

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

APPLICANT: John Tynan & Rachel Smith

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2024-0173-V

COUNCILMANIC DISTRICT: 5th

HEARING DATE: December 5, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling addition (deck) with less buffer and setbacks¹ than required on property located at 1012 Lake Claire Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 13,800 square feet of land and is located on the northeast side of Lake Claire Drive, approximately 225 feet east of Latrobe Drive. It is identified as Lot 8 of Parcel 32 in Grid 5 on Tax Map 40 in the Cape St. Claire subdivision.

The property is zoned R5 – Residential District, is located entirely within the Chesapeake Bay Critical Area overlay, and is designated as LDA – Limited Development Area. Tidal wetlands are located to the northeast of the property, the buffer to which extends into the subject lot. The site is improved with a two-story single-family detached dwelling with a basement and other associated facilities.

PROPOSAL

The applicants propose to construct a 12' by 24' (288 sf) deck onto the rear of the existing dwelling.

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. § 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 proposed deck would be located within the 100-foot buffer to tidal wetlands, necessitating a variance to disturb the buffer not only for the area of the deck, but also the limit of disturbance (LOD) around the deck required for access during construction.

FINDINGS

The subject property is irregular in shape and easily exceeds the minimum 7,000 square foot area and minimum 60 foot width required for a lot in an R5 District. The existing critical area lot coverage is

¹ Section 18-2-301(d) allows an open deck to project up to 10 feet into a required rear setback. Therefore, this Office has determined that a zoning setback variance is not required.

4,171 square feet, which complies with the maximum 31.25% coverage allowed by Code. No new lot coverage is proposed with this application. The applicants' letter explains that the proposed deck would allow the homeowners to have a space for seating, a grill, and other outdoor amenities.

The **Development Division (Critical Area Team)** commented that the existing home is improved with extensive outdoor recreation amenities that are sufficient for seating and a grill. Additional buffer encroachment does meet the test for the minimum necessary to afford the applicant relief. Therefore, the Critical Area Team cannot support additional buffer disturbance for this site.

The **Critical Area Commission** commented that the property is currently improved with a 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

The **Department of Health** has reviewed the well water supply system and has determined that the proposed request would not adversely affect this system. Therefore, the Department has no objection.

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 with the 100-foot buffer to tidal wetlands located to the northeast. The buffer prevents expansion on the rear of the dwelling. However, there is already an existing at-grade patio and two levels of decking on the waterfront side of the dwelling. Therefore, an unwarranted hardship does not exist. A literal interpretation of the County's Critical Area Program would not deprive the applicants of rights that are commonly enjoyed by other properties in similar areas, as they already have full use of their property with the existing house and associated amenities.

The granting of a critical area variance for excess outside amenities would confer on the applicants 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 applicants and does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and have not evaluated or implemented site planning alternatives.

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of the adjacent properties, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. However, given that there is already an existing at-grade patio and two upper level decks for outdoor use and enjoyment, the variance is not warranted and cannot be considered the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *denial* of the proposed Critical Area variance to § 17-8-301.

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.



September 12, 2024

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

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

Dear Ms. Seay:

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

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

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

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

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

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

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

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

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

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

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

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

The site is not in a bog area.

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

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

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

6. This site is not in the bog buffer.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,
Messick and Associates

Mike Gillespie

Mike Gillespie
Project Manager

***CRITICAL AREA
REPORT***

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

August 2024

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

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

INTRODUCTION

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

EXISTING USE

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

SURROUNDING LAND USE

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

PROPOSED WORK

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

SOILS

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

FLOODPLAIN

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

NON-TIDAL WETLANDS

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

TIDAL WETLANDS

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

BODIES OF WATER

The site drains into Lake Claire.

STEEP SLOPES

There are no steep slopes on the property.

