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

APPLICANT: Diamondback Investment Company LLC **ASSESSMENT DISTRICT:** 8

CASE NUMBER: 2025-0187-V **COUNCIL DISTRICT:** 7

HEARING DATE: November 20, 2025 **PREPARED BY:** David Russell
Planner DR

REQUEST

The applicant is seeking a variance to allow a new dwelling and associated facilities[1] with less setbacks and buffer than required on property located at 799 Cedar Avenue, in North Beach.

LOCATION AND DESCRIPTION OF SITE

The majority of the site is within Anne Arundel County, but approximately 1,200 square feet near the southwest corner, is located within Calvert County. No disturbance is proposed for the portion within Calvert County. The subject property is located approximately 700 west of the intersection of Walnut Avenue and Cedar Avenue, within the North Beach Park neighborhood (Parcel 1, Grid 3, Tax Map 84, Lot 16-18). The property is unimproved, approximately 22,500 square feet in size, and zoned both R2 - Residential and OS - Open Space. The property lies entirely within the Chesapeake Bay Critical Area, designated as both Limited Development Area (LDA) and Resource Conservation Area (RCA), and includes approximately 3,000 square feet of Tidal Wetlands and associated buffers. The 100' Tidal Wetland buffer and expanded buffer impact the entirety of the site.

PROPOSAL

The applicant proposes the construction of a new single family dwelling and associated facilities on an unimproved, residentially zoned lot. The proposed development will create disturbance within the required 100' buffer to Tidal Wetlands and Expanded Buffer.

REQUESTED VARIANCES

> § 18-13-104(a) of the Anne Arundel County Zoning Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands.
>
> § 18-13-104(b) provides for an expanded buffer where there are, among other things, steep slopes. § 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). Section 27.01.01(B)(8)(ii) of COMAR states a buffer exists "to protect a stream, tidal wetland, tidal waters, or terrestrial environment

[1] Proposed development consists of one (1) single-family dwelling with a driveway, sidewalk, patio, deck, stormwater management, a private well, and a public grinder pump onsite.

> from human disturbance." Section 27.01.09 E.(1)(a)(ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance

As such, the proposed development requires variance to this Code section, to allow for 5,207 square feet of disturbance within the 100-foot buffer and expanded buffer.

FINDINGS

The subject property is uniquely impacted by multiple underlying zoning districts, multiple Critical Area designations, Tidal Wetlands and the required 100-foot buffer and expanded buffer. Approximately 54% of the property is zoned R2, compared to 46% OS. As such, the property is subject to the bulk regulations for the R2 zoning district. The property is generally rectangular in shape and consists of approximately 22,500 square feet of wooded, unimproved land, exceeding the required R2 minimum lot size of 10,000 square feet (if served by public sewer). The subject property is approximately 150' x 150', with Tidal wetlands located in the southwest corner. The proposed development is located near the northeast corner of the property, furthest from Tidal Wetlands and corresponding required buffers. The total amount of Critical Area lot coverage proposed is approximately 2,050 square feet, or 9.1%, well below the maximum allowable 31.25% (7,031 square feet). The proposed footprint of the dwelling, 2-car garage, deck, and patio is 1,452 square feet.

Agency Comments

The **Health Department** has reviewed the above referenced variance to allow a dwelling with less setbacks and buffer than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

The **Inspections & Permits (Engineering) Department** has reviewed the above referenced variance and provided the following comments:

Please note the SVA and sewer house connection near the well will need to be removed at Grading Permit.

The **Critical Area Team** has reviewed the above referenced variance and provided the following comments:

The information provided to support this request, is not equal in terms of the specifics of the request. This property includes disturbance to the 100' buffer and expanded buffer. The homes included on the footprint exhibit for the purposes of comparison are in the expanded buffer only.

In terms of the variance information that has been submitted for previous approvals, one is for the disturbance on an isolated wetland and the other is for the disturbance of the 100' buffer only. As mentioned in the pre-file comments, the footprint of this home is over 1400 square feet and it makes no difference if that is habitable space or patio/deck as it all constitutes permanent disturbance of the buffer.

The variance approval for the application for buffer disturbance only was, in fact, a smaller overall footprint, thereby demonstrating the need to minimize based on the resources to be disturbed.

It is our opinion that there are ways that this disturbance could be minimized in order to meet the standards for approval of a variance request in the Critical Area.

The **Critical Area Commission** reviewed the above referenced variance and provided the following comments:

The administrative hearing officer (AHO) must find that each and every one of the Critical Area variance standards have been met for this variance to be granted. If the AHO finds that the applicant has satisfied the variance standards, appropriate mitigation is required.

The **Department of Recreation and Parks** has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The **Cultural Resources Section** has reviewed the above referenced variance request and has no objection to the variance due to the limited area for disturbance, but notes the high archaeological potential of the project area. A site visit by the Cultural Resources Section may be required during grading review.

<u>Variance Criteria</u>

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 property, strict implementation of the County's critical area program would result in an unwarranted hardship. In this case, the impacts of on-site Tidal Wetlands and corresponding 100-foot buffer and expanded buffer, make development of the property impossible without variance relief. Relief is warranted to allow the applicant to develop the subject property with a single-family dwelling.

A literal interpretation of the County's critical area program will deprive the applicant of rights that are commonly enjoyed by other properties in similar areas within the critical area of the County by denying the development of a vested lot with a single-family dwelling. The granting of the variance for the development of a new dwelling and associated facilities will not 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 not adversely affect water quality or impact fish, wildlife or plant habitat and will be in harmony with the general spirit and intent of the County's critical area program. The presumption that the specific development does not conform to the general purpose and intent of the critical area law has been overcome.

With regard to the requirements for all variances, the requested variance cannot be deemed the minimum necessary to provide relief. The Critical Area Team notes that the proposed footprint of the home could be reduced. The proposed home includes a deck, patio, and 2-car garage. The pre-file comments suggested revising the building footprint to reduce lot coverage. The deck, patio, and 2-car garage are all elements that could have been reduced, therefore, the request cannot be considered the minimum necessary to provide relief. However, the granting of the variance would not alter the essential character of the neighborhood or district in which the lot is located, would not substantially impair the appropriate use or development of adjacent property, nor would it be detrimental to the public welfare.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of the requested variance to § 18-13-104 to allow a new dwelling and associated facilities with less setbacks and buffer than required.

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.

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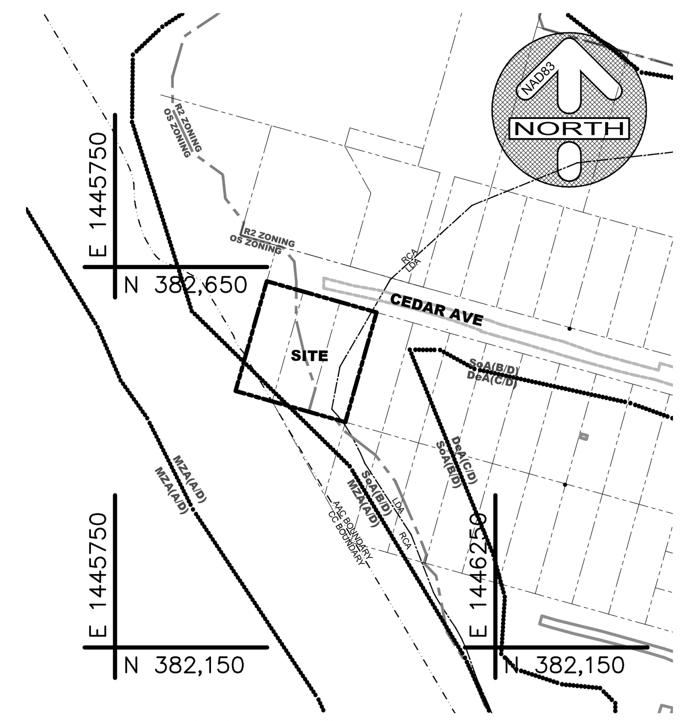
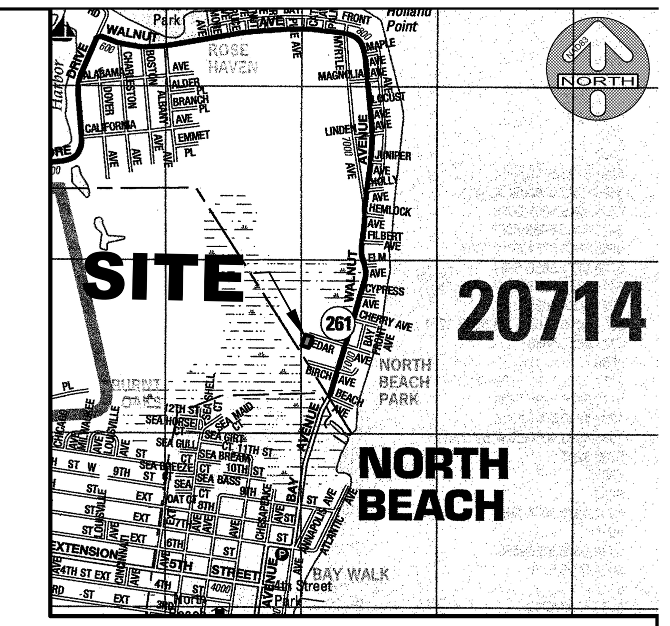
VARIANCE PLAN
799 CEDAR AVENUE



LOCATION MAP
SCALE: 1"=200'



VICINITY MAP
SCALE:1"=2,000'
COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NUMBER BJE0713

LEGEND

PROPERTY LINES

CRITICAL AREA LINES — LDA / RCA

SOIL AREA LIMITS — SME(C) / EVC(A)

STORMWATER REGULATION NOTE

THIS PLAT OR GRADING PERMIT #G02020372 WAS REVIEWED UNDER THE 2010 REGULATIONS FOR STORMWATER MANAGEMENT. STORMWATER MANAGEMENT PRACTICES WILL BE PROVIDED FOR THIS SITE IN ACCORDANCE WITH ARTICLE 16, SEC. 4 AND THE FINAL PLAN ON FILE WITH THE OFFICE OF PLANNING AND ZONING. ESD TO THE MEP WAS ACHIEVED THROUGH: RAIN BARRELS, DISCONNECTION OF ROOFTOP RUNOFF, AND DISCONNECTION OF NON-ROOFTOP RUNOFF.

STORMWATER MANAGEMENT NOTE

1. WATER QUALITY (WQV) - DRAINAGE AREA 1A IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF ROOFTOP RUNOFF. DRAINAGE AREA 1B IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF ROOFTOP RUNOFF. DRAINAGE AREA 1C IS BEING ADDRESSED BY UTILIZING RAIN BARRELS. DRAINAGE AREA 1D IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF ROOFTOP RUNOFF. DRAINAGE AREA 1E IS BEING ADDRESSED BY UTILIZING RAIN BARRELS. DRAINAGE AREA 1F IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF NON-ROOFTOP RUNOFF. DRAINAGE AREA 1G IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF NON-ROOFTOP RUNOFF.

2. RECHARGE VOLUME (REV) - DRAINAGE AREA 1A IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF ROOFTOP RUNOFF. DRAINAGE AREA 1B IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF ROOFTOP RUNOFF. DRAINAGE AREA 1C IS BEING ADDRESSED BY UTILIZING RAIN BARRELS. DRAINAGE AREA 1D IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF ROOFTOP RUNOFF. DRAINAGE AREA 1E IS BEING ADDRESSED BY UTILIZING RAIN BARRELS. DRAINAGE AREA 1F IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF NON-ROOFTOP RUNOFF. DRAINAGE AREA 1G IS BEING ADDRESSED BY UTILIZING DISCONNECTION OF NON-ROOFTOP RUNOFF.

3. CHANNEL PROTECTION VOLUME (CPV) - CPV HAS BEEN ADDRESSED

4. OVER BANK PROTECTION (QP) - QP HAS BEEN ADDRESSED

5. EXTREME FLOOD (QF) - QF IS NOT REQUIRED AS THERE IS NO EVIDENCE OF FLOODING DOWNSTREAM.

OUTFALL STATEMENT

A FIELD INVESTIGATION OF THE OUTFALL WAS PERFORMED IN DECEMBER, 2024 BY DFI ENGINEERING.

THE SITE OUTFALL IS LOCATED AT THE SOUTHWESTERN PROPERTY CORNER. THE DRAINAGE LEAVES THE SITE IN A SHALLOW CONCENTRATED FASHION AND FLOWS ACROSS ADJACENT PROPERTIES. THE RUNOFF LEAVING THE SITE HAS BEEN REDUCED FROM DEVELOPED CONDITIONS BACK TO EXISTING CONDITIONS. SINCE THE DRAINAGE FLOWS ONTO NEIGHBORING PROPERTIES, STORM WATER MANAGEMENT HAS BEEN PROVIDED ALLOWING NO INCREASE IN THE POST DEVELOPMENT DISCHARGE. THEREFORE, AN ANALYSIS OF THE DOWNSTREAM CONVEYANCE SYSTEM IS NOT REQUIRED AND THE OUTFALL IS DEEMED ADEQUATE. THE OUTFALL DOES NOT SHOW ANY EROSION AT THIS TIME, NOR WILL DOWNSTREAM FLOODING OR EROSION OCCUR AS A RESULT OF THE DEVELOPMENT OF THIS SITE. THE POST DEVELOPMENT FLOW HAS BEEN ADEQUATELY DISCONNECTED TO MIMIC SHEET FLOW "WOODS IN GOOD CONDITION" AND 10-YEAR STORAGE WILL BE PROVIDED IN THE PROPOSED RAIN BARRELS, ROOFTOP DISCONNECT, AND NON-ROOFTOP DISCONNECT FOR THE REMAINING AREAS.

DA 1

Permit Number	G0202
Project Number	
Project Name	799 Cedar Ave
StructureAddress	799 Cedar Ave
Structure City	North Beach Park
State	Maryland
Structure Zip	20714
Total Drainage Area (Acres)	0.52
RCN - Pre Construction	77
RCN - Post Construction	73
RCN - Woods	77
Total Number of BMPs	7
PE Required (see Note 1)	1.0"
PE Addressed (see Note 2)	1.0"
MD 8-Digit HUC (see Note 4)	2131005
USGS 12-Digit HUC	**Blank - County Use**

STORMWATER MANAGEMENT SUMMARY TABLE

Minimum Sizing Criteria	Symbol	Volume Required (acre-feet)	SWM Practices	Notes
Water Quality Volume	(WQ_v)	0.003	Rain Barrels, Disconnect of Rooftop Runoff, & Disconnect of Non-Rooftop Runoff	
Recharge Volume	(Re_v)	0.003	Rain Barrels, Disconnect of Rooftop Runoff, & Disconnect of Non-Rooftop Runoff	
Channel Protection Volume	(Cp_v)	N/A	Rain Barrels, Disconnect of Rooftop Runoff, & Disconnect of Non-Rooftop Runoff	Cpv has been addressed since the reduced RCN for developed conditions after implementing ESD's reflects "existing conditions".
Overbank Flood Protection	(Q_{p10})	N/A	N/A	Qp has been addressed since the reduced RCN for developed conditions after implementing ESD's reflects "existing conditions".
Extreme Flood	(Q_f)	N/A	N/A	Qf is not required as there is no evidence of flooding downstream.

STORM_ID	STRU_NAME	MDE BMP CLASS	MDE BMP TYPE	CONSTRUCTION PURPOSE	ON or OFF SITE	LAND USE	DEVICE DRAINAGE AREA (acres)	IMPERVIOUS AREA DRAINING TO DEVICE (Square feet)	IMPERVIOUS ACRES RESTORED (See Note 3)	MD NORTH COORD (NAD83 - FT)	MD EAST COORD (NAD83 - FT)	WQ_V (ft3) (See Note 5)	Maintenance Responsibility	Comments
Blank - County Use	Disconnection of Rooftop Runoff (SWMP#1)	E	NDRR	NEWD	ON		0.001790634	78	0	382570.97	1446043.97	0	Individual Homeowner(Residential)	
	Disconnection of Rooftop Runoff (SWMP #2)	E	NDRR	NEWD	ON		0.010422406	454	0	382566.6	1446043.01	0	Individual Homeowner	
	Rain Barrels (SWMP #3)	E	MRWH	NEWD	ON		0.002571166	112	0.01	382561.99	1446079.66	46	Individual Homeowner	
	Disconnection of Rooftop Runoff (SWMP #4)	E	NDRR	NEWD	ON		0.010697888	466	0	382543.18	1446074.16	0	Individual Homeowner	
	Rain Barrels (SWMP #5)	E	MRWH	NEWD	ON		0.00392562	171	0.01	382531.64	1446034.26	71	Individual Homeowner	
	Disconnection of Non-Rooftop Runoff (SWMP #6)	E	NDNR	NEWD	ON		0.013544536	590	0	382576.97	1446073.08	0	Individual Homeowner	
	Disconnection of Non-Rooftop Runoff (SWMP #7)	E	NDNR	NEWD	ON		0.00523416	228	0	382517.33	1446060.18	0	Individual Homeowner	

GENERAL NOTES

1. TOTAL AREA OF SITE IS 0.52 AC. / 22,500 SQ. FT.
2. EXISTING ZONING IS R-2
3. EXISTING USE OF THE SITE: VACANT LOT
4. PROPOSED USE: SINGLE FAMILY DWELLING
5. THE SITE IS WITHIN THE CRITICAL AREA (LDA, RCA)
6. THE SITE IS WITHIN THE FOLLOWING SENSITIVE AREAS:
   - 6.1. 100' BUFFER TO TIDAL WETLANDS
   - 6.2. TIDAL WETLANDS
7. WATERSHED: HERRING BAY
8. THE SITE IS WITHIN THE 100 YEAR FLOODPLAIN AS SHOWN ON FIRM # 24003C0385F ; ELEV. 4.0
9. PLAT REFERENCE: P.B. 2, P. 36
10. DEED REF: 41025/61
11. TOPOGRAPHY SHOWN IN AERIAL TOPO 2020 WHICH IS IN NAD 83. THESE PLANS WERE PREPARED USING THE BOUNDARY SURVEY PREPARED BY DFI IN MARCH 2024.
12. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ANNE ARUNDEL COUNTY DEPARTMENT OF PUBLIC WORKS STANDARD DETAILS AND STANDARD SPECIFICATIONS FOR CONSTRUCTION SEPTEMBER 2024 AND THE 2011 MARYLAND STANDARDS ANO SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF HIS CONSTRUCTION WITH THE CONSTRUCTION BY THE OTHER CONTRACTORS.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING AND REPLACING ANY EXISTING MAIN SIDEWALKS, DAMAGED OR REMOVED DURING CONSTRUCTION.

SITE ANALYSIS

1. CUT: 150 CU. YARDS
2. FILL: 150 CU. YARDS 0 CU. YARDS SPOIL/BORROW
3. TOTAL AREA STRUCTURALLY STABILIZED IS 0.05 AC. / 2,047 SQ.FT.
4. TOTAL AREA VEGETATIVELY STABILIZED IS 0.7 AC. / 3,160 SQ.FT.
5. TOTAL AREA OF DISTURBANCE IS 0.12 AC. / 5,207 SQ.FT.
6. PREDOMINANT SOIL TYPES: SHADYOAK-ELKTON COMPLEX, 0 TO 2 PERCENT SLOPES (B/D), MISPILLION AND TRANSQUAKING SOILS, 0 TO 1 PERCENT SLOPES, TIDALLY FLOODED

INDEX OF SHEETS

SHEET	DESCRIPTION
1	COVER SHEET & LOCATION MAP
2	DRAINAGE AREA MAPS
3	EXISTING SITE CONDITIONS & SOILS MAP
4	DEVELOPMENT CONCEPT PLAN & EXISTING/PROPOSED OVERLAY DETAIL
5	FOOTPRINT EXHIBIT

G02020372

OWNER:
DIAMONDBACK INVESTMENT COMPANY LLC
2077 SOMERVILLE, SUITE 206,
ANNAPOLIS MD, 21401

DEVELOPER:
TIMOTHY HOGAN
DIAMONDBACK INVESTMENT COMPANY LLC
2077 SOMERVILLE RD, SUITE 206
ANNAPOLIS, MD 21401

443-223-4719
THOGAN@HOGANCOMPANIES.COM

DESIGNED	CMB	9/25 date
DRAWN	ACT	9/25 date
CHECKED	CMB	9/25 date
APPROVED	RES	9/25 date

REVISIONS

DATE	BY	DESCRIPTION

DFI
DEVELOPMENT FACILITATORS INC.
ENGINEERS-SURVEYORS-PLANNERS
CONSTRUCTION MANAGERS
I-97 BUSINESS PARK
1127 BENFIELD BLVD, SUITE K
MILLERSVILLE, MD 21108
WWW.DFIENGINEERING.COM
443-308-2100 FAX 443-308-2108

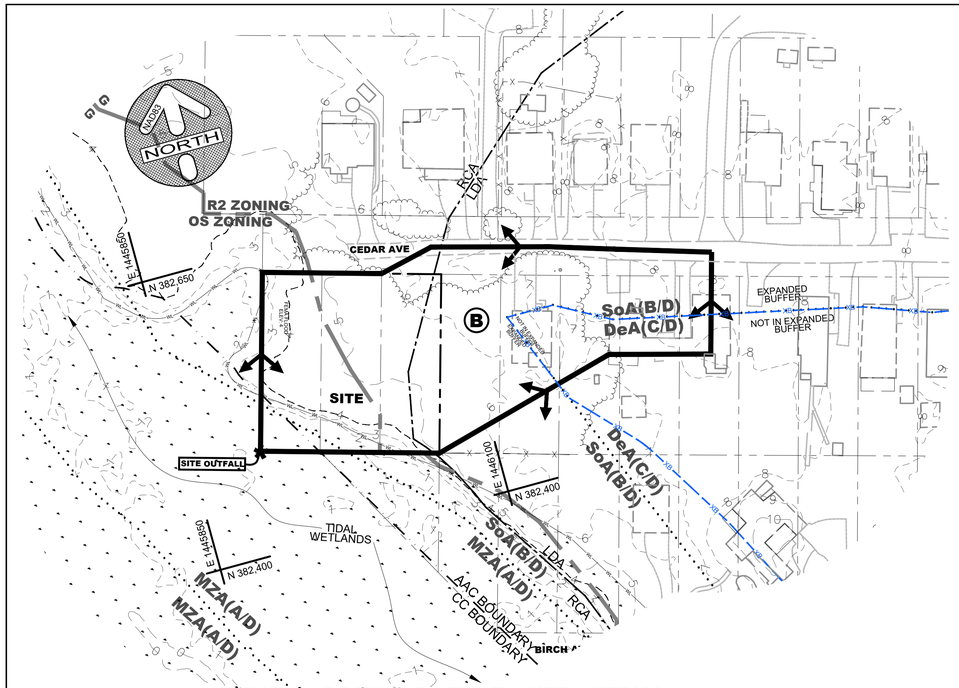
STATE OF MARYLAND — STEVEN T. ANDRAKA — 18882 — PROFESSIONAL ENGINEER
DocuSigned by: Steve Andraka
9F036…8DB84436...
9/16/2025

"PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO.18882, EXPIRATION DATE:10-19-2026."

COVER SHEET & LOCATION MAP

VARIANCE PLAN
799 CEDAR AVE
PLAT OF NORTH BEACH PARK, BLOCK 22, LOTS 16-18
ZONING R-2
TAX MAP 84, BLOCK 3, PARCEL 1
SCALE: AS SHOWN DATE: SEPTEMBER, 2025
ZIP CODE: 20714
8TH ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

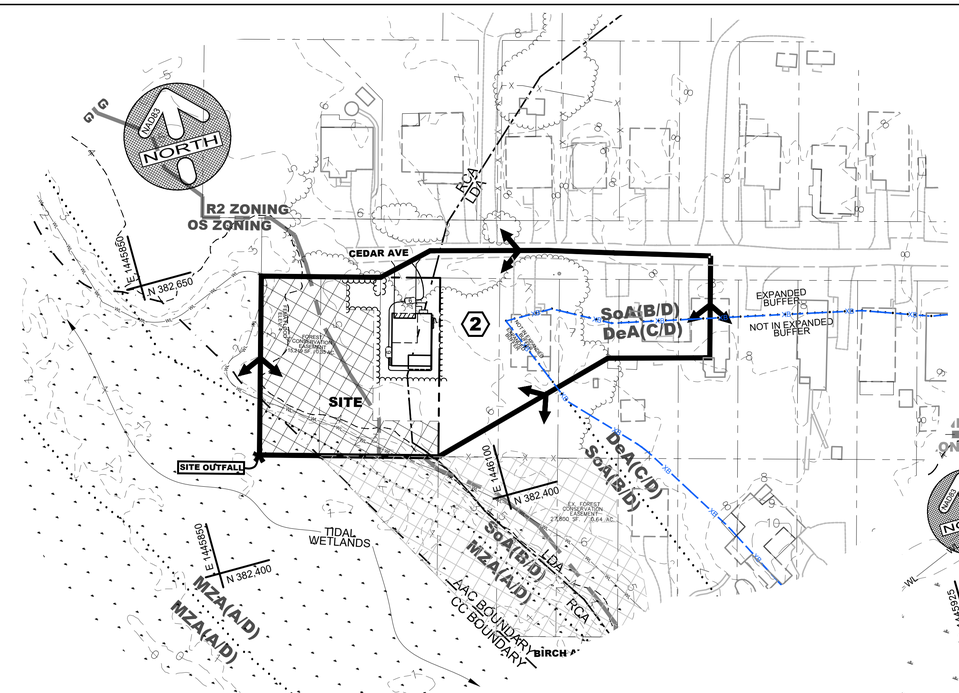
Docusign Envelope ID: 1CE00610-6233-40C4-A4EE-64F700927AD5



EXISTING DRAINAGE AREA TO SITE OUTFALL

SCALE: 1" = 60'

(B) DRAINAGE AREA "B" 49,136 SF. / 1.13 AC.
(DRAINAGE AREA TO SITE OUTFALL)



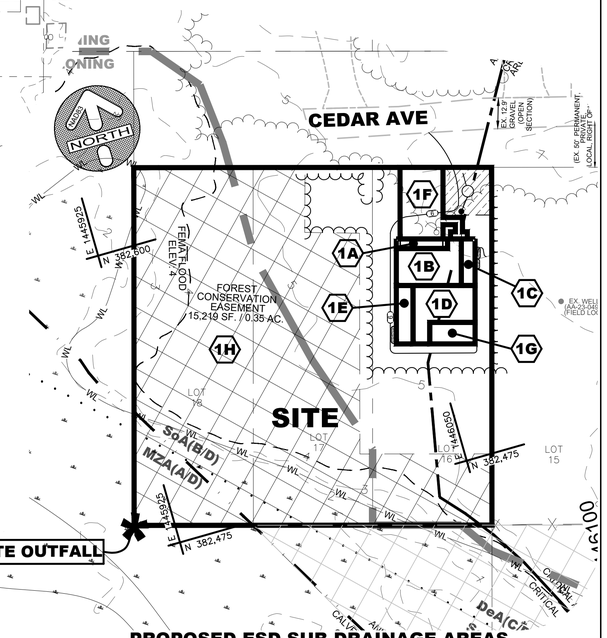
PROPOSED DRAINAGE AREA TO SITE OUTFALL

SCALE: 1" = 60'

(2) DRAINAGE AREA "2" 49,136 SF. / 1.13 AC.
(DRAINAGE AREA TO SITE OUTFALL)

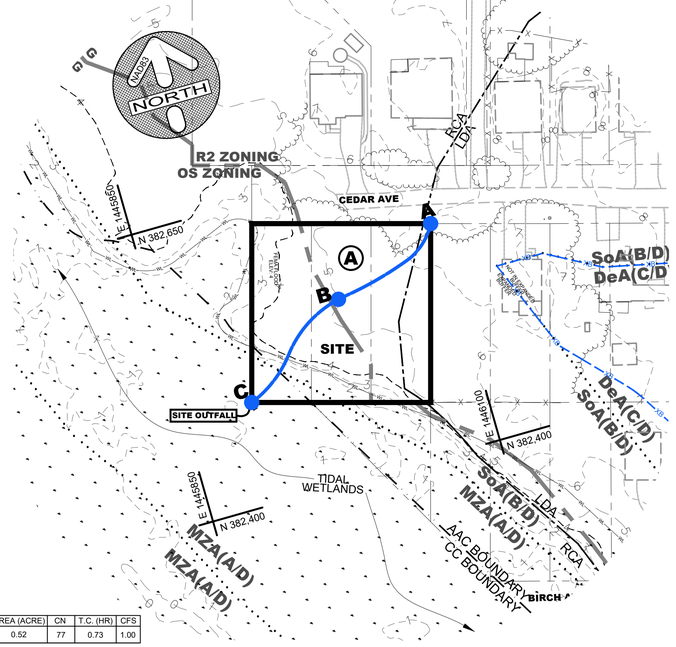
LEGEND

EXISTING CONTOUR	EXISTING TREELINE
PROPOSED CONTOUR	PROPOSED TREELINE
TIDAL WETLANDS	TIME OF CONCENTRATION (A, B)
EXISTING ZONING (ZONING: C-2, ZONING: R-1)	DRAINAGE AREA LIMITS
	CRITICAL AREA LINES (LDA, NOT-CRITICAL AREA)
	SOIL AREA LIMITS (SME(C), EVC(A))



PROPOSED ESD SUB-DRAINAGE AREAS

SCALE: 1" = 30'



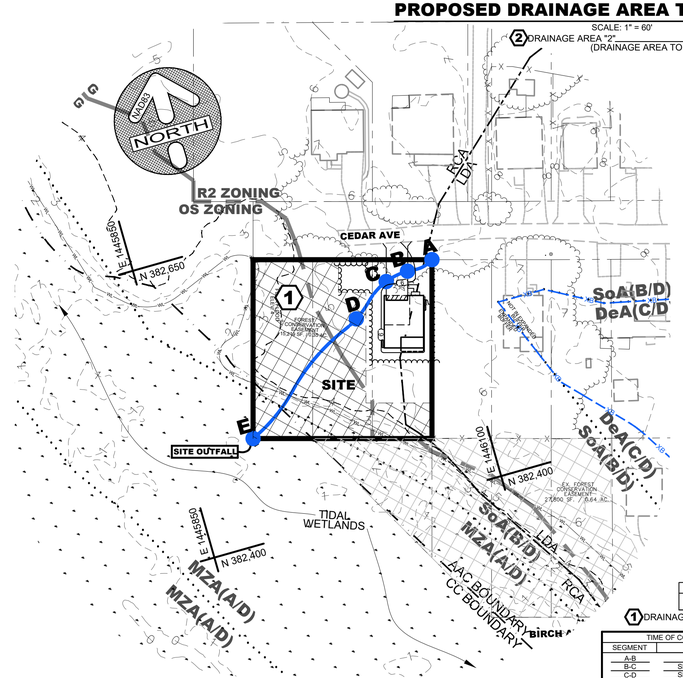
D.A.	AREA (ACRE)	CN	T.C. (HR)	CFS
A	0.52	77	0.73	1.00

(A) DRAINAGE AREA "A" 22,500 SF. / 0.52 AC.
(SITE DRAINAGE AREA)

EXISTING SITE DRAINAGE AREA

SCALE: 1" = 60'

TIME OF CONCENTRATION CHART FOR DRAINAGE AREA "A"				
SEGMENT	FLOW TYPE	LENGTH	SLOPE	"n"
A-B	SHEET FLOW	100'	1.50%	0.4
B-C	SHALLOW CONCENTRATE	115'	3.17%	0.4



D.A.	AREA (ACRE)	CN	T.C. (HR)	CFS
1	0.52	79	0.72	1.08

(1) DRAINAGE AREA "1" 22,500 SF. / 0.52 AC.
(SITE DRAINAGE AREA)

TIME OF CONCENTRATION CHART FOR DRAINAGE AREA "1"				
SEGMENT	FLOW TYPE	LENGTH	SLOPE	"n"
A-B	SHEET FLOW	23'	1.04%	0.15
B-C	SHALLOW CONCENTRATE	20'	2.95%	0.011
C-D	SHALLOW CONCENTRATE	40'	0.63%	0.4
D-E	SHALLOW CONCENTRATE	133'	3.06%	0.4

PROPOSED SITE DRAINAGE AREA

SCALE: 1" = 60'

ESD DA COMPUTATIONS

	ESD PRACTICE	SUB-DRAINAGE AREA	IMPERVIOUS AREA	LANDSCAPE AREA	DISCONNECT MET
1A	DISCONNECTION OF ROOFTOP RUNOFF (N-1)-(SWMP #1)	78 SF. / 0.00 AC.	0 SF.	78 SF.	YES
1B	DISCONNECTION OF ROOFTOP RUNOFF (N-1)-(SWMP #2)	454 SF. / 0.01 AC.	0 SF.	454 SF.	YES
1C	RAIN BARRELS (M-1)-(SWMP #3)	112 SF. / 0.00 AC.	112 SF.	0 SF.	NO
1D	DISCONNECTION OF ROOFTOP RUNOFF (N-1)-(SWMP #4)	466 SF. / 0.01 AC.	0 SF.	466 SF.	YES
1E	RAIN BARRELS (M-1)-(SWMP #5)	171 SF. / 0.00 AC.	171 SF.	0 SF.	NO
1F	DISCONNECTION OF NON-ROOFTOP RUNOFF (N-2)-(SWMP #6)	595 SF. / 0.01 AC.	0 SF.	595 SF.	YES
1G	DISCONNECTION OF NON-ROOFTOP RUNOFF (N-2)-(SWMP #7)	171 SF. / 0.01 AC.	0 SF.	171 SF.	YES
1H	REMAINING DRAINAGE AREA	20,453 SF. / 0.47 AC.	0 SF.	20,453 SF.	N/A
	TOTAL DRAINAGE AREA	22,500 SF. / 0.52 AC.	283 SF.	22,217 SF.	

DRAINAGE AREA NOTES:

- THE ENTIRE DRAINAGE AREA IS NOT WITHIN THE BOG PROTECTION AREA.

CALL MISS UTILTY OR 811 BEFORE YOU DIG!

G02020372

OWNER:
DIAMONDBACK INVESTMENT COMPANY LLC
2077 SOMERVILLE, SUITE 206,
ANNAPOLIS MD, 21401

DEVELOPER:
TIMOTHY HOGAN
DIAMONDBACK INVESTMENT COMPANY LLC
2077 SOMERVILLE RD, SUITE 206
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443-223-4719
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DESIGNED	CMB	9/25 date
DRAWN	ACT	9/25 date
CHECKED	CMB	9/25 date
APPROVED	RES	9/25 date

REVISIONS

DATE	BY	DESCRIPTION

DFI
DEVELOPMENT FACILITATORS INC.

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443-308-2100 FAX 443-308-2108

STATE OF MARYLAND — RESTON VIRAKA — PROFESSIONAL ENGINEER
Digitally signed by Reston Virraka
DocuSigned by: 9/16/2025

"PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 15882, EXPIRATION DATE 10-19-2026."

DRAINAGE AREA MAPS

VARIANCE PLAN

799 CEDAR AVE

PLAT OF NORTH BEACH PARK, BLOCK 22, LOTS 16-18
ZONING R-2
TAX MAP 84, BLOCK 3, PARCEL 1
SCALE: AS SHOWN DATE: SEPTEMBER, 2025
ZIP CODE: 20714
8TH ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

SHEET 2 **OF** 5

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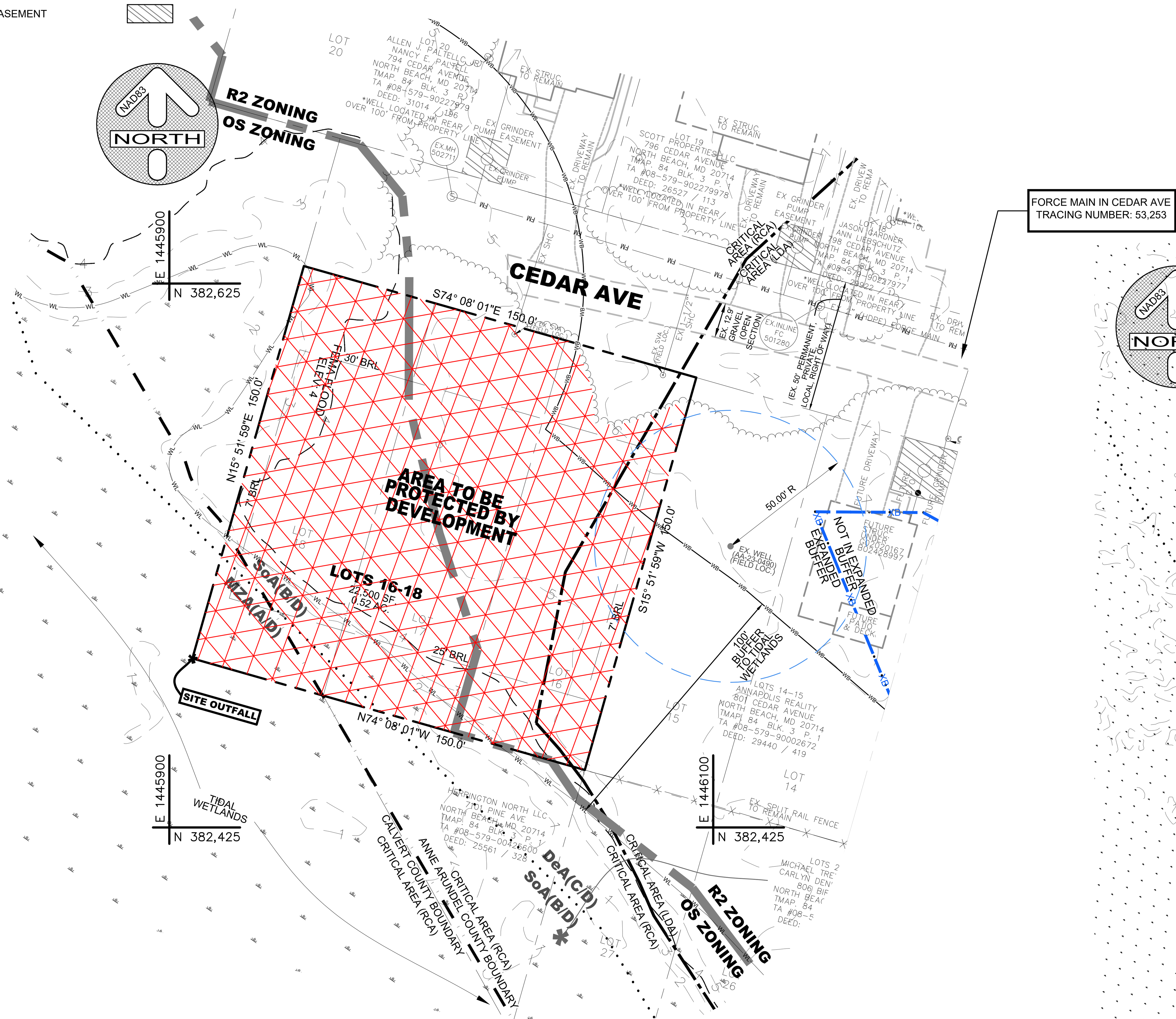
LEGEND

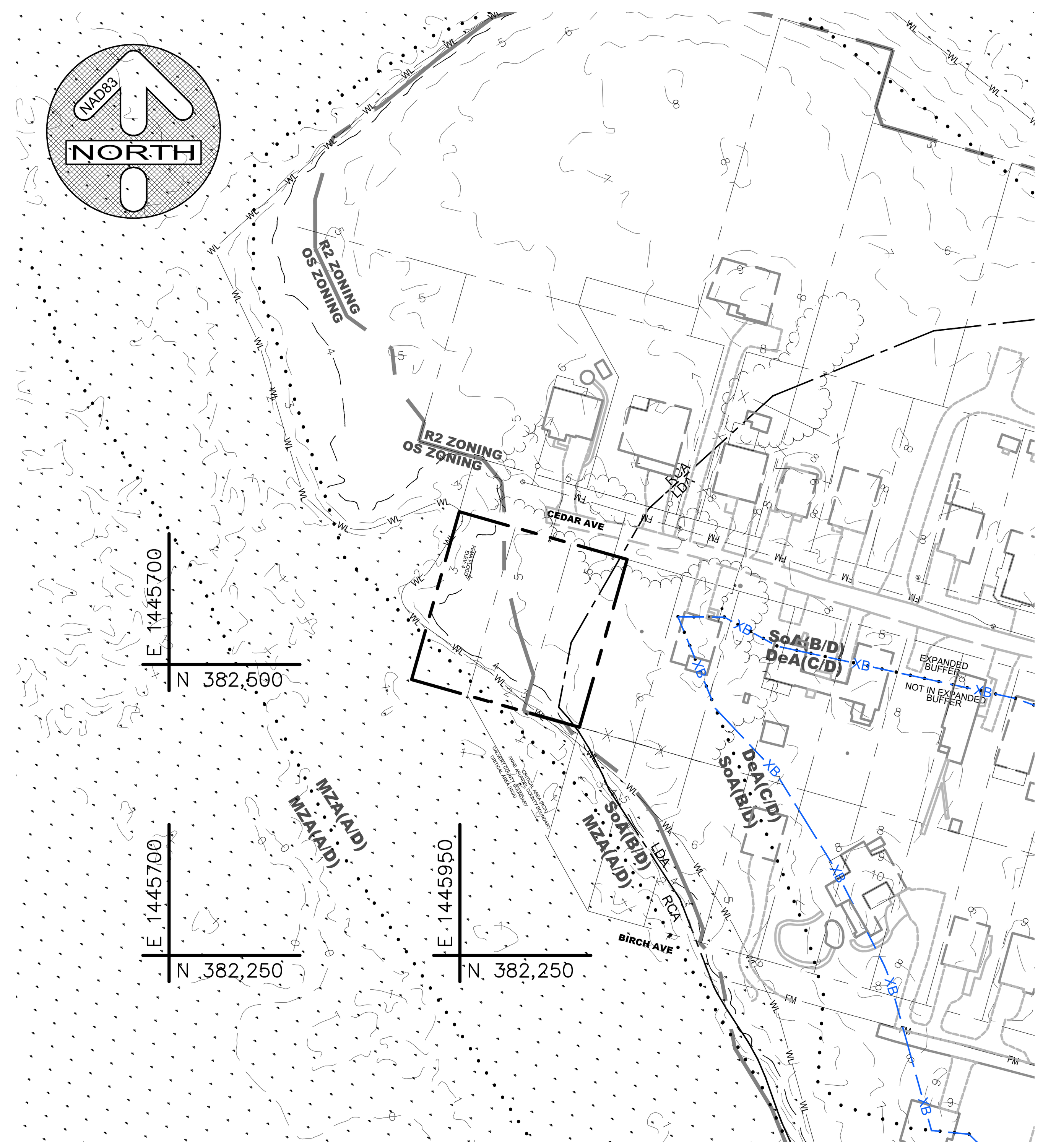
- EXISTING CONTOUR — 80 / 78
- EXISTING TREELINE
- CRITICAL AREA LINES — LDA / NOT-CRITICAL AREA
- AREA TO BE PROTECTED FROM DEVELOPMENT
- BUILDABLE AREA
- EXISTING 'B/D' TYPE SOILS
- TIDAL WETLANDS
- SOIL AREA LIMITS — SME(C) / EVC(A)
- TIDAL WETLAND BUFFER — WB
- EXISTING ZONING — ZONING: C-2 / ZONING: R-1
- EXISTING SEWER — SS
- EXISTING FENCE — X
- EXISTING EASEMENT

CALL MISS UTILTY OR 811 BEFORE YOU DIG!



EXISTING SITE CONDITIONS & RESOURCE MAPPING

SCALE: 1" = 30'



FLOODZONE DETAIL

SCALE: 1"=100'

2018 VEGETATIVE ESTABLISHMENT

FOLLOWING INITIAL SOIL DISTURBANCES OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN THREE CALENDAR DAYS FOR THE SURFACE OF ALL PERIMETER CONTROLS, DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND ALL SLOPES GREATER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1) AND SEVEN DAYS FOR ALL OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE.

1. PERMANENT SEEDING:

A. SOIL TESTS: LIME AND FERTILIZER WILL BE APPLIED PER SOIL TESTS RESULTS FOR SITES GREATER THAN 5 ACRES. SOIL TESTS WILL BE DONE AT COMPLETION OF INITIAL ROUGH GRADING OR AS RECOMMENDED BY THE SEDIMENT CONTROL INSPECTOR. RATES AND ANALYSES WILL BE PROVIDED TO THE GRADING INSPECTOR AS WELL AS THE CONTRACTOR.

OCCURRENCE OF ACID SULFATE SOILS (GRAYISH BLACK COLOR) WILL REQUIRE COVERING WITH A MINIMUM OF 12 INCHES OF CLEAN SOIL WITH 6 INCHES MINIMUM CAPPING OF TOP SOIL. NO STOCKPILING OF MATERIAL IS ALLOWED. IF NEEDED, SOIL TESTS SHOULD BE DONE BEFORE AND AFTER A 6-WEEK INCUBATION PERIOD TO ALLOW OXIDATION OF SULFATES.

THE MINIMUM SOIL CONDITIONS REQUIRED FOR PERMANENT VEGETATIVE ESTABLISHMENT ARE:

A. SOIL PH SHALL BE BETWEEN 6.0 AND 7.0.
B. SOLUBLE SALTS SHALL BE LESS THAN 500 PARTS PER MILLION (PPM).
C. THE SOIL SHALL CONTAIN LESS THAN 40% CLAY BUT ENOUGH FINE GRAINED MATERIAL (> 30% SILT PLUS CLAY) TO PROVIDE THE CAPACITY TO HOLD A MODERATE AMOUNT OF MOISTURE. AN EXCEPTION IS IF LOVEGRASS OR SERECIA LESPEDEZA IS TO BE PLANTED, THEN A SANDY SOIL (< 30% SILT PLUS CLAY) WOULD BE ACCEPTABLE.
D. SOIL SHALL CONTAIN 1.5% MINIMUM ORGANIC MATTER BY WEIGHT.
E. SOIL MUST CONTAIN SUFFICIENT PORE SPACE TO PERMIT ADEQUATE ROOT PENETRATION.
F. IF THESE CONDITIONS CANNOT BE MET BY SOILS ON SITE, ADDING TOPSOIL IS REQUIRED IN ACCORDANCE WITH THE STANDARD AND SPECIFICATION FOR SOIL PREPARATION, TOPSOILING AND SOIL AMENDMENTS FROM THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL OR AMENDMENTS MADE AS RECOMMENDED BY A CERTIFIED AGRONOMIST.

B. SEEDBED PREPARATION: AREA TO BE SEEDED SHALL BE LOOSE AND FRIABLE TO A DEPTH OF AT LEAST 3-5 INCHES. THE TOP LAYER SHALL BE LOOSENED BY RAKING, DISKING OR OTHER ACCEPTABLE MEANS BEFORE SEEDING OCCURS. FOR SITES LESS THAN 5 ACRES, APPLY 100 POUNDS DOLOMITIC LIMESTONE AND 21 POUNDS OF 10-10-10 FERTILIZER PER 1,000 SQUARE FEET. HARROW OR DISK LIME AND FERTILIZER INTO THE SOIL TO A DEPTH OF AT LEAST 3-5 INCHES ON SLOPES FLATTER THAN 3:1.

C. SEEDING: APPLY 5-6 POUNDS PER 1,000 SQUARE FEET OF TALL FESCUE BETWEEN FEBRUARY 1 AND APRIL 30 OR BETWEEN AUGUST 15 AND OCTOBER 31. APPLY SEED UNIFORMLY ON A MOIST FIRM SEEDBED WITH A CYCLONE SEEDER, CULTIPACKER SEEDER OR HYDROSEEDER (SLURRY INCLUDES SEEDS AND FERTILIZER, RECOMMENDED ON STEEP SLOPES ONLY). MAXIMUM SEED DEPTH SHOULD BE ¼ INCH IN CLAYEY SOILS AND ½ INCH IN SANDY SOILS WHEN USING OTHER THAN THE HYDROSEEDER METHOD. IRRIGATE WHERE NECESSARY TO SUPPORT ADEQUATE GROWTH UNTIL VEGETATION IS FIRMLY ESTABLISHED. IF OTHER SEED MIXES ARE TO BE USED, SELECT FROM TABLE B3 AND B5 OF THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

D. MULCHING: MULCH SHALL BE APPLIED TO ALL SEEDED AREAS IMMEDIATELY AFTER SEEDING. DURING THE TIME PERIODS WHEN SEEDING IS NOT PERMITTED, MULCH SHALL BE APPLIED IMMEDIATELY AFTER GRADING. MULCH SHALL BE UNROTTED, UNCHOPPED, SMALL GRAIN STRAW APPLIED AT A RATE OF 2 TONS PER ACRE OR 90 POUNDS PER 1,000 SQUARE FEET (2 BALES). APPLY MULCH TO ACHIEVE A UNIFORM DISTRIBUTION AND DEPTH SO THAT THE SOIL SURFACE IS NOT EXPOSED. IF A MULCH-ANCHORING TOOL IS USED, APPLY 2.5 TONS PER ACRE. MULCH MATERIALS SHALL BE RELATIVELY FREE OF ALL KINDS OF WEEDS AND SHALL BE COMPLETELY FREE OF PROHIBITED NOXIOUS WEEDS. SPREAD MULCH UNIFORMLY, MECHANICALLY OR BY HAND, TO A DEPTH OF 1-2 INCHES.

E. SECURING STRAW MULCH: STRAW MULCH SHALL BE SECURED IMMEDIATELY FOLLOWING MULCH APPLICATION TO MINIMIZE MOVEMENT BY WIND OR WATER. THE FOLLOWING METHODS ARE PERMITTED:

I. USE A MULCH-ANCHORING TOOL WHICH IS DESIGNED TO PUNCH AND ANCHOR MULCH INTO THE SOIL SURFACE TO A MINIMUM DEPTH OF 2 INCHES. THIS IS THE MOST EFFECTIVE METHOD FOR SECURING MULCH, HOWEVER, IT IS LIMITED TO RELATIVELY FLAT AREAS WHERE EQUIPMENT CAN OPERATE SAFELY.
II. WOOD CELLULOSE FIBER MAY BE USED FOR ANCHORING STRAW. APPLY THE FIBER BINDER AT A NET DRY WEIGHT OF 750 POUNDS PER ACRE. IF MIXED WITH WATER, USE 50 POUNDS OF WOOD CELLULOSE FIBER PER 100 GALLONS OF WATER.
III. LIQUID BINDERS MAY BE USED. APPLY AT HIGHER RATES AT THE EDGES WHERE WIND CATCHES MULCH, SUCH AS IN VALLEYS AND ON CRESTS OF SLOPES. THE REMAINDER OF THE AREA SHOULD APPEAR UNIFORM AFTER BINDER APPLICATION. BINDERS LISTED IN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL OR APPROVED EQUAL SHALL BE APPLIED AT RATES RECOMMENDED BY THE MANUFACTURERS.
IV. LIGHTWEIGHT PLASTIC NETTING MAY BE USED TO SECURE MULCH. THE NETTING WILL BE STAPLED TO THE GROUND ACCORDING TO MANUFACTURER'S RECOMMENDATIONS.

2. TEMPORARY SEEDING:
LIME: 100 POUNDS OF DOLOMITIC LIMESTONE PER 1,000 SQUARE FEET.
FERTILIZER: 15 POUNDS OF 10-10-10 PER 1,000 SQUARE FEET.
SEED: PERENNIAL RYE - 0.92 POUNDS PER 1,000 SQUARE FEET (FEBRUARY 1 THROUGH APRIL 30 OR AUGUST 15 THROUGH OCTOBER 31).
MILLET - 0.92 POUNDS PER 1,000 SQUARE FEET (MAY 1 THROUGH AUGUST 15).
MULCH: SAME AS 1 D AND E ABOVE.

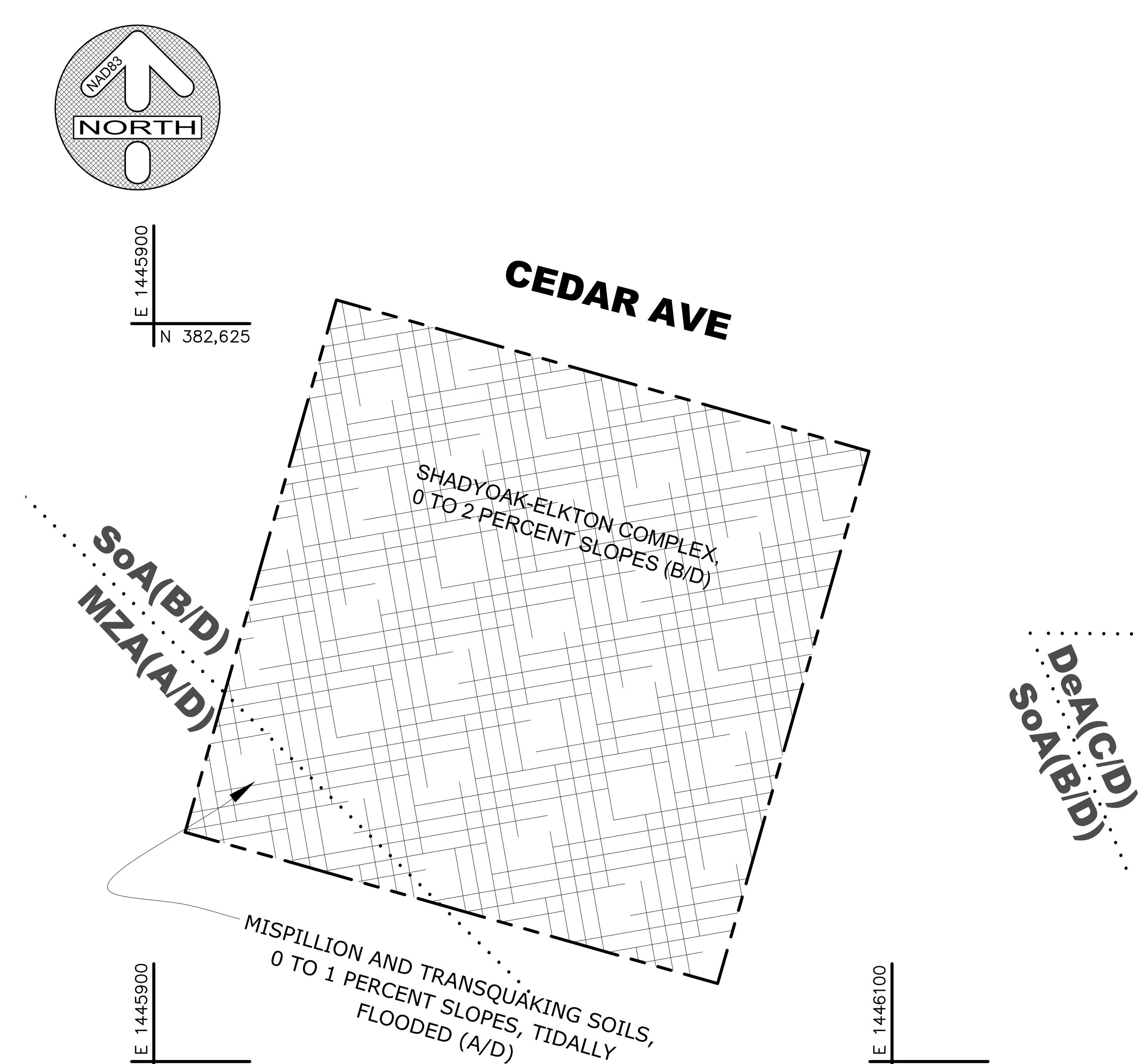
3. NO FILLS MAY BE PLACED ON FROZEN GROUND. ALL FILL IS TO BE PLACED IN APPROXIMATELY HORIZONTAL LAYERS, EACH LAYER HAVING A LOOSE THICKNESS OF NOT MORE THAN 8 INCHES. ALL COMPACTION REQUIREMENTS ARE IN ACCORDANCE TO ANNE ARUNDEL COUNTY STANDARD SPECIFICATIONS FOR CONSTRUCTION AS WELL AS THE AA COUNTY DESIGN MANUAL AND STANDARD DETAILS. FILLS FOR POND EMBANKMENTS SHALL BE COMPACTED AS PER MD-378 CONSTRUCTION SPECIFICATIONS. ALL OTHER FILLS SHALL BE COMPACTED SUFFICIENTLY SO AS TO BE STABLE AND PREVENT EROSION AND SLIPPAGE.

4. PERMANENT SOD:
INSTALLATION OF SOD SHOULD FOLLOW PERMANENT SEEDING DATES. SEEDBED PREPARATION FOR SOD SHALL BE AS NOTED IN SECTION (B) ABOVE. PERMANENT SOD IS TO BE TALL FESCUE, STATE APPROVED SOD; LIME AND FERTILIZER PER PERMANENT SEEDING SPECIFICATIONS AND LIGHTLY IRRIGATE SOIL PRIOR TO LAYING SOD. SOD IS TO BE LAID ON THE CONTOUR WITH ALL ENDS TIGHTLY ABUTTING. JOINTS ARE TO BE STAGGERED BETWEEN ROWS. WATER AND ROLL OR TAMP SOD TO INSURE POSITIVE ROOT CONTACT WITH THE SOIL. ALL SLOPES STEEPER THAN 3:1, AS SHOWN, ARE TO BE PERMANENTLY SODDED OR PROTECTED WITH AN APPROVED EROSION CONTROL NETTING. ADDITIONAL WATERING FOR ESTABLISHMENT MAY BE REQUIRED. SOD IS NOT TO BE INSTALLED ON FROZEN GROUND. SOD SHALL NOT BE TRANSPLANTED WHEN MOISTURE CONTENT (DRY OR WET) AND/OR EXTREME TEMPERATURE MAY ADVERSELY AFFECT ITS SURVIVAL. IN THE ABSENCE OF ADEQUATE RAINFALL, IRRIGATION SHOULD BE PERFORMED TO ENSURE ESTABLISHMENT OF SOD.

5. MINING OPERATIONS:
SEDIMENT CONTROL PLANS FOR MINING OPERATIONS MUST INCLUDE THE FOLLOWING SEEDING DATES AND MIXTURES: FOR SEEDING DATES OF FEBRUARY 1 THROUGH APRIL 30 AND AUGUST 15 THROUGH OCTOBER 31, USE SEED MIXTURE OF TALL FESCUE AT THE RATE OF 2 POUNDS PER 1,000 SQUARE FEET AND SERICEA LESPEDEZA AT THE MINIMUM RATE OF 0.5 POUNDS PER 1,000 SQUARE FEET.

6. TOPSOIL SHALL BE APPLIED AS PER THE STANDARD AND SPECIFICATIONS FOR SOIL PREPARATION, TOPSOILING, AND SOIL AMENDMENTS FROM THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

7. USE OF THESE VEGETATIVE ESTABLISHMENT SPECIFICATIONS DOES NOT PRECLUDE THE PERMITTEE OR CONTRACTOR FROM MEETING ALL OF THE REQUIREMENTS SET FORTH IN THE 2011 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.



SOILS MAP

SCALE: 1" = 30'

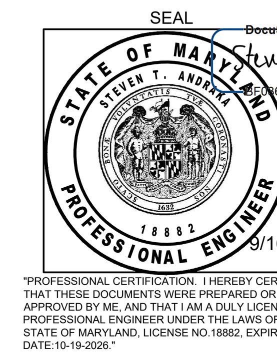
SYMBOL	NAME	CLASS	K FACTOR	HIGHLY ERODIBLE	ON-SITE ACERAGE	HYDRIC
SoA	SHADYOAK-ELKTON COMPLEX, 0 TO 2 PERCENT SLOPES	B/D	0.37	YES	0.48	YES
MZA	MISPILLION AND TRANSQUAKING SOILS, 0 TO 1 PERCENT SLOPES, TIDALLY FLOODED	A/D	N/A	YES	0.04	YES

NOTE:
1. ALL LOTS AND SURROUNDING PROPERTIES ARE ON WELL AND PUBLIC SEWER.
2. THE SITE IS WITHIN THE CRITICAL AREA LDA/RCA .
3. ALL LOTS AND SURROUNDING PROPERTIES ARE IN WATER SERVICE AREA (RURAL) AND SEWER SERVICE AREA (ROSE HAVEN).
4. CEDAR AVE IS NOT A SCENIC OR HISTORIC ROAD.
5. ALL LOTS AND SURROUNDING PROPERTIES ARE IN OS AND R-2 ZONING.
6. SITE IS NOT WITHIN ANY BOG DRAINAGE AREAS OR IMPACT AREAS.
7. THE CLOSEST WATER LINE IS 2,563' AWAY ON ALBANY AVE

NOTE: TOPOGRAPHY SHOWN IN AERIAL TOPO 2020 WHICH IS IN NAD 83. THESE PLANS WERE PREPARED USING THE BOUNDARY SURVEY PREPARED BY DFI IN MARCH 2024.

CERTIFICATION NOTE:
DFI HEREBY CERTIFIES THAT THE LOCATION OF FEATURES SHOWN ON THE RESOURCE MAP HAS BEEN FIELD VERIFIED.

SEAL



DocuSigned by: Steve Andraka
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G02020372

OWNER:
DIAMONDBACK INVESTMENT COMPANY LLC
2077 SOMERVILLE, SUITE 206,
ANNAPOLIS MD, 21401

DEVELOPER:
TIMOTHY HOGAN
DIAMONDBACK INVESTMENT COMPANY LLC
2077 SOMERVILLE RD, SUITE 206
ANNAPOLIS, MD 21401

443-223-4719
THOGAN@HOGANCOMPANIES.COM

DESIGNED	CMB	9/25 date
DRAWN	ACT	9/25 date
CHECKED	CMB	9/25 date
APPROVED	RES	9/25 date

REVISIONS

DATE	BY	DESCRIPTION

DFI
DEVELOPMENT FACILITATORS INC.

ENGINEERS-SURVEYORS-PLANNERS
CONSTRUCTION MANAGERS
I-97 BUSINESS PARK
1127 BENFIELD BLVD, SUITE K
MILLERSVILLE, MD 21108
WWW.DFIENGINEERING.COM
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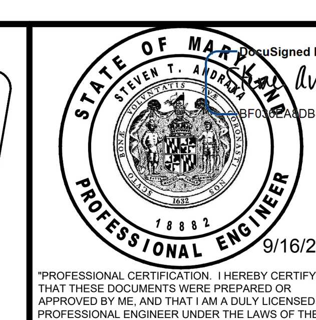

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EXISTING SITE CONDITIONS / RESOURCE MAPPING DETAIL & SOILS MAP

VARIANCE PLAN
799 CEDAR AVE
PLAT OF NORTH BEACH PARK, BLOCK 22, LOTS 16-18
ZONING R-2
TAX MAP 84, BLOCK 3, PARCEL 1
SCALE: AS SHOWN DATE: SEPTEMBER, 2025
ZIP CODE: 20714
8TH ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

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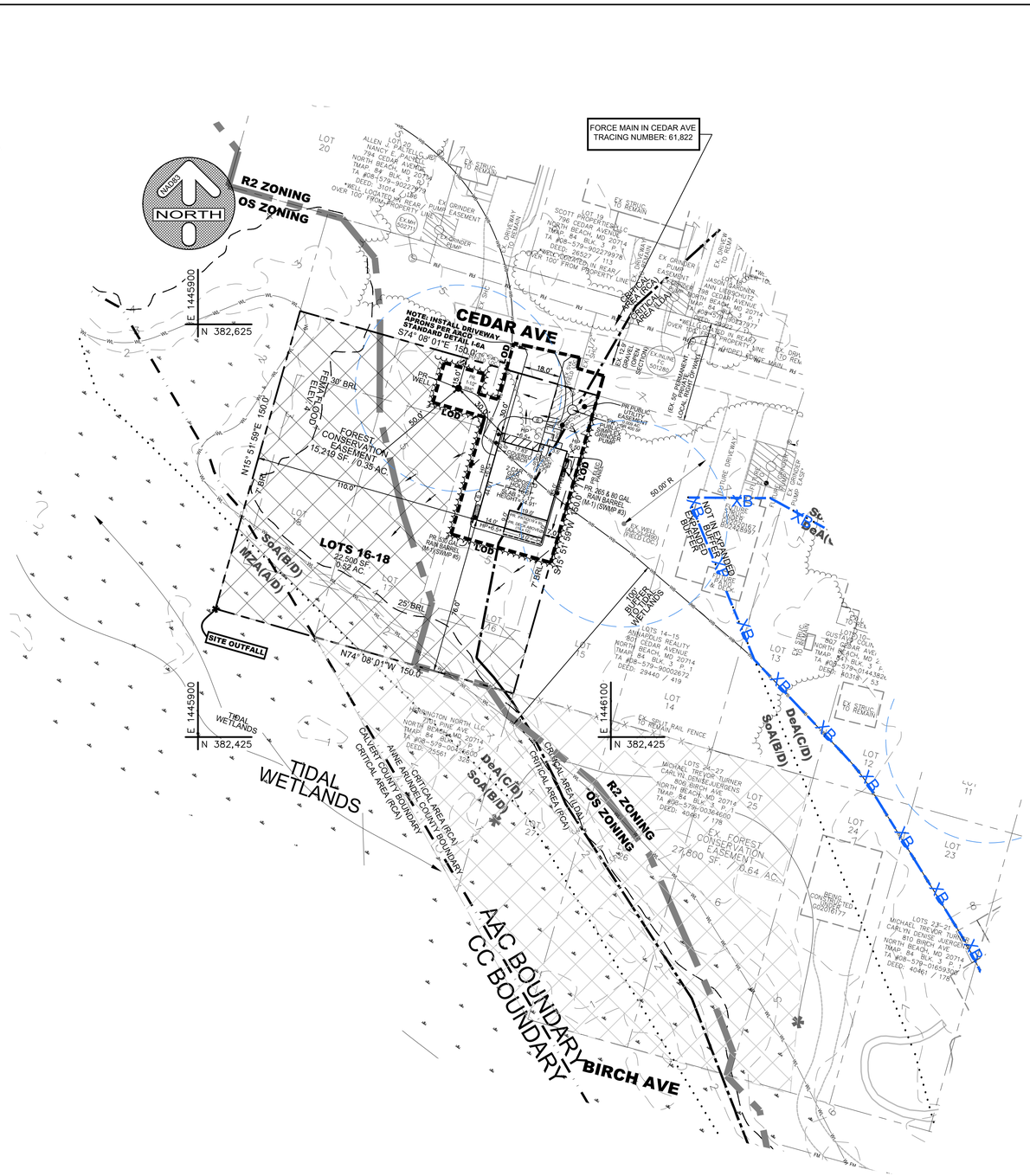
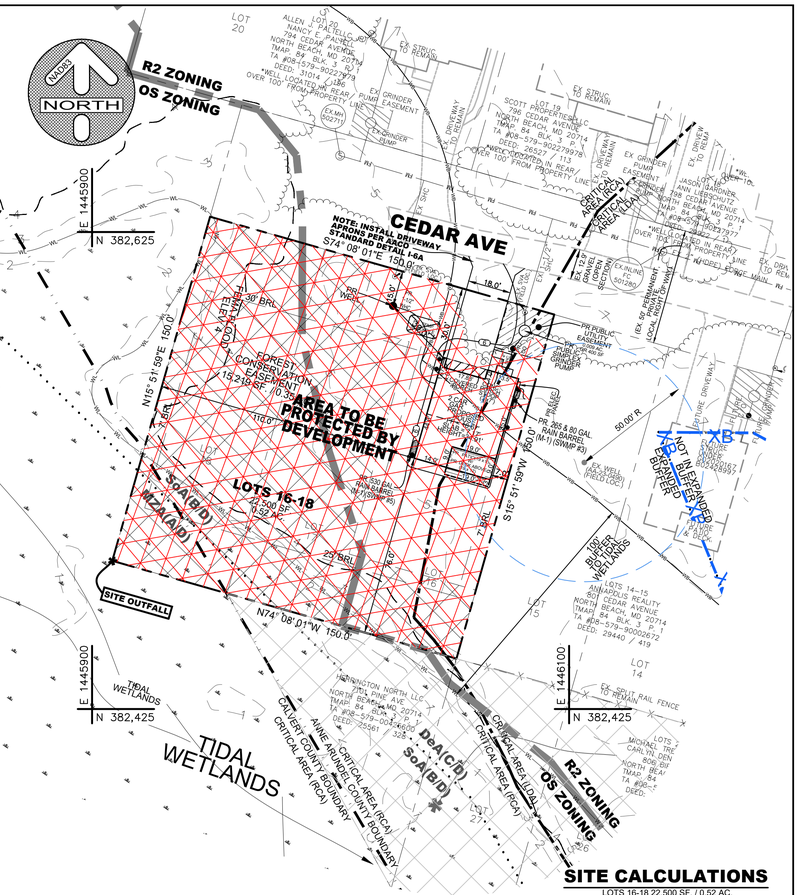
LEGEND

- EXISTING CONTOUR
- EXISTING TREELINE
- PROPOSED TREELINE
- LIMIT OF DISTURBANCE — LOD
- REINFORCED SILT FENCE — RSF
- PROPOSED CONTOUR
- CRITICAL AREA LINES — LDA / NOT-CRITICAL AREA
- AREA TO BE PROTECTED
- BUILDABLE AREA
- STABILIZED CONSTRUCTION ENTRANCE — SCE
- TEMPORARY STOCKPILE
- PROPOSED SWM DEVICE
- TIDAL WETLANDS
- TIDAL WETLAND BUFFER — WB
- SOIL AREA LIMITS — SME(C) / EVC(A)
- EXISTING ZONING — ZONING: C-2 / ZONING: R-1
- EXISTING SEWER — SS
- EXISTING FENCE
- COUNTY BOUNDARY — ANNE ARUNDEL COUNTY BOUNDARY / CALVERT COUNTY BOUNDARY
- EXISTING EASEMENT
- EXPANDED BUFFER — XB



DEVELOPMENT CONCEPT PLAN

SCALE: 1" = 30'



AREA TO BE PROTECTED FOR PROPOSED DEVELOPMENT DETAIL

SCALE:1"=30'

SITE CALCULATIONS

LOTS 16-18 22,500 SF. / 0.52 AC.
R-2 ZONING 11,632 SF. / 0.26 AC.
OS ZONING 10,868 SF. / 0.24
SOILS (A/D) 1,410 SF. / 0.03 AC.
SOILS (B/D) 21,090 SF. / 0.48 AC.
LDA 2,870 SF. / 0.07 AC.
RCA 18,443 SF. / 0.42 AC.
CALVERT COUNTY RCA 1,187 SF. / 0.03 AC.

PROPOSED LOT COVERAGE

PR. HOUSE 1,281 SF.
(INCLUDES COVERED PORCH)
PR. DRIVEWAY 541 SF.
PR. SIDEWALK 54 SF.
PR. PATIO 171 SF.

TOTAL PROPOSED LOT COVERAGE
2,047 SF. / 0.05 AC.
(9.10% OF THE SITE)

PERMITTED LOT COVERAGE 7,031 SF. (31.25%)

EX. WOODS ON SITE 21,741 SF.
(96.7% OF SITE)

PROPOSED CLEARING ONSITE 3,844 SF.
(17.68% OF WOODS ON SITE)

PERMITTED CLEARING 6,522 SF.
(30% OF WOODS ON SITE)

TIDAL WETLANDS ONSITE 2,947 SF.

TIDAL WETLANDS DISTURBED 0 SF.

100' TIDAL WETLAND BUFFER ONSITE 17,479 SF.

100' TIDAL WETLAND BUFFER ONSITE DISTURBED 2,533 SF.

EXPANDED BUFFER ON SITE 2,073 SF.

EXPANDED BUFFER ON SITE DISTURBED 2,073 SF.

TOTAL DISTURBANCE 5,207 SF. / 0.12 AC.

FOREST CONSERVATION EASEMENT 15,219 SF. / 0.35 AC.

EXISTING USE: VACANT LOT

PROPOSED USE: SINGLE FAMILY DWELLING

THE SITE IS WITHIN THE CRITICAL AREA (LDA)
AND THE CRITICAL AREA (RCA)

PROPOSED HEIGHT: TO BE DETERMINED FROM CONSTRUCTION PLANS

NOTE:

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443-308-2100 FAX 443-308-2108

STATE OF MARYLAND — ROBERT E. SHEPHERD, JR. — No. 15818 — PROFESSIONAL ENGINEER

Signature: Robert E. Shepherd, Jr. (Sep 16, 2025 08:58 EDT)

9/16/2025

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DEVELOPMENT CONCEPT PLAN

VARIANCE PLAN

799 CEDAR AVE

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TAX MAP 84, BLOCK 3, PARCEL 1
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SHEET 4 **OF** 5

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STATE OF MARYLAND — RICHARD E. SHAFFER — No. 15088 — PROFESSIONAL ENGINEER
Docusigned by: Richard Shaffer
9/16/2025

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FOOT PRINT EXHIBIT

VARIANCE PLAN

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TAX MAP 84, BLOCK 3, PARCEL 1
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SHEET 5 **OF** 5

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September 15, 2025

Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, MD. 21401

RE: 799 Cedar Avenue, North Beach, MD 20714
Plat of North Beach Park, Lots 16-18, Block 22
Variance Application – Explanatory Letter

To Whom it May Concern:

Please find submitted herewith the variance application and associated required submittal materials requesting a variance to 1) permit disturbance to the 100' buffer to tidal wetlands and the expanded buffer for a new single-family home per Article 18-13-104 (b).

The site is identified as 799 Cedar Avenue in North Beach. This site is a 22,500 square foot lot zoned R2 and OS. The site is mostly within the Anne Arundel County limits with a small corner located within Calvert County, no disturbance is proposed in this portion. The site is located entirely within the Chesapeake Bay Critical Area designation LDA and RCA in Anne Arundel County and RCA in Calvert County. The site is currently vacant and 96.7% wooded. The lots front Cedar Avenue, an existing 50' private, improved right-of-way. The site contains 2,947 sf of tidal wetlands of which we are disturbing 0 square foot of and 17,479 sf of 100' buffer to tidal wetlands and 2073 square foot of expanded buffer, placing the entire site with in either the 100' or expanded buffer.

The proposed development consists of building one (1) single-family home with a driveway, sidewalk, patio, deck, stormwater management, a private well, and a public grinder pump onsite. A grading permit has been applied for under G02020372. The permitted lot coverage for the site is 7,031 sf. and the proposed lot coverage is 2,047 sf such that the site meets the lot coverage in the Critical Area. The site is 150' x 150' with tidal wetlands found in the southwest corner onsite and offsite to the south and west, such that the 100' buffer and expanded buffer cover the rest of the site, which is the reason for this variance request.

<u>Disturbance to 100' Buffer to Tidal Wetlands and Expanded Buffer per Article 18-13-104 (b)</u>

The applicant is seeking a variance to permit disturbance to the 100' buffer to Tidal Wetlands and Expanded Buffer for development of a new single-family home with a driveway, patio, deck, private well and public grinder pump. The site is 150' x 150' with

tidal wetlands onsite (13.1% of site) in the southwestern corner and offsite to the south and west such that the 100' Buffer to tidal wetlands and expanded buffer covers the remainder of the site. The proposed house has been pushed as close to the northeastern corner of the site as much as possible, as well as tucking in the Well and Grinder Pump as close to the road as we could.

Per Article 18-16-305, we feel this variance request to allow disturbance to the 100' buffer to tidal wetlands and Expanded Buffer should be supported based on the following justifications:

- Due to unique physical conditions such as the location of the tidal wetlands and their buffer and the expanded buffer's location on the lot, there is no reasonable possibility of developing the lot in conformance with the 100' Tidal Wetland and expanded buffer section of the code, as there is no area not encumbered by the wetlands, their buffer, or the expanded buffer.

- Unnecessary hardship and practical difficulties would fall upon the owner if this variance request was denied as a variance would be required for any development on these legally buildable lots as the entire lot is within the 100' tidal wetland buffer or expanded buffer. The proposed house size is a relatively modest home with the minimum amount of disturbance for construction, a "shot gun" style home was selected as it allowed the home to preserve the entire portion of the lot that is zoned OS and minimize the disturbance to the RCA portion, the 100' buffer to tidal wetlands and expanded buffer. No disturbance to the tidal wetlands is proposed and the proposed development is pushed as far away from the tidal wetlands as possible.

- This lot is considered to have unique physical conditions such as exceptional topography, conditions peculiar to and inherent in the particular lot or irregularity, narrowness or shallowness, due to the location of the tidal wetlands, their buffer and the expanded buffer's location on the lot, there is no reasonable possibility of developing the lot in conformance with the 100' Tidal Wetlands and expanded buffer section of the code, as there is no area not encumbered by the wetlands their buffer, or the expanded buffer.

- This development does meet the clearing restrictions and lot coverage designated by the Critical Area Regulations for an LDA / RCA lot.

- We feel that denial of the variance will deprive the applicant of the rights commonly enjoyed by other property owners in the neighborhood as there are other lots throughout the North Beach Community that were granted similar variances to the tidal wetland buffer or expanded buffer. And throughout the community more ex-homes in these buffers that we could not find variances for but are constructed in the buffers just the same as this home is proposed with

this permit, more than likely because they were constructed prior to the critical area regulations.

- 806 Birch Ave, located directly to the south and east of this lot was granted a variance very similar to this one in Case 2014-0309-V, for less setbacks and buffer than required. In reviewing the site plan for this case this lot was in a very similar situation and to the same tidal wetlands, they too pushed development as far out as they could and constructed a "shot gun" style home to minimize the disturbance, the 100' buffer is shown on their site plan but no expanded buffer and if that were shown their entire site would have been in the expanded buffer also.

- 1046 Walnut Ave is adjacent to the same wetland but off another road and was also granted a variance Case 2001-0193-V, for less setbacks and buffer than required. Again, if the buffers to the wetlands were properly shown and the expanded buffer shown, this site too would be very similar but this site is much smaller than the site we are proposing to construct on and the structure much closer to the wetlands than what we have proposed.

- Granting this variance will not confer on the applicant any special privileges that would be denied to other lands within the County Critical Area as this variance is not for conformance with critical area regulations such as clearing or lot coverage, this site meets the clearing and lot coverage permitted in the critical area regulations. However, it should be noted that there are other lots / parcels in this neighborhood, that abut this tidal wetland and are constructed with in 100' buffer even though no variances are on file.

  - 1040 Walnut Ave
  - 1038 Walnut Ave
  - 811 Birch Ave
  - 813 Birch Ave
  - 1095 Walnut Ave

- This variance request is not based on conditions or circumstances that are a result of actions by the applicant as these lots are legally buildable lots that were created by a record plat recorded in 1922 and deeded out as lots, long before implementation of the County's Critical Area Regulations. Once the 100' buffer to tidal waters and expanded buffer was implemented, any development on this site would require a variance.

- Granting this variance will not adversely affect water quality, impact fish, wildlife, or plant habitat in the Chesapeake Bay Critical Area as the site will be providing stormwater management onsite for all Lot Coverage which will enhance the water quality and mitigation for clearing within the LDA/RCA and

disturbance to the wetland buffer and expanded buffer will be provided on and offsite. Additionally, over 67% of the site is being placed under a permanent forest conservation easement to preserve the remaining wooded areas.

- It is not applicable to maximize the distance between the bog and each structure as this development is not within a bog area or a bog drainage area. But in this particular case we have maximized the distance between the Tidal Wetland and the structure.

- We feel this development does confirm with the general purpose and intent of the County's Zoning Code, Critical Area Regulations and Natural Resources Article § 8-1808 especially since these are not newly proposed lots asking for relief, but these are lots that existed as legally buildable lots prior to the County's Critical Area Regulations. Once the 100' Buffer to Tidal Wetland and expanded buffer was implemented, any development on this site would require a variance.

- A grading permit has been applied for (G02020372) and reviewed now twice, all stormwater management design has been reviewed, and no comments remain. The grinder pump plans have been reviewed and approved by DPW and Engineering. There are a few comments remaining on the environmental review all related to the Major Buffer Management plan, these comments have been addressed on the plans provided and recently resubmitted for review again. We have implemented site planning alternatives such as providing stormwater management in accordance with the State Stormwater Management Manual, minimizing the footprint of the house and placing the house as close to the northeastern corner as possible to minimize disturbance to the 100' tidal wetland buffer and expanded buffer.

- We feel this is the minimum relief necessary to afford relief given the fact that this small lot is legally buildable and was created long before implementation of the County's first Critical Area Regulation, and that we have met most critical area requirements on the lot with the exception of the buffer and with the buffers encumbering the entire lot, this lot would not be buildable without some relief.

- The requested variance will not alter the essential character of the neighborhood as this is a dead-end street in an older subdivision surrounded by Tidal Wetlands and buffers. The proposed house is narrow just like most of the existing homes on the street. The proposed house is a modest house, a typical 2-story colonial with a garage and does not exceed its permitted lot coverage or clearing for being within the Critical Area.

- Granting this variance will not impair the use or development of adjacent property as this is a private development on a private lot. The new home meets all the required setbacks and no development is proposed offsite.

- Reducing the forest cover in the LDA/RCA has been minimized as much as possible but given this lot it is 96.7% wooded, some clearing is proposed. The permitted clearing for the site is 6,522 sf and the site is proposing to clear 3,844 sf such that the site is not exceeding the permitted clearing. The development has been pushed as close to the northeastern corner as possible where there is a small non-wooded area. Mitigation is proposed for the clearing within the LDA/RCA, onsite. Additionally, over 67% of the site is being placed under a permanent forest conservation easement.

- We feel this development meets the clearing amounts acceptable to the Critical Area LDA/RCA for lots created before December 1, 1985 that are greater than one-half acre, which may not exceed 30% of the forest, equals 6,522 sf (21,741 x 30% = 6,522.2 sf). This development is clearing 3,844 sf which is well below the permitted clearing. The clearing proposed is the minimum amount necessary to accommodate a house, driveway, sidewalk, deck, grinder pump, well and a small amount of yard. Replanting mitigation is proposed for clearing within the LDA/RCA onsite. Additionally, over 67% of the site is being placed under a permanent forest conservation easement.

- Granting this variance will not be detrimental to the public welfare as all proposed development will occur onsite and the site is privately owned.

Calculations for critical area clearing and lot coverage are provided on the site plan as well as buffer disturbances.

A copy of the Critical Area report prepared by Pen Mar Environmental Services, LLC is included with this application.

We respectfully submit that this legally buildable Lots would not be able to be developed at all without the relief requested.

A prefile submission was made July 28, 2025, below is a point-by-point response to the comments generated from the prefile review:

<u>I & P Engineering:</u>

Comment 1: *Label the size of the sewer house connection within the Cedar Ave Right-of-Way (ROW).*

Response: **This is now labeled and the (2) existing SVA have been field located.**

Comment 2: *The 100' buffer to tidal wetlands dimension line must be perpendicular to the wetland line and the wetland buffer line.*

Response: **This dimension has been revised.**

Comment 3: *If the "future well" shown on Lot 15 at 801 Cedar Ave (under active grading permit G02020167) has already been drilled, survey the location of the well and add its surveyed location to these plans and note its Well Tag Number.*

Response: **The location has been surveyed, shown and tag number added.**

Comment 4: *On the Site Plan, there is an inline flushing connection shown upstream of the existing terminal flushing connection upstream of the site. Please clarify and update the plan as needed.*

Response: **The existing sewer line has been adjusted to match the asbuits.**

Comment 5: *Per Geocortex and County As-Built plans, there are two sewer house connections serving lots 16 and 17. On the Site Plan, survey locate them, show and label both of them as existing and note their sizes. If they have been constructed, one of them must be used for the sewer connection.*

Response: **The (2) existing SVA have been field located and shown on the plans.**

Critical Area Team:

Comment 1: *The proposed dwelling has a 1452 sq ft footprint which includes a 2 car garage. Given the environmental constraints on this lot, the applicant should consider reducing the size of the footprint in order to comply with the approval standards for a Critical Area variance with regard to minimization of disturbance of the Critical Area buffer.*

Response: **The 1,452 includes the deck/patio on the rear of the home, the home itself is 1,281 sf, but even using the 1,452 sf you can see the "Footprint Exhibit" created as sheet 5 of the variance plan.**

Zoning Administration Section:

Comment 1: *The zoning administration section concurs with the critical area team regarding reducing the footprint of the proposed dwelling.*

Response: **The footprint is very modest and as you can see on the footprint exhibit, this footprint is smaller than most of the footprints on this street and the same as the one next door.**

Comment 2: *Calculate the amount of land within the R2 and OS districts. The setbacks for the property will be governed by 18-2-301. If there is more property in*

the OS district then a variance to the OS bulk regulations will be necessary.

Response: **The site is mostly R2 based on the new zoning lines. R2 is 0.28 ac and OS is 0.24 ac.**

Comment 3: *§ 18-2-301. Setbacks*
(a) Lot in more than one district. A lot located in more than one zoning district shall comply with the setback requirements applicable to the district in which the majority of the property is located.

Response: **The setbacks are laid out based on R2 zoning since tis is the majority.**

Comment 4: *§ 18-9-203. OS District bulk regulations.*
Setbacks. Except as provided otherwise in this article, a use or structure other than a pier, conservation use, passive recreational use, or beach shall be located at least 50 feet from any lot line and 75 feet from any road right-of-way.

Response: **Doest not apply.**

Comment 5: *Height limitation. The maximum height for a principal structure is 45 feet. The maximum height for an accessory structure is 25 feet.*

Response: **Doest not apply.**

Comment 6: *Coverage. The maximum coverage by structures and parking is 20% of the gross area.*

Response: **Doest not apply.**

Thank you for your consideration of this request and please do not hesitate to contact me if you have any questions or if you require any additional information.

Sincerely,
Development Facilitators, Inc.

Candice Bateman
Project Manager

Cc: *Steve Andraka, P.E., DFI*

Anne Arundel Cty Finance Office
County Transfer Tax $425.00
County Recordation Tax $297.50
01/09/2025 13:14 PM DJB

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 41025, p. 0061, MSA_CE59_41467. Date available 01/16/2025. Printed 01/20/2025.

AFTER RECORDATION PLEASE RETURN TO:
RESIDENTIAL TITLE & ESCROW COMPANY
100 Painters Mill Road, Suite 200
Owings Mills, Maryland 21117
File No. 104873

Anne Arundel Cty Cir Crt
IMP FD SURE $40.00
RECORDING FEE $20.00
TR TAX STATE $212.50
TOTAL $272.50
SAP CGC
Jan 13, 2025 11:50 am

Property address: 799 Cedar Avenue, North Beach, MD 20714
Tax ID No. 08-579-90256690

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made this 12th day of December, 2024, by and between **FRANK RUFF**, party of the first part ("Grantor"), and **DIAMONDBACK INVESTMENT COMPANY, LLC, a Maryland limited liability company**, party of the second part ("Grantee").

WITNESSETH:

WITNESSETH, that for and in consideration of **FORTY-TWO THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($42,500.00)**, Grantor does hereby grant, convey and transfer unto Grantee, its successors and assigns, in **fee simple**, all that certain lot or parcel of ground situate in the County of Anne Arundel, in the State of Maryland, more particularly described as follows, to-wit:

> Lots 16, 17, and 18, Block 22 in the subdivision known as North Beach Park, Section 1, a redivision of Holland Point Addition recorded among the Land Records of Anne Arundel County, Maryland in Plat Book 2, folio 36.
>
> ***For informational purposes only:*** *being No. 799 Cedar Avenue. Tax ID/Parcel No. 08-579-90256690.*

BEING A PORTION OF THE SAME PREMISES which Francis M. Mondimore, by Deed dated March 25, 2016, and recorded among the Land Records of Anne Arundel County, Maryland in Book 29440, Page 419, granted and conveyed unto Frank Ruff, Grantor herein.

TOGETHER with all improvements thereon and all easements, rights, roads, ways, waters, privileges, appurtenances and advantages thereto belonging or appertaining.

SUBJECT to the restrictions, rights-of-way, conditions, reservations, covenants and easements of record or which would be disclosed by an accurate survey.

TO HAVE AND TO HOLD, the above granted and bargained property hereby conveyed, unto Grantee, its successors and assigns, in fee simple.

AND Grantor does hereby covenant that they will warrant specially the property hereby conveyed and will execute such further assurances of the property as may be requisite.

ACCT. 08-579-90256690
ALL REQUIRED LIENS ARE PAID
AS OF 01-09-2025 A.A. COUNTY
BY: DJB

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 41025, p. 0062, MSA_CE59_41467. Date available 01/16/2025. Printed 01/20/2025.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed under seal as of the day and year first above written.

WITNESS:

_____

GRANTOR:

Frank Ruff (SEAL)
FRANK RUFF

STATE OF MARYLAND, CITY/COUNTY OF Anne Arundel, to wit:

On this 12th day of December, 2024, before me, the undersigned officer, personally appeared **Frank Ruff**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Special Warranty Deed, and acknowledged that he executed the same for the purposes therein contained.

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

Notary Public

My Commission Expires: 12/12/2026

Candice M. Richardson
6006 Emack Avenue
Lanham, MD 20706
License #: 99910656

CANDICE M. RICHARDSON
NOTARY
PUBLIC
PRINCE GEORGE'S COUNTY, MD

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 41025, p. 0063, MSA_CE59_41467. Date available 01/16/2025. Printed 01/20/2025.

Attorney Certification

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Supreme Court of Maryland.

Debra B. Adler, Esq.

AFTER RECORDATION PLEASE RETURN TO:
RESIDENTIAL TITLE & ESCROW COMPANY
100 Painters Mill Road, Suite 200
Owings Mills, Maryland 21117
File No. 104873

Pen Mar Environmental Services, LLC
4841 Avery Road
Shady Side, MD 20764
2dmusser1@gmail.com
443.875.3955

CHESAPEAKE BAY CRITICAL AREA REPORT with NARRATIVE DESCRIPTION

PROPERTY:	799 Cedar Avenue North Beach, MD 21401
CURRENT OWNER:	Diamondback Investment Company, LLC 2077 Somerville Road, Ste 206 Annapolis, MD 21401
DESCRIPTION:	0.52 Acre (22,500 sq. ft.) Tax Map 84, Grid 003, Parcel 001, Lots 16, 17 &18, Block 22 Tax ID #8579-9025-6690
ZONING:	R2 – Residential
CRITICAL AREA:	LDA Limited Development Area/RCA Resource Conservation Area
DATE:	April 22, 2025

Introduction and Site Description:

This Chesapeake Bay Critical Area Report is being prepared to meet Anne Arundel County standards for development in the Chesapeake Bay Critical Area. The 22,500 sq. ft. (0.52 ac) site is located in the North Beach Park Subdivision of North Beach, Maryland in southern Anne Arundel County (Fig. 1). The subject property is currently zoned as R2 – Residential and OS – Open Space (Fig. 2) with 10,681 square feet (0.25 ac.) in the R2 zone and 11,819 square feet in the OS zone (0.27 ac.). It is located within the West Chesapeake Bay Watershed (8 Digit #02131005). The site is currently undeveloped and is considered to be 96.7% forested with a canopy cover of 21,741 square feet. The site has been designated as both a Limited Development Area (LDA) and a Resource Conservation Area within the Chesapeake Bay Critical Area (Fig. 3). The total area within the LDA is 2,870 square feet (12.75% of site) and the total area within the RCA is 18,443 square feet (81.96% of site).

The property is located at the north end of the developed Cedar Avenue. It is bordered on the west and south by tidal wetland. To the east is a residential home with developed woodland and to the north is Cedar Avenue and existing residential homes. The subject property gently slopes to the southwest, draining offsite to an unnamed tributary to the Chesapeake Bay. Onsite topographic elevations range from 2' above sea level (a.b.s.) in the southwest corner of the lot and rising up to 6' a.b.s. in the northeast corner of the property (Fig. 4 and Fig. 7).

Public sewer is available along Cedar Avenue so any proposed new residential structures would be served by public sewer. This area is not served by public water therefore the proposed structure will be served by a private well.

Existing Vegetation:

This undeveloped parcel is 96.7% forested (21,741 sq. ft.) with broad-leaved, deciduous (hardwood) trees (Fig. 5). The 22,500 square-foot lot is dominated by red maple (Acer rubrum) and sweetgum (Liquidambar styraciflua) with Virginia pine (Pinus virginiana), white oak (Quercus alba) and persimmon (Diospyros virginiana). The understory is moderately dense with Greenbriar (Smilax rotundifolia).

A tidal marsh lies adjacent and offsite to the property and is dominated by common reed (Phragmites australis) forested nontidal wetland is located centrally on the subject lot. It is heavily dominated with common reed (Phragmites australis).

Environmental Features and Habitat Protection Areas:

According to a review of Maryland's Environmental Resources and Land Information Network (MERLIN), the site is not considered to contain potential Forest Interior Dwelling Bird (FIDs) habitat which is considered to be a habitat protection area (Fig. 6). It is mapped as a Sensitive Species Project review area. A letter has been sent to the MD Dept. of Natural Resources Wildlife and Heritage Division for confirmation (Attachment 1). No steep slopes over 15% are located on the property.

No forested nontidal wetlands or their 25-foot buffer were found to exist on the site. The property is not waterfront however, the 100-foot buffer to tidal waters, also considered to be a habitat protection area, extends northeast from the offsite tidal tributary to the Chesapeake Bay and encumbers the majority of the site or 17,479 square feet. The 100-foot buffer is also expanded by an additional 2,073 square feet due to the presence of hydric soil. The total area of 100-foot and expanded 100-foot buffer is 19,552 square feet of (86.89%) of the total 22,500 square foot property. This buffer is indicated on the attached Grading and Sediment Control Plan prepared by Development Facilitators, Inc. site plan (Fig. 7). The review did not identify any historic waterfowl staging areas or colonial water bird nesting sites on the property.

The U.S. Fish and Wildlife Service National Wetland Inventory (NWI) map (Fig. 8) does not indicate any nontidal wetlands on the site. It does, however, indicate the tidal wetland adjacent to the site. The field review verified that nontidal wetlands are not present on the property. The Maryland MERLIN (Fig. 9) and Anne Arundel County websites also do not indicate a nontidal wetland on the site.

Soils:

Two soil types are identified on the site per the U.S. Department of Agriculture (Fig. 10). The bulk of the property is mapped as Shadyoak-Elkton complex on 0-2% slopes. This soil type subsumes 21,090 square feet (93.73%) of the site. It is a poorly drained, silt loam found on fluviomarine terraceds and is considered to be a hydric soil.

Mispillion and Transquaking soils on 0-1% slopes, Tidally Flooded are found on the remaining 6.27% (1,410 Sq. Ft.)of the property off of the southwest corner of the site. This soil type is found in tidal marshes and is a very poorly drained mucky peat. It is considered to be a hydric soil.

Proposed Use:

The property owner is proposing to construct a single-family home on the existing, vacant residential lot as identified on the attached Grading and Sediment Control Plan. Construction of the home will be in conformance with the requirements of Anne Arundel County. Currently there is no impervious lot coverage on the site. Upon construction of the single-family home, there would be 2,047 square feet of impervious lot coverage on site (9.10%) all of which will be within the expanded 100-foot buffer. In order to accommodate the proposed home, forest clearing will total 3,844 square feet (17.68%).

Stormwater management will be in compliance with the AACO Stormwater Management Practices and Procedures Manual updated 10-1-2017 and will utilize Environmental Site Design (ESD) to the Maximum Extent Possible (MEP).

Minimization of Impacts:

The proposed structure is being located in the northeast corner of the site, as far as it can reasonably be placed from the boundary of the identified tidal wetland. The size of the structure is minimal at approximately 1,281 square feet and the 18-foot wide by 30-foot long driveway is also the minimal for reasonable access. Combined impervious lot coverage, including sidewalk and patio, is 2,047 square feet which is 9.10% of the site which is below the 7,031 square feet (31%) allowed by the County. Forest clearing totals 3,844 square feet for the project and is limited to the house and the area surrounding the house including a small stockpile during construction. This is below the allowable 6,522 square feet (30 %) permitted by the County.

Conclusions:

The subject property is one of the last lots to be developed in the existing North Beach Park subdivision which is currently served by public sewer.

Based upon the field review it was determined the no significant or endangered vegetation exists on the property. No steep slopes exist on the site, and it is not considered to be FIDs habitat. It is noted as being a Sensitive Species Project review area by the MD Dept. of Natural Resources. Other than the identified tidal wetland and associated 100-foot and expanded 100-foot buffer, no other habitat protection areas were found to exist. Hydric soils, while not being a nontidal wetland, are mapped across the extent of the property.

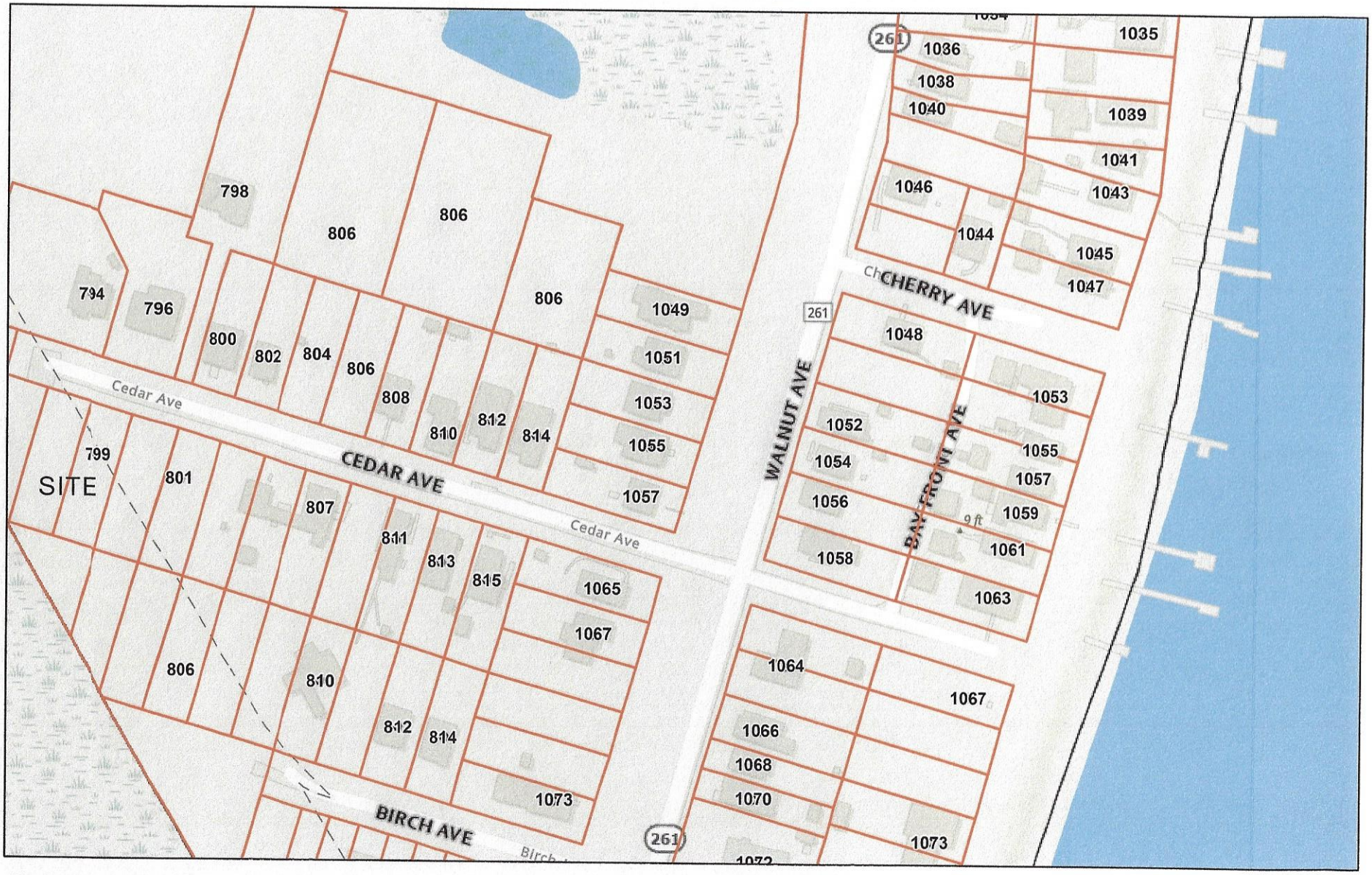
Proposed impervious lot coverage and associated forest clearing will be below the County standards.

<u>List of Figures</u>

Fig. 1 – Vicinity Map
Fig. 2 - AACO Zoning Map
Fig. 3 – Critical Areas Map
Fig. 4 – Topography Map
Fig. 5 - Aerial Photo
Fig. 6 – MD MERLIN Habitat Protection Areas
Fig. 7 – Grading and Sediment Control Plan (Sheet 3 of 3) by Boyd & Dowgiallo, P.A.
Fig. 8 - USFWS – NWI Map
Fig. 9 – MD MERLIN Wetland Map
Fig. 10 – USDA Soil Survey

Attachment A – DNR Wildlife and Heritage Rare, Threatened and Endangered Species Request
Attachment B – Grading Plan

Fig. 1 - Vicinity Map 799 Cedar Ave



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Local Road Label
Structure Address
County Boundary
Parcels

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

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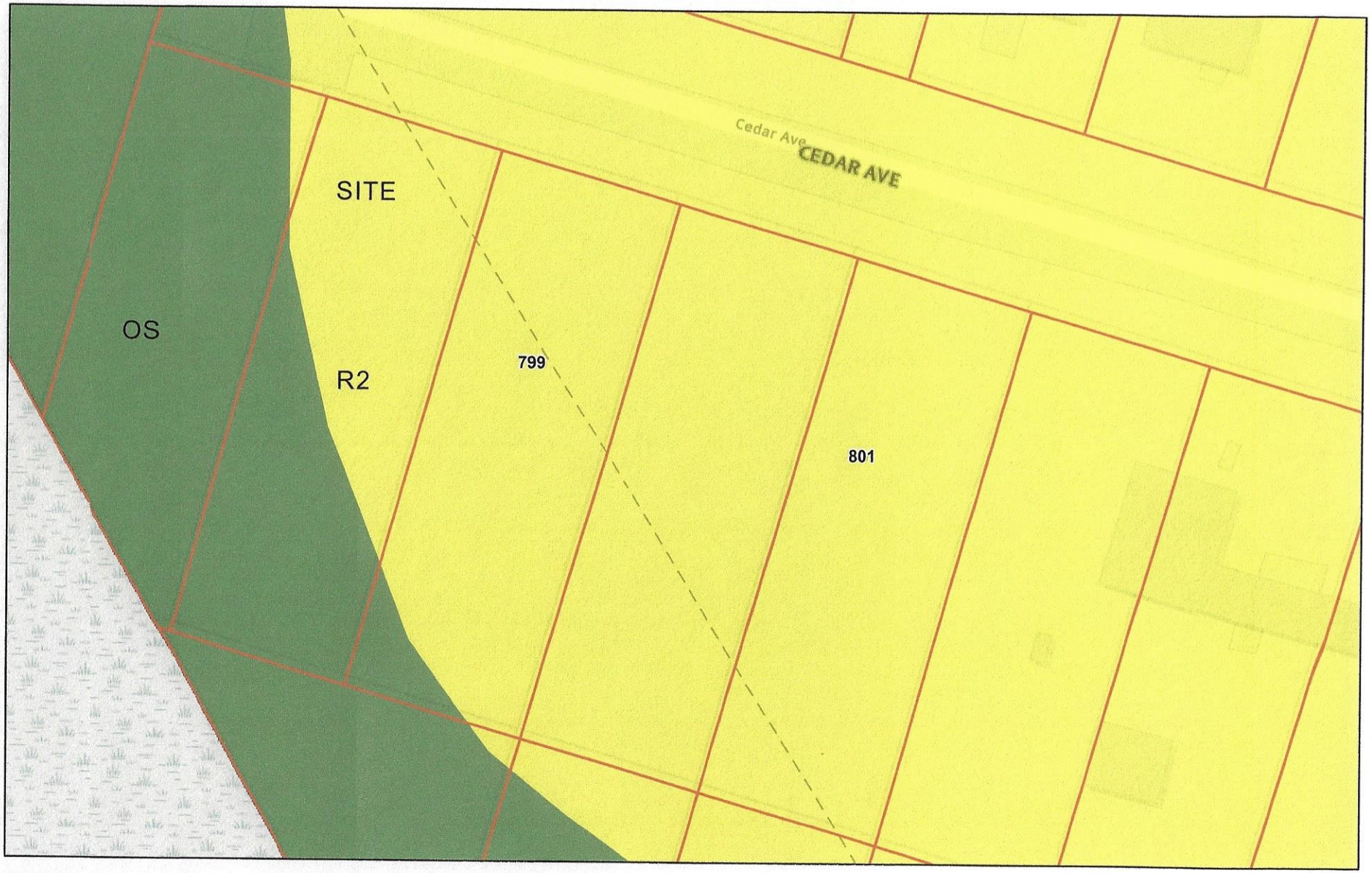
Fig. 2 - Zoning Map 799 Cedar Ave



4/22/2025, 12:14:13 PM

County Boundary
Parcels
R2 Residential
Structure Address
Zoning
OS Open Space

1:564
0 0 0.01 0.01 mi
0 0.01 0.01 0.02 km

Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

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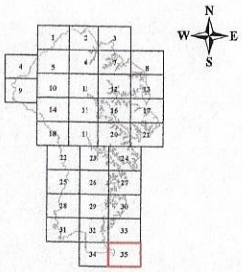
Anne Arundel County
Critical Area Map

Legend

- Road Edge
- Building FootPrint
- Water

Critical Areas

- RCA - Resource Conservation Area
- LDA - Limited Development Area
- IDA - Intensely Developed Area

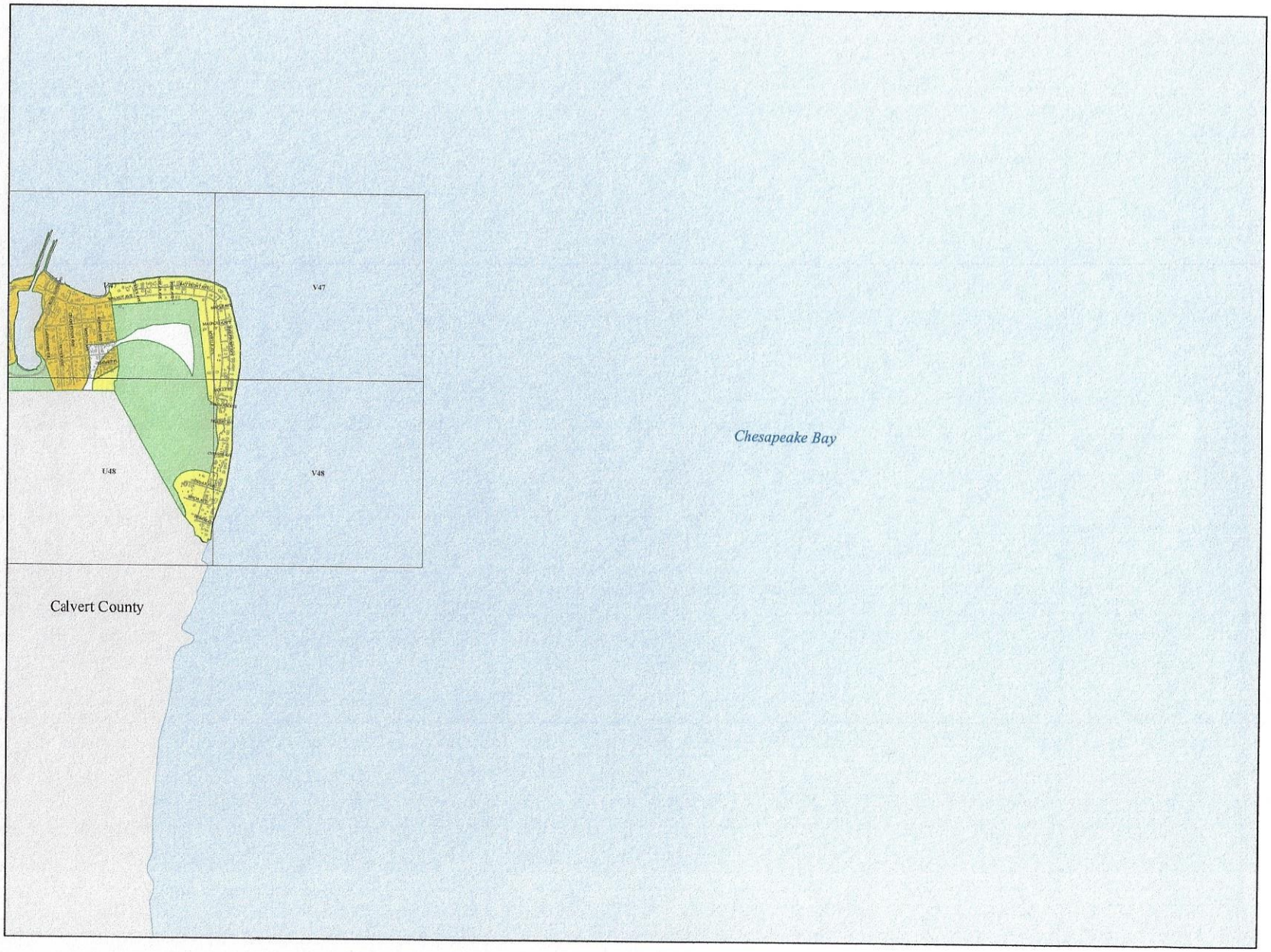


Sheet No. 35

0 495 990 1,980 2,970 3,960 Feet

Map Scale: 1" = 1000'

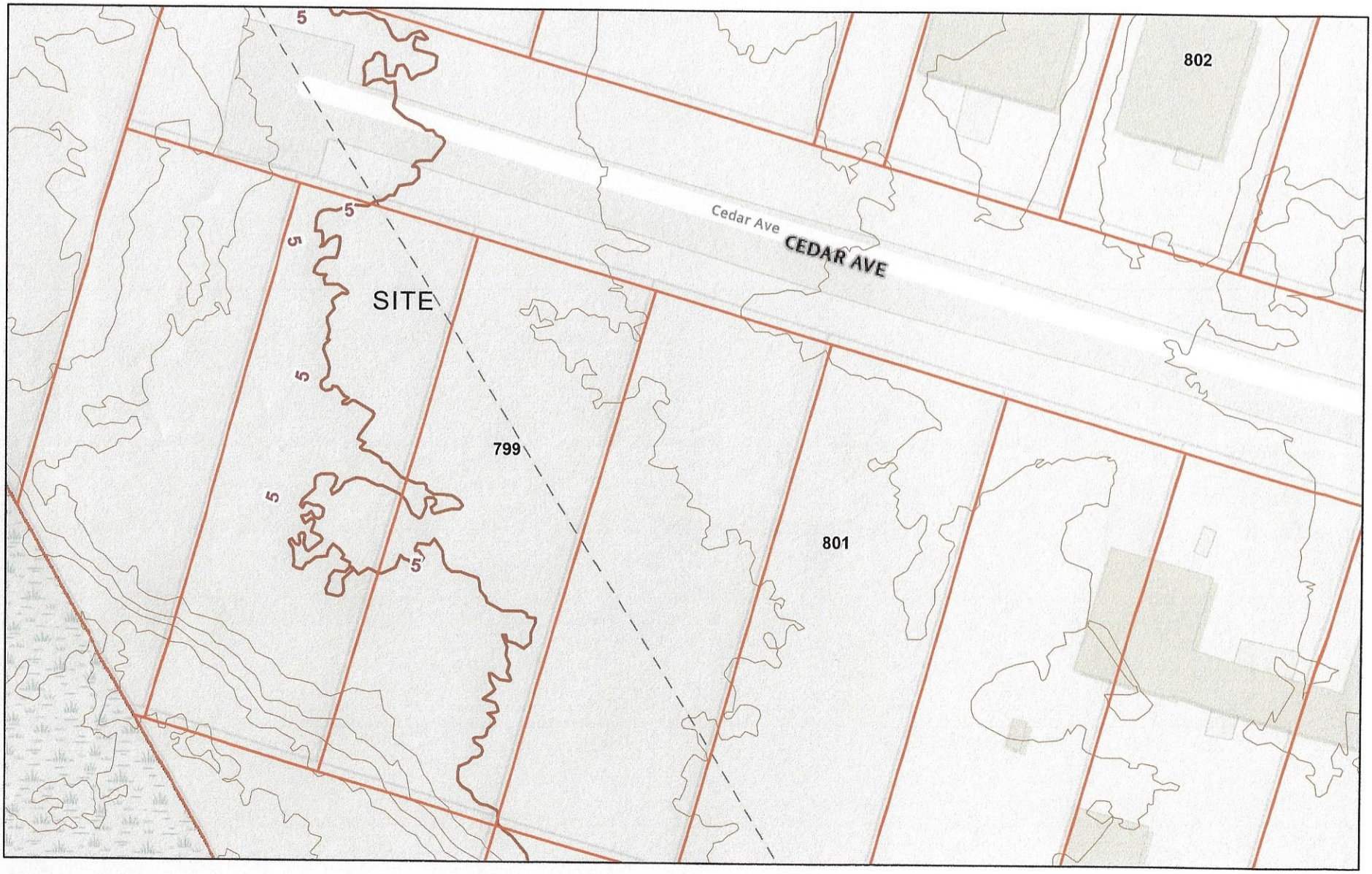
ANNE ARUNDEL COUNTY
MARYLAND



Date: January 25, 2007
File: J:\Shared\BNV\OEER Map Documents\Public\Critical Area Map\PublicSheet35.pdf
Map Production: Office of Environmental and Cultural Resources
Copyright 2007

2004 Planimetrics derived from 2002 ortho-photography flown February 27, 2002
*Digital datasets available in ESRI shapefile format through the Office of Planning and Zoning.

Fig. 4 - Topography Map 799 Cedar Ave



4/22/2025, 12:28:13 PM

County Boundary
Parcels
Intermediate
Structure Address
Topography 2017 - 1ft contours
Index

1:564

0 0 0.01 0.01 mi

0 0.01 0.01 0.02 km

Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

THE COUNTY MAKES NO AND DISCLAIMS ALL EXPRESS AND IMPLIED WARRANTIES RELATING TO THE MATERIAL, INCLUDING WARRANTIES OF MERCHANTABILITY, INTEGRATION, TITLE, AND FITNESS FOR A PARTICULAR PURPOSE.

Fig. 5 - Aerial Photo 799 Cedar Ave

4/22/2025, 12:22:07 PM

Local Road Label
Orthophoto 2023
Red: Red
Green: Green
Blue: Blue
Structure Address
Parcels

1:564

0 0 0.01 0.01 mi

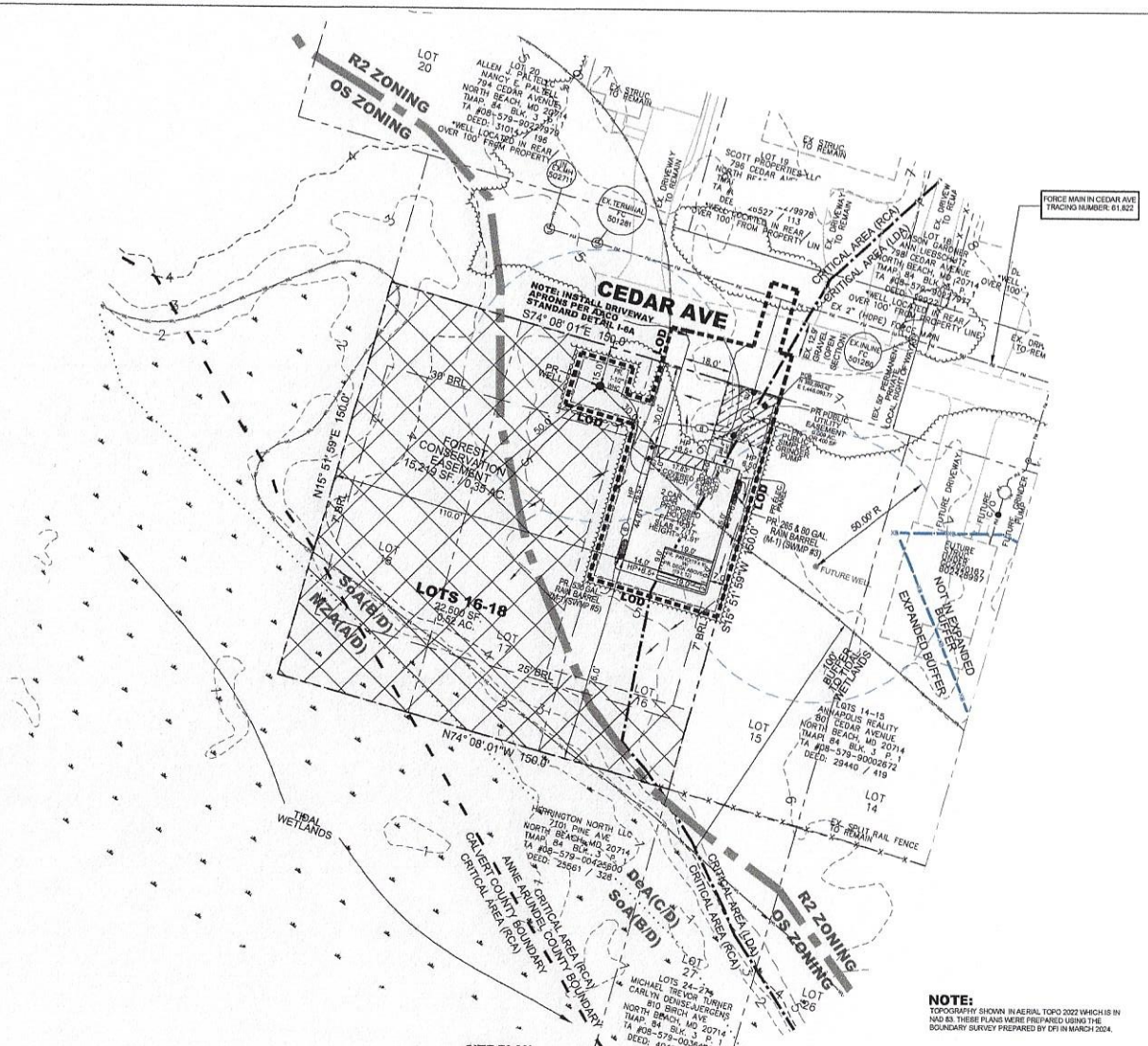
0 0.01 0.01 0.02 km

Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland,

THE COUNTY MAKES NO AND DISCLAIMS ALL EXPRESS AND IMPLIED WARRANTIES RELATING TO THE MATERIAL, INCLUDING WARRANTIES OF MERCHANTABILITY, INTEGRATION, TITLE, AND FITNESS FOR A PARTICULAR PURPOSE.

LEGEND

EXISTING CONTOUR	
EXISTING TREELINE	
PROPOSED TREELINE	
LIMIT OF DISTURBANCE	LOD
REINFORCED SILT FENCE	SF
PROPOSED CONTOUR	
CRITICAL AREA LINES	LDA / NOT-CRITCAL AREA
PROPOSED SWM DEVICE	
TIDAL WETLANDS	
TIDAL WETLAND BUFFER	WB
SOIL AREA LIMITS	SMf(C) / EVc(A)
EXISTING ZONING	ZONING: C-2 / ZONING: R-1
EXISTING SEWER	SS
EXISTING FENCE	X



SITE PLAN

SCALE: 1" = 20'

VICINITY MAP

COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NUMBER 20233668

SITE CALCULATIONS

LOTS 16-18 22,500 SF. / 0.52 AC.
R-2 ZONING 10,681 SF. / 0.25 AC.
OS ZONING 11,819 SF. / 0.27
SOILS (A/D) 1,410 SF. / 0.03 AC.
SOILS (B/D) 21,090 SF. / 0.48 AC.
LDA 2,870 SF. / 0.07 AC.
RCA 18,443 SF. / 0.42 AC.
CALVERT COUNTY RCA 1,187 SF. / 0.03 AC.

PROPOSED LOT COVERAGE

PR. HOUSE 1,281 SF.
(INCLUDES COVERED PORCH)
PR. DRIVEWAY 541 SF.
PR. SIDEWALK 54 SF.
PR. PATIO 171 SF.

TOTAL PROPOSED LOT COVERAGE
2,047 SF. / 0.05 AC.
(9.10% OF THE SITE)

PERMITTED LOT COVERAGE 7,031 SF. (31.25%)

EX. WOODS ON SITE 21,741 SF.
(96.7% OF SITE)

PROPOSED CLEARING ONSITE 3,844 SF.
(17.68% OF WOODS ON SITE)

PERMITTED CLEARING 6,522 SF.
(30% OF WOODS ON SITE)

100' TIDAL WETLAND BUFFER ONSITE 17,479 SF.

100' TIDAL WETLAND BUFFER ONSITE DISTURBED 2,533 SF.

EXPANDED BUFFER ON SITE 2,073 SF.

EXPANDED BUFFER ON SITE DISTURBED 2,073 SF.

TOTAL DISTURBANCE 5,525 SF. / 0.13 AC.

FOREST CONSERVATION EASEMENT 15,219 SF. / 0.35 AC.

EXISTING USE: VACANT LOT

PROPOSED USE: SINGLE FAMILY DWELLING

THE SITE IS WITHIN THE CRITICAL AREA (LDA) AND THE CRITICAL AREA (RCA)

PROPOSED HEIGHT: TO BE DETERMINED FROM CONSTRUCTION PLANS

NOTE:

TOPOGRAPHY SHOWN IN AERIAL TOPO 2022 WHICH IS IN NAD 83. THESE PLANS WERE PREPARED USING THE BOUNDARY SURVEY PREPARED BY DFI IN MARCH 2024.

CALL MISS UTILTY OR 811 BEFORE YOU DIG!

OWNER:
DIAMONDBACK INVESTMENT COMPANY LLC
2077 SOMERVILLE, SUITE 206,
ANNAPOLIS MD, 21401

DEVELOPER:
TIMOTHY HOGAN
ANNAPOLIS REALTY LLC
2077 SOMERVILLE RD, SUITE 206
ANNAPOLIS, MD 21401
443-223-4119
THOGAN@HOGANCOMPANIES.COM

DESIGNED	CMB	2/25 date
DRAWN	ACT	2/25 date
CHECKED	CMB	2/25 date
APPROVED	RES	2/25 date

REVISIONS

DATE	BY	DESCRIPTION

DFI
DEVELOPMENT FACILITATORS INC.
ENGINEERS-SURVEYORS-PLANNERS
CONSTRUCTION MANAGERS
I-97 BUSINESS PARK
1127 BENFIELD BLVD, SUITE K
MILLERSVILLE, MD 21108
WWW.DFIENGINEERING.COM
443-308-2100 FAX 443-308-2108

BUILDING PERMIT SITE PLAN

799 CEDAR AVE

PLAT OF NORTH BEACH PARK, BLOCK 22, LOTS 16-18
ZONING R-2
TAX MAP 84, BLOCK 3, PARCEL 1
SCALE: AS SHOWN DATE: FEBRUARY, 2025
ZIP CODE: 20714
8TH ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

SHEET 1 OF 1

HABITAT PROTECTION AREAS MERLIN Onine - 799 Cedar Ave

4/22/2025, 12:36:19 PM

State Boundary Mask
Forest Interior Dwelling Species
Coastal Bays Shorebirds
Natural Heritage Areas
Waterfowl Areas
Sensitive Species Project Review Areas
MD Amphibian and Reptile Atlas Grid
Coastal Bays Horseshoe Crab Habitat

Chesapeake Bay Horseshoe Crab Habitat
beach
structure
vegetated
waters edge

Coastal Bays Terrapin Habitat
Chesapeake Bay Terrapin Habitat
beach
cross connector
cross connector / vegetated
structure
vegetated
waters edge
Fish Blockage Locations

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

MD iMAP, DNR, Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, MD iMAP, ESRI

Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | MD iMAP | MD iMAP, DoIT | MD iMAP, USDA | MD iMAP, USGS | MD iMAP, COMMERCE, DHCD, MDP, MHT, MDOT, MDOT SHA, USDOT, FHWA, DoIT | MD

U.S. Fish and Wildlife Service

National Wetlands Inventory

USFW NWI Map - 799 Cedar Ave Fig. 8

April 22, 2025

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

WETLANDS MAP **MERLIN Online** 799 Cedar Ave - Fig. 9

4/22/2025, 12:42:35 PM

State Boundary Mask
Wetlands - Linear - Special State Concern
Wetlands - Polygon - Special State Concern
Wetlands - National Wetlands Inventory
Estuarine
Lacustrine
Marine
Palustrine
Riverine
Wetlands - Polygon - Department of Natural Resources
Estuarine
Lacustrine
Marine
Palustrine
Riverine
Wetlands - Linear - Department of Natural Resources
Estuarine
Palustrine
Riverine

1:1,128

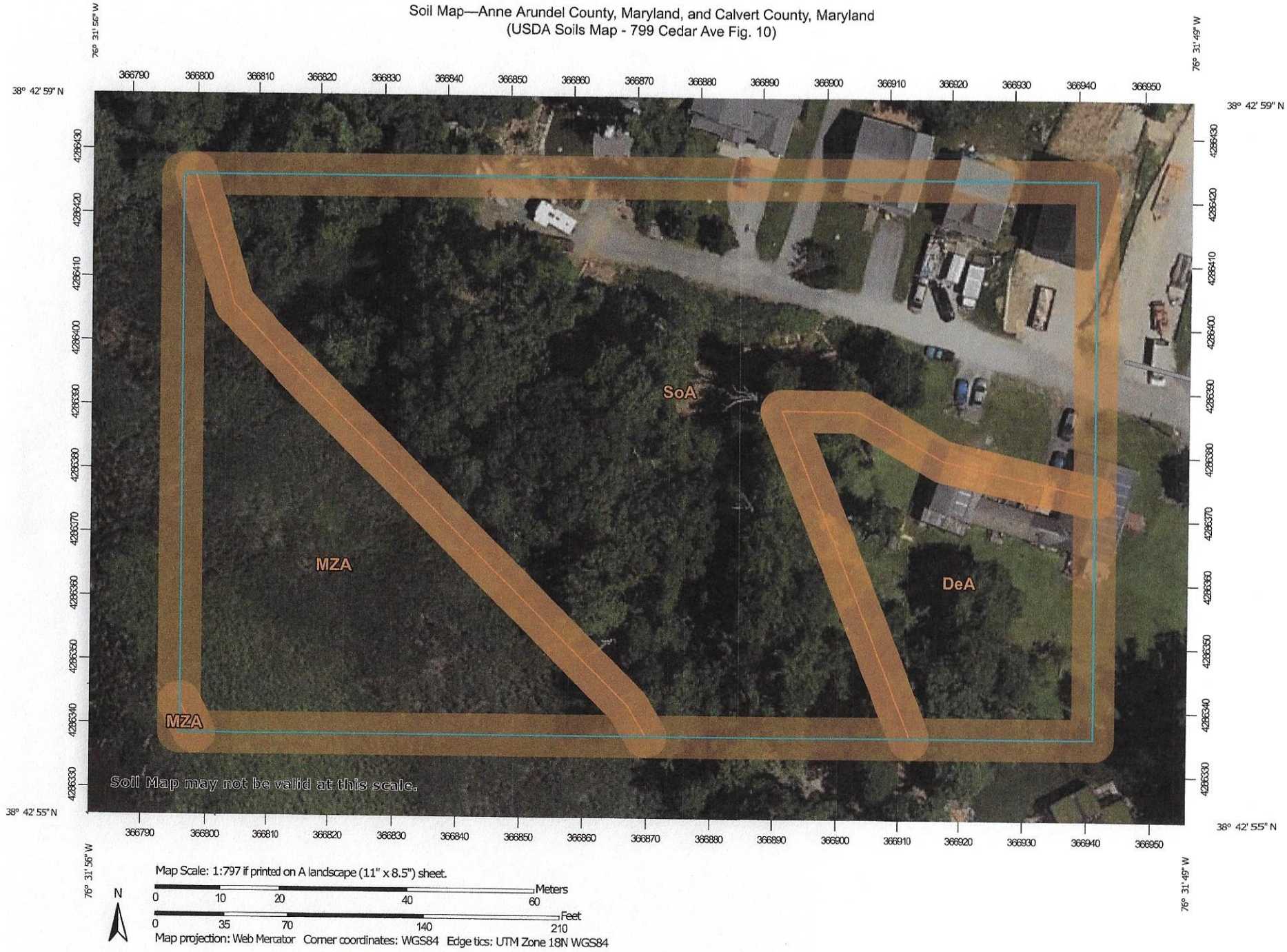
0 0.01 0.01 0.03 mi

0 0.01 0.02 0.04 km

MD iMAP, DNR, USFW, Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, MD iMAP, ESRI

Calvert County, County of Anne Arundel, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | MD iMAP | MD iMAP, DoIT | MD iMAP, USDA | MD iMAP, USGS | MD iMAP, COMMERCE, DHCD, MDP, MHT, MDOT, MDOT SHA, USDOT, FHWA, DoIT | MD

Soil Map—Anne Arundel County, Maryland, and Calvert County, Maryland
(USDA Soils Map - 799 Cedar Ave Fig. 10)



ATTACHMENT A

DNR Wildlife and Heritage Division
Rare, Threatened and Endangered Species Request Letter

May 23, 2025

Mr. Doug Musser
Pen Mar Environmental Services, LLC
P.O. Box 6809
Annapolis, MD 21401

RE: Environmental Review for 799 Cedar Avenue, North Beach - Tax Map 84 Parcel 1, Anne Arundel County, Maryland.

Dear Mr. Musser:

The Wildlife and Heritage Service has determined that this project site falls within a habitat protection area known as North Beach Marshes (AA O-10). Recent records documented in this habitat protection area include the King Rail (*Rallus elegans*) and the Least Bittern (*Ixobrychus exilis*). Both are state rare breeding species in Maryland, and the Least Bittern also is listed as In Need of Conservation. Conservation of the marsh habitat that supports these species is important, as well as avoiding disturbance during the time of year when they are most vulnerable to disturbance from construction and associated activities, collectively May 1 through October 1 of any given year.

If the project changes in the future such that the limits of proposed disturbance or overall site boundaries are modified, please provide us with revised project maps and we will provide you with an updated evaluation. Thank you for allowing us the opportunity to review this project. If you should have any further questions regarding this information, please contact me at lori.byrne@maryland.gov or at (410) 260-8573.

Sincerely,

Lori A. Byrne

Lori A. Byrne,
Environmental Review Coordinator
Wildlife and Heritage Service
MD Dept. of Natural Resources

ER# 2025.0844.aa
Cc: K. McCarthy, DNR
C. Jones, CAC

Pen Mar Environmental Services, LLC
for your environmental permit needs
P.O. Box 6809
Annapolis, MD 21401
443.875.3955

April 8, 2025

Lori Byrne
Environmental Review Specialist
MD DNR Wildlife and Heritage Service
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis, MD 21401

Re: Rare Threatened and Endangered Species
Forest Interior Dwelling Bird Species
2335 Patuxent River Road
Gambrills, MD 21054

Description: 799 Cedar Ave, North Beach, MD 21401
Tax Map 84, Grid 03, Parcel 01
Tax ID #8579-9025-6690
Zoning: R2 – Residential

Dear Ms. Byrne,

On behalf of the property owners, I am submitting a request for information regarding the existence any known rare, threatened or endangered plant of wildlife species, that may occur on the subject property as well as forest interior dwelling bird habitat. The property is located at 799 Cedar Ave in North Beach, Maryland, in southern Anne Arundel County. For your reference I have included the property tax information, a vicinity map and aerial photo.

Please review the attached plans and call me at 443.875.3955 or email me at 2dmusser1@gmail.com if you have any questions or need any additional information. I look forward to receiving any information you may have in regard to this request.

Sincerely,

Doug Musser, F.P.O.#11373
Environmental Consultant

Attachments

CC: Candice Bateman, Project Engineer, DFI

ATTACHMENT B

Grading and Sediment Control Plan

By Development Facilitators. Inc.

MARYLAND FORM **WH-AR**

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

2024

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

1. Transferor Information

Name of Transferor Frank Ruff

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).
799 Cedar Ave., North Beach, MD 20714

3. Reasons for Exemption

Resident Status

☒ As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

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

Principal Residence

☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

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

3a. Individual Transferors

Witness

Frank Ruff

Name

FAR 12-12-2024

**Date

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

**Date

Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

File No.: 104873
01/22

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 41025, p. 0064, MSA_CE59_41467. Date available 01/16/2025. Printed 01/20/2025.

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Anne Arundel

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only-All Copies Must Be Legible)

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

☑ Deed	☐ Mortgage	☐ Other _____	☐ Other _____
☐ Deed of Trust	☐ Lease	☐ _____	☐ _____

2 Conveyance Type Checkbox

☐ Improved Sale Arms-Length *[1]*	☑ Unimproved Sale Arms-Length *[2]*	☐ Multiple Accounts Arms-Length *[3]*	☐ Not an Arms-Length Sale *[9]*

3 Tax Exemptions (if applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$42,500.00	Transfer Tax Consideration	$
Any New Mortgage	$	X ( )% =	$
Balance of Existing Mortgage	$	Less Exemption Amount -	$
Other:	$	Total Transfer Tax =	$
		Recordation Tax Consideration	$
Other:	$	X ( )% per $500 =	$
Full Cash Value:	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2	
Recording Charge	$20.00	$	Agent:
Surcharge	$40.00	$	Tax Bill:
State Recordation Tax	$297.50	$	
State Transfer Tax	$212.50	$	C.B. Credit
County Transfer Tax	$425.00	$	
Other	$	$	Ag. Tax/Other
Other	$	$	

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
08	57990256690	29440/419			☐ (5)

Subdivision Name	Lot (3a)	Block(3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2)

799 Cedar Ave., North Beach, MD 20714

Other Property Identifiers (if applicable)	Water Meter Account No.

Residential ☑ **or Non-Residential** ☐ **Fee Simple** ☑ **or Ground Rent** ☐ **Amount:**

Partial Conveyance? ☐ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s)	Doc. 2 - Grantor(s) Names (s)
Frank Ruff	
Doc. 1 - Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 - Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 - Grantee(s) Name(s)	Doc. 2 - Grantee(s) Name(s)
Diamondback Investment Company, LLC	

New Owner's (Grantee) Mailing Address

2077 Somerville Road, Suite 206, Annapolis, MD 21401

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional)	Doc. 2 - Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Liz Arnold 104873-A

Firm: Residential Title & Escrow Company

Address: 100 Painters Mill Road, Suite 200

Owings Mills, MD 21117 Phone: (410) 653-3400

☒ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☒ No Does transfer include personal property? If yes, identify: _____

☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

Terminal Verification . Agricultural Verification . Whole . Part . Tran. Process Verification

Transfer Number Date Received: Deed Reference: Assigned Property No.:

Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

AOC-CC-300 (5/2007) **Submit 4 copies**

ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 41025, p. 0065, MSA_CE59_41467. Date available 01/16/2025. Printed 01/20/2025.

ANNE ARUNDEL COUNTY CIRCUIT COURT (Subdivision Plats, AA) Plat 40; Plat Book 2, p. 36, MSA_S1235_617. Date available 1923/07/03. Printed 06/23/2024.

PLAT NO. 40
BOOK NO. ___
FOLIO ___
SPEED ___

SECTION ONE

PLAT OF NORTH BEACH PARK

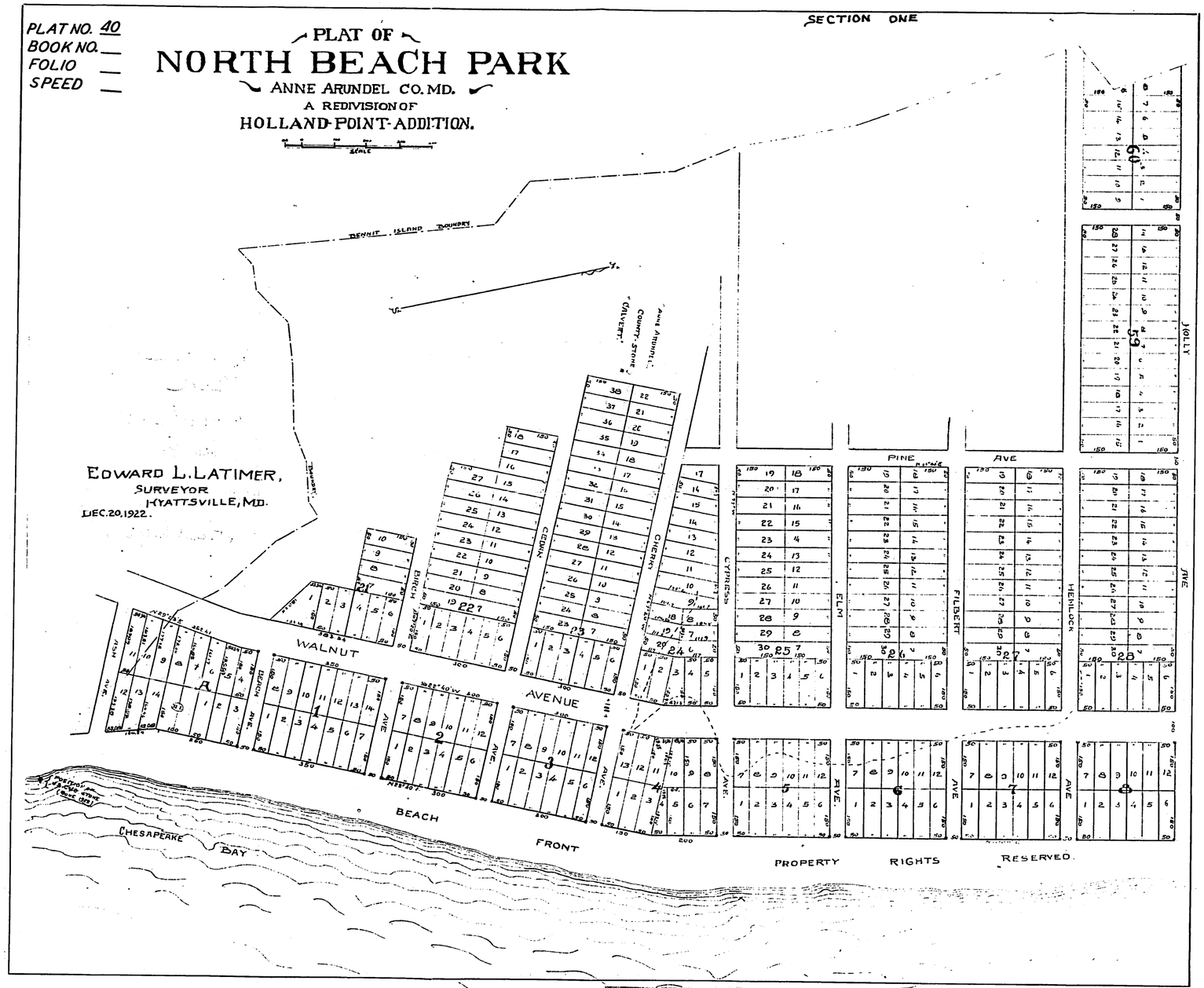
ANNE ARUNDEL CO. MD.

A REDIVISION OF

HOLLAND POINT ADDITION.

SCALE

EDWARD L. LATIMER,
SURVEYOR
HYATTSVILLE, MD.
DEC. 20, 1922.



MSA SSU1235-617

MSA SSU 1235-617

PLAT NO. 41
BOOK NO. 2
FOLIO 37
SPEED 22

PLAT OF

NORTH BEACH PARK

ANNE ARUNDEL CO. M.D.

A REDIVISION OF

HOLLAND-POINT-ADDITION.

EDWARD L. LATIMER,
SURVEYOR,
HYATTSVILLE, MD.
MAY 1. 1923.

ANNE ARUNDEL COUNTY-CIRCUIT COURT-Subdivision Plats (County Copy) AA Plat 40-41; Plat Book 2, pp. 36-37, MSA_C2081_100. Date available 1923/07/03. Printed 10/31/2025.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2014-0309-V

FRANK A. RUFF

EIGHTH ASSESSMENT DISTRICT

DATE HEARD: FEBRUARY 19, 2015

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: STERLING SEAY

DATE FILED: **MARCH 12, 2015**

PLEADINGS

Frank A. Ruff, the applicant, seeks a variance (2014-0309-V) to allow a dwelling with less setbacks and buffer than required on property located along north side of Birch Avenue, west of Walnut Road, North Beach.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's website in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175 feet of the property was notified by mail, sent to the address furnished with the application. Frank Ruff testified that the property was posted for more than 14 days prior to the hearing and submitted a photograph to that effect (Applicant's Exhibit 1). I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on February 19, 2015, in which witnesses were sworn and the following evidence was presented with regard to the proposed variance requested by the applicant.

The Property

The applicant owns the subject property which has a street address of 806 Birch Avenue, North Beach, Maryland 20714. The property is identified as Lots 24-27 of Parcel 1 in Block 3 on Tax Map 84 in the subdivision of North Beach Park. It is split-zoned R2 Residential District and OS Open Space District. This

nonwaterfront property is designated in the Chesapeake Bay Critical Area as resource conservation area (RCA) and limited development area (LDA).[1]

The Proposed Work

The applicant proposes to construct a single-family detached dwelling partially within the buffer to tidal wetlands and a driveway completely within the buffer to tidal wetlands. The dwelling will be located 30 feet inside the 100-foot buffer as shown on the site plan admitted into evidence at the hearing as County Exhibit 2. The dwelling will disturb approximately 800 square feet of the buffer while the driveway will disturb 1,050 square feet of the buffer.

The Anne Arundel County Code

§ 18-13-104 requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands.

§ 17-8-301 provides that development on properties containing buffers shall meet the requirements of COMAR, Title 27, which prohibits disturbance of the buffer.

The Variance Requested

The applicant, therefore, will require a critical area variance to the prohibition in § 17-8-301 to disturb 1,850 square feet of the buffer to construct the proposed improvements in the locations shown on County Exhibit 2.

[1] No work will take place in the RCA or OS districts.

The Evidence Submitted At the Hearing

Sterling Seay, a planner with the Office of Planning and Zoning (OPZ), testified that the property, with 30,000 square feet of area and 200 feet of width, exceeds the minimum R2 district requirements. It is wooded and undeveloped. The applicant proposes to construct a 30' by 40' single-family dwelling on crawl space that will be connected to public sewer and private well. The proposed dwelling has been sited in the far northeast corner of Lot 24, 25 feet from the rear lot line, seven feet from the east side lot line, and approximately 70 feet from tidal wetlands. Since the majority of the property is encompassed by wetlands and their buffers, a variance is required for the new dwelling.

Currently, the property has no lot coverage. The proposed construction will create 2,250 square feet of lot coverage, which will be below the maximum allowable coverage of 5,445 square feet. In addition, there will be 3,900 square feet of clearing in the LDA portion of the property.

Ms. Seay testified that review of County aerial photograph for the year 2014 shows the subject property and the neighborhood. This is at the boundary between Anne Arundel County and Calvert County and abuts a large area of tidal wetlands. The neighborhood is an eclectic mix of older 1930's homes and newer homes of varying sizes.

The Critical Area Commission does not oppose the variance request, provided the lot is properly grandfathered, finding that the applicant has minimized impacts to the buffer, kept all development out of the RCA and in

keeping lot coverage well under the allowable limits. It needs to be noted that the Commission found the applicant's proposed stormwater management to be out of compliance with MDE's ESD regulations.

The Development Division provided critical area comments supporting the variance because of the limited developable area on the property. The engineer who reviewed the stormwater preliminary plan found the application does not meet the requirements of a complete stormwater preliminary plan since the information for a complete review was not provided.

The Health Department commented they do not have an approved plan for this project and have no objection to the above referenced variance request so long as a plan is submitted and approved by the Health Department.

Ms. Seay testified that the property is unique due because the majority of the property is encumbered by wetlands and their associated buffers, creating the need for a variance. The request is the minimum variance necessary. The proposed footprint of the house is modest in size. The granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located. Other lots in the neighborhood are developed with similar single-family dwellings. The granting of the variance will not substantially impair the appropriate use or development of adjacent property since the house complies with zoning setbacks. The request will not reduce forest cover in the limited and resource conservation areas of the critical area or be contrary to acceptable clearing and replanting practices required for development in the critical area since clearing has been

limited to that necessary to accommodate the dwelling, driveway/parking and sewer and well connections. In addition, the applicant proposes to place 8,550 square feet of land in the RCA and 15,478 square feet of land in the LDA in a Forest Conservation Easement. The granting of the variance will not be detrimental to the public welfare.

As to the critical area variance standards, Ms. Seay testified that OPZ believes that a strict implementation of the critical area program would result in an unwarranted hardship to the applicant. Of the four lots, only a very small area is outside of the wetlands buffer, creating a hardship for any development. The applicant seeks to develop this property with a modest sized house that is consistent in size with neighboring properties and will be well below the lot coverage limits.

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, Ms. Seay testified that OPZ recommends approval of the requested variance.

Frank Ruff was assisted at the hearing by his engineer, Doug Bourquin, and Douglas Musser, an environmental expert. The applicant put on evidence that the proposed dwelling had been reduced in size, moved away from the tidal wetlands to lessen the impact on the buffer, and that a large portion of the property will be placed in a forest conservation easement. Mr. Musser testified that he is a Maryland-licensed tree expert and that the 36-inch tree shown on the property is rotten and will have to come down. No other specimen trees would be affected

and the clearing is the minimum needed to construct the modest dwelling and install the water well and driveway. The property is at the dead-end of an existing roadway that is paved with gravel.

Jay Rubin testified that he and Francis Mondimore own the lots immediately to the east of the subject property. Concern was expressed about the impact of the construction on the critical root zones for a number of trees, some of which are on Mr. Rubin's property and some are on the adjoining road that services both properties.

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

DECISION

State Requirements for Critical Area Variances

§ 8-1808(d)(2) of the Natural Resources Article, Annotated Code of Maryland, provides in subsection (ii), that "[i]n considering an application for a variance [to the critical area requirements], a local jurisdiction shall presume that the specific development in the critical area that is subject to the application and for which a variance is required does not conform to the general purpose and intent of this subtitle, regulations adopted under this subtitle, and the requirements of the jurisdiction's program." (Emphasis added.)

County Requirements for Critical Area Variances

§ 18-16-305(b) sets forth six separate requirements (in this case) that must be met for a variance to be issued for property in the critical area. They are (1)

whether a denial of the requested variance would constitute an unwarranted hardship, (2) whether a denial of the requested variance would deprive the applicant of rights commonly enjoyed by other property owners, (3) whether granting the variance would confer a special privilege on the applicant, (4) whether the application arises from actions of the applicant, or from conditions or use on neighboring properties, (5) whether granting the application would not adversely affect the environment and be in harmony with the critical area program, and (6) whether the applicant has overcome the presumption in Natural Resources Article, § 8-1808(d)(2)(ii), of the State law that the variance request should be denied.

Provided that an applicant meets the above requirements, a variance may not be granted unless six additional factors are found: (1) the variance is the minimum variance necessary to afford relief; (2) the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located; (3) the variance will not substantially impair the appropriate use or development of adjacent property; (4) the variance will not reduce forest cover in the limited development and resource conservation areas of the critical area; (5) the variance will not be contrary to acceptable clearing and replanting practices required for development in the critical area; or (6) the variance will not be detrimental to the public welfare.

Findings - Critical Area Variance

The question of how the critical area law is applied to a property that had been platted and subdivided prior to 1985 is answered in § 27.01.02.07 of the Code of Maryland Regulations (COMAR):

> .07 Grandfathering.
>
> B. ... A local jurisdiction shall permit a single lot or parcel of land that was legally of record on the date of program approval to be developed with a single family dwelling, if a dwelling is not already placed there, notwithstanding that such development may be inconsistent with the density provisions of the approved local program.

Subsection (b)(1) - Unwarranted Hardship.

The first element that must be satisfied is that the denial of the requested critical area variance would deprive the applicant of "reasonable and significant use of the entire parcel or lot for which the variance is requested." § 8-1808(d)(1) of the Natural Resources Article. *Becker v. Anne Arundel County, supra,* 174 Md. App. at 132-3; 920 A.2d at 1129. The property is a grandfathered lot zoned for residential use. The applicant is seeking permission to construct a modest single-family dwelling on the lot and has positioned it as far away from the buffer as can be reasonably expected. To deny the applicant the right to develop the property with the proposed dwelling would be to deny it reasonable and significant use of the entire property. Therefore, I find that the applicant **has met** the requirements of subsection (b)(2).

Subsection (b)(2) - Deprive Applicant Of Rights

I find that the applicant would be deprived of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program, i.e., the right to build a dwelling of reasonable size on property in the buffer. Therefore, I find that the applicant **has met** the requirements of subsection (b)(2).

Subsection (b)(3) - Special Privilege

I further find that the granting of the critical area requested variance will not confer on the applicant a special privilege that would be denied by COMAR, 27.01, the County's critical area program, to other lands or structures within the County's critical area. The evidence of other dwellings of similar or larger size in this neighborhood supports this conclusion. The applicant **has met** the requirements of subsection (b)(3).

Subsection (b)(4) - Actions By Applicant Or Neighboring Property

The need for the variance 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. The applicant **has met** the requirements of subsection (b)(4).

Subsection (b)(5) - Water Quality, Intent Of Critical Area Program

The evidence supports the conclusion that the proposed work will not adversely impact the environment if the variance is granted. The proposed work will be in harmony with the general spirit and intent of the County's critical area

program. Therefore, I find that the applicant **has met** the requirements of subsection (b)(5).

Subsection (b)(7) - § 8-1808(d)(2)(ii) Presumption

In *Becker v. Anne Arundel County, supra,* 174 Md. App. at 133; 920 A.2d at 1129, the Court of Special Appeals discussed the presumption found in § 8-1808(d)(2)(ii) of the Natural Resources Article: "The amendment also created a presumption that the use for which the variance was being requested was not in conformity with the purpose and intent of the Critical Area Program."[2]

I find that the applicant, by competent and substantial evidence, **has overcome** the presumption contained in the Natural Resources Article, § 8-1808(d)(2), of the State law (which is incorporated into § 18-16-305 subsection (b)(2) for the reasons set forth above).

I further find that the critical area variance granted in this decision represents the minimum relief. There was nothing to suggest that the granting of the requested critical area variance would alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development and resource conservation areas of the critical area, or cause a detriment to the public welfare.

[2] Subsection (b)(8) relates to § 18-16-201 which sets out requirements for a pre-filing plan and administrative site plan, and other things not relevant here.

ORDER

PURSUANT to the application of Frank A. Ruff, petitioning for a variance to allow a dwelling with less setbacks and buffer than required; and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **12th day of March, 2015**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** a critical area variance to the prohibition in §17-8-301 to disturb 1,850 square feet of the buffer to construct the proposed improvements in the locations shown on County Exhibit 2.

Furthermore, County Exhibit 2, referenced in this decision, is incorporated herein as if fully set forth and made a part of this Order. The proposed improvements shown on County Exhibit 2 shall be constructed on the subject property in the locations shown therein.

The foregoing variance is subject to the following conditions:

A. The applicant shall comply with any instructions and necessary approvals from the Permit Application Center, the Department of Health, and/or the Critical Area Commission, including but not limited to any direction regarding the use of nitrogen removal system technology and mitigation plantings.

B. The applicants shall place 8,550 square feet of land in the RCA and 15,478 square feet of land in the LDA in a Forest Conservation Easement.

Douglas Clark Hollmann
Administrative Hearing Officer

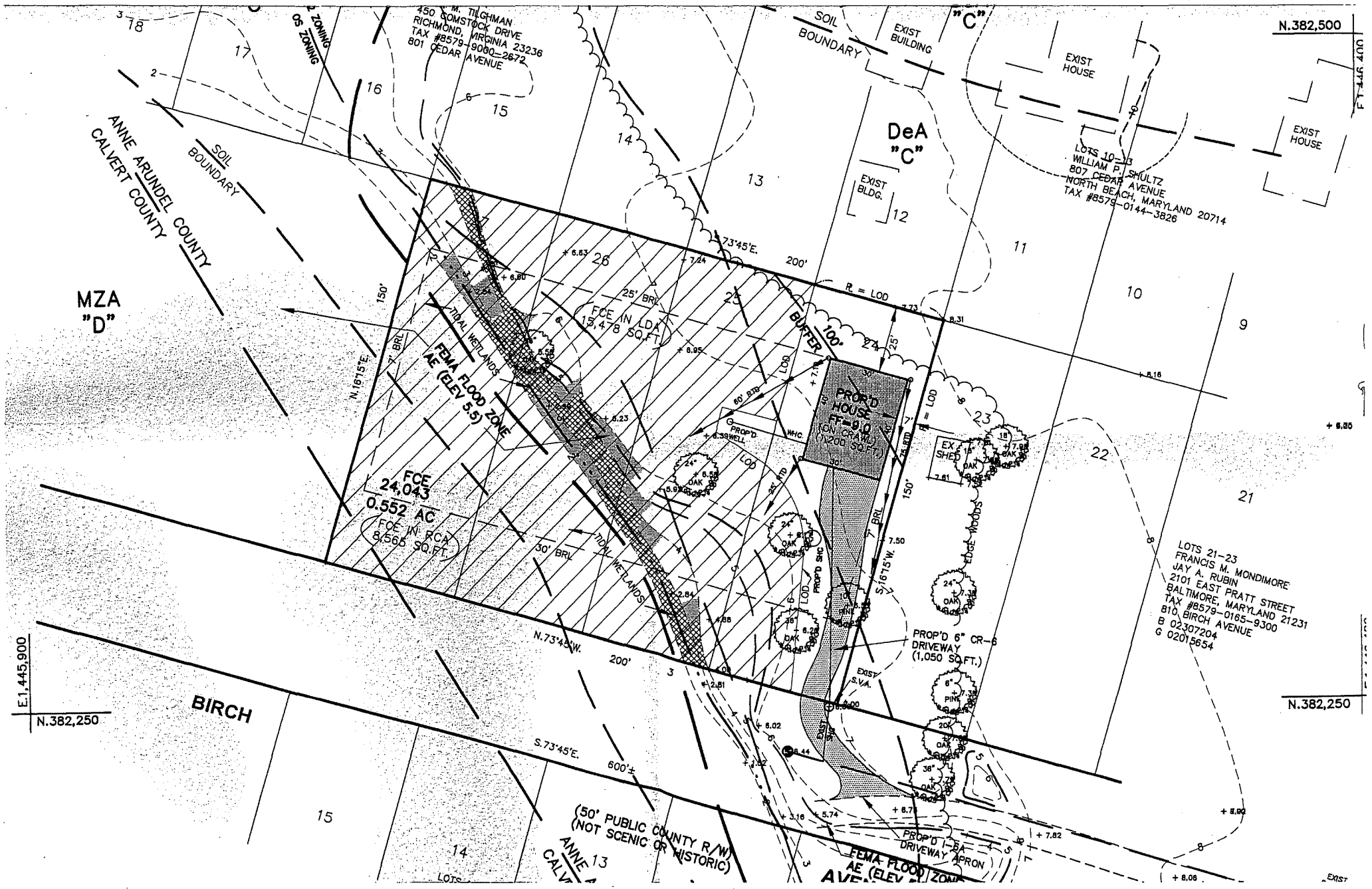
NOTICE TO APPLICANT

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

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

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

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


N.382,500
N.382,250
E.1,445,900
N.382,250
BIRCH
MZA
"D"
ANNE ARUNDEL COUNTY
CALVERT COUNTY
SOIL BOUNDARY
450 M. TILGHMAN
COMSTOCK DRIVE
RICHMOND, VIRGINIA 23236
TAX #8579-9080-2672
801 CEDAR AVENUE
DeA
"C"
EXIST BUILDING
EXIST HOUSE
EXIST BLDG.
LOTS 10-13
WILLIAM P. SHULTZ
807 CEDAR AVENUE
NORTH BEACH, MARYLAND 20714
TAX #8579-0144-3826
LOTS 21-23
FRANCIS M. MONDIMORE
JAY A. RUBIN
2101 EAST PRATT STREET
BALTIMORE, MARYLAND 21231
TAX #8579-0165-9300
810 BIRCH AVENUE
B 02307204
G 02015654
FEMA FLOOD ZONE
AE (ELEV 5.5)
TIDAL WETLANDS
FCE IN LDA
13,478 SQ.FT.
FCE
24,043
0.552 AC
FCE IN RCA
8,565 SQ.FT.
BUFFER
100'
PROP'D HOUSE
FF=9.0
(ON CRAWL)
(1,200 SQ.FT.)
PROP'D 6" CR-6
DRIVEWAY
(1,050 SQ.FT.)
PROP'D 1-6A
DRIVEWAY APRON
EXIST S.V.A.
EXIST SHED
EDGE WOODS
(50' PUBLIC COUNTY R/W)
(NOT SCENIC OR HISTORIC)
S.73°45'E.
N.73°45'W.
N.16°15'E.
S.16°15'W.
200'
600'±
150'
25' BRL
30' BRL
7' BRL
R = LOD
LOD
WHC.
PROP'D WELL
PROP'D SHED

CO. EXHIBIT#: 1
CASE: 2014-0309-V
DATE: 02/19/15

FINDINGS AND RECOMMENDATIONS
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND

APPLICANT: Frank A. Ruff

ASSESSMENT DISTRICT: Eighth

CASE NUMBER: 2014-0309-V

COUNCILMANIC DISTRICT: Seventh

HEARING DATE: February 19, 2015

PREPARED BY: Sterling Seay
Planner

REQUEST

The applicant is requesting a variance to allow a dwelling with less setbacks and buffer than required on property located at 806 Birch Avenue in North Beach.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 30,000 square feet of land and is located with 200 feet of frontage along the north side of Birch Avenue; 500 feet west of Walnut Road. The subject property is identified as Lots 24 to 27 of Parcel 1 in Block 3 on Tax Map 84 in the North Beach Subdivision.

The property has been split-zoned R2-Residential District and OS-Open Space District, since the adoption of comprehensive rezoning of Councilmanic District 8 zoning maps effective October 7, 2011. This site is completely within the Chesapeake Bay Critical Area overlay, with areas of LDA - limited development area (21,450 square feet) and areas of RCA – resource conservation area (8,550 square feet) and tidal wetlands.

This undeveloped site is at the boundary between Anne Arundel County and Calvert County.

APPLICANT'S PROPOSAL

The applicant seeks to construct a single-family dwelling partially within the buffer to tidal wetlands and a driveway completely within the buffer to tidal wetlands.

REQUESTED VARIANCE

§18-13-104 (a) provides that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. The 100-foot buffer shall be expanded beyond 100 feet to include contiguous sensitive areas, such as slopes of 15% or greater and hydric soils or highly erodible soils whose development may impact streams, wetlands, or other aquatic environments.

§17-8-301 (b) provides that new structures are prohibited in the 100-foot buffer and expanded buffer provided for in §18-13-104 of this Code. A portion of the proposed dwelling is located in the buffer to tidal wetlands requiring a variance of 30 feet to the required 100 foot buffer to allow a dwelling in the buffer 70 feet from tidal wetlands.

FINDINGS

This rectangular property with 30,000 square feet of area and 200 feet of width exceeds the minimum R2 District requirements of 15,000 square feet area and 80 feet of width. The site is completely within the Chesapeake Bay Critical Area overlay, is classified as both LDA and RCA, is encumbered by tidal wetlands and their buffers, and is approximately 70% forested.

The applicant proposes to construct on this four lot unimproved property a 30-foot by 40-foot single-family dwelling on crawl space that will be connected to public sewer and private well. The proposed house has been sited in the far north east corner of lot 24, 25 feet from the rear lot line, seven feet from the east side lot line, and approximately 70 feet from the mapped tidal wetlands. Since the majority of the property is encompassed by wetlands and their buffers, a variance is required for the new dwelling.

The subject property is within the Chesapeake Bay Critical Area overlay with areas designated as LDA and RCA. Currently the lot has no lot coverage. After the proposed construction there will be 2,250 square feet of lot coverage, well below the maximum allowable coverage of 5,445 square feet. In addition, there will be 3,900 square feet of clearing in the LDA portion of the property.

Review of County aerial photograph for the year 2014 shows the subject property and the neighborhood. This property is in the subdivision of North Beach Park, is at the boundary between Anne Arundel County and Calvert County and abuts a large area of tidal wetlands. The neighborhood is an eclectic mix of older 1930's homes and newer homes of varying sizes.

The **State of Maryland Critical Area Commission** does not oppose the variance request, provided the lot is properly grandfathered, finding that the applicant has minimized impacts to the buffer, kept all development out of the RCA and in keeping lot coverage well under the allowable limits. The Commission provided that, if approved, mitigation is required at a ratio of 3:1 for disturbance to the buffer and 1.5:1 for forest clearing. It needs to be noted that the Commission found the applicant's proposed storm water management to be out of compliance with MDE's ESD regulations.

The **Development Division** provided **critical area** comments supporting the variance because of the limited developable area on the property. Mitigation for development in the buffer is 1:3 for permanent disturbance and 1:1 for temporary disturbance. The **engineer** who reviewed the storm water preliminary plan found the application does not meet the requirements of a complete storm water preliminary plan since the information for a complete review was not provided.

The **Health Department** commented they do not have an approved plan for this project and has no objection to the above referenced variance request so long as a plan is submitted and approved by the Health Department

Accordingly, in this case, a determination must be made as to whether because of certain unique physical conditions there is no reasonable possibility of developing the lot in strict conformance with the code requirements and whether the grant of a variance is necessary to avoid practical difficulties and enable the applicant to develop the lot. This large property is unique due to the fact that the majority of the property is encumbered by wetlands and their associated buffers, creating the need for a variance. The request is the minimum variance necessary. The house with a 1,200 square foot footprint is modest in size. The granting of the variance will not alter the essential

character of the neighborhood or district in which the lot is located. Other lots are developed with similar single-family dwellings. The granting of the variance will not substantially impair the appropriate use or development of adjacent property since the house complies with zoning setbacks. The request will not reduce forest cover in the limited and resource conservation areas of the critical area or be contrary to acceptable clearing and replanting practices required for development in the critical area since clearing has been limited to that necessary to accommodate the dwelling, driveway/parking and sewer and well connections. In addition, 8,550 square feet of land in the RCA and 15,478 square feet of land in the LDA are proposed to be placed into a Forest Conservation Easement. The granting of the variance will not be detrimental to the public welfare.

With regard to the Critical Area variance standards, this Office believes that a strict implementation of the Critical Area Program would result in an unwarranted hardship to the applicant. Of the four lots, only a very small area is outside of the wetlands buffer creating a hardship for any development. The applicant seeks to develop this property with a modest sized house that is consistent in size with neighboring properties and will be well below the lot coverage limits. A literal interpretation of the Critical Area Program would deprive the applicant of rights commonly enjoyed by other properties in similar areas of the Critical Area, the right to develop a lot with a single-family dwelling. The granting of the requested variance would not confer a special privilege that the program typically denies. The variance request is not based on conditions that are the result of actions by the applicant. With silt fencing and storm water management the granting of the variance will not adversely affect water quality and will be in harmony with the general spirit and intent of the County's Critical Area Program.

RECOMMENDATION

Based upon the standards set forth in Article18, Section 16-305 under which a variance may be granted, this Office recommends **approval** of a variance of 30 feet to the required 100-foot buffer to allow construction of a single family dwelling in the buffer 70 feet from tidal wetlands.

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.

Sterling Seay
Planner II

2/13/15
Date

Lori Rhodes
Planning Administrator

2/13/15
Date

Pen Mar Environmental Services, LLC
P.O. Box 6809
Annapolis, MD 21401

CO. EXHIBIT#: 6
CASE: 2014-0309-V
DATE: 02/19/15

CHESAPEAKE BAY CRITICAL AREA REPORT with NARRATIVE DESCRIPTION

PROPERTY:	806 Birch Ave North Beach, MD 21035
OWNER:	Frank Ruff
DESCRIPTION:	Lots 24-27, Block 22 North Beach Park Tax Map 84, Grid 03, Parcel 01
ZONING:	R-2 and Open Space
CRITICAL AREA:	Limited Development Area and Resource Conservation Area (RCA)
DATE:	November 10, 2014

Introduction and Site Description:
This Chesapeake Bay Critical Area Report is being prepared to meet Anne Arundel County building permit requirements. The 0.69 acre (30,000 sq. ft.) site is located in North Beach, Maryland in southern Anne Arundel County. It consists of 4 building lots within the existing North Beach Park subdivision which was created in 1923. Approximately one-third of the site (8,550 sq. ft.) has been designated as a Resource Conservation Area (RCA) within the Chesapeake Bay Critical Area and the remainder of the site (21,450 sq. ft.) designated as Limited Development Area (LDA). It is bounded by residential properties to the north and east and by tidal marsh to the west and south. Access is garnered through the existing Birch Avenue which currently exists as a 10-foot wide gravel road. No impervious surface currently exists on the site. Topography drains in a southwest direction towards the adjacent tidal marsh. Elevations range from 8 feet above mean sea level in the northeast portion of the site to 2 feet above mean sea level in the southwest along the marsh. A site plan, including topography and soils information, has been prepared by Ed Brown & Associates, Inc. (scale 1" = 30') and is attached hereto.

Proposed Use:
The property owner is proposing to develop the site with a 1,200 square-foot single family home on a crawl-space and connected to existing public sewer and water. Access is from the existing gravel-based Birch Ave on the west side of Walnut Avenue. A portion of the proposed improvements are located within the 100-foot buffer to the adjacent tidal wetlands.

Existing Vegetation:
Per the site investigation performed by Pen Mar Environmental Services, LLC on October 13, 2014, the 0.69 acre site is approximately 70% forested (20,675 sq. ft.) with mature upland hardwood trees. On-site overstory vegetation includes white oak, black locust, southern red oak, sweetgum, American beech and pig-nut hickory. The understory is mostly open but American holly, service berry, trumpet creeper and devil's walking stick were found to exist. The groundcover is moderately dense with fescue, periwinkle and Japanese honeysuckle. The on-site tidal marsh found on the property covers 10,148 square feet (34%) and is dense with common reed (Phragmites sp.). An open area of 700 square feet (1%) is found in the northeast corner of the site.

Habitat Protection Areas:
Other than the 100-foot buffer to tidal wetlands, no habitat protection areas exist on this property. The MHW line is indicated on the site plan and it is the limit of on-site tidal wetlands. No nontidal wetlands were found to exist on the property. The FEMA floodzone has also been depicted on the site plan. A narrow band of steep slopes exists in the transition area from the marsh to the upland portions of the site and is identified on the site plan

Minimization of Impacts:
Of the 0.47 acres (20,675 sq. ft.) of on-site forest area, it is proposed that 0.11 acres (4,650 sq. ft.) will be removed. That is approximately 22 percent of the total forested area. As shown on the site plan, only a small portion of the site in the northeast corner is located outside of the 100-foot buffer to tidal wetlands. In an effort to minimize impacts to the buffer, the residential structure has been located to its maximum distance away from the buffer and still meet required property line setbacks. The 4,650 square feet of forest clearing has been limited to that necessary to accommodate the single family home, driveway/parking and a sewer to house connection and water hook-up. No impervious surfaces currently exist on the site. Proposed new impervious areas including driveway and house have been limited to 2,250 square feet or 8% of the total site area. A breakdown of the individual impacts is shown on the site plan.

Conclusions:
Based upon the field review it was determined that no significant or endangered vegetation exists on the property. No steep slopes or hydric soils (excluding the tidal marsh) exist on the site. Other than the required 100-foot buffer from the mean high water line from the marsh, no other buffers or expanded buffers exist on the site. As proposed, the site plan indicates that 4,650 square feet (22%) of the on-site forest would be cleared which is below the allowable 6,202 square feet (30%) of clearing for developed woodland within a LDA (Title 17-8-601(b)(2). Impervious areas proposed would be limited to a total of 2,250 square feet or 8% of the total site which is below the allowable 5,445 square feet for lots over one-half acre created before December 1, 1985.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

CO. EXHIBIT#: 7
CASE: 2014-0309-V
DATE: 02/19/15

January 8, 2015

Ms. Lori Rhodes
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Variance Case #2014-0309-V; Ruff, Frank

Dear Ms. Rhodes:

Thank you for submitting information regarding the variance request referenced above. The applicant requests a variance to allow a dwelling with less setbacks and Buffer than required. The property is a 30,000 square foot waterfront lot in the Resource Conservation Area (RCA) (8,550 square feet) and the Limited Development Area (LDA) (21,450 square feet). The applicant proposes to build a single family home partially within the Buffer. All proposed development is within the LDA portion of the site. Of the 20,675 square feet of existing forest onsite, approximately 4,650 square feet (22.5%) are proposed to be cleared. No lot coverage currently exists onsite; proposed lot coverage in the LDA totals 2,250 square feet (10.5%). Allowable lot coverage is 5,445 square feet.

Provided the lot is properly grandfathered, we do not oppose this variance request. The applicant has minimized impacts to the Buffer as much as the property characteristics will allow and kept all development out of the RCA portion of the lot. The proposed lot coverage is also well under the allowable limit.

Should the Hearing Officer find that this request meets all of the required standards, mitigation for the variance must be provided at a 3:1 ratio in accordance with COMAR 27.01.09.1-2. Mitigation is also required for the proposed forest clearing at a ratio of 1.5:1, according to Anne Arundel County Code 17-8-602. Please note, the applicant's proposed stormwater management appears to be out of compliance with MDE's ESD regulations. The ESD volume was not calculated according to MDE requirements and several of the proposed ESD practices have not been designed according to MDE requirements.

Please include this letter in your file and submit it as part of the record for the variance. Please notify the Commission of the decision made in this case. If you have any questions, please contact me at (410) 260-3480.

Sincerely,

Charlotte Shearin
Natural Resources Planner
CS/jjd

RECE
JAN 13
ZONING

cc: Mr. David Braun, Anne Arundel County
Mr. John Bory, Anne Arundel County
Ms. Kelly Krinetz, Anne Arundel County

File: AA 857-14

CASE # 2014-0309-V

FEE PAID 215.00

DATE Nov 18, 2014

ANNE ARUNDEL COUNTY
MARYLAND

ZONE R-2, OS

CRITICAL AREA: IDA ___ LDA ✓ RCA ✓

BMA: Yes ___ No ✓

NO. OF SIGNS 1

VARIANCE APPLICATION

CO. EXHIBIT#:
CASE: 2014-0309-V
DATE: 02/19/15

Applicant(s): FRANK A. RUFF
(All persons having 10% or more interest in property)

Property Address: 806 BIRCH AVENUE

Property Location: 200 feet of frontage on the (n) s, e, w) side of BIRCH AVE (St, Rd, Ln, etc.); 500± feet (n, s, e, (w)) of (Nearest intersecting street) WALNUT RD (St, Rd, Ln, etc.).

Tax Account Number 8579 0036 4600 Tax District 8 Council District 7

Waterfront Lot NO Corner Lot NO Deed Title Reference 2842/254

Zoning of Property R-2, OS Lot # 24-27 Tax Map 84 Block/Grid 3 Parcel 1

Area (sq. ft. or acres) 30,000 Subdivision Name NORTH BEACH PARK

Description of Proposed Variance Requested (Brief, detail fully in letter of explanation)

VARIANCE TO ALLOW A STRUCTURE TO BE BUILT PARTLY IN 100' CA BUFFER TO TIDAL WETLANDS. PROP'D HSE. = 1200 ft

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature X Frank A Ruff Owner's Signature X Frank A Ruff

Print Name FRANK A. RUFF Print Name SAME

Mailing Address 2924 KILKENNY CT Mailing Address SAME

City, State, Zip DAVIDSONVILLE MD 21035 City, State, Zip SAME

Phone 410-956-4295 (Work) (Home) Phone SAME (Work) (Home)

Cell Phone 443-454-0568 Cell Phone SAME

Email Address frank.ruff@juno.com Email Address SAME

For Office Use Only

Application accepted by Anne Arundel County, Office of Planning and Zoning:

Signature Date Nov 18, 2014

(rev. 10/21/13)

Variance to allow a dwelling with less setbacks and buffer than required

S.W.M. DESIGN

ESDv Computations:

I. ESDv Determination:

A. Site Parameters:

1. Lot Area = 30,000 Sq. ft., 0.69 Ac.
2. Disturbed Area = 4,050 Sq. ft., 0.21 Ac.
3. Soils/"HSG" = All HSG "C" in disturbed area
4. Impervious Surfaces = 2,250 Sq. ft., 7.5%
5. PE = 1" (RCN = 70)
6. RV = 0.05 + (0.009 x 7.5) = 0.1175
7. QE = 1" x 0.1175 = 0.1175"
8. ESDv = (4,050 x 0.1175)/12 = 40 Cu. ft.

II. ESDv Compliance:

A. Rooftop Disconnection (N-1)

1. One @ 60'
   a) *Roof Area = 500' Sq. ft*
   b) *Volume = (80% for 60') = 0.8 x 40 Cu. ft. = 32 Cu. ft.*
2. One @ 50'
   a) *Roof Area = 500' Sq. ft.*
   b) *Volume = (60% for 50') = 0.6 x 40 Cu. ft. = 24 Cu. ft.*
3. One @ 25'
   a) *Roof Area = 200 Sq. ft. (40%.)*
   b) *Volume = (40% for 25') = 0.4 x 0.4 x 40 Cu. ft. = 6 Cu. ft.*

B. Forested Buffer (N-3)

1. FCE Buffer (in LDA)
   a) *Area = 15,478 Sq. ft.*
   b) *Treatment Volume = (15,478 x 0.05)/12 = 64 Cu. ft.*

C. Total Volume of Treatment

1. 32 + 24 + 6 +64 = 126 Cu. ft.

D. Therefore, the required ESDv of 40 Cu. ft. is completely addressed on-site.

Narrative:

The subject site consists of 4 unimproved vacant lots which were originally platted as part of North Beach Park in December, 1922. The lots are 50 feet wide and 150 feet deep and the site area is 30,000 square feet or 0.69 Acres. The site is mostly wooded and slopes gently towards the tidal wetlands which cover about 40% of the southwestern corner of the site. The property is zoned R-2 and Open Space and is designated as LDA and RCA Critical Area. The site is served by Anne Arundel County Public Sewer and by private well water

The drainage is un-concentrated sheet flow to the tidal wetland limits. The existing drainage pattern will be maintained and nearly one-half acre of the existing forested area of the lot will be protected by a recorded Forest Conservation Easement.

A modest size 40' x 30' footprint has been selected to minimize impervious surface lot coverage.

The required ESDv of treatment is completely addressed via rooftop connection and Forest Conservation Easement buffer. In this way the existing flow pattern will be maintained.

The ESD measures will not be implemented until after the site is all stabilized to prevent sediment pollution.

Outfall Statement:

The subject site is a vacant building lot consisting of 4 platted lots in North Beach Park. The site is mostly wooded and drains at a gentle slope from northeast to southwest and discharges into an existing tidal wetland on-site. There is no active erosion taking place.

In the proposed condition, a new Single Family Dwelling will be constructed and the existing drainage patterns will be maintained. Most of the forest on-site will be protected by a recorded Forest Conservation Easement.

Therefore, no adverse impacts should result from the development of this 0.69 Acre site.

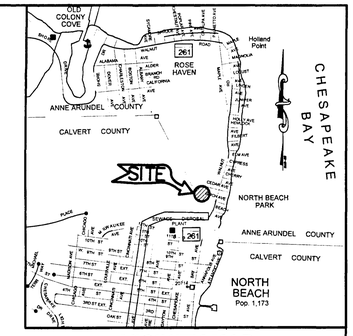
CRITICAL AREA TABULATION

I. CLEARING AND REFORESTATION TABULATIONS

A. EXISTING DEVELOPED WOODLANDS ON-SITE =	20,675 SQ.FT.
B. PROPOSED CLEARING =	3,900 SQ.FT.
C. PERCENTAGE WOODLAND REMOVED =	19 %
D. PERCENTAGE ALLOWED IN LDA =	30 %

II. IMPERVIOUS AREA BREAKDOWNS

A. EXISTING LOT COVER (IMPERVIOUS SURFACES) =	0 SQ.FT.
B. PROPOSED LOT COVER	2,250 SQ.FT.
1. PROPOSED HOUSE =	1,200 SQ.FT.
2. PROPOSED DRIVEWAY =	1,050 SQ.FT.
C. PERCENTAGE OF TOTAL SITE =	8 %
D. ALLOWABLE LOT COVER (IMPERVIOUS SURFACE) =	5,445 SQ.FT. OR 18 %



VICINITY MAP

SCALE: 1" = 2,000'

GENERAL NOTES:

1. SITE INFORMATION: 806 BIRCH AVENUE
   TAX #8579-0036-4600
   LOTS 24-27, BLOCK 22
   NORTH BEACH PARK
   PLAT BOOK 2, PAGES 36 & 37
2. TITLE INFORMATION: LIBER 2842 FOLIO 254
3. OWNER/APPLICANT: FRANK A. RUFF
   2924 KILKENNY COURT
   DAVIDSONVILLE, MARYLAND 21035
   443-454-0568, frank.ruff@juno.com
4. WELL WATER & PUBLIC SEWER
5. PROPOSED IS ONE NEW SINGLE FAMILY DWELLING
6. SITE AREA = 30,000 SQ.FT., 0.69 ACRES
7. CRITICAL AIREA DESIGNATION: LDA & RCA
8. ZONING IS R-2 & OPEN SPACE
9. BENCHMARK: ANNE ARUNDEL COUNTY MONUMENT 395-B
   N.385,118.738, E.1,447,115.383, ELEV. 8.72, NGVD 1929

SHEET INDEX

NO.	DESCRIPTION
1	VARIANCE SITE PLAN
2	PRE & POST DEVELOPED DRAINAGE AREA MAPS EXISTING CONDITIONS & RESOURCE MAPPING PLAN

SOIL TYPES

SYMBOL	NAME	HSG	AREA
DeA	DEALE	C	0.119
SoC		C	0.478
MZA	MISPILLION	D	0.092

LEGEND

EXISTING GRADE	110
PROPOSED GRADE	110
EXISTING ELEVATION	110.8
PROPOSED ELEVATION	110x8
REINFORCED SILT FENCE	RSF
LIMIT OF DISTURBANCE	LOD
STABILIZED CONSTRUCTION ENTRANCE	S.C.E.
STOCK PILE	SP
25% SLOPES	
15% SLOPES	

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

CO. EXHIBIT#: 2
CASE: 2014-0309-V
DATE: 02/19/15

REVISIONS			
#	DESCRIPTION	APPROVED BY	DATE

PROFESSIONAL CERTIFICATION: I, EDWARD A. BROWN, CERTIFY THAT THESE DOCUMENTS WERE PREPARED BY OR APPROVED BY ME AN THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND LICENSE #10714, EXPIRATION DATE JANUARY 4, 2016.

STATE OF MARYLAND — EDWARD A. BROWN — No. 10714 — REGISTERED PROFESSIONAL LAND SURVEYOR

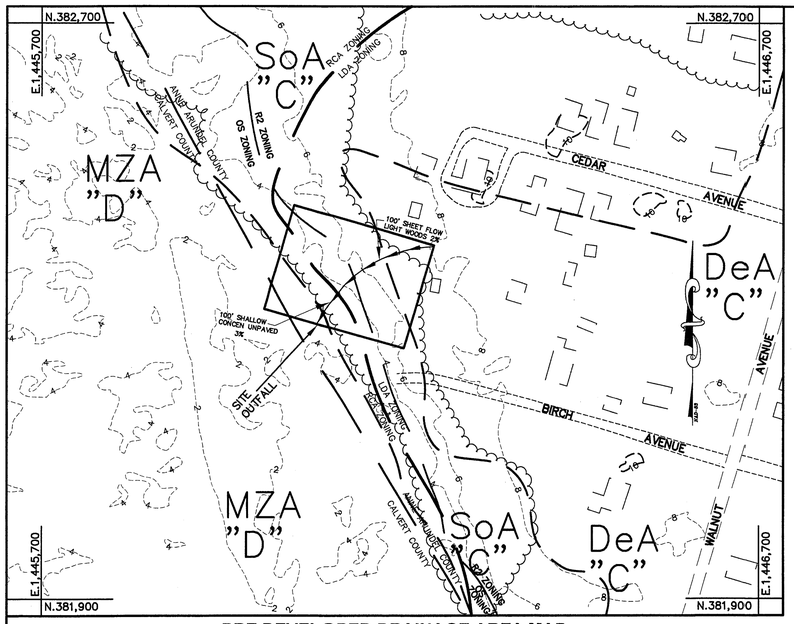
ED BROWN & ASSOCIATES, INC.
LAND SURVEYORS - LAND PLANNERS
DEVELOPMENT CONSULTANTS
PLAZA ONE BUILDING
1511 RITCHIE HWY, SUITE 106
ARNOLD, MARYLAND 21012
PHONE 410-757-2002, FAX 410-757-2011
Email: edbrownassoc@comcast.net

SCALE: AS SHOWN
DATE: JANUARY, 2015
DRAWN BY: JAY
CHECKED BY: D.D.B.
JOB NO: 14-610
SHEET NO: 1 OF 2

CRITICAL AREA SITE PLAN

LOTS 24 - 27, BLOCK 22
NORTH BEACH PARK
FRANK RUFF PROPERTY
806 BIRCH AVENUE
TAX MAP 84, BLOCK 3, PARCEL 1, ZONING R2, OS, ZIP CODE 20714
EIGHTH DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

2014\14-60\14-60CRITICAL-AREA.DWG



PRE DEVELOPED DRAINAGE AREA MAP

SCALE: 1" = 100'

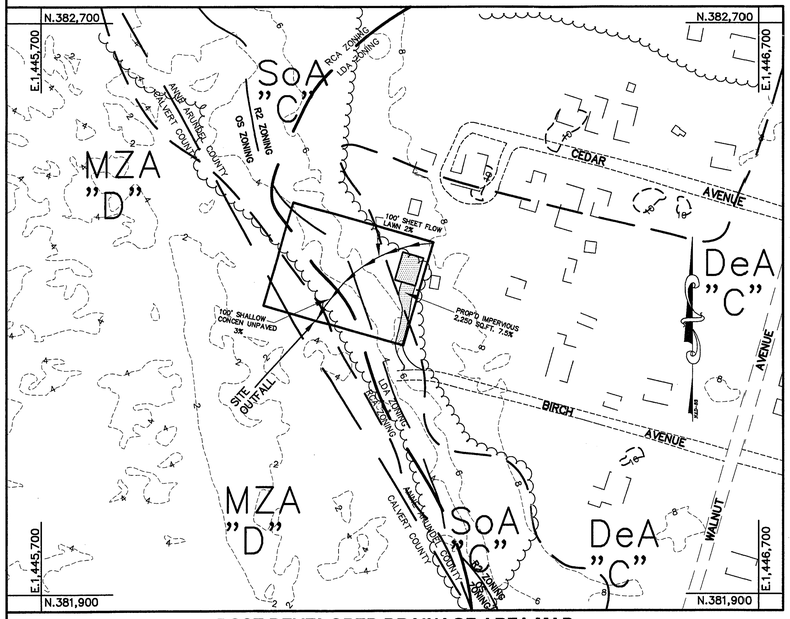
TR-55 DATA

D.A. = 0.69 ACRES

RCN = 71

TC = 100' SHEET FLOW LIGHT WOODS, 2%, n = 0.4
+100' SHALLOW CONCENTRATE UNPAVED, 3%, n = 0.05
= 0.362 HR.

Q10 = 1.64 C.F.S.



POST DEVELOPED DRAINAGE AREA MAP

SCALE: 1" = 100'

TR-55 DATA

D.A. = 0.69 ACRES

RCN = 74

TC = 100' SHEET FLOW LAWN, 2%, n = 0.4
+100' SHALLOW CONCENTRATE UNPAVED, 3%, n = 0.05
= 0.362 HR.

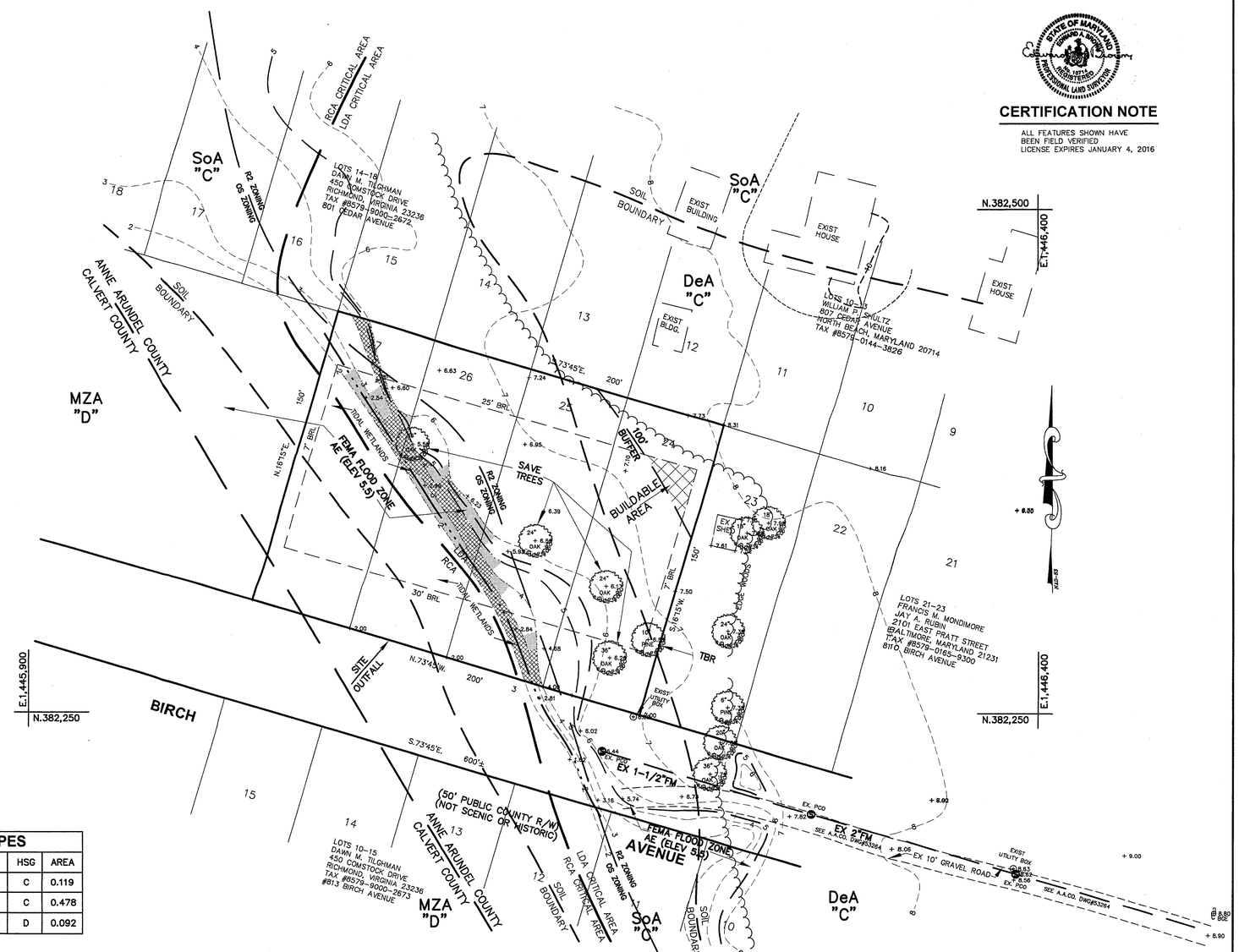
Q10 = 1.84 C.F.S.

GENERAL NOTES

1. WATER MASTER PLAN W-12, WATER SERVICE AREA RURAL, NO PUBLIC SERVICE
2. SEWER MASTER PLAN S-12, SEWER SERVICE AREA ROSE HAVEN SSA, EXISTING SERVICE
3. ZONING IS R-2 & O.S.
4. CRITICAL AREA LDA & RCA

CERTIFICATION NOTE

ALL FEATURES SHOWN HAVE
BEEN FIELD VERIFIED
LICENSE EXPIRES JANUARY 4, 2016



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STABILIZED CONSTRUCTION ENTRANCE	S.C.E.
STOCK PILE	SP
25% SLOPES	
15% SLOPES	

REVISIONS			
#	DESCRIPTION	APPROVED BY	DATE

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ED BROWN & ASSOCIATES, INC.
LAND SURVEYORS – LAND PLANNERS
DEVELOPMENT CONSULTANTS
PLAZA ONE BUILDING
1511 RITCHIE HWY, SUITE 106
ARNOLD, MARYLAND 21012
PHONE 410-757-2002, FAX 410-757-2011
Email: edbrownassoc@comcast.net

SCALE: AS SHOWN	PRE & POST DEVELOPED DRAINAGE AREA MAPS EXISTING CONDITIONS & RESOURCE MAPPING PLAN
DATE: OCTOBER, 2014	LOTS 24 – 27, BLOCK 22 NORTH BEACH PARK FRANK RUFF PROPERTY
DRAWN BY: JAY	806 BIRCH AVENUE
CHECKED BY: D.D.B.	TAX MAP 84, BLOCK 3, PARCEL 1, ZONING R2, OS, ZIP CODE 20714
JOB NO: 14-60	EIGHTH DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
SHEET NO: 2 OF 2	

2014\14-60\14-60EXISTING.DWG

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2001-0193-V

IN RE: **OLA CLARKE**

EIGHTH ASSESSMENT DISTRICT

DATE HEARD: JULY 17, 2001

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

ZONING ANALYST: **PATRICIA A. MILEY**

DATE FILED: **JULY 20, 2001**

PLEADINGS

Ola Clarke, the applicant, seeks a variance (2001-0193-V) to permit a dwelling and associated facilities with less setbacks and buffer than required on property located along the south side of Walnut Avenue, west of Cherry Avenue, North Beach.

PUBLIC NOTIFICATION

The case was advertised in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175' of the property was notified by mail, sent to the address furnished with the application. James Robinson, the contract purchaser, testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that the requirements of public notice have been satisfied.

FINDINGS AND CONCLUSIONS

The applicant owns unimproved property with a street address of 1046 Walnut Avenue, in the subdivision of North Beach Park, North Beach. The property comprises 10,000 square feet and is zoned R-5 residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). This is a nonwaterfront lot. The proposal calls for the construction of a single-

family dwelling with attached garage, a well, and a septic system. The dwelling is sited seven feet from nontidal wetlands and three feet from the front lot line. The grinder pump is sited one-foot from nontidal wetlands.

Anne Arundel County Code, Article 28, Section 1A-104(a)(1) establishes a minimum 25-foot buffer surrounding nontidal wetlands. Section 2-506(a) requires lots in the R-5 district to maintain a front building line at least 25 feet from the front lot line. Accordingly, the proposal necessitates variances of 18 feet to the nontidal wetlands buffer and 3 feet to the front setback for the dwelling, and a variance of 24 feet to the nontidal wetlands buffer for the grinder pump.

Patricia A. Miley, a zoning analyst with the Office of Planning and Zoning, testified that the property is a corner lot which was platted prior to the enactment of the zoning code. The existence of a nontidal wetlands in the center of the lot precludes any development absent a variance. The proposal calls for comparatively modest improvements. The site plan has been revised in accordance with the comments of the environmental agencies to minimize the impact to the nontidal wetlands. By way of conclusion, Ms. Miley supported the application, subject to mitigation in accordance with the County ordinance, the requisite permits from the Maryland Department of the Environment and a conservation easement.

Mr. Robinson acceded to the requested conditions. There was no adverse public testimony concerning the application.

OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: **2025-0069-P**
DATE: **07/28/2025**
STAFF: **Joan A. Jenkins (OPZ)**
Kelly Krinetz (OPZ)
Jean Janvier (I&P)

APPLICANT/REPRESENTATIVE: Diamondback Investment Company LLC / DFI

EMAIL: thogan@hogancompanies.com / nicole@dfiengineering.com

SITE LOCATION: 799 Cedar Ave, North Beach **LOT SIZE:** 22,500 sf

ZONING: R2, OS **CA DESIGNATION:** RCA,LDA **BMA: n/a** **or** **BUFFER:** exp **APPLICATION TYPE:** VAR

DESCRIPTION:
The applicant proposes a new single-family detached dwelling and associated facilities located within the expanded buffer. The site has tidal wetlands in the southwest corner onsite and offsite to the south and west. The 100' buffer and expanded buffer cover the rest of the site.

COMMENTS:

I & P Engineering:
1. Label the size of the sewer house connection within the Cedar Ave Right-of-Way (ROW).
2. The 100' buffer to tidal wetlands dimension line must be perpendicular to the wetland line and the wetland buffer line.
3. If the "future well" shown on Lot 15 at 801 Cedar Ave (under active grading permit G02020167) has already been drilled, survey the location of the well and add its surveyed location to these plans and note its Well Tag Number.
4. On the Site Plan, there is an inline flushing connection shown upstream of the existing terminal flushing connection upstream of the site. Please clarify and update the plan as needed.
5. Per Geocortex and County As-Built plans, there are two sewer house connections serving lots 16 and 17. On the Site Plan, survey locate them, show and label both of them as existing and note their sizes. If they have been constructed, one of them must be used for the sewer connection.

Critical Area Team:
The proposed dwelling has a 1452 sq ft footprint which includes a 2 car garage. Given the environmental constraints on this lot, the applicant should consider reducing the size of the footprint in order to comply with the approval standards for a Critical Area variance with regard to minimization of disturbance of the Critical Area buffer.

Zoning Administration Section:
The zoning administration section concurs with the critical area team regarding reducing the footprint of the proposed dwelling.

Calculate the amount of land within the R2 and OS districts. The setbacks for the property will be governed by 18-2-301. If there is more property in the OS district then a variance to the OS bulk regulations will be necessary.

§ 18-2-301. Setbacks.

(a) Lot in more than one district. A lot located in more than one zoning district shall comply with the setback requirements applicable to the district in which the majority of the property is located.

§ 18-9-203. OS District bulk regulations.

(a) **Setbacks.** Except as provided otherwise in this article, a use or structure other than a pier, conservation use, passive recreational use, or beach shall be located at least 50 feet from any lot line and 75 feet from any road right-of-way.

(b) **Height limitation.** The maximum height for a principal structure is 45 feet. The maximum height for an accessory structure is 25 feet.

(c) **Coverage.** The maximum coverage by structures and parking is 20% of the gross area.

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.

Upon review of the facts and circumstances, I find and conclude that the applicant is entitled to relief from the code. Given the extent of nontidal wetlands, which constitute a unique physical condition, there is no reasonable possibility of developing the lot in strict conformance with the code. A literal interpretation of the Critical Area program will deprive the applicant of the right commonly enjoyed by other property in similar areas within the Critical Area to be developed with a single-family residence. Conversely, the granting of the variance will not confer on the applicant any special privilege that the program typically denies. There was nothing to suggest that the request results from the actions of the applicant; nor does it arise from land use on neighboring property. Finally, with mitigation, the variance will not adversely impact Critical Area resources and will harmonize with the general spirit and intent of the Critical Area program.

I further find that the variances represent the minimum relief. As noted, the site plan has been redesigned in accordance with the demands of the environmental agencies. There was nothing to suggest that the granting of the variances will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property or cause a detriment to the public welfare. The approval is subject to the conditions in the Order.

ORDER

PURSUANT to the application of Ola Clarke, petitioning for a variance to

permit a dwelling and associated facilities with less setbacks and buffer than required; and

PURSUANT to the advertising, posting of the property, and public hearing and in accordance with the provisions of law, it is this 20th day of July, 2001,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant is hereby **granted** variances of 18 feet to the nontidal wetlands buffer and 3 feet to the front setback for the dwelling, and a variance of 24 feet to the nontidal wetlands buffer for the grinder pump.

The approval is subject to the following conditions:

1. The applicant shall provide mitigation for all clearing in accordance with the County Zoning Ordinance.
2. The applicant shall obtain the requisite approval of the Maryland Department of the Environment.
3. The balance of the site shall be subject to a conservation easement satisfactory to the Permit Application Center.

Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty (30) days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

Further, Section 11-102.2 of the Anne Arundel County Code states:

A variance granted under the provisions of this Article shall become void unless a building permit conforming to the plans for which the variance was granted is obtained within one year of the grant and construction is completed within two years of the grant.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this order, otherwise they will be discarded.

FINDING AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND

APPLICANT:	Ola H. Clarke	**ASSESSMENT DISTRICT:**	Eighth
CASE NUMBER:	2001-0193-V	**COUNCILMANIC DISTRICT:**	Seventh
HEARING DATE:	July 17, 2001	**PREPARED BY:**	Patricia A. Miley Planner

REQUEST

The applicant is requesting a variance to permit a dwelling and associated facilities with less setbacks and buffer than required

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 10,000 square feet. It is located on the northeast intersection of Walnut Avenue and Cherry Avenue. It is known as Lots 12 & 13 in the subdivision of North Beach Park. The site is also identified as Parcel 01 in Block 03 on Tax Map 84.

The property has been zoned R5-Residential since the adoption of comprehensive rezoning for the Eighth Assessment District effective October 23, 1988.

This is a nonwaterfront lot which is located in the Chesapeake Bay Critical Area and is classified as Limited Development Area

APPLICANT'S PROPOSAL

The applicant proposes to construct a single family dwelling with an attached garage and associated facilities. The construction of the dwelling and the installation of the associated facilities is proposed with less front setbacks and with less buffer to nontidal wetlands.

REQUESTED VARIANCE

Section 1A-104 (a) (1) of the Anne Arundel County Zoning Ordinance requires that there shall be a minimum 25 foot Buffer surrounding all nontidal wetlands. The applicant is proposing to construct the dwelling approximately seven feet from the edge of the nontidal wetlands. As such, this will require a variance of 18 feet to the 25 foot nontidal wetlands Buffer requirement.

Additionally, the applicant is proposing to install the grinder pump approximately one foot from the edge of the wetlands. This will necessitate a variance of 24 feet to the 25 foot nontidal

wetlands buffer.

Additionally, Section 2-506 (a) (1) of the Anne Arundel County Zoning Ordinance requires each lot in an R5-Residential district to have a front building line that is at least 25 feet from and parallel to the front lot line. The proposed dwelling is located 22 feet from the front property line of Walnut Avenue. As such, it will require a variance of three feet to the 25 foot front setback.

FINDINGS

This Office finds that the subject property is a corner lot located in a subdivision which predates the enactment of both the Zoning Regulations and the Critical Area legislation. While this site predates the enactment of several County regulations, it exceeds both the minimum lot size (7,000 square feet) and lot width (60 feet) requirements for a lot in an R5-Residential district. It is important to note that due to the presence of the nontidal wetland in the middle of this property, it appears that a variance will be necessary to construct anything on the site.

The applicant has proposed a modest sized dwelling and garage on the property. The plan shows that the improvements are contained within the boundaries of Lot 12. This significantly reduces the overall clearing on the property and the impact to the nontidal wetlands. It is important to point out that the proposed plan is the direct result of comments generated by both the county and state review agencies.

The Critical Area Commission has reviewed the revised plan and has offered no objection to the applicant's request. They have recommended mitigation for all clearing at the appropriate ratio in accordance with the County Zoning Ordinance. They have noted that all necessary permits should be acquired from MDE prior to any site sdisturbance. Additionally, they have recommended that the remaining area outside of the limit of disturbance (i.e. Lot 13) be placed under a conservation easement to ensure protection of the wetland from future disturbance.

RECOMMENDATION

Based upon the standards set forth in Section 11-102.1 under which a variance may be granted, this Office would recommend the following:

1. A variance of 18 feet to the 25 foot buffer to nontidal wetlands be **granted;**
2. Avariance of three feet to the 25 foot front yard setback be **granted**.

This recommendation is subject to the above-mentioned Critical Area Commission comments.

Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION
1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 12, 2001 **VIA FACSIMILE**

Ms. Pam Miley
Anne Arundel County Office of Planning & Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2001-0193-V, Ola Clarke

Dear Ms. Miley:

Thank you for providing the revised plan for the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The non-tidal wetland is located in the middle of the subject lot and it appears that a variance may be necessary to construct anything. The revised location and design of the dwelling appears to minimize impacts to the wetland and its buffer. Therefore, we do not oppose the variance requested. Mitigation should be provided for all clearing at the appropriate ratio in accordance with the County Zoning Ordinance. Also, all necessary permits should be acquired from MDE prior to any site disturbance. We recommend that the remainder of the property (i.e., Lot 13) be placed under a conservation easement to ensure protection of the wetland from future disturbance.

Thank you for the opportunity to comment on the revised plan. Please include this letter in your file and submit it as part of the record for this request. Also, please provide this office with a copy of the written decision for this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: AA315-01

*OWNERS + ADDRESSES ON SITE PLAN *

CASE # V 2001-193-V
FEE PAID 150.-RP
DATE 5/3/01

ANNE ARUNDEL COUNTY
MARYLAND

ZONE R5 ALEX 36/E5
200 MAP 1000 MAP 34
CRITICAL AREA:
IDA __ LDA ✓ RCA ___

2 SIGNS

VARIANCE APPLICATION

Applicant: Ola H. Clarke and E. Gray Clarke (deceased)
(All persons having 10% or more interest in property)

Property Address: 1046 Walnut Ave.

Property Location: 100' feet of frontage on the (n, ~~s~~, e, w) side of Walnut Avenue street, road, lane, etc.; 0 feet (n, s, e, ~~w~~) of Cherry Avenue street, road, lane, etc. (nearest intersecting street).

Tax Account Number 8579-0026-4600 Tax District 8 Council District 7

Waterfront Lot No Corner Lot Yes Deed Title Reference 6511/155

Zoning of Property R5 Lot # 12/13 Tax Map 84 Block 3 Parcel 1

Area (sq. ft. or acres) 10,000 S.F Subdivision Name No. Beach Park

Variance to permit a dwelling and associated facilities

Description of Proposed Variance Requested (Explain in sufficient detail including distances from property lines, heights of structures, size of structures, use, etc.) A variance is sought to Article 28-Section 1A-104(a)(1) to allow construction of 2 story house, drive and utilities within wetlands and their buffer with less setbacks and buffer than required.

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest equal to or in excess of 10 percent of the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Ola Hays Clarke	Ola Hays Clarke
Applicant's Signature	Owner's Signature
Ola H. Clarke E. Gray Clarke (deceased)	Ola H. Clarke E. Gray Clarke (deceased)
Print Name	Print Name
My new address is: OLA HAYS CLARKE 5020 Vista Del Sur Pt Colorado Springs, CO 80919	*My new address is:* OLA HAYS CLARKE 5020 Vista Del Sur Pt Colorado Springs, CO 80919
City, State, Zip	City, State, Zip
719-278-9125	719-278-9125
Home Phone Work Phone	Home Phone Work Phone

RECEIVED
APR 30 2001
PLANNING AND ZONING
DEVELOPMENT

For Office Use Only

Application accepted by Anne Arundel County, Office of Planning and Zoning:

R.M. Gerlach — 5/3/01
Signature — Date

signed in error by applicant

ANNE ARUNDEL COUNTY MARYLAND

David Russell <pzruss25@aacounty.org>

Fwd: 2025-0187-V; Diamondback Investment Company LLC; AA 0265-25

Sadé Medina <pzmedi22@aacounty.org> Tue, Sep 30, 2025 at 10:53 AM
To: David Russell <pzruss25@aacounty.org>

---------- Forwarded message ---------
From: **Jonathan Coplin -DNR-** <jonathan.coplin@maryland.gov>
Date: Tue, Sep 30, 2025 at 10:32 AM
Subject: 2025-0187-V; Diamondback Investment Company LLC; AA 0265-25
To: Sadé Medina <pzmedi22@aacounty.org>
Cc: Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>, Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

Good morning,

Our office is in receipt of the above referenced variance. The administrative hearing officer (AHO) must find that each and every one of the Critical Area variance standards have been met for this variance to be granted. If the AHO finds that the applicant has satisfied the variance standards, appropriate mitigation is required. Thank you for the opportunity to provide comments. Please provide us with a copy of the hearing officer's decision within 10 business days of when a decision is rendered per COMAR 27.01.12.05.B

Jon

--

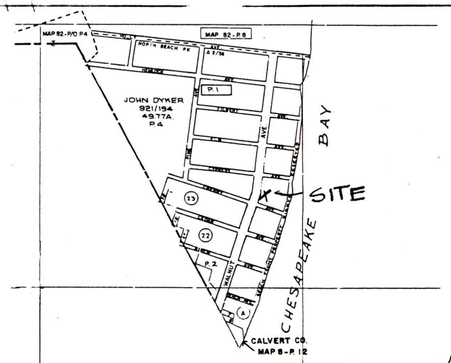
Critical Area Commission
Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalarea

Jonathan Coplin
Natural Resource Planner
1804 West Street, Suite 100
Annapolis, MD 21401
410-260-3481 (office)
443-699-6869 (mobile)
Jonathan.Coplin@maryland.gov

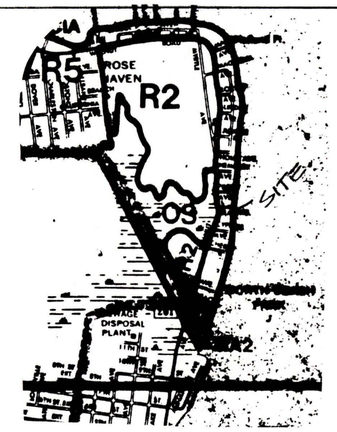
--

Sadé Medina
She/ Her
Office of Planning and Zoning,
Zoning Administration Section
Administrative Assistant II
O: (410) 222-7437
www.aacounty.org

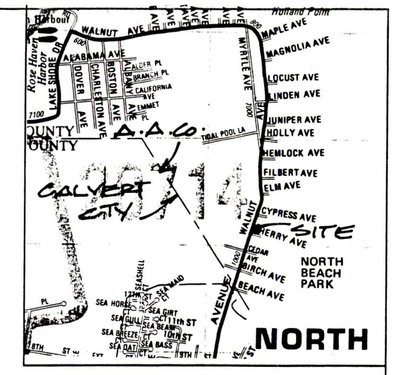
The Best Place For All



TAX MAP 84



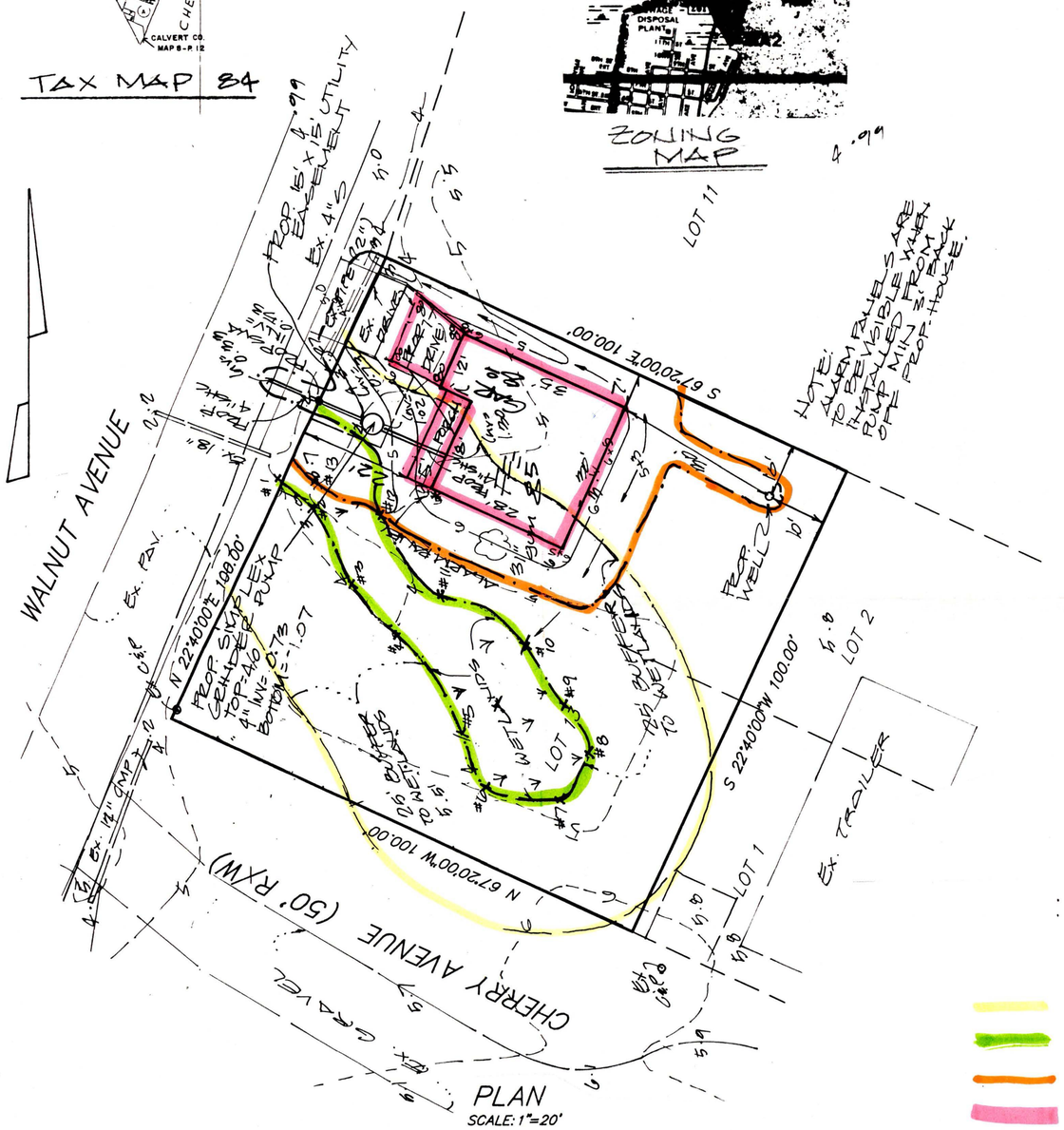
ZONING MAP



VICINITY MAP
SCALE: 1"=2000'

ADJACENT OWNERS

Dere, Jeannette B Baker, Lois B 3804 John Carroll Dr Olney, Md 20832	84	1	Lot 8 Bk 4 Walnut Ave
Baker, Lois Dere,Jeanette B 3804 John Carroll Dr. Olney, Md 20832	84	1	PT Lot 9 Bk 4 Walnut Ave
Watson, Craig R Watson, Valerie A 1040 Walnut Ave North Beach Md 20714	84	1	PT Lot 10 Bk 4 Walnut Ave
Chambers, T H Chambers, M W 3729 S St SE Washington, DC 20020	84	1	Lot 11 Bk 4 Walnut Ave
Ledoux, Richard R 1051 Walnut Ave North Beach Md 20714	84	1	Lot 4,5 Bk 23 Walnut Ave
Lobas, Carole F 1206 Wander Dr Owings Md 20736	84	1	Lot 8 Bk 3 Walnut Ave
Lobas, Carole F 1206 Wander Dr Owings, Md 20736	84	1	Lot 9 Bk 3 Walnut Ave
Hayes, Herbert T Hayes, Sharon L 1052 Walnut Ave North Beach Md 20714	84	1	Lot 10 Bk 3 Walnut Ave
Green, Carolyn 1048 Walnut Ave North Beach Md 20714	84	1	Lots 11,12 Bk 3 Walnut Ave
Name &Address	Map	Parcel	Lot
Sceno Investment Co. Inc. 7601 Arrowhead Rd Bethesda, Md 20817	84	1	Lot 1 thru 20 Bk 24 Walnut Ave
Waters, Lewis, T 1061 Bay Front Ave North Beach, Md 20714	84	1	Lot 2 Bk 3 Bay Front Ave
Ford, Warren J 1059 Bay Front Ave North Beach Md 20714	84	1	Lot 3 Bk 3 Bay Front Ave
O'Brien, David S O'Brien, Frances C 14 Horn Point Ct. Annapolis, MD 21403	84	1	PT Lot 4 Bk 3 Bay Front Ave
Johnson, Maria L Johnson, Luciana 1053 Bay Front Ave North Beach Md 20714	84	1	Lot 6 PT Lot 5 Bk 3 Bay Front Ave
Gardner Sr., Gilbert D Gardner, Jane et al 1045 Bay Front Ave North Beach Md. 20714	84	1	Lot 2 Bk 4 Bay Front Ave
Warman Trustee, Philip V PO Box 733 North Beach, Md 20714	84	1	Lot 3 Bk 4 Bay Front Ave
Small Sr., Robert N Small, Catherine V 1039 Bay Front Ave North Beach Md, 20714	84	1	Lots 4,5 Bk 4 Bay Front Ave
Varnadore, Joe F Varnadore, Marylin S 1035 Bay Front Ave North Beach, Md 20714	84	1	Lots 6,7 Bk 4 Bay Front Ave



PLAN
SCALE: 1"=20'

GENERAL NOTES

1. OWNER: OLA H. AND E. GRAY CLARKE
818 SO. GEORGE MASON DRIVE
ARLINGTON, VA 22204

2 DEVELOPER: REAL ESTATE GENERAL, LTD
2137 DEFENSE HWY
CROFTON, MD 21114
410-721-9230
JAMES C. ROBINSON, PRESIDENT

3 SITE REFERENCE: TAX MAP 84, BLOCK 3, PARCEL 1

4 DEED REFERENCE: 6511/155

5 TAX ACCT. #8579-0026-4600

6 EXISTING ZONING IS R-.

7 EXISTING USE IS VACANT

8 PROPOSED USE IS A TWO STORY HOME, DRIVEWAY AND UTILITIES.

9 UTILITIES ON THIS SITE WILL BE SERVED BY PUBLIC SEWER AND PRIVATE WATER.

10 BOUNDARY SURVEY INFORMATION WAS TAKEN FROM A PLAT OF HOLAND POINT ADDITION , TOPOGRAPHY BY ED BROWN & ASSOCIATES, INC.

11 STORMWATER MANAGEMENT: (ARTICLE 21, SUBTITLE 2, SECTION 3-302(5) THIS SITE IS EXEMPT FROM STORMWATER MANAGE DUE TO THE DISTURBANCE BEING LESS THAN 5000 SQUARE FOOT OF DISTURBANCE BEING PROPOSED BY THIS PLAN

12 BUILDING SETBACKS: FRONT: 25 FT
REAR: 20 FT.
SIDE: 7 FT. / 20 FT. COMBINED
CORNER 20 FT.

13 AREA TABULATION: 10,000 SQ. FT.

VARIANCE REQUESTED:

A VARIANCE IS SOUGHT TO ARTICLE 28, SECTION 2A-405(a)(1)(3), TO ALLOW CONSTRUCTION OF A TWO STORY HOUSE, DRIVE AND UTILITIES WITH IN THE WETLANDS AND THEIR BUFFER.

25' buffer to wetlands
limit of wetlands
LOD
proposed imps

GRINDER PUMP SCHEDULE

LOT NO	UNIT TYPE	BSMT ELEV	INV @ UNIT	TOP ELEV. GRINDER PUMP	DEPTH OF PUMP
13	SIMPLEX	—	-0.03	5.1	5.07'

B02161281

STATE OF MARYLAND EDWARD A. BROWN REG. 10714 REGISTERED PROFESSIONAL LAND SURVEYOR
Edward A. Brown 4-18-01

ED BROWN & ASSOCIATES, INC
LAND SURVEYORS - LAND PLANNERS
DEVELOPMENT CONSULTANTS
19 LORETTA AVENUE
ANNAPOLIS, MARYLAND
ANNAPOLIS 410-266-6199 BALTIMORE 410-841-0119

SCALE: AS NOTED
DATE: 01/21/01
DRAWN BY: JAN
CHECKED BY: EAB
JOB NO: R0319
SHEET 1 OF 1

VARIANCE PLAN

LOTS 12 & 13
BLOCK 4
NORTH BEACH PARK
RESUB HOLLAND POINT ADDITION
EIGHTH DISTRICT
ANNE ARUNDEL COUNTY, MARYLAND

ANNE ARUNDEL COUNTY
MARYLAND
DEPARTMENT OF HEALTH

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 BC

DATE: October 01, 2025

RE: Diamondback Investment Company, LLC.
799 Cedar Ave.
North Beach, MD 20714

NUMBER: 2025-0187-V - B02433352, G02020372

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks and buffer than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay

STEUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
AACOUNTY.ORG/RECPARKS

MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case 2025-0187-V

DATE: September 22, 2025

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File

799 Cedar Avenue

Legend

Foundation

Addressing

Parcels

Parcels - Annapolis City

This map is a user generated static output from an Internet mapping site and is for reference only.
Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

none

0 50 100 ft

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes