



**JORDAN
HONEYMAN**
Landscape Architecture LLC

708 Chestnut Street
Milton, DE 19968
302.770.8010
202 439 4001c

November 13, 2024

To: Zoning Administration
Department of Planning & Zoning
2664 Riva Rd #3
Annapolis, MD 21401

Re: Thomas and Nicole Murphy
1695 Dunstable Green
Annapolis, MD 21401

Variance Letter of Explanation

Site Information:

Zone: RI-Residential, Critical Area Designation: Limited Development Area, Lot 194,
Plat 9, The Downs

Project Narrative:

This landscape project consists of the following four areas:

1. Pedestrian access from Dunstable Green

This area includes new steps, an adjacent semi-dry stacked stone retaining wall and a mulched path/landing between the steps to minimize site coverage. It also includes new drainage behind the walls to collect, slow, and evenly disperse the runoff from the hill. These proposed steps and low walls are on slopes over 15% within the 40' front yard building setback. All semi-dry stacked walls are less than 25 inches tall.

2. Front entry steps and retaining walls

These proposed steps and walls are outside all the setbacks and are to help stabilize the existing slope and replace very uneven existing boulder steps. These are on the slope between the upper driveway parking and entry deck and the lower garage driveway and parking area. This is a needed safer pedestrian connection for the homeowners, visitors and delivery personnel. The existing boulder steps and boulders, and the proposed steps and walls fall within the 15% slope buffer.

3. Front entry deck and rebuilt side entrance deck

We are proposing to replace the decking on the existing cantilevered front entry deck and also rebuild the adjacent side entrance deck to raise its elevation to match the same height as the front entry deck. The step from the side entrance is in excess of code at a height of 10" and we want

to correct that by adding new steps. The proposed deck layout is close to the existing one, but will have a new step giving it access to the new proposed planting area. This planting area will replace 97 sq ft of gravel paving and coverage. The existing and new deck is within the buffer of 15% sloped areas that is adjacent to the existing boulder steps.

4. Driveway improvement

This proposed new driveway will replace the existing 3,580 sq ft. gravel driveway and one section of the existing concrete driveway (241 sq ft) with new concrete pervious and non-pervious pavers. We are using pervious in areas where we have gentlest slopes. We are proposing to remove gravel around the existing Red Maple tree and we will replace that gravel with mulch and plantings. Included in this overall driveway renovation it includes expanded area of 300 SF +/- expansion of gravel driveway with unit pavers and permeable unit pavers. The existing and replaced driveway falls primarily of areas over 15% or within 25' of a 15% buffer slope.

We are requesting variance relief from Subtitle 2 § 17-2-201 (a) which states:

Development in the limited development area (LDA) [...] may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. All disturbance shall be limited to the minimum necessary.

We feel that this request for relief is in compliance w/ § 17-2-108 in that:

- (1) practical difficulties or unnecessary hardship will result from strict application of this article [...]: **This site is an existing, legal, improved lot. Nearly the entirety of the front and side yard of the property being developed is within steep sloped areas of 15% or the buffer of those slopes. There is no way to rebuild or resurface the existing driveway, rebuild the existing decks, and replace the existing boulders steps, which pose a fall hazard, without impacting the 15% slopes or their buffers. Similarly, there are no existing routes for a pedestrian path and stair to the roadway that would not impact the 15% slopes or their buffers. Proposed plans will improve safety and enable owners to “age in place”.**
- (2) the purposes of this article, including minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal: **We propose to repair/redeck the existing front entry lead deck closely within its current area and rebuild and lift the elevation of an existing side entry deck to be flush with the entry lead deck. New designed steps are proposed to meet the rebuilt**

deck and replace the existing deck and boulder steps. Proposed street pedestrian access steps, walls, and pervious mulched path will further stabilize the existing slope and will require minimal to nearly no grading on the uphill side of the proposed wall location. Drainage will be included behind the wall to collect, slow, and slowly disperse the hillside water runoff. Replacing the existing gravel driveway with a large concentration of pervious pavers will further reduce water runoff.

- (3) the modification is not detrimental to the public health, safety, or welfare, is not injurious to other properties, [...]: **This proposal does not have any impact to surrounding owners nor their ability to develop their properties. Conversely, the proposal will provide safer methods than those existing to access the property by homeowners and pedestrians, potentially improving the future public health. These proposed improvements decrease site coverage from the existing site coverage. This is mostly achieved by the removal of excessive graveled areas.**
- (4) the modification does not have the effect of nullifying the intent and purpose of this article, the General Development Plan, or Article 18 of this Code: **This redevelopment does not have the effect of nullifying the intent and purpose of this article, the General Development Plan, or Article 18 of this Code. The proposed scope of work is within the existing site coverage, stabilizes sloping terrain, and improves safety and utility.**
- (5) the applicant has submitted written verification to the Office of Planning and Zoning that: (i) the requested modification was disclosed and discussed at a community meeting required under this article; or (ii) a notice explaining the reason for the modification, along with a copy of the request for modification, was mailed to: 1. all owners of property located within 300 feet of the affected property; and 2. the president of any community or homeowners' association of any subdivision that is located within 300 feet of the affected property subject to the application that are on the list of community associations, persons, and organizations maintained in the Office of the County Executive. **This variance request will be disclosed at a virtual community meeting. The date and time are to be confirmed by zoning. All community meeting requirements and notifications will be fulfilled.**

