

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

**APPLICANT:** Michael Cardarelli

**ASSESSMENT DISTRICT:** 1

**CASE NUMBER:** 2025-0158-V

**COUNCIL DISTRICT:** 3

**HEARING DATE:** October 7, 2025

**PREPARED BY:** David Russell  
Planner

DR

**REQUEST**

The applicant is seeking a variance to allow dwelling additions (deck, porch and garage) with less setbacks than required and with greater coverage by structures than allowed, on property located at 3939 Bayside Drive, in Edgewater.

**LOCATION AND DESCRIPTION OF SITE**

The subject property is located east of the intersection of Ramsey Drive and Bayside Drive (Parcel 92, Grid 18, Tax Map 60, Block 2, Lots 1-3). This waterfront property is approximately 7,500 square feet, with approximately 75 feet of frontage along Bayside Drive. The property is zoned R5 - Residential, within the Chesapeake Bay Critical Area designation - Intensely Developed Area (IDA), and mapped as Buffer Modification Area (BMA). It is improved with a two-story single-family dwelling, attached front deck (waterfront side), and privacy fencing along the side property lines.

**PROPOSAL**

The applicant proposes the renovation of the existing dwelling's second story with a second story deck, a single-story covered rear porch (street side), and the new construction of an attached single-story garage (19.8' x 36.7').

**REQUESTED VARIANCES**

§ 18-4-701 of the Anne Arundel County Code requires a principal structure front setback distance of 25 feet and limits coverage by structure to 40%<sup>1</sup>.

The proposed additions will be as close as 23 feet from the front lot line, and increase the coverage by structure to approximately 53%, necessitating variances of 2 feet and 13%, respectively.

<sup>1</sup>Building permit B02415445, submitted in 2023, required and received a variance for front setback encroachment and coverage by structure. The permit remains active, but the 2023 variance has expired. Since then, R5 setback requirements were reduced (as of July 1, 2025, to 20 feet) and coverage by structure was increased to 65%. Because the permit was filed in 2023, the project must follow 2023 setbacks and coverage limits. Today, a new building permit would not require these variances.

## **FINDINGS**

The subject property is generally rectangular in shape and consists of approximately 7,500 square feet, exceeding the required R5 minimum lot size of 7,000 square feet (if served by public sewer). State tax assessment records show the existing home was constructed in 1940, prior to the adoption of zoning and Critical Area regulations. The existing dwelling is currently 23.11' from the front property line, and does not comply with current R5 front setback requirements. The proposed second-story renovations will remain within the existing first-floor footprint and will not create any additional front setback encroachment beyond that of the first floor or additional coverage by structure.

In August of 2023, variance case 2023-0097-V was approved allowing a front setback of 23 feet, a variance of 2 feet to the front setback requirement. The Administrative Hearing Office's decision mentions that an original request for additional coverage by structure was withdrawn, and subsequently dismissed.

### **Agency Comments**

The **Health Department** has reviewed the above referenced variance to allow dwelling additions (deck, porch, and garage) with less setbacks than required and with greater coverage by structures than allowed.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department. The existing well (AA-88-5636) needs to be abandoned prior to Health Department approval of the building permit.

### **Variance Criteria**

To be granted a variance it must be found that because of unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The subject property's size closely matches that of surrounding properties and exceeds the required minimum. The home's construction, prior to the adoption of zoning and Critical Area regulations, make strict adherence to current zoning requirements very difficult. The existing home encroaches into the front setback by less than two feet and exceeds the maximum coverage by structure. The proposed construction will not add any additional setback encroachment than the existing first story or coverage by structure.

Because the existing home predates current zoning regulations, with only minimal existing setback encroachment and no additional encroachment proposed, the request can be considered the minimum necessary to afford relief. As such, the granting of the variance would not alter the essential character of the neighborhood or district in which the lot is located, would not

substantially impair the appropriate use or development of adjacent property, nor would it be detrimental to the public welfare.

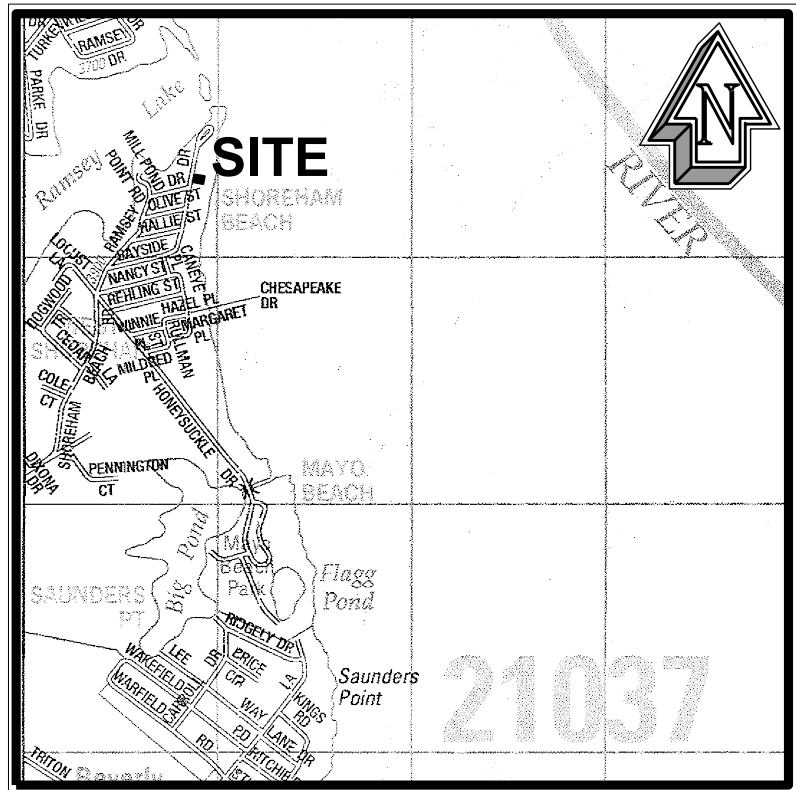
### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **approval** of the requested variances to § 18-4-601 to allow a dwelling addition with less setbacks (20 front setback) and greater coverage by structure..

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.

VARIANCE SITE PLAN  
FOR THE  
**CARDARELLI PROPERTY**

3939 BAYSIDE DRIVE EDGEWATER, MD 21037  
TAX MAP 60 ~ GRID 18 ~ PARCEL 92 ~ LOTS 1-3, BLOCK 2  
"SHOREHAM BEACH"  
DEED REFERENCE: 24144 / 497  
T.A. #01-749-09385501 ~ ZONED: R5 / IDA  
FIRST DISTRICT ~ ANNE ARUNDEL COUNTY



**VICINITY MAP**  
SCALE: 1" = 2,000'  
COPYRIGHT ADD THE MAP PEOPLE  
PERMITTED USE NO. 08301200

**GENERAL NOTES**

- OWNER:**  
MICHAEL CARDARELLI  
2425 L ST NW, APT. 439  
WASHINGTON, DC 20037  
PHONE: --  
EMAIL: --  
**ENGINEER:**  
BAY ENGINEERING INC.  
2861 RIVA ROAD, BUILDING 800  
ANNAPOLIS, MD 21401  
410-897-9290  
C/O MIKE GILLESPIE
- THE PROPERTY IS KNOWN AS:  
TAX MAP 60, GRID 18, PARCEL 72, TOTAL AREA = 7,500 SQ. FT. OR 0.172 AC., DEED REF: 24144 / 497)
- EXISTING ZONING OF THE SITE IS R5 (RESIDENTIAL DISTRICT)
- THE SITE ADDRESS IS: 3939 BAYSIDE DRIVE, EDGEWATER, MD 21037
- TAX ACCOUNT NO: 01-749-09385501
- EXISTING BOUNDARY AND FEATURES SHOWN HEREON WERE TAKEN FROM DEEDS AND PLATS OF RECORD AUGMENTED WITH GIS DATA, AND A FIELD RUN TOPOGRAPHICAL SURVEY PERFORMED BY BAY ENGINEERING INC DECEMBER 2018.
- THIS DATA WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT OF WAYS OR MORE STRINGENT BUILDING RESTRICTIONS NOT SHOWN HEREON.
- THE SITE IS LOCATED WITHIN THE IDA (INTENSELY DEVELOPED AREA) OF THE CHESAPEAKE BAY CRITICAL AREA
- THE SITE CURRENTLY UTILIZES A PRIVATE WELL AND PUBLIC SEWER. CONTRACTOR SHALL UTILIZE THE EXISTING SEWER CONNECTION IF POSSIBLE. IF NOT POSSIBLE, CONTRACTOR IS TO INSTALL A NEW SHC PER ANNE ARUNDEL COUNTY SPECIFICATIONS AND DETAILS
- THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONES "VE" (AREA WITHIN THE 1% ANNUAL CHANCE COASTAL FLOODPLAIN WITH VELOCITY HAZARD (WAVE ACTION) AND BASE FLOOD ELEVATION OF 8 FEET) AND "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0283F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY
- WATER AND SEWER CATEGORIES  
WATER - NO PUBLIC SERVICE - (W-9, RURAL)  
SEWER - PUBLIC SERVICE PROVIDED - (W-9, MAYO-GLEBE-HEIGHTS)

**LEGEND**

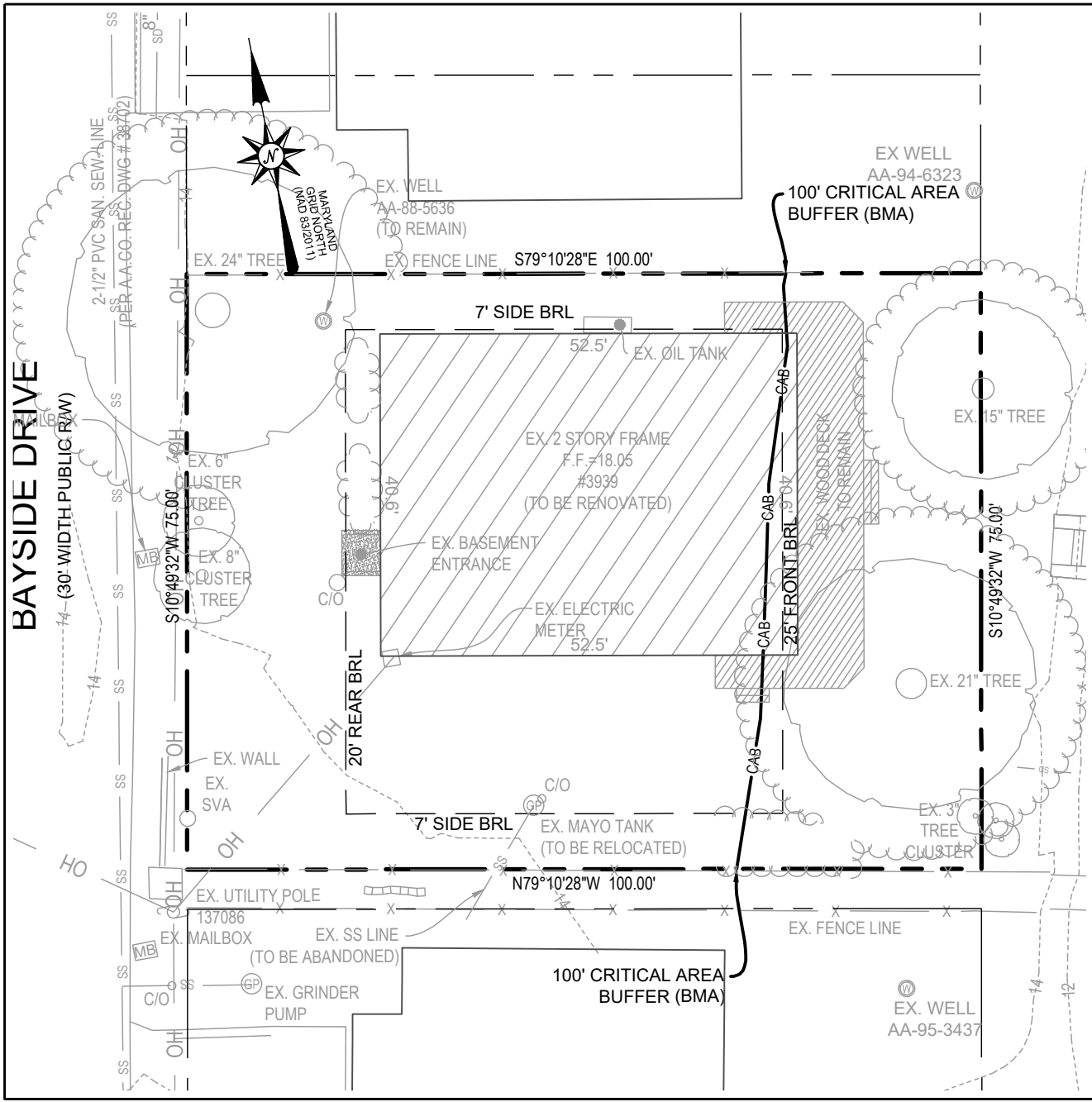
PROPERTY LINE / RIGHT-OF-WAY	---
ADJOINING PROPERTY LINE	---
BUILDING RESTRICTION LINE	---
EXISTING CONTOUR	--- 142 ---
EXISTING SPOT ELEVATION	x 122.3
EXISTING SOILS TYPE DESIGNATION	AsB
CRITICAL AREA DESIGNATION	AsC
EXISTING ZONING DESIGNATION	RD / RCA
FEMA LINE	OS / C1
EXISTING TREE LINE	---
EXISTING OVERHEAD ELECTRICAL LINE	---
EXISTING PUBLIC UTILITY EASEMENT	---
EXISTING PUBLIC SEWER LINE	---
EXISTING BUILDING	---
PROPOSED LIMIT OF DISTURBANCE	---
PROPOSED REINFORCED SILT FENCE	---
PROPOSED SUPER SILT FENCE	---
PROPOSED SILT FENCE ON PAVEMENT	---
PROPOSED BUILDING ADDITION	---
PROPOSED PRIVATE SEWER LINE	---

