

303 Najoles Road - Suite 114 Millersville, MD 21108 Phone: 410-987-6901 Fax: 410-987-0589

March, 2024

Ms. Sterling Seay Anne Arundel County Office of Planning and Zoning 2664 Riva Road Annapolis MD 21401

Re:

Lakeland Point 649 Lakeland Road S Severna Park, MD 21146 T.M. 31 B. 2 P. 237

Dear Ms. Seay,

Please accept this as our formal variance request to the Zoning Regulations on behalf of our client. The variance request is to Article 18-13-104 to allow disturbance within the expanded buffer and to Article 17-8-201 to allow disturbance of steep slopes in the critical area to facilitate removing existing improvements. The project is located at 649 Lakeland Road S in Severna Park, Maryland 21146. The site currently has an existing house, a detached pool, and a wraparound driveway. The proposed house will be relocated further away from the steep slopes and be not taller than the existing structure. The new structure will be 63' from the Lakeland Road right of way, 110' from the Northern property line, 50' from the southeastern property line and approximately 207' from the Mean High-Water line. In addition to the proposed house being moved further away from the steep slopes the amount of impervious coverage will decrease by roughly 1,670 s.f. By removing part of the driveway. The new house will also be connected to the public sewer and the existing private septic system will be abandoned. The redevelopment of this lot will also provide stormwater management where none exist today.

Explanation as required by Article 18, Section 16-305(b)

The exceptional topographical conditions of this lot cause implementation of the County's critical area program to cause unwarranted hardship on the property as without a variance, the applicant would be denied reasonable and significant use of the entire parcel. The proposed location is on the flattest part of the lot, which is an area of the lot that is already developed within the expanded buffer. In addition, the exceptional topographical conditions of this lot are clear as the buffer to tidal waters is only 100', but the topography on this lot expands the buffer more than twice the typical length, not

allowing any structure to be built within 250' of the shoreline. 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 and will not confer special privilege onto the applicant that they do not possess now. These variance requests are not results of actions by the applicant and there has been no commencement of development before this application for a variance was filed and does not have any bearing or connection to building on neighboring properties. The granting of this variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitats. In fact, the proposed layout will actually be beneficial to the environment since impervious area will be reduced, stormwater management will be provided, and the existing private septic will be abandoned.

Explanation as required by Article 18, Section 16-305(c)

We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief based upon the size of the lot and the unique physical conditions such as the steep slopes and the critical area buffer expanding 250'+/- from the waters edge. In addition, the house is minimal in size and smaller than most of the surrounding houses that are on the water.

The granting of this variance will not alter the character of the neighborhood because as noted above and the fact that a house already exists on the lot.

This variance will not substantially impair the appropriate use or development of the surrounding properties as it will not deny access or the possibility to build on neighboring lots. The proposed house and pool will sit off of the end of the cul-de-sac and will have landscaping from the road.

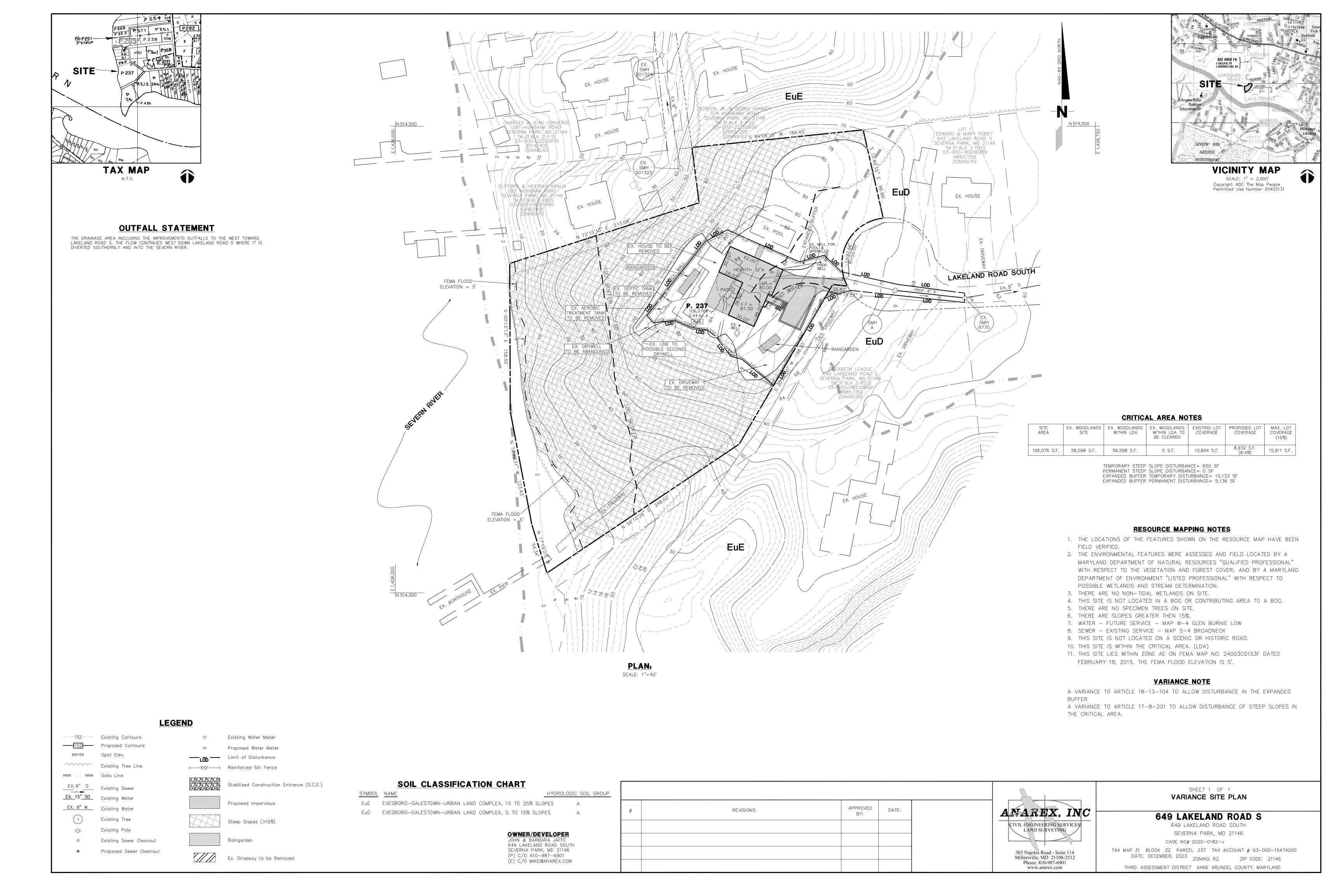
The granting of the variance will not reduce forest cover in the LDA and will not be contrary to acceptable clearing and replanting practices as this plan does not remove any trees in the critical area.

The granting of this variance will not be detrimental to the welfare of the public because the improvements will not impact neighboring lots or any public right-of-ways

If you have any questions or need any additional information, please feel free to contact me at your convenience.

Sincerely,

Michael J. Werner, 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: June 11, 2020		
Tax Map #	Parcel #	Block #	Lot #	Section	FOR RESUBMITTAL ONLY Corrections		
0031	0237	N/A	N/A	N/A	Redesign No Change Non-Critical Area		
Tax ID: 03	3-000-15474200				*Complete Only Page 1 General Project Information		
Project Name	e (site name, su	bdivision nam	e, or other)	Highbank on	the Severn		
Project locati	on/Address	649 S Lakela	nd Rd	·			
City Severna	Park				Zip 21146		
Local case nu	mber			-			
Applicant:	Last name	Jaffe			First name John		
Company N/	'A						
Application 7	Гуре (check al	Il that apply):					
Building Perm Buffer Manag Conditional U Consistency F Disturbance > Grading Perm	gement Plan Use Report • 5,000 sq ft			Variance Rezoning Site Plan Special Except Subdivision Other	[X] [D] [ion		
Local Jurisdi	iction Contact	Information	}				
Last name				First name			
Phone #			Respoi		ission Required By		
Fax #				Hearing date			

SPECIFIC PROJECT INFORMATION

Describe Proposed use	of project	site:				
Ton construct a garage on	an existin	g unwood	led area.			
Yes Intra-Family Transfer Grandfathered Lot				Growth Allocation [Buffer Exemption Area [
Project Type (check al	l that app	oly)			_	
Commercial Consistency Report Industrial Institutional Mixed Use Other				Recreational Redevelopment Residential Shore Erosion Contro Water-Dependent Fac		
SITE INVENTORY (I	Enter acre	es or squ	ıare feet)		Acres	Sq Ft
	Acre	es	Sq Ft	Total Disturbed Area	0.64	27,745
IDA Area					0.04	21,143
LDA Area	2.44		106,076			
RCA Area				# of Lots Created 0		
Total Area	2.44		106,076			
				•		
			G . F.:		A	C - E4
		Acre			Acres	Sq Ft
Existing Forest/Woodland		1.30 56,598		Existing Lot Coverage	0.24	10,604
Created Forest/Woodland/		0 0		New Lot Coverage	0.02	800
Removed Forest/Woodland/Trees		0	0	Removed Lot Coverage	0	0
				Total Lot Coverage	0.26	11,404
VARIANCE INFORM	IATION (-, -	0.00	Agras	So Et
D CC Divi		Acres		Buffer Forest Clearing	Acres	Sq Ft
Buffer Disturbance		0.04	1,607		0	0 TDD
Non-Buffer Disturbance		0.01	439	Mitigation	TBD	TBD
Variance Type Buffer Forest Clearing HPA Impact Lot Coverage Expanded Buffer Nontidal Wetlands Setback Steep Slopes Other			B D D G G P:	Structure cc. Structure Addition arn eck welling welling Addition arage azebo atio Pool hed		
				ther		

Revised 12/14/2006

Chesapeake Bay Critical Area Report

649 Lakeland Rd South Tax Map:31 Grid:22 Parcel:237 Edgewater, MD

December 2020

Prepared for:

Mr. John Jaffe 649 Lakeland Road South Severna Park, MD 21146

Prepared by:

Holly Oak Consulting, LLC 303 Sycamore Rd Severna Park, MD 21146 khaines@hollyoakconsulting.com



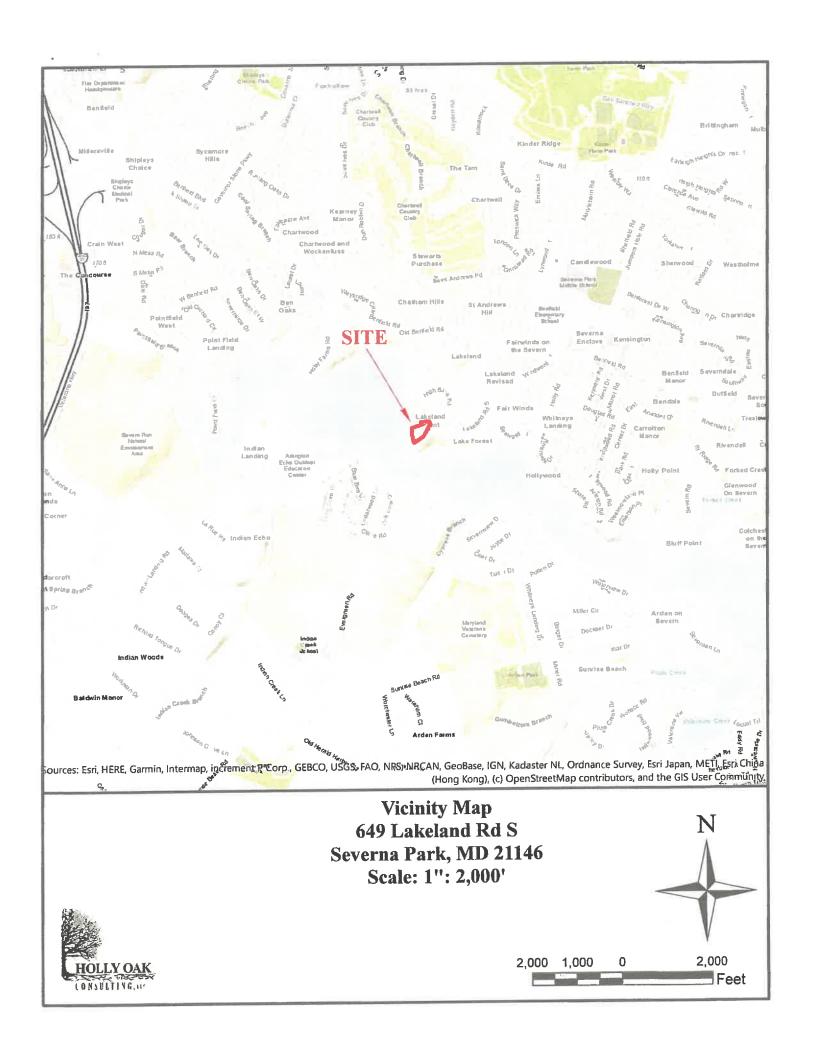


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1.0 - INTRODUCTION

The subject property is located at 649 Lakeland Road South in Severna Park, Maryland. The property is identified on Tax Map 31, Grid 22, Parcel 237. The site is zoned R2 per the Anne Arundel County Zoning Map. Field work for this report was completed on November 10, 2020 by Kevin C. Haines of Holly Oak Consulting, LLC.

2.0 – EXISTING CONDITIONS

The site contains 2.44 acres all of which is within the Chesapeake Bay Critical Area. More specifically the site is mapped within the Limited Development Area (LDA). The site falls from east to west towards the Severn River. A large portion of the site is forested, 1.30 acres (56,598 sq. ft.). The remainder of the site is encumbered with a residence, driveway, yard and associated amenities.

The site is bordered to the north and south by residences, to the east by Lakeland Road, and to the west by the Severn River.

The United States Department of Agriculture Natural Resources Conservation Service has mapped the soils throughout Anne Arundel County and makes the mapped soils and descriptions available online through the Web Soil Survey. The data that was retrieved on November 9, 2020 and showed two (2) soil types exist in the study area. The soil type and description can be found below. A copy of the soil mapping can be found in *Appendix A*.

Map Unit Symbol	Map Unit Name	Hydric (%)	K-Factor (Whole Soil)
EuD	Evesboro-Galestown-Urban land complex, 5-15% slopes	0	0.05
EuE	Evesboro-Galestown-Urban land complex, 15-25% slopes	0	0.05

3.0 - AERIAL IMAGERY REVIEW & SITE HISTORY

This site is in Severna Park, MD a suburb of the greater Baltimore and Annapolis areas. The surrounding area was largely used as a summering location from the 1920s through the 1950s when the surrounding areas began to become developed with residential subdivisions. Several farms were also located nearby, some utilized the waters of the Severn River to send goods to market in Annapolis and Baltimore. A copy of the USGS Topographical map can be found in *Appendix A*.

Per aerial photos from 1970-2020 the site has remained in a similar vegetative state. Aerial images are available upon request.

4.0 - PROPOSED CONDITIONS

The applicant proposes to construct a new garage in the non-forested portion of the site. The new garage will require very little in the way of expansion of the existing driveway, if at all.

Forest clearing will not be required for the construction of the house, driveway, or private utilities. Buffer disturbance, discussed below, will be mitigated at a rate of 1:1 for temporary disturbance and 3:1 for permanent disturbances that require a variance. Mitigation will be provided first on-site, then through a mitigation bank, and/or if needed by way of a fee-in-lieu. Currently there is 10,604 sq. ft. (10.0%) of lot coverage present and the project proposes an addition of total of 800 sq. ft. for a total lot coverage of 11,404 sq. ft. (10.8%) of lot coverage. The entirety of the proposed lot coverage is attributable to the garage.

Stormwater management will comply with ESD as required during the building and/or grading permit review. Currently it is anticipated that SWM compliance with ESD will not be required and no SWM facilities are proposed. The project will require an approved standard grading plan which will incorporate the required sediment controls (i.e. reinforced silt fence, stabilized constriction entrances, etc..).

5.0 – HABITAT PROTECTION AREAS

State and County Critical Area Law identifies certain areas of high environmental value as Habitat Protection Areas (HPA's). Below is a discussion of HPA's existing within the subject site.

5.1 - Steep Slopes

Anne Arundel County designates steep slopes within the Critical Area as a slope of 15% or greater that is at least 6' high. The western portion of the site that abuts Warehouse Creek is largely encumbered with steep slopes. The project does not propose to disturb the steep slopes, but it does propose to permanently disturb 736 sq. ft. and temporarily disturb 872 sq. ft. of the expanded buffer to steep slopes.

5.2 - Rare, Threatened & Endangered Species

A request for Environmental Review was submitted to the Maryland Department of Natural Resources Wildlife and Heritage Services on November 11, 2020 and a response is forthcoming. Per initial research of DNR records there do not appears to be records of RTEs within or adjacent to the boundary of this site. RTEs were not noted during the field visits to this site. The site does not lie within mapped FIDS habitat per MDDNR's MERLIN Online GIS Database. The on-site forest is mapped as Forest Interior Dwelling Species (FIDS) habitat.

5.3 - Wetlands, Streams, & 100-Year Floodplain

The site does not contain tidal wetlands, non-tidal wetlands, or streams per the field observations. Furthermore, both the USFWS National Wetland Inventory ($\underline{Appendix A}$) and MD DNR Wetland Inventory do not indicate the presence of wetlands or streams within the boundary of the site.

The site is located within the Severn River Watershed (MD 02131002 8-digit).

The majority of the site lies within Zone X (areas of minimal flood hazard) and a small portion along the Severn river lies within Zone AE (BFE – 5'), per FEMA Flood Insurance Rate Maps #24003C0153F(eff. 2/18/15) as shown in <u>Appendix A</u>.

5.4 -Buffer and Expanded Buffer

The site contains a 100' Buffer that extends into the property from the mean high-water line of the Severn River. The 100' buffer is expanded to include steep slopes and all areas within 50' of the top of the steep slopes. The buffer and expanded buffer encompass a large portion of the site. In total 1,608 sq. ft. of the expanded buffer will be disturbed. The disturbance to the buffer is divided between 736 sq. ft. of permanent disturbance and 876 sq. ft. of temporary disturbance.

5.5 - Other HPAs Not Contained within Study Area

Several HPAs are not mapped within or adjacent to the study area. MDDNR's MERLIN online mapping database was reviewed and showed that the following HPA's are not located within or near the study area: Submerged aquatic vegetation, shellfish beds, historical waterfowl staging and concentration areas, sensitive species project review areas, and natural heritage areas.

6.0 - EXISTING VEGETATION & WILDLIFE

Much of the vegetation on-site is common for the shores of the Severn River. The underlying soils are characterized by sandstone outcrops and boulders, with sandy soils running throughout. The vegetation is largely comprised of a southern red oak (*Quercus falcata*), chestnut oak (*Quercus montana*), and black gum (*Nyssa sylvatica*) canopy. Common shrubs include mountain laurel (*Kalmia latifolia*) and American holly (*Ilex opaca*). The understory is dominated by American holly.

The unforested portions of the site are vegetated with lawn and landscape beds typical of a residential use.

The forested areas provide a buffer to the adjacent waterways and is in generally good condition.

References

Brown, R.G. and M.L. Brown. 1972. Woody Plants of Maryland. Port City Press, Baltimore, Maryland.

Eyre, F. H. (1980). Forest cover types of the United States and Canada. Washington, D.C. (5400 Grosvenor Lane, Washington, D.C. 20014): Society of American Foresters.

Foell, Stephanie (2004). McLean Property, Maryland Historical Trust Determination of Eligibility Form. Baltimore, MD: Maryland Historical Trust.

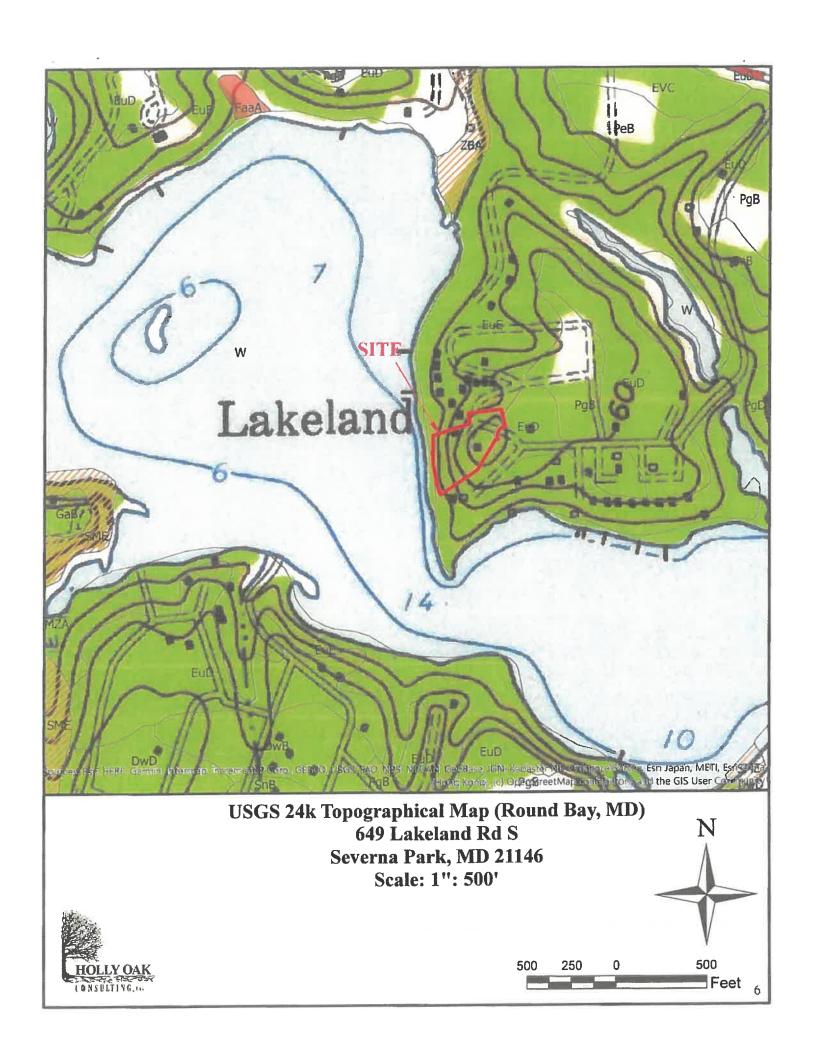
Jones, Claudia, McCann, Jim, & McConville, Susan. (2001). A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area.

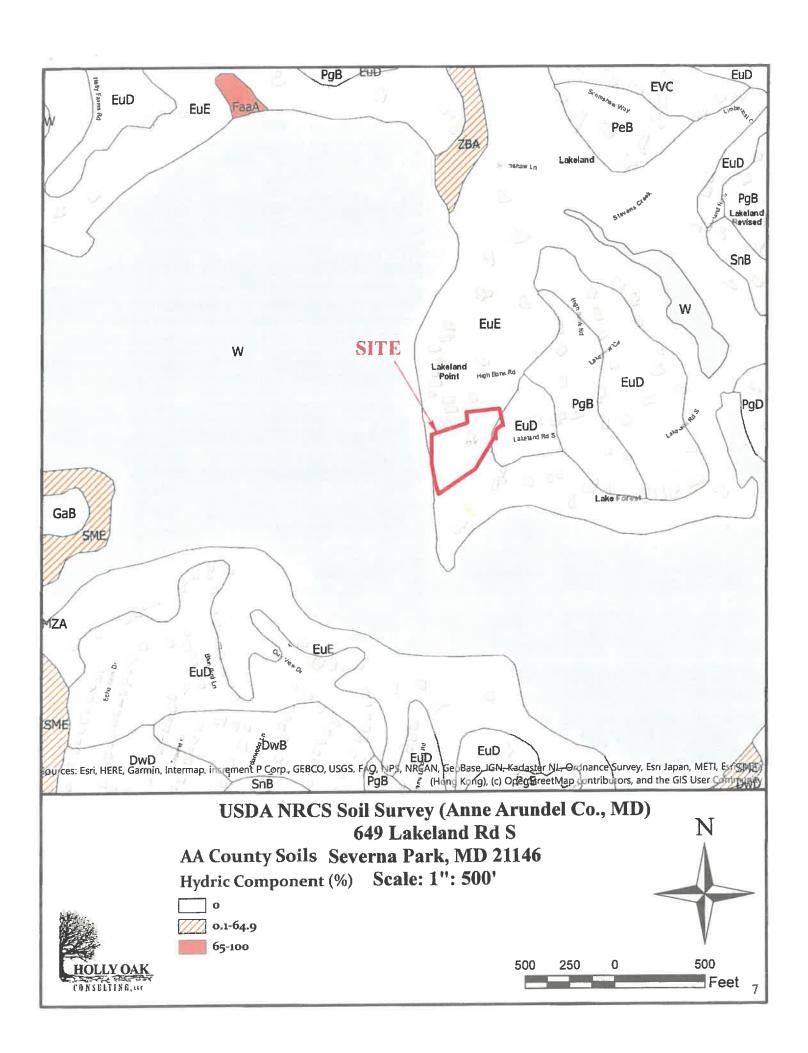
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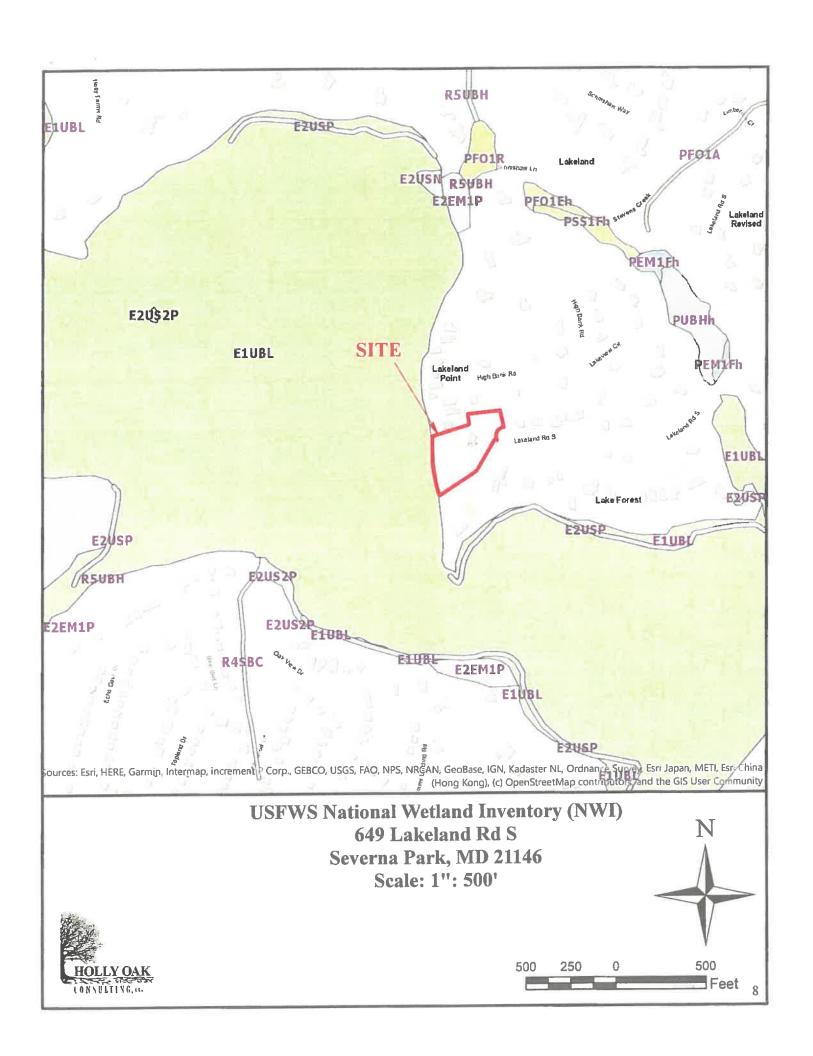
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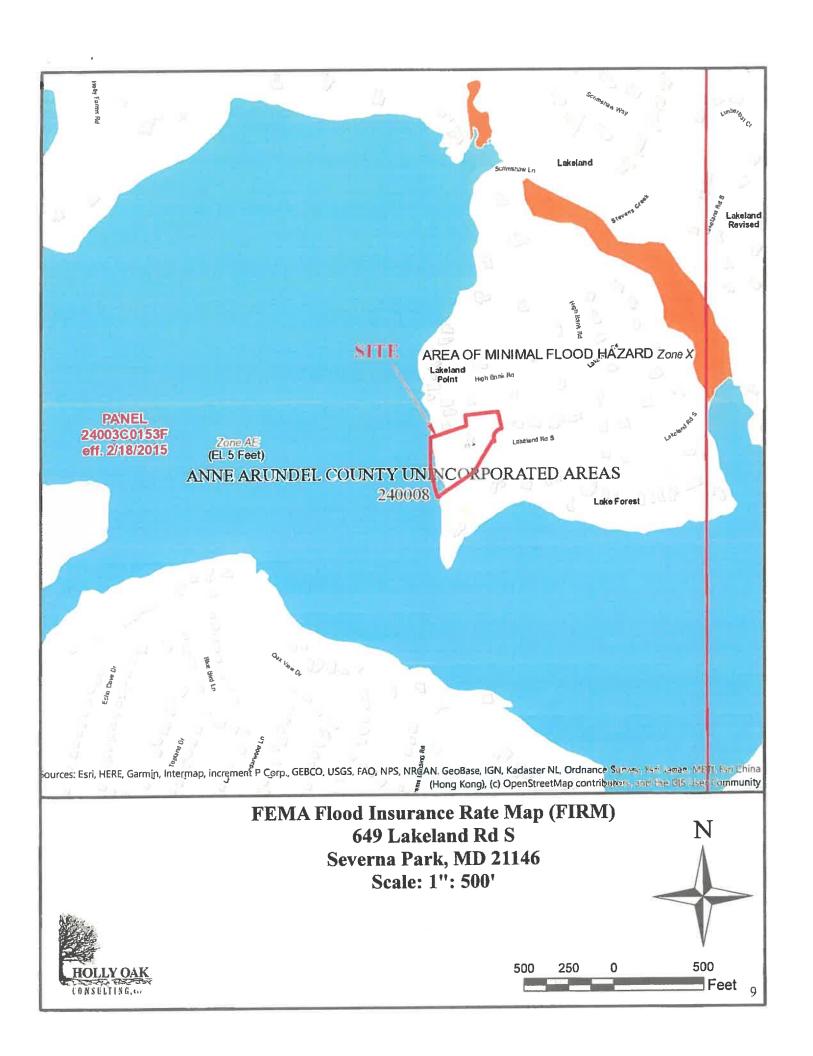
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Appendix A:
Preliminary Mapping











OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2023-0070-P

DATE:

01/17/2024

OPZ STAFF: Joan A. Jenkins

Kelly Krinetz

Rahgu Badami (I&P)

APPLICANT/REPRESENTATIVE: Mike Werner/Barbara Jaffe

EMAIL: Mike@Anarex.com

SITE LOCATION: 649 Lakeland Rd S, Severna Park

LOT SIZE: 2.46 acres

ZONING: R2

CA DESIGNATION: LDA

BMA: part or BUFFER: part exp APPLICATION TYPE: Variance

Description:

The applicant proposes to demolish the existing house and proposes to construct a new SFD further away from the steep slopes. Impervious coverage will decrease by approx 1,670 sf. The new SFD will connect to public sewer and the existing private septic will be abandoned.

Variance to allow disturbance within the expanded buffer and to allow disturbance to steep slopes.

COMMENTS

1 & P Engineering:

- 1. Site plan does not [show] SWM proposed. It is not clear how code requirements would be addressed.
- 2.As a part of the Environmental site Design, it shall be verified that site design includes protecting natural resources.
- 3. Suitability, siting of proposed SWM practices should be reviewed.
- 4. The design should evaluate and implement site planning alternatives in accordance with 18-16-201, including reducing, alternate layout

Critical Area Team:

No objection as the proposed improvements reduce the amount of coverage in the buffer and provide additional buffer to the steep slopes.

Zoning Administration Section:

Site plan:

Add the height of the new dwelling, in feet, to the site plan in the location of the house.

Add calculations for (temporary or permanent disturbance on steep slopes and disturbance within the expanded buffer.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must meet ALL of the variance standards provided under Section 18-16-305 of the Zoning Code, which includes the requirement that the variance must be the minimum necessary to afford relief.

The Letter of Explanation for your variance submission should demonstrate that you meet all of those standards.

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.

2023-0019-P page 2

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.