

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

**APPLICANT:** Joshua & Agusta Kirschner

**ASSESSMENT DISTRICT:** 8

**CASE NUMBER:** 2024-0197-V

**COUNCILMANIC DISTRICT:** 7

**HEARING DATE:** January 16, 2025

**PREPARED BY:** Sara Anzelmo  
Planner



**REQUEST**

The applicants are requesting a use variance to allow a new single-family detached dwelling in an OS – Open Space District on property located at 1003 Mount Zion Marlboro Road in Lothian.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of approximately 1.89 acres of land and is located with frontage on the south side of Sollers Lane. It is identified as Parcel 259 in Block 7 on Tax Map 72.

The property is primarily zoned RA – Rural Agricultural District; however, the front portion of the lot abutting Sollers Lane is zoned OS – Open Space District. The lot is not located within the Chesapeake Bay Critical Area overlay. It is unimproved and is mostly wooded.<sup>1</sup>

**PROPOSAL**

The applicants seek approval to construct a one-story single-family dwelling with a garage attached by a 14.33' breezeway. The primary house portion would measure 30.67' by 57.8' (1,773 sf); the garage footprint would measure approximately 31.13' by 45' (1,400 sf +/-); and the combined house/breezeway/garage footprint would total 3,313 square feet with a maximum height of 21.83 feet. A 2,255 sf patio, a 360 sf pool, and a 2,052 sf driveway area also proposed.

**REQUESTED VARIANCES**

§ 18-9-202 of the Anne Arundel County Zoning Ordinance lists the permitted, conditional and special exception uses allowed within an OS – Open Space District. Residential uses, existing, are permitted; however, new single-family detached dwellings are not permitted. Therefore, a use variance is being sought to allow a portion of the proposed dwelling and most of the attached garage and driveway to be located within the OS – Open Space portion of the parcel.

**FINDINGS**

The subject property is irregular in shape and exceeds the minimum 40,000 square foot area and minimum 150 foot width required for a lot in the RA District. The center of the lot is narrower

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<sup>1</sup> The applicants' letter of explanation states that the lot was previously improved. However, the State Department of Assessments and Taxation has no record of the parcel ever containing a dwelling. The County aerial photographs show that there may have been a small accessory structure located on the property prior to 2021.

than the front and rear. Portions of the William Owens Branch Stream II are located to the north and west. Nearby lots are improved with single-family detached dwellings on varying lot sizes. § 18-2-301(a) provides that a lot located in more than one zoning district shall comply with the setback requirements applicable to the district in which the majority of the property is located. Therefore, the structures are subject to the RA setback requirements provided under § 18-4-301.

The applicants' letter explains that the existing site topography ranges from 60 feet at the road to 105 feet in the northwest corner. (This Office notes that the highest elevation is actually in the southeast corner rather than the northwest corner.) The area of the lot closest to the road is approximately 10% sloped (60' to 75' contour) and is 16% (75' to 100' contour) for the remainder of the lot. The applicants contend that the house is proposed within the flattest area of the site and nearest the access road, minimizing impacts. The applicants attest that they investigated an alternative site design with the house sited toward the top of the hill. However, this would have required extensive unnecessary clearing.

The applicants also note that, through Comprehensive Zoning, the County will be revising/removing OS Zoning on sites to eliminate split zoning of lots and to allow the environmental resources to dictate the required protection. The applicants contend that they would no longer have OS on their property and that this [variance] request would be unnecessary. However, this Office notes that comprehensive zoning changes are made carefully, case by case, after extensive discussions with the Stakeholder Advisory Committee, the Planning Advisory Board, County Planners, and the public. It would be premature to assume that this property would necessarily be reclassified. Until or unless the zoning is reclassified during the formal comprehensive zoning process, the development proposal is subject to the use variance standards.

The **Cultural Resources Section** commented that this property has high archaeological potential and requires further review for compliance to Article 17-6-502. Their Office will need to conduct a site visit to complete the compliance review once development plans for a grading/building permit application are submitted for this project. Please contact the Archaeological Sites Planner, Anastasia Poulos, [pzpoul44@aacounty.org](mailto:pzpoul44@aacounty.org) to arrange the site visit.

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

The **Department of Recreation and Parks** commented that a portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is not consistent with the spirit of the Green Infrastructure Master Plan.

The **Office of Inspections and Permits Engineering Division** does not support the development as proposed. The Division provided a detailed list of stormwater management and utility issues that will need to be addressed at permitting if the proposed use variance is approved.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot or because of exceptional circumstances other than financial, strict implementation of the Code would result in practical difficulties or an unnecessary hardship and would prevent development of the lot. More importantly, a use variance is subject to additional standards above a typical zoning variance such as to setback or height requirements. In order for a use variance to be approved, three criteria must be met: (1) the applicant must be unable to secure a reasonable return or make any

reasonable use of the property, (2) the difficulties or hardships are peculiar to the subject property in contrast to other properties in the zoning district, and (3) the hardship is not the result of the applicants' own actions.

While the site has a number of unique characteristics and the applicants have outlined several reasons that the proposed location would be more practical; they have not sufficiently proven that, without the proposed use variance, they would be unable to secure a reasonable return or make any reasonable use of the property. While locating the house elsewhere might be more difficult and perhaps more expensive, the applicants have not provided any evidence to show that it isn't possible. More importantly, there has been little to no effort made to design the dwelling to better fit the existing zoning on the lot in order to minimize the variance request. The applicants could construct a multi-story dwelling with an integrated garage instead of a sprawling one-story dwelling with a garage separated by a nearly 15-foot breezeway, substantially decreasing the overall house footprint while providing the same amount of living space. They could reduce the size of the excessive garage, currently proposed as approximately 31.13' by 45', which far exceeds a typical residential two-car garage. They could also reduce the size of the excessive 2,615 square foot patio and pool combination in order to allow more space for construction of the dwelling within the RA portion of the lot. In fact, the extensive patio and pool area and the depth of the garage are both significant contributing factors that force the dwelling and garage further forward on the lot and into the OS - Open Space District area.

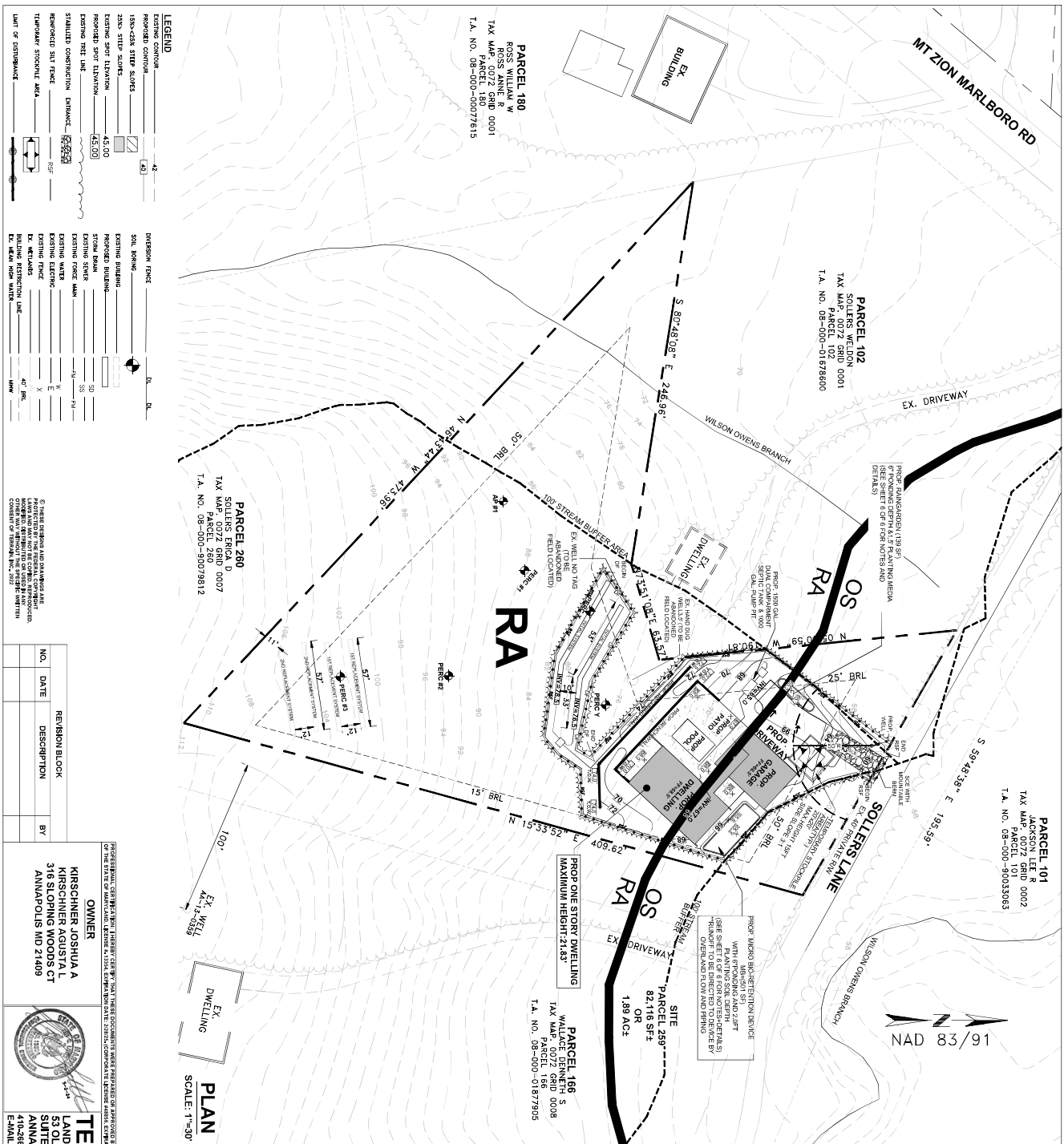
Approval of the variance would not necessarily alter the essential character of the neighborhood or substantially impair the appropriate use or development of the adjacent properties. The house size is not excessive for the area, and the structures would exceed the minimum setbacks required from all property lines. Assuming that the concerns expressed by the commenting agencies can be sufficiently addressed at permitting, there is no evidence that the proposal would not be detrimental to the public welfare.

