

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

APPLICANT: John J. Sabol Jr. and Carolyn J. Sabol,
Trustees

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0180-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: November 18, 2025

PREPARED BY: Joan A. Jenkins 
Planner III

REQUEST

The applicants are requesting variances to allow dwelling additions (deck, stairs, and pool) with less setbacks than required and with disturbance to slopes of 15% or greater, and with new lot coverage nearer to the shoreline than the closest of facade of the existing principal structure on property located at 201 Nomini Drive in Arnold.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 36,545 square feet of land and is located with road frontage on the north side of Nomini drive, north of Doncaster Road. The property is identified on Parcel 426 in Grid 24 on Tax Map 32E as Lot 92A in Section 4 of the Twin Harbors subdivision. The property is zoned R2 - Residential District. This is a waterfront lot located on Dividing Creek in the Chesapeake Bay Critical Area, designated as LDA – Limited Development Area. The shoreline is mapped as buffer modified area (BMA). The site is encumbered by steep slopes. The property is currently improved with a two-story single-family detached dwelling, an inground pool surrounded by a wood deck with stairs, a pier, and a gravel driveway. The site is served by public water and sewer facilities.

APPLICANT'S PROPOSAL

The applicants are proposing to replace a pool, a set of stairs, and the waterfront deck surrounding the pool. Existing pavers and gravel will be removed.

REQUESTED VARIANCES

§ 17-8-201(a) of the Anne Arundel Subdivision and Development Code states that development in the LDA and RCA designated areas may not occur on slopes of 15% or greater unless development will facilitate stabilization of the slope, is necessary to allow connection to a public utility, or is to provide direct access to the shoreline. All disturbance shall be limited to the minimum necessary. The proposed deck will create temporary and permanent disturbance to the steep slopes of 15% or greater. Actual disturbance to be determined at permitting.

§ 17-8-702 (b) of the Anne Arundel County Subdivision and Development Code prohibits the

location of new lot coverage nearer to the shoreline than the closest façade of the existing principal structure in a buffer modification area. The proposed reconfiguration of the pool will create new lot coverage between the dwelling and the shoreline necessitating a variance to allow 14.3 square feet of new lot coverage nearer to the shoreline than the closest façade of the existing principal structure within the buffer modified area.

§ 18-4-601 of the Code of the Code requires a principal structure to be set back thirty feet from the front lot line. The proposed deck will be located as close as 25.82 feet from the front lot line requiring a variance of five feet.¹

FINDINGS

This Office finds that this is a large oddly shaped lot with an expansive waterfront. The subject property far exceeds the minimum lot requirement and the minimum lot width requirement for a lot in the R2 District. The property is encumbered by steep slopes. The existing improvements to be replaced are located entirely within the BMA.

The site plan indicates 11,436 square feet of lot coverage which is well above the maximum 5,481 square feet (15%) allowed by the Code. The removal of gravel and pavers will reduce the proposed lot coverage to 10,840 square feet which appears to meet the required 10% reduction required by Code for lot coverage overage. Lot coverage will be evaluated at permitting.

A review of the County 2025 aerial photograph shows that the nearby properties on the same side of Dividing Creek are similarly encumbered by steep slopes and are mapped as buffer modified. According to the State Department of Assessments and Taxation records the existing dwelling was built in 1971, before the adoption of the critical area laws. The subject pool can be seen in aerials as far back as 1980. Pools located at 193 W. Paddock Circle and 184 Baybourne Drive can be seen in aerial photos as far back as 1984. Variances have not been found for approval of pools.

The applicant asserts that both small expansions are necessary for safety. The deck expansion addresses odd angles along the side of the house that impede and endanger pedestrian traffic, while the small expansion on the waterfront side of the pool is for the same safety-related reason.

Comments from the Critical Area Team at the pre-file were no objection to the repair/replacement of the existing deck and pool, however, they could not support the expansion of any of the proposed dimensions for the replacement. This Office notes that there were slight changes made to the site plan between the pre-file and the variance application that related to retaining walls to remain, gravel to be removed, and paver to be removed. Coverage calculations were adjusted. The proposed configuration of the pool, deck and stairs did not change.

Agency Comments

The **Soil Conservation District** had no comments regarding the variance.

¹ Building permit B02432547 was submitted June 16, 2025 prior to July 1, 2025, the effective date of Bill 72-24. Setbacks have been assessed based on this submission.

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

The **Development Division (Critical Area Team)** commented again that there is no objection to the repair/replacement of the existing deck and pool, however, this office cannot support the expansion of any of the proposed dimensions for the replacement. Safety concerns should be addressed by the installation of an appropriate railing or the relocation or reduction of the pool in order to provide a wider walking area not by expanding further into the steep slopes. The 10% lot coverage reduction requirement will be addressed at permit.

The **State Critical Area Commission** commented that this project proposes to replace and reconfigure outdoor amenity space, including the pool and wooden decking. The applicants are seeking a variance to place lot coverage nearer to the shoreline than the closest façade of the existing principal structure and to disturb steep slopes. The existing site improvements exceed the lot coverage limits by 5,955 square feet, and per Anne Arundel County Code §17-8-402, the applicant is reducing lot coverage by 10% of the exceedance. Although the proposed project includes this reduction in lot coverage, the lot will remain nonconforming as the lot coverage limits will still be exceeded by 5,359 square feet. The current proposal includes reconfiguring the wooden decking to further disturb slopes than what currently exists onsite. This office would like to note that since the proposal includes the reconfiguration of the outdoor amenity space, the applicants have the opportunity to minimize impacts to steep slopes in their site design for these accessory structures.

In order for this variance to be granted, the applicant must demonstrate and the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. The applicant has every opportunity to design the proposed improvements in a manner that minimizes and/or avoids impacts to the steep slopes. However the current proposal results in greater impacts to steep slopes for the reconfiguration of accessory features, which is not in harmony with the spirit and intent of the Critical Area Law and regulations. As such, it does not appear to meet each and every one of the County's variance standards. If this request were to be denied, the applicants would still have reasonable and significant use of their lot.

Variance Requirements

For the granting of a critical area variance, a determination must be made as to whether, because of unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot, or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in an unwarranted hardship to the applicant. In this case, the location of the existing pool deck and stairs, which are slated for demolition creates a physical condition wherein any work related to the removal and replacement would require disturbance to steep slopes and the 100-foot modified buffer. But disturbance related to removal does not require a variance. The applicants have proposed to replace the existing pool deck, pool, and stairs with similarly-sized improvements. Proposed is a slight expansion of the deck on the east side and on the north side to straighten irregular edges. While some relief may be

warranted for new lot coverage due to the change in overall dimensions of the new pool, the granting of the steep slope variance based on the proposed location would confer on the applicant a special privilege that would be denied by COMAR, Title 27.

A literal interpretation of the County's critical area program will not deprive the applicant of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County as a large waterfront deck with pool is not a common amenity in the buffer modified area. The granting of the variance may confer on the applicant special privileges that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. The granting of the variance will adversely affect water quality or impact fish, wildlife or plant habitat and will not be in harmony with the general spirit and intent of the County's critical area program. The applicant has not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and has not evaluated and implemented site planning alternatives. The improvements creating the need for the variance remained the same from the pre-file to the variance submission despite the applicant having received comments from the critical area team that expansion could not be supported. The changes made to the site plan related to removal of lot coverage.

Approval of the variances would not alter the essential character of the neighborhood as this would be a replacement of a longstanding waterfront amenity. Approval of the variances will not substantially impair the appropriate use or development of adjacent property. The variance will not reduce forest cover in the limited development area or the resource conservation area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

Regarding the front setback variance, the location of the closest point of the deck will remain at 25.82 feet from the bulkhead. The front setback for the R2 District changed from 30 feet to 25 feet with the effective date of Bill 72-24 on July 1, 2025. The variance is necessary because the permit was submitted prior to the effective date of the Bill. This variance is considered to be the minimum necessary.

Regarding the variance for new lot coverage nearer to the shoreline, the existing pool is 11.46 feet wide and 30.34 feet long with 347.7 square feet in area; the proposed pool is 12 feet wide, 26.42 feet long with 317 square feet in area. The proposed pool creates 14.3 square feet of new lot coverage. While any new lot coverage in the BMA that is between the house and the shoreline requires a variance, the new coverage is being created between the existing pool and the house and the location of the north side of the pool is remaining the same. Because the pool length is being shortened, the overall lot coverage of the pool is actually being lessened by approximately 40 square feet. The reconfiguration of the pool creates a minimal amount of new lot coverage nearer to the shoreline than the closest facade of the existing principal structure and the new pool holds the location of the closest line of the pool from the water therefore, this request can be considered to be the minimum necessary to afford relief. This Office has no objection to this variance.

Redevelopment of a property is an opportunity to comply with the code or lessen the impacts within the environmental area of the critical area. The proposed development includes replacement of a

large deck surrounding a pool, replacement of the pool, and a set of steps within the BMA. This Office recognizes that there are edges of the existing deck that are irregular and squaring off or smoothing out may increase safety, but there are other configurations that would honor the steep slopes. Specifically, the proposed 8.82-foot width of the deck on the east side could have been reduced to a minimized walkway if the east side access is required to wrap around to the dwelling's north side due to an access door. The edge of the new deck just to the north of the proposed pool and on the east side of the pool could be designed to be out of the slopes and still provide an adequate walkway around the pool. Therefore, the variance requests for the deck to be expanded onto the steep slopes cannot be considered to be the minimum necessary to afford relief.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth in § 18-16-305, under the County Code, the Office of Planning and Zoning recommends **approval** of the critical area variance to § 17-8-702 (b) to allow 14.3 square feet of new lot coverage nearer to the shoreline than the closest facade of the existing principal structure for construction of the proposed pool, and **approval** of the zoning variance to § 18-4-601 to allow the deck to be constructed 25.82 feet from the front lot line. However, the Office of Planning and Zoning recommends **denial** of the critical area variance request to § 17-8-201(a) to allow disturbance to slopes of 15% or greater to expand the deck as shown on the site plan submitted.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

M.A.F. & Associates, LLC

Matthew A. Forgen
55 Jones Station Road, W.
Severna Park, MD 21146
Phone: 443-864-8589

August 26, 2025

Planner
Department of Planning & Zoning
2664 Riva Road
Annapolis MD 21401

RE: Twin Harbors, Lot 92A, Section 4
201 Nomini Drive
Arnold, MD 21012
TM 32E BLK 24 P 426, R-2 Zoning, Council District 5

Dear Planner:

On behalf of the property owner, M.A.F and Associates, LLC is submitting a variance application for the above-mentioned project. The property owner is proposing to submit a variance application to allow disturbance within slopes greater than 15% in the Critical Area as well as the associated buffer. This request is being made to allow for the demolition and construction of a wood deck, 2 sets of steps to grade and a pool. This new deck and pool will be constructed in a similar location to the existing wood deck and pool. Because we are required to show a minimum amount of perimeter disturbance, the plan shows impacts to steep slopes and the 25' steep slope buffer. This proposal will require a variance to allow development within slopes greater than 15% in the Critical Area as well as the associated buffer. The proposed wood deck and pool will be the same height as the existing wood deck and pool. The proposed wood deck is irregular in shape with an overall footprint similar to the existing wood deck and is setback as close as 45.13' from the northern front property line (existing bulkhead), as close as 46.93' from the eastern property line, and as close as 65.97' from the western property line.

It should be noted that this is a R2 zoned property and therefore required to meet the setbacks as required in 18-4-601 of the County Code. For a principal structure, this section of the County Code requires a front setback of 30', a side setback of 7' side setback, and a rear setback of 25'. We are meeting all the required setbacks with the replacement decks except for the front setback. We are requesting a zoning variance of 4.18' to allow the replacement deck to be constructed in the same location as the existing deck. The setback at this corner is 25.82'.

Please note that disturbance to slopes greater than 15% in the critical area is prohibited per 17-8-201 of the County Code. We are proposing 888 square feet of disturbance to slopes greater than 15% in the critical area, necessitating a critical area variance. 873 square feet of the steep slope disturbance is temporary disturbance. Please note that the proposed wood deck and pool are being constructed in a similar location to the existing wood deck and pool.

Profile Comments:

Critical Area Team: There is no objection to the repair/replacement of the existing deck and pool however cannot support the expansion of any of the proposed dimensions for the replacement.

Our response: The small expansion of the deck is for safety purposes. The existing deck has some odd angle down the side of the house that makes pedestrian traffic difficult and a bit unsafe. Likewise, the small expansion on the waterfront side of the pool is for the same safety reason. The existing deck is angles close to the corner of the existing pool that makes it unsafe to walk around the pool in this location. The new

configuration makes the pool a little smaller than the existing pool as well as makes the area much safer to walk around being so close to the top of slope.

The 10% lot coverage reduction requirement will be addressed at permit. The calculations depicted on this plan do not reflect compliance. Approval will not be granted until this requirement has been addressed.

Our response: The plan has been revised to reflect the 10% lot coverage reduction requirement. This required the limit of disturbance to be adjusted and therefore the variance request has been slightly adjusted.

Zoning Administration Section: This proposal cannot be considered the minimum required given that a replacement in kind is possible without actual disturbance to steep slopes.

Our response: The small expansion of the deck is for safety purposes. The existing deck has some odd angle down the side of the house that makes pedestrian traffic difficult and a bit unsafe. Likewise, the small expansion on the waterfront side of the pool is for the same safety reason. The existing deck is angles close to the corner of the existing pool that makes it unsafe to walk around the pool in this location. The new configuration makes the pool a little smaller than the existing pool as well as making the area much safer to walk around being so close to the top of slope. We feel with the safety issues considered and the reduction in pool size, this plan demonstrates minimum relief and feel this request should be supported.

It should be noted that the demo of the existing deck alone requires a variance because of the disturbance needed. This deck and pool replacement cannot happen without slope disturbance and the need for a variance.

We feel this zoning variance request meets the requirements of Article 18-16-305 (a) (b) & (c) and therefore the variances should be granted. Below is the justification for granting the above noted variances.

18-16-305(a)(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:

This site is an existing, legally platted, R2 lot. The lot is developed with a single-family dwelling, a wood deck, pool and multiple sidewalks and a driveway for access. Steep slopes cover most of the lot. The existing wood deck that needs to be replaced is located within slopes that are 15% or greater and the associated 25' buffer. The proposal is to rebuild the wood deck and pool within a similar location to the existing wood deck and pool. The county requires a minimum amount of disturbance from the proposed structure. We are required to show a 10' disturbed area around the proposed wood deck. This restricts the owner's ability to remove and construct the new wood deck and pool without steep slope disturbance. There is very little area around the wood deck that there are not steep slopes. With the size of the site, the amount of steep slopes, and the location of the existing wood deck, there is no way of removing and rebuilding the wood deck without the need for the critical area variance.

It shall be noted that the existing wood deck sits as close as 25.82' to the northern front property line. The proposed deck will be replaced in the same footprint in this location of the existing deck. No additional front setback encroachment is being proposed.

These are the unique characteristics of the lot.

18-16-305(a)(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 existing wood deck lies within steep slopes and the associated 25' buffer. The county requires a minimum amount of disturbance from the structure. We are required to show a disturbed area around the proposed wood deck. This restricts the owner's ability to construct the proposed wood deck without steep slope disturbance. The

granting of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

With the existing wood deck sitting as close as 25.82' to the northern front property line, there is no way to replace the deck without the need for the zoning variance. The proposed deck will be replaced in the same footprint in this location of the existing deck. No additional front setback encroachment is being proposed.

18-16-305(b) (1) Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program or bog protection program would result in an unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808, of the State Code, to the applicant;

This site is an existing, legally platted, R2 lot. The lot is developed with a single-family dwelling, a wood deck, pool and multiple sidewalks and a driveway for access. Steep slopes cover most of the lot. The existing wood deck and pool that needs to be replaced is located within slopes that are 15% or greater and the associated 25' buffer. The proposal is to rebuild the wood deck and pool within a similar location to the existing wood deck and pool. The county requires a minimum amount of disturbance from the proposed structure. We are required to show a disturbed area around the proposed wood deck. This restricts the owner's ability to remove and construct the new wood deck and pool without steep slope disturbance. There is very little area around the wood deck that there are not steep slopes. With the size of the site, the amount of steep slopes, and the location of the existing wood deck, there is no way of removing and rebuilding the wood deck without the need for the critical area variance.

18-16-305(b) (2) (i) A 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 as permitted in accordance with the provisions of the critical area program within the critical area of the County; or

The applicant would not be able to improve their property if this variance is not approved. The applicant should have the right to rebuild the wood deck and pool. The small expansion of the deck is for safety purposes. The existing deck has some odd angle down the side of the house that makes pedestrian traffic difficult and a bit unsafe. Likewise, the small expansion on the waterfront side of the pool is for the same safety reason. The existing deck is angles close to the corner of the existing pool that makes it unsafe to walk around the pool in this location. The new configuration makes the pool a little smaller than the existing pool as well as making the area much safer to walk around being so close to the top of slope. We feel with the safety issues considered and the reduction in pool size, this plan demonstrates minimum relief and feel this request should be supported.

18-16-305(b) (ii) The County's bog protection program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the bog protection area of the County;

This property is not within the County's bog protection area.

18-16-305(b) (3) The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area;

The owner of the property has the right to rebuild the existing wood deck and pool within a similar location. The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area.

18-16-305(b) (4) The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;

The new wood deck and pool will be constructed within a similar location as the existing wood deck and pool. This variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.

18-16-305(b) (5) The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program;

This proposal will not increase the total site lot coverage. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program

18-16-305(b) (6) The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code;

This site is not within a bog protection area.

18-16-305(b) (7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; and

We feel that the applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code.

18-16-305(b) (8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c).

The applicant is proposing to build the new wood deck and pool in a similar location as the existing wood deck and pool. This will decrease the amount of ground disturbance. Any site planning alternatives would increase the overall site disturbance.

18-16-305(c)(1): the variance is the minimum variance necessary to afford relief:

This variance is the minimum variance necessary to afford relief in that the proposed wood deck and pool are proposed to be constructed in the same location as the existing wood deck and pool, therefore only having a minimum permanent impact to steep slopes. The small expansion of the deck is for safety purposes. The existing deck has some odd angle down the side of the house that makes pedestrian traffic difficult and a bit unsafe. Likewise, the small expansion on the waterfront side of the pool is for the same safety reason. The existing deck is angles close to the corner of the existing pool that makes it unsafe to walk around the pool in this location. The new configuration makes the pool a little smaller than the existing pool as well as making the area much safer to walk around being so close to the top of slope. We feel with the safety issues considered and the reduction in pool size, this plan demonstrates minimum relief and feel this request should be supported. This is a minimal steep slope impact. We feel this request is the minimum variance necessary to afford relief.

18-16-305(c)(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located:

The approval of these variances will not alter the essential character of the neighborhood. This is a replacement of the existing wood deck and pool so it does not change in the lot characteristics.

(ii) substantially impair the appropriate use or development of adjacent property:

This proposed development would not impair the appropriate use or development of adjacent properties. The neighboring properties are currently developed with a single-family dwelling. This proposal does not have an impact on these dwellings nor the ability of the owner to improve or further develop their property.

(iii) reduce forest cover in the limited development and resource conservation areas of the critical area:

The proposed development will not decrease forest cover within Chesapeake Bay Critical Area. There is no clearing required for this improvement.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area:

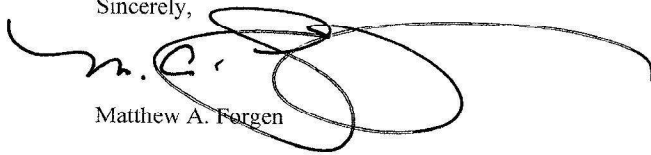
The property is not located within a bog protection area and is not contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area.

(v) be detrimental to the public welfare:

This development is not detrimental to the health and welfare of the community.

If you should have any questions regarding this submittal, please feel free to contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. A. Forgen', with a large, looping flourish extending to the right.

Matthew A. Forgen

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: 8-26-2025

Tax Map #	Parcel #	Block #	Lot #	Section
32E	426	2A	92A	4

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 3877-9000-9180

Project Name (site name, subdivision name, or other) TWIN HARBORS LOT 92A SECT 4

Project location/Address 201 HOBBS DRIVE

City ARNOLD Zip 21012

Local case number

Applicant: Last name SABOL, JR. First name JOHN

Company

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 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:

DEMOLITION/REBUILD DECK AND POOL AT WATERFRONT
SIDE OF THE HOUSE

Intra-Family Transfer
Grandfathered Lot

Yes

☐
☒

Growth Allocation
Buffer Exemption Area

Yes

☐
☒

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		
LDA Area		36,545
RCA Area		
Total Area		36,545

Total Disturbed Area Acres Sq Ft
4742

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		12,337	Existing Lot Coverage		11,436
Created Forest/Woodland/Trees		0	New Lot Coverage		317
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		913
			Total Lot Coverage		10,840

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		4,643	Buffer Forest Clearing		0
Non-Buffer Disturbance		99	Mitigation		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

☐
☐
☒
☐
☐
☐
☐
☐
☒
☐
☐

Carrollton Manor
Lot 92A, Section 4
201 Nomini Drive, Arnold, MD 21012

CRITICAL AREA REPORT

PREPARED BY:
M.A.F. & ASSOCIATES, LLC
55 Jones Station Road, W.
Severna Park, MD 21146

443-864-8589

August 26, 2025

INTRODUCTION

The property is located at 201 Nomini Drive, Arnold, MD 21012. This is a legal lot as defined by Article 17-1-101 (63).

The property is improved with a single-family dwelling with a wood deck and pool as well as a driveway and multiple walkways.

The lot is in R2 zoning district. This lot lies entirely within the LDA portion of the Chesapeake Bay Critical Area.

The property slopes steeply towards the water (Dividing Creek). These slopes are 15% or greater and therefore considered steep slopes.

VICINITY MAP

Included in this report and shown on the attached plan is a vicinity map designating the location of the subject site. Also included in the report is a portion of the Critical Area Map with the site located.

NARRATIVE

EXISTING CONDITIONS

The lot is currently an improved single-family dwelling with a wood deck and pool on the water side of the house. The deck and pool are at the top of the steep slopes. The lot is in R2 zoning district. The property slopes from the existing deck and pool to the water (Dividing Creek). The slopes are approximately 15%+ in the location of the existing wood deck.

Very little wildlife was seen around the property at the time of inspection. Some small birds and squirrels were observed. It is expected that there is very little wildlife use on the property since it is currently developed with a single-family dwelling.

PROPOSED DEVELOPMENT

The property owner is proposing to submit a variance application to allow disturbance within slopes greater than 15% in the Critical Area as well as the associated buffer. This request is being made to allow for the demolition and construction of a wood deck, 2 sets of steps to grade and a pool. This new deck and pool will be constructed in a similar location to the existing wood deck and pool. Because we are required to show a minimum amount of perimeter disturbance, the plan shows impacts to steep slopes and the 25' steep slope buffer. This proposal will require a variance to allow development

within slopes greater than 15% in the Critical Area as well as the associated buffer. The proposed wood deck and pool will be the same height as the existing wood deck and pool. The proposed wood deck is irregular in shape with an overall footprint similar to the existing wood deck and is setback as close as 45.13' from the northern front property line (existing bulkhead), as close as 46.93' from the eastern property line, and as close as 65.97' from the western property line.

Please note this is a R2 zoned property and therefore required to meet the setbacks as required in 18-4-601 of the County Code. For a principal structure, this section of the County Code requires a front setback of 30', a side setback of 7' side setback, and a rear setback of 25'. We are meeting all the required setbacks with the replacement decks.

Please note that disturbance to slopes greater than 15% in the critical area is prohibited per 17-8-201 of the County Code. We are proposing 888 square feet of disturbance to slopes greater than 15% in the critical area, necessitating a critical area variance. 873 square feet of the steep slope disturbance is temporary disturbance. Please note that the proposed wood deck and pool are being constructed in a similar location to the existing wood deck and pool.

The wood deck is setback 25.82' from the norther property line, 46.93' from the eastern property line, and a close as 62.62' from the western property line.

The pool is setback 45.13' from the norther property line, 66.05' from the eastern property line, and as close as 93.95' from the western property line.

SEDIMENT CONTROL AND STORMWATER MANAGEMENT

During construction, sediment and erosion control measures will be employed. Storm water management is not required for this application.

IMPACT MINIMIZATION

Due to the location of the existing dwelling and wood deck and pool, rebuilding the deck and pool in a similar location minimizes the environmental impact to the property. We feel that this development plan demonstrates a minimal impact on the environment.

HABITAT PROTECTION AREAS

The habitat protection area on this property is the 100' buffer to the shoreline. The deck and pool fall within the 100' buffer. This is a replacement deck and pool in a similar location as the existing. The pool is proposed to be smaller than the existing pool.

AFTER CONSTRUCTION CONDITIONS AND SITE CALCULATIONS

The proposed conditions of the site include the construction of a new house and driveway. The site calculations are as follows:

	Total site area	36,545 sf
	Existing woodland	12,337 sf
+/_	Proposed clearing	0 sf
	Proposed planting	to be determined
	Existing impervious coverage prior to the proposed lot coverage	11,436 sf
	Allowed lot coverage	11,436 s.f. (grandfathered lot coverage)
	Proposed lot coverage	317 sf
	Proposed lot coverage reduction	913 sf
	Existing and proposed lot coverage	10,840 sf

CONCLUSIONS

The lot in question is a legal lot located in an established community. It's not possible to demo/rebuild the wood deck and pool without the need for the requested variance based on the location of the existing dwelling, deck and pool.

As proposed, the development of the lot does not have an adverse impact on the plant or wildlife habitat of the Critical Area. The proposed wood deck will not adversely impact adjacent properties.

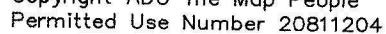
PLANS

A plan showing the site and its improvements is attached to this report.

ADDITIONAL INFORMATION

A Notification of Project Application for the Critical Area Commission is included in this package.

The fieldwork was conducted on July 14, 2025





CRITICAL AREA MAP



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.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

Foundation
Addressing

Parcels

City of Annapolis Parcels

Planning

Planning

- IDA - Intensely Developed Area
- LDA - Limited Development Area
- RCA - Resource Conservation Area
- FED - Federal Land

Notes

PROPERTY LIES WITHIN THE LDA PORTION OF THE CRITICAL AREA

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: 8-26-2025

Tax Map #	Parcel #	Block #	Lot #	Section
32E	426	2A	92A	4

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 3877-9000-9180

Project Name (site name, subdivision name, or other) TWIN HARBORS LOT 92A SECT 4

Project location/Address 201 HOBBS DRIVE

City ARNOLD Zip 21012

Local case number

Applicant: Last name SABOL, JR. First name JOHN

Company

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 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:

DEMOLITION/REBUILD DECK AND POOL AT WATERFRONT
SIDE OF THE HOUSE

Intra-Family Transfer
Grandfathered Lot

Yes

☐
☒

Growth Allocation
Buffer Exemption Area

Yes

☐
☒

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		
LDA Area		36,545
RCA Area		
Total Area		36,545

Total Disturbed Area Acres Sq Ft
4742

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		12,337	Existing Lot Coverage		11,436
Created Forest/Woodland/Trees		0	New Lot Coverage		317
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		913
			Total Lot Coverage		10,840

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		4,643	Buffer Forest Clearing		0
Non-Buffer Disturbance		99	Mitigation		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

☐
☐
☒
☐
☐
☐
☐
☐
☒
☐
☐



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 *BC*
Bureau of Environmental Health

DATE: September 17, 2025

RE: John J. Sabol, Jr.
201 Nomini Drive
Arnold, MD 21012

NUMBER: 2025-0180-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck with stairs) with less setbacks than required and with disturbance to slopes of 15% or greater.

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

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

cc: Sterling Seay

2025-0180-V - Steep Slope Disturbance

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

09/11/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

There is no objection to the repair/replacement of the existing deck and pool however this office cannot support the expansion of any of the proposed dimensions for the replacement.
Safety concerns should be addressed by the installation of an appropriate railing or the relocation or reduction of the pool in order to provide a wider walking area not by expanding further into the steep slopes.
The 10% lot coverage reduction requirement will be addressed at permit.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

☒ All ACA Users

☒ Record Creator

☒ Licensed Professional

☒ Contact

☒ Owner

Due Date

10/02/2025

Assigned to Department

OPZ Critical Area

Status Date

10/02/2025

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

☐ Display E-mail Address in ACA

☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name



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

CAC Comments: 2025-0180-V; Sabol (AA 0258-25) and 2025-0177-V; Eyler (AA 0257-25)

1 message

Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>
 To: Sadé Medina <pzmedi22@aacounty.org>

Mon, Oct 6, 2025 at 2:40 PM

Good afternoon,

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

- **2025-0180-V; Sabol (AA 0258-25):** This project proposes to replace and reconfigure outdoor amenity space, including the pool and wooden decking. The applicants are seeking a variance to place lot coverage nearer to the shoreline than the closest façade of the existing principal structure and to disturb steep slopes. The existing site improvements exceed the lot coverage limits by 5,955 square feet, and per Anne Arundel County Code §17-8-402, the applicant is reducing lot coverage by 10% of the exceedance. Although the proposed project includes this reduction in lot coverage, the lot will remain nonconforming as the lot coverage limits will still be exceeded by 5,359 square feet. The current proposal includes reconfiguring the wooden decking to further disturb slopes than what currently exists onsite. This office would like to note that since the proposal includes the reconfiguration of the outdoor amenity space, the applicants have the opportunity to minimize impacts to steep slopes in their site design for these accessory structures.

In order for this variance to be granted, the applicant must demonstrate and the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. The applicant has every opportunity to design the proposed improvements in a manner that minimizes and/or avoids impacts to the steep slopes. However the current proposal results in greater impacts to steep slopes for the reconfiguration of accessory features, which is not in harmony with the spirit and intent of the Critical Area Law and regulations. As such, it does not appear to meet each and every one of the County's variance standards. If this request were to be denied, the applicants would still have reasonable and significant use of their lot.

- **2025-0177-V; Eyler (AA 0257-25):** The Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. Should the AHO find that each and every one of the Critical Area Variance standards have been met, then appropriate mitigation is required.

The above comments have been entered into the County's online portal.

Sincerely,
 Jamileh Soueidan

--



Critical Area Commission for the
 Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalarea

Jamileh Soueidan (she/her)
 Natural Resources Planner
 1804 West Street, Suite 100
 Annapolis, MD 21401
 Office: 410-260-3462
 Cell: 667-500-4994 (preferred)
jamileh.soueidan@maryland.gov



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0059-P
DATE: 06/23/25
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)

APPLICANT/REPRESENTATIVE: Matt Forgen / John Sabol

EMAIL: mforgen@aol.com

SITE LOCATION: 201 Nnomini Dr

LOT SIZE: 36,511 sf

ZONING: R2 **CA DESIGNATION:** LDA **BMA:** yes **or** **BUFFER:** no **APPLICATION TYPE:** Var

DESCRIPTION:

The applicant proposes to demolish and reconstruct a wood deck, 2 sets of steps to grade and a pool within the BMA buffer on slopes 15% or greater. The actual construction disturbed a small amount of steep slopes (see site plan on the northwest edge corner of the pool and the eastern edge of the deck), however, the LOD creates temporary disturbance on the steep slopes.

COMMENTS:

Critical Area Team: There is no objection to the repair/replacement of the existing deck and pool however cannot support the expansion of any of the proposed dimensions for the replacement.

The 10% lot coverage reduction requirement will be addressed at permit. The calculations depicted on this plan do not reflect compliance. Approval will not be granted until this requirement has been addressed.

Zoning Administration Section:

This proposal cannot be considered the minimum required given that a replacement in kind is possible without actual disturbance to steep slopes.

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.

[illegible]

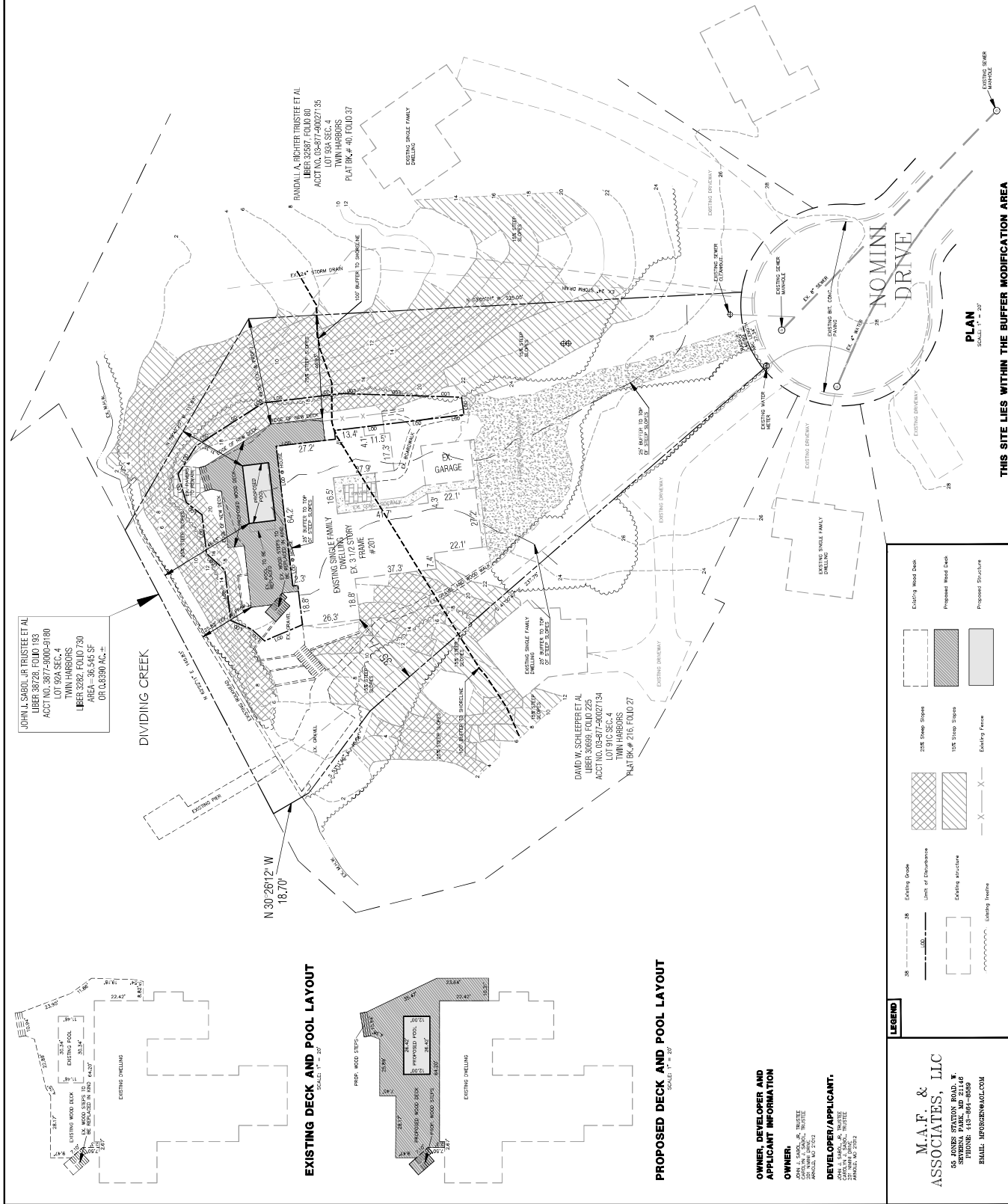
CRITICAL AREA CALCULATIONS ILDAI

- [illegible]

SITE DEVELOPMENT PLAN

**TWIN HARBORS
LOT 92A SECTION 4
201 NIMINI DRIVE, ARNOLD, MD 21012**

301 NIMINI DRIVE, ANNOLDS, MD 21012
TAX MAP 32E BLOCK 24 PARCEL 426 TAX ACCOUNT #:3877-9000-9180 ZONING: R2
DATE: JUNE 10, 2025
THIRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
SHEET 1 of 1



201 Nomini Drive



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Nearmap

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Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes