



7 Old Solomons Island Road • Suite 202 • Annapolis, MD 21401  
(410) 266-3212 • Fax (410) 266-3502 • [www.messickandassociates.com](http://www.messickandassociates.com)

March 13, 2025

Ms. Sterling Seay, Zoning Administrator  
Anne Arundel County  
Planning & Zoning  
2664 Riva Road  
Annapolis, MD 21401

Re: High Banks on The Severn - Variance Application  
641 Lakeland Rd S, Severna Park Maryland 21146 ("Property")  
Tax Map 31, Block 3, Parcel 246 (Lot 5)  
Explanation Letter

Dear Ms. Seay:

Attached for your review and processing is a variance application for the above-referenced Property, owned by Rachel & Matthew Grasmick (collectively, "Applicants"). The Property is located on the south side of Lakeland Road South, approximately 350 feet west of the intersection with High Banks Road, in central Anne Arundel County, Maryland. The entire Property is located in the Chesapeake Bay Critical Area / Limited Development Area overlay zone (CBCA/LDA) and is located in a Buffer Modification Area (BMA). The Property consists of 1.10 acres of land zoned R-2 and is served by public sewer and a private well.

The existing home on the Property was built as a summer cottage in the late 1950s and/or early 1960s, prior to the advent of the Chesapeake Bay Critical Area Regulations. The home was constructed on a sloped portion of the Property, which is now classified as a slope greater than 15%, with no direct driveway access to the dwelling. Rather, the Property has a driveway that terminates at a detached garage and parking area located on a significantly higher elevation of the Property, approximately 100 feet away from the front door of the dwelling. As a result, to access the home, which is roughly 15 feet lower in elevation than the driveway grade, Applicants' family and visitors must traverse a steep, unsafe set of 23 uneven steps. Photographic evidence of these conditions were included in this Application. These conditions prevent safe access for all inhabitants, make daily living for them difficult and impractical, deny accessibility to the disabled, and hinder ease and speed of access in the event of an emergency.

Applicants' elderly parents intend to move in with them once safe access is permitted. To accommodate them and to provide safe access for all inhabitants, Applicants are seeking a variance to allow disturbance to slopes greater than 15% in the CBCA in order to permit a single car driveway and single handicapped parking space to be constructed in place of an existing patio at the main house level, and – within existing footprints – to renovate the dwelling and renovate and raise the second floor of the garage.

## **I. Factual Background**

The Property has been Applicants' family gathering place for decades. Prior to Applicants' ownership, the Property was owned and occupied by Mr. Grasmick's grandmother, Nancy Wainwright. Ms. Wainwright had to move out of the Property after developing health issues because she could no longer traverse the existing steep steps in order to access the dwelling. At one point, Ms. Wainwright fell down the steps. She was injured and unable to get up until a neighbor responded to her cries for help and carried her into the home. As a result, Ms. Wainwright was forced to move in with Applicants at another, more accessible, location where they cared for her in her declining days. Ms. Wainwright had been devastated to leave her home. During that time, Applicants purchased the Property from Ms. Wainwright in order to keep it in the family.

Applicants now find themselves again in a similar situation, caring for elderly/aging parents. Currently, they are preparing the house to allow Mrs. Grasmick's parents to move in with them. Her parents are currently in their mid-70s and face numerous health issues that are protected under the ADA and FHA. Specifically, Mrs. Grasmick's mother is a lung/heart cancer survivor currently battling heart disease (coronary artery/angina). Her cardiologist has advised against regularly traversing steps like those currently serving the Property. In addition, Mrs. Grasmick's parents regularly provide childcare for Applicants' three young children (4, 7 and 9 years old) a few days a week. They need to stay overnight at the Property on a regular basis, and they foresee a need for permanent residency coming in the near future.

As detailed below, the lack of safe vehicular access to and from the dwelling on a residential property is a significant hardship that impacts daily living for Applicants' family of seven (Mr. and Ms. Grasmick, their three young children, and two elderly parents). Additionally, safe access to the dwelling is problematic for individuals requiring ADA and FHA accessibility, including but not limited to Ms. Grasmick's parents, and hinders the ease and speed of emergency access. Traversing the steep steps is even more dangerous in wet and icy conditions. For all of these reasons, Applicants hope to provide safe access to the dwelling.

Today, there is a path made of woodchip and compacted river-rock stretching from the east side of the garage to the lower reaches of the Property for sewer grinder pump maintenance, but that pathway is not improved to a standard by which a standard vehicle could safely traverse it. Applicants' proposed plan (hereinafter "Plan A") would allow Applicants to grade in a driveway to the Property's existing lower patio area and convert the existing patio to a parking pad. The existing patio retaining wall will remain and be slightly modified to safely achieve access with the least possible disturbance.

Plan A reduces existing impervious coverage on the Property to meet the code requirements of a 10% reduction, since the site today and historically contains more than the now CBCA allotted

15% coverage and stabilizes the slope on the area directly above and outside the 100-foot buffer, thereby preventing future erosion that could be detrimental to the Severn River.

Since purchasing the Property, Applicants have gone to great lengths to improve its environmental condition. **At significant expense, they voluntarily removed the septic tank located within the buffer (very close to the shoreline), and connected the dwelling to public sewer.** The personal cost of this important benefit to the environment is approximately \$90,000 (\$60,000 for the private connection plus \$30,000 to be paid over time for the community's collective access). Applicants have also deliberately and voluntarily planted many native species and installed gutters to reduce run-off and prevent erosion. Applicants have been growing oysters at their dock to donate to the Chesapeake Bay Foundation's Oyster Gardening Program. In further commitment to environmental improvement, Applicants now wish to reduce the impervious coverage on the Property, and plant additional mitigation required by the code.

## **II. Variance Request**

Specifically, Applicants are requesting the following variance:

- 1) A variance to allow the construction of a driveway on slopes greater than 15% in the limited development area (Article 17-8-201) and, within existing footprints, to renovate the dwelling and renovate and raise the second floor of the garage.

The proposed driveway is necessary to provide Applicants, their family, and visitors with safe and practical access (including ADA accessibility), to the house located on the Property, and will expedite and ease emergency services' access to the dwelling. The plan will stabilize the existing wood chip path, thereby facilitating the stabilization of the slope and preventing future erosion, reduce the impervious coverage on the Property, and create additional mitigation.

We believe the proposed variance meets all applicable approval criteria in accordance with the Anne Arundel County Code. Specifically:

### **Requirements for critical area variances (Art. 18-16-305):**

- (b)(1) *Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in unwarranted hardship.*

To obtain a critical area variance, an applicant must begin by demonstrating that the denial of the variance will result in an "unwarranted hardship." *Belvoir Farms Homeowners Association, Inc. v. North*, 355 Md. 259 (1999). It is important to note that the unwarranted hardship standard is much less restrictive than an unconstitutional taking standard, and that the determinative factor

is whether an applicant would be denied a “reasonable and significant use” of their property if the variance were not granted. *Id.* at 282.

Anne Arundel County has consistently permitted variances in critical areas in order to provide safe access to dwellings, finding that safe access is a basic right of homeownership, and denial of the same would result in an unwarranted hardship, *i.e.*, denial of a reasonable and significant use of property.

In *Case No. 2011-0023-V (McInerney)*, the applicants sought a variance to allow the construction of a new driveway through an adjoining, undeveloped parcel to their dwelling, which would disturb the buffer to nontidal wetlands. The goal of the project was to replace the existing driveway to allow better access to the applicants’ dwelling and garage. Even though the applicants already had a driveway permitting vehicular access to the dwelling, the OPZ and the Critical Area Commission agreed that a denial of the variance requesting better access would constitute unwarranted hardship. The OPZ’s findings noted that “vehicular access to a dwelling on a residentially zoned lot” was a right commonly enjoyed by other properties in similar areas of the critical area. The Hearing Officer agreed, finding that denial of the applicants’ variance would constitute unwarranted hardship because the work contemplated would “create a better driveway and implement stormwater management improvements.” The Hearing Officer also noted that applicants would have had an even stronger case if they had lacked any driveway to the dwelling and were – like Applicants in the present case – simply seeking “to gain access to their dwelling.” *See also Case No. BA 2-23V (Bray)* (Board of Appeals unanimously supported variance request to, among other things, reconfigure driveway, recognizing that denial of “safe vehicular access” to the home would constitute an unwarranted hardship and that applicants would be denied a reasonable use of their property if denied “safe access to their home.”).

In *Case No. 2017-0076-V (Cary-Thomson)*, the applicant sought a variance to allow for the construction of a driveway and retaining walls with less setbacks than required and with disturbance to slopes greater than 15% on a property located on the Severn River. The applicants’ property in that case did not have a driveway and the only parking was across the street, making it difficult to take items from the car to the house. Applicants requested a driveway in order to “provide safe entry into the house from the car.” The Office of Planning and Zoning (OPZ) argued that the proposed driveway could be shortened by 10 feet so that it terminated at the front edge of the dwelling. The Office of Administrative Hearings granted the applicants’ variance for the full length requested, determining, among other things, that the longer driveway would provide the applicants with more level area alongside the house, and that a denial of the variance would constitute an unwarranted hardship.

These cases show that basic safe access to a dwelling on residential property is recognized as a basic right for all inhabitants, regardless of disability. It goes without saying that the ADA and FSA further protect the right of protected individuals, including Ms. Grasmick’s parents, to reasonable accommodation in the form of safe access.

The Property in the present case is a sloped lot with a house that pre-dates the CBCA regulations at a much lower elevation than the existing driveway and parking area. The house currently cannot be safely accessed by *anyone*, including the seven regular inhabitants, and anyone requiring ADA or FHA access. Without a variance, Applicants will not be able to obtain permits for the grading work required to provide safe access to their dwelling.

Similar to the applicants in *Cary-Thomsen* and *McInerney*, Applicants here seek to extend the driveway located on the Property to provide more direct access to the home. Management of a dwelling with seven (7) inhabitants including three (3) young children requires regular need for groceries and other supplies utilized for daily living. Rarely is a trip taken from the Property that doesn't result in "full hands" upon returning, which due to the existing access, can be extremely dangerous in unloading and carrying into the dwelling. In addition, the proposed plan will improve the environment by both reducing impervious coverage on the Property and implementing stormwater management where none exists today. Like the applicants in *McInerney*, Applicants here seek to "create a better driveway and implement stormwater management improvements."

Accordingly, Mr. and Mrs. Grasmick should be afforded the same rights as the applicants in those cases. Denial of the variance would prevent Applicants from obtaining safe access and, accordingly, a "reasonable and significant use" of the Property. Moreover, it is clear that safe vehicular access to the dwelling cannot be achieved on any part of the Property without a variance. Accordingly, denial of the variance would result in an unwarranted hardship.

(b)(2) *A literal interpretation of the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas.*

The Property is a legally buildable grandfathered lot in the CBCA. A literal interpretation of the critical area program would deny Applicants the right to improve the Property for safe access to their dwelling which, from a residential perspective, is a basic right. Safe access is commonly enjoyed by homeowners in the CBCA, including in homes built both before *and after* implementation of the Critical Area Program.

More specifically, Applicants' Property is the only one in the neighborhood (including High Banks on the Severn and all properties along Lakeland Road South and its offshoots) that lacks a driveway affording vehicular access to the dwelling. Similarly, all homes in the following comparable neighborhoods along the Severn River have driveways permitting safe vehicular access to the dwelling: Fairwinds on the Severn, Hollywood on the Severn, Nantucket on the Severn, Ben Oaks on the Severn, Linstead on the Severn, and Olde Severna Park. Many of those homes were built after implementation of the Critical Area Program.

- (b)(3) *The granting of a variance will not confer on an applicant any special privilege that would be denied by the County's critical area program to other lands or structures within the County critical area.*

As described above, homes in the neighborhoods surrounding the Property along the Severn River have driveways permitting safe vehicular access to their dwellings. In fact, immediately surrounding neighbors on the Severn side have significantly longer driveways and more parking spaces accessible to the dwelling than that proposed for Applicants. As such, granting of a variance to allow the improvement of the Property for residential purposes will not grant any special privileges that are not enjoyed by residential lot owners within the neighborhood and the critical area.

- (b)(4) *The variance request is not based on conditions or circumstances that are the result of the actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.*

The conditions and circumstances that gave rise to this variance application are the result of the existing lot configuration and existing house location. They are not in any way based on actions caused by Applicants, and do not arise from conditions relating to land or building use on any neighboring property.

- (b)(5) *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area and will be in harmony with the spirit and intent of the County's critical area program.*

The proposed project would cause a disturbance of at least 1,000 square feet but less than 5,000 square feet. Accordingly, stormwater management and mitigation for new impervious surface in the Buffer Modification Area will be provided, with additional buffer planting on-site. Therefore, the variance will have no adverse impact on water quality or fish, wildlife, or plant habitat. The variance is also in harmony with the spirit and intent of the critical area program to allow reasonable use of a legally buildable grandfathered lot in the critical area that predates the critical area law and regulations.

- (b)(6) *The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure.*

This requirement is not applicable to Applicants' variance application because development in the 100-foot upland buffer is not contemplated.

- (b)(7) *The applicant, by competent and substantial evidence, has overcome the presumption contained in Natural Resources Article, § 8-1808.*

Natural Resources Article § 8-1808(3)(ii) provides, in pertinent part, that:

*(3)(ii) [i]n considering an application for a variance, a local jurisdiction shall presume that the specific development activity in the critical area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the local jurisdiction's program.*

That article states that its purpose and intent is:

- (1) To minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;*
- (2) To conserve fish, wildlife, and plant habitat; and*
- (3) To establish land use policies for development in the [CBCA] which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.*

The variance sought by Applicants would reduce the impervious coverage on the Property, plant additional mitigation, implement storm water management, and allow for safe access to the dwelling on Property, thereby minimizing adverse impacts, promoting conservation, and improving the utility of the Property. Accordingly, Applicants have overcome the presumption contained in Natural Resources Article § 8-1808.

*(b)(8) The applicant has evaluated and implemented site-planning alternatives.*

Site-planning alternatives have been considered, and the variance requests have been minimized as much as possible; however, development of the site is impossible in strict conformance with the zoning and critical area criteria without the variance. Applicants are proposing a modest change to permit safe access which is consistent with the other waterfront houses in the neighborhood and surrounding area.

Requirements for all variances:

*(c)(1) The variance is the minimum variance necessary to afford relief.*

Applicants' proposal for safe and reliable access to their home meets the "minimum necessary to afford relief" standard. Applicants have spent significant time and fees reducing the proposal to be the minimum possible. This process is detailed below.

A. Legal Standard for "Minimum Necessary"

Applicants need not prove that their proposal is the "absolute minimum variance possible," but that the proposal is the "minimum necessary to afford relief such that the applicant will maintain a reasonable and significant use of the property," *CBF v. DCW*, 439 Md. 588, 627-28 (2014). In other words, the proposal must be the minimum necessary to alleviate the hardship, which, in this case, is unsafe access to the dwelling for all inhabitants.

As stated on appeal by the Critical Area Commission in *DCW*, and agreed by the Maryland Court of Appeals in that case, **the minimum necessary standard must be considered in the context of Applicants' "reasonable needs."** *Id.* at 628. This "reasonable needs" standard was set in *Becker v. Anne Arundel County*, 174 Md. App. 114 (2007). There, the Court explained that the "minimum necessary" standard

**must be considered . . . in the context of the purpose of the proposed construction, recognizing that appellants are entitled to build some type of reasonable structure.**

*Id.*

B. Applicants' Extensive Process to Achieve Minimum Necessary

Over the course of almost three (3) years, Mr. Newton and Mike Gillespi (who worked on the project prior to Bay Engineering's acquisition) independently spent hours examining the plans and also viewing the property on-site multiple times each to determine the path of least disturbance. Both determined that the path proposed in Plan A, with access from the east-most part of the Property, was *both* (1) the *only* sensible code-compliant path on the entire Property from an engineering standpoint, and (2) the least disturbing path from an environmental standpoint.

Throughout the three-year process, several versions of the plan were proposed. With much thought and effort, each version further decreased the amount of disturbance. This process included tweaking the position of the driveway path to minimize disturbance to vegetation and slopes, reconfiguring the turnaround several times, and decreasing the width of the parking pad to the minimum possible. Applicants ultimately achieved what everyone on their team – including their attorney – agreed was the minimum necessary to fully relieve the family's hardship.

At that time, the proposal was for two (2) vehicles, which was narrowly tailored to Applicants' "reasonable needs." Parking for 2 cars would have fully relieved the hardship at hand, which is unsafe access for seven (7) inhabitants. Access for a first vehicle was proposed to



accommodate Applicant's elderly parents, who have their own vehicle, and access for a second vehicle was proposed to alleviate the hardship for Applicants and their three young children.

Applicants pre-filed their initial proposal in August 2024 and received written feedback from OPZ on November 1, 2024. In relevant part, the feedback suggested that the proposal did not meet "minimum necessary" standards. OPZ took no issue with any other element of the variance standard.

Thus, on December 4, 2024, Applicants submitted a revised request, which further explained why their request met the legal minimum necessary standards and requested a meeting with OPZ to gain further clarification.

Applicants, along with Mr. Newton and their attorney, met with OPZ on December 11, 2024. Ms. Krinetz of the Critical Area team suggested at that time that Applicants submit photographs and demonstrate why a more "direct" path (*e.g.*, straight from the top of the steps to the front door) would not be less environmentally disturbing, and why access for two vehicles was necessary.

On January 21, 2025, Applicants submitted a revised LOE that included the requested photos and explained why safe access for two vehicles is legally the minimum necessary to fully redress the hardship. To address OPZ's inquiry about a "direct" path, Applicants also included a preliminary drawing of a "direct" path plan ("Plan B") to compare with Applicants' proposed path, "Plan A". Plan B was both incomplete (lacking a necessary turn-around) and non-code-compliant (drawn at 24% grade, whereas a maximum 14% grade is required). It was submitted in preliminary form because (1) an actually safe and code-compliant direct path with a necessary turn-around would not be sensible from an engineering perspective, (2) even in a preliminary form, depicted without the necessary grade and turnaround, Plan B would still disturb 35% more sq. ft. of steep slope overall than Plan A, and would disturb 327% more sq. ft. of slopes greater than 25% than Plan A, and (3) the engineering fees associated with attempting to make a direct path that would be closer to code-compliance are both significant and unnecessary because – even in non-compliant and incomplete form – it shows that a direct path is more disturbing than Applicants' proposal.

Following this resubmittal, on February 10, 2024, Applicants' 4-year-old child fell down the steps and was injured.

On February 14, 2025, Ms. Krinetz responded again that two cars may not meet the minimum necessary standard because the width of the parking pad could be reduced if accommodating only one vehicle. She also suggested that Plan B (which, even in non-compliant

form would disturb 35% more sq. ft. of steep slope overall than Plan A, and would disturb 327% more sq. ft. of slopes greater than 25% than Plan A) may not be significantly more disturbing than Plan A. However, this comment appeared not to take into consideration the incomplete and non-compliant nature of Plan B.

Following this feedback from the Critical Area team, Applicants reduced their request from safe access for 2 cars to access for only 1 handicapped car. This is the request made in the present filing. Again, the reduction from 2 cars to 1 does not meet the “reasonable needs” of the family under the governing legal standard (*i.e.*, it does not fully redress the safety hardship faced by seven inhabitants), but the reduction was made to fully address OPZ’s feedback. In the present filing, Applicants also attempted to clarify any misunderstanding by more clearly explaining that the “direct” path depicted in Plan B is preliminary, incomplete, and non-code compliant.

#### C. Facts Supporting Satisfaction of “Minimum Necessary” Element

In the present case, the following facts show that the plan proposed is truly the minimum necessary to afford relief in the form of safe access to the dwelling:

##### **(1) Applicants’ “Reasonable Needs”**

Unlike many variance applications, Applicants’ request for safe access does *not* seek an improvement to the aesthetic or monetary value of the Property. Safe access to a dwelling is not a luxury amenity. Neither is it a benefit or perk that could be obtained anywhere off of the Property. Rather, safe access is a basic right that is the bare minimum necessary to enjoy reasonable and significant use of any residential property. More specifically:

- Applicants need reliable, safe, and durable access to the dwelling for all members of their large family of 7. All inhabitants will need to transport heavy and bulky items between the dwelling and street level at least several times per day including groceries and other food, childrens’ school bags, trash, and heavy/large deliveries left at the top of the steps. Often, all 7 people are carrying such items at the same time. In the event any of those people are injured carrying such items down (which is a daily risk without vehicular access to the dwelling), they will have no way to access their home. There will also be occasional need for movement of large, heavy items, such as furniture, *e.g.*, when Ms. Grasmick’s parents fully move into the home.
- Applicants need reliable, safe, and durable residential access, and handicapped parking, to reasonably accommodate Mrs. Grasmick’s elderly/aging parents, who

are protected under both the ADA and FSA. In addition to Mrs. Grasmick's parents, there are several current regular visitors, including an elderly babysitter with knee injuries and a physically disabled neighbor (a 10-year-old child) who cannot visit along with the rest of his family without adults carrying or assisting him up and down the steep 23 steps.

- Safe ingress and egress will be needed in all types of inclement weather (including power outages, freezing rain, ice, snow, strong winds, and storms). Safe vehicular access is especially necessary in those inclement circumstances. Since Applicants moved to the residence in 2022, there have been several instances of full-day power outages during storms, including winter storms, and many instances of shorter outages.
- In case of emergencies, a driveway to the dwelling provides immediate and safe access for a medic unit. Applicants consulted several local fire stations, as well as the Fire Marshall's office. Officers at those stations confirmed that vehicular access and a flat area (ideally within 50 feet of the dwelling, which is code-mandated for commercial properties) allows a medic unit to assist more quickly when time is of the essence, especially in inclement weather. Currently, vehicle access on the Property ends approximately 100 feet away from the dwelling and access by foot is via a more-than 15-foot elevation drop.

## **(2) Location of Driveway Path: Comparison of Plan A to Plan B**

Plan A is not only the only sensible path from an engineering perspective but is also by far the least environmentally disturbing path.

Although a code-compliant direct path is not sensible for many reasons, Applicants submitted the preliminary Plan B in order to demonstrate that, even in a non-compliant and incomplete form, a direct path is *still* more environmentally disturbing than the path proposed. **Again, the significant engineering cost of rendering a closer-to-code-compliant direct plan is unnecessary given that even the most direct plan possible is still more disturbing than Applicants' proposed Plan A; Applicants have not contracted to create a more detailed version of an impractical and already more-disturbing plan.**

Specifically, the preliminary Plan B would still disturb 35% more sq. ft. of steep slope overall than Plan A, and would disturb 327% more sq. ft. of slopes greater than 25% than Plan A. Attempting to create a code-compliant Plan B with a turn-around would require more grading, tearing out extensive existing retaining walls (which currently effectively stabilize the slopes), and adding new extensive, high (and less safe) retaining walls in new locations to accommodate a direct path. If Plan B were revised in an attempt to render it closer to code-compliance by (1)

reducing the 24% driveway grade to closer to the 14% grade required, and (2) adding a turn-around, it would be *significantly* more disturbing.

Moreover, Plan A converts Applicants' existing patio into the handicapped parking space, whereas a direct path like Plan B fails to utilize that existing flat and impervious coverage.

Furthermore, the proposed path in Plan A is intentionally sited to convert an existing path of woodchip and compacted river-rock (currently used by a UTV, including for sewer grinder pump maintenance) into a paved path, and was very specifically designed to minimize tree disturbance. By contrast, a direct path from the top of steps to the front door that attempts to comply with the required 14% grade and includes a turn-around would require more disturbance to native plants and trees, including the following:

- 10 Smooth Hydrangea
- 3 Maple Leaf Viburnum
- 2 Red Maple Trees
- 2 Flowering Dogwood trees
- 1 River Birch tree
- 2 Oak trees
- 3 American Holly trees
- Alumroot
- Black-Eyed Susans
- Common Yarrow

Such a path would also disturb the following additional vegetation, all of which stabilize the slopes effectively and most of which support pollinators: 5 Oakleaf Hydrangea that are decades old and approximately 10 feet tall each; Coneflowers; Salvia; Astilbe; 10 Hellebores; 7 Spirea bushes; 7 Camellia bushes; 7 Rose bushes; 7 Azalea bushes; 10 Boxwood bushes; Montauk Daisies; Shasta Daisies; Heuchera; Bearded Iris; 12 Peonies; Snowdrops; 3 White Pine trees; over 200 Spring bulbs; and more. (Note: Spring/summer photos of some of this vegetation from prior years are included in Applicants' application (because many plants are not visible in the current winter season); since those photos, many additional native plants have been planted voluntarily by Applicants over the years.)

In sum, Applicants specifically chose Plan A not only because it is the only sensible plan engineering-wise but because it requires the *very least* disturbance to steep slopes and native vegetation out of any location on the Property.

### **(3) Applicants Reduced Request from 2 Vehicles to 1**

As detailed above, Applicants engaged in a long and costly process of back-and-forth with the County in order to satisfy the minimum necessary standard. Although Applicants believe that, under the governing legal standard, access for 2 vehicles is the minimum necessary to accommodate Applicants' "reasonable needs" and address unsafe access for 7 inhabitants, Applicants have reduced their request from access for 2 cars to access for 1 handicapped vehicle and reduced the width of the parking pad accordingly. Access for a single handicapped vehicle would accommodate the most vulnerable, ADA protected inhabitants.

#### **(4) Size and Design of Path and Turn-Around**

The proposed driveway path is as narrow as is safely possible for a single car width on the site (10ft). OPZ confirmed that a 10 ft. width satisfies the minimum necessary standard. Likewise, the turnaround proposed is the smallest and least disturbing possible for a single vehicle. Rather than grading extra square footage beyond the existing flat patio for a flat turn-around, which would be both easier and safer for the driver and passengers, Applicants' proposal leaves the turn-around sloped in order to minimize grading.

Furthermore, Applicants are not requesting covered access to the dwelling (*e.g.*, a carport or connected garage), but only the bare minimum – a driving path offering safe, reliable, and durable access for use many times per day and in all weather.

#### **(5) Comparison to Neighboring Homes**

Safe access for only one vehicle is particularly "reasonable" given that every neighboring home in High Banks on the Severn, as well as the larger Lakeland community, has vehicular access to the dwelling, with parking for at least 2 vehicles. In fact, some neighbors in the Lakeland community - including High Banks neighbors on the Severn River side - have, in addition to garages, driveways that lead to parking pads accessible to the dwelling for four, five or more cars. These neighboring parking pads were added after the Critical Area Program was initiated.

Moreover, the County recently granted a Severn-River-side neighbor's variance request to increase the ease and safety of ingress and egress by tearing down the entire existing home and rebuilding it (with a garage - which didn't exist before - and a reconfigured driveway) on a different footprint closer to the road. *See Case 2024-0050*. Though that property already had a driveway and parking pad connected directly to the dwelling, the variance was granted to permit safer access to the dwelling. The project will impact the steep slopes and expanded buffer. The driveway reconfiguration proposed in this case is a smaller project that would similarly allow the most vulnerable of the inhabitants' safe access to the dwelling.

In summary, Applicants seek only safe access to the dwelling while simultaneously improving the environment. Safe access to a dwelling for all inhabitants of a residential property is the bare minimum necessary to maintain a reasonable and significant use of the property. The access requested in this variance is not only possible to achieve but is the minimum necessary plan to achieve the Applicants' reasonable and important safety needs.

(c)(2) *The granting of a variance will not (i) alter the essential character of the neighborhood or district in which it is located; (ii) substantially impair the appropriate use or development of adjacent property; (iii) reduce forest cover in the limited development and resource conservation areas of the critical area; (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area; nor (v) be detrimental to the public welfare.*

Granting of the variance sought by Applicants will allow the Property to be used in a manner that is consistent with all surrounding properties in the neighborhood. It will have no impact on the use or development of adjacent properties. Stormwater management and new coverage mitigation are proposed so it will have no impact on forest cover or be contrary to acceptable clearing and replanting practices. Granting of the variance will not be detrimental to the public health, safety or welfare, but will result in safe access to Applicants' home and a net environmental improvement.

For all of the foregoing reasons, and in order to allow Applicants to care for their aging parents, Applicants respectfully request that the County grant the variance to allow disturbance to slopes greater than 15% in the CBCA to allow a driveway and single handicapped parking space to be constructed in order to allow safe access to the Property's dwelling, a right repeatedly recognized by the County, and – within existing footprints – to renovate the dwelling and renovate and raise the second floor of the garage.

Denial of the variance would constitute an unwarranted hardship and deprive the Applicant of rights commonly enjoyed by similarly situated property owners, whereas granting the application – which did not arise due to Applicants' actions – would not confer any special privileges on Applicants, would result in a positive environmental impact and be in harmony with the critical area program.

Applicants have acted in good faith and been excellent stewards of the Property, including voluntarily connecting to public sewer at great expense. The request in this variance would result in further net benefit to the environment. The request is not for a luxury amenity, but rather is the minimum possible request for safe access to a home.

If there are any questions concerning this application, please do not hesitate to contact me.

Sterling Seay  
Variance Letter of Explanation  
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March 13, 2025  
High Banks on the Severn Lot 5

Sincerely,  
MESSICK GROUP, INC.  
T/A MESSICK & ASSOCIATES

*Wayne Newton*

Wayne Newton, PE  
President

[illegible]

DESCRIPTION	AREA
EXISTING LOT AREA	48,171 SQ. FT. OR 1,105 AC.
ALL AVAILABLE LOT COVERAGE (10%)	7,325 SQ. FT. OR 0.168 AC.
ALL AVAILABLE LOT COVERAGE W/ 10% REDUCTION	10,664 SQ. FT. OR 0.241 AC.
EXISTING LOT COVERAGE	11,064 SQ. FT. OR 0.254 AC.
EX. HOUSE	2,726 SQ. FT.
EX. DRIVEWAY	4,950 SQ. FT.
EX. GARAGE	1,220 SQ. FT.
EX. GRAVEL	817 SQ. FT.
EX. WALLS, SLABS, CONC., & PATIO	1,445 SQ. FT.
EXISTING LOT COVERAGE	11,064 SQ. FT. OR 0.254 AC.
EXISTING LOT COVERAGE TO BE REMOVED	3,212 SQ. FT. OR 0.074 AC.
EXISTING LOT COVERAGE TO REMAIN	7,852 SQ. FT. OR 0.180 AC.

PROPERTY LINE / RIGHT-OF-WAY	_____
ADJOINING PROPERTY LINE	_____
BUILDING RESTRICTION LINE	_____
EXISTING CONTOUR	_____ 142' _____
EXISTING SPOT ELEVATION	M22.3
EXISTING SOIL TYPE DESIGNATION	AAB
EXISTING ZONING DESIGNATION	AAC
	OS / C1
CRITICAL AREA	_____ 248' _____ 60' _____
CEAN LINE	_____ 728' _____ 720' _____
EXISTING TREE LINE	_____
EXISTING FENCE	_____ I _____ X _____
EXISTING PUBLIC UTILITY EASEMENT	_____
EXISTING OVERHEAD POWER LINE	_____ OH _____ OH _____
STEEP SLOPES 15-25%	_____
STEEP SLOPES >25%	_____
25' SLOPED BUFFER	_____
EXISTING BUILDING	_____

 CALL BEFORE YOU DIG  
MARYLAND LAW REQUIRES 48 HOURS NOTICE  
BEFORE PLANNED WORK TO MARK  
UNDERGROUND UTILITIES PRIOR TO EXCAVATION  
MISS UTILITY: 1-800-257-7777



CALL BEFORE YOU DIG!  
LAND LAW REQUIRES 48 HOURS NOTICE  
BEFORE PLANNED WORK TO MARK  
GROUND UTILITIES PRIOR TO EXCAVATION  
MISS UTILITY: 1-800-257-7777

#### REVISION DESCRIPTION

BY

DATE \_\_\_\_\_

• **W**

**MESSICK & ASSOCIATES\***  
CONSULTING ENGINEERS,  
PLANNERS AND SURVEYORS

7 OLD SOLOMONS ISLAND ROAD, SUITE 202  
ANNAPOLIS, MARYLAND 21401  
(410) 265-3212 \* FAX (410) 265-3502  
email: [enr@messickandassociates.com](mailto:enr@messickandassociates.com)

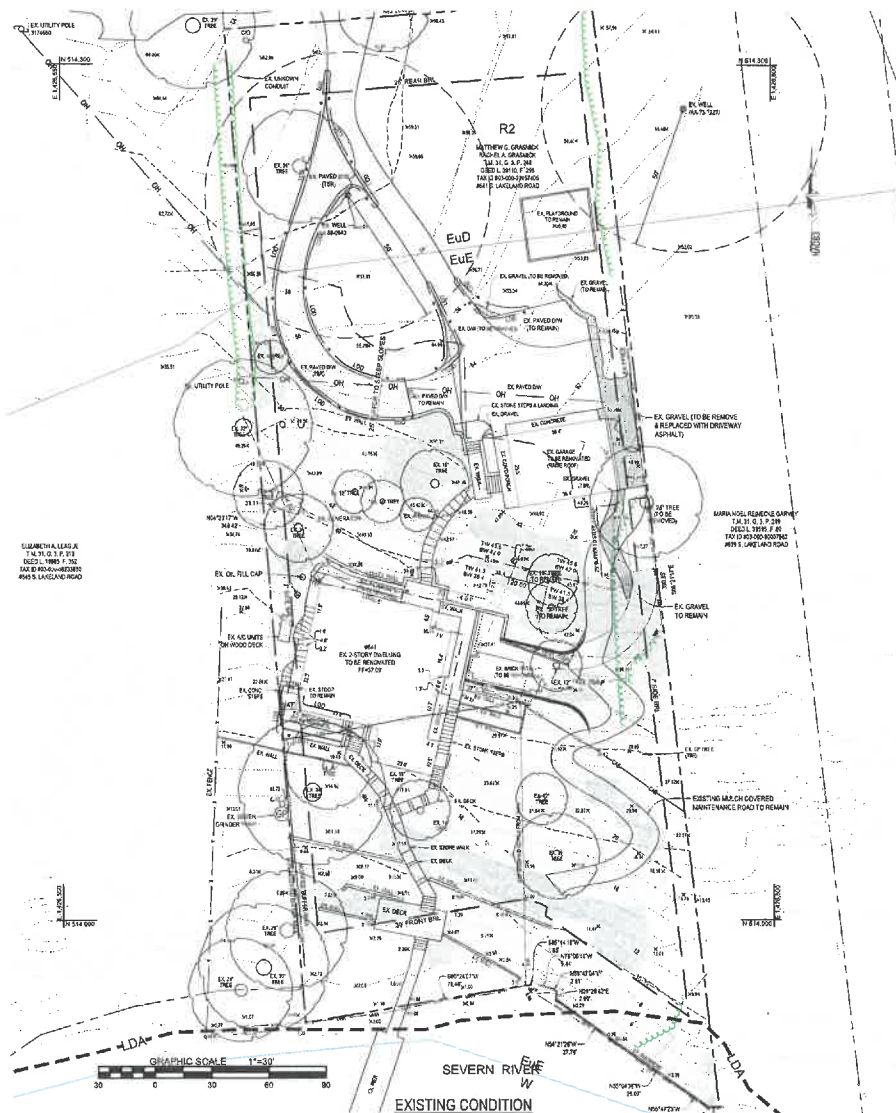
\* MESSICK GROUP OF INC. IS A MESSICK ASSOCIATES COMPANY

**MATTHEW G. / RACHEL A. GRASMICK**  
641 S. LAKELAND ROAD,  
SEVERNA PARK, MD. 21146

**GRASMICK PROPERTY**  
541 S. LAKE LAND ROAD,  
SEVERNA PARK, MD. 21146

TM: 31 GRD: 3 PARCEL: 248  
THIRD ASSESSMENT DISTRICT  
 SCALE: AS SHOWN

TAX ACCOUNT: 03-000-22457405  
ANNE  
DATE: SEPTEMBER 2024





[illegible]

DESCRIPTION	AREA
EXISTING LOT AREA.....	48,871 SQ. FT. OR 1,125 AC.
ALL AVAILABLE COVERAGE (55%).....	7,225 SQ. FT. OR 0.165 AC.
EXISTING LOT COVERAGE WITH 10% REDUCTION.....	10,864 SQ. FT. OR 0.25 AC.
EXISTING LOT COVERAGE.....	11,066 SQ. FT. OR 0.254 AC.
EXISTING LOT COVERAGE TO REMAIN.....	7,856 SQ. FT. OR 0.18 AC.
PROPOSED LOT COVERAGE.....	2,624 SQ. FT. OR 0.058 AC.
TOTAL PROPOSED COVERAGE.....	10,360 SQ. FT. OR 0.238 AC.
PROPOSED INSURANCE COVERAGE.....	4,917 SQ. FT. OR 0.113 AC.

