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

APPLICANT: Kyle Jones **ASSESSMENT DISTRICT**: 1st

CASE NUMBER: 2025-0164-V **COUNCILMANIC DISTRICT: 7th**

PREPARED BY: Donnie Dyott Jr. **HEARING DATE**: October 23, 2025

Planner

REQUEST

The applicant is requesting a variance to allow an accessory structure (garage/pole barn) with less setbacks than required and in the front yard of a non-waterfront lot on property located at 803 Antietam Drive in Davidsonville.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 4.56 acres of land and is mostly zoned as RA - Rural Agricultural District with a small strip of land zoned OS - Open Space District along the rear of the site. The property is identified as Lot 2 of Parcel 204 in Block 18 on Tax Map 54. This is a non-waterfront property located outside of the Chesapeake Bay Critical Area that is improved with a single family detached dwelling and associated facilities.

APPLICANT'S PROPOSAL

The applicant seeks to construct a pole barn measuring 24' X 40' with a height of 14' in the front yard of the property, southeast of the existing dwelling.

REQUESTED VARIANCES

§ 18-2-204 (b) of the Anne Arundel County Zoning Code states that an accessory structure may not be located in the front yard of a non-waterfront lot. The pole barn as proposed is in the front yard, necessitating a variance to this provision.

A review of the site plan indicates that no setback variances are required for this proposal.

AGENCY COMMENTS

The **Health Department** commented they have no objection to the request as the proposal does not adversely affect the on-site sewage disposal and well water supply systems.

The Department of Recreation and Parks commented that a portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The **Department of Inspections and Permits (Engineering Division)** did not take a position on the variance request but provided comments regarding details of the site plan. Full comments attached as part of the County Exhibits.

FINDINGS

The applicant describes that there is a large drop off (roughly 3 stories) surrounding the dwelling, including the primary space behind the house. It is described that the only flat area that can accommodate such an accessory structure is in front of the dwelling.

While the lot is of adequate size and width for the RA District, it can be argued that the topographic conditions present on the site create a situation where construction of accessory structures in accordance with the Code is difficult. The topography presented by the applicant shows that there is a steep drop off that surrounds the dwelling with the only usable flat area being between the dwelling and the front lot line. This area is considered the front yard and does not allow for placement of accessory structures without a variance. As such, some relief is warranted to allow the applicant an accessory structure and to avoid practical difficulties.

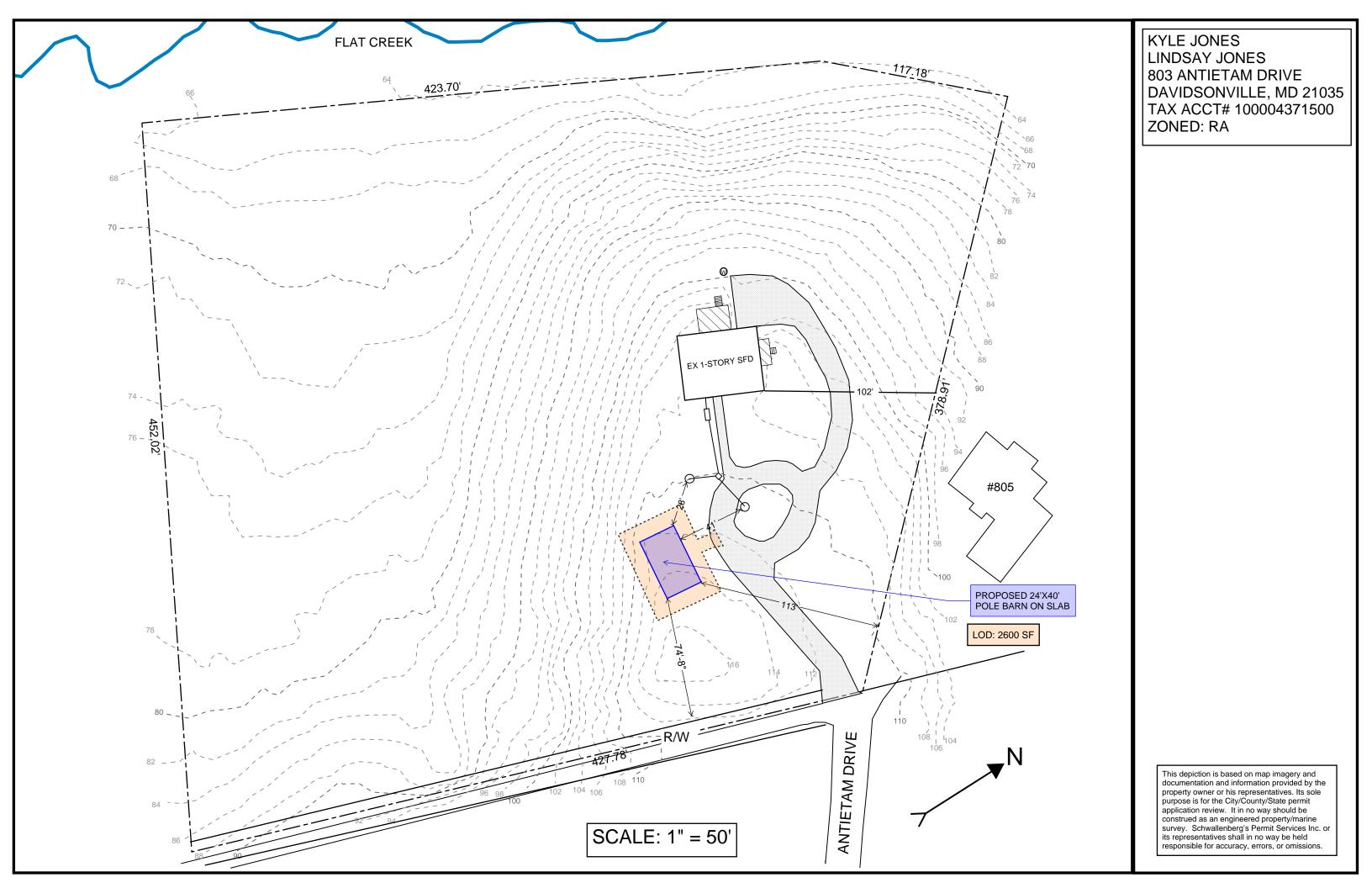
The site is heavily wooded and the structure will meet all applicable setback requirements. As such it does not appear that the variance will alter the essential character of the neighborhood, be detrimental to the public welfare or impair the appropriate use or development of adjacent properties.

While some relief is warranted to allow the applicant to construct an accessory structure in the front yard, the proposal is not considered to be the minimum necessary to afford relief by this Office. The structure size at 24' X 40' is much larger than a typical 24' X 24' detached two car garage. This Office typically recognizes a 24' X 24' detached accessory structure as the minimum relief in cases such as these, and while there have been situations where a slightly larger or different configuration has been considered, the applicant's proposed structure is much larger than what we typically recommend approval for.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends *denial* of the proposed zoning variance to allow the construction of the garage as shown on the site plan. This Office would however recommend *approval* of a revised structure measuring 24' X 24' in the same location on the site plan.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) 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.



8/13/2025

Kyle Jones 803 Antietam Drive Davidsonville, MD 21035

Permit # B02418945

Re: Letter of Explanation For Variance Application

Zoning Review.

"The permit cannot be approved as submitted. The proposed detached garage cannot be placed in front of a principle structure. A revision is required or a variance obtained in order to place the detached garage as shown on the site plan. For varinace information contact the Office of Planning and Zoning (410-222-7437)."

The direction made was that the detached garage can not be in front of the principal structure. I would like to bring attention to the slope on the property. There is a large drop off surrounding the principal structure including the primary space behind the house. A 3 story drop. This wooded property (4.6 acres) is on a 3 home cul-de-sac with 15 acres between them and would not be intrusive and is done out of topographic considerations.

Please see attached site plan drawing with topographic lines showing elevation change at the property and the remaining flat area in front of the house where the garage is proposed. Please see current photos of the property showing the steep hill surrounding the back of the house including additional County provided documentation showing the large drop off in the back of the house seen from LIDAR and topographic maps.

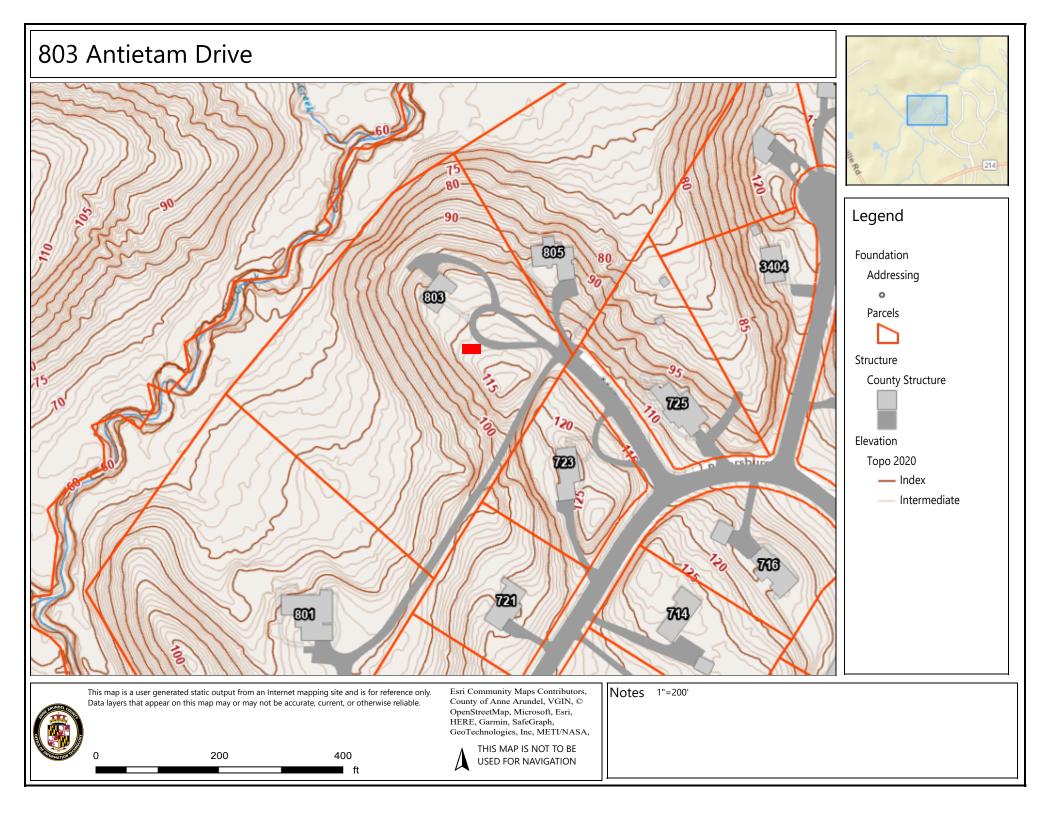
Garage Dimensions: 24' x 40'. 960 sq. ft. Height to Roof Ridge: 14'. Set back is 75' from proposed garage corner and 113' from other corner.

Existing Main House: Approx 57' x 41' exterior dimensions. 1,702 sq. ft. Height to Roof Ridge 26'. Set back is 102' from nearest property line.

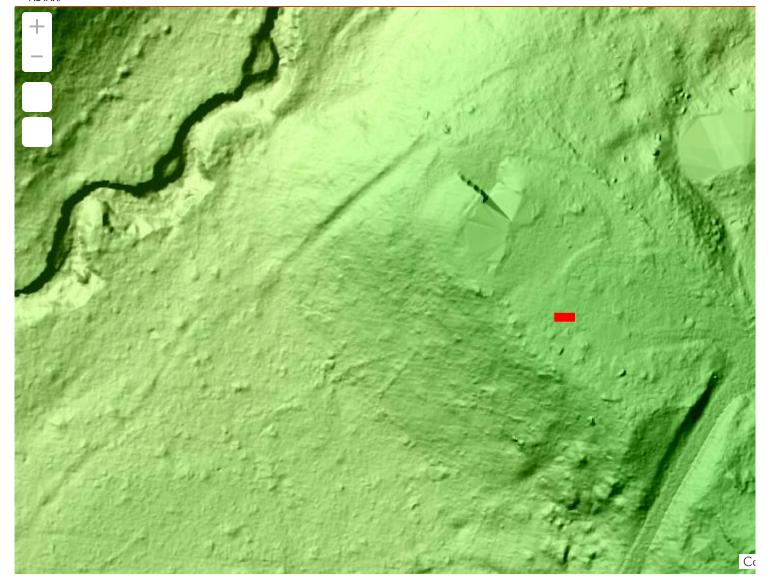


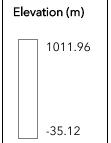












60ft

Instrument Type: Deed

AFTER RECORDING RETURN TO: Kyle Martin Jones 803 Antietam Drive Davidsonville, MD 21035

Tax ID#: 01-000-04371500

DOCUMENT PREPARED BY Jones

Sage Title Group, LLC

Sage Title Group, LLC LR - Deed (with Taxes) 183 Harry S. Truman Parkway, դջայից լվեն 40.00 LR_-

Annapolis, MD 21401 LR - Deed State

File Number: 250768APSS Transfer Tax 2.124.50 LR - NR Tax - 1kd Ø.00

LR - Deed Recording d

SubTotal: 2,184.50

County/CC05.01.09 -

This Deed, MADE THIS 22nd day of March, 2019, by and between John D. Newell,

Court Appointed Trustee, appointed by court order in Case # C-02-CV-18-000748, to sell?the?property 10:31 on behalf of William Kirk and Lowell Kirk, the owners of record, as party of the first part, and Kyle CC0501 -CCØ2-WD Martin Jones and Lindsay Peery Jones, parties of the second part. Anne Arundel

WITNESSETH, That in consideration of the sum of FOUR HUNDRED TWENTY FOUR T 29 THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$424,900.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said parties of the second part, in fee simple, as tenants by the entirety, all that parcel of ground situated in Anne Arundel County, Maryland and as described as follows, that is to say:

BEGINNING FOR THE SAME at a point located in, and North 31 degrees 43 minutes 40 seconds East 503.81 feet from, the beginning of the North 36 degree East 102 ½ perch line of the first parcel described in the conveyance from Ernest X. LeSeure and wife to William W. Townshend, et a.I. by deed dated April 20, 1920 and recorded among the Land Records of Anne Arundel County, Maryland in Liber WNW No. 13, at folio 194; said point being also in the Northwest outline of Plat 2 of Hardesty Estates and recorded among the Plat Records of Anne Arundel County, Maryland in Plat Book 37, folio 16; thence from the place of beginning so fixed, leaving said outline and running across part of the above mentioned conveyance to Townshend, with courses referred to in Maryland Grid North, North 48 degrees 38 minutes 20 seconds West 452.82 feet; thence continuing said course, North 48 degrees 38 minutes 20 seconds West 55.88 feet to the centerline of an existing stream known as Flat Creek; thence running with the centerline of said stream and with the outlines of the conveyance from Louise W. Kirk and William W. Townshend Jr. to Ruth Zang by deed dated August 23, 1971 and recorded among the aforesaid Land Records in Liber MSH No. 2431, at folio 059, reversely, the following seventeen (17) courses and distances:

North 41 degrees 11 minutes 54 seconds East 3.25 feet; thence North 8 degrees 45 minutes 34 seconds West 44.47 feet; thence North 58 degrees 54 minutes 40 seconds East 76.51 feet; thence North 13 degrees 23 minutes 54 seconds East 63.19 feet; thence North 84 degrees 38 minutes 38 seconds East 65.12 feet; thence North 13 degrees 54 minutes 48 seconds East 48.20 feet; thence North 65 degrees 14 minutes 36 seconds East 46.03 feet; thence South 89 degrees 47 minutes 44 seconds East 10.37 feet; thence North 29 degrees 49 minutes 16 seconds East 19.04 feet; thence North 43 degrees 02 minutes 10 seconds West 17.00 feet; thence North 30 degrees 21 minutes 21 seconds East 48.70 feet; thence North 4 degrees 19 minutes 27 seconds East 40.97 feet; thence North 33 degrees 00 minutes 53 seconds East 35.51 feet; thence South 87 degrees 48 minutes 46 seconds East 23.19 feet; thence North 63 degrees 04 minutes 00 seconds East 69.92 feet; thence North 12 degrees 28 minutes 35 seconds West 58.29 feet; thence

County Transfer Tax 03:37

North 29 degrees 23 minutes 19 seconds East 31.86 feet

to the end of the South 65 degrees 55 minutes 21 seconds East 673.04 foot line of the above mentioned conveyance to Ruth Zang; thence leaving said stream and the said conveyance to Zang, and running across part of the above mentioned conveyance to William W.

Townshend, et al., South 30 degrees 58 minutes 58 seconds East 144.45 feet; thence continuing with said line, South 30 degrees 58 minutes 58 seconds East 378.91 feet to intersect the above mentioned North 36 degree East 102 ½ perch line; said point being located in the centerline of and at the Northwest end of Antietam Drive, 50 feet wide, as shown on the plat of Hardesty Estates; thence across the Northwest end of Antietam Drive and running with part of said outline, reversely, and with the Southeast side of a 30 foot right of-way, South 31 degrees 43 minutes 40 seconds West 427.78 feet to the place of beginning. Containing 5.57 acres as described by J.R. McCrone, Jr., Inc., Registered Professional Engineers and Land Surveyors, in March 1972. SAVING AND EXCEPTING therefrom, however, that portion of the property conveyed to Anne Arundel County by deed dated April 20, 1972 and recorded among the Land Records of Anne Arundel County in Liber 2569, folio 189.

The improvements thereon being known as 803 Antietam Drive, Davidsonville, Maryland 21035.

Tax ID#: 01-000-04371500

BEING the same property which by deed dated June 20, 2017 and recorded among the Land Records of Anne Arundel County, Maryland in Liber No. 31084, folio 39, was granted and conveyed by William D. Kirk and Rodica Townshend, Successor Trustees of The Louise W. Kirk Revocable Trust u/a dated November 20, 1992 unto William D. Kirk and Lowell E. Kirk. The said John D. Newell was appointed Trustee pursuant to Consent Order for Case No. C-02-CV-18-000748 filed on December 18, 2018.

FOR INFORMATIONAL PURPOSES ONLY

BEING a part of the same property which by deed dated November 23, 1992 and recorded among the Land Records of Anne Arundel County, Maryland in Liber No. 5858, folio 25, was granted and conveyed by Louise W. Kirk unto William E. Kirk (and successors thereto), Trustee u/a Louise W. Kirk Revocable Trust dated November 20, 1992.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

SUBJECT TO all rights, easements, restrictions, covenants and reservations of record.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said parties of the second part, <u>as tenants by the entirety, their assigns, the survivor of them and the survivor's personal representatives, heirs and assigns, in fee simple.</u>

WITNESS the hand and seal of the said party of the first part:
WITNESS:
Jeresa Josho Jan Jan (SEAL)
John D. Newell Trustee
STATE OF Maryland, CITY/COUNTY OF Christian to wit:
I HEREBY CERTIFY, that on this
IN WITNESS WHEREOF, I hereunto set my hand and official seal:
Teresa Lynne Lesko
Notary Public My Commission Expires: S 31 22 NOTARY PUBLIC ANNE ARUNDEL COUNTY MARYLAND MY COMMISSION EXPIRES AUGUST 31, 2022

ATTORNEY CERTIFICATION

This is to certify that the within instrument was prepared under the supervision of an Attorney duly admitted to practice before the Court of Appeals in the State of Maryland. Teresa L. Lesko, Esq.

OWNER OCCUPANCY AFFIDAVIT

THE WITHIN GRANTEES DO HEREBY CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE LAND CONVEYED HEREIN IS RESIDENTIALLY IMPROVED OWNER-OCCUPIED REAL PROPERTY AND THAT THE RESIDENCE WILL BE OCCUPIED BY US AT LEAST 7 OUT OF 12 MONTHS IMMEDIATELY AFTER THE PROPERTY IS CONVEYED AS EVIDENCED BY THE SIGNATURES BELOW

WITNESS the hands and seals of the said parties of the second part:						
WITNESS:						
Kyle Martin Jones (SEAL)						
Lindsay Peery Jones (SEAL)						
STATE OF MARYLAND, CITY/COUNTY OF ANNE ARUNDEL to wit:						
I HEREBY CERTIFY, that on this 22 day of , 2019, before me, the subscriber, a Notary Public of the State of Maryland in and for Anne Arundel County/City, personally appeared Kyle Martin Jones and Lindsay Peery Jones known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same.						
IN WITNESS WHEREOF, I hereunto set my hand and official seal:						
My Commission Expires: Teresa Lynne Lesko NOTARY PUBLIC ANNE ARUNDEL COUNTY MARYLAND MY COMMISSION EXPIRES ANGUET 21, 2020						
MY COMMISSION EXPIRES AUGUST 31. 2022						

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MARYLAND FORM Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2019

WH-AR

Based on the certification below, Transferor claims exemption from the tax withholding requirements of 10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in

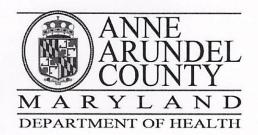
ownership of real property is presented for recordation. The requirements of 10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

paid when a deed or other instrument that effects a change in								
Transferor Information Name of Transferor John D. Newell Trustee								
Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers.) 803 Antietem Prive Povidennille AAD.								
803 Antietam Drive, Davidsonville MD								
3. Reasons for Exemption								
Resident Status	As of the date this form is signed, I, Transferor, am a resident of the State of Maryland							
^	Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.							
Principal Residence	Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.							
Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.								
3a. Individual Transfero	S							
Witness								
Williess	John D. Newell Trustee Date							
3b. JEntity Transferors \								
Jose Joseph Wather And								
Witness/Attest	By Myster 1							
•	Name **Date /							
	Title							

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court. **To the Clerk of the Court:** Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912. 19-49

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		Doc 1 - Owner(s) of Record, if Different from Grantor(s)							Doc 2 - Owner(s) of Record, if Different from Grantor(s)					
	·													
8	Transferred	Doc 1 Grantee(s) Name(s)							Doc 2 - Grantee(s) Name(s)					
	To	Kyle Martin Jones							David Silverman					
		Lindsay Peery Jones New Owner's (Grantee) Mailing Address												
		803 Antietam Drive, Davidsonville, MD 21035												
9		Doc 1 - Additional Names to be indexed (Optional)						Doc 2 - Additional Names to be indexed (Optional)						
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	Contact/Mail	Name: Diane Meyer									- - -			
	information	Firm: Sage Title Group, LLC Address: 183 Harry S. Truman Parkway, Suite 116 Annapolis, MD 21401												
	Phone-: 410-266-7566								Return Address Provided					
	11 IMPORTANT BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANS								CH TRANSFER					
Assessment Information Yes No Will the property being conveyed be the grantee's principal Yes No Does transfer include personal property? If yes, identify Yes No Was property surveyed? If yes, attach copy of survey (if recorded no copy required)														
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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

DATE: August 25, 20025

RE: Martin Kyle Jones

803 Antietam Drive

Davidsonville, MD 21035

NUMBER: 2025-0164-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure (garage/pole barn) with less setbacks than required and in front yard of a nonwaterfront lot.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department has no objection to the above referenced request.

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

cc: Sterling Seay

2025-0164-V

Menu Cancel Help

Task Details I and P Engineering						
Assigned Date		Due Date				
08/22/2025		09/08/2025				
Assigned to	Assigned to Department					
Natalie Norberg	Engineering					
Current Status		Status Date 09/08/2025				
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7. Label Antietam Drive as either public						
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		Natalie Norberg				
Reviewer Phone Number	Reviewer Email	-				
	ipnorb81@aacounty.org					



STEUART PITTMAN, COUNTY EXECUTIVE JESSICA LEYS, DIRECTOR RECREATION AND PARKS 1 HARRY S. TRUMAN PKWY ANNAPOLIS, MD 21401 AACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division

Office of Planning and Zoning

FROM: Pat Slayton

Capital Projects Division

SUBJECT: Variance Case 2025-0164-V

DATE: August 26, 2025

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a
proposed preservation area considered in the Anne Arundel County Green Infrastructure
Master Plan. The proposed development is consistent with the spirit of the Green
Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File

Map Title Legend Foundation Addressing Parcels Parcels - Annapolis City Streets Notes 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. THIS MAP IS NOT TO BE 250 500 USED FOR NAVIGATION