



303 Najoles Road - Suite 114
Millersville, MD 21108

Phone: 410-987-6901
Fax: 410-987-0589

June 11, 2025

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

Re: **Atlantis, Lot 28, Plat 2**
943 Aqua Court
Annapolis, MD
T.M. 40 B. 4 P. 450

Dear Ms. Seay,

Please accept this as our formal variance request to the Subdivision and Development Regulations in Article 17 on behalf of our client regarding critical area law. The variance requests are to Article 17, Section 3-301 to allow disturbance in an expanded buffer from a tributary stream.

We are requesting this variance to allow for the deck near the home to be replaced in-kind. The deck is entirely within the expanded buffer to the tributary stream.

Explanation as required by Article 18, Section 16-305(b)

The size and shape of this lot cause implementation of the County's critical area program to cause unwarranted hardship on the property. A variance is necessary to replace an aging deck in-kind and due to the location of the existing house in relation to the stream, there is no way to replace the deck without a variance. Literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas and will not confer special privilege onto the applicant as adjacent residences in Atlantis are also disturbing the buffer and steep slopes in order to improve their properties with decks. These variance requests are not results of actions by the applicant and there has been no commencement of development before this application for a variance was filed and does not have any bearing or connection to building on neighboring properties. The granting of this variance will not adversely affect water quality and fish as the flow characteristics of the site remain unchanged in the proposed condition as the lot coverage will not be changed and all disturbance will be restored to natural condition. Wildlife or plant habitat will not be adversely affected as the granting of the variance will allow the disturbance to be proposed in-kind of an existing deck with no new clearing of trees and disturbance to wildlife habitat.

Explanation as required by Article 18, Section 16-305(c)

We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief because the proposed plan is the least intrusive way to restore the failing deck and the deck is modest in size at only 12' in depth. The granting of this variance will not alter the character of the neighborhood. This variance will not impair the appropriate use or development of the surrounding property as it will not deny access or the possibility to build on neighboring lots. The variance will not reduce forest cover in the LDA not be contrary to the acceptable clearing and replanting practices in the LDA as there is no clearing proposed. The granting of this variance will not be detrimental to the welfare of the public.

If you have any questions or need any additional information, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read "MJ Werner".

Michael J. Werner, P.E.

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: June 18, 2025

Tax Map	Parcel	Block	Lot	Section
0040	0450	0004	28	

Tax ID: 3046-9001-5572

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) Atlantis

Project location/Address 943 Aqua Ct

City Annapolis Zip 21409

Local case number

Applicant: Last name Bullock First name David

Company A

Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name Krinet First name Kelly

Phone 410-222-7960 Response from Commission Required by

Fax Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of Project site:

RePlace in-Kind dec within the expanded buffer

☐ Intra-Family Transfer
☐ Grandfathered Lot

☐ Growth Allocation
☐ Buffer Removal 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
UDA Area		4,420
LDA Area		13,066
RCA Area		
Total Area		17,486

Total Disturbed Area Acres Sq Ft
- -

Number of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	-	6,500	Existing Lot Coverage	---	1,807
Created Forest/Woodland/Trees	0	0	New Lot Coverage	-	0
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage	---	1,807

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	-	826	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	-	-	Mitigation	TBD	TBD

Variance Type

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

Structure

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

Chesapeake Bay Critical Area Report

**943 Aqua Court
Tax Map: 40 Grid: 4 Parcel: 450
Lot: 28**

**Annapolis, MD
July 2025**

Prepared for:

Anarex, Inc.
Attn: Mr. Matt Seiss, P.E.
303 Najoes Rd, Ste. 114
Millersville, MD 21108

Prepared by:

Holly Oak Consulting, LLC
303 Sycamore Rd
Severna Park, MD 21146
khaines@hollyoakconsulting.com



1.0 - INTRODUCTION

The subject property is located at 943 Aqua Court in Annapolis, Maryland. The property is identified on Tax Map 40, Grid 40, as Parcel 450, Lot 28 (Plat 3). The site is zoned R5 per the Anne Arundel County Zoning Map. Field work for this report was completed on June 17, 2025 by Kevin C. Haines of Holly Oak Consulting, LLC.

2.0 – EXISTING CONDITIONS

The site contains 0.40-acre all of which is within the Chesapeake Bay Critical Area. More specifically, the site is located within the Intensive Development Area (IDA) and Limited Development Area (LDA). The site is within a Buffer Modification Area. The site falls from north to south towards a tributary to Deep Creek. The property is developed with a residence, driveway, and associated infrastructure.

The site is bordered to the north by Aqua Court, and to the east, west, and south by residences.

The United States Department of Agriculture Natural Resources Conservation Service has mapped the soils throughout Anne Arundel County and makes the mapped soils and descriptions available online through the Web Soil Survey. The data that was retrieved on July 20, 2025 and showed three (3) soil types exist in the study area. The soil type and description can be found below. A copy of the soil mapping can be found in [Appendix A](#).

