

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

**APPLICANT:** Katherine & Timothy O'Donovan

**ASSESSMENT DISTRICT:** 2

**CASE NUMBER:** 2024-0084-V

**COUNCILMANIC DISTRICT:** 6

**HEARING DATE:** February 6, 2025

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



**REQUEST**

The applicants are requesting a variance to allow a dwelling addition with less setbacks than required and with disturbance to slopes 15% or greater on property located at 339 Thorsby Hill in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The subject property has road frontage on the west side of Thorsby Hill, north of Clopston Hill and is 7,260 square feet in area, more or less. The site is shown on Tax Map 39, Grid 19, as Parcel 295, Lot 339 in the Sherwood Forest subdivision. The property is zoned R2-Residential District. This site has no frontage on the water but is located in the Chesapeake Bay Critical Area and designated LDA-Limited Development Area. The property is currently developed with a one-story single-family detached dwelling with a basement that is served by public water and private septic.

**APPLICANT'S PROPOSAL**

The applicant is proposing to remove an existing two-story deck (10' by 11') and replace the structure with an upper deck (10' by 11') and an expanded lower deck (irregularly shaped 15' by 19') on the north side of the dwelling.

**REQUESTED VARIANCES**

§ 17-8-201 of the Anne Arundel County Subdivision Code states that development in LDA or RCA designated areas may not occur on lands with a slope 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 deck expansion will disturb 280 square feet of land with a slope of 15% or greater plus a 10-foot limit of disturbance surrounding the construction. The total disturbance will be determined at permitting.

This application meets the setback requirements and does not require a variance to setbacks.

## **FINDINGS**

This Office finds that the subject property is a severely undersized site that does not meet the dimensional requirements for a lot in an R2 District. Much of the property is encumbered by slopes of 15% or greater and redevelopment of the subject property is impossible without disturbing these slopes. The property is already developed with a dwelling and a two-story deck. Denial of the variances would not preclude development of the site and would not cause hardship in the use of the property.

The existing lot coverage for the site is 2,350 square feet, well under the allowable lot coverage of 2,920 square feet under the Code. The proposed expansion will not increase lot coverage.

The letter of explanation indicates that the applicants would like to age in place and would like to make the lower-level deck larger to allow for better accessibility.

The **Development Division (Critical Area Team)** commented that this home is located within an area of 57% slopes, and any development must be reviewed for the potential disturbance of those slopes. Pre-file comments requested additional information on construction methods within the steep slopes as well as information on the stability of the area around the proposed construction. No information was provided. This Office would support the repair/replacement of the existing deck; however, any expansion into the sloped area must meet all of the requirements for approval, particularly the requirements for minimization.

The **Health Department** has reviewed the on-site sewage disposal system and has determined that the proposed request does not adversely affect the system. Therefore, the Health Department has no objection to the request.

The **Critical Area Commission** commented that the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship, and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, appropriate mitigation is required.

The **Cultural Resources Section** commented that this property contains a contributing early 20th c. structure in the Sherwood Forest Historic District (AA-941), the proposed project presents no adverse effect.

### *Critical Area Variance Standards*

For the granting of a Critical Area variance, a determination must be made as to whether, because of unique physical conditions, strict implementation of the County's critical area program would result in an unwarranted hardship to the applicant. In this case, the presence of steep slopes makes development difficult without relief from the Code. However, the applicant already enjoys a two-story deck. The granting of the variance for an expansion of the existing

conditions would confer on the applicant a special privilege that would be denied by COMAR, Title 27.

The variance request is not based on conditions or circumstances that are the result of actions by the current owner.

The variance request does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance will adversely affect water quality or impact fish, wildlife or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program.

The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law. Under the County Critical Area program, no property has the right to construct on steep slopes. In order to minimize the environmental impacts, the applicants should evaluate and implement site planning alternatives including replacement of the existing deck without an expansion.

#### *General Variance Standards*

With regard to the requirements for all variances, approval of the variance will not alter the essential character of the neighborhood, as this proposal would be a redevelopment by reconstruction and expansion of a deck on an existing dwelling. Approval of the variance will not substantially impair the appropriate use or development of the adjacent properties as the proposed dwelling will meet the minimum setback requirements. The variance will not reduce forest cover in the limited development area or resource conservation area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

While there are many variances in the neighborhood, each application must stand on its own merit. The proposal results in additional slope disturbance and the double-decker deck structure could be replaced in-kind with support from the Office of Planning and Zoning. Therefore, the request can not be considered to be the minimum necessary to afford relief in this case.

#### **RECOMMENDATION**

With regard to the standards by which a variance may be granted as set forth under Article 18, §18-16-305. under the County Code, the Office of Planning and Zoning recommends the **denial** of the variance as proposed. However, the Office of Planning and Zoning recommends **approval** of an in-kind replacement of the upper and lower decks with disturbance to slopes of 15% or greater.

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.



November 20, 2023

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

**RE: SHERWOOD FOREST ~ LOT 339**  
**339 Thorsby Hill**  
**Annapolis MD, 21405**  
**Variance Application**

Sir/Madam:

Attached is a variance request application and associated submittal documents for the above referenced property. A variance to the Anne Arundel County Code is required to allow for modest deck expansion improvement for the subject property. The requested variance to the Code relates to **Article 17, Section 8-201** for redevelopment on slopes 15% or greater in the LDA.

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 58% of the lot area, severely limiting and restricting the areas that allow redevelopment. Primary vegetation consists of hardwood and evergreen trees, ornamental shrubs, and creeping ground cover common to wooded areas and the community.

The applicants propose to enlarge an existing deck that serves the existing dwelling. The current plan proposes to expand the deck footprint in an area that has been previously disturbed and is improved with steps, walls, and a landing into the existing basement. The homeowners plan to age in place and would like to make the lower-level deck larger to allow for better accessibility. To construct the proposed deck, temporary slopes disturbance is necessary around the existing 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 280-sf of disturbance on slopes 15% or greater in the LDA. The slope disturbance is needed for access and to construct the new property improvements.

The need for the requested variance arises from the unique physical conditions of the site, specifically the location of the existing structure, and the presence of steep slopes. The deck enlargement is proposed in the only viable location on the property and does not require any zoning variances, even with the diminutive lot size. It is within the limits of existing improvements and does not require any more disturbance than if the existing improvements were to be removed or maintained. 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, 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 and the location of the existing improvements in relation to steep 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 have made extensive efforts to design this proposed project in a manner that considers the existing features 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 applicant.
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 are 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

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	339	

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 deck 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</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Grandfathered Lot</td> <td style="text-align: center;">X</td> <td style="text-align: center;"><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</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Buffer Exemption Area</td> <td style="text-align: center;"></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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Grandfathered Lot	X	<input checked="" type="checkbox"/>											
Growth Allocation	Yes	<input type="checkbox"/>											
Buffer Exemption Area		<input type="checkbox"/>											

**Project Type (check all that apply)**

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

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area	0.02	
LDA Area	0.21		# of Lots Created	0	
RCA Area					
Total Area	0.21				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.17		Existing Impervious Surface	0.05	
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	0.05	

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00		Buffer Forest Clearing		
Non-Buffer Disturbance	0.02		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</td></tr> <tr><td>Setback</td><td style="text-align: center;"><input 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	Setback	<input 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;">X</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;"><input 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;"><input type="checkbox"/></td></tr> </table>	Acc. Structure Addition	<input type="checkbox"/>	Barn	<input type="checkbox"/>	Deck	X	Dwelling	<input type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>	Garage	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>	Patio	<input type="checkbox"/>	Pool	<input type="checkbox"/>	Shed	<input type="checkbox"/>	Other	<input type="checkbox"/>
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# Chesapeake Bay Critical Area Report

## Sherwood Forest ~ Lot 339

Tax Map 39, Grid 19, Parcel 295

Tax Account No. 02-720- 05304702

**Property Address:** 339 Thorsby Hill  
Annapolis, Maryland 21405

November 20, 2023

**Property Owners & Variance Applicant:** Timothy and Katherine O'Donovan

**Critical Area Designation:** LDA      **Zoning:** R-2      **Lot Area:** 0.21 Ac.

### Site Description

The subject property is a legal building lot located off of Thorsby Hill in the community of Sherwood Forest. The site is currently improved with a single-family dwelling, multi-level decks, 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 applicants propose to construct an attached deck 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 280-sf of disturbance on slopes 15% or greater in the LDA. The slope disturbance is needed for access, to remove existing structures, and construct the new property improvements.

The applicants propose to enlarge an existing deck off of the existing dwelling. The current plan proposes to expand the deck footprint in an area that has been previously disturbed and is improved with steps, walls, and a landing into the existing basement. To construct the proposed deck, temporary slopes disturbance is necessary around the existing improvements.

### Vegetative Coverage and Clearing

The property's primary vegetative covering is a creeping ivy that is common to wooded areas in the community. Some ornamental shrubs and decorative landscaping surround the existing dwelling. The remainder, and majority, of the lot is covered in trees. The existing wooded area totals roughly 7,500-sf. No trees are to be removed for the proposed construction. Reforestation and afforestation requirements for this property will be addressed during the permit phase of this project.

### Impervious Lot Coverage

The site currently has 2,350-sf of lot coverage. The proposed impervious lot coverage for this property is 2,350-sf. The site currently has 2,020-sf of coverage by structures. The proposed coverage by structures is 2,151-sf, which is within the allowable amount.

### **Steep Slopes (slopes > 15%)**

The subject property contains approximately 5,436-sf of steep slopes, or 58% of the site area, all of which are concentrated around the existing improvements. Approximately, 280-sf of slopes will be disturbed as part of the proposed construction. The majority of this disturbance is necessary for access.

### **Predominant Soils**

The predominant soil type is Collington-Wist complex, 5 to 10 percent slopes (CoC). This soil has a type "B" hydrologic classification, and is not considered a hydric soil (soils characteristic of wetlands).

### **Drainage and Rainwater Control**

There appear to be no visible stormwater management devices on site. However, an existing concrete swale and inlets collect and direct stormwater runoff around the eastern side of the dwelling. 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 variance arises from the unique physical conditions of the site, specifically the presence of steep slopes. The deck enlargement is proposed in the only viable location on the property and does not require any zoning variances, even with the diminutive lot size. It is within the limits of existing improvements and does not require any more disturbance than if the existing improvements were to be removed or maintained. The entire community of Sherwood Forest is inhibited by steep slopes and the majority 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, 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

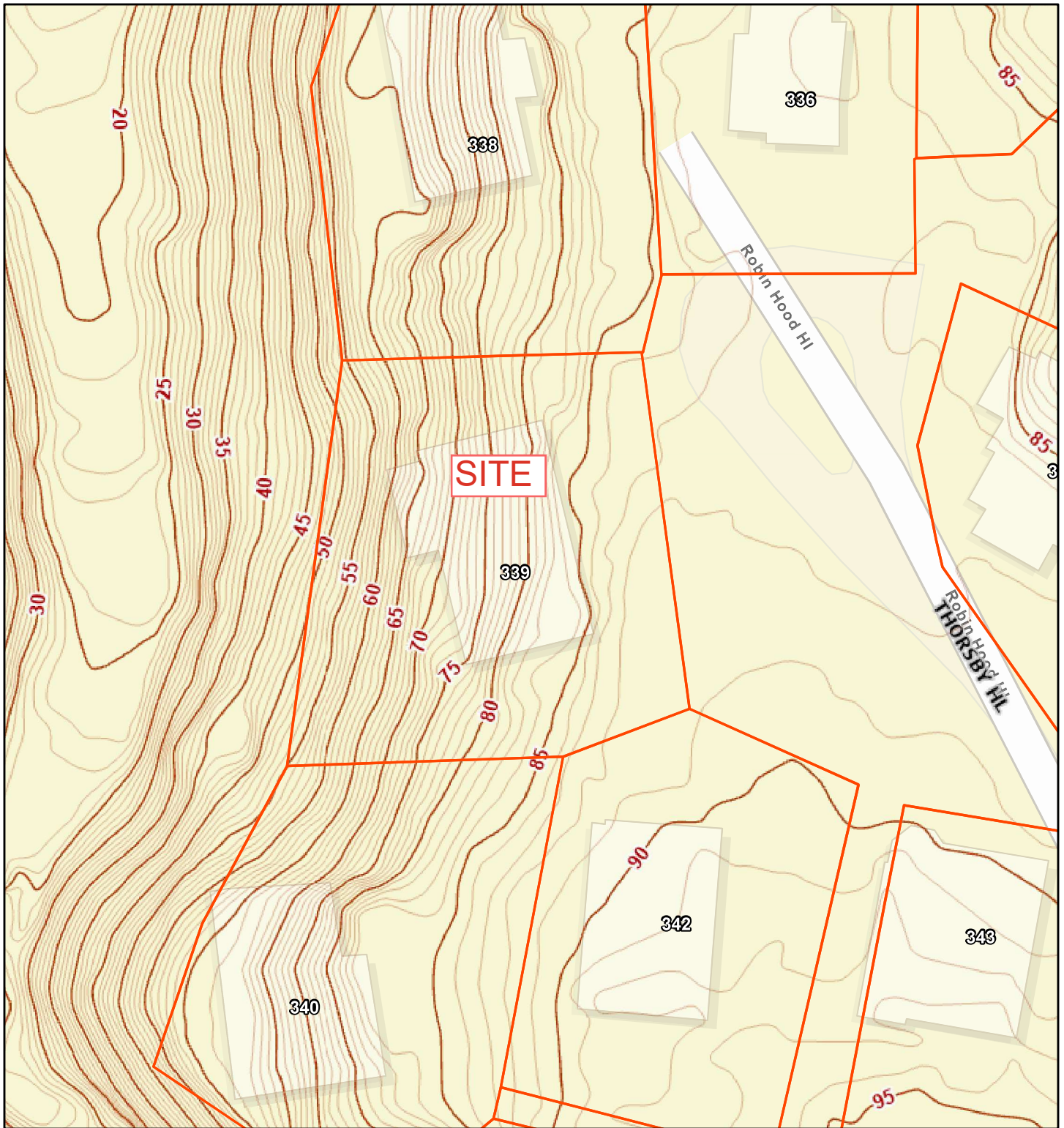
First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

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

# Anne Arundel County Engineering Record Drawing and Monuments



11/14/2024, 1:05:36 PM

1:564

Topo\_2020

 County Boundary

0 0 0.01 0.01 mi

 Index

 Address Points

0 0.01 0.01 0.02 km

 Intermediate

 Parcels

Local Road Label

Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Anne Arundel County

THE COUNTY MAKES NO AND DISCLAIMS ALL EXPRESS AND IMPLIED WARRANTIES RELATING TO THE MATERIAL, INCLUDING WARRANTIES OF MERCHANTABILITY, INTEGRATION,

# 2024-0084-V

Menu Cancel Help

**Task Details** OPZ Critical Area Team

**Assigned Date**

11/26/2024

**Assigned to**

Kelly Krinetz

**Current Status**

Complete w/ Comments

**Action By**

Kelly Krinetz

**Comments**

This home is located within an area of 57% slopes, and any development must be reviewed for the potential disturbance of those slopes.

Profile comments requested additional information on construction methods within the steep slopes as well information on the stability of the area around the proposed construction. No information was provided.

This Office would support the repair/replacement of the existing deck; however, any expansion into the sloped area must meet all of the requirements for approval, particularly the requirements for minimization.

**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**

12/17/2024

**Assigned to Department**

OPZ Critical Area

**Status Date**

12/17/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

OPZ Critical Area

**Est. Completion Date**

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

**Task Specific Information**

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

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

**Reviewer Name**



ANNE  
ARUNDEL  
COUNTY

MARYLAND  
DEPARTMENT OF HEALTH

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: November 27, 2024

RE: Timothy F. Odonovan, Trustee  
339 Thorsby Road  
Annapolis, MD 21405

NUMBER: 2024-0084-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) with less setbacks than required and with disturbance to slopes of 15% or greater.

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

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

cc: Sterling Seay



Jamileh Soueidan -DNR- &lt;jamileh.soueidan@maryland.gov&gt;

**CAC Comments: 2024-0222-V; Hoff (AA 0327-24), 2024-0216-V; Clark (AA 0328-24), 2024-0084-V; O'Donovan (AA 0330-24)**

1 message

**Jamileh Soueidan -DNR-** <jamileh.soueidan@maryland.gov>  
To: Sadé Medina <pzmedi22@aacounty.org>  
Cc: Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

Tue, Dec 31, 2024 at 11:19 AM

Good Morning.

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

**2024-0222-V; Hoff (AA 0327-24):** It appears that the applicant has reasonable and significant use of the entire parcel with the existing improvements, including a number of outdoor amenities, such as a gazebo. It does not appear that the construction of a detached deck within the Critical Area Buffer would meet each and every one 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 project would result in an increase in lot coverage within the Buffer. If this request were to be denied, they would still have reasonable and significant use of their lot. Our office would not oppose the siting of an attached deck constructed outside of the Critical Area buffer and in a manner that allows water to flow freely as to not count as lot coverage.

**2024-0216-V; Clark (AA 0328-24):** It appears that the applicant has reasonable and significant use of the entire parcel with the existing improvements, including a number of outdoor amenities, such as three concrete patios, a stone patio, two covered porches, and a pool and pool deck. It does not appear that this request meets each and every one 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 dwelling on this grandfathered within the Critical Area Buffer and within the Buffer Modified Area. While the proposed project would result in a 10% decrease in lot coverage that exceeds the permitted lot coverage, the lot remains nonconforming, with the proposed development located nearer to the shoreline than the closest façade. Furthermore, the project would result in disturbance to the Buffer, including the clearing of 3,195 sf of vegetation. If this request were to be denied, they would still have reasonable and significant use of their lot

**2024-0084-V; O'Donovan (AA 0330-24):** The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship, and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, appropriate mitigation is required.

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

Best,  
Jamileh

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Critical Area Commission for the  
Chesapeake & Atlantic Coastal Bays  
[dnr.maryland.gov/criticalarea](http://dnr.maryland.gov/criticalarea)

Jamileh Soueidan (she/her)  
Natural Resources Planner  
1804 West Street, Suite 100  
Annapolis, MD 21401  
Office: 410-260-3462  
Cell: 667-500-4994 (preferred)  
[jamileh.soueidan@maryland.gov](mailto:jamileh.soueidan@maryland.gov)



# 2024-0084-V

Menu Cancel Help

Task Details OPZ Cultural Resources

**Assigned Date**

11/26/2024

**Assigned to**

Stacy Poulos

**Current Status**

Complete w/ Comments

**Action By**

Stacy Poulos

**Comments**

While this property contains a contributing early 20th c. structure in the Sherwood Forest Historic District (AA-941), the proposed project presents no adverse effect.

**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**

12/17/2024

**Assigned to Department**

OPZ Cultural Resources

**Status Date**

11/26/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

OPZ Cultural Resources

**Est. Completion Date**

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

Task Specific Information

**Expiration Date**

**Reviewer Phone Number**

**Review Notes**

**Reviewer Email**

**Reviewer Name**



# OFFICE OF PLANNING AND ZONING

## CONFIRMATION OF PRE-FILE (2024-0044-P)

DATE OF MEETING: 5/21/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Timothy & Katherine O'Donovan/Gene Bittinger EMAIL: gsqcontracting@gmail.com

SITE LOCATION: 339 Thorsby Hill, Annapolis LOT SIZE: 9,499 sf ZONING: R2

CA DESIGNATION: LDA BMA: N/A or BUFFER: N/A APPLICATION TYPE: Critical Area Variance

The applicants are proposing to replace an existing 10' by 11' deck and to expand it with an 11' by 18' deck addition on the north side of the dwelling. The proposal would necessitate a variance for disturbance within slopes of 15% or greater in the LDA - Limited Development Area.

### COMMENTS

The **Cultural Resources Section** commented that, while this property contains a contributing early 20th c. structure in the Sherwood Forest Historic District (AA-941), the proposed project presents no adverse effect.

The **Critical Area Team** noted that the current permit application is to demo and replace two decks, but this variance application only depicts and requests relief for one. This home is located within an area of 57% slopes, and any development must be reviewed for the potential disturbance of those slopes. Due to the excessive slopes, access to the areas of construction [limits of disturbance] must be included [on the site plan] as well as a description of the means of construction. Additional information should be submitted with regard to the stability of the area around the proposed construction. This Office would support the repair/replacement of the existing deck; however, any expansion into the sloped area must meet all of the requirements for approval, particularly the requirements for minimization. It would be difficult for this Office to support any request for expansion.

The **Zoning Administration Section** notes that there is a discrepancy between the existing deck shown on the revised building permit (10' by approx. 22'-ish) and the existing deck shown on the variance site plan (10' by 11'). There is also a discrepancy between the existing deck area described in the applicants' letter of explanation (370 square feet) and the existing deck shown on the variance site plan (only 110 square feet). If additional deck area currently exists on the site, then it must be shown on the site plan.

The applicants are reminded that, in order for a Critical Area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305 (b) & (c) of the Anne Arundel County Zoning Ordinance.

### INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

\*\*\* A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

2024-0084-V



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Planning



County Planning

Environment

Bogs



Bog 100 Foot Buffer



Bog 300 Foot Buffer



Bog Contributing Drainage Area



Notes

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

none



THIS MAP IS NOT TO BE USED FOR NAVIGATION