

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

APPLICANT: Ryan Alavi

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0044-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: May 8, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow a dwelling with disturbance to slopes of 15% or greater¹ on property located at 2728 Cedar Drive in Riva.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 13,737 square feet of land and is located on the west side of Cedar Drive. It is identified as Lot 3 & half of Lot 2 of Parcel 84 in Block 21 on Tax Map 50 in the subdivision of Glen Isle.

The property is zoned R2 – Residential District. This is a waterfront lot on the South River that lies within the Chesapeake Bay Critical Area, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a one-story single-family detached dwelling with a basement, a pier, and other associated facilities.

PROPOSAL

The applicant proposes to demolish the existing house and to construct a new two-story dwelling with a basement, an integrated garage, and a waterfront deck. The dwelling would measure approximately 44' by 40' at its widest/deepest points with a total footprint of 1,534 square feet.

REQUESTED VARIANCES

§ 17-8-201(a) of the Subdivision and Development Code provides that development in the Limited Development Area (LDA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. According to the site plan, the proposed redevelopment would necessitate a variance to disturb approximately 3,408 square feet of slopes of 15% or greater.

¹ This application was initially advertised for three additional variances: to allow a dwelling with less setbacks than required, to allow a dwelling with new lot coverage nearer to the shoreline than the principal structure, and to allow a dwelling that does not comply with the designated location of a principal structure on a waterfront lot. However, the Zoning Administration Section and Critical Area Team have concluded that those variances are not required.

FINDINGS

The subject property is irregular in shape and is both undersized and narrow for the zoning district. More specifically, the 78.4 foot wide lot is slightly shy of the minimum 80-foot width required, and the 13,737 square foot area is less than the minimum 20,000 square foot area required for new lots not served by public sewer in an R2 District. The existing critical area lot coverage is 2,910 square feet (21.2%). The proposed coverage would be reduced to 2,088 square feet (15.2%) which falls well below the maximum 4,298 square feet (31.25%) allowed by Code.

A review of the 2024 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. The homes occupy a variety of lot shapes and sizes, many of which were developed prior to the enactment of critical area laws and many of which also contain steep slopes. According to State assessment records, the subject dwelling was originally constructed in 1966.

The **Soil Conservation District** reviewed the proposal and provided no comment.

The **Critical Area Commission** commented that, in order to grant a variance, the Administrative Hearing Officer must find that the request meets each and every one of the variance standards, including the standard of unwarranted hardship. The Commission has reviewed the design plans submitted and believes that the applicant has not demonstrated unwarranted hardship. In order to meet unwarranted hardship, the applicant will need to demonstrate that significant and reasonable use of the property cannot be utilized due to the Critical Area regulations. Additionally, the applicant must demonstrate that this request will not adversely affect water quality or plant and wildlife habitat. It appears that the applicant could construct the proposed dwelling in the same location of the existing dwelling, thereby reducing impacts to steep slopes. Should the Administrative Hearing Officer find that this request - or a modified version of this request that reduces impacts to steep slopes - may be approved, the required mitigation ratio is 3:1 for permanent impacts, as specified in COMAR 27.01.09.01-2 (H).

The **Development Division (Critical Area Team)** commented that, as outlined in the Pre-File comments, it is still their opinion that an alternate design could be used at this site in order to minimize the permanent disturbance of the steep slopes on site.

The **Health Department** has reviewed the on-site sewage disposal and water supply system for the subject property and has determined that the proposed request adversely affects both of these systems. The Health Department recommends denial of the request. The site plan does not match the approved Perc Application PAT02051599 site plan. The proposed stormwater management discharge cannot flow towards the water well.

For the granting of a critical area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. In this particular case, steep slopes are present preventing redevelopment without some variance relief. However, there is opportunity to redesign the dwelling in a manner that would minimize the proposed slope disturbance.

