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

APPLICANT: Raymond J. Herman ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0082-V COUNCILMANIC DISTRICT: 6

HEARING DATE: July 10, 2025 **PREPARED BY:** Sara Anzelmo

Planner

REQUEST

The applicant is requesting a variance to allow a dwelling and associated facilities with less setbacks than required, that does not comply with the designated location of a principal structure on a waterfront lot, and with new lot coverage nearer to the shoreline than the closest facade of the existing principal structure on property located at 31 Sands Avenue in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 22,867 square feet of land and is located on the northwest side of Sands Avenue. It is identified as Part of Lots 3 and 4 of Parcel 29 in Block 10 on Tax Map 57 in the subdivision of Bay Ridge.

The property is zoned R2 – Residential District. This waterfront lot on Lake Ogleton lies within the Chesapeake Bay Critical Area, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a two-story single-family detached dwelling with a basement, a pier, a shed, and other associated facilities.

PROPOSAL

The applicant proposes to demolish the existing house and to construct a new, irregularly-shaped, two-story dwelling with a basement. The dwelling footprint would measure 2,105 square feet plus a covered deck of 216 square feet for a total dwelling coverage of 2,321 square feet.

REQUESTED VARIANCES

§ 17-8-702(b)(1) of the Anne Arundel County Subdivision and Development Code provides that in a BMA – Buffer Modification Area no new lot coverage shall be placed nearer to the shoreline than the closest façade of the existing principal structure. The proposed new dwelling would project nearer to the shoreline than both the southeastern and the southwestern facades of the existing dwelling, necessitating a variance to allow approximately 686 square feet of new critical area lot coverage nearer to the shoreline.

This Office has determined that the zoning setback variance and the locational (relatively in line) variance that were advertised are not required for this proposal.

FINDINGS

The subject property is pie-shaped and meets the recently amended minimum lot area and width required for a lot served by public sewer in an R2 District. (See Bill 72-24, effective July, 1, 2025). The existing critical area lot coverage is 4,804 square feet. The proposed coverage would be reduced to 4,580 square feet, which falls well below the maximum 5,445 square feet allowed.

A review of the 2024 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. The homes occupy a variety of lot shapes and sizes, many of which were developed prior to the enactment of critical area laws. According to State tax assessment records, the subject dwelling was originally constructed in 1964; however, it appears to have been updated since that time.

They submitted a formal letter detailing the critical area variance standards and demonstrating that not all of the standards have been met. The Commission concluded that granting a variance to permit the proposed dwelling and associated improvements closer to the shoreline than the existing structure's nearest façade would conflict with the express intent and goals of the Critical Area Law. The applicant has a feasible alternative to rebuild within the existing footprint, and failing to do so disregards the legal requirement that variances be the minimum necessary and not result in avoidable adverse impacts to water quality or habitat. A copy of the full letter is included in the County exhibits.

The **Development Division (Critical Area Team)** commented that the Blue Line as shown on the site plan has no bearing on this request or the development of this property. The applicant argues that this request is necessary in order to build a reasonably sized home on this site. The existing home is a 5 BR, 2,600 square foot dwelling which could be replaced without the need for the requested variances. One can easily argue that, given the constraints of the site, the current footprint/size is more than reasonable. It is the Team's opinion that greater effort could be made to minimize the impacts by utilizing a smaller footprint. Should the Administrative Hearing Officer find that the application meets the standards for approval, mitigation will be determined at permitting and buffer establishment will be required.

The **Health Department** did not take a position on the variance request, but they noted that additional information is needed regarding the proposed stormwater management. No other comments were provided.

The **Engineering Division of the Office of Inspections and Permits** reviewed the proposal and provided a detailed list of engineering and utility issues that will need to be addressed if the variance is approved. The Division conditionally recommends approval, subject to the comments being addressed. A copy of the full comment is included in the County exhibits.

The **Cultural Resources Section** has no objection to the proposed variance. While this property is located in the Bay Ridge Historic District (AA-950), it is non-contributing. This project presents no adverse effect to the district.

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 particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship

preventing development of the lot. In this particular case, the property has water on the south and west sides and is encumbered by the BMA - Buffer Modification Area and associated restrictions. However, denial of the variance would not prevent redevelopment of this waterfront site.

A literal interpretation of the County's Critical Area Program would not deprive the applicant of rights that are commonly enjoyed by other properties in similar areas. The 100-foot BMA generously allows for redevelopment without a variance, as long as there is no new lot coverage nearer to the shoreline than the closest facade(s) of the existing principal structure. There is ample opportunity to redevelop the property in the areas behind the southwest and southeast facades, while still providing for a reasonable sized dwelling. The granting of the variance would confer on the applicant a special privilege 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.

The granting of the variance may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. In fact, as noted in the Critical Area Commission's letter, ecologically sensitive properties such as this are purposefully protected within the Critical Area regulations and the County's Critical Area program because of their importance in meeting the goals of the Critical Area law, which are to: (1) Minimize adverse impacts on water quality that result from development, (2) Conserve fish, wildlife, and plant habitat, and (3) Establish land use policies that accommodate development while recognizing that development adversely affects the first two goals. 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 or implemented site planning alternatives to the satisfaction of the County Critical Area Team or the State Critical Area Commission.

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. However, this proposal would place new lot coverage 15.52 feet nearer to the shoreline on the southeastern side and approximately 18 feet nearer to the shoreline on the southwestern side. With the newly reduced 20-foot minimum rear setback provided under Bill 72-24, the house could be designed in a manner that better utilizes the area to the northeast of the proposed dwelling. Similarly, with the newly increased 50-foot maximum principal structure height allowed in the R2 District, the applicants could consider a third story to achieve their desired living space. Because other redevelopment options exist that would easily eliminate the need for any variances, the variance request is not warranted and cannot be considered the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *denial* of the proposed critical area variance.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) 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.



TAX MAP

GENERAL NOTES

THE EXISTING ZONING OF THE SITE IS R2 - RESIDENTIAL DISTRICT. THE SITE IS LOCATED ENTIRELY WITHIN LIMITED DEVELOPMENT AREA. (LDA) OF THE CHESAPENKE BAY CRITICAL AREA, BUFFER MODIFICATION AREA.

THE PROPERTY IS SHOWN AS TAX MAP 57, GRID 1 ANNAPOLIS, MID 21403.

A. THE TAX ACCOUNT DENTIFIER IS CLANDAMARCA.

5. THE TOTAL STE AREA IS 22.867 SO, FT, OR 0.524 AC, AND THE STE IS CURRENTLY A SINGLE FAMILY RESIDENCE.

THE PROPERTY OUTLINES SHOWN HEREON ARE BASED ON A SURVEY PREPARED BY ATWELL, LLC IN JUNE, 2022. ALL HORDONIAL DATUM IS REFERENCED TO MARYLAND STATE PLANE COORDINATES (NAD 83) DATUM.

THE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA - LIMITED DEVELOPMENT AREA (LDA) AND MODIFIED BUFFER

THE PROPERTY DESCRIBED HERCAN IS LOCATED IN THE FLOOD HAZARD ZONE "X" (AREAS DETERMINED TO BE CUTSIDE THE CLX'S ANNUAL CHANCE FLOOD HAVI, FLOOD HAZARD ZONE "X" (ELENATION 1), AND FLOOD ZONE "XE" (ELENATION 9), AS DELIVEATED ON THE FEW FLOOD INSURANCE MAP # 2400000254F DATED FEBRUARY 18, 2015.

THE SITE UTILITIES ARE WATER (PRIVATE WELL) AND SANITARY SEWER (PUBLIC),

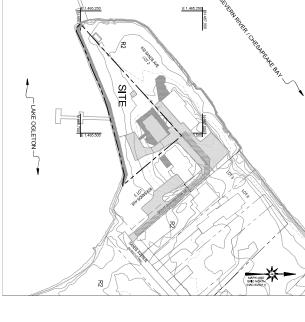
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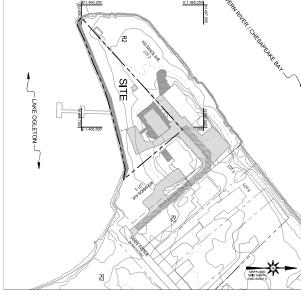
VARIANCE ADMINISTRATIVE PLANS

31 SANDS AVENUE

TAX MAP 57,GRID 10, PARCEL 29, LOT 3
31 SANDS AVENUE
ANNAPOLIS, MARYLAND 21403

2ND DISTRICT ~ ANNE ARUNDEL COUNTY ~ ZONED: R2/LDA (BUFFER EXEMPT)





VICINITY MAP

SCALE: 1"= 2,000

COPYRIGHT ADD THE MAP PEOPLE
PERMITTED USE NO, 08301200

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EXISTING FACADE SETBACK	
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LOCATION AND ZONING MAP

PROPERTY OWNERS WITHIN 300' OF SUBJECT PROPERTY

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				Tax Map 57, 5rld 10, Parcel 29, PT Lots 3&4							
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02047(5073503	33 SANDS AVE	ANNAPOLIS	21403	STONE EFFRES & VICTORIA	33 SANDS AVE	ANNAPOLIS	MD	21403	2	57	10 29
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02047(7843220	2E LAKE DR	ANNAPOLIS 21403	21403	NESLINE KRISTN	2 E LAKE DR	ANNAFOLIS	MD	21403	20, 20A	57	10 29
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	CFFICE OF PLANNING AND ZONNG			DEVELOPMENT DIVISION	2664 RIVA ROAD 3RD FL/MS 6305 ANNAFOLIS	ANNAFOLIS	21401				
	CEFICE OF PLANNING AND ZONNG			ASSISTANT DIRECTOR OF DEVELOPMENT	2664RIVA ROAD 3RD FL/MS 6305 ANNAFOLIS	ANNAFOLIS	21401				
	COUNTY COUNCLMEMBER			LISA BRANNIGAN RODVIEN	44 CALVERT STREET	ANNAFOLIS	21401				
	OFFICE OF COUNTY EXECUTIVE			ARUNDEL CENTER / STEUART PITTMAN	44 CALVERT STREET	ANNAFOLIS	21401				

VARIANCE REQUEST

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DRAWING INDEX

BENCHMARK NOTE

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UTILITY INFORMATION

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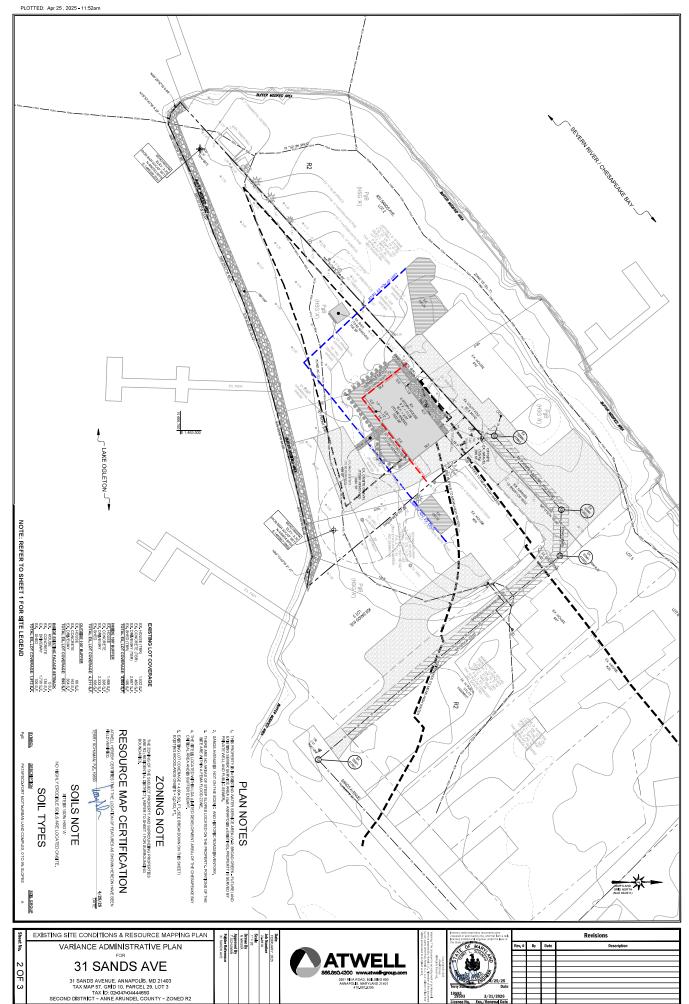
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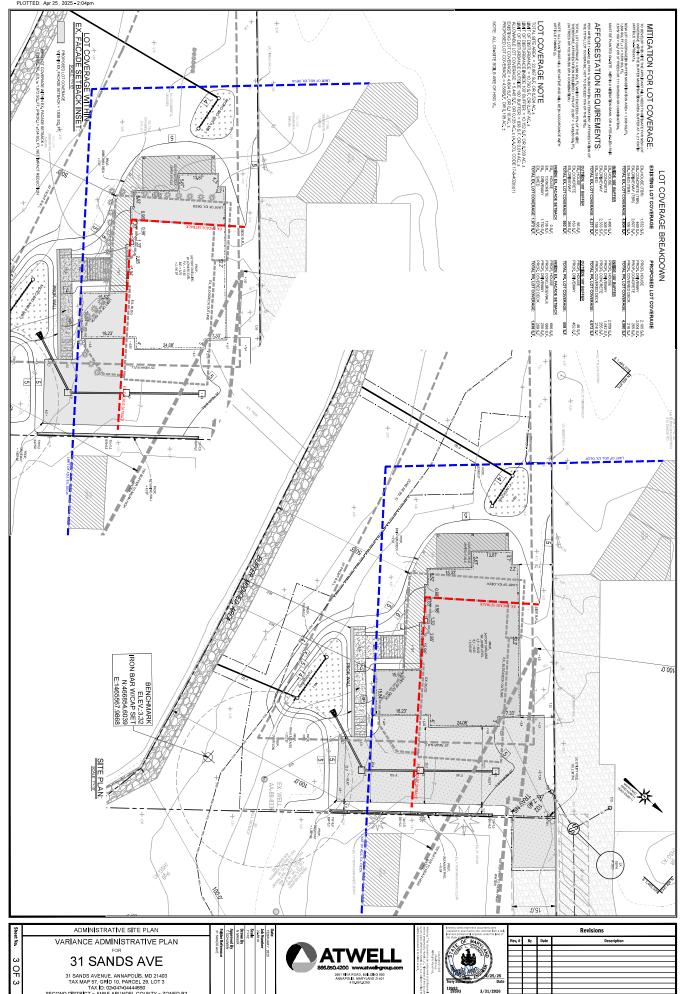
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21403







April 25, 2025

Anne Arundel County Office of Planning & Zoning 2664 Riva Road Annapolis, Maryland 21401

Attention: Ms. Jennifer Lechner

Re: VARIANCE REQUEST
HERMAN RESIDENCE
31 SANDS AVENUE
ANNAPOLIS, MD 21403
TM 57, GRID 10 PARCEL 29

Dear Ms. Lechner:

On behalf of the applicants, we respectfully are requesting a variance as follows:

Request #1 – to Article 17-8-702(b)(1) in a Buffer Management Area (BMA) no new lot coverage shall be placed nearer to the shoreline than the closest façade of the existing principal structure. The applicant is proposing 1,838 sq ft of new lot coverage to be located forward of the closest façade.

THE PROPERTY

The applicant owns the subject property which derives access to Sands Avenue via a private 15' and 20' wide r/w. It is known as Lot 3 of Parcel 57 on Tax Map 57 in the Bay Ridge subdivision. The property comprises 22,867 square feet or 0.524 acres and is zoned R2-Residential District. This waterfront lot on Lake Ogleton is designated in the Chesapeake Bay critical Area as Limited Development Area (LDA) and is mapped in a buffer modification area (BMA). The site is currently developed with a single-family dwelling, shed and surface parking areas. The existing dwelling was constructed in 1964 with approximately 2,682 sq ft of living space per SDAT and 5 bedrooms, The living space was confirmed with the original building permit plans included with the submittal package supporting the SDAT listed living space.

THE PROPOSED WORK

The applicant proposes to raze the existing dwelling and construct a new 2-story single-family dwelling (3 bedrooms) with a lower level and associated improvements. The proposed plan will remove the existing shed and gravel parking areas currently within the BMA.

This plan meets the intent of 18-16-305(a) as follows:

(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 Response (1): due to the lots irregular shape which is triangular and located at a point which is shared with the adjacent property. The point located at the entrance to Ogleton Lake from the

Severn River resulting in the properties being predominantly located within the 100-foot buffer to the mean high water which occurs on the waterfront of both properties. Although the property is within a Buffer Management Area (BMA), only a small portion lies outside the 100-foot buffer, making the lot's irregular shape a characteristic inherent to the property. Given the constraints of the lot configuration and the surrounding development, it is not reasonably possible to develop the lot in strict conformance with Article 18 of the County Code.

(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.

Response (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. The existing lot configuration, including its triangular shape and position within the 100-foot buffer, significantly restricts the buildable area. Additionally, the property's location at the entrance to Lake Ogleton from the Severn River results in substantial limitations due to adjacent waterfront development and buffer management requirements.

The proposed design seeks to align with the prevailing character of neighboring properties while also reducing the overall environmental impact by removing nonconforming structures (existing shed) within the Buffer Management Area. Without the variance, the applicant would be unable to construct a reasonably sized dwelling that is consistent with both the zoning intent and the surrounding neighborhood. The variance allows for a practical and efficient use of the property while maintaining the environmental integrity of the site.

This plan also meets the intent of 18-16-305(b) for critical area variances as follows:

(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;

Response (1): The unique and inherent characteristic of this lot is its location within the Chesapeake Bay Critical Area 100-foot buffer. While designated within a Buffer Modification Area (BMA), the only viable developable area is on the waterside of the lot due to rear and side yard well setback requirements. These constraints significantly limit the buildable portion of the property, making strict compliance with the County's Critical Area Program an unwarranted hardship.

The proposed development is designed to minimize environmental impact while ensuring reasonable residential use, consistent with neighboring properties. Additionally, the proposed building footprint closely aligns with the existing dwelling, maintaining general conformance with current site conditions while providing adequate buffering from adjacent developed lots.

(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;

Response (2)(i): A literal interpretation of COMAR would deprive the applicant of rights commonly enjoyed by neighboring property owners, as the subject property is surrounded by homes along Lake Ogleton in Bay Ridge that feature larger footprints and modern

designs. The existing site constraints, including its location within the 100-foot buffer and setback requirements, significantly restrict the ability to construct a dwelling comparable to those in the surrounding community. Granting the variance would allow for a reasonable use of the property while maintaining consistency with the character of the neighborhood.

- (2)(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; **Response (2)(ii):** The site is not located in a bog area.
- (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;
- Response (3): The granting of this variance will not confer any special privilege to the applicant that would be denied to others under COMAR, Title 27, the County's Critical Area Program. The request is consistent with the allowances granted to similar properties facing comparable site constraints within the Critical Area. The proposed development seeks only reasonable use of the property in a manner that aligns with neighboring properties and existing County regulations.
- (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;
- Response (4): The variance request is not based on actions taken by the applicant but rather on the inherent site conditions and regulatory constraints affecting the property. The majority of the lot is encumbered by the 100-foot buffer, and the remaining developable area is further restricted by setback requirements. These conditions existed prior to the applicant's ownership and are not a result of any modifications made by the applicant. Additionally, no work has commenced on the property prior to the submission and approval of the necessary permits.
- (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;
- Response (5): This project will not adversely affect water quality or impact fish, wildlife, or plant habitats within the County's Critical Area. Stormwater management measures will be implemented as required by the Code to ensure proper water quality protection, and any clearing will be mitigated in accordance with regulatory requirements. The proposed development does not affect any existing trees, and the amount of new lot coverage remains minimal and within the limits established by Critical Area and zoning regulations. Additionally, stormwater management will be addressed in compliance with Section 17-8-405 at the permit stage, should the variance be granted, ensuring the project aligns with the intent of the County's Critical Area 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; **Response (6): This site is not in the bog buffer.**

- (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
- Response (7): This plan meets the presumption, as the denial of this variance would deny the owners' rights of other owners in the County. The development is not detrimental to the environment as stormwater management plantings and modern construction will make the project a benefit not a detriment to the area.
- (8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).

Response (8): This plan overcomes the presumption contained in Natural Resources Article, § 8-1808 by demonstrating that the denial of this variance would deprive the applicant of property rights commonly enjoyed by other property owners in the County. The proposed development is not detrimental to the environment; rather, it incorporates stormwater management measures, mitigation plantings, and modern construction techniques that will enhance environmental protection. Additionally, the proposed development proposes removal of existing impervious areas currently 19 feet from the shoreline to a proposed buffer from the shoreline of 40.5 feet to an impervious surface. These improvements ensure that the project aligns with the intent of the County's Critical Area Program while benefiting the surrounding area.

This plan meets the requirements of 18-16-305(c) as follows:

(c)(1). the variance is the minimum variance necessary to afford relief; and

Response (c)(1): The variance request is the minimum necessary to afford relief, as the applicant is proposing a modest house footprint similar to the existing dwelling. Additionally, the removal of existing gravel parking areas will enhance the buffer between the structure and the water, improving environmental conditions compared to the current state. The net square footage of the existing impervious areas within the existing front façade is 1,972 sq ft. A Site Summary table of the existing and proposed condition is as follows:

SITE SUMMARY

	EXISTING (SF)	PROPOSED (SF)
IMPERVIOUS AREA W/IN FRONT		
FACADE	1,972 (19.3 ft from shoreline)	1,838 (40.5 ft from shoreline)
FOOTPRINT OF HOUSE AND		
COVERED DECKS	1,532	2,321
HOUSE (living space above		
grade)	2,682 (per SDAT)	4,520
FIRST FLOOR ELEVATION	5.5	15.9
# OF BEDROOMS	5	3 (reduction)
TOTAL LOT COVERAGE	4,804 SF or 21.0%	4,580 SF or 20.0% (reduction)

(c)(2)(i). alter the essential character of the neighborhood or district in which the lot is located;

Response (c)(2)(i): This variance will not alter the essential character of the neighborhood. The proposed house is modest in size and consistent in design with the existing dwellings in the surrounding area.

(c)(2)(ii). substantially impair the appropriate use or development of adjacent property;

Response (c)(2)(ii): This variance will not impair the appropriate use or development of adjacent properties. The proposed dwelling is designed to align with neighboring structures while maintaining proper setbacks and buffering.

(c)(2)(iii). reduce forest cover in the limited development and resource conservation areas of the critical area;

Response (c)(2)(iii): No tree clearing is proposed, and any required mitigation as part of the permit process will enhance canopy coverage within the Limited Development Area (LDA), ensuring compliance with Critical Area requirements.

(c)(2)(iv). be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor

Response (c)(2)(iv): All clearing and replanting will adhere to approved practices for development in the Critical Area, as required by the permit process. The project will comply with all applicable regulations to ensure proper environmental stewardship.

(c)(2)(v). be detrimental to the public welfare.

Response (c)(2)(v): The project will not be detrimental to the public welfare, as it is located on private property and designed to minimize environmental impacts while maintaining consistency with the surrounding neighborhood.

As this proposal involves the construction of a new dwelling with minimal disturbance, stormwater management will be addressed and implemented in accordance with county requirements, where none currently exists for the existing development. The proposed request is consistent with other developments in this area. Denial of this request would deprive the applicant of property rights that are commonly enjoyed by other property owners in this area.

In conclusion, the variance requested is the minimum necessary to afford relief and is not based on conditions or circumstances resulting from actions taken by the applicant. We appreciate your consideration of this request and thank you and the staff in advance for your attention to this matter.

If you have any questions, or if you require additional information, please feel free to contact me at 410-897-9290.

Sincerely,

Atwell, LLC

Terry Schuman Terry L. Schuman, P.E.

Director

cc: Ray Herman, Owner/Applicant

Sandie Martino, Leo Wilson Architects

File

CHESAPEAKE BAY CRITICAL AREA REPORT

for

31 Sands Avenue

Anne Arundel County, Maryland

Atwell Job #22-8619

Prepared for:

Raymond J. Herman 25 Chaney Cay Road Largo, Florida 33037

Prepared by:



2661 Riva Road, Building 800 Annapolis, Maryland 21401 Phone: (410) 897-9290

Kenneth R. Wallis, PWS

March 13, 2025

PROJECT LOCATION AND EXISTING CONDITIONS

31 Sands Avenue (Tax Map 57, Grid 10, Parcel 29, Lot 3) is a 0.52-acres (22,867 sq. ft.) parcel located west of Sands Avenue in Annapolis, Anne Arundel County, Maryland (Figure 1). The property is bordered by existing residential properties to the north and east. Currently, the property contains a single-family home, a driveway, a pier, and a maintained yard (Figure 2). The entire property is located within the Chesapeake Bay Critical Area. The Critical Area classification is LDA (buffer modified). The existing and proposed conditions are shown in the *Existing Site Conditions & Resource Mapping Plan* and *Administrative Site Plan*, prepared by Atwell, LLC. This property fronts Lake Ogleton, a tributary of the Severn River of the Chesapeake Bay.

PROPOSED DEVELOPMENT

The applicant is proposing to construct a new single-family home in the same general location as the current house situated on the property. The proposed house location is depicted on the enclosed *Administrative Site Plan*. This plan shows the location of the existing house, driveway, and decks on the property.

Forest Clearing

The property does not contain any classifiable forest or existing trees but does contain shrubs and ornamental grasses along the house and shed. No trees will be removed during the construction of the proposed project.

Stormwater Management

Stormwater management for the lot coverage will be handled through the use of two microbioretention areas. The locations of these two micro-bioretention facilities are depicted on the *Administrative Site Plan* and will be located south and west of the proposed house.

Impervious Surface

Due to the nature of the proposed project, impervious surface coverage will increase with the construction of the new proposed house. The current impervious surface coverage on the property totals 4,804 square feet (21%). The new house, overhang, driveway, and concrete will increase impervious coverage on the site to 4,719 square feet (20.5%) of the site. This is above the maximum lot coverage of 15% (5,445 square feet) allowed for the site as listed in the Lot Coverage Note on the *Administrative Site Plan*. Mitigation for the proposed lot coverage will need to be provided at a 2:1 ratio.

HABITAT PROTECTION AREAS

Wetlands and Streams

A wetland evaluation, in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region by Kenneth R. Wallis (P.W.S.) of Atwell, LLC was completed on the property. The property is bordered by Lake Ogleton to the south and the entire southwestern edge of the property is lined with revetment along the water's edge. No tidal or non-tidal wetlands were identified on the property during the course of the field work.

Rare, Threatened & Endangered Species

A formal request for an environmental review of rare, threatened, or endangered species has been submitted to the Maryland Department of Natural Resources, Wildlife and Heritage Division. A copy of the response letter dated March 11, 2025, can be found in Appendix A of this report. No rare, threatened, or endangered species were identified on the property during the course of the critical area field work.

Colonial Waterbird Nesting Sites

No colonial waterbird nesting sites are mapped in the vicinity of the project. It is unlikely, they would be affected by the construction of a new house since it is within an existing maintained yard and immediately adjacent to existing houses on adjacent properties.

Waterfowl Staging Areas and Nesting Sites

The DNR Environmental Review response letter indicates that the open water areas adjacent to the site are known historic waterfowl concentration and staging areas. It is unlikely these areas would be affected by the construction of the proposed house as no water disturbance or water dependent facilities are proposed.

Shellfish Beds

According the MDMERLIN shellfish beds are mapped within Lake Ogleton and the Severn River. However, no disturbance is proposed to tidal waters, so these beds should not be affected.

Anagomous Fish Spawning Area

Anagomous Fish sites may occur in the vicinity of the project. No disturbance is proposed to tidal waters so it is unlikely the proposed project would affect these fishes.

Forest Interior Dwelling Bird Species

A Forest Interior Dwelling Bird species (FIDS) survey is not required because there is no forest or FIDS habitat on the developed lot. No forest or trees will be removed to construct the new house.

Steep Slopes

Steep slopes are any slopes 15% and greater in the Chesapeake Bay Critical Area. Steep slopes do not exist on the property.

EXISTING VEGETATIVE COVER

A site visit was completed on the property on January 30, 2025. Numerous ornamental shrubs and grasses exist along the house and shed on the property. The location of the shrubs and grasses are depicted on the enclosed *Administrative Site Plan*.

WILDLIFE

The only wildlife encountered on the property were numerous small birds.

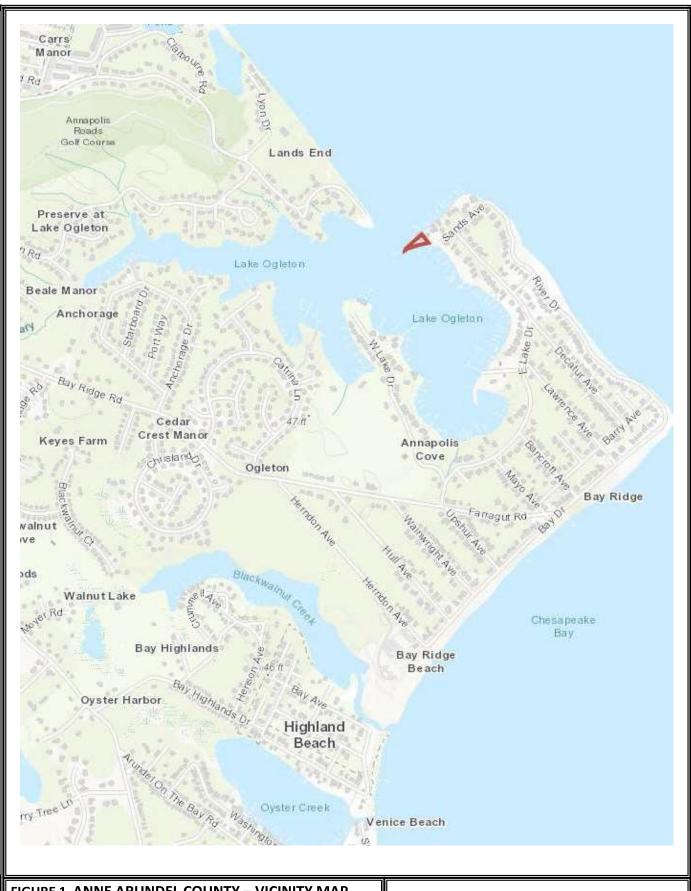


FIGURE 1 ANNE ARUNDEL COUNTY - VICINITY MAP

CREDIT DEPARTMENT OF NATURAL RESOURCES MERLIN GIS (NOT TO SCALE)

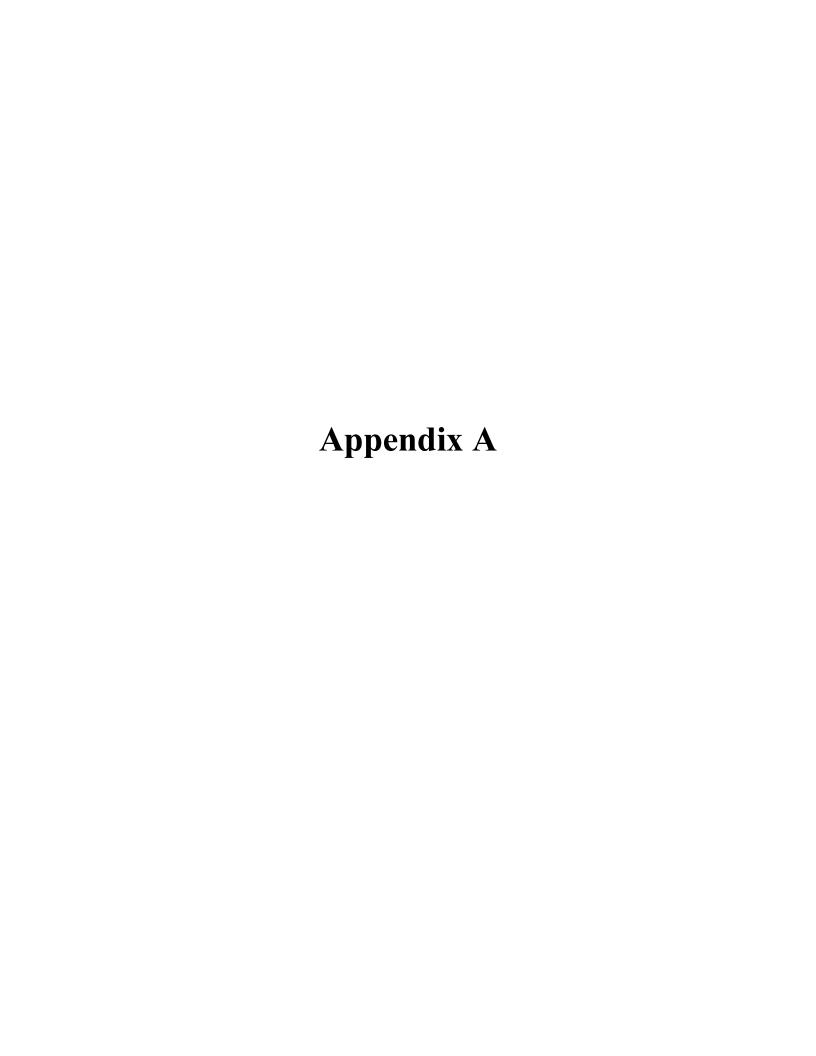
31 SANDS AVENUE ANNAPOLIS, MARYLAND 21403



FIGURE 2

AERIAL IMAGERY

CREDIT – NAIP/USDA_CONUS_PRIME (2016) (NOT TO SCALE) **31 SANDS AVENUE** ANNAPOLIS, MARYLAND 21403





Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 11, 2025

Mr. Kenneth R. Wallis Atwell, LLC 2661 Riva Road Building 800 Annapolis, MD 21401

RE: Environmental Review for 31 Sands Avenue, Annapolis, Anne Arundel County, Maryland.

Dear Mr. Wallis:

The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. However, we would like to point out that the open waters that are adjacent to or part of the site are known historic waterfowl concentration and staging areas. These are recognized areas of open water and wetlands adjacent to land that are utilized by significant numbers of ducks, geese, and swans for feeding and resting during the winter months. These areas in close proximity to the shore are vital, as they provide SAV, clams and other invertebrates that serve as primary food sources for many of these birds. A variety of waterfowl species can be found in such areas, building energy reserves for their upcoming migrations. If there is to be any construction of water-dependent facilities please contact Kayla M. Harvey of the Wildlife and Heritage Service at 410-260-8589 or kaylam.harvey@maryland.gov for further technical assistance regarding waterfowl.

If the project changes in the future such that the limits of proposed disturbance or overall site boundaries are modified, please provide us with revised project maps and we will provide you with an updated evaluation. Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at lori.byrne@maryland.gov or at (410) 260-8573.

Sincerely,

Lori A. Byrne,

Louia. Bym

Environmental Review Coordinator Wildlife and Heritage Service MD Dept. of Natural Resources

ER# 2025.0449.aa Cc: K. Harvey, DNR J. Homyack, DNR

C. Jones, CAC

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:	Anne Arunde	l County			Date: 5/2/2025
					FOR RESUBMITTAL ONLY
Tax Map #	Parcel #	Block #	Lot #	Section	Corrections
57	29	10	3	1	Redesign
					No Change
					Non-Critical Area
		1			
T ID	2047 0444 46	50			*Complete Only Page 1
Tax ID:	2047-0444-46	50			General Project Information
Project Name	e (site name, su	bdivision nam	e, or other)	Bay Ridg	e
<u> </u>	,				
Project locati	on/Address	31 Sands Ave	nue		
1 Toject Tocati	on radios	01 201100 1110			
City Ani	napolis				Zip 21403
City	in polis				ZIP 21403
т 1	1				1
Local case nu	ımber				
		D 1			
Applicant:	Last name	Raymond	-		First name Herman
Company					
Application	Type (check a	ll that annly).			
Application	Type (eneck a	п шас арргу).			
Building Peri	mit			Variance	V
_		H			
Buffer Mana Conditional U		H		Rezoning	H
		H		Site Plan	. H
Consistency				Special Excep	otion
Disturbance:		X		Subdivision	
Grading Pern	nit			Other	Ll
Local Jurisd	liction Contac	t Information:	;		
Last name	AACo Zoning	g Administratio	n Section	First name	
Phone #	410-222-743	7	Resno	onse from Com	mission Required By TBD
I HOHE II			respe	mse mom com	
Eon #				Hoomin ~ d-4-	TRD
Fax #				_ Hearing date	

SPECIFIC PROJECT INFORMATION

Describe Proposed use of	of project	site:				
			MA, princi	pal structure not relatively in lin	ne	
			-	·		
Intra-Family Transfer Grandfathered Lot	Yes			Growth Allocation Buffer Exemption Ar	Yesea	
Project Type (check al	l that app	oly)				
Commercial Consistency Report Industrial Institutional Mixed Use Other				Recreational Redevelopment Residential Shore Erosion Contro Water-Dependent Fac	=	
SITE INVENTORY (I	Enter acr	es or square	feet)		Acres	Sq Ft
	Acr	es	Sq Ft	Total Disturbed Area	Acres	Syrı
IDA Area						
LDA Area	0.524	22	2,867			
RCA Area				# of Lots Created		
Total Area						
		Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland			-	Existing Lot Coverage		
Created Forest/Woodland				New Lot Coverage		
Removed Forest/Woodlan	d/I rees			Removed Lot Coverage		
				Total Lot Coverage		
VARIANCE INFORM	IATION	(Check all t	hat apply)			
		Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		0.247	10,152	Buffer Forest Clearing		
Non-Buffer Disturbance		0.014	638	Mitigation		
Variance Type Buffer Forest Clearing HPA Impact Lot Coverage Expanded Buffer Nontidal Wetlands Setback			E [] [] [] []	Structure Acc. Structure Addition Barn Deck Dwelling Dwelling Addition Garage Gazebo		

Ms. Seay Raymond Variance June 26, 2025 Page 2 of 2

and that the request would not adversely water quality or wildlife and plant habitat within the Critical Area.

Based on the information provided, denying this request would not result in unwarranted hardship. State law defined "unwarranted hardship" to mean that without the requested variance, an applicant shall be denied reasonable and significant use of the entire parcel. In this case, the property is already improved with a single-family dwelling and associated features including outdoor amenity space. The applicant retains full reasonable and significant use of the parcel and has a viable option to reconstruct the dwelling within the existing footprint without further encroaching into the Buffer. Accordingly, denial of this variance would not impose an unwarranted hardship but would instead uphold the Critical Area law's mandate to minimize adverse impacts to water quality, habitat, and shoreline resources.

This request is not in harmony with and is contrary to the spirit, intent and goals of the Critical Area Law. The proposed improvements place lot coverage closer to the shoreline than the closest façade of the existing dwelling and will result in 10,152 square feet of disturbance to the Critical Area Buffer. Critical Area law and regulations are designed to foster more sensitive development for shoreline areas as to minimize adverse impacts water quality and habitat. Ecologically sensitive areas such as the Critical Area Buffer within the LDA are purposefully protected within the Critical Area regulations and the County's Critical Area program because of their importance in meeting the goals of the Critical Area law which are to:

- (1) Minimize adverse impacts on water quality that result from development,
- (2) Conserve fish, wildlife, and plant habitat, and
- (3) Establish land use policies that accommodate development while recognizing that development adversely affects the first two goals.

Granting a variance to permit the proposed dwelling and associated improvements closer to the shoreline than the existing structure's nearest façade would conflict with the express intent and goals of the Critical Area Law. The applicant has a feasible alternative to rebuild within the existing footprint, and failing to do so disregards the legal requirement that variances be the minimum necessary and not result in avoidable adverse impacts to water quality or habitat.

Thank you for the opportunity to provide comments. Please include this letter of opposition in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions about these comments, please contact me at (410)-260-3462 or jamileh.soueidan@maryland.gov.

Sincerely, Jamileh Joneidan

Jamileh Soueidan

Natural Resources Planner

cc: Jennifer Esposito, CAC

File: AA 148-25

2025-0082-V

Menu Cancel Help Assigned Date 05/02/2025 Task OPZ Critical Area Team Due Date 05/23/2025 Assigned to Assigned to Department Status OPZ Critical Area
Action by Department
OPZ Critical Area
Start Time Complete w/ Comments
Status Date Kelly Krinetz Action By Kelly Krinetz End Time 06/04/2025 Hours Spent 0.0 Billable Overtime Comments No The Blue line as shown on the plan has no bearing on this request or the development of this property. The applicant argues that this request is necessary in order to build a reasonably sized home on this site. The existing home is a 5 BR, 2,600 square foot dwelling which could be replaced without the need for the requested variances. One can easily argue that given the constraints of the site, the current footprint/size is more than reasonable. It is my opinion that greater effort could be made to minimize the impacts by utilizing a smaller footprint. Should the AHO find that the application meets the standards for approval, mitigation will be determined at permit and buffer establishment will be required. Time Tracking Start Date Est. Completion Date In Possession Time (hrs) Display E-mail Address in ACA Display Comment in ACA Comment Display in ACA No All ACA Users Record Creator Licensed Professional Contact Owner Workflow Calendar **Estimated Hours** Action Updated Task Specific Information **Expiration Date Review Notes** Reviewer Name Reviewer Phone Number Reviewer Email



J. Howard Beard Health Services Building 3 Harry S. Truman Parkway Annapolis, Maryland 21401 Phone: 410-222-7095 Fax: 410-222-7294 Maryland Relay (TTY): 711 www.aahealth.org

Tonii Gedin, RN, DNP

Health Officer

MEMORANDUM

TO:

Sadé Medina, Zoning Applications

Planning and Zoning Department, MS-6301

FROM:

Brian Chew, Program Manager

Bureau of Environmental Health

DATE:

May 9, 2025

RE:

Raymond J. Herman

31 Sands Road

Annapolis, MD 21403

NUMBER:

2025-0082-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 than required, that does not comply with the designated location of a principal structure on a waterfront lot and with new lot coverage nearer to the shoreline.

Based on a review of the above referenced request, additional information is needed by the Health Department on:

1. The proposed stormwater management.

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

cc:

Sterling Seay

2025-0082-V

Cancel Help Menu Due Date Assigned Date 05/05/2025 Task and P Engineering 05/23/2025 Assigned to Department Assigned to Status Engineering
Action by Department Jean Janvier Action By Complete w/ Comments Status Date Jean Janvier End Time 06/02/2025 Engineering Start Time **Hours Spent** 0.0 Billable Overtime No 1. At the grading permit stage, more detailed grading will be required for Microbio 1 (MB-1) to be able to determine the overflow point elevation. 2.MB-1 does not meet the 10-foot setback from the proposed covered deck or from the property line on the northwestern side of the site. 3. MB-2 must be 10 feet from the proposed retaining wall. If it is intended for MB-2 to be less than 10 feet from the proposed retaining wall, demonstrate that the phreatic line of MB-2 will not affect the proposed retaining wall. This can be addressed at grading permit. 4. On sheet 3 of the Variance Plan, show the missing proposed 7 and 8 contours located to the northeast of the proposed structure. Additionally, label the existing contours more frequently.

5. On Sheet 3 of the Variance Plan, label the existing 7 and 8 contours and the proposed 6 and 7 contours on the driveway. 6. The proposed retaining wall located along the eastern property line of the site must entirely remain on the property of 31 Sands Ave and its tiebacks must not protrude onto the adjacent lots. This can be addressed at grading permit. 7. Label the width of the sewer utility easement located to the northwest of the proposed structure. 8. The sewer house connection located near the northwestern boundary of the project site from its cleanout to Sanitary Sewer Manhole (SSMH #13803) crosses the 33 Sands Ave property outside of the sewer utility easement. Additionally, this sewer utility easement does not follow the shared property line, thus causing discontinuity between the sewer utility easement and the project site (at 31 Sands Ave). The sewer house connection for the 31 Sands Ave property must be within an easement once it is offsite. 9. On Sheet 3 of the Variance Plan, the color of the symbol for the 100-foot water line buffer does not match the legend, nor does it match the color of the symbol for the same feature used on Sheet 2 of the Variance Plan. Please correct accordingly. 10. On Sheet 2 of the Variance Plan, the Resource Map Certification needs to be sealed. This can be addressed at grading permit. 11. On Sheet 1 of the Variance Plan, under General Note #7, note the year of the Anne Arundel County topography. This can be addressed at grading permit. Determination/Recommendation This office has reviewed this request for Engineering and Utility issues and based on the above comments and information provided, this office conditionally recommends approval with the comments being addressed for the variance hearing or at grading permit. Time Tracking Start Date Est. Completion Date In Possession Time (hrs) Display E-mail Address in ACA Display Comment in ACA Comment Display in ACA All ACA Users Record Creator Licensed Professional Contact Owner Owner Workflow Calendar **Estimated Hours** Action Updated Task Specific Information Reviewer Name **Expiration Date** Review Notes Jean Janvier Reviewer Phone Number Reviewer Email

2025-0082-V

Help Menu Cancel Task
OPZ Cultural Resources
Assigned to Department
OPZ Cultural Resources
Action by Department
OPZ Cultural Resources
Start Time Due Date 05/23/2025 Assigned to Stacy Poulos Action By Assigned Date 05/02/2025 Status Complete w/ Comments
Status Date Stacy Poulos End Time 05/20/2025 Hours Spent 0.0 Billable Overtime Comments
No No Time Tracking Start Date Start Date Display E-mail Address in ACA Display Comment in ACA Comment Display in ACA
No Overtime Comment in ACA Comment Display in ACA
No Overtime Overtime (Display Comment in ACA Comment Display Co All ACA Users Record Creator Licensed Professional Contact Owner Action Updated Workflow Calendar **Estimated Hours** Task Specific Information **Expiration Date Review Notes** Reviewer Name

Reviewer Phone Number Reviewer Email

