

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

APPLICANT: Matthew & Suzanne Orendorff

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0175-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: November 6, 2025

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting variances to allow improvements (pool patio, decks, walkways, pavilion, etc.) with less setbacks than required and with new lot coverage nearer to the shoreline than the closest facade of the existing principal structure on property located at 1103 Neptune Place in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 11,302 square feet of land and is located on the northeast side of a cul-de-sac at the northern end of Neptune Place. It is identified as Lot 68 of Parcel 450 in Block 4 on Tax Map 40 in the subdivision of Atlantis.

The property is zoned R5 – Residential District. This lot has frontage on Deep Creek, lies within the Chesapeake Bay Critical Area overlay, is designated as IDA – Intensely Developed Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a two-story single-family dwelling with a basement, a pool with surrounding concrete patio, waterfront decking, a pier, a gazebo, and other associated facilities.

PROPOSAL

The applicant proposes to reconfigure the existing pool patio, decks, walks, and pavilion and to construct a new ADA riparian access ramp.

REQUESTED VARIANCES

§ 17-8-702(b)(1) of the Anne Arundel County Subdivision and Development Code provides that in a BMA – Buffer Modification Area no new lot coverage shall be placed nearer to the shoreline than the closest façade of the existing principal structure. The proposed reconfiguration of the waterfront amenities would necessitate a variance to allow a reported 401 square feet of new critical area lot coverage nearer to the shoreline.

§ 18-4-701 of the Anne Arundel County Zoning Code provides that an accessory structure eight feet in height for greater in an R5 District shall be set back a minimum of 40 feet from the front lot line and seven feet from each side lot line. The proposed pavilion would be located 1.4 feet from the front lot line and 0.25 feet from the west side lot line, necessitating variances of 39 feet and

seven feet, respectively. The proposed waterfront deck would be located zero feet from the front lot line and 0.25 feet from the west side lot line, necessitating variances of 40 feet and seven feet, respectively.

FINDINGS

The subject property is irregular in shape and easily exceeds the minimum 50-foot lot width at the front building restriction line and the minimum 5,000 square foot area required for a lot served by public sewer in an R5 District. The existing critical area lot coverage is 6,613 square feet, and the proposed coverage would be 6,443 square feet, resulting in a 170 square foot reduction.

A review of the 2024 County aerial photograph shows that the subject property currently enjoys extensive waterfront amenities that far exceed that of most nearby waterfront properties. The applicants' letter explains that the existing aging improvements are in poor condition and that the owners would prefer to make their property more accessible for their elderly mother who resides at the basement level as well as allow for them to age in place.

The **Development Division (Critical Area Team)** commented that the proposed redevelopment of the existing improvements results in an overall reduction of coverage in the Buffer Modification Area. All of the buffer plantings should be located between the front facade of the dwelling and the bulkhead. The Team offers no objection to this proposal provided that the Administrative Hearing Officer determines that this request is in compliance with approval standards for variance requests in the Critical Area.

The **State Critical Area Commission** commented that, while the reconfiguration will result in a reduction of lot coverage by 170 square feet, the proposed improvements are out-of-kind and thus constitute new lot coverage within the BMA setback. The Commission does not oppose the reconfiguration of lot coverage to improve and repair the existing pool deck and wooden decking and to install an ADA-compliant walkway to the shoreline. However, the applicants have the ability to further improve the site design to minimize impacts. Specifically, the proposed pavilion is a non-water dependent structure, located within the BMA setback, which is not a right commonly enjoyed by others and would confer a special privilege upon the applicant. The Commission would not oppose the siting of the pavilion outside of the BMA setback. The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance Standards have been met, including that this proposal meets unwarranted hardship and that it would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the standards have been addressed, then appropriate mitigation and stormwater management will be required.

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

For the granting of a critical area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. In this case, there is nothing particularly unique about the subject lot relative to other nearby waterfront properties mapped within a BMA - Buffer Modification Area. While this Office recognizes the long-standing location of significant lot coverage between the house and the

shoreline, the applicants have opted not to take advantage of the in-kind replacement provisions and wish to reconfigure their waterfront amenities instead. As such, there is opportunity for the applicants to redesign in order to improve upon the existing conditions.

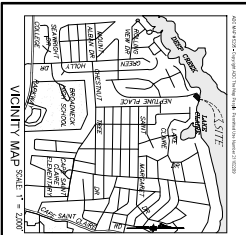
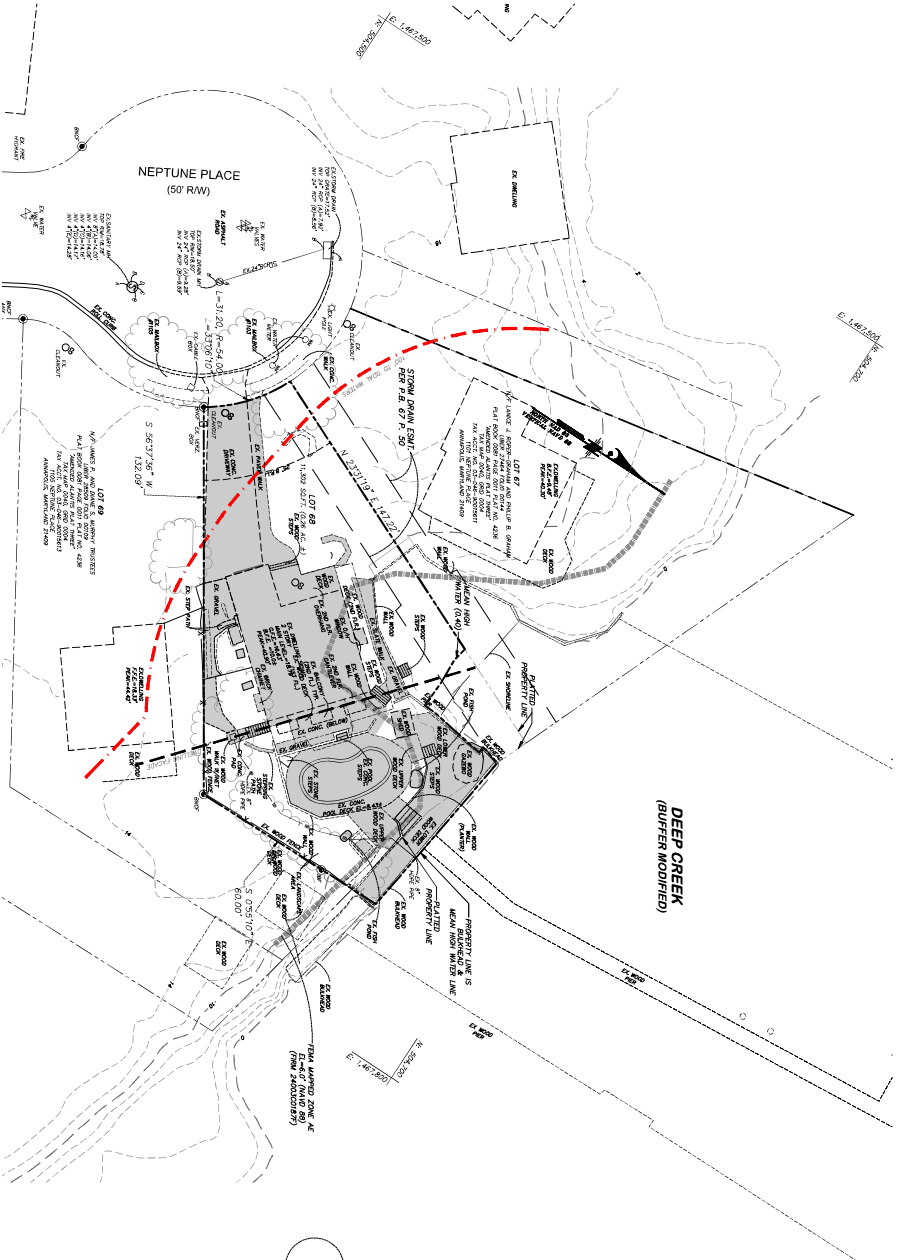
A literal interpretation of the County's Critical Area Program would not necessarily deprive the applicants of rights that are commonly enjoyed by other properties in similar areas, as the 100-foot BMA allows for replacement without a variance. This Office understands that an exact replacement may not always meet every applicant's needs and desires; however, when opting against the allowed in-kind replacement, redevelopment proposals must satisfy all of the critical area variance standards, including that the request represents the minimum necessary. The granting of the variances would confer on the applicants a special privilege that would be denied by COMAR, Title 27, as the proposed improvements located directly at the shoreline far exceed what is typical for nearby waterfront lots. The variance requests are not based on conditions or circumstances that are the result of actions by the applicants and do not arise from any condition relating to land or building use on any neighboring property. The granting of the variances as proposed may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and have not evaluated or implemented site planning alternatives to the satisfaction of the State Critical Area Commission or this Office.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood or substantially impair the appropriate use or development of adjacent property since the structures would be replacing structures in similar locations. The variances would not be contrary to acceptable clearing and replanting practices or be detrimental to the public welfare. However, while the applicants would be allowed to replace everything that currently exists in-kind, they are choosing not to do so. As such, a greater effort should be made to minimize the impacts of the replacement structures and the associated variances. Previously existing structures in the same general location, even with a 170 square foot reduction of coverage, do not in-and-of-themselves justify zoning or critical area variances. With the extensive decking zero feet from the shoreline and the pavilion 1.4 feet from the shoreline, there is no way to provide any planted buffer between those structures and the creek to protect it from runoff. The decking and the pavilion should be reduced and shifted away from the shoreline, and they should be moved further away from the front and side lot lines in order to come closer to compliance with the zoning setback regulations.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends **denial** of the proposed critical area and zoning variances.

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.



LEGEND	
	Existing Contour
	100' Flood Hazard Line
	FEMA Floodline
	Footprint Of Principal Structure
	Existing Improvements

NOTES OF VARIANCE

-Requesting a variance to **Article 17, Section 2-601(a)(1)** of the County Code to allow for a structure to be located on a lot greater in the LCA.

-Requesting a variance to **Article 17, Section 2-601(b)(1)** of the County Code to permit new lot coverage to be greater than the existing principal structure.

-Requesting a variance to **Article 18, Section 2-601(a)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(b)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(c)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(d)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(e)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(f)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(g)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(h)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(i)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(j)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(k)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(l)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(m)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(n)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(o)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(p)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(q)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(r)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(s)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(t)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(u)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

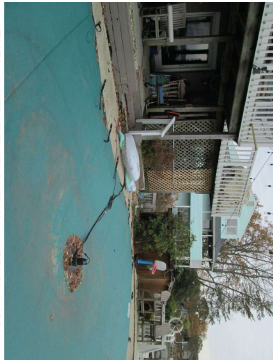
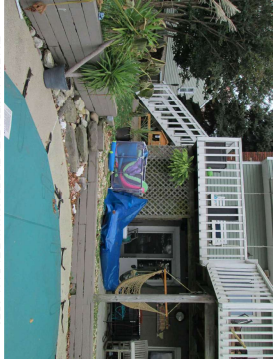
-Requesting a variance to **Article 18, Section 2-601(v)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(w)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(x)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(y)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.

-Requesting a variance to **Article 18, Section 2-601(z)(1)** of the County Code to the location of a principal structure on a lot greater in the LCA.



REVISIONS TO APPROVED PLANS	
No.	DATE
1	1/27/2025
2	1/27/2025
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4	1/27/2025
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Drum, Loyka & Associates, LLC
CIVIL ENGINEERS - LAND SURVEYORS
1440 FORD DRIVE, SUITE 20
ANNAPOLIS, MARYLAND 21403
Phone: 410-261-1222
www.drummyloyma.com | info@drummyloyma.com

Professional Certification, I hereby certify that these documents were prepared or supervised by me, and I am a duly Licensed Professional Engineer in the State of Maryland. My License No. 10521. My Expiration Date: 12/31/25.

OWNER
MATTHEW G. AND SUZANNE ORENDORFF
1103 NEPTUNE PLACE
ANNAPOLIS, MARYLAND 21409

EXISTING CONDITIONS & ENVIRONMENTAL MAPPING
VARIANCE PLAN
ATLANTIS ~ LOT 68
1103 NEPTUNE PLACE ANNAPOLIS, MARYLAND 21409
TAX MAP 40
DATE: 8/29/2025
SHEET 1 OF 2

Legend	
	Flowing Contour
	Limit of Disturbance
	Existing Power Right-of-Way
	Flowing Overhead Electric Line
	Proposed Overhead Electric Line
	100' Right-of-Way Line
	FEMA Floodline
	Flooded Area
	Proposed Private Structure
	Proposed Power Right-of-Way
	Proposed Structure
	Proposed Compensate Wood Line

August 29, 2025

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

RE: Revised Variance Request
Atlantis Lot 68
1103 Neptune Place
Annapolis, MD 21409
Tax Map 40, Grid 04, Parcel 450
Tax Account # 03-046-90015612

To whom it may concern,

On behalf of the owner's Mr. Mathew Orendorff and Mrs. Suzanne Orendorff, we hereby request a Critical Area variance to Anne Arundel County code Article 17, Section 8-702 to allow relief of 401 square feet of new lot coverage between the shoreline and the dwelling's existing façade to reconfigure the existing pool patio, decks, walks, and pavilion and to construct a new ADA riparian access ramp. A zoning variance to Anne Arundel County code Article 18, Section 4-701 to reconstruct the existing deteriorating waterfront gazebo and decks with less setbacks than required is also requested. Specifically, relief of 6.75-ft to the required 7-ft side property line setback and relief of 38.6-ft to the required 40-ft front setback to construct the pavilion. Relief of 6.75 to the required 7-ft side setback, and 40-ft to the required 40-ft front setback to reconstruct the waterfront deck up to the bulkhead and beneath the pavilion.

Property Description

The subject property is a grandfathered lot located in the subdivision of Atlantis, in Annapolis which was recorded in the land records of Anne Arundel County in 1978 plat book 67, page 50, plat number 3575. The property is an irregular shaped waterfront property with shoreline along Deep Creek and is designated as Buffer Modified. The property is improved with a 1 1/2-story single-family detached dwelling with a basement, shed, paved driveway, waterfront patios, pool, multi-level decks, gazebo and other associated improvements. The property has frontage and along the 50' right of way cul-de-sac Neptune Place from which the driveway is accessed. The property is approximately 11,458 square feet (0.26 Ac) in area, zoned R-5, and is entirely within the Chesapeake Bay Critical Area with an IDA (Intensely Developed Area). The 100-ft setback to tidal waters runs beyond the south side of the house and encumbers nearly all of the existing improvements. The dwelling is served by public sewer and water located in Neptune Place.

Proposed Development

The property owners propose to expand the existing concrete driveway along the east side of the house, and reconfigure the existing pool patio and decks, to accommodate a new proposed accessibility ramp from the basement level to the riparian frontage and create a single level deck area from the pool to the bulkhead. The existing steps from the northeast corner are to be reconfigured and a new upper-level patio and walk is proposed to provide access from the proposed expanded driveway to basement entry and the pool patio level. They also would like to reconfigure the existing multi-level waterfront decks to be the

same elevation to match the existing lower-level deck along the bulkhead, and rebuild the existing gazebo as a 12'x12' pavilion. The existing aging improvements are in poor condition and the owners would prefer to make their property more accessible for their elderly mother who resides at the basement level as well as allow for them to age in place while needing to make updates to the structures. The proposed reconfiguration of the lot coverage forward of the dwellings façade will result in a net decrease of 170 square feet from what currently exists overall onsite. All that decrease coming from the house facade to the bulkhead. Due to the proposed improvements not being perfectly in-kind replacement a variance to Article 17, Section 8-702 to allow relief of 401 square feet of new lot coverage between the shoreline and the dwelling's existing facade is necessary to proceed with the project. As part of the permitting process stormwater management mitigation planting and mitigation for the new lot coverage will be provided in accordance with code and variance conditions set forth. The disturbance to the tidal water 100-ft tidal waters is the minimum necessary to construct the proposed improvements, which are mostly over areas of existing development and lot coverage.

In the existing conditions the waterside deck and gazebo abut the front and side property lines and a portion of the gazebo traverses the west side property line. The property owners would like to replace the existing octagonal gazebo with a new square 12'x12' pavilion (gazebo) in nearly the same location which will no longer traverse the property line but will still require relief to Article 18-4-701 to allow the gazebo to be less than 1 ft from west side property line and 1.4-ft from the front property line, and to allow the reconfigured deck to be less than 1-ft from the side and front property lines.

An initial pre-file plan 2025-0041-P was submitted generating the attached comments dated May 19, 2025, issued by Ms. Sara Anzelmo and Ms. Kelly Krinetz. Those comments were evaluated, revisions to the plan and site computations were made to show the existing gravel driveway which had been omitted. The owners considered all of the comments and elected to remove a portion of the existing waterfront decking to reduce the sites overall lot coverage, we had added photos of the sites existing conditions, and spot elevations on the ramp to demonstrate ADA compliance.

The deck removal between the pier and the property line with Lot 69 to the south further reduce lot coverage between the house and the waterfront. Since most of the existing deck is between the pool and the bulkhead and does not connect to the house it is being counted as lot coverage just like the pool concrete deck in both the existing and proposed conditions. The new deck & patio configuration creates just two levels, the pool paver area and the waterside deck area to the pier with stairs and the ADA ramp providing access between the two. This combination reduces the overall site lot coverage by 170 sf for the entire site. That revised plan was submitted for a second pre-file 2025-0065-P review by Ms. Anzelmo and Ms. Krinetz which generated the enclosed comments dated July 21, 2025. Those comments were considered and we have added mitigation plantings to the open areas created within the 100-ft to tidal waters.

Most of the reconfiguration of lot coverage between the house façade and the bulkhead is within the limits of the existing lot coverage with the exception of the ADA Ramp which skirts the outside of the pool concrete decking rather and abut the pool itself, and small areas of patio, walk, and deck. However, since the proposed improvements are not considered perfectly in-kind replacement, the total area of new lot coverage closer to the shoreline than the existing façade is 401 square feet. Thus, we are requesting relief to Anne Arundel County code Article 17-8-702 to allow the reconfiguration and reduction of lot coverage

nearer to the shoreline than the existing dwelling façade while creating an ADA accessible access and single-level deck to the waterfront.

The proposed redevelopment is in compliance with the R-5 zoning district coverage by structures bulk regulations. However, variances to allow new lot coverage closer to the shoreline than the façade of the existing dwelling and to allow less setbacks than required is necessary to proceed with the project. We believe that this request meets all the requirements for both Zoning and a Critical Area variance:

Code Article 18-16-305

(a) Requirements for zoning variances.

- (1) Because of the sites unique physical conditions, specifically the topographical conditions and location of the existing improvements it is not possible to redevelop the lot in strict conformance with this article without causing unnecessary hardship. A strict conformance with the code would deprive the applicant from rights which they already enjoy including significant use of their property. The existing waterfront deck and gazebo were constructed prior to the homeowners purchasing the property in 2015.

(b) Requirements for Critical Area Variances.

- (1) Unwarranted Hardship- The property owners are merely proposing to reconfigure the waterfront improvement which already exists to improve their condition and provide a disability accessible route between their driveway, home and their waterfrontage. Unique physical conditions including topography, the irregularly shaped lot, proximity of the improvements to the shoreline present significant constraints. A strict implementation of the regulations would deny significant and reasonable use of their property improvements which already exist. The areas of proposed lot coverage expansion are mostly overtopping existing impervious areas and development.
- (2) Rights commonly enjoyed - the proposed improvements are in character with other dwellings in the neighborhood surrounding properties. Decks, pavilions (gazebos), patios, and walks are features commonly found throughout the neighboring waterfront properties. To deny applicants the ability to have these reconfigured improvements to a waterfront house deprives applicants of rights commonly enjoyed by other property owners in the area.
- (3) Will not confer special privilege - granting this variance would not confer a special privilege to the applicants. The owners only want to perfect what current exist and is in deteriorated condition and to provide disability access while making these improvements. The applicants have made extensive efforts to lay this proposed project out in a responsible manner that reduces minimizes new lot coverage forward of the dwelling's façade with overall site lot coverage that is far less than allowable limits in the IDA designation of the Critical Area.
- (4) Actions by Applicants and Neighbors- The variance is not based on conditions or circumstances that are the result of actions by the applicants or conditions or use on neighboring properties- conditions and circumstances are based on topography, the irregular shape of the site, the enveloping shoreline, and the proximity of the existing improvements to the tidal waters. The dwelling's construction was completed in 1985 just prior to the Chesapeake Bay Critical Area code, and the applicants purchased the property in 2015 from the original homeowners.
- (5) Water Quality, Intent of the Critical Area Program. The requested variances will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the critical area program. Disturbance is minimized to only what is necessary to complete the project. Mitigation will occur in accordance with county regulations at a 3:1 ratio for the new lot coverage and will be addressed during the permitting process. Sediment and erosion controls will be utilized to

ensure that construction and grading will not adversely affect the surrounding environmental features located within the Critical Area. The stormwater management will also be addressed per county and state regulations via mitigation plantings and drainage areas will remain relatively unchanged. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.

(6) The applicant has taken into account natural features, and has met the requirements of § 17-9-208 of the Code. There are no bogs present on the subject property.

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

The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c) as demonstrated with this design.

(c) Requirements for all variances.

1. Minimum necessary to afford relief - The proposed variances allow for uses that not only meets the “significant and reasonable standard” but also are the minimal necessary development to afford relief. The waterfront deck, pavilion, walks, and patio are mostly overtop of the existing patio and deck. Disturbance is the minimum necessary to construct the proposed improvements.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area. The proposed reconfiguration of the site improvements will appear very similar to those which already exist.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the LDA and RCA. Vegetative clearing is reduced to the minimum necessary to construct the proposed improvements and will be mitigated appropriately during the permit process. The site is located outside the LDA and RCA Critical Area land use designations.
 - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area. Clearing is minimal and only for what is necessary for construction and access, and the property is not located within a Bog Protection Area.
 - v. be detrimental to the public welfare as constructing reconstructing patio, walks, and decks, and a new ADA ramp on a residentially zoned property will not impose harm to adjacent property owners or the public.

Denial of the requested variances and a strict implementation of the County’s Zoning and Critical Area Program would constitute an unwarranted hardship on the applicant and deprive them of the right to redevelop, and deny reasonable and significant use of the entire property. Reforestation and stormwater management mitigation will be provided on-site to the maximum extent practical.

We appreciate your consideration of the enclosed variance pre-file plan and we remain available to answer any questions you may have.

Sincerely,
DRUM, LOYKA AND ASSOCIATES, LLC

Mark W. Evans

Mark W. Evans
Principal

Cc: Mathew Orendorff
Suzanne Orendorff

Chesapeake Bay Critical Area Report

Atlantis Lot 68

Tax Map 40, Grid 04, Parcel 450

Tax Account # 03-046-90015612

Property Address: 1103 Neptune Place, Annapolis, MD

Owner & Variance Applicant: Mr. Mathew Orendorff and Mrs. Suzanne Orendorff

Critical Area Designation: IDA **Zoning:** R-5 **Lot Area:** 0.26 Ac.

Site Description

The subject property is a grandfathered lot located in the subdivision of Atlantis, in Annapolis which was recorded in the land records of Anne Arundel County in 1978 plat book 67, page 50, plat number 3575. The property is an irregular shaped waterfront property with shoreline along Deep Creek and is designated as Buffer Modified. The property is improved with a 1 1/2-story single-family detached dwelling with a basement, shed, paved driveway, waterfront patios, pool, multi-level decks, gazebo and other associated improvements. The property has frontage and along the 50' right of way cul-de-sac Neptune Place from which the driveway is accessed. The property is approximately 11,458 square feet (0.26 Ac) in area, zoned R-5, and is entirely within the Chesapeake Bay Critical Area with an IDA (Intensely Developed Area). The 100-ft setback to tidal waters runs beyond the south side of the house and encumbers nearly all of the existing improvements. The dwelling is served by public sewer and water located in Neptune Place.

Proposed Conditions

The property owners propose to expand the existing concrete driveway along the east side of the house, and reconfigure the existing pool patio and decks, to accommodate a new proposed accessibility ramp from the basement level to the riparian frontage and create a single level deck area from the pool to the bulkhead. The existing steps from the northeast corner are to be reconfigured and a new upper-level patio and walk is proposed to provide access from the proposed expanded driveway to basement entry and the pool patio level. They also would like to reconfigure the existing multi-level waterfront decks to be the same elevation to match the existing lower-level deck along the bulkhead, and rebuild the existing gazebo as a 12'x12' pavilion. The existing aging improvements are in poor condition and the owners would prefer to make their property more accessible for their elderly mother who resides at the basement level as well as allow for them to age in place while needing to make updates to the structures.

Description and Purpose of Variance Request

We hereby request a Critical Area variance to Anne Arundel County code **Article 17, Section 8-702** to allow relief of 401 square feet of new lot coverage between the shoreline and the dwelling's existing façade to reconfigure the existing pool patio, decks, walks, and pavilion and to construct a new ADA riparian access ramp. A zoning variance to Anne Arundel County code **Article 18, Section 4-701** to reconstruct the existing deteriorating waterfront gazebo and decks with less setbacks than required is also requested. Specifically, relief of 6.75-ft to the required 7-ft side property line setback and relief of 38.6-ft to the required 40-ft front setback to construct the pavilion. Relief of 6.75 to the required 7-ft side setback, and 40-ft to the required 40-ft front setback to reconstruct the waterfront deck up to the bulkhead and beneath the pavilion.

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

Buffers

The property is an irregular shaped waterfront property with shoreline along Deep Creek and is designated as Buffer Modified. The 100-ft setback to tidal waters runs beyond the south side of the house and encumbers nearly all of the existing improvements. Any new lot coverage forward of the existing façade of the house requires a variance. The property owners have considered the lot coverage in the 100-ft to tidal waters and have made efforts to minimize the new lot coverage forward of the existing dwelling façade to reconfigure the decks, walks, pool patio, and provide a new ADA access ramp to the waterfrontage, only creating 401 square feet of new lot coverage which is not in-kind replacement.

Vegetative Coverage

The undeveloped portions of the property are mostly vegetated with areas of turf lawn, ornamental shrubs and sparse areas of ornamental trees. The existing woody vegetated area is approximately 1,376 s.f., of that area 807 s.f. is located within the limit of disturbance. As part of the proposed development 1,800 s.f. of mitigation for the new lot coverage inside the BMA per code requirements will be provided on-site.

Lot Coverage

The site currently has approximately 6,613 s.f (0.15 Ac.) of lot coverage, all of which is within the Chesapeake Bay Critical Area Intensely Developed Area (IDA). The proposed lot coverage is 6,442 s.f. (0.15Ac.) In the proposed conditions, the sites net lot coverage will be reduced by 171 square feet in the Chesapeake Bay Critical Area. The lot coverage proposed to be reconfigured forward of the dwellings existing façade results in 401 square feet of area which was either previously green space or is not in-kind replacement. Areas of existing lot coverage are proposed to be removed to minimize and reduce the sites lot coverage.

Steep Slopes (slopes > 15%)

No steep slopes 15% or greater are present on the property.

Predominant Soils

The predominant soil types in the area are of Patapsco-Fort Mott Urban land complex, 0 to 5 percent slopes (PgB), This soil has type “A” hydrology classifications and is not considered hydric. These soils have a high infiltration rate when thoroughly wet and consist mainly well drained sands or gravely sands.

FEMA Floodplain

The subject property appears on FEMA Firm panel no. 24003C0187F. The property is located in floodplain Zone AE with a base flood elevation of 6.0-ft (NAVD88). While disturbance and redevelopment are proposed within the FEMA flood elevation, no enclosed habitable structures are proposed.

Drainage and Rainwater Control

There does not appear to be any existing stormwater management on site. Drainage areas and patterns will remain relatively unchanged. Stormwater management for mitigation for the new impervious coverage is proposed via on-site mitigation plantings in accordance to code

requirements and the design represents an overall reduction of the sites impervious surface. The redevelopment will have no adverse effect on the sensitive environmental features of the site and surrounding areas and site disturbance.

Conclusions – Variance Standards

The applicant proposes to reconfigure the existing pool patio, decks, walks, and pavilion and to construct a new ADA riparian access ramp.; resulting in 401 square feet of new lot coverage closer to the shoreline than the existing dwelling facade. The need for the requested Critical Area Variance arises from the existing unique nature and constraints of this property, specifically the irregular shape of the lot, and the location of the existing dwelling and waterfront improvements in relation to the shoreline. The proposed improvements are comparable in size and slightly less than what currently exist and therefore will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to the public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area. With the implementation of stormwater management planting mitigation, and sediment and erosion control practices, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

Reference:

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

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

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

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

Federal Emergency Management Agency, 2016. Flood Insurance Rate Map

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

Drum, Loyka and Associates LLC, August 2024 Variance Plan

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

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date August 29, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
40	04		68	

FOR RESUBMITTAL ONLY

Corrections ☐

Redesign ☐

No Change ☐

Non-Critical Area ☐

* Complete only Page 1
General Project Information

Tax ID 03-590-03654260

Project Name (site name, subdivision name, or other) Atlantis Lot 68

Project location/Address 1103 Neptune Place

City Annapolis Zip 21409

Local case number

Applicant: Last name Orendorff First name Mathew & Suzanne

Company n/a

Application Type (check all that apply):

Building Permit	☒	Variance	☒
Buffer Management Plan	☐	Rezoning	☐
Conditional Use	☐	Site Plan	☒
Consistency Report	☐	Special Exception	☐
Disturbance > 5,000 sq ft	☐	Subdivision	☐
Grading Permit	☐	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:

Reconfigure pool patio, waterfront decks and gazebo, new ADA ramp, new walk and driveway expansion.
See letter of explanation.

Intra-Family Transfer	☐	Growth Allocation	☐
Grandfathered Lot	☒	Buffer Exemption Area	☐

Project Type (check all that apply)

Commercial	☐	Recreational	☐
Consistency Report	☐	Redevelopment	☒
Industrial	☐	Residential	☒
Institutional	☐	Shore Erosion Control	☐
Mixed Use	☐	Water-Dependent Facility	☐
Other	☐		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	0.26			0.11	4,845
LDA Area	0.00		# of Lots Created	n/a	
RCA Area	0.00				
Total Disturbed Area	0.11				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.03		Existing Lot Coverage	0.15	
Created Forest/Woodland/Trees	TBD		New Lot Coverage	0.01	
Removed Forest/Woodland/Trees	0.02		Removed Lot Coverage	0.01	
			Total Lot Coverage	0.15	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00		Buffer Forest Clearing		0.0
Non-Buffer Disturbance	0.11		Mitigation	0.04	1,800

Variance Type		Structure	
Buffer	☐	Acc. Structure Addition	☐
Forest Clearing	☐	Barn	☐
HPA Impact	☐	Deck	☒
Impervious Surface	☒	Dwelling	☐
Expanded Buffer	☐	Dwelling Addition	☐
Nontidal Wetlands	☐	Garage	☐
Steep Slopes	☐	Gazebo	☒
Setback	☐	Patio	☒
Other	☐	Pool	☐
		Shed	☐
		Other	☒
			<u>Ramp and walks</u>

2025-0175-V

Menu		Cancel	Help
Task OPZ Critical Area Team Assigned to Department OPZ Critical Area Action by Department OPZ Critical Area Start Time		Due Date 09/24/2025 Assigned to Kelly Krinetz Action By Kelly Krinetz End Time	Assigned Date 09/03/2025 Status Complete w/ Comments Status Date 09/29/2025 Hours Spent 0.0 Comments The proposed redevelopment of the existing improvements results in an overall reduction of coverage in the Buffer Modification Area. All of the buffer plantings should be located between the front facade of the dwelling and the bulkhead. We offer no objection to this proposal provided the AHO determines that this request is in compliance with approval standards for variance requests in the Critical Area. In Possession Time (hrs) Comment Display in ACA ☒ All ACA Users ☒ Record Creator ☒ Licensed Professional ☒ Contact ☒ Owner Workflow Calendar
Billable No	Overtime No		
Time Tracking Start Date Display E-mail Address in ACA No	Est. Completion Date ☒ Display Comment in ACA		
Estimated Hours 0.0	Action Updated		
Task Specific Information			
Expiration Date Reviewer Phone Number	Review Notes Reviewer Email	Reviewer Name	



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

CAC Comments: 2025-0175-V; Orendorff (AA 0246-25)

1 message

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

Tue, Oct 7, 2025 at 10:11 AM

To: Sadé Medina <pzmedi22@aacounty.org>

Good morning,

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

- **2025-0175-V; Orendorff (AA 0246-25)**: The applicants are requesting a Critical Area Variance to place new lot coverage nearer to the shoreline than the closest façade of the existing principal structure on a property located in the Critical Area Intensely Developed Area and Buffer Modification Area (BMA). The proposed project includes a reconfiguration of outdoor amenity space between the dwelling and the shoreline. While the reconfiguration will result in a reduction of lot coverage by 170 square feet, the proposed improvements are out-of-kind and thus constitute new lot coverage within the BMA setback. This office does not oppose the reconfiguration of lot coverage to improve and repair the existing pool deck and wooden decking and to install an ADA-compliant walkway to the shoreline. However, the applicants have the ability to further improve the site design to minimize impacts. Specifically, the proposed pavilion is a non-water dependent structure, located within the BMA setback, which is not a right commonly enjoyed by others and would confer a special privilege upon the applicant. Our office would not oppose the siting of the pavilion outside of the BMA setback. The Administrative Hearing Office (AHO) must find that each and every one of the Critical Area Variance Standards have been met, including that this proposal meets unwarranted hardship and that it would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the standards have been addressed, then appropriate mitigation and stormwater management are required.

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

Sincerely,
Jamileh Soueidan

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Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalareaJamileh Soueidan (she/her)
Natural Resources Planner
1804 West Street, Suite 100
Annapolis, MD 21401
Office: [410-260-3462](tel:410-260-3462)
Cell: [667-500-4994](tel:667-500-4994) (preferred)
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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: September 10, 2025

RE: Matthew G. Orendorff
1103 Neptune Place
Annapolis, MD 21409

NUMBER: 2025-0175-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow improvements (pool patio, decks, walkways, pavilion, gazebo, etc.) with less setbacks than required and with new lot coverage nearer to shoreline.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

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

cc: Sterling Seay

02/04/2024

< 6 of 94

Select Date

