

Office of Zoning

Applicant: Chris and Laura Goodrich

March 16, 2024

Re: Buffer Variance in Disturbed Area

Property Location: 454 Blue Lake Drive Severna Park, MD 21146

To whom it may concern:

Requesting a variance to install three retaining walls, to correct further erosion, as well as replace existing pool deck built in the buffer zone of our property. This is due to deck support post (6x6) that needed to be replaced causing 2nd floor deck to sag and rear patio (concrete) cracked in multiple locations and no longer level.

The Goodrich's are applying for a non-modified buffer variance due to a steep slope causing significant erosion. The intent is for the three retaining walls plus significant planting to control future erosion and stabilize existing soil. Replacement of the existing pool deck due to cracks and unevenness.

We request a variance as this will not:

- (i) Alter the essential character of the neighborhood or district in which our lot is located
- (ii) Substantially impair the appropriate use or development of the adjacent property
- (iii) Reduce forest cover in the limited development and resource conservation areas of the critical area
- (iv) Be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
- (v) Be detrimental to the public welfare

We appreciate your attention to this request.

Sincerely,

Chris and Laura Goodrich



Buffer 100'
 * HIGHLIGHTED AREA IS A 100' Buffer with a 53.78% slope

TOP OF SLOPE
 EXPANDED BUFFER 50'

Lot size 1.35 Acres
 58,728 square feet

= 53.98% slope in Buffer Area

454 BLUE LAKE DRIVE SEVERNA PARK, MD
 POOL REDECKING

SITE PLAN - LOT 15
 SCALE - 1" = 40'

Planning & Zoning

Variance Application

Pre File Comments & Critical Area Project Narrative

Retaining wall added to support erosion to the property and home stabilization.

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

Date: 1

Tax Map #	Parcel #	Block #	Lot #	Section
<u>0031</u>	<u>0057</u>		<u>15</u>	

FOR RESUBMITTAL ONLY

Corrections

Redesign

No Change

Non-Critical Area

*Complete Only Page 1
General Project Information

Tax ID: 03-126-90048943

Project Name (site name, subdivision name, or other) 454 Blue Lake Drive - 4 Retaining Walls

Project location/Address 454 Blue Lake Drive

City S.P. Zip 21146

Local case number

Applicant: Last name Goodrich First name Harold and Laura

Company

Application Type (check all that apply):

- | | | | |
|---------------------------|--------------------------|-------------------|-------------------------------------|
| Building Permit | <input 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 Goodrich First name Laura

Phone # 410.336.7670 Response from Commission Required By

Fax # Hearing date

Describe Proposed use of project site:

4 Retaining walls to prevent erosion

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		
RCA Area		
Total Area		

Total Disturbed Area Acres Sq Ft

of Lots Created \emptyset

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		900	Existing Lot Coverage		
Created Forest/Woodland/Trees		900	New Lot Coverage		
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		26	Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type

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

reforesting with
 new vegetation
 ↑
 native

Structure

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

retaining walls

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number _____

Total Site Area 58,728 Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area _____ Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

* Please Indicate Square Footage of Woodland Removed for the following:

- | | |
|-------------------------------------|---|
| 1. House <u>0</u> Sq. Ft. | 5. Accessory Structure <u>0</u> Sq. Ft. |
| 2. Septic or sewer <u>0</u> Sq. Ft. | 6. Additions <u>0</u> Sq. Ft. |
| 3. Well <u>0</u> Sq. Ft. | 7. Storm Water Management <u>0</u> Sq. Ft. |
| 4. Driveway <u>0</u> Sq. Ft. | 8. Other Clearing: work area; access; stockpiles, etc. <u>0</u> Sq. Ft. |

* Total Woodland Removed = 900 Sq. Ft.

REPLACED. - RETAINING WALLS. (NO TREES REMOVED)

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

* Please Indicate Square Footage of Impervious Coverage for the following:

Existing Impervious

Proposed Impervious

- | | |
|--|---|
| 1. House (roof area) <u>2,277</u> Sq. Ft. | 1. House (roof area) <u>0</u> Sq. Ft. |
| 2. Driveway + Sidewalks <u>8,745</u> Sq. Ft. | 2. Driveway + Sidewalks <u>0</u> Sq. Ft. |
| 3. Accessory Structures <u>300</u> Sq. Ft. | 3. Accessory Structures <u>0</u> Sq. Ft. |
| | 4. Additions <u>0 - replacement</u> Sq. Ft. |

* Total Existing and Proposed Impervious Coverage 11,322 Sq. Ft.

Ⓢ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Harold C Goodrich, _____, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 15, block # _____ of Subdivision BLUFF POINT.

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

- 2. Septic or sewer ∅ Sq. Ft.
- 3. Well ∅ Sq. Ft.
- 4. Driveway ∅ Sq. Ft.
- 6. Additions ∅ Sq. Ft.
- 7. Storm Water Management ∅ Sq. Ft.
- 8. Other Clearing: work area; access; stockpiles, etc. ∅ Sq. Ft.

* Total Woodland Removed = 900 Sq. Ft.
 & REPLACED. - RETAINING WALLS. (NO TREE REMOVE)

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

* Please Indicate Square Footage of Impervious Coverage for the following:

<u>Existing Impervious</u>	<u>Proposed Impervious</u>
1. House (roof area) <u>2,277</u> Sq. Ft.	1. House (roof area) <u>∅</u> Sq. Ft.
2. Driveway + Sidewalks <u>8,745</u> Sq. Ft.	2. Driveway + Sidewalks <u>∅</u> Sq. Ft.
3. Accessory Structures <u>300</u> Sq. Ft.	3. Accessory Structures <u>∅</u> Sq. Ft.
	4. Additions <u>∅ - replacement</u> Sq. Ft. EXACT

* Total Existing and Proposed Impervious Coverage 11,322 Sq. Ft.

⊙ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Harold C Goodrich, _____, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 15, block # _____ of Subdivision BUFF POINT.

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

Will C. Averill (Signature) 7.23.2023 (Date)
owner (Title)

Laurel Goodrich (Signature) 07.23.2023 (Date)
owner (Title)



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2023-0031-P)

DATE OF MEETING: 9/27/2023

P&Z STAFF: Sara Anzelmo and Kelly Krinetz

APPLICANT/REPRESENTATIVE: Chris & Laura Goodrich EMAIL: clccp@verizon.net

SITE LOCATION: 454 Blue Lake Drive, Severna Park LOT SIZE: 1.35 acres ZONING: R1

CA DESIGNATION: LDA BMA: NO or BUFFER: YES APPLICATION TYPE: Critical Area Variances

Letter from the applicants: *"Requesting a fourth retaining wall built to correct severe erosion. This is due to deck support post (6x6) that needed to be replaced causing 2nd floor deck to sag and rear patio (concrete) cracked in multiple locations and no longer level. The Goodrich's are applying for a non-modified buffer variance due to a steep slope causing significant erosion. The intent is for the retaining walls plus significant planting to control future erosion and stabilize the hill. The reason is disturbance in non-modified buffer zone."*

The proposal relates to open compliance cases (B-2023-52 and E-2023-43) associated with the construction within the buffer and steep slopes without permits. From the B-2023-52 inspection record: "Joint inspection determined 4 walls erected - Top wall 3.65', Second Wall 4.39', Third Wall 4.23', Bottom Wall 3.79'. All requiring permits, SWO and FCN previously issued by grading inspector." From the E-2023-43 inspection record: "Inspector visited the referenced property in relation to a SGP for replacing a pool patio in kind. Inspection found new retaining walls inside the buffer on steep slopes without a permit. Stop work order and correction notice posted."

The proposal requires after-the-fact variance relief to perfect four retaining walls with steep slope disturbance within the LDA - Limited Development Area and with disturbance within the buffer. Despite not being included in the letter of explanation, the proposed pool patio surround is located within the buffer and also requires a variance.

COMMENTS

The **Critical Area Team** commented:

- An in-kind replacement of the existing pool patio can be supported.
- The top retaining walls appear to be in response to a grading issue and can be supported.
- The bottom retaining wall and associated fill were to create a flat lawn area. This cannot be supported and should be removed.

The **Zoning Administration Section** advises that a variance is required for all of the recently constructed and proposed improvements (i.e. all four retaining walls and the proposed pool patio surround) and not just for the "fourth retaining wall" as described in the applicants' letter. The site plan should show slopes of 15% or greater and should show the expanded buffer line. The applicants must demonstrate how the proposal meets ALL of the Critical Area variance standards provided under Section 18-16-305(b) and (c) of the Anne Arundel County Zoning Code.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

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

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

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