

For Office Use Only

CASE # 2022-0144-V  
FEE PAID 250-  
DATE 9/13/22



For Office Use Only

ZONE R2  
CRITICAL AREA: IDA \_\_\_ LDA Y RCA \_\_\_  
BMA: Yes Y No \_\_\_  
NO. OF SIGNS 2

VARIANCE APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): (Kirk McWilliams - deceased) Dawn McWilliams (spouse + adm of estate \* see attached)  
(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: 922 Waterview Drive, Crownsville, MD 21032

Property Location: 23 71.5 feet of frontage on the (N) S, E, W ) side of Waterview Dr.  
(Enter Street Name)

520 1500 feet (N, S, E, W ) of (Nearest intersecting street) Miller Circle  
(Enter Street Name)

12-digit Tax Account Number 2748-0192-8925 Tax District (2nd) Council District (6th)

Waterfront Lot: Y  N  Corner Lot: Y  N  Deed Title Reference 9471/415

Zoning District R2 Lot # 11 Tax Map 31 Block/Grid 16 Parcel 389

Area 0.35 ac (Sq Ft, or Acres ) Subdivision Name Sunrise Beach

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)  
A variance to disturb 543 sf of steep slopes is requested (Article 17-8-20(a))

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature Dawn McWilliams Owner's Signature Dawn McWilliams Admin of Estate

Print Name Dawn McWilliams Print Name Dawn McWilliams

Mailing Address 920 Waterview Dr. Mailing Address 920 Waterview Dr.

City, State, Zip Crownsville, MD 21032 City, State, Zip Crownsville, MD 21032

Work Phone / Work Phone /

Home Phone / c/o: (410)626-1070 Home Phone / c/o: (410)626-1070

Cell Phone / Cell Phone /

Email Address c/o: bluapt@icloud.com Email Address c/o: bluapt@icloud.com

\*\*\* Below For Office Use Only \*\*\*

Application accepted by Anne Arundel County Office of Planning and Zoning: JAG 9/14/22  
Initials Date

Variance to allow a dwelling with less setbacks than required and with disturbance to slopes of 15% or greater

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

MARYLAND  
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 LDA**  
(LOT 13 IS NOT BUFFER MODIFIED)

**PARCEL 13**  
DEVELOPMENT PLAN FOR THIS LOT PROVIDED TO DEMONSTRATE PROPOSED WELL EASEMENT AND PROPOSED SEPTIC EASEMENT FOR LOT 11 WILL NOT RESTRICT DEMO/REBUILD, PROPOSED SEPTIC SYSTEMS, AND STORMWATER MANAGEMENT DEVICES ON PARCEL 13

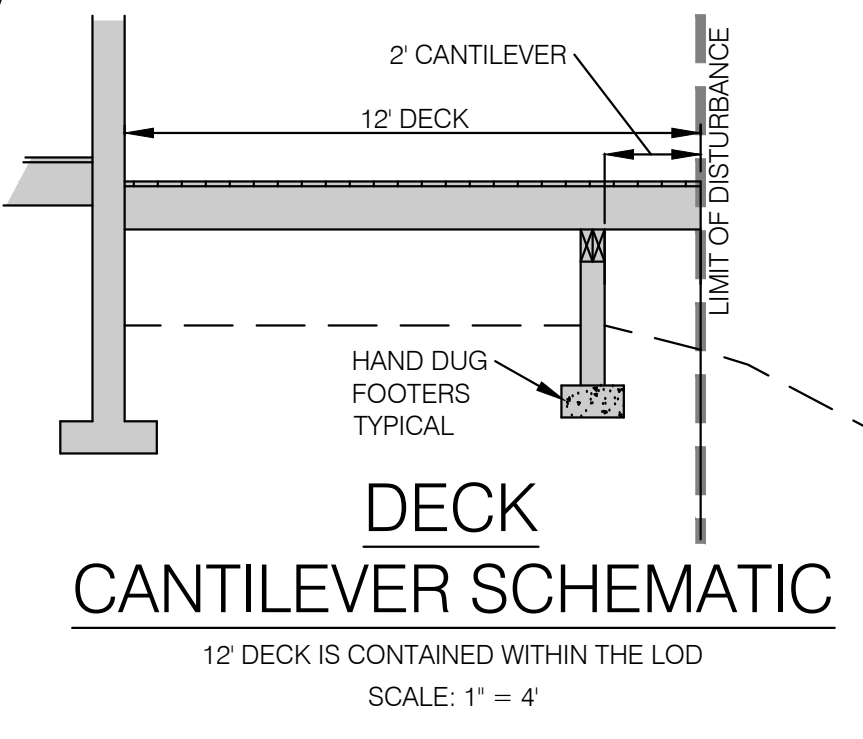
**VARIANCE**  
543 SQ. FT. OF STEEP SLOPE 15% DISTURBANCE  
ARTICLE 17-8-201(a)

