

GAMMA ENGINEERING

1203 West Street, Suite A
Annapolis, MD 21401
(410)626-1070 Fax (410)267-8619
Email blupt@icloud.com

Anne Arundel County
Department of Inspections and Permits.
2664 Riva Road
Annapolis, MD 21401

November 15, 2025

REVISED February 8, 2026 Additional Variance (Rear yard) due to unimproved private R/W “D”

22 Hillcrest Rd. Riva, MD.

Lot 134 Section A, Sylvan Shores, Plat Book 7, Folio 28

Deed Ref: 39796/315

Variance

Please find enclosed a site plan for the above referenced property submitted on behalf of the owner Dave Simez of Barn Space L.L.C. This is provided to support the granting of the variances for the above property.

Background:

The site consists of 2414 square feet, (0.055 Acres) according to the tax account records. 2627 s.f. or 0.60 Ac. per survey

The minimum lot area required in the R5 zone is 5000 square feet. This lot is about 50% of the required lot area.

The minimum required lot width is 60' the lot is approximately 34' wide (57% of the required width)

The property is zoned R5, critical area IDA does not contain any critical area or non-critical area steep slopes. It is currently improved with an existing one-story house built in 1955 that is currently uninhabitable.

The existing house is served by public water and sewer, these existing services will be extended to the proposed house.

Sylvan Shores was originally platted in 1930, and the existing residence has occupied the lot for the past seventy years. As the site plan indicates, the existing house is non-conforming to the setback along Hillcrest Rd.

According to the survey, the face of the house is 2' from the property line/right of way line. Hillcrest Rd. is a 20' public right of way. It is a corner lot, the intersecting street is Elm Road, a variable width, public right of way approximately 30 feet wide as it abuts the site. Both rights of way are public; they include water and sewer lines that currently serve the existing house and will also be used for the proposed house.

As the picture indicates, the existing house is in poor condition and is currently uninhabitable.

The southeast property line boundary fronts a platted right of way that apparently has not been dedicated to public ownership and is noted as “Parkway D 25' R/W” on the Sylvan Shores subdivision plat.

The existing property consists of coverage of the existing house, driveway, miscellaneous sidewalks and lawn.
Site is IDA and no significant trees or vegetation were observed on the site.

Proposed Development:

A single-family home is proposed that is consistent with the zoning and the development pattern of the surrounding neighborhood.

The proposed house will be connected to the existing public water and public sewer and will be provided with stormwater management per current requirements.

Due to the 34' narrowness of the lot and being surrounded by rights of ways on three sides, a zoning variance is necessary to allow any reasonable development of the site. With the 34' +/- lot width, a 15' side street set back, a 7' side yard setback' the setbacks total 22' and the lot width is only 34' resulting in a 12' wide buildable area or a

buildable area of 509 s.f. see plan. **A 12 foot wide, 449 square foot buildable footprint does not provide a reasonable use of the property.**

Requested Variances:

1. Variance to Side Street:

15' Required, 7' proposed, 8' variance requested for house; 10' variance for 6'wide steps and stoop projecting from house entrance – Article 18-4-701

(Note: steps as architectural feature may project 3' into required side yard, they are projecting 10' so variance may be described as 7' for steps as an “architectural feature”)

2. Variance to Rear Yard Fronting R/W: (requires front setbacks)

20' Required, 15' proposed, 5' variance requested to rear area which fronts an unimproved R/W (requiring front setback of 20'), 15' is proposed, a 5' variance is requested for house; 8' for 3'wide steps and stoop projecting from house – Article 18-4-701

Considerations:

- The existing house has 2' setback, - the typical non R/W required 7' side yard setback is proposed.
- **The side street variance** will allow a 20' wide house. 20' is considered a minimal practical house width in that anything less will not allow two rooms across creating a “trailer” like floor plan.
- **The rear variance** is required because of a “paper street” unimproved R/W requiring a 20' setback, the standard rear setback of 15' is proposed requiring a 5' variance and an 8' variance for steps. The existing house is only 4' away. The R/W will most likely never be built and as a result serves as additional setback of 25' so in reality $25' + 15' = 40'$ the result being 40' where 20' is required.
- As the condition of the existing house is not habitable, this project represents a form of “urban renewal”.
- Since there is no existing sensitive areas or significant vegetation, the clearing and construction should have no adverse environmental impact. (Site is IDA)
- Due to the existing house having no stormwater management; the proposed house having full storm water management an improvement to the environment is provided.
- Because the existing house is uninhabitable, the proposal will provide additional housing.

In summary:

1. Without zoning variances, only a 449 square feet footprint, 12 feet wide is possible.
2. The proposed house footprint of 20' x 40' is very modest at 800 sq. ft.
3. The proposal eliminates the existing eyesore of the existing uninhabitable house.
4. The proposed house does not result in impact to any existing natural resources.
5. Because the site will be providing 100% ESD stormwater management, this represents an improvement to the environment.
6. Provision of a habitable SFD will provide additional housing.

Conditions that must be met for the granting of a zoning variance 18-16-305 (Variances are to setbacks (zoning) and the critical area category is IDA)

1. *Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or*
As discussed above, the narrowness of the lot, the overall lot length and especially, having right aways on three side are all unique conditions particular to this site.
2. *Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.*

As discussed above, if all the setbacks are adhered to, there is only 449 square feet of buildable area, This is not adequate to construct a reasonable sized house that will be utilized by residents in this area.

3. *The variance is the minimum variance necessary to afford relief; As discussed above, if all the the variances are granted, it allows an 800 square foot footprint house, a minimum house.*
4. *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;*

As discussed above, the house is consistent with the neighborhood and therefore will not alter the character of the neighborhood and the district in which it is located. The house being consistent with the neighborhood and only having a single house on one side of the four sides will not impact that single house.

If there are any questions or further information is necessary, Gamma Engineering can be contacted at 410-626-1070 or e-mail blupt@icloud.com.

Sincerely,

Michael Helfrich, P.E.



Figures 1 and 2 - Existing house at site to be replaced

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: 12/18/25

Tax Map #	Parcel #	Block #	Lot #	Section
50	160	22	134	

Tax ID: 2749-0210-7261

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Project Name (site name, subdivision name, or other) Sylvan Shores, Lot 134

Project location/Address 22 Hillcrest Road

City Riva

Zip 21140

Local case number

Applicant: Last name Simez

First name David

Company Bamspace, LLC

Application Type (check all that apply):

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

Variance
 Rezoning
 Site Plan
 Special Exception
 Subdivision
 Other

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

*Construct new Sfd
(remove ex. Sfd)*

Intra-Family Transfer Yes
Grandfathered Lot

Growth Allocation Yes
Buffer Exemption Area

Project Type (check all that apply)

Commercial
Consistency Report
Industrial
Institutional
Mixed Use
Other

Recreational
Redevelopment
Residential
Shore Erosion Control
Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	0.06	2,627.5
LDA Area		
RCA Area		
Total Area		

Total Disturbed Area Acres Sq Ft 0.06 2,627.5

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		113	Existing Lot Coverage		1559
Created Forest/Woodland/Trees		0	New Lot Coverage		1137
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		1471
			Total Lot Coverage		1225

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		0	Buffer Forest Clearing		0
Non-Buffer Disturbance		0	Mitigation		0

Variance Type

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

Structure

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

CRITICAL AREA REPORT

FOR

**SYLVAN SHORES
LOT 134
Tax Map 50, Grid 22**

PREPARED BY:

**Gamma Engineering
1203 West Street, Suite A
Annapolis, MD 21401**

DECEMBER 2025

Critical Area Report
Office of Planning & Zoning
2664 Riva Rd.
Annapolis, MD 21401

December 29, 2025

Applicant: Barnspace, LLC
c/o David Simez
1337 Anglesey Drive
Davidsonville, MD 21035

Site Address: 22 Hillcrest Road
Riva, MD 21140

RE: Information required for submission of Critical Area Report

I. Site Description and Explanation: The subject property is known as Lot 134 and is part of Sylvan Shores subdivision. The site contains approximately 2,627.5 square feet or 0.06 acres. The site is part of parcel 160 in grid 22 of Tax Map 50. The site is zoned R-5 and is in the 2nd Assessment District of Anne Arundel County. The lot is in the Critical Area and is designated as Intensely Development Area (IDA).

The applicant is requesting the following variances to allow construction of a new single family home:

Article 18-4-701: An 8' variance to the required 15' side street setback is requested to provide a 7' setback for the house and a 10' variance to allow 6.6' wide steps to be 5' from property line.

II. See enclosed site plan for vicinity map.

III. Narrative Statements:

- The Limit of disturbance area is 2,627.5 square feet.

- The proposed construction will not adversely affect runoff and stormwater management is propose for the site via drywells.
- The existing impervious area is 1,559 s.f. (1,471sf to be removed).
- Impervious area after construction will be 1,225sf.
- There are no existing predominate trees on site.

There are none of the following designated habitat protection areas on site: riparian forests 300' or more in length, forested blocks greater than 100 acres, or natural heritage areas. The following designated protection areas do not exist on site: non-tidal wetlands, anadromous fish propagation waters, water bird nesting sites, historical waterfowl nesting, staging or concentration areas.

IV. Site Plan

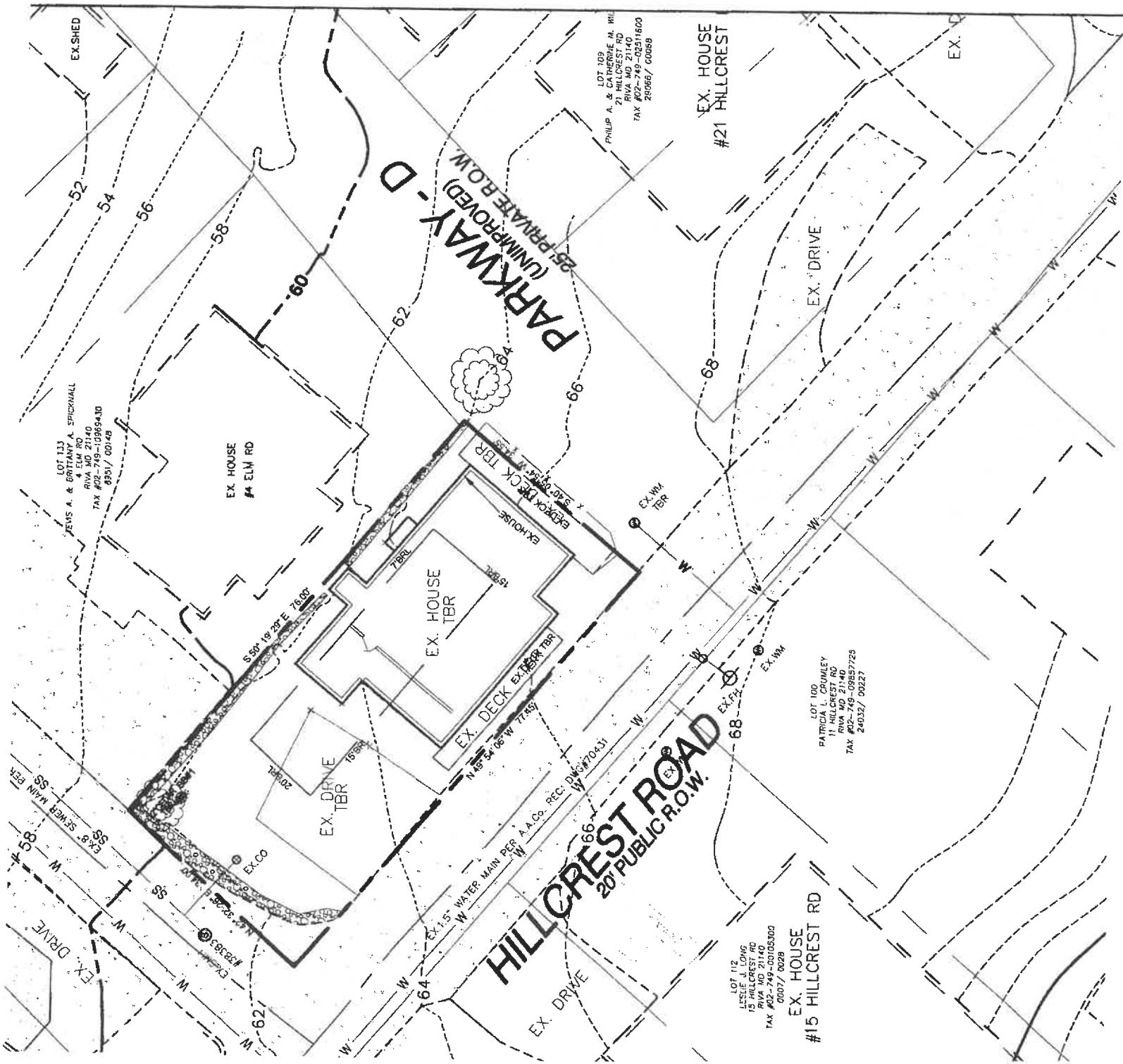
The enclosed site plan shows, if applicable, all of the following: existing vegetated area and all proposed structures. No tree removal is proposed.

V. See enclosed Notification of Project application.

Sincerely,

Michael Helfrich, P.E.

TOPO MAP



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

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Company Bamspace, LLC

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Setback
Steep Slopes
Other

Structure

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

(5)

55

18.3



SYLVAN SHORES
 LAYOUT OF LOTS, PARKWAYS,
 AND DRIVES. SECTION A
 FOR CARL W. RIDDICK JAN. 14, 1930
 JOHN W. DAVIS, CONST'G ENGR.

(No. 390)
 File 28 d. January 1930.

(5)



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0116-P)

DATE OF MEETING: 12/15/2025

P&Z STAFF: Donnie D., Kelly K., Natalie N.

APPLICANT/REPRESENTATIVE: Michael Helfrich, Gamma Engineering EMAIL: bplpt@icloud.com

SITE LOCATION: 22 Hillcrest Road, Riva LOT SIZE: 2,627 s.f. ZONING: R5

CA DESIGNATION: IDA BMA: NA or BUFFER: NA APPLICATION TYPE: Variance

The applicant proposes to remove an existing single family dwelling and construct a new 2 ½ story single family dwelling with basement and associated facilities on the subject property. The new dwelling will require variances to the corner side setback.

COMMENTS

Critical Area Team: Application will be subject to the 10% pollutant reduction requirement for stormwater management at permit. Sufficient area must remain to address this requirement.

Zoning Administration Section: The site plan must label the number of stories and height for the proposed dwelling within the building footprint on the site plan. The applicant should label the width of the steps on the southeast side of the dwelling and add a dimension to the rear property line to determine if a setback variance is required.

Department of Inspections and Permits (Engineering):

- Label the size of the water meter.
- Show and label the water house connection.
- The dry wells need to be 10 feet from the property line and from the house. In addition, the driveway cannot be placed on top of the dry wells.
- The drywells are to be at least 10 feet from sanitary sewer or house connection.
- The existing water meter is within the private ROW. During Grading Permit, a public utility easement will need to be acquired or the water meter will need to be relocated to public ROW, per County standards.
- At Grading Permit, a sewer clean out will need to be installed at the property line.
- At Grading Permit, an easement will need to be acquired for the intersection of Elm Road and Hillcrest Road which cuts the corner of the property.
- At Grading Permit, note if the existing sewer cleanout is to be removed or to remain.

INFORMATION FOR THE APPLICANT

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

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

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence. A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.