

April 4, 2025

Mr. Donnie Dyott
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Re: Kitty Duvall Drive-Parcel 109
Variance Application submittal
3260 Kitty Duvall Drive
Annapolis, MD. 21403
Tax Map 57, Grid 14, Parcel 109

Dear Mr. Dyott:

This is a formal **Variance Application** submittal for the demolition of an existing home, associated decking and construction of a new 2-story single-family home with an accessory structure for the above referenced project. Two variance requests would be necessary including a variance to **Article 17-8-201(a)** to disturb 15% and greater slopes and a variance to **Article 18-2-402(1)**, to the location of a principal structure on a waterfront lot based on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another. Per the Pre-File comments dated March 14th, 2025, the 15% and greater steep slopes symbol has been darkened. The slopes have been accurately illustrated based on field run topography.

The property is an existing legal building site fronting Duvall Creek, approximately 630-feet southwest of Arundel on the Bay Road, is located in both the (RCA) Resource Conservation, (LDA) Limited Development Area Designations of the Critical Area and is Non-Buffer Modified. The property is 56,954 sq. ft. or 1.30 acres, is multi-zoned R-2 Residential and a small area of Open Space along the shoreline, has an existing well and the scope of the project will propose an 8" Sewer Main Extension with a standard cleanout. The existing principal structure foundation is to be converted to an Accessory Pool with an associated deck.

In execution of the field run topographic and location survey, the mean high water line appears to follow parallel to the property line however, tidal marsh is prevalent, located along the shoreline and includes encroachment of the parcel. The 100-foot Critical Area Buffer is measured from the edge of the tidal marsh as required.

A **Pre-File** confirmation and recommendation was addressed by the Office of Planning and Zoning including input from Inspections and Permits. To clarify, the 15% and greater steep slopes have been accurately illustrated based on field run topographic survey. The existing steep slopes are delineated per the Critical Area Overlay criteria which defines steep slopes that are contiguous and a minimum 6-feet vertical. In addition, the height of the structure has been corrected to 35-feet.

Code Article 18-16-305

(b) Requirements for Critical Area Variances.

(1) Unwarranted Hardship and Practical Difficulty- **First**, steep slopes of 15% and greater including the 25-foot buffer associated with those slopes cover 15,781 sq. ft. or **28%** of the total lot area and are entirely outside the initial 100-foot buffer.

Second, the combined 100-foot Critical Area Buffer and associated Tidal Marsh cover 22,206 sq. ft. or **39%** of the total site area. In combining the listed environmental features of tidal marsh, steep slopes and the associated buffers, 37,987 sq. ft. or **67%** of the site area is not permitted to be disturbed without relief from the code.

Third, in regards to the requirement for a home to be relatively in line with adjacent waterfront homes, the existing homes located adjacent to the north at 3246A & 3244B Arundel on the Bay Road are an anomaly when comparing the position to the water with other homes along Duvall Creek. These homes are on larger, deeper parcels of land and are approximately 370-feet from the shoreline. (*County aerial mapping was utilized for the approximate setbacks to the water for the adjacent homes*). The subject property itself is only 320-feet +/- deep. The existing home on site and the adjacent home to the south set a relatively in-line configuration. The proposed home is set in approximate line with both structures and is consistent with the homes along the eastern shoreline of Duvall Creek. The existing principal structure on site is 129-feet back off the tidal marsh, the principal structure at 3264 Kitty Duvall is 178-feet back. The average relatively in-line setback is **153.5-feet**. The proposed principal structure is 146-feet back, for a total variance of 7.5-feet beyond the average.

Fourth, there is limited surface area available for required storm water management, which can only be located outside the 100-foot buffer, the 15% steep slopes and associated 25-foot steep slope buffer. The property owner also plans to implement the installation of geothermal wells, another environmentally beneficial element to protecting the Chesapeake Bay. Once again, those wells must be located outside the environmental features previously mentioned and the only surface area available is at the top of the site. Geothermal wells need to be a minimum 15-feet apart, 10-feet from a foundation, require a 50-foot setback from any sewer lines and 10-feet from a property line.

Lastly, the shape of the property includes an awkward obtuse angle at the right of way, creating a challenging rear setback. The property also tapers toward the water where there's an unavailable amount of surface area covered by steep slopes, 100-foot buffer and tidal marsh.

- (2) Deprive the applicant of rights commonly enjoyed by other properties- The owner is being deprived of rights commonly enjoyed by others based on the challenging, physical conditions of the site. Other property boundaries in the neighborhood are either more square or rectangular in shape, making it an easier property to develop. The subject site is more of a triangular shape with a notch cut out and encumbered with centrally located steep slopes, significantly reducing available surface area for development.
- (3) Will not confer special privilege - granting this variance would not confer a special privilege to the applicants. The proposal is utilizing existing coverage for the accessory structure design and the proposed home is being located entirely outside the 100-foot buffer.

- (4) Actions by Applicants and Neighbors- The variance is not based on conditions or circumstances that are the result of actions by the applicants or conditions or use on neighboring properties- conditions and circumstances are based on the unique physical characteristics of the lot and the significantly small size of the existing home to be altered for an accessory structure use.
- (5) Water Quality, Intent of the Critical Area Program. The requested variances will not adversely affect water quality, impact fish, and wildlife or plant habitat and be in harmony with the critical area program. Per **Article 17-8-402(b)(1)**, the permitted lot coverage in the critical area is 15% of the total site area or 8,543 sq. ft. The proposed lot coverage will be 8,445 sq. ft., below the permitted coverage. Per **Article 17-8-601(b)(3)**, Lots greater than one acre. Developed woodland clearing on lots in the LDA and RCA greater than one acre in size that were in existence on or before December 1, 1985, shall be limited to the minimum necessary to accommodate a house or other structure, initial septic system, driveway, and reasonable amount of yard or required parking, and may not exceed 30% without a variance. The existing developed woodland canopy is 37,255 sq. ft. The proposed clearing of the site for development totals 6,670 sq. ft. or 17.9% of woodland canopy on site. Numerous individual trees were field surveyed and located on the plan along the perimeter of the disturbance to show the relationship of those trees to remain with the new home. Measures will be taken to protect the critical root zones of those remaining trees via Arborist intervention during root pruning, tree protection fencing and stabilization associated with construction. The associated Grading Sediment Control Plan will address those measures. Currently, the existing improvements have no means of storm water management. Environmental Site Design to the Maximum Extent Practicable will be addressed via multiple applications. The required ESD volume to be addressed with non-structural practices is 854 cu. ft. There will be (2) "M-6" Micro Bio retention Areas to address a portion of the roof area of the home and the accessory Pool/Decking. The total provided volume is 856 cf. ft. All storm water management applications are outside the 100-foot buffer and do not encroach, steep slopes or the 25-foot buffer to the top of steep slopes. (1) Geotechnical soil boring and (1) Hand Auger Probe were performed to determine subsurface conditions.
- (6) Presumption Sec 8-1808(d)(2)(ii) – The applicants have overcome the presumption that the use for which the variances were requested were not in conformity with the purpose and intent of the Critical Area Program. As part of considering the existing 15% steep slopes, the property owner has designed the home with an acute angle, fashioning the main portion of the home toward the landward side of the lot.

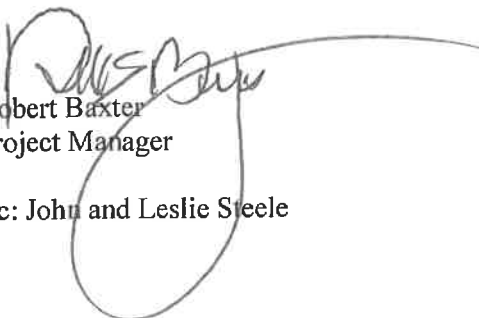
(c) Requirements for all variances.

1. Minimum necessary to afford relief - The proposed variances allow for modest uses that not only meets the "significant and reasonable standard" but also are the minimal necessary development to afford relief. Disturbance to the 15% steep slopes, which are centrally located and in combination with the associated 25-foot buffer cover **28%** of the "heart" of the site, is the minimum necessary to construct the proposed improvements.

2. The granting of the variance will not:
- i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA. Vegetative clearing is reduced to the minimum necessary to construct the proposed improvements and will be mitigated appropriately during the permit process with a Buffer Management Plan.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area. Clearing is minimal and only for what is necessary for construction and access, and the property is not located within a Bog Protection Area.
 - v. be detrimental to the public welfare as constructing a single-family dwelling and associated improvements on a residentially zoned property will not impose harm to adjacent property owners or the public.

Denial of the requested variances and a strict implementation of the County's Zoning and Critical Area Program would constitute an unwarranted hardship and practical difficulty on the applicant and deprive them of the same rights and privileges others enjoy in the immediate neighborhood along the waterfront side of Duvall Creek.

Sincerely,
DRUM, LOYKA AND ASSOCIATES, LLC


Robert Baxter
Project Manager

Cc: John and Leslie Steele

NOTE:

- Entire site lies within R-2 zoning and has Type A, B, C & D soils
- Site lies within the Critical Areas with an LDA & RCA land use designation
- Entire site lies within the Broad Creek service area with a **nature** service designation (W-9)
- Entire site lies within the Annapolis sewer service area with no existing service in the area (S-9)
- Entire site lies within the South River Watershed
- Kitty Duval Drive is not a scenic or historic road
- The site does not lie within an impact or bog drainage area

H: **Stream Buffers:** There are no stream buffers on the subject property.

I: **Sewer Buffers:** There are no sewer buffers on the subject property.

J: **Wetland and Wetland Buffers:** There are no wetlands on the subject property.

K: **Floodplain:** The subject property is protected by a floodplain as established by the Federal Emergency Management Agency, FEMA. Mapped Zone AE1-E6-0 and Zone AE1-E6-0 (NAVIG) 6B (FIRM 4A0002C023P-FEMA).

SECONDARY ENVIRONMENTAL FEATURES:

A: **Critical Area Boundary:** The subject property is within the Chesapeake Bay Critical Area. As per LUDA & RICA development standards, the subject property is completed by four types: (1) **Shoreline Erosion Control** (SEC) at 2% slope, with type "1" hydrological rating; **Coastal Protection** (CP) at 10% slope, with type "2" hydrological rating; **Coastal Buffer** (CB) at 2% slope, with type "1" hydrological rating; **Coastal Vegetation** (CV) at 10% slope, with type "2" hydrological rating. In addition, the subject property is also within the **Chesapeake Bay Critical Area** (CBA). The CBA is defined as the area within one-half mile of the shoreline of the Chesapeake Bay, including all tributaries and adjacent waters. The CBA is divided into three zones: **Zone I**, **Zone II**, and **Zone III**. The subject property is located within **Zone I**, which is the most sensitive zone. The CBA is managed to protect the bay's water quality and wildlife habitat. The CBA is managed by the Maryland Department of the Environment (MDE) and the National Park Service (NPS). The CBA is managed through a variety of measures, including zoning, permitting, and monitoring. The CBA is managed to ensure that the bay's water quality and wildlife habitat are protected for future generations.

B: **Forest:** There is developed woodlot on the property.

C: **State Forest:** There are steep slopes & associated buffers on the subject property.

D: **Resources:** There are no known cultural resources associated with the subject property.

SECONDARY ENVIRONMENTAL FEATURE

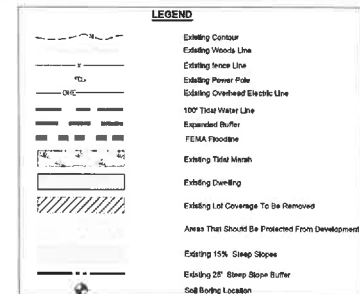
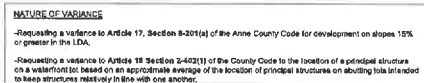
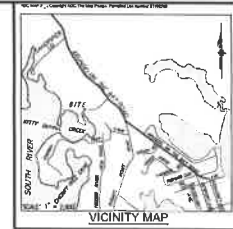
Critical Areas Boundary: The subject property is located in the Chesapeake Bay Critical Area, with an LDA & RCA designation.

Soil Types: The subject property is comprised of four soil types: *Annapolis Loamy sand* (A08) 2 to 5% slopes, with a type "C" hydrological rating, *Colemanstown fine sandy loam* (CMA) 0 to 2% slopes, with type "C" hydrological rating, *Colington and Annapolis soils* (CRD) 10 to 15% slopes, with type "B" hydrological rating. As well as *Mapleton and Transquaking soils* (MA2) 0 to 1% slopes, with a type "A" hydrological rating. These soil types are not considered highly erodible however *Mapleton and Transquaking soils* are hydric. [per US Department of Agriculture's National Resource Conservation Service (NRCS)]

Yards: There is developed yardland on the property.

Slope Steepness: There are steep slopes & associated buffers on the subject property.

Cultural Resources: There are no known cultural resources associated with the subject property.



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DUVALL CREEK
(NON-BUFFER MODIFIED)

KITTY DUVALL DRIVE
(VARIABLE WIDTH PRIVATE R.O.W.)
(MUTUAL MAINTENANCE & EASEMENT
AGREEMENT L. 13706 F. 696)

SITE DATA

Total Site Area	55,954 S.F.
Collection and Annapolis Soils - Type B'	47.4%
Total Existing Lot Coverage	2,768 S.F.
Percentage of Existing Lot Coverage to Total Lot Area	4.95%
Total Proposed Lot Coverage	5,445 S.F.
Percentage of Proposed Lot Coverage to Total Lot Area	14.82%
Total Existing Canopy On Site	37,055 S.F.
Proposed Canopy Disturbance	6,870 S.F. (17.94%)

FLOODPLAIN NOTES

The property shown hereon lies in the FEMA Flood Zones AE (Base Flood elevation 5.0) and AE (Base Flood elevation 8.0), as shown on the FEMA Flood Insurance Rate Maps, Community Panel Number 142403C0201F bearing effective date of 18 February 2015. Any flood zone lines shown hereon are depicted from the FEMA maps and are for interpretation only.

STORMWATER MANAGEMENT REGULATION NOTE

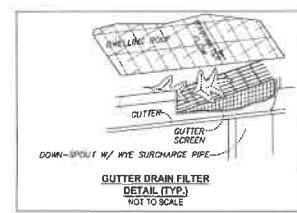
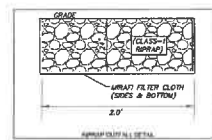
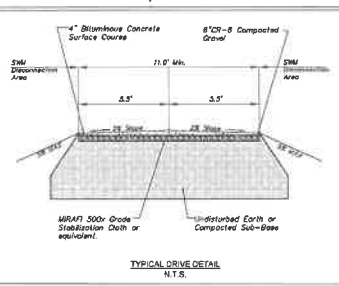
The grading permit R00 was reviewed under the 2010 regulations for stormwater management. Stormwater management practices will be provided for this site in accordance with Article 18, Section 4 and the Final Plan on file with the Office of Planning and Zoning. ESD to this MEP was achieved through (2) "14" Micro-Biosorption Facilities.

SITE TABULATIONS

TOTAL SITE AREA:	55,954 S.F. (1.30 AC.)
CHEESAPEAKE BAY CRITICAL AREA DESIGNATION:	LDA & RCA
-LDA SITE AREA:	53,361 S.F. (1.22 AC.)
-RCA SITE AREA (UNDEVELOPED):	3,593 S.F. (0.08 AC.)
TOTAL CRITICAL AREA LOT COVERAGE:	
-EXISTING LOT COVERAGE:	2,768 S.F. (0.06 AC.)
-ALLOWABLE LOT COVERAGE (Pw 17-8-402):	5,445 S.F. (0.10 AC.)
PROPOSED LOT COVERAGE:	
-PROPOSED HOUSE, PORCH, GARAGE & PATIO:	5,114 S.F. (0.12 AC.)
-PROPOSED DRIVE, WALKS, STEPS:	2,241 S.F. (0.05 AC.)
-PROPOSED POOL/DECK:	1,090 S.F. (0.02 AC.)
TOTAL SITE AREA WITHIN 100' TIDAL WATERS:	10,972 S.F. (0.41 AC.)
TOTAL EXISTING TIDAL MARSH ON SITE:	4,134 S.F. (0.09 AC.)
TOTAL CANOPY ON SITE:	37,055 S.F. (0.86 AC.)
-PROPOSED CANOPY DISTURBANCE:	6,870 S.F. (0.15 AC.)
TOTAL AREA OF DISTURBANCE:	32,688 S.F. (0.75 AC.)
TOTAL 15% STEEP SLOPES / 25' BUFFER ON SITE:	16,781 S.F. (0.38 AC.)
-TOTAL SLEEP SLOPES DISTURBED:	3,317 S.F. (0.08 AC.)
-PERMANENT DISTURBANCE:	1,567 S.F. (0.04 AC.)
-TEMPORARY DISTURBANCE:	1,750 S.F. (0.04 AC.)
SITE ZONING DESIGNATION:	R2 C-06
-LOT SITE AREA:	52,365 S.F. (1.20 AC.)
-OPEN SPACE SITE AREA:	4,589 S.F. (0.10 AC.)
SETBACKS: R2 Residential	
-PRINCIPAL STRUCTURE	
-FRONT-30' REAR-25', SIDE-7'	
-MAX HEIGHT-32'	
-PROPOSED HEIGHT-13'	
SETBACKS: R2 Residential	
-ACCESSORY STRUCTURE	
-FRONT-10', REAR-7', SIDE-7'	

LEGEND

Existing Contour	Existing Wanda Line
Line of Disturbance / Reinforced SR Fence	Line of Disturbance
Line of Disturbance / Fiber Log	Line of Disturbance / Super SR Fence
Existing Power Pole	Existing Overhead Electric Line
Existing Septic System	Proposed Contour
100' Tidal Water Line	FEMA Floodline
Soil Boring Location	Pipe Test Location
Existing 15% Steep Slopes	Existing 25' Steep Slope Buffer



Outlet Statement:
A field investigation of the outlet of this site was performed in May of 2024 by Drum, Loyka & Associates, LLC. The subject property is located off of Kitty Duval Drive in Annapolis. The property is currently improved with a single family dwelling, and associated improvements. It is vegetatively stabilized with multiple hardwood trees, decorative landscaping, and lawn.
In the existing condition, the property has one site outlet: Site outlet is the Duvall Creek (direct discharge to tidal waters).
Under proposed conditions, (1) single-family home will be developed with other associated improvements. ESD to the MEP will be addressed via (2) "14" Micro-Biosorption Facilities.
The design represents an increase in lot coverage for the site, however there will be stormwater management practices, where previously none existed. All outfalls are considered adequate outfalls to receive runoff from a residential lot improved with a single-family dwelling. Pests Management is not required for the development.

DESIGNED:	DRAWN:
DATE: 2/15/2023	
MODIFIED BY/DATE:	
CRD PNC & K503124-VARIANCE	
CLA PROJECT # K503124	
© Drum, Loyka & Associates, LLC These drawings are the property of Drum, Loyka & Associates, LLC. Unauthorized reproduction or any portion is not permitted and is a violation of copyright law. Violation will be subject to prosecution to the fullest extent of the law.	

Drum, Loyka & Associates, LLC
CIVIL ENGINEERS - LAND SURVEYORS
1410 Forest Drive, Suite 35
Annapolis, Maryland 21403
Phone: 410-280-3122
www.drummyloka.com | info@drummyloka.com

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. 18321, expiration date: 12-06-25.

OWNER:
JOHN T. & LESLIE J. STEELE
2608 N POWHATAN STREET
ARLINGTON, VIRGINIA 22207
JSTEEL@BIMAGE.COM

DEVELOPED CONDITIONS VARIANCE PLAN
KITTY DUVALL ~ PARCEL 109
3250 KITTY DUVALL DRIVE, ANNAPOLIS, MARYLAND 21403
TAX MAP 57 GRID 14 PARCEL 109 DISTRICT 2ND
TAX ACCT. NO. 02-000-65037200
ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=40'	DATE: 3/19/2025	PROJ. NO: K503124	SHEET 2 OF 2
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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: APRIL 4, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
57	109	14	-	-

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 2-000-05037200

Project Name (site name, subdivision name, or other) KITTY DWALL PARCEL 109

Project location/Address 3260 KITTY DWALL DRIVE

City ANNAPOLIS, MD Zip 21403

Local case number

Applicant: Last name STEELE First name JOHN

Company N/A

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:

<u>SINGLE FAMILY DETACHED RESIDENTIAL DEVELOPMENT</u>

Yes Intra-Family Transfer <input type="checkbox"/> Grandfathered Lot <input checked="" type="checkbox"/>	Yes Growth Allocation <input type="checkbox"/> Buffer Exemption Area <input type="checkbox"/>
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Project Type (check all that apply)

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="checkbox"/>	Recreational <input type="checkbox"/> Redevelopment <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area	-	-	Total Disturbed Area	<u>0.52</u>	<u>22,689</u>
LDA Area	<u>1.72</u>	<u>53,361</u>			
RCA Area	<u>0.08</u>	<u>3,593</u>	# of Lots Created	<u>1</u>	
Total Area	<u>1.30</u>	<u>56,954</u>			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	<u>0.86</u>	<u>37,255</u>	Existing Lot Coverage	<u>0.06</u>	<u>2,786</u>
Created Forest/Woodland/Trees	-	-	New Lot Coverage		
Removed Forest/Woodland/Trees	<u>0.15</u>	<u>6,670</u>	Removed Lot Coverage	-	-
			Total Lot Coverage	<u>0.19</u>	<u>8,445</u>

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	<u>0</u>	<u>0</u>	Buffer Forest Clearing	<u>0</u>	<u>0</u>
Non-Buffer Disturbance	<u>0.52</u>	<u>22,689</u>	Mitigation	<u>(TBD)</u>	

Variance Type

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

Structure

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

Chesapeake Bay Critical Area Report

Kitty Duvall ~ Parcel 109

Tax Map 51, Grid 13, Parcel 94

Tax Account No. 02-885-06633200

Property Address: 3260 Kitty Duvall Drive
Annapolis, Maryland 21403

Property Owner & Variance Applicant: Mr. John Steele

Critical Area Designation: LDA & RCA **Zoning:** R-2 & OS **Lot Area:** 1.30 Ac.

Site Description

The subject property is located off Kitty Duvall Drive in the Kitty Duvall Subdivision. The property is irregular in shape, legal building parcel consisting of approximately 1.31 acres in area and is currently improved with a single-family dwelling which is proposed to be razed and removed with the existing foundation to be utilized for the proposed pool & associated improvements. The property has a split zoning designation of R-2 & Open Space, the site also has a split Chesapeake Bay Critical Area land use designation of LDA & RCA. The existing dwelling is located 128.7 feet from the shoreline. The site is currently served by a private water well and septic. There are several hardships and practical difficulties regarding the redevelopment of the subject property. A large portion of the site is within the 100-ft buffer to tidal waters which encumbers 18,072 sq. ft. or 32% of the total lot area. Additionally, the steep slopes of 15% or greater cover 9,561 sq. ft. or 17% of the total lot area. The unimproved portion of the site is vegetated with numerous hardwood & evergreens trees and understory growth. The site is in a Non-Buffer Modified area.

Description and Purpose of Variance Request

The homeowners propose to construct a new single-family dwelling, porch, attached garage, side entry deck, walk, and associated improvements. The new dwelling is sited entirely outside of the 100' buffer to tidal waters. The site will be served by public sewer and a private water well. Two "M-6" Micro-Bioretenention facilities are being proposed to provide the required ESDv. The larger Micro-Bio to the north will collect a large portion of rooftop runoff from the proposed dwelling and attached garage. The second Micro-Bio will provide treatment for the proposed pool and associated improvements. The proposed dwelling is within the size and character of other dwellings in the neighborhood. Due to the 100-ft tidal waters buffer and significant presence and extent of steep slopes on the property, development isn't possible without disturbing the slopes. However, disturbance to the 100-ft buffer is not being proposed. Therefore, the proposed improvements require variances to **Article 17, Section 8-201(a)** of the Anne Arundel County Code for disturbance and development of slopes 15% or greater in the LDA and requesting a variance to **Article 18 Section 2-402(1)** of the County Code to the location of a principal structure on a waterfront lot based on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another.

A pre-filing review was conducted by the Office of Planning and Zoning and comments were issued on March 14, 2025 by Ms. Donnie Dyott, Ms. Natalie Flores and Ms. Kelly Krinetz of Planning and Zoning, and the Critical Area team had three comments. The comments were considered and the site plan was revised accordingly. A copy of the pre-file comments is included with this submittal.

Vegetative Coverage and Clearing

This property is vegetatively stabilized with developed woodland, including a variety of mature hardwood trees, a creeping ivy groundcover common to the community of Kitty Duvall. The existing on-site wooded area totals roughly 37,255 s.f. (0.86 Ac.). Removal of vegetation has been minimized to only that is necessary to construct the proposed improvements, the dwelling has been sited to minimize woodland clearing. Removal of vegetation onsite for the proposed redevelopment is approximately 6,670 s.f. (0.15 Ac.). Reforestation requirements for this property will be addressed during the grading permit phase of this project in accordance with code requirements.

Lot Coverage

The site currently has 2,786 s.f. (0.06 Ac.) of impervious coverage. The proposed impervious area for this property is 8,445 s.f. (0.19 Ac.), while this is an increase of 5,659 s.f. from the existing impervious area. It is below the allowable 8,543 (0.20) s.f. of lot coverage for this site.

100-ft Tidal Buffer

Approximately 18,072 s.f. of the subject property falls within the 100-ft tidal waters buffer, nearly a third of property is within the buffer. There is no proposed disturbance within the 100-ft buffer as part of this redevelopment, the proposed dwelling has been sited entirely outside of the 100' buffer to tidal waters to minimize the disturbance to the buffer to construct the dwelling, stormwater management & associated improvements.

Steep Slopes (slopes > 15%)

The site has approximately 9,561 s.f. of steep slopes and the associated 25-foot buffer covers 6,220 s.f. totaling 15,781 s.f. or 28% of the site area. Approximately 3,317 s.f. (0.08 Ac.) of the steep slopes 15% or greater shall be disturbed during the proposed construction. Of that disturbance, 1,567 s.f. of disturbance is proposed permanent disturbance to construct the dwelling, site improvements and the remaining 1,750 s.f. of temporary disturbance is for grading and construction access. Disturbance of these slopes was unavoidable as a large portion of the site is encumbered by them, the proposed dwelling has been sited partially within the plateau of the site to minimize the disturbance to the slopes to construct the dwelling, stormwater management, and associated improvements.

Predominant Soils

The predominant soil type is Collington and Annapolis soils, 10 to 15 percent slopes (CRD). This soil has a type "B" hydrologic classification and is not a hydric soil (soils characteristic of wetlands).

Drainage and Rainwater Control

Runoff from the site sheetflows down the steep slopes and ultimately drains to Duvall Creek. The proposed redevelopment addresses stormwater management environmental site design to the maximum extent practicable via (2) "M-6" Micro-Bioretention areas to treat a large portion of the proposed dwelling, attached garage, pool and pool deck.

Stormwater management and sediment and erosion control will be further addressed during the permitting phase of the project in order to meet Anne Arundel County design criteria.

Conclusions – Variance Standards

The applicant proposes to construct a new single-family dwelling, porch, parking pad, side yard deck, walk, pool and associated improvements. The need for the requested Critical Area Variances arises from the existing unique nature and constraints of this property, specifically the topography, and location of the steep slopes, 100-ft tidal waters buffer and the irregular shape of the lot. It is not possible to complete this project without disturbance to the steep slopes 15% or greater in the LDA. The proposed improvements are consistent in size and nature with other homes along the waterfront of Duvall Creek and therefore will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to the public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area. With the implementation of mitigation, and sediment and erosion control practices, to be addressed during permitting, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

Reference:

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning , 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

Federal Emergency Management Agency , 2016. Flood Insurance Rate Map

First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

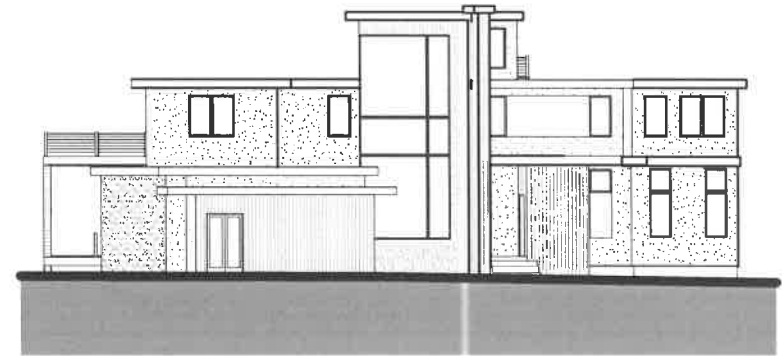
Drum, Loyka and Associates LLC, 2025 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2016 Soil Survey of Anne Arundel County Maryland.

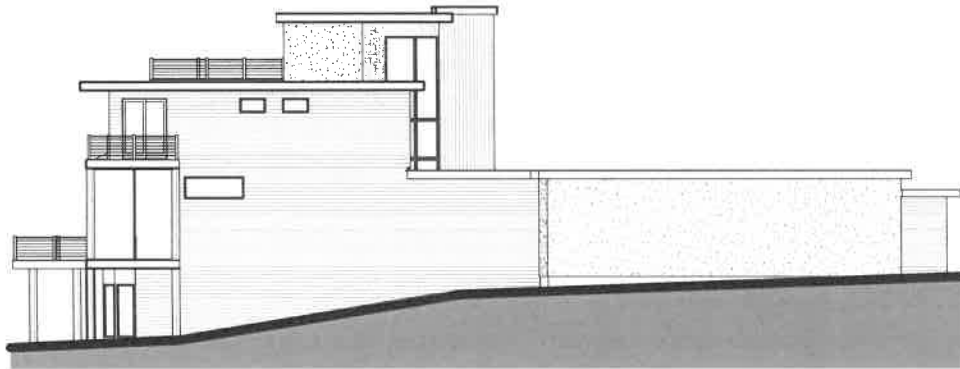
State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District



NORTH ELEVATION
NOT TO SCALE



EAST ELEVATION
NOT TO SCALE



SOUTH ELEVATION
NOT TO SCALE

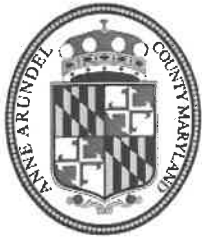


WEST ELEVATION
NOT TO SCALE



STEELE RESIDENCE
PROPOSED ELEVATIONS

3/27/2025 3:36:56 PM



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0020-P)

DATE OF MEETING: 3/14/2025

P&Z STAFF: Donnie D, Kelly K, Natalie N.

APPLICANT/REPRESENTATIVE: John Steele/Bob Baxter Drum Loyka EMAIL: rbaxter@drumloyka.com

SITE LOCATION: 3260 Kitty Duvall Drive, Annapolis LOT SIZE: 56,954 sf ZONING: R2/OS

CA DESIGNATION: LDA/RCA BMA: No or BUFFER: Yes APPLICATION TYPE: Critical Area Variance

The applicant proposes to demo the existing single family dwelling and to construct a new 2 story dwelling and associated facilities on the subject property. Attached to the dwelling is a 1 story garage/workshop and in the location of the existing dwelling that will be removed is a proposed deck and pool. The applicant is seeking variances for steep slope disturbance and for the location of the principal structure not being relatively in line with the principal structures on adjoining properties.

COMMENTS

The **Critical Area Team** provided the following comments:

Please verify the locations of all of the slopes 15% or greater. There are areas that appear to have been missed.

Please correct the legend as the symbols do not coincide with those used on the plan.

The steep slopes are not shown on the site plan depicting the proposed development so a complete evaluation cannot be completed. The layout and design of the structure however were not developed to avoid the steep slopes and in fact push the home further into the slopes. While it is recognized that the site is encumbered by environmental features, the home should be designed to avoid those features as much as possible.

The **Engineering Division (I&P)** provided the following comments:

1. On Sheet 1 of 2, for all structures, clearly label which structures are to remain and which are to be removed.
2. The Existing 15% Steep Slopes layer's hatch disappears when zoomed in, making it difficult to review the plans.
3. The steep slope buffer needs to extend not just along the eastern side (top) of the steep slopes but along the northern and southern portions. This would make the northernmost micro-bioretenion location within the steep slope buffer. SWMs cannot be installed within the steep slope buffers. They also cannot be installed within the 100-foot buffer.
4. Geothermal wells must have a 30-foot setback from a building's foundation. They are to also have a 15-foot setback from the 10' Ingress/Egress easement.
5. Geothermal wells need to be 50 feet from any source of contamination. Note where, if any, above-ground or below-ground propane tanks are present on the site and neighboring properties.
6. Per the Letter of Explanation, "the scope of the project will propose an 8" Sewer Main Extension with a standard cleanout." Expand the limits of disturbance to include the installation of the sewer main extension. At Grading Permit, a public utility easement and a Public Works Agreement will need to be required.
7. The LOD to the north of the easternmost micro-bioretenion is within the Kitty Duvall Drive ROW.
8. The easternmost micro-bioretenion must be 10 feet from the property line.
9. It appears there is plenty of open upland land allowing the house to be pulled out of the steep slope. This will be deferred to OPZ's Critical Area Team reviewer and/or OPZ's Zoning Administrator reviewer.
10. Is the existing well to be used or will a new well be drilled?

11. Label the contours correctly. Along the northern portion of the site the 6' contour is labeled as 9'.
12. At Grading Permit, the 10' Ingress/Egress easement will need to be expanded to include the neighbor's (3264/3266 Kitty Duvall Drive) existing driveway located on the property.
13. At Grading Permit, if the existing telephone and cable pedestals are not covered with an existing easement on the property, an easement(s) will be needed.

The **Zoning Administration Section** advises that the proposed dwelling height of 40' is greater than the 35' allowed for principal structures in the R2 District. The height will need to be revised or the applicant will need to seek a variance to the height requirements. The proposed development is expansive and the applicant should explore ways to reduce the improvements and therefore reduce the impacts to steep slopes. The dwelling, porch, garage and patio alone have a footprint over 5,000 square feet. The applicant has provided no justification for how the development as a whole meets the criteria of the minimum variance necessary to afford relief.

The applicants are reminded that, in order for a Critical Area variance to be approved, they must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305(b) and (c).

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.