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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
858 Buckingham Cove Road
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 858 Buckingham Cove Road, Severna Park, MD 21146 (the “*Property*”). The Applicant seeks a variance to disturbance of steep slopes and disturbance within the Chesapeake Bay Critical Area (the “Critical Area”) buffer pursuant to the criteria set fourth in §18.16.305 to allow development of a single-family home.

Property Background

The Property is 16,395 SF undeveloped lot in Severna Park, MD on Map 32E and Parcel 345 with Tax Account Number 03-154- 19185471. *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 on a waterfront lot at the rear of Buckingham Estates, adjacent to Buckingham Cove of the Magothy River. As for its position within the Critical Area, the Property is located partly within the Limited Development Area (“LDA”) and partly within the Resource Conversation Area (“RCA”).

Proposed Modifications

The proposed development is for a single-family detached dwelling on the Property. The proposed dwelling will be approximately 46’ in depth and 39’ in width with a 1,794 SF footprint. The proposed above grade living area will be 3,476 SF, with total structure height of 37’. The proposed total lot coverage is 2,437 SF, which is approximately 50% of the maximum allowable 4,830 SF for the lot pursuant to Code § 17-8-601(c). The Applicant has reduced the footprint approximately 14% from 2,833 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 and the Critical Area buffer. Pursuant to § 17-8-201, a variance is required to allow the disturbance of 3,958 of 15%+ steep slopes within the LDA. Pursuant to § 17-8-301(b), a variance is required to allow the disturbance of 5,806 SF in the critical area buffer. Again, total lot coverage will only be 2,437 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 treatment, the Applicant has provided additional stormwater practices to 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 (“**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(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 3,958 SF of 15%+ steep slopes within the LDA and to allow the disturbance of 5,806 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 5,249 SF of clearing proposed, where 6,534 SF of clearing allowed. The Applicant is also proposing 1,500 SF of reforestation on-site. 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 858 Buckingham Cove Road, 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

Attachment A



Legend

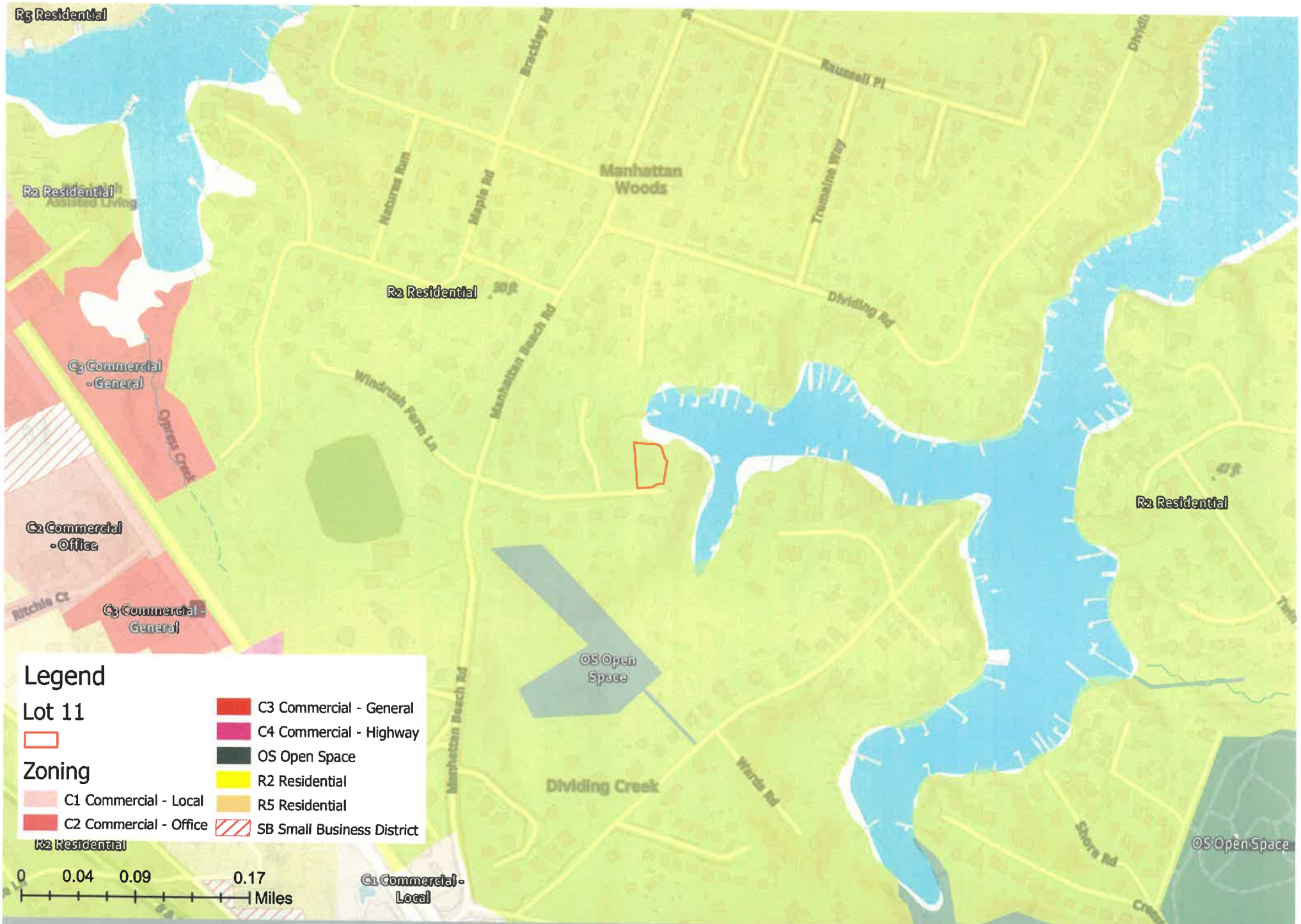
Lot 11



858 Buckingham Cove

Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS.

Attachment B



858 Buckingham Cove

Sources: Esri, Airbus-DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,





Area 3:

- Allow for natural regeneration on riprap slopes. No new plants are needed.
- Prior to any invasive removal, all ISA certified Arborists on Maryland Registered Professional Forestry will visit the site to flag invasive plants to remain (install deer protection for retained plants to protect from browse and herbivory)
- Mechanical removal of invasive plants in early spring.
- Follow-up foliar treatment in early spring and continue treatments for five (5) years or until native plants are established and Adult Arundo/ Elder Program Manager grants approval to end invasive treatment.
- Plant a combination of *Fraxinus* spp. (three (3) gallon native canopy or understory trees) and shrubs. *Spice* canopy trees 14-22" apart. Unshrub trees should be planted 8'-10' away from canopy trees and other understory trees. Large shrubs should be spaced 5'-8' away from trees and other shrubs.