**LOT COVERAGE SUMMARY**

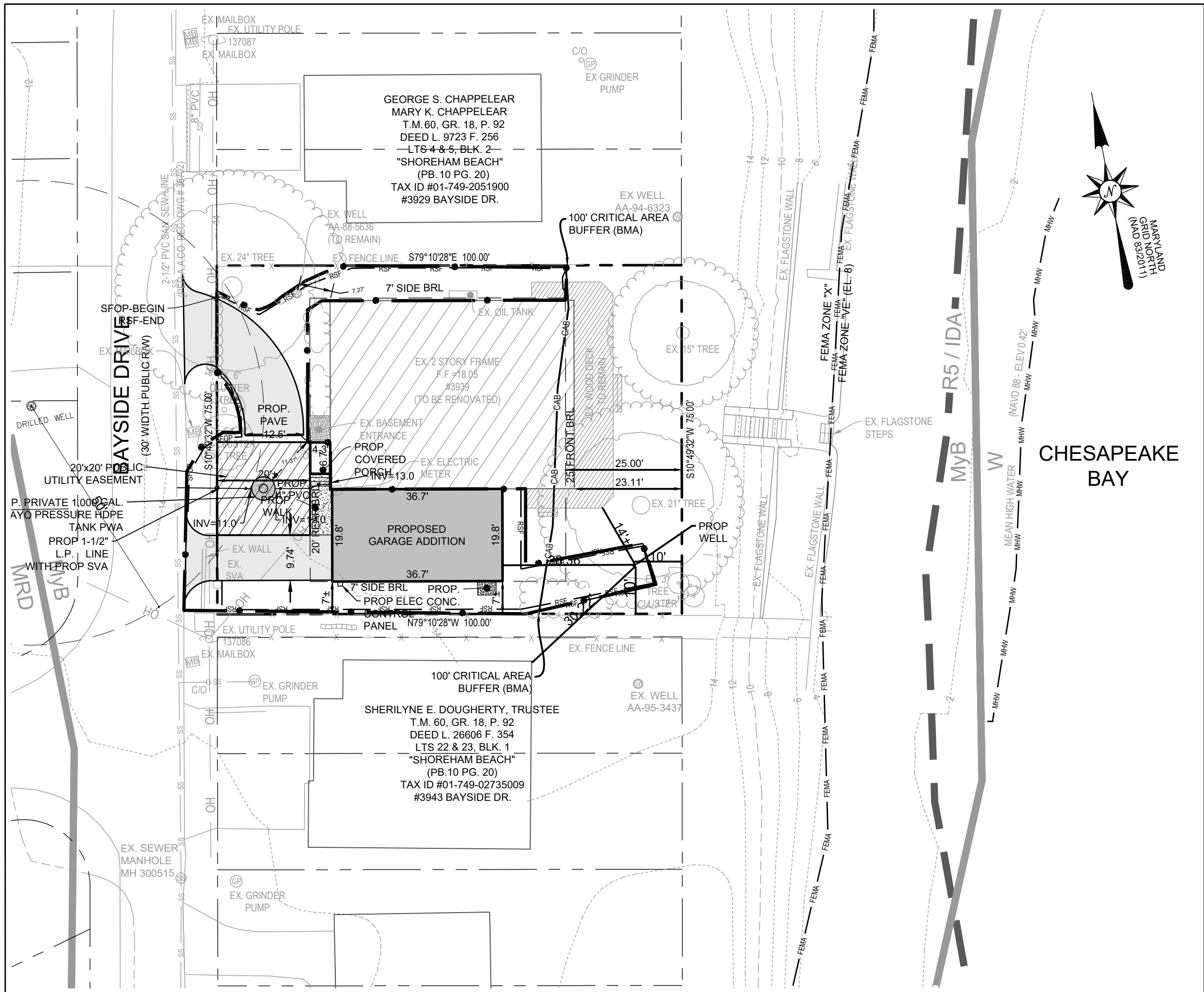
DESCRIPTION	AREA
EXISTING LOT AREA.....	7,500 SQ. FT. OR 0.172 AC.
EXISTING LOT COVERAGE.....	3,790 SQ. FT. OR 0.087 AC.
EXISTING DEVELOPED WOODS.....	4,098 SQ. FT. OR 0.094 AC.
EXISTING DEVELOPED WOODS TO BE REMOVED.....	0 SQ. FT. OR 0.00 AC.
REMAINING DEVELOPED WOODS.....	4,098 SQ. FT. OR 0.094 AC.
PROPOSED LIMIT OF DISTURBANCE	3,466 SQ. FT. OR 0.080 AC.
<b>NOTE: BREAKDOWN OF LOT COVERAGES ARE AS FOLLOWS</b>	
-EX. DWELLING = 2,128 SF	
-EX. DECKS = 588 SF	
-EX. DRIVEWAY = 614 FT	
-EX. SHEDS = 74 SF	
-EX. WALKS & CONC. = 386 SF	
TOTAL = 3,790 SF±	
<b>EXISTING LOT COVERAGE TO BE REMOVED:</b>	
-EX. DECK = 107 SF	
-EX. DRIVEWAY = 614 SF	
-EX. SHEDS = 74 SF	
-EX. WALKS & CONC. = 386 SF	
TOTAL TBR = 1,181 SF	
TOTAL TO REMAIN = 2,609 SF	
<b>PROPOSED LOT COVERAGE:</b>	
-PR. ADDITION = 727 SF	
-PR. DRIVEWAY = 578 SF	
-PR. CONCRETE = 60 SF	
TOTAL PROP. LOT COVERAGE = 1,365 SF	
TOTAL PROPOSED LOT COVERAGE = 3,974 SQ. FT. OR 0.091 AC.	

**VARIANCE REQUEST**

A VARIANCE IS REQUESTED TO ARTICLE 18-4-701 (R5 BULK REGULATIONS) OF THE ANNE ARUNDEL COUNTY CODE WHICH STATE IN PART THAT A STRUCTURE SHALL BE LOCATED 25' FROM A FRONT BUILDING RESTRICTION LINE. A VARIANCE REQUEST OF 1.89' TO OF ADDITIONAL ROOF HEIGHT OUTSIDE THE FRONT BRL IS REQUESTED.



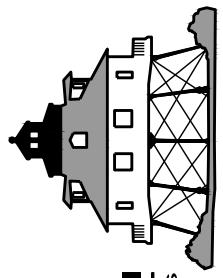
**INSET #1 - EXISTING CONDITIONS**



**INSET #2 - PROPOSED CONDITIONS**

Rev. #	By	Date	Description

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**Bay Engineering Inc.**  
Engineers, Planners and Surveyors  
2861 Riva Road, Building 800  
Annapolis, Maryland 21401  
410.897.9290  
info@bayengineering.com  
www.bayengineering.com

**Date**  
MAY 2023  
**Job Number**  
18-6850  
**Scale**  
AS SHOWN  
**Drawn By**  
J. MARLOWE / J. SLENKER / M. GILLESPIE  
**Approved By**  
T. MARTIN  
**Folder Reference**  
CARDARELLI RESIDENCE  
3939 BAYSIDE DRIVE

**VARIANCE SITE PLAN**

FOR THE

**CARDARELLI PROPERTY**

3939 BAYSIDE DRIVE EDGEWATER, MD 21037  
TAX MAP 60 ~ GRID 18 ~ PARCEL 92 ~ LOTS 1-3, BLOCK 2, SHOREHAM BEACH  
DEED REFERENCE: 24144 / 497  
T.A. #01-749-09385501 ~ ZONED: R5 / IDA  
FIRST DISTRICT ~ ANNE ARUNDEL COUNTY



**CALL BEFORE YOU DIG!**  
MARYLAND LAW REQUIRES 48 HOURS NOTICE  
BEFORE PLANNED WORK TO MARK  
UNDERGROUND UTILITIES PRIOR TO EXCAVATION  
MISS UTILITY: 1-800-257-7777





July 29, 2025

Office of Planning and Zoning  
2664 Riva Road, 3<sup>rd</sup> Floor  
Annapolis, MD 21401

Attention: Sterling Seay

**RE: CARDARELLI PROPERTY  
3939 BAYSIDE DRIVE  
EDGEWATER, MD 21037  
VARIANCE REQUEST LETTER OF EXPLANATION**

Dear, Ms. Seay

The purpose of this letter is to provide the applicant's request for a **new variance** for the above-referenced property. The property is located at 3939 Bayside Drive in Edgewater, MD and is identified as Lots 1–3, Block 2 of Shoreham Beach. It consists of 7,500 square feet and is located in the IDA (Intensely Developed Area) of the Chesapeake Bay Critical Area. The property is zoned R-5 and is considered waterfront by definition, although there is a strip of community land and associated improvements between the property and the water. The site is served by a water well and the Mayo sewer system, with access from Bayside Drive, a 30' wide public right-of-way.

A variance for this same proposal was **previously granted by the Office of Administrative Hearings (Case No. 2023-0097-V, filed August 15, 2023)**. However, the 18-month period to obtain a building permit has expired and the prior approval is no longer valid. Accordingly, the applicant is submitting this **new request** for variance relief based on the same project scope as previously reviewed and approved.

The Owner wishes to rebuild the second floor of his existing residence while adding a one story garage to the South side of the house. All zoning regulations are being met with the proposed construction except for the area of the reconstructed second floor deck that falls within the required 25' front setback. The proposed deck is to be built 1'-4" higher than the current deck which prompts a variance for the increased bulk of the deck structure that falls within the required 25' setback.. The existing structure's front yard setback is 23.11' and the variance request is for the 1.89' difference. The owner is requesting relief to Article 18-4-701: *Bulk Regulations R-5 (In Part). Minimum setbacks for principal structures: Front lot line 25 feet*

As this site is waterfront, and the existing dwelling encroaches on the front yard BRL by 1.89'. There is an existing first floor deck that encroaches into the setback, but it is to remain as is. A variance is required for the proposed second floor deck as its structure is raised higher than the current deck. The body of the home is not moving closer to the water than the existing structure. But the roof deck height is being increased by 1'-4" in height. Should this request be granted, it will not affect the view, or light, air and space of any of the neighboring dwellings. Please note that The Mayo tank will also be relocated but will not require and Critical Area variances.

The following is a summary of how this proposal meets the criteria for zoning variances as outlined in of **18-16-305(a)**:

1. The Owner wishes to renovate the existing dwelling on its current footprint while adding a once story addition to the side of the building. The roof at the front of the building (the deck structure) will be raised slightly. As the house currently encroaches on the front building restriction line, this is a practical difficulty in doing a renovation. The owner did not build the current dwelling over the building restriction line but rather purchased the house with this non-conformity.
2. The lot is small, and the owners cannot expand the dwelling slightly upward without some relief to the building restriction lines. Denial of the variance would not allow the owners to renovate the dwelling with modern interior height allowances. As the variance request is minimal in nature, it will not impact neighbors.

This plan meets the requirements of **18-16-305(c)**, as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the IDA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

1. This variance is the minimum to afford relief. An approximately 1'-4" increase in height over the 1.89' encroachment of the dwelling in the front setback.
2.
  - (i) This proposal will not alter the essential character of the neighborhood. The proposed building design fits the essential two-story character of the neighborhood. The front-facing one story roof deck proposed on the waterside will not change the neighborhood's character by being raised 1'-4" higher than the existing roof deck.
  - (ii) This development will have no impact on adjacent property. The request is to bulk at the front setback line, and the increase is small, this should not be noticeable to the neighboring properties.
  - (iii) This development will not reduce forest cover, as no clearing is proposed.
  - (iv) This site is not in a bog area but is located in the IDA. No clearing is proposed, and any work will require a permit, and planting, if needed, will not be contrary to acceptable practices.
  - (v) This project will not be detrimental to public welfare, as it is occurring on a privately owned lot with no impact on adjacent properties.

The development shown will provide minimal environmental impacts, while allowing the owners to improve the property in a manner in keeping with other houses in the neighborhood and their impervious coverages.

In closing, the variance requested is the minimum necessary to afford relief. The proposed work will cause no ill effects to the environment or the neighborhood, as stormwater mitigation may be necessary at permit. A grading permit is not required as the disturbance is under 5,000 square feet. This variance will provide the owner with a renovated structure that is in harmony with this existing pattern of development.

Should you have any questions, comments, or require any additional information, please do not hesitate to contact me directly at 410-897-9290.

Sincerely,  
**Atwell, LLC**



Timothy J. Martin, P.L.S.  
Senior Consultant

12/27/2011 01:00 PM Csh 0002 Reg 0002  
T/Ref 0002046508  
01 - Recordation Tax Division  
\$5,040.00  
Validation Number: 0002-04652  
Instrument Type: Deed  
12/27/2011 01:00 PM Csh 0002 Reg 0002  
T/Ref 0002046508  
01 - Recordation Tax Division  
\$5,040.00  
Validation Number: 0002-04652  
Instrument Type: Deed

2011 DEC 27 P 3:13

7200  
1800

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 24144, p. 0497, MSA\_CE59\_24488. Date available 01/12/2012. Printed 06/07/2023.

Mid-Maryland Title Company, Inc.  
File No. 8841-11  
Tax ID # 01 749 09385501

This Deed, made this 14th day of December, 2011, by and between Caryl Pines Curry and Claudia J. Curry, Successor Co-Trustees of the Leslie Curry Living Trust, dated March 5, 1998 and any amendments thereto, GRANTORS, and Michael Cardarelli, GRANTEE.

- Witnesseth -

That for and in consideration of the sum of Seven Hundred Twenty Thousand Dollars 00/100 (\$720,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said Michael Cardarelli, as sole owner, in fee simple, all that lot of ground situate in the County of Anne Arundel, State of Maryland and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lots 1, 2 and 3 in Block 2, Section A as shown on a map entitled "Shoreham Beach, Anne Arundel County, Maryland", recorded among the Plat Records of Anne Arundel County in Cabinet 1, Rod A-6, Plat No. 11.

The improvements thereon being known as 3939 Bayside Drive, Edgewater, Maryland, 21037.

SAVING AND EXCEPTING therefrom Lots 1, 2 and 3 in Block 2, Section A as shown on a map entitled "Shoreham Beach, Anne Arundel County, Maryland", recorded among the Plat Records of Anne Arundel County in Cabinet 1, Rod A-6, Plat No. 11.

BEING the fee simple property which, by Deed dated March 5, 1998, and recorded in the Land Records of the County of Anne Arundel, Maryland, in Book 8330, Folio 001, was granted and conveyed by Leslie Curry unto Leslie Curry Trust, or his successors in trust, under the Leslie Curry Living Trust, dated March 5, 1998 and any amendments thereto. The said Leslie Curry passed away on January 12, 2009, leaving Caryl Pines Curry and Claudia J. Curry as Successor Co-Trustees pursuant to the provisions in the Leslie Curry Living Trust.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Michael Cardarelli, as sole owner, in fee simple.

And the Grantors hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.


LR - Deed (with Taxes)	20.00
Recording Fee	
Cabinet 1, Rod A-6	
Name: cardarelli	
LR - Deed (with Taxes)	
Surcharge	40.00
Edgewater, Recording	
Fee	0.00
LR - Deed State Transfer Tax	1,800.00
Deed County Transfer	7,200.00
Cabinet 1, Rod A-6	
Subtotal:	9,060.00
Total:	9,120.00

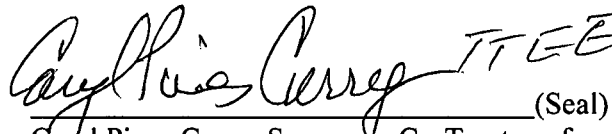
0153875-1  
12/27/2011 03:01 CC02-VT  
0153875 CC0501 - Anne  
Curry Trust, or CC05-01.11 -  
March 5, 1998

ACCT. 174909385501  
ALL LIENS AID AS  
OF 12/27/11 A.A. COUNTY  
BY: [Signature]

As Witness the hands and seals of said Grantors, the day and year first above written.

WITNESS:



  
 (Seal)  
 Caryl Pines Curry, Successor Co-Trustee of  
 the Leslie Curry Living Trust

STATE OF MARYLAND  
 COUNTY OF ANNE ARUNDEL

} ss

I hereby certify that on this 14th day of December, 2011, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Caryl Pines Curry, Successor Co-Trustee of the Leslie Curry Living Trust, one of the Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

**Jerome I. Feldman**  
**Notary Public**  
**Anne Arundel County**  
**Maryland**

  
 Notary Public  
 My commission expires 9/14/12

WITNESS:

VRL

*Claudia J. Curry, Successor*  
*+ Co-Trustee of the Leslie Curry Living Trust*  
 (Seal)  
 Claudia J. Curry, Successor Co-Trustee of the  
 Leslie Curry Living Trust

PROVINCE

STATE OF ONTARIO } ss  
 COUNTY OF NORTHUMBERLAND }  
CANADA

I hereby certify that on this 8 day of December, 2011, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Claudia J. Curry, Successor Co-Trustee of the Leslie Curry Living Trust, one of the Grantors herein, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

J. RICHARD E. IRVINE  
 Notary Public  
 My commission expires For Life  
*lawyer & notary public*  
*for the province of Ontario*

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

[Signature]  
 Attorney

AFTER RECORDING, PLEASE RETURN TO:  
 Mid-Maryland Title Company, Inc.  
 900 Bestgate Road  
 Suite 200  
 Annapolis, MD 21401

# ***CRITICAL AREA REPORT***

**3939 BAYSIDE DRIVE  
EDGEWATER, MD 21037**

**May 2023**

Prepared for:  
Michael Cardarelli  
3939 Bayside Drive  
Edgewater, MD 21037

Prepared by:  
Bay Engineering, Inc.  
2661 Riva Rd. Building 800  
Annapolis, MD 21401



## INTRODUCTION

This site is a 7,500 square foot property that is located on the east side of Bayside Drive in the Shoreham Beach neighborhood of Edgewater, MD. The proposal is to provide additions to the existing structure, including an addition to the rear of the property and reconstruction of a deck in the front yard that would require a small variance. The site is served by the Mayo sewer system and a well. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Intensely Developed Area (LDA). The site is in a Buffer Modification Area. The property is zoned residential, R-5.

## EXISTING USE

The property consists of 7,500 square foot property, Lot 1-3, Block 2 of Shoreham Beach subdivision. The site is currently developed. The property is currently a residential lot developed with a house, driveway, deck, and associated improvements.

## SURROUNDING LAND USE

The properties that abut the site are developed as single-family lots. The general area is developed as single-family lots that are part of the Shoreham Beach subdivision. The site is bounded by a developed property to the north and south, Bayside Drive to the west, and to the east, the Chesapeake Bay.

## SOILS

The U.S. Department of Agriculture Soil Survey, defines the property to have a soil type of MyB – Mattapex-Butlertown-Urban Land Complex, 0 TO 5% Slopes (D Soils)

## FLOODPLAIN

The property is located in the Flood Hazard Zones 'X' - (Area of Minimal Flood Hazard) as Delineated on the FIRM Flood Insurance Rate Map #24003C0263F dated February 18, 2015 for said County and distributed by the Federal Emergency Management Facility.

## NON-TIDAL WETLANDS

There appear to be no Non Tidal Wetlands on the site.

## TIDAL WETLANDS

There appear to be no Tidal Wetlands on this site.

## BODIES OF WATER

The site drains into the Chesapeake Bay.

## STEEP SLOPES

There are no steep slopes on the property.

## RARE AND ENDANGERED SPECIES

A review of Federal and/or State listed species of rare, threatened or endangered species of plants or animals has been requested via the enclosed letter to Lori Byrne of the Maryland Department of Natural Resources Fish, Heritage and Wildlife Administration.

## STORMWATER MANAGEMENT

Stormwater management will be provided as required during the permit process.

## FOREST COVER

The existing forest cover is limited to a few overstory trees. The understory is mostly lawn. The following are typical trees of areas such as this site:

<u>Common Name</u>	<u>Scientific Name</u>
Black Locust	<i>Robinia pseudoacaia</i>
Eastern Sycamore	<i>Platanus occidentalis</i>
American Holly	<i>Ilex opaca</i>
Beech	<i>Fagus grandifolia</i>
White Poplar	<i>Populus alba</i>
Mountain Laurel	<i>Kalmia latifolia</i>

## WILDLIFE TYPICAL OF THIS AREA

<u>Common Name</u>	<u>Scientific Name</u>
Eastern Gray Squirrel	<i>Sciurus Carolinensis</i>
Blue Jay	<i>Cyanocitta Cristata</i>
Common Crow	<i>Corvus Brachythynchos</i>
Northern Cardinal	<i>Richmondena Cardinalis</i>

## SITE CALCULATIONS

1. Total Site area.....7,500 sq. ft.
2. Site area in Critical area.....7,500 sq. ft
3. Existing lot coverage .....3,790 sq. ft.
4. Existing lot coverage to be removed .....1,181 sq. ft.
5. Total Lot Coverage after Construction...3,974 sq. ft.
6. Proposed Disturbed Area.....3,287 sq. ft.

Real Property Data Search ( )  
Search Result for ANNE ARUNDEL COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 01 Subdivision - 749 Account Number - 09385501

### Owner Information

Owner Name: CARDARELLI MICHAEL Use: RESIDENTIAL  
Principal Residence: NO  
Mailing Address: 2425 L ST NW Deed Reference: /24144/ 00497  
APT 430  
WASHINGTON DC 20037-2423

### Location & Structure Information

Premises Address: 3939 BAYSIDE DR Legal Description: LTS 1 2 3 BK 2  
EDGEWATER 21037-0000 3939 BAYSIDE DR  
Waterfront SHOREHAM BEACH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
0060 0018 0092 1070050.02 749 2 1 2021 Plat Ref: 0010/ 0020

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
1940 3,752 SF 7,500 SF

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements  
2 YES STANDARD UNITFRAME/3 2 full/ 1 half

### Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2022	07/01/2023
Land:	347,500	347,500		
Improvements	211,100	266,500		
Total:	558,600	614,000	595,533	614,000
Preferential Land:	0	0		

### Transfer Information

Seller: CURRY TRUSTEE LESLIE	Date: 12/27/2011	Price: \$720,000
Type: ARMS LENGTH IMPROVED	Deed1: /24144/ 00497	Deed2:
Seller: CURRY, LESLIE	Date: 03/11/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07034/ 00554	Deed2:
Seller: CURRY, LESLIE	Date: 03/25/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07034/ 00554	Deed2:

### Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00 0.00 0.00

Special Tax Recapture: None

### Homestead Application Information

Homestead Application Status: No Application

### Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:







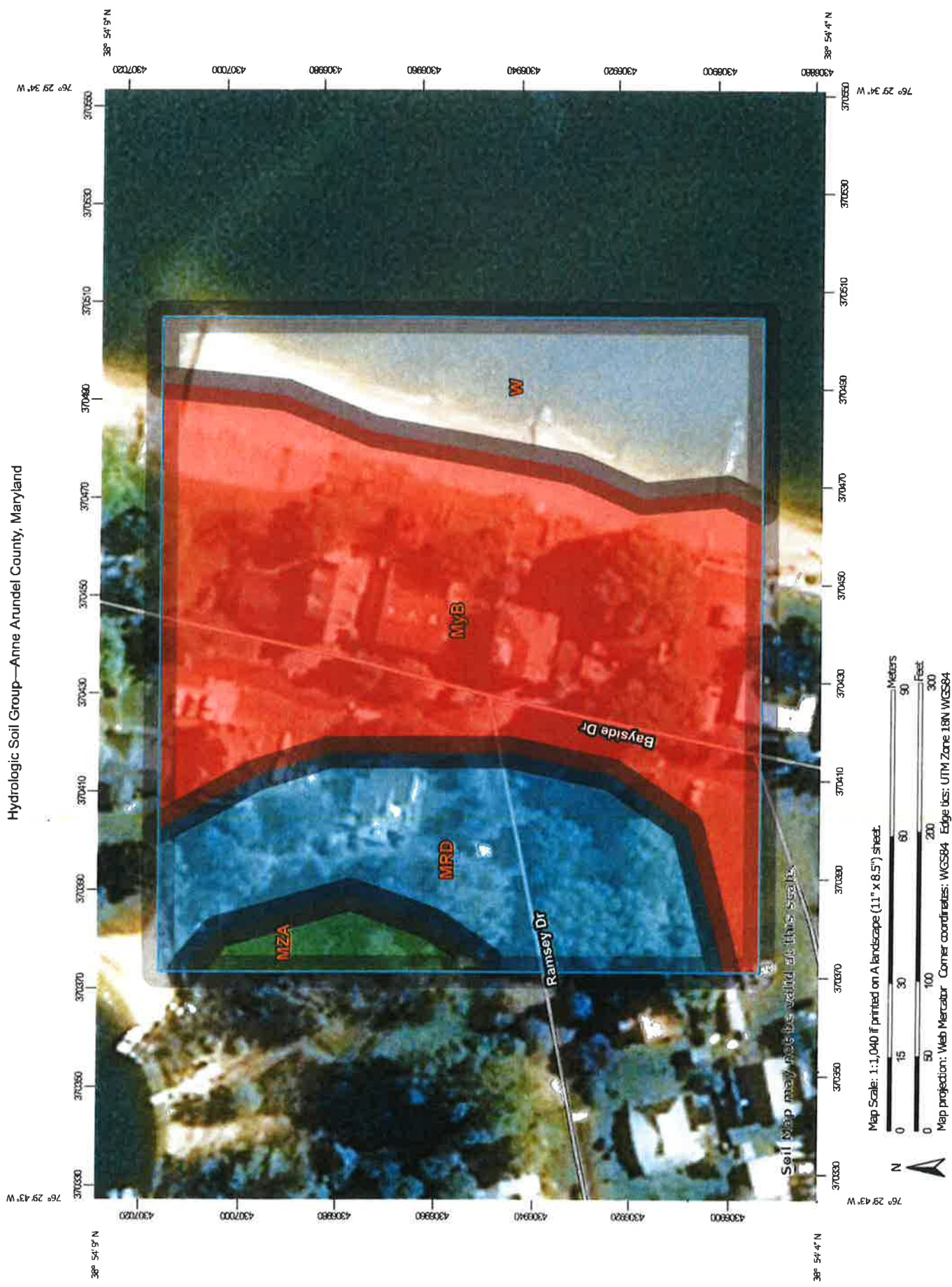
Critical Areas: (1)

> Refine

Critical Areas: IDA - Intensely Developed Area

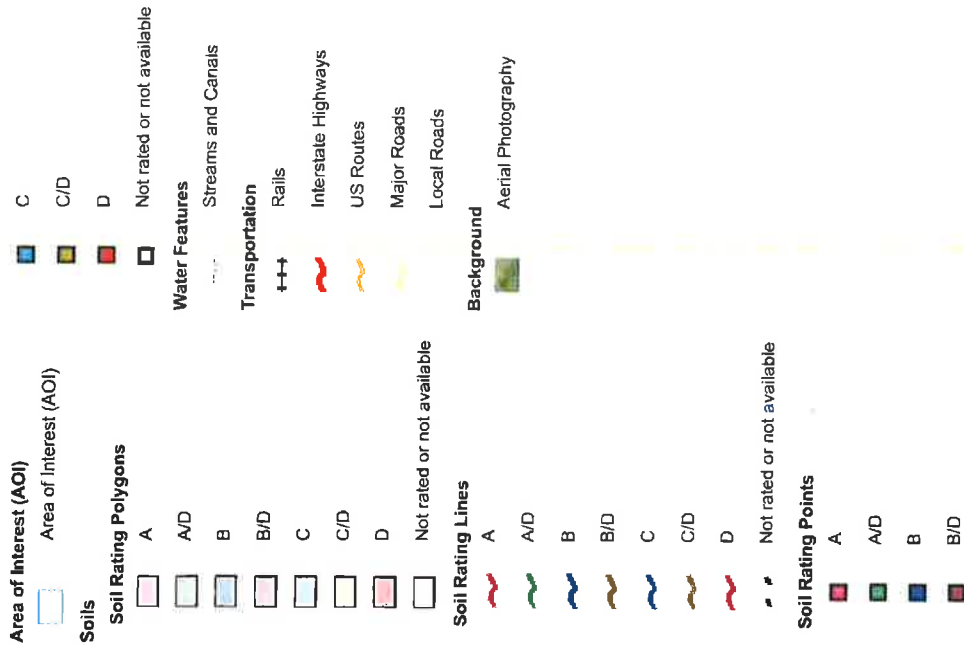








## MAP LEGEND



## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Anne Arundel County, Maryland

Survey Area Data: Version 17, Sep 10, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 16, 2014—Oct 20, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
MRD	Matapeake and Mattapex soils, 10 to 15 percent slopes	C	1.0	23.7%
MyB	Mattapex-Butlertown- Urban land complex, 0 to 5 percent slopes	D	2.1	53.0%
MZA	Mispillion and Transquaking soils, 0 to 1 percent slopes, tidally flooded	A/D	0.2	3.8%
W	Water		0.8	19.5%
<b>Totals for Area of Interest</b>			<b>4.0</b>	<b>100.0%</b>

## Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

## Rating Options

*Aggregation Method:* Dominant Condition

*Component Percent Cutoff:* None Specified

*Tie-break Rule:* Higher

# National Flood Hazard Layer FIRMette

38°54'20.13"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
Zone A, V, AE, AH, AO, AR
- Regulatory Floodway
- 0.2% Annual Chance Flood Hazard, Ar  
of 1% annual chance flood with average  
depth less than one foot or with drainage  
areas of less than one square mile
- Future Conditions 1% Annual  
Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to  
Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone

**OTHER AREAS OF FLOOD HAZARD**

- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance  
Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/24/2019 at 11:13:18 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for

76°29'20.72"W



Uses The National Map: Orthoimagery. Data refreshed April, 2019.

38°53'52.13"N

Feet 1:6,000



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

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: AACO

Date: 5-11-23

Tax Map #	Parcel #	Block #	Lot #	Section
<u>60</u>	<u>92</u>	<u>2</u>	<u>1-3</u>	

Tax ID: 1-749-09385501

**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) Cardarelli Property

Project location/Address 3939 Bayside Drive

City Edge Water MD Zip 21037

Local case number \_\_\_\_\_

Applicant: Last name Cardarelli First name Michael

Company Owner

**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:

*Slightly raise the roof & renovate the dwelling*  
*Add garage addition*

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	0.173	7,500
LDA Area	-	-
RCA Area	-	-
Total Area	0.172	7,500

Total Disturbed Area 

Acres	Sq Ft
0.080	3,466

# of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.094	4,088	Existing Lot Coverage	0.087	3,790
Created Forest/Woodland/Trees	TBD	TBD	New Lot Coverage	0.031	1,365
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.027	1,181
			Total Lot Coverage	0.091	3,974

## VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.005	225	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.075	3,287	Mitigation	TBD	TBD

### 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 ☐

**2011**MARYLAND  
FORM

# **Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

**1. Transferor Information**

Name of Transferor

**Claudia J. Curry, Successor Co-Trustee of the Leslie Curry Living Trust**

**2. Reasons for Exemption****Resident  
Status**

- ☒ I, Transferor, am a resident of the State of Maryland.  
☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

**Principal  
Residence**

- ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

**3a. Individual Transferors**

Witness

**Claudia J. Curry, Successor Co-Trustee of  
the Leslie Curry Living Trust**

Name

Signature

*Claudia J. Curry, Successor  
Co-Trustee of the Leslie Curry Living Trust*

**3b. Entity Transferors**

Witness/Attest

Name of Entity

By

Name

Title

**2011**MARYLAND  
FORM

# Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

## 1. Transferor Information

Name of Transferor

**Caryl Pines Curry, Successor Co-Trustee of the Leslie Curry Living Trust**

## 2. Reasons for Exemption

Resident  
Status

I, Transferor, am a resident of the State of Maryland.



Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

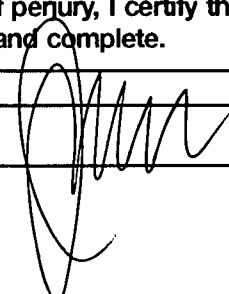
Principal  
Residence

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

## 3a. Individual Transferors

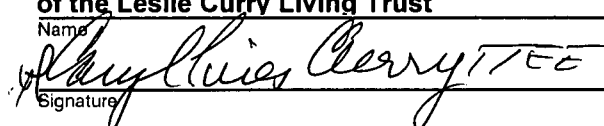
Witness



**Caryl Pines Curry, Successor Co-Trustee  
of the Leslie Curry Living Trust**

Name

Signature



## 3b. Entity Transferors

Witness/Attest

Name of Entity

By

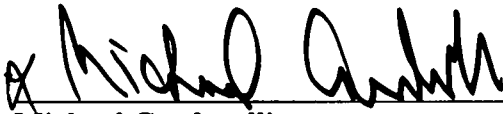
Name

Title

**AFFIDAVIT OF GRANTEE AS  
FIRST-TIME MARYLAND HOME BUYER**

The undersigned states under oath and penalties of perjury that the following is true to the best of the knowledge, information, and belief of each individual:

1. The undersigned is the Grantee of residentially improved real property located at 3939 Bayside Drive, Edgewater, MD 21037, and being more particularly described as Shoreham Beach, Tax ID Number 01 749 09385501, Anne Arundel County, Maryland.
2. The undersigned is a first-time Maryland home buyer (defined as an individual who has never owned in the state residential real property that has been the individual's principal place of residence) who will occupy the property as Grantee's principal residence.



Michael Cardarelli

Grantee

The undersigned states under oath and penalties of perjury that the following is true to the best of the knowledge, information, and belief of each individual:

1. The undersigned is the Grantee of residentially improved real property located at 3939 Bayside Drive, Edgewater, MD 21037, and being more particularly described as Shoreham Beach, Tax ID Number 01 749 09385501, Anne Arundel County, Maryland.
2. The undersigned is a co-maker or guarantor of the purchase money mortgage or purchase money deed of trust as defined in §12-108(i) of the Tax Property Article on the property who will not occupy the property as Grantee's principal residence.

\_\_\_\_\_  
Guarantor/co-maker

The above oath or affirmation was given under the penalties of perjury before me, a Notary Public in and for the State of Maryland, County of Anne Arundel, this 22nd day of December, 2011.

**Jerome I. Feldman**  
Notary Public  
Anne Arundel County  
Maryland

\_\_\_\_\_  
Notary Public

My Commission Expires: 9/14/12

9/14/12

**Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.  
(Type or Print in Black Ink Only All Copies Must Be Legible)**

**8841-11**

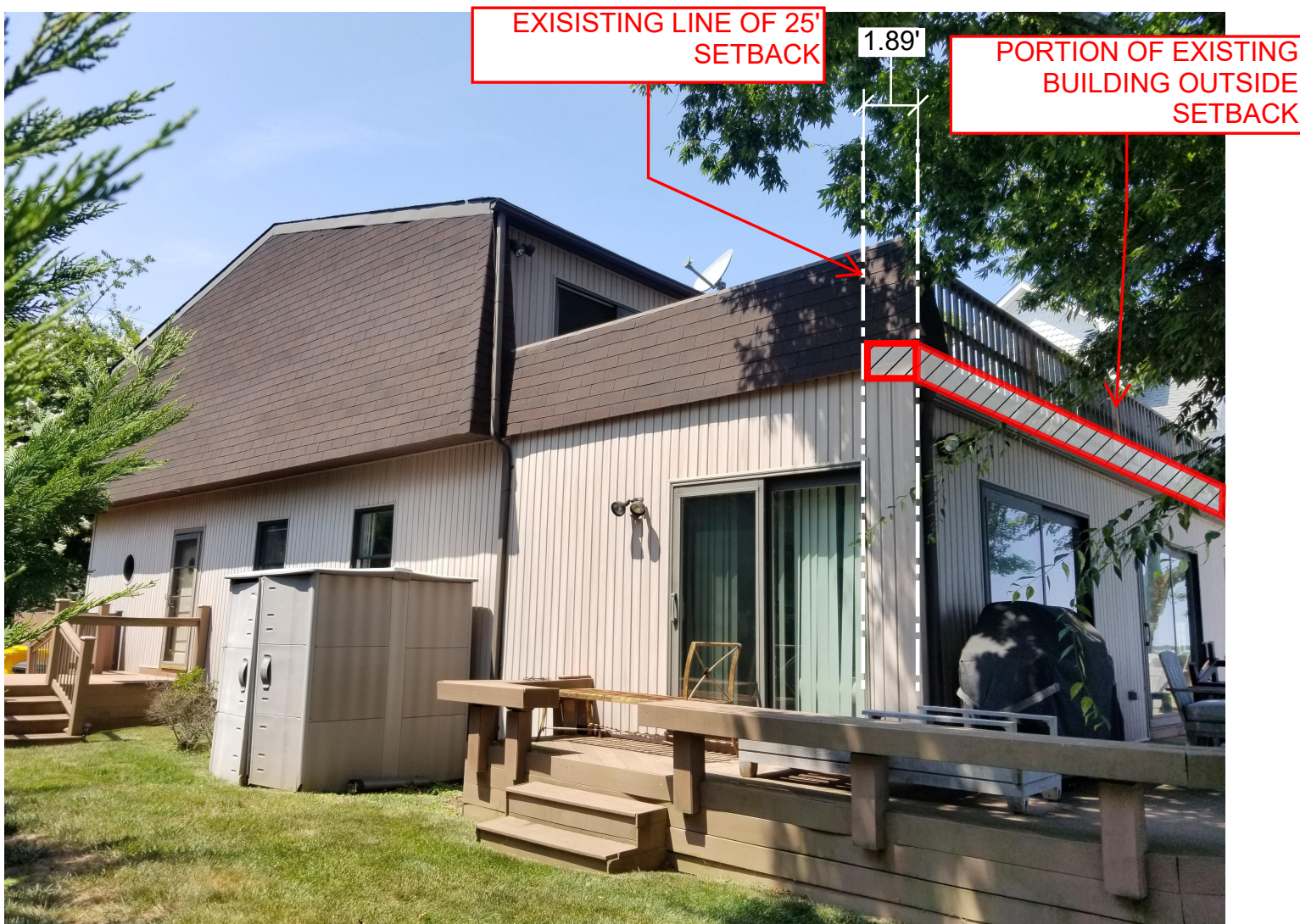




MD Arch #10831 VA Arch #6655

165 Conduit St. Annapolis, MD 21401 terry.averill@gmail.com (410) 268-0179

May 05, 2023



SIDE VIEW EAST SIDE OF EXISTING HOUSE





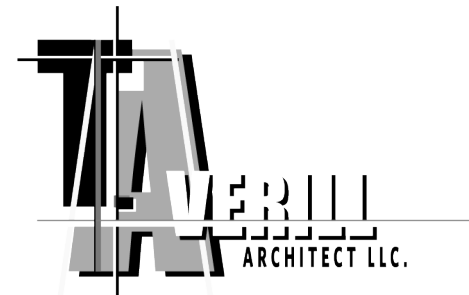
MD Arch #10831 VA Arch #6655

165 Conduit St. Annapolis, MD 21401 terry.averill@gmail.com (410) 268-0179

May 05, 2023



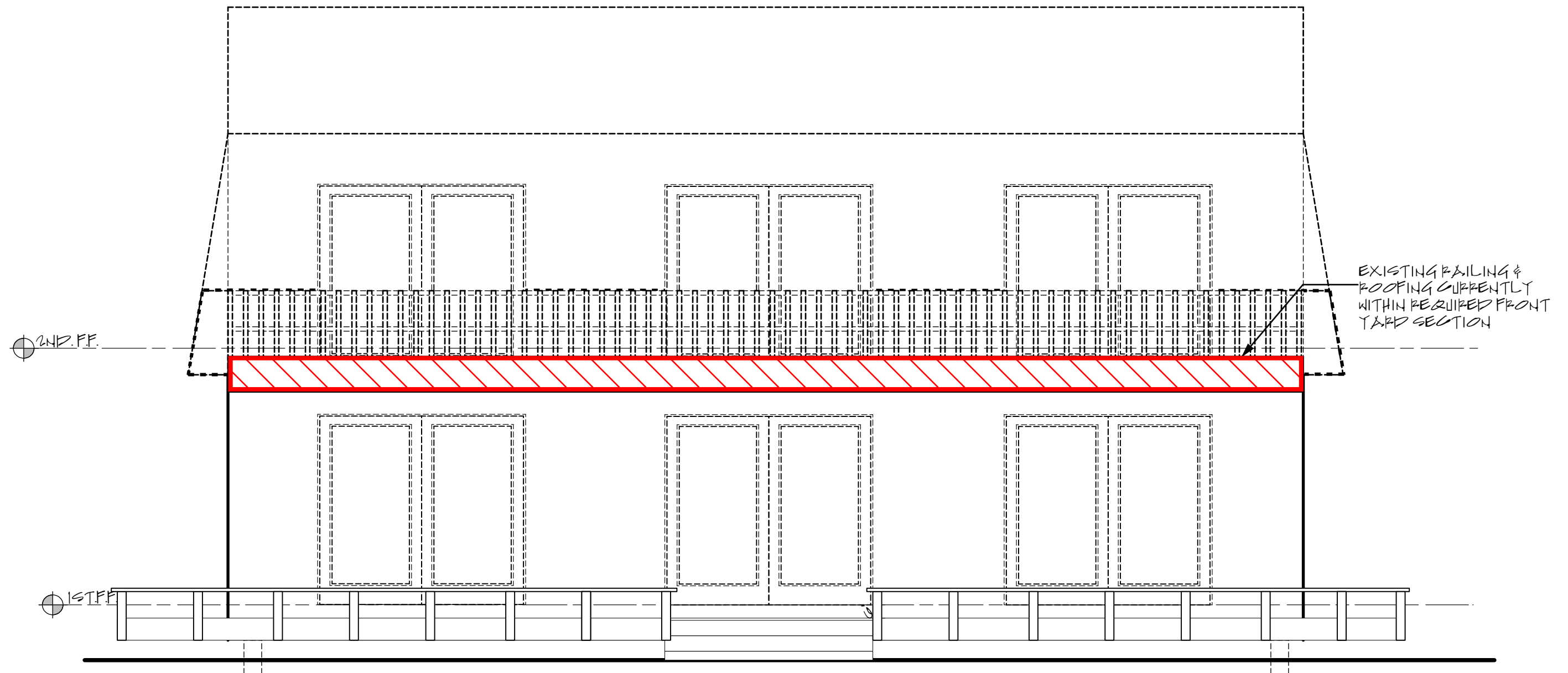
REAR VIEW, EAST SIDE OF EXISTING HOUSE



MD Arch #10831 VA Arch #6655

165 Conduit St. Annapolis, MD 21401 terry.averill@gmail.com (410) 268-0179

May 05, 2023



EXISTING CONDITION ELEVATION

SCALE: 1/4" = 1'-0"

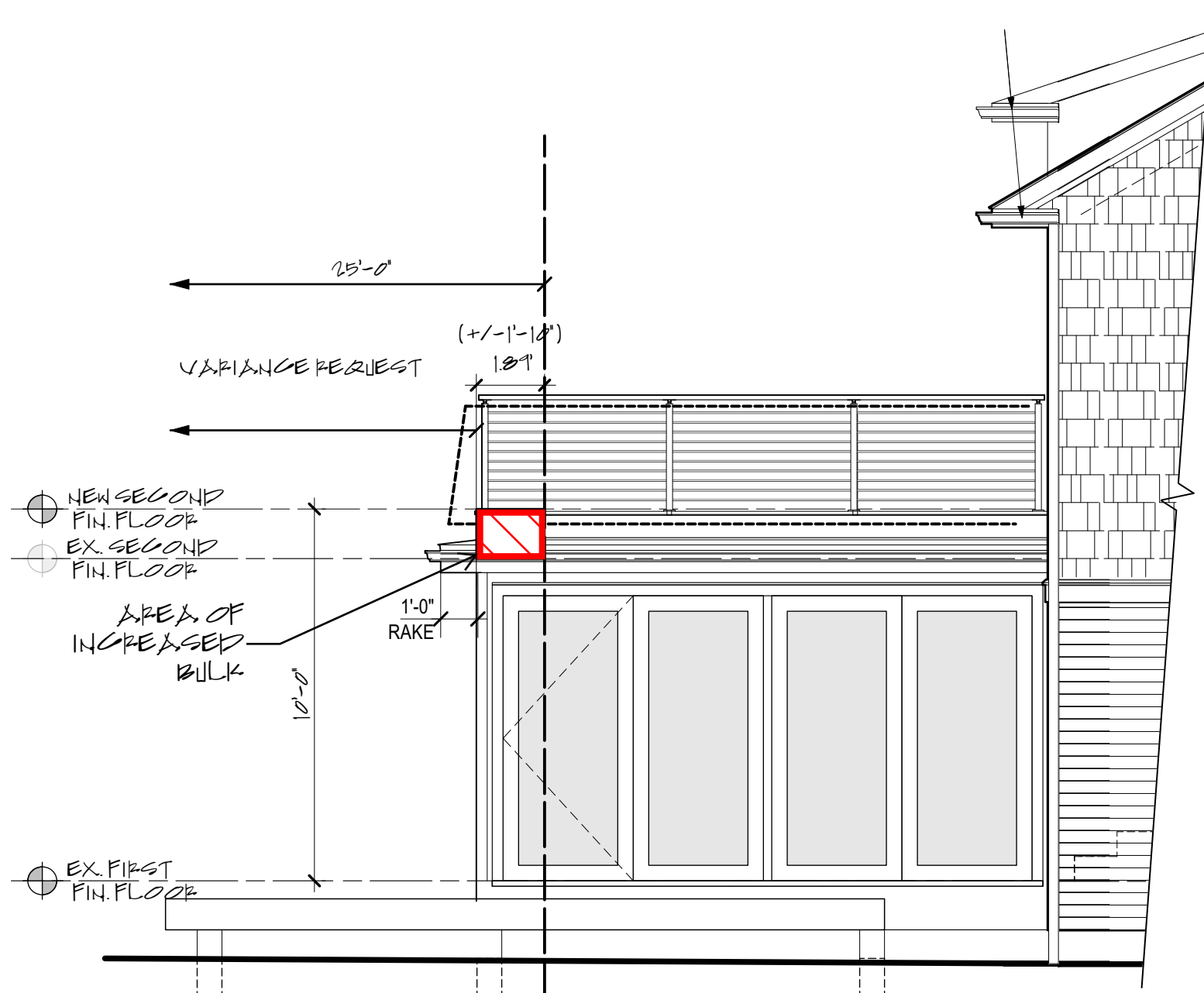




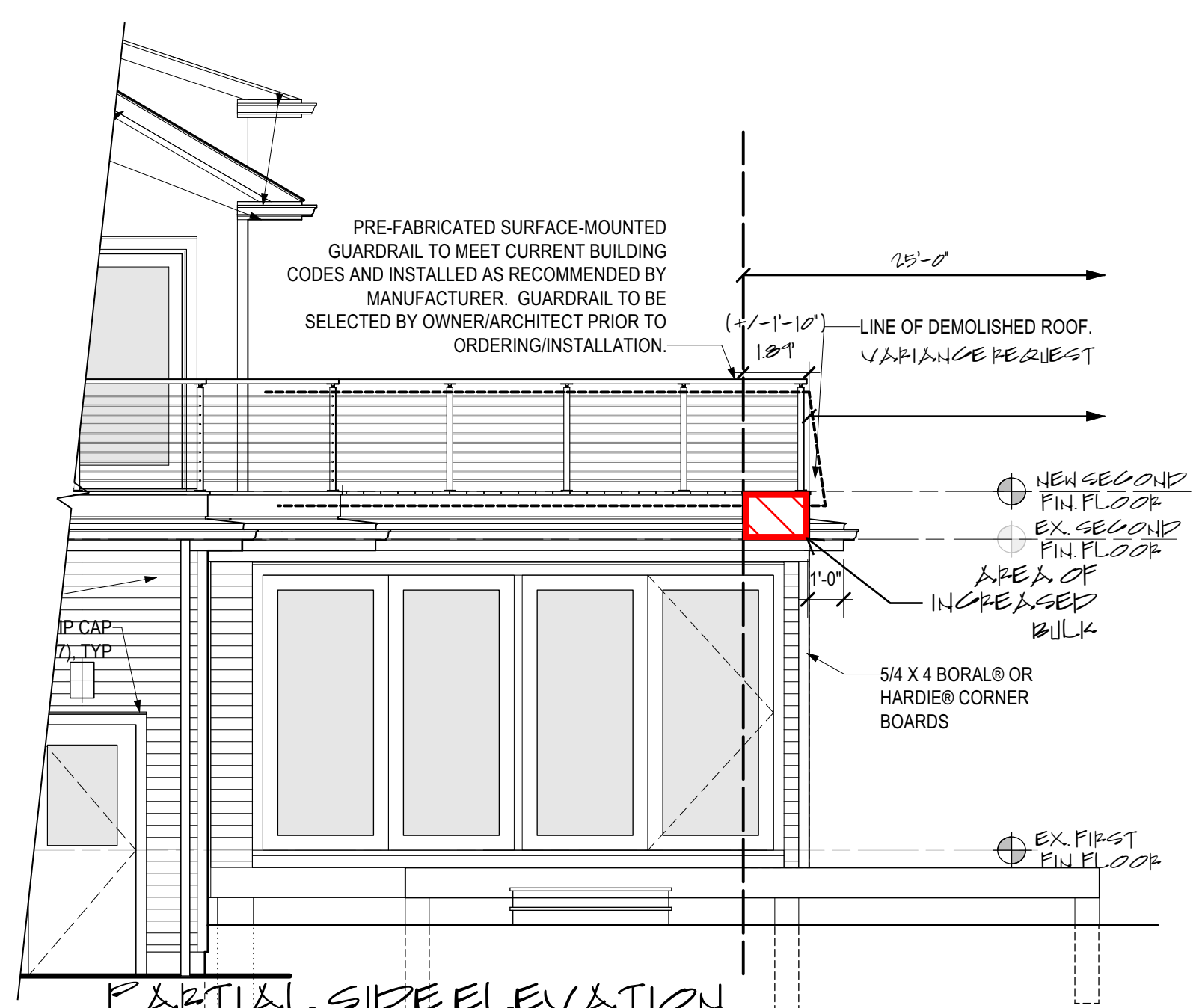
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May 05, 2023

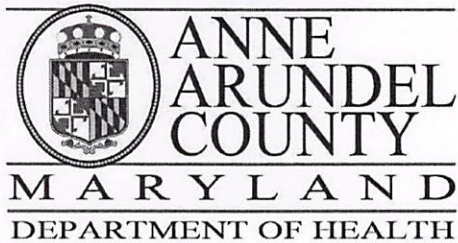


PARTIAL SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



PARTIAL SIDE ELEVATION  
SCALE: 1/4" = 1'-0"






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 

DATE: August 18, 2025

RE: Michael Cardarelli  
3939 Bayside Drive  
Edgewater, MD 21037

NUMBER: 2025-0158-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions (deck, porch, and garage) with less setbacks than required and with greater coverage by structures than allowed.

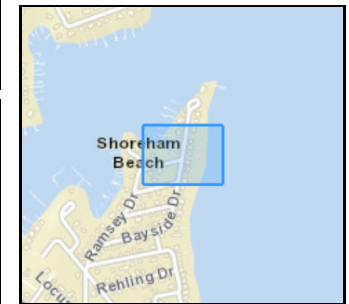
The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department. The existing well (AA-88-5636) needs to be abandoned prior to Health Department approval of the building permit.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



# 3939 Bayside Drive



## 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



0 100 200  
ft



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

Notes \*\*\* Parcel boundaries are slightly askew \*\*\*

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

**CASE NUMBER: 2023-0097-V**

---

**MICHAEL CARDARELLI**

FIRST ASSESSMENT DISTRICT

DATE HEARD: AUGUST 8, 2023

---

ORDERED BY:

**DOUGLAS CLARK HOLLMANN**  
ADMINISTRATIVE HEARING OFFICER

PLANNER: **JOAN JENKINS**

---

DATE FILED: **AUGUST 15, 2023**

## **PLEADINGS**

Michael Cardarelli, the applicant, seeks a variance (2023-0097-V) to allow a dwelling addition (deck) with less setbacks than required on property with a street address of 3939 Bayside Drive, Edgewater, MD 21037.

## **PUBLIC NOTIFICATION**

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 300 feet of the subject property was notified by mail, sent to the address furnished with the application. Michael Gillespie testified that the property was posted for more than 14 days prior to the hearing and submitted the affidavit of Christopher McKenna to that effect (Applicant's Exhibit 3). Therefore, I find and conclude that there has been compliance with the notice requirements.

## **FINDINGS**

A hearing was held on August 8, 2023, in which witnesses were sworn and the following evidence was presented with regard to the proposed variance requested by the applicant.

### **The Property**

The applicant owns the subject property which has 75 feet of frontage on the east side of Bayside Drive, 38 feet north of Ramsey Drive, Edgewater (Tax ID: 1749-0938-5501). It is identified on Lot 1 of Parcel 60 in Block 18 on Tax Map 92

in the Shoreham Beach subdivision. The property comprises 7,500 square feet and is zoned R5-Residential District. This waterfront lot abuts a strip of community property fronting on the Chesapeake Bay. The lot is designated in the Chesapeake Bay Critical Area as intensely developed area (IDA) and is mapped in a buffer modification area (BMA). The subject property is developed with a two-story single-family dwelling and associated features.

### **The Proposed Work**

The applicant seeks approval for renovations to the existing house including a 4.3' by 6.7' porch on the streetside (28.81 square feet), a 19.8' by 36.7' garage on the south side (726.66 square feet), and rebuilding the 52.5' by 40.6' by 32' high second floor and second story deck (2,131.5 square feet in area) by increasing the ceiling height on the first floor as shown on the site plan admitted into evidence at the hearing as County Exhibit 2. A portion (the deck area) of the proposed second story will be located as close as 23 feet from the front lot line. The coverage by structures is shown as 3,394 square feet (45%).

### **The Anne Arundel County Code**

§ 18-4-701 requires a principal structure in the R5 district to be set back 25 feet from the front lot line.

§ 18-4-701 of the Code stipulates a maximum coverage by structures of 40% in the R5 district.

### **The Variances Requested**

The applicant will need the following zoning variances to carry out the proposed work:

1. A zoning variance of two (2) feet to the 25-foot front lot line setback requirement of § 18-4-701 to construct the proposed second-story addition as close as 23 feet from the front lot line as shown on the site plan admitted into evidence as County Exhibit 2; and
2. A zoning variance of 394 square feet (5%) to the 40% lot coverage by structure limitation in § 18-4-701 to construct the proposed renovations as shown on the site plan admitted into evidence as County Exhibit 2.

### **The Evidence Submitted At The Hearing**

#### **Findings and Recommendations of the Office of Planning and Zoning (OPZ)**

Joan A. Jenkins, a zoning analyst with OPZ, presented the following:

- The subject property is rectangular in shape. OPZ finds that the 7,500 square foot site is only slightly above the minimum area requirement of 7,000 square feet for a lot in the R5 district. At 75 feet in width, the site exceeds the minimum width requirement of 60 feet. According to State tax assessment records, the house was built in 1940, before zoning and critical area laws were enacted. The existing dwelling is nonconforming to current zoning setback standards. The façade of the dwelling at its closest point is 23.11 feet from the front lot line. Redevelopment of the second story on the same footprint is constrained by the location of the existing development on the lot. The

applicant wishes to make efficient and effective use of an existing developed lot by renovating a second story dwelling addition, and denial of the variance may cause an unnecessary hardship in the use of the property.

- The R5 district limits coverage by structure to 40%. The zoning coverage by structure maximum of 40% is not being met.
- A review of the 2023 aerial photograph shows that the neighborhood contains an eclectic mix of homes and lot sizes in this established waterfront community. Older homes tend to be only one story, but there are many newer homes or homes with additions that are two stories. Without a detailed review of each lot, it is difficult to know if nearby properties meet the front setback or coverage by structure requirement.
- The property was the subject of a prior variance Case No. 2019-0120-V which granted the now- existing front deck and steps in the current location within 13 and 11 feet of the front lot line, respectively. This case also granted a variance for a rear addition that was not constructed.
- The applicant writes that the body of the home is not moving closer to the water than the existing structure, but the roof[<sup>top</sup>] deck height is being increased.
- The Health Department commented that they do not have an approved plan, but have no objection to the request provided a plan is submitted and approved by the Health Department.

- Approval of the variance for setbacks will not alter the essential character of the neighborhood as the renovation of the second floor with a finished height of 32 feet is less than the 35-foot maximum in the R5 district. The variances will not impact any abutting property as the garage and porch additions will meet all setbacks, and the second story addition will exceed the minimum side setback from both the side and rear lot lines. All improvements will meet side setbacks and will be located well enough away from the dwellings on the abutting properties so as to have no effect on their use or enjoyment. The granting of the variances will not be contrary to acceptable clearing and replanting practices required for development in the critical area. Approval of the variances will not be detrimental to the public welfare.
- The variance request for the second story addition is considered to be the minimum variance necessary to allow reasonable use of the site as the addition is proposed over the footprint of the existing dwelling which is already nonconforming as to setbacks. However, at 19.8 feet in width and 36.7 feet in depth the garage is larger than a typical single-car garage of 12 feet wide by 24 feet. The addition of the porch and garage puts the lot over the coverage by structure maximum. OPZ cannot support a variance to the coverage by structure maximum and recommends that the coverage by structure on this waterfront property be reduced to meet the 40% maximum requirement.
- With regard to the standards by which a variance may be granted as set forth under §18-16-305 of the County Code, OPZ recommends approval of a



variance to allow construction of a second story addition as shown as a hatched area on the site plan; and the OPZ recommends denial of a variance to § 18-4-701 to allow more coverage by structure than allowed.

### **Other Testimony and Exhibits**

The applicant was assisted at the hearing by his sister, Rose Cardarelli, Michael Gillespie of Bay Engineering, Inc., his engineer, and Terry Averill and Kyle Pessagno of Averill Architect LLC, his architects. Evidence was presented that the variance for the front setback is caused by raising the ceiling of the first floor. The footprint of the existing dwelling will not be changed. The need for the second variance for lot coverage has been withdrawn. The applicant will reduce lot coverage on the property to meet the Code limitations.

D. Bartnick and Margaret Schmidt testified that they are neighbors and have no objections to what the applicant wants to do.

There was no other testimony taken or exhibits received in the matter. The Hearing Officer did not visit the property.

## **DECISION**

### **Requirements for Zoning Variances**

§ 18-16-305 sets forth the requirements for granting a zoning variance. Subsection (a) reads, in part, as follows: a variance may be granted if the Administrative Hearing Officer finds that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the

spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

The variance process for subsection (1) above is a two-step process. The first step requires a finding that special conditions or circumstances exist that are peculiar to the land or structure at issue which requires a finding that the property whereupon the structures are to be placed or use conducted is unique and unusual in a manner different from the nature of the surrounding properties. The second part of the test is whether the uniqueness and peculiarity of the property causes the zoning provisions to have a disproportionate impact upon the subject property causing the owner a practical difficulty or unnecessary hardship. “Uniqueness” requires that the subject property have an inherent characteristic not shared by other properties in the area. *Trinity Assembly of God of Baltimore City, Inc. v. People’s Counsel for Baltimore County*, 178 Md. App. 232, 941 A.2d 560 (2008);

*Umerley v. People's Counsel for Baltimore County*, 108 Md. App. 497, 672 A.2d 173 (1996); *North v. St. Mary's County*, 99 Md. App. 502, 638 A.2d 1175 (1994), cert. denied, 336 Md. 224, 647 A.2d 444 (1994).

The variance process for subsection (2) - practical difficulties or unnecessary hardship - is simpler. A determination must be made that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship, and to enable the applicant to develop the lot.

Furthermore, whether a finding is made pursuant to subsection (1) or (2) above, a variance may not be granted unless the hearing officer also finds that: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, (3) substantially impair the appropriate use or development of adjacent property, (4) reduce forest cover in the limited development and resource conservation areas of the critical area, (5) be contrary to acceptable clearing and replanting practices required for development in the critical area, or (6) be detrimental to the public welfare.

I find, based upon the evidence, that because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. The applicant wishes to raise the ceiling of the first floor, which moves the new portion of the structure into the front setback, requiring a variance.

The new renovation will not extend closer to the front lot line than the existing first floor. Therefore, to deny the requested variance would cause the applicant an unnecessary hardship.

I further find that the requested variance is the minimum variance necessary to afford relief, that the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development and resource conservation areas of the critical area, be contrary to acceptable clearing and replanting practices required for development in the critical area, or be detrimental to the public welfare.

### **ORDER**

PURSUANT to the application of Michael Cardarelli, petitioning for a variance to allow a dwelling addition (deck) with less setbacks than required on property with a street address of 3939 Bayside Drive, Edgewater, MD 21037;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **15<sup>th</sup> day of August, 2023**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is **granted** a zoning variance of two (2) feet to the 25-foot front lot line setback requirement of § 18-4-701 to construct the proposed second-story addition as close as 23 feet from the front lot line as shown on the site plan admitted into evidence as County Exhibit 2; and it is further

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the request for a variance to the lot coverage by structure limitation in § 18-4-701 having been withdrawn, the request for the lot coverage variance is hereby dismissed.

It is assumed that the applicant, as stated at the hearing, will revise the site plan submitted at the hearing as County Exhibit 2 to bring the proposed renovations in compliance with the lot coverage limitations of § 18-4-701. Such change shall not alter or affect the grant of the front setback variance granted in this decision and order.

The foregoing variance is subject to the applicant complying with any instructions and necessary approvals from the Office of Planning and Zoning and/or the Department of Inspections and Permits, the Department of Inspections and Permits, the Department of Health, and/or the Critical Area Commission.

This Order does not constitute a building permit. In order for the applicant to construct the structures permitted in this decision, the applicant must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein. The decision and order shall not prohibit the applicant from making minor changes to the facilities as presently shown on



County Exhibit 2 to adjust for changes made necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed the variance granted herein. The reasonableness of any such change shall be determined by the Office of Planning and Zoning and/or the Department of Inspections and Permits.



Douglas Clark Hollmann  
Administrative Hearing Officer

### **NOTICE TO APPLICANT**

**This Order does not constitute a building permit. In order for the applicant to perform the work permitted in this decision, the applicant must apply for and obtain the necessary building permits, along with any other approvals required to perform the work described herein.**

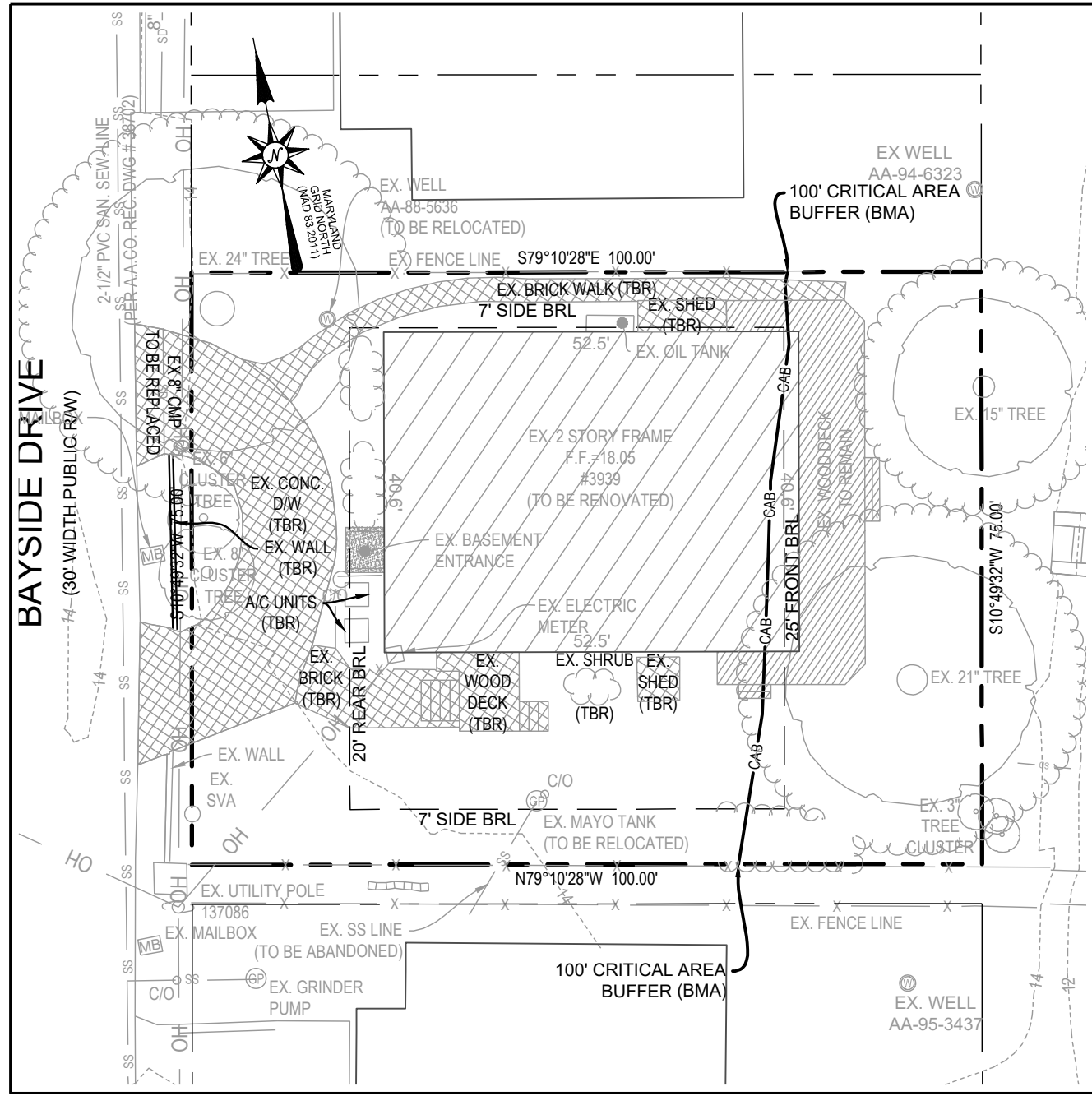
Any person, firm, corporation, or governmental agency having an interest in this Decision and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals within thirty (30) days from the date of this Decision. **If the variance or variances granted in this case relate to work in the critical area, a permit for the activity that was the subject of this variance application will not be issued until the appeal period has elapsed.**

Further, § 18-16-405(a) provides that a variance or special exception that is not extended or tolled **expires by operation of law** unless the applicant **within 18 months** of the granting of the variance or special exception (1) obtains a building permit or (2) files an application for subdivision. Thereafter, the variance or special exception shall not expire so long as (1) construction proceeds in accordance with the permit or (2) a record plat is recorded among the land records pursuant to the application for subdivision, the applicant obtains a building permit within one year after recordation of the plat, and construction proceeds in accordance with the permit.

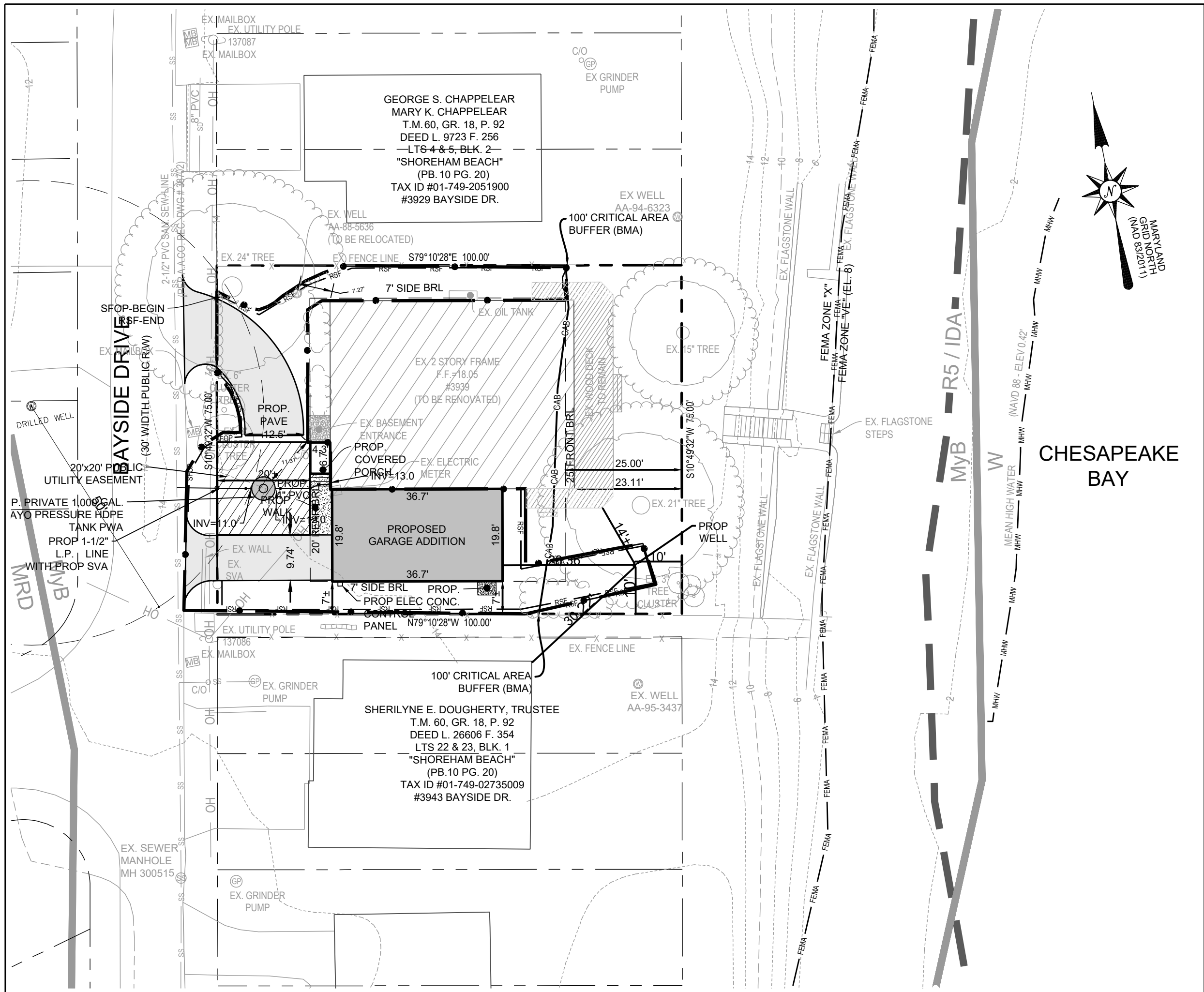
If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, or they may be discarded.

VARIANCE SITE PLAN  
FOR THE  
**CARDARELLI PROPERTY**

3939 BAYSIDE DRIVE EDGEWATER, MD 21037  
TAX MAP 60 ~ GRID 18 ~ PARCEL 92 ~ LOTS 1-3, BLOCK 2  
"SHOREHAM BEACH"  
DEED REFERENCE: 24144 / 497  
T.A. #01-749-09385501 ~ ZONED: R5 / IDA  
FIRST DISTRICT ~ ANNE ARUNDEL COUNTY



INSET #1 - EXISTING CONDITIONS



INSET #2 - PROPOSED CONDITIONS

VARIANCE REQUEST

A VARIANCE IS REQUESTED TO ARTICLE 18-4-701 (R5 BULK REGULATIONS) OF THE ANNE ARUNDEL COUNTY CODE WHICH STATE IN PART THAT A STRUCTURE SHALL BE LOCATED 25' FROM A FRONT BUILDING RESTRICTION LINE. A VARIANCE REQUEST OF 1.89' TO OF ADDITIONAL ROOF HEIGHT OUTSIDE THE FRONT BRL IS REQUESTED.

COVERAGE BY STRUCTURES  
SUMMARY

BREAKDOWN OF COVERAGE BY STRUCTURES ARE AS FOLLOWS

-EX. DWELLING = 2,128 SF  
-EX. DECKS = 588 SF  
-EX. SHEDS = 74 SF  
TOTAL = 2,790 SF±

EXISTING STRUCTURE COVERAGE TO BE REMOVED:

-EX. DECK = 107 SF  
-EX. SHEDS = 74 SF  
TOTAL TBR = 181 SF  
TOTAL TO REMAIN = 2,609 SF

PROPOSED LOT COVERAGE:

-PR. GARAGE = 756 SF  
-PR. PORCH = 29 SF  
TOTAL PROP. LOT COVERAGE = 785 SF

TOTAL PROPOSED COVERAGE BY STRUCTURES = 3,394 SQ. FT. OR 0.078 AC.

LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA.....	7,500 SQ. FT. OR 0.172 AC.
EXISTING LOT COVERAGE.....	3,790 SQ. FT. OR 0.087 AC.
EXISTING DEVELOPED WOODS.....	4,098 SQ. FT. OR 0.094 AC.
EXISTING DEVELOPED WOODS TO BE REMOVED.....	0 SQ. FT. OR 0.00 AC.
REMAINING DEVELOPED WOODS.....	4,098 SQ. FT. OR 0.094 AC.
PROPOSED LIMIT OF DISTURBANCE.....	3,466 SQ. FT. OR 0.080 AC.

NOTE: BREAKDOWN OF LOT COVERAGES ARE AS FOLLOWS

-EX. DWELLING = 2,128 SF  
-EX. DECKS = 588 SF  
-EX. DRIVEWAY = 614 FT  
-EX. SHEDS = 74 SF  
-EX. WALKS & CONC. = 386 SF  
TOTAL = 3,790 SF±

EXISTING LOT COVERAGE TO BE REMOVED:

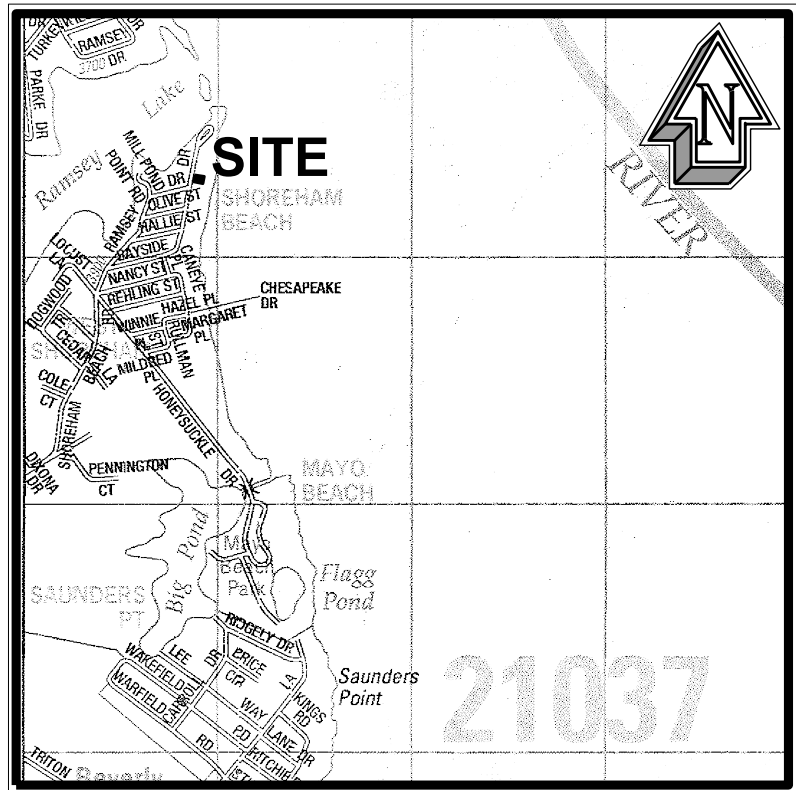
-EX. DECK = 107 SF  
-EX. DRIVEWAY = 614 SF  
-EX. SHEDS = 74 SF  
-EX. WALKS & CONC. = 386 SF

TOTAL TBR = 1,181 SF  
TOTAL TO REMAIN = 2,609 SF

PROPOSED LOT COVERAGE:

-PR. GARAGE = 727 SF  
-PR. PORCH = 29 SF  
-PR. DRIVEWAY = 578 SF  
-PR. CONCRETE = 60 SF  
TOTAL PROP. LOT COVERAGE = 1,394 SF

TOTAL PROPOSED LOT COVERAGE = 4,003 SQ. FT. OR 0.092 AC.



VICINITY MAP

SCALE: 1" = 2,000'  
COPYRIGHT ADD THE MAP PEOPLE  
PERMITTED USE NO. 08301200

GENERAL NOTES

- OWNER:** MICHAEL CARDARELLI  
2425 L ST NW, APT. 439  
WASHINGTON, DC 20037  
PHONE: --  
EMAIL: --  
**ENGINEER:** BAY ENGINEERING INC.  
2861 RIVA ROAD, BUILDING 800  
ANNAPOLIS, MD 21401  
410-897-9290  
C/O MIKE GILLESPIE
- THE PROPERTY IS KNOWN AS:  
TAX MAP 60, GRID 18, PARCEL 72, TOTAL AREA = 7,500 SQ. FT. OR 0.172 AC., DEED REF: 24144 / 497)
- EXISTING ZONING OF THE SITE IS R5 (RESIDENTIAL DISTRICT)
- THE SITE ADDRESS IS: 3939 BAYSIDE DRIVE, EDGEWATER, MD 21037
- TAX ACCOUNT NO: 01-749-09385501
- EXISTING BOUNDARY AND FEATURES SHOWN HEREON WERE TAKEN FROM DEEDS AND PLATS OF RECORD AUGMENTED WITH GIS DATA, AND A FIELD RUN TOPOGRAPHICAL SURVEY PERFORMED BY BAY ENGINEERING INC DECEMBER 2018.
- THIS DATA WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT OF WAYS OR MORE STRINGENT BUILDING RESTRICTIONS NOT SHOWN HEREON.
- THE SITE IS LOCATED WITHIN THE IDA (INTENSELY DEVELOPED AREA) OF THE CHESAPEAKE BAY CRITICAL AREA
- THE SITE CURRENTLY UTILIZES A PRIVATE WELL AND PUBLIC SEWER. CONTRACTOR SHALL UTILIZE THE EXISTING SEWER CONNECTION IF POSSIBLE. IF NOT POSSIBLE, CONTRACTOR IS TO INSTALL A NEW SHC PER ANNE ARUNDEL COUNTY SPECIFICATIONS AND DETAILS
- THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONES "VE" (AREA WITHIN THE 1% ANNUAL CHANCE COASTAL FLOODPLAIN WITH VELOCITY HAZARD (WAVE ACTION) AND BASE FLOOD ELEVATION OF 8 FEET) AND "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0283F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- WATER AND SEWER CATEGORIES:  
WATER - NO PUBLIC SERVICE - (W-9, RURAL)  
SEWER - PUBLIC SERVICE PROVIDED - (W-9, MAYO-GLEBE-HEIGHTS)

LEGEND

PROPERTY LINE / RIGHT-OF-WAY	---
ADJOINING PROPERTY LINE	----
BUILDING RESTRICTION LINE	----
EXISTING CONTOUR	--- 142 ---
EXISTING SPOT ELEVATION	x 122.3
EXISTING SOILS TYPE DESIGNATION	AsB
CRITICAL AREA DESIGNATION	RLD / RCA
EXISTING ZONING DESIGNATION	OS / C1
FEMA LINE	FEMA FEMA
EXISTING TREE LINE	OH OH
EXISTING OVERHEAD ELECTRICAL LINE	OH OH
EXISTING PUBLIC UTILITY EASEMENT	SS SS
EXISTING PUBLIC SEWER LINE	SS SS
EXISTING BUILDING	[Symbol]
PROPOSED LIMIT OF DISTURBANCE	[Symbol]
PROPOSED REINFORCED SILT FENCE	RSF RSF
PROPOSED SUPER SILT FENCE	SSF SSF
PROPOSED SILT FENCE ON PAVEMENT	SFOP SFOP
PROPOSED BUILDING ADDITION	[Symbol]
PROPOSED PRIVATE SEWER LINE	[Symbol]

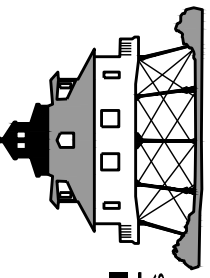


CALL BEFORE YOU DIG!  
MARYLAND LAW REQUIRES 48 HOURS NOTICE  
BEFORE PLANNED WORK TO MARK  
UNDERGROUND UTILITIES PRIOR TO EXCAVATION  
MISS UTILITY: 1-800-257-7777

Revisions

Rev. #	By	Date	Description

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email: info@bayengineering.com  
www.bayengineering.com

**Date**  
JULY 2023  
**Job Number**  
18-6850  
**Scale**  
AS SHOWN  
**Drawn By**  
J. MARLOWE / J. SLENKER / M. GILLESPIE  
**Approved By**  
T. MARTIN  
**Folder Reference**  
CARDARELLI RESIDENCE  
3939 BAYSIDE DRIVE

VARIANCE SITE PLAN

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