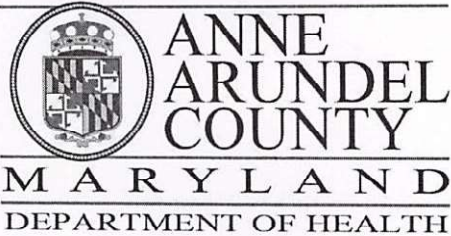
(In office: Mon., Wed., Friday)

Cell: [443-569-1361](tel:443-569-1361)

(Teleworking: Tues., Thurs.)

[jennifer.esposito@maryland.gov](mailto:jennifer.esposito@maryland.gov)






J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahealth.org

**Tonii Gedin, RN, DNP**  
**Health Officer**

**MEMORANDUM**

TO: Sadé Medina, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager   
Bureau of Environmental Health

DATE: September 10, 2024

RE: Evergreen Ventures, LLC.  
4760 Bayfields Road  
Harwood, MD 20776

NUMBER: 2024-0168-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect a dwelling addition with less setbacks and buffer than required.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



STEUART PITTMAN, COUNTY EXECUTIVE  
JESSICA LEYS, DIRECTOR  
RECREATION AND PARKS  
1 HARRY S. TRUMAN PKWY  
ANNAPOLIS, MD 21401  
AA.COUNTY.ORG/RECPARKS



## MEMORANDUM

TO: Sadé Medina, Zoning Division  
Office of Planning and Zoning

FROM: Pat Slayton  
Capital Projects Division

SUBJECT: Variance Case 2024-0168-V

DATE: September 9, 2024

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The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File

# 2024-0168-V

Menu Cancel Help

**Task**  
OPZ Cultural Resources  
**Assigned to Department**  
OPZ Cultural Resources  
**Action by Department**  
OPZ Cultural Resources  
**Start Time**

**Due Date**  
09/25/2024  
**Assigned to**  
Stacy Poulos  
**Action By**  
Stacy Poulos  
**End Time**

**Assigned Date**  
09/04/2024  
**Status**  
Complete w/ Comments  
**Status Date**  
09/26/2024  
**Hours Spent**  
0.0

**Billable**  
No

**Overtime**  
No

**Comments**  
This property is located in the Cumberstone Historic District (AA-68), accessed via a designated Scenic & Historic Road (Bayfields Rd.). Additionally, the property has high archaeological potential. While the Cultural Resources Section has no objection to the variance, it should be noted that any development on the property is subject to compliance per Article 17-6-501 to 504. The Cultural Resources Section requires review of any grading/building permits.

**Time Tracking Start Date**  
**Display E-mail Address in ACA**  
No

**Est. Completion Date**  
 **Display Comment in ACA**

**In Possession Time (hrs)**  
**Comment Display in ACA**  
 All ACA Users  
 Record Creator  
 Licensed Professional  
 Contact  
 Owner

**Estimated Hours**  
0.0

**Action**  
Updated

**Workflow Calendar**

Task Specific Information

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**Expiration Date**  
**Reviewer Phone Number**

**Review Notes**  
**Reviewer Email**

**Reviewer Name**



Total length: 91.87 ft

Existing  
Patio