Conclusion

The three areas identified for reforestation have natural regeneration of native plants growing on the steep slopes near the water. Generally, the up slopes of these areas have minimal understorey trees and shrubs and herbaceous-mat-mossy pressure is high. Removal and follow-up treatment for herbaceous-mat will be required and follow-up treatments in the years following must be administered. Natural regeneration is sufficient on slopes but new plantings will be required on the upslope. Deep protection devices must be installed to deter browse and buck rub. This reforestation plan requires approximately 100,000 native plants (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100) (101) (102) (103) (104) (105) (106) (107) (108) (109) (110) (111) (112) (113) (114) (115) (116) (117) (118) (119) (120) (121) (122) (123) (124) (125) (126) (127) (128) (129) (130) (131) (132) (133) (134) (135) (136) (137) (138) (139) (140) (141) (142) (143) (144) (145) (146) (147) (148) (149) (150) (151) (152) (153) (154) (155) (156) (157) (158) (159) (160) (161) (162) (163) (164) (165) (166) (167) (168) (169) (170) (171) (172) (173) (174) (175) (176) (177) (178) (179) (180) (181) (182) (183) (184) (185) (186) (187) (188) (189) (190) (191) (192) (193) (194) (195) (196) (197) (198) (199) (200) (201) (202) (203) (204) (205) (206) (207) (208) (209) (210) (211) (212) (213) (214) (215) (216) (217) (218) (219) (220) (221) (222) (223) (224) (225) (226) (227) (228) (229) (230) (231) (232) (233) (234) (235) (236) (237) (238) (239) (240) (241) (242) (243) (244) (245) (246) (247) (248) (249) (250) (251) (252) (253) (254) (255) (256) (257) (258) (259) (260) (261) (262) (263) (264) (265) (266) (267) (268) (269) (270) (271) (272) (273) (274) (275) (276) (277) (278) (279) (280) (281) (282) (283) (284) (285) (286) (287) (288) (289) (290) (291) (292) (293) (294) (295) (296) (297) (298) (299) (300) (301) (302) (303) (304) (305) (306) (307) (308) (309) (310) (311) (312) (313) (314) (315) (316) (317) (318) (319) (320) (321) (322) (323) (324) (325) (326) (327) (328) (329) (330) (331) (332) (333) (334) (335) (336) (337) (338) (339) (340) (341) (342) (343) (344) (345) (346) (347) (348) (349) (350) (351) (352) (353) (354) (355) (356) (357) (358) (359) (360) (361) (362) (363) (364) (365) (366) (367) (368) (369) (370) (371) (372) (373) (374) (375) (376) (377) (378) (379) (380) (381) (382) (383) (384) (385) (386) (387) (388) (389) (390) (391) (392) (393) (394) (395) (396) (397) (398) (399) (400) (401) (402) (403) (404) (405) (406) (407) (408) (409) (410) (411) (412) (413) (414) (415) (416) (417) (418) (419) (420) (421) (422) (423) (424) (425) (426) (427) (428) (429) (430) (431) (432) (433) (434) (435) (436) (437) (438) (439) (440) (441) (442) (443) (444) (445) (446) (447) (448) (449) (450) (451) (452) (453) (454) (455) (456) (457) (458) (459) (460) (461) (462) (463) (464) (465) (466) (467) (468) (469) (470) (471) (472) (473) (474) (475) (476) (477) (478) (479) (480) (481) (482) (483) (484) (485) (486) (487) (488) (489) (490) (491) (492) (493) (494) (495) (496) (497) (498) (499) (500) (501) (502) (503) (504) (505) (506) (507) (508) (509) (510) (511) (512) (513) (514) (515) (516) (517) (518) (519) (520) (521) (522) (523) (524) (525) (526) (527) (528) (529) (530) (531) (532) (533) (534) (535) (536) (537) (538) (539) (540) (541) (542) (543) (544) (545) (546) (547) (548) (549) (550) (551) (552) (553) (554) (555) (556) (557) (558) (559) (560) (561) (562) (563) (564) (565) (566) (567) (568) (569) (570) (571) (572) (573) (574) (575) (576) (577) (578) (579) (580) (581) (582) (583) (584) (585) (586) (587) (588) (589) (590) (591) (592) (593) (594) (595) (596) (597) (598) (599) (600) (601) (602) (603) (604) (605) (606) (607) (608) (609) (610) (611) (612) (613) (614) (615) (616) (617) (618) (619) (620) (621) (622) (623) (624) (625) (626) (627) (628) (629) (630) (631) (632) (633) (634) (635) (636) (637) (638) (639) (640) (641) (642) (643) (644) (645) (646) (647) (648) (649) (650) (651) (652) (653) (654) (655) (656) (657) (658) (659) (660) (661) (662) (663) (664) (665) (666) (667) (668) (669) (670) (671) (672) (673) (674) (675) (676) (677) (678) (679) (680) (681) (682) (683) (684) (685) (686) (687) (688) (689) (690) (691) (692) (693) (694) (695) (696) (697) (698) (699) (700) (701) (702) (703) (704) (705) (706) (707) (708) (709) (710) (711) (712) (713) (714) (715) (716) (717) (718) (719) (720) (721) (722) (723) (724) (725) (726) (727) (728) (729) (730) (731) (732) (733) (734) (735) (736) (737) (738) (739) (740) (741) (742) (743) (744) (745) (746) (747) (748) (749) (750) (751) (752) (753) (754) (755) (756) (757) (758) (759) (760) (761) (762) (763) (764) (765) (766) (767) (768) (769) (770) (771) (772) (773) (774) (775) (776) (777) (778) (779) (780) (781) (782) (783) (784) (785) (786) (787) (788) (789) (790) (791) (792) (793) (794) (795) (796) (797) (798) (799) (800) (801) (802) (803) (804) (805) (806) (807) (808) (809) (810) (811) (812) (813) (814) (815) (816) (817

<u>CODR</u>	<u>SYMBOL</u>	<u>QTY</u>	<u>BOTANIC/COMMON NAME</u>	<u>CONDITION</u>	<u>SPACING</u>	<u>SIZE</u>
-------------	---------------	------------	----------------------------	------------------	----------------	-------------

*CC		3	CERCE CHAMBERSE/ EUSTINE RED BIRD	B & B	20' Q/C	1-3' D
*MP		2	MANOLA WINGHAM/ DISTERY ANGLER	B & B	20' Q/C	1-3' D
*LG		3	LIDY CLARK/ FREEDY	B & B	AS SHOWN	2-3' SH
*RC		6	WOODCHRON CHAMBERSE/ SWEET ASHLE	B & B	AS SHOWN	2-3' SH

All native plant species of comparable size may be substituted in place of the species listed above, provided they are listed per approved planting plan. All substitutions must be approved by the Kern County Forestry Division.

Critical Area Classification	LDI
Area	12,803 Sq.Ft.
Existing Coverage within LDI	0 Sq.Ft.
Medium Coverage in LDI	4,001 Sq.Ft.
Proposed Coverage in LDI	2,437 Sq.Ft.

Drifted Area Classification	RCA
Area	2,653 Sq.Ft.
Existing Coverage within LDA	0 Sq.Ft.
Proposed Coverage in RCA	0 Sq.Ft.

Yering






































Cricket Area Classification	120/20%
Design Site Area	14,350 Sq Ft/L
100% Wetlands Area	560 Sq Ft/L
Min. Site Area	13,430 Sq Ft/L
Non-Covered Area	10,650 Sq Ft/L
Existing Wetland Wetlands (Wetlands CA)	16,400 Sq Ft/L
Wetland Coverage Above (Wetlands CA)	Min. necessary to accommodate house, driveway, etc...
Proposed Wetland Wetlands Coverage (Wetlands CA)	8,240 Sq Ft/L
Restoration Required (Prop. Coverage = 1.0)	5,740 Sq Ft/L
Existing Lot Coverage	0 Sq Ft
Minimum Lot Coverage (Wetlands CA)	2,430 Sq Ft. (Existing lot wetlands area)
Proposed Lot Coverage (Wetlands CA)	4,430 Sq Ft. (1,730 Sq Ft. Drive + 560 Sq Ft. W/L + 500 Sq Ft. Front Porch + 44 Sq Ft. S/W)
New Lot Coverage within 100' Buffer	2,423 Sq Ft/L
Permanent Buffer Disturbance 0.31	2,423 Sq Ft. x 3 = 7,269 Sq Ft.
Temporary Buffer Disturbance 0.11	3,137 Sq Ft. x 1 = 3,137 Sq Ft.
Total Buffer Wetland Required	5,240 Sq Ft. + 3,137 Sq Ft. = 14,600 Sq Ft.
Total Wetland/Wetland	9,290 Sq Ft/L + 16,400 Sq Ft. = 14,630 Sq Ft.
Restoration Provided On-Site	1,300 Sq Ft.
Wetland Remaining	15,650 Sq Ft. - 1,300 Sq Ft. = 14,150 Sq Ft.
Wetland Remaining	Wetland Remaining
Wetland Remaining will be provided within an off-site wetland area	Wetland Remaining will be provided within an off-site wetland area



VICINITY MAP

SCALE: 1"=2000'

LEGEND

- 
Cutting Curb

Cutting Ditch

Cutting Wire Fence

Cutting Wind Fence

Limit of Ex. Development Windward*

Cutting Shoulder

Cutting Barrier Line

Cutting Streambed

Cutting Streambank

Cutting Sewer Line

Cutting Sewer Channel

Cutting Telephone Line

Cutting Utility Pole

Cutting Dog Wire

Cutting Water Line

Cutting Water Meter

Cutting Fire Hydrant

Cutting Zoning Line

Cutting Street Line

Cutback Area Line

Proposed Center

Proposed State SR Line

Proposed Federal HWY Line

Proposed Limit of Disturbance

British Area

Proposed SDE (158')

Steep Slopes (158')

Tidal Flood Exc. Line

Ex. Tidal Wetlands Buffer

Ex. Tidal Wetlands

Ex. 100' Buffer to Tidal Wetlands

Ex. Tidal Wetlands Line

Limit of Steep Slopes

50' Buffer to Top of Steep Slopes

Proposed Reforestation

Proposed Tree Protective Fence

Proposed Tree Protective Zone

SETBACKS
(ZONED R2)

* Side yards must have at least 20' on starting right-of-way.

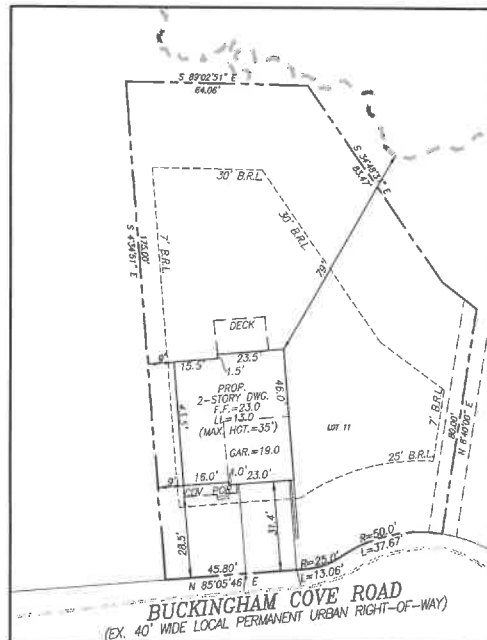
VARIANCE NOTES:

1. In accordance with Article 17, Section 6-201 (a) of the Arroyo Avendato County Code, a variance is required to allow the disturbance of 3,854 Sq.Ft. of 15% or less steep slopes within a Limited Development Area on Lot 11.

