Bay Engineering Inc.
Engineers, Planners and Surveyors

January 11, 2024

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, Maryland 21401

Attention: Ms. Sterling Seay

Re: VARIANCE REQUEST
ROBERTS PROPERTY
1019 MAGOTHY AVENUE
ARNOLD, MD 21012
2023-0202-V

Dear Ms. Seay:

On behalf of the applicants and owners, Raymond and Jeanne Roberts, we respectfully request a variance to Article 17-8-702 which states in part that new lot coverage may not be placed closer to the shoreline than the façade of the existing structure. A variance is also requested to Article 18-4-501 which in part requires an accessory structure to be 40' from a front property line in an R1 district. The lot is developed with a single family dwelling, pool and associated improvements. This lot meets the definition of a buildable lot, subject to the approvals of the County. The site is served by septic and well, and a paved road, Magothy Drive, a variable width right of way. Access is gained to the property via a right of way off of Magothy Drive. The site drains directly to the Magothy River. The site is located in the LDA (Limited Development Area) of the Critical Area. The site is zoned R1 residential. The property has a pier.

The applicant wishes to remove and replace the 'kidney' shaped pool with a rectangular pool. They also wish to reconfigure the outdoor living area on the north side of the dwelling. The shape of the pervious deck on the front of the house may be modified. The pool is the subject of the variance requests.

There is an existing pool on the property that is located entirely in the 100' buffer but also within the steep slope buffer. The owners, Mr. & Ms. Roberts wish to replace the existing pool with a rectangular pool. The relocation of the pool would reduce the impact of the pool and its substantial decking on the slope buffer. The goal of this replacement of the pool is manyfold. The pool would be constructed further back from the shoreline than the current pool and its patio. But primarily, the Roberts have a special needs child who cannot utilize the current pool layout due to her disability. The rectangular pool would allow her to have access to the pool for her use. The overall picture is that the plan reduces lot coverage on the entire property, but especially in the 100' and 25' steep slope buffers. This placement is being proposed to minimize the impacts on the environment and provide the owners with an outdoor amenity that fits with their use of the dwelling. This is their primary dwelling. The Roberts have worked on many different layouts to utilize this space, keeping in mind to keep the trees that exist on the property and reduce the impact on the slope buffer and the 100' buffer. There are steep slopes on the waterfront, but these slopes will not be disturbed.

This letter is also to reflect changes to the site plan. The Anne Arundel County Health Department indicated that the proposed pool, porch addition and walls for the pond are too close to the neighbors (1017 Magothy) existing septic system, which is located 5' from the common property line. This issue required design changes to the plan in order to meet setback. Firstly, the proposed porch has been eliminated and a patio is proposed in its place. No septic setbacks are necessary for this feature. Secondly, the wall around the pond has been removed, it will be constructed at grade

level. Thirdly, the new pool was sited closer to the neighbors septic than the existing pool. The pool has been rotated and shifted to meet the required setback. The site numbers have been slightly reduced with this change, and the site plan reflects these changes.

This plan meets the intent of 18-16-305(a):.

1. On the subject property, the pool is existing, and located in both the 100' buffer and the 25' buffer to steep slopes. Due to this condition, any change to the pool footprint would require a variance. The front setback relief will allow the pool to be further out of the slope buffer. It should be noted that replacing the existing pool with the proposed layout greatly reduces lot coverage in the buffer.

2. The exceptional circumstances and practical difficulties in developing the lot are several. The current development is in place. The proposed work is generally being placed over top of existing development. The pool is existing. The majority of the site is located in the 100' buffer, however, the site is BMA.

This plan also meets the intent of 18-16-305(b) for critical area variances.

1. The lot is developed, and the existing dwelling was constructed in the buffer.

2. A literal interpretation of COMAR would deny the owners use of the property enjoyed by others. The pool is existing and the new location will assist the needs of the family as well as reduce lot coverage in the buffer and on the site as a whole.

The site is not in a bog area.

3. This project will not confer special privileges to the owner, as many properties in the area were constructed in the buffer, and several properties feature similar amenities.

4. The request is not a result of actions of the owner. The need for a variance arose during discussion about application for a permit.

5. This project will not result in a denigration of forest or water quality as stormwater management will be provided as required by the Code, and any clearing must be mitigated for as per the Code. Lot coverage will be reduced on the site and in the slope buffer. No tree clearing is required or requested, and part of the design process was to keep existing trees.

6. This site is not in the bog buffer.

7. This plan meets the presumption, as this site is in a developed community, requires minimal disturbance and will not cause undue harm to the site, neighbors or the environment.

8. The applicant has tried alternative design. They ultimately decided to limit the expansion to areas that are already generally encumbered by lot coverage instead of over expanding the impervious footprint. This plan will place new lot coverage further from the water than exists now.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the IDA. The work performed will not be contrary to clearing and replacement practices, and will not alter the character of the neighborhood or be detrimental to the public welfare.

1. The variance request is the minimum to afford relief. The request is to relocate an existing feature further from the water than where it is . Underlying lot coverage requirements are being met. Overall lot coverage is being reduced.

2. i. This variance will not alter the essential character of the neighborhood. The pool is being replaced in the same general location just further from the shoreline.

ii. This variance will not impair the use of adjoining properties. As noted, this request is for the relocation of an exiting feature further from the water. This should cause no impact to the neighbors.

iii. No tree clearing is required and any mitigation necessary during the permit process will increase cover in the LDA.

iv. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.

v. The project will not be detrimental to the public welfare, as it is located on private property.

This plan proposes the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover in the LDA. The work performed will not be contrary to clearing and replacement practices, and will not alter the character of the neighborhood or be detrimental to the public welfare.

As this proposal is for construction of a new pool and associated features with disturbance well under 5,000 square feet, a grading permit should not be required. It would appear that this request is consistent with other development in this area. Denial of this request would not allow the owner to enjoy property rights common to other properties in this area.

The enclosed plan represents the location of the proposed work to the property. This plan is consistent with other development in the area. In closing, the variances requested are the minimum necessary to afford relief, and is not based on conditions or circumstances that are a result of actions by the applicant. We thank for in advance for your consideration to this request.

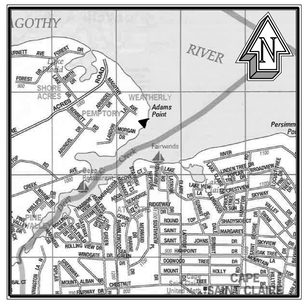
If you have any questions, or if you require additional information, please feel free to contact me at 410-897-9290.

Sincerely,
Bay Engineering, Inc.

Mike Gillespie

Mike Gillespie
Designer

cc: owner, File



VICINITY MAP

SCALE: 1" = 2,000'

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PERMITTED USE NO. 08301200

GENERAL NOTES

1. OWNER:
   JEANNE K. AND RAYMOND C. ROBERTS
   1019 MAGOTHY AVENUE
   ARNOLD, MD 21012
   PHONE: 410-530-5587
   EMAIL: jrkimmich@gmail.com

   ENGINEER:
   ATWELL LLC
   2661 RIVA ROAD, BUILDING 800
   ANNAPOLIS, MD 21401
   410-897-9290
   C/O MIKE GILLESPIE

2. THE SITE ADDRESS IS: 1019 MAGOTHY AVENUE, ARNOLD, MD 21012

3. THE PROPERTY IS KNOWN AS:
   TAX MAP 33, GRID 22, PARCEL 40 ; TOTAL AREA = 28,988 SQ. FT. OR 0.665 AC. ; DEED REF: 38956 / 324

4. TAX ACCOUNT NO: 03-000-19814421

5. EXISTING BOUNDARY AND FEATURES SHOWN HEREON WERE TAKEN FROM DEEDS AND PLATS OF RECORD AUGMENTED WITH GIS DATA, AND A FIELD RUN TOPOGRAPHICAL SURVEY PERFORMED BY BAY ENGINEERING INC MARCH 2023.

6. THIS PLAN WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT OF WAYS OR MORE STRINGENT BUILDING RESTRICTIONS NOT SHOWN HEREON.

7. EXISTING ZONING OF THE SITE IS R1 (RESIDENTIAL DISTRICT)

SETBACKS PRINCIPAL STRUCTURE:	SETBACKS ACCESSORY STRUCTURE:
FRONT = 40'	FRONT = 50'
SIDE = 15' / 40' (COMBINED)	SIDE = 15'
REAR = 35'	REAR = 15'

8. THE SITE IS LOCATED WITHIN THE LDA (LIMITED DEVELOPMENT AREA) OF THE CHESAPEAKE BAY CRITICAL AREA.

9. THE SITE CURRENTLY UTILIZES A PRIVATE WELL AND PRIVATE SEPTIC. CONTRACTOR SHALL UTILIZE THE EXISTING SEWER CONNECTION IF POSSIBLE. IF NOT POSSIBLE, CONTRACTOR IS TO INSTALL A NEW SHC PER ANNE ARUNDEL COUNTY SPECIFICATIONS AND DETAILS

10. WATER AND SEWER CATEGORIES

    WATER - PLANNED SERVICE - (W-5, BROADNECK)
    SEWER - FUTURE SERVICE - (S-5, BROADNECK)

11. THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONE "AE" (AREA WITHIN THE 1% ANNUAL CHANCE FLOODPLAIN WITH BASE FLOOD ELEVATION OF 6 FEET) AND "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0187F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

12. STEEP SLOPES ON SITE: 3,302 SQ. FT. OR 0.075 AC.

13. NOTE: THERE ARE NO PROPOSED DISTURBANCES WITHIN THE STEEP SLOPE AREAS.

SURVEY CONTROL NOTE

THE COORDINATES AND ELEVATIONS SHOWN HEREON ARE BASED ON RTK (REAL TIME KINEMATIC) OBSERVATIONS UTILIZING KEYNET GPS NETWORK. THE HORIZONTAL DATUM IS REFERENCED TO MARYLAND STATE PLANE NAD (83/91) AND THE VERTICAL DATUM IS REFERENCED TO NAVD 88.

EXISTING LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA.....	28,988 SQ. FT. OR 0.665 AC.
EXISTING LOT COVERAGE.....	9,556 SQ. FT. OR 0.219 AC.
ALLOWABLE LOT COVERAGE.....	5,445 SQ. FT. OR 0.125 AC.
ALLOWABLE LOT COVERAGE W/10% REDUCTION...	9,144 SQ. FT. OR 0.209 AC.
EXISTING DEVELOPED WOODS.....	17,225 SQ. FT. OR 0.395 AC.
EXISTING DEVELOPED WOODS TO BE REMOVED.....	0 SQ. FT. OR 0.0 AC.
REMAINING DEVELOPED WOODS.....	17,225 SQ. FT. OR 0.395 AC.

NOTE: BREAKDOWN OF LOT COVERAGES ARE AS FOLLOWS

EXISTING LOT COVERAGE:
- EX. DWELLING = 3,243 SF
- EX. DRIVEWAY = 2,543 FT
- EX. POOL & DECKING = 1,890 SF
- EX. GARAGE = 620 SF
- EX. SHEDS = 365 SF
- EX. BRICK = 474 SF
- EX. WALKS & CONC. = 421 SF
  TOTAL =9,556 SF±

EXISTING LOT COVERAGE TO BE REMOVED:
- EX. POOL & DECKING = 1,890 SF
- EX. BRICK = 474 SF
- EX. WALKS & CONC. = 3 SF
  TOTAL = 2,367 SF±

TOTAL TO REMAIN = 7,189 SF

VARIANCE REQUEST

§ 17-8-702. DEVELOPMENT REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL USES.
(A) SCOPE. THIS SECTION APPLIES TO ALL SINGLE FAMILY DETACHED RESIDENTIAL DEVELOPMENT IN A BUFFER MODIFICATION AREA.
(B) EXPANSION OF EXISTING LOT COVERAGE. LOT COVERAGE ADDED DURING EXPANSION OR REPLACEMENT OF AN EXISTING STRUCTURE SHALL MEET THE FOLLOWING CRITERIA:
(1) NO NEW LOT COVERAGE SHALL BE PLACED NEARER TO THE SHORELINE THAN THE CLOSEST FACADE OF THE EXISTING PRINCIPLE STRUCTURE; LANDSCAPE OR RETAINING WALLS, PERGOLAS, PATIOS, AND SWIMMING POOLS MAY NOT BE CONSIDERED AS PART OF THE PRINCIPLE STRUCTURE.
(2) THE STRUCTURE OR EXPANSION SHALL BE DESIGNED AND LOCATED TO MAXIMIZE THE DISTANCE FROM THE SHORELINE AND TO ENHANCE AND PROTECT THE ENVIRONMENTALLY SENSITIVE FEATURES ON THE SITE; TAKING INTO ACCOUNT THE NATURAL FEATURES.
(3) VARIANCES TO THE SETBACK REQUIREMENTS OF THE UNDERLYING ZONING SHALL BE CONSIDERED BEFORE BUFFER DISTURBANCE.

