



October 16, 2024

Ms. Sterling Seay  
Office of Planning and Zoning  
Zoning Division  
2644 Riva Road, 3<sup>rd</sup> Fl.  
Annapolis, MD 21401

Re: 1003 Mt. Zion Marlboro Road, Lothian  
T.A. 8000-9007-9813

Dear Ms. Seay:

The Site is located as referenced above and is split zoned between OS and RA. The Site is a previously developed Existing Legal Parcel.

In order to recognize the Site as proposed, we will need to obtain a Variance to Section 18-9-202 (Permitted, Conditional and Special Exception uses.), to allow part of the Proposed House and Driveway to be located in the OS Zone. You will note that the OS Zone does not preclude all development. In 18-9-203, OS District Bulk Regulations, the Zone allows Existing Residential Uses, Barns, Stables, Kennels, etc. In other words, the Zone has not been treated to protect Environmental Features only. The Site-Specific Conditions are as follows:

A. Existing Conditions:

1. The Site was previously developed in the area of the Proposed House. It appears based on Aerial Photographs, that the structure was demolished between 2020 and 2021. (See photos 2011, 2014, 2017, 2020, and 2021.)
2. The Mapped Floodplain and Stream Buffers do not follow the OS Zone Line.
3. When reviewing the 2017 Aerial, you will note the Clearing for Access to the structure and the adjacent Lot are all within the OS Zone. The original Lot Owner was Weldon Sollers who also owned the adjacent Lot as mentioned above and lost the property via a Tax Sale in 2016 (L29335/F492).
4. The Existing Site Topography ranges from 60 ft. at the road to 105 ft. in the northwest corner. The area of the Lot closest to the road is approximately 10% (60 ft. to 75 ft. Contour) and 16% (75 ft. to 100 ft. Contour) for the remainder of the Lot.

B. Proposed Conditions:

1. The proposed development is occurring in the Minimum Slope Area and an area that contained clearing. However, this area is encumbered by Open Space Zoning.
2. In accordance with the 2040, GDP, Resource Sensitivity Policy Areas, the area to the north of Sollers Lane is designated as Potential Habitats. (See attached.) The area to the south of Sollers Lane is not noted as a Habitat Area.

3. The Planned Land Use for the GDP is Rural which is consistent with the Proposed Development. (Single Family House on Existing 1.89 ac. Lot.)
4. The Road which accesses other houses, essentially divides areas of underdeveloped property with the development on the south side of the road.
5. The Development Policy Areas Map also designates the area as Rural and Agricultural with no further mention of any specific environmental concerns. (See Development Policy Area definition.)
6. Implementation Plan Matrix, Planning for Natural Environment and Planning for Built Environment all address the need for protection of Sensitive Environmental Features which in this case would be the Stream and Stream Buffer. These are generally located across Sollers Road, north of the Site.
7. Through Comprehensive Zoning, the County will be revising/removing OS Zoning on Sites to eliminate Split Zoning of Lots and allow the Environmental Resources to dictate the required protection. Therefore, in this case we would no longer have OS on the property and this Request would be unnecessary. Unfortunately, Region 8 which includes this Site, will not be completed for several years and the Owners would like to move forward. We have included two (2) examples from other regions where this specific condition has been relieved by the adoption of the New Maps. (Laurel Ft. Meade Road; P200 - T.A. 4000-0008-0135 and P88 – T.A. 4000-0008-2000, and Glenn Road; P416 – T.A. 3000-9003-7016) (See New Map vs. Previous Map attached.) In both cases, the OS Zoning Line has been removed from the Parcels.

C. Article 18-16-305; Variances:

The Site meets the requirements for Zoning Variances because Practical Difficulties and Hardships occur as follows:

1. The Site exhibits Unique Physical Conditions as the topography limits the area of construction. The House is located in the flattest area of the Site and nearest the access road, therefore, minimizing Impacts. We had investigated an alternative Site Design with the House sited toward the top of the hill. However, this required extensive unnecessary clearing since the same House construction could occur in an area which exhibited previous clearing and development.
2. An unnecessary hardship exists because the OS/RA Split Zoning restricts the area of development. The OS Zone encompasses much of the flatter area of the Site and creates hardship for development.

D. Requirements for All Variances:

1. The Site Design is the minimum relief necessary as the House has been located nearest the road in the flattest area of the Site.
2. The granting of the Variance will not:
  - (i). Alter the essential character of the neighborhood or district in which the Lot is located because the Lot adjoins developed lots and was previously developed as evidenced by the aerial photographs.
  - (ii). Substantially impairs the use or development of adjacent property because adjacent properties are developed and are all accessed by Sollers Lane.
  - (iii). The design minimizes Lot Disturbance by building nearest the road, in an area which contains previous development and allows minimal Environmental Impacts.
  - (iv). The Site is not located in a Bog or Critical Area.

- (v). The development of the Site will not be detrimental to Public Welfare, because it is an Existing Legal Lot within a developed community with an Existing Access Road.

In conclusion, the Site is constrained by the Existing Split Zone, which does not follow the Flood Plain or Stream Buffer and does not protect any specific Environmental Features. The Access Road, Sollers Lane, bisects the road and clearly defines protection of Environmental Features to the north and development to the south. Upon completion of Comprehensive Zoning, the Split

Zone will be removed, but unfortunately the Owner cannot wait for this process to be accomplished as the time frames may not occur until 2026.

If you should have any questions or comments or need additional information, please contact our office.

Sincerely,  
Terrain



Roy C. Little  
Director of Engineering  
RCL/II.3149

# 2011 Aerial Imagery



## Legend

Parcels



Labels

State Road Label

Interstate US Road Label

Local Road Label

Fire Police Label

Streams Label



Schools and Gov Label

Parks Label



County Boundary



October 2011



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Notes

# 2014 Aerial Imagery



## Legend

### Parcels



### Labels

State Road Label

Interstate US Road Label

Local Road Label

Fire Police Label

Streams Label



Schools and Gov Label

Parks Label



County Boundary



Outbreaks 2014

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## Notes

# 2017 Aerial Imagery



## Legend

Parcels



Labels

State Road Label

Interstate US Road Label

Local Road Label

Fire Police Label

Streams Label

Schools and Gov Label

Parks Label



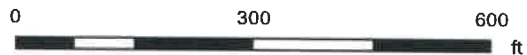
County Boundary



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Notes

# 2020 Aerial Imagery



## Legend

Parcels



Labels

State Road Label

Interstate US Road Label

Local Road Label

Fire Police Label

Streams Label

Schools and Gov Label

Parks Label



County Boundary



Outbreaks 2020



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GeoTechnologies, Inc, METI/NASA,



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USED FOR NAVIGATION

Notes

# 2021 Aerial Imagery



## Legend

Parcels



Labels

State Road Label

Interstate US Road Label

Local Road Label

Fire Police Label

Streams Label

Schools and Gov Label

Parks Label



County Boundary

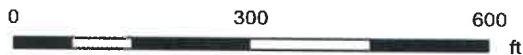


October 2021



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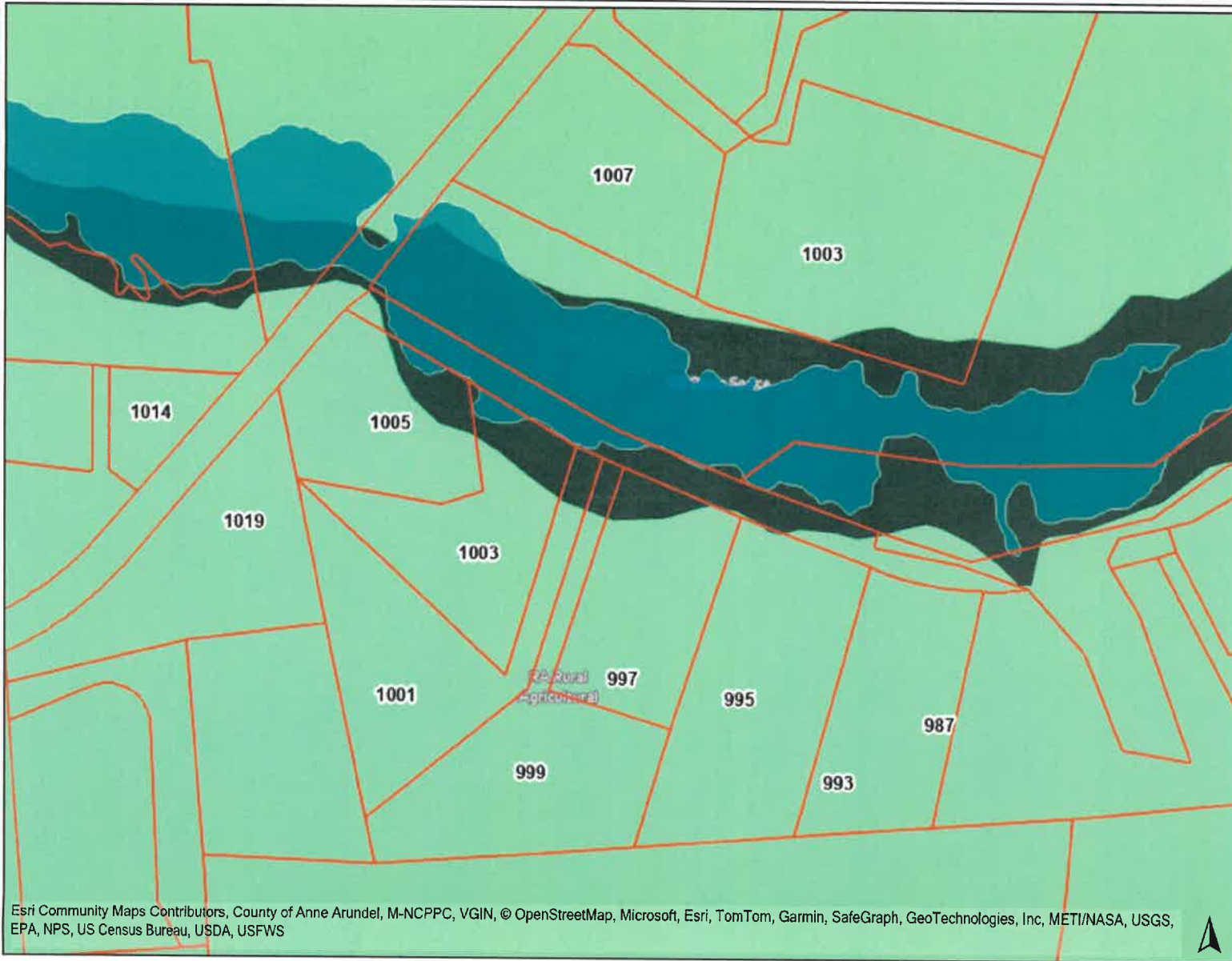
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

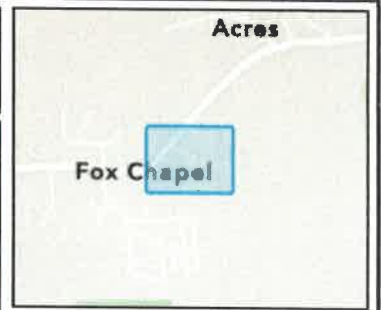




# 1003 Mount Zion Marlboro Road FLOODPLAIN EXHIBIT



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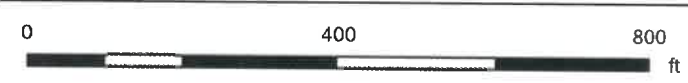


### Legend

**Foundation**  
Addressing  
•  
Parcels  
▭  
City of Annapolis Parcels  
▭

**Planning**  
Planning  
▨ Coastal High Hazard Area  
■ Non-Tidal 100 Year Floodplain  
■ Non-Tidal 500 Year Floodplain  
■ Tidal 100 Year Floodplain

**Planning - Zoning**  
■ C1 Commercial - Local  
■ C2 Commercial - Office  
■ C3 Commercial - General



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### Notes

# 1003 Mount Zion Marlboro Road **STREAM BUFFER EXHIBIT**



### Legend

**Parcels**

- Parcels

**Perennial Stream Buffer 100 Foot**

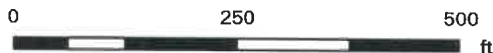
- Perennial Stream Buffer 100 Foot

**Zoning**

- C1 Commercial - Local
- C2 Commercial - Office
- C3 Commercial - General
- C4 Commercial - Highway
- City of Annapolis
- MA1 Community Marina
- MA1-B
- Neighborhood Marina
- MA2 Light Commercial Marina

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Anne Arundel County Office of Planning & Zoning GIS (Geographic Information Systems)



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Notes

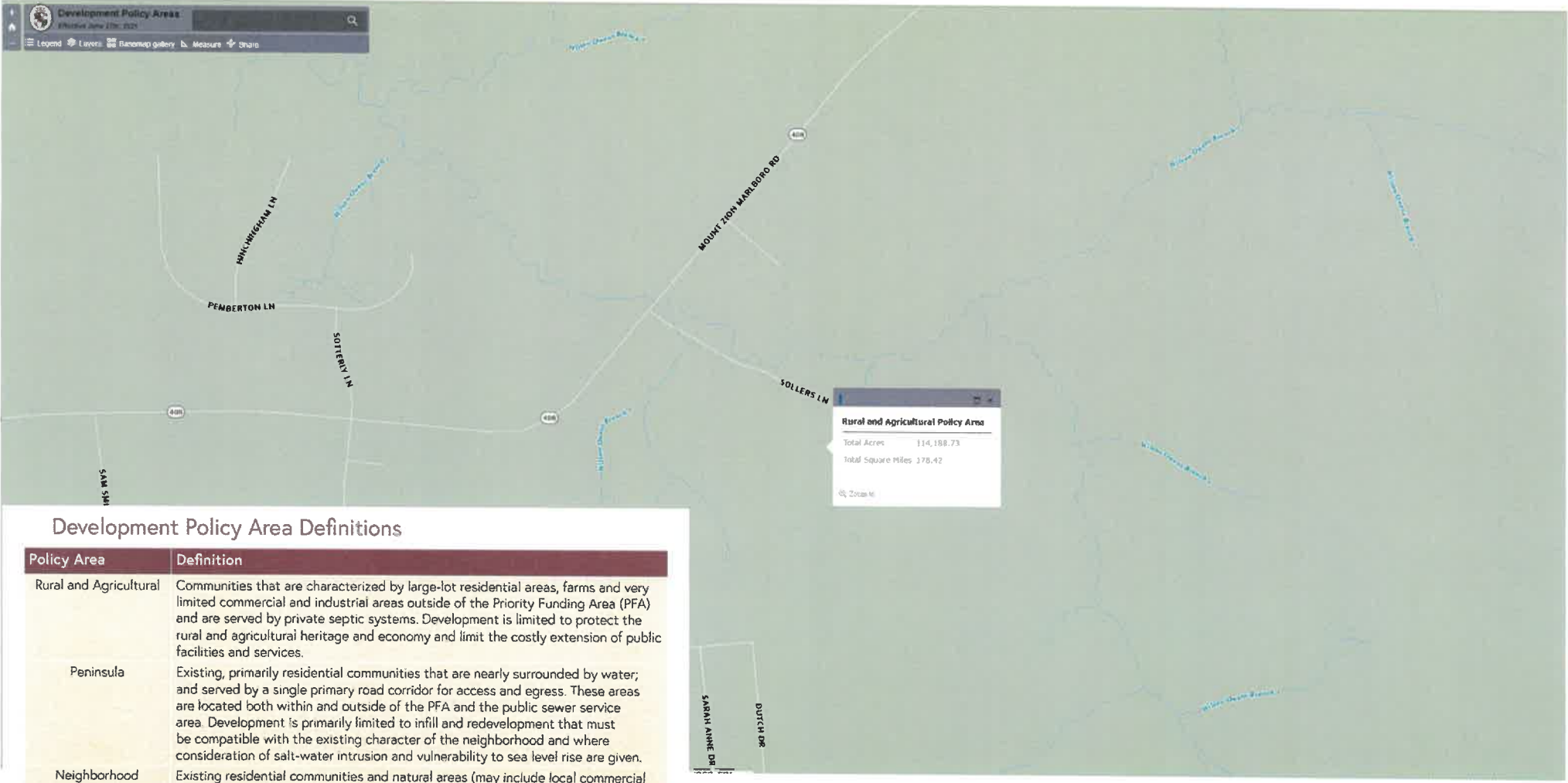
# Plan2040 - Planned Land Use Category



# RESOURCE SENSITIVE POLICY AREAS



# DEVELOPMENT POLICY AREAS



## Development Policy Area Definitions

Policy Area	Definition
Rural and Agricultural	Communities that are characterized by large-lot residential areas, farms and very limited commercial and industrial areas outside of the Priority Funding Area (PFA) and are served by private septic systems. Development is limited to protect the rural and agricultural heritage and economy and limit the costly extension of public facilities and services.
Peninsula	Existing, primarily residential communities that are nearly surrounded by water; and served by a single primary road corridor for access and egress. These areas are located both within and outside of the PFA and the public sewer service area. Development is primarily limited to infill and redevelopment that must be compatible with the existing character of the neighborhood and where consideration of salt-water intrusion and vulnerability to sea level rise are given.
Neighborhood Preservation	Existing residential communities and natural areas (may include local commercial and industrial uses) that are not intended for substantial growth or land use change, but may have specific areas targeted for revitalization. Development is limited to infill, the addition of accessory dwelling units, and redevelopment that must be compatible with the existing neighborhood character. Public infrastructure exists but may need capacity improvements
Critical Corridor	Existing, developed areas along major roads where opportunities to improve safety and mobility exist. These areas often form the economic center of a community. Redevelopment that improves multi-modal outcomes and preserves adjacent neighborhoods is encouraged. Implementation will be guided by a concept plan to be developed in Region Plans

Targeted Development, Redevelopment and Revitalization Policy Areas (Growth Areas)



# Laurel Ft. Meade Road



## Legend

### Foundation

Addressing



Parcels



City of Annapolis Parcels



### Planning

#### Planning - Zoning

-  C1 Commercial - Local
-  C2 Commercial - Office
-  C3 Commercial - General
-  C4 Commercial - Highway
-  City of Annapolis
-  MA1 Community Marina
-  MA1-B Neighborhood Marina
-  MA2 Light Commercial Marina

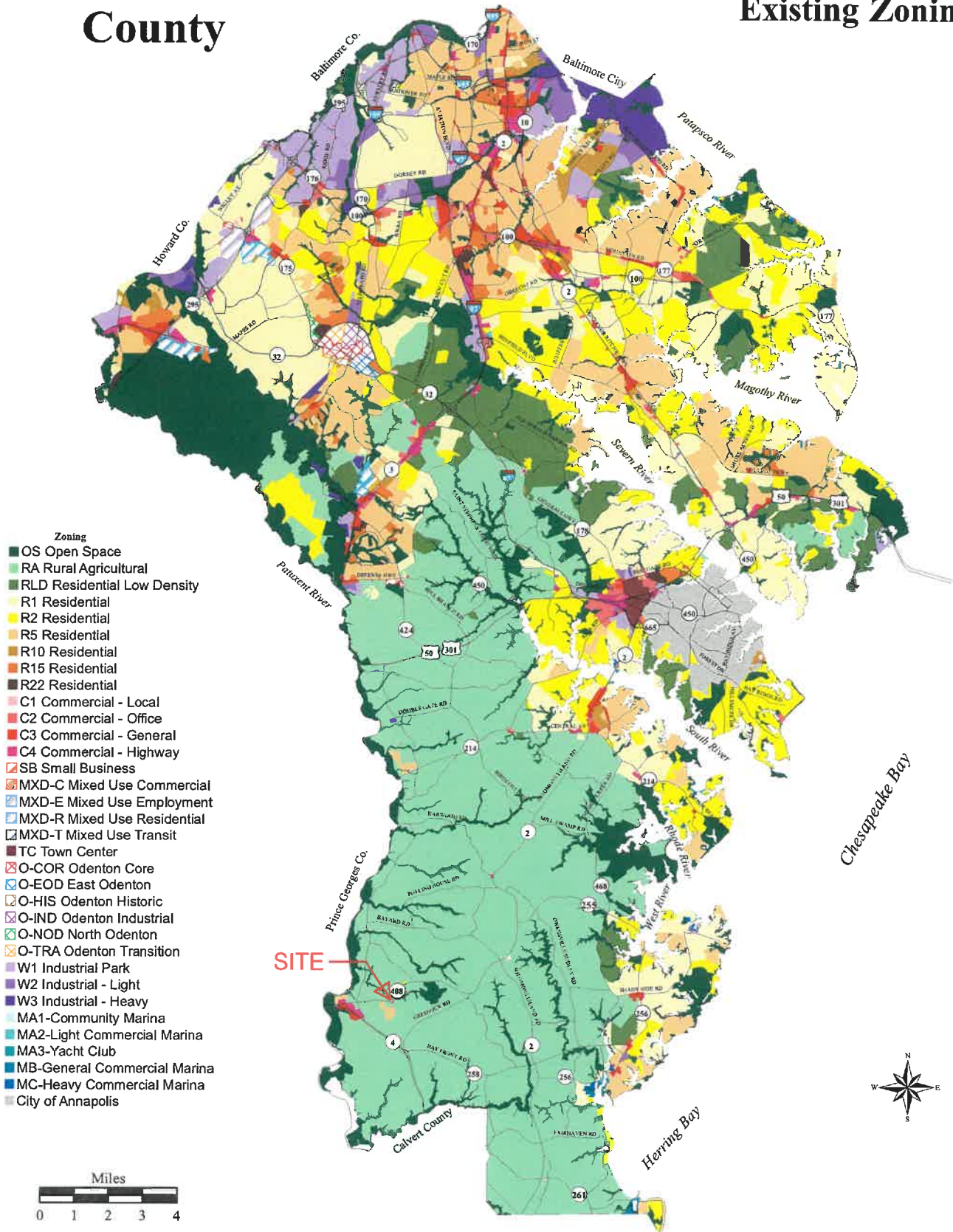
## Notes

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# Anne Arundel County

# Existing Zoning



- Zoning**
- OS Open Space
  - RA Rural Agricultural
  - RLD Residential Low Density
  - R1 Residential
  - R2 Residential
  - R5 Residential
  - R10 Residential
  - R15 Residential
  - R22 Residential
  - C1 Commercial - Local
  - C2 Commercial - Office
  - C3 Commercial - General
  - C4 Commercial - Highway
  - SB Small Business
  - MXD-C Mixed Use Commercial
  - MXD-E Mixed Use Employment
  - MXD-R Mixed Use Residential
  - MXD-T Mixed Use Transit
  - TC Town Center
  - O-COR Odenton Core
  - O-EOD East Odenton
  - O-HIS Odenton Historic
  - O-IND Odenton Industrial
  - O-NOD North Odenton
  - O-TRA Odenton Transition
  - W1 Industrial Park
  - W2 Industrial - Light
  - W3 Industrial - Heavy
  - MA1-Community Marina
  - MA2-Light Commercial Marina
  - MA3-Yacht Club
  - MB-General Commercial Marina
  - MC-Heavy Commercial Marina
  - City of Annapolis



Map L2

Date: 7/26/2016  
 File: N:\Mapdata\Map\_public\8x11\mapL2.mxd  
 Produced by: Office of Planning & Zoning, Research & GIS Division  
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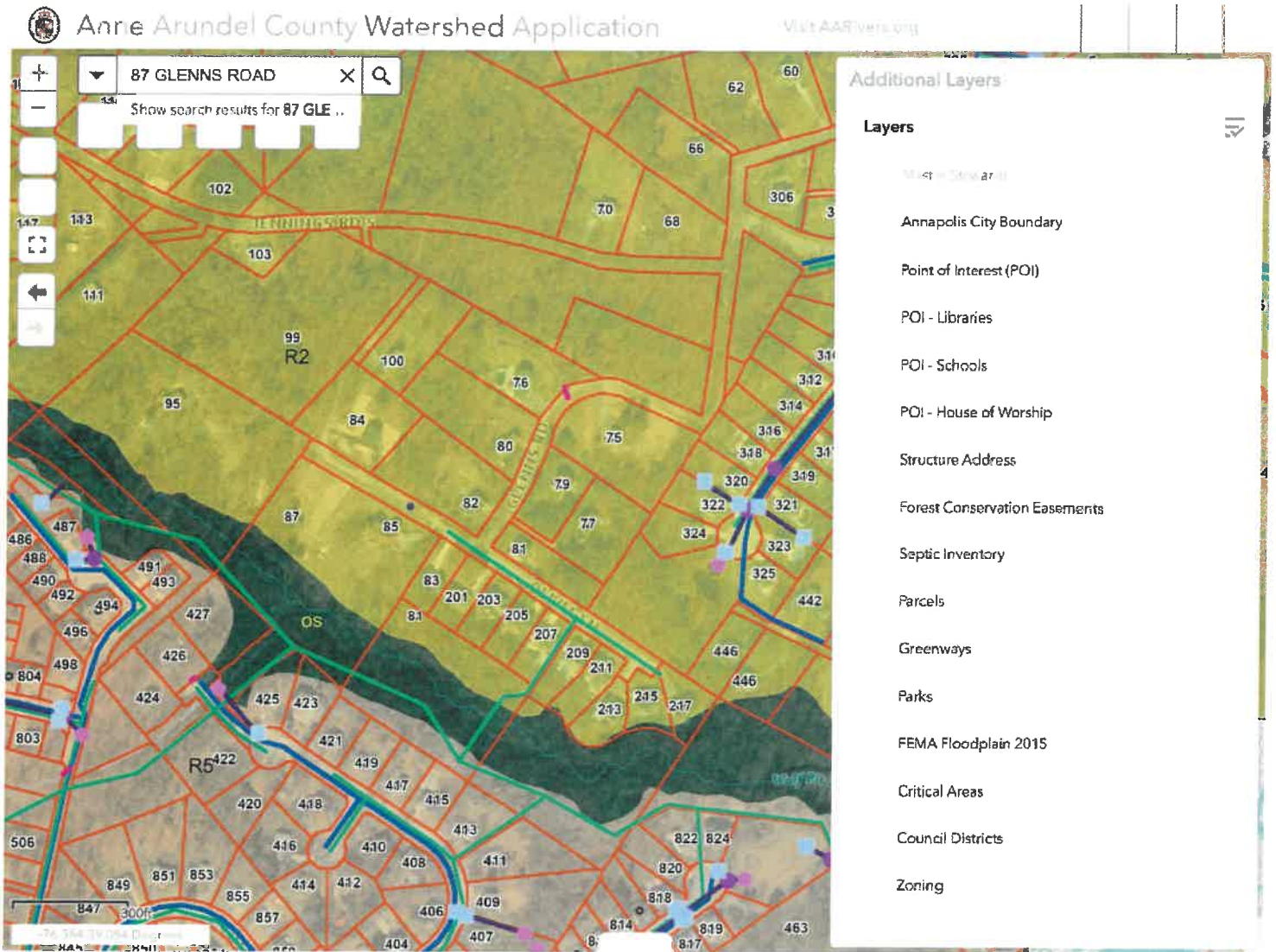
# Glenn Road; P416 - T.A. 3000-9003-7016 - New Map

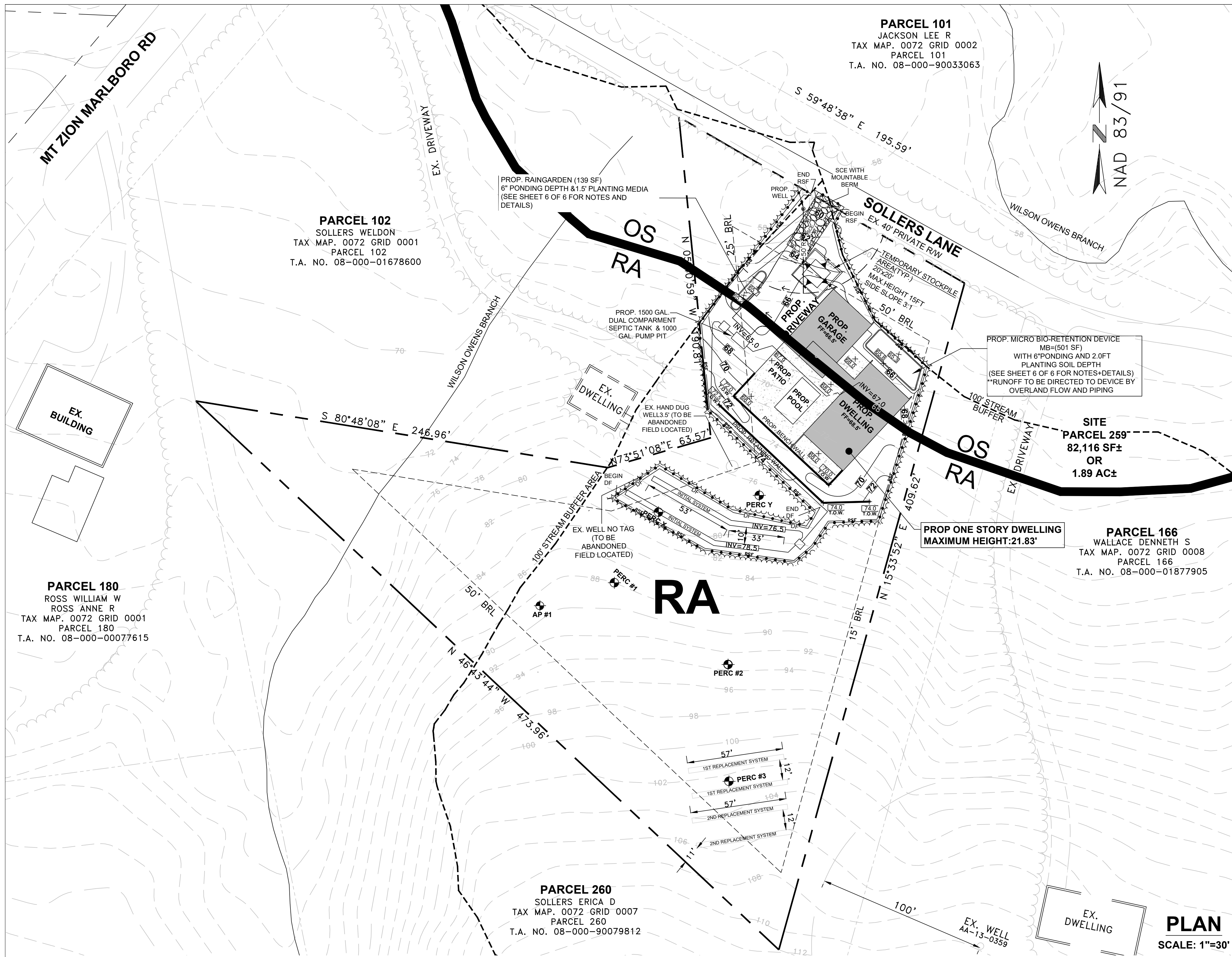


200ft  
-76.564 39.086 Degrees



# Glenn Road; P416 - T.A. 3000-9003-7016 - Old Map





**SWM DESIGN**

SWM SHALL BE PROVIDED FOR THIS NON-CRITICAL AREA REDEVELOPMENT BY ESD METHODS TO PROVIDE WATER QUALITY, RECHARGE AND CHANNEL PROTECTION. THE ESD METHODS USED WERE A MICRO BIO-RETENTION DEVICE AND RAINGARDEN.  
 Qp NOT REQUIRED DUE TO IT FLOWING TO A PRIVATE RIGHT OF WAY.

SITE AREA= 82,116 SF  
 EX. LC= 0 SF  
 PROP. LC.= 7,980 SF  
 $I = 7,980/82116 = 10\%$   
 $RV = 0.05 + 0.009I = 0.140$   
 SOILS: SaB - 'B' (AREA OF DEVELOPMENT)  
 TAB. 5.3  $I = 10\%$  TARGET PE= 1.0"  
 TARGET ESDV= (PERVA)/12=  
 $[1.0 \times (0.140)82,116]/12 = 958 \text{ CF}$

**MICRO BIO-RETENTION DEVICE#1**  
 MAX DA= 20,000 FT<sup>2</sup>  
 IMP. AREA TO DEVICE=4,914 SF  
 WITH PE=1" DEVICE SURFACE AREA= 501 SF  
 $ESDV = 501 \times 1.5 + 4(3.5 \times 501) = 952 \text{ CF}$   
 ESD MAX TREATED ALLOWED= (2.7)(.95)(4,914)/12=1,050 CF  
 952 CF (PROVIDED) IS LESS THAN 1,050 CF (ALLOWED)

**RAINGARDEN (M-7)**  
 AREA TO RAINGARDEN#2= 1,551 SF  
 SURFACE AREA=139 SF  
 STORAGE PROVIDED= 139X.5+139X.4X1.5=  
 $69+83=152 \text{ CF}$   
 ESD MAX TREATED ALLOWED= (2.7)(.95)(1,551)/12=148 CF  
 148 CF (PROVIDED) IS LESS THAN 337 CF (ALLOWED)

TOTAL ESD REQUIRED= 958 CF  
 TOTAL ESD PROVIDED= 1,104 CF

**SEPTIC NOTE**  
 PERC# T02047935  
 TAX ACCOUNT#08-000-90079813  
 1003 MT ZION MARLBORO RD  
 LOTHIAN, MD 20711  
 HOUSE LARGER THAN 3,500SF

**INITIAL SYSTEM PERC TEST#2**  
 - PROP. DUAL COMPARTMENT 1500 GAL. SEPTIC TANK  
 - 1 TRENCH, 75FT LENGTH, 3FT WIDE  
 - 10.50FT DEPTH, PIPE IN TRENCH NO DEEPER THAN 4FT  
 - TRENCHES SEPARATED BY 12FT EDGE TO EDGE.

**1ST + 2ND REPLACEMENT SYSTEM PERC TEST#5**  
 - 4 TRENCHES, 57FT LENGTH, 3FT WIDE  
 - 11FT DEPTH, PIPE IN TRENCH NO DEEPER THAN 4FT  
 - TRENCHES SEPARATED BY 10FT EDGE TO EDGE.

PROP. LOT COVERAGE	
PROP. HOUSE AND GARAGE	3,313 SF
PROP. DRIVEWAY	2,052 SF
PROP. PATIO	2,255 SF
PROP. POOL	360 SF
<b>TOTAL</b>	<b>7,980 SF</b>

LOT COVERAGE	
SITE AREA	82,116 SF
EX. LC AREA	0 SF
PROP. LC AREA(14.9%)	7,980 SF
EX. DEVELOPED WOODLANDS	82,116 SF
ALLOWABLE CLEARING(30%)	24,634 SF
PROP. CLEARING	19,998 SF

**LEGEND**

EXISTING CONTOUR	42
PROPOSED CONTOUR	40
15% < 25% STEEP SLOPES	
25% > STEEP SLOPES	
EXISTING SPOT ELEVATION	45.00
PROPOSED SPOT ELEVATION	45.00
EXISTING TREE LINE	
STABILIZED CONSTRUCTION ENTRANCE	
REINFORCED SILT FENCE	RSF
TEMPORARY STOCKPILE AREA	
LIMIT OF DISTURBANCE	

DIVERSION FENCE	DL	DL
SOIL BORING		
EXISTING BUILDING		
PROPOSED BUILDING		
STORM DRAIN	SD	
EXISTING SEWER	SS	
EXISTING FORCE MAIN	FM	FM
EXISTING WATER	W	
EXISTING ELECTRIC	E	
EXISTING FENCE	X	
EX. WETLANDS	W	
BUILDING RESTRICTION LINE	40' BRL	
EX. MEAN HIGH WATER	MHW	

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REVISION BLOCK			
NO.	DATE	DESCRIPTION	BY

PROFESSIONAL CERTIFICATION: 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 #. 13354, EXPIRATION DATE: 2/28/25. (CORPORATE LICENSE #48856, EXPIRATION DATE: 2/28/2025)

**OWNER**  
 KIRSCHNER JOSHUA A  
 KIRSCHNER AGUSTA L  
 316 SLOPING WOODS CT  
 ANNAPOLIS MD 21409



**TERRAIN, INC.**  
 LAND ENGINEERING & DEVELOPMENT SERVICES  
 53 OLD SOLOMONS ISLAND ROAD  
 SUITE "I"  
 ANNAPOLIS, MARYLAND 21401  
 410-266-1160 FAX (410) 266-6129  
 E-MAIL: TERRAIN@COMCAST.NET

PLAN SHEET	
<b>GRADING, EROSION AND SEDIMENT CONTROL PLAN</b>	
<b>PARCEL 259</b> 1003 MT ZION MARLBORO RD LOTHIAN, MD 20711	
TAX MAP 72, GRID 7, PARCEL 259 TAX ACCT#08-000-90079813 ZONING:RA TAX DISTRICT 08 ANNE ARUNDEL COUNTY, MARYLAND	
DATE: APRIL, 2024	DRAWN BY: Z.A.W.
SCALE: AS SHOWN	CHECKED BY: R.C.L.
SHEET: 4 OF 6	TERRAIN JOB NO. 3149



October 18, 2024  
Department of Planning and Zoning  
145 Gorman St. 3<sup>rd</sup> Floor  
Annapolis, MD 21401

Re: 1003 Mount Zion Marlboro Road Lothian  
2024-0096-P

To Whom It May Concern:

We have revised the Plan for the Variance Exhibit for 1003 Mount Zion Marlboro Road Lothian Pre-File Comments (2024-0096-P). Please see our responses to the comments below:

A. Zoning Review

The site plan must clearly label the height and number of stories of the proposed dwelling. The OS label shown on the site plan covers some of the proposed development area and should be relocated for clarity. The applicant should explore ways to minimize the proposal as it does not appear to represent the minimum necessary. The development contains a large garage, patio and pool. It appears that the development could be reconfigured into a smaller area and the pool could be eliminated as pools are generally not considered necessary for the use and enjoyment of a residential lot. The applicant will need to provide adequate justification on how the proposal meets the variance standards contained in 18-16-305.

**Response: The dwelling labels have been added to the plan. This will be a one-story building with a ridge height of 21.83'. The plan has been revised for clarity. It is our belief that the house design and layout is minimum necessary as it is a modest sized house that is less than half of the maximum lot coverage and under the allowable clearing limitations.**

B. Inspections and Permitting (Engineering)

1. Stormwater management will be addressed through Micro-bioretenention.

**Response: The proposed plan has stormwater management being addressed through the Micro-Bioretenention and Rain Garded.**

2. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.

**Response: The SWM facilities are downstream from the proposed structure. The 100-year storm will safely be conveyed away from the proposed structure to the existing stream located north of the property.**

3. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.

**Response: The proposed SWM facilities are located outside of the environmentally protected areas.**

4. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.

**Response The proposed improvements will have a safe conveyance for the discharge. There will be no impact to the integrity of the slope.**

5. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted.

**Response: A soil boring has been included with the Grading Permit Submittal set.**

6. The soil boring results, including the seasonal high groundwater elevation, need to be added to the plan. The calculations will not be reviewed until the siting and suitability are first confirmed to be adequate.

**Response: The soil boring shown on the Grading Permit Submittal verifies that high ground water will not impact the adequacy of the SWM facility.**

7. A health department approval is required.

**Response: Acknowledged. The project will obtain Health Department approval prior to issuance.**

8. Based on the plan provided, it appears that the property will be served by a private septic and well.

**Response: The property will be served by well and septic.**

9. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

**Response: Acknowledged. Thank you for the review.**

Sincerely,

*Kelly McCormick*

Kelly McCormick, P.E.





# OFFICE OF PLANNING AND ZONING

## CONFIRMATION OF PRE-FILE MEETING

DATE OF MEETING \_\_10/7/2024 (via email)\_\_\_\_\_

P&Z STAFF \_\_Donnie D./Habtamu Z. \_\_\_\_\_

APPLICANT/REPRESENTATIVE \_\_Roy Little (Terrain)\_\_\_\_\_ EMAIL\_terrain@comcast.net\_\_\_\_\_

SITE LOCATION \_\_1003 Mount Zion Marlboro Road Lothian\_\_\_\_\_ LOT SIZE\_82,116 SF\_ ZONING \_\_RA/OS\_\_\_\_\_

CA DESIGNATION \_\_NA\_\_\_\_\_ BMA \_\_\_\_\_ or BUFFER \_\_\_\_\_ APPLICATION TYPE \_\_Variance\_\_\_\_\_

The applicant is proposing to develop the site with a single family dwelling and associated facilities on this unimproved site. The site is split zoned RA - Rural Agricultural District and OS - Open Space District. A portion of the dwelling and driveway access will be located within the OS portion of the site which will require a use variance to 18-9-202. The applicant argues that the proposed development is located in the flattest area of the site in an area that contains clearing but that area is encumbered by OS zoning. Locating the development in alternative areas of the site outside of the OS would require extensive clearing.

### COMMENTS

**From Zoning:** The site plan must clearly label the height and number of stories of the proposed dwelling. The OS label shown on the site plan covers some of the proposed development area and should be relocated for clarity. The applicant should explore ways to minimize the proposal as it does not appear to represent the minimum necessary. The development contains a large garage, patio and pool. It appears that the development could be reconfigured into a smaller area and the pool could be eliminated as pools are generally not considered necessary for the use and enjoyment of a residential lot. The applicant will need to provide adequate justification on how the proposal meets the variance standards contained in 18-16-305.

### **From Inspections and Permits (Engineering):**

1. Stormwater management will be addressed through Micro-bioretenion.
2. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.
3. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.
4. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.
5. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted.
6. The soil boring results, including the seasonal high groundwater elevation, need to be added to the plan. The calculations will not be reviewed until the siting and suitability are first confirmed to be adequate.
7. A health department approval is required.
8. Based on the plan provided, it appears that the property will be served by a private septic and well.
9. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

## 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.