



November 11, 2024

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401
Attention: Ms. Sterling Seay

Re: VARIANCE REQUEST
FRANK BENZ PROPERTY
1100 MAGOTHY CIRCLE
ANNAPOLIS, MD 21409
G02020179

Dear Ms. Seay:

On behalf of the applicants, we respectfully request a variance to Article 18-4-701 which states in part that a principal structure be located 20' from a rear property line. The lot is developed with dwelling and associated improvements, that will be removed as per G02020179. This lot meets the definition of a buildable lot, subject to the approvals of the County. The property is 42,722 square feet in area. The site is served by well and public sewer. It is served by Magothy Circle, a 20' right of way. The site drains to the tidal waters of the Little Magothy River. The site is waterfront. The site is located in the LDA of the Chesapeake Bay Critical Area. The site is located in a Buffer Modification area. The site is zoned R5. The dwelling is in flood zone X.

The applicant wishes to remove the existing features and construct a new dwelling and driveway on the lot. As the site is BMA, per 17-8-702(b), no lot coverage shall be placed nearer to the shoreline than the façade of the existing structure. The client designed a house specifically to meet this requirement. During the review of this grading permit, no comment was made on this layout. However, it was pointed out during this review that what had been labeled a side yard is actually the rear yard, per 18-2-401. The building restriction lines were thusly modified, and the need for a zoning setback variance request was determined. A review of aerial photography of the peninsula indicates that the request is not out of the character of the neighborhood. Because of the odd shape of the lot and the fact it has tidal water on three sides, the house was designed not only to meet 17-8-702(b) but to conform with the layout of existing properties. However, Magothy Circle serves the lot in a manner that requires the portion of the lot next to 1098 Magothy Circle to be the rear yard.

The existing dilapidated home does not currently meet the 20' rear yard setback. It is located 16.97' from the lot line. The proposed home would be 7' from the rear lot line, in conformance with other development in the area. The new home would require a 13' variance to the rear lot line. With the requirements of 17-8-702(b), this would leave a dwelling out of the character of the area, it would be long and narrow. The proposed home was designed to meet the underlying lot coverage allowances, and keep the clearing under the Codified limits. From the start, this was a tough site to

redevelop, and based on the current layout, with the granting of this variance, the site should be an improvement to what exists currently. Stormwater management is shown as provided, and all work has been kept as far as possible from the shoreline. Granting this variance would allow replacement of a potential eyesore with a modern dwelling compatible with the neighborhood. It should be noted that the design for the site does not require a critical area variance. Although the overall lot coverage is being increased from existing, the proposed lot coverage (4,884 sq. ft.) is well under the allowable lot coverage for a property of this size (6,408 sq. ft.).

In response to the pre file comments, the line of the closest façade to the shoreline was removed, and other proximities to the shoreline were reverified. It would appear that the proposed development meets the requirements of 17-8-702(b). The engineering comments are being addressed under the grading permit.

This plan meets the intent of 18-16-305(a):

1. The subject property is 42,722 square feet in size, and it is zoned R5, it is well above the R5 lot size requirements. The site is on a point, so it has tidal water on three sides. The neighboring lots side yard was determined to be the subject properties rear yard. The site is BMA, which precluded placing a dwelling closer to the shoreline than the façade of the existing structure. The site does have steep slopes and their buffers, but these would not be impacted by development. The closer to the shoreline provision does not allow for a dwelling commensurate in size to other dwellings in the neighborhood. As such, there is no reasonable possibility of developing this property without relief to the Code.

2. The exceptional circumstances and practical difficulties in redeveloping the property have been noted in #1 above to a large degree. As the site BMA, with an existing dilapidated structure, it would not be possible to do any improvements to the dwelling without a variance. The variance request for rear setback relief means no critical area variance is necessary or requested.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA, as mitigation will be required for the proposed tree removal. The work performed will not be contrary to clearing and replacement practices, and will not alter the character of the neighborhood or be detrimental to the public welfare.

1. The variance request is the minimum to afford relief. The request is the minimum to allow for construction of a new dwelling, without the need to request a variance for critical area requirements.

2. i. This variance will not alter the essential character of the neighborhood. The new dwelling will conform in size and layout with other properties on the peninsula. The new house will be further from the shoreline than many of the dwellings that exist in the area. This dwelling will fit right in with others, and will not have an impact on the character of the neighborhood.

ii. This variance will not impair the use of adjoining properties. The proposal will not impact neighbors. The proposed work meets all underlying critical area requirements, and meet all setbacks other than the one for which relief is being requested.

iii. Tree clearing within the prescribed limits of the Code will be necessary, however this tree clearing will require mitigation. Any mitigation necessary during the permit process will not decrease tree cover in the LDA or RCA.

iv. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.

v. The project will not be detrimental to the public welfare, as it is located on private property.

This plan proposes the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA or RCA. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

As this proposal is for construction of a new home, the disturbance has been kept to the minimum necessary to minimize earth disturbance, and tree clearing, and to provide stormwater management where none currently exists. A grading permit has been submitted. It appears that this request is consistent with other development in this area. Denial of this request would not allow the owner to enjoy property rights common to other properties in this area.