2. In accordance with Article 17, Section 6-201 (b) of the Arroyo Avendato County Code, and COMAG 2018 27 a variance is required to allow the disturbance of 5,008 Sq.Ft. of Critical Area Buffer.

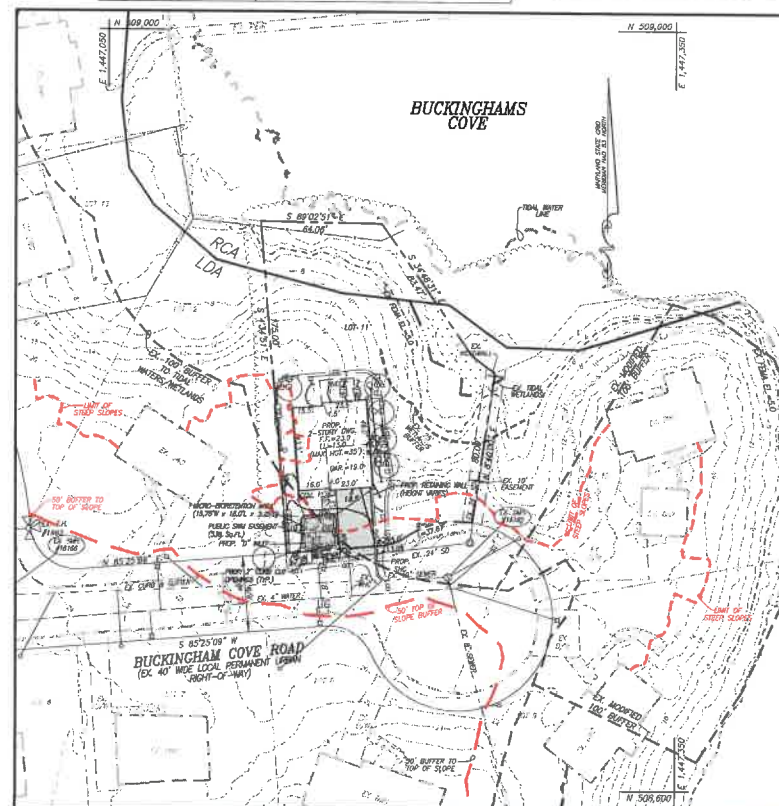
STORMWATER MANAGEMENT SUMMARY TABLE

ANNUAL DISCHARGE VOLUME	STATUS	VOLUME REQUIRED (MGAL-DAY)	SWP Practice	NOTES
ESD Volume	(130)	225	M-5	Provided through a maintenance record-inspection sheet.
Recharge Volume	(160)	114	M-5	Provided through a maintenance record-inspection sheet.
Optional Protection Storage Volume	(270)	N/A	M-7	Planned through the use of environmental site design practices that will require storage of water in the tank to be used to release M-21, M-20, M-22, and return the site back to a normal, non-contaminated state of use in good condition.
Overhead Flood Protection	(240)	N/A	N/A	Not required since the all discharge directly to the west side of Building 2.
Extreme Flood Protection	(30)	N/A	N/A	Not required since the all discharge directly to the west side of Building 2.



SETBACK SCHEMATIC

SCALE: 1"=20'



BUFFER ESTABLISHMENT MAP

SCALE: 1"=300'

[illegible]

DEVELOPER
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Frederick, MD 21701
301-524-4471
Email: mikemuren@buildersnationalcooperative.com

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 (410) 729-1234 (P)
 (410) 729-1243 (F)
 JETRY1@GNDPA.COM



VARIANCE/GRADING AND SEDIMENT CONTROL PLAN

LOT 11 BUCKINGHAM ESTATES

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

JOB NO. 20-039
SHEET NO. 1 OF 1
DRAWN BY: LAK
CHECKED BY: JET
DATE: APRIL, 2025
PROJECT: 1000000-00

THIRD DISTRICT

MINN. ARDEN/ COUNTY, ID. 21116

11/04/11 10:59Z LOTS 2/2013 2104/23-0301012/20-03-5411-107-11 2-12-2013
//MSA:CF-PLA:12-13-24

JOB#20-039

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
32E	345	21	11	

Tax ID: 03-154-1A185471

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) Lot 11, Buckingham Estates

Project location/Address 858 Buckingham Cove Road

City Severna Park Zip 21146

Local case number G02019426, VARIANCE # 2025-0061 - ✓

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 Krinetz 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 ☐
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	0	0
LDA Area	0.29	12,802
RCA Area	0.06	2,653
Total Area	0.35	15,455

Total Disturbed Area

Acres	Sq Ft
0.13	5,806

of Lots Created 1

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.35	15,455	Existing Lot Coverage		0
Created Forest/Woodland/Trees	0.03	1,500 *	New Lot Coverage	0.06	2,438
Removed Forest/Woodland/Trees	0.12	5,249	Removed Lot Coverage		0
			Total Lot Coverage	0.06	2,438

* Excludes Mitigation Remaining

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.13	5,806	Buffer Forest Clearing	0.12	5,249
Non-Buffer Disturbance	0	0	Mitigation	0.24	10,406

Variance Type

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

Critical Area Buffer

Structure

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

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: 858 Buckingham Cove Road
Severna Park, MD 21146
CURRENT OWNER: RS Maisel Builders, Inc.
919 Berwick Drive
Annapolis, MD 21403
DESCRIPTION: 0.38 Acre (16,395 sq. ft.)
Tax Map 32E, Grid 21, Parcel 345
Tax ID #3154-1918-5471
ZONING: R2 – Residential
CRITICAL AREA: LDA/RCA – Limited Development Area/Resource Conservation Area
PREPARED FOR: Annapolis Realty, LLC c/o Tim Hogan
DATE: April 9, 2024

Introduction and Site Description:

This Chesapeake Bay Critical Area Report is being prepared to meet Anne Arundel County standards for development in the Chesapeake Bay Critical Area. The 16,395 sq. ft. (0.38 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 16,395 square feet. The majority of the site (84%) has been designated as a Limited Development Area (LDA) while a small portion (16%) along the tidal Magothy River is mapped as Resource Conservation Area (RCA) within the Chesapeake Bay Critical Area (Fig. 3).

The property is located along the north side of Buckingham Cove Road, near the end of a developed cul-de-sac. It is bordered on the west and east by developed residential property within the subdivision. A County maintained storm drain runs along the east boundary and outfalls into the Magothy River which makes up the subject property's north boundary. The subject property generally slopes to the northeast, draining to the north towards the Magothy River. Onsite topographic elevations range from 1' above sea level (a.b.s.) along the Magothy River to the north and rising up to 24' a.b.s. along the west property line (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). Of the 16,395 square-foot parcel, a small area approximately 1,000 square feet (6%) along the Magothy River is considered to be nontidal wetlands and exhibits a dominance of bottomland hardwoods. The 15,395 square feet (94%) of upland area shows no visual signs of inundation or other hydrologic indicators. Vegetation in the upland includes yellow poplar (Liriodendron tulipifera), chestnut oak (Quercus prinoides), American holly (Illex opaca), black gum (Nyssa sylvatica), choke cherry (Prunus virginiana), mountain laurel (Kalmia latifolia), American euonymus (Euonymus americanus) and English ivy (Hedera helix).

The forested nontidal wetland is located at the toe of the slope along the Magothy River. It is dominated by red maple (Acer rubrum) and sweetgum (Liquidambar styraciflua) with sweetbay magnolia (Magnolia virginiana), 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 from the subject lot, the 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 waterfront and a 100-foot buffer to tidal waters, also considered to be a habitat protection area, extends south 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. A portion of the 100-year floodplain is located along the north shoreline of this property and is also indicated on the Grading Plan. 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 2,818 square feet of impervious lot coverage on site (17%) of which 2,795 square feet will be inside the 100-foot buffer. In order to accommodate the proposed home, forest clearing will total 5,244 square feet (32%).

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 1,840 square feet and the 18-foot wide driveway leads directly to an attached garage. Combined impervious lot coverage of 2,795 square feet is 17% of the site which is below the 31% /5,123 square feet total allowed by the County. Forest clearing for the project is limited to the house and the area surrounding the house including a small stockpile during constructions and a retaining wall.

Conclusions:

The subject property is one of the last lots to be developed in the existing Buckingham Estates subdivision that 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) by Boyd & Dowgiallo, P.A.

