



August 1, 2025
Department of Planning and Zoning
2664 Riva Road MD 21401

Subject: 104 Woodside Road, Riva MD 21140
Front and Side Yard Setback Variance Request

To Whom it May Concern,

On behalf of our client, we respectfully submit this letter requesting a Variance to the Setback Requirements for the property located at 104 Woodside Road, Riva, MD 21140. This request is being made to allow for the construction of a single-family dwelling on the subject property.

In accordance with Article 18, Section 18-4-701 of the Anne Arundel County Code (R5 Bulk Regulations), the required setbacks are as follows:

- **Side Yard Setback:** 7 feet

As well as with Article 18, Section 18-2-301 (b) of the Anne Arundel County Code (Bulk Regulations), that states the following:

"Certain architectural features. An architectural feature that does not contain floor area, such as an areaway, bay window, greenhouse window, chimney, cornice, eave, sill, steps required for access, or stoop that does not exceed five feet by five feet, may extend no more than three feet into a required setback and be located no closer than five feet from any lot line. For purposes of this subsection, "areaway" means an uncovered subsurface space adjacent to a structure, such as an entrance to a basement."

Due to the unique characteristics of this lot, we are requesting relief from the standard setback requirements. Below are the relevant conditions and justifications for this variance request:

A. Existing Conditions:

- a. The total area of the parcel is 0.0682 acres (2,973 square feet), making it significantly smaller than typical lots in the zoning district.
- b. The property is zone R5 (Residential) and lies within the Critical Area Zone IDA (Intensely Developed Area).
- c. The parcel is narrowly shaped, with a width of approximately 33.6 feet and 33.73 feet.
- d. The lot is situated between two public roads, Elm Road and Woodside Road, creating the condition of two front yard setbacks, further restricting the buildable area.
- e. Adjacent and nearby properties exhibit nonconforming setbacks, indicating a consistent challenge among properties in the area due to narrow lot widths and double frontage.

B. Proposed Site Conditions

- a. A single-family house has been designed for a modestly sized home with a driveway for off-street parking.
- b. The house includes an areaway that allows for a safe ingress and egress from the basement.
- c. Stormwater Management has been proposed to meet the Anne Arundel County and MDE requirements.

C. Requested Variance

- a. Relief of 2 feet from the side building restriction line, for a proposed 5-foot setback.
- b. Relief of 2 feet from the areaway setback requirement, for a proposed 3-foot setback from the lot line.

D. Justification for Variance

We believe the requested variance meets the required criteria under County regulations, as the hardship is due to the physical characteristics of the lot, and the proposed structure will be in keeping with the character of the neighborhood.

- i) The small size and narrow shape of the lot create a unique situation that makes full compliance with required setbacks impractical. Strict enforcement would effectively prohibit reasonable use of the property, which constitutes an unnecessary hardship not self-imposed by the owner. The proposed stormwater management facility adds additional constraints to the depth of the house, limiting its size.
- ii) The variance requested is the minimum necessary to reasonably develop the property and construct a modest, code-compliant home.

E. Article 18-6-305 : Variances

The site meets the requirements for a variance under the following practical difficulties and hardships:

- i) Because of certain unique physical conditions, including the narrowness and shallowness of the lot size and shape resulting in no reasonable possibility of developing the lot in strict conformance.
- ii) The grant of a variance is necessary to avoid practical difficulties or unnecessary hardship due to the size and shape of the lot.

F. Requirements for all Variances

Granting this variance will not:

- i. Alter the essential character of the neighborhood as the adjacent properties appear to have similar setback reductions.
- ii. Substantially impair the appropriate use or development of adjacent property.
- iii. Reduce forest cover in the limited development and resource conservation areas of the critical area as it is located in the Intensely Developed Area (IDA).
- iv. Be contrary to acceptable clearing and replanting practices required for development in the critical area. The layout has been carefully designed to minimize the necessary clearing by locating the driveway and house away from the existing woodlands.
- v. Be detrimental to the public welfare.

G. Article 18-4-202 : Uses and Merger of Unimproved Lots of Substandard Area or Dimensions

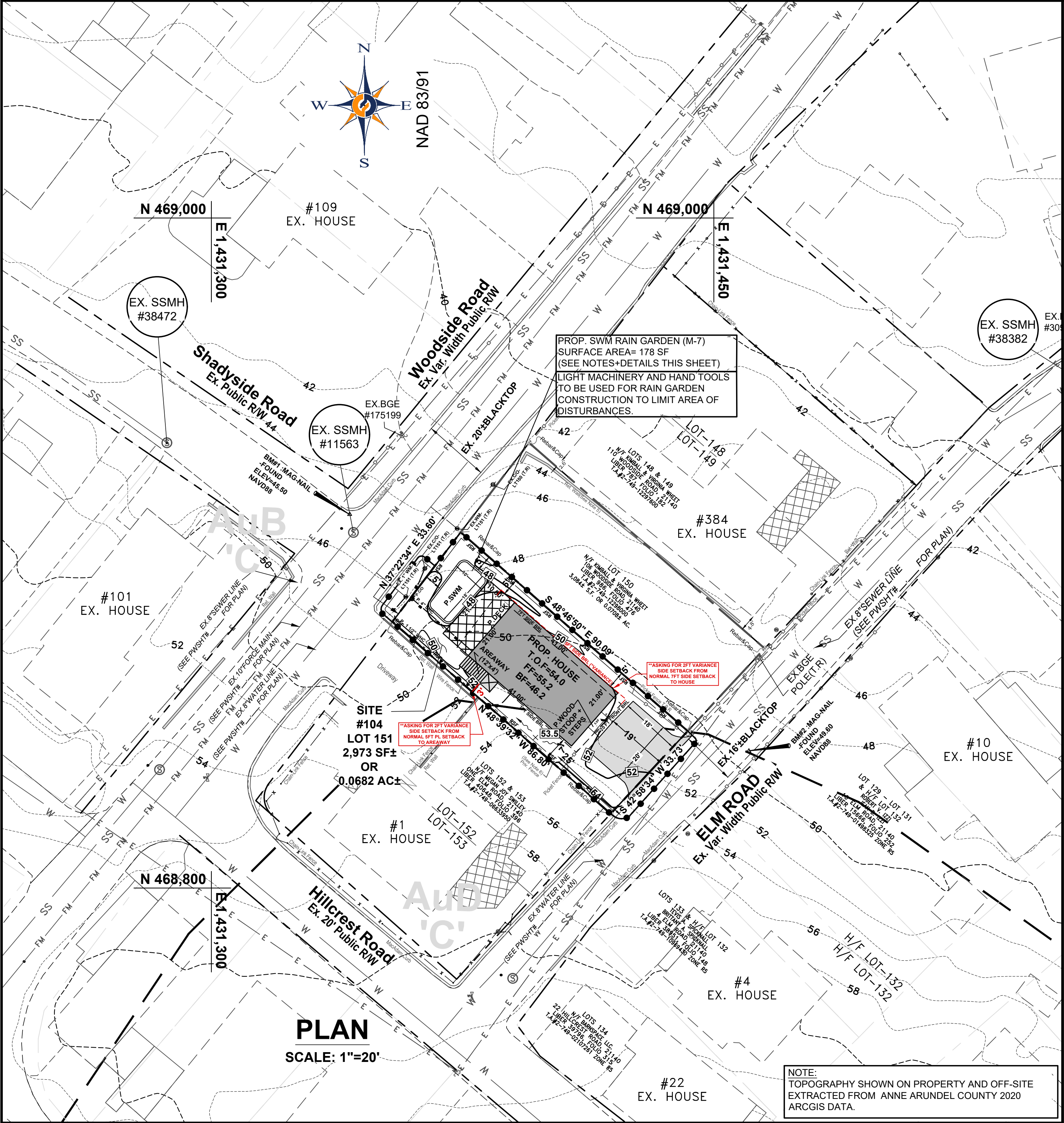
We respectfully request that this permit be reviewed in processed in light of its corrective purpose. Please feel free to reach out to Kelly McCormick at kelly@terrainmd.com if any additional documentation, plans or reports are required to complete your review.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Kelly McCormick". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Kelly McCormick, P.E.



GENERAL NOTES

- TOTAL AREA OF SITE IS 0.0682 AC.± = 2,973 SQUARE FEET.
- EXISTING ZONING IS: R5
SETBACKS: FRONTS-20FT REAR-20FT SIDE-7FT VARIANCE SETBACK-5FT SIDE
- EXISTING USE OF THE SITE IS VACANT
- PROPOSED USE OF THE SITE IS SINGLE FAMILY DWELLING
- SITE IS KNOWN AS 104 WOODSIDE ROAD LOT 151
- PUBLIC WATER AND SEWER TO BE INSTALLED AND UTILIZED.
MASTER PLAN CATEGORIES: SEWER-S9(EXISTING SERVICE)
WATER-W9(EXISTING SERVICE)
- F.E.M.A. #24003C0229F ZONE X ELEV. -
- SITE IS IN THE CRITICAL AREA ZONE IDA (INTENSELY DEVELOPED AREA)
- THIS SITE IS LOCATED WITHIN THE SOUTH RIVER WATERSHED.
- THE SITE IS NOT IN A BOG PROTECTION AREA
- WOODSIDE ROAD IS NOT A SCENIC OR A HISTORIC ROAD.
WOODSIDE ROAD IS CLASSIFIED AS A LOCAL COUNTY ROAD.
- CONTOURS SHOWN ON THIS PLAN ARE TAKEN FROM
A FIELD SURVEY DONE BY COLONIAL SURVEYS LLC. FOR ON-SITE AND
OFF-SITE AREAS. BOUNDARY SHOWN ON THIS PLAN IS ALSO DERIVED FROM A
BOUNDARY SURVEY EXHIBIT BY COLONIAL SURVEYS LLC. SEE SURVEYORS NOTES
FOR ANY OTHER EXPLANATIONS. THE CONTRACTOR SHALL VERIFY THE ELEVATIONS
TO HIS OWN SATISFACTION PRIOR TO STARTING WORK. ANY DISCREPANCIES
SHALL BE BROUGHT TO THE ENGINEERS ATTENTION IMMEDIATELY.

SURVEYOR'S NOTES

- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE REPORT, WHICH MAY SHOW
ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHTS-OF-WAY OR MORE STRINGENT BUILD
RESTRICTION LINES SHOWN HEREON.
- HORIZONTAL AND VERTICAL DATA SHOWN HEREON IS BASED ON THE UTILIZATION OF CONVENTIONAL
SURVEYING AND GPS OBSERVATIONS, REFERENCED TO THE A.A.C.O. DEPT. OF PUBLIC WORKS
MONUMENT "HOKRY", THE DATUMS USED BEING NAD-83/91 (HORIZONTAL) AND NAVD-88
(VERTICAL).
- THIS PROPERTY IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATION OF I.D.A. OR
INTENSE DEVELOPMENT AREA AND IS SUBJECT TO CRITICAL AREA REGULATIONS AND RESTRICTIONS.
- THIS PROPERTY IS ZONED R5 AND SUBJECT TO ALL RESTRICTIONS STATED WITHIN THE ZONING CODE
OF ANNE ARUNDEL COUNTY, MD.
- AS TO THE LOCATION OF THE EXISTING CMU RETAINING WALL THAT MEANDERS ALONG THE
COMMON LINE OF LOT-149 AND LOT-150, TESTIMONY FROM MEMBERS OF THE WHEEL FAMILY
(OWNERS OF LOTS 148-151) SUGGESTS THE WALL WAS ERRECTED BY KIMBALL WHEEL (D.1983)
TO ADDRESS DRAINAGE AND EROSION CONDITIONS THAT THREATENED THE EXISTING HOUSE AT
110 WOODSIDE (LOTS 148-149). NO ATTEMPT WAS MADE TO FOLLOW THE PROPERTY LINE
DURING THE TIME OF CONSTRUCTION.
- AS TO THE LOCATION OF THE EXISTING WOODEN PRIVACY FENCE ALONG A PORTION OF THE
COMMON LINE OF LOT-151 AND LOT-152. TESTIMONY FROM SAID MEMBERS OF THE WHEEL
FAMILY SUGGESTS THE FENCE WAS INSTALLED BY THE FORMER OWNER OF ONE ELM (LOTS
151-152) C.1982), CAUSING A SLIGHT ENCROACHMENT OF 0.08'-0.25' (1"-3"). THE CURRENT
OWNER OF ONE ELM, MEGAN SWILLEY, HAS EXPRESSED THE INTENT TO REPLACE SAID PRIVACY
FENCE AND REMOVING THE ENCROACHMENT.

PROP. LOT COVERAGE

PROP. HOUSE	861 SF
PROP. DRIVEWAY	367 SF
PROP. DECK (WOODEN)	210 SF
PROP. AREAWAY	48 SF
PROP. STOOP (WOODEN)	27 SF
PROP. TOTAL	1,513 SF
MAX LOT COVERAGE (65%)	1,932 SF
PROP. LOT COVERAGE (50.89%)	1,513 SF

LOT COVERAGE (R5)

SITE AREA	2,973 SF
MAX LOT COVERAGE (65%)	1,932 SF
EX. LC AREA (0%)	0 SF
PROP. LC AREA (50.89%)	1,513 SF
EX. TREE CANOPY ON-SITE	0 SF
PROP. CLEARING	0 SF
EX. IMPERVIOUS	0 SF
PROP. IMPERVIOUS	1,276 SF

STORMWATER MANAGEMENT REQUIREMENTS

SWM SHALL BE PROVIDED FOR THIS CRITICAL AREA DEVELOPMENT BY ESD METHODS TO PROVIDE WATER QUALITY,
RECHARGE AND CHANNEL PROTECTION. THE ESD METHODS USED WAS A RAIN GARDEN. GP IS NOT REQUIRED
BECAUSE SITE OUTFALL DRAINS TO PUBLIC ROAD (WOODSIDE ROAD).

SITE AREA =	2,973 SF	OR	0.07 AC
EX. LC TO REMAIN =	0 SF	OR	0.00 AC
PROP. LC =	1,276 SF	OR	0.03 AC
I =	TOTAL LC	=	42.9%
SITE AREA	2,973 SF		
Rv = 0.05 + 0.009I	= 0.05 + 0.009(42.92)	=	0.4363