§ 18-4-501. BULK REGULATIONS.
STATES IN PART THAT THE MINIMUM SETBACKS FOR PRINCIPLE STRUCTURES ARE 40' FOR FRONT SETBACKS, 15' FOR SIDE SETBACKS, WITH A COMBINED DISTANCE OF 40'. ALSO STATED IN PART, THAT MINIMUM SIDE AND REAR SETBACKS FOR ACCESSORY STRUCTURES ARE 15' (OTHER THAN SWIMMING POOLS ... AND SIMILAR PRIVATE RECREATIONAL FACILITIES ACCESSORY TO SINGLE-FAMILY DETACHED ... DWELLINGS)

EXISTING CONDITION PLAN

SCALE: 1" = 20'

Revisions			
Rev. #	By	Date	Description

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. 19323, Expiration date 09/30/2024.

STATE OF MARYLAND — TIMOTHY J. MARTIN — 19323 — PROFESSIONAL ENGINEER — 09/30/2024

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Date	JANUARY 2024
Job Number	23-8907
Scale	AS SHOWN
Drawn By	J. MARLOWE & M. GILLESPIE
Approved By	TIM MARTIN
Folder Reference	ROBERTS PROPERTY 1019 MAGOTHY AVENUE

EXISTING CONDITIONS PLAN

VARIANCE SITE PLANS
FOR THE
ROBERTS PROPERTY

1019 MAGOTHY AVENUE, ARNOLD, MD 21012
TAX MAP 33 ~ GRID 22 ~ PARCEL 40
DEED REFERENCE: 38956 / 324
T.A. #03-000-19814421 ~ ZONED: R1 / LDA
THIRD DISTRICT ~ ANNE ARUNDEL COUNTY

Sheet No. 1 OF 2

PLOTTED: Jan 11 , 2024 - 2:42pm

F:\23-8907 Roberts Property 1019 Magothy Ave\Drawing Files\23-8907 Variance Plan\23-8907 Variance Plan.dwg

PROPOSED LOT COVERAGE SUMMARY

DESCRIPTION	AREA
EXISTING LOT AREA.....	28,988 SQ. FT. OR 0.665 AC.
EXISTING LOT COVERAGE.....	9,556 SQ. FT. OR 0.219 AC.
ALLOWABLE LOT COVERAGE.....	5,445 SQ. FT. OR 0.125 AC.
ALLOWABLE LOT COVERAGE W/10% REDUCTION...	9,144 SQ. FT. OR 0.209 AC.
EXISTING DEVELOPED WOODS.....	17,225 SQ. FT. OR 0.395 AC.
EXISTING DEVELOPED WOODS TO BE REMOVED.....	0 SQ. FT. OR 0.0 AC.
REMAINING DEVELOPED WOODS.....	17,225 SQ. FT. OR 0.395 AC.
PROPOSED LIMIT OF DISTURBANCE.....	3,832 SQ. FT. OR 0.0.088 AC.

NOTE: BREAKDOWN OF LOT COVERAGES ARE AS FOLLOWS

EXISTING LOT COVERAGE:
- EX. DWELLING = 3,243 SF
- EX. DRIVEWAY = 2,543 FT
- EX. POOL & DECKING = 1,890 SF
- EX. GARAGE = 620 SF
- EX. SHEDS = 365 SF
- EX. BRICK = 474 SF
- EX. WALKS & CONC. = 421 SF

TOTAL =9,556 SF±

EXISTING LOT COVERAGE TO BE REMOVED:
- EX. POOL & DECKING = 1,890 SF
- EX. BRICK = 474 SF
- EX. WALKS & CONC. = 3 SF

TOTAL = 2,367 SF±

TOTAL TO REMAIN = 7,189 SF

PROPOSED LOT COVERAGE:
- PR. PATIO = 297 SF
- PR. POOL & DECKING = 648 SF
- PR. WALKS & CONC. = 834 SF
- PR. POND = 126 SF

TOTAL = 1,947 SF

TOTAL PROPOSED LOT COVERAGE = 9,105 SQ. FT. OR 0.209 AC.

PROPOSED LOT COVERAGE IN BMA

DESCRIPTION	AREA
EXISTING LOT AREA.....	28,988 SQ. FT. OR 0.665 AC.
EXISTING LOT COVERAGE IN BMA.....	5,205 SQ. FT. OR 0.119 AC.
EXISTING LOT COVERAGE TO BE REMOVED IN BMA.....	2,042 SQ. FT. OR 0.046 AC.
PROPOSED LOT COVERAGE IN BMA.....	1,498 SQ. FT. OR 0.035 AC.
PR. PATIO.....	16 SQ. FT.
PR. POOL.....	648 SQ. FT.
PR. WALKS & CONCRETE.....	834 SQ. FT
TOTAL NEW LOT COVERAGE IN BMA.....	-544 SQ. FT. OR -0.012 AC.

PROPOSED COVERAGE IN 25' SLOPE BUFFER

DESCRIPTION	AREA
EXISTING LOT AREA.....	28,988 SQ. FT. OR 0.665 AC.
EXISTING LOT COVERAGE IN 25' SLOPE BUFFER.....	635 SQ. FT. OR 0.014 AC.
EXISTING LOT COVERAGE TBR IN 25' SLOPE BUFFER.....	471 SQ. FT. OR 0.010 AC.
PROPOSED LOT COVERAGE IN 25' SLOPE BUFFER.....	217 SQ. FT. OR 0.004 AC.
NEW LOT COVERAGE IN 25' SLOPE BUFFER.....	-254 SQ. FT. OR -0.005 AC.

DISTURBANCE IN 25' STEEP SLOPE BUFFER

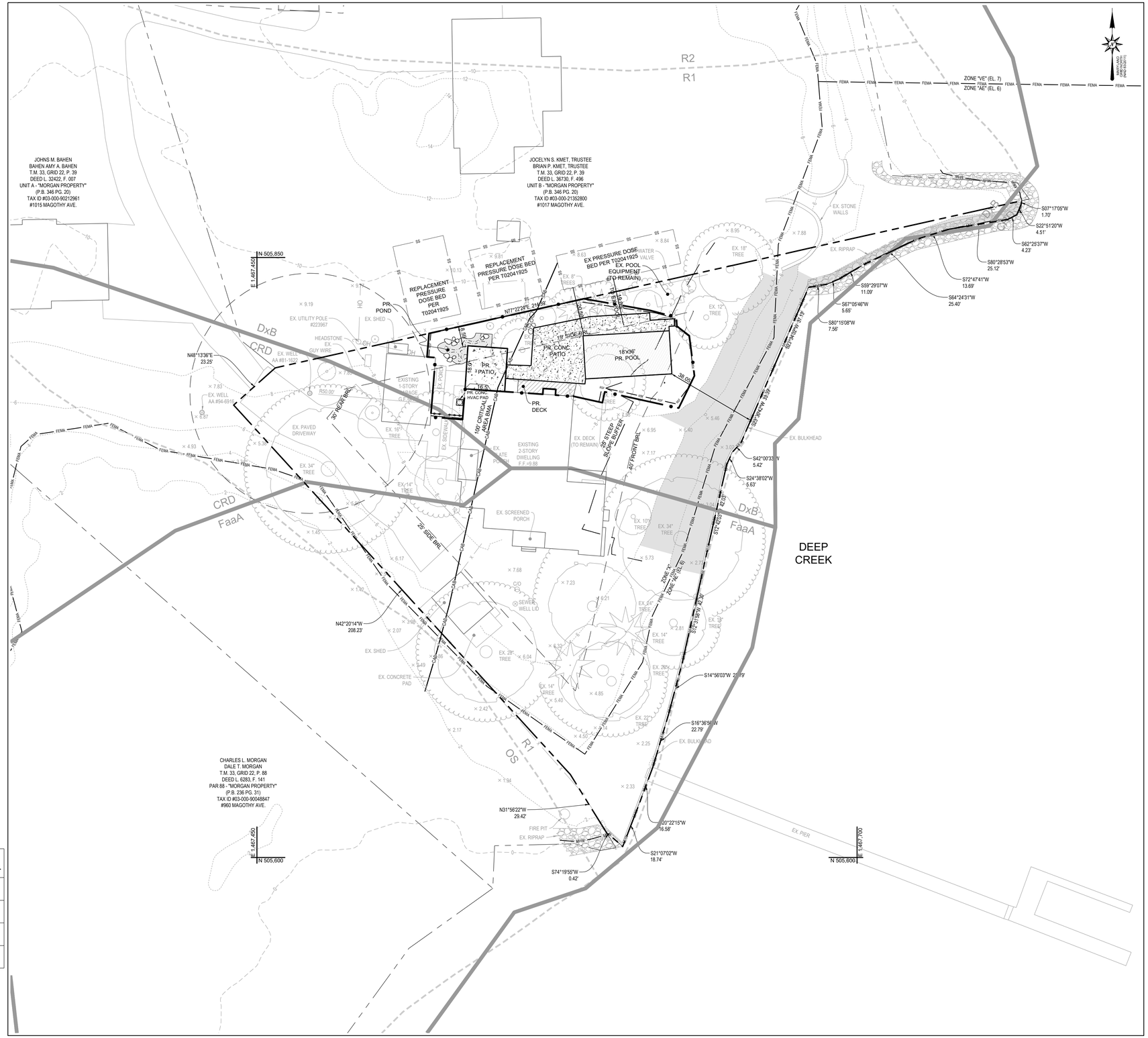
DESCRIPTION	AREA
PROPOSED DISTURBANCE IN 25' SLOPE BUFFER.....	658 SQ. FT. OR 0.015 AC.
PERMANENT DISTURBANCE.....	217 SQ. FT. OR 0.004 AC.
TEMPORARY DISTURBANCE.....	472 SQ. FT. OR 0.011 AC.

STEEP SLOPE DISTURBANCE SUMMARY

TOTAL PROPOSED DISTURBANCE AREA.....	3,832 SQ. FT. OR 0.088 AC.
15% SLOPE DISTURBANCE.....	0 SQ. FT. OR 0.000 AC.
25% SLOPE DISTURBANCE.....	0 SQ. FT. OR 0.000 AC.

SOILS TABLE

SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRIC SOIL	HIGHLY ERODABLE SOIL
CRD	COLLINGTON AND ANNAPOLIS SOILS (10-25% SLOPES)	"B"	14.1%	NO	NO
DXB	DOWNER-PHALANX COMPLEX (2-5% SLOPES)	"A"	41.1%	NO	NO
FaaA	FALLSINGTON SANDY LOAMS (0-2% SLOPES), NORTHERN COASTAL PLAINS	"C/D"	44.5%	YES	NO



PROPOSED CONDITIONS PLAN
SCALE: 1" = 20'

Revisions

Rev. #	By	Date	Description

I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional surveyor under the laws of the State of Maryland.

STATE OF MARYLAND — JOHN TIMOTHY MARTIN — No. 21212 — PROFESSIONAL LAND SURVEYOR

TIMOTHY J. MARTIN — DATE — MD. REG. ZONE 4 — EXPIRATION DATE — LICENSE NO.

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Date
JANUARY 2024

Job Number
23-8907

Scale
AS SHOWN

Drawn By
J. MARLOWE & M. GILLESPIE

Approved By
TIM MARTIN

Folder Reference
ROBERTS PROPERTY
1019 MAGOTHY AVENUE

PROPOSED CONDITIONS PLAN

VARIANCE SITE PLANS
FOR THE
ROBERTS PROPERTY

1019 MAGOTHY AVENUE, ARNOLD, MD 21012
TAX MAP 33 ~ GRID 22 ~ PARCEL 40
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Sheet No. 2 OF 2

PLOTTED: Jan 11 , 2024 - 2:43pm

F:\23-8907 Roberts Property 1019 Magothy Ave\Drawing Files\23-8907 Variance Plan\23-8907 Variance Plan.dwg

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
33	40	22		

Tax ID: 3-000-1981 4421

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1 General Project Information

Project Name (site name, subdivision name, or other): Roberts Property

Project location/Address: 1019 Magothy Ave

City: Arnold Zip: 21012

Local case number:

Applicant: Last name: Roberts First name: Raymond

Company:

Application Type (check all that apply):

Building Permit	☐	Variance	☒
Buffer Management Plan	☐	Rezoning	☐
Conditional Use	☐	Site Plan	☐
Consistency Report	☐	Special Exception	☐
Disturbance > 5,000 sq ft	☐	Subdivision	☐
Grading Permit	☐	Other	☐

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:

Remove ex pool + outdoor living area, build new pool, porch + outdoor living Area

	Yes		Yes
Intra-Family Transfer	☐	Growth Allocation	☐
Grandfathered Lot	☑	Buffer Exemption Area	☒

Project Type (check all that apply)

Commercial	☐	Recreational	☐
Consistency Report	☐	Redevelopment	☐
Industrial	☐	Residential	☒
Institutional	☐	Shore Erosion Control	☐
Mixed Use	☐	Water-Dependent Facility	☐
Other	☐		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	0	0
LDA Area	0.665	28,988
RCA Area	0	0
Total Area	0.665	28,988

	Acres	Sq Ft
Total Disturbed Area	0.087	3,806

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.395	17,225	Existing Lot Coverage	0.219	9556
Created Forest/Woodland/Trees	TBD	TBD	New Lot Coverage	0.045	1,947
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.054	2,347
			Total Lot Coverage	0.209	9,136

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.062	2,688	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.026	1,118	Mitigation	TBD	TBD

Variance Type		Structure	
Buffer	☒	Acc. Structure Addition	☒
Forest Clearing	☐	Barn	☐
HPA Impact	☐	Deck	☐
Lot Coverage	☐	Dwelling	☐
Expanded Buffer	☐	Dwelling Addition	☒
Nontidal Wetlands	☐	Garage	☐
Setback	☑	Gazebo	☐
Steep Slopes	☐	Patio	☒
Other	☐	Pool	☒
		Shed	☐
		Other	☐

CRITICAL AREA REPORT

ROBERTS PROPERTY
1019 MAGOTHY AVENUE
ARNOLD, MD 21012

November 2023

Prepared for:
Raymond & Jeanne Roberts
1019 Magothy Avenue
Arnold, MD 21012

Prepared by:
Atwell LLC
2661 Riva Rd. Building 800
Annapolis, MD 21401

INTRODUCTION

This site is a 28,988 square foot property that is located on the south side of Magothy Avenue, a variable width public right of way, in Arnold, MD. The property is 1019 Magothy Avenue. The proposal is remove the pool and concrete decking, and reconfigure the outdoor living space, and add a porch. The site is served by septic and well. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Limited Development Area (LDA). The site is waterfront, and is located in a buffer modification area. The property is zoned residential, R-1.

EXISTING USE

The property consists of 28,988 square foot property. The site is currently developed with a house, driveway, detached garage pool, outside living space and associated improvements. The property is served by an access to Magothy Avenue, a variable width public right of way.

SURROUNDING LAND USE

The properties that abut the site are developed as single-family lots. The site is bounded by a developed property to the north and south. It is bounded by the Magothy River/Deep Creek to the east.

SOILS

The U.S. Department of Agriculture Soil Survey, defines the property to have a soil type of CRD – Collington and Annapolis Soils 10 TO 25% Slopes (B Soils), DXB – Downer Phalanx Complex 2-5% slopes (A Soils) and FaaA – Fallsington Sandy Loams 0-2% Slopes (C/D Soils)

FLOODPLAIN

The property described hereon is located in the flood hazard zones "X" - (area of minimal flood hazard) and zone 'AE' (elevation 6.0') as delineated on the firm flood insurance map #24003C0187F dated February 18, 2015 for said county and distributed by the Federal Emergency Management facility.

NON-TIDAL WETLANDS

There appear to be no Non Tidal Wetlands on the site.

TIDAL WETLANDS

There appear to be no Tidal Wetlands on this site.

BODIES OF WATER

The site drains into the Magothy River/Deep Creek.

STEEP SLOPES

There are steep slopes on the property, defined as 15% or greater in the Critical Area. They are located adjacent to the shoreline and will not be disturbed for this work

RARE AND ENDANGERED SPECIES

A review of Federal and/or State listed species of rare, threatened or endangered species of plants or animals has been requested via the enclosed letter to Lori Byrne of the Maryland Department of Natural Resources Fish, Heritage and Wildlife Administration.

STORMWATER MANAGEMENT

Stormwater management will be provided as required during the permit process.

FOREST COVER

The existing forest cover is limited to a few overstory trees. The property would be defined as develop woodlands. The understory is mostly ground level, and includes ivy and several invasive species.

The following are typical trees of areas such as this site:

Common Name	Scientific Name
White Oak	*Quercus alba*
Eastern Sycamore	*Platanus occidentalis*
American Holly	*Ilex opaca*
Beech	*Fagus grandifolia*
Yellow Poplar	*Liriodendron tulipfera*
Mountain Laurel	*Kalmia latifolia*

WILDLIFE TYPICAL OF THIS AREA

Common Name	Scientific Name
Eastern Gray Squirrel	*Sciurus Carolinensis*
Osprey	*Pandion haliaetus*
Common Crow	*Corvus Brachythynchos*

Northern Cardinal *Richmondena Cardinalis*

SITE CALCULATIONS

1. Total Site area.....28,988 sq. ft.
2. Site area in Critical area.....28,988 sq. ft
3. Existing lot coverage .....9,556 sq. ft.
4. Existing lot coverage to remain....7,189 sq. ft.
4. Proposed lot coverage .....1,947 sq. ft.
5. Total Lot Coverage after Construction...9,136 sq. ft.

Real Property Data Search ( )
Search Result for ANNE ARUNDEL COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 03 Subdivision - 000 Account Number - 19814421

Owner Information

Owner Name:	ROBERTS JEANNE K ROBERTS RAYMOND C	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	1019 MAGOTHY AVE ARNOLD MD 21012-	**Deed Reference:**	/38956/ 00324

Location & Structure Information

Premises Address:	1019 MAGOTHY AVE ARNOLD 21012-0000 Waterfront	**Legal Description:**	.77 ACRE 1019 MAGOTHY AVE CEDAR POINT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0033	0022	0040	3190050.02	000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1984	3,043 SF		33,541 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	FRAME/4		3 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2022	As of 07/01/2022	As of 07/01/2023
Land:	590,400	730,400		
Improvements	409,600	430,100		
Total:	1,000,000	1,160,500	1,053,500	1,107,000
Preferential Land:	0	0		

Transfer Information

Seller: NIELSEN JERRY P	**Date:** 07/21/2022	**Price:** $2,650,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /38956/ 00324	**Deed2:**
Seller: MAY, KATHLEEN A	**Date:** 11/15/2007	**Price:** $1,350,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /19675/ 00121	**Deed2:**
Seller: MAY JR, RICHARD L	**Date:** 05/10/2006	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /17805/ 00566	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

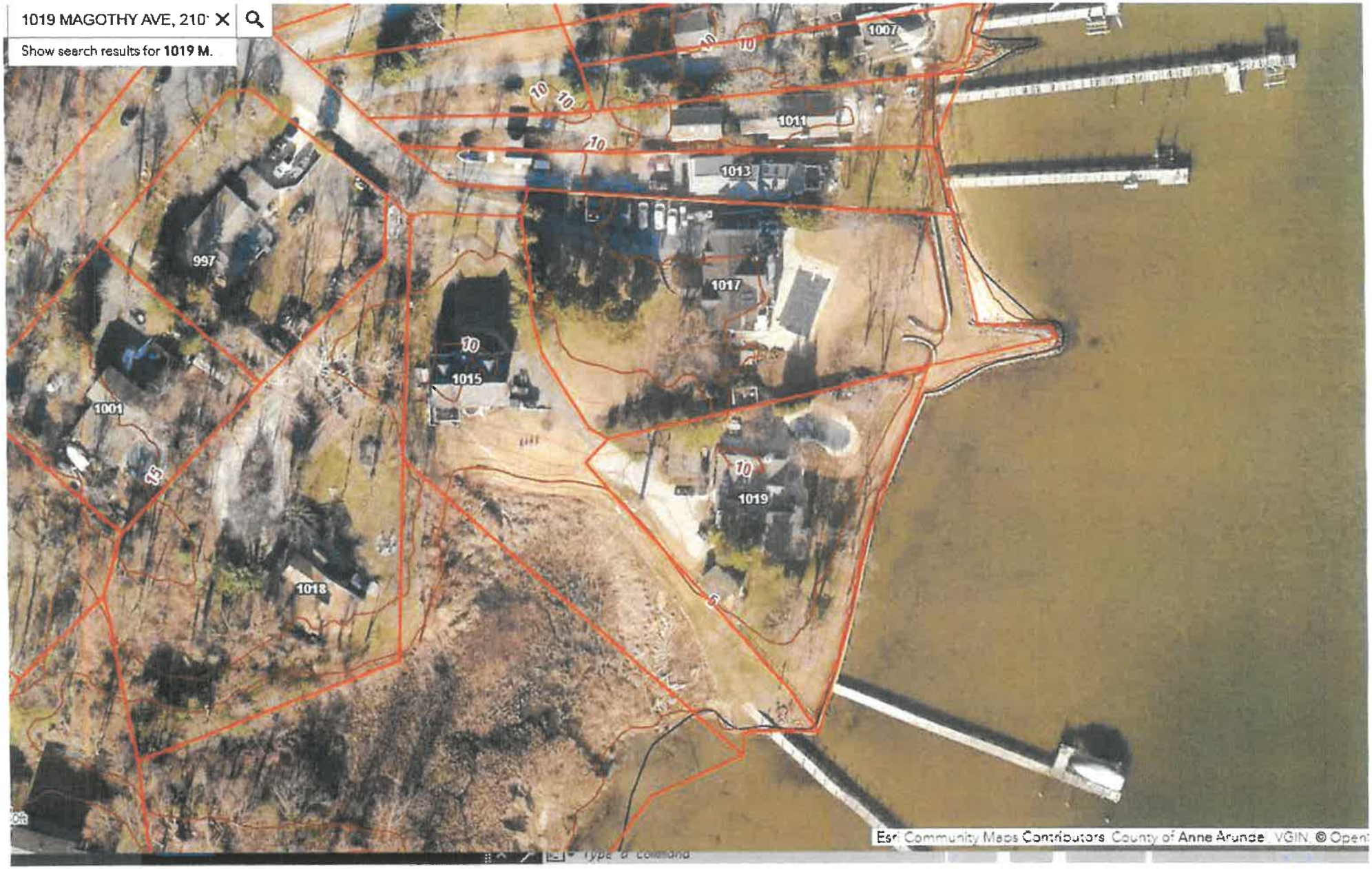
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

1019 MAGOTHY AVE, 210
Show search results for 1019 M...
1007
1011
1013
997
1017
1015
1001
1018
Address Points: MAGOTHY
Address 1019 MAGOTHY AVE, 21012
Zoom to
Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStre


1019 MAGOTHY AVE, 210
Show search results for 1019 M.
1007
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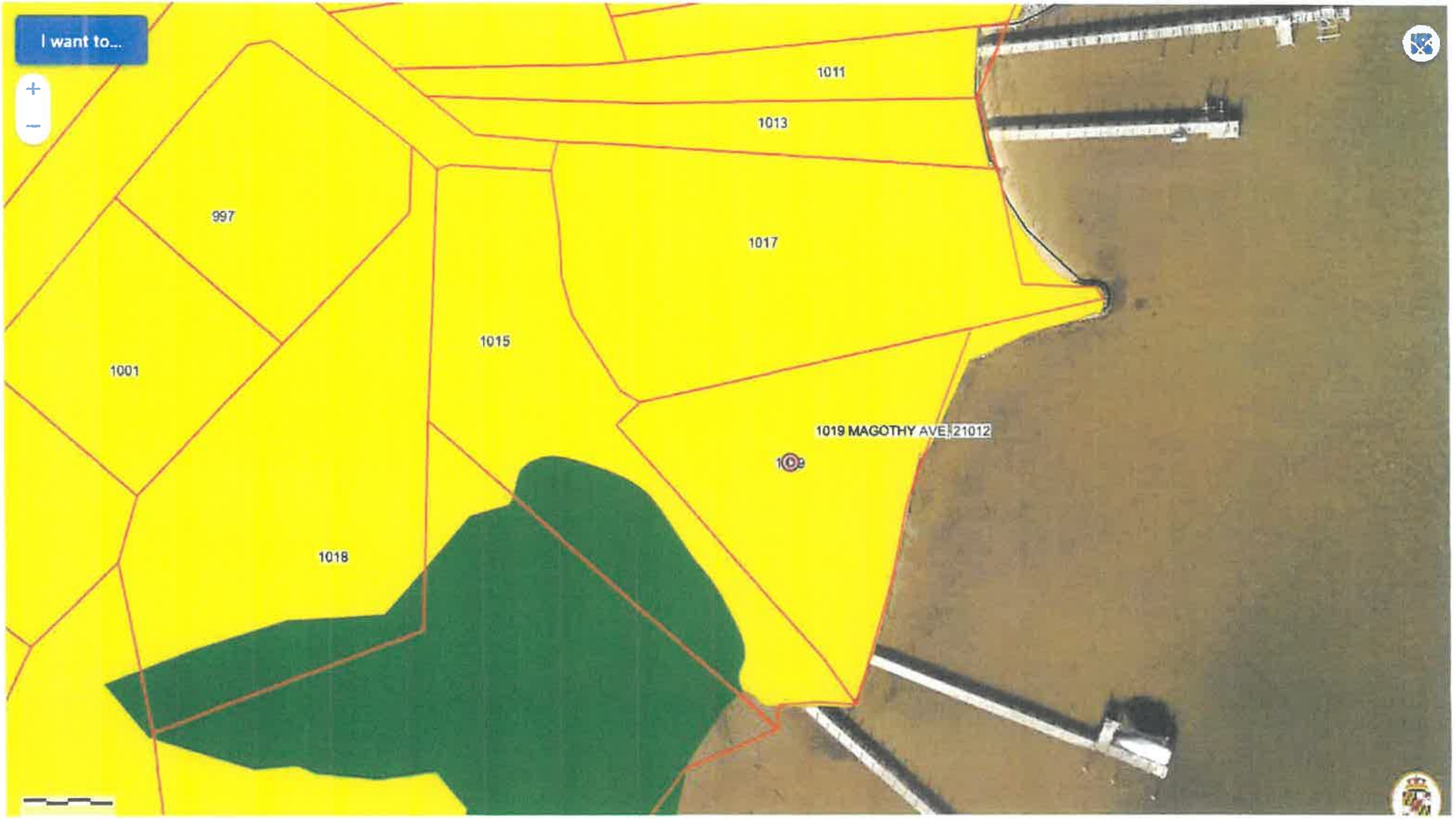
Esri Community Maps Contributors, County of Anne Arundel, VGIN, © Open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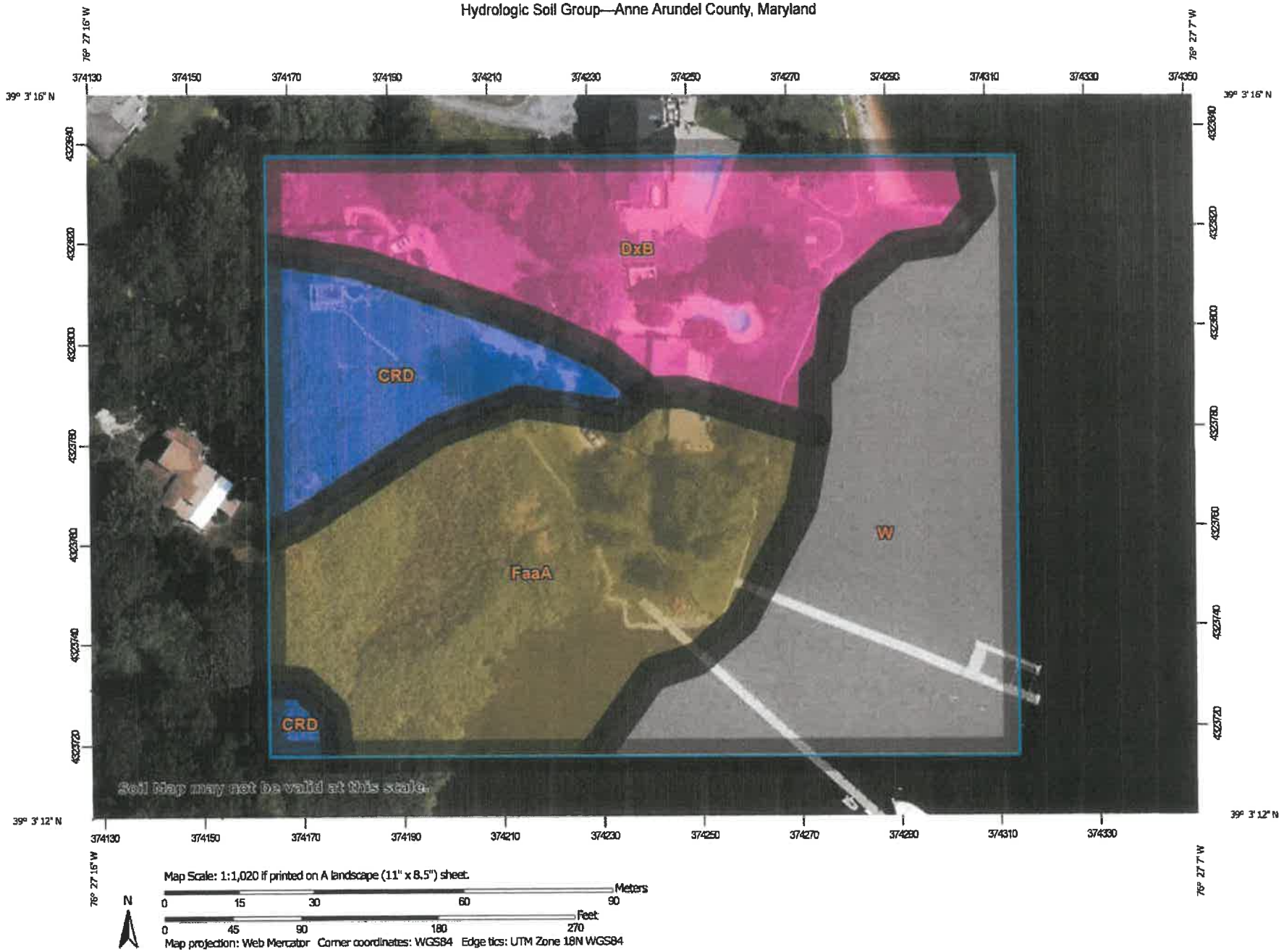
1019 MAGOTHY AVE, 21012
1018



Map Scale: 1:1,020 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 15 30 60 90

Feet: 0 45 90 180 270

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Anne Arundel County, Maryland
Survey Area Data: Version 22, Sep 12, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 20, 2022—Aug 13, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
CRD	Collington and Annapolis soils, 10 to 15 percent slopes	B	0.6	13.0%
DxB	Downer-Phalanx complex, 2 to 5 percent slopes	A	1.2	25.8%
FaaA	Fallsington sandy loams, 0 to 2 percent slopes, northern coastal plain	C/D	1.4	32.2%
W	Water		1.3	29.0%
Totals for Area of Interest			**4.5**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

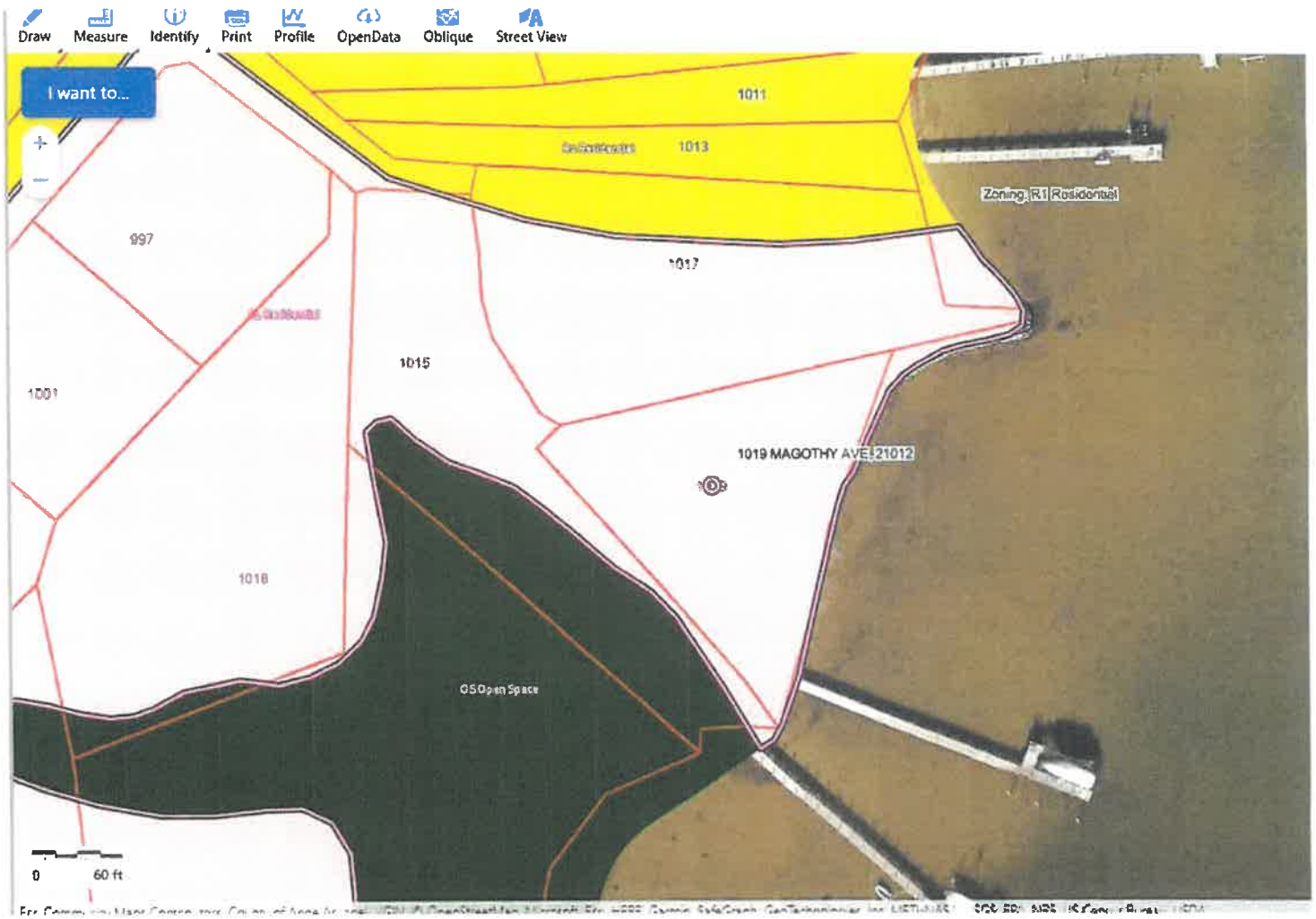
Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Zoning: (1)

Refine

Zoning: R1 Residential



National Flood Hazard Layer FIRMette

FEMA

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance / Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximat point selected by the user and does not represe an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/7/2023 at 4:46 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING 9/25/2023 PRE-FILE # 2023-0039-P

P&Z STAFF Rob Konowal, Kelly Krinetz

APPLICANT/REPRESENTATIVE Kehvannah Havlev EMAIL khavlev@bavengineering.com

SITE LOCATION 1019 Magothy Avenue LOT SIZE 28,988sf ZONING R1

CA DESIGNATION LDA BMA YES or BUFFER APPLICATION TYPE Variance

The applicant is proposing to remove the existing kidney shaped pool and replace it with a rectangular pool slightly further away from MHW. Proposed porch north side of dwelling.

Variances required for

1) new lot coverage nearer to the shoreline than the principal structure for pool.
2) side lot line setback variances for pool (5 feet) and porch (7 feet) require 15 feet
3) front lot line setback variance of 12 feet for pool require 50 feet

Zoning Division - Must provide evidence a 18 foot by 36 pool represents the minimum variance necessary to afford relief.

Critical Area Team - The reconfiguration is general within the existing developed area.
No objection.

Cultural Resources - An archaeology site, 18AN259, is recorded to overlap this property but is likely destroyed within the proposed LOD by existing development. The Cultural Resources Section has no requirements for the variance plan, but shall need to review associated permits to confirm that there will be no new disturbance if the LOD changes.

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.