However, given the fact that other development options exist that would significantly minimize the use variance, the request cannot be supported and cannot be considered the minimum variance necessary to afford relief.

## **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of the proposed use variance to allow portions of a single-family detached dwelling, garage, and driveway to be constructed within an OS – Open Space District. However, this Office would support a use variance to allow residential driveway access through the OS portion of the lot in order to develop the RA portion of the property with a single-family dwelling and associated facilities. Should the Administrative Hearing Officer determine that the use variance for the dwelling itself is also warranted, any approval must be conditioned on satisfying the Engineering Division, the Health Department, the Cultural Resources Section, the Department of Recreation and Parks, and all other necessary requirements at permitting.

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.



**SWM DESIGN**

SWM SHALL BE PROVIDED FOR THIS NON-CRITICAL AREA REDEVELOPMENT BY ESD METHODS TO PROVIDE WATER QUALITY, RECHARGE AND CHANNEL PROTECTION. THE ESD METHODS USED WERE A MICRO BIO-RETENTION DEVICE AND RAINGARDEN. Op NOT REQUIRED DUE TO IT FLOWING TO A PRIVATE RIGHT OF WAY.

SITE AREA= 82,116 SF  
 EX. LC= 0 SF  
 PROP. LC= 7,980 SF  
 $LC = 7,980 / 82,116 = 10\%$   
 RV= 0.05+0.0091 = 0.140  
 SOLS. S<sub>98</sub> - "B" (AREA OF DEVELOPMENT)  
 TAB. 5.3 | =10% TARGET PE = 1.0"  
 TARGET ESD<sub>98</sub> = (PE<sup>2</sup>RA)/12 =  
 $1.0^2(0.140)92.116/12 = 958$  CF  
 MICRO BIO-RETENTION DEVICE#1  
 MAX DIA= 20,000 FT#2  
 MP. AREA TO DEVICE=4,914 SF  
 WITH PE=1 DEVICE SURFACE AREA= 501 SF  
 ESD<sub>98</sub>=901X1.5+4(3.5X501)=952 CF  
 ESD MAX TREATED ALLOWED= (2.7)(.95)(4,914)/12=1,050 CF  
 952 CF (PROVIDED) IS LESS THAN 1,050 CF (ALLOWED)

RAIN GARDEN (M=7)  
 AREA TO RAIN GARDEN#2 = 1,551 SF  
 SURFACE AREA=139 SF  
 STORAGE PROVIDED=  $139(5.5+139)(4)(1.5) = 69+85=152$  CF  
 ESD MAX TREATED ALLOWED= (2.7)(.95)(1,551)/12=148 CF  
 148 CF (PROVIDED) IS LESS THAN 357 CF (ALLOWED)

**TOTAL ESD REQUIRED= 958 CF**  
**TOTAL ESD PROVIDED= 1,104 CF**

**PROPOSED BIOWALL**  
 WITH PE=1 AND 2 FT RAIN GARDEN (SEE SHEET 6 OF 8 FOR NOTES/DETAILS)  
 RAIN GARDEN#2 = 1,551 SF  
 SURFACE AREA=139 SF  
 STORAGE PROVIDED= 69+85=152 CF  
 ESD MAX TREATED ALLOWED= (2.7)(.95)(1,551)/12=148 CF  
 148 CF (PROVIDED) IS LESS THAN 357 CF (ALLOWED)

**PROPOSED RAINGARDEN**  
 MAX DIA= 20,000 FT#2  
 MP. AREA TO DEVICE=4,914 SF  
 WITH PE=1 DEVICE SURFACE AREA= 501 SF  
 ESD<sub>98</sub>=901X1.5+4(3.5X501)=952 CF  
 ESD MAX TREATED ALLOWED= (2.7)(.95)(4,914)/12=1,050 CF  
 952 CF (PROVIDED) IS LESS THAN 1,050 CF (ALLOWED)

**PROPOSED DRIVEWAY**  
 SURFACE AREA= 139 SQ. FT  
 STORAGE PROVIDED= 69 + 85 = 152 CUBIC FEET  
 ESD MAX TREATED ALLOWED= 148 CUBIC FEET  
 148 CUBIC FEET (PROVIDED) IS LESS THAN 357 CUBIC FEET (ALLOWED)

**PROPOSED BIOWALL**  
 WITH PE=1 AND 2 FT RAIN GARDEN (SEE SHEET 6 OF 8 FOR NOTES/DETAILS)  
 RAIN GARDEN#2 = 1,551 SF  
 SURFACE AREA=139 SF  
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 148 CF (PROVIDED) IS LESS THAN 357 CF (ALLOWED)

**PLAN SHEET**  
 GRADING, EROSION AND SEDIMENT CONTROL PLAN

**PARCEL 259**  
 1003 MT ZION MARLBORO RD  
 LOT 10711

TAX MAP 75 GEN 7 PARCEL 259 TAX ACCT#060800835 ZONING SA  
 TAX DISTRICT 08 ANNE ARUNDEL COUNTY MARYLAND  
 DATE: APRIL 2024 DRAWN BY: Z.A.W.  
 SCALE: 1"=10' CHECKED BY: J.E.C.  
 SHEET 9 OF 9 TERRAIN 039 NO. 5149

**OWNER**  
 KIRSCHNER JOSHUA A  
 KIRSCHNER AGOSTA L  
 316 SLOPING WOODS CT  
 ANNAPOLIS MD 21409

**TERRAIN, INC.**  
 LAND ENGINEERING & DEVELOPMENT SERVICES  
 57 OLD SOLOMONS ISLAND ROAD  
 SUITE 100, MARYLAND 21401  
 ANNAPOLIS, MD 21409  
 PHONE: 410-268-4199 FAX: 410-268-4199  
 EMAIL: TERRAIN@COMCAST.NET

**PROFESSIONAL CERTIFICATION:** THESEY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE #13734. EXPIRATION DATE: 7/2026. COMPANY: TERRAIN ENGINEERING INC. PROJECT#: 039NO. 5149

**LEGEND**

- EXISTING CONTROL
- PROPOSED CONTROL
- 15%+ GSS STIP SLOPES
- 25%+ STIP SLOPES
- EXISTING SPOT ELEVATION = 45.00
- PROPOSED SPOT ELEVATION = 45.00
- EXISTING TIE LINE
- STABILIZED CONSTRUCTION ENTRANCE
- NEAR/NEARLY SIV FENCE
- TEMPORARY STOCKPILE AREA
- LIMIT OF DISTURBANCE

**REVISION BLOCK**

NO.	DATE	DESCRIPTION	BY





October 16, 2024

Ms. Sterling Seay  
Office of Planning and Zoning  
Zoning Division  
2644 Riva Road, 3<sup>rd</sup> Fl.  
Annapolis, MD 21401

Re: 1003 Mt. Zion Marlboro Road, Lothian  
T.A. 8000-9007-9813

Dear Ms. Seay:

The Site is located as referenced above and is split zoned between OS and RA. The Site is a previously developed Existing Legal Parcel.