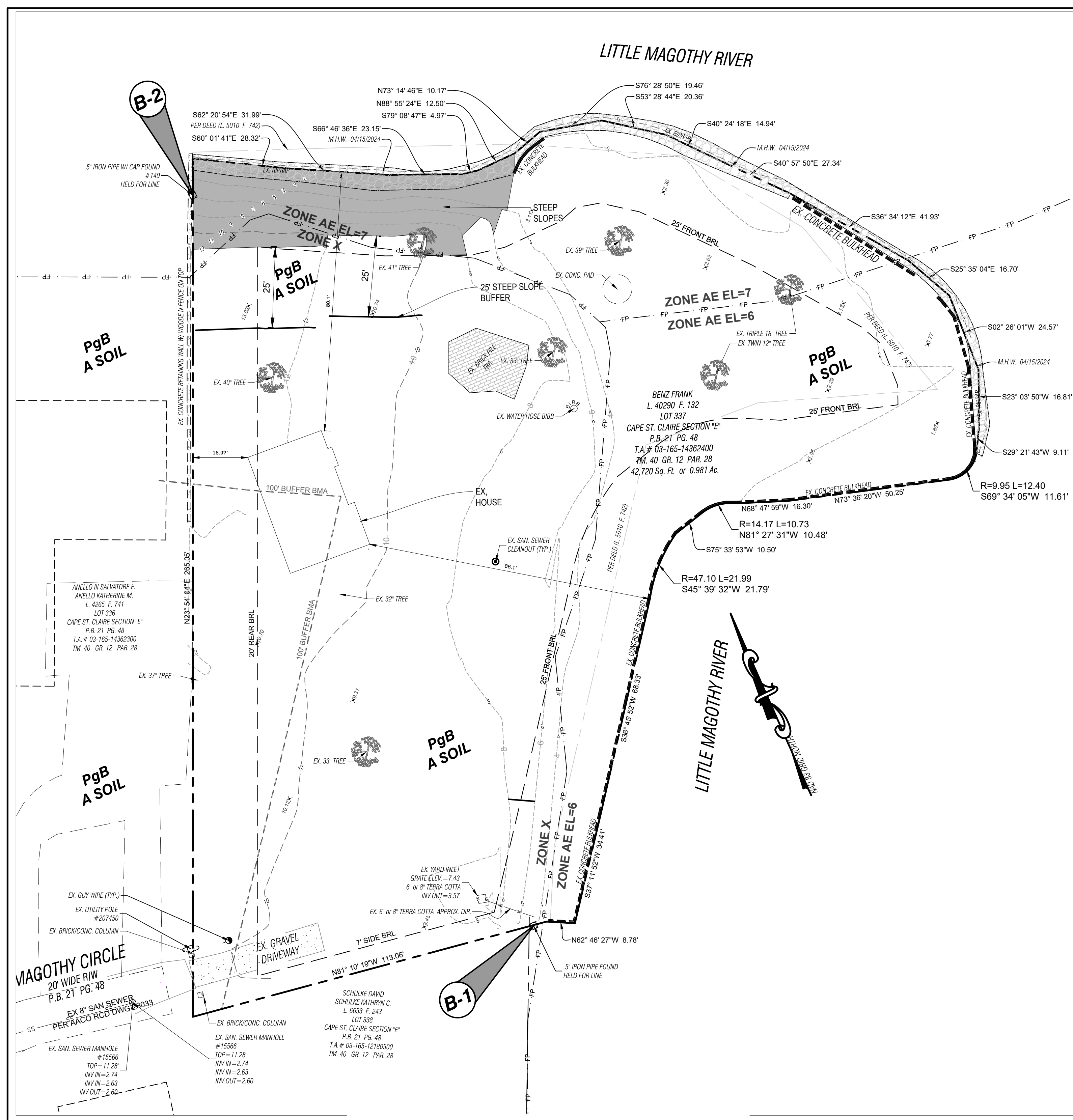
The enclosed plan represents the location of the proposed work. In closing, the variances requested are the minimum necessary to afford relief, and is not based on conditions or circumstances that are a result of actions by the applicant. We thank for in advance for your consideration to this request.

If you have any questions, or if you require additional information, please feel free to contact me at 410-266-3212.

Sincerely,
Messick and Associates

Mike Gillespie

Mike Gillespie
Project Manager



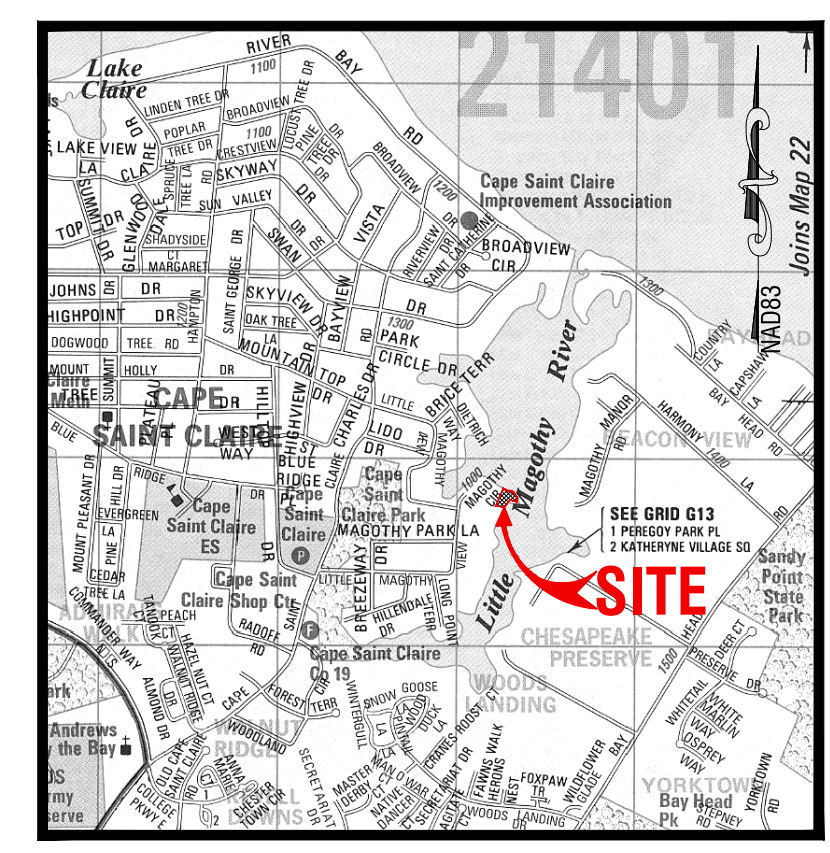
EXISTING CONDITIONS VARIANCE SITE PLAN
SCALE: 1" = 20'

GENERAL NOTES

- OWNER: FRANK BENZ, 770 HOLLY LANE, ARNOLD, MD 21012
- ENGINEER: MESSICK & ASSOCIATES, 7 OLD SOLOMONS ISL RD ST 202, ANNAPOLIS, MD 21401, PHONE: 410-266-3212, C/O MIKE GILLESPIE
- THE SITE ADDRESS IS: 1100 MAGOTHY CIRCLE ANNAPOLIS, MD 21409
- THE PROPERTY IS KNOWN AS: TAX MAP 40, GRID 12, PARCEL 28, LOT 337 SEC E, PLAT 5, CAPE ST. CLAIRE DEED REF: 40290 / 132 TAX ACCOUNT NO.: 03-165-14362400
- THIS PLAN DOES REFLECT A BOUNDARY AND TOPOGRAPHIC SURVEY PERFORMED BY MESSICK AND ASSOCIATES JUNE 2024.
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHTS-OF-WAYS, OR MORE STRINGENT BUILDING RESTRICTION LINES NOT SHOWN HEREON.
- EXISTING ZONING IS R5 - RESIDENTIAL DISTRICT. SETBACKS PRINCIPAL STRUCTURE: FRONT = 25', SIDE = 7', REAR = 20'. SETBACKS ACCESSORY STRUCTURE: FRONT = 40', SIDE = 7', REAR = 7'.
- PROPOSED SITE UTILITIES ARE PRIVATE WELL (W-7), FUTURE SERVICE - BROADNECK AND PRIVATE SEPTIC (S-7, FUTURE SERVICE - BROADNECK).
- THE SITE IS LOCATED WITHIN THE LDA (LIMITED DEVELOPMENT AREA) OF THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONES "AE" (AREA WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN WITH BASE FLOOD ELEVATION OF 6 FEET), "AE" (AREA WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN WITH BASE FLOOD ELEVATION OF 7 FEET), AND "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0191F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY).

VARIANCE REQUEST

§ 18-4-701. R5 BULK REGULATIONS WHICH STATE IN PART THAT A PRINCIPAL STRUCTURE IN AN R5 DISTRICT SHALL HAVE A REAR SETBACK OF 20'



ADC PERMITTED USE NUMBER 21003176
VICINITY MAP
SCALE: 1" = 2,000'

SITE DATA

PROPERTY ADDRESS:	1100 MAGOTHY CIRCLE ANNAPOLIS, MD. 21409
OWNER ADDRESS:	BENZ FRANK, 770 HOLLY LANE, ARNOLD, MD. 21012
TAX MAP: 40 GRID: 12 PARCEL: 28	DEED L: 40290, F: 132
ASSESSMENT DISTRICT:	THRD
TAX ACCOUNT NUMBER:	03-165-14362400
EXISTING ZONING:	R-5 PROPOSED ZONING: R-5 (NO CHANGE)
SETBACK:	FRONT: 25' REAR: 20' SIDES: 7'
MAX BUILDING HEIGHT:	45'
FEMA RATE MAP NUMBERS:	24003C0191F DATED: 02/18/2015
FEMA RATE MAP ZONE:	ZONE AE / ZONE X EL = 6 / 7
CRITICAL AREA MAP:	
PREDOMINATE SOIL TYPES:	
SYMBOL	HSG TYPE
PgB	A Patapasco-Fort Mott-Urban Land Complex, 0 TO 5 Percent Slopes
EXISTING USE:	RESIDENTIAL
PROPOSED USE:	RESIDENTIAL
WATERSHED AREA:	MAGOTHY RIVER
TOTAL SITE AREA:	42,722 S.F. OR 0.98 AC.
PROPOSED CLEARING:	5,789 S.F. OR 0.13 AC.
EXISTING IMPERVIOUS AREA:	2,254 S.F. OR 0.05 AC.
PROPOSED IMPERVIOUS AREA:	4,914 S.F. OR 0.11 AC.
TOTAL DISTURBED AREA:	11,784 S.F. OR 0.27 AC.
AREA VEG. STABILIZED:	6,870 S.F. OR 0.16 AC.
AREA STRUCT. STABILIZED:	4,914 S.F. OR 0.11 AC.
CUT:	100 CY.
FILL:	80 CY.
BORROW:	20 CY.
CONTRACTOR IS ADVISED TO CHECK QUANTITIES	

EXISTING LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA.....	42,722 SQ. FT. OR 0.981 AC.
EXISTING WOODLANDS ON SITE.....	25,868 SQ. FT. OR 0.594 AC.
ALLOWABLE COVERAGE (15%).....	6,408 SQ. FT. OR 0.147 AC.
EXISTING LOT COVERAGE.....	2,254 SQ. FT. OR 0.052 AC.
HOUSE	1,100 S.F.
DRIVEWAY	347 S.F.
CONC STOOP & STAIR	41 S.F.
CONC PAD	64 S.F.
CONC WALK	246 S.F.
BRICK PILE	396 S.F.

MAPPED SOIL TYPES ON-SITE

SOURCE: <http://websoilsurvey.nrcs.usda.gov>

MAP SYMBOL	SOIL MAPPING UNIT	HYDRIC	HIGHLY ERODIBLE	HYDRD GROUP
PgB	PATAPSCO-FORT MOTT-URBAN LAND COMPLEX 0-5% SLOPES	NO	NO	A

LEGEND

- PROPERTY LINE
- EXISTING CONTOUR LINE
- EXISTING SPOT ELEVATION
- EXISTING WOODS / TREE LINE
- EXISTING TREE
- EXISTING CONC. BULKHEAD
- FLOOD PLAIN
- 100' BUFFER BMA
- EXISTING EOP
- EXISTING BUILDING
- EXISTING CONC. WALKWAY

REVISION DESCRIPTION	BY	DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS, PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202 ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502
email: engr@messickandassociates.com

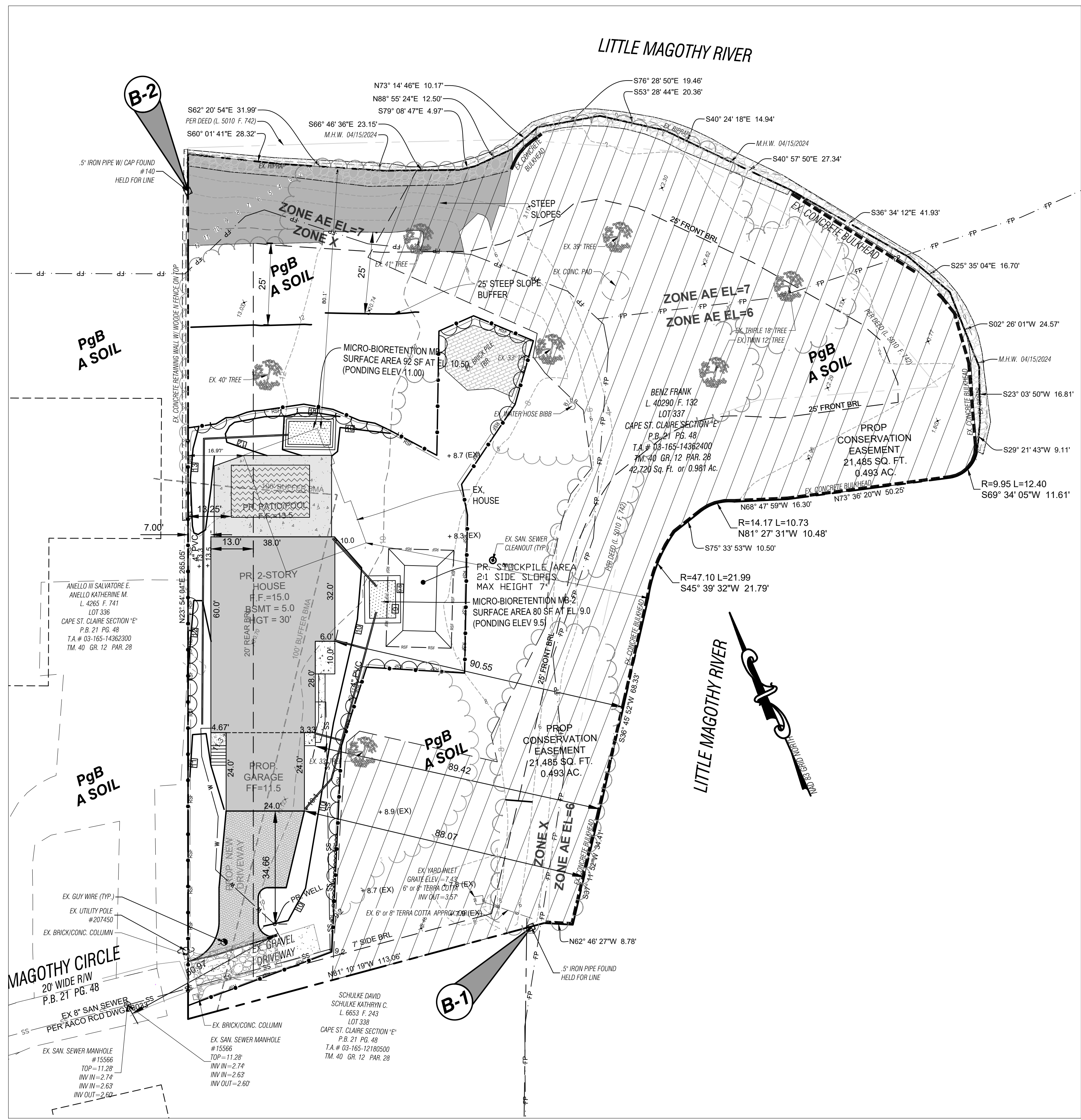
OWNER/DEVELOPER:
FRANK BENZ
770 HOLLY LANE
ARNOLD, MARYLAND 21012

VARIANCE SITE PLAN
GRADING PERMIT
1100 MAGOTHY CIRCLE
ANNAPOLIS, MD. 21409

TM: 40 GRID: 12 PARCEL: 28 G02020179 ZONING: R-5/LDA
THRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
SCALE: AS SHOWN DATE: NOVEMBER 2024 SHEET: 1 OF 2

November 2024 FILE: C:\A\A\03-165-14362400\1100 Magothy Circle\DWG\Grading_Permits\1100_Magothy_Cir_Grading_Plan_8-25-24.dwg

November 2024 FILE: C:\A\A\024-1854-1100\Magothy Circle\DWG\Grading_Permit\24-1854_1100\Magothy_Cir_Grading_Plan 8/25/24.dwg



PROPOSED CONDITIONS VARIANCE SITE PLAN
SCALE: 1" = 20'

PROPOSED LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA.....	42,722 SQ. FT. OR 0.981 AC.
EXISTING WOODLANDS ON SITE.....	25,868 SQ. FT. OR 0.594 AC.
EXISTING WOODLANDS TO BE REMOVED.....	5,789 SQ. FT. OR 0.133 AC.
EXISTING WOODLANDS TO REMAIN.....	20,079 SQ. FT. OR 0.461 AC.
ALLOWABLE COVERAGE (15%).....	6,408 SQ. FT. OR 0.147 AC.
EXISTING LOT COVERAGE TO REMAIN.....	411 SQ. FT. OR 0.009 AC.
- DRIVEWAY.....	347 SQ. FT.
- CONC PAD.....	64 SQ. FT.
PROPOSED LOT COVERAGE.....	4,503 SQ. FT. OR 0.103 AC.
- PR HOUSE / GARAGE.....	2,898 SQ. FT.
- PR DRIVEWAY.....	760 SQ. FT.
- PR POOL AND PATIOS.....	884 SQ. FT.
- PR WALK.....	42 SQ. FT.
TOTAL EX & PROPOSED LOT COVERAGE.....	4,914 SQ. FT. OR 0.113 AC.

BMA LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA.....	42,722 SQ. FT. OR 0.981 AC.
EXISTING BMA LOT COVERAGE.....	1,694 SQ. FT. OR 0.039 AC.
HOUSE.....	748 S.F.
DRIVEWAY.....	240 S.F.
CONC PAD.....	64 S.F.
CONC WALK.....	246 S.F.
BRICK PILE.....	396 S.F.
PROPOSED BMA LOT COVERAGE.....	1,729 SQ. FT. OR 0.040 AC.
HOUSE.....	669 S.F.
DRIVEWAY.....	400 S.F.
POOL/PATIO.....	363 S.F.
EX DRIVEWAY.....	240 S.F.
WALK/STOOP.....	57 S.F.
DUE TO INCREASE IN BMA LOT COVERAGE OF 35 SQ. FT. THIS ADDITIONAL SQUARE FOOTAGE WILL BE MITIGATED AT A 2:1 BASIS, REQUIRING 1 TREE AND THREE SHRUBS	

LEGEND

	PROPERTY LINE
	EXISTING CONTOUR LINE
	EXISTING SPOT ELEVATION
	EXISTING WOODS / TREE LINE
	EXISTING TREE
	EXISTING CONC. BULKHEAD
	FLOOD PLAIN
	100' BUFFER BMA
	EXISTING COP
	EXISTING BUILDING
	EXISTING CONC. WALKWAY
	PROPOSED RESIDENTIAL DWELLING UNIT

REVISION	DESCRIPTION	BY	DATE

MESSICK & ASSOCIATES*
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS
7 OLD SOLOMONS ISLAND ROAD, SUITE 202
ANNAPOLIS, MARYLAND 21401
(410) 266-3212 * FAX (410) 266-3502
email: engr@messickandassociates.com

* MESSICK GROUP INC. T/A MESSICK AND ASSOCIATES

OWNER/DEVELOPER:
FRANK BENZ
770 HOLLY LANE
ARNOLD, MARYLAND 21012

VARIANCE SITE PLAN

GRADING PERMIT
1100 MAGOTHY CIRCLE
ANNAPOLIS, MD. 21409

TM: 40 GRID: 12 PARCEL: 28 G02020179 ZONING: R-5/LDA
THIRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND
SCALE: AS SHOWN DATE: NOVEMBER 2024 SHEET: 2 OF 2

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
47D	28	12	227	E-115

Tax ID: 03-165-14362405

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Project Name (site name, subdivision name, or other) | 1100 Magaohy Circle

Project location/Address | 1100 Magaohy Circle

City | Annapolis MD | Zip | 21409

Local case number |

Applicant: Last name | BENZ | First name | Frank

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 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: Raze existing dwelling construct a new dwelling and pool, new water well

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	Buffer Exemption Area	<input checked="" type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	0	0		0.27	11,784
LDA Area	0.981	42,722			
RCA Area	0	0			
Total Area	0.981	42,722	# of Lots Created	0	

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.594	25,868	Existing Lot Coverage	0.852	2,254
Created Forest/Woodland/Trees	0.145	6,325	New Lot Coverage	0.104	4,519
Removed Forest/Woodland/Trees	0.233	5,789	Removed Lot Coverage	0.642	18,433
			Total Lot Coverage	0.163	4,930

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.169	7,380	Buffer Forest Clearing	0.089	3,889
Non-Buffer Disturbance	0.102	4,404	Mitigation	0.145	6,300

Variance Type

Buffer	<input 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 checked="" type="checkbox"/>
Steep Slopes	<input type="checkbox"/>
Other	<input type="checkbox"/>

Structure

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

***CRITICAL AREA
REPORT***

**1100 MAGOTHY CIRCLE
ANNAPOLIS, MD 21409**

November 2024

Prepared for:
Frank Benz

Prepared by:
Messick and Associates
7 Old Solomons Island Road
Suite 202
Annapolis, MD 21401

INTRODUCTION

This site is an 42,722 square foot property that is located at the terminus of Magothy Circle in Annapolis, MD. The property is Lot 337, Section E, Plat 5 of Cape St. Claire. The proposal is to raze the existing dwelling and construct a new dwelling on the property. The site is served by public sewer and well. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Limited Development Area (LDA). The property is zoned residential, R-5 and has waterfront on the Little Magothy River.

EXISTING USE

The property consists of 42,722 square foot property. The site is currently developed with a dilapidated structure. The property is currently a residential lot developed with a house, driveway, and associated improvements. The property is not a corner lot and gains access from Magothy Circle.

SURROUNDING LAND USE

The properties that abut the site are approximately 20,000 square feet to 25,000 square feet in size, with the subject property being larger than most, and are developed as single-family lots. The general area is developed as single-family lots. The site is bounded by a developed property to the west and south, the Little Magothy River to the north and east, with Magothy Circle entering the property from the west.

PROPOSED WORK

The owners wish to construct a new dwelling, pool, driveway and water well. This construction will require relief to the rear zoning setback, due to the location of where Magothy Circle abuts the lot. No Critical Area variances are required. The overall plan meets the underlying lot coverage requirements. Mitigation is proposed for the tree clearing. The site has an active grading permit, G02020179. No variance is needed for the proposed pool. The layout of the house meets the requirements of 18-2-402.

SOILS

The U.S. Department of Agriculture Soil Survey, defines the property to have a soil type of PgB – Patapsco-Fort Mott-Urban Land Complex 0-5% Slopes (A Soils).

FLOODPLAIN

The property described hereon is located in the flood hazard zones "X" - (area of minimal flood hazard) zone AE elevation 6' and AE elevation 7', as delineated on the firm flood insurance map #24003C0191F dated February 18, 2015 for said county and distributed by the Federal Emergency Management facility. No work is proposed in the 100 year flood plain.

NON-TIDAL WETLANDS

There appear to be no Non Tidal Wetlands on the site.

TIDAL WETLANDS

There are no Tidal Wetlands on this site.

BODIES OF WATER

The site drains to the Little Magothy River.

STEEP SLOPES

Steep slopes and their buffer are noted on the north side of the property along the Little Magothy River. These features will not be disturbed.

RARE AND ENDANGERED SPECIES

A review of Federal and/or State listed species of rare, threatened or endangered species of plants or animals has been requested via the enclosed letter to Lori Byrne of the Maryland Department of Natural Resources Fish, Heritage and Wildlife Administration.

STORMWATER MANAGEMENT

Stormwater management will be provided via non rooftop disconnects and microbioretention device.

FOREST COVER

The existing forest cover is limited to overstory trees and some woodlands on the slope to the community beach.

The following are typical trees of areas such as this site:

<u>Common Name</u>	<u>Scientific Name</u>
Black Locust	<i>Robinia pseudoacacia</i>
Eastern Sycamore	<i>Platanus occidentalis</i>
American Holly	<i>Ilex opaca</i>
Beech	<i>Fagus grandifolia</i>
White Poplar	<i>Populus alba</i>
Mountain Laurel	<i>Kalmia latifolia</i>

WILDLIFE TYPICAL OF THIS AREA

<u>Common Name</u>	<u>Scientific Name</u>
Eastern Gray Squirrel	<i>Sciurus Carolinensis</i>
Blue Jay	<i>Cyanocitta Cristata</i>
Common Crow	<i>Corvus Brachythynchos</i>
Northern Cardinal	<i>Richmondena Cardinalis</i>

SITE CALCULATIONS

1. Total Site area.....42,722 sq. ft.
2. Site area in LDA Critical area.....42,722 sq. ft
3. Allowable Lot Coverage.....6,408 sq. ft (15%)
4. Existing lot coverage2,254 sq. ft.
5. Lot coverage to be removed.....1,843 sq. ft.
6. Proposed lot coverage4,519 sq. ft.
7. Total Lot Coverage after Construction...4,930 sq. ft.
8. Proposed Disturbed Area.....11,784 sq. ft.
9. Woodland Clearing.....5,789 sq. ft.

Real Property Data Search ()
Search Result for ANNE ARUNDEL COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 03 Subdivision - 165 Account Number - 14362400

Owner Information

Owner Name: BENZ FRANK **Use:** RESIDENTIAL
Mailing Address: 770 HOLLY LN **Principal Residence:** NO
ARNOLD MD 21012- **Deed Reference:** /40290/ 00132

Location & Structure Information

Premises Address: 1100 MAGOTHY CIR **Legal Description:** LT 337 SC E PL 5
ANNAPOLIS 21409-0000 1100 MAGOTHY CIR
Waterfront CAPE ST CLAIRE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 5
0040 0012 0028 3150050.02 165 E 337 2025 Plat Ref: 0021/ 0048

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1955 940 SF 32,516 SF

StoriesBasementType Exterior QualityFull/Half BathGarageLast Notice of Major Improvements
1 YES STANDARD UNITSTUCCO/3 1 full

Value Information

	Base Value	Value		
		As of 01/01/2022	As of 07/01/2024	As of 07/01/2025
Land:	676,000	676,000		
Improvements	85,800	85,800		
Total:	761,800	761,800	761,800	
Preferential Land:	0			

Transfer Information

Seller: COOK JUNE S **Date:** 03/11/2024 **Price:** \$999,999
Type: ARMS LENGTH IMPROVED **Deed1:** /40290/ 00132 **Deed2:**
Seller: HOOVER RAYMOND M **Date:** 01/18/1990 **Price:** \$449,900
Type: ARMS LENGTH IMPROVED **Deed1:** /05010/ 00742 **Deed2:**
Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

1100 MAGOTHY CIR, 2140 X



Show search results for 1100 M...



Esri Community Maps Contributors, County of Anne Arundel, VA

1100 MAGOTHY CIR, 2140 X



Show search results for 1100 M...



I want to...

+

-

1094

1092

1096

1098

1100 MAGOTHY CIR, 21409



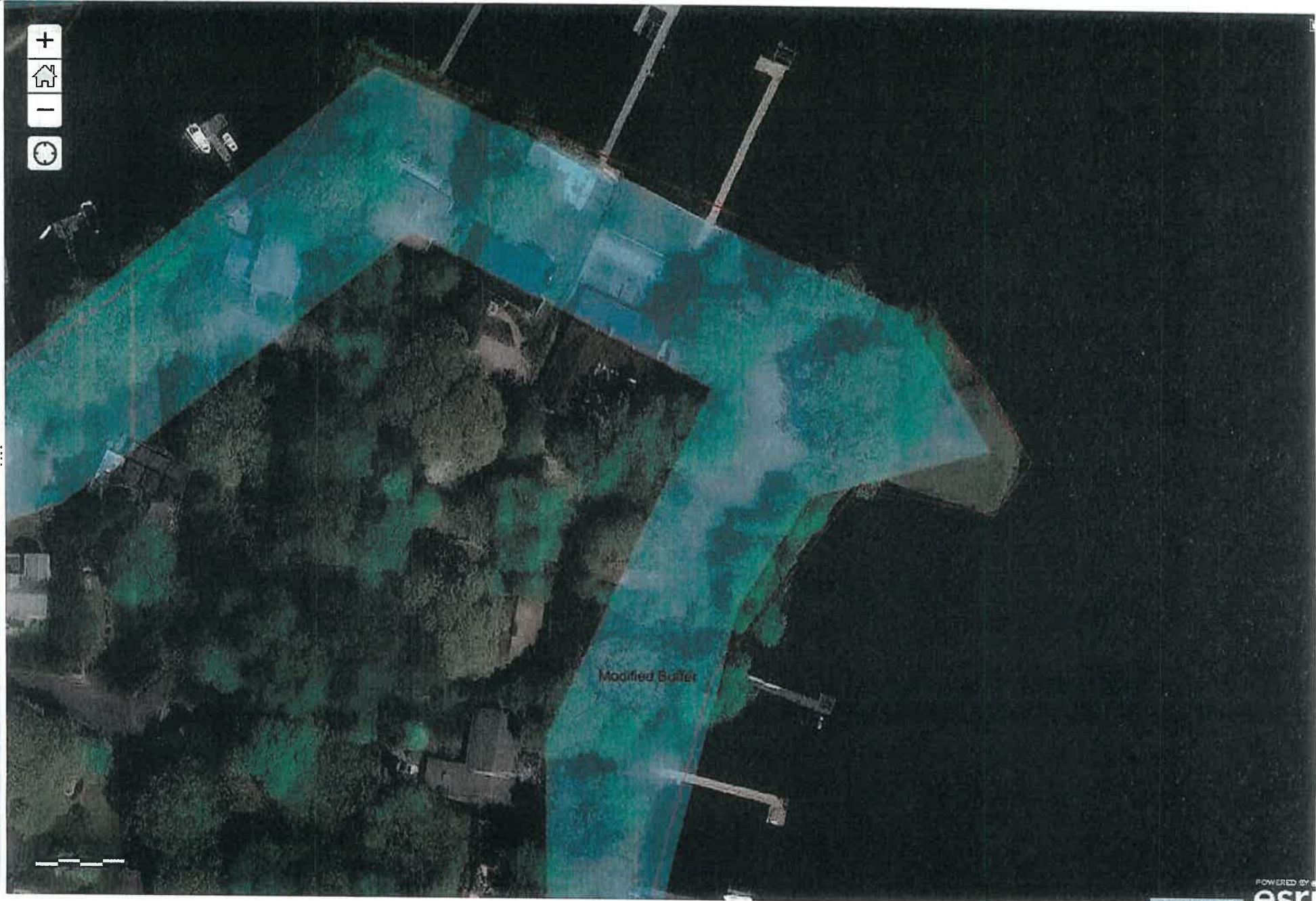
Re Residential

1090

1102

1104





Modified Buffer

I want to...

+

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1094

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1100 MAGOTHY CIR, 21409



LDA

1090

1102

1104

0 60 ft

National Flood Hazard Layer FIRMette



76°26'16"W 39°2'34"N



76°25'39"W 39°2'7"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<p>SPECIAL FLOOD HAZARD AREAS</p>	<ul style="list-style-type: none"> Without Base Flood Elevation (BFE) Zone A, V, A99 With BFE or Depth Zone AE, AO, AH, VE, AR Regulatory Floodway
<p>OTHER AREAS OF FLOOD HAZARD</p>	<ul style="list-style-type: none"> 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone 2) Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with Flood Risk due to Levee Zone D
<p>OTHER AREAS</p>	<ul style="list-style-type: none"> NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone
<p>GENERAL STRUCTURES</p>	<ul style="list-style-type: none"> Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
<p>OTHER FEATURES</p>	<ul style="list-style-type: none"> Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature
<p>MAP PANELS</p>	<ul style="list-style-type: none"> Digital Data Available No Digital Data Available Unmapped



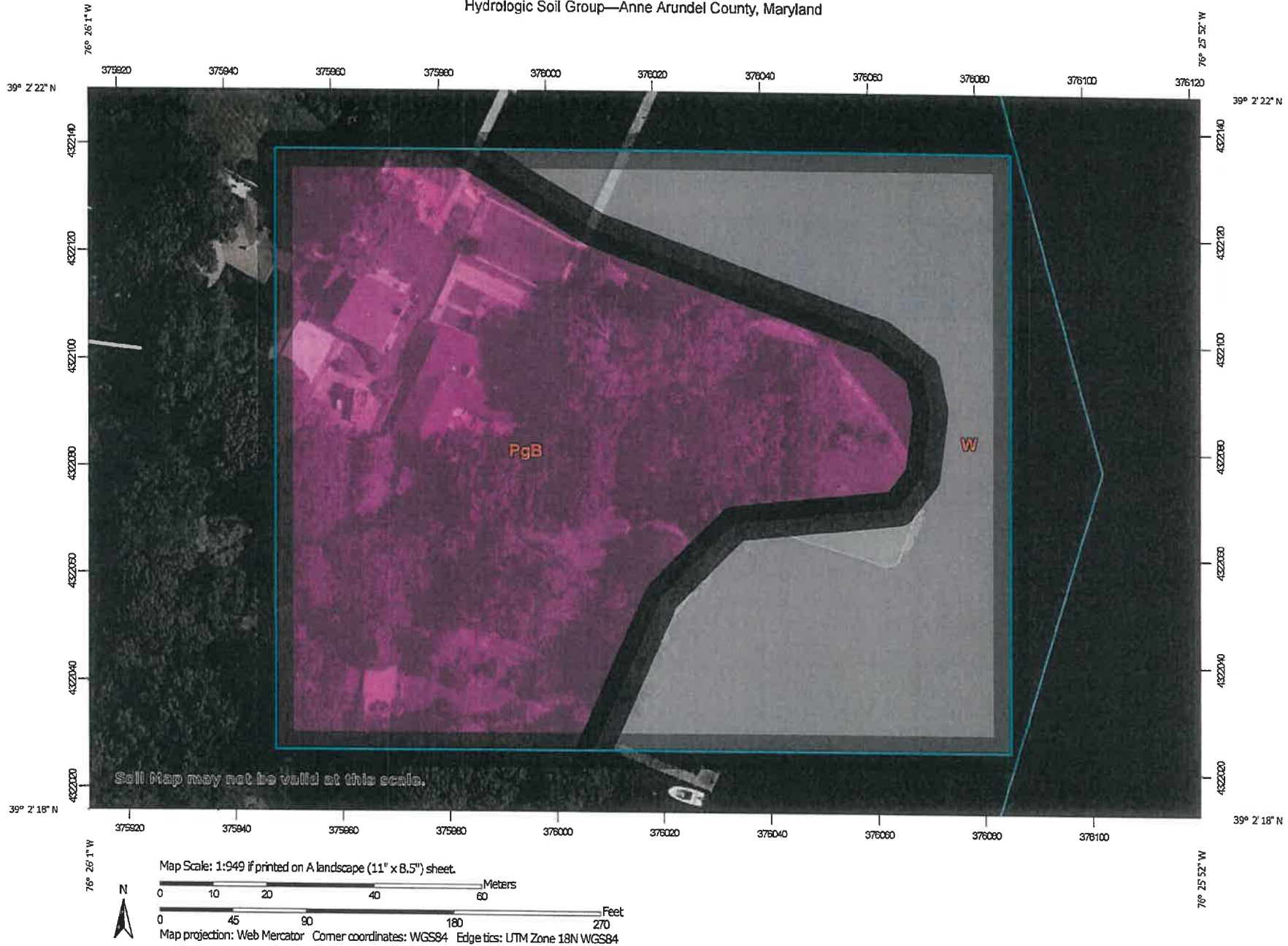
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

































The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **6/6/2024 at 8:42 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Hydrologic Soil Group—Anne Arundel County, Maryland



MAP LEGEND

- Area of Interest (AOI)**
 -  Area of Interest (AOI)
- Soils**
 - Soil Rating Polygons**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Lines**
 -  A
 -  A/D
 -  B
 -  B/D
 -  C
 -  C/D
 -  D
 -  Not rated or not available
 - Soil Rating Points**
 -  A
 -  A/D
 -  B
 -  B/D
- Water Features**
 -  Streams and Canals
- Transportation**
 -  Rails
 -  Interstate Highways
 -  US Routes
 -  Major Roads
 -  Local Roads
- Background**
 -  Aerial Photography
- Other**
 -  C
 -  C/D
 -  D
 -  Not rated or not available

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Anne Arundel County, Maryland
 Survey Area Data: Version 22, Sep 12, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2022—Aug 13, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
PgB	Patapsco-Fort Mott- Urban land complex, 0 to 5 percent slopes	A	2.4	61.9%
W	Water		1.5	38.1%
Totals for Area of Interest			3.8	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

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
4D	28	12	237	E-15

FOR RESUBMITTAL ONLY

Corrections

Redesign

No Change

Non-Critical Area

**Complete Only Page 1
 General Project Information*

Tax ID: 03-165-1436240E3

Project Name (site name, subdivision name, or other) 1100 Magorphy Circle

Project location/Address 1100 Magorphy Circle

City Annapolis MD Zip 21409

Local case number _____

Applicant: Last name BENZ First name Frank

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 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: Raze existing dwelling construct a new dwelling and pool, new water well

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input checked="" type="checkbox"/>	Buffer Exemption Area	<input checked="" type="checkbox"/>

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	0	0
LDA Area	0.981	42,722
RCA Area	0	0
Total Area	0.981	42,722

Total Disturbed Area

Acres	0.27
Sq Ft	11,784

of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.594	25,868	Existing Lot Coverage	0.252	2,254
Created Forest/Woodland/Trees	0.145	6,308	New Lot Coverage	0.104	4,519
Removed Forest/Woodland/Trees	0.733	5,789	Removed Lot Coverage	0.642	18,433
			Total Lot Coverage	0.163	4,930

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.169	7,380	Buffer Forest Clearing	0.089	3,889
Non-Buffer Disturbance	0.101	4,404	Mitigation	0.145	6,300

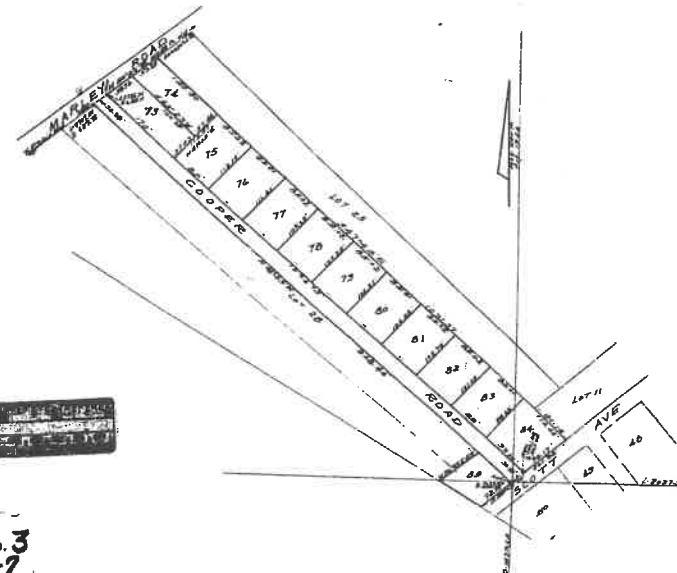
Variance Type

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

Structure

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

COORDINATES				
BLOCK 'CC'		SECTION 'E'		
N	723.22	DEP	1728.06	7232.06
S	714.77	DEP	1711.51	7147.51
E	4232.43	DEP	10232.41	4232.41
W	7318.03	DEP	10238.01	7318.01
BLOCK 'DDD'		7227.39	10237.23	
EAT	DEP	7227.39	10237.23	
W	4232.43	DEP	10232.41	
S	4232.43	DEP	10232.41	
E	4232.43	DEP	10232.41	
W	4232.43	DEP	10232.41	



NOTE: ROADS, STREETS, WALKS, ALLEYS, CANALS, AND DRACHES ARE SHOWN ON THIS PLAN FOR THE PURPOSE OF IDENTIFICATION ONLY AND NOT FOR THE PURPOSE OF DEDICATION, AND NO DARS FROM THE RIVER, BAY OR CONVEYING ANY PART OF ITS BED OR SHORE, SHALL BE HELD TO CONVEY THE TITLE TO OR TO DEDICATE THE BED OF ANY BEAR, STURGEON, HAY, SALM, SALMON, OR BROWN, SOBER, WHEN SEPARATELY CONVEYED OR DEDICATED IN THE DEED.

PLAT NO. 5
 CAPE
 SAINT CLAIRE
 SHOWING PART SECTION 'E'
 BLOCK 'CCC' & PART SECTION 'E'
 'DDD'
 ST. MARGARETS, A.A. CO.
 MARYLAND

THE REQUIREMENTS OF SECTIONS 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

J. R. McCrone, Jr.
 ANNAPOLIS, MD.
 Scale 1"=100' Date 5/11/60

CABINET NO. 3
 Rod No. F-7
 Plat No. 19

SUBDIVISION OF
 LOTS 26, 27 AND PART OF LOT 11
 PROPERTY ON OLD ANN. RD.

THE REQUIREMENTS OF SECTIONS 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

FOXWELL & FOXWELL, INC.
 ANNAPOLIS, MD.
 Scale 1"=100' Date 5/11/60 # 377



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2024-0101-P)

DATE OF MEETING: 10/24/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz, Habtamu Zeleke

APPLICANT/REPRESENTATIVE: Frank Benz/Mike Gillespie, Messick EMAIL: mgillespie@messickandassociates.com

SITE LOCATION: 1100 Magothy Circle, Annapolis LOT SIZE: 42,722 sf ZONING: R5

CA DESIGNATION: LDA BMA: Yes or BUFFER: N/A APPLICATION TYPE: Variance

From the letter of explanation:

"The applicant wishes to remove the existing features and construct a new dwelling and driveway on the lot. As the site is BMA, per 17-8-702(b), no lot coverage shall be placed nearer to the shoreline than the façade of the existing structure. The client designed a house specifically to meet this requirement. During the review of this grading permit, no comment was made on this layout. However, it was pointed out during this review that what had been labeled a side yard is actually the rear yard, per 18-2-401. The building restriction lines were thusly modified, and the need for a zoning setback variance request was determined. A review of aerial photography of the peninsula indicates that the request is not out of the character of the neighborhood. Because of the odd shape of the lot and the fact it has tidal water on three sides, the house was designed not only to meet 17-8-702(b) but to conform with the layout of existing properties. However, Magothy Circle serves the lot in a manner that requires the portion of the lot next to 1098 Magothy Circle to be the rear yard. The existing dilapidated home does not currently meet the 20' rear yard setback. It is located 16.97' from the lot line. The proposed home would be 7' from the rear lot line, in conformance with other development in the area. The new home would require a 13' variance to the rear lot line. With the requirements of 17-8-702(b), this would leave a dwelling out of the character of the area, it would be long and narrow. The proposed home was designed to meet the underlying lot coverage allowances, and keep the clearing under the Codified limits. From the start, this was a tough site to redevelop, and based on the current layout, with the granting of this variance, the site should be an improvement to what exists currently. Stormwater management is shown as provided, and all work has been kept as far as possible from the shoreline. Granting this variance would allow replacement of a potential eyesore with a modern dwelling compatible with the neighborhood. It should be noted that the design for the site does not require a critical area variance. Although the overall lot coverage is being increased from existing, the proposed lot coverage (4,884 sq. ft.) is well under the allowable lot coverage for a property of this size (6,408 sq. ft.)."

COMMENTS

The **Critical Area Team** commented that the BMA standards are that no new coverage may be closer to the shoreline than the front "facade." The facade of a structure is not a singular point but an "exterior wall on an enclosed portion." The site plan should be corrected and resubmitted for comments.

The **Zoning Administration Section** concurs with the Critical Area Team regarding the BMA facade line. The "line of the closest facade to shoreline" is incorrectly drawn on the site plan and should be removed. The BMA provision follows the facade of the existing dwelling and extends along the same line in both directions to the edges of the property. While it appears that, once corrected, most of the proposed improvements would be located behind the facade of the existing principal structure, there may be a corner of the pool patio surround that would be nearer to the shoreline. If so, then the applicant should redesign in order to comply with Section 17-8-702(b). The applicant is reminded that, in order for a critical area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305(b) and (c) including that the variance is the minimum necessary to afford relief.

The **Engineering Division of the Office of Inspections and Permits** provided the following comments:

1. Stormwater management will be addressed through two Microbioretention methods.
2. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.
3. Microscale stormwater facility(ies) design should incorporate safe conveyance for overflow discharges from 2, 10, 100-yr 24-hr storm events; plans should show overland relief paths for these storm events and ensure that no structures, or properties are negatively impacted or have water impounded against during these storm events.
4. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.
5. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.
6. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted.
7. The soil boring results, including the seasonal high groundwater elevation, need to be added to the plan. The calculations will not be reviewed until the siting and suitability are first confirmed to be adequate.
8. A health department approval is required.
9. Based on the plan provided, it appears that the property will be served by a public sewer and well.
10. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

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.