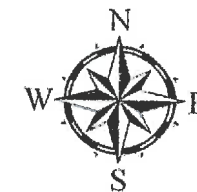
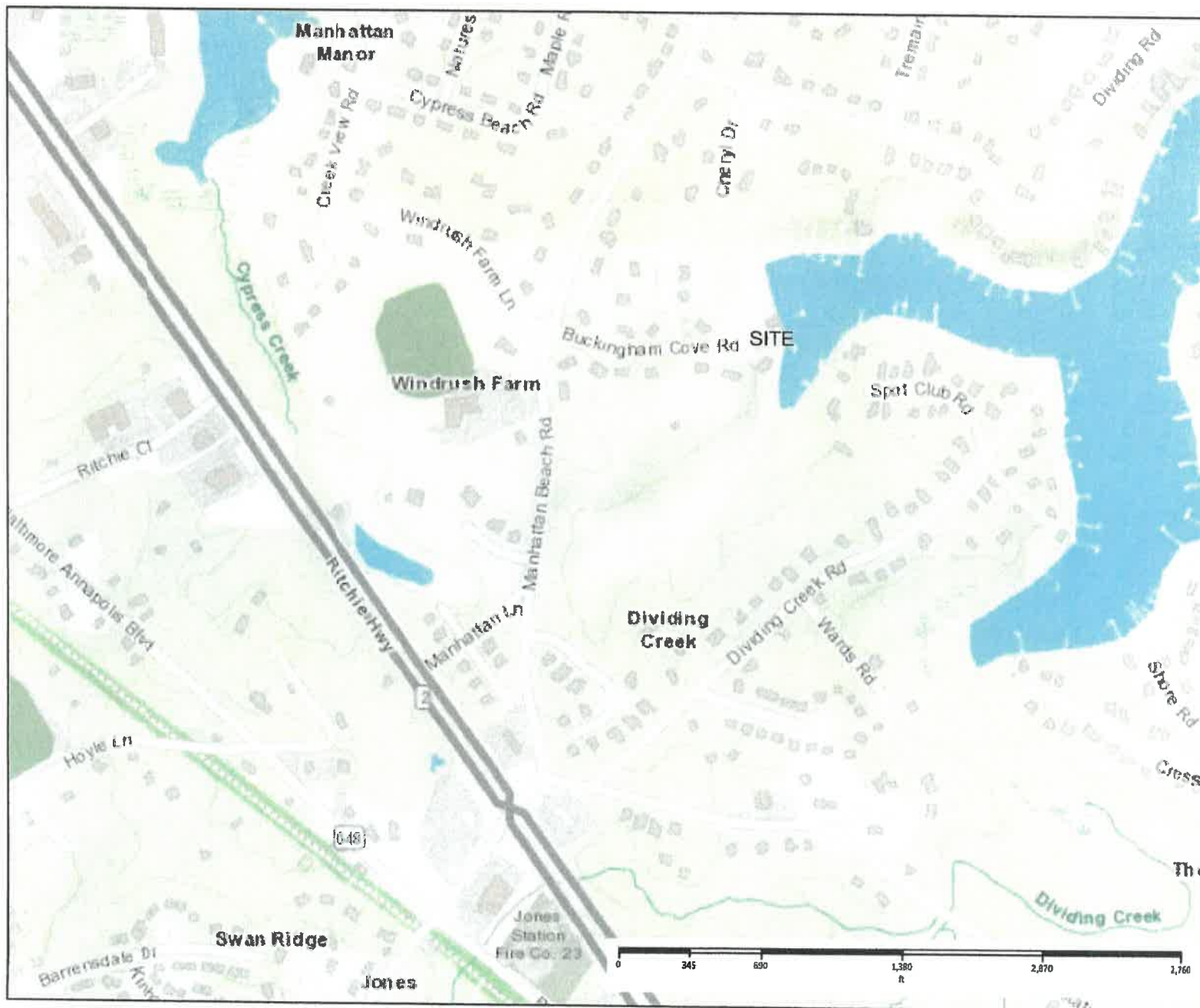
Fig. 8 - USFWS – NWI Map

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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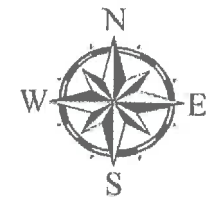
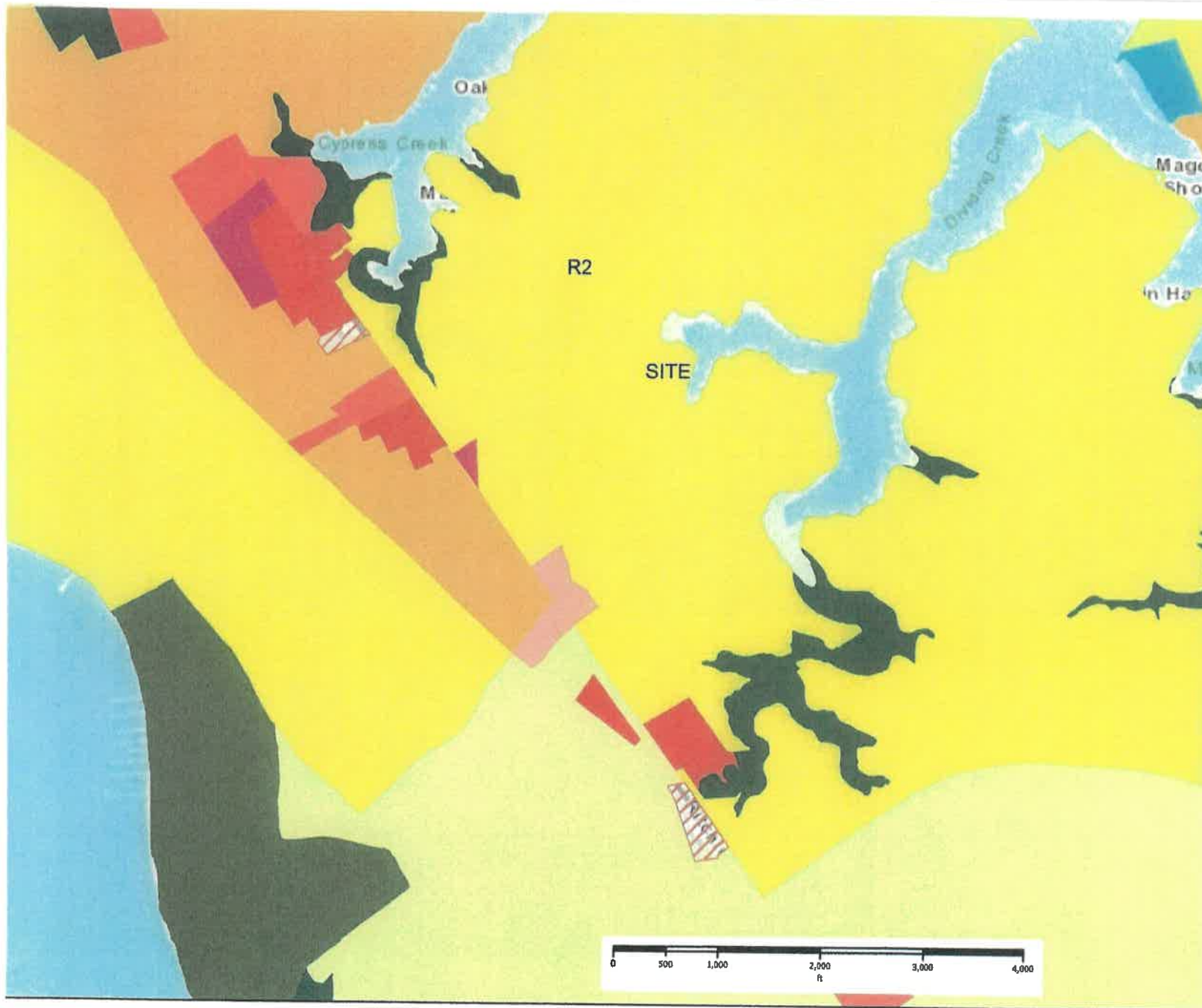
Fig. 1

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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Fig. 2

Zoning Map-858 Buckingham Cove Rd

Date: 4/7/2024

Time: 10:54 AM




Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

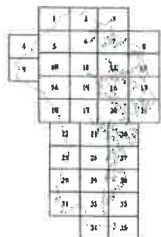
Anne Arundel County Critical Area Map

Legend

-  Road Edge
-  Building Foot Print
-  Water

Critical Areas

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



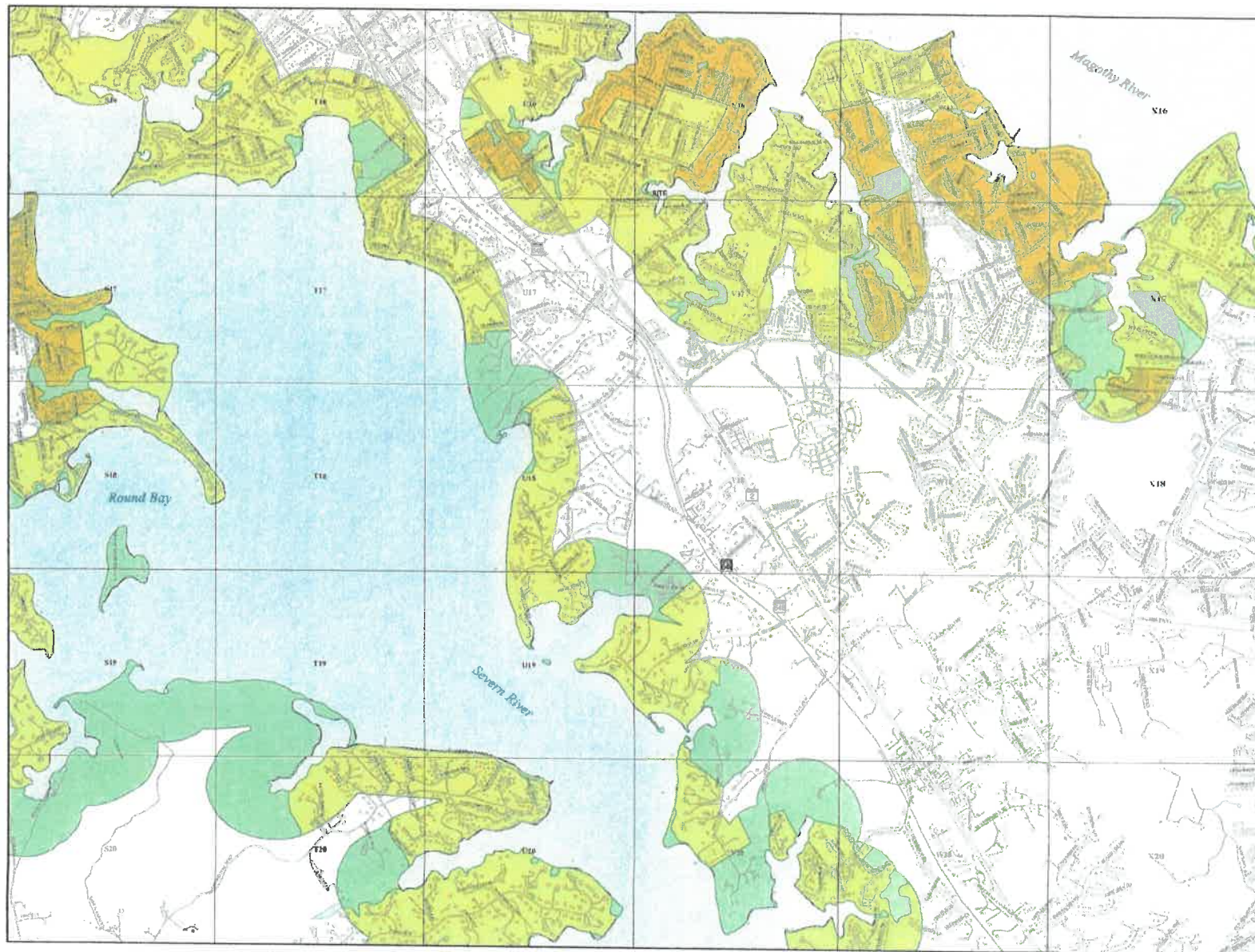
Sheet No. 16

0 495 990 1,485 2,970 Feet

Map Scale: 1" = 1000'



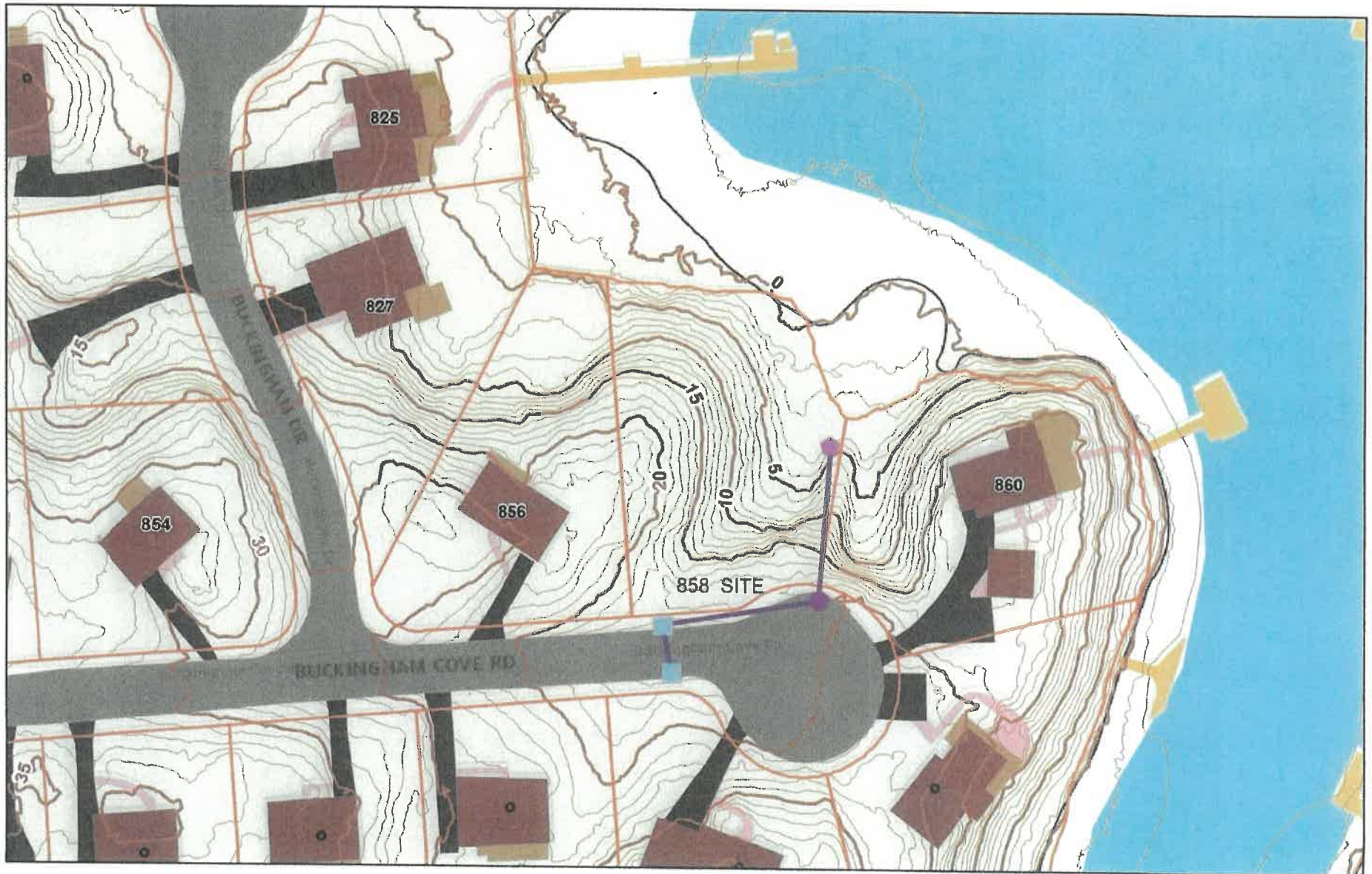
Date: January 26, 2007
 File: C:\Shaw\GIS\NACCR Map Documents\Final Area Map\FinalAreaMap.aprx
 Map Produced: Office of Environmental and Cultural Resources
 Copyright: 2007
 2007 Mapdata derived from 2005 aerial photography. Base: February 20, 2002
 *Digital data is subject to 100% shapefile errors through the Office of Planning and Zoning.



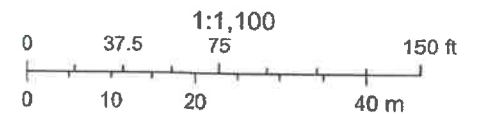
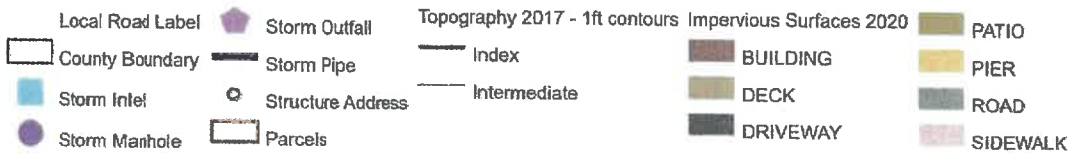
Critical Area Map - 858 Buckingham Cove Rd

Fig. 3

Topo Map - 858 Buckingham Cove Rd



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



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastystreken, Rijkswaterstaat, GSA, Geoland, FEMA,

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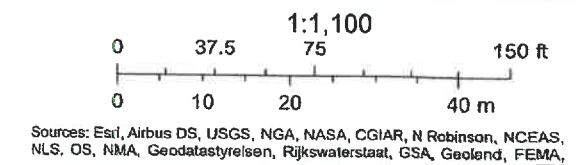
Fig. 4

