

June 21, 2025

Mr. Donnie Dyott Office of Planning and Zoning 2664 Riva Road, 3rd Floor Annapolis, MD 21401

RE: Magothy Beach Lot 19 p/o Lot 20

Variance submittal
353 South Drive
Severna Park, MD. 21146
Tax Map 24, Grid 21, Parcel 345
B.P.#B02434661

Dear Mr. Dyott:

This is a formal Variance Application submittal for the proposal renovations to the existing single-family home including a landward addition, screened porch, second-floor addition, associated decking, removal of existing retaining walls, removal of lot coverage within the 100-foot buffer, construction of an accessory Pool House, Shed, associated Pool and Sauna for the above referenced project. Two variance requests would be necessary including a variance to Article 17-8-201(a) to disturb 15% and greater slopes and a variance to Article 18-4-701 Bulk Regulations of 25-feet to the 25-foot front setback in an R-5 zoning district.

The property is an existing legal building site fronting Cattail Creek, is located in the (LDA) Limited Development Area Designation of the Critical Area and is within the Buffer Modification Area mapping. The property is 40,419 sq. ft. or 0.93 acres, is zoned R-5 Residential, is connected to public water and sewer via a private grinder pump. The existing principal structure is located against the bulkhead at the property line, entirely within the 25-foot front setback on a waterfront lot.

A pre-file review #2025-0052-P was completed by the Office of Planning and Zoning including comments from the Critical Area Team and were issued on June 6th, 2025. A complete topographic and location survey has been conducted to produce an accurate depiction of the sites' conditions, slopes, buffers and woodland canopy.

Per Article 17-8-403, the permitted lot coverage in the critical area after the required 10% reduction of what is existing verses what is permitted for this site is 7,321 sq. ft. The proposed lot coverage will be 7,321 sq. ft. which results in a reduction in lot coverage of 142 sq. ft. on site from the original existing coverage totaling 7,463 sq. ft. The combination of reduced coverage and water quality storage ultimately reduces impacts to adjacent properties and the shoreline post development. With regards to existing coverage within the 100-foot buffer, coverage is being reduced and relocated within the buffer further from the shoreline. Two waterside wood decks with one cantilevered over actual water, a concrete patio, multiple retaining walls, a paver walk, asphalt patio and wood steps all being eliminated.

Per Article 17-8-601(b)(2) Lots greater than one-half acre up to one acre. Developed woodland clearing on lots in the LDA and RCA that are greater than one-half acre and up to one acre in size that were in existence on or before December 1, 1985 shall be limited to the minimum necessary to accommodate a house or other structure, initial septic system, driveway, and reasonable amount of yard or required parking, and may not exceed 30% without a modification by the Planning and Zoning Officer.

The subject site has a majority of existing woodland canopy "outside" the 100-foot buffer and 25-foot steep slope buffer which is the only area available for additional accessory coverage development. The existing canopy coverage on site is 30,026 sq. ft. The permitted clearing of existing canopy per the Code is up to 30% or 9,008 sq. ft. With the assistance of a Certified Arborist, further reduction of existing canopy impacts will be addressed with critical root zone protection and root pruning techniques that would permit existing trees within or against the limit of disturbance to remain. The total proposed canopy clearing is 12,474 sq. ft. or 42% of the existing canopy. As referenced in the Code above, a Modification will be applied for to receive relief from the Code to exceed 30% clearing. Mitigation plantings will be addressed on site where possible and any remaining mitigation would be addressed via fee paid to an Off-site Land Bank.

Code Article 18-16-305:

- (a) Requirements for zoning variances. The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:
- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the granting of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

(b) Requirements for Critical Area Variances.

(1) Unwarranted Hardship and Practical Difficulty- There are several hardships and practical difficulties related to the re-development of the site. **First**, steep slopes of 15% and greater including the 25-foot buffer associated with those slopes are located at the northwest corner of the existing structure making it difficult to avoid those slopes while renovating the existing home and post development grading. **Second**, the 100-foot buffer covers 14,315 sq. ft. or 35% of the total lot area. **Third**, the existing principal structure is located entirely within the 100-foot buffer and against the bulkhead at the shoreline. Keeping the existing home's footprint including the foundation assists in reducing negative impacts from demolition of a home against the shoreline.

- (2) Deprive the applicant of rights commonly enjoyed by other properties- the proposed improvements are in character with other dwellings in the neighborhood and surrounding properties. In fact, numerous existing homes in the immediate neighborhood have larger footprints than the subject home even after construction is completed.
- (3) Will not confer special privilege granting this variance would not confer a special privilege to the applicants. The renovations/additions to the home are in character with the neighborhood as mentioned above.
- (4) Actions by Applicants and Neighbors- The variance is not based on conditions or circumstances that are the result of actions by the applicants or conditions or use on neighboring properties- conditions and circumstances are based on the unique physical characteristics of the lot.
- (5) Water Quality, Intent of the Critical Area Program. The requested variances will not adversely affect water quality, impact fish, and wildlife or plant habitat and be in harmony with the critical area program. Currently, the existing improvements have no means of storm water management. Environmental Site Design to the Maximum Extent Practicable will be addressed via multiple applications. The required ESD volume to be addressed with non-structural practices is 539 cu. ft. Disconnection of Non-Rooftop Runoff is being deducted from the overall lot coverage to be managed. There will be (1) "M-3" Landscape Infiltration Area to address a large portion of the accessory pool, pool house, and shed roof area and (2) "M-5" Micro Scale Drywells to address the landward portion of the renovated principal structure. The total volume provided is 549 cf. ft. All storm water management applications are outside the 100-foot buffer and do not encroach the 25-foot buffer to the top of steep slopes. (2) Geotechnical soil borings were performed to determine subsurface conditions.
- (6) Presumption Sec 8-1808(d)(2)(ii) The applicants have overcome the presumption that the use for which the variances were requested were not in conformity with the purpose and intent of the Critical Area Program.