In order to recognize the Site as proposed, we will need to obtain a Variance to Section 18-9-202 (Permitted, Conditional and Special Exception uses.), to allow part of the Proposed House and Driveway to be located in the OS Zone. You will note that the OS Zone does not preclude all development. In 18-9-203, OS District Bulk Regulations, the Zone allows Existing Residential Uses, Barns, Stables, Kennels, etc. In other words, the Zone has not been treated to protect Environmental Features only. The Site-Specific Conditions are as follows:

A. Existing Conditions:

1. The Site was previously developed in the area of the Proposed House. It appears based on Aerial Photographs, that the structure was demolished between 2020 and 2021. (See photos 2011, 2014, 2017, 2020, and 2021.)
2. The Mapped Floodplain and Stream Buffers do not follow the OS Zone Line.
3. When reviewing the 2017 Aerial, you will note the Clearing for Access to the structure and the adjacent Lot are all within the OS Zone. The original Lot Owner was Weldon Sollers who also owned the adjacent Lot as mentioned above and lost the property via a Tax Sale in 2016 (L29335/F492).
4. The Existing Site Topography ranges from 60 ft. at the road to 105 ft. in the northwest corner. The area of the Lot closest to the road is approximately 10% (60 ft. to 75 ft. Contour) and 16% (75 ft. to 100 ft. Contour) for the remainder of the Lot.

B. Proposed Conditions:

1. The proposed development is occurring in the Minimum Slope Area and an area that contained clearing. However, this area is encumbered by Open Space Zoning.
2. In accordance with the 2040, GDP, Resource Sensitivity Policy Areas, the area to the north of Sollers Lane is designated as Potential Habitats. (See attached.) The area to the south of Sollers Lane is not noted as a Habitat Area.

3. The Planned Land Use for the GDP is Rural which is consistent with the Proposed Development. (Single Family House on Existing 1.89 ac. Lot.)
4. The Road which accesses other houses, essentially divides areas of underdeveloped property with the development on the south side of the road.
5. The Development Policy Areas Map also designates the area as Rural and Agricultural with no further mention of any specific environmental concerns. (See Development Policy Area definition.)
6. Implementation Plan Matrix, Planning for Natural Environment and Planning for Built Environment all address the need for protection of Sensitive Environmental Features which in this case would be the Stream and Stream Buffer. These are generally located across Sollers Road, north of the Site.
7. Through Comprehensive Zoning, the County will be revising/removing OS Zoning on Sites to eliminate Split Zoning of Lots and allow the Environmental Resources to dictate the required protection. Therefore, in this case we would no longer have OS on the property and this Request would be unnecessary. Unfortunately, Region 8 which includes this Site, will not be completed for several years and the Owners would like to move forward. We have included two (2) examples from other regions where this specific condition has been relieved by the adoption of the New Maps. (Laurel Ft. Meade Road; P200 - T.A. 4000-0008-0135 and P88 – T.A. 4000-0008-2000, and Glenn Road; P416 – T.A. 3000-9003-7016) (See New Map vs. Previous Map attached.) In both cases, the OS Zoning Line has been removed from the Parcels.

C. Article 18-16-305; Variances:

The Site meets the requirements for Zoning Variances because Practical Difficulties and Hardships occur as follows:

1. The Site exhibits Unique Physical Conditions as the topography limits the area of construction. The House is located in the flattest area of the Site and nearest the access road, therefore, minimizing Impacts. We had investigated an alternative Site Design with the House sited toward the top of the hill. However, this required extensive unnecessary clearing since the same House construction could occur in an area which exhibited previous clearing and development.
2. An unnecessary hardship exists because the OS/RA Split Zoning restricts the area of development. The OS Zone encompasses much of the flatter area of the Site and creates hardship for development.

D. Requirements for All Variances:

1. The Site Design is the minimum relief necessary as the House has been located nearest the road in the flattest area of the Site.
2. The granting of the Variance will not:
  - (i). Alter the essential character of the neighborhood or district in which the Lot is located because the Lot adjoins developed lots and was previously developed as evidenced by the aerial photographs.
  - (ii). Substantially impairs the use or development of adjacent property because adjacent properties are developed and are all accessed by Sollers Lane.
  - (iii). The design minimizes Lot Disturbance by building nearest the road, in an area which contains previous development and allows minimal Environmental Impacts.
  - (iv). The Site is not located in a Bog or Critical Area.

- (v). The development of the Site will not be detrimental to Public Welfare, because it is an Existing Legal Lot within a developed community with an Existing Access Road.

In conclusion, the Site is constrained by the Existing Split Zone, which does not follow the Flood Plain or Stream Buffer and does not protect any specific Environmental Features. The Access Road, Sollers Lane, bisects the road and clearly defines protection of Environmental Features to the north and development to the south. Upon completion of Comprehensive Zoning, the Split

Zone will be removed, but unfortunately the Owner cannot wait for this process to be accomplished as the time frames may not occur until 2026.

If you should have any questions or comments or need additional information, please contact our office.

Sincerely,  
Terrain



Roy C. Little  
Director of Engineering  
RCL/II.3149



# 2011 Aerial Imagery



## Legend

Parcels



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 2011

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.

Esri, NASA, NGA, USGS, FEMA



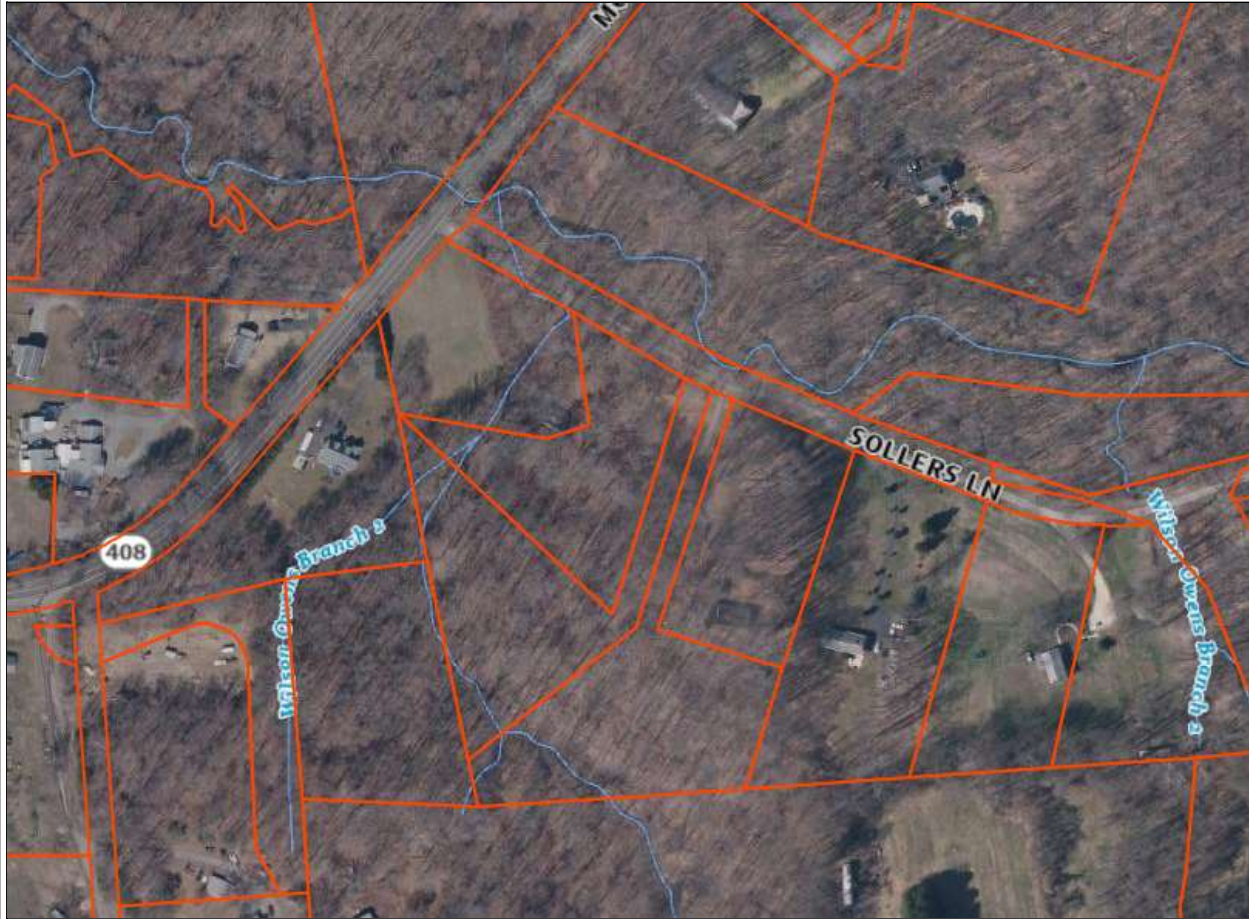
0 300 600 ft



THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

# 2014 Aerial Imagery



## Legend

Parcels



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 2014

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Esri, NASA, NGA, USGS, FEMA



0 300 600 ft



THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

# 2017 Aerial Imagery

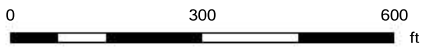


## Legend

- Parcels
  - 
- 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 2017

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

# 2020 Aerial Imagery



## Legend

Parcels



Labels

State Road Label

Interstate US Road Label

Local Road Label

Fire Police Label

Streams Label

Schools and Gov Label

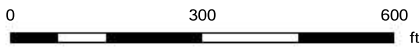
Parks Label

County Boundary

Orthophoto 2020

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.

Esri Community Maps Contributors,  
County of Anne Arundel, M-NCPPC,  
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Esri, TomTom, Garmin, SafeGraph,  
GeoTechnologies, Inc, METI/NASA,



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

## Notes

# 2021 Aerial Imagery



## Legend

Parcels



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 2021

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Esri, NASA, NGA, USGS, FEMA



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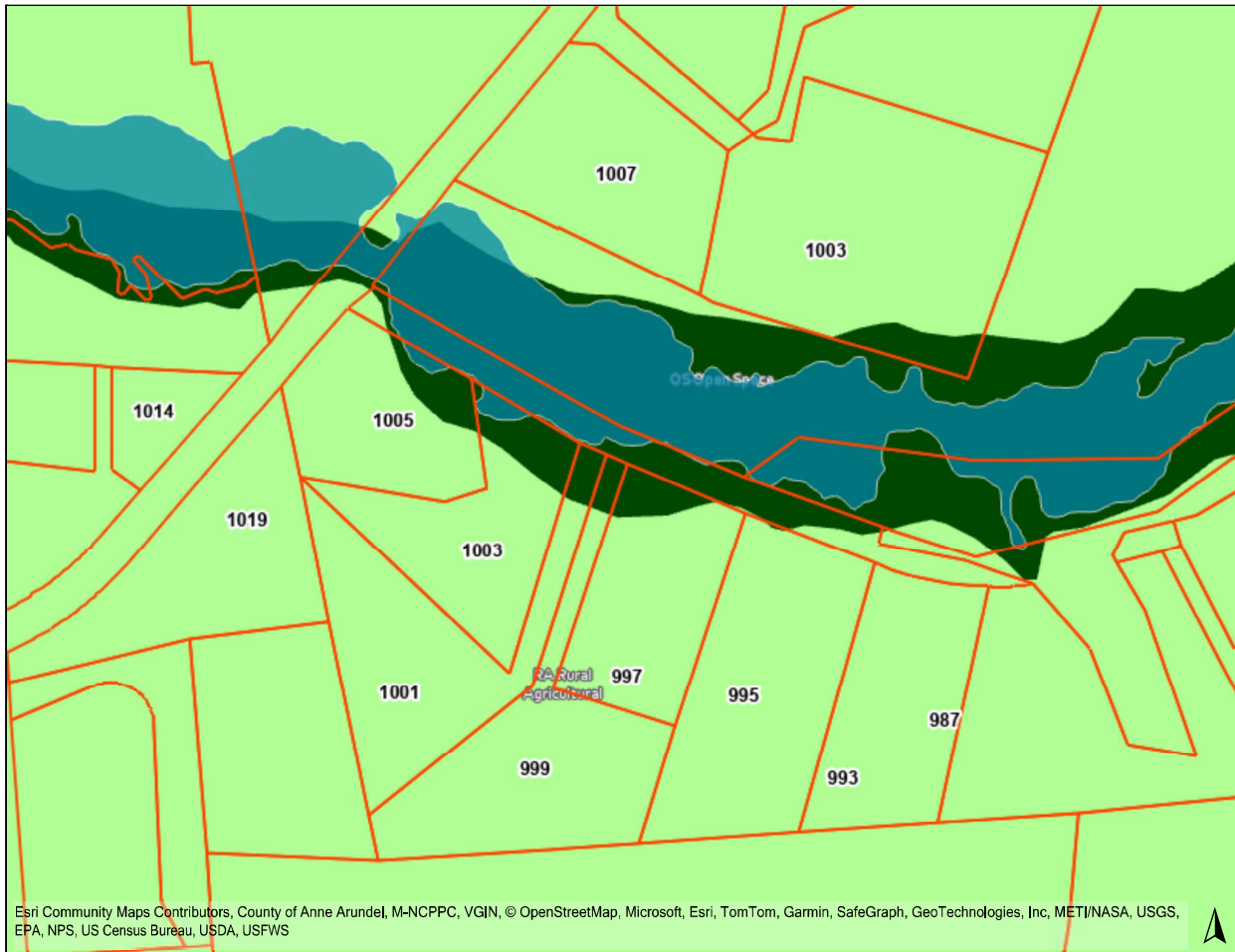


THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



# 1003 Mount Zion Marlboro Road FLOODPLAIN EXHIBIT



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### Legend

**Foundation**

- Addressing:
- Parcels:
- City of Annapolis Parcels:

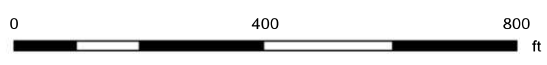
**Planning**

- Coastal High Hazard Area:
- Non-Tidal 100 Year Floodplain:
- Non-Tidal 500 Year Floodplain:
- Tidal 100 Year Floodplain:

**Planning - Zoning**

- C1 Commercial - Local:
- C2 Commercial - Office:
- C3 Commercial - General:

**Notes**



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

# 1003 Mount Zion Marlboro Road **STREAM BUFFER EXHIBIT**



## Legend

### Parcels



Perennial Stream Buffer 100 Foot

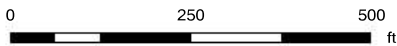


### Zoning

- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway
- City of Annapolis
- MA1 Community Marina
- MA1-B
- Neighborhood Marina
- MA2 Light Commercial Marina

