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

APPLICANT: Adam & Christine Nefferdorf **ASSESSMENT DISTRICT**: 2

CASE NUMBER: 2024-0195-V COUNCILMANIC DISTRICT: 6

HEARING DATE: January 16, 2025 **PREPARED BY**: Sara Anzelmo

Planner

REQUEST

The applicants are requesting a variance to allow a dwelling addition (second story) with less setbacks than required, with disturbance to slopes of 15% or greater, and that does not comply with the designated location of a principal structure on a waterfront lot on property located at 1156 Severnview Drive in Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 13,786 square feet¹ of land and is located on the north side of Severnview Drive, immediately west of Hayman Drive. It is identified as Part of Lot 372 of Parcel 144 in Block 9 on Tax Map 31 in the Sunrise Beach subdivision.

The property is zoned R2 – Residential District. This is a waterfront lot that lies within the Chesapeake Bay Critical Area overlay, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a one-story single-family detached dwelling, a garage, a shed, a pier, patios, and other associated facilities.

PROPOSAL

The applicants propose to construct a second-story dwelling addition over the existing first floor. The addition would include living space, a covered deck area, and an open deck area. The height of the proposed addition would measure 23'-8" at its peak.

REQUESTED VARIANCES

§ 18-2-402(1) of the Anne Arundel County Zoning Ordinance provides that the location of a principal structure on a waterfront lot is based in part on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another. Because the existing dwelling and proposed second story addition are located closer to the shoreline than the dwelling on the lot to the west, a variance to this provision is required.

§ 17-8-201(a) of the Subdivision and Development Code provides that development in the Limited Development Area (LDA) may not occur within slopes of 15% or greater unless development will

¹ There is a discrepancy between the lot area shown on the State Tax Assessment record (13,786 sf), the lot area shown on the Critical Area Project Notification Worksheet submitted with the variance application (13,754 sf), and the Critical Area Report Worksheet submitted with the building permit application (13,939 sf).

facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. A portion of the Limit of Disturbance (LOD) around the proposed addition necessary for access during construction would disturb an unspecified area of slopes of 15% or greater. If approved, the actual amount of slope disturbance would be determined at permitting.

A review of the bulk regulations for development within an R2 District reveals that a zoning setback variance is not required.

FINDINGS

The subject property is irregular in shape and is both undersized and narrow for the district. More specifically, the lot does not meet the minimum 80-foot width required or the minimum 20,000 square foot area required for new lots not served by public sewer in an R2 District. The existing critical area lot coverage is reported as 13,754 square feet on the Critical Area Project Notification Worksheet. However, that calculation is clearly erroneous, as it represents the entire property. The critical area worksheet pulled from the associated building permit file shows an existing coverage of 3,542 square feet. Regardless of the actual existing lot coverage, the proposed second story addition would not result in any increase in lot coverage.² If the variance is approved, the applicant will need to provide accurate coverage calculations at the time of permitting.

A review of the 2024 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. The homes occupy a variety of lot sizes, many of which were developed prior to the enactment of critical area laws and many of which also contain steep slopes. According to State tax assessment records, the subject dwelling was originally constructed in 1960. The property was the subject of a prior variance application (#2015-0036-V) under which approval was granted to construct an accessory structure (garage) with greater height than allowed.

The applicant's letter explains that the proposed vertical construction is the most practical and environmentally responsible option for expansion. The second-floor addition will have a maximum height of 23'- 8" and will remain entirely within the existing first-floor footprint, ensuring no new encroachment into setbacks or further disturbance of the surrounding environment. The property's steep grade and placement midway down a slope preclude horizontal expansion. The additional height from the second-floor addition will not obstruct the water views of neighboring properties, which are situated at significantly higher elevations. The applicant concludes that the proposed design maintains the character of the neighborhood and aligns with sustainable development principles by minimizing environmental disruption.

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

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

The **Critical Area Commission** took no position on the variance request but commented that appropriate mitigation is required.

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² This Office notes that the patio areas shown on the waterfront side do not match the actual conditions of the site. Not only are the semi-circular and circular patios configured differently, but there is also a larger rectangular paver patio expansion that has not been accounted for on the site plan. The expansion was constructed sometime between the January 2018 and January 2020 aerials. There is no record of a variance to allow the new critical area lot coverage nearer to the shoreline than the closest facade of the existing principal structure.

The **Development Division (Critical Area Team)** reviewed the proposal and has no objection.

For the granting of a critical area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. In this particular case, the lot slopes towards the shoreline, falling from approximately 46 feet at the road to 24 feet at the house, then sloping steeply down to the water. The existing dwelling is located on the flattest part of the lot. However, it is impossible to expand even vertically without some temporary slope disturbance for access during construction.

A literal interpretation of the County's Critical Area Program would deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by denying a typical second story addition over this one-story dwelling. The granting of the variance would not confer on the applicants a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. With proper mitigation and stormwater management, the granting of the variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have evaluated and implemented site planning alternatives by keeping the proposed development within the existing already disturbed dwelling footprint.

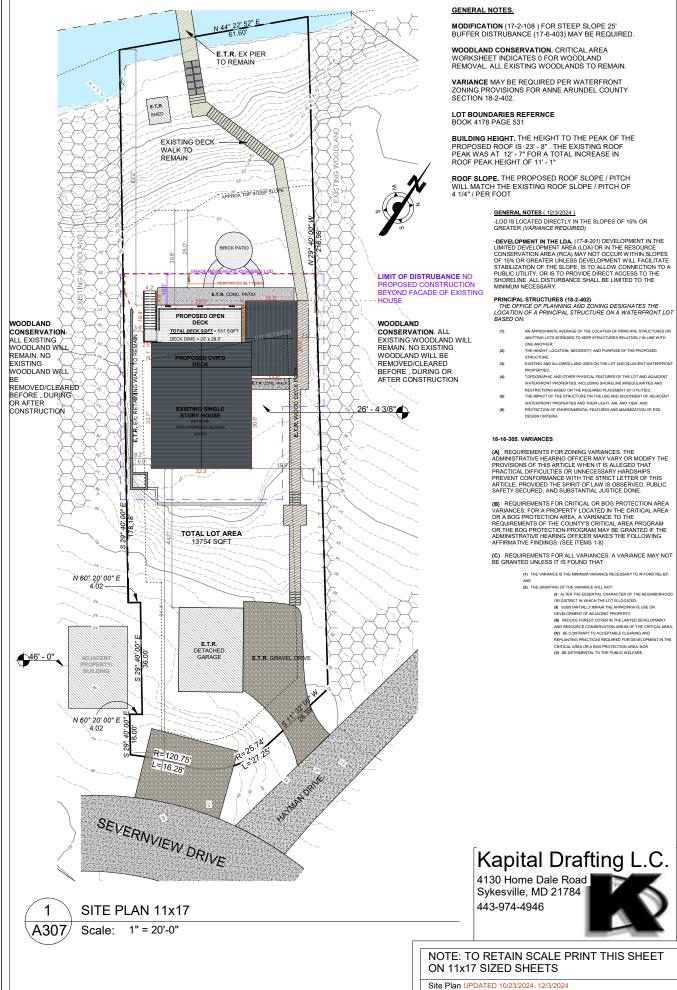
With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood, as the proposed dwelling would be comparable to that of many nearby lots. The variance would not impair the appropriate use or development of adjacent properties, as the proposed addition would exceed the minimum setbacks from both adjacent lots and would project no closer to the shoreline than the existing first floor dwelling. The variances would not reduce forest cover in the limited development area, would not be contrary to acceptable clearing and replanting practices, and would not be detrimental to the public welfare.

The existing dwelling was constructed in 1960 and already projects nearer to the shoreline than the dwelling on the lot to the west. An upward expansion is the most environmentally sensitive way to expand the existing dwelling and would not interfere with the air, light, or view of the dwellings on adjacent lots. Given the long-standing location of the existing house, the location of the steep slopes throughout the lot, and the overall neighborhood context, the request for relief is justified and is considered to be the minimum necessary to afford relief in this case.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *approval* of the proposed critical area and zoning variances.

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.



1156 Severnview Drive

Crownsville, MD 21032

SITE PLAN-REVISED

A307

Anne Arundel County Zoning Division

2664 Riva Road Annapolis, MD 21401

Subject: Justification Letter for Variance Request for Second-Floor Addition at 1156 Severnview Dr, Crownsville, MD

Dear Zoning Administrator,

I am writing to request approval for variances under Article 17-8-201(a) and Article 18-2-402 of the Anne Arundel County Code to allow for the construction of a second-floor addition to our residence at 1156 Severnview Dr, Crownsville, MD. These articles address the requirements of the critical area variance standards provided under Section 18-16-305(a), (b) and (c) of the Anne Arundel County Code, ensuring that the proposed work adheres to the applicable regulatory framework.

We are seeking these variances due to the unique topographical constraints and site conditions of our property, which necessitate specific accommodations for the proposed work.

Property Overview and Current Conditions

Our property is situated on a lot with significant topographical challenges, including steep grading and uneven land formations. The **project tax ID** is **274812249300**, tax map **31**, parcel **0144**, block **9**, section **2**, with a lot size of **.32 acres**.

The property is approved for an addition of up to 867 square feet per the Bay Restoration Fund Grant, updated BAT Septic System, and relocation of the well. However, the steep slopes on the site preclude ground-level expansion, making vertical construction the most practical and environmentally responsible option.

The proposed second-floor addition will have a maximum height of 23' 7/8" and will remain entirely within the existing first-floor footprint, ensuring no new encroachment into setbacks or further disturbance of the surrounding environment.

Variance Requests and Justifications

1. Variance under Article 17-8-201(a)

This variance is required due to the temporary disturbance to slopes of 15% or greater within the **Limited Development Area (LDA)**. The **Limits of Disturbance (LOD)** encompass areas directly within these slopes. While the disturbance is necessary for construction access and safety, it will be limited in scope and duration.

Mitigation Measures:

- Reinforced silt fencing will be installed along the retaining wall and the lowest end of the area marked "grade reviewers accessed L.O.D." to control
 erosion and sediment during construction.
- The existing 4.5' wide concrete pad on the water side of the structure will remain undisturbed, acting as a barrier to minimize soil disruption.
- All footers for the exterior staircase will be carefully placed to avoid further impact to the steep slopes.

These measures ensure that any temporary disturbance is appropriately mitigated, preserving the site's ecological integrity,

2. Variance under Article 18-2-402

This variance is required because the existing dwelling, including the proposed second-floor addition, projects closer to the shoreline than the dwelling to the west. While the addition remains within the existing first-floor footprint, the location of the house relative to neighboring structures necessitates this variance.

Justification:

- The property's steep grade and placement midway down a slope preclude horizontal expansion, making vertical construction the only feasible option.
- The additional height from the second-floor addition will not obstruct the water views of neighboring properties, which are situated at significantly higher elevations.
- The proposed design maintains the character of the neighborhood and aligns with sustainable development principles by minimizing environmental disruption.

Critical Area Standards and Compliance

In addition to addressing the critical area variance standards under Section 18-16-305 Section 18-16-305(a), (b) and (c), the project incorporates the following measures to ensure compliance:

- Limiting the Limits of Disturbance (LOD) to only what is necessary for construction access.
- Installing reinforced silt fencing to control sediment and protect the surrounding environment.
- Avoiding grading or excavation that would further disrupt the steep slopes or buffer zones.

These efforts align with the intent of the critical area regulations to balance necessary development with environmental preservation.

Conclusion

Given the unique topographical challenges of the property, the proposed second-floor addition is the most practical and environmentally responsible way to expand our living space. The requested variances are essential to ensure the project proceeds safely and in compliance with county regulations.

We respectfully request approval of these variances, and we appreciate your time and consideration. Please do not hesitate to contact us for further information or clarification.

Sincerely, Adam Nefferdorf 1156 Severnview Dr Crownsville, MD

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:	Anne Arunde	l County		Date:	
					FOR RESUBMITTAL ONLY
Tax Map #	Parcel #	Block #	Lot #	Section	Corrections
31		9	372	2	Redesign
31		9	372		No Change
					Non-Critical Area
					Non-Critical Area
					*C1-4- O-1 P 1
Tax ID: 2	74812249300				*Complete Only Page 1
	10122 10000				General Project Information
Project Name	e (site name, su	bdivision nam	ne, or other	Nefferdorf F	tesidence
	,			,	
Project locati	on/Address			1156 Severi	oview Drive
1 Toject Tocati	on/Address			1 100 Seven	IVIEW DIIVE
City Crown	nsville				Zip 21032
Local case nu	ımber				
Applicant:	Last name	N (First name ADAM
Applicant.	Last name	Nefferdorf			First name ADAM
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Company					
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Application	Type (check a	ıı tnat appiy)	:		
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Building Pen	mit	Lxl		Variance	Lx
Buffer Manag	gement Plan			Rezoning	
Conditional U	_	一		Site Plan	Π
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Disturbance >				Subdivision	Ц
Grading Pern	nit			Other	
Local Jurish	liction Contac	t Information	12		
Local Gallisa	icion contac		.•		
Logtman	AACo Zoning	Administratio	on Section	Einst	
Last name	111 TOO ZOIIII	5 / Millimsuan		_ First name	
	410 222 742	7			
Phone #	410-222-743	/	Respo	onse from Com	mission Required By TBD
Fax #				Hearing date	e TBD
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SPECIFIC PROJECT INFORMATION

Describe Proposed use	of project	site:					
Single Family Dwelling							
Intra-Family Transfer Grandfathered Lot	Yes				Growth Allocation Buffer Exemption Ar	Yes	
Project Type (check al	l that app	oly)					
Commercial Consistency Report Industrial Institutional Mixed Use Other					Recreational Redevelopment Residential Shore Erosion Contro Water-Dependent Fac	=	
SITE INVENTORY (I	Enter acr	es or squ	ıare	feet)		·	G. F.
	Acr	es		Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area				•	Total Disturbed Area		<u> </u>
LDA Area							
RCA Area					# of Lots Created		
Total Area	.32	13754.28		4.28	" of Lots Created		
Existing Forest/Woodland	I/Trees	Acre	s	Sq Ft	Existing Lot Coverage	Acres	Sq Ft
Created Forest/Woodland				0	New Lot Coverage	0.32	0
Removed Forest/Woodland			0		Removed Lot Coverage	0	0
	11005				Total Lot Coverage	0.32	13,754.28
		<u> </u>			Total Bot Collettage	0.32	13,754.26
VARIANCE INFORM	IATION	(Check a	all th	nat apply)			
							$\mathbf{C} = \mathbf{F} \mathbf{I}$
Buffer Disturbance		Acre	S	Sq Ft		Acres	Sq Ft
Non-Buffer Disturbance		Acre	S	Sq Ft	Buffer Forest Clearing	Acres	Sq Ft
Non-Buffer Disturbance				_	Buffer Forest Clearing Mitigation		1

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number							
Total Site Area	Square	Feet (1 Acre = 43,560 Squa	eet (1 Acre = 43,560 Square Feet)				
Total Wooded Area COMMUNITY DOMINAT UNDERGROWTH), INCLU	Sq ED BY TREES AN JDING FORESTS	uare Feet- 'Wooded' MEA D OTHER WOODY PLA THAT HAVE BEEN CUT	NS A BIOLOGICAL NTS (SHRUBS ANI BUT NOT CLEARE	D D.			
* Please Indicate Squ	are Footage of Wo	odland Removed for the fo	llowing:				
1. House	Sq. Ft.	5. Accessory Structure	. 0	Sq. Ft.			
2. Septic or sewer0	Sq. Ft.	6. Additions		Sq. Ft.			
3. Well	Sq. Ft.	7. Storm Water Manag	gement $\underline{}$	Sq. Ft.			
4. Driveway	Sq. Ft.	8. Other Clearing: wor	k area; access; stock				
* Tota	ıl Woodland Remov	$red = \frac{0}{c}$		1			
"Impervious Coverage" IS A ROOFS, SIDEWALKS, DR GRAVAEL IS CONSIDERI	IVEWAYS, AND A ED AN <u>IMPERVIC</u>	ANY TYPE OF PAVEME US SURFACE.	NT. COMPACTED	LUDES			
* Please Indicate Squ	ıare Footage of Imp	ervious Coverage for the fo	ollowing:				
Existing Impo		-	ed Impervious				
1. House (roof area)	Sq. Ft.	1. House (roof area) _) 	_ Sq. Ft.			
2. Driveway + Sidewalks							
3. Accessory Structures	Sq. F	t. 3. Accessory Structure	es	_ Sq. Ft.			
		4. Additions		Sq. Ft.			
* Total Existing	and Proposed Impe	rvious Coverage	Sq. Ft.				
® PLEASE INCI	LUDE ALL EXIST	ING AND PROPOSED SQ	OUARE FOOTAGE.				
Adam Nefferdorf	Property Own	ner					
applicable) hereby certify th knowledge. I further declare this property from me (or co these computations shall be of Subdivision 748	at the above critical that a copy of the f rporation, if applica a binding part of iss	area worksheet is true and oregoing document will be ble) at the time of settleme uance of a building permit	correct based upon p transferred to any pu nt. I hereby understar	ersonal irchaser of nd that			
I hereby certify that I have s Area requirements) and have restrictions declared on said	e indicated on the at						
Colffeld -	(Signature) 10/01/2024	(Date)				
Property Owner	(Title)					
	(Signature)	(Date)				
	1	Title)					



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 6, 2024

RE:

Adam Nefferdorf

1156 Severnview Drive Crownsville, MD 21032

NUMBER:

2024-0195-V

SUBJECT:

Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (second floor) that does not comply with the designated location of a principal structure on a waterfront lot and with less setbacks than required.

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

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Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

CAC Comments: 2024-0195-V; Nefferdorf (AA 0321-24)

1 message

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

Mon, Dec 23, 2024 at 9:38 AM

Good morning,

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

• 2024-0195-V; Nefferdorf (AA 0321-24): Appropriate mitigation required

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

Sincerely, Jamileh

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Critical Area Commission for the Chesapeake & Atlantic Coastal Bays 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

2024-0195-V

Menu Cancel Help Task
OPZ Critical Area Team
Assigned to Department
OPZ Critical Area
Action by Department
OPZ Critical Area
Start Time Assigned Date 10/25/2024 Status Complete w/ Comments Due Date Due Date 11/15/2024 Assigned to Kelly Krinetz Action By Kelly Krinetz End Time Status Date 11/06/2024 Hours Spent 0.0 Comments Billable Overtime No No objection.

Time Tracking Start Date Est. Completion Date In Possession Time (hrs)

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

No All ACA Users All ACA Users Record Creator Licensed Professional Contact Owner
Workflow Calendar **Estimated Hours** Action Updated Task Specific Information **Expiration Date** Review Notes Reviewer Name Reviewer Phone Number Reviewer Email

