



303 Najoles Road - Suite 114
Millersville, MD 21108

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

May 16, 2025

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

Re: **Cape St. Claire**
Lot 4 & 5, Block AA
T.M. 40 B. 5 P. 27

Dear Ms. Seay,

Please accept this as our formal variance request to the Zoning Regulations on behalf of our client. The variance request is to Article 18, Section 4 – 203(d)(3) to allow the unmerger of lots in the critical area. The property in question is located at 1096 Linden Tree Drive in Annapolis, MD 21409

We are requesting this variance to allow for the unmerger of Lots 4 & 5 after the demolition of the current house for two new houses to be built. The lots exceed the R5 bulk regulations at 9,000 sf each and 75' wide each with an overall density on the property of 2.06 dwelling units. After the unmerger, the lots will meet all bulk regulations.

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

We believe the granting of this variance is warranted because the code places an unnecessary hardship on the applicant to be able to develop the property similarly as the rest of the community. The property was originally built on in 1973 prior to the implementation of the Critical Area Program. Since the Critical Area Program began, the aim was to eliminate detrimental impacts to the critical area and the waterfront. Based on the age of the house there currently is no stormwater management in place and the new houses rebuilt on the lots will provide stormwater management. Currently, the entire street these lots front is made up of homes on one lot, like the applicant intends to do with this variance. Denial of the variance will place an unnecessary hardship on the applicant who can not develop their property the same way as the surrounding owners, at no fault of their own, as the laws came into effect well after the house was constructed.

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

We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief based upon the size of the lots. Allowing the unmerger of the lots will result in oversized R5 lots to be built on similarly

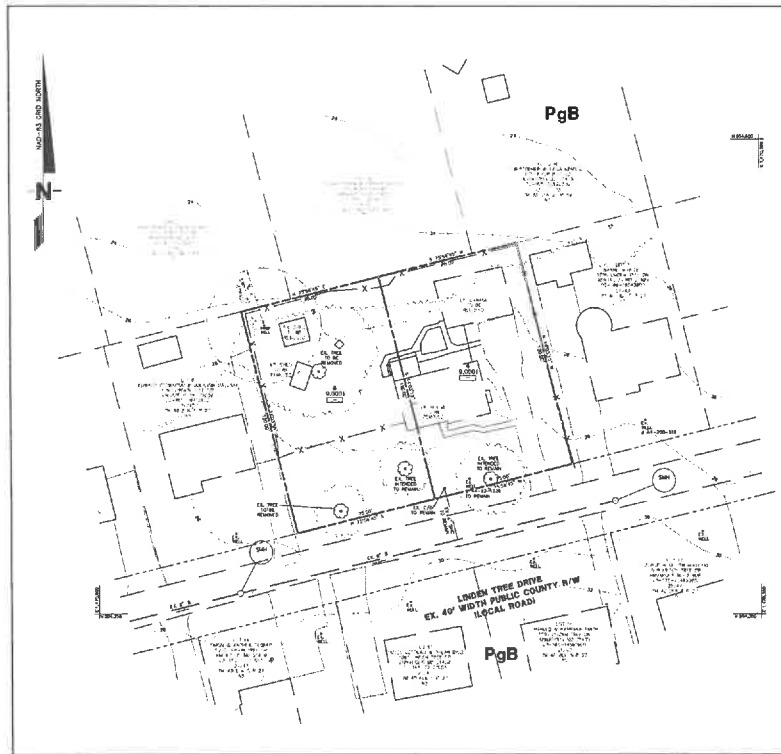
as the entire block face is developed. The granting of this variance will not alter the character of the neighborhood as the proposal will take the only house taking up two lots on the block and make it match the rest of the community as houses built on single lots. This variance will not impair the appropriate use or development of the surrounding property as it will not deny access or the possibility to build on neighboring lots and all surrounding properties have been developed. The granting of this variance will not be detrimental to the welfare of the public as stormwater management will be provided for flood protection from the new homes. There will be no reduction in forest cover in the LDA as the site will mitigate any tree clearing that is proposed with the application.

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

Sincerely,

Matthew R. Seiss

Matthew R. Seiss



NATURE OF VARIANCE

A VARIANCE TO ARTICLE 18-4-20(D)(3) TO UNMERGE LOTS IN THE CRITICAL AREA THAT WERE MERGED BY OPERATION OF LAW.

SITE ANALYSIS

- EXISTING ZONING: RS
- TOTAL SITE AREA: 18,000 SF
LOT 4: 9,000 SF
LOT 5: 9,000 SF
- LDA CRITICAL AREA
- PRIVATE WELL
- PUBLIC SENER

EXISTING CONDITIONS PLAN.

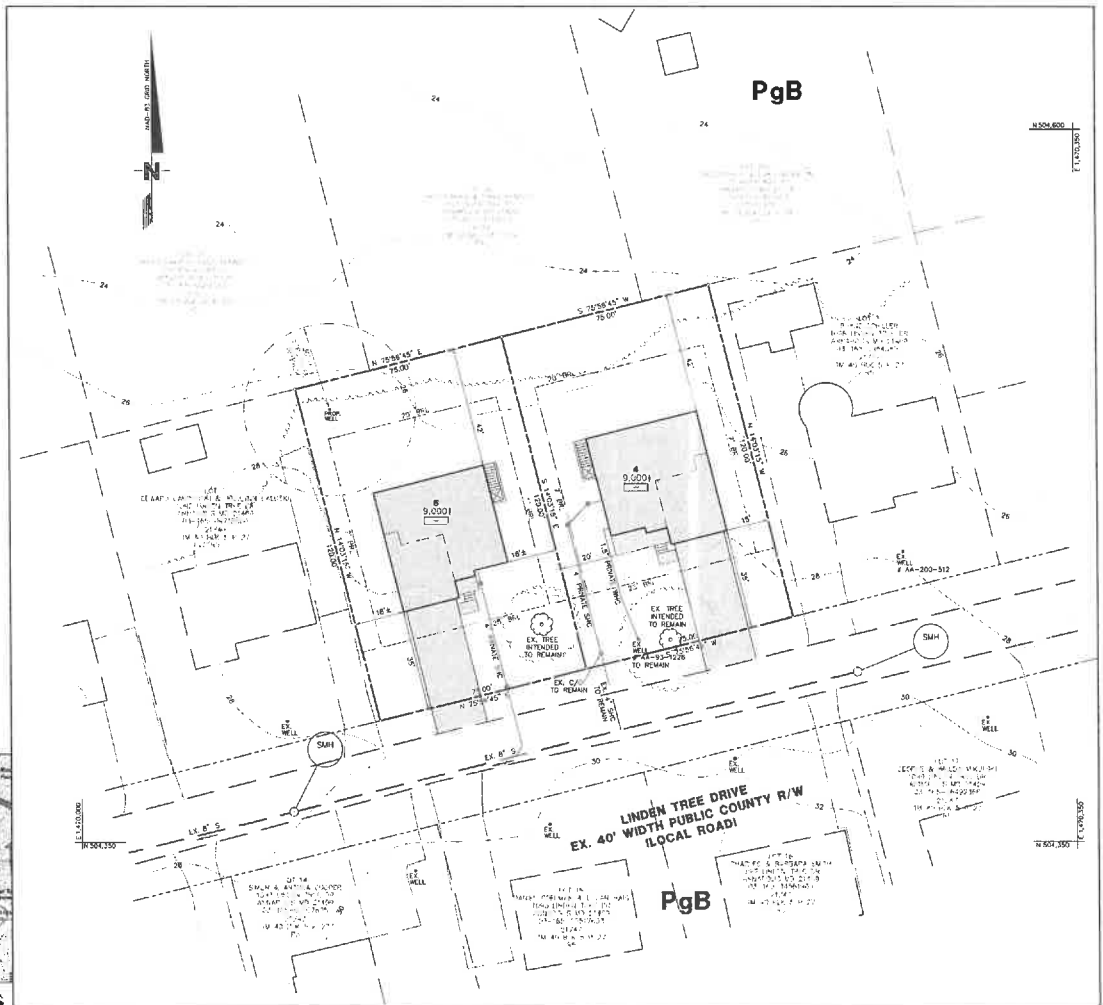
SCALE: 1"=30'

IMPERVIOUS LOT COVERAGE

PRE-DEVELOPMENT	
EX. HOUSE	1,430 sq. ft.
EX. DRIVEWAY & SIDEWALK	1,500 sq. ft.
EXISTING STRUCTURES	1,100 sq. ft.
TOTAL EX.	4,030 sq. ft.
POST-DEVELOPMENT	
PROP. HOUSE	3,302 sq. ft.
PROP. DRIVEWAY & SIDEWALK	1,214 sq. ft.
PROPOSED STRUCTURES	4,550 sq. ft.
TOTAL PROPOSED	9,066 sq. ft.
TOTAL ALLOWED	9,025 sq. ft.



VICINITY MAP
SCALE: 1" = 2,000'
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PROPOSED CONDITIONS PLAN.
SCALE: 1"=20'

LEGEND

--- 15' ---	Existing Contour	⊕	Existing Pole
--- 30' ---	Proposed Contour	⊖	Existing Sewer Cleanout
--- 45' ---	Existing Tree Canopy	⊙	Proposed Sewer Cleanout
---	Sole Line	⊗	Existing Water Meter
EX. 6" S	Existing Sewer	⊗	Proposed Water Meter
EX. 15" SD	Existing Storm Drain	⊗	Temporary Storage Area
EX. 6" W	Existing Water	⊗	Proposed Impervious
---	Existing Fence Line	⊗	Stabilized Construction Entrance (S.C.E.)
---	Limit of Disturbance		
---	Reinforced Soil Fence		
---	Existing Soil Spot		
---	Proposed Soil Spot		

#	REVISIONS	APPROVED BY	DATE



SHEET 1 OF 1
SITE PLAN
VARIANCE PLAN
CAPE SAINT CLAIRE
LOT 4 & 5 BLK. AA
1096 LINDEN TREE DR., ANNAPOLIS, MD 21409
CP# TAX ACCOUNT#33-185-23814006
DATE: MAY, 2025 ZONING: RS ZP CODE: 21409
THIRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
40	27	5	4	AA
40	27	5	5	AA

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 03-165-22814006

Project Name (site name, subdivision name, or other) CAPE ST. CLAIRE LOTS 415, BLOCK AA

Project location/Address 1096 LINDEN TREE DR.

City ANNAPOLIS Zip 21409

Local case number

Applicant: Last name MYERS First name ZACHARY

Company

Application Type (check all that apply):

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

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

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

DEMOLISH ONE HOUSE, UNMERGE LOTS FOR CONSTRUCTION OF
NEW HOMES

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					13,500
LDA Area		18000			
RCA Area					
Total Area		18000			

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		6,627	Existing Lot Coverage		4,186
Created Forest/Woodland/Trees		3,415	New Lot Coverage		4,696
Removed Forest/Woodland/Trees		3,415	Removed Lot Coverage		4,186
			Total Lot Coverage		4,696

VARIANCE INFORMATION (Check all that apply)

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

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 type="checkbox"/>	Dwelling Addition <input type="checkbox"/>
Nontidal Wetlands <input type="checkbox"/>	Garage <input type="checkbox"/>
Setback <input type="checkbox"/>	Gazebo <input type="checkbox"/>
Steep Slopes <input type="checkbox"/>	Patio <input type="checkbox"/>
Other <input checked="" type="checkbox"/> UNMERGER	Pool <input type="checkbox"/>
	Shed <input type="checkbox"/>
	Other <input type="checkbox"/>



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Cape St. Claire

Lots 4 & 5, Block AA

1096 Linden Tree Drive Annapolis, MD 21409

Critical Area Report

May, 2025

INTRODUCTION

The site is 18,000 square feet with 150' of frontage on Linden Tree Drive in Annapolis, MD 21409. The site is entirely within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area.

PROPOSED USE

The site is currently two lots developed as a single-family home with a driveway and multiple detached structures. The proposal is to demolish the house, unmerge the two lots and build two new single-family homes (one on each lot).

EXISTING CONDITIONS & WOODLAND MITIGATION

The site is currently two lots developed as a single-family home with a driveway and multiple detached structures. The site currently has 6,627 sf of developed woodlands and canopy. Approximately 3,415 square feet of canopy will be removed with the removal of two trees to build the homes. The trees will be mitigated by on-site plantings of diverse native species.

WATER QUALITY & HABITAT IMPACT MINIMIZATION

During construction, the entire site will be wrapped in silt fence and a stabilized construction entrance will be used to keep all sediment from leaving the site. The proposed homes will have an approved stormwater management plan for the treatment of runoff from the proposed houses.

IMPERVIOUS CALCULATIONS

The site currently has 4,186 square feet of impervious that will all be removed. The proposed houses will be a total of 4,696 square feet of the site (26% +/-).