



238 West Street
Annapolis, MD 21401
Telephone (410) 946-1314
www.DalesAssociates.com

May 29, 2025

Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Attn: Ms. Sterling Seay
Planning Administrator

*RE: Letter of Explanation
Application for Variance
823 Buckingham Drive
Severna Park, MD 21146*

Dear Ms. Seay,

Dales Associates represents R.S. Maisel Builders Inc. (the “*Applicant*”), the owner of the real property located at 823 Buckingham Drive, Severna Park, MD 21146 (the “*Property*”). The Applicant seeks a variance to disturbance of steep slopes, disturbance within the Chesapeake Bay Critical Area (the “Critical Area”) buffer, and front yard setback pursuant to the criteria set fourth in §18.16.305 to allow development of a single-family home.

Property Background

The Property is a 37,023 SF undeveloped lot in Severna Park, MD on Map 32E and Parcel 345 with Tax Account Number 03-154- 90035739. *See Attachment A* for Vicinity Map. The Property is zoned R2 - Residential. *See Attachment B* for Zoning Map.

For general context, the Property is a part of a single-family neighborhood known as Buckingham Estates. Specifically, the Property is located adjacent to Buckingham Cove of the Magothy River. As for its position within the Critical Area, the Property is located within the Limited Development Area (“LDA”).

Proposed Modifications

The proposed development is for a single-family detached dwelling on the Property. The proposed dwelling will be approximately 46’ in depth by 39’ in width with a 1,794 SF footprint. The proposed above grade living area will be 3,476 SF, with a total structure height of 37’. The proposed total lot coverage is 2,519 SF, which is approximately 45% of the maximum allowable 5,553 SF for the lot pursuant to Code § 17-8-601(c). The Applicant has reduced the footprint approximately 15% from 2,977 SF on the pre-application. The front facade for each home will be designed to be consistent with the character of the existing homes in the neighborhood.

The variance required for the proposed development described above is to allow disturbance of slopes, the Critical Area buffer, and front yard setbacks. Pursuant to § 17-8-201, a variance is required to allow the disturbance of 297 SF of 15%+ steep slopes within the LDA. Pursuant to § 17-8-301(b), a variance is required to allow the disturbance of 9,216 SF in the critical area buffer. Pursuant to § 18-4-601, a 8.9' variance is required to the 30' front yard setback. Again, total lot coverage will only be 2,977 SF but disturbance for which the variance is needed includes areas of temporary disturbance which will not be impervious following construction. The Applicant has designed the lot to best accommodate the proposed dwelling and stormwater management onsite in keeping with "reasonable use" of the Property as that should be understood within the neighborhood context for the Property and, importantly, with minimal need for variances to achieve that reasonable use.

To accomplish the above goals, the Applicant has adjusted the location of the dwelling by maintaining minimum setbacks to the stormwater facility in the front yard and minimizing the disturbance to steep slopes and expanded buffer. The stormwater facility designed was upgraded from a raingarden to a micro-bioretenention area ("MBRA"), that will not only benefit the Property, but will also better mitigate the impact of existing runoff from the adjacent public street. This design addresses all environmental site design requirements for the lot improvements and provides an additional level of water quality treatment for the public roadway. The public roadway currently discharges into the creek.

Due to the location of the roads, location and size of the MBRA, the house cannot be located closer to the road, which may otherwise have allowed some minimal reduction to the disturbance to the slopes or the buffer. That is, because of the site constraints and requirements for stormwater management and treatment, the Applicant has provided – as efficiently as possible – stormwater practices which will benefit the creek and Critical Area adjacent to this Property and in the vicinity of the neighborhood, generally. In summary, the proposed design (1) provides for a reasonable use as informed by the existing community development, (2) minimalizes the need for variances necessary to avoid denial of that reasonable use, and (3) mitigates the impact of stormwater while complying with all requirements for the same.

Following the pre-application comments, the Applicant has prepared a formal comment response memorandum attached to this application.

Review Criteria

The review of this application for a variance by the Administrative Hearing Officer (the "**Officer**") is governed by the criteria set forth under § 18-16-305. To approve the proposed variance, the Officer must make written findings with respect to the criteria.

§ 18-16-305(a) Requirements for zoning variances.

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or**

- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.**

Due to the site constraints, the dwelling has been located in the location which will least impact the Critical Area and minimize variances to Critical Area law requirements, which are necessary to achieve the reasonable use, described above. As a result of the placement to achieve that objective, the Applicant must also a zoning variance, to the provisions of § 18-4-601, for a the 30' front yard setback. Specifically, the Applicant seeks a 8.9' variance which will allow for a front yard of 21.1' rather than 30'. As it is not possible to comply that front yard setback under the circumstances which require the Critical Area setback, the requirements of § 18-4-601 would result in practical difficulties, particularly caused by the physical attributes and location of the Property.

§ 18-16-305(b) Requirements for critical or bog protection area variances.

- (1) Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program or bog protection program would result in an unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808, of the State Code, to the applicant;**
- (2)**
- (i) A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County; or**
 - (ii) The County's bog protection program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the bog protection area of the County;**
- (3) The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area;**
- (4) The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;**
- (5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program;**
- (6) The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code;**
- (7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and**
- (8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).**

Rather than provide a repetitive, point-by-point response to each criterion above, the Applicant offers the below response to the 8 criteria collectively. The Property is fully located within the Critical Area, with the majority of the lot located within the 100' buffer. The portion of the Property outside of the buffer would not allow for the development of a single-family home, necessitating a variance to allow for that reasonable use. The granting of the variance will not confer any special privilege on the Applicant, which is not enjoyed by others in similar situations. That is, the variance only allows for ordinary, commonly enjoyed privileges which would be denied without the granting of the variance. Nor is the variance requested a result of actions by the Applicant. The property was subdivided prior to the adoption of the Critical Area law; the site is currently undeveloped; and the Applicant intends only to develop a single-family home, with a footprint smaller than the average for the neighborhood.

The variance will not adversely affect water quality or any wildlife. On the contrary, the variance will improve water quality in the neighborhood from the micro- bioretention area proposed in the front yard. The location of the house will cause the least amount of disturbance onsite.

§ 18-16-305(c) Requirements for all variances.

- (1) the variance is the minimum variance necessary to afford relief; and**
- (2) the granting of the variance will not:**
 - (i) alter the essential character of the neighborhood or district in which the lot 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 or a bog protection area; nor**
 - (v) be detrimental to the public welfare.**

The variance requested is to allow disturbance to slopes and disturbances within the buffer. Specifically, a variance is required to allow the disturbance of 3,950 SF of 15%+ steep slopes within the LDA and to allow the disturbance of 5,702 SF in the critical area buffer. The variance requested is the minimum necessary to allow the Applicant to develop a single-family home on the lot.

The requested variances will not alter the essential character of the neighborhood or district in which the Property is located as the Applicant will ensure the design of the dwelling is in context with the surrounding houses. Further, the variance will not impair the use or development of adjacent properties. The proposed development is within the zoning setbacks and will not affect the use of adjacent properties. The height of the dwelling will be within the zoning requirements.

The proposed dwelling clears less than what is allowed for the site pursuant to § 17-8-601(c). The application proposes 8,074 SF of clearing proposed, under the allowed amount. The Applicant is also proposing 2,100 SF of reforestation. The variance will also not be detrimental to the public welfare but will improve public welfare with the added stormwater facilities that will improve water quality.

§ 18-16-305(d) Conditions for granting a variance in the critical area.

- (1) For a property with an outstanding violation, the granting of a variance under this subsection shall be conditioned on the applicant completing the following within 90 days of the date of decision, as applicable:**
 - (i) obtaining an approved mitigation or restoration plan;**

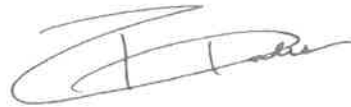
- (ii) completing the abatement measures in accordance with the County critical area program; and
 - (iii) paying any civil fines assessed and finally adjudicated.
- (2) Notwithstanding the provisions of subsection (d)(1), the Office of Planning and Zoning may extend the time for abatement to the next planting season because of adverse planting conditions. An applicant may also be granted a 180 day extension to satisfy the conditions of a variance upon timely application to the Planning and Zoning Officer and good cause shown.

The Property does not have an outstanding violation. Upon approval of the variance, the Applicant will ensure planting is completed in the best conditions and will request a variance in a timely manner if necessary.

Conclusion

For all the above-stated reasons, the Applicant respectfully requests that the Officer grant the variance at 823 Buckingham Drive, Severna Park, MD. Thank you for your consideration of this request.

Sincerely,



Phil Dales
Dales Associates
238 West Street
Annapolis, Maryland 21401
(410) 946-1314
dales@dalesassociates.com

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 2025

Tax Map #	Parcel #	Block #	Lot #	Section
32 E	345	21	15 & 16	

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 03-154-0003573A

Project Name (site name, subdivision name, or other) Lots 15 & 16 Buckingham Estates

Project location/Address 823 Buckingham Drive

City Severna Park Zip 21146

Local case number 302019443, VARIANCE # 2025-0060-V

Applicant: Last name _____ First name _____

Company Builders National Cooperative

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 Krnetz First name Kelly

Phone # 410-222-7960 Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Construct two story dwelling and related improvements.

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

Project Type (check all that apply)

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

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area				0.18	7,625
LDA Area	0.85	37,023			
RCA Area					
Total Area	0.85	37,023	# of Lots Created	1	

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.85	37,023	Existing Lot Coverage	0	0
Created Forest/Woodland/Trees	0.05	2,100 *	New Lot Coverage	0.06	2,519
Removed Forest/Woodland/Trees	0.15	6,549	Removed Lot Coverage	0	0
			Total Lot Coverage	0.06	2,519

* Excludes mitigation Remaining

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.13	5,496	Buffer Forest Clearing	0.15	6,549
Non-Buffer Disturbance	0	0	Mitigation	0.26	11,288

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

Pen Mar Environmental Services, LLC

P.O. Box 6809

Annapolis, MD 21401

2dmusser1@gmail.com

443.875.3955

**CHESAPEAKE BAY CRITICAL AREA REPORT with NARRATIVE
DESCRIPTION**

PROPERTY: 823 Buckingham Drive
Severna Park, MD 21146
CURRENT OWNER: RS Maisel Builders, Inc.
919 Berwick Drive
Annapolis, MD 21403
DESCRIPTION: 0.39 Acre (16,811 sq. ft.)
Tax Map 32E, Grid 21, Parcel 345, Lot 15 & 16
Tax ID #3154-9003-5739
ZONING: R2 – Residential
CRITICAL AREA: LDA – Limited Development Area
PREPARED FOR: Annapolis Realty, LLC c/o Tim Hogan
DATE: April 10, 2024 – Revised October 15, 2024

Introduction and Site Description:

This revised Chesapeake Bay Critical Area Report is being prepared to meet Anne Arundel County standards for development in the Chesapeake Bay Critical Area. The 37,023 sq. ft. (0.85 ac) site is located in the Buckingham Estates community of Severna Park, Maryland in east-central Anne Arundel County (Fig. 1). The subject property is currently zoned as R2 – Residential (Fig. 2) and is located within the Magothy River Watershed (8 Digit #02131001). The site is currently undeveloped and is considered to be 100% forested with a canopy cover of 37,023 square feet. The site has been designated as a Limited Development Area (LDA) within the Chesapeake Bay Critical Area (Fig. 3).

The property is located at the north end of the developed Buckingham Drive cul-de-sac. It is bordered on the west, north and south by developed residential property within the subdivision. The east boundary is made up of an undeveloped lot that is subsumed by nontidal wetlands that border the tidally influenced Magothy River. The subject property generally slopes to the southeast, draining to the east towards the Magothy River. Onsite topographic elevations range from 5' above sea level (a.b.s.) centrally on the lot and rising up to 24' a.b.s. in the north corner of the property (Fig. 4).

Public sewer and water is available in this area so any proposed new residential structures would be served by public sewer and public water.

Existing Vegetation:

This undeveloped parcel is entirely forested with broad-leaved, deciduous (hardwood) trees (Fig. 5). Within the 37,023 square-foot lot, exists an isolated nontidal wetland which exhibits a dominance of bottomland hardwoods. The upland area shows no visual signs of inundation or other hydrologic indicators. Vegetation in the upland includes yellow poplar (Liriodendron tulipifera), American holly (Illex opaca), black locust (Robinia pseudoacacia), choke cherry (Prunus virginiana), black walnut (Juglans nigra), fire cherry (Prunus pennsylvanica) and English ivy (Hedera helix).

The forested nontidal wetland is located centrally on the subject lot. It is dominated by red maple (Acer rubrum) and sweetgum (Liquidambar styraciflua) with persimmon (Diospyros virginiana), greenbriar (Smilax rotundifolia) and common reed (Phragmites australis). Visual signs of hydrology included blackened leaves and saturated soil.

Environmental Features and Habitat Protection Areas:

According to a review of Maryland's Environmental Resources and Land Information Network (MERLIN), the site is considered to contain potential Forest Interior Dwelling Bird (FIDs) habitat which is considered to be a habitat protection area (Fig. 6). A letter has been sent to the MD Dept. of Natural Resources Wildlife and Heritage Division for confirmation (Attachment 1). Outside of the southwest corner of the site, steep slopes over 15% are located on the property.

The forested nontidal wetland and its 25-foot buffer are considered to be a habitat protection area. It is associated with runoff from the adjacent lots draining to the subject lot, a County drainageway and a highwater table adjacent to the tidally influenced Magothy River. At this time, it has not been reviewed or approved in the field by the MD Department of the Environment. It is classified by the Cowardin Classification System as a Palustrine Forested Wetland with Broad-leaved Deciduous trees and a seasonally saturated water regime (PFO1A).

The property is not waterfront however, the 100-foot buffer to tidal waters, also considered to be a habitat protection area, extends west from the Magothy River and encumbers the majority of the site. This buffer is indicated on the attached Grading and Sediment Control Plan prepared by Boyd and Dowgiallo, P.A. (Fig. 7) site plan. The 100-year floodplain is not located on this property. The review did not identify any historic waterfowl staging areas or colonial water bird nesting sites on the property.

The U.S. Fish and Wildlife Service National Wetland Inventory (NWI) map does not indicate the field verified Palustrine forested nontidal wetland on the subject property (Fig. 8). The Maryland MERLIN (Fig. 9) and Anne Arundel County websites also do not indicate a nontidal wetland on the site. The limits of the onsite nontidal wetland and associated buffer do not extend beyond the 100-foot tidal wetland buffer.

Soils:

One soil type, Collington, Wist and Westphalia soils (CSE) found on slopes of 15-25%, exists on the site per the U.S. Department of Agriculture (Fig. 10). It is a well-drained, sandy clay loam found on knolls and slopes. It is not considered to be a hydric soil.

Proposed Use:

The property owner is proposing to construct a single-family home on the existing, vacant residential lot as identified on the attached Grading and Sediment Control Plan. Construction of the home will be in conformance with the requirements of Anne Arundel County. Currently there is no impervious lot coverage on the site. Upon construction of the single-family home, there would be 2,778 square feet of impervious lot coverage on site (7.5%) of which 2,778 square feet will be inside the 100-foot buffer. In order to accommodate the proposed home, forest clearing will total 7,815 square feet (21%).

Stormwater management will be in compliance with the AACO Stormwater Management Practices and Procedures Manual updated 10-1-2017 and will utilize Environmental Site Design (ESD) to the Maximum Extent Possible (MEP).

Minimization of Impacts:

The proposed structure is being located in the southwest corner of the site, as far as it can reasonably be placed from the boundary of the tidal wetland/Magothy River. The size of the structure is minimal at approximately 1,800 square feet and the 18-foot wide driveway is made up of permeable pavers and leads directly to an attached garage. Combined impervious lot coverage of 2,778 square feet is 7.5% of the site which is below the 15% /5,553 square feet total allowed by the County. Forest clearing totals 7,815 square feet for the project and is limited to the house and the area surrounding the house including a small stockpile during construction.

Conclusions:

The subject property is one of the last lots to be developed in the existing Buckingham Estates subdivision which is currently served by public water and sewer.

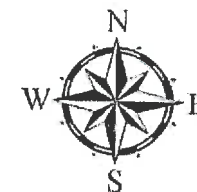
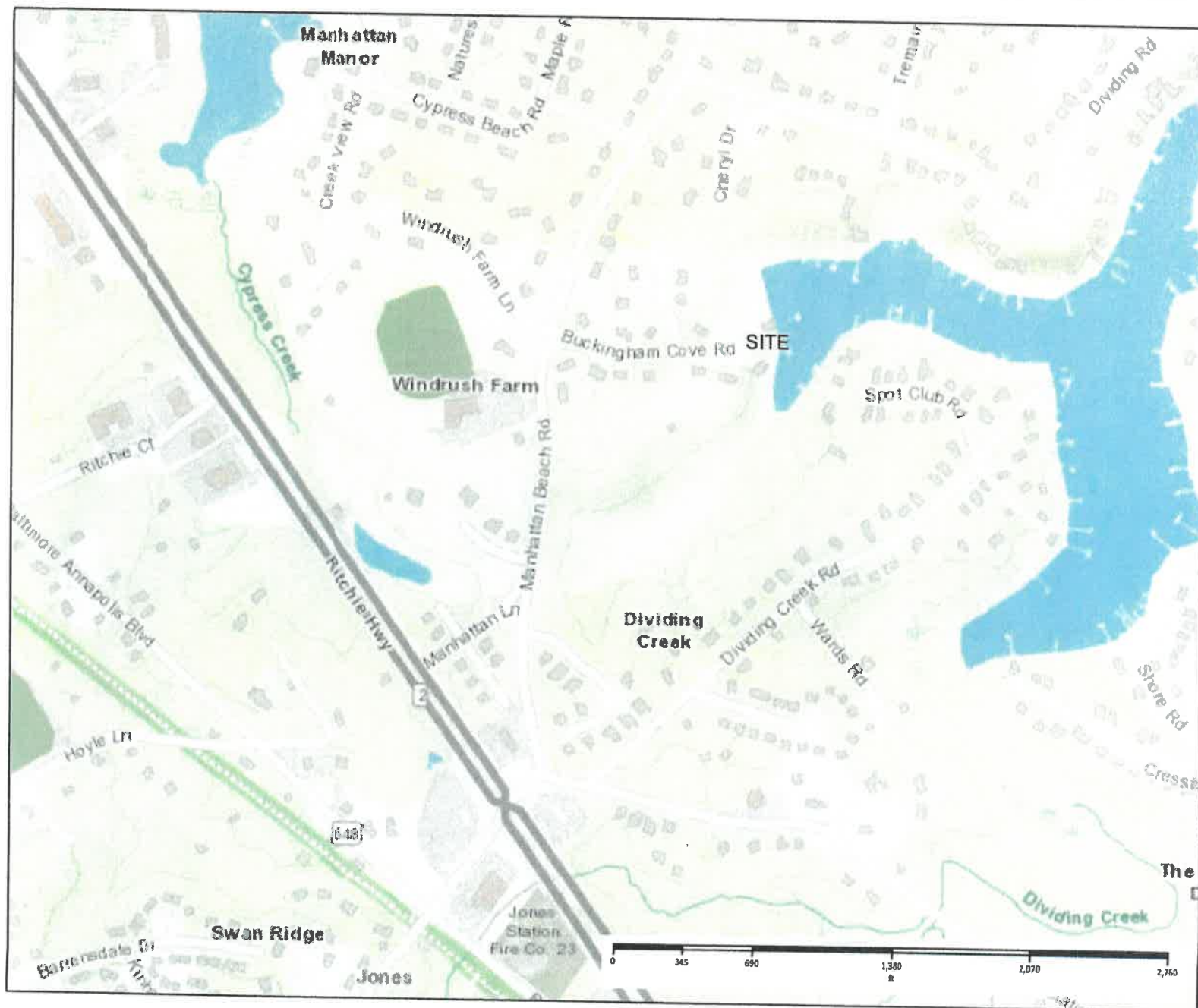
Based upon the field review it was determined the no significant or endangered vegetation exists on the property. Unavoidable steep slopes exist on the site, and it is potentially considered to be FIDs habitat. Other than the identified forested nontidal wetland and associated 25-foot buffer, steep slopes over 15%, and the 100-foot buffer to the tidally connected drainageway, no other habitat protection areas were found to exist. Upland, well-drained soils are mapped across the extent of the property.

Proposed impervious lot coverage and associated forest clearing will be below the County standards.

List of Figures

- Fig. 1 – Vicinity Map
- Fig. 2 - AACO Zoning Map
- Fig. 3 – Critical Areas Map
- Fig. 4 – Topography Map
- Fig. 5 - Aerial Photo
- Fig. 6 – MD MERLIN Habitat Protection Areas
- Fig. 7 – Grading and Sediment Control Plan (Sheet 3 of 3) by Boyd & Dowgiallo, P.A.
- Fig. 8 - USFWS – NWI Map
- Fig. 9 – MD MERLIN Wetland Map
- Fig. 10 – USDA Soil Survey

Attachment A – DNR Wildlife and Heritage Rare, Threatened and Endangered Species Request
Attachment B – Grading and Sediment Control Plans (Full Set) by Boyd & Dowgiallo, P.A.



Features

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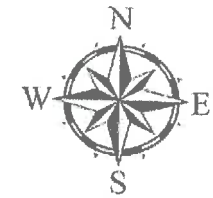
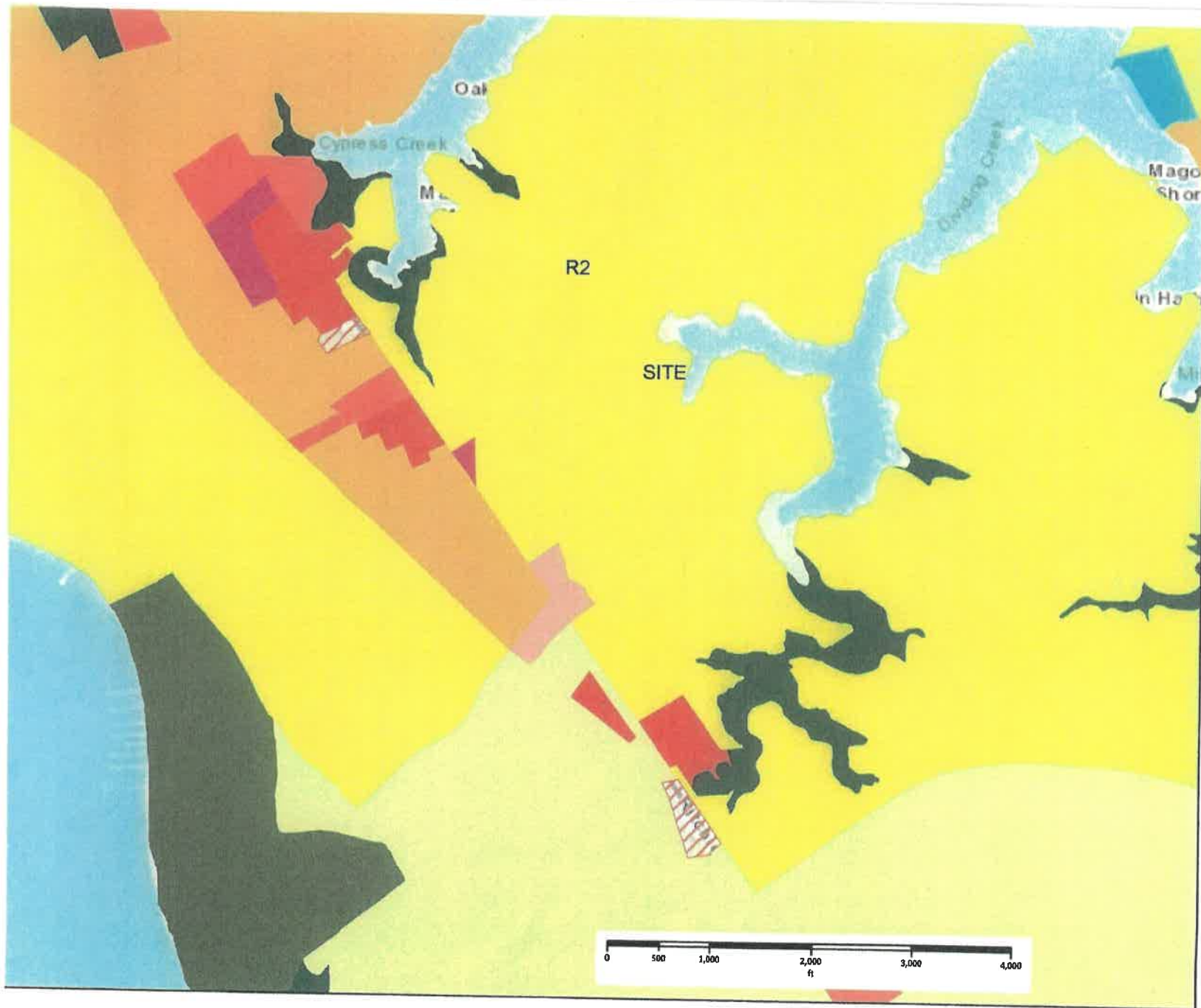
Fig. 1

Vicinity Map-858 Buckingham Cove Rd

Date: 4/7/2024

Time: 10:52 AM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



Features

Zoning

- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway
- City of Annapolis
- MA1 Community Marina
- MA1-B Neighborhood Marina
- MA2 Light Commercial Marina
- MA3 Yacht Club
- MB General Commercial Marina
- MC Heavy Commercial Marina
- MXD-C Mixed Use Commercial
- MXD-E Mixed Use Employment
- MXD-R Mixed Use Residential
- MXD-T Mixed Use Transit
- OS Open Space
- OTC-C Odenton Town Center Core
- OTC-E Odenton Town Center East Odenton Village Mix
- OTC-FM Odenton Town Center Fort Meade Business Mix
- OTC-H Odenton Town Center Historic
- OTC-I Odenton Town Center Industrial
- OTC-T Odenton Town Center Historic
- R1 Residential
- R10 Residential
- R15 Residential
- R2 Residential
- R22 Residential
- R5 Residential
- RA Rural Agricultural
- RLD Residential Low Density
- SB Small Business District
- TC Town Center
- W1 Industrial Park
- W2 Industrial - Light
- W3 Industrial - Heavy
- Water

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You release the County, its agents, servants, and employees, from any and all liability related to the material or any of it, including its accuracy, availability, use, and misuse. In no event shall the County be liable for any direct, indirect, incidental, consequential, or other damages, including savings, profits, fees, costs, loss of data, or business interruption, related in any way to the material or any of it, including its accuracy, availability, use, and misuse.

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Fig. 2

Zoning Map-858 Buckingham Cove Rd

Date: 4/7/2024

Time: 10:54 AM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

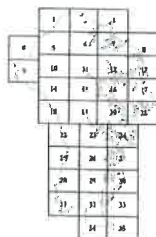
Anne Arundel County Critical Area Map

Legend

- Road Edge
- Building FootPrint
- Water

Critical Areas

- RCA - Resource Conservation Area
- LDA - Limited Development Area
- IDA - Intensely Developed Area



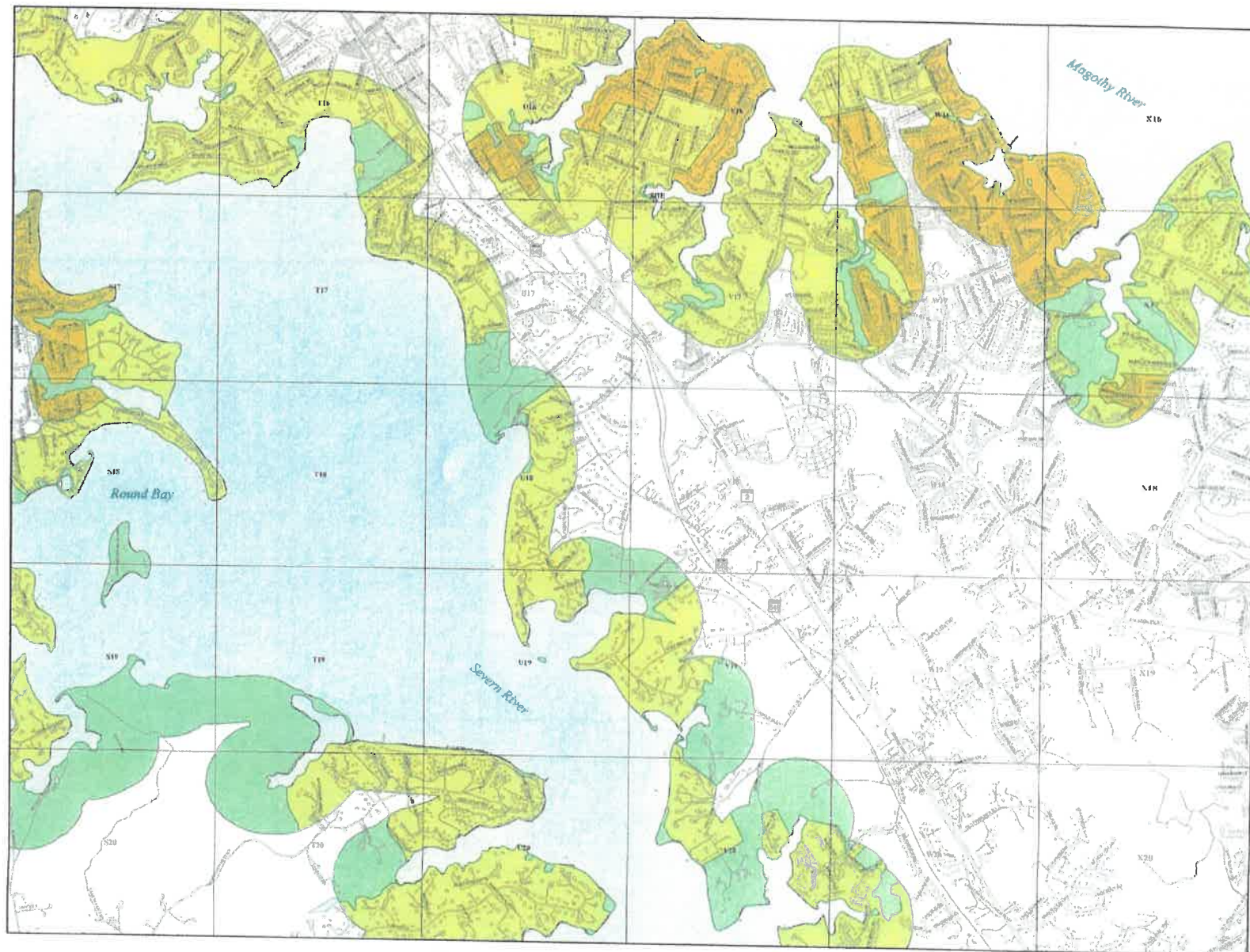
Sheet No. 16

0 495 990 1485 1980 2475 2970 3465 Feet

Map Scale: 1" = 1000'



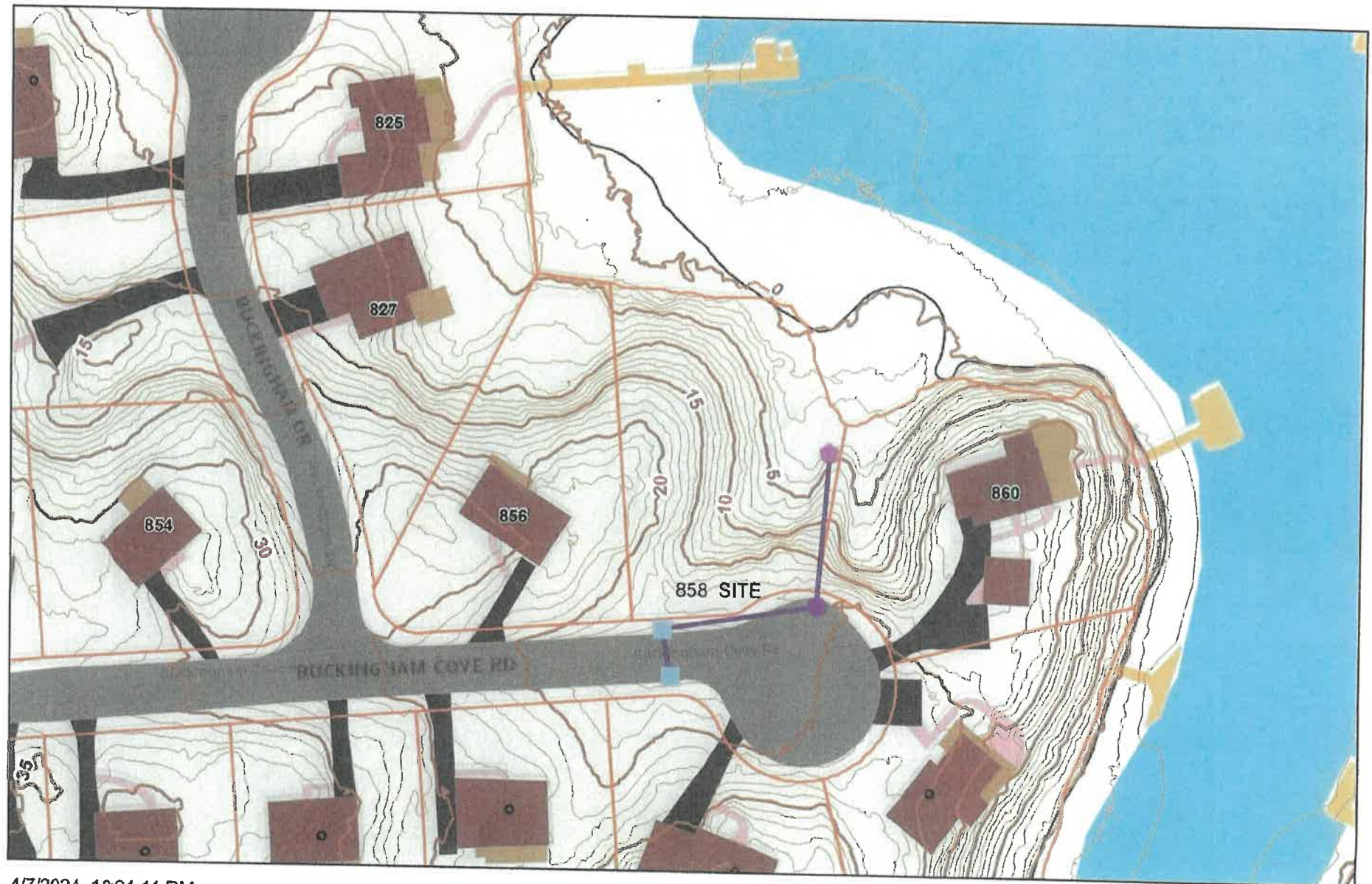
Date: January 23, 2007
File: J:\Shared\ENR\ODCH Map Documents\Public\Aerial Area Map\PublicAreaMap.mxd
Map Production: Office of Environmental and Cultural Resources
Copyright 2007
2004 Proclamation declared these 2000 aerial photographs to be the official aerial photograph of Anne Arundel County, Maryland.
*Digital datasets available to USGS through the Office of Research and Learning.



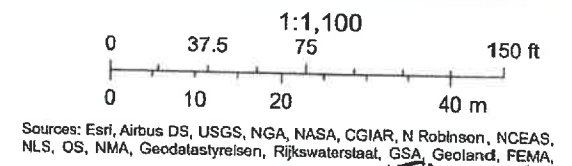
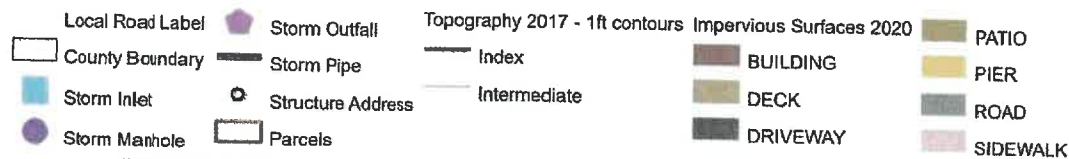
Critical Area Map - 858 Buckingham Cove Rd

Fig. 3

Topo Map - 858 Buckingham Cove Rd



4/7/2024, 12:24:11 PM



THE COUNTY MAKES NO AND DISCLAIMS ALL EXPRESS AND IMPLIED WARRANTIES RELATING TO THE MATERIAL, INCLUDING WARRANTIES OF MERCHANTABILITY, INTEGRATION, TITLE, AND FITNESS FOR A PARTICULAR PURPOSE.

Fig. 4

Aerial Photo - 858 Buckingham Cove Rd



4/7/2024, 11:00:48 AM

Local Road Label

County Boundary

Orthophoto 2023

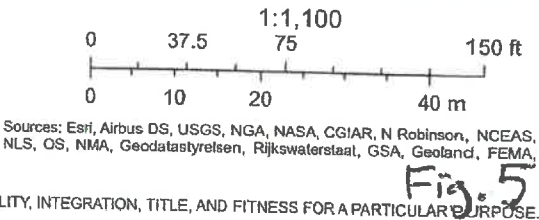
Red: Red

Green: Green

Blue: Blue

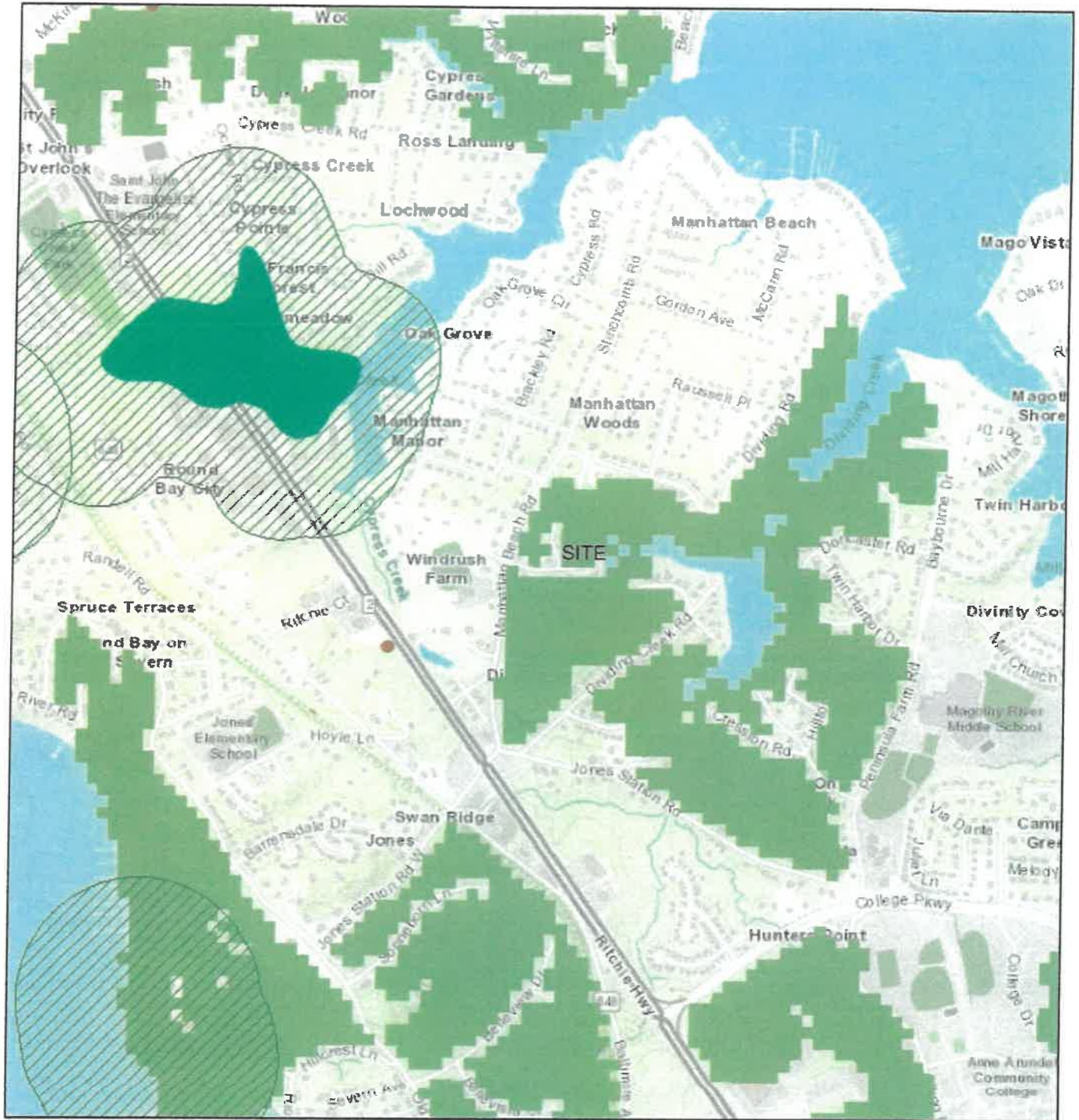
Structure Address

Parcels



THE COUNTY MAKES NO AND DISCLAIMS ALL EXPRESS AND IMPLIED WARRANTIES RELATING TO THE MATERIAL, INCLUDING WARRANTIES OF MERCHANTABILITY, INTEGRATION, TITLE, AND FITNESS FOR A PARTICULAR PURPOSE.

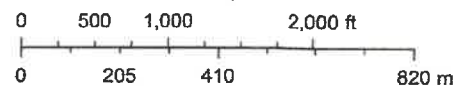
MERLIN Habitat Protection Map 858 Buckingham Cove



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1:18,959

- | | | |
|--|---------------------------------------|---------------------------------|
| State Boundary Mask | Coastal Bays Horseshoe Crab Habitat | Chesapeake Bay Terrapin Habitat |
| Forest Interior Dwelling Species | Chesapeake Bay Horseshoe Crab Habitat | beach |
| Coastal Bays Shorebirds | beach | cross connector |
| Natural Heritage Areas | structure | cross connector / vegetated |
| Waterfowl Areas | vegetated | structure |
| Sensitive Species Project Review Areas | waters edge | vegetated |
| MD Amphibian and Reptile Atlas Grid | Coastal Bays Terrapin Habitat | waters edge |
| | | Fish Blockage Locations |



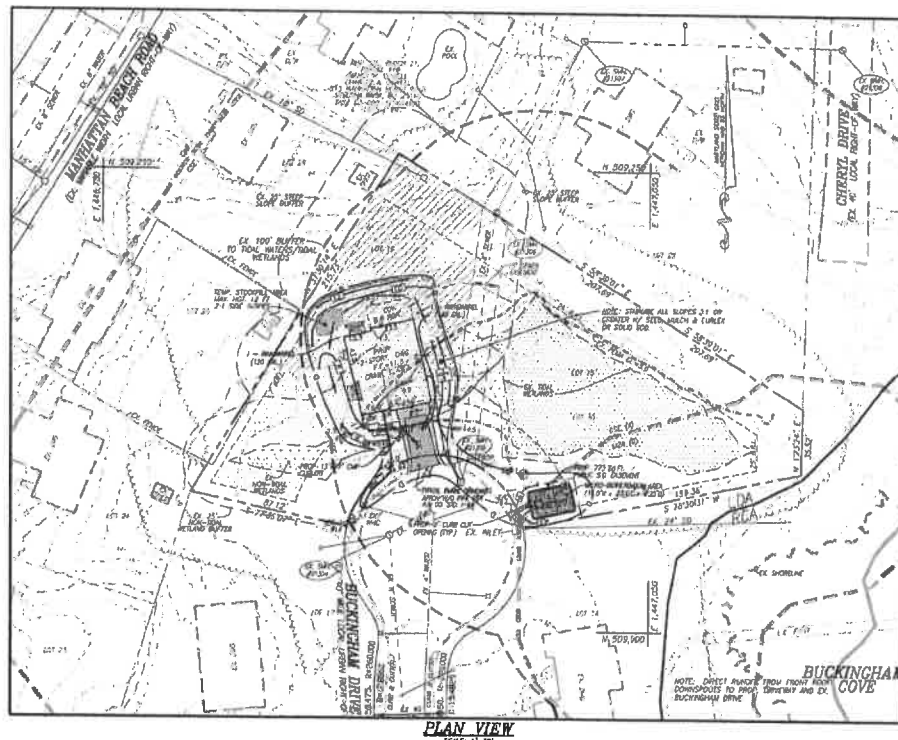
County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, MET/NASA, EPA, USDA, MD IMAP, DNR, MD IMAP, ESRI

Fig. 6

SITE ANALYSIS	
Area	32
Area Use Classification	100%
Soil Site Area	17.123 Sq Ft ± (2.53 Ac ±)
Initial Area	15.019 Sq Ft ± (2.15 Ac ±)
Top Unexcavated Area	15.019 Sq Ft ± (2.15 Ac ±)
Available Area	14.814 Sq Ft ±
Excavated Soil Volume	720' Collation, 50d, and Respiromic, 15 to 25 percent increase (Page 4)
Design Lot Coverage	5.514%
Design Lot Coverage	2.998 Sq Ft / 17.553 Sq Ft, 20d ±, 3d ±, 5d ±, 118.17 ft ± 2.998 Sq Ft ± 3d ±, 2.998 Sq Ft ± 3d ±, 5d ±, 5d ±, 5d ±, 5d ± 2.998 Sq Ft ± 3d ±, 2.998 Sq Ft ± 3d ±, 5d ±, 5d ±, 5d ±, 5d ±
Design Quantities	100' to 100' ±, 100' ±

CRITICAL AREA TABULATION*	
zoning	R2
Critical Area Classification	LOA
Field Site Area	37,023 Sq.Ft.
Total Wetlands Area	6,776 Sq.Ft.
Non-Field Wetlands Area	3,435 Sq.Ft.
Net Site Area	26,810 Sq.Ft.
Net Critical Area	37,023 Sq.Ft.
Endorse Forest (Within C.A.)	37,023 Sq.Ft.
Wetland Clearing Allowed (Within C.A.)	7,405 Sq.Ft. (30% Wet Variance); 11,167 Sq.Ft. (30% Wet Variance)
Proposed Forest Clearing (Within C.A.)	7,815 Sq.Ft.
Reforestation Requirement (Prop. Clearing + 1.0)	7,815 Sq.Ft.
New Lot Coverage within 100' Buffer	2,778 Sq.Ft.
Permanent Buffer Distances @ 3:1	2,778 x 3 = 8,331 Sq.Ft.
Temporary Distances @ 1:1	4,614 x 1 = 4,614 Sq.Ft.
Total Buffer Mitigation Required	8,331 + 4,614 = 12,945 Sq.Ft.
Total Reforestation/Mitigation	7,815 Sq.Ft. + 12,945 Sq.Ft. = 20,763 Sq.Ft.
Reforestation Provider On-Site	2,100 Sq.Ft.
Mitigation Remaining	22,763 Sq.Ft. - 2,100 Sq.Ft. = 18,663 Sq.Ft.
Alternative Mitigation	N/A
Existing Lot Coverage	0 Sq.Ft.
Maintain (at Coverage (Within C.A.)	3,563 Sq.Ft. (15% of acres)
Proposed Lot Coverage (28'-51')	2,778 Sq.Ft. (1,753 Sq.Ft. 086' + 501 Sq.Ft. 62'W + 118 Sq.Ft. Front Porch + 282 Sq.Ft. Rear Porch + 48 Sq.Ft. 52'W + 64 Sq.Ft. Front Walk + 10 Sq.Ft. 22'W)

*disposition remaining will proceed active on off-site planting resources bank or paid by a fee in-kind



VICINITY MAP
SCALE 1"=2000'

LEGEND

[illegible]

ENVIRONMENTAL CONSULTANT

Doug Hubert
Per Mar Environmental Services, LLC
P.O. Box 8809
Annapolis, MD 21401
Phone: (443) 675-7955

[illegible]

DEVELOPER
Builds National Cooperative
Legacy Wares
242 N. Market St.
Frederick, MD 21701
301-334-4471
Email: rvh@nccorp.org or rvh@nationalcooperative.com

Maryland Professional Engineering Firm License No. 47570
BOYD & NONCIALLO, P.A.
 ENGINEERS-SURVEYORS-PLANNERS
 412 Headquarters Drive, Suite 5
 Millersville, Maryland 21108
 (410) 729-1234 (P)
 (410) 729-1243 (F)
 JENAT@BNOPA.COM

POST CRITICAL AREA PLAN

LOT 15 & 16 BUCKINGHAM ESTATES

PLAT BOOK 33 PAGE 45
TAX MAP 32E, BLOCK 21, PARCEL 345
ZONED R2

JOB NO. 26-039
SHEET NO. 1 OF 1
DRAWN BY: LAM
CHECKED BY: JET
DATE AUGUST, 2024
PERMIT ACD2013443

THESE FORTS

ANNE ARUNDEL COUNTY, MD 21146

JOB#20-039

Fig 7



U.S. Fish and Wildlife Service
National Wetlands Inventory

NWI Map - 858 Buckingham Cove Rd



April 7, 2024

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

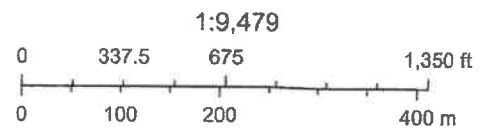
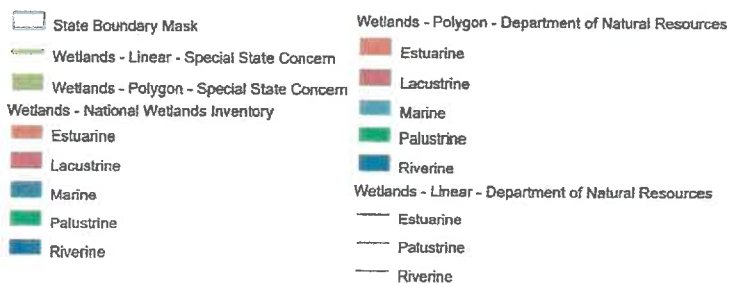
Fig. 8

National Wetlands Inventory (NWI)
This map was produced by the NWI mapper

MERLIN Wetlands Map 858 Buckingham Cove



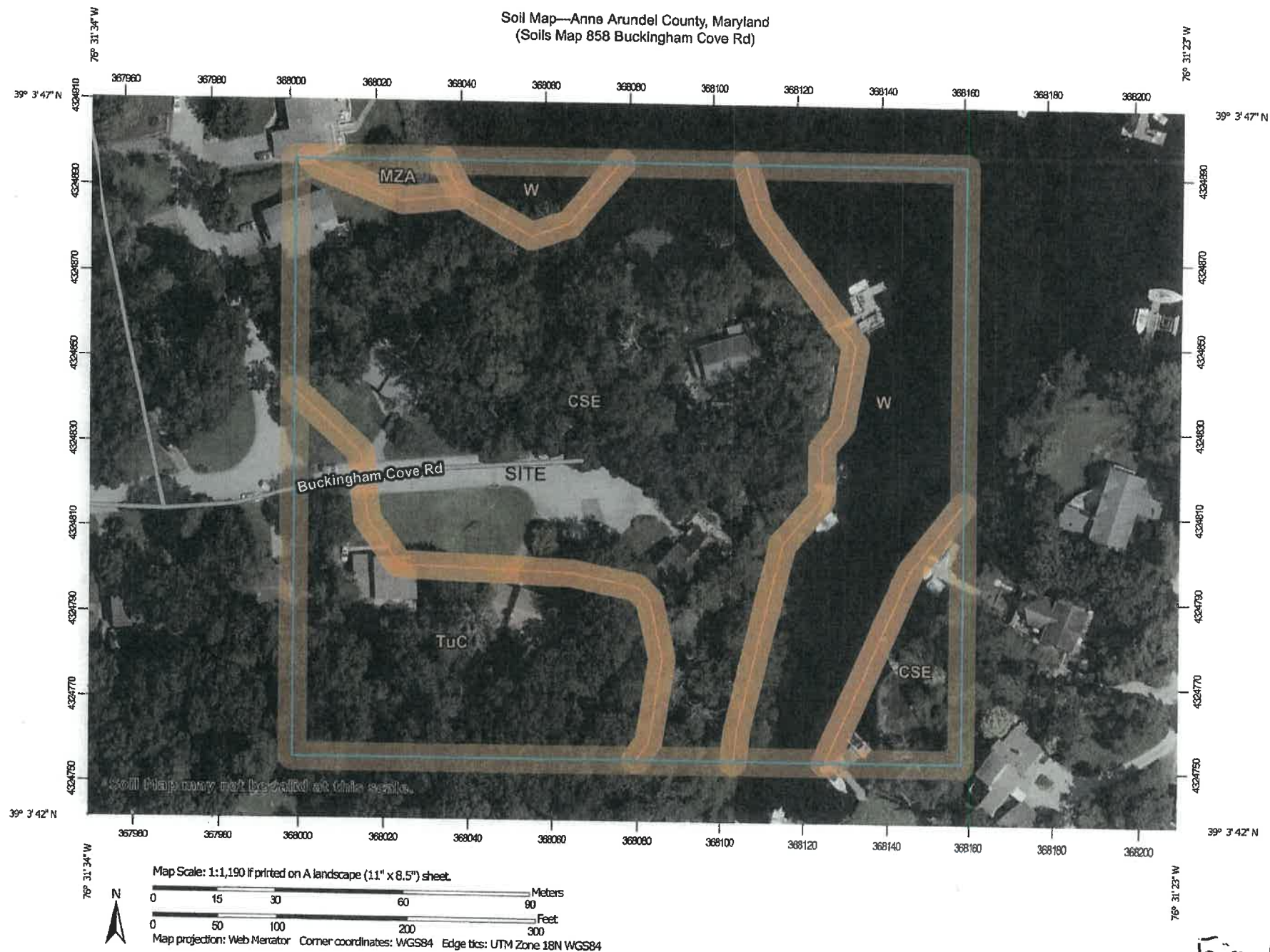
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MD iMAP, DNR, USFW, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, MET/NASA, EPA, USDA, MD iMAP, ESRI

Fig. 9

Soil Map—Anne Arundel County, Maryland
(Soils Map 858 Buckingham Cove Rd)



ATTACHMENT A

DNR Wildlife and Heritage Division
Rare, Threatened and Endangered Species Request Letter

Pen Mar Environmental Services, LLC

100 BOX 0807
Annapolis, MD 21401
443.875.3955

April 10, 2024

Lori Byrne
Environmental Review Specialist
MD DNR Wildlife and Heritage Service
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis, MD 21401

Re: Rare Threatened and Endangered Species
Forest Interior Dwelling Bird Species
Annapolis Realty, LLC Property
823 Buckingham Drive
Severna Park, MD 21146

Description: 16,811 square feet
Tax Map 32E, Grid 21, Parcel 345, Lot 16
Tax ID #3154-9003-5739
Zoning: R2 – Residential
Critical Area: LDA – Limited Development Area

Dear Ms. Byrne,

On behalf of the property owners, I am submitting a request for information regarding the existence any known rare, threatened or endangered plant or wildlife species, that may occur on the subject property as well as forest interior dwelling bird habitat. The property is located at 823 Buckingham Drive in Severna Park, Maryland, in east central Anne Arundel County. For your reference I have included the property tax information, a vicinity map, aerial photo and site plan.

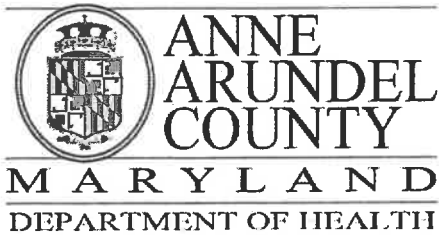
Please review the attached plans and call me at 443.875.3955 or email me at 2dmusser1@gmail.com if you have any questions or need any additional information. I look forward to receiving any information you may have in regard to this request.

Sincerely,

Doug Musser, F.P.O.#11373
Environmental Consultant

Attachments

CC: Jerry T., Boyd & Dowgiallo, P.A., Project Engineer




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: June 6, 2025

RE: R.S. Maisel Builders Inc.
823 Buckingham Drive
Severna Park, MD 21146

NUMBER: 2025-0060-V

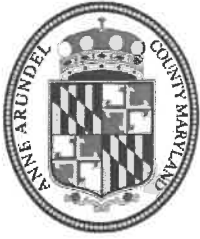
SUBJECT: Variance/Special Exception/Rezoning

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

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

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

cc: Sterling Seay



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0003-P
DATE: 01/13/2025
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)
Habtamu Zeleke (I&P)

APPLICANT/REPRESENTATIVE: Phil Dales

EMAIL: dales @dalesassociates.com

SITE LOCATION: 823 Buckingham Dr

LOT SIZE: 27,254 sf

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

DESCRIPTION:

The applicant proposes to develop this undeveloped lot with a single family dwelling. A variance is required for disturbance of steep slopes, disturbance within the CA buffer, and front yard setbacks.

COMMENTS:

I & P Engineering:

Variance Requested: Variance to disturbance of steep slopes, disturbance within the Chesapeake Bay Critical Area buffer, and front yard setback pursuant to the criteria set forth in §18.16.305 to allow development of a single-family home.

Comments:

1. Stormwater management will be addressed through two rain barrels and micro-bioretenention.
2. Label the LOD boundary as LOD versus D.
3. Please ensure the minimum 10' horizontal clearance from the property lines to the proposed SWM practices is achieved.
4. Two rain barrels are proposed for this project. How is the water re-used and show the area of the dedicated use? For example, if the water is used for irrigation purposes, we need to call out the area on the plan and it should be a dedicated use. The water shall not cause downstream flooding or nuisance flooding to neighboring properties.
5. The proposed rain barrel operation and Maintenance details are typically from the manufacturer and shall be added to the plan. Generic details from the state manual should be evaluated and revised if they do not apply to a particular system.
6. The proposed rain barrel details of the pipes and irrigation (if that is the dedicated use) should be on the plans for the benefit of the inspector and owner.
7. Please review existing vegetation (or lack thereof) within the steep slopes; opportunities to supplement vegetation or replanting buffers with native vegetation should be reviewed and provided to enhance water quality.
8. Provide a qualified professional review of the condition of suitability steep slopes; ensure the proposed improvement including quality and other limits does not adversely impact the intensity of the slope and can cause slope failure.
9. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.

10. Microscale stormwater facility(ies) design should incorporate safe conveyance for overflow discharges from 2, 10, 100-yr 24-hr storm events; plans should show overland relief paths for these storm events and ensure that no structures, or properties are negatively impacted or have water impounded against during these storm events.
11. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.
12. A soil boring is required per practice. The suitability and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted. Describe the site's hydrologic, and topographic characteristics and provide a recommendation on the feasibility of various BMPs.
13. Based on the plan provided, it appears that the property will be served by a public water and sewer system.
14. The stormwater management, utility/Engineering design additional review and comments shall occur at the grading permit stage.
15. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

Critical Area Team:

This site is encumbered by numerous environmental features.

It is located at the bottom of a hill and, based on the wetland features, appears to receive and "hold" runoff from the adjacent area. The property falls within the 100' buffer and expanded buffer.

The setbacks shown on the plan are incorrect and the western property line would be considered a rear property line with a 25' setback.

The 25' buffer to steep slopes is only required from the top of those slopes that meet the definition of a steep slope in the Critical Area.

While it is clear that some relief is required for the development of this site, more can be done to minimize the impacts of the development.

The current layout would bisect the nontidal wetland and result in an isolated pocket of wetland on the western portion of the lot. Rather than creating this isolated pocket the applicant should look at located a home, more linear in design, in this area. This would maximize the distance from the shoreline and result in a portion of the development located outside of the buffer. As outlined in the Code, setback variances should be considered over environmental variances so additional relief could be sought if necessary.

Prior to the variance hearing, it should be determined if SWM requirements can be met and wetland approvals can be granted.

Zoning Administration Section:

Correct the letter of explanation to reflect the correct address of 823 Buckingham Drive.

Correct the site plan to reflect the northwest lot line to be a rear lot line and to correct the setback for the lot line that abuts Cheryl Drive as a front (30' setback). This property has dual frontage.

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.



238 West Street
Annapolis, MD 21401
Telephone (410) 946-1314
www.DalesAssociates.com

VIA ELECTRONIC SUBMISSION

MEMORANDUM

To: Office of Planning and Zoning
From: R.S. Maisel Builders Inc. ("Applicant")
Phil Dales, Dales Associates, Principal
RE: Comment Responses for 2025-0003-P at 823 Buckingham Dr

Dales Associates ("DA") represents R.S. Maisel Builders Inc. (the "*Applicant*") with regard to the above captioned matter. After filing an initial or preliminary variance application, Applicant received the below comments from Office of Planning and Zoning ("OPZ") staff regarding application, 2025-0003-P. Having reviewed those OPZ comments and made revisions to the Application, the Applicant offers the following comment responses with the filing of the Application.

I&P Engineering Comments.

1. Stormwater management will be addressed through two rain barrels and micro-bioretenment.
2. Label the LOD boundary as LOD versus D.
3. Please ensure the minimum 10' horizontal clearance from the property lines to the proposed SWM practices is achieved.

Acknowledged. The labels and the 10' horizontal clearance have been revised on the plan. See Site Plan.

4. Two rain barrels are proposed for this project. How is the water re-used and show the area of the dedicated use? For example, if the water is used for irrigation purposes, we need to call out the area on the plan and it should be a dedicated use. The water shall not cause downstream flooding or nuisance flooding to neighboring properties.
5. The proposed rain barrel operation and Maintenance details are typically from the manufacturer and shall be added to the plan. Generic details from the state manual should be evaluated and revised if they do not apply to a particular system.
6. The proposed rain barrel details of the pipes and irrigation (if that is the dedicated use) should be on the plans for the benefit of the inspector and owner.

Rain barrel and water re-use methods may be further revised and clarified as required by code and design manual regulations prior to the AHO hearing or grading permit issuance.

7. Please review existing vegetation (or lack thereof) within the steep slopes; opportunities to supplement vegetation or replanting buffers with native vegetation should be reviewed and provided to enhance water quality.

Acknowledged. Existing and proposed vegetation information will be provided as required by code prior to the AHO hearing or grading permit issuance.

8. Provide a qualified professional review of the condition of suitability steep slopes; ensure the proposed improvement including quality and other limits does not adversely impact the intensity of the slope and can cause slope failure.

Information regarding slope stability, including a slope stability field assessment and photographs, may be provided as required by code and design manual regulations prior to the AHO hearing or grading permit issuance.

9. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.

Stormwater management has been placed on the Property to avoid steep slopes. To be beneficial for the site and the street, bio-retention area is 322 SF was added to treat stormwater from both the site and the adjacent street. Stormwater location and design may be further revised as required by code and design manual regulations prior to the AHO hearing or grading permit issuance.

10. Microscale stormwater facility(ies) design should incorporate safe conveyance for overflow discharges from 2, 10, 100-yr 24-hr storm events; plans should show overland relief paths for these storm events and ensure that no structures, or properties are negatively impacted or have water impounded against during these storm events.

Acknowledged. The Applicant will ensure there are no negative impacts from the Property and will provide overland relief paths. Stormwater relief paths may be further revised as required by code and design manual regulations prior to the AHO hearing or grading permit issuance.

11. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.

Acknowledged. The Applicant will ensure the integrity of the slope. Further information will be provided as required by code and design manual regulations prior to the AHO hearing or grading permit issuance.

12. A soil boring is required per practice. The suitability and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted. Describe the site's hydrologic, and topographic characteristics and provide a recommendation on the feasibility of various BMPs.

Acknowledged. Stormwater location and design, including soil boring, may be further revised as required by code and design manual regulations prior to the AHO hearing or grading permit issuance.

13. Based on the plan provided, it appears that the property will be served by a public water and sewer system.
14. The stormwater management, utility/Engineering design additional review and comments shall occur at the grading permit stage.
15. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

Acknowledged.

Critical Area Team Comments.

“This site is encumbered by numerous environmental features.

It is located at the bottom of a hill and, based on the wetland features, appears to receive and ‘hold’ runoff from the adjacent area. The property falls within the 100' buffer and expanded buffer.”

The stormwater management has been designed to not only benefit the Property, but to treat stormwater from both the site and the adjacent street to improve water quality from stormwater runoff.

The setbacks shown on the plan are incorrect and the western property line would be considered a rear property line with a 25' setback.

Acknowledged. The setback has been corrected on the site plan. See Site Plan.

“The 25' buffer to steep slopes is only required from the top of those slopes that meet the definition of a steep slope in the Critical Area.”

Acknowledged.

“While it is clear that some relief is required for the development of this site, more can be done to minimize the impacts of the development.

The current layout would bisect the nontidal wetland and result in an isolated pocket of wetland on the western portion of the lot. Rather than creating this isolated pocket the applicant should

look at located a home, more linear in design, in this area. This would maximize the distance from the shoreline and result in a portion of the development located outside of the buffer. As outlined in the Code, setback variances should be considered over environmental variances so additional relief could be sought if necessary.”

The originally requested variance to accommodate that use has been minimized by placement of the house, as well as the design and placement of the site improvements required to support the house. Although the proposed variance, therefore meets the requirements of the Code §18.16.305, the Applicant has additionally reduced the footprint with this submission. Further the Applicant has shifted the house location on the site to further reduce the impacts to the critical area.

“Prior to the variance hearing, it should be determined if SWM requirements can be met and wetland approvals can be granted.”

Stormwater management and design may be further revised as required by code and design manual regulations prior to the AHO hearing or grading permit issuance.

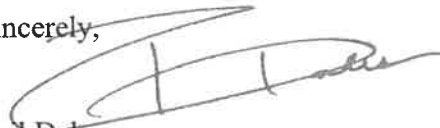
Zoning Administration Section Comments.

Correct the letter of explanation to reflect the correct address of 823 Buckingham Drive.
Correct the site plan to reflect the northwest lot line to be a rear lot line and to correct the setback for the lot line that abuts Cheryl Drive as a front (30’ setback). This property has dual frontage.

The address has been corrected to state 823 Buckingham Drive. The setbacks have been corrected on the site plan. See Site Plan.

If you have any additional questions, do not hesitate to contact me.

Sincerely,



Phil Dales
Dales Associates
238 West Street
Annapolis, Maryland 21401