



Benjamin S. Wechsler ◊ 443-949-3041 ◊ bwechsler@yvslaw.com

December 5, 2025

Ms. Sterling Seay, Planning Administrator
Zoning Division
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, Third Floor (MS 6301)
Annapolis, MD 21401

Re: Letter of Explanation in Support of Critical Area Variance Application
31 Sands Avenue, Annapolis, MD 21403
Parcel 29, Grid 10, Tax Map 57, Lot 3

Dear Ms. Seay:

This firm represents Raymond J. Herman (the “Applicant”), the owner of the property known as 31 Sands Avenue in the Bay Ridge neighborhood in Annapolis, Maryland (the “Property”). The Applicant wishes to raze the existing home on the Property and construct a new two-story home that will be more flood resilient, more easily accessible, and better suited for aging in place. The new structure will reduce overall lot coverage within 100-feet of the water from 5,030 sf to 3,534, sf (a decrease of 29.7%) and will facilitate the installation of greatly improved stormwater management.

Given the unique configuration of this lot (which is triangular and almost completely within 100’ of mean high water), the redevelopment proposal cannot be accomplished while strictly complying with the requirements of Anne Arundel County’s Critical Area Program. The Applicant thus wishes to seek certain critical area variances to allow new lot coverage to be placed nearer to the shoreline than the closest façade of the existing principal structure.

THE PROPERTY

The Property is located in the Bay Ridge subdivision and is zoned R2 with a lot size of 22,867 square feet, or 0.524 acres. The Property is a unique triangular shaped lot with over 300’ of waterfront on Lake Ogleton and is located entirely within the Critical Area with a designation as LDA – Limited Development Area and is also mapped as a BMA – Buffer Modification Area.

With the exception of an approximately 635 square foot area in the northeast corner of the lot (representing less than 3.0% of the Property), the entire Property is within 100-feet of tidal waters of the Chesapeake Bay. The Property is currently improved with a 2,682 square foot single-family home with surrounding decks, a shed, a pier, and a driveway with a large gravel parking area. The current home footprint is approximately 1,532 square feet and the current lot coverage is 5,623 square feet.

The Property is accessed by a meandering, narrow driveway which significantly constrains the ability of vehicles (including delivery and emergency vehicles) to enter, turn around, and leave the Property.

The current home was first built in the 1960s, after which it has been expanded on several occasions. The elevation of the first floor is 11.09 feet. The property has a partially finished basement, which is within the 100-year flood elevation. While the south elevation of the existing home is only 60 feet from the water, the west façade is 230 feet from the water. Nonetheless, because of the water to the south and the north, practically the entire property (and the entirety of the existing house) is within the 100-foot BMA area.

HISTORY OF PREVIOUS VARIANCE

The Applicant previously went before the Administrative Hearing Officer on July 10, 2025 in Case Number 2025-0082-V, decision attached as Exhibit A. In that case, the Applicant sought a variance from § 17-8-702(b)(1) which states “[n]o new lot coverage shall be placed nearer to the shoreline than the closest facade of the existing principal structure; landscape or retaining walls, pergolas, patios, and swimming pools may not be considered as part of the principal structure.” The Applicant proposed a different dwelling configuration, as shown on the previous site plan in Exhibit B (the “Previous Plan”), where the front façade line was proposed to be over 15 feet closer to the shoreline than the currently existing front façade line. As explained in the decision, the application was denied.

On August 20, 2025 the Applicant appealed the Administrative Hearing Officer’s decision. The Applicant withdrew the appeal on October 15, 2025 and is now submitting this new variance request which has been developed in order to reduce impacts, reduce required variance relief, and which has been designed following constructive feedback both from Anne Arundel County’s Office of Planning and Zoning as well as the State of Maryland Critical Area Commission staff, who accompanied the Applicant on a site visit on September 26, 2025.¹

THE PROPOSED REDEVELOPMENT

The Applicant is proposing to demolish the existing home and construct a new two-story dwelling with a basement that has a total footprint of 2,261 square feet, as shown on the site plan in Exhibit C, (the “Proposed Plan”). The Proposed Plan makes several adjustments from the current existing structure layout. First, the house will be straightened to align parallel with the lot lines, moving the house closer to the rear lot line. Second, the house will be raised over four feet, from 11.09 feet on the first floor of the existing house to 15.5 feet, to account for potential vulnerability from current and future flooding events, which are anticipated to intensify over time as a result of climate change, sea level rise, and land subsidence. Third, the house will be moved approximately 15 feet towards the western shoreline to account for necessary access to the house and turn around capabilities for delivery and emergency vehicles.

The Proposed Plan will decrease lot coverage by 989 square feet. The Property currently has a total of 5,623 square feet of lot coverage which is above the permissible 5,445 square feet and is proposing to further reduce the lot coverage to 4,634 square feet. The Proposed Plan will eliminate 1,732 square feet of a gravel parking and turn-around area that currently exists in front of the

¹ During this meeting the Applicant discussed several alternative configurations with Critical Area Commission staff. The configuration submitted with this prefile application was discussed at a conceptual level, as well as several other configurations which would potentially reduce variance relief but significantly increase the amount of post-development lot coverage on the site.

existing house, less than twenty feet from the mean high-water line. The Proposed Plan also eliminates the existing shed. In its place the Applicant will create several stormwater facilities to treat and infiltrate stormwater onsite to the maximum extent practicable.

The Proposed Plan is also substantially different from the Previous Plan that was denied in Case Number 2025-0082-V. As described above and in the Previous Plan, attached as Exhibit B, the Previous Plan proposed to create an approximately 15.5' x. 15.8' extension closer to the nearest southern shoreline. The Proposed Plan eliminates this feature and proposes a narrower but longer house which extends a bit further towards the western shoreline instead, while still allowing for more than 200' of separation from the house to the water to the west. The Proposed Plan has been carefully designed to allow for delivery trucks and emergency vehicles to turn around *without* the need for the large gravel parking area that currently is to the south of the existing home.

In addition to the previously proposed site plan, the Applicant has considered several other alternate site plan configurations, all of which would result in additional lot coverage compared to the current configuration. The Applicant cannot move the house any closer to the northwestern property line without risk of being too close to the physical wall that exists between the Property and the neighboring property, which will not only crowd the adjoining house, but will significantly impair the ability to use that area for construction access. In this Proposed Plan, the Applicant is proposing to move the house as far back as possible from 16 feet from the northwestern lot line to 11 feet, which is the minimum necessary to avoid crowding to the adjacent dwelling and to allow for construction access. The Applicant also cannot move the house any closer to the eastern lot line than proposed because it reduces the width of the driveway too much and access to and from the proposed garage becomes impossible.

The four-foot carveout in the northeast corner of the proposed home is crucial for cars, delivery trucks, and emergency vehicles to enter the driveway and back into the carved-out area to turn around and exit the Property, as shown on the last page of the Proposed Plan and as will be described further at the hearing. Without the carve-out, there is not enough space for a vehicle to turn around in the smaller proposed driveway, so it would be necessary to keep the existing gravel area where cars currently turn around. The long shared private driveway that exits onto Sands Avenue, as shown in the aerial photography attached as Exhibit D, is far too narrow and meandering to safely back all the way out from the Property. The variance to allow new lot coverage to be placed nearer to the shoreline than the closest façade of the existing principal structure is necessary to reduce overall lot coverage, while allowing for easier and safer ingress and egress to and from the Property.

The Applicant is requesting the following variance relief:

1. *A critical area variance request to § 17-8-702(b)(1) to allow new lot coverage to be placed nearer to the shoreline than the closest façade of the existing principal structure.*

A variance to a local jurisdiction's critical area program may not be granted unless: (1) due to special features of a site, or special conditions or circumstances peculiar to the Property or structure, a literal enforcement of the critical area program would result in unwarranted hardship; (2) the local jurisdiction finds that the Applicant has satisfied each one of the variance provisions; and (3) without the variance, the Applicant would be deprived of a use of land or a structure

permitted to others in accordance with the provisions of the critical area program. Nat. Res. § 8-1808(d)(5).

Pursuant to Maryland law, “‘unwarranted hardship’ means that, without a variance, the Applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.” Nat. Res. § 8-1808(d)(1); COMAR 27.01.12.01. The Court of Appeals, in defining the term “unwarranted hardship,” recently explained that “in order to establish an unwarranted hardship, the Applicant has the burden of demonstrating that, without a variance, the Applicant would be denied a use of the property that is both significant and reasonable.” *Assateague Coastal Trust, Inc. v. Schwalbach*, 448 Md. 112, 139 (2016). A “showing of ‘unwarranted hardship,’” emphasized the Court of Appeals, “is not whether, without the variance, the Applicant is denied ‘all reasonable and significant use’ of the property, but whether, without the variance, the Applicant is denied ‘a reasonable and significant use’ that cannot be accomplished somewhere else on the property.” *Id.* at 138–39 (emphasis in original).

For a property located in the critical area, variances to the requirements of the County’s critical area program may be granted if the AHO makes the findings listed in § 18-16-305(b) and (c). *See also* COMAR 27.01.12.04.

Compliance with the County’s Critical Area Variance Requirements

- (1) *Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County’s critical area program would result in an unwarranted hardship. Code § 18-16-305(b)(1).*

The entire Property is located within the Critical Area buffer. Without variance relief, the unique conditions and shape of the Property make almost any improvement or modification to the Property nearly impossible. Denial of the requested variance to rebuild their home in manner that is more flood resilient and provides safer access for daily use as well as in emergency situations, while reducing overall lot coverage would constitute an unwarranted hardship and deny the Applicant the use of the entire property.²

- (2) *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. Code § 18-16-305(b)(2).*

A literal interpretation of the regulations governing the Critical Area Program will deprive the Applicant of rights commonly enjoyed by nearby property owners. The existing and proposed dwellings are some of the smaller homes in Bay Ridge and the proposed new dwelling proposes minimal improvements to accommodate for a more resilient home on a unique waterfront property. One of the largest changes to this home which necessitates this variance request is the creation of

² In *Becker v. Anne Arundel County*, 174 Md. App. 114 at 132-33 (2007), Appellate Court of Maryland discussed the definition of unwarranted hardship found in the MD Natural Resources Article “The amendment changed the definition of unwarranted hardship to mean that, ‘without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.’”

an improved driveway for easier and safer access and a turn-around area, which surrounding properties have also needed to find a solution to.

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

Granting the variance to construct the new dwelling will not confer any special privilege that would be denied to others. As previously stated, surrounding properties are developed with large single-family dwellings within the Critical Area and in some cases were accomplished by critical area variance approvals.

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

The variance requests are not based on conditions or circumstances that are the result of Applicant's action. Applicant has not started any development on the Property prior to submitting this application. Similarly, the circumstances do not arise from any condition relating to land or building use on any neighboring properties.

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

The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's Critical Area. Furthermore, the construction of the new dwelling will be in harmony with the general spirit and intent of the Critical Area program. As stated above, the Applicant intends to enhance and improve water quality by reducing on-site lot coverage by +/- 989 square feet by removing the gravel parking pad and the existing shed. In its place the Applicant will create additional stormwater management facilities that will treat and infiltrate stormwater on-site as opposed to allowing untreated stormwater to sheet-flow to Lake Ogelton (as it does today). So, even though the western and southern façades will be slightly closer to the shorelines, the overall impact to the area will be reduced.

(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. Code § 18-16-305(b)(6).*

Because nearly the entire Property is located within the 100-foot BMA, any movement at all would impact the buffer. The currently proposed site plan maximizes the distance between the mean-high water line and the structures by reducing the distance to the closest, southern shoreline as much as possible while still achieving the goals of the Applicant. No bogs will be affected by this application.

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

The proposed addition will have no impacts given that there will be a reduction in overall lot coverage. Native species and habitats on the Property will not be impacted. Based on the foregoing, and the evidence and testimony that will be provided at the hearing, Applicant will overcome the presumption in the State Code.

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

Applicant has evaluated site plan alternatives and will consult with the Office of Planning and Zoning for comments.

Requirements for All Variances

A variance may not be granted unless it is found that:

- (1) the variance is the minimum variance necessary to afford relief; and
- (2) the granting of the variance will not:
 - (i) alter the essential character of the neighborhood or district in which the lot is located;
 - (ii) substantially impair the appropriate use or development of adjacent property;
 - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;
 - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
 - (v) be detrimental to the public welfare.

Code, § 18-16-305(c).

The variance is the minimum variance necessary to afford relief. Code, § 18-16-305(c)(1).

Applicant's proposed site plan minimizes impacts and reduces overall lot coverage. Applicant has minimized the variance requests by reducing the amount the proposed façade will be outside the existing façade line while still achieving the Applicant's goals of creating easier access and forever home for ageing in place.

The variance will not alter the essential character of the neighborhood or district in which the lot is located.

The proposed home will not alter the essential character of the neighborhood. Most of the homes in the neighborhood are similar in size or larger than the Applicant's.

The variance will not substantially impair the appropriate use or development of adjacent property.

The proposed addition will not affect in any way the appropriate use or development of adjacent properties. The resulting dwelling size is compatible with other dwellings located in the Critical Area and will be completely contained within the perimeter of the Property.

The variance would not be contrary to acceptable clearing and replanting practices required for development in the critical area.

Applicant will comply with all Critical Area regulations.

The variance will not be detrimental to the public welfare.

The proposed dwelling will not negatively affect the public welfare.

CONCLUSION

The Property is entirely within the Critical Area, almost completely within the 100-foot BMA, and severely impacted by physical constraints including the shape of the Property and difficult access to the Property. Granting variance approval to allow the Applicant to build a new dwelling with decreased lot coverage will conform to the spirit of the Critical Area program. The variance approvals will not alter the character of the single-family neighborhood. The requested variance is the minimum necessary to afford relief. The proposed dwelling is compatible with surrounding homes, and in fact smaller than most homes in the community relative to the size of their lots.

We request that the County and State Critical Area Commission recommend approval of the variance as requested.

Thank you for your consideration of this matter. I look forward to receiving your response and may be reached via telephone at 443-949-3041, via email at bwechsler@yvslaw.com, and via mail at 185 Admiral Cochrane Drive, Suite 130, Annapolis, MD 21401.

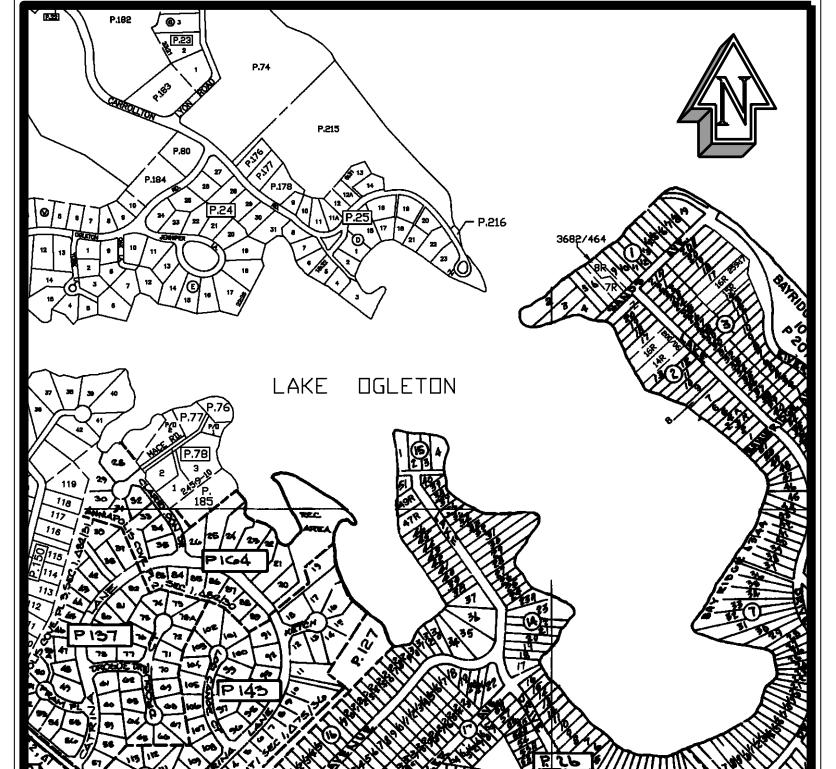
Very truly yours,

YVS LAW, LLC



Benjamin S. Wechsler, Esq.

Enclosures



TAX MAP

SCALE: 1" = 1,000'

VARIANCE ADMINISTRATIVE PLANS FOR 31 SANDS AVENUE

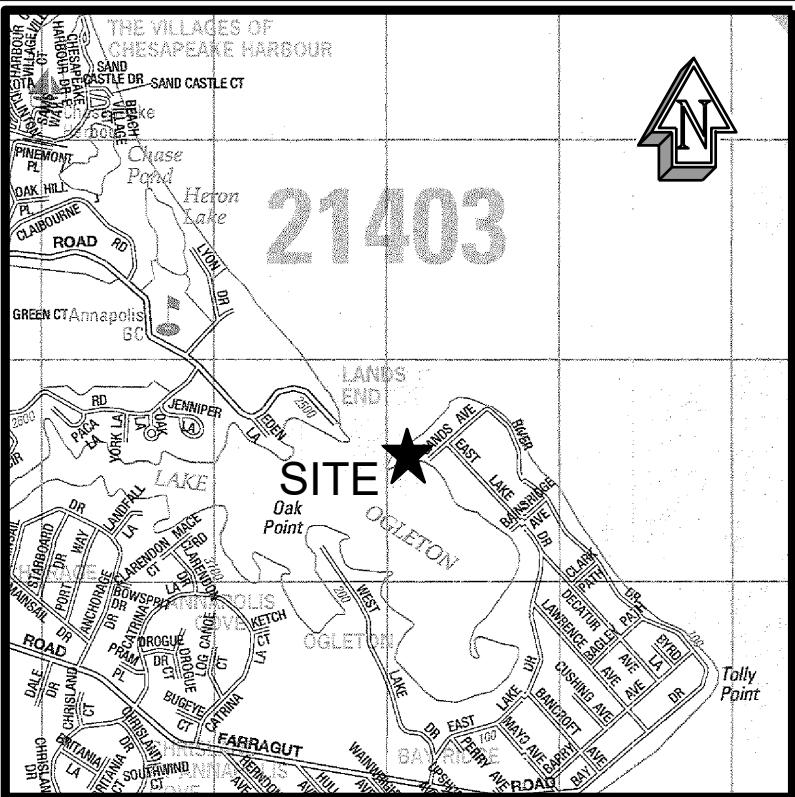
TAX MAP 57, GRID 10, PARCEL 29, LOT 3

31 SANDS AVENUE

ANNAPOLIS, MARYLAND 21403

2ND DISTRICT

ANNE ARUNDEL COUNTY ZONED: R2/LDA (BUFFER EXEMPT)



VICINITY MAP

SCALE: 1" = 2,000'
COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE NO. 08301200

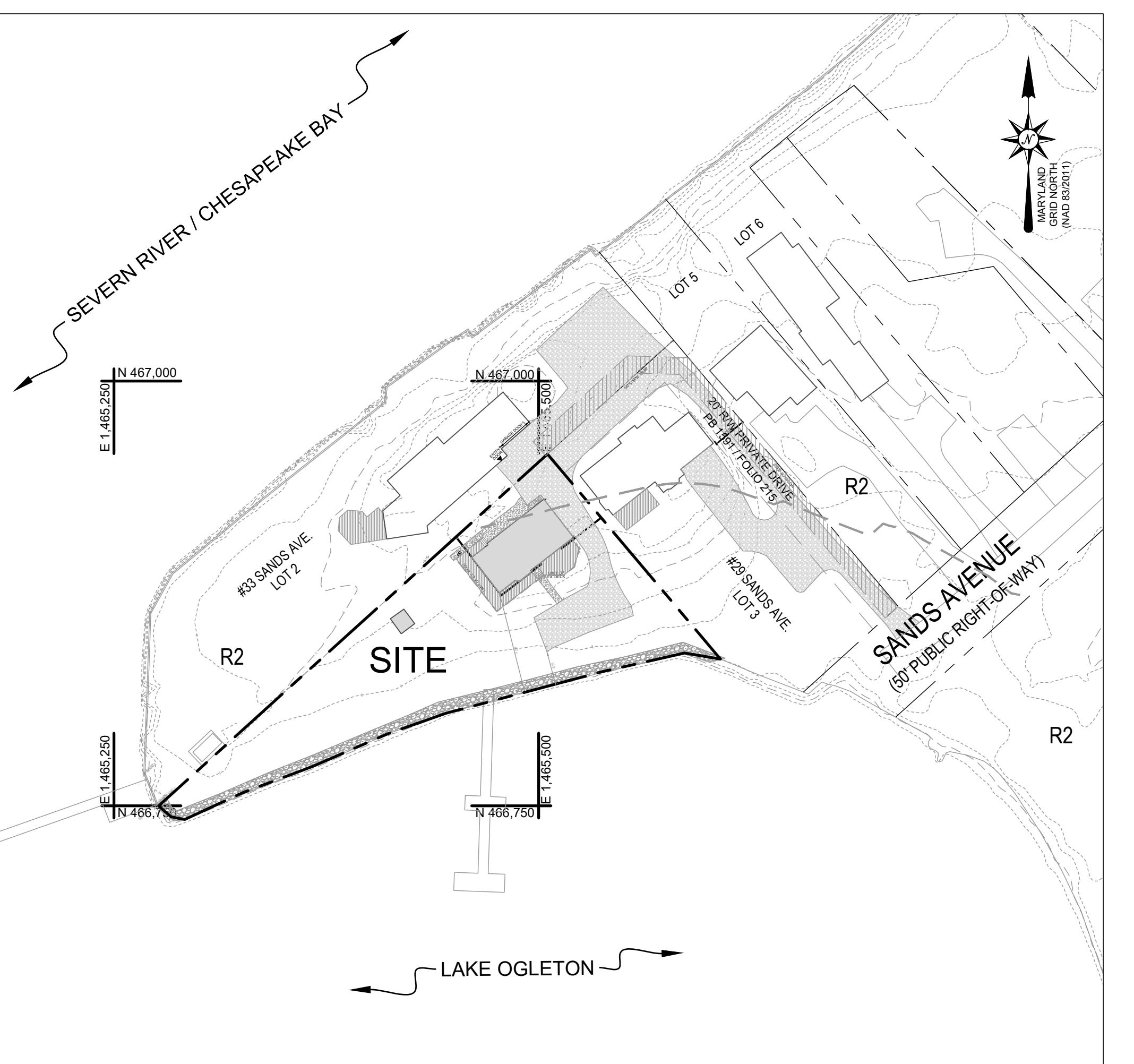
GENERAL NOTES

- OWNER/APPLICANT INFORMATION: RAYMOND J. HERMAN, 25 CHANNEL CAY ROAD, LARGO, FL 33037, PHONE: (301) 526-3600, EMAIL: rherman@herman-stewart.com
- THE PROPERTY IS SHOWN AS TAX MAP 57, GRID 10, PARCEL 29, LOT 3, DEED REF.: 38937 / 420. LOCATED AT 31 SANDS AVENUE, ANNAPOLIS, MD 21403.
- THE EXISTING ZONING OF THE SITE IS R2 - RESIDENTIAL DISTRICT. THE SITE IS LOCATED ENTIRELY WITHIN LIMITED DEVELOPMENT AREA (LDA) OF THE CHESAPEAKE BAY CRITICAL AREA, BUFFER MODIFICATION AREA.
- THE TAX ACCOUNT IDENTIFIER IS 02-047-04444650.
- THE TOTAL SITE AREA IS 22,867 SQ. FT. OR 0.524 AC. AND THE SITE IS CURRENTLY A SINGLE FAMILY RESIDENCE.
- THE PROPERTY OUTLINES SHOWN HEREON ARE BASED ON A SURVEY PREPARED BY ATWELL, LLC IN JUNE, 2022. ALL HORIZONTAL DATUM IS REFERENCED TO MARYLAND STATE PLANE COORDINATES (NAD 83) DATUM.
- EXISTING TOPOGRAPHY WAS TAKEN FROM A FIELD SURVEY PERFORMED BY ATWELL, LLC IN JUNE, 2022 AND SUPPLEMENTED WITH ANNE ARUNDEL COUNTY TOPOGRAPHY. ALL VERTICAL DATUM IS REFERENCED TO NGVD 88.
- THE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA - LIMITED DEVELOPMENT AREA (LDA) AND MODIFIED BUFFER.
- THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), FLOOD HAZARD ZONE "VE" (ELEVATION 7), AND FLOOD ZONE "AE" (ELEVATION 5) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0254F DATED FEBRUARY 18, 2015.
- THE SITE UTILITIES ARE WATER (PRIVATE WELL) AND SANITARY SEWER (PUBLIC).

WATER & SEWER
WATER SERVICE AREA MAP: W-9 (FUTURE SERVICE AREA)
WATER SERVICE AREA: BROAD CREEK
SEWER SERVICE AREA MAP: S-9 (EXISTING SERVICE AREA)
SEWER SERVICE AREA: ANNAPOLIS

OUTFALL STATEMENT

THE SITE RUNOFF MOVES SOUTH FROM THE DWELLING AND SHEET FLOWS OVER LAND, WHERE IT ULTIMATELY DISCHARGES INTO LAKE OGLETON AND ULTIMATELY INTO THE SEVERN RIVER. FIELD INVESTIGATIONS WERE PERFORMED IN JANUARY, 2024. NO SIGNS OF EROSION, FLOODING, OR CAPACITY ISSUES ARE PRESENT. GIVEN EXISTING CONDITIONS AND THE PROPOSED STORMWATER MANAGEMENT PROGRAM, IT IS CONCLUDED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE AN ADVERSE IMPACT ON THE RECEIVING WATERWAYS.



LOCATION AND ZONING MAP

SCALE: 1" = 60'

PROPERTY OWNERS WITHIN 300' OF SUBJECT PROPERTY

Adjacent Property Owners 300' of Tax Map 57, Grid 10, Parcel 29, PT Lots 3&4												
ACCTID	ADDRESS	CITY	ZIPCODE	OWNERNAME1	OWNADD1	OWNCITY	OWNSTATE	OWNERZIP	LOT	MAP	GRID	PARCEL
020470444650	31 SANDS AVE	ANNAPOLIS	21403	HERMAN RAYMOND	25 CHANNEL CAY RD	LARGO	FL	33037	3 & 4	57	10	29
020471086800	29 SANDS AVE	ANNAPOLIS	21403	KEUPER DENNIS & ODILE	29 SANDS AVE	ANNAPOLIS	MD	21403	3 & 4	57	10	29
0204705073603	33 SANDS AVE	ANNAPOLIS	21403	STONE JEFFREY & VICTORIA	33 SANDS AVE	ANNAPOLIS	MD	21403	2	57	10	29
0204705242307	27 SANDS AVE	ANNAPOLIS	21403	LUNDQUIST NANCY TRUSTEE	27 SANDS AVE	ANNAPOLIS	MD	21403	5	57	10	29
0204706252500	25 SANDS AVE	ANNAPOLIS	21403	KARSTEN JAYNE	25 SANDS AVE	ANNAPOLIS	MD	21403	6	57	10	29
0204706252501	23 SANDS AVE	ANNAPOLIS	21403	BERAM SUSAN TRUSTEE	23 SANDS AVE	ANNAPOLIS	MD	21403	7R	57	10	29
0204790041081	21 SANDS AVE	ANNAPOLIS	21403	MILLER SUSAN & JOHN	21 SANDS AVE	ANNAPOLIS	MD	21403	8R	57	10	29
0204700215607	17 SANDS AVE	ANNAPOLIS	21403	KOENIG ROSS	206 6TH STREET NE	WASHINGTON	DC	20002	9 & 10	57	10	29
0204790036238	15 SANDS AVE	ANNAPOLIS	21403	GRAY CYNTHIA ELY TRUSTEE	15 SANDS AVE	ANNAPOLIS	MD	21403	11R	57	10	29
0204790207800	1 E LAKE DR	ANNAPOLIS	21403	RITTERBUSH STEPHEN & KAREN	220 MCKENDREE AVE	ANNAPOLIS	MD	21401	21A	57	10	29
0204709209200	3 E LAKE DR	ANNAPOLIS	21403	BURKHARDT JOHN & CHRISTINE	3 E LAKE DR	ANNAPOLIS	MD	21403	21 PT 22	57	10	29
0204709216200	7 E LAKE DR	ANNAPOLIS	21403	SHEARER MICHAEL	7 E LAKE DR	ANNAPOLIS	MD	21403	23 PT 22, 24	57	10	29
0204707843220	2 E LAKE DR	ANNAPOLIS	21403	NESLINE KRISTIN	2 E LAKE DR	ANNAPOLIS	MD	21403	20, 20A	57	10	29
0204700418200	6 E LAKE DR	ANNAPOLIS	21403	WALSH DOROTHY & D'AMATO CHARLES	1011 BAY BRIDGE AVE #187	ANNAPOLIS	MD	21403	19	57	10	29
0204708603118	8 E LAKE DR	ANNAPOLIS	21403	GERLAND MARY	8 E LAKE DR	ANNAPOLIS	MD	21403	17, 18	57	10	29
ADDITIONAL*****												
OFFICE OF PLANNING AND ZONING				RESEARCH & GIS DIVISION	2664 RIVA ROAD, 4TH FL/MS 6401	ANNAPOLIS						
OFFICE OF PLANNING AND ZONING				DEVELOPMENT DIVISION	2664 RIVA ROAD 3RD FL/MS 6305	ANNAPOLIS						
OFFICE OF PLANNING AND ZONING				ASSISTANT DIRECTOR OF DEVELOPMENT	2664 RIVA ROAD 3RD FL/MS 6305	ANNAPOLIS						
COUNTY COUNCILMEMBER				LISA BRANNIGAN RODVIE	44 CALVERT STREET	ANNAPOLIS						
OFFICE OF COUNTY EXECUTIVE				ARUNDEL CENTER / STEUART PITTMAN	44 CALVERT STREET	ANNAPOLIS						

VARIANCE REQUEST

THE APPLICANT IS REQUESTING THE FOLLOWING VARIANCES:

REQUEST #1 - TO ARTICLE 17-8-702 (b)(1) TO ALLOW NEW LOT COVERAGE TO BE PLACED NEARER TO THE SHORELINE THAN THE CLOSEST FAÇADE OF THE EXISTING PRINCIPAL STRUCTURE. THE APPLICANT IS PROPOSING 1,618 SQ. FT. OF NEW LOT COVERAGE TO BE LOCATED FORWARD OF THE FRONT YARD SETBACKS FOR THE LOT WHICH IS A REDUCTION TO THE EXISTING LOT COVERAGE INSIDE THE EXISTING FAÇADE. SEE SHEET 4 FOR NEW LOT COVERS.

UTILITY INFORMATION

GAS - BGE, PO BOX 1475, BALTIMORE, MD 21203, (410) 265-4100
TELEPHONE - VERIZON, 1E PRATT STREET, BALTIMORE, MD 21202, (410) 954-6260
ELECTRIC - BGE, PO BOX 1475, BALTIMORE, MD 21203, (410) 265-4100
SEWER - ANNE ARUNDEL COUNTY DPW WASTEWATER DIVISION, 2662 RIVA ROAD ANNAPOLIS, MD 21401, (410) 222-7582
WATER - PRIVATE WELL

BENCHMARK NOTE

THE COORDINATES AND ELEVATIONS SHOWN HEREON ARE BASED ON RTK (REAL TIME KINEMATIC) OBSERVATIONS UTILIZING KEYNETICS SURVEY WORK AND ANNE ARUNDEL COUNTY SURVEY CONTROL STATIONS RIVA-AZ AND 2423. THE HORIZONTAL DATUM IS REFERENCED TO MARYLAND STATE PLANE (NAD 83/2011) AND THE VERTICAL DATUM IS REFERENCED TO NAVD 88. SEE BENCHMARKS SHEET 2.

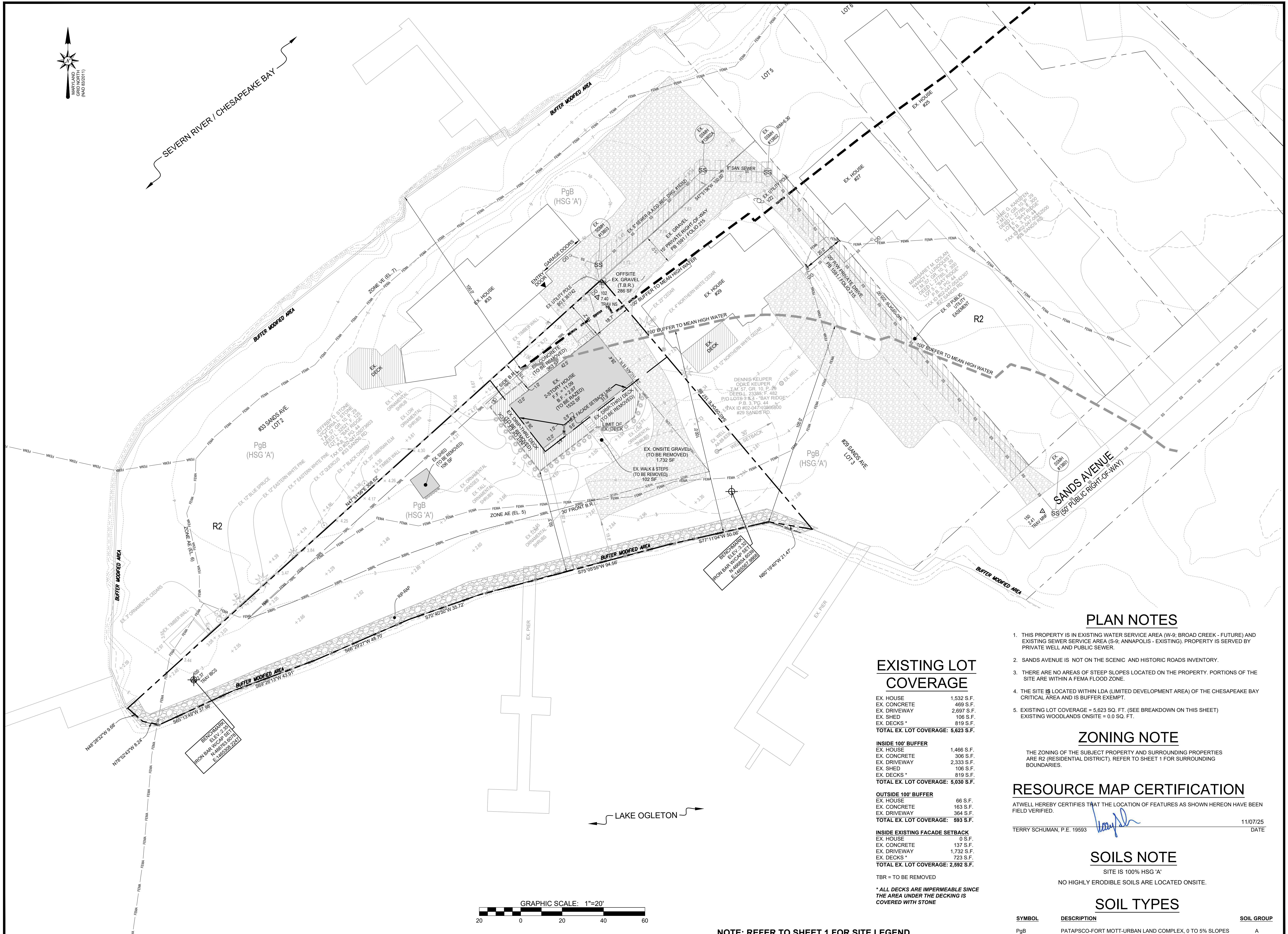
DRAWING INDEX

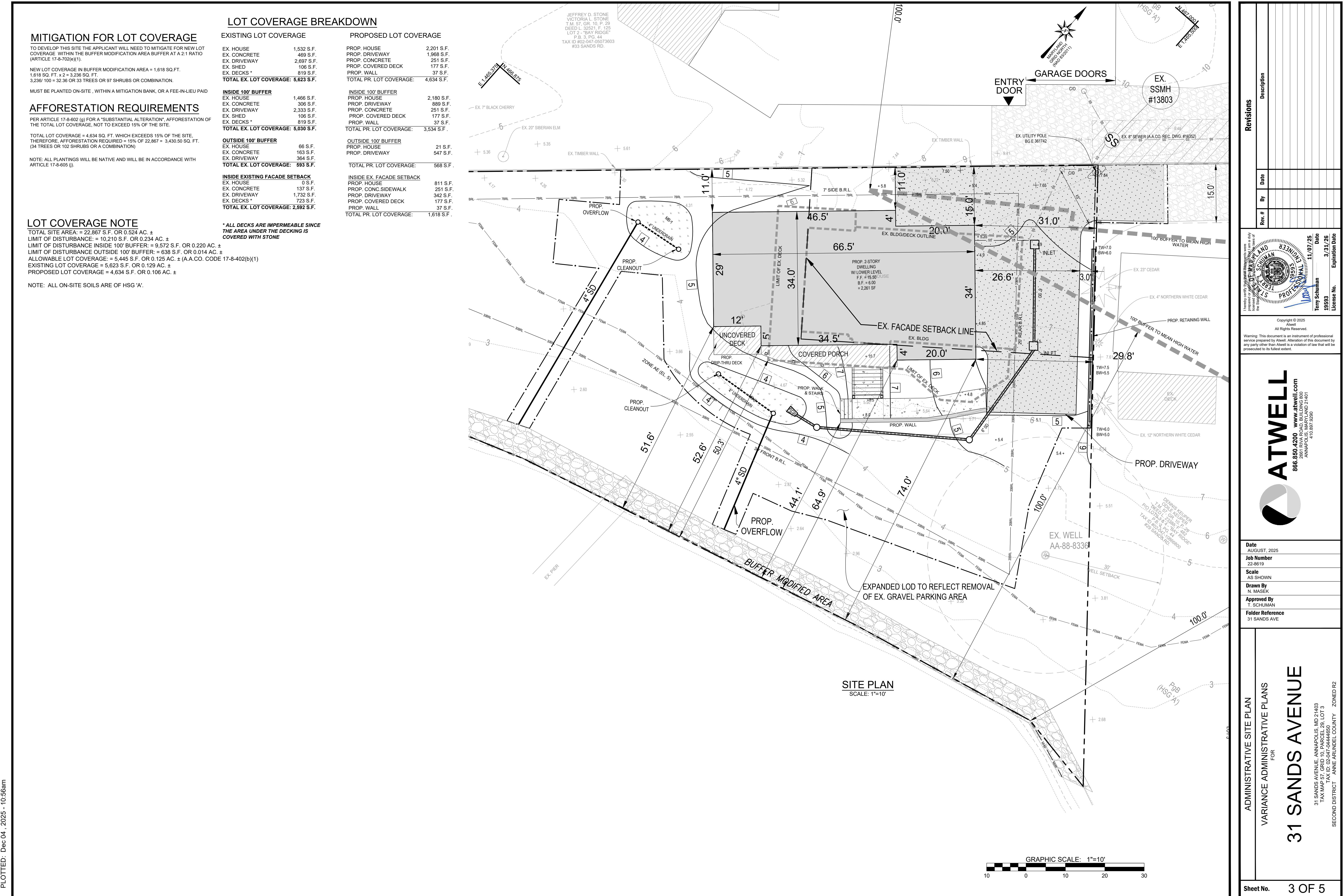
SHEET NO	SHEET TITLE
1 OF 5 COVER SHEET
2 OF 5 EXISTING SITE CONDITIONS & RESOURCE MAPPING PLAN
3 OF 5 ADMINISTRATIVE SITE PLAN
4 OF 5 ADMINISTRATIVE SITE PLAN
5 OF 5 ADMINISTRATIVE SITE PLAN

31 SANDS AVENUE

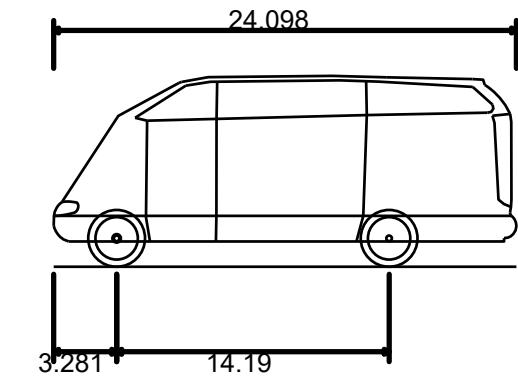
31 SANDS AVENUE ANNAPOLIS, MD 21403
1 E LAKE DR, GRID 10, PARCEL 29, LOT 3
SECOND DISTRICT ANNE ARUNDEL COUNTY ZONED R2

PLOTTED: Dec 04 , 2025 - 10:13am





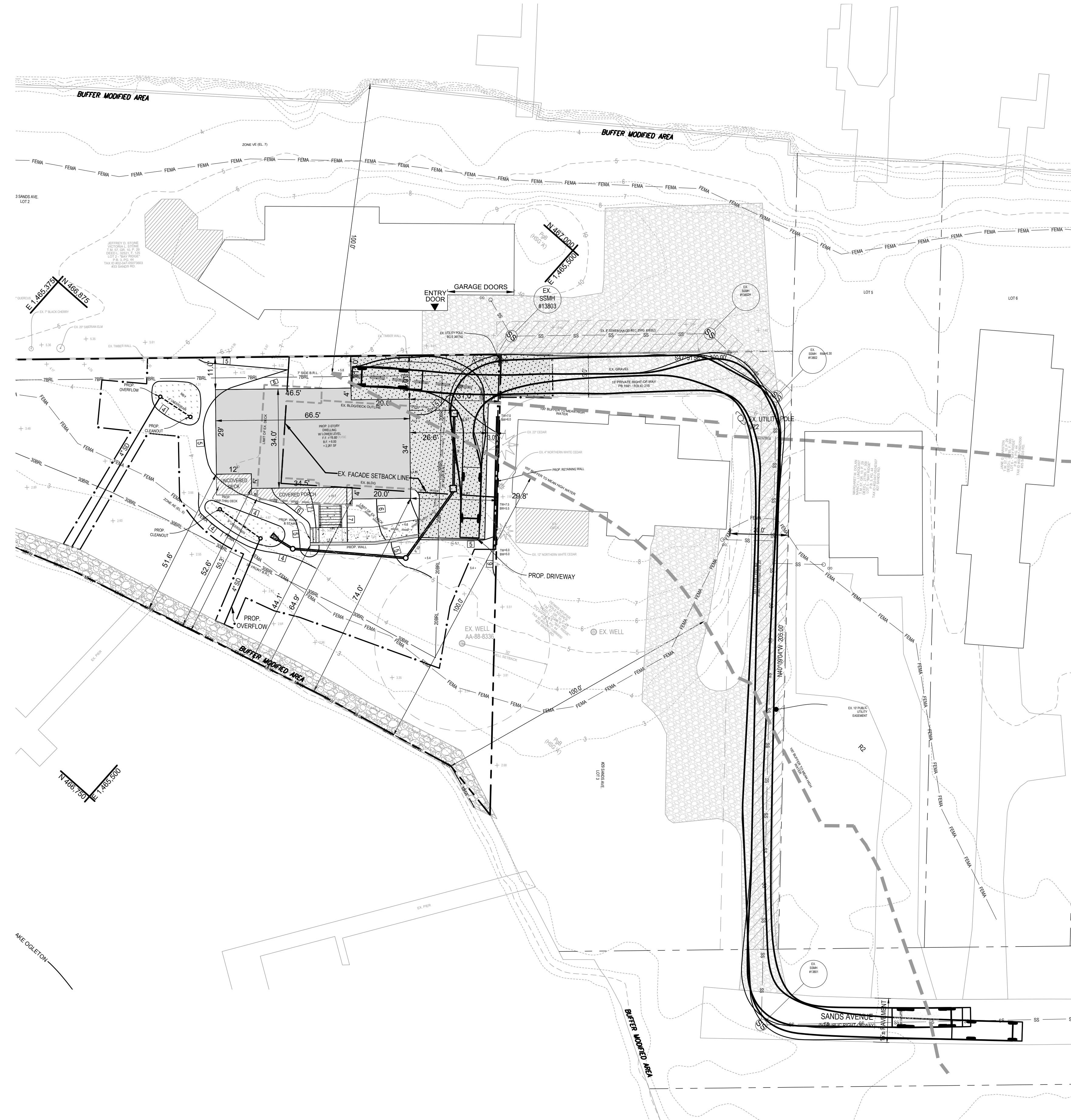
PLOTTED: Dec 04, 2025 - 10:13am



Mercedes Sprinter Panel Van 518CDI Extra Long Super High Roof	
Overall Length	24.098ft
Overall Width	6.539ft
Overall Body Height	9.942ft
Min Body Ground Clearance	1.312ft
Track Width	6.539ft
Lock-to-lock time	5.00s
Wall to Wall Turning Radius	25.591ft

PANEL VAN PROFILE

NOT TO SCALE



PANEL VAN TURNING MOVEMENT

SCALE: 1"=20'

A graphic scale bar consisting of a series of alternating black and white squares. Above the bar, the text "GRAPHIC SCALE: 1"=20'" is centered. Below the bar, numerical markings are present at 20, 0, 20, 40, and 60, with the 0 marking positioned in the center of the scale.

**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: 5/2/2025

Tax Map #	Parcel #	Block #	Lot #	Section
57	29	10	3	1

Tax ID: 2047-0444-4650

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) Bay Ridge

Project location/Address 31 Sands Avenue

City Annapolis

Zip 21403

Local case number

Applicant: Last name Raymond First name Herman

Company

Application Type (check all that apply):

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

Variance
Rezoning
Site Plan
Special Exception
Subdivision
Other

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

New lot coverage closer to shoreline in the BMA, principal structure not relatively in line

<p>Yes</p> <p>Intra-Family Transfer <input type="checkbox"/></p> <p>Grandfathered Lot <input type="checkbox"/></p>	<p>Yes</p> <p>Growth Allocation <input type="checkbox"/></p> <p>Buffer Exemption Area <input type="checkbox"/></p>
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Project Type (check all that apply)

<p>Commercial <input type="checkbox"/></p> <p>Consistency Report <input type="checkbox"/></p> <p>Industrial <input type="checkbox"/></p> <p>Institutional <input type="checkbox"/></p> <p>Mixed Use <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p>	<p>Recreational <input type="checkbox"/></p> <p>Redevelopment <input type="checkbox"/></p> <p>Residential <input checked="" type="checkbox"/></p> <p>Shore Erosion Control <input type="checkbox"/></p> <p>Water-Dependent Facility <input type="checkbox"/></p>
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SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area	0.524	22,867
RCA Area		
Total Area		

Total Disturbed Area	Acres	Sq Ft

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		
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	0.247	10,152	Buffer Forest Clearing		
Non-Buffer Disturbance	0.014	638	Mitigation		

Variance Type

Buffer	<input checked="" type="checkbox"/>
Forest Clearing	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>
Setback	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Not relatively in line

Structure

Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input type="checkbox"/>
Dwelling	<input checked="" type="checkbox"/>
Dwelling Addition	<input type="checkbox"/>
Garage	<input type="checkbox"/>
Gazebo	<input type="checkbox"/>
Patio	<input type="checkbox"/>
Pool	<input type="checkbox"/>
Shed	<input type="checkbox"/>
Other	<input type="checkbox"/>

CHESAPEAKE BAY CRITICAL AREA REPORT

for

31 Sands Avenue
Anne Arundel County, Maryland

Atwell Job #22-8619

Prepared for:

Raymond J. Herman
25 Chaney Cay Road
Largo, Florida 33037

Prepared by:

 **ATWELL**
2661 Riva Road, Building 800
Annapolis, Maryland 21401
Phone: (410) 897-9290

Kenneth R. Wallis

Kenneth R. Wallis, PWS

December 4, 2025

PROJECT LOCATION AND EXISTING CONDITIONS

31 Sands Avenue (Tax Map 57, Grid 10, Parcel 29, Lot 3) is a 0.52-acres (22,867 sq. ft.) parcel located west of Sands Avenue in Annapolis, Anne Arundel County, Maryland (Figure 1). The property is bordered by existing residential properties to the north and east. Currently, the property contains a single-family home, a driveway, a pier, and a maintained yard (Figure 2). The entire property is located within the Chesapeake Bay Critical Area. The Critical Area classification is LDA (buffer modified). The existing and proposed conditions are shown in the *Existing Site Conditions & Resource Mapping Plan* and *Administrative Site Plan*, prepared by Atwell, LLC. This property fronts Lake Ogleton, a tributary of the Severn River of the Chesapeake Bay.

PROPOSED DEVELOPMENT

The applicant is proposing to construct a new single-family home in the same general location as the current house situated on the property. The proposed house location is depicted on the enclosed *Administrative Site Plan*. This plan shows the location of the existing house, driveway, and decks on the property.

Forest Clearing

The property does not contain any classifiable forest or existing trees but does contain shrubs and ornamental grasses along the house and shed. No trees will be removed during the construction of the proposed project.

Stormwater Management

Stormwater management for the lot coverage will be handled through the use of two micro-bioretention areas. The locations of these two micro-bioretention facilities are depicted on the *Administrative Site Plan* and will be located south and west of the proposed house.

Impervious Surface

Due to the nature of the proposed project, impervious surface coverage will increase with the construction of the new proposed house. The current impervious surface coverage on the property totals 5,623 square feet or 24.6% of the site. The new house, overhang, driveway, and concrete will decrease impervious coverage on the site to 4,634 square feet (20.3%) of the site. The proposed condition is below the maximum lot coverage allowed for the site as listed in the Lot Coverage Note on the *Administrative Site Plan*.

HABITAT PROTECTION AREAS

Wetlands and Streams

A wetland evaluation, in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* by Kenneth R. Wallis (P.W.S.) of Atwell, LLC was completed on the property. The property is bordered by Lake Ogleton to the south and the entire southwestern edge of the property is lined with revetment along the water's edge. No tidal or non-tidal wetlands were identified on the property during the course of the field work.

Rare, Threatened & Endangered Species

A formal request for an environmental review of rare, threatened, or endangered species has been submitted to the Maryland Department of Natural Resources, Wildlife and Heritage Division. A copy of the response letter dated March 11, 2025, can be found in Appendix A of this report. No rare, threatened, or endangered species were identified on the property during the course of the critical area field work.

Colonial Waterbird Nesting Sites

No colonial waterbird nesting sites are mapped in the vicinity of the project. It is unlikely, they would be affected by the construction of a new house since it is within an existing maintained yard and immediately adjacent to existing houses on adjacent properties.

Waterfowl Staging Areas and Nesting Sites

The DNR Environmental Review response letter indicates that the open water areas adjacent to the site are known historic waterfowl concentration and staging areas. It is unlikely these areas would be affected by the construction of the proposed house as no water disturbance or water dependent facilities are proposed.

Shellfish Beds

According the MDMERLIN shellfish beds are mapped within Lake Ogleton and the Severn River. However, no disturbance is proposed to tidal waters, so these beds should not be affected.

Anagomous Fish Spawning Area

Anagomous Fish sites may occur in the vicinity of the project. No disturbance is proposed to tidal waters so it is unlikely the proposed project would affect these fishes.

Forest Interior Dwelling Bird Species

A Forest Interior Dwelling Bird species (FIDS) survey is not required because there is no forest or FIDS habitat on the developed lot. No forest or trees will be removed to construct the new house.

Steep Slopes

Steep slopes are any slopes 15% and greater in the Chesapeake Bay Critical Area. Steep slopes do not exist on the property.

EXISTING VEGETATIVE COVER

A site visit was completed on the property on January 30, 2025. Numerous ornamental shrubs and grasses exist along the house and shed on the property. The location of the shrubs and grasses are depicted on the enclosed *Administrative Site Plan*.

WILDLIFE

The only wildlife encountered on the property were numerous small birds.



FIGURE 1 ANNE ARUNDEL COUNTY – VICINITY MAP

CREDIT DEPARTMENT OF NATURAL RESOURCES MERLIN GIS
(NOT TO SCALE)

31 SANDS AVENUE
ANNAPOLIS, MARYLAND 21403



FIGURE 2

AERIAL IMAGERY

CREDIT – NAIP/USDA_CONUS_PRIME (2016)
(NOT TO SCALE)

31 SANDS AVENUE
ANNAPOLIS, MARYLAND 21403

Appendix A



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 11, 2025

Mr. Kenneth R. Wallis
Atwell, LLC
2661 Riva Road
Building 800
Annapolis, MD 21401

RE: Environmental Review for 31 Sands Avenue, Annapolis, Anne Arundel County, Maryland.

Dear Mr. Wallis:

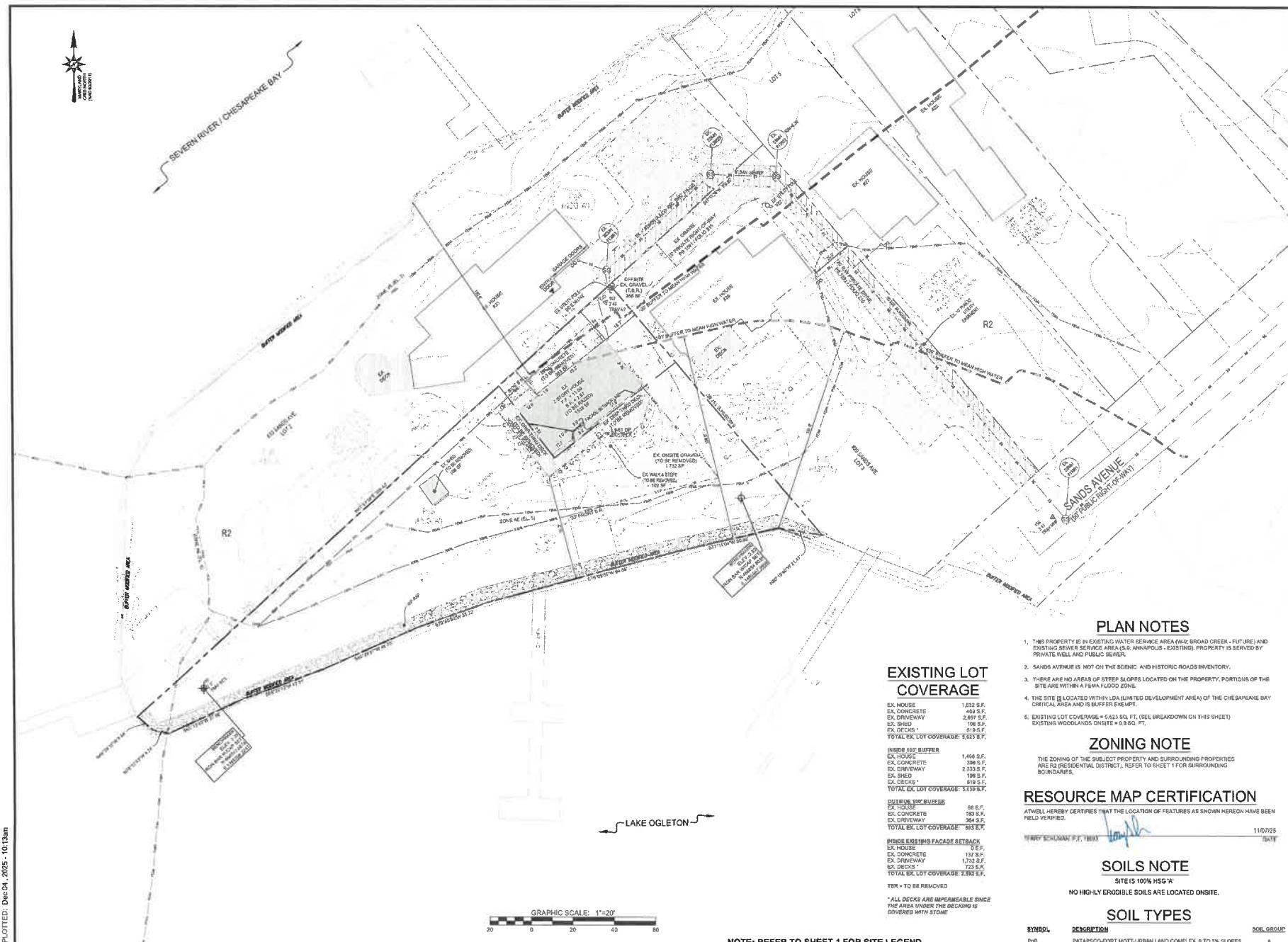
The Wildlife and Heritage Service has determined that there are no State or Federal records for rare, threatened or endangered species within the boundaries of the project site as delineated. However, we would like to point out that the open waters that are adjacent to or part of the site are known historic waterfowl concentration and staging areas. These are recognized areas of open water and wetlands adjacent to land that are utilized by significant numbers of ducks, geese, and swans for feeding and resting during the winter months. These areas in close proximity to the shore are vital, as they provide SAV, clams and other invertebrates that serve as primary food sources for many of these birds. A variety of waterfowl species can be found in such areas, building energy reserves for their upcoming migrations. If there is to be any construction of water-dependent facilities please contact Kayla M. Harvey of the Wildlife and Heritage Service at 410-260-8589 or kaylam.harvey@maryland.gov for further technical assistance regarding waterfowl.

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

ER# 2025.0449.aa
Cc: K. Harvey, DNR
J. Homyack, DNR
C. Jones, CAC



31 SANDS AVENUE

31 SANDS AVENUE, ANNAPOLIS, MD 21403
TAX MAP #7, GRID 10, PARCEL 29, LOT 3

SECOND DISTRICT ANNE ARUNDEL COUNTY TAX ID: 02-047-0444650 ZONE R2

SECOND DISTRICT



December 3, 2025

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401

Attention: OPZ Staff

Re: VARIANCE POINT-BY-POINT RESPONSE TO PRE-FILE COMMENTS

**2025-0108-P
HERMAN RESIDENCE
31 SANDS AVENUE
ANNAPOLIS, MD 21403
TM 57, GRID 10 PARCEL 29**

The following is a point-by-point response to the Pre-File submittal dated November 7, 2025. We have organized the comments (copies attached) and our respective responses are as follows:

<u>Review Agency</u>	<u>Page</u>
Inspection and Permits/Engineering Section	2

I trust that our responses and plans will be forwarded to the appropriate agencies for review of this variance submittal. If you should have any questions or comments, please do not hesitate to contact me.

Thank you for your efforts in this regard.

Sincerely,
ATWELL, LLC

Terry Schuman

Terry L. Schuman, P.E.
Director

cc: client, file

The following is a point-by-point response to the comments prepared by the Inspection and Permits Section:

Inspection and Permits

Comment 1: On Sheet 3 of the Administrative Site Plan, there appears to be grading for Micro-bio 2 (MB-2) within the FEMA floodplain.

Response 1. *The grading has been adjusted to remove any grading for MB-2 within the FEMA boundary.*

Comment 2. On Sheet 3 of the Administrative Site Plan, on the southeastern side of the property, near the proposed driveway and proposed wall, the proposed spot elevations do not correspond with the proposed elevation contours.

Response 2. *The contours and grade spot shots have been corrected.*

Comment 3. Add the recordation reference liber and folio for the existing gravel 15' Right-of-Way and label whether or not it is public or private.

Response 3. *The r/w's are "private" and have been labeled on the plans along with a reference to the PB 1591 Page 215 that established the r/w lines.*

Comment 4. Please note that all surfaces must be treated within the LOD, and more management at a specific location to account for untreated areas is not permitted for single-family home development.

Response 4. *Comment acknowledged. Compliance will be provided with the permit plans.*

Comment 5. Label the topo contours between the proposed dwelling and the adjacent property at #33 Sands Avenue.

Response 5. *The topo labels have been added*

Comment 6. On Sheet 3 of the Administrative Site Plan, there is an arrow leader line labeled as "Prop. Overflow" pointing to an existing 4 ft contour on the southeastern side of the property. However, it is not clear what it is referring to. Revise as needed.

Response 6. *The arrow and note have been relocated to the MB-2 where it should have been located.*

Comment 7. On Sheet 3 of the Administrative Site Plan, the LOD appears excessive on the southeastern side of the property towards the water. Revise as needed.

Response 7. *The LOD is not excessive but rather needed to reflect the true LOD to allow the existing gravel driveway to be removed. A clarifying note has been added to sheet 3.*

Comment 8. On Sheet 3 of the Administrative Site Plan, under the Lot Coverage Breakdown chart, in the Proposed Lot Coverage section, the components listed under "Inside 100' Buffer" do not add up to the Total Proposed Lot Coverage.

Response 8. *The proposed driveway number was incorrect and the tables have been corrected. All of the proposed totals were correct.*

Comment 9. The sewer house connection located near the northwestern boundary of the project site from its cleanout to Sanitary Sewer Manhole (SSMH #13803) crosses the 33 Sands Ave property outside of the sewer utility easement. Additionally, this sewer utility easement does not follow the shared property line, thus causing discontinuity between the sewer utility easement and the project site (at 31 Sands Ave). The sewer house connection for the 31 Sands Ave property must be within an easement once it is offsite..

Response 9. *The plans have been corrected to depict the PUE which does plat up against the common property line. There is no discontinuity the sewer easement and the property at 31 Sands Avenue.*

If you should have any questions, please contact Terry Schuman of Atwell, LLC at 410-897-9290.



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

Lot size is actually
22,867 SF

PRE-FILE #: 2025-0108-P
DATE: 11/24/2025
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)
Stacy Poulos (OPZ)
Jean Janvier (I&P)

LOT SIZE: ~~17,424 sf~~

APPLICANT/REPRESENTATIVE: Ben Wechsler, YVS Law/ Raymond Herman

EMAIL: bwechsler@yvslaw.com / RHerman@Herman-Stewart.com

SITE LOCATION: 31 Sands Ave., Annapolis

ZONING: R2 CA DESIGNATION: LDA BMA: yes or BUFFER:

APPLICATION TYPE: Variance

DESCRIPTION:

The Applicant wishes to raze the existing home on the Property and construct a new two-story home that will be more flood resilient, more easily accessible, and better suited for aging in place. The new structure will reduce overall lot coverage within 100-feet of the water from 4,211 sf to 3,534, sf (a decrease of 17.6%) and will facilitate the installation of greatly improved stormwater management. Requesting a variance to 17-8-702(b)(1) to allow new lot coverage to be placed nearer to the shoreline than the closest facade of the existing principal structure.

COMMENTS:

I & P Engineering:

1. On Sheet 3 of the Administrative Site Plan, there appears to be grading for Micro-bio 2 (MB-2) within the FEMA floodplain.
2. On Sheet 3 of the Administrative Site Plan, on the southeastern side of the property, near the proposed driveway and proposed wall, the proposed spot elevations do not correspond with the proposed elevation contours.
3. Add the recordation reference liber and folio for the existing gravel 15' Right-of-Way and label whether or not it is public or private.
4. On Sheet 3 of the Administrative Site Plan, the LOD lines near the driveway on the northern side of the property appear to be duplicated. Revise as needed.
5. Label the topo contours between the proposed dwelling and the adjacent property at #33 Sands Avenue.
6. On Sheet 3 of the Administrative Site Plan, there is an arrow leader line labeled as "Prop. Overflow" pointing to an existing 4 ft contour on the southeastern side of the property. However, it is not clear what it is referring to. Revise as needed.
7. On Sheet 3 of the Administrative Site Plan, the LOD appears excessive on the southeastern side of the property towards the water. Revise as needed.
8. On Sheet 3 of the Administrative Site Plan, under the Lot Coverage Breakdown chart, in the Proposed Lot Coverage section, the components listed under "Inside 100' Buffer" do not add up to the Total Proposed Lot Coverage.
9. The sewer house connection located near the northwestern boundary of the project site from its cleanout to Sanitary Sewer Manhole (SSMH #13803) crosses the 33 Sands Ave property outside of the sewer utility easement. Additionally, this sewer utility easement does not follow the shared property line, thus causing discontinuity between the sewer utility easement and the project site (at 31 Sands Ave). The sewer house connection for the 31 Sands Ave property must be within an easement once it is offsite.

Critical Area Team: Based on the overall reduction in coverage and maximization of the buffer to the extent practical, I have no objection to this proposal.

Cultural Resources Section: The Cultural Resources Section has no objection to this variance. While this property is located in the Bay Ridge Historic District (AA-950), it is non-contributing. This project presents no adverse effect to the district.

The Cultural Resources Section may require a site visit for review of a grading permit application to document any potential archaeological impacts, if new subsurface grading is proposed beyond the footprint of the existing house.

Zoning Administration Section:

This application has been determined to be substantially different enough to move forward in the variance process after receiving a denial on a previous application within 18 months.

Many proposals could be minimized. This one is no different. The onus is on the applicant to show how this is the minimum necessary to afford relief.

Site plan: provide the proposed height in feet on the site plan within the footprint area of the house.

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.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER: 2025-0082-V

RAYMOND J. HERMAN

SECOND ASSESSMENT DISTRICT

DATE HEARD: JULY 10, 2025

ORDERED BY:

DOUGLAS CLARK HOLLMANN
ADMINISTRATIVE HEARING OFFICER

PLANNER: **SARA ANZELMO**

DATE FILED: **JULY 22, 2025**

PLEADINGS

Raymond J. Herman, the applicant, seeks a variance (2025-0082-V) to allow a dwelling and associated facilities with less setbacks than required, that does not comply with the designated location of a principal structure on a waterfront lot and with new lot coverage nearer to the shoreline on property with a street address of 31 Sands Avenue, Annapolis, MD 21403.

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 300 feet of the subject property was notified by mail, sent to the address furnished with the application. Terry Schuman testified that the property was posted for more than 14 days prior to the hearing and submitted the affidavit of Christopher McKenna to that effect (Applicant's Exhibit 1). Therefore, I find and conclude that there has been compliance with the notice requirements.

FINDINGS

A hearing was held on July 10, 2025, in which the witnesses were sworn and the following was presented regarding the proposed variance requested by the applicant.

The Property

The applicant owns the subject property which has frontage along the northwest side of Sands Avenue in Annapolis (Tax ID: 2047-0444-4650). It is known as Part of Lots 3 and 4 of Parcel 29 in Block 10 on Tax Map 57 in the Bay Ridge subdivision. The property comprises 22,867 square feet and is zoned R2 – Residential District. This waterfront lot on Lake Ogleton is designated in the Chesapeake Bay Critical Area as limited development area (LDA) and is mapped in a buffer modification area (BMA).

The site is currently developed with a two-story single-family dwelling with a basement, a pier, a shed, and other associated facilities.

The Proposed Work

The proposal calls to demolish the existing house and to construct a new, irregularly-shaped, two-story dwelling with a basement. The dwelling footprint would measure 2,105 square feet plus a covered deck of 216 square feet for a total dwelling coverage of 2,321 square feet as shown on the site plan admitted into evidence at the hearing as County Exhibit 2.

The Anne Arundel County Code

§ 17-8-702(b)(1) provides that in a BMA no new lot coverage shall be placed nearer to the shoreline than the closest façade of the existing principal structure. The proposed new dwelling would project nearer to the shoreline than both the southeastern and the southwestern façades of the existing dwelling,

necessitating a variance to allow approximately 686 square feet of new critical area lot coverage nearer to the shoreline.¹

The Variance Requested

The proposed work will require a critical area variance to the prohibition in § 17-8-702(b)(1) that no new lot coverage shall be placed nearer to the shoreline than the closest façade of the existing principal structure to allow the applicant to construct the proposed dwelling and associated facilities as shown on County Exhibit 2.

The Evidence Submitted At The Hearing

Findings and Recommendations of the Office of Planning and Zoning (OPZ)

Sara Anzelmo, a zoning analyst with the OPZ, presented the following findings:

- The subject property is pie-shaped and meets the recently amended minimum lot area and width required for a lot served by public sewer in an R2 District. (See Bill 72-24, effective July, 1, 2025). The existing critical area lot coverage is 4,804 square feet. The proposed coverage would be reduced to 4,580 square feet, which falls well below the maximum 5,445 square feet allowed.
- A review of the 2024 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. The homes occupy a variety of lot shapes and sizes, many of which were developed prior to the enactment of

¹ OPZ has determined that the zoning setback variance and the locational (relatively in line) variance that were advertised are not required for this proposal.

critical area laws. According to State tax assessment records, the subject dwelling was originally constructed in 1964; however, it appears to have been updated since that time.

- The State Critical Area Commission commented that they are opposed to this variance request. They submitted a formal letter detailing the critical area variance standards and demonstrating that not all of the standards have been met. The Commission concluded that granting a variance to permit the proposed dwelling and associated improvements closer to the shoreline than the existing structure's nearest façade would conflict with the express intent and goals of the Critical Area Law. The applicant has a feasible alternative to rebuild within the existing footprint, and failing to do so disregards the legal requirement that variances be the minimum necessary and not result in avoidable adverse impacts to water quality or habitat. A copy of the full letter is included in the County exhibits.
- The Development Division (Critical Area Team) commented that the Blue Line as shown on the site plan has no bearing on this request or the development of this property. The applicant argues that this request is necessary in order to build a reasonably sized home on this site. The existing home is a 5 BR, 2,600 square foot dwelling which could be replaced without the need for the requested variances. One can easily argue that, given the constraints of the site, the current footprint/size is more than reasonable. It is the Team's opinion that greater effort could be made to minimize the impacts

by utilizing a smaller footprint. Should the Administrative Hearing Officer find that the application meets the standards for approval, mitigation will be determined at permitting and buffer establishment will be required.

- The Health Department did not take a position on the variance request, but they noted that additional information is needed regarding the proposed stormwater management. No other comments were provided.
- The Engineering Division of the Office of Inspections and Permits reviewed the proposal and provided a detailed list of engineering and utility issues that will need to be addressed if the variance is approved. The Division conditionally recommends approval, subject to the comments being addressed. A copy of the full comment is included in the County exhibits.

- The Cultural Resources Section has no objection to the proposed variance. While this property is located in the Bay Ridge Historic District (AA-950), it is non-contributing. This project presents no adverse effect to the district.
- For the granting of a critical area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship preventing development of the lot. In this particular case, the property has water on the south and west sides and is encumbered by the Buffer Modification Area and associated restrictions. However, denial of the variance would not prevent redevelopment of this waterfront site.

- A literal interpretation of the County's Critical Area Program would not deprive the applicant of rights that are commonly enjoyed by other properties in similar areas. The 100-foot BMA generously allows for redevelopment without a variance, as long as there is no new lot coverage nearer to the shoreline than the closest façade(s) of the existing principal structure. There is ample opportunity to redevelop the property in the areas behind the southwest and southeast façades, while still providing for a reasonable sized dwelling. The granting of the variance would confer on the applicant a special privilege 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 may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. In fact, as noted in the Critical Area Commission's letter, ecologically sensitive properties such as this are purposefully protected within the Critical Area regulations and the County's Critical Area Program because of their importance in meeting the goals of the Critical Area law, which are to: (1) Minimize adverse impacts on water quality that result from development, (2) Conserve fish, wildlife, and plant habitat, and (3) Establish land use policies that accommodate development while recognizing that development adversely affects the first

two goals. The applicant has not overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and has not evaluated or implemented site planning alternatives to the satisfaction of the County Critical Area Team or the State Critical Area Commission.

- With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. However, this proposal would place new lot coverage 15.52 feet nearer to the shoreline on the southeastern side and approximately 18 feet nearer to the shoreline on the southwestern side. With the newly reduced 20-foot minimum rear setback provided under Bill 72-24, the house could be designed in a manner that better utilizes the area to the northeast of the proposed dwelling. Similarly, with the newly increased 50-foot maximum principal structure height allowed in the R2 District, the applicant could consider a third story to achieve their desired living space. Because other redevelopment options exist that would easily eliminate the need for any variances, the variance request is not warranted and cannot be considered the minimum necessary to afford relief.
- Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, OPZ recommends *denial* of the proposed variance.

Other Testimony and Exhibits

The applicant was assisted at the hearing by Terry Schuman of Atwell, the applicant's engineer, and by his architects, Leo Wilson and Sandie Martino of the architectural firm of Hammond Wilson. Evidence was presented that the applicant's property is triangular in shape with the long side of the triangle being on tidal water. The applicant wants to remove the existing dwelling on the property and shift the footprint of the new dwelling to the west to provide needed parking on the east side of the dwelling. This would allow the current location for parking vehicles on the property to be converted to a stormwater management device. The proposed work will substantially improve the environmental features on the property and, although the new dwelling will be slightly larger than the one that will be removed, it will not be out of character for the community. Applicant's Exhibit 8 showed the relationship of the proposed new dwelling to other homes in the community.

The applicant argued that the hardship he faces in developing his property is the triangular shape of the land and the "tiny little house" he wants to replace. The prohibition against new lot coverage closer to the shoreline on these facts severely limits what the applicant can do with the property, given its shape and the reduced size of the existing dwelling. Furthermore, it is accessed by a one-lane road and all vehicles must be parked on the property.

Letters of support from Dennis Keuper at 29 Sands Avenue and Jeffrey Stone at 33 Sands Avenue were received into evidence as Applicant's Exhibit 5.

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.) “Given these provisions of the State criteria for the grant of a variance, the burden on the applicant is very high.”

Becker v. Anne Arundel County, 174 Md. App. 114, 124; 920 A.2d 1118, 1124 (2007).

In *Becker v. Anne Arundel County, supra*, 174 Md. App. at 131; 920 A.2d at 1128, the Court of Special Appeals discussed the history of the critical area law in reviewing a decision from this County. The court’s discussion of the recent amendments to the critical area law in 2002 and 2004, and the elements that must be satisfied in order for an applicant to be granted a variance to the critical area, is worth quoting at length:

In 2002, the General Assembly amended the [critical area] law. . . . The amendments to subsection (d) provided that, (1) in order to grant a variance, the Board had to find that the applicant had satisfied each one of the variance provisions, and (2) in order to grant a variance, the Board had to find that, without a variance, the applicant would be deprived of a use permitted to others in accordance with the provisions in the critical area program. . . . The preambles to the bills expressly stated that it was the intent of the General Assembly to overrule recent decisions of the Court of Appeals, in which the Court had ruled that, (1) when determining if the denial of a variance would deny an applicant rights commonly enjoyed by others in the critical area, a board may compare it to uses or development that predated the critical area program; (2) an applicant for a variance may generally satisfy variance standards rather than satisfy all standards; and, (3) a board could grant a variance if the critical area program would deny development on a specific portion of the applicant's property rather than considering the parcel as a whole.

...

In 2003, the Court of Appeals decided *Lewis v. Dept. of Natural Res.*, 377 Md. 382, 833 A.2d 563 (2003). *Lewis* was decided under the law as it existed prior to the 2002 amendments (citation omitted), and held, *inter alia*, that (1) with respect to variances in buffer areas, the correct standard was not whether the property owner retained reasonable and significant use of the property outside of the buffer, but whether he or she was being denied reasonable use within the buffer, and (2) that the unwarranted hardship factor was the determinative consideration and the other factors merely provided the board with guidance. *Id.* at 419-23, 833 A.2d 563.

Notwithstanding the fact that the Court of Appeals expressly stated that *Lewis* was decided under the law as it existed prior to the 2002 amendments, in 2004 Laws of Maryland, chapter 526, the General Assembly again amended State law by enacting the substance of Senate Bill 694 and House Bill 1009. The General Assembly expressly stated that its intent in amending the law was to overrule *Lewis* and reestablish the understanding of unwarranted hardship that existed before being “weakened by the Court of Appeals.” In the preambles, the General Assembly recited the history of the 2002 amendments and the *Lewis* decision. The amendment changed the definition of unwarranted hardship [found in § 8-1808(d) (2) (i)] to mean that, “without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.” (Emphasis added.)

The question of whether the applicant is entitled to the variances requested begins, therefore, with the understanding that, in addition to the other specific factors that must be considered, the applicant must overcome the presumption, “that the specific development in the critical area that is subject to the application … does not conform to the general purpose and intent of [the critical area law].”² Furthermore, the applicant carries the burden of convincing the Hearing Officer “that the applicant has satisfied each one of the variance provisions.”³ (Emphasis

² § 8-1808(d) (2) (ii) of the Natural Resources Article. References to State law do not imply that the provisions of the County Code are being ignored or are not being enforced. If any difference exists between County law and State law, or if some State criteria were omitted from County law, State law would prevail. *See*, discussion on this subject in *Becker v. Anne Arundel County, supra*, 174 Md. App. at 135; 920 A.2d at 1131.

³ § 8-1808(d) (4) (ii).

added.) “Anne Arundel County’s local critical area variance program contains ... separate criteria. ...Each of these individual criteria must be met.” *Becker v. Anne Arundel County, supra*, 174 Md. App. at 124; 920 A.2d at 1124. (Emphasis in original.) In other words, if the applicant fails to meet just *one* of these criteria, the variance is *required* to be denied.

In *Assateague Coastal Trust, Inc. v. Roy T. Schwalbach, et al.*, 448 Md. 112, 2016, the Court of Appeals grappled with the phrase “unwarranted hardship,” and asked if “an applicant [must] demonstrate a denial of *all* reasonable and significant use of the entire property, or must the applicant show a denial of *a* reasonable and significant use of the entire property?” (At page 14.) The Court concluded, on page 28, that:

In summary, in order to establish an unwarranted hardship, the applicant has the burden of demonstrating that, without a variance, the applicant would be denied a use of the property that is both significant and reasonable. In addition, the applicant has the burden of showing that such a use cannot be accomplished elsewhere on the property without a variance. (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

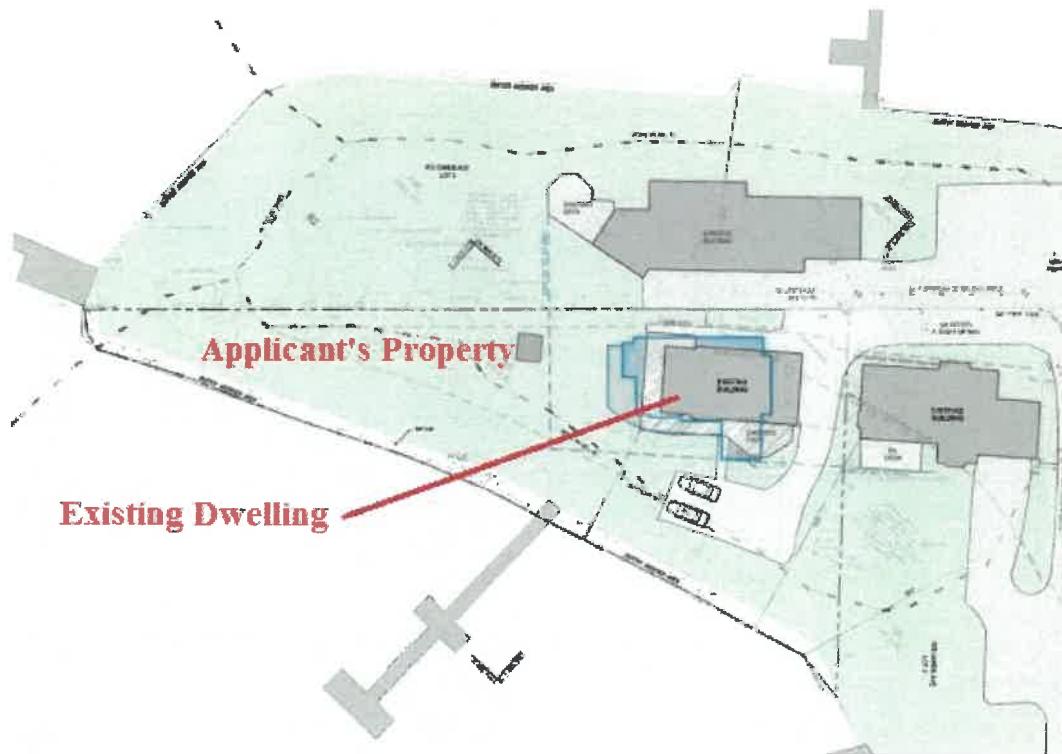
The Property

The following enhanced aerial photograph shows the environmentally sensitive nature of the applicant's property which is located off Chesapeake Bay at the entrance into Lake Ogleton:



What The Applicant Wants To Do

The applicant wants to raze the existing dwelling on the property and replace it with a larger structure. The existing and proposed conditions are shown by the following exhibit:



The existing dwelling is shown in gray; the larger size of the proposed replacement dwelling is shown in blue. The footprint of the new dwelling has been shifted to the left to provide room for cars outside the existing parking area that will be converted to stormwater management devices.

The Decision

The question in this case is whether the applicant can show that denying him the requested critical area variance would cause him an unwarranted hardship, as that term is defined in the *Assateague Coastal Trust* opinion quoted above. What the applicant wants is a larger home closer to the shoreline than the one he has. Denying the requested variance would not deny the applicant a use of his property that is both significant and reasonable. He already has full use of his property. The existing dwelling, as per the Critical Area Team, has 5 bedrooms. The State Department of Assessment and Taxation (SDAT) lists the existing dwelling with 2,682 square feet of above grade living space. The existing dwelling is one of the smallest homes in Bay Ridge but, as the applicant admits, the others are on more conventional lots and some are not on the water.

The “no lot coverage closer to the shoreline rule” was enacted to limit if not stop the gradual expansion of structures that had already been built on sensitive environmental properties such as the applicant’s property. Otherwise, the buffer would be nibbled away by a million tiny bites. The applicant can rebuild the existing dwelling and keep what he has, but a variance to add lot coverage to a

sensitive property such as this cannot be granted under the strict rules set down by the legislature and the courts as described above.

ORDER

PURSUANT to the application of Raymond J. Herman, petitioning for a variance to allow a dwelling and associated facilities with less setbacks than required, that does not comply with the designated location of a principal structure on a waterfront lot and with new lot coverage nearer to the shoreline on property with a street address of 31 Sands Avenue, Annapolis, MD 21403;

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this **22nd day of July, 2025**,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the application is **denied**.

/s/

Douglas Clark Hollmann
Administrative Hearing Officer

NOTICE TO APPLICANT

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.

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

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

APPLICANT: Raymond J. Herman

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0082-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: July 10, 2025

PREPARED BY: Sara Anzelmo
Planner

SAR

REQUEST

The applicant is requesting a variance to allow a dwelling and associated facilities with less setbacks than required, that does not comply with the designated location of a principal structure on a waterfront lot, and with new lot coverage nearer to the shoreline than the closest facade of the existing principal structure on property located at 31 Sands Avenue in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 22,867 square feet of land and is located on the northwest side of Sands Avenue. It is identified as Part of Lots 3 and 4 of Parcel 29 in Block 10 on Tax Map 57 in the subdivision of Bay Ridge.

The property is zoned R2 – Residential District. This waterfront lot on Lake Ogleton lies within the Chesapeake Bay Critical Area, is designated as LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a two-story single-family detached dwelling with a basement, a pier, a shed, and other associated facilities.

PROPOSAL

The applicant proposes to demolish the existing house and to construct a new, irregularly-shaped, two-story dwelling with a basement. The dwelling footprint would measure 2,105 square feet plus a covered deck of 216 square feet for a total dwelling coverage of 2,321 square feet.

REQUESTED VARIANCES

§ 17-8-702(b)(1) of the Anne Arundel County Subdivision and Development Code provides that in a BMA – Buffer Modification Area no new lot coverage shall be placed nearer to the shoreline than the closest façade of the existing principal structure. The proposed new dwelling would project nearer to the shoreline than both the southeastern and the southwestern facades of the existing dwelling, necessitating a variance to allow approximately 686 square feet of new critical area lot coverage nearer to the shoreline.

This Office has determined that the zoning setback variance and the locational (relatively in line) variance that were advertised are not required for this proposal.

FINDINGS

The subject property is pie-shaped and meets the recently amended minimum lot area and width required for a lot served by public sewer in an R2 District. (See Bill 72-24, effective July 1, 2025). The existing critical area lot coverage is 4,804 square feet. The proposed coverage would be reduced to 4,580 square feet, which falls well below the maximum 5,445 square feet allowed.

A review of the 2024 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. The homes occupy a variety of lot shapes and sizes, many of which were developed prior to the enactment of critical area laws. According to State tax assessment records, the subject dwelling was originally constructed in 1964; however, it appears to have been updated since that time.

The State Critical Area Commission commented that they are opposed to this variance request. They submitted a formal letter detailing the critical area variance standards and demonstrating that not all of the standards have been met. The Commission concluded that granting a variance to permit the proposed dwelling and associated improvements closer to the shoreline than the existing structure's nearest façade would conflict with the express intent and goals of the Critical Area Law. The applicant has a feasible alternative to rebuild within the existing footprint, and failing to do so disregards the legal requirement that variances be the minimum necessary and not result in avoidable adverse impacts to water quality or habitat. A copy of the full letter is included in the County exhibits.

The Development Division (Critical Area Team) commented that the Blue Line as shown on the site plan has no bearing on this request or the development of this property. The applicant argues that this request is necessary in order to build a reasonably sized home on this site. The existing home is a 5 BR, 2,600 square foot dwelling which could be replaced without the need for the requested variances. One can easily argue that, given the constraints of the site, the current footprint/size is more than reasonable. It is the Team's opinion that greater effort could be made to minimize the impacts by utilizing a smaller footprint. Should the Administrative Hearing Officer find that the application meets the standards for approval, mitigation will be determined at permitting and buffer establishment will be required.

The Health Department did not take a position on the variance request, but they noted that additional information is needed regarding the proposed stormwater management. No other comments were provided.

The Engineering Division of the Office of Inspections and Permits reviewed the proposal and provided a detailed list of engineering and utility issues that will need to be addressed if the variance is approved. The Division conditionally recommends approval, subject to the comments being addressed. A copy of the full comment is included in the County exhibits.

The Cultural Resources Section has no objection to the proposed variance. While this property is located in the Bay Ridge Historic District (AA-950), it is non-contributing. This project presents no adverse effect to the district.

For the granting of a critical area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship

preventing development of the lot. In this particular case, the property has water on the south and west sides and is encumbered by the BMA - Buffer Modification Area and associated restrictions. However, denial of the variance would not prevent redevelopment of this waterfront site.

A literal interpretation of the County's Critical Area Program would not deprive the applicant of rights that are commonly enjoyed by other properties in similar areas. The 100-foot BMA generously allows for redevelopment without a variance, as long as there is no new lot coverage nearer to the shoreline than the closest facade(s) of the existing principal structure. There is ample opportunity to redevelop the property in the areas behind the southwest and southeast facades, while still providing for a reasonable sized dwelling. The granting of the variance would confer on the applicant a special privilege 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 may adversely affect water quality or impact fish, wildlife, or plant habitat and would not be in harmony with the general spirit and intent of the County's Critical Area Program. In fact, as noted in the Critical Area Commission's letter, ecologically sensitive properties such as this are purposefully protected within the Critical Area regulations and the County's Critical Area program because of their importance in meeting the goals of the Critical Area law, which are to: (1) Minimize adverse impacts on water quality that result from development, (2) Conserve fish, wildlife, and plant habitat, and (3) Establish land use policies that accommodate development while recognizing that development adversely affects the first two goals. The applicant has not overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and has not evaluated or implemented site planning alternatives to the satisfaction of the County Critical Area Team or the State Critical Area Commission.

With regard to the requirements for all variances, approval would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. However, this proposal would place new lot coverage 15.52 feet nearer to the shoreline on the southeastern side and approximately 18 feet nearer to the shoreline on the southwestern side. With the newly reduced 20-foot minimum rear setback provided under Bill 72-24, the house could be designed in a manner that better utilizes the area to the northeast of the proposed dwelling. Similarly, with the newly increased 50-foot maximum principal structure height allowed in the R2 District, the applicants could consider a third story to achieve their desired living space. Because other redevelopment options exist that would easily eliminate the need for any variances, the variance request is not warranted and cannot be considered the minimum necessary to afford relief.

RECOMMENDATION

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

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.



VARIANCE ADMINISTRATIVE PLANS

FOR

31 SANDS AVENUE

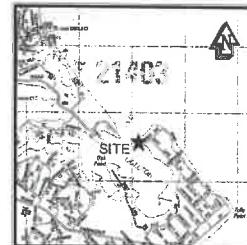
TAX MAP 57, GRID 10, PARCEL 29, LOT 3

31 SANDS AVENUE

ANNAPOLIS, MARYLAND 21403

2ND DISTRICT

ANNE ARUNDEL COUNTY ZONED: R2/LDA (BUFFER EXEMPT)



Revisions	Branch/rim
Rev. #	Date

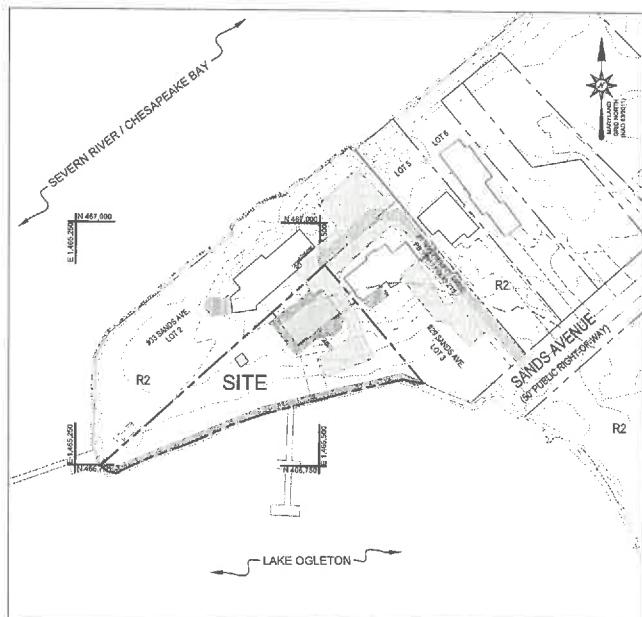
GENERAL NOTES

1. OWNER/APPENDANT INFORMATION:
RICHARD J. HENRY
29 CHANEY DR
LARGO, MD 20774
PHONE: (301) 429-3000
EMAIL: richard@henrylaw.com
2. THE PROPERTY IS SHOWN AS TAX MAP 57, GRID 10, PARCEL 29, LOT 3, DEED REF. 38907/429, LOCATED AT 31 SANDS AVENUE, ANNAPOLIS, MD 21403.
3. THE EXISTING ZONING OF THE SITE IS R2 - RESIDENTIAL DISTRICT. THE SITE IS LOCATED ENTIRELY WITHIN LIMITED DEVELOPMENT AREA (LDA) OF THE CHESAPEAKE BAY CRITICAL AREA, BUFFER MODIFICATION AREA.
4. THE TAX ACCOUNT IDENTIFIER IS 03-047-0444685.
5. THE TOTAL SITE AREA IS 22,847 SQ. FT. OR 0.524 AC. AND THE SITE IS CURRENTLY A SINGLE FAMILY RESIDENCE.
6. PROPERTY OUTLINES SHOWN HEREON ARE BASED ON A SURVEY PREPARED BY ATWELL, LLC IN JUNE, 2022. ALL HORIZONTAL DATUMS REFERENCED TO MARYLAND STATE PLANE COORDINATES (NAVD 83) DATUM.
7. EXISTING TOPOGRAPHY WAS TAKEN FROM A FIELD SURVEY PERFORMED BY ATWELL, LLC IN JUNE, 2022 AND SUPPLEMENTED WITH ANNE ARUNDEL COUNTY TOPOGRAPHY. ALL VERTICAL DATUM IS REFERENCED TO NAVD 88.
8. THE SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA - LIMITED DEVELOPMENT AREA (LDA) AND MODIFIED BUFFER.
9. THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND FLOOD ZONE "AE" (ELEVATION 6) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP # 240002-2524 dated February 18, 2015.
10. THE SITE UTILIZES ALE WATER (PRIVATE WELL) AND SANITARY SEWER (PUBLIC).

WATER & SEWER
WATER SERVICE AREA: MAP 140 (FUTURE SERVICE AREA)
WATER SERVICE AREA: BROAD CREEK
SEWER SERVICE AREA: BROAD CREEK (BASTIAN SERVICE AREA)
SEWER SERVICE AREA: ANNAPOLIS

OUTFALL STATEMENT

THE SITE RUNOFF MOVES SOUTH FROM THE DWELLING AND SHEET FLOWS OVER LAND, WHERE IT ULTIMATELY DISCHARGES INTO LAKE OGLETON AND ULTIMATELY INTO THE SEVERN RIVER/CHESAPEAKE BAY. THERE ARE NO STREAMS, NO RISKS OF EROSION, FLOODING, OR CAPACITY ISSUES ARE PRESENT. GIVEN EXISTING CONDITIONS AND THE PROPOSED STORMWATER MANAGEMENT PROGRAM, IT IS CONCLUDED THAT THE PROPOSED DEVELOPMENT WILL NOT HAVE AN ADVERSE IMPACT ON THE RECEIVING WATERWAYS.



LOCATION AND ZONING MAP

SCALE: 1" = 60'

PROPERTY OWNERS WITHIN 300' OF SUBJECT PROPERTY

Adjacent Property Owners 300' of									
Tax Map 57, Grid 10, Parcel 29, Pt Lots 3&4									
ACCT ID	ADDRESS	CITY	ZIP CODE	OWN NAME	OWN ADD1	OWN CITY	OWN STATE	OWN ZIP	LOT
030744444550	31 SANDS AVE	ANNAPOLIS	21403	REEDER, RICHARD	25 SANDS AVE	LARGO	MD	20777	3 & 4
030744444550	29 SANDS AVE	ANNAPOLIS	21403	REEDER, RICHARD & COOLE	29 SANDS AVE	LARGO	MD	20777	3 & 4
030745073603	33 SANDS AVE	ANNAPOLIS	21403	STONE, KEITH & VICTORIA	33 SANDS AVE	ANNAPOLIS	MD	21403	2
030745242307	27 SANDS AVE	ANNAPOLIS	21403	UNDLHOUSE, NANCY TRUSTEE	27 SANDS AVE	ANNAPOLIS	MD	21403	5
030746252500	25 SANDS AVE	ANNAPOLIS	21403	KARSTEN, JAYNE	25 SANDS AVE	ANNAPOLIS	MD	21403	6
030746252500	23 SANDS AVE	ANNAPOLIS	21403	BEAM, SUSAN TRUSTEE	23 SANDS AVE	ANNAPOLIS	MD	21403	7R
030746252500	21 SANDS AVE	ANNAPOLIS	21403	MILLER, SUSAN & JOHN	21 SANDS AVE	ANNAPOLIS	MD	21403	8R
030746252500	19 SANDS AVE	ANNAPOLIS	21403	ROBERTSON, JEFFREY	19 SANDS AVE	ANNAPOLIS	MD	21403	10
030746252500	18 SANDS AVE	ANNAPOLIS	21403	SHAFI, KOTRILA, ELY TRUSTEE	18 SANDS AVE	ANNAPOLIS	MD	21403	11R
030749020700	17 1/2 E DR	ANNAPOLIS	21403	BUTTRIBUSH, STEPHEN & KAREN	20 1/2 ECKERT DR	ANNAPOLIS	MD	21403	12
030749020700	1 1/2 E DR	ANNAPOLIS	21403	BUSH, KIRK & JOHN & CHRISTINE	3 1/2 ECKERT DR	ANNAPOLIS	MD	21403	17 1/2 R
030749120100	7 1/2 E DR	ANNAPOLIS	21403	HEAHER, MICHAEL	7 E ECKERT DR	ANNAPOLIS	MD	21403	23 1/2 T, 24 1/2 R
030747074320	2 E ECKERT DR	ANNAPOLIS	21403	NESE, KRISTIN	2 E ECKERT DR	ANNAPOLIS	MD	21403	30, 20A
030744014020	6 E ECKERT DR	ANNAPOLIS	21403	WAISBORT, ORTH & D'AMATO, CHARLES	10 1/2 DAY BRIDGE AVE #107	ANNAPOLIS	MD	21403	32, 10
030748063118	8 E ECKERT DR	ANNAPOLIS	21403	URLAND, MARY	44 CALVERT STREET	ANNAPOLIS	MD	21403	17, 18

ADDITIONAL***

OFFICE OF PLANNING AND ZONING	RESEARCH & GIS DIVISION	2664 Riva Road, Rm 110/Fl 1/Ms 6400	ANNAPOLIS	21401
OFFICE OF PLANNING AND ZONING	DEVELOPMENT DIVISION	2664 Riva Road 3rd Fl/Ms 6205	ANNAPOLIS	21401
OFFICE OF PLANNING AND ZONING	ASSISTANT DIRECTOR OF DEVELOPMENT	2664 Riva Road 3rd Fl/Ms 6205	ANNAPOLIS	21401
COUNTY COUNCIL MEMBER	USA BRANNIGAN, RODNEY	44 CALVERT STREET	ANNAPOLIS	21401
OFFICE OF COUNTY EXECUTIVE	BRUNEL CENTER / STEPHEN PITTMAN	44 CALVERT STREET	ANNAPOLIS	21401

VARIANCE REQUEST

THE APPLICANT IS REQUESTING THE FOLLOWING VARIANCES:

REDUCTION #1 - TO ARTICLE 17-870 (R) TO ALLOW NEW LOT COVERAGE TO BE PLACED NEARER TO THE SHORELINE THAN THE CLOSEST FAÇADE OF THE EXISTING PRINCIPAL STRUCTURE. THE APPLICANT IS PROPOSING 1619 SQ. FT. OF NEW LOT COVERAGE TO BE LOCATED ON THE EXISTING FAÇADE OF THE EXISTING LOT WHICH IS A REDUCTION TO THE EXISTING LOT COVERAGE INSIDE THE EXISTING FAÇADE. SEE SHEET 4 FOR NEW LOT COVERAGE.

DRAWING INDEX

SHEET NO.

1 OF 5 ... EXISTING SITE CONDITIONS & RESOURCE MAPPING PLAN
2 OF 5 ... ADMINISTRATIVE SITE PLAN
3 OF 5 ... ADMINISTRATIVE SITE PLAN
4 OF 5 ... ADMINISTRATIVE SITE PLAN
5 OF 5 ... ADMINISTRATIVE SITE PLAN

COVER PLAN FOR
VARIANCE ADMINISTRATIVE PLANS
31 SANDS AVENUE

TAX MAP 57, GRID 10, PARCEL 29, LOT 3
2ND DISTRICT 31 Sands Avenue Drawing File\Variance 2 Plans\22-3619 C-Variance 2 Plans.dwg

UTILITY INFORMATION

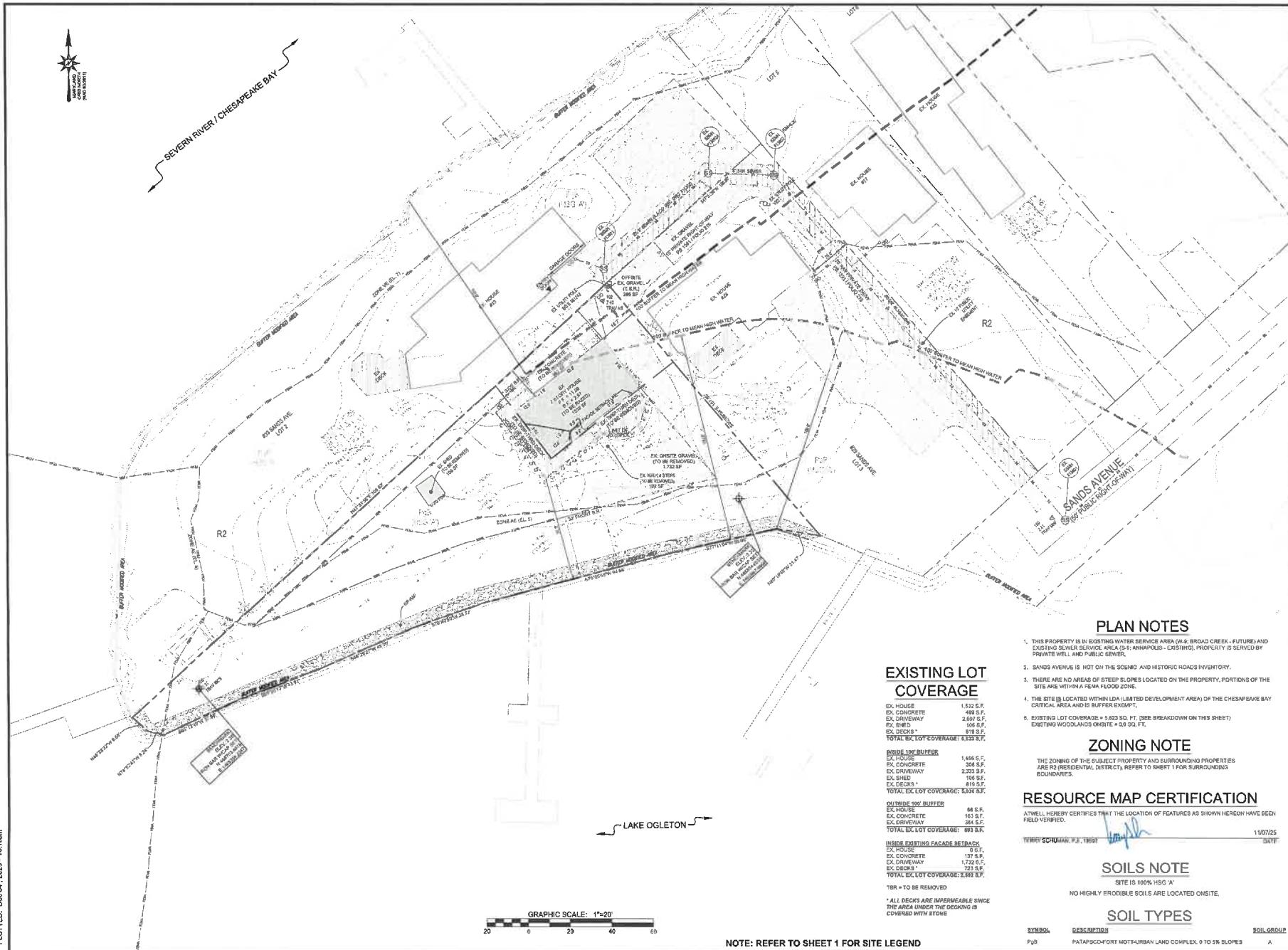
GAS - BGE PO BOX 1475, BALTIMORE, MD 21203, (410) 265-4100
TELEPHONE - VERIZON 11 PRATT STREET, BALTIMORE, MD 21202, (410) 954-6250
ELECTRIC - BGE PO BOX 1475, BALTIMORE, MD 21203, (410) 265-4100
SEWER - ANNE ARUNDEL COUNTY DPW WASTEWATER DIVISION,
2662 RIVA ROAD ANNAPOLIS, MD 21401, (410) 222-7574
WATER - PRIVATE WELL

BENCHMARK NOTE

THE COORDINATES AND ELEVATIONS SHOWN HEREON ARE BASED ON RTK (REAL TIME KINEMATIC) OBSERVATIONS UTILIZING KEYNETICS NETWORK AND CONTROL STATION 2664 RIVA ROAD ANNAPOLIS, MD 21401. THE HORIZONTAL DATUM IS REFERENCED TO NAVD 88 AND THE VERTICAL DATUM IS REFERENCED TO NAVD 88. SEE BENCHMARKS SHEET 2.

WATERSHED: SEVERN RIVER

Sheet No. 1 OF 5



Revisions		
Rev #	By	Date

Copy right of 2025
All Rights Reserved.
Warning: This document is an attachment of a preexisting contract and is not a stand-alone document. It is the responsibility of the user to review the entire contract for terms and conditions that apply to the subject document.

ATWELL
845.650.2710 | www.atwell.com
Annapolis, MD 21401
Annie, Almond County, MD 21401

Rev #	By	Date

PLAN NOTES

1. THIS PROPERTY IS IN BOUNDING WATER SERVICE AREA (W-B: BROAD CREEK - FUTURE) AND EXISTING SEWER SERVICE AREA (E-B: ANNAPOLIS - EASTING). PROPERTY IS SERVED BY PRIVATE WELL AND PUBLIC SEWER.
2. SANDS AVENUE IS NOT ON THE SCENIC AND HISTORIC ROADS INVENTORY.
3. THERE ARE NO AREAS OF STEEP SLOPES LOCATED ON THE PROPERTY, PORTIONS OF THE SITE ARE WITHIN A FEMA FLOOD ZONE.
4. THE PROPERTY IS LOCATED WITHIN THE DEVELOPMENT AREA (OF THE CHESAPEAKE BAY CRITICAL AREA AND IS BUFFER EXEMPT).
5. EXISTING LOT COVERAGE = 8,823 SQ. FT. (SEE BREAKDOWN ON THIS SHEET)
EXISTING WOODLANDS ON SITE = 4,392 SQ. FT.

ZONING NOTE

THE ZONING OF THE SUBJECT PROPERTY AND SURROUNDING PROPERTIES ARE IN RESIDENTIAL DISTRICTS. REFER TO SHEET 1 FOR SURROUNDING BOUNDARIES.

RESOURCE MAP CERTIFICATION

ATWELL HEREBY CERTIFIES THAT THE LOCATION OF FEATURES AS SHOWN HEREON HAVE BEEN FIELD VERIFIED.

SOILS NOTE

SOIL SITE IS 100% HSG 'A'
NO HIGHLY ERODIBLE SOILS ARE LOCATED ON SITE.

SOIL TYPES

SYMBOL	DESCRIPTION	SOIL GROUP
PgB	PATAPSCOT MOTTURBAN LAND COMPLEX, 0 TO 5% SLOPES	A

Sheet No. 2 OF 5

MITIGATION FOR LOT COVERAGE

TO DEVELOP THIS SITE THE APPLICANT WILL NEED TO MITIGATE FOR NEW LOT COVERAGE WITHIN THE BUFFER MODIFICATION AREA BUFFER AT A 2:1 RATIO (ARTICLE 17-8-702(X)).

NEW LOT COVERAGE IN BUFFER MODIFICATION AREA = 1,616 SQ.FT.
1,616 SQ.FT. x 2 = 3,236 SQ.FT.
3,236 / 100 = 32.36 OR 33 TREES OR 97 SHRUBS OR COMBINATION.

MUST BE PLANTED ON-SITE, WITHIN A MITIGATION BANK, OR A FEE-IN-LIEU PAID

AFFORESTATION REQUIREMENTS

PER ARTICLE 17.8-B-802 (g) FOR A "SUBSTANTIAL ALTERATION", AFFORESTATION OF THE TOTAL LOT COVERAGE, NOT TO EXCEED 15% OF THE SITE.

TOTAL LOT COVERAGE = 6,834 SQ. FT. WHICH EXCEEDS 15% OF THE SITE.

THE LOT COVERAGE = 8,534 SQ. FT., WHICH EXCEEDS 15% OF THE SITE;
THEREFORE, AFFORESTATION REQUIRED = 15% OF 22,867 = 3,430.50 SQ. FT.
(34 TREES OR 162 SHRUBS OR A COMBINATION)

LOT COVERAGE NOTE

TOTAL SITE AREA = 22,861 S.F. OR 0.524 AC. ±
 THIS AREA UNDER THE DECKING IS
 COVERED WITH STONE
 LIMIT OF DISTURBANCE = 21,500 S.F. OR 0.524 AC. ±
 LIMIT OF DISTURBANCE INSIDE 100' BUFFER = 9,572 S.F. OR 0.220 AC. ±
 LIMIT OF DISTURBANCE OUTSIDE 100' BUFFER = 9,018 S.F. OR 0.214 AC. ±
 ALLOWABLE LOT COVERAGE = 5,445 S.F. OR 0.125 AC. ± (A.A.C.O. CODE 17-8-402(b)(1)
 EXISTING LOT COVERAGE = 5,923 S.F. OR 0.129 AC. ±

NOTE: ALL ON-SITE SOILS ARE OF HSG 'A'



211 SANDS AVENUE
VARIANCE ADMINISTRATIVE PLANS
FOR
ADMINISTRATIVE SITE PLAN

111

31 SANDS AVENUE, ANAHUAC, NO 21043
TAX MAP 87, GRID 10, PARCEL 28, LOT 3
TAX ID: 024-0444459
SECOND DISTRICT
ANAHUAC, TARRANT COUNTY
DOWD R2
Sands Avenue/Drawing First/AVARIANCE 2 PLANS/28-8919 C-VARIANCE 2 PLANS, dno

55

K:\22-8619 31 Sands Avenue\Drawings\Files\VARIANCE 2 PLANS\22-8619 C-VARIANCE 2 PLANS.dwg

Revisions				Description
Rev. #	By	Date		



10-901

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A

25

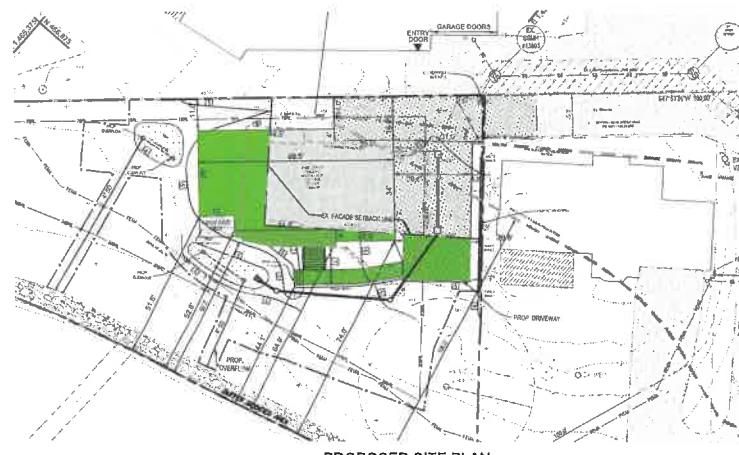
E

VENUE
S. MD 21403
-29, LOT 3
59
COUNTY ZONED R2

6 AVENUE, ANAPOLIS
P 57, GRD 10, PARCEL
TAX ID: 02-0017-044468
ANNE ARUNDEL C

31 SAND
TAX MAIL
SECOND DISTRICT

3255

**EXISTING LOT COVERAGE**

EX. HOUSE	1,532 S.F.	
EX. CONCRETE	469 S.F.	
EX. DRIVEWAY	2,652 S.F.	
EX. SHED	106 S.F.	
EX. DECKS*	619 S.F.	
TOTAL EX. LOT COVERAGE:	4,602 S.F.	

INSIDE 150' BUFFER		
EX. HOUSE	1,446 S.F.	
EX. CONCRETE	398 S.F.	
EX. DRIVEWAY	2,333 S.F.	
EX. SHED	108 S.F.	
EX. DECKS*	619 S.F.	
TOTAL EX. LOT COVERAGE:	6,039 S.F.	

OUTSIDE 150' BUFFER		
EX. HOUSE	69 S.F.	
EX. CONCRETE	163 S.F.	
EX. DRIVEWAY	364 S.F.	
EX. DECKS*	187 S.F.	
TOTAL EX. LOT COVERAGE:	953 S.F.	

INSIDE 150' FACADE SETBACK		
EX. HOUSE	0 S.F.	
EX. CONCRETE	137 S.F.	
EX. DRIVEWAY	174 S.F.	
EX. DECKS*	723 S.F.	
TOTAL EX. LOT COVERAGE:	3,692 S.F.	

* ALL DECKS ARE IMPERMEABLE SINCE THE AREA UNDER THE DECKING IS COVERED WITH STONE

ADMINISTRATIVE SITE PLAN
VARIANCE: ADMINISTRATIVE PLANS
31 SANDS AVENUE

31 SANDS AVENUE, ANNAPOLIS, MD 20701		
SECOND FLOOR, 31 SANDS AVENUE, ANNAPOLIS, MD 20701		
TAX ID: 047-047-00000		
ANNAPOLIS, MARYLAND		
ZONING: R-1		

Sheet No. 4 OF 5

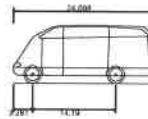
Revisions		
Rev. #	By	Date

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31 SANDS AVENUE, ANNAPOLIS, MD 20701
843.563.2310 | www.atwell.com
101 E. ST. ANNAPOLIS, MD 20701
101 E. ST. ANNAPOLIS, MD 20701

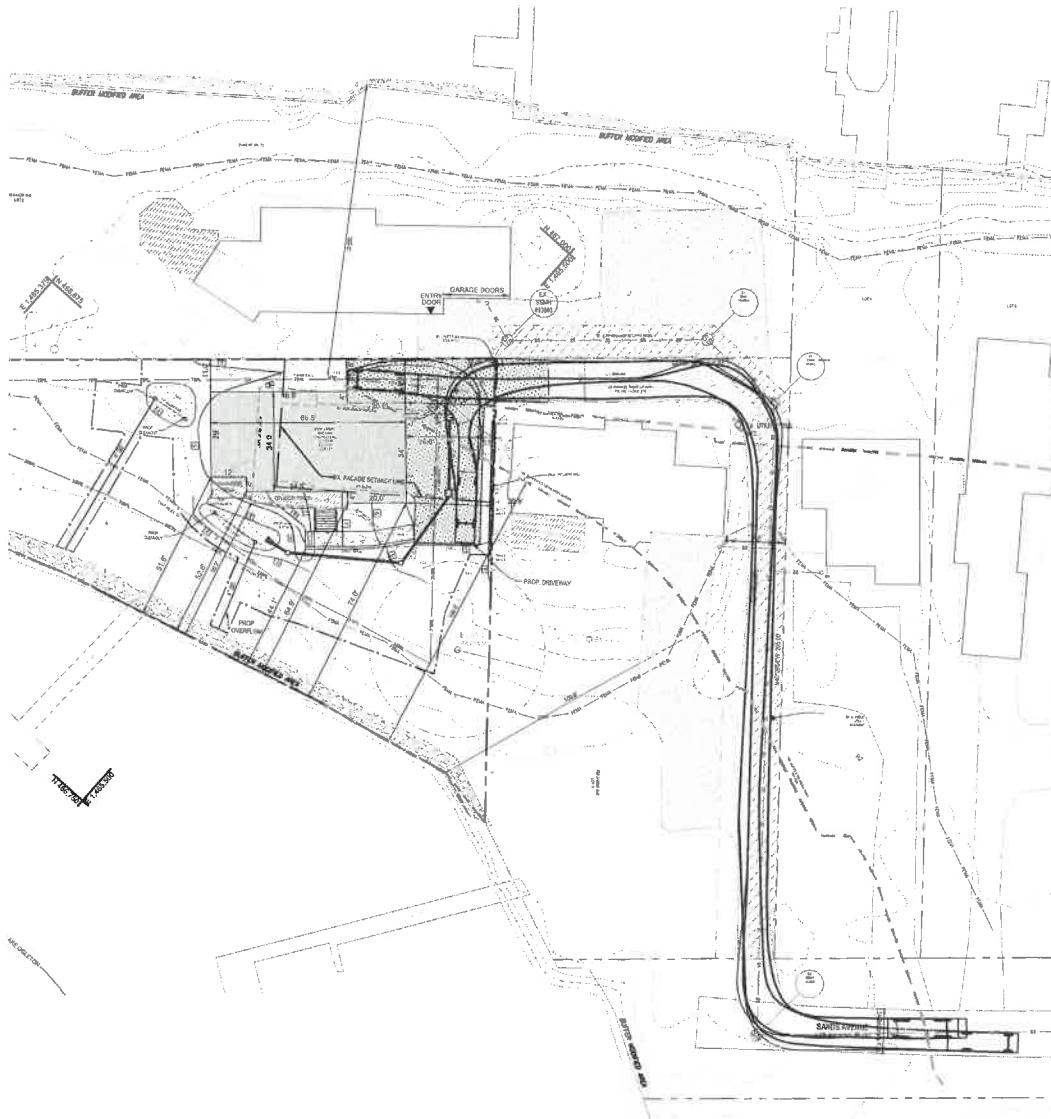


Date
AUGUST, 2018
Job Number
22-4539
Sheet
AS SHOWN
Drawn By
ATWELL
Approved By
T. SCHUMAN
Printed Reference
31 SANDS AVENUE



Mercedes Sprinter Panel Van 518CDI	Extra Long	Super High Roof
Overall Length	24,098ft	
Overall Width	6.539ft	
Overall Body Height	9.942ft	
Min Body Ground Clearance	1.312ft	
Track Width	6.539ft	
Wall-to-wall time	50.0s	
Wall-to-Wall Turning Radius	25.591ft	

PANEL VAN PROFILE
NOT TO SCALE



PANEL VAN TURNING MOVEMENT

GRAPHIC SCALE: 1"=20'



31 Sands Avenue Aerial



Legend

Foundation

Addressing



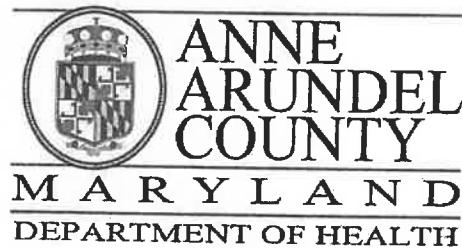
City of Annapolis Parcels



Notes

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager *BC*
Bureau of Environmental Health

DATE: December 29, 2025

RE: Raymond Herman
31 Sands Ave.
Annapolis, MD 21403

NUMBER: 2025-0245-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling and associated feature with less setbacks than required and with new lot coverage nearer to the shoreline than the nearest façade of the existing principal structure .

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. An approved Grading Plan detailing the proposed stormwater management is required to ensure well setbacks are met.

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

cc: Sterling Seay



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0108-P
DATE: 11/24/2025
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)
Stacy Poulos (OPZ)
Jean Janvier (I&P)

APPLICANT/REPRESENTATIVE: Ben Wechsler, YVS Law/ Raymond Herman

EMAIL: bwechsler@yvslaw.com / RHerman@Herman-Stewart.com

SITE LOCATION: 31 Sands Ave., Annapolis

LOT SIZE: 17,424 sf

ZONING: R2

CA DESIGNATION: LDA

BMA: yes or **BUFFER:**

APPLICATION TYPE: Variance

DESCRIPTION:

The Applicant wishes to raze the existing home on the Property and construct a new two-story home that will be more flood resilient, more easily accessible, and better suited for aging in place. The new structure will reduce overall lot coverage within 100-feet of the water from 4,211 sf to 3,534, sf (a decrease of 17.6%) and will facilitate the installation of greatly improved stormwater management. Requesting a variance to 17-8-702(b)(1) to allow new lot coverage to be placed nearer to the shoreline than the closest facade of the existing principal structure.

COMMENTS:

I & P Engineering:

1. On Sheet 3 of the Administrative Site Plan, there appears to be grading for Micro-bio 2 (MB-2) within the FEMA floodplain.
2. On Sheet 3 of the Administrative Site Plan, on the southeastern side of the property, near the proposed driveway and proposed wall, the proposed spot elevations do not correspond with the proposed elevation contours.
3. Add the recordation reference liber and folio for the existing gravel 15' Right-of-Way and label whether or not it is public or private.
4. On Sheet 3 of the Administrative Site Plan, the LOD lines near the driveway on the northern side of the property appear to be duplicated. Revise as needed.
5. Label the topo contours between the proposed dwelling and the adjacent property at #33 Sands Avenue.
6. On Sheet 3 of the Administrative Site Plan, there is an arrow leader line labeled as "Prop. Overflow" pointing to an existing 4 ft contour on the southeastern side of the property. However, it is not clear what it is referring to. Revise as needed.
7. On Sheet 3 of the Administrative Site Plan, the LOD appears excessive on the southeastern side of the property towards the water. Revise as needed.
8. On Sheet 3 of the Administrative Site Plan, under the Lot Coverage Breakdown chart, in the Proposed Lot Coverage section, the components listed under "Inside 100' Buffer" do not add up to the Total Proposed Lot Coverage.
9. The sewer house connection located near the northwestern boundary of the project site from its cleanout to Sanitary Sewer Manhole (SSMH #13803) crosses the 33 Sands Ave property outside of the sewer utility easement. Additionally, this sewer utility easement does not follow the shared property line, thus causing discontinuity between the sewer utility easement and the project site (at 31 Sands Ave). The sewer house connection for the 31 Sands Ave property must be within an easement once it is offsite.

Critical Area Team: Based on the overall reduction in coverage and maximization of the buffer to the extent practical, I have no objection to this proposal.

Cultural Resources Section: The Cultural Resources Section has no objection to this variance. While this property is located in the Bay Ridge Historic District (AA-950), it is non-contributing. This project presents no adverse effect to the district.

The Cultural Resources Section may require a site visit for review of a grading permit application to document any potential archaeological impacts, if new subsurface grading is proposed beyond the footprint of the existing house.

Zoning Administration Section:

This application has been determined to be substantially different enough to move forward in the variance process after receiving a denial on a previous application within 18 months.

Many proposals could be minimized. This one is no different. The onus is on the applicant to show how this is the minimum necessary to afford relief.

Site plan: provide the proposed height in feet on the site plan within the footprint area of the house.

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.