

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

**APPLICANT:** Robert Beer

**ASSESSMENT DISTRICT:** 2

**CASE NUMBER:** 2024-0223-V

**COUNCILMANIC DISTRICT:** 6

**HEARING DATE:** February 20, 2025

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



**REQUEST**

The applicant is requesting a variance to allow a dwelling addition (multi-level deck with a screened porch and platform) with less setbacks and buffer than required and with disturbance to slopes of 15% or greater on property located at 1313 Saint Josephs Court in Crownsville.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 2.04 acres of land and is located with road frontage on the east side of Saint Joseph Road, south of Saint Pauls Way. The subject property is identified as Lot 5 on Parcel 337 in Grid 17 on Tax Map 38 in the Bayberry Hill subdivision. The property is zoned RLD - Residential Low Density District. This is a waterfront property on Hopkins Creek which lies within the Chesapeake Bay Critical Area and is designated LDA - Limited Development Area and is not mapped as a BMA – Buffer Modification Area. The site is encumbered by steep slopes and the expanded buffer to steep slopes. The property is currently improved with a two-story single-family dwelling, waterfront steps, a tram (not shown on the site plan), a pier, a detached garage, a driveway and associated features. The site is served by a private well and septic system.

**APPLICANT'S PROPOSAL**

The applicant proposes to remove an irregularly-shaped upper deck, a lower deck, and screened porch and rebuild the lower deck (irregular 12' x 30') and screened porch (10 x 14') in-kind while expanding the upper deck (irregular 14' x 39') and adding a platform (6' x 5').

**REQUESTED VARIANCES**

§ 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 limit of disturbance will create temporary and permanent disturbance of an undetermined amount on the steep slopes of 15% or greater. Actual disturbance to be

determined at permitting.

§ 18-13-104(a) of the Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands; 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). § 27.01.01 (B) (8) (ii) of COMAR states a buffer exists “to protect a stream tidal wetland tidal waters or terrestrial environment from human disturbance.” § 27.01.09 E. (1) (a) (ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The steep slopes present on the property expand the buffer. The limit of disturbance will create temporary and permanent disturbance of an undetermined amount in the buffer. Actual disturbance to be determined at permitting.

The proposal meets all setback requirements for the RLD district and therefore will not require a variance for setbacks.

## **FINDINGS**

The property is a large irregularly-shaped lot with a concave shoreline. The site far exceeds the minimum 40,000 square foot and minimum 150-foot width required for a lot in the RLD District. Denial of the variance would not preclude development of the site and would not cause hardship in the use of the property.

The County 2024 aerial photograph shows an eclectic mix of dwellings and lots in this waterfront community. The existing dwelling was built in 1985 according to state tax assessment records, which is prior to the implementation of critical area regulations.

The existing lot coverage is 4,475 square feet which is well below the 13,329 square feet (15%) allowed per Code. The proposed expansion of the deck structure will not increase lot coverage as the screened porch area will remain the same.

The applicant was recently granted a variance in case number 2024-0085-V to allow buffer and steep slope disturbance for walkways and retaining walls that are shown in the Project Area Enlargement area of this application’s site plan. The existing lot coverage noted on the Project Notification Form for this application is inconsistent with the existing and proposed coverage on the prior variance application.

There have been several variances in the immediate area that pertain to steep slopes and buffer disturbance for dwelling additions. Two nearby examples are at 1311 Saint Pauls Way, case number 2017-0314-V granted a dwelling addition, deck with less setbacks, buffer and planted buffer than required and with disturbance to slopes of 15% or greater. At 1314 Saint Josephs Court, case 2020-012-V granted a dwelling addition (porch) with less setbacks than required and with disturbance to slopes of 15% or greater. These variances aside, each case must stand on its own merit.



The applicant's letter indicates that the increase in deck projection is because building materials allow cantilevers that can achieve the increase without adding ground disturbance. Both decks will share the posts and footings. The small landing is proposed to access a walkway to the water.

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

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

The **Development Division (Critical Area Team)** commented that there is no objection to the replacement/repair of the existing improvements within the existing footprint. The existing conditions site plan does not depict the second level deck and based on the information available to us, the upper deck is the same depth (12') as the lower deck. The sight plan shows the upper deck to be 14' deep. This Office would not approve this expansion.

The **Critical Area Commission** commented that it appears that the applicant has reasonable and significant use of the entire parcel with existing improvements, including a deck and screened porch and a recently permitted walkway for riparian access. The proposed project would result in disturbance to the Critical Area Buffer. Were this proposed deck expansion to be denied, the applicant will still enjoy reasonable and significant use of the entire property with the existing improvements. Additionally, the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat.

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

For the granting of a Critical Area variance, because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in an unwarranted hardship or practical difficulty. In this case the presence of the steep slopes makes any replacement of a longstanding amenity area impossible without variance relief. However, the applicant already enjoys a two-story deck and upper level screened porch. The granting of the variance to expand the footprint will confer on the applicants a special privilege that would be denied by COMAR, Title 27. No property owner has the right to build a larger structure within the Buffer or on the steep slopes. As to the replacement in-kind a literal interpretation of the County's critical area program will deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by denying the applicant the right to replace their deck.

This request is not a result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance as requested may adversely affect water quality or impact fish, wildlife or plant habitat and the

proposal is not in harmony with the general spirit and intent of the County's critical area program whereas a replacement in-kind will not have an impact and would be in harmony with the 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 and have not evaluated site planning alternatives.

With regard to the requirements for all variances:

There is no evidence that the replacement of the existing structures will alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare. The proposal will not reduce forest cover in the LDA with appropriate mitigation and will not be contrary to acceptable clearing and replanting practices.

The proposal consists of replacing an existing improvement with a larger structure that results in additional slope disturbance. While the applicant believes that the cantilevered upper deck will not create additional ground disturbance with additional footers or supports, construction activity is disturbance. The double-decker deck structure and the screened porch could be replaced in-kind with support from the Office of Planning and Zoning. The County Critical Area team and the State Critical Area Commission have both objected to the proposal and as such, the proposed expansion is not considered to represent the minimum variance necessary by OPZ.

### **RECOMMENDATION**

With regard to the standards by which a variance may be granted as set forth under Article 18, §18-16-305, under the County Code, the Office of Planning and Zoning recommends the **denial** of the variance as proposed. However, the Office of Planning and Zoning recommends **approval** of an in-kind replacement of the upper and lower decks and the screened porch with less buffer than required and with disturbance to slopes of 15% or greater.

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

# BEER RESIDENCE

1313 ST. JOSEPHS. CT.  
CROWNSVILLE, MD 21032

Hopkins Creek

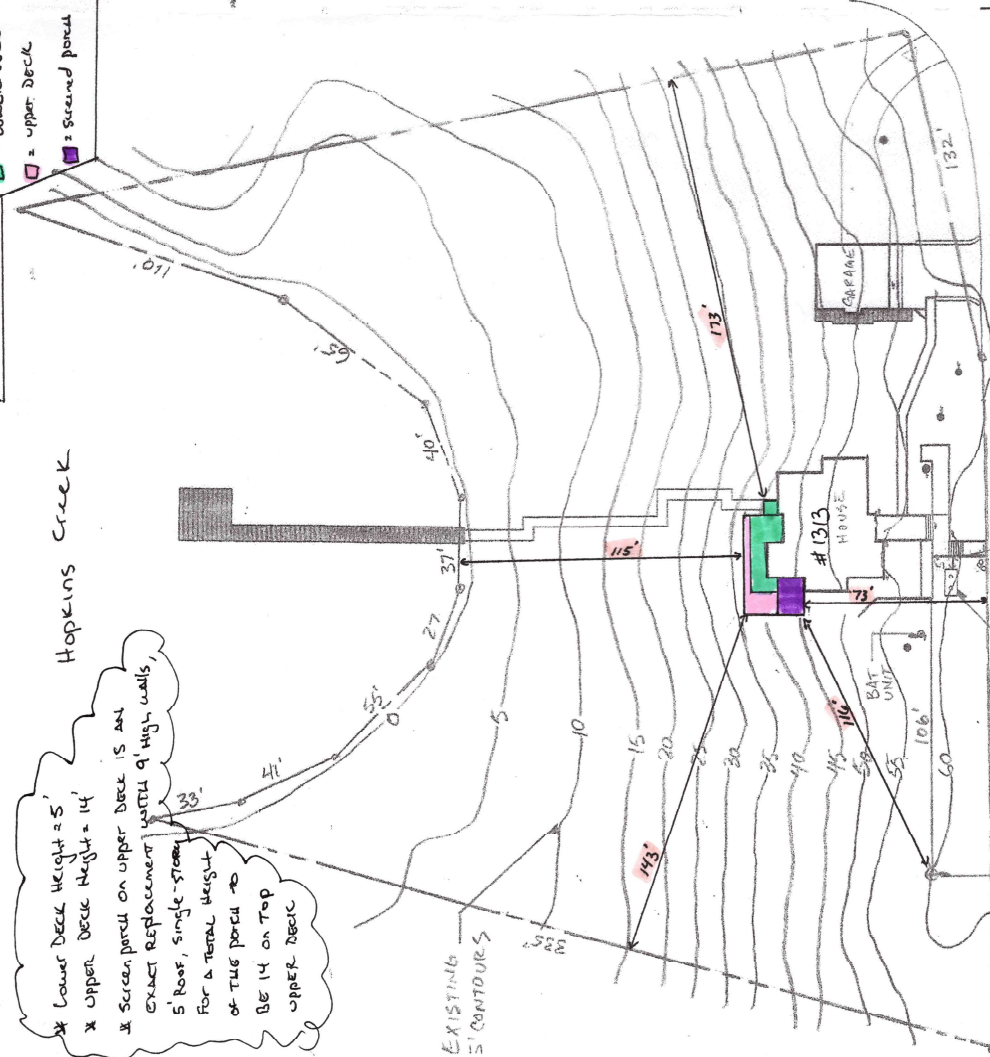
\* Lower Deck Height = 5'

\* Upper Deck Height = 14'

\* Screen porch on upper deck is not exact replacement with 9' high walls, 5' roof, single stone for a total height of the porch to be 14' on top upper deck

\* Lower Deck has a smaller footprint than upper, this is shown using different colors

■ = lower deck  
■ = upper deck  
■ = screened porch



1  
EXISTING SEPTIC TANK

EXISTING WELL

EXISTING DRIVEWAY

EXISTING TREE (TYPICAL)

EXISTING FENCE

EXISTING WALL

EXISTING PORCH

EXISTING STAIRS

EXISTING TERRACE

EXISTING WALKWAY

EXISTING YARD

EXISTING DRIVEWAY

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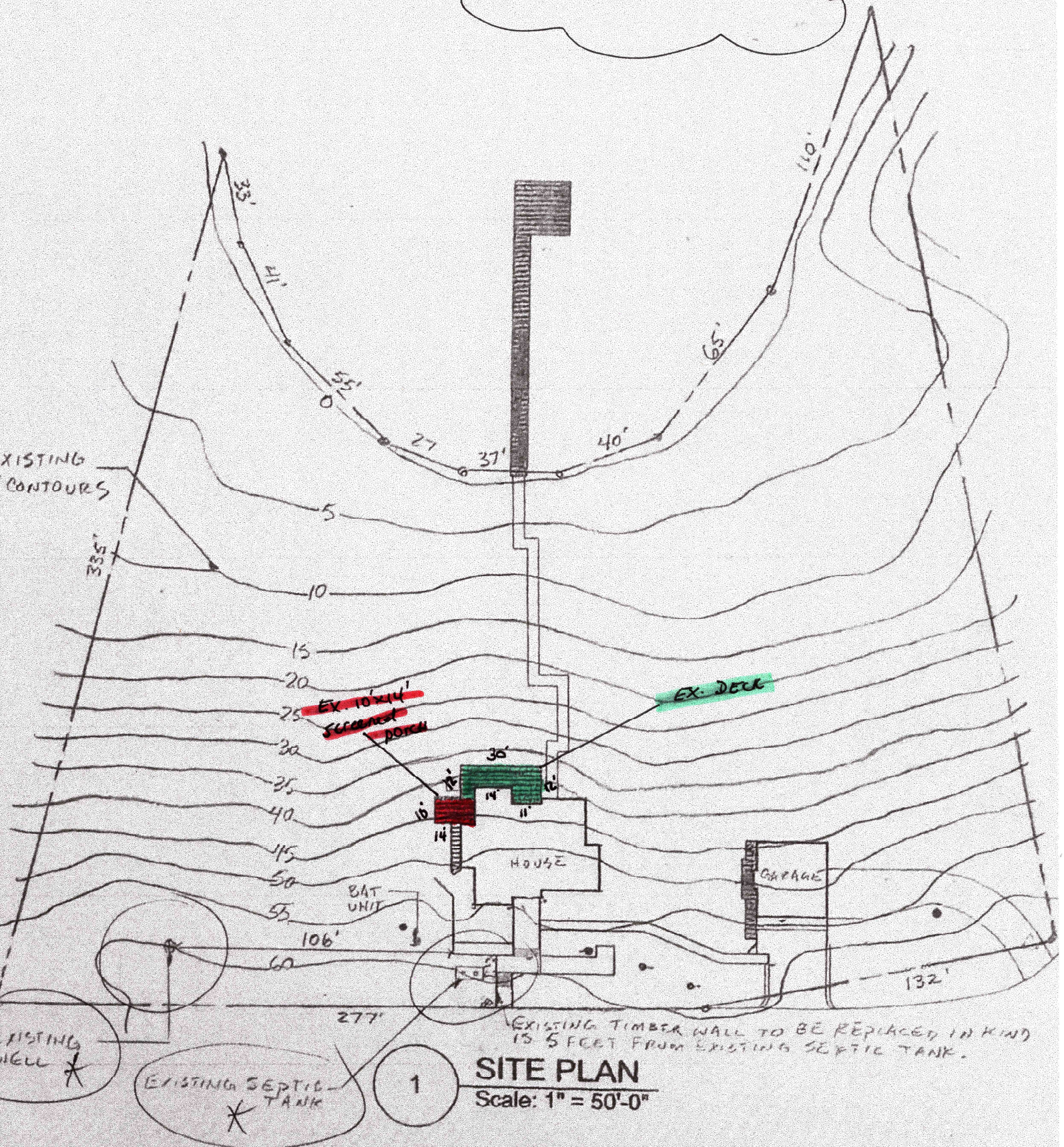
EXISTING TERRACE



# BEER RESIDENCE

1313 ST. JOSEPHS CT.  
CROWNSVILLE, MD 21032

\* EXISTING CONDITIONS





### **Letter of Explanation**

Please accept this letter as explanation for the variance application being made for the property located at 1313 St. Josephs Court, Crownsville Maryland 21032. The applicant is proposing to remove their existing open deck and screened porch on the rear of the existing single-family dwelling. The existing deck is an irregular shape and will be the same shape as the replacement, albeit 2' larger in projection. The proposed replacement will be a two-level open deck with a 10x14 screened porch on the upper level. This screened porch is an in-kind replacement in both size and location to the existing screened porch.

To be more detailed, the proposed upper deck will be 24' x 39' in an L-shaped configuration. The replacement 10x14 screened porch will occupy a portion of that footprint. This deck will be approximately 14' above grade. The lower deck is in a similar shape, directly below the upper deck. The size of the lower deck is smaller, at only 22' x 39' L-shaped, but does not occupy that entire area. However, there is a 5' x 6' landing on the left side of the lower deck with a box step to grade which will sit outside from underneath the upper deck. This lower deck is approximately 16" above grade on the step side.

This project was applied for with Anne Arundel County permit office and comments were generated under application B02429646. These comments informed the applicant that a variance would be required for the project. The reason for the variance is that the entire lot is comprised of steep slopes. Furthermore, as this is a waterfront lot, there is a non-exempt 100' critical area buffer that is expanded due to the steep slopes per 18-3-104. Thus, per 17-8-3, a variance is required for any disturbance within the expanded buffer. To note, this lot is 2.04 acres, and the entire 88,862.4 square feet is within that expanded buffer. The lot is also entirely in the LDA designation of the critical area, and nearly entirely wooded.

The Administrative Hearing Officer may vary or modify the provisions of the zoning code when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of the article, provided the spirit of law is observed, public safety secured, and substantial justice done. Each of those provisions apply to this case and the following findings are being presented.

There are certainly very unique physical conditions that exist on this lot. As the lot was developed on a waterfront piece of land, the shape itself is unique. But more importantly and applicable to this application, the land that was developed is significantly sloped. Previously, this was a wooded lot that sloped down to the water. In 1985 it was developed with all necessary permits and approvals, and the area where the dwelling and hardscape were placed were graded and stabilized. The remaining wooded lot was left untouched. The wooded nature of the lot actually aids the topography. Clearly if the lot were cleared, runoff would be problematic with the slope. But the tall, aged vegetation significantly strengthens the ground which is why the vegetation remained.

At the time of development, an open deck was constructed on the rear of the dwelling. The deck was an irregular L-shaped deck constructed on post and pier footings to not only gain the

height needed to reach the egress doors of the dwelling, but also to minimize impact to the ground. On a portion of that existing deck, a small screened porch was constructed. Over time, both the deck and porch have weathered to the point of needing to be replaced. This project proposed to do that. The proposed deck will be nearly in the same location with the same shape. The new deck is in fact two feet larger in projection, but the increase in size is simply because building materials allow cantilevers that can achieve the increase without adding ground disturbance. The deck will still be constructed on post and pier footings to keep the existing minimized ground disturbance.

The proposed deck will be two levels which is a departure from the original design. But the lower deck is smaller than the upper deck (the upper deck is the one referred to above which is the replacement for the existing deck), and follows the same general shape of the upper. This is important because the posts and footings will be shared between the two decks. Again, this minimizes ground disturbance which is the only true concern for slope and critical area buffer disturbance; the very need for the variance. There is an existing walkway down to the water and the lower deck does propose to provide a small 5' x 6' landing with box step which accesses that walkway. That is the only portion of the lower deck not underneath the upper.

The steep slopes encompass this entire lot. That in itself is a feature not experienced by many other lots, making this a terrific example of the unique requirement of the statute. Furthermore, because the non-exempt critical area buffer is expanded due to the slopes, and the slopes encompass the entire lot, then the 100-foot buffer actually encompasses the entire 2.04-acre lot. This is another very unique circumstance to this lot. Because of this unique restricting attribute, peculiar to and inherent in this particular lot, there is no reasonable possibility of replacing the existing deck and screened porch in strict conformance with the article. In other words, there is no way to avoid a variance simply to replace what is already there.

This peculiarity creates an exceptional circumstance. Because of this circumstance, which is not a financial consideration, the granting of this variance is necessary to avoid practical difficulties and unnecessary hardships. As stated, the existing structures need to be replaced. While they are not a safety hazard yet, denying the variance means that the structures are relegated to continue to age and there is a fear of a safety issue in the future. Yes, the replacement is an improvement. But as has been shown, the lower deck stays within the footprint almost entirely, and is a unique way to improve upon the property without creating any NEW disturbance to the environmental features.

As this property is waterfront and thus in the critical area, the critical area requirements for a variance are discussed here as well. The explanation above suffices to address the first requirement, which is the fact that the slopes found on this lot epitomize a significant unique condition which is peculiar to and inherent in this particular lot. Strict application of the critical area program would result in the unwarranted hardship as defined in the Natural Resources Article § 8-1808 of the State Code which was outlined earlier; specifically that the existing structure could never be replaced.

A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances would absolutely deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the county. This is mainly due

to the fact that very few other properties see their entire property consumed by environmental features, such as steep slopes. Moreover, very few other properties then have a 100' critical area buffer expanded to consume their entire property. This is not a small lot, it is over two acres. Yet the entire land has been restricted by the slopes and buffer. That critical area buffer is intended to only be 100 feet; it is only expanded because of slopes. That 100 feet in this case is expanded to cover over two acres of land. That is NOT something other properties are burdened by. Thus, literal application of the regulations would prevent only this owner from the very common and normal project of replacing what they already have.

Conversely, the granting of this variance will not confer on this applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area. Mainly this is because very few would have the need for the same variance as very few would find their entire lot in this circumstance. Most other land owners in the critical area would have the opportunity to replace their existing structures without the need to obtain a variance for environmental impact.

The variance request is not based on conditions or circumstances that are the result of actions by the applicant. The lot was developed in 1985 and not by the owner. The developer chose a lot with these slopes and developed in accordance with laws and regulations. The owner simply purchased an existing property with the existing deck and existing screened porch. They have not commenced any work as they are responsibly going through the approval process first. This request also does not arise from any condition relating to land or building use on any neighboring property. This is simply an unfortunate circumstance where the environmental features cover the entire two-acre lot and thus replacement is not possible without a variance request.

The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area in any way. The project will be in harmony with the general spirit and intent of the County's critical area program as it is replacing what already exists. It will also remain on post and pier foundation specifically to continue the same minimized ground disturbance that existed previously.

There is no bog in this area, but the applicant technically has maximized the distance between the structure and the 100-foot buffer. That sounds impossible since the buffer has been expanded to cover the entire lot. But by replacing in the same shape and configuration, the applicant has not disturbed the buffer further other than the two foot overhang (which does not impact any more of the ground, slopes, or buffer). There is no other way to maximize the distance because their whole lot is in the buffer. That is the unique condition requiring the variance in the first place.

The applicant has shown here that they have overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code in that they have minimized their request to the maximum extent possible. They have not chosen to construct some large addition affecting more ground and slope area. They are simply replacing their existing deck and porch so that they can continue to enjoy their rear amenity space as nearly every other homeowner in the county can do. In fact, the last requirement that needs to be met for a critical area variance is that the owner has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c). The

irony here is that there are NO alternatives based on the topography on this lot. Responsible replacement is their only option, which they have proposed.

As required for any variance, not just critical area ones, this variance is in fact the minimum necessary to afford relief. The screened porch is an exact replacement. The deck is remaining in the same location and shape. The added lower deck is smaller than the upper and remaining beneath the upper, utilizing the same posts and footings. This is the very definition of minimizing the variance request.

The granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located. This is a residential neighborhood and decks and/or screen porches are the norm, not the exception. Furthermore, this deck is replacing what is already there.

The variance will not substantially impair the appropriate use or development of adjacent property. This lot is heavily wooded and the neighboring property cannot even see the deck and porch. Regardless, as this is a replacement, there is no change to any implied affect to the neighboring residential properties.

The variance will not reduce forest cover in the limited development area of the critical area in any way. Again, the deck and porch are existing. No trees or shrubs of any kind need to be removed for this project.

The granting of the variance will also not be contrary to acceptable clearing and replanting practices required for development in the critical area mainly because as has already been stated, no clearing is necessary. Should more planting be required due to this project, the applicant will adhere to whatever is required.

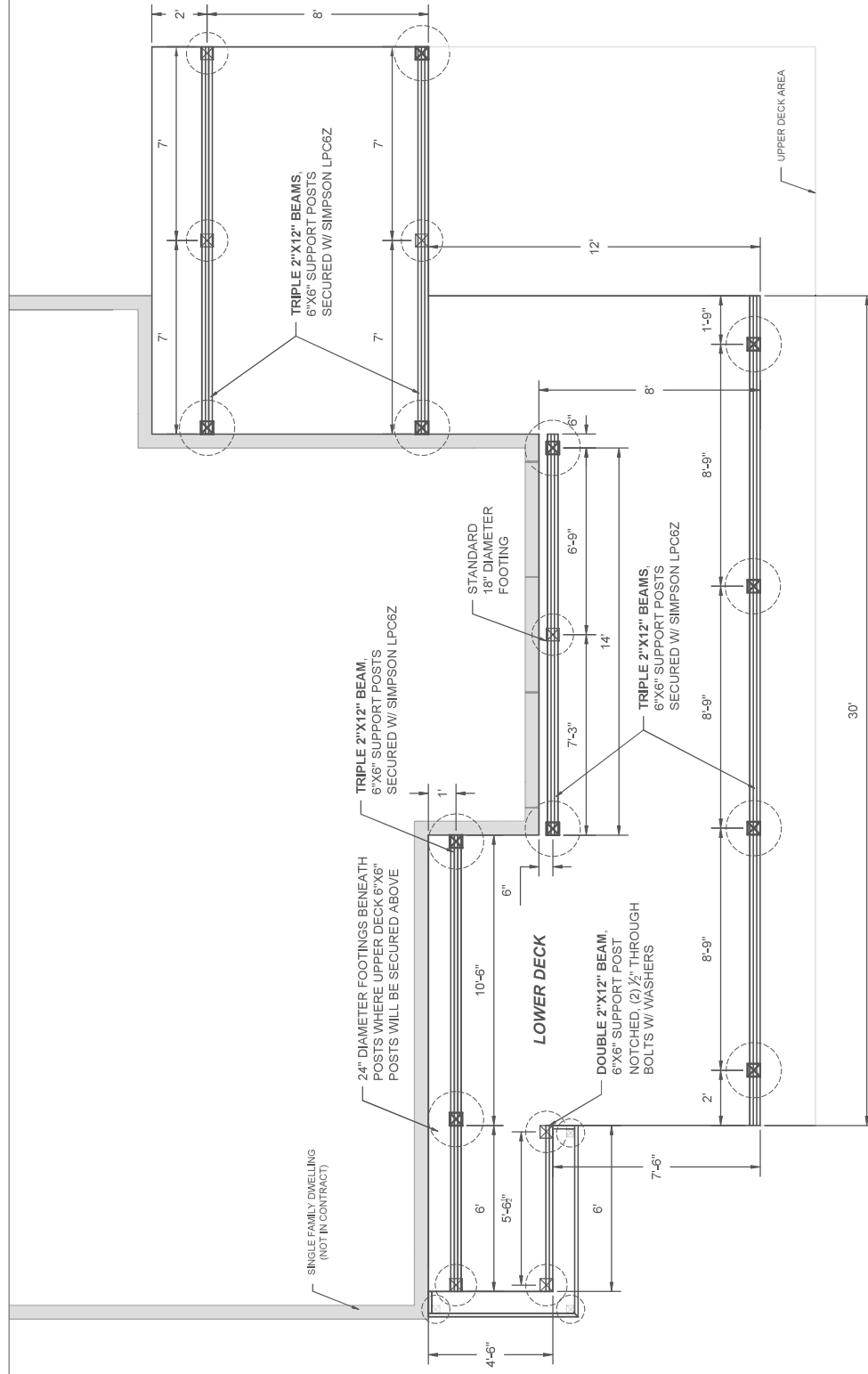
Finally, the granting of the variance will not be detrimental to the public welfare in any way. Again, this is a residential deck and porch. The public have no access to the property and will not be affected by the deck and porch replacement.

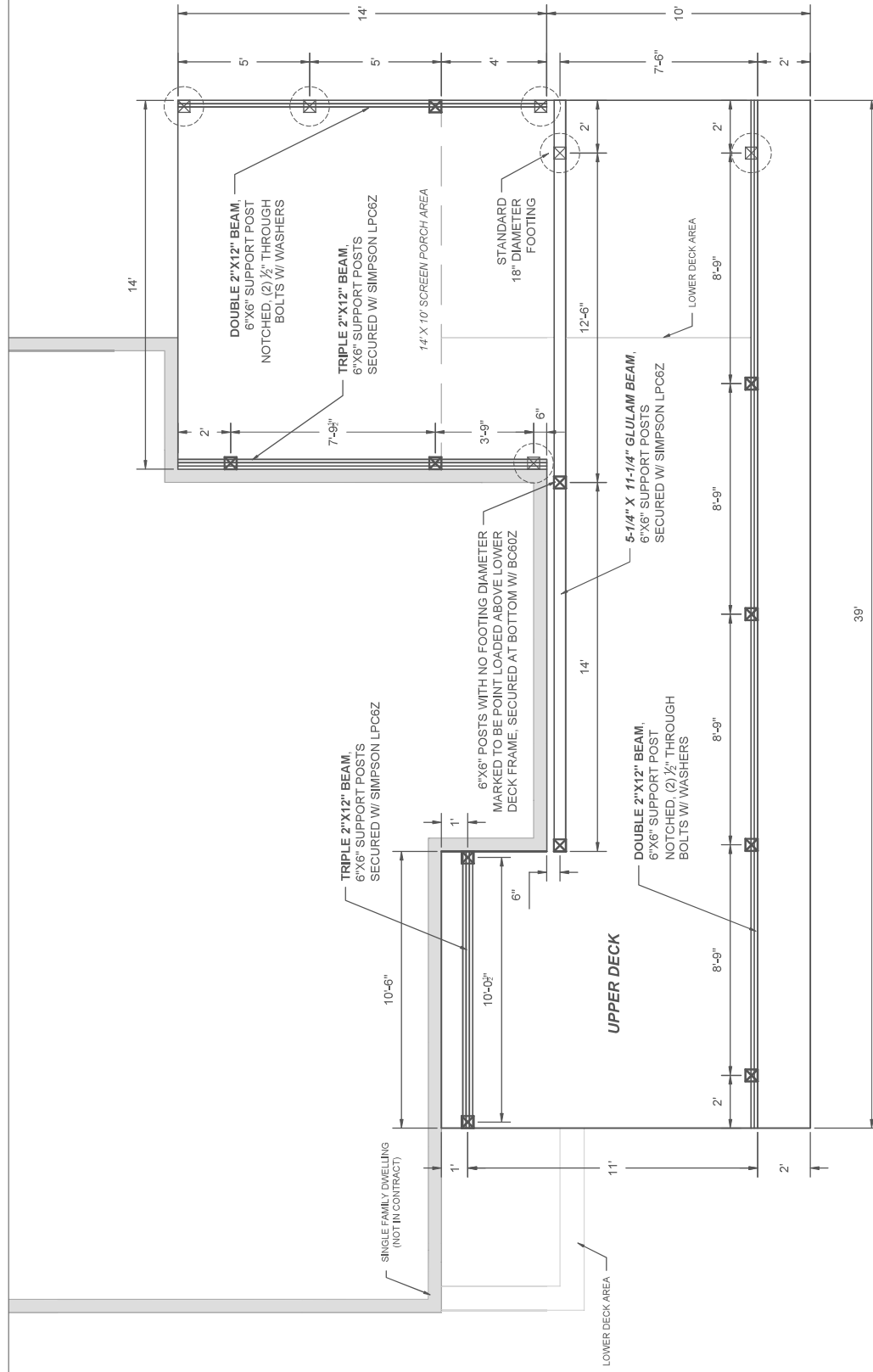
To note, the property does not have any outstanding violation so the provisions accompanying variance approvals for critical area properties that have violations does not apply to this case. Furthermore, should the Office of Planning and Zoning require planting, any provisions of that requirement such as timing as related to planting seasons will be adhered to by the applicant. There will be no lapse to any critical area requirements made under a variance approval, and this property is entirely in the LDA with no parts in the RCA designation (so no density considerations apply). Also, this property is not within the Odenton Growth Management Area District.

Thank you in advance for your consideration and for the reasons contained herein, we respectfully request your support for this variance application.

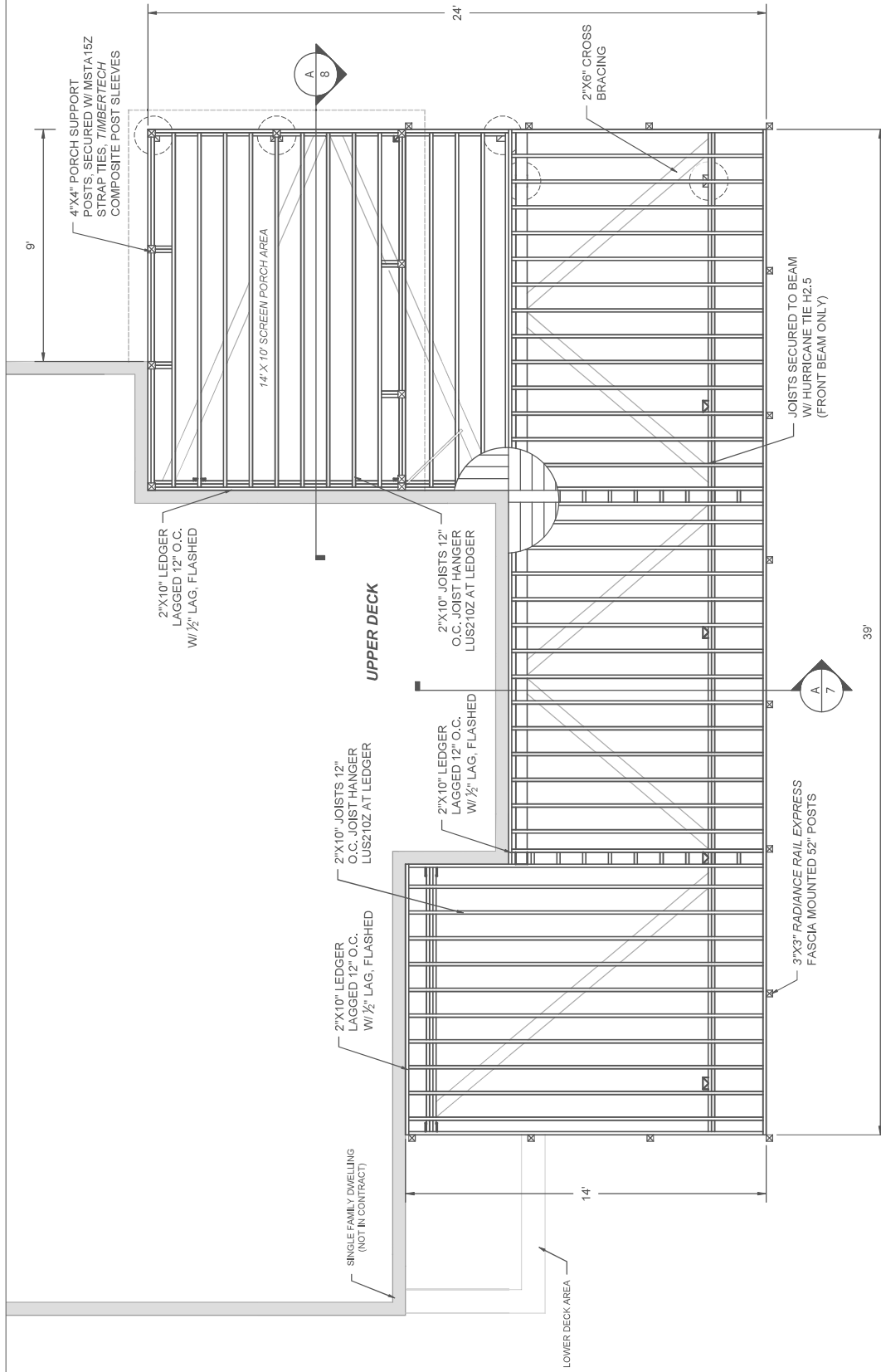


	<div><div><p><b>We'll See You Out Back!</b></p></div></div>						
CONTACT INFORMATION		MATERIAL SPECIFICATIONS					
<b>OWNER</b> ROB BEER 1313 ST. JOSEPHS COURT CROWNSVILLE, MD 21032 PH: 202-486-6910		ITEM REF.	MATERIAL	MANUFACTURER	STYLE	COLOR	NOTES
		DECK BOARDS	COMPOSITE	AZEK	VINTAGE	MAHOGANY	AZEK MAHOGANY FASCIA
		RAILING	ALUMINUM	TIMBERTECH	IMPRESSION EYPRESS	BLACK	
		RAIL CAP	COMPOSITE	AZEK	VINTAGE	MAHOGANY	
		RAIL POST	ALUMINUM	TIMBERTECH	IMPRESSION EYPRESS	BLACK	
		POST CAP					
		BALLUSTERS	ALUMINUM	TIMBERTECH	IMPRESSION EYPRESS	BLACK	
SCOPE OF WORK		NOTES		BUILDING INFORMATION			
- DEMO & HAUL EXISTING DECK & SCREEN PORCH		LOWER DECK HEIGHT IS APPROXIMATELY 5'		BUILDING: 2 STORY SINGLE FAMILY DWELLING			
- CONSTRUCTION OF NEW DECK MULTI-LEVEL DECK & SCREEN PORCH		UPPER DECK HEIGHT IS APPROXIMATELY 14'		COUNTY: ANNE ARUNDEL			
DRAWING INDEX							
G1	COVER SHEET, GENERAL NOTES, & DRAWING INDEX						
A1	LOWER DECK POST & BEAM PLAN						
A2	UPPER DECK POST & BEAM PLAN						
A3	LOWER DECK FRAMING PLAN						
A4	UPPER DECK FRAMING PLAN						
A5	SCREEN PORCH ROOF FRAMING PLAN						
A6	LOWER DECK CROSS SECTION						
A7	UPPER DECK CROSS SECTION						
A8	SCREEN PORCH SIDE CROSS SECTION						
A9	SCREEN PORCH FRONT CROSS SECTION						
		SHEET NAME: COVERSHEET , GENERAL NOTES, DRAWING INDEX, & MATERIAL SCHEDULE					
		SHEET NUMBER:  G1					









## BEER RESIDENCE

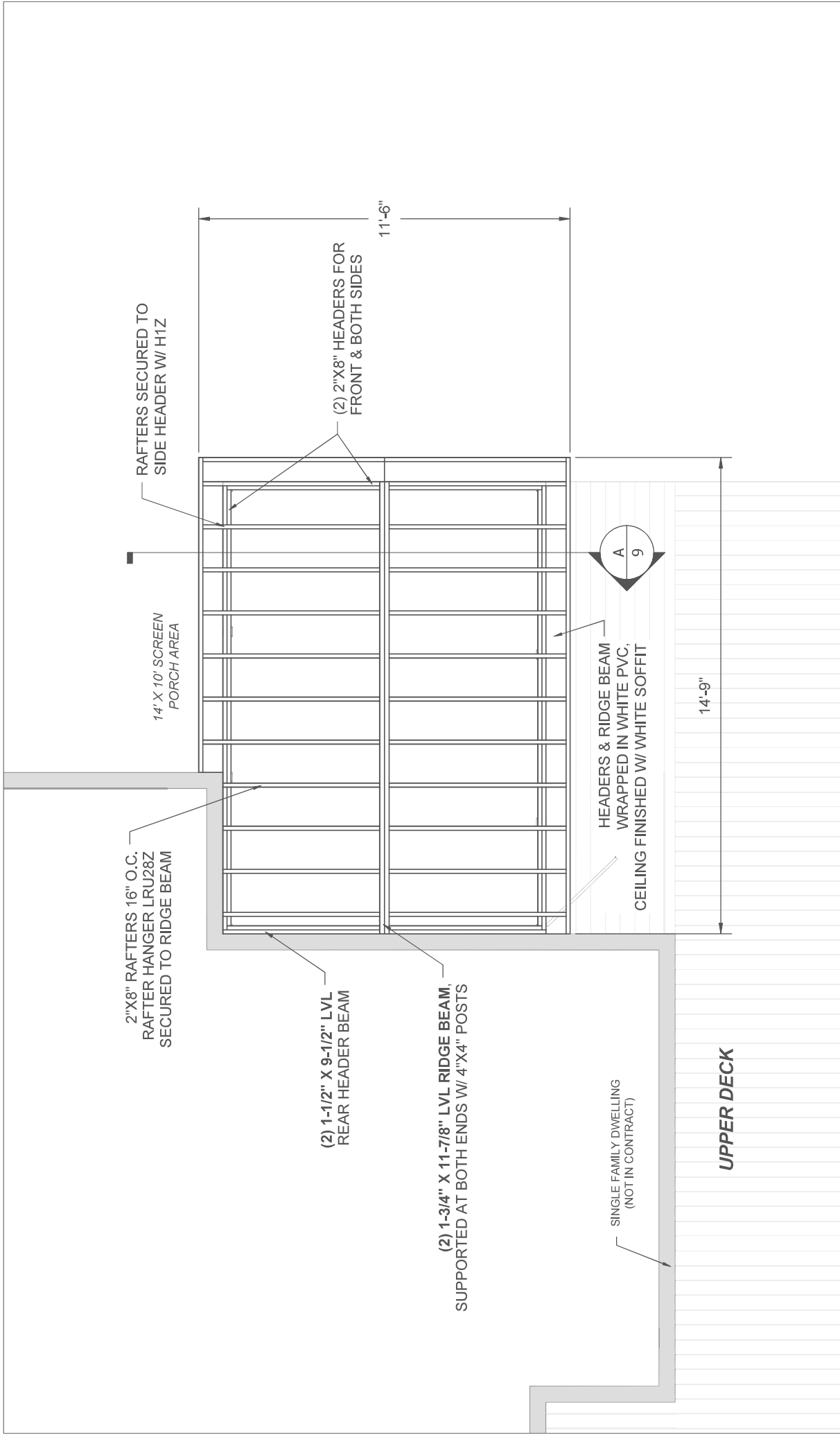
1313 ST. JOSEPHS COURT  
CROWNSVILLE, MD 21032

SHEET NAME: UPPER DECK FRAME PLAN

SCALE: 1/4" = 1'-0"

SHEET NUMBER:

A4



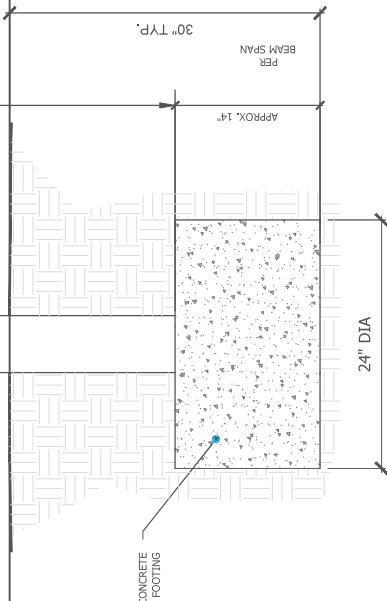
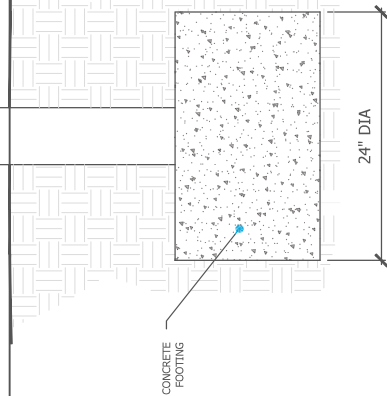
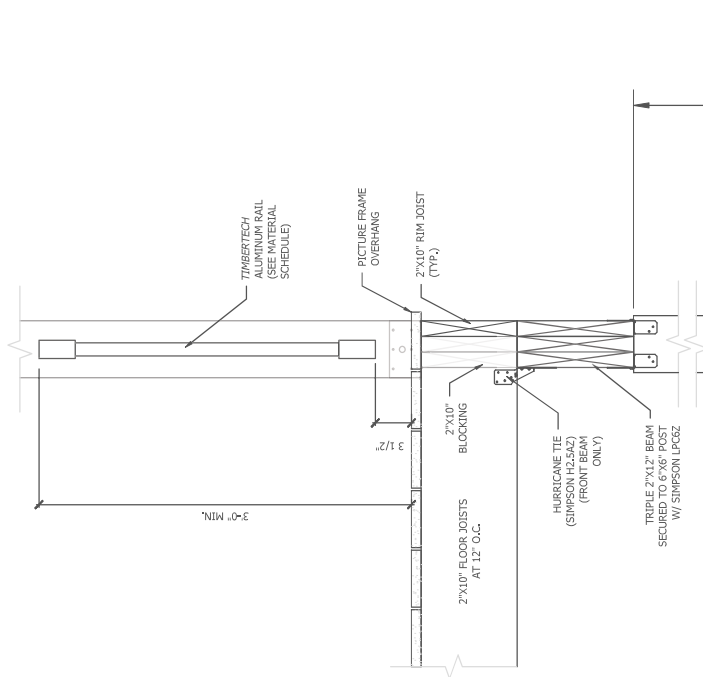
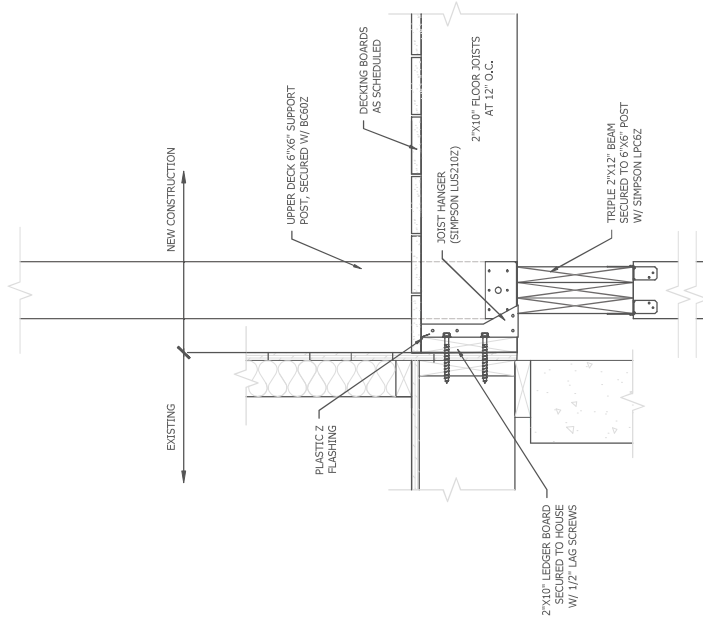
SHEET NAME: ROOF FRAME PLAN  
SCALE: 3/8" = 1'-0"  
SHEET NUMBER:

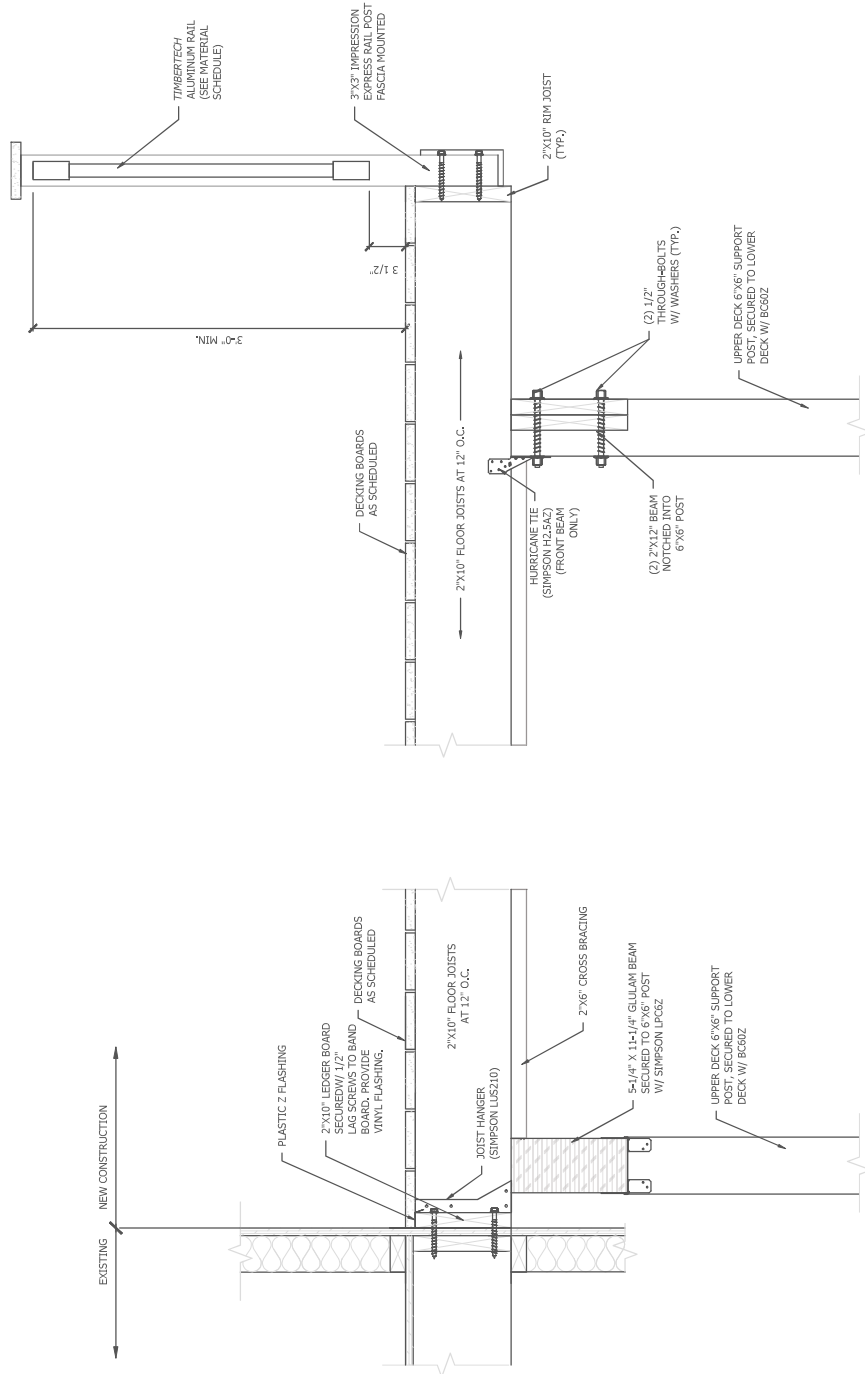
A5

BEER RESIDENCE

1313 ST. JOSEPHS COURT  
CROWNSVILLE, MD 21032

 **The Deck & Fence Company LLC**  
We'll See You Out Back!



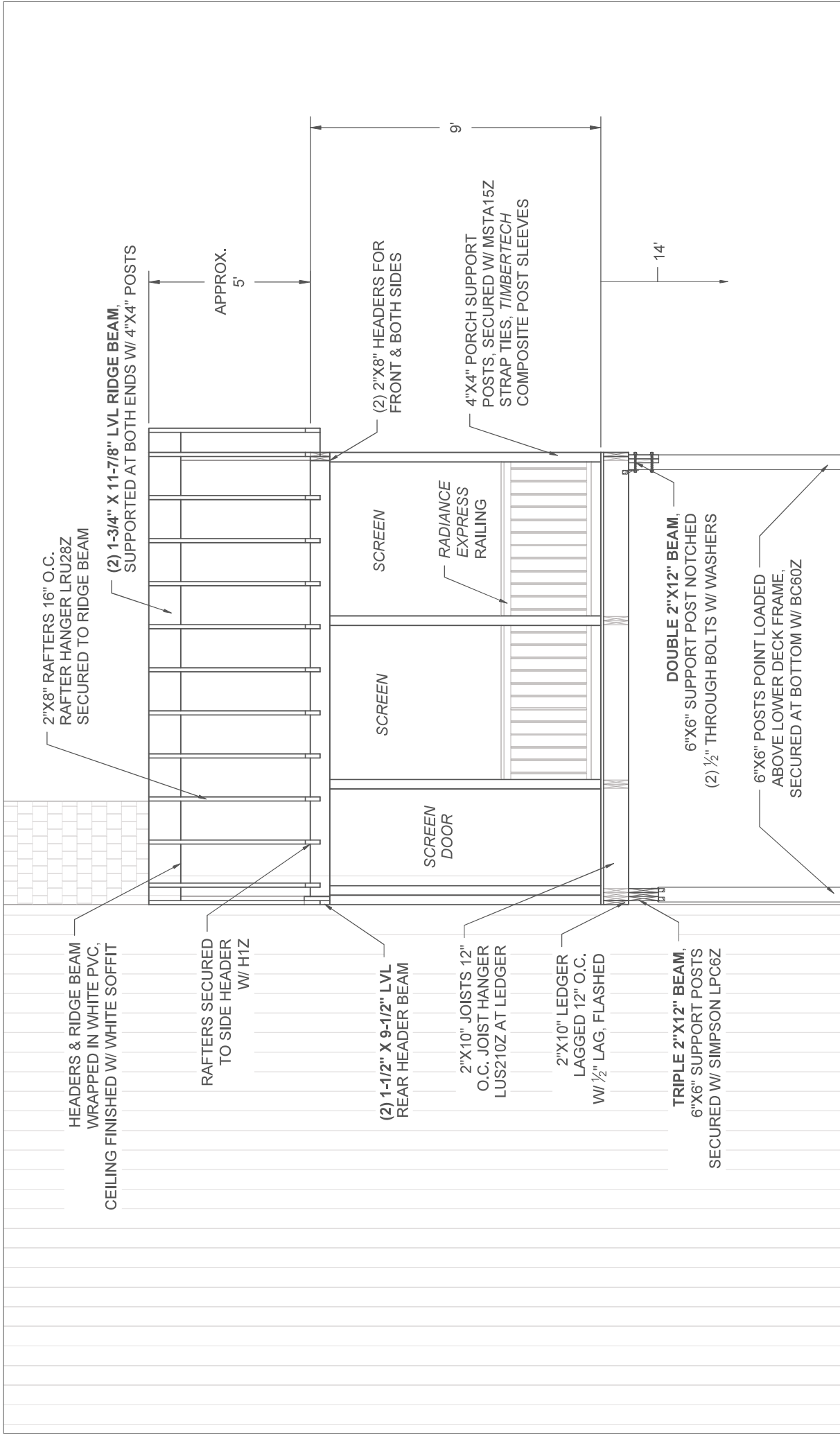


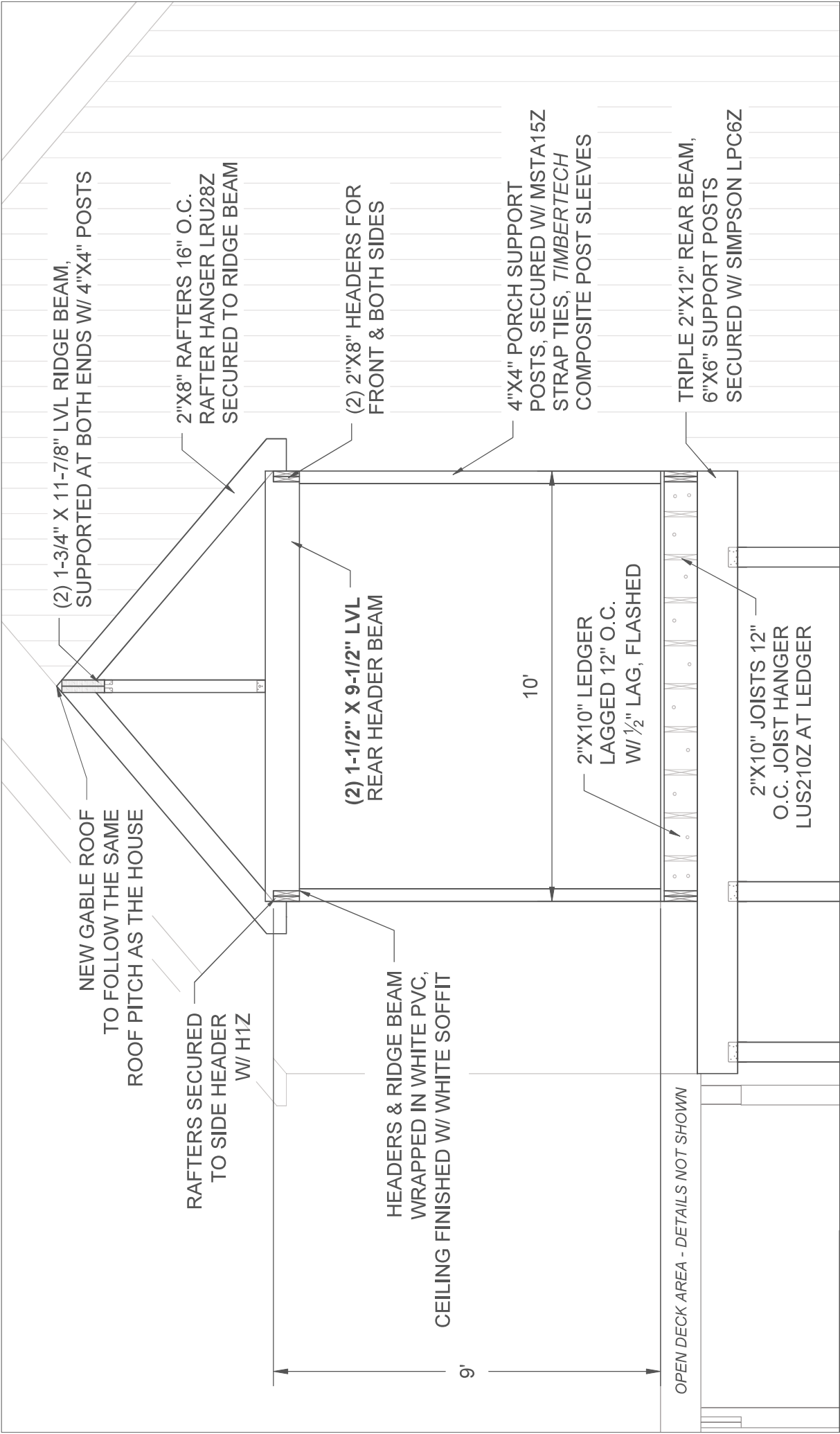
# BEER RESIDENCE

1313 ST. JOSEPHS COURT  
CROWNSVILLE, MD 21032

SHEET NAME: CROSS SECTION  
SCALE: 1" = 1'-0"  
SHEET NUMBER:







**BEER RESIDENCE**

1313 ST. JOSEPHS COURT  
CROWNSVILLE, MD 21032

SHEET NAME: CROSS SECTION  
SCALE: 1/2" = 1'-0"  
SHEET NUMBER:

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:

Tax Map #	Parcel #	Block #	Lot #	Section
0038	0337	NA	5	N/A

Tax ID: 2044-9002-3567

FOR RESUBMITTAL ONLY

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

\*Complete Only Page 1  
General Project Information

Project Name (site name, subdivision name, or other) BEER Screened Porch And Deck Replacement

Project location/Address 1313 St. Josephs Court

City Crownsville Zip 21032

Local case number

Applicant: Last name CLANCY First name JEREMY

Company Applied + Approved Permits

Application Type (check all that apply):

Building Permit ☐  
Buffer Management Plan ☐  
Conditional Use ☐  
Consistency Report ☐  
Disturbance > 5,000 sq ft ☐  
Grading Permit ☐

Variance ☒  
Rezoning ☐  
Site Plan ☐  
Special Exception ☐  
Subdivision ☐  
Other ☐

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

## SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Replace ex Deck and screened porch with new (2) Two level Deck And Screened porch on upper level. Upper Deck is 24'x39' (irregular shape) Lower is 22'x44' (irregular shape) screened porch is 10x14

Intra-Family Transfer ☐ Yes  
Grandfathered Lot ☐

Growth Allocation ☐ Yes  
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	2.04	88,862.4
RCA Area	—	—
Total Area	2.04	88,862.4

Total Disturbed Area 

Acres	Sq Ft
.015	658

# of Lots Created N/A

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	1.814	79,000	Existing Lot Coverage	.103	4475
Created Forest/Woodland/Trees	—	—	New Lot Coverage	—	—
Removed Forest/Woodland/Trees	—	—	Removed Lot Coverage	—	—
			Total Lot Coverage	.103	4475

## VARIANCE INFORMATION (Check all that apply)

\* DECKS ARE PERVIOUS And screen porch is a replace in kind

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	.015	658	Buffer Forest Clearing	—	—
Non-Buffer Disturbance	—	—	Mitigation	—	—

### Variance Type

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

### Structure

Acc. Structure Addition ☐  
Barn ☐  
Deck ☒  
Dwelling ☐  
Dwelling Addition ☐  
Garage ☐  
Gazebo ☐  
Patio ☐  
Pool ☐  
Shed ☐  
Other ☒ Screened porch

## **Critical Area Report Narrative**

- 1. Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.**

The existing and proposed use of the subject property is residential. There is an existing single family dwelling with an existing irregular shaped open deck and screened porch. Those last two structures will be replaced with a new two-level deck and screened porch in nearly the same location and configuration.

- 2. Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.**

The predominant trees and shrubs on the subject property are all native to the county. Most of the trees are tall, mature oak trees. The property is 2.04 acres and nearly the entire property is wooded. It is calculated that there are 79,000 square feet of vegetation. No trees or shrubs will need to be cleared for this replacement project.

- 3. Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).**

There will be no impact on water quality and habitat from the proposed construction. The new decks and screened porch are proposed to occupy nearly the same location as they do now. The existing deck used post/pier foundation to minimize ground disturbance as the proposed construction does. Furthermore, despite being a two-level deck, the lower deck is smaller and underneath the upper, and plans to use the same posts and footings; again to minimize disturbance. Regardless, should silt fence or other methods be required, the owner will comply.

- 4. Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.**

The existing impervious surface calculation is 4,475 square feet. The open deck is pervious and is replacing an existing open pervious deck. The proposed screened porch is an exact replacement of the existing screened porch. Thus, no new impervious is proposed.

- 5. If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.**

The entire lot has steep slopes of 15% or greater. Because of this, the non-exempt 100-foot critical area buffer is expanded due to the slopes, which means it covers the entire lot as well. Beyond this there are no areas of rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, or plant and wildlife habitats of local significance.



# Buffer Map (unofficial) - Lot outline ref only not exact



Legend

Foundation

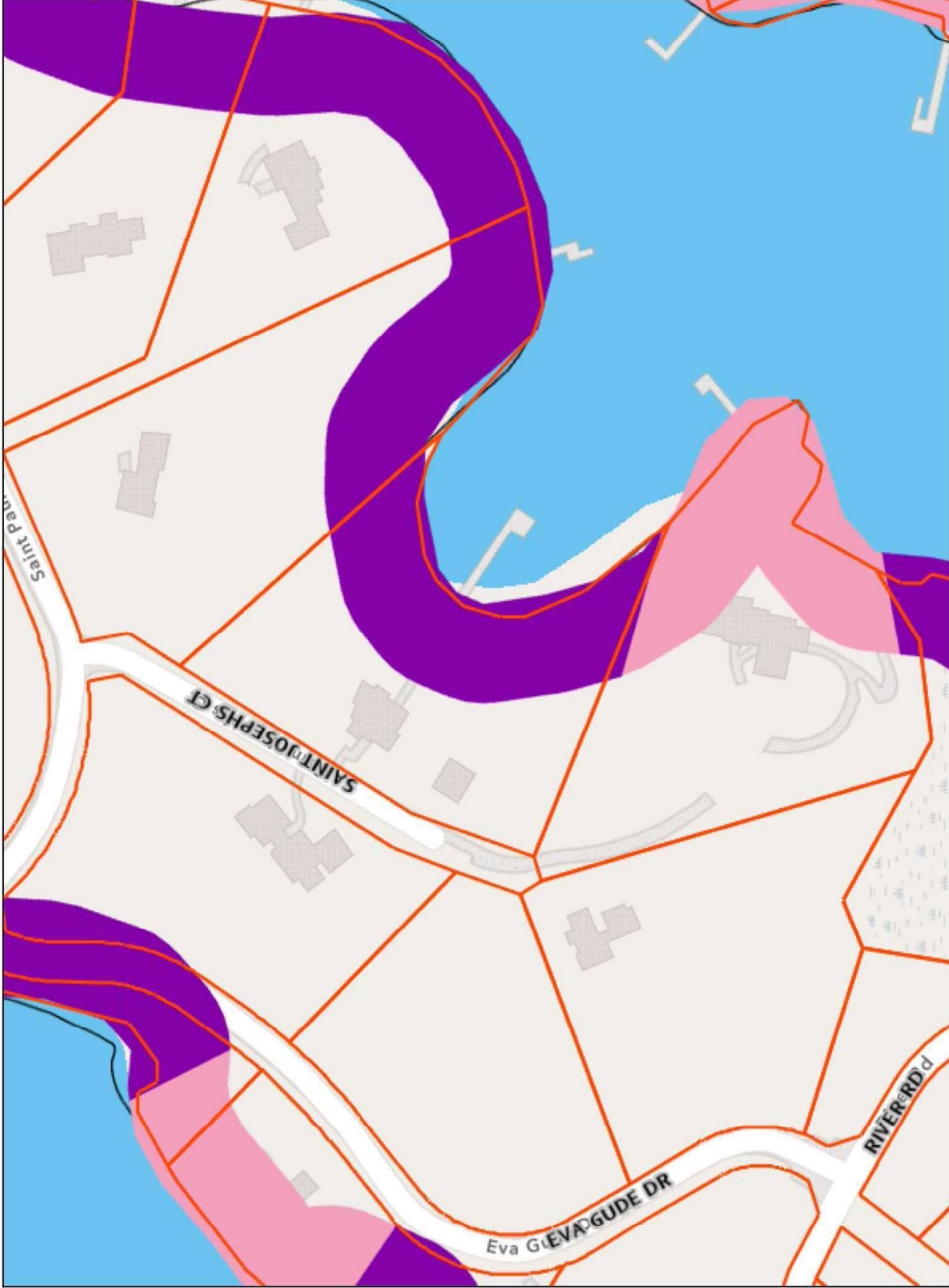
Parcels

Planning

County Planning

Buffer

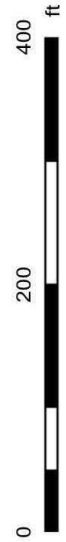
Modified Buffer



Notes 1" = 200 ft - Lot outline ref only not exact

Esri Community Maps Contributors,  
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OpenStreetMap, Microsoft, Esri,  
TomTom, Garmin, SafeGraph,  
GeoTechnologies, Inc, METI/NASA,

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Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION



# Topographic Map - Lot outline ref only not exact



**Legend**

Foundation

Parcels

Elevation

Topo 2023

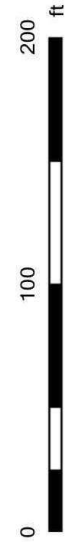
Index

Intermediate



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GeoTechnologies, Inc, METINASA,



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USED FOR NAVIGATION

Notes 1" = 100 ft



# Topographic Map - Lot outline ref only not exact



## Legend

Foundation

Parcels



Elevation

Topo 2023

Index

Intermediate



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



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

Notes 1" = 200 ft



# Topographic Map - Lot outline ref only not exact



**Legend**

Foundation

Parcels

Elevation

Topo 2023

Index

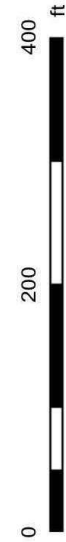
Intermediate



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



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

Notes 1" = 200 ft



# National Flood Hazard Layer FIRMette



76°34'42"W 39°2'N

### Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

Without Base Flood Elevation (BFE)  
*Zone A, V, A99*

With BFE or Depth *Zone AE, AO, AH, VE, AR*

Regulatory Floodway

SPECIAL FLOOD HAZARD AREAS

0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*

Future Conditions 1% Annual Chance Flood Hazard *Zone X*

Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*

Area with Flood Risk due to Levee *Zone D*

OTHER AREAS OF FLOOD HAZARD

NO SCREEN

Area of Minimal Flood Hazard *Zone X*

Effective LOMRs

Area of Undetermined Flood Hazard *Zone D*

OTHER AREAS

GENERAL STRUCTURES

Channel, Culvert, or Storm Sewer

Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

Coastal Transect

Base Flood Elevation Line (BFE)

Limit of Study

Jurisdiction Boundary

Coastal Transect Baseline

Profile Baseline

Hydrographic Feature

OTHER FEATURES

Digital Data Available

No Digital Data Available

Unmapped

MAP PANELS

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/14/2024 at 8:05 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

76°34'42"W 39°1'32"N

Basemap Imagery Source: USGS National Map 2023





























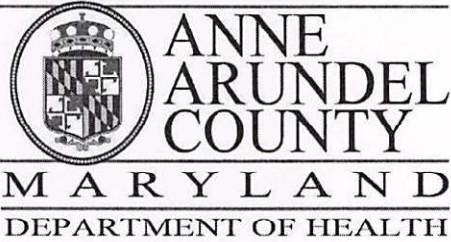













J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahealth.org

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

### **MEMORANDUM**

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

FROM: Brian Chew, Program Manager  
Bureau of Environmental Health 

DATE: December 23, 2024

RE: Robert Beer  
1313 Saint Josephs Court  
Crownsville, MD 21032

NUMBER: 2024-0223-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions (two-story deck and screened porch) 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

2024-0223-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

12/19/2024

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

This office has no objection to the replacement/repair of the existing improvements within the existing footprint.

The existing conditions site plan does not depict the second level deck and based on the information available to us, the upper deck is the same depth (12') as the lower deck. The sight plan shows the upper deck to be 14' deep. This Office would not approve this expansion.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Due Date

01/09/2025

Assigned to Department

OPZ Critical Area

Status Date

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

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



Jamileh Soueidan -DNR- &lt;jamileh.soueidan@maryland.gov&gt;

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

1 message

Jamileh Soueidan -DNR- &lt;jamileh.soueidan@maryland.gov&gt;

Tue, Jan 14, 2025 at 3:18 PM

To: Sadé Medina &lt;pzmedi22@aacounty.org&gt;

Cc: Jennifer Esposito -DNR- &lt;jennifer.esposito@maryland.gov&gt;

Good Afternoon,

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

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

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

Best,  
Jamileh

—



Critical Area Commission for the  
Chesapeake & Atlantic Coastal Bays  
[dnr.maryland.gov/criticalarea](https://dnr.maryland.gov/criticalarea)

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

**2 attachments**



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

146K



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

153K





# OFFICE OF PLANNING AND ZONING

## CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING\_\_12/2/2024 (via email)\_\_\_

P&Z STAFF\_\_Donnie D./Kelly K.\_\_\_\_\_

APPLICANT/REPRESENTATIVE\_\_Applied & Approved  
Permits\_\_\_\_\_EMAIL\_michelle@appliedandapproved.com\_\_\_\_\_

SITE LOCATION\_\_1313 Saint Josephs Ct. Crownsville\_\_\_\_\_LOT SIZE\_2.04 Acres\_ZONING \_\_RLD\_\_\_\_\_

CA DESIGNATION\_\_LDA\_\_\_\_\_ BMA\_\_\_\_\_ or BUFFER\_\_X\_\_\_ APPLICATION TYPE\_\_Variance\_\_\_\_\_

The applicant is proposing to replace the existing deck and screened porch on the waterside of the existing dwelling. The existing deck is one level and the new deck will be two levels with the lower deck being smaller than the upper level. The applicant describes that the deck footprint will project 2 feet further than the existing deck. The screen porch will be replaced in kind. The proposal requires a variance for expanded buffer disturbance and appears to also need a variance for steep slope disturbance.

### COMMENTS

**From Zoning:** The site plan needs to clearly show the existing and proposed improvements as it appears that the plan only shows the proposed. It is suggested that the plan show a detail of existing and a separate detail of the proposed so this Office can clearly differentiate what is currently there and the difference to what is proposed. Steep slopes should also be clearly delineated, possibly with shading to determine their exact location. The site plan also needs to show the LOD (limit of disturbance) with calculations on how much expanded buffer and steep slopes will be disturbed by the project.

**From Development Division (Critical Area Team):** There is no objection to the repair/in-kind replacement of the existing improvements, however, this Office cannot support an expansion of the decks or the screened porch.

### 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.

2024-0223-V



- Legend**
- Foundation
  - Addressing
  - Parcels
  - Parcels - Annapolis City
  - Planning
  - County Planning

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Notes