

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

APPLICANT: Martin & Nichole Bentz

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2025-0051-V

COUNCILMANIC DISTRICT: 3

HEARING DATE: July 8, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling and associated facilities with less setbacks and buffer than required on property located at 61 Milburn Circle in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 37,735 square feet of land and is located on the east side of Milburn Circle. The property is identified as Lot 12 in Block A of Section 1 on Plat B of the Mil-Bur subdivision, Parcel 186 in Grid 11 on Tax Map 25. This waterfront property is zoned R2 – Residential District, lies entirely within the Chesapeake Bay Critical Area (primarily the LDA – Limited Development Area with a small portion of the RCA - Resource Conservation Area in the northern corner), and contains the 100 foot buffer. It is currently improved with a split-level dwelling and associated facilities.

PROPOSAL

The applicants are proposing to demolish the existing single-family dwelling in order to construct a new two-story single-family dwelling (irregularly shaped, approximate overall dimensions: 58' x 98') with associated facilities.

REQUESTED VARIANCES

§ 18-13-104 of the Zoning Ordinance states that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands; and, that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater. § 17-8-301 of the Subdivision and Development Code states that development on properties containing buffers shall meet the requirements of the State Code of Maryland (COMAR), Title 27.

The proposed construction will disturb approximately 3,070 square feet of the buffer and expanded buffer, necessitating a variance. The final amount of disturbance will be determined during permit review.

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

FINDINGS

The subject property is irregularly shaped and oversized for a lot in the R2 District with regard to the minimum lot area requirement of 20,000 square feet for lots not served by public sewer and the minimum lot width requirement of 70 feet¹. A review of the County aerial photography shows an eclectic mix of dwellings and lots in this waterfront community.

The proposed post-construction lot coverage is 5,053 square feet, which is below the lot coverage allowed under § 17-8-402 (15% of the parcel or 5,660.25 square feet). The proposed coverage by structures was not provided; however, based on the critical area lot coverage, it would also be well below the 60% (22,641 square feet) maximum coverage by structures allowed under § 18-4-601.

Building permit B02436458, to demo the existing dwelling and construct a new single-family dwelling, was submitted on May 1, 2025. Variance approval must be obtained prior to the permit being issued.

Agency Comments

The **Health Department** notes that the Administrative Site Plan doesn't match the approved site plan for Perc Application PAT02051421, and recommends denial of the variance request.²

The **Critical Area Commission** noted this proposal does not meet each and every one of the variance standards, including unwarranted hardship as the applicant retains significant use of the parcel and has the ability to redesign the dwelling in a manner that would not necessitate relief from the code under the variance process. Should the Hearing Officer determine that the applicants' request, or a modified version, meets each and every one of the variance standards, appropriate mitigation is required.³

The **Critical Area Team** noted that the proposed development can be easily redesigned/relocated in order to eliminate the buffer disturbance and, therefore, cannot support the request.⁴

The **Cultural Resources Team** noted that the area within the Critical Area buffer has high archaeological potential, that all development is subject to review per Article 17-6-502, and that their Office may require a site visit to review a grading permit for this project.⁵

¹ Bill 72-24, effective July 1, 2025, modified the bulk regulations for principal structures in the R2 District, the maximum coverage by structures was increased from 30% to 60% of gross area, the minimum width at the front building restriction line (for waterfront lots, the building restriction line is measured from the rear lot line) was reduced from 80ft to 70ft, and the minimum rear setback was reduced from 25ft to 20ft.

² Refer to the Dept. of Health's memo for their detailed objection.

³ Refer to the Critical Area Commission's comments for their detailed objection.

⁴ Refer to the OPZ Critical Area Team's comments for their detailed objection.

⁵ Refer to the OPZ Cultural Resources' comments for their detailed response.

The **Inspections & Permits Engineering Section** did not provide comments at the time of this report, however, during Pre-file, their Office commented on revisions that would be required during development.⁶

Variance Criteria

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, the northeastern half of the lot is encumbered by the 100ft buffer and the expanded buffer. However, the southwestern half of the lot is level and there appears to be ample space to locate a new dwelling, and its associated facilities, in a manner that would avoid disturbing the buffer. As such, a literal interpretation of the County's Critical Area Program would not deprive the applicants of rights that are commonly enjoyed by other properties in similar areas, while the granting of the variance, as proposed, would confer special privileges that would be denied by COMAR, Title 27. The variance request is not based on conditions or circumstances that are the result of actions by the applicant and does not arise from any condition relating to land or building use on any neighboring property. Both the Critical Area Commission and the Critical Area Team agree that the applicant could redesign or relocate the proposed dwelling to eliminate the impacts to the buffer. Therefore, the proposal is not in harmony with the general spirit and intent of the County's critical area program, and may adversely affect water quality and adversely impact fish, wildlife or plant habitat within the critical area. The applicants have not overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have not evaluated and implemented site planning alternatives as suggested by the Critical Area Team and Zoning Administration at the pre-file stage.

With regard to the requirements for all variances, there is no evidence that the proposal will alter the essential character of the neighborhood, or impair the appropriate use or development of adjacent property. However, the proposal may be detrimental to the public welfare due to its impacts to environmentally sensitive features. Redevelopment is an opportunity to comply with the Code and not to create situations that require relief from the Code. Applicants should not expect to vary away every deficiency in order to construct their desired dwelling that may be possible on a lot with fewer environmental features. Given the size of the house and driveway, and the fact that the applicants can redesign the proposed dwelling to minimize buffer disturbance, or eliminate it altogether, this Office does not consider the proposal to represent the minimum necessary to afford relief.

⁶ Refer to the Engineering Section's comments on the Pre-file for their detailed response.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** of a zoning variance to § 18-13-104 and ***denial*** of a Critical Area variance to § 17-8-301 to allow disturbance to the buffer in order to construct a new single-family dwelling.

If granted, the final amount of disturbance will be determined during permit review.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

61 MILBURN CIRCLE, PASADENA, MD 21122 | ADMINISTRATIVE SITE PLAN

LOT COVERAGE TABULATIONS

CRITICAL AREA DESIGNATION: LDA (LIMITED DEVELOPMENT AREA)
MAXIMUM IMPERVIOUS COVERAGE: 15% (5,697 S.F.) PER SUBTITLE (4) 17-8-402

EXISTING SHED IN BACK CORNER OF PROPERTY:	97 S.F.
EXISTING SHED IN BACK OF PROPERTY:	114 S.F.
EXISTING BACK PATIO AREA:	616 S.F.
EXISTING FRONT CONCRETE WALKWAY:	189 S.F.
EXISTING DRIVEWAY AREA:	741 S.F.
TOTAL IMPERVIOUS REMOVED	1757 S.F.

PROPOSED IMPERVIOUS 2288 S.F.

Property: R1 SINGLE FAMILY RESIDENTIAL - LDA & RCA CRITICAL AREA COVERAGE	
Terms: 15% of lot to be impervious coverage, 10% reduction in Stormwater	
SOAT REAL PROPERTY USED LOT SIZE:	37,735 S.F.
SURVEY TAKE OFF PROPERTY AREA:	37,978 S.F.
SURVEY TAKE OFF RECORDED IMPERVIOUS:	4,522 S.F.
ALLOWED IMPERVIOUS (R2 ZONE, WITH CRITICAL AREA LDA OVERLAY):	5,697 S.F.
CURRENT ALLOWABLE IMPERVIOUS THRESHOLD:	1,175 S.F.
NET 10% REDUCTION OF IMPERVIOUS REQUIRED FOR DEVELOPMENT:	0 S.F.
IMPERVIOUS SURFACE AFTER PROPOSED REMOVALS:	2,765 S.F.
FINAL IMPERVIOUS AFTER PROPOSED ENHANCEMENTS:	5,053 S.F.
FINAL IMPERVIOUS CALCULATION (UNDER COVER):	-644 S.F.

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Inspections and Permits Department
Second Floor
2664 Riva Road
P.O. Box 6675
Annapolis, MD 21401
P. 410.222.7441 F. 410.222.7752

To Whom It May Concern:

The location of the property address is 61 Milburn Circle, Pasadena, MD 21122.
This property address is located within the critical area of the Magothy River Watershed.
This property is not affiliated with any bog protection areas or wetlands.
This property has zoning designation of R-2 Residential.
This property has a critical area designation of LDA - Limited Development Area and RCA - Resource Conservation Area.
The location has a 100' buffer on one side, Cornfield Creek, respectively, and is under Non-Buffer Modified designation.

Our intent is to submit this Grading Plan Application and Building Permit Application so that we can reconstruct the existing primary structure and construct a new single family dwelling. The existing primary structure was built in 1964, and the foundation and property does not have any stormwater management practices in place. There is also no waterproofing on the existing foundation as it was built at a time which predates most of the innovative systems to manage groundwater as it interacts with foundation systems. There are currently non-standard stormwater management practices existing, most of all of the stormwater is conveyed on open section turf areas that have no native establishment and sheetflows directly into existing creek area. The erosive conditions are prevalent in that the original record plat when compared to the new survey shows a considerable amount of accretion towards the channel. The stormwater from the front drainage area of the property again flows to an open section public road and is intercepted by an inlet in the southwest portion of the property, which outfalls directly into the creek. There are no pre-treatment and/or stormwater sequestering facilities present.

The topography of property outlines a ridge, where the primary structure was built on top of. Most of the property conveys towards the creek and to an adjacent swale area that again has minimal vegetative establishment and/or grading practices to slow velocity down. We have provided a more in depth review of the property with the attached stormwater management report and narrative, but would like to outline a few of the opportunities that this project will provide.

The lot is grandfathered with an impervious coverage amount that is under the current maximum allowed. Our development strategy was to replace existing coverage for the increased house coverage, to minimize impacts towards buffer. We are still providing less coverage than what is allowed. We have also implemented an enhanced landscape plan, aside from the required buffer management plan, to stabilize and manage stormwater in the primarily non-established understory areas of property. We recognize that the invasive ivy, and turf areas under large canopy trees is less than ideal, as conveyed in our narrative.

Lastly, we have proposed to implement a pervious driveway system to aide in stormwater management and minimize impacts to adjacent county owned right away. We are proposing several stormwater mangement systems and robust planting, to allow stormwater to better infiltrate upland areas, as well as implementing a pervious segmental paving system to aide in managing runoff for this unique site. We have limited tree removals to just only deceased specimens and non natives.

We are planting a dense riparian buffer of native planting, combined with both perennials and woody vegetation to aide in stabilization of sloped areas and replace existing turf areas. This will aide in the absorption of stormwater before conveying channelward to river areas and reduce runoff erosion. We have prepared an enhance landscape plan which will outline the overall site improvements from the conditions that currently exist.

The proposed development of the property was strategically planned when designing and working on required approvals for and on site individual sewage disposal system. We worked with Anne Arundel County Health Department to acquire approval for a required BAT system with supporting drainfields and replacement drainfields as required. This approval was is under perc number PAT02051421 and requires the development to abandon/remove existing septic system.

The previous system was under a hardscape patio area and there is most likely a good amount of sub-base/non indigenous substrate that will need to be removed. It was strategized, that this would be the best place for the building stucture alignment with Architects, as we could minimize disturbance, having to already disturb this area to remove the old system. The existing structure being slab on grade and not having a basement, would allow this added area to be beneficial in creating more livable space, as the new system supports.



LETTER OF EXPLANATION

Utilizing the existing foundation and not encroaching on side yard setbacks, as well as front yard setbacks, our strategy was to place addition in this orientation to maintain setbacks for future drainfield replacement systems and meet setbacks for integration of new stormwater management practices.

Due to the unique shallowness of the buildable area, relative to total lot size and depth, we are kindly requesting a variance to temporarily disturb the buffer. The critical area law was not in affect when this lot was first developed, so the initial layout and siting of structures is relative to parameters that did not exist prior. The overlay of these new setbacks and buffers, in combination with meeting requirements for on site disposal system, made this orientation and proposal the most viable.

We have also provided an enhanced landscape plan, which will be supplemental to the required Buffer Management Plan, to create a dense riparian planting in the buffer to aide in managing stormwater, creating habitat, and stabilizing steep slopes. This strategy was in the best intent of the critical area law and being stewards of a waterfront parcel. The design team and property owners recognized that just the mitigation requirements alone are not the most ideal, so we provided this initiative, replacing much of the turf areas with landscaping enhancements.

We have provided scaled plans which delineate the existing conditions of the site including but not limited to; structures, utilities, steep slope setbacks, limits of disturbance, and other sensitive areas, as applicable.

Thank you in advance for your attention and consideration to this project.

Please feel free to contact with any questions and/or comments.

Regards,

A handwritten signature in black ink, appearing to read "Sean Robinson".

Sean Robinson
Principal

○ 202.760.0405

sean@sean-william.com

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
0025	0186	A	12	1

Tax ID:	03-551-19683900
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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)	61 Milburn Circle
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Project location/Address	61 Milburn Circle
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City	Pasadena, MD	Zip	21122
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Local case number	
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Applicant:	Last name	Robinson	First name	Sean
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Company	Sean William Companies, LLC
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Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Residential Single Family Dwelling

Intra-Family Transfer ☐
Grandfathered Lot ☒

Growth Allocation ☐
Buffer Exemption Area ☐

Project Type (check all that apply)

Commercial ☐
Consistency Report ☐
Industrial ☐
Institutional ☐
Mixed Use ☐
Other ☐

Recreational ☐
Redevelopment ☐
Residential ☒
Shore Erosion Control ☐
Water-Dependent Facility ☐

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		0
LDA Area		33,500
RCA Area		2,568
Total Area		37,735

Total Disturbed Area

Acres	Sq Ft
	14,560

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		20,180	Existing Lot Coverage		4,522
Created Forest/Woodland/Trees		4,000	New Lot Coverage		2,288
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		1,757
			Total Lot Coverage		5,053

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		3,070	Buffer Forest Clearing		0
Non-Buffer Disturbance		11,490	Mitigation		0

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 ☒

PERMEABLE DRIVEWAY



Office of Planning and Zoning
2664 Riva Road
P.O. Box 6675
Annapolis, MD 21401
P. 410.222.7441 F. 410.222.7752

To Whom It May Concern:

The proposed use of the existing project is residential.

The site is primarily made up of invasive ground cover and turf grass, that are on semi flat areas that convey to steep slopes. The existing total property area is 37,735 S.F. of which only 3,414 S.F. consists of lot coverage, making the lot 82% covered in vegetation. The buffer encompasses the steep slopes that are on this property.

We will be using this development opportunity to introduce new stormwater management systems, as currently there are none that exist, but are not to current code standards, and just outfall directly to the adjacent creek. We will be stabilizing steep slopes with native rhizomes, woody shrub vegetation/ornamental trees and low lying perennial plants that will create a dense network of fibrous roots to mitigate rill erosion and erosive loss of land/sediment towards channel.

We will be providing stormwater management on site which currently does not have many controls, which allow stormwater to be harvested and utilized by plants and/or percolated through amended soil conditions, aiding in carbon and nitrogen sequestering. We will be removing invasive ivy groundcover and existing turf areas to replace with perennial grasses and plants that are better suited for woodland conditions and to stabilize steep slopes.

There are no known rare and/or endangered species, anadromous fish propagation waters, colonial water bird nesting sites, historical waterfowl staging and concentration areas within proposed project.

There are also no riparian forests, natural heritage areas, and plant and wildlife habitats of local significance within the project extents.

We have provided scaled plans which delineate the existing conditions of the site including but not limited to; structures, utilities, steep slope setbacks, limits of disturbance, and other sensitive areas, as applicable.

Thank you in advance for your attention and consideration to this project.

Please feel free to contact with any questions and/or comments.

Regards,

Sean Robinson
Principal

○ 202.760.0405

sean@sean-william.com



LETTER OF AUTHORIZATION

To Whom It May Concern:

I / We the undersigned, hereby authorize Sean Robinson, with Sean William Companies, LLC, to act on my/our behalf in all matters relating to following;

Design, Permitting, and Construction tasks related to the property located at:

61 Milburn Circle, Pasadena, MD 21122

This includes any existing document research related to our property and proposed coordination/planning in relation to obtaining permits/approval for designated tasks.

The scope of work to include, but not limited to, permit submittals in relation to;

- Vegetative Management Plans
- Standard Grading Plans
- Grading Plans
- Site Plans Building
- Building Permits
- Buffer Modification Plans
- Critical Area and Buffer Variances
- Joint Federal/State Application for the Alteration of Any Floodplain, Waterway, Tidal or Non-tidal Wetland in Maryland
- Construction Documents
- Feasibility Studies
- Wetland Delineations and Forest Stand Delineations

Any and all acts carried out by Sean Robinson and/or associates of Sean William Companies, on my/our behalf shall have the same effect as acts of my / our own in relation to this location.

This authorization is valid until further written notice from Sean William Companies, LLC or the undersigned.

Signature(s):

A handwritten signature in black ink, appearing to read "M. Bentz", written over a horizontal line.

