

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

APPLICANT: James D. Martin

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0127-V

COUNCIL DISTRICT: 3

HEARING DATE: September 4, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting a variance to allow a dwelling addition (deck) with less setbacks and buffer than required on property located at 1382 Rivermist Court in Curtis Bay.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 692 square feet of land plus its Limited Common Element, is located on the northeast side of Rivermist Court, and is identified as Unit 170 in Building 27 of Phase 23 in the Stoney Beach subdivision, Parcel 181 in Grid 10 on Tax Map 11. The property is zoned R10 – Residential District, lies entirely within the Chesapeake Bay Critical Area LDA – Limited Development Area, and is mapped as a non-modified buffer. It is currently improved with a townhouse dwelling, a main-level deck, a ground-level deck, and other associated facilities.

PROPOSAL

The applicant is proposing to replace the existing main-level deck (18' x 11'-10", 14'-6" in total height - includes 3' rails, with no steps to grade).

REQUESTED VARIANCES

§ 17-8-301 provides that development on properties containing buffers shall meet the requirements of COMAR, Title 27; and, § 18-13-104 provides that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. The proposed construction will disturb the buffer, necessitating a variance. The final amount of disturbance will be determined during permit review.

A review of the bulk regulations for development within the R10 District reveals that a setback variance is not required.

FINDINGS

The subject property includes the 400 square foot waterfront Limited Common Element for Unit 170. A review of the County aerial photography shows a townhouse community, most of which have been improved with multi-level decks.

Building permit B02437160, to construct a deck, was submitted on May 21, 2025. Variance approval must be obtained prior to the permit being issued.

The applicants' letter explains that the proposed new deck will not extend beyond the footprint of the existing structure nor encroach farther into the buffer.

Agency Comments

The **Development Division - Critical Area Team** has no objection to the replacement/repair of the existing second level deck.

The **Critical Area Commission** offered no objection, and noted that, if the variance is granted, appropriate mitigation should be required.

The **Health Department** noted that the property is served by public water and sewer facilities, and offered no objection.

Variance Criteria

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. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, most of the subject property lies within the buffer, therefore, replacing the existing deck without disturbing this sensitive area would be impossible. As all of the waterfront townhouses include similarly sized multi-level decks, granting the variance will not confer on the applicant any special privilege that would be denied by COMAR. The variance 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.

With adequate mitigation, the granting of the variance will not adversely affect water quality or impact fish, wildlife, or plant habitat within the County's critical area, and will be in harmony with the general spirit and intent of the County's critical area program. Similarly, it will not reduce forest cover in the limited development area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area.

Because the applicant is proposing to rebuild the existing deck, the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, will not substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, as proposed, this Office recommends:

- **approval** of a Critical Area variance to § 17-8-301 to disturb the buffer; and,
- **approval** of a zoning variance to § 18-13-104 to allow disturbance to the buffer.
If granted, the final amount of disturbance will be determined during permit review.

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.

A Land Surveying Company

**DULEY
and
Associates, Inc.**

Serving D.C. and MD.

14604 Elm Street, Upper Marlboro, MD 20772

Phone: 301-888-1111

Fax: 301-888-1114

Email: orders@duley.biz On the web: www.duley.biz

THIS DOCUMENT IS CERTIFIED TO:

Maryland
DECKING

CASE #: *****



LEGEND:

- ✕ - FENCE
- BRL - BLDG. RESTRICTION LINE
- C/S - CONCRETE STOOP
- O/H - OVERHANG

COLOR KEY:

- (RED) - RECORD INFORMATION
- (BLUE) - IMPROVEMENTS
- (GREEN) - ESMTS & RESTRICTION LINES

LOCATION DRAWING OF:

**#1382 RIVERMIST COURT
UNIT 170**

BUILDING 27 PHASE 23

STONEY BEACH

PLAT BOOK 56, PLAT 6

ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=10' DATE: 05-01-2025

DRAWN BY: AP FILE #: 253610-761

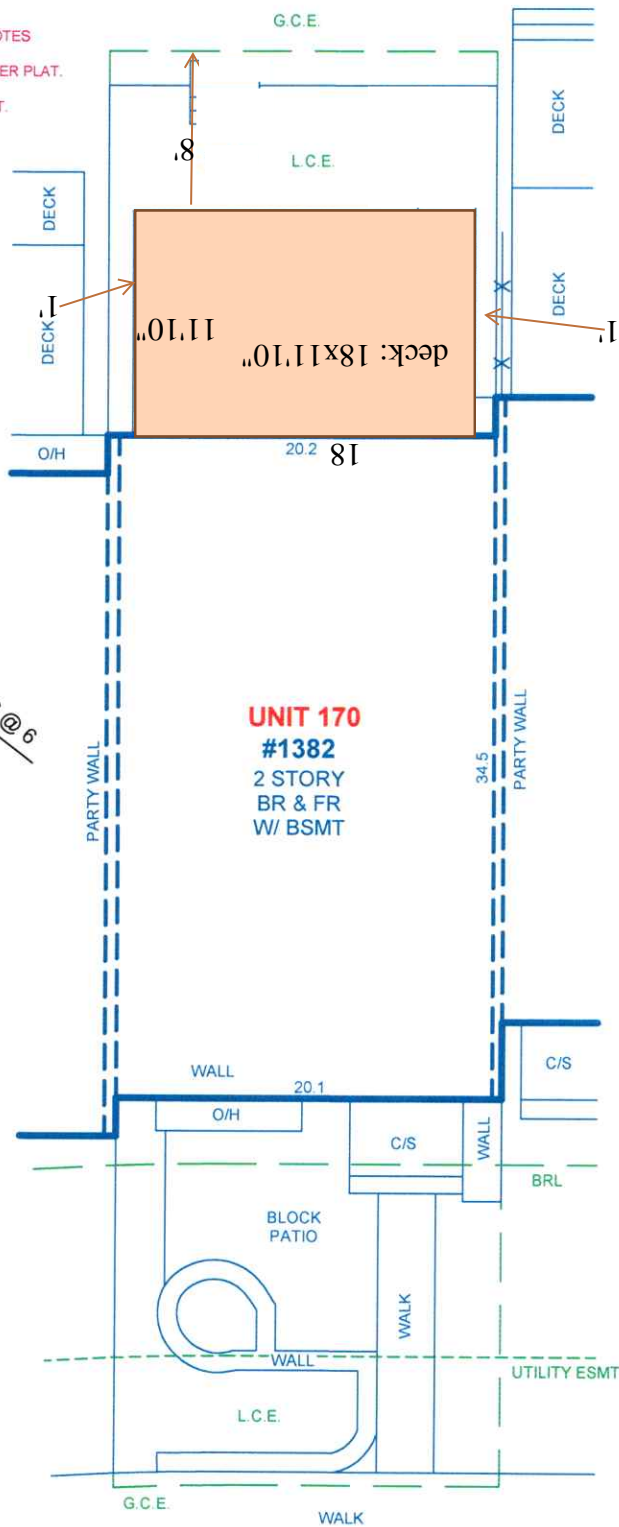


SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09.13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS, THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1": NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

NOTES:

1. SAID PROPERTY SUBJECT TO ALL NOTES AND RESTRICTIONS PER PLAT.
2. ALL DIMENSIONS SHOWN HEREON PER PLAT.
3. L C E = LIMITED COMMON ELEMENT
4. G C E = GENERAL COMMON ELEMENT.



**RIVERMIST COURT
(PRIVATE)**



Deckingmaryland@gmail.com
443-305-9815

6/11/2025

Letter of Explanation – Proposed Deck Within 100-Foot Buffer
Property Address: 1382 RIVERMIST CT, BALTIMORE MD 21226

Legal description: U 170 BLD 27 PH 23, 1382 RIVERMIST CT, STONEY BEACH
Permit Number: B02437160

To Whom It May Concern,

I am submitting this letter in support of a permit application for the construction of a deck at the above-referenced property, which is located within a 100-foot buffer zone.

There is an existing deck currently situated within the buffer, and the proposed new deck will not extend beyond the footprint of the existing structure. The intent of this project is to replace or improve the current deck without further encroaching into the buffer area.

Additionally, the principal dwelling itself is located entirely within the 100-foot buffer. Due to this pre-existing condition, there are no feasible alternatives for relocating the deck outside the buffer or reducing its size in a way that would achieve compliance while maintaining safe and functional use. Please see below screen shot of map.

The design and placement of the proposed deck have been carefully considered to avoid additional environmental impact. All applicable sediment and erosion control measures will be followed during construction, and no tree removal or ground disturbance beyond the current footprint is anticipated.

Furthermore, the neighboring properties also have similar deck sizes and layouts, and the deck proposed in not encroaching or obstructing their view.

Thank you for your time and consideration. Please let me know if any additional documentation or clarification is needed to support this application.

Sincerely,
Elisa Hilseberg
Vice President
Maryland Decking

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
0011	0181			

Tax ID: 3771-9007-3615

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) 1382 RIVERMIST CT

Project location/Address 1382 RIVERMIST CT

City Baltimore Zip 21226

Local case number

Applicant: Last name Martin First name James D

Company

Application Type (check all that apply):

Building Permit	<input checked="" type="checkbox"/>	Variance	<input checked="" type="checkbox"/>
Buffer Management Plan	<input checked="" type="checkbox"/>	Rezoning	<input type="checkbox"/>
Conditional Use	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Special Exception	<input checked="" 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:

Open Deck

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

of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		1453
Created Forest/Woodland/Trees			New Lot Coverage		
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		1453

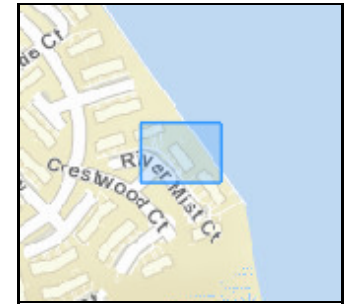
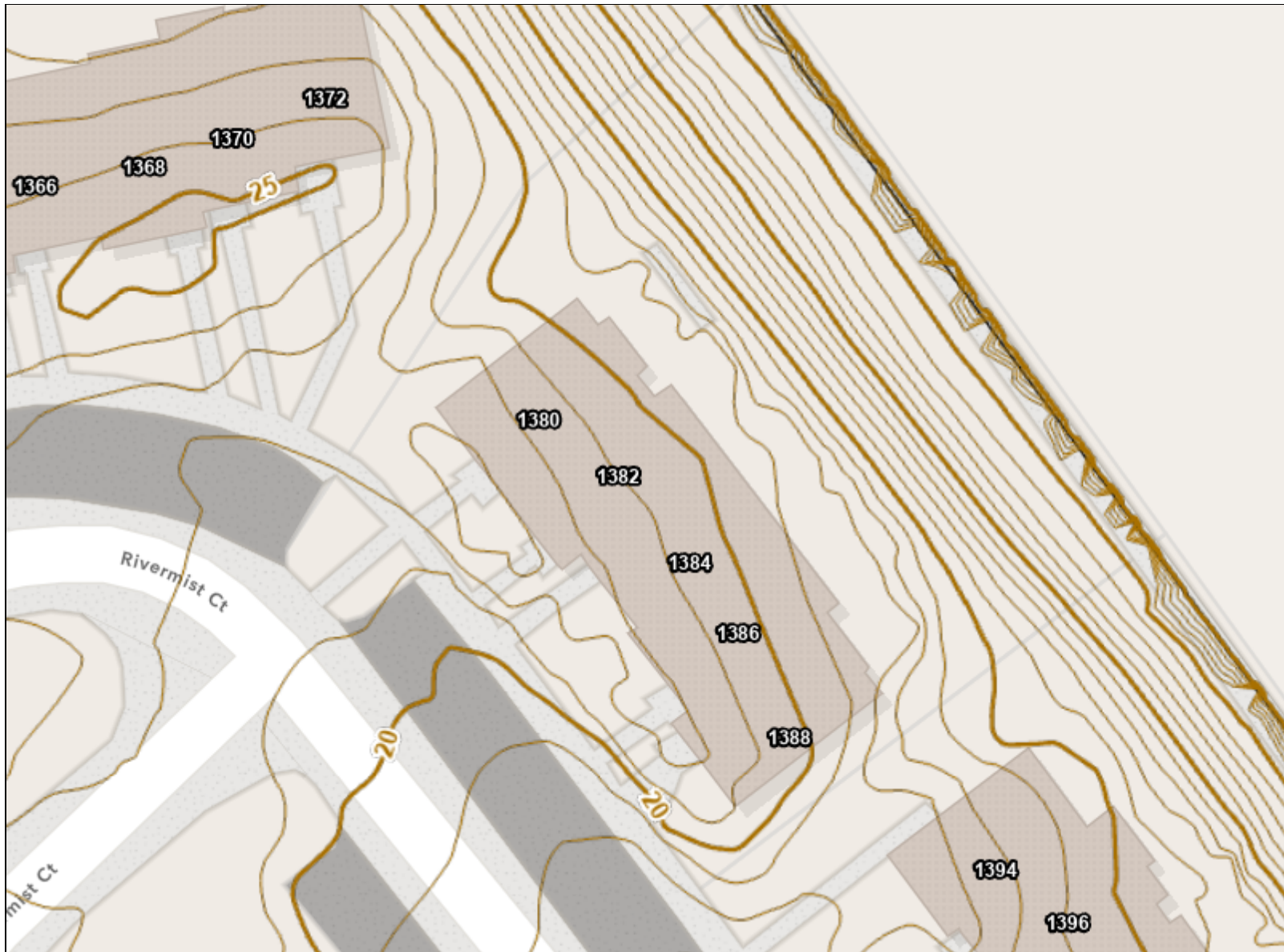
The existing decks are being removed, then we are constructing a new deck.

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		215	Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input checked="" type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input checked="" type="checkbox"/>
Lot Coverage	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input checked="" type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input checked="" type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

Rivermist Ct



Legend

Foundation

Addressing



Elevation

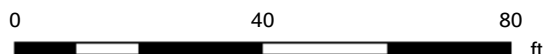
Topo 2023

Index

Intermediate



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

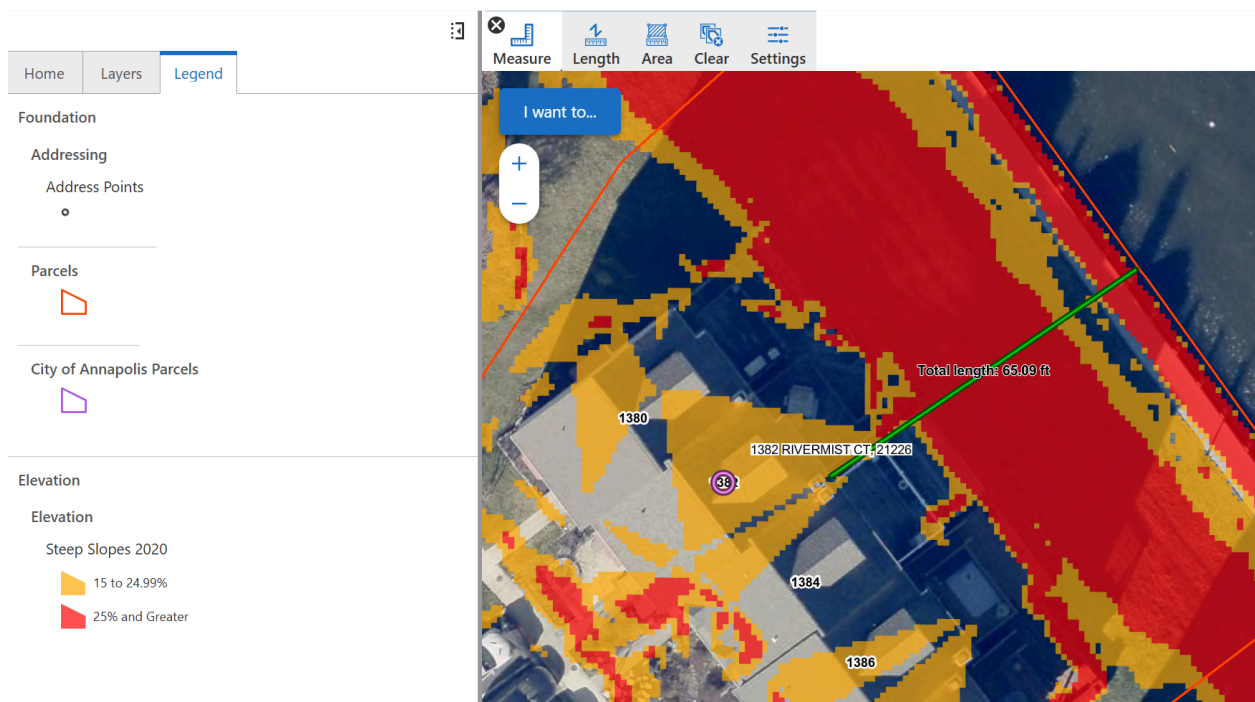


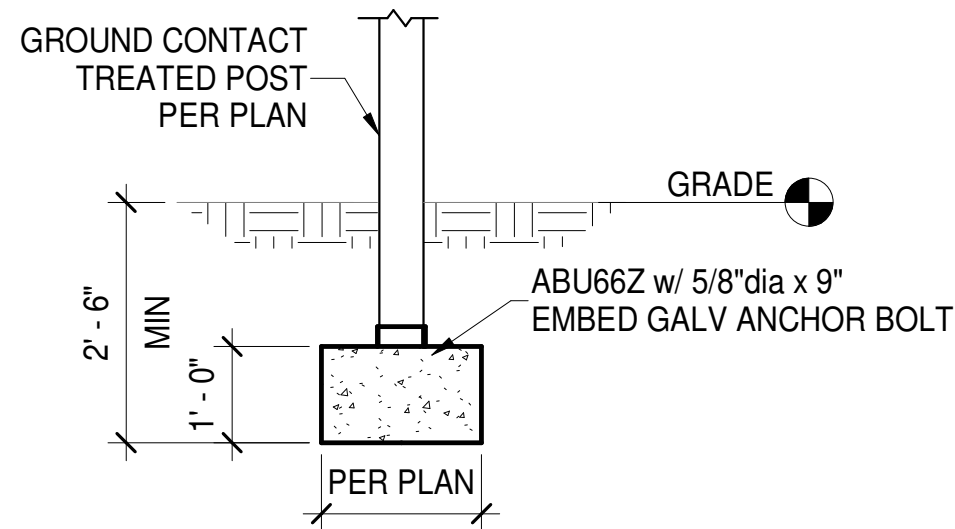
Esri Community Maps Contributors,
County of Anne Arundel, VGIN, ©
OpenStreetMap, Microsoft, Esri,
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GeoTechnologies, Inc, METI/NASA,



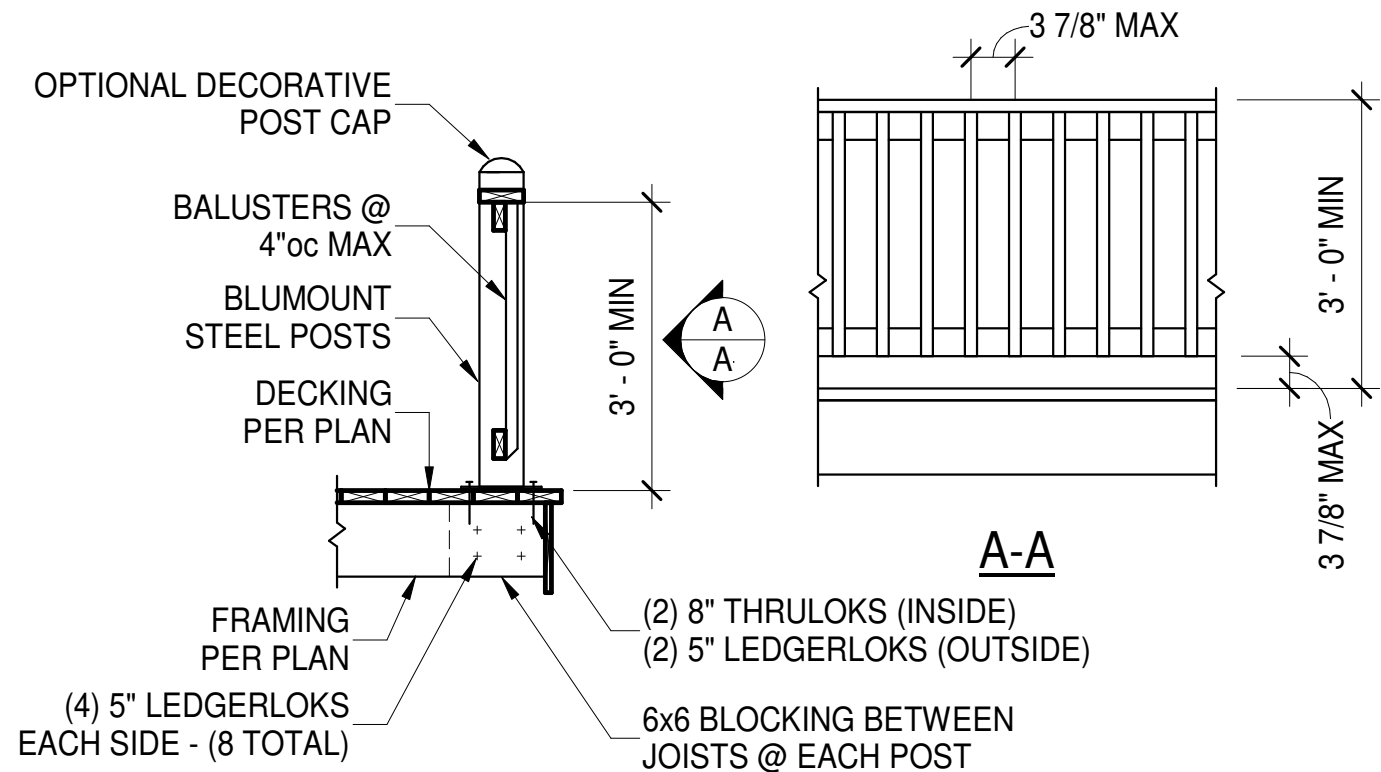
THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes 1"=40'

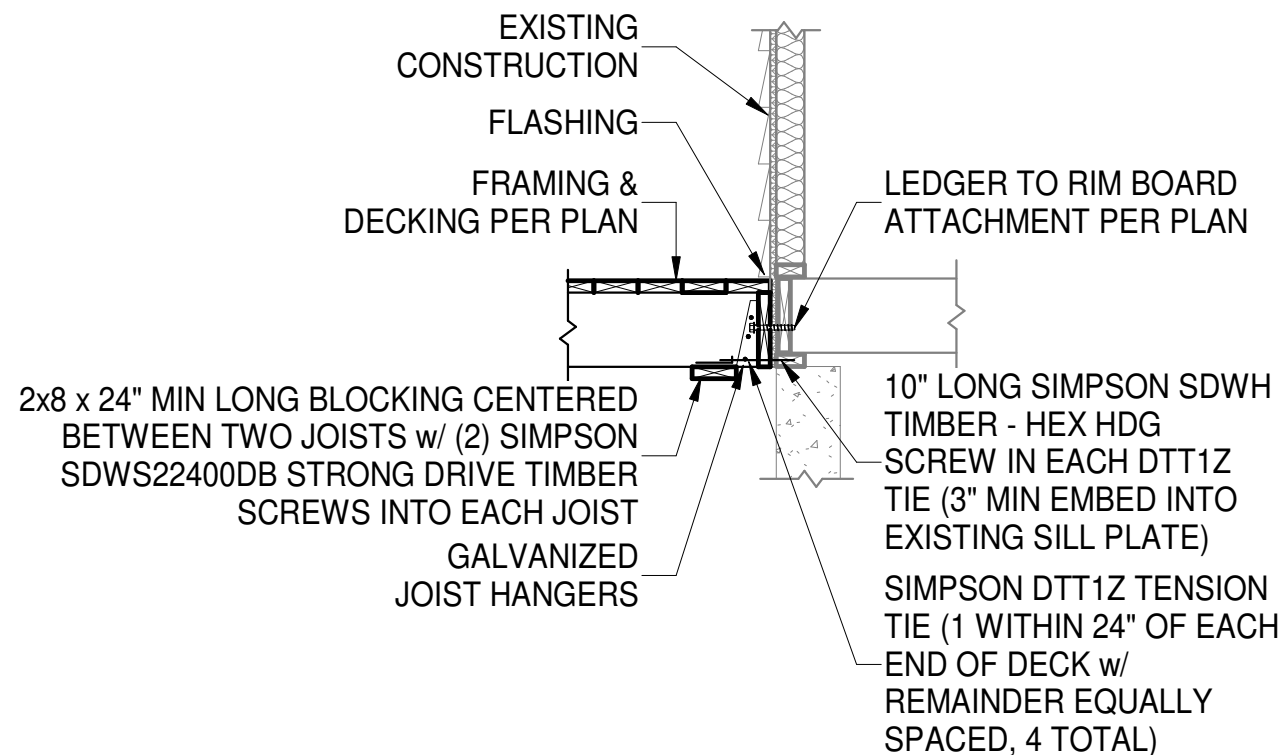




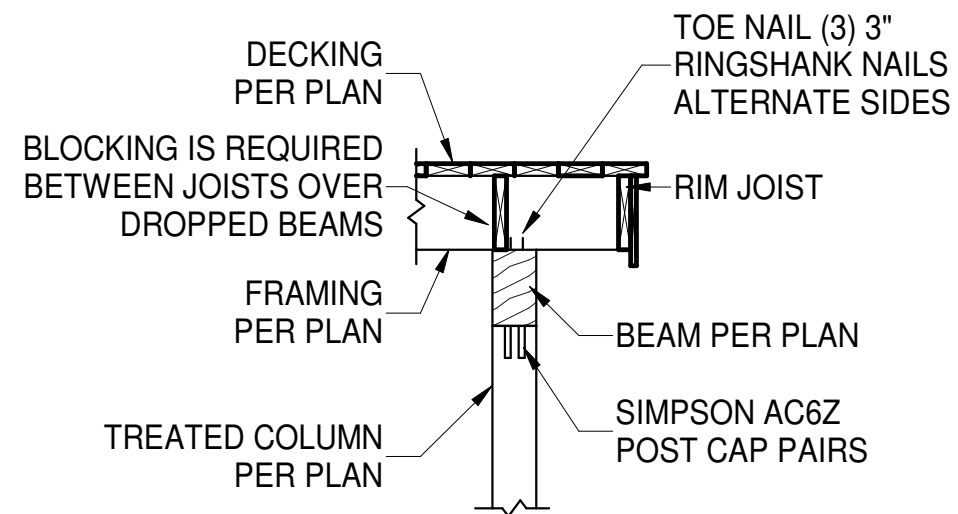
A
D1 **TYPICAL POST TO FOOTING DETAIL**
N.T.S.



B
D1 **TYPICAL POST TO DECK DETAIL**
N.T.S.



C
D1 **TYPICAL LEDGER DETAILS**
N.T.S.



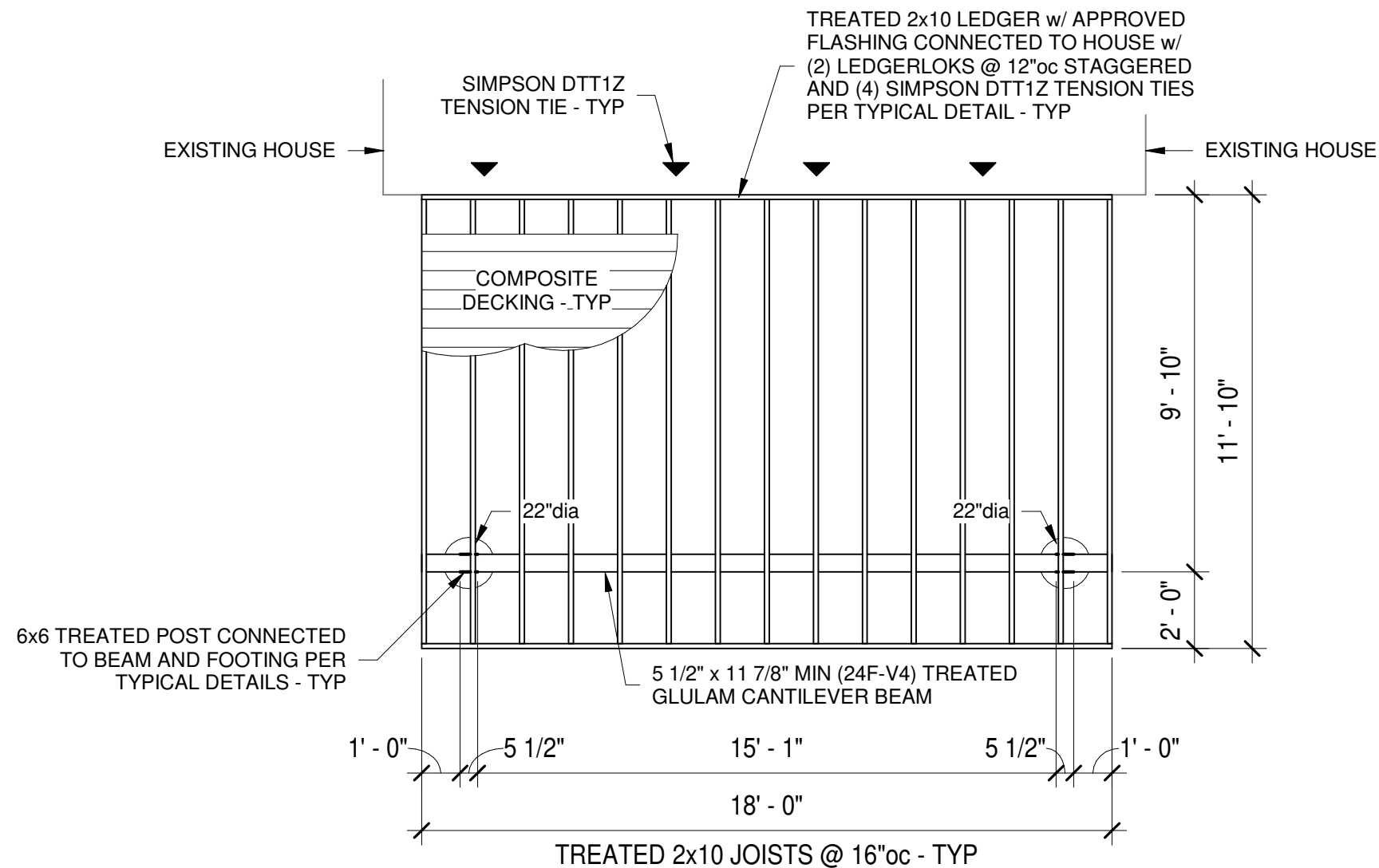
D
D1 **TYPICAL CANTILEVER BEAM DETAIL**
N.T.S.

REVISIONS

No.	Description	Date

D1

TYPICAL DETAILS

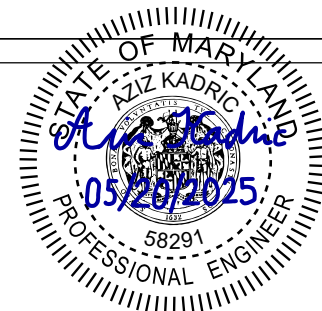


NOTES:

1. ALL HARDWARE, NAILS, SCREWS AND CONNECTORS TO BE CORROSION RESISTANT (GALVANIZED OR STAINLESS STEEL)
2. ALL LUMBER TO BE PRESSURE-TREATED NO. #2 GRADE SOUTHERN PINE OR BETTER
3. ALL TIMBER TO BE **GROUND-CONTACT** PRESSURE-TREATED NO. #2 GRADE SOUTHERN PINE OR BETTER
4. REFER TO IRC TABLE R602.3(1) FASTENING SCHEDULE FOR NAILING ATTACHMENTS NOT SPECIFIED ON THESE DRAWINGS

MARTIN

1382 RIVER MIST CT.
STONEY BEACH, MD 21226



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 58291, Expiration Date: 10-11-2025.

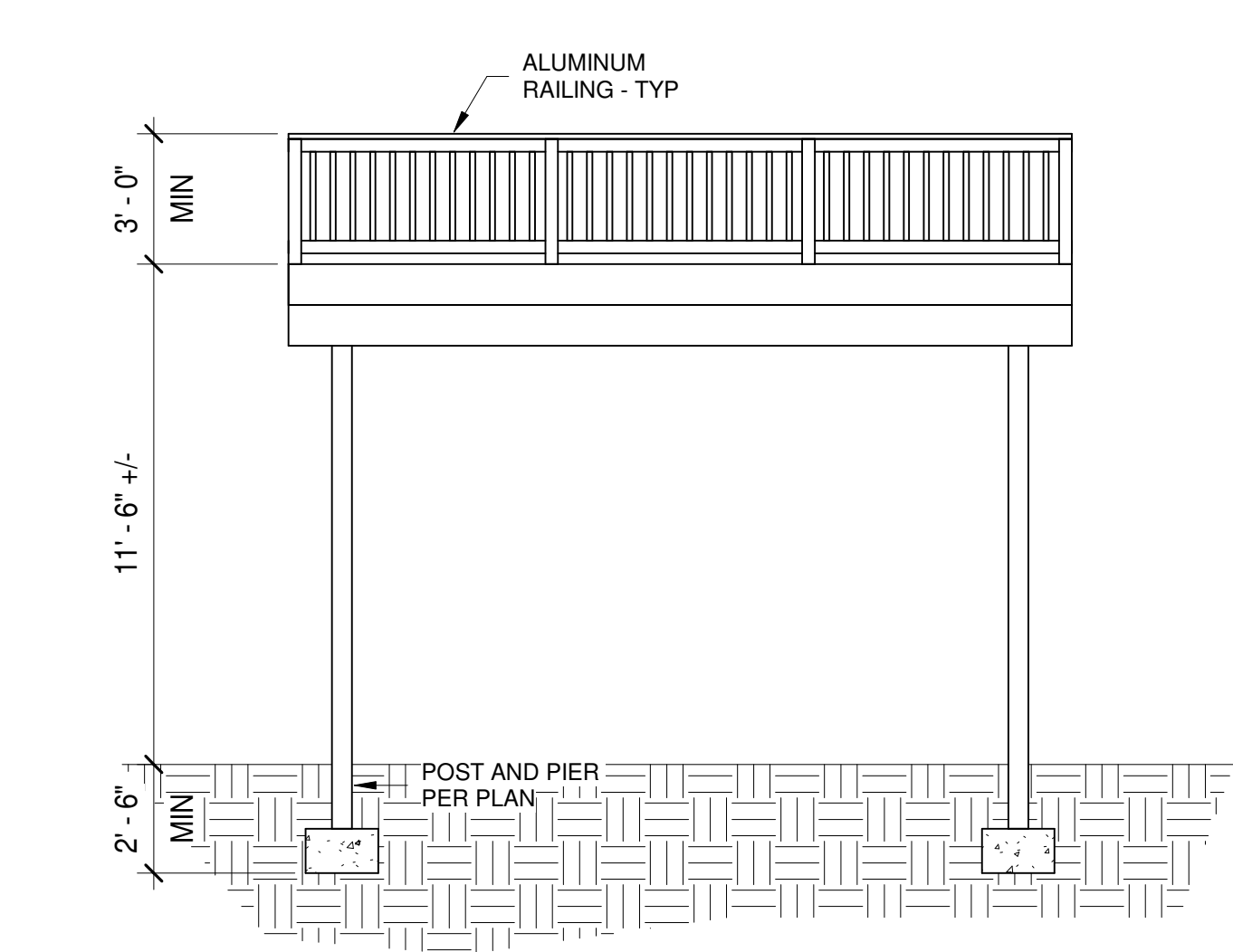
KADRIC ENGINEERING, INC.
MD LICENSE #: 58874
AZIZ KADRIC PE #: 58291
9922 MADAFORD LANE
AFTON, MO 63123
314-258-4252
AZIZ@KADRICENG.COM

REVISIONS

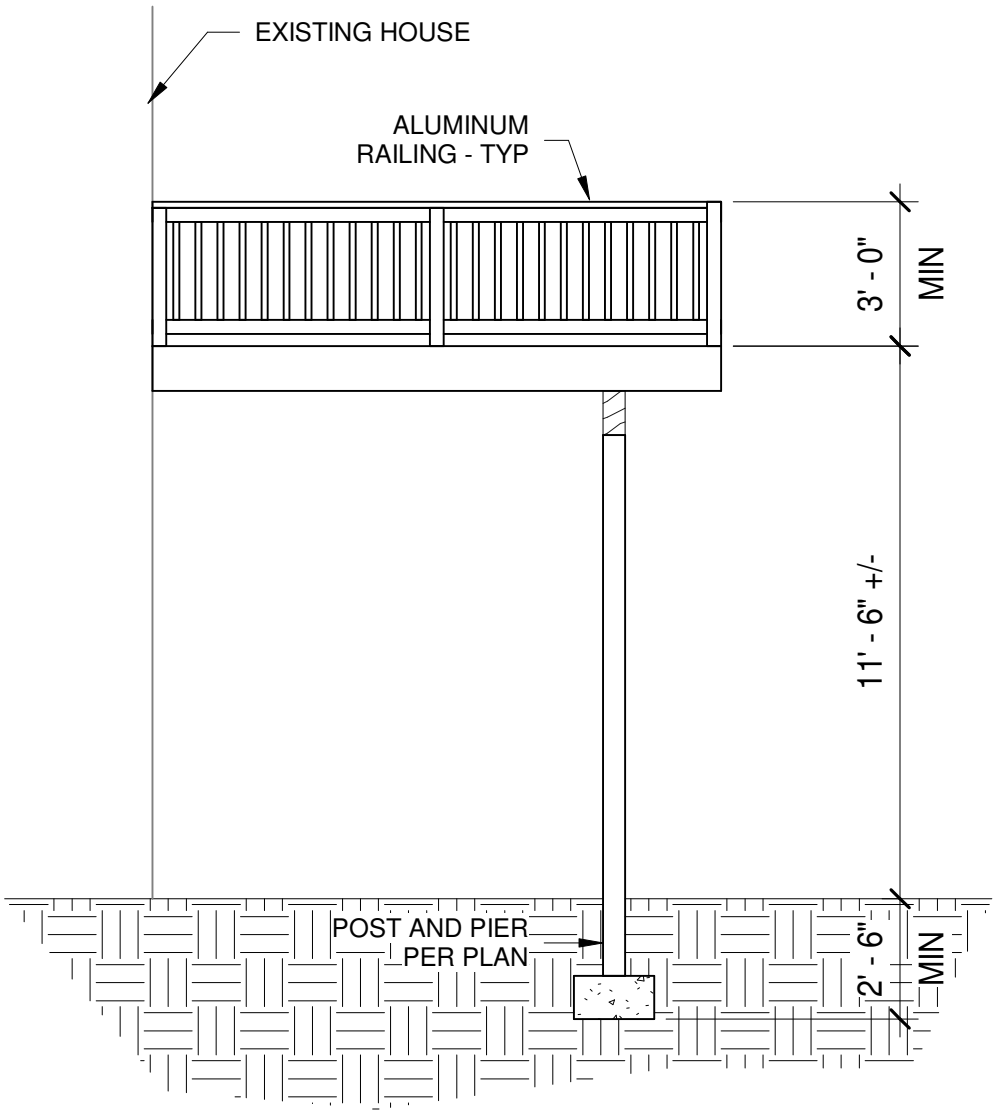
No.	Description	Date

D2

FRAMING PLAN



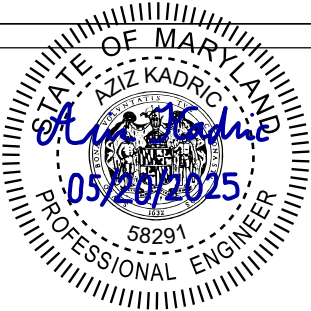
A **FRONT ELEVATION**
D3 **N.T.S.**



B **SIDE ELEVATION**
D3 **N.T.S.**

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MARTIN
1382 RIVER MIST CT.
STONEY BEACH, MD 21226



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 58291, Expiration Date: 10-11-2025.
KADRIC ENGINEERING, INC.
MD LICENSE #: 58874
AZIZ KADRIC PE #: 58291
9922 MADAFORD LANE
AFTON, MO 63123
314-258-4252
AZIZ@KADRICENG.COM

REVISIONS		
No.	Description	Date

D3
ELEVATIONS

Task Details **OPZ Critical Area Team**

Assigned Date

06/24/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

The Critical Area Team reviewed the proposal and has no objection to the replacement/repair of the existing second level deck.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email



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

Fwd: 2025-0127-V; Martin; AA 0170-25

Jennifer Esposito <jennifer.esposito@maryland.gov>
To: Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

Wed, Jul 16, 2025 at 2:07 PM

Sorry if I am duplicating. I did not see you on the copy and wanted to make sure you had this for accel.

 facebook_logo.jpg twitter_logo.jpgdnr.maryland.gov/criticalarea***Jennifer Esposito***

Project Manager

Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays

1804 West Street, Suite 100

Annapolis, MD 21401

Contact Information:

Office: 410-260-3468

(In office: Mon., Wed., Friday)

Cell: 443-569-1361

(Teleworking: Tues., Thurs.)

jennifer.esposito@maryland.gov

----- Forwarded message -----

From: **Jonathan Coplin -DNR-** <jonathan.coplin@maryland.gov>

Date: Mon, Jul 14, 2025 at 8:51 AM

Subject: 2025-0127-V; Martin; AA 0170-25

To: Sadé Medina <pzmedi22@aacounty.org>Cc: Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>, Kelly Krinetz <pzkrin00@aacounty.org>

Good morning,

Our office is in receipt of the above referenced variance. The administrative hearing officer (AHO) must find that each and every one of the Critical Area variance standards have been met for this variance to be granted. If the AHO finds that the applicant has satisfied the variance standards, appropriate mitigation is required. Thank you for the opportunity to provide comments. Please provide us with a copy of the hearing officer's decision within 10 business days of when a decision is rendered per COMAR 27.01.12.05.B

Jon



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 *BC*

DATE: June 30, 2025

RE: James D. Martin
1382 Rivermist Court
Curtis Bay, MD 21226

NUMBER: 2025-0127-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) with less setbacks and with disturbance to the 100-foot buffer.

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

1382 Rivermist Court (2025-0127-V)



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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Nearmap



0 40 80
ft



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USED FOR NAVIGATION

Notes