

## GAMMA ENGINEERING

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1203 West Street, Suite A  
Annapolis, MD 21401  
(410)626-1070 Fax (410)267-8619  
Email [blupt@icloud.com](mailto:blupt@icloud.com)

Anne Arundel County  
Office of Planning and Zoning.  
2664 Riva Road  
Annapolis, MD 21401

March 5, 2025

### **Variance**

**2728 Cedar Drive, G02020352**

**Site is Critical Area LDA.**

**Site is Buffer Modified.**

**Site is occupied by an existing house that will be demolished, existing lawn**

**The following variance requests is in response to the current grading permit review comments.  
Article 17-8-201 A variance to allow disturbance of 3494 square feet of steep slopes (15%) is requested.**

### **Background:**

Pre file for this variance was filed and the comments were received and the current submittal reflects revisions in response and to address those review comments. The major prefile comments are addressed below.

### **ZONING**

1. Alignment has been addressed elsewhere.
2. The proposed house has been removed from the existing conditions plan.
3. Is understood that the reviews are separate, in order for clearer client understanding both variance and modification notes are included on the variance. When the modification is prepared, the variance notes will be removed.
4. The site plan includes a building profile with the height of the building which indicates the number of stories including the basement.
5. It is acknowledged that the variance request must address standards for granting a variance. (Placement is addressed below.)

### **OPZ Critical Area team.**

1. The placement of the new dwelling is to maximize the buffer (or in this case the distance from the shoreline) with a house configuration that provides a reasonable utilization of the waterfront location of this lot. The existing house is only 23.2 feet wide with a large portico on the front, an unusable design for this waterfront location. The proposed house is 130 feet from the shoreline this is achieved by being placed as close to the street as possible and still provide adequate separations for the stormwater management and septic system. It has a roughly square configuration to provide an efficient amount of living area and a width and length that allows reasonable sized rooms.

### **I & P Engineering**

1. SWM devices have been labeled.
2. The plans have been labeled correctly.
3. A profile has been added to the plans which indicates that the house will have a basement.
4. (house has basement).
5. The proposed house has been removed from the existing conditions plan.
6. Swales have been provided along the side of the property to make sure that flows are conveyed to the large rear yard area.

7. A signature will be provided with the letter of explanation.
8. The credentials of the surveyor have been added.
9. The single septic system has been approved by the Health Department.

***Specific conditions that must be met to grant variances in the critical area:***

*(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;*

**The unique circumstances are the size and specifically width of the lot does not allow development at any other location than the proposed location which allows placement for the septic system and off street parking. The existing lot has existing steep slopes which cannot be avoided.**

*(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 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 proposed house represents a reasonable use of the property its placement and size also being appropriate to the neighborhood, Any less development would deprive the owner of similar uses enjoyed by others in the neighborhood.*

*(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 variance is not based on actions of the owner or any neighboring properties.*

*(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; The property is provided with complete stormwater management practices.*

*(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; N/A site is buffer modified.*

*(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 This has been complied with.*

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

*(c) Requirements for all variances. A variance may not be granted unless it is found that:*

*(1) the variance is the minimum variance necessary to afford relief; For the reasons mentioned above the minimum variance that allows reasonable use of the land is being requested.*

*(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 proposed house is consistent with the waterfront houses in the neighborhood.*

*(ii) substantially impair the appropriate use or development of adjacent property; The proposed house will not impair the adjacent properties.*

*(iii) reduce forest cover in the limited development and resource conservation areas of the critical area The forest conservation area requirements will be met.*

*(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor The forest conservation area requirements will be met.*

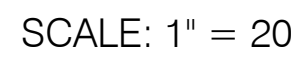
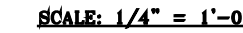
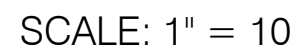
*(v) be detrimental to the public welfare. There is nothing to suggest that the. Construction of this home will be detrimental to the public welfare.*

Please contact this office at (410)626-1070 if you have any questions or require any additional information.

Sincerely,

  
Michael Helfrich, P.E.

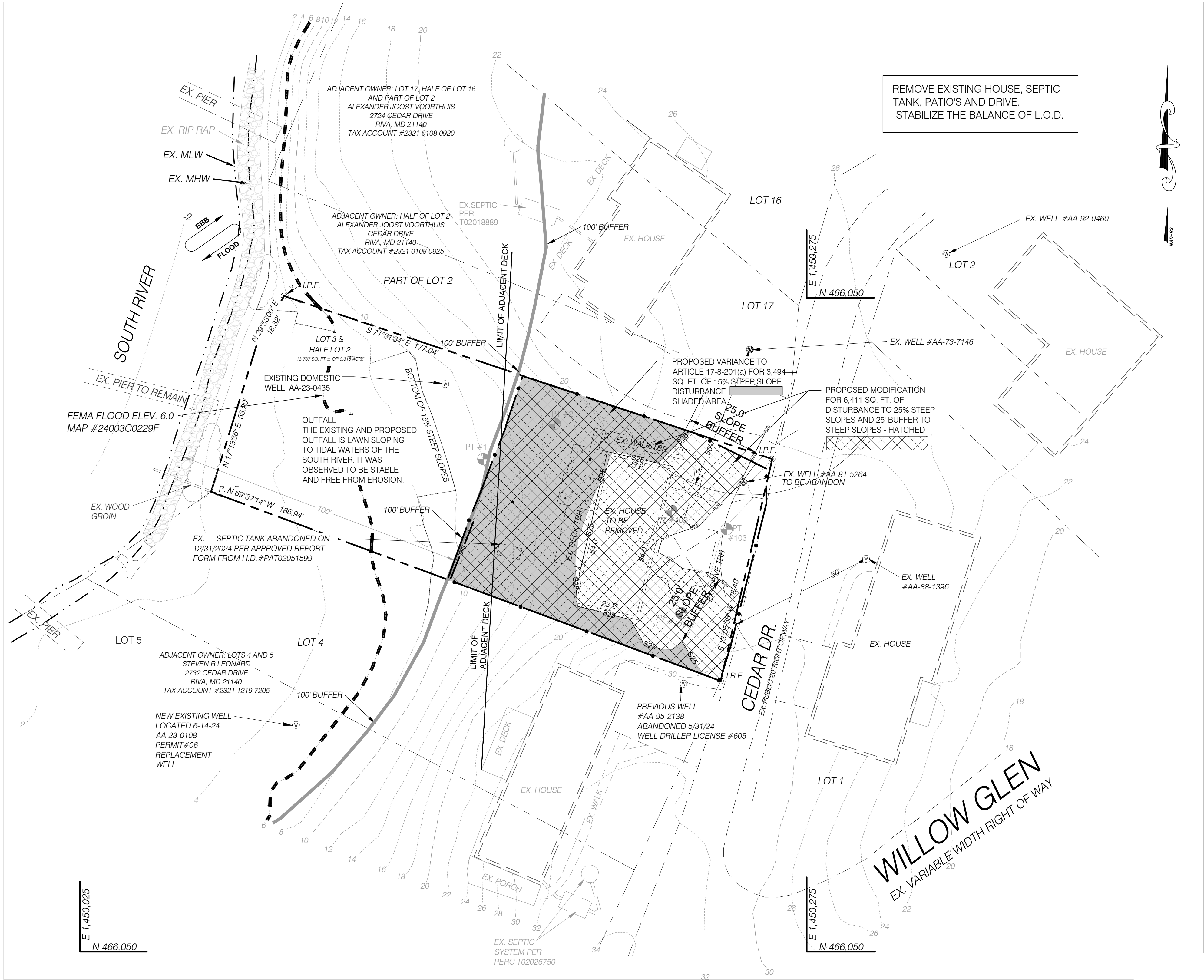




<p>LOTS 3 &amp; 1/2 OF 2  2728 CEDAR DRIVE  RIVA, MD 21140  <b>GLEN ISLE</b>  TAX MAP 50, GRID 21, PARCEL 84  TAX ACCT # 02 - 321 - 05228323  2ND DISTRICT, ANNE ARUNDEL COUNTY, MD, ZONING RLD</p>		
SCALE: AS SHOWN	DATE: 12/11/2024	SHEET 2 OF 2







EXISTING CONDITIONS PROPOSED SITE PLAN FOR VARIANCE AND MODIFICATION

SCALE: 1" = 20'

**LEGEND**

PROPERTY LINE / RIGHT-OF-WAY ————

EXISTING CONTOUR ———— 40 ————

EXISTING WOODS ————

EXISTING FENCE ————

EXISTING SOILS DESIGNATION AsB RLD

EXISTING ZONING DESIGNATION

EXISTING EDGE OF PAVE ————

EXISTING 15% SLOPES S15 ———— S15 ————

EXISTING 100' BUFFER ————

EXISTING 50' EXPANDED BUFFER B50 ———— B50 ————

EXISTING STEEP SLOPES ————

CALL "MISS UTILITY"  
TELEPHONE 1-800-257-7777  
FOR UTILITY LOCATION AT  
LEAST 48 HOURS BEFORE  
BEGINNING CONSTRUCTION.

**VARIANCE REQUESTS**

VARIANCE FOR DISTURBANCE TO STEEP SLOPES IN THE CRITICAL AREA = 3,408 SQ. FT.

OVERALL ONSITE AREA TABULATION			
1. THE TOTAL AREA OF SITE IS 13,737 SQ. FT. OR 0.315 AC.			
2. THE LOT IMPERVIOUS TABULATION IN SQ. FT. IS:			
	EX.	EX. TO BE REMOVED	
HOUSE	1,255	1,255	
COV. ENTRY	395	395	
DRIVEWAY	476	476	
PATIOS/WALK	784	784	
TOTAL	2,910	2,910	
	21.2% OF SITE		

**CERTIFICATION NOTE**

NOTE: THE ENVIRONMENTAL RESOURCES SHOWN ON THIS RESOURCES MAP HAVE BEEN FIELD VERIFIED.

*Michael H. Helfrich* 10/15/24  
NAME: MICHAEL H. HELFRICH DATE

SOIL TYPE TABLE			
DESCRIPTION	ACREAGE	SCD TYPE	
AsB (ANNAPOLIS FINE SANDY LOAM, (2 TO 5 PERCENT SLOPES)	0.78	C	
AsE (ANNAPOLIS FINE SANDY LOAM, (5 TO 10 PERCENT SLOPES)	0.35	C	

- ZONING NOTES:**
- THE CRITICAL AREA CLASSIFICATION IS LDA.
  - THE ZONING IS R-2 FOR THE ENTIRE AREA.
  - SITE IS NOT WITHIN ANY BOG DRAINAGE OR IMPACT AREA.
  - SITE IS IN THE BUFFER MODIFICATION AREA.

G02020352

REVISIONS			
No.	Description	Approved By	Date

MICHAEL HELFRICH PRESIDENT  
GAMMA ENGINEERING  
1203 WEST STREET SUITE A  
ANNAPOLIS, MD 21401  
PHONE (410) 626-1070  
FAX (410) 267-8619  
EMAIL: blupt@icloud.com

**GAMMA ENGINEERING**

1203 WEST STREET SUITE A  
ANNAPOLIS, MD 21401  
PHONE (410) 626-1070  
FAX (410) 267-8619  
EMAIL: blupt@icloud.com

**OWNER:**

RYAN ALAVI  
2728 CEDAR DRIVE  
RIVA, MD 21140

**GRADING PERMIT PLANS**

VARIANCE AND MODIFICATION  
SITE PLAN

LOTS 3 & 1/2 OF 2  
2728 CEDAR DRIVE  
RIVA, MD 21140  
GLEN ISLE  
TAX MAP 50, GRID 21, PARCEL 84  
TAX ACCT # 02 - 321 - 05228323  
2ND DISTRICT, ANNE ARUNDEL COUNTY, MD, ZONING RLD

SCALE: AS SHOWN DATE: 12/11/2024 SHEET 1 OF 2

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: 3-12-25

Tax Map #	Parcel #	Block #	Lot #	Section
50	84	21	3 1/2 of 2	—

Tax ID: 2321-0522-8323

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
General Project Information

Project Name (site name, subdivision name, or other) Glen Isle, lot 3 & 1/2 of lot 2

Project location/Address 2728 Cedar Drive

City Riva Zip 21140

Local case number

Applicant: Last name Alavi First name Ryan

Company c/o: Gamma Engineering

**Application Type (check all that apply):**

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

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

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD



## SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site: Remove ex. SFD & construct new SFD

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	0	0
LDA Area	0.315	13,737
RCA Area	0	0
Total Area	0.315	13,737

Total Disturbed Area 

Acres	Sq Ft
0.164	7,159

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0	0	Existing Lot Coverage	0.066	2,910
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.047	2,088
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.066	2,910
			Total Lot Coverage	0.047	2,088

## VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance <i>N/A - Buffer modified</i>			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

### Variance Type

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

### Structure

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

**CRITICAL AREA REPORT**

**FOR**

**GLEN ISLE**

**Tax Map 50, Grid 21, Parcel 84**

**PREPARED BY:**

**Gamma Engineering  
1203 West Street, Suite A  
Annapolis, MD 21401**

**March 2025**

**Critical Area Report**

Office of Planning & Zoning  
2664 Riva Rd.  
Annapolis, MD 21401

March 12, 2025

Applicant: Ryan Alavi  
2728 Cedar Drive  
Riva, MD 21140

Site Address: 2728 Cedar Drive  
Riva, MD 21140

**RE: Information required for submission of Critical Area Report**

- I. Site Description and Explanation:** The subject property is known as Lot 3 and southwest half of Lot 2 of Glen Isle subdivision. The site contains approximately 13,737 square feet or 0.315 acres. The site is part of parcel 84 in grid 21 of Tax Map 50. The site is zoned R-2 and is in the 2nd Assessment District of Anne Arundel County. The lot is in the Critical Area and is designated as Limited Development Area (LDA).

**The applicant is requesting the following variance to allow removal of the existing house and construction of a new single family home:**

**Article 17-8-201 To disturb 3494 sf of steep slopes (15%) is requested.**

**II. See enclosed site plan for vicinity map.**

**III. Narrative Statements:**

- The disturbed area for the construction is 7,159 square feet.
- The proposed construction will not adversely affect runoff and storm water management will be provided via ESD practices.
- Impervious area will not exceed 15.2% of the site(31.25% is allowed).



There are none of the following designated habitat protection areas on site: riparian forests 300' or more in length, forested blocks greater than 100 acres, or natural heritage areas. The following designated protection areas do not exist on site: non-tidal wetlands, anadromous fish propagation waters, water bird nesting sites, historical waterfowl nesting, staging or concentration areas.

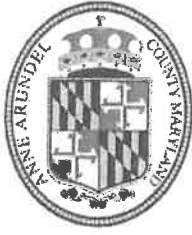
**IV. Site Plan**

The enclosed site plan shows, if applicable, all of the following: existing vegetated area and all proposed structures. No tree removal is proposed.

**V. See enclosed Notification of Project application.**

Sincerely,

Michael Helfrich, P.E.



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE

**PRE-FILE #:** 2025-0013-P  
**DATE:** 02/26/2025  
**OPZ STAFF:** Jennifer Lechner  
Kelly Krinetz  
**I&P STAFF:** Jean Janvier

**APPLICANT/REPRESENTATIVE:** Ryan Alavi / Gamma Engineering

**EMAIL:** [blupt@icloud.com](mailto:blupt@icloud.com)

**SITE LOCATION:** 2728 Cedar Drive, Riva

**LOT SIZE:** 13,737 square feet

**ZONING:** R2    **CA DESIGNATION:** LDA    **BMA:** YES    **BUFFER:** N/A    **APPLICATION TYPE:** Variance

The applicants are proposing to demolish the existing dwelling and to construct a new dwelling with associated improvements. Grading permit G02020352, to demo/rebuild the SFD, was submitted on 01/13/2025.

The following variances are requested:

- Article 17-8-201 to allow disturbance within slopes of 15% or greater in the limited development area (LDA).
- Article 18-2-402(1) to allow a principal structure on a waterfront lot which will not be relatively in line with principal structures on abutting lots.

#### **COMMENTS**

##### **Zoning Administration Section:**

1. The deck is considered part of the principal structure for purposes of alignment with principal structures on abutting lots. It appears that a variance to 18-2-402 may not be required, or may be eliminated by further reducing the corner of the deck, if necessary. Separate lines between the abutting structures and the abutting decks are not required. Revise the site plan to show a single line representing the approximate average of the location of principal structures on abutting lots.
2. The existing conditions are not clear on the site plan. Revise the site plan to eliminate the outline of the proposed dwelling on the existing conditions view.
3. The variance and the modification are reviewed under separate applications, by separate Offices. Revise the site plan to eliminate the modification request information.
4. Revise the site plan to specify the height, number of stories, and whether there will be a basement for the proposed dwelling.
5. The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards and provide adequate justification for each of the variances required. Specifically, the letter should be revised to provide justification as to the proposed placement of the new dwelling in response to the Critical Area Team comments below.

##### **OPZ Critical Area Team:**

The requirements for approval of a variance in the Critical Area are that it represents the minimum necessary to afford an applicant relief and that the applicant has evaluated alternatives. This property is currently improved with a single family dwelling. The applicant should utilize a design that maximizes the use of the existing footprint rather than a design that pushes the dwelling further into the sloped area, increasing disturbance to those features.



**I&P Engineering:**

1. Label all stormwater management devices.
2. The plan shown on the first page of the Site Plan is entitled "Existing Conditions Proposed Plan." Please clarify: is this plan "existing conditions" or "proposed?"
3. According to the "Proposed Site Plan," it does not appear the proposed house will have a basement, since only the first floor and second floor elevations are shown. However, the "Front Elevation," found on Sheet 2 of the Site Plan, shows a marked "basement floor". Please clarify whether or not the proposed house will have a basement.
4. If the proposed house does not have a basement, explain the reason for the excessive grading to the west of the proposed house (especially since the first floor elevation is 34.25 ft, while the contour located directly west of the proposed house shows an elevation of 18 ft).
5. If the proposed house does have a basement, the stormwater management device must be 20 ft from the proposed house.
6. Ensure the surrounding properties will not be adversely impacted by runoff from development on the site.
7. On the bottom of Page 2 of the Letter of Explanation, a signature is needed.
8. In comment #2 of the General Notes box, found on Sheet 2 of the Site Plan, include the credentials of Steve Jupitz, including his certification and the company with which he is employed.
9. Show all backup septic drainfields to demonstrate the stormwater management setbacks have been met.

**INFORMATION FOR THE APPLICANT**

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.