

June 10, 2025

Anne Arundel County, Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

**RE: SHERWOOD FOREST ~ LOT 102A
102A Edge Hill
Annapolis MD, 21405
Variance to the Code Application**

Sir/Madam:

Attached is a variance to the Code request application and associated submittal documents for the above referenced property. A variance to the Anne Arundel County Code is required to allow for a modest replacement home and associated improvements to the subject property. The requested variance to the Code relates to **Article 17, Section 8-201(a)** for redevelopment on slopes 15% or greater in the LDA and to **Article 18, Section 4-601** to setback and coverage requirements.

The subject property is a legal non-conforming building lot located in the community of Sherwood Forest, Maryland. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-2 and is served by community water and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. The existing dwelling is surrounded by steep slopes, which encumber about half of the property area (+/-49%), limiting and restricting the areas that allow redevelopment. Primary vegetation consists of hardwood and evergreen trees, and creeping ground cover common to wooded areas and the community.

The applicants propose to raze and remove the existing dwelling and construct a new, modestly sized home generally within the same footprint as the existing structures. Like many homes in Sherwood Forest, the structure was originally built as a seasonal summer cottage and no longer meets the standards or functional needs of a modern, potentially year-round residence for today's families. The proposed dwelling expands to the southeast, but a large existing patio will be removed and not replaced to offset the additional coverage.

The proposed redevelopment is in keeping with the surrounding homes in the community and will generally maintain the same massing as the existing dwelling – Sherwood Forest requires that neighbors sign off on any redevelopment, and part of the stipulations are that the new dwelling cannot increase in height. Due to the unique physical conditions inherent to the

property, the following variances to the Anne Arundel County Code are being requested: **Article 17, Section 8-201(a)** of approximately 2,787-sf of disturbance on slopes 15% or greater in the LDA, and to **Article 18, Section 4-601** of 11-ft to the required 30-ft front yard setback for a principal structure, 17-ft to the required 25-ft rear yard setback, and 1% to the maximum coverage by structures of 30%.

The need for the variances is driven by the physical constraints of the site—specifically, the steep slopes that surround the existing improvements and the substandard lot size. The property is approximately 42% of the minimum lot size required by zoning, with about half of its area encumbered by steep slopes. These environmental constraints severely reduce the buildable area on the site. Furthermore, an existing path runs along the north side of the lot that provides access to surrounding homes, as well as a community path along the south side. The siting of the proposed dwelling takes into account these paths and provides an appropriate level of privacy for the homeowners. In addition to the paths, there is also a community storm drain on the property, which further reduces the building envelope.

The proposed dwelling has been thoughtfully designed to minimize environmental disturbance by staying within the general footprint of the existing structures, avoiding unnecessary impacts to undisturbed areas, and maintaining the established drainage patterns. The requested variance is the minimum necessary to allow for reasonable and safe redevelopment of the site. The project will not result in any additional site disturbance beyond what would be required to remove or maintain the existing features. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and would not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management and the nitrogen reducing septic system, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare.

We believe that these requests meet all the requirements for variance, per Article 18-16-305:

Requirements for Critical Area Variances.

1. Unique physical conditions - Specifically topography, and the location of the existing dwelling in relation to the slopes. Denial of the requested variance would constitute an unwarranted hardship on the applicant and deprive them of the right to redevelop and deny reasonable and significant use of the entire property.

2. Rights commonly enjoyed - The proposed improvements are similar and in character to those of surrounding properties. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the area.
3. Will not confer special privilege - Granting this variance would not confer a special privilege to the applicant. Nearby properties maintain improvements comparable to what is proposed for this project. The applicants have made extensive efforts to design this proposed project in a manner that considers the placement of the existing dwelling and location of surrounding environmental features.
4. Not based on conditions or circumstances that are the result of actions by the applicant - Conditions and circumstances are based on the small and irregular shape of the site, the presence of steep slopes, and the location of the existing improvements, and are not because of actions by the applicant. In addition to the lot being below standards, there are community paths and a community storm drain that take up a good portion of the developable area.
5. Will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area – The proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area. Disturbance is minimized only to what is necessary to complete the project. Mitigation will occur in accordance with county regulations and will be addressed during the permitting process. Sediment and erosion controls will be utilized to ensure that construction and grading will not adversely affect the surrounding environmental features located within the Critical Area. The addition of stormwater management and a nitrogen reducing septic system will also enhance the environmental quality of the development. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

Requirements for all variances.

1. Minimum necessary - The improvements are minimal and are sited to utilize the footprint of the existing improvements to minimize disturbance.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with other properties of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA as appropriate mitigation will be required as part of the permit process.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area.
 - v. be detrimental to the public welfare.

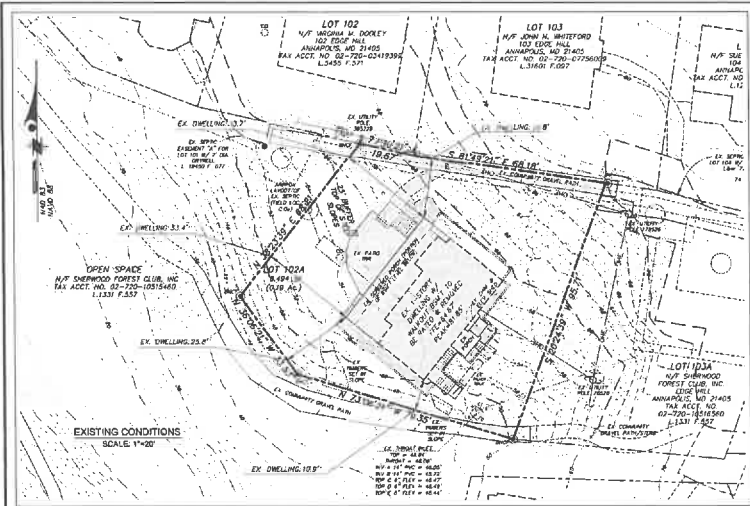
Sherwood Forest ~ Lot 102A
6/10/2025
Page 4

Thank you for your attention to this matter. Please contact us if we may be of further service during your review of this variance request.

Sincerely,
DRUM, LOYKA & ASSOCIATES, LLC

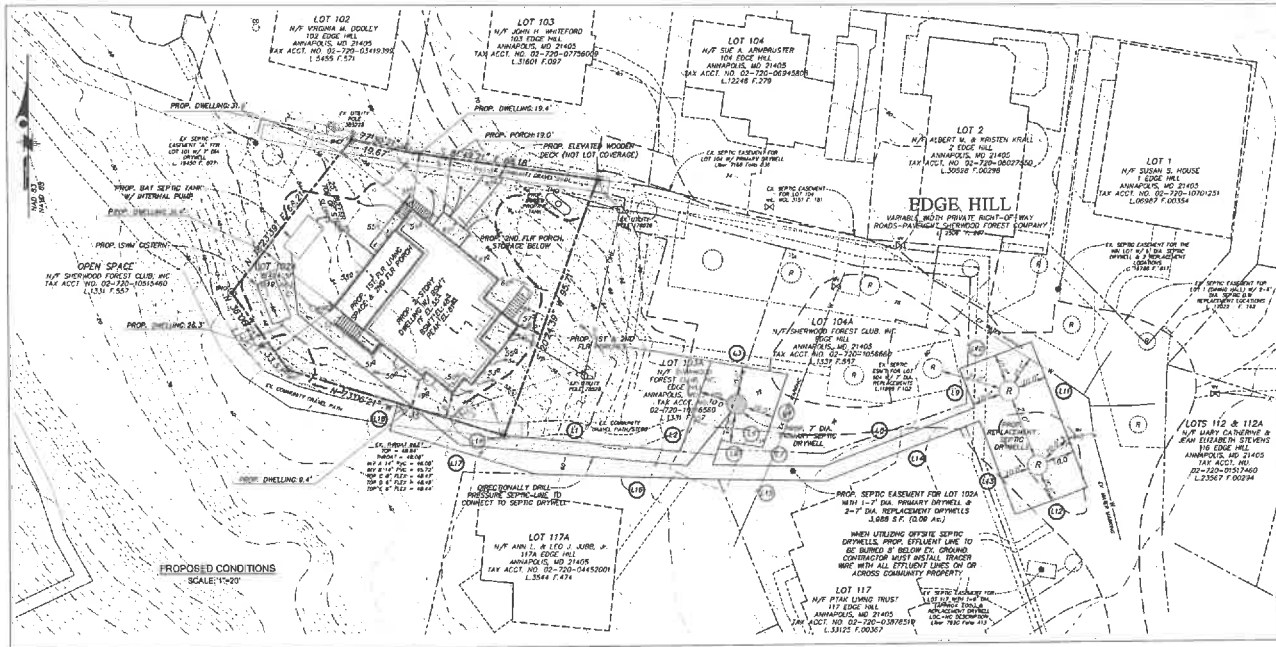
A handwritten signature in black ink, appearing to read 'Katie Yetman', written over the printed name.

Katie Yetman



LINE #	DIRECTION	LENGTH
L1	S84° 32' 21"E	62.13
L2	N10° 12' 30"W	33.87
L3	S80° 08' 12"E	27.36
L4	S19° 12' 30"W	27.36
L5	N80° 08' 12"W	14.84
L6	S19° 12' 30"W	9.25
L7	S80° 08' 41"E	35.08
L8	N80° 47' 24"E	57.23
L9	N20° 28' 12"W	14.88
L10	N80° 31' 48"E	27.00
L11	S20° 28' 12"E	65.00
L12	S80° 31' 48"W	27.00
L13	N20° 28' 12"W	35.32
L14	S80° 47' 24"W	58.14
L15	N80° 08' 41"W	41.70
L16	N80° 14' 50"W	50.80
L17	N70° 08' 21"W	53.72
L18	N18° 53' 30"E	10.00
L19	S73° 09' 21"E	30.27

NOTE: BEARINGS AND HORIZONTAL CONTROL SHOWN HEREON ARE BASED ON MONUMENTATION PROVIDED BY KINGS POINT SURVEYS, INC. AND APPEAR TO BE IN THE DATUM OF M.D. 1983. BEARINGS MAY NOT REFLECT THOSE CALLED OUT IN SUBJECT DEEDS. VERTICAL CONTROL IS BASED ON MONUMENTATION PROVIDED BY KINGS POINT SURVEYS, INC.



LEGEND	
	Existing Contour
	Existing Wooded Area
	Existing Power Line
	Existing Overhead Electric
	Existing Waterline
	Existing Spot Elev.
	Existing Lot Coverage
	Slope Steeper Than 15% or Greater
	Limit of Disturbance
	Proposed Gravel
	Proposed Spot Elev.

SITE TABULATIONS	
• Total Site Area:	8,494 S.F. (0.19 Ac.)
• Critical Area Designation:	LDA
• Site Zoning:	R-2
Physical Structure Setbacks	
• Front:	30'
• Rear:	25'
• Side:	7'
• Lot Coverage	
- Existing Lot Coverage:	3,686 S.F. (0.07 Ac.)
- Allowable Lot Coverage (17.8-40%):	3,037 S.F. (0.07 Ac.)
- Proposed Lot Coverage:	3,015 S.F. (0.07 Ac.)
• Coverage by Structures	
- Existing Coverage by Structures:	2,175 S.F. (0.05 Ac.)
- Allowable Coverage by Structures:	2,548 S.F. (0.06 Ac.)
- Proposed Coverage by Structures:	2,534 S.F. (0.06 Ac.)
• Slope Steep	
- Total On-Site Slope Steep:	1,147 S.F. (0.03 Ac.)
- Total On-Site Slope Steep Disturbed:	2,883 S.F. (0.06 Ac.)
- Total Off-Site Slope Steep Disturbed:	104 S.F. (0.00 Ac.)



Drum, Loyka & Associates, LLC
CIVIL ENGINEERS - LAND SURVEYORS
1410 Forest Drive, Suite 35
Annapolis, Maryland 21403
Phone: 410-280-3122
www.drumloyka.com

CLIENT:

MR. & MRS. GERARD F. FLEURY
102A EDGE HILL ROAD
ANNAPOLIS, MD 21401

VARIANCE PLAN
SHERWOOD FOREST ~ LOT 102A
102A EDGE HILL, ANNAPOLIS 21405
TAX ACCT. NO. 02-720-0406860
TAX MAP 0639 GRID 0619 PARCEL 0256 DISTRICT 2nd
ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=20' DATE: MAY 28, 2025 PROJ. NO: S707422 SHEET 1 OF 1

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: _____

Date _____

Tax Map #	Parcel #	Block #	Lot #	Section
0039	0295	0019	102A	

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

* Complete only Page 1
General Project Information

Tax ID 02-720-01368320

Project Name (site name, subdivision name, or other) Sherwood Forest ~ Lot 102A

Project location/Address 102A Edge Hill Road

City Annapolis Maryland Zip 21405

Local case number

Applicant: Last name Fleury First name Gerard

Company

Application Type (check all that apply):

Building Permit	Variance	<input checked="" type="checkbox"/>
Buffer Management Plan	Rezoning	<input type="checkbox"/>
Conditional Use	Site Plan	<input type="checkbox"/>
Consistency Report	Special Exception	<input type="checkbox"/>
Disturbance > 5,000 sq ft	Subdivision	<input type="checkbox"/>
Grading Permit	Other	<input type="checkbox"/>

Local Jurisdiction Contact Information:

Last name: _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Raze and remove existing single-family dwelling and construct new single-family dwelling
with associated improvements

Yes

Yes

Intra-Family Transfer

Growth Allocation

Grandfathered Lot X

Buffer Exemption Area

Project Type (check all that apply)

Commercial

Recreational

Consistency Report

Redevelopment

Industrial

Residential X

Institutional

Shore Erosion Control

Mixed Use

Water-Dependent Facility

Other

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area	0.19	
RCA Area		
Total Area	0.19	

Total Disturbed Area

Acres

Sq Ft

0.16

of Lots Created

0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.09		Existing Impervious Surface	0.07	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.07	
Removed Forest/Woodland/Trees	0.05		Removed Impervious Surface	0.07	
			Total Impervious Surface	0.07	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance	0.16		Mitigation		

Variance Type

Buffer

Forest Clearing

HPA Impact

Impervious Surface

Expanded Buffer

Nontidal Wetlands

Steep Slopes X

Setback X

Other X Coverage by Structures

Structure

Acc. Structure Addition

Barn

Deck

Dwelling X

Dwelling Addition

Garage

Gazebo

Patio

Pool

Shed

Other

Chesapeake Bay Critical Area Report
Sherwood Forest ~ Lot 102A
Tax Map 39, Grid 19, Parcel 295
Tax Account No. 02-720-04046660

Property Address: 102A Edge Hill Road
Annapolis, Maryland 21405

June 10, 2025

Property Owners & Variance Applicant: Gerard and Nancy Fleury

Critical Area Designation: LDA

Zoning: R-2

Lot Area: 0.19 Ac.

Site Description

The subject property is a legal building lot located off of Edge Hill Road in the community of Sherwood Forest. The site is currently improved with a single-family dwelling and associated improvements, which are surrounded by steep slopes. The lot is zoned R-2 and is completely within the Chesapeake Bay Critical Area, with an LDA land use designation. Private septic and Sherwood Forest public water service the property.

Description and Purpose of Variance Request

The applicant proposes to raze and remove the existing single-family dwelling and construct a new single-family dwelling with associated improvements. Due to the unique physical conditions inherent to the property, the following variances to the Anne Arundel County Code are being requested: **Article 17, Section 8-201(a)** of approximately 2,787-sf of disturbance on slopes 15% or greater in the LDA, and to **Article 18, Section 4-601** of 11-ft to the required 30-ft front yard setback for a principal structure, 17-ft to the required 25-ft rear yard setback, and 1% to the maximum coverage by structures of 30%.

The applicants propose to raze and remove the existing dwelling and construct a new, modestly sized home generally within the same footprint as the existing structures. The need for the variances is driven by the physical constraints of the site—specifically, the steep slopes that surround the existing improvements and the substandard lot size. The property is approximately 42% of the minimum lot size required by zoning, with about half of its area encumbered by steep slopes. These environmental constraints severely reduce the buildable area on the site. Furthermore, an existing path runs along the north side of the lot that provides access to surrounding homes, as well as a community path along the south side. The siting of the proposed dwelling takes into account these paths and provides an appropriate level of privacy for the homeowners. In addition to the paths, there is also a community storm drain on the property, which further reduces the building envelope.

Vegetative Coverage and Clearing

The property's primary vegetation is woodland and creeping ivy that is common to wooded areas in the community. The existing canopy area totals roughly 3,900-sf. The proposed clearing is approximately 2,000-sf. Reforestation requirements for this property will be addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 3,080-sf of lot coverage. The proposed impervious lot coverage for this property is 3,013-sf, which is below the allowable. The site currently has 2,175-sf of coverage by structures, and the proposed coverage by structures is 2,633-sf.

Steep Slopes (slopes > 15%)

The subject property contains approximately 4,147-sf of steep slopes, or 49% of the site area, all of which are concentrated around the existing improvements. Approximately, 2,670-sf of on-site slopes will be disturbed as part of the proposed construction, and 104-sf of off-site slopes.

Predominant Soils

The predominant soil types are Annapolis Fine Sandy Loam (AsG), 40 to 80 percent slopes, and Collington and Annapolis soils (CRD), 10 to 15 percent slopes. These soils have type "B" and "C" hydrologic classifications and AsG is considered a hydric soil.

Drainage and Rainwater Control

There appear to be no visible stormwater management devices on site. Stormwater management and sediment and erosion control will be provided and the specific design computations will be addressed during the permit phase of the project in accordance with Anne Arundel County design criteria.

Conclusions – Variance Standards

The proposed dwelling has been thoughtfully designed to minimize environmental disturbance by staying within the general footprint of the existing structures, avoiding unnecessary impacts to undisturbed areas, and maintaining the established drainage patterns. The requested variance is the minimum necessary to allow for reasonable and safe redevelopment of the site. The project will not result in any additional site disturbance beyond what would be required to remove or maintain the existing features. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of stormwater management and the nitrogen reducing septic system, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare. Stormwater Management and reforestation requirements will be addressed during the permit phase of the project. Reforestation will be provided on-site to the extent practicable.

Reference:

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

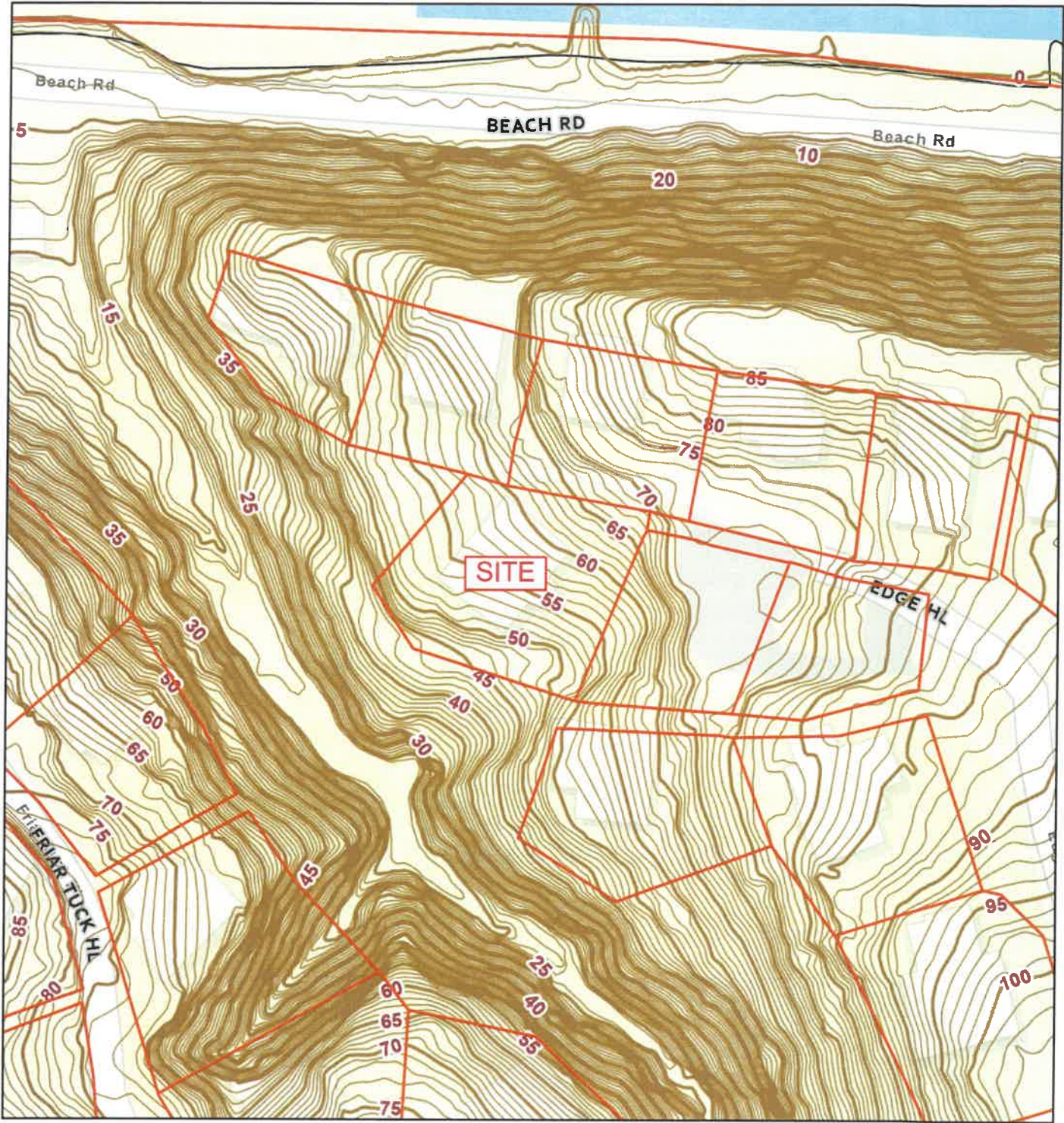
First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

Drum, Loyka and Associates LLC, 2025 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2003 Soil Survey of Anne Arundel County Maryland.

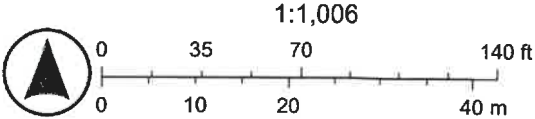
State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District

Anne Arundel County Engineering Record Drawing and Monuments

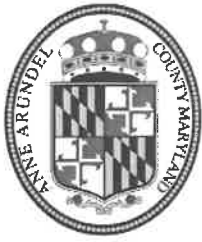


5/13/2025, 10:18:05 AM

- Parcels
- Intermediate
- Topo_2023
- Local Road Label
- Index
- County Boundary



Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0027-P)

DATE OF MEETING: 03/28/2025

P&Z STAFF: Donnie D., Kelly K., Natalie N.

APPLICANT/REPRESENTATIVE: Jae Lee, Drum Loyka EMAIL: jlee@drumloyka.com

SITE LOCATION: 102A Edge Hill, Annapolis LOT SIZE: 8,494 s.f. ZONING: R2

CA DESIGNATION: LDA BMA: NA or BUFFER: NA APPLICATION TYPE: Critical Area Variance

The applicant describes that the proposal is to raze and remove the existing dwelling and to construct a new dwelling (2 story with basement) in the same location as the existing dwelling. Also proposed is a new nitrogen removing BAT septic tank. The variances required would be to front and rear setbacks and for disturbance to slopes of 15% or greater.

While not mentioned by the applicant, the site plan shows that the proposed coverage by structures would be over the 30% allowed in the R2 District. As proposed, it appears that a variance to the coverage by structures limit would also be required.

COMMENTS

The **Critical Area Team** commented that it had no objection provided the applicant can demonstrate compliance with the variance approval standards outlined in the County Code.

Zoning Administration Section: The site plan will need to label the proposed height of the dwelling in addition to the existing label for the number of stories. The letter of explanation does not provide any justification for the variances and also does not address any of the variance criteria, which will be required for the variance application.

The **Department of Inspections and Permits (Engineering Division)** provided the following comments:

1. Show stormwater management devices on the Preliminary Site Plan sheet. Provide appropriate setbacks for the devices.
2. Show the existing water utilities and proposed water services on the Preliminary Site Plan sheet.
3. Show the proposed limits of disturbance on the Preliminary Site Plan sheet.
4. Provide an existing plan sheet and a proposed plan sheet as it is too difficult to determine the proposed conditions with the existing showing on the same plan.
5. Show a 100-foot adjacent peripheral strip for the existing topography. Note where the existing topography is from. If the topography is from Anne Arundel County, identify the year. If the topography is field run, provide the company information and the month and year the run was conducted. Anne Arundel County's most recent topography data is from 2023.
6. Hatch all of the steep slopes on all of the topography shown.
7. Show the steep slope buffer.

8. The septic tank is approximately 5 feet from the property line. The setback for a septic tank to the property line is 10 feet. Amend septic tank location unless the Health Department says otherwise.
9. Label the sewer house connection to the septic tank. Note the pipe size and type.
10. Provide the size of the pressure septic line to the primary septic drywell.
11. Show all septic easements within 100 feet of the property line.
12. If lots 103A and/or 104A are needed to gain access to the primary septic drywell, a temporary access easement will need to be acquired prior to Grading Permit approval.
13. If the existing community gravel path along the northern portion of the property and the existing community gravel path/steps along the southeastern corner of the property do not have easements, easements will need to be recorded prior to Grading Permit approval.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence. A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.