

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

APPLICANT: James & Dollie McKittrick

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2024-0176-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: December 5, 2024

PREPARED BY: Sara Anzelmo
Planner

REQUEST

The applicants are requesting a variance to allow dwelling additions (first floor screened porch and first floor addition with screened porch below) with less setbacks than required and with disturbance to slopes of 15% or greater on property located at 159 Friar Tuck Hill in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 9,721 square feet of land and is located with approximately 94 feet of frontage on the west side of Friar Tuck Hill. It is identified as Lot 159 of Parcel 295 in Grid 19 on Tax Map 39 in the Sherwood Forest subdivision.

The property is zoned R2 – Residential District. This lot is not waterfront, but it is located entirely within the Chesapeake Bay Critical Area overlay and is designated as LDA – Limited Development Area. It is improved with a one-and-a-half story single-family detached dwelling with a basement and other associated facilities.

PROPOSAL

The applicants seek approval to construct a first floor screened porch (approximately 10'-10" by 13') onto the front of the existing house and to construct a first floor dwelling addition with screened porch below (7.8' by 32.2') onto the rear.

REQUESTED VARIANCES

§ 18-2-301(f) of the Anne Arundel County Zoning Code allows a single-family detached dwelling on a lot that does not meet the area or width requirements of the Code to be expanded if the expansion is set back at least 25 feet from the front lot line and does not exceed 35 feet in height. At its closest point, the proposed screened porch would be constructed 16.5 feet from the front lot line, necessitating a variance of nine feet.¹

¹ The applicants' letter of explanation also included an additional variance to § 18-2-301(b) to allow an architectural feature (specifically, an eave) to extend more than three feet into the required front setback. However, this Office would not require a variance for the eave, as it only projects 1.1' beyond the front setback as varied.

§ 17-8-201(a) of the Subdivision and Development Code provides that development in the limited development area (LDA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. The proposed rear improvements would necessitate a variance to disturb approximately 322 square feet of slopes of 15% or greater.

FINDINGS

The subject property is undersized for the zoning district. While the 94-foot lot width exceeds the minimum 80-foot width required, the 9,721 square foot lot area is smaller than the minimum 20,000 square foot area currently required for a new lot that is not served by public sewer in an R2 District. The existing critical area lot coverage is 3,080 square feet, which exceeds the maximum 2,930 square feet allowed by Code. The proposed coverage would be reduced to 3,034 square feet, which complies with the 10% reduction of the pre-existing coverage required upon reconfiguration of existing critical area lot coverage.

A review of the County 2024 aerial photograph shows an eclectic mix of dwellings in this older waterfront community. The homes occupy a wide variety of lot shapes and sizes. Like the subject property, nearby lots are significantly encumbered by steep slopes. Many of the neighborhood dwellings were constructed prior to the enactment of critical area laws. However, the subject dwelling was constructed in 2003 via a previous variance approval (2002-0358-V) which allowed a dwelling with less setbacks than required and with disturbance to slopes of 15% or greater.

The **Health Department** does not have an approved plan for this project, but has no objection to the variance request as long as a plan is submitted and approved by the Department.

The **Soil Conservation District** reviewed the proposal and provided no comment.

The **Critical Area Commission** commented that, 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.

The **Development Division (Critical Area Team)** commented that the existing dwelling sits at the top of a 45% slope. Provided that the applicant can meet the variance approval standards, the Critical Area Team has no objection to the improvements, which are limited to the existing footprint of the patio/existing screen porch with no additional expansion. The Team advises that a steep slope Modification will be required.

The **Cultural Resources Section** reviewed the proposal and commented that there would be no adverse effect on the Sherwood Forest Historic District (AA-941).

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, steep slopes are present throughout approximately 50% of the site, significantly limiting the developable area of the lot.

A literal interpretation of the County's Critical Area Program would deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by denying modest upgrades to be constructed in the already developed porch/patio area at the rear of the dwelling. The granting of the variance would not confer on the applicants a special privilege that would be denied by COMAR, Title 27. The granting of a critical area variance would not 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. With proper mitigation and stormwater management, the granting of the variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have evaluated and implemented site planning alternatives by keeping the proposed development within the existing already disturbed footprint.

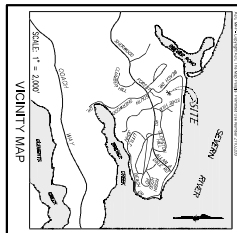
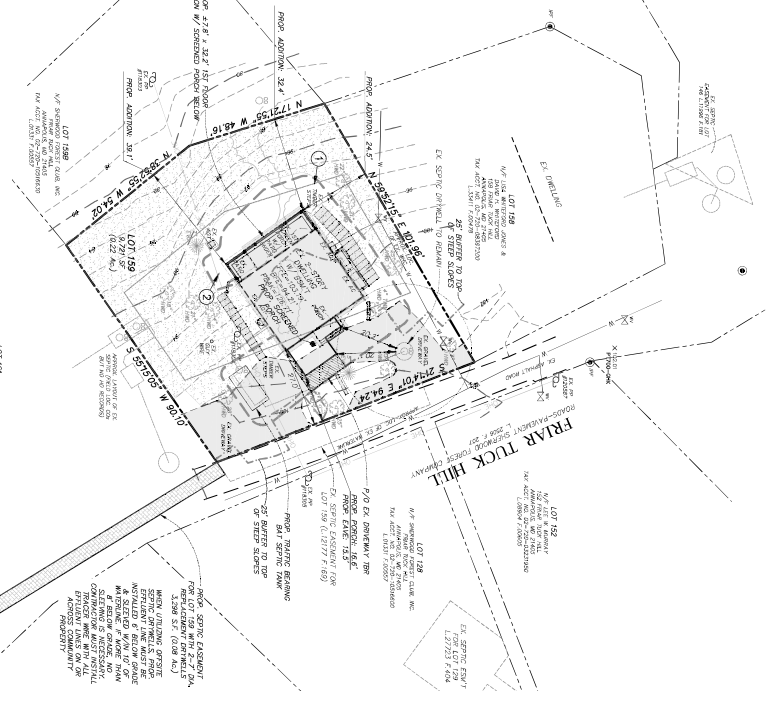
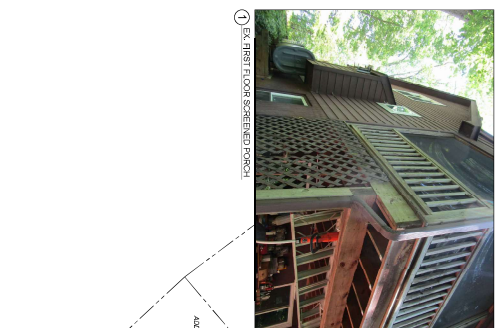
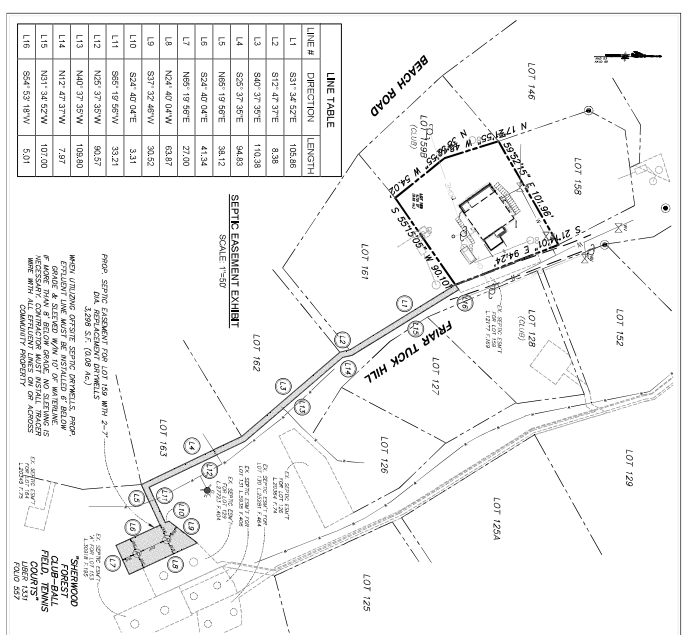
With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood, as the additions would be comparable to structures on other nearby properties. In fact, there are several dwellings along Friar Tuck Hill that are located even closer to the front lot line than the proposed screened porch. The variances would not substantially impair the appropriate use or development of adjacent property, as the proposed additions would exceed the minimum setbacks required from all adjacent lots. The variances would not reduce forest cover in the limited development area, would not be contrary to acceptable clearing and replanting practices, and would not be detrimental to the public welfare.

Given the small size of the lot and the location of steep slopes at the rear of the property, the request for setback relief to allow a screened porch addition at the front of the house and the proposed rear addition over an existing already disturbed area are justifiable. The proposed improvements are not considered to be excessive, and the requested variances are deemed to be the minimum necessary to afford relief.

RECOMMENDATION

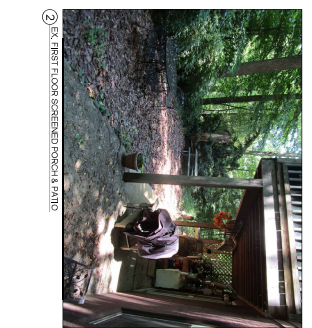
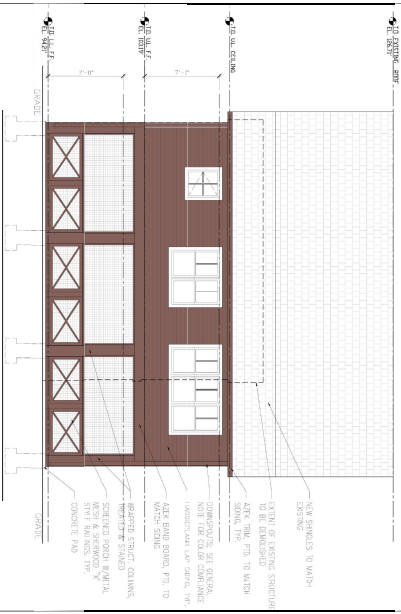
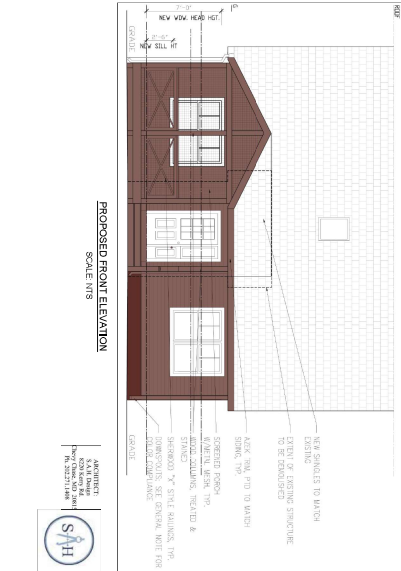
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *approval* of the proposed critical area and zoning variances to allow dwelling additions (first floor screened porch and first floor rear addition with screened porch below) with less setbacks than required and with disturbance to slopes of 15% or greater, as shown on the site plan submitted by the applicant.

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.



LEGEND

- Existing contour
- Existing roads
- Existing Swamp Pk
- Existing Outlined Electric Line
- Existing Spot Elev.
- Existing Utilities
- 20' Buffer to Type of Swamp Slopes
- Existing Improvements
- Swamp Slopes 15% of Greater
- Line of Disturbance
- Proposed Grade
- Proposed Spot Elev.



SITE TABULATIONS

Item	Value
Total Site Area	9,271 S.F. (0.22 Ac.)
Site Area Designation	LMA
Site Zoning	R-2
Lot Area	2,308 S.F. (0.053 Ac.)
Lot Coverage	25%
Existing Lot Coverage	3,008 S.F. (0.07 Ac.)
Proposed Lot Coverage	3,008 S.F. (0.07 Ac.)
Coverage by Structures	1,804 S.F. (0.041 Ac.)
Coverage by Structures	2,204 S.F. (0.051 Ac.)
Coverage by Structures	1,504 S.F. (0.034 Ac.)
2' Tall Outlets Swamp Slopes	4,804 S.F. (0.11 Ac.)
2' Tall Outlets Swamp Slopes Disturbed	322 S.F. (0.01 Ac.)
2' Tall Outlets Swamp Slopes Disturbed	9,000 S.F. (0.206 Ac.)

Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 55
 Annapolis, Maryland 21403
 Phone: 410-286-3122
 www.drummy.com

JAMES & DOLLE MCKITTICK
 159 Finner Tuck Hill
 Annapolis, MD 21405

SHERWOOD FOREST ~ LOT 159
 159 Finner Tuck Hill, Annapolis, MD 21405
 TAX MAP 0039 GRID 0019 PARCEL 0039 DISTRICT 204
 ANNE ARUNDEL COUNTY, MARYLAND

NO.	DATE	BY	REVISIONS TO APPROVED PLANS
1	06-11-2024		WORKSET BRIDGE
2	06-11-2024		3D PROJECT # 5408524
3	06-11-2024		3D PROJECT # 5408524

September 9, 2024

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

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

Sir/Madam:

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

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

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

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

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

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

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

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

Requirements for Critical Area Variances.

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

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

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

Requirements for all variances.

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

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

Sincerely,
DRUM, LOYKA & ASSOCIATES, LLC



Katie Yetman

Chesapeake Bay Critical Area Report

Sherwood Forest ~ Lot 159

Tax Map 39, Grid 19, Parcel 295

Tax Account No. 02-720-07550319

Property Address: 159 Friar Tuck Hill
Annapolis, Maryland 21405

September 9, 2024

Property Owners & Variance Applicant: James & Dollie McKittrick

Critical Area Designation: LDA

Zoning: R-2

Lot Area: 0.22 Ac.

Site Description

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

Description and Purpose of Variance Request

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

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

Vegetative Coverage and Clearing

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

Impervious Lot Coverage

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

Steep Slopes (slopes > 15%)

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

Predominant Soils

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

Drainage and Rainwater Control

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

Conclusions – Variance Standards

The need for the requested variances arises from the unique physical conditions of the site, specifically the diminutive size of the lot and the presence of steep slopes. The addition is proposed in the only viable location on the property, lies within the footprint of existing improvements and does not require permanent slope disturbance. It does not require any more disturbance than if the existing improvements were to be removed or maintained. The new entry porch allows for a more useful element. The entire community of Sherwood Forest is inhabited with steep slopes and most of the lots in Sherwood are well under the required 20,000-sf minimum for lots served by a private septic system. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management and the nitrogen reducing septic system, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is

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

Reference:

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

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

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

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

Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

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

Drum, Loyka and Associates LLC, 2024 Variance Plan

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

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

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: _____ Date _____

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

FOR RESUBMITTAL ONLY	
Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>
* Complete only Page 1 General Project Information	

Tax ID

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

Project location/Address

City Zip

Local case number

Applicant: Last name First name

Company

Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name: _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

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

<table style="width:100%; border: none;"> <tr> <td style="width: 150px;">Intra-Family Transfer</td> <td style="text-align: center;">Yes <input type="checkbox"/></td> </tr> <tr> <td>Grandfathered Lot</td> <td style="text-align: center;">X <input checked="" type="checkbox"/></td> </tr> </table>	Intra-Family Transfer	Yes <input type="checkbox"/>	Grandfathered Lot	X <input checked="" type="checkbox"/>	<table style="width:100%; border: none;"> <tr> <td style="width: 150px;">Growth Allocation</td> <td style="text-align: center;">Yes <input type="checkbox"/></td> </tr> <tr> <td>Buffer Exemption Area</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Growth Allocation	Yes <input type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>
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Project Type (check all that apply)

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Water-Dependent Facility	<input type="checkbox"/>																						

SITE INVENTORY (Enter acres or square feet)

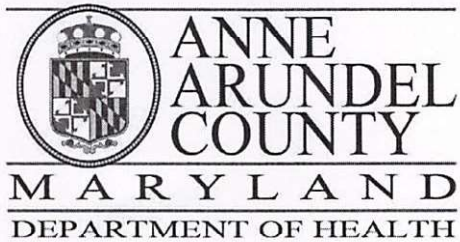
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 150px;"></th> <th style="width: 100px;">Acres</th> <th style="width: 100px;">Sq Ft</th> </tr> </thead> <tbody> <tr> <td>IDA Area</td> <td></td> <td></td> </tr> <tr> <td>LDA Area</td> <td style="text-align: center;">0.22</td> <td></td> </tr> <tr> <td>RCA Area</td> <td></td> <td></td> </tr> <tr> <td>Total Area</td> <td style="text-align: center;">0.22</td> <td></td> </tr> </tbody> </table>		Acres	Sq Ft	IDA Area			LDA Area	0.22		RCA Area			Total Area	0.22		<table style="width:100%; border: none;"> <tr> <td style="width: 150px;">Total Disturbed Area</td> <td style="text-align: center;">Acres <input style="width: 50px;" type="text" value="0.05"/></td> <td style="text-align: center;">Sq Ft <input style="width: 50px;" type="text"/></td> </tr> <tr> <td># of Lots Created</td> <td colspan="2" style="text-align: center;"><input style="width: 50px;" type="text" value="0"/></td> </tr> </table>	Total Disturbed Area	Acres <input style="width: 50px;" type="text" value="0.05"/>	Sq Ft <input style="width: 50px;" type="text"/>	# of Lots Created	<input style="width: 50px;" type="text" value="0"/>	
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	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.21		Existing Impervious Surface	0.07	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.00	
Removed Forest/Woodland/Trees	0.00		Removed Impervious Surface	0.00	
			Total Impervious Surface	0.07	

VARIANCE INFORMATION (Check all that apply)

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

<p><u>Variance Type</u></p> <table style="width:100%; border: none;"> <tr><td>Buffer</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Forest Clearing</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>HPA Impact</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Impervious Surface</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Expanded Buffer</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Nontidal Wetlands</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Steep Slopes</td><td style="text-align: center;">X <input checked="" type="checkbox"/></td></tr> <tr><td>Setback</td><td style="text-align: center;">X <input checked="" type="checkbox"/></td></tr> <tr><td>Other</td><td style="text-align: center;"><input type="checkbox"/> _____</td></tr> </table>	Buffer	<input type="checkbox"/>	Forest Clearing	<input type="checkbox"/>	HPA Impact	<input type="checkbox"/>	Impervious Surface	<input type="checkbox"/>	Expanded Buffer	<input type="checkbox"/>	Nontidal Wetlands	<input type="checkbox"/>	Steep Slopes	X <input checked="" type="checkbox"/>	Setback	X <input checked="" type="checkbox"/>	Other	<input type="checkbox"/> _____	<p><u>Structure</u></p> <table style="width:100%; border: none;"> <tr><td>Acc. Structure Addition</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Barn</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Deck</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Dwelling</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Dwelling Addition</td><td style="text-align: center;">X <input checked="" type="checkbox"/></td></tr> <tr><td>Garage</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Gazebo</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Patio</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Pool</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Shed</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>Other</td><td style="text-align: center;">X <input checked="" type="checkbox"/> Screened Porch</td></tr> </table>	Acc. Structure Addition	<input type="checkbox"/>	Barn	<input type="checkbox"/>	Deck	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>	Dwelling Addition	X <input checked="" type="checkbox"/>	Garage	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>	Patio	<input type="checkbox"/>	Pool	<input type="checkbox"/>	Shed	<input type="checkbox"/>	Other	X <input checked="" type="checkbox"/> Screened Porch
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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 *BC*

DATE: September 19, 2024

RE: James McKittrick
159 Friar Tuck
Annapolis, MD 21405

NUMBER: 2024-0176-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling additions (first floor screen porch and first floor addition with screen porch below) with less setbacks and with disturbance to slopes of 15% or greater.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay



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

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

2024-0176-V

Menu Cancel Help

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

Due Date
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 dwelling sits at the top of a 45% slope. Provided the applicant can meet the variance approval standards, this Office has no objection to the improvements which are limited to existing footprint of the patio/existing screen porch with no additional expansion. A steep slope Modification will be required.

Time Tracking Start Date
Display E-mail Address in ACA **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
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name

2024-0176-V

Menu Cancel Help

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

Due Date
10/04/2024
Assigned to
Stacy Poulos
Action By
Stacy Poulos
End Time

Assigned Date
09/13/2024
Status
Complete w/o Comments
Status Date
09/16/2024
Hours Spent
0.0

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

Overtime
No
Est. Completion Date
 Display Comment in ACA

Comments
No adverse effect to Sherwood Forest Historic District (AA-941).

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
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name



Tax Account Number: 272007550319