Aerial Photo - 858 Buckingham Cove Rd



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

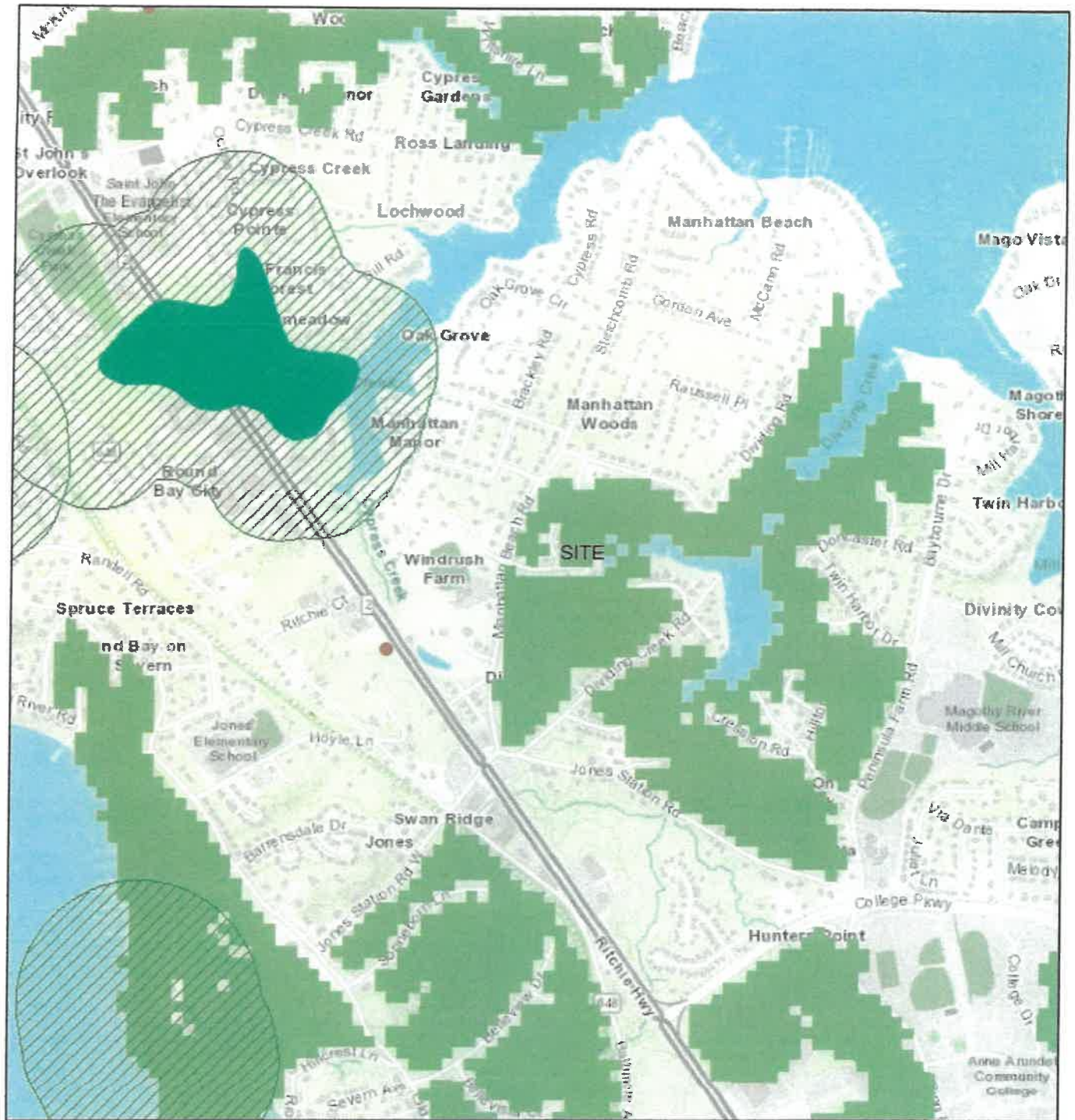
Local Road Label Orthophoto 2023 ■ Green: Green ■ Red: Red ■ Blue: Blue Parcels ⬤ Structure Address



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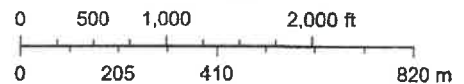
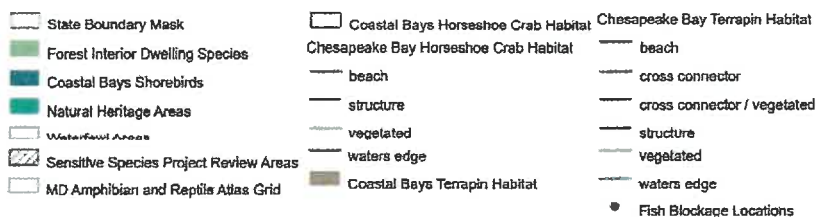
Fig. 5

MERLIN Habitat Protection Map 858 Buckingham Cove



4/7/2024, 12:30:55 PM

1:18,959



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

Fig. 6



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 page was produced by the NWI mapper

MERLIN Wetlands Map 858 Buckingham Cove

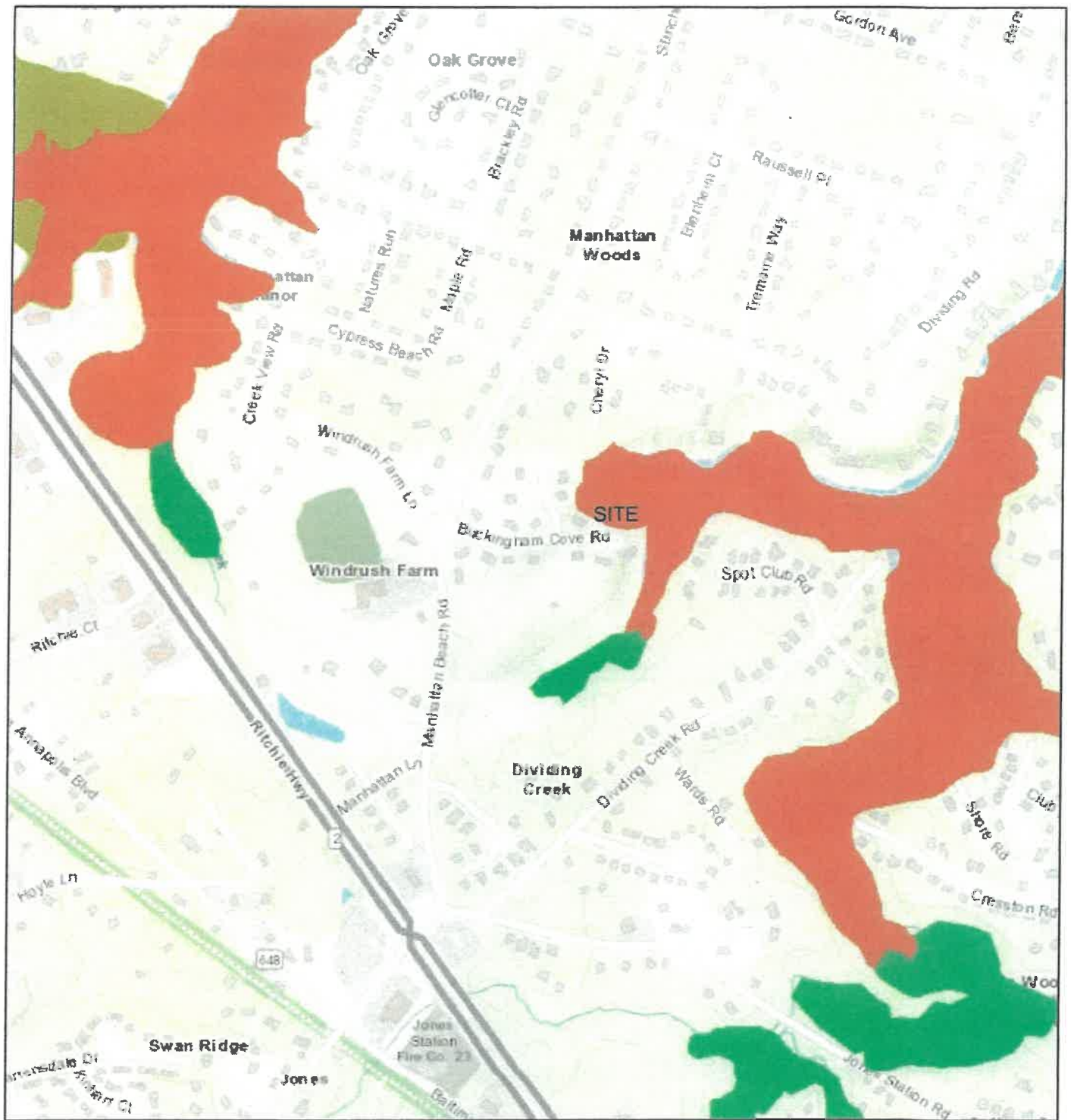
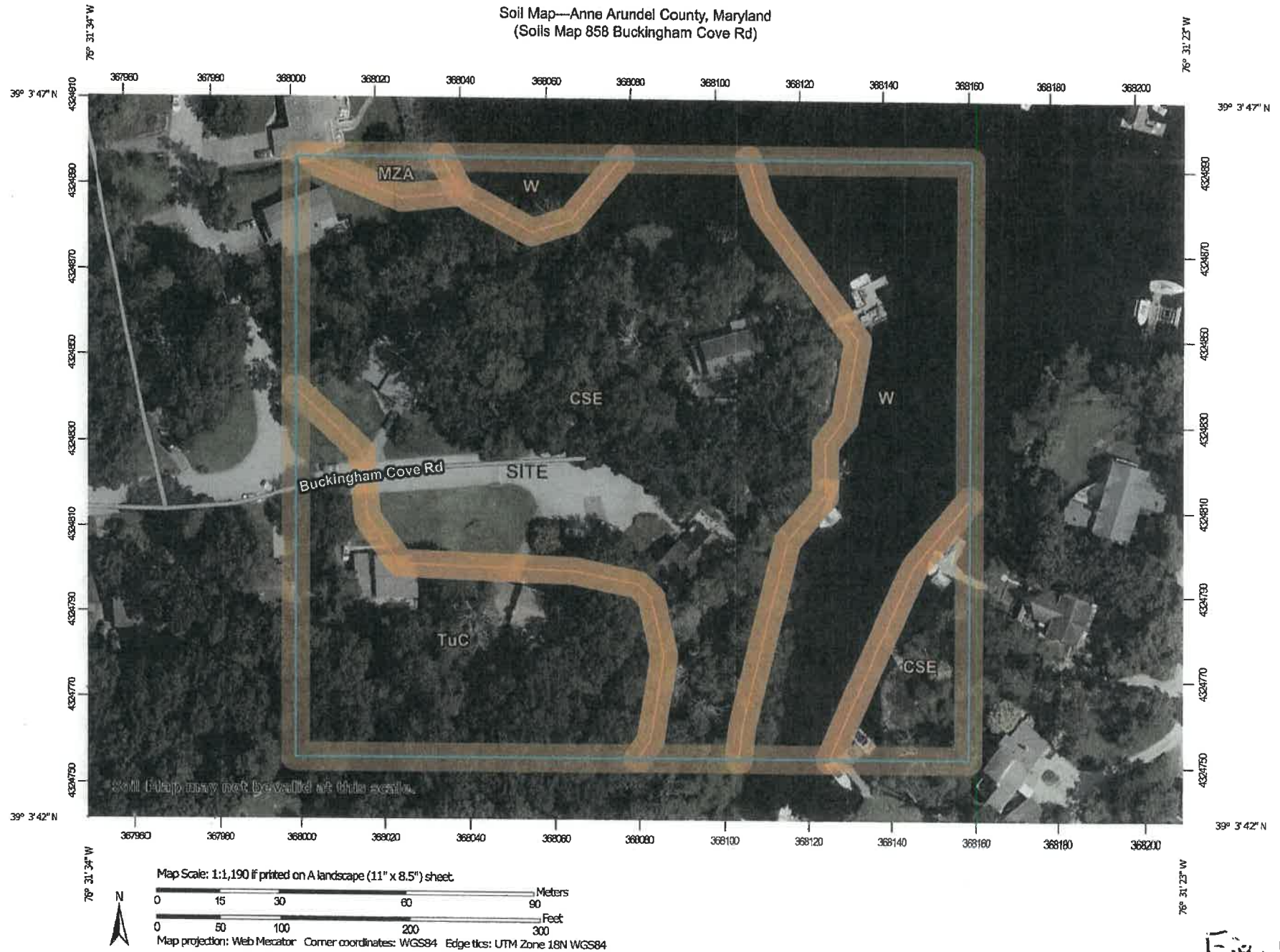


Fig. 9

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



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/7/2024

Fig. 10

ATTACHMENT A

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

Pen Mar Environmental Services, LLC

for your environmental permit needs

P.O. Box 6809
Annapolis, MD 21401
443.875.3955

April 9, 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
858 Buckingham Cove Road
Severna Park, MD 21146

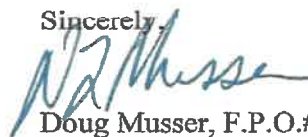
Description: 16,395 square feet
Tax Map 32E, Grid 21, Parcel 345
Tax ID #3154-1918-5471
Zoning: R2 – Residential
Critical Area: LDA – Limited Development Area

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 858 Buckingham Cove Road 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

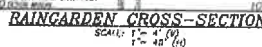
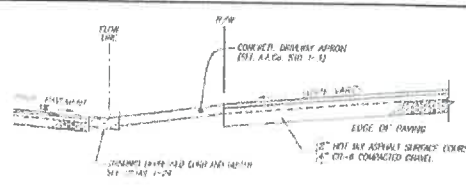
CC: Jerry T., Boyd & Dowgiallo, P.A., Project Engineer

ATTACHMENT B

Grading and Sediment Control Plans

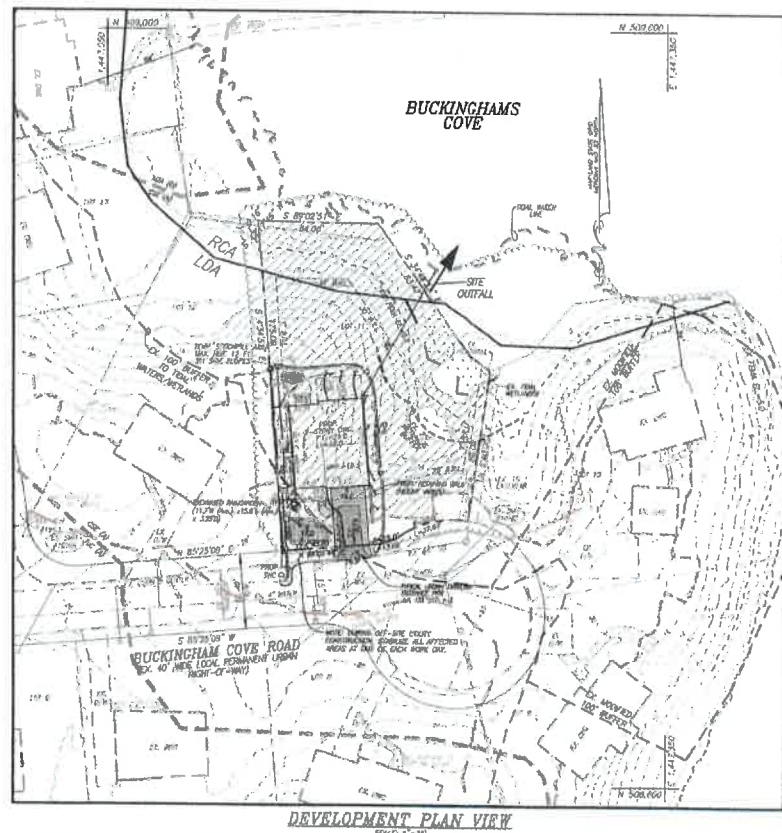
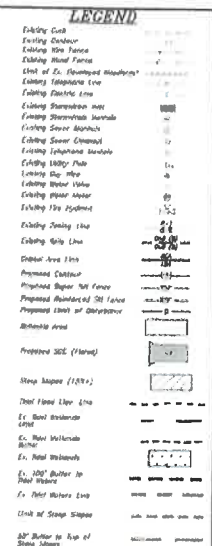
By Boyd and Dowgiallo, P.A.

JOB#20-039

[illegible]

NOTE: 1. FOR THE MINIMUM PAVING FOR DRIVEWAYS IN THE COUNTRY RIGHT OF WAY, SEE LOCAL ROAD PAVING SECTIONS, DETAIL P-8.
2. DITCH FLOWING AND VELOCITY DISSSIPATORS TO BE PROVIDED AS REQUIRED.
3. ALLOWING SURFACE DRAINAGE TO CROSS A PAVED DRIVEWAY ON THE SURFACE IS SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PUBLIC WORKS.

TYPICAL DRIVEWAY SECTION
NOT TO SCALE



RAIN GARDEN NOTES
PLANTING NOTES

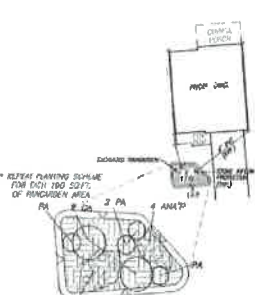
302. ALUMINUM

If you have clay-dipping clay soil, you'll have to overtop the clay. Remove the top 18 in. (2 inches) of soil & replace with a composition of roughly 42% sand, 20% loam, 20% compost, and 20% clay. This soil mix will support plant growth and improve infiltration. Lining a small percentage of clay in the soil will prevent a "hard crust." In other words, if you clay is mixed into the replacement soil, plant roots only follow as if they were in a clay infested soil and clay is the top layer of soil, and water will not cover through the soil as it once

is a simpler approach. I do 3 inches of topsoil and use the remaining 12 inches of topsoil to replace the topsoil that was removed. I also use the remaining 12 inches of topsoil to replace the topsoil that was removed. I also use the remaining 12 inches of topsoil to replace the topsoil that was removed.

[illegible]

Locality (Accession)	Scientific Name	Common Name	Flwr	Condition	Seedling
ANAP 0	<i>Croton tiglii</i> (L.) Benth.	Red Mangrove	Flwr	Condition	100% CL
CA 2	<i>Calophyllum inornatum</i> (L.) Merr.	Red Mangrove	Flwr	Condition	100% CL
U 1	<i>Uncaria strobilata</i> (L.) Merr.	Red Mangrove	Flwr	Condition	100% CL
PA 4	<i>Persea indica</i> (L.) Merr.	Red Mangrove	Flwr	Condition	100% CL
TM 1	<i>Terminalia catappa</i> (L.) Merr.	Red Mangrove	Flwr	Condition	100% CL



RAINGARDEN PLANTING
SCHEMATIC
NOT TO SCALE

NO.	DATE	BY	REVISION	APPROVED	DATE
001	10/10/00	W. J. B. / J. B. B.	1.0		

DEVELOPER
Maryland Building Company, LLC
2077 Somerville Road, Sen. 206
Annapolis, MD 21401
410-265-5100
Email: kenneth@hogancompanies.com

Maryland Professional Engineering Firm License No. 47570
HOYD & DOWGLIO, P.A.
 ENGINEERS-SURVEYORS-PLANNERS
 417 Headquarters Drive, Suite 5
 Millersville, Maryland 21108
 (410) 728-1234 (M)
 (410) 228-1243 (F)
 VERITYTSCOFACOM

GRADING AND SEDIMENT CONTROL PLAN
LOT 11 BUCKINGHAM ESTATES
2147 BUCKINGHAM BL. S.W. ALBUQUERQUE, N.M. 87105

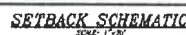
LOT 11 BUCKINGHAM ESTATES

TAX MAP 32E, BLOCK 21, PARCEL 145
ZONED R2

AGE-RELATED POLYMER 801

IOB420-080

RCA AREA TABULATION	
Grains and Expenditures	184
Avail	2,853 5913 1
Excluding Outlays within 100	0 3611
Ex Expenditures within 100	0 3611

[illegible]

DEVELOPER
Maryland Building Company, LLC
2077 Somerville Road, Ste. 206
Annapolis, MD 21403
410-266-5100
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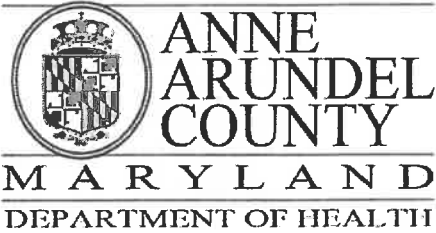


JOB NO. 20-1130
SHEET NO. 4 OF 6
DRAWN BY: LAM
CHECKED BY: JET
DATE: SEPTEMBER, 2022

GRADING AND SEDIMENT CONTROL PLAN

LOT 11 BUCKINGHAM ESTATES

PLAT BOOK 33 PAGE 45
TAX MAP J2E, BLOCK 21, PARCEL 345
20N077 R2



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", written over the name "Brian Chew" in the "FROM" field.

DATE: June 6, 2025

RE: R.S. Maisel Builders, Inc.
858 Buckingham Cove Road
Severna Park, MD 21146

NUMBER: 2025-0061-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks and buffer than required and with disturbances 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 (2025-0002-P)

DATE OF MEETING: 1/21/2025

P&Z STAFF: Sara Anzelmo, Kelly Krinetz, Edwin Udenkwo

APPLICANT/REPRESENTATIVE: R.S. Maisel Builders, Inc./Phil Dales EMAIL: dales@dalesassociates.com

SITE LOCATION: 858 Buckingham Cove Road, Severna Park LOT SIZE: 16,395 sf ZONING: R2

CA DESIGNATION: LDA & RCA BMA: N/A or BUFFER: Yes APPLICATION TYPE: CA Variance

From the letter of explanation:

"The proposed development is for a single-family detached dwelling on the Property. The proposed dwelling will be approximately 46' in depth and 39' in width with a 1,794 SF footprint. The proposed above grade living area will be 3,476 SF, with total structure height of 37'. The proposed total lot coverage is 2,833 SF, which is approximately 60% of the maximum allowable 4,830 SF for the lot pursuant to Code § 17-8-601(c). 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 and the Critical Area buffer. Pursuant to § 17-8-201, a variance is required to allow the disturbance of 3,950 SF of 15%+ steep slopes within the LDA. Pursuant to § 17-8-301(b), a variance is required to allow the disturbance of 5,702 SF in the critical area buffer. Again, total lot coverage will only be 2,833 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."

COMMENTS

The **Critical Area Team** commented that this site is encumbered by environmental features and some relief is warranted. Variance approval is conditioned on providing the minimum necessary to afford the applicant relief. The footprint is larger than others in the area and includes a two car garage. The proposed dwelling could be minimized and a smaller footprint used in order to minimize the proposed disturbance.

The **Zoning Administration Section** notes that the proposed height should be labeled within the dwelling shown on the site plan. Zoning Admin concurs with the Critical Area Team regarding the footprint size and recommendation for minimization. The applicant is reminded that, in order for a critical area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305(b) and (c) including that the variance is the minimum necessary to afford relief.

The **Engineering Division of the Office of Inspections and Permits** provided the following comments:

1. stormwater management micro-practices not allowed in steep areas.
2. I&P does not have sufficient information and documentation on the existing slope stability. The engineer is required to conduct a slope stability field assessment (provide photographs) and to delineate the soil types and soil erosion index on the plan to document the existing condition of the slope along the drainage path to the edge of the property. The results of this assessment shall be documented in a slope stability statement/letter to be signed and sealed by a Professional Engineer and added to the plan.
3. Best practices and construction techniques to minimize erosion, environmental degradation will be required during the construction. These notes need to be added to the plan.
4. Impacts to sensitive areas and natural resources (including specimen trees) within the project area shall be minimized to the maximum extent practical. A statement to this effect needs to be provided by the engineer and added to the plan.

INFORMATION FOR THE APPLICANT

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

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

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

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



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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 2025-0002-P at 858 Buckingham Cove Rd

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, 2025-0002-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.

Critical Area Team Comments.

“The Critical Area Team commented that this site is encumbered by environmental features and some relief is warranted. Variance approval is conditioned on providing the minimum necessary to afford the applicant relief. The footprint is larger than others in the area and includes a two car garage. The proposed dwelling could be minimized and a smaller footprint used in order to minimize the proposed disturbance.”

Before selecting the size of the proposed footprint of the proposed house, the Applicant reviewed publicly available information to determine the size of other residential structures in the area. The purpose of that research and review was to determine the appropriate size to establish the footprint of “a reasonable use, requiring variance relief. (The factual determination of what a reasonable use may be in the view of the Administrative Hearing Officer (“AHO”) cannot be determined in a vacuum but instead considered and determined in context of the surrounding neighborhood.) The Applicant’s research and review informed the Applicant’s proposed footprint size such that the reasonable use proposed by the Application will be in keeping with the community. Accordingly, then, the variance requested is the minimum relief necessary to allow that “reasonable use,” as determined by the AHO.

The originally proposed footprint of approximately 1,800 SF was selected to be less than the median footprint for the area, such that it will be found to be a reasonable use for the area. (The median house square footage for the area was 2,297SF.) The originally requested variance to accommodate that use has been minimized by the proposed placement of the footprint, as well as the design and placement of the site improvements required to support the single-family use as required by Code §18.16.305.

Nevertheless, the Applicant has further reduced the footprint with this submission of this Application. While the Applicant continues to assert that the median size 2,297 SF footprint constitutes a reasonable use at the Property, and that the originally requested variances are the minimum necessary to accommodate that reasonable use, the currently proposed footprint is only approximately 1,700 SF. Accordingly, the requested variances to accommodate that that footprint – which is less than the size footprint which should be determined a “reasonable use” – are also less than the minimum necessary to accommodate a reasonable use, which would otherwise be denied by a strict application of the Code.

Zoning Administration Section Comments.

“The Zoning Administration Section notes that the proposed height should be labeled within the dwelling shown on the site plan. Zoning Admin concurs with the Critical Area Team regarding the footprint size and recommendation for minimization. The applicant is reminded that, in order for a critical area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305(b) and (c) including that the variance is the minimum necessary to afford relief.”

The proposed height label has been added to the site plan. See Site Plan. The Applicant again notes the footprint has been additionally reduced with the removal of the covered porch and window well with this submission.

Engineering Division of Office of Inspections and Permits Comments.

1. Stormwater management micro-practices not allowed in steep areas.

Stormwater management has been placed in the front left of the Property to avoid steep slopes. To be beneficial for the site and the street, bio-retention area is 252 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.

2. I&P does not have sufficient information and documentation on the existing slope stability. The engineer is required to conduct a slope stability field assessment (provide photographs) and to delineate the soil types and soil erosion index on the plan to document the existing condition of the slope along the drainage path to the edge of the property. The results of this assessment shall be documented in a slope stability statement/letter to be signed and sealed by a Professional Engineer and added to the plan.

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.

3. Best practices and construction techniques to minimize erosion, environmental degradation will be required during the construction. These notes need to be added to the plan.

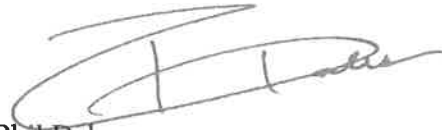
Acknowledged. The Applicant intends to follow best practices and construction techniques to minimize erosion. Further note revisions to the plan as required by code and design manual regulations will be provided prior to the AHO hearing or grading permit issuance.

4. Impacts to sensitive areas and natural resources (including specimen trees) within the project area shall be minimized to the maximum extent practical. A statement to this effect needs to be provided by the engineer and added to the plan.

Acknowledged. The Applicant has considered and minimized impacts to sensitive areas and natural resources within the project, including specimen trees. The Applicant has located the proposed single-family dwelling and required supporting features in a manner to minimize the impact on all sensitive features of the Property. Further note revisions to the plan as required by code and design manual regulations will be provided prior to the AHO hearing or grading permit issuance.

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

Sincerely,



Phil Dales
Dales Associates
238 West Street
Annapolis, Maryland 21401