(c) Requirements for all variances.

- 1. Minimum necessary to afford relief The proposed variances allow for modest uses that not only meets the "significant and reasonable standard" but also are the minimal necessary development to afford relief. Disturbance to the 15% steep slopes is the minimum necessary to construct the proposed improvements and to reduce the impervious surface area within the property's boundary.
- 2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA. Vegetative clearing is reduced to the minimum necessary to construct the proposed improvements and will be mitigated appropriately during the permit process with a Reforestation/Buffer Management Plan.

- iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area. Clearing is only for what is necessary for construction and access, and the property is not located within a Bog Protection Area.
- v. be detrimental to the public welfare as constructing a single-family dwelling and associated improvements on a residentially zoned property will not impose harm to adjacent property owners or the public.

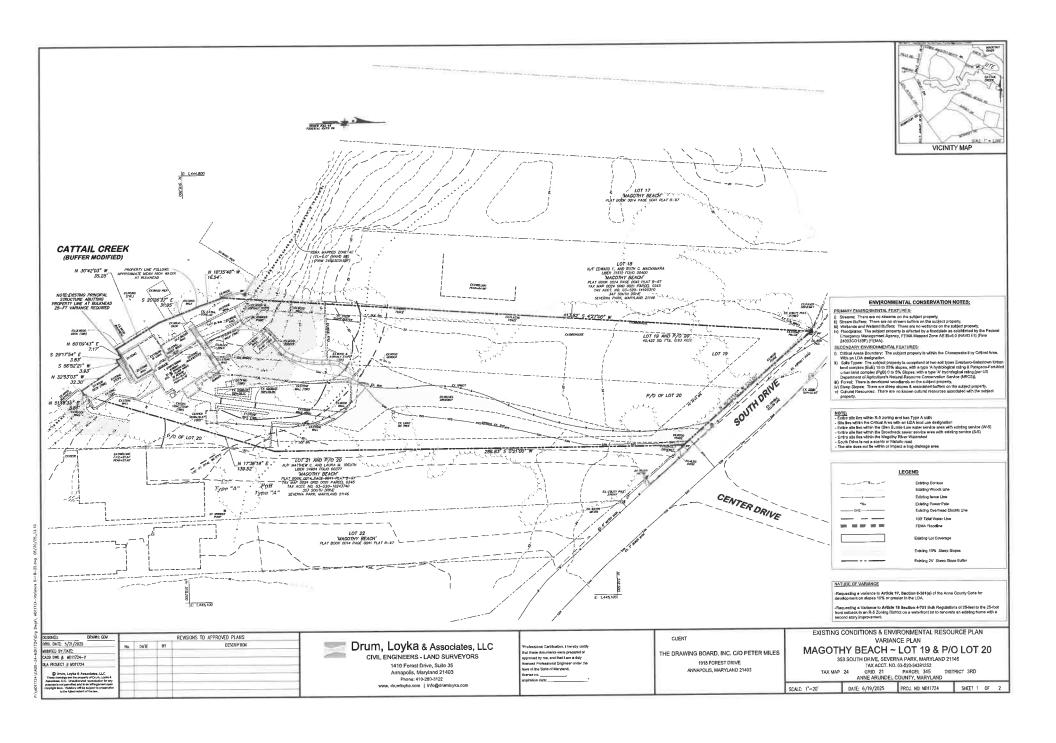
Denial of the requested variances and a strict implementation of the County's zoning and Critical Area Program would constitute unwarranted hardship and practical difficulty on the applicant and deprive them of the same rights and privileges others enjoy in the immediate neighborhood along the waterfront side of Cattail Creek.

