

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

APPLICANTS: Matthew & Rachel Grasmick

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0075-V

COUNCIL DISTRICT: 5

HEARING DATE: June 17, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow a driveway with disturbance to slopes of 15% or greater on property located at 641 Lakeland Drive South in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 1.105 acres (48,171 square feet) of land and is located with frontage on the south side of Lakeland Drive South. The property is identified as Lot 5 in the High Bank on the Severn subdivision, Parcel 246 in Grid 3 on Tax Map 31. The waterfront property is zoned R2 – Residential District, lies entirely within the Chesapeake Bay Critical Area, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is improved with a two-story dwelling with a basement, a detached garage, a residential pier, and other associated facilities.

PROPOSAL

The applicants propose to reconfigure the existing driveway in order to provide safe, direct vehicular access to the dwelling.

REQUESTED VARIANCES

§ 17-8-201 of the Anne Arundel County 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; and, all disturbance shall be limited to the minimum necessary.

The proposed driveway will disturb approximately 2,981 square feet of slopes of 15% or greater, necessitating a variance. If approved, the actual slope disturbance would be determined during permit review.

FINDINGS

The subject property is generally rectangular in shape 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's aerial photography shows an eclectic mix of dwellings and lots in this waterfront community.

The existing critical area lot coverage of the site is 11,068 square feet, which exceeds the lot coverage allowed under §17-8-402 (7,225.65 square feet). The proposed post-construction lot coverage is 10,380 square feet, a reduction of 688 square feet, which exceeds the 10% reduction required under § 17-8-403 (384.238 square feet). The existing and proposed coverages by structures were not provided; however, the overall lot coverage is still well below the 30% (14,451.3 square feet) maximum coverage by structures allowed under §18-4-601.

Agency Comments

The **Health Department** noted that additional information is needed regarding the existing water supply system as it appears that there are two wells on the property. Clarification on the use of the untagged well or an abandonment of the untagged well is necessary for their approval.¹

The **Critical Area Commission** noted that if the Administrative Hearing Officer finds that each and every one of the Critical Area variance standards have been addressed, the appropriate mitigation is required.

The **Critical Area Team** noted that they have no objection provided the AHO determines that the application meets all standards for the approval of a variance in the Critical Area, specifically the minimum necessary to afford an applicant relief. Mitigation will be determined with the permit review.

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.

In this particular case, the dwelling is located within steep slopes and the detached garage is accessed by steps leading up to the top of the steep slopes. There would be no way to provide safe, direct access to the house from a vehicle without relief. The applicants are proposing to eliminate the circular part of their driveway in order to provide parking and more direct access to the dwelling. It appears that the proposed configuration of the driveway generally follows the slope, with minimal need for excavation.

Because of the unique physical conditions of the property, there appears to be no other alternative to provide safe access to the dwelling while complying with the County's critical area

¹ Refer to the Department of Health's memo for their detailed response.

program. A literal interpretation of that program will deprive the applicants of rights commonly enjoyed by other properties in similar areas of the County. The granting of a variance will not confer on the applicants any special privilege, nor is the variance request based on conditions or circumstances that are the result of actions by the applicants. With mitigation, the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area, and will be in harmony with the general spirit and intent of the County's critical area program.

As such, the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. With mitigation, it will not reduce forest cover in the limited development area of the critical area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area.

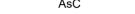
RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted this Office recommends **approval** of the Critical Area variance to § 17-8-201 to disturb steep slopes. The final amount of disturbance will be determined during permit review.

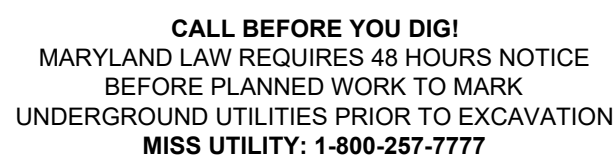
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes 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.

1. CLIENT: MATTHEW & RACHELA GRASMIK 151 S. LAKELAND ROAD SEVERNA PARK, MD 21146 PHONE: EMAIL: rachelaengrasmik@gmail.com	2. ENGINEER: MESSICK & ASSOCIATES 7 OLD SOLOMONS ISLAND ROAD ANNAPOLIS, MD 21401 C/O WAYNE NEWTON
3. THE PROPERTY IS KNOWN AS: TAX MAP 31, GRID 03, PARCEL 246, TOTAL AREA = 48,171 SQ. FT. OR 1.105 AC., DEED REF: 39110/256	
4. EXISTING ZONING OF THE SITE IS R2 (RESIDENTIAL DISTRICT)	
5. THE SITE ADDRESS IS: 641 S. LAKELAND ROAD, SEVERNA PARK, MD 21146	
6. TAX ACCOUNT NO: 03-0000-22457405	
7. EXISTING BUILDINGS AND FEATURES SHOWN HEREON PROVIDED BY CLIENT TAKEN FROM DEEDS AND PLATS OF RECORD AUGMENTED WITH GIS DATA, AND A FIELD RUN LOCATION/TOPOGRAPHICAL SURVEY PERFORMED BY BAY ENGINEERING INC FEBRUARY 2023.	
8. THIS DATA WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CLAIMS, EASEMENTS, COVENANTS, RIGHT OF WAYS OR MORE STRINGENT BUILDING RESTRICTIONS NOT SHOWN HEREON.	
9. THE SITE IS LOCATED WITHIN THE LDA (LIMITED DEVELOPMENT AREA) OF THE CHESAPEAKE BAY CRITICAL AREA.	
10. THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONE "AE" (AREA WITHIN THE ANNUAL CHANCE FLOODPLAIN WITH BASE FLOOD ELEVATION OF 5 FEET) AND "X" (AREA WITHIN THE 2% ANNUAL CHANCE FLOODPLAIN AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #2400300135F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.)	
11. WATER AND SEWER CATEGORIES	
WATER - NO PUBLIC SERVICE PROVIDED - (W-5, GLEN BURNIE LOW) SEWER - NO PUBLIC SERVICE PROVIDED - (S-5, BROADNECK)	

DESCRIPTION	AREA
EXISTING LOT AREA.....	48,171 SQ. FT. OR 1.105 AC.
ALLOWABLE LOT COVERAGE (15%).....	7,225 SQ. FT. OR 0.165 AC.
ALLOWABLE LOT COVERAGE W/ 10% REDUCTION.....	10,684 SQ. FT. OR 0.241 AC.
EXISTING LOT COVERAGE.....	11,096 SQ. FT. OR 0.254 AC.
EX. HOUSE.....	2,726 SQ. FT.
EX. DRIVEWAY.....	4,060 SQ. FT.
EX. GARAGE.....	1,320 SQ. FT.
EX. GRAVEL.....	617 SQ. FT.
EX. WALLS, WALKS, CONC. & PATIO.....	1,445 SQ. FT.
EXISTING LOT COVERAGE.....	11,068 SQ. FT. OR 0.254 AC.
EXISTING LOT COVERAGE TO BE REMOVED.....	3,212 SQ. FT. OR 0.073 AC.
EXISTING LOT COVERAGE TO REMAIN.....	7,856 SQ. FT. OR 0.180 AC.

PROPERTY LINE / RIGHT-OF-WAY	
ADJOINING PROPERTY LINE	
BUILDING RESTRICTION LINE	
EXISTING CONTOUR	
EXISTING SPOT ELEVATION	
EXISTING SOILS TYPE DESIGNATION	
EXISTING ZONING DESIGNATION	
CRITICAL AREA	
FEMA LINE	
EXISTING TREE LINE	
EXISTING FENCE	
EXISTING PUBLIC UTILITY EASEMENT	
EXISTING OVERHEAD POWER LINE	
STEEP SLOPES 15 - 25%	
STEEP SLOPES >25%	
25' STEEP SLOPE BUFFER	
EXISTING BUILDING	

SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRIC SOIL	HIGHLY ERODABLE SOIL
EuD	EVESBORO-GALESTOWN-URBAN LAND COMPLEX (5-15% SLOPES)	'A'	22.8%	NO	NO
PeB	EVESBORO-GALESTOWN-URBAN LAND COMPLEX (15-25% SLOPES)	'A'	77.2%	NO	NO



REVISION	DESCRIPTION	DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS

7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502
email: enrg@messickandassociates.com

* MESSICK GROUP INC. T/A MESSICK AND ASSOCIATES

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

641 S. LAKELAND ROAD,
SEVERNA PARK, MD. 21146

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

TAX ACCOUNT: 03-000-22457405 ZONING: R-2 / LDA
ANNE ARUNDEL COUNTY, MARYLAND
DATE: SEPTEMBER 2024 SHEET: 1 OF 2



GENERAL NOTES

1. CLIENT: MATTHEW & RACHELA GRASMICK
641 S. LAKELAND ROAD
SEVERNA PARK, MD 21146
PHONE: (410) 266-3212
EMAIL: rachelaingrasmick@gmail.com
- ENGINEER: MESSICK & ASSOCIATES
7 OLD SOLOMONS ISLAND ROAD
ANNAPOLIS, MD 21401
C/O WAYNE NEWTON
2. THE PROPERTY IS KNOWN AS:
TAX MAP 31, GRID 03, PARCEL 246, TOTAL AREA = 48.171 SQ. FT. OR 1.105 AC., DEED REF: 39110/256
3. EXISTING ZONING OF THE SITE IS R2 (RESIDENTIAL DISTRICT)
4. THE SITE ADDRESS IS: 641 S. LAKELAND ROAD, SEVERNA PARK, MD 21146
5. TAX ACCOUNT NO: 03-000-22457405
6. EXISTING BOUNDARY AND FEATURES SHOWN HEREON PROVIDED BY CLIENT TAKEN FROM DEEDS AND PLATS OF RECORD AUGMENTED WITH GIS DATA, AND A FIELD RUN LOCATION/TOPOGRAPHICAL SURVEY PERFORMED BY BAY ENGINEERING INC FEBRUARY 2023.
7. THIS DATA WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT OF WAYS OR MORE STRINGENT BUILDING RESTRICTIONS NOT SHOWN HEREON.
8. THE SITE IS LOCATED WITHIN THE LDA (LIMITED DEVELOPMENT AREA) OF THE CHESAPEAKE BAY CRITICAL AREA.
9. THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONE "AE" (AREA WITHIN THE ANNUAL CHANCE FLOODPLAIN WITH BASE FLOOD ELEVATION OF 5 FEET) AND "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0153F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
10. WATER AND SEWER CATEGORIES:
WATER - NO PUBLIC SERVICE PROVIDED - (W-S, GLEN BURNIE LOW)
SEWER - NO PUBLIC SERVICE PROVIDED - (S-S, BROADNECK)

PROPOSED LOT COVERAGE SUMMARY

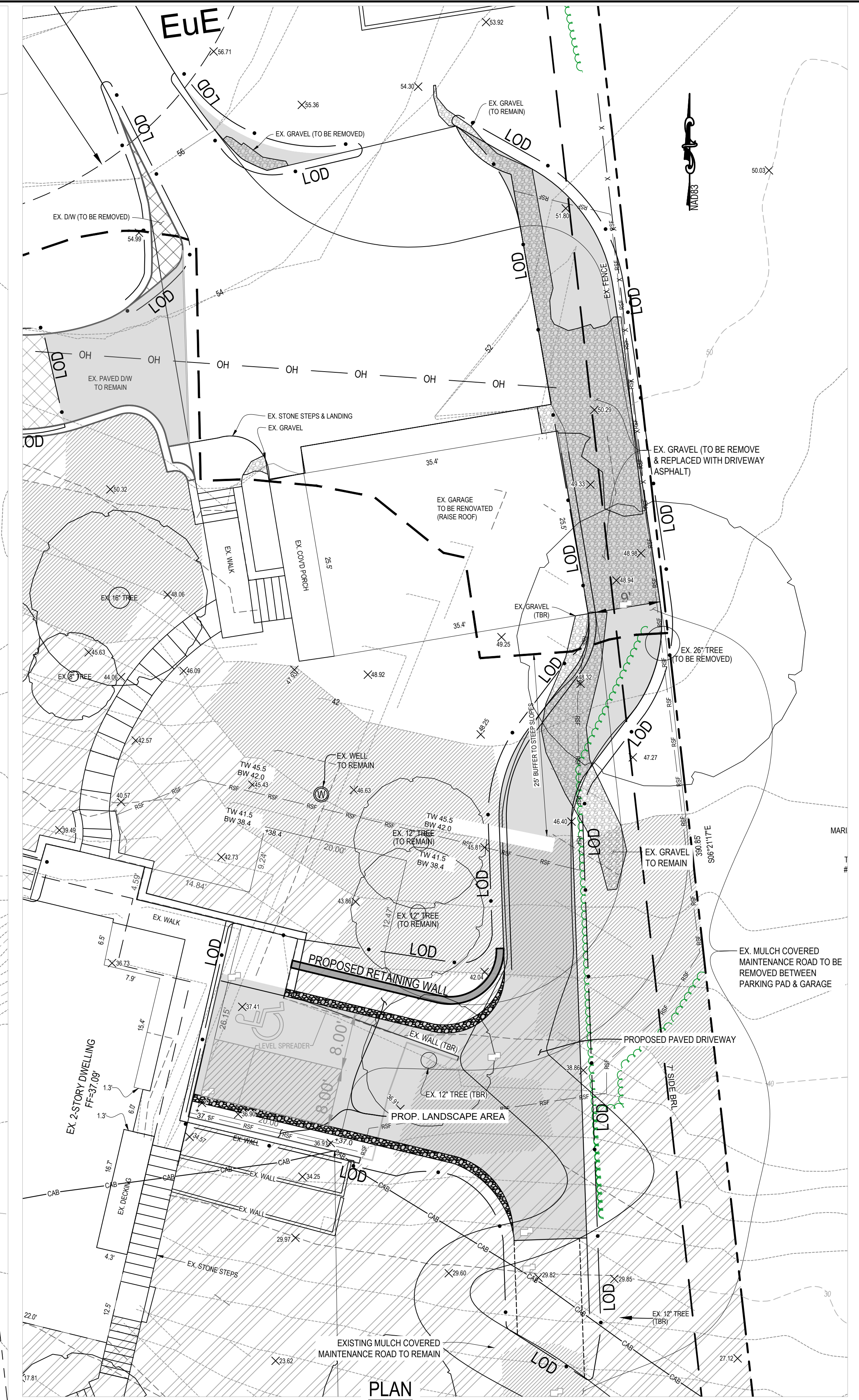
DESCRIPTION	AREA
EXISTING LOT AREA.....	48,171 SQ. FT. OR 1.105 AC.
ALLOWABLE LOT COVERAGE (15%).....	7,225 SQ. FT. OR 0.165 AC.
ALLOWABLE LOT COVERAGE W/ 10% REDUCTION.....	10,084 SQ. FT. OR 0.245 AC.
EXISTING LOT COVERAGE.....	11,068 SQ. FT. OR 0.254 AC.
EXISTING LOT COVERAGE TO REMAIN.....	7,856 SQ. FT. OR 0.180 AC.
PROPOSED LOT COVERAGE.....	2,524 SQ. FT. OR 0.058 AC.
TOTAL PROPOSED LOT COVERAGE.....	10,390 SQ. FT. OR 0.238 AC.
PROPOSED LIMIT OF DISTURBANCE.....	4,917 SQ. FT. OR 0.113 AC.

LEGEND

PROPERTY LINE / RIGHT-OF-WAY	---
ADJOINING PROPERTY LINE	---
BUILDING RESTRICTION LINE	---
EXISTING CONTOUR	---142---
EXISTING SPOT ELEVATION	x 122.3
EXISTING SOILS TYPE DESIGNATION	AsB
EXISTING ZONING DESIGNATION	AsC
CRITICAL AREA	OS / C1
FEMA LINE	CAB
EXISTING TREE LINE	OH
EXISTING FENCE	X
EXISTING PUBLIC UTILITY EASEMENT	OH
EXISTING OVERHEAD POWER LINE	OH
STEEP SLOPES 15 - 25%	15-25%
STEEP SLOPES >25%	>25%
25' STEEP SLOPE BUFFER	25'
EXISTING BUILDING	+
PROPOSED SPOT ELEVATION	+ 5.00
PROPOSED CONTOUR LINE	20
PROPOSED LIMIT OF DISTURBANCE	---
PROPOSED DRIVEWAY	---
PROPOSED RIPRAP	---

SOIL TABLE

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



MESSICK & ASSOCIATES*
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502
email: engr@messickandassociates.com

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

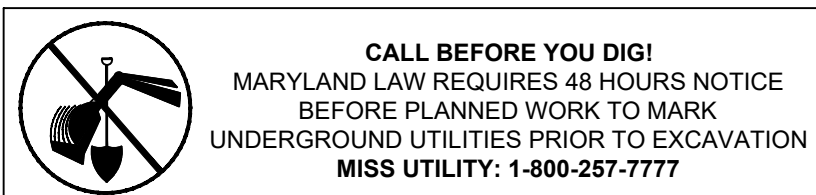
PROPOSED CONDITIONS

GRASMICK PROPERTY

641 S. LAKELAND ROAD,
SEVERNA PARK, MD. 21146

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

TAX ACCOUNT: 03-000-22457405
DATE: SEPTEMBER 2024
ZONING: R-2 / LDA
ANNE ARUNDEL COUNTY, MARYLAND
SHEET: 2 OF 2



REVISION DESCRIPTION

BY

DATE

* MESSICK GROUP INC. / MESSICK AND ASSOCIATES



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

March 13, 2025

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

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

Dear Ms. Seay:

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

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

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

I. Factual Background

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

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

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

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

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

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

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

II. Variance Request

Specifically, Applicants are requesting the following variance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

That article states that its purpose and intent is:

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

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

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

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

Requirements for all variances:

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

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

A. Legal Standard for "Minimum Necessary"

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

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

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

Id.

B. Applicants' Extensive Process to Achieve Minimum Necessary

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

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

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

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

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

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

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

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

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

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

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

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

C. Facts Supporting Satisfaction of “Minimum Necessary” Element

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

(1) Applicants’ “Reasonable Needs”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Applicants Reduced Request from 2 Vehicles to 1

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

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

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

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

(5) Comparison to Neighboring Homes

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

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

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

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

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

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

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

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

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

Sterling Seay
Variance Letter of Explanation
Page 15
March 13, 2025
High Banks on the Severn Lot 5

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

Wayne Newton

Wayne Newton, PE
President

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 4/14/25

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

Tax ID: 03-000-22457405

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

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

Project location/Address 641 Lakeland Road South

City Severna Park, MD Zip 21146

Local case number 2024-0099-P

Applicant: Last name Grasmick First name Rachel

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

Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

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

Intra-Family Transfer ☐
Grandfathered Lot ☒

Growth Allocation ☐
Buffer Exemption Area ☐

Project Type (check all that apply)

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

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

SITE INVENTORY (Enter acres or square feet)

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

	Acres	Sq Ft
Total Disturbed Area	0.113	4,917

of Lots Created

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

VARIANCE INFORMATION (Check all that apply)

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

Variance Type

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

Structure

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

CRITICAL AREA REPORT

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

April 2025

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

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

INTRODUCTION

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

EXISTING USE

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

SURROUNDING LAND USE

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

SOILS

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

FLOODPLAIN

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

NON-TIDAL WETLANDS

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

TIDAL WETLANDS

There appear to be no Tidal Wetlands on this site.

BODIES OF WATER

The site drains overland to the Severn River.

STEEP SLOPES

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

RARE AND ENDANGERED SPECIES

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

STORMWATER MANAGEMENT

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

FOREST COVER

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

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

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

WILDLIFE TYPICAL OF THIS AREA

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

SITE CALCULATIONS

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

National Flood Hazard Layer FIRMMette



76°36'9"W 39°4'53"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

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

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



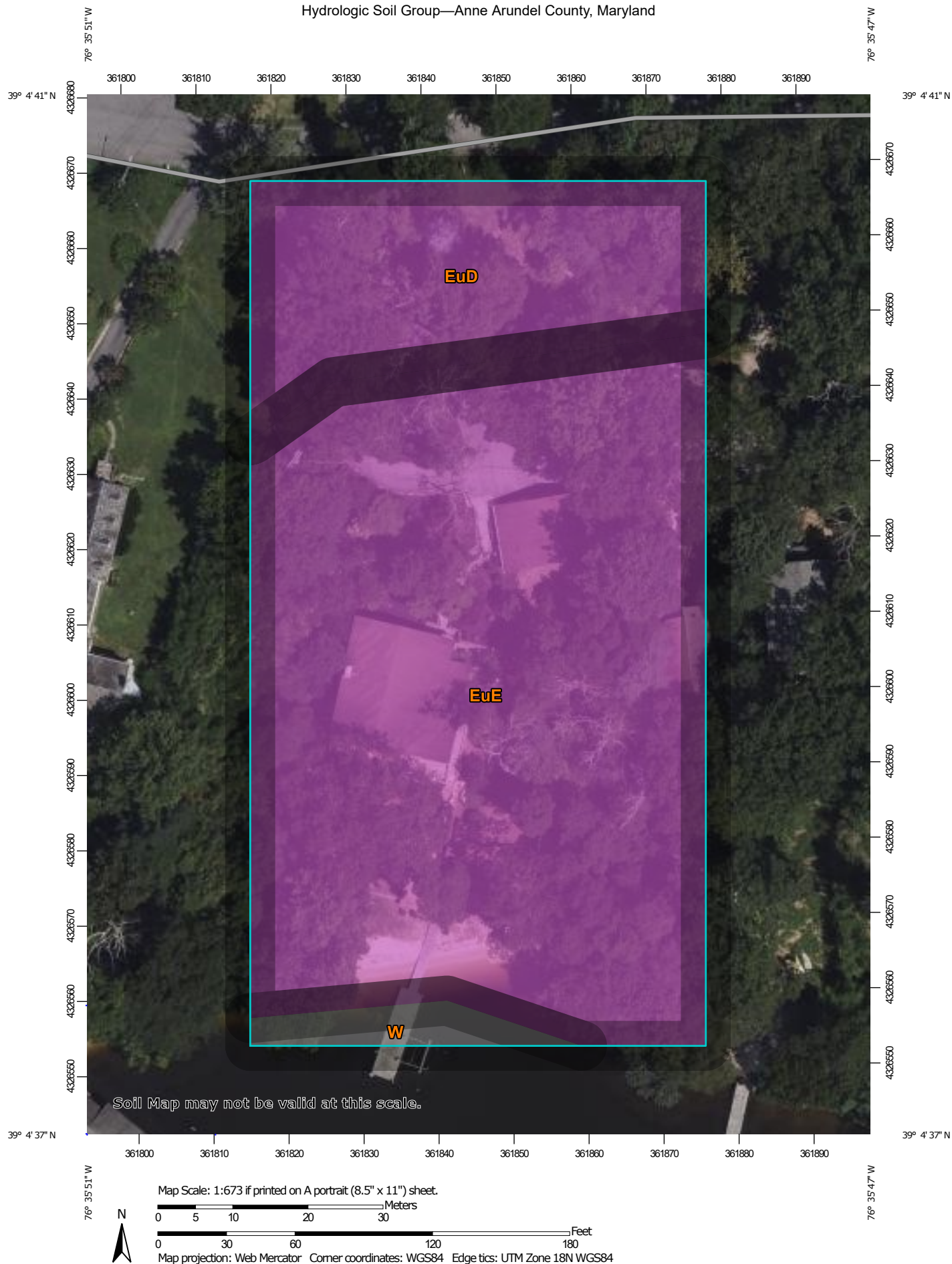
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

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


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

Hydrologic Soil Group—Anne Arundel County, Maryland



MAP LEGEND

Area of Interest (AOI)









 Area of Interest (AOI)

Soils

Soil Rating Polygons





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

Soil Rating Lines


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

Soil Rating Points



 A
 A/D
 B
 B/D

 C
 C/D
 D
 Not rated or not available


Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

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

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

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

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

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

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

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

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

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

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

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

Hydrologic Soil Group

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

Description

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

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

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

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

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

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

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

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

641 Lakeland Rd S

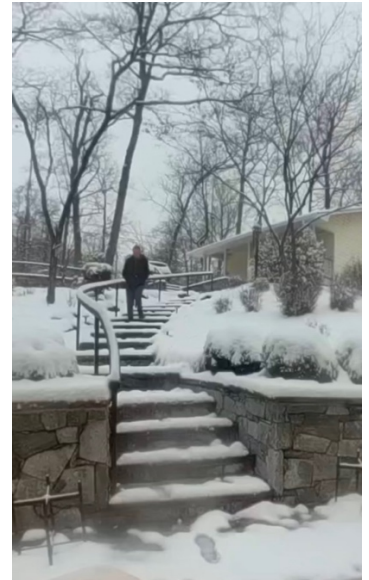
Current Access



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



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



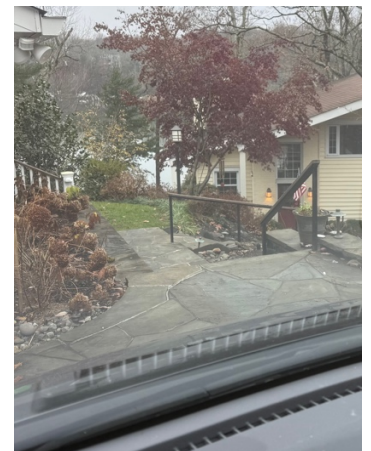
Treacherous conditions on stairs in snow and ice



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



Treacherous conditions on stairs in snow and ice



Winter view from a vehicle at top of steps



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



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

Proposed Driveway Path



Proposed driveway will replace compacted river rock path



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



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



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

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



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

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



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

May 9, 2025

Ms. Lisa Ryan
Messick & Associates
7 Old Solomons Island Road
Suite 202
Annapolis, MD 21401

RE: Environmental Review for 641 Lakeland Road South, Severna Park, Variance for Grasmick, Anne Arundel County, Maryland.

Dear Ms. Ryan:

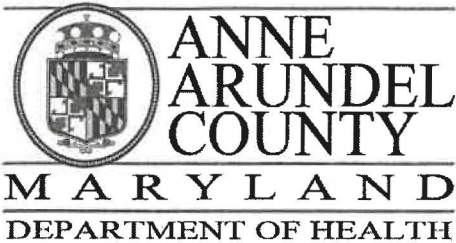
The Wildlife and Heritage Service has no official records for State or Federal listed, candidate, proposed, or rare plant or animal species within the project area shown on the map provided. As a result, we have no specific concerns regarding potential impacts to such species or recommendations for protection measures at this time. If the project changes in the future such that the limits of proposed disturbance or overall site boundaries are modified, please provide us with revised project maps and we will provide you with an updated evaluation.

Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at lori.byrne@maryland.gov or at (410) 260-8573.

Sincerely,

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2025.0909.aa
Cc: C. Jones, CAC



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

A handwritten signature in blue ink, appearing to be "BC", located to the right of the "FROM:" line.

DATE: May 9, 2025

RE: Grasmick G. Matthew
641 Lakeland Road South
Severna Park, MD 21146

NUMBER: 2025-0075-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow relief from 17-8-201, disturbance of steep slopes greater than 15% in the LDA. They wish to install a single car driveway and have a single handicapped parking space in place of existing patio.

Based on a review of the above referenced request, additional information is needed by the Health Department on:

1. The existing water supply system. It appears that there are two wells on the property. Clarification on the use of the untagged well or an abandonment of the untagged well is necessary for Health Department approval.

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: 2025-0075-V; Grasmick (AA 0106-25)

1 message

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

Wed, May 14, 2025 at 9:15 AM

Good morning,

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

- The applicants are proposing the construction of a single vehicle driveway and parking pad with disturbance to the 25-foot steep slope buffer. The 1.105-acre lot, located in the Limited Development Area, is nonconforming, with 11,088 square-feet of lot coverage. The proposed work would reduce the lot coverage by 10% of the exceedance in lot coverage per Anne Arundel County Code § 17-8-403(2). 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 unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate is required.

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

04/25/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

This Office has no objection provided the AHO determines that the application meets all standards for the approval of a variance in the Critical Area, specifically the minimum necessary to afford an applicant relief. Mitigation will be determined with the permit review.

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



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

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

APPLICANT/REPRESENTATIVE: Rachel Grasmick / Messick & Associates

EMAIL: rachelanngrasmick@gmail.com / engr@messickandassociates.com

SITE LOCATION: 641 Lakeland Road South, Severna Park

LOT SIZE: 48,171 SF

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

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

Variance required:

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

COMMENTS

Zoning Administration Section:

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

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

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

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

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

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

OPZ Critical Area Team:

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

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

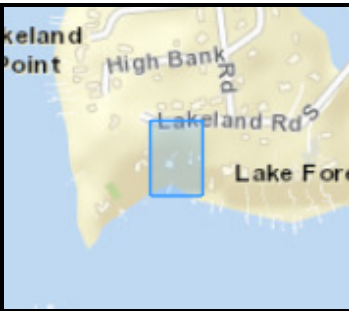
INFORMATION FOR THE APPLICANT

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

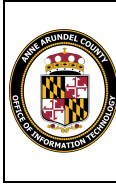
A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and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

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

641 Lakeland Road (2025-0075-V)



- Legend
- Foundation
 - Addressing
 - Parcels
 - Parcels - Annapolis City



050100

ft

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.
DO NOT USE FOR NAVIGATION.

Nearmap

Notes