

November 14, 2025

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

RE: Variance Request
BYWATER ESTATES LOT 2
1818 Woods Road
Annapolis, Maryland 21401
Tax Account #02-145-04271000

Dear Sir/Madam:

On behalf of the property owner Mr. John Francis Dolan II, please find enclosed the revised variance site plan dated November 10, 2025.

The site plan has been revised to provide additional clarity to the Woods Road private right-of-way and the adjacent private driveway. The adjacent property owner reached out to our firm and commented that the plan did not clearly distinguish the division between where the Woods Road private driveway easement on Lot 1 (running south to north) and the and the 20-ft wide private right-of-way (running west to east).

The applicant/owner is seeking a zoning variance and Critical Area variances to the following County Codes to allow relief to perfect a detached deck, pergola, gazebo, walk, and retaining walls subject to violations E-2024-377 and B-2024-557.

Zoning:

- **Article 18, Section 4-401** relief of 15 ft to the required 60-foot accessory structure front yard setback in the Residential Low Density zoning district. To allow the pervious deck attached to the western dwelling to remain 45.4 feet from the front lot line.

Critical Area:

- **Article 17, Section 8-702** relief of 969 square feet of disturbance to the steep slopes 15% and greater in the Resource Conservation Area designation of the Chesapeake Bay Critical Area for the constructed western dwelling detached deck, and the eastern dwelling walk, patio, pergola, deck, gazebo, and retaining walls.
- **Article 18, Section 13-104** relief of 4,258 square feet of disturbance in the expanded buffer for the construction of the driveway expansion, walk, patio, pergola, deck, gazebo, and retaining walls adjacent to the eastern dwelling.
- **Article 17, Section 8-402** relief to allow 1,492 square feet of additional site lot coverage beyond the allowable 15% in the Chesapeake Bay Resource Conservation Area.

Property Description

The subject property is grandfathered waterfront lot located in the subdivision of Bywater Estates, in Annapolis, which was recorded in the land records of Anne Arundel County, dated June, 1941. The property is an irregular shaped waterfront property improved with two single-family detached dwellings with attached decks, walks, gravel driveway, and associated improvements. The subject property is approximately 91,901 square feet (2.11Ac) in area, zoned mostly RLD, and is entirely within the Chesapeake Bay Critical Area with a Resource Conservation Area (RCA) land use designation. The site is located on a point with surrounding shoreline along Church Creek, and is designated with portion located in both Buffer Modified Area and Non-Buffer Modified Area. Steep slopes are present along all of the shoreline and extend beyond the 100-ft to tidal waters, causing the tidal water buffer to expand on the Non-Buffer Modified portion of the site. The expanded buffer encumbers most of the property beyond the steep slopes and all of the site improvements are located within the either the 100-ft to tidal waters or the expanded buffer. The pre-violation lot coverage was 12,722 square feet and the sites current lot coverage is 15,277 square feet. The existing dwellings were constructed in 1962 according to the Maryland State Department of Assessments and Taxation, prior to the Critical Area and zoning code. Each of the dwellings are served on independent private sewage disposal systems and their own private wells for potable water.

Proposed Conditions & Reason For Variance Request

On September 1, 2021 the property sustained extensive damage from a catastrophic tornado. On that day Mrs. Dolan was inside their home and escaped to the basement with their dogs as the storm destroyed portions of the house and more than 55 mature trees. The tornado left their property devastated, destabilized, and unsafe. The tornado damage forced them to vacate their home for over two years, living first in hotels and then in rentals, while they undertook a multi-year rebuild of both the residence and the property at a substantial cost. The event was traumatic for the owners, but the aftermath proved even more daunting as they had returned not to a restored landscape, but to a barren, eroding slope at risk of mudslides, runoff, and further collapse.

In an effort to stabilize the property, protect water quality, and begin the long process of restoration, they implemented critical erosion-control measures. These included planting new trees and shrubs, reinforcing the slope, and constructing a retaining/erosion wall to replace the root structure lost with the trees. The cost since the reconstruction is daunting and was spent in an effort to make the home and property safe, and secure. In conjunction with those stabilization efforts, they also constructed the improvements subject the violation issued which include a gazebo, pergola, deck, patio, walks within the already disturbed area but result in an overall increase in site lot coverage beyond the allowable 15%. The coverage of these structures and surfaces provide permanent stabilization of the eroding slopes and expanded buffer which was rendered unstable by the tornado damage. They were constructed without permitting and the applicant wishes to seek after-the-fact permits to perfect the improvements and to abate the violations E-2024-377 and B-2024-557.

Conclusion

These variances requested represents the minimum disturbance necessary to construct the improvements. The tornado of September 1, 2021, left the applicants family with an

unprecedented loss of home, land, and stability. They have worked for over four years to restore and protect their property, investing in erosion control, replanting, and slope stabilization to safeguard both our home and the waterway. The modest structures built within this framework are essential to the property's safety and usability, and their removal would create new risks and hardships.

A buffer management plan will be provided for on-site mitigation plantings in accordance with code requirements. With the implementation of sediment and erosion controls, and plantings the development will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the Critical Area program. We believe that this request meets all the requirements for a Critical Area variance:

Code Article 18-16-305

(a) Requirements for zoning variance.

- (1) Because of the sites unique physical conditions, specifically the distance of the western dwelling from the front property line is only 73.5-feet and most of that area between the house and the slopes contains the existing septic system. Therefore, a strict conformance with the code would cause an unnecessary hardship to allow the owner to develop the property with a modest sized waterside deck, similar to amenities that are enjoyed by other waterfront properties.

(b) Requirements for Critical Area Variances.

- (1) Unwarranted Hardship- Unique physical conditions including topography, the irregularly shaped lot, proximity of the improvements to the shoreline present significant constraints. The tornado caused exceptional canopy loss and slope destabilization, creating conditions not inherent in surrounding properties. A strict implementation of the regulations would deny significant and reasonable use of their property. The improvements provide permanent slope stabilization and erosion control. Removal of the structures and surfaces would re-expose the property to erosion and destabilize the slopes, undoing years of restoration and threatening water quality and neighboring properties.
- (2) Rights commonly enjoyed - the proposed improvements are in character with other waterfront properties in the Critical Area. The improvements are features commonly found throughout the neighboring waterfront properties. To deny the applicant the ability to have these improvements would deprives the applicants safe outdoor living space and stabilization structures, rights commonly enjoyed by other property owners in the area with comparable sized lots in excess of 2 acres.
- (3) Will not confer special privilege - granting this variance would not confer a special privilege to the applicants. Each of the improvements are modest in size, nearby properties enjoy improvements larger in scale and are greater. The improvements are sited within areas of the site which were already disturbed by the tornado. The applicants appreciate that the constraints of the critical area law do not allow for development of much more than what they have proposed.
- (4) Actions by Applicants and Neighbors- The variance is not based on conditions or circumstances that are the result of actions by the applicants or conditions or use on neighboring properties- conditions and circumstances are based on the need for stabilization as a result of a natural disaster, not from voluntary clearing or elective development.

- (5) Water Quality, Intent of the Critical Area Program. The requested variances will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the critical area program. Disturbance is minimized to only what is necessary to provide permanent stabilization measures, replanting has reduced runoff, improved slope stability, and enhanced water quality outcomes compared to leaving the site barren. Mitigation will occur in accordance with county regulations for new lot coverage and buffer disturbance and will be addressed during the permitting process via a Buffer Management Plan. Sediment and erosion controls including a silt fence have been utilized to ensure that construction and grading would not adversely affect the surrounding environmental features located within the Critical Area. These precautions will ensure that water quality, fish, wildlife, and plant habitat will not be adversely affected.
- (6) The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code; there is no bogs or associated bog buffers on the site and the improvements were sited within area which were already disturbed by the tornado.
- (7) Presumption Sec 8-1808(d)(2)(ii) – In light of all the factors discussed above, it is evident that the applicants have overcome the presumption that the use for which the variances were requested were not in conformity with the purpose and intent of the Critical Area Program. By planting vegetation, reinforcing the slope, and integrating structures into stabilization, we have improved environmental conditions relative to the post-storm landscape. The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c). Alternatives such as leaving the slope bare or constructing more intrusive retaining walls were not environmentally favorable. The applicant's solution balances stabilization, safety, and minimal impact by not creating additional site disturbance beyond what was done by the natural disaster.