<i>Map Unit Symbol</i>	<i>Map Unit Name</i>	<i>Hydric (%)</i>	<i>K-Factor (Whole Soil)</i>
AsE	Annapolis fine sandy loam, 15-25% slopes	5	0.24
AuD	Annapolis-Urban land complex, 5-15% slopes	0	0.24
EuE	Evesboro-Galestown-Urban land complex, 15-25%	0	0.05

3.0 – AERIAL IMAGERY REVIEW & SITE HISTORY

This site is located along the near the shores of the Deep Creek, a tributary to the Magothy River. The surrounding area was largely used as a summering location from the 1920s through the 1960s, when the surrounding areas began to become developed with residential subdivisions. A copy of the USGS Topographical map can be found in [Appendix A](#).

The site was developed as part of the larger subdivision in the early 1980s and has generally remained in its current state since that time.

4.0 – PROPOSED CONDITIONS

The applicant proposes to replace an existing wooden deck in-kind. There will be no new lot coverage and disturbance within the buffer will be limited to disturbance to replace the footers.

Stormwater management is not required for this project as the proposal does not include disturbance above 5,000 square feet, and canopy clearing is not proposed.

5.0 – HABITAT PROTECTION AREAS

The State and County Critical Area Law identifies certain areas of high environmental value as Habitat Protection Areas (HPAs). Below is a discussion of HPA's existing within the subject site.

5.1 - Steep Slopes

Anne Arundel County designates steep slopes within the Critical Area as slopes of 15% that are at least 6' high. The site includes steep slopes and their buffer, disturbance to the buffer is proposed for construction access and replacement of the deck footings.

5.2 - Rare, Threatened & Endangered Species

Per initial research of DNR records there does not appear to be records of RTEs within or adjacent to the boundary of this site. RTEs were not noted during the field visits to this site. The site is not mapped as FIDS habitat per MDDNR's MERLIN Online GIS Database.

5.3 - Wetlands, Streams, & 100-Year Floodplain

The site does not contain tidal wetlands, non-tidal wetlands, or streams per the field observations. Furthermore, neither the USFWS National Wetland Inventory (Appendix A) nor the MD DNR Wetland Inventory indicates the presence of wetlands or streams within the site boundary.

The site is located within the Magothy River Watershed (MD 02131001 8-digit).

The site lies within Zone X (areas of minimal flood hazard) per FEMA Flood Insurance Rate Maps #24003C0187F (eff. 2/18/15) as shown in Appendix A.

5.4 – Buffer and Expanded Buffer

The site contains the 100' buffer to a stream and the buffer is expanded for steep slopes and the applicable 50' buffer. Ground disturbance is proposed within the buffer as the existing footings will be replaced, and construction access is necessary. Permanent and temporary disturbance will be mitigated as required by COMAR.

5.5 – Other HPAs Not Contained within Study Area

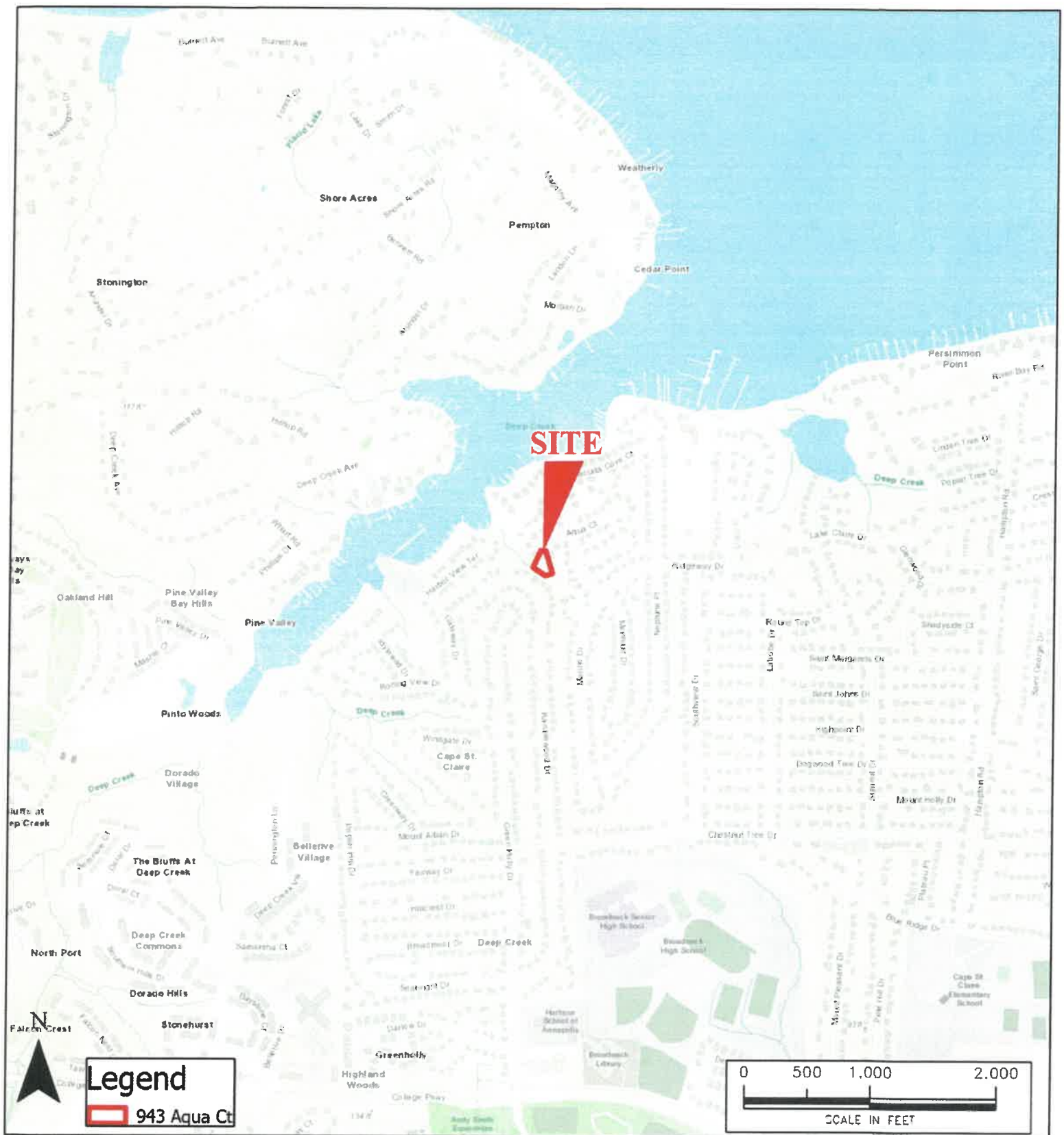
Other HPAs are not mapped within or adjacent to the study area. MDDNR's MERLIN online mapping database was reviewed and showed that the following HPAs are not located within or near the study area: Submerged aquatic vegetation, shellfish beds, historical waterfowl staging and concentration areas, sensitive species project review areas, and natural heritage areas.


6.0 – EXISTING VEGETATION & WILDLIFE

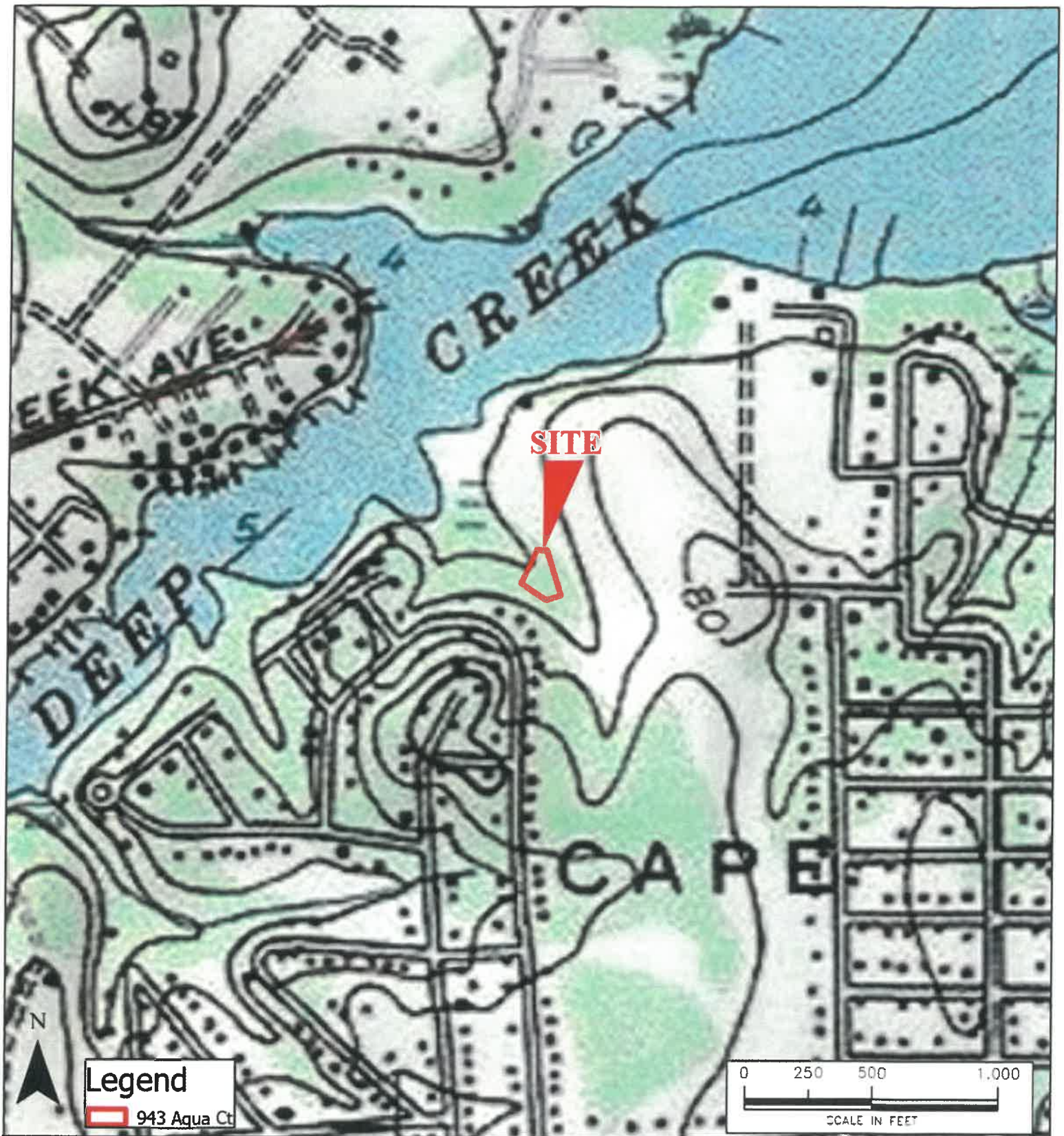
The site contains canopy cover along the southern property line. Vegetation is comprised of oak, maple, and sweet gum. English ivy coverage is heavy within the wooded portion of the site. The onsite woodland likely supports common birds and squirrels. It lacks connectivity and species diversity to be of high wildlife value.


References

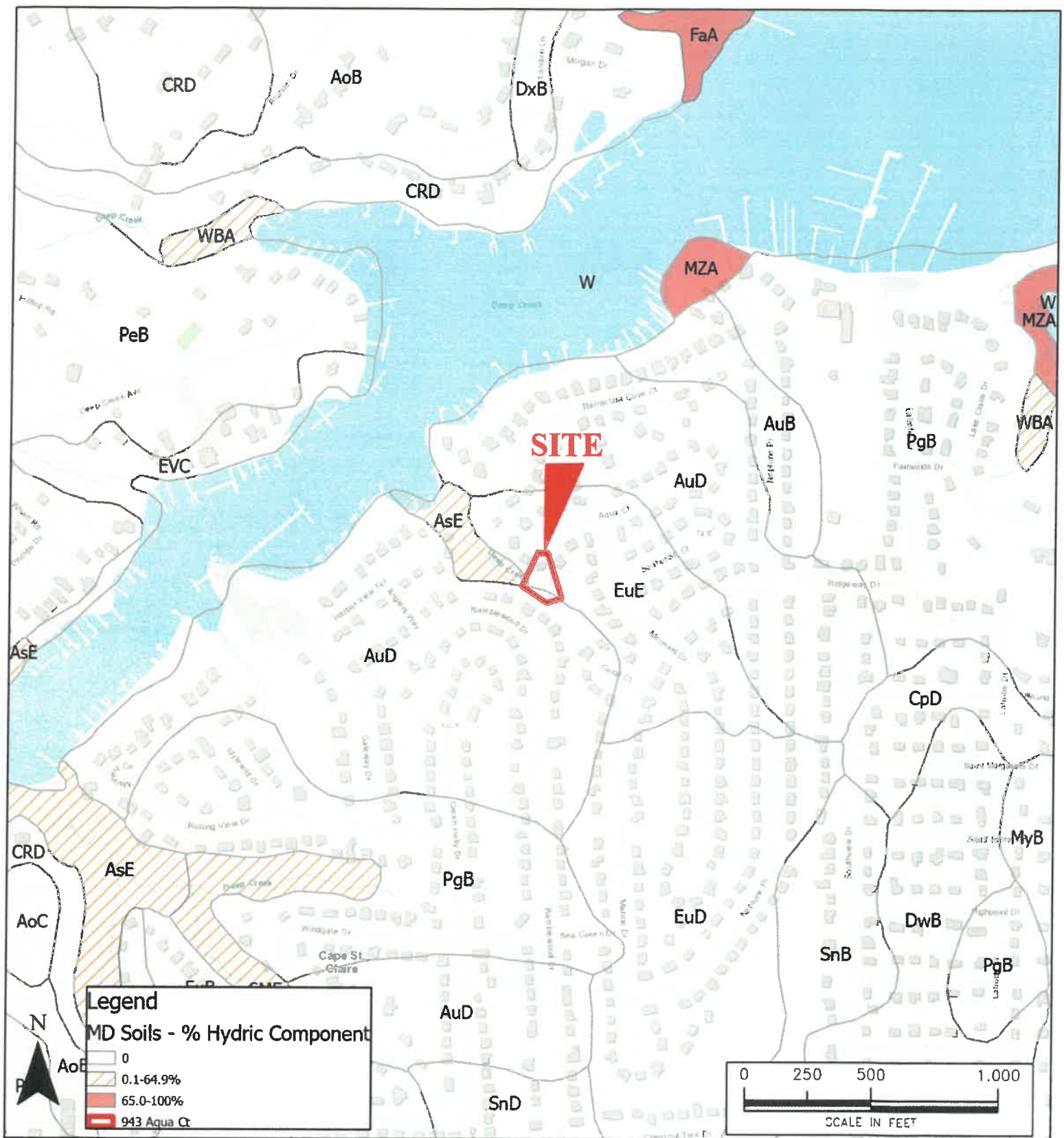
- Brown, R.G. and M.L. Brown. 1972. *Woody Plants of Maryland*. Port City Press, Baltimore, Maryland.
- Eyre, F. H. (1980). *Forest cover types of the United States and Canada*. Washington, D.C. (5400 Grosvenor Lane, Washington, D.C. 20014): Society of American Foresters.
- Foell, Stephanie (2004). *McLean Property, Maryland Historical Trust Determination of Eligibility Form*. Baltimore, MD: Maryland Historical Trust.
- Jones, Claudia, McCann, Jim, & McConville, Susan. (2001). *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*.
- Kaufman, S. R., & Kaufman, W. (2013). *Invasive plants: a guide to identification, impacts, and control of common North American species*. Mechanicsburg, PA: Stackpole Books.
- Lerman, S., Nislow, K., Nowak, D., DeStefano, S., Kind, D. and Jones-Ferrand, T. (2017). *Using urban forest assessment tools to model bird habitat potential -*
- Maryland DNR (Department of Natural Resources). 1997. *State Forest Conservation Technical Manual*. Third Edition, Ginger Page Howell and Todd Ericson, Editors.




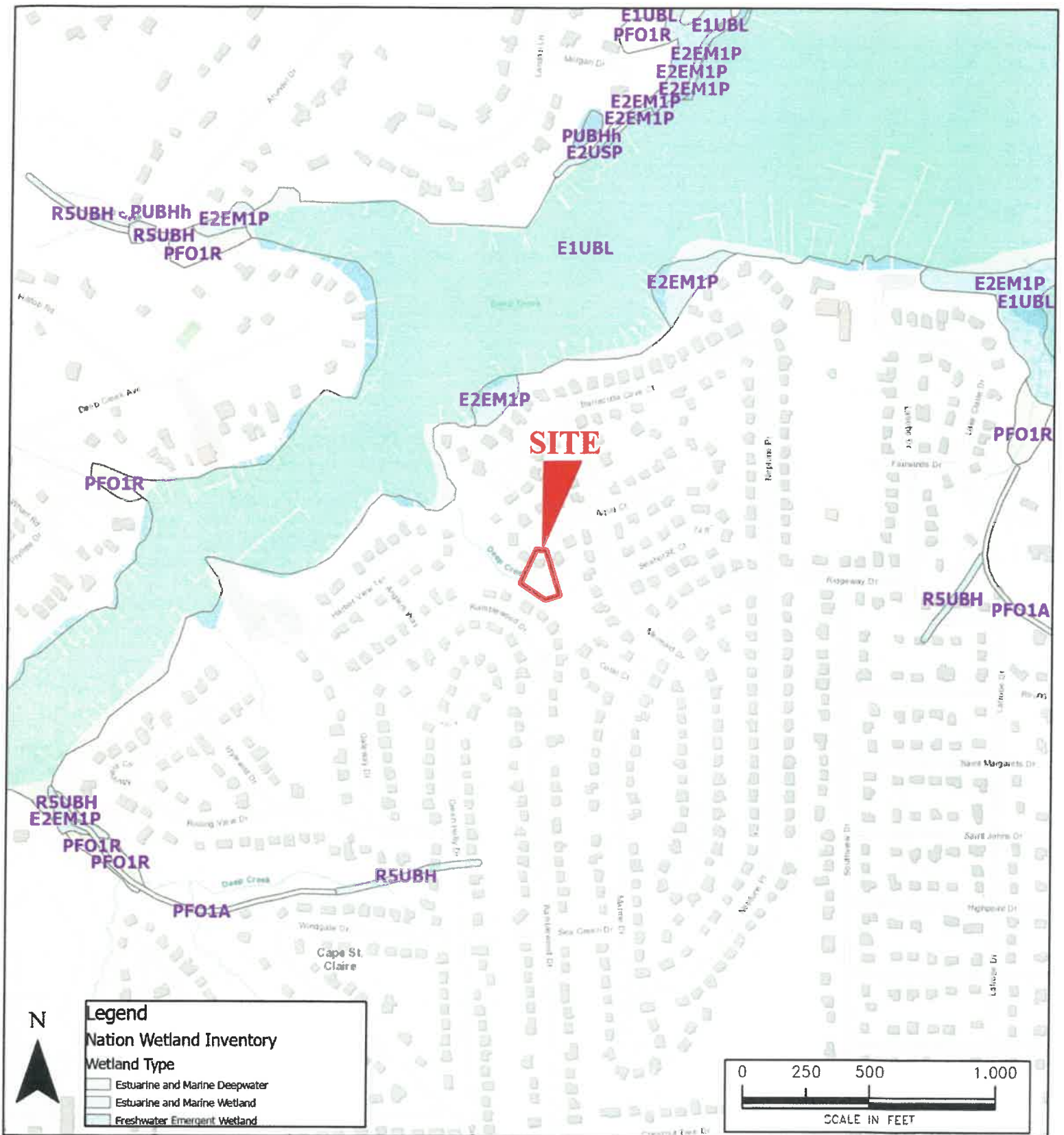
 <p>3031 Steamers Rd Severna Park, MD 21116 P: (410) 906-3119 Email: info@hollyoakconsulting.com</p>	PROJECT	DRAWING TITLE	PROJ. NO. 25-56	FIGURE 1
	943 AQUA COURT	VICINITY MAP	DRAWN BY KCH	
			SCALE 1"=1,000'	
			DATE 7/22/25	
	ANNAPOLIS, MD 21409-4775 ANNE ARUNDEL CO., MD			




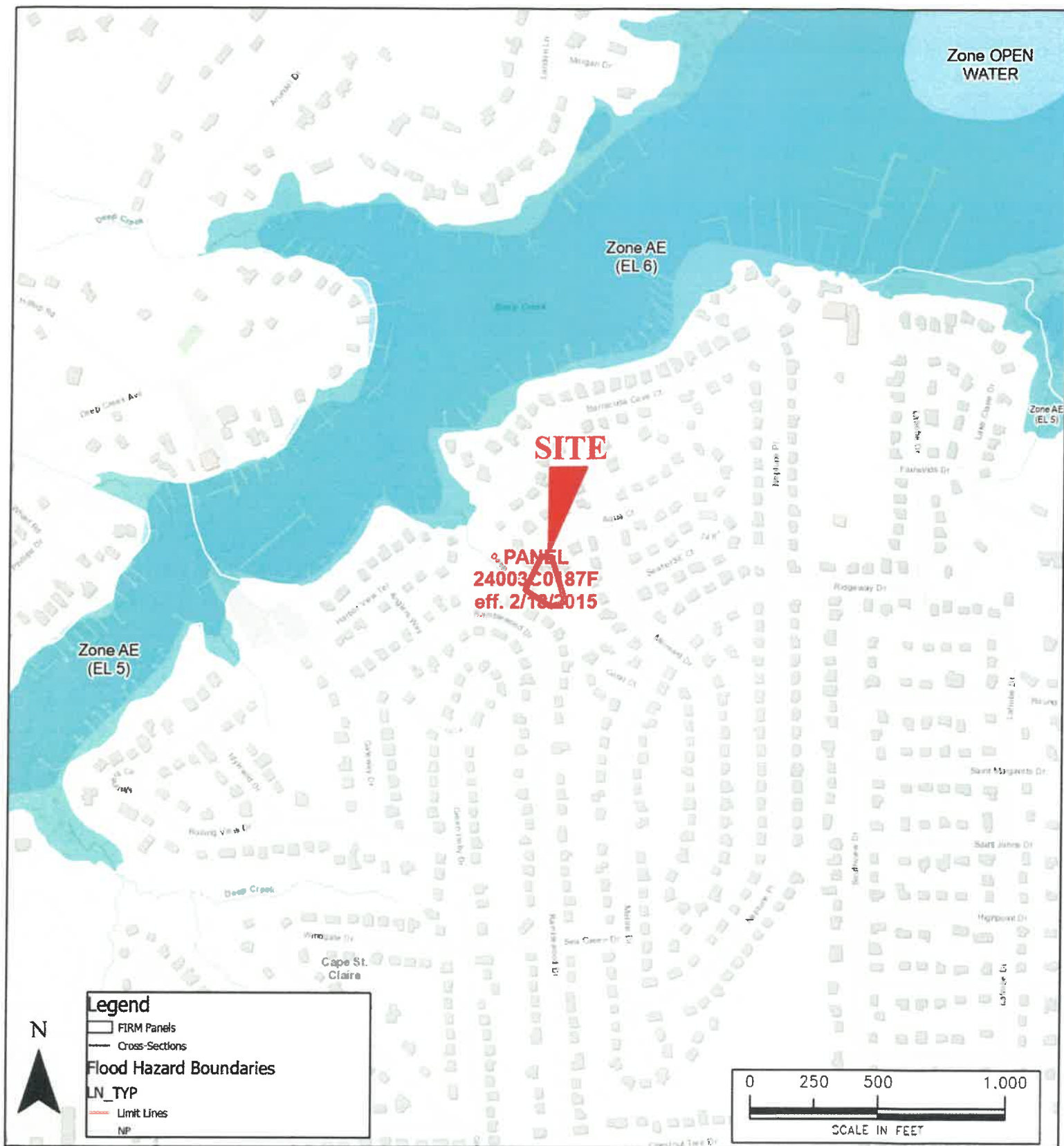
 <p>HOLLY OAK CONSULTING</p> <p>303 Sycamore Rd Severna Park, MD 21146 P: (410) 906-3119 Email: info@hollyoakconsulting.com</p>	<p>PROJECT</p> <p>943 AQUA COURT</p> <p>ANNAPOLIS, MD 21409-4775 ANNE ARUNDEL CO., MD</p>	<p>DRAWING TITLE</p> <p>USGS 24K TOPOGRAPHICAL MAP</p>	<p>PROJ. NO. 25-56</p> <p>DRAWN BY KCH</p> <p>SCALE 1"=500'</p> <p>DATE 7/22/25</p>	<p>FIGURE</p> <p>2</p>
---	---	--	---	------------------------




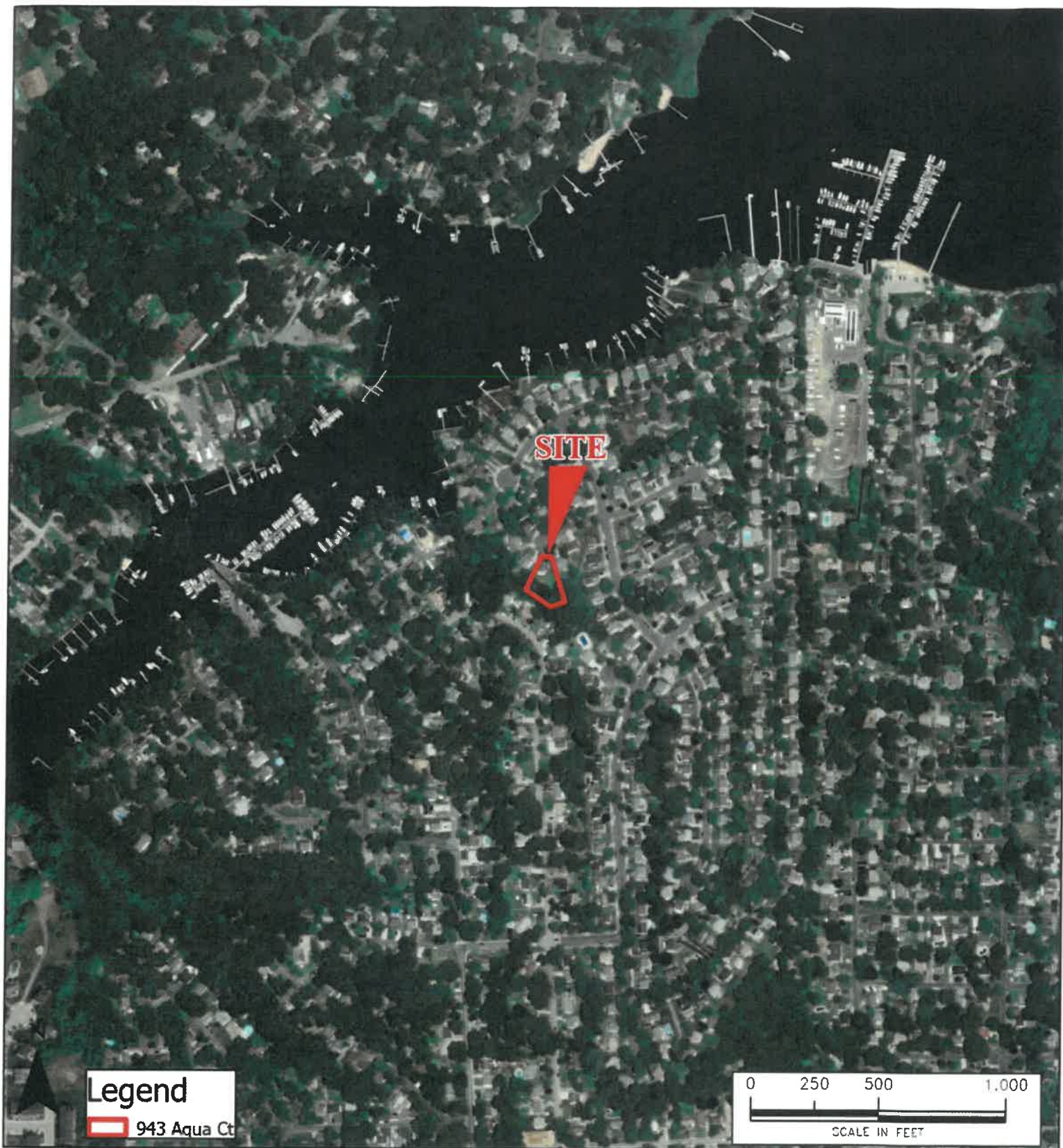
 <p>303 Sycamore Rd Severna Park, MD 21146 P: (410) 906-3119 Email: info@hollyoakconsulting.com</p>	PROJECT	DRAWING TITLE	PROJ. NO. 25-56	FIGURE 3
	943 AQUA COURT	USDA NRCS SOIL SURVEY	DRAWN BY KCH	
			SCALE 1"=500'	
			DATE 7/22/25	




 <p>303 Sycamore Rd Severna Park, MD 21146 P: (410) 906-3119 Email: info@hollyoakconsulting.com</p>	<p>PROJECT</p> <p>943 AQUA COURT</p> <p>ANNAPOLIS, MD 21409-4775 ANNE ARUNDEL CO., MD</p>	<p>DRAWING TITLE</p> <p>USFWS NATIONAL WETLAND INVENTORY</p>	<p>PROJ. NO. 25-56</p>	<p>FIGURE</p> <p>5</p>
			<p>DRAWN BY KCH</p> <p>SCALE 1"=500'</p> <p>DATE 7/22/25</p>	



 <p>303 Sycamore Rd Severna Park, MD 21116 P: (410) 906-3119 Email: info@hollyoakconsulting.com</p>	PROJECT	DRAWING TITLE	PROJ. NO. 25-56	FIGURE 6
	943 AQUA COURT	FEMA FLOOD INSURANCE RATE MAP	DRAWN BY KCH	
			SCALE 1"=500'	
		ANNAPOLIS, MD 21409-4775 ANNE ARUNDEL CO., MD		DATE 7/22/25



 <p>HOLLY OAK CONSULTING, LLC</p> <p>303 Sycamore Rd Severna Park, MD 21116 P: (410) 908-3119 Email: info@hollyoakconsulting.com</p>	<p>PROJECT</p> <p>943 AQUA COURT</p> <p>ANNAPOLIS, MD 21409-4775 ANNE ARUNDEL CO., MD</p>	<p>DRAWING TITLE</p> <p>AERIAL IMAGERY</p>	<p>PROJ. NO.</p> <p>25-56</p>	<p>FIGURE</p> <p>7</p>
			<p>DRAWN BY</p> <p>KCH</p>	
			<p>SCALE</p> <p>1"=500'</p>	
			<p>DATE</p> <p>7/22/25</p>	

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: June 18, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
0040	0450	0004	28	

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 3046-9001-5572

Project Name (site name, subdivision name, or other) Atlantis

Project location/Address 943 Aqua Ct

City Annapolis Zip 21409

Local case number

Applicant: Last name Bullock First name David

Company N/A

Application Type (check all that apply):

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

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

Local Jurisdiction Contact Information:

Last name Krinetz First name Kelly

Phone # 410-222-7960 Response from Commission Required By

Fax # Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Replace in-kind deck within the expanded buffer

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		4,420
LDA Area		13,066
RCA Area		
Total Area		17,486

Total Disturbed Area

Acres	Sq Ft
-	-

of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	-	6,500	Existing Lot Coverage	---	1,807
Created Forest/Woodland/Trees	0	0	New Lot Coverage	-	0
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0	0
			Total Lot Coverage	---	1,807

VARIANCE INFORMATION (Check all that apply)

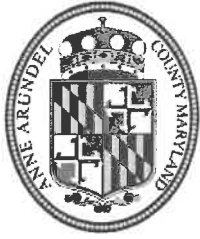
	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	-	826	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	-	-	Mitigation	TBD	TBD

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 ☐



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0058-P
DATE: 06/27/2025
OPZ STAFF: Jennifer Lechner
Kelly Krinetz

APPLICANT/REPRESENTATIVE: David Bullock / Anarex, Inc.

EMAIL: matt@anarex.com

SITE LOCATION: 943 Aqua Court, Annapolis

LOT SIZE: 1.007 acres

ZONING: R5 **CA DESIGNATION:** LDA/IDA **BMA:** n/a **BUFFER:** YES **APPLICATION TYPE:** Variance

The applicants are proposing to replace the aging deck in-kind. The deck is located entirely within the 100' buffer to the tributary stream.

B02433918, to replace in kind a 28' x 12' deck, 4' x 4' landing and steps to grade, was submitted on 2/28/2025.

The following variances are required:

- § 18-13-104 to allow disturbance to the 100ft buffer (tributary stream).
- § 17-8-301, development on properties containing buffers shall meet the requirements of COMAR, Title 27.

COMMENTS

Zoning Administration Section:

The applicant is reminded, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards (a through c) and provide adequate justification for each of the variances required.

Critical Area Team:

No objection to in kind repair/replacement.

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.