

AA 584-07
VAR

Bonner, Robert
0337

51829-6345

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

November 2, 2007

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Bonner Variance
2007-0337-V

Dear Ms. Schappert:

Thank you for sending the above-referenced variance request for review and comment. The applicant is requesting an after-the-fact variance for a dwelling addition with greater impervious coverage than allowed on a non-grandfathered lot. The property is 10,179 square feet in size, is located in a Limited Development Area (LDA), and the primary dwelling unit was built in 2007. The property is currently developed with a single family dwelling unit, driveway, garage, walkway, and porch. The applicant requests to install a patio that will result in the lot exceeding its 25% impervious surface limit. Current impervious surface onsite is 2,491 square feet (24.47%). Based on the site plan, it appears that the proposed patio will be approximately 350 square feet in size. Therefore, if granted, total impervious surface onsite will increase to approximately 2,841 square feet (27.9%).

Although the office does not generally oppose variance requests for modest additions or renovations to an existing primary dwelling on a grandfathered lot, we cannot support this request for a new dwelling addition with greater impervious coverage than allowed on a non-grandfathered lot.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values. The General Assembly also enacted specific standards for variances to the local Critical Area programs, and required that local jurisdictions use those State law standards (see Annotated Code of Maryland, Natural Resources Article Section 8-1808 (d)). The General Assembly reaffirmed the stringent standards of the law,

and required that all applicants meet each and every standard in order for a local jurisdiction to grant a variance to the Critical Area law.

The State law provides that variances to a local jurisdiction's Critical Area program may be granted *only* if a Board of Appeals finds that an applicant has satisfied its burden to prove that the applicant meets *each* of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the applicant is proposing to add a patio to a non-grandfathered lot that will result in the lot exceeding its impervious surface limit. We note that the applicant's property (Lot 7) was created as part of a subdivision recorded in 2005. The recorded subdivision plat clearly states the amount of impervious area permitted for Lot 7 (see attachment). Therefore, the applicant should have been aware of the permitted impervious surface area limits. The impervious surface area restrictions detailed in the Anne Arundel County Code aim to maintain the integrity of the Critical Area by reducing the amount of impervious surface and maximizing areas of natural vegetation (Anne Arundel County Code 17-8-404). To exceed those limits in this case would create adverse impacts to the Critical Area, Chesapeake Bay and the Atlantic Coastal Bays and its tributaries, which are a natural resource of great significance to the state and nation.

Based on the information provided, the applicant appears to enjoy reasonable and significant use of the entire lot or parcel as evident by the existing single family dwelling unit, driveway, garage, walkway, and porch. Therefore, denial of a variance for additional impervious surface to create a patio would not constitute an unwarranted hardship. In addition, it is our view that construction of a new patio on a non-grandfathered lot that will result in the lot exceeding impervious surface limits is in direct contrast to the spirit and intent of the Critical Area Law and Criteria. Because we do not believe that each and every one of the County's variance standards has been met, including the standard of unwarranted hardship, we oppose this variance and recommend that it be denied.

I have discussed each one of the variance standards below as it pertains to this site:

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

Currently, the lot is developed with a single family dwelling unit, driveway, garage, walkway, and porch. The applicant proposes to construct a patio on a non-grandfathered lot that will result in the lot exceeding its 25% impervious surface area limit. The State law standards, applicable to this variance request, define "unwarranted hardship" to mean that the applicant must prove that, without the

requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Given the uses enjoyed by the applicant on this property, we do not believe that the County has evidence on which to base a finding that, without the patio, the entire parcel would lack reasonable and significant use.

2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

Anne Arundel County Code 17-8-402 (c) states that, "Impervious surface associated with a lot of one acre or less that is part of a subdivision approved after December 1, 1985, may be increased to 25% of the lot if the area of impervious surface for the entire subdivision does not exceed 15%." The applicant proposes to construct a patio on a lot that was built in 2007 that will result in the lot exceeding the 25% impervious surface limit. This office would not support similar requests to construct a patio that would result in a non-grandfathered lot exceeding the 25% impervious limit on other sites within the Critical Area. Therefore, the denial of a variance to exceed the maximum impervious surface allowed would not deny the applicants a right commonly enjoyed by other properties.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*

The granting of a variance to permit a patio that would allow the applicant to exceed its 25% impervious surface limit on a non-grandfathered lot would constitute a special privilege upon the applicant which would be denied to others in the County as well as within other jurisdictions in the Critical Area.

4. *The variance request is not based upon conditions or circumstances, which are the result of the actions, by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*

The applicant is requesting a variance to exceed the impervious surface limit for a non-grandfathered lot as a result of constructing the patio prior to receiving County approval. Therefore, the variance request is based upon the actions of the applicant.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

Granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface that exceeds the limit allowed for a non-grandfathered lot and its consequential disturbance to the land

results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. Given that the applicant can adequately redevelop this property and enjoy outdoor activities without the addition of a patio, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area Law.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Nick Kelly".

Nick Kelly

Natural Resource Planner

cc: AA 584-07

Notice to Title Examiners

- 1. The plat has been approved for recording only and shall become null and void unless...
2. A sale or contract of sale of any lot shown herein may not be made until necessary improvements have been...
3. A building permit other than a temporary permit may not be issued for any construction in the development until the requirements of paragraph 2 above have been complied with.

Standard Right to Discharge

I, William M. Scherer, Jr., Personal representative of the Estate of G. Herbert Gröwling, Jr., Deceased (see State of Maryland Letters of Administration Estate No. 1958B), and Henry F. Sepp, for (sewer, legal representatives), personal representatives, successors and assigns hereby grant the perpetual right-to-discharge...

William M. Scherer, Jr. Date
Henry F. Sepp Date

Allocation Note

The subdivision plat is subject to the requirements of Article 26, Title 8 of the Anne Arundel County Code as a relation to the allocation of water and wastewater capacity. Failure to comply with the provisions of the law...

Forest Conservation Property

There shall be no clearing, burning, dumping, storage, or structures within the Forest Conservation Property Areas as shown on this plat and as recorded with the Declaration of Conservation, Conditions, and Restrictions dated 5/24/02, recorded among the land records of Anne Arundel County, Maryland in Liber 16324, Folio 324.

Non-Tidal Wetlands Note

There shall be no disturbance within wetlands and buffers except in accordance with a plan approved by the Office of Planning and Zoning and outlined under the approved Maryland Department of the Environment Non-Tidal Wetland Impact permit number 05-WI-0202000906.

Development Plan Note

Development of the subdivision shall be undertaken only in accordance with the approved Development Plan on file in the Office of Planning and Zoning. All existing or planned roads, roads, and trees are to be retained as shown on the Plat Development Plan.



COURTESY AGC THE HAVEN PEOPLE. PERMITTED USE NO. 2010104

Vicinity Map 1" = 2000'

General Notes

- 1. The property is shown on Anne Arundel County topographic sheet V-8.
2. The coordinates and bearings shown herein are referred to the Maryland State Plane Coordinate System (NASD 83) as based on Anne Arundel County Public Works Control Points #1939 4 Mon. 8T-AZ.
3. The properties shown herein are located within the Flood Zone 'C' (Areas of minimal flooding) as shown on Flood Insurance Rate Map panel no. 240000004-C, effective dated May 2, 1993 prepared by the Federal Emergency Management Agency.
4. The property is located within the IDA and LDA classification of the Chesapeake Bay Critical Area.
5. Reformation requirements have been met by payment of fee-in-lieu of \$11.44 sq. ft. x \$10.00 = \$114.40 plus \$8.04 fee paid to Anne Arundel County per CR 4314.8.30.
6. This subdivision is subject to the following documents recorded among the Land Records of Anne Arundel County, Maryland:
A. Agreement between the owners and Baltimore Gas and Electric Company dated 4/2/05 and recorded in Liber 15678 at Folio 107.
B. Agreement between the owners and Verizon Maryland, Inc. dated 4/2/05 and recorded in Liber 15678 at Folio 108.

Stormwater Management Note

Private and Public on-site stormwater management systems and / or alternate best Management Practices will be required for future development of Lots 1-15 in accordance with Article 21, Title 8 of the Anne Arundel County Code and are summarized below. The Developer / Permit Applicant shall be responsible for the final stormwater management facility design and the execution of a private maintenance agreement prior to the approval of any grading or building permits. A grading permit may be required for lots with private individual easements as determined by the Office of Planning and Zoning Application Center.

For the proposed development shown herein, the following SWM Notes and credits are proposed.

This subdivision proposes the use of the following facilities to promote water quality treatment and recharge of the developments runoff into the groundwater using the following devices:
- bioretention areas
- dry swales
- Natural Area Conservation
These on-site features will provide for the sizing criteria to meet pollutant removal Water Quality volume (WQV - 1') and maximum groundwater recharge (Rev.), channel protection volume (CPV), overbank flood protection (OF), and extreme flood volume (EF) are not required, as this site has a direct discharge to tidal waters. This project is proposing the following stormwater credits:
- Natural Area Conservation

LDA / IDA Critical Area Clearing Calculations

Table with columns: LOT, WQV (BF), OF (BF), CPV (BF), EF (BF), LDA ESTIMATED (BF), LDA PERMITTED (BF), OFF-BITE LDA CLEANING PROPOSED (BF), OFF-BITE LDA CLEANING REQUIRED (BF), REFORESTATION REQUIRED (BF), REFORESTATION (BF). Rows include variable width wetland strip and lots 1-15.

Recreation Area Tabulation

Required: 1,000 SF/LOT x 15,000 SF Positive Area (25%) = 3,250 SF Dry Ground Active Area (5%) = 4,125 SF
Provided: Positive Area - Provided within Open Space Areas #1 and #2 on 124,664 SF or 2.86 Acres
Active Area - 0 square feet (See note #10707 note below)

Yards and Setbacks

RD - RESIDENTIAL DISTRICT Yards (Principal Structure)
Front - 25' minimum*
Side - 7' minimum/20' combined
Rear - 20' Along Street or Right-of-Way
* The front yard setback may be reduced by 5' from 25' to 20' to produce a variation in setback as shown herein.

Owner's Dedication

William M. Scherer, Jr., Personal representative of the Estate of G. Herbert Gröwling, Jr., Deceased (see Estate No. 1958B), Register of Wills for Baltimore County, Maryland, and Henry F. Sepp, the owners and River Properties, LLC, Contract purchaser of the property shown herein, hereby adopt the plan of subdivision; establish the minimum building restriction lines and dedicate the streets, alleys, walkways and other easements, including strips and floppings to public use such lands to be deeded to Anne Arundel County or the State Highway Administration, as may be appropriate as requested.

The reconstruction and open space area shown herein is hereby set aside for the recreation use of the residents of the subdivision. Each lot owner, upon acceptance of a deed, shall hold an undivided interest in the area, subject, however, to the rights of the community association, whether pre-established or in the future, as more fully set forth in Article 26, Section 5-104 of the Anne Arundel County Code.

There are no suits, actions at law, leases, liens, mortgages, trusts, easements, or rights-of-way affecting the property included in the plan of subdivision, and all parties in interest thereto have heretofore affixed their signatures indicating their willingness to join in the plan of subdivision.

Further, the requirements of Section 5-106, the Real Property Article, Annotated Code of Maryland, 1996 replacement volume, (as supplemented) and Article 26, Sec. 3-304 of the Anne Arundel County Code as for as they relate to the making of these plats and setting of markers shall be complied with.

I consent to and do hereby join in this plan of subdivision.
Witness: [Signature]

River Properties, LLC a Maryland Limited Liability Company
By: [Signature]

Area Tabulations table with columns: LOT, SF, ACRES. Lists areas for open space, variable width wetland strip, and total site area.

Surveyor's Certificate

I hereby certify that the plat shown herein is correct, that it represents a survey of the property by the surveyor and that it is a subdivision of all of the lands conveyed by:

Parcel 248 Margaret E. Walker to Ida V. Gröwling by a deed dated January 23, 1991 and recorded in Liber 1271, Folio 259 (William M. Scherer, Jr., Personal representative of the Estate of G. Herbert Gröwling, Jr., Deceased (Estate No. 1958B), Register of Wills for Baltimore County, Maryland).

Parcel 246 Elizabeth K. Sepp to Henry F. Sepp by a deed dated November 30, 1986 and recorded in Liber 1065, Folio 23.

Parcel 245 Charles Herbert Gröwling, Jr., Personal representative of the Estate of J. Adam Buetner, Jr. to Henry Sepp by a deed dated June 27, 1994 and recorded in Liber 6686, Folio 403.

The requirements of Section 5-106, the Real Property Article, Annotated Code of Maryland, 1996 replacement volume, (as supplemented) and Article 26, Sec. 3-304 of the Anne Arundel County Code as for as they relate to the making of these plats and setting of markers shall be complied with.

Therese J. Marsh Date
Professional Land Surveyor #10894
Bay Engineering, Inc.



[Signature] Date
Estate of G. Herbert Gröwling, Jr., Deceased (Estate No. 1958B), Register of Wills for Baltimore County, Maryland
Parcel 241

Henry F. Sepp Date
Witness Date
Parcels 246 & 248

LDA / IDA Critical Area Impervious Calculations

Table with columns: LOT, TOTAL SF, SF PERM, SF IMP, IMP. PERCENTAGE, SF IMPERVIOUS ALLOWABLE (SF), SF IMPERVIOUS ALLOWABLE (%). Lists calculations for various lots.

Waivers:

Waiver #6618 to not include other illegal structures (Parcels 144 and 244) in the major subdivision process was granted by the Office of Planning and Zoning on August 4, 2004.
Waiver #6707 to allow the subdivision to utilize a utility engineering contractor overites to meet the Active recreation requirements was granted by the Office of Planning and Zoning on August 4, 2004.
See Recreation Area Tabulation note herein.

APPROVED, ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
[Signature] Date
JOSEPH BUTLER, OFFICER
PLANNING AND ZONING, AND ALSO FOR THE HEALTH DEPARTMENT OF HEALTH (PUBLIC SYSTEMS AVAILABLE)

Bay Engineering Inc. logo and contact information: 180 Admiral Cochrans Drive, Suite 175, Annapolis, Maryland 21401. Phone: 410.897.8290. Email: info@bayengineering.com

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

CASE NUMBER 2007-0337-V

ROBERT BONNER

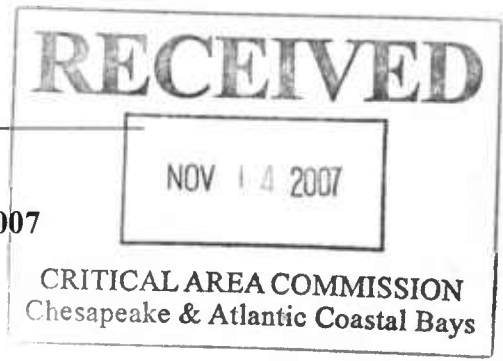
THIRD ASSESSMENT DISTRICT

DATE HEARD: NOVEMBER 8, 2007

ORDERED BY: **STEPHEN M. LeGENDRE**, ADMINISTRATIVE HEARING OFFICER

PLANNER: **PATRICIA A. COTTER**

DATE FILED NOVEMBER 9, 2007



PLEADINGS

Robert Bonner, the applicant, seeks a variance (2007-0337-V) to allow a patio with greater impervious coverage than allowed on property located along the north side of Johnson Road, west of Johnson Road, Pasadena.

PUBLIC NOTIFICATION

The hearing notice was posted on the County's web site in accordance with the County Code. The file contains the certification of mailing to community associations and interested persons. Each person designated in the application as owning land that is located within 175 feet of the property was notified by mail, sent to the address furnished with the application. Mr. Bonner testified that the property was posted for more than 14 days prior to the hearing. I find and conclude that there has been compliance with the notice requirements.

FINDINGS AND CONCLUSIONS

The applicant owns a single-family residence with a street address of 25 Johnson Road, in the Bar Harbor subdivision, Pasadena. The property comprises 10,179 square feet and is zoned R5-residential with a Chesapeake Bay Critical Area designation as Limited Development Area (LDA). The request is to perfect and complete a paver patio behind the dwelling. The project increases impervious coverage to 2,841 square feet.

Anne Arundel County Code, Article 17, Section 17-8-403(c) restricts the coverage to 25% of the lot area (2,545 square feet). Accordingly, the proposal requires a variance for 296 square feet of excess impervious coverage.

Patricia A. Cotter, a planner with the Office of Planning and Zoning, testified that the property exceeds the minimum standards for the R5 district. The lot is part of a 13-lot resubdivision plat approved in 2005. The coverage allowance is noted on the approved plat. The witness questioned the hardship of the request, which could have been avoided by the construction of pervious decking. The County's Critical Area Team opposed the application. By way of conclusion, Ms. Cotter opposed the application.¹

Mr. Bonner testified that he was unaware of the impervious surface limitation. The construction does not encroach into the Forest Conservation Area in the rear yard. The request is unobjectionable to his neighbors, many of whom also have patios. The witness supplied several site photographs. He contended there is no other opportunity to reduce the impervious coverage. Finally, he has not observed any problem with runoff.

Rodney Miranne, the applicant's landscape architect, suggested that the removal of the crusher base course and the subsequent excavation for deck footers would be more damaging than the completion of the patio. There was no other testimony in the matter.

¹ The record was left open for the submission of the written comments of the Chesapeake Bay Critical Area Commission. The comment letter dated November 2, 2007 was received the same day as the hearing (Attachment A). The Commission opposed the request.

The standards for granting variances are contained in Section 18-16-305. Under subsection (b), for a property in the Critical Area, a variance to the Critical Area program requirements may be granted only after determining that (1) due to unique physical conditions, peculiar to the lot, a strict implementation of the program would result in an unwarranted hardship to the applicant; (2) a literal interpretation of the program will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area; (3) the granting of the variance will not confer on the applicant any special privilege that would be denied by the program to other lands within the Critical Area; (4) the variance request is not based on circumstances resultant of actions by the applicant and does not arise from conditions relating to land use on neighboring property; and (5) the granting of the variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area and will be in harmony with the general spirit and intent of the program. Under subsection (c), any variance must be the minimum necessary to afford relief; and its grant may not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

The law is settled that the applicant's burden is to prove each and every of the Critical Area variance criteria. If the evidence is lacking as to even a single criterion, then the variance must be denied.

After considering the facts and circumstances, I am constrained to deny the

application. Considering first the subsection (b) criteria, there has been no showing that a literal interpretation of the program deprives the applicant of rights commonly enjoyed by other properties elsewhere in the Critical Area. Rather, the request for excess coverage represents a special privilege that would be denied to other lands in the Critical Area. I also find that the request is based on the actions of the applicant. Furthermore, the request does not harmonize with the general spirit and intent of the program.

Although it is unnecessary to consider the subsection (c) criteria, I have nonetheless done so. The request for excess coverage is not a minimal variance, especially since it is a relatively simple matter to install pervious decking rather than a patio. Even conceding that the granting of the variance would not alter the essential character of the neighborhood, or impair the use or development of adjacent property, the grant of relief is nonetheless detrimental to the public welfare.

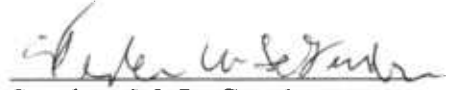
Because the applicant has not met his burden of proof, the denial of the application does not deny reasonable use and is not an unwarranted hardship.

ORDER

PURSUANT to the application of Robert Bonner, petitioning for a variance to allow a patio with greater impervious coverage than allowed, and

PURSUANT to the notice, posting of the property, and public hearing and in accordance with the provisions of law, it is this 9th day of November, 2007,

ORDERED, by the Administrative Hearing Officer of Anne Arundel County, that the applicant's request is **denied**.


Stephen M. LeGendre
Administrative Hearing Officer

NOTICE TO APPLICANT

Within thirty days from the date of this Decision, any person, firm, corporation, or governmental agency having an interest therein and aggrieved thereby may file a Notice of Appeal with the County Board of Appeals.

If this case is not appealed, exhibits must be claimed within 60 days of the date of this Order, otherwise they will be discarded.

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Attachment A

Margaret G. McHale
Chair

Ron Serey
Executive Director

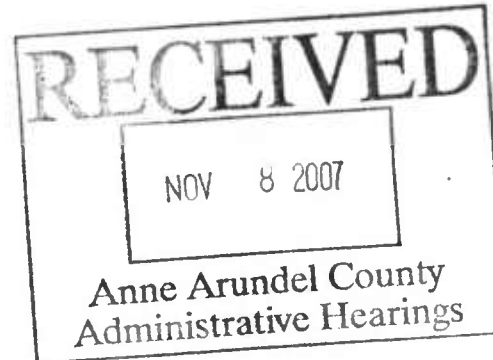
**STATE OF MARYLAND
CRITICAL AREA COMMISSION
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1804 West Street, Suite 100, Annapolis, Maryland 21401
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November 2, 2007

Ms. Suzanne Schappert
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Bonner Variance
2007-0337-V



Dear Ms. Schappert:

Thank you for sending the above-referenced variance request for review and comment. The applicant is requesting an after-the-fact variance for a dwelling addition with greater impervious coverage than allowed on a non-grandfathered lot. The property is 10,179 square feet in size, is located in a Limited Development Area (LDA), and the primary dwelling unit was built in 2007. The property is currently developed with a single family dwelling unit, driveway, garage, walkway, and porch. The applicant requests to install a patio that will result in the lot exceeding its 25% impervious surface limit. Current impervious surface onsite is 2,491 square feet (24.47%). Based on the site plan, it appears that the proposed patio will be approximately 350 square feet in size. Therefore, if granted, total impervious surface onsite will increase to approximately 2,841 square feet (27.9%).

Although the office does not generally oppose variance requests for modest additions or renovations to an existing primary dwelling on a grandfathered lot, we cannot support this request for a new dwelling addition with greater impervious coverage than allowed on a non-grandfathered lot.

In 2002 and 2004, the General Assembly strengthened the Critical Area Law and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values. The General Assembly also enacted specific standards for variances to the local Critical Area programs, and required that local jurisdictions use those State law standards (see Annotated Code of Maryland, Natural Resources Article Section 8-1808 (d)). The General Assembly reaffirmed the stringent standards of the law,

and required that all applicants meet each and every standard in order for a local jurisdiction to grant a variance to the Critical Area law.

The State law provides that variances to a local jurisdiction's Critical Area program may be granted *only* if a Board of Appeals finds that an applicant has satisfied its burden to prove that the applicant meets *each* of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot." Furthermore, the State law establishes a presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented.

In this case the applicant is proposing to add a patio to a non-grandfathered lot that will result in the lot exceeding its impervious surface limit. We note that the applicant's property (Lot 7) was created as part of a subdivision recorded in 2005. The recorded subdivision plat clearly states the amount of impervious area permitted for Lot 7 (see attachment). Therefore, the applicant should have been aware of the permitted impervious surface area limits. The impervious surface area restrictions detailed in the Anne Arundel County Code aim to maintain the integrity of the Critical Area by reducing the amount of impervious surface and maximizing areas of natural vegetation (Anne Arundel County Code 17-8-404). To exceed those limits in this case would create adverse impacts to the Critical Area, Chesapeake Bay and the Atlantic Coastal Bays and its tributaries, which are a natural resource of great significance to the state and nation.

Based on the information provided, the applicant appears to enjoy reasonable and significant use of the entire lot or parcel as evident by the existing single family dwelling unit, driveway, garage, walkway, and porch. Therefore, denial of a variance for additional impervious surface to create a patio would not constitute an unwarranted hardship. In addition, it is our view that construction of a new patio on a non-grandfathered lot that will result in the lot exceeding impervious surface limits is in direct contrast to the spirit and intent of the Critical Area Law and Criteria. Because we do not believe that each and every one of the County's variance standards has been met, including the standard of unwarranted hardship, we oppose this variance and recommend that it be denied.

I have discussed each one of the variance standards below as it pertains to this site:

- 1. That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

Currently, the lot is developed with a single family dwelling unit, driveway, garage, walkway, and porch. The applicant proposes to construct a patio on a non-grandfathered lot that will result in the lot exceeding its 25% impervious surface area limit. The State law standards, applicable to this variance request, define "unwarranted hardship" to mean that the applicant must prove that, without the

requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. Given the uses enjoyed by the applicant on this property, we do not believe that the County has evidence on which to base a finding that, without the patio, the entire parcel would lack reasonable and significant use.

2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

Anne Arundel County Code 17-8-402 (c) states that, "Impervious surface associated with a lot of one acre or less that is part of a subdivision approved after December 1, 1985, may be increased to 25% of the lot if the area of impervious surface for the entire subdivision does not exceed 15%." The applicant proposes to construct a patio on a lot that was built in 2007 that will result in the lot exceeding the 25% impervious surface limit. This office would not support similar requests to construct a patio that would result in a non-grandfathered lot exceeding the 25% impervious limit on other sites within the Critical Area. Therefore, the denial of a variance to exceed the maximum impervious surface allowed would not deny the applicants a right commonly enjoyed by other properties.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*

The granting of a variance to permit a patio that would allow the applicant to exceed its 25% impervious surface limit on a non-grandfathered lot would constitute a special privilege upon the applicant which would be denied to others in the County as well as within other jurisdictions in the Critical Area.

4. *The variance request is not based upon conditions or circumstances, which are the result of the actions, by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*

The applicant is requesting a variance to exceed the impervious surface limit for a non-grandfathered lot as a result of constructing the patio prior to receiving County approval. Therefore, the variance request is based upon the actions of the applicant.

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

Granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. An increase in impervious surface that exceeds the limit allowed for a non-grandfathered lot and its consequential disturbance to the land

results in increased stormwater and sediment runoff and the loss of essential infiltration opportunities. Given that the applicant can adequately redevelop this property and enjoy outdoor activities without the addition of a patio, approval of this variance would not be in harmony with the general intent and spirit of the Critical Area Law.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions, please call me at (410) 260-3483.

Sincerely,



Nick Kelly

Natural Resource Planner

cc: AA 584-07

Robert G. Bonner
25 Johnson Road
Pasadena, MD 21122
410-804-5927

Anne Arundel County Department of Permits:

My name is Robert Bonner and I am a resident at 25 Johnson Road, Pasadena, MD 21122. We are in the process of requesting a variance for a patio to be put on lot 7 of the Bar Harbor Community. Our main purpose for this is so that we may be able to exit through our rear sliding doors, and have a place where we may put a table and some chairs where we could relax and enjoy our backyard. Having two large dogs, this would provide a cleaner and more easily maintained area. We would not in any way disturb the environment that has been designated a forestry area. We would make sure that we would not place any material on our patio that could cause potential hazardous run off that would hurt our environment. Since the patio had already been started before we realized that the impervious area which we were allowed was too small there is quite a mess which is being brought into the house. We would like to get this resolved as soon as possible. I would just like to note that I have been a volunteer at The National Aquarium in Baltimore for 12 years and I realize how important it is to maintain our environment. We would never do anything intentionally to hurt our Chesapeake Bay. Thank you for your time and consideration. Please feel free to contact me at the number above if you have any questions.

Most Sincerely,

Robert G. Bonner

Robert G. Bonner

0337

September 14, 2007

Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
P. O. Box 6675
Annapolis, MD, 21401

To whom it may concern:

This letter is in support of, and an attachment to, the request for a variance application for Mr. & Ms. Robert G. Bonner's residence located at 25 Johnson Road, Pasadena, MD, 21122, this is lot # 7 of the Bar Harbor Community.

As required in the variance instructions, this letter is an explanation of the request and justification for the variance.

The request is for the completion of a raised concrete paver patio which was halted by the inspector in his Non Compliance Notice/Stop Work Order letter dated 8/27/07. As stated on the inspector's report the grading plan permits 2545 s.f. of impervious area, and construction of a paver patio would exceed that limit. The structure was partially built at the time with the 3' x7' landing steps to the patio base aggregate course already in place, along with the perimeter footing wall. This is the only area of useable outdoor living space and recreational space available in the rear yard. The rest of the rear lot area is designated as Forest Conservation Area. In fact approximately 43% of the lot is designated as Forest Conservation Area. This area is not available, and is not suitable or useable for family outdoor recreational activities. Granting a variance would alleviate several practical difficulties and eliminate unnecessary hardships for the Bonner family.

Due to the restrictive nature of this site and lack of usable area for family recreation and gathering, we are requesting a variance for the following reasons:

1. The completion of the paver terrace would have little or no impact on the overall impervious area of the site and on the environmental quality of the site. In fact it would be less destructive at this point than a wood deck. A deck installation would require excavation and removal of the existing base plus construction of new post footings all of which would further impact the site and the environment.
2. The completion of the paver terrace would also require lower maintenance, and have a much longer life span than a wood deck not requiring replacement in 10-12 years, therefore being more environmentally friendly and compatible.
3. The Bonners are committed to a long term investment in this residence and as stated in the attached letter from Mr. Bonner, he is very environmentally conscience. He will not disturb or further impact the Forest Conservation Area, or impact the impervious area requirements. If granted this variance we/he would be very grateful and work with the County to insure future compliance and discuss some form of other compensation for the allowance of the variance.
4. Since the patio is partially complete and construction halted, this area is not usable. And due to the dirt and debris being brought into the house, this issue is creating an undo hardship on the family. Instead of requiring the removal of the

partially completed patio and creating further construction and environmental damage, the logical and least disruptive solution would be to allow completion of this patio and granting of this variance.

Thank you, for your consideration of this request.

Sincerely,



Rodney D. Miranne
Landscape Architect
Jams Landscaping Inc.

Notice to Title Examiners

- 1. The plot has been approved for recording only and shall become null and void unless...
2. A sole or contract of sale of any lots shown herein may not be made until necessary improvements have been...
3. A building permit other than a special permit shall not be issued for any construction in this development until the requirements of paragraph 2 above have been complied with.

Standard Right to Discharge

J. William N. Scherer, Jr., Personal representative of the Estate of C. Herbert Graving, Jr., Deceased (see State of Maryland Letters of Administration Estate No. 03916) and Henry F. Sepp for selves, legal representatives, personal representatives, successors and assigns hereby grant the perpetual right-to-discharge...

Witness signatures: William N. Scherer, Jr., Henry F. Sepp, and others.

Allocation Note

This subdivision plot is subject to the requirements of Article 26, Title 8 of the Anne Arundel County Code as it relates to the allocation of water and wastewater capacity.

Forest Conservation Property

There shall be no clearing, trimming, dumping, storage, or structures within the Forest Conservation Property Areas as shown on this plot and as recorded within the Declaration of Covenants, Conditions, and Restrictions dated 5/26/02...

Non-Tidal Wetlands Note

There shall be no disturbance within wetlands and buffers except in accordance with a plan approved by the Office of Planning and Zoning and outlined under the approved Non-Tidal Wetland Impact permit number 03-N1-020/2003616.

Development Plan Note

Development of this subdivision shall be undertaken only in accordance with the approved Final Development Plan on file in the Office of Planning and Zoning.



Vicinity Map 1" = 2000'

General Notes

- 1. The property is shown on Anne Arundel County topographic sheet V-6.
2. The coordinates and bearings shown herein are referred to the Maryland State Plane Coordinate System (NAD 83), as based on Anne Arundel County Public Works Control Points #1959 & #19-AZ.
3. The properties shown herein are located within the Flood Zone 'C' (areas of minor flooding) as shown on Flood Insurance Rate Map panel no. 24C000004 C, effective dated May 2, 1985 prepared by the Federal Emergency Management Agency.

Stormwater Management Note

Private and Public on-site stormwater management systems and / or alternate best Management Practices will be required for the development of Lots 1-13 in accordance with Article 21, Title 5 of the Anne Arundel County Code and are summarized below.

For the proposed development shown herein, the following BMP Notes and credits are proposed.

- The subdivision proposed the use of the following facilities to promote water quality treatment and recharge of the developments runoff into the groundwater using the following devices:
- bioretention areas
- dry swales
- Natural Area Conservation

LDA / IDA Critical Area Clearing Calculations

Table with columns: LOT, TOTAL S.F., LDA, IDA, EXISTING FOREST (S.F.), LDA MAXIMUM, OFF-SITE LDA CLEANING PROPOSED (S.F.), OFF-SITE LDA CLEANING REQUIRED (S.F.), REFORESTATION REQUIRED (S.F.), REFORESTATION REQUIRED (S.F.) 1.5 TIMES CLEANING.

Yards and Setbacks

RS - RESIDENTIAL DISTRICT Yards (Principle Structures) Front - 25' minimum* Side - 10' minimum/20' combined Rear - 20' minimum * The front yard setback may be reduced by 5' from 25' to 20' to produce a variation in setback as shown hereon.

Owner's Dedication

William N. Scherer, Jr., Personal representative of the Estate of C. Herbert Graving, Jr., Deceased (see Estate No. 03916) and Henry F. Sepp, the owners and Riva Properties, LLC contract purchaser of the property shown herein, hereby adopt this plan of subdivision, establish the minimum building restriction lines and dedicate the streets, alleys, walkways and other easements, including strips and floodways to public use, each to be dedicated to Anne Arundel County or the State Highway Administration, as may be appropriate on request.

The recreation and open space area shown herein is hereby set aside for the recreation use of the residents of the subdivision. Each lot owner, upon acceptance of a deed, shall hold an undivided interest in the area, subject, however, to the rights of the community association, whether pre-established or in the future, as more fully set forth in Article 26, Section 5-104 of the Anne Arundel County Code.

There are no suits, actions or law, leases, liens, mortgages, trusts easements, or rights-of-way affecting the property included in this plan of subdivision, and all parties in interest thereto have hereunto affixed their signatures indicating their willingness to join in this plan of subdivision.

Further, the requirements of Section 5-106, the Real Property Article, Annotated Code of Maryland, 1996 replacement volume, (as supplemented) and Article 26, Sec. 5-304 of the Anne Arundel County Code as far as they relate to the making of these plots and setting of markers shall be complied with.

I consent to and do hereby join in this plan of subdivision. Witness signatures: William N. Scherer, Jr., Henry F. Sepp, and others.

Area Tabulations Table with columns: LOT, ACRES, * OPEN SPACE AREA #1, * OPEN SPACE AREA #2, * OPEN SPACE AREA #3 (SWA), * OPEN SPACE AREA #4 (SWA), * OPEN SPACE AREA #5 (SWA), * OPEN SPACE AREA #6 (SWA), * OPEN SPACE AREA #7, * OPEN SPACE AREA #8, * OPEN SPACE AREA #9, * OPEN SPACE AREA #10, * OPEN SPACE AREA #11, * OPEN SPACE AREA #12, * OPEN SPACE AREA #13, * OPEN SPACE AREA #14, * OPEN SPACE AREA #15, * OPEN SPACE AREA #16, * OPEN SPACE AREA #17, * OPEN SPACE AREA #18, * OPEN SPACE AREA #19, * OPEN SPACE AREA #20, * OPEN SPACE AREA #21, * OPEN SPACE AREA #22, * OPEN SPACE AREA #23, * OPEN SPACE AREA #24, * OPEN SPACE AREA #25, * OPEN SPACE AREA #26, * OPEN SPACE AREA #27, * OPEN SPACE AREA #28, * OPEN SPACE AREA #29, * OPEN SPACE AREA #30, * OPEN SPACE AREA #31, * OPEN SPACE AREA #32, * OPEN SPACE AREA #33, * OPEN SPACE AREA #34, * OPEN SPACE AREA #35, * OPEN SPACE AREA #36, * OPEN SPACE AREA #37, * OPEN SPACE AREA #38, * OPEN SPACE AREA #39, * OPEN SPACE AREA #40, * OPEN SPACE AREA #41, * OPEN SPACE AREA #42, * OPEN SPACE AREA #43, * OPEN SPACE AREA #44, * OPEN SPACE AREA #45, * OPEN SPACE AREA #46, * OPEN SPACE AREA #47, * OPEN SPACE AREA #48, * OPEN SPACE AREA #49, * OPEN SPACE AREA #50, * OPEN SPACE AREA #51, * OPEN SPACE AREA #52, * OPEN SPACE AREA #53, * OPEN SPACE AREA #54, * OPEN SPACE AREA #55, * OPEN SPACE AREA #56, * OPEN SPACE AREA #57, * OPEN SPACE AREA #58, * OPEN SPACE AREA #59, * OPEN SPACE AREA #60, * OPEN SPACE AREA #61, * OPEN SPACE AREA #62, * OPEN SPACE AREA #63, * OPEN SPACE AREA #64, * OPEN SPACE AREA #65, * OPEN SPACE AREA #66, * OPEN SPACE AREA #67, * OPEN SPACE AREA #68, * OPEN SPACE AREA #69, * OPEN SPACE AREA #70, * OPEN SPACE AREA #71, * OPEN SPACE AREA #72, * OPEN SPACE AREA #73, * OPEN SPACE AREA #74, * OPEN SPACE AREA #75, * OPEN SPACE AREA #76, * OPEN SPACE AREA #77, * OPEN SPACE AREA #78, * OPEN SPACE AREA #79, * OPEN SPACE AREA #80, * OPEN SPACE AREA #81, * OPEN SPACE AREA #82, * OPEN SPACE AREA #83, * OPEN SPACE AREA #84, * OPEN SPACE AREA #85, * OPEN SPACE AREA #86, * OPEN SPACE AREA #87, * OPEN SPACE AREA #88, * OPEN SPACE AREA #89, * OPEN SPACE AREA #90, * OPEN SPACE AREA #91, * OPEN SPACE AREA #92, * OPEN SPACE AREA #93, * OPEN SPACE AREA #94, * OPEN SPACE AREA #95, * OPEN SPACE AREA #96, * OPEN SPACE AREA #97, * OPEN SPACE AREA #98, * OPEN SPACE AREA #99, * OPEN SPACE AREA #100.

LDA / IDA Critical Area Impervious Calculations

Table with columns: LOT, TOTAL S.F., LDA, IDA, EXISTING FOREST (S.F.), LDA MAXIMUM, OFF-SITE LDA CLEANING PROPOSED (S.F.), OFF-SITE LDA CLEANING REQUIRED (S.F.), REFORESTATION REQUIRED (S.F.), REFORESTATION REQUIRED (S.F.) 1.5 TIMES CLEANING.

Surveyor's Certificate

I hereby certify that this plot shown herein is correct, that it represents a survey of the property by the surveyor and that it is a subdivision of all of the lands conveyed by: Parcel 241, Margaret E. Walker to Ida V. Graving by a deed dated January 25, 1954 and recorded in Liber 1271, Folio 295, (Willis H. Scherer, Jr., Personal representative of the Estate of C. Herbert Graving, Jr., Deceased (Estate No. 03916), Register of Wills for Baltimore County, Maryland) Parcel 246, Elizabeth K. Sepp to Henry F. Sepp by a deed dated November 30, 1956 and recorded in Liber 1065, Folio 23. Parcel 249, Charles Herbert Graving, Jr., Personal representative of the Estate of J. Adam Buelter, Jr. to Henry Sepp by a deed dated (June 21, 1914) and recorded in Liber 6666, Folio 403.

The requirements of Section 5-106, the Real Property Article, Annotated Code of Maryland, 1996 replacement volume, (as supplemented) and Article 26, Sec. 5-304 of the Anne Arundel County Code as far as they relate to the making of these plots and setting of markers shall be complied with.

Witness signatures: Timothy J. Martin, Professional Land Surveyor #04064, Bay Engineering Inc., and others.

Bay Engineering Inc. Engineers, Planners and Surveyors 190 Admiral Cochrane Drive, Suite 175 Annapolis, Maryland 21401 410.867.8000 410.867.8005 fax email: info@bayengineering.com

Waivers: Waiver #6616 to not include other illegal parcels (Parcels 144 and 294) in the major subdivision process was granted by the Office of Planning and Zoning on August 4, 2004. Waiver #6707 to allow the subdivision to utilize existing surrounding recreation amenities to meet the Active recreation requirements was granted by the Office of Planning and Zoning on August 4, 2004. See Recreation Area Tabulation note hereon.

APPROVED: ANNE ARUNDEL COUNTY, MARYLAND OFFICE OF PLANNING AND ZONING. Joseph Rutter, Officer, Planning and Zoning, and also for the Health Officer, Department of Health (Public Systems Available).

Plat 1 of 3 BAR HARBOR LOTS 1-3, BLOCK B, RESUBDIVISION BAR HARBOR A B LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION SUB.# 2001-030 PROJ.# 2003-054 TAX MAP # ~ BLOCK 22 ~ PARCELS 241,246, & 249 NOVEMBER 12, 2003 Zip Code: 21122 DRAWN BY: D. MILLER THIRD DISTRICT ~ A.A. Co. MARYLAND

Witness Date

of subdivision.
Witness: *[Signature]* 4/1/05

Riva Properties, LLC
a Maryland Limited Liability Company

[Signature] 4/1/05

By: Gary M. Koch, Member
Contract Purchaser

Witness Date

Mayor's Certificate

It is shown hereon is correct, that it represents the surveyor and that it is a subdivision of

G. Granting by a deed dated January 23, 1959 Folio 294. (William N. Scherer, Jr. Personal & of C. Herbert Granting, Jr., Deceased of Mills for Baltimore County, Maryland)

F. Seipp by a deed dated November 30, 1956 Folio 25.

Personal representative of The Estate of J. Adam Buettnar, Jr. dated June 27, 1994 and recorded in Liber 6666, Folio 403.

3-108, the Real Property Article, Annotated Code of Maryland, as supplemented) and Article 26, Sec. 3-304 of the Anne Arundel relate to the making of these plats and setting of markers shall



4-21-05

Date #10464

Witness Date

Register Maryland

Witness Date

LOT	SF.	ACRES
* OPEN SPACE AREA #1	72,644	1.666
* OPEN SPACE AREA #2	52,020	1.194
OPEN SPACE AREA #3 (EMM)	5,060	0.116
OPEN SPACE AREA #4 (EMM)	4,879	0.112
LOT 1	11,246	0.259
LOT 2	9,671	0.222
LOT 3	9,649	0.222
LOT 4	10,016	0.230
LOT 5	9,406	0.216
LOT 6	10,240	0.235
LOT 7	10,179	0.234
LOT 8	10,124	0.232
LOT 9	10,190	0.234
LOT 10	10,418	0.241
LOT 11	10,020	0.230
LOT 12	10,924	0.251
LOT 13	11,631	0.267
VARIABLE WIDTH REDDING STRIP	22,271	0.511
TOTAL SITE	290,704	6.673
* Passive Recreation Area		
TOTAL SINGLE FAMILY LOTS PROPOSED = 13		

Private and Public on-site Best Management Practices in accordance with Article 2 summarized below. The Developer shall manage the final stormwater management agreement prior to a grading permit. A grading permit may be determined by the Office of Planning and Zoning.

For the proposed development credits are proposed.

This subdivision proposed the quality treatment and recharge using the following devices:

- detention areas
- dry swales
- Natural Area Conservation

These on-site features will provide removal of water quality volume (Rev.), channel protection from extreme flood volume (Q10) and to tidal waters. This project includes:

- Natural Area Conservation

LDA / IDA Critical Area Impervious Calculations

LOT	TOTAL SF.	IMPERVIOUS SF.	IMPERVIOUS PERCENT (%)	IMPERVIOUS PERCENT ALLOWABLE (%)
VARIABLE WIDTH REDDING STRIP	22,271	0	0	0
LOT 1	11,246	4,318	38.4	30
LOT 2	9,671	4,408	45.6	30
LOT 3	9,649	4,418	45.8	30
LOT 4	10,016	4,418	44.1	30
LOT 5	9,406	0	0	30
LOT 6	10,240	0	0	30
LOT 7	10,179	0	0	30
LOT 8	10,124	0	0	30
LOT 9	10,190	0	0	30
LOT 10	10,418	0	0	30
LOT 11	10,020	0	0	30
LOT 12	10,924	0	0	30
LOT 13	11,631	0	0	30
OPEN SPACE AREA #1 (EMM)	72,644	0	0	0
OPEN SPACE AREA #2 (EMM)	52,020	0	0	0
OPEN SPACE AREA #3 (EMM)	5,060	0	0	0
OPEN SPACE AREA #4 (EMM)	4,879	0	0	0
TOTAL	290,704	8,736	3.0	30
TOTAL LDA IMPERVIOUS PERMITTED (30%)				

LOT
VARIABLE WIDTH W

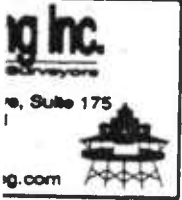
OPEN SPACE AREA #1
OPEN SPACE AREA #2
OPEN SPACE AREA #3
OPEN SPACE AREA #4
OFFSITE C

LDA PERMITTED CLEARING
TOTAL REFORESTATION AREA

Waivers:

Waiver #6618 to not include other illegal parcels (Parcels 149 and 294) in the major subdivision process was granted by the Office of Planning and Zoning on August 4, 2004.

Waiver #6707 to allow the subdivision to utilize existing surrounding recreation amenities to meet the Active recreation requirements was granted by the Office of Planning and Zoning on August 4, 2004.
See Recreation Area Tabulation note hereon.

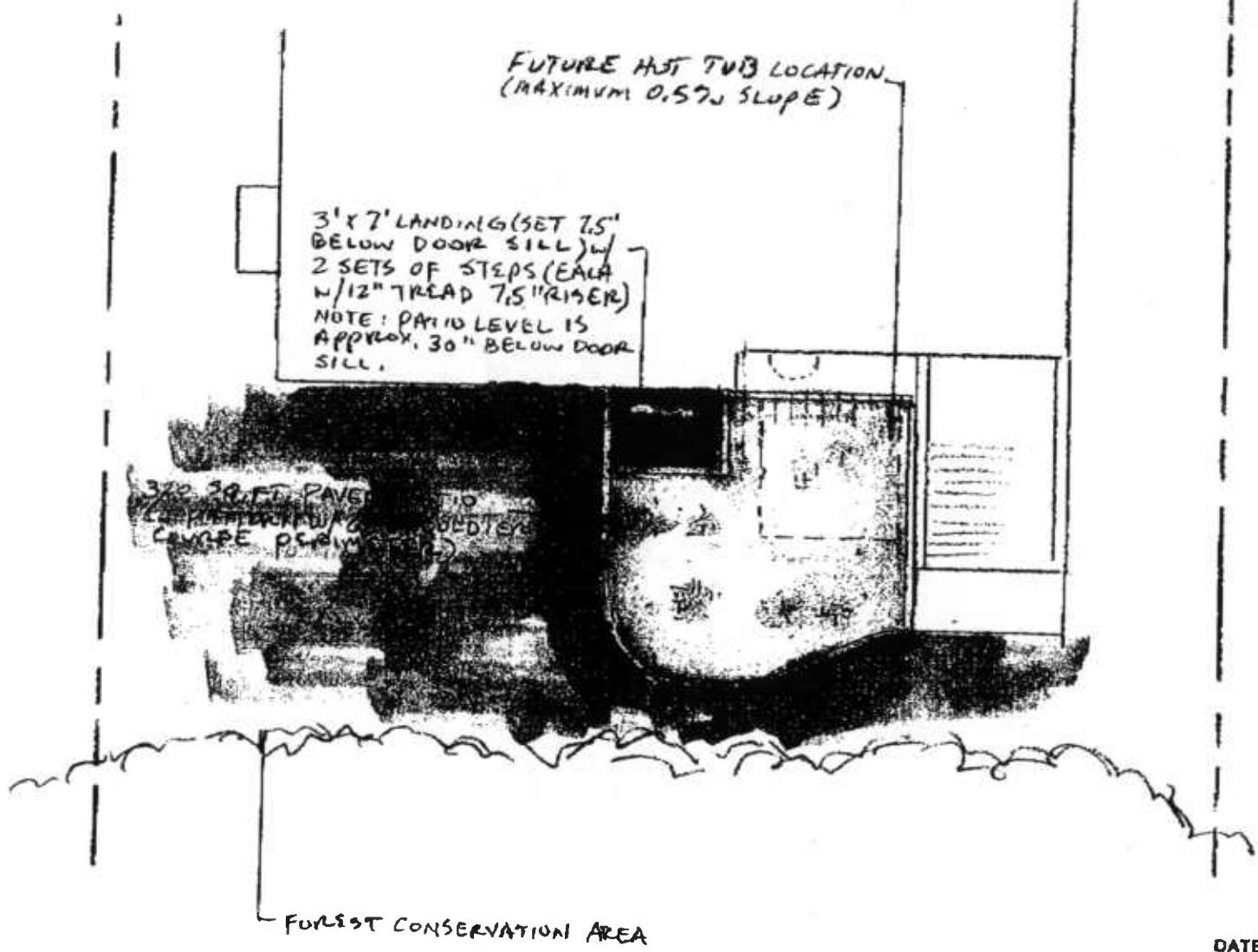


Bonner Residence

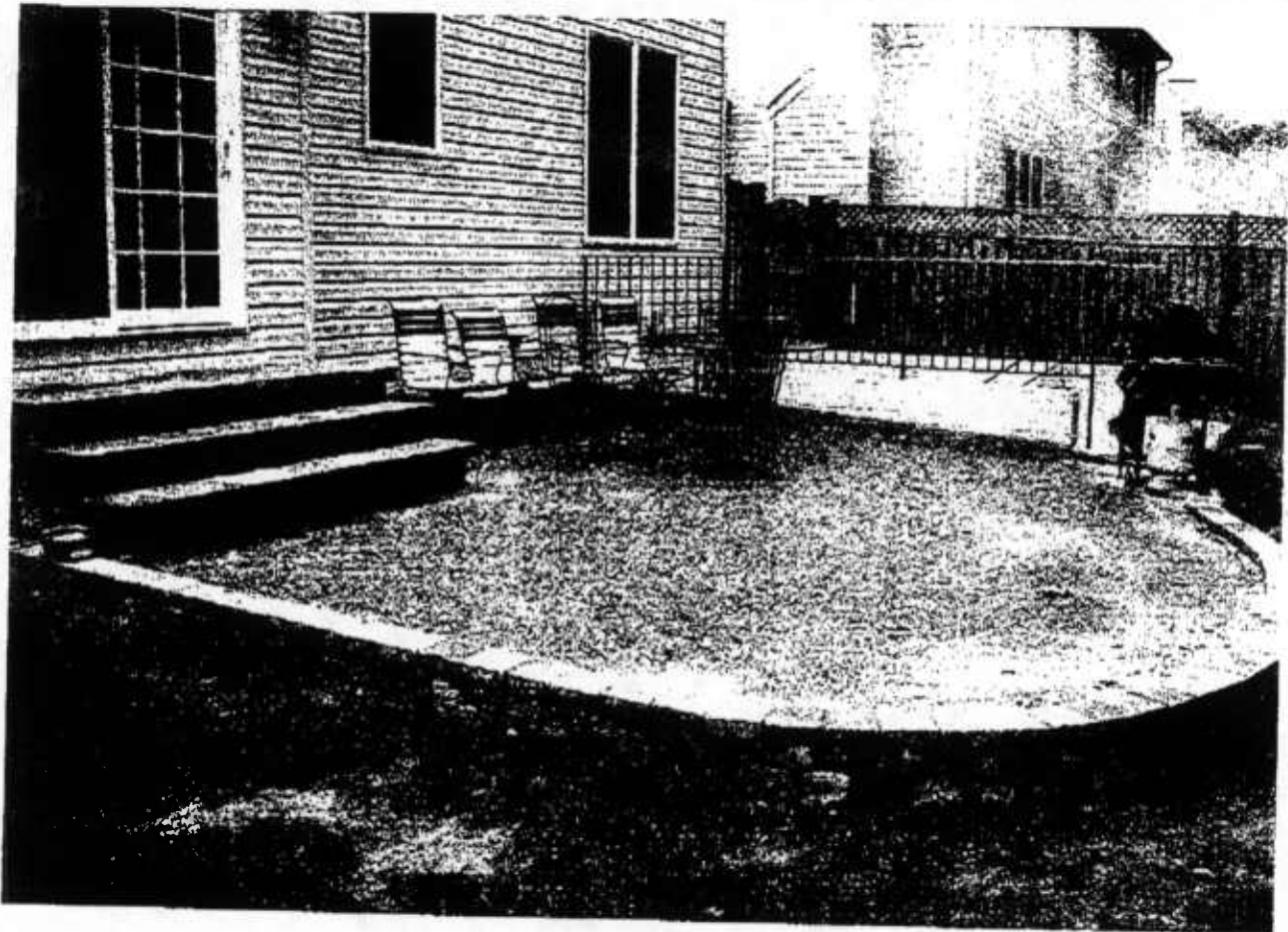
PATIO PLAN

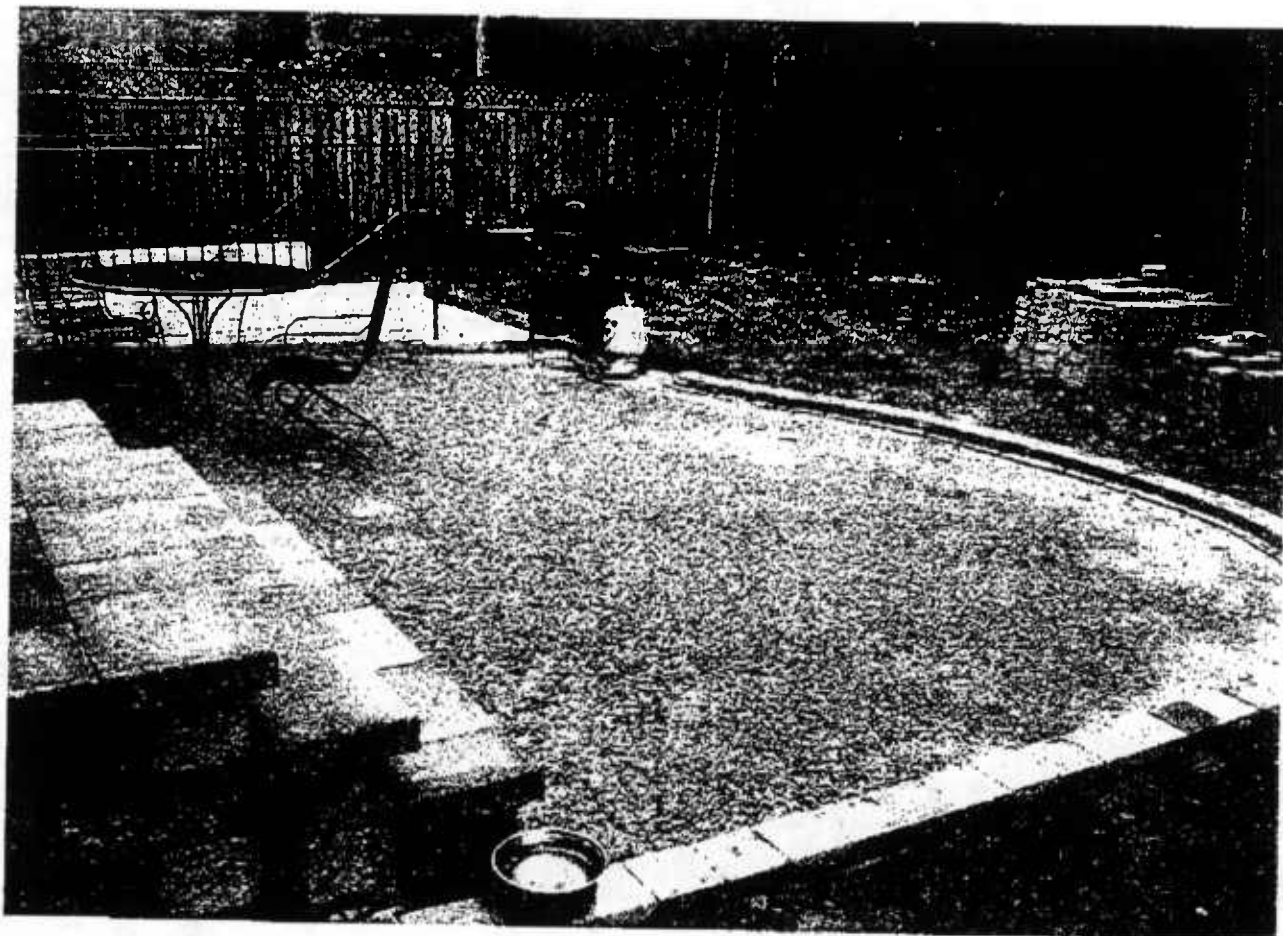
0337

10/30/2007 11:09 410-222-7255 PLAN/ENFOR INSPECT PAGE 07



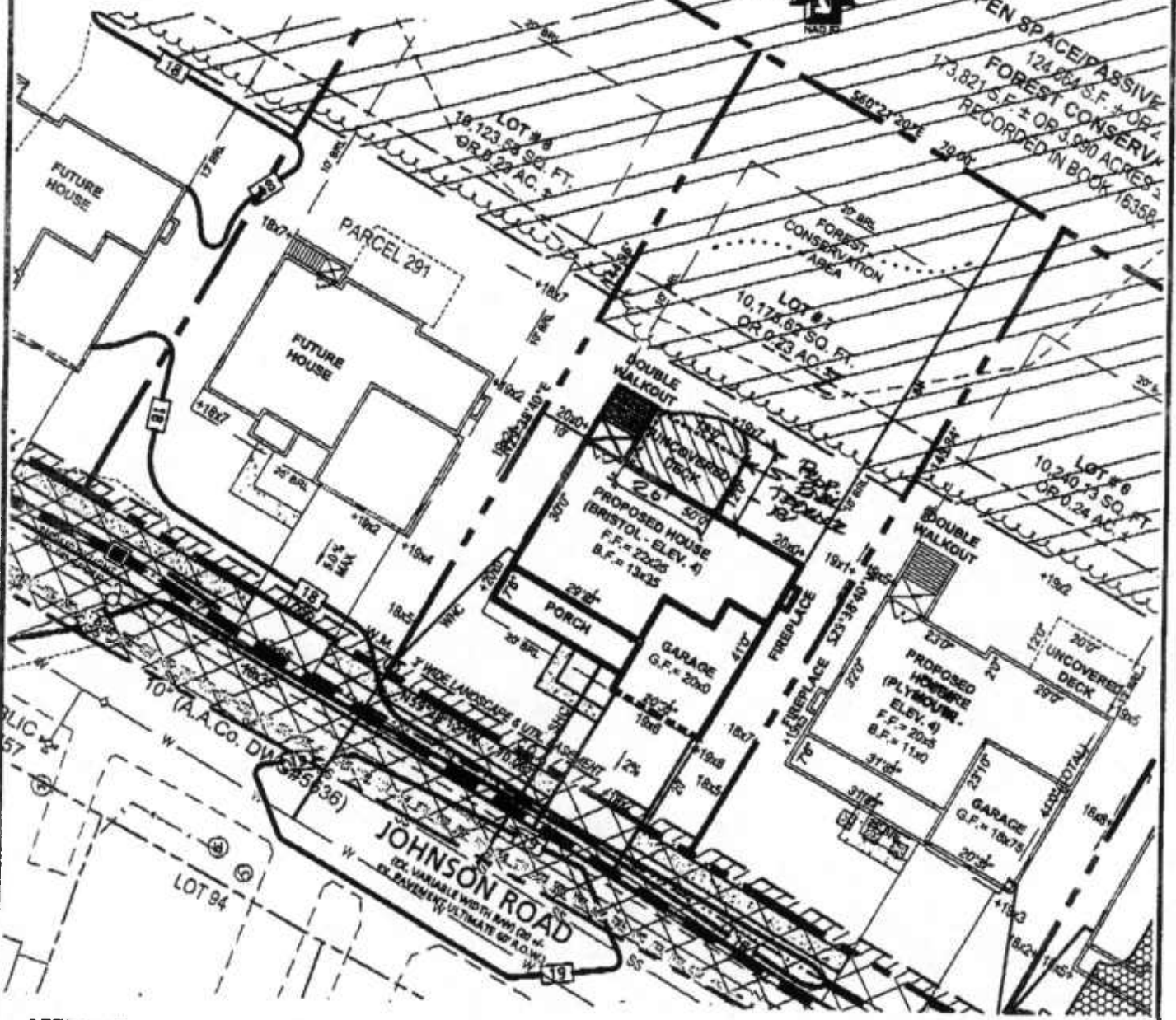
DATE: 7-11-07
SCALE: 1"=10'00"
PREPARED BY:
Jams Lawn & Gardening
1790 Severn Chapel Road
Millersville, MD 21108
Tel: (301) 261-0883





Built 2007

- HOUSE OPTIONS (BRISTOL - ELEV. 4)**
1. W/ 2 CAR FRONT-ENTRY GARAGE ON RIGHT
 2. BASEMENT HEIGHT 9' W/ SINGLE PLATE
 3. BASEMENT AREAWAY DOUBLE WIDTH
 4. PRE-FAB FIREPLACE IN FAMILY ROOM
 5. DECK (12'x19' BEHIND KITCHEN/BREAKFAST AREA)



SETBACKS
 FRONT YARD = 20'
 SIDE YARD = 7' / 20' COMB.
 REAR YARD = 20'

CRITICAL AREA CALCULATIONS	
LOT SIZE	10,179 SQ. FT. ±
LOT WITHIN CRITICAL AREA (LDA)	10,179 SQ. FT. ±
MAX. IMPERVIOUS ALLOWED W/IN LDA	2,545 SQ. FT. ±
TOTAL IMPERVIOUS SHOWN W/IN LDA	2,491 SQ. FT. ±
HOUSE SQ. FT. W/IN LDA	2,064 SQ. FT. ±
DRIVE & WALK W/IN LDA	427 SQ. FT. ±

BUILDER
 KOCH HOMES
 2661 RIVA ROAD, SUITE 220
 ANNAPOLIS, MARYLAND 21401
 410.573.5720

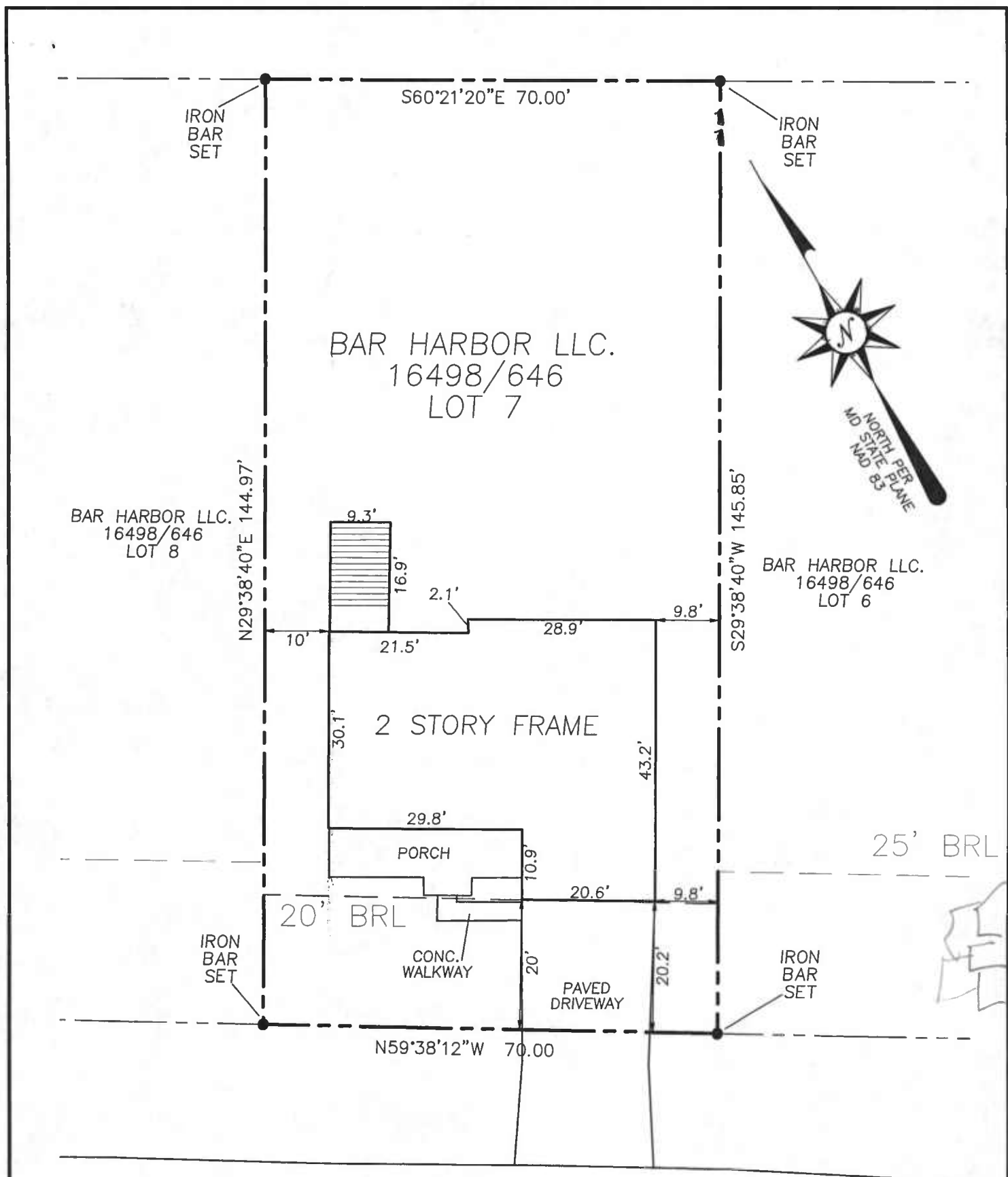
SITE PLAN - LOT 7
 OF
BAR HARBOR
 LOTS 1-3, BLOCK B RESUBDIVISION
 A 12 LOT SINGLE FAMILY SUBDIVISION FOR BAR HARBOR, LLC
 TAX MAP 11, BLOCK 22, PARCELS 291, 296 AND 295
 #23 JOHNSON ROAD, PASADENA, MARYLAND 21122
 THIRD DISTRICT ANNE ARUNDEL COUNTY

Bay Engineering Inc.
 Engineers, Planners and Surveyors



180 American Gateway Drive, Suite 175
 Annapolis, Maryland 21401
 410.573.5720
 #10.007.0200 fax
 email: info@bayengineering.com
 www.bayengineering.com

Drawn By: L. SQUIRES
 Approved By: T. SCHUMAN
 Scale: 1"=30'
 Date: NOVEMBER, 2006
 Job Number: 01-320
 Folder: KOCH HOMES
 Reference: BAR HARBOR



JOHNSON ROAD
VARIBLE WIDTH R/W

THIS IS TO CERTIFY THAT THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND IS IN COMPLIANCE WITH REQUIREMENTS SET FORTH IN COMAR, TITLE 9, MARYLAND DEPARTMENT OF LICENSING AND REGULATION FOR PROFESSIONAL LAND SURVEYORS, IN EFFECT AS OF 1995.

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY SHOW ADDITIONAL EASEMENTS, RIGHTS-OF-WAY, OR OTHER RESTRICTIONS OR ENCUMBRANCES NOT SHOWN HEREON.

[Signature]
Timothy J. Martin Prof. L.S. #10989
Date of Latest Field Notes: 7-11-07



Bay Engineering Inc.
Engineers, Planners and Surveyors
190 Admiral Cochrane Drive, Suite 175
Annapolis, Maryland 21401
410.897.9290
410.897.9295 fax
email: info@bayengineering.com

BOUNDARY DRAWING	DRAWN BY: B. GARR
#25 JOHNSON ROAD	SCALE: 1"=20'
TAX MAP II GRID 22 PARCEL 296	DATE: Jul 16, 2007
LOT 7- BAR HARBOR	JOB NO.: 01-320
3rd DISTRICT, ANNE ARUNDEL COUNTY, MARYLAND	FOLDER BAR
	REF: HARBOR
	CADD FILE: SEE BELOW

CRITICAL AREA COMMISSION

SEP 27 2007

RECEIVED