

July 15, 2025

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

RE: Herald Harbor ~ Hall & Mahogany Roads
341 Hall Road
Crownsville, MD 21032
Variance Application

Sir/Madam:

Attached is a variance request application and associated submittal documents for the above referenced property. To allow for the existing dwelling to be razed and rebuilt, a variance to the Anne Arundel County Code is required. The requested variance to the Code relates to **Article 17, Section 8-201(a)** for redevelopment on slopes 15% or greater within the Critical Area. After discussion with the County's Critical Area Team, it has been determined that a variance is also required to **Article 18, Section 13-104(b)** for disturbance to the expanded buffer.

The subject property is a legal building lot located in the community of Herald Harbor in Crownsville, Maryland. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-5 and is served by a private well and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. The property is primarily mapped within a Buffer Modification Area, with a small area near the shoreline of Little Round Bay not being mapped within the BMA. Steep slopes surround the existing dwelling on two sides and continue towards the shoreline, which limits redevelopment without a variance. Primary vegetation consists of multiple hardwood trees and lawn area.

Although the majority of the shoreline is mapped within a Buffer Modification Area, it has been determined after discussion with County staff that the buffer does expand in accordance with 18-13-104(b) due to the steep slopes being contiguous with an area that is not mapped within the BMA. The expanded buffer has been shown on the site plan with the buffer expanded to include all areas within 50 feet of the top of the steep slopes.

The applicant proposes to raze the existing dwelling and construct a new dwelling, re-using much of the existing foundation. The new dwelling is generally located within the same development footprint as the original house construction, and expands the dwelling towards the rear yard (away from the shoreline). Due to the unique physical conditions inherent to the property, the following variances to the Anne Arundel County Code is being requested: **Article 17, Section 8-201(a)** for approximately 1,510-sf of disturbance on slopes 15% or greater in the

LDA, and **Article 18, Section 13-104(b)** for approximately 12,128 -sf of disturbance within the expanded buffer.

The need for the requested variance arises from the unique physical conditions of the site, specifically the location of the existing structures in relation to the steep slopes and the expanded buffer. It would be impossible to do any renovations or modifications to the perimeter of the structure without disturbing steep slopes and the expanded buffer. There is a substantial existing wooded buffer between the house and the waterfront. This buffer will remain intact with construction of the proposed improvements.

Please note that the area of the proposed improvements was previously disturbed with the original development of the house. The foundation will not move any closer to the shoreline or to the side lot lines than the existing dwelling and garage. There is a cantilevered section of the first floor which will be closer to the shoreline than the existing, but this does not increase the steep slope disturbance above what would be required if this overhang were not proposed. The proposed disturbance of steep slopes is primarily due to the required 10' workspace around the perimeter of the structure. This area will be fully restored after construction of the improvements.

The existing septic system will also be upgraded as a part of this project. Perc tests have been performed and the Health Department has reviewed the plan, with minor comments to address before the plans are approved. A copy of these comments will be provided with this application for reference. Stormwater management will also be proposed and detailed during the grading permit phase of review. Drywells are proposed to treat runoff from the roof of the proposed dwelling. Stormwater management does not currently exist on site.

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. 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, the existing dwelling and improvements in relation to steep slopes. As mentioned above, steep slopes completely surround the existing dwelling on two sides. Denial of the requested variance would constitute an

unwarranted hardship as it would be impossible to do any renovations or improvements to the perimeter of the structure without disturbing the steep slopes.

2. Rights commonly enjoyed – The size of the proposed dwelling is similar in character to those of surrounding properties. This house is set back further from the water than the houses on neighboring 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, including those which are not mapped within a Buffer Modification Area. The applicants have made extensive efforts to design this proposed project in a manner that considers the layout 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 presence of steep slopes and the location of the existing improvements and are not because of actions by the applicant.
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. Stormwater management will be proposed where none currently exists, improving the drainage condition to the steep slopes. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.
6. Applies to development within the 100-foot buffer and bog areas and is not applicable to this application.
7. The applicant has overcome the presumption contained in COMAR §8-1808. Environmental impacts will be minimized. Despite the property being mapped as Buffer Modified, there is an existing buffer that will remain intact. The proposed improvements are built partially on top of the existing foundation, which results in less overall disturbance. Also, plantings will be added during the building permit process to provide mitigation as needed.
8. The applicant has evaluated site planning alternatives and submitted a pre-file plan to County staff for review.

Requirements for all variances.

1. Minimum necessary - The improvements are modest and are sited to utilize the footprint of the existing improvements and developed area to minimize new 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. Clearing will be minimal.
- 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.

Pre-file comments were received from the Office of Planning & Zoning in a memo dated May 14, 2025. A point-by-point response to those comments (*in italics*) is provided below:

Zoning Administration

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 proposed computed height is now included on the site plan.*

The letter is confusing as it references “additions” when the entire house is being razed and rebuilt, making the proposal a new single-family dwelling, not an existing dwelling with additions.

- *All references to the proposed dwelling, including in this letter and on the site plan, now refer to a newly proposed single family dwelling.*

The applicant will need to provide justification for how the size and configuration of the new dwelling represents the minimum necessary.

- *Please see detailed justification above.*

Inspections and Permit (Engineering Division)

1. Provide separate sheets for existing and proposed conditions on the property. The existing conditions plan sheet should state what structures are to be removed and what are to remain.

- *The site plan has been updated to show both an existing conditions and proposed layout. The existing conditions plan shows the structures to be removed.*

2. Label what is to happen to the existing inlet located at the proposed 2-story addition and garage. In addition, note where the inlet’s outlet is located.

- *This inlet will be demolished before the proposed garage is built. The location of the outlet is not relevant as it will be demolished.*

3. Identify and label the parcel to the west of the property.

- *Lots 15 and 16 are owned by the applicant in fee simple and a Lot Consolidation deed for Parcel 325 and Lots 15-16 and Lots 21-27 has been recorded in the land records. A copy of the Lot Consolidation Deed is included with this submittal.*

4. The proposed primary septic system drywell and the two proposed replacement septic drywells are located on the western adjacent property. A portion of the driveway is also

located on the western adjacent parcel. An easement will need to be obtained prior to Grading Permit and Building Permit approvals, as they appear to be off-site.

- *The septic drywells are located within the subject property, please refer to the Lot Consolidation Deed included with this submittal.*
5. Label Hall Road and Mahogany Road as private or public. Provide their functionality class and their widths.
 - *The requested information will be added to the site plan at the permit phase.*
 6. Appears the LOD encroaches onto 339 Hall Road property. An easement will need to be obtained, prior to Grading Permit approval.
 - *We acknowledge that this comment will be addressed at the grading permit phase.*
 7. SWM drywells are not allowed to be located under driveways.
 - *The drywells are not located under the proposed driveway. The existing driveway in this area will be removed.*
 8. SWM drywells are to be downgradient of buildings. The location of the proposed SWM drywells is to be relocated. It should be noted that the installation of SWM drywells on slopes greater than 20% should be avoided.
 - *There is no feasible location for SWM practices downgradient of the proposed dwelling. All areas downgradient are within the steep slopes and/or located in an area mapped with hydric soils. The proposed location is the only feasible location for stormwater management. Positive drainage from the dwelling roof leaders to the drywells will be demonstrated at grading permit.*
 9. Add the LOD line and the soils line to the legend.
 - *The LOD and soils lines have been added to the legend.*
 10. Show and label the existing water meter.
 - *The existing water meter was not located by survey. A note that the contractor will verify the appropriate sizing of the water meter will be added to the grading permit plans.*
 11. At Grading Permit, if the current water meter is not 1 inch, verify it can adequately supply water for the new sprinkler system.
 - *We acknowledge that this comment will be addressed at the grading permit phase.*
 12. At Grading Permit, the water house connection will need to be 10 feet from any SWM devices.
 - *We acknowledge that this comment will be addressed at the grading permit phase.*
 13. Identify the material for the exterior steps located on the north side of the parcel, adjacent to the existing gravel path.
 14. Identify the width of the driveway.
 - *The width of the driveway varies and is drawn to scale.*
 15. Provide three grid ticks.
 - *Grid ticks will be shown on the grading permit plans.*

In summary, the proposed development meets all criteria required for the Administrative Hearing Officer to grant this variance request. The proposed development represents the minimum disturbance necessary to allow the applicant to develop their property with a single-family dwelling. We respectfully request that Anne Arundel County Planning & Zoning staff and the Critical Area Commission support this application. Please contact us if you require additional information to complete your review of this variance request.

Sincerely,

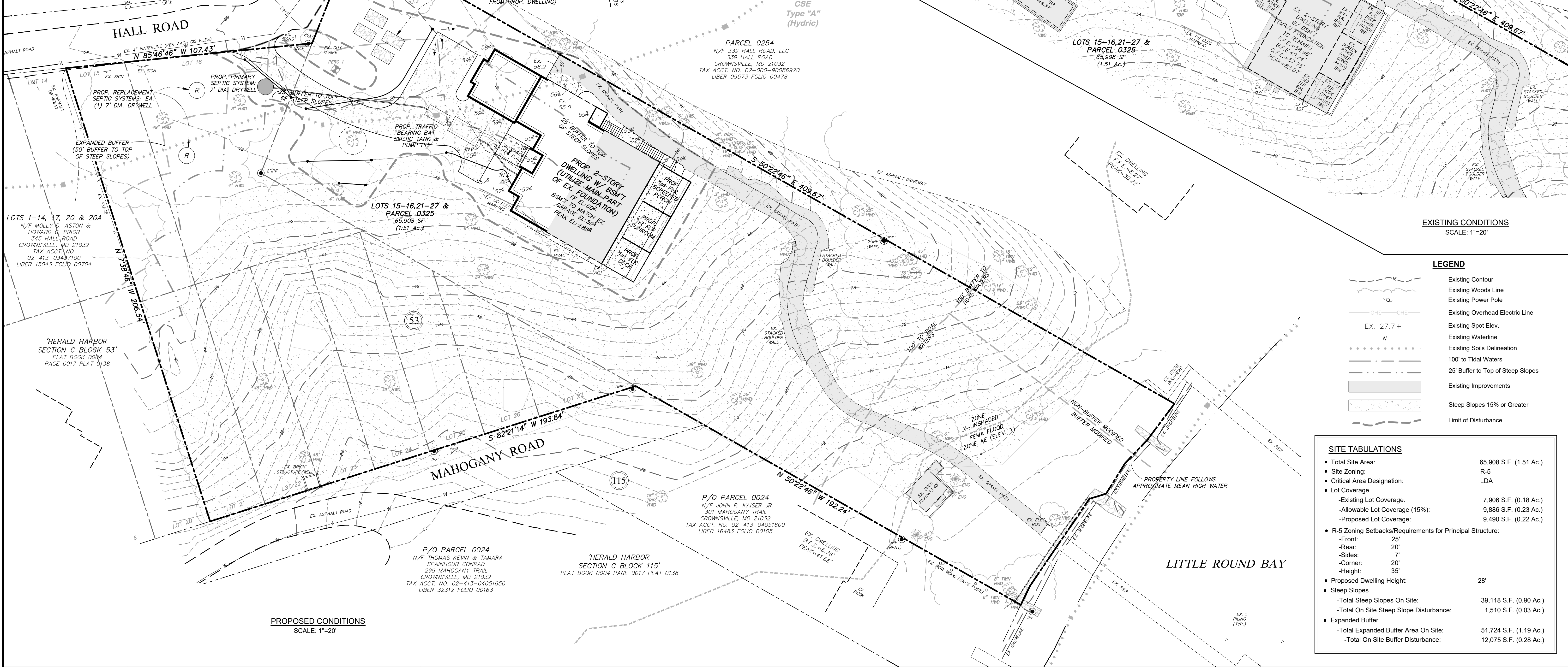
DRUM, LOYKA & ASSOCIATES, LLC


A handwritten signature in dark ink, appearing to read "Andrew Price", with a stylized flourish at the end.

Andrew Price, EIT
Project Engineer



Nearmap



DESIGNED: RTM		DRAWN: KLY		REVISIONS TO APPROVED PLANS				 <div>Drum, Loyka & Associates, LLC CIVIL ENGINEERS - LAND SURVEYORS 1410 Forest Drive, Suite 35 Annapolis, Maryland 21403 Phone: 410-280-3122 • Fax: 410-280-1952 www.drumloyka.com</div>	CLIENT:				VARIANCE PLAN			
ORIG. DATE: 08-21-23				No.	DATE	BY	DESCRIPTION		MR. & MRS. GEORGE DAVIS				HERALD HARBOR ~ LOTS 15-16, 21-27 & P.0325			
MODIFIED BY/DATE:									4609 HUNTLEY DRIVE				341 HALL ROAD, CROWNSVILLE, MARYLAND 21032			
CADD DWG #: HD14523									ELLICOTT CITY, MARYLAND 21043				TAX ACCT. NO. 02-000-90086978			
DLA PROJECT #: HD14523													TAX MAP 0038 GRID 0005 PARCEL 0325 DISTRICT 2ND			
© Drum, Loyka & Associates, LLC These drawings are the property of Drum, Loyka & Associates, LLC. Unauthorized reproduction for any purpose is not permitted and is an infringement upon copyright laws. Violators will be subject to prosecution to the fullest extent of the law.													ANNE ARUNDEL COUNTY, MARYLAND			
													SCALE: 1"=20'			
													DATE: JULY 15, 2025			
												PROJ. NO: HD14523				
												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
0038	0325	0005	15-16, 21-27	

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

* Complete only Page 1
General Project Information

Tax ID 02-000-90086978

Project Name (site name, subdivision name, or other) Herald Harbor ~ Lots 15-16, 21-27, & P. 0325

Project location/Address 341 Hall Road

City Crownsville Zip 21032

Local case number _____

Applicant: Last name Davis First name George

Company _____

Application Type (check all that apply):

Building Permit	Variance	X
Buffer Management Plan	Rezoning	
Conditional Use	Site Plan	
Consistency Report	Special Exception	
Disturbance > 5,000 sq ft	Subdivision	
Grading Permit	Other	

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	X

Project Type (check all that apply)

Commercial	Recreational
Consistency Report	Redevelopment
Industrial	Residential
Institutional	Shore Erosion Control
Mixed Use	Water-Dependent Facility
Other	

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area				0.31	
LDA Area	1.51		# of Lots Created	0	
RCA Area					
Total Area	1.51				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	1.00		Existing Impervious Surface	0.18	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.03	
Removed Forest/Woodland/Trees	0.07		Removed Impervious Surface	0.00	
			Total Impervious Surface	0.21	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance	0.31		Mitigation		

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Impervious Surface
 Expanded Buffer
 Nontidal Wetlands
 Steep Slopes X
 Setback
 Other

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition X
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other

Chesapeake Bay Critical Area Report
Herald Harbor ~ Lots 15-16, 21-27, & P. 0325
Tax Map 38, Grid 5, Parcel 325
Tax Account No. 02-000-90086978

Property Address: 341 Hall Road
Crownsville, MD 21032

May 2025

Property Owners & Variance Applicant: George & Elizabeth Davis

Critical Area Designation: LDA

Zoning: R-5

Lot Area: 1.51 Ac.

Site Description

The subject property is a legal building lot located in the community of Herald Harbor in Crownsville. The property is currently improved with a single-family dwelling and associated improvements. The lot is zoned R-5 and is served by a private well and a private septic system. The property is located entirely within the Chesapeake Bay Critical Area with an LDA land use designation. Steep slopes abut the existing dwelling, which limits redevelopment without a variance. Primary vegetation consists of multiple hardwood trees and lawn area.

Description and Purpose of Variance Request

The applicant proposes to raze and rebuild the existing dwelling and construct a new single-family dwelling with associated improvements. Due to the unique physical conditions inherent to the property, the following variance to the Anne Arundel County Code is being requested: **Article 17, Section 8-201(a)** of approximately 1,510-sf of disturbance on slopes 15% or greater in the LDA.

The applicant proposes to raze and remove the existing dwelling and construct a new dwelling, re-using most of the existing foundation. The new foundation expands away from the shoreline and mostly avoids the steep slopes. The septic system will also be upgraded and sized to serve the proposed dwelling.

Vegetative Coverage and Clearing

The property's primary vegetation is lawn area with multiple hardwood trees. The existing wooded area totals roughly 1 acre. The proposed clearing is minimal; a large portion of the wooded areas of the site, including between the house and the shoreline, will not be affected by this project. Any mitigation planting requirements will be addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 7,906-sf of lot coverage. The proposed impervious lot coverage for this property is 9,330-sf, which is below the allowable coverage of 9,886-sf. The site currently has 1,685-sf of coverage by structures. The proposed coverage by structures is 4,706-sf, which is within the allowable amount.

Steep Slopes (slopes > 15%)

The subject property contains approximately 39,648-sf of steep slopes, mostly in the southern and eastern portions of the site. Approximately, 1,510-sf of slopes will be disturbed as part of the proposed construction. Most of this disturbance is necessary for access to the dwelling and removal of an existing shed.

Predominant Soils

The predominant soil types are Collington, Wist, and Westphalia soil (CSE) and Downer-Hammonton-Urban land complex (DwB). Both soils has a type "A" hydrologic classification. The Collington, Wist, and Westphalia is considered hydric soil.

Drainage and Rainwater Control

No stormwater management currently exists on site. Due to the presence of hydric soils across much of the site as well as the steep slope areas, opportunities for placement of stormwater devices is limited. Dry wells will be installed in an area outside of where the hydric soils are mapped, close to an area where percolation tests were performed for the proposed septic system, which indicate infiltratable soils. Roof leaders from the proposed dwelling will be routed to the dry wells for treatment.

Conclusions – Variance Standards

The need for the requested variance arises from the unique physical conditions of the site, specifically the location of the existing structures in relation to the steep slopes. It would be impossible to do any renovations or modifications to the perimeter of the structure without disturbing steep slopes. Despite the fact that most of the property is Buffer Modified, the house is situated well outside the shoreline buffer. No new foundation will be located closer to the shoreline than the existing foundation. There is a substantial existing wooded buffer between the house and the waterfront. This buffer will remain intact with construction of the proposed improvements.

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. 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.

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, 2024 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



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0039-P)

DATE OF MEETING: 05/14/2025

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

APPLICANT/REPRESENTATIVE: Andrew Price, Drum Loyka EMAIL: aprice@drumloyka.com

SITE LOCATION: 341 Hall Road, Crownsville LOT SIZE: 1.51 acres ZONING: R5

CA DESIGNATION: LDA BMA: Y or BUFFER: Y 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 utilizing a portion of the existing foundation. The new dwelling appears to be two stories with a basement and will be expanded beyond the footprint of the existing dwelling to be removed. Also proposed is an update to the existing septic system with a new septic tank, pump pit and drywell. The proposal will require a variance for disturbance to slopes of 15% or greater and the expanded buffer.

COMMENTS

The **Critical Area Team** commented that the request should include expanded buffer disturbance as well. The applicant is utilizing the existing footprint with expansion away from the protected resources. We offer no objection to this request.

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 is confusing as it references "additions" when the entire house is being razed and rebuilt, making the proposal a new single family dwelling, not an existing dwelling with additions. The applicant will need to provide justification for how the size and configuration of the new dwelling represents the minimum necessary.

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

1. Provide separate sheets for existing conditions and proposed conditions on the property. The existing conditions plan sheet should state what structures are to be removed and what are to remain.
2. Label what is to happen to the existing inlet located at the proposed 2-story addition and garage. In addition, note where the inlet's outlet is located.
3. Identify and label the parcel to the west of the property.
4. The proposed primary septic system drywell and the two proposed replacement septic drywells are located on the western adjacent property. A portion of the driveway is also located on the western adjacent parcel. An easement will need to be obtained prior to Grading Permit and Building Permit approvals, as they appear to be off-site.
5. Label Hall Road and Mahogany Road as private or public. Provide their functionality class and their widths.
6. Appears the LOD encroaches onto 339 Hall Road property. An easement will need to be obtained, prior to Grading Permit approval.

7. SWM drywells are not allowed to be located under driveways.
8. SWM drywells are to be downgradient of buildings. The location of the proposed SWM drywells is to be relocated. It should be noted that installation of SWM drywells on slopes greater than 20% should be avoided.
9. Add the LOD line and the soils line to the legend.
10. Show and label the existing water meter.
11. At Grading Permit, if the current water meter is not 1 inch, verify it can adequately supply water for the new sprinkler system.
12. At Grading Permit, the water house connection will need to be 10 feet from any SWM devices.
13. Identify the material for the exterior steps located on the north side of the parcel, adjacent to the existing gravel path.
14. Identify the width of the driveway.
15. Provide three grid ticks.

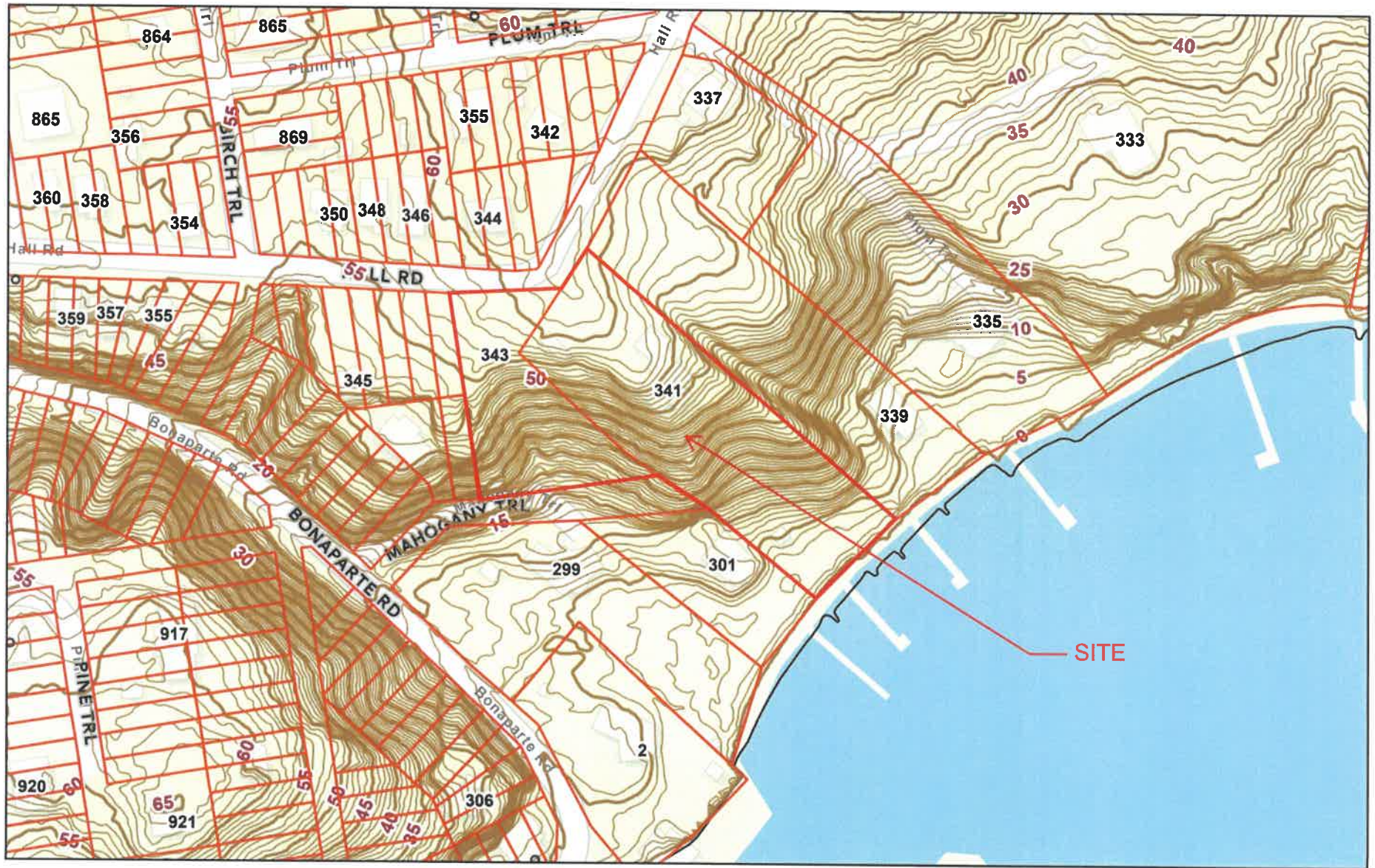
INFORMATION FOR THE APPLICANT

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.

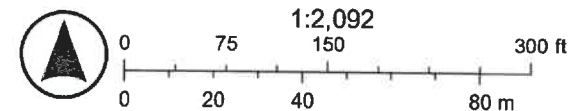
Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence. A variance to the requirements of 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.

Anne Arundel County Engineering Record Drawing and Monuments



5/23/2025, 10:30:09 AM

◦ Address Points Topo_2023
▭ Parcels — Index ▭ County Boundary
— Intermediate



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Anne Arundel County

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