

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

APPLICANT: R S Maisel Builders, Inc.

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0060-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: August 5, 2025

PREPARED BY: Joan A. Jenkins
Planner III

REQUEST

The applicant is requesting variances to allow a dwelling with less setbacks and buffer than required and with disturbance to slopes of 15% or greater on property known as 823 Buckingham Drive in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 37,023 square feet of land and is a through lot located with road frontage around the cul-de-sac of Buckingham Drive and at Cheryl Drive to the east.¹ The property is identified as Lots 15-16 of Parcel 345 in Grid 21 on Tax Map 32E in the Buckingham Estates subdivision. The site is zoned R2 - Residential District. This is a nonwaterfront lot located in the Chesapeake Bay Critical Area, designated as LDA – Limited Development Area. The nearby shoreline is not mapped as buffer modified area (BMA). The site is encumbered by steep slopes, tidal wetlands and the associated 100-foot buffer, and non-tidal wetlands and the associated 25-foot buffer. The property is currently unimproved. The site is served by a public water and sewer.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a new dwelling 46 feet deep by 39 feet wide by 37 feet high² with a total footprint of 1,794 square feet. The proposal shows a covered front porch and a covered side porch.

¹ The application was submitted prior to July 1, 2025 and shows the rear setback at that time. An 18-foot BRL is also shown. This Office notes that the plat of Buckingham Estates shows a 25' BRL and the site plan shows 18'. Current setbacks per Bill 72-24 effective July 1, 2025 are 25' front and 20' rear. The site plan moving forward for any applications should show a 25' front setback for both the cul-de-sac and the frontage on Cheryl Drive and the rear setback should be shown as 20'.

² The site plan shows "MAX. HGT = 35'", however, the letter of explanation indicates the proposed dwelling to be 37 feet. Bill 72-24 allows a maximum height of 50 feet in the R2 District.

REQUESTED VARIANCES

§ 18-13-104(a) of the Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands; and § 18-13-104(b) stipulates that the 100-foot buffer shall be expanded beyond 100 feet where there are slopes of 15% or greater or if there are nontidal wetlands, wetlands of special State concern, hydric soils or highly erodible soils. § 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). § 27.01.01 (B) (8) (ii) of COMAR states a buffer exists “to protect a stream tidal wetland tidal waters or terrestrial environment from human disturbance.” § 27.01.09 E. (1) (a) (ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance.

There are tidal wetlands present on lot 16 with an associated 100-foot buffer that nearly encompasses the entirety of lot 15. The limit of disturbance will create temporary and permanent disturbance to the 100-foot buffer to tidal wetlands and the expanded buffer. The site plan shows permanent buffer disturbance of 2,096 square feet and temporary disturbance of 5,000 square feet in the buffer. Actual disturbance to be determined at permitting.

§ 17-8-201(a) of the Anne Arundel Subdivision and Development Code states that development in the LDA and RCA designated areas may not occur on slopes of 15% or greater unless development will facilitate stabilization of the slope, is necessary to allow connection to a public utility, or is to provide direct access to the shoreline. All disturbance shall be limited to the minimum necessary. The proposal will create permanent disturbance of 297 square feet on the steep slopes of 15% or greater. Actual disturbance to be determined at permitting.

§ 18-4-601 of the Code sets forth the bulk regulations for development in an R2 District. A principal structure in the R2 District must be set back 25 feet from the front lot line and 20 feet from the rear lot line.³ The proposed dwelling will be located as close as 12.6 feet from the front lot line and 14.9 feet from the rear lot line requiring variances of 13 feet and 6 feet, respectively.

FINDINGS

This Office finds that this is a large irregularly shaped lot that far exceeds the minimum lot area and the minimum lot width requirements for a lot in the R2 District. The property is encumbered by steep slopes in the northern corner, and tidal wetlands on the eastern side encompassing a large part of lot 16, non-tidal wetlands and buffers associated with both the tidal and nontidal wetlands. The environmental features make any development impossible without a variance.

The property is currently undeveloped. The proposal will add 2,519 square feet of

³ The application was submitted prior to July 1, 2025, the effective date of Bill 72-24. The letter of explanation reflects the request based on the setback requirements at the time. Since there is no building permit application yet the variance is being evaluated based on the new setbacks.

post-construction lot coverage, which is 3,034 square feet below the 5,553 square feet of lot coverage allowed under § 17-8-402 (b) of the Code.

Comments from the Critical Area Team at the pre-file suggested redesigning to minimize any impacts to the environmental features. The comments noted that the current design bisects the nontidal wetlands creating an isolated pocket of wetland on the western portion of the lot. The suggestion was to locate the home more linearly to eliminate the pocket of wetlands and maximize the distance from the shoreline resulting in development located outside of the buffer. The comments remind the applicant that setback variances should be considered over environmental variances and that additional relief could be sought if necessary.

This Office notes that the location of the dwelling was shifted slightly southwestward from the pre-file submission, however, the overall dimensions of the house did not change much. An elongated rectangular design located nearer to the side lot line would allow for a house that disturbs less of the buffer.

A review of the County 2025 aerial photograph shows that the nearby properties are similarly encumbered by steep slopes and are not mapped as buffer modified. There is a pending variance at 853 Buckingham Cove Road also for a new dwelling with disturbance to steep slopes and less buffer than required. No setback variances are required for that application.

The applicant's letter opines that this is the minimum variance necessary because the proposed plan will have the least impact to the Critical Area and minimizes variances to Critical Area law requirements.

Agency Comments

The **Health Department** commented that the property is served by public water and sewer and there is no objection to the request.

