

GAMMA ENGINEERING

1203A West Street, Annapolis, Md.21401

410.626.1070

email blupt@icloud.com

October 20, 2024

Office of Planning & Zoning
2664 Riva Rd.
Annapolis, MD 21401

VARIANCE

Letter of Explanation: Deck Replacement (in kind) 12' x 45 w/steps and Construction of 12' x 13-6" open sided porch roof.

Lot 11 Point Field Landing on Severn

Owner: Maureen O'Neill Christopher Littlejohn

Tax Account: 3662 2367 8410

Map 31, Parcel 370

B02420955

This letter of explanation pertains to the above referenced property that is being required to obtain a MODIFICATION in conjunction with the review of building permit B02420955.

A variance to article 17-8-201 and 17-8-301(b) is requested to disturb 44 square feet of critical area slopes and 100' buffer to tidal stream. As the plans indicate, the only disturbance is installation of footings for the replacement deck. (The existing footers will be cut flush to grade so there will be no earth disturbance in conjunction with the removal.) The site area is 20,422 square feet, zoned R2, served by both public water and sewer and is in critical area is LDA. The rear of the existing lot is occupied by English ivy dominated understory and a canopy of red and white oak trees; (*Quercus rubra*, *Quercus Alba*).

In summary a variance is requested to allow installation of a smaller than existing deck as indicated on the plans. (The overall deck area is smaller in dimension and area). Additionally, the overall scope due to removal of an existing shed and placement of the porch over an existing concrete pad (impervious area) results in a reduction in the impervious area of 17 square feet. Both of these measurements are demonstrated on the plans.

The following addresses the conditions for granting a variance per section 18-16-305 (b):

1. *Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, The presence of the slopes are inherent topographical feature of the site.*
2. *A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County; Most if not all of the surrounding properties in the immediate area; all existing homes have decks the existing deck is nearing the unsafe condition due to rot.*
3. *The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area See Exhibit surrounding properties in this neighborhood most if not all have decks. The ability to replace the existing deck and add a porch roof does not confer any special privilege and is similar to that occurring on the immediate neighboring properties.*
4. *The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property; See site plan that indicates the site is developed and there have been no physical activities on the site or adjacent neighbors that caused the need for the variance.*
5. *The Granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program; See the attached site plan, which indicates that there is a reduction in impervious area such that runoff can be expected to decrease after development.*
6. *The applicant for a variance to allow development in the 100-foot upland buffer has maximized the distance between the bog and each structure, taking into account natural features and the replacement of utilities, and has met the requirements of § 17-9-208 of this Code; See the attached site plan, There is development although proposed within a 100 foot shoreline buffer is only replacement of an existing deck and is all within 12 feet of an existing house. There is no*

disturbance of a buffer to a bog.

7 The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; See the attached site plan, and attachments provided to address the requirements.

8 The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c). See the attached site plan, replacement of an existing deck cannot be substituted by any other practice other than replacing the deck. .

(c) **Requirements for all variances.** A variance may not be granted unless it is found that:

(1) the variance is the minimum variance necessary to afford relief; and See the attached site plan indicating that the development scope and size is consistent with the deck being replaced.

(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located; Replacement of an existing deck is a form of development is consistent with the character of the immediate neighborhood in which the lot is located.

(ii) substantially impair the appropriate use or development of adjacent property; See the attached site plan that indicates there is no impact on adjacent properties.

(iii) reduce forest cover in the limited development and resource conservation areas of the critical area; See the attached site plan that indicates there is no forest removal.

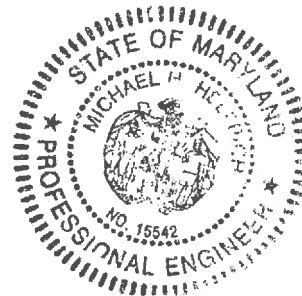
(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor See the attached site plan, which has been prepared to meet the acceptable clearing and replanting practices.

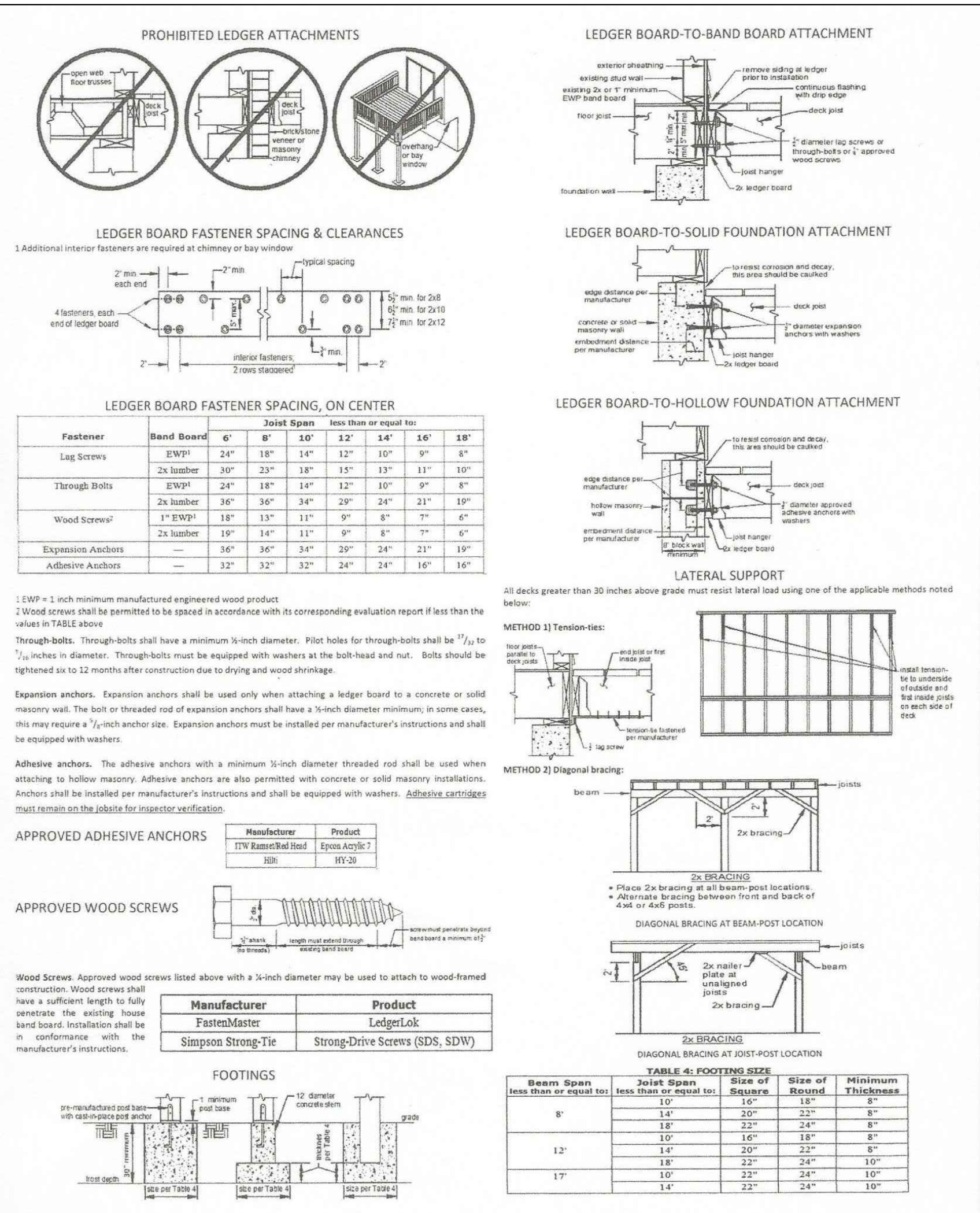
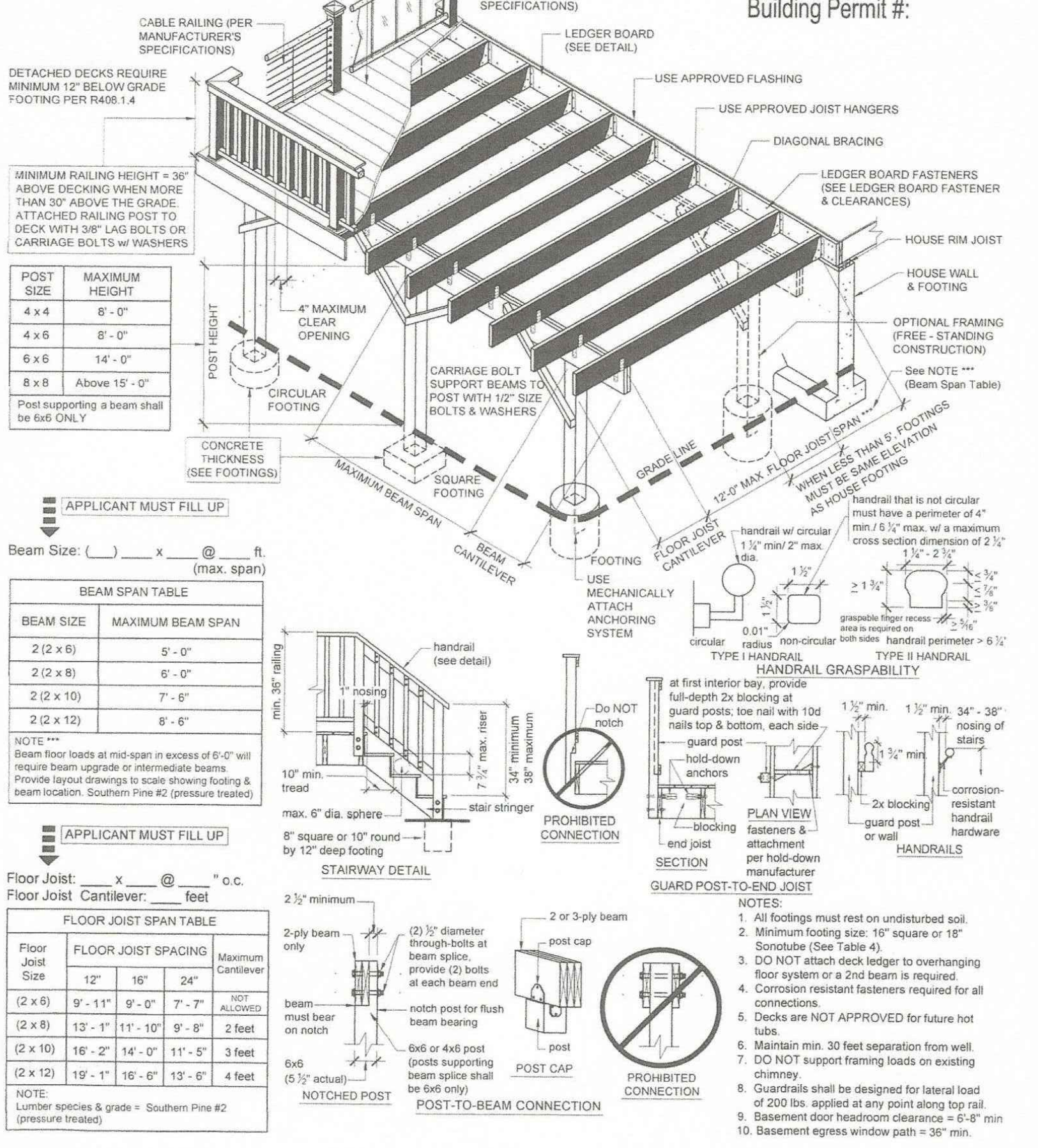
(v) be detrimental to the public welfare. See the attached site plan, which indicates that the impervious area is decreased therefore there is no requirement for stormwater management.

If there are any questions or additional information is needed, please contact this office at (410) 626-1070.

Sincerely,


Michael Helfrich, P.E.





OVERALL ONSITE AREA TABULATION

HOUSE	EX. REMOVED	PROPOSED	TOTAL
HOUSE	1,948	0	1,948
COV. PORCH	38	0	227
DRIVEWAY	775	0	775
SIDEWALK	92	0	92
GRAVEL	398	0	398
CONC. PAD	150	0	0
SHED	56	0	0
TOTAL	3,457	189	3,440

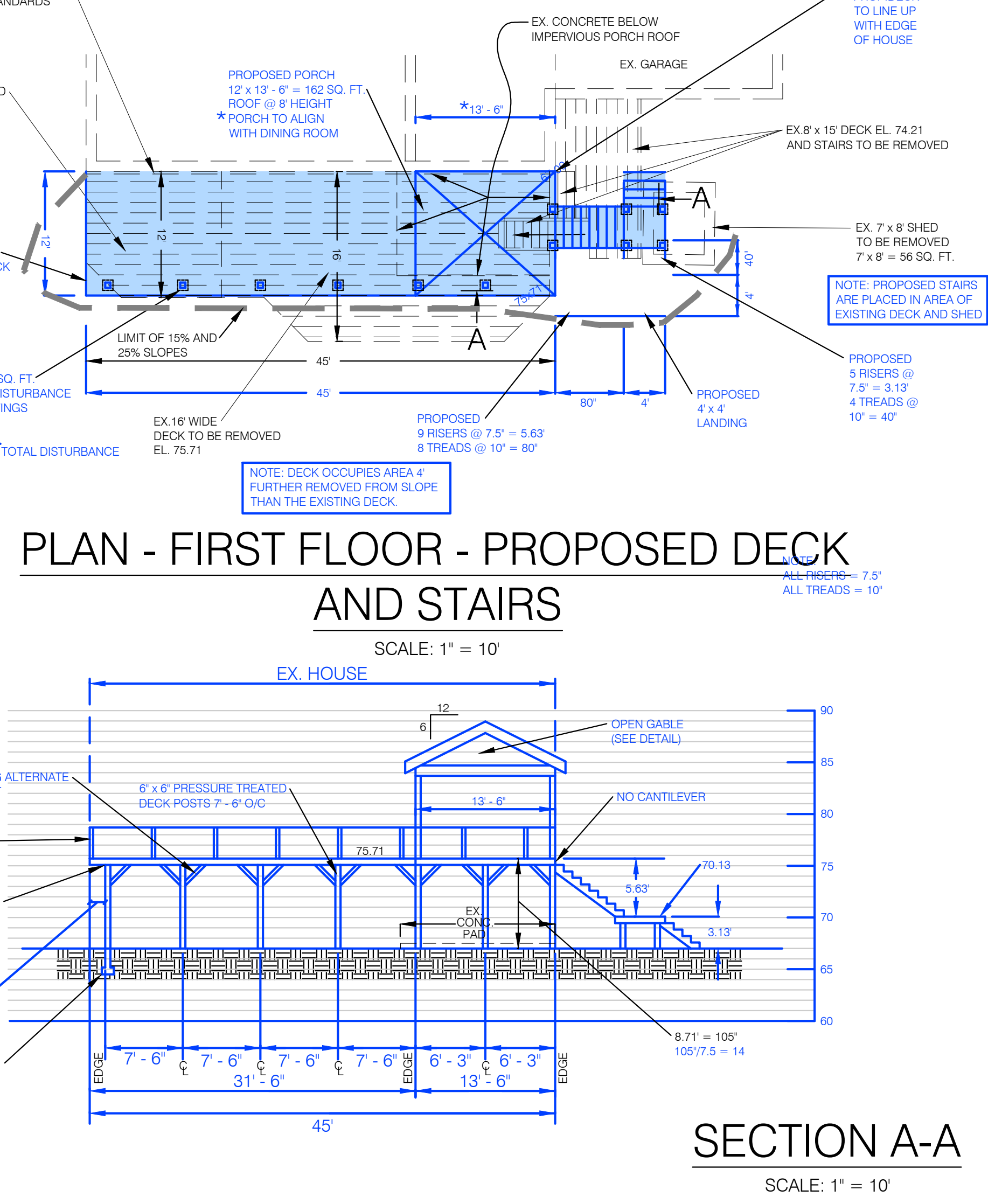
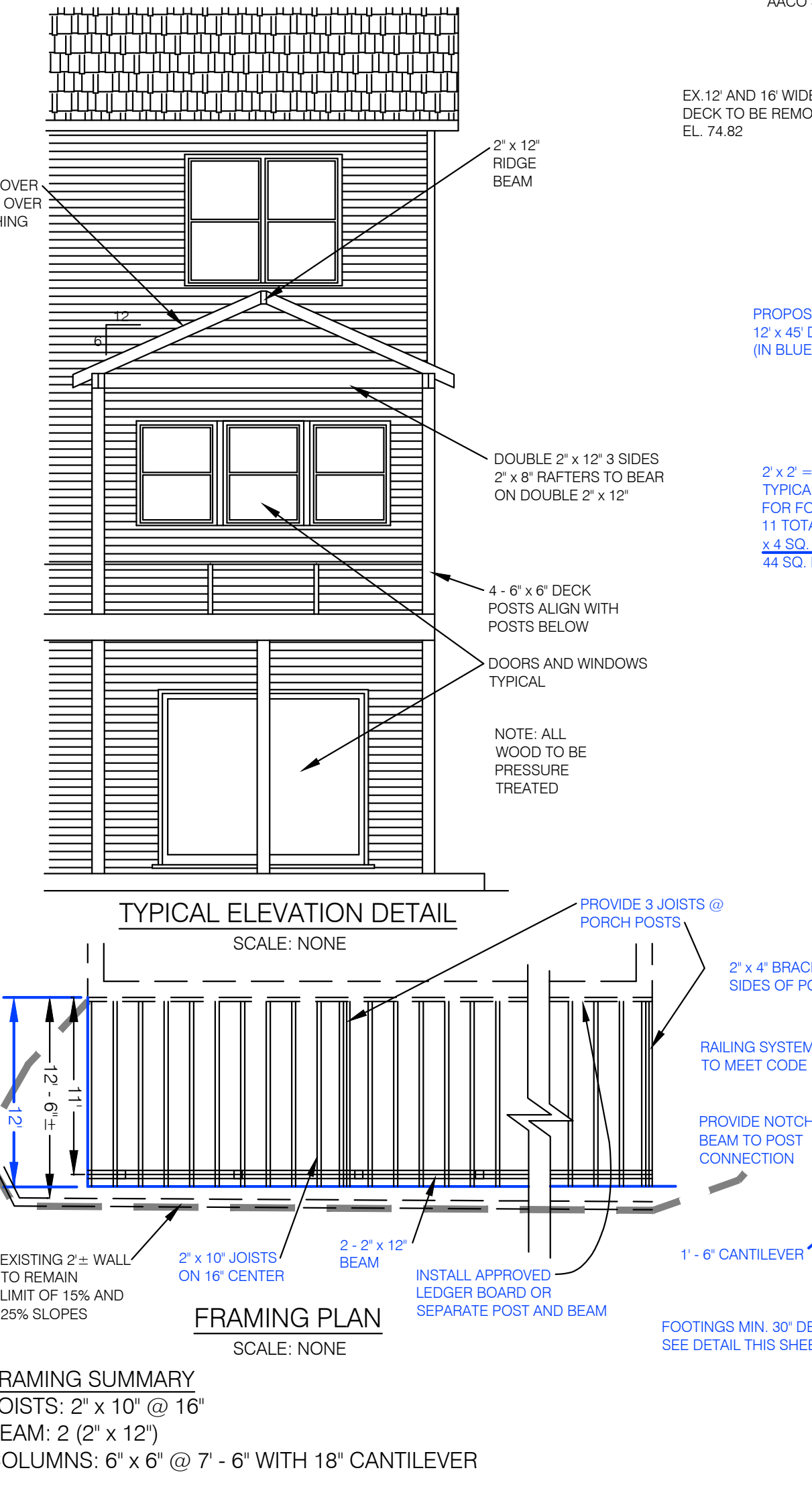
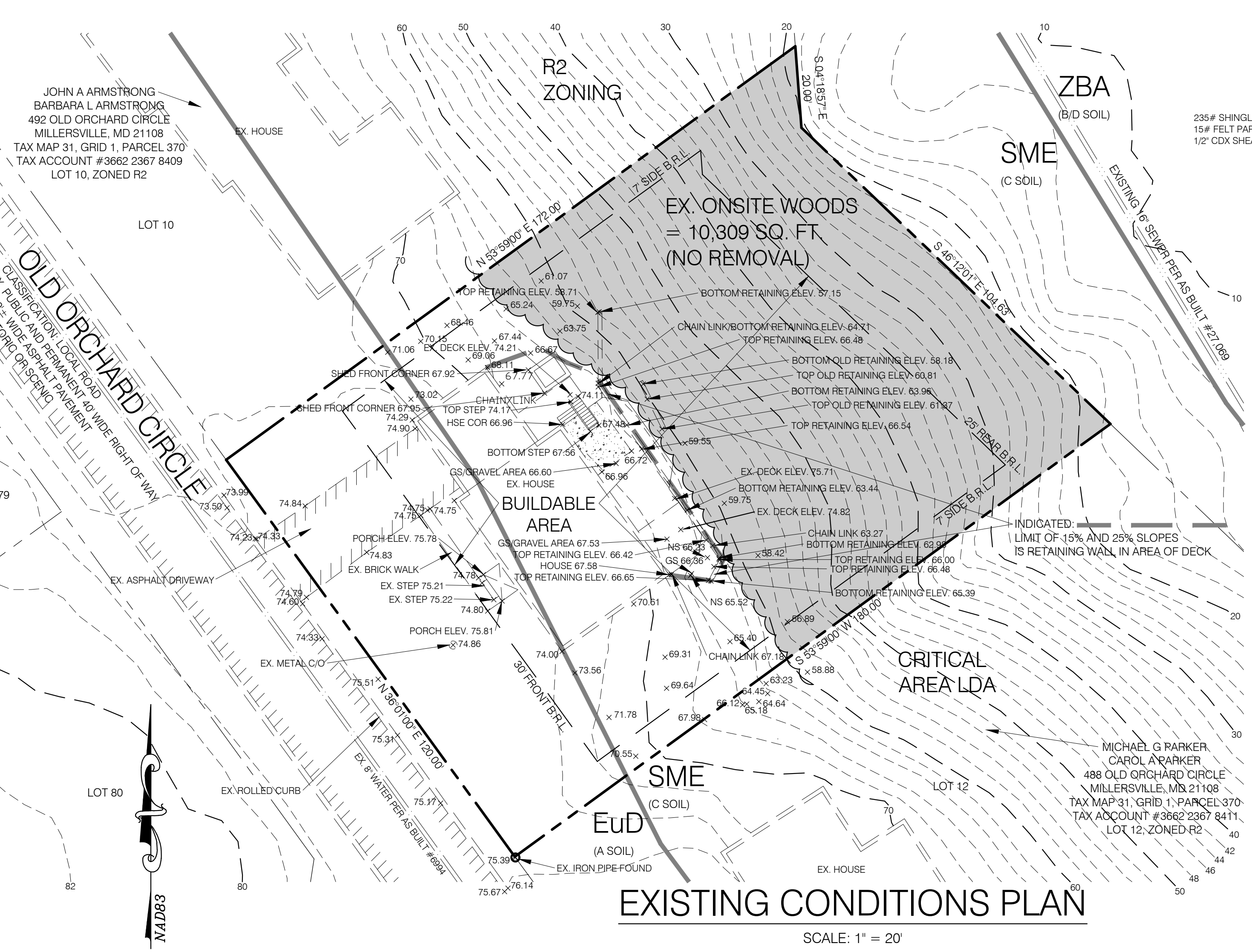
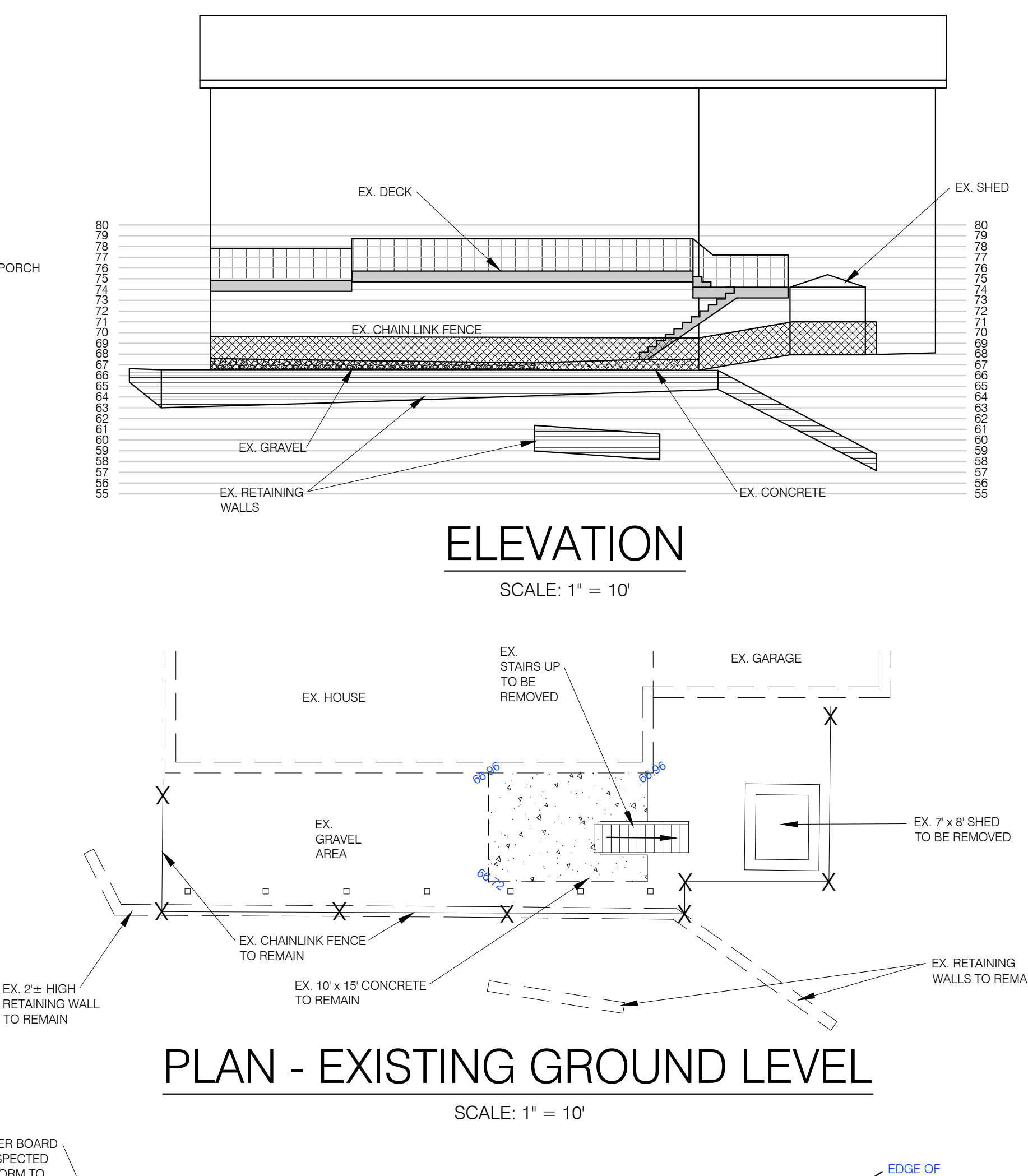
16.9% OF SITE vs 16.8% OF SITE

CRITICAL AREA NOTES

- CRITICAL AREA LDA.
- PROJECT IS APPROXIMATELY REPLACEMENT IN KIND TO BE REMOVED 12' x 20' = 240 SQ. FT. 16' x 25' = 400 SQ. FT. 8' x 15' = 120 SQ. FT. TOTAL REMOVED IS 760 SQ. FT. PROPOSED 14' x 45' = 630 SQ. FT. THE DECREASE IN DECK AREA IS 130 SQ. FT.
- NO INCREASE IN IMPERVIOUS AREA: PROPOSED PORCH 12' x 13.5' = 162 SQ. FT. EX. IMPERVIOUS CONCRETE BELOW 10' x 15' = 150 SQ. FT. NET PORCH INCREASE 12 SQ. FT. EX. SHED TO BE REMOVED 7' x 8' = 56 SQ. FT. THE DECREASE IN IMPERVIOUS AREA IS 44 SQ. FT.
- TOTAL DISTURBANCE = 44 SQ. FT. 11 FOOTINGS x 4 SQ. FT./FOOTING = 44 SQ. FT.

VARIANCE REQUEST

CONSTRUCT 12x45' DECK 'IN KIND'
CONSTRUCT 12x13' 6" COVERED ROOF OVER DECK. CONSTRUCT 4' WIDE STEPS WITH A 4x4' LANDING.



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: 9/17/24

Tax Map #	Parcel #	Block #	Lot #	Section
31	370	1	11	—

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 362-2367-8410

Project Name (site name, subdivision name, or other) | Point Field Landing, Lot 11

Project location/Address | 490 Old Orchard Circle

City | Millersville | Zip | 21108

Local case number

Applicant: Last name | Oneill | First name | Maureen

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 | 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:

construct 12' x 45' deck "in kind", 12' x 13' 6" covered roof over deck and 4' wide steps with a 4' x 4' landing

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

Project Type (check all that apply)

- | | | | |
|--------------------|--------------------------|--------------------------|-------------------------------------|
| Commercial | <input type="checkbox"/> | Recreational | <input type="checkbox"/> |
| Consistency Report | <input type="checkbox"/> | Redevelopment | <input type="checkbox"/> |
| Industrial | <input type="checkbox"/> | Residential | <input checked="" type="checkbox"/> |
| Institutional | <input type="checkbox"/> | Shore Erosion Control | <input type="checkbox"/> |
| Mixed Use | <input type="checkbox"/> | Water-Dependent Facility | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | | |

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area	0	0		0.001	44
LDA Area	0.468	20,422			
RCA Area	0	0			
Total Area	0	0	# of Lots Created		

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		10,309	Existing Lot Coverage		3457
Created Forest/Woodland/Trees	0	0	New Lot Coverage		189
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage		56
			Total Lot Coverage		3490

* see site plan - ex. concrete under porch

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		.44	Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type

- Buffer
- Forest Clearing
- HPA Impact
- Lot Coverage
- Expanded Buffer
- Nontidal Wetlands
- Setback
- Steep Slopes
- Other ermer buffer

Structure

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

CRITICAL AREA REPORT
FOR
POINT FIELD LANDING
LOT 11

PREPARED BY:

Gamma Engineering
1203 West Street, Suite A
Annapolis, MD 21401

OCTOBER 2024

GAMMA ENGINEERING

1203 West Street, Suite A
Annapolis, MD 21401
(410)626-1070 Fax (410)267-8619
Email blupt@icloud.com

Critical Area Report

Office of Planning & Zoning
2664 Riva Rd.
Annapolis, MD 21401

October 19, 2024

Applicant: Maureen O'Neill & Christopher LittleJohn
490 Old Orchard Circle
Millersville, MD 21108

Site Address: 490 Old Orchard Circle
Millersville, MD 21108
Lot 11, Point Field Landing

RE: Information required for submission of Critical Area Report

- I. Site Description and Explanation:** The subject property is Lot 11 in the subdivision of "Point Field Landing". The site contains approximately 20,422 square feet or 0.468 acres. The site is part of parcel 370 in block 1 of Tax Map 31. The lot is zoned R-2 and is in the 3rd Assessment District of Anne Arundel County. The lot is in the Critical Area and is designated as a Limited Development Area (LDA).

The applicant is requesting variances to allow disturbance (44sf) of steep slopes and their buffer (Article 17-8-201 & Article 17-8-301) to construct:

12' x 45' deck "in kind", 12' x 13'6" covered roof over deck and 4' wide steps with a 4' x 4' landing.

The proposed development will not alter the essential character of the neighborhood, will not impair similar development of adjacent properties, will not significantly reduce forest cover and will not be detrimental to the public welfare. The proposed development will not be inconsistent with the intent of the critical area program.

II. See enclosed site plan for vicinity map.

III. Narrative Statements:

- The proposed construction will have minimal or no effect on water quality.
- All impervious area for the site will not exceed allowed amounts.

There are none of the following designated habitat protection areas on site: riparian forests 300' or more in length, forested blocks greater than 100 acres, or natural heritage areas. The following designated

protection areas do not exist on site: non-tidal wetlands, water bird nesting sites, historical waterfowl nesting, staging or concentration areas.

IV. Site Plan

The enclosed site plan shows, if applicable, all of the following: existing vegetated area and all proposed structures. The clearing proposed is as designated, no wetlands disturbance is proposed.

V. See enclosed Notification of Project application.

Sincerely,

Michael Helfrich, P.E.

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

PROJECT NOTIFICATION APPLICATION

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Date: 9/17/24

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FOR RESUBMITTAL ONLY

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*Complete Only Page 1
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Project location/Address 490 Old Orchard Circle

City Millersville Zip 21108

Local case number

Applicant: Last name O'Neill First name Maureen

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"/> |

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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:

construct 12' x 45' deck "in kind", 12' x 13' 6" covered roof over deck and 4' wide steps with a 4' x 4' landing

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
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LDA Area	0.468	20,422
RCA Area	0	0
Total Area	0	0

Total Disturbed Area

Acres	0.001
Sq Ft	44

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
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			Total Lot Coverage		3490

(* see site plan - ex. concrete under porch)

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		.44	Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

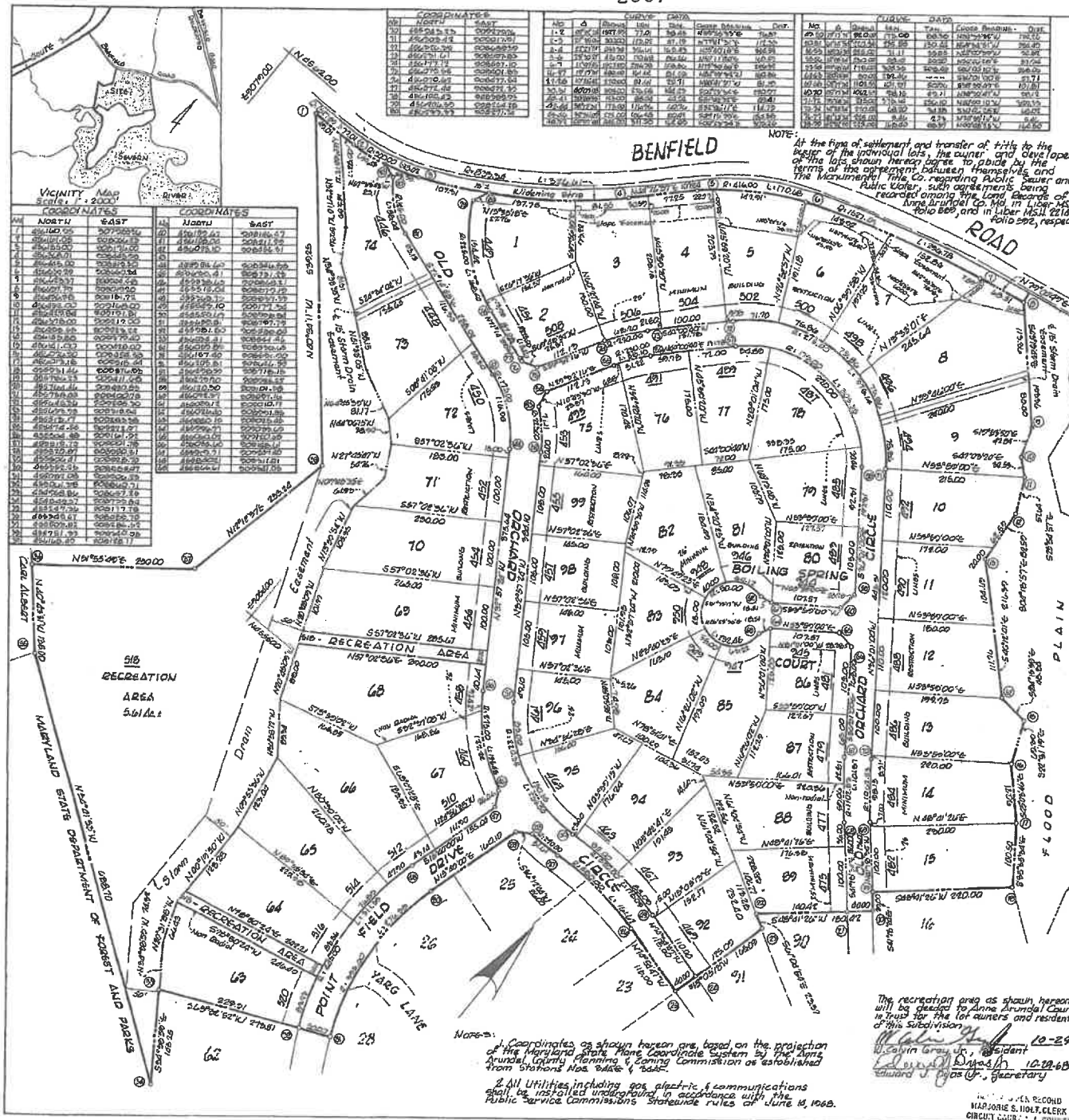
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 Setback
 Steep Slopes
 Other excess buffer

Structure

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

COORDINATES		SURVEY DATA		ADJACENT PLATS	
NO.	COORDINATES	NO.	ADJACENT PLATS	NO.	ADJACENT PLATS
1	...	1	...	1	...
2	...	2	...	2	...
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OWNER'S CERTIFICATE:

We, Point Field Landing, Inc., a Maryland Corporation, by Edward J. Duggan, Jr., Secretary, of the Property shown and described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines, and erect or cause to be erected, walls and fences to public use, such lands to be deemed to be situated automatically at such times as street extensions or adjacent thereto are dedicated to public use. There are no easements or other rights of low uses, liens, mortgages, trusts, easements or rights of way affecting the property included in this subdivision.

Point Field Landing, Inc.
 By: W. Calvin Gray Jr. 10-29-68
 W. Calvin Gray Jr., President Date
 Attest: Edward J. Duggan, Jr. 10-29-68
 Edward J. Duggan, Jr., Secretary Date

SURVEYOR'S CERTIFICATE:

I hereby certify that the plan shown hereon is correct and that it is a subdivision of part of the lands conveyed by William F. Smith et al to Benfield Landing, Inc. dated and recorded in the Land Records of Anne Arundel County, Maryland, in Liber MS1212 of Folio 309.

10-29-68
 Russell E. Louman, L.S. 5801
 Date

Any lot transferred will have a minimum width and area substantially the same as the original lot and only one principal building will be built on each lot. The requirements of paragraph 3 of Article 17 of the Annotated Code of Maryland, as amended, in effect on the date of this certificate, as far as they relate to the making of this plan and the setting of markers have been complied with.

W. Calvin Gray Jr. 10-29-68
 W. Calvin Gray Jr., President Date
Russell E. Louman, L.S. 5801 10-29-68
 Russell E. Louman, L.S. 5801 Date

NOTICE TO TITLE EXAMINERS:

- This plot has been approved subject to an agreement with the Planning & Zoning Department of Anne Arundel County, Maryland.
- That no sale or contract of sale of said lots shown hereon is to be made until the necessary improvements have been satisfactorily completed or in contract subcontracted by a surety bond of certified check has been entered into by the developer as provided in Section 2-13, Sub-paragraphs (a) and (b) of paragraph 2 of the Anne Arundel County Code.
- That no building permits will be issued for or constructed in this development until the requirements of the preceding paragraphs have been complied with.

Record in Liber MS1212 of Folio 309

STORM DRAIN DEDICATION

The 50 year flood plain and storm drain easements as shown hereon are hereby dedicated to public use in accordance with storm drainage regulations adopted by the County Commissioners, December 11, 1962, for storm water control.

W. Calvin Gray Jr. 10-29-68
 W. Calvin Gray Jr., President Date
Edward J. Duggan, Jr. 10-29-68
 Edward J. Duggan, Jr., Secretary Date

APPROVED:

Anne Arundel County Planning & Zoning Department
Thomas H. McCoy, Planning & Zoning Officer Date
 Anne Arundel Health Department
J. Howard Beard, County Health Officer Date
 (Public Water)

POINT FIELD LANDING ON THE SEVERN
 PLAT I
 SCALE: 1" = 100' - 3 RD. TAX DIST. - ANNE ARUNDEL CO., MD.
 100 50 0 100 200 300

C.D. MESSICK, JR. AND ASSOCIATES, INC.
 CONSULTING ENGINEERS & SURVEYORS
 21 WEST STREET ANNAPOLIS, MARYLAND

ANNE ARUNDEL COUNTY CIRCUIT COURT (Subdivision Plats, AA) Plat 2061, p. 36, MS1, 51235-4596. Date available 1968/11/07. Printed 10/28/2024.

ONEIL PREFILE



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE (2024-0004-P & 2024-0093-P)

DATE OF MEETING: 9/23/2024

P&Z STAFF: Sara Anzelmo, Kelly Krinetz

APPLICANT/REPRESENTATIVE: M. O'Neill & C. Littlejohn / Michael Helfrich EMAIL: blupt@icloud.com

SITE LOCATION: 490 Old Orchard Circle, Millersville LOT SIZE: 20,422 sf ZONING: R2

CA DESIGNATION: LDA BMA: N/A or BUFFER: N/A APPLICATION TYPE: Critical Area Variance

A variance is being sought for disturbance within steep slopes and the stream buffer. Pasted from the pre-file letter:

This letter of explanation pertains to the above referenced property that is being required to obtain a variance in conjunction with the review of building permit B02420955.

A variance to article 17-8-201 and 17-8-301(b) is requested to disturb 44 square feet of critical area slopes and 100' buffer to tidal stream. As the plans indicate, the only disturbance is installation of footings for the replacement deck. (The existing footers will be cut flush to grade so there will be no earth disturbance in conjunction with the removal.) The site area is 20,422 square feet, zoned R2, served by both public water and sewer and is in critical area is LDA. The rear of the existing lot is occupied by English ivy dominated understory and a canopy of red and white oak trees; (Quercus rubra, Quercus Alba).

In summary a variance is requested to allow installation of a smaller than existing deck as indicated on the plans. (The overall deck area is smaller in dimension and area). Additionally, the overall scope due to removal of an existing shed and placement of the porch over an existing concrete pad (impervious area) results in a reduction in the impervious area of 17 square feet. Both of these measurements are demonstrated on the plans.

The proposed deck area would decrease by 130 square feet compared to the existing deck. The proposed porch would extend slightly beyond the concrete patio below; however, that slight increase in coverage would be offset by the removal of the existing shed, resulting in a net decrease of 17 square feet of critical area lot coverage.

COMMENTS

The **Critical Area Team** commented that all proposed improvements should be located within the footprint of the existing deck. The proposed steps should be relocated to fall within the area of the existing shed/deck to be removed.

The **Zoning Administration Section** concurs with the Critical Area Team that all proposed improvements should remain within the footprint of the existing improvements being replaced. The variance site plan must label the proposed porch and deck with the number of stories and height. The applicant is reminded that, in order for a critical area variance to be approved, the applicant must demonstrate and the Hearing Officer must find that the proposal complies with each and every variance standard provided under Section 18-16-305(b) and (c).

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.