



238 West Street
Annapolis, MD 21401
Telephone (410) 946-1314
www.DalesAssociates.com

March 11, 2024

Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

Attn: Ms. Sterling Seay
Planning Administrator

*RE: Letter of Explanation
Application for Variance
621 Ayrlie Water Road
Gibson Island, MD 21056*

Dear Ms. Seay,

Dales Associates represents William B. Whitney, IV Trustee and Suzanne G. Whitney Trustee (herein collectively, the "**Applicant**"), the owner of the real property located at 621 Ayrlie Water Road, Gibson Island, MD 21056 (the "**Property**"). The Applicant seeks a variance to side yard setbacks and corner side yard lot lines pursuant to the criteria set forth in Anne Arundel County Code §18.16.305 to allow the enclosure of an existing carport and a second story addition above that existing car port.

Property Background

The Property is 26,300 SF in Gibson Island, MD on Map 34 and Parcel 30 with Tax Account Number 03-350-12258400. *See Attachment A* for Vicinity Map. The Property is zoned R1. *See Attachment B* for Zoning Map. Currently on the Property is a 1,714 SF single-family house with an attached carport that was built in 1933.

The Property is a part of a single-family neighborhood with the rear of the lot backing up to the Chesapeake Bay. The majority of Gibson Island community is zoned R1 with a few properties having open space or maritime zoning. The Property is also located in the Limited Development Area ("LDA") of the Chesapeake Bay Critical Area ("the Critical Area"). The car port is *not*, however, located within the 100' buffer zone of the CA.

Proposed Modifications

The existing single-family house will remain. The only proposed renovation is to the carport, which will be converted into a garage with bonus room on the second floor. The existing carport is approximately 29'-1" by 29'-10" and the garage will have the same footprint. The second floor will be 18'-10" by 26'-10" with two dormers approximately 4'-6" wide and 4' deep on the front façade and a single dormer on the rear

façade 17'-10" wide and 4' deep. The front façade is designed to be consistent with the character of the existing house and to utilize the same roofing, siding, and shutter materials. The proposed height of the second floor is 23'-5 ¼" to be in line with the height of the house.

The current car port is 3.3' from the left lot line at its closest distance and the house is 8.9' to the right lot line. With these current conditions, the left side yard is reduced by 31.1' as it is considered a corner side yard because it abuts Sea Whiff Path, while the right-side yard is reduced by 11.7'.

The variance requested is to the side and corner side yard setbacks. Pursuant to § 18-4-501, the side yard setback is 15' while the corner side lot line is 40' in the R1 district. Currently, the left yard side yard is 3.3' while the right yard is 8.9'. The Applicant is not proposing to change the current side yard setbacks but intends to redevelop the existing carport to create a garage with additional living space above.

Review Criteria

The review of this application for a variance by the Administrative Hearing Officer ("**Officer**") is governed by the criteria set forth under § 18-16-305. To approve the proposed variance, the Officer must make written findings with respect to the criteria.

§ 18-16-305(a) Requirements for zoning variances.

- (1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or**
- (2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.**

As the Property is within the critical area, the Applicant intends to utilize the existing carport footprint to create a garage with a second floor to utilize as a bonus room. There will be no increase in impervious surfaces onsite. Due to the location of the house within the critical area, there are no other reasonable locations to place a garage or addition. If the Applicant chooses a different location, it will be more detrimental than utilizing the existing lot coverage. Therefore, the Applicant is requesting a variance to side yards and corner side yard to construct the garage with second floor living area. The location of the garage is outside of the 100' buffer and will not decrease the waterfront setback.

§ 18-16-305(c) Requirements for all variances.

- (1) the variance is the minimum variance necessary to afford relief; and**
- (2) the granting of the variance will not:**
 - (i) alter the essential character of the neighborhood or district in which the lot is located;**
 - (ii) substantially impair the appropriate use or development of adjacent property;**
 - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;**
 - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor**
 - (v) be detrimental to the public welfare.**

The Applicant is requesting a left side yard variance of 11.7' and a corner side yard variance of 36.7' for the left corner lot line.

The variance requested is the minimum necessary to allow the Applicant to convert the carport into a garage, as the Applicant is utilizing the existing footprint.

For the same reason, the requested variances will not alter the essential character of the neighborhood or district in which the Property is located. Further, a garage is a reasonable use for a single-family house in the Gibson Island community, where many homes include a garage. The architectural style and design of the proposed garage will be in keeping with the style of the existing home and compatible with others in the neighborhood. Additionally, the proposed alterations will utilize the same materials as those associated with the existing house.

Further, the variance will not impair the use or development of adjacent properties. There will be no impact to the neighbors as the proposed area for the garage already has an existing structure, and the Applicant simply intends to enclose it. The height of addition will not be taller than the existing house, and therefore will not impact neighbor's views.

Nor will the proposed alterations be contrary to acceptable clearing and replanting practices since the proposal is proposed above existing lot coverage. That is, the requested variance will not reduce forest cover or require clearing or mitigation. The variance will also not be detrimental to the public welfare.

Conclusion

For all the above-stated reasons, the Applicant respectfully requests that the Officer grant the variance at 621 Ayrlie Water Road, Gibson Island, MD. Thank you for your consideration of this request.

Sincerely,



Phil Dales
Dales Associates
238 West Street
Annapolis, Maryland 21401
(410) 946-1314
dales@dalesassociates.com

Attachment A

on Island



Legend

 Whitney Property

0 0.04 0.09 0.17
Miles

Vicinity Map

Sources: Esri, Airbus DS, USGS, NGA, NASA, OGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasynthese, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Anne Arundel, VGIN, ©

Attachment B

on Island

Gibson Island
Post Office

R1 Residential

Legend

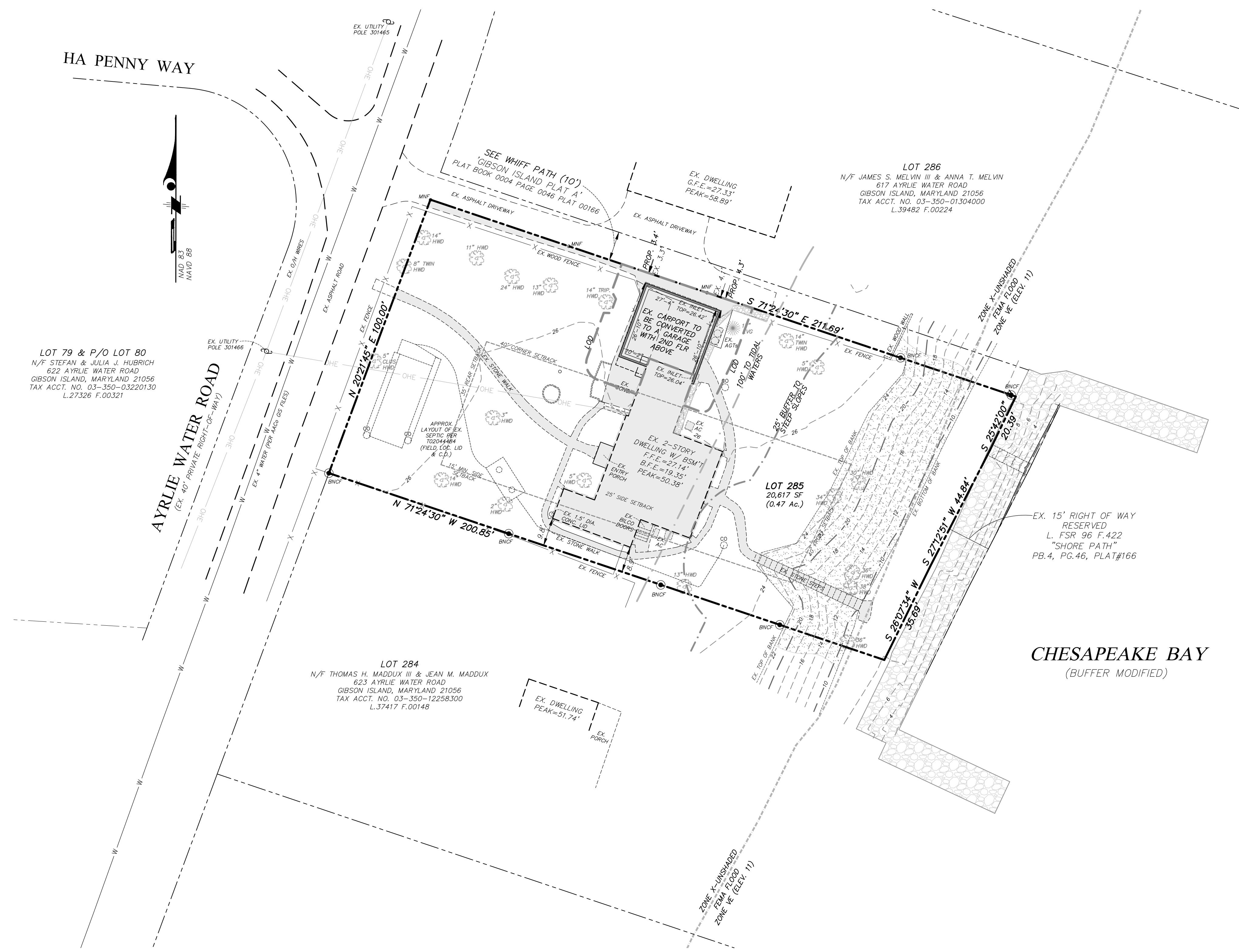
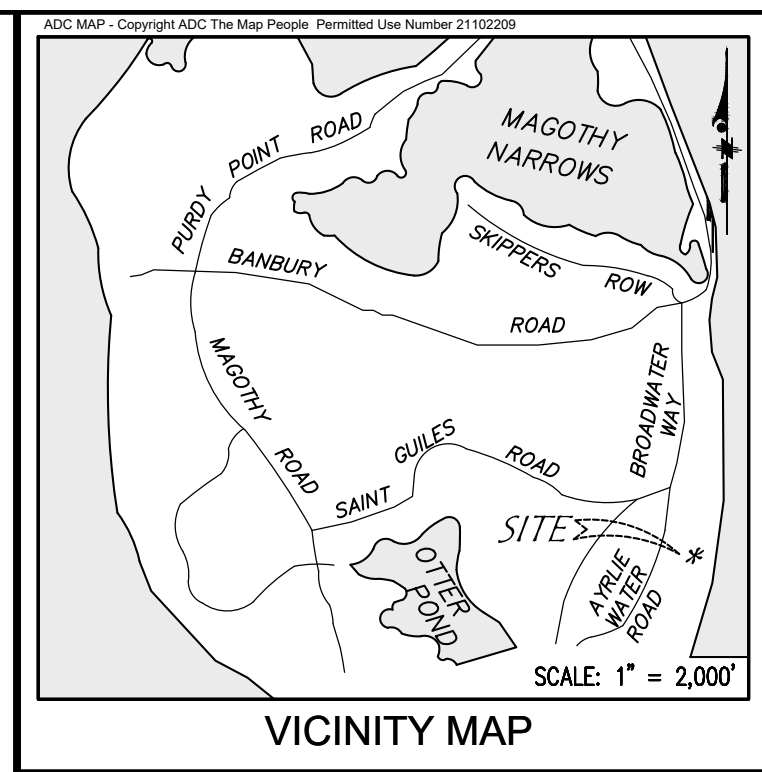
Current Zoning

- MA1-Community Marina
- R1 Residential
- Water
- Whitney Property



Zoning Map

Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, County of Anne Arundel, VGIN, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



LEGEND

	Existing Contour
	Existing Woods Line
	Existing Power Pole
	Existing Overhead Electric
	Existing Waterline
	100' to Tidal Waters
	25' Buffer to Steep Slopes
	Existing Spot Elev.
	Existing Improvements
	Limit of Disturbance

SITE TABULATIONS

• Total Site Area:	20,617 S.F. (0.47 Ac.)
• Lot Coverage:	
-Existing Lot Coverage:	4,237 S.F. (0.10 Ac.)
-Allowable Lot Coverage:	6,443 S.F. (0.15 Ac.)
-Proposed Lot Coverage:	4,238 S.F. (0.10 Ac.)
• Coverage by Structures:	
-Existing Coverage by Structures:	2,744 S.F. (±13%)
-Allowable Coverage by Structures:	5,154 S.F. (25%)
-Proposed Coverage by Structures:	2,766 S.F. (±13%)
• Critical Area Designation:	LDA
• Site Zoning: R-1	
Principal Structure Setbacks	
-Front:	40'
-Rear:	35'
-Side:	15'/40'
• Existing Building Height (to Peak):	24' - 6 1/2"
• Proposed Addition Height (to Peak):	24' - 5 1/4"

FLOODPLAIN NOTES

The property shown hereon lies in the FEMA Flood Zones VE (Base flood elevation 11.0) and X-Unshaded, as shown on the FEMA Flood Insurance Rate Maps, Community Panel Number FM24003C0185F bearing an effective date of 18 February 2015. Any flood zone lines shown hereon are depicted from the FEMA maps and are for interpretation only.

DESIGNED: MMD DRAWN: KLY

ORIG. DATE: 03-14-23

MODIFIED BY/DATE:

CADD DWG # GW04623

DLA PROJECT # GW04623

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REVISIONS TO APPROVED PLANS			
No.	DATE	BY	DESCRIPTION

Drum, Loyka & Associates, LLC
 CIVIL ENGINEERS - LAND SURVEYORS
 1410 Forest Drive, Suite 35
 Annapolis, Maryland 21403
 Phone: 410-280-3122 • Fax: 410-280-1952
 www.drumloyka.com

CLIENT:

MR. WILLIAM WHITNEY, IV
 621 AYRLIE WATER ROAD
 GIBSON ISLAND, MARYLAND 21056

VARIANCE PLAN
GIBSON ISLAND ~ LOT 285
 621 AYRLIE WATER ROAD, GIBSON ISLAND, MD 21056
 TAX ACCT. NO. 03-350-12258400
 TAX MAP 0034 GRID 0007 PARCEL 0030 DISTRICT 3RD
 ANNE ARUNDEL COUNTY, MARYLAND

SCALE: 1"=20' DATE: FEB. 8, 2024 PROJ. NO: GW04623 SHEET 1 OF 1

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: _____ Date _____

Tax Map #	Parcel #	Block #	Lot #	Section
0034	0030	0007	285	

FOR RESUBMITTAL ONLY

Corrections

Redesign

No Change

Non-Critical Area

* Complete only Page 1
General Project Information

Tax ID

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

Project location/Address

City Zip

Local case number

Applicant: Last name First name

Company

Application Type (check all that apply):

- | | |
|--|--|
| Building Permit <input type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/> | Rezoning <input type="checkbox"/> |
| Conditional Use <input type="checkbox"/> | Site Plan <input type="checkbox"/> |
| Consistency Report <input type="checkbox"/> | Special Exception <input type="checkbox"/> |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input type="checkbox"/> | Other <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name: _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Convert existing carport to a garage addition with associated improvements

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

Project Type (check all that apply)

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

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area	0.04	
LDA Area	0.47		# of Lots Created	0	
RCA Area					
Total Area	0.47				

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.25		Existing Impervious Surface	0.10	
Created Forest/Woodland/Trees	0.00		New Impervious Surface	0.00	
Removed Forest/Woodland/Trees	0.00		Removed Impervious Surface	0.00	
			Total Impervious Surface	0.10	

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.00		Buffer Forest Clearing		
Non-Buffer Disturbance	0.04		Mitigation		

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Impervious Surface
 Expanded Buffer
 Nontidal Wetlands
 Steep Slopes
 Setback
 Other

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other

Chesapeake Bay Critical Area Report

Gibson Island ~ Lot 285

Tax Map 34, Grid 7, Parcel 30

Tax Account No. 03-350-12258400

Property Address: 621 Ayrлие Water Road
Gibson Island, Maryland 21056

April 16, 2024

Property Owners & Variance Applicant: Suzanne and William Whitney, IV

Critical Area Designation: LDA **Zoning:** R-1 **Lot Area:** 0.47 Ac.

Site Description

The subject property is a legal building lot located off of Ayrлие Water Road on Gibson Island and enjoys frontage on the Chesapeake Bay. The site is currently improved with a single-family dwelling, attached carport, and associated improvements. Steep slopes lie to the east of the improvements and lead to the shoreline. The lot is zoned R-2 and is completely within the Chesapeake Bay Critical Area, with an LDA land use designation. Private septic and Gibson Island public water service the property.

Description and Purpose of Variance Request

The applicants propose to convert the existing carport to a garage addition with the associated improvements. Due to the unique physical conditions inherent to the property, the following variances to the Anne Arundel County Code are being requested: **Article 18, Section 4-501** to the required side and corner side yard setback requirements.

The applicants propose to construct a small garage addition to the existing dwelling. The addition is modest in size and is almost entirely within the same footprint as the existing carport. The property is 19% under the required lot width for the R-1 zoning and only 52% of the required lot size. The property is served by private septic, which requires a large portion of the already substandard lot area, and it contains steep slopes, which are restricted from development. Additionally, 42% of the property lies within 100-ft to tidal waters. The proposed improvements were designed to account for the sensitive environmental features and take advantage of the existing structures and improvements to reduce the environmental impact as much as possible.

Vegetative Coverage and Clearing

The property has some ornamental shrubs and decorative landscaping surround the existing dwelling. The remainder of the lot is covered in lawn area and developed woodland. The existing wooded area totals roughly 10,800-sf. No tree removal is proposed for the development. Any reforestation and afforestation requirements for this property will be addressed during the permit phase of this project.

Impervious Lot Coverage

The site currently has 4,237-sf of lot coverage. The proposed impervious lot coverage for this property is 4,238-sf, which is well under the allowable 6,443-sf. The site currently has 2,744-sf

of coverage by structures. The proposed coverage by structures is 2,766-sf, which is below the allowable 25% in the R-1 zone.

Steep Slopes (slopes > 15%)

The subject property contains approximately 2,740-sf of steep slopes, all of which are located on the eastern portion of the property, leading to the Chesapeake Bay. None of the slopes will be disturbed for the proposed construction.

Predominant Soils

The predominant soil type is Patapsco-Evesboro-Fort Mott complex, 0 to 5 percent slopes (PeB). This soil has a type "A" hydrologic classification and is not considered a hydric soil (soils characteristic of wetlands).

Drainage and Rainwater Control

There appear to be no visible stormwater management devices on site. Stormwater management (if required) and sediment and erosion control will be provided for the proposed improvements and the specific design computations will be addressed during the permit phase of the project in accordance with Anne Arundel County design criteria.

Conclusions – Variance Standards

The need for the requested variances arises from the unique physical conditions of the site, specifically the size of the lot and the location of the existing improvements. The addition is proposed in the same location as the existing carport and does not encroach any closer to the property line. The addition is within the limits of existing improvements and does not require any more disturbance than if the existing improvements were to be removed or maintained. Additionally, the property is under the required area and width for the R-1 zoning. Denial of the requested variance would constitute an unwarranted hardship and deny the applicant's rights commonly enjoyed by other property owners. The variance request is not based on actions by the applicant and will not confer upon the applicant any special privilege that would typically be denied by COMAR or the local Critical Area Program. With the implementation of sediment/erosion controls, and stormwater management if required, the development will not have an adverse effect on water quality or negatively impact fish, wildlife, or plant habitat, and is in conformance with the general purpose and intent of the Critical Area Program. The variance is the minimum necessary to afford relief from the Critical Area legislation. The granting of the variance will not alter the character of the neighborhood, impair the use and development of adjacent properties, reduce forest cover in the LDA, nor be detrimental to the public welfare. Stormwater Management and reforestation requirements will be addressed during the permit phase of the project. Reforestation will be provided on-site to the extent practicable.

Reference:

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

Anne Arundel County Office of Planning & Zoning, 2007 Critical Area Map

Anne Arundel County Office of Planning & Zoning, 2007 Buffer Exemption Map

Anne Arundel County, Maryland; Chesapeake Bay Critical Area Mapping Program, 2007, Critical Area Map

Federal Emergency Management Agency, 2015. Flood Insurance Rate Map

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

Drum, Loyka and Associates LLC, 2024 Variance Plan

U.S. Department of Agriculture, Natural Resource Conservation Service –2003 Soil Survey of Anne Arundel County Maryland.

State Highway Administration of Maryland, 1989. Generalized Comprehensive Zoning Map: Third Assessment District

WHITNEY RESIDENCE - RENOVATION AND ADDITIONS



**EM
DB**

EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

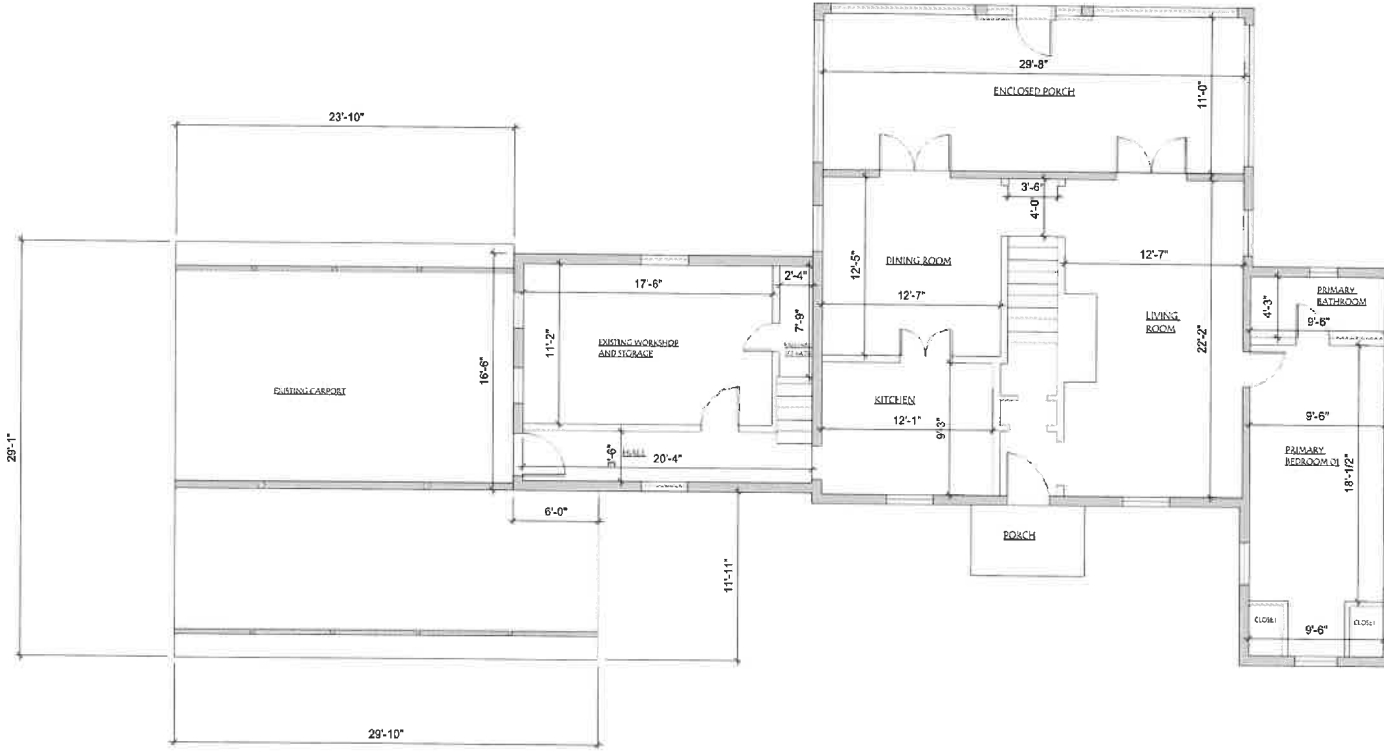
PROJECT
WHITNEY

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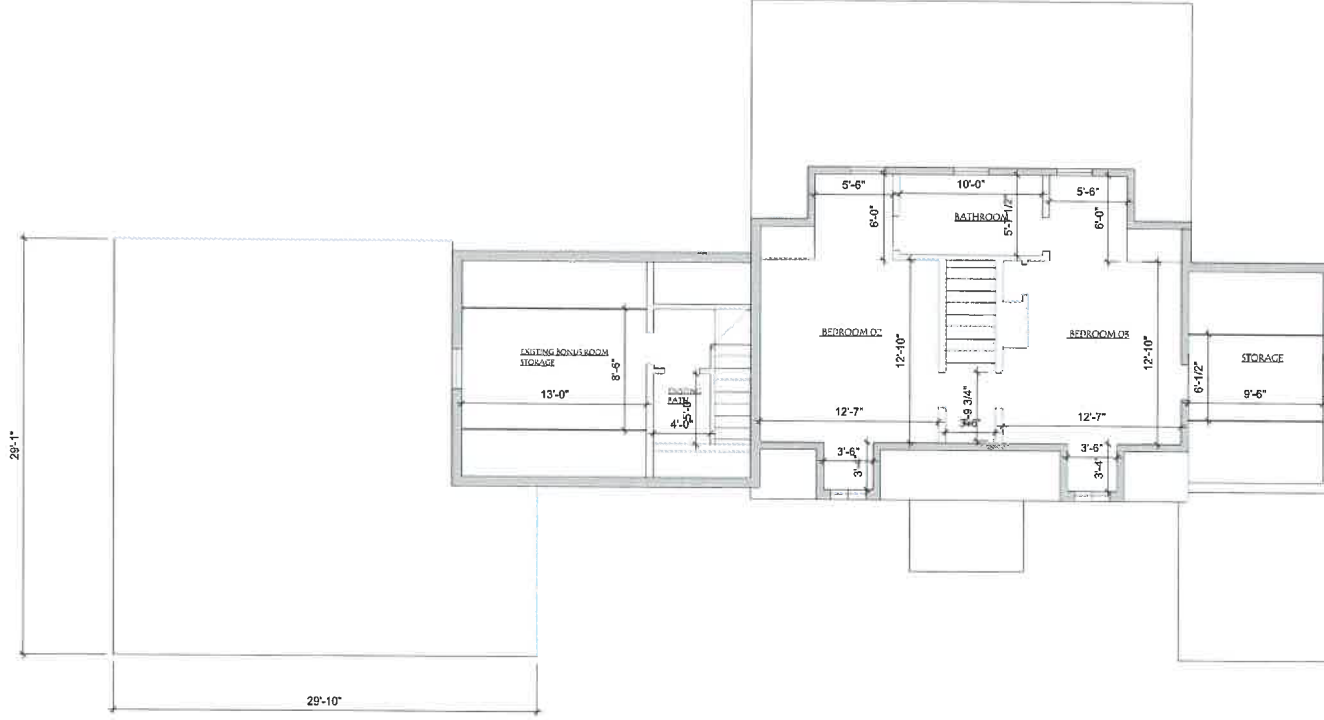
02-08-2024

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EXISTING CONDITIONS: FIRST FLOOR



EXISTING CONDITIONS
SECOND FLOOR PLAN:



SCALE: 1/4" = 12"

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02-08-2024

PROJECT
WHITNEY

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

EXISTING CONDITIONS: ELEVATIONS

EAST ELEVATION



WEST ELEVATION



EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

PROJECT
WHITNEY

SCALE: 1/4" = 12"

02-08-2024

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EXISTING CONDITIONS: ELEVATIONS

SOUTH ELEVATION



NORTH ELEVATION



EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

PROJECT
WHITNEY

SCALE: 1/4" = 12"
02-08-2024

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PROPOSED ELEVATIONS

EAST ELEVATION



WEST ELEVATION



EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

PROJECT
WHITNEY

SCALE: 1/4" = 12"

02-08-2024

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PROPOSED: ELEVATIONS

SOUTH ELEVATION



NORTH ELEVATION



EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

PROJECT
WHITNEY

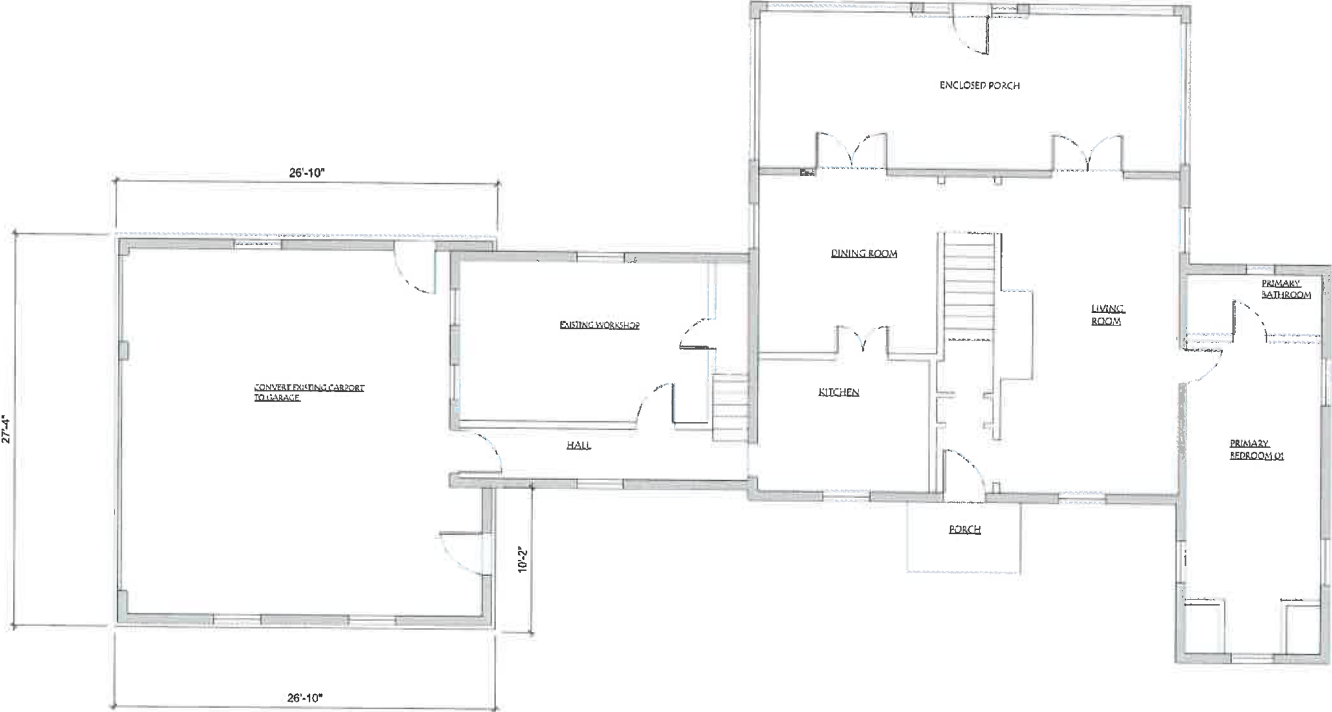
SCALE: 3/4" = 1"

02-08-2024

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PROPOSED FLOOR PLAN: FIRST FLOOR



**EM
DB**

EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

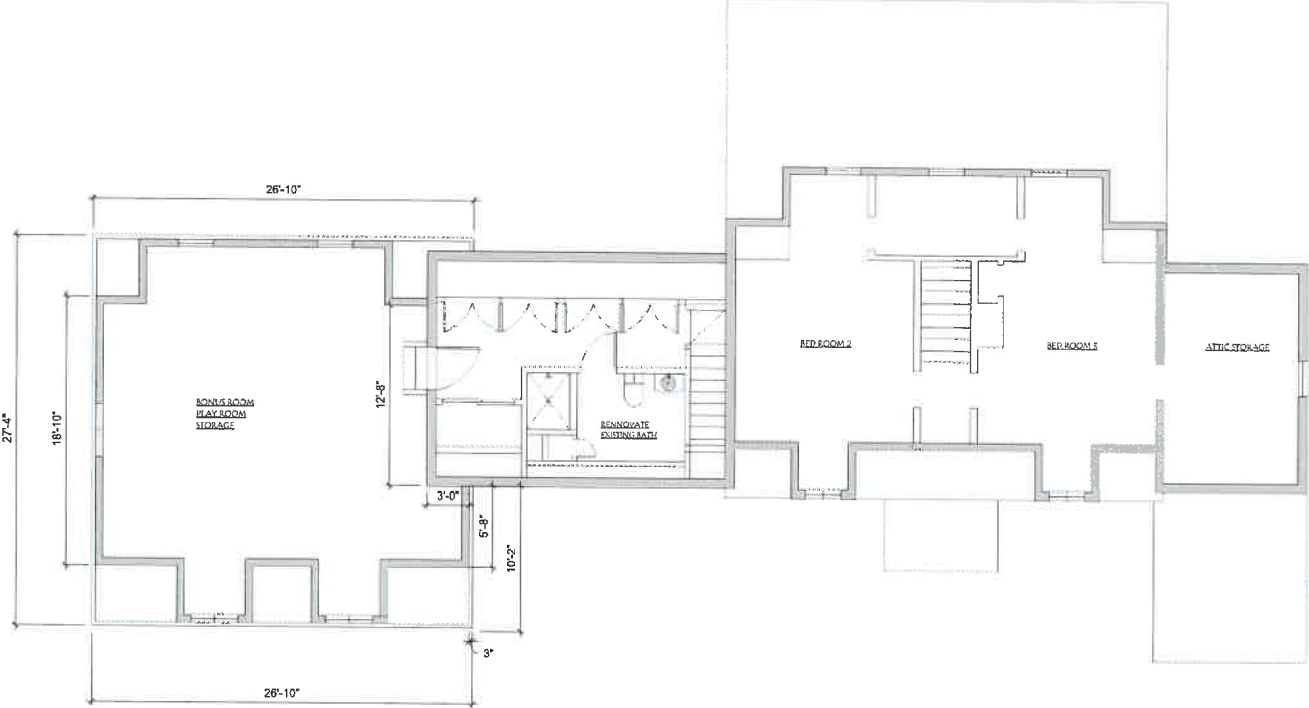
WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

PROJECT
WHITNEY

SCALE: 1/4" = 12"
02-08-2024

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PROPOSED FLOOR PLAN: SECOND FLOOR



SCALE: 1/4" = 12"

02-08-2024

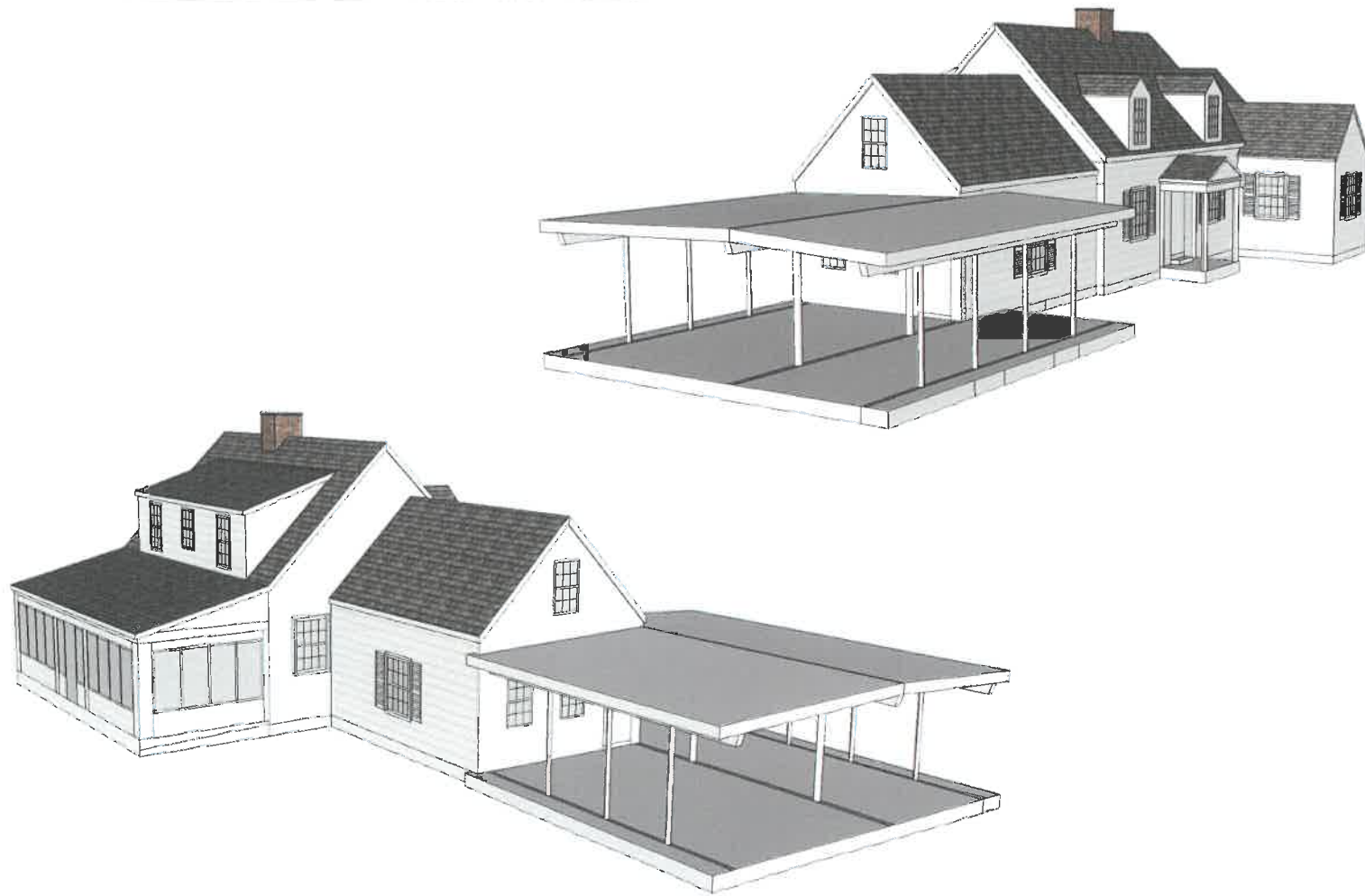
PROJECT
WHITNEY

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

EM DESIGN BUILD LLC
 6315 LAGRANGE LANE
 BALTIMORE MD 21212

A
 18.0

EXISTING CONDITIONS: ELEVATIONS-3D



**EM
DB**

EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

PROJECT
WHITNEY

SCALE: 1/4" = 12"

02-08-2024

A

E.1

PROPOSED ALTERATIONS AND ADDITIONS: ELEVATIONS 3D



**EM
DB**

EM DESIGN BUILD LLC
6315 LAGRANGE LANE
BALTIMORE MD 21212

WHITNEY RESIDENCE
621 AYRLIE WATER RD
GIBSON ISLAND, MD 21056

PROJECT
WHITNEY

SCALE: 1/4" = 12"

02-08-2024

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E2



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2023-0069-P)

DATE OF MEETING: 12/26/2023

P&Z STAFF: Sara Anzelmo

APPLICANT/REPRESENTATIVE: W. Whitney/Phil Dales EMAIL: wbwhitneyiv@gmail.com, dales@dalesassociates.com

SITE LOCATION: 621 Ayrle Water Rd, Gibson Island LOT SIZE: 26,300 sf ZONING: R1

CA DESIGNATION: LDA BMA: Yes or BUFFER: No APPLICATION TYPE: Variance

The existing single-family house will remain. The only proposed renovation is to the carport, which will be converted into a garage with bonus room on the second floor. The existing carport is approximately 29'-1" by 29'-10" and the garage will have the same footprint. The second floor will be 21'-1" by 29'-10" with two dormers approximately 4'-4" wide and 4' deep on the front façade and a single dormer on the rear façade 17'-6" wide and 4' deep. The front façade is designed to be consistent with the character of the existing house and to utilize the same roofing, siding, and shutter materials. The current car port is 3.3' from the left lot line at its closest distance and the house is 7.5' to the right lot line. With these current conditions, the left side yard is reduced by 11.7' while the right-side yard is reduced by 17.5' due to the combined side yard setback of 40' requirement. The variance requested is to the side and combined side yard setbacks. Pursuant to § 18-4-501, the side yard setback is 15' while the combined side lot lines is 40' in the R1 district. Currently, the left yard side yard is 3.4' while the right yard is 7.5'. The Applicant is not proposing to change the current side yard setbacks but intends to redevelop the existing carport to create a garage with additional living space above.

COMMENTS

The **Zoning Administration Section** notes that the requested variances are not accurately described. The lot is undersized for the R1 District. § 18-2-301(f) allows a single-family detached dwelling on a lot that does not meet the area or width requirements of the Code to be expanded if the expansion is set back at least 25' from the front and rear lot lines and seven feet from side lot lines and does not exceed 35' in height. Therefore, the 40' combined setback does not apply and a variance to the 40' combined setback is not required. However, this property abuts Sea Whiff Path and is considered to be a corner lot. § 18-4-501 provides a minimum 40' setback from a corner side lot line. When there are competing provisions in the Code, the more specific provision applies. Therefore, a 37' variance to the 40' corner side setback is required.

The site plan must label the height of the proposed addition. Given that setback variances could have visual impacts on adjacent properties, the applicant should explain how those potential impacts have been minimized. The proposed addition appears to be even taller than the existing dwelling, and it appears that the potential visual impacts could be minimized by reducing the height to match the existing dwelling height. In order for a variance to be granted, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with the variance standards provided under Section 18-16-305, including that the request is the minimum necessary to afford relief.

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.