

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

APPLICANT: Judy H. Graham & Nicholas P. Jones **ASSESSMENT DISTRICT:** 2

CASE NUMBER: 2024-0212-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: January 30, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting variances to allow dwelling additions (deck and patio) with less setbacks and buffer than required and with disturbance to slopes of 15% or greater on property located at 1589 Eaton Way in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 3.33 acres of land and is located on the southeast side of Eaton Way. It is identified as Lot 107 of Parcel 514 in Grid 20 on Tax Map 39 in the Downs subdivision.

The property is zoned R1 – Residential District, is located entirely within the Chesapeake Bay Critical Area overlay, and is designated as primarily LDA – Limited Development Area with a tiny area of RCA – Resource Conservation Area located at the shoreline. The shoreline is not mapped as buffer modified and is subject to the standard buffer regulations. The lot is currently improved with a two-story, single-family, detached dwelling and other associated facilities.

PROPOSAL

The applicants proposed to replace and expand their lower level patio area, upper level deck area, steps, and retaining walls on the waterfront side of their existing dwelling. The proposed patio and deck would extend approximately 4'-3" beyond the existing patio and deck.

REQUESTED VARIANCES

§ 18-13-104(a) of the Anne Arundel County Zoning Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. § 18-13-104(b) provides for an expanded buffer where there are, among other things, steep slopes. § 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The proposed expanded deck and patio, steps, and retaining walls would necessitate a variance to disturb 1,555 square feet of the expanded buffer.

§ 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 facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. The proposed improvements would necessitate a variance to disturb 246 square feet of slopes of 15% or greater.

FINDINGS

The subject property is irregular in shape and easily exceeds the minimum 40,000 square foot area and minimum 125 foot width required for a lot in an R1 District. The existing critical area lot coverage is 7,407 square feet. The proposed coverage would increase to 7,589 square feet, which falls well below the maximum 21,753 square feet (15%) allowed by Code.

The property was the subject of a prior variance (2002-0229-V) under which approval was granted to allow for the construction of a dwelling and associated facilities with disturbance within the expanded buffer and within slopes of 15% or greater. However, it should be noted that the existing deck exceeds that which is shown on the approved variance site plan, and the existing at-grade patio is not included on the approved site plan.

The applicants' letter explains that they seek approval to rebuild an older undersized patio and deck to allow for adequate outdoor enjoyment and increased functionality.

The **Development Division (Critical Area Team)** commented that a variance was issued in 2002 to allow improvements to the property. At that time, it would have been determined that the variance approval represented the minimum necessary to provide relief for the steep slopes and expanded buffer on site. While approval for repair or in-kind replacement can be supported, further expansion into the buffer and steep slopes cannot.

The **Critical Area Commission** commented that they recognize that the proposed patio and deck expansion is minimal; however, it appears that the applicant can replace the patio and deck within the existing footprint and maintain reasonable and significant use of the property. Therefore, this variance request, as proposed, does not appear to meet the standard of unwarranted hardship. The Critical Area Commission notes that they would support an in-kind replacement.

The **Department of Health** has reviewed the on-site sewage disposal and well water supply system for the subject property and has determined that the proposed request would not adversely affect these systems. Therefore, the Department has no objection.

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

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 property is encumbered with steep slopes and the expanded buffer, limiting future expansion. However, there is already an existing at-grade patio and a substantial first floor deck on the waterfront side of the dwelling. Therefore, an unwarranted hardship does not exist. A literal interpretation of the County's Critical Area Program would not deprive the

applicants of rights that are commonly enjoyed by other properties in similar areas, as they already have full use of their property with the existing house and associated amenities.

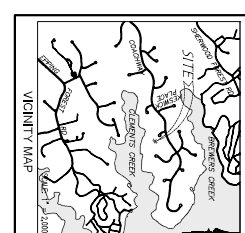
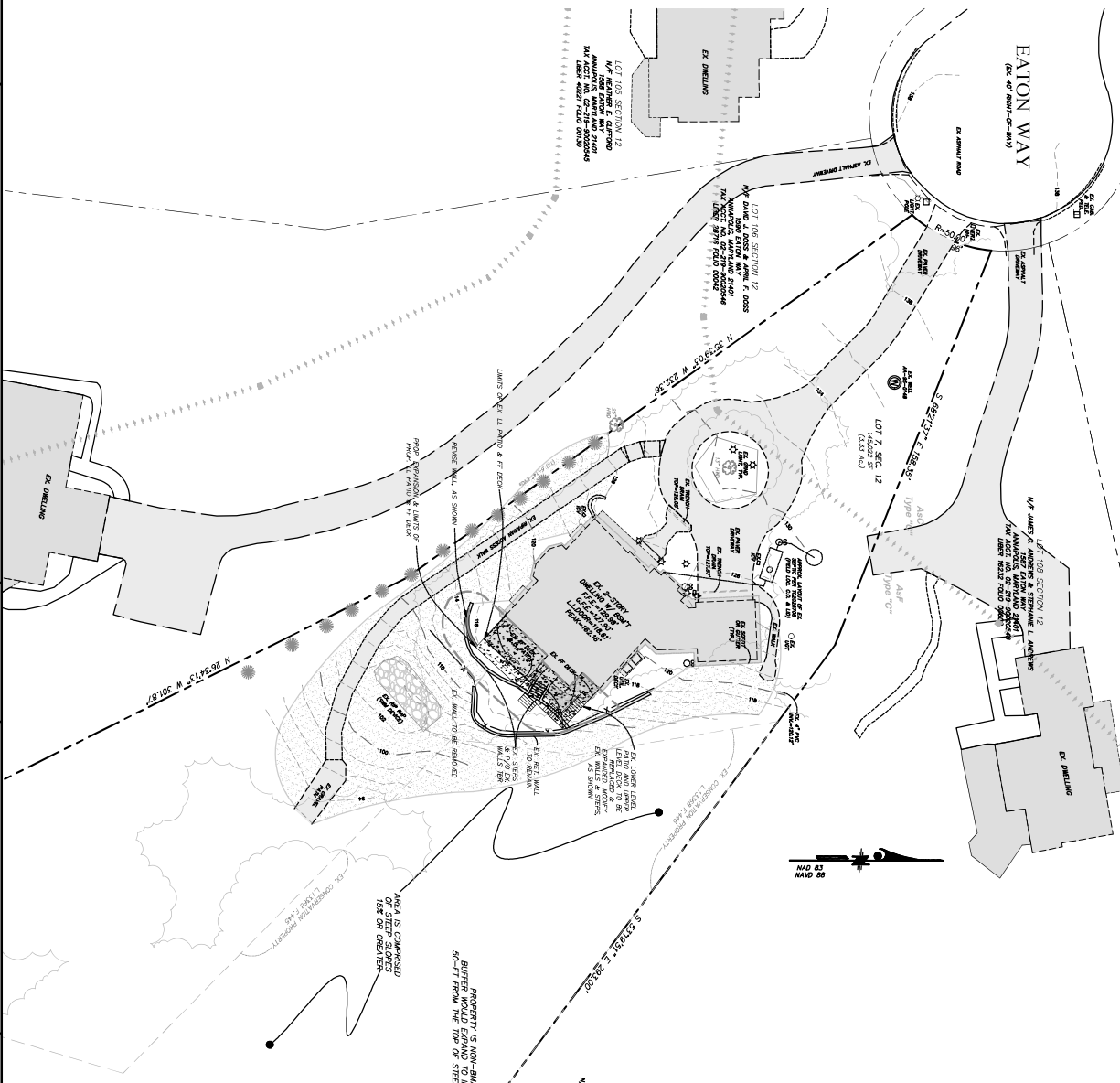
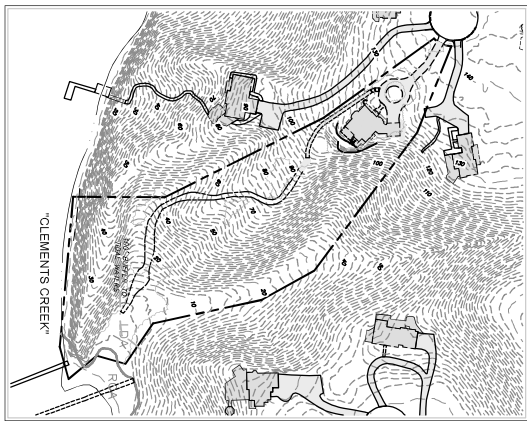
The granting of additional critical area variances for excess outside amenities above those previously approved by variance would confer on the applicants a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law. While they did remove the second large deck previously proposed between the house and the shoreline after the pre-file, that does not justify additional patio and deck expansion.

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of the adjacent properties, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. However, given that there is already an existing at-grade patio and substantial first floor deck (both of which already exceed the prior variance approval) for outdoor use and enjoyment, the variance is not warranted and cannot be considered the minimum 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 Critical Area variances to § 17-8-301 and § 17-8-201(a). However, this Office recommends ***modified approval*** of Critical Area variances to § 17-8-301 and § 17-8-201(a) to allow for the in-kind replacement of the existing patio and deck areas within the expanded buffer and steep slopes.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.



LEGEND

- Existing Contour
- Existing Utility Line
- Existing Power Line
- Existing Overhead Electric Line
- Existing Wall
- Limit of Disturbance
- Soil Elevation
- Existing Improvements
- Sheep Shovel 15% of Green

SITE TABULATIONS

Total Site Area	146,022 S.F. (3.33 Ac)
Site Zoning Designation	LAN 8 (RCA)
Lot Coverage	7,407 S.F. (0.17 Ac)
Allowable Lot Coverage	21,735 S.F. (0.50 Ac)
Proposed Lot Coverage	7,289 S.F. (0.17 Ac)
Proposed Structure	1,565 S.F. (0.34 Ac)
Other	246 S.F. (0.00 Ac)

VARIANCE PLAN

THE DOWNS ~ LOT 107, SEC. 12

1589 EATON WAY, ANNAPOLIS, MARYLAND 21401
 TAX MAP 0039, GRID 0020, PARCEL 0514, DISTRICT 2ND
 TAX ACCT. NO. 0202940029547
 ANNE ARUNDEL COUNTY, MARYLAND
 DATE: NOV. 14, 2024 PROJ. NO. D0304924 SHEET 1 OF 1

Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 35
 Annapolis, Maryland 21403
 Phone: 410.286.3122
 www.drummy.com

REVISIONS TO APPROVED PLANS

No.	DATE	BY	DESCRIPTION

PROJECT NO: D0304924
DATE: 15. APRIL, 2024
WORKING DRAWING: 01
PROJECT #: D0304924
DATE: 15. APRIL, 2024
PROJECT #: D0304924
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November 14, 2024

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

RE: THE DOWNS ~ LOT 107, SEC. 12
1589 Eaton Way
Annapolis MD, 21401
Variance Application

Sir/Madam:

Attached is a variance request application and associated submittal documents for the above referenced property. Variances to the Anne Arundel County Code are required to acquire building permits to allow modest improvements to the subject property. The requested variance to the Code relates to **Article 17, Section 8-201(a)** for redevelopment on slopes 15% or greater in the LDA and to **Article 17, Section 8-301** for disturbance to the buffer to tidal waters.

The subject property is a legal building lot located in the community of The Downs located in Annapolis. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-1, served with private well and septic, has waterfrontage on Clements Creek in a non-buffer modified section. The property is located entirely within the Chesapeake Bay Critical Area with the majority being within the LDA land use designation, and a small portion within the RCA land use designation. The existing dwelling is surrounded by steep slopes, which encumber most of the property, severely limiting and restricting the areas that allow for property improvements. The primary vegetation that covers the parcel consists of hardwood and evergreen trees, ornamental shrubs, and creeping ground cover common to wooded areas and the community.

The applicants seek approval to rebuild an older undersized patio and deck to allow for adequate outdoor enjoyment. The proposed improvements have been reduced in scope after considering pre-file comments from Anne Arundel County. The design is modest in size and allows increased functionality to the new improvements, but also ensures that the expansion occurs in a manner that minimizes environmental impact. The construction will temporarily disturb a very small portion of steep slopes in the area around the building site; however, this disturbance is primarily concentrated in areas that have already been previously altered. This approach helps to preserve the natural landscape and minimizes disruption to the steep slope area.

Due to the unique physical conditions inherent to the property, the following variances to the Anne Arundel County Code are being requested: **Article 17, Section 8-201(a)** for approximately 246-sf of disturbance on slopes 15% or greater in the LDA and to **Article 17, Section 2-301** for approximately 1,555-sf of disturbance to the expanded buffer. The need for the requested variance arises from the unique physical conditions of the site, specifically the presence of steep slopes and the mapping of the shoreline in a non-buffer modified location.

Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and would not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA/RCA, nor be detrimental to the public welfare.

We believe that these requests meet all the requirements for variance, per Article 18-16-305:

Requirements for Critical Area Variances.

1. Unique physical conditions - Specifically topography, as well as the location of the existing dwelling in relation to the slopes and buffer. Denial of the requested variance would constitute an unwarranted hardship on the applicant and deprive them of the right to redevelop and deny reasonable and significant use of the entire property.
2. Rights commonly enjoyed - The proposed improvements are similar and in character to those of surrounding properties. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the area.
3. Will not confer special privilege - Granting this variance would not confer a special privilege to the applicant. Nearby properties maintain improvements comparable to what is proposed for this project. The applicants made an effort to design the improvements in a manner that considers the location of surrounding environmental features and reduced the scope in accordance with pre-file comments.
4. Not based on conditions or circumstances that are the result of actions by the applicant - Conditions and circumstances are based on the environmental features of the site and the location of the existing improvements, not because of actions by the applicants.
5. Will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area – The proposed development will not cause

adverse impacts to fish, wildlife, or water quality in the Critical Area. Disturbance is minimized only to what is necessary to complete the project. Mitigation will occur in accordance with county regulations and will be addressed during the permitting process. Sediment and erosion controls will be utilized to ensure that construction and grading will not adversely affect the surrounding environmental features located within the Critical Area. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

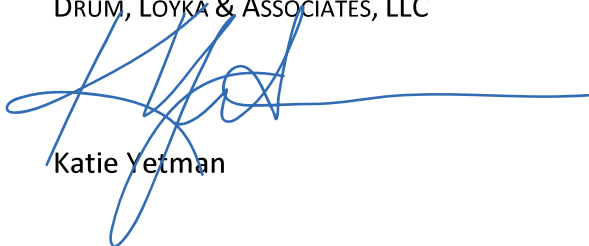
Requirements for all variances.

1. Minimum necessary - The improvements are minimal and within the scope of the surrounding properties. The improvements are sited to utilize the footprint of the existing improvements to minimize disturbance.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with other properties of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA/RCA as appropriate mitigation will be required as part of the permit process.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area.
 - v. be detrimental to the public welfare.

Thank you for your attention to this matter. Please contact us if we may be of further service during your review of this variance request.

Sincerely,

DRUM, LOYKA & ASSOCIATES, LLC



Katie Yetman

Chesapeake Bay Critical Area Report

The Downs ~ Lot 107, Sec. 12

Tax Map 39, Grid 20, Parcel 0514

Tax Account No. 02-219-90020547

Property Address: 1589 Eaton Way
Annapolis, Maryland 21401

November 14, 2024

Property Owners & Variance Applicant: Nicholas Jones & Judy Graham

Critical Area Designation: LDA

Zoning: R-2

Lot Area: 0.22 Ac.

Site Description

The subject property is a legal building lot located off Eaton Way in the community of The Downs. The site is currently improved with a single-family dwelling and associated improvements, which are surrounded by steep slopes. The lot lies along the shores of Clements Creek and is completely within the Chesapeake Bay Critical Area, with both LDA and RCA land use designations. The shoreline of Clements Creek is mapped as non-buffer modified, which expands the buffer to 50-ft from the top of steep slopes. The site is zoned R-1 and is served by private septic and well.

Description and Purpose of Variance Request

The applicant proposes to replace the existing first floor deck and lower-level patio. Due to the unique physical conditions inherent to the property, the following variance to the Anne Arundel County Code is being requested: **Article 17, Section 8-201(a)** of approximately 246-sf of disturbance on slopes 15% or greater in the LDA/RCA and to **Article 17, Section 8-301** of approximately 1,555-sf of disturbance to the buffer.

The applicants seek approval to rebuild an older undersized patio and deck to allow for adequate outdoor enjoyment. The proposed improvements have been reduced in scope after considering pre-file comments from Anne Arundel County. The design is modest in size and allows increased functionality to the new improvements, but also ensures that the expansion occurs in a manner that minimizes environmental impact. The construction will temporarily disturb a very small portion of steep slopes in the area around the building site; however, this disturbance is primarily concentrated in areas that have already been previously altered. This approach helps to preserve the natural landscape and minimizes disruption to the steep slope area.

Vegetative Coverage and Clearing

The property's primary vegetation is woodland and creeping ivy that is common to wooded areas in the community. The existing wooded area totals roughly 118,000-sf. No trees will be removed for the proposed construction and any reforestation and afforestation requirements for this property will be addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 7,407-sf of lot coverage. The proposed impervious lot coverage for this property is 7,589-sf, which is well below the max allowable coverage of 21,753-sf. The site currently has 3,720-sf of coverage by structures. The proposed coverage by structures is 3,952-sf, which is well within the allowable amount.

Steep Slopes (slopes > 15%)

The subject property is vastly affected by steep slopes which encompass almost the entire 3+ acre parcel. Approximately, 246-sf of slopes will be disturbed as part of the proposed construction, all of which is temporary and needed for access.

Predominant Soils

The predominant soil type is Annapolis Fine Sandy Loam: 5 to 10 percent slopes (AsC), 25 to 40 percent slopes (AsF), and 40 to 80 percent slopes (AsG). This soil has a type "C" hydrologic classification and both AsF and AsG are considered hydric soils.

Drainage and Rainwater Control

There appears to be existing stormwater management on site in the form of a level spreader. Stormwater management and sediment and erosion control will be provided for the proposed improvements during the permit phase of the project in accordance with Anne Arundel County design criteria.

Conclusions – Variance Standards

The need for the requested variances arises from the unique physical conditions of the site, specifically the presence of steep slopes and expanded buffer. The proposed construction lies mostly within the footprint of existing improvements. It does not require any more disturbance than if the existing improvements were to be removed or maintained. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA/RCA, nor be detrimental to the public welfare. Stormwater Management and reforestation requirements will be addressed during the permit phase of the project. Reforestation will be provided on-site to the extent practicable.

Reference:

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

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

Drum, Loyka and Associates LLC, 2024 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2003 Soil Survey of Anne Arundel County Maryland.

State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: _____ Date _____

Tax Map #	Parcel #	Block #	Lot #	Section
0039	0514	0020	107	12

FOR RESUBMITTAL ONLY	
Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>
* Complete only Page 1 General Project Information	

Tax ID

Project Name (site name, subdivision name, or other)

Project location/Address

City Zip

Local case number

Applicant: Last name First name

Company

Application Type (check all that apply):

- | | | | |
|---------------------------|--------------------------|-------------------|-------------------------------------|
| Building Permit | <input type="checkbox"/> | Variance | <input checked="" type="checkbox"/> |
| Buffer Management Plan | <input type="checkbox"/> | Rezoning | <input type="checkbox"/> |
| Conditional Use | <input type="checkbox"/> | Site Plan | <input type="checkbox"/> |
| Consistency Report | <input type="checkbox"/> | Special Exception | <input type="checkbox"/> |
| Disturbance > 5,000 sq ft | <input type="checkbox"/> | Subdivision | <input type="checkbox"/> |
| Grading Permit | <input type="checkbox"/> | Other | <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name: _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Replace and expand existing lower level patio and first floor deck with associated improvements

	Yes		Yes
Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area	0.05	
LDA Area	3.28		# of Lots Created	0	
RCA Area	0.05				
Total Area	3.33				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	2.71		Existing Impervious Surface	0.17	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.00	
Removed Forest/Woodland/Trees	0.00		Removed Impervious Surface	0.00	
			Total Impervious Surface	0.17	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.05		Buffer Forest Clearing	0.00	
Non-Buffer Disturbance	0.00		Mitigation	0.00	

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input checked="" type="checkbox"/>
Impervious Surface	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input checked="" type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Patio	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

2024-0212-V

Menu Cancel Help

Task
OPZ Critical Area Team
Assigned to Department
OPZ Critical Area
Action by Department
OPZ Critical Area
Start Time

Due Date
12/09/2024
Assigned to
Kelly Krinetz
Action By
Kelly Krinetz
End Time

Assigned Date
11/18/2024
Status
Complete w/ Comments
Status Date
12/09/2024
Hours Spent
0.0

Billable
No

Overtime
No

Comments
As noted in the prefile comments, a variance was issued in 2002 for the construction of the existing home, deck and patio. At that time, it was determined that those improvements represented the minimum necessary to provide relief for the steep slopes and expanded buffer on site. While approval for repair or in-kind replacement can be supported, further expansion into the buffer and steep slopes cannot.

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

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name



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

CAC Comments re Graham Variance 2024-0212-V

Ann Sekerak -DNR- <ann.sekerak@maryland.gov>

Wed, Dec 4, 2024 at 11:10 AM

To: pzmedi22@aacounty.org

Cc: Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>, Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

Hi Sade -

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

2024-0212-V, Graham (AA 0310-24): We recognize that the proposed patio and deck expansion is minimal; however, it appears that the applicant can replace the patio and deck within the existing footprint and maintain reasonable and significant use of the property. Therefore, this variance request, as proposed, does not appear to meet the standard of unwarranted hardship. This office would support an in-kind replacement.

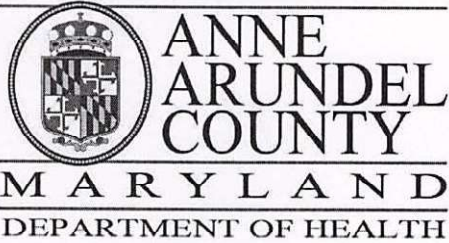
Thank you,
Annie



Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalarea

Annie Sekerak

Natural Resources Planner
Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
1804 West Street, Suite 100
Annapolis, MD 21401
410-260-3466 (office)
667-500-2027 (cell)
ann.sekerak@maryland.gov




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

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

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

FROM: Brian Chew, Program Manager
Bureau of Environmental Health 

DATE: November 25, 2024

RE: Nicholas P. Jones
1589 Eaton Way
Annapolis, MD 21401

NUMBER: 2024-0212-V

SUBJECT: Variance/Special Exception/Rezoning

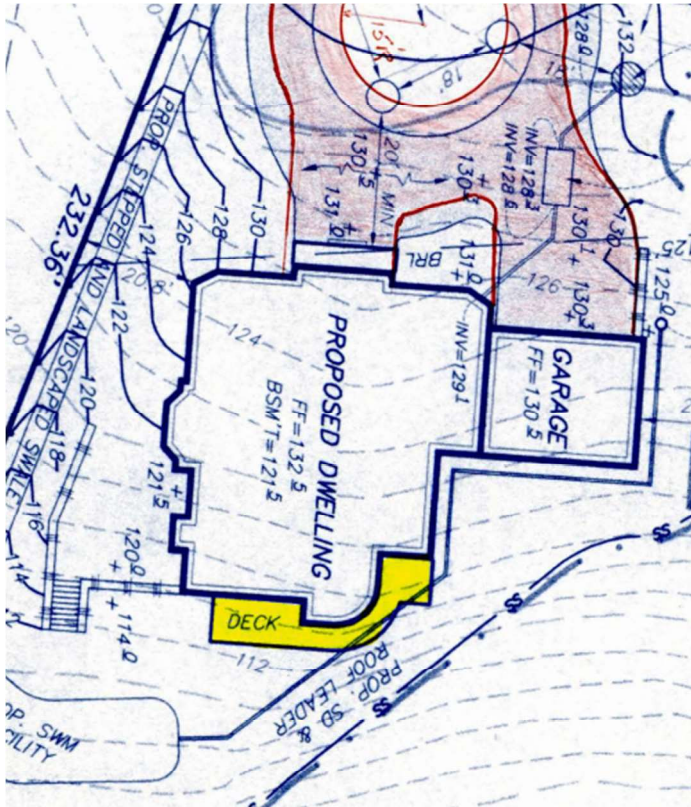
The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) with less setbacks and buffer than required and with disturbance to slopes of 15% or greater.

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

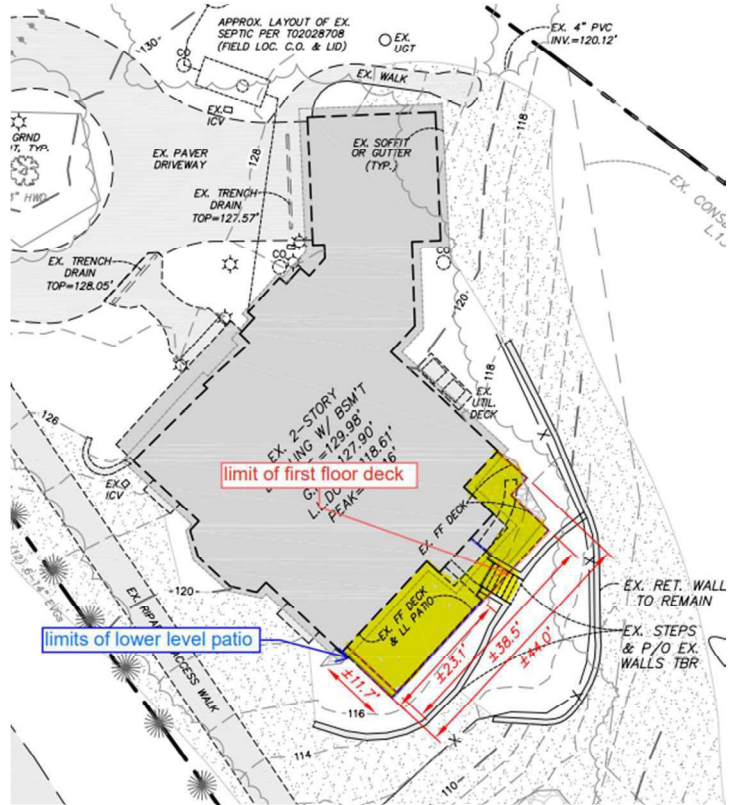
If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

Approved Variance 2002



Existing Conditions 2024



Proposed Conditions