Martin E Bentz, Real Property Owner
(Principal Residence)

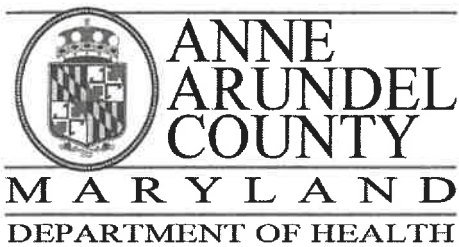
A handwritten signature in black ink, appearing to read "N. Bentz", written over a horizontal line.

Nichole L Bentz, Real Property Owner
(Principal Residence)

Site Address:

61 Milburn Circle
Pasadena, MD 21122

Please respectfully accept this letter of authorization on behalf of Sean William Companies and "the clients" Martin and Nichole Bentz



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health

A handwritten signature in blue ink, appearing to be "BC", located to the right of the "FROM:" line.

DATE: May 9, 2025

RE: Martin E. Bentz
61 Milburn Circle
Pasadena, MD 21122

NUMBER: 2025-0051-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling and associated facilities with less setbacks and buffer than required.

The Health Department recommends denial of the above reference request. The Administrative Site Plan doesn't match the approved site plan for Perc Application PAT02051421.

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

cc: Sterling Seay



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

2025-0051-V; Bentz; AA 0149-25

4 messages

Jonathan Coplin -DNR- <jonathan.coplin@maryland.gov>

Tue, Jun 24, 2025 at 3:05 PM

To: Sadé Medina <pzmedi22@aacounty.org>, Jennifer Lechner <pzlechl23@aacounty.org>

Cc: Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>, Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

Good afternoon,

Our office is in receipt of the above referenced variance. As noted in the pre-file comments from Anne Arundel County from February 21, 2025, the applicant should reconsider the design of the dwelling to avoid disturbance to the Buffer. It appears the applicant could shift the dwelling and parking area closer to Milburn circle thereby eliminating the need for a variance. As such, this proposal, as it stands today, does not meet each and every one of the variance standards, including unwarranted hardship as the applicant retains significant use of the parcel and has the ability to redesign the dwelling in a manner that would not necessitate relief from the code under the variance process.

Should the hearing officer determine that the applicant's request, or a modified version, meets each and every one of the variance standards, appropriate mitigation is required. Thank you for the opportunity to provide comments. Please provide us with a copy of the hearing officer's decision within 10 business days of when a decision is rendered per COMAR 27.01.12.05.B.

Jamileh is out this week, but I will work with her to upload to Accela once she returns.

Jon

--



Critical Area Commission
Chesapeake & Atlantic Coastal
Bays
dnr.maryland.gov/criticalarea

Jonathan Coplin
Natural Resource Planner
1804 West Street, Suite 100
Annapolis, MD 21401
410-260-3481 (office)
443-699-6869 (mobile)
Jonathan.Coplin@maryland.gov

Jennifer Lechner <pzlechl23@aacounty.org>

Tue, Jun 24, 2025 at 3:07 PM

To: Jonathan Coplin -DNR- <jonathan.coplin@maryland.gov>

Cc: Sadé Medina <pzmedi22@aacounty.org>, Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>, Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

Ok, thank you.

Regards,

Task Details OPZ Critical Area Team

Assigned Date

04/30/2025

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

A variance is not required for the removal of development from the buffer. A variance is required however for any disturbance related to new development. In this case, the proposed dwelling is located immediately adjacent to the 100' buffer. Inspections and Permits requires a 10' LOD around all proposed development which will fall within buffer and therefore require a variance. The proposed development can be easily redesigned/relocated in order to eliminate disturbance related to development and therefore, this Office cannot support this request.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

F

2025-0051-V

Menu Cancel Help

Task Details **OPZ Cultural Resources**

Assigned Date

04/30/2025

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

The area within the Critical Area buffer has high archaeological potential. All development is subject to review per Article 17-6-502. The Cultural Resources Section may require a site visit to review a grading permit for this project.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- ☒ All ACA Users
- ☒ Record Creator
- ☒ Licensed Professional
- ☒ Contact
- ☒ Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2025-0014-P)

DATE OF MEETING: 02/21/2025

P&Z STAFF: Sara Anzelmo, Kelly Krinetz, Natalie Norberg

APPLICANT/REPRESENTATIVE: Martin Bentz/Sean Robinson EMAIL: sean@sean-william.com

SITE LOCATION: 61 Milburn Circle, Pasadena LOT SIZE: 37,978 sf ZONING: R2

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

The applicant proposes to demolish the existing dwelling and to construct a new single-family detached dwelling and associated facilities. The applicant's letter explains that the project will provide the following opportunities.

"The lot is grandfathered with an impervious coverage amount that is under the current maximum allowed. Our development strategy was to replace existing coverage for the increased house coverage, to minimize impacts towards buffer. We are still providing less coverage than what is allowed. We have also implemented an enhanced landscape plan, aside from the required buffer management plan, to stabilize and manage stormwater in the primarily non-established understory areas of property. We recognize that the the invasive ivy, and turf areas under large canopy trees is less than ideal, as conveyed in our narrative. Lastly, we have proposed to implement a pervious driveway system to aide in stormwater management and minimize impacts to adjacent county owned right away. We are proposing a deck area, instead of a patio area, to allow stormwater to better infiltrate to accommodate more planting areas, as well as implementing a pervious segmental paving system to aide in managing runoff for this unique site. We have limited tree removals to just only deceased specimens and non natives. We are planting a dense riparian buffer of native planting, combined with both perennials and woody vegetation to aide in stabilization of sloped areas and replace existing turf areas. This will aide in the absorption of stormwater before conveying channelward to river areas and reduce runoff erosion. We have prepared an enhance landscape plan which will outline the overall site improvements from the conditions that currently exist."

COMMENTS

The **Critical Area Team** noted that, although the letter of explanation presents information regarding the project, it does not provide information regarding what the applicant is requesting a variance for and how the request meets the approval standards outlined in 18-16-305. Based on the information that has been provided, the Team has the following comments: The site plan indicates that the site is Buffer Modified. Please correct this to reflect that the site is Buffer. The lot coverage information appears to be within the allowable limits provided the applicant counted the pervious driveway at 100% lot coverage and did not reduce this amount based on the specs for the pervious driveway material. This will be verified at permit. A variance will not be required for the proposed septic system. The recent clearing will be evaluated at the permit stage. If it is determined that the clearing was to accommodate the construction, mitigation may be required.

The proposed addition abuts the buffer/expanded buffer. Inspections and Permits will require a 10' LOD around the addition which will fall within the buffer, is considered disturbance, and will require a variance. Since the addition could be designed to avoid disturbance to the buffer, it will be difficult for the applicant to meet the approval standards outlined in the Code. The Team recommends that the [dwelling] be redesigned to allow for the LOD to be located outside of the buffer, thereby eliminating the need for the variance.

The **Zoning Administration Section** notes that all variance site plans must label the dimensions, number of stories, and height for the proposed structure(s). The Zoning Administration Section concurs with the Critical Area Team that the dwelling could easily be redesigned in order to keep the structure and the associated LOD outside of the buffer, eliminating the need for a Critical Area variance. Should the applicant decide to pursue a variance, the applicant must

CONFIRMATION OF PRE-FILE (2025-0014-P) - CONTINUED

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). Therefore, the variance letter should specifically address each standard.

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

1. Show the existing septic system on the Existing Site Conditions and Resource Map.
2. The SWM devices need to be defined. Show the approximate limits of the SWM devices.
3. SWM devices must have a setback of at least 10 feet from structures. Relocate SWM-3 and SWM-4.
4. SWM-4 must be a minimum of 25 feet from the well unless the Health Department requires an even greater setback.
5. SWM-1 and SWM-2 must be a minimum of 10 feet from the property lines.
6. SWM-1, SWM-3, and SWM-4 must be 25 feet from the septic drainfield trenches, replacement trenches, and the septic area.
7. The invert of the SWM devices requires 4 feet of separation from ground water.
8. Label the specific type of SWM devices on the plan.
9. Show the limits of disturbance on the plan.
10. Label the North arrows.
11. Will the living shoreline construction be accessed from the water or the land?
12. Clarify why the Total Disturbed Area and the Proposed Lot Coverage is 0 sf under Site Information.
13. Per the Letter of Explanation, "We have provided a more in depth review of the property with the attached stormwater management report..." However, the Stormwater Management Report was not provided. Please submit with the Variance submittal.

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.

61 Milburn Circle (2025-0051-V)



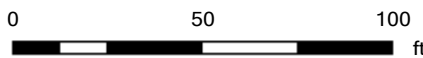
Legend

- Foundation
- Addressing
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- Parcels
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- Parcels - Annapolis City
 - ▭



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Nearmap



THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes