

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

APPLICANT: Karen S. & Kevin F. Fox

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0157-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: March 13, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting variances to allow a dwelling addition (deck) with less setbacks¹ and buffer than required and with disturbance to slopes of 15% or greater on property located at 6 Fetter Lane in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 18,200 square feet of land and is located on the southwest end of Fetter Lane. It is identified as Lot E of Parcel 387 in Grid 3 on Tax Map 31 in the subdivision of Hollywood on the Severn.

This waterfront property is zoned R5 – Residential District, is located within the Chesapeake Bay Critical Area, and is designated as IDA – Intensely Developed Area. The shoreline is not mapped as buffer modified and is subject to the standard buffer regulations. The lot is currently improved with a one-story, single-family, detached dwelling with a basement and other associated facilities.

PROPOSAL

The applicants propose to construct an irregularly shaped deck partially over an existing raised concrete patio. The proposed deck would measure approximately 46’ by 16’ at its largest point and would also contain a 6’ by 28’ +/- catwalk/ramp to grade on the northwest side of the house. The total proposed deck area would measure 704 square feet, 445 square feet of which would be located over the existing raised concrete patio.

REQUESTED VARIANCES

§ 18-13-104(a) of the Anne Arundel County Zoning 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. § 17-8-301 of the Subdivision and Development 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

¹ The variance was initially advertised for an additional zoning variance for setbacks. However, a review of the bulk regulations for development within the R5 District reveals that a setback variance is not required.

27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. Construction of the proposed deck would necessitate a variance to disturb 2,157 square feet of the 100-foot buffer.

§ 17-8-201(b) of the Subdivision and Development Code provides that development in the Intensely Developed Area (IDA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope or the disturbance is necessary to allow connection to a public utility. Construction of the proposed deck would necessitate a variance to disturb an unspecified area of slopes of 15% or greater as shown on the site plan. If approved, the actual amount of slope disturbance will be determined at the time of permitting.

FINDINGS

The subject property is irregular in shape and easily exceeds the minimum 7,000 square foot area and minimum 60 foot width required for a lot in an R5 District. The existing critical area lot coverage is 3,326 square feet, and no additional coverage is proposed with this project.

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

The **Development Division (Critical Area Team)** commented that they have no objection to the replacement of the existing concrete patio, but noted that any expansion will need to meet the approval standards outlined in the County Code.

The **Critical Area Commission** commented that 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. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate [mitigation] is required.

The **Department of Health** has reviewed the well water supply system for the subject property and has determined that the proposed request would not adversely affect this system. Therefore, the Department has no objection.

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

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot, or, because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this particular case, the property is encumbered with the buffer and with steep slopes, limiting the potential for future expansion. However, there is already a large patio for outdoor use and enjoyment. As noted by the

Critical Area Team in their pre-file comments, no additional development should be placed within the buffer on this property. The Critical Area Team and Forestry Division of the Office of Inspections and Permits can work with the property owner to install a fence to address the safety concerns as well as develop a planting plan to address any erosion issues.

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, as they already have reasonable use of their property with the existing house, spacious patio, and associated amenities. The granting of critical area variances for excess outside amenities above those previously approved would confer on the applicants a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the 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 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 fact, some of the rationale presented by the applicants regarding their existing slope and erosion issues is exactly why expanded amenities within the buffer and slopes cannot be supported. 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 nor have they evaluated and implemented site plan alternatives as recommended at the pre-file stage.

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of the adjacent properties, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. However, given that there is already a sizable patio for outdoor use and enjoyment, the request to allow a 704 square foot deck is excessive and cannot be considered the minimum variance necessary to afford relief.

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 § 17-8-301 and § 17-8-201(b). However, this Office recommends ***modified approval*** of Critical Area variances to § 17-8-301 and § 17-8-201(b) to allow for the in-kind replacement of the existing patio with disturbance within the buffer and steep slopes.

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.

LEGEND

---	38	Existing Grade
---	38	Limit of Disturbance
---	---	Existing structure
---	---	Existing Trestle
---	---	Proposed Structure
---	---	25% Steep Slopes
---	---	15% Steep Slopes
---	---	Existing Fence

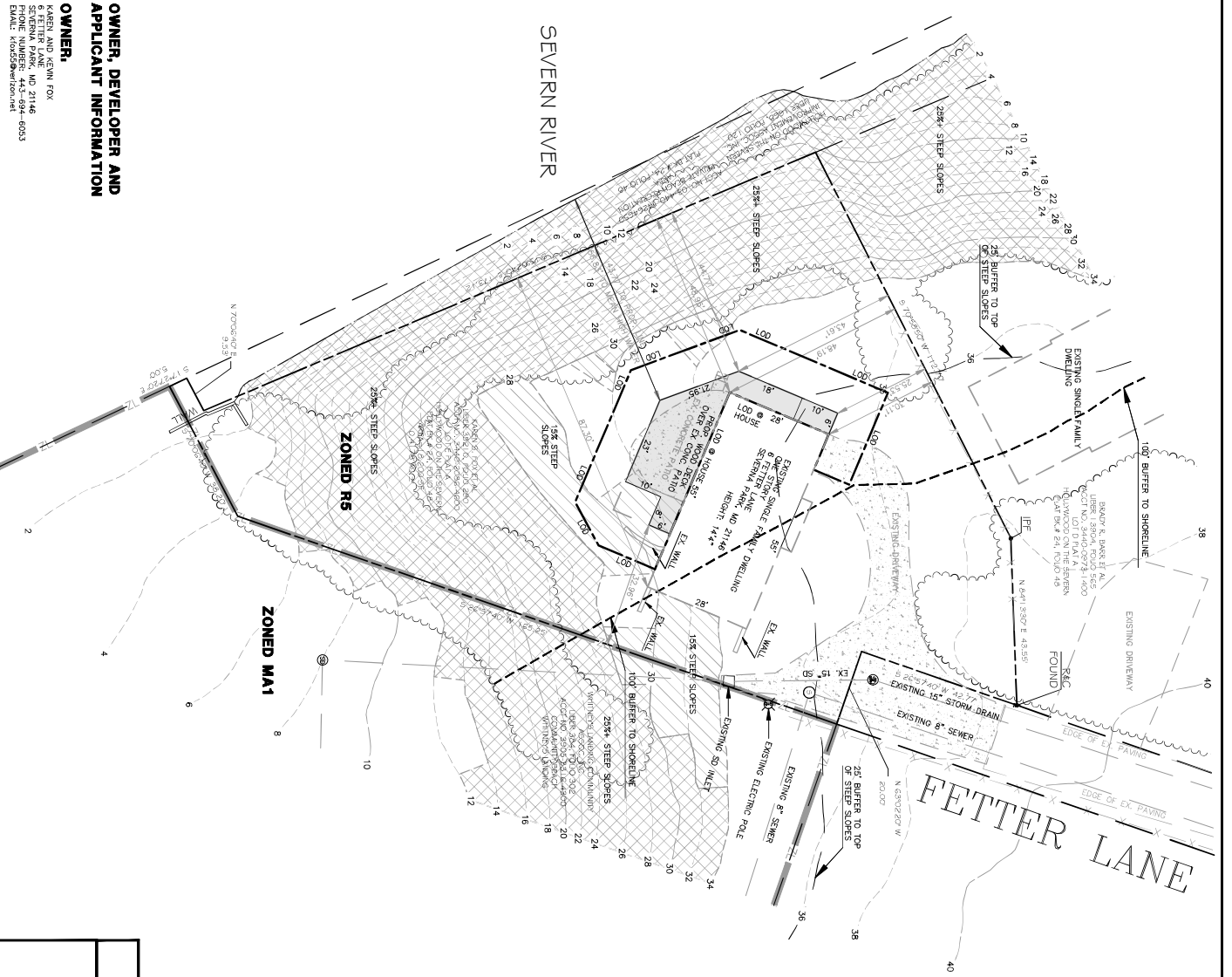
ZONED MA1

ZONED RS

Zoning Line

M.A.F. & ASSOCIATES, LLC

56 JONES STATION ROAD, W.
SEVERNA PARK, MD 21146
PHONE: 443-864-8589
EMAIL: MFORGEN@AOL.COM



OWNER, DEVELOPER AND APPLICANT INFORMATION

OWNER:
KAREN AND KEVIN FOX
8 FETTER LANE
SEVERNA PARK, MD 21146
PHONE NUMBER: 443-894-6653
EMAIL: kfox@severnafox.com

DEVELOPER/APPLICANT:
KAREN AND KEVIN FOX
8 FETTER LANE
SEVERNA PARK, MD 21146
PHONE NUMBER: 443-894-6653
EMAIL: kfox@severnafox.com

PLAN
SCALE: 1" = 20'

CRITICAL AREA CALCULATIONS (LDAI)

1) Total site area:	18,200 s.f. or 0.4178 AC.
2) Total lot coverage allowed:	31.25% or 5,687 s.f.
3) Total woods on site:	6,200 +/- square feet or 34.07% +/- of the site.
4) Total woods to be cleared in 100' buffer:	0 square feet
5) Total woods to be cleared out of 100' buffer:	0 square feet
6) Total woods required on site:	15% or 2,730 square feet.
7) Total existing lot coverage:	Driver: 1,236 s.f. Patrol: 507 s.f.
8) Total proposed lot coverage:	0 s.f.
9) Total lot coverage after construction:	3,326 s.f.
10) Total lot coverage increase:	0 square feet
11) Total offset/retention required:	0 square feet
12) Total clearing mitigation required:	0 square feet

SITE DATA

PROPERTY ADDRESS: 6 FETTER LANE, SEVERNA PARK, MD 21146
OWNER: KAREN AND KEVIN FOX, 6 FETTER LANE, SEVERNA PARK, MD 21146
DEVELOPER: KAREN AND KEVIN FOX, 8 FETTER LANE, SEVERNA PARK, MD 21146
EXISTING ZONING: RS SETBACKS: FRONT: 25', SIDE: 7', REAR: 20'
EXISTING ZONING: RS SETBACKS: FRONT: 25', SIDE: 7', REAR: 20'
TAX MAP: 31 BLOCK: 3 PARCEL: 387 LOT: E
ASSESSMENT DISTRICT: THIRD
TAX ACCOUNT NUMBER: 3440-2086-4600
CERITICAL AREA: LDA
TOTAL SITE AREA: 0.4178 ACRES, 18,200 SQUARE FEET
EXISTING LOT COVERAGE: 0.0714 ACRES, 3,326 SQUARE FEET
PROPOSED LOT COVERAGE: 0 ACRES, 0 SQUARE FEET
TOTAL DISTURBED AREA: 0.0945 ACRES, 2,187 SQUARE FEET
PROPOSED STRUCTURE HEIGHT: N/A

VICINITY MAP
SCALE: 1" = 2,000'
AOC MAP: 14, GRID: E5
Copyright for this map reserved
Permitted Use Number: 20510294

SITE DEVELOPMENT PLAN
HOLLYWOOD ON SEVERN
LOT E PLAT A
8 FETTER LANE, SEVERNA PARK, MD 21146
TAX MAP 31 BLOCK 3 PARCEL 387 TAX ACCOUNT #3440-2086-4600 ZONING: RS
DATE: FEBRUARY 11, 2025
ANNE ARUNDEL COUNTY, MARYLAND
SHEET 1 of 1

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

January 13, 2025

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

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

Dear Planner:

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

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

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

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

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

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

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

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

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

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

Profile Comments:**Critical Area Team:**

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

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

Zoning Administration Section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This site is not within a bog protection area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

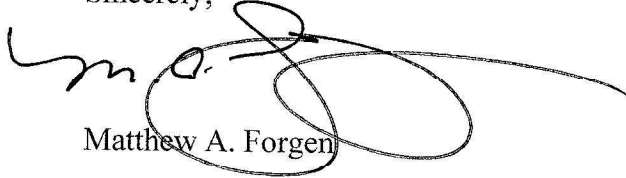
The property is not located within a bog protection area and is not contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area.

(v) be detrimental to the public welfare:

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

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

Sincerely,

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

Matthew A. Forgen

Hollywood on Severn, Lot E Plat A

6 Fetter Lane, Severna Park, MD 21146

CRITICAL AREA REPORT

PREPARED BY:

M.A.F. & ASSOCIATES, LLC

55 Jones Station Road, W.

Severna Park, MD 21146

443-864-8589

January 13, 2025

INTRODUCTION

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

VICINITY MAP

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

NARRATIVE

EXISTING CONDITIONS

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

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

PROPOSED DEVELOPMENT

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

STORMWATER MANAGEMENT

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

IMPACT MINIMIZATION

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

HABITAT PROTECTION AREAS

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

AFTER CONSTRUCTION CONDITIONS AND SITE CALCULATIONS

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

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

CONCLUSIONS

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

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

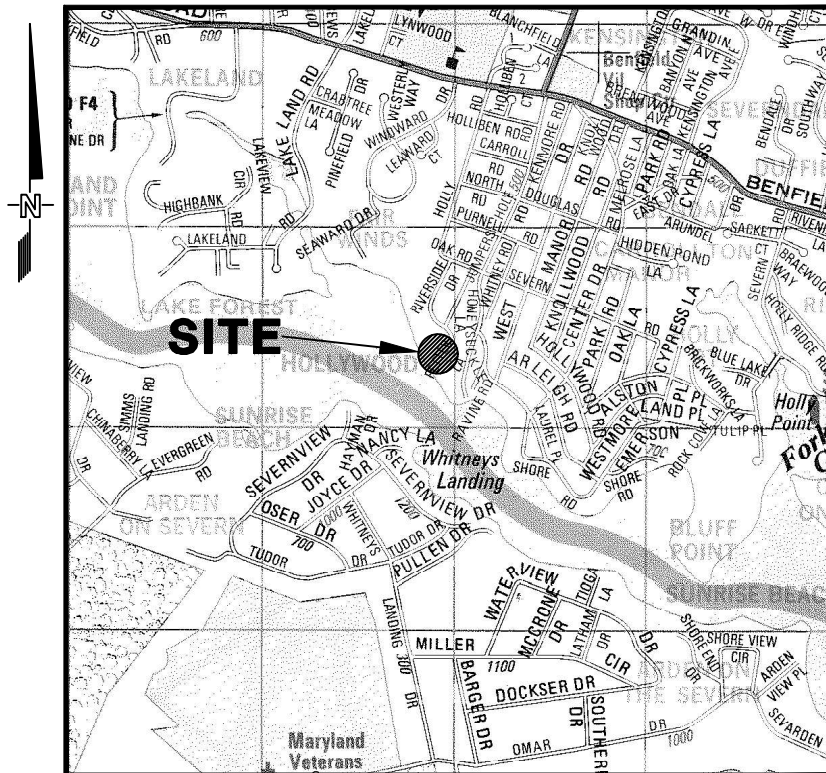
PLANS

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

ADDITIONAL INFORMATION

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

The fieldwork was conducted on January 5, 2025.



VICINITY MAP

SCALE: 1" = 2,000'

ADC MAP: 14, GRID: E5

Copyright ADC The Map People

Permitted Use Number 20811204

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



Legend

- Parcels
- Critical Areas
 - IDA - Intensely
 - Developed Area
 - IDA - Intensely
 - Developed Area
 - LDA - Limited
 - Development Area
 - RCA - Resource
 - Conservation Area
- Labels
 - State Road Label
 - Interstate/US Road Label
 - Local Road Label
 - Fire Police Label
 - Streams Label

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

Esri, NASA, NGA, USGS, FEMA



THIS MAP IS NOT TO BE USED FOR NAVIGATION



Notes

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 1-13-2025

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

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 3440-2086-4600

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

Project location/Address 6 FETTER LANE

City SEVERNA PARK Zip 21146

Local case number _____

Applicant: Last name FOX First name KAREN & KEVIN

Company _____

Application Type (check all that apply):

- | | |
|---|--|
| Building Permit <input checked="" type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/> | Rezoning <input type="checkbox"/> |
| Conditional Use <input type="checkbox"/> | Site Plan <input type="checkbox"/> |
| Consistency Report <input type="checkbox"/> | Special Exception <input type="checkbox"/> |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input type="checkbox"/> | Other <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name _____

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

Fax # _____ Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

CONSTRUCT WOOD DECK AND ACCESS TO EXISTING HOUSE.

Intra-Family Transfer 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		18,200
RCA Area		
Total Area		

Total Disturbed Area Acres Sq Ft 3,157

of Lots Created

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

VARIANCE INFORMATION (Check all that apply)

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

Variance Type

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

Structure

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

2024-0157-V

Menu Cancel Help

Task
OPZ Critical Area Team
Assigned to Department
OPZ Critical Area
Action by Department
OPZ Critical Area
Start Time

Due Date
02/04/2025
Assigned to
Kelly Krinetz
Action By
Kelly Krinetz
End Time

Assigned Date
01/14/2025
Status
Complete w/ Comments
Status Date
01/28/2025
Hours Spent
0.0

Billable
No

Overtime
No

Comments
The Critical Area Team has no objection to the replacement of the existing concrete patio. Any expansion will need to meet the approval standards outlined in County Code.

Time Tracking Start Date
Display E-mail Address in ACA

Est. Completion Date
 Display Comment in ACA

In Possession Time (hrs)
Comment Display in ACA

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

Estimated Hours
0.0

Action
Updated

Workflow Calendar

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name



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

CAC Comments: 2025-0001-V; Krell (AA 0008-25), 2024-0157-V; Fox (AA 0013-25), 2025-0004-V; Dierking (AA 0012-25)

1 message

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

Tue, Jan 28, 2025 at 2:16 PM

Good afternoon,

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

- **2025-0001-V; Krell (AA 0008-25):** This project proposes to raze the existing dwelling and to construct a new dwelling with a porch, attached garage, side entry deck, and pool. The applicants are seeking a variance to the 25-foot Steep Slopes Buffer. The existing site improvements exceed the lot coverage limits by 4,148 square-feet, as per Anne Arundel County Code §17-8-402. The proposal notes that the applicant is required to reduce lot coverage on the site by 10% of the overage or 415 square feet. Although the proposed project includes a reduction in lot coverage, the lot will remain nonconforming of the lot coverage limit. Furthermore the proposed project includes vegetation and canopy clearing above the 30% allowed, thus necessitating a Modification. This office would like to note that the applicants have the opportunity to reduce the amount of clearing and minimize impacts to habitat and vegetation in their site design, such as not clearing vegetation for accessory structures, such as a pool.

In order for this variance to be granted, the applicant must demonstrate and 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. The applicant has every opportunity to design the proposed improvements in a manner that avoids and minimizes impacts to the existing vegetation and steep slopes. The current proposal results in greater impacts to steep slopes and existing vegetation. As such, it does not appear to meet each and every one of the County's variance standards. If this request were to be denied, they would still have reasonable and significant use of their lot. Additionally, the proposed clearing to exceed the 30% limit on this site for the footprint expansion and the construction of the pool and associated amenities is not in harmony with the spirit and intent of the Critical Area Law and regulations and the proposed clearing would adversely impact water quality and habitat benefits. Moreover, it is currently unclear in the proposed plan the area of lot coverage that will be removed to meet the 10% reduction requirement. However, we note that permeable pavement and pavers still are still considered lot coverage.

- **2024-0157-V; Fox (AA 0013-25):** 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. If the AHO finds that each and everyone of the Critical Area variance standards have been addressed, then appropriate is required.
- **2025-0004-V; Dierking (AA 0012-25):** The applicant is proposing to replace the existing carport and shed within the expanded Critical Area Buffer. While the site is not waterfront, the presence of steep slopes contiguous to the Buffer expands it to encompass the entire site. The construction will result in an increase of lot coverage within the expanded Buffer by 72 square-feet and include 1,677 square-feet of Buffer disturbance. 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. If the AHO finds that each and everyone of the Critical Area variance standards have been addressed, then appropriate is required.

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

Sincerely,
Jamileh

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

Jamileh Soueidan (she/her)
Natural Resources Planner
1804 West Street, Suite 100
Annapolis, MD 21401
Office: [410-260-3462](tel:410-260-3462)
Cell: [667-500-4994](tel:667-500-4994) (preferred)
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ANNE
ARUNDEL
COUNTY


MARYLAND
DEPARTMENT OF HEALTH

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

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

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

FROM: Brian Chew, Program Manager 
Bureau of Environmental Health

DATE: January 27, 2025

RE: Karen S. Fox
6 Fetter Lane
Severna Park, MD 21146

NUMBER: 2024-0157-V

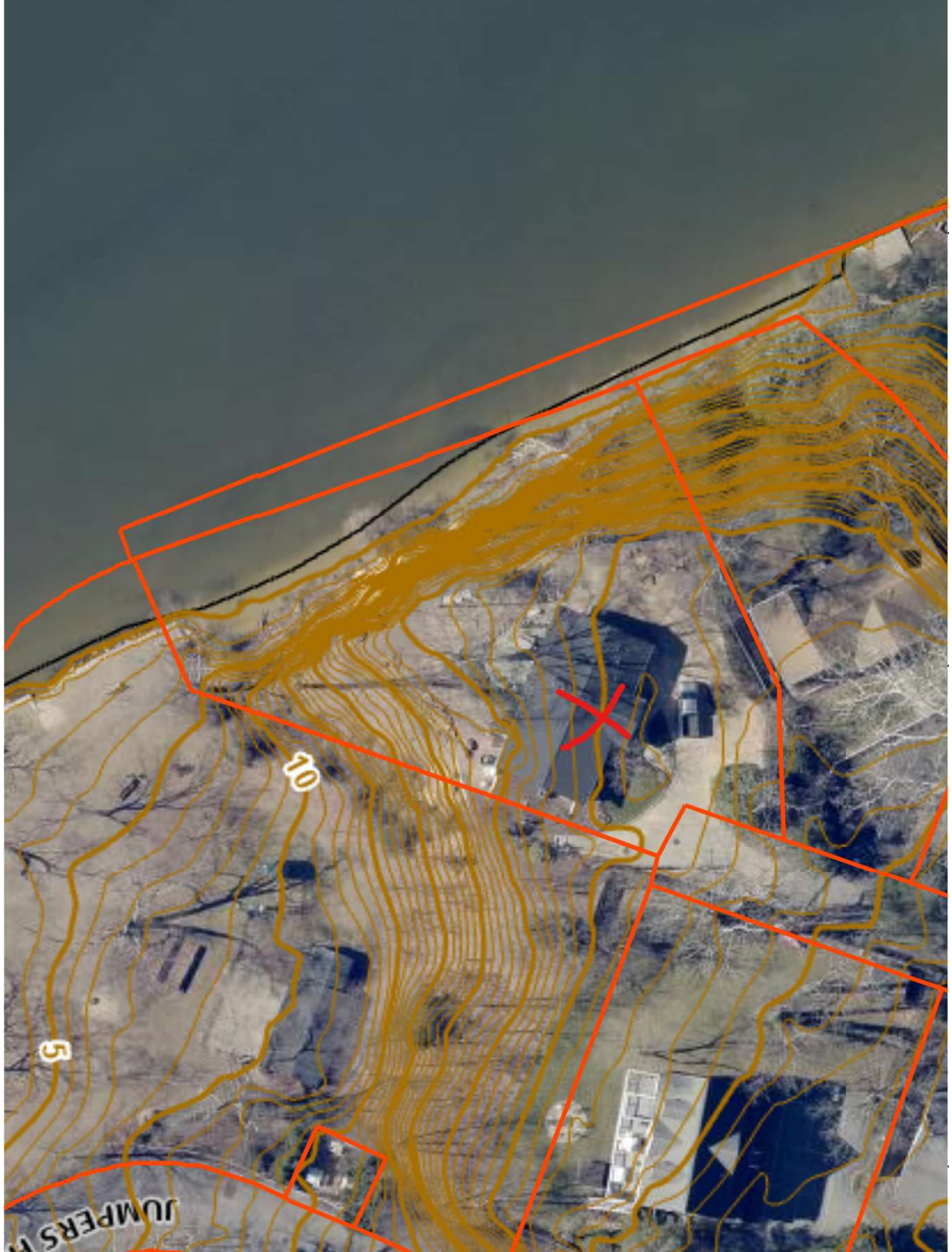
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow disturbance within slopes greater than 15% in the critical area the associated 25' buffer as well as developing within the 100' buffer.

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

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

cc: Sterling Seay



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JUMPERS M