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

APPLICANT: Jae Bae ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2025-0097-V COUNCILMANIC DISTRICT: 5th

HEARING DATE: July 31, 2025 PREPARED BY: Donnie Dyott Jr. 90

Planner

REQUEST

The applicant is requesting a variance to allow an accessory structure (freestanding deck) in-kind with less setbacks than required and with disturbance to slopes of 15% or greater on property located at 924 Barracuda Cove Court in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 13,366 square feet of land and is identified as Lot 46 of Parcel 450 in Block 4 on Tax Map 40 in the Atlantis subdivision. The property is zoned R5 - Residential District and is improved with a single family detached dwelling and associated facilities. This is a waterfront property on Deep Creek which lies within the Chesapeake Bay Critical Area and is designated IDA - Intensely Developed Area and RCA - Resource Conservation Area. The majority of the site and the portion that is the subject of this variance is located within the IDA. The site is mapped within a BMA - Buffer Modification Area.

APPLICANT'S PROPOSAL

The applicant proposes to replace in-kind an existing freestanding open deck with landings and stairs measuring approximately 22'6" X 20' on the waterfront area of the property as shown on the site plan.

REQUESTED VARIANCES

§ 17-8-201(b) of the Anne Arundel County Subdivision and Development Code states that development in the IDA may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope or the disturbance is necessary to allow connection to a public utility. The Planning and Zoning Officer may grant modification to the prohibition of this subsection for slopes outside of the buffer and buffer modification area. The limit of disturbance associated with the proposed replacement in-kind of the deck, landing and stairs disturbs slopes 15% or greater within the buffer modification area, necessitating a variance to this provision. Exact slope disturbance will be determined at the time of permit.

While the variance was advertised as needing a setback variance, the applicant is proposing an exact in-kind replacement of the structure, which is exempt from setback requirements per § 18-2-303. Therefore, a variance to the 40 foot front lot line setback for accessory structures is not required.

AGENCY COMMENTS

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

The **Development Division (Critical Area Team)** commented that they have no objection to in-kind replacement or less. No expansion or relocation will be supported.

The **Critical Area Commission** commented that appropriate mitigation is required, including compliance with stormwater 10% phosphorus reduction requirement.

FINDINGS

The existing lot coverage of 3,679 square feet will remain unchanged with this proposal, with exact lot coverage calculations to be determined at the time of permit.

For the granting of a critical area variance, a determination must be made on the following:

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 would result in an unwarranted hardship or practical difficulty. In this case the presence of steep slopes and the existing location of the longstanding deck, landing and stairs combine to make replacement of the structure impossible without variance relief. As such relief is warranted to allow the applicant to replace a deteriorating structure within the steep slopes.

A literal interpretation of the County's critical area program may deprive the applicant of rights that are commonly enjoyed by other properties in similar areas by denying the applicant the right to replace an existing amenity. The granting of the variance will not confer on the applicant a special privilege that would be denied by COMAR, Title 27. This request is not a result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. There is no evidence that the granting of the variance will adversely affect water quality or impact fish, wildlife or plant habitat and the proposal is in harmony with the general spirit and intent of the County's critical area program. The applicant has overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and has evaluated site planning alternatives

With regard to the requirements for all variances:

The variance as proposed is considered the minimum necessary to afford relief by this Office as the applicant is proposing an in-kind replacement of the structure. The applicant had originally planned to enlarge the deck but has minimized the proposal to be an exact replacement. There is no objection from the Critical Area Team or the Critical Area Commission. There is no evidence that the proposed additions will alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare. The proposal will not reduce forest cover in the LDA or RCA and will not be contrary to acceptable clearing and replanting practices.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends *approval* of the variance for the in-kind replacement of the structure as shown on the site plan.

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.

ORDERED BY:

Mid-Maryland Title Company, Inc.

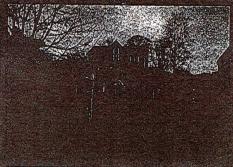
900 Bestgate Road, Suite 200 Annapolis, Maryland 21401

P:410-573-0017

F:410-573-4997

www.midmdtitle.com





SURVEY NUMBER: 1801.1235

PROPERTY ADDRESS: 924 BARRACUDA COVE COURT ANNAPOLIS, MARYLAND 21409

FIELD WORK DATE: 1/15/2018

18011235

LOCATION DRAWING LOT:46 **ATLANTIS** ANNE ARUNDEL COUNTY, MARYLAND 01-16-2018 SCALE 1"=50"

LOT 45

DECK DIMENSIONS ALL But Hard TO SEE WI Topo: Dimensions = 22'-6'x20 GRAPHIC SCALE (In Feet)

1 inch = 50' ft.

ACCURACY=3'±

PLEASE NOTE

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



REVISION HISTORY: (REV.O 1/16/2018)

Slopes Added

Kees DECK NOT

Being Replaced

186.03 3

FRAME RES. 53.41.26" 26" LOT 47 57.36 Z S

R=25.00' N 29'26'22" W R=485.00' A=22.14' (P) N 298.84' (P) A=24.96' (P)

BARRACUDA COVE COURT

POINTS OF INTEREST: NONE VISIBLE

CLIENT NUMBER: 11423-17

DATE: 1/16/2018

BUYER: EUN SOOK BAE AND JAE SUNG BAE

SELLER: ROBERT L. STOLL AND SUZANNE M. STOLL

CERTIFIED TO:

EUN SOOK BAE AND JAE SUNG BAE, MID-MARYLAND TITLE COMPANY, INC

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

POWERED BY



25' B.R.L.

www.surveystars.com

MARYLAND SURVEYORS 0: 443.819.3994 | 1220 E Churchville Road, Suite 100 | Bel Air, MD 21014

LB# 21535

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

Letter of Explanation

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

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

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

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

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

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

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

The granting of this variance will not confer on this applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area. As stated, many dwellings within the same sloped properties have open decks. But again, it should be noted that this particular deck within these particular slopes currently exists. The replacement in kind nature should be considered as mitigation to the critical area provisions.

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

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

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

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

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

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

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

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

Mid-Maryland Title Company, Inc. File No. 11423-17 Tax ID # 03 046 90015590

LR - Deed (w Taxes) Recording only ST20.00 Name: STOLL Ref: LR' - Deed (with Taxes) Surcharge

LR - Deed State Transfer Tax 4,550.00

LR - NR Tax -30,492.00

This Deed, made this With day of January, 2018, by and between Robertully Stoll and 35,102.00

Suzanne M. Stoll, GRANTORS, and Eun Sook Bae and Jae Sung Bae, GRANTEES Total:

35,162.00 02:28 02/01/2018 CC02-SM

#9780798 CC0501 - Anne

County/CC05.01.10 -Register 10

- Witnesseth -

That for and in consideration of the sum of Nine Hundred Ten Thousand And 00/100 Dollars (\$910,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Eun Sook Bae and Jae Sung Bae, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of Anne Arundel, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot 46, as shown on the Plat entitled "Plat Three, Atlantis", which Plat is recorded among the Land Records of Anne Arundel County in Plat Book 67, folio 50.

The improvements thereon being known as 924 Barracuda Cove Court, Annapolis, Maryland 21409.

BEING the fee simple property which, by Deed dated May 20, 2013, and recorded in the Land Records of the County of Anne Arundel, Maryland, in Liber 26178, Folio 413, was granted and conveyed by David S. Hoggard and Deborah L. Hoggard unto Robert L. Stoll and Suzanne M. Stoll.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Eun Sook Bae and Jae Sung Bae, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

 \mathfrak{And} the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness the hands and seals of said Grantors, the day and year first above written.

WITNESS:

Robert L. Stoll

Suzanne M. Stoll

ACCT. 3046-9001-5390 LIENS ARE PAID AS _A.A. COUNTY

0001 100.00 R 0003

County Transfer Tax

∡(Seal)

0003-211661 12:36

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BOOK: 31810 PAGE: 258

STATE OF MARYLAND COUNTY OF ANNE ARUNDEL

I hereby certify that on this 34th day of January, 2018, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Robert L. Stoll and Suzanne M. Stoll, the Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official

Jerome I. Feldman Notary Public Anne Arundel County, MD Notary Public My commission expires (1) W

FELDMAN

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Attorney

AFTER RECORDING, PLEASE RETURN TO: Mid-Maryland Title Company, Inc. 900 Bestgate Road Suite 200

Annapolis, MD 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: 4/26/25		
Tax Map #	Parcel #	Block #	Lot#	Section	FOR RESUBMITTAL ONLY Corrections Redesign No Change Non-Critical Area		
Tax ID: 3046-9001-5590 *Complete Only Page 1 General Project Information							
Project Name (site name, subdivision name, or other) BLE DECK							
Project location/Address 924 BACCACURO Cove Ct.							
City Annapolis Zip 21409							
Local case number							
Applicant: Last name Claray First name Massella							
Company Applical. Approved Permis							
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 A	Administration	Section	First name			
Phone #	410-222-7437		_ Respon	se from Comm	ission Required By TBD		
Fax #				Hearing date	TBD		

SPECIFIC PROJECT INFORMATION

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Sq Ft
450
ce in Kino
Sa Et
Sq Ft
3679
3679
Sq Ft

Critical Area Report Narrative

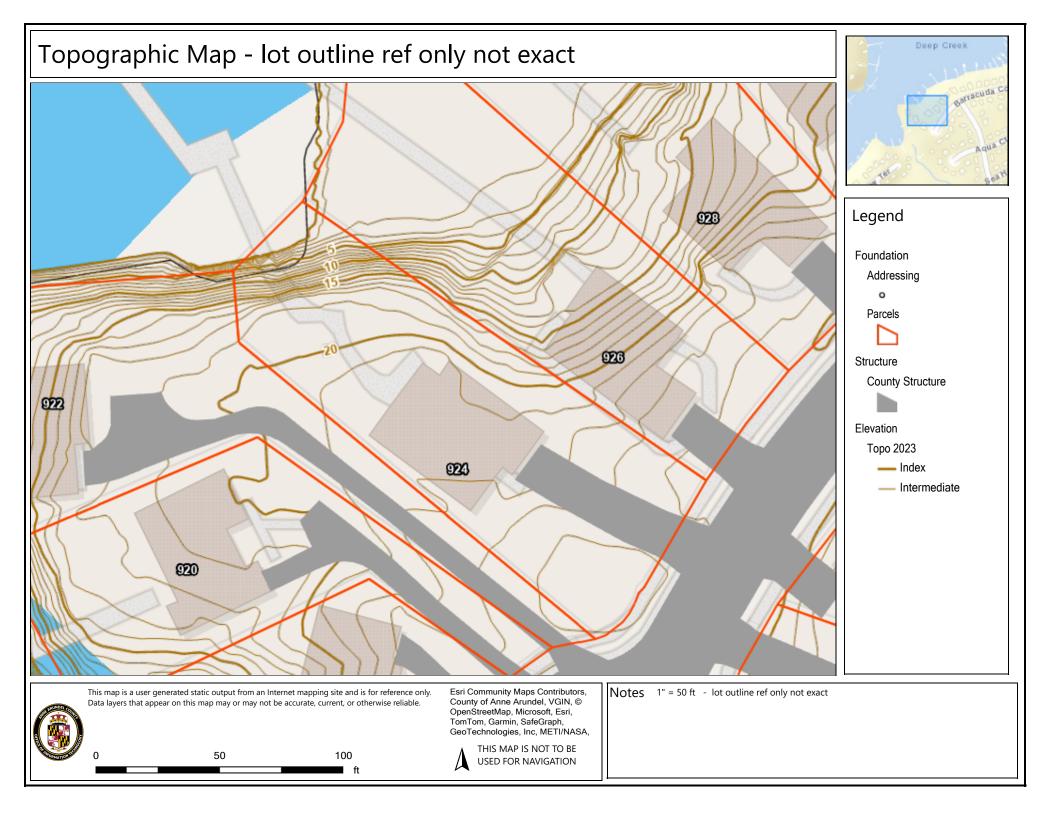
The existing property in question is a residential lot improved upon by an existing detached single-family dwelling. The applicant is proposing to replace in kind their existing 22'-6" x 20' open deck with landings and stairs leading to existing pier in the same location and footprint on the rear of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

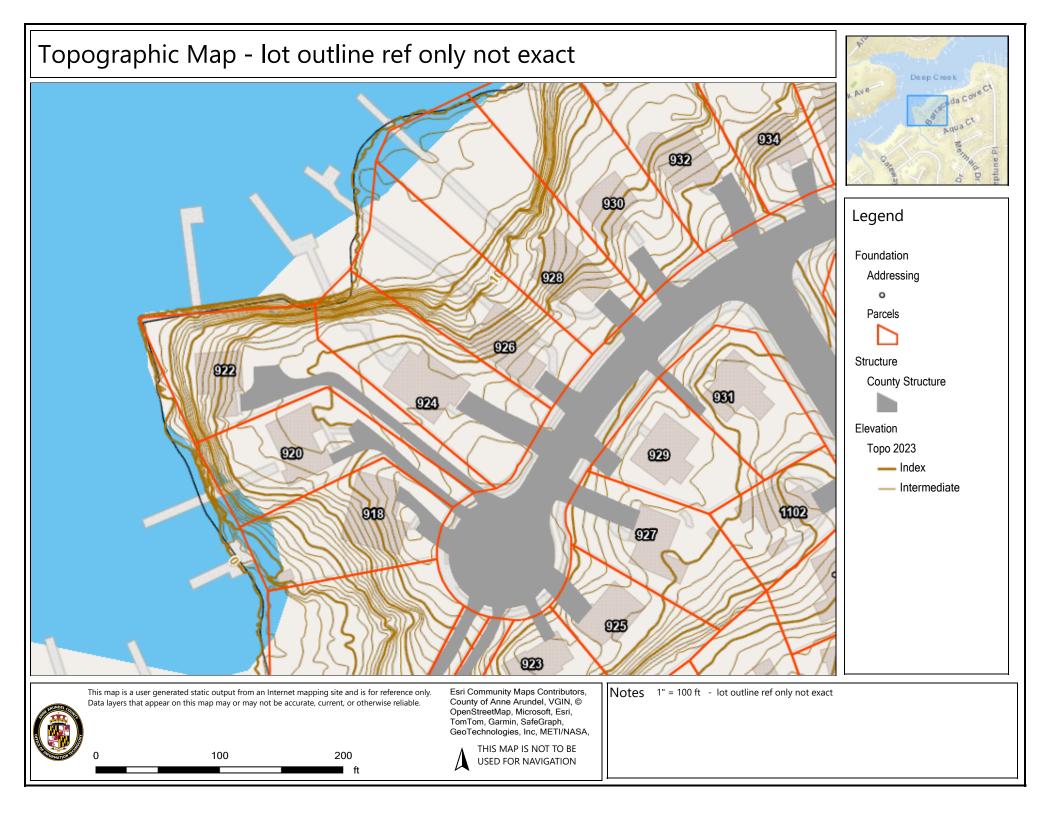
The predominant types of trees and shrubs on the property are all native to Anne Arundel County. Fully mature pin oaks are the majority of the tree cover, and the house is flanked by varying smaller species shrubs. This lot is 13,366 square feet and it is estimated to be nearly 30% wooded. This equates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

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

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

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

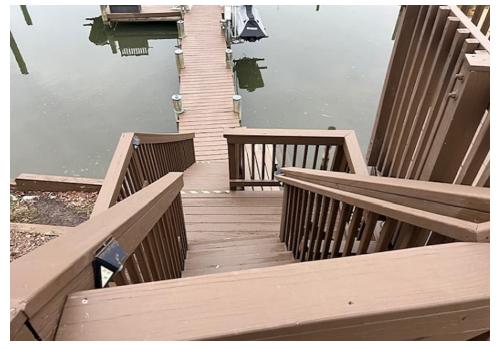




Topographic Map - lot outline ref only not exact Deep Creek Legend 940 942 Foundation Addressing Parcels Structure County Structure Elevation Topo 2023 Index — Intermediate Esri Community Maps Contributors, Notes 1" = 200 ft - lot outline ref only not exact This map is a user generated static output from an Internet mapping site and is for reference only. County of Anne Arundel, VGIN, © Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc. METI/NASA, THIS MAP IS NOT TO BE **USED FOR NAVIGATION**









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 21, 2025

RE: Bae Eun Sook

924 Barracuda Cove Court Annapolis, MD 21409

NUMBER: 2025-0097-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure (freestanding deck) in-kind with less setbacks 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

2025-0097-V

Menu Cancel Help

Reviewer Phone Number Reviewer	Email
Expiration Date Review No	otes Reviewer Name
Task Specific Information	
Owner	
Contact	
Licensed Professional	
Record Creator	
All ACA Users	
Comment Display in ACA	
0.0	
Estimated Hours	Display Comment in ACA
In Possession Time (hrs)	Display E-mail Address in ACA
Time Tracking Start Date	Est. Completion Date
No	OPZ Critical Area
Billable	Action by Department
End Time	Hours Spent
No expansion or relocation will be supported.	Harris Orient
repair/replacement or less.	
I have no objection to in kind	
Comments	Start Time
Kelly Krinetz	No.
Complete w/ Comments Action By	06/06/2025 Overtime
Current Status	Status Date
Kelly Krinetz	OPZ Critical Area
Assigned to	Assigned to Department
05/20/2025	06/10/2025
Assigned Date	Due Date



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

CAC Comments: 2025-0097-V; Bae Variance (AA0141-25)

1 message

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

Fri, Jun 13, 2025 at 12:54 PM

Good afternoon,

The Critical Area Commission has reviewed the above-referenced variance and provide the following comment:

• Appropriate mitigation is required, including compliance with stormwater 10% phosphorus reduction requirements.

The above comment has 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

Cell: 667-500-4994 (preferred) jamileh.soueidan@maryland.gov

Map Title

