



303 Najoles Road - Suite 114
Millersville, MD 21108

Phone: 410-987-6901
Fax: 410-987-0589

March 5, 2025

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

Re: **3419 Merrimac Road**
Davidsonville, MD 21035
T.M. 50 B. 14 P. 202

Dear Ms. Seay,

Please accept this as our formal variance request to the Subdivision and Development Regulations in Article 17 and Article 18 on behalf of our client regarding critical area law. The variance requests are to Article 17, Section 8-201 to disturb steep slopes in the critical area.

We are requesting this variance to allow for the deck, gazebo (13'x13'x10' Height) and first flight of steps toward the water located near the pool to be replaced in-kind. The deck is within slopes greater than 15% and within the expanded buffer.

Explanation as required by Article 18, Section 16-305(b)

The topographical conditions of this lot cause implementation of the County's critical area program to cause unwarranted hardship on the property. A variance is necessary to replace an aging deck, gazebo and steps in-kind. 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 and will not confer special privilege onto the applicant as adjacent residences throughout the area are also disturbing the buffer and steep slopes in order to improve their properties with decks. These variance requests are not results of actions by the applicant and there has been no commencement of development before this application for a variance was filed and does not have any bearing or connection to building on neighboring properties. The granting of this variance will not adversely affect water quality and fish as the flow characteristics of the site remain unchanged in the proposed condition as the lot coverage will not be changed and all disturbance will be restored to natural condition. Wildlife or plant habitat will not be adversely affected as the granting of the variance will allow the disturbance to be proposed in-kind of an existing deck with no new clearing of trees and disturbance to wildlife habitat.

Explanation as required by Article 18, Section 16-305(c)

We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief because the proposed plan is the least intrusive way to restore the aging deck. There is no location around the pool that would result in the deck being out of the slopes or the buffer. In addition, to make a flat area suitable for a deck in other areas around the pool would require more disturbance in the form of grading and/or retaining walls. The granting of this variance will not alter the character of the neighborhood. This variance will not impair the appropriate use or development of the surrounding property as it will not deny access or the possibility to build on neighboring lots. The variance will not reduce forest cover in the LDA not be contrary to the acceptable clearing and replanting practices in the LDA as there is no clearing proposed. The granting of this variance will not be detrimental to the welfare of the public.

If you have any questions or need any additional information, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "MJ Werner". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Michael J. Werner, 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:

Tax Map #	Parcel #	Block #	Lot #	Section
50	202	14	B	

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 02-000-06434500

Project Name (site name, subdivision name, or other) JOHN KOONCE PROPERTY Lot B

Project location/Address 3419 MCKENNA RD

City DAVENPORTVILLE Zip 21035

Local case number

Applicant: Last name CLARK First name NANCY

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:

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:

REPLACE DECK, GAZEBO & STEPS IN LINA

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	Total Disturbed Area	Acres	Sq Ft
IDA Area					
LDA Area	2.104				
RCA Area					
Total Area	2.104				

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	1.36		Existing Lot Coverage	0.33	
Created Forest/Woodland/Trees	0		New Lot Coverage	0	
Removed Forest/Woodland/Trees	0		Removed Lot Coverage	0	
			Total Lot Coverage	0.33	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		1200	Buffer Forest Clearing	0	
Non-Buffer Disturbance		0	Mitigation	0	

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 ☐



CIVIL ENGINEERING SERVICES
LAND SURVEYING

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3419 Merrimac Road

Davidsonville, MD 21035

Critical Area Report

March, 2025

INTRODUCTION

The site is 2.104 acres along the South River, located at 3419 Merrimac Road Davidsonville, MD 21035. The site is entirely within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area.

PROPOSED USE

The site is currently developed as a single-family home with a driveway, pool, pool deck and steps to the water. The proposal is to replace the wood deck (including gazebo) and the first flight of steps to the water access.

EXISTING CONDITIONS & WOODLAND MITIGATION

The site is currently developed as a single-family home with a driveway, pool, pool deck and steps to the water. The site currently has 59,213 sf of developed woodlands and canopy where the replacement in kind will not remove any tree canopy.

WATER QUALITY & HABITAT IMPACT MINIMIZATION

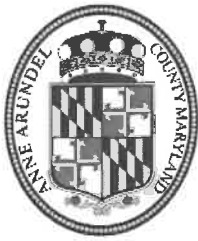
During construction, the entire site will be wrapped in silt fence and a stabilized construction entrance will be used to keep all sediment from leaving the site.

IMPERVIOUS CALCULATIONS

The site currently has 14,513 square feet of impervious and will remain at 14,513 sf of impervious as there will be no changes in impervious surfaces.

EXPANDED BUFFER & STEEP SLOPES

The areas around the perimeter of the house are encumbered with 15% steep slopes. Due to the critical area classification, the buffer expands 50' from the top of the slope. The proposed disturbance is in steep slopes and the expanded buffer.



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0070-P
DATE: 08/28/2024
OPZ STAFF: Jennifer Lechner
Kelly Krinetz

APPLICANT/REPRESENTATIVE: Nancy S. Clark / Bryan Hanley Davies with Precision Design and Contracting

EMAIL: bryan@dmvprecision.com

SITE LOCATION: 3419 Merrimac Road, Davidsonville

LOT SIZE: 18,042 SF

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

The applicants are proposing to replace the existing deck(s) which will disturb the buffer and/or the expanded buffer, and steep slopes. B02427308 to construct an irregular shaped deck was submitted on 6/6/2024.

The following variances are requested:

- Article 18-13-104 to allow disturbance to the 100ft buffer and/or expanded buffer.
- Article 17-8-201 to allow disturbance to slopes greater than 15% within the critical area LDA.

COMMENTS

Critical Area Team:

The current pool/deck improvements sit at the top of a 75% slope with a portion of the deck and a pavilion/porch type section cantilevering over/sitting on the 75% slope. The site is not designated as Buffer Modified so there is no replacement in kind provision. Any improvements must still obtain variance approval and meet the standards for such approval. While this Office recognizes that some relief for repair/replacement may be warranted, we suggest that the applicant redesign those improvements to minimize any impacts to the existing slope and provide as much buffer as possible to the top of the slope.

Zoning Administration Section:

For the submission of the variance:

- Revise the Administrative Site Plan to: accurately depict all existing improvements on the property; clearly identify the deck to be replaced; show existing versus proposed, if applicable; include the height of the deck, along with the length and width dimensions; show topo on the site plan; clearly indicate the top of slopes and the 100ft buffer/expanded buffer.
- Provide the construction plans rather than the hand drawn sketch of the plans.
- If the gazebo will be replaced, that should be noted on the Administrative Site Plan, along with all dimensions (LxWxH) and in the Letter of Explanation.
- 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(a-c).
- The Letter of Explanation should clearly state the proposed work, the variances requested, and should address each of the variance standards noted above and provide adequate justification for each of the variances required. The justification should explain how the variance is the minimum necessary to afford relief and that no other alternative is possible.

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.