

### **Letter of Justification**

Please accept this letter as justification for a variance request to permit an open deck on the rear of the existing single-family dwelling. The applicant proposes to replace an existing deck with a 14' x 58'-6" deck with steps to grade. The proposed deck will be slightly larger in projection than the existing deck, but slightly smaller in width. The slight increase in projection is to accommodate deck furniture and the new deck will result in an 83' setback to the rear property line and approximately 60' to an intermittent stream named Little Magothy River. There is a 100-foot buffer to even intermittent streams, thus a 40-foot variance is being requested. The following addresses the requirements for variance approval.

#### **Requirements for zoning variances**

*Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article*

This lot is positioned on the side of a cul-de-sac creating a unique positioning of the dwelling. The intermittent stream actually stops at the west property line of this lot, thus the neighboring property to the left does not have the same constraints. The existing dwelling is positioned at a distance of 74 feet to the stream, thus there is no possibility of developing the rear yard amenity space in any way without requesting a variance to the code.

*Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.*

As stated, a variance would be necessary for any development in the rear yard at all. There is 97 feet from the house to the rear property line which is a large rear yard which is rendered impossible to improve upon without a variance. The deck at its deepest point is only 14 feet and for almost half of its width, it is only 12 feet deep. This is a modest depth but a variance is still needed since the house sits within the 100 foot buffer. Denying the variance would create the practical difficulty and unnecessary hardship of preventing an

open deck in the rear amenity space which is an improvement extremely commonplace among other residences.

**Requirements for critical area variances.**

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

As stated, this lot has an intermittent stream that is typically not present. That stream is 74 feet from the rear façade of the house, yet there is a 100-foot buffer required for development. This means that no improvement at all could be made in the nearly 100-foot rear yard without requesting a variance. Furthermore, the stream stops at the west property line, thus the neighbor to the left does not suffer the same restriction. Not approving this variance for this very modest deck in terms of depth creates an unwarranted hardship in that the rear amenity cannot be enjoyed. For a stream that typically does not even exist, this is unnecessary.

*A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County.*

This intermittent stream only exists on three lots in the entire subdivision. And only on this lot does it extend all the way horizontally across the rear of the lot, creating the diminished buffer. The open deck will still be at least 60 feet away from the stream and on post/pier footings, thus there is no impact to this critical area feature. The stream stops on this lot and the neighbor directly to the left does not have the same restriction. This lot is NOT in the bog area so the related provision of this section does not apply.

*The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area.*

Granting this variance will actually only confer onto this applicant the same privilege that all other neighbors enjoy. The proposed open deck on the rear is modest in nature with respect to depth, and is a feature found on nearly every other residence in the area.

*The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.*

The stream existed at the time of development, and the house was placed inside that 100-foot buffer. This applicant was NOT the developer, thus the conditions are in no way the result of actions by the applicant.

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

This modest open deck will be on post and pier footings, and there will be very little ground disturbance at all. Furthermore, the deck is pervious and not adding to lot coverage. There will be no impact at all to fish, wildlife, or plant habitat, and will absolutely be in harmony with the program.

*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.*

Again, this deck is only 14 feet deep at its deepest point, and only 12 feet in a large portion of the width. Anything smaller renders the deck not useful. The rear yard is almost 100 feet deep so keeping the deck this shallow is evidence that the buffer setback was taken into consideration and minimized as much as possible.

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

As stated, the deck has considered the impact to critical areas, ground coverings, and wildlife habitat. Not only was the depth of the deck intended to maximize the setback to the stream, but the construction was designed to remain pervious.

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

Alternatives were evaluated but a review of the site plan shows there are no other options. There is no room in the side yards and a typical deck is commonly found on the rear. There is an existing egress door on the rear of the house as well. The alternative implemented was in the design and size of the deck projection.

### **Requirements for all variances**

*The variance is the minimum variance necessary to afford relief*

As shown, this deck was designed to gain its size in width, not in depth. Any deeper, the deck would infringe more into the buffer. Instead, the owner decided to go wide as to minimize the variance request. Much of the deck is actually only 12 feet deep which is the common size of a deck joist.

*The granting of the variance will not:*

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

There will be no alteration to the character of the neighborhood at all. Decks on the rear of dwellings are actually the norm, not the exception. And since this is a private residential lot, there is no impact.

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

This deck meets all side and rear setback requirements. The only variance is to the intermittent stream and it is still 60 feet away from it. There is no impact at all to any adjacent property.

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

This lot is in the LDA (not RCA) but no forest cover or trees of any kind are being removed. Furthermore, the deck will be pervious and not count toward lot coverage.

*(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor*

There will be no clearing required for the deck but the applicant is amenable to any replanting required.

*(v) be detrimental to the public welfare.*

Again, this is a private residential lot and the deck meets all zoning setback requirements. The variance is only to the stream buffer and there will be no impact at all to the public welfare.

As all requirements for the proposed deck and subsequent variance have been addressed and successfully met, we respectfully request the approval of this request.

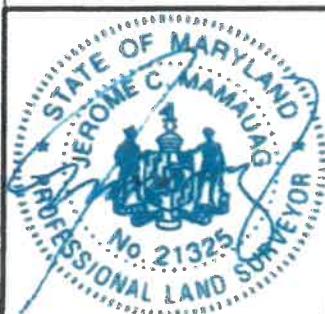


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## COLOR KEY:

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 09 13 08 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INSOFAIR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1'. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN IF IT APPEARS ENCROACHMENTS MAY EXIST. A BOUNDARY SURVEY IS RECOMMENDED

LOCATION DRAWING OF:  
**#910 FOREST TERRACE**  
**LOT 29 BLOCK AZ**  
PLAT NO. 12  
**CAPE ST. CLAIRE**  
PLAT BOOK 24, PLAT 15  
ANNE ARUNDEL COUNTY, MARYLAND  
SCALE: 1"=40' DATE: 07-29-2025  
DRAWN BY: SM FILE #: 256530-200



**SURVEYOR'S CERTIFICATE**

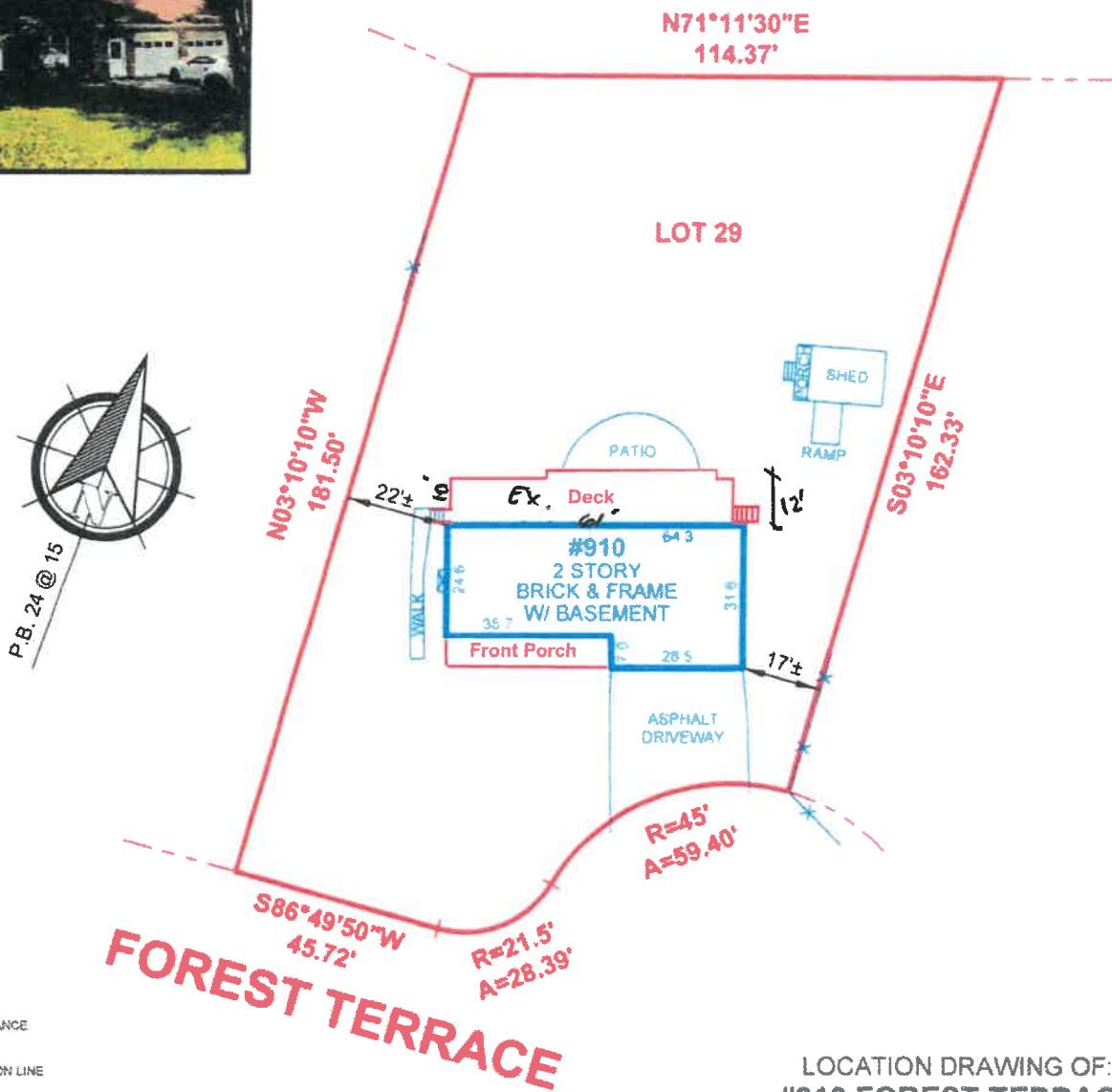
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# \* Existing Conditions \*



#### LEGEND:

- ★ - FENCE
- BE - BASEMENT ENTRANCE
- BW - BAY WINDOW
- BR - BRICK
- BRL - BLDG RESTRICTION LINE
- BSMT - BASEMENT
- WS - WOOD STOOP
- CONC - CONCRETE
- DW - DRIVEWAY
- UP - UTILITY POLE
- FR - FRAME
- MAC - MACADAM
- WW - WINDOW WELL
- OH - OVERHANG
- PUE - PUBLIC UTILITY ESMT
- PIE - PUBLIC IMPROVEMENT ESMT

#### COLOR KEY:

(RED)	RECORD INFORMATION
(BLUE)	IMPROVEMENTS
(GREEN)	ESMTS & RESTRICTION LINES

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

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: Anne Arundel County

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
0040	0035	A2	29	NA

Tax ID: 3165-1637-4732

**FOR RESUBMITTAL ONLY**

Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>

\*Complete Only Page 1  
General Project Information

Project Name (site name, subdivision name, or other) Beall Variance

Project location/Address 910 Forest Ter

City Annapolis Zip 21409

Local case number

Applicant: Last name Clancy First name Michelle

Company Applied and Approved Permits

**Application Type (check all that apply):**

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

Variance   
Rezoning   
Site Plan   
Special Exception   
Subdivision   
Other

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

## SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Construct open Deck that is within A 100-Foot intermittent Stream Buffer (60 feet away)

Yes  
Intra-Family Transfer   
Grandfathered Lot

Yes  
Growth Allocation   
Buffer Exemption Area

Project Type (check all that apply)

Commercial   
Consistency Report   
Industrial   
Institutional   
Mixed Use   
Other

Recreational   
Redevelopment   
Residential   
Shore Erosion Control   
Water-Dependent Facility

## SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	—	—
LDA Area	.42	18,310
RCA Area	—	—
Total Area	.42	18,310

Total Disturbed Area  .075  764

# of Lots Created  14

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	.023	1000	Existing Lot Coverage	.089	3877
Created Forest/Woodland/Trees	—	—	New Lot Coverage	—	—
Removed Forest/Woodland/Trees	—	—	Removed Lot Coverage	—	—
			Total Lot Coverage		

## VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	.075	764	Buffer Forest Clearing	—	—
Non-Buffer Disturbance	—	—	Mitigation	—	—

Variance Type  
Buffer   
Forest Clearing   
HPA Impact   
Lot Coverage   
Expanded Buffer   
Nontidal Wetlands   
Setback   
Steep Slopes   
Other

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

### **Critical Area Narrative**

- *Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime.*

The existing use is residential and it will remain that way. The project is only an open deck on the rear of the existing single-family dwelling

- *Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.*

The predominant trees and shrubs are all native to Anne Arundel County and include tall mature oak trees, boxwoods, and azaleas. The lot is 18,310 square feet and approximately 1,000 square feet is vegetation. There is 3,877 square feet of existing lot coverage and since the proposed deck is pervious, no new lot coverage is planned. Furthermore, no vegetation will be removed for the proposed deck.

- *Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).*

The deck is on post and pier footings so there will be no impact on water quality and habitat from the proposed construction. Regardless, should any method be required, the applicant will provide.

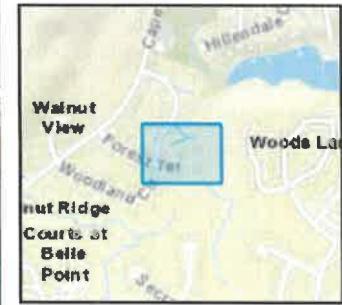
- *Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.*

The existing impervious surface before construction is 3,877 square feet. The deck is pervious, so no new impervious will be proposed.

- *If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance.*

There are no areas on the lot included above. This variance is for a 100-foot buffer setback from an intermittent stream only. The deck will still be 60 feet away from that stream. Other than that, there is no environmental impact.

# 910 Forest Terr topo map



## Legend

Foundation

Addressing



Parcels



Structure

County Structure



Elevation

Topo 2023

Index

Intermediate

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.



0 100 200 ft

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes 1"=100'







## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE (2025-0109-P)

DATE OF MEETING: 11/19/2025

P&Z STAFF: Sara Anzelmo, Kelly Krietz

APPLICANT/REPRESENTATIVE: R. Beall/Applied and Approved Permits EMAIL:  michelle@appliedandapproved.com

SITE LOCATION: 910 Forest Terrace, Annapolis LOT SIZE: 18,310 sf ZONING: R5

CA DESIGNATION: LDA BMA: N/A or BUFFER: 100' Stream APPLICATION TYPE: Critical Area Variance

The applicant seeks approval to construct an open deck on the rear of the existing single-family dwelling. The proposed deck would measure approximately 14' x 58'-6" with steps to grade and would replace a shallower deck in the same general location. The proposed deck would result in an 83' setback to the rear property line and approximately 60' to the Little Magothy River, an intermittent stream.

The proposed deck would require a variance for disturbance within the 100-foot stream buffer.

#### COMMENTS

The **Critical Area Team** commented that they have no objection to the repair/replacement of the existing deck.

The **Zoning Administration Section** notes that the variance site plan must label the "proposed deck" and must provide the proposed deck dimensions and number of stories. The site plan should also show the existing deck (either on a combined site plan or on a separate "existing conditions" plan). Given the increase in the proposed deck area, the applicant will need to provide justification for the expansion. As a reminder, in order for a Critical Area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every one of the Critical Area variance standards provided under Section 18-16-305(b) and (c) of the Anne Arundel County Zoning Ordinance, including that the requested variance is the minimum necessary to afford relief.

#### INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

\*\*\* A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

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.