



March 20, 2025

Anne Arundel County
Office of Planning and Zoning
c/o Sterling Seay, Planning Administrator
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

**RE: VARIANCE REQUEST LETTER OF EXPLANATION FOR A TIME EXTENSION
VARIANCE #2023-0131-V
1724 WESTMORELAND TRAIL ANNAPOLIS, MD 2140
EPPING FOREST**

Dear Ms. Seay:

Our clients are requesting a variance to extend the time by which they may maintain the existing variance approval and have permits issued. Without a time extension variance, the current variance approval will expire on April 10, 2025. We request this deadline to be extended by 18 months, to September 10, 2026. As set forth below, good cause exists for the issuance of this extension. The design team has been working through the three-step development process of designing the site as permitted the variance.

Current Owners 2023-0131-V:
Number 5 Maryland Ave LLC

Procedural History:

The original variance application was heard on September 26, 2023. A decision was rendered on October 10, 2023. The variance was granted on this date. The grading/building permits have not been issued for reasons noted below.

The Need for an Extension:

The owners have required additional time to design the dwelling based on the final footprint and disturbances to slopes as approved by the Administrative Hearing Officer. The owners need to have the house redesigned to meet their needs, without changing the footprint that was approved by the variance. The site is on steep slopes, with a septic system. These factors have led to the approval process taking longer than expected. The grading permit was submitted October 2024. The previous engineer no longer does single family permitting, and it took time to get the

appropriate files transferred and work started on the permit. The most recent grading permit resubmittal was done in March 2025. The forestation agreement and bonds have been sent to the reviewer. Engineering has signed off on the project. The Health Department is in need of additional information on the existing and proposed dwelling. The extension is needed to ensure the owners can construct the dwelling that was approved by the variance. It is not possible to have the permits issued by April 10, 2025.

We appreciate your consideration of this request and feel it is in keeping with the spirit and intent of the Code. Should you have any questions of comment please feel free to contact our office at (410) 263-3212.

Sincerely,

Messick & Associates

Mike Gillespie

Mike Gillespie

cc. client, file

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER: 2023-0131-V

5 MARYLAND AVENUE, LLC

SECOND ASSESSMENT DISTRICT

DATE HEARD: SEPTEMBER 26, 2023

ORDERED BY:

**DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER**

PLANNER: JENNIFER LECHNER

DATE FILED: OCTOBER 10, 2023

PLEADINGS

5 Maryland Avenue, LLC, the applicant, seeks a variance (2023-0131-V) to allow a dwelling with less setbacks than required and with disturbance to slopes of 15% or greater on property with a street address of 1724 Westmoreland, Annapolis, MD 21401.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the subject property was notified by mail, sent to the address furnished with the application. Michael Gillespie testified that the property was posted for more than 14 days prior to the hearing and submitted the affidavit of Christopher McKenna to that effect (Applicant's Exhibit 1). Therefore, I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on September 26, 2023, in which the witnesses were sworn and the following was presented regarding the proposed variance requested by the applicant.

The Property

The applicant owns the subject property which has approximately 20 feet of road frontage on the southern side of Westmoreland Trail, approximately 250 feet

south of Birdbrook Trail, Annapolis (Tax ID: 2240-0945-2100). The property comprises 9,528 square feet and is zoned R1 – Residential District. This waterfront lot is designated in the Chesapeake Bay Critical Area as limited development area (LDA), with a small area of resource conservation area (RCA) at the southern tip. The property is mapped in a buffer modification area (BMA).

The site is currently developed with a one-story dwelling, pier, and associated facilities.

The Proposed Work

The proposal calls to remove the existing dwelling and construct a new two-story dwelling with a basement as shown on the site plan admitted into evidence at the hearing as County Exhibit 2.

The Anne Arundel County Code

§ 17-8-201(a) states that development in the LDA may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline; and, all disturbance shall be limited to the minimum necessary. The proposed demo/rebuild will disturb approximately 2,451 square feet of slopes of 15% or greater. The final amount of disturbance will be determined during permit review.

§ 18-4-501 states that the minimum setbacks for principal structures in the R1 district is 15 feet, 40 feet combined, from the side lot lines. The proposed new

dwelling will be as close as 5 feet from the west side property line, as close as 9 feet from the northeast side property line, and 14 feet combined.

The Variances Requested

The proposed work will require the following variances:

1. A critical area variance to the prohibition against disturbing **steep slopes** in § 17-8-201 to allow the applicant to construct the proposed dwelling and associated improvements as shown on County Exhibit 2 (the actual amount of disturbance to be determined at permitting); and
2. A zoning variance of ten (10) feet to the 15-foot side lot line setback requirement of § 18-4-501 to allow the proposed improvements to be constructed as close as 5 feet from the **west side lot line** as shown on County Exhibit 2; and
3. A zoning variance of six (6) feet to the 15-foot side lot line setback requirement of § 18-4-501 to allow the proposed improvements to be constructed as close as 9 feet from the **northeast side lot line** as shown on County Exhibit 2; and
4. A zoning variance of twenty-six (26) feet to the 40-foot combined side lot line setback requirement of § 18-4-501 to allow the proposed improvements to be constructed with 14 feet of **combined setbacks** as shown on County Exhibit 2.

The Evidence Submitted At The Hearing

Findings and Recommendations of the Office of Planning and Zoning (OPZ)

Jennifer Lechner, a zoning analyst with the OPZ, presented the following findings:

- OPZ finds that the subject property is irregularly shaped and undersized with regard to the minimum area requirement of 40,000 square feet and the minimum width requirement of 125 feet for a lot in the R1 district. The property is encumbered by steep slopes. The existing critical area lot coverage of the site is 1,700 square feet. The proposed post-construction lot coverage is 1,576 square feet, which is well below the lot coverage (2,977.5 square feet) allowed under § 17-8-402. The existing coverage by structures is 1,188 square feet. The proposed post-construction coverage by structures is 1,064 square feet, which is well below the 25% (2,382 square feet) maximum coverage by structures allowed under § 18-4-501. A review of the County 2023 aerial photography shows an eclectic mix of dwellings and lots in this waterfront community.
- The applicant's letter states that the footprint of the proposed house will be slightly smaller than the existing house built in 1928, thereby reducing the overall lot coverage. The proposed house will include a 623 square foot deck built approximately over the footprint of the existing deck, and wrapping around the western side of the house. The applicant states that the slope disturbance is predominantly for the work area and replacement of the septic

tank, and is the minimum necessary to perform the work. The applicant believes that the setback variances are unavoidable due to the underlying zoning and location of the existing dwelling.

- The applicant further states that the lot is extremely undersized for an R1 lot, is encumbered by steep slopes, and posits that there is no reasonable possibility of developing the property without relief. The existing dwelling has met its life expectancy and is located within steep slopes. The applicant proposes a modern dwelling, mostly within the existing footprint in order to minimize the amount of disturbance. Through the design process, the applicant determined that replacing the dwelling in roughly the same footprint would be the least impactful to the slopes and environment.
- The Health Department does not have an approved plan for this project, but has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.
- The Cultural Resource Section commented that the subject property includes an unrecorded historic resource. Cultural Resource Section will need to conduct a review for the demolition of the existing structure once the permit application is submitted. A site visit with photo-documentation may be required prior to demolition approval. Please contact the Historic Sites Planner, Darian Beverungen, pzbeve19@aacounty.org with any questions.
- The Critical Area Commission noted that appropriate mitigation is required.
- The Critical Area Team offers no objection to the replacement of the existing

structure and deck. The site plans are unclear with regard to the proposed construction along the waterside of the dwelling. The deck should not be expanded into the steep slopes. Mitigation will be determined at permit. A modification will be required.

- The Engineering Section advised that no SWM [stormwater management] ESD [environmental site design] practices may be located in any environmentally sensitive areas or their buffers.
- 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. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.
- In this particular case, the property is unique due to the shape and size of the lot, which makes conforming to the minimum side lot setbacks, while also avoiding the steep slopes, virtually impossible. The proposed dwelling appears to have been designed to stay within the existing footprint, while slightly increasing the distance to the west side lot line, resulting in a reduction in the lot coverage for the property. The steep slope disturbance appears to be temporary and the minimum necessary for the demo/rebuild with a new septic system.

- The variances requested are 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 mitigation, the granting of the variance should not adversely affect water quality or impact fish, wildlife or plant habitat, and will be in harmony with the general spirit and intent of the County's Critical Area Program.
- With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, be contrary to acceptable clearing and replanting practices, reduce forest cover in the limited development area, or be detrimental to the public welfare.
- Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted, as proposed, OPZ recommends approval of zoning variances. The final amount of disturbance will be determined during permit review.

Other Testimony and Exhibits

The applicant was assisted at the hearing by Michael Gillespie of Bay Engineering, Inc., the applicant's engineers. Evidence was presented that the existing dwelling needs to be replaced. The proposed replacement dwelling will be smaller than the one it will replace, thereby reducing lot coverage. The applicant's property is encumbered with steep slopes. A replacement dwelling cannot be built without a variance to allow disturbance of steep slopes. Most of the disturbance

will be caused by the need to replace the existing septic tank which is in steep slopes between the dwelling and the shoreline.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

DECISION

State Requirements for Critical Area Variances

§ 8-1808(d)(2) of the Natural Resources Article, Annotated Code of Maryland, provides in subsection (ii), that “[i]n considering an application for a variance [to the critical area requirements], a local jurisdiction shall presume that the specific development in the critical area that is subject to the application and for which a variance is required does not conform to the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the jurisdiction’s program.” (Emphasis added.) “Given these provisions of the State criteria for the grant of a variance, the burden on the applicant is very high.” *Becker v. Anne Arundel County*, 174 Md. App. 114, 124; 920 A.2d 1118, 1124 (2007).

In *Becker v. Anne Arundel County*, *supra*, 174 Md. App. at 131; 920 A.2d at 1128, the Court of Special Appeals discussed the history of the critical area law in reviewing a decision from this County. The court’s discussion of the recent amendments to the critical area law in 2002 and 2004, and the elements that must be satisfied in order for an applicant to be granted a variance to the critical area, is worth quoting at length:

In 2002, the General Assembly amended the [critical area] law. ... The amendments to subsection (d) provided that, (1) in order to grant a variance, the Board had to find that the applicant had satisfied each one of the variance provisions, and (2) in order to grant a variance, the Board had to find that, without a variance, the applicant would be deprived of a use permitted to others in accordance with the provisions in the critical area program. ... The preambles to the bills expressly stated that it was the intent of the General Assembly to overrule recent decisions of the Court of Appeals, in which the Court had ruled that, (1) when determining if the denial of a variance would deny an applicant rights commonly enjoyed by others in the critical area, a board may compare it to uses or development that predated the critical area program; (2) an applicant for a variance may generally satisfy variance standards rather than satisfy all standards; and, (3) a board could grant a variance if the critical area program would deny development on a specific portion of the applicant's property rather than considering the parcel as a whole.

...

In 2003, the Court of Appeals decided *Lewis v. Dept. of Natural Res.*, 377 Md. 382, 833 A.2d 563 (2003). *Lewis* was decided under the law as it existed prior to the 2002 amendments (citation omitted), and held, *inter alia*, that (1) with respect to variances in buffer areas, the correct standard was not whether the property owner retained reasonable and significant use of the property outside of the buffer, but whether he or she was being denied reasonable use within the buffer, and (2) that the unwarranted hardship factor was the determinative consideration and the other factors merely provided the board with guidance. *Id.* at 419-23, 833 A.2d 563.

Notwithstanding the fact that the Court of Appeals expressly stated that *Lewis* was decided under the law as it existed prior to the 2002 amendments, in 2004 Laws of Maryland, chapter 526, the General Assembly again amended State law by enacting the substance of Senate Bill 694 and House Bill 1009. The General Assembly expressly stated that its intent in amending the law was to overrule *Lewis* and reestablish the understanding of unwarranted hardship that existed before being “weakened by the Court of Appeals.” In the preambles, the General Assembly recited the history of the 2002 amendments and the *Lewis* decision. The amendment changed the definition of unwarranted hardship [found in § 8-1808(d)(2)(i)] to mean that, “without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.” (Emphasis added.)

The question of whether the applicant is entitled to the variance requested begins, therefore, with the understanding that, in addition to the other specific factors that must be considered, the applicant must overcome the presumption, “that the specific development in the critical area that is subject to the application ... does not conform to the general purpose and intent of [the critical area law].”¹ Furthermore, the applicant carries the burden of convincing the Hearing Officer “that the applicant has satisfied each one of the variance provisions.”² (Emphasis

¹ § 8-1808(d) (2) (ii) of the Natural Resources Article. References to State law do not imply that the provisions of the County Code are being ignored or are not being enforced. If any difference exists between County law and State law, or if some State criteria were omitted from County law, State law would prevail. *See*, discussion on this subject in *Becker v. Anne Arundel County*, *supra*, 174 Md. App. at 135; 920 A.2d at 1131.

² § 8-1808(d) (4) (ii).

added.) “*Anne Arundel County’s local critical area variance program contains ... separate criteria. ...Each of these individual criteria must be met.*” *Becker v. Anne Arundel County, supra*, 174 Md. App. at 124; 920 A.2d at 1124. (Emphasis in original.) In other words, if the applicant fails to meet just *one* of these criteria, the variance is *required* to be denied.

In *Assateague Coastal Trust, Inc. v. Roy T. Schwalbach, et al.*, 448 Md. 112 (2016), the Court of Appeals considered an appeal claiming that a variance granted by the Worcester County Board of Appeals to allow a property owner to extend a pier across state-owned marshland from his property should not have been granted. The pier would be 80 feet longer than allowed by the Worcester County ordinance. The variance was granted. The Court of Appeals visited the history of the critical area law and efforts by the Legislature to amend and clarify the law. The Court grappled with the phrase “unwarranted hardship,” and asked if “an applicant [must] demonstrate a denial of *all* reasonable and significant use of the entire property, or must the applicant show a denial of *a* reasonable and significant use of the entire property?” (At page 14.) The Court concluded, on page 28, that:

In summary, in order to establish an unwarranted hardship, the applicant has the burden of demonstrating that, without a variance, the applicant would be denied a use of the property that is both significant and reasonable. In addition, the applicant has the burden of showing that such a use cannot be accomplished elsewhere on the property without a variance. (Emphasis added.)

County Requirements for Critical Area Variances

§ 18-16-305(b) sets forth six separate requirements (in this case) that must be met for a variance to be issued for property in the critical area. They are (1) whether a denial of the requested variance would constitute an unwarranted hardship, (2) whether a denial of the requested variance would deprive the applicants of rights commonly enjoyed by other property owners, (3) whether granting the variance would confer a special privilege on the applicants, (4) whether the application arises from actions of the applicants, or from conditions or use on neighboring properties, (5) whether granting the application would not adversely affect the environment and be in harmony with the critical area program, and (6) whether the applicants have overcome the presumption in Natural Resources Article, § 8-1808(d)(2)(ii), of the State law that the variance request should be denied.

Provided that the applicant meets the above requirements, a variance may not be granted unless six additional factors are found: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located; (3) the variance will not substantially impair the appropriate use or development of adjacent property; (4) the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area; (5) the variance will not be contrary to acceptable clearing and replanting practices

required for development in the critical area; or (6) the variance will not be detrimental to the public welfare.

The variances sought are variances from the critical area law (steep slopes) and from the zoning law (setback requirements). “[A number of requests in the *Becker* decision] were for variances from the stringent critical area law. The request for a variance from the setback, however, is a request under the more lenient general zoning requirements. As indicated above, the criteria for a general zoning variance and the criteria for a critical area variance are not the same.” *Becker v. Anne Arundel County, supra*, 174 Md. App. at 141; 920 A.2d at 1134.

Therefore, the critical area variance must be considered separately from the general zoning or setback variances.³ I will first analyze the facts in light of the critical area variance requested, and then analyze the facts in light of the zoning variances requested.

Findings – Critical Area Variance

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the Code. The evidence shows that the applicant cannot construct the proposed dwelling without the requested variance. I find that the denial of the variance would constitute an unwarranted hardship because the applicant would be denied a reasonable and significant use of their property, which use cannot be accomplished elsewhere on the property without a variance.

³ “We agree that the Board should have distinguished between the critical area variance and the setback variance.” *Becker v. Anne Arundel County, supra*, page 174 Md. App. at 141; 920 A.2d at 1134.

Assateague Coastal Trust, Inc. v. Roy T. Schwalbach, et al., 448 Md. 112, 2016. It would also deny the applicant rights commonly enjoyed by other property owners and would not confer a special privilege on the applicant.

The application does not arise from actions of the applicant, or from conditions or use on neighboring properties and would not adversely affect the environment. The variance would be in harmony with the Critical Area Program. Finally, the applicant has overcome the presumption in Natural Resources Article, § 8-1808(d)(2)(ii), of the State law that the variance request should be denied.

Requirements for Zoning Variances

§ 18-16-305 sets forth the requirements for granting a zoning variance. Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. "Uniqueness" requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People's Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008); *Umerley v. People's Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary's County*, 99 Md. App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the Hearing Officer also finds that: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, (3) substantially impair the appropriate use or

development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

Findings - Zoning Variances

Because of the unique physical conditions peculiar to and inherent in the subject property, I find that there is no reasonable possibility of developing the lot in strict conformance with the Code.

I further find that the requested critical area and zoning variances are the minimum necessary to afford relief. I also find that the granting of the variances will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development and resource conservation areas of the critical area, be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

ORDER

PURSUANT to the application of 5 Maryland Avenue, LLC, petitioning for a variance to allow a dwelling with less setbacks than required and with disturbance to slopes of 15% or greater on property with a street address of 1724 Westmoreland, Annapolis, MD 21401;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **10th day of October, 2023**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is **granted**:

1. A critical area variance to the prohibition against disturbing **steep slopes** in § 17-8-201 to allow the applicant to construct the proposed dwelling and associated improvements as shown on County Exhibit 2 (the actual amount of disturbance to be determined at permitting); and
2. A zoning variance of ten (10) feet to the 15-foot side lot line setback requirement of § 18-4-501 to allow the proposed improvements to be constructed as close as 5 feet from the **west side lot line** as shown on County Exhibit 2; and
3. A zoning variance of six (6) feet to the 15-foot side lot line setback requirement of § 18-4-501 to allow the proposed improvements to be constructed as close as 9 feet from the **northeast side lot line** as shown on County Exhibit 2; and
4. A zoning variance of twenty-six (26) feet to the 40-foot combined side lot line setback requirement of § 18-4-501 to allow the proposed improvements to be constructed with 14 feet of **combined setbacks** as shown on County Exhibit 2.

The foregoing variances are subject to the applicant complying with any instructions and necessary approvals from the Office of Planning and Zoning and/or the Department of Inspections and Permits, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.

This Order does not constitute a building permit. In order for the applicant to construct the structures permitted in this decision, they must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein. The decision and order shall not prohibit the applicant from making minor changes to the facilities as presently shown on County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variances granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning and/or the Department of Inspections and Permits.



Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANTS

This Order does not constitute a building permit. In order for the applicant to perform the work permitted in this decision, the applicant must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Any person, firm, corporation, or governmental agency having an interest in this Decision and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals within thirty (30) days from the date of this Decision. **If the variance or variances granted in this case relate to work in the critical area, a permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled **expires by operation of law** unless the applicant **within 18 months** of the granting of the variance or special exception (1) obtain a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtain a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, or they may be discarded.

CO. EXHIBIT#:2
CASE: 2023-0131-V
DATE: 9/26/23

VARIANCE PLAN FOR 1724 WESTMORELAND TRL

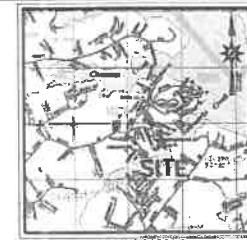
ANNAPOLIS, MD 21401
EPPING FOREST, LOTS 11 & 12, BLOCK 43, SC A
TAX ID#: 02-240-08452100
TAX MAP 45, GRID 3, PARCEL 41
SECOND DISTRICT - ANNE ARUNDEL COUNTY - ZONED R-1/LDA

VARIANCE REQUEST:

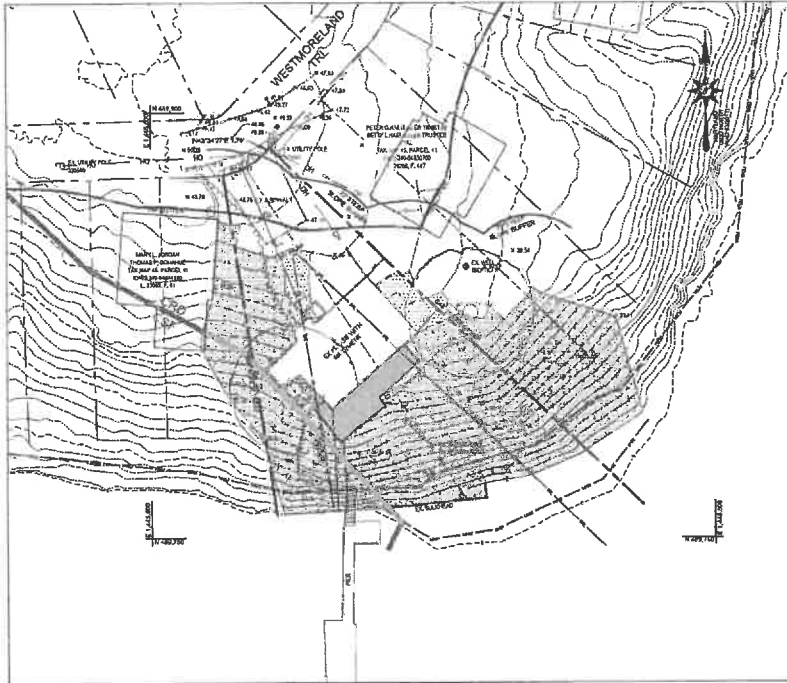
- 11-4-2014(a) WHICH STATES IN PART THAT DEVELOPMENT MAY NOT OCCUR WITHIN SLOPES 15% OR GREATER
- 18-4-2017 R-1 BULK REGULATIONS WHICH STATE IN PART THAT THE MINIMUM SIDE YARD SETBACK IS 15' COMBINED 45'

LEGEND

PROPERTY LINE / RIGHT-OF-WAY	---	LOFT OF DISTURBANCE	---
EXISTING CONTOUR	---	SUPER ELY FENCE	---
EXISTING SPOT ELEVATION	= 30.50	100' OPTICAL/LASER BUFFER	---
EXISTING UTILITY POLE W/ OVERHEAD WIRE	---	25% STEEP SLOPES	---
EXISTING BUILDING	---	EXISTING SOILS TYPE DESIGNATION	---
BUILDING RESTRICTION LINE	---	PROPOSED OPEN DECK	---
		PROPOSED NON-ROOFTOP DISCONNECT	---
		EXISTING DECK	---



VICINITY MAP
SCALE: 1"=200'
COPYRIGHT AND THE MAP PEOPLE
PERMITTED USE NO. 00301200



EXISTING CONDITIONS PLAN
SCALE: 1"=25'

EXISTING LOT COVERAGE SUMMARY

DESCRIPTION	AREA
TOTAL LOT AREA...	9,528 SQ. FT. ± OR 0.219 ACRES
EX. LOT COVERAGE...	1,700 SQ. FT. ± OR 0.039 ACRES
EX. LOT COVERAGE WITHIN SETBACK LINES...	232 SQ. FT. ± OR 0.006 ACRES
ALLOWABLE COVERAGE WITH LDA (21.35%)...	2,076 SQ. FT. ± OR 0.069 ACRES
EX. WOODS ON MTE...	8,820 SQ. FT. ± OR 0.127 ACRES

NOTE: BREAKDOWN OF EXISTING LOT COVERAGES ARE AS FOLLOWS:

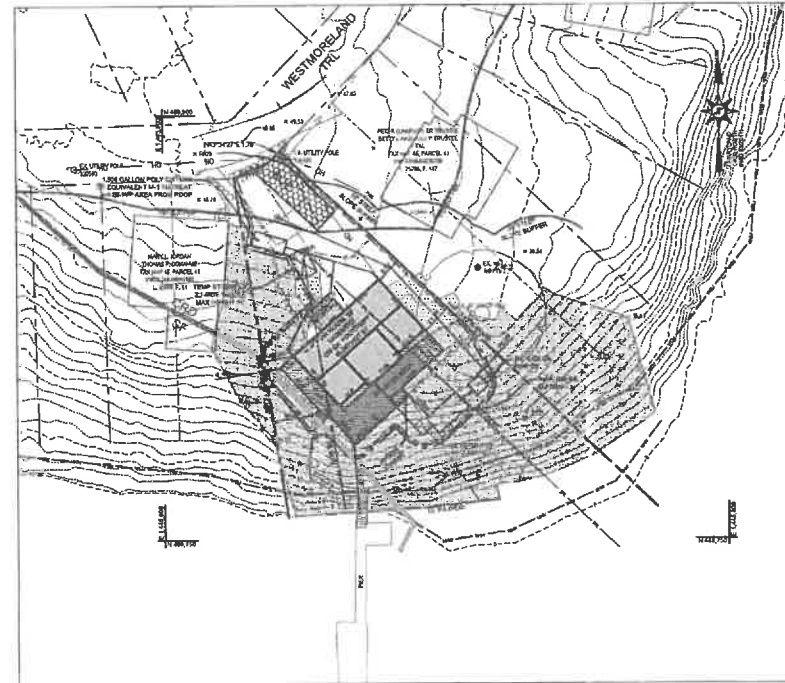
- EX. HOUSE AND COVERED PORCH = 1,114 SF
- EX. ASPHALT DRIVE = 512 SF
- TOTAL = 1,700 SF

PROPOSED LOT COVERAGE SUMMARY

DESCRIPTION	AREA
TOTAL LOT AREA...	9,528 SQ. FT. ± OR 0.219 ACRES
ALLOWABLE MAX COVERAGE WITH LDA (21.35%)...	2,076 SQ. FT. ± OR 0.069 ACRES
PROPOSED LOT COVERAGE...	1,576 SQ. FT. ± OR 0.039 ACRES
PROPOSED LOT...	5,176 SQ. FT. ± OR 0.119 ACRES
TOTAL STEEP SLOPE DISTURBANCE...	2,451 SQ. FT. ± OR 0.069 ACRES
TOTAL STEEP SLOPE BUFFER DISTURBANCE...	2,676 SQ. FT. ± OR 0.081 ACRES
PROP. LOT COVERAGE WITHIN SLOPE BUFFER...	1,576 SQ. FT. ± OR 0.039 ACRES
TOTAL DISTURBANCE WITHIN CA BUFFER...	4,485 SQ. FT. ± OR 0.102 ACRES
EX. WOODS TO BE REMOVED...	1,327 SQ. FT. ± OR 0.030 ACRES

NOTE: BREAKDOWN OF PROPOSED LOT COVERAGES ARE AS FOLLOWS:

- PROP. HOUSE AND COVERED PORCH = 1,068 SF
- EX. ASPHALT DRIVE = 512 SF
- TOTAL = 1,576 SF

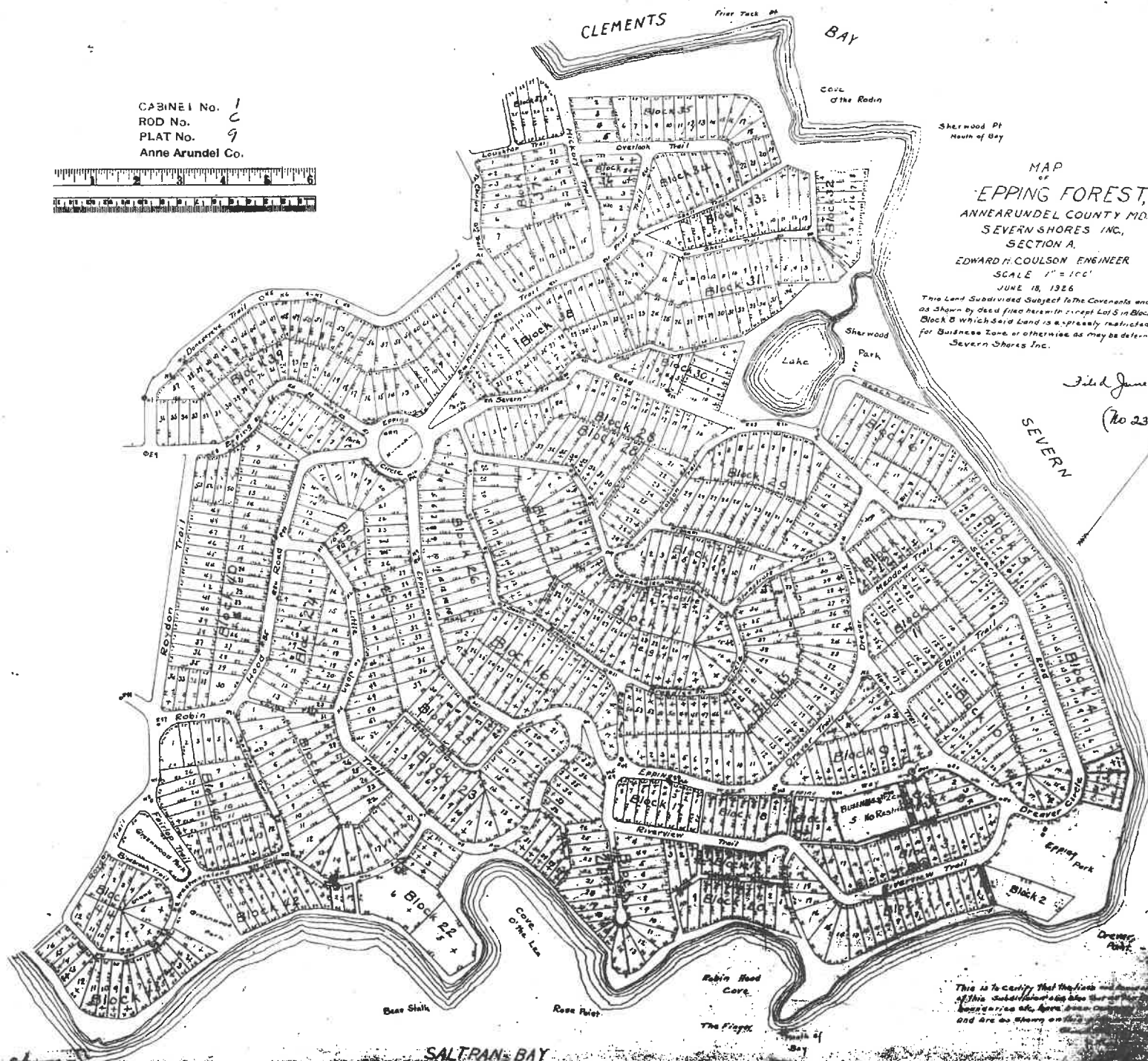


PROPOSED DEVELOPMENT PLAN
SCALE: 1"=20'

CALL "MISS UTILITY"
TELEPHONE: 443-262-7777
FOR UTILITY LOCATION AT
LEAST 48 HOURS BEFORE
BEGINNING CONSTRUCTION.

VARIANCE SITE PLAN DATE: AUGUST, 2023 1st Reviewer: [Signature] 2nd Reviewer: [Signature] 3rd Reviewer: [Signature] 4th Reviewer: [Signature] 5th Reviewer: [Signature] 6th Reviewer: [Signature] 7th Reviewer: [Signature] 8th Reviewer: [Signature] 9th Reviewer: [Signature] 10th Reviewer: [Signature]	
1724 WESTMORELAND TRAIL ANNE ARUNDEL COUNTY SECOND DISTRICT - ANNE ARUNDEL COUNTY ZONED R-1/LDA 1724 WESTMORELAND TRAIL ANNAPOLIS, MD 21401 TAX MAP 45, GRID 3, PARCEL 41 TAX ID#: 02-240-08452100	
SHEET NO. 1 OF 1	SCALE: 1"=200' LOCATION MAP: 03-735 SITE BASE

CABINET No. 1
 ROD No. C
 PLAT No. 9
 Anne Arundel Co.



MAP
 OF
EPPING FOREST,
 ANNE ARUNDEL COUNTY MD.,
 SEVERN SHORES INC.,
 SECTION A.

EDWARD H. COULSON ENGINEER
 SCALE 1" = 100'
 JUNE 18, 1926

This Land Subdivided Subject to the Covenants and restrictions as shown by deed filed here with except Lot 5 in Block 7 and all of Block 8 which said Land is expressly restricted and is hereby reserved for Business Zone or otherwise as may be determined by Severn Shores Inc.

Filed June 24 - 1926
 (No 239)

This is to certify that the lines and boundaries of this Subdivision as shown hereon are correct and are as shown on the original plan.