

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

**APPLICANTS:** Colleen & Robert Moynihan

**ASSESSMENT DISTRICT:** 7

**CASE NUMBER:** 2024-0171-V

**COUNCILMANIC DISTRICT:** 7

**HEARING DATE:** November 26, 2024

**PREPARED BY:** Joan A. Jenkins  
Planner III



**REQUEST**

The applicants are requesting a variance to perfect dwelling additions (landing and stairs, steps for ingress/egress, enclosed porch, front addition, and living space) with less setbacks and buffer than required on property located at 1345 Ellicott Avenue in Churchton.

**LOCATION AND DESCRIPTION OF SITE**

The subject site has an area of approximately 30,064 square feet<sup>1</sup> and is located with approximately 200 feet of road frontage on the southeast side of Ellicott Avenue, east of Ilchester Street. The site includes Lots 20, 21A, 22, and 24 shown on Tax Map 74, Grid 16 on Parcel 171 in Block 1 of the Franklin Manor Beach subdivision.

This site is zoned primarily OS - Open Space District with some R5-Residential District. The property is in the Chesapeake Bay Critical Area primarily within the RCA - Resource Conservation Area with some LDA - Limited Development Area. There are wetlands and the 100-foot nontidal wetlands buffer onsite. The property is currently improved with a one-story single-family detached dwelling and a gravel drive. The property is served by a private well and public sewer system.

**PROPOSAL**

The applicant seeks this after-the-fact variance to perfect several additions to an existing dwelling: a front addition (7.2' x 6.2') with 3 steps (6.2' wide); on the northeast side, a living space addition (21' x 6') and steps for ingress/egress (4' x 4'); on the southwest side a landing (4' x 4') and stairs to grade; and enclosure of an existing screened porch (10.08 feet by 30 feet) on the rear of the dwelling. A portion (122 sf) of the existing driveway as well as an existing concrete pad (8 sf) and side stairs to the porch have been removed and will not be replaced.

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<sup>1</sup> This site currently has four lots with two tax id's. The building permit zoning review is requiring a lot merger agreement to merge all four lots prior to permit approval. The application has been evaluated taking this into account. Variances to the front and side setbacks would still be required, although different and the northeast side addition would encroach on the abutting lot if only one lot is analyzed.

**REQUESTED VARIANCE**

§18-13-104 of the Anne Arundel County Code requires that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater, nontidal wetlands, nontidal wetlands of special State concern, and hydric soils or highly erodible soils. The buffer shall be expanded for nontidal wetlands, nontidal wetlands of special State concern, hydric soils or highly erodible soils in accordance with COMAR, Title 27.

§18-9-203 of the Anne Arundel County Code requires that in an OS - Open Space district except as provided otherwise in this article, a use or structure other than a pier, conservation use, passive recreational use, or beach shall be located at least 50 feet from any lot line and 75 feet from any road right-of-way.

The front addition is 13.58 feet from the front lot line and road right-of-way with stairs that are 10.57 feet from the front lot line and road right-of way requiring variances of 37 feet and 62 feet, and 40 feet and 65 feet, respectively.

The proposed addition on the northeast side will be 38.02 feet from the front lot line and road right-of-way, requiring variances of 42 feet and 37 feet, respectively. The proposed steps for ingress/egress on the northeast side will be 32.81 from the front lot line and road right-of-way requiring variances of 18 feet and 43 feet, respectively.

The landing and stairs will be as close as 8.91 feet from the southwest side lot line and 33.58 feet from the front lot line and road right-of-way requiring variances of 42 feet, 17 feet and 42 feet, respectively.

The porch that has been enclosed is 12.91 feet from the southwest side property line requiring a variance of 38 feet.

**FINDINGS**

This is a rectangular-shaped property that consists of four lots. The property is split-zoned primarily OS - Open Space District and R5 - Residential District. The dwelling is entirely in the R5 District. Prior to any of the additions being constructed the house did not meet the front setback nor the side setback on the northeast side when considering the site as only one lot in the R5 District. The review for the building permit requires merger of the dwelling lot with adjacent lots which will then change the dominant zoning to OS - Open Space. § 18-2-301(a) of the County Code stipulates that a lot located in more than one zoning district shall comply with the setback requirements applicable to the district in which the majority of the property is located. With the predominant zoning being OS the Code requires a 50' setback from any lot line and 75' setback from a road right-of-way. The 100-foot nontidal wetlands buffer encumbers most of the property.

A review of the County 2024 aerial photograph shows a neighborhood of similar-sized homes mostly on single lots. The applicants purchased the four lots included in the two properties in March 2023. They have owned the neighboring lot at 1343 since November 2012.

The existing critical area lot coverage is 1,813 square feet (1,783 square feet in the 3,118 square foot LDA portion of the site and 30 square feet in the RCA portion of the site). The allowable lot coverage in the LDA portion is 1,280 square feet. As the site is already over the allowable coverage with the 10% reduction the allowable lot coverage is 1,733 square feet. The site plan indicates that post development lot coverage will be 1,809 square feet. The applicant has not requested a variance to the lot coverage requirements and lot coverage will be addressed at permitting. The R5 district restricts coverage by structure to 40% of the gross area. The R5 portion of the site is 7,416 square feet. The proposal appears to meet the 40% maximum coverage by structure requirement.

The applicants proceeded with construction of the improvements without the benefit of a building permit. There is a violation case B-2023-605, opened October 27, 2023 for interior renovations/front porch-no permits “Franklin Manor”. The site inspection report notation in the complaint record indicates there is a new front addition, a new door side entrance, enclosure of the existing roofed screened porch, and an addition to the left side of the primary structure (as viewed from the road).

