

1203A West Street, Annapolis, Md.21401  
410.626.1070 Fax 410.267.8619  
email [blupt@icloud.com](mailto:blupt@icloud.com)

August 18, 2020

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

Applicant: Kirk McWilliams  
922 Waterview Trail  
Crownsville. Md. 21032

## Letter of Explanation - Critical area Variance

Site Address: 922 Waterview Trail  
Crownsville. Md. 21032

### To Whom It May Concern:

**Background:** The subject property is Lot 11, Sunrise Beach which is parcel 389, tax map 31, located in Crownsville, Md. The property is zoned R2, critical area LDA, is buffer modified and is riparian waterfront. It is also affected by steep slopes and 100' shoreline buffer. Since the site is buffer modification, the 100' buffer is not expanded. As can be seen from the plan, the 100' buffer extended from the shoreline does not reach the top shoreline slope, therefore the only topographical feature affecting the site from the critical area perspective is disturbance of 15% slopes. (A modification to disturbing the 25 foot buffer to and 25% slopes will also be requested and provided a conjunction with the grading permit.)

**Specific design approach** Please refer to the "House, well, septic, SWM placement... diagram" upper right corner of the attached site plan. The placement of the house is dictated by a neighboring well's 50' setback requirement. A proposed backup drywell and the water well are proposed in off-site easements but even with these off-site easements the area of the lot is limited for placing the house, the septic tank, the primary and the first backup drywell. The available location for the modestly sized house (40' x 44') foundation is removed from the top of the Shoreline hillside but involves disturbance to 15% slopes.

**In Summary:** This configuration, even with off-site drywell due to septic systems due to onsite septic systems allows a moderate (especially by waterfront standards) 40' x 44' house w/ 12' deck to be placed at a location beyond the 100' buffer. This location meets all zoning setbacks and Critical area buffers. The only variance requested is two disturb 15% steep slopes.

### The following Variance is requested:

To allow the disturbance of 534 square feet of steep slopes and any buffer to these slopes if applicable, all as defined in the critical area per *Article 17-8-201 (a) Development in the limited development area (LDA)...may not occur within slopes of 15% or greater...* j

A preformal submittal was made August 19, 2022; the response is attached.

The proposed development will not alter the essential character of the neighborhood, will not impair similar development of adjacent properties, will not significantly reduce forest cover and will not be detrimental to the public welfare. The proposed development will not be inconsistent with the intent of the critical area program.

If you have any questions or require any additional information, please contact this office at (410) 626-1070.

Sincerely,

  
Michael Helfrich, P.E.

**Exhibit 1 Variance Request - Response to code requirements for granting variance**  
**922 Waterview Trail Crownsville MD.**

The following is provided to address the specific requirements in the code for the granting of a variance:

*§ 18-16-305. Variances.*

*(b) Requirements for critical or bog protection area variances. For a property located in the critical area or a bog protection area, a variance to the requirements of the County's critical area program or the bog protection program may be granted if the Administrative Hearing Officer makes the following affirmative findings:*

*(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 condition is the location of the well on the neighbors lot. the complete primary septic system all storm water management and a modestly sized house is placed on the lot but this requires that the lot B in the area of steep slopes.

*(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 Literal interpretation will not allow this house to be placed on this lot without the disturbance of the minor area of steep slopes. without disturbing steep slopes a reasonable use of this lot is not possible

*(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;*

*(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 granting will only allow a reasonable use of this property which is a single family dwelling of a reasonable square footage of 2400 square feet

*(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 well on the adjacent property and the lot configuration is not a result of the clients actions

*(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 site will comply with all required stormwater management requirements.

*(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;*

*(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*

*(8) The applicant has evaluated and implemented site planning alternatives in accordance with § [18-16-201](#)(c). This section requires a **Pre-filing meeting required.***

*(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; and*

The variances only for less than 1000 square feet of steep slope disturbance and allows a reasonable house

*(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 variance will allow a house consistent with the surrounding neighborhood

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

The variance will not impair the use of adjacent properties in that this site development is contained within the property lines

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

The site will conform to the allowed clearing requirements

*(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor*

The site will conform to the allowed clearing requirements

*(v) be detrimental to the public welfare.*

The site will not adversely impact to public welfare already

**(d) Conditions for granting a variance in the critical area.**

*(1) For a property with an outstanding violation, the granting of a variance under this subsection shall be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:*

The site has no outstanding violations so this section is not applicable

- (i) obtaining an approved mitigation or restoration plan;*
- (ii) completing the abatement measures in accordance with the County critical area program; and*
- (iii) paying any civil fines assessed and finally adjudicated*



**ANNE  
ARUNDEL  
COUNTY**

**M A R Y L A N D  
DEPARTMENT OF HEALTH**

J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7193 Fax: 410-222-7678  
Maryland Relay (TTY): 711  
www.aahealth.org

Nilesh Kalyanaraman, MD, FACP  
Health Officer

**Exhibit 2 Variance Request  
922 Waterview Trail Crownsville  
Health Department review letter** August 17, 2022

Gamma Engineering  
1203 West St., Ste. A  
Annapolis, MD 21401

Note This letter requires offsite easements on 920 Waterview to be demonstrated to still allow development of 922 and easement to be recorded. It allows the septic layout on the variance site, lot 11, 922 Waterview Trail.

Re: PAT02050194  
922 Waterview Dr., Crownsville

Dear Sir or Madame:

The Department of Health has reviewed the proposed on-site sewage disposal system plans submitted on August 15, 2022 and has the following comments:

1. Must show the proposed demo/rebuild, proposed septic systems, and stormwater management devices for 920 Waterview Dr. under perc application PAT02050193.
2. Easement will need to be recorded when site plan is approvable.

The Health Department is withholding approval of this project until the above items have been corrected. The plans have been returned to the engineer for correction.

If you have any further questions, please feel free to contact me at 410-222-7200.

Sincerely,

Wayne Zimmerli, Sanitarian  
Sanitary Engineering Program

cc: Kirk McWilliams

CRITICAL AREA REPORT

FOR

SUNRISE BEACH  
LOT 11, SECTION 1

PREPARED BY:

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

SEPTEMBER 2022

**Critical Area Report**  
Office of Planning & Zoning  
2664 Riva Rd.  
Annapolis, MD 21401

September 7, 2022

**Applicant:** Kirk McWilliams (deceased)  
c/o Dawn McWilliams (spouse/estate adm. per attached documents)  
920 Waterview Drive  
Crownsville, MD 21032

**Site Address:** 922 Waterview Drive  
Crownsville, MD 21032  
Sunrise Beach, Lot 11, Sec. 1

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

**I. Site Description and Explanation:** The subject property is Lot 11, Section 1 in the subdivision of Sunrise Beach. The site contains approximately 15,180 square feet or 0.35 acres. The site is part of parcel 389 in block 16 of Tax Map 31. The lot is zoned R-2 and is in the 6th Assessment District of Anne Arundel County. The lot is in the Critical Area and is designated as a Limited Development Area (LDA).

The applicant is requesting the following variances to allow construction of a new single family home:

**Article 17-8-201(a):**

- A variance to disturb 543 sf of steep slopes is requested.

The proposed development will not alter the essential character of the neighborhood, will not impair similar development of adjacent properties, will not significantly reduce forest cover and will not be detrimental to the public welfare. The proposed development will not be inconsistent with the intent of the critical area program.

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

**III. Narrative Statements:**

- The proposed construction will have minimal or no effect on water quality.
- All impervious area for the site will not exceed allowed amounts.

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, 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. The clearing proposed is as designated, no wetlands disturbance is proposed.

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

Sincerely,

Michael Helfrich, P.E.



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: 7/29/22

Tax Map #	Parcel #	Block #	Lot #	Section
31	389	16	11	1

Tax ID: 2748-0192-8925

**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) Sunrise Beach, lot 11

Project location/Address 922 Waterview Dr.

City Crownsville Zip 21032

Local case number \_\_\_\_\_

Applicant: Last name McWilliams First name Kirk

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 \_\_\_\_\_ First name \_\_\_\_\_

Phone # \_\_\_\_\_ Response from Commission Required By \_\_\_\_\_

Fax # \_\_\_\_\_ Hearing date \_\_\_\_\_

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

Construct new SFD

- |  |  |
|--|--|
| Intra-Family Transfer <input type="checkbox"/> | Growth Allocation <input type="checkbox"/>     |
| Grandfathered Lot <input type="checkbox"/>     | Buffer Exemption Area <input 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
IDA Area	—	—
LDA Area	0.30	15,180
RCA Area	—	—
Total Area	—	—

Total Disturbed Area Acres Sq Ft  
0.18 7,634

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		14,276	Existing Lot Coverage		464
Created Forest/Woodland/Trees			New Lot Coverage		2795
Removed Forest/Woodland/Trees		6,311	Removed Lot Coverage		464
			Total Lot Coverage		2795

**VARIANCE INFORMATION (Check all that apply)**

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			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



*Mark Wedemeyer*  
*Director of Inspections and Permits*

## Memorandum

**To:** Joan Jenkins, Zoning Analyst, Zoning Division, Office of Planning and Zoning

**From:** Edwin Udenkwo, Engineer, Engineering Division, Department of Inspections and Permits

**Date:** October 28, 2022

**Subject:** Dawn McWilliams (Adm of ESTATE OF Kirk McWilliams)  
922 Waterview Drive, Crownsville  
Maryland 21401  
2022-0144-V

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### **Request – Allow relief from steep slope and associated buffer disturbance.**

**Review** - This office has received the subject application, reviewed for engineering (utilities, stormwater) issues and has the following comments:

As the variance will be reviewed as a concept plan, the following concept plan comments will need to be addressed to allow review of the variance application.

1. The property will be served by individual private community water and private septic system. The septic will need to be reviewed and approved by the Health Department. The water will need to be approved by the community.
2. The subject application does not have the information of a complete storm water preliminary plan. The required information for a complete review was not provided. Provide a separate exhibit showing the existing versus proposed drainage area delineations and clearly show the existing and proposed flow paths on the map. The flow path must be delineated downstream sufficiently per section 7.2.1 of the County practice and procedure manual
3. A 12' by 44 'deck is proposed within the 15' steep slope and buffer modified. The applicant did not provide details regarding the deck type, drainage design, and any required water quality for the proposed deck on the steep slope. Please note that decks built on concrete patios or decks without adequate board spacing for drainage are treated as impervious surface and require a drainage design and water quality treatment.
4. Please provide a statement that demonstrates how adverse impacts on water quality that result from pollutants discharged from structures or concentrated flows that have run off from surrounding lands are addressed and how the development will conserve fish, wildlife, and plant habitat.
5. A downstream assessment of the stability of the steep and all points of discharge from the property is required. Please provide photographs to document the existing condition of the slopes and discharge points.

At this time, this office cannot recommend approval for the variance until the comments above are addressed satisfactorily.

**Critical Area Variance Guidance  
Critical Area Review Team/Development Division**

**Applicant:** Dawn McWilliams  
**Case #:** 2022-0144-V  
**Date:** 10/26/22

**For a property located in the critical area, a variance to the requirements of the County's Critical Area Program may be granted if the Administrative Hearing Officer makes the findings based on the following criteria.**

- 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 would result in an unwarranted hardship.
- A literal interpretation of the Critical Area Laws would deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provision of the critical area program.
- The granting of a variance will not confer on an applicant any special privilege that would be denied by the County's Critical Area program to other lands or structures within the Critical Area.
- The request is not the result of actions by the applicant including the commencement of development before an application for a variance was filed and does not rise from any condition relating to land or building use on any neighboring property.
- The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the County's Critical Area program.
- The applicant, by competent and substantial evidence, has overcome the presumption contained in Natural Resources Article, 8-1808, of the state Code.
- The applicant has evaluated and implemented site planning alternatives in accordance with 18-16-201.

There is no argument that the site is severely constrained. In order to develop, both the septic and well need to be located on a separate lot, the entire house will be located within the steep slope buffer and 543 square feet of steep slopes on the site will be disturbed. The applicant argues that the house is modest and it very well may be when located on a flat site that can accommodate a home, well and septic. But truth be told, this modest home is currently being advertised as a 4 BR 3/1 BATH home with combined interior square footage of 3600 square feet with a 12'x43' deck across the front, over the steep slopes. The home should be reduced in size to fit within the constraints of the lot. Permanent disturbance to the steep slopes should be limited, at most, to the temporary disturbance necessary for the construction of the dwelling.

A modification will be required for the disturbance of the required slope buffer. Approval of a variance does not guarantee the approval of the modification. The modification decision will be subject to the requirements of 17-2-108.

Mitigation and SWM must be addressed with the permit application.



Sumner Handy &lt;pzhand00@aacounty.org&gt;

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**Varances 9/26 - 9/30**

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Jennifer Esposito &lt;jennifer.esposito@maryland.gov&gt;

Tue, Oct 4, 2022 at 4:26 PM

To: Kelly Krinetz <pzkrin00@aacounty.org>, Sara Anzelmo <pzanze99@aacounty.org>, "Donald Dyott Jr." <pzdyot22@aacounty.org>, Joan Jenkins <pzjenk00@aacounty.org>, Rob Konowal <pzkono00@aacounty.org>, Bonnie Tucker <pztuck00@aacounty.org>, Sumner Handy <pzhand00@aacounty.org>, CACAdmin DNR -DNR- <cacadmin.dnr@maryland.gov>, Charlotte Shearin -DNR- <charlotte.shearin@maryland.gov>, Sterling Seay <pzseay16@aacounty.org>

Good afternoon,

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

1. 2022-0144-V; McWilliams (AA 350-22): Appropriate mitigation is required.
2. 2022-0145-V; Sherwood Forest Lot 124 (AA 351-22): The applicant is proposing to construct an addition to the existing dwelling as well as to expand the existing screened porch and entry deck within steep slopes. It appears the applicant currently has reasonable and significant use of the entire property with the dwelling, several decks, screen porch, walkways, and driveway. While the additions are proposed to be constructed mainly over existing lot coverage, the office questions if this proposal meets the unwarranted hardship standard and if the impacts have been minimized to the extent necessary.
3. 2022-0174-V; Petrie (AA 352-22): The applicant is proposing to construct a 1,064 square-foot, main floor addition for a primary bedroom along with a patio within the steep slope buffer and the 50-foot setback to the expanded Critical Area Buffer. The application material indicates that this proposal is out of a medical necessity for the homeowner. While this office feels that some relief from the Critical Area variance standards may be warranted to accommodate the property owner's medical condition, we believe the 1,064 square-foot bedroom could be reduced in size in order to minimize adverse impacts to the aforementioned buffers. Additionally, the proposed patio could be reduced in size or eliminated entirely.
4. 2022-0149-V; Hodgson (AA 353-22): The applicant is proposing a 461 square-foot deck within a steep slope buffer and the expanded Critical Area Buffer. It appears that the deck could be reduced in size to minimize impacts to steep slopes and the expanded Critical Area Buffer. Additionally, our office feels that this proposal does not meet the unwarranted hardship standard as the property is currently developed with an enclosed deck, a porch, a 2-story single family dwelling, a driveway, walkways, a boardwalk with two separate decks, and riparian access. Thus, the property owner currently has reasonable and significant use of the entire lot without the addition of the deck.
5. 2022-0151-V; Bray (AA 354-22): The applicant is proposing a 2-story addition to an existing dwelling within the expanded Critical Area Buffer for steep slopes.



## **Anne Arundel Soil Conservation District**

**2662 Riva Road Suite 150  
Annapolis, Maryland 21401  
410-571-6757 [www.aascd.org](http://www.aascd.org)**

**Advancing the Wise Use of Our Natural Resources**

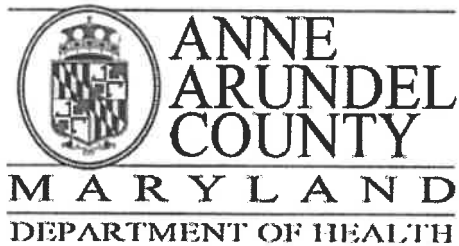
10-03-2022

Ms. Ramona Plociennik  
Office of Planning and Zoning  
Anne Arundel County Heritage Office Center  
2664 Riva Road, MS #6301  
Annapolis, MD 21401

Subject: McWILLIAMS, DAWN 2022-0144-V

The variance received September 28 2022 has been reviewed and the District defers to the Office of Planning and Zoning. The District will provide comments during the sediment control review.

Sincerely,  
Justin Valkos  
AASCD




J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7193 Fax: 410-222-7479  
Maryland Relay (TTY): 711  
[www.aahealth.org](http://www.aahealth.org)

**Nilesh Kalyanaraman, MD, FACP**  
Health Officer

**MEMORANDUM**

TO: Sumner Handy, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager   
Bureau of Environmental Health

DATE: October 13, 2022

RE: Kirk & Dawn McWilliams  
922 Waterview Drive  
Crownsville, MD 21032

NUMBER: 2022-0144-V

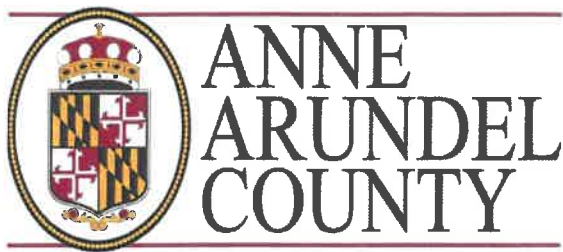
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks than required and with disturbance to slopes of 15% or greater.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay



## MEMORANDUM

**TO:** Sumner Handy, Zoning Division  
Office of Planning and Zoning

**FROM:** Pat Slayton  
Capital Projects Division

**SUBJECT:** Variance Cases

**DATE:** September 30, 2022

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The Department of Recreation and Parks has reviewed the case materials submitted to determine if there may be impacts to Anne Arundel County greenways, parks, and trails. As these cases will not have such an impact, the Department of Recreation and Parks has no comment.

<b>Applicant</b>	<b>Case Number</b>
Catrambone, David & Elizabeth	2022-0140-V
Steele, Ronald & Bonnie	2022-0141-V
Morgan, Timothy & Courtney	2022-0143-V
McWilliams, Dawn (Admin of the estate of Kirk McWilliams)	2022-0144-V
Wabash Capital, LLC	2022-0145-V
Petrie, Lisa	2022-0147-V
Wallace, Gordon & Mary	2022-0148-V
Hodgson, Deborah & Brian	2022-0149-V
Platek, Vanessa	2022-0150-V
Bray, Thomas & Shannon	2022-0151-V
Gray, Milton	2022-0152-V
Premier Main Street, LLC	2022-0153-V
Raynor, Reid	2022-0154-V
Leimbach, Joshua	2022-0156-V



# 922 Waterview Trail



## Legend

Foundation



Parcels - Annapolis City



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