RARE AND ENDANGERED SPECIES

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

STORMWATER MANAGEMENT

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

FOREST COVER

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

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

WILDLIFE TYPICAL OF THIS AREA

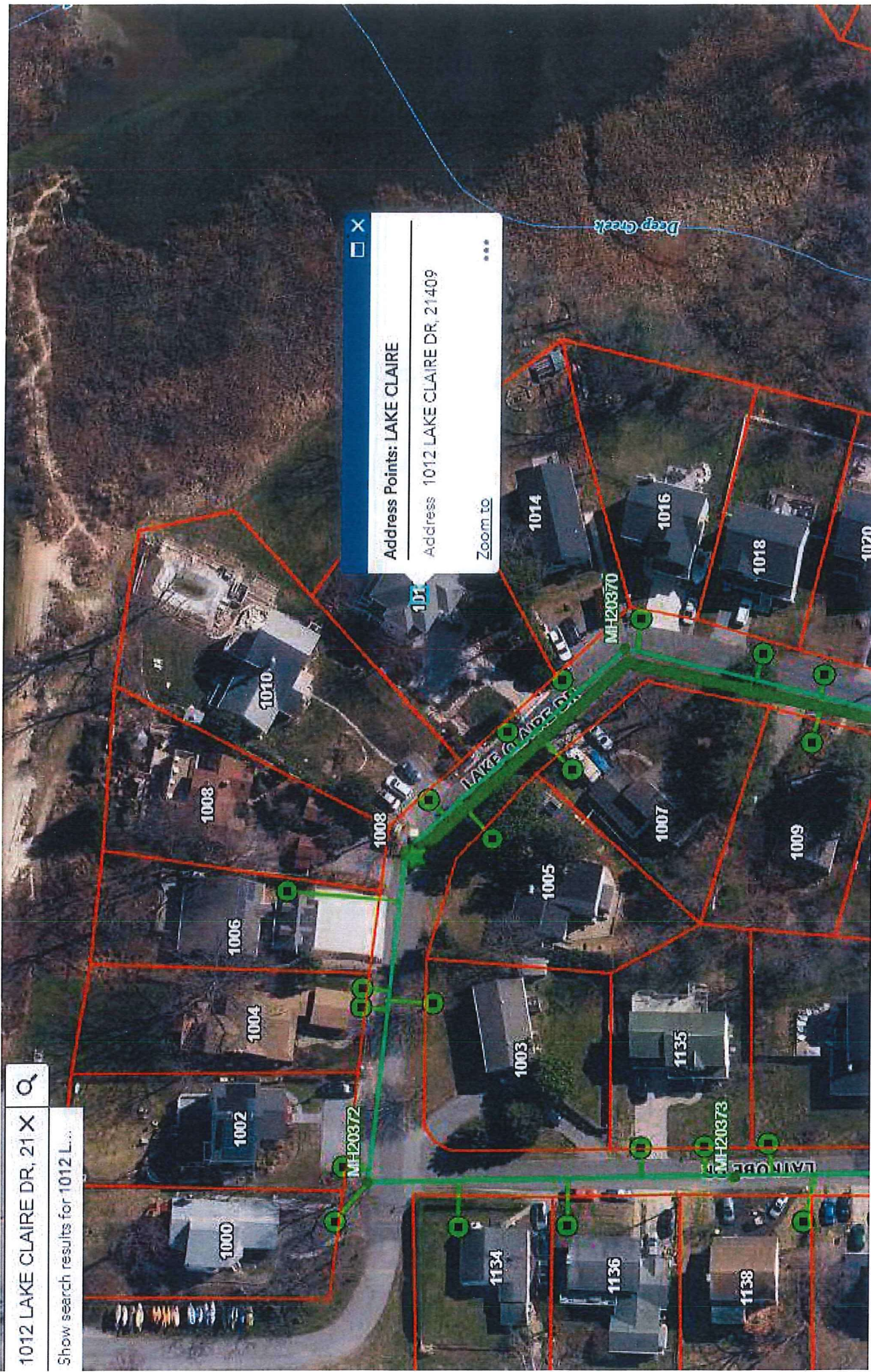
<u>Common Name</u>	<u>Scientific Name</u>
Eastern Gray Squirrel	<i>Sciurus Carolinensis</i>
Blue Jay	<i>Cyanocitta Cristata</i>
Common Crow	<i>Corvus Brachythynchos</i>
Northern Cardinal	<i>Richmondena Cardinalis</i>

SITE CALCULATIONS

1. Total Site area.....13,800 sq. ft.
2. Site area in Critical area.....13,800 sq. ft
3. Existing lot coverage4,171 sq. ft.
4. Lot coverage to be removed.....0 sq. ft.
4. Proposed lot coverage0 sq. ft.
5. Total Lot Coverage after Construction...4,171 sq. ft.
6. Proposed Disturbed Area.....1,650 sq. ft.

1012 LAKE CLAIRE DR, 21 X

Show search results for 1012 L...



Address Points: LAKE CLAIRE

Address 1012 LAKE CLAIRE DR, 21409

Zoom to

1012 LAKE CLAIRE DR, 21 X Q

Show search results for 1012 L...



I want to...

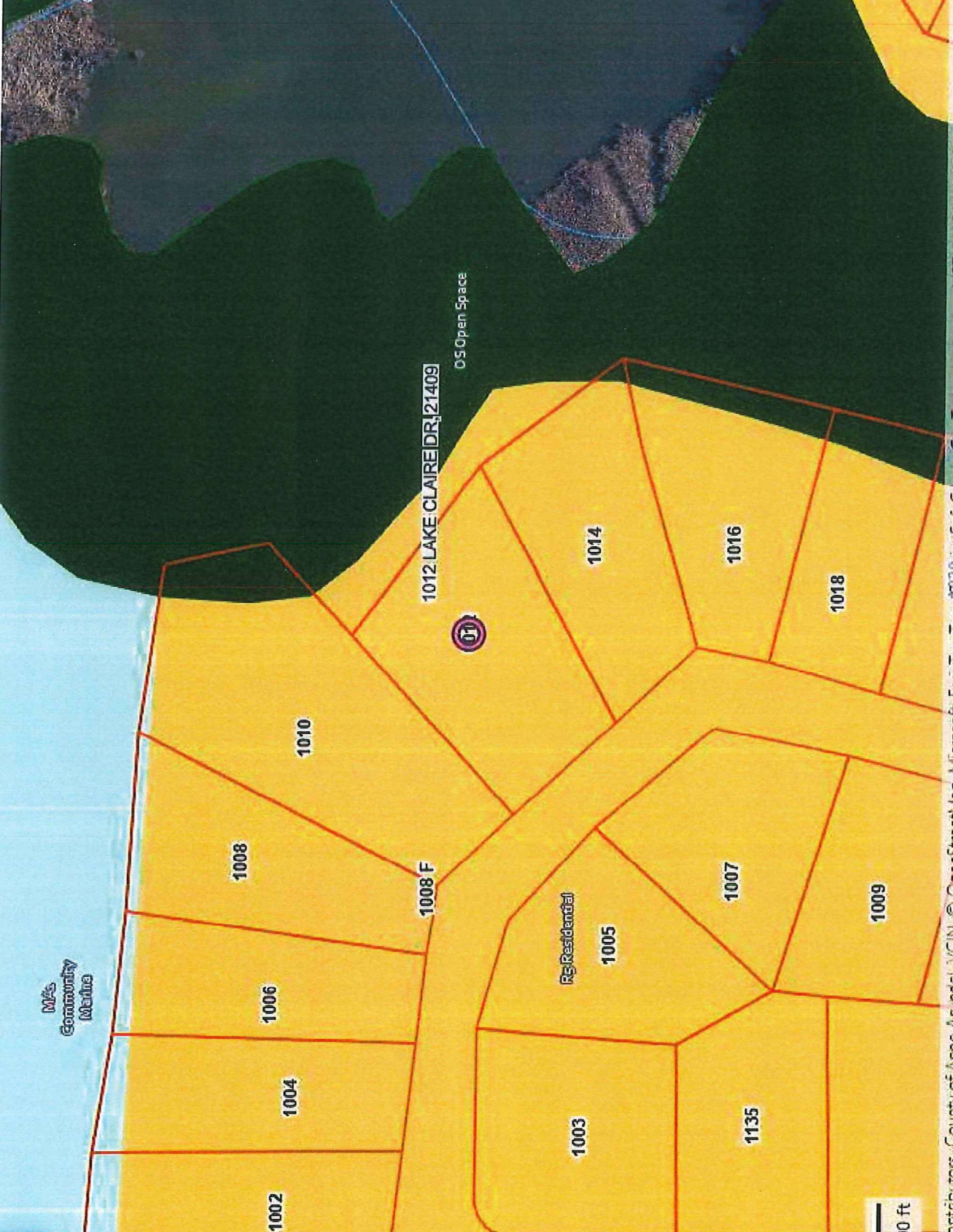
M's
Community
Map



Deep Creek

1012 LAKE CLAIRE DR, 21409

OS Open Space

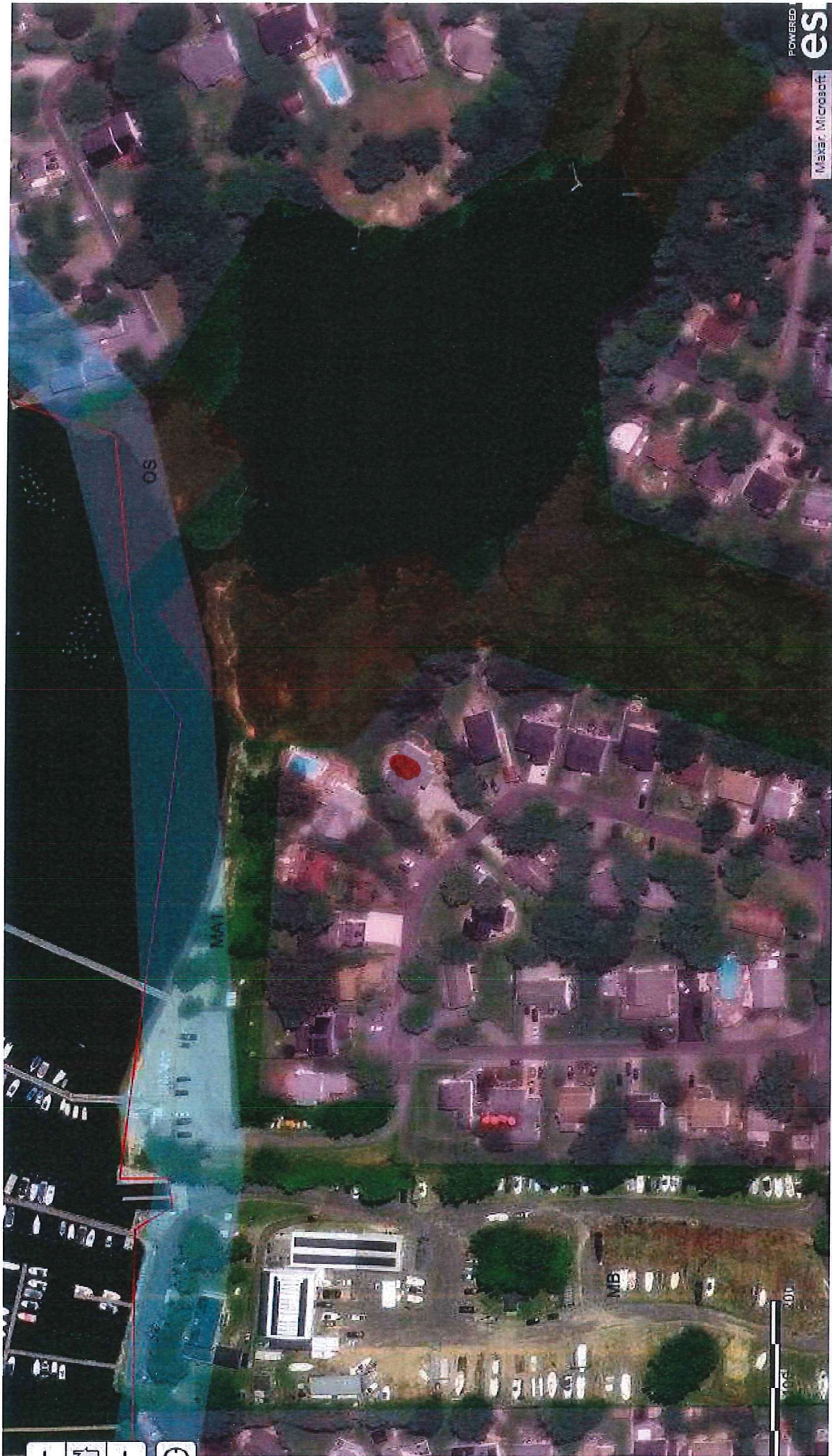


Zoning Map



want to...

Critical Area Map



Butter Map

National Flood Hazard Layer FIRMette

76°27'18"W 39°3'15"N



Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, AS9
- 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 draining areas of less than one square mile (Zone X)
- 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 X)

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 **7/9/2024 at 2:41 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

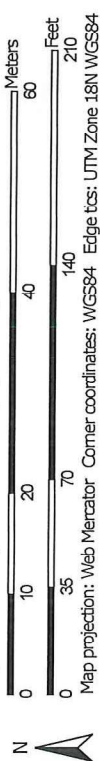
This map image is void if one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory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

Hydrologic Soil Group—Anne Arundel County, Maryland



Soil Map may not be valid at this scale.

