

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

APPLICANT: Michael & Valerie Lopez

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0102-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: August 14, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting variances to allow dwelling additions with less setbacks and buffer than required and with disturbance to slopes of 15% or greater on property located at 1258 Fenwick Garth in Arnold.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 1.5 acres of land and is located on the northwest side of Fenwick Garth. It is identified as Lot 7 of Parcel 492 in Grid 9 on Tax Map 39 in the subdivision of Glen Oban.

The property is zoned R1 – Residential District. This waterfront lot on Aisquith Creek is located entirely within the Chesapeake Bay Critical Area overlay and is designated as LDA – Limited Development Area. The shoreline is not mapped as buffer modified and is subject to the standard buffer and expanded buffer regulations. The lot is currently improved with a one-story, single-family, detached dwelling with a basement and other associated facilities.

PROPOSAL

The applicants propose several expansions to the existing dwelling: a first floor rear (roadside) infill addition to enclose the existing covered entry porch; a second floor addition directly above the existing first floor; and a 10' by 27' (270 square foot) expansion of the existing front (waterfront) deck. The proposed second story addition would be 29'-1" high. Also proposed, but not requiring a variance, is the interior renovation of the existing first floor and basement.

REQUESTED VARIANCES

§ 18-13-104(a) of the Anne Arundel County Zoning Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. § 18-13-104(b) provides for an expanded buffer where there are, among other things, steep slopes. § 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists “to protect a stream, tidal wetland, tidal waters, or terrestrial environment from human disturbance.” Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The proposed additions would disturb the expanded buffer,

necessitating a variance. If approved, the actual buffer disturbance would be determined at the time of permitting.

§ 17-8-201(a) of the Subdivision and Development Code provides that development in the limited development area (LDA) or the resource conservation area (RCA) may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. The proposed additions would disturb steep slopes of 15% or greater, necessitating a variance. If approved, the actual slope disturbance would be determined at the time of permitting.

A review of the bulk regulations for development within an R1 District reveals that a setback variance is not required.

FINDINGS

The subject property is irregular in shape and easily exceeds the minimum lot area and width required for the R1 District. The existing critical area lot coverage is 9,064 square feet, and no additional coverage is proposed with this application.

The property was the subject of a prior variance application (2006-0155-V) under which approval was granted to allow disturbance within the expanded buffer and within steep slopes of 15% or greater for the construction of a 13' by 32' (416 square foot) enclosed porch adjacent to the existing deck on the waterfront side of the dwelling.

The applicants' letter explains that the goal is to enclose an existing porch and expand the existing deck, not to add entirely new structures. The existing covered porch was built before the Critical Area and expanded buffer rules were in place. The structure has suffered damage from prior storms, and enclosing it would help preserve the property and protect it from future weather-related damage. The applicants note that the proposed work does not increase the impervious surface on the lot and that the enclosed space would remain within the existing footprint.

The **Critical Area Commission** commented that the proposed improvements will not result in increased lot coverage or clearing of forest or developed woodland. However the proposed deck will result in disturbance to steep slopes and the expanded buffer. In 2006, the property was granted a variance to allow for an expansion of the dwelling. In order for this variance to be granted, the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. Additionally, the AHO must determine that this request meets the requirement of being the minimum necessary to afford relief, even when this site received a previous variance for an expansion of the dwelling. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate [mitigation] is required.

The **Development Division (Critical Area Team)** reviewed the proposal and commented that they have no objection to a second story addition within the existing footprint or the proposed enclosure of the existing porch. However, expansion of the existing deck cannot be supported.

The **Department of Health** has reviewed the on-site sewage disposal system and has determined that the proposed request would not adversely affect this system. Therefore, the Department has no objection.

The **Soil Conservation District** reviewed the proposal and provided no comment.

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. In this particular case, the property is encumbered with steep slopes and the expanded buffer, limiting future expansion. As such, a case can be made for the disturbance necessary for a second story addition and porch enclosure within the existing house footprint. However, there is already a substantial waterfront deck (approximately 10' by 39' (390 square feet +/-) as measured by the applicants' scaled site plan) as well as a large waterfront enclosed porch/sunroom, measuring 13' by 32' (416 square feet), that was constructed via an approved variance in 2006.

A literal interpretation of the County's Critical Area Program would deprive the applicants of rights that are commonly enjoyed by other properties in similar areas, by denying the right to expand their dwelling vertically and within the existing footprint. However, the granting of critical area variances for construction of a 27' long deck addition that would result in an expansive 10' by 66' (660 square foot) deck within the expanded buffer and within steep slopes would confer on the applicants a special privilege that would be denied by COMAR, Title 27. The request is not based on conditions or circumstances that are the result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. The variances as proposed may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and have not evaluated or implemented site plan alternatives in accordance with the Critical Area Team's pre-file comments relating to the deck.

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, reduce forest cover in the limited development area or resource conservation area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. However, while relief for the proposed second story addition and for the conversion of the rear (roadside) porch into enclosed living space can be supported, the proposed expansive 66-foot long waterfront deck is excessive and cannot be considered the minimum necessary.

RECOMMENDATION

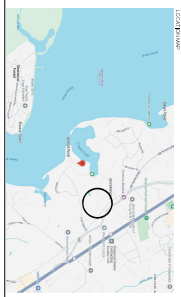
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **approval** of Critical Area variances to § 17-8-301 and § 17-8-201(a) to allow disturbance within the expanded buffer and within steep slopes of 15% or greater as required for the construction of the proposed second story addition and the proposed conversion of the existing rear (roadside) porch into enclosed living space. However, this Office recommends **denial** of the proposed deck expansion.

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



1209 FENWICK GARTH
ZONING - R41
GRIID - 0000
GRIID - 0002
PARCEL - 0009
PROPERTY LAND AREA - 1.5 AC
NEIGHBORHOOD - 300005012
LOT - 6
LOT - 7
PLAT REF - 00290003
DEED REF - 40701002
DEED REF - 40701003
DEED REF - 40701004
LEGAL DESCRIPTION - L & S
GARTLAND GLEN, 0504
MAX LOT COVERAGE - 60%
MAX LOT COVERAGE - 60%
SIDE YARD SETBACK - 5'-0"
REAR YARD SETBACK - 6'-0"

Symbol	Meaning	Unit
ρ_{gas}	Gas density	g cm^{-3}
ρ_{star}	Star density	g cm^{-3}
ρ_{dust}	Dust density	g cm^{-3}
ρ_{H_2}	Molecular hydrogen density	cm^{-3}
ρ_{He}	Helium density	cm^{-3}
ρ_{C}	Carbon density	cm^{-3}
ρ_{O}	Oxygen density	cm^{-3}
ρ_{Si}	Silicon density	cm^{-3}
ρ_{Fe}	Iron density	cm^{-3}
ρ_{Mg}	Magnesium density	cm^{-3}
ρ_{Al}	Aluminum density	cm^{-3}
ρ_{S}	Sulfur density	cm^{-3}
ρ_{Ca}	Calcium density	cm^{-3}
ρ_{Na}	Sodium density	cm^{-3}
ρ_{K}	Potassium density	cm^{-3}
ρ_{Ti}	Titanium density	cm^{-3}
ρ_{V}	Vanadium density	cm^{-3}
ρ_{Cr}	Chromium density	cm^{-3}
ρ_{Mn}	Manganese density	cm^{-3}
ρ_{Ni}	Nickel density	cm^{-3}
ρ_{Zn}	Zinc density	cm^{-3}
ρ_{Br}	Bromine density	cm^{-3}
ρ_{I}	Iodine density	cm^{-3}
ρ_{Ba}	Barium density	cm^{-3}
ρ_{La}	Lanthanum density	cm^{-3}
ρ_{Ce}	Cerium density	cm^{-3}
ρ_{Pr}	Praseodymium density	cm^{-3}
ρ_{Nd}	Niobium density	cm^{-3}
ρ_{Pm}	Promethium density	cm^{-3}
ρ_{Sm}	Samarium density	cm^{-3}
ρ_{Eu}	Europlum density	cm^{-3}
ρ_{Gd}	Gadolinium density	cm^{-3}
ρ_{Tb}	Terbium density	cm^{-3}
ρ_{Dy}	Dysprosium density	cm^{-3}
ρ_{Ho}	Holmium density	cm^{-3}
ρ_{Er}	Erbium density	cm^{-3}
ρ_{Tm}	Thulium density	cm^{-3}
ρ_{Yb}	Ytterbium density	cm^{-3}
ρ_{Lu}	Lutetium density	cm^{-3}
ρ_{Sc}	Scandium density	cm^{-3}
ρ_{Y}	Yttrium density	cm^{-3}
ρ_{Zr}	Zirconium density	cm^{-3}
ρ_{Nb}	Niobium density	cm^{-3}
ρ_{Mo}	Molybdenum density	cm^{-3}
ρ_{Tc}	Technetium density	cm^{-3}
ρ_{Ru}	Ruthenium density	cm^{-3}
ρ_{Rh}	Rhodium density	cm^{-3}
ρ_{Pd}	Palladium density	cm^{-3}
ρ_{Ag}	Silver density	cm^{-3}
ρ_{Cd}	Cadmium density	cm^{-3}
ρ_{In}	Indium density	cm^{-3}
ρ_{Sn}	Tin density	cm^{-3}
ρ_{Sb}	Antimony density	cm^{-3}
ρ_{Te}	Tellurium density	cm^{-3}
ρ_{Bi}	Bismuth density	cm^{-3}
ρ_{Po}	Polonium density	cm^{-3}
ρ_{At}	Astatine density	cm^{-3}
ρ_{Rn}	Radon density	cm^{-3}
ρ_{Ac}	Actinium density	cm^{-3}
ρ_{Th}	Thorium density	cm^{-3}
ρ_{Pa}	Protactinium density	cm^{-3}
ρ_{U}	Uranium density	cm^{-3}
ρ_{Np}	Neptunium density	cm^{-3}
ρ_{Pu}	Plutonium density	cm^{-3}
ρ_{Am}	Americium density	cm^{-3}
ρ_{Cm}	Curium density	cm^{-3}
ρ_{Bk}	Berkelium density	cm^{-3}
ρ_{Cf}	Californium density	cm^{-3}
ρ_{Es}	Einsteinium density	cm^{-3}
ρ_{Fm}	Fermium density	cm^{-3}
ρ_{Md}	Mendelevium density	cm^{-3}
ρ_{No}	Nobelium density	cm^{-3}
ρ_{Lr}	Lawrencium density	cm^{-3}





1258 FENWICK GARTH, ARNOLD,
MD 21012

0002-AD=AD1



100

STRUCTURE

1258 FENWICK GARTH, ARNOLD,
MD 21012

OVERSIGHT INFO
MIDWINTER CONFERENCE[illegible]

**FIRST FLOOR
DEMO PLAN**

0003-AD=AD2



WALL LEGEND

NEW PARTITION _____ DEMO PARTITION _____

EXISTING PARTITION F.R. PARTITION

NOT IN SCOPE

GENERAL NOTES

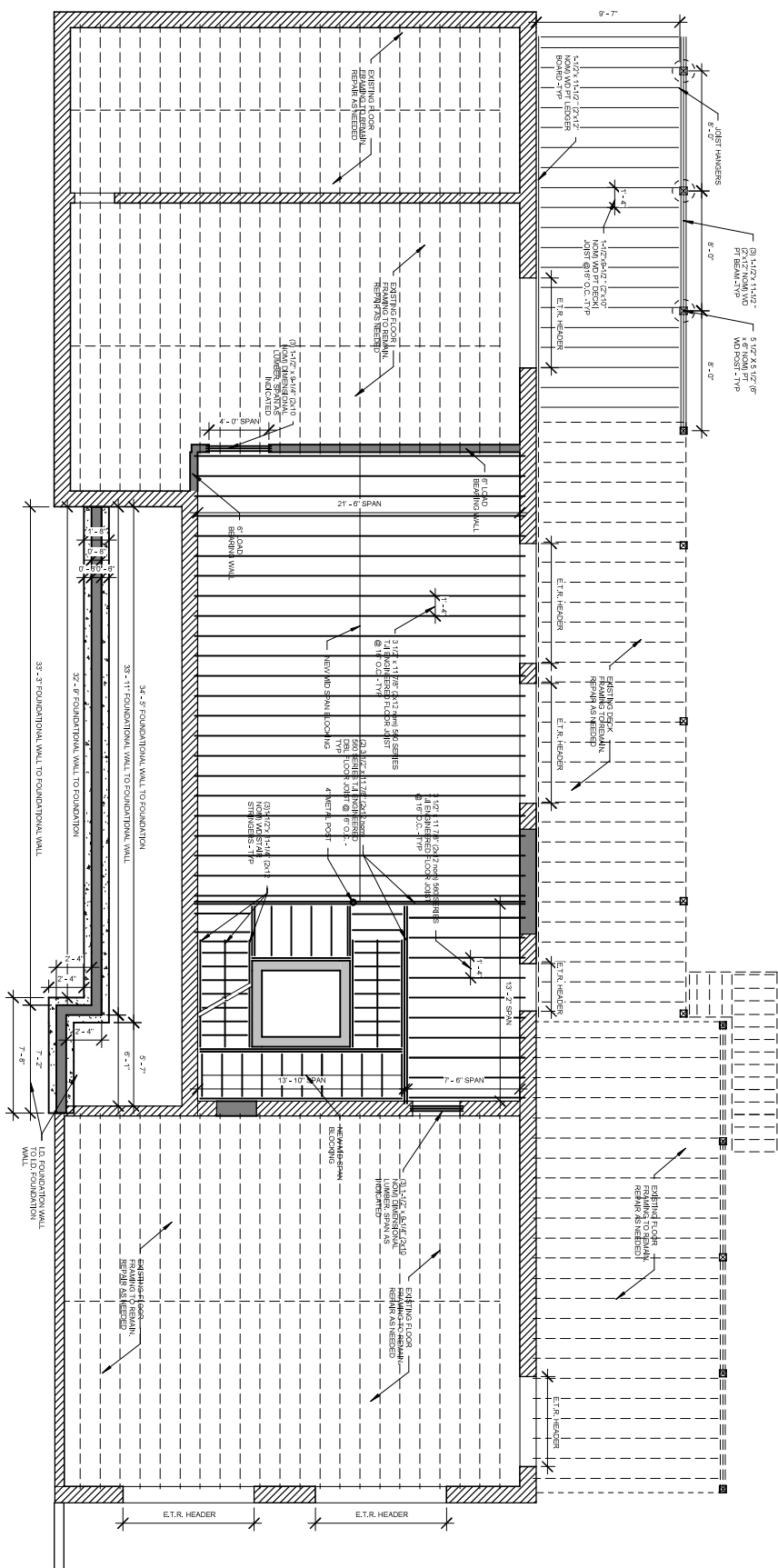
- DO NOT SCALE DRAWINGS.

-CONTRACTOR SHALL COMPLY WITH ALL HEALTH AND LIFE SAFETY REQUIREMENTS AS DIRECTED BY ANNE ARUNDEL COUNTY AND THE STATE OF MARYLAND.
-INTERIOR FINISHES ARE CLIENT'S CHOICE
-INTERIOR LIGHTING SELECTION ARE CLIENT'S CHOICE

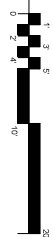
- DOOR TYPE SYMBOL  DENOTES DOOR WIDTH, DOOR STYLE CLIENT'S CHOICE. ALL DOORS ARE 6'-8" IN HEIGHT.

[illegible]

**FIRST FLOOR
FRAMING**



1 FIRST FLOOR FRAMING
3/16" = 1'-0"



NOT IN SCOPE

- DOOR TYPE SYMBOL **36"** DENOTES DOOR WIDTH, DOOR STYLE CLIENTS CHOICE. ALL DOORS ARE 6'-8" IN HEIGHT.



0008-S=S4

PLAN

0008-S=S4

$$J(\mathbf{p}) = \mathbf{p}^T \mathbf{A} \mathbf{p}$$

Per. No.	SEI	SEI
1. Effort	SEI	SEI
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

DOUGLAS T. MALLER

PLAN

DATE: _____

0008-S=S4

$$J(\mathbf{p}) = \mathbf{p}^T \mathbf{A} \mathbf{p}$$

R
ROOF FRAMING PLAN
3/16" = 1'-0"

WALL LEGEND

NEW PARTITION

NOT IN SCOPE

GENERAL NOTES

IONS

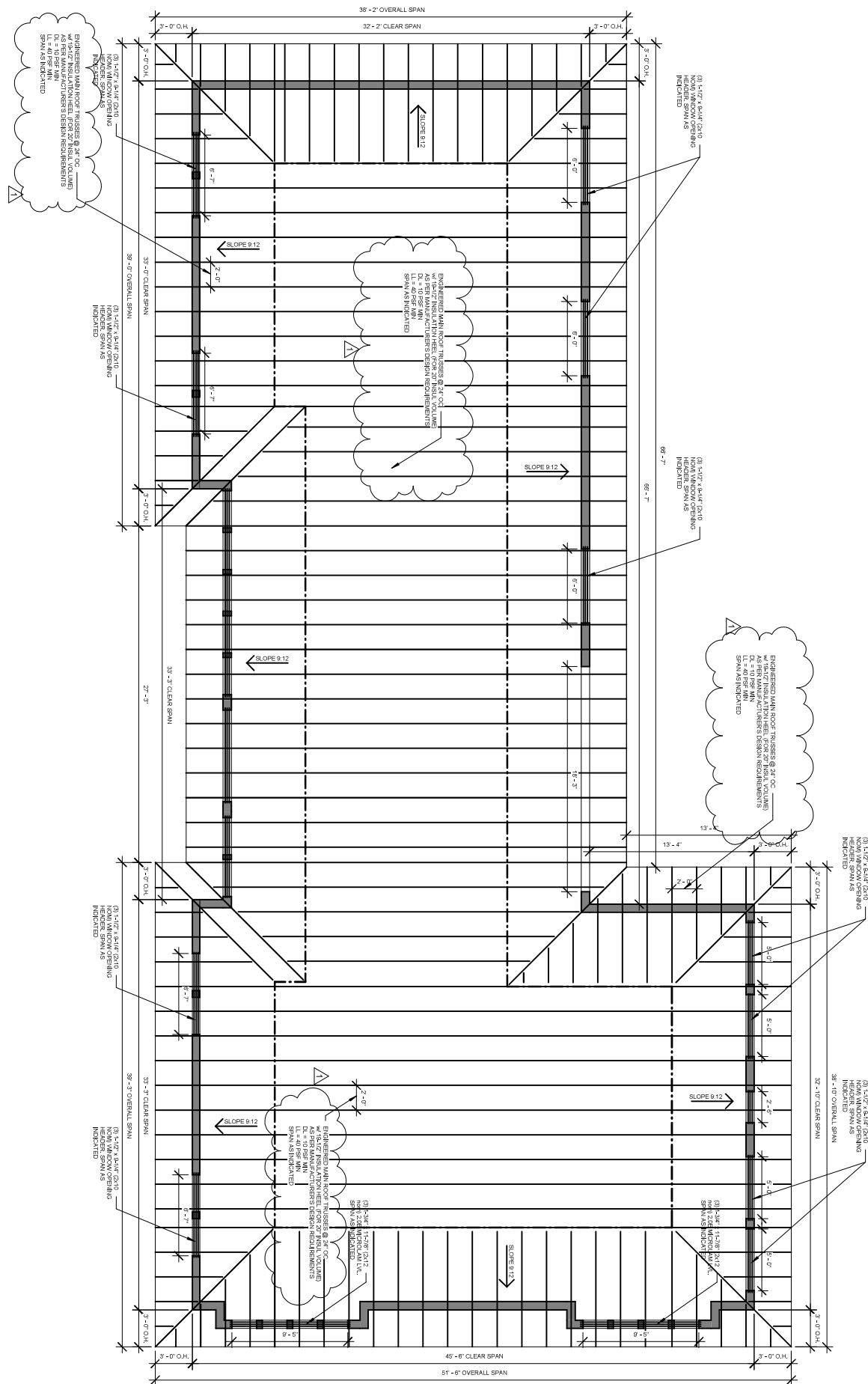
COMPLY WITH ALL

LECTION ARE CUE

DEFINITIONS

ARE 6'-8" IN

TYPICAL DOOR & WINDOW HEADER SCHEDULE
SPANS 0" to 36" = (3) 1-1/2" x 9-1/4" (2x10 nom) DIMENSIONAL LUMBER
SPANS 37" to 60" = (3) 1-1/2" x 11-1/4" (2x12 nom) DIMENSIONAL LUMBER
SPANS 61" to 96" = (3) 1-3/4" x 11-7/8" (2x12 nom) 2.0E MICROLAM LVL

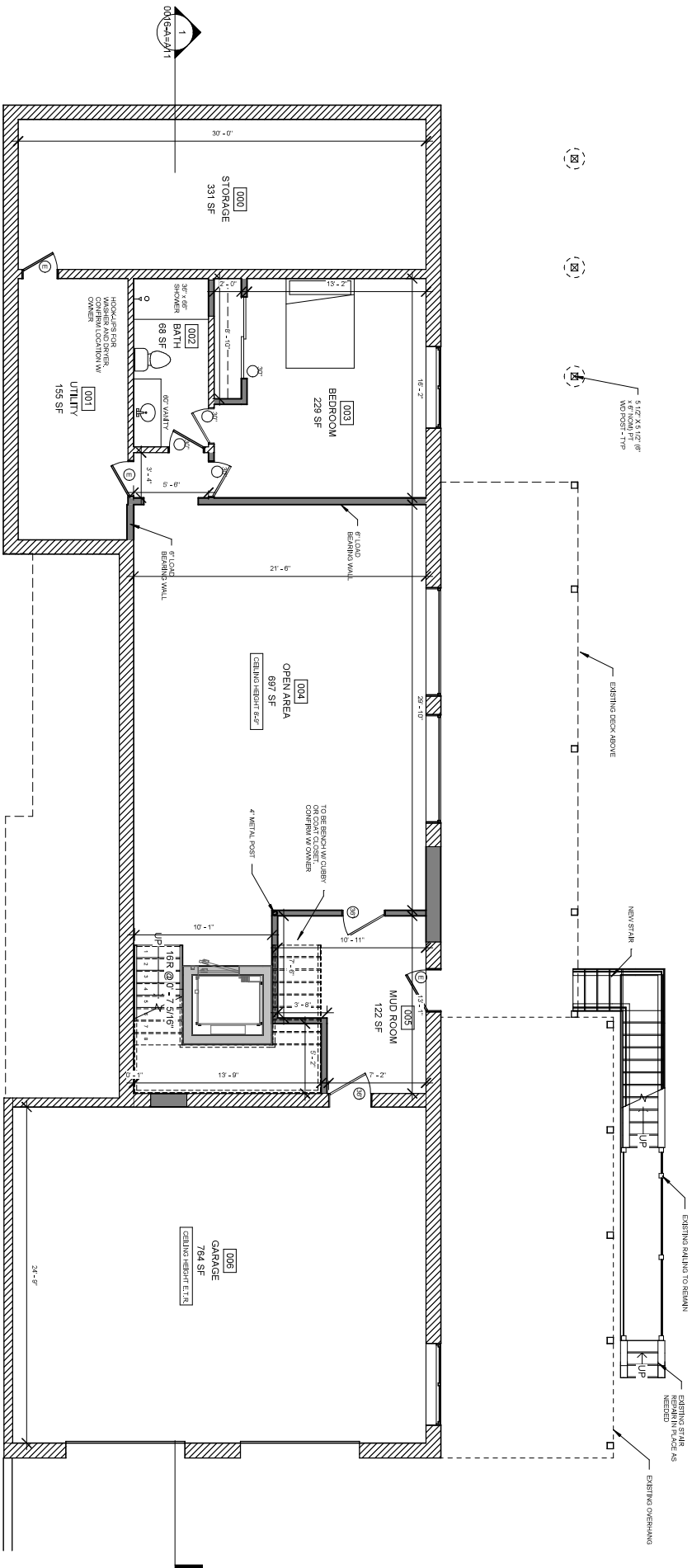




1258 FENWICK GARTH, ARNOLD, MD 21012

NO.	DATE	DESCRIPTION
1	01/15/2021	ISSUED FOR PERMITS
2	02/10/2021	REVISED PER COMMENTS
3	03/05/2021	REVISED PER COMMENTS
4	04/01/2021	REVISED PER COMMENTS
5	05/01/2021	REVISED PER COMMENTS
6	06/01/2021	REVISED PER COMMENTS
7	07/01/2021	REVISED PER COMMENTS
8	08/01/2021	REVISED PER COMMENTS
9	09/01/2021	REVISED PER COMMENTS
10	10/01/2021	REVISED PER COMMENTS

0009-A-A1



B BASEMENT PROPOSED
3/16" = 1'-0"

WALL LEGEND

- NEW PARTITION
- EXISTING PARTITION
- NOT IN SCOPE
- DEMO PARTITION
- FR. PARTITION

GENERAL NOTES

- DO NOT SCALE DRAWINGS.
- FEES: CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS AND PAYING ANY ASSOCIATIVE FEES.
- CONTRACTOR SHALL COMPLY WITH ALL HEALTH AND LIFE SAFETY REQUIREMENTS AS DIRECTED BY ANNE ARUNDEL COUNTY AND THE STATE OF MARYLAND.
- INTERIOR FINISHES ARE CLIENT'S CHOICE.
- INTERIOR LIGHTING SELECTION ARE CLIENT'S CHOICE.
- DOOR TYPE SYMBOL (36) DENOTES DOOR WIDTH, DOOR STYLE CLIENT'S CHOICE. ALL DOORS ARE 6'-8" IN HEIGHT.



1258 FENWICK GARTH, ARNOLD, MD 21012

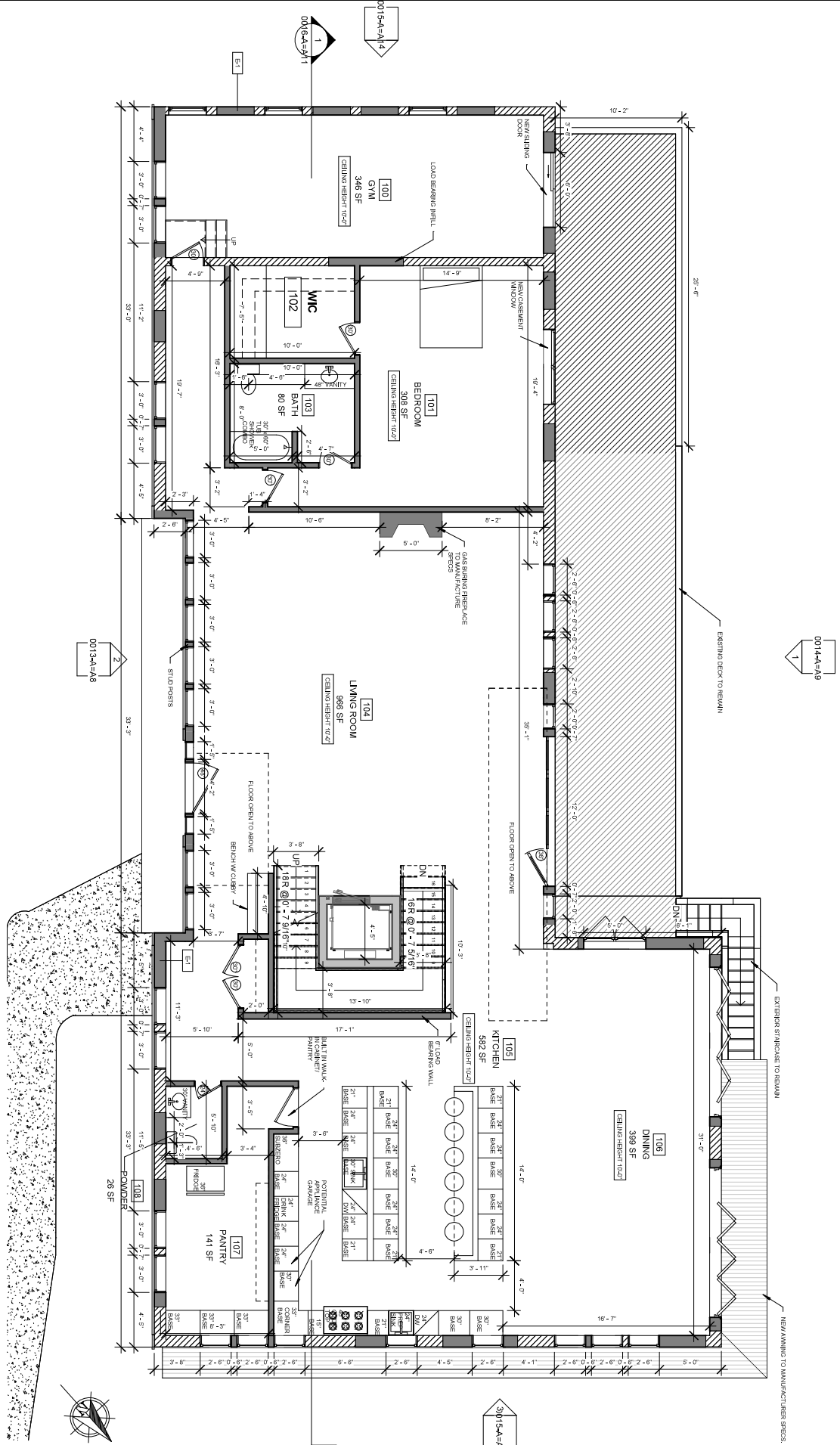


1258 FENWICK GARTH, ARNOLD, MD 21012

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	01/10/2020
2	ISSUED FOR PERMIT	01/10/2020
3	ISSUED FOR PERMIT	01/10/2020
4	ISSUED FOR PERMIT	01/10/2020
5	ISSUED FOR PERMIT	01/10/2020
6	ISSUED FOR PERMIT	01/10/2020
7	ISSUED FOR PERMIT	01/10/2020
8	ISSUED FOR PERMIT	01/10/2020
9	ISSUED FOR PERMIT	01/10/2020
10	ISSUED FOR PERMIT	01/10/2020

1 FIRST FLOOR PROPOSED

3/16" = 1'-0"





CONTACT YOUR AGENT
FOR THE LATEST
ADDITIONAL FORMS

OFFICIAL DATE 9/27/2025.

GENERAL NOTE:

STRUCTURAL:

D,

REFERENCES

$$\frac{\Gamma H,}{2}$$
GA
21

WIC
M

3 FEB

12

OVERSEAS INFO

Project Status

[illegible][illegible]SECOND FLOOR
PROPOSED

0011-A=A3



NOT IN SCOPE

DOOB TYPE SYMBOL DOOB STYLE CLIENT'S

ARE 6'-8" IN HEIGHT



**Carballo
Architecture**

Letter of Explanation

Subject Property:

1258 FENWICK GARTH,
ARNOLD, MD, 21012

Dear Reviewer,

We are submitting this application for proposed improvements to the existing detached single-family residence located at 1258 Fenwick Garth, MD 21012. The scope of work includes a first-floor front (waterfront side) infill addition, a vertical second-floor addition, and an expansion of the rear deck through an infill addition.

Specifically, we are requesting relief for the following elements of the proposed work:

- A second-floor addition is planned within the Critical Area/Expanded Buffer. This addition will be constructed directly above the existing first-floor footprint and will not result in an increase in lot coverage.
- We are proposing to enclose a portion of the existing covered front porch to align with the existing front façade. This area is already within the 50-foot buffer and currently consists of paved, impervious surface. Therefore, this conversion will not contribute to any increase in impervious coverage.
- An extension of the existing rear deck is also proposed by way of an infill deck addition

All proposed additions are located over existing impervious areas, and every effort has been made to minimize environmental impact while enhancing the functionality of the home.

Sincerely,

Adam Carballo
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231
adam@carballoarch.com
443-963-1077

Justification Statement

Property: 1258 Fenwick Garth, Arnold, MD 21012, under the subdivision known as Lot 7 SC 6 1258 FENWICK GARTH GLEN OBAN

Land Area: 1.5 Acres

Petitioner: Carballo Architecture representing homeowner, Michael Lopez

Request: Variance for Expanded Buffer to enclose an existing covered porch and extend an existing deck

Zone: R-1

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- i. Factual Background
- ii. Applicable Portion of Zoning Code
- iii. Reason for Appeal
- iv. Evidence Supporting Variance
- v. Justification
- vi. Conclusion

i. Factual Background

The subject property is Lot 7 in the Glen Oban subdivision, located at 1258 Fenwick Garth, Arnold, MD. It is a 1.5-acre waterfront lot in the R-1 zoning district, adjacent to Asquith Creek. The home on the property was built in 1984.

In 2024, Mr. Michael Lopez purchased the property as his primary residence. It includes a covered porch and a deck. Mr. Lopez is requesting permission to enclose the existing covered porch to create additional indoor space and to expand the deck. The home will remain a single-family residence and his primary home after the project is completed.

ii. Applicable Portion of Zoning Code

The request is for a Critical Area Expanded Buffer Variance under the Anne Arundel County Zoning Code.

The proposed changes involve:

- Enclosing the existing covered porch (street-facing addition)
- Extending the existing deck (waterfront-facing)

There will be no changes to existing side, front, and/or rear setbacks.

iii. Reason for Appeal

This variance is required in order to proceed with the proposed construction. Since the home was built in the 1980s, zoning regulations have changed. The existing porch and deck now fall within the expanded buffer area of the Critical Area zone. Enclosing the porch and expanding the deck requires approval due to these updated regulations.

iv. Evidence Supporting Variance

A similar variance was granted to the neighboring property at 1246 Fenwick Garth for a new deck, walkways, patios, and retaining walls. Like the subject property, it is a waterfront lot within the Critical Area, which supports the argument that this type of relief has precedent in the neighborhood.

v. Justification

- a. The homeowner is not proposing any new structures outside the current structure. The goal is to enclose an existing porch and expand the existing deck, not to add entirely new structures.
- b. The existing covered porch was built before the Critical Area, and expanded buffer rules were in place. The structure has suffered damage from prior storms and enclosing it would help preserve the property and protect it from future weather-related damage.
- c. The proposed work does not increase the impervious surface on the lot. The enclosed space would remain within the existing footprint.
- d. The homeowner was not aware of prior restrictions when purchasing the home. The proposed work reflects the family's current needs and is in keeping with the surrounding homes.
- e. All proposed improvements will comply with current building codes and will remain within the existing building restriction lines.

vi. Conclusion

We respectfully request that the County consider the unique conditions of this property. The proposed changes are modest, consistent with nearby properties, and will not negatively impact the surrounding area. Approval of this variance would allow the homeowner to improve and preserve his home for long-term use while maintaining compliance with the spirit of the zoning code.

Respectfully,

Adam Carballo
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231

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: 5/21/25

Tax Map #	Parcel #	Block #	Lot #	Section
0039	0492		7	6

Tax ID: 336490000277

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) 1258 FENWICK GARTH

Project location/Address 1258 FENWICK GARTH, ARNOLD, MD 21012

City Arnold Zip 21012

Local case number TBD

Applicant: Last name Carballo First name Adam

Company Carballo Architecture

Application Type (check all that apply):

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

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: Single-Family Dwelling

The proposed work includes constructing a vertical addition to the subject lot which is waterfront. We will be proposing an infill addition to an existing deck which faces the water side, and a vertical addition. No change to the footprint/ impervious surface.

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	N/A				82 SF
LDA Area	1.5				
RCA Area	N/A		# of Lots Created		
Total Area	N/A				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		34538.4	Existing Lot Coverage		9064
Created Forest/Woodland/Trees		N/A	New Lot Coverage		N/A
Removed Forest/Woodland/Trees		N/A	Removed Lot Coverage		N/A
			Total Lot Coverage		

VARIANCE INFORMATION (Check all that apply)

Footing area for proposed addition in the front and new deck post in the rear.

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		82 SF	Buffer Forest Clearing		N/A
Non-Buffer Disturbance		N/A	Mitigation		N/A

Variance Type

Buffer	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>
Expanded Buffer	<input checked="" type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>
Setback	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>
Other	<input type="checkbox"/>

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input type="checkbox"/>
Dwelling	<input type="checkbox"/>
Dwelling Addition	<input checked="" type="checkbox"/>
Garage	<input type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>



**Carballo
Architecture**

Critical Area Narrative

Subject Property:

1258 FENWICK GARTH,
ARNOLD, MD, 21012

Dear Reviewer,

The proposed work will not change the current use of the property, which will remain a single-family residential home.

The existing shrubbery, totaling 34,538 square feet on the waterfront side of the lot, will not be disturbed. The proposed additions are located over existing paved areas, and all work will be limited to those existing impervious surfaces.

The existing paved area where the addition is proposed lies within the expanded buffer zone. This is why a variance application is being filed.

To help reduce any impact from the work, silt fences will be installed as a protective measure. The total impervious area before and after construction is 9,064 square feet. This includes the existing house and paved surfaces. All proposed additions will be built within the already paved areas.

Sincerely,

Adam Carballo
Carballo Architecture, LLC
1816 Aliceanna Street
Baltimore, MD 21231
adam@carballoarch.com
443-963-1077



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

CAC Comments: 2025-0060-V: R.S. Maisel Builders Inc. (AA 0146-25), 2025-0061-V: R.S. Maisel Builders Inc. (AA 0147-25), 2025-0102-V: Lopez (AA 0154-25)

1 message

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

Mon, Jun 30, 2025 at 12:21 PM

Good morning,

Our office have reviewed the above-referenced variances and provide the following comments:

- **2025-0060-V: R.S. Maisel Builders Inc. (AA 0146-25):** The project proposes the development of a vested lot with a single-family dwelling and associated amenities, with disturbance to the Critical Area Buffer and steep slopes. The proposed improvements will result in 2,096 square feet of lot coverage within the Buffer and 6,549 square feet of forest clearing. To accurately calculate impacts to the Critical Area Buffer, the expanded buffer will need to be accurately delineated to reflect the adjacent steep slopes and nontidal wetland. Additionally, the proposed development will bisect a nontidal wetland, creating an isolated, nontidal wetland on western portion of the property. Per COMAR 27.01.09.02, the provisions of COMAR 26.23.01 apply to nontidal wetlands in the Critical Area; a Maryland Department of the Environment authorization will be required. The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate is required.
- **2025-0061-V: R.S. Maisel Builders Inc. (AA 0147-25):** The project proposes the development of a vested lot with a single-family dwelling and associated amenities, with disturbance to the Critical Area Buffer and steep slopes. The proposed improvements will result in 2,438 square feet of lot coverage within the Buffer and 5,249 square feet of forest clearing. The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate is required.
- **2025-0102-V: Lopez (AA 0154-25):** The applicant is proposing several additions to the existing dwelling unit, including an addition to the basement, below the existing sunroom, a second-floor addition, a conversion of a covered porch to living space, and a waterside deck and walkway, with disturbance to the Critical Area Buffer and steep slopes. The proposed improvements will not result in increased lot coverage or clearing of forest or developed woodland. However the proposed deck will result in disturbance to steep slopes and the expanded buffer. In 2006, the property was granted a variance to allow for an expansion of the dwelling. In order for this variance to be granted, the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. Additionally, the AHO must determine that this request meets the requirement of being the minimum necessary to afford relief even when this site received a previous variance for an expansion of the dwelling. If the AHO finds that each and every one of the Critical Area variance standards have been addressed, then appropriate is required.

The comments have been entered into the County's online portal.

Sincerely,
Jamileh Soueidan

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Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalarea

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2025-0102-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

06/23/2025

Assigned to

Kelly Krinetz

Action By

Kelly Krinetz

End Time

Assigned Date

06/02/2025

Status

Complete w/ Comments

Status Date

06/11/2025

Hours Spent

0.0

Comments

No objection to a second story addition within the existing footprint or the proposed enclosure of the existing porch. Expansion of the existing deck cannot be supported.

In Possession Time (hrs)

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Billable

No

Overtime

No

Time Tracking Start Date

Est. Completion Date

Display E-mail Address in ACA

No

Display Comment in ACA

☒

Estimated Hours

0.0

Action

Updated

Workflow Calendar

Task Specific Information

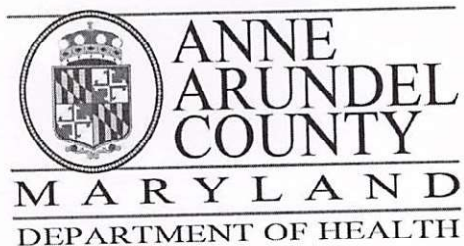
Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



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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

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew".

DATE: June 10, 2025

RE: Michael R. Lopez
1258 Fenwick Garth
Arnold, MD 21012

NUMBER: 2025-0102-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions with less setbacks and buffer than required and with disturbance to slopes of 25% or greater.

The Health Department has reviewed the on-site sewage disposal system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal 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

