

SALLY V. BALDWIN
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Telephone Extension: 3462

July 28, 2025

Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis, Maryland 21401
Attn: Donnie Dyott, Kelly Krinetz

Re: 2013 Homewood Road, Annapolis, Maryland 21401
Tax ID# 03-275-16444400
Letter of Explanation- variance application

Dear Mr. Dyott and Ms. Krinetz:

This letter of explanation accompanies the variance application for the construction of cantilevered balcony decks at the first and second stories of 2013 Homewood Road, Annapolis, Maryland. The subject property is within the R1 zoning district, and is entirely within the Chesapeake Bay Critical Area, with an LDA land use designation and its shoreline is mapped as non-buffer modified. The waterfront lot is narrow and undersized and is encumbered with steep slopes and accordingly the 100-foot Critical Area buffer, as expanded, covers most of the lot. The subject property is one of the smaller homes within the Ferry Farms subdivision, in which most if not all of the homes have various outdoor areas and amenities, including many patios, porches and multi-layer decks to provide spaces to access and enjoy the waterfront and outdoors.

The property is improved with a single-family dwelling with its associated residential amenities; there is an existing pervious deck on the ground level. The property owners seek to install cantilevered drip-through wood balcony decks (outlined in red on the attached site plan) above the existing wood drip-through deck, to allow for adequate outdoor use and enjoyment of their property. The proposed cantilevered balcony decks would be assembled by hand, as with the existing deck. The proposed balconies are designed to align with the existing residence and are no closer to the shoreline than the existing deck; they are proposed to be built over the existing deck from within the existing property. The proposed cantilevered decks would not increase the lot coverage but would be above the existing deck that was constructed within the 100-foot buffer. Accordingly, the property owners have been advised to seek a variance to Anne Arundel County Code § 17-8-301 which limits development within the buffer.

Currently, there is 5,048 square feet of existing impervious coverage on the narrow lot that is improved with a single-family dwelling. The proposal would not impact the existing impervious coverage on site, and is also within the limits of the prior variance relief (2017-0089-

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V), which included a condition that impervious coverage shall not exceed 5,284 square feet. Each proposed balcony is 143 square feet, totaling 286 square feet, and is designed to align with the existing home to provide increased functionality and sufficient outdoor enjoyment. Other than the small existing pervious deck, the property does not have any deck or patio on the waterfront side. Instead, there are steep slopes and vegetative plantings for shoreline stability covering most of the property leaving only a small flat grass area for outdoor recreation. The extensive plantings, that stabilize the property, are detailed in the attached Critical Area report. Thus, the homeowners have designed the cantilevered balconies to provide the necessary outdoor space without negatively impacting the Critical Area.

As stated, the proposed pervious balcony decks would be cantilevered and assembled entirely above an existing pervious deck. Each level of the decking (existing and proposed) would allow water to run freely through it, so the proposed work does not increase the lot coverage on the site. The proposed cantilevered pervious decks are further from the shoreline than the existing deck, and would not involve any excavation, clearing, grading or alteration to the land. Because the cantilevered decks would be entirely within and above existing lot coverage, no additional “disturbance” as defined by Anne Arundel County Code § 17-1-101 is involved with this proposal. Therefore, the property owners do not believe a variance to disturb the buffer is required. Should the County subject the property owners to the variance process, the variance is warranted for the reasons set forth herein.

Anne Arundel County Code § 18-16-305

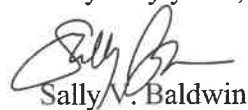
Pursuant to Anne Arundel County Code § 18-16-305, the subject property has unique physical characteristics that constitute exceptional topographical conditions: it is narrow and undersized, much of the property is encumbered by steep slopes, and 98% of the lot is located within the 100-foot Critical Area buffer, as expanded. Because of the unique physical conditions on the lot, the grant of a variance is necessary to avoid unwarranted hardship and to enable the applicants to develop the lot. Much of the lot is unusable for outdoor activities, as it consists of steep slopes and stormwater management practices consisting of vegetative plantings. There is an existing pervious deck, over which the cantilevered balconies can be placed without causing a harmful disturbance. Due to the steep slopes, stabilizing native plantings and the restrictions imposed by the expanded buffer, the property owners are limited in their ability to enjoy the outdoors and the waterfront. Without the variance, an unwarranted hardship would result because the applicants would be deprived of a reasonable and significant use of their property, one that cannot be accomplished elsewhere on the property.

As many of the surrounding properties have similar decks and provide various amenities for outdoor activities, the denial of the variance would deprive the applicants of rights commonly enjoyed by others. The granting of the variance would not confer on the applicant any special privilege for the same reasons. The variance request is not based on conditions or circumstances that are the result of actions by the applicant; the variance is requested due to the location within the buffer of the existing pervious deck above which the balcony decks are proposed. Because no additional lot coverage or “disturbance” as defined by the County Code is proposed, the granting

of the variance would not adversely affect water quality, or fish, wildlife or plant habitat. There will be no environmental impact or harm, as the proposal is over an existing deck and will be built from within the existing home in a manner that will not disturb the existing site conditions. For the reasons set forth above, the applicant has overcome the presumption in the Natural Resources Article, § 8-1808, of the Maryland Code because the proposal for which a variance is sought is in line with the Code's general purpose and intent. The applicants have evaluated and submitted other site planning alternatives, and after considering the comments have worked with their consultants to minimize their request and to eliminate any adverse impacts. The cantilevered balcony decks as proposed would involve the minimum variance necessary to afford the requested relief. The improvements are minimal, and within the footprint of the existing improvements to minimize concerns of any disturbance. The "minimum necessary to afford relief" standard of 18-16-305(c)(1) does not limit the applicants to the "minimum use" of the **property**, and accordingly the variance request is the minimum necessary to afford relief.¹ Granting the variance would not alter the essential character of the neighborhood, nor would it impair the use or development of the adjacent property. The improvements are within the scope of the surrounding properties, many of which have several outdoor amenities as noted herein. As the proposal would not involve any clearing, it would not reduce forest cover. As noted here and detailed in the Critical Area report, the property owners have undertaken an extensive planting plan to improve the property. Approval of the variance would also not be detrimental to the public welfare, as it would not negatively impact the environment or the surrounding properties; rather it would allow the property owners to use their property for outdoor recreation and gathering without requiring additional disturbance of the ground. Any required mitigation will be provided by the applicants.

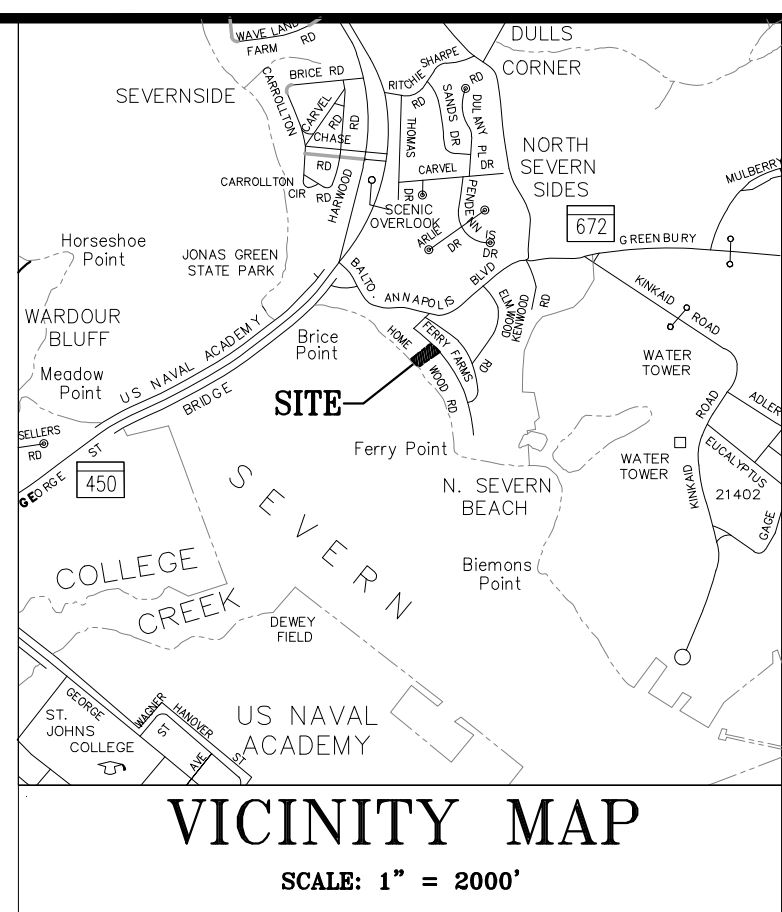
Thank you for your consideration of this variance request.

Very truly yours,



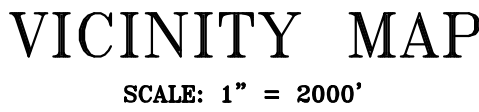
Sally V. Baldwin

¹ *Critical Area Comm'n for Chesapeake and Atlantic Coastal Bays v. Moreland, LLC*, 191 Md.App. 260, 291-92 (2010) (rev'd on other grounds) ("minimum" modifies "variance," not "use." The statutory mandate to grant only the "minimum variance necessary to afford relief" refers to variances necessary to allow a "reasonable and significant use," not a minimal use, of the property in question).



THE UNDERGROUND UTILITIES SHOWN HEREON (IF ANY) HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. UNLESS OTHERWISE NOTED, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

Sheet No. 01 OF 01



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Sheet No. 01 OF 01

CRITICAL AREA COMMISSION
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
0046	0161	N/A	5	N/A

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 03-275-16444400

Project Name (site name, subdivision name, or other) 2013 HOMEWOOD RD

Project location/Address 2013 HOMEWOOD RD

City ANNAPOLIS, MD Zip 21409

Local case number

Applicant: Last name ROBINSON First name SEAN

Company SEAN WILLIAM COMPANIES, LLC D.B.A. SEAN WILLIAM LAND STRATEGIES

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 First name

Phone # Response from Commission Required By

Fax # Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

RESIDENTIAL SINGLE FAMILY DWELLING

Intra-Family Transfer ☐
Grandfathered Lot ☒

Growth Allocation ☐
Buffer Exemption Area ☐

Project Type (check all that apply)

Commercial ☐
Consistency Report ☐
Industrial ☐
Institutional ☐
Mixed Use ☐
Other ☐

Recreational ☐
Redevelopment ☐
Residential ☒
Shore Erosion Control ☐
Water-Dependent Facility ☐

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		0
LDA Area		30,896
RCA Area		0
Total Area		30,896

Total Disturbed Area

Acres	Sq Ft
	0

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		12,150	Existing Lot Coverage		5,048
Created Forest/Woodland/Trees		0	New Lot Coverage		0
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		5,048

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		0	Buffer Forest Clearing		0
Non-Buffer Disturbance		0	Mitigation		0 Required

Variance Type

Buffer ☒
Forest Clearing ☐
HPA Impact ☐
Lot Coverage ☐
Expanded Buffer ☒
Nontidal Wetlands ☐
Setback ☐
Steep Slopes ☐
Other ☐

Structure

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

Provided 8,600 S.F. of
Planting Enhancements



Office of Planning and Zoning
2664 Riva Road
P.O. Box 6675
Annapolis, MD 21401
P. 410.222.7441 F. 410.222.7752

RE: 2013 Homewood Road, Annapolis, MD 21409

To Whom It May Concern:

Thank you for the consideration of our project. We have ~~prepared~~ this comprehensive critical area report for your review, to provide insight of the historical condition of this property and how the property owners, with their design consultant team, have worked to mitigate several critical conditions that existed on property and supplement with innovative planting techniques and steep slope erosion control measures. This report has been prepared ~~to~~ meet AACO development standards in the Chesapeake Bay Critical Area.

1. PROJECT NOTIFICATION APPLICATION FORM

We have provided a Project Notification Application Form with the submittal as requested.

2. A SITE PLAN - THE SITE PLAN OF THE PROPERTY SHOULD BE DRAWN TO AN ENGINEERS SCALE (1"=20', 30' OR 40') SHOWING THE APPLICABLE FEATURES OF THE SUBJECT PROPERTY; STEEP SLOPES, EXISTING TREE LINE, WETLANDS (TIDAL AND NON-TIDAL), MEAN HIGH WATER LINE, FLOODPLAIN, PROPOSED LANDSCAPING, ALL BUFFERS, AND ALL EXISTING STRUCTURES.

We have provided a site plan for the property that delineates all natural resources, steep slopes, existing trees, buffers, and existing structures.

3. A TOPOGRAPHIC MAP TO SCALE (AVAILABLE IN THE MAPPING OFFICE ON THE 4TH FLOOR OF BUILDING 2664 RIVA RD)

We have provided a topographic map, to scale, per your request.

4. A NARRATIVE STATEMENT (A PARAGRAPH OR LESS) ON A SEPARATE SHEET ADDRESSING EACH POINT LISTED BELOW:

We have addressed the following statements per your request below.

4A. DESCRIBE THE PROPOSED USE OF THE SUBJECT PROPERTY AND INCLUDE IF THE PROJECT IS RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR MARITIME.

The property is currently improved with a single family residential dwelling; the proposed use will be residential.

4B. DESCRIBE THE TYPE OF PREDOMINANT TREES AND SHRUBS ON THE SUBJECT PROPERTY. INCLUDE A STATEMENT ADDRESSING THE SQUARE FOOTAGE OF THE PROPERTY THAT IS VEGETATED WITH TREES AND SHRUBS, HOW MUCH OF THE PROPERTY WILL BE DISTURBED BY THE PROPOSED DEVELOPMENT, AND HOW THE DISTURBANCE WILL BE MITIGATED.

The site is primarily made up of steep slopes and is also the natural conveyance area for upland drainage areas, that need to relief towards the Severn River Channel. The existing total property area is 30,896 S.F., of which, only approximately 500 s.f. is not within the 100' buffer and expanded buffer. The site is primarily made up of 7 larger story trees, a mix of mature chestnut oaks, sweetgum, and red oaks. Historically, the property had large stands of invasive ivy, non-native herbaceous plants, and intermittent planting, especially amongst the embankment areas. The primary embankment area, that the existing structure is set on, encompasses 8,600 S.F. of the property, which makes up 28% of the total property. A little more than 16,400 S.F. or approximately 51% of the property is vegetated, as the current property owner has installed significant plantings in recent years.

The property owners and design consultants realized this area was critical to get stabilized to prevent rill erosion and formation of head cuts/subsidence, that is common with Annapolis Fine Sandy Loam Soils, which make up 100% of this property. The aforementioned soil type is not considered hydric, is well drained, however, without substantial root systems and vegetative cover it can easily erode. Upon becoming stewards of this sensitive property, the owners, planted 51 trees, primarily in low lying conveyance area, to assist with stormwater uptake and prevention of erosion.

4B. DESCRIBE THE TYPE OF PREDOMINANT TREES AND SHRUBS ON THE SUBJECT PROPERTY. INCLUDE A STATEMENT ADDRESSING THE SQUARE FOOTAGE OF THE PROPERTY THAT IS VEGETATED WITH TREES AND SHRUBS, HOW MUCH OF THE PROPERTY WILL BE DISTURBED BY THE PROPOSED DEVELOPMENT, AND HOW THE DISTURBANCE WILL BE MITIGATED (CONTINUED)

Understory trees were planted on the embankment areas, but it was agreed, that lower lying perennials, native grasses, and woody shrub vegetation were critical first, to ensure the exposed areas had good vegetative cover. To address these conditions, 433 Shrubs, 976 perennials and grasses, and 426 groundcover plants were installed. The decks will be constructed from within the home and no excavation, clearing, grading, or alteration to the land is proposed.

4C. DESCRIBE THE METHODS TO MINIMIZE IMPACTS ON WATER QUALITY AND HABITAT FROM PROPOSED CONSTRUCTION (I.E. STORMWATER MANAGEMENT, SEDIMENT CONTROL, AND SILT FENCE).

The proposed development project will not disturb the existing site conditions. Supplemental planting has been installed to amend the existing planting in these adjacent areas. The strategy was to reduce mulch coverage below larger story shrubs and/or grasses, and provide low lying native planting instead. This will still allow the larger specimens of plants to grow above, but the "skirt" areas underneath will be protected from heavy rainfall and/or stormwater events. As no temporary or permanent disturbance is proposed, there will be no impact on water quality or habitat. The proposed cantilevered decks will be further from the shoreline than the existing structure. The new structure is technically inside the expanded buffer, but does not contact any environmental features.

4D. CALCULATE THE IMPERVIOUS SURFACE BEFORE AND AFTER CONSTRUCTION, INCLUDING ALL STRUCTURES, GRAVEL AREAS, DRIVEWAYS, AND CONCRETE AREAS.

There will be no net increase of impervious coverage due to this project scope. The property is zoned R-1 and is designated as Limited Development Area (LDA) of the Chesapeake Bay Critical Area. As such, 5,445 square feet of impervious coverage is allowed, constituting 17.62% of the property. The existing impervious coverage is 5,048 square feet or 16.34% of the parcel, thus the project site is 397 square feet below the allotted threshold.

4E. IF APPLICABLE, DESCRIBE ANY HABITAT PROTECTION AREAS ON THE SUBJECT PROPERTY INCLUDING EXPANDED BUFFERS, STEEP SLOPES OF 15% OR GREATER, RARE AND ENDANGERED SPECIES, ANADROMOUS FISH PROPAGATION WATERS, COLONIAL WATER BIRD NESTING SITES, HISTORIC WATERFOWL STATING AND CONCENTRATION AREAS, RIPARIAN FORESTS, NATURAL HERITAGE AREAS, AND PLANT AND WILDLIFE HABITATS OF LOCAL SIGNIFICANCE.

The existing home encroaches into the expanded buffer zone, and the proposed decks are designed not to extend beyond the existing home. By cantilevering the decks from the main house, we have specifically engineered them to prevent any permanent adverse impacts on the buffer. Additionally, to further safeguard the buffer and the new enhanced landscaping, the property owner intends to manage the deck construction access through the interior of the house, to avoid any temporary buffer impacts.

There are no rare and/or endangered species within the project site and/or adjacent areas. There are no anadromous fish propagation waters, colonial water bird nesting sites, historic waterfowl and concentration areas, riparian forests, natural heritage areas, and plant and wildlife of local significance.

The site is considered to be near or on the edge of a forest interior dwelling species (FIDS) habitat protection area. While this does not constrain the subject property, the property owner has added significant plantings to support the native habitat and provide an enhance riparian buffer.

Although the site previously lacked substantial stormwater controls, the property owner has made significant investments to stabilize steep slopes and enhance runoff treatment in a drainage area that flows directly to the Severn River. As part of this effort, a thoughtfully curated selection of native rhizomatous plants, woody shrubs, and low-lying perennials has been installed. These species were chosen specifically for their ability to establish dense, fibrous root networks that effectively mitigate rill erosion and reduce sediment transport to nearby channels.

The extent of this planting effort exceeds regulatory requirements and has utilized a considerable portion of the property. We respectfully request that this commitment to environmental restoration be given consideration when evaluating the balance of usable exterior space. This investment not only improves ecological function but also allows the property owners to actively engage with and monitor the landscape in a meaningful, sustainable way.

Invasive groundcover has been removed, and areas of high-maintenance turf have been replaced with deep-rooted perennial grasses and woodland-adapted species, particularly in sensitive toe-slope areas. These enhancements further contribute to long-term slope stability and improved habitat value.



The property owners have transformed the site since taking ownership, implementing meaningful stormwater management practices where none previously existed. Through a combination of soil amendments and strategically integrated vegetation, stormwater runoff will now be captured, infiltrated, and filtered on-site—supporting nutrient sequestration and reducing pollutant loads before reaching the Severn River. Thank you in advance for your attention and consideration to this project.

Regards,
Sean William Land Strategies, LLC

A handwritten signature in black ink, appearing to read "Sean Robinson".

Sean Robinson
Principal

PICTURE EXHIBIT PRIOR TO INSTALLATION

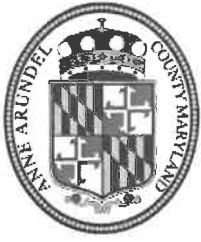


PICTURE EXHIBIT AFTER INSTALLATION



GIS TOPOGRAPHIC MAP 1"=30'





OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0016-P)

DATE OF MEETING: 3/6/2025

P&Z STAFF: Donnie Dyott, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Murphy/Wendy Illian, Kimmel Studio Architects EMAIL: wendy@kimmelstudio.com

SITE LOCATION: 2013 Homewood Road, Annapolis LOT SIZE: 30,896 sf ZONING: R1

CA DESIGNATION: LDA BMA: No or BUFFER: Yes APPLICATION TYPE: Critical Area Variance

From the applicant:

"The property is improved with a single-family dwelling with associated residential amenities, including an existing pervious deck on the ground level. The property owners seek to install cantilevered drip-through wood decks (outlined in red on the attached site plan) above the existing wood drip-through deck and to allow for adequate outdoor use and enjoyment of their property. The proposed balconies are designed to align with the existing residence and are no closer to the shoreline than the existing deck. The proposed cantilevered decks would not increase the lot coverage but would be within the 100-foot buffer. Accordingly, the property owners seek a variance to § 17-8-301 which limits development within the buffer."

"As stated, the proposed pervious balcony decks would be cantilevered and assembled entirely above an existing pervious deck. As each level of the decking (existing and proposed) would allow water to run freely through it, the proposed work does not increase the lot coverage on the site. The proposed cantilevered pervious decks are further from the shoreline than the existing deck, and would not involve any excavation, clearing, grading or alteration to the land. Because the cantilevered decks would be entirely within and above existing lot coverage, no additional "disturbance" as defined by Anne Arundel County Code § 17-1-101 is involved with this proposal. Therefore, the property owners do not believe a variance to disturb the buffer is required."

COMMENTS

The **Critical Area Team** commented that the site is Buffer not Buffer Modified. The fact that the balconies are not considered lot coverage is not a factor.

A variance was granted for the single ground level deck as the minimum necessary to afford relief. Had that request been for a deck and two balconies, the overall proposal would have been considered and the determination of "minimum" may have been different. Once a determination of "minimum" has been made, it should not be used as a foundation for future expansion.

Based on the COMAR definition of Buffer, the buffer exists even if the area was previously disturbed by human activity. COMAR also states that a local jurisdiction may only authorize disturbance "in" the buffer if it is authorized under a variance. The County and State definitions of disturbance both include "any amount of construction activity." In summary, the proposed balconies qualify as disturbance in the buffer and are subject to a variance.

It is my opinion that given the relief that has already been granted, this proposal does not meet the standards for approval of a variance in the Critical Area.

The **Zoning Administration Section** advises that the variance site plan must label the dimensions, stories, and height of the proposed structure(s). The applicants will need to demonstrate why the existing amenities and the previously approved variances have not already provided the minimum relief necessary to afford reasonable use of the property. The applicants are reminded that, in order for a Critical Area variance to be approved, they must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305(b) and (c).

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.