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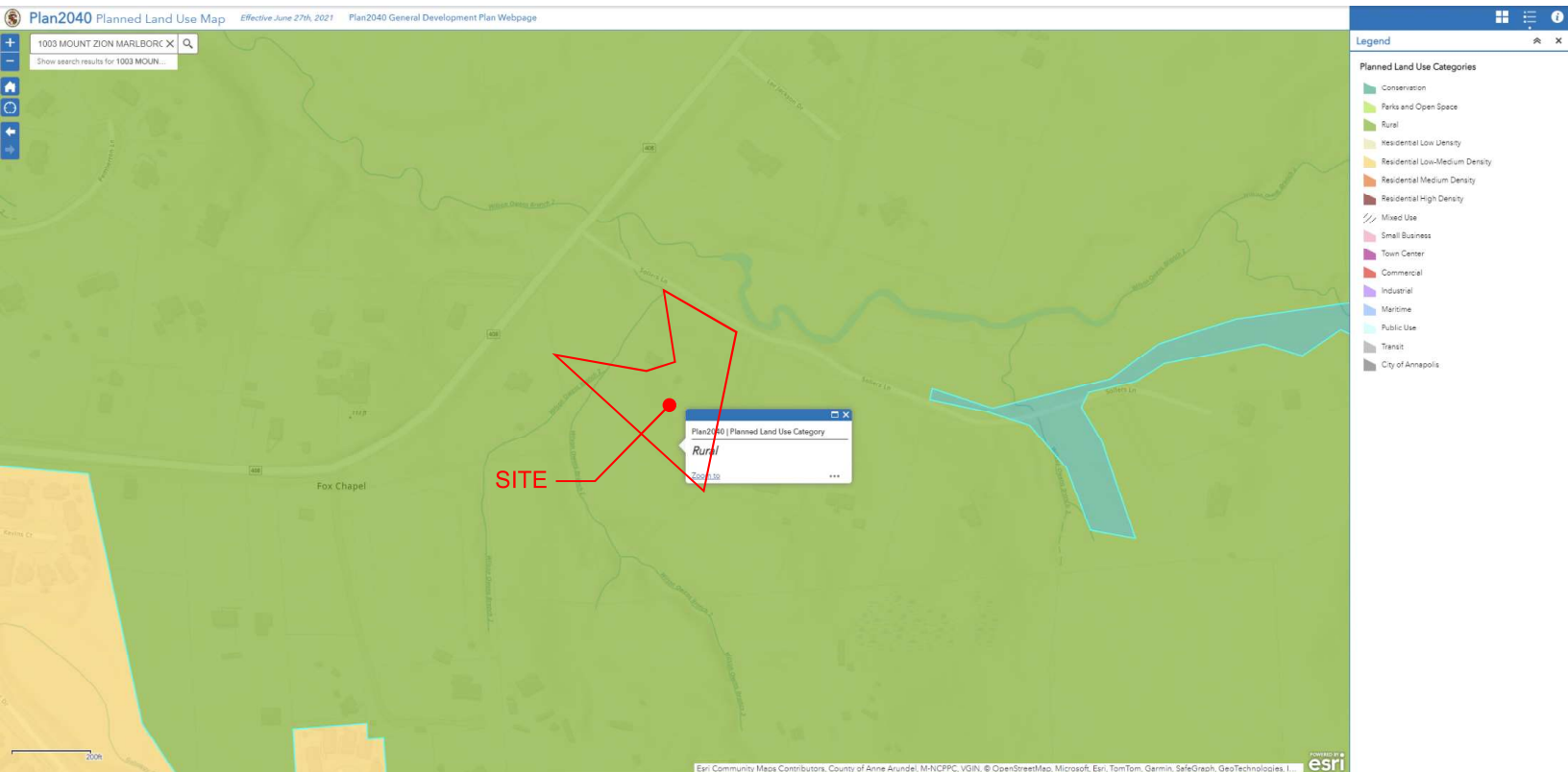
Anne Arundel County Office of Planning & Zoning GIS (Geographic Information Systems)



THIS MAP IS NOT TO BE USED FOR NAVIGATION

## Notes

# Plan2040 - Planned Land Use Category

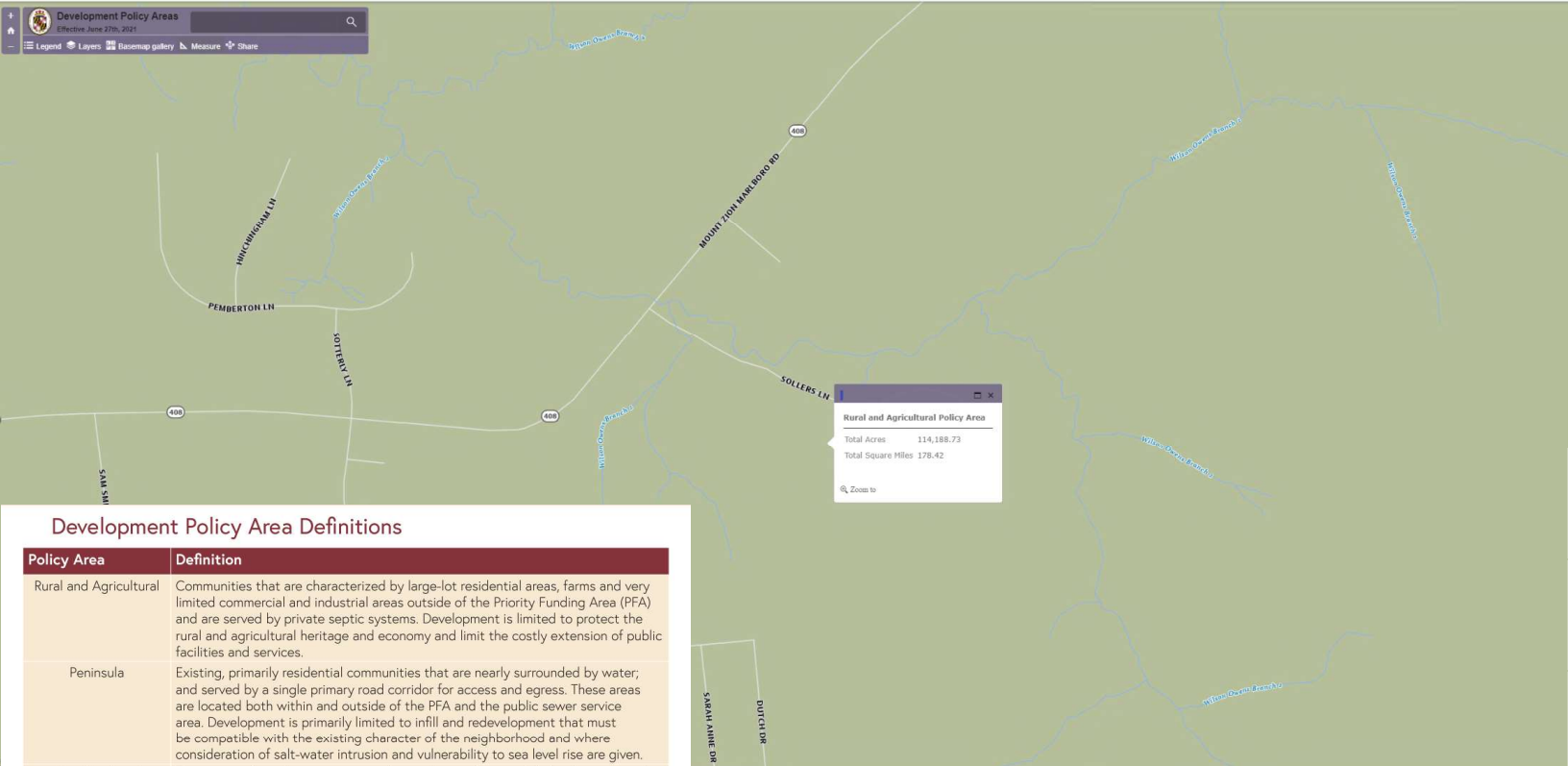




# RESOURCE SENSITIVE POLICY AREAS



# DEVELOPMENT POLICY AREAS



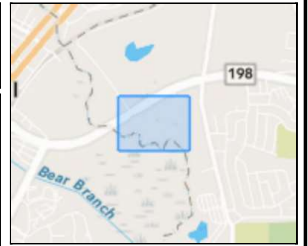
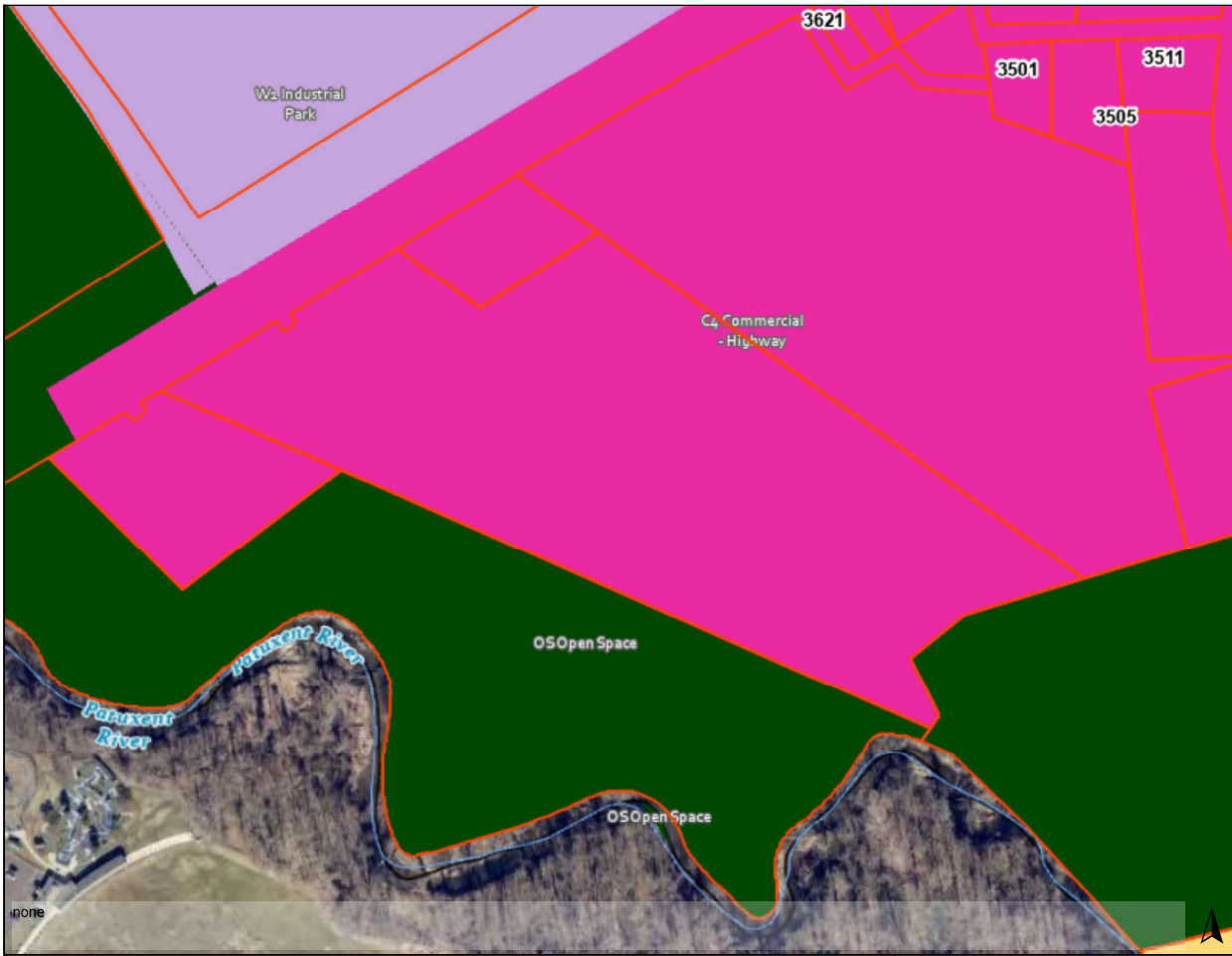
## Development Policy Area Definitions

Policy Area	Definition
Rural and Agricultural	Communities that are characterized by large-lot residential areas, farms and very limited commercial and industrial areas outside of the Priority Funding Area (PFA) and are served by private septic systems. Development is limited to protect the rural and agricultural heritage and economy and limit the costly extension of public facilities and services.
Peninsula	Existing, primarily residential communities that are nearly surrounded by water; and served by a single primary road corridor for access and egress. These areas are located both within and outside of the PFA and the public sewer service area. Development is primarily limited to infill and redevelopment that must be compatible with the existing character of the neighborhood and where consideration of salt-water intrusion and vulnerability to sea level rise are given.
Neighborhood Preservation	Existing residential communities and natural areas (may include local commercial and industrial uses) that are not intended for substantial growth or land use change, but may have specific areas targeted for revitalization. Development is limited to infill, the addition of accessory dwelling units, and redevelopment that must be compatible with the existing neighborhood character. Public infrastructure exists but may need capacity improvements.
Critical Corridor	Existing, developed areas along major roads where opportunities to improve safety and mobility exist. These areas often form the economic center of a community. Redevelopment that improves multi-modal outcomes and preserves adjacent neighborhoods is encouraged. Implementation will be guided by a concept plan to be developed in Region Plans.

Targeted Development, Redevelopment and Revitalization Policy Areas (Growth Areas)



# Laurel Ft. Meade Road



## Legend

### Foundation

Addressing



Parcels



City of Annapolis Parcels

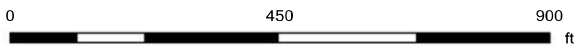


### Planning

#### Planning - Zoning

- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway
- City of Annapolis
- MA1 Community Marina
- MA1-B Neighborhood Marina
- MA2 Light Commercial Marina

## Notes

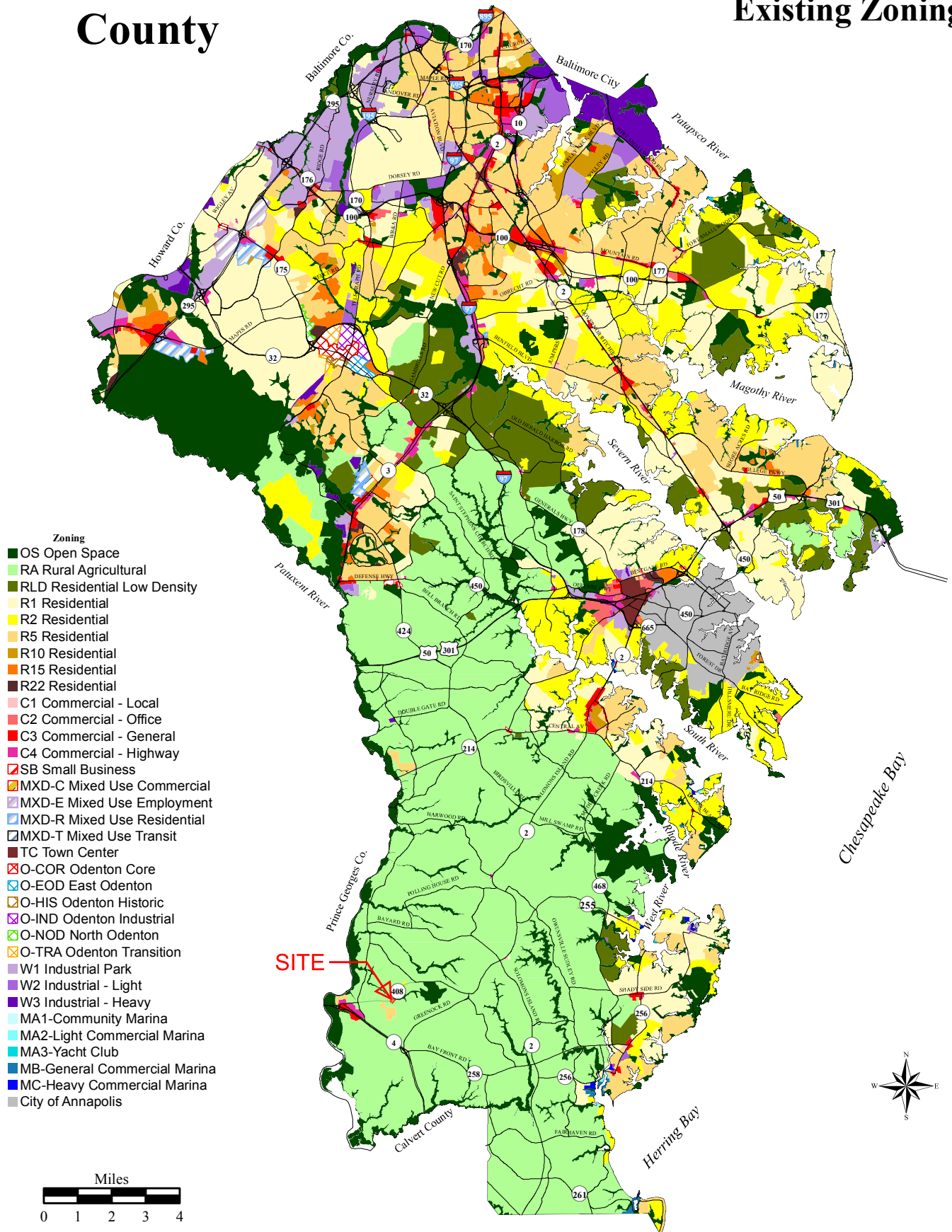


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

# Anne Arundel County

# Existing Zoning



Map L2

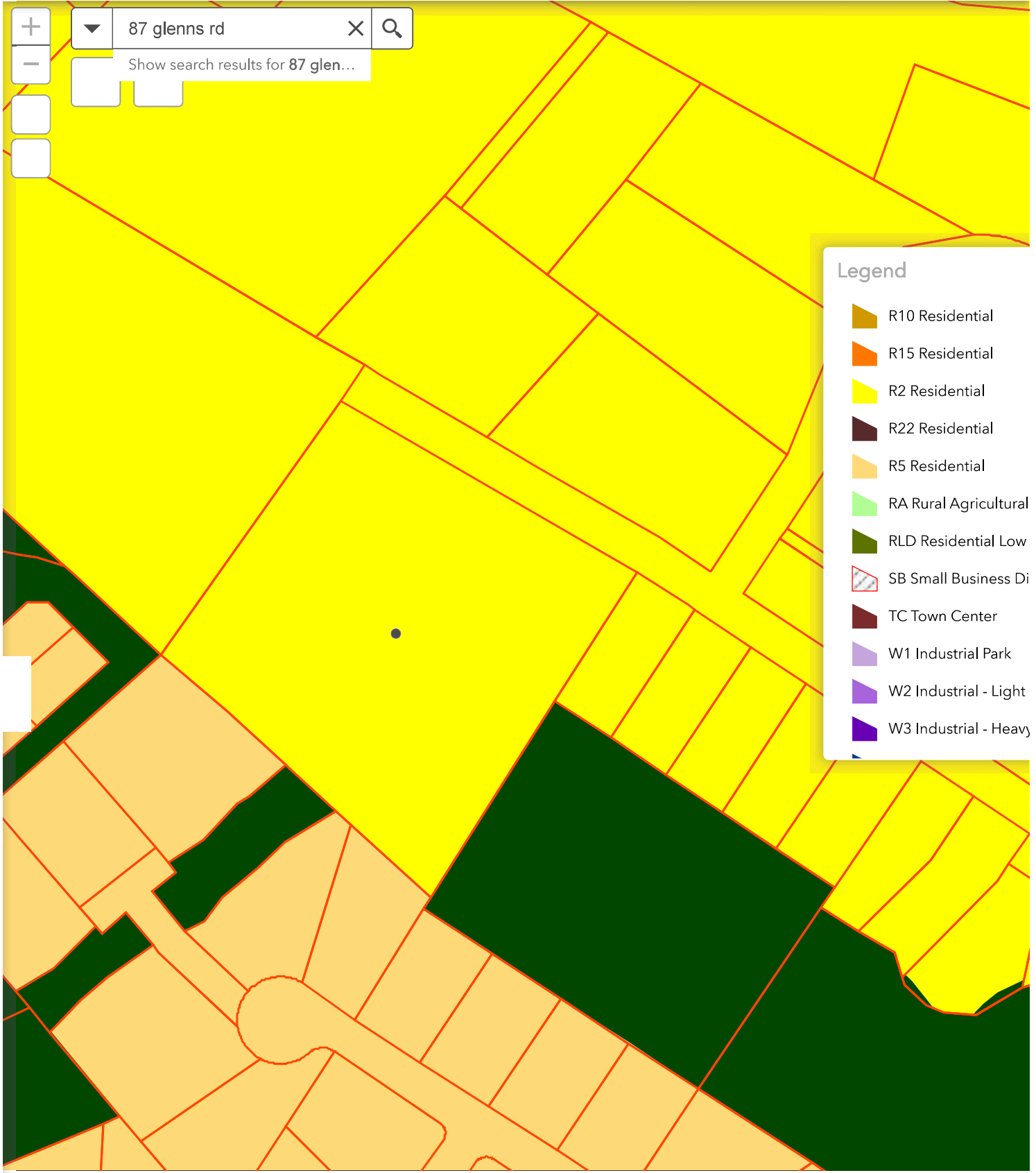


# Glenn Road; P416 - T.A. 3000-9003-7016 - New Map



+ 87 glenns rd X Q

Show search results for 87 glen...



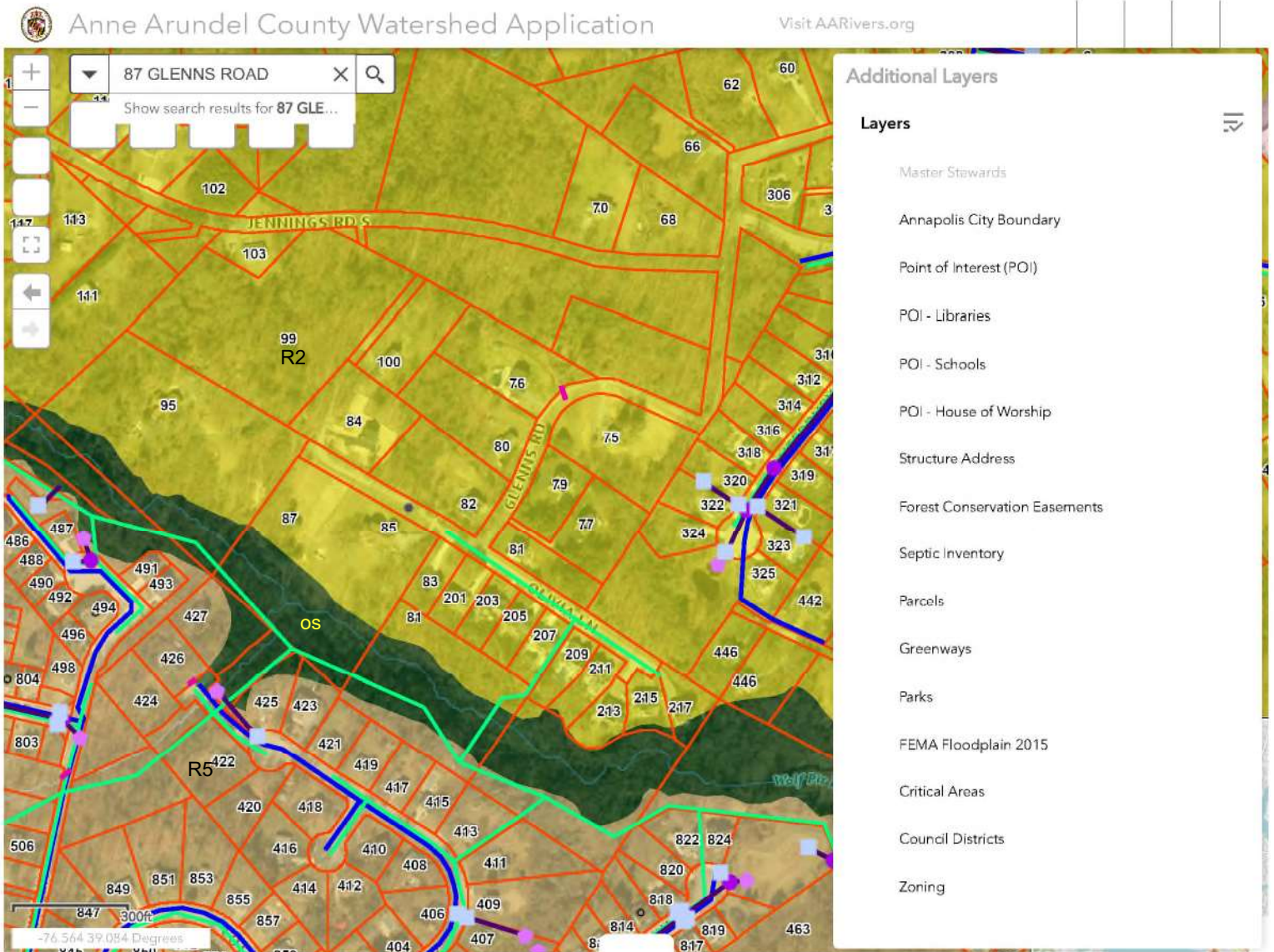
### Legend

- R10 Residential
- R15 Residential
- R2 Residential
- R22 Residential
- R5 Residential
- RA Rural Agricultural
- RLD Residential Low
- SB Small Business Di
- TC Town Center
- W1 Industrial Park
- W2 Industrial - Light
- W3 Industrial - Heavy

200ft

-76.564 39.086 Degrees

# Glenn Road; P416 - T.A. 3000-9003-7016 - Old Map



October 18, 2024  
Department of Planning and Zoning  
145 Gorman St. 3<sup>rd</sup> Floor  
Annapolis, MD 21401

Re: 1003 Mount Zion Marlboro Road Lothian  
2024-0096-P

To Whom It May Concern:

We have revised the Plan for the Variance Exhibit for 1003 Mount Zion Marlboro Road Lothian Pre-File Comments (2024-0096-P). Please see our responses to the comments below:

A. Zoning Review

The site plan must clearly label the height and number of stories of the proposed dwelling. The OS label shown on the site plan covers some of the proposed development area and should be relocated for clarity. The applicant should explore ways to minimize the proposal as it does not appear to represent the minimum necessary. The development contains a large garage, patio and pool. It appears that the development could be reconfigured into a smaller area and the pool could be eliminated as pools are generally not considered necessary for the use and enjoyment of a residential lot. The applicant will need to provide adequate justification on how the proposal meets the variance standards contained in 18-16-305.

**Response: The dwelling labels have been added to the plan. This will be a one-story building with a ridge height of 21.83'. The plan has been revised for clarity. It is our belief that the house design and layout is minimum necessary as it is a modest sized house that is less than half of the maximum lot coverage and under the allowable clearing limitations.**

B. Inspections and Permitting (Engineering)

1. Stormwater management will be addressed through Micro-bioretenion.

**Response: The proposed plan has stormwater management being addressed through the Micro-Bioretenion and Rain Garded.**

2. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.

**Response: The SWM facilities are downstream from the proposed structure. The 100-year storm will safely be conveyed away from the proposed structure to the existing stream located north of the property.**

3. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.

**Response: The proposed SWM facilities are located outside of the environmentally protected areas.**

4. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.

**Response The proposed improvements will have a safe conveyance for the discharge. There will be no impact to the integrity of the slope.**

5. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted.

**Response: A soil boring has been included with the Grading Permit Submittal set.**

6. The soil boring results, including the seasonal high groundwater elevation, need to be added to the plan. The calculations will not be reviewed until the siting and suitability are first confirmed to be adequate.

**Response: The soil boring shown on the Grading Permit Submittal verifies that high ground water will not impact the adequacy of the SWM facility.**

7. A health department approval is required.

**Response: Acknowledged. The project will obtain Health Department approval prior to issuance.**

8. Based on the plan provided, it appears that the property will be served by a private septic and well.

**Response: The property will be served by well and septic.**

9. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

**Response: Acknowledged. Thank you for the review.**

Sincerely,

*Kelly McCormick*

Kelly McCormick, P.E.





# 2024-0197-V

Menu Cancel Help

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

**Due Date**  
11/15/2024  
**Assigned to**  
Stacy Poulos  
**Action By**  
Stacy Poulos  
**End Time**

**Assigned Date**  
10/25/2024  
**Status**  
Complete w/ Comments  
**Status Date**  
10/30/2024  
**Hours Spent**  
0.0

**Billable**  
No

**Overtime**  
No

**Comments**  
This property has high archaeological potential and requires further review for compliance to Article 17-6-502. Our office will need to conduct a site visit to complete the compliance review once development plans for a grading/building permit application is submitted for this project. Please contact the Archaeological Sites Planner, Anastasia Poulos, pzpoul44@aacounty.org to arrange the site visit.

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

**Est. Completion Date**  
 **Display Comment in ACA**

**In Possession Time (hrs)**  
**Comment Display in ACA**  
 All ACA Users  
 Record Creator  
 Licensed Professional  
 Contact  
 Owner

**Estimated Hours**  
0.0

**Action**  
Updated

**Workflow Calendar**

Task Specific Information

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**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 6, 2024

RE: Joshua A. Kirschner  
1003 Mount Zion Marlboro Road  
Lothian, MD 20711

NUMBER: 2024-0197-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a new single-family detached dwelling in an OS- Open Space District.

The Health Department does not have an updated 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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2

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STUART PITTMAN, COUNTY EXECUTIVE  
JESSICA LEYS, DIRECTOR  
RECREATION AND PARKS  
1 HARRY S. TRUMAN PKWY  
ANNAPOLIS, MD 21401  
A.A.COUNTY.ORG/RECPARKS



## MEMORANDUM

TO: Sadé Medina, Zoning Division  
Office of Planning and Zoning

FROM: Pat Slayton  
Capital Projects Division

SUBJECT: Variance Case 2024-0197-V

DATE: October 29, 2024

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The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is not consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File

# 2024-0197-V

Menu Cancel Help

**Task**  
I and P Engineering  
**Assigned to Department**  
Engineering  
**Action by Department**  
Engineering  
**Start Time**

**Due Date**  
11/15/2024  
**Assigned to**  
Habtamu Zeleke  
**Action By**  
Habtamu Zeleke  
**End Time**

**Assigned Date**  
10/28/2024  
**Status**  
Complete w/ Comments  
**Status Date**  
11/14/2024  
**Hours Spent**  
0.0

**Billable**  
No

**Overtime**  
No

**Comments**  
Variance request: requesting a variance to allow part of the proposed house and driveway to be located in the OS zone.  
Comments:  
1. Stormwater management will be addressed through Micro-bioretenion and rain gardens.  
2. Please ensure that the micro bioretention area is setback/offset from property lines so that if it needs maintenance/reconstruction, easements do not need to be obtained from neighboring properties or impact rights-of-way.  
3. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.  
4. Microscale stormwater facility(ies) design should incorporate safe conveyance for overflow discharges from 2, 10, 100-yr 24-hr storm events; plans should show overland relief paths for these storm events and ensure that no structures, or properties are negatively impacted or have water impounded against during these storm events.  
5. Design professionals should review site runoff and potential (negative, adverse) impacts to neighboring properties, due to changed grades/elevation on a proposed project.  
6. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.  
7. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.  
8. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted.  
9. The soil boring results, including the seasonal high groundwater elevation, need to be added to the plan. The calculations will not be reviewed until the siting and suitability are first confirmed to be adequate.  
10. Please ensure that the minimum well and septic setbacks to proposed SWM practices are achieved.  
11. A health department approval is required.  
12. Based on the plan provided, it appears that the property will be served by a private septic and well.  
13. Based on the above comments and proposed site design, this office does not support this request.

**Time Tracking Start Date**      **Est. Completion Date**  
**Display E-mail Address in ACA**  **Display Comment in ACA**

**In Possession Time (hrs)**  
**Comment Display in ACA**  
 All ACA Users  
 Record Creator  
 Licensed Professional  
 Contact  
 Owner

**Estimated Hours**  
0.0

**Action**  
Updated

**Workflow Calendar**

Task Specific Information

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

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

**Reviewer Name**

408

SOLLERS W. 60

BRUNNEN 2

BRUNNEN 2

RA

OS Open Space



775

710

105

100

85

80

75

70

65

60

60

65

55

55

200 ft

