

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

January 13, 2025

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

RE: Hollywood on Severn, Lot E, Plat A  
6 Fetter Lane  
Severna Park, MD 21146  
TM 31 BLK 3 P 387, R-5 Zoning, Council District 5

Dear Planner:

On behalf of the property owner, M.A.F and Associates, LLC is submitting a variance application for the above-mentioned project. The property owner is proposing to submit a variance application to allow disturbance within slopes greater than 15% in the Critical Area, the associated 25' buffer as well as developing within the 100' buffer to mean high water. This request is being made to allow for the construction of a wood deck and ramp to grade. These new decks will be constructed in the same location as the existing raised concrete patio. With the existing house lying mostly within the 100' buffer, there is no way of constructing the new wood deck without having development occur within the buffer. Since we are required to show a minimum 10' perimeter limit of disturbance and the location of the house with regards to the steep slopes, the plan shows impacts to steep slopes and the 25' steep slope buffer. This proposal will require a variance to allow development within the 110' buffer as well as within slopes greater than 15% in the Critical Area and the associated 25' buffer. The wood deck has a footprint of approximately 46' x 16' at its largest part. The wood deck is setback as close as 25.53' from the northern side property line, as close as 32.96' from the eastern side property line, and as close as 43.77' from the western property line and 56.85' from tidal water.

The existing home is situated at the top of a 30-foot bluff with a straight drop to the Severn River. There is an existing raised concrete patio (507 sq ft) with no railing which appears to date back to original construction. The owners have three small dogs which could easily squeeze through a fence. The cliff poses a danger to them. A deck would allow them to close off an outdoor area with a solid railing/glass barrier. They are currently unable to use the outdoor area when our young grandchildren visit due to the danger of the cliff. The back yard is simply an unsafe place to gather. The owner's elderly mother (89) is a fall risk. The ability to enter the home without using steps would improve her safety.

The existing house has two doors on the west side of the house which currently do not have steps or any form of egress. There is an additional door on the back of the house which serves as egress from the Master Bedroom. There are currently no steps or other form of egress from this door.

This lot was severely neglected for many years. The owners removed at least 10 dead trees killed by an overgrowth of wisteria. Living trees were devined to allow for the growth of new vegetation. There is no lawn, and the ground is eroding with every rainfall. Now that the property is being used, the constant foot traffic coupled with erosion prevents the growth of a lawn. The owners are trying to keep the area covered with wood chips which are easily washed away. We would like to divert foot traffic to the deck which would bypass this section of the yard. The owners will plant this section with native plants and shrubs, preventing foot traffic through this narrow, eroding unsafe area. Steps at the east side of the deck would deposit foot traffic to the larger area of the yard, furthest away from the steep edge.

With the property owner having many family members residing nearby including infants, toddlers and young children - they seek a modest expansion of the current patio with decking material which will allow water to flow through. The owners desire a safe space to spend time together outside as a family and enjoy the beautiful views that the Severn River offers.

Please note this is a R5 zoned property and therefore required to meet the setbacks as required in 18-4-701 of the County Code. For a principal structure, this section of the County Code requires a front setback of 25', a side setback of 7', and a rear setback of 20'. We are meeting all the required setbacks with the replacement decks.

Development within the expanded buffer is prohibited per 17-8-301(b) of the County Code.

The proposed development will require a variance to allow 2,157 square feet of disturbance for development within the 100' buffer to allow for the construction of a new wood deck and allow for planting to provide erosion control for the area of the yard at the top of slope. The deck square footage is 704 square feet of which 445 square feet falls over the existing raised concrete patio.

Disturbance to slopes greater than 15% in the critical area is prohibited per 17-8-201 of the County Code.

We are proposing 440 square feet of disturbance to slopes greater than 15% in the critical area, necessitating a critical area variance. Of the 440 square feet of steep slope disturbance, approximately 75 square feet is permanent disturbance for the proposed deck footers. The remaining 365 square feet is temporary disturbance. Please note, most of the proposed wood deck is being constructed over the existing raised concrete patio.

**Profile Comments:**

**Critical Area Team:**

The Critical Area Team commented that they would support the in kind replacement/ repair of the existing patio only. No additional development should be placed within the buffer on this property. The Team advises that the Critical Area Team and the Forestry Division of the Office of Inspections and Permits can work with the property owner to install a fence to address the safety concerns as well as to develop a planting plan to address any erosion issues.

**Our response:** The proposed deck size has been reduced to be primarily over the existing raised concrete patio. The area of proposed decking outside of the existing raised concrete patio allows for safe access from the house. The owner will work with the Department of Inspection and Permits for the required planting plan to address erosion issues.

**Zoning Administration Section:**

The Zoning Administration Section concurs with the Critical Area Team regarding the proposed critical area variance. Additionally, the variance site plan must show the 100-foot buffer, the steep slopes, and their associated 25-foot slope buffer. The site plan must also show the zoning line between the R5 portion of the lot and the MA 1 portion of the lot. The existing house is currently located entirely within the R5 portion of the lot, and the proposed deck must remain in the R5 portion of the lot.

The applicant is advised that, in order for a Critical Area variance to be approved, the applicant must demonstrate, and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Sec on 18-16-305(b) and (c), including that the variance is the minimum necessary. The proposed deck size is considered to be excessive. If the applicant decides to proceed with the variance request, they should consider a significant reduction in the proposed deck area, should correct the site plan deficiencies described above, and should address all of the variance standards in the letter of explanation. Please contact Joan Jenkins at [pzjenk00@aacounty.org](mailto:pzjenk00@aacounty.org) to replace the previously submitted documents in variance application 2024-0157-V. .

**Our response:** The site plan has been revised to include the 100-foot buffer, the steep slopes, and their associated 25-foot slope buffer. The zoning line has been added to the site plan. The proposed deck is located entirely within the R5 portion of the lot.

The deck size has been reduced in size as requested. The variance letter has been revised as required.

We feel that the property owner should have the right to build a wood deck that will provide safe use along the waterfront side of the property. We feel this application meets the variance standards provided under Section 18-16-305 (b) and (c)

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

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

This site is an existing, legally platted, R5 lot. The lot is developed with a single-family dwelling, raised concrete patio and multiple retaining walls and a driveway for access. Steep slopes cover most of the waterfront side of the lot as well as the eastern portion lot. The existing raised concrete patio is not safe for use because of the height and lack of railings. The new wood deck is proposed over the existing concrete patio. Steep slopes are adjacent to the existing raised concrete patio. This entire area lies within the 100' buffer to mean high water. The county requires a minimum amount of disturbance from the proposed structure. We are required to show a 10' disturbed area around the proposed wood deck. This restricts the owner's ability to construct the new wood deck without steep slope disturbance. There is very little area around the wood decks that are not steep slopes. With the size of the site, the amount of steep slopes, and the location of the existing house and raised concrete patio, there is no way of building the wood deck without the need for these critical area variances. These are the unique characteristics of the lot.

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

The entire waterfront side of the house lies within the 100' buffer. The steep slopes existing just off the raised concrete patio that is proposed to be covered by the new wood deck. The county requires a minimum amount of disturbance from the structure. We are required to show a 10' disturbed area around the proposed wood decks. This restricts the owner's ability to construct the addition without steep slope disturbance. The granting of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot

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

This site is an existing, legally platted, R5 lot. The lot is developed with a single-family dwelling, raised concrete patio and multiple retaining walls and a driveway for access. Steep slopes cover most of the waterfront side of the lot as well as the eastern portion lot. The existing raised concrete patio is not safe for use because of the height and lack of railings. The new wood deck is proposed over the existing concrete patio. Steep slopes are adjacent to the existing raised concrete patio. This entire area lies within the 100' buffer to mean high water. The county requires a minimum amount of disturbance from the proposed structure. We are required to show a 10' disturbed area around the proposed wood deck. This restricts the owner's ability to construct the new wood deck without steep slope disturbance. There is very little area around the wood decks that are not steep slopes. With the size of the site, the amount of steep slopes, and the location of the existing house and raised concrete patio, there is no way of building the wood deck without the need for these critical area variances. These are the unique characteristics of the lot. These are the unique characteristics of the lot.

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

The applicant would not be able to improve their property if this variance is not approved. The applicant should have the right to build a wood deck in order to provide safe use of the waterfront portion of their property. This area of the property does not provide safe use of the waterfront as it is now.

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

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

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

The owner of the property has the right to have safe use of the waterfront portion of their property. The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area.

The existing home is situated at the top of a 30-foot bluff with a straight drop to the Severn River. There is an existing raised concrete patio (507 sq ft) with no railing which appears to date back to original construction. The owners have three small dogs which could easily squeeze through a fence. The cliff poses a danger to them. A deck would allow them to close off an outdoor area with a solid railing/glass barrier. They are currently unable to use the outdoor area when our young grandchildren visit due to the danger of the cliff. The back yard is simply an unsafe place to gather. The owners elderly mother (89) is a fall risk. The ability to enter the home without using steps would improve her safety.

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

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

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

This proposal will not increase the total site lot coverage. The proposed deck will be constructed over the existing raised concrete patio. The deck will be constructed with gaps between the decking boards. The owner is proposing landscape plantings in a greater number than the county requirements. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program

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

This site is not within a bog protection area.

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

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

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

The applicant is proposing to build most of the new wood deck over the existing raised concrete patio. This will decrease the amount of ground disturbance. Any site planning alternatives would increase the overall site disturbance and impacts to the 100' buffer as well as the steep slopes.

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

This variance is the minimum variance necessary to afford relief in that most of the new wood deck over the existing raised concrete patio. This will decrease the amount of ground disturbance, therefore only having a minimum permanent impact to the 100' buffer and steep slopes. This is a minimal 100' buffer and steep slope impact. We feel this request is the minimum variance necessary to afford relief

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

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

The approval of these variances will not alter the essential character of the neighborhood. The house is in keeping with other homes in the neighborhood.

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

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

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

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

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

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

***(v) be detrimental to the public welfare:***

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'M. A. Forgen', with a large, stylized flourish extending to the right.

Matthew A. Forgen



**LEGEND**

38 --- 38 Existing Grade

--- LOD Limit of Disturbance

[Dashed Box] Existing structure

[Wavy Line] Existing Treeline

[Solid Box] Proposed Structure

[Cross-hatch] 25% Steep Slopes

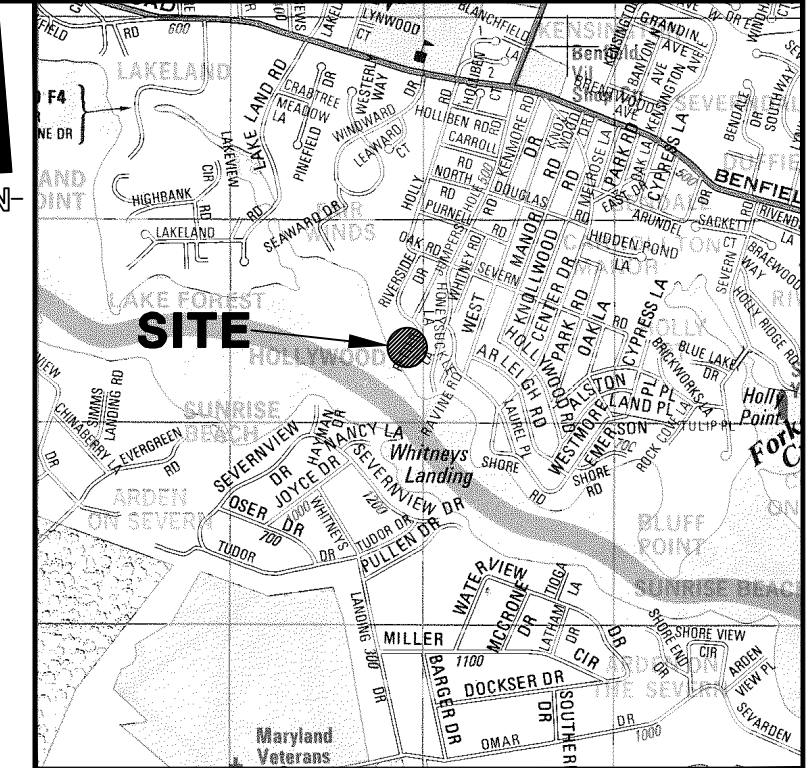
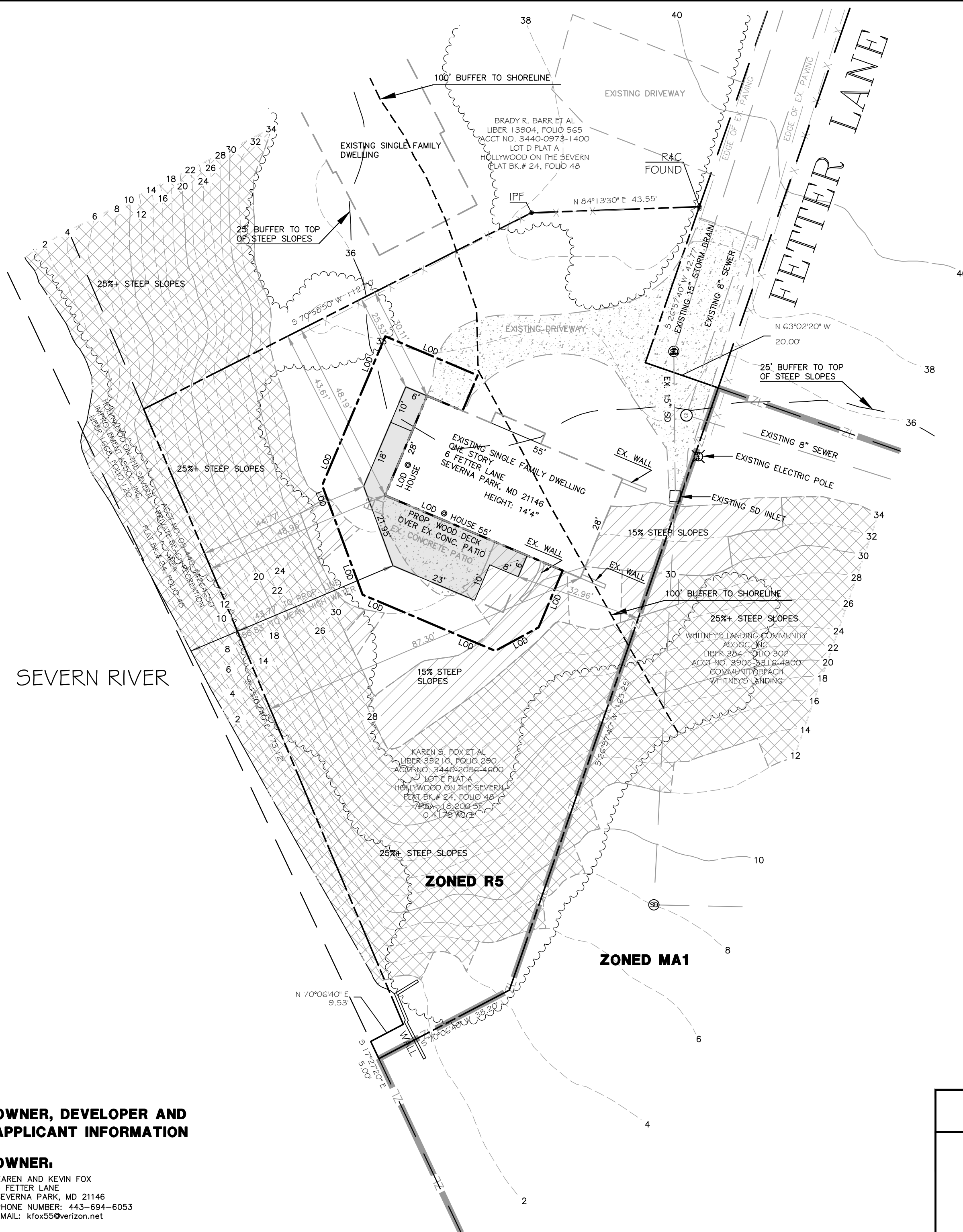
[Diagonal Hatch] 15% Steep Slopes

--- X --- Existing Fence

**ZONED R5**

**ZONED MA1**

--- ZL --- Zoning Line



**VICINITY MAP**

SCALE: 1" = 2,000'

ADC MAP: 14, GRID: E5

Copyright ADC The Map People

Permitted Use Number 20811204

SITE DATA	
PROPERTY ADDRESS:	6 FETTER LANE SEVERNA PARK, MD 21146
OWNER:	KAREN AND KEVIN FOX 6 FETTER LANE SEVERNA PARK, MD 21146
DEVELOPER:	KAREN AND KEVIN FOX 6 FETTER LANE SEVERNA PARK, MD 21146
EXISTING USE:	RESIDENTIAL
PROPOSED USE:	RESIDENTIAL
EXISTING ZONING:	R5
SETBACKS:	FRONT: 25', SIDE: 7', REAR: 20'
TAX MAP:	31
BLOCK:	3
PARCEL:	387
LOT:	E
ASSESSMENT DISTRICT:	THIRD
TAX ACCOUNT NUMBER:	3440-2086-4600
CRITICAL AREA:	LDA
TOTAL SITE AREA:	0.4178 ACRES 18,200 SQUARE FEET
EXISTING LOT COVERAGE:	0.0764 ACRES 3,326 SQUARE FEET
PROPOSED LOT COVERAGE:	0 ACRES 0 SQUARE FEET
TOTAL DISTURBED AREA:	0.0495 ACRES 2,157 SQUARE FEET
PROPOSED STRUCTURE HEIGHT:	N/A

- CRITICAL AREA CALCULATIONS (LDA)**
- Total site area: 18,200 s.f. or 0.4178 AC.
  - Total lot coverage allowed: 31.25% or 5,687s.f.
  - Total woods on site: 6,200 +/- square feet or 34.07%+/- of the site.
  - Total woods to be cleared in 100' buffer: 0 square feet
  - Total woods to be cleared out of 100' buffer: 0 square feet
  - Total woods required on site: 15% or 2,730 square feet.
  - Total existing lot coverage: House 1,583 s.f.  
Drive: 1,236 s.f.  
Patio: 507 s.f.  
Total: 3,326 s.f. 18.27% (to remain)
  - Total proposed lot coverage: 0 s.f.
  - Total lot coverage after construction: 3,326 s.f.
  - Total lot coverage increase: 0 square feet
  - Total afforestation required: 0 square feet
  - Total clearing mitigation required: 0 square feet

**M.A.F. & ASSOCIATES, LLC**

55 JONES STATION ROAD. W.  
SEVERNA PARK, MD 21146  
PHONE: 443-864-8589

EMAIL: MFORGEN@AOL.COM

**OWNER, DEVELOPER AND APPLICANT INFORMATION**

**OWNER:**  
KAREN AND KEVIN FOX  
6 FETTER LANE  
SEVERNA PARK, MD 21146  
PHONE NUMBER: 443-694-6053  
EMAIL: kfox55@verizon.net

**DEVELOPER/APPLICANT:**  
KAREN AND KEVIN FOX  
6 FETTER LANE  
SEVERNA PARK, MD 21146  
PHONE NUMBER: 443-694-6053  
EMAIL: kfox55@verizon.net

**SITE DEVELOPMENT PLAN**

**HOLLYWOOD ON SEVERN**  
**LOT E PLAT A**  
**6 FETTER LANE, SEVERNA PARK, MD 21146**

TAX MAP 31 BLOCK 3 PARCEL 387 TAX ACCOUNT #: 3440-2086-4600 ZONING: R5

DATE: FEBRUARY 11, 2025

THIRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

**SHEET 1 of 1**

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

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: Anne Arundel County

Date: 1-13-2025

Tax Map #	Parcel #	Block #	Lot #	Section
31	387		E	

**FOR RESUBMITTAL ONLY**

Corrections

Redesign

No Change

Non-Critical Area

\*Complete Only Page 1  
 General Project Information

Tax ID: 3440-2086-4600

Project Name (site name, subdivision name, or other) HOLLYWOOD ON SEVERNA

Project location/Address 6 FETTER LAKE

City SEVERNA PARK Zip 21146

Local case number \_\_\_\_\_

Applicant: Last name FOX First name KAREN & KEVIN

Company \_\_\_\_\_

**Application Type (check all that apply):**

- |   |  |
|---|--|
| Building Permit <input checked="" 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 AACo Zoning Administration Section First name \_\_\_\_\_

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # \_\_\_\_\_ Hearing date TBD

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

CONSTRUCT WOOD DECK AND ACCESS TO EXISTING HOUSE.

Intra-Family Transfer   
 Grandfathered Lot

Growth Allocation   
 Buffer Exemption Area

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

Commercial   
 Consistency Report   
 Industrial   
 Institutional   
 Mixed Use   
 Other

Recreational   
 Redevelopment   
 Residential   
 Shore Erosion Control   
 Water-Dependent Facility

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

	Acres	Sq Ft
IDA Area		
LDA Area		18,200
RCA Area		
Total Area		

Total Disturbed Area  Acres  Sq Ft 3,157

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		6200 +/-	Existing Lot Coverage		3,326
Created Forest/Woodland/Trees		0	New Lot Coverage		0
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		3,326

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		3,157	Buffer Forest Clearing		0
Non-Buffer Disturbance		0	Mitigation		0

Variance Type

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

Structure

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

# **Hollywood on Severn, Lot E Plat A**

**6 Fetter Lane, Severna Park, MD 21146**

## **CRITICAL AREA REPORT**

**PREPARED BY:**

**M.A.F. & ASSOCIATES, LLC**

**55 Jones Station Road, W.  
Severna Park, MD 21146**

**443-864-8589**

**January 13, 2025**

## **INTRODUCTION**

The lot is located at 6 Fetter Lane, Severna Park, MD 21146. This is a legal, improved lot as defined by Article 17-1-101 (65). The property improvements consist of a single-family dwelling, driveway, and raised concrete patio. This lot lies entirely within the IDA portion of the Chesapeake Bay Critical Area. The property owner is proposing to construction of a wood deck and ramp to grade. The new deck will be constructed in the same location as the existing raised concrete patio. With the existing house lying mostly within the 100' buffer, there is no way of constructing the new wood deck without having development within the buffer. Since we are required to show a minimum 10' perimeter limit of disturbance and the location of the house with regards to the steep slopes, the plan shows impacts to steep slopes and the 25' steep slope buffer.

## **VICINITY MAP**

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

## **NARRATIVE**

### **EXISTING CONDITIONS**

The property improvements consist of a single-family dwelling, driveway, and raised concrete patio. The lot is partially wooded. The property slopes towards the western side of the property to tidal waters (Severn River). The property slope is approximately 15% to over 25% to the west and southern side of the property.

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

### **PROPOSED DEVELOPMENT**

The property owner is proposing to construction of a wood deck and ramp to grade. The new deck will be constructed in the same location as the existing raised concrete patio. The disturbance required to construct the deck will take place on steep slopes and the buffer to the steep slopes. The deck is proposed within the 100' buffer to tidal waters

### **STORMWATER MANAGEMENT**

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

## **IMPACT MINIMIZATION**

Due to the location of the existing house, the 100' buffer and the steep slopes, there is no way to construct the wood deck without this minimal impact. The new decks will not project any closer to the shoreline than the raised concrete patio. We feel that this development demonstrates a minimal impact on the environment.

## **HABITAT PROTECTION AREAS**

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

## **AFTER CONSTRUCTION CONDITIONS AND SITE CALCULATIONS**

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

Total site area	18,200 sf
Existing woodland	+/-6,200 sf
Proposed clearing	0 sf
Proposed planting	0 sf
Existing impervious coverage prior	3,326 sf
Allowed lot coverage	No limitation in the IDA
Proposed lot coverage	0 sf
Proposed lot coverage reduction	0 sf
Existing and proposed lot coverage	3,326 sf

## **CONCLUSIONS**

The lot in question is a legal lot located in an established community. It's not possible to construct the wood deck without the need for the requested variance based on the location of the existing house and raised concrete patio.

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

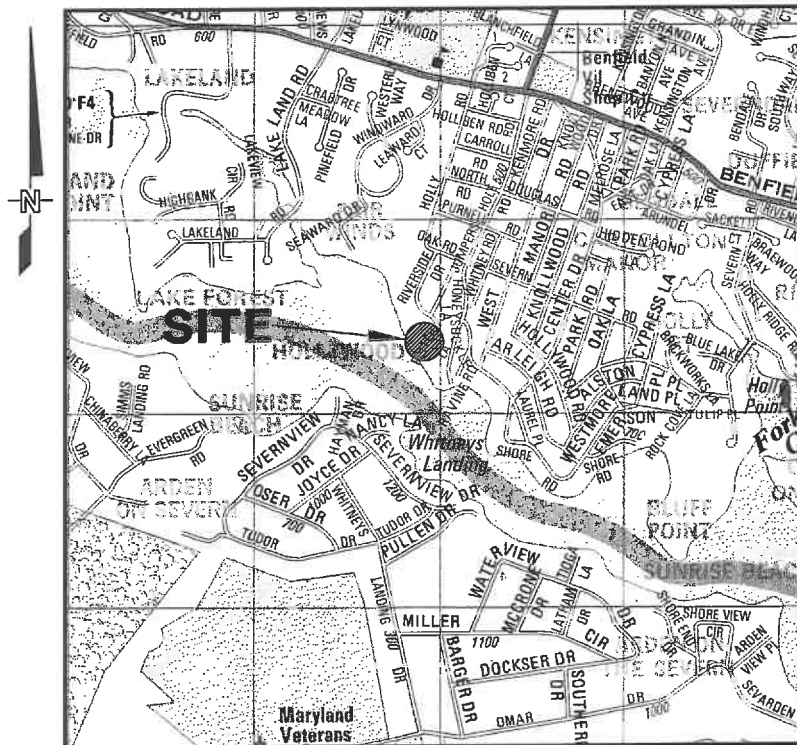
## **PLANS**

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

## **ADDITIONAL INFORMATION**

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

The fieldwork was conducted on January 5, 2025.



## VICINITY MAP

SCALE: 1" = 2,000'

ADC MAP: 14, GRID: E5

Copyright ADC The Map People

Permitted Use Number 20811204

# CRITICAL AREA MAP FOR 6 FETTER LANE, SEVERNA PARK, MD 21146



## Legend

### Parcels



### Critical Areas

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


### Labels

-  State Road Label
-  Interstate / US Road Label
-  Local Road Label
-  Fire Police Label
-  Streams Label

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



 THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



**CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN**

Permit Number \_\_\_\_\_

Total Site Area 14,705 sq ft Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area \_\_\_\_\_ Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

\* Please Indicate Square Footage of Woodland Removed for the following:

- |                                  |  |
|----------------------------------|--|
| 1. House <u>0</u> Sq. Ft.        | 5. Accessory Structure <u>0</u> Sq. Ft.                              |
| 2. Septic or sewer _____ Sq. Ft. | 6. Additions _____ Sq. Ft.   |
| 3. Well _____ Sq. Ft.            | 7. Storm Water Management _____ Sq. Ft.                              |
| 4. Driveway _____ Sq. Ft.        | 8. Other Clearing: work area; access; stockpiles, etc. _____ Sq. Ft. |

\* Total Woodland Removed = \_\_\_\_\_ Sq. Ft.

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

\* Please Indicate Square Footage of Impervious Coverage for the following:

- | <u>Existing Impervious</u>                         | <u>Proposed Impervious</u>                              |
|--|---|
| 1. House (roof area) <u>1,556</u> Sq. Ft.          | 1. House (roof area) _____ Sq. Ft.                      |
| 2. Driveway + Sidewalks <u>720</u> Sq. Ft.         | 2. Driveway + Sidewalks _____ Sq. Ft.                   |
| 3. Accessory Structures <u>423 (patio)</u> Sq. Ft. | 3. Accessory Structures _____ Sq. Ft.                   |
|  | 4. Additions <u>pervious flow-thru deck 390</u> Sq. Ft. |

\* Total Existing and Proposed Impervious Coverage 2,699 Sq. Ft.

Ⓢ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Kevin F Fox, Karen S Fox, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # E, block # Plat A of Subdivision Hollywood on the Severn.

I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

\_\_\_\_\_ (Signature) 8/2/24 (Date)

Owner \_\_\_\_\_ (Title)

\_\_\_\_\_ (Signature) 8/2/24 (Date)

Owner \_\_\_\_\_ (Title)

Kevin & Karen Fox  
6 Fetter Lane  
Severna Park, MD 21146

July 30, 2024

Office of Planning and Zoning  
2664 Riva Road #3  
Annapolis, MD 21401

To Whom It May Concern,

This letter is to serve as explanation and description for the variance application for 6 Fetter Lane in Severna Park, Maryland. Owners Karen S Fox and Kevin F Fox. Any questions or comments may be addressed directly to us, Karen & Kevin Fox.

This project was submitted via permit application AACO Record # B02426446. Zoning Review comments refers to the need for a Variance.

#### VARIANCE

*Your property is located within the Critical Area and is subject to the 100-foot buffer landward of the mean high water line of tidal water. During review of the building permit site plan it was found that the proposed deck will be less than 100-feet from the mean high water line of the Severn River. Prior to approval of the building it will be required that you obtain a variance to the 100-foot buffer setback from the mean high water line of the Severn River.*

**We request this variance in consideration of the following factors: 1) Safety, 2) Egress from existing doors, 3) Erosion control, 4) Family gathering area to enjoy outdoor living**

**SAFETY**

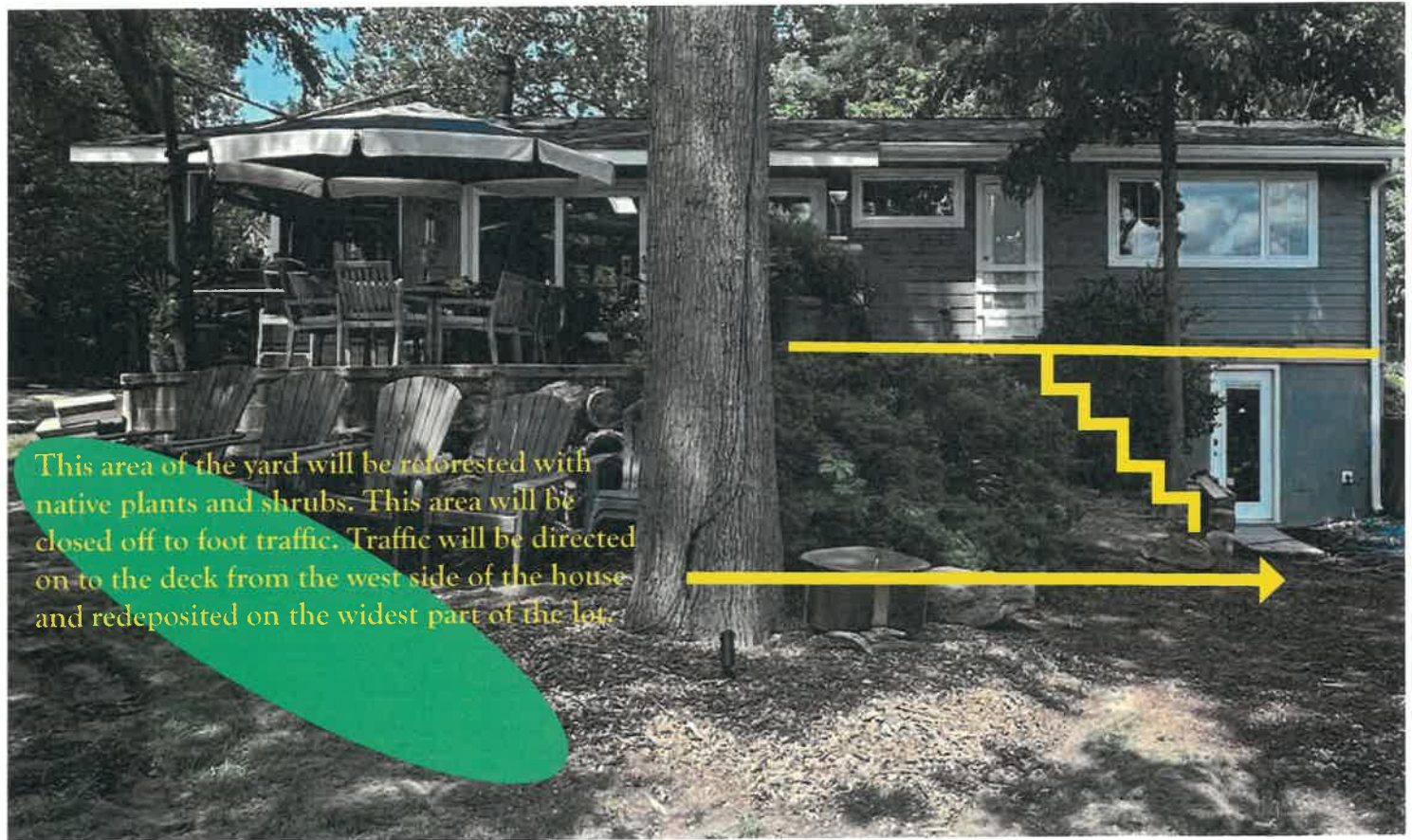
Our home is situated at the top of a 30 foot bluff with a straight drop to the Severn River. There is an existing concrete patio (423 sq ft) with no railing which appears to date back to original construction. We have three small dogs which could easily squeeze through a fence. The cliff poses a danger to them. A deck would allow us to close off an outdoor area with a solid railing/glass barrier. We are currently unable to use the outdoor area when our young grandchildren visit due to the danger of the cliff. The back yard is simply an unsafe place to gather. Karen's elderly mother (89) is a fall risk. The ability to enter the home without using steps would improve her safety.



This area of the yard will be reforested with native plants and shrubs and will be closed off to foot traffic.

EGRESS

The home has two doors on the west side of the house which currently do not have steps or any form of egress. There is an additional door on the back of the house which serves as egress from the Master Bedroom. There are currently not steps or other form of egress from this door.



EROSION CONTROL

This lot was severely neglected for many years. We removed at least 10 dead trees killed by an overgrowth of wisteria. Living trees were devined to allow for the growth of new vegetation. There is no lawn and the ground is eroding with every rainfall. Now that the property is being used, the constant foot traffic coupled with erosion prevents the growth of a lawn. We try keep this area covered with wood chips which are easily washed away. We would like to divert foot traffic on to the deck which would bypass this section of the yard. We will plant this section with native plants and shrubs, preventing foot traffic through this narrow, eroding unsafe area. Steps at the east side of the deck would deposit foot traffic to the larger area of the yard, furthest away from the steep edge.



*Future garden area to prevent erosion and divert foot traffic.*



## REFORESTATION

At the time of hillside restoration in 2020/21 where dead trees and invasive vines were removed, reforestation occurred in accordance with county requirements. Currently, additional reforestation has begun on this hillside. Our goal is to cover this hillside with county-approved native trees, shrubs, grasses and perennials.

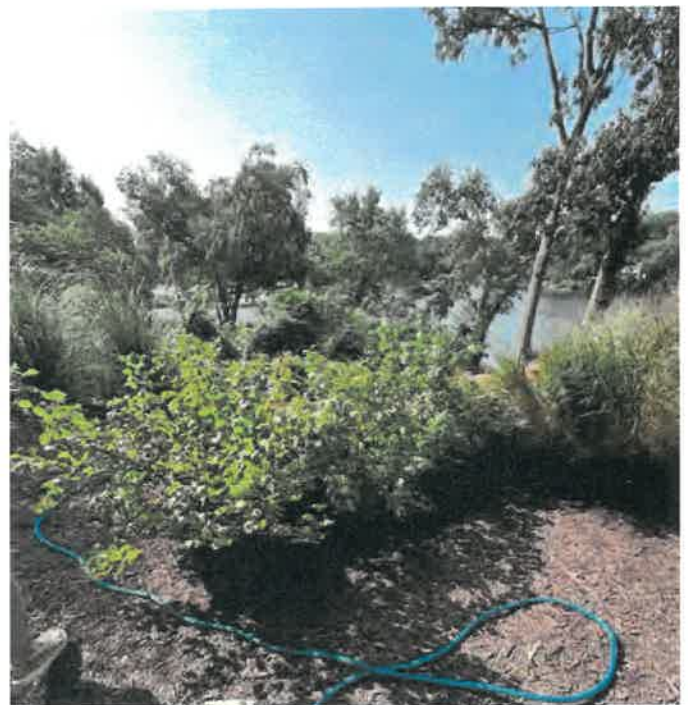
Purchased and being planted:

Qty 2 - 7 foot Sweet Bay Magnolias, multi-stem

Qty 8 - low growing Sumac in 5 gallon pots

Qty 30 - large Switch Grass in 5 gallon pots

Qty 6 - Fire Power Nandina in 5 gallon pots



## FAMILY GATHERING

With many family members residing nearby including infants, toddlers and young children - we seek a modest expansion of the current patio with decking material which will allow water to flow through. We desire a safe space to spend time together outside as a family and enjoy the beautiful views that the Severn River affords.

### **Description of Proposed Deck**

- West side of the house: A ramp starting at the driveway leading to a 6 foot wide walkway which provides egress from both side doors and connects that space with the existing patio area. (add 102 sq. ft)
- Deck over the existing patio (existing 423 sq. ft.), raising the elevation of the deck to allow a wheelchair or walker to easily access enter the residence to accommodate Karen's 89 year old mother.
- Add decking to increase living space and allow egress from master bedroom door. (add 288 sq. ft)
- Original patio will not be disturbed
- All footers will be hand-dug
- No heavy equipment will be used
- All measures necessary will be employed to protect the integrity of the existing slope
- Reforestation will exceed AACO requirements

Please reach out to us if we can answer any questions. Contact information is below.

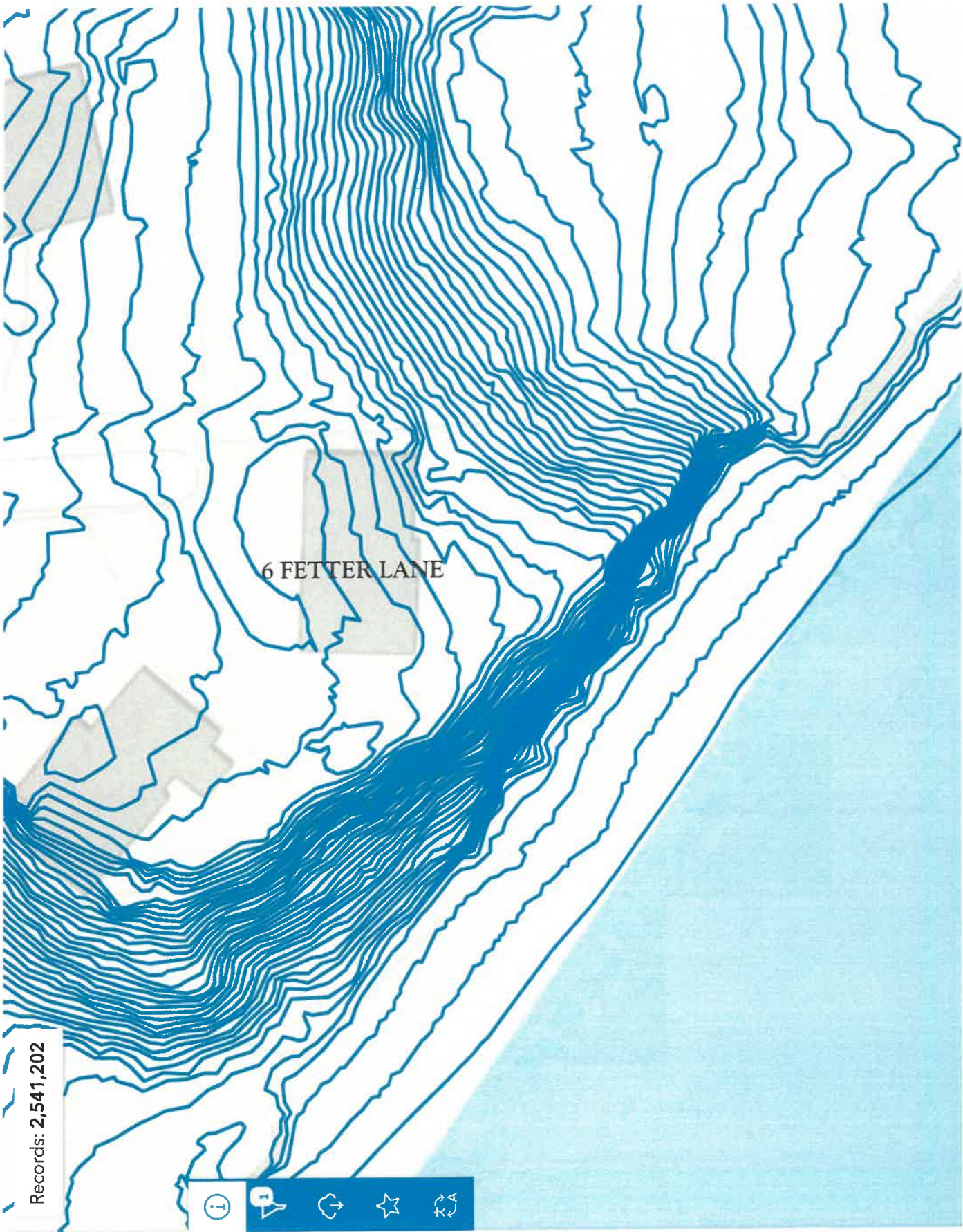
Sincerely,

A handwritten signature in black ink that reads "Karen". The signature is written in a cursive, flowing style.

Karen & Kevin Fox

Karen Fox 443-562-1018 (kfox55@verizon.net)

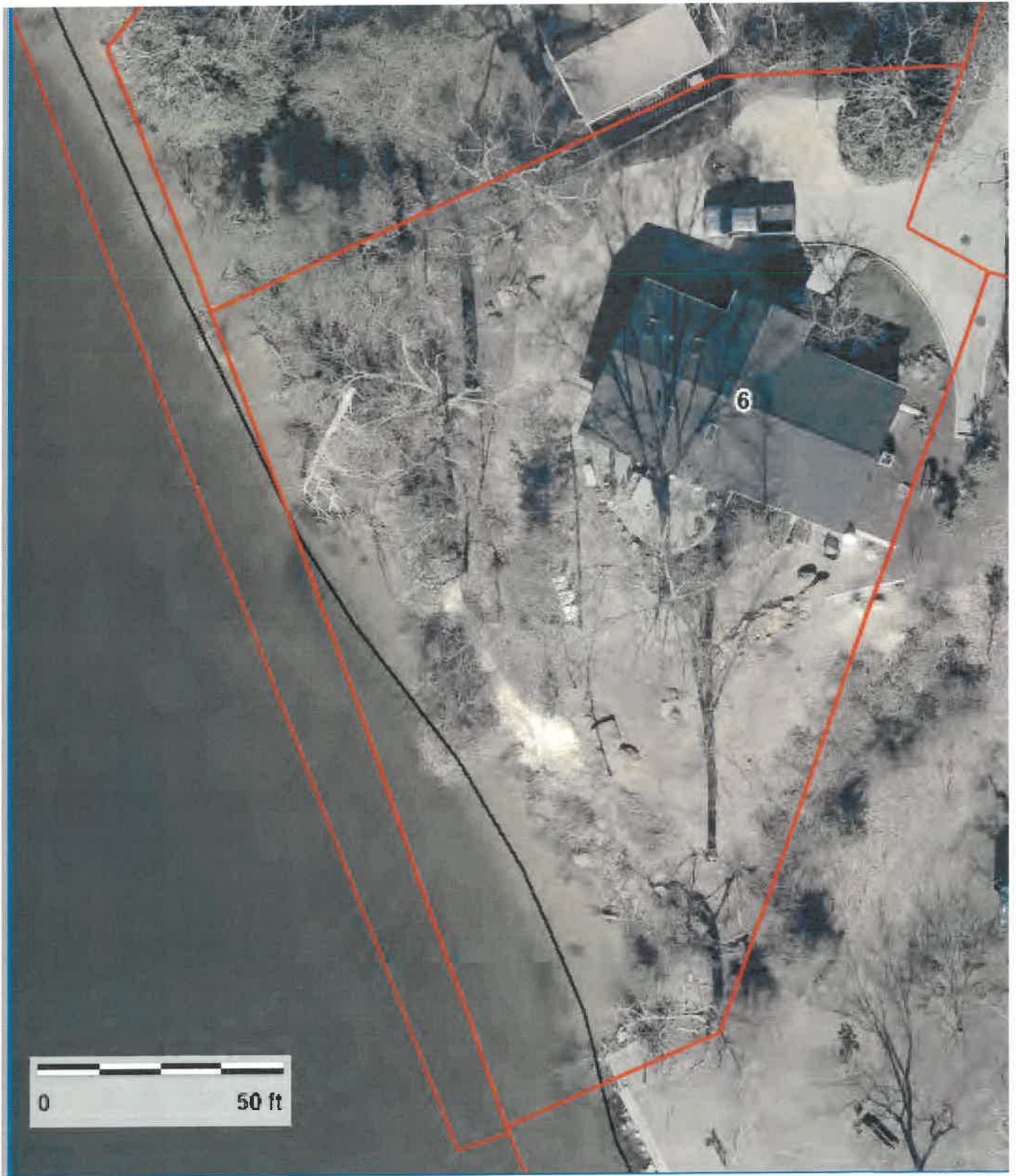
Kevin Fox 443-694-6053



Records: 2,541,202









## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE (2024-0078-P)

DATE OF MEETING: 08/29/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Karen Fox EMAIL: kfox55@verizon.net

SITE LOCATION: 6 Fetter Lane, Severna Park LOT SIZE: 14,705 sf ZONING: R5 & MA1

CA DESIGNATION: IDA BMA: No or BUFFER: Yes APPLICATION TYPE: Critical Area Variance

The applicant is requesting a variance for disturbance within the 100-foot buffer to allow construction of an irregularly shaped deck over an existing patio (to remain) on the waterfront side of the existing dwelling. The proposal would also require a modification for disturbance (LOD) within the 25-foot buffer to steep slopes.

The applicant attests that the variance is necessary for 1) safety, 2) egress from the existing doors, 3) erosion control, and 4) family gathering area to enjoy outdoor living. A detailed description of each was provided.

#### COMMENTS

The **Critical Area Team** commented that they would support the in kind replacement/ repair of the existing patio only. No additional development should be placed within the buffer on this property. The Team advises that the Critical Area Team and the Forestry Division of the Office of Inspections and Permits can work with the property owner to install a fence to address the safety concerns as well as to develop a planting plan to address any erosion issues.

The **Zoning Administration Section** concurs with the Critical Area Team regarding the proposed critical area variance. Additionally, the variance site plan must show the 100-foot buffer, the steep slopes, and their associated 25-foot slope buffer. The site plan must also show the zoning line between the R5 portion of the lot and the MA 1 portion of the lot. The existing house is currently located entirely within the R5 portion of the lot, and the proposed deck must remain in the R5 portion of the lot.

The applicant is advised that, in order for a Critical Area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305(b) and (c), including that the variance is the minimum necessary. The proposed deck size is considered to be excessive. If the applicant decides to proceed with the variance request, they should consider a significant reduction in the proposed deck area, should correct the site plan deficiencies described above, and should address all of the variance standards in the letter of explanation. Please contact Joan Jenkins at [pzjenk00@aacounty.org](mailto:pzjenk00@aacounty.org) to replace the previously submitted documents in variance application 2024-0157-V. .

#### INFORMATION FOR THE APPLICANT

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

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

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

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