

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Philip W. Evans, Jr.

ASSESSMENT DISTRICT: 1st

CASE NUMBER: 2024-0089-V

COUNCILMANIC DISTRICT: 7th

HEARING DATE: August 13, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow a dwelling addition (replacement deck) with less setbacks and buffer than required on property located at 306 Elm Street in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 10,050 square feet of land and is located with 67.5 feet of frontage on the east side of Elm Street, approximately 140 feet north of Grande View Avenue. It is identified as Lots 27 & 28 of Parcel 241 in Grid 11 on Tax Map 65 in the subdivision of Beverley Beach.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 7, effective October 7, 2011.

The lot is not waterfront, but it is located entirely within the Chesapeake Bay Critical Area overlay and is designated as IDA - Intensely Developed Area. The Beverley Beach stream runs along the northern lot line. The property is currently improved with a single-family detached dwelling and associated facilities, including a rear deck that is the subject of this variance.

PROPOSAL

The applicant intends to replace in-kind an existing two-part deck (12' by 18' and 16' by 22') with a total deck area of 568 square feet.

REQUESTED VARIANCES

§ 18-13-104(a) of the Anne Arundel County Zoning Ordinance requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. Section 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The entire deck is located within the buffer to the Beverley Beach stream, necessitating a variance to disturb the deck area plus an approximate 10-foot Limit of Disturbance (LOD) around the deck required for access during construction. If approved, the actual amount of disturbance would be determined at the time of permitting.

A review of the bulk regulations for development within an R5 District reveals that a zoning setback variance is not required.

FINDINGS

The subject property is rectangular in shape and exceeds the minimum 7,000 square foot area and minimum 60-foot width required for a lot in an R5 District. The existing critical area lot coverage is just shy of 3,100 square feet, and no additional lot coverage is proposed with this project.

The County 2024 aerial photograph shows that there are eight other nearby dwellings that are all or partially located within the 100-foot buffer to the Beverley Beach stream. The applicant's letter explains that the deck was constructed by the previous owner under an approved building permit (#B02238567, issued on May 17, 2007) and that the deck has fallen into disrepair and is in need of replacement.

The **Department of Health** has reviewed the well water supply system for the subject property and has determined that the request would not adversely affect this system. Therefore, the Department has no objection to the proposed variance.

The **Critical Area Commission** took no position on the variance request, but commented that appropriate mitigation is required.

The **Development Division (Critical Area Team)** has no objection to an in-kind replacement.

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. In this particular case, the property is a legal residential lot that is located entirely within the 100-foot stream buffer, and it is impossible to replace the failing deck without buffer disturbance. As such, a literal interpretation of the County's Critical Area Program would deprive the applicant of rights that are commonly enjoyed by other properties in similar areas by preventing much-needed repairs of the outdoor amenity area.

The granting of a critical area variance would not confer on the applicant a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. With proper mitigation, the variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicant has overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and has evaluated site planning alternatives.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood or substantially impair the appropriate use or development of the adjacent properties. The variances would not reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. The applicant is not proposing any increase to the existing deck area, and there is no way to replace the deteriorating deck without buffer disturbance. As such, the proposal is considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **approval** of the proposed Critical Area variance.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

LOCATION DRAWING

BEVERLY BEACH

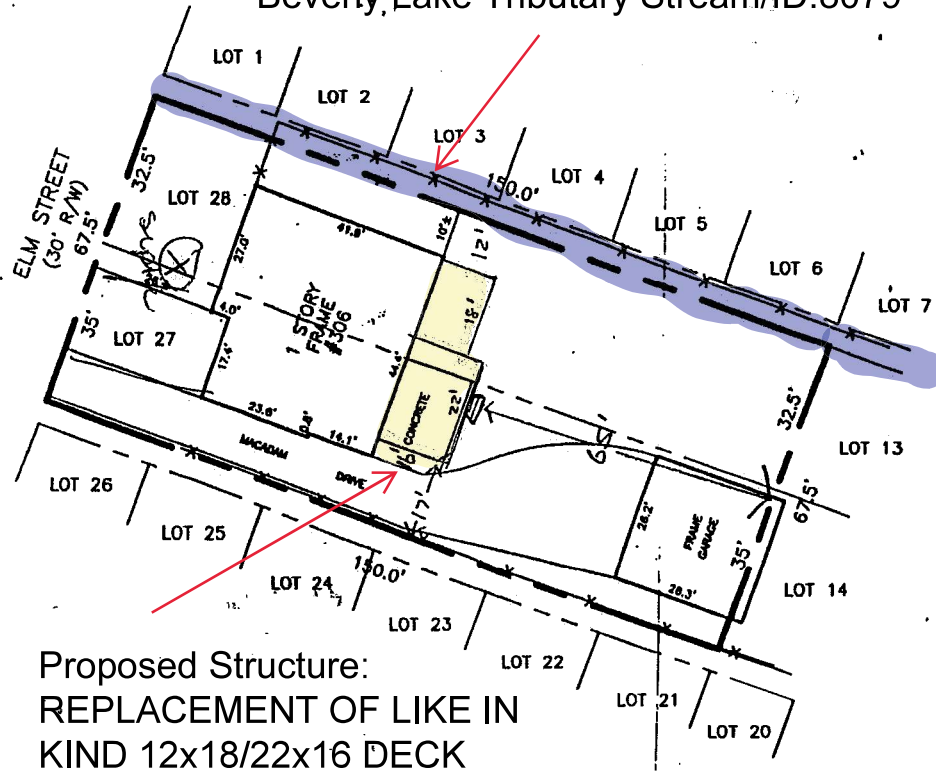
LOTS 27 & 28, BLOCK 'O'

ELECTION (1st.) DISTRICT

ANNE ARUNDEL COUNTY, MARYLAND

NORTH

Beverly Lake Tributary Stream/ID:8079



Proposed Structure:
REPLACEMENT OF LIKE IN
KIND 12x18/22x16 DECK

THE PROPERTY SHOWN HEREON, LIES WITHIN THE ZONE A-B, AREAS OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED, AND ALSO ZONE 'B', AREAS BETWEEN LIMITS OF THE 100-YEAR FLOOD AND 500-YEAR FLOOD; OF CERTAIN AREAS SUBJECT TO 100-YEAR FLOODING WITH AVERAGE DEPTHS LESS THAN ONE (1) FOOT OR WHERE THE CONTRIBUTING DRAINAGE AREA IS LESS THAN ONE SQUARE MILE; OR AREAS PROTECTED BY LEVEES FROM THE BASE FLOOD, ACCORDING TO NATIONAL FLOOD INSURANCE PROGRAM F.I.R.M. MAP COMMUNITY PANEL NUMBER 240008-0048 C, 05/02/1983.

PROPERTY ADDRESS: 306 ELM STREET

I HEREBY DECLARE THAT THE POSITION OF ALL THE VISIBLE EXISTING IMPROVEMENTS SHOWN ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN ESTABLISHED BY PROPER FIELD METHODS AND NO TITLE REPORT HAS BEEN OBTAINED. SUBJECT TO ANY AND ALL RESTRICTIONS AND EASEMENTS OF RECORD.

REFERENCES

PLAT BK. 11
FOLIO 15
PLAT No. 627

LIBER
FOLIO

ALL COUNTY
LOCATION SURVEYS, INC.

2613 PATENT/ RIVER ROAD, DAVENPORT, MD. 21035
PHONE (410) 798-9701 FAX (410) 798-9705

DATES:

SCALE: 1"= 30'

WALL CHECK:

DRAWN BY: RDF

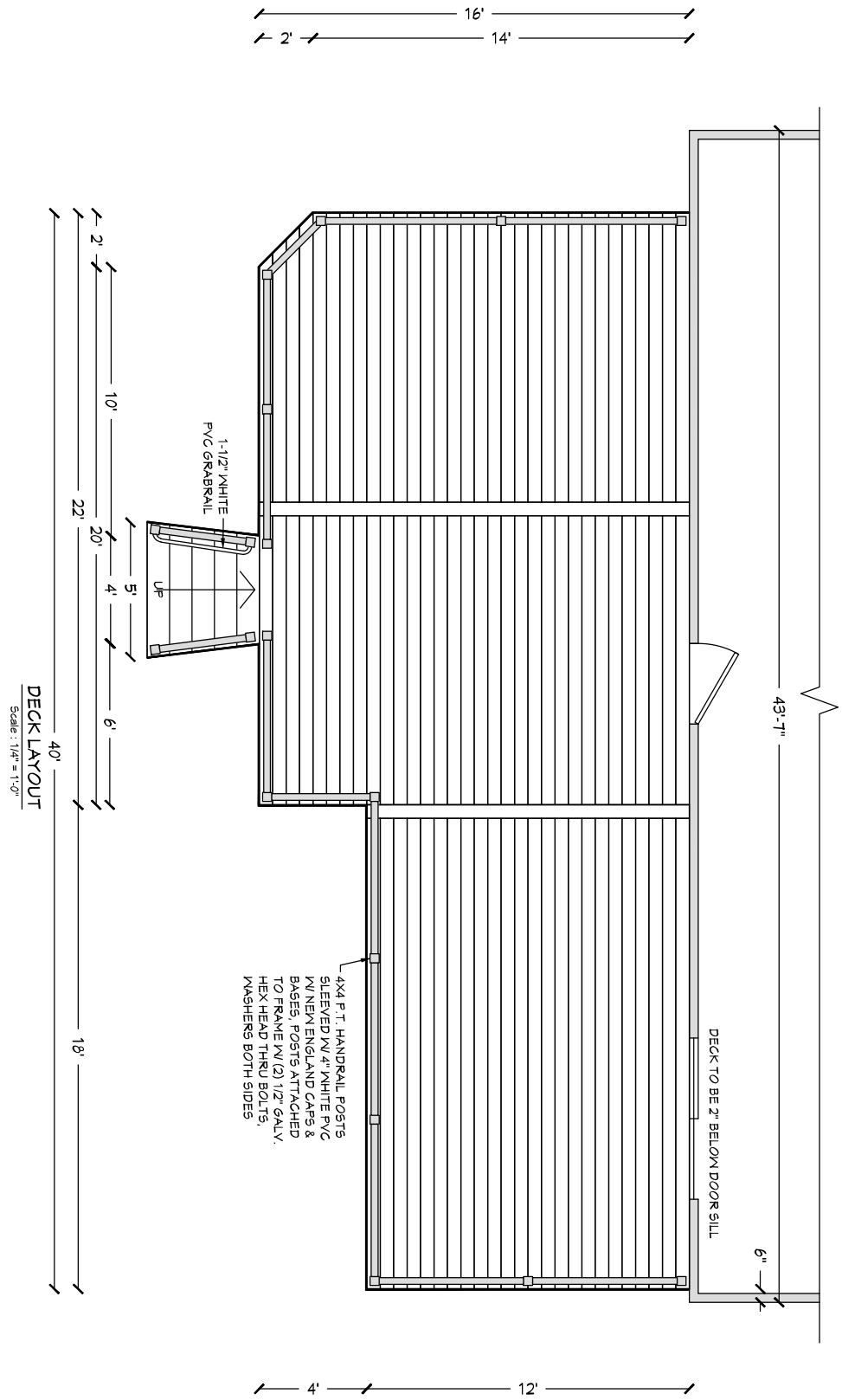
HSE. LOC.: 02/27/05

JOB NO.: 0361-05

BOUNDARY:

- NOTES: 1) This location drawing is of benefit to a consumer only in so far as it is required by a lender, or a title insurance company or its agent in connection with contemplated transfer, financing or refinancing.
2) This location drawing is not to be used for the building of fences or other improvements. No boundary survey has been performed.
3) This location drawing is not to be relied upon for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or securing financing or refinancing.
4) B.R.L. information, if shown was obtained from existing record plat or was provided to ACLS, and is not guaranteed by ACLS, Inc.
5) Flood Zone information is subject to the interpretation of the originator.
6) Adjoiner deed research has not been undertaken with the Location Drawing.
7) ACLS, Inc. does not certify to unknown or unrecorded encroachments or overlaps.
8) Level of accuracy 5'±.

NO REPRODUCTION WITHOUT EXPRESSED

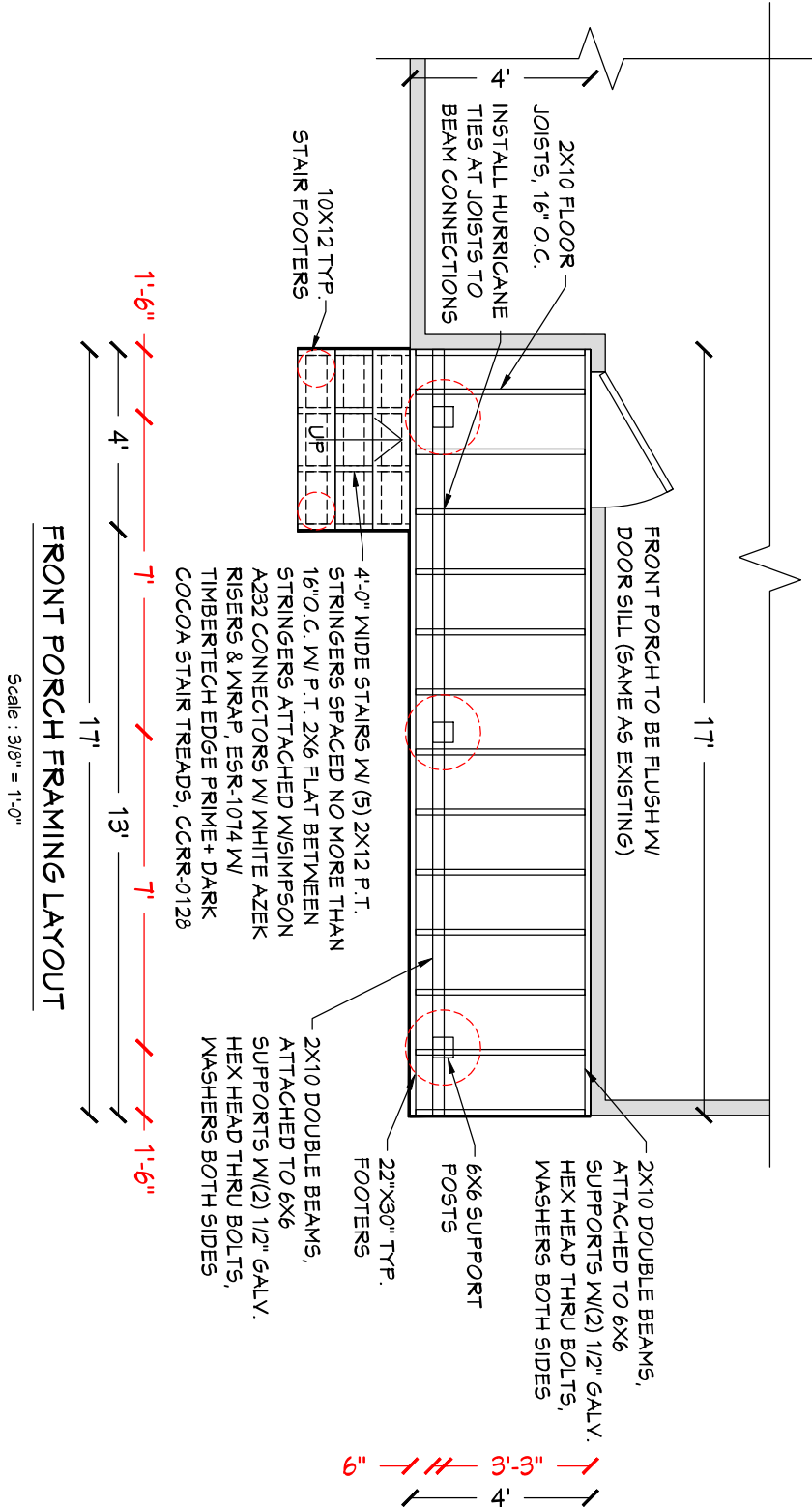


SHEET INDEX	
1	FRAMING
2	DECK
3	FR. FRAMING
4	FR. FR. DECK
5	FR. FR. DECK
6	FR. FR. DECK
7	RT. ELEVATION
8	FR. FR. FT. ELEV.
9	FR. FR. FT. ELEV.
10	BACKING DETAILS
11	CAD DETAILS

PROJECT DESCRIPTION:
Evans Deck Layout
Warren Evans
306 Elm Street,
Edgewater, MD 21037

DRAWINGS PROVIDED BY:
Fence & Deck Connection, Inc.
8057 Veterans Highway
Millersville, MD, 21108
410-969-4444
www.fencedeckconnection.com

DATE:	03/01/2023
SCALE:	PER PLAN
SHEET:	A-2

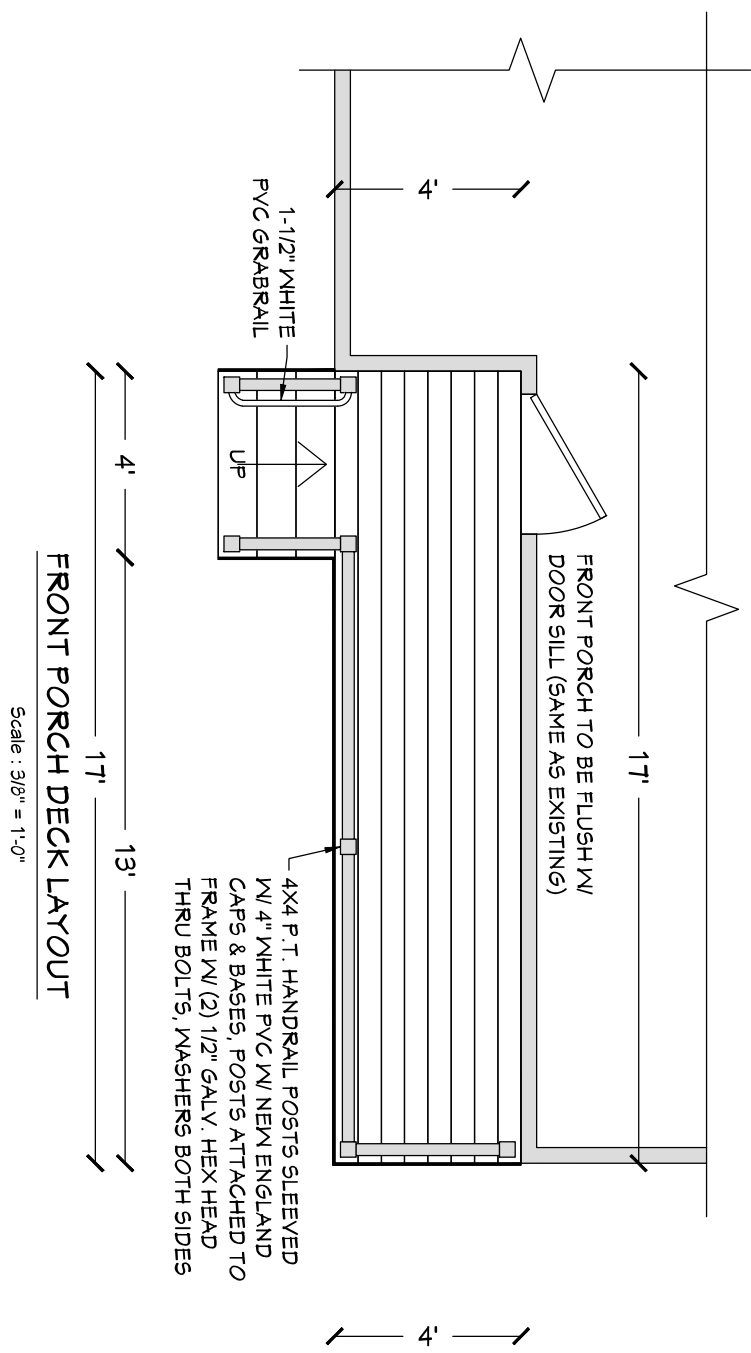


SHEET INDEX	
1	FRAMING
2	DECK
3	FR. FR. FRAMING
4	FR. FR. DECK
5	FR. ELEVATION
6	FR. ELEVATION
7	RT. ELEVATION
8	FR. PR. FT. ELEV.
9	FR. PR. FT. ELEV.
10	BRACKING DETAILS
11	CAD DETAILS

PROJECT DESCRIPTION:
 Evans Deck Layout
 Warren Evans
 306 Elm Street,
 Edgewater, MD 21037

DRAWINGS PROVIDED BY:
 Fence & Deck Connection, Inc.
 8057 Veterans Highway
 Millersville, MD, 21108
 410-969-4444
www.fencedeckconnection.com

DATE:	03/01/2023
SCALE:	PER PLAN
SHEET:	A-3



SHEET INDEX	
1	FRAMING
2	DECK
3	FR. FRAMING
4	FR. FR. DECK
5	FR. ELEVATION
6	FR. ELEVATION
7	RT. ELEVATION
8	FR. PR. FT. ELEV.
9	FR. PR. FT. ELEV.
10	BRACING DETAILS
11	CAD DETAILS

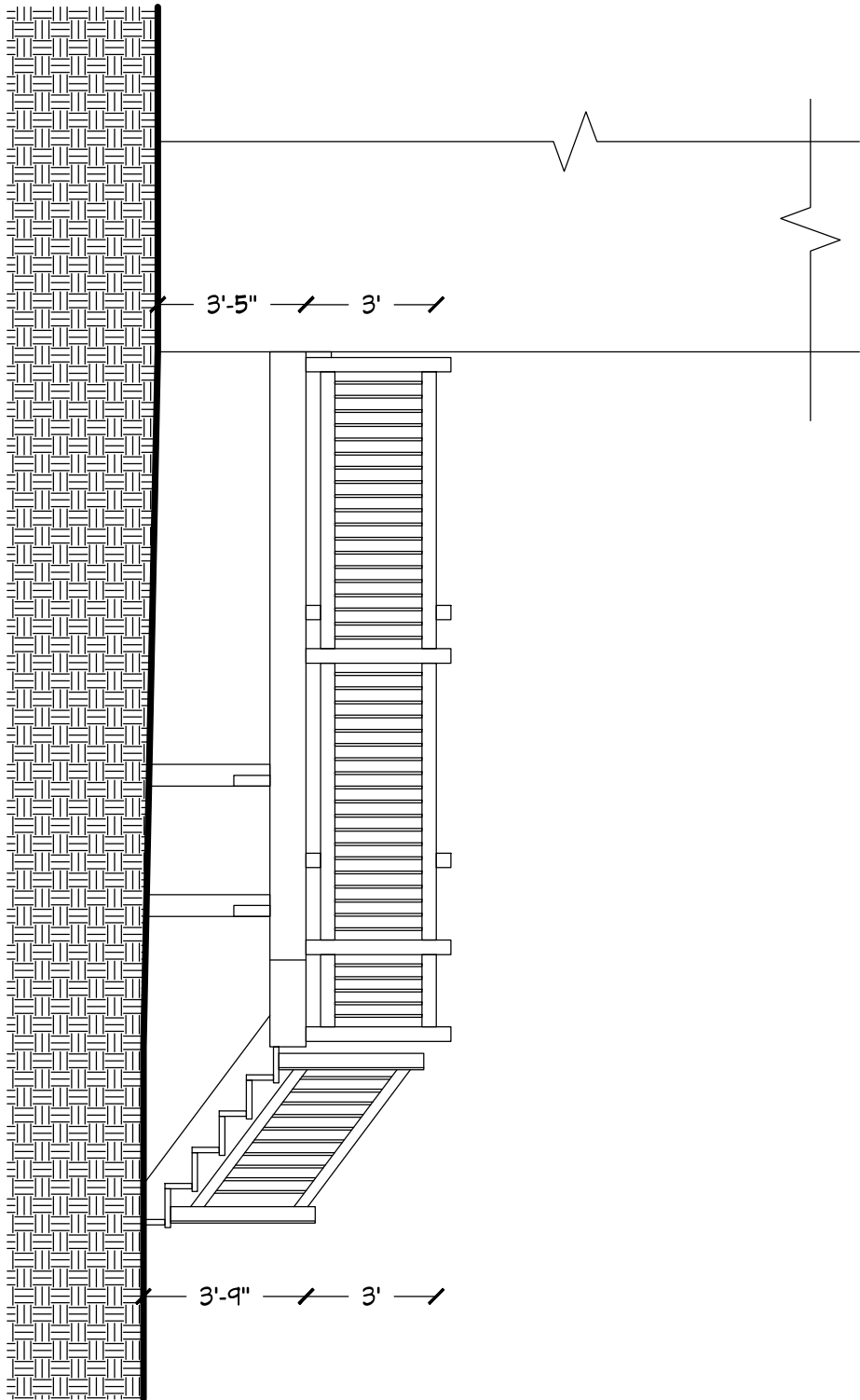
PROJECT DESCRIPTION:

Evans Deck Layout
Warren Evans
306 Elm Street,
Edgewater, MD 21037

DRAWINGS PROVIDED BY:

Fence & Deck Connection, Inc.
8057 Veterans Highway
Millersville, MD, 21108
410-969-4444
www.fencedeckconnection.com

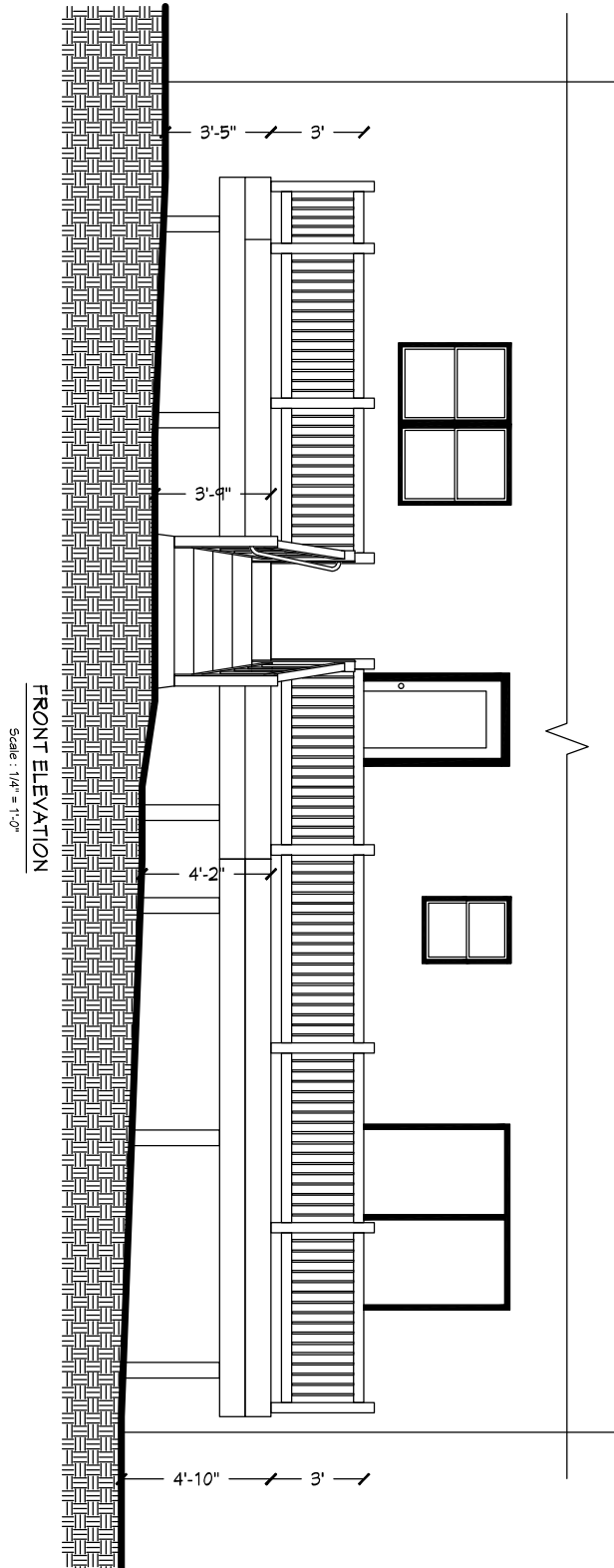
DATE:	03/01/2023
SCALE:	PER PLAN
SHEET:	A-4



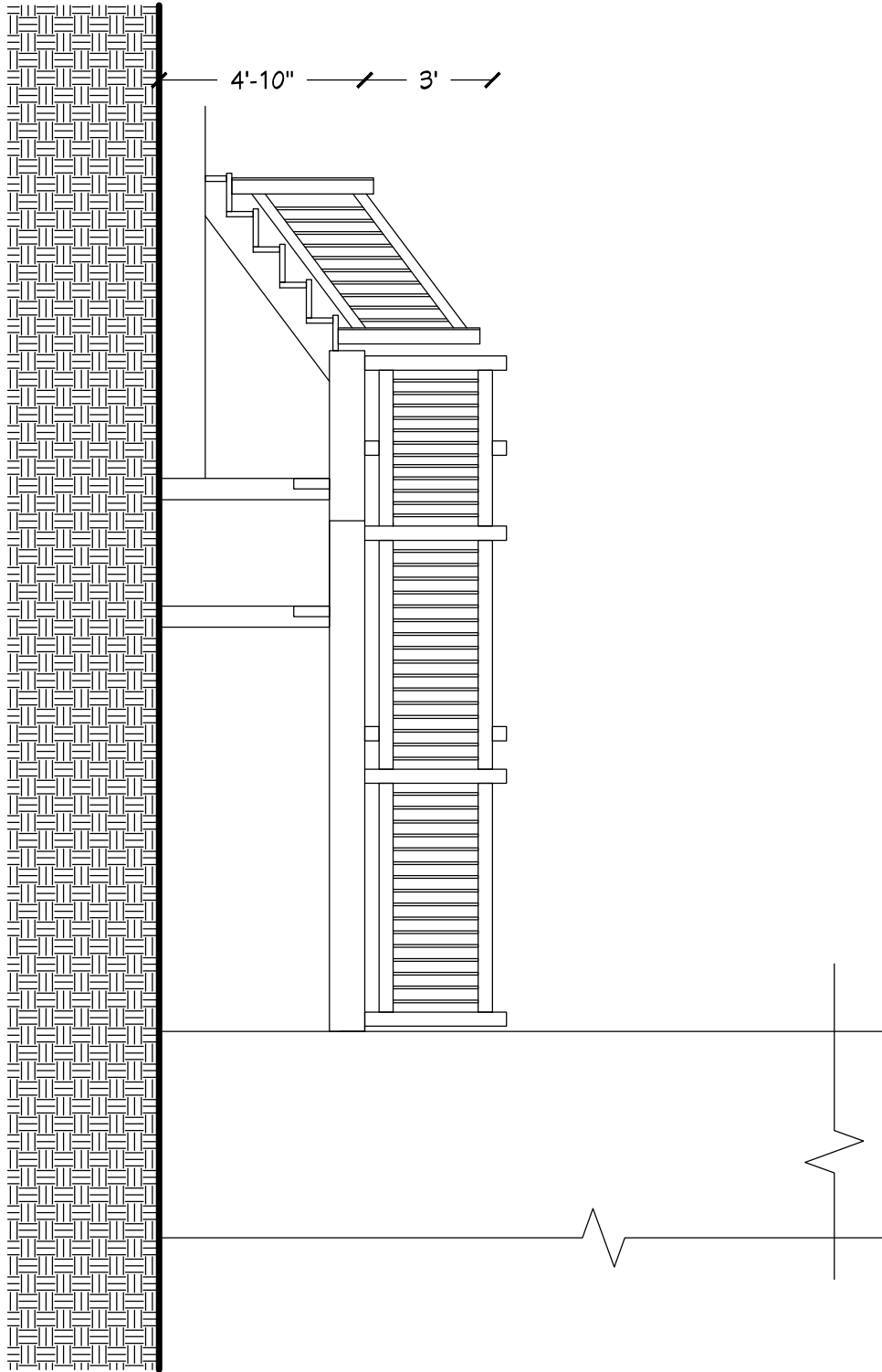
LEFT ELEVATION

Scale : 3/8" = 1'-0"

<p>SHEET INDEX</p> <ul style="list-style-type: none">1 FRAMING2 DECK3 FR FR FRAMING4 FR FR DECK5 FR FR DECK6 FR FR DECK7 RT ELEVATION8 FR FR RT ELEV9 FR FR RT ELEV10 BRACKING DETAILS11 CAD DETAILS	<p>PROJECT DESCRIPTION:</p> <p>Evans Deck Layout Warren Evans 306 Elm Street, Edgewater, MD 21037</p>	<p>DRAWINGS PROVIDED BY:</p> <p>Fence & Deck Connection, Inc. 8057 Veterans Highway Millersville, MD, 21108 410-969-4444 www.fencedeckconnection.com</p>	<p>DATE: 03/01/2023</p> <p>SCALE: PER PLAN</p> <p>SHEET: A-5</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------



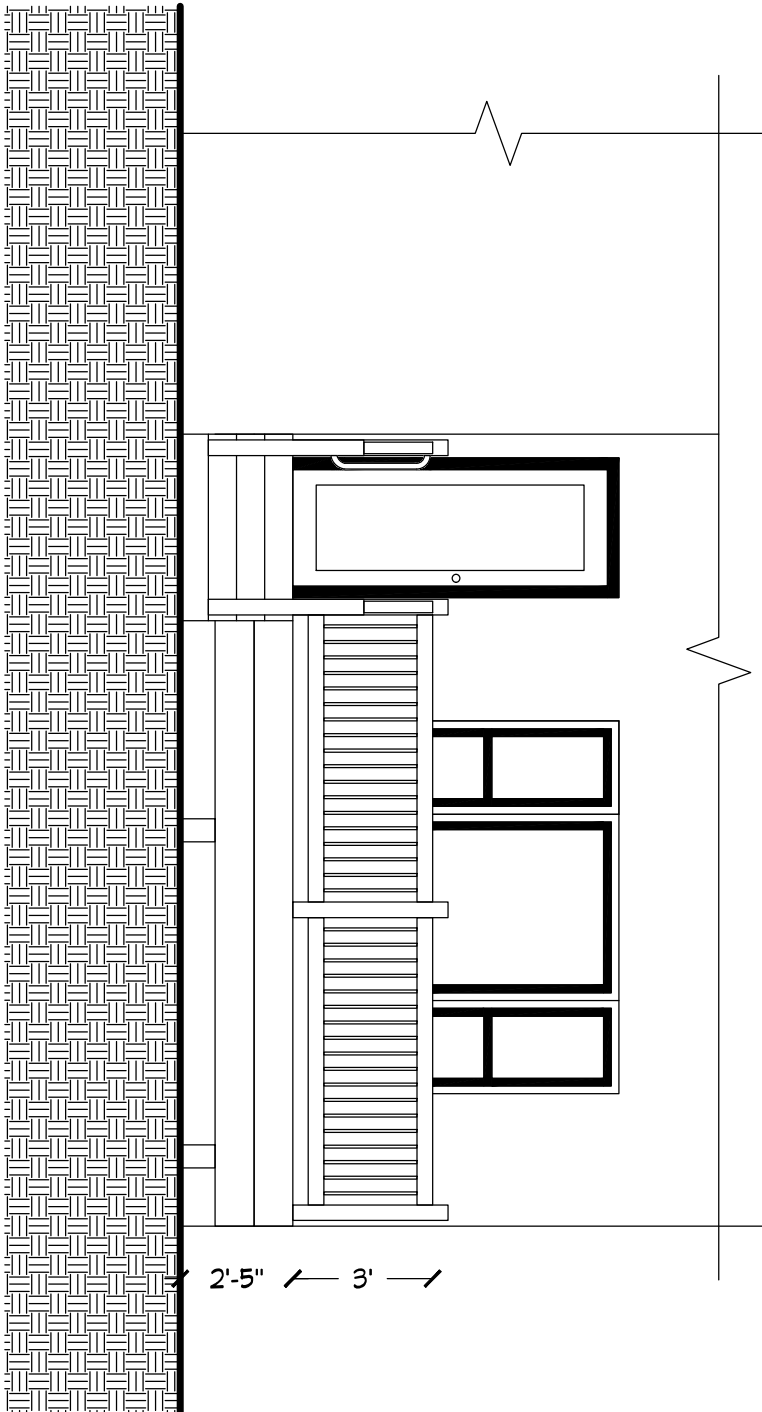
SHEET: A-6	PER PLAN	SCALE:	DATE: 03/01/2023	DRAWINGS PROVIDED BY: Fence & Deck Connection, Inc. 8057 Veterans Highway Millersville, MD, 21108 410-969-4444 www.fencedeckconnection.com	PROJECT DESCRIPTION: Evans Deck Layout Warren Evans 306 Elm Street, Edgewater, MD 21037	SHEET INDEX 1 FRAMING 2 DECK 3 FR. FR. FRAMING 4 FR. FR. DECK 5 FR. FR. DECK 6 FT. ELEVATION 7 RT. ELEVATION 8 FR. FR. FT. ELEV. 9 FR. FR. RT. ELEV. 10 BRACKING DETAILS 11 CAD DETAILS
---------------	----------	--------	---------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



RIGHT ELEVATION

Scale : 3/8" = 1'-0"

<p>SHEET INDEX</p> <ul style="list-style-type: none">1 FRAMING2 DECK3 FR FR FRAMING4 FR FR DECK5 FR FR DECK6 FT ELEVATION7 RT ELEVATION8 FR FR FT ELEV9 FR FR FT ELEV10 BRACKING DETAILS11 CAD DETAILS	<p>PROJECT DESCRIPTION:</p> <p>Evans Deck Layout Warren Evans 306 Elm Street, Edgewater, MD 21037</p>	<p>DRAWINGS PROVIDED BY:</p> <p>Fence & Deck Connection, Inc. 8057 Veterans Highway Millersville, MD, 21108 410-969-4444 www.fencedeckconnection.com</p>	<p>DATE:</p> <p>03/01/2023</p> <p>SCALE:</p> <p>PER PLAN</p> <p>SHEET:</p> <p>A-7</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------



FRONT PORCH FRONT ELEVATION

Scale : 3/8" = 1'-0"

2'-5" / 3' /

- SHEET INDEX
- 1 FRAMING
 - 2 DECK
 - 3 FR. FR. FRAMING
 - 4 FR. FR. DECK
 - 5 FR. FR. ELEVATION
 - 6 FT. ELEVATION
 - 7 RT. ELEVATION
 - 8 FR. PR. FT. ELEV.
 - 9 FR. PR. FT. ELEV.
 - 10 BRACKING DETAILS
 - 11 CAD DETAILS

PROJECT DESCRIPTION:

Evans Deck Layout
Warren Evans
306 Elm Street,
Edgewater, MD 21037

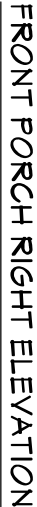
DRAWINGS PROVIDED BY:

Fence & Deck Connection, Inc.
8057 Veterans Highway
Millersville, MD, 21108
410-969-4444
www.fencedeckconnection.com

DATE:
03/01/2023

SCALE:
PER PLAN

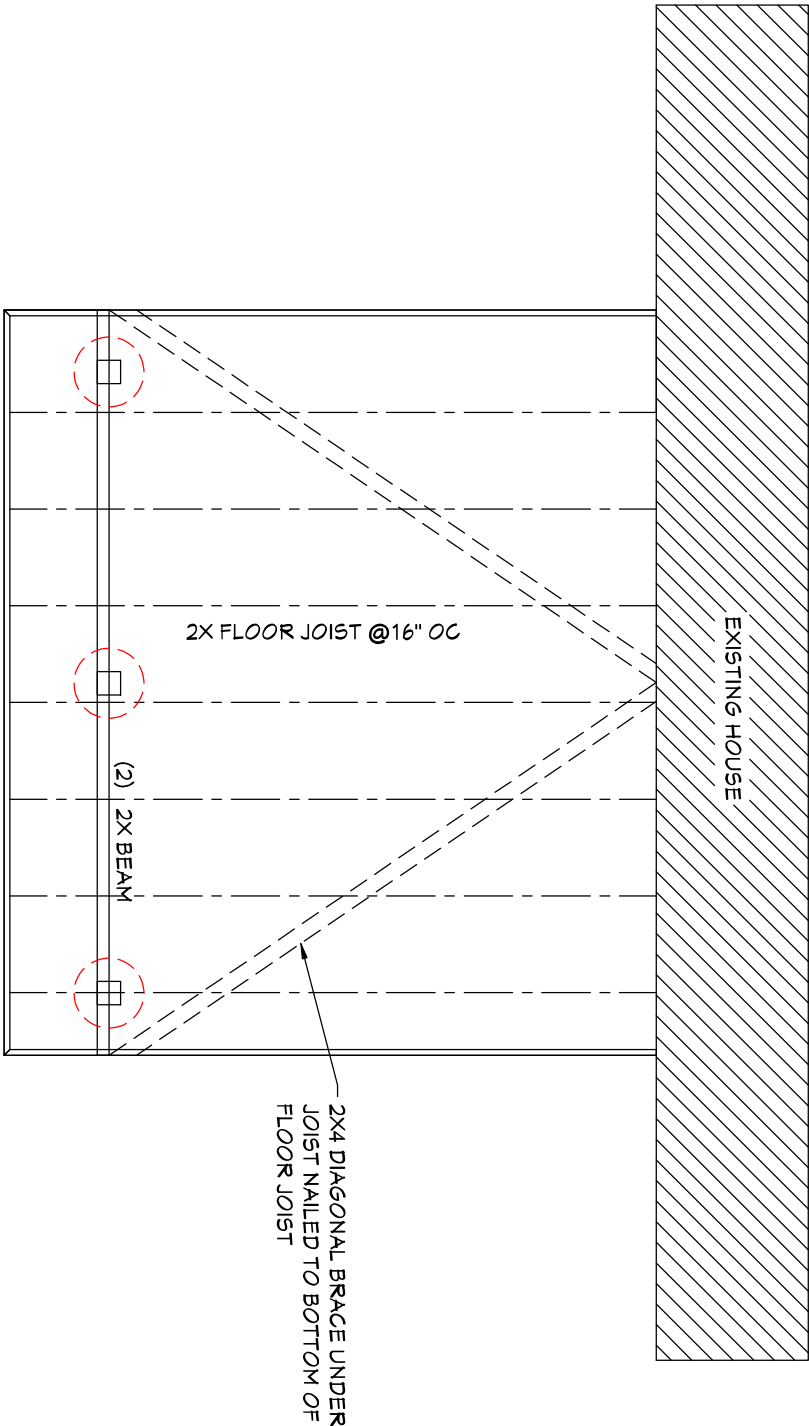
SHEET:
A-8



FRONT PORCH RIGHT ELEVATION

DATE:
03/01/2023
SCALE:
PER PLAN
SHEET:
A-9

BRACING DETAIL



SHEET INDEX	
1	FRAMING
2	DECK
3	FR. FR. FRAMING
4	FR. FR. DECK
5	FR. FR. DECK
6	FR. FR. DECK
7	RT. ELEVATION
8	FR. FR. FT. ELEV.
9	FR. FR. FT. ELEV.
10	BRACING DETAILS
11	CAD DETAILS

PROJECT DESCRIPTION:
Evans Deck Layout
Warren Evans
306 Elm Street,
Edgewater, MD 21037

DRAWINGS PROVIDED BY:
Fence & Deck Connection, Inc.
8057 Veterans Highway
Millersville, MD, 21108
410-969-4444
www.fencedeckconnection.com

DATE:	03/01/2023
SCALE:	PER PLAN
SHEET:	A-10



Matthew S. Evans, III Owner
Jonathon Scruggs Partner
Michael Von Sas Associate
Caterina Sorrento Associate
Jessica Chandler Paralegal
Geniya Seager-Gilliam Paralegal

113 Cathedral Street Annapolis, MD 21401
410.626.6009
msevenslaw.com

May 7, 2024

Via US Mail
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

Re: Variance Application
Requested Deviation from 100' Tributary Stream Buffer
Letter of Explanation

Sir or Madam,

My office has been retained to assist Mr. Philip W. Evans, Jr. with a request for a variance to the 100' Tributary Stream Buffer for the replacement of an in-kind, previously approved, existing deck structure. The subject property is located at 306 Elm Street, Edgewater, Maryland 21037, is located within an Intensely Developed Area of the Critical Area Map of Anne Arundel County. The requested deviation to the Tributary Stream Buffer is approximately twenty-two (22) feet+/- as the entirety of Mr. Evans lot sits within the stream buffer.

Specifically, the property herein referenced is identified as follows:

Lot 27 and Lot 28
.23 Acres/10,050 sq ft
306 Elm Street,
Edgewater, MD 21037
Tax Map: 65 Grid: 11 Lot: 27/28 Parcel: 241

LTS 27 28 SC 0
306 ELM ST
BEVERLEY BEACH

By way of background, there are three principal structures located on the property at 306 Elm St; a single-family home erected in 1956, a free-standing garage erected sometime between 1956-1960, and an attached 12x18/22x16 deck structure that was erected pursuant to building permit B02238567, issued May 17, 2007. At the time, a site plan was filed and accepted showing the deck structure in relation to the other structures on the property. Exhibit 1 is attached hereto. At the time of construction, the applicant (Susan Blais) was required by Anne Arundel County to enter into a reforestation agreement and file an appropriate

reforestation security. Exhibit 2 is attached hereto. The Reforestation was completed to the satisfaction of the County and the security was ultimately released. Exhibit 3 is attached hereto.

Mr. Philip W. Evans, Jr., purchased the property in the summer of 2013 where he has resided since. In the spring of 2023 Mr. Evans contacted Fence and Deck Connections to assist with the replacement of the deck structure as it had fallen into a state of disrepair. Mr. Evans engaged their services to erect an in-kind replacement of the deck as it currently exists.

During the process of obtaining a building permit, Fence and Deck Connection was informed that a variance to the 100' Tributary Stream Buffer would be required despite the deck being a replacement to a previously approved structure and not new construction. Mr. Evans now submits this request for a deviation from the critical area buffer (approximately twenty-two (22) feet+/-) in order to complete his anticipated project.

To support his application, Mr. Evans attaches to this letter of explanation a copy of the previously approved and accepted site plan (Exhibit 1), and a copy of the engineering plans for the erection of the deck (Exhibit 4).

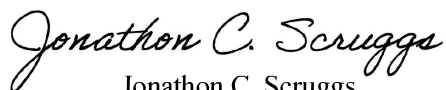
The proposed variance is in keeping with the overall nature of the community, does not impose any hardship or undue imposition on the surrounding properties, and is the least restrictive measure to allow for the Applicant to proceed with his proposed construction. Again, it is worth noting that Mr. Evans is replacing a previously approved structure with one that is functionally identical.

The applicant further asserts that without a variance as requested, an undue hardship will be imposed. Specifically, that Mr. Evans will not be permitted to replace or repair a structure on his home that is in dire need of care.

All relevant documents, including the application for a variance, the attendant site plan, the list of adjoining properties, and the deed to the subject property have been attached for your review and reference.

Please direct all correspondence regarding this matter directly to my office at my attention.

Sincerely,

A handwritten signature in black ink that reads "Jonathon C. Scruggs". The signature is written in a cursive, flowing style.

Jonathon C. Scruggs
Attorney at Law

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: May 1, 2024

Tax Map #	Parcel #	Block #	Lot #	Section
0065	0241	O	27	0

Tax ID:	0104605358900
---------	---------------

FOR RESUBMITTAL ONLY

Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other)	Philip W. Evans, Jr.
------------------------------------------------------	----------------------

Project location/Address	306 Elm Street
--------------------------	----------------

City	Edgewater	Zip	21037-4830
------	-----------	-----	------------

Local case number	B02238567
-------------------	-----------

Applicant: Last name	Evans, Jr.	First name	Philip
----------------------	------------	------------	--------

Company	
---------	--

Application Type (check all that apply):

Building Permit	<input checked="" 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 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:

Repair and replace in kind an existing deck structure constructed pursuant to building permit dated May 23, 2007 (B02238567)

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		10,050
LDA Area		
RCA Area		
Total Area		10,050

Total Disturbed Area

Acres	Sq Ft
	636

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		5000	Existing Lot Coverage		3099.46
Created Forest/Woodland/Trees		0.00	New Lot Coverage		3099.46
Removed Forest/Woodland/Trees		0.00	Removed Lot Coverage		0.00
			Total Lot Coverage		3099.46

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		636	Buffer Forest Clearing		0.00
Non-Buffer Disturbance		0.00	Mitigation		0.00

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 ☐



Matthew S. Evans, III Owner
Jonathon Scruggs Partner
Michael Von Sas Associate
Caterina Sorrento Associate

May 21, 2024

CHESAPEAKE BAY CRITICAL AREA REPORT

Evans Property
306 Elm St. Edgewater, MD 21037

Tax Map 65/Grid O/Parcel 241/R5/IDA

VARIANCE NARRATIVE:

By way of background, there are three (3) principal structures located on the property at 306 Elm Street; a single-family home erected in 1956, a free-standing garage erected sometime between 1956-1960, and an attached 12x18/22x16 deck structure that was erected pursuant to building permit B02238567, issued May 17, 2007. At the time, a site plan was filed and accepted showing the deck structure in relation to the other structures on the property. Exhibit 1 is attached hereto. At the time of construction, the applicant (Susan Blais) was required by Anne Arundel County to enter into a reforestation agreement and file an appropriate reforestation security. Exhibit 2 is attached hereto. The Reforestation was completed to the satisfaction of the County and the security was ultimately released. Exhibit 3 is attached hereto.

Mr. Philip W. Evans, Jr., purchased the property in the summer of 2013 where he has resided since. In the spring of 2023 Mr. Evans contacted Fence and Deck Connections to assist with the replacement of the deck structure as it had fallen into a state of disrepair. Mr. Evans engaged their services to erect an in-kind replacement of the deck as it currently exists.

During the process of obtaining a building permit, Fence and Deck Connection was informed that a variance to the 100' Tributary Stream Buffer would be required despite the deck being a replacement to a previously approved structure and not new construction. Mr. Evans now submits this request for a maximum of ten (10) feet from the critical area buffer in order to complete his anticipated project.

The proposed variance is in keeping with the overall nature of the community, does not impose any hardship or undue imposition on the surrounding properties, and is the least restrictive measure to allow for the Applicant to proceed with his proposed construction. Again, it is worth noting that Mr. Evans is replacing a previously approved structure with one that is functionally identical.

|||||||

REAL ESTATE | CONSTRUCTION | LAND USE

113 Cathedral Street Annapolis 21401

410.626.6009 msevanslaw.com

SITE DESCRIPTION:

Mr. Evans's lot is approximately 10,050. sq ft in size (site plan attached). The site consists of mowed lawn, mature and growth trees, and shrubs surrounding the property.

As stated, there are three improvements on the lot: a single-family home, a deck, and a detached garage. The spoil is stabilized. No tidal or non-tidal wetlands are located on the lot.

CRITICAL AREA NARRATIVE:

Existing and Proposed Vegetation Coverage:

As it currently exists, the lot has a small lawn with mostly large trees and shrubs. No tree clearing will be required for the construction of the replacement deck, Any stormwater management will be required at permit review.

Existing and Proposed Stormwater and Water Quality:

As it currently exists the property was subject to planting/mitigation during the erection of the original deck. All plantings were performed as requested and passed inspection. All plantings have remained on the property. No additional clearing will be required.

Existing and Proposed Aquatic Resources:

There will be no impact on the water quality or aquatic resources present within the stream buffer.


Existing and Proposed Forest Clearing and Impervious Coverage:

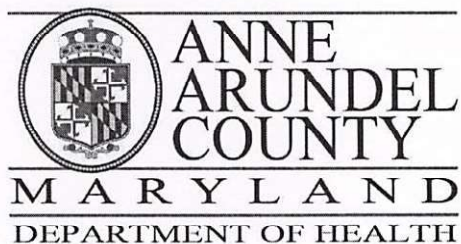
There will be no tree clearing or tree removal on the project. Forest cover is present on site.

AFFIRMATION:

The requested variance is for the construction of a replacement in-kind deck located within the 100 ft stream buffer. No adverse impact to fish, wildlife, and or plant habitat or water quality will occur.

Sincerely,


Jonathon C. Scruggs
Attorney at Law




J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health 

DATE: June 10, 2024

RE: Philip W. Evans Jr.
306 Elm Street
Edgewater, MD 21037

NUMBER: 2024-0089-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks than required.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. The Health Department has no objection to the above referenced request.

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

cc: Sterling Seay



Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

CAC Comments_2024-0089-V Evans (AA 128-24); 2024-0102-V Klink (AA 132-24)

Jennifer Esposito <jennifer.esposito@maryland.gov>

Mon, Jun 10, 2024 at 3:19 PM

To: Sadé Medina <pzmedi22@aacounty.org>

Cc: Charlotte Shearin -DNR- <charlotte.shearin@maryland.gov>

Good afternoon,

The Critical Area Commission has reviewed the following variances and appropriate mitigation is required:

- 2024-0089-V; Evans (AA 128-24);
- 2024-0102-V; Klink (AA 132-24);

Thank you for the opportunity to provide comments. If you have any questions or concerns, please let me know.

The above comments have been uploaded to the County's online portal.



 facebook_logo.jpg

 twitter_logo.jpg

dnr.maryland.gov/criticalarea

Jennifer Esposito

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays

1804 West Street, Suite 100

Annapolis, MD 21401

Office: 410-260-3468

(In office: Mon., Wed., Friday)

Cell: 443-569-1361

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov

Menu		Cancel		Help	
Task OPZ Critical Area Team		Due Date 06/14/2024		Assigned Date 05/24/2024	
Assigned to Department OPZ Critical Area		Assigned to Kelly Krinetz		Status Complete w/ Comments	
Action by Department OPZ Critical Area		Action By Kelly Krinetz		Status Date 05/24/2024	
Start Time		End Time		Hours Spent 0.0	
Billable No		Overtime No		Comments No objection to an in kind replacement.	
Time Tracking Start Date		Est. Completion Date		In Possession Time (hrs)	
Display E-mail Address in ACA		<input checked="" type="checkbox"/> Display Comment in ACA		Comment Display in ACA	
No				<input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner	
Estimated Hours 0.0		Action Updated		Workflow Calendar	
Task Specific Information					
Expiration Date		Review Notes		Reviewer Name	
Reviewer Phone Number		Reviewer Email			



ELM ST

ELM ST

POPLAR AVE

Tax Account Number: 104605358900

Tax Account Number: 104605358900

POPLAR AVE

CEDAR AVE

Illegally
Titled
Hazardous

