

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

APPLICANTS: Emile J. Henault, IV & Caroline Henault **ASSESSMENT DISTRICT:** 2

CASE NUMBER: 2025-0129-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: September 16, 2025

PREPARED BY: Joan A. Jenkins
Planner III

REQUEST

The applicants are requesting a variance to allow a dwelling addition (four season room) with less setbacks than required and with new lot coverage nearer to the shoreline than the closest façade of the existing principal structure at 3002 Valley View Road in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,945 square feet¹ of land and is located with frontage on the cul-de-sac of Valley View Road, south of Dogwood Trail. The property is identified as Lot 102 on Parcel 73 in Grid 24 on Tax Map 50 in Section C of the Cape St. John subdivision. The property, located in the Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area, is zoned R2 – Residential District. It is a waterfront property situated on the South River and is mapped within a buffer modified area (BMA). The property is currently improved with a two-story single-family detached dwelling with a basement, a shed, water access steps, and a pier.

APPLICANT'S PROPOSAL

The applicants propose converting the basement-level concrete patio, located on the waterside of the dwelling and partially covered by a first-floor deck, into a four-season room (23.7 feet wide by 15.3 feet deep).

REQUESTED VARIANCES

§ 17-8-702 (b) of the Anne Arundel County Subdivision and Development Code prohibits the location of new lot coverage nearer to the shoreline than the closest façade of the existing principal structure in a buffer modification area. The proposed four season room will be located forward of the existing dwelling façade requiring a variance for 126 square feet of new lot coverage nearer to the shoreline.

§ 18-4-601 of the Code sets forth the bulk regulations for development in an R2 District. The

¹ The site plan shows the property at 7,945 square feet, the State Department of Assessments and Taxation shows 6,230 square feet. For purposes of the variance case the site plan information will be used.

proposal meets all setbacks; therefore, a variance to setbacks is not required.

FINDINGS

This property, while not rectangular, is consistent in width from the house to the shoreline. This Office finds that at 7,945 square feet the subject property is undersized for minimum width (80 feet required, approximately 65 feet provided) and minimum lot area (15,000 square feet required, 7,945 square feet provided) for a new lot in the R2 – Residential District with public sewer.² However, the width and area do not contribute to the need for a variance as the variance request is related to critical area regulations. This is a developed lot in a subdivision that was recorded in 1948 prior to zoning or critical area regulations. The 100-foot buffer line, designated as Buffer Modified Area bisects the house, thereby requiring a variance for any addition that creates lot coverage that is forward of the closest facade of the house on the water side. Steep slopes are present at the shoreline and the 25-foot buffer to the top of steep slopes runs through the existing deck.

Although the IDA Critical Area has no maximum for lot coverage, the R2 District's zoning restricts coverage by structures to 30%. This proposal will not alter the current coverage by structures, which is 1,694 square feet (21%), due to the presence of the deck above.

A review of the County 2025 aerial photograph shows an eclectic mix of dwellings and lots in this waterfront community. The existing dwelling was built in 1956 according to state tax assessment records.

This Office finds that the request is for a modest four season room addition over an existing patio that is partially covered by a first floor deck that overhangs the patio area. The lot coverage will remain unchanged although the four season room structure is subject to a variance as new lot coverage.

At the pre-file the Critical Area Team commented that additional information regarding the proposed construction methods are needed to provide appropriate feedback. They reminded the applicant that due to the existing development being immediately adjacent to a 50% slope any additional disturbance or grading required for the conversion of the space cannot be supported.

No other variances were found nearby that relate to additional lot coverage.

Agency Comments

The **Health Department** commented that the property is served by public water and sewer facilities and has no objection to the request.

The **Development Division (Critical Area Team)** commented that there is no objection to this proposal provided the enclosure is constructed in the manner depicted on the architectural drawings submitted with this application and result in no permanent or temporary steep slope disturbance.

² The property has an active building permit, B02430115, which was submitted prior to July 1, 2025, the effective date of Bill 72-24 which changed some bulk regulations. The variance therefore, is being evaluated based on the bulk regulations in effect at the time of the permit application.

The **State Critical Area Commission** took no position on the request, but commented that the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. If this request were to be approved, then appropriate mitigation is required.

Variance Requirements

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 property, strict implementation of the County's critical area program would result in an unwarranted hardship. In this case the BMA makes an addition impossible without variance relief. Relief is warranted to allow the applicants to create a modest addition to an existing dwelling enclosing an area over an existing concrete pad covered by a deck that is within the BMA.

A literal interpretation of the County's critical area program will deprive the applicants of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County by denying them the right to enclose a portion of an existing outdoor amenity area for protection from the elements. The granting of the variance will not confer on the applicants special privileges that would be denied by COMAR, Title 27. 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. The granting of the variance will not adversely affect water quality or impact fish, wildlife or plant habitat and will be in harmony with the general spirit and intent of the County's critical area program. The presumption that the specific development does not conform to the general purpose and intent of the critical area law has been overcome by the applicants. This is evidenced by their statement that site planning alternatives were evaluated and implemented, and the limit of disturbance (LOD) was minimized through the utilization of the existing deck support structure.

With regard to the requirements for all variances the requested variance is deemed the minimum necessary to provide relief. The request is minimal, the proposed addition will be situated on an existing concrete patio, and the overall lot coverage will remain unchanged.

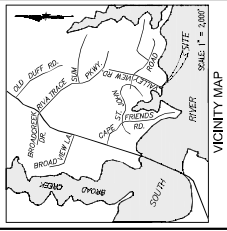
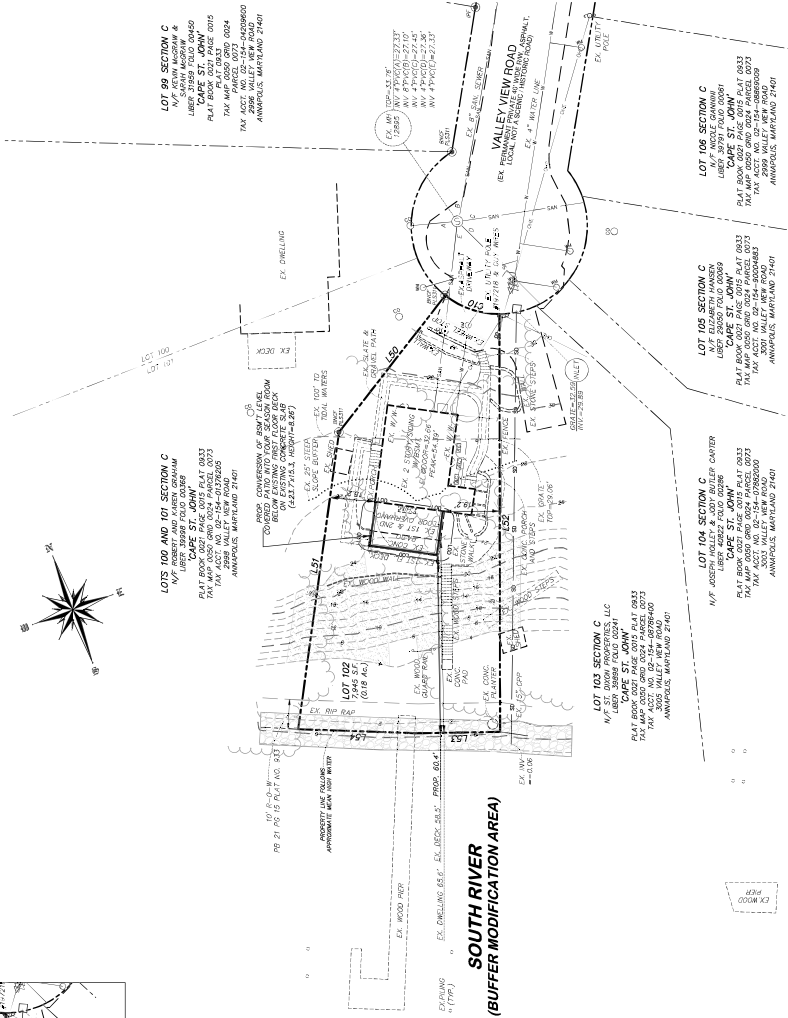
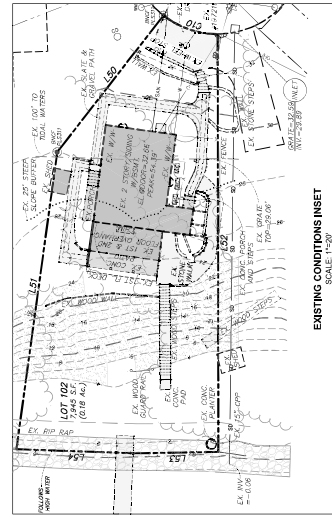
Approval of the variance will not alter the essential character of the neighborhood, as a waterfront four season room is a typical amenity and the proposed four season room addition is modest in size. The granting of the variance will not substantially impair the appropriate use or development of adjacent property, as the improvements are located well enough away from dwellings on abutting properties so as to have minimal or no effect on their use or enjoyment. The variance will not be contrary to acceptable clearing and replanting practices nor will it be detrimental to the public welfare.

RECOMMENDATION

With regard to the standards by which a variance may be granted, as set forth under Article 18-16-305 under the County Code, the Office of Planning and Zoning recommends approval of a

Critical Area variance to § 17-8-702 (b) to construct a 23.7-foot by 15.3-foot four season room addition over an existing concrete patio which will add approximately 126 square feet of new lot coverage nearer to the shoreline than the closest façade of the existing principal structure in the BMA as shown on the site plan.

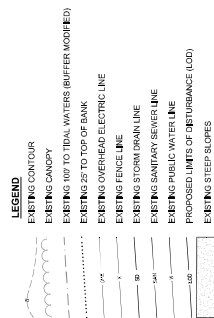
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes 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.



CONSTRUCTION NOTE:
No excavation, grading, or heavy equipment shall be used. All material delivery and construction to be performed by hand.

LINE TABLE		
LINE #	DIRECTION	LENGTH
L52	S20° 54' 17"W	142.46
L50	S58° 52' 17"W	59.00
L51	N28° 49' 17"E	102.25
L53	N69° 57' 55"W	27.98
L54	N67° 03' 47"W	40.88

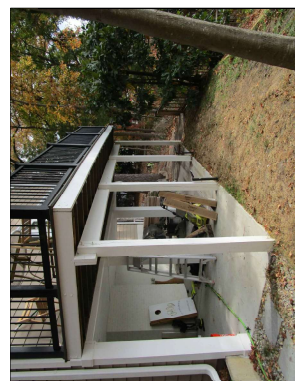
CURVE TABLE						
CURVE #	RADIUS	ARC LENGTH	DELTA	TAN	BEARING	CHORD
C10	30.00	19.88	037°58'05"	10.32	S50° 06' 35"E	19.52



Note: The existing utilities and obstructions shown on these plans are from the best available records and shall be verified by the contractor to his satisfaction prior to construction. Necessary precautions shall be taken by the contractor to protect existing services and any damage to them shall be repaired immediately at his own expense.

SITE TABULATIONS

TOTAL SITE AREA
TOTAL CHESAPEAKE BAY CRITICAL AREA DESIGNATION
TOTAL DISTURBED AREA
LOT COVERAGE (DA)
-EXISTING LOT COVERAGE
-PROPOSED LOT COVERAGE
COVERAGE BY STRUCTURES (R2)
-EXISTING COVERAGE BY STRUCTURES
-ALLOWABLE COVERAGE BY STRUCTURES (30%)
-PROPOSED COVERAGE BY STRUCTURES
ZONING: R2 (Residential District)
-PRINCIPAL STRUCTURE
FRONT=30', REAR=25', SIDE=7'
-ACCESSORY STRUCTURE

[illegible]

Drum, Loyka & Associates, LLC
CIVIL ENGINEERS - LAND SURVEYORS

CLIENT: _____

READY TO: _____

L RENOVATIONS, C/O KENN RICCINI

VARIANCE BUILDING PERMIT SITE PLAN
CAPE ST. JOHN ~ LOT 102, SECTION C
3002 VALLEY VIEW ROAD, ANNAPOLIS, MARYLAND 21401

Phone: 416-266-3122
www.drumloyka.com | info@drumbyka.com

DATE: 6/25/2025

SHEET 1 OF 1

June 25, 2025

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

RE: Variance Pre-File Request
Cape St. John ~ Lot 102 ~ Section C
3002 Valley View Road
Annapolis, MD 21401
Tax Map 50, Grid 24, Parcel 73
Tax Account # 02-154-01375525

To whom it may concern,

On behalf of the property owners, Mr. Emile J. Henault, IV & Ms. Caroline Henault, and their developer Mr. Kenn Riccini of Ready to Sell Renovations, we request a variance pre-file review of the enclosed proposed variance development plan dated June 25, 2025. We hereby request a variance to obtain relief to Anne Arundel County code Article 17-8-702 to allow 126 square feet of new lot coverage nearer to the shoreline than the existing dwelling façade to construct a patio enclosure on the existing concrete patio slab, below the existing waterside deck and first floor overhang.

Property Description

The subject property is grandfathered lot located in the subdivision of Cape St. John, in Annapolis, which was recorded in the land records of Anne Arundel County in 1948 plat book 21, page 15, plat number 933. The property is an irregular shaped waterfront property with shoreline along the South River and is designated as Buffer Modified. The property is improved with a two-story single-family detached dwelling with a basement, waterfront patio and deck, shed, paved driveway, stone and gravel walks, and other associated improvements. The property has frontage along the cul-de-sac of the 40' right of way Valley View Road from which the driveway is accessed. The property is approximately 7,945 square feet (0.18 Ac) in area, zoned R-2, and is entirely within the Chesapeake Bay Critical Area with a Intensely Developed Area (IDA) land use designation. An area of steep slopes are present on the southern portion of the property and the 25-foot buffer to the crest of the slopes runs through the existing deck and dwelling. The 100-foot setback to tidal waters also runs through the existing dwelling. The existing waterfront deck is sited 58.5-ft from the South River, the patio is setback 60.4-ft, and the existing dwelling is 65.6-ft from the tidal waters.

The existing dwelling was constructed in 1956 according to the Maryland State Department of Assessments and Taxation and the site does not appear to currently have stormwater management. The dwelling is served by public sewer and water via connection to the mains located in the cul-de-sac of the private right-of-way Valley View Road.

Proposed Development

The property owners propose to construct a basement level conversion of the existing patio area beneath the first-floor deck into a four-season room addition to the existing dwelling. The proposed addition is sited 60.4-ft from the shoreline and overtop the existing patio slab, beneath the existing first floor deck, and portion of the dwelling's first floor. The proposed addition is entirely within the footprint of the existing patio and structures and will not project closer to the tidal waters than the existing permanent development. However, since the proposed addition is not considered in-kind replacement, a variance for new the area of lot coverage closer beyond the first-floor dwelling façade in the BMA is required to proceed with the project. The disturbance within the 100-ft tidal water and the 25-ft steep slope buffer is the minimum necessary to construct the addition. No steep slope disturbance will occur with the proposed development.

Earlier this year a pre-file #2025-0005-P was submitted to the Office of Planning and Zoning for review with a slightly larger limit of disturbance (LOD) which encroached into as small portion the top of the steep slopes, this LOD accounted for site disturbance necessary to construct foundation footings for the proposed patio enclosure. The prefile comments were issued on January 29, 2025 by the Office of Planning and Zoning by Ms. Jennifer Lechner and Ms. Kelly Krinetz, a copy of the prefile comments is included with this submittal for review. The Critical Area Team commented that additional information regarding the proposed construction methods is needed and that any additional disturbance or grading required for the patio conversion of the space cannot be supported. The property owner and their builder considered those pre-file comments and collaborated with a structural engineer to design the enclosure to be constructed overtop the existing patio slab, utilizing the existing deck support structure. This allows for the limit of disturbance to be further minimized and no excavation and heavy machinery, grading, and disturbance to the steep slopes will occur. Construction will primarily occur within the footprint of the existing patio and material deliveries will be by hand from the driveway to the sides of the structure.

While the proposed addition is within the footprint of the existing patio since it projects 5.3-ft feet closer to the tidal waters than the façade of the existing dwelling, we are requesting relief to Anne Arundel County code Article 17-8-702 to allow 126 square feet of new lot coverage nearer to the shoreline.

We believe that this request meets all the requirements for a Critical Area variance:
Code Article 18-16-305

(b) Requirements for Critical Area Variances.

- (1) Unwarranted Hardship- This is a modestly sized home tightly encumbered by critical area buffers and because of the unique physical conditions including topography, the irregularly shaped lot, and the proximity of the existing structures to the shoreline a implementation of the County's critical area program would result in an unwarranted hardship. Due to the narrowness of the lot a basement expansion of this modest size is not possible in other areas of the house in conformance with current code requirements. The proposed basement level addition is sited overtop existing impervious patio and beneath the existing deck and below a portion of the first-floor of the house, a strict implementation of the code would create a hardship for the owners from allowing them reasonable use of their property within an area already permanently disturbed with structures.
- (2) Rights commonly enjoyed - the proposed improvements are in character with other dwellings in the neighborhood and even smaller than neighboring properties. Small additions to dwellings are commonly found throughout the neighboring properties. However, this addition would impose less impact to the Chesapeake Bay Critical Area since there will be no increase in ultimate lot coverage or stormwater runoff. To deny applicants the ability to have these modest improvements to a waterfront house deprives applicants of rights commonly enjoyed by other property owners in the area.
- (3) Will not confer special privilege - granting this variance would not confer a special privilege to the applicants. Nearby properties enjoy improvements larger in scale and are greater than what is proposed for this project. The applicants appreciate that the constraints of the Critical Area law do not allow for development of much more than what they have proposed. They have made extensive efforts to lay the proposed addition out in a responsible manner that (i) considers surrounding environmental features, (ii) holds tight to the existing structures and associated disturbances, (iii) does not increase the impervious surfaces (iv) does not require excavation and grading.
- (4) Actions by Applicants and Neighbors- The variance is not based on conditions or circumstances that are the result of actions by the applicants or conditions or use on neighboring properties- conditions and circumstances are based on topography, the irregular shape of the site, the proximity of the existing structures to the shoreline causing the existing dwelling improvement to be located within 100-ft of the shoreline. The dwelling's construction in 1958 pre-dates the current Chesapeake Bay Critical Area code and the applicants purchased the property in January 2024.
- (5) Water Quality, Intent of the Critical Area Program. The requested variances will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the critical area program. Disturbance is minimized to only what is necessary to complete the project. The property's overall lot coverage will not be increase and will not create new areas of stormwater runoff. Mitigation will occur

in accordance with county regulations and will be addressed during the permitting process. No heavy machinery will be utilized, and no ground disturbance and grading will occur, therefore the construction will not adversely affect the surrounding environmental features located within the Critical Area. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

- (6) Presumption Sec 8-1808(d)(2)(ii) – In light of all the factors discussed above, it is evident that the applicants have overcome the presumption that the use for which the variances were requested were not in conformity with the purpose and intent of the Critical Area Program.

The distance between the shoreline and the structures is maintained such that the proposed addition is no closer to the tidal waters than the existing development, considers natural features and has met the requirements of § 17-9-208 of the Code. There are no bogs present on the subject property.

(c) Requirements for all variances.

1. Minimum necessary to afford relief - The proposed variance allow for modest uses that not only meets the “significant and reasonable standard” but also are the minimal necessary development to afford relief. The proposed dwelling addition is overtop an existing impervious patio, partially beneath the existing dwelling and further back from shoreline than the existing deck above. The proposed size of the dwelling is far more modest than neighboring properties in the community. Disturbance within the 100-ft setback from tidal waters is the minimum necessary to construct the proposed addition.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties. The proposed addition will not impede the view of adjacent properties and will not be located closer to the adjacent property line and structures than the structures that already exist.
 - iii. reduce forest cover in the IDA. No developed woodland is being disturbed.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area. No tree canopy clearing is proposed for the construction and access, and the property is not located within a Bog Protection Area.

- v. be detrimental to the public welfare as constructing a basement level addition on a residentially zoned property will not impose harm to adjacent property owners or the public.

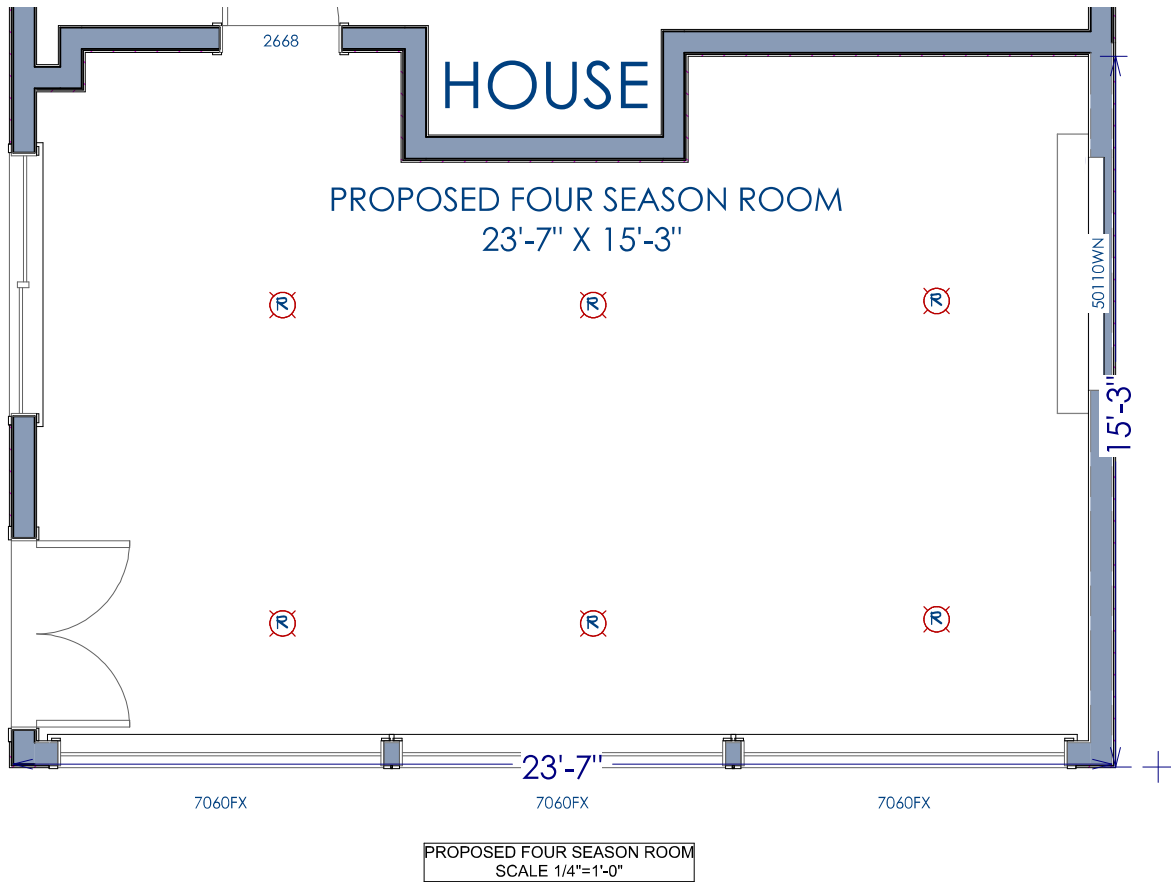
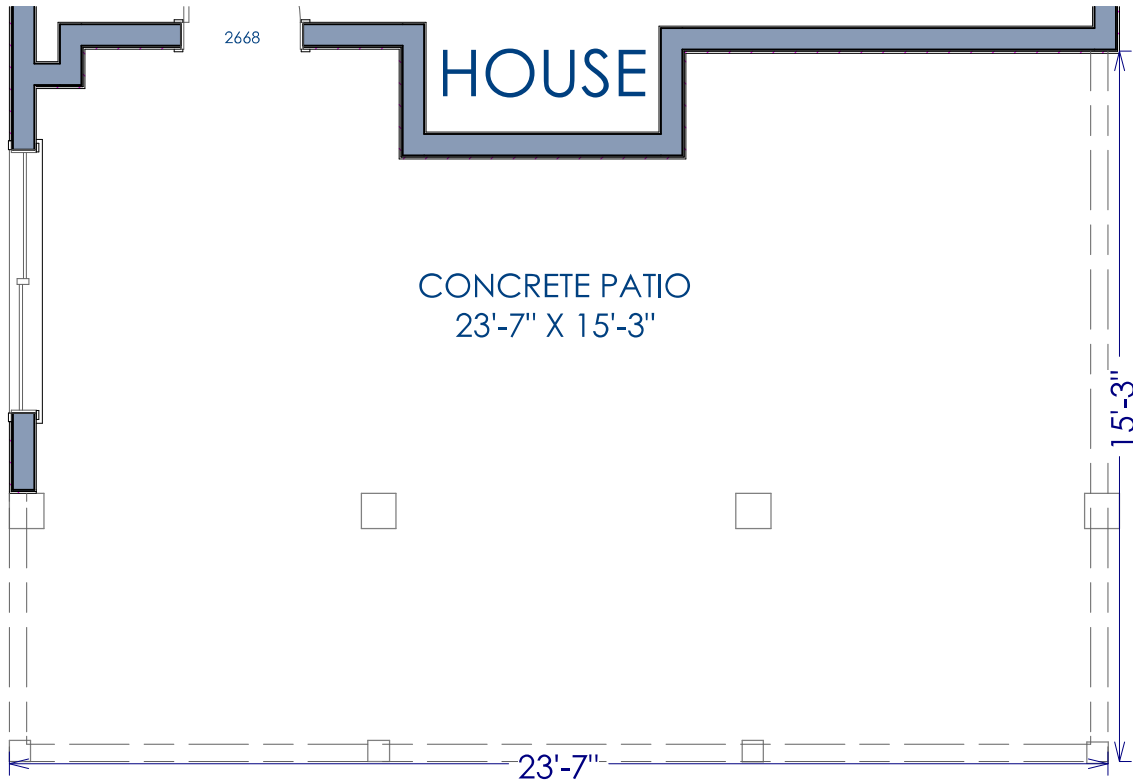
Denial of the requested variances and a strict implementation of the County's Zoning and Critical Area Program would constitute an unwarranted hardship on the applicant and deprive them of the right to develop, and deny reasonable and significant use of the entire property. The proposed expansion is sited equal distance from the shoreline as the patio and further than the existing deck above. Any mitigation required by code will be addressed during the permitting process and will be provided on-site to the maximum extent practicable.

We appreciate your consideration of the enclosed variance plan and we remain available to answer any questions you may have. Please feel free to contact us via email mevans@drumloyka.com or via telephone 410-280-3122 ext.110.

Sincerely,
DRUM, LOYKA AND ASSOCIATES, LLC

Mark W. Evans

Mark W. Evans
Principal



A-1

SHEET:

1/4"=1'-0"

SCALE:

6/17/25

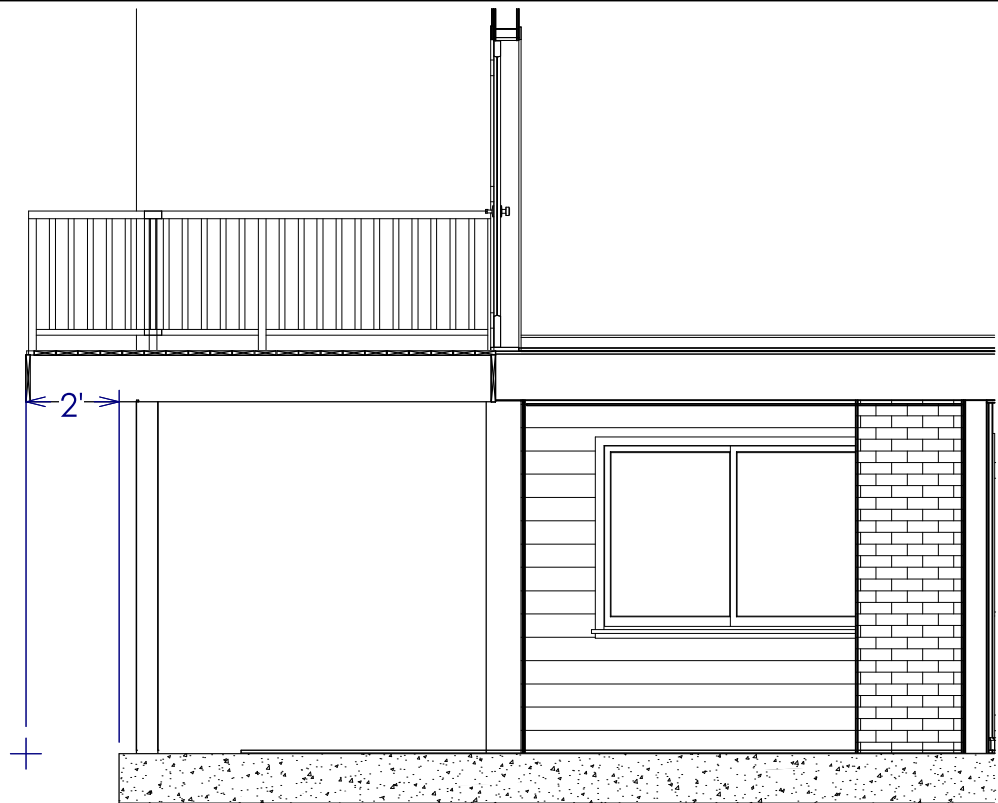
DATE:

DRAWINGS PROVIDED BY:
READY TO SELL
RENOVATIONS

PROJECT DESCRIPTION:
3002 VALLEY VIEW RD
ANNAPOLIS MD

SHEET TITLE:
EXISTING &
PROPOSED
LAYOUTS

NO.	DESCRIPTION	BY	DATE



EXISTING RIGHT SIDE ELEVATION
SCALE 3/8"=1'-0"

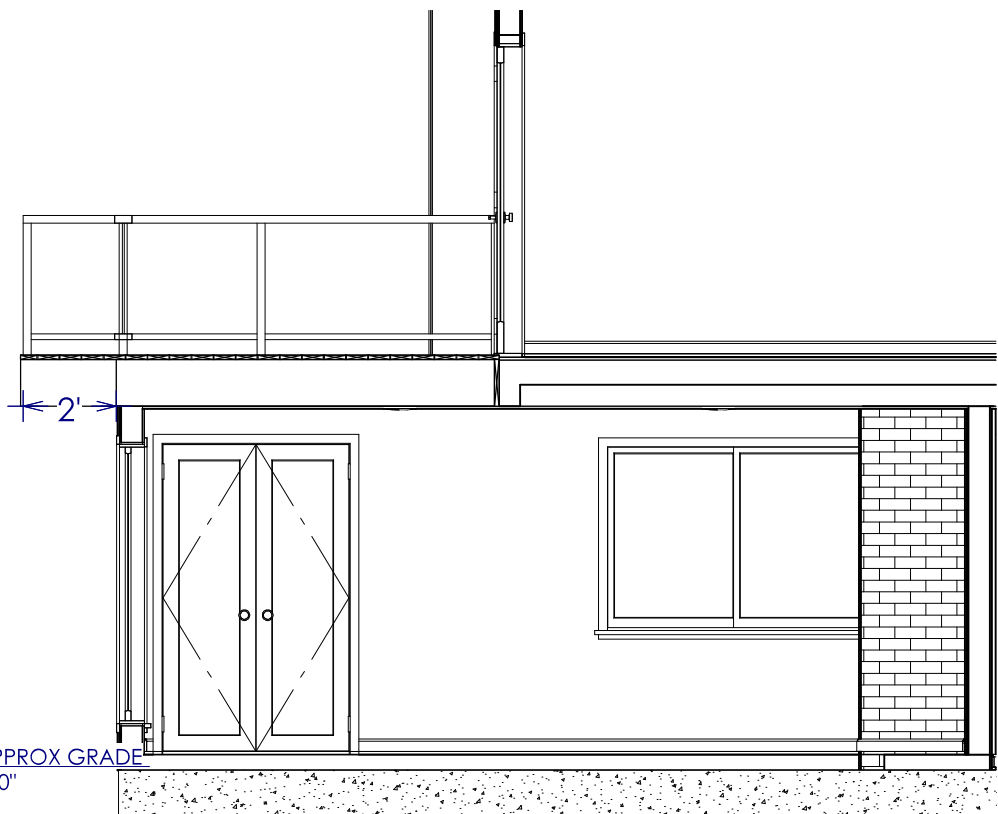
*DECKING ABOVE WILL BE REMOVED AND A PITCHED MEMBRANE ROOF WILL BE INSTALLED ON EXISTING JOIST SYSTEM

**NEW EXTERIOR WALL FRAMING WILL NOT REQUIRE ANY ADDITIONAL GROUND DISTURBANCE

***ONLY ENCLOSING EXISTING SPACE

****EXISTING FOOTINGS AND 6X6 POSTS CURRENTLY SUPPORTING EXISTING DECK WILL REMAIN IN PLACE

2X6 WALL CONSTRUCTION
 -NEW WALLS FRAMED BETWEEN EXISTING 6X6 POSTS
 -TOP OF EXISTING CONCRETE SLAB TO FACILITATE THE ENCLOSURE WITH PRESSURE TREATED BASE PLATE
 -VINYL SIDING
 -1/2" ZIP SYSTEM WALL SHEATHING
 -2X6 WOOD STUD
 -R-21 BATT INSULATION
 -1/2" GYP. BOARD



PROPOSED RIGHT SIDE ELEVATION
SCALE 3/8"=1'-0"

E-1	SHEET:	3/8"=1'-0"	SCALE:	6/11/25	DATE:	DRAWINGS PROVIDED BY: READY TO SELL RENOVATIONS	PROJECT DESCRIPTION: 3002 VALLEY VIEW RD ANNAPOLIS MD 21401	SHEET TITLE: EXISTING & PROPOSED ELEVATIONS	<table><tr><th>NO.</th><th>DESCRIPTION</th><th>BY</th><th>DATE</th></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></table>	NO.	DESCRIPTION	BY	DATE																	
		NO.		DESCRIPTION		BY	DATE																							

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: Anne Arundel County

Date June 25, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
50	73		102	C

FOR RESUBMITTAL ONLY

Corrections ☐

Redesign ☐

No Change ☐

Non-Critical Area ☐

* Complete only Page 1

General Project Information

Tax ID 02-154-01375525

Project Name (site name, subdivision name, or other) Cape St. John

Project location/Address 3002 Valley View Road

City Annapolis Zip 21401

Local case number

Applicant: Last name Henault First name Emile J. & Caroline

Company n/a

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: First name

Phone # Response from Commission Required By

Fax # Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Conversion of an existing patio beneath the dwelling first-floor and deck to a basement level four season room addition to the existing single-family dwelling.

Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input checked="" 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 checked="" 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	0.18			0.01	552
LDA Area	0.00		# of Lots Created	n/a	
RCA Area	0.00				
Total Disturbed Area	0.01				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.04		Existing Lot Coverage	0.06	
Created Forest/Woodland/Trees	0.0		New Lot Coverage	0.00	
Removed Forest/Woodland/Trees	0.0		Removed Lot Coverage	0.00	
			Total Lot Coverage	0.06	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		553	Buffer Forest Clearing		0
Non-Buffer Disturbance		0	Mitigation		TBD

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

Chesapeake Bay Critical Area Report

Cape St. John ~ Lot 102 ~ Section C

Tax Map 50, Grid 24, Parcel 73

Tax Account # 02-154-01375525

Property Address: 3002 Valley View Road, Annapolis, MD

Owner & Variance Applicant: Mr. Emile J. Henault, IV & Ms. Caroline Henault

Critical Area Designation: IDA **Zoning:** R-2 **Lot Area:** 0.18 Ac.

Site Description

The subject property is grandfathered lot located in the subdivision of Cape St. John, in Annapolis, which was recorded in the land records of Anne Arundel County in 1948 plat book 21, page 15, plat number 933. The property is an irregular shaped waterfront property with shoreline along the South River and is designated as Buffer Modified. The property is improved with a two-story single-family detached dwelling with a basement, waterfront patio and deck, shed, paved driveway, stone and gravel walks, and other associated improvements. The property has frontage along the cul-de-sac of the 40' right of way Valley View Road from which the driveway is accessed. The property is approximately 7,945 square feet (0.18 Ac) in area, zoned R-2, and is entirely within the Chesapeake Bay Critical Area with a Intensely Developed Area (IDA) land use designation. An area of steep slopes are present on the southern portion of the property and the 25-foot buffer to the crest of the slopes runs through the existing deck and dwelling. The 100-foot buffer to tidal waters also runs through the existing dwelling. The existing waterfront deck is sited 58.5-ft from the South River, the patio is setback 60.4-ft, and the existing dwelling is 65.6-ft from the tidal waters.

The dwelling is served by public sewer and water.

Proposed Conditions

The property owners propose to construct a basement level conversion of the existing patio area beneath the first-floor deck into a four-season room addition to the existing dwelling. The proposed addition is sited 60.4-ft from the shoreline and overtop the existing patio slab, beneath the existing first floor deck, and portion of the dwelling's first floor. The proposed addition is entirely within the footprint of the existing patio and structures and will not project closer to the tidal waters than the existing permanent development.

Description and Purpose of Variance Request

The proposed addition is not considered in-kind replacement, a variance for new the area of lot coverage closer beyond the first-floor dwelling façade in the BMA is required to proceed with the project. The disturbance within the 100-ft tidal water and the 25-ft steep slope buffer is the minimum necessary to construct the addition. No steep slope disturbance will occur with the proposed development.

We request a variance to obtain relief to Anne Arundel County code Article 17-8-702 to allow 126 square feet of new lot coverage nearer to the shoreline than the existing dwelling façade to

construct a patio enclosure on the existing concrete patio slab, below the existing waterside deck and first floor overhang.

The need for the requested Critical Area variance arises from the unique nature, topography, and existing constraints of the property. Specifically, the irregular shape of the lot and location of the existing dwelling relative to the shoreline.

Buffers

The shoreline is mapped entirely Buffer Modified, steep slopes 15% or greater are present on the south side. A 25-foot buffer to the steep slopes also encumbers a portion of the existing dwelling. The 100-ft buffer to tidal waters runs through a portion of the existing dwelling, patio, and deck. No excavation and no grading will occur in those buffers. The limit of disturbance is 552 square feet in area and is only for temporary construction access for the work to be performed by hand.

Vegetative Coverage

The property is mostly developed woodland with large mature hardwood trees and turf lawn beneath the canopy. The existing tree canopy area is approximately 1,878 s.f. (0.4 ac.). The developed woodland tree canopy area located within the limit of disturbance is approximately 178 s.f. (0.01 ac.) and overhangs the existing house above the proposed addition. Since no actual ground disturbance and grading will occur, do developed woodland clearing will occur either.

Lot Coverage

The site currently has approximately 2,670 s.f (0.06 Ac.) of lot coverage, all of which is within the Chesapeake Bay Critical Area Intensely Developed Area (IDA). The proposed lot coverage is 2,670 s.f. (0.06 Ac.), resulting in no increase in lot coverage.

Steep Slopes (slopes > 15%)

Approximately 21% (1,636 s.f.) of the subject property is encumbered with steep slopes of 15% or greater between the existing house and the shoreline. There is no disturbance to the steep slopes proposed for the addition. Portions of the south side of the existing dwelling and proposed additions are located within the 25 ft buffer to steep slopes. The entire limit of disturbance is located within the 25-ft buffer to steep slopes but no actual ground disturbance will occur in the slope buffer.

Predominant Soils

The predominant soil types in the area are of Annapolis-Urban land complex, 0 to 5 percent slopes (AuB) and Annapolis fine sandy loam, 25 to 40 percent slopes (AsF), These soils have type "C" hydrology classifications and only the AsF soils located on the steep slopes are considered hydric and highly erodible. No disturbance to these soils are proposed.

FEMA Floodplain

The subject property appears on FEMA Firm panel no. 24003C0229F. The property is located in floodplain Zone VE with a base flood elevation of 7.0-ft (NAVD88). No disturbance is proposed within the flood zone. The existing dwelling and proposed improvements are well above the flood elevation.

Drainage and Rainwater Control

There does not appear to be any existing stormwater management on site. Drainage areas and patterns will remain relatively unchanged. No new stormwater surface runoff is being created by the proposed addition and no new lot coverage is being created where it does not currently exist. The development will have no adverse effect on the sensitive environmental features of the site and surrounding areas and no woodland clearing is proposed.

Conclusions – Variance Standards

The applicant proposes to construct a basement level addition to an existing single-family dwelling overtop of existing lot coverage and beneath existing structure. The need for the requested Critical Area Variance arises from the existing unique nature and constraints of this property, specifically the irregular shape of the lot, and the location of the existing dwelling in relation to the shoreline causing a large portion of the property and the existing dwelling to be encumbered by buffers and slopes. The proposed improvements are smaller in size and amenities as other homes in the community and therefore will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to the public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area. Since no ground disturbance will occur and there will not be any increase of lot coverage or stormwater runoff, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

Reference:

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, Critical Area Map

Anne Arundel County Office of Planning & Zoning, Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, Critical Area Map

Federal Emergency Management Agency, 2016. Flood Insurance Rate Map

First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

Drum, Loyka and Associates LLC, August 2025 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2016 Soil Survey of Anne Arundel County Maryland.



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
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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: July 31, 2025

RE: Emile J. Henault IV
3002 Valley View Road
Annapolis, MD 21401

NUMBER: 2025-0129-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (enclosed patio) with less setbacks than required, and with new lot coverage nearer to the shoreline than the principal structure.

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

2025-0129-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

08/28/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

No objection to this proposal provided the enclosure is constructed in the manner depicted on the architectural drawings submitted with this application and result in no permanent or temporary steep slope disturbance.

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

07/31/2025

Assigned to Department

OPZ Critical Area

Status Date

09/03/2025

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



Joan Jenkins <pzjenk00@aacounty.org>

CAC Comments: 2025-0129-V Henault Variance

1 message

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

Thu, Sep 4, 2025 at 1:21 PM

To: Sadé Medina <pzmedi22@aacounty.org>

Cc: Joan Jenkins <pzjenk00@aacounty.org>

Good afternoon,

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

- **2025-0129-V; Henault (AA 0235-25):** The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife of plant habitat. If this request were to be approved, then appropriate mitigation is required.

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
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Cell: 667-500-4994 (preferred)
jamileh.soueidan@maryland.gov



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0005-P
DATE: 01/29/2025
OPZ STAFF: Jennifer Lechner
Kelly Krinetz

APPLICANT/REPRESENTATIVE: Emile & Caroline Henault / Ready to Sell Renovations / Drum Loyka & Assoc.

EMAIL: kennready2sell@gmail.com / lgroen@drumloyka.com

SITE LOCATION: 3002 Valley View Road, Annapolis

LOT SIZE: 22,737 sqft

ZONING: R2

CA DESIGNATION: IDA

BMA: YES

BUFFER: NO

APPLICATION TYPE: Variance

The applicants are proposing to construct a basement level conversion of the existing patio area beneath the first-floor deck into a four-season room addition to the existing dwelling.

The proposed construction will create new lot coverage nearer to the shoreline than the closest facade of the existing principal structure in the Buffer Modification Area requiring a variance to § 17-8-702(b)(1).

The construction will also disturb the 25ft buffer to the top of the steep slopes. In addition to the variance, a modification may also be required during permit review.

COMMENTS

Critical Area Team:

Based on available information, the home is 2,310 square feet.

Additional information regarding the proposed construction methods are needed in order to provide appropriate feedback.

Although it is true that this area is already developed, it sits immediately adjacent to a 50% slope and any additional disturbance or grading required for the conversion of the space cannot be supported.

Zoning Administration Section:

The Administrative Site Plan should clearly indicate all dimensions and setbacks.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variance, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of explanation should address each of those standards and provide adequate justification for the request.

INFORMATION FOR THE APPLICANT

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.

2025-0129-V



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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.

none

Notes



THIS MAP IS NOT TO BE
USED FOR NAVIGATION