We believe that the request for variance relief meets requirements, per Article § 18-16-305 (b)

Requirements for Critical Area Variances

- (1) Unique physical conditions: **Due to the near totality of the site being in areas of 15% slope, or their buffers, strict compliance to § 17-2-201(a) would render the site near completely unmaintainable and undevelopable. Strict adherence to this article would pose an unwarranted hardship.**
- (2) Rights commonly enjoyed: **The proposed improvements are similar and in character to those of surrounding properties. To deny the requested variance would deprive the applicant of rights commonly enjoyed by other properties in the area: such as the ability to replace and reconfigure existing site amenities deemed unsafe, and the ability to attain a mode of safe pedestrian site access.**
- (3) Will not confer special privileges: **Granting this variance would not confer a special privilege to the applicant. Nearby properties maintain comparable improvements to those proposed for the project. The project primarily consists of replacements of already existing amenities. Furthermore, the only new improvement to the property is a solely pedestrian walkway to the street. There are several instances of this site amenity in The Downs neighborhood.**
- (4) Not based on conditions or circumstances that are the result of action by the applicant: **No new development has occurred at the time of this variance request. The variance request does not arise from any condition relating to land or building use on any neighboring property.**
- (5) Will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County critical area: **The proposed development will not cause adverse impacts to fish, wildlife or water quality in the Critical Area. There will be no impact to wooded areas or forested areas on the property. Furthermore, the partial replacement of existing driveway with 2290sf of permeable unit paving, and the reduction of site coverage by 453 sf should result in increased on site water infiltration. Increased water infiltration should result in reduction in stormwater volume discharges, reduced peak flow, and consequently, reduced erosive forces to channels downstream – which should lead to less sediment discharges (pollution).**

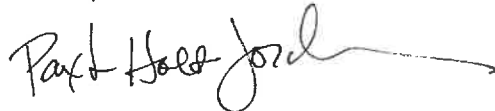
Requirements for All Variances.

- (1) Minimum necessary: **The proposed improvements are minimal, reduce site coverage, primarily occur in locations of existing improvements, and are within the scope of the surrounding properties, as previously asserted.**
- (2) The granting of the variance will not:

- i. Alter the essential character of the neighborhood and all proposed development will be harmonious with other properties of the surrounding area. **No improvements proposed are considerably divergent in character or utility from those found within the neighborhood.**
- ii. Substantially impair the appropriate use or development of adjacent properties: **There will be no substantial impact or impediments to adjacent properties.**
- iii. Reduce forest cover in the limited development area and resource conservation areas of the critical area: **There is no reduction of forest cover proposed.**
- iv. Be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area: **There is no reduction to natural areas proposed.**
- v. Be detrimental to public welfare: **The proposed development would likely increase public safety and ease of access, while also reducing pollutants to Maryland waterways and channels.**

Thank you for your attention to this matter. If there is any additional information needed for this code variance request, please contact me at 202 439 4001, or Matt Zerfas at 262 510 1372.

Sincerely,
Jordan Honeyman
Landscape Architecture, LLC

A handwritten signature in black ink that reads "Paxton Holt Jordan". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Paxton Holt Jordan ASLA, Partner

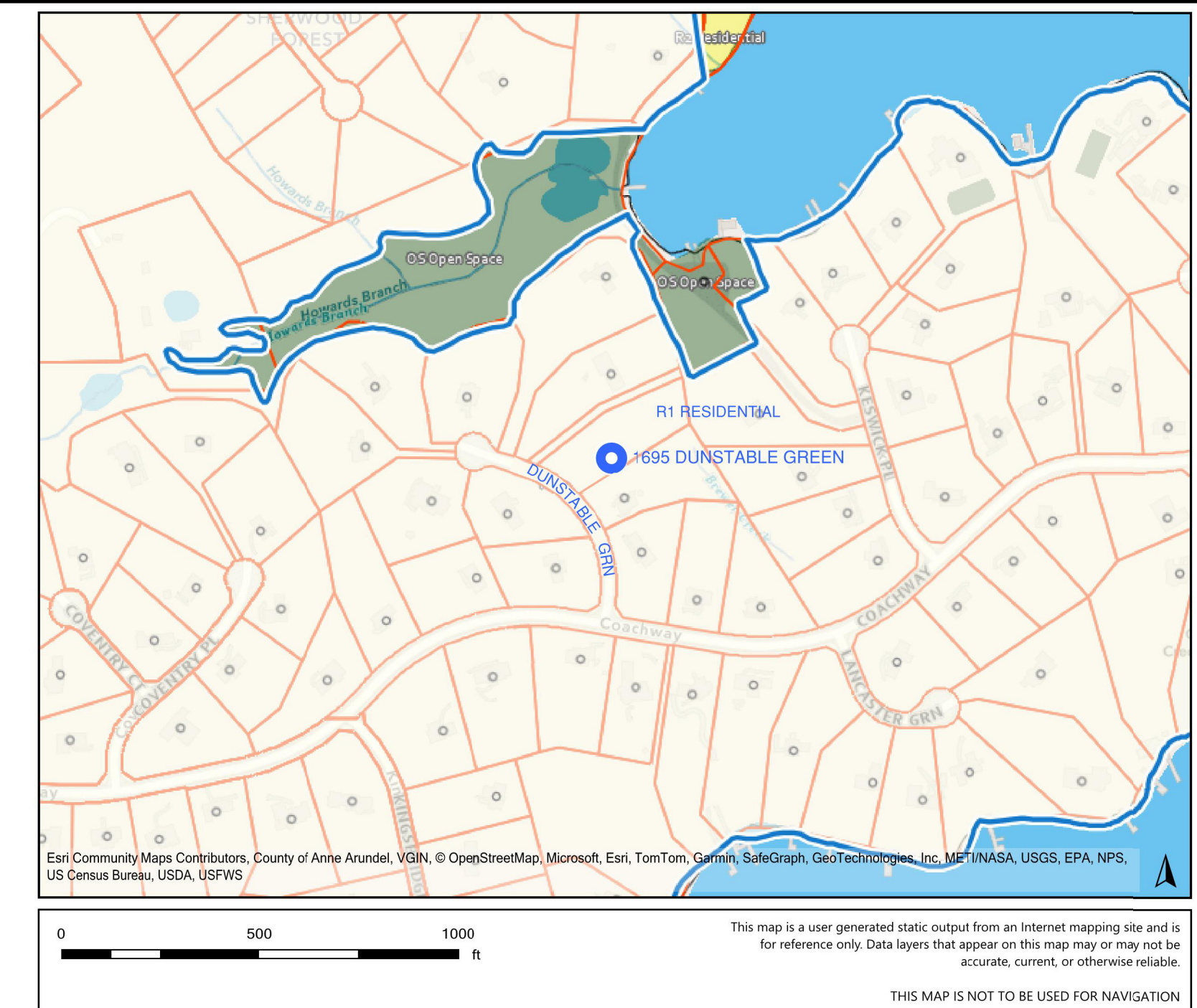
Site Information

TOTAL SITE AREA: 48,831.1 S.F. (1.12 ACRES)
 PREDOMINANT SOIL TYPES: AsB—Annapolis Fine Sandy Loam- 2-5% slopes (7.7%)
 AsG—Annapolis Fine Sandy Loam- 10-80% slopes (79.1%)
 CoC—Collington-Wist Complex 5-10% slopes (13.3%)

SITE ZONING: R1
 BUILDING RESTRICTION LINES: FRONT = 40'
 SIDES= 15'
 REAR= 35'

CRITICAL AREA DESIGNATION: LDA (LIMITED DEVELOPMENT AREA)
MAXIMUM IMPERVIOUS COVERAGE: 15% (7,324.7 SF)
 PER SUBTITLE (4) 17-8-402
 LOT CREATED IN 1980

ABOVE GRADE LIVING AREA: 2,392 SF
 FINISHED BASEMENT AREA: 1032 SF
 EXISTING COVERAGE: 6,375 SF
PROPOSED COVERAGE: 5,921.7 SF
LIMIT OF DISTURBANCE AREA: 4,938.8 SF
 (NOT SHOWN ON PLAN FOR CLARITY)

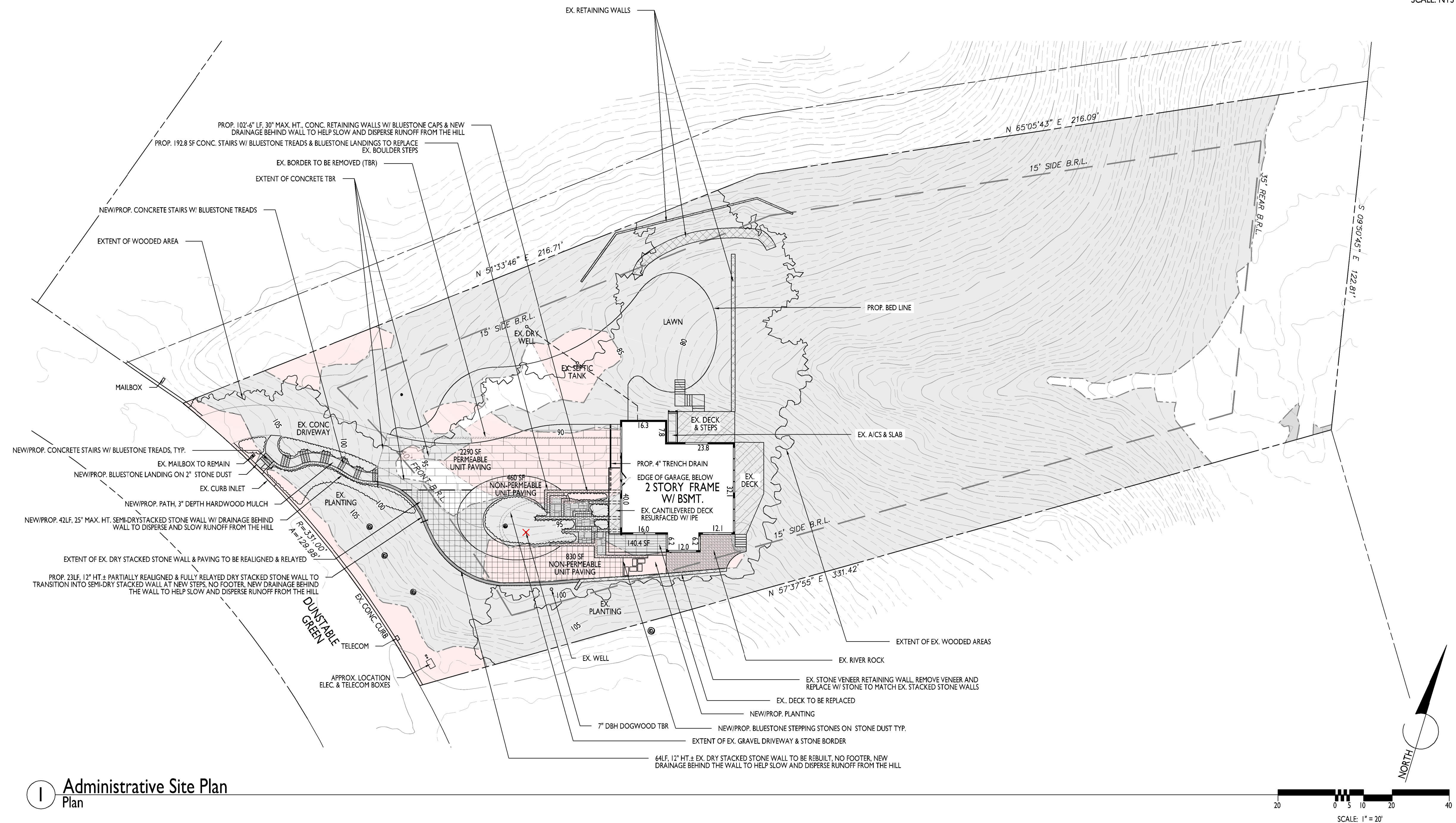


Vicinity Map with Zoning Boundaries

SCALE: NTS

Site Legend

PROPOSED STONE LANDINGS	
PROPOSED PAVING, UNIT PAVERS	
PROPOSED PERMEABLE PAVING, UNIT PAVERS	
PROPOSED RETAINING WALLS & STAIRS	
PROPOSED & REPLACEMENT DECK	
EXISTING DECK	
EX. RETAINING WALLS	
EX. RETAINING WALLS TO BE REBUILT & PARTIALLY REALIGNED	
STEEP SLOPES, 15% OR GREATER SLOPE	
BUFFER AREA OF STEEP SLOPES	
EDGE OF STEEP SLOPES	
EDGE OF STEEP SLOPE BUFFER	
EXTENT OF UNCLEARED WOODED AREA	
EX. HARDSCAPE TO BE REMOVED (TBR)	
PROPOSED PLANTING FOR SLOPE STABILIZATION	



Administrative Site Plan

JORDAN HONETMAN
 Landscape Architecture, LLC
 798 Chelms Street
 Milton, DE 19168
 302.770.8010

Scale: As Shown
 Date: 11.12.2024
 Revisions:

TAX MAP - 0039 GRID - 0019 PARCEL - 0505 SUBDIVISION - 219 LOT - 194
 TAX ID: 05 219 90014202

Murphy Residence
 1695 Dunstable Green
 Annapolis, MD 21401

Administrative Site Plan

L-001

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: 11/7/2024

Tax Map #	Parcel #	Block #	Lot #	Section
0039	0505	n/a	194	n/a

FOR RESUBMITTAL ONLY

Corrections
Redesign
No Change
Non-Critical Area

*Complete Only Page 1
General Project Information

Tax ID: 02 - 219 - 90014202

Project Name (site name, subdivision name, or other) Murphy Residence - The Downs

Project location/Address 1695 Dunstable Green

City Annapolis Zip 21401

Local case number

Applicant: Last name Zerfas First name Matt

Company Jordan Honeyman Landscape Architecture

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:

Rebuilding Entrance Deck, replaciing stairs from driveway to entrance, replacement of part of driveway with new material, new construction of retaining walls and stairs to street from driveway

Yes Intra-Family Transfer <input type="checkbox"/> Grandfathered Lot <input type="checkbox"/>	Yes Growth Allocation <input type="checkbox"/> Buffer Exemption Area <input type="checkbox"/>
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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	.11	4,964
LDA Area	1.12	48,831	# of Lots Created		
RCA Area					
Total Area					

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	.69	29,880	Existing Lot Coverage	.15	6,375
Created Forest/Woodland/Trees	TBD	TBD	New Lot Coverage	0.0	0
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	.01	453
			Total Lot Coverage	.14	5922

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	.11	4,964	Mitigation	0	0

<p><u>Variance Type</u></p> Buffer <input type="checkbox"/> Forest Clearing <input type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input type="checkbox"/> Steep Slopes <input checked="" type="checkbox"/> Other <input type="checkbox"/>	<p><u>Structure</u></p> Acc. Structure Addition <input checked="" type="checkbox"/> Barn <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Dwelling <input type="checkbox"/> Dwelling Addition <input type="checkbox"/> Garage <input type="checkbox"/> Gazebo <input type="checkbox"/> Patio <input type="checkbox"/> Pool <input type="checkbox"/> Shed <input type="checkbox"/> Other <input checked="" type="checkbox"/>
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Steps & Driveway

Critical Area Report

**1695 DUNSTABLE GREEN
ANNAPOLIS, MD 21401**

November 2024

Prepared for:
Nicole P. Murphy and Thomas M. Murphy

Prepared by:
Jordan Honeyman Landscape Architecture
708 Chestnut Street
Milton, DE 19968

Project Explanation

This project consists of newly constructed steps and stone walls to provide pedestrian street access to the existing residence. It also included the replacement of existing entry steps, to include newly constructed concrete retaining walls. The project also included partial replacements and resurfacing of the existing entry deck.

Lastly, the project includes the replacement of 3580 sf of existing gravel driveway and the removal of the lowest section of the existing concrete driveway (241 sf) with unit pavers. The reconfiguration of the renovated driveway will increase the driveway area by 300 +/- sf, and consist partially of permeable unit paving. The new driveway is 3,120 sf with 2,290 sf being permeable, reducing the storm water outflow & quantity.

Site Disturbance and Mitigation Forest and Vegetation Analysis

The site disturbance of 4,964 sf will not affect any woodland areas. Mitigation of erosion and sediment during the project will be achieved through silt fencing on the downhill side of disturbances. In addition to silt fencing there is a large area of existing lawn (next to existing garage) and woodland not to be disturbed on the downhill of the Limit of Disturbance. This lawn and downhill woodlands would act as a secondary redundant system to assist in stopping erosion or movement of sediment off the property or into downstream channels.

Forest and Vegetation Analysis

Approximately .69 Acres of the property is composed of woodland areas, none of which will be disturbed by the proposed project.

The Predominant Trees and Shrubs on Site are:

American Beech	<i>Fagus grandifolia</i>	
Sweet Gum	<i>Liquidambar styraciflua</i>	
Tuliptree	<i>Liriodendron tulipifera</i>	
American Holly	<i>Ilex opaca</i>	
Red Maple	<i>Acer rubrum</i>	
White Pine	<i>Pinus strobus</i>	Garden Planting
Flowering Dogwood	<i>Cornus florida</i>	Garden Planting
Pfitzer Juniper	<i>Juniperus x pfitzeriana</i>	Garden Planting
Mahonia	<i>Mahonia aquifolium</i>	Garden Planting
Otto Luyken English Laurel	<i>Prunus laurocerasus 'Otto Luyken'</i>	Garden Planting
Schip Laurel	<i>Prunus laurocerasus 'Schipkaensis'</i>	Garden Planting
Chinese Holly	<i>Ilex cornuta</i>	Garden Planting
Chindo Viburnum	<i>Viburnum awabuki 'Chindo'</i>	Garden Planting
Japanese Maple	<i>Acer palmatum</i>	Garden Planting

Azaleas

Rhododendron spp.

Garden Planting

Riparian Forest Behind the House

Miscellaneous deciduous shrubs and tree saplings are present outside of the LOD in the understory of the woodlands.

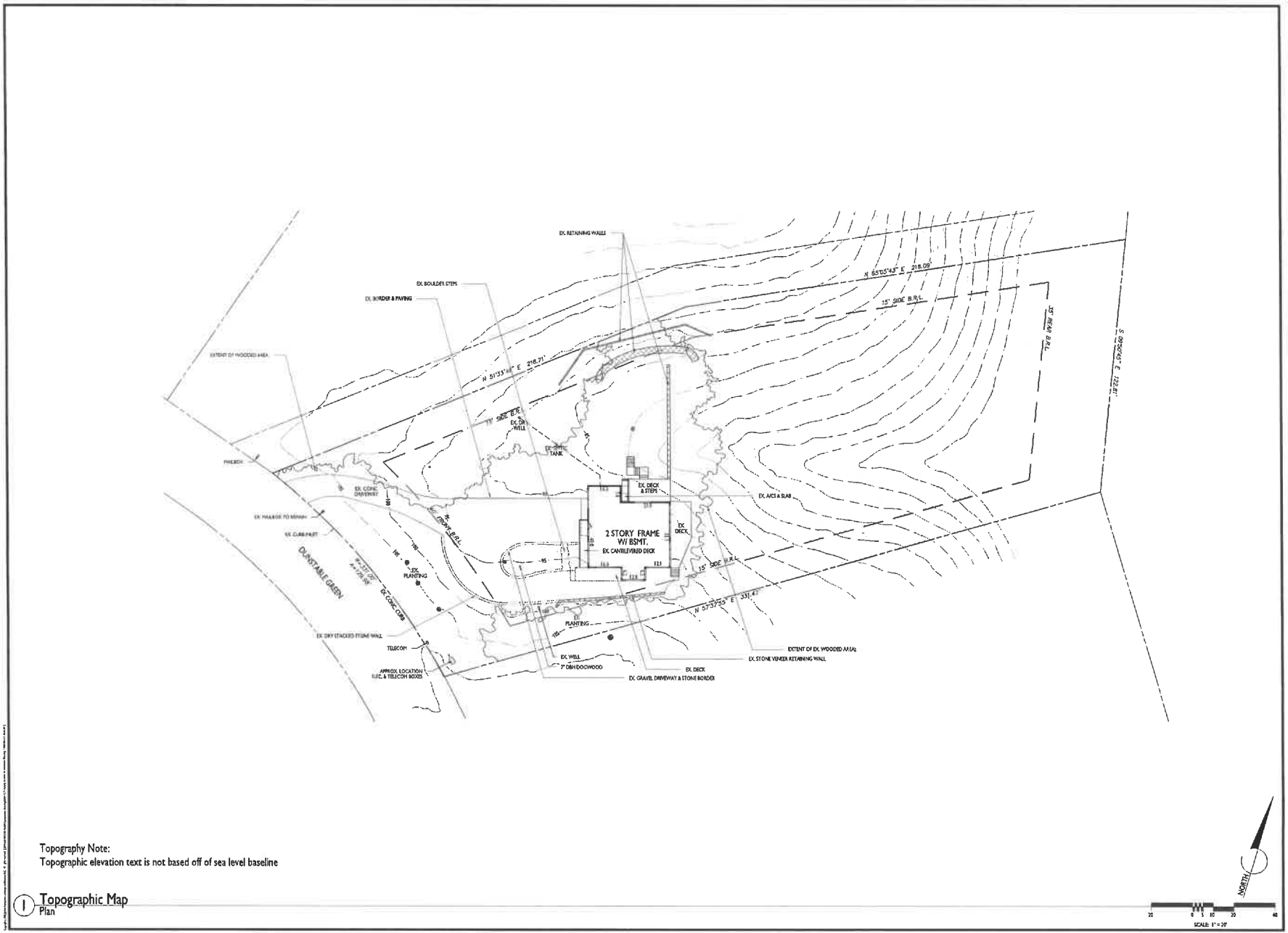
Pervious Surfaces and Coverage

The Site existing coverage is to be reduced from 6375 sf to 5858 sf which is achieved by the removal of gravel below existing deck and reduction of a portion of the existing driveway gravel.

While the replacement of 2290 sf of gravel driveway with permeable unit paving does not reduce the coverage amount above, it will very likely increase the site stormwater storage capacity via an openly graded gravel storage basin below the unit pavers. This subsurface storage will reduce impacts from the site to downstream channels and waterbodies during large storm events (e.g. a 1-year storm etc.).

Riparian Forest

The proposed work is in the front and side yards, but the rear property is a Riparian Forest home to native flora and fauna. Deer, squirrels and many woodland birds.



Murphy Residence
1695 Dunstable Green
Annapolis, MD 21401

Topographic Map

L-002

Existing Conditions Images



1. Front Yard from Dunstable Green - Looking to East



2. Front Yard from Dunstable Green - Looking to North East



3. Driveway, Frontyard and Location of New Steps to Street and Front of House



4. Front Yard, Gravel Driveway, Landscape Walls and Front of House



5. Gravel Driveway, Main Lawn, Stairs to Entrance Deck and Front of House



6. Boulder Stairs to Cantilevered Entrance Deck Adjacent to Garage Doors - Looking South



7. Area of New Access Stairs to Dunstable Green (to include retaining wall) - Looking to West



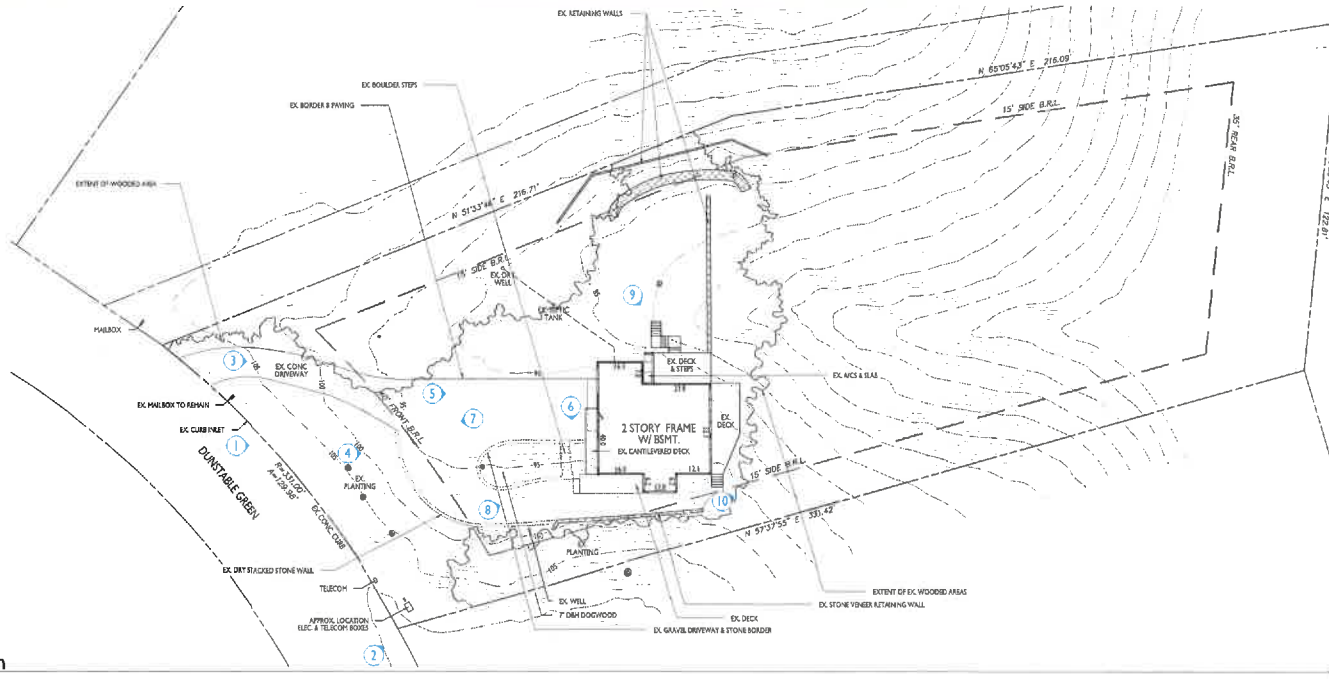
8. Upper Parking Area, Stone Retaining Wall, Entrance Deck and House - Looking to North East



9. Side Yard Beveled Deck and Stairs - Looking to South East



10. Ruy Wooded Area - Looking North East



1 Existing Conditions Plan

SCALE: 1" = 20'

JORDAN HORNEMAN
 10000 Green Lane
 Prince Georges County, MD 20686
 301.441.1111

Scale: As Shown
 Date: 11.12.2024
 Revisions:

TAX MAP - 009, CSD - 001, PARCEL - 006, SUBDIVISION - 11, LOT - 114
 PARCEL 14.517 PARCEL 14.518
 PART OF 1982

Murphy Residence
 1695 Dunstable Green
 Annapolis, MD 21401

Existing
 Conditions Plan
 & Images

L-002

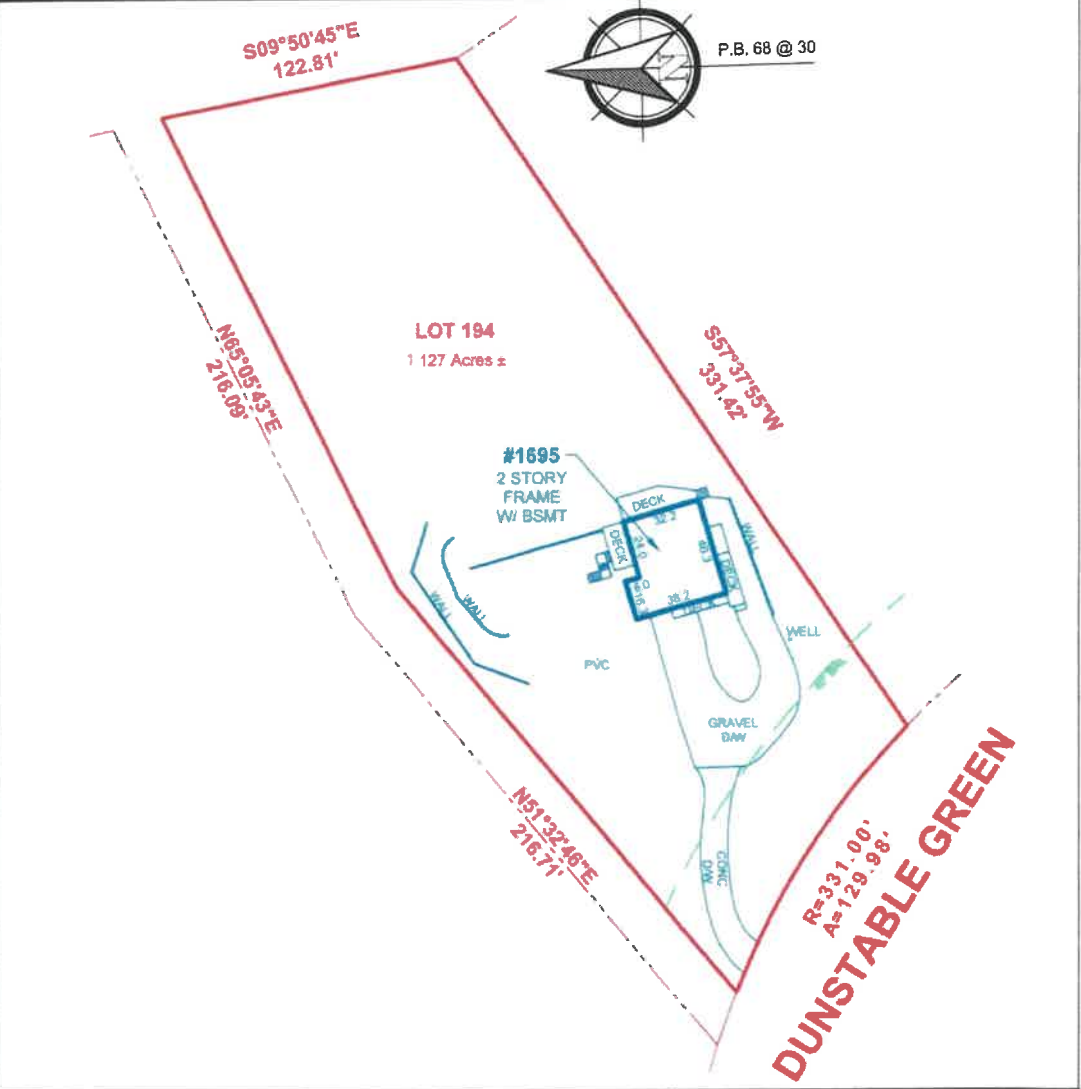
THIS DOCUMENT IS CERTIFIED TO:

EAGLE | TITLE LLC



EAGLE | TITLE LLC

CASE #: S22-20800



LOCATION DRAWING OF:
#1695 DUNSTABLE GREEN
LOT 194
 PLAT 9 REVISED
"THE DOWNS"
 PLAT BOOK 68, PLAT 30
 ANNE ARUNDEL COUNTY, MARYLAND
 SCALE: 1"=60' DATE: 03-25-2022
 DRAWN BY: B.G. FILE #: 222895-656

LEGEND:

- FENCE
- BASEMENT ENTRANCE
- B/W BAY WINDOW
- BR BRICK
- BR/L BLDG RESTRICTION LINE
- BSMT BASEMENT
- C/S CONCRETE STOOP
- CONC CONCRETE
- D/W DRIVEWAY
- EX EXISTING
- FR FRAME
- MAC MACADAM
- NF NOW OR FORMERLY
- OH OVERHANG
- PUE PUBLIC UTILITY ESMT
- PIE PUBLIC IMPROVEMENT ESMT

COLOR KEY:

- FENCES
- IMPROVEMENTS
- BLDGS
- RESTRICTION LINES

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 Email: orders@duley.biz On the web: www.duley.biz



SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT I WAS IN RESPONSIBLE CHARGE OVER THE PREPARATION OF THIS DRAWING AND THE SURVEY WORK REFLECTED HEREIN AND IT IS IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION 12 CHAPTER 09 13.03 OF THE CODE OF MARYLAND ANNOTATED REGULATIONS. THIS SURVEY IS NOT TO BE USED OR RELIED UPON FOR THE ESTABLISHMENT OF FENCES, BUILDING, OR OTHER IMPROVEMENTS. THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar as it is required by a LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENTS IN CONNECTION WITH THE CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE LEVEL OF ACCURACY FOR THIS DRAWING IS 1: NO TITLE REPORT WAS FURNISHED TO NOR DONE BY THIS COMPANY. SAID PROPERTY SUBJECT TO ALL NOTES, RESTRICTIONS AND EASEMENTS OF RECORD. BUILDING RESTRICTION LINES AND EASEMENTS MAY NOT BE SHOWN ON THIS SURVEY. IMPROVEMENTS WHICH IN THE SURVEYOR'S OPINION APPEAR TO BE IN A STATE OF DISREPAIR OR MAY BE CONSIDERED "TEMPORARY" MAY NOT BE SHOWN. IF IT APPEARS ENCROACHMENTS MAY EXIST A BOUNDARY SURVEY IS RECOMMENDED.

DULEY & ASSOC.
 WILL GIVE YOU A 100%
 FULL CREDIT TOWARDS
 UPGRADING THIS
 SURVEY TO A
"BOUNDARY/STAKE"
 SURVEY FOR ONE
 YEAR FROM THE DATE
 OF THIS SURVEY.

(EXCLUDING D.C. & BALT. CITY)



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0102-P
DATE: 11/1/2024
STAFF: Joan A. Jenkins (OPZ)
Kelly Krinetz (OPZ)

APPLICANT/REPRESENTATIVE: Matt Zerfas

EMAIL: matt@jordanhoneyman.com

SITE LOCATION: 1695 Dunstable Green, Annapolis, MD

LOT SIZE: 48,831 sf

ZONING: R1 **CA DESIGNATION:** LDA **BMA:** n/a **or** **BUFFER:** n/a **APPLICATION TYPE:** Variance

DESCRIPTION:

The applicant proposes reconfiguration and replacement of existing improvements to include new steps, retaining wall, front and side decks, and driveway. Development will occur on steep slopes.

COMMENTS:

Critical Area Team: For the purpose of clarity, it would be helpful to remove the future phases from the plan unless they are part of this request. For the most part it appears that the proposal is to reconfigure/replace existing improvements. there is no objection to the replacement of existing driveways, decks etc. or the construction of the new steps adjacent to the dwelling. It is unclear if the pathway from the road to the house is replacement or new. Photographs of this area would be helpful and disturbance to the slope should be minimized.

Zoning Administration Section:

The applicant should make changes to the site plan as recommended by the Critical Area Team if the future phases are not to be included with this variance. Note that future redevelopment may require a variance at the time including replacement in kind of structures. The letter of explanation includes the verbiage 'modification' meaning a change. The OPZ has a process called Modification which is different from the variance process. The letter could be rewritten so as to not cause confusion in that matter. Also, the applicant should address the variance criteria under 18-16-305 regarding critical area variances.

INFORMATION FOR THE APPLICANT

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.