(c) Requirements for all variances.

1. Minimum necessary to afford relief - The proposed variances allow for modest uses that not only meets the “significant and reasonable standard” but also are the minimal necessary development to afford relief. The size and scale of the improvements are of similar character of waterfront properties in excess of two acres. The disturbance to the buffer is the minimum necessary for the improvements and was initially disturbed by actions of the owner.
2. The granting of the variance will not:
 - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area.
 - ii. substantially impair the appropriate use or development of adjacent properties.
 - iii. reduce forest cover in the RCA. No additional vegetative clearing was proposed outside of what had already occurred by the natural disaster. Any existing tree canopy which remains within the limit of disturbance will be mitigated appropriately during the permit process with a buffer management plan.

- iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area, the property is not located within a Bog Protection Area.
- v. be detrimental to the public welfare as constructing the improvements which provide stabilization on a residentially zoned property will not impose harm to adjacent property owners or the public.

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

We respectfully request that the variance be granted as the minimum necessary relief to allow the owner to restore and reasonably use their property after this natural disaster, in alignment with the intent of the County's critical area program.

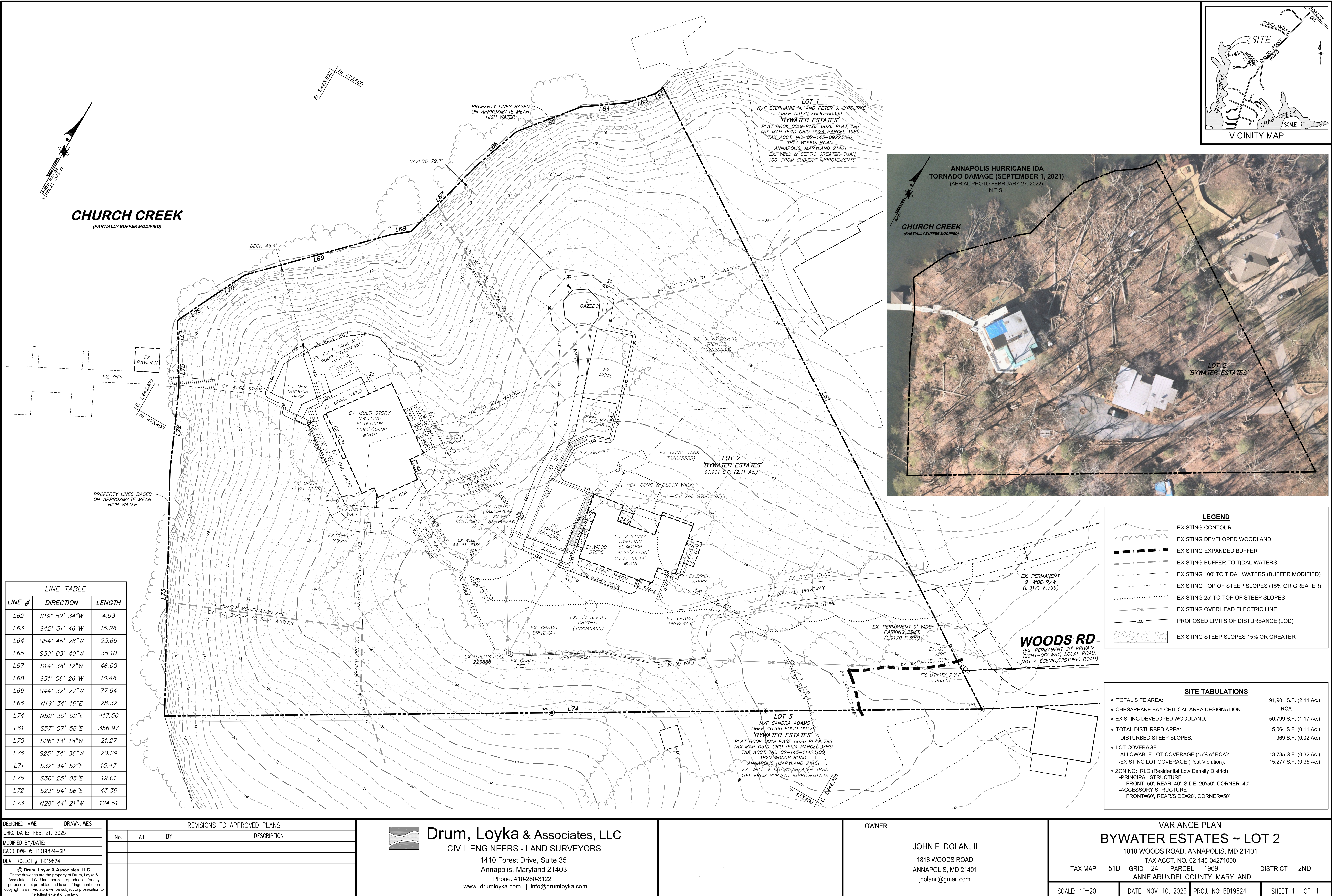
We appreciate your consideration of the enclosed variance request and we remain available to answer any questions you may have.

Sincerely,
DRUM, LOYKA AND ASSOCIATES, LLC

Michael M. Drum, P.E

Cc: John Francis Dolan II

P:\BD19824\CA00-24-BD19824-Eng Drawings\BD19824-Variance.dwg 11/10/25_14:14



DESIGNED: MWE	DRAWN: WES
ORIG. DATE: FEB. 21, 2025	
MODIFIED BY/DATE:	
CADD DWG # BD19824-GP	
DLA PROJECT # BD19824	
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REVISIONS TO APPROVED PLANS				
No.	DATE	BY	DESCRIPTION	



Drum, Loyka & Associates, LLC

CIVIL ENGINEERS - LAND SURVEYORS

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Annapolis, Maryland 21403

Phone: 410-280-3122

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OWNER:

JOHN F. DOLAN, II

1818 WOODS ROAD

ANNAPOLIS, MD 21401

jdolanii@gmail.com

VARIANCE PLAN

BYWATER ESTATES ~ LOT 2

1818 WOODS ROAD, ANNAPOLIS, MD 21401

TAX MAP 51D GRID 24 PARCEL 1969 DISTRICT 2ND

TAX ACCT. NO. 02-145-04271000

ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=20'

DATE: NOV. 10, 2025

PROJ. NO: BD19824

SHEET 1 OF 1

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date September 12, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
51D	1969	24	2	

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

* Complete only Page 1
General Project Information

Tax ID 02-145-04271000

Project Name (site name, subdivision name, or other) Bywater Estates ~ Lot 2

Project location/Address 1818 Woods Road

City Annapolis, Maryland Zip 21401

Local case number

Applicant: Last name Dolan, III First name John F.

Company n/a

Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name: First name

Phone # Response from Commission Required By

Fax # Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

To reconstruct decks, gazebo, patio and pergola, walk and gravel driveway with retaining walls.

Intra-Family Transfer	Yes	Growth Allocation	Yes
Grandfathered Lot	X	Buffer Exemption Area	

Project Type (check all that apply)

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

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	0.00	
LDA Area	0.00	
RCA Area	2.11	
Total Disturbed Area	0.10	

Total Disturbed Area 0.10 Sq Ft

of Lots Created n/a

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	1.03		Existing Lot Coverage	0.29	
Created Forest/Woodland/Trees	TBD		New Lot Coverage	0.06	
Removed Forest/Woodland/Trees		481	Removed Lot Coverage	0.0	
			Total Lot Coverage	0.35	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.9		Buffer Forest Clearing		481
Non-Buffer Disturbance	0.00		Mitigation	TBD	

Variance Type		Structure	
Buffer		Acc. Structure Addition	
Forest Clearing		Barn	
HPA Impact		Deck	X
Impervious Surface	X	Dwelling	
Expanded Buffer	X	Dwelling Addition	
Nontidal Wetlands		Garage	
Steep Slopes	X	Gazebo	X
Setback	X	Patio	X
Other		Pool	
		Shed	
		Other	X Walks/ Driveway/Walls

Chesapeake Bay Critical Area Report

Bywater Estates Lot 2

Tax map 51D, Grid 24, Parcel 1969

Tax Account # 02-485-11240900

Property Address: 1818 Woods Road, Annapolis, MD

Owner & Variance Applicant: John F. Dolan, II

Critical Area Designation: RCA **Zoning:** RLD **Lot Area:** 2.11 Ac.

Site Description

The subject property is grandfathered waterfront lot located in the subdivision of Bywater Estates, in Annapolis, which was recorded in the land records of Anne Arundel County, dated June, 1941. The property is an irregular shaped waterfront property improved with two single-family detached dwellings with attached decks, walks, gravel driveway, and associated improvements. The subject property is approximately 91,901 square feet (2.11Ac) in area, zoned mostly RLD, and is entirely within the Chesapeake Bay Critical Area with a Resource Conservation Area (RCA) land use designation. The site is located on a point with surrounding shoreline along Church Creek, and is designated with portion located in both Buffer Modified Area and Non-Buffer Modified Area. Steep slopes are present along all of the shoreline and extend beyond the 100-ft to tidal waters, causing the tidal water buffer to expand on the Non-Buffer Modified portion of the site. The expanded buffer encumbers most of the property beyond the steep slopes and all of the site improvements are located within the either the 100-ft to tidal waters or the expanded buffer. The pre-violation lot coverage was 12,722 square feet and the sites current lot coverage is 15,277 square feet. The existing dwellings were constructed in 1962 according to the Maryland State Department of Assessments and Taxation, prior to the Critical Area and zoning code. Each of the dwellings are served on independent private sewage disposal systems and their own private wells for potable water.

Description and Purpose of Variance Request

Requested Variances:

Zoning:

- **Article 18, Section 4-401** relief of 15 ft to the required 60-foot accessory structure front yard setback in the Residential Low Density zoning district. To allow the pervious deck attached to the western dwelling to remain 45.4 feet from the front lot line.

Critical Area:

- **Article 17, Section 8-702** relief of 969 square feet of disturbance to the steep slopes 15% and greater in the Resource Conservation Area designation of the Chesapeake Bay Critical Area for the constructed western dwelling detached deck, and the eastern dwelling walk, patio, pergola, deck, gazebo, and retaining walls.
- **Article 18, Section 13-104** relief of 4,258 square feet of disturbance in the expanded buffer for the construction of the driveway expansion, walk, patio, pergola, deck, gazebo, and retaining walls adjacent to the eastern dwelling.
- **Article 17, Section 8-402** relief to allow 1,492 square feet of additional site lot coverage beyond the allowable 15% in the Chesapeake Bay Resource Conservation Area.

On September 1, 2021 the property sustained extensive damage from a catastrophic tornado. On that day—my wife’s birthday—she was inside their home and escaped to the basement with their dogs as the storm destroyed the house and more than 55 mature trees. The tornado left their property devastated, destabilized, and unsafe. The tornado damage forced them to vacate their home for over two years, living first in hotels and then in rentals, while they undertook a multi-year rebuild of both the residence and the property at a cost approaching \$1 million (loss alone). The event was traumatic for the owners, but the aftermath proved even more daunting as they had returned not to a restored landscape, but to a barren, eroding slope at risk of mudslides, runoff, and further collapse.

In an effort to stabilize the property, protect water quality, and begin the long process of restoration, they implemented critical erosion-control measures. These included planting new trees and shrubs, reinforcing the slope, and constructing a retaining/erosion wall to replace the root structure lost with the trees. The cost since the reconstruction is daunting and was spent in an effort to make the home and property safe, and secure. In conjunction with those stabilization efforts, they also constructed the improvements subject the violation issued which include a gazebo, pergola, deck, patio, walks, and expanded driveway within the already disturbed area but result in an overall increase in site lot coverage beyond the allowable 15%. The coverage of these structures and surfaces provide permanent stabilization of the eroding slopes and expanded buffer which was rendered unstable by the tornado damage. They were constructed without permitting and the applicant wishes to seek after-the-fact permits to perfect the improvements and to abate the violations E-2024-377 and B-2024-557.

The need for the requested Critical Area variances arise from the Unique physical conditions including topography, the irregularly shaped lot, proximity of the improvements to the shoreline present significant constraints. The tornado caused exceptional canopy loss and slope destabilization.

Buffers

The site is located on a point with surrounding shoreline along Church Creek, and is designated with portion located in both Buffer Modified Area and Non-Buffer Modified Area. Steep slopes are present along all of the shoreline and extend beyond the 100-ft to tidal waters, causing the tidal water buffer to expand on the Non-Buffer Modified portion of the site. The expanded buffer encumbers nearly all of the property beyond the crest of the steep slopes and all of the site improvements are located within the either the 100-ft to tidal waters or the expanded buffer. The newly constructed improvements subject to the variance result in a total of 4,258 square feet of buffer disturbance. Specifically, 3,352 square feet of permanent disturbance for the structures and impervious surfaces and grading, and 906 square feet of temporary disturbance for construction access. A 25-ft buffer to the crest of the steep runs though the existing gravel driveway and house and the newly constructed portion of the driveway. Most of the property is encumbered by buffers.

Vegetative Coverage

The undeveloped areas of the property are mostly vegetatively stabilized with turf lawn areas, mature developed woodland and scrub, ornamental shrubs and creeping ivy. Steep slope areas are mostly stabilized with mature trees and ivy. The existing tree canopy area (post tornado) is approximately 50,799 s.f. (1.17ac.). The tree canopy located within the limits of disturbance is approximately 481 s.f. (0.01 ac.).

Lot Coverage

Prior to the violation, the site had approximately 12,722 s.f. (0.29 Ac.) of lot coverage, the site currently has 15,277 s.f. (0.35 Ac.) of lot coverage. Resulting in a net increase of 2,555 s.f., and 1,492 s.f. beyond the sites allowable lot coverage of 13,785 s.f. (0.32 Ac.) in the RCA Critical Area designation. The all of which is within the Chesapeake Bay Critical Area Limited Development Area (LDA) portion of the property.

Steep Slopes (slopes > 15%)

Most of the undeveloped portions of the subject property are encumbered with steep slopes of 15% or greater. These steep slopes were mostly wooded, and extend up from the shoreline. There is approximately 969 s.f. of steep slopes are located within the limits of disturbance. Of that area, 563 s.f. is permanent disturbance and 406 s.f. is temporary disturbance. A 25-ft buffer to steep slopes encumbers most of the site improvements.

Predominant Soils

The predominant soil types in the area are of Annapolis fine sandy loam soils, 2 to 5 percent slopes (AsB), Annapolis fine sandy loam soils, 5 to 10 percent slopes (AsC), and Annapolis fine sandy loam soils 15 to 25 percent slopes (AsE).

AsE soils are considered hydric and can be considered highly Erodible when located in areas with slopes greater than 15%, these soils are located primarily within the area of the expanded buffer to tidal waters and steep slopes.

FEMA Floodplain

The subject property appears on FEMA Firm panel no. 24003C0233F. The property is located in floodplain Zone AE with a base flood elevation of 5.0-ft (NAVD88). No disturbance or improvements are proposed within the flood zone.

Drainage and Rainwater Control

There does not appear to be any existing stormwater management on site. The drainage patterns remain relatively unchanged from the predevelopment conditions. Stormwater management will be addressed during the permitting process in accordance with code requirements. Sediment and Erosion control is achieved through perimeter control of silt fence. The property owner has planted numerous shrubs along the crest of the slopes to provide slope stabilization and reduction of stormwater runoff. In the post development condition, the development will have no adverse effect on the sensitive environmental features of the site and surrounding areas and site disturbance will be mitigated onsite per the Mitigation Planting and Buffer Management plan during the permitting process in order to meet Anne Arundel County and MDE design criteria.

Conclusions – Variance Standards

The applicant proposes to perfect the detached decks, gazebo, walk and retaining walls subject to violations E-2024-377 and B-2024-557. The need for the requested Critical Area Variance arises from the existing unique nature and constraints of this property and natural disaster disturbance, specifically the irregular shape of the lot, and the location of the existing dwellings in relation to the shoreline and steep slopes causing majority of the property to be encumbered by buffers. It is not possible to complete this project without relief to disturb the expanded buffer and steep slopes. The proposed improvements are similar in size of amenities of other waterfront homes in excess of two acres therefore will not alter the essential character of the neighborhood, impair

development of adjacent properties, or be detrimental to the public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area and reasonable and significant use of their property. With the implementation of mitigation planting, and sediment and erosion control practices, the development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

Reference:

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

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

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

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

Federal Emergency Management Agency, 2016. Flood Insurance Rate Map

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

Drum, Loyka and Associates LLC, September 2025 Variance Plan

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