



**Atlantic Development Services Group**  
**P.O. Box 567**  
**Crownsville, Maryland 21032-1218**

Anne Arundel County  
Office of Planning and Zoning  
2664 Riva Road  
Annapolis, Maryland 21401

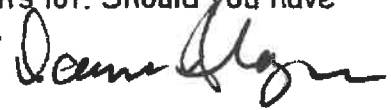
RE: Variance- Bahen Property Tax acct# 3000-9021-2961  
1015 Magothy Ave, Arnold, Md. 21012

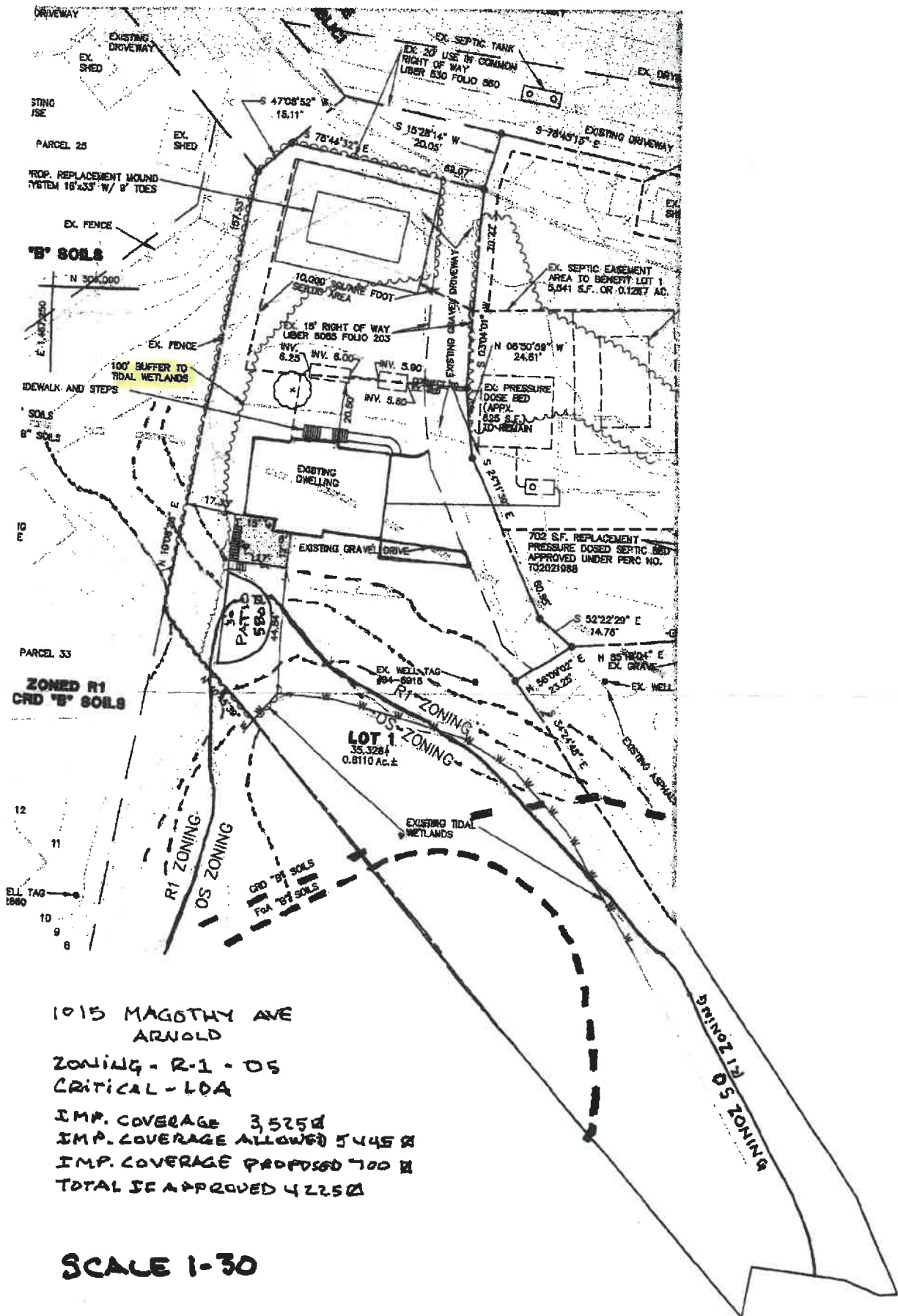
Dear Sir or Madam:

We are applying for a variance to allow for the placement of a stone patio in the wetland buffer and steep slope buffer. The lot is located in the Morgan Property subdivision and is in critical area. The lot is 35,328 square feet, irregular shaped waterfront lot, zoned R-1, LDA/RCA critical area designation. The house was constructed in 2013 is a two story structure on a basement. There have been changes to the lot as a result of the subdivision process. The site has been part of an earlier variance ( 2017-0036-V) to allow for the construction of a deck to allow access to the waterfront side of the structure. The owner has placed a stone patio ( approximately 700 sq.ft.) with a fireplace and retaining wall in the front yard. Some time, after construction the county department of inspections and permits doing a inspection on an adjacent property and suggested that the code compliance division investigate. The patio was deemed a violation of several codes and required the owner to obtain a building permit. The compliant was E-2022-536 issued by Inspector Gill with the code compliance division. Upon review of this project it was apparent that at a minimum variances would be needed. If the client prevails and is granted a variance then a building permit would be applied for and persued to issuance. In order for a permit to be issued several conditions must be met. The patio is located in the 100' wetland buffer, including the steep slope buffer. While the patio is placed in basically the flattest area of the lot and is located at the base of the deck landing for access. There is a number of variances and modifacations needed. Specifically, Article 17-6-401 which prohibits development in non-tidal wetlands and their buffer, Article 17-6-403 which prohibits development in steep slopes and 25' steep slpoe buffer, Article 17-8-201 which prohibits within steep slopes of 15% of steep slopes, and Article 18-13-104 which prohibits new lot coverage in the expanded buffer, included also is the need for a

\* Mobile (443) 871-3340 \* E-Mail: [Damon@adsgonline.com](mailto:Damon@adsgonline.com)

land use variance for minor construction in OS zoning affecting Article 18-9-204. The owner was unaware of the requirements as described. He finished and used the patio for sometime prior to the county contacting him regarding the need for the variances and a permit. Mr. Bahens lot is irregular in shape and as shown on the attached site plan is located in the area directly next to the deck. The topography of the lot allowed this area that the patio was placed, to be the most reasonable location as it actually performed two functions. The lot next to Mr. Bahen's lot is several feet higher, and was eroding onto his lot and so with the patio a retaining wall was constructed on one side to eliminate that erosive condition. The patio and fireplace was added to allow the family to further enjoy the water view of the lot. The patio is placed in the only flat or open area as the rest of the lot is reserved for future possible septic area and common use right of way for the neighbors to access their properties. The area is heavily stabilized and has eliminated an erosive condition. A review of adjacent properties show they also have patios and swimming pools and would not convey special priviliage to Mr. Bahen's lot. Should you have any questions please feel free to contact me. Thanks, Damon Cogar





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

232

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: ANNE ARUNDEL COUNTY

Date: 5-23-24

Tax Map #.	Parcel #	Block #	Lot #	Section
33	39	22		

**FOR RESUBMITTAL ONLY**

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

\*Complete Only Page 1  
 General Project Information

Tax ID: 3000-9021-2941

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

Project location/Address 1015 MCGOTHY AVE.

City ARNOLD Zip 21012

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

Applicant: Last name BAHEN First name JOHN

Company \_\_\_\_\_

Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name \_\_\_\_\_ First name \_\_\_\_\_

Phone # \_\_\_\_\_ Response from Commission Required By \_\_\_\_\_

Fax # \_\_\_\_\_ Hearing date \_\_\_\_\_

### SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

RES

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 DEVELOPMENT AREA  
 Recreational   
 Redevelopment   
 Residential   
 Shore Erosion Control   
 Water-Dependent Facility

### SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area					
LDA Area		35,328			
RCA Area					
Total Area		35,328			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		3525
Created Forest/Woodland/Trees			New Lot Coverage		700
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		4,225

### VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		700	Buffer Forest Clearing		0
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



Atlantic Development Services Group  
P.O. Box 567  
Crownsville, Maryland 21032-1218

## CHESAPEAKE BAY CRITICAL AREA REPORT

Bahen Property

1015 Magothy Ave. Arnold, Md. 21012

Tax Map 33; Grid 22; Parcel 39  
Anne Arundel County Zoning: R1  
Critical Area Designation: LDA  
Tax Account #3000-9021-2961

April 26, 2024

### I. Purpose of Variances

The applicant owns a 35,328 square foot lot in the Morgan Property subdivision in Arnold. The entire property is located within the Chesapeake Bay Critical Area and has an LDA\RCA land use designation. See the County Critical Map at the end of this report. While this site is in critical area, it is also waterfront.

The property owner desires to construct a stone outdoor patio with stone grill. Due to zoning setback regulations, a variance is necessary. The existing structure does not conform to County zoning setbacks requiring a variance to the wetland buffers requirements for any new construction in the 100 foot buffer.

### II. Critical Area Narrative - Site Description

The applicant's lot is irregular in shape - (see site plan attached) with 2-story single family dwelling. The site is mostly mowed lawn with numerous plantings and one large tree.

The County Soil Survey has the site mapped with Keyport Silt Loam complex that is well draining but highly erodible soil. Tidal wetlands are located directly on the lot. See site plan

### III. Critical Area Narrative

#### A. Existing and Proposed Vegetation Coverage:

Existing Conditions: The lot is mostly lawn with numerous plantings.

Proposed Conditions: Grading performed to construct the proposed structure will be regulated by local jurisdiction and proper sediment controls will be implemented. Grading performed will be minimized to provide strict sediment control. Any planting will be implemented as necessary.

#### B. Stormwater Management and Water Quality:

Existing Conditions: No stormwater management is currently present on this site.

Proposed Conditions: The increase of impervious area proposed is approximately 700 square feet of additional impervious. Any stormwater management requirement would be determined at time of permit issuance process.

#### C. Aquatic Resources:

Existing Conditions: Water quality and aquatic resources in the Magothy River are somewhat degraded by existing surrounding development.

Proposed Conditions: While this is a waterfront lot with local regulations and proper sediment control installation and maintenance, no adverse impact on aquatic resources are anticipated as a result of improvement of this lot. The patio exists and the area around is stabilized.

#### D. Forest Clearing and Impervious Coverage

Existing Conditions: No "forest" cover is present on the site. Impervious area is currently approximately 2,945 square feet.

Proposed Conditions: No tree clearing is proposed. Impervious coverage will be increased, which remains below maximum allowed.

### IV. Conclusions

The requested variance is necessary to allow construction of the proposed patio. No adverse impacts to fish, wildlife, and plant habitat and water quality are anticipated.

### V. Site Investigation

A site investigation to obtain data to prepare this Critical Area Report was conducted on April 26, 2024 by Damon F. Cogar of Atlantic Development Services Group.







## Letter re: Bahen fireplace

Jack Bahen <jackbahen@gmail.com>

Wed 5/22/2024 7:23 AM

To: Damon Cogar <damon@adsgonline.com>

Jack Bahen

410.980.2474

Sent from my iPhone

Begin forwarded message:

**From:** Nicole Callender <callendercloses@gmail.com>

**Date:** May 21, 2024 at 6:14:15 PM EDT

**To:** jackbahen@gmail.com

Dear Sir/Madam,

I hope this letter finds you well. I am writing to express my complete satisfaction and support for my neighbor's (Jack and Amy Bahens) outdoor fireplace. As a resident of Anne Arundel County and their next door neighbor, I have observed the outdoor fireplace and can confidently say that it has been a delightful addition to our neighborhood. My neighbors are considerate and responsible, ensuring that their fireplace is used in a manner that is respectful to all surrounding residents. The warmth and ambiance it provides have only enhanced our neighborhood gatherings, and it brings joy to many of us in the area. I have no issues or concerns regarding the fireplace. In fact, I enjoy the sense of community it fosters. We are fortunate to have such kind and thoughtful neighbors, and I fully support the continuation of their outdoor fireplace usage. Thank you for considering this matter. Please feel free to contact me at (410) 440-6688 or [Callendercloses@gmail.com](mailto:Callendercloses@gmail.com) if you need further information or discussion regarding this matter. Sincerely,

Nicole Callender

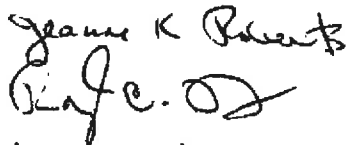
 Kind regards,

1019 Magothy Ave  
Arnold, MCD 21012  
May 16, 2024

To whom it may concern:

We live along the shared driveway with Johns & Amy Bahen and understand the county has concerns regarding their beautiful outdoor fireplace and patio. From our direct front porch view and perspective, it's a gorgeous addition and we have no issues with it.

Sincerely,

Handwritten signatures of Jeanne K. Roberts and Raymond C. Roberts. The signature for Jeanne K. Roberts is written in a cursive style, and the signature for Raymond C. Roberts is also in cursive, appearing as 'R.C. Roberts'.

Jeanne K. Roberts  
Raymond C. Roberts

To whom it may concern,

We live next door to 1015 Magothy Ave, Arnold, MD and have no issues or concerns with the existing fireplace and patio. It looks fantastic.

Thank you,  
David and Kim Poe  
997 Landon Lane  
Arnold, MD 21012