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



Hydrologic Soil Group

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

CRITICAL AREA COMMISSION
 CHESAPEAKE AND ATLANTIC COASTAL BAYS
 1804 WEST STREET, SUITE 100
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

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

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 03-165-90224640

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

Project location/Address | 1012 Lake Claire Drive

City | Annapolis MD | Zip | 21409

Local case number |

Applicant: Last name | Tynan Smith | First name | John Reddy

Company |

Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name | AACo Zoning Administration Section | First name |

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

Fax # | | Hearing date | TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

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

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	Buffer Exemption Area	<input checked="" type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	<i>0</i>	<i>0</i>		<i>0.038</i>	<i>1,650</i>
LDA Area	<i>0.317</i>	<i>13,800</i>			
RCA Area	<i>0</i>	<i>0</i>	# of Lots Created		
Total Area	<i>0.317</i>	<i>13,800</i>			

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

VARIANCE INFORMATION (Check all that apply)

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

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

2024-0173-V - tidal wetlands buffer

Menu Cancel Help

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

Due Date
10/04/2024
Assigned to
Kelly Krinetz
Action By
Kelly Krinetz
End Time

Assigned Date
09/13/2024
Status
Complete w/ Comments
Status Date
10/03/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
The existing home is improved with extensive outdoor recreation amenities that are sufficient for seating and a grill. Additional buffer encroachment does meet the test for the minimum necessary to afford the applicant relief. This Office cannot support additional buffer disturbance for this site.

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

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	



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.



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dnr.maryland.gov/criticalarea

Jennifer Esposito

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays

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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 23, 2024

RE: John F. Tynan
1012 Lake Claire Drive
Annapolis, MD 21409

NUMBER: 2024-0173-V

SUBJECT: Variance/Special Exception/Rezoning

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

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. 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



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