**OFFSITE (LOCATED ON PARCEL 13) WELL AND SEPTIC EASEMENTS DETAIL**  
SCALE: 1" = 20'

**VARIANCE**  
543 SQ. FT. OF STEEP SLOPE 15% DISTURBANCE  
ARTICLE 17-8-201(a)

**(LOT 11) HOUSE, WELL, SEPTIC, SWM PLACEMENT, HOUSE DIMENSIONS, BUFFER TO STEEP SLOPES SETBACK AND VARIANCE REQUESTED AND SETBACKS DETAIL**  
SCALE: 1" = 20'

**AUGUST 30**  
**SPECIAL HEALTH DEPARTMENT**  
**EXHIBIT**  
**OF ADJACENT LOT DEVELOPMENT**



**PLAN**  
SCALE: 1" = 20'

**ZONING NOTES (FOR LOT 11)**  
1. ZONING IS R2. (NO VARIANCES REQUESTED)

**VARIANCE NOTES (FOR LOT 11)**  
1. SITE IS LDA.  
2. SITE IS BUFFER MODIFIED (THE 100' SHORELINE BUFFER IS NOT EXPANDED)  
3. A VARIANCE TO DISTURB 543 SQ. FT. OF STEEP SLOPES IS REQUESTED. ARTICLE 17-8-201(a)  
4. NO SHORELINE BUFFER DISTURBANCE PROPOSED.

**BUFFERS - LDA, BUFFER MODIFIED**

	REQUIRED	PROPOSED	VARIANCE REQUIRED	NOTES
FROM 100' SHORELINE	100'	115'	NONE	SITE IS BUFFER MODIFIED THE 100' SHORELINE BUFFER IS NOT EXPANDED

NOTE: 543 SQ. FT. OF STEEP SLOPE DISTURBANCE IS PROPOSED.

**LOT 11**  
922 WATERVIEW DR. CROWNSVILLE, MD 21032  
**SUNRISE BEACH**  
TAX MAP 31, GRID 16, PARCEL 389  
TAX ACCT # 2748 0192 8925  
2ND DISTRICT, ANNE ARUNDEL COUNTY, MD, ZONING R2  
SCALE: AS SHOWN DATE: 8/11/2022 SHEET 1 OF 1

**OWNER:**  
KIRK MCWILLIAMS  
920 WATERVIEW DRIVE  
CROWNSVILLE, MD 21032

**GAMMA ENGINEERING**  
1203 WEST STREET SUITE A  
ANNAPOLIS, MD 21401  
PHONE (410) 626-1070  
FAX (410) 267-8619  
EMAIL: BLUPT@MSN.COM



MICHAEL HELFRICH PRESIDENT  
GAMMA ENGINEERING  
PROFESSIONAL CERTIFICATION  
I, MICHAEL HELFRICH, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE NO. 15542 EXPIRATION DATE: 9/26/2023.

**REVISIONS**

No.	Description	Approved By:	Date