A literal interpretation of the County's Critical Area Program would deprive the applicant of rights that are commonly enjoyed by other properties in similar areas by denying the right to redevelop an existing residential lot. However, the granting of the variance as proposed would confer on the

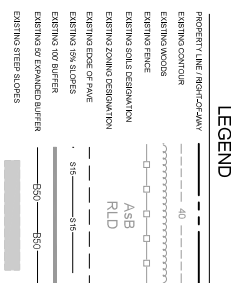
applicant a special privilege that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. Both the Critical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

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. However, while this Office recognizes the constraints caused by the steep slopes onsite and supports some variance relief, variances require minimization whenever possible. Not all lots are created equally, and an applicant should not expect to vary away every deficiency in order to construct the same dwelling that the owner of a lot with fewer environmental features would have. This proposal moves the house approximately 20 feet further into the steep slopes and closer to the shoreline than the existing dwelling being replaced, further intensifying the environmental impacts. Both the County's Critical Area Team and the State's Critical Area Commission opine that the applicant should redesign the proposed dwelling to minimize the slope disturbance and to be more in line with the existing development being replaced. As such, the proposed variance cannot be considered the minimum necessary to afford relief and cannot be supported.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **denial** of the proposed critical area and zoning variances.

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



VARIANCE REQUESTS

VARIANCE FOR DISTURBANCE TO STEEP SLOPES IN THE CRITICAL AREA = 3,408 SQ. FT.

OVERALL ONSITE AREA TABULATION	
1. THE TOTAL AREA OF SITE IS 13.70 SQ. AC. OR 594,000 SQ. FT. IS	
2. THE LOT COVERAGES TABULATION IS AS FOLLOWS:	
HOUSES	12.93%
DRIVEWAYS	1.50%
CONCRETE	1.25%
DRIVEWAY	3.05%
PAVEMENT	1.00%
PAVEMENT	4.01%
PAVEMENT	2.90%
TOTAL	27.64% OF SITE

CALL "MISS UTILITY"
TELEPHONE 1-800-257-7777
FOR UTILITY LOCATION AT
LEAST 48 HOURS BEFORE
BEGINNING CONSTRUCTION.

CERTIFICATION NOTE

SHOWN ON THIS RESOURCES MAP HAVE
BEEN FIELD VERIFIED.



DESCRIPTION	ACREAGE	SCD TYPE
A&B (AINAPOLIS FINE SANDY LOAM (2 TO 5 PERCENT SLOPE))	0.78	C
A&E (AINAPOLIS FINE SANDY LOAM (5 TO 10 PERCENT SLOPE))	0.35	C

ZONING NOTES

1. THE CRITICAL AREA CLASSIFICATION IS LDA.
2. THE ZONING IS R-2 FOR THE ENTIRE AREA.
3. SITE IS NOT WITHIN ANY BOG DRAINAGE OR IMPACT AREA.
4. SITE IS IN THE BUFFER MODIFICATION AREA.

EXISTING CONDITIONS PROPOSED SITE PLAN FOR VARIANCE AND MODIFICATION

SCALE: 1" = 20'

[illegible]

1954). EXPIRATION DATE: 9/16/2005.
STATE OF MARYLAND LICENSE NO.
ENGINEER UNDER THE LUMB OF THE
AND A CIVIL LICENSED PROFESSIONAL
THESE DOCUMENTS WERE PREPARED
BY ME AND I AM THAT I
INDIVIDUAL, FIRM, CORPORATION,
PROFESSIONAL CERTIFICATE
CIVIL ENGINEERING
MICHAEL HELFRICH, PRESIDENT
MICHAEL HELFRICH & ASSOCIATES, INC.
STATE OF MARYLAND
CIVIL ENGINEER

GAMMA
ENGINEERING

1203 WEST STREET SUITE A
ANNAPOLIS, MD 21401

PHONE (410) 626-1070
FAX (410) 267-6619
EMAIL: info@gammaeng.com

OWNER:

