

Explanation for Variance Request
Permit Application **B02433690**
Address: 866 Twin Harbor Drive, Arnold, MD 21012
PUID: 144986

Please accept this letter as a request for the following variance:

§ 17-8-201 to disturb slopes of 15% or greater in the limited development area (LDA).
§ 17-8-301 and § 18-13-104 to disturb the 100-foot buffer landward from the mean high-water line of a tributary stream, and its expanded buffer

When I purchased the home in July of 2024, the deck had no stairs to the backyard and is only accessible through the den and sunroom on the far side of the house. It is my intent to extend the deck across the back of the house, so I can access it from the kitchen & dining room and add stairs that allow access from the main level to the backyard.

For the following reasons, I believe a variance should be granted for the construction of a new deck:

1. Currently my children and I cannot exit the back of the house from the main level, which is the second story in the rear of the home. This creates a safety concern for my family. The only way to exit my home are the front door or via the basement exit. A deck with stairs would give us another quick exit if needed from the main level. Additionally, the current deck makes it inconvenient to access the backyard for my children and their friends to play, have a cookout on the deck, or let a dog out.
Zoning Variance: Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.
2. The neighboring homes, which are also in critical area and steep slopes, have decks and porches that extend the full length of their homes and are considerably larger than my current deck (see Fig 1). The construction of a new deck would be consistent with the size and design of those of the adjoining properties while still allowing my family to similarly enjoy the use of our property.
Zoning Variance: 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
3. The extension of the deck will not impact the environment for the following reasons:
 - A. The deck is being extended into an area where two large sheds existed. The overall change to the total impervious area is minimal. (See Fig 2.)
 - B. The ground where the deck is being extended is flat, not sloped, and consists of gravel. It sits within an existing retaining wall and will not extend into the surrounding slopes, giving runoff time to absorb into the flat ground.
 - C. Access for construction of the deck can be obtained easily from the side of the house which is not steep slope (See Fig 2). Accordingly, construction will not harm the steep slopes area. It is also my intent that the surrounding structures, vegetation and grass will remain intact during and after the construction to maintain the integrity of the slope and not alter the environment.

Zoning Variance: 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.

For the above reasons, I am requesting a variance to the steep slope buffer. Please let me know if I can clarify anything or add any additional information.

Thank you,
Weston Van Wambeke
866 Twin Harbor Drive
Arnold, MD 21012

FIG 1: Neighboring homes w deck and porch that extend full length

864 Twin Harbor Dr, Arnold MD:



868 Twin Harbor Dr, Arnold MD:



My Home, 866 Twin Harbor Dr: Deck does not extend full width

Note sheds where new deck will extend.



Fig 2: Expansion of deck is where two sheds existed, having minimal impact on impervious area. In addition, access to deck for construction is easy from that side of house with no steep slope.



This area provides easy access for deck construction and is less than 15 deg steep slope

New deck extends to where sheds were

Area beneath deck is level, not sloped (inside blue)

Retaining Wall

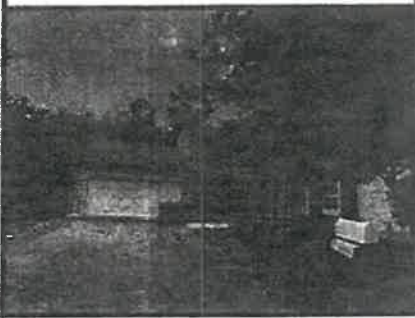
Map showing my home and neighboring homes(if useful):



THIS DOCUMENT IS CERTIFIED TO:

EAGLE | TITLE LLC

CASE #: S24-28660N



LEGEND:

