

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

**APPLICANT:** Bennie and Amanda Tucker

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2024-0220-V

**COUNCILMANIC DISTRICT:** 5

**HEARING DATE:** February 20, 2025

**PREPARED BY:** Joan A. Jenkins  
Planner III



**REQUEST**

The applicants are requesting a variance to perfect accessory structures (retaining wall and walkway including steps) with less buffer than required on property known as 350 North Shore Road in Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject property consists of 16,755 square feet<sup>1</sup> of land and is located with frontage on the south side of North Shore Road, northwest of Villa Isle Court. The site is identified as Parcel 144 in Block 20 on Tax Map 25.

The property is zoned R2 – Residential District. The site is waterfront on Broad Creek and lies entirely within the Chesapeake Bay Critical Area overlay designated as primarily RCA - Resource Conservation Area with a small area of LDA - Limited Development Area along the eastern side and some of the access drive. The shoreline is mapped as primarily a non-buffer modified area with a portion of buffer modified area (BMA) coinciding with the RCA/LDA line. Steep slopes encumber the property between the dwelling and the shoreline. The access driveway goes through the Gray's Creek Bog contributing drainage area, 300' foot buffer, and 100-foot buffer.

The property is currently improved with a one-story single-family dwelling, a shed on the waterside, a pier, and associated facilities including on the waterside a paver patio accessing the waterside of the dwelling, retaining walls, stairs, and a paved walkway to the shoreline. The property is served by a private well and septic system.

**APPLICANT'S PROPOSAL**

The applicant seeks an after-the-fact variance to perfect the construction of an irregularly shaped paved walkway between the house and the shoreline that contains steps and retaining walls. The width at the widest point (which includes the walls) is greater than six feet.

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<sup>1</sup> Area information has been taken from the Critical Area Report Worksheet that is part of the Standard Grading Plan application. Note that the SDAT has 9,147 square feet for the property.

## **REQUESTED VARIANCES**

§ 18-13-104(a) of the Anne Arundel County Zoning Ordinance 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; and § 18-13-104(b) stipulates that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater. § 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). Section 27.01.01 (B) (8) (ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance.

The proposal shows 569 square feet of total impervious lot coverage for the walkway, steps and new walls within the buffer. Therefore, the proposed development necessitates a variance to perfect the disturbance within the 100-foot buffer. Actual disturbance to be determined at the time of permitting.

§ 17-8-201(a) of the Anne Arundel Subdivision and Development Code states that development in the LDA and RCA designated areas may not occur on slopes of 15% or greater unless development will facilitate stabilization of the slope, is necessary to allow connection to a public utility, or is to provide direct access to the shoreline. All disturbance shall be limited to the minimum necessary. The walkway, steps and retaining walls create disturbance on the steep slopes of 15% or greater. A variance is requested to perfect the disturbance within steep slopes. Actual disturbance to be determined at permitting.

## **FINDINGS**

The subject site is undersized for a lot in the R2 District served by a septic system. The property is encumbered by the 100-foot critical area buffer to tidal waters and the buffer modified area, and there are steep slopes on the property. The proposed improvements are not possible without a critical area variance for the disturbance to the buffer and the steep slopes, however, denial of the variance would not preclude the applicant use of their property.

The existing critical area lot coverage prior to adding the walkway and stairs was 3,086 square feet (18.4%). The lot coverage after adding the walkway and stairs is now 3,656 square feet (20.6%), which is less than the 5,235 square feet maximum critical area lot coverage allowed by Code.

A review of the County 2024 aerial photograph shows that the property is unusually shaped with an exceptionally long driveway to the road. The property is surrounded by 10 acres of forested land. It appears that the applicant may have expanded use onto the neighboring property. Nearby properties along the shoreline are part of the North Shore Villa subdivision which has been developed with single family homes.

Historic aerial photos from the County mapping system show the evolution of the property:

2017 - A small house (approximately 32 x 22 feet)

2018 - An addition and the house under construction. No retaining wall

2020 - Renovation completed. Retaining wall and plantings across the southern portion of the property

2021 - Additional plantings around the retaining wall and the house

2023 - The subject walkway, steps and retaining walls can be seen

2024 - The subject walkway, steps and retaining walls can be seen

The applicants have an extensive history of variances, permits (sometimes after-the-fact), and violations for the property. Violations include buffer disturbance, notably tree clearing in the critical area and building retaining walls, a shed, and a paver patio without permits or proper variances.

- 2017-0255-V granted a dwelling addition with less setbacks and buffer than required
- B02346391 Application 6/22/17 Approved an attached garage addition with attic storage and false dormers; Issued 12/27/17
- B02362263 Application 9/5/2018 for a 30 x 8 deck not approved; cancelled
- 2019-0027-V granted a dwelling addition (deck) with disturbance to the buffer 4-23-19
- B-2018-455 for Shed and retaining walls. This violation was resolved with B02399252. The shed was likely a replacement in kind, however, the shed was not included on this permit and does not appear to have ever been permitted.
- 2020-0107-V granted to perfect a 100-foot long retaining wall which traverses the property at the top of the steep slopes.
- 2021-0004-V granted a time extension to 2019-0027-V to obtain a building permit for the deck.
- B02399252 Application 8/4/2021 After the fact to restore existing 85 LF x 4'8 max height Retaining wall, add stone facing"; Issued 11/4/2021
- B-2023-393 Masonry stairs and walls in the buffer
- B02421308 application 10/27/2023 after-the-fact "construct two retaining walls with steps to grade (variance 2020-0107-V)". Pending this variance decision. Variance 2020-0107-V was for a different retaining wall

#### Closed past environmental violations

- E-2017-374 for Critical area tree clearing (buffer)
- E-2017-675 for Tree clearing critical area
- E-2018-842 Drainage

The applicants have sought forgiveness after-the-fact in multiple instances and have not stayed within the scope of approved permits.<sup>2</sup> They have cited a teachable moment as an example of good stewardship for the environment after clearing land within the critical area and not being good stewards themselves. In the most recent transgression, the applicants constructed a 569 square foot walkway for riparian access within the Critical Area Buffer and disturbed steep slopes in a manner that deviates from the approved Standard Grading plan (SGP-2022-121). The property is under violation B-2023-393. The building permit application (B02421308) description does not appear to cover the entire scope of the request and cites an earlier variance that does not pertain to the situation.

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<sup>2</sup> Permit B02346391 was for a garage with attic storage. Variance 2017-0255-V indicated that building plans were reviewed and that the addition was for a first floor garage. No mention was made of additional floors. The aerial photo from 2018 shows the entire house is being renovated.



2024 aerial of the property at the shoreline. Photo from the violation file B-2023-393 showing the steps and walls.

In the pre-file for this project the Critical Area Team noted that the SGP that was issued for access to the pier on this site was for a straight line, direct access of less than 6' is contemplated by COMAR and Critical Area Regulations. The access that was constructed is not in compliance with the approved plan and is not the minimum necessary to provide access. The team noted that this Office cannot support this request.

The applicants write that they have planted trees to satisfy mitigation requirements. The applicants' letter states that the pathway was curved to avoid the trees planted. However, the SGP was approved as a direct access to the shoreline and a mitigation plan was also approved for the SGP. The applicants seem to believe that this configuration of meandering is less coverage than the approved walkway. The letter indicates that the trees were planted during a family event, including their daughters, so as to teach them good stewardship of the waterways. This Office finds that reasoning difficult to accept given that there have been two violations for clearing of trees in the critical area by these property owners.

The **Department of Health** has determined that the request does not adversely affect the on-site sewage disposal and well water supply systems therefore the Department has no objection to the request.

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

The **Development Division (Critical Area Team)** commented the following:

The following violations have been issued on this site:

2017-374 for Tree Clearing in the Buffer

2017-675 for Tree Clearing in the Critical Area

2018-455 construction of a shed and retaining walls



2023-393 construction of masonry walls and stairs in the buffer

In 2020, a variance was granted to perfect the walls constructed under violation 2019-455.

This request is to perfect work that was constructed under violation 2023-393.

The approved SGP was for the installation of a path only and the construction that has occurred on site is out of scope in more ways than just the fact that it curves.

The allowable width of an access feature is 6'. The structure that has been built is 8' wide, including the steps and the walls.

This application does not meet the requirements for approval of a variance application.

The access and stairs should be removed and reinstalled to provide direct access to the pier that is no wider than 6' in order to comply with the minimization criteria for approval.

The "tree" that Mr. Tucker references as the basis for the curves is of the size and species that it could be relocated by a professional landscape company in order to accommodate a more direct access.

The **Critical Area Commission** commented that the mitigation can be relocated to ensure that access is in conformance with the County's Buffer provisions. The comments remind the AHO that an applicant has the burden to prove that the request meets each and every one of the variance standards under COMAR 27.01.12, including the standard of unwarranted hardship. They note that the request does not meet unwarranted hardship as the applicant already enjoys reasonable and significant use of the entire lot, and that the width of the walkway could be reduced and reoriented to provide direct riparian access to meet the riparian access standards per County code, whereby eliminating the need for a variance altogether and reducing the overall mitigation requirement.

#### *Critical Area Variance Standards*

For the granting of a Critical Area variance, a determination must be made as to whether, because of unique physical conditions, strict implementation of the County's critical area program would result in an unwarranted hardship to the applicant. In this case, the lot does have some steep slopes on the property, however, the applicant applied for a walkway that was approved through a standard grading plan which did not require variance approval and then constructed a walkway and retaining walls outside of the scope of the approval.

The variance request is based on conditions or circumstances that are the result of actions by the applicant but does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance may adversely affect water quality or impact fish, wildlife or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program.

The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law. In order to minimize the environmental impacts, the applicants should evaluate and implement site planning alternatives. It is noted that the original SGP that was issued for a straight line 6-foot wide access to the pier did conform to the general purpose and intent of the critical area law and minimized environmental impacts, and did not require a variance.

*General Variance Standards*

With regard to the requirements for all variances, approval of the variance will not alter the essential character of the neighborhood, as waterfront access is common for any waterfront property. Approval of the variance will not substantially impair the appropriate use or development of the adjacent properties. The variance will not reduce forest cover in the limited development area or resource conservation area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

The walkway, stairs and retaining walls could be built in a direct access line to the pier, at a width allowed by MDE, with less disturbance to the 100-foot buffer, and according to the approved SGP without the need for a variance. Therefore, the request can not be deemed to be the minimum necessary to afford relief in this case.

**RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of the proposed critical area variances to disturb the buffer and the proposed improvements should be removed and replaced with the original design that provided a direct access walkway to minimize the environmental impacts.

If it is determined that a variance is to be granted for this property with an outstanding violation, the variance shall be conditioned on the applicant completing the following within 90 days of the date of the decision, as applicable: (i) obtaining an approved mitigation or restoration plan; (ii) completing the abatement measures in accordance with the County critical area program; (iii) paying any civil fines assessed and finely adjudicated.

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

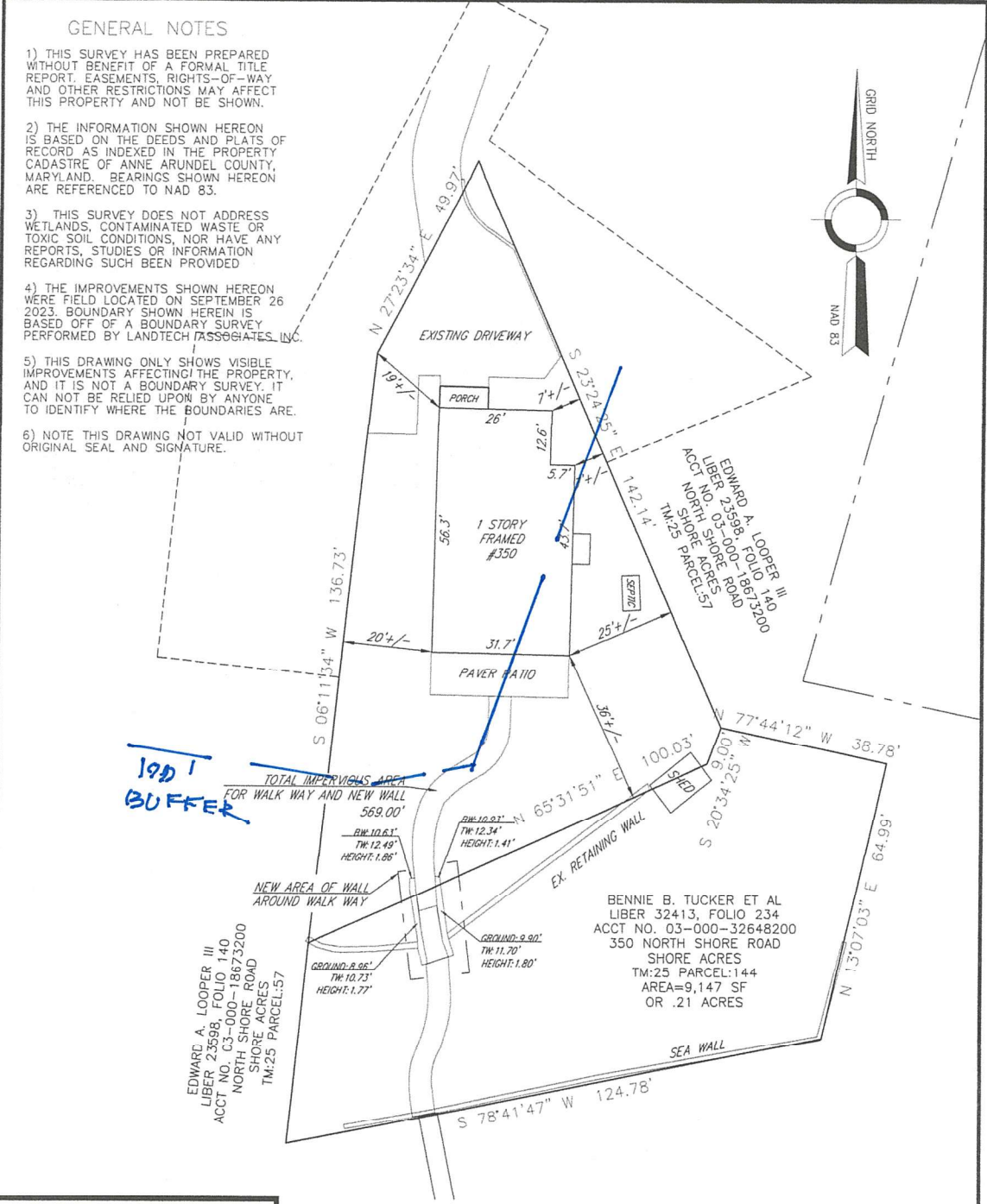
ADMINISTRATIVE SITE PLAN/SURVEY:

GENERAL NOTES

- 1) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT, EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
- 2) THE INFORMATION SHOWN HEREON IS BASED ON THE DEEDS AND PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF ANNE ARUNDEL COUNTY, MARYLAND. BEARINGS SHOWN HEREON ARE REFERENCED TO NAD 83.
- 3) THIS SURVEY DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED
- 4) THE IMPROVEMENTS SHOWN HEREON WERE FIELD LOCATED ON SEPTEMBER 26 2023. BOUNDARY SHOWN HEREIN IS BASED OFF OF A BOUNDARY SURVEY PERFORMED BY LANDTECH ASSOCIATES, INC.
- 5) THIS DRAWING ONLY SHOWS VISIBLE IMPROVEMENTS AFFECTING THE PROPERTY, AND IT IS NOT A BOUNDARY SURVEY. IT CAN NOT BE RELIED UPON BY ANYONE TO IDENTIFY WHERE THE BOUNDARIES ARE.
- 6) NOTE THIS DRAWING NOT VALID WITHOUT ORIGINAL SEAL AND SIGNATURE.



**19d1  
BUFFER**



EDWARD A. LOOPER III  
LIBER 23598, FOLIO 140  
ACCT NO. 03-000-18673200  
NORTH SHORE ROAD  
SHORE ACRES  
TM:25 PARCEL:57

BENNIE B. TUCKER ET AL  
LIBER 32413, FOLIO 234  
ACCT NO. 03-000-32648200  
350 NORTH SHORE ROAD  
SHORE ACRES  
TM:25 PARCEL:144  
AREA=9,147 SF  
OR .21 ACRES

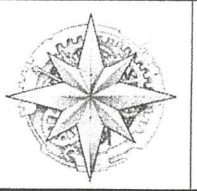
JESSICA A. KING  
MD REG #21684  
EXP. 12/24  
OCTOBER 2, 2023

THIS IS TO CERTIFY THAT THIS PLAT WAS MADE IN ACCORDANCE WITH COMAR 09.13.06.10 MINIMUM STANDARDS AND PROCEDURES FOR A SPECIAL PURPOSE SURVEY. THE VISIBLE IMPROVEMENTS ARE SHOWN TO A TOLERANCE OF 1 FOOT MORE OR LESS.



= CONCRETE

EXISTING SITE CONDITIONS SURVEY OF  
350 NORTH SHORE RD.  
PASADENA, MD 21122  
ACCT NO. 03-000-32648200  
TAX MAP:0025 PART OF PARCEL:0144  
THIRD ELECTION DISTRICT  
ANNE ARUNDEL COUNTY, MARYLAND



King's Point Surveys, Inc.  
8019 Long Hill Rd.  
Pasadena, MD 21122  
410-255-1378 jking@kingspointsurveys.com

DRAWN: JAK
CHECKED: JAK
DATE: 09-26-2023
JOB # 2018-0908
SCALE: 1"=30'
SHEET: 1 OF 1

BENNIE TUCKER  
350 NORTH SHORE ROAD  
PASADENA MARYLAND 21122  
[BENNIETUCKER2002@YAHOO.COM](mailto:BENNIETUCKER2002@YAHOO.COM)  
443-306-5655 CELL

VIA PLANNING LAND USE NAVIGATOR AND HAND DELIVERY:

NOVEMBER 30, 2024 – REVISED 12.21.2024 VIA EMAIL

ANNE ARUNDEL COUNTY

OFFICE OF PLANNING AND ZONING

2664 RIVA ROAD, THIRD FLOOR

ANNAPOLIS, MARYLAND 21401

*ATTN: MS. JENNIFER LECHNER PZLECH23@AACOUNTY*

*RE: VARIANCE 2024-0220-V; B02421308, B-2023-393*

DEAR; MS. LECHNER:

*REVISION TO LETTER:*

THIS REVISED JUSTIFICATION LETTER ADDRESSES YOUR REQUEST FOR ADDITIONAL INFORMATION, AS WHY THE PATH TO THE WATER'S EDGE WAS INSTALLED WITH CURVES AND NOT PER THE PLAN ATTACHED TO THE APPROVED STANDING GRADING PLAN.

THE REMAINDER OF THE STATEMENT REMAINS IN THE RECORD.

THE PATHWAY WAS CURVED TO AVOID THE TREES PLANTED. THOSE TREES WERE PLANTED IN PART TO SATISFY THE MITIGATION REQUIREMENTS. ALL MITIGATION IS COMPLETE AND THE SECURITIES RELEASED, INCLUDING THE MITIGATION FOR THIS PATHWAY. WE BELIEVE WITH LESS COVERAGE AND PLANTED FOR THE HIGHER COVERAGE, THIS ALIGNMENT IS THE HIGHEST AND BEST. MANY PATHWAYS MEANDER, SOME ARE BOARDWALKS, SITE CONDITIONS GOVERN UNDER THE STANDARD GRADING PLAN APPROVAL. .

THOSE TREES WERE PLANTED AS A FAMILY EVENT, ONE TREE FOR EACH OF OUR DAUGHTERS, KALA, PALMER AND SAVANNAH. IT WAS MEANT TO TEACH THEM GOOD STEWARDSHIP OF THE WATER WAYS AND TO ALLOW THEM TO MATURE AND GROW WITH THE TREES IN OUR FOREVER HOME. THOSE TREES ARE AN IMPORTANT PART OF OUR FAMILY.



THE SITE PLAN WAS MEANT AS AN EXHIBIT TO THE STANDARD GRADING PLAN WITH THE BENEFIT OF KNOWLEDGE OF THE FAMILY TREE LOCATIONS. THE PATHWAY INSTALLED AND LOCATED BY THE SURVEY INDICATES THE NEW PATH LOCATION YIELDED A PATH OF LESS COVERAGE THAN APPROVED.

THIS VARIANCE APPLICATION IS PRESENTED AT THE REQUEST OF MR. ADAM BROWN, MR. DANIEL SMITH, AND MS. SARA ANZELMO ON BEHALF OF PLANNING AND ZONING.

THE APPLICANT WISHES TO COMPLY WITH THE REQUEST FOR APPROVAL OF THE VARIANCE, AND THE ASSOCIATED PERMIT. THE VARIANCE PRE-FILE COMMENTS ARE HEREIN MADE A PART OF THIS RECORD.

THE CORE OF THIS MATTER IS THE RELIANCE OF THE APPROVED STANDARD GRADING PLAN DATED OCTOBER 7, 2022, WHEREAS THERE WAS NO BUILDING PERMIT REQUIRED AT THE TIME OF APPROVAL. (THE SGP IS VALID FOR TWO YEARS), COPY ATTACHED.

FROM THE DATE OF COMPLIANCE CASE BEING OPENED WE HAVE BEEN COMMUNICATING WITH SUBMITTALS, LETTERS OF EXPLANATION, HISTORICAL CHRONOLOGY,

*PRE-FILE COMMENTS:*

THE CRITICAL AREA TEAM:

THE TEAM COMMENTED THAT THE STANDARD GRADING PLAN SHOWED A STRAIGHT LINE FORM THE HOUSE TO THE PIER; HOWEVER THE CONDITIONS ON THE FIELD CAUSE FOR REALIGNMENT DUE TO THE BUFFER PLANTINGS INSTALLED TO COMPLY WITH THE DEVELOPMENT THAT HAD TAKEN PLACE.

WE ARE CERTAIN, IF THE STANDARD GRADING PLAN HAD ANTICIPATED THOSE CURVES FOR SAVING THE TREES BEEN SHOWN THAT SGP WOULD HAVE BEEN APPROVED AS WELL, AS THE CONDITIONS FOR APPROVAL ARE SIGNIFICANTLY UNDER THE MINIMUM STANDARDS .



THE ZONING ADMINISTRATION SECTION

*THE ZONING COMMENTS ARE A COPY OF THE CRITICAL AREA COMMENTS, AGAIN A COPY IS ATTACHED.*

**BUILDING PERMIT ENVIRONMENTAL COMMENT:**

MR. BROWN COMMENTED THAT A VARIANCE TO COMAR 27.01.09.01-E.

THE PROPOSED WALKWAY EXCEEDS THE ALLOWABLE WIDTH FOR A RIPARIAN ACCESS PATH AND CREATES DEVELOPMENT DISTURBANCE IN THE 100 FOOT CRITICAL AREA BUFFER. AS SUCH THE APPLICANT MUST OBTAIN A VARIANCE TO THE REFERENCED CODE PRIOR TO PERMIT APPROVAL.

**BUILDING PERMIT ENVIRONMENTAL RESPONSE:**

THE WALKWAY AND TREADS AND RISERS ARE LESS THAN 5 FEET IN WIDTH AS APPROVED BY THE PLANS REVIEWER. COMAR ALLOWS FOR A 6 FOOT ACCESS TO THE WATER'S EDGE.

THE LANDSCAPE WALLS ALL LESS THAN 4 FEET IN HEIGHT. THE FOOTERS, MINOR WALLS AND CAPS REPRESENT THE INFRASTRUCTURE NECESSARY TO NAVIGATE THE VERTICAL GRADE, CREATE TREADS AND RISERS COMPLY WITH THE STANDARD GRADING PLAN 2022-121, REGARDLESS OF THE TIMING OF INSTALLATION.

**BUILDING PERMIT MITIGATION:**

THE MITIGATION PLAN, AGREEMENT AND FINANCIAL MATTERS FOR 600 SQUARE FEET (OVER THE ACTUAL COVERAGE) WERE ACCEPTED. THE PLANTINGS INSTALLED, INSPECTED AND THE BOND RELEASED.

IN CONCLUSION, WE LOOK FORWARD TO YOUR FAVORABLE CONSIDERATION TOWARDS YOUR APPROVAL OF THIS VARIANCE APPLICATION, SO THE HEARING OFFICE HAS YOUR SUPPORT PRIOR TO THE HEARING.

SINCERELY

BENNIE TUCKER

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: 11.30.24

Tax Map #	Parcel #	Block #	Lot #	Section
25	144	20	N2	N2-

**FOR RESUBMITTAL ONLY**

Corrections

Redesign

No Change

Non-Critical Area

\*Complete Only Page 1  
General Project Information

Tax ID: 3.000.32648200

Project Name (site name, subdivision name, or other) 350 NORTH SHORE

Project location/Address 350 NORTH SHORE RD.

City PAFADENA Zip 21122

Local case number 2024-0105

Applicant: Last name TUCKER First name BENNIE

Company NS

**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:

STAIRS FOR PATH TO PIER

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	0.35	16,755
RCA Area		
Total Area	0.35	16,755

Total Disturbed Area 

Acres	Sq Ft
0.09	3,916

# of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		
Created Forest/Woodland/Trees			New Lot Coverage		
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		

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

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.09	3,916	Mitigation	0.9	3,916

Variance Type

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

PER P&E COMMENT

Structure

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

WALKWAY & STAIRS


(FILE)  
9.24.22  
3:14 pm

# LETTER OF TRANSMITTAL

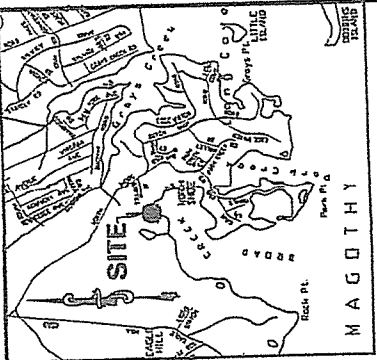
<b>TO:</b>	Anne Arundel County	REF: 350 North Shore Drive		
	Inspection & Permits	Standard Grading Plan 2022-121		
	2664 Riva Road 2 <sup>nd</sup> Floor			
	Annapolis, Maryland 21401	<b>VIA:</b>		
<b>ATTN:</b>	Ms. Valerie Gosnell	<input checked="" type="checkbox"/> U.S. MAIL	<input checked="" type="checkbox"/> HAND CARRIED	
		<input type="checkbox"/> FEDEX OVERNIGHT		<input type="checkbox"/> TO BE PICKED UP
		<input type="checkbox"/> FEDEX 2-DAY		<input type="checkbox"/> UPS GROUND
		<input type="checkbox"/> FEDEX STANDARD		<input type="checkbox"/> OTHER
<b>DATE:</b>	9/26/2022	ADDRESSEE PHONE NO: 443-871-3584		

*IF THE ENCLOSED IS NOT AS NOTED, PLEASE CONTACT US AT ONCE.*

RETURN TO THE OFFICE BELOW:  PO Box 6307 Annapolis, Maryland 21401			ATTENTION OF: <b>BUCKHARDT ENGINEERING, LLC</b>																
			PHONE: 443-871-3584																
			FAX:																
			EMAIL: gmetsc@gmail.com																
COPIES	FILE NO(S)	SHEET NO(S)	DESCRIPTION	AS REQUESTED	FOR YOUR USE	FOR YOUR FILE	FOR YOUR REVIEW AND COMMENT	SUBMITTAL FOR APPROVAL	RESUBMITTAL FOR APPROVAL	RETURNED	OTHER								
1			Transmittal Cover						X										
1			Planting Plan no scale						X										
1			Forestation Agreement executed with Deed						X										
1			Inspection Fee \$147.00						X										
1			Security \$2,100.00						X										
1			September 9, 2022 letter from I&P		X														

<b>COPIES TO:</b>  File	<b>REMARKS:</b>  Please contact us if you have any additional questions or comments. Thank You 
	<b>SIGNATURE:</b> Gary M. Evans

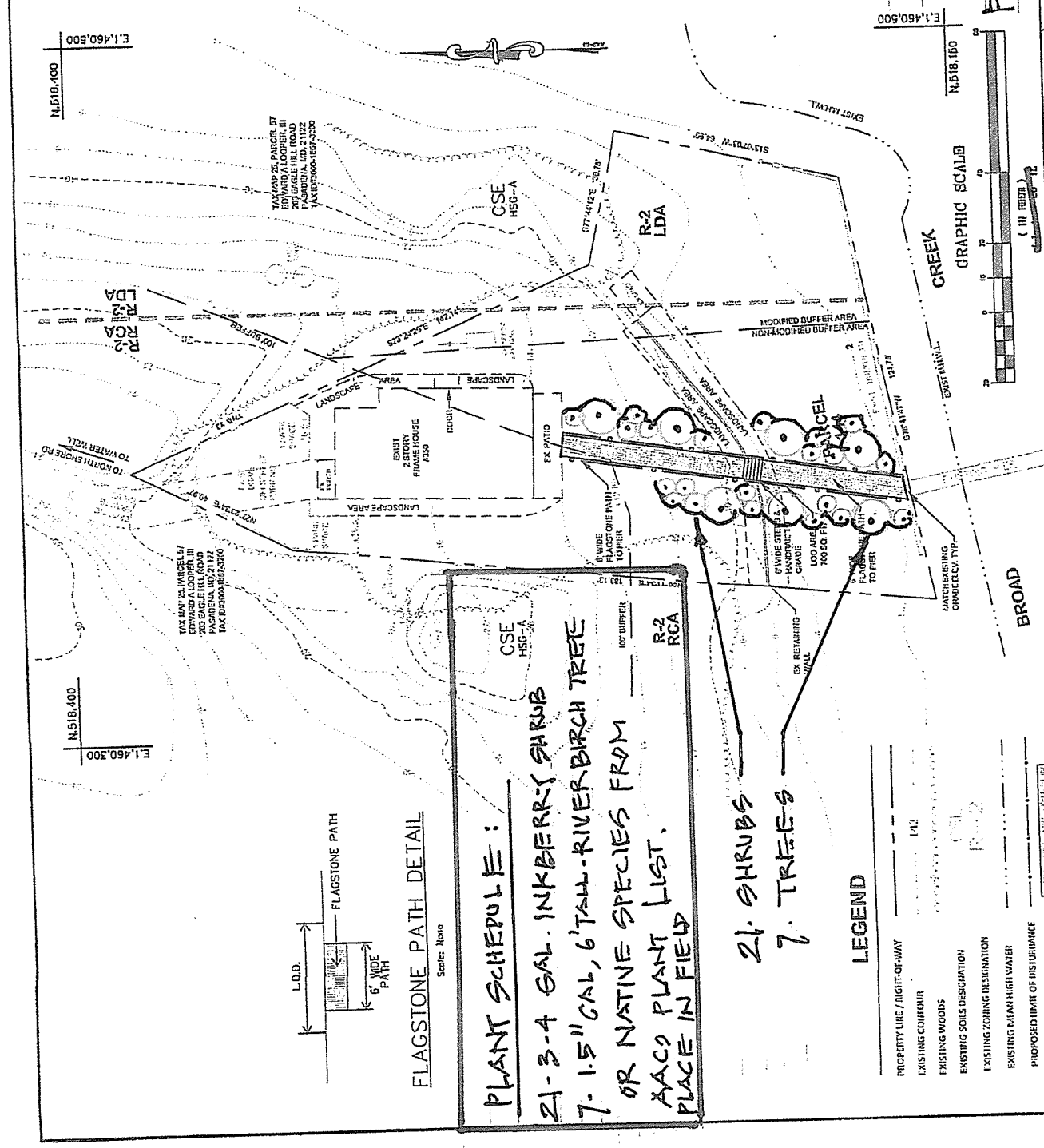
JOB NO: Bennie Tucker



**GENERAL NOTES:**

1. THE PURPOSE OF THIS SITE PLAN IS TO SECURE A STANDARD GRADING PLAN (NO PERMITS). ALL OTHER PERMITS ON RECORD ARE COMPLETED
2. SITE PLAN IS BASED ON A SURVEY BY RIMSPOINT DATED 10/2/2021.
3. OWNER: DENNIE & AMANDA TUCKER  
350 NORTH SHORE ROAD  
PASADENA, MARYLAND 21122
4. TAX ID NUMBER: 03-000-3264-0200  
DEED REFERENCE: 32413 / 00234
5. THE FEMA FLOOD PLAIN IS ZONE X & AE ELEV. 0.0  
MAP: 24003C0178 F. DATED FEBRUARY 10, 2015
6. THE SITE IS SERVED BY PRIVATE SEPTIC (0204-0959)
7. THE SITE IS SERVED BY PRIVATE WATER.
8. SITE DATA:  
a) ZONING IS R-2  
b) FRONT 30'  
c) REAR 20'  
d) SIDE YARD 7'  
e) ACCESSORY STRUCTURES:  
i) SIDE YARD REAR 7' OR LESS THAN 6' HEIGHT IS 0'  
ii) CRITICAL AREA IS LDARCA.  
iii) SITE IS PARTLY BUFFER MODIFIED PER MPP 1B2  
iv) SITE AREA = 16,755 SQ.FT., 0.386 ACRES  
v) ALLOWABLE LOT COVERAGE = 5,235 SQ.FT. (31.25%)  
vi) EXISTING LOT COVERAGE = 3,300 SQ.FT. (19.95%)  
HOUSE = 1,711 SQ.FT. SQ.FT.  
PORCH = 107 SQ.FT.  
SHED = 91 SQ.FT.
- 9) PROPOSED LOT COVERAGE = 500 SQ.FT.  
10) POST CONSTRUCTION LOT COVERAGE = 3,916 SQ.FT. (23.4%)

SEP 2022-121  
SEPT 2-6, 2022  
PLANTING PLAN FOR 7ND ST.



**STANDARD GRADING PLAN**

**TUCKER PROPERTY**  
350 NORTH SHORE ROAD, PASADENA  
TAX MAP 25, BLOCK 20, PARCEL 144  
TAX ID# 3000-3264-0200  
ZONING R-2 RP CODE 21122  
THIRD DISTRICT ARNE ANJOUZ COUNTY, MARYLAND

SCALE: AS SHOWN  
DATE: MAY, 2022  
DRAWN BY: AEM/P  
CHECKED BY: GIE  
JOB NO: 22-888  
SHEET NO: 1 OF 1

**BUCKHARDT ENGINEERING, LLC**  
LAND DEVELOPMENT CONSULTING  
COLLEGE PARKWAY CENTER  
1200 BAY DALE DRIVE, SUITE 203  
ANNAPOLIS, MARYLAND 21402  
PHONE 443-471-5584 (GARY)  
Email: gmetec@gmail.com

REVISIONS	DESCRIPTION	APPROVED BY	DATE
7			

**DO NOT MAKE CHANGES TO THIS FORM**

**FORESTATION AGREEMENT**

THIS FORESTATION AGREEMENT is entered into this 26 day of September, 2022, by and between Bennie and Amanda Tucker, Owner, and ANNE ARUNDEL COUNTY, MARYLAND, a body corporate and politic of the State of Maryland ("County").

WHEREAS, Owner is the owner of the real property with a street address of 350 North Shore Road Pasadena, Maryland 21122, deed reference 32413/234 (the "Property"), and Owner has filed or permitted to be filed an application for subdivision or a site development plan with an application for a building or grading permit or a standard grading plan, Permit No. NA; and

WHEREAS, the Owner is required by the Anne Arundel County Code ("Code") to enter into a Forestation Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, the parties agree as follows:

**INSTALLATION AND INSPECTION**

1. The Owner or Purchaser has submitted and the County has approved a forest conservation plan, buffer management plan, reforestation plan ("Plan") for the Property, a copy of which is on file at the County Office of Planning and Zoning.
2. The Owner is required to complete reforestation, afforestation, or replanting on the Property in accordance with the Plan and the Code.
3. The Owner shall be responsible for the provision, installation, and maintenance of all plant materials required by the Plan and shall be bound by the terms and conditions of the approved Plan and all applicable law and regulations.
4. The total approved estimated cost of the installed plant materials is \$2,100.00, and a copy of the approved cost estimate is attached as **Exhibit A**.
5. Within 30 days after installation of all plant materials, the Owner shall notify the County in writing by certified mail, return receipt, that installation has been completed in accordance with the Plan and shall advise the County of any variations from the Plan or differences between the Plan and the final installation. The County will inspect the plant materials. Owner hereby grants to the County a right of entry onto the Property for the purpose



## DO NOT MAKE CHANGES TO THIS FORM

of inspecting the approved installation and verifying compliance with the approved Plan.

6. The Owner has paid to the County an inspection fee in the amount of \$ 147.00, which is 7% of the total approved estimated cost of the installed plant materials. The inspection fee will not be decreased even if the actual cost claimed by the Owner is less.

### SECURITY

7. All security required by this Agreement shall be in the form of a \_\_\_\_\_ cash deposit (including a certified or cashier's check),  \_\_\_\_\_ irrevocable letter of credit, or \_\_\_\_\_ performance and completion bond; from a surety acceptable to the County.

8. This Agreement is accompanied by performance and completion security if required by the Code . The amount of the security is \$ 2,100.00, which is equal to \$1.50 per square foot in the Critical Area or, otherwise, equal to the total approved estimated cost of the installed plant materials as set forth in paragraph 4.

9. In addition to the security posted with this Agreement, the Owner agrees to reimburse the County for any and all additional costs incurred to complete, restore, or repair the plantings required by the Plan, including all County administrative costs; independent contractor, consulting engineer, or other expert fees; attorneys' fees; and pre-judgment interest at the rate of 6% per year. The Owner further authorizes the County to recover these additional costs by collection pursuant to § 1-9-101 of the County Code.

10. The County shall retain the security required by this Agreement for a period of two years after installation and acceptance of the plant materials. After the expiration of at least one growing season, the County may reduce by no more than 50% the amount of the security required by this Agreement if the Owner has performed at least 50% of the obligations under this Agreement and the County determines that a partial release will not impair implementation of the Agreement. To request a reduction, the Owner shall file an application with the County; provide justification and any required documentation, including new or additional security if the County so requires; and agree that all other terms and conditions of this Agreement shall remain in full force and effect.

11. If the Owner fails to request in writing a return of the security within 180 days after the expiration of the two-year period that the security is held under the Code and this Agreement, the security shall be forfeited by operation of law to the County's Forest Conservation Fund or to the critical area fund, as determined by the Planning and Zoning

**DO NOT MAKE CHANGES TO THIS FORM**

Officer.

**REMEDIES**

12. If the Owner fails to install the required plantings or fails to take appropriate and effective corrective action after written notice by the County or otherwise fails to perform this Agreement in any manner whatsoever, the County may declare the Owner in default and may complete, restore, or repair the plantings required by the Plan, either through its own forces or through a contractor. In addition, the County may take all action and pursue all available remedies, whether legal or equitable, provided for by applicable law, including forfeiture of any security and the recovery of any costs incurred by the County pursuant to the provisions of § 1-9-101 of the County Code.

13. No remedy available to the County is exclusive, all remedies shall be cumulative, and the exercise of one remedy by the County shall not preclude the exercise of other remedies at the same time or at different times.

**MISCELLANEOUS PROVISIONS**

14. The parties agree that the obligations of this Agreement will run with the land and bind the current owner of the property only, and that upon conveyance of the Property the obligations of this Agreement shall be assumed by the Grantee and the Owner shall be released without further obligation hereunder.

15. The Owner hereby waives all right of appeal on any issue relating to the requirement for the provision, installation, and maintenance of all plant materials required by the Plan and this Agreement.

16. This document and its attachments contain the complete and final Agreement between the parties and representations, whether written or oral, not contained in this Agreement shall not be part of this Agreement.

17. The laws of the State of Maryland shall govern this Agreement.

18. This Agreement shall inure to the benefit of and be binding on the parties and their heirs, personal representatives, legal representatives, successors, and assigns.

19. The parties agree that this Agreement constitutes a contract under seal and that they intend the twelve-year statute of limitations period as set forth in Maryland Courts and Judicial Proceedings Code Annotated §5-102 to apply to this Agreement.

20. If a court of competent jurisdiction determines that any provision of this

**DO NOT MAKE CHANGES TO THIS FORM**

Agreement is invalid, illegal, or incapable of being enforced, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect and the rights and obligations of the parties shall be given effect to the fullest extent possible notwithstanding the determination of invalidity, illegality, or unenforceability.

OWNER:

9/26/2022

Date

\_\_\_\_\_(SEAL)

Bennie Tucker

Print Name

OWNER:

9/26/2022

Date

\_\_\_\_\_(SEAL)

Amanda Tucker

Print Name

OWNER:

\_\_\_\_\_  
Date

\_\_\_\_\_(SEAL)

\_\_\_\_\_  
Print Name

ANNE ARUNDEL COUNTY, MARYLAND

**DO NOT MAKE CHANGES TO THIS FORM**

BY: \_\_\_\_\_ (SEAL)  
**STEVE KAH-ZIEGLER, AICP,**  
PLANNING AND ZONING OFFICER FOR  
STEUART PITTMAN, COUNTY  
EXECUTIVE

REVIEWED FOR FORM AND  
LEGAL SUFFICIENCY:

08/22/18 11:11 AM C 0001 R 0003  
Val #: 0003-221027 \$0.00  
Deed - Recordation Tax - Exempt  
Instrument Type: Deed

LR - Deed (No-Taxes)  
Recording Fee 20.00  
Name: TUCKER  
Ref:  
LR - Deed (No-Taxes)  
Surcharge 40.00  
=====  
SubTotal: 60.00  
=====  
Total: 120.00  
08/22/2018 12:59  
CC02-SM  
#10868920 CC0501 -  
Anne Arundel  
County/CC05.01.10 -  
Register 10

Prepared By:  
Kase & Associates, P.C.  
21631 Ridgetop Circle, Ste 280  
Sterling, VA 20166  
File No. NFT-18MD28266-R / 18NTMD28264  
Property Address: 350 North Shore Road, Pasadena, MD 21122  
Tax ID No. 03-000-32448200

Return to:  
**Navy Federal Title Services, LLC.**  
21631 Ridgetop Circle, #265  
Sterling, VA 20166

NO TITLE INSURANCE ISSUED.

This deed transfers an interest in real property between spouses and is therefore exempt from state and county transfer and recordation taxes.

This Deed, made this 13<sup>th</sup> day of August, 2018, by and between **BENNIE B. TUCKER**, Grantor and **BENNIE B. TUCKER AND AMANDA R. TUCKER**, husband and wife, Grantees.

- Witnesseth -

That in consideration of the sum of **ZERO Dollars and No Cents (\$0.00)**, which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, **BENNIE B. TUCKER AND AMANDA R. TUCKER**, as **TENANTS BY THE ENTIRETY** in **FEE SIMPLE**, all that lot of ground situate in the County of Anne Arundel in the State of Maryland and described as follows, that is to say:

BEGINNING FOR THE FIRST at a stone marked "K" previously set at the end of the eighth line of the second parcel described in the deed from George F. Flentje, Jr. to Edward A. Looper and Lola P. Looper, his wife, dated September 16, 1940, and recorded among the Land Records of Anne Arundel County in Liber J.H.H. No 224, folio 121; thence reversely along a portion of said eighth line, as now corrected for variation, South twenty-five degrees eighteen minutes West nine feet, more or less (S.25° - 18'W. 9± ) to the waters edge of Broad Creek; thence along the waters edge of said Creek South Seventy degrees fourteen minutes West one hundred feet, more or less (S.70° - 14'W. 100±); thence North ten degrees fifty-four minutes East nine feet, more or less (N.10° - 54'E. 9±) to a pipe; thence continuing the same course North ten degrees fifty-four minutes East one hundred twenty-seven and seventy-three hundredths feet (N.10° - 54'E. 127.73') to a pipe; thence North thirty-two degrees six minutes East forty-nine and ninety-seven hundredths feet (N.32° - 06'E.49.97') to a pipe; thence South eighteen degrees forty-two minutes East one hundred forty-two and fourteen hundredths feet (S.18° - 42'E. 142.14') to the place of beginning.

Containing two hundred nine thousandths (0.209) of an Acre, more or less, description is according to a survey by Ralph G. Snyder, Register Surveyor, dated March 21, 1951.

Together with a right-of-way Eight (8) feet in width, to be maintained at the sole expense of Grantees, their heirs and assigns, leading from North Shore Road to the property hereby conveyed, for the purposes of (a) ingress and egress to and from the property hereby conveyed (b) erecting and maintaining on, over, under and along said right-of-way, at any time, poles, conduits, wires and appurtenances thereto, for the transmission of electricity for electric light and power and for the transmission of telephone and telegraphic communications, and (c) to lay, construct and maintain in, under, through and/or along said right-of-way, pipes and appurtenances thereto for conveying gas, water, sewer and any and all other substances and materials incident to the use and enjoyment of the property hereby conveyed, the center-line of said right-of-way being described as follows, to wit:

ACCT. 3000 37648800 **GENERAL PAYMENTS**  
ALL LIENS ARE PAID AS  
OF 8/22/18 A.A. COUNTY  
BY: [Signature]

BEGINNING for the same at a point in the center of the road leading from Mountain Road to North Shore, said point being three hundred ninety-five feet, more or less (395' +/-) from the point where the easterly line of the property of the current or previous grantor crosses said road; thence South sixty-one degrees forty-nine minutes West sixty-two and seventy-four hundredths feet (S. 61 deg - 49'W. 62.74'); South thirty-one degrees twenty-two minutes West two hundred fifty and thirty-eight hundredths feet (S. 31 deg - 22'W. 250.38'); South twenty-five degrees twelve minutes West one hundred fifty-three and eighty-six hundredths feet (S. 25 deg - 12'W. 153.86'); South eleven degrees sixteen minutes West one hundred fifty-nine and twenty hundredths feet (S. 11 deg - 16'W. 159.20'); South seven degrees forty-five minutes East one hundred three and forty-two hundredths feet (S. 7 deg - 45'E. 103.42'); South twenty-three degrees thirty-one minutes West seventy-three and forty-six hundredths feet (S. 23 deg - 31'W. 73.46'); South sixty-four degrees seven minutes West seventy-two and thirteen hundredths feet (S. 64 deg - 07'W. 72.13'); South forty-three degrees forty-one minutes West one hundred sixty-eight and sixty-three hundredths feet (S. 43 deg - 41'W. 168.63'); South thirty-seven degrees twenty-six minutes West two hundred and seventy-seven hundredths feet (S. 37 deg - 26'W. 200.77'); South forty-three degrees twenty-nine minutes West forty-four and seventy-five hundredths feet (S. 43 deg - 29'W. 44.75'); to the end of said center-line of said right-of-way, the point of ending being North twenty-three degrees six minutes West twenty-four and seventy-nine hundredths feet (N. 23 deg - 06'W. 24.79') from the pipe at the end of the fourth line of the parcel of ground being conveyed by the grantor herein to the grantees herein. (Description of right-of-way is according to a survey by Ralph G. Snyder, Registered Surveyor, made on March 31, 1951).

BEGINNING FOR THE SECOND at a stone, heretofore set, said stone being the same point of beginning as described in a deed from Edward Looper, Jr. to William and Gloria Watson, his wife, dated April 6, 1951 and recorded among the Land Records of Anne Arundel County in Book 618, Page 392; thence, leaving said point of beginning and running with and binding on a line established by an Opinion and Order of the Circuit Court for Anne Arundel County (Law No. C-5411) 1) S73 deg 01' 47"E - 38.78 feet to a point on the existing wood bulkhead on Broad Creek; thence running along said bulkhead 2) S17 deg 49' 29"W - 64.99 feet to a point; thence, 3) S83 deg 24' 12"W - 110.91 feet to a point at the end of said bulkhead; thence, running with the existing shore line of said Broad Creek 4) S83 deg 24' 12"W - 13.87 feet to a point at the end of a southwestward extension of the 3rd or N10 deg 54'E - 9' (+/-) line of the aforementioned conveyance from Looper to Watson; thence, running with said extension 5) N10 deg 54' 00"E - 46.40 feet to a point at the beginning of said 3rd line; thence, running reversely with and binding on the 2nd and 1st lines of the aforementioned conveyance 6) N70 deg 14' 16"E - 100.3 feet to a point; thence, 7) N25 deg 18' 00"E - 9.00 feet to the Place of Beginning. Containing 0.176 Acres of Land more or less.

Being the same property conveyed from Bennie B. Tucker to Bennie B. Tucker on July 26, 2017 and recorded November 3, 2017 in Deed Book 31530, Page 357 among the Land Records of said County.

**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 **BENNIE B. TUCKER AND AMANDA R. TUCKER**, as TENANTS BY THE ENTIRETY in FEE SIMPLE.

**And** the Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, that he will warrant specially the property hereby granted, and that he will execute such further assurances of the same as may be requisite.



In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

Bennie B. Tucker  
Bennie B. Tucker

STATE OF Maryland  
CITY/COUNTY OF Anne Arundel to wit:

I hereby certify that on this 13<sup>th</sup> day of August 2018, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Bennie B. Tucker, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

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

MICHELLE M TIMMERMAN  
NOTARY PUBLIC  
ANNE ARUNDEL COUNTY  
MARYLAND  
MY COMMISSION EXPIRES FEB. 7, 2021

Michelle M Timmerman  
Notary Public  
My Commission Expires: 2/7/21

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32413, p. 0236, MSA\_CE59\_32855. Date available 08/24/2018. Printed 09/24/2022.

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.



---

Christopher Joseph David, Esq.

AFTER RECORDING, PLEASE RETURN TO:  
Champion Title & Settlements, Inc.  
21631 Ridgetop Circle, Ste 250  
Sterling, VA 20166

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32413, p. 0237, MSA\_CE59\_32855. Date available 08/24/2018. Printed 09/24/2022.

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.

1 Type(s) of Instruments
( ) Check Box if addendum Intake Form is Attached.

1 Deed
2 Deed of Trust
Mortgage Lease
Other
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)
Cite or Explain Authority

Recordation
Owner Occupied
State Transfer
County Transfer
Owner Occupied

4 Consideration and Tax Calculations

Table with columns: Consideration Amount, Finance Office Use Only. Rows include Purchase Price/Consideration, Any New Mortgage, Balance of Existing Mortgage, Other, Full Cash Value, Transfer Tax Consideration, Less Exemption Amount, Total Transfer Tax, Recordation Tax Consideration, TOTAL DUE.

5 Fees

Table with columns: Amount of Fees, Doc. 1, Doc. 2, Agent, Tax Bill, C.B. Credit, Ag. Tax/Other. Rows include Recording Charge, Surcharge, State Recordation Tax, State Transfer Tax, County Transfer 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, Mnp, Parcel No., Var. LOG, Subdivision Name, Lot (3a), Block (3b), Sect/AR (3c), Plat Ref., SqFt/Acreage (4), Location/Address of Property Being Conveyed (2), 350 North Shore Road, Pasadena, MD 21122, Other Property Identifiers (if applicable), Water Meter Account No., Residential (X) or Non-Residential (X), Fee Simple (X) or Ground Rent, Amount, Partial Conveyance? ( ) Yes (X) No, Description/Amt. of SqFt/Acreage Transferred: N/A, If Partial Conveyance, List Improvements Conveyed: N/A

7 Transferred From

Doc. 1 - Grantor(s) Name(s), Doc. 2 - Grantor(s) Name(s), Bennie B. Tucker, Bennie B. Tucker and Amanda R. Tucker, 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), Bennie B. Tucker and Amanda R. Tucker, NAVY FEDERAL CREDIT UNION, New Owner's (Grantee) Mailing Address, 350 North Shore Road, Pasadena, MD 21122

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, Name: Post Closing, Firm: Champion Title & Settlements, Inc., Address: 21631 Ridgtop Circle, Ste 265, Sterling, VA 20166, Phone: ( ) (703)444-4100, Return to Contact Person (X), Hold for Pickup ( ), Return Address Provided ( )

11 Assessment Information

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

Assessment Use Only - Do Not Write Below This Line

Table with columns: Terminal Verification, Agricultural Verification, Whole, Part, Tran. Process Verification. Rows include Transfer Number, Date Received, Deed Reference, Assigned Property No., Year, Land, Buildings, Total, Geo., Zoning, Use, Town Cd., Map, Grid, Parcel, Ex. St., Sub, Plat, Section, Ex. Cd., Block, Lot, Occ. Cd.

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 32413, p. 0238, MSA\_CE59\_32855. Date available 08/24/2018. Printed 09/24/2022.


Space Reserved for County Validation

# LETTER OF TRANSMITTAL

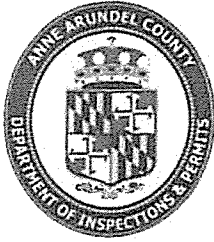
<b>TO:</b> Anne Arundel County <u>Department of Inspection &amp; Permit</u> 2664 Riva Road Second Floor Annapolis, MD 21401	REF: 350 North Shore			
	Standard Grading Plan			
	Walkway to pier			
	<b>VIA:</b>			
<b>ATTN:</b> Ronnell <b>DATE:</b> <u>7/12/2022</u>	<input checked="" type="checkbox"/>	U.S. MAIL	<input type="checkbox"/>	HAND CARRIED
	<input type="checkbox"/>	FEDEX OVERNIGHT	<input type="checkbox"/>	TO BE PICKED UP
	<input type="checkbox"/>	FEDEX 2-DAY	<input type="checkbox"/>	UPS GROUND
	<input type="checkbox"/>	FEDEX STANDARD	<input type="checkbox"/>	OTHER
ADDRESSEE PHONE NO: 443-871-3584				

*IF THE ENCLOSED IS NOT AS NOTED, PLEASE CONTACT US AT ONCE.*

RETURN TO THE OFFICE BELOW:  1298 Bay Dale Drive, Suite 203 Arnold, MD 21012			ATTENTION OF: <b>BUCKHARDT ENGINEERING, LLC</b>  PHONE: 443-871-3584  FAX: gmetsc@gmail.com  EMAIL:										
COPIES	FILE NO(S)	SHEET NO(S)	DESCRIPTION	AS REQUESTED	FOR YOUR USE	FOR YOUR FILE	FOR YOUR REVIEW AND COMMENT	SUBMITTAL FOR APPROVAL	RESUBMITTAL FOR APPROVAL	RETURNED	OTHER		
1			<b>Transmittal Cover</b>					X					
1			<b>Standard Grading Plan</b>					X					
1			<b>Site Plan</b>					X					
1			<b>Critical Area Worksheet</b>					X					

COPIES TO:  File	REMARKS:  Resubmittal for approval with CA Worksheet  Please contact us if you have any additional questions or comments. Thank You 
	SIGNATURE: Gary M. Evans

JOB NO: Tucker



2664 Riva Road  
Annapolis MD 21401  
www.aacounty.org/ip  
Phone: (410) 222-7790

Mark Wedemeyer, Director

---

October 7, 2022

Bennie Tucker  
Amanda Tucker  
350 North Shore Rd  
Pasadena, MD, 21122

RE: 350 North Shore Rd Pasadena MD Tax Acct. # 300032648200  
Standard Grading Plan 2022-121

Dear Mr. and Ms. Tucker:

On July 25, 2022, a Standard Grading Plan application was received by this office. Your standard grading plan has been approved with the following special conditions:

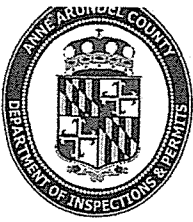
- Plan expires on October 7, 2022. All work must be completed per the approved plan and vegetative stabilization established before that date.
- The standardized erosion and sediment control plan total disturbed area(s) will be limited to 5,000 square feet/100 cubic yards during the development process. Please be advised failure to adhere to the above limitations will be cause for the enforcement section of the department to require a grading permit and stormwater management plan.
- Proposed grading will not alter or impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse.
- Bare ground is promptly seeded, sodded, or otherwise effectively protected from erosive action.
- Disturbed area must be stabilized (per 2018 Vegetative Establishment Specifications – Attached) the same day or re-enforced silt fence installed around disturbed area.
- Removal of trees is **not** included in this approval.
- Addition of lot coverage is included in this approval.
- Nothing herein relieves the applicant from complying with any and all federal, state and county regulatory requirements.
- Call Inspector Robert McDowell no less than 24 hours before beginning work.
- Call Inspector Robert McDowell when completed for a final inspection.
- If this approval includes a Planting Plan, Bond, and Agreement, contact Forestry at 410-222-7442 to schedule the initial inspection for the (2) year requirement.

I can be reached at 410-222-7775 or [ipmcdow22@aacounty.org](mailto:ipmcdow22@aacounty.org) if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Robert M. McDowell Jr.".

Robert McDowell  
Environmental Code Compliance Inspector



# Standard Grading Plan Application

Permit Center 410-222-7730  
Site Inspections 410-222-7780

Tax Account Number 3-000-3264-8200 Building Permit # NA  
(if applicable)

Subdivision Name (if applicable) NA Tax Map 25/ Parcel 144 Lot \_\_\_\_\_ Block \_\_\_\_\_


Location 350 North Shore Road Pasadena Maryland 21122  
Number Street Post Office

Owner Bennie Tucker  
Name Phone  
350 North Shore Road Pasadena Maryland 21122  
Address State Zip

Proposed Work Construct a flagstone walk from existing paito to existing pier  
include stairs and handrails through existing wall

Critical Area Designation RCA Distance from water to disturbed area 100 to 0 ft.  
Steepest slope disturbed 3 % Lot size 16,755 Area to be disturbed 700 sq. ft.

I/we certify that I/we have the authority to make this application; that the proposed work is authorized by the owner in fee; that the information above is correct and that I/we have chosen this method to satisfy our sediment control obligation. I/we certify that the proposed construction meets the conditions and limitations established and contained in the *Anne Arundel Soil Conservation District Standard Sediment and Erosion Control Plan*; and I/we have the ability and will meet all the limitations and conditions set forth by said plan.

Applicant's Signature  Date 5/19/2022

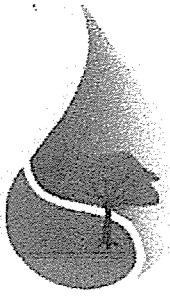
Applicant's Name (please print) Bennie Tucker  
Company Name – if a corporation \_\_\_\_\_

- Approved - Compliance with the Standard Erosion Control Plan for Anne Arundel County, and:
- the attached Standard Plan becomes part of the building permit and is subject to any special conditions listed below.
  - the attached Standard Plan allows for site grading without a separate grading permit and is subject to any special conditions listed below. Approval is granted for one year unless otherwise noted.
- 
- Not Approved - Grading permit required. Site fails to meet the conditions as detailed in the *Anne Arundel Soil Conservation District Standard Sediment and Erosion Control Plan*.

Inspector \_\_\_\_\_  
Sign and Print Date

SPECIAL CONDITIONS:





Anne Arundel Soil Conservation District Board of Supervisors  
Resolution 2010-5 (AA County Version)  
Standard Sediment and Erosion Control Plan for Anne Arundel County

January 6, 2012

This Standard Sediment and Erosion Control Plan is issued only when the following limitations, conditions and requirements are met.

Limitations

1. The lot where the work is to be performed is on a paved, graveled or publicly maintained street where storm drains are in operation and roadside ditches are stabilized.
2. Not more than 5,000 square feet of ground shall be disturbed.
3. Cuts and fills shall not exceed 10 feet in depth or heights and shall not exceed 100 cubic yards in volume.
4. Slopes with a grade of 15% or greater shall not be disturbed and slopes steeper than 3:1 may not be created.
5. No earth disturbance shall occur within the following with the exception of shoreline stabilization projects and retaining wall replacements in kind:
  - a. the limits of the 100 year floodplain of any stream;
  - b. 100 feet of any perennial stream or water body;
  - c. 100 feet landward of Mean High Water Line of any water body affected by tidal action,
  - d. 100 feet from any tidal wetland or bog; or
  - e. 25 feet of any non-tidal wetland except for an approved Buffer Management Plan approved by the County Forester for clearing less than 5,000 square feet of vegetation.
6. The owner, builder or developer is not the same owner, builder or developer of any contiguous lots undergoing development.
7. The proposed construction is not a single family dwelling.
8. Any proposed grading will not impair existing surface drainage, constitute a potential erosion hazard or act as a source of sedimentation to adjacent land or watercourse or impact an erosion and sediment control plan previously approved by the Anne Arundel Soil Conservation District.
9. The site conditions must be such that it is possible to satisfy the required erosion and sediment control requirements by the use of reinforced silt fence, a stabilized construction entrance and vegetative stabilization.
10. The applicant has submitted a site plan adequately showing the property lines, site conditions, and the proposed work which is attached hereto and made a part thereof.
11. For work in the Critical Area, the applicant has submitted a Critical Area Worksheet detailing existing, and proposed lot coverage and impervious cover.
12. The proposed work does not require a State Waterway or Wetland Permit except where the project is a shoreline stabilization project.

### Conditions

1. Nothing herein relieves the applicant from complying with any and all federal, state and county regulatory requirements.
2. This standard plan is valid for two years from the approval date and may not be renewed or extended.
3. The failure to install and properly maintain the required sediment controls shall be considered a violation and shall be enforced in accordance with the Anne Arundel County grading ordinance.
4. The Anne Arundel County Department of Inspections and Permits shall have access to the property for inspection purposes.
5. A Right of Way Permit is obtained from the Anne Arundel County Department of Public Works for all work in or abutting the county right of way if not approved under an issued building permit.
6. The approval of a standard plan may be revoked if the work is found to exceed the limits of the original application.

### Requirements

1. Reinforced Silt Fence must be installed around the perimeter of the disturbed area and a stabilized construction entrance shall be installed prior to any earth disturbance.
2. All erosion and sediment controls must be installed and maintained in accordance with the most recent edition of the Maryland Standards and Specification for Soil Erosion and Sediment Control.
3. All erosion and sediment controls must be continuously maintained and those controls found to be damaged must be repaired or replaced within 24 hours.
4. Any pumping of water must be filtered and performed in accordance with the most recent edition of the Maryland Standards and Specification for Soil Erosion and Sediment Control.
5. Site disturbances that result in impaired drainage, create an erosion hazard or create a source of off-site sediment shall be considered a violation and shall be enforced in accordance with the Anne Arundel County Code.
6. Upon the completion of work, the site must be immediately stabilized and a stand of grass shall have a 95% groundcover of acceptable vegetation to be considered properly stabilized.
7. Building construction may not proceed past the ground floor until all remaining disturbed areas have been permanently or temporarily stabilized. During building construction beyond the ground, all disturbed areas must be stabilized at the end of each business day.

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

Permit Number NA

Total Site Area 16,755 Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area 3200 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 <u>0</u> Sq. Ft. | 6. Additions <u>0</u> Sq. Ft.   |
| 3. Well <u>0</u> Sq. Ft.            | 7. Storm Water Management <u>0</u> Sq. Ft.                              |
| 4. Driveway <u>0</u> Sq. Ft.        | 8. Other Clearing: work area; access; stockpiles, etc. <u>0</u> Sq. Ft. |

\* Total Woodland Removed = 0.00 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:

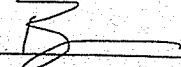
- | <u>Existing Impervious</u>                  | <u>Proposed Impervious</u>                          |
|---|---|
| 1. House (roof area) <u>1795</u> Sq. Ft.    | 1. House (roof area) <u>0</u> Sq. Ft.               |
| 2. Driveway + Sidewalks <u>1197</u> Sq. Ft. | 2. Driveway + Sidewalks <u>600 new walk</u> Sq. Ft. |
| 3. Accessory Structures <u>94</u> Sq. Ft.   | 3. Accessory Structures <u>0</u> Sq. Ft.            |
|   | 4. Additions <u>0</u> Sq. Ft.                       |

\* Total Existing and Proposed Impervious Coverage 3686/5236 allowed Sq. Ft.

Ⓢ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Bennie Tucker, \_\_\_\_\_, (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 # \_\_\_\_\_, block # \_\_\_\_\_ of Subdivision NA TM 25/Parcel 144.

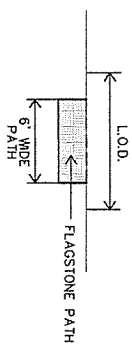
I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

Bennie Tucker \_\_\_\_\_ (Signature)  \_\_\_\_\_ (Date)

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

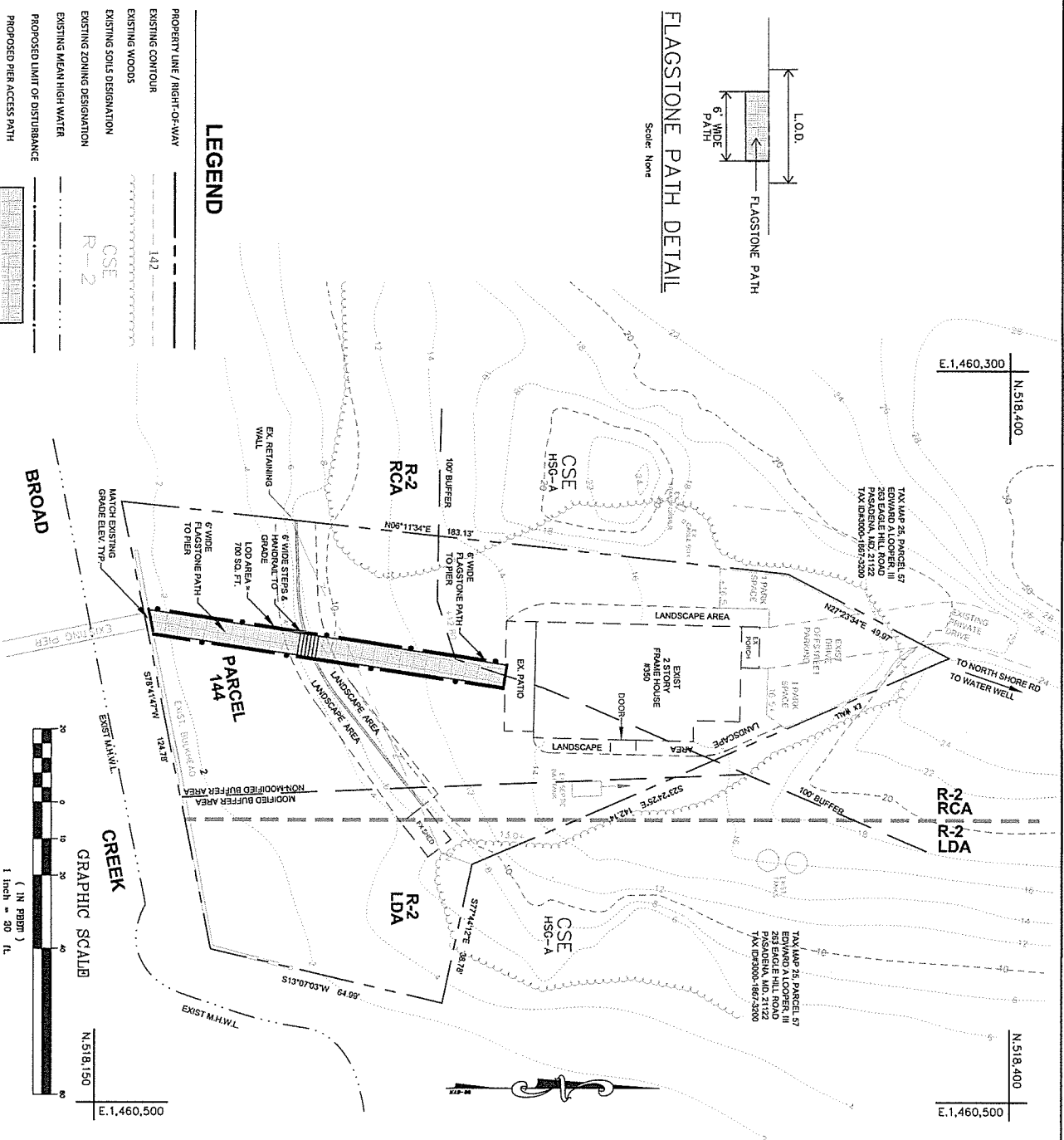
\_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

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



**FLAGSTONE PATH DETAIL**

Scale: None

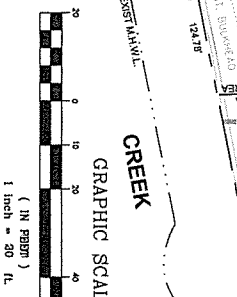


**LEGEND**

PROPERTY LINE / RIGHT-OF-WAY	---
EXISTING CONTOUR	.....
EXISTING WOODS	~~~~~
EXISTING SOILS DESIGNATION	.....
EXISTING ZONING DESIGNATION	.....
EXISTING MEAN HIGH WATER	.....
PROPOSED LIMIT OF DISTURBANCE	.....
PROPOSED PIER ACCESS PATH	.....

**REVISIONS**

#	DESCRIPTION	APPROVED BY	DATE



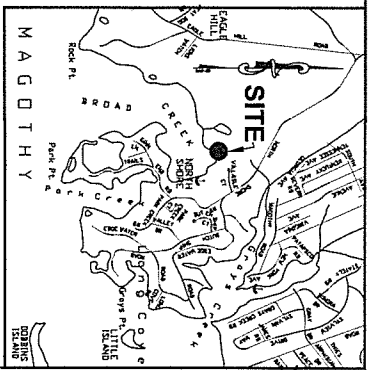
**BUCKHARDT ENGINEERING, LLC**  
 LAND DEVELOPMENT CONSULTING  
 COLLEGE PARKWAY CENTER  
 1298 BAY DALE DRIVE, SUITE 203  
 ARNOLD, MARYLAND 21012  
 PHONE 443-971-3584 (GARY)  
 Email: gpeduc@mll.com

**SCALE: AS SHOWN**

DATE:	MAY, 2022
DRAWN BY:	KEWP
CHECKED BY:	QWE
JOB NO.:	22-BB9
SHEET NO.:	1 OF 1

**STANDARD GRADING PLAN**  
**TUCKER PROPERTY**  
 350 NORTH SHORE ROAD, PASADENA  
 TAX MAP 25, BLOCK 20, PARCEL 144  
 TAX ID# 3000-3264-8200  
 ZONING R-2 ZIP CODE 21122  
 THIRD DISTRICT ANNIE ARUNDEL COUNTY, MARYLAND

- GENERAL NOTES:**
1. THE PURPOSE OF THIS SITE PLAN IS TO SECURE A STANDARD GRADING PLAN AND PERMITS. ALL OTHER PERMITS ON RECORD ARE COMPLETED.
  2. SITE PLAN IS BASED ON A SURVEY BY KINGSPOINT DATED 1/8/2021.
  3. OWNER: BERNIE & AMANDA TUCKER  
350 NORTH SHORE ROAD  
PASADENA, MARYLAND 21122
  4. TAX ID NUMBER R3-000-32648200
  5. THE FEMA FLOOD PLAIN IS ZONE X & AE ELEV 6.0  
MAP 2400300179 F DATED FEBRUARY 18, 2015
  6. THE SITE IS SERVED BY PRIVATE SEPTIC T02045058
  7. THE SITE IS SERVED BY PRIVATE WATER.
  8. SITE DATA:  
a) ZONING IS R-2  
FRONT 30'  
REAR 25'  
SIDE YARD 7'  
ACCESSORY STRUCTURES:  
FRONT 40'  
SIDE AND REAR 7' OR LESS THAN 8' IN HEIGHT IS 5'  
b) CRITICAL AREA IS LDM/RCA  
c) SITE IS PARTLY A BUFFER MODIFIED PER MAP L52  
d) SITE AREA = 16,725 SQ.FT., 0.385 ACRES (13.28%)  
e) ALLOTTABLE LOT COVERAGE = 5,226 SQ.FT., (31.28%)  
f) EXISTING LOT COVERAGE = 1,711 SQ.FT. (10.25%)  
HOUSE = 1,711 SQ.FT.  
PORCH/PATIO = 324 SQ.FT.  
DRIVE = 1,197 SQ.FT.  
SHED = 94 SQ.FT.
  - g) PROPOSED LOT COVERAGE = 590 SQ.FT.  
h) POST CONSTRUCTION LOT COVERAGE = 9,916 SQ.FT. (23.4%)



**VICINITY MAP**

SCALE: 1" = 2,000'

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

**CASE NUMBER 2020-0107-V**

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**BENNIE B. TUCKER AND AMANDA R. TUCKER**

THIRD ASSESSMENT DISTRICT

DATE HEARD: OCTOBER 13, 2020

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ORDERED BY:

**DOUGLAS CLARK HOLLMANN**  
ADMINISTRATIVE HEARING OFFICER

PLANNER: **ROBERT KONOWAL**

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DATE FILED: **OCTOBER 27, 2020**

## PLEADINGS

Bennie B. Tucker and Amanda R. Tucker, the applicants, seek a variance (2020-0107-V) to perfect an accessory structure (retaining wall) with less setbacks and buffer than required and with disturbance to slopes of 15% or greater (steep slopes) on property with a street address of 350 North Shore Road, Pasadena, MD 21122.

## PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the subject property was notified by mail, sent to the address furnished with the application. Bennie Tucker testified that the property was posted for more than 14 days prior to the hearing. Therefore, I find and conclude that there has been compliance with the notice requirements.

## FINDINGS

A hearing was held on October 13, 2020, in which the witnesses were sworn and the following was presented regarding the proposed variance requested by the applicants.

### The Property

The applicants own the subject property which has frontage on the south side of North Shore Road, 1,000 feet northwest of Villa Isle Court, Pasadena. It is known as Parcel 144 in Block 20 on Tax Map 25. The property comprises 16,770

square feet and is zoned R2 – Residential District. This waterfront lot on the Magothy River is designated in the Chesapeake Bay Critical Area as limited development area (LDA) and resource conservation area (RCA). The property is also partially located in a buffer modification area (BMA).

The site is currently developed with a single-family dwelling. There is a pier located at the water's edge as well as a retaining wall and shed in the front yard. The retaining wall is the subject of this decision and order.

### **The Proposed Work**

The applicants seek to perfect the construction of a 1-foot wide by 4 feet high 100-foot long retaining wall that was constructed without proper approvals. The construction of the retaining wall disturbed 1,200 square feet of the buffer and approximately 700 square feet of steep slopes.

### **The Anne Arundel County Code**

§ 18-13-104(a) provides that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. Specific development criteria apply as set forth in Article 17 of this Code and COMAR.

§ 17-8-301(b) prohibits new structures in the 100-foot buffer and expanded buffer, except for water dependent uses or shore erosion protection measures.

§ 17-8-201(a) states that development in the LDA and RCA designated areas may not occur on slopes of 15% or greater unless development will facilitate stabilization of the slope, is necessary to allow connection to a public utility, or is

to provide direct access to the shoreline. All disturbance shall be limited to the minimum necessary.

### The Variances Requested

The proposed work will require the following zoning variances:

1. A critical area variance from the prohibition in § 17-8-301 against disturbing the buffer to perfect the construction of the 1-foot wide by 4 feet high 100-foot long retaining wall as shown on County Exhibit 2, with the actual disturbance to be determined at the time of permitting.
2. A critical area variance from the prohibition in § 17-8-201(a) against disturbing steep slopes to perfect the construction of the 1-foot wide by 4 feet high 100-foot long retaining wall as shown on County Exhibit 2, with the actual disturbance to be determined at the time of permitting.

### The Evidence Submitted At The Hearing

#### Findings and Recommendations of the Office of Planning and Zoning (OPZ)

Robert Konowal, a zoning analyst with the OPZ, presented the following:

- The property is the subject of an open compliance case (B-2018-455) which pertained to replacement of a retaining wall that was not “in kind”. This variance seeks to remedy this violation. Two additional variances have been granted for the property (Case Nos. 2019-0027-V and 2017-0255-V). A variance granted in 2017 pertained to a dwelling addition and a variance in 2019 a front attached deck.



- The subject retaining wall attempts to address a previously constructed retaining wall that was in a deteriorating state and that according to the applicants, had been in existence since 1974. The applicants have built a new retaining wall forward of the old wall rather than replace the existing retaining wall. According to the applicants, the original wall was not removed to reduce disturbance.
- Historical aerial photos do show the faint outline of a retaining wall but it is difficult to ascertain its ultimate extent. While some form of a retaining wall did previously exist the applicant has not furnished any independent evidence that the new retaining wall and the significant additional disturbance to the buffer and steep slopes was necessary for slope stabilization. In summary, the applicants have not cited any unique site condition that might warrant the requested variances.
- Since the variances are not warranted they cannot be considered the minimum necessary to afford relief. According to the applicants, the previous retaining wall measured 128 feet in length and five feet in height. The replacement retaining wall is somewhat smaller in size measuring 100 feet in length and four feet in height. While the new wall does appear to be located in close proximity to the previous wall it has resulted in a significant amount of disturbance to the slopes and the critical area buffer. Essentially the slopes have been removed. A retaining wall has been installed and the lands behind and forward of the retaining wall graded level resulting in over 1,200 square

feet of disturbance. This disturbance appears to be far beyond what was necessary to replace a retaining wall that was failing.

- A literal interpretation of the County's Critical Area Program would not deprive the applicants of rights that are commonly enjoyed by other properties in similar areas. The disturbance that has been undertaken here is not commonly enjoyed by others in the critical area and there is no right to disturb the critical area buffer. The granting of the variances would confer on the applicants a special privilege that would normally be denied by COMAR, Title 27.
- This request is a result of actions by the applicants including commencement of development before obtaining required approvals. The applicants replaced the wall without permits before the County could determine if the wall and any additional disturbance was needed to stabilize the slopes which might have partially eliminated the need for variances. The variances do not arise from any condition relating to land or building use on any neighboring property.
- The granting of the variances may adversely affect water quality or impact fish, wildlife or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. In this case, the applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have not adequately evaluated and implemented site planning alternatives.

- Approval of the variances will alter the essential character of the neighborhood as the related development significantly disturbs the buffer along this section of shoreline and replaces a naturally occurring slope with a retaining wall.
- The variances will not substantially impair the appropriate use or development of any adjacent property. With mitigation the variances will not reduce forest cover and will not be contrary to acceptable clearing and replanting practices. Finally, there is no evidence that the granting of the variances will be detrimental to the public welfare.
- The Department of Health Department has no objection to the variance request.
- The Soil Conservation District will provide comments during the sediment control review.
- The Development Division (Critical Area Team) had no objection.
- The Critical Area Commission advised appropriate mitigation shall be provided.
- Based upon the standards set forth in § 18-16-305 of the Anne Arundel County Code under which a variance may be granted, OPZ recommends that the variances be *denied*. However, if the requested variances are approved the granting of the variances should be conditioned pursuant to § 18-16-305(d) as follows:
  - (1) For a property with an outstanding violation, the granting of a variance under this subsection shall be conditioned on the applicant

completing the following within 90 days of the date of decision, as applicable:

- (i) obtaining an approved mitigation or restoration plan;
  - (ii) completing the abatement measures in accordance with the County critical area program; and
  - (iii) paying any civil fines assessed and finally adjudicated.
- (2) Notwithstanding the provisions of subsection (d)(1), OPZ may extend the time for abatement to the next planting season because of adverse planting conditions. An applicant may also be granted a 180 day extension to satisfy the conditions of a variance upon timely application to the Planning and Zoning Officer and good cause shown.
- (e) Lapse. Any critical area variance granted shall lapse by operation of law if the conditions are not satisfied within 90 days or as extended.

#### Other Testimony and Exhibits

Bennie Tucker was assisted at the hearing by Jeff Smith of Kimley Horn, the applicants' engineer. Evidence was presented that the applicants purchased the subject property in 2017 and built a new home. A variance was obtained to construct the dwelling and a later variance to allow a deck. The applicants replaced an existing failing retaining wall with the one that is the subject of this decision and order. The failing retaining wall 128 feet in length; the new wall is

100 feet in length. The failing retaining wall was 5 feet in height; the new wall is 4 feet high. The new wall was built by hand forward of the failing retaining wall which was buried under landscaping installed in the applicants' front yard. The wall has been in existence since 2018 and is not failing. The applicants believe the wall has performed its function, that is, to stabilize the slope between the dwelling and the shoreline.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

### **DECISION**

#### **County Requirements for Critical Area Variances**

§ 18-16-305(b) sets forth six separate requirements (in this case) that must be met for a variance to be issued for property in the critical area. They are (1) whether a denial of the requested variance would constitute an unwarranted hardship, (2) whether a denial of the requested variance would deprive the applicants of rights commonly enjoyed by other property owners, (3) whether granting the variance would confer a special privilege on the applicants, (4) whether the application arises from actions of the applicants, or from conditions or use on neighboring properties, (5) whether granting the application would not adversely affect the environment and be in harmony with the critical area program, and (6) whether the applicants have overcome the presumption in Natural Resources Article, § 8-1808(d)(2)(ii), of the State law that the variance request should be denied.

Provided that the applicants meet the above requirements, a variance may not be granted unless six additional factors are found: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located; (3) the variance will not substantially impair the appropriate use or development of adjacent property; (4) the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area; (5) the variance will not be contrary to acceptable clearing and replanting practices required for development in the critical area; or (6) the variance will not be detrimental to the public welfare.

#### Findings – Critical Area Variances

Upon review of the facts and circumstances, I find and conclude that the applicants are entitled to relief from the Code. The evidence shows that the applicants have good cause to keep the retaining wall they built without permits or variances. It is serving the purpose of stabilizing the shoreline. Aerial photographs of the applicants' property from before the wall was replaced and current conditions make it clear that the buffer has been improved by the work carried out by the applicants.

2017



2020



It may be that, had the applicants sought permission to reconstruct the failing retaining wall, a plan to regrade the steep slopes may have been preferred to constructing the new wall. It would have been less expensive for the applicants to do so. However, that did not happen. On the current facts, the new wall is performing its intended function and will not have to be removed.<sup>1</sup> Denial of the variances would constitute an unwarranted hardship because the applicants would be denied a reasonable and significant use of their property, which use cannot be accomplished elsewhere on the property without a variance. *Assateague Coastal Trust, Inc. v. Roy T. Schwalbach, et al.*, 448 Md. 112, 2016. It would also deny the applicants of rights commonly enjoyed by other property owners and would not confer on them a special privilege. The application does not arise from conditions or use on neighboring properties and would not adversely affect the environment. While the wall was constructed by the applicants without permits or variances, this factor is insufficient to require denial on these facts.

I further find that the variances would be in harmony with the Critical Area Program. Finally, the applicants have overcome the presumption in Natural Resources Article, § 8-1808(d)(2)(ii), of the State law that the variance request should be denied.

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<sup>1</sup> It should be noted that the variances in this case are *not* being granted because removal would cause disturbance to the buffer or steep slopes. There is no provision in the critical area law to allow a property owner to keep an illegally constructed structure because removal would cause disturbance to the buffer or steep slopes. Otherwise, every illegal structure would be allowed. The word would go out and the number of critical area buffer/steep slope violations would undoubtedly increase.



Furthermore, the critical area variances are the minimum necessary to afford relief; the granting of the variances will not alter the essential character of the neighborhood or district in which the lot is located; the variances will not substantially impair the appropriate use or development of adjacent property; the variances will not reduce forest cover in the LDA of the critical area; the variances will not be contrary to acceptable clearing and replanting practices required for development in the critical area; and the variances will not be detrimental to the public welfare.

### ORDER

PURSUANT to the application of Bennie B. Tucker and Amanda R. Tucker, petitioning for a variance to perfect an accessory structure (retaining wall) with less setbacks and buffer than required and with disturbance to slopes of 15% or greater on property with a street address of 350 North Shore Road, Pasadena;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **27<sup>th</sup> day of October 2020**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicants are **granted**

1. A critical area variance from the prohibition in § 17-8-301 against disturbing the buffer to perfect the construction of the 1-foot wide by 4 feet high 100-foot long retaining wall as shown on County Exhibit 2, with the actual disturbance to be determined at the time of permitting.

2. A critical area variance from the prohibition in § 17-8-201(a) against disturbing steep slopes to perfect the construction of the 1-foot wide by 4 feet high 100-foot long retaining wall as shown on County Exhibit 2, with the actual disturbance to be determined at the time of permitting.

The foregoing variances are subject to the following conditions:

A. The applicants shall comply with any instructions and necessary approvals from the Office of Planning and Zoning, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.

B. The applicants shall comply with the following requirements of § 18-16-305(d) - Conditions for granting a variance in the critical area.

(1) For a property with an outstanding violation, the granting of a variance under this subsection shall be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:

(i) obtaining an approved mitigation or restoration plan;

(ii) completing the abatement measures in accordance with the County critical area program; and

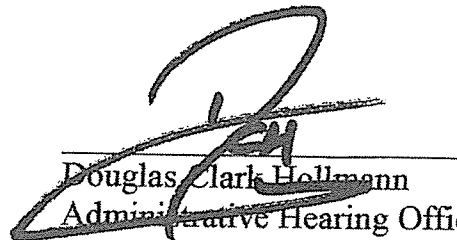
(iii) paying any civil fines assessed and finally adjudicated.

(2) Notwithstanding the provisions of subsection (d)(1), the Office of Planning and Zoning may extend the time for abatement to the next planting season because of adverse planting conditions. An

applicant may also be granted a 180 day extension to satisfy the conditions of a variance upon timely application to the Planning and Zoning Officer and good cause shown.

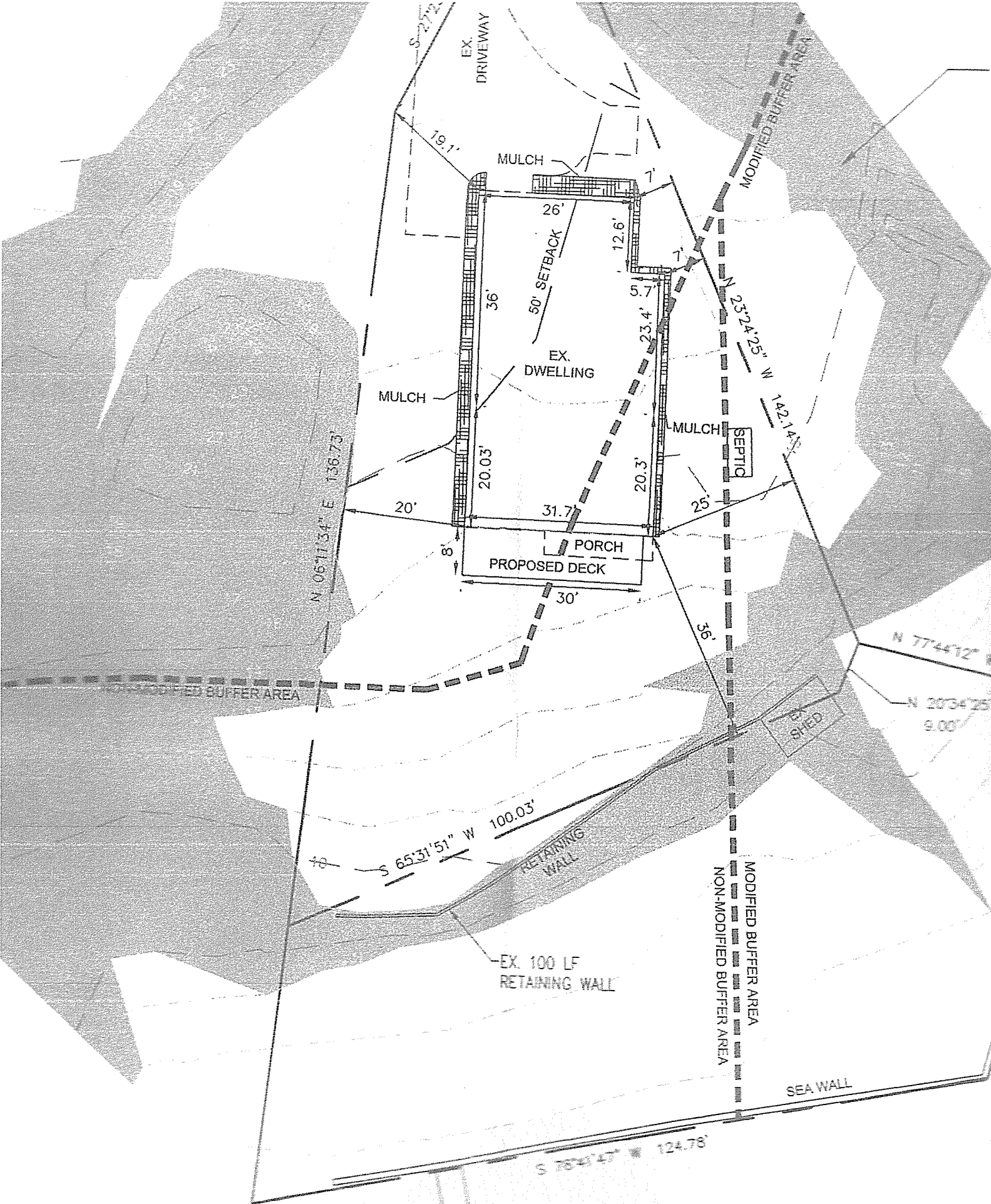
This Order does not constitute a building permit. In order for the applicants to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein. The decision and order shall not prohibit the applicants from making minor changes to the facilities as presently shown on County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variances granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning.

  
Douglas Clark Hollmann  
Administrative Hearing Officer

### NOTICE TO APPLICANTS

**This Order does not constitute a building permit. In order for the applicants to perform the work permitted in this decision, the applicants must**



$N\ 06^{\circ}11'34''\ E\ 136.73'$

$S\ 27^{\circ}2'$

EX. DRIVEWAY

19.1'

MULCH

26'

50' SETBACK

EX. DWELLING

MULCH

20.03'

20'

31.7'

PROPOSED DECK

30'

MULCH

20.3'

25'

SEPTIC

MODIFIED BUFFER AREA

$N\ 23^{\circ}24'25''\ W\ 142.145'$

142.145'

36'

$N\ 77^{\circ}45'12''\ W$

$N\ 20^{\circ}34'25''\ W\ 9.00'$

EX. SHED

$S\ 65^{\circ}31'51''\ W\ 100.03'$

RETAINING WALL

EX. 100 LF RETAINING WALL

MODIFIED BUFFER AREA  
NON-MODIFIED BUFFER AREA

SEA WALL

$S\ 75^{\circ}41'47''\ W\ 124.78'$

# CRITICAL AREA REPORT

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BENNIE TUCKER  
350 NORTH SHORE ROAD  
PASADENA MARYLAND 21122  
[BENNIETUCKER2002@YAHOO.COM](mailto:BENNIETUCKER2002@YAHOO.COM)  
443-306-5655 CELL

## CHEAPEAKE BAY CRITICAL AREA REPORT:

PREPARED: OCTOBER 14, 2024

### *OBJECTIVE:*

THIS REPORT IS LIMITED TO THE CURRENT PERMIT AND COMPLIANCE MATTER BEFORE THE OFFICE OF PLANNING AND ZONING AND THE ADMINISTRATIVE HEARING OFFICE FOR THE APPROVAL OF A VARIANCE APPLICATION TO SECURE APPROVAL OF A BUILDING PERMIT APPLICATION (AFTER THE FACT) TO CLOSE THE COMPLIANCE CASE B2023-393 AS REQUESTED MULTIPLE TIMES BY THE BUILDING AND ZONING OFFICES. THIS REPORT DOES NOT MIMIC OR ATTACH THE FACTS AND FIGURES UNDER PREVIOUS PERMITS OR VARIANCES, UNLESS IT SPECIFICALLY BENEFITS THIS APPLICATION.

### *PERMIT:*

- B02421308
- COMPLIANCE CASE B-2023-393

### *PROPERTY:*

- PARCEL 144, 350 NORTH SHORE ROAD PASADENA, MARYLAND 21144

### *CURRENT OWNER/APPLICANT:*

- TUCKER, BENNIE AND AMANDA

### *LEGAL DESCRIPTION:*

- TAX MAP 25, GRID 20, PARCEL 144,
- DEED L.32413, PAGE 234

*ZONING DESIGNATION:*

- R2

*CRITICAL AREA DESIGNATION*

- LDA\RCA
- BUFFER AND BUFFER MODIFIED

*INTRODUCTION AND NARRATIVE:*

THIS CHESAPEAKE BAY CRITICAL AREA REPORT IS BEING PREPARED TO MEET ANNE ARUNDEL COUNTY STANDARDS FOR DEVELOPMENT WITHIN THE CHESAPEAKE BAY CRITICAL AREA. THIS 16,770 SQUARE FOOT (0.38.5 AC.) SITE IS LOCATED AT TAX MAP 25, GRID 20, AND PARCEL 144, ADDRESSED AS 350 NORTH SHORE ROAD PASADENA, MARYLAND 21122.

THIS 0.38 ACRE PARCEL IS WATERFRONT ON THE MAGOTHY RIVER; THIS PROPERTY IS REDEVELOPED WITH A SINGLE FAMILY PRINCIPAL RESIDENCE. THE SITE IS SERVED BY PRIVATE SEPTIC (I&A) SYSTEM AND A WELL UNDER PERMIT NO. T02045058 (2017).

ACCESS IS VIA A PAVED PRIVATE DRIVEWAY, GATED NEAR THE CONNECTION TO NORTH SHORE ROAD.

THE PARCEL IS VERY IRREGULAR IN SHAPE WITH THE LONG STEM LEADING TO THE MAIN ROAD.

PUBLIC UTILITY SERVICES ARE UNAVAILABLE TO THE PARCEL AS DESIGNATED BY THE MASTER WATER AND SEWERAGE MAPS ADOPTED BY THE COUNTY COUNCIL AND THE OFFICE OF PLANNING AND ZONING.

THE PROJECT WAS REDEVELOPED UNDER VARIANCE CASES 2020-107-V GRANTED ON OCTOBER 27, 2020.

OF NOTE:

PAGE 14 OF THAT DECISION SPECIFICALLY SHALL NOT PROHIBIT THE APPLICANTS FROM MAKING MINOR CHANGES TO THE FACILITIES AS PRESENTLY SHOWN TO COUNTY EXHIBIT 2 TO ADJUST FOR CHANGES MADE NECESSARY BY COMMENTS OR REQUIREMENTS THAT ARISE DURING PLAN REVIEW OR CONSTRUCTION, PROVIDED THOSE MINOR CHANGES DO NOT EXCEED THE VARIANCES GRANTED HEREIN.

*EXISTING VEGETATION:*

THE PROPERTY HAS MATURE MIX HARDWOODS ALONG THE EXISTING DRIVEWAY, THAT LAND AREA IS SUPPORTED BY LIGHT UNDERSTORY OF MOUNTAIN LAUREL AND NATIVE GRASSES. EXISTING VEGETATION HAS LITTLE RELEVANCE THIS MATTER, AS NO WOODLAND IMPACT OCCURRED.

THE AREA OF THE PRIMARY STRUCTURE WAS CLEAR OF WOODLAND COVER DUE TO THE DWELLING, SEPTIC AND WELL.

*THIS APPLICATION:*

CURRENTLY THE VEGETATION HAS BEEN ENHANCED WITH NEW PLANTINGS REQUIRED AND COMPLETED BY THE MITIGATION PLANS, AGREEMENTS ALL PLANTED WITH NATIVE SPECIES CERTIFIED BY THE FORESTRY DEPARTMENT AND THE SECURITIES RELEASED.

*ENVIROMENTAL FEATURES AND HABITAT PROTECTION AREAS:*

UNDER THIS APPLICATION, THERE ARE NO ENVIRONMENTAL FEATURE OR HABITAT PROTECTION AREAS WITHIN THIS 600 SQUARE FOOT LIMIT OF DISTURBANCE FOR THE AT GRADE WALKWAY AND STAIRWAY.

*SOILS:*

PLEASE SEE ATTACHED:

*PROPOSED USE:*

THIS APPLICATION IS AN AFTER THE FACT FOR THE STAIRWAY INSTALLED UNDER STANDARD GRADING PLAN SGP # 2022-121. THE STANDARD GRADING PLAN ALLOWED FOR THE INSTALLATION OF THE AT GRADE FLAGSTONE PATHWAY FROM THE HOME TO THE PIER WITHOUT CONCERN OR MATTER.

STORMWATER HAS BEEN SATISFIED BY PLANTINGS, AS STRUCTURE METHODS AND SETBACKS TO UTILITIES PRECLUDE OTHER METHODS. THE PLANTINGS HAVE BEEN INSTALLED, CERTIFIED AND SECURITY RELEASED.

*MINIMAZATION OF IMPACTS:*

THE 6 FOOT WIDE WALKWAY CONNECTION OF THE DWELLING TO THE WATER'S EDGE IS PROVIDED FOR WITHIN COMAR. THEREFORE WITH THIS WALKWAY BEING ONLY 5 FEET WIDE, THIS IS THE MINIMUM NECESSARY TO SATISFY THE NEEDS AND WANTS.



### *CONCLUSION:*

THIS CRITICAL AREA REPORT CONCLUDES HAVING CONCLUDED THAT THERE ARE NO IMPACTS TO THE CHESAPEAKE BAY CRITICAL AREA, ITS BUFFERS, ITS SLOPES AND ITS VEGETATION. THEREFORE NO IMPACT IS CALCULATED FOR THIS WALKWAY WITH THE STAIRWAYS. THE LESS THAN 600 SQUARE FEET OF COVERAGE LEAVE THE SITE WITH 3,686 SQUARE FEET OF TOTAL LOT COVERAGE. THE SITE IS ALLOWED 5,236 SQUARE FEET.

- MITIGATION IS COMPLETE:
- NO CLEARING OCCURRED.
- ALL WORK WAS HAND WORK FOR THE STAIRS, LESS THAT 30 YARDS OF SOIL MATERIAL WAS MANAGED, 1/3 OF WHICH WAS BACKFILL.

### *LIST OF FIGURES:*

- *VICINITY MAP*
- *ZONING MAP*
- *CRITICAL AREA MAP*
- *BOG MAP*
- *SOIL MAP*
- *PHOTOS*
- *TOPOGRAPHIC MAP*
- *AERIAL MAP*
- *FLOODPLAIN MAP*
- *BUFFER MAP*
- *ADMINISTRATION VARIANCE SITE PLAN/SURVEY*
- *VARIANCE 2020-107-V*
- *STANDARD GRADING GRADING 7-12-2022, 10-7-2022*
- *MITIGATION PLAN – FOR WALKWAY AND STAIRWAY DATED 9-26-2022*
-

BENNIE TUCKER  
350 NORTH SHORE ROAD  
PASADENA MARYLAND 21122  
[BENNIETUCKER2002@YAHOO.COM](mailto:BENNIETUCKER2002@YAHOO.COM)  
443-306-5655 CELL

## CHEAPEAKE BAY CRITICAL AREA REPORT:

PREPARED: OCTOBER 10, 2024

### *OBJECTIVE:*

THIS REPORT IS LIMITED TO THE CURRENT PERMIT AND COMPLIANCE MATTER BEFORE THE OFFICE OF PLANNING AND ZONING AND THE ADMINISTRATIVE HEARING OFFICE FOR THE APPROVAL OF A VARIANCE APPLICATION TO SECURE APPROVAL OF A BUILDING PERMIT APPLICATION (AFTER THE FACT) TO CLOSE THE COMPLIANCE CASE B2023-393 AS REQUESTED MULTIPLE TIMES BY THE BUILDING AND ZONING OFFICES. THIS REPORT DOES NOT MIMIC OR ATTACH THE FACTS AND FIGURES UNDER PREVIOUS PERMITS OR VARIANCES, UNLESS IT SPECIFICALLY BENEFITS THIS APPLICATION.

### *PERMIT:*

- B02421308
- COMPLIANCE CASE B-2023-393

### *PROPERTY:*

- PARCEL 144, 350 NORTH SHORE ROAD PASADENA, MARYLAND 21144

### *CURRENT OWNER/APPLICANT:*

- TUCKER, BENNIE AND AMANDA

### *LEGAL DESCRIPTION:*

- TAX MAP 25, GRID 20, PARCEL 144,
- DEED L.32413, PAGE 234

*ZONING DESIGNATION:*

- R2

*CRITICAL AREA DESIGNATION*

- LDA\RCA
- BUFFER MODIFIED

*INTRODUCTION AND NARRATIVE:*

THIS CHESAPEAKE BAY CRITICAL AREA REPORT IS BEING PREPARED TO MEET ANNE ARUNDEL COUNTY STANDARDS FOR DEVELOPMENT WITHIN THE CHESAPEAKE BAY CRITICAL AREA. THIS 16,770 SQUARE FOOT (0.38.5 AC.) SITE IS LOCATED AT TAX MAP 25, GRID 20, AND PARCEL 144, ADDRESSED AS 350 NORTH SHORE ROAD PASADENA, MARYLAND 21122.

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OF NOTE:

PAGE 14 OF THAT DECISION SPECIFICALLY SHALL NOT PROHIBIT THE APPLICANTS FROM MAKING MINOR CHANGES TO THE FACILITIES AS PRESENTLY SHOWN TO COUNTY EXHIBIT 2 TO ADJUST FOR CHANGES MADE NECESSARY BY COMMENTS OR REQUIREMENTS THAT ARISE DURING PLAN REVIEW OR CONSTRUCTION, PROVIDED THOSE MINOR CHANGES DO NOT EXCEED THE VARIANCES GRANTED HEREIN.

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***THIS APPLICATION:***

CURRENTLY THE VEGETATION HAS BEEN ENHANCED WITH NEW PLANTINGS REQUIRED AND COMPLETED BY THE MITIGATION PLANS, AGREEMENTS ALL PLANTED WITH NATIVE SPECIES CERTIFIED BY THE FORESTRY DEPARTMENT AND THE SECURITIES RELEASED.

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***SOILS:***

***PROPOSED USE:***

THIS APPLICATION IS AN AFTER THE FACT FOR THE STAIRWAY INSTALLED UNDER STANDARD GRADING PLAN SGP # 2022-121. THE STANDARD GRADING PLAN ALLOWED FOR THE INSTALLATION OF THE AT GRADE FLAGSTONE PATHWAY FROM THE HOME TO THE PIER WITHOUT CONCERN OR MATTER.

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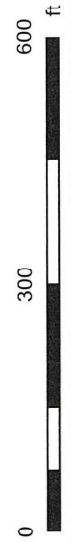
# 2024 aerial



Legend

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.

Notes 1"=300'



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION



# Buffer map North Shore



## Legend

### Planning

County Planning



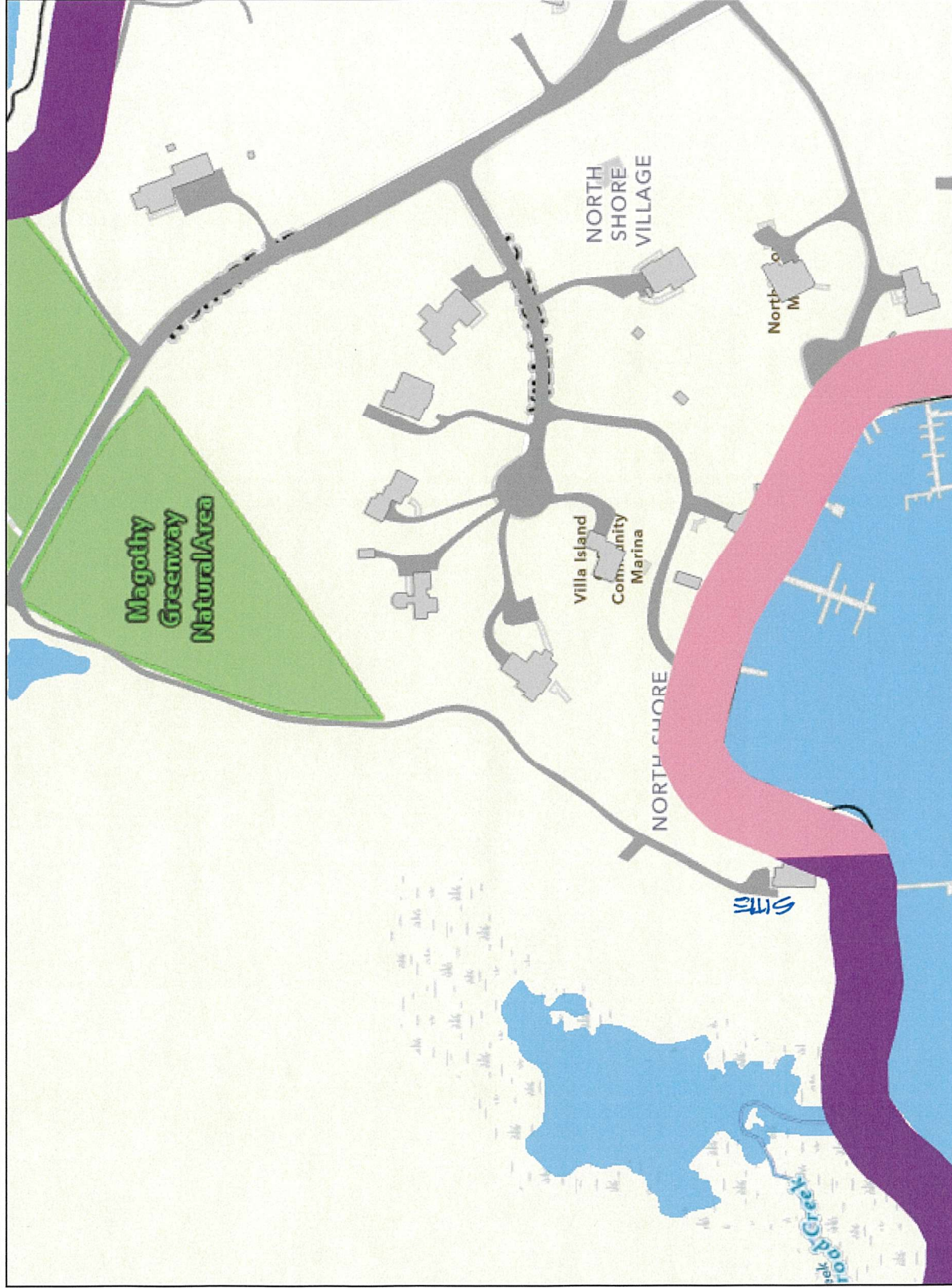
Buffer

Modified Buffer



### Structure

County Structure



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GeoTechnologies, Inc, METI/NASA,



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION



Notes 1"=300'





# Critical Area map North Shore



## Legend

### Planning

- County Planning
- IDA - Intensely
- Developed Area
- LDA - Limited
- Development Area
- RCA - Resource
- Conservation Area
- FED - Federal Land

### Structure

- County Structure



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 TomTom, Garmin, SafeGraph,  
 GeoTechnologies, Inc, METI/NASA,

THIS MAP IS NOT TO BE  
 USED FOR NAVIGATION



Notes 1" = 300'










# Bog map North Shore








## Legend

### Environment

- Bogs**
-  Bog 100 Foot Buffer
-  Bog 300 Foot Buffer
-  Bog Contributing Drainage Area
-  Bog Delineation
-  Bog Protected Streams

### Structure

-  County Structure
-  Structure
-  Elevation Topo 2020
-  Index
-  Intermediate

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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TomTom, Garmin, SafeGraph,  
GeoTechnologies, Inc, MET/INASA,

Notes 1"=300'



# topographic map North Shore



**Legend**

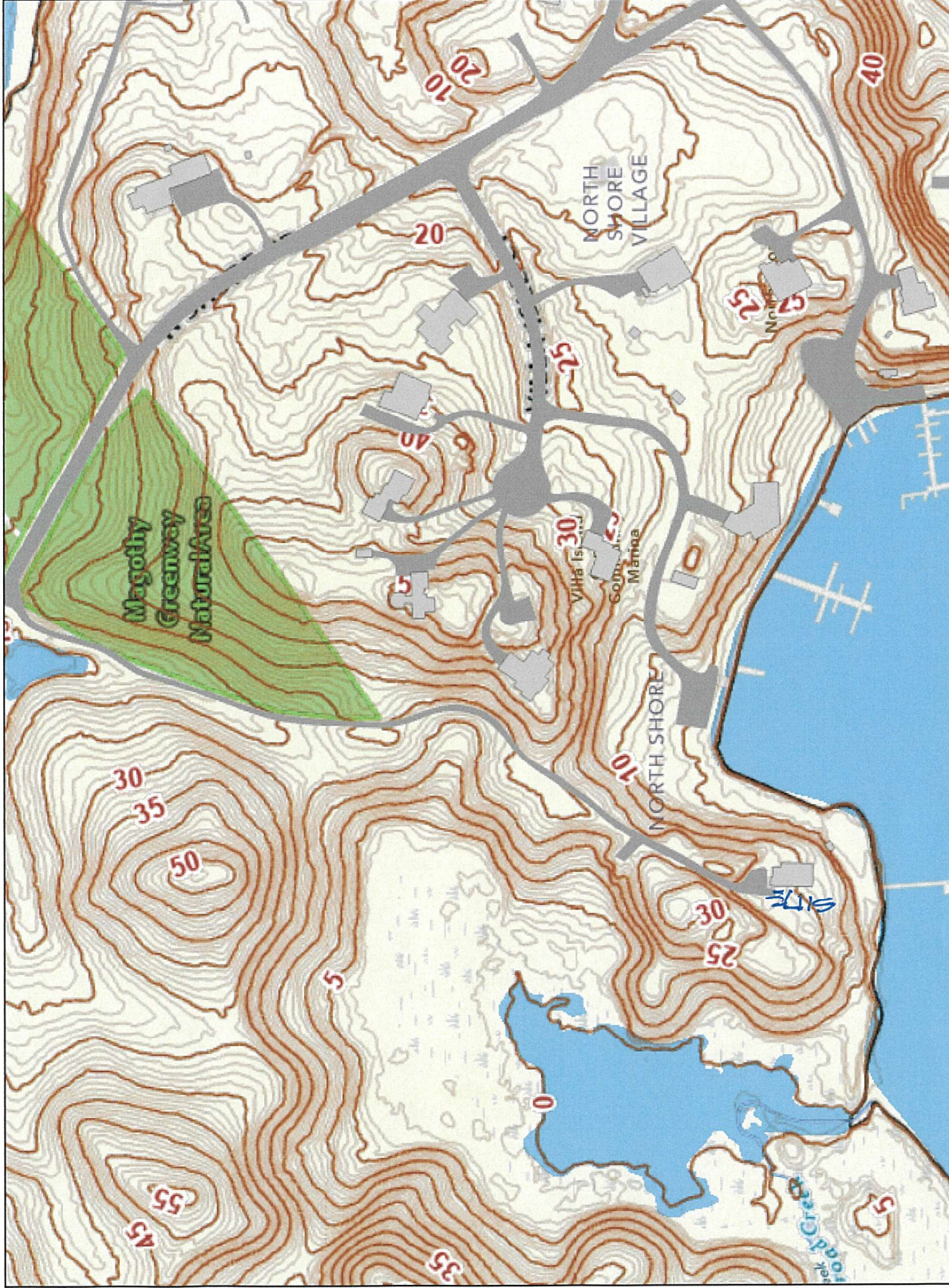
Structure

County Structure

Elevation  
Topo 2020

Index

Intermediate



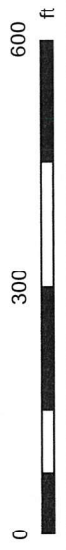
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes 1"=300'

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County of Anne Arundel, VGIN, ©  
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TomTom, Garmin, SafeGraph,  
GeoTechnologies, Inc, MET/NASA,

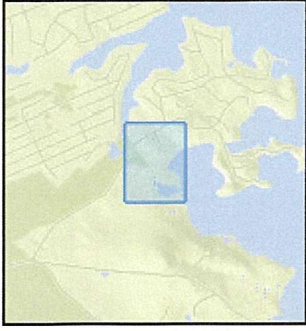


THIS MAP IS NOT TO BE  
USED FOR NAVIGATION





# Zoning map North Shore



## Legend

### County Planning

- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway
- City of Annapolis
- MA1 Community Marina
- MA1-B Neighborhood Marina
- MA2 Light Commercial Marina
- MA3 Yacht Club
- MB General

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 GeoTechnologies, Inc, MET/NASA,

THIS MAP IS NOT TO BE  
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Notes 1"=300'





# FEMA topo map North Shore



## Legend

### Planning

#### County Planning

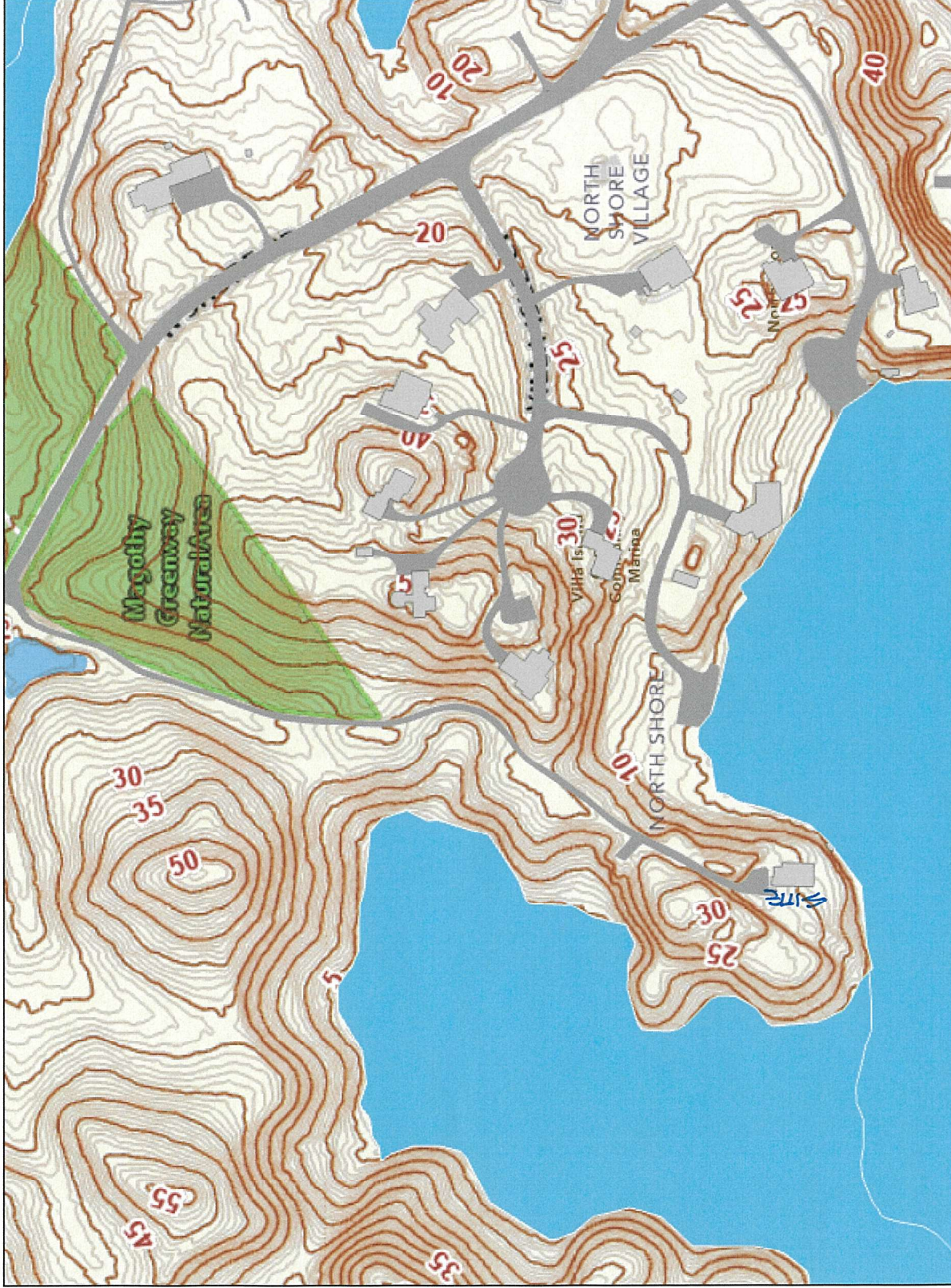
- Coastal High Hazard Area
- Non-Tidal 100 Year Floodplain
- Non-Tidal 500 Year Floodplain
- Tidal 100 Year Floodplain

### Structure

#### County Structure

### Elevation

- Topo 2020
- Index
- Intermediate



Notes 1"=300'

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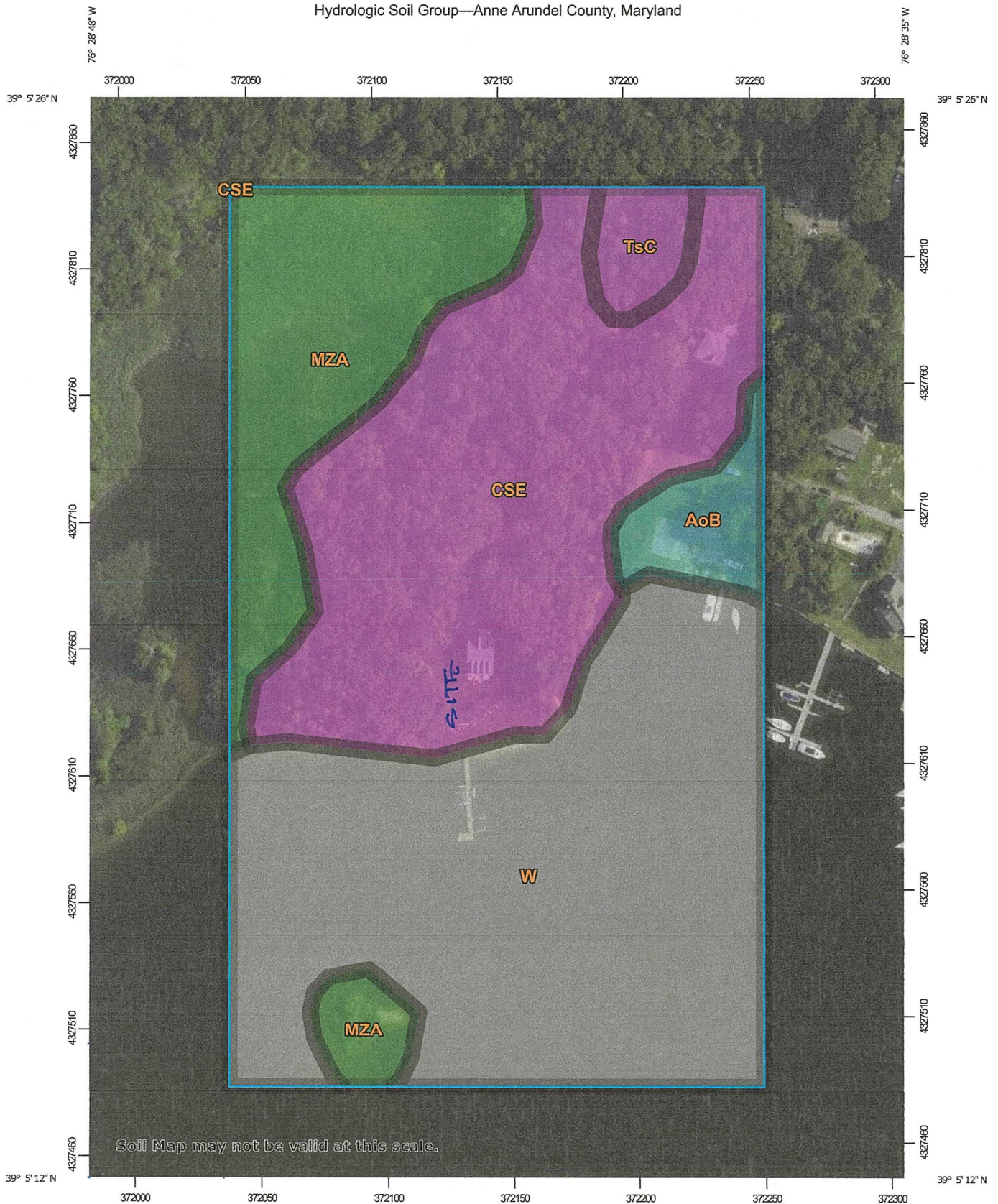
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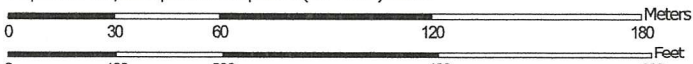


Hydrologic Soil Group—Anne Arundel County, Maryland



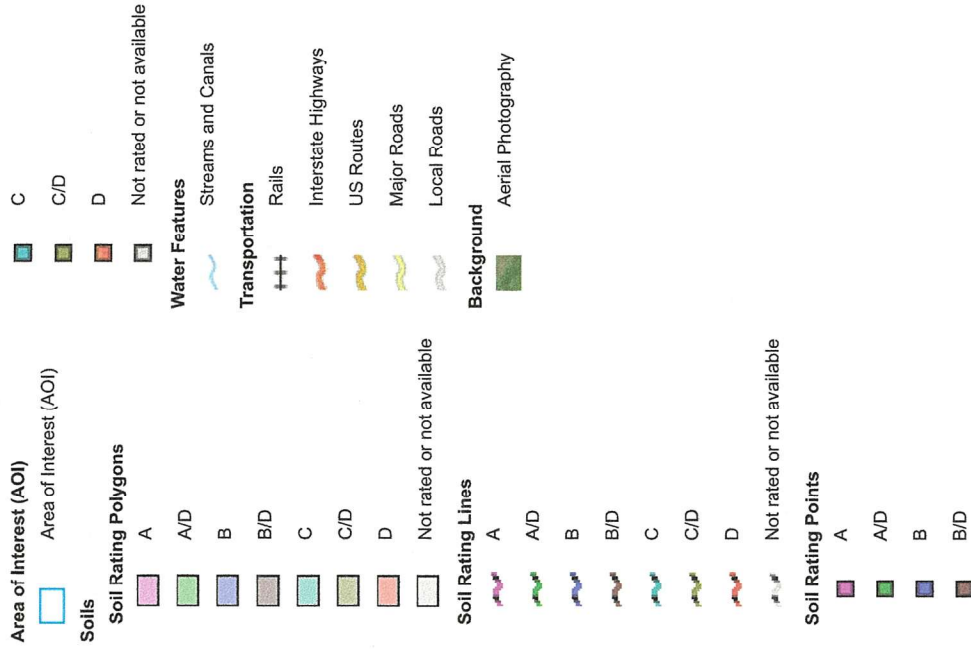
Soil Map may not be valid at this scale.

Map Scale: 1:2,080 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

## MAP LEGEND



## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Anne Arundel County, Maryland  
 Survey Area Data: Version 23, Sep 6, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2022—Aug 13, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
AoB	Annapolis loamy sand, 2 to 5 percent slopes	C	0.7	3.8%
CSE	Collington, Wist, and Westphalia soils, 15 to 25 percent slopes	A	6.5	34.6%
MZA	Mispillion and Transquaking soils, 0 to 1 percent slopes, tidally flooded	A/D	3.3	17.5%
TsC	Tinton loamy sand, 5 to 10 percent slopes	A	0.4	2.4%
W	Water		7.8	41.8%
<b>Totals for Area of Interest</b>			<b>18.7</b>	<b>100.0%</b>



## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method: Dominant Condition*

*Component Percent Cutoff: None Specified*

*Tie-break Rule: Higher*



**MARYLAND**

**DEPARTMENT OF HEALTH**

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

**Tonii Gedin, RN, DNP**  
**Health Officer**

**MEMORANDUM**

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

FROM: Brian Chew, Program Manager  
Bureau of Environmental Health

*BC*  
*12/31/24*

DATE: December 31, 2024

RE: Bennie B. Tucker  
350 Shore Road  
Pasadena, MD 21122

NUMBER: 2024-0220-V

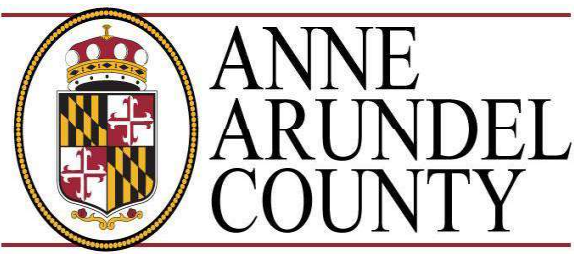
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect accessory structures (retaining walls and walkway) with less setbacks and buffer than required and with disturbance to slopes of 15% or greater.

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

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

cc: Sterling Seay



STEUART PITTMAN, COUNTY EXECUTIVE  
JESSICA LEYS, DIRECTOR  
RECREATION AND PARKS  
1 HARRY S. TRUMAN PARKWAY  
ANNAPOLIS, MD 21401  
AACOUNTY.ORG/RECPARKS



## MEMORANDUM

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

FROM: Pat Slayton  
Capital Projects Division

SUBJECT: Variance Case 2024-0220-V

DATE: January 8, 2025

---

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

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

The Department of Recreation and Parks has no further comments.

cc: File

# 2024-0220-V - RLD, RCA/LDA, PART BMA, \*buffer dist\*

Menu Cancel Help

Task Details OPZ Critical Area Team

**Assigned Date**

12/26/2024

**Assigned to**

Kelly Krinetz

**Current Status**

Complete w/ Comments

**Action By**

Kelly Krinetz

**Comments**

The following violations have been issued on this site:  
2017-374 for Tree Clearing in the Buffer  
2017-675 for Tree Clearing in the Critical Area  
2018-455 construction of a shed and retaining walls  
2023-393 construction of masonry walls and stairs in the buffer

In 2020, a variance was granted to perfect the walls constructed under violation 2019-455.

This request is to perfect work that was constructed under violation 2023-393. The approved SGP was for the installation of a path only and the construction that has occurred on site is out of scope in more ways than just the fact that it curves.

The allowable width of an access feature is 6'. The structure that has been built is 8' wide, including the steps and the walls.

This application does not meet the requirements for approval of a variance application.

The access and stairs should be removed and reinstalled to provide direct access to the pier that is no wider than 6' in order to comply with the minimization criteria for approval.

The "tree" that Mr. Tucker references as the basis for the curves is of the size and species that it could be relocated by a professional landscape company in order to accommodate a more direct access.

**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**

01/16/2025

**Assigned to Department**

OPZ Critical Area

**Status Date**

12/27/2024

**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

**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

January 14<sup>th</sup>, 2025

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

**Re: Tucker – 350 Shore Road Variance (2024-0220-V)**

Dear Ms. Seay,

Thank you for providing information on the above-referenced after-the-fact variance application to disturb the Critical Area Buffer and steep slopes. The property is a 9,147 square-foot waterfront lot located entirely within the Limited Development Area (LDA). The applicant constructed a 569-square-foot walkway for riparian access within the Critical Area Buffer and disturbing steep slopes in a manner that deviates from the approved Standard Grading Plan (SGP) under Permit 2022-121, therefore resulting in a violation to the County's Buffer provisions.

Application materials indicate that the walkway could not be constructed in a direct fashion, as it needed to avoid tree plantings that were installed as mitigation for a prior Critical Area Buffer violation. This office would like to note that mitigation can be relocated to ensure that access is in conformance with the County's Buffer provisions. Furthermore, based on correspondence with the County, this property has a history of violations within the Critical Area and Buffer for tree clearing, construction of a shed and retaining wall, and construction of masonry walls and stairs within the Buffer.

**After-the-Fact Variance Requirements under Critical Area Law**

Maryland's Critical Area law provides that variances to a local jurisdiction's Critical Area program may be granted only if the County's Administrative Hearing Officer (AHO) finds that an applicant has satisfied the burden to prove that the request meets each and every one of the variance standards under COMAR 27.01.12, including the standard of unwarranted hardship. Furthermore, State law establishes the presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law and County's Critical Area Program. The AHO must make an affirmative finding that the applicant has overcome this presumption, based on the competent and substantial evidence presented from the applicant.

### **Buffer Variance**

In order to grant this variance request, the applicant must comply with all after-the-fact variance procedures as outlined in COMAR 27.01.12.06, and the AHO must find that all variance standards have been met, including that of unwarranted hardship. We note that this request does not meet unwarranted hardship as the applicant already enjoys reasonable and significant use of the entire lot, and that the width of the walkway could be reduced and reoriented to provide direct riparian access to meet the riparian access standards per County code, whereby eliminating the need for a variance altogether and reducing the overall mitigation requirement<sup>1</sup>.

In accordance with COMAR 27.01.09.01-2.H, mitigation for a violation of the Buffer is required to be performed at a 4:1 ratio for the square footage of permanent disturbance. This mitigation is cumulative to mitigation that is required for the granting of a variance at a 3:1 ratio for areas of permanent Buffer disturbance. Therefore, should the variance be granted, the applicant must provide 7:1 mitigation for the disturbance to the Buffer. Additionally, if tree canopy was removed outside of the SGP approval, additional mitigation at a 1:1 ratio would also be required for the square footage of unpermitted tree canopy coverage removed.

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

Sincerely,



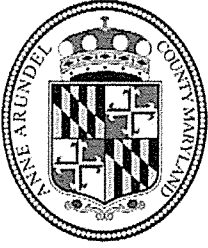
Jamileh Soueidan  
Natural Resources Planner

cc: Jennifer Esposito, CAC  
Kelly Krinetz, Anne Arundel County

File: AA 0354 – 24 Tucker

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<sup>1</sup> Per COMAR 27.01.09.01-2.H, a 2:1 mitigation ratio is required for riparian water access.



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE (2024-0105-P)

DATE OF MEETING: 11/7/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Bennie Tucker EMAIL: bennietucker2002@yahoo.com

SITE LOCATION: 350 Shore Road, Pasadena LOT SIZE: 9,147 sf ZONING: R2

CA DESIGNATION: RCA & LDA BMA: Part or BUFFER: Part APPLICATION TYPE: Critical Area Variance

The applicant seeks approval to perfect the construction of an irregularly shaped paved walkway between the house and the shoreline. The width at the widest point (which includes the walls) is greater than six feet, and the Critical Area Team has determined that the walkway exceeds that which is allowed for direct access by COMAR.

Therefore, a Critical Area variance to perfect disturbance within the 100-foot buffer and a Critical Area variance to perfect disturbance within slopes of 15% or greater are required.

#### COMMENTS

The **Critical Area Team** commented that the SGP [Standard Grading Plan] that was issued for access to the pier on this site was for a straight line, direct access of less than 6' as contemplated by COMAR and Critical Area Regulations. The access that was constructed is not in compliance with the approved plan and is not the minimum necessary to provide access. Therefore, the Critical Area Team cannot support this request.

The **Zoning Administration Section** concurs with the Critical Area Team and reminds the applicant 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 one of the Critical Area variance standards provided under Section 18-16-305(b) and (c) of the Anne Arundel County Zoning Ordinance. As such, the letter of explanation should be revised to address all of the variance standards. The site plan should also be corrected to show the buffer.

#### 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.


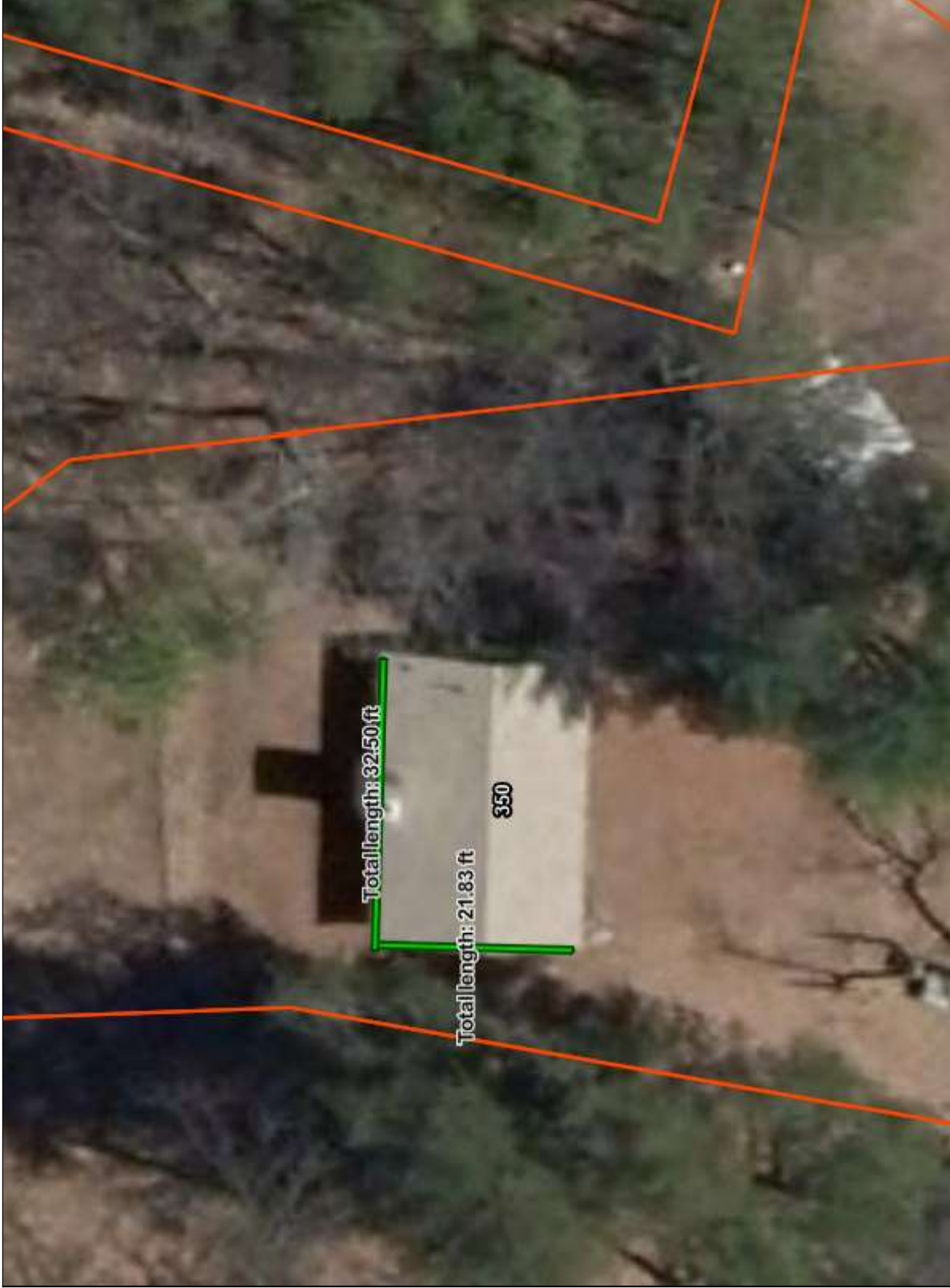


# 2017 Geocortex with measurements



**Legend**



- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City



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**Notes**



# 2018 Geocortex



## Legend

### Foundation

#### Addressing



#### Parcels



#### Parcels - Annapolis City



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Notes



# 2020 Geocortex



## Legend

### Foundation

#### Addressing



#### Parcels



#### Parcels - Annapolis City



0 45 90  
ft



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Notes



# 2021 Geocortex



## Legend

### Foundation

#### Addressing



#### Parcels



#### Parcels - Annapolis City



0 45 90 ft



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## Notes



# 2023 Geocortex



## Legend

Foundation

Addressing





Parcels



Parcels - Annapolis City



 0 45 90 ft 

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# 2024 Geocortex



## Legend

### Foundation

#### Addressing




#### Parcels



#### Parcels - Annapolis City



 0 45 90 ft

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none

Notes





### Legend

#### Foundation

Addressing



Parcels



Parcels - Annapolis City



#### Planning

County Planning



0 150 300 ft

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none



Notes