

Letter of Explanation

The applicant proposes to replace an existing 22'-6" x 20' open deck with landings and stairs leading to existing pier in the same location and footprint on the rear of their existing single-family dwelling. This will be an exact replacement in kind.

Upon applying for the permit (B02432832), comments were generated that directed the applicant to obtain a variance for the proposed work. Specifically, the comments state the following:

Pursuant to Article 17-8-201(a) of the County Code, development within slopes of 15% or greater is prohibited within the Critical Area. The applicant must obtain variance approval to the referenced Code section before permit approval. Contact the Zoning Division at (410) 222-7437 for information regarding the variance process. It should be noted that the applicant originally intended to enlarge the proposed deck which carried several other variances (setbacks, modification due to slopes, etc). For this reason, the applicant chose to revise the project to be an exact replacement in kind. While this negated the need for a zoning variance or a modification, the comment above remains and a critical area variance only is still needed due to the slopes.

The proposed deck does meet the requirements for critical area variances set forth in Section 18-6-305(b). First, the property exhibits unique physical conditions specific to this lot; both in topography and irregularity. The significance of the topography is the noteworthy slope from the lot itself down to the water line. While the slopes are significant, they have long been stabilized with well-established retaining walls, creating a stepped slope condition. Furthermore, this application to replace the exact structure that is there and in dire need of replacement. The owner chose to scale the project back to an exact replacement as to minimize any environmental impact. As such, there is no NEW impact to steep slopes.

Clearly this would stay in harmony with the critical area program considering no new slope disturbance would be necessary. Furthermore, denying the applicant the variance would create the unwarranted hardship as defined in the Natural Resources Article, section 8-1808, of the State Code, due to needing to remove and not replace their existing amenity as the structure is in disrepair and does not meet today's building codes.

A literal interpretation of COMAR, Title 27 will not only clearly deprive this applicant of rights commonly enjoyed by other properties in similar areas, but would also deprive them the rights they already have. An open deck is ubiquitous in this area and already

exists on this dwelling. The owner at this point is simply asking to replace what is there. This property is not in a bog area so that provision of the requirements is not applicable.

The granting of this variance will not confer on this 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. As stated, many dwellings within the same sloped properties have open decks. But again, it should be noted that this particular deck within these particular slopes currently exists. The replacement in kind nature should be considered as mitigation to the critical area provisions.

The variance request is not based on conditions or circumstances that are the result of actions by the applicant, nor from any condition relating to land or building use on any neighboring property. The existing deck was constructed legally at the time the dwelling was constructed, and not by this applicant. The applicant now wishes to replace it in the exact same manner with which it exists today.

The granting of this variance will in no way adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area, and will be in harmony with the general spirit and intent of the County's critical area program. As stated, the proposed deck is in the same location and is on post/pier foundation. There will be no new impact to any critical area features.

The applicant has shown that this variance request does overcome the presumption set forth in the Natural Resources Article, section 8-1808, of the State Code in that this application exhibits conformity with the general purpose and intent of this subtitle. The general intent in fact would imply that the subtitle would restrict new construction that takes place further into a buffer than that which already exists. In this case, the proposed construction does *not* take place further into that buffer as the existing structure is being replaced in kind. Thus, this presumption would be false and competently overcome.

The applicant has also evaluated site planning alternatives in accordance with section 18-16-201(c) by scheduling and participating in the pre-file meeting and examining any plan that would avoid the variance. Ultimately, by placing the deck in the proposed location, the buffer is not affected newly, or more than the existing deck already has. Any other location would affect the buffer more.

As has been shown, this variance request is the minimum necessary to afford relief and is actually being proposed in the most responsible location possible. The granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located because rear decks are ubiquitous on dwellings such as this one, making it more in character with the neighborhood. The variance will not substantially impair the

appropriate use or development of adjacent property because there is no other property to the rear of this lot which is where the deck is proposed. The variance will not reduce forest cover in the limited development and resource conservation areas of the critical area, as neither exist on this lot, and no forest cover is being removed at all.

The application will not be contrary to acceptable clearing and replanting practices required for development in the critical area because no clearing will take place. However, the applicant is prepared to mitigate if necessary by replanting at the direction of the County. Nor will the variance be detrimental to the public welfare in any way as this deck is in the rear of a private residential lot.

For these reasons and since this proposed work is a minor request with no new impact to the environmental features, we respectfully ask for the approval of the requested variance.

ORDERED BY:

Mid-Maryland Title Company, Inc.

900 Bestgate Road, Suite 200
Annapolis, Maryland 21401
P:410-573-0017 F:410-573-4997
www.midmdtitle.com



PROPERTY ADDRESS: 924 BARRACUDA COVE COURT ANNAPOLIS, MARYLAND 21409

SURVEY NUMBER: 1801.1235

FIELD WORK DATE: 1/15/2018

REVISION HISTORY (REV'D 1/15/2018)

18011235
LOCATION DRAWING
LOT 46
ATLANTIS
ANNE ARUNDEL COUNTY, MARYLAND
01-18-2018 SCALE 1"=50'



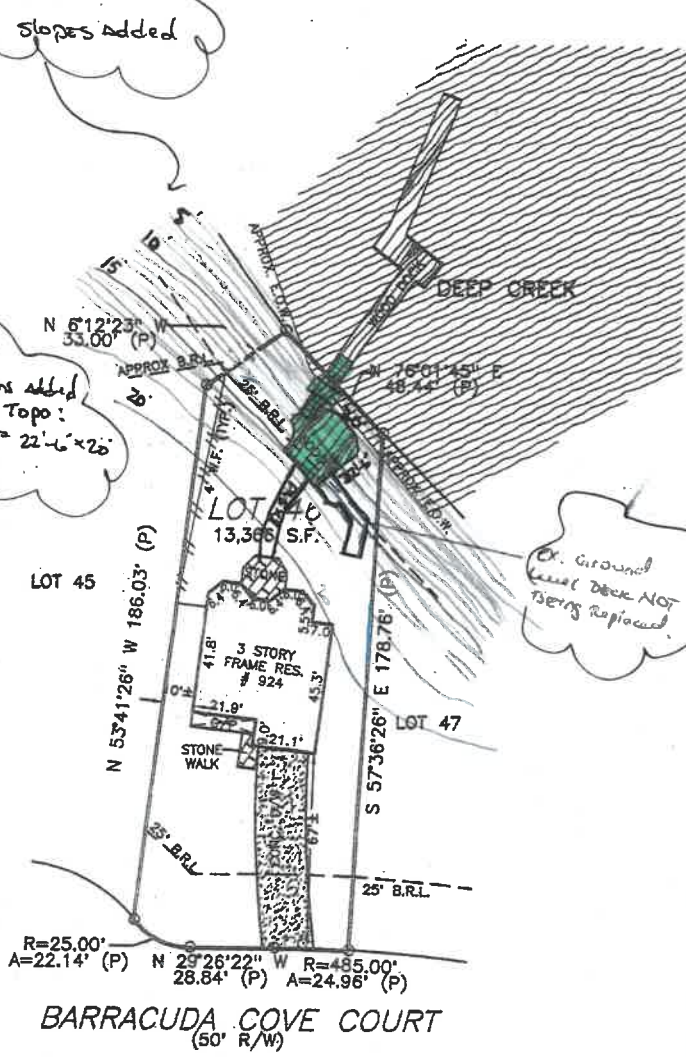
GRAPHIC SCALE (In Feet)
1 inch = 50' ft.
ACCURACY=3±

PLEASE NOTE

This House Location Drawing is for informational purposes only. For Maryland State Code it may not be relied upon to determine property boundaries and may not be used for building permits or construction.



William R. Stoll
EXPRES 1-14-2019



POINTS OF INTEREST:
NONE VISIBLE

CLIENT NUMBER: 11423-17

DATE: 1/16/2018

BUYER: EUN SOOK BAE AND JAE SUNG BAE

SELLER: ROBERT L. STOLL AND SUZANNE M. STOLL

CERTIFIED TO:
EUN SOOK BAE AND JAE SUNG BAE; MID-MARYLAND TITLE
COMPANY, INC

A LICENSEE EITHER PERSONALLY PREPARED THIS DRAWING OR WAS
IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE
SURVEYING WORK REFLECTED IN IT.

POWERED BY:



www.surveystars.com

EXACTA
MARYLAND SURVEYORS
443.819.3994 | 1220 E Churchville Road, Suite 100 | Bel Air, MD 21014

LB# 21535
www.exactamd.com

THIS IS A TWO PAGE DOCUMENT. THE ADVICE FOUND ON THE AFFIXED PAGE (PAGE 2 OF 2) IS AN INTEGRAL PART OF THE PLAT.

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 4/26/25

Tax Map #	Parcel #	Block #	Lot #	Section
0040	0004	NA	46	NA

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 3046-9001-5590

Project Name (site name, subdivision name, or other) BAG DECK

Project location/Address 924 BARRACUDA COVE CT.

City Annapolis Zip 21409

Local case number

Applicant: Last name Clancy First name Michelle

Company Applied - Approved Permits

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:

Replace existing 22'-6" x 20' open DECK with Landings + steps leading to ex pier
in kind - same size, footprint, + location. Steep slopes

Intra-Family Transfer ☐
Grandfathered Lot ☐

Yes

Growth Allocation ☐
Buffer Exemption Area ☐

Yes

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	.154	6691
LDA Area	-	-
RCA Area	.153	6675
Total Area	.3068	13,366

Total Disturbed Area

Acres	Sq Ft
.0103	450

Replace in kind
of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	.046	2005	Existing Lot Coverage	.0845	3679
Created Forest/Woodland/Trees	-	-	New Lot Coverage	-	-
Removed Forest/Woodland/Trees	-	-	Removed Lot Coverage	-	-
			Total Lot Coverage	.0845	3679

VARIANCE INFORMATION (Check all that apply)

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

Variance Type

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

Structure

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

Critical Area Report Narrative

The existing property in question is a residential lot improved upon by an existing detached single-family dwelling. The applicant is proposing to replace in kind their existing 22'-6" x 20' open deck with landings and stairs leading to existing pier in the same location and footprint on the rear of their existing single-family dwelling. This will be an exact replacement in kind, and constructed on post/pier foundation.

The predominant types of trees and shrubs on the property are all native to Anne Arundel County. Fully mature pin oaks are the majority of the tree cover, and the house is flanked by varying smaller species shrubs. This lot is 13,366 square feet and it is estimated to be nearly 30% wooded. This equates to approximately 4,009 square feet of vegetation. The deck will occupy approximately 528 square feet, counting the landings, as it currently does, but none of which in the vegetation areas. No vegetation will be removed for the proposed deck. Regardless, the applicant is willing to mitigate the replaced deck by planting new vegetation in accordance with Anne Arundel County Code.

There will be no impacts on water quality and habitat from the proposed construction as again, the foundation is on post/pier footings. However, should the approval of this requested variance necessitate a silt fence to be constructed around the perimeter of the construction site, the applicant would comply.

The impervious surface before construction of all existing areas totals 3,679 square feet. The proposed deck is 528 square feet including the landings, but it is pervious, and an exact replacement. The proposed total of all impervious surfaces would then remain 3,679 square feet.

The property does contain steep slopes which the currently existing deck is within. However, it is important to note that the existing deck is being replaced exactly in kind, in the same location. Furthermore, the steep slopes have been long since stabilized with retaining walls. There will be no new impact to slopes. There are no other habitat protection areas including rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, or plant and wildlife habitats of local significance.



Topographic Map - lot outline ref only not exact



Legend

Foundation
Addressing



Parcels



Structure

County Structure



Elevation

Topo 2023

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Intermediate



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 50 100
ft

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GeoTechnologies, Inc, METI/NASA,



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Notes 1" = 50 ft - lot outline ref only not exact

Topographic Map - lot outline ref only not exact



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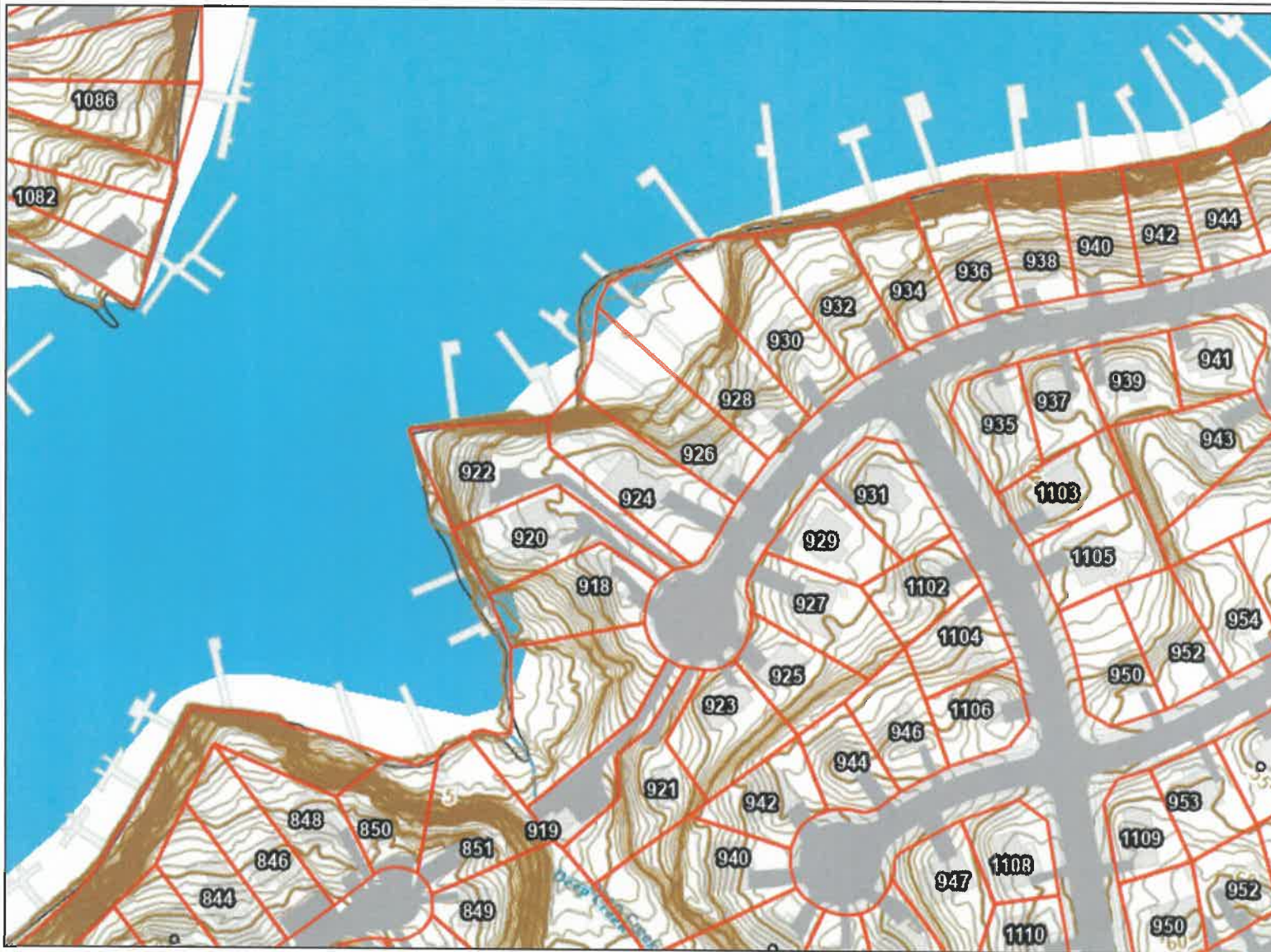
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Topographic Map - lot outline ref only not exact



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0 200 400
ft

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OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0042-P
DATE: 05/15/2025
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)

APPLICANT/REPRESENTATIVE: Applied & Approved Permits

EMAIL: MICHELLE@APPLIEDANDAPPROVED.COM

SITE LOCATION: 924 Barracuda Cove Ct

LOT SIZE: 13,366

ZONING: R% **CA DESIGNATION:** LDA **BMA:** yes or **BUFFER:** no **APPLICATION TYPE:** variance

DESCRIPTION:

The applicant proposes to replace a deck in-kind 22'x20' with landings and stairs on steep slopes. Permit B02432832

COMMENTS:

Critical Area Team: This Office has no objection to the in kind repair/replacement of the existing deck. The plan must be updated to accurately show all of the improvements on this site. Specifically the walkway from the house to the deck as well as the decking at the top of the slope.

Zoning Administration Section:

Make the changes to the site plan as requested by the Critical Area Team. In addition, add the dimensions of the proposed deck to the site plan. Show the steep slopes on the site plan.

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.