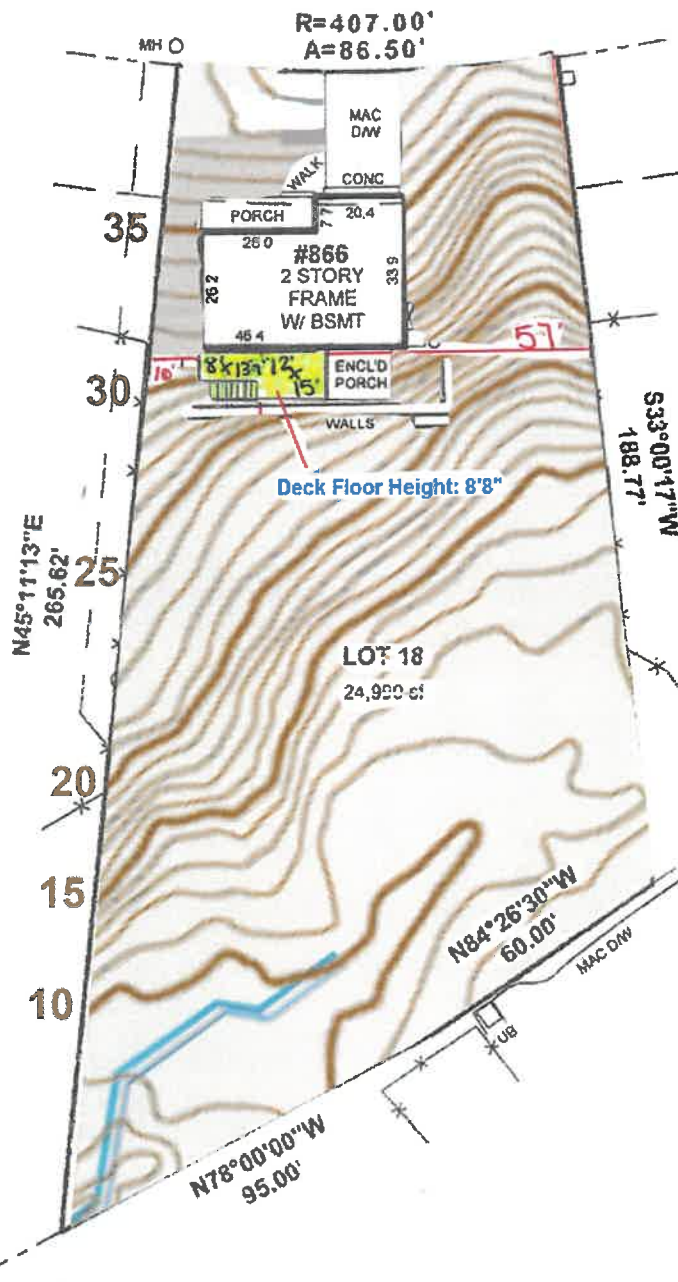
- *— FENCE
- BE BASEMENT ENTRANCE
- BW BAY WINDOW
- BR BRICK
- BRL BLDG RESTRICTION LINE
- BSMT BASEMENT
- C/S CONCRETE STOOP
- CONC CONCRETE
- D/W DRIVEWAY
- UB UTILITY BOX
- FR FRAME
- MAC MACADAM
- MH MANHOLE
- OH OVERHANG
- PUE PUBLIC UTILITY ESMT.
- PIE PUBLIC IMPROVEMENT ESMT.

COLOR KEY:

- (RED) RECORD INFORMATION
- (BLUE) IMPROVEMENTS
- (GREEN) ESMTS & RESTRICTION LINES

LOCATION DRAWING OF:
#866 TWIN HARBOR DRIVE
LOT 18
SECTION FIVE
TWIN HARBORS
PLAT BOOK 53, PLAT 14
ANNE ARUNDEL COUNTY, MARYLAND
SCALE: 1"=40' DATE: 05-01-2024
DRAWN BY: SM FILE #: 243569-656

TWIN HARBOR DRIVE



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREON AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 08.13.00 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1". NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

A Land Surveying Company



DULEY
and
Associates, Inc.



Serving D.C. and MD.

14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111

Fax: 301-888-1114

Email: orders@duley.biz

On the web: www.duley.biz



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: 04.28.25

| Tax Map # | Parcel # | Block # | Lot # | Section |
|-----------|----------|---------|-------|---------|
| 023H | 0086 | 0006 | 18 | 5 |
| | | | | |
| | | | | |

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 03-877-27331321

Project Name (site name, subdivision name, or other) Twin Harbor

Project location/Address 866 Twin Harbor Dr

City Arnold Zip 21012

Local case number

Applicant: Last name Van Wambeke First name Weston

Company

Application Type (check all that apply):

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

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

Local Jurisdiction Contact Information: (Information is from office of Planning and Zoning PreFile, not sure if this is correct)

Last name Lechner First name Jennifer

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

Fax # Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

| |
|-------------|
| Residential |
|-------------|

| | | | |
|-----------------------|------------------------------|-----------------------|------------------------------|
| Intra-Family Transfer | Yes <input type="checkbox"/> | Growth Allocation | Yes <input type="checkbox"/> |
| Grandfathered Lot | <input type="checkbox"/> | Buffer Exemption Area | <input type="checkbox"/> |

Project Type (check all that apply)

| | | | |
|--------------------|--------------------------|--------------------------|-------------------------------------|
| Commercial | <input type="checkbox"/> | Recreational | <input type="checkbox"/> |
| Consistency Report | <input type="checkbox"/> | Redevelopment | <input type="checkbox"/> |
| Industrial | <input type="checkbox"/> | Residential | <input checked="" type="checkbox"/> |
| Institutional | <input type="checkbox"/> | Shore Erosion Control | <input type="checkbox"/> |
| Mixed Use | <input type="checkbox"/> | Water-Dependent Facility | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | | |

SITE INVENTORY (Enter acres or square feet)

| | Acres | Sq Ft | Total Disturbed Area | Acres | Sq Ft |
|------------|-------|-----------|----------------------|-------|-------|
| IDA Area | | | | | |
| LDA Area | | 24,990 SF | | | |
| RCA Area | | | # of Lots Created | | |
| Total Area | | 24,990 SF | | | |

| | Acres | Sq Ft | | Acres | Sq Ft |
|--------------------------------|-------|-------|-----------------------|-------|-------|
| Existing Forest/Woodland/Trees | | | Existing Lot Coverage | | 320 |
| Created Forest/Woodland/Trees | | | New Lot Coverage | | 408 |
| Removed Forest/Woodland/Trees | | | Removed Lot Coverage | | |
| | | 0 | Total Lot Coverage | | 88 |

VARIANCE INFORMATION (Check all that apply)

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

| Variance Type | | Structure | |
|-------------------|-------------------------------------|-------------------------|-------------------------------------|
| Buffer | <input checked="" type="checkbox"/> | Acc. Structure Addition | <input type="checkbox"/> |
| Forest Clearing | <input type="checkbox"/> | Barn | <input type="checkbox"/> |
| HPA Impact | <input type="checkbox"/> | Deck | <input checked="" type="checkbox"/> |
| Lot Coverage | <input type="checkbox"/> | Dwelling | <input type="checkbox"/> |
| Expanded Buffer | <input type="checkbox"/> | Dwelling Addition | <input type="checkbox"/> |
| Nontidal Wetlands | <input type="checkbox"/> | Garage | <input type="checkbox"/> |
| Setback | <input type="checkbox"/> | Gazebo | <input type="checkbox"/> |
| Steep Slopes | <input type="checkbox"/> | Patio | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | Pool | <input type="checkbox"/> |
| | | Shed | <input type="checkbox"/> |
| | | Other | <input type="checkbox"/> |

Narrative Statement

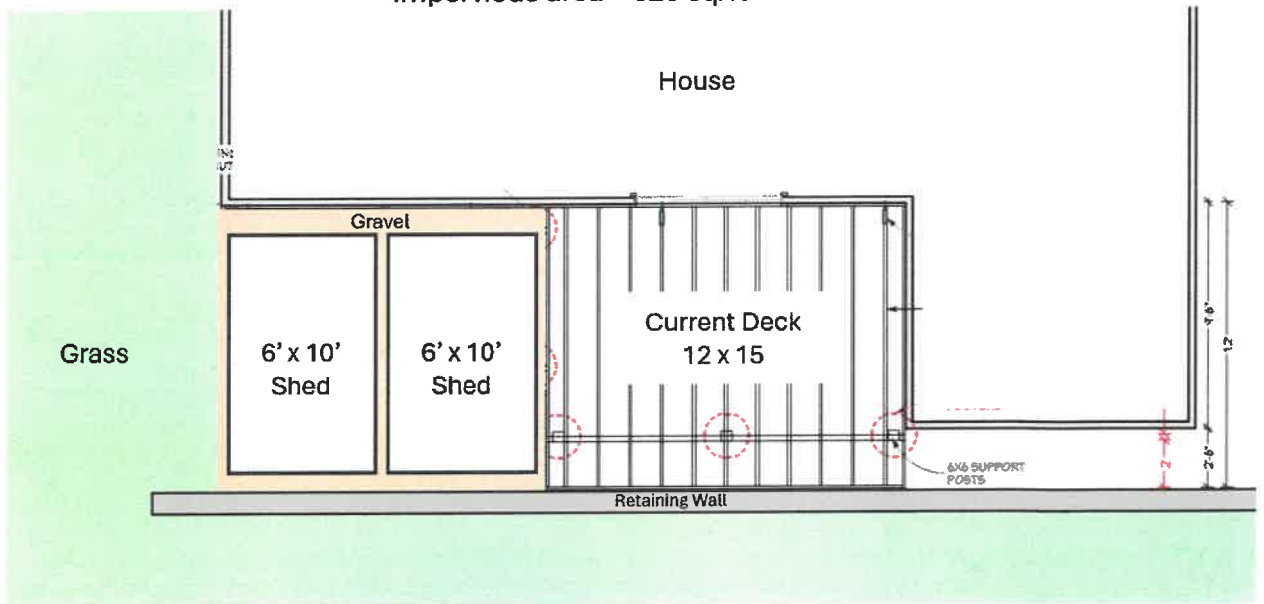
- A. Proposed use of property: Residential use, family home.**
- B. There will be no disturbance of trees, shrubs, grass. The site where the deck will be extended is where two sheds existed when I purchased the home. The ground is gravel(see pic).**



- C. The grass, trees and shrubs will not be damaged or altered.**
- D. Impervious change: 88sq/ft**
 - Current Impervious area: 320/sqft (w two sheds)**
 - New Impervious area(w 1 shed): 408/sqft**

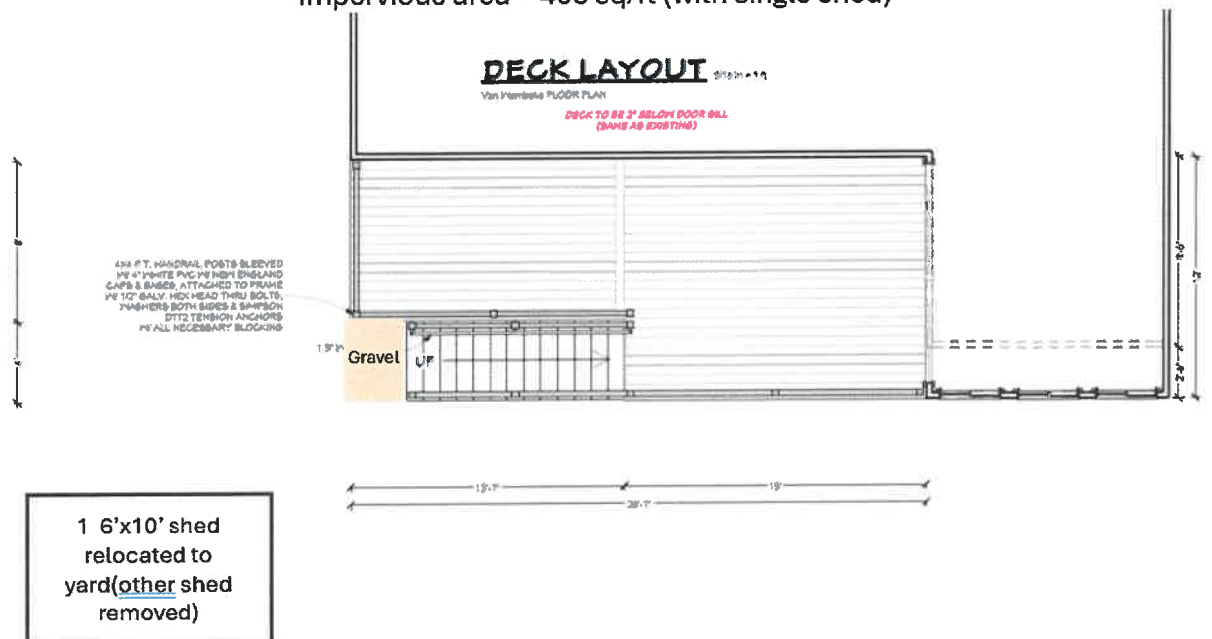
Current Layout

Impervious area = 320 sq/ft



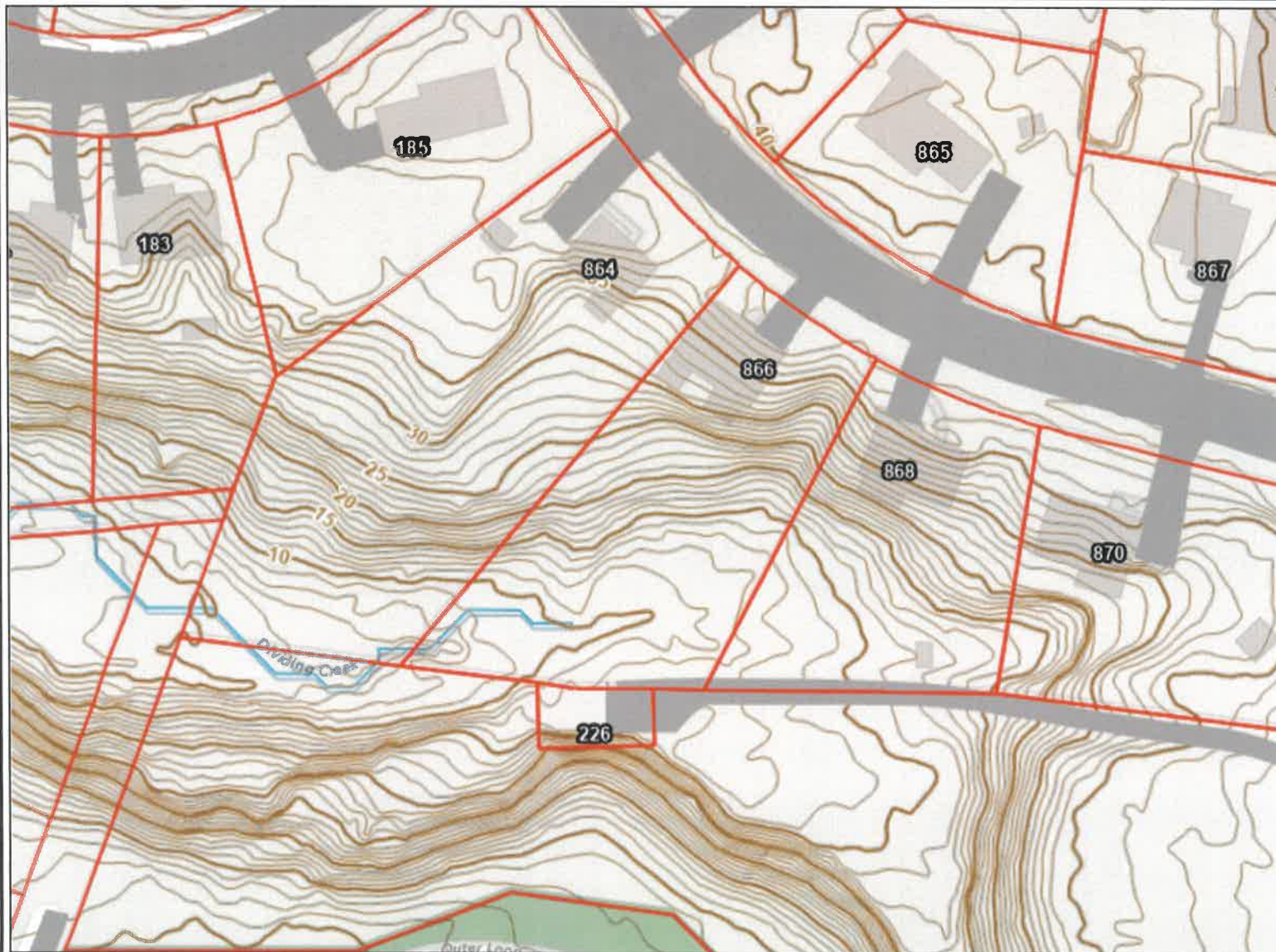
New Layout

Impervious area = 408 sq/ft (with single shed)



- E. The property has steep slopes outside the deck area. The ground where the deck is being built is currently level within a retaining well. The slopes and buffer will not be disturbed.

Topographic Map - Lot outline ref only NOT exact



Legend

Foundation

Addressing



Parcels



Structure

County Structure



Elevation

Topo 2023

Index

Intermediate



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

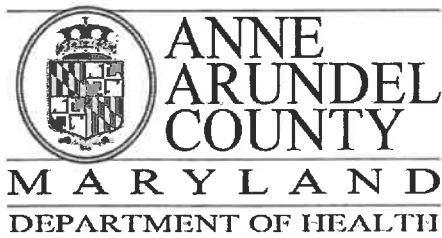
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GeoTechnologies, Inc, METI/NASA,



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

0 100 200
ft

Notes 1" = 100 ft - Lot outline ref only NOT exact




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: May 2, 2025

RE: Weston Van Wambeke
866 Twin Harbor Drive
Arnold, MD 21012

NUMBER: 2025-0079-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) with less setbacks and buffer than required and with disturbance to slopes of 15% or greater.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

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

cc: Sterling Seay



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0032-P
DATE: 04/14/2025
OPZ STAFF: Jennifer Lechner
Kelly Krinetz

APPLICANT/REPRESENTATIVE: Weston Van Wambeke

EMAIL: westonvanwambeke@gmail.com

SITE LOCATION: 866 Twin Harbor Drive, Arnold

LOT SIZE: 24,990 sqft

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

The applicants are proposing to extend the existing deck to the opposite end of the dwelling, over existing sheds. B02426678 was submitted on 08/12/2024.

The following variance is requested:

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

A modification may be required at permitting for stream buffer disturbance.

COMMENTS

Zoning Administration Section:

Correct the Code reference on the Letter (for the variance application).

Revise the site plan (for the variance application) to include the height and/or the floor level of the deck.

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:

Offers no objection.

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.