SOILS	HSG	RCN	AREA (AC)	PERCENT
	A	38	0.00 AC	0.00%
	B	55	0.00 AC	0.00%
	C	70	0.07 AC	100.00%
	D	77	0.00 AC	0.00%

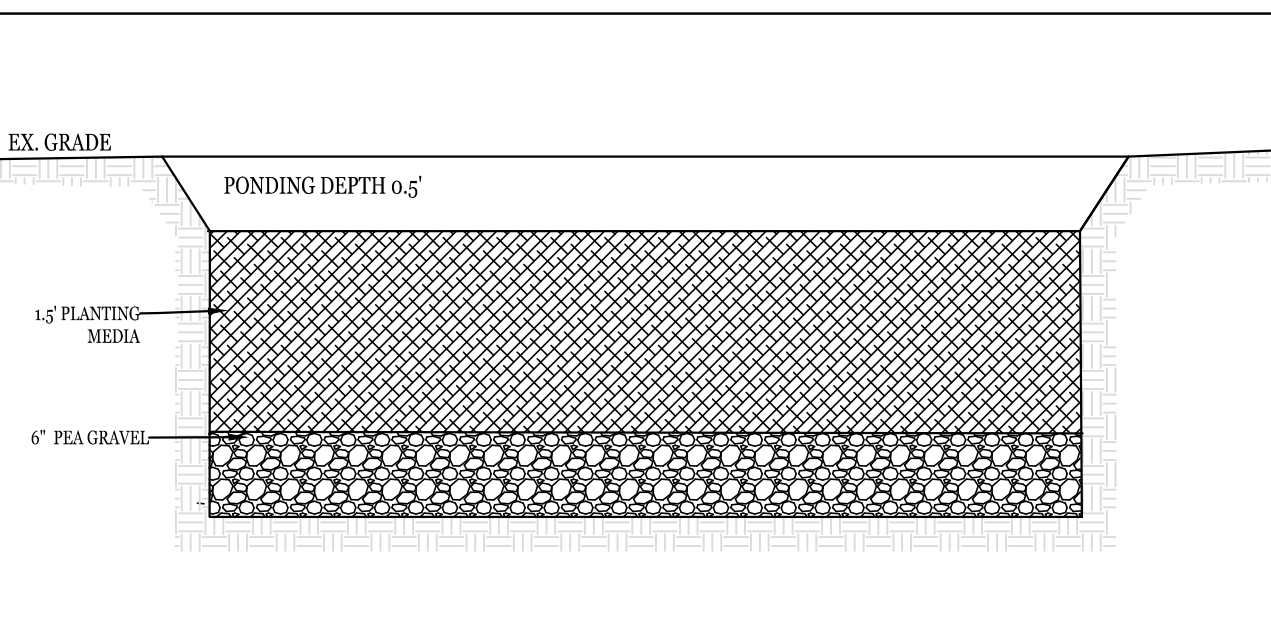
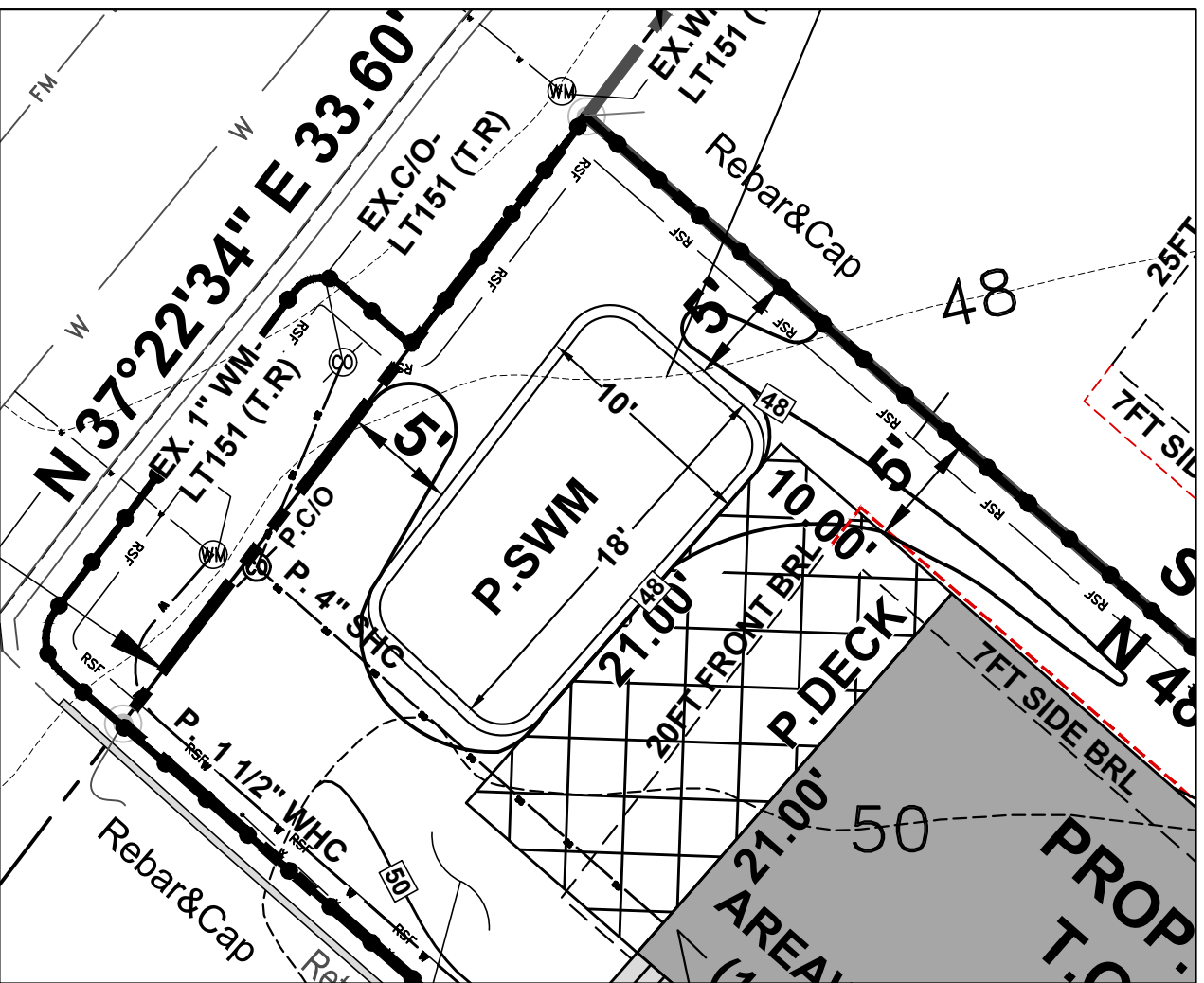
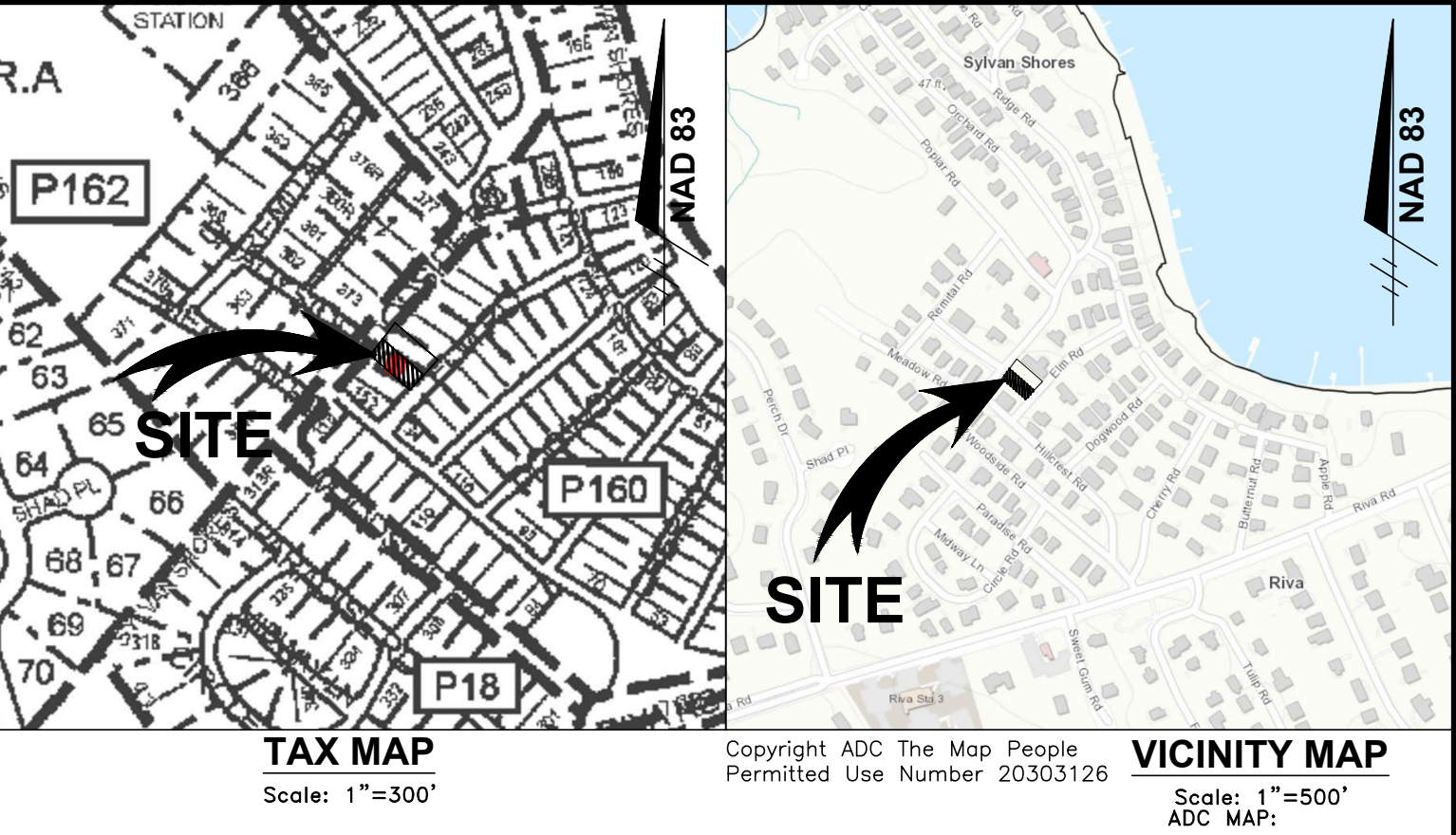
TARGET RCN:	[(38x0.00ac)+(55x0.00ac)+(70x0.07ac)+(77x0.00ac)] / 0.07ac	=	70
PE TARGET =	1.8"		
COMPOSITE S _w =	0.13		
RAINFALL P =	1"	(EASTERN RAINFALL ZONE)	
TARGET REV =	[(S) x (Rv) x (A)/12	= [(0.13) x (0.44) x (2.973x1)] / 12	= 14 CF
TARGET ESDv =	[(P) x (Rv) x (A)/12	= [(1.80 in.) x (0.44) x (2.973x1)] / 12	= 195 CF
TARGET WQv =	[(P) x (Rv) x (A)/12	= [(1.0 in. x (0.44) x (2.973x1)] / 12	= 198 CF

RAIN GARDEN #1 (M-7)

DRAINAGE AREA = 2,973 SF OR 0.07 AC
IMPERVIOUS AREA = 1,276 SF OR 0.03 AC
PERCENT IMP (%) = 42.9%
Rv = 0.44

SWM SURFACE AREA = 178 SF
PONDING DEPTH = 0.50 FT PLANTING DEPTH= 1.5 FT STONE DEPTH = 0.5 FT
ESDv PROVIDED = [(178 x 0.50) + 0.4(178 x 1.5) + 0(178 x 0.5)] = 196 CF
PD PROVIDED = (12 x ESDv)/(Rv x DA) = (12 x 196 CF / 0.44 x 2,973 SF) = 1.81"

TOTAL ESD REQUIRED=195 CF
TOTAL ESD PROVIDED= 196 CF



STRUCTURE/ PARKING ANALYSIS

- ZONING R5
- A. MAXIMUM HEIGHT FOR PRINCIPLE STRUCTURE= 35 FT. (3 STORIES ALLOWED)
= 35 FT. (3 STORIES PROVIDED)
- B. MAXIMUM COVERAGE(65 % OF GROSS AREA)= 19,976 SQ. FT. (ALLOWED)
(50.89 % OF GROSS AREA)= 1,513 SQ. FT. (PROVIDED)
- C. FLOOR AREA PRINCIPLE STRUCTURE= 2,583 SQ. FT. (TL. FLOORS)
- D. PARKING PROVIDED= 2 ON-SITE PARKING MIN
(*3 ON-SITE WHEN OFF STREET PARKING IS PROHIBITED)

VARIANCE PLAN

GRADING, EROSION AND
SEDIMENT CONTROL PLAN

SYLVAN SHORES
LOT 151 SECTION 'A'
L.986, F. 476
104 WOODSIDE ROAD
RIVA, MD 21140

TAX MAP 50, GRID 22, PARCEL 160 TAX ACCT#02-748-12286200 ZONING: R5
SECOND TAX DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

DATE: JUNE, 2025 DRAWN BY: D.J.B
SCALE: AS SHOWN CHECKED BY: K.A.M.
SHEET: 1 OF 1 TERRAIN JOB NO. 3421-LT151

PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS
OF THE STATE OF MARYLAND, LICENSE # 60779, EXPIRATION DATE: 1/04/26. (CORPORATE LICENSE #48866, EXPIRATION DATE: 2/28/2027)

CLIENT
WELCH CONSTRUCTION, INC.
C/O: DAVID WELCH
3728 RAMSGATE DRIVE
ANNAPOLIS, MD 21403
TEL: (443)-487-7634
EMAIL: dwelch@welchconstruction.com



53 OLD SOLOMONS ISLAND ROAD, SUITE F
ANNAPOLIS, MARYLAND 21401
410-266-1160
EMAIL: TERRAIN@COMCAST.NET

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OTHER WAY WITHOUT THE SPECIFIC WRITTEN
CONSENT OF TERRAIN, 2025

REVISION BLOCK			
NO.	DATE	DESCRIPTION	BY

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: AUGUST 5, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
50	160	22	151	A

Tax ID: 02-749-12298200

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) SYLVAN SHORES

Project location/Address 104 WOODSIDE ROAD

City RIVA Zip 21140

Local case number

Applicant: Last name WELCH First name DAVID

Company WELCH CONSTRUCTION, INC.

Application Type (check all that apply):

Building Permit	<input checked="" type="checkbox"/>	Variance	<input checked="" type="checkbox"/>
Buffer Management Plan	<input type="checkbox"/>	Rezoning	<input type="checkbox"/>
Conditional Use	<input type="checkbox"/>	Site Plan	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Special Exception	<input type="checkbox"/>
Disturbance > 5,000 sq ft	<input type="checkbox"/>	Subdivision	<input type="checkbox"/>
Grading Permit	<input checked="" type="checkbox"/>	Other	<input type="checkbox"/>

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

REQUESTING A VARIANCE FOR FRONT AND SIDE YARD SETBACK

Intra-Family Transfer ☐ Yes
Grandfathered Lot ☐

Growth Allocation ☐ Yes
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	0.0682	2,973
LDA Area	0	0
RCA Area	0	0
Total Area	0.0682	2,973

Total Disturbed Area

Acres	Sq Ft
0.0741	3,228

0 # of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0	0	Existing Lot Coverage	0	0
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.0347	1,513
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage	0.0347	1,513

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.0741	3,228	Mitigation	0	0

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 ☐

Critical Area Report
For:
104 Woodside Road
Riva, MD 21140
Tax Map 50, Block 22, Parcel 160

August, 2025

Prepared By:
Terrain, Inc.
53 Old Solomons Island Road, Ste. F
Annapolis, MD 21401
(410) 266-1160
terrain@comcast.net

**CHESAPEAKE BAY CRITICAL AREA REPORT
104 WOODSIDE ROAD
TAX MAP 50, BLOCK 22, PARCEL 160**

INTRODUCTION

This is a 0.0682 AC. property, and is located at 104 Woodside Road, Riva, Maryland 21140. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Intensely Developed Area (IDA). The property is zoned R-5.

EXISTING LAND USE

The existing is a vacant residential Lot 151, Section A of the recorded Plat "Sylvan Shores" recorded in Plat Book Cab. 1, Rod W., Plat 3.

PROPOSED LAND USE

The proposed for this property is a single-family dwelling with a deck in the back and driveway.

SURROUNDING LAND USE

The surrounding properties are residential lots in the subdivision of "Sylvan Shores".

FLOODPLAIN

The property is shown on the Federal Emergency Management Agency (FEMA) panel 24003C0229F, Zone X, Elevation -.

BUFFER MODIFICATION

The property is not mapped buffer modified.

TIDAL WETLANDS

The property is not waterfront.

BODIES OF WATER

The property is not a waterfront property.

STEEP SLOPES

There are no steep slopes on-site that will be disturbed.

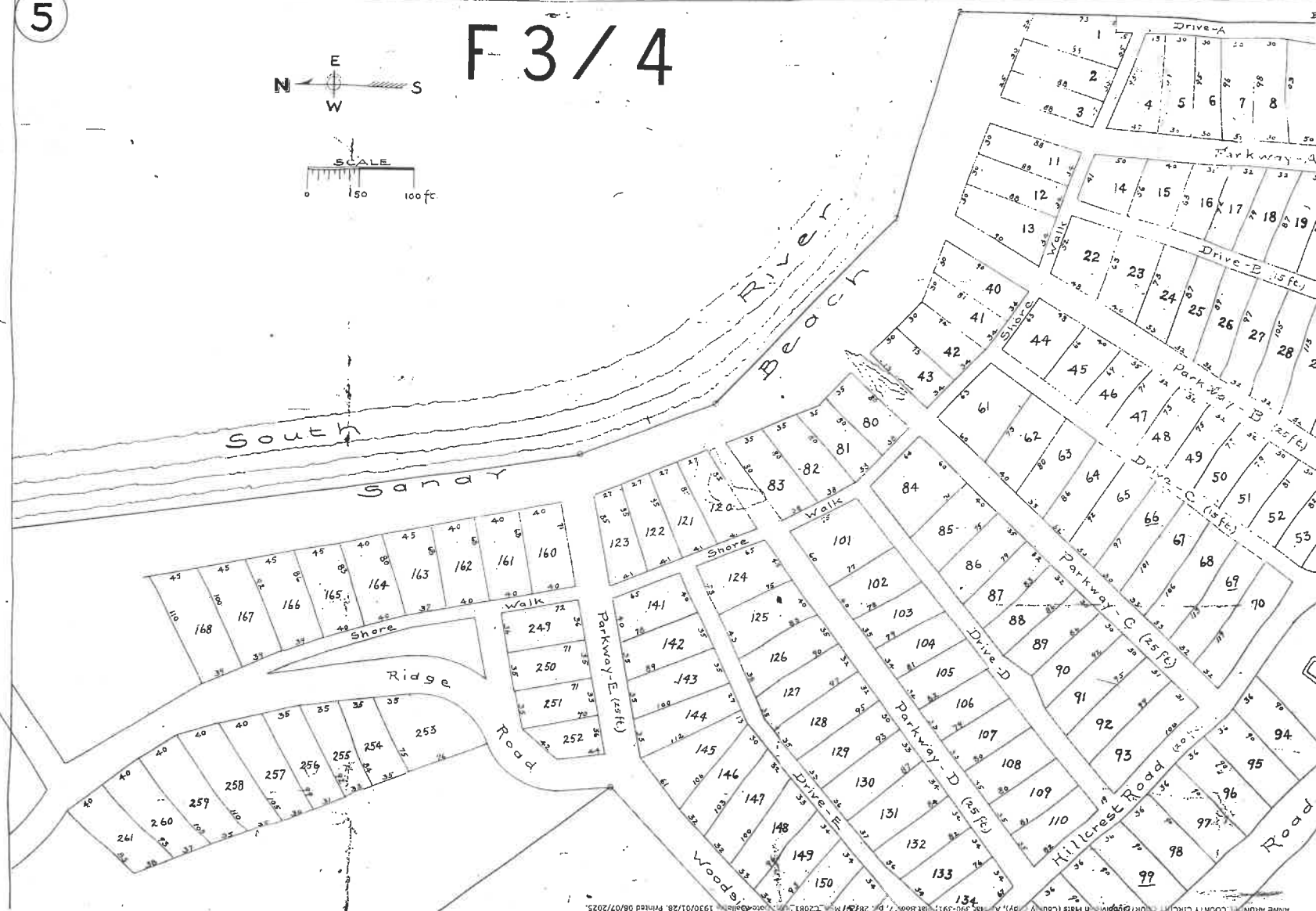
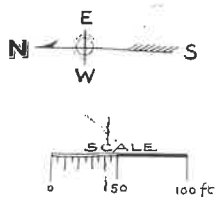
RARE AND ENDANGERED SPECIES

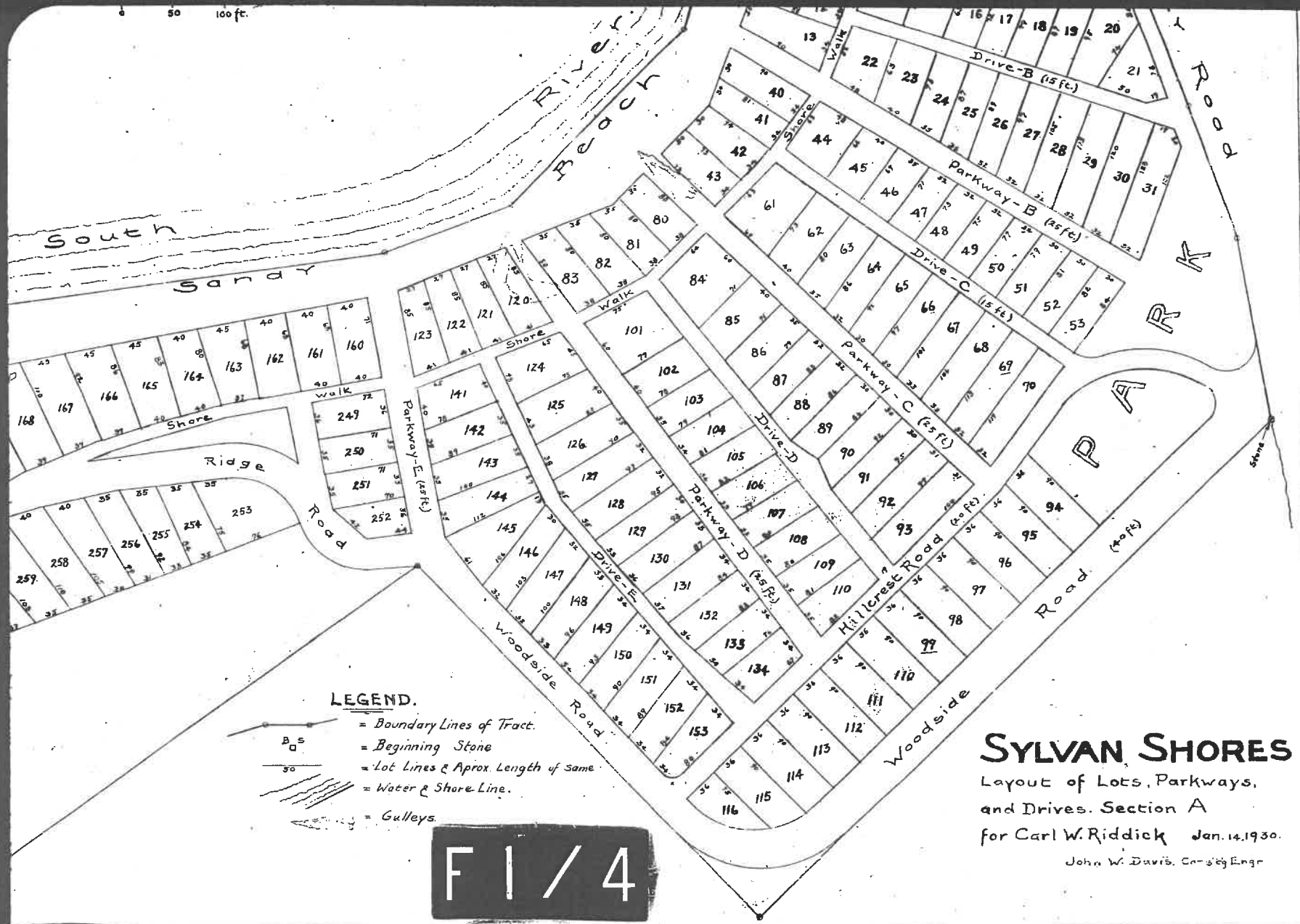
There are no federally or state listed species of rare, threatened or endangered species of plants or animals on this site.

DATES OF FIELD WORK

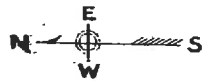
August, 2025

F 3 / 4



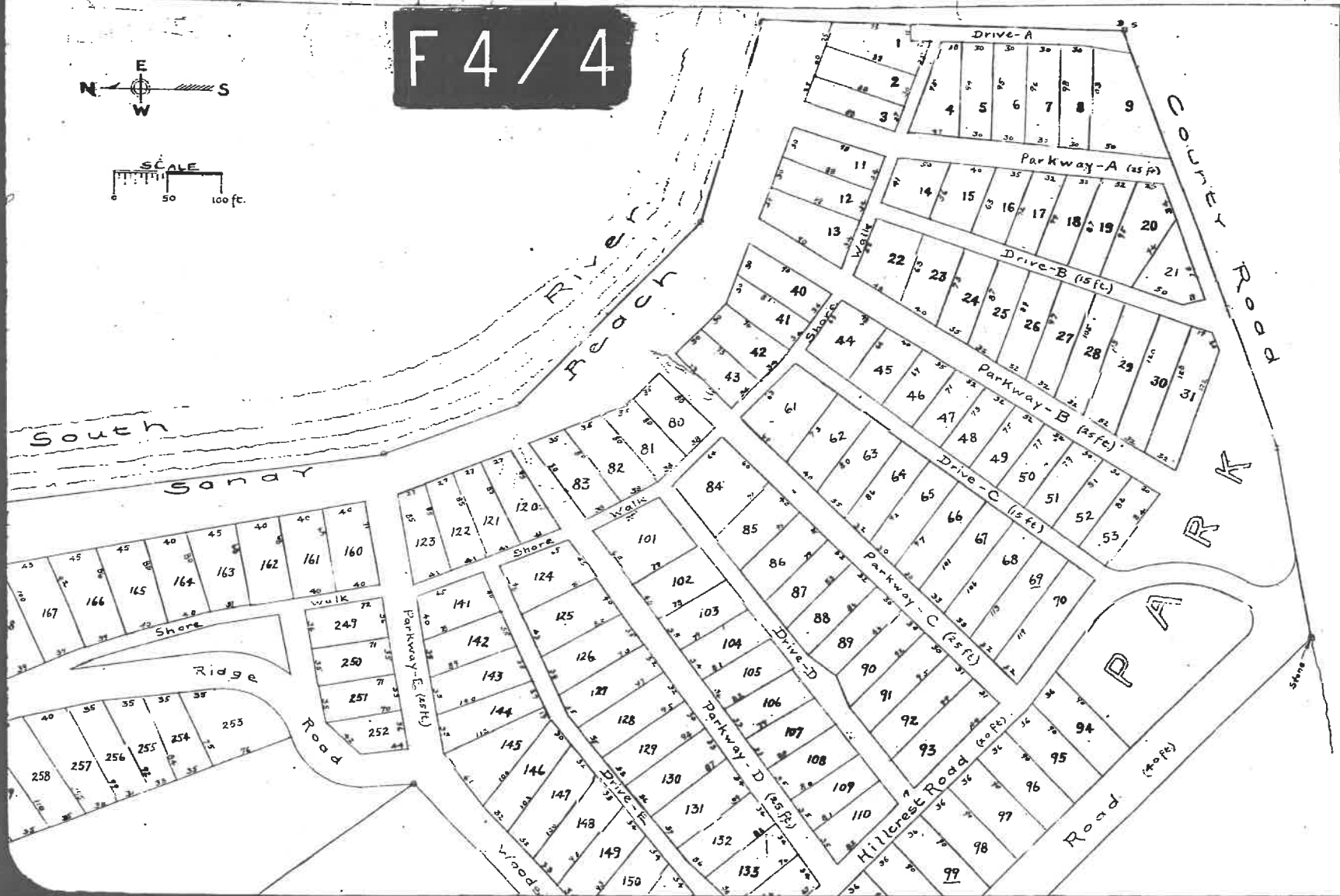


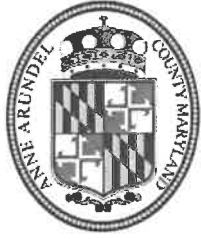
10. FOLIO-28 SPEED 20



SCALE
0 50 100 ft.

F4/4





OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0064-P
DATE: 07/01/2025
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)
Natalie Norberg (I&P)

APPLICANT/REPRESENTATIVE: terrain / Welch Construction

EMAIL: terrain@comcast.net / dwelch@welchconstruction.com

SITE LOCATION: 104 Woodside Rd, Riva

LOT SIZE: 3,060 sf

ZONING: R5 **CA DESIGNATION:** IDA **BMA:** **or BUFFER:** **APPLICATION TYPE:**

DESCRIPTION:

The applicant proposes a new SFD, 21' x 42' which will be 20' from Woodside Road and 25' from Elm Rd, and 5' from the northeast side lot line that is shared with Lot 150. Variances are required to the side and front (Elm Rd) and to the distance of the areaway from the southwest side lot line shared with Lot 152.

COMMENTS:

I & P Engineering:

1. Drywells are to be installed in HSG A or B soils. The site has HSG C soils.
2. Drywells are not to be installed under single-family home driveways.
3. Drywells need to be 10 feet from the property line.
4. The sewer house connection must change direction using clean outs.
5. Label the size of the existing water meter, water house connection, and sewer house connection.
6. Clean up the legend. Remove items that are not shown on the plan.
7. Provide the month and year of the field-run topo.
8. Label where the off-site topo came from and the year.

Critical Area Team:

No objection from a Critical Area standpoint. It should be confirmed that this lot meets the criteria to be developed as a separate lot per 18-4-202.

Zoning Administration Section:

The letter of explanation was written June 18, 2025. As of July 1, 2025 when Bill 72-24 became effective, the front setback for the R5 district is now 20'. The property is a narrow, through lot with two fronts. Label the site plan accordingly. Dimensions should be shown for the stoop and steps (and the distance of the steps to the Elm Rd front lot line. With the new 20' front setback it appears that the stoop and steps will meet the requirements. The variance to Woodside Road is not necessary as shown.

The applicant must justify how this is the minimum necessary to afford relief. Given the additional 5' of the new setback requirements perhaps the house could be redesigned to meet those requirements.

The IDA does not have a lot coverage maximum. The R5 zoning district has a structure coverage maximum of 65% (as of Bill 72-24). Provide on the site plan, percentage calculations for structure - including the proposed house, areaway, decks, stoops, etc.

The applicant should address how the property meets 18-4-202 in the letter of explanation.

Given the orientation of the driveway and the 'front' of the house on Elm Road it is suggested that the applicant or their representative contact Spencer Cloutier pzclou23@aacounty.org or 410-222-7795 regarding the address of the property.

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.