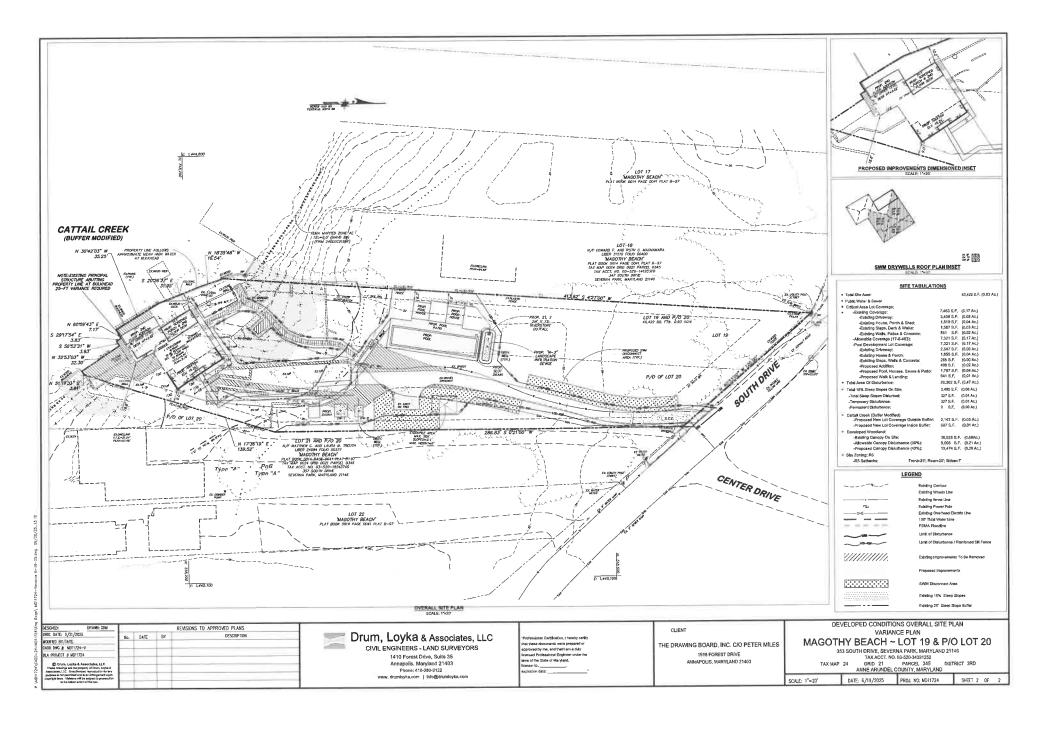
Sincerely,

DRUM, LOYKA AND ASSOCIATES, LLC

Robert Baxter Project Manager

Ce: Dalena Wright Peter Miles Jennifer Horn Grant Mays





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: Anne Arune	del County		Dat	te June 21, 2025
Tax Map # Parcel # 345 Tax ID 3-520-3439125	Block # Lot # 197			FOR RESUBMITTAL ONLY Corrections Redesign No Change Non-Critical Area * Complete only Page 1 General Project Information
Project Name (site name,		or other) Magothy	Beach	
Project location/Address	353 South Drive			
City Severna Pa	ark, MD.		Zip 2114	46
Local case number				
Applicant: Last name	Wright		First name	Dalena
Company	Drum Loyka and	Associates, LLC.		
Application Type (check a	all that apply):			
Building Permit Buffer Management Plan Conditional Use Consistency Report Disturbance > 5,000 sq ft Grading Permit	X X X	Variance Rezoning Site Plan Special Exception Subdivision Other		
Local Jurisdiction Contac	t Information:			
Last name:	First	name	CALLERALLY	
Phone #	Resp	onse from Commissi	on Required	By
Fax #	Hear	ing date		

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

I Deserve of an attractive administrative and twent addition secreened notice alecking second 1001 initiovelicity.
Renovation of an existing structure, landward addition, screened porch, decking, second floor improvement,
Removal of existing retaining walls and lot coverage within the 100-foot Buffer
I D amoral of aviation votaining avails and lot coverage within the HULTOOL BUILDE
Removal of existing (claiming wans and for coverage within the root built)
1101110 WAY STANDARD SALAMAN S

	Yes		Yes
Intra-Family Transfer		Growth Allocation	
Grandfathered Lot		Buffer Exemption Area	X

Project Type (check all that apply)

I roject rype (enter an			
Commercial		Recreational	dist
Consistency Report		Redevelopment	
Industrial		Residential	X
Institutional		Shore Erosion Control	
Mixed Use	1925 1925 1934	Water-Dependent Facility	
Other			

SITE INVENTORY (Enter acres or square feet)

	(Liiver der es er sy			Acres Sq Ft
	Acres	Sq Ft	Total Disturbed Area	0.47 20,302
IDA Area	0	0		North worth to the
LDA Area	0.93	40,419	# of Lots Created	1
RCA Area	0	0		
Total Disturbed Area	0.93	40,419		

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.69	30,026	Existing Impervious Surface	0.17	7,463
Created Forest/Woodland/Trees			New Impervious Surface	0.07	2,834
Removed Forest/Woodland/Trees	0.29	12,474	Removed Impervious Surface	0.07	2,976
			Total Impervious Surface	0.17	7,321

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.17	7,200	Buffer Forest Clearing	0.03	1,200
Non-Buffer Disturbance	0.30	13,102	Mitigation	0.08	3,600

		Ctonsatana		
Variance Type		Structure	V*854	
Buffer		Acc. Structure Addition	10 (100) 100 100 100 100 100 100 100 100 100	
Forest Clearing		Barn	20-01 - 10-02 - 10-02 - 10-02	
HPA Impact	114000 GRAN Notati	Deck		
Impervious Surface		Dwelling	X	
Expanded Buffer	0.000/35 1999(9) 1999(9)	Dwelling Addition	X	
Nontidal Wetlands		Garage	100 mg / 100	
Setback	X	Gazebo	STATE AND THE STATE OF THE STAT	
Steep Slopes	X	Patio		
Other		Pool		
		Shed		
		Other	Ell Fillens	

Chesapeake Bay Critical Area Report

Magothy Beach ~ Lot 19 & P/O 20

Tax Map 24, Grid 21, Parcel 345 Tax Account No. 03-520-34391252

Property Address: 353 South Drive

Severna Park, Maryland 21146

Property Owner & Variance Applicant: Dalena Wright

Critical Area Designation: LDA Zoning: R-5 Lot Area: 0.93 Ac.

Site Description

The subject property is located off South Drive in the Magothy Beach Subdivision. The property is irregular in shape, legal building parcel consisting of approximately 0.93 acres in area and is currently improved with a single-family dwelling which is proposed to remain with additions to both the waterfront side and roadside portions of the home. The property has a zoning designation of R-5. The site is located entirely within the Chesapeake Bay Critical Area with an LDA designation. The existing dwelling abuts the shoreline. The site is currently served by a public water and sewer. There are several hardships and practical difficulties regarding the redevelopment of the subject property. A large portion of the site is within the 100-ft buffer to tidal waters which encumber 14,307 sq. ft. or 35% of the total lot area. Additionally, the steep slopes of 15% or greater cover 2,490 sq. ft. or 6.16% of the total lot area. The unimproved portion of the site is vegetated with numerous hardwood & evergreens trees and understory growth. The site is in a Buffer Modified area.

Description and Purpose of Variance Request

The homeowners propose to construct additions to the existing home, a new walk, pool and associated improvements. The proposed improvements do not encroach any further to the shoreline than the existing dwelling. The site will be served by public sewer and water. Two "M-5" Microscale Drywells & one "M-3" Landscape infiltration area are being proposed to provide the required ESDv. The larger Drywell (#1) will to the north will collect a large portion of rooftop runoff from the dwelling and proposed sauna. The second Drywell will provide treatment for a portion of the dwellings roof area where grades allow. The proposed Landscape Infiltration Area will be utilized to treat the entire pool area, pool house and associated improvements. The proposed improvements are within the size and character of other dwellings in the neighborhood. Due to the 100-ft tidal waters buffer and presence and extent of steep slopes on the property, development isn't possible without disturbing the slopes or buffer. However, disturbance to the steep slopes is proposed strictly for the removal of existing lot coverage within the steep slopes. Therefore, the proposed improvements require variances to Article 17, Section 8-201(a) of the Anne Arundel County Code for disturbance and development of slopes 15% or greater in the LDA and requesting a variance to Article 18 Section 4-701 of the Bulk Regulations of 25-feet to the 25- front setback in an R-5 zoning district.

A pre-filing review was conducted by the Office of Planning and Zoning and comments were issued on June 16, 2025 by Ms. Donnie Dyott and Ms. Kelly Krinetz of Planning and Zoning, and the Critical Area team had three comments. The comments were considered, and the site plan was revised accordingly. A copy of the pre-file comments is included with this submittal.

Vegetative Coverage and Clearing

This property is vegetatively stabilized with developed woodland, including a variety of mature hardwood trees, a creeping ivy groundcover common to the community of Magothy Beach. The existing on-site wooded area totals roughly 30,026 s.f. (0.69 Ac.). Removal of vegetation has been minimized to only that is necessary to construct the proposed improvements. Removal of vegetation onsite for the proposed redevelopment is approximately 12,474 s.f. (0.29 Ac.). Reforestation requirements for this property will be addressed during the grading permit phase of this project in accordance with code requirements.

Lot Coverage

The site currently has 7,463 s.f. (0.17 Ac.) of impervious coverage. The proposed impervious area for this property is 7,321 s.f. (0.17 Ac.), which is a decrease of 142 s.f. from the existing impervious and equal to the allowable s.f. of lot coverage for this site.

100-ft Tidal Buffer

Approximately 14,307 s.f of the subject property falls within the 100-ft tidal waters line, over a third of property is within the buffer. There is proposed disturbance within the 100-ft buffer as part of this redevelopment, a large portion of the proposed improvements have been sited overtop of the existing dwelling to minimize the disturbance to the buffer to construct the additions, stormwater management & associated improvements. While disturbance to the 100-ft tidal waters line is unavoidable, a reduction of 1,208 s.f. of lot coverage within the 100-ft tidal waters line is being proposed as part of this redevelopment.

Steep Slopes (slopes > 15%)

The site has approximately 2,490 s.f of steep slopes and the associated 25-foot buffer covers 3,212 s.f. totaling 5,702 s.f. or 14% of the site area. Approximately 327 s.f. (0.01 Ac.) of the steep slopes 15% or greater shall be disturbed during the proposed construction. Of that disturbance, 0 s.f. of disturbance is proposed permanent disturbance to construct the dwelling and removal of existing lot coverage & associated site improvements. The entire 327 s.f. of disturbance is temporary disturbance is for grading, removal of lot coverage and construction access. Disturbance of these slopes was unavoidable as a large portion of the site is encumbered by them, the proposed improvements have been sited site to minimize the disturbance to the slopes to construct the dwelling, stormwater management, and associated improvements.

Predominant Soils

The predominant soil type is Patapsco-Fort-Mott urban land complex, 0 to 5 percent slopes (PgB). This soil has a type "A" hydrologic classification and is not a hydric soil (soils characteristic of wetlands).

Drainage and Rainwater Control

Runoff from the site sheetflows down the steep slopes and ultimately drains to Cattail Creek. The proposed redevelopment addresses stormwater management environmental site design to the maximum extent practicable via (2) "M-5" Microscale drywells & (1) "M-3" Landscape infiltration area areas to treat a large portion of the dwelling, sauna, pool and pool deck.

Stormwater management and sediment and erosion control will be further addressed during the permitting phase of the project in order to meet Anne Arundel County design criteria.

Conclusions - Variance Standards

The applicant proposes to construct additions to the existing single family dwelling, screened porch, parking pad, walk, pool and associated improvements. The need for the requested Critical Area Variances arises from the existing unique nature and constraints of this property, specifically the topography, and location of the steep slopes, 100-ft tidal waters line and the irregular shape of the lot. It is not possible to complete this project without disturbance to the steep slopes 15% or greater in the LDA. The proposed improvements are consistent in size and nature with other homes along the waterfront of Cattail Creek and therefore will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area. With the implementation of mitigation, and sediment and erosion control practices, to be addressed during permitting, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

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

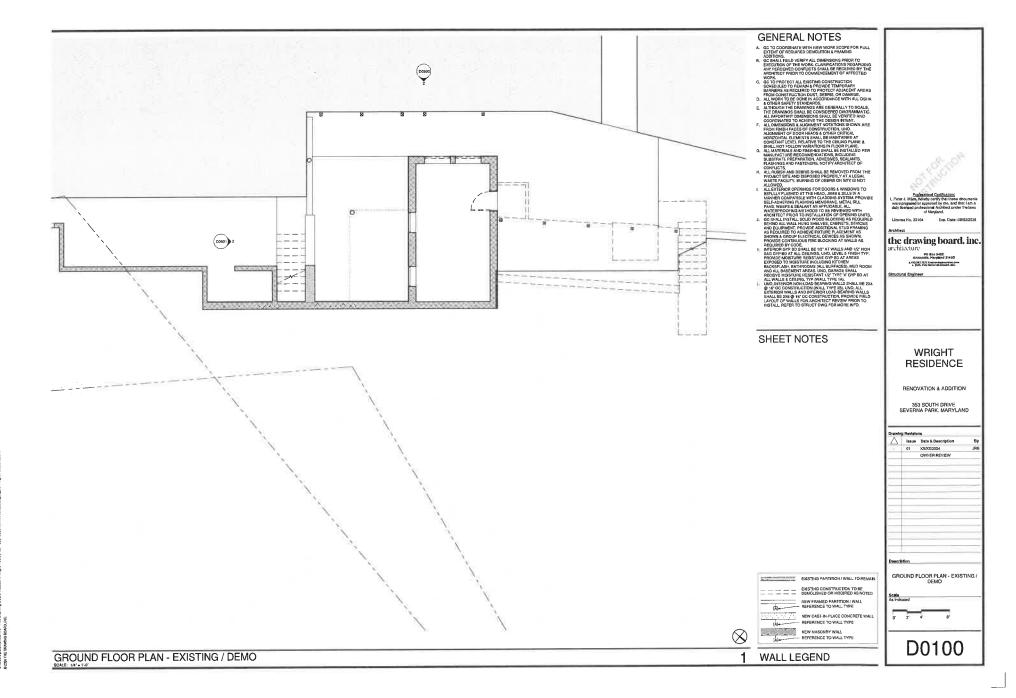
Federal Emergency Management Agency, 2016. Flood Insurance Rate Map

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

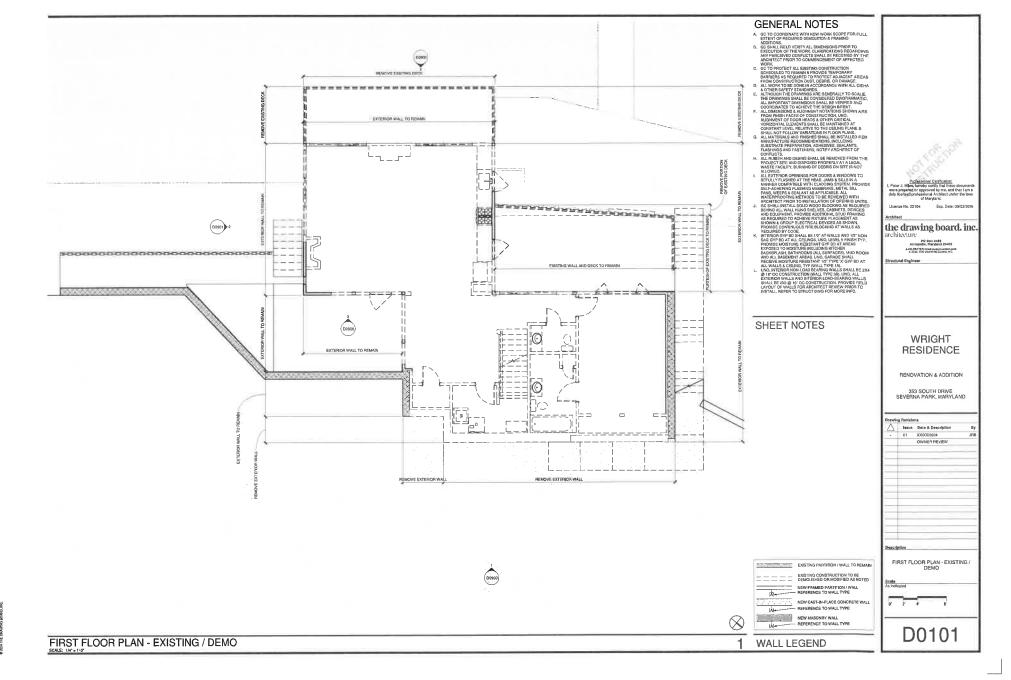
Drum, Loyka and Associates LLC, 2025 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2016 Soil Survey of Anne Arundel County Maryland.

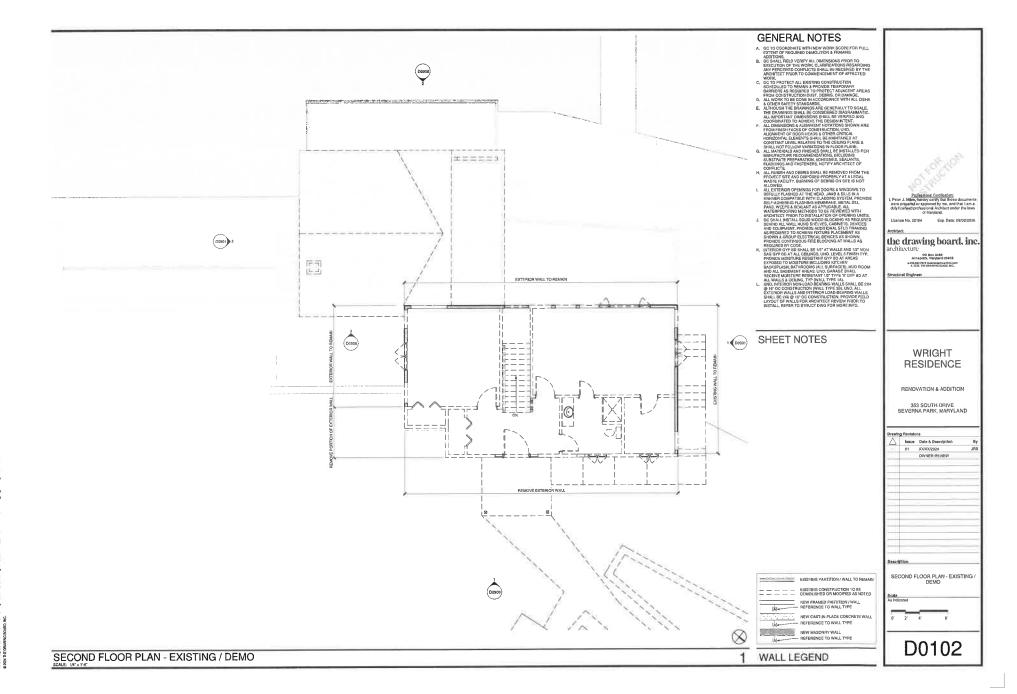
State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District



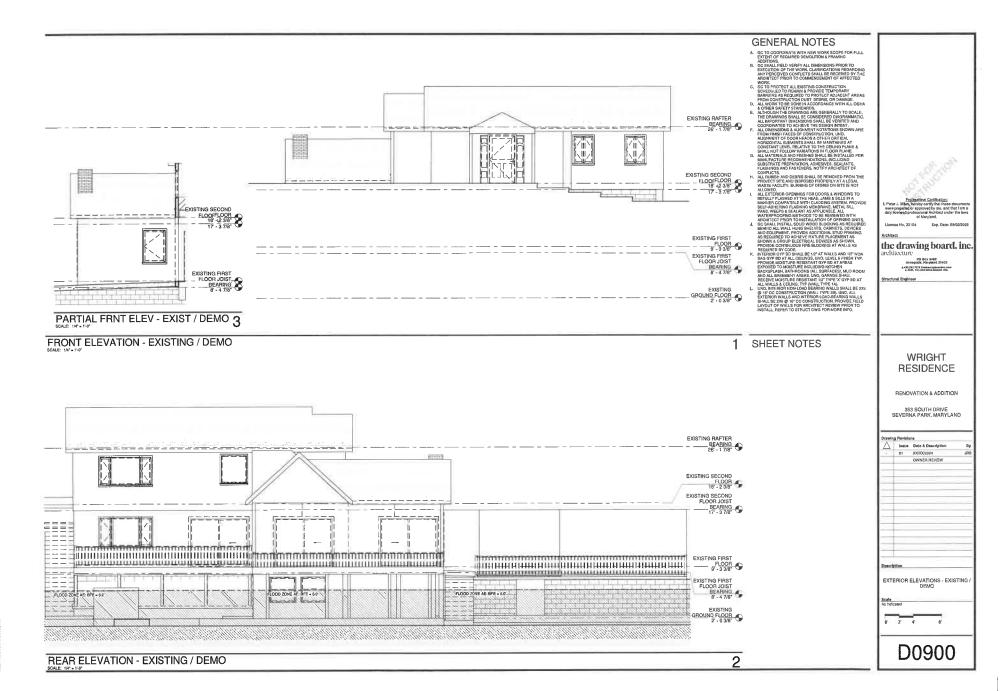
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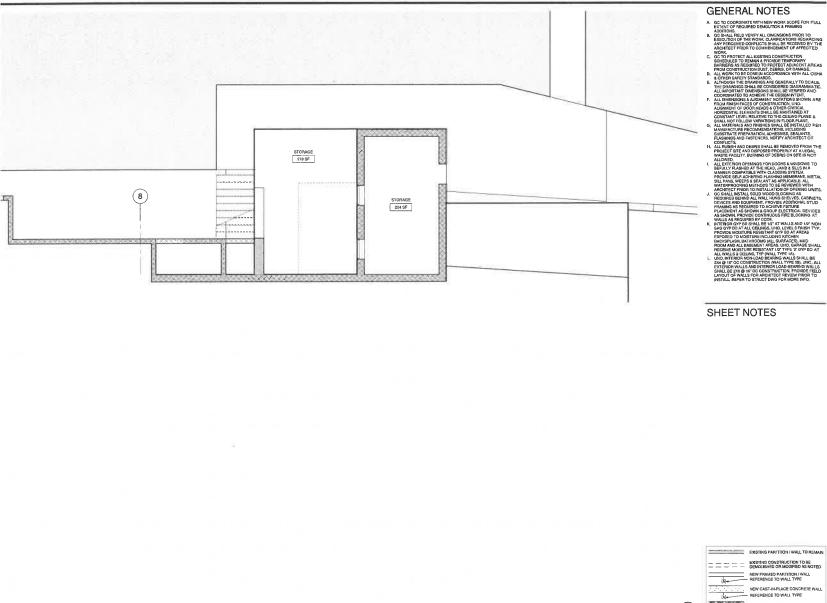


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GENERAL NOTES

the drawing board, inc. architecture

PO Rox 3482 Annepolis, Maryland 21403 a.410,987,9213 their extrephonding.com & 2023, THE DOXING BOARD, NO.

SHEET NOTES

WRIGHT RESIDENCE

RENOVATION & ADDITION

353 SOUTH DRIVE SEVERNA PARK, MARYLAND

Δ	Issue	Date & Description	
	01	XXXXXV2024	
-	_	OWNER REVIEW	
			-
17			
_			

GROUND FLOOR PLAN - NEW WORK / CONSTRUCTION

EXISTING PARTITION / WALL TO REMAIN ____ EXISTING CONSTRUCTION TO BE
____ DEMOLISHED OR MODIFIED AS NOTED NEW FRAMED PARTITION / WALL
REFERENCE TO WALL TYPE NEW CAST-IN-PLACE CONCRE NEW CAST-IN-PLACE CONCRÉTE WALL

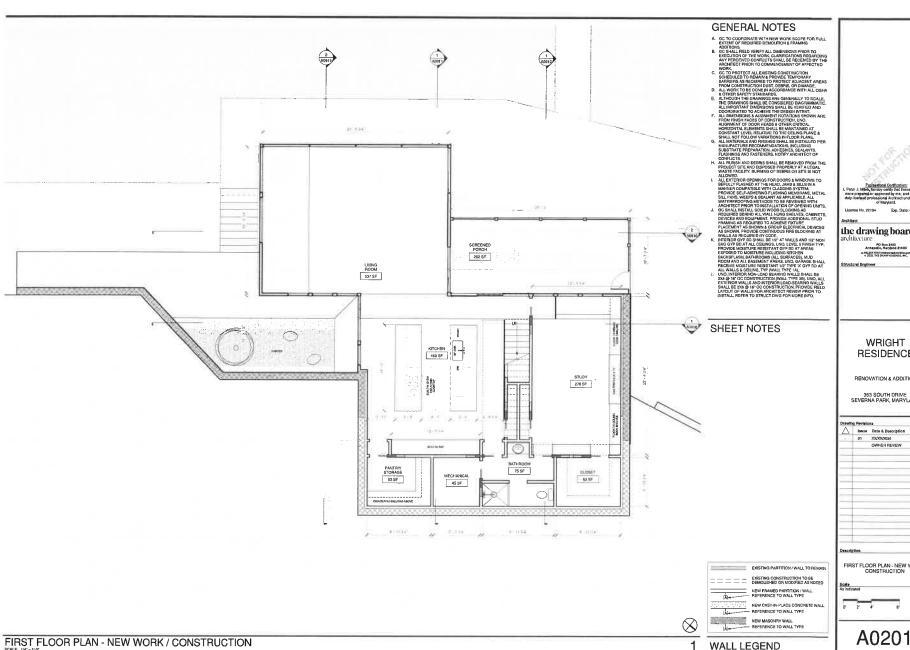
NEW MASONRY WALL
REFERENCE TO WALL TYPE

WALL LEGEND

A0200

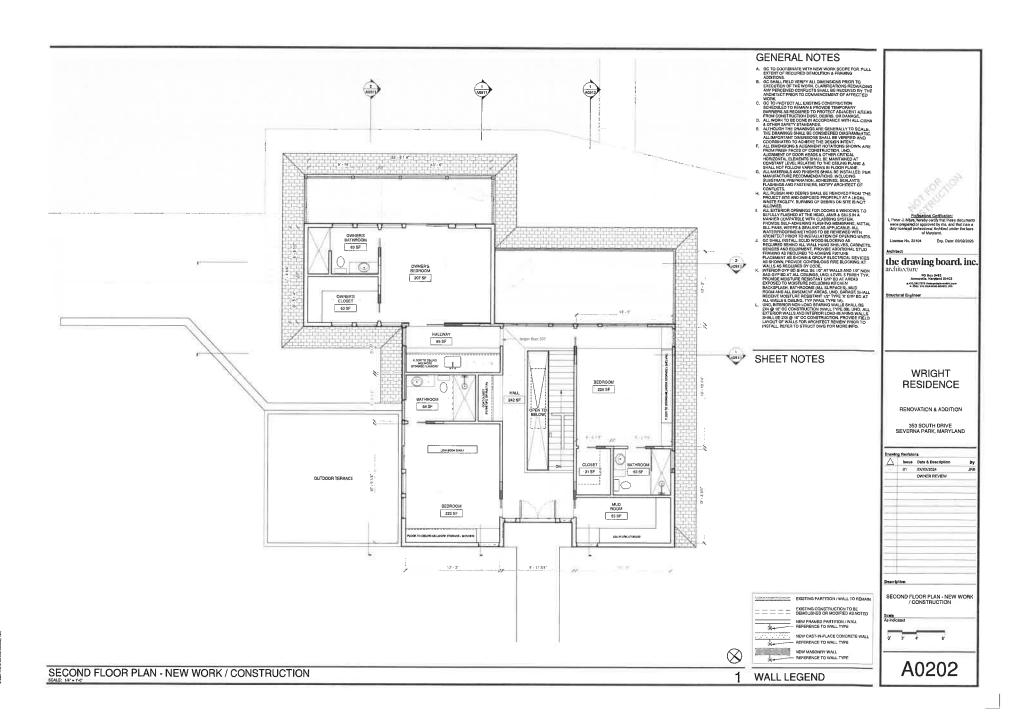
GROUND FLOOR PLAN - NEW WORK / CONSTRUCTION

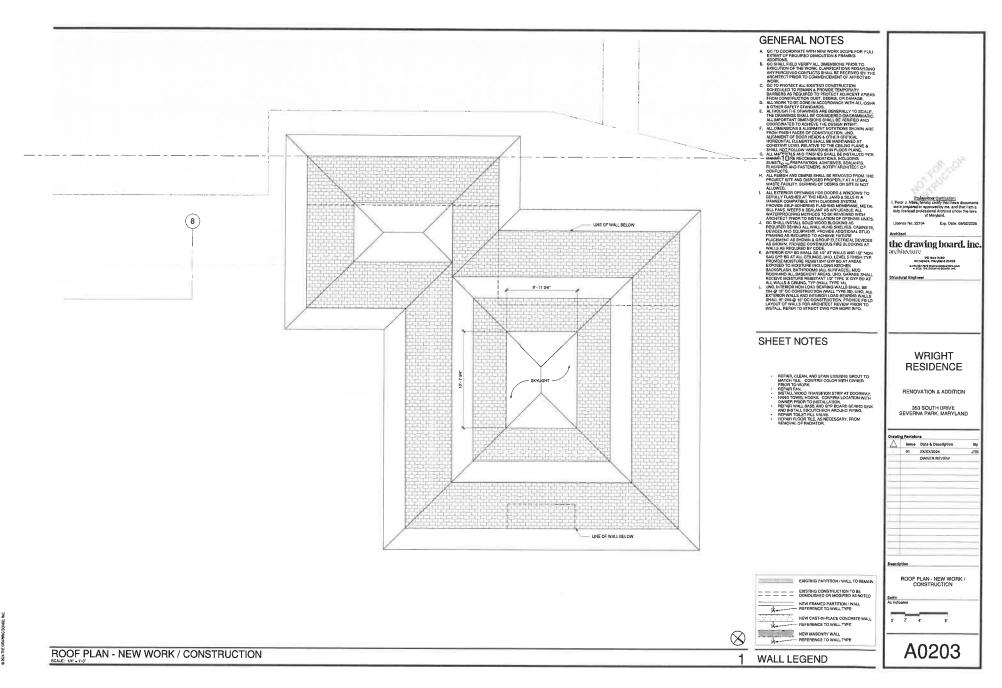




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BUILDING SECTIONS - NEW WORK / CONSTRUCTION Copy 1 Copy 1

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WALL LEGEND

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OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0052-P)

	DATE OF MEETING:		
	P&Z STAFF: <u>Donnie Dyott, Kelly Krinetz</u>		
APPLICANT/REPRESENTATIVE: Robert Baxter	EMAIL: <u>rbaxter@drumloyka.com</u>		
SITE LOCATION: 353 South Drive, Severna Park	LOT SIZE: <u>40,422 sq.ft.</u> ZONING: <u>R5</u>		
CA DESIGNATION: <u>LDA</u> BMA: <u>Y</u> or BUFFE	R: APPLICATION TYPE: <u>Variance</u>		
addition, a screened porch, second floor addition as	relling and to construct several additions including a landward and decking. Also proposed is a pool house, shed, pool and sauna. retaining walls and some lot coverage within the 100 foot buffer.		
The applicant describes the hardships of the site inc location of the existing dwelling being located entire	cluding the presence of steep slopes, the 100 foot buffer and the rely within the buffer and against the bulkhead of the shoreline.		
The proposal will require variances to disturb steep	slopes of 15% or greater and to the 25 foot front setback.		

COMMENTS

The Critical Area Team commented the following:

I have no objection to the minimal slope disturbance required for the expansion of the existing structure.

I have no objection to the setback variance provided the proposed development is no closer to the front property line then the existing structure.

The upward expansion will need to demonstrate compliance with Article 18-2-402(5) in terms of the adjacent properties air, light and view.

Although the clearing limitation is not part of the variance request, I will provide comment since it is mentioned in the Letter of Explanation. Clearing on this site is limited to 30% of the developed woodland. This clearing is limited to the minimum necessary to accommodate a house, septic system, driveway and reasonable amount of yard or parking. Based on the site plan, there is minimal clearing for the house and driveway and the majority of the clearing is for the pool and other recreational improvements. The proposed layout would not meet the test for approval to exceed the 30% clearing amount and must be reduced/redesigned. This requirement will be addressed with the permit application.

Zoning Administration Section: The site plan should add dimensions from the proposed improvement within the front setback to the front property line to allow for the variances to be calculated. The applicant should clarify what is meant by "dwelling to be renovated" as it is unclear if the dwelling is being rebuilt or if the proposal is just for additions. The letter of explanation provides little to no justification on why these improvements are required, how they represent the minimum necessary or why the applicant doesn't have reasonable use of a residential lot with the current improvements. Architectural drawings would be helpful to determine all of the proposed changes to the dwelling relative to the existing conditions.

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.