



**Carballo  
Architecture**

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## Letter of Explanation

Subject Property:  
1258 FENWICK GARTH,  
ARNOLD, MD, 21012

Dear Reviewer,

We are submitting this application for proposed improvements to the existing detached single-family residence located at 1258 Fenwick Garth, MD 21012. The scope of work includes a first-floor front (waterfront side) infill addition, a vertical second-floor addition, and an expansion of the rear deck through an infill addition.

Specifically, we are requesting relief for the following elements of the proposed work:

- A second-floor addition is planned within the Critical Area/Expanded Buffer. This addition will be constructed directly above the existing first-floor footprint and will not result in an increase in lot coverage.
- We are proposing to enclose a portion of the existing covered front porch to align with the existing front façade. This area is already within the 50-foot buffer and currently consists of paved, impervious surface. Therefore, this conversion will not contribute to any increase in impervious coverage.
- An extension of the existing rear deck is also proposed by way of an infill deck addition

All proposed additions are located over existing impervious areas, and every effort has been made to minimize environmental impact while enhancing the functionality of the home.

Sincerely,

Adam Carballo  
Carballo Architecture, LLC  
1816 Aliceanna Street  
Baltimore, MD 21231  
adam@carballoarch.com  
443-963-1077

## **Justification Statement**

**Property:** 1258 Fenwick Garth, Arnold, MD 21012, under the subdivision known as Lot 7 SC 6 1258 FENWICK GARTH GLEN OBAN

**Land Area:** 1.5 Acres

**Petitioner:** Carballo Architecture representing homeowner, Michael Lopez

**Request:** Variance for Expanded Buffer to enclose an existing covered porch and extend an existing deck

**Zone:** R-1

### **Table of Contents**

- i. Factual Background
- ii. Applicable Portion of Zoning Code
- iii. Reason for Appeal
- iv. Evidence Supporting Variance
- v. Justification
- vi. Conclusion

#### **i. Factual Background**

The subject property is Lot 7 in the Glen Oban subdivision, located at 1258 Fenwick Garth, Arnold, MD. It is a 1.5-acre waterfront lot in the R-1 zoning district, adjacent to Asquith Creek. The home on the property was built in 1984.

In 2024, Mr. Michael Lopez purchased the property as his primary residence. It includes a covered porch and a deck. Mr. Lopez is requesting permission to enclose the existing covered porch to create additional indoor space and to expand the deck. The home will remain a single-family residence and his primary home after the project is completed.

#### **ii. Applicable Portion of Zoning Code**

The request is for a Critical Area Expanded Buffer Variance under the Anne Arundel County Zoning Code.

The proposed changes involve:

- Enclosing the existing covered porch (street-facing addition)
- Extending the existing deck (waterfront-facing)

There will be no changes to existing side, front, and/or rear setbacks.

### **iii. Reason for Appeal**

This variance is required in order to proceed with the proposed construction. Since the home was built in the 1980s, zoning regulations have changed. The existing porch and deck now fall within the expanded buffer area of the Critical Area zone. Enclosing the porch and expanding the deck requires approval due to these updated regulations.

### **iv. Evidence Supporting Variance**

A similar variance was granted to the neighboring property at 1246 Fenwick Garth for a new deck, walkways, patios, and retaining walls. Like the subject property, it is a waterfront lot within the Critical Area, which supports the argument that this type of relief has precedent in the neighborhood.

### **v. Justification**

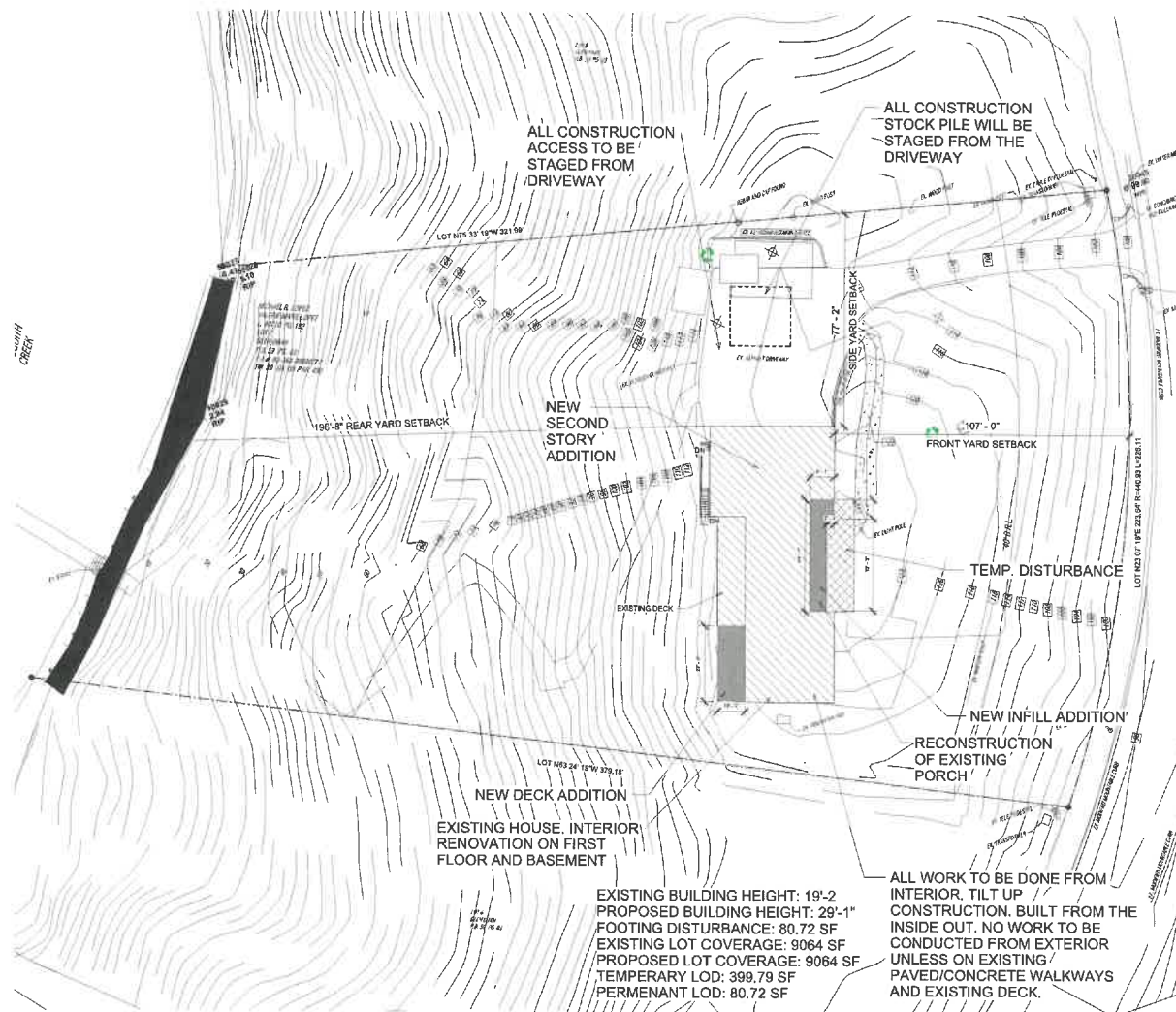
- a. The homeowner is not proposing any new structures outside the current structure. The goal is to enclose an existing porch and expand the existing deck, not to add entirely new structures.
- b. The existing covered porch was built before the Critical Area, and expanded buffer rules were in place. The structure has suffered damage from prior storms and enclosing it would help preserve the property and protect it from future weather-related damage.
- c. The proposed work does not increase the impervious surface on the lot. The enclosed space would remain within the existing footprint.
- d. The homeowner was not aware of prior restrictions when purchasing the home. The proposed work reflects the family's current needs and is in keeping with the surrounding homes.
- e. All proposed improvements will comply with current building codes and will remain within the existing building restriction lines.

#### **vi. Conclusion**

We respectfully request that the County consider the unique conditions of this property. The proposed changes are modest, consistent with nearby properties, and will not negatively impact the surrounding area. Approval of this variance would allow the homeowner to improve and preserve his home for long-term use while maintaining compliance with the spirit of the zoning code.

Respectfully,

Adam Carballo  
Carballo Architecture, LLC  
1816 Aliceanna Street  
Baltimore, MD 21231



EXISTING BUILDING HEIGHT: 19'-2"  
 PROPOSED BUILDING HEIGHT: 29'-1"  
 FOOTING DISTURBANCE: 80.72 SF  
 EXISTING LOT COVERAGE: 9064 SF  
 PROPOSED LOT COVERAGE: 9064 SF  
 TEMPORARY LOD: 399.79 SF  
 PERMANENT LOD: 80.72 SF

ALL WORK TO BE DONE FROM  
 INTERIOR. TILT UP  
 CONSTRUCTION. BUILT FROM THE  
 INSIDE OUT. NO WORK TO BE  
 CONDUCTED FROM EXTERIOR  
 UNLESS ON EXISTING/  
 PAVED/CONCRETE WALKWAYS  
 AND EXISTING DECK.

1 ADMIN SITE PLAN  
 1" = 30'-0"



- LEGEND**
- TEMPORARY DISTURBANCE
  - EXISTING STRUCTURE
  - NEW ADDITION

1258 FENWICK GARTH  
 ZONING - R-1  
 MAP - 008  
 GRID - 000  
 PARCEL - 000  
 PROPERTY LAND AREA - 1.5 AC  
 NEIGHBORHOOD - 2000000.00  
 SECTION - 8  
 LOT - 1  
 PLAT REF - 0008.0003  
 RECD REF - 40720/00/00  
 PRIORILE RESIDENCE - YES  
 GARTH/LEN GEAR  
 MAX STORES - 3  
 MAX LOT COVERAGE - 60%  
 MAX HEIGHT - 35'-0"  
 SIDE YARD SETBACK - 6'-0"  
 REAR YARD SETBACK - 6'-0"

JOINT VALUES	EXISTING	AS DEVELOPED	PROPOSED
REBELLATION	N/A	N/A	N/A
ZONING DISTRICT	N/A	N/A	N/A
BUILDING HEIGHT	19'-2"	19'-2" MAX	29'-1"
BUILDING FOOTPRINT	2482 SF	2482 SF	2482 SF
LOT AREA	1.5 AC	1.5 AC	1.5 AC
FLOOR AREA RATIO	N/A	N/A	N/A
LOT COVERAGE	N/A	AS BY STRUCTURES	N/A
POOR FLOOR	10'-0"	10'-0"	10'-0"
DECK FLOOR	25'-0"	25'-0"	25'-0"
DECK FLOOR	25'-0"	25'-0"	25'-0"
REAR YARD	15'-0"	15'-0"	15'-0"



CARRILLAN AND PARTNERS  
 101 ALBANY ST.  
 BALTIMORE, MD 21201  
 410.527.1000  
 HONORARILY ARCHITECTS  
 CONTRACT DOCUMENTS PREPARED  
 BY CARRILLAN AND PARTNERS  
 FOR ARCHITECTURAL DESIGN  
 NO. 1-1700  
 PROFESSIONAL CERTIFICATION  
 I CERTIFY THAT THESE DOCUMENTS  
 WERE PREPARED OR APPROVED BY ME  
 AND THAT I AM A LICENSED ARCHITECT  
 IN THE STATE OF MARYLAND. I AM NOT  
 PROVIDING ANY OTHER SERVICES  
 TO THE CLIENT.



CARRILLAN  
 LEY  
 STRUCTURAL

1258 FENWICK GARTH,  
 ARNOLD, MD 21012

ENGINEERED BY  
 REGINALD LOPEZ - 901-400-0000  
 101 ALBANY ST.  
 BALTIMORE, MD 21201

Author  
 Designer  
 Project Date

1	ADMIN SITE PLAN
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DATE: 08/11/2020

ADMIN SITE PLAN

PROJECT NUMBER  
 0001-G-G1

1/1/2020

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: 5/21/25

Tax Map #	Parcel #	Block #	Lot #	Section
0039	0492		7	6

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
General Project Information

Tax ID: 336490000277

Project Name (site name, subdivision name, or other) 1258 FENWICK GARTH

Project location/Address 1258 FENWICK GARTH, ARNOLD, MD 21012

City Arnold Zip 21012

Local case number TBD

Applicant: Last name Carballo First name Adam

Company Carballo Architecture

**Application Type (check all that apply):**

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

Variance ☒  
Rezoning ☐  
Site Plan ☐  
Special Exception ☐  
Subdivision ☐  
Other ☐

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

## SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site: Single-Family Dwelling

The proposed work includes constructing a vertical addition to the subject lot which is waterfront. We will be proposing an infill addition to an existing deck which faces the water side, and a vertical addition. No change to the footprint/ impervious surface.

Intra-Family Transfer	Yes <input type="checkbox"/>	Growth Allocation	Yes <input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input 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	N/A				82 SF
LDA Area	1.5				
RCA Area	N/A		# of Lots Created		
Total Area	N/A				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		34538.4	Existing Lot Coverage		9064
Created Forest/Woodland/Trees		N/A	New Lot Coverage		N/A
Removed Forest/Woodland/Trees		N/A	Removed Lot Coverage		N/A
			Total Lot Coverage		

## VARIANCE INFORMATION (Check all that apply)

Footing area for proposed addition in the front and new deck post in the rear.

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		82 SF	Buffer Forest Clearing		N/A
Non-Buffer Disturbance		N/A	Mitigation		N/A

<u>Variance Type</u>		<u>Structure</u>	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input checked="" type="checkbox"/>	Dwelling Addition	<input checked="" type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Setback	<input type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>



**Carballo  
Architecture**

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Critical Area Narrative

Subject Property:  
1258 FENWICK GARTH,  
ARNOLD, MD, 21012

Dear Reviewer,

The proposed work will not change the current use of the property, which will remain a single-family residential home.

The existing shrubbery, totaling 34,538 square feet on the waterfront side of the lot, will not be disturbed. The proposed additions are located over existing paved areas, and all work will be limited to those existing impervious surfaces.

The existing paved area where the addition is proposed lies within the expanded buffer zone. This is why a variance application is being filed.

To help reduce any impact from the work, silt fences will be installed as a protective measure. The total impervious area before and after construction is 9,064 square feet. This includes the existing house and paved surfaces. All proposed additions will be built within the already paved areas.

Sincerely,

Adam Carballo  
Carballo Architecture, LLC  
1816 Aliceanna Street  
Baltimore, MD 21231  
adam@carballoarch.com  
443-963-1077





CARROLL ARCHITECTURE  
1014 E. 28th ST.  
BIRMINGHAM, AL 35203  
ADAM CARROLL - ARCHITECT

CONTRACT DOCUMENTS SHALL BE SUPPLEMENTED BY  
NOTES AND SPECIFICATIONS FOR THE PROJECT AND SHALL  
BE THE BASIS FOR THE PROJECT.



DISCLAIMER

NOT

STRUCTURAL

1258 FENWICK GARTH, ARNOLD,  
MD 21012

Consistent with  
MCMR, 1.002

Author

Checker

Project Name

Project No.

Rev. No.

Description

Date

By

Check

Appr.

Rev.

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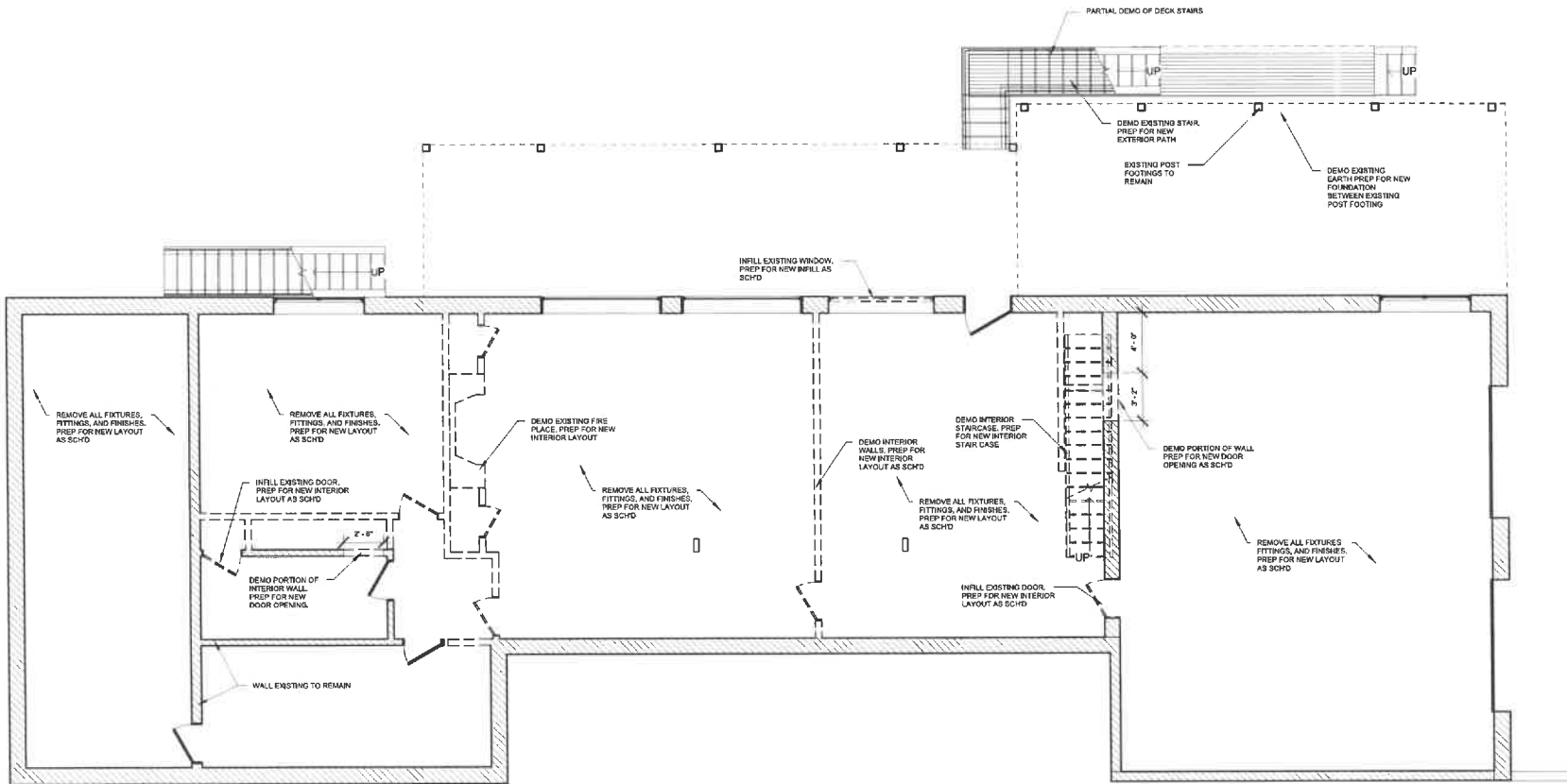
Rev.

Rev.

Rev.

Rev.

Rev.



B BASEMENT DEMO PLAN  
3/16" = 1'-0"



WALL LEGEND

- NEW PARTITION
- EXISTING PARTITION
- NOT IN SCOPE

- DEMO PARTITION
- FR. PARTITION

GENERAL NOTES

- DO NOT SCALE DRAWINGS.
- CONTRACTOR IS RESPONSIBLE FOR PULLING ALL PERMITS AND PAYING ANY ASSOCIATIVE FEES.
- CONTRACTOR SHALL COMPLY WITH ALL HEALTH AND LIFE SAFETY REQUIREMENTS AS DIRECTED BY ANNE ARUNDEL COUNTY AND THE STATE OF MARYLAND.
- INTERIOR FINISHES ARE CLIENT'S CHOICE
- INTERIOR LIGHTING SELECTION ARE CLIENT'S CHOICE
- DOOR TYPE SYMBOL  $\odot$  36" DENOTES DOOR WIDTH, DOOR STYLE CLIENT'S CHOICE. ALL DOORS ARE 6'-8" IN HEIGHT.

BASEMENT DEMO  
PLAN

0002-AD=AD1



CARROLL ARCHITECTURE  
1214 CALVERT STREET, SUITE 200  
BETHESDA, MD 20814  
PHONE: 301.291.1111  
FAX: 301.291.1112

CONTRACT NO. 0003-AD-AD2  
DATE: 01/11/2017  
PROJECT: 1258 FENWICK GARTH, ARNOLD, MD 21012  
SHEET: 0003-AD-AD2



UNDESIGNED  
DATE:  
BY:

1258 FENWICK GARTH, ARNOLD,  
MD 21012

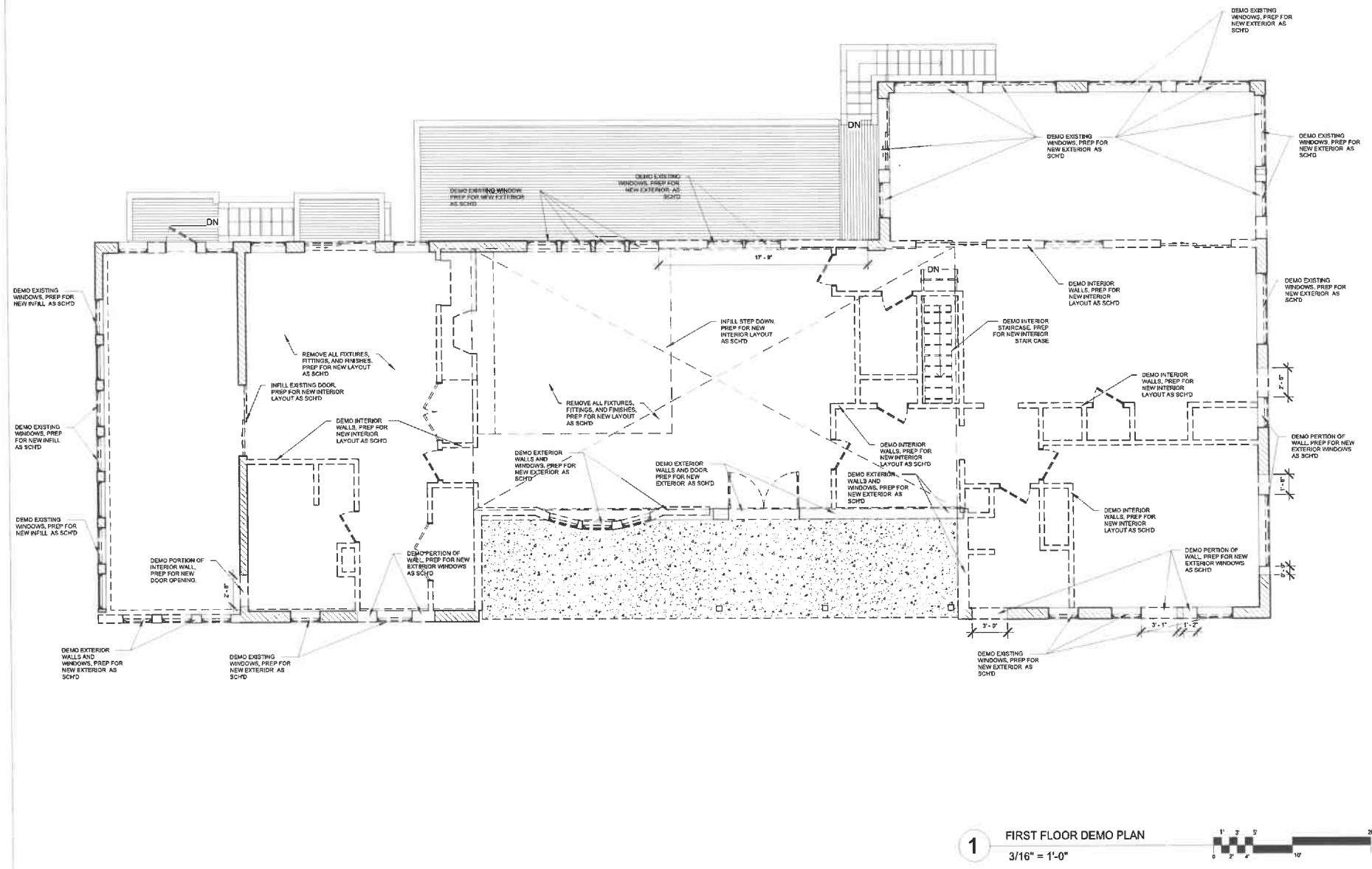
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DATE:  
BY:

NO.	DESCRIPTION	DATE
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FIRST FLOOR  
DEMO PLAN

0003-AD-AD2

DATE: 01/11/2017



WALL LEGEND	
	NEW PARTITION
	EXISTING PARTITION
	NOT IN SCOPE
	DEMO PARTITION
	FR. PARTITION

GENERAL NOTES

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- INTERIOR LIGHTING SELECTION ARE CLIENT'S CHOICE
- DOOR TYPE SYMBOL DENOTES DOOR WIDTH, DOOR STYLE CLIENT'S CHOICE. ALL DOORS ARE 6'-8" IN HEIGHT.



CAPITAL CITY SPENTITION  
111 KENNEDY BLVD.  
BALTIMORE, MD 21201  
410-512-1010  
JENN CARROLL - ARCHITECT

CONTRACT DOCUMENTS AND SPECIFICATIONS  
FOR THE CONSTRUCTION OF THE  
NEW JENN CARROLL ARCHITECT  
BUILDING, 111 KENNEDY BLVD.,  
BALTIMORE, MD 21201. THE  
PROJECT IS A PART OF THE  
REDEVELOPMENT OF THE  
DOWNTOWN BALTIMORE AREA.  
THE CITY OF BALTIMORE, MARYLAND  
COMMISSIONERS, 1117 BALDWIN



CONTRACT NO.  
111  
STRUCTURAL

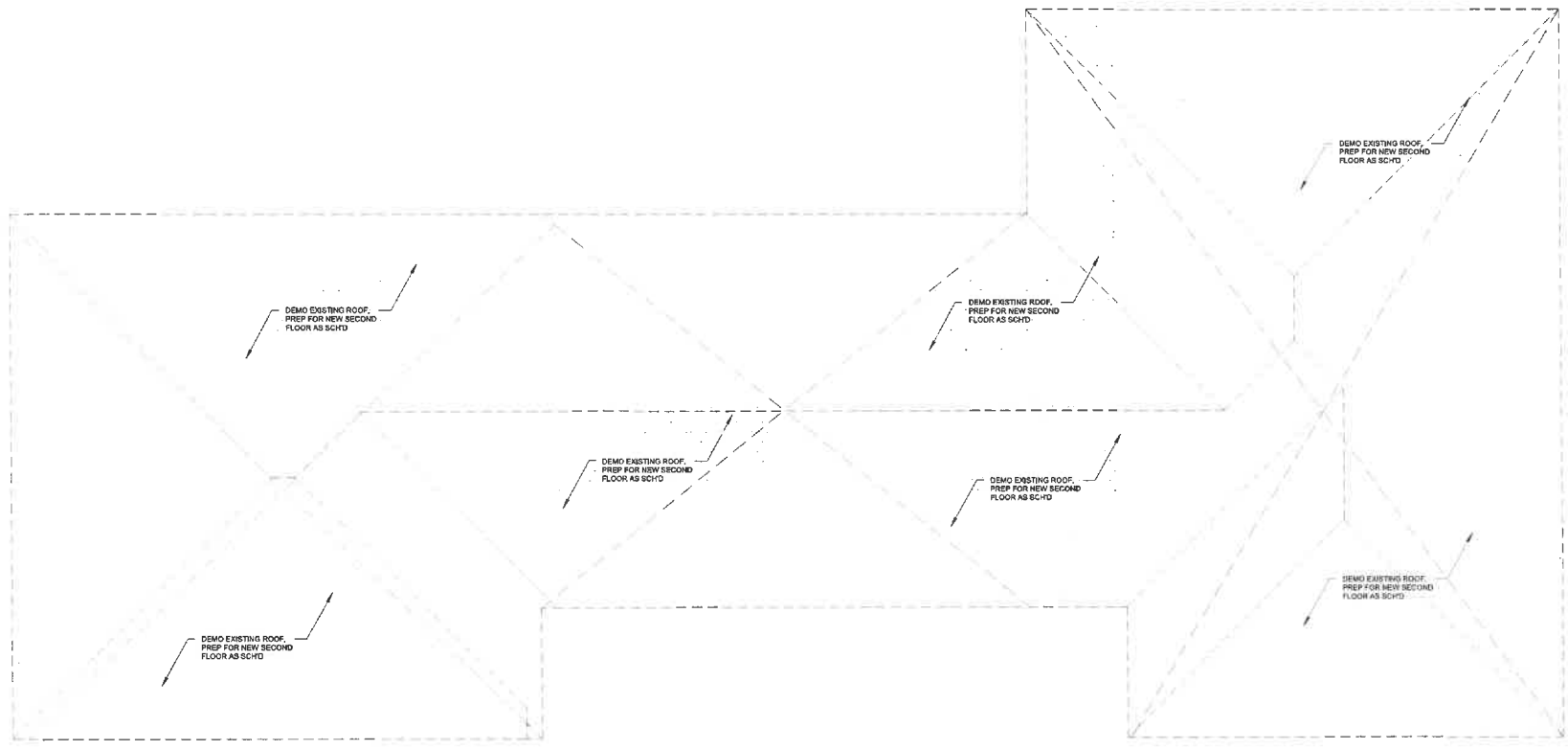
1258 FENWICK GARTH, ARNOLD,  
MD 21012

OWNER'S NAME  
MCCOY, LYNN  
Author  
Checker  
Project Name

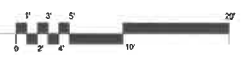
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ROOF DEMO PLAN

0004-AD=AD3



R ROOF DEMO PLAN  
3/16" = 1'-0"



WALL LEGEND

	NEW PARTITION		DEMO PARTITION
	EXISTING PARTITION		FR. PARTITION
	NOT IN SCOPE		

GENERAL NOTES

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- INTERIOR FINISHES ARE CLIENT'S CHOICE
- INTERIOR LIGHTING SELECTION ARE CLIENT'S CHOICE
- DOOR TYPE SYMBOL



CARDINAL ARCHITECTURE  
1414 GUYMON ST.  
BETHESDA, MD 20814  
410.316.5877  
KARIN CARDINAL - ARCHITECT

CONTRACT DOCUMENTS SHALL BE SUPPLEMENTED BY THE FOLLOWING NOTES:  
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES OF MARYLAND AND THE STATE OF MARYLAND.



DATE: 10/1/2020  
SHEET: 10 OF 10  
PROJECT: 1258 FENWICK GARTH, ARNOLD, MD 21012

1258 FENWICK GARTH, ARNOLD,  
MD 21012

CONTRACT NO. 2019-01  
MICHAEL LOPEZ, ARCHITECT  
11344 FENWICK GARTH, ARNOLD, MD 21012

DATE: 10/1/2020  
SHEET: 10 OF 10  
PROJECT: 1258 FENWICK GARTH, ARNOLD, MD 21012

NO.	DESCRIPTION	DATE
1	FOUNDATION	
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FOUNDATION

0005-S=S1

3/16" = 1'-0"

0014-A=A9

18" DIA. CPJ  
CONC. COLUMN  
FORM FC = 3,000  
PSI MIN.

5 1/2" X 5 1/2" (6")  
X 4" NOM. PT.  
WD POST - TYP

EXISTING PLATFORM TO  
REMAIN. REPAIR IN PLACE  
AS NEEDED

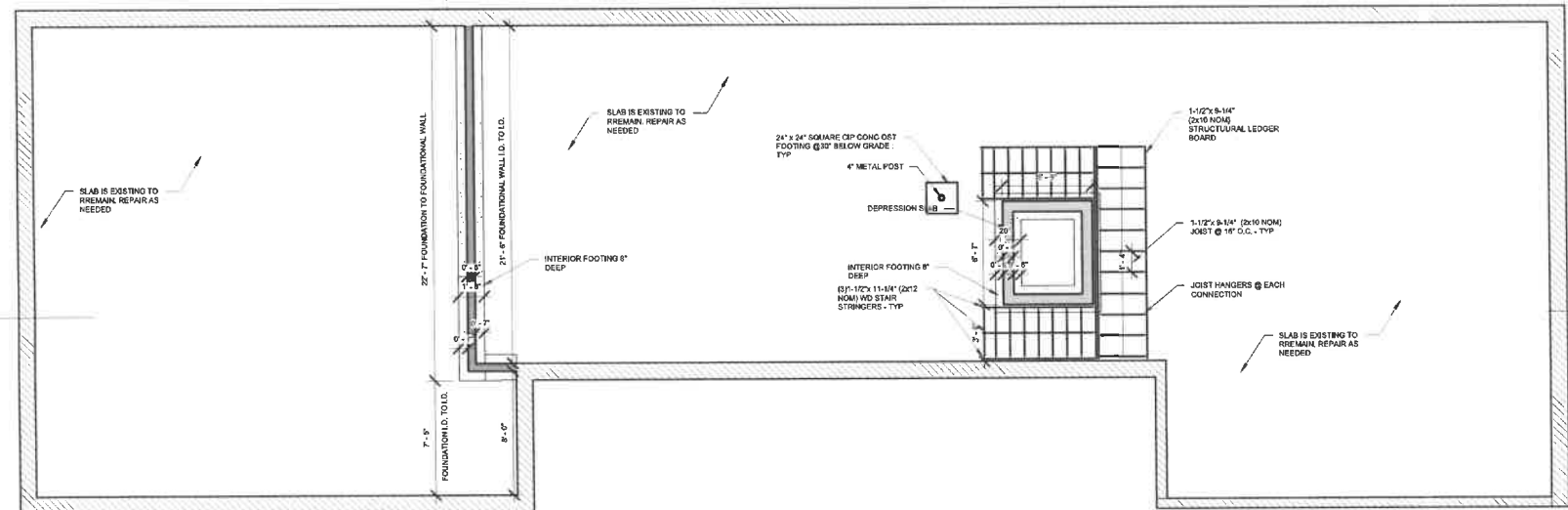
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EXISTING POST TO REMAIN

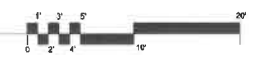
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0015-A=A14

0016-A=A11



F FOUNDATION  
3/16" = 1'-0"



WALL LEGEND

- NEW PARTITION
- EXISTING PARTITION
- NOT IN SCOPE

- DEMO PARTITION
- FR. PARTITION

GENERAL NOTES

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- INTERIOR LIGHTING SELECTION ARE CLIENT'S CHOICE
- DOOR TYPE SYMBOL (36" DENOTES DOOR WIDTH, DOOR STYLE CLIENT'S CHOICE. ALL DOORS ARE 6'-8" IN HEIGHT.





1258 FENWICK GARTH, ARNOLD, MD 21012



CONTRACT NO. 1258-FG-01  
DATE: 12/21/2019  
PROJECT: 1258 FENWICK GARTH, ARNOLD, MD 21012

1258 FENWICK GARTH, ARNOLD, MD 21012

OWNER: 1258-FG-01  
PROJECT: 1258 FENWICK GARTH, ARNOLD, MD 21012

Author: [Blank]  
Checker: [Blank]  
Project Date: [Blank]

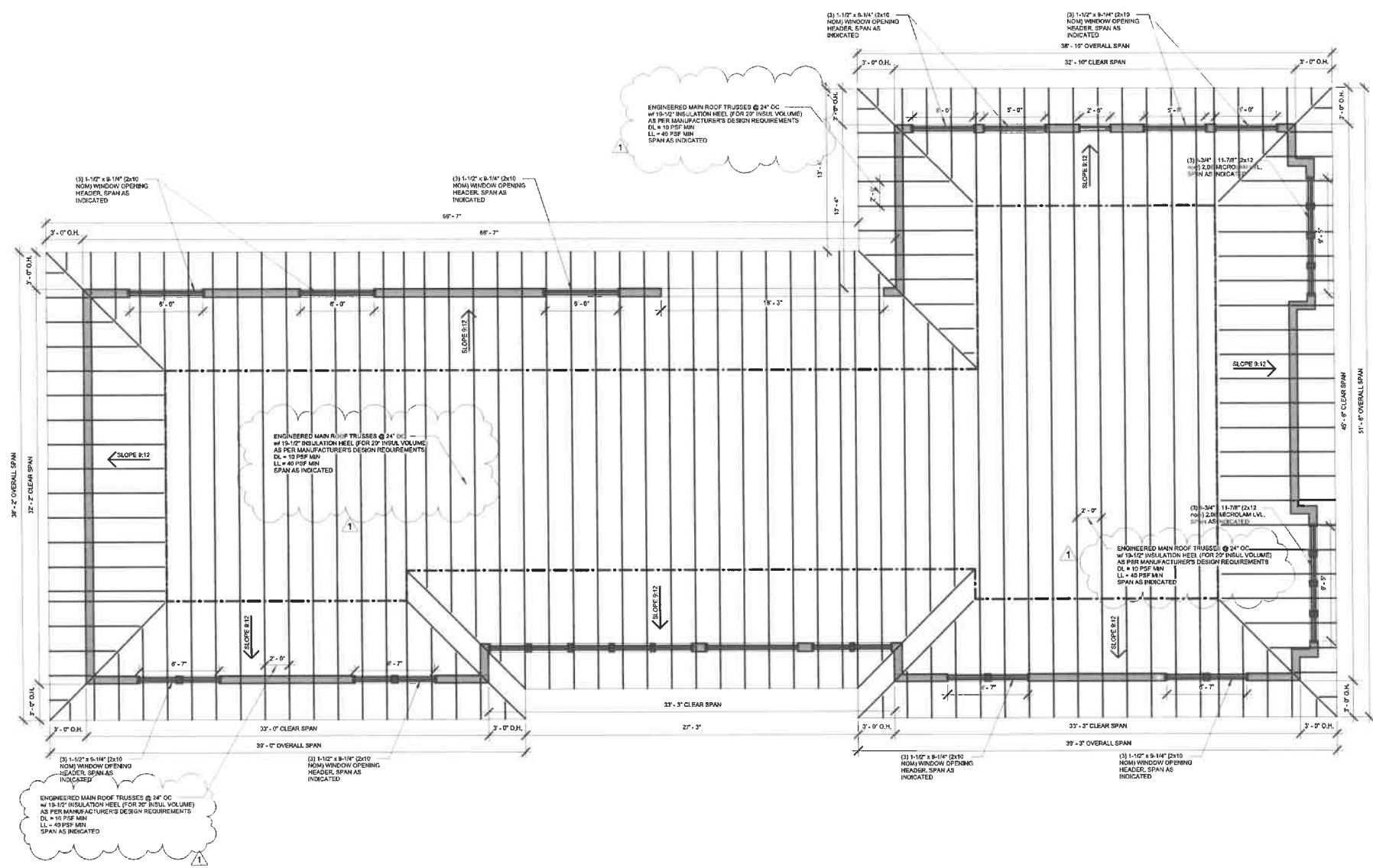
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ROOF FRAMING PLAN

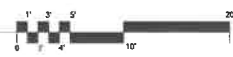
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12/21/2019

TYPICAL DOOR & WINDOW HEADER SCHEDULE  
SPANS 0" TO 36" = (3) 1-1/2" x 8-1/4" (2x10) NOMINAL LUMBER  
SPANS 37" TO 60" = (3) 1-1/2" x 11-1/4" (2x10) DIMENSIONAL LUMBER  
SPANS 61" TO 96" = (3) 1-3/4" x 11-7/8" (2x12) DIMENSIONAL LUMBER  
SPANS 97" TO 120" = (3) 1-3/4" x 11-7/8" (2x12) DIMENSIONAL LUMBER



R ROOF FRAMING PLAN  
3/16" = 1'-0"



WALL LEGEND	
	NEW PARTITION
	EXISTING PARTITION
	NOT IN SCOPE
	DEMO PARTITION
	FR. PARTITION

GENERAL NOTES

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- INTERIOR LIGHTING SELECTION ARE CLIENT'S CHOICE
- DOOR TYPE SYMBOL CHOICE. ALL DOORS
- DENOTES DOOR WIDTH, DOOR STYLE CLIENT'S CHOICE. ALL DOORS ARE 6'-8" IN HEIGHT.



CARROLL ARCHITECTURE  
1416 ALPHEA DRIVE  
BALTIMORE, MD 21202  
(410) 541-1977  
ADAM CARROLL - ARCHITECT

CONTACT INFORMATION: NEW AND EXISTING PERMITS  
FOR THIS PROJECT: FOR AND OFFICE OF THE  
STATE OF MARYLAND



CONTRACTOR:

UPP

STRUCTURAL

1258 FENWICK GARTH, ARNOLD,  
MD 21012

DATE: 08/14/2019

NOTES: 1. 1/16" = 1'-0" SCALE  
2. 1/16" = 1'-0" SCALE

Arch:

Drawn:

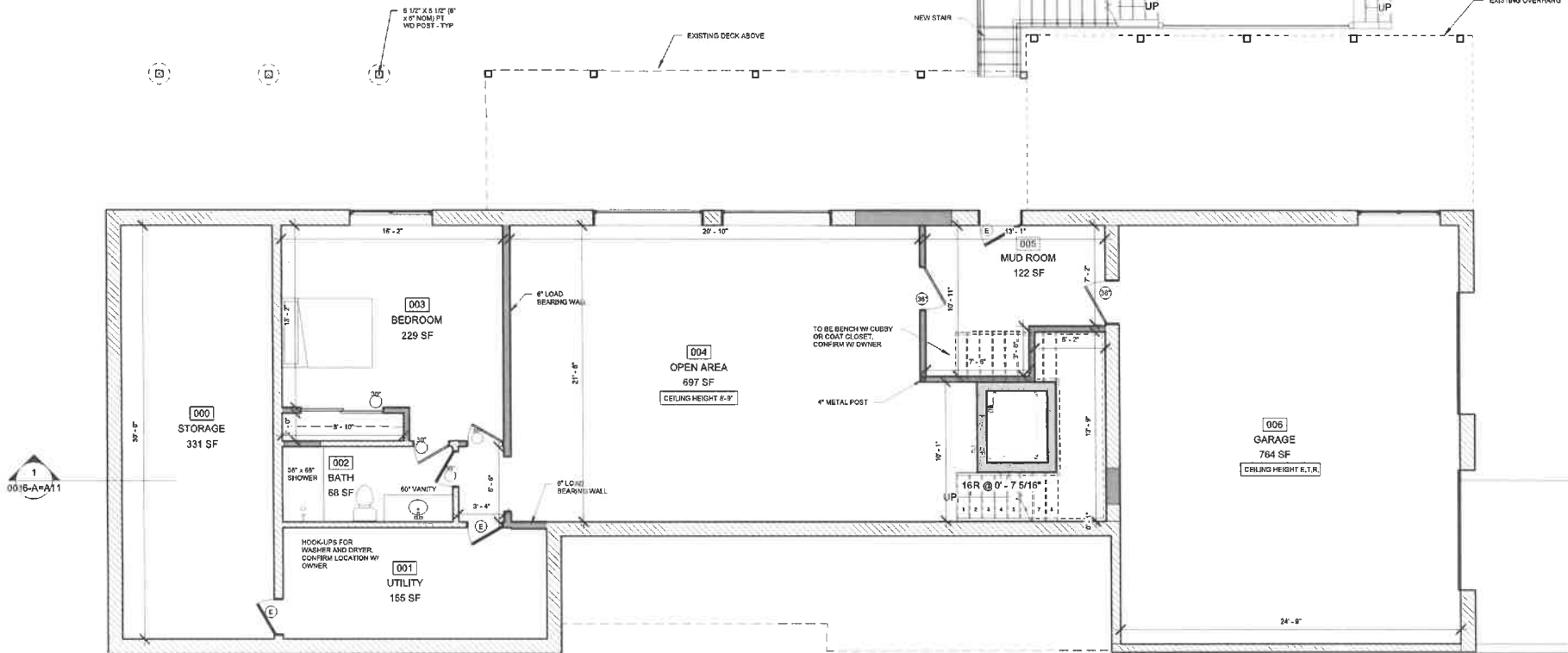
Project Name:

NO.	DESCRIPTION	DATE
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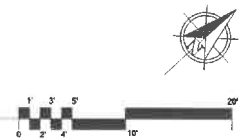
BASMENT  
PROPOSED

0009-A=A1

1/16" = 1'-0"



B BASMENT PROPOSED  
3/16" = 1'-0"



#### WALL LEGEND

NEW PARTITION

EXISTING PARTITION

NOT IN SCOPE

DEMO PARTITION

FR. PARTITION

#### GENERAL NOTES

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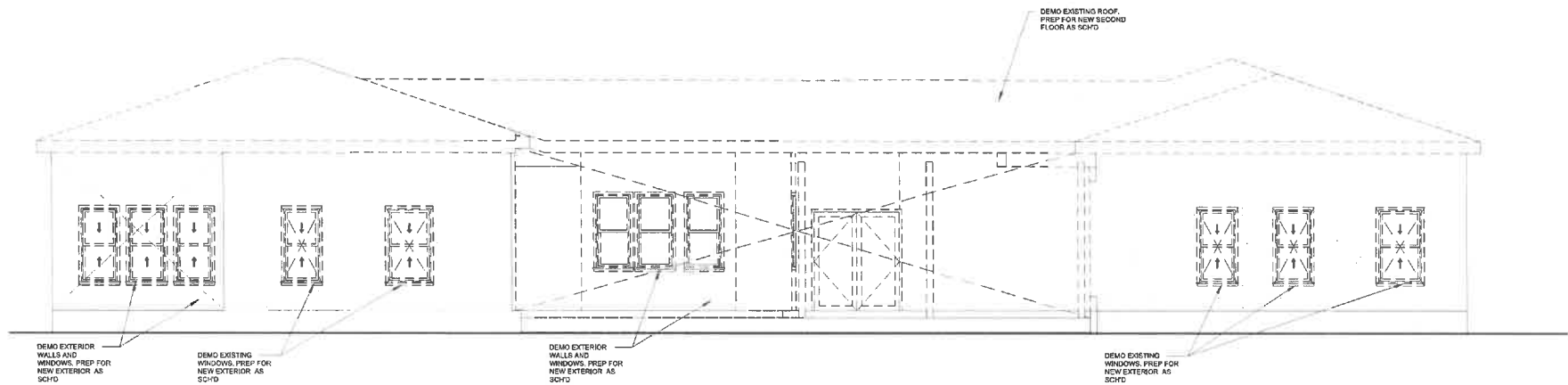
- DOOR TYPE SYMBOL (36") DENOTES DOOR WIDTH, DOOR STYLE CLIENT'S CHOICE. ALL DOORS ARE 6'-8" IN HEIGHT.



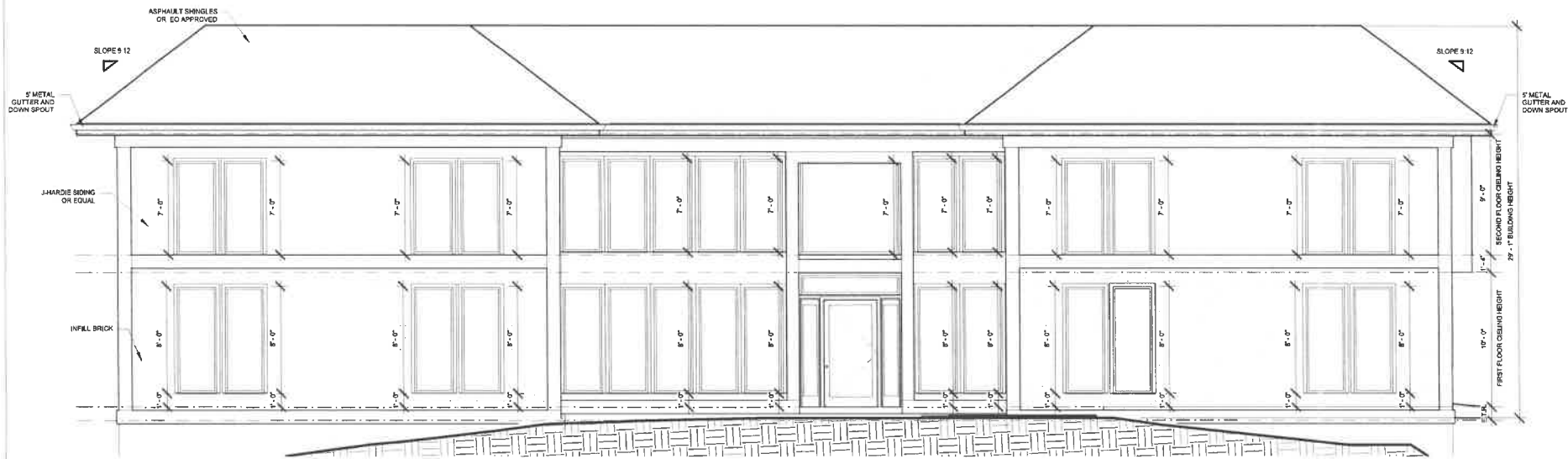




RF + VAR



2D Front Demo Elevation  
3/16" = 1'-0"



2 Front Elevation  
3/16" = 1'-0"

1 FRONT ELEVATIONS  
3/16" = 1'-0"



CAPRALD ARCHITECTURE  
1414 GARDEN ST.  
BALTIMORE, MD 21202  
410.526.1877  
ADAM CAPRALD - ARCHITECT

CONTRACT DOCUMENTS HAVE BEEN PREPARED BY  
LUTHER L. LUTHER, ARCHITECT, INC. FOR THE  
OWNER'S USE.



CONTRACT

101

STRUCTURAL

1258 FENWICK GARTH, ARNOLD,  
MD 21012

DATE: 01/11/2020  
DRAWN: JLM

Author:  
Checker:  
Project Manager:

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

REVISIONS

FRONT  
ELEVATIONS

0013-A=A8

DATE: 01/11/2020

# 1258 Fenwick Garth topographic map



## Legend

Foundation

Parcels



Structure

County Structure



Elevation

Topo 2023

Index

Intermediate



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

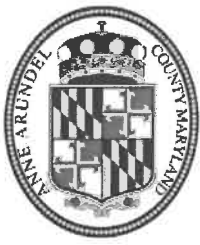
0 100 200  
ft

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TomTom, Garmin, SafeGraph,  
GeoTechnologies, Inc, METI/NASA,



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION

Notes 1"=100'



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE (2025-0004-P)

DATE OF MEETING: 01/31/2025

P&Z STAFF: Donnie Dvott, Kelly Krinetz

APPLICANT/REPRESENTATIVE: Adam Carballo EMAIL: adam@carballoarch.com

SITE LOCATION: 1258 Fenwick Garth, Arnold LOT SIZE: 1.5 Acres ZONING: R1

CA DESIGNATION: LDA BMA: NA or BUFFER: Y APPLICATION TYPE: Critical Area Variance

The applicant describes that several dwelling additions and improvements are proposed including an addition below an existing sunroom, a second floor addition, conversion of a porch to living space, waterside deck and a waterside walkway to the deck. All of the proposed improvements appear to be within the expanded buffer and will require a variance for expanded buffer disturbance. The improvements on the waterside of the dwelling appear to need a variance to disturb steep slopes

#### COMMENTS

The **Critical Area Team** commented that in 2006, a variance to allow expansion of the dwelling was approved. In order to be approved the AHO would have had to determine that the request met the requirement of being the minimum necessary to afford the applicant relief. Additional relief would be contrary to this determination. Further expansion into the buffer and toward the steep slopes cannot be supported. Development under the existing dwelling would require excavation for footings and would require disturbance to the slope which cannot be supported.

**Zoning Administration Section:** The site plan will need to label the existing and proposed height of the dwelling as well as the number of stories. Architectural drawings would be helpful in understanding the scope of work proposed. The letter of explanation does not provide any justification for the variances and also does not address any of the variance criteria. The application will need to address these issues and provide a thorough explanation. The extent of the second floor addition is unclear and the site plan should be updated to clearly show where the second floor addition will be constructed. No lot coverage calculations were provided and must be provided 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.