

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

APPLICANT: Zachary Meyers and Alicia Badra

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0096-V

COUNCIL DISTRICT: 5

HEARING DATE: July 29, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow the unmerger of lots in the Chesapeake Bay Critical Area that were not part of a subdivision approved on or after August 22, 1988 on property located at 1096 and 1094 Linden Tree Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of two lots (under two separate tax account numbers) with a combined total land area of 18,000 square feet. The lots are located on the north side of Linden Tree Drive and are identified as Lots 4 and 5 of Parcel 27 in Grid 5 on Tax Map 40 in the Cape St. Claire subdivision.

The lots are zoned R5 – Residential District, are located entirely within the Chesapeake Bay Critical Area overlay, and are designated as LDA – Limited Development Area. They are currently improved with a single-family detached dwelling that spans the lot line between Lots 4 and 5, a detached garage on Lot 4, and two sheds on Lot 5.

PROPOSAL

The applicants propose to demolish the existing house, garage, and sheds and to unmerge the lots in order to allow for individual development rights on each of the two lots.

REQUESTED VARIANCES

§ 18-4-203(d) of the Anne Arundel County Zoning Ordinance permits the unmerger of lots merged by operation of law or agreement if:

- (1) the lots no longer are used in service of a principal use;
- (2) the lots comply with the minimum area and dimensional requirements of the zoning district in which the lots are located in effect at the time of the unmerger;
- (3) all or part of any lots in the Critical Area were part of a subdivision approved on or after August 22, 1988; and
- (4) the owner executes and records in the land records of the County at the owner's expense an instrument unmerging the lots in the form required by the Office of Planning and Zoning.

In this particular case, all conditions can be met with the exception of (3) above, which requires that all or part of any lots proposed to be unmerged in the Critical Area be part of a subdivision approved on or after August 22, 1988. The lots were created in 1949; therefore, a variance to § 18-4-203(d)(3) is required for the unmerger.

FINDINGS

The subject lots are rectangular in shape, and each 75' by 120' (9,000 square foot) lot easily exceeds the minimum 50-foot width and minimum 5,000 square foot area required in an R5 District (see Bill #72-24). A review of the County 2024 aerial photograph shows a neighborhood consisting of generally modest dwellings in this older waterfront community. Many of the nearby homes have been constructed on individual lots that are comparable to the subject lots.

The **Development Division (Critical Area Team)** reviewed the proposal and has no objection to the unmerger request. The Team advises that all future permits will be subject to full compliance of the applicable Critical Area Regulations for development in the LDA.

The **Health Department** has reviewed the well water supply system and has determined that the proposed request does not adversely affect this system. The Department has no objection.

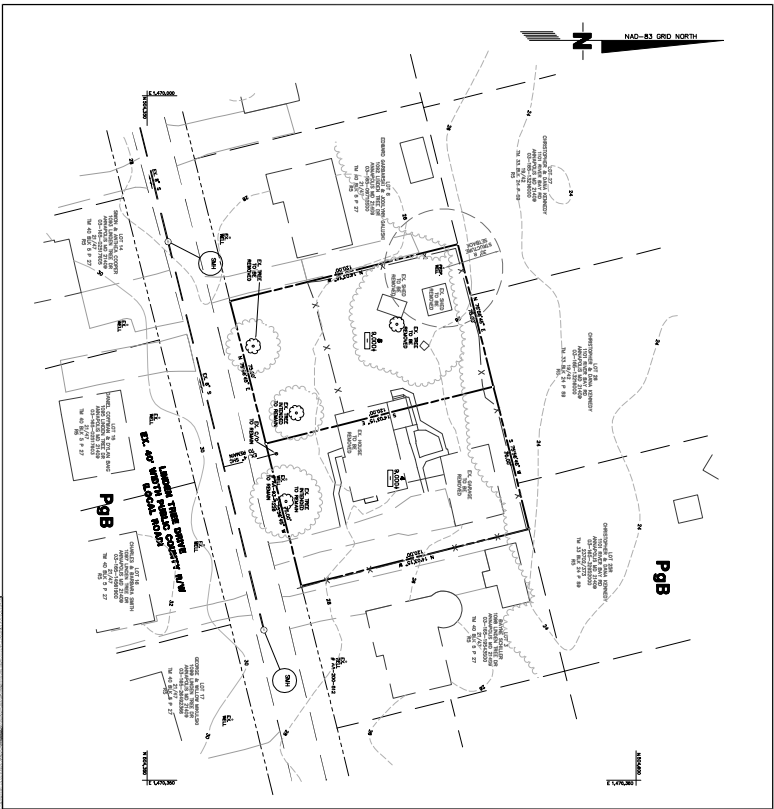
For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The existing dwelling that straddles the lot line, merging Lots 4 and 5 by operation of law, is a condition that is fairly unique to this property relative to the majority of lots in the immediate area. The proposal would allow for two 75-foot wide homesites, which would be more in keeping with the nearby lots, including those on both sides of Linden Tree Drive, both sides of Poplar Tree Drive one block to the south, and the north side of Crestview Drive one block further to the south. The unmerger regulations are having a disproportionate effect on the subject property relative to most nearby homesites, and denial of the variance would cause hardship by preventing development of the lots in a manner that is consistent with the existing pattern of development within the neighborhood.

The granting of the variance would not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. Due to the fact that the lots exceed the minimum area and width requirements and comply with the maximum density limitation for the R5 District and the LDA, and given the overall neighborhood context, the proposed unmerger of the subject lots observes the spirit and intent of the lot merger law. As such, the variance is deemed to be the minimum necessary.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **approval** of the proposed zoning variance to § 18-4-203(d)(3).

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.



NATURE OF VARIANCE

VARIANCE TO APPLICABLE ZONING ORDINANCE 18-4-203(D)(3) TO UMERGE LOTS IN THE CRITICAL AREA THAT WERE MERGED BY OPERATION OF LAW.

SITE ANALYSIS

1. EXISTING ZONING: R5
2. TOTAL SITE AREA: 18,000 SF
3. LOT 5: 9,000 SF
4. LOT 6: 9,000 SF
5. PUBLIC EASE

EXISTING CONDITIONS PLAN

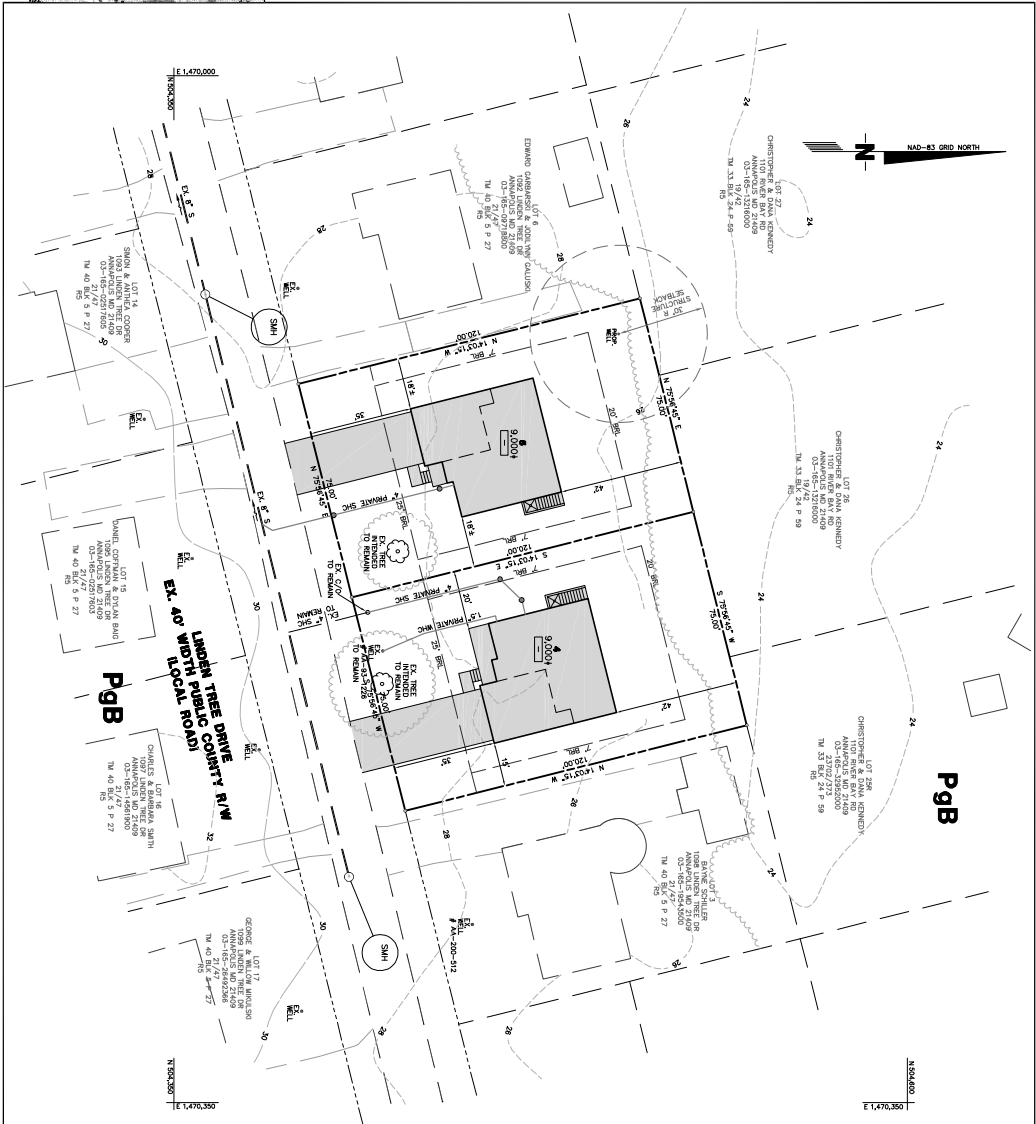
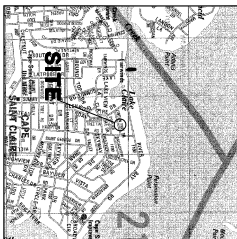
SCALE: 1"=30'

INFERIORS LOT COVERAGE

LOT	COVERAGE	AREA
LOT 5	1.43% of 9,000 SF	128 SF
LOT 6	1.43% of 9,000 SF	128 SF
TOTAL	2.86% of 18,000 SF	256 SF

LEGEND

- Existing Contours
- Proposed Contours
- Existing Water
- Proposed Water
- Existing Storm Drain
- Proposed Storm Drain
- Existing Easement
- Proposed Easement
- Existing Right of Way
- Proposed Right of Way
- Existing Public Right of Way
- Proposed Public Right of Way
- Existing Public Right of Way
- Proposed Public Right of Way



PROPOSED CONDITIONS PLAN

SCALE: 1"=20'

REVISIONS	DATE	APPROVED
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ALABAMA INC.

303 North Road - Suite 114
Mobile, AL 36688-1112
www.alabama.com

CAPÉ SAINT CLARE

1096 LINCOLN BLVD. SE, ANNAPOLIS, MD 21403
941 TAX ACCOUNTING-465-2881408
104 W. 40 BLVD. S. PARCEL 27
DATE: MAR. 2025 ZONING: R5 ZIP CODE: 21409
THIRD ASSESSMENT DISTRICT: ANNE ARUNDEL COUNTY, MARYLAND



303 Najoles Road - Suite 114
Millersville, MD 21108

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

May 16, 2025

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

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

Dear Ms. Seay,

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

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

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

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

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

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

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

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

Sincerely,

Matthew R. Seiss

Matthew R. Seiss



303 Najoles Road - Suite 114
Millersville, MD 21108

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

Cape St. Claire

Lots 4 & 5, Block AA

1096 Linden Tree Drive Annapolis, MD 21409

Critical Area Report

May, 2025

INTRODUCTION

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

PROPOSED USE

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

EXISTING CONDITIONS & WOODLAND MITIGATION

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

WATER QUALITY & HABITAT IMPACT MINIMIZATION

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

IMPERVIOUS CALCULATIONS

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

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

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

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 03-165-22814006

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

Project location/Address 1096 LINDEN TREE DR.

City ANNAPOLIS Zip 21409

Local case number

Applicant: Last name MYERS First name ZACHARY

Company

Application Type (check all that apply):

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

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

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

DEMOLISH ONE HOUSE, UMERGE LOTS FOR CONSTRUCTION OF
NEW HOMES

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		18000
RCA Area		
Total Area		18000

Total Disturbed Area

Acres	Sq Ft
	13,500

of Lots Created

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

VARIANCE INFORMATION (Check all that apply)

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

Variance Type

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

Structure

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

2025-0096-V

Menu

Cancel

Help

Task

OPZ Critical Area Team

Assigned to Department

OPZ Critical Area

Action by Department

OPZ Critical Area

Start Time

Due Date

06/09/2025

Assigned to

Kelly Krinetz

Action By

Kelly Krinetz

End Time

Assigned Date

05/19/2025

Status

Complete w/ Comments

Status Date

06/06/2025

Hours Spent

0.0

Billable

No

Overtime

No

Comments

I have no objection to this request. All future permits will be subject to full compliance for applicable Critical Area Regulations for development in the LDA.

Time Tracking Start Date

Est. Completion Date

Display E-mail Address in ACA

☐ Display Comment in ACA

In Possession Time (hrs)

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Estimated Hours

0.0

Action

Updated

Workflow Calendar

Task Specific Information

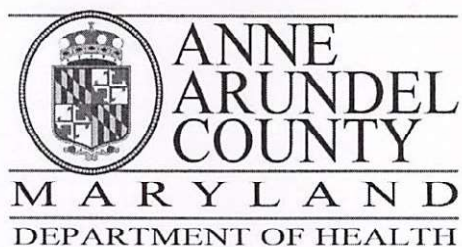
Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name




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 30, 2025

RE: Zachary Myers
1096 Linden Tree Drive
Annapolis, MD 21409

NUMBER: 2025-0096-V

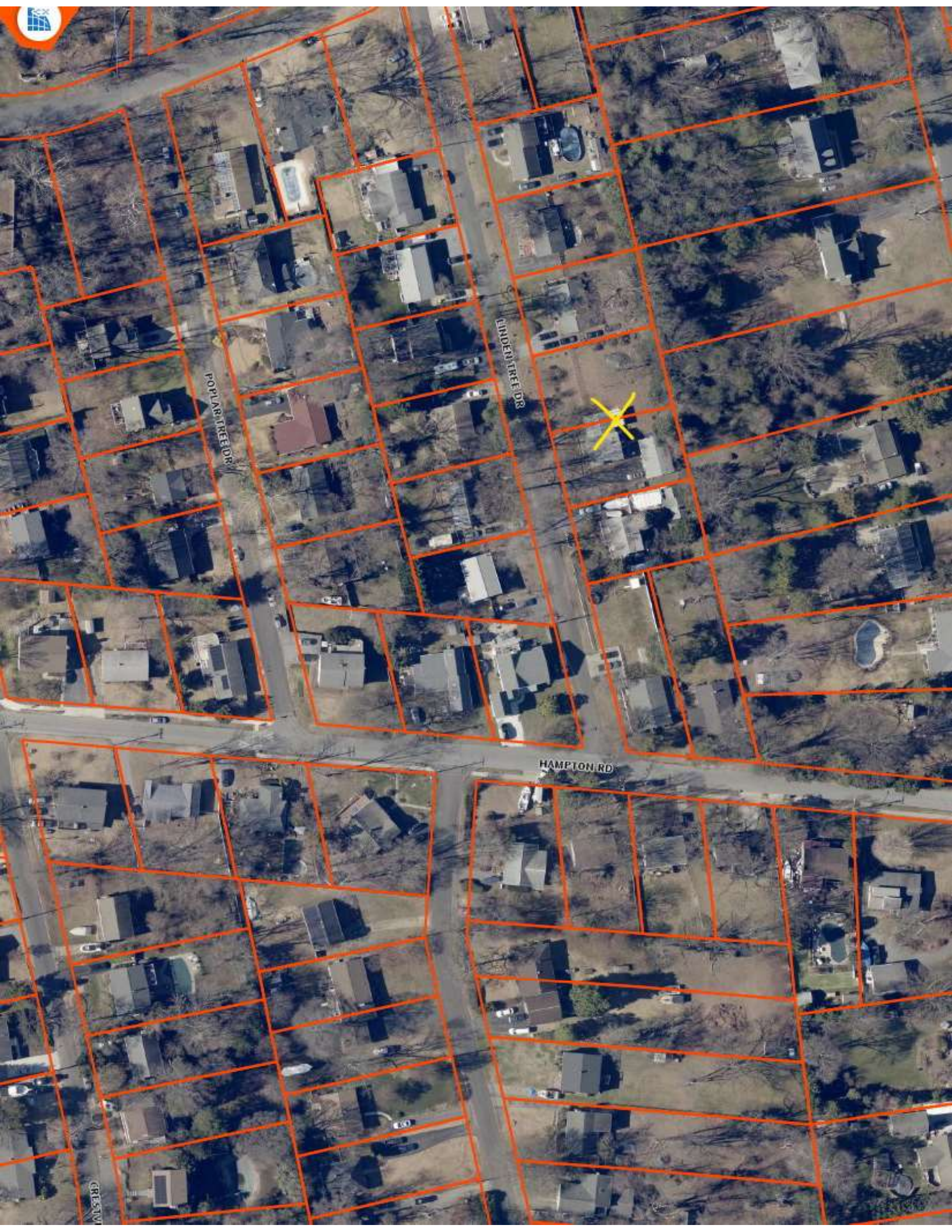
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow the unmerger of lots in the critical area that are not part of a subdivision approved on or after August 22, 1988.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. 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



LINDENTREE DR

HAMPTON RD

POPULAR TREE DR

CRESTVIEW