

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

APPLICANT: John and Leslie Steele

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0063-V

COUNCIL DISTRICT: 6

HEARING DATE: June 17, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling with less setbacks than required with disturbance to slopes of 15% or greater and that does not comply with the designated location of a principal structure on a waterfront lot, and to allow an accessory structure (pool) with disturbance to slopes of 15% or greater on property located at 3260 Kitty Duvall Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 56,954 square feet of land and is located with frontage on the southern side of Kitty Duvall Drive. It is identified as Parcel 109 in Grid 14 on Tax Map 57 in the Kitty Duvall Creek subdivision. The waterfront property is primarily zoned R2 - Residential District with OS - Open Space along part of the shoreline, is located within the Chesapeake Bay Critical Area LDA - Limited Development Area and RCA - Resource Conservation Area, and the 100ft buffer along the shoreline is not modified. The subject property is currently developed with a two-story single-family detached dwelling with basement, water access to a residential pier, and other associated facilities.

PROPOSAL

The applicants are proposing to demolish the existing dwelling and associated decking, to construct a pool and pool deck over the existing foundation, to construct a new irregularly shaped, two-story single-family dwelling (approx. 75' x 52.8' x 35' in height) with an attached one-story garage and workshop (53.7' x 26.6' x 12' in height), and other associated facilities.

REQUESTED VARIANCES

§ 17-8-201(a) 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; and, all disturbance shall be limited to the minimum necessary.

The proposed new dwelling and accessory structure will disturb slopes of 15% or greater (1,567 square feet permanently and 1,750 square feet temporarily), necessitating a variance. The final amount of disturbance will be determined during permit review.

§ 18-2-402(1) allows the Office of Planning and Zoning to designate the location of a principal structure on a waterfront lot based on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another.

The proposed dwelling will not be relatively in line with principal structures on abutting lots, necessitating a variance.

A review of the bulk regulations for development within the R2 District reveals that a setback variance is not required.

FINDINGS

The subject property is irregularly shaped and is oversized for lots in an R2 District with regard to the 15,000 square foot minimum area required for lots served by public sewer and the minimum width of 80 feet. A review of the County aerial photography shows an eclectic mix of dwellings and lots in this waterfront community. The dwellings on either side of the subject property are located farther from the shoreline than the subject dwelling.

The existing critical area lot coverage of the site is 2,786 square feet and the proposed post-construction lot coverage is 8,445 square feet, which is just below the lot coverage allowed under § 17-8-402 (15% or 8,543.1 square feet). The proposed post-construction coverage by structures is approximately 6,204 square feet, which is below the 30% (17,086.2 square feet) maximum coverage by structures allowed under § 18-4-601.

Agency Comments

The **Health Department** does not have an approved plan for this project but has no objection to the variance request as long as a plan is submitted and approved by their Department.

The **Critical Area Commission** notes that the applicants have the opportunity to minimize impacts to habitat and vegetation in their site design, such as shifting development farther away from the steep slopes by reducing the size and/or orientation of the proposed new dwelling, driveway, and garage and workshop. Because the applicant has the opportunity to design the proposed improvements in a manner that avoids and/or further minimizes impacts to the existing vegetation and steep slopes, the current proposal does not appear to be the minimum necessary to afford relief. As such, it does not appear to meet each and every one of the County's variance standards.¹

The **Critical Area Team** notes that, while it is true that a significant portion of the site is impacted by environmental features, it is also true that the proposed development could be designed and oriented to minimize the proposed disturbance to those features. The layout and

¹ Refer to the Critical Area Commission's memo for their detailed response.

design of the structure were not developed to avoid the steep slopes and, in fact, push the home farther into the slopes. Their Office states that this proposal does not meet the requirements established for the approval of a Critical Area Variance request.

The **Inspections & Permits Engineering Section** commented on revisions that would be required during development, but offered no objection.²

Variance Criteria

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 preventing development of the lot. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, the western portion of the lot is encumbered by the 100ft buffer and the center portion is encumbered by steep slopes. However, the eastern portion of the lot is level and there appears to be ample space (approx. 102' x 135') to design a new dwelling and garage in a manner that would avoid the slope disturbance. Similarly, the proposed pool could be shifted closer to the rear property line and out of the steep slopes. As such, a literal interpretation of the County's Critical Area Program would not deprive the applicants of rights that are commonly enjoyed by other properties in similar areas, and the granting of the variance, as proposed, would confer special privileges 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 Commission and the Critical Area Team agree that the applicant could reduce or reconfigure the proposal to minimize the impacts to sensitive environmental features. Therefore, the proposal is not in harmony with the general spirit and intent of the County's critical area program, and may adversely affect water quality and adversely impact fish, wildlife or plant habitat within the critical area. 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.

As for the zoning variance, there is no possibility of constructing a dwelling to be in line with the dwellings on abutting lots. However, as stated above, there appears to be ample space to design a dwelling with an attached garage which would both avoid the slopes and be more in line with the abutting principal structure to the south.

With regard to the requirements for all variances, there is no evidence that the proposal will alter the essential character of the neighborhood, or impair the appropriate use or development of adjacent property. However, the proposal may be detrimental to the public welfare due to its impacts to environmentally sensitive features. Redevelopment is an opportunity to comply with the Code and not to create situations that require relief from the Code. Applicants should not

² Refer to the I & P Engineering Section's comments for their detailed response.

expect to vary away every deficiency in order to construct their desired dwelling that may be possible on a lot with fewer environmental features. Given the size of the house, driveway, garage, pool and pool deck, and the fact that the applicants can redesign the proposed dwelling to minimize slope disturbance, or avoid it altogether, this Office does not consider the proposal to represent the minimum necessary to afford relief.

RECOMMENDATION

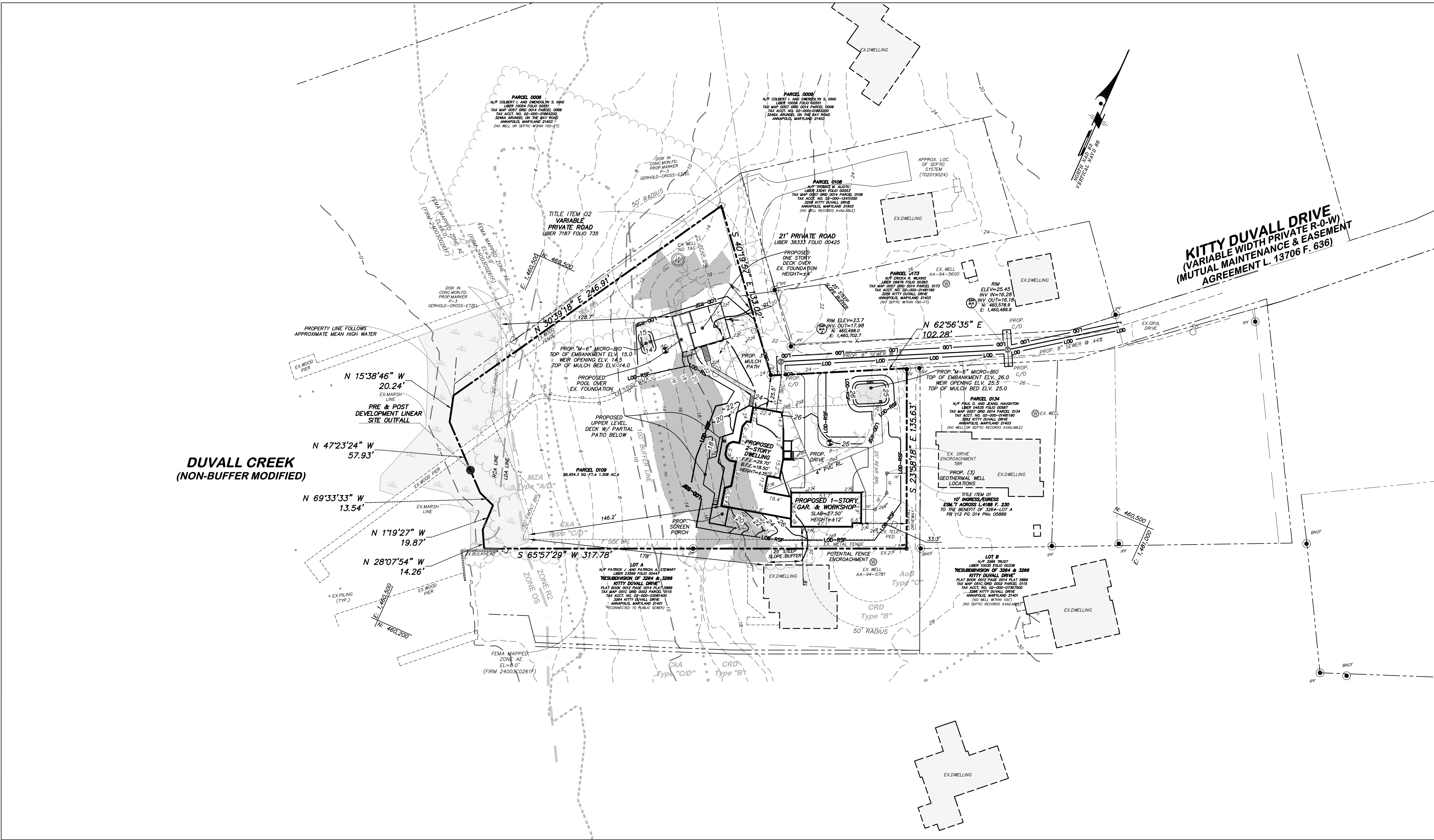
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends:

- **denial** of a Critical Area variance to § 17-8-201(a) to disturb steep slopes; and
- **denial** of a zoning variance to § 18-2-402(1) to allow a dwelling that does not comply with the designated location of a principal structure.

If granted, the amount of disturbance will be determined at permitting.

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.

P:\KS03124\CA00-24-KS03124-Eng Drawgs\KS03124 - Variance.dwg 04/07/25_14-04

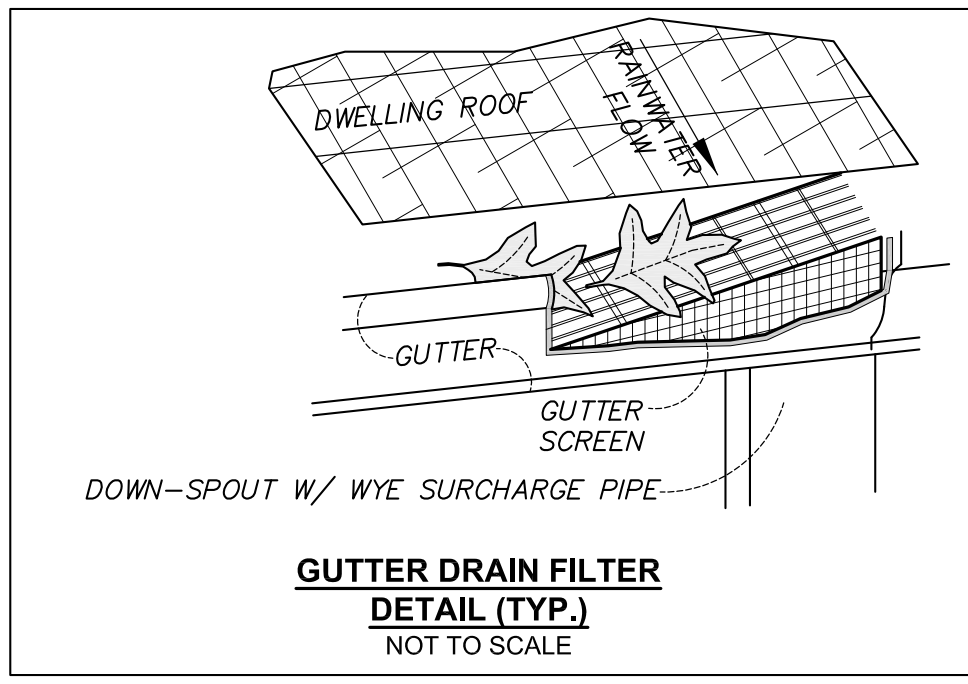
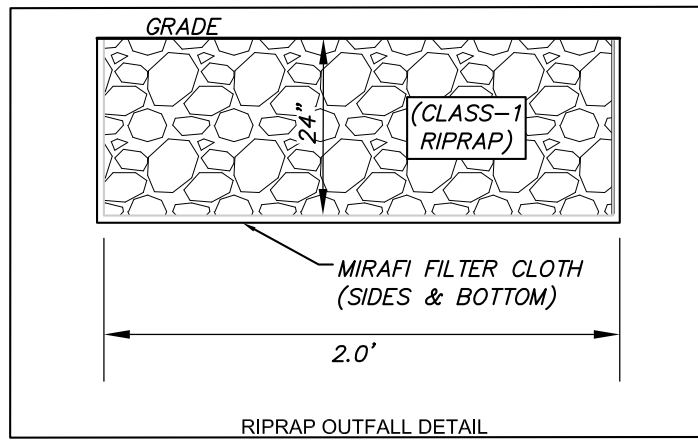
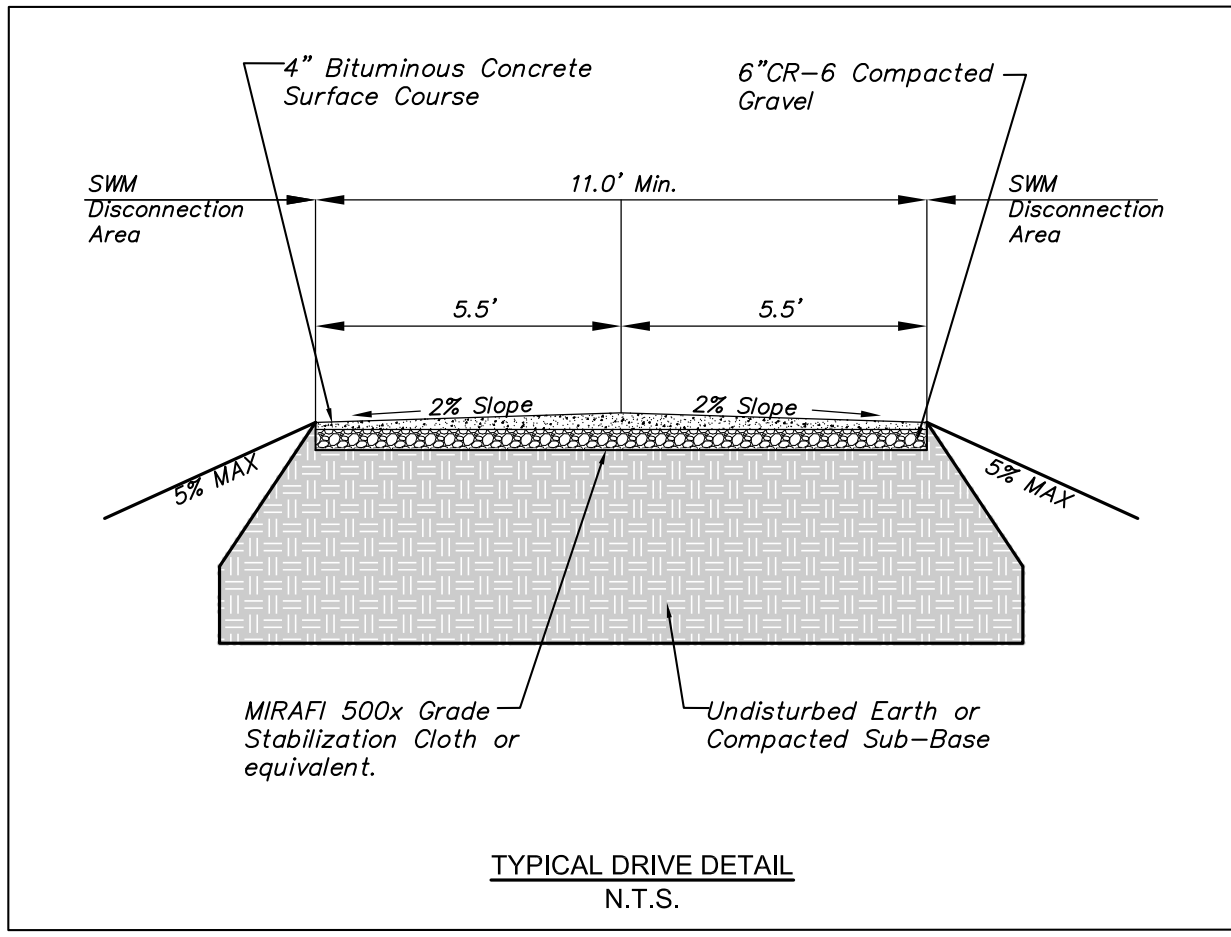


Outfall Statement
A field investigation of the outfall of this site was performed in May of 2024 by Drum, Loyka & Associates, LLC. The subject property located off of Kitty Duvall Drive in Annapolis. The property is currently improved with a single-family dwelling, and associated improvements. It is vegetatively stabilized with multiple hardwood trees, decorative landscaping, and lawn.

In the existing condition, the property has one site outfall: Site outfall is the Duvall Creek (direct discharge to tidal waters).

Under proposed conditions, (1) single-family home will be developed with other associated improvments. ESD to the MEP will be addressed via (2) "M-6" Micro-Bioretentinal Facilities.

The design represents an increase in lot coverage for the site, however there will be stormwater management practices, where previously none existed. All outfalls are considered adequate outfalls to receive runoff from a residential lot improved with a single-family dwelling. Peak Management is not required for the development.



SITE DATA	
Total Site Area	56,954 S.F.
Collington and Annapolis Soils~ Type 'B'	47.4%
Total Existing Lot Coverage	2,786 S.F.
Percentage of Existing Lot Coverage to Total Lot Area	4.89%
Total Proposed Lot Coverage	8,445 S.F.
Percentage of Proposed Lot Coverage to Total Lot Area	14.82%
Total Existing Canopy On Site	37,255 S.F.
Proposed Canopy Disturbance	6,670 S.F. (17.9%)

FLOODPLAIN NOTES
The property shown hereon lies in the FEMA Flood Zones AE (Base flood elevation 5.0) and AE (Base flood elevation 6.0), as shown on the FEMA Flood Insurance Rate Maps, Community Panel Number FM24003C0261F bearing an effective date of 18 February 2015. Any flood zone lines shown hereon are depicted from the FEMA maps and are for interpretation only.

STORMWATER MANAGEMENT REGULATION NOTE
This grading permit #G0 was reviewed under the 2010 regulations for stormwater management. Stormwater management practices will be provided for this site in accordance with Article 16, Section 4 and the Final Plan on file with the Office of Planning and Zoning. ESD to the MEP was achieved through: (2) "M-6" Micro-Bioretentinal Facilities.

SITE TABULATIONS	
• TOTAL SITE AREA:	56,954 S.F. (1.30 Ac.)
• CHESAPEAKE BAY CRITICAL AREA DESIGNATION:	LDA & RCA
-LDA SITE AREA:	53,361 S.F. (1.22 Ac.)
-RCA SITE AREA (UNDEVELOPED):	3,593 S.F. (0.08 Ac.)
• TOTAL CRITICAL AREA LOT COVERAGE:	
-EXISTING LOT COVERAGE:	2,786 S.F. (0.06 Ac.)
-ALLOWABLE LOT COVERAGE [Per 17-8-402]:	8,543 S.F. (0.20 Ac.)
-PROPOSED LOT COVERAGE:	8,445 S.F. (0.19 Ac.)
-PROPOSED HOUSE, PORCH, GARAGE & PATIO:	5,114 S.F. (0.12 Ac.)
-PROPOSED DRIVES, WALKS, STEPS:	2,241 S.F. (0.05 Ac.)
-PROPOSED POOL / DECK:	1,090 S.F. (0.02 Ac.)
• TOTAL SITE AREA WITHIN 100' TO TIDAL WATERS:	18,072 S.F. (0.41 Ac.)
• TOTAL EXISTING TIDAL MARSH ON SITE:	4,134 S.F. (0.09 Ac.)
• TOTAL CANOPY ON SITE:	37,255 S.F. (0.86 Ac.)
-PROPOSED CANOPY DISTURBANCE:	6,670 S.F. (0.15 Ac.)
• TOTAL AREA OF DISTURBANCE:	22,689 S.F. (0.52 Ac.)
• TOTAL 15% STEEP SLOPES / 25' BUFFER ON SITE:	15,781 S.F. (0.36 Ac.)
-TOTAL SLEEP SLOPES DISTURBED:	3,317 S.F. (0.08 Ac.)
-PERMANENT DISTURBANCE:	1,567 S.F. (0.04 Ac.)
-TEMPORARY DISTURBANCE:	1,750 S.F. (0.04 Ac.)
• SITE ZONING DESIGNATION:	R2 & OS
-R2 SITE AREA:	52,385 S.F. (1.20 Ac.)
-OPEN SPACE SITE AREA:	4,569 S.F. (0.10 Ac.)
• SETBACKS: R2 Residential	
-PRINCIPAL STRUCTURE	
-FRONT=30', REAR=25', SIDE=7'	
-MAX HEIGHT=35'	
-PROPOSED HEIGHT= ± 35'	
• SETBACKS: R2 Residential	
-ACCESSORY STRUCTURE	
-FRONT=40', REAR=7', SIDE=7'	

LEGEND	
	Existing Contour
	Existing Woods Line
	Limit of Disturbance / Reinforced Silt Fence
	Limit of Disturbance
	Limit of Disturbance / Filter Log
	Limit of Disturbance / Super Silt Fence
	Existing Power Pole
	Existing Overhead Electric Line
	Existing Septic System
	Proposed Contour
	100' Tidal Water Line
	FEMA Floodline
	Soil Boring Location
	Perc Test Location
	Existing 15% Steep Slopes
	Existing 25' Steep Slope Buffer

DESIGNED:		DRAWN: GDM		REVISIONS TO APPROVED PLANS	
ORIG. DATE:	2/16/2023	No.	DATE	BY	DESCRIPTION
MODIFIED BY/DATE:					
CADD DWG #	KS03124-VARIANCE				
DLA PROJECT #	KS03124				
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Drum, Loyka & Associates, LLC
CIVIL ENGINEERS - LAND SURVEYORS
1410 Forest Drive, Suite 35
Annapolis, Maryland 21403
Phone: 410-280-3122
www.drumloyka.com | info@drumloyka.com

"Professional Certification, I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, license no. 18521
expiration date: 12-06-25"

OWNER:

JOHN T. & LESLIE J. STEELE
2608 N POWHATAN STREET
ARLINGTON, VIRGINIA 22207
JSTEELE@IIMAGE.COM

DEVELOPED CONDITIONS VARIANCE PLAN					
KITTY DUVAL ~ PARCEL 109					
3260 KITTY DUVALL DRIVE, ANNAPOLIS, MARYLAND 21403					
TAX ACCT. NO. 02-000-05037200					
TAX MAP	57	GRID	14	PARCEL	109
DISTRICT 2ND					
ANNE ARUNDEL COUNTY, MARYLAND					
SCALE: 1"=40'		DATE: 3/19/2025		PROJ. NO: KS03124	
				SHEET 2 OF 2	

April 4, 2025

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

Re: Kitty Duvall Drive-Parcel 109

Variance Application submittal

3260 Kitty Duvall Drive
Annapolis, MD. 21403
Tax Map 57, Grid 14, Parcel 109

Dear Mr. Dyott:

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

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

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

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

Code Article 18-16-305

(b) Requirements for Critical Area Variances.

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

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

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

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

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

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

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

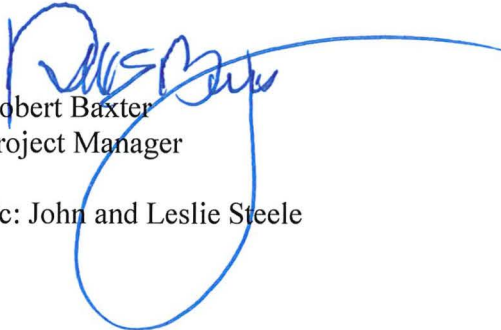
(c) Requirements for all variances.

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

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

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

Sincerely,
DRUM, LOYKA AND ASSOCIATES, LLC



Robert Baxter
Project Manager

Cc: John and Leslie Steele

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: APRIL 4, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
<u>57</u>	<u>109</u>	<u>14</u>	<u>-</u>	<u>-</u>

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 2-000-05037200

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

Project location/Address 3200 KITTY DWALL DRIVE

City ANNAPOLIS, MD Zip 21403

Local case number

Applicant: Last name STEELE First name JOHN

Company N/A

Application Type (check all that apply):

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

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

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

SINGLE FAMILY DETACHED RESIDENTIAL DEVELOPMENT

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	1.22	53,361
RCA Area	0.08	3,593
Total Area	1.30	56,954

Total Disturbed Area

Acres	Sq Ft
0.52	22,689

of Lots Created 1

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.26	37,255	Existing Lot Coverage	0.06	2,726
Created Forest/Woodland/Trees	-	-	New Lot Coverage		
Removed Forest/Woodland/Trees	0.15	6,670	Removed Lot Coverage	-	-
			Total Lot Coverage	0.19	8,445

VARIANCE INFORMATION (Check all that apply)

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

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 ☐

Chesapeake Bay Critical Area Report

Kitty Duvall ~ Parcel 109

Tax Map 51, Grid 13, Parcel 94

Tax Account No. 02-885-06633200

Property Address: 3260 Kitty Duvall Drive
Annapolis, Maryland 21403

Property Owner & Variance Applicant: Mr. John Steele

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

Site Description

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

Description and Purpose of Variance Request

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

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

Vegetative Coverage and Clearing

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

Lot Coverage

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

100-ft Tidal Buffer

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

Steep Slopes (slopes > 15%)

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

Predominant Soils

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

Drainage and Rainwater Control

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

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

Conclusions – Variance Standards

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

Reference:

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

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

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

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

Federal Emergency Management Agency , 2016. Flood Insurance Rate Map

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

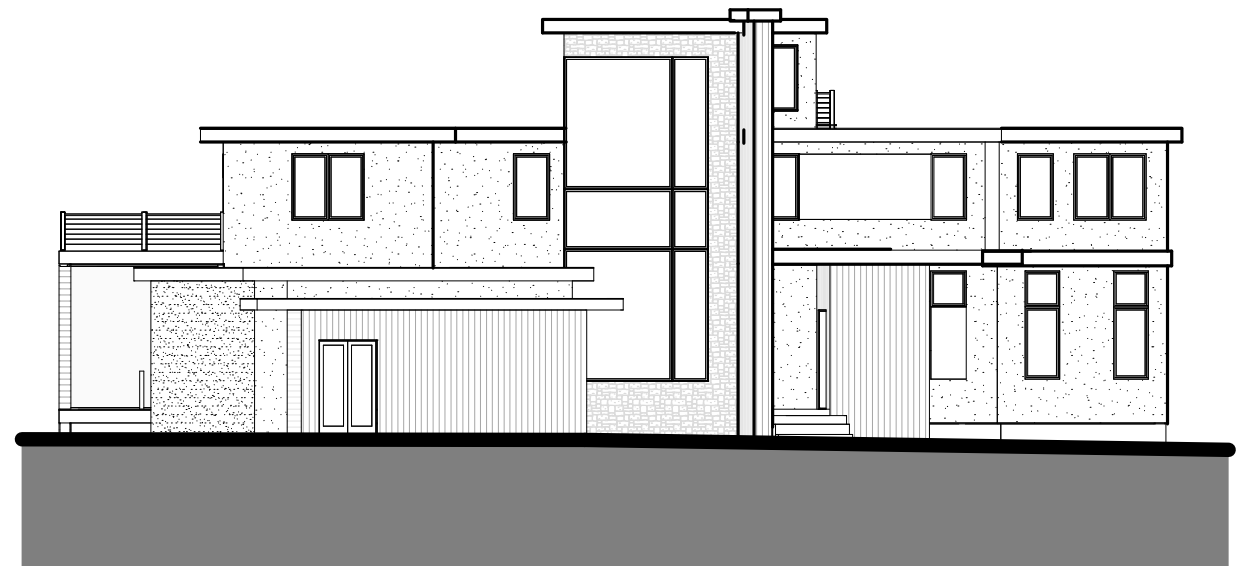
Drum, Loyka and Associates LLC, 2025 Variance Plan

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

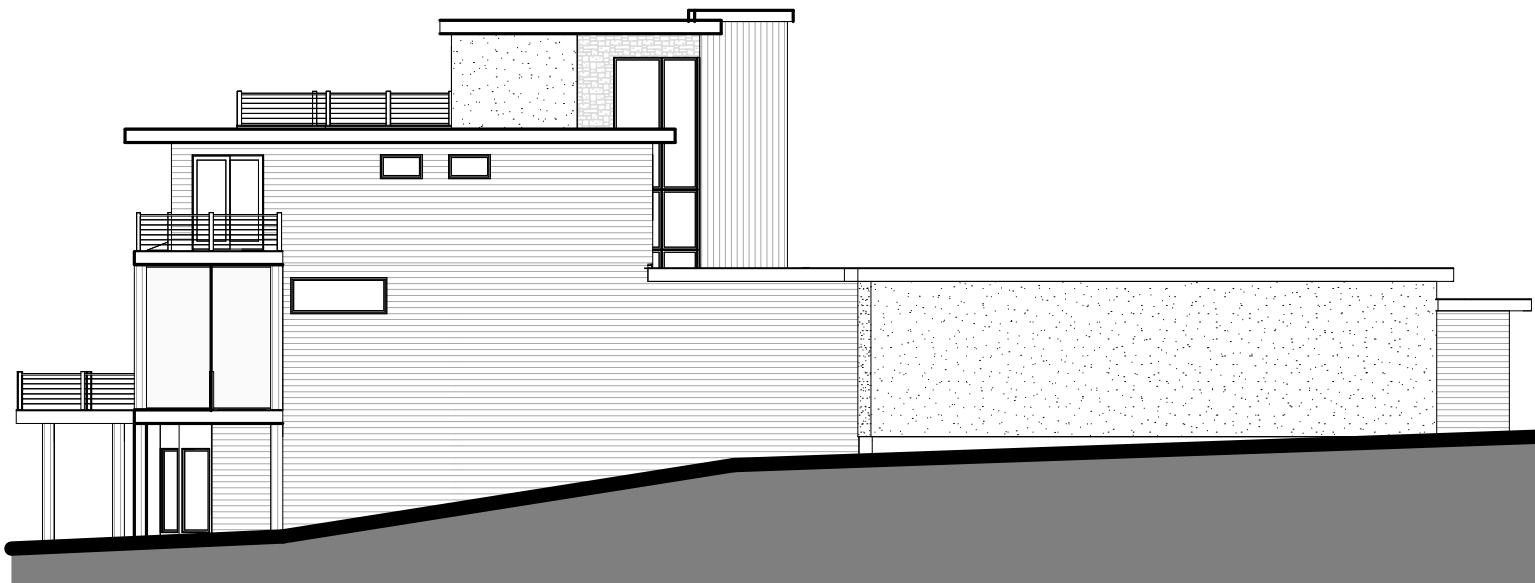
State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District



NORTH ELEVATION
NOT TO SCALE



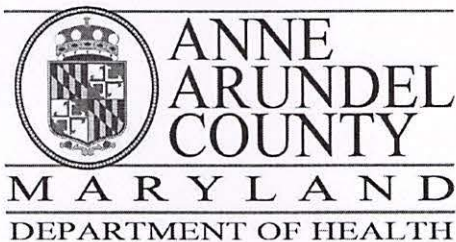
EAST ELEVATION
NOT TO SCALE



SOUTH ELEVATION
NOT TO SCALE



WEST ELEVATION
NOT TO SCALE




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: April 22, 2025

RE: John T. Steele
3260 Kitty DuVall Drive
Annapolis, MD 21403

NUMBER: 2025-0063-V

SUBJECT: Variance/Special Exception/Rezoning

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

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay



Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

CAC Comments: 2025-0063-V; Steele (AA 0094-25)

1 message

Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>
To: Sadé Medina <pzmedi22@aacounty.org>

Fri, Apr 25, 2025 at 10:56 AM

Good morning,

The **Critical Area Commission** has reviewed the above-referenced variance and provides the following comments:

- **2025-00630-V; Steele (AA 0094-25)**: The applicant is seeking a variance to disturb steep slopes and the 25-foot steep slope buffer to raze the existing dwelling and to construct a new dwelling with a pool, decks, patio, attached garage, and workshop as well as two micro-bioretention facilities on a 1.31 acre lot, designated as Limited Development Area (LDA). The pool and one of the decks will be sited within the existing footprint of the current dwelling, while the new dwelling, garage and workshop, patio, an additional deck, and driveway will be sited in an entirely different portion of the property. The existing lot coverage is 2,786 square-feet. The proposed lot coverage will amount to 8,445 square feet. The proposed improvements will result in 1,567 square feet of permanent disturbance to steep slopes and 6,670 square feet of removed forest/woodlands/trees. This office would like to note that the applicants have the opportunity to minimize impacts to habitat and vegetation in their site design, such as shifting development further away from the steep slopes by reducing the size and/or orientation of the proposed new dwelling, driveway, and garage and workshop.

In order for this variance to be granted, the applicant must demonstrate and the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets the unwarranted hardship standard and that this variance would not adversely affect water quality and wildlife or plant habitat. The applicant has opportunity to design the proposed improvements in a manner that avoids and/or further minimizes impacts to the existing vegetation and steep slopes. The current proposal does not appear to be the minimum necessary to afford relief from the law. As such, it does not appear to meet each and every one of the County's variance standards.

The above comments have been entered into the County's online portal.

Sincerely,
Jamileh

--



Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalarea

Jamileh Soueidan (she/her)
Natural Resources Planner
1804 West Street, Suite 100
Annapolis, MD 21401
Office: [410-260-3462](tel:410-260-3462)
Cell: [667-500-4994](tel:667-500-4994) (preferred)
jamileh.soueidan@maryland.gov

Task Details **OPZ Critical Area Team**

Assigned Date

04/09/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

While it is true that a significant portion of the site is impacted by environmental features, it is also true that the proposed development could be designed an oriented to minimize the proposed disturbance to those features. The layout and design of the structure were not developed to avoid the steep slopes and in fact push the home further into the slopes. This proposal does not meet the requirements established for the approval of a Critical Area Variance request.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Task Details I and P Engineering

Assigned Date

04/09/2025

Assigned to

Natalie Norberg

Current Status

Complete w/ Comments

Action By

Natalie Norberg

Comments

1. Is the existing well to be used or will a new well be drilled?
2. Provide the width and material of the proposed driveway.
3. If the driveway is to be treated by the northwestern micro-bioretenention, the front yard will need to be regraded, which can be completed at Grading Permit.
4. Geothermal wells are to have a 10' setback from any stormwater piping and roof drains.
5. Label the geothermal wells as either an open or closed loop system. If open, the geothermal wells are to have a 30' setback from any structures.
6. Geothermal wells are to have a 10' setback from any propane tanks. Note where, if any, above-ground or below-ground propane tanks are present on the site and neighboring properties.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Task Specific Information

Expiration Date

Review Notes

Reviewer Phone Number

Reviewer Email

ipnorb81@aacounty.org



OFFICE OF PLANNING AND ZONING

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

DATE OF MEETING: 3/14/2025

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

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

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

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

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

COMMENTS

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

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

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

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

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

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

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

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

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

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

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

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

3260 Kitty Duvall Drive (2025-0063-V)



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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.

Nearmap

0 100 200
ft



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes