

APP. EXHIBIT# 1
CASE: 2024-0101-V
DATE: 12/2/25

EVANS~ ADVISORY~ GROUP LLP

2031 FAIRFAX ROAD

ANNAPOLIS, MARYLAND 21401

443.871.3584

GMETSC@GMAIL.COM

VIA EMAIL:

NOVEMBER 17, 2025

MS. HOLLY COLBY

ANNE ARUNDEL COUNTY

ADMINISTRATIVE HEARING OFFICE

44 CALVERT STREET

ANNAPOLIS, MARYLAND 21401

RE: 1015 MAGOTHY AVENUE ARNOLD, MARYLAND 21012

AFFIDAVIT OF POSTING- VARIANCE 2024-0101-V

FOR HEARING ON DECEMBER 2, 2025

I, THE UNDERSIGNED, BEING OVER THE AGE OF EIGHTEEN (18) AND COMPETENT TO TESTIFY TO THE MATTERS CONTAINED HEREIN SO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THE FOLLOWING:

1.) THAT I POSTED THE ONE NOTICE SIGN ON THE PROPERTY THAT IS THE SUBJECT OF CASE No. 2024-0101-V

2.) THAT THE NOTICE SIGN WERE POSTED ON NOVEMBER 17, 2025

THE LOCATIONS OF THE SIGNS ARE AS FOLLOWS:

ON LOT 1 ON MAGOTHY AVENUE (ACCESS STREET FRONTAGE) AND THE SECOND ON THE PIER PILING ON DEEP CREEK WATERWAY.

3.) THAT I TOOK THE PHOTOGRAPHS OF THE NOTICE SIGNS THAT I POSTED ON THE PROPERTY AND THE PHOTOGRAPHS ARE ATTACHED TO THIS AFFIDAVIT OF POSTING.

SIGNATURE OF AFFIANT:

A handwritten signature in black ink, appearing to be "G. Evans", with a long horizontal line extending to the right.

DATE: NOVEMBER 17, 2025

PRINTED NAME AND ADDRESS OF AFFIANT:

NAME: GARY M. EVANS

ADDRESS: 2031 FAIRFAX ROAD ANNAPOLIS, MARYLAND 21401

CC: MR. & MRS. BAHEN W/ATTACHMENTS

MS. KYRA WHEATLEY, ESQ. HYATT WEBER



NOTICE

AN APPLICATION HAS BEEN FILED FOR VARIANCE TO PERFECT
ACCESSORY STRUCTURES (PATIO, RETAINING WALL,
FIREPLACE) WITH LESS SETBACKS AND BUFFER
THAN REQUIRED AND WITH DISTURBANCE TO
SLOPES OF 15% OR GREATER

