

**FINDINGS AND RECOMMENDATION  
OFFICE OF PLANNING AND ZONING  
ANNE ARUNDEL COUNTY, MARYLAND**

**APPLICANT:** Brookwood Corporation

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2024-0198-V

**COUNCILMANIC DISTRICT:** 3

**HEARING DATE:** January 23, 2025

**PREPARED BY:** Joan A. Jenkins   
Planner III

**REQUEST**

The applicant is requesting a variance to allow a dwelling with less setbacks and buffer than required on property known as 260 Magothy Boulevard (Tax ID 3881-2548-6565) in Pasadena.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 11,173 square feet of land and is located with road frontage on the west side of Magothy Boulevard at the western terminus of 3rd Street, and also has road frontage on the east side of 4th Street. The subject property is identified as Lot 345R on Parcel 343 in Grid 15 on Tax Map 24 in the Upper Magothy Beach subdivision and is zoned R2 - Residential District.

This is an unimproved nonwaterfront property which lies entirely within the Chesapeake Bay Critical Area and is designated LDA - Limited Development Area. The site is encumbered by the 100-foot stream buffer and the expanded buffer to steep slopes. The property is served by a private well and septic system.

**APPLICANT'S PROPOSAL**

The applicant proposes to construct a new single-family dwelling (L-shaped, 24 feet wide by 44 feet deep by 28 feet high) with an integrated double-car garage and associated facilities.

**REQUESTED VARIANCES**

§ 18-13-104(a) of the Code requires that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams and tidal wetlands; and § 18-13-104(b) stipulates that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater. § 17-8-301 of the Subdivision Code states that development on properties containing buffers shall meet the requirements of Title 27 of the State Code of Maryland (COMAR). § 27.01.01 (B) (8) (ii) of COMAR states a buffer exists "to protect a stream tidal wetland tidal waters or terrestrial environment from human disturbance." § 27.01.09

E. (1) (a) (ii) of COMAR authorizes disturbance to the buffer for a new development activity or redevelopment activity by variance. The stream buffer for the stream just off the property to the west and north falls on the property in two areas and the steep slopes surrounding the stream offsite are expanded into the property.

The proposal shows 1,408 square feet of temporary disturbance and 709 square feet of permanent disturbance for the limit of disturbance within the expanded buffer. An undetermined amount of the total temporary disturbance is within the 100-foot stream buffer. Therefore, the proposed development necessitates a variance to disturb the stream buffer and the expanded buffer. Actual disturbance to be determined at the time of permitting.

This application does not require a variance to setbacks.

### **FINDINGS**

The property is an elongated L-shape with two road frontages. The site is undersized and narrow for a lot in the R2 District. This property was created from three lots and two parts of lots in the Magothy Beach Subdivision.

The site currently has no lot coverage. The proposed coverage will be 3,002 square feet (26.8%), which is less than the 3,492 square feet maximum critical area lot coverage allowed by Code.

The **Health Department** commented that they do not have an updated approved plan for this project, but has no objection as long as a plan is submitted and approved by the Department.

The **Development Division (Critical Area Team)** commented that there is no objection.

The **Critical Area Commission** commented that appropriate mitigation must be provided.

The **Department of Inspections and Permits (Engineering)** had specific comments related to stormwater management, runoff and drainage. Based on their comments (see attached within the record) they do not support the request.

The **Cultural Resources Section** commented that the project area is in an area of high archaeological potential. Development is subject to review for compliance with Article 17-6-502 (Archaeological Site). The Cultural Resources Section shall require review of the grading permit and will need a site visit at the time of the permit application.

For the granting of a critical area variance, a determination must be made on the following:

Because of certain unique physical conditions, such as exceptional topographical conditions peculiar to and inherent in the particular lot or irregularity, narrowness, or shallowness of lot size and shape, strict implementation of the County's critical area program would result in an unwarranted hardship or practical difficulty. In this case the presence of the stream buffer and the

expanded buffer to steep slopes combine to make development nearly impossible without variance relief. As such some relief is warranted to allow the applicants to develop the lot.

A literal interpretation of the County's critical area program will deprive the applicants of rights that are commonly enjoyed by other properties in similar areas by denying the applicant to develop the lot with a single family dwelling. The granting of the variance will not confer on the applicants a special privilege that would be denied by COMAR, Title 27. This request is not a result of actions by the applicants and does not arise from any condition relating to land or building use on any neighboring property. There is no evidence that the granting of the variances will adversely affect water quality or impact fish, wildlife or plant habitat and the proposal is in harmony with the general spirit and intent of the County's critical area program. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the critical area law and have evaluated site planning alternatives.

With regard to the requirements for all variances:

Provided the applicant can satisfy the Department of Inspections and Permits there is no evidence that the development will alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare. The proposal will not reduce forest cover in the LDA and will not be contrary to acceptable clearing and replanting practices.

The County Critical Area team and the State Critical Area Commission have offered no objection to the proposal and as such, the proposal is considered to represent the minimum variance necessary by the Office of Planning and Zoning.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of variances to construct the deck and stairs with less and buffer than required as shown on the site plan.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

**NON-ROOFTOP DISCONNECT # (19)**  
 FULLY SEGREGATED DISCONNECT AREA AS THE BULKHEAD AS TO THE BRICKYARD AREA.

**NON-ROOFTOP DISCONNECT # (19)**  
 DA TO ROOFTOP DISCONNECT # (19)  
 MP AREA = 730 SF.

**ROOFTOP DISCONNECT # (19)**  
 DA TO ROOFTOP DISCONNECT # (19)  
 MP AREA = 300 SF.

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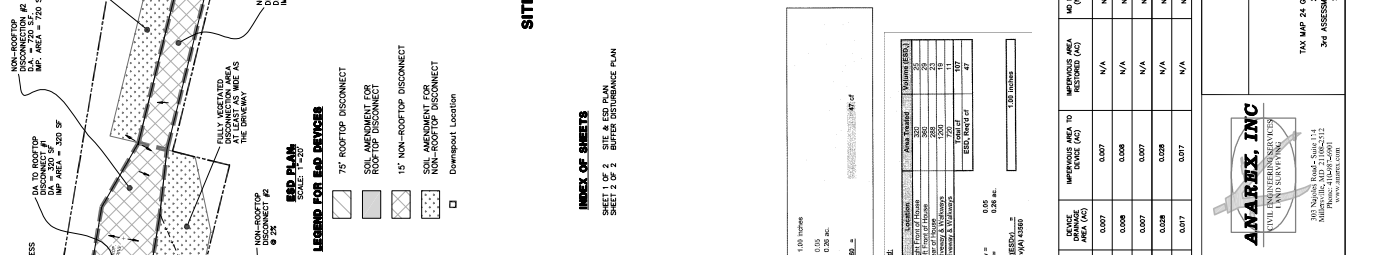
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**VICINITY MAP**  
 SCALE: 1" = 2,000'  
 Permitted Use Number 2000071

**INDEX OF SHEETS**  
 SHEET 1 OF 2 SITE & ESD PLAN  
 SHEET 2 OF 2 SUPPLY DRAINAGE PLAN

**SOIL AMENDMENT FOR ROOFTOP AND NON-ROOFTOP DISCONNECT**  
 15" NON-ROOFTOP DISCONNECT  
 NON-ROOFTOP DISCONNECT  
 Downspout Location

**SOIL AMENDMENT FOR ROOFTOP AND NON-ROOFTOP DISCONNECT**  
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STORMWATER MANAGEMENT DATA	FRONT NUMBER	PROJECT NUMBER	PROJECT NAME	STRUCTURE ADDRESS	STRUCTURE CITY	STATE	STRUCTURE ZIP	STRUCTURE ZONE	TOTAL DRAINAGE AREA	ROOF - PRE CONSTRUCTION	ROOF - POST CONSTRUCTION	ROOF-WOOD	TOTAL NUMBER OF BMPs	FE REQUIRED	MP 8-DOIT HUC	USGS 12-DOIT HUC	MP NORTH CORD. (UNADJ.)	MP EAST CORD. (UNADJ.)	MANTENANCE (10-YR)	MAINTENANCE (2-24)
	002200		BROOKLYN BEACH LOT 346R	260 MAGOGHY BLVD	PASADENA	MARYLAND	21122		0.26 AC.	0.26 AC.	0.26 AC.	0.00	1	1"	0313001	120000000	0313001	1	1	

EXAMPLE	STR. NAME	MP TYPE	CONSTRUCTION TYPE	LAND USE	DATE	IMPERVIOUS AREA TO IMPROVED AREA (%)	IMPERVIOUS AREA TO IMPROVED AREA (%)
	ROOFTOP DISCONNECT #	E	H-1	NEW DEVELOP	06	0.007	N/A
	ROOFTOP DISCONNECT #	E	H-1	NEW DEVELOP	06	0.008	N/A
	ROOFTOP DISCONNECT #	E	H-1	NEW DEVELOP	06	0.007	N/A
	NON-ROOFTOP DISCONNECT #	E	H-2	NEW DEVELOP	06	0.008	N/A
	NON-ROOFTOP DISCONNECT #	E	H-2	NEW DEVELOP	06	0.007	N/A

TYPE	AREA (SQ.FT)	PERCENTAGE (%)	SOIL	SOIL CLASSIFICATION	PERCENTAGE (%)
ROOF	1,350	50	AS	AS	50
DRIVEWAY	1,000	37	AS	AS	37
PARKING	1,200	43	AS	AS	43
IMPERVIOUS	3,550	100	AS	AS	100
TOTAL	7,100	100	AS	AS	100

SOIL	AREA (AC)	PERCENTAGE (%)	SOIL CLASSIFICATION	PERCENTAGE (%)
A	0.258	9.6	AS	9.6
B	0.000	0.0	AS	0.0
C	0.000	0.0	AS	0.0
D	0.000	0.0	AS	0.0
E	0.000	0.0	AS	0.0
IMPERVIOUS	0.000	0.0	AS	0.0
TOTAL	0.258	9.6	AS	9.6

CRITICAL AREA NOTES	EXISTING LOT COVERAGE	PROPOSED LOT COVERAGE	SOIL	SOIL CLASSIFICATION	PERCENTAGE (%)
OVERBANK FLOOD PROTECTION HAS BEEN MET AS THE SITE DETAILS TO A PUBLIC LOCAL CIVITY RIGHT OF WAY.	0 SF	0 SF	AS	AS	0

SOIL CLASSIFICATION CHART	NAME	EMBERS	SOIL CLASSIFICATION	PERCENTAGE (%)
	EuD	Embers -Soil -Urban Land Complex	EuD	100
	PgB	Embers -Post Multi-Urban Land Complex	PgB	100



**OWNERS/DEVELOPER:**  
 BROOKLYN BEACH  
 301 National Road - Suite 114  
 Annapolis, MD 21401  
 (410) 293-1212  
 WWW.BROOKLYNBEACH.COM

**ANARIX INC**  
 LAND SERVICES  
 301 National Road - Suite 114  
 Annapolis, MD 21401  
 (410) 293-1212  
 WWW.ANARIX.COM

