

July 8, 2025

Anne Arundel County  
Office of Planning  
2664 Riva Road, 1<sup>st</sup> Floor  
Annapolis MD 21401

**Re: Variance Request (17-8-201)**  
**Round Bay – Lots 35 & 36**  
126 Round Bay Road  
Severna Park, Maryland 21146  
Tax# 03-697-23242800

Dear Sir/Madam:

On behalf Mr. Joseph Tavaréz and Ms. Natalie Reid, the owners of 126 Round Bay Road, Severna Park; Drum, Loyka & Associates, LLC has prepared the enclosed proposed development site plan dated July 7, 2025. We hereby request a variance to obtain relief to Anne Arundel County code Article 17-8-201 to allow to permanently disturb 256 square feet and temporary disturb 463 square feet of steep slopes 15% and greater to construct a three-story addition to the existing dwelling and remove a portion of the existing driveway.

The subject property is a grandfathered, rectangular shaped, non-waterfront lot approximately 20,000 square feet (0.46 Ac) in area located in the platted community of Round Bay. The property is located entirely within the limits of the Chesapeake Bay Critical Area with an LDA land use designation, and zoned R2.

Currently, the property is developed with an existing 2-story single-family dwelling, detached garage, paver patios and walks, looped gravel driveway parking area, and associated improvements. The existing dwelling was constructed in 1956 (per SDAT) and does not conform to the current side and rear property line setbacks in the R2 zoning district. There are existing stone walls, gravel area, and steps that traverse the rear property line onto the adjacent Anne Arundel County recreation area known as Sullivan's Cove Natural Area. These property improvements shown existed at the time of parcel purchase by the applicants in 2021.

A portion of the north end of the site is located within a contributing drainage area for the Sullivan Cove Bog. Steep slopes 15% and greater are present along the west and north portions of the property and directly abut the existing dwelling, patios, walks and driveway. The unimproved portions of the site are vegetated with turf lawn and several hardwood trees and ornamental shrubs. The site is served by public water and public sanitary sewer via connection to the mains located in Round Bay Road.

The property owners propose to remove a large portion (1,139 s.f.) of the existing gravel driveway and construct a three-story addition with basement onto the south side of the house with an areaway and covered porch. A one-story addition with a new covered porch, steps, and retaining walls are proposed to be constructed on the east side of the dwelling. The three-story addition with basement is sited narrower than the existing dwelling to comply with the side yard setback but encroaches into the front yard steep slopes and will permanently disturb 256 square feet and temporary disturbance of 463 square feet for construction access to construct those improvements and remove the existing gravel driveway. The proposed limit of disturbance is the minimum necessary to construct the improvements and results in a net reduction of 118 square feet of impervious lot coverage. This renovated home sits on a double lot, and while it does have a higher impervious coverage percentage, much of that comes from the long driveway accessing the house at the back half of the lot, many stone steps up to the front door, and stone side patio created by multiple retaining walls.

Recently a pre-file #2025-0055-P was submitted to the Office of Planning and Zoning for review. The prefile comments were issued on June 23, 2025 by the Office of Planning and Zoning by Ms. Kelly Krinetz, Sara Anzelmo, and Natalie Norberg, a copy of the prefile comments is included with this submittal for review. The Critical Area Team commented that there is no objection however, it must be demonstrated that the proposal meets the approval standards for A Critical Area Variance, and specifically why to footprint could not be designed in another location to avoid the slopes. During the design process, the property owners worked closely with their design professionals to establish a configuration which minimizes impacts to the existing structure and to the many surrounding retaining walls that support the tiered grades yet also meeting the needs of the design program.

While this property is larger than most in Round Bay as it is a double lot, there were setback limitations on both the rear (north) side facing Sullivan's Cove and the west side facing toward the Severn. This left only the east and south sides of the home as possibly being feasible for additions. The existing 2nd floor facing the east side/detached garage has a recently renovated master bathroom and bedroom, so any addition projecting out to that side would have undone a prior investment. As well, it seemed any addition projecting out that east side would have disturbed steep slopes and tiered retaining walls, and negatively affected both air flow and natural light for the remaining parts of the house. The current design has the addition projecting towards Round Bay Road which has the largest open swath of land. As designed, the south side porch opens the new living room to that large front yard, affording the Tavarez's two young daughters use of that area for their playground vs the tiered sloped east side yard that would result in a considerable drop in grade from the larger needed area of living space to a level land area for their daughters use. The home currently only has 2 bedrooms and 2 bathrooms on the 2nd floor. The main lower-level living area features a low ceiling height, a remnant from when it was just a basement. It also only has windows on 2 sides as the other 2 sides are below grade. The addition allows for a new living room on the lower level with a 9'

ceiling height, and 2 bedrooms and a buddy bathroom on the 2nd floor, all with many windows for cross circulation and lots of natural light. The existing stairs do not meet today's current code for headroom, so incorporating new stairs in the addition was an important consideration. The location of them connects the existing 2 bedrooms with the 2-bedroom addition, allowing for a safe connection between the parent's renovated bedroom and the two young daughter's new bedrooms. The finished square footage of the renovated home is consistent with other homes in the area, many of which are built on single lots.

The Zoning Administration commented that the areaway is to be dimensioned to show in compliance with zoning setbacks. The plan now shows the areaway/steps are located 5.5 feet from the side property line, only extending 3-ft into the setback which complies with 18-3-201(b).

The Engineering division inquired about the existing improvements on the adjacent Count-owner property to the north and what the intention are for them. These existing walks, steps, and walls retain soil and removal of the walls and improvements may create an adverse erosive property condition. The requested variances to the Code are not associated with the improvements.

The need for the anticipated variance arises from the unique physical conditions of the site, specifically the topography, and their relation to the existing improvements and the proximity of the existing dwelling to the property lines. We believe that the variance request meets all the requirements for a Critical Area variance:

Code Article 18-16-305

**(b) Requirements for Critical Area Variances.**

- (1) Unwarranted Hardship- Unique physical conditions including topography, the proximity of steep slopes to the existing structure requiring the slope disturbance. A strict implementation of the code would deprive the applicant of the right to make the improvement to their existing dwelling. Without the variance the applicants would be denied reasonable and significant use of the entire lot.
- (2) Rights commonly enjoyed - the proposed improvements are in character with the existing dwelling and other dwellings in the neighborhood and surrounding properties. The scale of the proposed additions is comparable and even less than the many of the homes in this community. To deny applicants the ability to perform these proposed additions and improvements deprives the applicants of rights commonly enjoyed by other property owners in the area.
- (3) Will not confer special privilege - granting this variance would not confer a special privilege to the applicants. The proposed improvements are similar to other homes in the community.
- (4) The variance is not based on actions by the applicant, and will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. The exiting dwelling and associated improvements were constructed prior to the property owner's purchase in 2021 (per SDAT).

- (5) Water Quality, Intent of the Critical Area Program. The requested variance will not adversely affect water quality, impact fish, wildlife or plant habitat and be in harmony with the critical area program. Disturbance is minimized to only what is necessary to complete the project. With the implementation of sediment and erosion controls, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. Any developed woodland canopy disturbance and new impervious area will be mitigated on-site to the maximum extent practicable during the permitting process.
- (6) While the norther portion of the site is located within a contributing drainage area for the Sullivan Cove Bog, there are bogs or bog buffers located on the property. There are no wetlands or tidal waters located within 100-ft of the site.
- (7) Presumption – In light of all the factors discussed above, it is evident that the applicants have overcome the presumption contained in the Natural Resources Article 8-1808.
- (8) Site Planning Alternatives – Due to the location of the existing dwelling and configuration of the interior spaces the additions and porch are sited to provide new interior living space which is cohesive with the existing interior layout and exterior architecture. The owners and their design professional carefully considered the site's unique topography and the location of the interior spaces and the exterior and feel the proposed design

**(c) Requirements for all variances.**

1. Minimum necessary to afford relief - The proposed variance allows for modest additions which not only meets the “significant and reasonable standard” but also are the minimal necessary to afford relief.
2. The granting of the variance will not:
  - i. alter the essential character of the neighborhood, and all proposed development will be harmonious with the architectural styles and scale of the surrounding area.
  - ii. substantially impair the appropriate use or development of adjacent properties. The additions are sited such that they meet required setbacks contrary to when the house was originally constructed. The proposed improvements will not block air, light, or view of the adjacent properties.
  - iii. reduce forest cover in the LDA. The site disturbance is the minimum necessary to construct the proposed improvements. Developed woodland canopy disturbance will be mitigated on-site to the maximum extent practicable during the permitting process.
  - iv. be contrary to acceptable clearing or replanting practices required for development of the Critical Area or Bog Protection Area. Developed woodland canopy disturbance is limited to only what is necessary to construct the improvements within the minimized limit of disturbance. Mitigation for developed woodland clearing will be addressed on-site during the permitting process to the maximum extent practicable.

Round Bay – Lots 35 & 36  
Variance Request  
Page 5 of 5  
July 8, 2023

- v. be detrimental to the public welfare as additions to an existing single-family dwelling on a residentially zoned property will not impose harm to adjacent property owners or the public.

Thank you for your consideration of this variance pre-file request. Please contact us if we may be of further services during your review.

Sincerely,  
DRUM, LOYKA AND ASSOCIATES, LLC

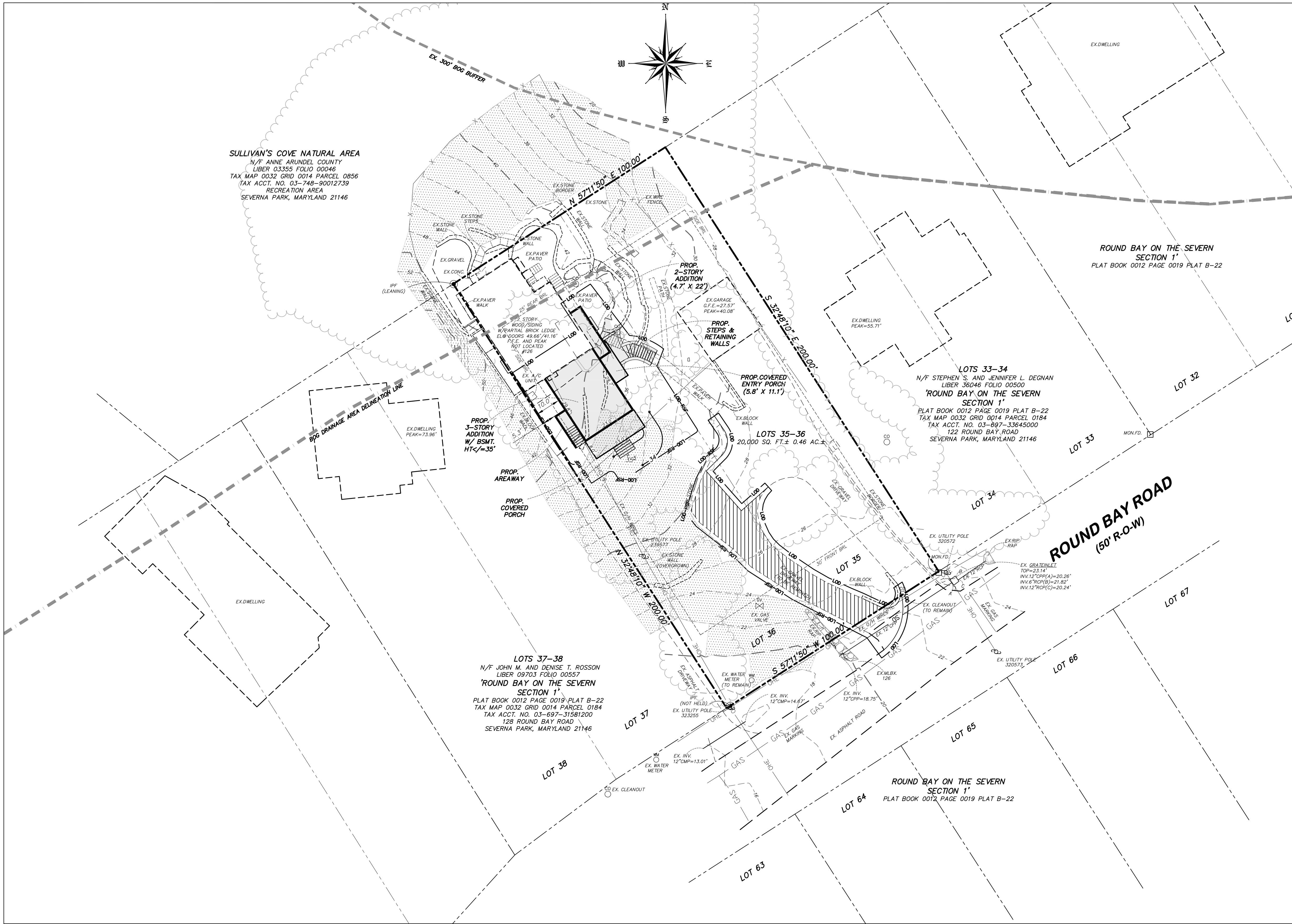
A handwritten signature in cursive script that reads "Lisette C. Groen".

Lisette C. Groen  
Civil Engineering Senior Designer





P:\NP\01725\CADD\25-RT01725-Eng Dwg\ RT01725-Variance.dwg 07/09/25\_10\_36



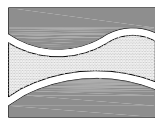
**LEGEND**

- Existing Contour
- Existing Woods Line
- Existing Power Pole
- Existing Overhead Electric Lines
- Limit Of Disturbance
- Limit Of Disturbance / Reinforced Silt Fence
- Proposed Contour
- Proposed Spot Grade
- Existing Improvements To Be Removed
- Existing 15% Steep Slopes
- Existing 25' Steep Slope Buffer
- Bog Drainage Area Delineation Line
- Existing 300' Bog Buffer
- Proposed Improvements

SITE TABULATIONS	
TOTAL SITE AREA:	20,000 S.F. (0.46 Ac.)
TOTAL CRITICAL AREA LOT COVERAGE:	
-EXISTING LOT COVERAGE:	7,467 S.F. (0.17 Ac.)
-ALLOWABLE LOT COVERAGE [ Per 17-8-403]:	7,345 S.F. (0.17 Ac.)
-PROPOSED LOT COVERAGE:	7,230 S.F. (0.17 Ac.)
TOTAL AREA OF DISTURBANCE:	4,979 S.F. (0.11 Ac.)
TOTAL 15% STEEP SLOPES ON SITE:	4,605 S.F. (0.11 Ac.)
-TOTAL SLEEP SLOPES DISTURBED:	719 S.F. (0.02 Ac.)
-PERMANENT DISTURBANCE:	256 S.F. (0.01 Ac.)
-TEMPORARY DISTURBANCE:	463 S.F. (0.01 Ac.)
TOTAL CANOPY ON SITE:	11,071 S.F. (0.25 Ac.)
-PROPOSED CANOPY DISTURBANCE:	2,299 S.F. (0.05 Ac.)
CHESAPEAKE BAY CRITICAL AREA DESIGNATION:	LDA
SETBACKS: R2 Residential	
-PRINCIPAL STRUCTURE	
-FRONT=30', REAR=25', SIDE=7'	
-MAX HEIGHT=35'	
SETBACKS: R2 Residential	
-ACCESSORY STRUCTURE	
-FRONT=40', REAR=10', SIDE=10'	

DESIGNED:	DRAWN: GDM
ORIG. DATE: 5/21/2025	
MODIFIED BY/DATE:	
CADD DWG #: RT01725	
DLA PROJECT #: RT01725	
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REVISIONS TO APPROVED PLANS				
No.	DATE	BY	DESCRIPTION	



**Drum, Loyka & Associates, LLC**  
CIVIL ENGINEERS - LAND SURVEYORS  
1410 Forest Drive, Suite 35  
Annapolis, Maryland 21403  
Phone: 410-280-3122  
www.drumloyka.com | info@drumloyka.com

"Professional Certification, I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland,  
license no:18521  
expiration date: 12-08-25"

OWNER:  
NATALIE REID & JOE TAVAREZ  
126 ROUND BAY ROAD  
SEVERNA PARK, MARYLAND 21146  
443-838-8245

VARIANCE PLAN DEVELOPED CONDITIONS SITE PLAN ROUND BAY ~ LOTS 35 & 36 126 ROUND BAY ROAD SEVERNA PARK, MARYLAND 21146 TAX ACCT. NO. 03-697-23242800 TAX MAP 0032 GRID 0014 PARCEL 0184 DISTRICT 3RD ANNE ARUNDEL COUNTY, MARYLAND			
SCALE: 1"=20'	DATE: 7/7/2025	PROJ. NO: RT01725	SHEET 2 OF 2

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

PROJECT NOTIFICATION APPLICATION

**GENERAL PROJECT INFORMATION**

Jurisdiction: Anne Arundel County

Date July 8, 2025

Tax Map #	Parcel #	Block #	Lot #	Section
32	184		35 & 36	

**FOR RESUBMITTAL ONLY**

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

\* Complete only Page 1  
General Project Information

Tax ID 03-697-2324242800

Project Name (site name, subdivision name, or other) Round Bay ~ Lots 35 & 36

Project location/Address 126 Round Bay Road

City Annapolis Zip 21401

Local case number

Applicant: Last name Tavaréz & Reid First name Joseph & Natalie

Company n/a

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

Building Permit	<input checked="" 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 checked="" 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: \_\_\_\_\_ First name \_\_\_\_\_

Phone # \_\_\_\_\_ Response from Commission Required By \_\_\_\_\_

Fax # \_\_\_\_\_ Hearing date \_\_\_\_\_



## SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Remove a large portion (1,085 s.f.) of the existing gravel driveway and construct a three-story addition with basement onto the south side of the house with an areaway and covered porch. A one-story addition with a new covered porch, steps, and retaining walls are proposed to be constructed on the east side of the dwelling.

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

### Project Type (check all that apply)

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="text"/>	Recreational <input type="checkbox"/> Redevelopment <input checked="" type="checkbox"/> X Residential <input checked="" type="checkbox"/> X Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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## SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
			Total Disturbed Area	0.11	4,979
IDA Area	0.00				
LDA Area	0.45		# of Lots Created	n/a	
RCA Area	0.00				
Total Disturbed Area	0.11				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.25		Existing Lot Coverage	0.17	
Created Forest/Woodland/Trees	0.00		New Lot Coverage	0.03	
Removed Forest/Woodland/Trees	0.05		Removed Lot Coverage	0.04	
			Total Lot Coverage	0.16	

## VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		0	Buffer Forest Clearing		0
Non-Buffer Disturbance		0	Mitigation		TBD

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

# **Chesapeake Bay Critical Area Report**

Round Bay ~ Lots 35 & 36  
Tax Map 32, Grid 14, Parcel 184  
Tax Account # 03-697-23242800

**Property Address:** 126 Round Bay Road, Severna Park

**Owner & Variance Applicant:** Mr. Joseph Tavarez and Ms. Natalie Reid

**Critical Area Designation:** LDA      **Zoning:** R-2      **Lot Area:** 0.46 Ac.

## **Site Description**

The subject property is a grandfathered, rectangular shaped, non-waterfront lot approximately 20,000 square feet (0.46 Ac) in area located in the platted community of Round Bay. The property is located entirely within the limits of the Chesapeake Bay Critical Area with an LDA land use designation, and zoned R2. Currently, the property is developed with an existing 2-story single-family dwelling, detached garage, paver patios and walks, looped gravel driveway parking area, and associated improvements. A portion of the north end of the site is located within a contributing drainage area for the Sullivan Cove Bog. Steep slopes 15% and greater are present along the west and north portions of the property and directly abut the existing dwelling, patios, walks and driveway. The existing dwelling was constructed in 1956 (per SDAT) and does not conform to the current side and rear property line setbacks in the R2 zoning district. The unimproved portions of the site are vegetated with turf lawn and several hardwood trees and ornamental shrubs. The site is served by public water and public sanitary sewer via connection to the mains located in Round Bay Road.

## **Proposed Conditions**

The property owners propose to construct a basement level conversion of the existing patio area beneath the first-floor deck into a four-season room addition to the existing dwelling. The proposed addition is sited 60.4-ft from the shoreline and overtop the existing patio slab, beneath the existing first floor deck, and portion of the dwelling's first floor. The proposed addition is entirely within the footprint of the existing patio and structures and will not project closer to the tidal waters than the existing permanent development.

## **Description and Purpose of Variance Request**

The property owners propose to remove a large portion (1,085 s.f.) of the existing gravel driveway and construct a three-story addition with basement onto the south side of the house with an areaway and covered porch. A one-story addition with a new covered porch, steps, and retaining walls are proposed to be constructed on the east side of the dwelling. The three-story addition with basement is sited narrower than the existing dwelling to comply with the side yard setback but encroaches into the front yard steep slopes.

We request a variance to obtain relief to Anne Arundel County code Article 17-8-201 to allow to permanently disturb 256 square feet and temporary disturb 463 square feet of steep slopes 15% and greater for construction access to construct those improvements and remove the existing gravel driveway.

The need for the requested Critical Area variance arises from the unique nature, topography, and existing constraints of the property. Specifically, the irregular shape of the lot and location of the existing dwelling relative to the steep slopes.

### **Buffers**

A portion of the north end of the site is located within a contributing drainage area for the Sullivan Cove Bog. There is a 300-ft bog buffer located just off-site at the north property corner. While there are steep slopes 15% and greater located on the site, the area of contiguous slopes on and off-site is 9,923 square feet, which is less than the 20,000 square foot area requiring a 25-ft slope buffer. Therefore, there are no buffers located on the subject property.

### **Vegetative Coverage**

The property is mostly developed woodland with large mature hardwood trees and turf lawn beneath the canopy. The existing tree canopy area is approximately 11,071 s.f. (0.25 ac.). The developed woodland tree canopy area located within the limit of disturbance is approximately 2,299 s.f. (0.05 ac.) and overhangs the existing house above the proposed additions. Mitigation for developed woodland canopy disturbance will be addressed on-site to the maximum extent practicable during the permitting process.

### **Lot Coverage**

The site currently has approximately 7,210 s.f. (0.17 Ac.) of lot coverage, all of which is within the Chesapeake Bay Critical Area Limited Development Area (LDA). The proposed lot coverage is 7,092 s.f. (0.16 Ac.), resulting in a net decrease of 118 square feet of lot coverage.

### **Steep Slopes (slopes > 15%)**

Approximately 23% (4,605 s.f.) of the subject property is encumbered with steep slopes of 15% or greater between the west property line and the existing driveway leading up to the house. The limit of disturbance is the minimum necessary to construct the improvements. However, 256 square feet permanent disturbance and 463 square feet of temporary disturb to steep slopes 15% and greater is proposed for construction access to construct the additions and walks and remove the existing gravel driveway.

### **Predominant Soils**

The predominant soil type on the property is Collington-Wist-Urban land complex, 5 to 15 percent slopes (CpD). This soil has a type "A" hydrology classifications and is not considered hydric and highly erodible.

### **FEMA Floodplain**

The subject property appears on FEMA Firm panel no. 24003C0158F. The property is not located in a floodplain zone and the nearest floodplain elevation off-site is 7-ft. The existing dwelling and proposed improvements are sited at elevation 20-ft, well above the nearest flood elevation.

### **Drainage and Rainwater Control**

There does not appear to be any existing stormwater management on site. Drainage areas and patterns will remain relatively unchanged. It is anticipated that stormwater management will be addressed via on-site planting to the maximum extent practicable during the permitting process.

The development will have no adverse effect on the sensitive environmental features of the site and surrounding areas and no woodland clearing is proposed.

**Conclusions – Variance Standards**

The applicant proposes to construct additions to an existing single-family dwelling overtop of existing lot coverage and beneath existing structure. The need for the requested Critical Area Variance arises from the existing unique nature and constraints of this property, specifically the location of the existing dwelling and driveway in relation to the steep slopes. The proposed improvements are similar and, in many instances, smaller in size and amenities as other homes in the community and therefore will not alter the essential character of the neighborhood, impair development of adjacent properties, or be detrimental to the public welfare. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the immediate area. Since stormwater plantings will be provided and there is a net reduction of lot coverage or stormwater runoff, the proposed development will not cause adverse impacts to fish, wildlife, or water quality in the Critical Area.

**Reference:**

ADC: The Map People, 2002 Anne Arundel County, Maryland, Street Map Book

Anne Arundel County Office of Planning & Zoning, Critical Area Map

Anne Arundel County Office of Planning & Zoning, Buffer Exemption Map

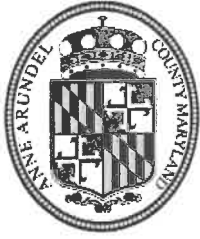
Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, Critical Area Map

Federal Emergency Management Agency, 2016. Flood Insurance Rate Map

First American Real Estate Solutions, 2002, Realty Atlas: Anne Arundel County Maryland

Drum, Loyka and Associates LLC, August 2025 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2016 Soil Survey of Anne Arundel County Maryland.



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE (2025-0055-P)

DATE OF MEETING: 06/23/2025

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

APPLICANT/REPRESENTATIVE: Joe Tavarez/Lisette Groen EMAIL: tavs0724@gmail.com, lgroen@drumloyka.com

SITE LOCATION: 126 Round Bay Road, Severna Park LOT SIZE: 0.46 acre ZONING: R2

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

From the letter of explanation: "The property owners propose to remove a large portion (1,085 s.f.) of the existing gravel driveway and construct a three-story addition with basement onto the south side of the house with an areaway and covered porch. A one-story addition with a new covered porch, steps, and retaining walls are proposed to be constructed on the east side of the dwelling. The three-story addition with basement is sited narrower than the existing dwelling to comply with the side yard setback but encroaches into the front yard steep slopes and will permanently disturb 256 square feet and temporary disturbance of 463 square feet for construction access to construct those improvements and remove the existing gravel driveway. The proposed limit of disturbance is the minimum necessary to construct the improvements and results in a net reduction of 118 square feet of impervious lot coverage."

- The applicant is seeking a variance for disturbance to slopes of 15% or greater.
- The Zoning Administration Section questioned whether an expanded buffer variance may also be needed from the non-BMA area located to the west. However, the Critical Area Team determined that an expanded buffer variance would not be required.

#### COMMENTS

The **Critical Area Team** reviewed the proposal and has no objection to the expansion of the existing dwelling; however, the applicant must demonstrate that the proposal meets the approval standards for a Critical Area Variance, specifically why the footprint could not be designed or located to avoid disturbance to the slopes.

The **Zoning Administration Section** notes that the proposed areaway and stairs must be located at least five feet from the side property line. Please label the distance between the areaway/steps to the side property line to ensure that the setback complies with 18-2-301(b). The applicant is advised that, in order for the proposed Critical Area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every one of the Critical Area variance standards provided under Section 18-16-305(b) and (c).

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

1. Show and label the stormwater management devices.
2. Identify if the existing water and sewer are to remain. If not, show the new locations.
3. There are existing improvements on the County-owned property, Sullivan's Cove Natural Area. What is to be done with them?
4. Label the property to the northwest as Sullivan's Cove Natural Area.



## **CONFIRMATION OF PRE-FILE (2025-0055-P CONTINUED)**

5. A portion of the property is located within the Sullivan's Cove Bog contributing drainage area. Show and label the limits of the contributing drainage area on the plan. Show and label the nearby 300-foot bog buffer too.

### **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.