The applicant’s letter of explanation states that there is no way of expanding the dwelling without being within the 100’ wetlands buffer. The letter states that the additions are relatively small. The applicant opines that there is no way to improve or expand the existing dwelling without impacting the 100’ buffer.

The **Health Department** commented that they have reviewed the water supply system for the property and have determined that the proposed request adversely affects the well water supply system. The current well (AA-88-6522) is not located on the property and they recommend denial of the request.

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 **Critical Area Team** commented that while it is true the addition cannot meet the approval standards for a variance, the proffer to combine this lot with the remaining 3 undeveloped lots would represent sound planning practice. The 3 undeveloped lots are encumbered by environmental features as well as projected impacts from Hurricane Inundation and Sea Level Rise. The combination of the 4 lots currently owned by the applicant would mitigate the impact of the addition by removing the potential for development on the remaining legal lot (s). The CA Team has no objection to the approval of this application conditioned upon the combination of the 4 lots.

The **State Critical Area Commission** commented that 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 habitat within the Critical area.

For the granting of a critical area variance, a determination must be made on the following:

Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in an unwarranted hardship or practical difficulty. In this case the presence of the expanded nontidal wetlands buffer, the location of the existing dwelling and the requirement to merge lots thereby creating a site that is primarily zoned OS District creates an unwarranted hardship making improvements to a majority of the dwelling nearly impossible without variance relief. As such some relief may be warranted to allow the applicants to make minor additions for access and enclosing an existing screened porch. No hardship has been shown regarding the front addition or the living space addition. The improvements were constructed within the buffer, without a variance or a building permit and the applicants have not given sufficient justification for the improvements.

A literal interpretation of the County's critical area program will deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by denying the applicant the right to improve their dwelling access on the southwest side and remodel the screened porch into a living space. The granting of the variance for the additions, the northeastern access steps will confer on the applicants a special privilege that would be denied by COMAR, Title 27. This request is a result of actions by the applicants in that redevelopment began prior to an application for a variance being filed. This request does not arise from any condition relating to land or building use on any neighboring property. The granting of the variances may adversely affect water quality or impact fish, wildlife or plant habitat and with the merging of the four lots the proposal is in harmony with the general spirit and intent of the County's critical area program. While the applicants also have not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law the requirement to merge four lots has been deemed by the critical area team to be sound planning practice thereby they have evaluated site planning alternatives.

With regard to the requirements for all variances:

There is no evidence that the additions will alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare. The proposal will not reduce forest cover in the LDA or the RCA and will not be contrary to acceptable clearing and replanting practices. Finally, the County Critical Area team has offered no objection to the proposal with the condition of merging of the four lots. However, the Health Department determined that the proposed request adversely affects the well water supply system.

Adding the access steps to the northeast side is forcing the consolidation of four lots. If this improvement were not being made then the consolidation would not be necessary, the lot would have been evaluated under the R5 District bulk regulations and the setback variance requests would have been reduced or eliminated. The addition and the access stairs to the northeast and the landing and stairs to the southwest and the front entrance are not the minimum necessary to afford relief. The conversion of a screened porch to living space could be considered to be the

minimum necessary as it does not change the footprint and disturbance to the wetlands buffer is temporary.

### **RECOMMENDATION**

With regard to the standards by which a variance may be granted as set forth under § 18-16-305 of the County Code, the Office of Planning and Zoning recommends ***denial*** of the variance requests for the proposed addition, the access steps on the northeast side, the landing and stairs on the southwest side and the front addition and steps. In addition, this Office recommends ***approval*** of the enclosure of the screened porch to redevelop the property in that area as shown on the site plan.<sup>2</sup>

If the hearing officer feels that the access steps on the northeast side can be approved then the approval should be conditioned on the merger of four lots.

If it is determined that a variance is to be granted for this property with an outstanding violation, the variance shall be conditioned on the applicant completing the following within 90 days of the date of the decision, as applicable: (i) obtaining an approved mitigation or restoration plan; (ii) completing the abatement measures in accordance with the County critical area program; (iii) paying any civil fines assessed and finely adjudicated.

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

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<sup>2</sup> The applicants have provided supplemental information showing the area of the porch. It is understood that the porch area was included on the building permit site plan and should match the supplemental information for the variance site plan.





Joan Jenkins <pzjenk00@aacounty.org>

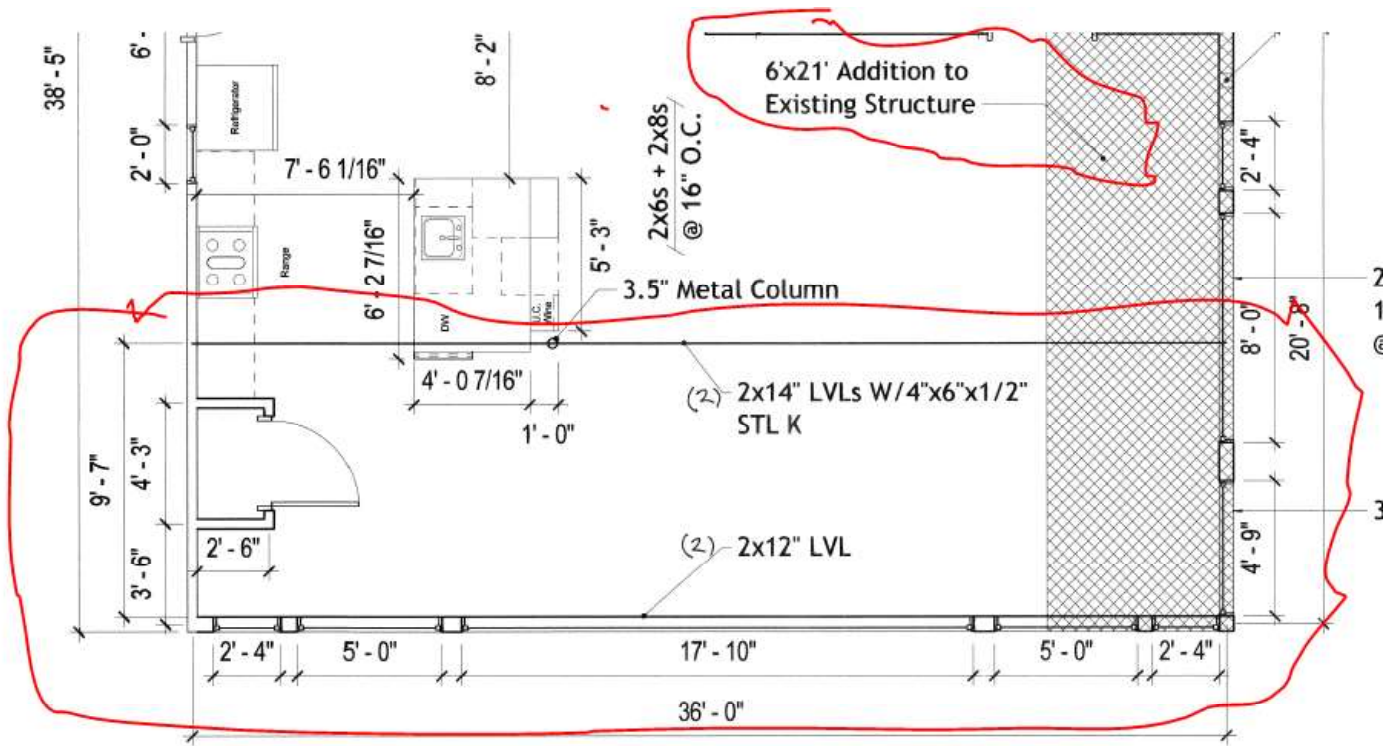
2024-0171-V Moynihan

Mike Gillespie <mgillespie@messickandassociates.com>  
To: Joan Jenkins <pzjenk00@aacounty.org>  
Cc: "Robert Moynihan, COL, (ret)" <waldof16@earthlink.net>

Mon, Nov 18, 2024 at 1

The room is/was 30' wide, then the 6' addition was added to the east side for a total of 36'x10.08'

It's the room the inspector thinks was a screen porch. This is the rear of the house



From: Joan Jenkins <pzjenk00@aacounty.org>  
Sent: Monday, November 18, 2024 11:46 AM  
To: Mike Gillespie <mgillespie@messickandassociates.com>  
Cc: Robert Moynihan, COL, (ret) <waldof16@earthlink.net>  
Subject: Re: 2024-0171-V Moynihan

10.08' for what dimension? Also, aren't rooms two dimensional? Shouldn't there be a width and length?

Joan A. Jenkins  
Office of Planning and Zoning  
Planner III, Zoning Administration Section  
O: 410-222-7437  
www.aacounty.org

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September 11, 2024

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

Re: VARIANCE REQUEST  
MOYNIHAN PROPERTY  
1345 ELLICOTT AVENUE  
CHURCHTON, MD 20733  
B02422511  
Violation B-2023-605

Dear Ms. Seay:

On behalf of the applicants, we respectfully request a variance to Article 17-8-301(a) which states in part the expanded buffer shall not be disturbed. A variance is also requested to Article 18-13-104(a) and (b) which states there is an expanded buffer to the tidal wetlands. A variance is requested to Article 18-2-301 which states that a lot located in more than one zoning district shall comply with the setback requirements applicable to the district in which the majority of the property is located. As the majority of the site is in the OS, a variance is also requested to Article 18-9-203, the OS bulk regulations. The property is developed with dwelling and associated improvements. The property meets the definition of a buildable lot, subject to the approvals of the County. Ultimately, lots 21A, 20, 22 and 24 will be combined as one property. The property in total would be 30,064 square feet in area. The site is served by well and public sewer. It is served by right of way Ellicott Avenue. The site drains to a marsh of Deep Cove Creek, and ultimately to the tidal waters of the Chesapeake Bay. The site is waterfront. The site is located in the LDA (Limited Development Area) and the of RCA (Resource Conservation Area) of the Chesapeake Bay Critical Area. The site is not located in a Buffer Modification area and is subject to a 100' expanded buffer due to the presence of tidal wetlands. The site is zoned R5 and OS.

The applicant did an addition without a permit and was issued a violation. The applicant subsequently applied for building permit to perfect the addition to the existing dwelling. The work was done as part of an overall renovation of the home. The additions include a 6'x21' unpermitted addition on the east side of the dwelling. The applicant is also proposing a set of steps for ingress/egress, and a landing and stair to relocated a removed stoop and stair on the west side of the dwelling. This relocation will place the new landing and stair further from the tidal wetlands. To perform this work, there will be disturbance to the 100' tidal wetlands buffer. The improvements, while minimal, are located in the wetlands buffer. Construction access to the work area is also located partially in the expanded buffer. This disturbance is for access only and will provide no grading,

cutting or filling in the expanded buffer. All lot coverage and disturbance is located in the R5 zoning portion of the property. The site exceeds the underlying lot coverage requirements for the LDA area of the lot, requiring a 50 sq. ft. reduction in lot coverage. The owner intends to remove 130 square feet of existing LDA lot coverage. Existing lot coverage in the LDA is 1,783 square feet, and the allowable lot coverage is 1,280 square feet. Lot coverage in the LDA is being reduced from 1,783 square feet to 1,680 square feet. Existing lot coverage in the RCA is 30 square feet, and the amount of proposed lot coverage in the RCA is 99 square feet, for a total proposed in the RCA of 129 square feet, well under the allowable coverage of 5,445 square feet. As the LDA portion exceeds the allowable, a reduction in lot coverage is required for this project. The post development lot coverage of 1,809 square feet is less than the existing lot coverage of 1,813 square feet. The disturbance required for the proposed work is under 5,000 square feet, and a Standard Grading Plan should suffice for the proposed work, should the variance be granted.

The existing area of R5 on the property is 7,416 square feet, and the area of OS zoning is 22,648 square feet. By Code, the property is considered OS. However, it should be noted that all the proposed work and lot coverage is located in the R5 zoning portion of the lot. The proposed work is part of keeping their property functioning in a positive manner.

The owner is also willing to combine the four lots into one large lot. It is noted that the three lots being combined with the fourth lot on which the house is located have their own environmental issues. However, there may be potential to develop one of the lots, and the owner is willing to cede any future development rights for these lots by combining them into one larger lot, thereby removing any possibility that someone could try to develop them in the future.

In response to the prefile comments, the following is offered. The critical area team noted concerns. The site is located in a sensitive species protected area and split zoned R5/OS. The client obtained an email (included in submittal package) from Lori Byrne at the DNR Wildlife and Heritage Service that notes that the site is in a habitat protection area, but in summary, it is noted that due to the scope of work and the distance from areas of rare species records, they do not have concern with the project. The site is split zoned, however all the proposed work takes place in the R5 zoning portion of the property. It is noted that the site is subject to a stop work order. The owner admits he did the work without proper permitting, not knowing that it was needed for such a small renovation, and with this application is diligently working towards proper permitting and resolution of the stop work order. The client has submitted a building permit, which generated comments that the variance is necessary. It was noted that the expansion puts the addition within 60' of the tidal wetland. Dimensioning has been added to the site plan noting the existing dwelling at the addition is 67.24' from the tidal wetland, and the addition is 68.40' from the tidal wetland. It is also noted that the request is the result of unpermitted action by the client. The client admits his error, and as noted above, has been working to rectify this situation.

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

1. The subject property consists of three lots, all encumbered by the 100' tidal wetlands buffer and OS zoning in some capacity. Please see the variance site plan for detailed calculations. Because of these encumbrances it is not possible to improve the dwelling without some relief to the Code.

2. The exceptional circumstances and practical difficulties in improving the property have been noted in #1 above to a large degree. Due to the location of the expanded buffer, and the underlying zoning of the property, it would not be possible to improve the property without a variance.

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

1. What is peculiar about and inherent to this lot is that it is subject to an 100' tidal wetland buffer which encumbers a majority of the site, and due to the split zoning making the property fall under the OS requirements of the zoning code. Denial of a variance would be a hardship for the

owners, as the house needs improvements, and cannot be enjoyed by the owners in its current state. The work proposed provides minor improvements to the dwelling, with the minimal amount of disturbance.

2. A literal interpretation of COMAR would deny the owners use of the property enjoyed by others as the site has a 100' tidal wetlands buffer, and split zoning being OS. and there is no way to do the proposed work without disturbing the buffer and doing improvements on a property that is technically zoned OS by Code, but all work is taking place in the R5. Due to these situations, for the owners to not be allowed to proceed would be a denial of rights commonly enjoyed by others.

The site is not in a bog area.

3. This project will not confer special privileges to the owner, as the home needs improvement, much like most smaller older homes in the Critical Area.

4. The request is not a result of actions of the owner. The location of the 100' tidal wetlands buffer, and the fact it is considered OS zoning, are unrelated to their ownership of the property.

5. This project will not result in a denigration of forest or water quality. The additions are relatively modest, lot coverage is being reduced in the LDA. As stormwater management will be provided as required by the Code, most likely by planting for stormwater mitigation, and any clearing must be mitigated for as per the Code. The amount of new lot coverage is 19 square feet, located entirely in the RCA and well under the allowable lot coverage. Lot coverage in the LDA will be reduced by 50 square feet. It should also be noted that no tree clearing is proposed.

6. This site is not in the bog buffer.

7. This plan meets the presumption, as the denial of this variance would deny the owners rights of other owners in the County. The development is not detrimental to the environment as there is a reduction in lot coverage in the LDA, and lot coverage in the RCA is well under the allowable amount, and modern construction will make the project a benefit not a detriment to the area.

8. The applicant has tried alternative design. However, as this is for additions to an existing structure, the design alternatives are limited.

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

1. The variance request is the minimum to afford relief. The request is the minimum to allow for construction of additions with a small increase in RCA coverage (19 sq. ft.), with a reduction in lot coverage proposed in the LDA.

2. i. This variance will not alter the essential character of the neighborhood. Additions are modest, and the home is existing.

ii. This variance will not impair the use of adjoining properties. The proposal will not impact neighbors. The additions will be attached to an existing dwelling.

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

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

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

This plan proposes the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA. The work performed will not

be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

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

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

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

Sincerely,  
Messick and Associates

*Mike Gillespie*

Mike Gillespie  
Project Manager

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
74	171	10	20, 21A, 22	
			24	

**FOR RESUBMITTAL ONLY**

Corrections

Redesign

No Change

Non-Critical Area

\*Complete Only Page 1  
 General Project Information

Tax ID: Lot 21A-7268-04659400  
Lots 20, 22, 24-7268-04659600

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

Project location/Address 1345 Ellicott Ave

City Chverton Zip 20733

Local case number \_\_\_\_\_

Applicant: Last name Moynihan First name Robert

Company \_\_\_\_\_

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

- |                           |                          |                   |                                     |
|---------------------------|--------------------------|-------------------|-------------------------------------|
| Building Permit           | <input type="checkbox"/> | Variance          | <input checked="" type="checkbox"/> |
| Buffer Management Plan    | <input type="checkbox"/> | Rezoning          | <input type="checkbox"/>            |
| Conditional Use           | <input type="checkbox"/> | Site Plan         | <input type="checkbox"/>            |
| Consistency Report        | <input type="checkbox"/> | Special Exception | <input type="checkbox"/>            |
| Disturbance > 5,000 sq ft | <input type="checkbox"/> | Subdivision       | <input type="checkbox"/>            |
| Grading Permit            | <input type="checkbox"/> | Other             | <input type="checkbox"/>            |

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name \_\_\_\_\_

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # \_\_\_\_\_ Hearing date TBD

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

*Perform a small addition, relocate landing + stairs, add stair for ingress/egress combine lots*

Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	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	Total Disturbed Area	Acres	Sq Ft
IDA Area				<i>0.587</i>	<i>3,788</i>
LDA Area	<i>0.072</i>	<i>3,118</i>			
RCA Area	<i>0.619</i>	<i>26,946</i>	# of Lots Created	<i>0</i>	
Total Area	<i>0.690</i>	<i>30,064</i>			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	<i>0.172</i>	<i>7,484</i>	Existing Lot Coverage	<i>0.042</i>	<i>1,813</i>
Created Forest/Woodland/Trees	<i>TBD</i>	<i>TBD</i>	New Lot Coverage	<i>0.053</i>	<i>126</i>
Removed Forest/Woodland/Trees	<i>0</i>	<i>0</i>	Removed Lot Coverage	<i>0.002</i>	<i>130</i>
			Total Lot Coverage	<i>0.097</i>	<i>1,809</i>

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	<i>0.054</i>	<i>2,352</i>	Buffer Forest Clearing	<i>0</i>	<i>0</i>
Non-Buffer Disturbance	<i>0.033</i>	<i>1,456</i>	Mitigation	<i>TBD</i>	<i>TBD</i>

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input checked="" 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"/>
Lot Coverage	<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"/>
Setback	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

***CRITICAL AREA  
REPORT***

**1345 ELLICOTT AVENUE  
CHURCHTON, MD 20733**

**September 2024**

Prepared for:  
Robert & Collleen Moynihan

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

## INTRODUCTION

This site is a 30,064 square foot property that is located on the southeast side of Ellicott Avenue in Churchton, MD. The proposal is to perfect an addition and replace a landing and stair, and add stairs for ingress and egress. The site is served by public sewer and well. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Limited Development Area (LDA) and predominantly with the RCA (Resource Conservation Area). The property is zoned residential, R-5 and OS, OS being the predominate zoning. All work and impervious coverage is located in the R-5. The site is impacted by tidal wetlands and their buffers, which necessitates this variance request. The client owns four adjoining lots, and as part of this process, will combine the four lots into one lot.

## EXISTING USE

The property consists of 30,064 square foot property. The site is currently developed with a cottage and a driveway. It is served by public sewer and a water well. The property is a not a corner lot. It is located off a 50' right of way Ellicott Avenue.

## SURROUNDING LAND USE

The properties that abut the site are relatively small, developed as single-family lots. The general area is developed as single-family lots consistent with the Franklin Manor Beach subdivision. The site is bounded by a developed property to the west, Ellicott Avenue to the north, and tidal wetlands to the east and south. The site drains to the tidal wetlands, ultimately to the Chesapeake Bay.

## PROPOSED WORK

The owners wish to perfect a small addition done to the dwelling as part of an overall renovation of the property. The small addition was done without permits, unknowingly by the owner. As part of the renovation, an existing landing and stair will be replace, and ingress/egress stairs added to the west side of the dwelling. A portion of the driveway will be removed to meet the underlying lot coverage. All work is taking place in the expanded buffer.

## SOILS

The U.S. Department of Agriculture Soil Survey, defines the property to have a soil type of DeA – Deale-Shadyoak-Urban Land Complex, 0 TO 2% Slopes (C/D Soils), MZA Mispillion and Transquaking Soils 0-1% Slopes (A/D Soils) and CoC – Shadyoak-Elkton Urban Land Complex 0-2% slopes (B/D Soils).

## FLOODPLAIN

The property described hereon is located in the flood hazard zones "X" - (area of minimal flood hazard) and zone AE EI=4' as delineated on the firm flood insurance map #24003C0317F dated February 18, 2015 for said county and distributed by the Federal Emergency Management facility. All work is in zone X.



## NON-TIDAL WETLANDS

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

## TIDAL WETLANDS

There are Tidal Wetlands and their buffer on this site. The tidal wetlands were delineated by Atwell LLC.

## BODIES OF WATER

The site drains into the tidal wetlands to the Chesapeake Bay.

## STEEP SLOPES

There are no steep slopes on the property.

## RARE AND ENDANGERED SPECIES

A review of Federal and/or State listed species of rare, threatened or endangered species of plants or animals has been provided via the enclosed email from Lori Byrne of the Maryland Department of Natural Resources Fish, Heritage and Wildlife Administration, indicating the project site is within a habitat protection area, however they have no concerns that the project will impact rare, threatened or endangered species or their habitat.

## STORMWATER MANAGEMENT

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

## FOREST COVER

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

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

Mountain Laurel *Kalmia latifolia*  
**WILDLIFE TYPICAL OF THIS AREA**

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

**SITE CALCULATIONS**

1. Total Site area.....30,064 sq. ft.
2. Site area in Critical area.....30,064 sq. ft.  
LDA – 3,118 sq. ft.  
RCA – 26,946 sq. ft.
3. Existing lot coverage .....1,813 sq. ft.  
LDA – 1,783 sq. ft.  
RCA – 30 sq. ft.
4. Lot coverage to be removed.....130 sq. ft. (LDA)
5. Proposed lot coverage .....126 sq. ft.  
LDA – 27 sq. ft.  
RCA – 99 sq. ft.
6. Total Lot Coverage after Construction...1,809 sq. ft.  
LDA – 1,680 sq. ft.  
RCA – 129 sq. ft.
7. Proposed Disturbed Area.....3,788 sq. ft.