PROPERTY LINE / RIGHT-OF-WAY

ADJOINING PROPERTY LINE

BUILDING RESTRICTION LINE

EXISTING CONTOUR

EXISTING SPOT ELEVATION

EXISTING BOLLS TYPE DESIGNATION

EXISTING ZONING DESIGNATION

CRITICAL AREA

FEMA LINE

EXISTING TREE LINE

EXISTING FENCE

EXISTING PUBLIC UTILITY EASEMENT

EXISTING OVERHEAD POWER LINE

STEEP SLOPES 15 - 35%

25' STEEP SLOPE BUFFER

EXISTING BUILDING

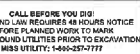
PROPOSED SPOT ELEVATION

PROPOSED CONTOUR LINE

PROPOSED LIMIT OF DISTURBANCE

PROPOSED DEVELOPMENT

SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRIC SOIL	HIGHLY ERODABLE SOIL
EuD	Everbore-Galesown-Urban Land Complex (5-15% Slopes)	'A'	22.8%	NO	NO
PeB	Everbore-Galesown-Urban Land Complex (15-25% Slopes)	'A'	77.2%	NO	NO



**OWNER/DEVELOPER:**  
MATTHEW G. / RACHEL A. GRASMICK  
641 S. LAKELAND ROAD.  
SEVERNA PARK, MD. 21148

**GRASMICK PROPERTY**  
641 S. LAKELAND ROAD,  
SEVERNA PARK, MD. 21146

TM: 31 GRID: 3 PARCEL: 246  
THIRD ASSESSMENT DISTRICT  
SCALE: AS SHOWN

TAX ACCOUNT: 03-000-22457405  
ANNE  
DATE: SEPTEMBER 2024

ZOVING: R-2 / LDM  
UNDEL COUNTY, MARY  
SHEET: 2 OF 2

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: 4/14/25

Tax Map #	Parcel #	Block #	Lot #	Section
31	246	3	5	

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
General Project Information

Tax ID: 03-000-22457405

Project Name (site name, subdivision name, or other) High Banks on the Severn

Project location/Address 641 Lakeland Road South

City Severna Park, MD Zip 21146

Local case number 2024-0099-P

Applicant: Last name Grasmick First name Rachel

Company Messick Group Inc., T/A Messick and Associates, Wayne Newton, PE

**Application Type (check all that apply):**

Building Permit	<input type="checkbox"/>	Variance	<input checked="" type="checkbox"/>
Buffer Management Plan	<input type="checkbox"/>	Rezoning	<input type="checkbox"/>
Conditional Use	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Special Exception	<input type="checkbox"/>
Disturbance > 5,000 sq ft	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Grading Permit	<input type="checkbox"/>	Other	<input type="checkbox"/>

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

## SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Install single-car driveway and one single handicapped parking space in place of an existing patio at the main house level.

Intra-Family Transfer ☐  
Grandfathered Lot ☒

Growth Allocation ☐  
Buffer Exemption Area ☐

### Project Type (check all that apply)

Commercial ☐  
Consistency Report ☐  
Industrial ☐  
Institutional ☐  
Mixed Use ☐  
Other ☐

Recreational ☐  
Redevelopment ☐  
Residential ☒  
Shore Erosion Control ☐  
Water-Dependent Facility ☐

## SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area	1.105	48,171
RCA Area		
Total Area	1.105	48,171

Total Disturbed Area	Acres	Sq Ft
	0.113	4,917

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.116	5,048	Existing Lot Coverage	.249	11,068
Created Forest/Woodland/Trees	0.009	377	New Lot Coverage	0.058	2,524
Removed Forest/Woodland/Trees	0.003	125.6	Removed Lot Coverage	0.074	3,212
			Total Lot Coverage	0.238	10,380

## VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.113	4,917	Mitigation	0.0009	377

### Variance Type

Buffer ☐  
Forest Clearing ☐  
HPA Impact ☐  
Lot Coverage ☐  
Expanded Buffer ☐  
Nontidal Wetlands ☐  
Setback ☐  
Steep Slopes ☒  
Other ☐

### Structure

Acc. Structure Addition ☐  
Barn ☐  
Deck ☐  
Dwelling ☒  
Dwelling Addition ☐  
Garage ☒  
Gazebo ☐  
Patio ☐  
Pool ☐  
Shed ☐  
Other ☐

# ***CRITICAL AREA REPORT***

**641 Lakeland Road South  
Severna Park MD 21146**

**April 2025**

Prepared for:  
Rachel and Matthew Grasmick  
641 Lakeland Rd South  
Severna Park, MD 21146

Prepared by:  
Messick & Associates  
7 Old Solomons Island Rd, Suite 202  
Annapolis, MD 21401

## INTRODUCTION

This site is a 48,171 square foot property that is located off Lakeland Road South in Severna Park, MD in the High Banks on the Severn neighborhood. The proposal is to construct a single car driveway and single handicapped parking space in place of an existing patio at the main house level. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as a Limited Development Area (LDA). It is also located in a Buffer Modification Area (BMA). The property is zoned R-2.

## EXISTING USE

The property consists of 48,171 square foot of property. The site is currently developed with an inhabited dwelling. The property is served by a private well and public sewer. The property is waterfront, contains steep slopes, and drains directly to the Severn River. The home was constructed on a sloped portion of the property, which is now classified as a slope greater than 15%, with no direct driveway access to the dwelling.

## SURROUNDING LAND USE

The properties that are about the site are developed as single-family lots. The general area is developed as single-family lots that are part of the High Banks on the Severn neighborhood. The site is bounded by a developed property to the west, east and north, and the Severn River to the South.

## SOILS

The U.S. Department of Agriculture Soil Survey defines the property to have a soil type of EuD - Evesboro-Galestown-Urban land complex, 5 to 15% slopes (A Soils), and EuE – Evesboro-Galestown-Urban Land complex soils, 15-25% slopes (A Soils).

## FLOODPLAIN

The property is located in the Flood Hazard Zone “AE” (area within the 1% annual chance floodplain with base flood elevation of 6 feet) and Zone “AE” and “X” (area outside the 0.2% annual chance floodplain) as delineated on the FIRM Flood Insurance Map #24003C0153F dated February 18, 2015, for Anne Arundel County and distributed by the Federal Emergency Management Agency Map (FEMA).

## NON-TIDAL WETLANDS

There appear to be no Non-Tidal Wetlands on the site.

## TIDAL WETLANDS

There appear to be no Tidal Wetlands on this site.

## BODIES OF WATER

The site drains overland to the Severn River.

## STEEP SLOPES

There are steep slopes on the bulk of the site and a portion of these slopes will be disturbed as part of the work.

## RARE AND ENDANGERED SPECIES

A review of Federal and/or State listed species of rare, threatened or endangered species of plants or animals has been requested via the enclosed letter to Lori Byrne of the Maryland Department of Natural Resources Fish, Heritage and Wildlife Administration.

## STORMWATER MANAGEMENT

Stormwater management will be provided in the form of plantings per the requirements of the Anne Arundel County permit process.

## FOREST COVER

The existing forest cover is limited to over story trees which occur throughout the site. The understory is mostly lawn.

The following are typical trees of areas such as this site:

<u>Common Name</u>	<u>Scientific Name</u>
Black Locust	<i>Robinia pseudoacacia</i>
Eastern Sycamore	<i>Platanus occidentalis</i>
American Holly	<i>Ilex opaca</i>
Beech	<i>Fagus grandifolia</i>
White Poplar	<i>Populus alba</i>
Mountain Laurel	<i>Kalmia latifolia</i>

## WILDLIFE TYPICAL OF THIS AREA

<u>Common Name</u>	<u>Scientific Name</u>
Eastern Gray Squirrel	<i>Sciurus Carolinensis</i>
Blue Jay	<i>Cyanocitta Cristata</i>
Common Crow	<i>Corvus Brachythynchos</i>
Northern Cardinal	<i>Richmondia Cardinalis</i>

## **SITE CALCULATIONS**

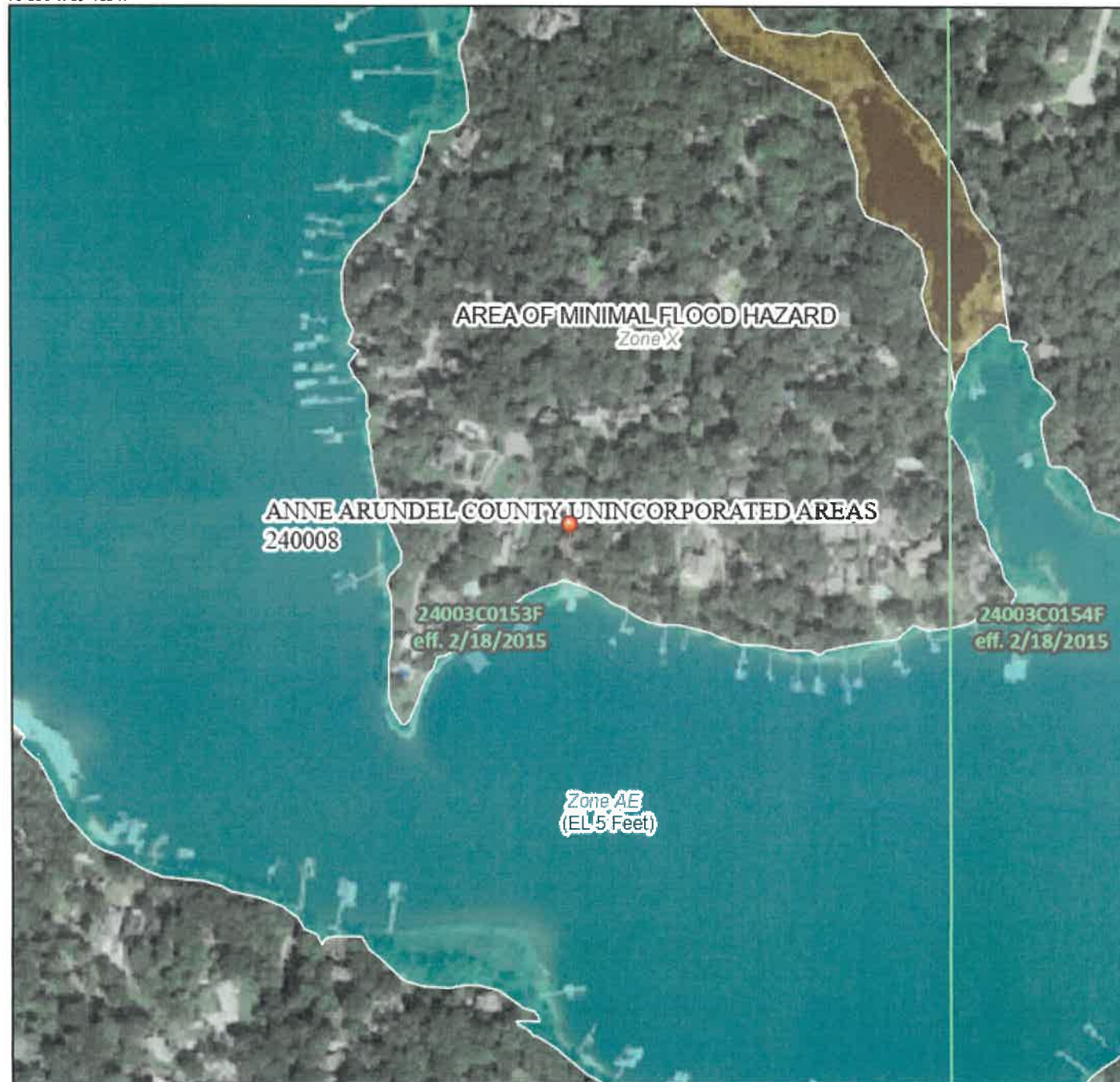
1. Total Site area.....48,171 sq. ft.
2. Site area in Critical area.....48,171 sq. ft.
3. Existing Lot Coverage.....11,068 sq. ft.
4. Existing Lot Coverage to be Removed.....3,212 sq. ft.
5. Existing Lot Coverage to Remain.....7,856 sq. ft.
6. Proposed Impervious area.....2,524 sq. ft.
7. Total Lot Coverage After Construction.....10,380 sq. ft.
8. Total Impervious Coverage Allowed by Lot Size (15%).....7,225 sq. ft.
9. Total Impervious Coverage Allowed (10% Reduction).....10,684 sq. ft.



# National Flood Hazard Layer FIRMette



76°36'9"W 39°4'53"N



0 250 500 1,000 1,500 2,000 Feet

1:6,000

76°35'31"W 39°4'25"N

Basemap Imagery Source: USGS National Map 2023

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

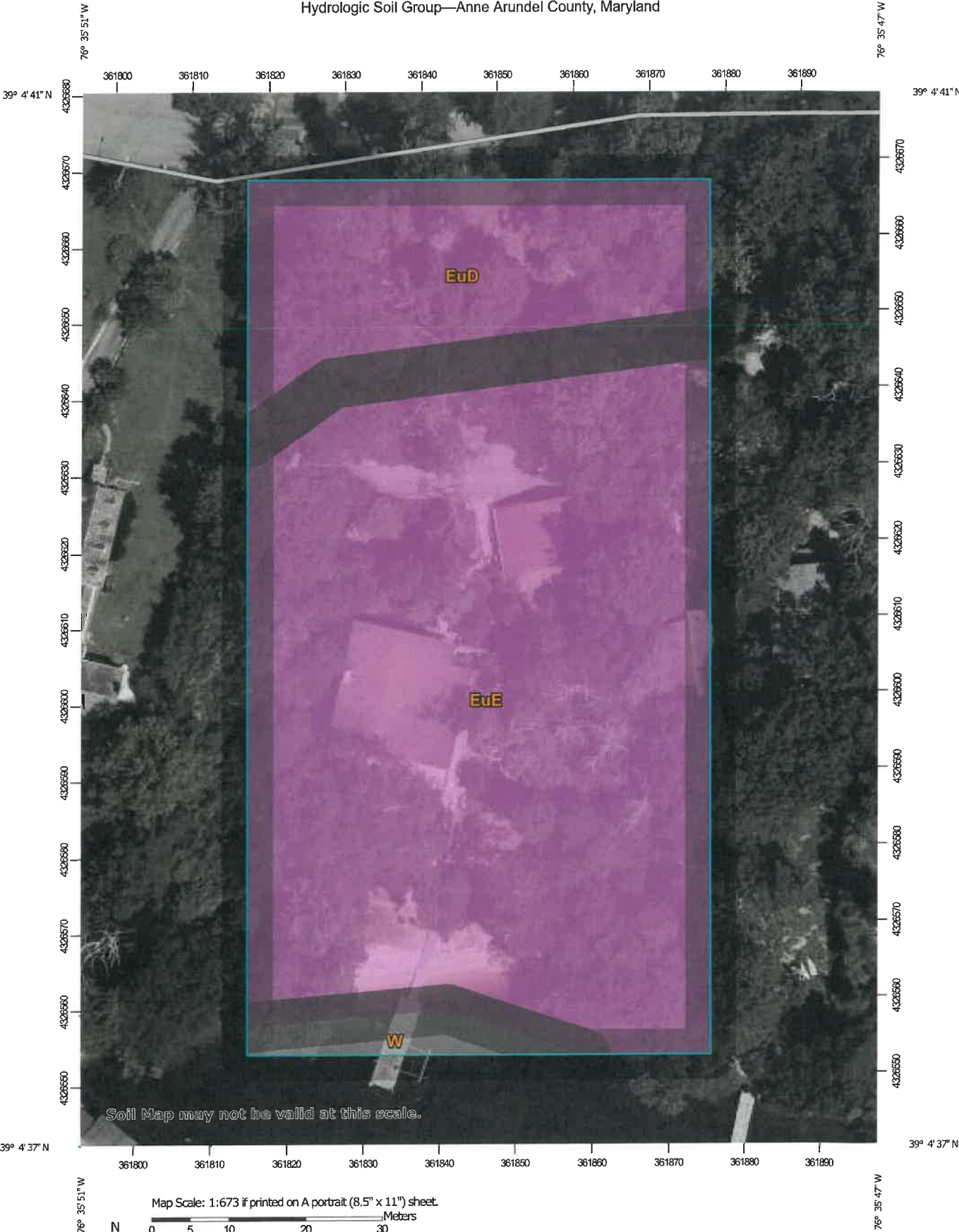
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/14/2025 at 6:06 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.




Hydrologic Soil Group—Anne Arundel County, Maryland










## MAP LEGEND

### Area of Interest (AOI)









 Area of Interest (AOI)

### Soils

#### Soil Rating Polygons





 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Lines

 A  
 A/D  
 B  
 B/D  
 C  
 C/D  
 D  
 Not rated or not available

#### Soil Rating Points

 A  
 A/D  
 B  
 B/D

 C  
 C/D  
 D  
 Not rated or not available


### Water Features

 Streams and Canals

### Transportation

 Rails  
 Interstate Highways  
 US Routes  
 Major Roads  
 Local Roads

### Background

 Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Anne Arundel County, Maryland  
 Survey Area Data: Version 23, Sep 6, 2024

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2022—Aug 13, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
EuD	Evesboro-Galestown-Urban land complex, 5 to 15 percent slopes	A	0.4	21.6%
EuE	Evesboro-Galestown-Urban land complex, 15 to 25 percent slopes	A	1.3	75.8%
W	Water		0.0	2.6%
<b>Totals for Area of Interest</b>			<b>1.7</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

**Group A.** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

**Group B.** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

**Group C.** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

**Group D.** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

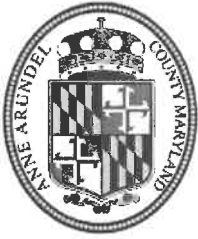
If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE

**PRE-FILE #:** 2024-0099-P  
**DATE:** 11/01/2024  
**OPZ STAFF:** Jennifer Lechner  
Kelly Krinetz

**APPLICANT/REPRESENTATIVE:** Rachel Grasmick / Messick & Associates

**EMAIL:** [rachelanngrasmick@gmail.com](mailto:rachelanngrasmick@gmail.com) / [engr@messickandassociates.com](mailto:engr@messickandassociates.com)

**SITE LOCATION:** 641 Lakeland Road South, Severna Park

**LOT SIZE:** 48,171 SF

**ZONING:** R2      **CA DESIGNATION:** LDA      **BMA:** YES      **BUFFER:** n/a      **APPLICATION TYPE:** Variance

The applicants are proposing to reconfigure the existing driveway and parking area.

Variance required:

- Article 17-8-201 to allow disturbance to slopes greater than 15% within the critical area LDA/RCA.

#### **COMMENTS**

##### **Zoning Administration Section:**

The existing critical area lot coverage of the site is noted as 11,068 square feet (and also 10,877sqft on sheet 2).

The allowable critical area lot coverage of the site is 15% of 48,171 square feet, or 7,225.65 square feet.

The site exceeds the allowable lot coverage by 3,842.35 square feet.

A 10% reduction of 384.235 square feet is required for the reconfiguration of lot coverage, resulting in a total lot coverage of 10,683.765 square feet.

The site plan should be revised to clarify the lot coverage summaries, as some of the figures do not correspond.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards and provide adequate justification for each of the variances required.

##### **OPZ Critical Area Team:**

While vehicular access is desirable, it is not always achievable given the existing conditions.

This design provides access for two vehicles and is designed in a manner that is not the most direct method possible. The proposal does not meet the minimization requirements for variance approval.

#### **INFORMATION FOR THE APPLICANT**

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

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.

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.



# 641 Lakeland Rd S

## Current Access



Looking up from front door to garage: More than 15 ft drop over 23 steps, which are steep and dangerous



Looking up from front door to garage: More than 15 ft drop over 23 steps, which are steep and dangerous



Treacherous conditions on stairs in snow and ice



Looking up from front door to garage: More than 15 ft drop over 23 steps, which are steep and dangerous. Person at top of steps is barely visible.



Treacherous conditions on stairs in snow and ice



Winter view from a vehicle at top of steps



View of small landing at base of steps (north of dwelling)



View of small landing at base of steps (north of dwelling)

## Proposed Driveway Path



Proposed driveway will replace compacted river rock path



On east side of property, looking north: proposed driveway over compacted river rock and wood chips is squeezed between garage and fence.



On east side of property, looking south: The existing path is the proposed driveway, which will replace compacted river rock and wood chips.



View looking west, from existing wood chip and river-rock path to the existing patio



NOT Applicants' Proposed Path  
More "direct" path to front door



Looking west from stairs. This is NOT the Applicants' proposed path. These native plants would be disturbed by a more direct path from steps to the front door.

Photo is from years ago (to show summer); since then many more native plants have been planted and thrived in this area.