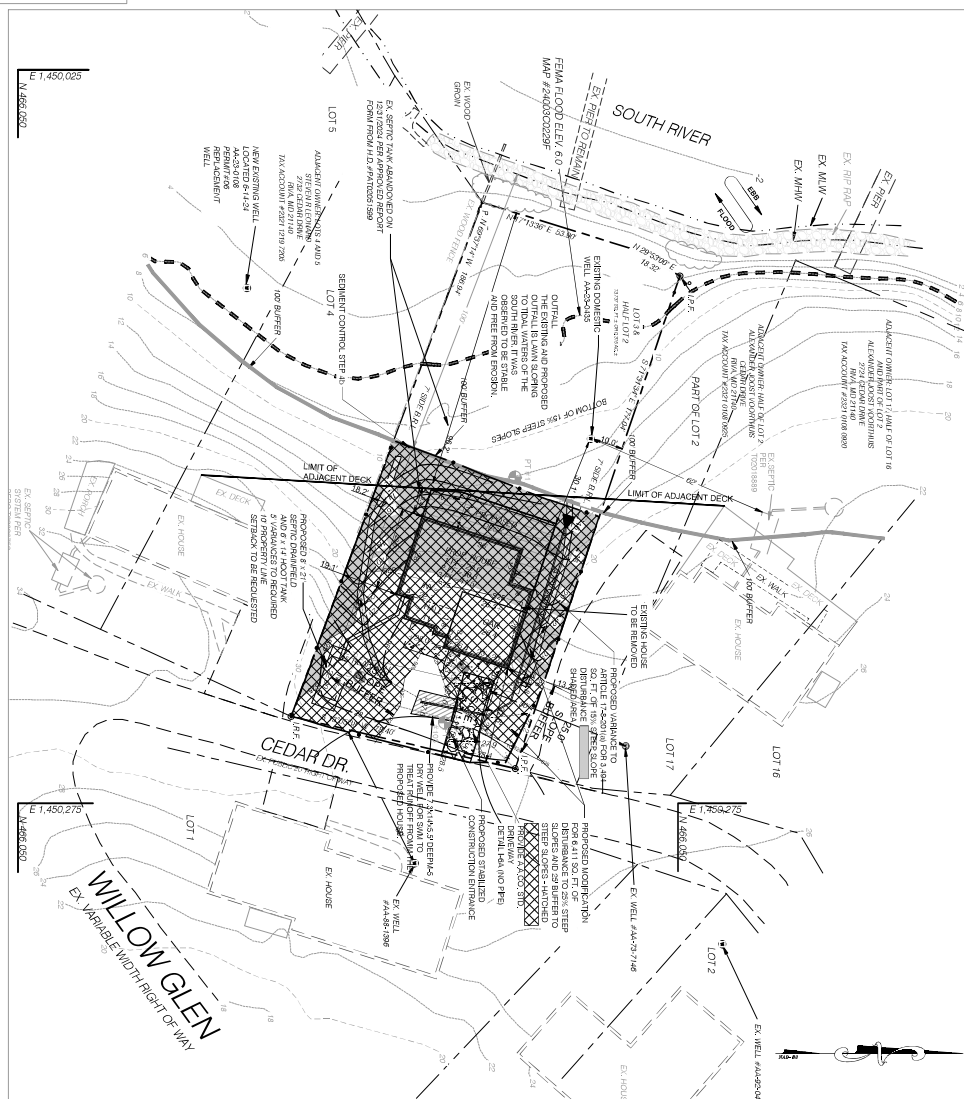
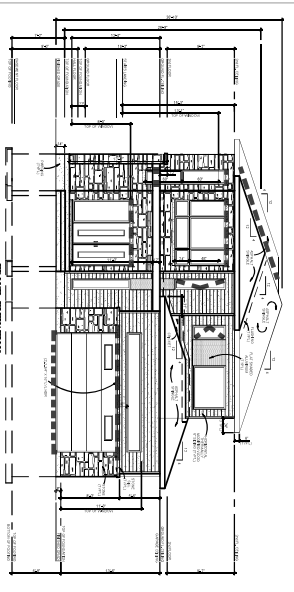
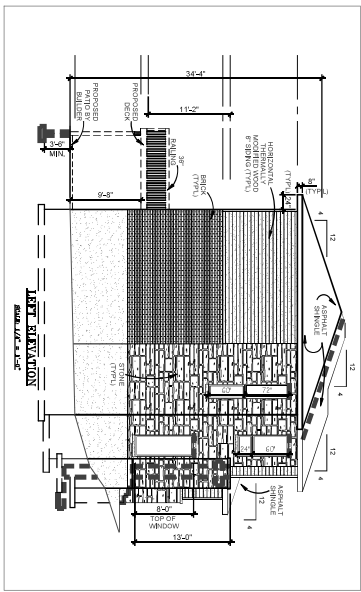
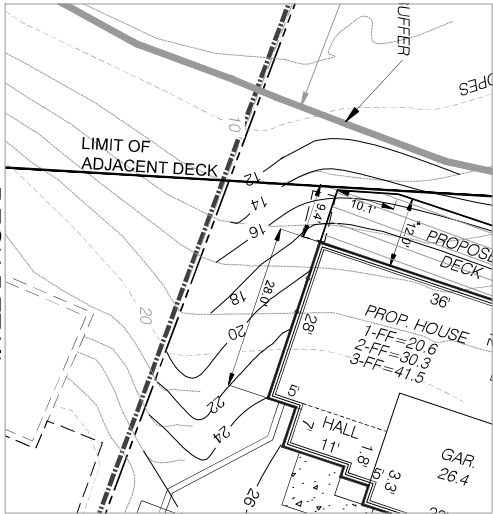
RYAN ALAMI
2728 CEDAR DRIVE
RIVA, MD 21140