**VICINITY MAP**  
 SCALE: 1" = 2,000'  
 Permitted Use Number 2000071

**SOIL AMENDMENT FOR ROOFTOP AND NON-ROOFTOP DISCONNECT**  
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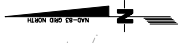
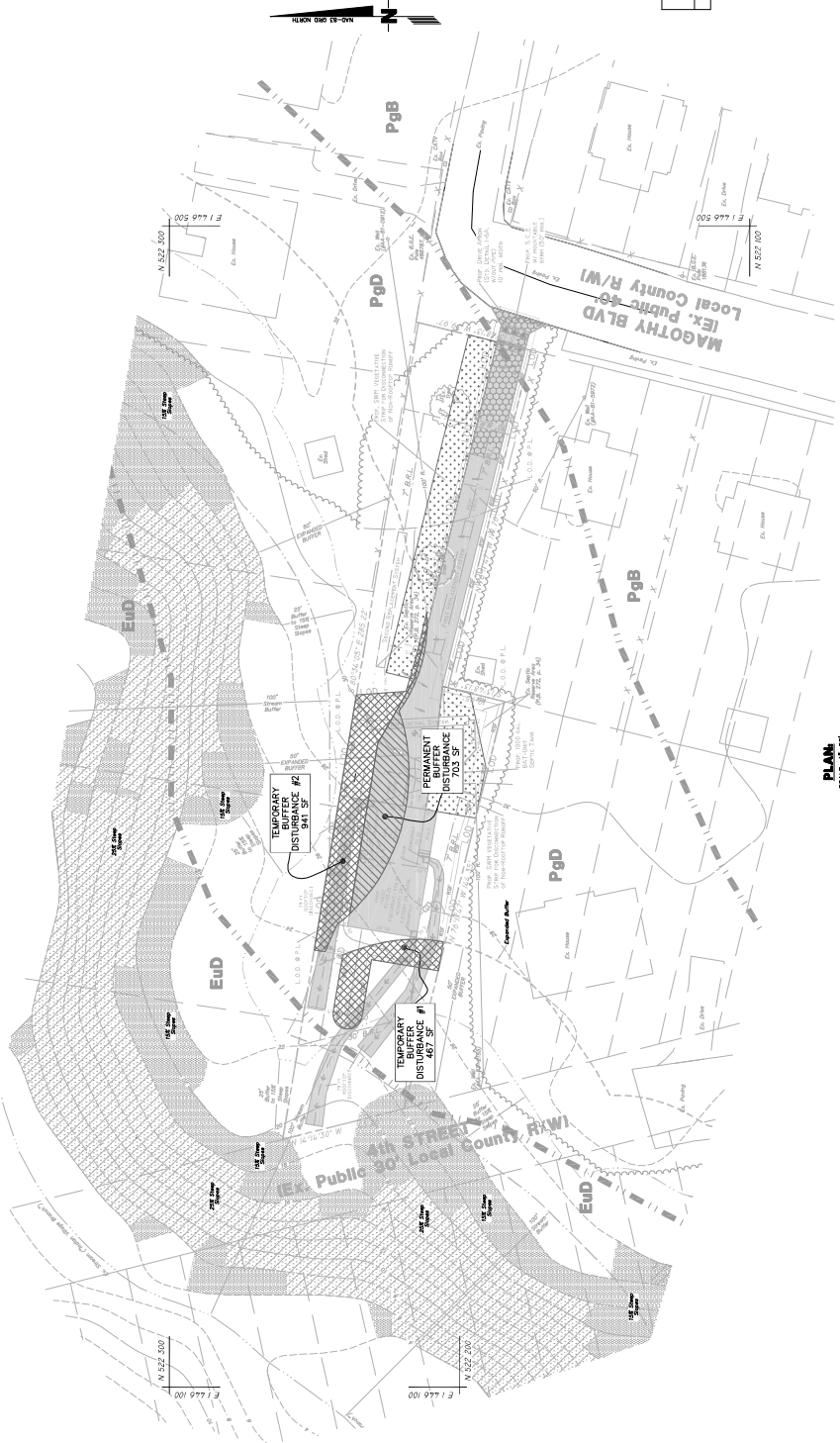
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**SOIL CLASSIFICATION CHART**  
 NAME: EuD (Embers -Soil -Urban Land Complex), PgB (Embers -Post Multi-Urban Land Complex)

**LEGEND**  
 Existing Contours, Proposed Contours, Existing Water Meter, Proposed Water Meter, Existing Storm Pipe, Proposed Storm Pipe, Existing Water, Proposed Water, Existing Inlet, Proposed Inlet, Limit of Eminent Domain, Stabilized Construction Entrance (S.C.E.), Retained SW Fence

**STORMWATER MANAGEMENT DATA TABLE**  
 FRONT NUMBER: 002200, PROJECT NUMBER: BROOKLYN BEACH LOT 346R, PROJECT NAME: BROOKLYN BEACH LOT 346R, STRUCTURE ADDRESS: 260 MAGOGHY BLVD, STRUCTURE CITY: PASADENA, STATE: MARYLAND, STRUCTURE ZIP: 21122, TOTAL DRAINAGE AREA: 0.26 AC., ROOF - PRE CONSTRUCTION: 0.26 AC., ROOF - POST CONSTRUCTION: 0.26 AC., ROOF-WOOD: 0.00, TOTAL NUMBER OF BMPs: 1, FE REQUIRED: 1", MP 8-DOIT HUC: 0313001, USGS 12-DOIT HUC: 120000000, MP NORTH CORD. (UNADJ.): 0313001, MP EAST CORD. (UNADJ.): 0313001, MAINTENANCE (10-YR): 1, MAINTENANCE (2-24): 1



**CRITICAL AREA NOTES**

SITE AREA	EX. WOODLANDS (TREE STAND) (TREE COVER)	EX. WOODLANDS (TREE STAND) (TREE COVER)	EXISTING LOT COVERAGE	PROPOSED LOT COVERAGE	MAX. LOT COVERAGE
11,173 S.F.	11,173 S.F.	11,173 S.F.	0 S.F.	3,002 S.F.	3,002 S.F.
			0 S.F.	3,002 S.F.	3,002 S.F.

OFF-SITE RECONSTRUCTION IN A LAND BANK

**BUFFER DISTURBANCE NOTES**  
 TEMPORARY BUFFER DISTURBANCE: 1,484 SF  
 PERMANENT BUFFER DISTURBANCE: 703 SF

**PLAN**  
 SHEET 1 OF 2

**LEGEND**

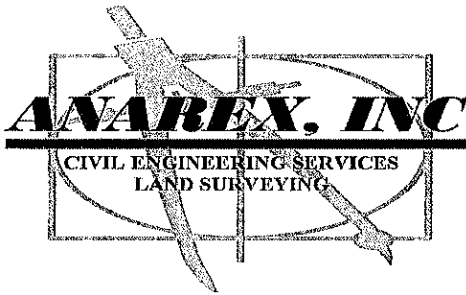
- Existing Contours
- - - Proposed Contours
- - - Existing Tree Line
- - - Soak Line
- Existing Stream
- Existing Storm Drain
- Existing Water
- Existing Fence Line
- Limit of Disturbance
- Hatched Dist. Fence
- Existing Pole
- Proposed Impervious
- Permanent Buffer Disturbance
- Temporary Buffer Disturbance

**OWNER/DEVELOPER:**  
 BROOKWOOD CORP  
 10000 1st Ave  
 SEATTLE, WA 98148  
 (206) 461-1100  
 (C) C/O WICKENAND.COM



**VARIANCE SITE PLAN**  
 BUFFER DISTURBANCE PLAN  
**MAGOGHY BEACH**  
**Lot 348R**  
 174 MAG 24 080 15 PAVES COUNTY, MD 21222  
 300 Magoghy Beach, Pasadena, MD 21222  
 348 ASSESSMENT DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND 21222  
 SCALE: 1" = 20'  
 DATE: OCTOBER, 2024

#	REVISIONS	APPROVED BY:	DATE:



303 Najoles Road - Suite 114  
Millersville, MD 21108

Phone: 410-987-6901  
Fax: 410-987-0589

September 16, 2024

Ms. Sterling Seay  
Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis MD 21401

Re: **Magothy Beach Lot 345R**  
**Lot 345R**  
T.M. 24 B. 15 P. 343

Dear Ms. Seay,

Please accept this as our formal variance request to the Zoning Regulations on behalf of our client regarding critical area law. The variance request is to Article 18, Section 13-104 prohibiting structures in the buffer or expanded buffer.

We are requesting this variance to allow for a house to be built on an existing platted lot. The proposed house will be 2 stories tall (28'+/-) and 24' wide by 44' deep (976 sf footprint). The house will sit back 10' from the North lot line (side), 10' from the South lot line (side), 164' from the East lot line (front) and 59' from the West lot line (front). The site is a dual frontage lot with right of ways on each side.

Explanation as required by Article 18, Section 16-305(b)

The topographical conditions and irregular size and shape of this lot cause implementation of the County's critical area program to cause unwarranted hardship on the property. With the buffer being expanded to 50' beyond the top of the steep slopes, the site is severely encumbered by the buffer. With the needed for both a private well and septic system, there is no reasonable way to develop this lot without a variance. 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 and will not confer special privilege onto the applicant as adjacent houses are also built within these buffers. The proposed house will be roughly 110' from the stream, while other houses are built as close as 80' to the stream. These variance requests are not results of actions by the applicant and there has been no commencement of development before this application for a variance was filed and does not have any bearing or connection to building on neighboring properties. The granting of this variance will not adversely affect water quality and fish as the flow characteristics of the site remain unchanged in the proposed condition as ESDv for the site has been provided. Wildlife or plant habitat will

not be adversely affected as the granting of the variances will require the developer to mitigate the disturbance with a mixture of on-site and/or off-site plantings.

Explanation as required by Article 18, Section 16-305(c)

We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief based upon the size of the lot and the unique physical conditions such as the shape, topography and the need for private utilities. The site is laid out to minimize the septic separation in order to keep the house as close to the road as possible and disturb as little of the buffer and forest as possible. The granting of this variance will not alter the character of the neighborhood as the proposed house is typical of R5 development and will be typical of houses in the surrounding area. This variance will not impair the appropriate use or development of the surrounding property as it will not deny access or the possibility to build on neighboring lots. The granting of this variance will not be detrimental to the welfare of the public. The lot is in the LDA critical area where replanting practices and mitigation for the buffer disturbance will be provided to not reduce forest cover in the LDA critical area.

If you have any questions or need any additional information, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Matthew R. Seiss". The signature is written in a cursive, flowing style.

Matthew R. Seiss, P.E.

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: 10/25/24

Tax Map #	Parcel #	Block #	Lot #	Section
24	343	15	345R	

Tax ID: 03-881-25486565

**FOR RESUBMITTAL ONLY**

Corrections

Redesign

No Change

Non-Critical Area

\*Complete Only Page 1  
General Project Information

Project Name (site name, subdivision name, or other) MAGOTHY BEACH, Lot 345R

Project location/Address 260 MAGOTHY BLVD

City PASADENA Zip 21122

Local case number \_\_\_\_\_

Applicant: Last name REEDER First name JOHN

Company BROOKWOOD CORP

**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:

*SINGLE FAMILY DWELLING WITH PRIVATE WELL AND SEPTIC*

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
IDA Area		
LDA Area	<i>0.26</i>	<i>11,174</i>
RCA Area		
Total Area	<i>0.26</i>	<i>11,174</i>

Total Disturbed Area 

Acres	<i>0.15</i>
Sq Ft	<i>6,388</i>

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	<i>0.26</i>	<i>11,174</i>	Existing Lot Coverage	<i>0</i>	<i>0</i>
Created Forest/Woodland/Trees			New Lot Coverage		<i>3,002</i>
Removed Forest/Woodland/Trees	<i>0.15</i>	<i>6,343</i>	Removed Lot Coverage		
			Total Lot Coverage	<i>0.07</i>	<i>3,002</i>

**VARIANCE INFORMATION (Check all that apply)**

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

Variance Type

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

Structure

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



303 Najoles Road - Suite 114  
Millersville, MD 21108

Phone: 410-987-6901  
Fax: 410-987-0589

# Magothy Beach

**Lot 345R**

260 Magothy Boulevard, Pasadena, MD 21122

## Critical Area Report

October, 2024

## **INTRODUCTION**

The site is 0.26 acres in the Magothy Beach subdivision, known as Lot 345R located at 260 Magothy Boulevard Pasadena, MD 21122. The site is entirely within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area.

## **PROPOSED USE**

The site is currently vacant and is being proposed as a single family detached dwelling site. The proposed house will be served by private well and a private septic system within in the septic reserve area as shown on the plat of the property (P.B. 272 P. 33).

## **EXISTING CONDITIONS & WOODLAND MITIGATION**

The site is currently vacant and has a number of oak trees covered with vines. The site is currently 100% wooded (11,174 sf) with the proposed clearing being 6,343 square feet. The clearing is being minimized to only what is needed for construction and is being mitigated by a payment to a land bank due to no room on site to plant.

## **WATER QUALITY & HABITAT IMPACT MINIMIZATION**

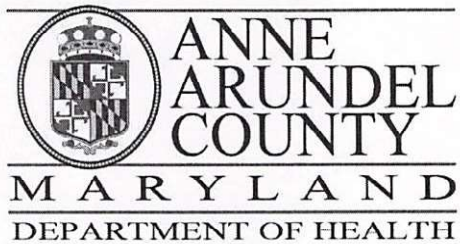
The site will have stormwater management as required by the County and State codes that will be reviewed and approved prior to work commencing. The stormwater management will provide the water quality volume as required by code. During construction, the entire site will be wrapped in silt fence and a stabilized construction entrance will be used to keep all sediment from leaving the site.

## **IMPERVIOUS CALCULATIONS**

The site currently has no impervious area. The site in the developed condition will have a lot coverage of 3,002 square feet.

## **EXPANDED BUFFER**

The areas around the site are encumbered with 15% steep slopes. Due to the critical area classification, the buffer expands onto the site. The site has been designed to minimize impacts to the expanded buffer with only 703 square feet of permanent disturbance.




J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
Phone: 410-222-7095 Fax: 410-222-7294  
Maryland Relay (TTY): 711  
www.aahealth.org

**Tonii Gedin, RN, DNP**  
**Health Officer**

**MEMORANDUM**

TO: Sadé Medina, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager  
Bureau of Environmental Health 

DATE: November 6, 2024

RE: Brookwood Corporation  
260 Magothy Boulevard  
Pasadena, MD 21122

NUMBER: 2024-0198-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling and associated facilities with less setbacks and buffer than required.

The Health Department does not have an updated approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



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A horizontal line of text or a separator line located in the middle of the page.

A handwritten mark or signature, possibly a stylized letter 'C' or 'G', located in the center of the page.

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# 2024-0198-V

Menu Cancel Help

**Task Details OPZ Critical Area Team**

<b>Assigned Date</b>	11/01/2024	<b>Due Date</b>	11/22/2024
<b>Assigned to</b>	Kelly Krinetz	<b>Assigned to Department</b>	OPZ Critical Area
<b>Current Status</b>	Complete w/ Comments	<b>Status Date</b>	11/06/2024
<b>Action By</b>	Kelly Krinetz	<b>Overtime</b>	No
<b>Comments</b>	No objection.		
<b>End Time</b>		<b>Start Time</b>	
		<b>Hours Spent</b>	0.0
<b>Billable</b>	No	<b>Action by Department</b>	OPZ Critical Area
<b>Time Tracking Start Date</b>		<b>Est. Completion Date</b>	
<b>In Possession Time (hrs)</b>		<input type="checkbox"/> <b>Display E-mail Address in ACA</b>	
<b>Estimated Hours</b>	0.0	<input checked="" type="checkbox"/> <b>Display Comment in ACA</b>	
<b>Comment Display in ACA</b>			
<input checked="" type="checkbox"/> All ACA Users			
<input checked="" type="checkbox"/> Record Creator			
<input checked="" type="checkbox"/> Licensed Professional			
<input checked="" type="checkbox"/> Contact			
<input checked="" type="checkbox"/> Owner			

**Task Specific Information**

---

<b>Expiration Date</b>	<b>Review Notes</b>	<b>Reviewer Name</b>
<b>Reviewer Phone Number</b>	<b>Reviewer Email</b>	



Jennifer Esposito -DNR- <jennifer.esposito@maryland.gov>

---

**CAC Comments: 2024-0198-V; Brookwood Corporation (AA 0284-24), 2024-0199-V; Coffin (AA 0285-24), 2024-0200-V; O'Neill (AA 0293-24)**

---

Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

Wed, Nov 20, 2024 at 8:43 AM

To: "pzmedi22@aacounty.org" <pzmedi22@aacounty.org>

Cc: Jennifer Esposito <jennifer.esposito@maryland.gov>

Good morning,

The Critical Area Commission has reviewed the following variances and we provide the following comments:

- 2024-0198-V; Brookwood Corporation (AA 0284-24): Appropriate mitigation required.
- 2024-0199-V; Coffin (AA 0285-24): It appears that the applicant has reasonable and significant use of the entire parcel with the existing improvements. It does not appear that this request meets each and every one of the Critical Area variance standards including unwarranted hardship or that this variance would not adversely affect water quality and wildlife or plant habitat. The existing dwelling on this grandfathered lot is located on steep slopes and within the expanded Critical Area Buffer. The project would result in 57 square feet of forest clearing within the Buffer and 192 square feet of disturbance within the Buffer. If this request were to be denied for the construction within the Buffer, the applicant will still enjoy reasonable and significant use of the entire property and may continue with current plans for improvements outside of the Buffer.
- 2024-0200-V; O'Neill (AA 0293-24): Appropriate mitigation required.

Best,  
Jamileh

--



Critical Area Commission for the  
Chesapeake & Atlantic Coastal Bays  
[dnr.maryland.gov/criticalarea](http://dnr.maryland.gov/criticalarea)

Jamileh Soueidan (she/her)  
Natural Resources Planner  
1804 West Street, Suite 100  
Annapolis, MD 21401  
Office: 410-260-3462  
Cell: 667-500-4994 (preferred)  
[jamileh.soueidan@maryland.gov](mailto:jamileh.soueidan@maryland.gov)

# 2024-0198-V

Menu Cancel Help

**Task Details I and P Engineering**

**Assigned Date**

11/04/2024

**Assigned to**

Habtamu Zeleke

**Current Status**

Complete w/ Comments

**Action By**

Habtamu Zeleke

**Comments**

Variance request: Disturbance to the expanded buffer for the construction of a single-family home.

**Comments:**

- Stormwater management will be addressed through three rooftop disconnections and non-rooftop disconnections.
- The County Practices and Procedures Manual requires that pre and post-drainage area maps should have elevations clearly labeled and contour lines must extend a minimum of 200 feet beyond the delineated area. Per County Code § 16-3-209 (a).
- Add proposed spot elevations along the disconnection flow path to ensure the slopes are 5% or less so the contractor can grade the disconnection and the property properly.
- The contributory drainage area to each non-rooftop disconnection area may not exceed 1000 SF.
- The contributory roof drainage area to each 75-foot rooftop disconnection area may not exceed 500 SF.
- Provide additional spot elevations on the disconnections flow path to make sure that the pervious disconnection flow path area works/flows as intended.
- Regarding site grading, existing and proposed elevation, elevation changes (especially on "flat" sites with little to no grade relief, impacts to neighboring properties, or accounting for offsite runoff as a part of the site design).
- 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.
- Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, the 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.
- 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.
- Based on the plan provided, it appears that the property will be served by a private septic and well.
- Based on the above comments and proposed site design, this office does not support this request.

**End Time**

**Billable**

No

**Time Tracking Start Date**

**In Possession Time (hrs)**

**Estimated Hours**

0.0

**Comment Display in ACA**

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

**Task Specific Information**

**Due Date**

11/22/2024

**Assigned to Department**

Engineering

**Status Date**

11/22/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

Engineering

**Est. Completion Date**

Display E-mail Address in ACA

Display Comment in ACA

**Expiration Date**

**Reviewer Phone Number**

**Review Notes**

**Reviewer Email**

**Reviewer Name**



# 2024-0198-V

Menu Cancel Help

**Task Details** OPZ Cultural Resources

**Assigned Date**

11/01/2024

**Assigned to**

Stacy Poulos

**Current Status**

Complete w/ Comments

**Action By**

Stacy Poulos

**Comments**

This project area is in an area of high archaeological potential. Development is subject to review for compliance with Article 17-6-502 (Archaeological Site). The Cultural Resources Section shall require review of the grading permit and will need a site visit at the time of the permit application.

**End Time**

**Billable**

No

**Time Tracking Start Date**

**In Possession Time (hrs)**

**Estimated Hours**

0.0

**Comment Display in ACA**

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

**Due Date**

11/22/2024

**Assigned to Department**

OPZ Cultural Resources

**Status Date**

11/04/2024

**Overtime**

No

**Start Time**

**Hours Spent**

0.0

**Action by Department**

OPZ Cultural Resources

**Est. Completion Date**

- Display E-mail Address in ACA
- Display Comment in ACA

**Task Specific Information**

---

**Expiration Date**

**Reviewer Phone Number**

**Review Notes**

**Reviewer Email**

**Reviewer Name**



# OFFICE OF PLANNING AND ZONING

## CONFIRMATION OF PRE-FILE

**PRE-FILE #:** 2024-0094-P  
**DATE:** 10/01/24/2024  
**STAFF:** Joan A. Jenkins (OPZ)  
Kelly Krinetz (OPZ)  
Habtamu Zeleke (I&P)

**APPLICANT/REPRESENTATIVE:** Brookwood Corporation/Matt Seiss, Anarex

**EMAIL:** matt@anarex.com

**SITE LOCATION:** 260 Magothy Blvd, Pasadena

**LOT SIZE:** 11,173sf

**ZONING:** R2      **CA DESIGNATION:** LDA      **BMA:** no      **or**      **BUFFER:** exp buffer      **APPLICATION TYPE:** Variance

---

### DESCRIPTION:

The applicant proposes a new dwelling with an attached garage, a driveway, and associated facilities. A portion of the property is within the expanded buffer due to steep slopes surrounding the property. Variance required for disturbance within the expanded buffer. This property has dual frontage.

### COMMENTS:

#### **I & P Engineering:**

1. Stormwater management will be addressed through three rooftop disconnections and two non-rooftop disconnections.
2. The County Practices and Procedures Manual requires that pre and post-drainage area maps should have elevations clearly labeled and contour lines must extend a minimum of 200 feet beyond the delineated area. Per County Code § 16-3-209 (a).
3. Add proposed spot elevations along the disconnection flow path to ensure the slopes are 5% or less so the contractor can grade the disconnection and the property properly.
4. Provide additional spot elevations on the disconnection flow path to ensure the pervious disconnection flow path area works/flows as intended.
5. Regarding site grading, existing and proposed elevation, elevation changes (especially on "flat" sites with little to no grade relief, impacts to neighboring properties, or accounting for offsite runoff as a part of the site design).
6. 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.
7. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, the 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.
8. 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.
9. Based on the plan provided, it appears that the property will be served by a private septic and well.
10. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

**Critical Area Team:** No objection

**Zoning Administration Section:**

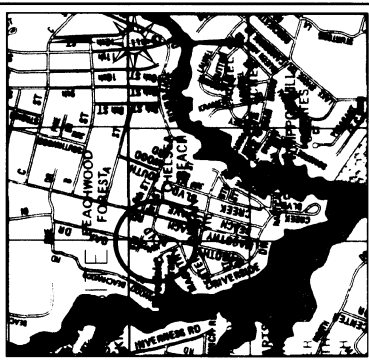
This Office notes that this property has dual frontage. Future development between the dwelling and the road right of ways will require a variance to allow an accessory structure in the front yard.

The applicant may submit the variance application through the LUN system.

**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.



VICINITY MAP  
Scale --- 1"=2000'  
Copyright ADC The Map People  
Permitted Use No. 20402107

DEDICATION BY OWNERS

WE, THE BROOKWOOD CORPORATION, THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS PLAN OF SUBDIVISION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS, ALLEYS, WALKWAYS AND OTHER EASEMENTS, WIDENING STRIPS AND FLOODPLAINS TO PUBLIC USE, SUCH LANDS TO BE DEEDED TO ANNE ARUNDEL COUNTY OR THE STATE HIGHWAY ADMINISTRATION, AS MAY BE APPROPRIATE ON REQUEST.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, MORTGAGES, TRUSTS EASEMENTS, OR RIGHTS-OF-WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, AND ALL PARTIES IN INTEREST HAVE HERETO AFFIXED THEIR SIGNATURES INDICATING THEIR WILLINGNESS TO JOIN IN THIS PLAN OF SUBDIVISION.

FURTHER, THE REQUIREMENTS OF SECTION 3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1986 REPLACEMENT VOLUME (AS SUPPLEMENTED) AND ARTICLE 26, SECTION 3-304 OF THE ANNE ARUNDEL CODE AS FAR AS THEY RELATE TO THE MAKING OF THESE PLATS AND THE SETTING OF MARKERS SHALL BE COMPLIED WITH.

*Charles M. Reeder* 7/8/05  
THE BROOKWOOD CORPORATION DATE  
CHARLES M. REEDER, PRESIDENT

*Candace A. Davis* 7/8/05  
WITNESS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREON IS CORRECT; THAT IT REPRESENTS A SURVEY OF THE PROPERTY BY THE SURVEYOR OR PREPARED UNDER THE SURVEYOR'S DIRECT SUPERVISION; AND THAT IT IS A SUBDIVISION OF THE LANDS CONVEYED BY JULIUS ROBINSON TO THE BROOKWOOD CORPORATION BY DEED DATED OCTOBER 5, 1979, AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 3250, FOLIO 376.

THE REQUIREMENTS OF SECTION 3-108, THE REAL PROPERTY ARTICLE, ANNOTATED CODE OF MARYLAND, 1986 REPLACEMENT VOLUME, (AS SUPPLEMENTED) AND ARTICLE 26, SECTION 3-304 OF THE ANNE ARUNDEL COUNTY CODE AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

*James M. Luff* 6/27/05  
JAMES M. LUFF DATE  
PROFESSIONAL LAND SURVEYOR #10320



**McCRONE**  
ENGINEERING • ENVIRONMENTAL SCIENCES  
LAND PLANNING & SURVEYING  
CONSTRUCTION SERVICES  
20 RIDGELY AVENUE • ANNAPOLIS, MARYLAND 21401  
(410) 267-8621 • FAX (410) 267-9932  
email annop@mcocrone-inc.com - Web Site www.mcocrone-inc.com  
ANNAPOLIS CENTREVILLE ELKTON PRINCE FREDERICK SALISBURY

CRITICAL AREA NOTE

THIS SITE IS LOCATED ENTIRELY WITHIN THE "LDA" DESIGNATION OF THE CRITICAL AREA AND WILL BE SUBJECT TO ALL CRITICAL AREA REQUIREMENTS INCLUDING "STREAM BUFFER/ EXPANDED BUFFER TO BE DETERMINED AT THE TIME OF GRADING AND/ OR BUILDING PERMIT.

CRITICAL AREA SEPTIC NOTE

LOTS 345-352 ARE WITHIN THE CRITICAL AREA AND WILL REQUIRE AN APPROVED NITROGEN REDUCING PRE-TREATMENT UNIT WITH ON-SITE SEWAGE DISPOSAL SYSTEM.

SEPTIC AREA NOTE

"THE SEPTIC AREA, SHOWN HEREON, SHALL REMAIN UNENCUMBERED BY BUILDINGS, EASEMENTS, RIGHTS OF WAYS, AND OTHER PERMANENT AND PHYSICAL OBJECTS."

PUBLIC IMPROVEMENT NOTE

"ROAD, UTILITY, STORM WATER MANAGEMENT OR STORM DRAINAGE REQUIREMENTS (AT A MINIMUM) WILL BE ADDRESSED AND MUST BE MET, AS REQUIRED, PRIOR TO THE ISSUANCE OF A BUILDING PERMIT."

GENERAL NOTES

- 1. THE PURPOSE OF THIS SUBDIVISION IS TO COMBINE THE REMAINING LOTS AS ESTABLISHED BY ANNE ARUNDEL COUNTY CIRCUIT COURT CASE NUMBER 1105524, AND THE DIVISION LINE SURVEY AS PREPARED BY C.H. MILLER, JULY 1987, AND RECORDED AMONG THE PLAT RECORDS OF ANNE ARUNDEL COUNTY IN P.B. 111, PG. 32. NO NEW LOTS ARE BEING CREATED.
- 2. THE 20 FOOT RIGHT-OF-WAY, KNOWN AS "THIRD STREET", AS DELINEATED HEREON, WILL BE EXTINGUISHED AT THE PROPOSED BOUNDARY LINE OF THE REMAINING LOTS AT THE TIME OF RECORDATION OF THIS PLAT.
- 3. THE GRIDTICKS SHOWN HEREON ARE ON NAD 83 DATUM.
- 4. THE SUBJECT PROPERTY IS LOCATED IN THE "MAGOTHY RIVER" WATERSHED FOR ANNE ARUNDEL COUNTY, MARYLAND.
- 5. #1174 DENOTES HOUSE NUMBER.
- 6. THE SUBJECT PROPERTY LIES IN FLOOD ZONE "C", AREAS OF MINIMAL FLOODING, PER FIRM MAP PANEL 240008-20-C, DATED MAY 2, 1983.
- 7. THE SUBJECT SITE WILL BE SERVED BY PRIVATE WELL, AND PRIVATE SEPTIC. SEE PERC TEST APPLICATION #102030916.

ZONING & SETBACKS

Tax Map 24 - Block 15 - Parcels 343  
Zoning - R2 - - RESIDENTIAL DISTRICT  
Building Restriction Lines  
Front: 30'  
Rear: 25'  
Side: 7' (combined 20')

PLAT 1 OF 2

\*\* RESUBDIVISION "LOTS 345-352"  
MAGOTHY BEACH  
Subdivision #1996-136 ~ Block 15 ~ Parcel 343  
Tax Map 24 ~ Block 15 ~ Parcel 343  
GRAPHIC SCALE



1 inch = 50 ft. Zip Code: 21122 February 2005  
Drawn By: J. Carey Job # C1040387 Folder Reference: 505  
Third District ~ Anne Arundel County, ~ Maryland

MSA255.1335 - 8811-1  
p11357/c

APPROVED: ANNE ARUNDEL COUNTY, MARYLAND  
DEPARTMENT OF PLANNING AND ZONING

*Joseph Rutter* 9/2/05  
JOSEPH RUTTER DATE  
PLANNING AND ZONING OFFICER

THE REQUIREMENTS OF THE ANNE ARUNDEL COUNTY HEALTH OFFICER HAVE BEEN MET IN THE PREPARATION OF THIS PLAT

*Joseph Rutter* 8/31/05  
DATE  
COUNTY HEALTH OFFICER  
PRIVATE WELL/ PRIVATE SEPTIC

WAIVER NOTE

No.	REVISIONS	DATE
1.	Address County Planning comments	5/7/05
2.	Address County Planning comments	6/23/05

RECORDED IN PLAT BOOK PAGE PLAT NO.



SEPTIC AREA NOTE

"THE SEPTIC AREA SHOWN HEREON, SHALL REMAIN UNENCUMBERED BY BUILDINGS, EASEMENTS, RIGHTS OF WAYS, AND OTHER PERMANENT AND PHYSICAL OBJECTS."



James M. Luff  
Professional Land Surveyor # 10320

I assent to this plan of subdivision.

Charles M. Reeder  
The Brookwood Corporation

See plat one of two for notice to title examiners, owner's dedication, surveyor's certificate, and other notations.

**McCCRONE**  
ENGINEERING & ENVIRONMENTAL SCIENCES  
LAND PLANNING & SURVEYING  
CONSTRUCTION SERVICES  
20 RIDGELY AVENUE • ANNAPOLIS, MARYLAND 21401  
(410) 267-8621 • FAX (410) 267-9932  
email annap@mcchrone-inc.com • Web Site www.mcchrone-inc.com

ANNAPOLIS CENTREVILLE ELKTON PRINCE FREDERICK SALISBURY

DATE	2/22/05	SCALE	1" = 50'
JOB NUMBER	C1040387	DRAWN BY	J.B.C.
DESIGNED BY	N/A	APPROVED BY	J.M.L.
FOLDER REFERENCE	505		
CADD FILE			
RECORDED IN PLAT BOOK		PAGE	
		PLAT NO.	

REVISIONS	DATE
No. DESCRIPTION	
1. address County comments	6/23/05
2. address County planning comments	6/23/05

APPROVED: ANNE ARUNDEL COUNTY, MARYLAND  
DEPARTMENT OF PLANNING AND ZONING

PLANNING AND ZONING OFFICER  
DATE

THE REQUIREMENTS OF THE ANNE ARUNDEL COUNTY MARYLAND HEALTH DEPARTMENT HAVE BEEN MET IN THE PREPARATION OF THIS PLAT

COUNTY HEALTH OFFICER  
DATE

PRIVATE WELL / PRIVATE SEPTIC

PLAT 2 OF 2

**\*\* RESUBDIVISION "LOTS 345-352" MAGOTHY BEACH**

Subdivision #1996-136 Project #2005-069  
Tax Map 24 ~ Block 15 ~ Parcel 343  
GRAPHIC SCALE

1 inch = 50 ft. Zip Code: 21122 February 2005  
Drawn By: J. Carey Job # C1040387 Folder Reference: 505  
Third District ~ Anne Arundel County ~ Maryland

MSA 55U1935-0811-2

2024-0198-V



**Legend**

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City
- Planning
- County Planning
- Cultural Resources
- Transportation
- County Transportation

Notes

none

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

