

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

APPLICANT: Raymond J. Herman

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2025-0245-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: February 24, 2026

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow a dwelling and associated facilities with less setbacks than required 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 2,201 square feet plus a 177 square foot proposed porch. The existing driveway will be removed and reconfigured away from the shoreline.

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 southwestern and southeastern facades of the existing dwelling, necessitating a variance to allow new critical area lot coverage nearer to the shoreline.

A review of the bulk regulations for development within an R2 District reveals that a setback variance is not required.

FINDINGS

The subject property is generally pie-shaped and exceeds the minimum lot area and width required for a lot served by public sewer in an R2 District. The existing critical area lot coverage is 5,623 square feet. The proposed coverage would be reduced to 4,634 square feet, which falls below the maximum 5,445 square feet allowed.

A review of the 2025 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, the house appears to have been updated since that time.

The property was the subject of a prior variance application (2025-0082-V) for construction of a dwelling with new lot coverage nearer to the shoreline than the facade of the principal structure. The Administrative Hearing Officer denied the variance, and the applicant appealed the decision to the Board of Appeals (BA 36-25V). The applicant's attorney met with the Office of Planning and Zoning (Critical Area Team and Zoning Administration Section) and with the State Critical Area Commission to discuss alternative development proposals, and the applicant redesigned the dwelling based on that guidance. With changes significant enough that both Offices are now in support of the revised redevelopment proposal, this Office determined that the application is not "substantially the same". Therefore, the Office of Planning and Zoning did not require that applicant to wait the 18 months required under § 18-16-403. The applicant withdrew the appeal to the Board of Appeals and submitted this revised variance application instead.

The **State Critical Area Commission** commented that the applicants have reduced the proposed Buffer impacts and the overall lot coverage as well as minimized the shoreline encroachment with this proposal compared to the previous variance application (Raymond Variance 2025-0082-V (AA 0148-25)). The Commission recognizes the unique configuration of this lot, which is triangular and almost completely within the Critical Area Buffer, making redevelopment of this site difficult without requiring a variance. Thus, provided that the Administrative Hearing Officer (AHO) finds that each and every one of the Critical Area Variance standards have been met, appropriate mitigation is required.

The **Development Division (Critical Area Team)** commented that, based on the overall reduction in coverage and maximization of the buffer to the extent practical, the Team has no objection.

The **Health Department** does not have an approved plan for this project, but has no objection to the variance request as long as a plan is submitted and approved by the Department. The applicant is advised that an approved Grading Plan detailing the proposed stormwater management is required to ensure well setbacks are met.

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. 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.

The **Engineering Division of the Office of Inspections and Permits** took no position on the variance request, but provided a detailed list of engineering and utility issues that will need to be addressed at permitting if the variance is approved.

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. In this particular case, the triangular property has water on the two sides and is significantly encumbered by the BMA - Buffer Modification Area and associated restrictions in both directions, causing redevelopment to be problematic without variance relief.

A literal interpretation of the County's Critical Area Program would deprive the applicant of rights that are commonly enjoyed by other properties in similar areas by denying the right to redevelop an existing residentially zoned lot with an updated dwelling. The granting of the variance would not confer on the applicant a special privilege that would be denied by COMAR, Title 27. The 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 revised variance would not adversely affect water quality or impact fish, wildlife, or plant habitat and would be in harmony with the general spirit and intent of the County's Critical Area Program. The applicant has overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law and has evaluated and implemented site planning alternatives by working with the County Critical Area Team and the State Critical Area Commission to address their prior concerns.

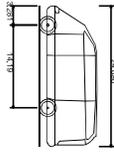
With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development area, be contrary to acceptable clearing and replanting practices, or be detrimental to the public welfare. The revised proposal minimizes the environmental impacts to the maximum extent possible, given the unique constraints of the property. As such, the proposed variance is deemed to be the minimum necessary.

RECOMMENDATION

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

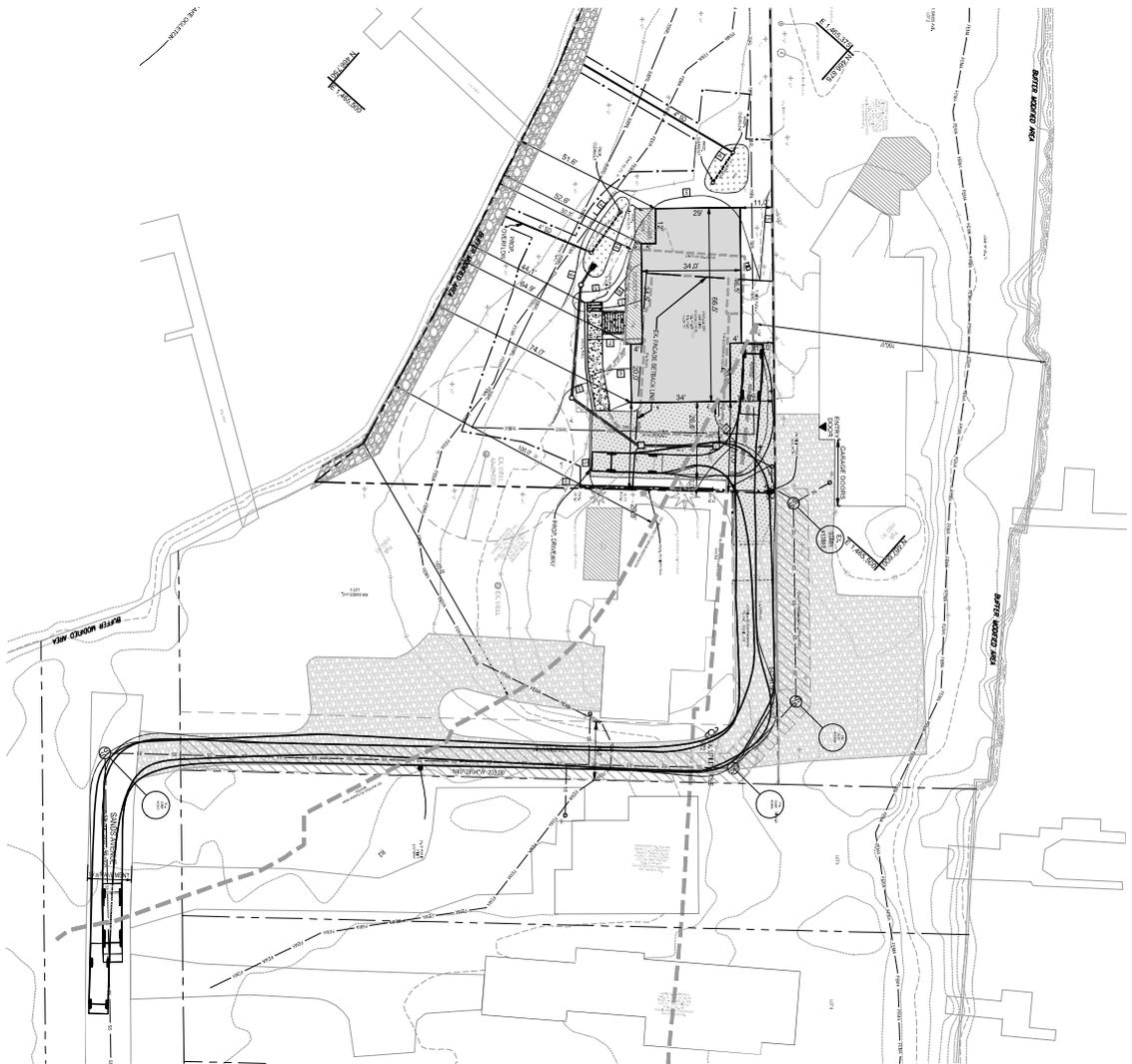
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This 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.

Mercedes Sprinter Panel Van 518CDI Extra Long Super High Roof
 Overall Length 6.539m
 Overall Width 2.452m
 Overall Body Height 9.942m
 Min Body Ground Clearance 1.332m
 Lock-to-lock time 5.009m
 Wall to Wall Turning Radius 25.591m



PANEL VAN PROFILE
 NOT TO SCALE

PANEL VAN TURNING MOVEMENT
 SCALE 1:500



Sheet No. 5 OF 5	ADMINISTRATIVE SITE PLAN VARIANCE ADMINISTRATIVE PLANS FOR <h2 style="margin: 0;">31 SANDS AVENUE</h2> <p style="font-size: 8px;">31 SANDS AVENUE, ANNAPOLIS, MD 21403 TAX MAP 52, GRID 10, PARCEL 29, LOT 3 TAX ID 03-047-0444-6650 SECOND DISTRICT ANNE ARUNDEL COUNTY ZONED R2</p>	<p>ATWELL 866.860.4200 www.atwell.com 2801 MAR ROAD, SUITE 100 ANNAPOLIS, MARYLAND 21401 410.897.9290</p>	<p>Tory Schuman Date 11/07/25 10993 Date 3/31/26 License No. Expiration Date</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">Revisions</th> </tr> <tr> <th>Rev. #</th> <th>By</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Revisions				Rev. #	By	Date	Description																																				
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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 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

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:



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

A handwritten signature in blue ink, appearing to read "Ken Wallis", is positioned above a horizontal line.

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-bioretenment areas. The locations of these two micro-bioretenment 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.

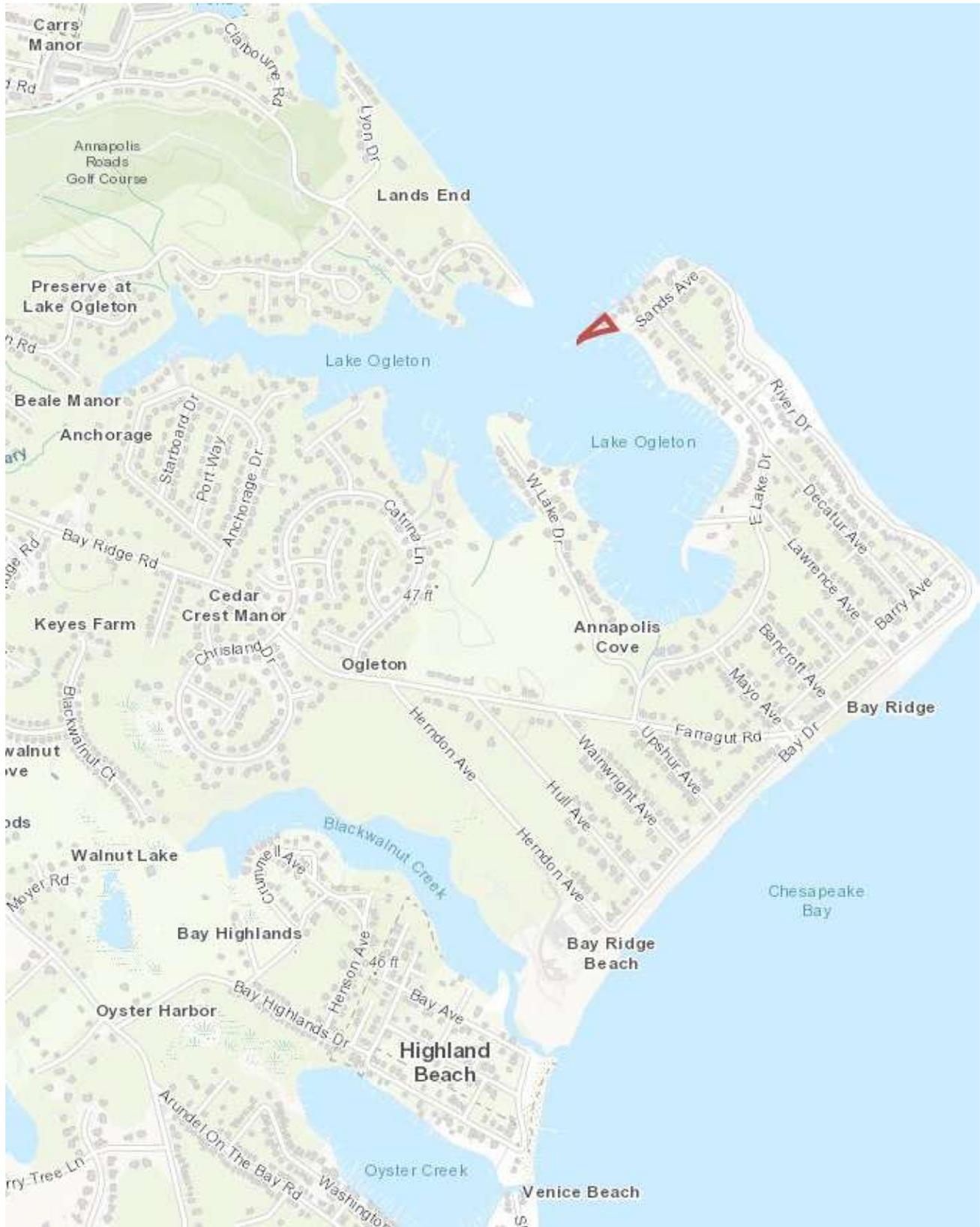


FIGURE 1 ANNE ARUNDEL COUNTY – VICINITY MAP

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

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	I

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Tax ID: 2047-0444-4650

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 <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 checked="" 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:

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

Yes Intra-Family Transfer <input type="checkbox"/> Grandfathered Lot <input type="checkbox"/>	Yes 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		Acres	Sq Ft
IDA Area			Total Disturbed Area		
LDA Area	0.524	22,867	# of Lots Created		
RCA Area					
Total Area					

	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		

<p><u>Variance Type</u></p> 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"/>	<p><u>Structure</u></p> 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"/>
--	--

Not relatively in line

Wes Moore
Governor

Aruna Miller
Lt. Governor



Erik Fisher
Chair
Nick Kelly
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

January 6, 2026

Ms. Sterling Seay
Planning Administrator
Anne Arundel County Zoning Division
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: 2025-0245-V; Herman Variance – 31 Sands Ave, Annapolis (AA 0331-25)

Dear Ms. Seay,

Thank you for providing information regarding the above-referenced variance request for relief from Anne Arundel County Code § 17-8-702(b)(1) to place new lot coverage nearer to the shoreline than the closest façade of the existing principal structure. The applicant proposes to raze the existing dwelling and construct a new, two-story single-family dwelling with associated improvements. The property is located entirely within the Critical Area on land designated as Limited Development Area (LDA) and as a Buffer Modified Area (BMA). Currently, the property is improved with a single-family dwelling, deck, shed, and driveway. The existing lot coverage on the property is 5,623 square feet, of which, 5,030 square feet is within the Critical Area Buffer. The proposed lot coverage will total 4,634 square feet, with 3,534 square feet within the Critical Area Buffer.

The applicants have reduced the proposed Buffer impacts and the overall lot coverage as well as minimized the shoreline encroachment with this proposal compared to the previous variance application (Raymond Variance 2025-0082-V (AA 0148-25)). This office recognizes the unique configuration of this lot, which is triangular and almost completely within the Critical Area Buffer, making redevelopment of this site difficult without requiring a variance. Thus, provided that the Administrative Hearing Officer (AHO) finds that each and every one of the Critical Area Variance standards have been met, appropriate mitigation is required.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing the date the decision is made in this case. If you have any questions, please feel free to contact me at 410-260-3479 or kathryn.hayden@maryland.gov.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Hayden".

Kathryn Hayden

Natural Resources Planner

File: AA 0331-25

cc: Jennifer Esposito, Critical Area Commission
Jamileh Soueidan, Critical Area Commission

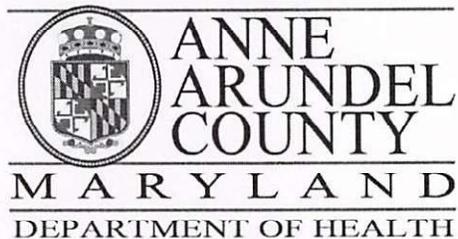
2025-0245-V

Menu Cancel Help

Task OPZ Critical Area Team	Due Date 01/05/2026	Assigned Date 12/15/2025
Assigned to Department OPZ Critical Area	Assigned to Kelly Krinetz	Status Complete w/ Comments
Action by Department OPZ Critical Area	Action By Kelly Krinetz	Status Date 12/16/2025
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments Based on the overall reduction in coverage and maximization of the buffer to the extent practical, I have no objection to this proposal.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment 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
Estimated Hours 0.0	Action Updated	Workflow Calendar

Task Specific Information

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	



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
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

2025-0245-V

Menu Cancel Help

Task
OPZ Cultural Resources
Assigned to Department
OPZ Cultural Resources
Action by Department
OPZ Cultural Resources
Start Time

Due Date
01/05/2026
Assigned to
Stacy Poulos
Action By
Stacy Poulos
End Time

Assigned Date
12/15/2025
Status
Complete w/ Comments
Status Date
01/12/2026
Hours Spent
0.0

Billable
No

Overtime
No

Comments
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. "

Time Tracking Start Date
Display E-mail Address in ACA
No

Est. Completion Date
 Display Comment in ACA

In Possession Time (hrs)
Comment Display in ACA
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner

Estimated Hours
0.0

Action
Updated

Workflow Calendar

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name

2025-0245-V

Menu Cancel Help

Task
I and P Engineering
Assigned to Department
Engineering
Action by Department
Engineering
Start Time

Due Date
01/05/2026
Assigned to
Jean Janvier
Action By
Jean Janvier
End Time

Assigned Date
12/18/2025
Status
Complete w/ Comments
Status Date
01/05/2026
Hours Spent
0.0

Billable
No
Overtime
No

Comments
1. On Sheet 3 of the Administrative Site Plan, on the southeastern side of the property, near the proposed driveway and proposed wall, the proposed 4.8 ft spot elevation does not correspond with the proposed 5 ft and 6 ft contours.
2. On Sheet 3 of the Administrative Site Plan, on the southeastern side of the property, near the proposed driveway and proposed wall, does the proposed 5.4 ft spot elevation between the two proposed 5 ft contours denote a drainage divide? If so, denote using HP for a high point. If not, revise the grading.
3. 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.
4. Label the contours between the proposed dwelling and the existing timber wall on the shared property line of 31 Sands Ave and 33 Sands Ave.
5. There is proposed grading outside of the LOD east of the proposed dwelling near the shared property line of 31 Sands Ave and 29 Sands Ave. Revise as needed.
6. Stormwater devices must be a minimum of 10 feet from the proposed dwelling.
7. Stormwater devices must be outside of the FEMA Floodplain.
8. Label the existing sewer manhole (Existing SSMH #13808) as public or private. This can be done at grading.

Time Tracking Start Date **Est. Completion Date**
Display E-mail Address in ACA **Display Comment in ACA** **Comment Display in ACA**
No

- In Possession Time (hrs)**
- All ACA Users
 - Record Creator
 - Licensed Professional
 - Contact
 - Owner

Estimated Hours
0.0
Action
Updated

Workflow Calendar

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name

