

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

APPLICANT: Jennifer M. Morales

ASSESSMENT DISTRICT: 4th

CASE NUMBER: 2023-0123-R

COUNCILMANIC DISTRICT: 2nd

HEARING DATE: September 26, 2023

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting a zoning reclassification from R5 - Residential District to RLD - Residential Low Density District for the property known as 7885 Telegraph Road in Severn.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 22,651 square feet or 0.52 acres of land with approximately 104 feet of frontage on the southeast side of Telegraph Road, approximately 610 feet southwest of Old Donaldson Avenue. The property is identified as Parcel 412 in Block 18 on Tax Map 14. The property is currently zoned R5 - Residential District. The current zoning was adopted by the comprehensive zoning for Council District 5, effective January 29, 2012.

The property is currently improved with a one and a half-story single-family detached dwelling, two accessory structures, a deck, sidewalks, and a paved driveway. It is accessed directly via Telegraph Road, a principal arterial road. It has existing water service through the Airport Square Pressure Zone and is in the Planned Sewer Service category in the Baltimore City Service Area.

PROPOSAL

The applicant seeks to rezone the subject property from R5 - Residential District to RLD - Residential Low Density District.

NEIGHBORHOOD

The Office of Planning and Zoning defines the neighborhood for this request as that area 1,250 feet north to MD 174/Donaldson Avenue, 2,000 feet south to Jasons Landing Way, 2,600 feet west to the Mass Transit railroad tracks, and 840 feet east to Clark Station Road.

ZONING HISTORY

The original Zoning Ordinance, effective July 1, 1952 zoned the subject property Agricultural District. The first comprehensive zoning for the Fourth Assessment District, effective October 15, 1973, reclassified the site as R5 - Residential District.

The second comprehensive zoning, effective June 12, 1989, the Severn Small Area Plan effective December 5, 2002 and the last comprehensive zoning for Council District 2, effective January 29, 2012 confirmed the R5 zoning of the property.

RECLASSIFICATION STANDARDS

The standards relevant to this case by which a zoning reclassification may be granted are set forth in § 18-16-303 of the Anne Arundel County Zoning Ordinance, and require an affirmative finding that:

1. There was a mistake in the zoning map or the character of the neighborhood has changed to such an extent that the zoning map should be changed;
2. The new zoning classification conforms to the County General Development Plan in relation to land use, number of dwellings units or type and intensity of nonresidential buildings, and location;
3. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety, and welfare of present and future residents of the County.

FINDINGS

Evidence of Change or Mistake

The applicant is advancing this request on the basis that there has been a change in the nature of the neighborhood. The applicant posits that over the last few cycles of Comprehensive Rezoning, the Telegraph Road corridor has evolved from an almost exclusively residential neighborhood into a patchwork of various uses. The agent for the applicant submitted a copy of the County's Zoning Map indicating that there are at least ten (10) different zoning districts contained within a one (1) mile radius of the subject property. The range of zoning extends from R1 - R15 - Residential, C1 - C4 - Commercial, and W1 - W3 - Industrial, with SB - Small Business parcels. Their agent stated that there is little uniformity in the existing zoning classifications, and there is evidence of similar piecemeal lots housed within the residentially zoned areas.

Their agent states that the applicant seeks to operate the business known as Springs Irrigation and Lighting, which provides underground irrigation systems, landscape lighting systems, and landscape management, from the subject property, and which, the agent has also acknowledged, is not an allowed use in the R5 District.

According to the agent, the proposed use would be of minimal impact to the neighborhood and is largely consistent with other uses within the community, and has noted areas where the zoning changes from C3 to R1, of small pockets of C1 and large swaths of W1 and W3.

This Office believes the applicant's defined neighborhood, consisting of a one mile radius, is too large in the consideration of a rezoning. The County's defined neighborhood consists primarily of R2 on the west side of Telegraph Road and R5 on the east side. There are two nodes of Commercial zoning, one to the north and one to the south. There are no properties zoned RLD in the subject neighborhood. The closest RLD zoned property is approximately 6,400 feet to the southeast. Based on the foregoing, the request may be characterized as a "spot" rezoning of land.

The subject property, at approximately 22,651 square feet in area and 112 feet in width, is undersized in regards to the minimum size of 40,000 square feet and width of 150 feet for lots in an RLD District, and will not meet the maximum density of one dwelling unit per five acres.

The request for this rezoning essentially results from the applicant's attempt to perfect a zoning enforcement violation, Z-2022-0171, for a commercial use in a residential district. Per the Zoning Enforcement investigation, an irrigation business is operating on the property.¹ This Office does not believe that the applicant's unauthorized use of the property as a contractor shop and yard demonstrates a mistake in the zoning map nor a change in the character of the neighborhood. Furthermore, a contractor shop and yard is not an allowed use in the requested RLD District. That use is allowed in C4 - Highway Commercial, W2 - Light Industrial and W3 - Heavy Industrial Districts.

The Long Range Planning Division advised that the site is within Region Planning Area 3, and the planning process for this Region is currently underway. The subject property is located within the Neighborhood Preservation Planned Land Use category, and their office has not received any applications for a change in zoning for the subject property.

Conformance with the General Development Plan (GDP)

The recently adopted Anne Arundel County General Development Plan (Plan2040) designates the land use category for the subject property as "Residential Low - Medium Density" on the *Map 18. Land Use Plan* (Vol. II, Pg. 120). *Table 17. Plan2040 Planned Land Use Designations* (Vol. II, Pg. 116) lists the zoning categories generally consistent with the land use designation as R5. The proposed RLD - Residential Low Density District zoning classification is not consistent with the Plan2040 General Development Plan.

Compatibility with surrounding land use

The subject property is bounded by properties zoned R5 - Residential to the north, east and south, and zoned R2 - Residential to the west, across Telegraph Road. The current R5 zoning

¹ § 18-4-106 lists the permitted, conditional, and special exception uses allowed in each of the residential districts. Irrigation businesses (considered "contractor and construction shops and yards") are not an allowed use in any of the residential districts.

provides for residential uses on smaller lots. Rezoning of the subject property to RLD would allow uses, such as Agritourism, Campgrounds, Cemeteries, Kennels, Stables, or Wildlife Preserves, that are generally suitable to larger properties and often related to farm or agricultural uses, which would not be compatible with the surrounding properties.

AGENCY COMMENTS

The **Anne Arundel County Department of Health Department** indicated that they have no objection to the request.

The **Long Range Planning Division in the Office of Planning And Zoning** advised that Plan2040 places the site in the Neighborhood Preservation Development Policy Area and the Low-Medium Density Residential Planned Land Use category. All surrounding properties also have Low-Medium Density Residential Planned Land Use, and properties across the street to the west have Low Density Residential Planned Land Use. The site is within the Priority Funding Area.

No application for a change in zoning was filed for this property during the Comprehensive Zoning effort associated with either the Severn Small Area Plan or the 2009 General Development Plan. No application for a change in Planned Land Use was filed during the Plan2040 process. Plan2040 does not have recommendations that are specific to this site, but with the location of the property within the Neighborhood Preservation Planned Land Use category and within a larger context of Low-Medium Density Residential Planned Land Use, the proposal is not consistent with the overall goals and policies of Plan2040.

Planning for Region 3 is currently underway.

The 2022 Water and Sewer Master Plan places the site in the Planned Sewer Service Category (Baltimore City Service Area) and the Existing Water Service Category (Airport Square Pressure Zone). The proposal is consistent with the overall goals and policies of the Water and Sewer Master Plan.

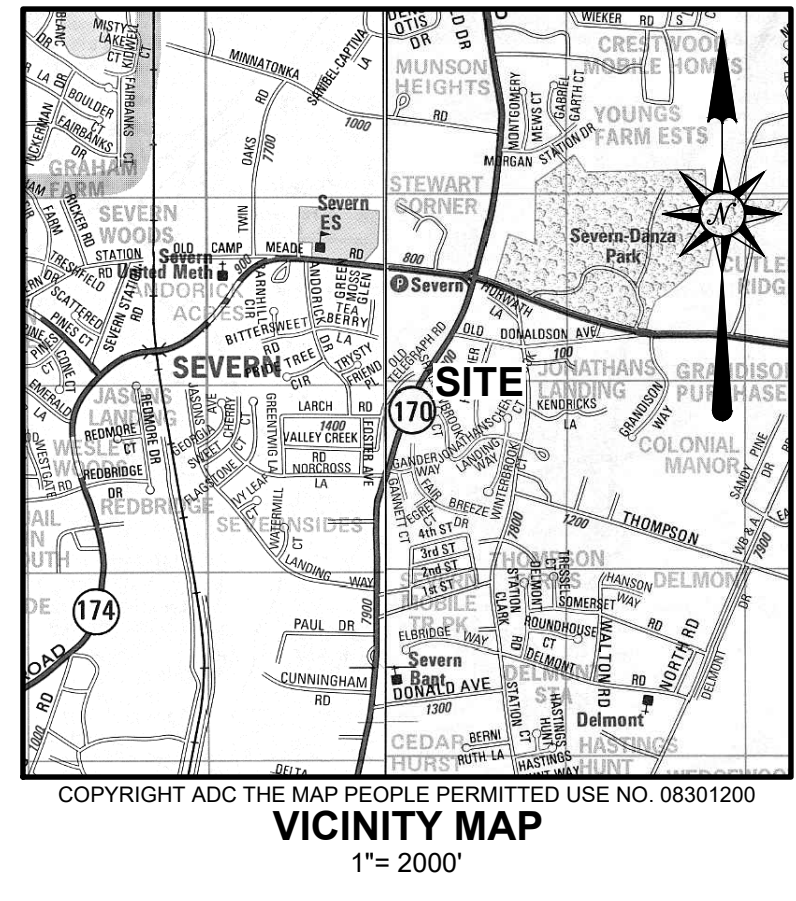
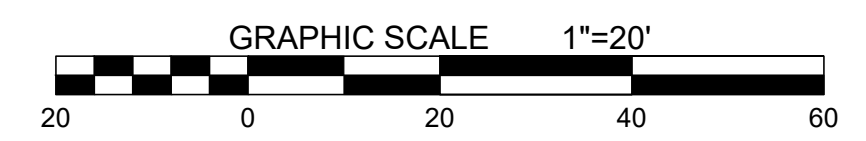
CONCLUSIONS

The proposed zoning reclassification does not conform to the “Low – Medium Density residential” designation of the General Development Plan. In addition, this Office finds that the evidence presented by the applicant and provided via county records does not constitute a change in the character of the neighborhood that warrants a rezoning, and that the requested rezoning and the potential scale of uses allowed by a change in zoning would reduce the relative compatibility of the use of the subject property and with adjacent residential properties.

Finally, as indicated, the requested RLD zoning for the subject property is inconsistent with the surrounding zoning and is considered to be a spot rezoning where the requested zoning is primarily for the benefit of a single owner rather than the public good and is not considered to be valid use of zoning.

RECOMMENDATION

Based upon the standards set forth in Section 18-16-303, under which a zoning reclassification may be granted, the Office of Planning and Zoning recommends *denial* of the requested reclassification of the subject property from R5 - Residential District to RLD - Residential Low Density District.



GENERAL NOTES

1. THE EXISTING ZONING OF THE SITE IS R5 - RESIDENTIAL DISTRICTS
2. THE SITE ADDRESS IS 7885 TELEGRAPH ROAD, SEVERN MARYLAND 21144
3. THE EXISTING TOPOGRAPHY AND FEATURES SHOWN HEREON WERE TAKEN FROM GIS INFORMATION FROM ANNE ARUNDEL COUNTY. HORIZONTAL INFORMATION REFERENCED TO MARYLAND STATE PLANE (NAD 83/2011) AND THE VERTICAL DATUM IS REFERENCED TO NAVD 88
4. THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
5. THERE ARE NO STEEP SLOPES, BOGS OR FORESTED AREAS ON THE SUBJECT PROPERTY.

LEGAL DESCRIPTION
(PER LIBER 37216, PG. 36)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ANNE ARUNDEL, STATE OF MARYLAND, AND IS DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A POINT ON THE EAST SIDE OF THE STATE ROAD LEADING FROM SEVERN TOWARDS LAUREL WHERE THE SAME IS INTERSECTED BY THE SOUTH LINE OF A NINE AND NO TENTHS FOOT STRIP OF LAND HERETOFORE CONVEYED BY KANDY LANKO AND ROSE LANKO, HIS WIFE, TO CALEB D. CLARK AND MARY A. CLARK, HIS WIFE BY DEED DATED DECEMBER 16, 1946 AND RECORDED IN LIBER J.H.H. NO. 389 FOLIO 330; THE SAID POINT AND PLACE OF BEGINNING IS THE SAME BEGINNING POINT DESCRIBING A ONE AND FOUR ONE-HUNDREDTHS ACRE LOT HERETOFORE CONVEYED BY THE SAID CALEB D. CLARK AND WIFE, AND THE BOWIE BANK OF PRINCE GEORGE COUNTY TO WHITNEY B. CLARK AND CARL F. RODGERS BY DEED DATED NOVEMBER 17, 1949 AND RECORDED IN LIBER J.H.H. NO. 547 FOLIO 553 OF WHICH THE LOT NOW BEING DESCRIBED IS THE SOUTHERN HALF THENCE LEAVING THE SAID STATE ROAD AND RUNNING WITH PART OF THE SAID MENTIONED SOUTH LINE AND WITH THE SOUTH LINE OF THE SAID ONE AND FOUR ONE-HUNDREDTHS ACRE LOT SOUTH SEVENTY-THREE DEGREES TWENTY-NINE MINUTES EAST FIVE AND THIRTY-TWO ONE-HUNDREDTHS FEET TO AN IRON PIPE HERETOFORE SET THENCE CONTINUING SAID LAST MENTIONED COURSE SOUTH SEVENTY-THREE DEGREES TWENTY-NINE MINUTES EAST TWO HUNDRED TWENTY-NINE AND SIXTY-EIGHT ONE HUNDREDTHS FEET TO ANOTHER IRON PIPE THENCE LEAVING THE OUTLINES AND WITH PART OF THE EASTERLY LINE OF THE SAID ONE AND FOUR ONE-HUNDREDTHS ACRE LOT NORTH THIRTY-SEVEN DEGREES FORTY-TWO MINUTES EAST ONE HUNDRED FOUR AND NO TENTHS FEET THENCE RUNNING THROUGH THE SAID ONE AND FOUR ONE-HUNDREDTHS ACRE LOT FOR A NEW DIVISION LINE NORTH SEVENTY-THREE DEGREES TWENTY-NINE MINUTES WEST TWO HUNDRED THIRTY-FIVE AND TWO-TENTHS FEET TO THE EAST SIDE OF THE SAID STATE ROAD THENCE WITH THE SAME SOUTH THIRTY-SEVEN DEGREES THIRTY-SIX MINUTES WEST ONE HUNDRED FOUR AND NO TENTHS FEET TO THE PLACE OF BEGINNING, CONTAINING FIVE HUNDRED TWENTY-THREE ONE THOUSANDS ACRES OF LAND, MORE OR LESS, AND BEING THE SOUTHERN ONE-HALF OF THE ABOVE MENTIONED ONE AND FOUR ONE-HUNDREDTHS ACRE LOT CONVEYED BY CALEB D. CLARK AND MARY A. CLARK, AND THE BOWIE BANK OF PRINCE GEORGE COUNTY TO WHITNEY B. CLARK AND CARL F. RODGERS. SAID LOT BEING SITUATE ON THE SOUTHEAST SIDE OF TELEGRAPH ROAD.

BEING THE SAME PROPERTY WHICH BY DEED DATED AUGUST 6, 2020, AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND ON SEPTEMBER 3, 2020, IN LIBER 35159, IN FOLIO 55, WAS GRANTED AND CONVEYED BY WILLIAM J. PARSONS AND BRIANNA L. PARSONS FKA/ BRIANNA L. TIEDEMAN UNTO WILLIAM J. PARSONS AND BRIANNA L. PARSONS, AS TENANTS BY THE ENTIRETY.

<p>Revisions</p> <table border="1"> <thead> <tr> <th>Rev. #</th> <th>By</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		Rev. #	By	Date	Description				
Rev. #	By	Date	Description						
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<p>Bay Engineering Inc. Engineers, Planners and Surveyors</p> <p>2861 Riva Road, Building 800 Annapolis, Maryland 21401 410.897.9290 www.bayengineering.com</p>									
<p>JENNIFER M. MORALES FOR PRE-ADMINISTRATIVE SITE PLAN</p> <p>7885 TELEGRAPH RD, SEVERN, MD 21144 DEED L. 37216, F. 36 TAX ID #04-000-90098320 FOURTH DISTRICT - ANNE ARUNDEL COUNTY</p>									
<p>Date: JULY, 2023 Job Number: 22-8724 Scale: AS SHOWN Drawn By: J.L.S. Approved By: T.J.M. Folder Reference: .</p>									



Matthew S. Evans, III Owner
Gary Damico Partner
Jonathon Scruggs Partner
Caterina Sorrento Associate
Jessica Chandler Paralegal
Geniya Seager-Gilliam Paralegal

113 Cathedral Street Annapolis, MD 21401
410.626.6009
msevanlaw.com

April 25, 2023

Via US Mail
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

**Re: Re-Zoning Application
Conversion of Lot from R5 to RLD
Letter of Explanation**

Sir or Madam,

My office has been retained to assist Ms. Jennifer Morales with a request for piecemeal rezoning application, which is attached hereto. The property, 7885 Telegraph Road, is currently zoned R5 residential, however the parcel itself has been used for light industrial purposes at various points previously. At this time, the property is presently being used as landscaping business. Ms. Morales is seeking to re-zone her lot from R5 to RLD which is the least impactful zoning overlay that permits the use of the property for her occupation.

Specifically, the property herein referenced is identified as follows:

7885 Severn Road,
Annapolis, MD 21144
Tax Map: 25 Block: 6 Parcel: 271

The basis for this application is a change in the nature of the neighborhood/parcel. Over the last few cycles of Comprehensive Rezoning, the Telegraph Road corridor has evolved from an almost exclusively residential neighborhood into a patchwork of various uses. I have attached a copy of the County's Zoning Map indicating that there are at a minimum ten (10) different zoning districts contained within a one (1) mile radius of this subject application. The range of zoning extends from R1-R15, C1-C4, and W1-W3. There are even SB parcels zoned in the area.

As you can clearly see on the map, there is little uniformity into the zoning classifications present, and there is evidence of similar piecemeal lots housed within residentially zoned areas.

The Applicant seeks to operate the business known as Springs Irrigation and Lighting from the subject premises. The business provides high quality services in underground irrigation systems, landscape

lighting systems, and landscape management. Due to the nature of the business, it cannot be operated on an R5 parcel. Regrettably, the activity does not fall within the scope of a principal, conditional, or special exception use. Attached to this document is a copy of the business website, a photograph of the property as taken from the road, and several photographs of the property showing the use as proposed.

The proposed use on the property would be of minimal impact to the neighborhood and is largely consistent with other uses within the community. At the cross street of Telegraph Road and Old Donaldson, (a distant of roughly 100 yards) the zoning map quickly changes from C3 back to R1. Further down Telegraph Road there are small pockets of C1 and large swaths of W1 and W3.

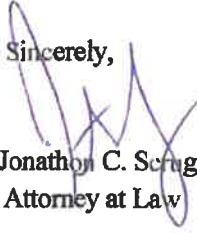
The current lot size of Ms. Biven's property is twenty-two thousand, six hundred and fifty-one sq ft. (22,651). Although this lot size falls below the minimum bulk requirements as set forth in §18-4-401, the code provides that a lot with an area of less than 40,000 square feet, that was approved by a record plat prior to April 9, 1987, may be reviewed in accordance with the bulk regulations of § 18-4-601 and lot size is subject to § 18-4-202. The lot was created by plat on November 17, 1949. Therefore, as the lot size meets the minimum threshold of twenty thousand sq ft. (20,000), the lot would conform to standards.

Ms. Morales intends to comply with all other requirements for the operation of a landscaping and tree contracting use as codified under §18-11-132.

All relevant documents have been attached for your review and reference.

Please direct all correspondence regarding this matter directly to my office at my attention.

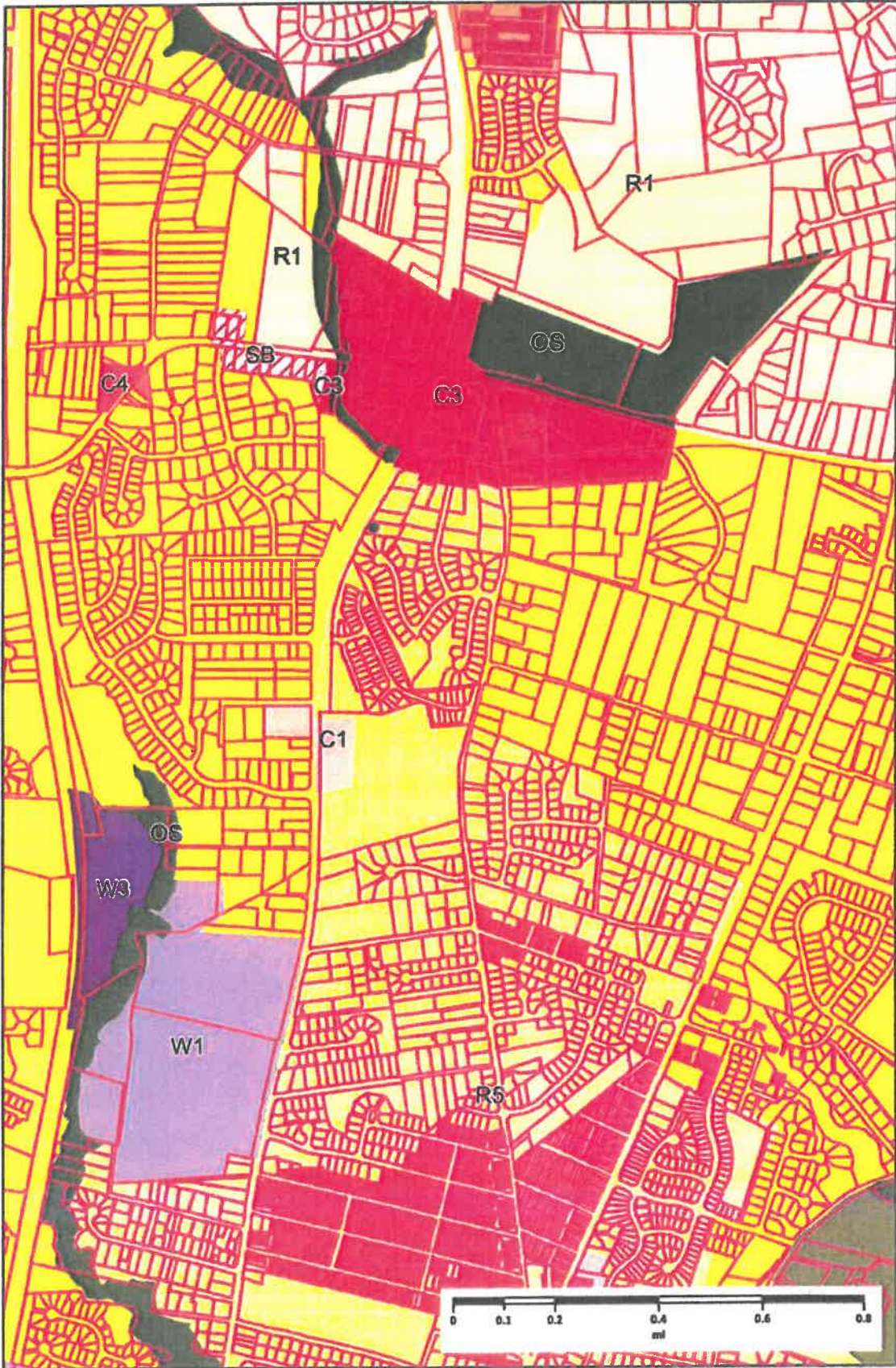
Sincerely,


Jonathon C. Scruggs
Attorney at Law

cc: Client







- Parcels**
- City of Annapolis
 - MA2-Contemporary Marina
 - MA2-Light Commercial Marina
 - MA2-Yacht Club
 - MC-General Commercial Marina
 - MC-Heavy Commercial Marina
 - PD2-G Mixed Use Commercial
 - PD2-R Mixed Use Residential
 - PD2-T Mixed Use Transit
 - PD2-E Mixed Use Employment
 - Q-ODR Odenton Care
 - Q-SDO East Odenton
 - Q-MIS Odenton Mixed
 - Q-NDO Odenton Debut
 - Q-NDD North Odenton
 - Q-TDA Odenton Transit
 - OS Open Space
 - R1 Residential
 - R2 Residential
 - R3 Residential
 - R4 Residential
 - R5 Residential
 - RA Rural Agricultural
 - RSD Residential Low D
 - SB Small Business
 - TC Town Center
 - W1 Industrial - Light
 - W2 Industrial - Heavy
 - Water

Paper Map DISCLAIMER:
 By acceptance of this map material, you agree as if this map material (the "material") is made available Anne Arundel County, Maryland (the "County") as public service.

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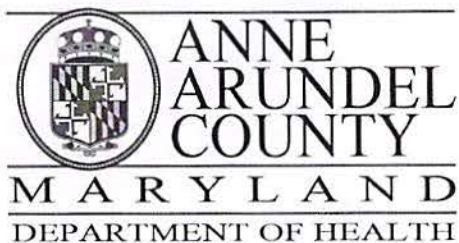
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Land Use and Zoning Map

Date: 4/26/2023 Time: 1:00 PM

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere





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
Acting Health Officer

MEMORANDUM

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

FROM: Brian Chew, Program Manager
Bureau of Environmental Health *BC*

DATE: August 9, 2023

RE: Jennifer Melissa Morales
7885 Telegraph Road
Severn, MD 21144

NUMBER: 2023-0123-R

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced zoning reclassification from R5-Residential- Residential low density district.

The Health Department has reviewed the on-site disposal property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal. 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



M A R Y L A N D

Office of Planning and Zoning

Jenny Jarkowski
Planning and Zoning Officer

TO: Zoning Division

FROM: Patrick Hughes, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: August 15, 2023

Name of Project: 7885 Telegraph Road
Case #: 2023-0123-R
Location: west side of Telegraph Road, south of Old Donaldson Avenue
Tax Map 14, Parcel 412
Planning Area: Region 3

Summary:

The application requests a rezoning of a .52-acre property from R5 to RLD.

Plan2040 places the site in the Neighborhood Preservation Development Policy Area and the Low-Medium Density Residential Planned Land Use category. All surrounding properties also have Low-Medium Density Residential Planned Land Use, and properties across the street to the west have Low Density Residential Planned Land Use. The site is within the Priority Funding Area.

Findings:

Compliance with Plans:

No application for a change in zoning was filed for this property during the Comprehensive Zoning effort associated with either the Severn Small Area Plan or the 2009 General Development Plan. No application for a change in Planned Land Use was filed during the Plan2040 process. Plan2040 does not have recommendations that are specific to this site, but with the location of the property within the Neighborhood Preservation Planned Land Use category and within a larger context of Low-Medium Density Residential Planned Land Use, the proposal is not consistent with the overall goals and policies of Plan2040.

Planning for Region 3 is currently underway.

The 2022 Water and Sewer Master Plan places the site in the Planned Sewer Service Category (Baltimore City Service Area) and the Existing Water Service Category (Airport Square Pressure Zone). The proposal is consistent with the overall goals and policies of the Water and Sewer Master Plan.



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING May 16, 2023

P&Z STAFF Patrick Hughes & Rob Konowal

APPLICANT/REPRESENTATIVE Jonathan Scruggs EMAIL _____

SITE LOCATION 7885 Telegraph Road LOT SIZE 0.52 acres ZONING R5

CA DESIGNATION n/a BMA _____ or BUFFER _____ APPLICATION TYPE Rezoning

Requested rezoning of subject property from **R5-Residential** to **RLD-Residential Low Density**.

According to the letter of explanation the applicant is currently operating a landscaping business on the property and the rezoning is intended to accommodate this business. The applicant cites a rezoning is warranted due to neighborhood change. According to the applicant, over the last few cycles of Comprehensive Rezoning, the Telegraph Road corridor has evolved from an almost exclusively residential neighborhood into a patchwork of various uses. There are at a minimum ten (10) different zoning districts contained within a one (1) mile radius of this subject application. The range of zoning extends from R1-R15, C1-C4, W1 -W3 as well as SB. There is little uniformity in the zoning classifications present, and there is evidence of similar piecemeal lots housed within residentially zoned areas.

Note: There is an open zoning violation on this property pertaining to an irrigation contractor (commercial use) operating which is not an allowed use in a R5 District. The use must be confirmed. A contractor is not an allowed use in any residential district.

COMMENTS

Long Range Planning - Plan2040 places the site in the Neighborhood Preservation Development Policy Area and the Low-Medium Density Planned Land Use category. All surrounding properties also have Low-Medium Density Planned Land Use, and properties across the street to the west have Low Density Residential Planned Land Use. No application for a change in Planned Land Use was filed during the Plan2040 process. Plan2040 does not have recommendations that are specific to this site, but with the location of the property within the Neighborhood Preservation Planned Land Use category and within a larger context of Low-Medium Density Residential Planned Land Use, the proposal is not consistent with the overall goals and policies of Plan2040.

Zoning - According to the zoning violation issued re: property the use is an "irrigation contractor" and not a landscaping contractor. A (irrigation) contractor is not an allowed use in the requested RLD District. There does not appear to be adequate evidence shown of change or mistake at this time that would support a change in zoning. The requested RLD zoning provides for development at a density of 1 dwelling per 5 acres which does not conform to the Low-Medium Density Plan 2040 land use designation of this property that is associated with residential development at a density of greater than 2 units per acre up to 5 units per acre.

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.

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.

July 2023 aerial - neighborhood zoning



Feb 2023 aerial



Feb 2023 aerial detail

