



303 Najoles Road - Suite 114
Millersville, MD 21108

Phone: 410-987-6901
Fax: 410-987-0589

December 3, 2024

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

Re: **Herald Harbor, Lots 48-51, Block 127**
942 Buttonwood Trail
Crownsville, MD 21032
T.M. 38 B. 4 P. 23

Dear Ms. Seay,

Please accept this as our formal variance request to the Subdivision and Development Regulations in Article 17 and Article 18 on behalf of our client regarding critical area law. The variance requests are to Article 17, Section 8-201 to disturb steep slopes in the critical area.

We are requesting this variance to allow for the deck near the home to be replaced in-kind and access steps to be added to the porch. The deck is partially within slopes greater than 15%.

Explanation as required by Article 18, Section 16-305(b)

The topographical conditions of this lot cause implementation of the County's critical area program to cause unwarranted hardship on the property. A variance is necessary to replace an aging deck in-kind. 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 and will not confer special privilege onto the applicant as adjacent residences throughout Herald Harbor are also disturbing the buffer and steep slopes in order to improve their properties with decks. These variance requests are not results of actions by the applicant and there has been no commencement of development before this application for a variance was filed and does not have any bearing or connection to building on neighboring properties. The granting of this variance will not adversely affect water quality and fish as the flow characteristics of the site remain unchanged in the proposed condition as the lot coverage will not be changed and all disturbance will be restored to natural condition. Wildlife or plant habitat will not be adversely affected as the granting of the variance will allow the disturbance to be proposed in-kind of an existing deck with no new clearing of trees and disturbance to wildlife habitat.

Explanation as required by Article 18, Section 16-305(c)

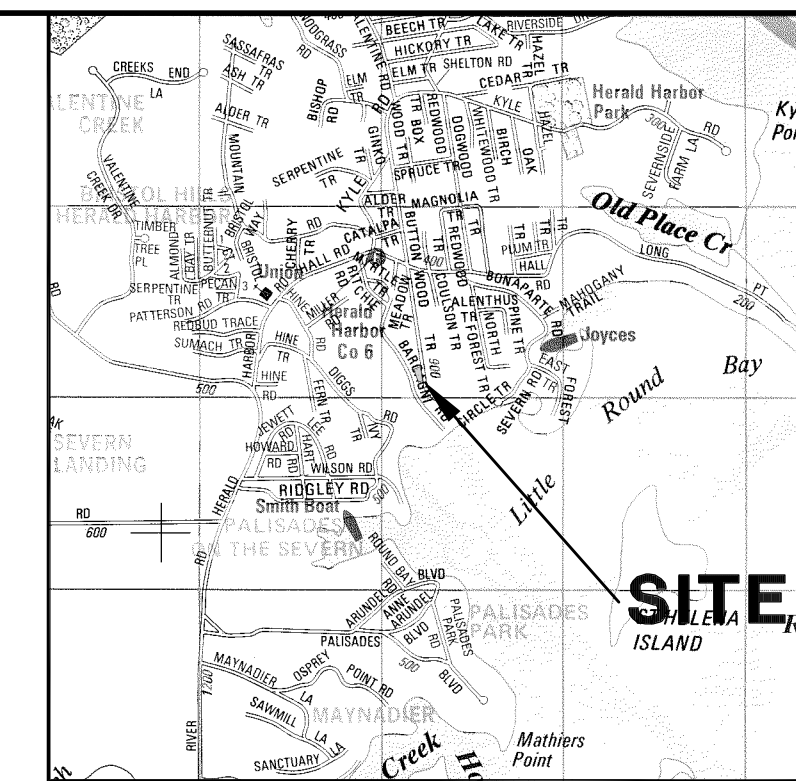
We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief because the proposed plan is the least intrusive way to restore the failing deck. The granting of this variance will not alter the character of the neighborhood. This variance will not impair the appropriate use or development of the surrounding property as it will not deny access or the possibility to build on neighboring lots. The variance will not reduce forest cover in the LDA not be contrary to the acceptable clearing and replanting practices in the LDA as there is no clearing proposed. The granting of this variance will not be detrimental to the welfare of the public.

If you have any questions or need any additional information, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'MJW', is positioned above the printed name.

Michael J. Werner, P.E.

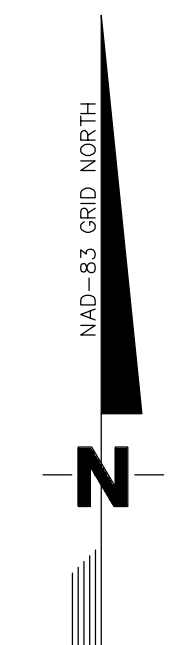


VICINITY MAP

SCALE: 1" = 2,000'
 Copyright ADC The Map People
 Permitted Use Number 20403131

SITE ANALYSIS

1. EXISTING ZONING: R5
2. TOTAL SITE AREA: 9,550 SF
3. PROPOSED DEVELOPMENT: REPLACE EXISTING DECK, ADD DECK EXTENSION, LANDING AND STEPS.



PLAN:
 SCALE: 1"=20'

SOIL CLASSIFICATION CHART

SYMBOL	NAME	HYDROLOGIC SOIL GROUP
AsF	ANNAPOLIS FINE SANDY LOAM	C
DwB	DOWNER-HAMMONTON-URBAN LAND COMPLEX	A

LEGEND

---152---	Existing Contours	○	Existing Pole
---152---	Proposed Contours	○	Existing Sewer Cleanout
---	Existing Tree Line	■	Proposed Impervious
---	Soils Line	▨	Stabilized Construction Entrance (S.C.E.)
EX. 8" S	Existing Sewer		
X	Existing Fence Line		
---	Overhead Lines		

OWNER/DEVELOPER:
 SEAN & SARAH DURBIN
 122 LIKES ROAD
 MAYO, MD 21106
 (P) C/O 410-987-6901
 (E) C/O MATT@ANAREX.COM

#	REVISIONS:	APPROVED BY:	DATE:

ANAREX, INC
 CIVIL ENGINEERING SERVICES
 LAND SURVEYING

303 Najoles Road - Suite 114
 Millersville, MD 21108-2512
 Phone: 410-987-6901
 www.anarex.com

SHEET 1 OF 1
 SITE PLAN

HERALD HARBOR

LOTS 48-51 BLK 127
 942 BUTTWOOD TRL, MD 21032

GP# TAX ACCOUNT# 02-413-90018523

TAX MAP 38 BLOCK 4 PARCEL 23

DATE: APRIL, 2024 ZONING: R5 ZIP CODE: 21032

SECOND ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

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: November 14, 2023

Tax Map #	Parcel #	Block #	Lot #	Section
0038	0023	127	48-51	N/A

Tax ID: 03-000-03664900

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

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

Project location/Address 942 Buttonwood Trail

City Crownsville Zip 21032

Local case number _____

Applicant: Last name Buckley First name Kerri

Company N/A

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:

In-kind replacement of deck

Intra-Family Transfer <input type="checkbox"/> Yes Grandfathered Lot <input type="checkbox"/>	Growth Allocation <input type="checkbox"/> Yes Buffer Exemption Area <input type="checkbox"/>
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Project Type (check all that apply)

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="checkbox"/>	Recreational <input type="checkbox"/> Redevelopment <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area	-	18
LDA Area	0.22	9,550			
RCA Area			# of Lots Created	0	
Total Area	0.22	9,550			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.06	2,500	Existing Lot Coverage	0.07	3,049
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0	0
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage	0.07	3,049

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00	18	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	-	-	Mitigation	TBD	TBD

<p><u>Variance Type</u></p> Buffer <input checked="" type="checkbox"/> Forest Clearing <input type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Other <input type="checkbox"/>	<p><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Dwelling <input type="checkbox"/> Dwelling Addition <input type="checkbox"/> Garage <input type="checkbox"/> Gazebo <input type="checkbox"/> Patio <input type="checkbox"/> Pool <input type="checkbox"/> Shed <input type="checkbox"/> Other <input type="checkbox"/>
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Chesapeake Bay Critical Area Report

942 Buttonwood Trail
Tax Map: 38 Grid: 4 Parcel: 23
Lots: 48-51
Crownsville, MD

December 2024

Prepared for:

Kerri Buckley
942 Buttonwood Trail
Crownsville, MD 21032

Prepared by:

Holly Oak Consulting, LLC
303 Sycamore Rd
Severna Park, MD 21146
khaines@hollyoakconsulting.com



1.0 - INTRODUCTION

The subject property is located at 942 Buttonwood Trail in Crownsville, Maryland. The property is identified on Tax Map 38, Grid 4, as Parcel 23, Lots 48-51. The site is zoned R5 per the Anne Arundel County Zoning Map. Field work for this report was completed on October 15, 2024 by Kevin C. Haines of Holly Oak Consulting, LLC.

2.0 – EXISTING CONDITIONS

The site contains 0.23-acre all of which is within the Chesapeake Bay Critical Area. More specifically, the site is mapped within the Limited Development Area (LDA). The site falls from east to west towards Bargagni Road. The property is largely developed with a residence, driveway, and accessory structures.

The site is bordered by both residentially developed and undeveloped lots. The site is accessed by Buttonwood Trail to the east.

The United States Department of Agriculture Natural Resources Conservation Service has mapped the soils throughout Anne Arundel County and makes the mapped soils and descriptions available online through the Web Soil Survey. The data that was retrieved on October 2, 2024 and showed two (2) soil types exist in the study area. The soil type and description can be found below. A copy of the soil mapping can be found in [Appendix A](#).

<i>Map Unit Symbol</i>	<i>Map Unit Name</i>	<i>Hydric (%)</i>	<i>K-Factor (Whole Soil)</i>
AsF	Annapolis Fine Sandy Loam, 25-40% slopes	5	0.24
DwB	Downer-Hammonton-Urban Land Complex, 0-5% slopes	0	-

3.0 – AERIAL IMAGERY REVIEW & SITE HISTORY

This site is located within the Herald Harbor neighborhood in Crownsville, MD a suburb of the greater Baltimore and Annapolis areas. The surrounding area was largely used as a summering location from the 1920s through the 1950s, when the surrounding areas began to become developed with residential subdivisions. A copy of the USGS Topographical map can be found in [Appendix A](#).

Per aerial photos from 1970-2024, the site has remained in a similar vegetative state. Aerial images are available upon request.

4.0 – PROPOSED CONDITIONS

The applicant proposes replacing the existing deck attached to the house. No new disturbance, impervious surface, or forest clearing is proposed.

Forest clearing will not be required for the construction of the deck. Expanded buffer disturbance is required for the deck footing, please refer to the site plan prepared by Anarex, Inc. for the final disturbance calculations.

Stormwater management is not required for this project as the proposal does not include disturbance above 5,000 square feet, and forest clearing is not required.

5.0 – HABITAT PROTECTION AREAS

State and County Critical Area Law identifies certain areas of high environmental value as habitat protection areas (HPAs). Below is a discussion of HPA's existing within the subject site.

5.1 - Steep Slopes

Anne Arundel County designates steep slopes within the Critical Area as slopes of 15% that are at least 6' high. The site includes steep slopes and their buffer and disturbance to both areas is proposed. The disturbance is minimal and has been minimized to footer installation only for the deck.

5.2 - Rare, Threatened & Endangered Species

A request for Environmental Review was submitted to the Maryland Department of Natural Resources Wildlife and Heritage Services on October 15, 2024 and a response is forthcoming. Per initial research of DNR records there does not appear to be records of RTEs within or adjacent to the boundary of this site. RTEs were not noted during the field visits to this site. The site is not mapped as FIDS habitat per MDDNR's MERLIN Online GIS Database.

5.3 - Wetlands, Streams, & 100-Year Floodplain

The site does not contain tidal wetlands, non-tidal wetlands, or streams per the field observations. Furthermore, both the USFWS National Wetland Inventory (*Appendix A*) and MD DNR Wetland Inventory do not indicate the presence of wetlands or streams within the boundary of the site.

The site is located within the Severn River Watershed (MD 02131002 8-digit).

The site lies within Zone X (areas of minimal flood hazard) per FEMA Flood Insurance Rate Maps #24003C0162F (eff. 2/18/15) as shown in *Appendix A*.

5.4 – Buffer and Expanded Buffer

The site contains an expanded buffer for steep slopes as shown on the plan prepared by Anarex, Inc.

5.5 – Other HPAs Not Contained within Study Area

Several HPAs are not mapped within or adjacent to the study area. MDDNR's MERLIN online mapping database was reviewed and showed that the following HPA's are not located within or near the study area: Submerged aquatic vegetation, shellfish beds, historical waterfowl staging and concentration areas, sensitive species project review areas, and natural heritage areas.

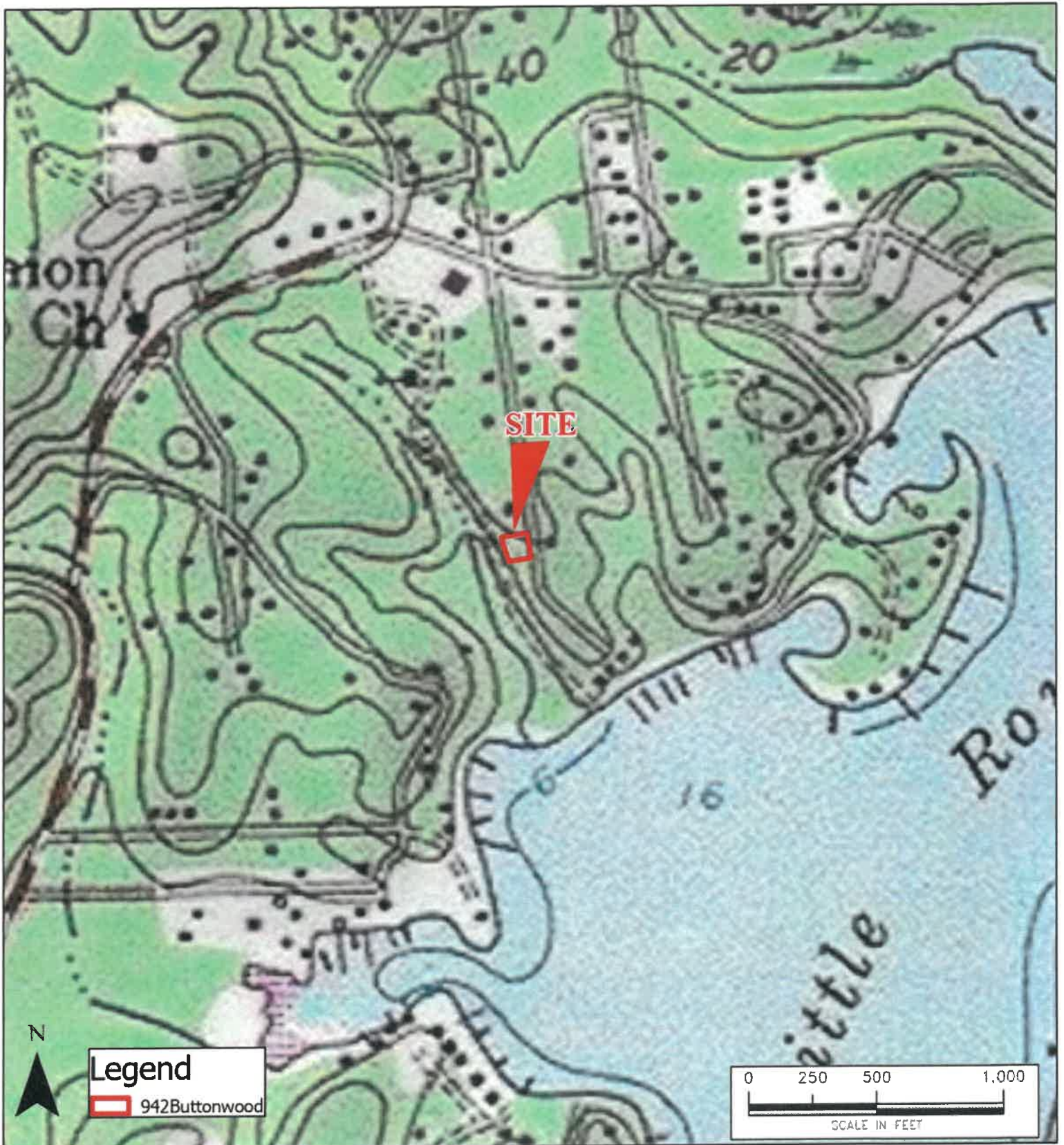
6.0 – EXISTING VEGETATION & WILDLIFE

Much of the vegetation on-site is common for the shores of the Severn River. The canopy cover on and adjacent to the site is dominated by tulip poplar (*Liriodendron tulipifera*) with a mixture of white oak (*Quercus alba*) and American beech (*Fagus grandifolia*) also present.

The unforested portions of the site are vegetated with lawn and landscape beds typical of a residential use.

References

- Brown, R.G. and M.L. Brown. 1972. *Woody Plants of Maryland*. Port City Press, Baltimore, Maryland.
- Eyre, F. H. (1980). *Forest cover types of the United States and Canada*. Washington, D.C. (5400 Grosvenor Lane, Washington, D.C. 20014): Society of American Foresters.
- Foell, Stephanie (2004). *McLean Property, Maryland Historical Trust Determination of Eligibility Form*. Baltimore, MD: Maryland Historical Trust.
- Jones, Claudia, McCann, Jim, & McConville, Susan. (2001). *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.
- Kaufman, S. R., & Kaufman, W. (2013). *Invasive plants: a guide to identification, impacts, and control of common North American species*. Mechanicsburg, PA: Stackpole Books.
- Lerman, S., Nislow, K., Nowak, D., DeStefano, S., Kind, D. and Jones-Ferrand, T. (2017). *Using urban forest assessment tools to model bird habitat potential -*
- Maryland DNR (Department of Natural Resources). 1997. *State Forest Conservation Technical Manual*. Third Edition, Ginger Page Howell and Todd Ericson, Editors.



HOLLY OAK
CONSULTING, INC.

303 Sycamore Rd
Severna Park, MD 21116
P: (410) 906-3119
Email: info@hollyoakconsulting.com

PROJECT

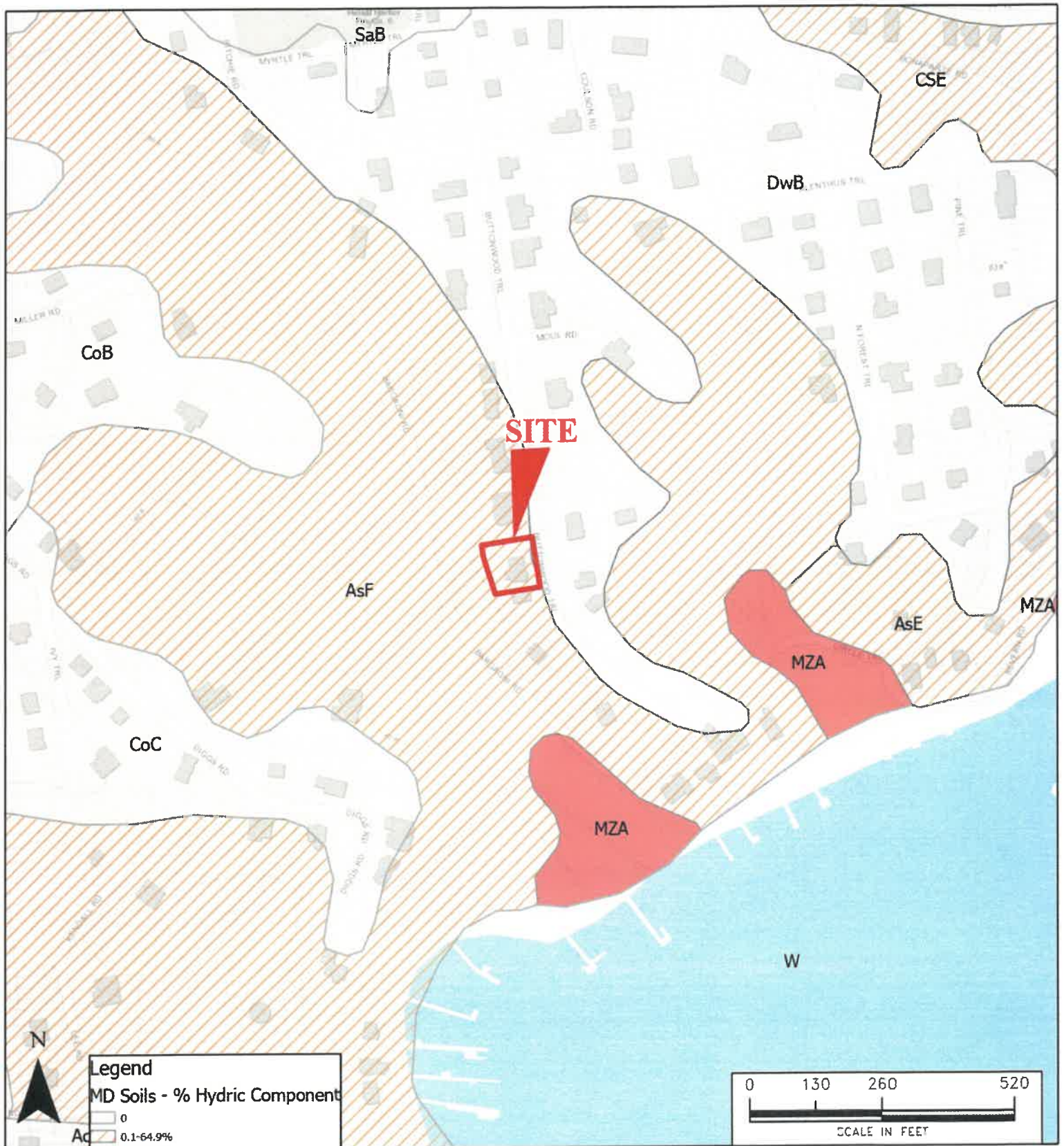
**942
BUTTONWOOD
TRAIL**

CROWNSVILLE, MD
ANNE ARUNDEL CO.

DRAWING TITLE

**VICINITY
MAP**

PROJ. NO. 24-86	FIGURE 1
DRAWN BY KCH	
SCALE 1"=500'	
DATE 10/15/2024	

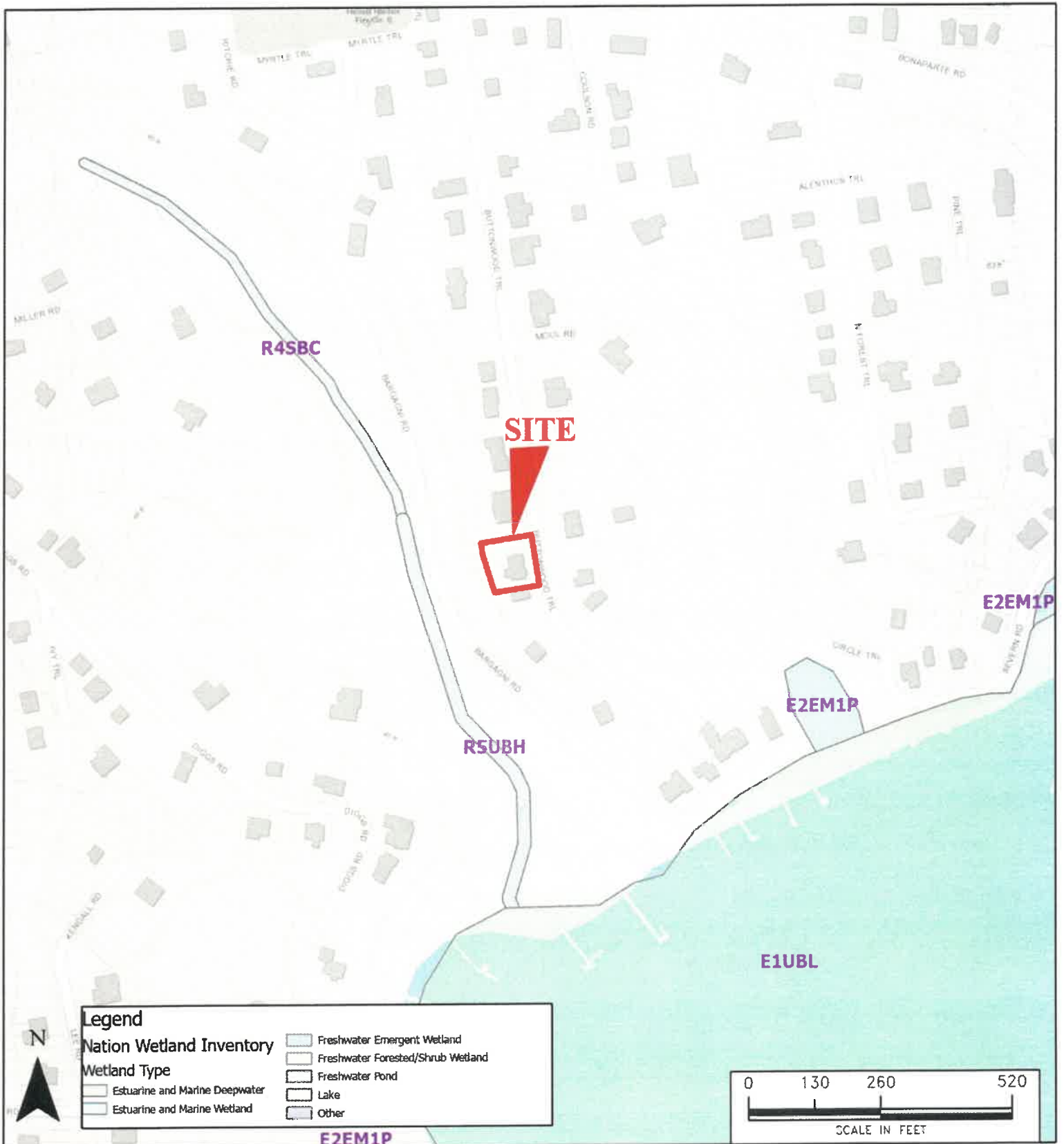


**HOLLY OAK
CONSULTING, INC.**
303 Sycamore Rd
Severna Park, MD 21116
P: (410) 906-3119
Email: info@hollyoakconsulting.com

PROJECT
**942
BUTTONWOOD
TRAIL**
CROWNSVILLE, MD
ANNE ARUNDEL CO.

DRAWING TITLE
**USDA SOILS
MAP**

PROJ. NO. 24-86	FIGURE 2
DRAWN BY KCH	
SCALE 1"=250'	
DATE 10/15/2024	



303 Sycamore Rd
Severna Park, MD 21116
P: 410-311-9066-3119
Email: info@hollyoakconsulting.com

PROJECT

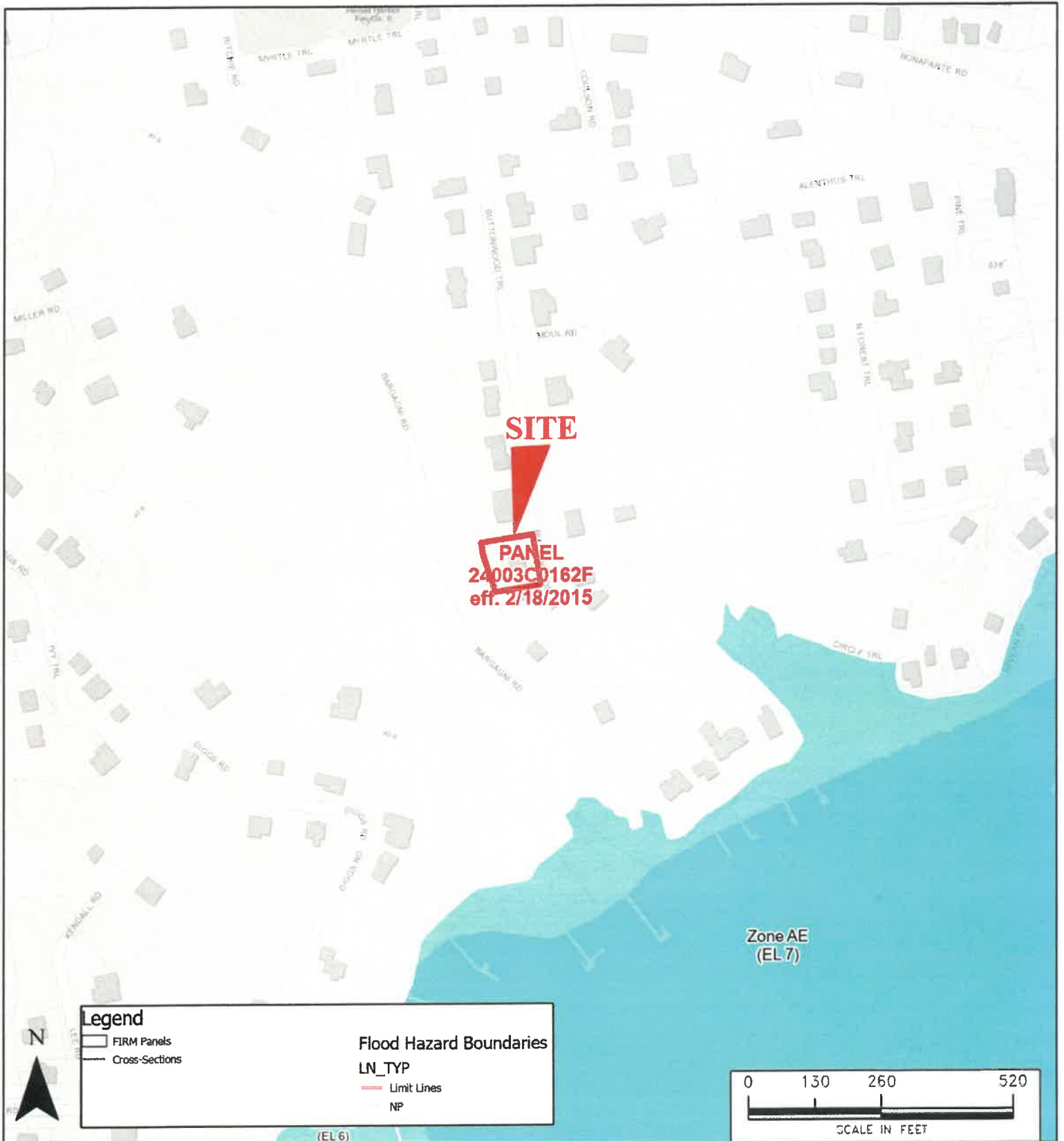
**942
BUTTONWOOD
TRAIL**


CROWNSVILLE, MD
ANNE ARUNDEL CO.

DRAWING TITLE

**USFWS
NATIONAL
WETLAND
INVENTORY**

PROJ. NO. 24-86	FIGURE 3
DRAWN BY KCH	
SCALE 1"=250'	
DATE 10/15/2024	



 303 Sycamore Rd Severna Park, MD 21116 P: (410) 906-3119 Email: info@hollyoakconsulting.com	PROJECT	DRAWING TITLE	PROJ. NO.	FIGURE
	942 BUTTONWOOD TRAIL	FEMA FLOOD INSURANCE RATE MAP	24-86	
	CROWNSVILLE, MD ANNE ARUNDEL CO.		DRAWN BY	
				KCH
			SCALE	
			1"=250'	
			DATE	
			10/15/2024	



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

CAC Comments: 2024-0223-V; Beer (AA 0350 - 24), 2024-0236-V; Buckley (AA 0001 - 25), 2024-0237-V; Palmer (AA 0002-25), 2024-0101-V; Bahen (AA 0329-24), 2024-0220-V; Tucker (AA 0354-24)

1 message

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

Tue, Jan 14, 2025 at 3:18 PM

Good Afternoon,

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

- **2024-0223-V; Beer (AA 0350 - 24):** It appears that the applicant has reasonable and significant use of the entire parcel with existing improvements, including a deck and screened porch and a recently permitted walkway for riparian access. The proposed project would result in disturbance to the Critical Area Buffer. Were this proposed deck expansion to be denied, the applicant will still enjoy reasonable and significant use of the entire property with the existing improvements. Additionally, the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship, and that this variance would not adversely affect water quality and wildlife or plant habitat.
- **2024-0236-V; Buckley (AA 0001 - 25):** The project proposes an in-kind replacement of an existing deck and the addition of access stairs within the 25' steep slope buffer. It appears that the applicant has reasonable and significant use of the entire parcel with existing improvements, including a deck and porch. Furthermore, the parcel is currently non-conforming, exceeding the allowable lot coverage limit. The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship, and that this variance would not adversely affect water quality and wildlife or plant habitat.
- **2024-0237-V; Palmer (AA 0002-25):** It appears that the applicant has reasonable and significant use of the entire parcel with the existing improvements, including outdoor amenity space, such as a patio. Additionally, the parcel is already non-conforming, as the property exceeds its allowed lot coverage limit by 300 square feet. It does not appear that the construction of a screened porch with added lot coverage would meet each and every one of the Critical Area variance standards including unwarranted hardship or that this variance would not adversely affect water quality and wildlife or plant habitat, including disturbance to steep slopes. If this request were to be denied, they would still have reasonable and significant use of their lot. Our office would not oppose the siting of the screened porch constructed within the existing footprint of the current lot coverage.
- **2024-0101-V; Bahen (AA 0329-24):** See Attached Letter
- **2024-0220-V; Tucker (AA 0354-24):** See Attached Letter

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

Best,
 Jamileh

--



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

Jamileh Soueidan (she/her)
 Natural Resources Planner
 1804 West Street, Suite 100
 Annapolis, MD 21401
 Office: 410-260-3462
 Cell: 667-500-4994 (preferred)
jamileh.soueidan@maryland.gov

1/14/25, 3:18 PM

State of Maryland Mail - CAC Comments: 2024-0223-V; Beer (AA 0350 - 24), 2024-0236-V; Buckley (AA 0001 - 25), 2024-0237-V; ...

2 attachments



2024-0101-V Bahen (AA 0329 - 24) Variance Letter.pdf

146K



2024-0220-V; Tucker (AA 0354 - 24) Variance Letter.pdf

153K



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 *BC*
Bureau of Environmental Health *1/9/25*

DATE: January 8, 2025

RE: Kerri A. Buckley
942 Buttonwood Trail
Crownsville, MD 21032

NUMBER: 2024-0236-V

SUBJECT: Variance/Special Exception/Rezoning

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

The Health Department has reviewed the on-site sewage disposal system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal system. 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



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0095-P
DATE: 09/24/2024
OPZ STAFF: Jennifer Lechner
Kelly Krinetz

APPLICANT/REPRESENTATIVE: Kerry Buckley / Anarex, Inc.

EMAIL: kclou@yahoo.com / matt@anarex.com

SITE LOCATION: 942 Buttonwood Trail, Crownsville

LOT SIZE: 9,550 sqft

ZONING: R5

CA DESIGNATION: LDA

BMA: n/a

BUFFER: n/a

APPLICATION TYPE: Variance

The applicants are proposing to replace the deck in-kind and a 5' extension beyond the porch to be added. B02426678 was submitted on 08/12/2024.

The following variance is requested:

- Article 17-8-201 to allow disturbance to slopes greater than 15% within the critical area LDA/RCA.

COMMENTS

Zoning Administration Section:

The property is not subject to expanded buffers.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards and provide adequate justification for each of the variances required.

OPZ Critical Area Team:

No objection to in kind replacement of the existing deck. Cannot support further encroachment into the slopes for expansion.

INFORMATION FOR THE APPLICANT

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.

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.