Real Property Data Search ( )  
 Search Result for ANNE ARUNDEL COUNTY

[View Map](#)      [View GroundRent Redemption](#)      [View GroundRent Registration](#)

**Special Tax Recapture: None**

**Account Identifier:** District - 07 Subdivision - 268 Account Number - 04659400

**Owner Information**

**Owner Name:** MOYNIHAN COLLEEN      **Use:** RESIDENTIAL  
 MOYNIHAN ROBERT      **Principal Residence:** YES  
**Mailing Address:** 1345 ELLICOTT AVE      **Deed Reference:** /39532/ 00482  
 CHURCHTON MD 20733-

**Location & Structure Information**

**Premises Address:** 1345 ELLICOTT AVE      **Legal Description:** LT 21A BK 1  
 CHURCHTON 20733-0000      1345 ELLICOTT AVE  
 Waterview      FRANKLIN MANOR BEACH

**Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:**  
 0074 0016 0171 7010002.02 268 1 21A 2024      Plat Ref:

**Town:** None

**Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use**  
 1955 900 SF 7,500 SF

**StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements**  
 1 NO STANDARD UNITSIDING/3 1 full

**Value Information**

	Base Value	Value		
		As of 01/01/2024	As of 07/01/2024	As of 07/01/2025
<b>Land:</b>	141,100	141,100		
<b>Improvements</b>	84,600	106,600		
<b>Total:</b>	225,700	247,700	233,033	240,367
<b>Preferential Land:</b>	0	0		

**Transfer Information**

<b>Seller:</b> MACKEY KENNETH W	<b>Date:</b> 03/22/2023	<b>Price:</b> \$160,000
<b>Type:</b> ARMS LENGTH IMPROVED	<b>Deed1:</b> /39532/ 00482	<b>Deed2:</b>
<b>Seller:</b> MACKEY KENNETH W	<b>Date:</b> 01/26/2023	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /39419/ 00144	<b>Deed2:</b>
<b>Seller:</b> TALBERT, EDWARD S	<b>Date:</b> 04/15/2010	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /22186/ 00211	<b>Deed2:</b>

**Exemption Information**

<b>Partial Exempt Assessments: Class</b>		07/01/2024	07/01/2025
<b>County:</b>	000	0.00	
<b>State:</b>	000	0.00	
<b>Municipal:</b>	000	0.00 0.00	0.00 0.00

**Special Tax Recapture: None**

**Homestead Application Information**

**Homestead Application Status:** No Application

**Homeowners' Tax Credit Application Information**

**Homeowners' Tax Credit Application Status:** No ApplicationDate:

Real Property Data Search ( )  
 Search Result for ANNE ARUNDEL COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 07 Subdivision - 268 Account Number - 04659600

Owner Information

Owner Name: MOYNIHAN COLLEEN Use: MARSH LAND  
 MOYNIHAN ROBERT Principal Residence:NO  
 Mailing Address: 1345 ELLICOTT AVE Deed Reference: /39532/ 00486  
 CHURCHTON MD 20733-

Location & Structure Information

Premises Address: 1347 ELLICOTT AVE Legal Description: LTS 20 22 24 BK 1  
 CHURCHTON 20733-0000 1347 ELLICOTT AVE  
 Waterview FRANKLIN MANOR BEACH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
 0074 0016 0171 7010002.02 268 1 20 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
 0.5100 AC

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value		
		As of 01/01/2024	As of 07/01/2024	As of 07/01/2025
Land:	0	0		
Improvements	0	0		
Total:	0	0	0	0
Preferential Land:	0	0		

Transfer Information

Seller: MACKEY KENNETH W	Date: 03/22/2023	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /39532/ 00486	Deed2:
Seller: MACKEY KENNETH W	Date: 01/26/2023	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /39419/ 00384	Deed2:
Seller: TALBERT, EDWARD S	Date: 04/15/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /22186/ 00207	Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

1345 ELLICOTT AVE, 2073 X



Show search results for 1345 E...



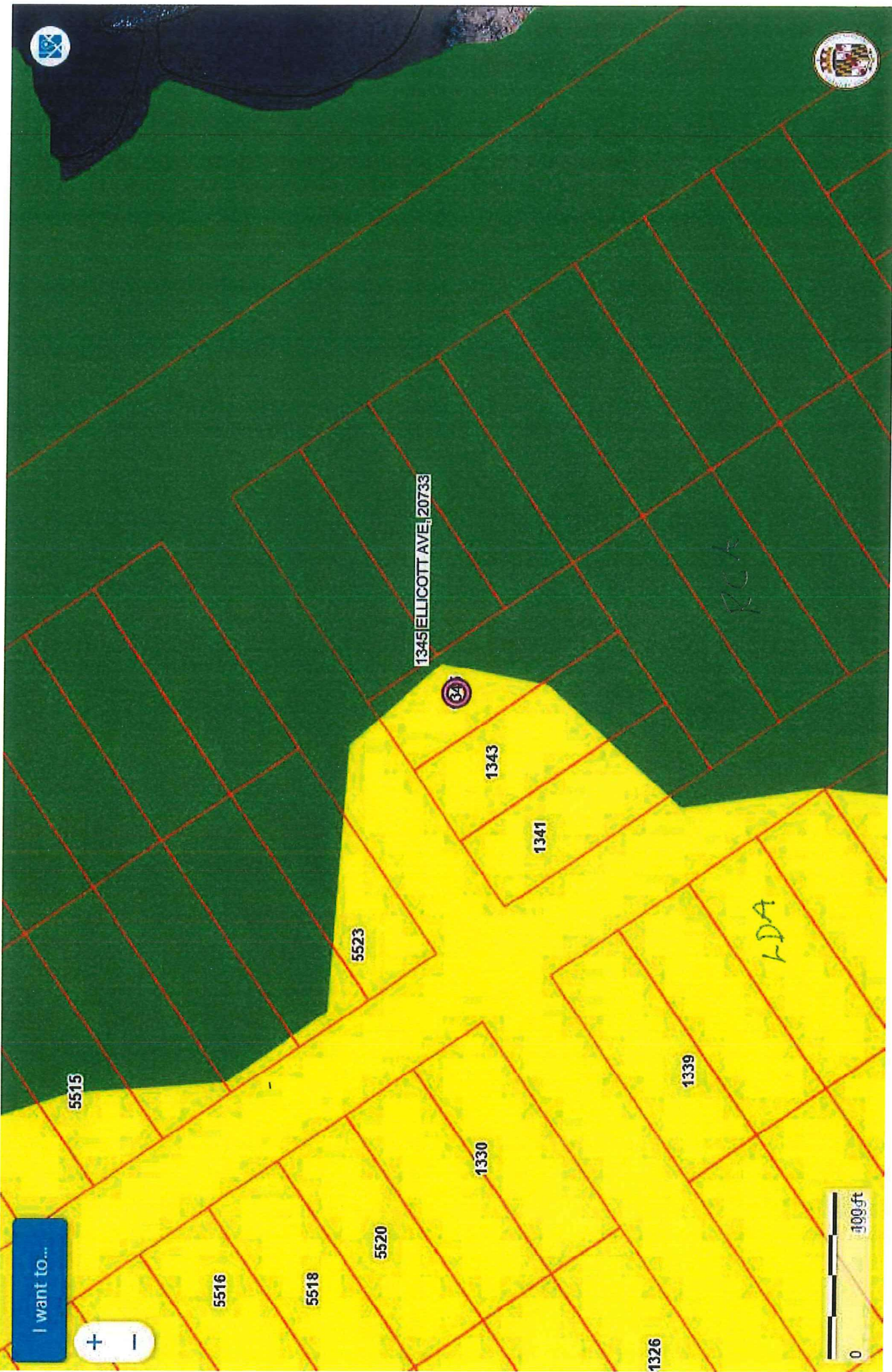
▶ 1345 ELLICOTT AVE, 2073 X Q

Show search results for 1345 E...





*Zoning*



*Critical Area*

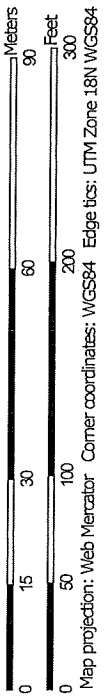


Hydrologic Soil Group—Anne Arundel County, Maryland



Soil Map may not be valid at this scale.

Map Scale: 1:1,080 if printed on A landscape (11" x 8.5") sheet.



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

## MAP LEGEND

- Area of Interest (AOI)
  - Area of Interest (AOI)
- Soils
  - Soil Rating Polygons
    - A
    - A/D
    - B
    - B/D
    - C
    - C/D
    - D
    - Not rated or not available
  - Soil Rating Lines
    - A
    - A/D
    - B
    - B/D
    - C
    - C/D
    - D
    - Not rated or not available
  - Soil Rating Points
    - A
    - A/D
    - B
    - B/D
- Water Features
  - Streams and Canals
- Transportation
  - Rails
  - Interstate Highways
  - US Routes
  - Major Roads
  - Local Roads
- Background
  - Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Anne Arundel County, Maryland  
 Survey Area Data: Version 22, Sep 12, 2023  
 Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2022—Aug 13, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
DeA	Deale-Shadyoak-Urban land complex, 0 to 2 percent slopes	C/D	0.8	18.0%
MZA	Mispyllion and Transquaking soils, 0 to 1 percent slopes, tidally flooded	A/D	1.9	45.8%
SrA	Shadyoak-Elkton-Urban land complex, 0 to 2 percent slopes	B/D	1.5	36.3%
<b>Totals for Area of Interest</b>			<b>4.2</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

# National Flood Hazard Layer FIRMette



76°30'58"W 38°48'30"N



76°30'20"W 38°48'2"N

## Legend

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

**SPECIAL FLOOD HAZARD AREAS**

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

**OTHER AREAS OF FLOOD HAZARD**

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

**OTHER AREAS**

- NO SCREEN
- Area of Minimal Flood Hazard (Zone X)
- Effective LOMRS
- Area of Undetermined Flood Hazard (Zone B)

**GENERAL STRUCTURES**

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

**OTHER FEATURES**

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

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped



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

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

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/2/2024 at 11:19 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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

----- Forwarded Message -----

From: Lori Byrne -DNR- <lori.byrne@maryland.gov <mailto:lori.byrne@maryland.gov> >  
To: moynihancolleen@yahoo.com <mailto:moynihancolleen@yahoo.com> <moynihancolleen@yahoo.com  
<mailto:moynihancolleen@yahoo.com> >  
Cc: Claudia Jones -DNR- <claudia.jones@maryland.gov <mailto:claudia.jones@maryland.gov> >  
Sent: Friday, May 31, 2024 at 11:54:06 AM EDT  
Subject: Re: follow up 1345 Ellicott Ave Churchton

Dear Ms. Moynihan,

I have reviewed your project site and it does fall within a habitat protection area known as an Anne Arundel Listed Species Site. These are regulated by the local jurisdiction's Critical Area Program for the presence of rare species and significant habitats. Having said that, the Wildlife and Heritage Service does not have any concerns for impacts to rare, threatened or endangered species or their habitats, given the scope of work and the distance to current rare species records. Thank you for the opportunity to review and comment, and feel free to contact me again if there are any further questions regarding this information.

Lori Byrne

<<https://www.facebook.com/MarylandDNR/>>

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
74	171	16	20, 21A, 22	
			24	

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
 General Project Information

Tax ID: Lot 21A-7268-04659400  
Lots 20, 22, 24-7268-04659600

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

Project location/Address 1345 Ellicoth Ave

City Churchton Zip 20733

Local case number \_\_\_\_\_

Applicant: Last name Moyahen First name Robert

Company \_\_\_\_\_

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

- |  |  |
|--|--|
| Building Permit <input type="checkbox"/>           | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/>    | Rezoning <input type="checkbox"/>            |
| Conditional Use <input type="checkbox"/>           | Site Plan <input type="checkbox"/>           |
| Consistency Report <input type="checkbox"/>        | Special Exception <input type="checkbox"/>   |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/>         |
| Grading Permit <input type="checkbox"/>            | Other <input type="checkbox"/>               |

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name \_\_\_\_\_

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # \_\_\_\_\_ Hearing date TBD

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

*Perform a small addition, relocate landing + stairs, add stair for ingress/egress combine lots*

Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	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	Total Disturbed Area	Acres	Sq Ft
IDA Area	0	0		0.587	3,788
LDA Area	0.072	3,118			
RCA Area	0.619	26,946			
Total Area	0.690	30,064	# of Lots Created	0	

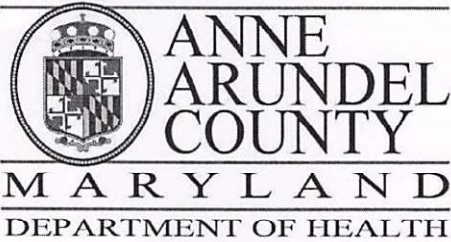
	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.172	7,489	Existing Lot Coverage	0.042	1,813
Created Forest/Woodland/Trees	TBD	TBD	New Lot Coverage	0.053	126
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.002	130
			Total Lot Coverage	0.042	1,809

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.054	2,332	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.033	1,456	Mitigation	TBD	TBD

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input checked="" 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"/>
Lot Coverage	<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"/>
Setback	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>






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 16, 2024

RE: Robert Moynihan  
1345 Ellicott Ave.  
Churchton, MD 20733

NUMBER: 2024-0171-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions with less setbacks and buffer than required.

The Health Department has reviewed the water supply system for the above referenced property. The Health Department has determined that the proposed request adversely affects the well water supply system. The current well (AA-88-6522) is not located on the property. The Health Department recommends denial of the above referenced request.

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

cc: Sterling Seay



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



## MEMORANDUM

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

FROM: Pat Slayton  
Capital Projects Division

SUBJECT: Variance Case 2024-0171-V

DATE: September 16, 2024

---

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

# 2024-0171-V

Menu Cancel Help

Task Details OPZ Critical Area Team

**Assigned Date**

09/09/2024

**Assigned to**

Kelly Krinetz

**Current Status**

Complete w/ Comments

**Action By**

Kelly Krinetz

**Comments**

While it is true the addition cannot meet the approval standards for a variance, the proffer to combine this lot with the remaining 3 undeveloped lots would represent sound planning practice. The 3 undeveloped lots are encumbered by environmental features as well as projected impacts from Hurricane Inundation and Sea Level Rise. The combination of the 4 lots currently owned by the applicant would mitigate the impact of the addition by removing the potential for development on the remaining legal lot (s). I have no objection to the approval of this application conditioned upon the combination of the 4 lots.

**End Time**

**Billable**

No

**Time Tracking Start Date**

**In Possession Time (hrs)**

**Estimated Hours**

0.0

**Comment Display in ACA**

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

**Due Date**

09/30/2024

**Assigned to Department**

OPZ Critical Area

**Status Date**

10/03/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

OPZ Critical Area

**Est. Completion Date**

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

Task Specific Information

**Expiration Date**

**Reviewer Phone Number**

**Review Notes**

**Reviewer Email**

**Reviewer Name**



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

---

**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

---

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)



# OFFICE OF PLANNING AND ZONING

## CONFIRMATION OF PRE-FILE

**PRE-FILE #:** 2024-0076-P  
**DATE:** 08/13/2024  
**STAFF:** Joan A. Jenkins (OPZ)  
Kelly Krinetz (OPZ)

**APPLICANT/REPRESENTATIVE:** Messick & Assoc.

**EMAIL:** engr@messickandassociates.com

**SITE LOCATION:** 1345 Ellicott Ave, Churchton

**LOT SIZE:** 7,500sf

**ZONING:** R5,OS    **CA DESIGNATION:** LDA,RCA    **BMA:** or    **BUFFER:** expanded    **APPLICATION TYPE:** VAR

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### DESCRIPTION:

The applicant proposes a dwelling addition and a deck with stairs that would disturb the 100' nontidal wetlands buffer and the expanded buffer

### COMMENTS:

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

This site is located within the Sensitive Species Protected Area and is split zoned OS/R5.  
The site is under a stop work order and the exterior additions are in place.  
The expansion of the home puts it within 60 feet of a protected tidal wetland.  
The request is a result of an unpermitted action by the applicant.  
This Office cannot support this application.

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

Variance required to perfect the additions.  
Submit the variance application through the LUN system.

### 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.

2024-0171-V



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Planning

County Planning

IDA - Intensely

Developed Area

LDA - Limited

Development Area

RCA - Resource

Conservation Area

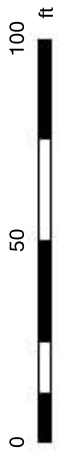
FED - Federal Land



Notes

none

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