The **Department of Inspections and Permits (Engineering)** commented the following:

1. According to the Letter of Explanation, due to the location and size of the micro-bioretenion area (MBRA), the house cannot be located closer to the road. However, the MRBA is in a different area of the house.
2. There appears to be other locations for the MBRA which are outside the 25-foot wetland buffers.
3. The non-tidal wetland buffer and steep slope buffer have the same line type. Revise so that they are distinct.
4. At Grading Permit, the SHC needs to be revised to eliminate an acute angle connection.
5. At Grading Permit, locate the water meter per the County detail.
6. At Grading Permit, state how the water from the rain barrels will be re-used and show the area of dedicated use.
7. At Grading Permit, add the rain barrels' Operation and Maintenance details from the manufacturer on the plans.
8. At Grading Permit, provide the rain barrel details of the pipes and irrigation (if that is the

dedicated use) on the plans.

9. At Grading Permit, 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.

The **Cultural Resources Section** commented that this property has high archaeological potential. All permit/ development applications are subject to review per Article 17-6-503. Our office will need review of the permit application's plans once submitted. A site visit may be required prior to approval in order to complete the review. Please contact the Archaeological Sites Planner, Anastasia Poulos, pzpoul44@aacounty.org with any questions.

The **Development Division (Critical Area Team)** commented that this site is encumbered by numerous environmental features including the 100' buffer, expanded buffer, and both tidal and nontidal wetlands. It is located at the bottom of a hill and, based on the slopes and wetland features, appears to receive and "hold" runoff from the adjacent area. This site consists of 2 grandfathered lots that will be merged into a single site at the time of permit.

It was suggested at prefile that more could be done to minimize disturbance to the buffer by considering a different house design and applying for setback variances to get as much of the dwelling out of the buffer as possible. Although the dwelling was relocated, an alternate design was not utilized and it appears that more could be done to minimize the disturbance. The dwelling itself has a 1794 sq ft footprint, 3476 sq ft of living space and a 2-car garage.

The necessary approvals to allow for the disturbance of the wetland and wetland buffer must be obtained. These approvals should be obtained prior to the variance decision as they could impact that decision.

The **State Critical Area Commission** commented the project proposes the development of a vested lot with a single-family dwelling and associated amenities, with disturbance to the Critical Area Buffer and steep slopes. The proposed improvements will result in 2,096 square feet of lot coverage within the Buffer and 6,549 square feet of forest clearing. To accurately calculate impacts to the Critical Area Buffer, the expanded buffer will need to be accurately delineated to reflect the adjacent steep slopes and nontidal wetland. Additionally, the proposed development will bisect a nontidal wetland, creating an isolated, nontidal wetland on western portion of the property. Per COMAR 27.01.09.02, the provisions of COMAR 26.23.01 apply to nontidal wetlands in the Critical Area; a Maryland Department of the Environment authorization will be required. The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate mitigation is required.

Variance Requirements

For the granting of a critical area variance, a determination must be made as to whether, because

of certain unique physical conditions peculiar to and inherent in the property, strict implementation of the County's critical area program would result in an unwarranted hardship. In this case, this is a lot that is encumbered by steep slopes, non-tidal wetlands, tidal wetlands and the associated buffers.

A literal interpretation of the County's critical area program would deprive the applicant of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County as the applicant wishes to develop the lot with a dwelling. The granting of the variance may confer on the applicant special privileges that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. With stormwater management the granting of the variance should not adversely affect water quality or impact fish, wildlife or plant habitat and will not be in harmony with the general spirit and intent of the County's critical area program. The applicant has not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and has not evaluated and implemented site planning alternatives. While the location of the dwelling has been shifted slightly southwest from the original pre-file plan, the improvements remained approximately the same size and in roughly the same location from the pre-file to the variance submission despite the recommendation of the critical area team to lessen the impacts to the buffer by redesigning the improvements.

Regarding the setback variances, the Code allows for setback variances to be sought over critical area variances. Redesign of the dwelling might require front and rear setback variances and result in less disturbance within the buffer and on steep slopes.

Approval of the variances would not alter the essential character of the neighborhood. Approval of the variances will not substantially impair the appropriate use or development of adjacent property. The variance will not reduce forest cover in the limited development area or the resource conservation area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

The proposed improvements did not change from the pre-file submission where the critical area team suggested redesigning the improvements to minimize any impacts to the environmental features and to provide as much buffer as possible. Therefore, the variance requests for the development cannot be considered to be the minimum necessary to afford relief.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth in § 18-16-305, under the County Code, the Office of Planning and Zoning recommends **denial** of the critical area variance requests to § 18-13-104 (b) and § 17-8-201(a) to allow less buffer than required and development on steep slopes as shown on the site plan submitted. Accordingly, this Office cannot recommend approval of the setback variance requested to § 18-4-601 for the proposal as shown and therefore recommends **denial**.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

CODE	SYMBOL	QTY.	PLANTING SCHEDULE ON-SITE	CONDITION	SPACING	SIZE
°C	○	4	CHICKENPOCK, EASTERN RED	8 x 8	30' x 6'	1-2" DIA./10'-35" HGT.
"M	○	1	MOCKINGBIRD, SOUTHERN HAWAII	8 x 8	30' x 6'	1-2" DIA./10'-30" HGT.
"G	○	12	LESLIE GUMBO, ANDROMED	8 x 8	30' x 6'	2-3" DIA./10'-10" HGT.
"C	○	3	PROUDMANIA UNUSUSUS, JACAR	8 x 8	30' x 6'	2-3" DIA./10'-10" HGT.

Maximum number plant species of comparable size at the species table shown, provided they are approved planting plants.

[illegible]

$\frac{31.70}{215.73} = 14.69\%$

BUCKINGHAM DRIVE

(EX. 40' WIDE LOCAL URBAN RIGHT-OF-WAY)

SETBACK S SCALE: 1"

[illegible]

NO	DATE	BY	REVISION	APPROVED
			1441 LAND PROJECTS 2020\20-039.DWG 20-039-LOTS-15 & 5-ALTERNATIVE-10-24.DWG // VARIANCE-PLAN-12-10-24	



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



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-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.

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

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	15 & 16	

Tax ID: 03-154-00035739

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) Lots 15 & 16 Buckingham Estates

Project location/Address 823 Buckingham Drive

City Severna Park Zip 21146

Local case number G02019443, 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 ☐
Grandfathered Lot ☐

Growth Allocation ☐
Buffer Exemption Area ☐

Project Type (check all that apply)

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

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

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area	0.85	37,023
RCA Area		
Total Area	0.85	37,023

Total Disturbed Area

Acres	Sq Ft
0.18	7,625

of Lots Created |

	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

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: 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 (Ilex 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.

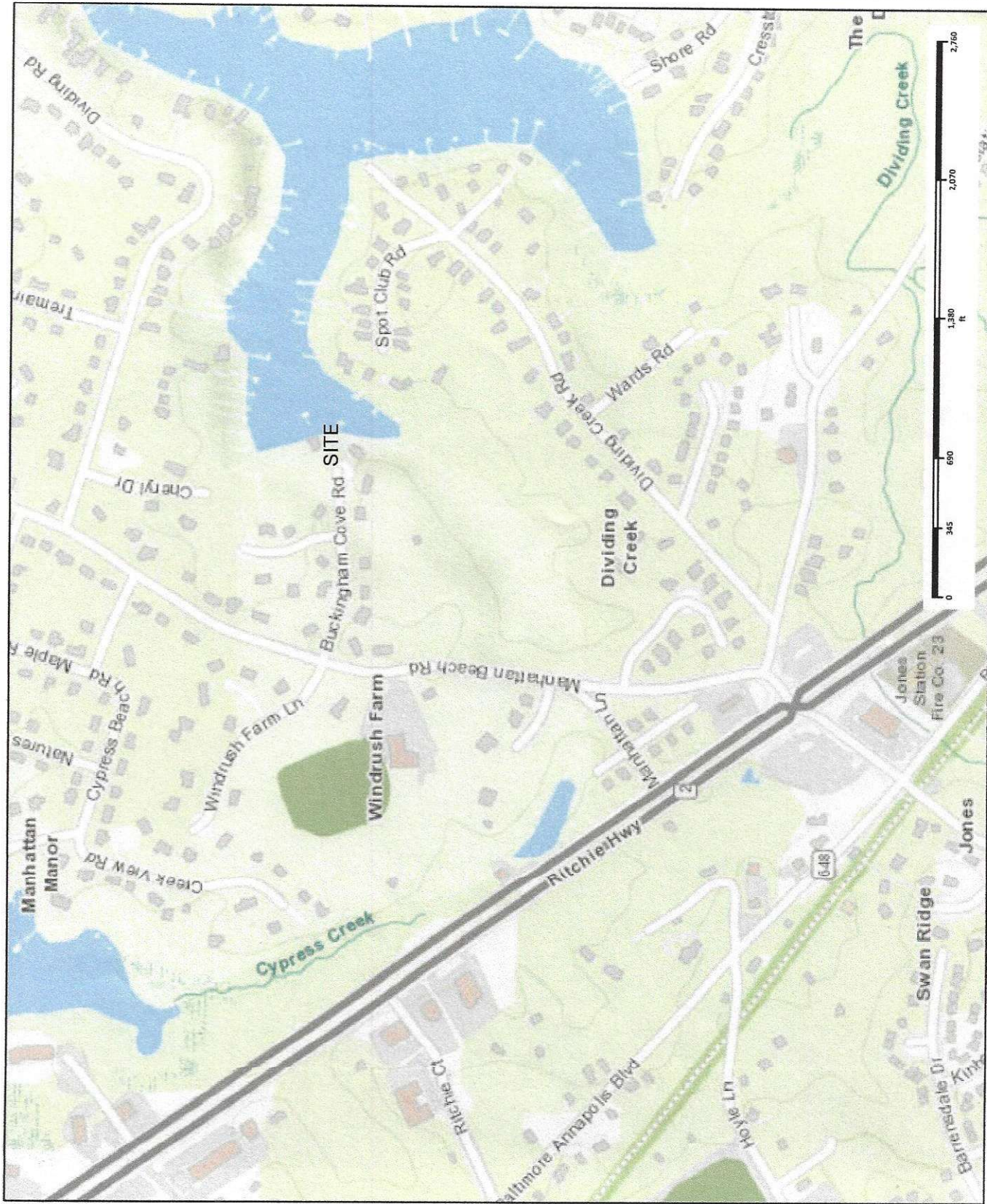
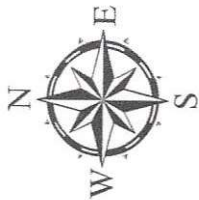
Based upon the field review it was determined the no significant or endangered vegetation exists on the property. Unavoidable steep slopes exist on the site, and it is potentially considered to be FIDs habitat. Other than the identified forested nontidal wetland and associated 25-foot buffer, steep slopes 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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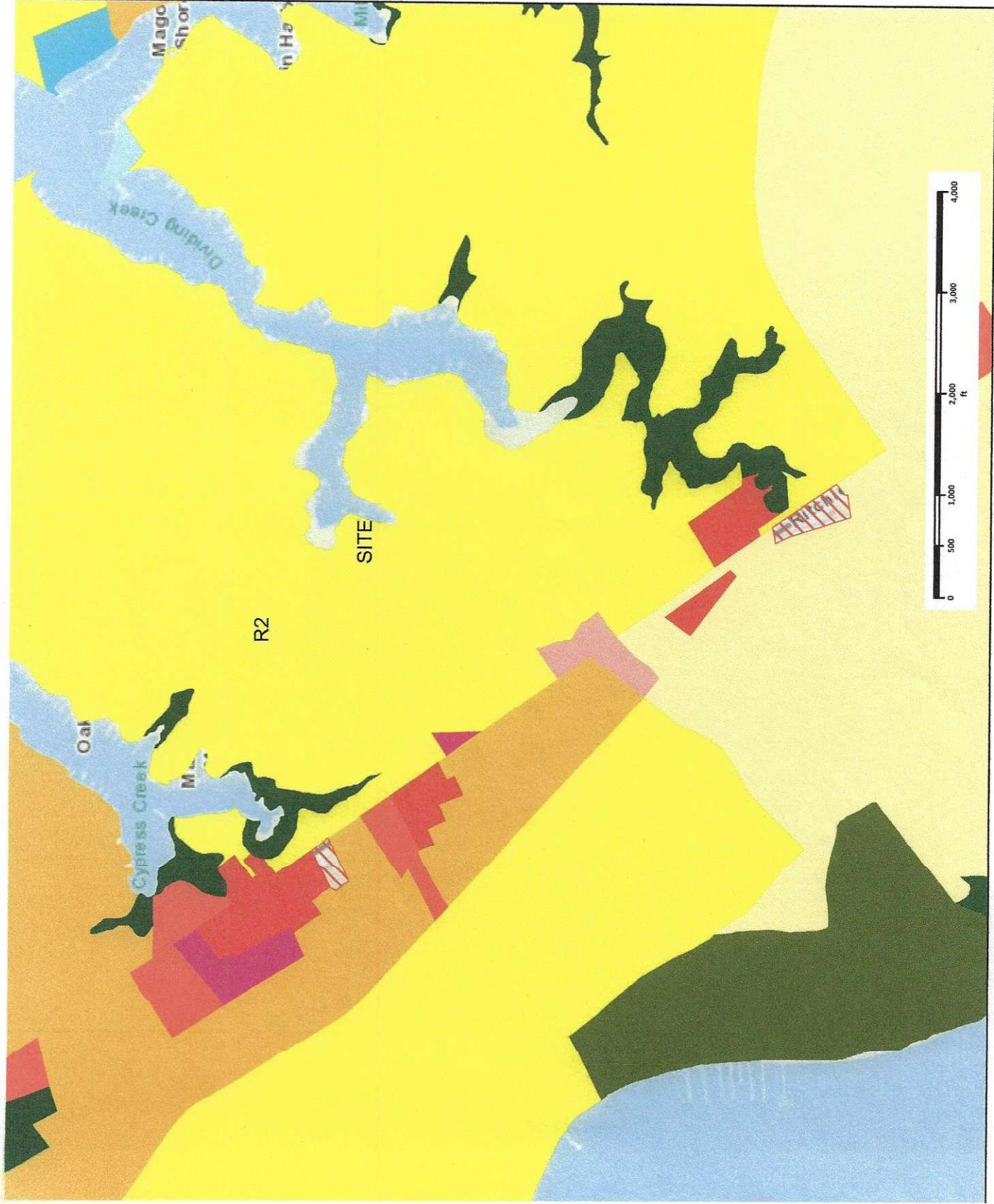
Vicinity Map-858 Buckingham Cove Rd

Date: 4/7/2024

Time: 10:52 AM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere

Fig. 1



Features

Zoning

- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway
- City of Annapolis
- HA1 Community Marina
- HA2 Light Commercial Marina
- HA3 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 - Light
- W2 Industrial - Heavy
- W3 Industrial - Heavy
- Water

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Zoning Map-858 Buckingham Cove Rd

Anne Arundel County Critical Area Map

Legend

- Road Edge
- Building Footprint
- Water
- Critical Areas
 - RCA - Resource Conservation Area
 - LDA - Limited Development Area
 - IDA - Intensity Developed Area



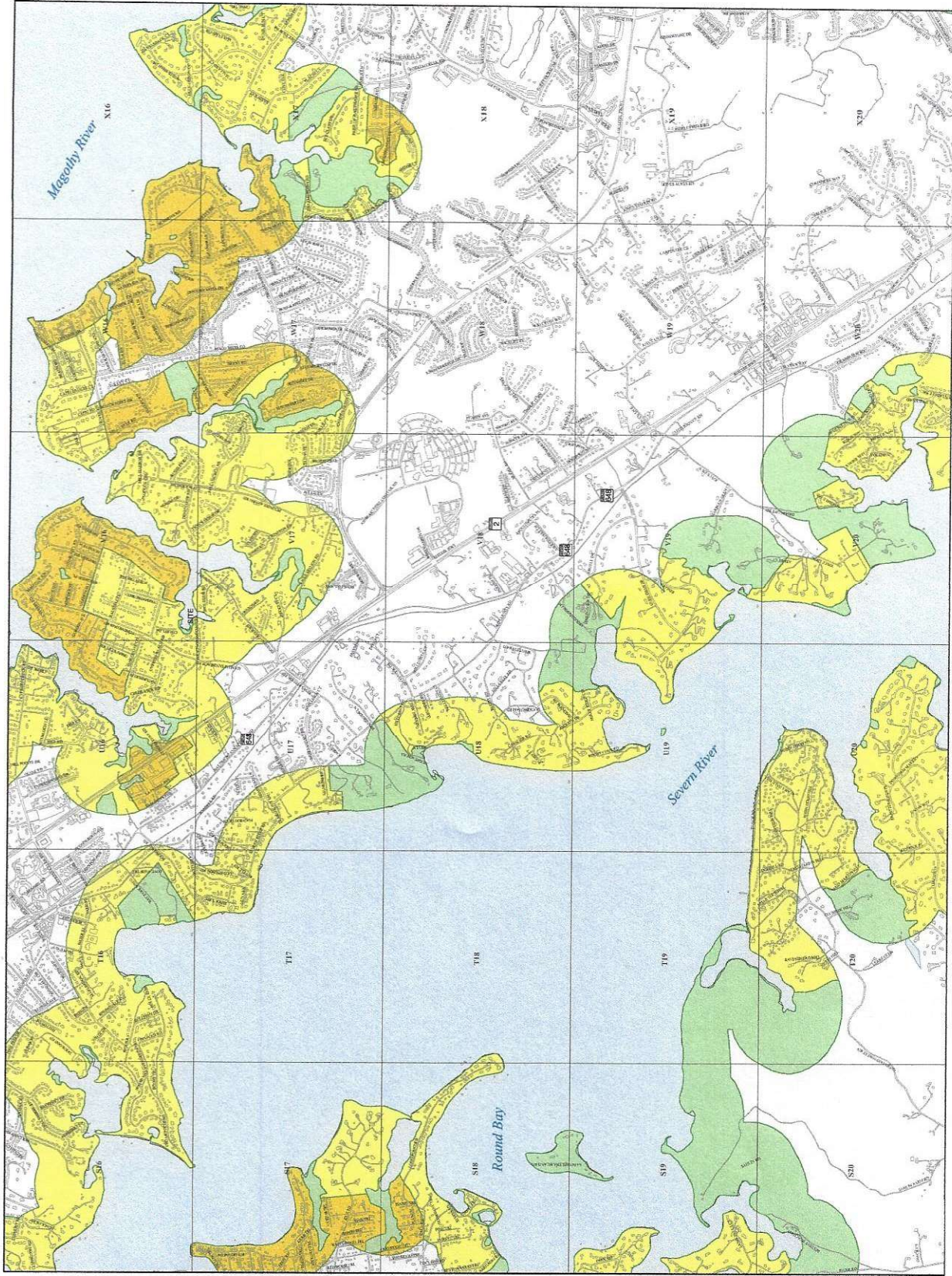
Sheet No. 16



Map Scale: 1" = 1000'



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Critical Area Map - 858 Buckingham Cove Rd

This topographic map illustrates the 858 SITE and its surrounding area. The map features contour lines indicating elevation, with labels such as 0, 5, 10, 15, 20, 30, and 35. A large grey area represents a body of water or a large undeveloped plot. The map includes labels for '858 SITE', 'BUCKINGHAM COVE RD', and various property numbers like 825, 827, 854, 856, 860, and 861. A large grey area represents a body of water or a large undeveloped plot.

Local Road Label
County Boundary
Storm Inlet
Storm Manhole
Storm Outfall
Storm Pipe
Structure Address
Parcels
Topography 2017 - 1ft contours
Index
Intermediate
Impervious Surfaces 2020
BUILDING
DECK
DRIVEWAY
PATIO
PIER
ROAD
SIDEWALK

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

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Aerial Photo - 858 Buckingham Cove Rd



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

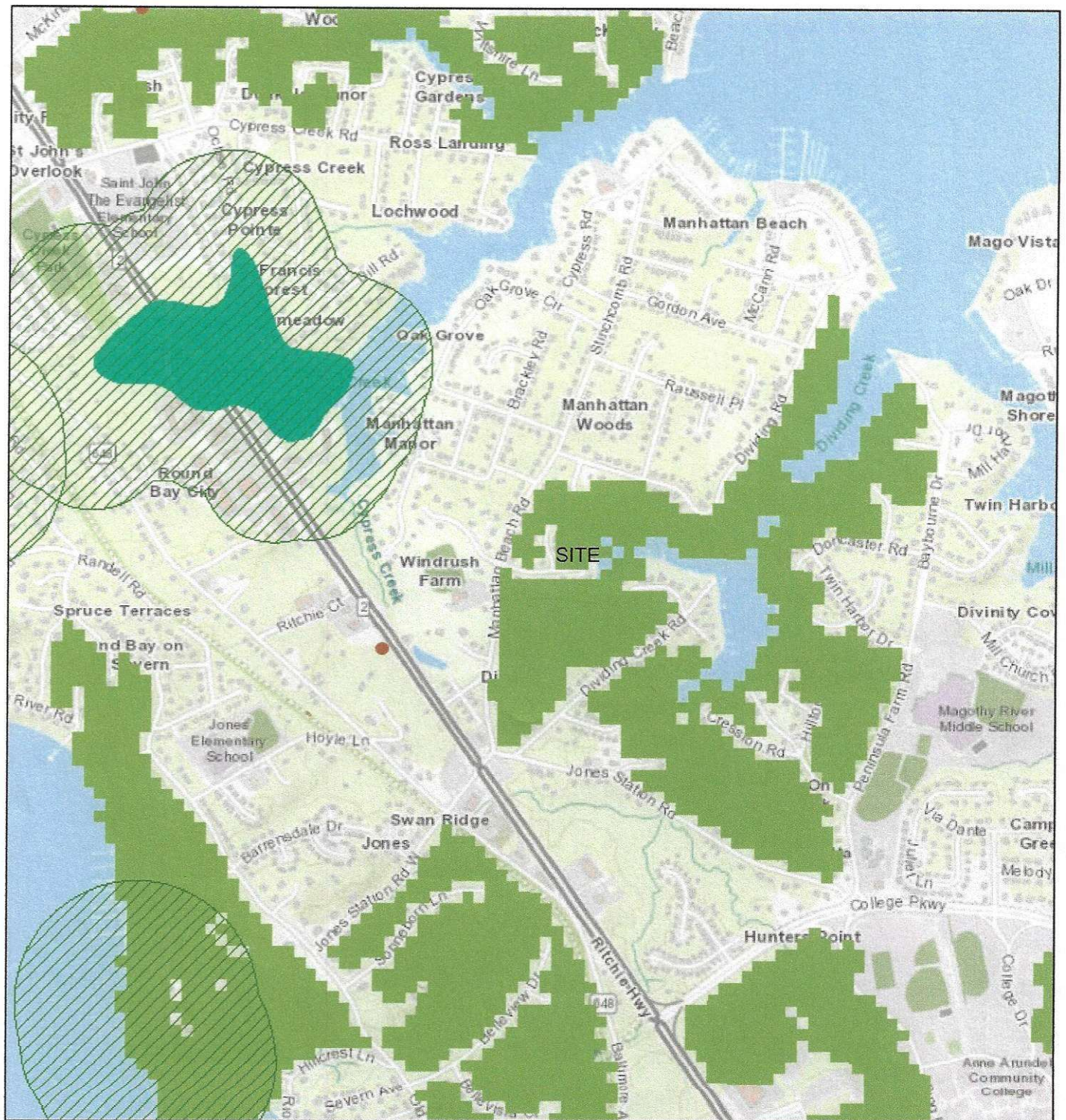
- Local Road Label
- County Boundary
- Orthophoto 2023
- Red: Red
- Blue: Blue
- Green: Green
- Blue: Blue
- Structure Address
- Parcels

1:1,100
0 37.5 75 150 ft
0 10 20 40 m

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA, **Fig. 5**

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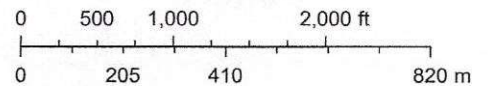
MERLIN Habitat Protection Map 858 Buckingham Cove



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

1:18,959

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> State Boundary Mask Forest Interior Dwelling Species Coastal Bays Shorebirds Natural Heritage Areas Waterfowl Areas Sensitive Species Project Review Areas MD Amphibian and Reptile Atlas Grid | <ul style="list-style-type: none"> Coastal Bays Horseshoe Crab Habitat Chesapeake Bay Horseshoe Crab Habitat beach structure vegetated waters edge Coastal Bays Terrapin Habitat | <ul style="list-style-type: none"> Chesapeake Bay Terrapin Habitat beach cross connector cross connector / vegetated structure vegetated waters edge Fish Blockage Locations |
|--|---|--|



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

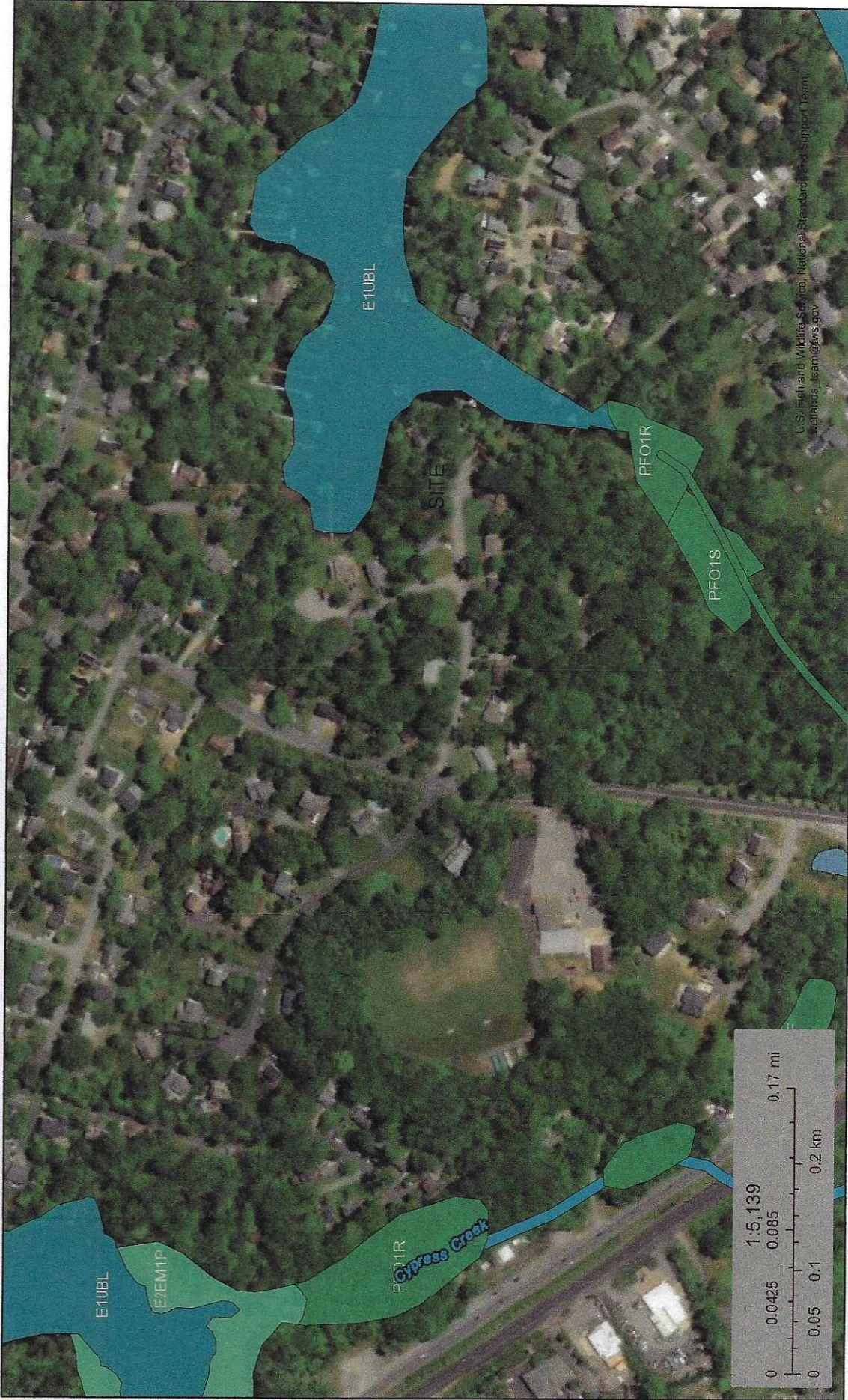
Fig. 6



U.S. Fish and Wildlife Service

National Wetlands Inventory

NWI Map - 858 Buckingham Cove Rd



U.S. Fish and Wildlife Service, National Standard and Support Team
wetlands_team@fws.gov

April 7, 2024

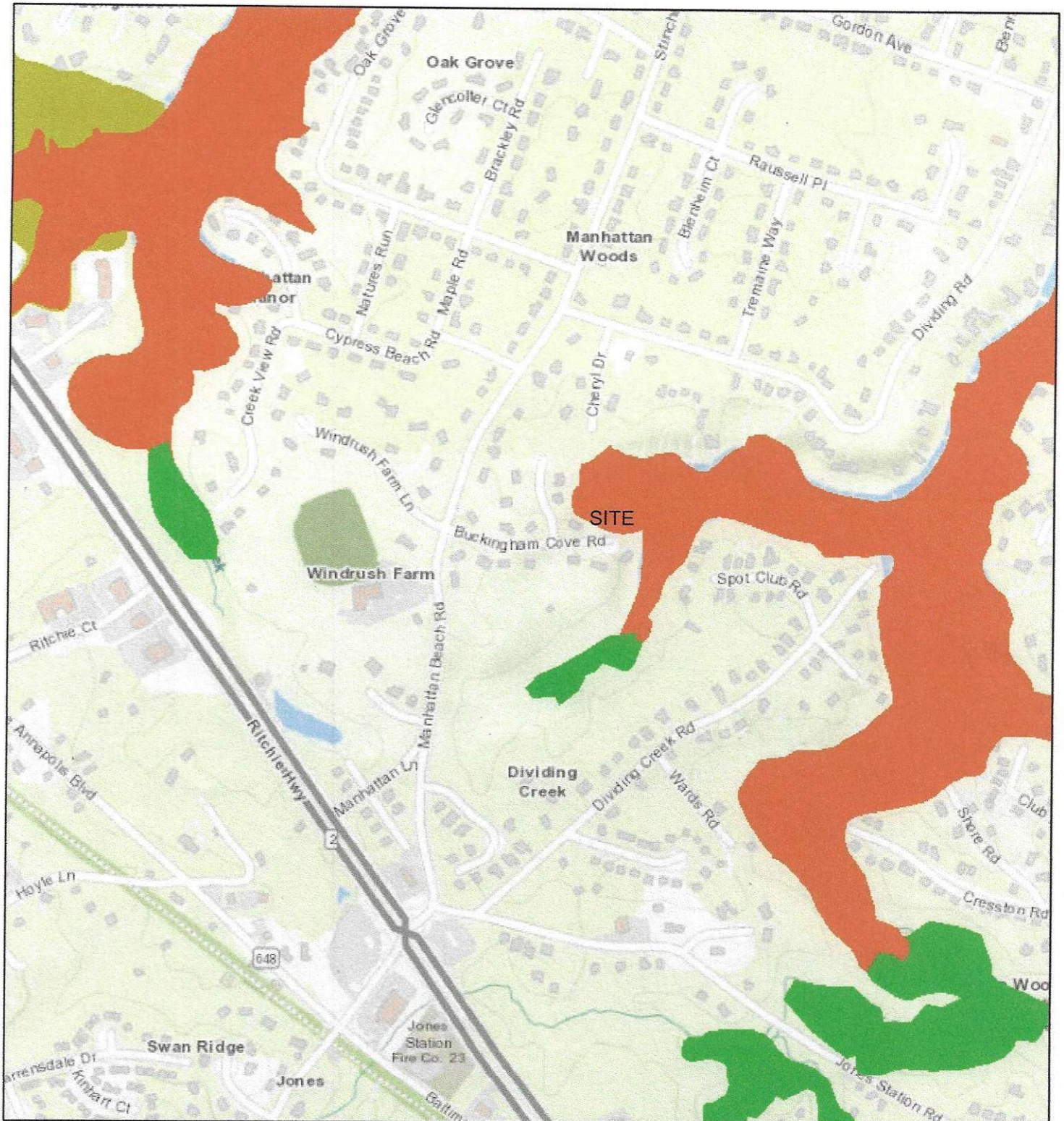
Wetlands

	Freshwater Emergent Wetland		Lake
	Freshwater Forested/Shrub Wetland		Other
	Freshwater Pond		Riverine
	Estuarine and Marine Deepwater		
	Estuarine and Marine Wetland		

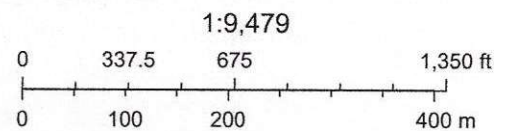
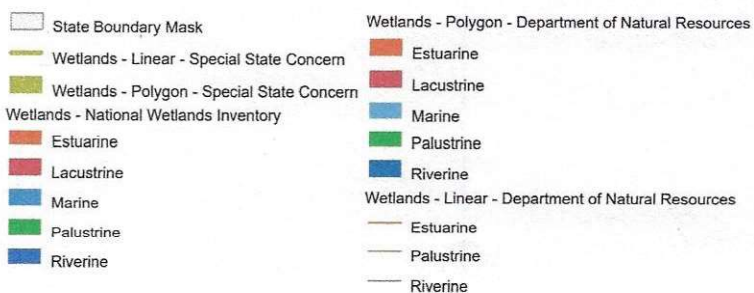
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Fig. 8

MERLIN Wetlands Map 858 Buckingham Cove



4/7/2024, 12:33:32 PM



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

Fig. 9

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



Fig. 10

ATTACHMENT A

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

Pen Mar Environmental Services, LLC

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 *BC*

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

2025-0060-V

Menu Cancel Help

Task Details I and P Engineering

Assigned Date

06/02/2025

Assigned to

Natalie Norberg

Current Status

Complete w/ Comments

Action By

Natalie Norberg

Comments

1. According to the Letter of Explanation, due to the location and size of the micro-bioretenction area (MBRA), the house cannot be located closer to the road. However, the MRBA is in a different area of the house.
2. There appears to be other locations for the MBRA which are outside the 25-foot wetland buffers.
3. The non-tidal wetland buffer and steep slope buffer have the same line type. Revise so that they are distinct.
4. At Grading Permit, the SHC needs to be revised to eliminate an acute angle connection.
5. At Grading Permit, locate the water meter per the County detail.
6. At Grading Permit, state how the water from the rain barrels will be re-used and show the area of dedicated use.
7. At Grading Permit, add the rain barrels' Operation and Maintenance details from the manufacturer on the plans.
8. At Grading Permit, provide the rain barrel details of the pipes and irrigation (if that is the dedicated use) on the plans
9. At Grading Permit, 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.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Due Date

06/20/2025

Assigned to Department

Engineering

Status Date

06/24/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

Engineering

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Review Notes

Reviewer Name

Natalie Norberg

Reviewer Phone Number

Reviewer Email

ipnorb81@aacounty.org

2025-0061-V

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

05/30/2025

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

This property has high archaeological potential. All permit/ development applications are subject to review per Article 17-6-503. Our office will need review of the permit application's plans once submitted. A site visit may be required prior to approval in order to complete the review. Please contact the Archaeological Sites Planner, Anastasia Poulos, pzpoul44@aacounty.org with any questions.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Due Date

06/20/2025

Assigned to Department

OPZ Cultural Resources

Status Date

06/16/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Cultural Resources

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

2025-0060-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

05/30/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

This site is encumbered by numerous environmental features including the 100' buffer, expanded buffer, and both tidal and nontidal wetlands. It is located at the bottom of a hill and, based on the slopes and wetland features, appears to receive and "hold" runoff from the adjacent area. This site consists of 2 grandfathered lots that will be merged into a single site at the time of permit.

It was suggested at prefile that more could be done to minimize disturbance to the buffer by considering a different house design and applying for setback variances to get as much of the dwelling out of the buffer as possible. Although the dwelling was relocated, an alternate design was not utilized and it appears that more could be done to minimize the disturbance. The dwelling itself has a 1794 sq ft footprint, 3476 sq ft of living space and a 2 car garage.

The necessary approvals to allow for the disturbance of the wetland and wetland buffer must be obtained. These approvals should be obtained prior to the variance decision as they could impact that decision.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Due Date

06/20/2025

Assigned to Department

OPZ Critical Area

Status Date

06/24/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

- ☐ Display E-mail Address in ACA
- ☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

CAC Comments: 2025-0060-V: R.S. Maisel Builders Inc. (AA 0146-25), 2025-0061-V: R.S. Maisel Builders Inc. (AA 0147-25), 2025-0102-V: Lopez (AA 0154-25)

1 message

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

Mon, Jun 30, 2025 at 12:21 PM

Good morning,

Our office have reviewed the above-referenced variances and provide the following comments:

- **2025-0060-V: R.S. Maisel Builders Inc. (AA 0146-25):** The project proposes the development of a vested lot with a single-family dwelling and associated amenities, with disturbance to the Critical Area Buffer and steep slopes. The proposed improvements will result in 2,096 square feet of lot coverage within the Buffer and 6,549 square feet of forest clearing. To accurately calculate impacts to the Critical Area Buffer, the expanded buffer will need to be accurately delineated to reflect the adjacent steep slopes and nontidal wetland. Additionally, the proposed development will bisect a nontidal wetland, creating an isolated, nontidal wetland on western portion of the property. Per COMAR 27.01.09.02, the provisions of COMAR 26.23.01 apply to nontidal wetlands in the Critical Area; a Maryland Department of the Environment authorization will be required. The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate is required.
- **2025-0061-V: R.S. Maisel Builders Inc. (AA 0147-25):** The project proposes the development of a vested lot with a single-family dwelling and associated amenities, with disturbance to the Critical Area Buffer and steep slopes. The proposed improvements will result in 2,438 square feet of lot coverage within the Buffer and 5,249 square feet of forest clearing. The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate is required.
- **2025-0102-V: Lopez (AA 0154-25):** The applicant is proposing several additions to the existing dwelling unit, including an addition to the basement, below the existing sunroom, a second-floor addition, a conversion of a covered porch to living space, and a waterside deck and walkway, with disturbance to the Critical Area Buffer and steep slopes. The proposed improvements will not result in increased lot coverage or clearing of forest or developed woodland. However the proposed deck will result in disturbance to steep slopes and the expanded buffer. In 2006, the property was granted a variance to allow for an expansion of the dwelling. In order for this variance to be granted, the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. Additionally, the AHO must determine that this request meets the requirement of being the minimum necessary to afford relief even when this site received a previous variance for an expansion of the dwelling. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate is required.

The comments have been entered into the County's online portal.

Sincerely,
Jamileh Soueidan

--



Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalarea

Jamileh Soueidan (she/her)
Natural Resources Planner
1804 West Street, Suite 100
Annapolis, MD 21401
Office: [410-260-3462](tel:410-260-3462)
Cell: [667-500-4994](tel:667-500-4994) (preferred)
jamileh.soueidan@maryland.gov



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.

2025-0060-V



Legend

Foundation

Parcels



Parcels - Annapolis City



Elevation

Topo 2023

Index

Intermediate



none

This map is a user generated static output from an Internet mapping site and is for reference only.
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THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes