

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


APPLICANT: William Manley

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2024-0218-V

COUNCILMANIC DISTRICT: 7th

HEARING DATE: February 18, 2025

PREPARED BY: Donnie Dyott Jr. 
Planner

REQUEST

The applicant is requesting a variance to allow a dwelling and associated facilities with less setbacks and buffer than required and with disturbance to slopes of 15% or greater on property located at 2500 Howard Grove Road in Davidsonville.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 15.85 acres of land and is identified as Lot 44 of Parcel 387 in Block 7 on Tax Map 50 in the Eagles Passages subdivision. The subject property is zoned RA - Rural Agricultural District and recently contained a single family dwelling that has been removed.

The subject site is a waterfront property on the South River which lies within the Chesapeake Bay Critical Area and is designated RCA - Resource Conservation Area and is not located within a BMA - Buffer Modification Area.

APPLICANT'S PROPOSAL

The applicant proposes to remove several accessory structures and to construct a new two story single family detached dwelling with walkout basement (height 20 feet) and associated facilities. According to the site plan the proposed dwelling will consist of 4,979 square feet.

REQUESTED VARIANCES

§ 17-8-201(a) of the Code stipulates that development in the Resource Conservation Area (RCA) 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. A portion of the proposed limit of disturbance (LOD) will disturb slopes of 15% or greater, necessitating a variance to this provision. The site plan shows a disturbance of 1,080 square feet, with exact disturbance to be determined at the time of permit.

§ 18-13-104(a) of the 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 contiguous steep slopes of 15% or more and is to be expanded by the greater of four feet for every 1% of slope or to the top of the slope and shall include all land within 50 feet from the top of the slopes. § 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland

(COMAR). § 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.” § 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 proposal includes approximately 71,280 square feet of expanded buffer disturbance as shown on the site plan. Exact buffer disturbance will be determined at the time of permit.

No setback variances are required.

FINDINGS

The property is of adequate size and width for a lot in the RA District. According to the critical area report, the total lot coverage after development will be 19,729 square. Exact lot coverage calculations will be determined at the time of permit. The applicant argues that the only location to build the proposed home is where the existing house is already located and the new dwelling will not be located any closer to the South River than the existing house.

The **Health Department** commented that it has no objection to the variance request as long as a plan is submitted and approved by the Health Department.

The **Department of Inspections and Permits (Engineering Division)** provided various comments related to the proposal and recommended approval of the variance from engineering and/or utility review subject to their comments being addressed prior to the variance hearing or with the grading permit.

The **Development Division (Critical Area Team)** commented that the site plan submitted does not accurately show the steep slopes on site in their entirety. Evaluation of the amount of disturbance cannot be completed accurately. Applicant was advised during the pre-file meeting to provide detailed justification for the variance request. This Office has no objection to the redevelopment of this site in the general location of the previous structure. Sufficient information was not provided to determine whether the application meets the standards for approval or whether slope disturbance could be reduced.

The **Critical Area Commission** commented they oppose the variance request as the design does not meet all of the critical area variance standards or the standard of unwarranted hardship. As proposed, the design of the 4,979 square foot house including the three-car garage, circular driveway, and associated amenities constitutes a substantial increase in size and scale to the improvements that previously existed on the property. The applicant can redesign the improvements in a manner that reduces the proposed footprint and impacts, and they would still have reasonable and significant use of the entire parcel.

Additionally, the County’s Critical Area program and the State Critical Area regulations place strict limits on disturbance to steep slopes, the Critical Area Buffer, and other Habitat Protection Areas (HPA) such as to Forest Interior Dwelling Species (FIDS) habitat in order to meet the goals of the Critical Area law. Approving a variance to allow greater impacts to these sensitive and protected features when there is the ability to either relocate and/or to minimize the size of proposed improvements is not a right commonly enjoyed by other, similar properties developed under the County’s Critical Area program. No property owner has the right to impact HPAs and steep slopes without consideration of minimizing and reducing such impacts. For an example, impacts to FIDS, the expanded buffer, and steep slopes would be minimized by reducing the size of the proposed dwelling and garage, reorienting the driveway to provide direct access to the garage and parking areas versus

2024-0218-V

the circular driveway that increases lot coverage in the expanded buffer and impacts to FIDS.

Further, the cumulative impact of development in the Critical Area has a substantial and negative impact on the Chesapeake Bay. Given the lot is waterfront to the South River and given the environmentally sensitive features on this site including the expanded buffer, steep slopes and FIDS habitat, the proposed project results in an increase in lot coverage and disturbance to these sensitive features. This proposal in its current design is not in harmony with the spirit and intent of the Critical Area law and regulations or the County's Critical Area program.

Lastly, the proposed design results in increased lot coverage and impacts to steep slopes, the buffer, and within interior FIDS habitat which adversely impacts water quality and habitat on this site. The proposed improvements and clearing of forest do not meet the design standards listed within *A Guide to the Conservation of Forest Interior Dwellings Birds in the Chesapeake Bay Critical Area*, as published on the State's Critical Area Commission website regarding the width of the proposed footprint for the driveway, garage, and dwelling. The clearing required to support the proposed footprint of the improvements will result in the conversion of interior FIDS habitat to edge habitat which increases the introduction and spread of invasive species and predatory species such as Brown-headed Cowbird that further impacts the quantity and velocity of stormwater flowing into the South River, resulting in degradation to water quality. There, this request can absolutely have an adverse effect to water quality and habitat within the Critical Area.

For the reasons explained, the Critical Area Commission opposes the variance as proposed and recommends denial. However, this position is subject to change if design changes are made that minimize the impacts to the sensitive and protected environmental features noted above. Such design changes would include minimizing the size and width of the proposed improvements and redesigning the driveway for a more direct access to the garage which could be reoriented to the anterior of the house. If considered, the proposed changes would greatly reduce the proposed footprint and impacts to the sensitive environmental features on the site.

The **Cultural Resources Division** commented that the project area contains historic site, AA-981, St. George Barber Ancillary Buildings and associated archaeological site, 18AN701. The Cultural Resources Section obtained adequate documentation of buildings within and near the project area during review for a previous building permit and had no further requirements. Please note that there is high archaeological potential in areas of Eagles Passage outside of the current project area that would require further archaeological survey, but the current project was surveyed previously and no further work is recommended.

The **Department of Recreation and Parks** commented that the site lies within the Anne Arundel Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

For the granting of a critical area variance, a determination must be made on the following:

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 would result in an unwarranted hardship or practical difficulty. In this case the presence of steep slopes in combination with the buffer makes redeveloping the site with a single family dwelling difficult without relief from the Code and some relief is warranted.

With regard to general relief to allow a dwelling to be rebuilt, a literal interpretation of the County's critical area program may deprive the applicant of rights that are commonly enjoyed by other properties in similar areas. The granting of the variance will not confer on the applicant a special privilege that would be denied by COMAR, Title 27. This request is not a result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property.

As discussed in the Critical Area Commission comments, the proposal is not in harmony with the general spirit and intent of the County's critical area program as the applicant could reduce or reconfigure the proposal to reduce the impacts to sensitive environmental features. Furthermore, the proposal may adversely affect water quality and adversely impact fish, wildlife or plant habitat within the critical area and the applicant should further evaluate site planning alternatives to reduce the proposal.

With regard to the requirements for all variances:

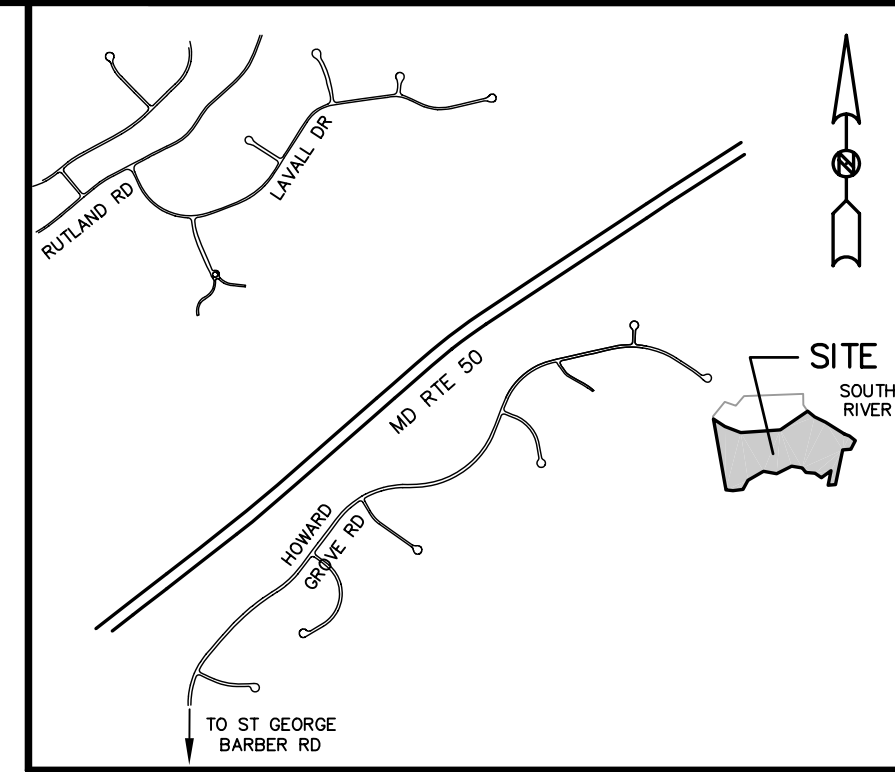
There is no evidence that the proposal will alter the essential character of the neighborhood, impair the appropriate use or development of adjacent property, however based on the Critical Area Commission comments, the proposal may be detrimental to the public welfare due to its impacts to environmentally sensitive features. Given the size of the house, driveway and garage, this Office does not consider the proposal to represent the minimum necessary to afford relief. While some relief may be warranted to redevelop the site with an allowed use, there appears to be opportunity to design a smaller proposal that would represent the minimum necessary.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends *denial* of the proposed variances for the construction of the dwelling and associated facilities as shown on the site plan.

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

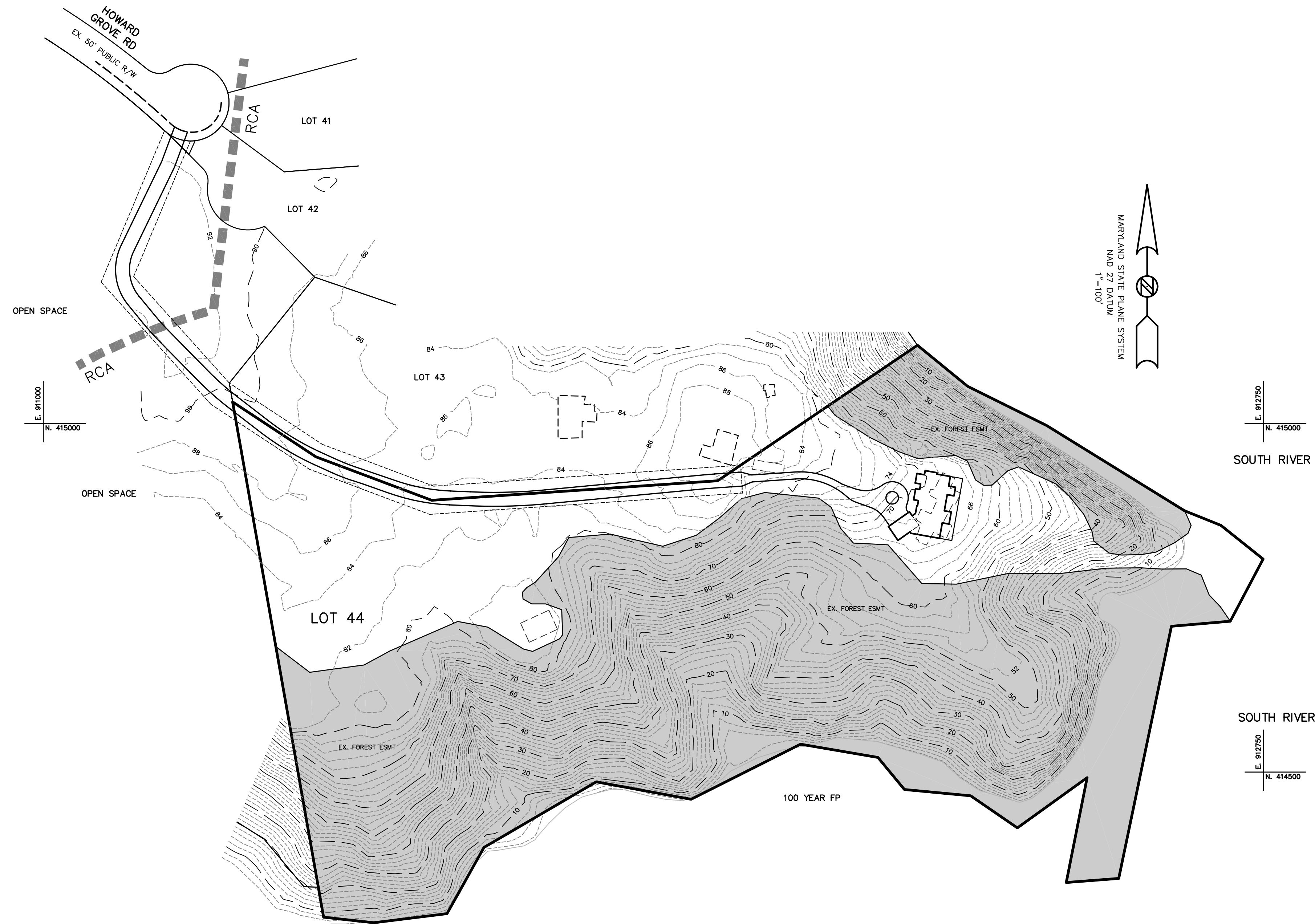
EAGLES PASSAGES, SECTION 5, LOT 44 ADMINISTRATIVE SITE PLAN



VICINITY MAP 1"=2000'

- NOTES**
1. SITE AREA: 15.85 AC.
 2. DISTURBED AREA: 3.06 AC.
 3. AREA VEGETATIVELY STABILIZED: 42266 SF OR 0.97 AC.
 4. AREA MECHANICALLY STABILIZED: 28000 SF OR 0.64 AC.
 5. PREDOMINANT SOIL TYPE: ANNAPOLIS
 6. SITE ZONING: RA

NOTE:
THE EXISTING CONDITIONS AND TOPOGRAPHY IS AERIAL TOPOGRAPHY FLOWN & COMPILED IN SEPTEMBER, 2022.



MARYLAND STATE PLANE SYSTEM
NAD 27 DATUM
1"=100'

E 912750
N 415000
SOUTH RIVER

E 912750
N 414500
SOUTH RIVER

INDEX OF SHEETS

SHEET	DESCRIPTION
1	LOCATION PLAN/NOTES
2	ADMINISTRATIVE SITE PLAN
3	ADMINISTRATIVE SITE PLAN

NO.	BY	DATE	REVISIONS

J.A. CHISHOLM, P.E., L.L.C.
LAND DEVELOPMENT CONSULTANTS
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53 OLD SOLOMON'S ISLAND ROAD, SUITE D
ANNAPOLIS, MARYLAND 21401
HURSHDL@AOL.COM
PHONE (410) 956-7020 FAX (410) 956-7026

ADMINISTRATIVE SITE PLAN
EAGLES PASSAGES, SECTION 5, LOT 44
A SINGLE FAMILY DETACHED RESIDENTIAL SUBDIVISION
#2500 HOWARD GROVE RD
SUBDIVISION #86-263

TAX MAP 50 BLOCK 7 PARCEL 387
SITE ZIP CODE 21035 ZONED RA NAD 27 DATUM SCALE AS SHOWN DATE: NOV., 2024
SECOND TAX ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

OWNER: **WILLIAM MANLEY**
1006 LIBERTY NEST COURT
DAVIDSONVILLE, MD 21035
301-802-1503
BROVEND@AOL.COM

SHEET 1 OF 3

DESIGN: MBS DRAFT: CK APPROVED: MBS

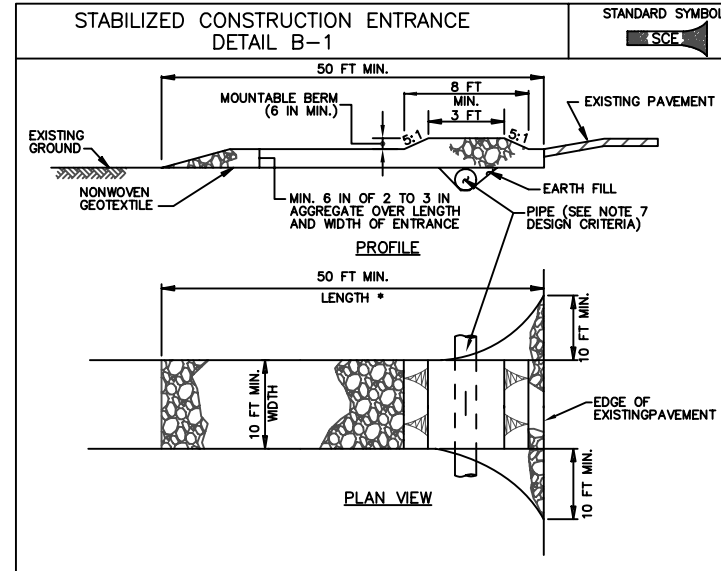
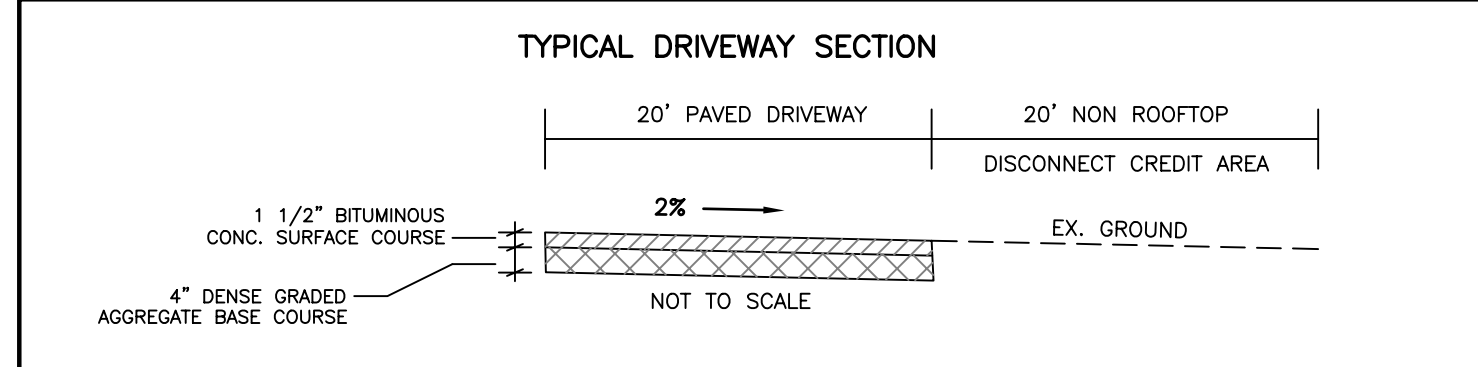


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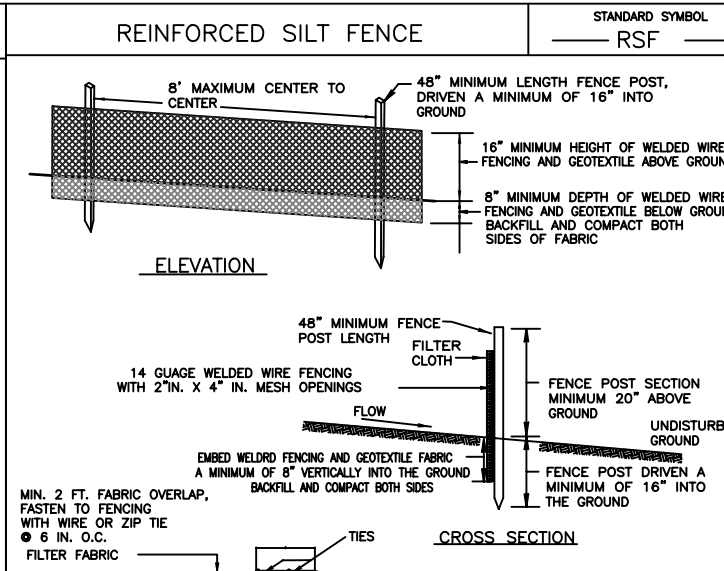
- EX. 10' CONTOUR 60
- EX. 2' CONTOUR 58
- EX. CRITICAL AREA LINE
- EX. SLOPE & EXPANDED BUFFER
- 1320' RADIUS TO EAGLES NEST
- EX. FOREST CONSERVATION ESMT
- PERC TEST LOCATION 127
- EX. SOILS DIVISION LINE
- PROPOSED LIMIT OF DISTURBANCE LOD
- PROPOSED REINFORCED SILT FENCE RSF

SOIL TABULATION

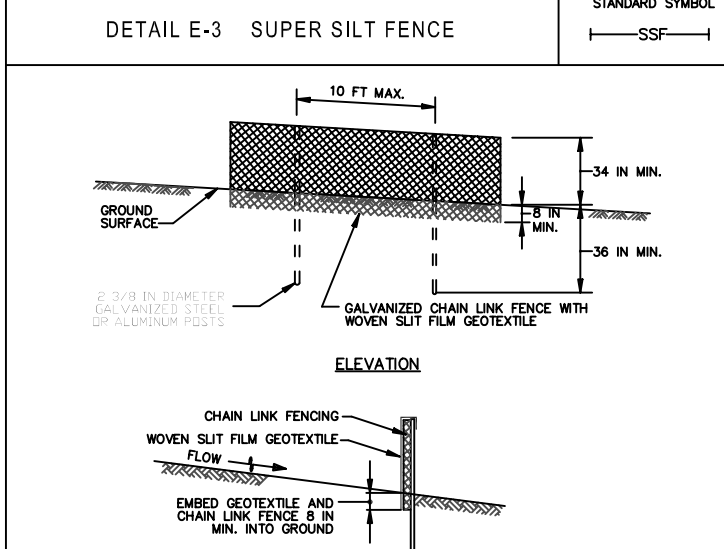
SYMBOL	DESCRIPTION	HYDROLOGIC SOIL GROUP
AoB	ANNAPOLIS LOAMY SAND, 2-5% SLOPES	C
AsB	ANNAPOLIS FINE SANDY LOAM, 2-5% SLOPES	C
AsE	ANNAPOLIS FINE SANDY LOAM, 15-25% SLOPES	C
AsF	ANNAPOLIS FINE SANDY LOAM, 25-40% SLOPES	C
AsG	ANNAPOLIS FINE SANDY LOAM, 40-80% SLOPES	C



- CONSTRUCTION SPECIFICATIONS:**
- PLACE STABILIZED CONSTRUCTION ENTRANCE IN ACCORDANCE WITH THE APPROVED PLAN. VEHICLES MUST TRAVEL OVER THE ENTIRE LENGTH OF THE SIZE USE MINIMUM LENGTH OF 50 FEET (40 FEET FOR SINGLE RESIDENCE LOTS). USE MINIMUM WIDTH OF 10 FEET. FLARE SIZE 10 FEET MINIMUM AT THE EXISTING ROAD TO PROVIDE A TURNING RADIUS.
 - PIPE ALL SURFACE WATER FLOWING TO OR DIVERTED TOWARD THE SIDE UNDER THE ENTRANCE. MAINTAIN POSITIVE DRAINAGE PROTECT PIPE INSTALLED THROUGH THE SIDE WITH AN ADJUSTABLE BENT WITH 2" SLIPS AND A MINIMUM OF 12 FEET OF STONE OVER THE PIPE. PROVIDE PIPE AS SPECIFIED ON APPROVED PLAN. WHEN THE SIZE IS LOCATED AT A HIGH SPOT AND HAS NO DRAINAGE TO DOWN, A PIPE IS NOT NECESSARY. A MOUNTABLE BEAM IS REQUIRED WHEN SIZE IS NOT LOCATED AT A HIGH SPOT.
 - PREPARE SUBGRADE AND PLACE NONWOVEN GEOTEXTILE, AS SPECIFIED IN SECTION H-1 MATERIALS.
 - PLACE CRUSHED AGGREGATE (2 TO 3 INCHES IN SIZE) OR EQUIVALENT RECYCLED CONCRETE (WITHOUT REBAR) AT LEAST 6 INCHES DEEP OVER THE LENGTH AND WIDTH OF THE SIZE.
 - MAINTAIN ENTRANCE IN A CONDITION THAT MINIMIZES TRACKING OF SEDIMENT AND STONE OR MAKE OTHER REPAIRS AS CONDITIONS DEMAND TO MAINTAIN CLEAN SURFACE. MOUNTABLE BEAM, AND SLOPED SURFACE IMMEDIATELY REMOVE STONE AND OR SEDIMENT SPILLS, DRIPPED, OR TRACKED INTO ADJACENT ROADWAY BY PRESSURE WASHING, BLOWING, OR SHOOTING. MAINTAIN ROADWAY TO REMAIN FREE OF TRACKED INTO ADJACENT ROADWAY. TRACKING OF SEDIMENT AND STONE IS NOT ACCEPTABLE UNLESS MAINTENANCE IS COMPLETED TO AN APPROVED SEDIMENT CONTROL PRACTICE.



- CONSTRUCTION SPECIFICATIONS:**
- Material fence post shall be a minimum of 48 inches long, 1 1/2 inches minimum into the ground and no more than 8 feet apart. Post shall be stored 1 or 2 sections weighing not less than 100 pound per linear foot. Reinforcement shall be 14 gauge welded wire fencing with 2 inch x 4 inch mesh openings.
 - Construction shall be performed according to each fence post with wire ties at top and mid section. Where ends of geotextile fabric come together, they shall be overlapped and fastened with 2 inch x 4 inch mesh openings.
 - Use a woven geotextile, as specified in section H-1 material, and fasten to the upslope side of the fence posts with wire or 250 ties at top and midsection. The Manufacturer's certification that the fabric meets the requirements in section H-1 must be on file in the project file.
 - Extend both ends of the silt fence a minimum of five (5) horizontal feet upslope at 45 degrees to the main fence alignment to prevent runoff from going around the ends of the fence.
 - Remove accumulated sediment and debris when burps develop in the reinforced silt fence fabric or when sediment reaches 25% of the fence height. Remove geotextile if form is undermining fabric, remove fence.



- CONSTRUCTION SPECIFICATIONS:**
- INSTALL 2 3/8 INCH DIAMETER GALVANIZED STEEL POSTS OF 0.095 INCH WALL THICKNESS AND SIX FOOT LENGTH SPACED NO FURTHER THAN 10 FEET APART. DRIVE THE POSTS A MINIMUM OF 36 INCHES INTO THE GROUND.
 - FASTEN 3 GAUGE OR HEAVIER GALVANIZED CHAIN LINK FENCE (2 3/8 INCH MAXIMUM OPENING) 42 INCHES IN HEIGHT SECURELY TO THE FENCE POSTS WITH WIRE TIES OR 1/2 INCH RINGS.
 - FASTEN WOVEN SILT FENCE GEOTEXTILE AS SPECIFIED IN SECTION H-1 MATERIALS SECURELY TO THE UPSLOPE SIDE OF CHAIN LINK FENCE WITH NET SPACED 24 INCHES AT THE TOP AND MID SECTION. LAMINATE GEOTEXTILE AND CHAIN LINK FENCE TO A MINIMUM OF 8 INCHES INTO THE GROUND.
 - WEDGE ENDS OF THE GEOTEXTILE COME TOGETHER. THE ENDS SHALL BE OVERLAPPED BY 6 INCHES, FOLDED AND STAPLED TO PREVENT SEPARATION BY SECTION H-1 MATERIALS.
 - EXTEND BOTH ENDS OF THE SUPER SILT FENCE A MINIMUM OF FIVE HORIZONTAL FEET UPSLOPE AT 45 DEGREES TO THE MAIN FENCE ALIGNMENT TO PREVENT RUNOFF FROM GOING AROUND THE ENDS OF THE SUPER SILT FENCE.
 - REMOVE MANUFACTURER'S CERTIFICATION TO THE INSPECTION/AUTHORITY SHOWING THAT GEOTEXTILE USED MEETS THE REQUIREMENTS IN SECTION H-1 MATERIALS.
 - REMOVE ACCUMULATED SEDIMENT AND DEBRIS WHEN BURPS DEVELOP IN FENCE OR WHEN SEDIMENT REACHES 25% OF FENCE HEIGHT. REMOVE GEOTEXTILE IF FORM IS UNDERMINING GEOTEXTILE. REMOVE CHAIN LINK FENCING AND GEOTEXTILE.

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FOR CONTINUATION SEE SHEET 3

NO.	BY	DATE	REVISIONS

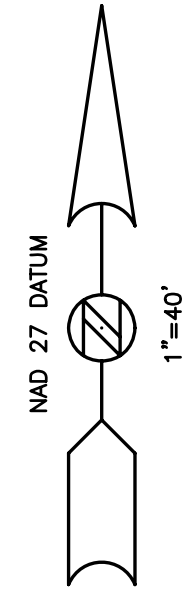
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 #2500 HOWARD GROVE RD
 SUBDIVISION #86-263
 TAX MAP 50 BLOCK 7 PARCEL 387
 SITE ZIP CODE 21035 ZONED RA NAD 27 DATUM SCALE 1"=40' DATE: NOV. 2024
 SECOND TAX ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

OWNER: **WILLIAM MANLEY**
 1006 LIBERTY NEST COURT
 DAVIDSONVILLE, MD 21035
 301-802-1503
 BROVEND@AOL.COM

SHEET 2 OF 3

DESIGN: MBS DRAFT: CK APPROVED: MBS

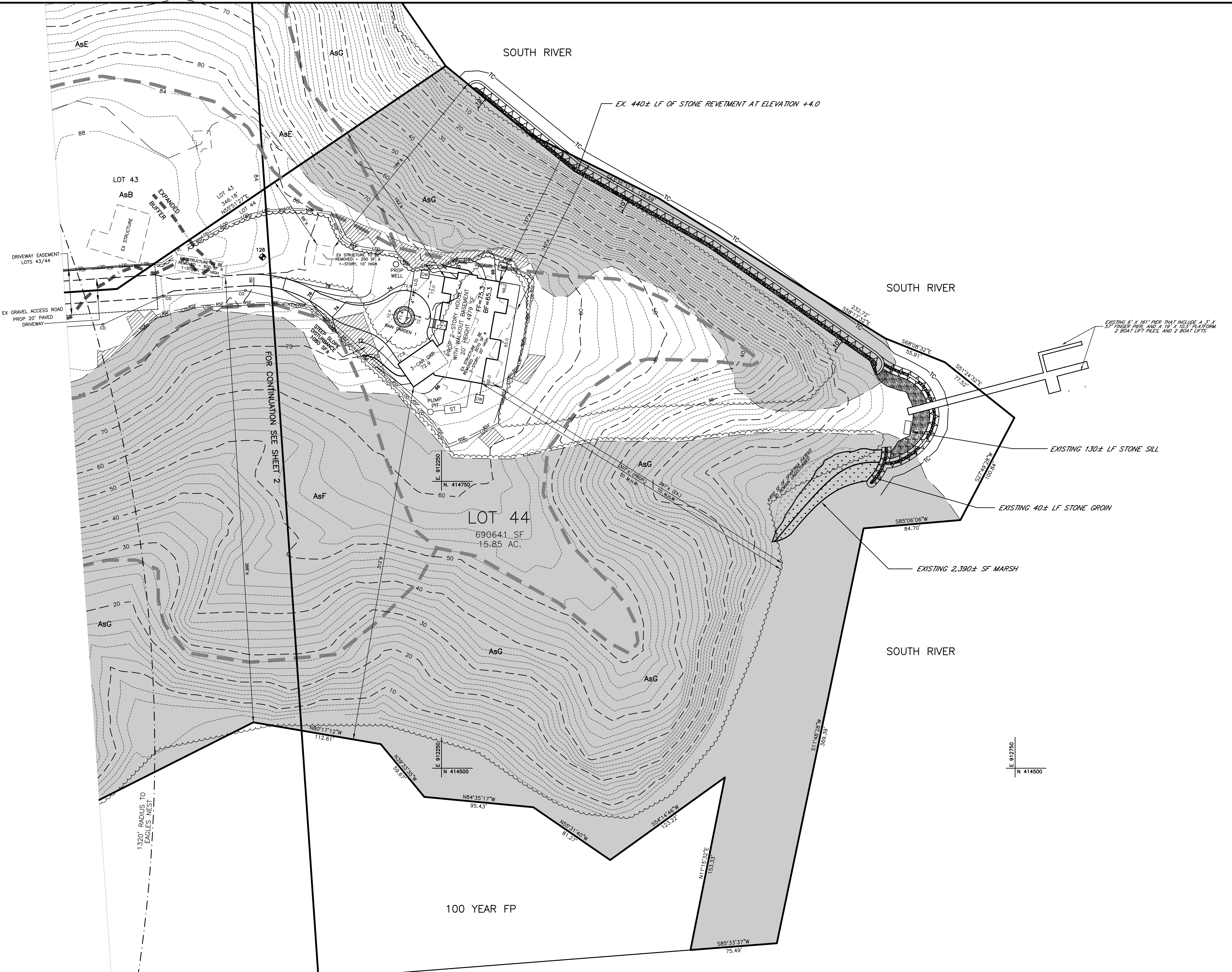


LEGEND

- EX. 10' CONTOUR --- 80
- EX. 2' CONTOUR --- 58
- EX. CRITICAL AREA LINE ---
- EX. SLOPE & EXPANDED BUFFER ---
- 1320' RADIUS TO EAGLES NEST ---
- EX. FOREST CONSERVATION ESMT ---
- PERC TEST LOCATION + 127
- EX. SOILS DIVISION LINE ---
- PROPOSED LIMIT OF DISTURBANCE ---
- PROPOSED REINFORCED SILT FENCE ---
- PROPOSED SUPER SILT FENCE ---
- TURBIDITY CURTAIN ---
- STEEP SLOPES ---

SOIL TABULATION

SYMBOL	DESCRIPTION	HYDROLOGIC SOIL GROUP
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AsE	ANNAPOLIS FINE SANDY LOAM, 15-25% SLOPES	C
AsF	ANNAPOLIS FINE SANDY LOAM, 25-40% SLOPES	C
AsG	ANNAPOLIS FINE SANDY LOAM, 40-80% SLOPES	C



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NO.	BY	DATE	REVISIONS

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SHEET 3 OF 3

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December 17, 2024

Anne Arundel County
Office of Planning & Zoning
Zoning Administration Section
2664 Riva Road
Annapolis, MD 21401

Re: Eagles Passages Sec 5 Lot 44
Single Lot Development
2500 Howard Grove Road
Davidsonville, MD 21035
Request for Variance

Dear All:

On behalf of our client William Manley, please find enclosed the following Letter of Explanation for a request for variance of the above referenced lot. The owner is requesting a variance for disturbance to the expanded buffer and disturbance to steep slopes.

Site Description

The site is a developed waterfront residential 15.85 ac lot in Davidsonville, Maryland. The lot is adjacent to the South River and located at the end of a cul-de-sac at Howard Grove Rd. The proposed development is construction of a single family home, septic system, stormwater management and driveway. The stormwater management measures are conceptual as they are still under review with the county. The existing house and structures will be razed, and the existing house is to be replaced in the same location.

Existing Structures (to be removed):

- 3,070 ± SF house, 2-story, ± 20' high, ± 127' to the north eastern property line, ± 297' to the M.HW.
- 1,340 ± SF structure, 1-story, ± 10' high, ± 352' to the western property line, ± 169' to the northern property line
- 600 ± SF structure, 1-story, ± 10' high, ± 5' to the northern property line, ± 388' to the southern property line
- 250 ± SF structure, 1-story, ± 10' high, ± 352' to the north eastern property line, ± 66' to the northern property line

LAND DEVELOPMENT CONSULTANTS

53 Old Solomon's Island Rd., Suite D
Annapolis, MD 21401
Phone 410-956-7020 Fax 410-956-7026

Proposed Structure:

- 4,979 SF house, 2-story, ± 20' high, ± 127' to the north eastern property line, ± 312' to the southern property line, ± 307' to the M.H.W.

Requirement for Critical Area Variances:

(1) Because of unique physical conditions such as exceptional topographic conditions and lot shape, strict implementation of the County's critical area program would result in unwarranted hardship. The only location to build the proposed house is where the existing house is already located. The remaining area on site is either forested or septic reservation area. The proposed house will not be located any closer to the South River than the existing house.

(2) (i) A literal interpretation of COMAR, Title 27 or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by properties in similar areas, namely to build a livable home.

(3) The granting of a variance will not confer on the applicant any special privilege that would be denied by COMAR, Title 27 or the County's critical area program.

(4) The variance request is not based on conditions or circumstances that are a 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.

(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 program. Stormwater Management best management practices are proposed, as well as erosion and sediment control during construction. Clearing is kept to a minimum. The applicant has constructed a living shoreline and stone revetment for shoreline protection.

(6) There are no known bogs on this site.

(7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, 8-1808 of the State Code.

(8) As a part of 18-16-201(c), the applicant met with the Office of Planning and Zoning to review a concept plan and discuss any alternatives.

Requirement for all Variances:

(1) The variance is the minimum variance necessary to afford relief, namely construction of a livable home.

(2) The granting of the variance:

- (i) will not alter the essential character of the neighborhood. An existing home is already located on the site and the disturbance is kept to a minimum.

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53 Old Solomon's Island Rd., Suite D
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Phone 410-956-7020 Fax 410-956-7026

- (ii) will not have an impact on the use or development of the adjacent property.
- (iii) will not significantly reduce forest cover. The disturbance is kept to a minimum and the applicant is proposing reforestation mitigation under an Approved Forestation Agreement.
- (iv) will not be contrary to acceptable clearing and replanting practices required for development in the critical area. Disturbance and clearing is kept to a minimum and reforestation mitigation is proposed under an Approved Forestation Agreement.
- (v) will not be detrimental to the public welfare. Revetment and living shoreline have been constructed by the applicant to protect the existing shoreline of the South River.

Should you require additional information, please do not hesitate to contact our office.

Sincerely,



Michael B. Swallop, P.E.

Cc: William Manley

LAND DEVELOPMENT CONSULTANTS

53 Old Solomon's Island Rd., Suite D
Annapolis, MD 21401
Phone 410-956-7020 Fax 410-956-7026

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 39352, p. 0113, MSA_CE59_39794. Date available 12/29/2022. Printed 11/15/2024 12/20/22 10:24 AM C 0001 R 0003 Val #: 0003-268918 \$5,600.00 Deed - Recordation Tax - Mail Instrument Type: Deed

AFTER RECORDING, RETURN TO:
Attn: S22-22310
Eagle Title, LLC
181 Harry S. Truman Parkway
Suite 200
Annapolis, MD 21401

Tax ID No.: 02-231-90092556
02-231-90092555
02-231-90092553

LR - NR Tax
Withholding 63,995.80
Name: halle
Ref:
=====
Total: 63,995.80
12/21/2022 10:42
CC02-TedT
#16864504 CC0501 -
Anne Arundel
County/CC05.01.10 -
Register 10

LR - Deed (w Taxes)
Recording only ST20.00
Name: halle
Ref:
LR - Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 4,000.00
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SubTotal: 4,060.00
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#16864497 CC0501 -
Anne Arundel
County/CC05.01.10 -
Register 10

DEED

THIS DEED, made this 4th day of November, 2022, by and between **WARREN E. HALLE** and **MARTHA D. HALLE**, parties of the first part, GRANTORS, and **WILLIAM MANLEY**, party of the second part, GRANTEE.

WITNESSETH, that for and in consideration of the sum of Eight Hundred Thousand and 00/100 Dollars (\$800,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said **WILLIAM MANLEY**, as sole owner, in fee simple, all that lot of ground situate in the County of Anne Arundel, State of Maryland and described as follows, that is to say:

PROPERTY 1:

BEING KNOWN AND DESIGNATED as Lot No. 44, as shown on the Plat entitled, "Plat Nine of Ten Eagles Passages Section Five," which Plat is recorded among the Land Records of Baltimore County in Plat Book 176, folio 9.

PROPERTY 2:

BEING KNOWN AND DESIGNATED as Part of Lot 43 assessed as 6.59 acres, as shown on the Plat entitled, "Plat Nine of Ten Eagles Passages Section Five," which Plat is recorded among the Land Records of Baltimore County in Plat Book 176, folio 9.

PROPERTY 3:

BEING KNOWN AND DESIGNATED as Part of Lot 43 assessed as 81 SF, as shown on the Plat entitled, "Plat Nine of Ten Eagles Passages Section Five," which Plat is recorded among the Land Records of Baltimore County in Plat Book 176, folio 9.

ACCT. 2231-9009-2553; 2555; 2556
ALL REQUIRED LIENS ARE PAID AS
OF 12.20.2022 A.A. COUNTY
BY: JAS

12/20/22 10:24 AM C 0001 R 0003
Val #: 0003-268919 \$8,000.00
County Transfer Tax

The improvements thereon being known as 2500 Howard Grove Road (Property 1), 2502 Howard Grove Road (Property 2) Howard Grove Road (Property 3).

PROPERTY 1:

BEING part of the same property which, by Deed dated October 20, 1988, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber 4718, folio 608, was granted and conveyed by Annapolis Land Limited Partnership, a Pennsylvania limited partnership unto Warren E. Halle and Martha D. Halle, as tenants by the entirety.

PROPERTY 2:

BEING part of the same property which, by Deed dated October 20, 1988, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber 4718, folio 608, was granted and conveyed by Annapolis Land Limited Partnership, a Pennsylvania limited partnership unto Warren E. Halle and Martha D. Halle, as tenants by the entirety.

PROPERTY 3:

BEING part of the same property which, by Deed dated October 20, 1988, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber 4718, folio 608, was granted and conveyed by Annapolis Land Limited Partnership, a Pennsylvania limited partnership unto Warren E. Halle and Martha D. Halle, as tenants by the entirety.

SUBJECT to all easements, covenants and restrictions of record.

TOGETHER with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said **WILLIAM MANLEY**, as sole owner, in fee simple.

AND the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

[SIGNATURES BEGIN ON NEXT PAGE]

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 39352, p. 0114, MSA_CE59_39794. Date available 12/29/2022. Printed 11/15/2024.

WITNESS the hands and seals of said Grantors, the day and year first above written.

Witness:

Blonda D

Warren E Halle (SEAL)
WARREN E. HALLE

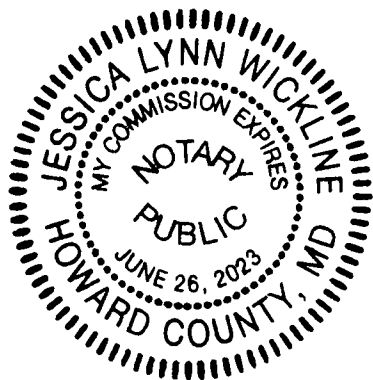
Blonda D

Martha D Halle (SEAL)
MARTHA D. HALLE

STATE OF Maryland, COUNTY OF Montgomery, to wit:

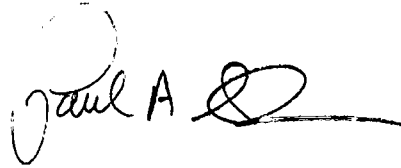
I HEREBY CERTIFY that on this 1st day of November, 2022, before me, the subscriber, a Notary Public of the aforesaid State, personally appeared **WARREN E. HALLE** and **MARTHA D. HALLE**, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument, and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Jessica Lynn Wickline
NOTARY PUBLIC
My Commission Expires: June 26, 2023

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

A handwritten signature in black ink, appearing to read "Paul A. Skrickus". The signature is written in a cursive style with a large initial "P" and a long horizontal flourish at the end.

Paul A. Skrickus, Esquire

State of Maryland Land Instrument Intake Sheet

Baltimore City County: Anne Arundel

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only. (Type or Print in Black Ink Only - All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments () Check Box if addendum Intake Form is Attached. 1 Deed Mortgage Other Deed of Trust Lease Other

2 Conveyance Type Check Box x Improved Sale Arms-Length [1] Unimproved Sale Arms-Length [2] Multiple Accounts Arms-Length [3] Not an Arms-Length Sale [9] 3 Tax Exemptions (if applicable) Recordation State Transfer County Transfer Cite or Explain Authority

4 Consideration and Tax Calculations Consideration Amount Purchase Price/Consideration \$ 800,000.00 Any New Mortgage \$ Balance of Existing Mortgage \$ Other: \$ Other: \$ Full Cash Value: \$ Finance Office Use Only Transfer and Recordation Tax Consideration Transfer Tax Consideration \$ X () % = \$ Less Exemption Amount - \$ Total Transfer Tax = \$ Recordation Tax Consideration \$ X () per \$500 = \$ TOTAL DUE \$

5 Fees Amount of Fees Doc. 1 Doc. 2 Agent: Recording Charge \$ 60.00 \$ Surcharge \$ \$ State Recordation Tax \$ 5,600.00 \$ State Transfer Tax \$ 4,000.00 \$ County Transfer Tax \$ 8,000.00 \$ Other \$ \$ Other \$ \$ Tax Bill: C.B. Credit: Ag. Tax/Other:

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i). District Property Tax ID No. (1) Grantor Liber/Folio Map Parcel No. Var. LOG 02-231-90092556 4718 608 (5) Subdivision Name Lot (3a) Block (3b) Sect/AR (3c) Plat Ref. SqFt/Acreage (4) Location/Address of Property Being Conveyed (2) 2500 Howard Grove Road, Davidsonville, MD 21035 Other Property Identifiers (if applicable) Water Meter Account No. Residential [x] Or Non-Residential [] Fee Simple [x] or Ground Rent [] Amount: \$ Partial Conveyance [] Yes [x] No Description/Amt. of SqFt/Acreage Transferred: If Partial Conveyance, List Improvements

7 Transferred From Doc. 1 - Grantor(s) Name(s) Doc. 2 - Grantor(s) Name(s) Warren E. Halle and Martha D. Halle Doc. 1 - Owner(s) of Record, if Different from Grantor(s) Doc. 2 Owner(s) of Record, if Different from Grantor(s)

8 Transferred To Doc. 1 - Grantee(s) Name(s) Doc. 2 - Grantee(s) Name(s) William Manley New Owner's (Grantee) Mailing Address 1006 Liberty Nest Court, Davidsonville, MD 21035

9 Other Names to Be Indexed Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information Instrument Submitted By or Contact Person [x] Return to Contact Person Name: Lisa Lowry Firm Eagle Title, LLC [] Hold for Pickup Address: 181 Harry S. Truman Parkway, Suite 200 Annapolis, MD 21401 Phone: (410) 266-3600 [] Return Address Provided

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER Assessment Information [] Yes [x] No Will the property being conveyed be the grantee's principal residence? [] Yes [x] No Does the transfer include personal property? If yes, identify: [] Yes [x] No Was property surveyed? If Yes, attach copy of survey (if recorded, no copy required).

Assessment use only - Do Not Write Below This Line Terminal Verification Agricultural Verification Whole Part Tran. Process Verification Transfer Number Date Received: Deed Reference: Assigned Property No.: Year 20 20 Geo. Map Sub Block Land Zoning Grid Plat Lot Buildings Use Parcel Section Occ. Cd. Total Town Cd. Ex. St. Ex. Cd.

REMARKS:

Space Reserved for County Validation

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 39352, p. 0117, MSA_CE59_39794. Date available 12/29/2022. Printed 11/15/2024.

EAGLES PASSAGES LOT 44

CRITICAL AREA REPORT NARRATIVE

Single Lot

NOVEMBER 2024

FOR: WILLIAM MANLEY
1006 LIBERTY NEST COURT
DAVIDSONVILLE MD, 21035

BY: J.A. CHISHOLM, P.E., LLC
55 OLD SOLOMON'S ISLAND ROAD, STE D
ANNAPOLIS, MD 21401

Narrative:

1. The subject property is a waterfront residential site that will be used for construction of a single family dwelling to replace an existing house, and installation of associated septic system, stormwater management and driveway.
2. The site is predominately mixed hardwoods. The site is a total of 690, 641 SF. Of that area, approximately 548,919 SF is forested. The total disturbance is 133,294 SF, of which 24,631 is disturbed forest. There is mitigation in the form of canopy trees and understory trees in the amount of 12,560 SF.
3. The following methods have been used to minimize impacts on water quality and habitat from proposed construction: stormwater management best management practices including installation of a rain garden and dry wells as well as rooftop and non-rooftop disconnection areas, erosion and sediment control measures during construction including reinforced silt fence, super silt fence and temporary seeding.
4. The total existing impervious surface before construction is 18,378 SF. The total impervious surface after construction is 19,729 SF.
5. The project site includes expanded buffers and steep slopes of 15% or greater.

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: 11-26-24

Tax Map #	Parcel #	Block #	Lot #	Section
50	387	7	44	5

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

*Complete Only Page 1
General Project Information

Tax ID: 2-231-90092556

Project Name (site name, subdivision name, or other) Eagles Passages Sec 5 Lot 44

Project location/Address 2500 Howard Grove Road

City Davidsonville Zip 21035

Local case number

Applicant: Last name Manley First name William

Company JA Chisholm, PE, LLC

Application Type (check all that apply):

Building Permit Variance
Buffer Management Plan Rezoning
Conditional Use Site Plan
Consistency Report Special Exception
Disturbance > 5,000 sq ft Subdivision
Grading Permit Other

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:

Residential - Construction/replacement in kind of Single Family Dwelling and associated septic system, stormwater management and driveway

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

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"/>
---	---

SITE INVENTORY (Enter acres or square feet)

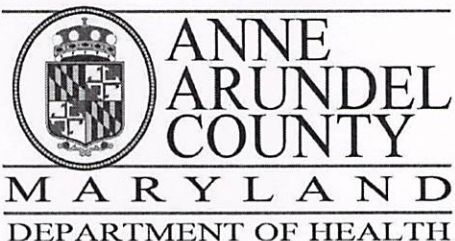
	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area		133,294
LDA Area					
RCA Area		690,641	# of Lots Created	0	
Total Area		690,641			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		548,919	Existing Lot Coverage		18,378
Created Forest/Woodland/Trees		12,560	New Lot Coverage		19,729
Removed Forest/Woodland/Trees		24,631	Removed Lot Coverage		5,260
			Total Lot Coverage		19,729

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		71,280	Buffer Forest Clearing		13,147
Non-Buffer Disturbance		62,014	Mitigation		12,560

<u>Variance Type</u> Buffer <input type="checkbox"/> Forest Clearing <input type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input checked="" type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input type="checkbox"/> Steep Slopes <input type="checkbox"/> Other <input type="checkbox"/>	<u>Structure</u> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input type="checkbox"/> Dwelling <input checked="" 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"/>
---	--



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 *BC*

DATE: December 23, 2024

RE: William Manley
2500 Howard Grove Road
Davidsonville, MD 21035

NUMBER: 2024-0218-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling and associated facilities with less setbacks and buffer than required and with disturbance to slopes of 15% or greater.

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

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

cc: Sterling Seay

2024-0218-V

Menu Cancel Help

Task Details I and P Engineering

Assigned Date

01/03/2025

Assigned to

Jean Janvier

Current Status

Complete w/ Comments

Action By

Jean Janvier

Comments

1. The Erosion and Sediment Control Plan for G02019917 shows proposed features that are not shown on the Site Plan. Please ensure that the proposed features shown are consistent on both plans.

2. Show the existing conditions and proposed conditions on separate pages of the Site Plan for clarity.

3. The stormwater management devices must be a minimum of 50 feet from water wells.

4. Show the location of any existing wells and label them with their well number. Also, please note what will be done with them (e.g. abandonment, etc).

5. The Critical Area Report Narrative mentions rooftop and non-rooftop disconnection areas are proposed for this project. Please indicate their respective locations on the Site Plan. They must be located in areas with slopes of less than or equal to 5%.

6. On page 1 of the Site Plan, the "area vegetatively stabilized" and the "area mechanically stabilized" do not add up to the "disturbed area." Please clarify.

7. On the Individual Single Family Dwelling Unit Engineering Review Checklist, the box is checked indicating that the Site Plan includes NAD-83 coordinates. However, the Site Plan submitted shows the NAD 27 coordinate system was used. Please correct the Site Plan to show NAD 83 coordinates, as required in the aforementioned checklist.

8. As mentioned in the Letter of Explanation, for development in the Critical Area, disturbance should be kept to a minimum. Please indicate if the existing gravel access road to be paved is already 20 feet wide or is the proposed paved driveway being expanded to 20 ft wide (being wider than the existing gravel access road)?

9. The existing 1,340 sq-ft structure to be removed is located outside of the LOD. Please expand the LOD to include this structure unless it is being demolished with a demo/building permit unrelated to grading permit G02019917.

10. On the Site Plan, show the steep slopes and the steep slope buffers and label them accordingly in the legend.

11. Stormwater management devices are not permitted in steep slope buffers.

12. Per page 9 of the plat Eagles Passages (0176/0001), there are four structures that are denoted as "existing buildings to be razed by developer." Please explain why these structures were not removed previously.

13. In the Critical Area, the computations of the 10% pollutant reduction rule will be required to be submitted with the grading permit.

14. There seems to be an excessive LOD, which this not kept to a minimum disturbance, as was stated in the explanation letter. The explanation letter states that the LOD has been kept to a minimum. However, the LOD shown in the Site Plan appears to be excessive. Please clarify how the LOD will be minimized.

15. Please note, any engineering approval, once received, does not reconcile other agencies' comments and may need to be revised (with additional comments) to address their concerns.

Determination/Recommendation – Based on the above review comments, this office recommends the approval of the variance request from an Engineering and/or Utility review with the above comments being addressed prior to the Variance Hearing or with the Grading Permit.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Task Specific Information

Due Date

01/09/2025

Assigned to Department

Engineering

Status Date

01/13/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

Engineering

Est. Completion Date

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

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name

2024-0218-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

12/19/2024

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

The site plan submitted does not accurately show the steep slopes on site in their entirety. Evaluation of the amount of disturbance cannot be completed accurately.

Applicant was advised during the pre-file meeting to provide detailed justification for the variance request.

This Office has no objection to the redevelopment of this site in the general location of the previous structure. Sufficient information was not provided to determine whether the application meets the standards for approval or whether slope disturbance could be reduced.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

01/09/2025

Assigned to Department

OPZ Critical Area

Status Date

01/29/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

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

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair

Katherine Charbonneau
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

February 3, 2025

Ms. Sterling Seay
Planning Administrator
Anne Arundel County Zoning Division
Annapolis, Maryland 21401

Re: Manley - 2500 Howard Grove Rd (2024-0218-V)

Dear Ms. Seay,

Thank you for providing information on the above-referenced variance request. The applicant is seeking a variance to the County's Critical Area code to allow for disturbance within Critical Area Buffer and to steep slopes. The 15.85-acre property is located entirely within the Resource Conservation Area (RCA). The applicant proposes to raze the existing dwelling unit and three accessory structures and construct a new dwelling unit. The site history and aerial imagery indicates that the previous dwelling unit on the property went neglected and has already been razed as of 2024 and portions of the site were cleared. The proposed 4,979 square-foot structure, which includes a three-car garage and a circular driveway, will increase lot coverage within the Critical Area Buffer by approximately 1,900 square feet. The applicant proposes 13,147 square feet of Buffer Forest Clearing, which includes Forest Interior Dwelling Species (FIDS) habitat. Total Buffer disturbance will amount to 71,280 square feet.

As proposed, our office opposes this variance request as the design does not meet each and every one of the Critical Area Variance standards including that the proposal would not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's local Critical Area, nor does the proposal meet the standard of unwarranted hardship.

State law defines "unwarranted hardship" to mean that, without the requested variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot. It does not appear that this request can meet this variance standard as the applicant has every opportunity to construct a dwelling and associated amenities in a manner that minimizes impacts to the Critical Area Buffer and steep slopes. As proposed, the design of the 4,979 square foot square foot house, including the three-car garage, circular driveway, and associated amenities constitutes a substantial increase in size and scale to the improvements that previously existed on the property. The applicant can redesign the improvements in a manner that reduces the proposed footprint and impacts, and they would still have reasonable and significant use of the entire parcel.

Additionally, the County's Critical Area program and the State Critical Area regulations place strict limits on disturbance to steep slopes, the Critical Area Buffer, and other Habitat Protection

Areas (HPA) such as Forest Interior Dwelling Species (FIDS) habitat in order to meet the goals of the Critical Area law. Approving a variance to allow greater impacts to these sensitive and protected features when there is the ability to either relocate and/or to minimize the size of proposed improvements is not a right commonly enjoyed by other, similar properties developed under the County's Critical Area program. No property owner has the right to impact HPAs and steep slopes without consideration of minimizing and reducing such impacts. For an example, impacts to FIDS, the expanded Buffer, and steep slopes would be minimized by reducing the size of the proposed dwelling and garage, reorienting the garage to be situated anterior to the dwelling versus more adjacent to, and redesigning the driveway to provide direct access to the garage and parking areas versus the circular driveway that increases lot coverage in the expanded Buffer and impacts to FIDS impacts.

Further, the cumulative impact of development in the Critical Area has a substantial and negative impact on the Chesapeake Bay. Given the lot is waterfront to the South River and given the environmentally sensitive features on this site including the expanded Buffer, steep slopes and FIDS habitat, the proposed project results in increase in lot coverage and disturbance to these sensitive features. This proposal in its current design is not in harmony with the spirit and intent of the Critical Area law and regulations or the County's Critical Area program.

Lastly, the proposed design results in increases in lot coverage and impacts to steep slopes, the Buffer, and within interior FIDS habitat which adversely impacts water quality and habitat located on this site. The proposed improvements and clearing of forest do not meet the design standards listed within *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*, as published on the State's Critical Area Commission Website regarding the width of the proposed footprint for the driveway, garage, and dwelling. The clearing required to support the proposed footprint of the improvements will result in the conversion of interior FIDS habitat to edge habitat which increases the introduction and spread of invasive species and predatory species such as Brown-headed Cowbird that further impacts FIDS. Forest clearing and added lot coverage within the Buffer and steep slopes can increase the quantity and velocity of stormwater flowing into the South River, resulting in degradation to water quality. Therefore, this request can absolutely have an adverse effect to water quality and habitat within the Critical Area.

For the reasons explained above, this office opposes this variance as proposed and recommends denial. However, this position is subject to change if design changes are made that minimize the impacts to the sensitive and protected environmental features noted above. Such design changes would include minimizing the size and width of the proposed improvements and redesigning the driveway for a more direct access to the garage which could be reoriented to the anterior of the house. If considered, the proposed changes would greatly reduce the proposed footprint and impacts to the sensitive environmental features on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please feel free to contact me at (410)-260-3462 or jamileh.soueidan@maryland.gov.

Sincerely,

A handwritten signature in black ink that reads "Jamileh Soueidan". The signature is written in a cursive style with a large initial 'J'.

Jamileh Soueidan
Natural Resources Planner

cc: Jennifer Esposito, Critical Area Commission

File: AA 0349-24

2024-0218-V

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

12/19/2024

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

This project area contains historic site, AA-981, St. George Barber Ancillary Buildings and associated archaeological site, 18AN701. The Cultural Resources Section obtained adequate documentation of buildings within and near the project area during review for a previous building permit and had no further requirements. Please note that there is high archaeological potential in areas of Eagles Passage outside of the current project area that would require further archaeological survey, but the current project area was surveyed previously and no further work is recommended.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

01/09/2025

Assigned to Department

OPZ Cultural Resources

Status Date

01/03/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Cultural Resources

Est. Completion Date

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

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



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



MEMORANDUM

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

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case 2024-0218-V

DATE:

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

- This site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File

Map Title



Legend

Foundation

Addressing



Parcels

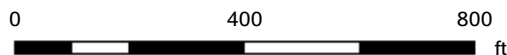


Parcels - Annapolis City



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.

none



THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes