ROCCO ENTERPRISES, INC. 130 LUBRANO DRIVE SUITE 200 ANNAPOLIS, MD 21401 PHONE: 301-261-8042



Jan. 8, 2024

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

RE: 23 Leeland Road Edgewater, MD Variance 2023-0174-V/ Revised Jan. 8, 2024

# LETTER OF EXPLANATION

As stated in the pre-filing dated Aug. 17, 2023 and at the Variance hearing dated Dec. 5, 2023, the subject site is known as 23 Leeland Road Edgewater, MD and as shown on A.A. Tax map 56, Grid 7, Parcel 274. The property is zoned R-1 and it is located within the L.D.A. Critical Area. The property owner is John Powell, Jr. residing at 1108 Niblick Court Arnold, MD 21012 and by Deed recorded in Liber 39714, Folio 25. The 2.31 acre site is partially wooded and clear with 15% and 25 % slopes and their respective 25' and 50' buffers and expanded buffers.

Due to site zoning restrictions there is no area available to construct a residential house without impacting steep slopes and their buffers. Based on the Variance hearing comments and neighbors concerns we placed the proposed house along the road. Leeland Road services the existing Marina to the southeast and therefore is heavily trafficked by cars and trucks. The proposed house location will be 72' from Leeland Road. Also, the primary and approved septic system will remain as originally designed and Re-approved by the Anne Arundel County Health Department on Dec. 28, 2023 with the revised site plan.

As to Critical Area data please refer to the Revised Notification Worksheet and a copy is attached hereto. As to SWM requirements, ESD to MEP as now Revised will be addressed via rooftop disconnections and raingarden with complete SWM Comps, report and Revised Final Development Plan and response in writing to Inspections and permits comments dated Oct. 10, 2023. Also in order to minimize disturbance and to accommodate the proposed house, water well, driveway, septic system and SWM devices the total L.O.D. is (3, 166 sq. ft. or 0.302AC.

Therefore, based on the above and also on the pre-filing and Variance Hearing recommendation we need to seek a Variance to zoning code section 17-8-201(a) to allow disturbance of slopes of 15% or greater within the Limited Development Critical Area and to section 18-13-104(a) to allow disturbance to the buffer and expanded buffers. Due to the site impacted by steep slopes the expanded buffer covers the entire 2.31 acre site.

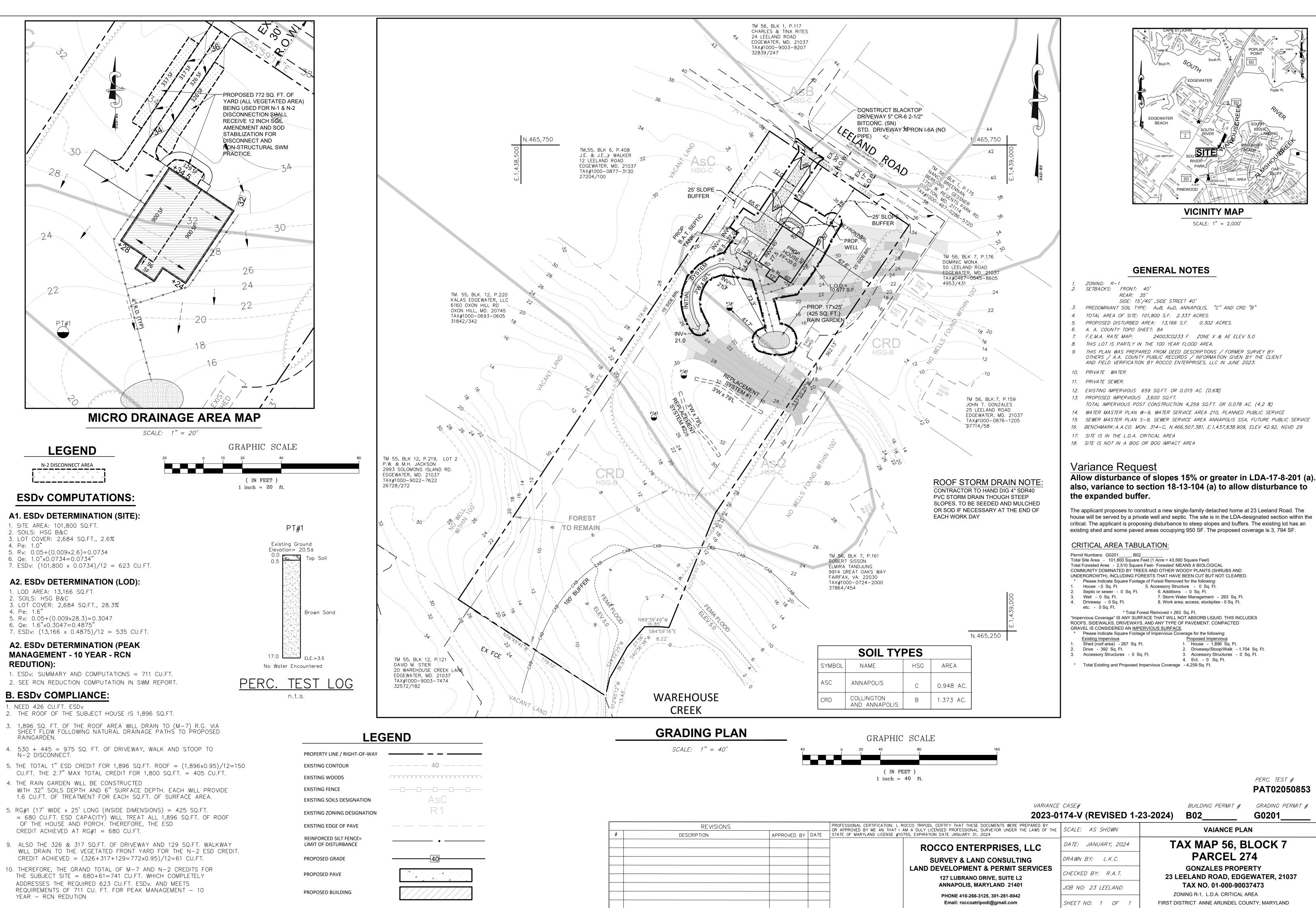
In conclusion we hope the enclosed Revised information package is satisfactory for your office to proceed with the variance hearing and should you need further information please feel free to contact me.

Sincerely Submitted,

Rocco A. Tripodi, P.L.S. FOR ROCCO ENTERPRISES LLC

Cc Mr. John Powell, Jr.





To whom it may concern,

My name is John Powell, property owner of 23 Leeland Rd Edgewater MD 21037. My wife and I are requesting a variance to disturb steep slopes on the property to build a home. We originally wanted to build a home down by the water and take full advantage of the waterfront property. However, after discussions with the engineer, we understand the ease of building elsewhere as well as the county's

preference to leave this portion untouched. The issue at hand is the rest of the property has steep slopes. We want to build in just about the center of the property which is well outside the buffer zone. There is one area we believe to be the best fit for us to raise a family. We would not have to remove any trees with this house placement.

We cannot build close to Leeland Rd because there is a commercial marina, and a lot of traffic comes in and out of the one-lane road. This is a large concern for the safety of our children in the future. In addition, if we were to try and build 45ft off Leeland Rd we would also need to disturb steep slopes. The house location we chose truly is the best place for us to build in order to disturb as little land as possible, preserve trees, and stay secure. We love this land and will protect it while hopefully building our home to raise a family for the next generation.

Thank You,

John M Powell Jr

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

# PROJECT NOTIFICATION APPLICATION

## GENERAL PROJECT INFORMATION

Jurisdiction:				Date	: 8 16(2)	en en δ. βαλα τη δραγ της της της 
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Project Name (site name, s	subdivision name	e, or other)	- 2 CH	Y(C)YC	NYAR LEN BERN	
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Applicant: Last name	Poste			First n	ame Acarta	
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Company						
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#### Application Type (check all that apply):

Building Perr Buffer Mana Conditional U Consistency Disturbance Grading Perr Local Jurisd	gement Plan Use Report > 5,000 sq ft	t Information	:	Variance Rezonin Site Plan Special I Subdivis Other	g 1 Exception	
	(†)					
Last name		0		First name		
Phone #		4645163	Response fr	om Commis	sion Required By	
Fax#		A STATE AND	i zi I	Hearing date		

Revised 12/14/2006

# SPECIFIC PROJECT INFORMATION

# Describe Proposed use of project site:

FOR ELE ONL	er To Construct MAR	estruckt House				
Intra-Family Transfer Grandfathered Lot	Yes	Growth Allocation Buffer Exemption Area	Yes			
Project Type (check all	I that annly)	a (	,			
Commercial Consistency Report Industrial Institutional Mixed Use Other		Recreational Redevelopment Residential Shore Erosion Control Water-Dependent Facility		с З	a.	

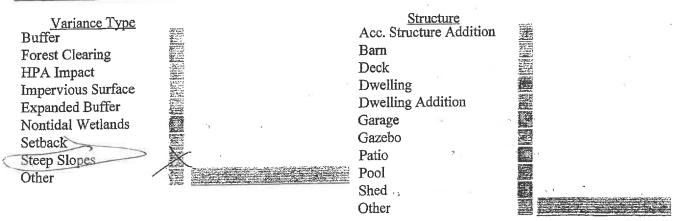
## SITE INVENTORY (Enter acres or square feet)

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RCA Area					- 94 T S - 96 - 17 - 184	
Total Area	2.53	10,000	-			

	Acres	Sg Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	105	45,800	Existing Impervious Surface	2167	-950-
Created Forest/Woodland/Trees	Sector Street Const.		New Impervious Surface	0.037	3794 -
Removed Forest/Woodland/Trees	0	0	Removed Impervious Surface		
	Consideration for the .	Provide a second s	Total Impervious Surface		

#### VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance	a contract of the second state of the second state		Mitigation		



Revised 12/14/2006

# recce enterprises, llc

land development, survey & permitting consultant & engineering

RE; 23 LEELAND ROAD EDSEWATER, MA

"VARIANCE"

CRITICAL AREA DATA/REPORT :

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- b) AS STATED THE SITE IS PARTIAL WOODED AND THE PROPOSED USE AMA CONSCRUCTION WILL PRESERVE THE EXISTING WOODS EX CEPT 1000 B.F. for Proposed Drivenky APROLLENTANCE.
- C.) THE S.W.W. WETHODS TO MINIMIZE INPACE OU WATER QUALITY AND HABITLE WILL BE PROVIDED BY THE USE OF (4) DRY LIELS LY ELCH Corner of THE HACRE TO MANAGE THE INCREMSED LOC COVERAGE WITH COMPLETE ESP TO HETP COMPLETATIONS all Existing Inspervious / Loge Greenage 950 Sq. Fr. / Froposes; 2044 f COEAN Existing & Proposed: 3794 Sif.
- ALL EXISTING WOOD LAND TO REVIXIN EXCEPT LOGES & FORDRIVE EUG WILL BE MERIGATED IT CIKE OF GIDDIUG & BUIDAN PETHICS, C)
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  - 2. CHITICAN AREA ! LID.A
  - 3. MAXING LOP GUERAJE ALLOWED: 15% OF 15,270 SJ.
  - 4. Propose o Lot Coverage 28445. 5 plus trupping 9505. 5. Tozal 37948. Fri
  - 5. Wood Louis AEQUIRES 15% or 15,2705.Fr
  - 6. Existing unoophases : 45,800 S.F. or 0. 209%
  - 7. Existing WOODLAND TO BE REMAKED: 1000 S.F.

SEE ALSO SITE VARIANCE PLAN

127 Lubrano Drive • Suite L2 • Annapolis, Maryland 21401 Phone: 410-266-3125 • Cell: 443-994-4578 Email: roccoatripodi@gmail.com



### OFFICE OF PLANNING AND ZONING

#### **CONFIRMATION OF PRE-FILE MEETING**

	DATE OF MEETING	9.11.2023
	P&Z STAFF	Sumner Handy
Pr	e-File Record Number	2023-0027-P
APPLICANT/REPRESENTATIVE Rocco Tripodi EMAIL	roccoatripodi@gmail.co	m
SITE LOCATION 23 Leeland Road, Edgewater LOT SIZE	2.31 acres ZONING	R1
CA DESIGNATION BMA _X_ or APPLIC	CATION TYPE variance	

The applicant proposes to construct a new single-family dwelling, driveway, and septic system.

#### COMMENTS

The Critical Area Team commented that this property is mapped, partially, as buffer (non-modified) which must be expanded to include all slopes 15% or greater as well as 50' from the top of said slopes. It appears that the proposed development of this site will require a variance to disturb the expanded buffer. The proposed development has been minimized and the location of the septic is dictated by Health Department requirements. The Critical Area Team lodges no objection to the proposal at this stage, provided the site plan that is submitted with the application correctly depicts all slopes 15% or greater, the expanded buffer, and an accurate tree line with accurate calculations.

Comments from the Department of Inspections and Permits, Engineering Division, are appended here in full.

The Zoning Division notes a variance to Section 17-8-201(a) is required to allow disturbance of slopes 15% or greater in the Limited Development Area. A modification to Section 17-6-403 to allow development within steep slopes or within the 25-foot buffer to steep slopes may be required. Per Critical Area Team comments, the buffer to the Chesapeake Bay Critical Area expands due to its intersection with steep slopes; a variance to Section 18-13-104(a) to allow disturbance to the buffer as expanded. Please ensure that the expanded buffer is drawn on the site plan submitted with the application.

#### 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.

# rocco enterprises, llc

land development, survey & permitting consultant & engineering

A A Ca. P. & Z. ECGA ENTA IZOAD AUUSPOLIS, MD. ZIAA. DATE: 4-UGUST-17-23

(PRE-FILING)

LECTER OF EXPLANATION

THE SUBJECT PROPERTY IS KNOWN AS ZILEELAND ROGO-EDGEWOTER, MAR, AND &S SHOWN ON R.A. CO. Tax Prop 56 9E10-7 PARCEL-274 AND UNDER THE TAX ACCOUNT Nº 01.000. 9003.7473. NUDER THE ANTHORIEATION OF OUR CLIENT

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127 Lubrano DriveSuite L2Annapolis, Maryland 21401CRITICALPhone:410-266-3125Cell:443-994-4578ARCAEmail:roccoatripodi@gmail.comData

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C.C. K. JOXY POINELL



# SURVEY CONTROL STATION RECORD STATION NAME: BROWN

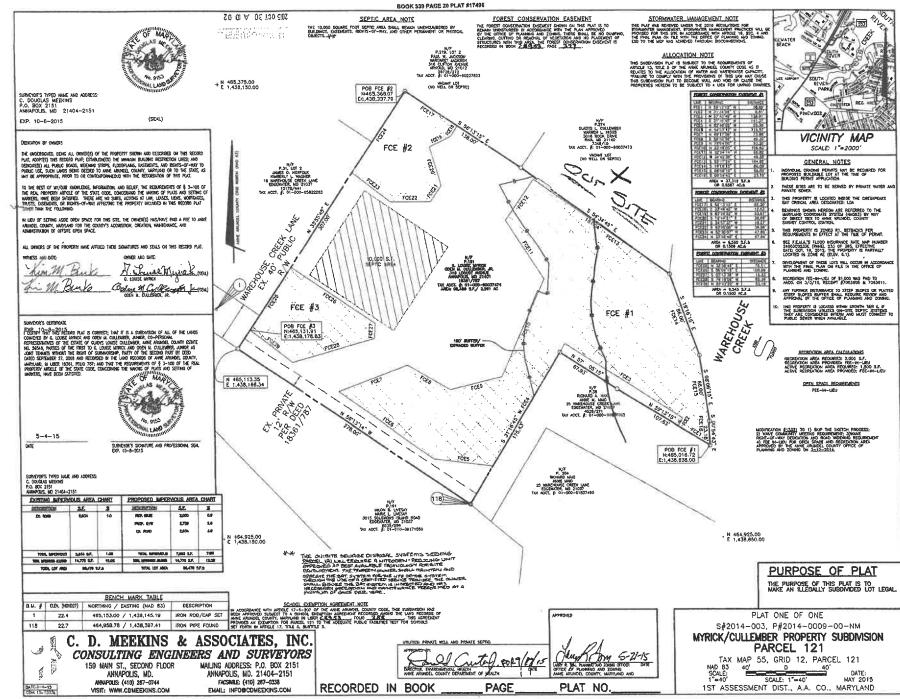


BROWN & SON'S STOKE

HORIZONTAL INFO	RMATION	VERTICAL IN	FORMATION
MD STATE PLANE COORDIN	ATE SYSTEM	ELEVATION (F	T) DATUM
NORTHING (FT) EASTING	(FT) DATUM		
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NAD 83/91: C-1 ORDER		DD 4/1/19	95 NOT FND
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LONGITUDE - NAD83: 076°	33' 8.04694"		
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2662 RIVA ROAD, ANNAPOLIS, M	1D 21403 10-222-7953	/	1

http://www.aacounty.org/dpw

TELEPHONE: 410-222-7040 FAX: 410-222-7953



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MSA 51235-10122

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03/03/01



#### DEPARTMENT OF HEALTH BUREAU OF ENVIRONMENTAL HEALTH 3 Harry S. Truman Parkway Annapolis, Maryland 21401

### APPROVAL TO CONSTRUCT AN ON-SITE SEWAGE DISPOSAL SYSTEM

Tax Account #: 100090374730

Perc Number: PAT02050853

Type of Construction: N

**Property Owner: GONZALES, JOHN** 

Property Use: R

Building Address: 23 LEELAND ROAD EDGEWATER

Tax Map: 56Block: 7Parcel: 0274Sect:Block:

Lot #:

LIVABLE SQUARE FOOTAGE: 3501 DATE RECEIVED: 5/10/2023

#### SEWAGE DISPOSAL SYSTEM MINIMUM REQUIREMENTS CONVENTIONAL APPROVAL WITH BAT TANK

Subdivision: ON WAREHOUSE CREEK

SEPTIC TANK SIZE: BAT UNIT

DRAINFIELD: TOTAL LENGTH 92 NUMBER OF TRENCHES 1 LENGTH 92 FEET WIDTH 3 FEET DEPTH 13 FEET PIPE IN TRENCHES NO DEEPER THAN 2 FEET TRENCHES SEPARATED BY 18 FEET FROM EDGE TO EDGE

COMMENTS: INSTALL SEPTIC PER PLAN FOR NEW OVER 3501 SQFT W/6 BEDS. NEW WELL REQUIRED.

The house, well and septic system must be located as shown on the site plans submitted on 6/28/2023. Any deviations from the approved site plan must receive prior approval of the Health Department or the building permit may be revoked. Property lines must be adequately staked prior to the installation of the on-site sewage disposal system. If this approval includes the installation of a BAT (Best Available Technology for Removal of Nitrogen), it is the responsibility of the owner to ensure the BAT system is inspected and has necessary operation and maintenace performed at a minimum of once per year.

ran Chew

**Program Manager** 

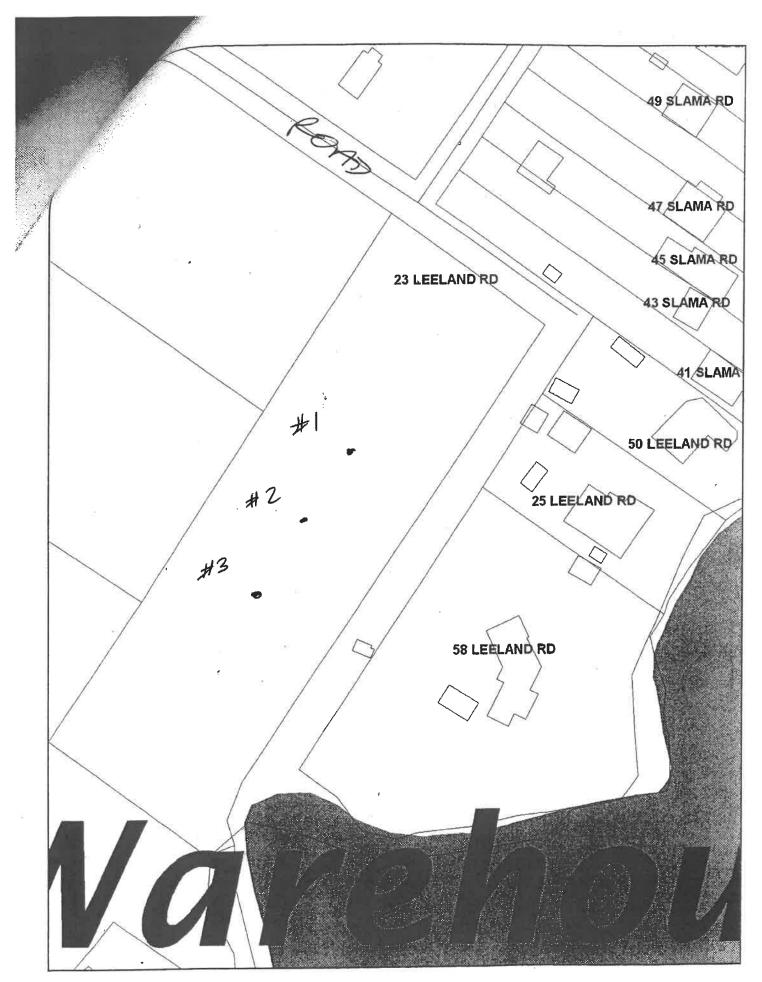
Approved By <u>Mark E. Takacs</u> Tested By

**Thomas J. Scalley** 

6/28/2023 Date of Issuance 5/17/2023

Date Tested

Approval is valid for two (2) years from the date of issuance unless a building permit is obtained. A Licensed Disposal System Contractor or Master Plumber must secure a permit to install the sewage disposal system in accordance with the approved site plan and above requirements.





Bureau of Environmental Health 3 Harry S. Truman Parkway Annapolis, MD 21401 Phone 410-222-7193 Fax 410-222-7479 Maryland Relay (TTY); 711 www.aahealth.org

Tonii Gedin, RN, DNP Acting Health Officer

ROCCO ENTERPRISES LLC 127 LUBRANO DRIVE/ SUITE L2 ANNAPOLIS, MD 21401

RE:

Perc #PAT02050853 Tax Account #100090374730 Site: 23 LEELAND ROAD EDGEWATER

This letter does not constitute Health Department or Building Permit approval for the referenced site. The Anne Arundel County Department of Health has completed an evaluation of the above referenced property. Percolation test(s) were conducted on <u>May 17, 2023</u>. Minimum design requirements are based on a proposed house size <u>larger than 3500</u> square feet and the test results. The minimum design requirement for the initial septic system and replacement systems are as follows:

Septic Tank BAT

Initial Drain Field:

Test # 1 Total Length <u>92</u> feet Number of Trenches 1 Length of Trench <u>92</u> feet Width of Trench <u>3</u> feet Depth of Trench <u>13</u> feet Pipe in trench no deeper than <u>2</u> feet Trenches Separated by <u>18</u> feet from nearest edge to edge Replacement systems:

Test # 2.3 Total Length 79 feet Number of Trenches 1 Length of Trench 79 feet Width of Trench 3 feet Depth of Trench 13 feet Pipe in trench no deeper than 2 feet Trenches Separated by 18 feet from nearest edge to edge

Other: PERC LOCATIONS TO BE FIELD LOCATED.

A nitrogen reducing pretreatment unit will be required with the design of the sewage disposal system. The reason for this requirement is this property is located in the Chesapeake Bay watershed as required by COMAR 26.04.02.07.

The minimum design requirements listed above are for the purpose of preparing site plans for the referenced property.

Before approval of a septic system for this property is considered, six (6) copies of a site plan should include; all items on the enclosed site plan requirements sheet, a nitrogen reducing pretreatment unit, if required and the layout of the proposed initial septic system and 2 replacement(s) must be prepared by the owner/applicant and submitted to this office for review.

May 17, 2023

DEPARTMENT OF HEALTH PERC DATA FORM PERC APPLICATION NO: RF# VES NO PRIOR PERC(S): SEWER SERVICE CATEGORY: SOIL TYPE: CRITICAL AREA? DEVES INO WET SEASON RESTRICTED? XYES D NO BOG AREA I YES TESTED IN WET SEASON: DYES DNO Caro 100' FROM WATER WAY: DNO DYES **# OF BATHROOMS # OF BEDROOMS:** EXISTING HOUSE SIZE **# OF BATHROOMS** # OF BEDROOMS PROPOSED HOUSE SIZE -16-23 SANITARIAN DATE TESTED/INSPECTED: Contee PERSONS PRESENT DURING TEST SOIL TEST/SITE EVALUATION #2 # )(-19)(46)= ?9 (9)(-19)/54)=92 1- 79'L × 3'W × 15'D 1-921LX31WX 13'D PIRE Q Z' Sep=18' Sep= 18' PIRC @ 2' LOCATION OF BACKWASH DISCHARGE WATER CONDITIONER? I YES INO NUMBER OF OCCUPANTS HOUSE OCCUPIED? 🗖 YES 🗖 NO OVERFLOW DBACK-UP IN HOUSE COLLASPED TANK FAILING SYSTEM? 🗆 YES 🗖 NO **OTHER COMMENTS: BRF FUNDING PRIORITY (1-6):** % NUMBER OF OWNERS: TAX YEAR: ' BRF FINANCIAL QUALIFICATION: INITIALS: BRF VENDOR CONTRACT RECEIVED: DATE: UNIT TYPE:\_\_\_



#### Sumner Handy pzhand00@aacounty.org>

#### P2023-0027-P and 2023-0174-V

#### Kelly Krinetz <pzkrin00@aacounty.org> To: Sumner Handy <sumner.handy@aacounty.org> Cc: Sterling Seay pzseay16@aacounty.org>

I am fine with proceeding however we may want to consider removing or somehow noting that the Prefile comments are not applicable to this location.

On Wed, Oct 4, 2023 at 10:07 AM Sumner Handy <sumner.handy@aacounty.org> wrote:

Kelly - would you like to conduct one more pre-file review? Or proceed?

Sumner Handy, AICP Planner III

Zoning Administration Section 2664 Riva Road Annapolis, MD 21401

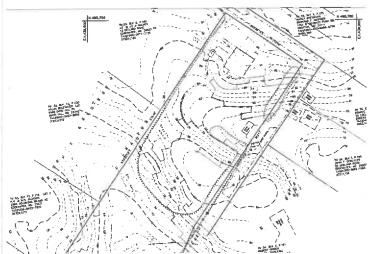
410-222-7437 www.aacounty.org

On Tue, Oct 3, 2023 at 2:18 PM Sterling Seay <pzseay16@aacounty.org> wrote: It's interesting that the house was moved to the approximate same location engineering marked on the pre-file in yellow. I would not require a new pre-file unless Kelly feels strongly. It variances are required.

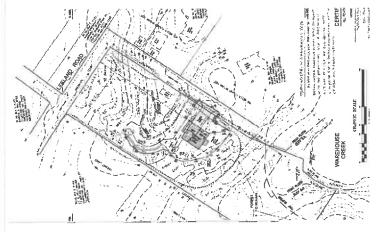
On Tue, Oct 3, 2023 at 1:24 PM Sumner Handy <sumner.handy@aacounty.org> wrote: Indeed. Plus the orientation has switched, making it a touch more difficult to follow. Images below.

Sterling, intake was completed just yesterday for this app (Kelly apparently is on fire), and so a hearing date has not yet been set. If we need to require a new pre-file, it'd be good to do scheduled, if possible. Do we need a new pre-file?

Pre-file (2023-0027-P):



And 2023-0174-V:



Sumner Handy, AICP Planner III

Zoning Administration Section

2664 Riva Road Annapolis, MD 21401

410-222-7437 www.aacounty.org

On Tue, Oct 3, 2023 at 12:41 PM Kelly Krinetz <pzkrin00@aacounty.org> wrote: The prefile for this application showed the house in a different location. Just wanted to point it out but also asked if he needs to do another prefile?



Sterling P Seay Planning Administrator Zoning Administration Section 2664 Riva Road MS 6301

The Best Place For All Zoning has gone paperless!! Submit zoning applications through the Land Use Navigator