

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

APPLICANT: Mark Pellicano and Jerren Pellicano

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0109-V and 2024-0156-S

COUNCILMANIC DISTRICT: 5

HEARING DATE: December 17, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting variances to allow a dwelling, an accessory structure (shed), and associated facilities with less setbacks and buffer than required and with disturbance to slopes of 15% or greater, and a special exception to allow the expansion of a registered nonconforming use (guest cottage) in the R1 Residential District on property located at 1714 Winchester Road in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 4.06 acres (or 176,352 square feet) of land and is located on the west side of the cul-de-sac of Winchester Road. The property is identified as Parcel 568 in Grid 6 on Tax Map 45 in the Cool Spring Cove subdivision.

This waterfront property is zoned R1 – Residential District, and lies entirely within the Chesapeake Bay Critical Area RCA – Resource Conservation Area, with the portion of the southern waterfront mapped as BMA - Buffer Modified Area. The buffer in the location of the subject cottage is not modified. The subject property is currently improved with a two-story dwelling (“main house”), an inground pool, a one-story dwelling (subject “cottage”), residential pier, and other associated facilities.

PROPOSAL

The applicants wish to raze the existing second dwelling (nonconforming cottage) and rebuild in the same general location with a 30% expanded floor area, and to raze two existing sheds and replace with one shed.

REQUESTED VARIANCES

§ 18-13-104 of the Anne Arundel County Code states that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands; and that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of

15% or greater. The proposed construction will disturb approximately 11,435 square feet¹ of the expanded buffer, necessitating a variance. The final amount of disturbance will be determined during permit review.

§ 17-8-201 states that development in the Resource Conservation Area (RCA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline; and, all disturbance shall be limited to the minimum necessary. The proposed construction will disturb approximately 2,249 square feet of slopes of 15% or greater, necessitating a variance. The final amount of disturbance will be determined during permit review.

A review of the bulk regulations for development within the R1 District reveals that a setback variance is not required.

SPECIAL EXCEPTION STANDARDS

The specific criteria by which a special exception for the expansion of a nonconforming use may be granted are set forth under § 18-15-103 of the Anne Arundel County Zoning Code. In addition, all special exceptions are subject to the general standards contained in § 18-16-304 of the Code.

AGENCY COMMENTS

The **Development Division (Critical Area Team)** noted that the proposed work is located in the footprint of the existing development and results in a reduction of lot coverage, that the request will not increase the current nonconforming RCA density, and that all applicable Critical Area regulations will be enforced at the time of permitting. Their Office offers no objection to this proposal.

The **Long Range Planning Division** noted that Plan2040 does not have recommendations that are specific to this site, and that the proposal is generally consistent with the goals, policies and strategies of Plan2040 and with the 2022 Water and Sewer Master Plan.²

The **Critical Area Commission** noted that the applicants appear to have reasonable and significant use of the entire parcel with the existing improvements, that the applicants' request does not appear to meet each and every one of the Critical Area variance standards including unwarranted hardship, and that this variance would adversely affect water quality and wildlife or plant habitat. In addition, the project will result in the removal of a 28" caliper tree, as well as tree canopy along the top of steep slopes. While the footprint of the proposed dwelling is slightly reduced, impacts to the surrounding environmental features are increased. Their Office believes that the house could be redesigned and potentially relocated, to avoid or minimize impacts to the

¹ The Letter of Explanation indicates a total of 9,656 square feet of expanded buffer disturbance, while the Administrative Site Plan indicates a total of 11,435 square feet. Because the site plan will be attached to the decision, those disturbance areas (for the expanded buffer and steep slopes) will be used for this report.

² Refer to the Office of Planning & Zoning - Long Range Planning Division's memo for their detailed comments.

sensitive environmental features. If the variance request were to be denied, the applicants will still enjoy reasonable and significant use of the entire property with the existing improvements such as a primary dwelling, driveway, pool, walkways, and riparian access. Their Office further notes that if the use has not been abandoned for more than one year, and the Administrative Hearing Officer finds that each and every one of the Critical Area variance standards have been met, then appropriate mitigation is required.

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

The **Inspections & Permits Engineering Section** does not support this request.³

FINDINGS

The subject property is irregularly shaped and oversized for a lot in the R2 District with regard to the minimum lot area requirement of 40,000 square feet, but is undersized with regard to the minimum lot width requirement of 125 feet. The property is encumbered by steep slopes and the expanded buffer. A review of the County's aerial photography indicates an eclectic mix of waterfront estates, many of which are improved with a main residence and a second cottage.

The property was the subject of several past decisions and permits.

- A nonconforming use was granted through the appeals process under BA 1-01A (2000-0020-N) on November 1, 2002. The nonconforming use registered a one story cottage having a first floor area comprising 1,106.25 square feet, with a basement comprising 546.35 square feet, for a total floor area of 1,652.6 square feet. That nonconforming use also registered a land area of 1,106.25 square feet.
- A special exception and variance request to perfect the expansion of a nonconforming use of more than 30% and with less buffer and setbacks, was denied under appeal, BA 96-03S and BA 97-03V (2003-0202-S and 2003-0204-V), on January 21, 2005.
- Building permit B02222900, to demo the sunroom and decks, and part of the single family dwelling per the County request, and to rebuild the rear wall and part of the basement, was completed on October 24, 2005.
- Building permit B02334947, to install 6 new helical piles to support the sinking foundation, was submitted on August 10, 2016, and remains pending. A variance had been required prior to approval.
- A critical area variance, 2017-0340-V, to perfect an accessory structure (waterfront shed under 64sqft) with less buffer than required and with disturbance to steep slopes was granted on March 12, 2018. Standard Grading Plan SGP-2018-86 was subsequently approved to abate the violation (E-2017-644) on May 30, 2018.

³ Refer to the Inspections & Permits Engineering Section's comments for their detailed objection.

- Building permit B02373778, to replace a failing retaining wall in-kind, was issued on September 23, 2019, and has since expired.
- Grading permit G02019021 to eradicate bamboo, remove dead trees and stabilize steep slopes was issued on June 17, 2022 and has since expired.

The applicants' letter states that because the property is encumbered by steep slopes and the expanded buffer, there is no reasonable possibility of developing their property without relief. They explain that due to the septic setbacks, the steep slopes and the expanded buffer, there is no alternative location to rebuild the cottage except in its existing footprint. Their letter further explains that the existing cottage has met its life expectancy, is in disrepair and the foundation is unsound, and that the slope is failing. In their proposed redevelopment, the disturbance for the cottage demo/rebuild has been minimized and the lot coverage reduced.

VARIANCE CRITERIA

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. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, the property is encumbered by steep slopes and the expanded buffer, therefore, redeveloping the cottage without disturbing these sensitive areas is impossible. In an effort to minimize the disturbance, the applicants have proposed to construct the new cottage with a smaller footprint in the same location as the existing cottage and to remove the existing concrete patio in the buffer.

However, the applicants are also proposing to replace several of the existing retaining walls to the east of the cottage, which will include the removal of approximately 1,383 square feet of woodland. While removing some of the tree canopy to replace those walls may be unavoidable, it appears that the walls could be combined/redesigned into a single wall which may save the 28" caliber tree. Additionally, a retaining wall to the far west of the cottage is noted to be replaced but is not within the limits of disturbance, nor is any change in the tree canopy shown. No justification had been provided to explain that the tree removal could not be minimized.

With regard to the shed replacement, the applicants are proposing to replace two sheds (12.5' x 24.5' and 8.5' x 12') with one larger shed (13.5' x 32.5') in an area of steep slopes. While the new shed is proposed in the same location as the larger of the two existing sheds, its footprint is larger and will therefore disturb more of the steep slopes in that location. The location of the smaller existing shed appears to have a level area which would accommodate the proposed shed, but the applicants offered no explanation as to why one location was chosen over the other.

Although a proposed tram is shown on the site plan, it is not a subject of the variance requests, and will not be discussed in this report.

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 mitigation, the granting of the variance may not adversely affect water quality or impact fish, wildlife or plant habitat. However, because the tree clearing could be minimized, it may not be in harmony with the general spirit and intent of the County's critical area program, may be contrary to acceptable clearing and replanting practices, and may reduce forest cover in the resource conservation area.

The Inspections & Permits Engineering Section has indicated that they cannot support the request as proposed. This Office recognizes that a variance does not necessarily require pre-approval of stormwater management and that, if granted, those items would still have to be addressed at the time of permitting. The applicant is advised that, if a critical area variance is granted, changes to the proposed improvements shown on the site plan that are necessary to address any issues raised during the permit review process may require a new variance.⁴

SPECIAL EXCEPTION CRITERIA

With regard to the specific special exception requirements of § 18-15-103, this Office submits the following findings:

- (1) Per the Board of Appeals decision BA 96-03S & BA 97-03V, the total floor area of the nonconforming use is 1,652.6 square feet and the total land area is 1,106.25 square feet.

Floor plans submitted with the request indicate that the proposal is to modify the first floor from 1,106.25 square feet to 1,071.7 square feet, the basement from 546.35 square feet to 551.9 square feet, and to provide a loft of 517.3 square feet. After development, the total floor area would be 2,140.9 square feet and the total land area would be 1,071.7 square feet.⁵ The proposed expansion of floor area and land area, considered separately, will not exceed 30% (2,148.38sqft and 1,438.125sqft, respectively) of the area authorized under the nonconforming status of the property, therefore the applicants' proposal meets this requirement.

- (2) The existing critical area lot coverage of the site is 30,145 square feet, which exceeds the lot coverage allowed under § 17-8-402 (15% of 176,352 square feet, or 26,452.8 square feet). The applicants' proposal includes the removal of 2,083 square feet of existing lot coverage and the addition of 1,599.3 square feet of new lot coverage. The resulting post-construction lot coverage will be 29,661.3 square feet, which is an overall reduction

⁴ For example, this refers to changes to the footprint or location of the dwelling to accommodate stormwater management or the septic system which shifts the dwelling closer to the shoreline or steep slopes.

⁵ There are inconsistencies with the proposed totals. The applicants' letter indicates that the proposal is to modify the first floor from 1,106.25 square feet to 1,069.9 square feet, the basement from 546.35 square feet to 551.1 square feet, and to provide a loft of 516.6 square feet. After development, the total floor area would be 2,137.6 square feet and the total land area would be 1,065.3 square feet, which are still below the maximum 30% expansion.

of 483.7 square feet. At permitting, the reconfiguration of lot coverage will be subject to a 10% reduction in accordance with § 17-8-403 (10% of 3,692.2 square feet, or 369.22 square feet), therefore the applicants' proposal meets this particular requirement.

In addition, the site of the redevelopment is surrounded by steep slopes and is subject to the expanded buffer. As such, the applicants are requesting zoning and critical area variances in order to meet these requirements.

- (3) The applicants' letter indicates that the proposed construction will be in the same general location as the existing structures, was designed by a professional architect, and will be similar in design to other structures in the area. The applicants' proposal meets this requirement.
- (4) The applicants' letter indicates that all work is proposed to be undertaken concurrently, should the special exception and variance be granted. A grading permit for the replacement cottage will be required, and all work would be done under that grading permit. The applicants' proposal meets this requirement.

Concerning the general special exception standards of § 18-16-304, it is the opinion of this Office that the 30% expansion of floor area of the nonconforming use will not be detrimental to public health, safety, or welfare, and that the new cottage would be compatible with the appropriate and orderly development of the R1 - Residential District. The operations related to the expanded cottage would be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations of other uses allowed in the R1 District. There is no evidence that the proposed expansion will have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district. There is no evidence to indicate that the proposed use would conflict with an existing or programmed public facility, public service, school, or road. The applicant has indicated that the Health Department allowed installation of a new drywell and there are passing perc tests. The proposed expansion has the written recommendations and comments of the Office of Planning and Zoning, which may be resolved with granted variances or addressed during permitting. The proposed use is consistent with the County General Development Plan. While there is no public need for this expansion, the applicants have indicated that they would like to have additional space for guests and other visitors. The applicants have presented sufficient evidence that the expansion will meet and adhere to the criteria for a residential structure. As previously stated, the applicants are seeking relief to the critical area criteria. Since this proposal is for the reconstruction of a residential structure, the Landscape Manual criteria are not applicable.

SUMMARY

This Office supports the special exception request for the 30% expansion of the floor area and the land area of the nonconforming use, and by and large, the variance request relating to the construction of the new cottage. However, there appears to be opportunities to relocate the proposed shed to an area which will not permanently disturb steep slopes, and to redesign the retaining walls in order to keep the 28" caliper tree.

As such, this Office recommends modified approval of the requested variances.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, *as proposed*, this Office recommends:

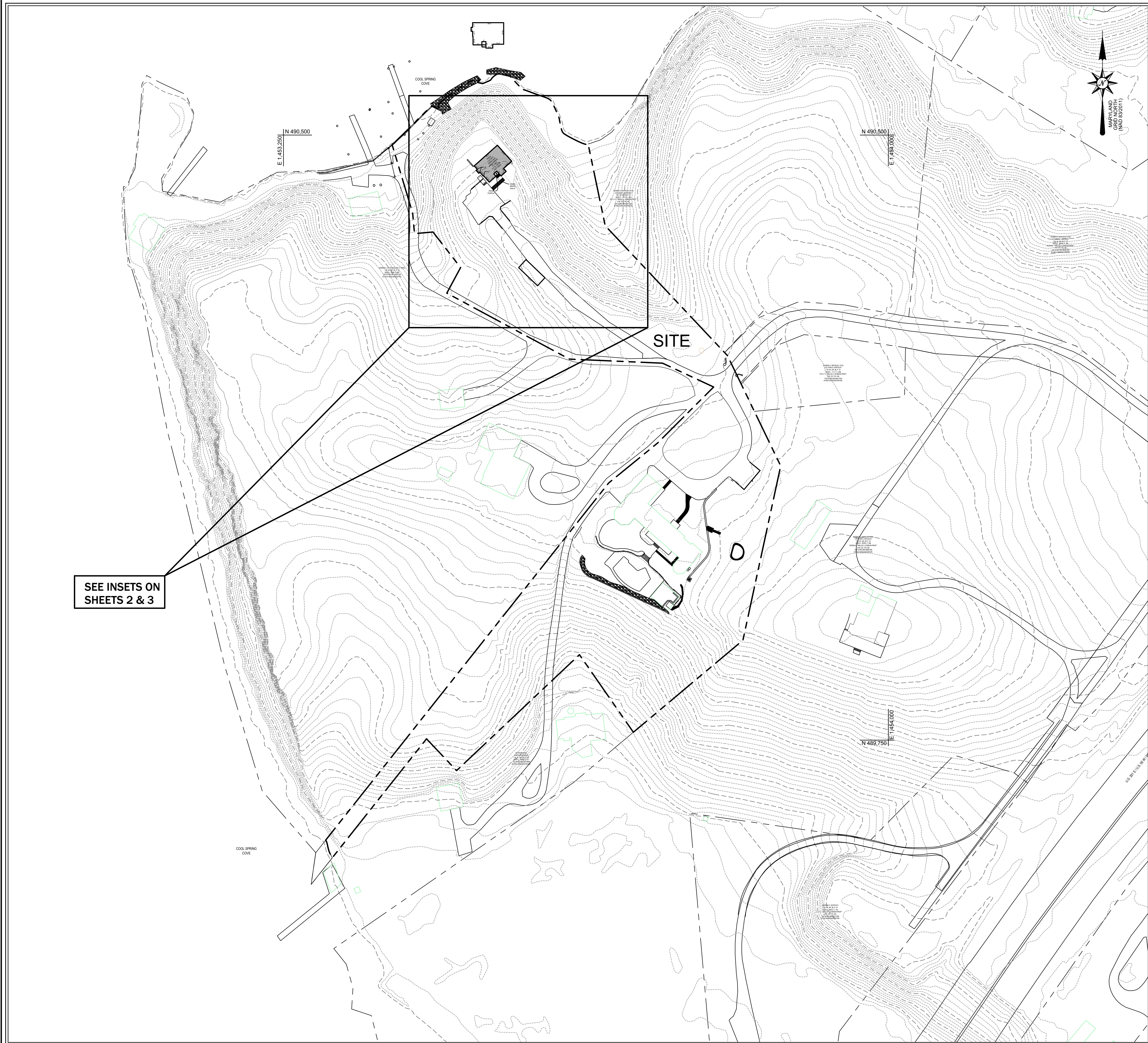
- ***approval*** of a zoning variance to § 18-13-104 to allow disturbance to the expanded buffer to construct a single family dwelling, and associated facilities;
- ***approval*** of the Critical Area variance to § 17-8-201 to disturb steep slopes to construct a single family dwelling, and associated facilities;
- ***denial*** of a zoning variance to § 18-13-104 to allow disturbance to the expanded buffer to construct an accessory structure; and,
- ***denial*** of the Critical Area variance to § 17-8-201 to disturb steep slopes to construct an accessory structure.

If granted, the final amount of disturbances will be determined during permit review.

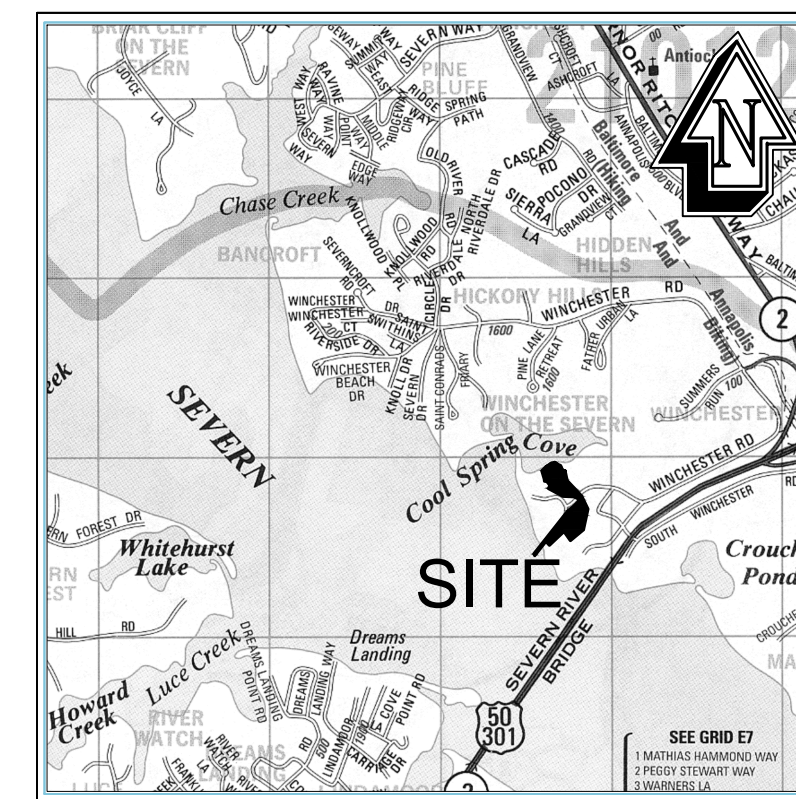
In addition, based upon the standards set forth under § 18-15-103 and § 18-16-304 under which a special exception may be granted, the Office of Planning and Zoning recommends:

- ***approval*** of the special exception to allow for the 30% expansion of floor area of the nonconforming use.

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.



OVERALL LOCATION PLAN
SCALE: 1" = 60'



VICINITY MAP
SCALE: 1" = 2,000'
COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NO. 06301200

GENERAL NOTES

- OWNER: MARK S. AND JERREN PELLICANO, 1712 N WINCHESTER ROAD, ANNAPOLIS, MD 21409. ENGINEER: MESSICK & ASSOCIATES, 7 OLD SOLOMONS ISL. RD. ST 202, ANNAPOLIS, MD 21401. PHONE: (703) 606-7441. EMAIL: christorence68@gmail.com.
- THE SITE ADDRESS IS: 1714 WINCHESTER ROAD, ANNAPOLIS, MD 21409.
- THE PROPERTY IS KNOWN AS: TAX MAP 45, GRID 06, PARCEL 568, TOTAL AREA = 176,351 SQ. FT. OR 4.048 AC. DEED REF: 36849 / 469.
- TAX ACCOUNT NO.: 03-000-28318055.
- THIS PLAN DOES NOT REFLECT A BOUNDARY SURVEY. THE EXISTING TOPOGRAPHIC AND PROPERTY LINE INFORMATION WAS PROVIDED BY BAY ENGINEERING, AND DRUM LOYKA.
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHTS-OF-WAYS, OR MORE STRINGENT BUILDING RESTRICTION LINES NOT SHOWN HEREON.
- EXISTING ZONING IS R1 - RESIDENTIAL DISTRICT. SETBACKS PRINCIPAL STRUCTURE: FRONT = 50', SIDE = 15', REAR = 35'. SETBACKS ACCESSORY STRUCTURE: FRONT = 50', SIDE = 15', REAR = 15'.
- PROPOSED SITE UTILITIES ARE PRIVATE WELL (W-7, FUTURE SERVICE - BROADNECK) AND PRIVATE SEPTIC (S-7, FUTURE SERVICE - BROADNECK).
- TOPOGRAPHICAL INFORMATION SHOWN IS PER A FIELD SURVEY BY OTHERS. BOUNDARY AND LOCATIONS PER SAME SURVEY AND AUGMENTED WITH ANNE ARUNDEL COUNTY GIS DATA.
- THE SITE IS LOCATED WITHIN THE RCA (RESOURCE CONSERVATION AREA) OF THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE IS ENCUMBERED BY 117,017 SQUARE FEET OF STEEP SLOPES. IN THE SPECIFIC AREA OF INTEREST, STEEP SLOPES ARE - S15-25% SLOPES: 7,984 SQ. FT. OR 0.183 AC. ; > 25% SLOPES: 42,409 OR 0.973 AC.
- THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONES "AE" (AREA WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN WITH BASE FLOOD ELEVATION OF 6 FEET) AND "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #540030169F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY).
- NOTE: ENTIRE AREA OF WORK IN EXPANDED BUFFER. PROPOSED WORK INCLUDES SLOPE STABILIZATION, REPLACEMENT OF RETAINING WALLS AND INSTALLATION OF SOILS NAILS AND WIRE MESH.

LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA.....	176,352 SQ. FT. OR 4.048 AC.
ALLOWABLE LOT COVERAGE BY LOT SIZE (15%).....	26,453 SQ. FT. OR 0.607 AC.
EXISTING LOT COVERAGE.....	30,145 SQ. FT. OR 0.692 AC.
ALLOWABLE LOT COVERAGE (10% REDUCTION).....	28,779 SQ. FT. OR 0.685 AC.
EXISTING LOT COVERAGE WITHIN THE 100' BUFFER.....	2,652 SQ. FT. OR 0.060 AC.
EXISTING LOT COVERAGE OUTSIDE THE 100' BUFFER.....	27,493 SQ. FT. OR 0.631 AC.
EXISTING DEVELOPED WOODS.....	92,852 SQ. FT. OR 2.132 AC.
EXISTING DEVELOPED WOODS TO BE REMOVED.....	1,383 SQ. FT. OR 0.032 AC.
ALLOWED CLEARING (30%).....	28,252 SQ. FT. OR 0.648 AC.
LIMIT OF DISTURBANCE.....	11,435 SQ. FT. OR 0.263 AC.

NOTE: BREAKDOWN OF LOT COVERAGES ARE AS FOLLOWS

- EX. DWELLINGS = 5,206 SF
- EX. SHEDS AND GAZEBO = 1,100 SF
- EX. DRIVEWAY = 16,428 SF
- EX. POOL = 1,037 SF
- EX. RIVERSTONE = 635 SF
- EX. WALKS, WALLS, & CONC. PADS = 5,729 SF
- TOTAL = 30,145 SF

- EXISTING LOT COVERAGE TO BE REMOVED:
- EX. 1-STORY DWELLING = 1,201 SF
- EX. WALKS & CONC. PADS = 446 SF
- EX. SHEDS = 438 SF
- TOTAL TBR = 2,083 SF

- TOTAL TO REMAIN = 28,062 SF
- PROPOSED LOT COVERAGE:
- PR. 1-STORY DWELLING = 1,065.3 SF
- PR. WALK = 98 SF
- PR. SHED = 438 SF
- TOTAL PROPOSED = 1,599.3 SF
- TOTAL PROPOSED LOT COVERAGE = 29,661.3 SF

DISTURBANCE SUMMARY

TOTAL PROPOSED DISTURBED AREA = 11,435 SQ. FT. OR 0.263 ACRES (ALL IN EXPANDED BUFFER)
 PROPOSED DISTURBANCE WITHIN THE 100' BUFFER = 4,330 SQ. FT. OR 0.099 ACRES
 PROPOSED DISTURBANCE OUTSIDE THE 100' BUFFER = 7,105 SQ. FT. OR 0.163 ACRES
 15% SLOPE DISTURBANCE = 699 SQ. FT. OR 0.016 ACRES
 25% SLOPE DISTURBANCE = 1,550 SQ. FT. OR 0.036 ACRES
 SLOPE & BUFFER DISTURBANCE FOR SLOPE STABILIZATION = TBD AT PERMIT

VARIANCE REQUEST

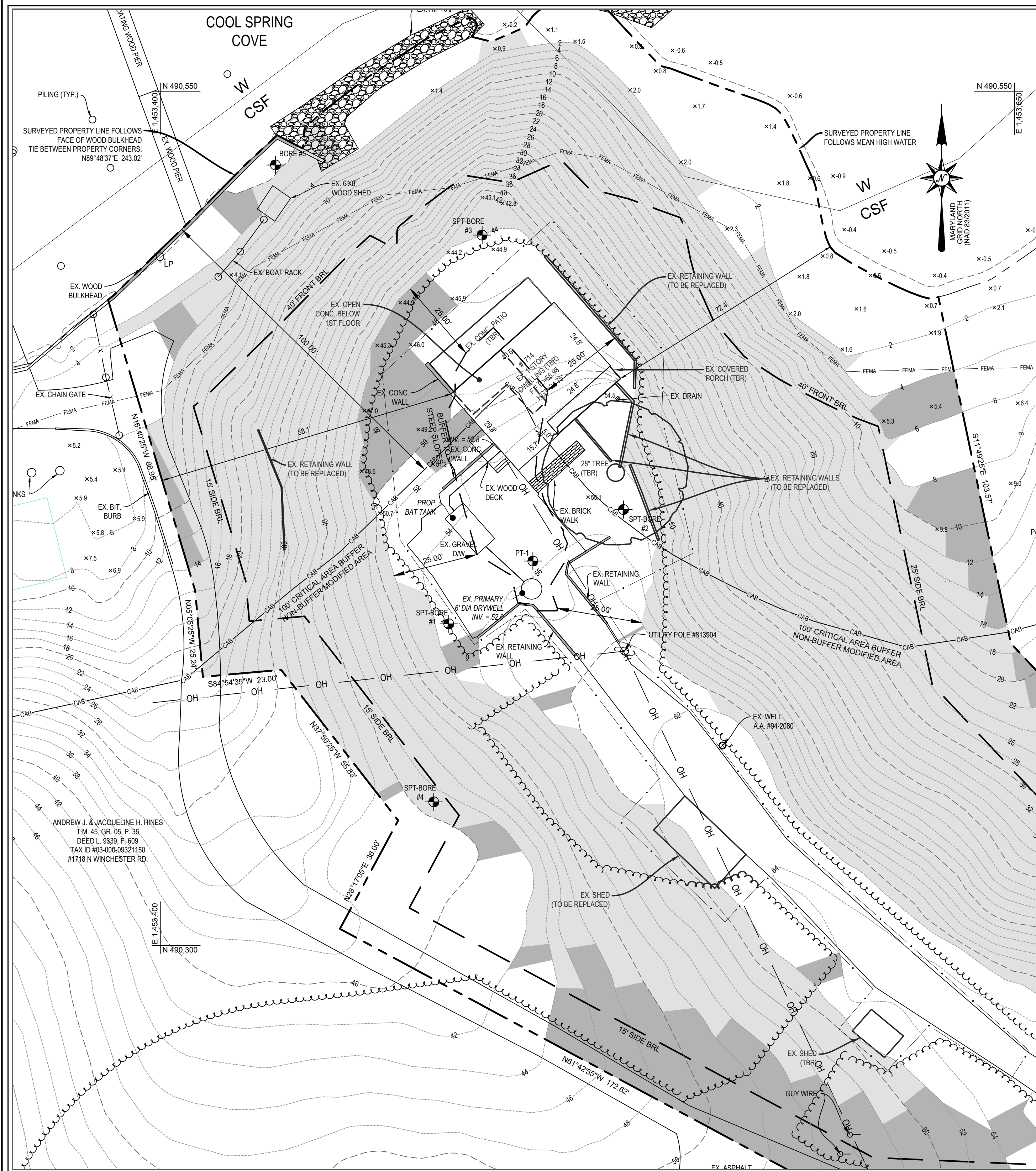
- § 17-8-201. DEVELOPMENT ON SLOPES OF 15% OR GREATER (A) DEVELOPMENT IN THE LDA, DEVELOPMENT IN THE LIMITED DEVELOPMENT AREA (LDA) OR IN THE RESOURCE CONSERVATION AREA (RCA) MAY NOT OCCUR WITHIN SLOPES OF 15% OR GREATER UNLESS DEVELOPMENT WILL FACILITATE STABILIZATION OF THE SLOPE, IS TO ALLOW CONNECTION TO A PUBLIC UTILITY, OR IS TO PROVIDE DIRECT ACCESS TO THE SHORELINE. ALL DISTURBANCE SHALL BE LIMITED TO THE MINIMUM NECESSARY.
- § 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. (B) EXPANDED BUFFER, EXCEPT AS PROVIDED IN SUBSECTION (C), 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 AS FOLLOWS: (1) IF THERE ARE CONTIGUOUS SLOPES OF 15% OR GREATER, THE BUFFER SHALL BE EXPANDED BY THE GREATER OF FOUR FEET FOR EVERY 1% OF SLOPE OR TO THE TOP OF THE SLOPE AND SHALL INCLUDE ALL LAND WITHIN 50 FEET OF THE TOP OF THE SLOPE. (2) IF THERE ARE NONTIDAL WETLANDS, NONTIDAL WETLANDS OF SPECIAL STATE CONCERN, HYDRIC SOILS OR HIGHLY ERODIBLE SOILS, THE BUFFER SHALL BE EXPANDED IN ACCORDANCE WITH COMAR, TITLE 27.

MESSICK & ASSOCIATES
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502 email: engr@messickandassociates.com

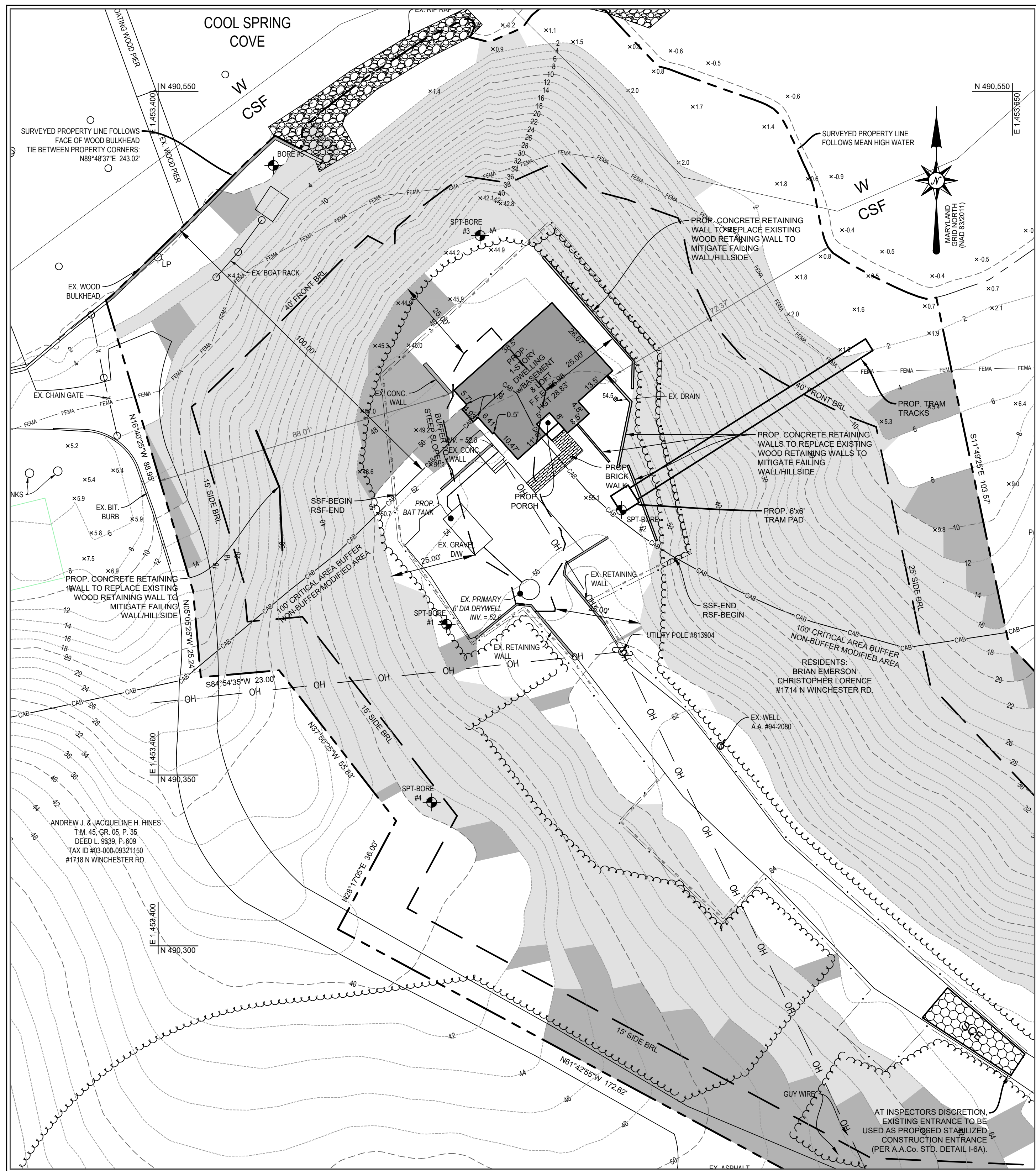
REVISION	DESCRIPTION	BY	DATE

OWNER/DEVELOPER
MARK S. PELLICANO
JARRIN E. PELLICANO
1714 WINCHESTER ROAD
ANNAPOLIS, MD 21409
610 CHRIS LORENCE BRIAN EBERSON
703-606-7441
christorence68@gmail.com

VARIANCE LOCATION PLAN
PELLICANO PROPERTY COTTAGE
GRADING AND VARIANCE PLAN
1714 WINCHESTER ROAD
ANNAPOLIS, MD 21409
WINCHESTER
TAX MAP: 45, GRID: 6, PARCEL: 568, ZONING: R1/RCA
TAX ACCOUNT: 03-000-28318055
THIRD ELECTION DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
DATE: OCTOBER 2024
SCALE: AS SHOWN SHEET 1 OF 3



EXISTING CONDITIONS PLAN
SCALE: 1" = 20'



PROPOSED CONDITIONS PLAN
SCALE: 1" = 20'

SOILS TABLE

SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRIC SOIL	HIGHLY ERODABLE SOIL
CoC	COLLINGTON-WIST COMPLEX	'B'	36.1%	NO	NO
CRD	COLLINGTON AND ANNAPOLIS SOILS	'B'	3.7%	NO	NO
CSF	COLLINGTON, WIST, AND WESTPHALIA SOILS	'A'	59.0%	YES	NO
W	WATER	-	1.1%	-	-

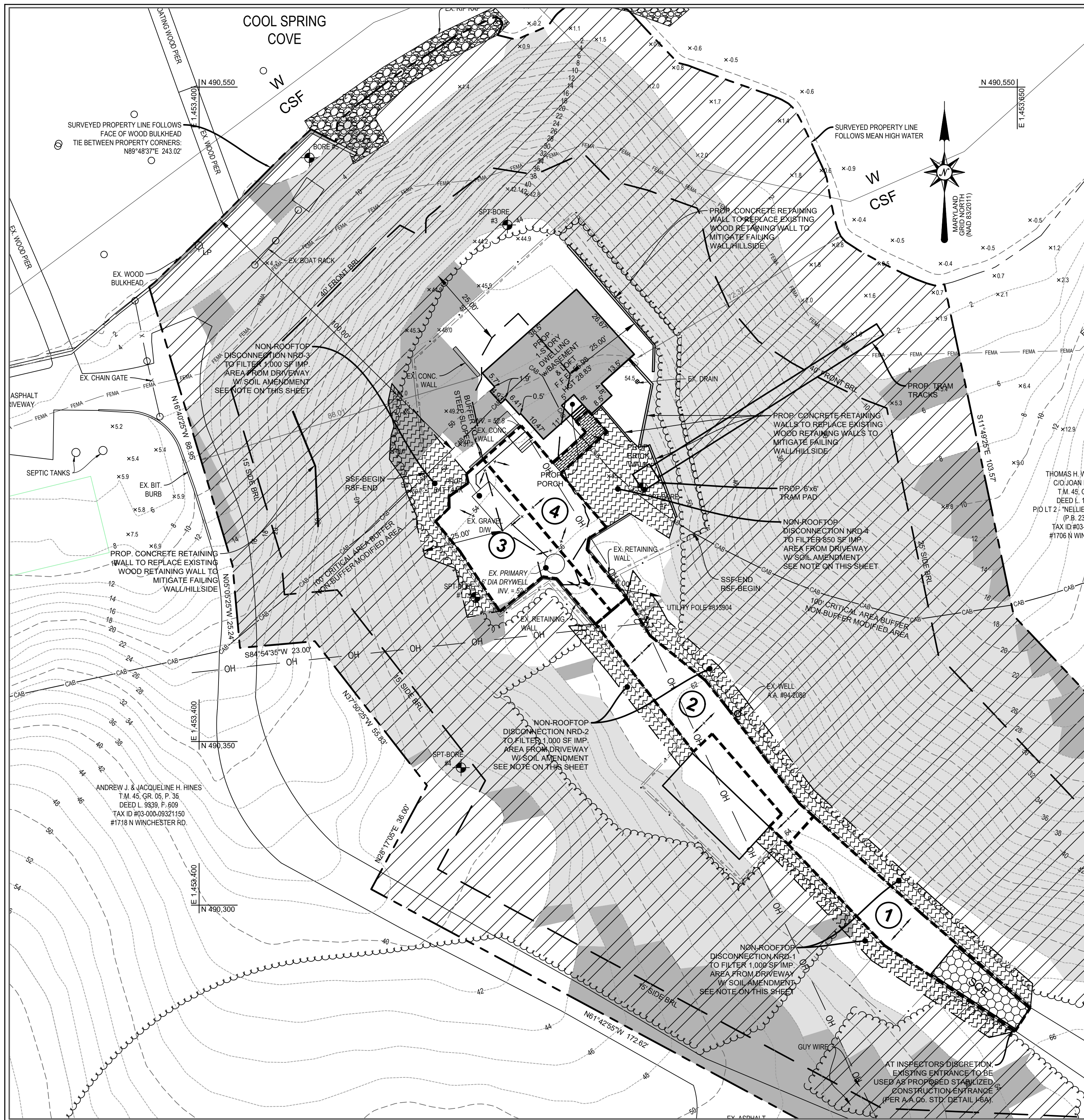
MESSICK & ASSOCIATES
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502 email: engr@messickandassociates.com

REVISION	DESCRIPTION	BY	DATE

OWNER/DEVELOPER
MARK S. PELLICANO
JAREN E. PELLICANO
1714 WINCHESTER ROAD
ANNAPOLIS, MD 21409
60 CHRIS LORENCE BRIAN EMERSON
703-905-7441
cmisorence68@gmail.com

EXISTING & PROPOSED CONDITIONS VARIANCE SITE PLAN
PELLICANO PROPERTY COTTAGE
GRADING AND VARIANCE PLAN
1714 WINCHESTER ROAD
ANNAPOLIS, MD 21409
WINCHESTER
TAX MAP: 45 GRID: 6 PARCEL: 568 ZONING: R1/RCA
TAX ACCOUNT: 03-000-283-8055
THIRD ELECTION DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
SCALE: AS SHOWN DATE: OCTOBER 2024 SHEET 2 OF 3

DRAWN: 2024 FILE: G:\A\024\101\1714 Winchester Road\Cottage\Barricade\Parcel 2\1017\VarPlan 19 24.dwg



DRAINAGE AREAS TO ESD FACILITIES
SCALE: 1" = 20'

SOILS TABLE

SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRIC SOIL	HIGHLY ERODABLE SOIL
CoC	COLLINGTON-WIST COMPLEX	'B'	36.1%	NO	NO
CRD	COLLINGTON AND ANNAPOLIS SOILS	'B'	3.7%	NO	NO
CSF	COLLINGTON, WIST, AND WESTPHALIA SOILS	'A'	59.0%	YES	NO
W	WATER	-	1.1%	-	-

NON-ROOFTOP DISCONNECTION - CONSTRUCTION CRITERIA & MAINTENANCE NOTES

CONSTRUCTION CRITERIA:
THE FOLLOWING ITEMS SHOULD BE ADDRESSED DURING THE CONSTRUCTION OF PROJECTS WITH PLANNED NON-ROOFTOP DISCONNECTIONS:

- EROSION AND SEDIMENT CONTROL: EROSION AND SEDIMENT CONTROL PRACTICES (E.G., SEDIMENT TRAPS) SHALL NOT BE LOCATED IN AREAS DESIGNATED FOR NON-ROOFTOP DISCONNECTIONS.
- SITE DISTURBANCE: CONSTRUCTION VEHICLES AND EQUIPMENT SHOULD AVOID AREAS RECEIVING DISCONNECTED RUNOFF TO MINIMIZE DISTURBANCE AND COMPACTION. SHOULD AREAS RECEIVING DISCONNECTED RUNOFF BECOME COMPACTED, SCARIFYING THE SURFACE OR ROTOTILLING THE SOILS TO A DEPTH OF FOUR TO SIX INCHES SHALL BE PERFORMED TO ENSURE PERMEABILITY. ADDITIONALLY, AMENDMENTS MAY BE NEEDED FOR TIGHT, CLAYEY SOILS.
- THE PROPOSED INCORPORATION AREA SHALL BE DEEP TILLED TO A DEPTH OF 2 TO 3 FEET USING A TRACTOR AND SUB-SOILER WITH TWO DEEP SHANKS (CURVED METAL BARS) TO CREATE RIPS PERPENDICULAR TO THE DIRECTION OF FLOW. THIS DEEP-TILLING STEP MAY BE OMITTED WHEN SOIL AMENDMENT IS USED FOR FILTER STRIP WIDTHS OF 20 FEET OR LESS IN THE DIFFERENT DIRECTION OF FLOW. THE EXISTING SOILS SHALL BE IN DRY CONDITION PRIOR TO INCORPORATING COMPOST. THE COMPOST LAYER SHALL BE PLACED ON SURFACE OF PROPOSED AMENDMENT AREA TO THE DEPTH SPECIFIED AND THEN INCORPORATED INTO THE SOIL USING A ROTO-TILLER OR SIMILAR EQUIPMENT. CONDUCT SOIL TEST TO DETERMINE WHETHER ANY FURTHER NUTRITIONAL REQUIREMENTS, PH ADJUSTMENT, AND ORGANIC MATTER ADJUSTMENTS ARE NECESSARY FOR PLANT GROWTH.

MAINTENANCE CRITERIA:
MAINTENANCE OF AREAS RECEIVING DISCONNECTED RUNOFF IS GENERALLY NO DIFFERENT THAN THAT OF REQUIRED FOR OTHER LAWN OR LANDSCAPED AREAS. THE AREAS RECEIVING RUNOFF SHOULD BE PROTECTED FROM FUTURE COMPACTION (E.G., BY PLANTING TREES OF SHRUBS ALONG THE PERIMETER). IN COMMERCIAL AREAS, FOOT TRAFFIC SHOULD BE DISCOURAGED AS WELL.

ESD DRAINAGE AREA TABLE

DRAINAGE DESIGNATION	FACILITY	AREA (SF)	IMP. (SF)
①	NON-ROOFTOP DISCONNECTION (NRD-1)	1,000	1,000
②	NON-ROOFTOP DISCONNECTION (NRD-2)	1,000	1,000
③	NON-ROOFTOP DISCONNECTION (NRD-3)	1,000	1,000
④	NON-ROOFTOP DISCONNECTION (NRD-4)	850	850

*TOTAL DISCONNECTED = 3,850 SQ. FT.

STORMWATER MANAGEMENT STRUCTURE SUMMARY TABLE

Project Name: Emerson Property		Project No.:		Subdiv. No.:					
Bay Eng. No.: 22-8688		Design By: JS		Date: 10/26/2023					
		Tax Map/Block/Parcel:		45/6/568					
Overall DA	Practice	Structure No.	Type	Location	Drainage Area Treated (acres)	Maximum Volume for 1-Yr 24-Hr Storm (Cu. Ft.)	Water Quality Volume (Cu. Ft.)	Actual Device Volume (Cu. Ft.)	Pe Provided (in.)
1	Non-Rooftop Disconnect	NRD-1	N-2	N490296 E1453610	0.023	213.75	79.17	79.17	1.00
	Non-Rooftop Disconnect	NRD-2	N-2	N490360 E1453551	0.023	213.75	79.17	79.17	1.00
	Non-Rooftop Disconnect	NRD-3	N-2	N490410 E1453492	0.023	213.75	79.17	79.17	1.00
	Non-Rooftop Disconnect	NRD-4	N-2	N490419 E1453509	0.020	181.69	67.29	67.29	1.00
Total					0.088	822.94	304.79	304.79	
ESD, Required							223.68		

Total Site P_e Provided: Where: $ESD_v = 223.68 \text{ ft}^3$
 $R_v = 0.20$
 $A = 11,435 \text{ ft}^2$
 $P_e = 1.20 \text{ in.}$
 *Note: These values taken from the Stormwater Management Requirements sheet of these computations.

MESSICK & ASSOCIATES
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502 email: emgr@messickandassociates.com

REVISION	DESCRIPTION	BY	DATE

OWNER/DEVELOPER
MARK S. PELLICANO
JAREN E. PELLICANO
1714 WINCHESTER ROAD
ANNAPOLIS, MD 21409
60 CHRIS LOREGE BRAN ETHERSON
703-905-7441
cmisorence68@gmail.com

STORMWATER MANAGEMENT FOR VARIANCE SITE PLAN
PELLICANO PROPERTY COTTAGE
GRADING AND VARIANCE PLAN
1714 WINCHESTER ROAD
ANNAPOLIS, MD 21409
WINCHESTER
TAX MAP: 45, GRID: 6, PARCEL: 568, ZONING: R1/RCA
TAX ACCOUNT: 03-000-283-8055
THIRD ELECTION DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
SCALE: AS SHOWN DATE: OCTOBER 2024 SHEET 3 OF 3



September 24, 2024

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401

Attention: Ms. Sterling Seay

Re: VARIANCE REQUEST
1714 WINCHESTER ROAD
ANNAPOLIS, MD 21409

Dear Ms. Seay:

On behalf of the applicants, Mark S. Pellicano and Jerren E. Pellicano, we respectfully request a variance to

- Article 17-8-201 which states that development in the Limited Development Area (LDA) or in the Resource Conservation Area (RCA) 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. All disturbance shall be limited to the minimum necessary.
- Article 18-13-104 which states that there shall be a there is an expanded buffer 50' from the top of steep slopes in a non-buffer modified area.

The lot is developed with two dwellings, an inhabited 1-story, single-family residence with a walk-out basement and associated improvements (the cottage), and a larger dwelling and its associated improvements that is the main house. The focus of this request is the smaller dwelling (the cottage). This lot meets the definition of a buildable lot, subject to the approvals of the County. The site is served by private well and septic. The site is served by a 40' width private right-of-way easement from N Winchester Road. Access to the site will be via N Winchester Road. The property is waterfront and drains to the tidal waters of Cool Spring Cove. The entire site is in the Resource Conservation Area (RCA) of the Chesapeake Bay Critical Area. The portion of the site where the cottage is located is not located in a Buffer Modification area and is subject to a 50' expanded buffer due to the presence of steep slopes. The site is zoned R1. The cottage sits on a flat portion of the property with steep slopes down to tidal waters. This slope is failing and the existing retaining walls are old and in need of replacement for structural safety and stability. Soil nails are proposed to stabilize the slope on the north side of the cottage. The cottage site has passing perc tests, and a drywell was installed at the time of perc testing. A BAT tank will be required.

The applicant wishes to raze the existing cottage and construct a new cottage in the same general footprint. They also wish to raze an existing shed in disrepair built on top of the hill and replace it with a new shed. The new cottage footprint will be slightly smaller than the existing cottage footprint, the existing cottage is 1,201 square feet, including a covered porch. The proposed cottage is 1,161 square feet in size. Adequate existing vehicular access is via a paved driveway that transitions into a gravel driveway as it extends west into the site from the southwestern terminus of Winchester Road. A large portion of the cottage site is largely encumbered by steep slopes and expanded buffer. The lot size is 176,351 square feet per a Terrain, Inc. boundary survey. This proposal would require a total of 9,656 square feet of expanded buffer disturbance, and 3,255 square feet that disturbance is for the steep slope buffer disturbance. Of this steep slope buffer disturbance 1,644 square feet of the proposed disturbance are to facilitate stabilization of the slope. The proposal includes the removal of 1,239 square feet of existing lot coverage. The existing house was constructed some time ago and does not appear to be fixable. It appears the foundation could be unsound, though we are not structural engineers.

The proposed cottage replacement will require a variance. As the site is in expanded buffer and on septic, almost any work on the site would require a variance, including the rebuilding of the existing cottage. A review of the site plan will show the disturbance is minimized, and only the area necessary to perform the work. No zoning setback variances are requested.

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

1. The subject property is 176,352 square feet in size, and it is zoned R1 and is encumbered by steep slopes over most of the cottage site and expanded buffer over the entire cottage site. The cottage site is surrounded by steep slopes. The site is subject to an expanded buffer over the entire cottage site. 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 property have been noted in #1 above to a large degree. The house is old, in disrepair and cannot be replaced without a variance. Replacing it is the most ideal remediation due to the age and condition of the dwelling, as well as rectifying the slope failure issues present 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 the cottage site is that it is entirely in the expanded buffer and is located and largely encumbered by steep slopes and their buffer. The expanded buffer goes through the existing and proposed house, and is on septic. Denial of a variance would be a hardship for the owners, as the house has met its life expectancy and cannot be enjoyed by the owners in its current state. The structural walls keeping the house up are in need of repair, and the failing slope will be addressed. The work proposed creates a modern 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 steep slopes and is subject to the expanded buffer, and there is no way to do the proposed work without disturbing the expanded buffer or steep slopes. As this structure is existing, 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 structure is old, and in disrepair. The proposed dwelling is modest in size. No setback variances are required.

4. The request is not a result of actions of the owner. The steep slopes were there, the expanded buffer encumbers the site, and the 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 as stormwater management will be provided as required by the Code, and any clearing must be mitigated for as per the Code. The amount of clearing is small. The amount of new lot coverage will be reduced. Stormwater management will be provided as necessary at permit should the variance be granted. A modern septic system with a BAT tank will be installed. This proposal would decrease runoff and erosion and on site stormwater management will provide an overall benefit to the environment. It will also prevent sediment from the failing slope from entering tidal waters, and will keep the house from sliding down the hill.

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 stormwater management 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 site is a registered non conforming use, the expansion of the dwelling is limited. Due to septic setbacks, and the fact that this entire point is in the expanded buffer and surrounded by slopes, there is no reasonable way to replace the cottage except in its existing footprint.

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 construct a new cottage with a more modern and environmentally friendly structure.

2. i. This variance will not alter the essential character of the neighborhood. The new cottage will utilize the area of the property that has already been developed and the new cottage will be located in almost the exact same footprint and does not appear to affect the view of others.

ii. This variance will not impair the use of adjoining properties. The proposal will not impact neighbors. The new cottage is mostly in the same footprint as the existing dwelling.

iii. A small amount of tree clearing may be required for the multiple slope stabilization areas, for the cottage replacement, and any mitigation necessary during the permit process will increase 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 in the relative area of existing development, and disturbance has been minimized. A grading permit will be required, and stormwater management is shown on the plan. 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 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 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
45	568	6		

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 3-000-28318055

Project Name (site name, subdivision name, or other) Cottage 1714 Winchester

Project location/Address 1714 Winchester Rd

City Annapolis MD Zip 21409

Local case number

Applicant: Last name Christopher Lawrence Brian Emerald 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 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:

Raze ex cottage & retaining walls around it, Construct New Cottage and retaining walls

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		0.263	11,435
LDA Area	0	0			
RCA Area	4.048	176,352	# of Lots Created		
Total Area	4.048	176,352			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	2.132	92,852	Existing Lot Coverage	0.692	30,145
Created Forest/Woodland/Trees	TBD	TBD	New Lot Coverage	0.038	1,657
Removed Forest/Woodland/Trees	0.032	1,383	Removed Lot Coverage	0.048	2,083
			Total Lot Coverage	0.681	29,669

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.263	11,435	Buffer Forest Clearing		
Non-Buffer Disturbance	0	0	Mitigation	TBD	TBD

<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 type="checkbox"/>
Lot Coverage	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input 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"/>

***CRITICAL AREA
REPORT***

**1714 WINCHESTER ROAD
ANNAPOLIS, MD 21409**

May 2024

Prepared for:
Brian Emerson and Christopher Lorence
1714 Winchester Road
Annapolis, MD 21409

Prepared by:
Messick & Associates
7 Old Solomons Island Rd, Suite 202
Annapolis, MD 21401

INTRODUCTION

This site is a 176,351 square foot property that is located off N Winchester Road in Annapolis, MD in the Cool Spring Cove neighborhood. The proposal is to raze the existing dwelling and construct a new dwelling in the same footprint. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Resource Conservation Area (RCA). The property is zoned R1.

EXISTING USE

The property consists of 176,351 square foot property. The site is currently developed with an inhabited dwelling. The property is served by a private well and septic. The property is waterfront, contains steep slopes, and drains to Cool Spring Cove. The site is served by a 16' width right-of-way easement leading to Cool Spring Cove and a 16' width right-of-way leading to Winchester Road.

SURROUNDING LAND USE

The properties that are about the site are developed as single-family lots. The general area is developed as single-family lots that are part of the Cool Spring Cove neighborhood. The site is bounded by a developed property to the west, east and south, and Cool Spring Cove to the north.

SOILS

The U.S. Department of Agriculture Soil Survey defines the property to have a soil type of CoC – Collington-Wist Complex, 5 to 10% slopes (B Soils), CRD – Collington and Annapolis soils, 10-15% slopes (B Soils), and CSF – Collington, Wist, and Westphalia soils, 25-40% slopes (A Soils).

FLOODPLAIN

The property is located in the Flood Hazard Zone "AE" (area within the 1% annual chance floodplain with base flood elevation of 6 feet) and Zone "X" (area outside the 0.2% annual chance floodplain) as delineated on the FIRM Flood Insurance Map #24003C0169F dated February 18, 2015, for Anne Arundel County and distributed by the Federal Emergency Management Agency Map (FEMA).

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.

BODIES OF WATER

The site drains overland to Cool Spring Cove.

STEEP SLOPES

Topographically, the site can be described as a peninsula/ridge with moderately to very steep surrounding slopes. More specifically, the top of the ridge and the areas immediately adjacent to the existing driveway and residence can be characterized as relatively flat to gently sloping, with grades generally sloping downward in a northwesterly direction towards Cool Spring Cove. The entire area of proposed work will occur in the expanded steep slope buffer with 699 square feet of disturbance occurring to the 15-25% steep slopes and 2,556 square feet of disturbance occurring to the >25% steep slopes.

Within this proposed steep slope disturbance, 1,082 square feet are set aside to facilitate stabilization of the slope. A geotechnical study was performed by Geo-Technology Associates, Inc. and a report was produced on December 8, 2021 recommending the best methods of practice to achieve slope stabilization. The recommendation has been incorporated into the proposed work.

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 over story trees which occur throughout the site. 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.....176,352 sq. ft.
- 2. Site area in Critical area.....176,352 sq. ft.
- 3. Existing Lot Coverage.....30,145 sq. ft.
- 4. Existing Lot Coverage to be Removed.....2,083 sq. ft.
- 5. Existing Lot Coverage to Remain.....28,062 sq. ft.
- 6. Proposed Impervious area.....1,637 sq. ft.
- 7. Total Lot Coverage After Construction.....29,669 sq. ft.
- 8. Total Impervious Coverage Allowed by Lot Size (15%).....26,453 sq. ft.
- 9. Total Impervious Coverage Allowed (10% Reduction).....29,776 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 - 03 Subdivision - 000 Account Number - 28318055

Owner Information

Owner Name: PELLICANO MARK S **Use:** RESIDENTIAL
 PELLICANO JERREN **Principal Residence:** YES
Mailing Address: 1712 N WINCHESTER RD **Deed Reference:** /28836/ 00071
 ANNAPOLIS MD 21409-5851

Location & Structure Information

Premises Address: 1712 WINCHESTER RD **Legal Description:** 4.061 ACRES
 ANNAPOLIS 21409-0000 1712 WINCHESTER RD
 Waterfront COOL SPRING COVE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0045	0006	0568	3080050.02	000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1968	5,469 SF	880 SF	4.0600 AC	

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT BRICK/ 4 SIDING	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	995,600	995,600		
Improvements	520,300	560,900		
Total:	1,515,900	1,556,500	1,529,433	1,542,967
Preferential Land:	0	0		

Transfer Information

Seller: DUDLEY SR TRUSTEE JOHN A	Date: 09/24/2015	Price: \$1,573,325
Type: ARMS LENGTH IMPROVED	Deed1: /28836/ 00071	Deed2:
Seller: DUDLEY SR, JOHN A	Date: 03/30/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /17642/ 00545	Deed2:
Seller: SMITH EARL G	Date: 06/17/1986	Price: \$475,000
Type: ARMS LENGTH IMPROVED	Deed1: /04092/ 00048	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
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: Approved 01/21/2016

Homeowners' Tax Credit Application Information

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



1714 WINCHESTER RD, 2 X



Show search results for 1714 ...





1714 WINCHESTER RD, 21409

74

Rs Residential

1718

1712

0 ft

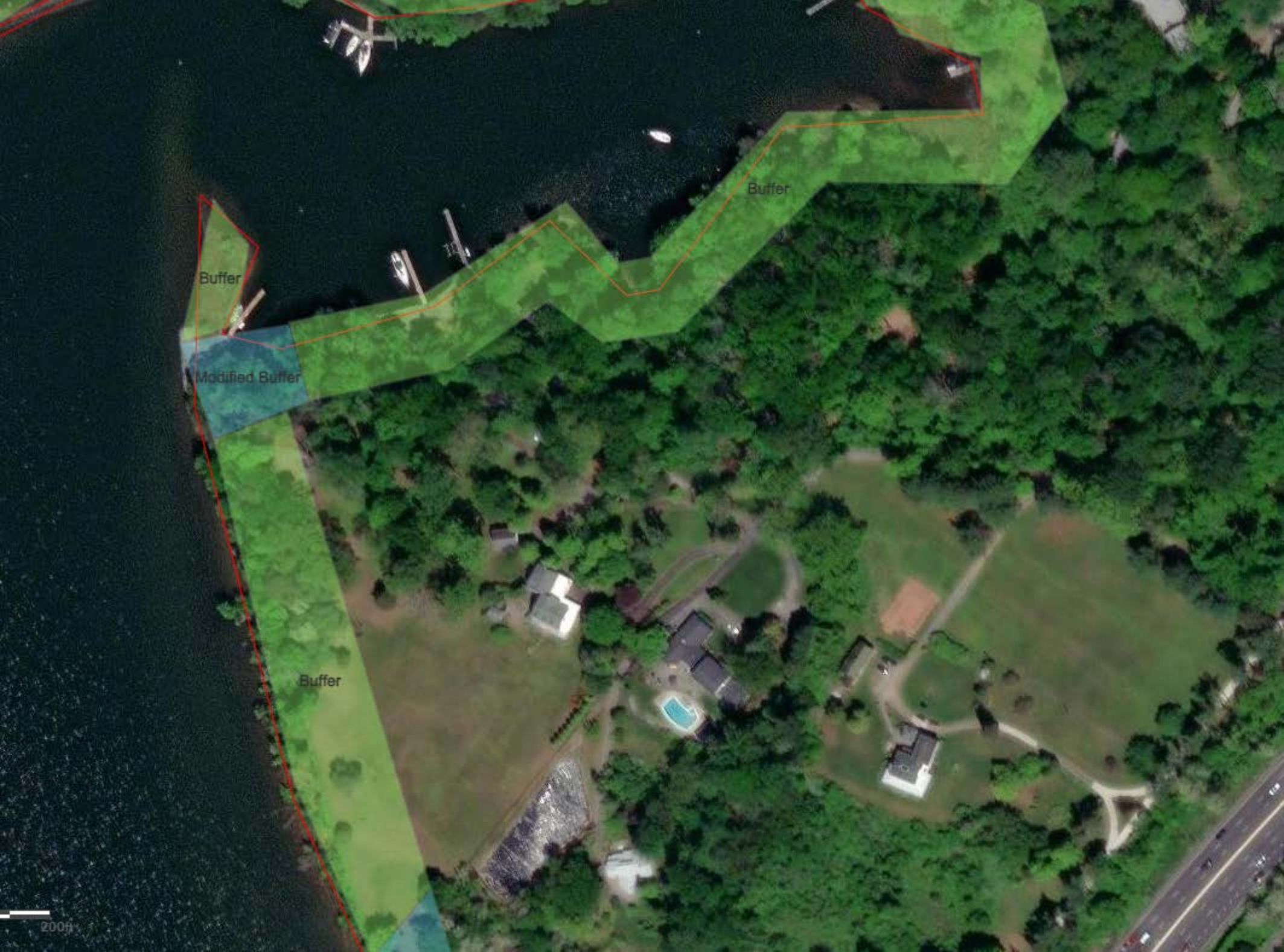


1714 WINCHESTER RD, 21409

70

1718

1712



Buffer

Modified Buffer

Buffer

Buffer

200ft

National Flood Hazard Layer FIRMMette



76°30'28"W 39°0'54"N



Legend

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

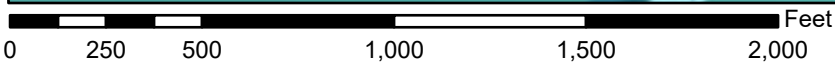
SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i> With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i> Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i> Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i> Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i> Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS	NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i> Effective LOMRs Area of Undetermined Flood Hazard <i>Zone D</i>
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

N
 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 **5/28/2024 at 9:06 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.

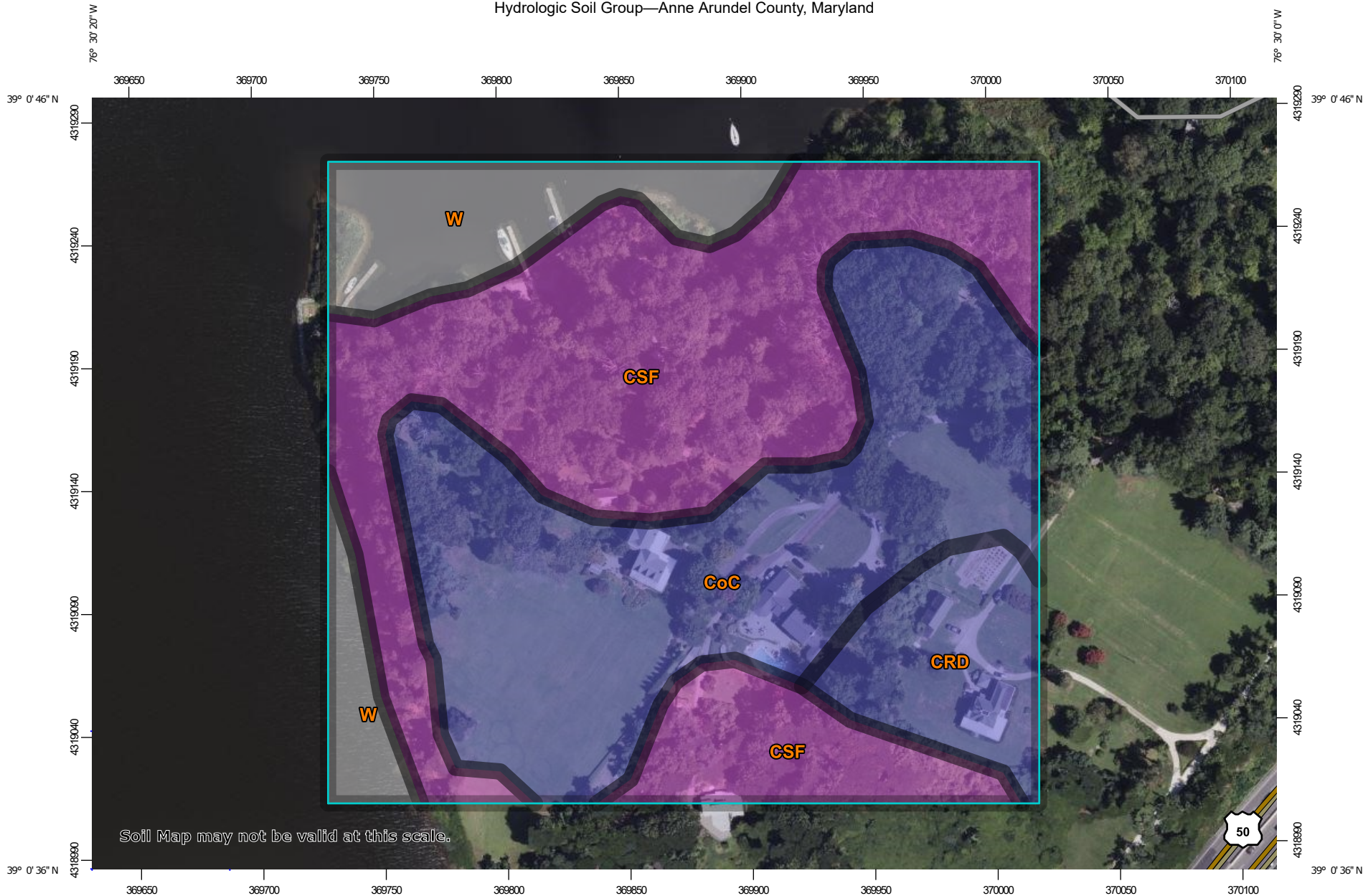


1:6,000

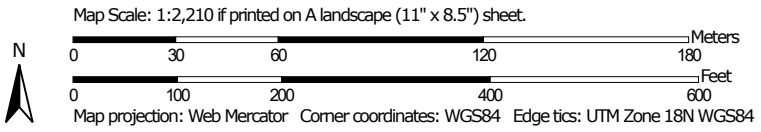
76°29'50"W 39°0'26"N

Basemap Imagery Source: USGS National Map 2023

Hydrologic Soil Group—Anne Arundel County, Maryland




Soil Map may not be valid at this scale.



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

 C
 C/D
 D
 Not rated or not available

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
CoC	Collington-Wist complex, 5 to 10 percent slopes	B	6.9	36.6%
CRD	Collington and Annapolis soils, 10 to 15 percent slopes	B	1.6	8.4%
CSF	Collington, Wist, and Westphalia soils, 25 to 40 percent slopes	A	8.0	42.5%
W	Water		2.4	12.6%
Totals for Area of Interest			18.8	100.0%

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.

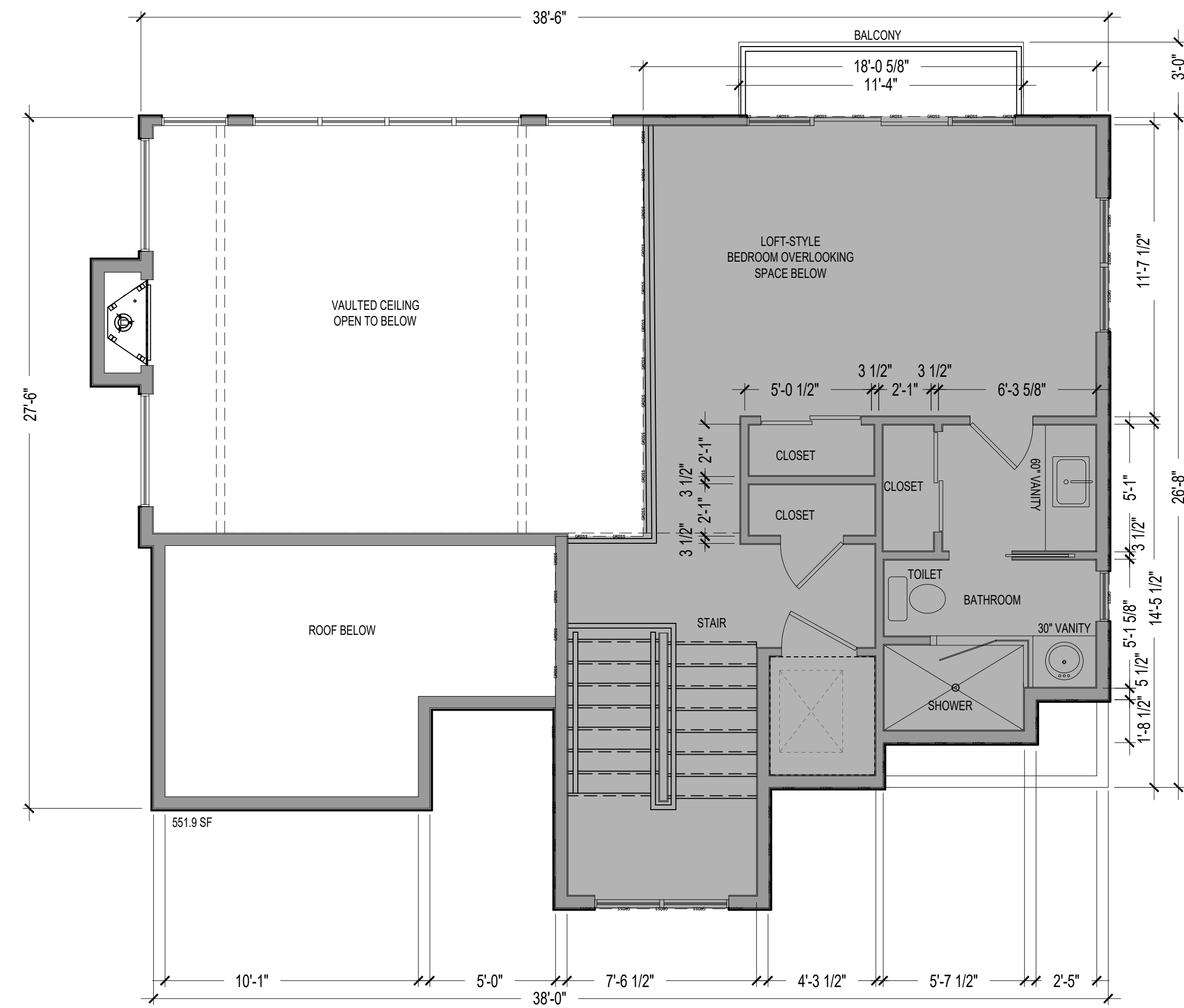
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher



LEVEL 2 LOFT
SCALE: 1/4"=1'-0" DATE: SEPT 02, 2024

PROPOSED AREAS:

LVL 0: 551.9 SF
LVL 1: 1,071.7 SF
LVL 2: 517.3 SF

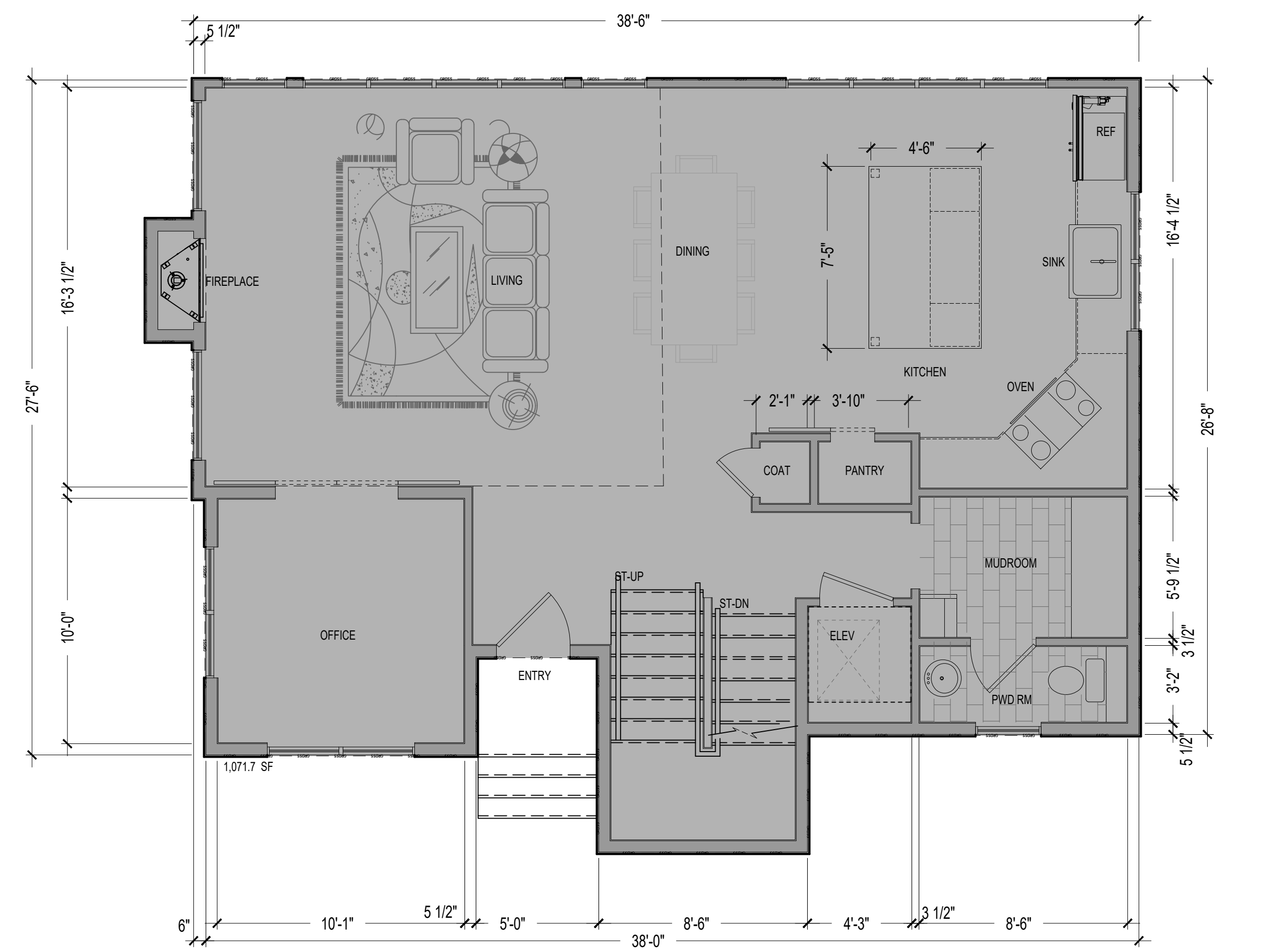
TOTAL: 2,140.9 SF

EXISTING AREAS:

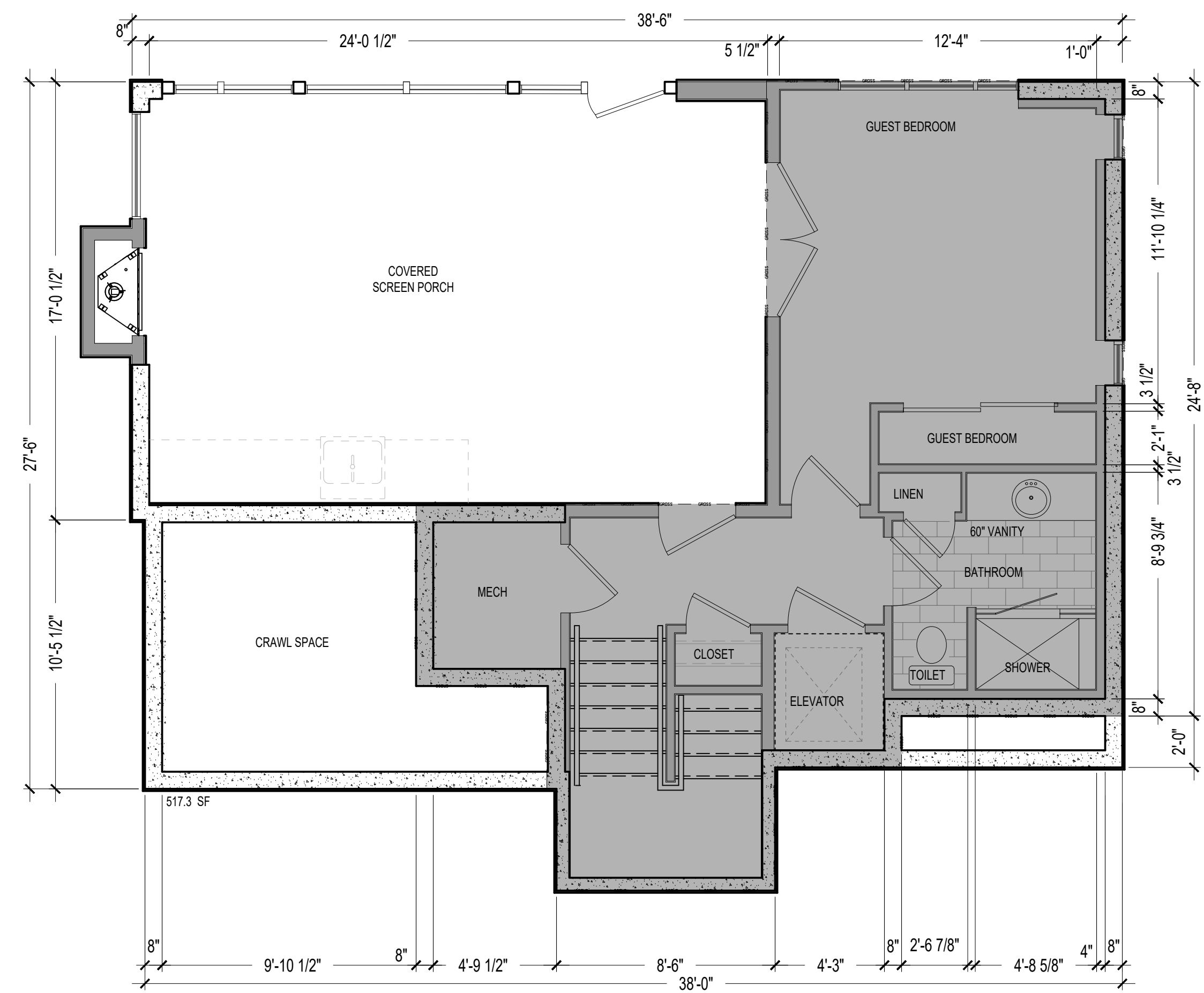
LVL 0: 546.35 SF
LVL 1: 1106.25 SF

TOTAL: 1652.6

W/30% EXPANSION ALLOWABLE:
(1652.6 X 1.3) = 2,148.3



LEVEL 1 PLAN
SCALE: 1/4"=1'-0" DATE: SEPT 02, 2024



LEVEL 0 PLAN
SCALE: 1/4"=1'-0" DATE: SEPT 06, 2024



THREE B ARCHITECTURE

Robert B. Berry Jr, AIA
WWW.THREEBARCHITECTURE.COM
443.791.6193

111 CATHEDRAL ST, SUITE 301
ANNAPOLIS MARYLAND 21401

ARCHITECT
CLIENT

Emerson/Lorraine Residence
1712-1714 N Winchester Road
Annapolis, Maryland

DWG INFO

June 18th 2024
Sept 17th 2024

NOTES

A.AR

Task Details **OPZ Critical Area Team**

Assigned Date

09/26/2024

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

The site plan does not correctly depict the required expansion of the Critical Area buffer.

The proposed work is located in the footprint of the existing development and results in a reduction in coverage on the site.

The Critical Area Team offers no objection to this proposal.

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

10/17/2024

Assigned to Department

OPZ Critical Area

Status Date

10/08/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

Display E-mail Alerts

Display Comments

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



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

CAC Comments: 2024-0109-V; Pellicano (AA 248-24), 2024-0192-V; Stolarski (AA 272-24)

Jennifer Esposito <jennifer.esposito@maryland.gov>
To: Sadé Medina <pzmedi22@aacounty.org>

Fri, Oct 25, 2024 at 4:18 PM

Good afternoon,

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

- **2024-0109-V; Pellicano (AA 248-24)**: We note that this variance request is subject to case number 2024-0156-V. It appears that the applicant has reasonable and significant use of the entire parcel with the existing improvements. It does not appear that this request meets each and everyone of the Critical Area variance standards including unwarranted hardship or that this variance would not adversely affect water quality and wildlife or plant habitat. The existing and proposed secondary dwelling on this grandfathered lot is located on steep slopes and within the expanded Critical Area Buffer. Additionally, the project will result in the removal of a 28" caliper tree, as well as additional tree canopy removal along the top of steep slopes. While the footprint of the dwelling is slightly reduced with the proposed dwelling, impacts to the surrounding environmental features are increased. Additionally, it appears the house could be redesigned, and even potentially relocated, to avoid or minimize impacts to the sensitive environmental features. If this request were to be denied to reconstruct the secondary dwelling as proposed, the applicant will still enjoy reasonable and significant use of the entire property with the existing improvements such as a primary dwelling, driveway, pool, walkways, and riparian access.
- **2024-0192-V; Stolarski (AA 272-24)**: Appropriate mitigation is required.

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



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)

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 [twitter_logo.jpg](#)

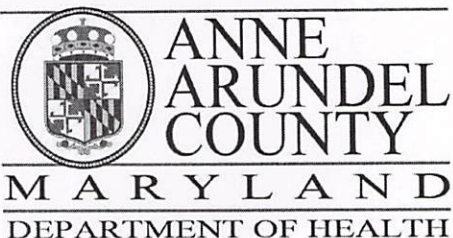
dnr.maryland.gov/criticalarea

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

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

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov




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

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

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

FROM: Brian Chew, Program Manager 
Bureau of Environmental Health

DATE: October 2, 2024

RE: Mark S. Pellicano
1714 Winchester Road
Annapolis, MD 21409

NUMBER: 2024-0109-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling, an accessory structure (shed), and associated facilities with less setbacks and buffer than required 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

Task Details **Land P Engineering**

Assigned Date

09/26/2024

Assigned to

Habtamu Zeleke

Current Status

Complete w/ Comments

Action By

Habtamu Zeleke

Comments

Variance Requested: Variance to allow a dwelling, an accessory structure (shed), and associated facilities with less setbacks and buffers than required and with disturbance to slopes of 15% or greater.

Comments:

1. Per the Procedure's manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resources including, steep slopes and buffers.
2. Please review existing vegetation (or lack thereof) within the steep slopes; opportunities to supplement vegetation or replanting buffers with native vegetation should be reviewed and provided to enhance water quality.
3. Provide a qualified professional review of the condition of suitability steep slopes; ensure the proposed improvement including quality and other limits does not adversely impact the intensity of the slope and can cause slope failure.
4. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted. Describe the site's hydrologic, and topographic characteristics and provide recommendations on the feasibility of various BMPs.
5. Separate building permits are required for retaining walls exceeding 2 feet in height.
6. Based on the plan provided, it appears that the property will be served by a private septic and well.
7. The stormwater management, utility/Engineering design additional review and comments shall occur at the permit stage.
8. Based on the above comments and proposed site design, this office does not support this request.

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

Task Specific Information

Due Date

10/17/2024

Assigned to Department

Engineering

Status Date

10/17/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

Engineering

Est. Completion Date

Display E-mail Alerts

Display Comments

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

1714 Winchester Road (2024-0109-V and 2024-0156-S)



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City

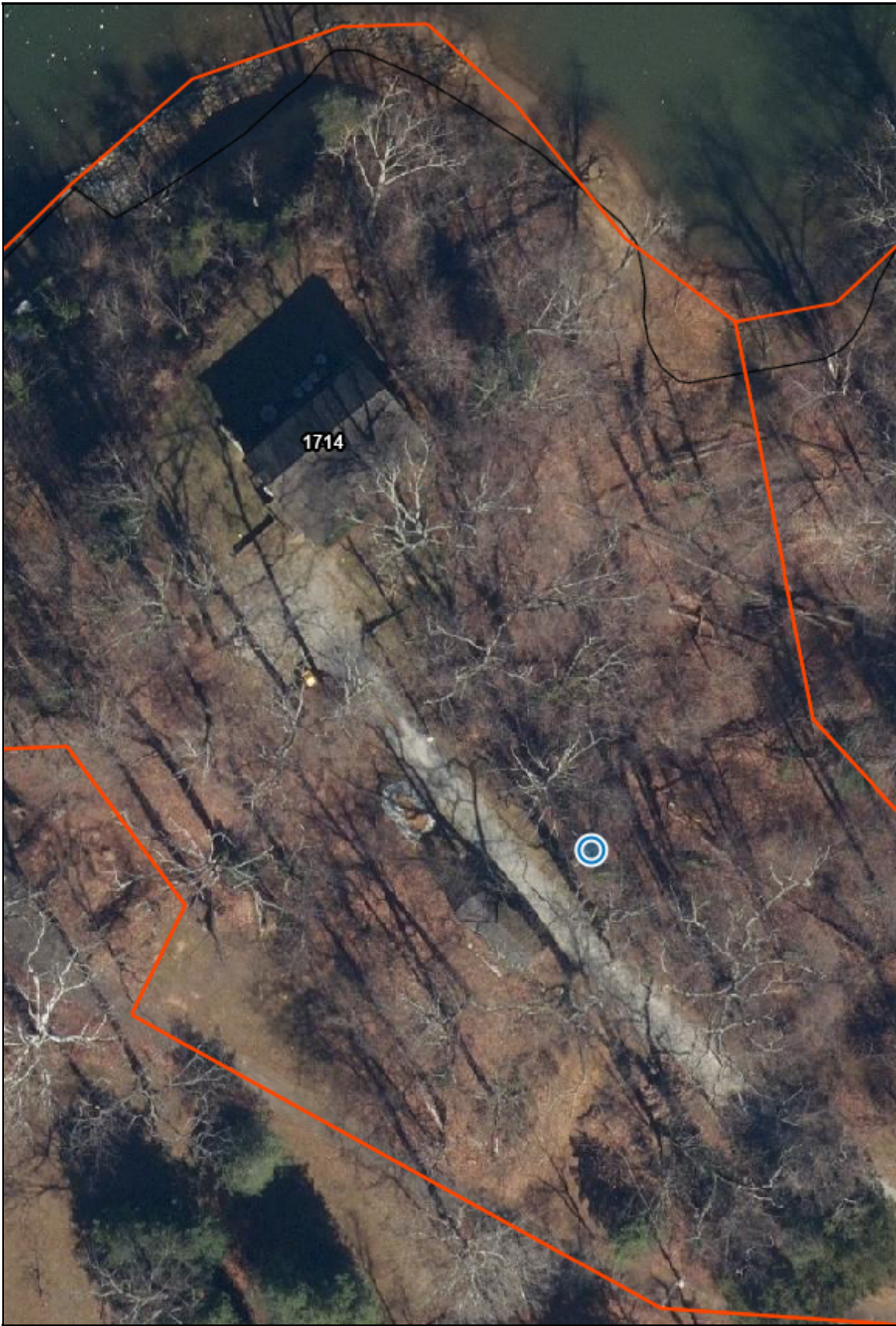


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none

Notes

1714 Winchester Road (2024-0109-V and 2024-0156-S)



Legend

Foundation

Addressing




Parcels



Parcels - Annapolis City



 0 50 100 ft

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Notes
area of cottage and shed