GRADING PERMIT PLANS
VARIANCE AND MODIFICATION

G02020352

LOTS 3 & 1/2 OF 2
 2728 CEDAR DRIVE
 RIVA, MD 21140
 GLENISLE
 TAX MAP 40, GRID 21, PARCEL 64
 TAX ACCT # 02 - 031 - 00528823
 2ND DISTRICT, ANNE ARUNDEL COUNTY, MD, ZONING R1D

SCALE: AS SHOWN	DATE: 12/11/2024	SHEET 1 OF 2
-----------------	------------------	--------------



PROPOSED SITE PLAN FOR VARIANCE AND MODIFICATION

SCALE: 1" = 20'

REQUIRED SITE INFORMATION
1. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN ZONING ORDINANCE.
2. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN SUBDIVISION MAP ACT.
3. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.

NO.	DESCRIPTION	DATE
1	REVISIONS	
2		
3		
4		
5		
6		
7		
8		
9		
10		



CAMMA ENGINEERING
123 WEST 1ST STREET
ARIZONA, AZ 85601
PHONE: (602) 555-1234
FAX: (602) 555-1235
EMAIL: info@camma.com

OWNER:

RYAN ALAM
2728 CEDAR DRIVE
PIMA, AZ 85714

GRADING PERMIT PLANS
VARIANCE AND
MODIFICATION SITE PLAN

SCALE: AS SHOWN
DATE: 12/11/2024
SHEET 12 OF 2

PROPERTY LINE / RIGHT-OF-WAY	SYMBOL
EXISTING CONTROL	---
EXISTING WOODS	~~~~~
EXISTING FENCE	=====
EXISTING SOIL DISPOSITION	=====
EXISTING DRAINAGE DISPOSITION	=====
EXISTING EDGE OF PAVE	=====
EXISTING 15% SLOPES	=====
EXISTING 10% BUFFER	=====
EXISTING 5% EXPANDED BUFFER	=====
EXISTING STEEP SLOPES	=====
PROPOSED GRADE	=====
PROPOSED PAVE	=====
PROPOSED BUILDING	=====

VARIANCE REQUESTS	SYMBOL
VARIANCE FOR DISBURSMENT TO STEEP SLOPES IN THE CENTRAL AREA = 3,400 SQ. FT.	=====
EXISTING CONTROL	---
EXISTING WOODS	~~~~~
EXISTING FENCE	=====
EXISTING SOIL DISPOSITION	=====
EXISTING DRAINAGE DISPOSITION	=====
EXISTING EDGE OF PAVE	=====
EXISTING 15% SLOPES	=====
EXISTING 10% BUFFER	=====
EXISTING 5% EXPANDED BUFFER	=====
EXISTING STEEP SLOPES	=====
PROPOSED GRADE	=====
PROPOSED PAVE	=====
PROPOSED BUILDING	=====

LEGEND	SYMBOL
EXISTING CONTROL	---
EXISTING WOODS	~~~~~
EXISTING FENCE	=====
EXISTING SOIL DISPOSITION	=====
EXISTING DRAINAGE DISPOSITION	=====
EXISTING EDGE OF PAVE	=====
EXISTING 15% SLOPES	=====
EXISTING 10% BUFFER	=====
EXISTING 5% EXPANDED BUFFER	=====
EXISTING STEEP SLOPES	=====
PROPOSED GRADE	=====
PROPOSED PAVE	=====
PROPOSED BUILDING	=====

OVERALL ORIGIN AREA INFORMATION	SYMBOL
1. THE SITE IS LOCATED IN THE CITY OF WILLOW GLEN, CALIFORNIA.	=====
2. THE SITE IS ZONED AS A SINGLE-FAMILY RESIDENTIAL ZONE.	=====
3. THE SITE IS A 1.5-ACRE PARCEL.	=====
4. THE SITE IS A 1.5-ACRE PARCEL.	=====
5. THE SITE IS A 1.5-ACRE PARCEL.	=====
6. THE SITE IS A 1.5-ACRE PARCEL.	=====
7. THE SITE IS A 1.5-ACRE PARCEL.	=====
8. THE SITE IS A 1.5-ACRE PARCEL.	=====
9. THE SITE IS A 1.5-ACRE PARCEL.	=====
10. THE SITE IS A 1.5-ACRE PARCEL.	=====

GENERAL NOTES	SYMBOL
1. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN ZONING ORDINANCE.	=====
2. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN SUBDIVISION MAP ACT.	=====
3. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
4. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
5. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
6. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
7. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
8. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
9. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
10. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====

GENERAL NOTES	SYMBOL
1. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN ZONING ORDINANCE.	=====
2. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN SUBDIVISION MAP ACT.	=====
3. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
4. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
5. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
6. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
7. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
8. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
9. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
10. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====

GENERAL NOTES	SYMBOL
1. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN ZONING ORDINANCE.	=====
2. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN SUBDIVISION MAP ACT.	=====
3. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
4. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
5. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
6. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
7. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
8. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
9. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
10. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====

GENERAL NOTES	SYMBOL
1. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN ZONING ORDINANCE.	=====
2. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN SUBDIVISION MAP ACT.	=====
3. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
4. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
5. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
6. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
7. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
8. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
9. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
10. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====

GENERAL NOTES	SYMBOL
1. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN ZONING ORDINANCE.	=====
2. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN SUBDIVISION MAP ACT.	=====
3. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
4. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
5. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
6. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
7. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
8. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
9. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====
10. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF WILLOW GLEN PLANNING DEPARTMENT.	=====

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

March 5, 2025

Variance

2728 Cedar Drive, G02020352

Site is Critical Area LDA.

Site is Buffer Modified.

Site is occupied by an existing house that will be demolished, existing lawn

The following variance requests is in response to the current grading permit review comments.

Article 17-8-201 A variance to allow disturbance of 3494 square feet of steep slopes (15%) is requested.

Background:

Pre file for this variance was filed and the comments were received and the current submittal reflects revisions in response and to address those review comments. The major prefile comments are addressed below.

ZONING

1. Alignment has been addressed elsewhere.
2. The proposed house has been removed from the existing conditions plan.
3. Is understood that the reviews are separate, in order for clearer client understanding both variance and modification notes are included on the variance. When the modification is prepared, the variance notes will be removed.
4. The site plan includes a building profile with the height of the building which indicates the number of stories including the basement.
5. It is acknowledged that the variance request must address standards for granting a variance. (Placement is addressed below.)

OPZ Critical Area team.

1. The placement of the new dwelling is to maximize the buffer (or in this case the distance from the shoreline) with a house configuration that provides a reasonable utilization of the waterfront location of this lot. The existing house is only 23.2 feet wide with a large portico on the front, an unusable design for this waterfront location. The proposed house is 130 feet from the shoreline this is achieved by being placed as close to the street as possible and still provide adequate separations for the stormwater management and septic system. It has a roughly square configuration to provide an efficient amount of living area and a width and length that allows reasonable sized rooms.

I & P Engineering

1. SWM devices have been labeled.
2. The plans have been labeled correctly.
3. A profile has been added to the plans which indicates that the house will have a basement.
4. (house has basement).
5. The proposed house has been removed from the existing conditions plan.
6. Swales have been provided along the side of the property to make sure that flows are conveyed to the large rear yard area.

7. A signature will be provided with the letter of explanation.
8. The credentials of the surveyor have been added.
9. The single septic system has been approved by the Health Department.

Specific conditions that must be met to grant variances in the critical area:

(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 or bog protection program would result in an unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808, of the State Code, to the applicant;*

The unique circumstances are the size and specifically width of the lot does not allow development at any other location than the proposed location which allows placement for the septic system and off street parking. The existing lot has existing steep slopes which cannot be avoided.

(2) (i) *A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County; or privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area; The proposed house represents a reasonable use of the property its placement and size also being appropriate to the neighborhood, Any less development would deprive the owner of similar uses enjoyed by others in the neighborhood.*

(4) *The variance request is not based on conditions or circumstances that are the result of 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 variance is not based on actions of the owner or any neighboring properties.*

(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 or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program; The property is provided with complete stormwater management practices.*

(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, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code; N/A site is buffer modified.*

(7) *The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and This has been complied with.*

(8) *The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).*

(c) **Requirements for all variances.** *A variance may not be granted unless it is found that:*

(1) *the variance is the minimum variance necessary to afford relief; For the reasons mentioned above the minimum variance that allows reasonable use of the land is being requested.*

(2) *the granting of the variance will not:*

(i) *alter the essential character of the neighborhood or district in which the lot is located; The proposed house is consistent with the waterfront houses in the neighborhood.*

(ii) *substantially impair the appropriate use or development of adjacent property; The proposed house will not impair the adjacent properties.*

(iii) *reduce forest cover in the limited development and resource conservation areas of the critical area The forest conservation area requirements will be met.*

(iv) *be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor The forest conservation area requirements will be met.*

(v) *be detrimental to the public welfare. There is nothing to suggest that the. Construction of this home will be detrimental to the public welfare.*

Please contact this office at (410)626-1070 if you have any questions or require any additional information.

Sincerely,


Michael Helfrich, P.E.

CRITICAL AREA REPORT

FOR

GLEN ISLE

Tax Map 50, Grid 21, Parcel 84

PREPARED BY:

Gamma Engineering
1203 West Street, Suite A
Annapolis, MD 21401

March 2025

Critical Area Report

Office of Planning & Zoning
2664 Riva Rd.
Annapolis, MD 21401

March 12, 2025

Applicant: Ryan Alavi
2728 Cedar Drive
Riva, MD 21140

Site Address: 2728 Cedar Drive
Riva, MD 21140

RE: Information required for submission of Critical Area Report

- I. Site Description and Explanation:** The subject property is known as Lot 3 and southwest half of Lot 2 of Glen Isle subdivision. The site contains approximately 13,737 square feet or 0.315 acres. The site is part of parcel 84 in grid 21 of Tax Map 50. The site is zoned R-2 and is in the 2nd Assessment District of Anne Arundel County. The lot is in the Critical Area and is designated as Limited Development Area (LDA).

The applicant is requesting the following variance to allow removal of the existing house and construction of a new single family home:

Article 17-8-201 To disturb 3494 sf of steep slopes (15%) is requested.

II. See enclosed site plan for vicinity map.

III. Narrative Statements:

- The disturbed area for the construction is 7,159 square feet.
- The proposed construction will not adversely affect runoff and storm water management will be provided via ESD practices.
- Impervious area will not exceed 15.2% of the site(31.25% is allowed).

There are none of the following designated habitat protection areas on site: riparian forests 300' or more in length, forested blocks greater than 100 acres, or natural heritage areas. The following designated protection areas do not exist on site: non-tidal wetlands, anadromous fish propagation waters, water bird nesting sites, historical waterfowl nesting, staging or concentration areas.

IV. Site Plan

The enclosed site plan shows, if applicable, all of the following: existing vegetated area and all proposed structures. No tree removal is proposed.

V. See enclosed Notification of Project application.

Sincerely,

Michael Helfrich, P.E.

CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 3-12-25

Tax Map #	Parcel #	Block #	Lot #	Section
50	84	21	3 1/2 of 2	—

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 2321-0522-8323

Project Name (site name, subdivision name, or other) Glen Isle, lot 3 & 1/2 of lot 2

Project location/Address 2728 Cedar Drive

City Riva Zip 21140

Local case number

Applicant: Last name Alavi First name Ryan

Company c/o: Gamma Engineering

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: Remove ex. SFD & construct new SFD

Intra-Family Transfer ☐ Yes
Grandfathered Lot ☐

Growth Allocation ☐ Yes
Buffer Exemption Area ☐

Project Type (check all that apply)

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

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

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	0	0
LDA Area	0.315	13,737
RCA Area	0	0
Total Area	0.315	13,737

Total Disturbed Area

Acres	Sq Ft
0.164	7,159

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0	0	Existing Lot Coverage	0.066	2,910
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.047	2,088
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.066	2,910
			Total Lot Coverage	0.047	2,088

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance <u>N/A - Buffer modified</u>			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

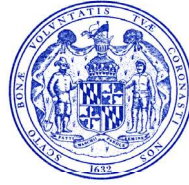
Variance Type

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 ☐

Wes Moore
Governor
Aruna Miller
Lt. Governor



Erik Fisher
Chair
Nick Kelly
Acting Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

April 02, 2025

Ms. Sterling Seay
Anne Arundel County
Planning and Zoning Division
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Ryan Variance 2025-0044-V (**2728 Cedar Drive**)

Dear Ms. Seay

Thank you for providing information regarding the above-referenced variance. The applicant is requesting a variance to the steep slopes provisions to raze the existing dwelling on the property and construct a new dwelling with associated amenities. The proposed design would result in 2,088 square feet of lot coverage, which is a reduction of 822 square feet from the existing improvements. The property is located within the Limited Development Area (LDA) designation of the Critical Area and is mapped as a Buffer Modified Area (BMA).

In order to grant this variance, the Administrative Hearing Officer must find the request meets each and every one of the variance standards, including the standard of unwarranted hardship. This office has reviewed the design plans submitted and believes the applicant has not demonstrated unwarranted hardship. In order to meet unwarranted hardship, the applicant will need to demonstrate that significant and reasonable use of the property cannot be utilized due to the Critical Area regulations. Additionally, the applicant must demonstrate that this request will not adversely affect water quality or plant and wildlife habitat. We do note that it appears the applicant could construct the proposed dwelling in the same location of the existing dwelling thereby reducing impacts to steep slopes.

Should the Administrative Hearing Officer find that this request - or a modified version of this request that reduces impacts to steep slopes - may be approved, the required mitigation ratio is 3:1 for permanent impacts, as specified in COMAR 27.01.09.01-2 (H)

Thank you for the opportunity to provide comments. Please include this letter as part of the record file and provide us with a copy of the decision. If you have any questions about these comments, please feel free to contact me at (410) 260-3481 or jonathan.coplin@maryland.gov

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Jonathan Coplin
Natural Resource Planner

CC: Jamileh Soueidan, CAC
Jennifer Esposito, CAC

File No. AA 0066-25

2025-0044-V

Menu

Cancel

Help

Task

OPZ Critical Area Team

Assigned to Department

OPZ Critical Area

Action by Department

OPZ Critical Area

Start Time

Billable

No

Time Tracking Start Date

Display E-mail Address in ACA

No

Due Date

04/03/2025

Assigned to

Kelly Krinetz

Action By

Kelly Krinetz

End Time

Overtime

No

Est. Completion Date

Display Comment in ACA

☒

Assigned Date

03/13/2025

Status

Complete w/ Comments

Status Date

04/04/2025

Hours Spent

0.0

Comments

As outlined in the Pre-File comments it is still the opinion of this Office that an alternate design/could be used at this site in order to minimize the permanent disturbance of the steep slope on site.

In Possession Time (hrs)

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Workflow Calendar

Estimated Hours

0.0

Action

Updated

Task Specific Information

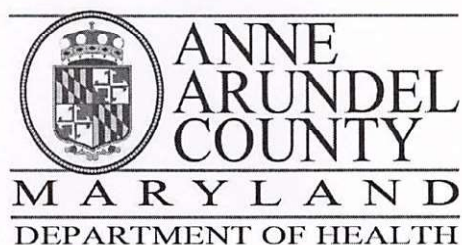
Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name




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

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

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

FROM: Brian Chew, Program Manager
Bureau of Environmental Health 

DATE: March 17, 2025

RE: Ryan Alavi
2728 Cedar Drive
Riva, MD 21140

NUMBER: 2025-0044-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a principal structure (dwelling) with less setbacks and buffer than required, disturbance to slopes of 15% or greater, new lot coverage nearer to the shoreline than the principal structure, and that does not comply with the designated location of a principal structure on a waterfront lot.

The Health Department has reviewed the on-site sewage disposal and water supply system for the above referenced property. The Health Department has determined that the proposed request adversely affects the on-site sewage disposal and well water supply systems. The Health Department recommends denial of the above referenced request. The site plan does not match the approved Perc Application PAT02051599 site plan. The proposed SWM discharge cannot flow towards the water well.

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

cc: Sterling Seay



Tax Account Number: 23210522