

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

APPLICANTS: Robert & Christine Beall

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2025-0239-V

COUNCILMANIC DISTRICT: 5th

HEARING DATE: February 10, 2026

PREPARED BY: Donnie Dyott Jr. *DD*
Planner

REQUEST

The applicants are requesting a variance to allow a dwelling addition (deck) with less setbacks and buffer than required on property located at 910 Forest Terrace in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 18,310 square feet of land and is identified as Lot 29 of Parcel 35 in Block 17 on Tax Map 40 in the Cape St. Claire subdivision. The subject property is zoned R5 - Residential District and is a non-waterfront property located within the Chesapeake Bay Critical Area with a designation of LDA - Limited Development Area. The site is currently improved with a single family dwelling and associated facilities and contains an intermittent stream (Little Magothy River) on the northern side of the property.

APPLICANT'S PROPOSAL

The applicant proposes to remove an existing irregularly shaped deck (approximately 12' X 61') on the rear of the dwelling and to construct a new slightly larger irregularly shaped deck (14' X 58'6")' in the same location.

REQUESTED VARIANCES

§ 18-13-104(a) of the Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands. § 18-13-104 (b) provides for an expanded buffer where there are contiguous steep slopes of 15% or more and is to be expanded by the greater of four feet for every 1% of slope or to the top of the slope and shall include all land within 50 feet from the top of the slopes. § 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). § 27.01.01 (B) (8) (ii) of COMAR states a buffer exists "to protect a stream tidal wetland tidal waters or terrestrial environment from human disturbance." § 27.01.09 E. (1) (a) (ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The proposed deck is within the 100-foot buffer to Little Magothy River (intermittent stream), necessitating a variance to this provision. Exact buffer disturbance will be determined at the time of permit.

No setback variances are required.

AGENCY COMMENTS

The **Health Department** commented that the property is served by public water and sewer facilities and has no objection to the request.

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

The **Critical Area Commission** did not take a position on the request but commented that appropriate mitigation is required.

FINDINGS

The applicant describes that while the new deck will be slightly larger in depth, it will be slightly smaller in width than the existing deck to be replaced. The increase in width is proposed to accommodate deck furniture. The existing lot coverage of 3,877 square feet will remain unchanged and appears to be within the 31.25% allowed in the LDA. Exact lot coverage calculations will be determined at the time of permit.

For the granting of a critical area variance, a determination must be made on the following:

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 or practical difficulty. In this case the 100 foot stream buffer encompasses the entire rear yard of the site, making any improvement or replacement of the existing deck impossible without relief from the Code. As such, some relief is warranted to allow the applicant to avoid practical difficulties and unwarranted hardship to replace a longstanding existing deck.

A literal interpretation of the County's critical area program may deprive the applicant of rights that are commonly enjoyed by other properties in similar areas as decks are a common feature of residential properties. The granting of the variance will not confer on the applicant a special privilege that would be denied by COMAR, Title 27. This request is not a result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. There is no evidence that the modest deck replacement with appropriate mitigation will adversely affect water quality, impact fish, wildlife or plant habitat. As such, it is the opinion of this Office that the proposal is in harmony with the general spirit and intent of the County's critical area program.

With regard to the requirements for all variances:

There is no evidence that the proposal will alter the essential character of the neighborhood, impair the appropriate use or development of adjacent property or be detrimental to the public welfare. The dwelling has had a deck on the rear of the dwelling for many years and all setback requirements will be met. While the proposed replacement deck is not considered to be a replacement in-kind, the deck is located in the same area as the existing deck and the slight projection closer to the stream is minor. The additional width is to accomplish space for deck furniture and the deck will still maintain a distance of approximately 60 feet from the stream.

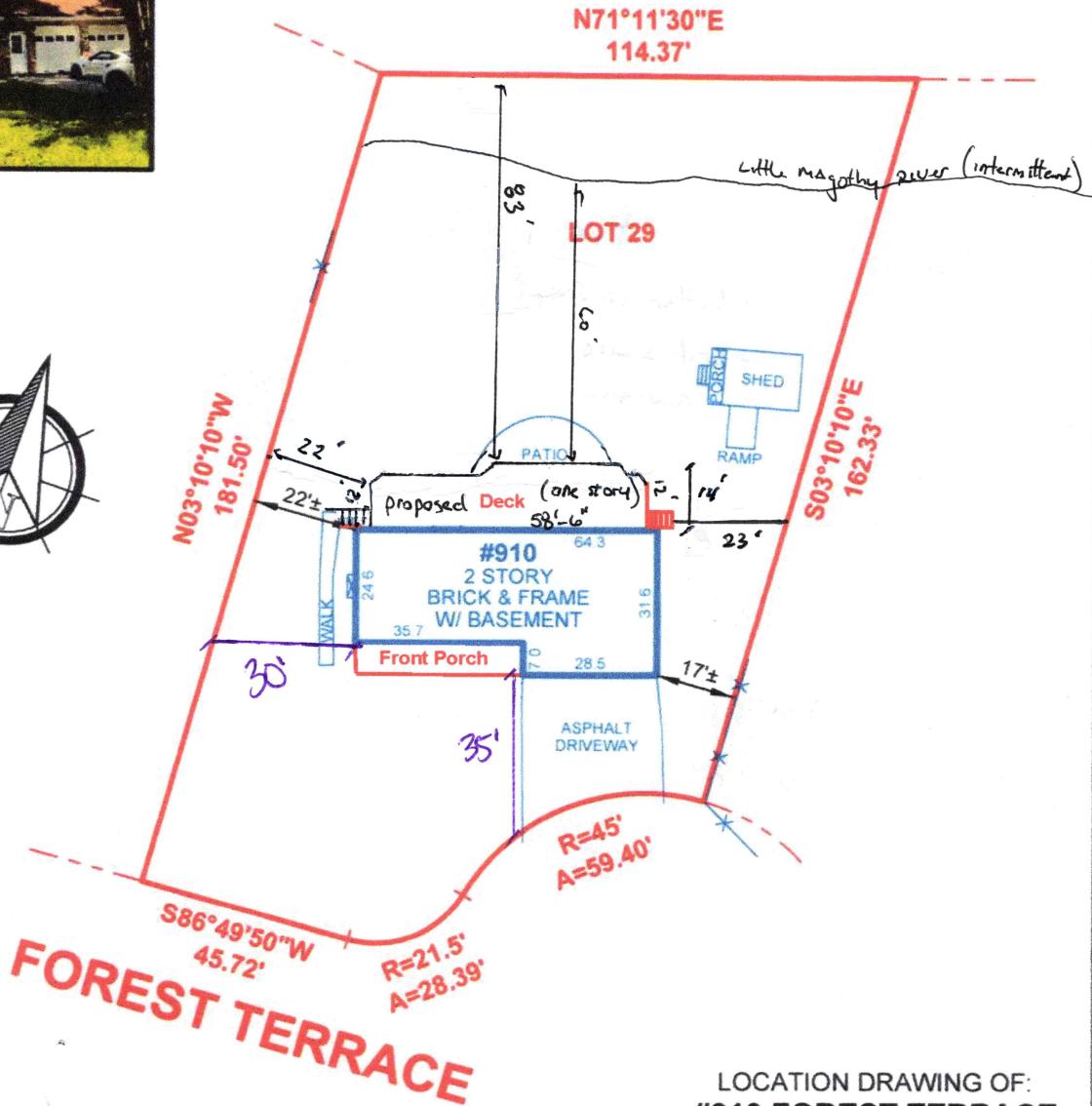
2025-0239-V

Additionally, while the width has increased slightly, the length has decreased slightly minimizing any impacts. Therefore, the variance is considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends *approval* of the proposed variance for the construction of the deck as shown on the site plan.

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.


LEGEND:

- FENCE
- B/E - BASEMENT ENTRANCE
- B/W - BAY WINDOW
- BR - BRICK
- BRL - BLDG. RESTRICTION LINE
- BSMT - BASEMENT
- W/S - WOOD STOOP
- CONC - CONCRETE
- DW - DRIVEWAY
- UP - UTILITY POLE
- FR - FRAME
- MAC - MACADAM
- WW - WINDOW WELL
- OH - OVERHANG
- PUE - PUBLIC UTILITY ESMT
- PIE - PUBLIC IMPROVEMENT ESMT.

COLOR KEY:

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

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


SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SETFORTH IN REGULATION 12 CHAPTER 09 13.06 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING, OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1'. NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST, A BOUNDARY SURVEY IS RECOMMENDED.

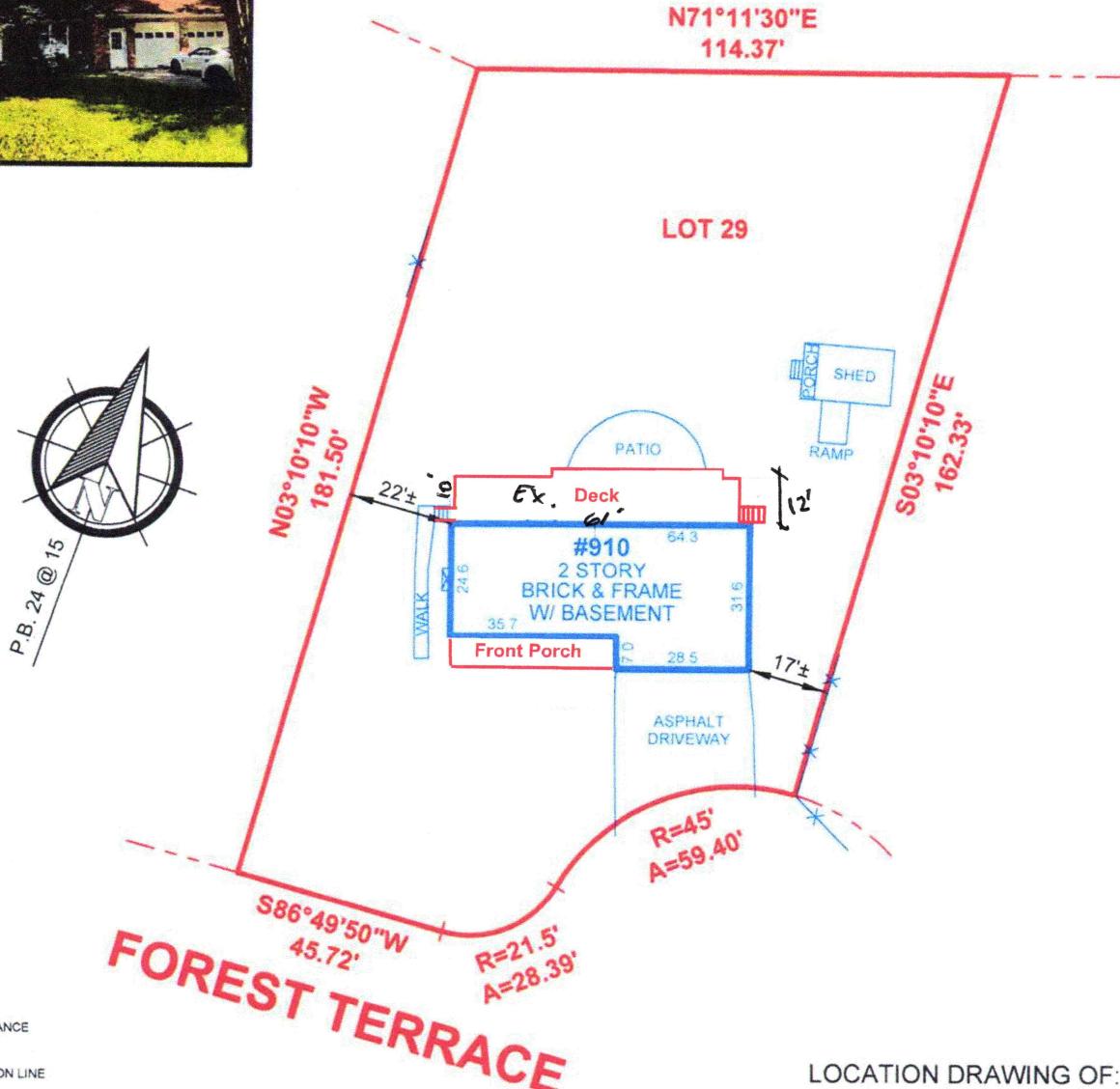
A Land Surveying Company

DULEY
and
Associates, Inc.

Serving D.C. and MD.
 14604 Elm Street, Upper Marlboro, MD 20772
 Phone: 301-888-1111 Fax: 301-888-1114
 Email: orders@duley.biz On the web: www.duley.biz



* Existing Conditions *



LEGEND:

- * - FENCE
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Letter of Justification

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

Requirements for zoning variances

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

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

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

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

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

Requirements for critical area variances.

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

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

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

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

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

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

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

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

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

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

The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code.

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

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

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

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

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

Requirements for all variances

The variance is the minimum variance necessary to afford relief

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

The granting of the variance will not:

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

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

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

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

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

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

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

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

(v) be detrimental to the public welfare.

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

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

DEED

13537 PAGE 306

THIS DEED made this 30th day of July,
 2003, by and between JOSEPH E. KEANE and BARBARA J.
 KEANE, parties of the first part and ROBERT VINCENT BEALL and
 CHRISTINE KEANE BEALL, his wife, parties of the second part.

WITNESSETH, That for and in consideration of the sum of
 THREE HUNDRED THOUSAND AND 00/100 DOLLARS
 (\$300,000.00), the receipt of which is hereby acknowledged, the said
 parties of the first part do grant and convey to the said parties of the
 second part, as tenants by the entireties, their assigns and to the
 survivor of them, and the personal representatives, heirs and assigns of
 the survivor in fee simple, all that certain property situate in ANNE
 ARUNDEL COUNTY, State of Maryland, and described as follows:

BEING KNOWN AND DESIGNATED AS Lot Number Twenty-
 Nine (29), Block AZ, as shown on Plat 12 of "Cape St. Claire",
 which Plat is recorded among the Land Records of Anne Arundel
 County, Maryland in Plat Book 24, Folio 15.

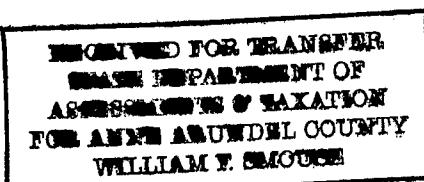
The property being known as 910 Forest Terrace, Annapolis,
 Maryland 21401

Tax Identification/Parcel ID Number: 03-165-1637-4732

BEING the same property, which by a Deed dated November 10,
 1986 and recorded among the Land Records of Anne Arundel County,
 Maryland, in Liber 4213, Folio 123, which was granted and conveyed
 by Kenneth Charles Easton and Barbara Hutchison Easton to Joseph
 E. Keane and Barbara J. Keane to the parties of the first part herein.

TOGETHER WITH the buildings thereupon, and the rights,
 alleys, ways, waters, privileges, appurtenances and advantages thereto
 belonging or anywise appertaining.

TO HAVE AND TO HOLD the said described property and
 premises to the said Robert Vincent Beall and Christine Keane Beall,
 his wife, as tenants by the entireties, their assigns, and to the survivor of
 them, and the personal representatives, heirs and assigns of the
 survivor in fee simple;



ACCT 3165-1637-4732
 ALL LIENS ARE PAID AS
 OF 8/6/03 A.A. COUNTY
 BY: *[Signature]*

Clip 3 Rel 8-7-03

AND the said parties of the first part hereby covenant that they will warrant specially the property hereby granted and that they will execute such further assurances of the same as may be requisite.

WITNESS, the hand and seal of the said grantor.

WITNESS

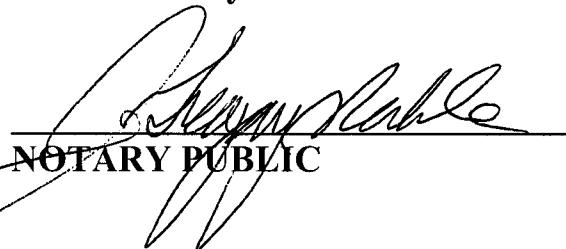

Joseph E. Keane


Barbara J. Keane

STATE OF MARYLAND, COUNTY OF Howard,

I Hereby Certify, That on this 30th day of July,
2003, before me, the subscriber, a Notary Public of the State
Aforesaid, personally appeared Joseph E. Keane and Barbara J. Keane,
known to me (or satisfactorily proven) to be the persons whose names
are subscribed to the within instrument, and acknowledged the
foregoing Deed to be their act, and in my presence signed and sealed the
same.

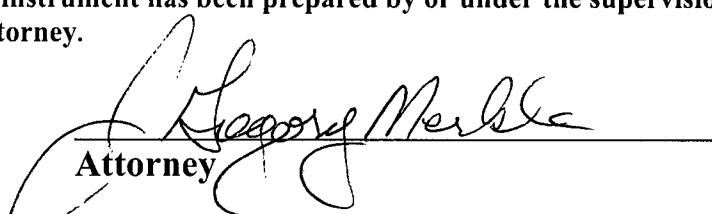
In Witness Whereof, I hereunto set my hand and official seal.


NOTARY PUBLIC

J. GREGORY MERKLE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 14, 2004

My Commission Expires: _____

This is to certify that the within instrument has been prepared by or under the supervision
of the undersigned Maryland attorney.


Attorney

AFTER RECORDATION RETURN TO: VILLAGE TITLE & ESCROW, INC.,
10328 BALTIMORE NATIONAL PIKE, ELLICOTT CITY, MD 21042

File Number: 07032076

OCCUPANCY CERTIFICATION

THE UNDERSIGNED HEREBY CERTIFY THAT
THE PROPERTY IN THE ATTACHED DEED WILL
BE THEIR PRIMARY/PRINCIPAL RESIDENCE.

Bob Vincent Beall

Christine Keane Beall

Critical Area Narrative

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

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

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

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

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

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

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

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

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

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

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

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

Tax ID: 3165-1637-4732

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

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

Project location/Address 910 Forest Ter

City Annapolis Zip 21409

Local case number

Applicant: Last name Clancy First name Michael

Company Applied and Approved Permits

Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Construct open Deck that is within a 100-foot intermittent stream buffer (60 feet away)

Yes	Yes
Intra-Family Transfer	<input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>

Growth Allocation	<input type="checkbox"/>
Buffer Exemption Area	<input type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>
Industrial	<input type="checkbox"/>
Institutional	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>
Other	<input type="checkbox"/>

Recreational	<input type="checkbox"/>
Redevelopment	<input type="checkbox"/>
Residential	<input checked="" type="checkbox"/>
Shore Erosion Control	<input type="checkbox"/>
Water-Dependent Facility	<input type="checkbox"/>

SITE INVENTORY (Enter acres or square feet)

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

Acres	Sq Ft
Total Disturbed Area	.0175 764

of Lots Created 14

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

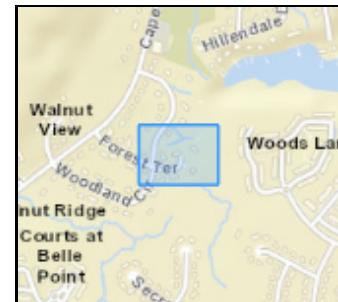
VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	.0175	764	Buffer Forest Clearing	—	—
Non-Buffer Disturbance	—	—	Mitigation	—	—

<u>Variance Type</u>	
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 type="checkbox"/>

<u>Structure</u>	
Acc. Structure Addition	<input type="checkbox"/>
Barn	<input type="checkbox"/>
Deck	<input checked="" type="checkbox"/>
Dwelling	<input 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"/>

910 Forest Terr topo map



Legend

- Foundation
- Addressing
- Parcels
- Structure
- County Structure
- Elevation

Topo 2023

- Index
- Intermediate

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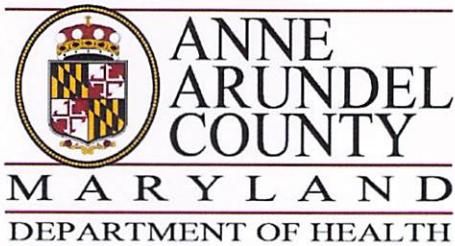
Notes 1"=100'



0 100 200 ft



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 22, 2025

RE: Robert V. Beall
910 Forest Terrace
Annapolis, MD 21409

NUMBER: 2025-0239-V

SUBJECT: Variance/Special Exception/Rezoning

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

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

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

cc: Sterling Seay

2025-0239-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date	12/11/2025	Due Date	01/01/2026
Assigned to	Kelly Krinetz	Assigned to Department	OPZ Critical Area
Current Status	Complete w/ Comments	Status Date	12/11/2025
Action By	Kelly Krinetz	Overtime	No
Comments	No objection to the proposed repair/replacement of the existing deck.		
End Time		Start Time	
Billable	No	Hours Spent	0.0
Time Tracking Start Date		Action by Department	OPZ Critical Area
In Possession Time (hrs)		Est. Completion Date	
Estimated Hours	0.0	<input type="checkbox"/> Display E-mail Address in ACA	
Comment Display in ACA	<input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner		

Task Specific Information

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	



Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

CAC Comments: 2025-0239-V; Beall (AA 0325-25), 2025-0238-V, 2025-0235-V; OConnell (AA 0319-25), and Lilly (AA 0324-25)

1 message

Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>
To: Sadé Medina <pzmedi22@aacounty.org>

Tue, Dec 23, 2025 at 10:50 AM

Good morning,

Our office has reviewed the above-referenced variances and provide the following comments:

- **2025-0239-V; Beall (AA 0325-25):** Appropriate mitigation is required.
- **2025-0235-V; OConnell (AA 0319-25):** The applicant is seeking a variance to disturb the Critical Area Buffer, which is expanded for steep slopes to construct a 784 square foot detached garage entirely within the Buffer. The 3.43- acre lot is designated as Limited Development Area (LDA) and presently improved with a single-family dwelling, driveway, patio, deck, porch, and shed, which amount to 2,571 square feet of lot coverage. The total proposed lot coverage will be 3,309 square feet, which is within the allowable lot coverage limit. The proposed improvements will result in 741 square feet of developed woodland clearing and 1,524.6 square feet of disturbance to the Critical Area Buffer. This office notes that the applicants have the opportunity to minimize impacts to habitat and vegetation by reducing the size of the proposed detached garage.

In order for this variance to be granted, the applicant must demonstrate, and the Administrative Hearing Officer must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets the unwarranted hardship standard and that this variance would not adversely affect water quality and wildlife or plant habitat. If this request were to be denied for the construction of the detached garage within the Critical Area Buffer and with disturbance to steep slopes, the applicants would still have reasonable and significant use of their lot.

- **2025-0238-V; Lilly (AA 0324-25):** The applicants are seeking a variance to disturb the Critical Area Buffer, which is expanded for steep slopes, to replace and reconfigure outdoor amenity space. The lot is located in the Critical Area Limited Development Area (LDA) and presently improved with a single-family dwelling, driveway, patio, sunroom, covered porch, detached shed with a deck, gazebo, and walkways, which amount to 11,445 square feet of lot coverage. The applicants propose removal of some of the walkways, and the expansion of the existing patio, the construction of a new separate patio, and the construction of a stormwater management facility, within the expanded Buffer, and construction of a pool and pool patio outside of the expanded Buffer. These improvements are in addition to the sunroom, covered porch, and shed with attached deck, which are to remain. The improvements will result in 12,734 square feet of total lot coverage, 4572 square feet of developed woodland clearing, and 19,110 square feet of Buffer disturbance, however there will be a 713 square foot reduction of lot coverage within the expanded Buffer. This office would like to note that since the proposal includes the reconfiguration of the outdoor amenity space, the applicants have the opportunity to minimize impacts and disturbance to steep slopes and expanded Buffer in their site design for these accessory structures.

In order for this variance to be granted, the applicant must demonstrate and the Administrative Hearing Officer (AHO) must find that each and every one of the Critical Area Variance standards have been met, including that the proposal meets unwarranted hardship and that this variance would not adversely affect water quality and wildlife or plant habitat. The applicant has every opportunity to design the proposed improvements in a manner that minimizes and/or avoids impacts to the steep slopes and Buffer. However the current proposal results in disturbance to steep slopes and the Critical Area Buffer for the reconfiguration of accessory features, which is not in harmony with the spirit and intent of the Critical Area Law and regulations. As such, it does not appear to meet each and every one of the County's variance standards. If this request were to be denied, the applicants would still have reasonable and significant use of their lot. If the AHO finds that the applicant has demonstrated that each and every one of the Critical Area Variance standards have been met, then appropriate mitigation is required. Our office notes that any areas of the Critical Area Buffer where lot coverage is being removed, must be stabilized in native vegetation, as new lawn is prohibited within the Critical Area Buffer.

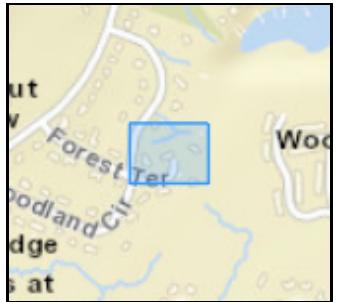
The comments have been uploaded to the County's online portal.

Sincerely,
Jamileh Soueidan





Map Title



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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none



0 50 100
ft



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Notes