

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

APPLICANTS: Sarah Lombard & Brian Huber

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2025-0101-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: October 2, 2025

PREPARED BY: Joan A. Jenkins
Planner III

REQUEST

The applicants are requesting a variance to allow a dwelling addition with less setbacks and buffer than required on property located at 3801 Outrigger Drive in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property has road frontage on the east side of Outrigger Drive, south of Holly Road. The property comprises three lots for a total area of 19,075 square feet, more or less. The site is shown on Tax Map 60, Grid 15, as Parcel 43, Lots 1A, 1B and 1C in the Holly Hill Harbor subdivision. The property is zoned R2 - Residential District. This site has no frontage on the water but is located in the Chesapeake Bay Critical Area and designated LDA-Limited Development Area. The property is currently developed with a two-story single-family detached dwelling that is served by a private well and public sewer.

APPLICANT'S PROPOSAL

The applicants are proposing to construct a deck (12' by 24' with steps to grade) on the rear (east) side of the dwelling.

REQUESTED VARIANCES

§ 18-13-104(a) of the 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; and § 18-13-104(b) stipulates that the 100-foot buffer shall be expanded beyond 100 feet where there are slopes of 15% or greater or if there are nontidal wetlands, wetlands of special State concern, hydric soils or highly erodible soils. § 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). § 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." § 27.01.09 E. (1) (a) (ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance.

There is a 100-foot tributary stream and tidal wetlands east of the property with 100-foot buffers that encroach into the property. The proposed deck and the limit of disturbance will create temporary and

permanent disturbance to the 100-foot buffer to the stream and the 100-foot buffer to the tidal wetlands. The site plan shows permanent buffer disturbance of approximately 376 square feet and an undetermined amount of temporary disturbance in the buffer. Actual disturbance to be determined at permitting.

A setback variance for the deck and stairs is not required. While the Anne Arundel County Zoning Code, § 18-4-601, requires a 25-foot rear setback in the R2 District, § 18-2-301(b) permits architectural features without floor area, such as necessary access steps, to extend up to three feet into a required setback. The stairs are located as close as 24 feet from the rear lot line, extending one foot into the required setback.

FINDINGS

This Office finds that the subject property meets the area and width requirements for a lot in an R2 District. Approximately one-third of the property is encumbered by the 100-foot perennial stream buffer and any addition to the rear of the dwelling is impossible without disturbing the 100-foot stream buffer or the 100-foot wetlands buffer. The property is already developed with a dwelling which was constructed in 2023 and is located just outside the buffer line. Denial of the variance would not preclude development of the site and would not cause hardship in the use of the property.

The existing lot coverage for the site is 2,624 square feet, well under the allowable lot coverage of 5,960 square feet under the Code. The proposed deck and stairs will not increase lot coverage.

The letter of explanation indicates that there is a door on the house where the deck is proposed and that they do not have room on the side to build a deck.

This property was the subject of a prior variance request case 2021-0070-V to allow a dwelling with less setbacks and buffer than required which was withdrawn prior to being heard. This office concludes that the dwelling was redesigned to be outside the buffer, as the subsequent building permit was approved without requiring a variance. The closest variances relate to properties that required steep slope variances to construct dwellings. No variances were found nearby for buffer disturbance.

The **Health Department** has reviewed the well water supply system and has determined that the proposed request does not adversely affect the system. Therefore, the Health Department has no objection to the request.

The **Development Division (Critical Area Team)** commented that the plans for the original home were reconfigured in order to locate the home just outside of the 100' buffer in order to avoid the variance requirement. While this may not be the result of the current property owner it is the result of a prior homeowner and therefore the variance cannot be supported. The applicant should consider an alternate location outside of the buffer. In the event that access is needed to an existing door it should be limited to a set of steps and the necessary minimal landings.

The **Critical Area Commission** commented that the applicant is requesting a variance for disturbance to the Critical Area Buffer for construction of a 384 square-foot deck and access stairs. The property is located in the Critical Area Limited Development Area (LDA) and is presently improved with a

single-family dwelling and associated features. The proposed deck will result in 1,050 square-feet of Buffer disturbance. In 2021, the previous owner submitted a variance request for the construction of the current dwelling and associated features. The Critical Area Commission commented that they have the ability to redesign their home to be located outside of the Critical Area Buffer and that the request did not meet each and every one of the Critical Area Variance standards, including unwarranted hardship. The previous owner withdrew that variance request and constructed the existing dwelling just outside of the Buffer leaving no room for subsequent improvements. Now, the applicants wish to construct a new deck which is necessitating a Buffer variance. However, similarly, in the current request, the applicants have the ability to locate the outdoor amenity space outside of the Critical Area Buffer and along the side of their house, in the northern portion of their property. As such, this request does not meet each and every one of the Critical Area Variance standards, including unwarranted hardship. The Administrative Hearing Officer 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 this request were to be denied for the construction of the deck within the Buffer, the applicants would still have reasonable and significant use of their lot.

Critical Area Variance Standards

For the granting of a Critical Area variance, a determination must be made as to whether, because of unique physical conditions, strict implementation of the County's critical area program would result in an unwarranted hardship to the applicant. In this case, the location of the existing dwelling at the edge of the stream buffer and the tidal wetlands buffer makes any addition to the rear of the house impossible without relief from the Code.

The granting of the variance for an expansion of the existing conditions would confer on the applicant a special privilege that would be denied by COMAR, Title 27. The variance request is based on conditions or circumstances that are the result of actions by the current owner. The property was purchased in 2021 and the current owners constructed the existing dwelling with an exit on the rear of the house in 2023 located at the 100-foot buffer line. The variance request does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance will 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. Under the County Critical Area program, no property has the right to construct in the buffer. In order to minimize the environmental impacts, the applicants should evaluate and implement site planning alternatives including constructing a landing and stairs for access to the existing entry/exit.

General Variance Standards

With regard to the requirements for all variances, approval of the variance will not alter the essential character of the neighborhood, as this proposal would be construction of a deck on an existing dwelling. Approval of the variance will not substantially impair the appropriate use or development of the adjacent properties as the proposed dwelling will meet the minimum setback requirements. The

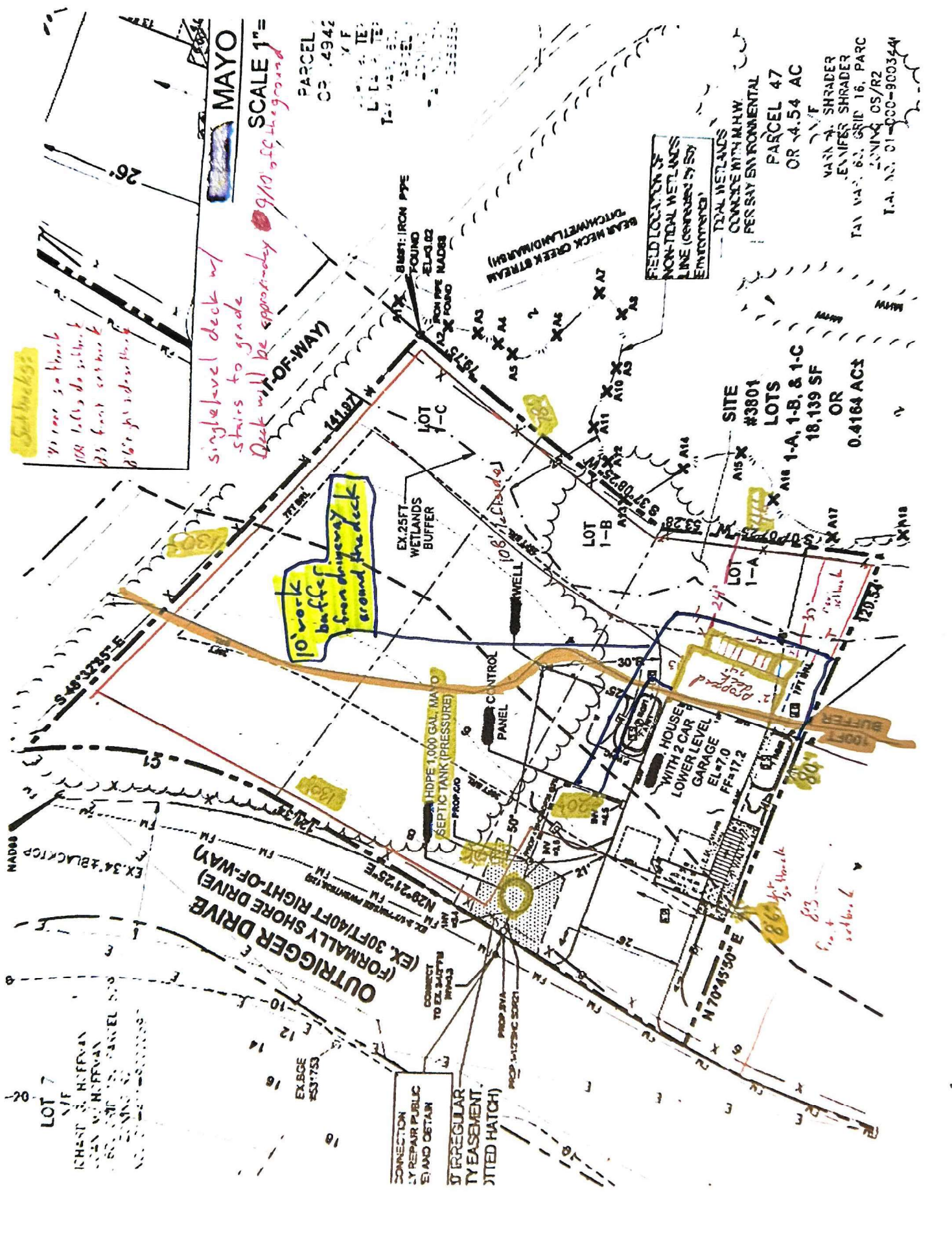
variance will not reduce forest cover in the limited development area or resource conservation area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

However, the proposal results in disturbance to the 100-foot stream buffer and the 100-foot tidal wetlands buffer. While a landing and stairs could provide the necessary access to the existing rear door with a variance, there appears to be sufficient space on the north side to build a deck outside the buffer zones. Consequently, this request cannot be deemed the minimum necessary to provide relief.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Article 18, §18-16-305. under the County Code, the Office of Planning and Zoning recommends **denial** of the variance as proposed. However, this Office has **no objection** to the **approval of a modified variance** to allow a minimal landing and stairs from the rear door with less buffer than required.

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



MAYO
SCALE 1"=

PARCEL
02.4942
X F
L 11.1
T 11.1

FIELD LOCATION OF
NON-TIDAL WETLANDS
LINE (CONFORMS TO SW
EMPHASIS)
TIDAL WETLANDS
CONCERN WITH MHW
PER SAY ENVIRONMENTAL
PARCEL 47
OR 4.54 AC
NAD 83 SHADER
ENRIFER SHADER
TAN MAP 62 GRID 16, PARC
LIVING OS/R2
I.A. NO. 01-000-900344

SITE
#3801
LOTS
1-A, 1-B, & 1-C
18,139 SF
OR
0.4164 AC±

single level deck w/
stairs to grade
Deck will be approximately 9'10" to ground

10' work
buffer
from driveway
around the deck

CONNECTION
TO REGULAR
PUBLIC
SEWER
AND OBTAIN
PERMIT
(REGULAR
TYPE EASEMENT,
DITCHED HATCH)

HDPE 1000 GAL. MA
SEPTIC TANK (PRESSURE)

HOUSE
WITH 2 CAR
LOWER LEVEL
GARAGE
EL=7.0
FF=17.2

OUTRIGGER DRIVE
(FORMALLY SHORE DRIVE)
(EX. 30FT/40FT RIGHT-OF-WAY)

Subtract
45' from 30' thick
100' lots do subtract
83' from 30' thick
86' from 30' thick

Letter of explanation

We are looking to construct 24' x 12' deck with landing and stairs to grade. We are requesting to build the deck on the back of the house facing the water similar to what many of their neighbors have. The neighbors have structures much closer to the water then this deck will extend to. The deck couldn't be built on the right side as there isn't enough room. The left side of the house it would be a fit as the doors have been placed on the back of the house so there wouldn't be access to the deck. The deck will be roughly 9' off the ground and lead from the homeowners back door. We originally applied for a permit but they said we would need a variance. I'm attaching comments below for the reasoning:

The proposed deck will be within the 100-foot buffer to the mean high water line of Mill Creek and cannot be approved. Also, the deck will be within the 100-foot stream buffer of Bear Neck Creek Stream.

This house was recently built and the 100' line comes right up to the back of the house. The proposed deck will be similar to decks in the area of the neighbor. We are asking to build the deck in the area shown on the site plan.

Jeff Landow – contractor for the project
Scutro Properties LLC

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

24 x 12 deck with landing and stairs to grade facing the water

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		<input type="checkbox"/>
LDA Area		<input type="checkbox"/>
RCA Area		<input type="checkbox"/>
Total Area		<input type="checkbox"/>

Total Disturbed Area ☐ Acres ☐ Sq Ft ~~376~~
1688sqft

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		<input type="checkbox"/>	Existing Lot Coverage		2624sqft
Created Forest/Woodland/Trees		<input type="checkbox"/>	New Lot Coverage		0
Removed Forest/Woodland/Trees		<input type="checkbox"/>	Removed Lot Coverage		0
			Total Lot Coverage		2624sqft

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	1050sqft	376	Buffer Forest Clearing		<input type="checkbox"/>
Non-Buffer Disturbance	638sqft	<input type="checkbox"/>	Mitigation		<input type="checkbox"/>

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 ☐

Revised 12-14-2006

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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: 6/24/25

Tax Map #	Parcel #	Block #	Lot #	Section
0060	244216		1A	

Tax ID: _____

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) Holly Hill Harbor

Project location/Address 3801 Outrigger Drive

City Edgewater Zip 21037

Local case number _____

Applicant: Last name Landow First name Jeffrey

Company Scutro Fence and Deck

Application Type (check all that apply):

Building Permit ☐
Buffer Management Plan ☐
Conditional Use ☐
Consistency Report ☐
Disturbance > 5,000 sq ft ☐
Grading Permit ☐

Variance ☒
Rezoning ☐
Site Plan ☐
Special Exception ☐
Subdivision ☐
Other ☐

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

Revised 12/14/2006

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For the Narrative (brief statement/paragraph):

(1) Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.

This project is residential. We are building a deck off the 2nd floor of the house, the width of the house with stairs running to grade.

(2) 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 trees on the property are on the left side. No trees or shrubs will be disturbed during the installation of the deck.

(3) Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).

When digging footers dirt is placed into and into black contractor bags until the footers and posts have been set. We then backfill the footers using the same dirt and any dirt leftover is removed from the property in the contractor bags.

For the Form:

(1) SITE INVENTORY: LDA Area = the total area of the lot (the property is located within the Critical Area LDA)

376 sq ft of permanent disturbance

(2) SITE INVENTORY: Total Disturbed Area = area of both permanent (deck and steps) and temporary (10ft work buffer) disturbance

376 permanent + 1312 sq of temporary disturbance

(3) SITE INVENTORY: Existing/Created/Removed Trees = canopy area of trees on the lot (the treeline appears to be shown on the site plan)

No trees are disturbed during this process. All trees are on the left side of the yard. The deck will be on the rear of the house.

(4) SITE INVENTORY: Existing/New/Removed/Total Lot Coverage = areas (house, driveway, sidewalks, etc) that would have been noted/required on the Critical Area Worksheet for the building permit

(5) VARIANCE INFORMATION: Buffer Disturbance = area of both permanent (deck and steps) and temporary (10ft work buffer) disturbance

376 permanent + 1312 sq of temporary disturbance

3801 Outrigger Drive topo map



Legend

Foundation

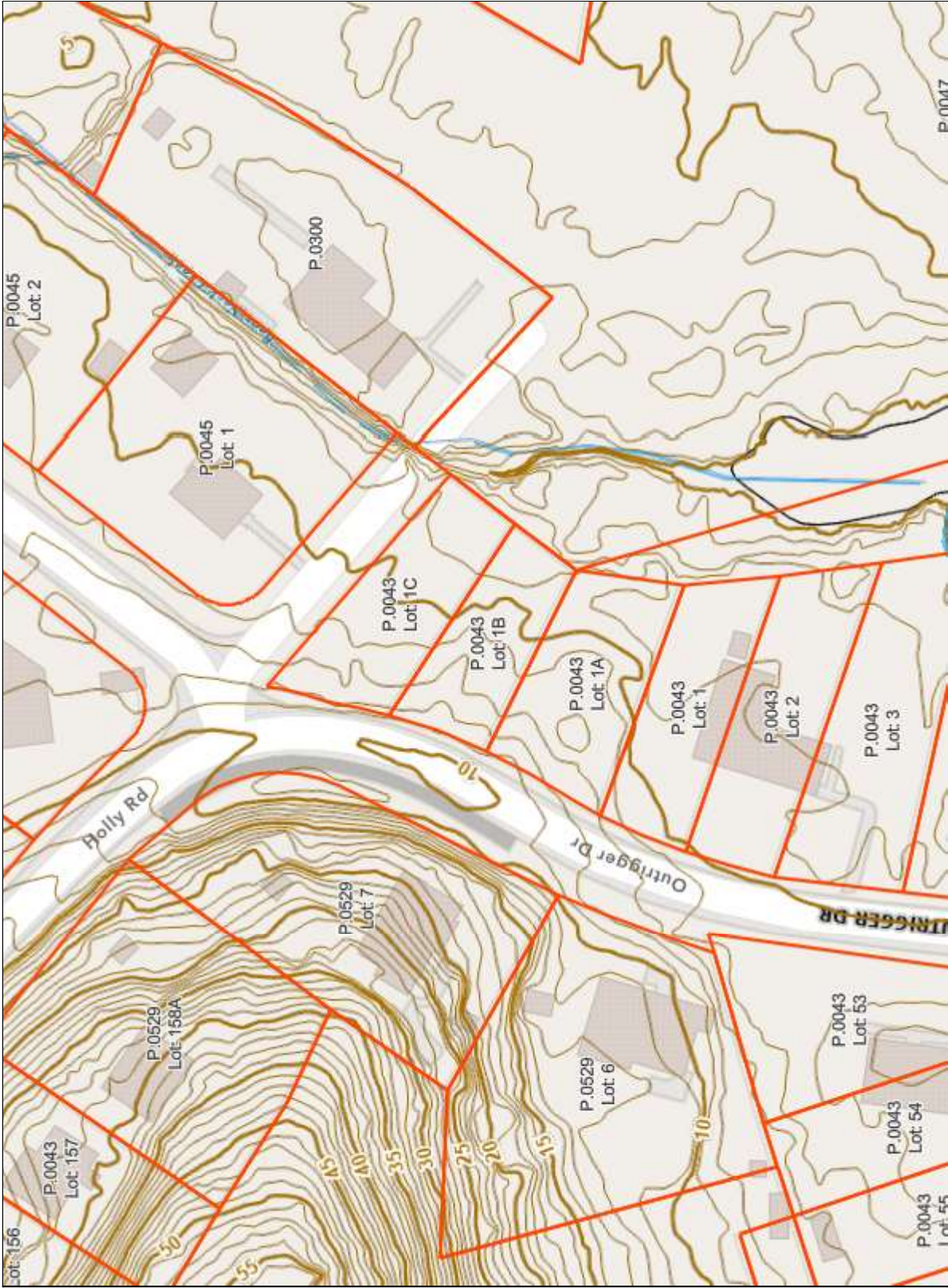
Parcels

Elevation

Topo 2023

Index

Intermediate



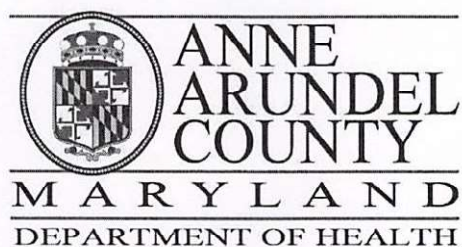
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GeoTechnologies, Inc. MET/NASA,

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.



Notes 1" = 100'

THIS MAP IS NOT TO BE
USED FOR NAVIGATION



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

A handwritten signature in blue ink, appearing to be "BC", written over the "FROM" line.

DATE: August 7, 2025

RE: Sarah Lombard Caitlin Imagine
3801 Outrigger Drive
Edgewater, MD 21037

NUMBER: 2025-0101-V- for B02433103

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) with less setbacks and buffer than required.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply 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



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

CAC Comments: 2025-0133-V; Marriner (AA 0202-25) and 2025-0101-V; Lombard (AA 0203-25):

1 message

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

Wed, Aug 20, 2025 at 1:42 PM

Good afternoon,

Our office has reviewed the above-referenced variance and provide the following comments:

- **2025-0133-V; Marriner (AA 0202-25):** Appropriate mitigation required
- **2025-0101-V; Lombard (AA 0203-25):** The applicant is requesting a variance for disturbance to the Critical Area Buffer for construction of a 384 square-foot deck and access stairs. The property is located in the Critical Area Limited Development Area (LDA) and is presently improved with a single-family dwelling and associated features. The proposed deck will result in 1,050 square-feet of Buffer disturbance. In 2021, the previous owner submitted a variance request for the construction of the current dwelling and associated features. The Critical Area Commission commented that they have the ability to redesign their home to be located outside of the Critical Area Buffer and that the request did not meet each and every one of the Critical Area Variance standards, including unwarranted hardship. The previous owner withdrew that variance request and constructed the existing dwelling just outside of the Buffer leaving no room for subsequent improvements. Now, the applicants wish to construct a new deck which is necessitating a Buffer variance. However, similarly, in the current request, the applicants have the ability to locate the outdoor amenity space outside of the Critical Area Buffer and along the side of their house, in the northern portion of their property. As such, this request does not meet each and every one of the Critical Area Variance standards, including unwarranted hardship. The Administrative Hearing Officer 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 this request were to be denied for the construction of the deck within the Buffer, the applicants would still have reasonable and significant use of their lot.

The comments have been uploaded to the County's online portal.

Sincerely,
Jamileh Soueidan

--



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

Jamileh Soueidan (she/her)
Natural Resources Planner
1804 West Street, Suite 100
Annapolis, MD 21401
Office: 410-260-3462
Cell: 667-500-4994 (preferred)
jamileh.soueidan@maryland.gov

2025-0101-V - for B02433103

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

07/31/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

The plans for the original home were reconfigured in order to locate the home just outside of the 100' buffer in order to avoid the variance requirement. While this may not be the result of the current property owner it is the result of a prior homeowner and therefore the variance cannot be supported. The applicant should consider an alternate location outside of the buffer. In the event that access is needed to an existing door it should be limited to a set of steps and the necessary minimal landings.

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

Due Date

08/21/2025

Assigned to Department

OPZ Critical Area

Status Date

08/21/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0035-P)

DATE OF MEETING: 05/05/2025

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

APPLICANT/REPRESENTATIVE: Scutro Properties LLC EMAIL: scutro2@gmail.com

SITE LOCATION: 3801 Outrigger Dr., Edgewater LOT SIZE: 19,075 s.f. ZONING: R2

CA DESIGNATION: LDA BMA: NA or BUFFER: Y APPLICATION TYPE: Critical Area Variance

The applicant proposes a deck with access steps on the rear of the existing dwelling. The deck would measure approximately 12' X 24' with 4' wide access steps. The deck would require a variance for buffer disturbance and it is unclear if a setback variance would be required for the access steps.

COMMENTS

The **Critical Area Team** commented that the plans for the original home were reconfigured in order to locate the home just outside of the 100' buffer in order to avoid the variance requirement. While this may not be the result of the current property owner it is the result of a prior homeowner and therefore the variance cannot be supported. The applicant should consider an alternate location outside of the buffer. In the event that access is needed to an existing door it should be limited to a set of steps and the necessary minimal landings.

Zoning Administration Section: The site plan shows the dwelling as proposed but the letter indicates that the dwelling was recently built. The site plan needs to show and label the location of the existing dwelling. The site plan shows the dimension to the rear property line from the deck but the access stairs appear to get closer to the rear lot line towards the northeast. There should be an additional label from the access steps to the rear lot line to determine if a setback variance is required. The site plan should also show the limit of disturbance (LOD) and provide the calculations on the amount of buffer disturbance. The letter of explanation does not provide any justification for the variances and also does not address any of the variance criteria, which will be required for the variance application.

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.

3801 Outrigger Dr



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



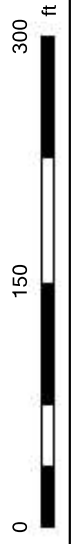
Planning

Zoning



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none



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USED FOR NAVIGATION

Notes