

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

APPLICANT: James R. Stolarski, Trustee

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2024-0192-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: January 9, 2025

PREPARED BY: Joan A. Jenkins 
Planner III

REQUEST

The applicant is requesting a variance to allow a dwelling addition (multi-level deck with stairs) with disturbance to slopes of 15% or greater on property located at 1490 Brookside Common in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 48,612 square feet of land and is located with approximately 49 feet of road frontage on the north side of Brookside Common, north of Saint Edmonds Place. The subject property is identified as Lot 168 on Parcel 518 in Grid 20 on Tax Map 39 in The Downs subdivision. The property is zoned R1 - Residential District.

This is a waterfront property on the Severn River which lies within the Chesapeake Bay Critical Area and is designated LDA - Limited Development Area and is mapped as a BMA – Buffer Modification Area. The site is encumbered by steep slopes. The site is currently improved with a two-story single-family dwelling, waterfront steps and a tram, a pier, and a driveway.

APPLICANT'S PROPOSAL

The applicant proposes to remove and rebuild in-kind an irregularly-shaped upper deck, a lower deck and associated stairs.

REQUESTED VARIANCES

§ 17-8-201(a) of the Anne Arundel Subdivision and Development Code states that development in the LDA and RCA designated areas may not occur on slopes of 15% or greater unless development will facilitate stabilization of the slope, is necessary 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. The limit of disturbance will create temporary and permanent disturbance of a total of 3,721 square feet on the steep slopes of 15% or greater. Actual disturbance to be determined at permitting.

FINDINGS

The property is a wedge shape that has steep slopes along the irregular shoreline. The site meets the R1 District area and width requirements.

The **Health Department** commented that additional information is needed regarding the type and location of the water supply well on-site sewage disposal system.

The **Development Division (Critical Area Team)** commented that there is no objection to the in-kind replacement of the existing decks and steps. Appropriate mitigation will be assessed at permit.

The **Critical Area Commission** commented that appropriate mitigation must be provided.

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

Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in an unwarranted hardship or practical difficulty. In this case the presence of the steep slopes makes in-kind replacement impossible without variance relief. As such some relief is warranted to allow the applicants to replace a longstanding amenity area.

A literal interpretation of the County's critical area program will deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by denying the applicant the right to replace their deck. The granting of the variance will not confer on the applicants a special privilege that would be denied by COMAR, Title 27. This request is not a result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. There is no evidence that the granting of the variances will adversely affect water quality or impact fish, wildlife or plant habitat and the proposal is in harmony with the general spirit and intent of the County's critical area program. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have evaluated site planning alternatives.

With regard to the requirements for all variances:

There is no evidence that the replacement of the existing structures will alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare. The proposal will not reduce forest cover in the LDA and will not be contrary to acceptable clearing and replanting practices.

The variances as proposed are considered the minimum necessary to afford relief by this Office. The proposal consists of replacing a prior improvement with the same footprint. The proposed replacement will result in no clearing, keep the lot coverage unchanged and actually result in the least amount of disturbance possible. Finally, the County Critical Area team and the State Critical Area Commission have offered no objection to the proposal and as such, the replacement is considered to represent the minimum variance necessary by OPZ.

2024-0192-V

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of a variance to construct a multi-level deck and stairs with disturbance to slopes of 15% or greater as shown on the site plan.

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.

M.A.F. & Associates, LLC
Matthew A. Forgen
55 Jones Station Road, W.
Severna Park, MD 21146
Phone: 443-864-8589

October 15, 2024

Planner
Department of Planning & Zoning
2664 Riva Road
Annapolis MD 21401

RE: The Downs Lot 168, Section 14, Plat 2
1490 Brookside Common
Annapolis, MD 21401
TM 39 BLK 20 P 518, R-1 Zoning, Council District 6

Dear Planner:

On behalf of the property owner, M.A.F and Associates, LLC is submitting a variance application for the above-mentioned project. The property owner is proposing to submit a variance application to allow disturbance within slopes greater than 15% in the Critical Area as well as the associated buffer. This request is being made to allow for the demolition and construction of a multi-level wood deck and 2 sets of steps to grade. These new decks will be constructed in the same location as the existing wood decks. Because we are required to show a minimum 10' perimeter limit of disturbance, the plan shows impacts to steep slopes and the 25' steep slope buffer. This proposal will require a variance to allow development within slopes greater than 15% in the Critical Area as well as the associated buffer. The wood decks will have a max height of approximately 11'. The wood decks have a footprint on the ground of approximately 83' x 26' and are setback as close as 74.17' from the northern front property line, as close as 48.42' from the eastern property line, and as close as 78.96' from the western property line.

Please note this is a R1 zoned property and therefore required to meet the setbacks as required in 18-4-501 of the County Code. For a principal structure, this section of the County Code requires a front setback of 40', a side setback of 15' with a 40' combined side setback, and a rear setback of 35'. We are meeting all the required setbacks with the replacement decks.

Please note that disturbance to slopes greater than 15% in the critical area is prohibited per 17-8-201 of the County Code. We are proposing 2,066 square feet of disturbance to slopes greater than 15% in the critical area, necessitating a critical area variance. Of the 2,066 square feet of steep slope disturbance, approximately 76 square feet is permanent disturbance for the proposed deck footers. The remaining 1,990 square feet is temporary disturbance. Please note that the proposed wood decks are being constructed in the same location as the existing wood decks.

Profile Comments:

Critical Area Team:

The Critical Area Team has no objection to the in-kind repair/replacement of the existing decks and steps.

Our response: No response required.

Zoning Administration Section:

The Zoning Administration Section notes that reconstruction provides an opportunity to improve upon the existing conditions on the site and that the existing decking is extensive. The applicant is 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) and (c).

Our response:

We feel that the property owner should have the right to replace the deck that they have. We feel this application meets the variance standards provided under Section 18-16-305 (b) and (c)

We feel this zoning variance request meets the requirements of Article 18-16-305 (a) (b) & (c) and therefore the variances should be granted. Below is the justification for granting the above noted variances.

18-16-305(a)(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or:

This site is an existing, legally platted, R1 lot. The lot is developed with a single-family dwelling, wood decks and multiple sidewalks and a driveway for access. Steep slopes cover most of the lot. The existing wood decks that need to be replaced are located within slopes that are 15% or greater. The proposal is to rebuild the wood decks within the same location as the existing wood decks. The county requires a minimum amount of disturbance from the proposed structure. We are required to show a 10' disturbed area around the proposed wood decks. This restricts the owner's ability to remove and construct the new wood decks without steep slope disturbance. There is very little area around the wood decks that are not steep slopes. With the size of the site, the amount of steep slopes, and the location of the existing wood decks, there is no way of removing and rebuilding the wood decks without the need for the critical area variance. These are the unique characteristics of the lot.

18-16-305(a)(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot:

The existing wood decks lie within steep slopes. The county requires a minimum amount of disturbance from the structure. We are required to show a 10' disturbed area around the proposed wood decks. This restricts the owner's ability to construct the addition without steep slope disturbance. The granting of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot

18-16-305(b) (1) Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program or bog protection program would result in an unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808, of the State Code, to the applicant;

This site is an existing, legally platted, R1 lot. The lot is developed with a single-family dwelling, wood decks and multiple sidewalks and a driveway for access. Steep slopes cover most of the lot. The existing wood decks that need to be replaced are located within slopes that are 15% or greater. The proposal is to rebuild the wood decks within the same location as the existing wood decks. The county requires a minimum amount of disturbance from the proposed structure. We are required to show a 10' disturbed area around the proposed wood decks. This restricts the owner's ability to remove and construct the new wood decks without steep slope disturbance. There is very little area around the wood decks that are not steep slopes. With the size of the site, the amount of steep slopes, and the location of the existing wood decks, there is no way of removing and rebuilding the wood decks without the need for the critical area variance. These are the unique characteristics of the lot.

18-16-305(b) (2) (i) A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County; or

The applicant would not be able to improve their property if this variance is not approved. The applicant should have the right to rebuild the wood decks that are not safe as there are now.

18-16-305(b) (ii) The County's bog protection program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the bog protection area of the County;

This property is not within the County's bog protection area.

18-16-305(b) (3) The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area;

The owner of the property has the right to rebuild the existing wood decks within the same location. The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area.

18-16-305(b) (4) The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;

The new wood decks will be constructed within the same location as the existing wood decks. This variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.

18-16-305(b) (5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program;

This proposal will not increase the total site lot coverage. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program

18-16-305(b) (6) The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code;

This site is not within a bog protection area.

18-16-305(b) (7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and

We feel that the applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code.

18-16-305(b) (8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).

The applicant is proposing to build the new wood decks in the same location as the existing decks. This will decrease the amount of ground disturbance. Any site planning alternatives would increase the overall site disturbance.

18-16-305(c)(1): the variance is the minimum variance necessary to afford relief:

This variance is the minimum variance necessary to afford relief in that the proposed wood decks will be constructed in the same location as the existing wood decks, therefore only having a minimum permanent impact to steep slopes. This is a minimal steep slope impact. We feel this request is the minimum variance necessary to afford relief

18-16-305(c)(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located:

The approval of these variances will not alter the essential character of the neighborhood. This is a replacement of the existing wood decks. The house is in keeping with other homes in the neighborhood.

(ii) substantially impair the appropriate use or development of adjacent property:

This proposed development would not impair the appropriate use or development of adjacent properties. The neighboring properties are currently developed with a single-family dwelling. This proposal does not have an impact on these dwellings nor the ability of the owner to improve or further develop their property.

(iii) reduce forest cover in the limited development and resource conservation areas of the critical area:

The proposed development will not decrease forest cover within Chesapeake Bay Critical Area. There is no clearing required for this improvement.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area:

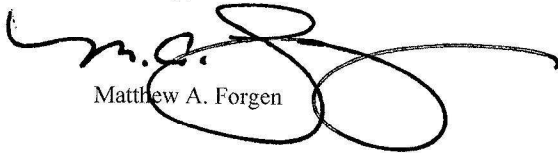
The property is not located within a bog protection area and is not contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area.

(v) be detrimental to the public welfare:

This development is not detrimental to the health and welfare of the community.

If you should have any questions regarding this submittal, please feel free to contact me at the number above.

Sincerely,


Matthew A. Forgen

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: 10-15-2024

Tax Map #	Parcel #	Block #	Lot #	Section
<u>39</u>	<u>F18</u>	<u>20</u>	<u>168</u>	<u>1A</u>

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 2219-9002-3549

Project Name (site name, subdivision name, or other) THE Downs Lot 168 Sect 1A
FLAT 2

Project location/Address 1490 Brookside Gardens

City ANNAPOLIS MD. Zip 21401

Local case number

Applicant: Last name STOLARSKI First name JAMES

Company

Application Type (check all that apply):

- Building Permit
- Buffer Management Plan
- Conditional Use
- Consistency Report
- Disturbance > 5,000 sq ft
- Grading Permit

- Variance
- Rezoning
- Site Plan
- Special Exception
- Subdivision
- Other

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:

DEMO AND RECONSTRUCT MULTI-LEVEL WOOD DECK AND STEPS TO GRASS

Intra-Family Transfer
 Grandfathered Lot

Growth Allocation
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		48,612
RCA Area		
Total Area		48,612

Total Disturbed Area Acres Sq Ft **3721**

of Lots Created **0**

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		29980	Existing Lot Coverage		8755
Created Forest/Woodland/Trees		0	New Lot Coverage		0
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		8755

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		1573	Buffer Forest Clearing		0
Non-Buffer Disturbance		2148	Mitigation		0

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Lot Coverage
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes
 Other

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other

**The Downs, Lot 168, Section 14,
Plat 2**

1490 Brookside Common, Annapolis, MD 21401

CRITICAL AREA REPORT

**PREPARED BY:
M.A.F. & ASSOCIATES, LLC
55 Jones Station Road, W.
Severna Park, MD 21146**

443-864-8589

October 15, 2024

INTRODUCTION

The lot is located at 1490 Brookside Common, Annapolis, MD 21401. This is a legal, improved lot as defined by Article 17-1-101 (65). The property improvements consist of a single-family dwelling, driveway, sidewalks, and 2 waterfront wood decks. This lot lies entirely within the LDA portion of the Chesapeake Bay Critical Area. The property owner is proposing to demolish the 2 existing wood decks and steps to grade on the water side of the house to allow for the reconstruction of both decks and steps to grade. The disturbance to remove and reconstruct the wood decks will take place in steep slopes and the buffer to steep slopes.

VICINITY MAP

Included in this report and shown on the attached plan is a vicinity map designating the location of the subject site. Also included in the report is a portion of the Critical Area Map with the site located.

NARRATIVE

EXISTING CONDITIONS

The lot is currently The property improvements consist of a single-family dwelling, driveway, sidewalks, and 2 waterfront wood decks. The lot is partially wooded. The property slopes towards the norther side of the property to tidal waters (Brewer Creek) as well as the western property line. The slope is approximately 15%+ to the north and western side of the property.

The was little wildlife seen around the property at time of inspection. Some waterfowls, squirrels and birds were seen. It is expected that there is very little wildlife use of the property.

PROPOSED DEVELOPMENT

The property owner is proposing to demolish the 2 existing wood decks and steps to grade on the water side of the house to allow for the reconstruction of both decks and steps to grade. The decks and the disturbance required will take place in steep slopes and the buffer to the steep slopes.

STORMWATER MANAGEMENT

There is no stormwater management required for this proposal. The decks are considered pervious since they will be constructed with gaps between the decking boards.

IMPACT MINIMIZATION

Due to the location of the existing wood decks, there is no way to remove and replace them without this minimal impact. The new decks will not project any closer to the shoreline or stream channel than the existing deck., we feel that this development demonstrates a minimal impact on the environment.

HABITAT PROTECTION AREAS

The habitat protection areas on this property are the 100' buffer to the shoreline.

AFTER CONSTRUCTION CONDITIONS AND SITE CALCULATIONS

The proposed conditions of the site include the construction of a new house and driveway. The site calculations are as follows:

Total site area	48,612 sf
Existing woodland	+/-29,980 sf
Proposed clearing	0 sf
Proposed planting	0 sf
Existing impervious coverage prior to the proposed lot coverage	8,755 sf
Allowed lot coverage	8,755 sf (grandfathered)
Proposed lot coverage	0 sf
Proposed lot coverage reduction	0 sf
Existing and proposed lot coverage	8,755 sf

CONCLUSIONS

The lot in question is a legal lot located in an established community. It's not possible to rebuild the existing wood decks and steps to grade without the need for the requested variance based on the location of the existing deck.

As proposed, the development of the lot does not have an adverse impact on the plant or wildlife habitat of the Critical Area. The proposed decks will not adversely impact adjacent properties.

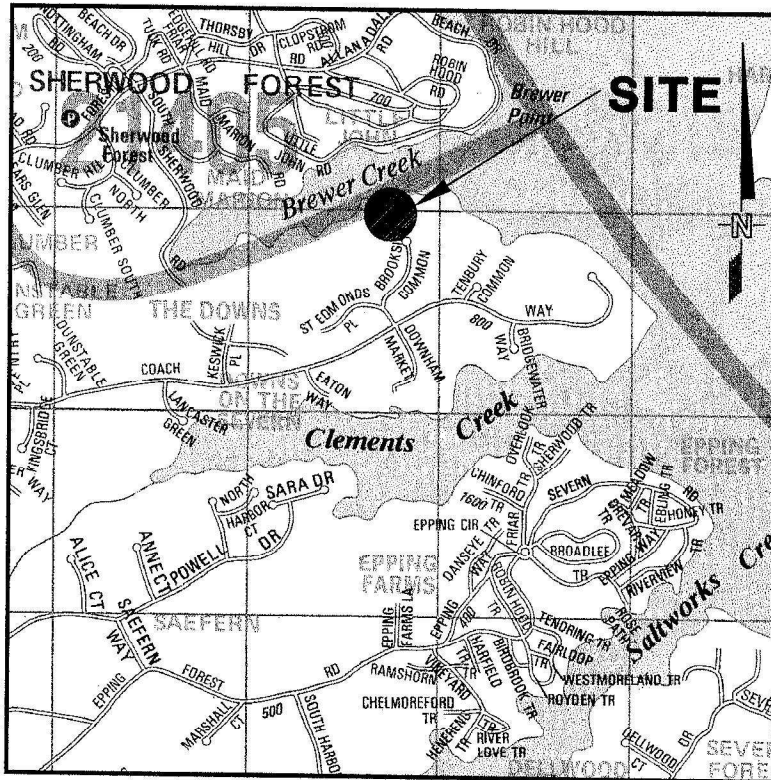
PLANS

A plan showing the site and its improvements is attached to this report.

ADDITIONAL INFORMATION

A Notification of Project Application for the Critical Area Commission is included in this package.

The fieldwork was conducted on September 19, 2024.



VICINITY MAP

SCALE: 1" = 2,000'

ADC MAP: 20, GRID: C2

Copyright ADC The Map People

Permitted Use Number 20811204

CRITICAL AREA MAP



Legend

Parcels



Critical Areas

-  IDA - Intensely Developed Area
-  IDA - Intensely Developed Area
-  LDA - Limited Development Area
-  RCA - Resource Conservation Area

Labels

-  State Road Label
-  Interstate US Road Label
-  Local Road Label
-  Fire Police Label
-  Streams Label
-  Schools and Gov Label
-  Parks Label
-  County Boundary
-  Orthophoto 2023



0 50 100
ft

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.

DO NOT USE FOR NAVIGATION.

Esri, NASA, NGA, USGS, FEMA



Notes

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: 10-15-2024

Tax Map #	Parcel #	Block #	Lot #	Section
<u>39</u>	<u>F18</u>	<u>20</u>	<u>168</u>	<u>1A</u>

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- Corrections
Redesign
No Change
Non-Critical Area

*Complete Only Page 1
General Project Information

Tax ID: 2219-9002-3549

Project Name (site name, subdivision name, or other) THE Downs LOT 168 SECT 1A

FLAT 2

Project location/Address 1490 BROOKSIDE Gardens

City ANNAPOLIS MD. Zip 21401

Local case number

Applicant: Last name STOLARSKI First name JAMES

Company

Application Type (check all that apply):

- Building Permit
Buffer Management Plan
Conditional Use
Consistency Report
Disturbance > 5,000 sq ft
Grading Permit

- Variance
Rezoning
Site Plan
Special Exception
Subdivision
Other

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:

DEMOL AND RECONSTRUCT MULTI-LEVEL WOOD DECK AND STEPS TO GRASS

Intra-Family Transfer
 Grandfathered Lot

Growth Allocation
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		48,612
RCA Area		
Total Area		48,612

Total Disturbed Area Acres Sq Ft **3721**

of Lots Created **0**

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		29980	Existing Lot Coverage		8755
Created Forest/Woodland/Trees		0	New Lot Coverage		0
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			Total Lot Coverage		8755

VARIANCE INFORMATION (Check all that apply)

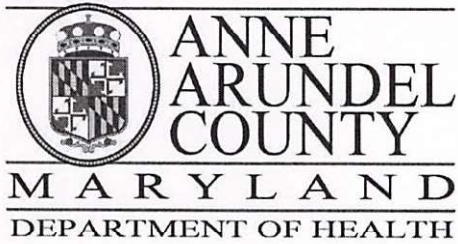
	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		1573	Buffer Forest Clearing		0
Non-Buffer Disturbance		2148	Mitigation		0

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Lot Coverage
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes
 Other

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other




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 24, 2024

RE: James R. Stolarski, Trustee
1490 Brookside Common
Annapolis, MD 21401

NUMBER: 2024-0192-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (multi-level decks) with disturbance to slopes of 15% or greater.

Based on a review of the above referenced request, additional information is needed by the Health Department on:

The type and location of the water supply well on-site sewage disposal system. The revised site plan will allow us to make the final decision on the variance request.

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

cc: Sterling Seay



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Task Details OPZ Critical Area Team

Assigned Date

10/16/2024

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

No objection to the in-kind replacement of the existing decks and steps. Appropriate mitigation will be assessed at permit.

End Time

Due Date

11/06/2024

Assigned to Department

OPZ Critical Area

Status Date

11/06/2024

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

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

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.



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OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2024-0097-P)

DATE OF MEETING: 10/7/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: James Stolarski / Matt Forgen, MAF & Associates EMAIL: mforgen@aol.com

SITE LOCATION: 1490 Brookside Common, Annapolis LOT SIZE: 1.116 acres ZONING: R1

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

The applicant proposes the in-kind replacement of an existing irregularly-shaped, multi-story deck and two sets of steps to grade. The proposal would necessitate a variance for disturbance within slopes of 15% or greater in the LDA - Limited Development Area.

COMMENTS

The **Critical Area Team** has no objection to the in-kind repair/replacement of the existing decks and steps.

The **Zoning Administration Section** notes that reconstruction provides an opportunity to improve upon the existing conditions on the site and that the existing decking is extensive. The applicant is 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) and (c).

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.

Map Title



Legend

Foundation

Addressing



Parcels



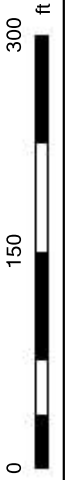
Parcels - Annapolis City



Notes

none

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THIS MAP IS NOT TO BE USED FOR NAVIGATION