

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

APPLICANT: Kimberly L. & Adrian R. Krell, III

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0001-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: March 13, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting variances to allow a dwelling, accessory structure (pool), and associated facilities with less setbacks than required, with disturbance to slopes of 15% or greater, and that does not comply with the designated location of a principal structure of a waterfront lot on property located at 523 Point Field Drive in Millersville.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 39,425 square feet of land and is located on the east side of Point Field Drive. It is identified as Lot 34R of Parcel 371 in Grid 1 on Tax Map 31 in the Point Field Landing subdivision.

The property is zoned R2 – Residential District. This waterfront site fronts the Severn River, lies within the Chesapeake Bay Critical Area overlay, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a multi-story single-family detached dwelling, a pier, a boathouse¹, and other associated facilities.

PROPOSAL

The applicants propose to demolish the existing dwelling, bridge access walkway, associated decking, and circular gravel firepit and to redevelop the property with a new two-story dwelling with a basement, an attached garage, a pool with patio surround, and other associated facilities.

REQUESTED VARIANCES

§ 17-8-201(a) of the Anne Arundel County Subdivision and Development Code provides that development in the Limited Development Area (LDA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. The proposed redevelopment would necessitate a variance to disturb 2,043 square feet (889 square feet of permanent disturbance and 1,154 square feet of temporary disturbance) of slopes of 15% or greater.

§ 18-2-402(1) of the Anne Arundel County Zoning Code provides that the location of a principal structure on a waterfront lot is based in part on an approximate average of the location of principal

¹ The applicants are advised that a boathouse is no longer a permitted use. The boathouse should be registered as a nonconforming use in accordance with Section 18-15-101 et. seq. of the Anne Arundel County Zoning Code.

structures on abutting lots intended to keep structures relatively in line with one another. Because the replacement dwelling would be located closer to the shoreline than the dwelling on the lot to the immediate north, a variance to this provision is required.

A review of the bulk regulations for development within an R2 District reveals that a zoning setback variance is not required.

FINDINGS

The subject property is irregular in shape and easily exceeds the minimum 80-foot width and minimum 15,000 square foot area required for a lot served by public sewer in an R2 District. The existing critical area lot coverage is 10,062 square feet (25.52%) which already exceeds the maximum 15% of coverage allowed by 4,148 square feet. The post-construction coverage would be reduced to 9,465 square feet, which complies with the required 10% reduction of the pre-existing coverage.

A review of the 2024 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. Many of the nearby lots are also encumbered with steep slopes and their associated buffer. The existing dwelling on the subject lot is already located significantly closer to the shoreline than the dwelling to the immediate north which sits way back on the lot and further from the shoreline than all of the waterfront dwellings located to its south.

The **Critical Area Commission** commented that, in order for this variance to be granted, the applicant must demonstrate and the Administrative Hearing Officer 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 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. The Commission notes that permeable pavement and pavers are still considered lot coverage.

The **Development Division (Critical Area Team)** offers no objection to the proposed redevelopment. The steep slopes are located immediately adjacent to the existing home, between the home and the road and outside of the 100' buffer. The slopes will be disturbed during the demolition process, and the Team has no objection to the permanent disturbance for the relocation of the existing structure further from the shoreline. The lot coverage calculations included on the site plan indicate that the proposed redevelopment is under the square footage required for the 10% reduction per Section 17-8-403. The proposed redevelopment also includes the removal of existing coverage from the 100' buffer which is a benefit to the site itself. Overall coverage calculations will be confirmed with the permit review. This site is considered a developed woodland and clearing is regulated by Section 17-8-601(b)(2). The proposed clearing currently exceeds 30% and a modification by the Planning and Zoning Officer would be required. This request will be evaluated and every effort should be made to reduce the proposed clearing before consideration of approval of the request.

The **Department of Health** commented that additional information is needed in order to show the location of the existing on-site sewage disposal system and label it to be abandoned. Documentation from the Department of Public Works that the property can connect to public sewer is also required.

The **Office of Inspections and Permits (Engineering Division)** conditionally recommended approval. However, the Division also provided a detailed list of stormwater management and utility items to be addressed at the time of permitting, should the proposed variances be approved.

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 and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. The applicants explain that, given the constraints caused by the steep slopes and their associated buffer, the [BMA] buffer to tidal waters, and the contiguous steep slopes blocking access to the flatter available surface area, it is physically impossible to redevelop the property without relief.

The granting of a critical area variance to redevelop the existing residentially zoned property would not 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. With proper mitigation and stormwater management, the granting of the variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have evaluated and implemented site planning alternatives.

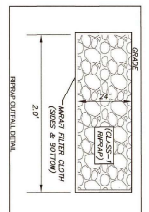
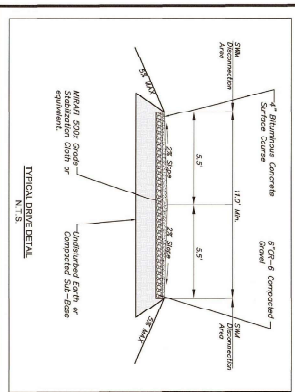
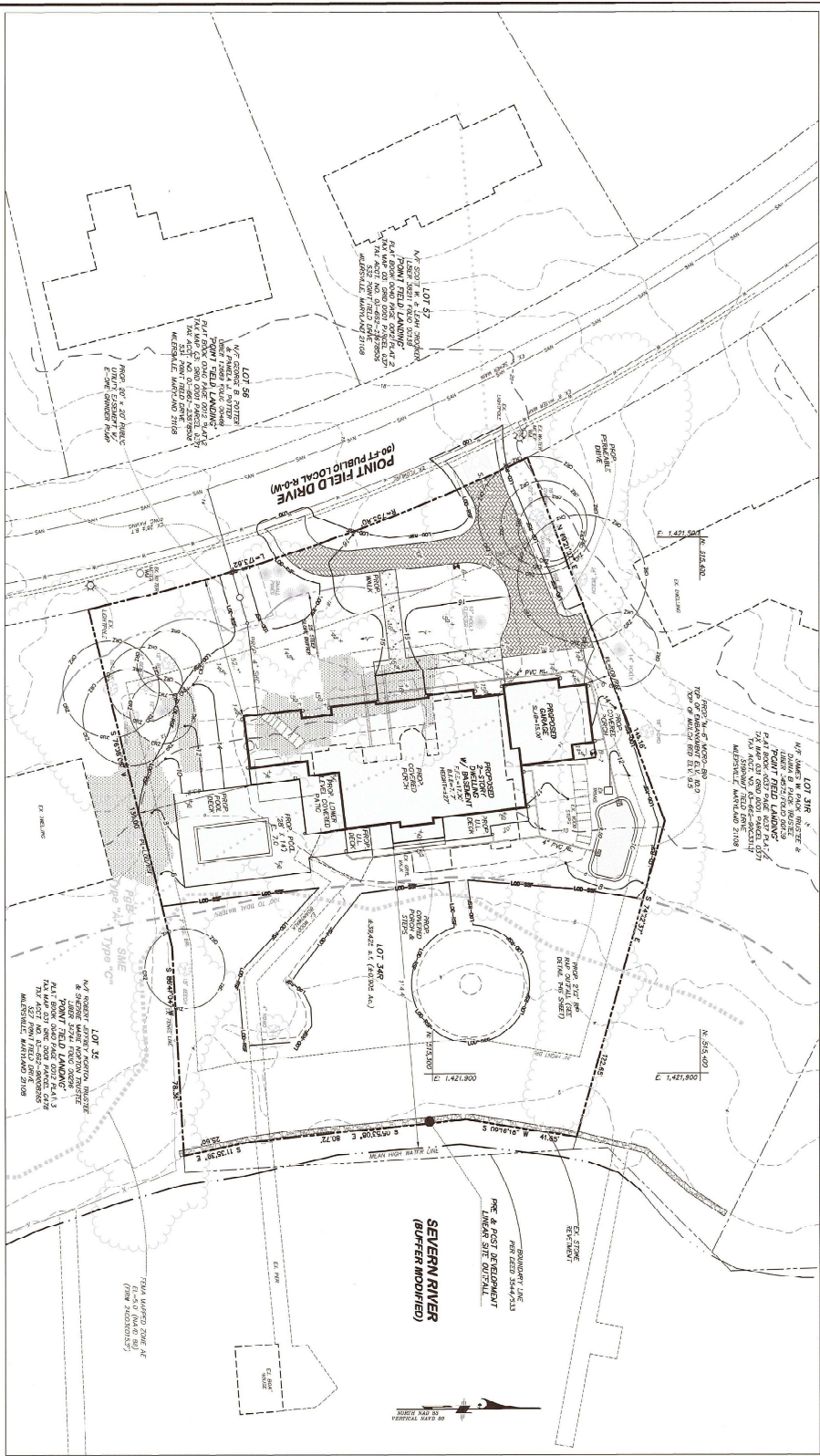
With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood or substantially impair the appropriate use or development of adjacent property. The proposed dwelling would be located relatively in line with or even further from the shoreline than the waterfront dwellings to the south and would be further from the shoreline than the existing dwelling being replaced. The dwelling height would be reduced from the existing 44' to a proposed 27', lessening the visual impact on the neighboring lot to the north. The applicants are seeking a modification to exceed the maximum 30% of clearing area allowed, the merits of which will be determined separately by the Office of Planning and Zoning. There is no evidence that the variance would be detrimental to the public welfare.

Given that the proposed dwelling would be located outside of the BMA buffer and further from the shoreline than the existing dwelling, the proposed lot coverage would comply with the 10% reduction requirement, and existing impervious coverage would be removed from the BMA buffer, the requested variances for redevelopment are considered to be the minimum necessary to afford relief.

RECOMMENDATION

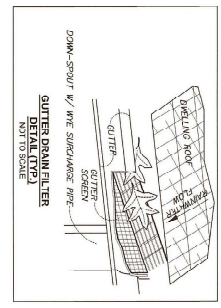
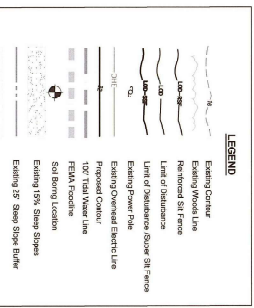
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of a critical area variance to § 17-8-201(a) and a zoning variance to § 18-2-402(1) to allow a dwelling and associated facilities with disturbance to slopes of 15% or greater and that does not comply with the designated location of a principal structure of a waterfront lot, all as shown on the site plan submitted by the applicant.

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.



SITE TABULATIONS

TOTAL SITE USE	34,025.6	(0.24%)
TOTAL OPEN SPACE AREA	34,025.6	(0.24%)
EXISTING LOT COVERAGE	1,027.3	(3.0%)
ALLOWABLE LOT COVERAGE (1:1.4-40%)	2,421.6	(7.1%)
PROPOSED LOT COVERAGE	1,027.3	(3.0%)
PROPOSED DRIVEWAYS	3,456.3	(10.2%)
PROPOSED DRIVEWAY FILL	2,384.5	(7.0%)
TOTAL	6,840.8	(20.0%)
TOTAL 10% STEEP SLOPES 7.5% BUFFER ON SITE	6,840.8	(20.0%)
TOTAL 10% STEEP SLOPES 10% BUFFER ON SITE	2,043.8	(6.0%)
RETRIBUTION DISTURBANCE	888.5	(2.6%)
RETRIBUTION DISTURBANCE	1,154.8	(3.4%)
TOTAL OILY ON SITE	15,605.8	(45.9%)
PROPOSED OILY ON SITE	8,407.9	(24.7%)
SEVERN RIVER (BUFFER/IMPROVED)	15,605.8	(45.9%)
SEVERN RIVER (BUFFER/IMPROVED)	8,407.9	(24.7%)
PROPOSED IMPROVEMENTS	15,605.8	(45.9%)
PROPOSED IMPROVEMENTS	8,407.9	(24.7%)



1. Graded Wet Wet & Dry for Retention Area (SIT)

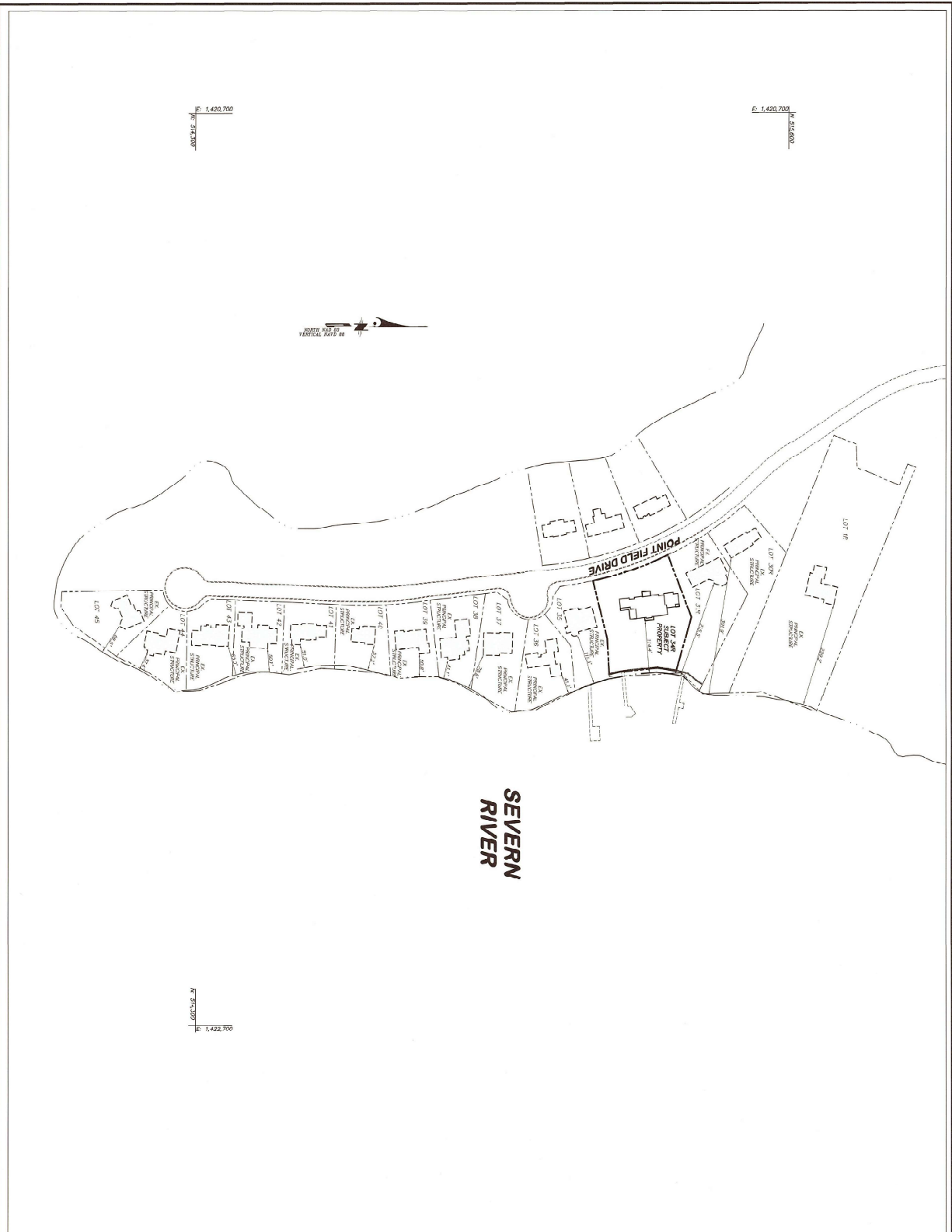
Volume	ESD	Retainment	Total	ESD	Retainment	Ft
Volume	Volume	Volume	Volume	Volume	Volume	Volume
1381 ft ³	402 ft ³	422 ft ³	37 ft ³	288 ft ³	402 ft ³	288 ft ³
1381 ft ³	402 ft ³	422 ft ³	37 ft ³	288 ft ³	402 ft ³	288 ft ³
1381 ft ³	402 ft ³	422 ft ³	37 ft ³	288 ft ³	402 ft ³	288 ft ³
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Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 33
 Annapolis, Maryland 21403
 www.drummy.com | info@drummy.com

THEY ARE HERE!
 1107 KATHY ANNE LANE
 MILLSVILLE, MARYLAND 21088
 443-865-0079

CLIENT
 MULLINSVILLE MARYLAND 21088

DEVELOPER CONDITIONS (VARIANCE SITE PLAN)
 POINT FIELD LANDING ~ LOT 34R
 523 POINT FIELD DRIVE, MILLERSVILLE, MARYLAND 21109
 TAX PACT NO 09-086-25897/01
 ANNE ARBURN CO. DCTY MARYLAND DISTRICT 39D
 SCALE: 1" = 20'
 DATE: 12/29/2024
 SHEET 2 OF 3



SUBJECT PROPERTY & ADJACENT PROPERTIES PRINCIPAL STRUCTURES WATERWAY SETBACK REGULATIONS

Lot #	Area (sq. ft.)	Setback (ft.)
• L418	220.1 - FT	
• L429K	307.3 - FT	
• L431E	218.3 - FT	
• *Lot 34K (Proposed)	114.3 - FT	
• L433	111.3 - FT	
• L438	41.1 - FT	
• L437	78.5 - FT	
• L438	41.1 - FT	
• L439	30.8 - FT	
• L440	67.2 - FT	
• L441	51.0 - FT	
• L442	50.1 - FT	
• L443	60.0 - FT	
• L444	37.4 - FT	
• L445	88.5 - FT	

Note: Minimum Setback Ordinance: 99.9 - FT

**Subject Property*

DATE: 12/27/24
 DRAWN BY: JAM
 CHECKED BY: JAM
 PROJECT #: PK4324

No.	DATE	BY	REVISIONS TO APPROVED PLANS
			DESCRIPTION

Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 3C
 Annapolis, Maryland 21403
 www.drauloyka.com | info@drauloyka.com

The Professional Certification, liability coverage, and other information regarding the professional engineer and the engineer's firm, is available on the State Board of Professional Engineers and Surveyors website at: www.pes.org.
 License No. 15921
 Expiration Date: 12/31/25

J. Kelly

CLIENT
 TREVY ARELL
 1707 KATHY ANNE LANE
 MILESVILLE MARYLAND 21108
 410-845-5973

WATERFRONT SETBACK EXHIBIT
POINT FIELD LANDING ~ LOT 34R
 323 POINT FIELD DRIVE, MILESVILLE MARYLAND 21108
 TAX MAP 31
 GSE # 004623-2892701
 ANNE ARUNDEL COUNTY, MARYLAND DISTRICT 36D
 DATE: 12/23/2024
 PROJ. NO. PK4324
 SHEET 3 OF 3

January 2, 2025

Mrs. Sara Anzelmo
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

RE: Point Field Landing, Lot 34R

Variance Application submittal

523 Point Field Drive
Millersville, MD. 21108
Tax Map 31, Grid 1, Parcel 371

Dear Mrs. Anzelmo:

This is a formal **Variance Application** submittal for the demolition of an existing home, bridge walkway, associated decking and construction of a new 2-story single-family home for the above referenced project. Two variance requests would be necessary including a variance to **Article 17-8-201(a)** to disturb 15% and greater slopes and a variance to **Article 18-2-402(1)**, to the location of a principal structure on a waterfront lot based on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another.

The property is an existing legal building site fronting the Severn River, is located in the (LDA) Limited Development Area Designation of the Critical Area and is within the Buffer Modification Area mapping. The property is 39,425 sq. ft. or 0.90 acres, is zoned R-2 Residential, is connected to Public Water and will propose a Public Simplex Grinder Pump for Sewer. The existing principal structure and covered upper level deck are located within and at the toe of 15% steep slopes.

A pre-file review **#2024-0114-P** was completed by the Office of Planning and Zoning including comments from the Critical Area Team and were issued on December 9th, 2024. A complete topographic and location survey has been conducted to produce an accurate depiction of the sites' conditions, slopes, buffers and woodland canopy.

Per **Article 17-8-403**, the permitted lot coverage in the critical area after the required 10% reduction of what is existing verses what is permitted for this site is 9,647 sq. ft. The proposed lot coverage will be 9,465 sq. ft. which results in a reduction of lot coverage on site of 597 sq. ft. The combination of reduced coverage and water quality storage ultimately reduces impacts to adjacent properties and the shoreline post development.

Per **Article 17-8-601(b)(2) Lots greater than one-half acre up to one acre**. Developed woodland clearing on lots in the LDA and RCA that are greater than one-half acre and up to one acre in size that were in existence on or before December 1, 1985 shall be limited to the minimum necessary to accommodate a house or other structure, initial septic system, driveway, and reasonable amount of yard or required parking, and may not exceed 30% without a modification by the Planning and Zoning Officer.

The subject site has a majority of existing woodland canopy directly in the middle of 15% steep slopes and the central portion of the site, hugging the perimeter of the existing home. Existing trees of note are a 24" Tulip Poplar and a 48" Tulip Poplar establishing a rather large canopy over the existing home. The existing canopy coverage on site is 15,600 sq. ft. The permitted clearing of existing canopy per the Code is up to 30% or 4,680 sq. ft. The total proposed canopy clearing is 8,407 sq. ft. or 54% of the existing canopy. As referenced in the Code above, a Modification will be applied for to receive relief from the Code to exceed 30% clearing. Mitigation plantings will be addressed on site where possible and any remaining mitigation would be addressed via fee paid to an Off-site Land Bank.

Code Article 18-16-305:

(a) Requirements for zoning variances. The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

(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

(2) Because of exceptional circumstances other than financial considerations, the granting of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

(b) Requirements for Critical Area Variances.

(1) Unwarranted Hardship and Practical Difficulty- There are several hardships and practical difficulties related to the re-development of the site. **First**, steep slopes of 15% and greater including the 25-foot buffer associated with those slopes cover 5,697 sq. ft. or 14.5% of the total lot area and 23% of surface area "outside" the initial 100-foot buffer which totals 24,670 sq. ft. When subtracting the steep slopes and associated buffer from the remaining 71% of available non-buffer area, the sum leaves only 18,973 sq. ft. or 48% of the site area for development, less than half. Also, the existing contiguous steep slopes block access to flatter, available surface area outside the buffer. **Second**, of the 39,425 sq. ft. total site area, the 100-foot buffer covers 14,755 sq. ft. or 37%. It is physically impossible to avoid the steep slopes and remain outside the 100-foot buffer in order to re-develop the property without relief from the code. **Third**, in regards to the requirement for a home to be relatively in line with adjacent waterfront homes, the existing homes located adjacent to the north at 517 & 519 Point Field Drive are an anomaly when comparing the position to the water with 12 other homes within the neighborhood along the east side of Point Field Drive, running south. The curvature of the roadway bends northwest and the lots those homes are developed on are tapered toward the water, establishing the position further from the shoreline. Please refer to the Waterfront Setback Exhibit.

- (2) Deprive the applicant of rights commonly enjoyed by other properties- the proposed improvements are in character with other dwellings in the neighborhood and surrounding properties. The proposed principal structure will be located entirely outside the initial 100-foot buffer, increasing the distance from 102.6'-feet to 114.4-feet from the shoreline and will have a total height of approximately 27-feet. The associated proposed upper level decking and accessory pool/decking will be located outside the 100-foot buffer, do not impact the contiguous 15% steep slopes and as an accessory use, the pool is not forward of the principal structure. When referring to the integrity of the neighborhood, rights and privileges enjoyed by others, the aforementioned Waterfront Setback Exhibit demonstrates the average setback for the immediate neighborhood, incorporating (14 homes), "excluding" the subject property to be **99.9'** from the shoreline, well below the proposed setback of 114.4'. *(County aerial mapping was utilized for the approximate setbacks to the water for adjacent homes).*
- (3) Will not confer special privilege - granting this variance would not confer a special privilege to the applicants. The placement of the new home is in character with the neighborhood as mentioned above.
- (4) Actions by Applicants and Neighbors- The variance is not based on conditions or circumstances that are the result of actions by the applicants or conditions or use on neighboring properties- conditions and circumstances are based on the unique physical characteristics of the lot.
- (5) Water Quality, Intent of the Critical Area Program. The requested variances will not adversely affect water quality, impact fish, and wildlife or plant habitat and be in harmony with the critical area program. Currently, the existing improvements have no means of storm water management. Environmental Site Design to the Maximum Extent Practicable will be addressed via multiple applications. The required ESD volume to be addressed with non-structural practices is 1,125 cu. ft. There will be (1) "M-6" Micro Bio retention Area to address a portion of the roof area of the home and "A-2" Permeable Pavers for the majority of the new driveway. The total provided volume is 1,166 cf. ft. All storm water management applications are outside the 100-foot buffer and do not encroach the 25-foot buffer to the top of steep slopes. (2) Geotechnical soil borings were performed to determine subsurface conditions.
- (6) Presumption Sec 8-1808(d)(2)(ii) – The applicants have overcome the presumption that the use for which the variances were requested were not in conformity with the purpose and intent of the Critical Area Program.

(c) Requirements for all variances.

1. Minimum necessary to afford relief - The proposed variances allow for modest uses that not only meets the "significant and reasonable standard" but also are the minimal necessary development to afford relief. Disturbance to the 15% steep is the minimum necessary to construct the proposed improvements and to reduce the impervious surface area within the property's boundary.

2. The granting of the variance will not:
- i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA. Vegetative clearing is reduced to the minimum necessary to construct the proposed improvements and will be mitigated appropriately during the permit process with a Reforestation Plan.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area. Clearing is only for what is necessary for construction and access, and the property is not located within a Bog Protection Area.
 - v. be detrimental to the public welfare as constructing a single-family dwelling and associated improvements on a residentially zoned property will not impose harm to adjacent property owners or the public.

Denial of the requested variances and a strict implementation of the County's zoning and Critical Area Program would constitute an unwarranted hardship and practical difficulty on the applicant and deprive them of the same rights and privileges others enjoy in the immediate neighborhood along the waterfront side of the Severn River.

Sincerely,

DRUM, LOYKA AND ASSOCIATES, LLC



Robert Baxter
Project Manager

Cc: Adrian Krell
Jay Schwarz
Angela Phelan
Michael Ogle
Grant Mays

Chesapeake Bay Critical Area Report

Point Field Landing Lot 34R

Tax Map 31, Grid 01, Parcel 371
Tax Account No. 03-662-29927701

Property Address: 523 Point Field Drive
Millersville, Maryland 21108

Property Owner & Variance Applicant: Mr. Trey Krell

Critical Area Designation: LDA **Zoning:** R-2 **Lot Area:** 0.90 Ac.

Site Description

The subject property is located off Point Field Drive in the Point Field Landing Subdivision. The property is irregular in shape, legal building lot consisting of approximately 0.90 acres in area and is currently improved with a single-family dwelling which is to be razed and removed. The property is zoned R-2, is within the (LDA) Limited Development Area designation of the Critical Area and is within the Buffer Modification Program. A portion of the existing improvements on site are within the 100' Critical Area buffer to tidal waters. The existing dwelling is located 102.6 feet from the shoreline. The site is currently served by public water and private septic. There are several hardships and practical difficulties regarding the redevelopment of the subject property. More than a third of the site is within the 100-ft Critical Area Buffer to tidal waters, which encumbers 14,755 sq. ft. or 37.47% of the total lot area. Additionally, the steep slopes of 15% or greater & their associated 25-ft buffer cover 5,697 sq. ft. or 14.45% of the total lot area. It is extremely difficult to avoid the 15% and greater steep slopes and the associated 25-foot buffer due to their proximity on site. The unimproved portion of the site is vegetated with numerous hardwood, evergreens trees and mowed lawn in good condition.

Description and Purpose of Variance Request

The homeowners propose to construct a new single-family dwelling, covered porch, garage, side entry deck, walk, and associated improvements. A majority of the proposed improvements within the 100-ft to tidal waters line are to be sited overtop of existing lot coverage aside from the proposed pool area along the southern property line. The proposed improvements are in line with the size and character of other dwellings in the neighborhood. Due to the proximity of the 100-ft buffer to tidal waters and significant presence and extent of 15% and greater steep slopes on the property, development isn't possible without disturbing the slopes, 100-ft to tidal waters line and relief from the Code. While disturbance to the 100-ft buffer to tidal waters is impossible to avoid, the disturbance to the slopes is minimized by locating the proposed improvements outside of the steep slopes. Therefore, the proposed improvements require variances to **Article 17, Section 8-201(a)** of the Anne Arundel County Code for disturbance and development of slopes 15% or greater in the LDA and requesting a variance to **Article 18 Section 2-402(1)** of the County Code to the location of a principal structure on a waterfront lot based on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another.

A Pre-File review was conducted by the Office of Planning and Zoning and comments were issued on December 9th, 2024, by Ms. Sara Anzelmo and Ms. Kelly Krinetz of Planning and Zoning's Critical Area team. The comments were considered, and the site plan was revised accordingly. A copy of the Pre-File comments is included with the required submittal.

Vegetative Coverage and Clearing

This property is vegetatively stabilized with developed woodland, including a variety of mature hardwood & evergreen trees, ornamental landscaping & lawn in good condition. The existing on-site wooded area totals roughly 15,600 s.f. (0.32 Ac.). Removal of vegetation has been minimized to only that which is necessary to construct the proposed improvements. Removal of vegetation onsite for the proposed redevelopment is approximately 8,407 s.f. (0.19 Ac.). Reforestation requirements for this property will be addressed during the grading permit phase of this project in accordance with Code requirements.

Lot Coverage

The site currently has 10,062 s.f. (0.23 Ac.) of impervious coverage. The proposed impervious area for this property is 9,465 s.f. (0.22 Ac.), a reduction of 597 s.f. from the existing impervious and below the allowable 9,647 (0.23) s.f. of lot coverage for this site per **Article 17 Section 8-403**. Per the County Code, a reduction of 10% of the difference between what is existing on site and what is permitted must be achieved.

100-Ft Buffer to Tidal Waters

Approximately 14,755 s.f. of the subject property falls within the 100-ft Critical Area Buffer to tidal waters, over 37% of the property is within the buffer. Disturbance of this area was unavoidable as a portion of the existing improvements which are slated to be removed are within the 100-ft Critical Area Buffer.

Steep Slopes (slopes > 15%)

The site has approximately 5,697 s.f. of steep slopes & buffer, which is roughly 14.45% of property being encumbered with steep slopes & steep slope buffer. Approximately 2,043 s.f. (0.05 Ac.) of the steep slopes 15% or greater shall be disturbed during the proposed construction. Of that disturbance 889 s.f. of disturbance is proposed permanent disturbance to construct the site improvements and the remaining 1,154 s.f. of temporary disturbance is for grading and construction access. Disturbance of these slopes was unavoidable as a large portion of the site is encumbered by them; most of the proposed improvements have been sited overtop to existing lot coverage to minimize the disturbance to the slopes to construct the improvements.

Predominant Soils

The predominant soil type is Sassafras and Croom soils, 15 to 25 percent slopes (SME). This soil has a type "C" hydrologic classification and is not a hydric soil (soils characteristic of wetlands).

Drainage and Rainwater Control

Runoff from the site sheet flows down the steep slopes and ultimately drains to the tidal waters of the Severn River. The proposed redevelopment addresses stormwater management environmental site design to the maximum extent practicable via (1) Micro-Bioretenion Facility along the northern property line and (1) Area of Permeable Pavers to treat a portion of the proposed driveway.

Storm water management, sediment and erosion control standards will be further addressed during the permitting phase of the project in order to meet Anne Arundel County design criteria.

Conclusions – Variance Standards

The applicant proposes to demolish an existing structure and construct (1) single-family dwelling, covered porch, garage, reconfigured driveway, pool area, and associated improvements. The need for the requested Critical Area Variances arises from the existing unique nature and constraints of this property, specifically the topography, location of the existing dwelling in relation to the steep slopes, and the irregular shape of the lot. It is not possible to construct the proposed dwelling without disturbance to 15% + steep slopes in the (LDA) Limited Development Area designation of the Critical Area and to be slightly closer to the shoreline than the established relatively in line criteria in the Code. The proposed improvements are consistent in size and nature with other homes in the Point Field Landing subdivision and therefore will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area. With the implementation of mitigation, sediment and erosion control practices to be addressed during permitting, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

Reference:

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

Federal Emergency Management Agency, 2016. Flood Insurance Rate Map

First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

Drum, Loyka and Associates LLC, 2021 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2016 Soil Survey of Anne Arundel County Maryland.

State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County Date December 19th, 2024

Tax Map #	Parcel #	Block #	Lot #	Section
31	371	1	34R	-

FOR RESUBMITTAL ONLY

Corrections

Redesign

No Change

Non-Critical Area

* Complete only Page 1
General Project Information

Tax ID 3-662-29927701

Project Name (site name, subdivision name, or other) Point Field Landing

Project location/Address 523 Point Field Drive

City Millersville, MD. Zip 21108

Local case number

Applicant: Last name Krell First name Adrian

Company Drum Loyka and Associates, LLC.

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 checked="" type="checkbox"/> | Subdivision | <input type="checkbox"/> |
| Grading Permit | <input checked="" type="checkbox"/> | Other | <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name: First name

Phone # Response from Commission Required By

Fax # Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Demolition of an existing structure and construction of (1) single-family home, pool, decking and covered porch

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

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area	0	0	Total Disturbed Area	0.56	24,522
LDA Area	0.90	39,425	# of Lots Created	1	
RCA Area	0	0			
Total Disturbed Area	0.56	24,522			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.47	15,600	Existing Impervious Surface	0.23	10,062
Created Forest/Woodland/Trees			New Impervious Surface	0.22	9,465
Removed Forest/Woodland/Trees	0.19	8,407	Removed Impervious Surface	0.01	597
			Total Impervious Surface	0.22	9,465

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0		Buffer Forest Clearing	0	
Non-Buffer Disturbance	0		Mitigation	0	

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input type="checkbox"/>
Impervious Surface	<input type="checkbox"/>	Dwelling	<input checked="" type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input checked="" type="checkbox"/>	Patio	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	Pool	<input checked="" type="checkbox"/>
	<u>Relatively in-line</u>	Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>



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)
jamileh.soueidan@maryland.gov

2025-0001-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
02/11/2025
Assigned to
Kelly Krinetz
Action By
Kelly Krinetz
End Time

Assigned Date
01/10/2025
Status
Complete w/ Comments
Status Date
02/11/2025
Hours Spent
0.0

Billable
No

Overtime
No

Comments
This Office offers no objection to the proposed redevelopment of this property. The steep slopes are located immediately adjacent to the existing home, between the home and the road and outside of the 100' buffer. The slopes will be disturbed during the demolition process and this Office has no objection to the permanent disturbance for the relocation of the existing structure further from the shoreline.
The lot coverage calculations included on the site plan indicate that the proposed redevelopment is under the square footage required for the 10% reductions per section 17-8-403. The proposed redevelopment also includes the removal of existing coverage from the 100' buffer which is a benefit to the site itself. Overall coverage calculations will be confirmed with the permit review.
This site is considered a developed woodland and clearing is regulated by Section 17-8-601(b)(2). Currently the proposed clearing exceeds 30% and a modification by the Planning and Zoning Officer would be required. This request will be evaluated and every effort made to reduce the proposed clearing before consideration of approval of the request.

Time Tracking Start Date
Display E-mail Address in ACA
No

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

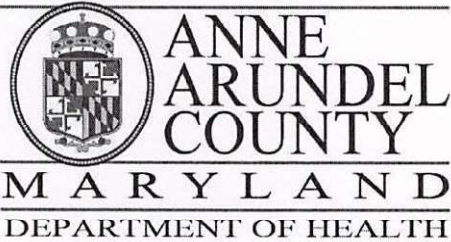
Workflow Calendar

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name




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 15, 2025

RE: Adrian Raymond Krell III
523 Point Field Drive
Millersville, MD 21108

NUMBER: 2025-0001-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling, accessory structure (pool), and associated facilities with less setbacks than required, with disturbance to slopes of 15% or greater, and that does not comply with the designated location of a principal structure of a waterfront lot.

The Health Department has reviewed the above referenced request. Additional information is needed on showing the location of the existing on-site sewage disposal system and labled to be abandoned. Also required is documentation from the Department of Public Works that the property can connect to public sewer.

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

cc: Sterling Seay

Engineering and Utility Review
Variance comments for
2025-001-V
523 Point Field Drive, Millersville

Variance request: To develop on slopes 15% or greater in the LDA and to locate a principal structure on a waterfront lot based on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another.

1. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.
2. Design professionals must review site runoff and potential (negative, adverse) impacts to neighboring properties and structures, due to changed grades/elevation on a proposed project.
3. The stormwater management Engineering design review approval for the site shall occur during Grading Permit.
4. Based on the plan provided, it appears the property is and will be served by public water; however, the sewerage is proposed to change from private on-lot septic to public low-pressure sewer. (Note, the property is located in the Existing Service Category for both water and sewer, thus connection to public sewer is required and is shown.)
5. The utilities for the site will be reviewed during Grading Permit review.
6. It is not clear what recorded document revised the lot's area from 1.0309 acres on the plat/deed (liber 3544, folio 633) to the area currently shown on the plans, 0.905 acres. The lot area must be known as numerous design/development factors depend upon the size of the lot. Refer to any Planning and Environmental comments also concerning this.
7. The shown permeable pavement is upslope of the house and garage, therefore it requires a 20-foot setback from the structures.
8. Only permeable concrete or pavers are permitted as bituminous/asphalt pavement has the risk of likely being accidentally sealed.
9. The surface elevation of the proposed Micro-Bioretention Area appears to be 9.5 per Sheet 2 of 3. The soil boring, SWM #2, appearing on the same sheet notes there is groundwater at elevation 7.75. 4 feet of separation is required between ground water and the bottom of a SWM device. Relocate the device or regrade the lot to meet the required separation distance. The SWM device can't be relocated within the 100' Buffer or within steep slopes or the steep slope buffer or other sensitive areas.
10. Is the existing water meter to be reused? If so, is it large enough to serve the house and its sprinkler requirements? The WHC is not shown on the plans. If the WHC is to be upgraded, removed, and/or replaced show it on the plans as the LOD will need to be enlarged, disturbing more land and natural features.
11. The existing wooden boardwalk is partially within the LOD. Is a portion of it being removed or replaced? It is not currently labeled to be removed while it extends into the proposed pool deck. Clarify what items are to be removed on the Existing Conditions Plan, as the existing house is currently the only item noted to be removed on the plan.
12. It is not clear if the swale north of the garage is intended to flow into the Micro-Bioretention Area or around it.

13. It is not clear where the Disconnection of Non-Rooftop Runoff is located. Note it must meet the criteria of both the MDE and County SWM Manuals.
14. It appears per the grading shown between the house and Point Field Drive, the drainage is to flow across the driveway. Per the Typical Drive Detail on Sheet 2 of 3, the proposed driveway is crowned preventing the runoff from flowing across the driveway and causing drainage issues.
15. Clarify what "ex. trans" is. If it is an electric transformer label as "ex. elec. trans."
16. We defer to the Planning and Environmental Reviewer(s) for the amount of disturbance to the CRZ, Critical Root Zones of the trees along the driveway disturbed by the driveway and its proposed Permeable Pavement. The surface disturbance may be approximately the same in the plan view as there is an existing driveway in the approximate same location; however, depending on the type of Permeable Pavement used to treat the runoff, the cross section of the Permeable Pavement will most likely extend deeper into the soil and root zone than the existing driveway thus affecting the trees to a greater extent than the existing condition(s).

Determination/Recommendation – Based on the above review comments being addressed at Grading Permit, this office conditionally recommends variance approval from an Engineering and/or Utility review at this time.