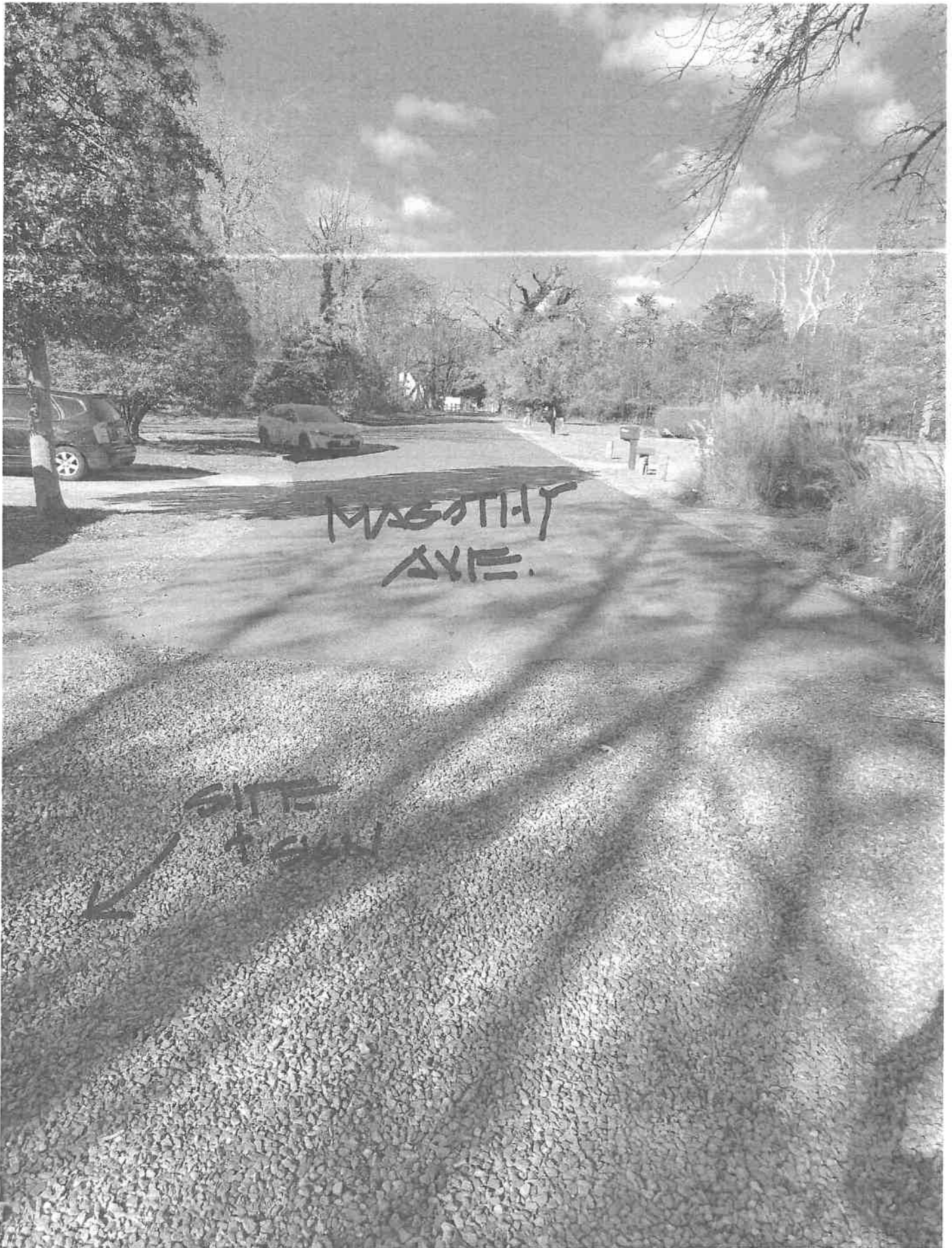
LOCATION: 1015 MAGOTHY AVENUE, ARNOLD

CASE NO: 2024-D101-V

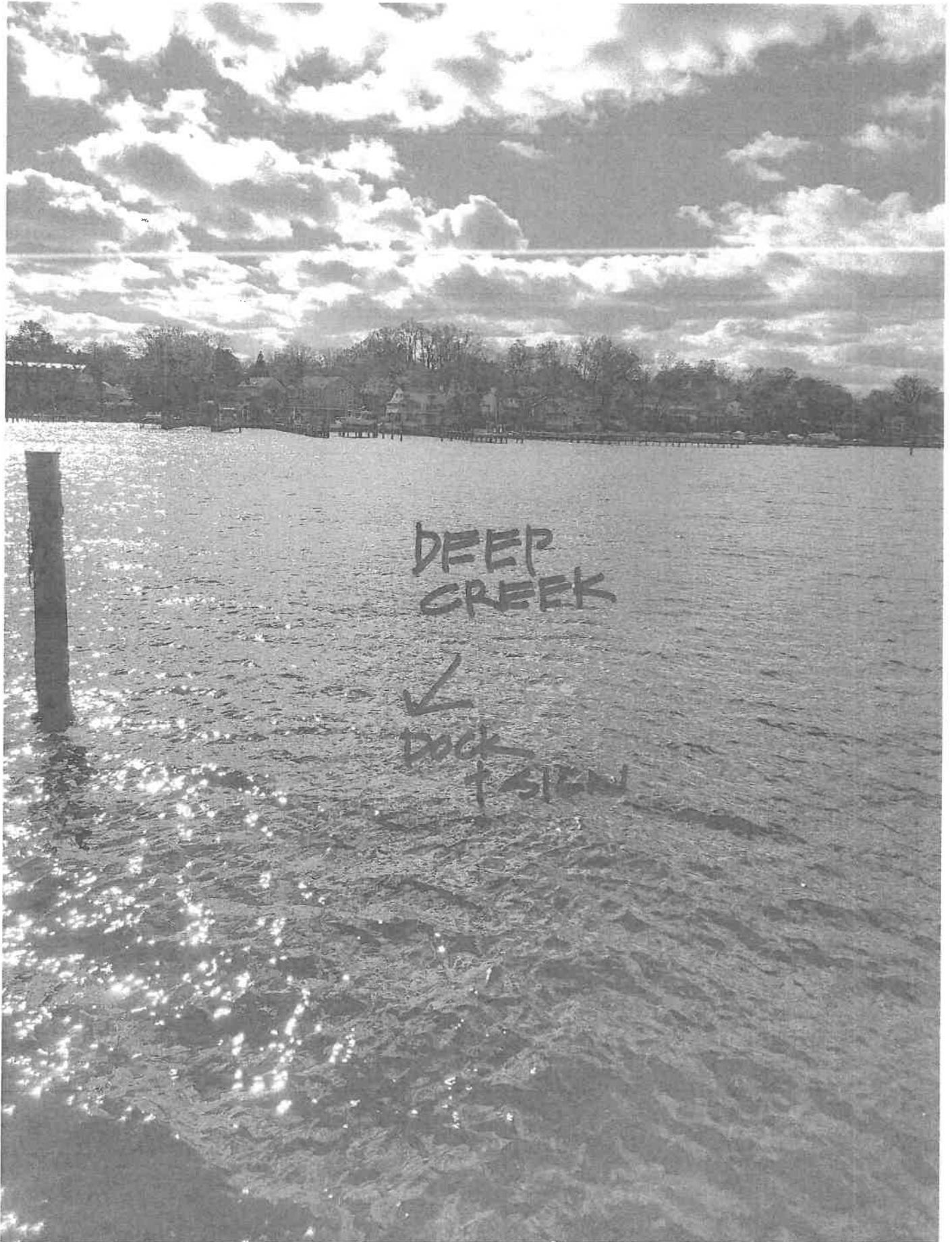
JOHN BAHEN

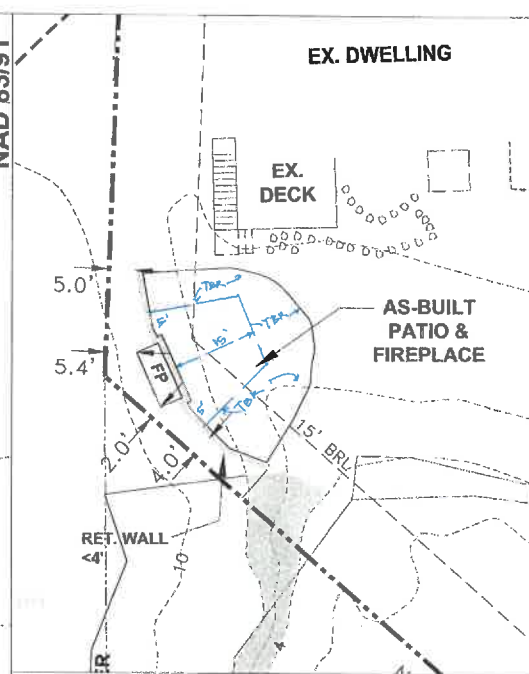
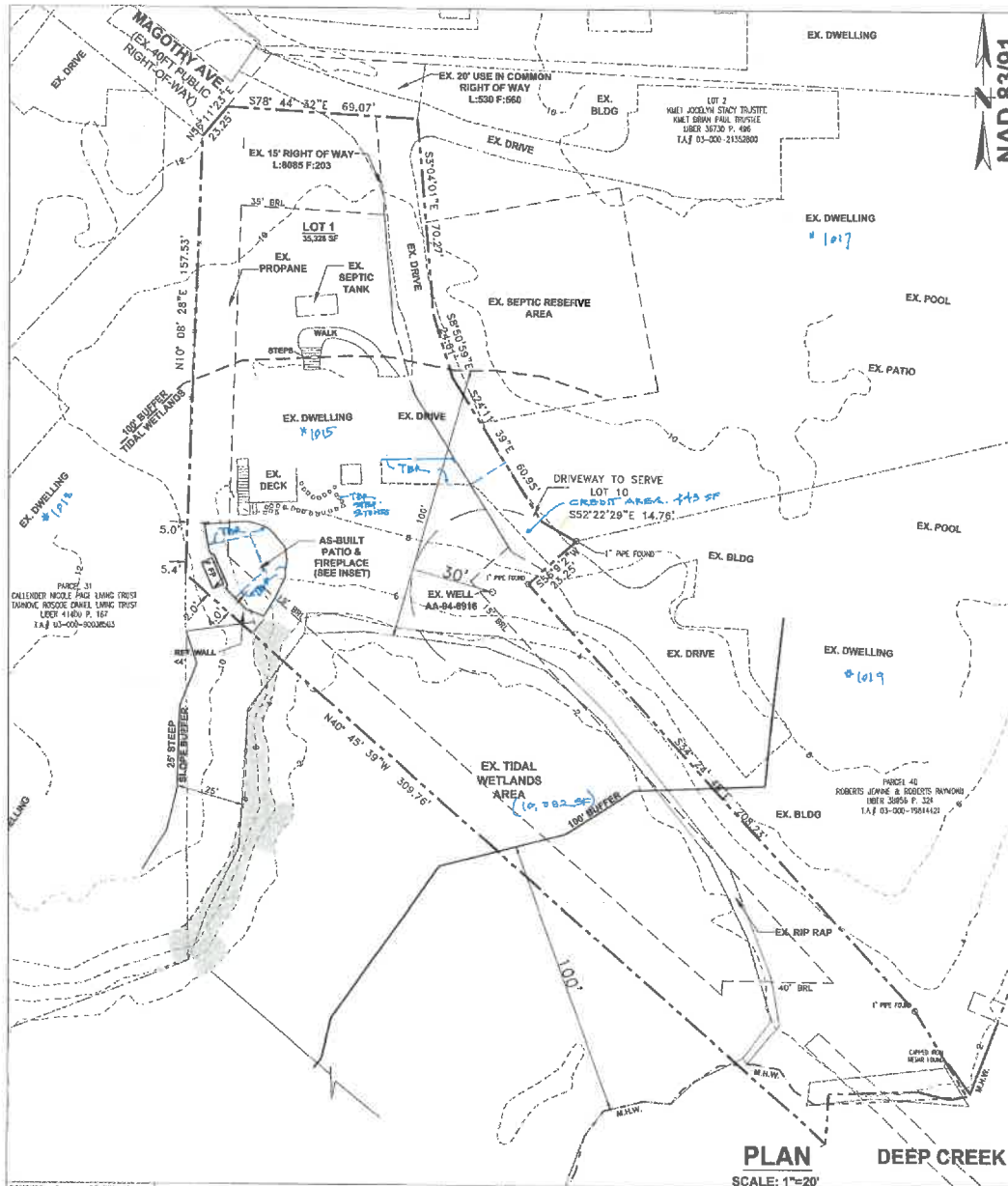
PENDING A PUBLIC ZOOM MEETING, FOR INFO CONTACT
THE ZONING DIVISION AT 410-222-7497 OR VIEW WEBSITE
WWW.AACOUNTY.ORG/ADMIN-HEARINGS











AS-BUILT PATIO & FIREPLACE INSET SCALE 1"=10'

GENERAL NOTES:

PURPOSE STATEMENT:
THE PURPOSE OF THIS VARIANCE IS TO ACCOMPANY THE APPLICATION WITH CASE 2024-0101-V, CONTINUALLY AFTER THE PASSING OF DAMON COLLIER, AGG.

A ZONING VARIANCE FOR RELIEF TO THE SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE IN THE R1 RESIDENTIAL DISTRICT OF 15 FEET, ARTICLE 18-4-501, 18-13-104.

A VARIANCE TO THE CRITICAL AREA OVERLAY DISTRICT FOR LOT COVERAGE WITHIN THE 100 FOOT BUFFER OF A TIDAL WETLAND, ARTICLE 17-6-401

TO PROMOTE CLOSURE TO THE COMPLAINT CASE E2022-536, AND APPROVAL OF SGP 2023-104

THIS PLAN IS BASED ON A FIELD RUN LAND SURVEYED IN SEPTEMBER, 2025

PROPERTY OWNERS/APPLICANTS:
MR. JOHN BAHEN AND MRS. AMY BAHEN
1015 MAGOTHY AVENUE ARNOLD, MARYLAND 21012

PROPERTY DESCRIPTION:
DEED BOOK 32422, PAGE 7- DATED JULY 27TH 2018
TAX ID # 3000-00212961

LOT 1 MORGAN SUBDIVISION - PLAT 341/43-MARCH 2016
LOT 1-35,328 SQUARE FEET - PER PLAT

LOT COVERAGE ALLOWED 4,984 SQUARE FEET OR 14.11% PER PLAT

ZONING: R1 RESIDENTIAL DISTRICT: SIDE YARD SETBACKS FOR ACCESSORY STRUCTURE ARE 15 FEET.

ZONING: OS OPEN SPACE:

FLOORPLAN: PER PLAT ALSO ILLUSTRATES THE LOT AREA.

PRIOR ZONING MATTERS:
2011-0225V - VARIANCE FOR LOT SIZE TO ELIMINATE THE NON-CONFORMING MATTER

2017-0063V - VARIANCE FOR THE DECK AND PATIO CONNECTED TO THE NEW DWELLING AS RELOCATED BY ZONING AND PERMIT PROCESS APPROVALS.

UTILITIES:
THE SITE IS SERVED BY WELL AND PRIVATE SEPTIC SERVICE APPROVED BY THE ANNE ARUNDEL COUNTY HEALTH DEPARTMENT.

CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONE:
THE SITE HAS RCA-RESOURCE CONSERVATION AREA (TIDAL WETLAND) AND LDA-LIMITED DEVELOPMENT AREA-UPLAND INCLUDING THE BUFFER.

SOILS:
THE SOILS WERE NOT INVESTIGATED AS THE FIREPLACE AND PATIO IS LOCATED IN UPLAND, NON HYDRIC OR STEEP SLOPES.



VICINITY MAP

LOT COVERAGE TABULATION:
11/11/2025
VARIANCE CASE: 2024-0101-V
EXISTING HOUSE 1590 SF
EXISTING DRIVEWAY 2,815 SF
EXISTING WALKS 242 SF
FIREPLACE, WALLS AND PATIO 760 SF
EXISTING LOT COVERAGE IS 5,427 SF
ALLOWABLE LOT COVERAGE PER PLAT IS 4,984 SF
(LOT COVERAGE REMOVAL OF CREDIT IS 443 SQUARE FEET TO MEET ALLOWABLE LOT COVERAGE)

LEGEND

EXISTING CONTOUR	15' BUFFER
PROPOSED CONTOUR	15' BUFFER
15%+20% STEEP SLOPES	15' BUFFER
33%+ STEEP SLOPES	15' BUFFER
EXISTING SPOT ELEVATION	45.00
PROPOSED SPOT ELEVATION	45.00
EXISTING TREE LINE	15' BUFFER
STABILIZED CONSTRUCTION ENTRANCE (SEE SHEET 5 OF 6 FOR NOTES AND DETAILS)	15' BUFFER
TEMPORARY STOCKPILE AREA	15' BUFFER
UNIT OF DISTURBANCE	15' BUFFER
TREE PROTECTION FENCE	15' BUFFER
SOIL BORING	15' BUFFER
EXISTING BUILDING	15' BUFFER
PROPOSED BUILDING	15' BUFFER
STORM DRAIN	15' BUFFER
EXISTING ELECTRIC	15' BUFFER
EXISTING FENCE	15' BUFFER
BUILDING RESTRICTION LINE	15' BUFFER

DESIGNED: AD	DRAWN: AD
DATE: 9/7/25	
NOTED BY: BNL	
CADD DWG: 1015 MAGOTHY	

REVISIONS			
No.	DATE	BY	DESCRIPTION

APP. EXHIBIT# 3
CASE: 2024-0101-V
DATE: 12/2/25

EVANS~ ADVISORY~ GROUP, LLC

2031 FAIRFAX ROAD

ANNAPOLIS, MD. 21401

443-871-3584

GMETSC@GMAIL.COM

NOVEMBER 11, 2025 (REVISED, FINAL)

VIA EMAIL

MS. SARA ANZELMO, ZONING PLANNER

ANNE ARUNDEL COUNTY

OFFICE OF PLANNING AND ZONING

2664 RIVA ROAD, THIRD FLOOR

ANNAPOLIS, MARYLAND 21401

RE: 1015 MAGOTHY AVENUE ARNOLD, MARYLAND 21012

VARIANCE 2024-0101-V- HEARING SCHEDULED FOR DECEMBER 2, 2025

MR. & MRS. JOHN BAHEN ~ TAX ID # 3-000-90212961- LOT 1

DEAR MS. ANZELMO:

ON BEHALF OF THE APPLICANTS MR. & MRS. BAHEN PLEASE ACCEPT THIS NEW PROJECT NARRATIVE, REVISED CRITICAL AREA REPORT, REVISED CRITICAL AREA NOTIFICATION AND REVISED VARIANCE EXHIBITS, SITE PLANS.

FOR PRESENTATION BEFORE THE ADMINISTRATIVE HEARING OFFICER ON DECEMBER 2, 2025 FOR CASE 2024-0101-V.

THIS APPLICATION WAS STARTED BY MR. DAMON COGAR OF AD SG. MR. COGAR UNFORTUNATELY PASSED AWAY DURING THE PROCESS.

IT WAS REQUESTED THAT MY OFFICE ADJUST THE RECORDS AND ASSIST THE OWNERS IN BRINGING THE PROPERTY INTO COMPLIANCE WITH THE SUPPORT OF THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF INSPECTIONS AND PERMITS.

THE APPLICANTS BUILT A STACKED STONE FIREPLACE, LOW RETAINING WALLS AND A PAVER PATIO DURING THE UNFORTUNATE COVID PERIOD AS A SOCIAL DISTANCING MECHANISM FOR THE FAMILY, RELATIVES AND NEIGHBORS. THE OUTDOOR SPACE ALLOWED FOR USE AND ENJOYMENTS OF THIS PROPERTY AS COMMONLY ENJOYED BY OTHERS. THE WOOD DECK ATTACHED TO THE HOUSE DID NOT ACCOMMODATE SUCH USE DUE TO ITS SIZE.

THOSE ACCESSORY IMPROVEMENTS TO THE PROPERTY REQUIRED APPROVALS FROM THE OFFICE OF PLANNING AND ZONING AND INSPECTIONS AND PERMITS. THOSE APPROVALS ARE BEING SOUGHT WITH THIS ADJUSTED APPLICATION TO SATISFY AND CLOSE THE COMPLIANCE CASE.

THE CRITICAL AREA NOTIFICATION FORM OFFERS 5,427 SQUARE FEET OF EXISTING LOT COVERAGE AND REMOVAL OF 443 SQUARE FEET. I WILL PRESENT TESTIMONY AT THE HEARING TO EXPLAIN LOT COVERAGE OVERLAP FOR THE BENEFIT OF #1019 MAGOTHY AVENUE.

THERE WAS NO CLEARING AND NO IMPACTS TO STEEP SLOPES, AS NO STEEP SLOPES ARE PRESENT ON THE LOT, OTHER THAN BEHIND THE LOW RETAINING WALLS ATTACHED TO THE FIREPLACE. THE LOW WALLS OFFERED STABILITY AND EASE OF MAINTENANCE AND THEY ARE LESS THAN 6 FEET VERTICALLY.

ONE BASIS FOR RELIEF STEMS FROM THE UNIQUE AND IRREGULAR BOUNDARY OF THE PROPERTY AND THE UNCHARACTERISTICALLY LARGE INUNDATION OF TIDAL WETLAND, INVASIVE VEGETATION ONTO AND INTO THE PROPERTY LOCATED UPLAND OF THE MEAN HIGH WATER LINE OF DEEP CREEK, THE WETLANDS THRIVES DUE TO FREQUENT HIGHER TIDE LEVELS.

THE FIREPLACE STRUCTURE DOES NOT IMPAIR THE USE OR VIEWS FROM ADJACENT PROPERTIES, AS THE FIREPLACE IS BELOW THE ADJACENT PROPERTIES RESIDENCE AND LAWN ELEVATIONS. A SETBACK VARIANCE IS BEING SOUGHT BY THIS APPLICATION.

THE PATIO IS AN AT GRADE IMPROVEMENT AND NOT SUBJECT TO ZONING SETBACKS, HOWEVER IT IS SUBJECT TO A VARIANCE FOR COVERAGE LOCATED WITHIN THE 100 FOOT BUFFER TO THE 10,082 SQUARE FEET OF TIDAL WETLAND. THE PRINCIPAL RESIDENCE HOUSE AND THE DECK BOTH ENJOYED THE SUPPORT AND APPROVALS PRIOR TO THE PURCHASE BY THE APPLICANTS.

THE PROPERTY IS SERVED BY WELL AND PRIVATE SEPTIC SYSTEM APPROVED BY THE ANNE ARUNDEL COUNTY HEALTH DEPARTMENT. THE SEPTIC IS A BEST AVAILABLE TECHNOLOGY BAT SYSTEM.

PRIOR VARIANCE CASE 2011-0225-V – RELIEF FROM LOT SIZE, GREATER COVERAGE AND DENSITY – PROPERTY DESIGNATED UNIT “A” LANDMINIUM.

PRIOR VARIANCE CASE 2017-0036-V – DECK WITH LESS SETBACKS ATTACHED TO THE PRINCIPAL STRUCTURE. – PROPERTY DESIGNATED AS LOT 1- AND PRIOR TO PURCHASE.

ZONING VARIANCES:

THE APPLICANT IS SEEKING RELIEF TO STRICT COMPLIANCE WITH THE ZONING ORDINANCE FOR SIDE YARD SETBACKS IN THE R-1 ZONE DESIGNATED AS 15' FEET ARTICLE 18-4-501 BULK REGULATIONS.

THE FIRE PLACE IS A STRUCTURE AND SITS AS CLOSE AS 2 FEET FROM THE LOT BOUNDARY, REQUIRING A 13 FOOT AND A 10 FOOT SETBACK VARIANCE. THE ASSOCIATED WALLS ARE LESS THAN 4 VERTICAL FEET IN HEIGHT. THE FIREPLACE STRUCTURE IS ORIENTED TOWARD THE WATER AND DOES NOT OBSTRUCT OR IMPAIR ANY VIEW OF THE NEIGHBORING PROPERTIES.

THE APPLICANT IS SEEKING RELIEF FROM STRICT ADHERENCE TO ARTICLE 17-6-401 DEVELOPMENT IN WETLAND BUFFERS.

THERE WAS A PROVISION FOR RELIEF TO ARTICLE 17-6-403 PROHIBITING DEVELOPMENT IN STEEP SLOPES. THE CURRENT FIELD RUN LAND SURVEY DID NOT LOCATE ANY STEEP SLOPES, SO WE ARE ELIMINATING THAT RELIEF REQUEST.

COMPLIANCE CASE:

COMPLIANCE CASE E- 2022-536, GRADING WITHOUT A PERMIT FOR A PATIO AND FIREPLACE WAS ISSUED.

STANDARD GRADING PLAN 2023-104- SGP – PENDING FOR AFTER THE FACT PERMISSION FOR GRADING OF AN AREA LESS THAN 5,000 SQUARE FEET AND ON SLOPES LESS THAN 5%. THIS SGP IS A NECESSARY AND REQUIRED STEP TOWARD CLOSING THE ABOVE GRADING MATTER.

IN ADDITION; THIS POINT BY POINT RESPONSE TO THE JANUARY 14, 2024 REVIEW LETTER DIRECTED TO MS. STERLING SEAY OF ANNE ARUNDEL COUNTY OFFICE OF PLANNING AND ZONING. INCLUDED IS A NEW SITE PLAN EXHIBIT, A RESULT OF A FIELD RUN SURVEY. THE PRIOR CONSULTANT AND AUTHOR MR. DAMON COGAR OF AD SG UNFORTUNATELY PASSED AWAY.

DUE TO SPECIAL FEATURES OF THE SITE OR SPECIAL CONDITIONS OR CIRCUMSTANCES PECULIAR TO THE APPLICANTS LAND OR STRUCTURE, A LITERAL ENFORCEMENT OF THE LOCAL CRITICAL AREA PROGRAM WOULD RESULT IN AN UNWARRANTED HARDSHIP TO THE APPLICANT.

THE APPLICANT'S LAND IS AN IRREGULAR SHAPE LOT RESULTING IN AN AREA LESS THAN THE AREA REQUIRED IN THE R1 ZONING DISTRICT, AND IS LIMITED TO COVERAGE BELOW THE 15% ALLOWANCE, AS GRANTED BY 2011-0225-V.

FURTHER THE PRIOR OWNER SECURED A VARIANCE TO BUILD A DECK, EXPANDING THE STRUCTURE INTO THE SAME YARDS, AS TO DENY THAT REQUEST PROVED TO BE AN UNWARRANTED HARDSHIP. THE SAME ARGUMENT APPLIES IN THIS APPLICATION.

A LITERAL INTERPRETATION OF THE LOCAL CRITICAL AREA PROGRAM WOULD DEPRIVE THE APPLICANT OF A USE OF THE LAND OR A STRUCTURE PERMITTED IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL CRITICAL AREA PROGRAM.

THE ADJACENT PROPERTIES EACH HAVE THEIR OWN OUTDOOR RECREATIONAL FACILITIES/STRUCTURES ON AND IN THE WATERFRONT YARDS OF THEIR PROPERTIES, SOME HAVE SWIMMING POOLS AND VAST PATIO SPACES AND, SOME HAVE FIRE PITS WITH PATIO AREAS.

THE GRANTING OF THE VARIANCE WOULD NOT CONFER UPON THE APPLICANT AND SPECIAL PRIVILEGE THAT WOULD BE DENIED BY THE LOCAL CRITICAL AREA PROGRAM TO OTHER LANDS OR STRUCTURES IN ACCORDANCE WITH THE PROVISIONS OF ANY LOCAL CRITICAL AREA PROGRAM.

IN AS MUCH AS EACH ADJACENT NEIGHBOR HAS PAVED OUTDOOR RECREATIONAL FACILITIES, SUCH AS SWIMMING POOLS, PATIO'S, FIRE PITS WITH PATIO SPACES, THE DEVELOPMENT BY THE APPLICANT OF THE FIREPLACE AND PATIO IS NOT A SPECIAL PRIVILEGE, IT IS KEEPING WITHIN THE CHARACTER OF THE NEIGHBORHOOD ALONG THE WATERS OF DEEP CREEK. IT WAS BUILT DURING COVID TO PROMOTE OUTDOOR USE OF THE PROPERTY ALLOWING SOCIAL DISTANCING.

THE VARIANCE REQUEST IS NOT BASED UPON CONDITIONS OR CIRCUMSTANCES THAT ARE THE RESULT OF ACTIONS BY THE APPLICANT.

UNFORTUNATELY THIS APPLICATION IS AN "AFTER THE FACT" APPLICATION TO SEEK RELIEF FROM STRICT COMPLIANCE WITH THE ZONING AND DEVELOPMENT ORDINANCES.

THE VARIANCE REQUEST DOES NOT ARISE FROM ANY CONFORMING OR NONCONFORMING CONDITION ON ANY NEIGHBORING PROPERTY.

THIS APPLICATION IS NOT THE RESULT OF ANY CONFORMING OR NONCONFORMING CONDITION ON ANY NEIGHBORING PROPERTY.

THE GRANTING OF THE VARIANCE WOULD NOT ADVERSELY AFFECT WATER QUALITY OR ADVERSELY IMPACT FISH, WILDLIFE, OR PLANT HABITAT WITHIN THE JURISDICTION'S LOCAL CRITICAL AREA; AND

ONCE A PROPOSED NON-STRUCTURAL STORMWATER WATER MANAGEMENT CONCEPT IS PRESENTED AND ACCEPTED BY INSPECTIONS AND PERMITS UNDER THE

STANDARD GRADING PLAN, THE FIREPLACE AND PATIO WILL NOT AFFECT WATER QUALITY, FISH AND PLANT HABITAT, SUCH AS THE INVASIVE FRAGMITIES.

THE GRANTING OF THE VARIANCE WOULD BE IN HARMONY WITH THE GENERAL SPIRIT AND INTENT OF THE CRITICAL AREA LAW, THE REGULATIONS IN THIS SUBTITLE, AND THE LOCAL CRITICAL AREA PROGRAM.

IN AS MUCH AS THE NEIGHBORING PROPERTIES HAVE SIMILAR RECREATIONAL FACILITIES, SWIMMING POOLS, PATIOS AND FIRE PITS WITH PATIO SPACES, ALL WITHOUT COMPLIANCE CONCERNS, THE APPLICANTS REQUEST TO SEEK RELIEF FROM STRICT CONFORMANCE TO THE ZONING AND DEVELOPMENT ORDANCES AND TO PERFECT THIS STRUCTURE AND PATIO AREA IS IN HARMONY WITH THE CRITICAL AREA LAWS AS APPLIED TO THIS PENINSULA.

PLEASE CONTACT ME DIRECTLY AT 443-871-3584 OR EMAIL AT GMETSC@GMAIL.COM IF YOU HAVE ANY COMMENTS OR CONCERNS REGARDING THIS MATTER.

SINCERELY:

GARY M. EVANS

CC: MR. & MRS. BAHEN, OWNER/APPLICANT W ATTACHMENTS
MS. KYRA WHEATLEY, ESQ. HYATT WEBER, PA W/ ATTACHMENTS

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

Applicant Exhibit 4

2024-0101-V

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date: 11/11/25

Tax Map #	Parcel #	Block #	Lot #	Section
33	39	22	1	NA

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Tax ID: 3.000-90212-961

Project Name (site name, subdivision name, or other) MORGAN PROPERTY

Project location/Address 1015 MARGOTHY AVE.

City ARNOLD MARYLAND Zip 21012

Local case number 2024-0101-V

Applicant: Last name BAHEN First name JACK

Company OWNER

Application Type (check all that apply):

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

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

2024-0101-V
COMPLIANCE

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

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

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

2024-0101-V EXISTING SINGLE FAMILY RESIDENCE
PROPOSED OUTDOOR RECREATION IMPROVEMENTS

Intra-Family Transfer ☐
Grandfathered Lot ☒

Growth Allocation ☐
Buffer Exemption Area ☒

Project Type (check all that apply)

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

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

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		NA.
LDA Area		25,246
RCA Area		10,082
Total Area		35,328

Total Disturbed Area

Acres	Sq Ft
0.023	1,000

of Lots Created 0

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.137	6,005	Existing Lot Coverage	0.12	5,427
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.0179	780
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.0231	1,000
			Total Lot Coverage	0.114	4,984

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.023	1,000	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0	0	Mitigation	0	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 ☐

FIREPLACE/WALLS

APP. EXHIBIT# 5
CASE: 2024-0101-V
DATE: 12/2/25

EVANS~ ADVISORY~ GROUP, LI

2031 FAIRFAX ROAD

ANNAPOLIS, MD. 21401

443-871-3584

GMETSC@GMAIL.COM

CRITICAL AREA REPORT: 11.7.2025

THE PURPOSE OF THE VARIANCE IS TWOFOLD:

- 1.) THE ADDITIONAL LOT COVERAGE WITH THE CHESAPEAKE BAY CRITICAL AREA -- TIDAL WETLAND BUFFER (100 FEET) BEYOND THE BUFFER OF THE MEAN HIGH WATERS OF DEEP CREEK
- 2.) ZONING SETBACK VARIANCE: A VARIANCE IS REQUESTED AS THE FIREPLACE, WALLS AND AT GRADE PATIO WERE INSTALLED/CONSTRUCTED WITHOUT A SURVEY AND IT HAS BEEN DETERMINED TO BE LOCATED WITHIN THE R-1 RESIDENTIAL DISTRICT ~ SIDE YARD SETBACKS OF 15 FEET. THE FIREPLACE IS ACTUALLY LOCATED AS CLOSE AS 2 FEET FROM THE LOT.

CRITICAL AREA NARRATIVE:

THE APPLICANT IS THE OWNER OF LOT 1 MORGAN PROPERTY IS THE SUBJECT OF MANY ATTEMPTS TO BECOME A LEGAL LOT, AND IT STILL FELL SHORT.

SOILS:

THE SOILS SURVEY IS MAPPED AS KEYPORT SILT LOAM COMPLEX A WELL DRAINING SOIL BUT HIGHLY ERODIBLE.

THE SITE HAS TIDAL WETLAND MARSH INSIDE OF THE LOT BOUNDARIES.

EXISTING CONDITIONS

THE NOW KNOWN AS LOT NO. 1 IS AN R-1 RESIDENTIAL USE. THE LOT IS IRREGULAR IN ITS SHAPER AS IT WAS CARVED OUT OR ITS FORMER PARCEL 39.

THE SITE IS SERVED BY A PRIVATE SEPTIC WITH A BAT SYSTEM AND NEW DRILLED WATER WELL. THE SITE IS IN COMPLIANCE WITH THE REGULATIONS OF THE HEALTH DEPARTMENT.

THE INSTALLATION OF THE FIREPLACE AND PATIO, INSTALLED DURING COVIA DISTURBED LESS THAN 5,000 SQUARE FEET, AND IS LOCATED IN THE LAWN AREA WITH A SLOPE LESS THAN 4%.

STORMWATER MANAGEMENT

THIS OFFICE WITH THE AGREEMENT OF THE OWNERS AND INSPECTIONS AND PERMITS, A STANDARD GRADING PLAN SHOULD SUFFICE. THE PROPOSAL IS TO REPLACE THE PATIO SURFACE WITH POROUS PAVERS AND ALSO COMPENSATE FOR THE WALLS AND

AQUATIC RESOURCES

THE SUBJECT PROPERTY IS WATERFRONT ON DEEP CREEK IN ARNOLD, MARYLAND 21012. THE FIREPLACE, WALLS AND PATIO IS NOT WITHIN THE 100 FOOT BUFFER TO THE WATERS OF DEEP CREEK,

THE PROPOSED DEVELOPMENT IS WITHIN THE 100 BUFFERS OF THE TIDAL WETLAND THE ENCROACH ON TO THE LOT. THE EXISTING DWELLING AND ALL OF THE IMPROVEMENTS ARE ALSO WITHIN THE 100 BUFFER OF THOSE TIDAL WETLANDS.

VEGETATION

THE PROPERTY IS USED AS A SINGLE FAMILY RESIDENCE AND IS A MAINTAINED LAWN EXCEPT FOR THE 10,082 SQUARE FEET OF THE TIDAL MARSH AREA, A WALKING PATH ALSO A LAWN TAKES YOU TO THE DOCK AND WATER'S EDGE OF DEEP CREEK.

NO WOODLAND CLEARING OCCURRED TO INSTALL THE FIREPLACE, WALLS AND PATIO.

CONCLUSION:

AS THE LOT IS NOW A LEGAL LOT, SUBSTANDARD IN LOT SIZE AND IRREGULAR IN SHAPE AND INUNDATED WITH 10,082 SQUARE FEET OF TIDAL WETLAND MARSH, LEAVING 25,246 SQUARE FEET INCLUDING THE ENVIRONMENTAL BUFFERS.

THE FIREPLACE, WALLS AND PATIO WAS BUILT DURING COVID WHEREAS SOCIAL DISTANCING WAS MANDATED, AND OUTDOOR RECREATION SPACES BECAME A NECESSITY, THE IMPROVEMENTS DO NOT IMPACT THE USE AND ENJOYMENTS OF THE ADJACENT AND SURROUNDING PROPERTIES, ATTACHED ARE LETTERS IN SUPPORT OF THE FIREPLACE, WALLS AND PATIO SURFACES.





Letter re: Bahen fireplace

Jack Bahen <jackbahen@gmail.com>

Wed 5/22/2024 7:23 AM

To: Damon Cogar <damon@adsgonline.com>

Jack Bahen

410.980.2474

Sent from my iPhone

Begin forwarded message:

From: Nicole Callender <callendercloses@gmail.com>

Date: May 21, 2024 at 6:14:15 PM EDT

To: jackbahen@gmail.com

Dear Sir/Madam,

I hope this letter finds you well. I am writing to express my complete satisfaction and support for my neighbor's (Jack and Amy Bahens) outdoor fireplace. As a resident of Anne Arundel County and their next door neighbor, I have observed the outdoor fireplace and can confidently say that it has been a delightful addition to our neighborhood. My neighbors are considerate and responsible, ensuring that their fireplace is used in a manner that is respectful to all surrounding residents. The warmth and ambiance it provides have only enhanced our neighborhood gatherings, and it brings joy to many of us in the area. I have no issues or concerns regarding the fireplace. In fact, I enjoy the sense of community it fosters. We are fortunate to have such kind and thoughtful neighbors, and I fully support the continuation of their outdoor fireplace usage. Thank you for considering this matter. Please feel free to contact me at (410) 440-6688 or Callendercloses@gmail.com if you need further information or discussion regarding this matter. Sincerely,

Nicole Callender

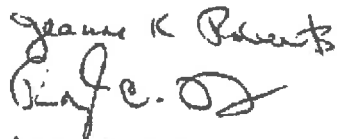
 Kind regards,

1019 Magothy Ave
Arnold, MCD 21012
May 16, 2024

To whom it may concern:

We live along the shared driveway with Johns & Amy Bahen and understand the county has concerns regarding their beautiful outdoor fireplace and patio. From our direct front porch view and perspective, it's a gorgeous addition and we have no issues with it.

Sincerely,

Handwritten signatures of Jeanne K. Roberts and Raymond C. Roberts. The signature for Jeanne K. Roberts is written above the signature for Raymond C. Roberts.

Jeanne K. Roberts
Raymond C. Roberts

To whom it may concern,

We live next door to 1015 Magothy Ave, Arnold, MD and have no issues or concerns with the existing fireplace and patio. It looks fantastic.

Thank you,
David and Kim Poe
997 Landon Lane
Arnold, MD 21012

Gary M. Evans
2031 Fairfax Road
Annapolis, Maryland 21401
443-871-3584 gmetsc@gmail.com

I have over 40+ years' experience in Anne Arundel County as a Site Planning and Engineering Technician handling all phases of land development, subdivisions, site plans and site designs, utilities and septic systems design and installation, health department permits, grading permits, building permits, surveying, platting, variances and modifications, and all general aspects of site planning and site engineering and development and construction.

I have been qualified as an expert in site planning and design and land development and before the Administrative Hearing Officer and the Anne Arundel County Board of Appeals.

Education:

College Major in Architecture/Engineering, Minor in Business,
Anne Arundel Community College: private institute courses in civil engineering.
43 Years of continuous service in survey, design, management and building.

My professional resume and work experience:

EVANS~ADVISORY~GROUP August 17, 2025

Managing Member, owner providing engineering design, survey, and entitlement management for select single family developments. Expert zoning testimony, sensitive and complex environmental and zoning compliance matters.

Consulting with select professionals facilitating approvals and developments.

Management of community entrance features, clubhouses and recreational facilities and open spaces with particular focus on landscaping.

ANNE ARUNDEL COUNTY INSPECTIONS & PERMITS: September 2023- July 2025

Inspector for Stormwater Management BMP facilities and Capital Projects.

Laurel, Fort Meade, Hanover and Severn.

BUCKHARDT ENGINEERING, LLC. 2021-2023

Self Employed – Managing & Senior Associate, project manager, land use and land design services. Civil Engineering Technician, Site planning, land use studies, zoning and development ordinance reviews for scope and fee schedules. Billing, Collection and bookkeeping
Zoning and Critical Area Variance hearings, Code Modifications and Community Meetings.

AMERISTAR HOMES, INC. 2020-2021

Land Acquisition and Development Manager.

Manage entitlements, train staff on land searches and zoning codes. "Is it Feasible?"

Land Development Manager, directed and managed site contractors to clear, install wet utilities and utility companies for dry utilities, paving and community centers, entrance features.

Homeowners Association management as a board member, turnovers, maintenance.

Field inspections for milestone dates, development concerns, routine and weekly inspections for compliance with MDE storm water compliance reporting.

CARUSO HOMES, INC. and On Your Lot 2017-2021

Land Development Director: - Department Head

Responsible for engineering, entitlements, budget estimating with bids, for hard and soft costs, excluding homebuilding costs. Schedule and implementation of development work in the field.

Direction to land use attorneys and consultants and governmental agencies, counties and cities.

On Your Lot:

Responsible in multiple jurisdictions (9) to determine delay points and resolve roadblocks with consultants and agencies until permit issuance and new home starts.

Caruso Communities:

- Collington Estates- Bowie 31 units and 17 units in phases- Caruso
- Signature Club- Accokeek – 316 Units- Caruso
- Hunters Woods Phase 1 – 47s, and Phase 2 entitlements
- Limekiln – Baltimore County 24 Lots – Northern Division

LENNAR – US HOME CORPORATION – 2014- 2017

Land Development Manager:

Responsible for developing communities, competitive bids, contract awards for vice president and regional president, budget management, vendor relations, dry utility coordination and installation. Construction management of entrance features, clubhouses, playgrounds, trails, landscaping, screening, reforestation, as-built and bond reductions and releases.

- Entitlements and Bond Release- Baltimore City, Howard County, Anne Arundel, Baltimore and Harford Counties
 - Bidding and detailed bid review
 - Contracts, work orders, purchase orders
 - Payments of Vendor invoices, budget and code. Regular discussions and meetings as required.
 - Engineers, Geotechnical consultants, Traffic consultants, environmental consultants, survey consultants, for ALTA and Phase I studies.
 - HOA: Homeowners Association management of third-party management, on the board of directors, attend regular meetings with homeowners, annual and turnover meetings
 - Inspections and legal coordination for phased takedowns, payments to sellers, memorandum of readiness for closings. Verify site conditions for building and

closing new units for U&O. ADA ramps, Mailboxes, street signs, SWPPP, MDE permit transfers.

- MDE SWPPP trained for inspections and MDE reports, third party management of the program. • Coordination with construction managers, area managers and directors of site conditions and areas of concern heading up the chain.
- Site amenities, design, permitting, bidding, award and installation, lights, irrigation and plantings, tied to HOA entities.
- Seasonal requirements, spring treatments, fall treatments, and snow removal for communities.
Sectional turnover notifications.
- Budget and Financial management, forensic reviews, critical path projections, value engineering on weak or older budgets. Cash flow projections and planning.
- Document Control, plans, prints, reports, permits, bonds and securities, key agreements. Purge and cleanup. Scan to secure drives. Stamped plans and live signatures, reduce clutter. • Quarterly and annual operations planning and feedback, team player, leader of multiple functions at one time. Highly organized and precise with dates and time, punctual.

Large scale projects of note:

- Tanyard Springs- 350 Units- New phases annexed. - Lennar
- Oxford Square, townhomes and clubhouse facility- 395 Units- Lennar
- Blue Stream Phase II — Townhome Community- 105 Units- Lennar
- Lancaster, PA community close-out after recession, township management, repair utilities and top coat 105 units.

THE SANFORD COMPANIES: 2006-2014- Private companies

Position: Land Acquisition & Development Director:

- Senior Civil Engineering Designer/Project Manager,
- Home designer/Homebuilder
- Construction Management, residential and commercial, Office Flex.
- Property Manager
- Account Management
- Realtor and Broker Management
- Feasibility study
- New home selections, model to marketplace
- Lender Management, loan packages, appraisal support, comparable and market studies.

BAY ENGINEERING: 2001-2006 (Now Atwell)

Senior Project Manager,

Responsible to principals for 5 person staff, design, permitting of critical area properties, large waterfront estate homes, and single family detached dwellings. Applications, agreements, recordation matters, permit issuance, construction stakeout, and construction management. Expert testimony for Variance and Special Exceptions, Zoning matters. Annapolis, Maryland Office.

Clients: Alt Breeding, AIA
 Cathy Purple Cherry
 Utz Construction,
 Cedar Square Homes, Inc.
 Timberlake Homes, Inc.
 Baldwin Homes
 Sanford Homes
 Bortle Homes
 Mandrin Homes
 Private owners, walk-in clients

CIVIL DESIGN & MANAGEMENT: 1996-2002:

Founder and President responsible for acquiring land development and land design projects, surveys, design, drafting and construction inspections and certifications for hundreds of Real Estate development projects. Serving Maryland, Pennsylvania and Virginia. Strongest discipline in single family detached dwellings, primarily located in the Chesapeake Bay Critical Area. Offices in Lanham and Greencastle PA.

Clients:

Citicorp- 50,000 SF daycare facility, Washington County, Md.
Storage USA- Germantown, Md.
Eckerd Drugs- Alexandria Virginia, Crossroads, Leesburg
Mandrin Homes- Anne Arundel County
Arundel Homes- Anne Arundel County, Talbot, Wicomico, Dorchester, Baltimore and Prince Georges County
Timberlake Homes- Anne Arundel, Prince Georges, Calvert and Charles

CIVIL MANAGEMENT SERVICES, INC: 1994-1996:

Founder and President responsible to land development partnerships for development of Hillantrae Subdivision, a 339-unit major subdivision located in southern Prince George's County. Approximately 140 single family units were developed under my management, including WSSC water, sewer, drains, ponds, roads, walks, and trails and landscaping. Permits, bonding and engineering services were also managed by CMS, Inc.

J.E. SCOTT & ASSOCIATES, INC: 1991-1994: Vice President and Senior project manager responsible to Mr. John E. Scott, III, P.E. for land design, processing of single lot site plans and major subdivisions in Anne Arundel County and Prince George's County. SEE ALSO BUCKHARDT ENGINEERING. Offices in Lanham and Bethesda, Maryland

DEWBERRY & DAVIS: 1987-1991: Annapolis and Gaithersburg

Project Manager, senior designer, drafter within planning department responsible to department head and branch manager. Top 50 ENR Engineering New Record.

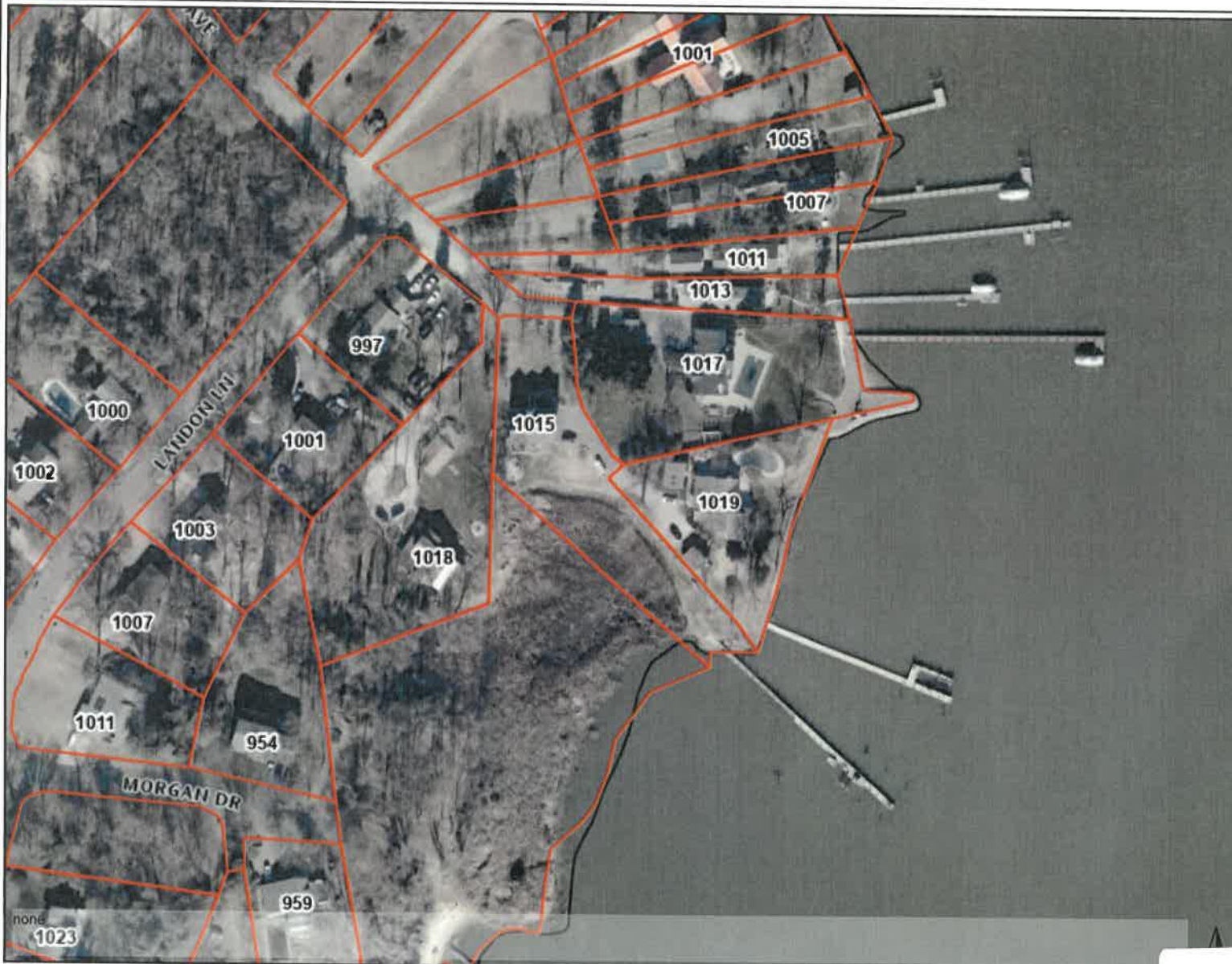
Projects of note; Harbor Gates, Largo Town Center, Special exceptions, Bishops Bequest, Villages of Marlboro, construction inspections, Tick Neck park, Hammond Park (Howard County)

NOVASH & DOWGIALLO: 1983-1987: (Now Boyd and Dowgiallo)

House Location surveyor and drafter. Land surveyor, drafter, designer, party chief and project manager. Plan and permit processing.



Map Title



Legend

Foundation

Addressing



Parcels



City of Annapolis Parcels



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THIS MAP IS NOT TO BE USED FOR N/A

APP. EXHIBIT# 7
CASE: 2024-0101-V
DATE: 12/2/25