



February 26, 2025

Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, MD. 21401

**RE: 4812 Avery Road, Shady Side, MD
Hopkins Cove, Part of Lots 3 and 4
Variance Application – Explanatory Letter**

To Whom it May Concern:

Please find submitted herewith the variance application and associated required submittal materials requesting a variance to 1) permit a new home to have less setbacks than permitted per Article 18-4-501 for an R1 zoned lot, to 2) permit a new deck to have less setbacks than permitted per Article 18-2-301(d), and 3) permit a lot to exceed maximum coverage by structures for an R1 zoned lot per Article 18-4-501.

The site is identified as 4812 Avery Road in Shady Side. This site is a 5,071 square foot lot zoned R1. The site is located entirely within the Chesapeake Bay Critical Area designation LDA. The site is currently vacant and 100% wooded. This lot is a corner lot such that the eastern and northern lot lines front Avery Road (an existing 30' public right-of-way improved with 15' of paving). The site contains approximately 768 sf of non-tidal wetlands and 3,619 sf of 25' buffer to non-tidal wetlands.

The proposed development consists of building one (1) single-family home with a driveway, sidewalk and a deck, stormwater management, a private well with in an easement on the adjacent lot and a public grinder pump onsite. A grading permit has been applied for under G02020267. Calculations for existing and proposed lot coverage for Critical area as well as Structural Coverage computations are provided on the site plans and a brief description is below:

The permitted lot coverage in the critical area for a lot that is 0-8,000 square feet and created before December 1, 1985 is 25% + 500 which is **1,768 sf**.

The proposed lot coverage in the critical area for the site is **1,692 sf**, which is less than the permitted lot coverage for Critical area.

The permitted structural coverage (House and Deck) for a lot in an R1 zoning district is 25% which is **1,268 sf**.

The proposed structural coverage for the R1 zoning district for the site is **1,477 sf**, which is more than allowed in an R1 zoning district.

1. R1 Zoning Setbacks per Article 18-4-501

The applicant is first seeking a variance to permit the new house to have less front, rear and side yard setbacks than what is permitted per Article 18-4-501. The lot is a small lot on the corner of Avery Road such that the dimensions of the lot are 60.41' x 84.71'. Implementing the building restrictions lines per Code leaves a buildable area of 5.24' x 9.20' such that there is no viable buildable area without relief from the R1 setbacks. The proposed house is a modest house that fits in with the neighborhood and does not exceed its permitted lot coverage for the Critical Area.

Setback	Required Setback	Proposed Setback	Variance Requested
Front	40'	20.00'	20.00'
Rear	35'	27.20'	7.80'
Corner Side (E)	40'	17.20'	22.80'
Side (W)	15'	7.00'	8.00'

Per Article 18-16-05, we feel this variance request for R1 zoning setbacks should be supported based on the following justifications:

- Due to unique physical conditions such as narrowness and shallowness of the lot, 60.41' x 84.71', there is no reasonable possibility of developing the lot in conformance with the R1 setbacks as they leave a buildable area of 5.24' x 9.20', barely enough space to build a shed, let alone a single family dwelling such that there is no reasonable possibility of developing the lot in strict conformance with this article.
- Unnecessary hardship and practical difficulties would fall upon the owner if this variance request was denied as a variance would be required for any construction on this legally buildable lot as the buildable area is not large enough to accommodate a single-family dwelling of any size.
- This lot is considered to have unique physical conditions such as exceptional topography, conditions peculiar to and inherent in the particular lot or irregularity, narrowness or shallowness, due to the lot being very small for an R1 zoned lot as it is only 5,071 sf with a width of 60.41'. A typical R1 Lot is a minimum of 40,000 sf. with a minimum width of 125'. Therefore, this lot is grossly undersized for the R1 zoning district. Due to these unique physical conditions such as narrowness and shallowness of the lot, 60.41' x 84.71', there is no reasonable possibility of developing the lot in conformance with the R1 setbacks as they leave a buildable area of 5.24' x 9.20', barely enough space to build a shed, let alone a single family dwelling such that there is no reasonable possibility of developing the lot in strict conformance with the R1 Zoning Code. This development does meet the clearing restrictions and lot coverage designated by the Critical Area Regulations for an LDA lot.

- We feel that denial of the variance will deprive the applicant of the rights commonly enjoyed by other property owners in the neighborhood as there are other lots on Avery Road that do not meet the R1 setbacks, such as 4807 Avery Road (4867 Avery Road stated in the variance decision) which was granted a variance to setbacks under 2013-0156-V in 2013.
- Granting this variance will not confer on the applicant any special privileges that would be denied to other lands within the County Critical Area as this variance is not for conformance with critical area regulations, this site meets the clearing and lot coverage permitted in the critical area regulations. This variance request is for a zoning setback variance unrelated to the critical area. However, it should be noted that the lots / parcels in this neighborhood, especially on the north side of Avery Road are older and varying sizes and quite a few do not meet current R1 setbacks as they were built prior to the zoning code (ranging from 1840-1965). The most current house built in 2013 was granted a variance to setbacks 2013-0156-V such that granting this variance would not confer any special privileges on the applicant.
- This variance request is not based on conditions or circumstances that are a result of actions by the applicant as these lots are legally buildable lots that were created by a record plat recorded in 1931 and deeded out as lots, long before implementation of the County's first Zoning Ordinance. Once zoning setbacks came about, this small lot was left with no real buildable area.
- Granting this variance will not adversely affect water quality, impact fish, wildlife, or plant habitat in the Chesapeake Bay Critical Area as the site will be providing stormwater management onsite which will enhance the water quality and mitigation for clearing within the LDA and disturbance to the wetlands and their buffer will be provided on and offsite. Additionally, this site is not located within a Sensitive Species Area.
- It is not applicable to maximize the distance between the bog and each structure as this development is not within a bog area or a bog drainage area.
- We feel this development does confirm with the general purpose and intent of the County's Zoning Code, Critical Area Regulations and Natural Resources Article § 8-1808 especially since these are not newly proposed lots asking for relief, but these are lots that existed as legally buildable lots prior to the County's first Zoning Ordinance. Once the R1 setbacks were implemented, this legally buildable lot had no reasonable buildable area which is why relief is being requested.
- A grading permit has been applied for (G02020267) and we have implemented site planning alternatives such as providing stormwater management in accordance with the State Stormwater Management Manual, minimizing the

footprint of the house and placing the house as close to the road as possible to minimize lot coverage by the driveway.

- We feel this is the minimum relief necessary to afford relief given the fact that this small lot is legally buildable and was created long before implementation of the County's first Zoning Ordinance and adhering to the R1 setbacks there is no way to develop this lot with strict conformance to the zoning code given the setbacks leave a buildable area of 5.24' x 9.20', which is not reasonable for a home. Additionally, the owner and his significant other will be combining their two households into this proposed house. Both of their current homes are quite larger than this proposed house such that they are downsizing considerably. Furthermore, it will be a family of five (5) living in the house as they have three (3) children between them (11 and 2 young teenagers) such that they will need their own rooms. The proposed home has four (4) bedrooms and two (2) bathrooms on the second floor and the first floor proposes your typical great room, kitchen, dining room and office. The office is a necessity for this family as one works at the FDA and the other is a teacher and they often bring work home such that they need a dedicated workspace. This office also provides a homework/study space for the three (3) kids. None of the rooms are overly sized but are just large enough to accommodate a family of five (5) comfortably. Although disapproved of by the kids, the three (3) bedrooms on the second floor (other than the master) have standard closets and not walk-in closets and they all will share one (1) bathroom versus having private bathrooms or even one (1) additional bathroom to share between the three (3) such that the owners are not proposing a lavish house with an excessive amount of non-essential amenities. We feel this house size is the minimum relief necessary as the proposed house is sufficiently sized for a combined family of five (5) to live comfortably and is not exceeding what is reasonable or appropriate for a family of five (5). Furthermore, while the house size is appropriate for their present-day life as a family of five (5), the proposed house also offers a piece of mind for the future as both owners are cancer survivors (diagnosed within the last three (3) years) and are currently in remission. The office space on the first floor provides an option to be become a first-floor bedroom should one of them become ill again and require in-home care. In addition, both owners have elderly parents and the proposed home allows for the possibility of their elderly parents to live with them in the future if need be.
- The requested variance will not alter the essential character of the neighborhood as the lot sizes in the neighborhood vary in size as do the existing houses, some houses are architecturally modern, while some are older with additions. The proposed house is a modest house, a typical 2-story colonial with a garage and does not exceed its permitted lot coverage or clearing for being within the Critical Area.

- Granting this variance will not impair the use or development of adjacent property as the new home, even with reduced setbacks will not be very close to adjacent existing homes, the adjacent home to the west will still be 85' away. Additionally, this development proposes a clear sight triangle easement at the corner of Avery Road as to not impair sight visibility for drivers, this will actually benefit the neighborhood as the corner is currently wooded and will be cleared (and be required to remain clear) with this permit for better visibility.
- Reducing the forest cover in the LDA has been minimized as much as possible but given this lot it is 100% wooded and very small, this development does propose to clear 5,036 sf in the LDA, which is less than the allowable clearing in the LDA. However, mitigation is proposed for the clearing within the LDA, onsite and disturbance to the wetlands and their buffer which was provided to MDE via a fee in lieu.
- We feel this development meets the clearing amounts acceptable to the Critical Area LDA for lots created before December 1, 1985, that are less than one-half acre, which cannot exceed 6,534 sf. This development is clearing 5,036 sf which is less than permitted and the clearing proposed is the minimum amount necessary to accommodate a house, driveway, sidewalk, deck, grinder pump and a reasonable amount of yard. Replanting mitigation is proposed for clearing within the LDA, onsite and disturbance to the wetlands and their buffer which was provided to MDE via a fee in lieu.
- Granting this variance will not be detrimental to the public welfare as all proposed development will occur onsite with the exception of the private well which will be offsite in a private easement granted by the neighbor. This development will provide a clear sight triangle easement at the corner of Avery Road which will be beneficial to the drivers in the neighborhood.

2. Deck Setbacks per Article 18-4-501 & 18-2-301(d)

The applicant is seeking a second variance to permit the new deck (20' x 15' including stairs) to have less rear and side yard setbacks than what is permitted per Article 18-4-501 & 18-2-301(d). The lot is a small lot on the corner of Avery Road such that the dimensions of the lot are 60.41' x 84.71'. Implementing the building restrictions lines per Code leaves a buildable area of 5.24' x 9.20' such that there is no viable buildable area for a house, let alone a deck, without relief. The side setbacks for a deck are the same as a house per Article 18-4-501 and the rear setbacks for a deck are stated in 18-2-301(d) where it states a deck attached to a dwelling unit may project no more than 10' into a rear setback so long as the deck is located at least 3' from the lot line. The required and proposed setbacks are as follows:

Setback	Required Setback	Proposed Setback	Variance Requested
Rear	35' per 18-4-501 25' per 18-2-301(d)	14.17'	20.83' per 18-4-501 10.83 per 18-2-301(d)
Corner Side (E)	40'	33.46'	6.54'
Side (W)	15'	7.08'	7.92'

Per Article 18-16-05, we feel this variance request for deck setbacks should be supported based on the following justifications:

- Due to unique physical conditions such as narrowness and shallowness of the lot, 60.41' x 84.71', there is no reasonable possibility of developing the lot with a single family dwelling, let alone a deck, in conformance with the setbacks as they leave a buildable area of 5.24' x 9.20', barely enough space to build a shed, let alone a single family dwelling or a deck such that there is no reasonable possibility of developing the lot in strict conformance with this article.
- Unnecessary hardship and practical difficulties would fall upon the owner if this variance request was denied as a variance would be required for any construction on this legally buildable lot as the buildable area is not large enough to accommodate a single-family dwelling of any size or even a deck. Additionally, while decks are not essential to a home, they are a sought-after feature for homeowners as they provide outdoor living space for relaxing, entertaining or enjoying nature as well as they provide an aesthetic appeal. Furthermore, decks are not considered lot coverage in the critical area, and a variance to allow a deck will deter a future owner from installing a patio that would create additional lot coverage in the critical area, this development does meet the clearing restrictions and lot coverage designated by the Critical Area Regulations for an LDA lot.
- This lot is considered to have unique physical conditions such as exceptional topography, conditions peculiar to and inherent in the particular lot or irregularity, narrowness or shallowness, due to the lot being very small for an R1 zoned lot that is only 5,071 sf and 60.41' wide. A typical R1 Lot is a minimum of 40,000 sf. with a minimum width of 125'. Therefore, this lot is grossly under sized for the R1 zoning district. Due to these unique physical conditions such as narrowness and shallowness of the lot, 60.41' x 84.71', there is no reasonable possibility of developing the lot with a single family dwelling, let alone a deck, in conformance with the setbacks as they leave a buildable area of 5.24' x 9.20', barely enough space to build a shed, let alone a single family dwelling or a deck such that there is no reasonable possibility of developing the lot in strict conformance with the Zoning Code. Allowing an open deck now would eliminate the need for any future owners to build a patio which would be considered lot coverage in the critical area and would create additional runoff. Therefore, we

feel allowing a deck will eliminate the possibility of a future patio especially since decks are less intrusive than a patio to the environment.

- We feel that denial of the variance will deprive the applicant of the rights commonly enjoyed by other property owners in the neighborhood as there are at least two lots across the street that have decks on their waterfronts that either do not meet the front or the side yards setbacks for R1.
- Granting this variance will not confer on the applicant any special privileges 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 as this site meets the clearing and lot coverage permitted in the critical area regulations, this site is not within the Bog Area. This variance request is for a zoning setback variance for a deck which is unrelated to the critical area or bog. However, it should be noted that the lots / parcels in this neighborhood especially on the north side of Avery Road are older and varying sizes and quite a few do not meet current R1 setbacks as they were built prior to the zoning code (ranging from 1840-1965). The most current house built in 2013 was granted a variance to setbacks 2013-0156-V such that granting this variance would not confer any special privileges on the applicant.
- This variance request is not based on conditions or circumstances that are a result of actions by the applicant as these lots are legally buildable lots that were created by a record plat recorded in 1931 and deeded out as lots, long before implementation of the County's first Zoning Ordinance. Once zoning setbacks came about, this small lot was left with no real buildable area for a house or deck.
- Granting this variance will not adversely affect water quality, impact fish, wildlife, or plant habitat in the Chesapeake Bay Critical Area as the site will be providing stormwater management onsite which will enhance the water quality and mitigation for clearing within the LDA and disturbance to the wetland/buffer will be provided on and offsite. Additionally, this site is not located within a Sensitive Species Area. Furthermore, a deck is not considered lot coverage in the critical area, and a deck allows the water to flow through it versus a patio which would create lot coverage in the critical area and create additional runoff.
- It is not applicable to maximize the distance between the bog and each structure as this development is not within a bog area or a bog drainage area.
- We feel this development does confirm with the general purpose and intent of the County's Zoning Code, Critical Area Regulations and Natural Resources Article § 8-1808 especially since this is not a proposed lot asking for relief, but these are lots that existed as legally buildable lots prior to the County's first

Zoning Ordinance. Once the setbacks were implemented, this legally buildable lot had no reasonable buildable area for a home or a deck which is why relief is being requested.

- A grading permit has been applied for (G02020267) and we have implemented site planning alternatives such as providing stormwater management in accordance with the State Stormwater Management Manual, minimizing the footprint of the house and deck and placing the house as close to the road as possible to minimize lot coverage by the driveway. Additionally, the proposed deck is 20' x 15' including the stairs such that it is wider versus longer as to not further encroach in the rear setback further. The deck also allows water to drain through it versus a patio will would not and would create additional lot coverage in the critical area and additional runoff.
- We feel this is the minimum relief necessary to afford relief and allow the owners a small amenity given the fact that this small lot was created long before implementation of the County's first Zoning Ordinance. Once the zoning setbacks were implemented, this small lot was left no real buildable area for a house or a deck. Additionally, the proposed deck is 20' x 15' including the stairs such that it is wider versus longer as to not further encroach in the rear setback. Furthermore, the deck is still 14.17' from the rear property line which far exceeds the "at least 3' from the lot line" per code. **Additionally, the owner and his significant other will be combining their two households into this proposed house along with their combined three (3) children (11 and 2 young teenagers), for a family of five (5). The proposed deck is not excessive in size but is sized to accommodate a family of five (5) comfortably. A traditional 6-seat rectangular table generally needs a minimum 8'x10' clearance for a table, chairs and walking. The deck size supports a table of this size as well as provides a safe distance for a grill such that proposed setbacks for the deck are the minimum relief necessary to support a deck of this size for a family of five (5).**
- The requested variance will not alter the essential character of the neighborhood as just about all of the houses in the neighborhood have amenities such as decks, pools, patios, detached garages, etc. The proposed deck is relatively small, 20' 15' including the stairs, and not excessive for the lot/house.
- Granting this variance will not impair the use or development of adjacent property as the proposed deck the deck is still 7.08' from the side lot line and 14.17' from the rear property line which far exceeds the "at least 3' from the lot line" per code.
- Reducing the forest cover in the LDA has been minimized as much as possible but given this lot it is 100% wooded and very small this development does propose to clear 5,036 sf in the LDA. The small area of the deck would still need to be cleared for grading and house construction. However, mitigation is

proposed for the clearing within the LDA, onsite and disturbance to the wetlands and their buffer which was provided to MDE via a fee in lieu.

- We feel this development meets the clearing amounts acceptable to the Critical Area LDA for lots created before December 1, 1985, that are less than one-half acre, which cannot exceed 6,534 sf. This development is clearing 5,036 sf which is less than permitted. Though a deck is not considered essential to a home, this small area would still need to be cleared for grading and house construction. Replanting mitigation is proposed for the clearing within the LDA, onsite and disturbance to the wetlands and their buffer which was provided to MDE via a fee in lieu.
- Granting this variance will not be detrimental to public welfare as this deck is private, on a private lot and it will not encroach any lot lines or right-of-way lines.

3. Maximum Coverage by Structures per Article 18-4-501

The applicant is seeking a third variance to exceed the maximum coverage by structures per Article 18-4-501 for an R1 lot. This lot is a small lot, under sized for an R1 zoned lot, on the corner of Avery Road with an area of 5,071 sf, when minimum lot size for R1 is 40,000 sf. Per Article 18-4-501, the maximum coverage by structures is 25% which equals to 1,268 sf. This is less than that allowed per the critical area code, which is unusual as normally the critical area code is more restrictive than the zoning code, but in this case with the lot so undersized, the zoning code is more restrictive. The proposed coverage by structures is 1,477 sf. which includes:

House 1,260 Sf.

Deck 217 sf.

Total Structural Lot Coverage 1,477 sf. Or 29.12%

Per Article 18-16-05, we feel this variance request to exceed the maximum coverage by structures should be supported based on the following justifications:

- Due to unique physical conditions such as narrowness and shallowness of the lot, the lot is only 5,071 sf. A typical R1 Lot is minimum of 40,000 sf. Therefore, this lot is grossly under sized for the R1 zoning district. Considering the Coverage by Structures is a percentage of the lot size this makes the allowable coverage by structures also grossly under what should be allowed for a lot of this size, this lot is more comparable to an R5 lot in which 40% is allowed for structural coverage. Therefore, we feel that based on this information the variance to structural coverage is warranted as the coverage of 29.12% would be conforming for a lot of this size.

- Unnecessary hardship and practical difficulties would fall upon the owner if this variance request was denied as it is unusual to find a lot this small in an R1 Zone and to find that the zoning code is more restrictive than the critical area code. The critical area code makes exceptions for smaller lots like this, yet the zoning code does not which makes this lot difficult to develop by adhering to the allowable coverage by structures.
- This lot is considered to have unique physical conditions such as exceptional topography, conditions peculiar to and inherent in the particular lot or irregularity, narrowness or shallowness, due to the lot being very small for an R1 zoned lot of only 5071 sf and 60.41' wide. A typical R1 lot is a minimum of 40,000 sf. with a minimum width of 125'. Therefore, this lot is grossly undersized for the R1 zoning district. Considering the Coverage by Structures is a percentage of the lot size, this makes the allowable coverage by structures also grossly under what should be allowed for a lot of this size, this lot is more comparable to an R5 lot in which 40% is allowed for structural coverage. Therefore, we feel that based on this information the variance to structural coverage is warranted as the coverage of 29.12% would be conforming for a lot of this size.
- We feel that denial of the variance will deprive the applicant of the rights commonly enjoyed by other property owners in the neighborhood as there are other lots on Avery Road that are undersized for R1 zoning and may not meet the Lot Coverage by Structures if they were to have to check their Structural Lot coverage today.
- Granting this variance will not confer on the applicant any special privileges that would be denied to other lands within the County Critical Area as this variance is not for conformance with critical area regulations as this site meets the clearing and lot coverage permitted in the critical area regulations. This variance request is for Structural Lot Coverage per the Zoning Code, a variance unrelated to the critical area. However, it should be noted that the lots / parcels in this neighborhood especially on the north side of Avery Road are older and varying sizes and quite a few do not meet current R1 lot size, setbacks and probably not the structural lot coverage either as they were built prior to the zoning code (ranging from 1840-1965). The most current house built in 2014 was granted a variance to setbacks, and greater lot coverage by structures, 2013-0156-V such that granting this variance would not confer any special privileges on the applicant.
- This variance request is not based on conditions or circumstances that are a result of actions by the applicant as these lots are legally buildable lots that were created by a record plat recorded in 1931 and deeded out as lots, long before implementation of the County's first Zoning Ordinance.

- Granting this variance will not adversely affect water quality, impact fish, wildlife, or plant habitat in the Chesapeake Bay Critical Area as the site will be providing stormwater management onsite which will enhance the water quality and mitigation for clearing within the LDA and disturbance to the wetland/buffer will be provided on and offsite. Additionally, this site is not located within a Sensitive Species Area.
- It is not applicable to maximize the distance between the bog and each structure as this development is not within a bog area or a bog drainage area.
- We feel this development does confirm with the general purpose and intent of the County's Zoning Code, Critical Area Regulations and Natural Resources Article § 8-1808 especially since this is not a proposed lot asking for relief, but these are lots that existed as legally buildable lots prior to the County's first Zoning Ordinance. All Critical area codes are being met onsite which normally are more restrictive than the Zoning code but due to the fact that this lot is undersized for R1, the zoning code is more restrictive and limiting the lot more than the Critical area code that is better suited for smaller lots as the Critical area code has requirements for Lot Coverage based on the Actual lot size and not the size the lot should be.
- A grading permit has been applied for (G02020267) and we have implemented site planning alternatives such as providing stormwater management in accordance with the State Stormwater Management Manual, minimizing the footprint of the house and deck and placing the house as close to the road as possible to minimize lot coverage by the driveway. Additionally, the proposed deck is 20' x 15' including the stairs such that it is wider versus longer as to not further encroach in the rear setback further. If the deck was a patio, a variance to the critical area lot coverage would be required instead of a variance for structural lot coverage by zoning. We feel that although the deck increases the structural lot coverage per zoning, it reduces the critical area lot coverage by allowing water to drain through versus a patio that would create additional runoff.
- We feel this is the minimum relief necessary to afford relief and allow the owners a small amenity given the fact that this small lot was created long before implementation of the County's first Zoning Ordinance. Once the zoning setbacks were implemented, this small lot was left no real buildable area for a house or a deck. Additionally, the proposed deck is 20' x 15' including the stairs which we feel is a reasonable size for a deck. Additionally, the owner and his significant other will be combining their two households into this proposed house. Both current homes are quite larger than this proposed house such that they are downsizing considerably. Furthermore, it will be a family of five (5) living in the house as they have three (3) children between them (11 and 2 young teenagers) such that they will need their own rooms. The proposed home and

deck size are not overly sized but are just large enough to accommodate a family of five (5) comfortably and the owners are not proposing an excessive amount of non-essential amenities such that the extra 209 sf of lot coverage (for a total of 1,477 sf. or 29.12%) is the minimum relief necessary to support a family of this size comfortably.

- The requested variance will not alter the essential character of the neighborhood as just about all of the houses in the neighborhood have amenities such as decks, pools, patios, detached garages, etc. The proposed deck is relatively small, 20' 15' including the stairs, and not excessive for the lot/house.
- Granting this variance will not impair the use or development of adjacent property as the proposed deck the deck is still 7.08' from the side lot line and 14.17' from the rear property line which far exceeds the "at least 3' from the lot line" per code.
- Reducing the forest cover in the LDA has been minimized as much as possible but given this lot it is 100% wooded and very small this development does propose to clear 5,036 sf in the LDA. The small area of the deck would still need to be cleared for grading and house construction. However, mitigation is proposed for the clearing within the LDA, onsite and disturbance to the wetlands and their buffer which was provided to MDE via a fee in lieu.
- We feel this development meets the clearing amounts acceptable to the Critical Area LDA for lots created before December 1, 1985 that are less than one-half acre, which cannot exceed 6,534 sf. This development is clearing 5,036 sf which is less than permitted. Though a deck is not considered essential to a home, this small area would still need to be cleared for grading and house construction. Replanting mitigation is proposed for the clearing within the LDA, onsite and disturbance to the wetlands and their buffer which was provided to MDE via a fee in Lieu.
- Granting this variance will not be detrimental to public welfare as this deck is private, on a private lot and it will not encroach any lot lines or right-of-way lines.

A Pre-File was submitted and comments were generated on 2/14/25. A point-by-point response to those comments are as follows:

Comment 1: The Critical Area Team commented that they have no objection to the setback variance, however, based on the fact that the majority of the lot is wetland or wetland buffer, the applicant must be able to address all SWM and environmental regulations in order to obtain a permit. Since both of these factors could require the applicant to reduce the size of the

structure/coverage on site, the variance requests could be considered premature at this time.

Response: Acknowledged. SWM has been addressed onsite and I&P Engineering has approved. Additionally, an MDE permit has been granted for the disturbance.

Comment 2: The site plan will need to label the existing and proposed height of the dwelling as well as the number of stories as this is required information.

Response: This has been added to the variance plans.

Comment 3: The applicant should provide additional justification on how this house size represents the minimum necessary as the letter simply states that it is because the lot size is so small. The applicant should explore or explain why a smaller dwelling would not represent the minimum necessary relief.

Response: Additional justification on how this house size represents the minimum relief necessary has been added above in red to each of the three (3) requested variances.

Calculations for critical area clearing and lot coverage are provided on the site plan.

A Critical Area report prepared by Wetland Solutions Inc. is included with this application.

We respectfully submit that this legally buildable parcel would not be able to be reasonably redeveloped without the relief requested.

Thank you for your consideration of this request and please do not hesitate to contact me if you have any questions or if you require any additional information.

Sincerely,

Development Facilitators, Inc.

A handwritten signature in black ink, appearing to be 'CB' with a stylized flourish extending to the right.

Candice Bateman
Project Manager

Cc: Steve Andraka, P.E., DFI



PROPERTY LINES	— — — — —
ADJOINER PROPERTY LINES	— — — — —
MEAN HIGH WATER LINE	— ··· —·· —··
CRITICAL AREA LINES	LDA NOT-CRITICAL AREA
SOILS LINES	·

1. TOTAL AREA OF SITE IS 0.12 AC / 5,071 SQ. FT.
2. EXISTING ZONING IS R-1
3. EXISTING USE OF THE SITE: VACANT LOT
4. PROPOSED USE: SINGLE-FAMILY DWELLING
5. THE SITE IS WITHIN THE CRITICAL AREA (LDA)
6. THE SITE IS WITHIN THE FOLLOWING SENSITIVE AREAS:
 - 6.1. NON-TIDAL WETLANDS
 - 6.2. NON-TIDAL WETLANDS 25' BUFFER
7. WATERSHED: WEST RIVER WATERSHED
8. THE SITE IS NOT WITHIN THE 100 YEAR FLOODPLAIN AS SHOWN ON FIRM # 24003C0307F
9. PLAT REFERENCE: P.B. 143, P. 524
10. DEED REF: 7686 / 686 COORDINATES AND DIRECTIONS SHOWN HEREON ARE BASED ON THE 1984 NATIONAL MARYLAND STATE PLANE COORDINATE SYSTEM, NAD 83 AS DETERMINED FROM REAL TIME KINEMATIC SURVEYING AS BROADCAST BY THE LEICA SMARTNET NETWORK.
11. ELEVATIONS SHOWN HEREON ARE REFERRED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS DETERMINED BY U.S. SURVEYING POINTS BROADCAST BY THE LEICA SMARTNET NETWORK (GEOID18)
12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS STANDARD DETAILS AND STANDARD SPECIFICATIONS FOR CONSTRUCTION FOR FEBRUARY 1988 AND THE 1994 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF HIS CONSTRUCTION WITH THE CONSTRUCTION BY THE OTHER CONTRACTORS.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND REPLACING ANY EXISTING MAIN SIDEWALKS, DAMAGED OR REMOVED DURING CONSTRUCTION.

THIS PLAN OR GRADING PERMIT #G02020267 WAS REVIEWED UNDER THE 2010 REGULATIONS FOR STORMWATER MANAGEMENT. STORMWATER MANAGEMENT PRACTICES WILL BE PROVIDED FOR THIS SITE IN ACCORDANCE WITH ARTICLE 16 OF THE SEC. AND THE FINAL PLAN ON FILE WITH THE OFFICE OF PLANNING AND ZONING. ESD TO THE MEP WAS ACHIEVED THROUGH: DRAINAGE AREA 1A IS BEING ADDRESSED BY RAIN BARREL (M-1) (SWMP #1). DRAINAGE AREA 1B IS BEING ADDRESSED BY RAIN BARREL (M-1) (SWMP #2). DRAINAGE AREA 2A IS BEING ADDRESSED BY PERMEABLE PAVEMENT (A-2) (SWMP #3). DRAINAGE AREA ID IS BEING ADDRESSED BY PERMEABLE PAVEMENT (A-2) (SWMP #4).

1. WATER QUALITY (WQV) - DRAINAGE AREA 1A IS BEING ADDRESSED BY RAIN BARREL (M-1) (SWMP #1). DRAINAGE AREA 1B IS BEING ADDRESSED BY RAIN BARREL (M-1) (SWMP #2). DRAINAGE AREA 1C IS BEING ADDRESSED BY RAIN BARREL (M-1) (SWMP #3). DRAINAGE AREA 1D IS BEING ADDRESSED BY PERMEABLE PAVEMENT (A-2) (SWMP #4).

2. RECHARGE VOLUME (REV) - DRAINAGE AREA 1A IS BEING ADDRESSED BY RAIN BARREL (M-1) (SWMP #1). DRAINAGE AREA 1B IS BEING ADDRESSED BY RAIN BARREL (M-1) (SWMP #2). DRAINAGE AREA 1C IS BEING ADDRESSED BY RAIN BARREL (M-1) (SWMP #3). DRAINAGE AREA 1D IS BEING ADDRESSED BY PERMEABLE PAVEMENT (A-2) (SWMP #4).

3. CHANNEL PROTECTION VOLUME (CPV) - CPV HAS BEEN ADDRESSED SINCE THE REDUCED RCN FOR DEVELOPED CONDITIONS AFTER IMPLEMENTING ESD'S REFLECTS EXISTING CONDITIONS.

4. OVER BANK PROTECTION (QP) - QP HAS BEEN ADDRESSED SINCE THE REDUCED RCN FOR DEVELOPED CONDITIONS AFTER IMPLEMENTING ESD'S REFLECTS EXISTING CONDITIONS.

5. EXTREME FLOOD (QF) - QF IS NOT REQUIRED AS THERE IS NO EVIDENCE OF FLOODING DOWNSTREAM.

A FIELD INVESTIGATION OF THE OUTFALL WAS PERFORMED IN FEBRUARY, 2024 BY DFL ENGINEERING.

THE SITE OUTFALL IS LOCATED ALONG THE EASTERN PROPERTY LINE. THE DRAINAGE LEAVES THE SITE IN SHALLOW CONCENTRATED FASHION AND FLOWS OUT TO AVERY ROAD (A PUBLIC RIGHT OF WAY). THE RUNOFF LEAVING THE SITE HAS BEEN REDUCED FROM DEVELOPED CONDITIONS BACK TO EXISTING CONDITIONS. SINCE THE DRAINAGE OUTFALLS ON TO A PUBLIC RIGHT OF WAY AND THE DIFFERENCE BETWEEN PRE AND POST DEVELOPMENT DISCHARGE IS 10% OR LESS THAN AN ANALYSIS OF THE DOWNSTREAM CONVEYANCE SYSTEM IS NOT REQUIRED AND THE OUTFALL IS DEEMED ADEQUATE. THE OUTFALL DOES NOT SHOW ANY EROSION AT THIS TIME. NOR WILL DOWNSTREAM FLOODING OR EROSION OCCUR AS A RESULT OF THE DEVELOPMENT OF THIS SITE.

DA1										STORMWATER MANAGEMENT SUMMARY TABLE					
Permit Number	GD0002067									Minimum Sizing Criteria	Symbol	Volume Required (ac-ft)	SWM Practices	Notes	
Project Name	4812 Avery Rd									Water Quality Volume	(W _Q)	0.002	Permeable Pavement & Rain Barrels		
Structure/Address	4812 Avery Rd									Recharge Volume	(R _{ch})	0.002	Permeable Pavement & Rain Barrels		
Structure City	Shady Side									Channel Protection Volume	(C _p)	N/A	N/A	C _p has been addressed since the reduced RCR for developed conditions after implementing ESD's reflects "existing conditions".	
State	Maryland									Overbank Flood Protection	(O _u)	N/A	N/A		
Structure Zip	20704									Extreme Flood	(Q)	N/A	N/A	Q's not required as there is no evidence of flooding downstream.	
Total Drainage Area (acres)	0.12														
RCN - Pre Construction	77														
RCN - Post Construction	77														
RCN - Woods	77														
Total Number of BMPs	4														
PE Required (see Note 1)	1.67														
PE Addressed (see Note 2)	1.77														
MD 8-Digit HUC (see Note 3)	MD 1310004														
USGS 12-Digit HUC	2131004														

STORM_ID	STRT_NAME	BMP CLASS	BMP TYPE	CONSTRUCTION PURPOSE	ON or OFF SITE	LAND USE	DEVICE DRAINAGE AREA (acres)	IMPERVIOUS AREA DRAINING TO DEVICE (Sq Ft.)	IMPERVIOUS ACRES RESTORED (See Note 3)	MD NORTH COORD (NAD83 - FT)	MD EAST COORD (NAD83 - FT)	WQ ₁ (Cu.Ft.) (See Note 5)	Maintenance Responsibility	Comments
	Rain Barrel (SWMP #1)	E	MIDW	NEWID	ON	LAND USE	0.01340624	521	521	425455	163387	71	Individual Homeowner (Residential)	
	Rain Barrel (SWMP #2)	E	MIDW	NEWID	ON		0.00340569	149		425455	163384	35	Individual Homeowner	
	Rain Barrel (SWMP #3)	E	MIDW	NEWID	ON		0.013544936	590		425426	163376	71	Individual Homeowner	
	Permeable Pavement (SWMP #4)	N	NRN	NEWID	ON		0.00917385	432		505848	142718	69	Individual Homeowner	

1. CUT: 150 CU. YARDS
2. FILL: 150 CU. YARDS 0 CU. YARDS SPOIL/BORROW
3. TOTAL AREA STRUCTURALLY STABILIZED IS 0.04 AC. / 1,692 SQ.FT.
4. TOTAL AREA VEGETATIVELY STABILIZED IS 0.11 AC. / 4,805 SQ.FT.
5. TOTAL AREA OF DISTURBANCE IS 0.15 AC. / 6,497 SQ.FT.
6. PREDOMINANT SOIL TYPES: SHADYOAK-ELKTON-URBAN LAND COMPLEX, 0 TO 2 PERCENT SLOPES (D).

<u>SHEET</u>	<u>DESCRIPTION</u>
1	COVER SHEET & LOCATION MAP
2	DRAINAGE AREA MAPS
3	EXISTING SITE CONDITIONS & SOILS MAP
4	DEVELOPMENT CONCEPT PLAN & EXISTING/PROPOSED OVERLAY DETAILS

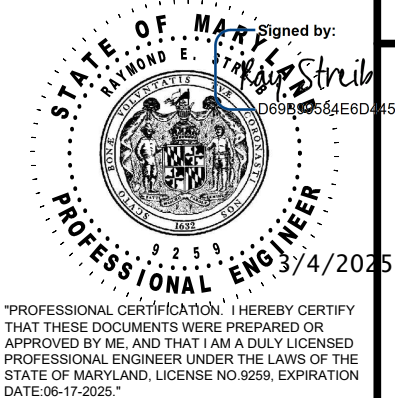
AVERY GOODWIN
 2007 CASSIDY COURT
 POINT OF ROCKS
 MARYLAND, 21777
 240-446-8840
 AVERYGOODWIN@HOTMAIL.COM

DESIGNED	CMB	02/25 date
DRAWN	RSI	02/25 date
CHECKED	CMB	02/25 date
APPROVED	RES	02/25 date

[illegible]

DFI
DEVELOPMENT FACILITATORS INC.

**ENGINEERS-SURVEYORS-PLANNERS
CONSTRUCTION MANAGERS
I-97 BUSINESS PARK
1127 BENFIELD BLVD, SUITE K
MILLERSVILLE, MD 21108
WWW.DFIENGINEERING.COM
443-308-2100 FAX 443-308-2108**

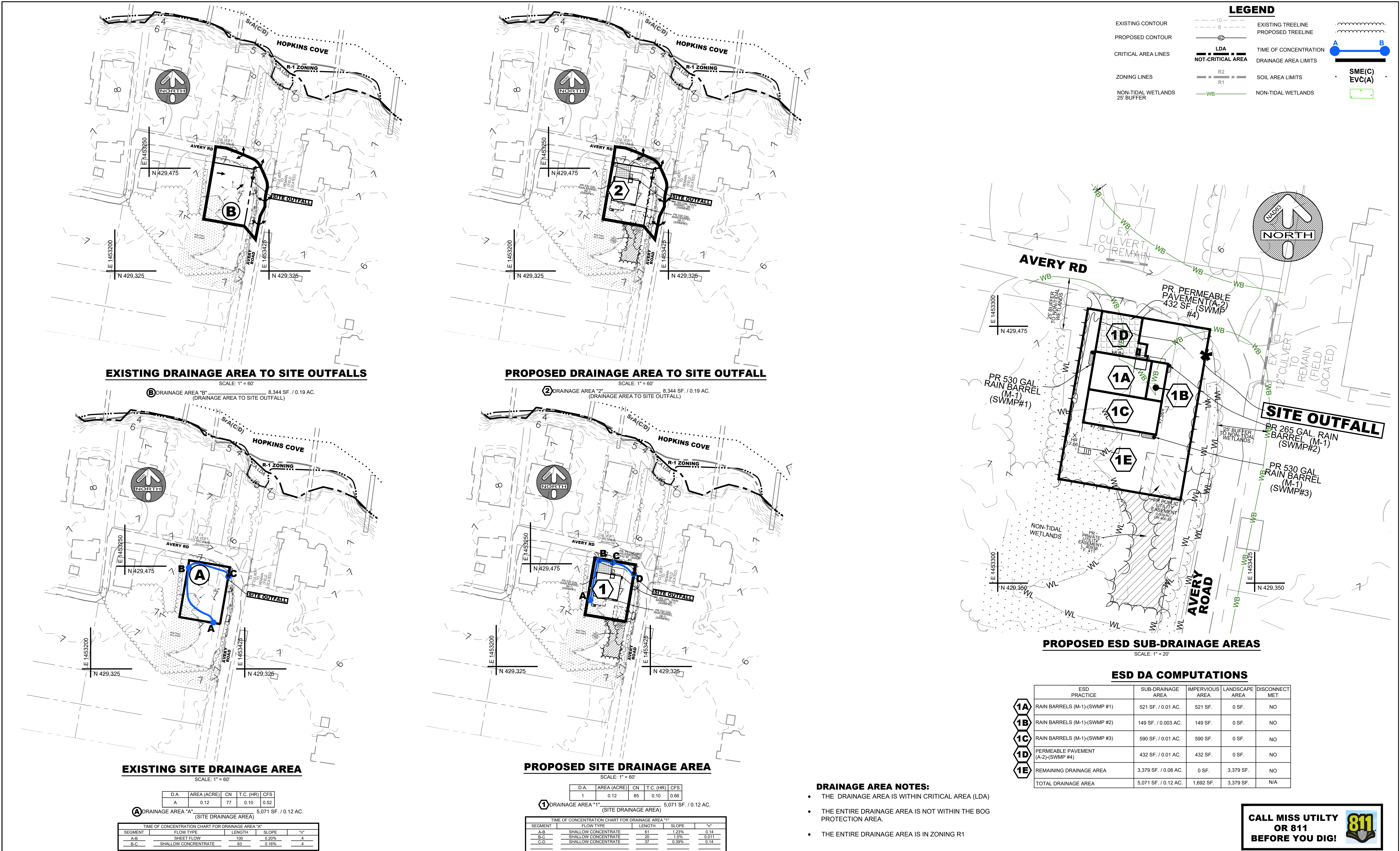


VARIANCE PLAN
4812 AVERY ROAD

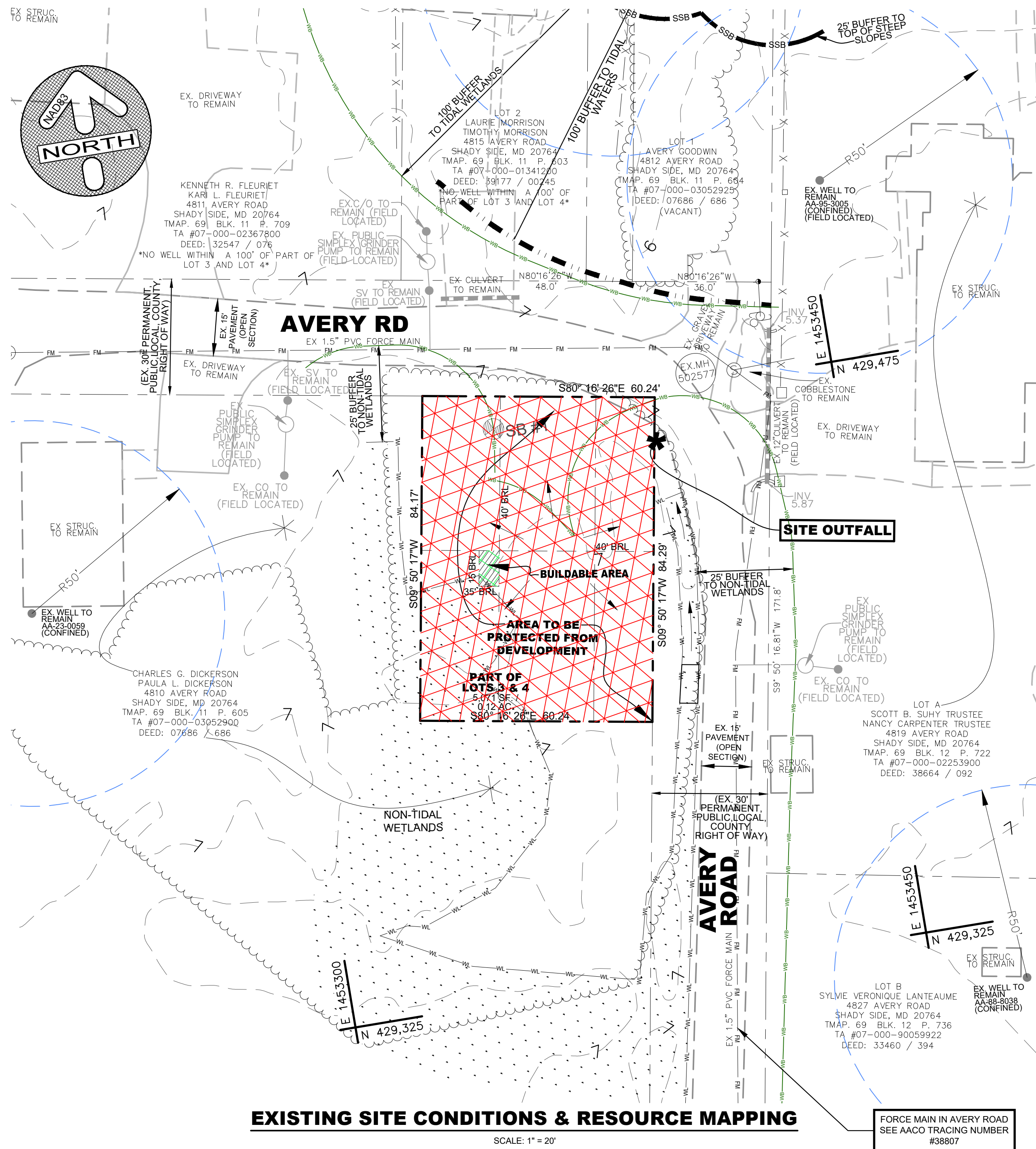
HOPKINS COVE, PART OF LOT 3 AND LOT 4
ZONING R-1
TAX MAP 69, BLOCK 11, PARCEL 604
SCALE: AS SHOWN DATE: FEBRUARY, 2025
ZIP CODE: 20764

7TH ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

SHEET
1
OF
4



EXISTING CONTOUR
EXISTING TREELINE
EXISTING SOIL BORING
AREA TO BE PROTECTED FROM DEVELOPMENT
BUILDABLE AREA
EXISTING 'B/D' TYPE SOILS
SOIL AREA LIMITS
NON-TIDAL WETLANDS
NON-TIDAL WETLANDS 25' BUFFER
EXISTING FORCE MAIN
25' BUFFER TO 15% SLOPES
100' BUFFER TO TIDAL WATERS



EXISTING SITE CONDITIONS & RESOURCE MAPPING

SCALE: 1" = 20'

NOTE:

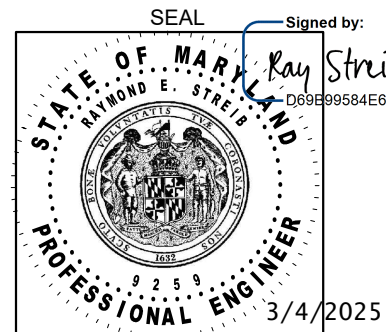
1. ALL LOTS AND SURROUNDING PROPERTIES ARE WELL AND PUBLIC SEWER.
2. THE SITE IS WITHIN THE CRITICAL AREA LDA.
3. ALL LOTS AND SURROUNDING PROPERTIES ARE IN WATER SERVICE AREA (RURAL) AND SEWER SERVICE AREA (BROADWATER).
4. AVERY ROAD IS NOT A SCENIC OR HISTORIC ROAD.
5. ALL LOTS AND SURROUNDING PROPERTIES ARE IN R-1 ZONING.
6. SITE IS NOT WITHIN ANY BOG DRAINAGE AREAS OR IMPACT AREAS.
7. THE CLOSEST WATERLINE IS 29.597 AWAY IN MONARCH DRIVE.

NOTE:

TOPOGRAPHY SHOWN HEREON IS AERIAL TOPO 2017 WHICH IS IN NAD 83. THESE PLANS WERE PREPARED USING THE BOUNDARY SURVEY PREPARED BY DFI IN FEBRUARY 2024. NON-TIDAL WETLANDS WERE FIELD LOCATED.

CERTIFICATION NOTE:

DFI HEREBY CERTIFIES THAT THE
LOCATION OF FEATURES SHOWN ON
THE RESOURCE MAP HAS BEEN FIELD
VERIFIED.



PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO.9259, EXPIRATION

2018 VEGETATIVE ESTABLISHMENT

E. SECURING STRAW MULCH: STRAW MULCH SHALL BE SECURED IMMEDIATELY FOLLOWING MULCH APPLICATION TO MINIMIZE MOVEMENT BY WIND OR WATER. THE FOLLOWING METHODS ARE PERMITTED:

- USE A MULCH-ANCHORING TOOL WHICH IS DESIGNED TO PUNCH AND ANCHOR MULCH INTO THE SOIL SURFACE TO A MINIMUM DEPTH OF 2 INCHES. THIS IS THE MOST EFFECTIVE METHOD FOR SECURING MULCH, HOWEVER, IT IS NOT NECESSARY. IF THE MULCH IS NOT SECURED TO THE SOIL SURFACE, IT WILL BE WASHED AWAY BY RAIN. IF WOOD CELLULOSE FIBER MAY BE USED FOR ANCHORING STRAW, APPLY THE FIBER BINDER AT A NET DRY WEIGHT OF 100 POUNDS PER ACRE. IF MIXED WITH WATER, USE 50 POUNDS OF WOOD CELLULOSE FIBER PER 100 GALLONS OF WATER.
- LIGHT BINDERS MAY BE USED. APPLY AT HIGHER RATES AT THE EDGES WHERE WIND CATCHES MULCH, SUCH AS IN THE CASE OF OIL OR POLYMER BINDERS. IF USING AN OIL OR POLYMER BINDER, FOLLOW THE INSTRUCTIONS FOR APPLICATION. BINDERS LISTED IN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL OR APPROVED EQUAL SHALL BE APPLIED AT RATES RECOMMENDED BY THE MANUFACTURERS. IF USING A NETTING METHOD TO SECURE MULCH, THE NETTING WILL BE STAKED TO THE GROUND ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.

2. TEMPORARY SEEDING:
LIME: 100 POUNDS OF DOLOMITIC LIMESTONE PER 1,000 SQUARE FEET.
FERTILIZER: 15 POUNDS OF 10-10-10 PER 1,000 SQUARE FEET.
SEED: PERENNIAL RYE .92 POUNDS PER 1,000 SQUARE FEET (FEBRUARY 1 THROUGH APRIL 30 OR AUGUST 15 THROUGH OCTOBER 31).
MILLET - 0.92 POUNDS PER 1,000 SQUARE FEET (MAY 1 THROUGH AUGUST 15).
MULCH: SAME AS 1 D AND E ABOVE.

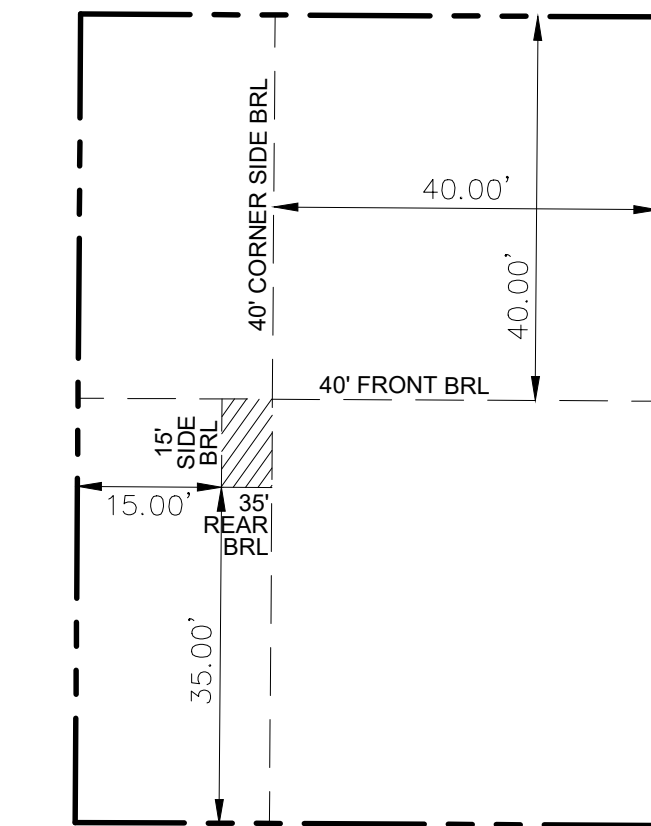
3. NO FILLS MAY BE PLACED ON FROZEN GROUND. ALL FILL IS TO BE PLACED IN APPROXIMATELY HORIZONTAL LAYERS, EACH LAYER HAVING A LOOSE THICKNESS OF NOT MORE THAN 8 INCHES. ALL COMPACTION REQUIREMENTS ARE IN ACCORDANCE WITH THE ANNE ARUNDEL COUNTY STANDARD SPECIFICATIONS FOR CONSTRUCTION AS WELL AS THE AA COUNTY DESIGN MANUAL. AND STANDARD DETAILS. FILLS FOR POND EMBANKMENTS SHALL BE COMPACTED AS PER MD-378 CONSTRUCTION SPECIFICATIONS. ALL OTHER FILLS SHALL BE COMPACTED SUFFICIENTLY SO AS TO BE STABLE AND PREVENT EROSION AND SLIPPAGE.

4. PERMANENT SOD:
INSTALLATION OF SOD SHOULD FOLLOW PERMANENT SEEDING DATES. SEEDBED PREPARATION FOR SOD SHALL BE AS NOTED IN SECTION (B) ABOVE. PERMANENT SOD IS TO BE TALL FESCUE. STATE APPROVED SOD. LIME AND FERTILIZER PER APPLICATION SHALL BE APPLIED TO THE SOIL PRIOR TO LAYING SOD. SOD SHALL BE Laid ON TO THE CONTOUR WITH ALL ENDS THIGHTLY ABUTTING. JOINTS ARE TO BE STAGGERED BETWEEN ROWS. WATER AND ROLL OR TAMP SOD TO INSURE POSITIVE ROOT CONTACT WITH THE SOIL. ALL SLOPES STEEPER THAN 3:1, AS SHOWN, ARE TO BE REINFORCED WITH EROSION CONTROL MATS. EROSION CONTROL MATS SHALL BE INSTALLED PRIOR TO SOD LAYING. ESTABLISHMENT MAY BE REQUIRED. SOD IS NOT TO BE INSTALLED ON FROZEN GROUND. SOD SHALL NOT BE TRANSPLANTED WHEN MOISTURE CONTENT (DRY OR WET) AND/OR EXTREME TEMPERATURE MAY ADVERSELY AFFECT ROOT SURVIVAL. IN THE ABSENCE OF ADEQUATE RAINFALL, IRRIGATION SHOULD BE PERFORMED TO ENSURE ESTABLISHMENT OF SOD.

5. MINING OPERATIONS: SEDIMENT CONTROL PLANS FOR MINING OPERATIONS MUST INCLUDE THE FOLLOWING SEEDING DATES AND MIXTURES: FOR SEEDING DATES OF FEBRUARY 1 THROUGH APRIL 30 AND AUGUST 15 THROUGH OCTOBER 31, USE SEED MIXTURE OF TALL FESCUE AT THE RATE OF 2 POUNDS PER 1,000 SQUARE FEET AND SERICEA LESPEDEZA AT THE MINIMUM RATE OF 0.5 POUNDS PER 1,000 SQUARE FEET.

6. TOPSOIL SHALL BE APPLIED AS PER THE STANDARD AND SPECIFICATIONS FOR SOIL PREPARATION, TOPSOILING, AND SOIL AMENDMENTS FROM THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

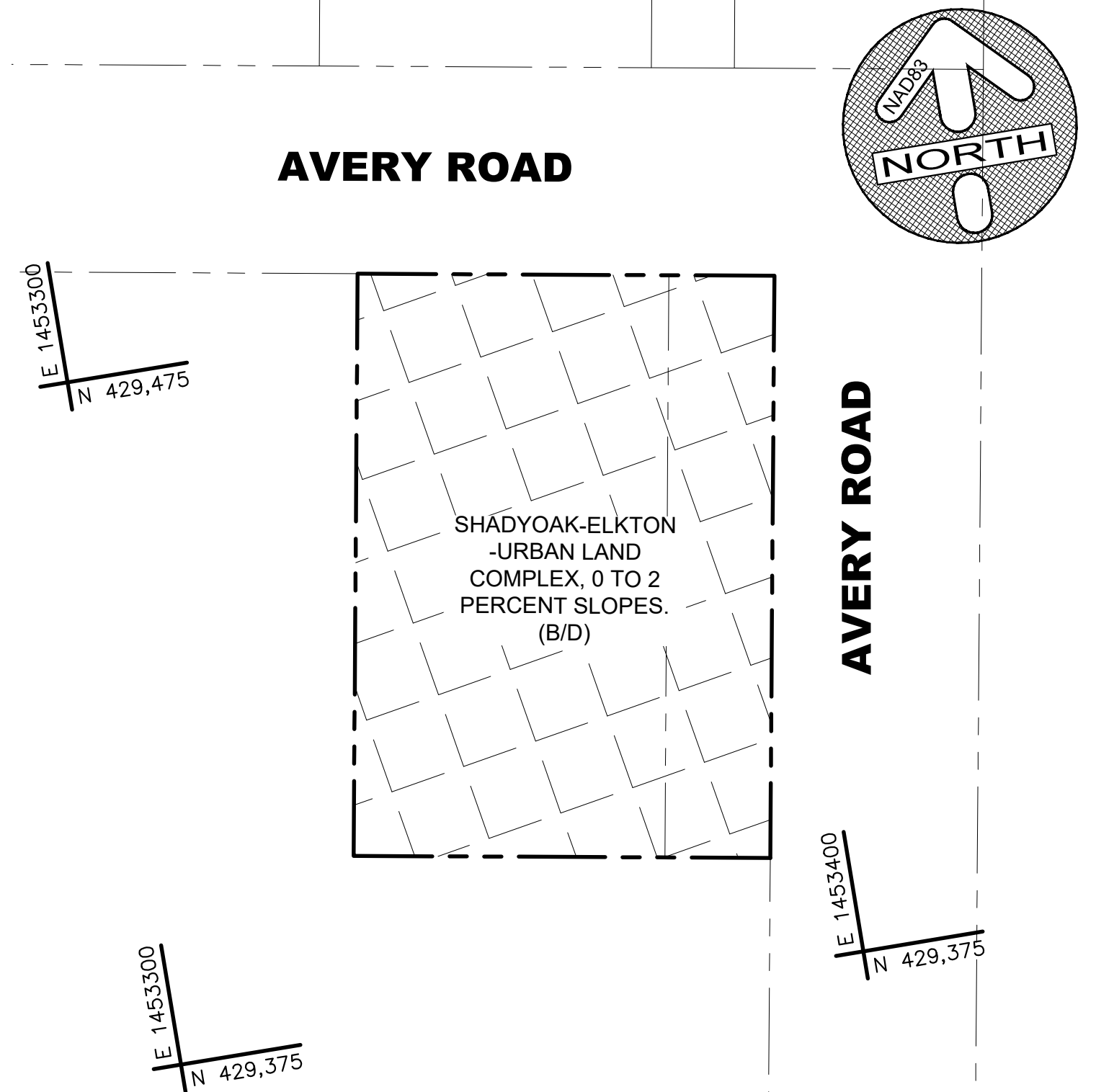
7. USE OF THESE VEGETATIVE ESTABLISHMENT SPECIFICATIONS DOES NOT PRECLUDE THE PERMITTEE OR CONTRACTOR FROM MEETING ALL OF THE REQUIREMENTS SET FORTH IN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.



SETBACKS FOR R-1 ZONING

SCALE: 1" = 20'

FRONT BRL 40'
REAR BRL 35'
SIDE BRL 15'
CORNER SIDE BRL 40'



SOILS MAP

SCALE: 1" = 20'

<u>SYMBOL</u>	<u>NAME</u>	<u>CLASS</u>	<u>K FACTOR</u>	<u>HIGHLY ERODIBLE</u>	<u>ON-SITE ACERAGE</u>
<u>SrA</u>	SHADYOAK-ELKTON-URBAN LAND COMPLEX, 0 TO 2 PERCENT SLOPES.	<u>C/D</u>	0.37	YES	0.12

**CALL MISS UTILITY
OR 811
BEFORE YOU DIG!**

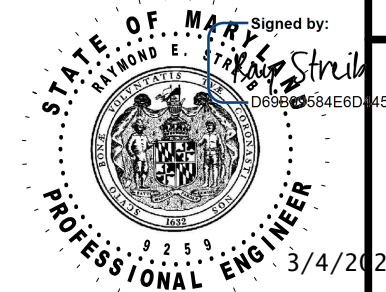
**OWNER / DEVELOPER:**

AVERY GOODWIN
 2007 CASSIDY COURT
 POINT OF ROCKS
 MARYLAND, 21777
 240-446-8840
 AVERYGOODWIN@HOTMAIL.COM

DESIGNED	CMB	02/25
		date
DRAWN	RSI	02/25
		date
CHECKED	CMB	02/25
		date
APPROVED	RES	02/25
		date

[illegible]

ENGINEERS-SURVEYORS-PLANNERS
CONSTRUCTION MANAGERS
I-97 BUSINESS PARK
1127 BENFIELD BLVD, SUITE K
MILLERSVILLE, MD 21108
WWW.DFIENGINEERING.COM
443-308-2100 FAX 443-308-2108



PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO.8258, EXPIRATION DATE 06-17-2025."

EXISTING SITE CONDITIONS / RESOURCE MAPPING DETAIL & SOILS MAP

VARIANCE PLAN
4812 AVERY ROAD

HOPKINS COVE, PART OF LOT 3 AND LOT 4
ZONING R-1

TAX MAP 69, BLOCK 11, PARCEL 604
SCALE: AS SHOWN DATE: FEBRUARY, 2025
ZIP CODE: 20764

7TH ASSESSMENT DISTRICT

NE ARUNDEL COUNTY, MARYLAND

SHEET
3
OF
4

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: 3/4/25

Tax Map #	Parcel #	Block #	Lot #	Section
69	604	--	p/o 3 & 4	

FOR RESUBMITTAL ONLY

Corrections ☐
Redesign ☐
No Change ☐
Non-Critical Area ☐

*Complete Only Page 1
General Project Information

Tax ID: 07-000-03052925

Project Name (site name, subdivision name, or other) 4812 Avery Road

Project location/Address 4812 Avery Road

City Shady Side Zip 20764

Local case number

Applicant: Last name Goodwin First name Avery

Company

Application Type (check all that apply):

Building Permit ☒
Buffer Management Plan ☐
Conditional Use ☐
Consistency Report ☐
Disturbance > 5,000 sq ft ☐
Grading Permit ☒

Variance ☒
Rezoning ☐
Site Plan ☐
Special Exception ☐
Subdivision ☐
Other ☐

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:

Build 1 single family dwelling with driveway, deck, stormwater management, private well & grinder pump

	Yes		Yes
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	Total Disturbed Area	Acres	Sq Ft
IDA Area				0.15	6,497
LDA Area	0.12	5,071			
RCA Area			# of Lots Created		
Total Area	0.12	5,071			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.12	5,036	Existing Lot Coverage	0	0
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.04	1,692
Removed Forest/Woodland/Trees	0.12	5,036	Removed Lot Coverage	0	0
			Total Lot Coverage	0.04	1,692

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0	0	Mitigation	0	0

Variance Type

Buffer	<input type="checkbox"/>	
Forest Clearing	<input type="checkbox"/>	
HPA Impact	<input type="checkbox"/>	
Lot Coverage	<input checked="" type="checkbox"/>	
Expanded Buffer	<input type="checkbox"/>	
Nontidal Wetlands	<input type="checkbox"/>	
Setback	<input checked="" type="checkbox"/>	
Steep Slopes	<input type="checkbox"/>	
Other	<input checked="" type="checkbox"/>	Deck Setbacks

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input checked="" type="checkbox"/>
Dwelling	<input checked="" type="checkbox"/>
Dwelling Addition	<input type="checkbox"/>
Garage	<input checked="" type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>

4812 Avery Road

Anne Arundel County, Maryland

WSSI #P.WSI0000733

Critical Area Report

January 29, 2025

Prepared for:

Avery Goodwin

2007 Cassidy Court

Point of Rocks, Maryland 21777

Prepared by:



1131 Benfield Boulevard, Suite L

Millersville, MD 21108

Tel: 410-672-5990

Email: contactus@wetlands.com

www.wetlands.com

1. **Introduction**

The applicant proposes to construct a single-family residence, deck, driveway, public grinder pump, and groundwater well at 4812 Avery Road, in Shady Side, Anne Arundel County, Maryland (Exhibit 1). The property is identified as Hopkins Cove, Part of Lot 3 and Lot 4 on Tax Map 69, and is zoned R-1.

2. **Project Description and Existing Site Conditions**

The subject property covers 5,071 square feet (0.12 acres) of land, all of which is located within the Chesapeake Bay Critical Area (critical area). The entire property is located within the limited development area (LDA). Currently, the lot is comprised of a mowed/maintained field with scattered trees. The current and proposed site conditions are depicted on Sheets 3 and 4 of the *Variance Plan* dated January 2025 (Attachment 1) and prepared by DFI.

The property currently does not contain any lot coverage. The project, as proposed, will increase the total lot coverage to 1,692 square feet (33.36%) which is below the permitted lot coverage of 1,768 square feet.

According to the updated Anne Arundel County soil survey (Exhibit 2), one (1) soil type, Shadyoak-Elkton-Urban land complex, 0 to 2 percent slopes (SrA), has been mapped on the property. This soil type is classified as hydric.

3. **Habitat Protection Areas**

Non-tidal Wetlands

The limits of existing nontidal wetlands on the subject property are depicted on Sheet 3 of the *Variance Plan* (Attachment 1). The surveyed limits of these wetlands were confirmed in the field by Cheryl Kerr and Jeff Thompson of the Maryland Department of the Environment (MDE) on July 17, 2024. Construction of the single-family residence, deck and driveway will permanently impact 769 square feet and 3,805 square feet of emergent nontidal wetlands and the 25-foot buffer, respectively. In addition, installation of a groundwater well and sewer connection will temporarily disturb 46 square feet of wetlands and 1,477 square feet of the 25-foot buffer. MDE issued Letter of Authorization #24-NT-0244/202461563 (Exhibit 3) on January 13, 2025 for these impacts.

Tidal Waters/Wetlands

There are no tidal waters or wetlands within the limits of the study area, therefore, no impacts to tidal waters or wetlands are proposed.

100-foot Buffer and Expanded Buffer

A 100-foot buffer and expanded buffer do not exist on-site.

Rare, Threatened & Endangered Species

A formal request for an environmental review for rare, threatened, or endangered species on the property was submitted to the Maryland Department of Natural Resources (DNR). A copy of the DNR request letter dated January 28, 2025, can be found in Exhibit 4. No rare, threatened, or endangered species were observed while performing the critical area study field work.

Steep Slopes

Steep slopes are defined as areas with greater than or equal to 25% slopes. The entire site is flat and does not contain any steep slopes.

4. Existing Vegetative Cover

The subject property is comprised of a mowed/maintained field with scattered saplings that include white oak (*Quercus alba*), eastern red cedar (*Juniperus virginiana*), and black locust (*Robinia pseudo-acacia*). Additionally, a 41-inch diameter-at-breast height (DBH) southern red oak (*Quercus falcata*) exists near the center of the property. Herbaceous vegetation is dominated by mowed grass species (*Poa spp.*), wild garlic (*Allium canadense*), English ivy (*Hedera helix*), Japanese honeysuckle (*Lonicera japonica*), blackberry (*Rubus sp.*), multiflora rose (*Rosa multiflora*), gill-over-the-ground (*Glechoma hederacea*), privet (*Ligustrum vulgare*), and ornamental tulip (*Tulipa sp.*).

5. Wildlife

No wildlife was observed during the site visit. The Maryland Department of Natural Resources has not identified this site as having potential Forest Interior Dwelling Species (FIDS) habitat according MD MERLIN Online.

6. Date of Field Work

March 7, 2024 – Michael J. Klebasko and Marius Flemmer, Wetland Studies and Solutions, Inc.

WETLAND STUDIES AND SOLUTIONS, INC.

Michael J. Klebasko, P.W.S.
Manager – Maryland Environmental Sciences

Dan Le Kites
Environmental Scientist

L:_WS\0000000s\0000700\0000733\Admin\05-ENVR\Critical Area Study\Working\2025-01-29-Critical Area Report.docx

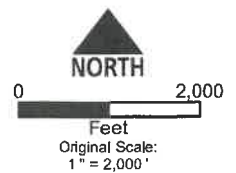
EXHIBIT 1



EDGE OF MAP

 Project Area (±0.1 acres)

Vicinity Map
4812 Avery Road
WSI0000733

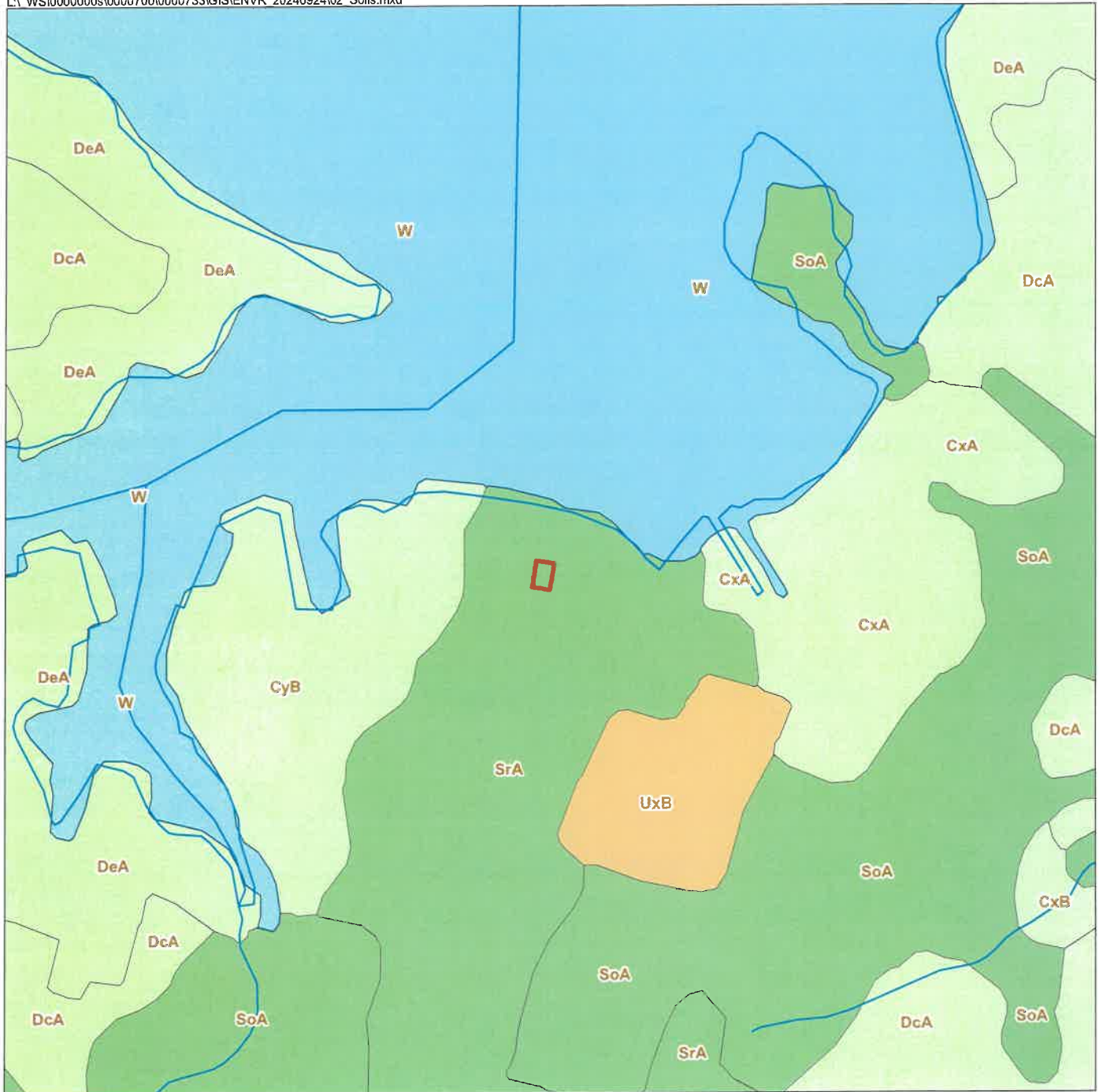


ADC Map/Column/Row: 5656K5
 Source: ADC 2008-2012

Wetland Studies and Solutions, Inc.
 a **DAVEY** company

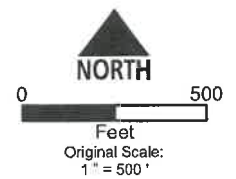
Exhibit 1

EXHIBIT 2



- Project Area
- Hydric Soil
- Soil with Hydric Inclusion
- Non-Hydric Soil
- Water

Soils Map
4812 Avery Road
WSI0000733



Major Land Resource Area:
 Land Resource Region:
 Source: Anne Arundel County Digital Data, U.S. Department of Agriculture, 2021

EXHIBIT 3

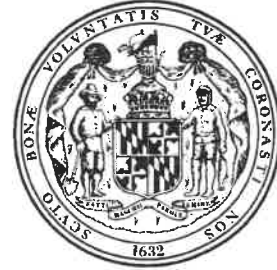
STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WETLANDS AND WATERWAYS PROTECTION PROGRAM
LETTER OF AUTHORIZATION

AUTHORIZATION NUMBER: 24-NT-0244/202461563

EFFECTIVE DATE: January 13, 2025

EXPIRATION DATE: January 13, 2030

AUTHORIZED PERSON: Charles and Paula Dickerson
4810 Avery Road
Shady Side, MD 20764



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(b), ANNOTATED CODE OF MARYLAND, COMAR 26.17.04, 26.23.01, AND 26.08.02 AND THE ATTACHED CONDITIONS OF AUTHORIZATION, Charles and Paula Dickerson ("AUTHORIZED PERSON"), IS HEREBY AUTHORIZED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") TO CONDUCT A REGULATED ACTIVITY IN A NONTIDAL WETLAND, BUFFER, OR EXPANDED BUFFER, AND/OR TO CHANGE THE COURSE, CURRENT OR CROSS-SECTION OF WATERS OF THE STATE, IN ACCORDANCE WITH THE ATTACHED PLANS APPROVED BY THE ADMINISTRATION ON January 13, 2025 ("APPROVED PLAN") AND PREPARED BY DFI AND INCORPORATED HEREIN, AS DESCRIBED BELOW:

For the construction of a single-family home and its required infrastructure. The work involves clearing, grading and filling and will result in permanent impacts to 769 square feet of emergent nontidal wetlands and 3,805 square feet of 25-foot nontidal wetland buffer. and temporary impacts to 46 square feet of emergent nontidal wetlands and 1,477 square feet of 25-foot nontidal wetland buffer. The project is located at 4812 Avery Road, Shady Side in Anne Arundel County.

MD Grid Coordinates: N 130894 / E 442983

Heather L. Nelson
Program Manager
Wetlands and Waterways Protection Program

Attachments: Conditions of Authorization

cc: MDE Compliance Program
USACOE-Section Northern
Wetland Studies and Solutions, Inc.-Michael Klebasko

1. **Validity:** Authorization is valid only for use by Authorized Person. Authorization may be transferred only with prior written approval of the Administration. In the event of transfer, transferee agrees to comply with all terms and conditions of Authorization.
2. **Initiation of Work, Modifications and Extension of Term:** Authorized Person shall initiate authorized activities in waterways, including streams and the 100-year nontidal floodplain, within two (2) years of the Effective Date of this Authorization or the Authorization shall expire. [Annotated Code of Maryland, Environment Article §5-510(a)-(b) and Code of Maryland Regulations 26.17.04.12]. Authorized Person may submit written requests to the Administration for (a) extension of the period for initiation of work, (b) modification of Authorization, including the Approved Plan, or, (c) not later than 45 days prior to Expiration Date, an extension of term. Requests for modification shall be in accordance with applicable regulations and shall state reasons for changes, and shall indicate the impacts on nontidal wetlands, streams, and the floodplain, as applicable. The Administration may grant a request at its sole discretion. (Annotated Code of Maryland, Environment Article §5-510(c), and Code of Maryland Regulations 26.17.04.12, and Annotated Code of Maryland, Environment Article §5-907 and Code of Maryland Regulations 26.23.02.07).
3. **Responsibility and Compliance:** Authorized Person is fully responsible for all work performed and activities authorized by this Authorization shall be performed in compliance with this Authorization and Approved Plan. Authorized Person agrees that a copy of the Authorization and Approved Plan shall be kept at the construction site and provided to its employees, agents and contractors. A person (including Authorized Person, its employees, agents or contractors) who violates or fails to comply with the terms and conditions of this Authorization, Approved Plan or an administrative order may be subject to penalties in accordance with §5-514 and §5-911, Department of the Environment Article, Annotated Code of Maryland (2007 Replacement Volume).
4. **Failure to Comply:** If Authorized Person, its employees, agents or contractors fail to comply with this Authorization or Approved Plan, the Administration may, in its discretion, issue an administrative order requiring Authorized Person, its employees, agents and contractors to cease and desist any activities which violate this Authorization, or the Administration may take any other enforcement action available to it by law, including filing civil or criminal charges.
5. **Suspension or Revocation:** Authorization may be suspended or revoked by the Administration, after notice of opportunity for a hearing, if Authorized Person: (a) submits false or inaccurate information in Permit application or subsequently required submittals; (b) deviates from the Approved Plan, specifications, terms and conditions; (c) violates, or is about to violate terms and conditions of this Authorization; (d) violates, or is about to violate, any regulation promulgated pursuant to Title 5, Department of the Environment Article, Annotated Code of Maryland as amended; (e) fails to allow authorized representatives of the Administration to enter the site of authorized activities at any reasonable time to conduct inspections and evaluations; (f) fails to comply with the requirements of an administrative action or order issued by the Administration; or (g) does not have vested rights under this Authorization and new information, changes in site conditions, or amended regulatory requirements necessitate revocation or suspension.
6. **Other Approvals:** Authorization does not authorize any injury to private property, any invasion of rights, or any infringement of federal, State or local laws or regulations, nor does it obviate the need to obtain required authorizations or approvals from other State, federal or local agencies as required by law.
7. **Site Access:** Authorized Person shall allow authorized representatives of the Administration access to the site of authorized activities during normal business hours to conduct inspections and evaluations necessary to assure compliance with this Authorization. Authorized Person shall provide necessary assistance to effectively and safely conduct such inspections and evaluations.
8. **Inspection Notification:** Authorized Person shall notify the Administration's Compliance Program at least five (5) days before starting authorized activities and five (5) days after completion. For Allegany, Garrett, and Washington Counties, Authorized Person shall call 301-689-1480. For Carroll, Frederick, Howard, Montgomery and Prince George's Counties, Authorized Person shall call 301-665-2850. For Baltimore City, Anne Arundel, Baltimore, Calvert, Charles, Harford and St. Mary's Counties, Authorized Person shall call 410-537-3510. For Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester Counties, Authorized Person shall call 410-901-4020. If Authorization is for a project that is part of a mining site, please contact the Land and Materials Administration's Mining Program at 410-537-3557 at least five (5) days before starting authorized activities and five (5) days after completion.
9. **Sediment Control:** Authorized Person shall obtain approval from the Anne Arundel County Soil Conservation District for a grading and sediment control plan specifying soil erosion control measures. The approved grading and sediment control plan shall be included in the Approved Plan, and shall be available at the construction site.
10. **Best Management Practices During Construction:** Authorized Person, its employees, agents and contractors shall conduct authorized activities in a manner consistent with the Best Management Practices specified by the Administration.
11. **Disposal of Excess:** Unless otherwise shown on the Approved Plan, all excess fill, spoil material, debris, and construction material shall be disposed of outside of nontidal wetlands, nontidal wetlands buffers, and the 100-year floodplain, and in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands.
12. **Temporary Staging Areas:** Temporary construction trailers or structures, staging areas and stockpiles shall not be located within nontidal wetlands, nontidal wetlands buffers, or the 100-year floodplain unless specifically included on the Approved Plan.

13. **Temporary Stream Access Crossings:** Temporary stream access crossings shall not be constructed or utilized unless shown on the Approved Plan. If temporary stream access crossings are determined necessary prior to initiation of work or at any time during construction, Authorized Person, its employees, agents or contractors shall submit a written request to the Administration and secure the necessary permits or approvals for such crossings before installation of the crossings. Temporary stream access crossings shall be removed and the disturbance stabilized prior to completion of authorized activity or within one (1) year of installation.
14. **Discharge:** Runoff or accumulated water containing sediment or other suspended materials shall not be discharged into waters of the State unless treated by an approved sediment control device or structure.
15. **Instream Construction Prohibition:** To protect important aquatic species, motor driven construction equipment shall not be allowed within stream channels unless on authorized ford crossings. Activities within stream channels are prohibited as determined by the classification of the stream (COMAR 26.08.02.08): No In-Stream work is Authorized herein.
16. **Instream Blasting:** Authorized Person shall obtain prior written approval from the Administration before blasting or using explosives in the stream channel.
17. **Minimum Disturbance:** Any disturbance of stream banks, channel bottom, wetlands, and wetlands buffer authorized by this Authorization or Approved Plan shall be the minimum necessary to conduct permitted activities. All disturbed areas shall be stabilized vegetatively no later than seven (7) days after construction is completed or in accordance with the approved grading or sediment and erosion control plan.
18. **Restoration of Construction Site:** Authorized Person shall restore the construction site upon completion of authorized activities. Undercutting, meandering or degradation of the stream banks or channel bottom, any deposition of sediment or other materials, and any alteration of wetland vegetation, soils, or hydrology, resulting directly or indirectly from construction or authorized activities, shall be corrected by Authorized Person as directed by the Administration.
19. **Mitigation:** Authorized Person shall mitigate for the loss of 769 square feet of emergent nontidal wetland by creating the equivalent of at least 769 square feet of emergent nontidal wetland. This mitigation, required due to the location of the project within the Critical Area, has been satisfied through the use of 769 square feet of nontidal wetland credit from the Peige Wetland Mitigation Bank.

FEDERALLY MANDATED STATE AUTHORIZATIONS

The State of Maryland issued a Water Quality Certification to the U.S. Army Corps of Engineers for projects receiving federal authorization under the Maryland State Programmatic General Permit, Regional General Permit for Chesapeake Bay Total Maximum Daily Load (TMDL) Activities and non-suspended Nationwide Permits. In addition, as applicable, this Authorization constitutes the State's concurrence with the Applicant's certification that the activities authorized herein are consistent with the Maryland Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. Activities in the following counties are not subject to the Maryland Coastal Zone Management requirement: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington.

U.S. ARMY CORPS OF ENGINEERS AUTHORIZATION

The U.S. Army Corps of Engineers has reviewed this activity and:

 X Granted authorization under the Maryland State Programmatic General Permit (MDSPGP-7), as a Category A (activity (A-e(1))). The terms and conditions of the MDSPGP-6 as outlined in the documents found on the Maryland Department of the Environment's website, https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/MDSPGP6_conditions.aspx, should be followed when performing the authorized work, or

 Will issue a Category B authorization or Individual Permit directly to the Authorized Person

**BEST MANAGEMENT PRACTICES FOR WORKING IN
NONTIDAL WETLANDS, WETLAND BUFFERS,
WATERWAYS AND 100-YEAR NONTIDAL FLOODPLAINS**

- 1) No excess fill, construction material, or debris shall be stockpiled or stored in nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year floodplain.
- 2) Place materials in a location and manner which does not adversely impact surface or subsurface water flow into or out of nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year nontidal floodplain.
- 3) Do not use the excavated material as backfill if it contains waste metal products, unsightly debris, toxic material, or any other deleterious substance. If additional backfill is required, use clean material free of waste metal products, unsightly debris, toxic material, or any other deleterious substance.
- 4) Place heavy equipment on mats or suitably operate the equipment to prevent damage to nontidal wetlands, nontidal wetland buffers, waterways, or the 100-year nontidal floodplain.
- 5) Repair and maintain any serviceable structure or fill so there is no permanent loss of nontidal wetlands, nontidal wetland buffers, or waterways, or permanent modification of the 100-year floodplain in excess of that lost under the originally authorized structure or fill.
- 6) Rectify any nontidal wetlands, wetland buffers, waterways, or 100-year nontidal floodplain temporarily impacted by any construction.
- 7) All stabilization in the nontidal wetland and nontidal wetland buffer shall consist of the following species: Annual Ryegrass (Lolium multiflorum), Millet (Setaria italica), Barley (Hordeum sp.), Oats (Uniola sp.), and/or Rye (Secale cereale). These species will allow for the stabilization of the site while also allowing for the voluntary revegetation of natural wetland species. Other non-persistent vegetation may be acceptable, but must be approved by the Nontidal Wetlands and Waterways Division. **Kentucky 31 fescue shall not be utilized in wetland or buffer areas.** The area should be seeded and mulched to reduce erosion after construction activities have been completed.
- 8) After installation has been completed, make post-construction grades and elevations the same as the original grades and elevations in temporarily impacted areas.
- 9) To protect aquatic species, in-stream work is prohibited as determined by the classification of the stream:
 - Use I waters: In-stream work shall not be conducted during the period March 1 through June 15, inclusive, during any year.
 - Use III waters: In-stream work shall not be conducted during the period October 1 through April 30, inclusive, during any year.
 - Use IV waters: In-stream work shall not be conducted during the period March 1 through May 31, inclusive, during any year.
- 10) Stormwater runoff from impervious surfaces shall be controlled to prevent the washing of debris into the waterway.
- 11) Culverts shall be constructed and any riprap placed so as not to obstruct the movement of aquatic species, unless the purpose of the activity is to impound water.



Project Area (±0.1 acres)

Vicinity Map
4812 Avery Road
WSI0000733

24-NF-0244/202461563
SHEETS 1 thru 3

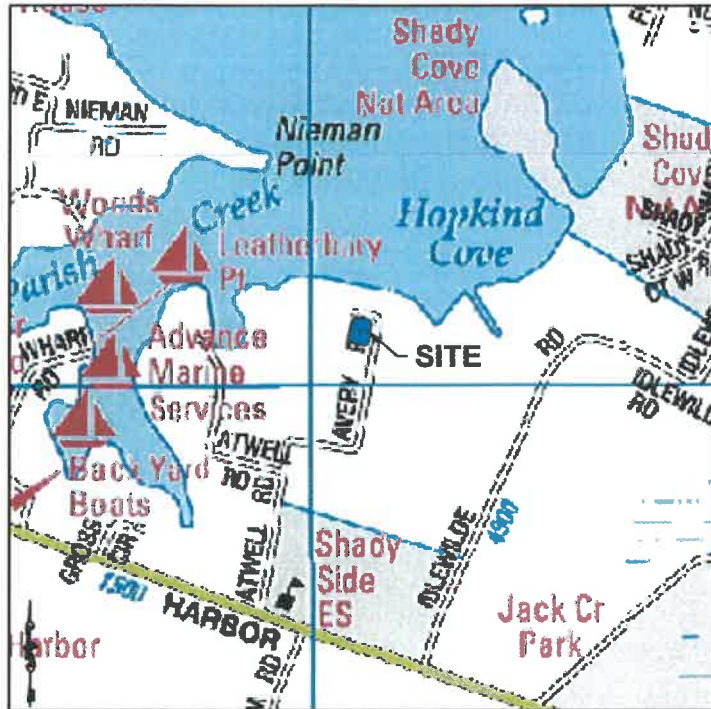


ADC Map/Column/Row: 5656K5
Source: ADC 2008-2012

Wetland Studies and Solutions, Inc.
a DAVEY company

Exhibit 1

4812 AVERY ROAD
IMPACT EXHIBIT
PLANS AS APPLICABLE TO IMPACTS TO WATERS OF THE U.S.



SOURCE: ADC THE MAP PEOPLE
 PERMITTED USE NUMBER: 20711184

VICINITY MAP
 1"=2,000'

SUMMARY OF PERMANENT IMPACTS

Impact	Wetland	25-foot Buffer	100-year Floodplain		Waters of U.S.	
	sf	sf	sf	Net CY Fill	If	sf
SHEET 3	769	3,805	0	0	0	0
Total:	769	3,805	0	0	0	0

SUMMARY OF TEMPORARY IMPACTS

Impact	Wetland	25-foot Buffer	100-year Floodplain		Waters of U.S.	
	sf	sf	sf	Net CY Fill	If	sf
SHEET 3	46	1,477	0	0	0	0
Total:	46	1,477	0	0	0	0

Applicant:
 Paula Dickerson
 4810 Avery Road
 Shady Side, MD 20764

Agent:
 Wetland Studies and Solutions, Inc.
 1131 Benfield Boulevard, Suite L
 Millersville, Maryland 21108
 (Phone) 410-672-5990 (Fax) 410-672-5993

4812 AVERY ROAD

*Proposed Impacts to Nontidal
 Waters of the U.S.*

ANNE ARUNDEL County, Maryland

**VICINITY MAP AND
 IMPACT SUMMARY**

Date: SEPTEMBER 27, 2024

Scale: N/A

Sheet: 1 of 3



TOPOGRAPHY, SITE BOUNDARY AND SITE DESIGN PROVIDED BY DFI, WAS USED AS A BASE FOR THIS EXHIBIT.

Applicant:
 Paula Dickerson
 4810 Avery Road
 Shady Side, MD 20764

Agent:
 Wetland Studies and Solutions, Inc.
 1131 Benfield Boulevard, Suite L
 Millersville, Maryland 21108
 (Phone) 410-672-5990 (Fax) 410-672-5993

4812 AVERY ROAD

Proposed Impacts to Nontidal Waters of the U.S.

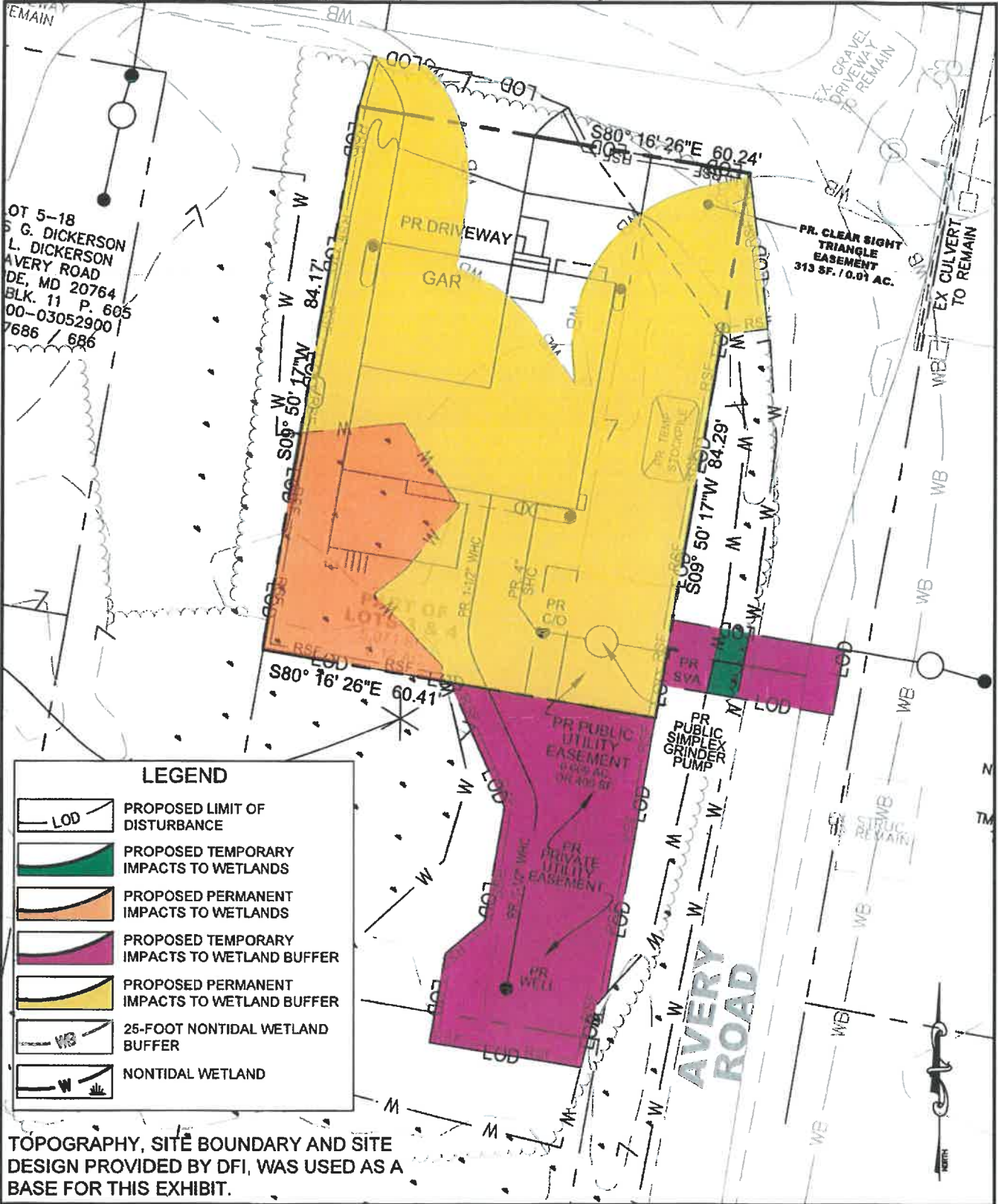
ANNE ARUNDEL County, Maryland

OVERALL EXHIBIT

Date: SEPTEMBER 27, 2024

Scale: 1" = 60'

Sheet: 2 of 3



Applicant:
 Paula Dickerson
 4810 Avery Road
 Shady Side, MD 20764

Agent:
 Wetland Studies and Solutions, Inc.
 1131 Benfield Boulevard, Suite L
 Millersville, Maryland 21108
 (Phone) 410-672-5990 (Fax) 410-672-5993

4812 AVERY ROAD

Proposed Impacts to Nontidal Waters of the U.S.

ANNE ARUNDEL County, Maryland

IMPACT EXHIBIT

Date: SEPTEMBER 27, 2024

Scale: 1" = 20'

Sheet: 3 of 3

EXHIBIT 4



January 28, 2025

VIA E-Mail: lori.byrne@maryland.gov

Ms. Lori Byrne
Maryland Department of Natural Resources
Wildlife and Heritage Division, E-1
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: 4812 Avery Road, Anne Arundel County, Maryland

Dear Ms. Byrne:

I am formally requesting an environmental review for State and/or Federally-listed rare, threatened, or endangered species on the above referenced 0.12-acre residential lot located at 4812 Avery Road, in Shady Side, Anne Arundel County, Maryland. Currently, the site is currently comprised of a mowed/maintained field with scattered trees. The location of the property is depicted on the attached vicinity map. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

Wetland Studies and Solutions, Inc.

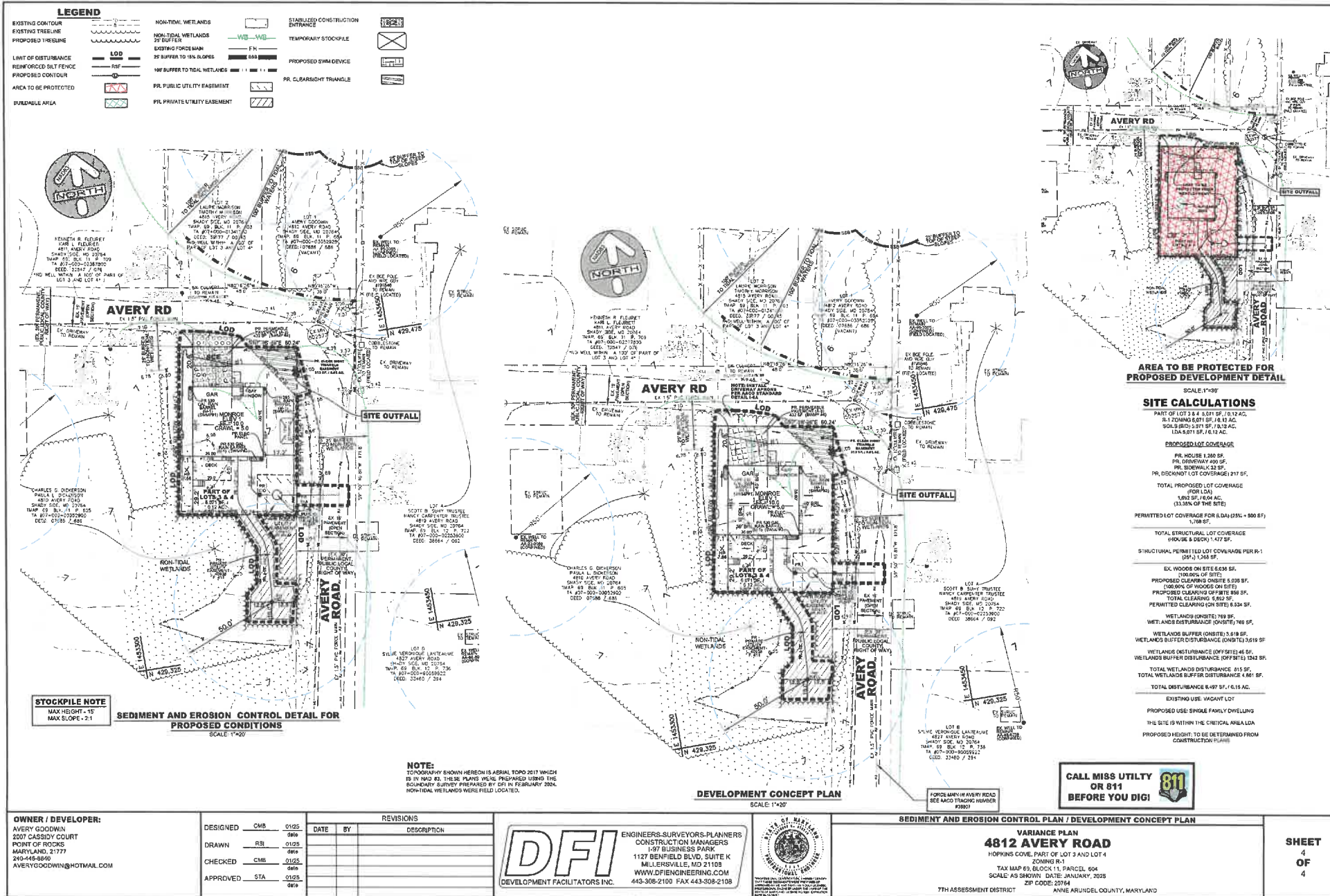
A handwritten signature in blue ink, which appears to read "Daniel Le Kites".

Dan Le Kites
Environmental Technician

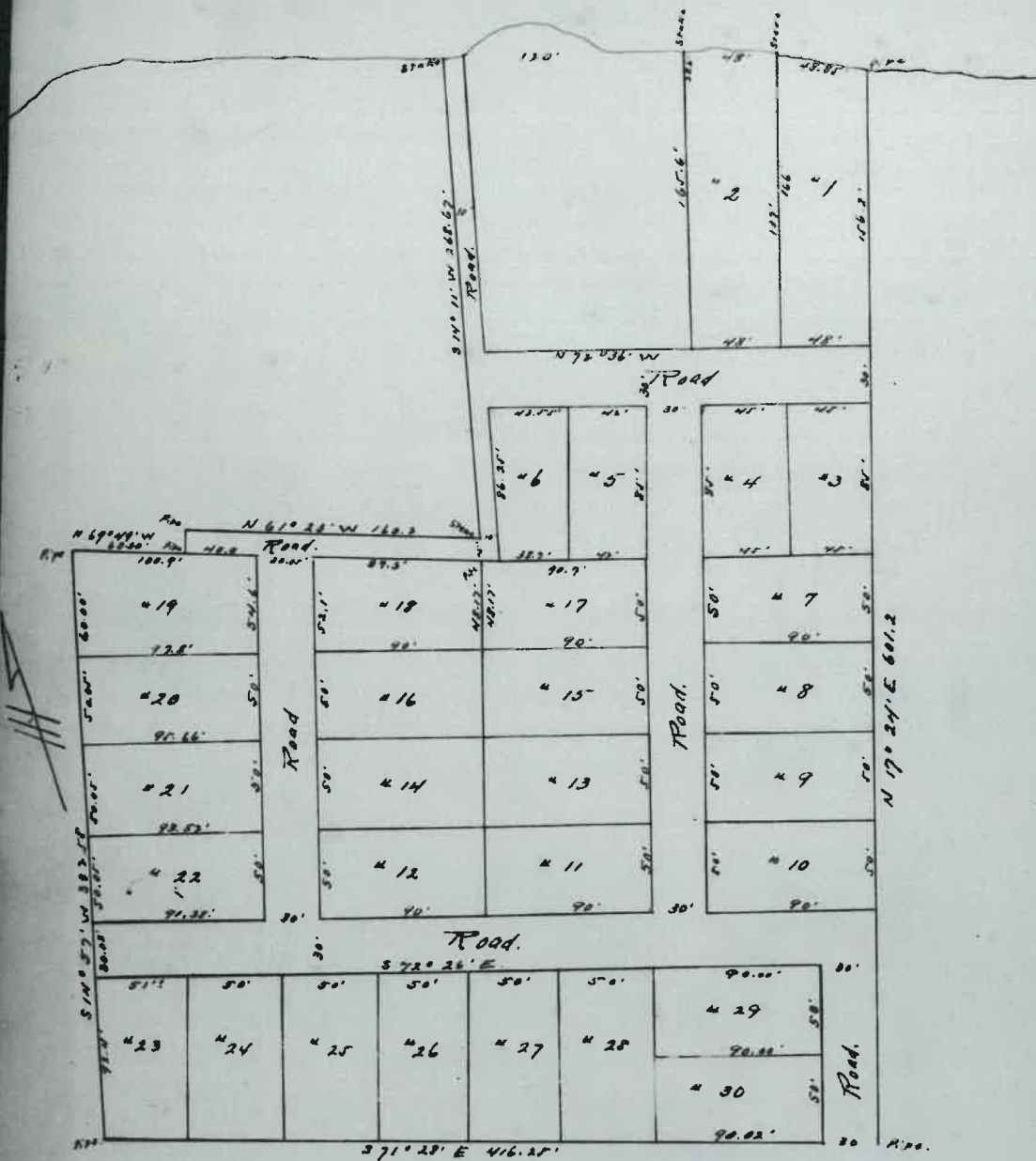
L:_WSI0000000s\0000700\0000733\Admin\05-ENVR\Critical Area Study\RTE Request\2025-01-28-RTE Request Letter.docx



ATTACHMENT 1



HOPKINS FAM 143 Cove;



Hopkins Cove - Shady Side Md.
Scale 1" = 50'

Edward Hall Jr.
County Surveyor. August 24, 1901.

STATE OF MARYLAND
DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION
WETLANDS AND WATERWAYS PROTECTION PROGRAM

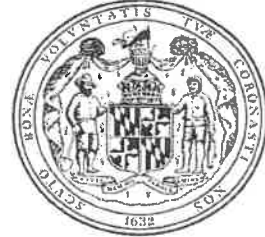
MODIFICATION OF AUTHORIZATION

AUTHORIZATION NUMBER: 24-NT-0244/202461563

EFFECTIVE DATE: January 30, 2025

EXPIRATION DATE: January 13, 2030

AUTHORIZED PERSON: Avery Goodwin
2007 Cassidy Court
Point of Rocks, MD 21777



IN ACCORDANCE WITH ENVIRONMENT ARTICLE §5-503(a) AND §5-906(a), ANNOTATED CODE OF MARYLAND, COMAR 26.17.04, 26.23.01 AND 26.08.02, NONTIDAL WETLANDS & WATERWAYS LETTER OF AUTHORIZATION NUMBER 24-NT-0244/202461563, ISSUED TO Avery Goodwin, ("AUTHORIZED PERSON"), IS HEREBY MODIFIED BY THE WATER AND SCIENCE ADMINISTRATION ("ADMINISTRATION") AS DESCRIBED BELOW:

To modify the Authorization as follows:

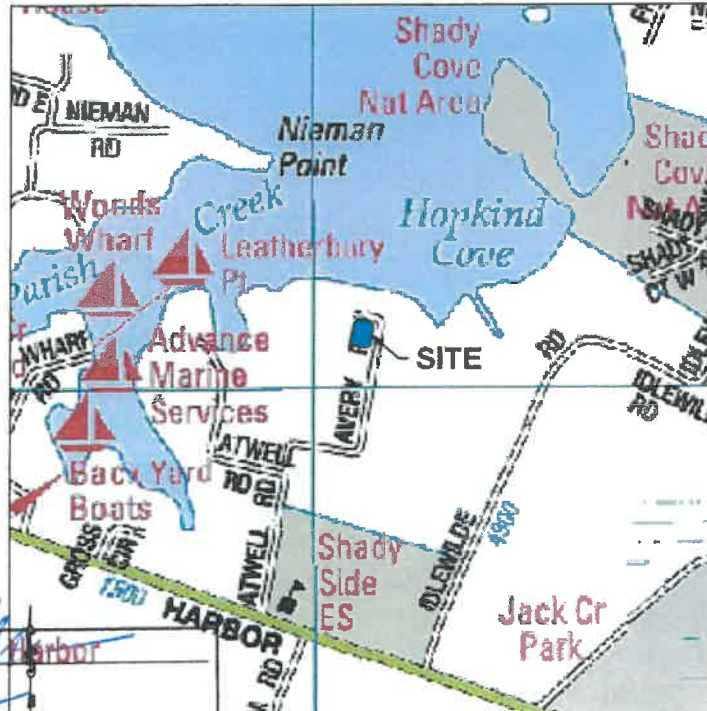
- (1) To change the Authorized Person from Charles and Paula Dickerson to Avery Goodwin as shown above: and.
- (2) To modify the Impact Plates and Final Grading, Erosion and Sediment Control Plans as shown herein.

THIS MODIFICATION SHALL BE CONSIDERED AS PART OF NONTIDAL WETLANDS & WATERWAYS LETTER OF AUTHORIZATION NUMBER 24-NT-0244/202461563. ALL OTHER CONDITIONS AND ELEMENTS OF THE AUTHORIZATION REMAIN IN EFFECT.

Heather L. Nelson
Program Manager
Wetlands and Waterways Protection Program

cc: Michael Kleabsko (Wetlands Studies and Solutions)
MDE Compliance Program

4812 AVERY ROAD
IMPACT EXHIBIT
PLANS AS APPLICABLE TO IMPACTS TO WATERS OF THE U.S.



PLANS APPROVED BY: *[Signature]*

DATE: *Jan 29, 2025*

SOURCE: ADC THE MAP PEOPLE
 PERMITTED USE NUMBER: 20711184

WATER AND SCIENCE ADMINISTRATION
 NONTIDAL WETLANDS AND WATERWAYS DIVISION
 MARYLAND DEPARTMENT OF THE ENVIRONMENT

VICINITY MAP
 1"=2,000'

24-NT-0244/202461563

SUMMARY OF PERMANENT IMPACTS

Impact	Wetland	25-foot Buffer	100-year Floodplain		Waters of U.S.	
	sf	sf	sf	Net CY Fill	If	sf
SHEET 3	769	3,805	0	0	0	0
Total:	769	3,805	0	0	0	0

SUMMARY OF TEMPORARY IMPACTS

Impact	Wetland	25-foot Buffer	100-year Floodplain		Waters of U.S.	
	sf	sf	sf	Net CY Fill	If	sf
SHEET 3	46	1,477	0	0	0	0
Total:	46	1,477	0	0	0	0

Applicant:
 Avery Goodwin
 2007 Cassidy Court
 Point of Rocks, MD 21777

Agent:
 Wetland Studies and Solutions, Inc.
 1131 Benfield Boulevard, Suite L
 Millersville, Maryland 21108
 (Phone) 410-672-5990 (Fax) 410-672-5993

4812 AVERY ROAD

*Proposed Impacts to Nontidal
 Waters of the U.S.*

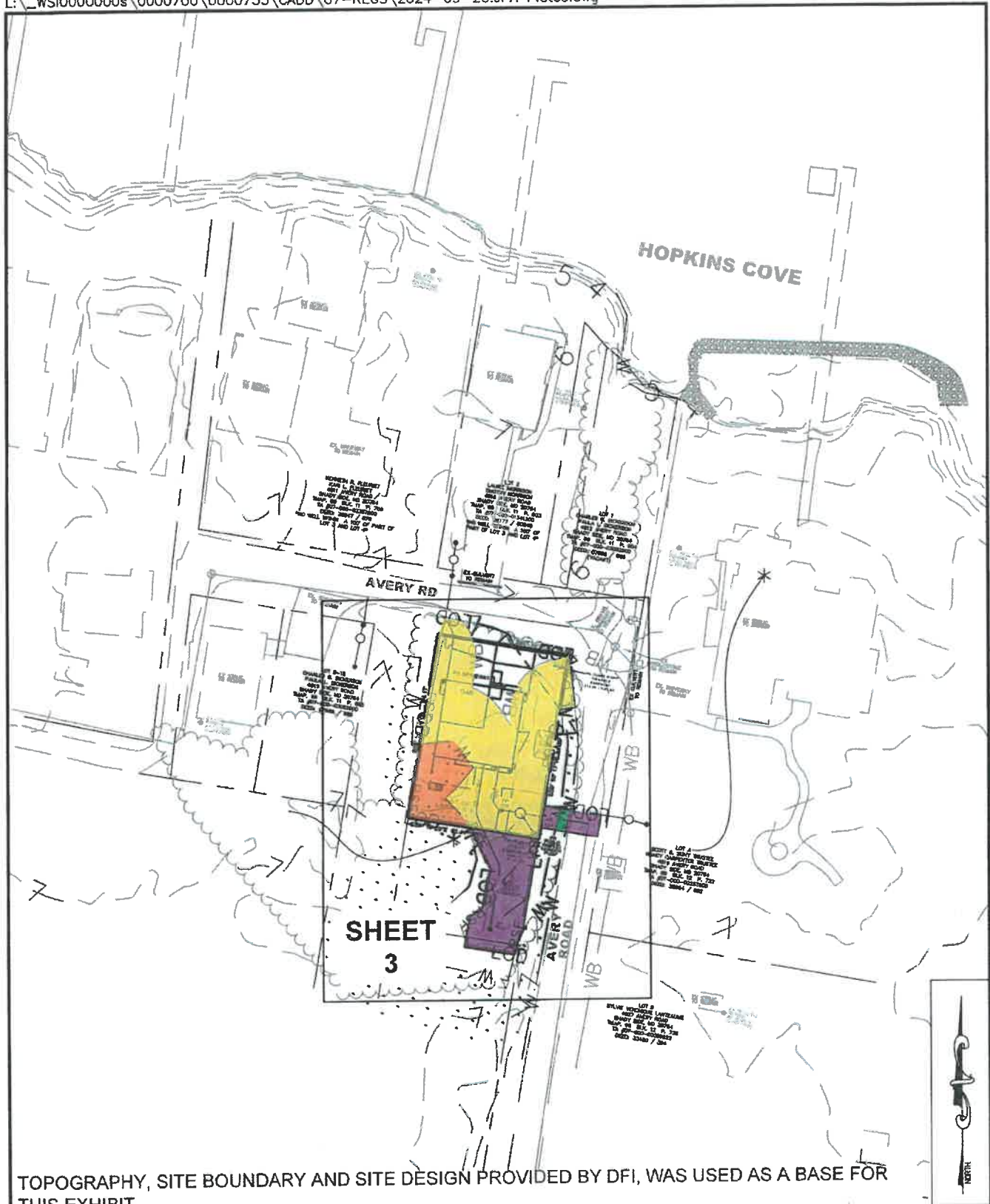
ANNE ARUNDEL County, Maryland

**VICINITY MAP AND
 IMPACT SUMMARY**

Date: SEPT. 27, 2024, REV. JAN 16, 2025

Scale: N/A

Sheet: 1 of 3



TOPOGRAPHY, SITE BOUNDARY AND SITE DESIGN PROVIDED BY DFI, WAS USED AS A BASE FOR THIS EXHIBIT.

Applicant:
Avery Goodwin
2007 Cassidy Court
Point of Rocks, MD 21777

Agent:
Wetland Studies and Solutions, Inc.
1131 Benfield Boulevard, Suite L
Millersville, Maryland 21108
(Phone) 410-672-5990 (Fax) 410-672-5993

4812 AVERY ROAD

**Proposed Impacts to Nontidal
Waters of the U.S.**

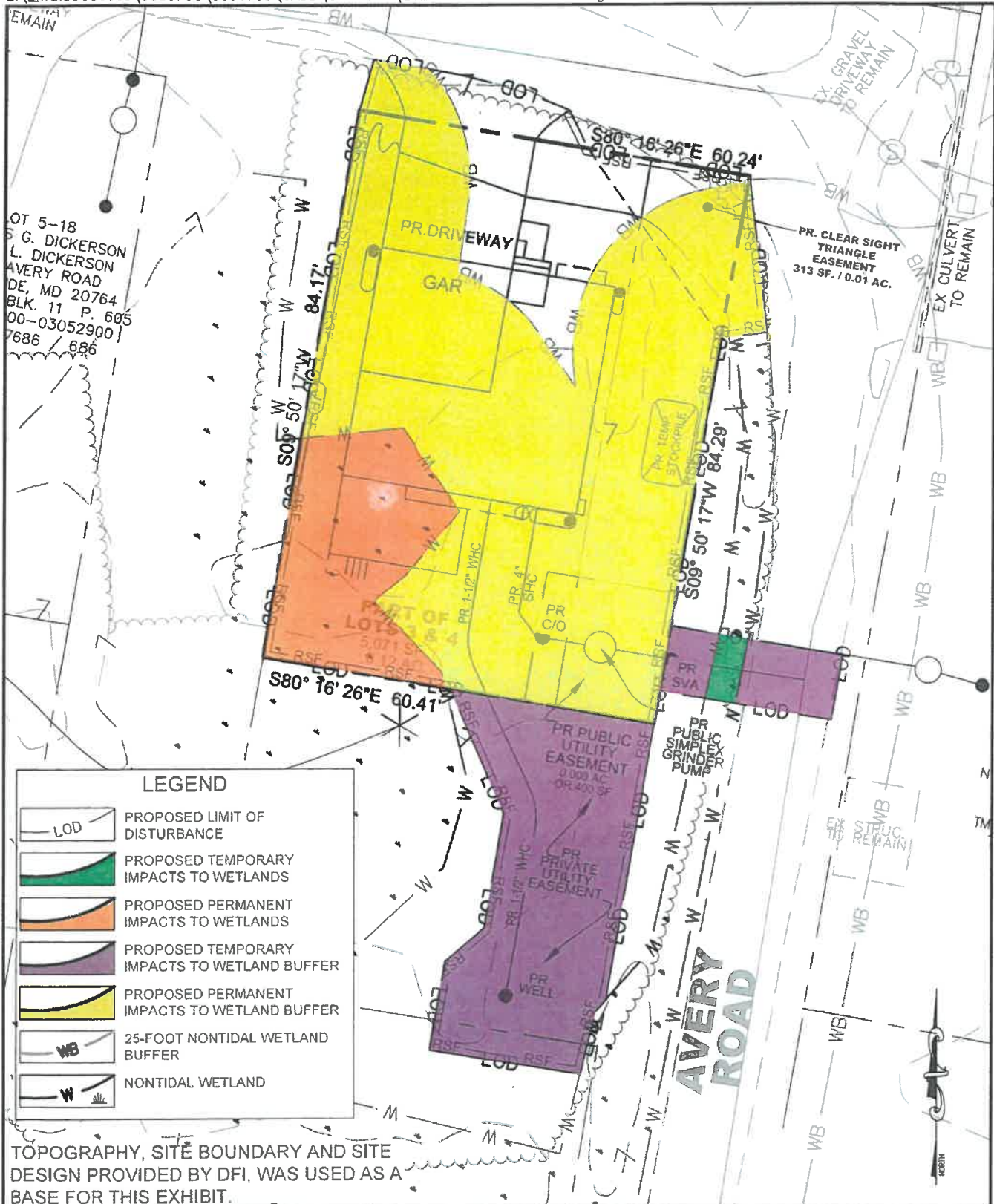
ANNE ARUNDEL County, Maryland

OVERALL EXHIBIT

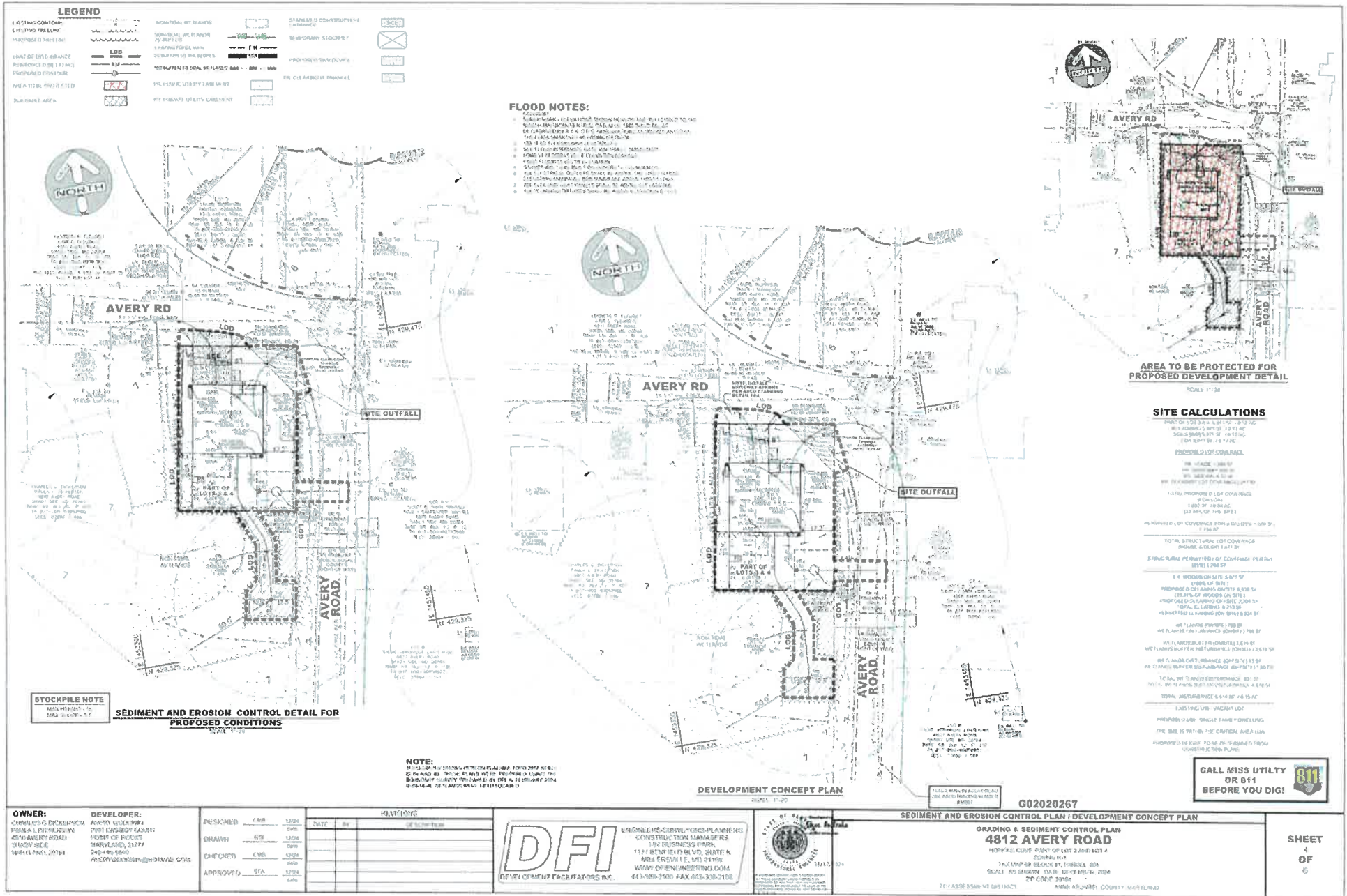
Date: SEPT. 27, 2024, REV. JAN 16, 2025

Scale: 1" = 60'

Sheet: 2 of 3



<p>Applicant: Avery Goodwin 2007 Cassidy Court Point of Rocks, MD 21777</p>	<p>4812 AVERY ROAD</p>	<p>IMPACT EXHIBIT</p>	
<p>Agent: Wetland Studies and Solutions, Inc. 1131 Benfield Boulevard, Suite L Millersville, Maryland 21108 (Phone) 410-672-5990 (Fax) 410-672-5993</p>	<p><i>Proposed Impacts to Nontidal Waters of the U.S.</i> ANNE ARUNDEL County, Maryland</p>	<p>Date: SEPT. 27, 2024, REV. JAN 16, 2025 Scale: 1" = 20'</p>	<p>Sheet: 3 of 3</p>





OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0012-P)

DATE OF MEETING: 2/14/2025

P&Z STAFF: Donnie Dvott, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Candice Bateman (DFI) EMAIL: candice@dfiengineering.com

SITE LOCATION: 4812 Avery Road, Shady Side LOT SIZE: 5,071 SF ZONING: R1

CA DESIGNATION: LDA BMA: NA or BUFFER: NA APPLICATION TYPE: Setbacks, Cov by Struct.

The applicant proposes to develop the site with a single-family detached dwelling and associated facilities. The proposal would require variances to all four R1 setbacks and will require a variance to exceed the allowable coverage by structures in the R1 District. The proposal appears to comply with the critical area lot coverage requirement. The applicant argues that the lot is severely undersized for the R1 District and that there is no possibility of complying with the setbacks or coverage by structures requirements.

COMMENTS

The **Critical Area Team** commented that they have no objection to the setback variance, however, based on the fact that the majority of the lot is wetland or wetland buffer, the applicant must be able to address all SWM and environmental regulations in order to obtain a permit. Since both of these factors could require the applicant to reduce the size of the structure/coverage on site, the variance requests could be considered premature at this time.

Zoning Administration Section: The site plan will need to label the existing and proposed height of the dwelling as well as the number of stories as this is required information. The applicant should provide additional justification on how this house size represents the minimum necessary as the letter simply states that it is because the lot size is so small. The applicant should explore or explain why a smaller dwelling would not represent the minimum necessary relief.

INFORMATION FOR THE APPLICANT

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

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

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence. A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.