

August 14, 2023

PRO. EXHIBIT# 1
CASE: 2023-0101-V
DATE: 8/31/23

TO: Holly Colby, Office of Administrative Hearings

P.O. Box 2700, Annapolis, MD 21401

zhcolb22@aacounty.org

CASE NUMBER: Alister and Joan Bell/2023-0101-V/1702 Vineyard Trail

We support the variance application filed by Alister and Joan Bell to replace the existing dilapidated, extremely unsafe, and environmentally dangerous shed. The current shed has been a blight in our section of Epping Forest for many years (see photo below). The new shed drawings show a sturdy, well-designed structure. Therefore, we support the new shed, with the understanding that stormwater runoff issues have been addressed, and ask that the Administrative Hearing Officer approve the Bells' variance requests accordingly.

Sincerely,

Pierre and Danalee Henkart

Pierre and Danalee Henkart

458 Hoenereng Trail

Epping Forest, Annapolis, MD 21401



PRO. EXHIBIT# 2
CASE: 2023-0101-V
DATE: 8/31/23

TO: Holly Colby, Office of Administrative Hearings
PO Box 2700, Annapolis, MD 21204
Zhcolb22@aacounty.org

CASE NUMBER: Alister and Joan Bell/2023-0101-V/1702 Vineyard Trail

DATE: August 11, 2023

I would like to express my support for the variance application filed by Alister and Joan Bell to replace the existing shed at 1702 Vineyard Trail with a more attractive and sturdy structure. The current dilapidated shed has been an eye-sore for years. I have seen the drawings for the replacement shed and believe it to be a well-designed, attractive and functional replacement that is long overdue.

My wife and I are both previous residents of Epping Forest and now own a lot adjacent to the shed at 1700B Vineyard Trail.

I respectfully request that the Administrative Hearing Officer approve the Bells' variance requests.

Bill and Susan Fritz
1705 Marshall Ct
Annapolis, MD 21401

PRO. EXHIBIT# 3
CASE: 2023-0101-V
DATE: 8/31/23

August 8, 2023

Holly Colby
Office of Administration Hearings
PO Box 2700
Annapolis MD 21401

Case Number: Alister and Joan Bell/2023-0101-V/1702 Vineyard Trail

We would like to express full support for the Alister and Joan Bell's variance to replace the existing shed located at 1702 Vineyard Trail. We have reviewed the drawing and the new shed would be a welcome improvement over the one that is currently there. We know Epping Forest residences have express concerned about the existing one and fear it will collapse with children playing near by.

The Bell's have spent a tremendous amount of time to ensure the new shed would be a great improvement to Epping Forest Community.

We ask the Administrative Hearing Officer to approve the Bells variance requests.

Regards

Don Brandolini
Sandy Lantz
1707 Harfield Trl
Annapolis, MD 21401



Holly Colby <zhcolb22@aacounty.org>

Alister & Joan Bell/2023-0101-V/1702 Vineyard Trail

1 message

Rachelle Owen <rachellemowen@gmail.com>

Mon, Aug 7, 2023 at 9:06 AM

To: zhcolb22@aacounty.org

Cc: twobells@comcast.net

Dear Ms. Colby,

We would like to express our support for the variance application filed by Alister and Joan Bell to replace the existing shed at 1702 Vineyard Trail. We have seen drawings for a well-designed and sturdy structure to replace the dilapidated shed and are very pleased with the improved aesthetics. The new design fits with the character of our neighborhood and will be a desirable improvement for our Epping Forest community as it is one of the first structures residents see as they enter the community.

We ask the Administrative Hearing Officer to approve the Bells' variance requests.

Shawn & Rachelle Owen
454 Hoenering Trail
Annapolis, MD 21401

PRO. EXHIBIT# 4
CASE: 2023-0101-V
DATE: 8/31/23



Holly Colby <zhcolb22@aacounty.org>

Case number: Alister and Joan Bell/2023-0101-V/1702 Vineyard Trail

1 message

Christine Evans <cevans@360automation.net>
To: Holly Colby <zhcolb22@aacounty.org>
Cc: Christine Evans <cevans@360automation.net>

Thu, Aug 3, 2023 at 3:40 PM

Good afternoon,

I am writing with my concerns regarding the variance application/case number referred to above.

While I agree the existing shed is not only an eyesore and dangerous, I am concerned about a new shed being built for the following reasons:

Most of my concerns arise at the idea that the owners are not residents of Epping Forest. The lot in question, does not have a home. The structure does not appear to have water and electricity, so this limits the types of things one can store in it. Epping Forest is a close knit community and the idea that someone wants to store stuff here seems more like a commercial usage.

Since the Bell's have no real "stake" in the community aspect of the neighborhood, how will we be assured this will not turn into a commercial type venture and/or another dilapidated structure?

What will happen when the current owners sell the property?

I am in opposition of building a storage unit for a non-resident. In addition, I think the County has a responsibility to condemn and require the existing shed be removed.

These are just a few of my thoughts on this case

PRO. EXHIBIT# 5
CASE: 2023-0101-V
DATE: 8/31/23

Sincerely,
Christine Evans
1705 Harfield Trail
410.320.1640



Christine Evans



Holly Colby <zhcolb22@aacounty.org>

Alister and Joan Bell variance case in Epping Forest

1 message

Arthur Harrison <lhizo@icloud.com>
To: zhcolb22@aacounty.org
Cc: twobells@comcast.net

Mon, Aug 21, 2023 at 11:05 AM

Holly Colby, Office of Administrative Hearings
PO Box 2700, Annapolis, MD 21404
zhcolb22@aacounty.org

PRO. EXHIBIT# 6
CASE: 2023-0101-V
DATE: 8/31/23

RE: Alister and Joan Bell / 2023-0101-V / 1702 Vineyard Trail

August 21, 2023

Dear Ms Colby,

I am writing to you as an adjacent property owner of the above referenced variance case. It also happens that I am the original builder of the existing shed. To the best of my recollection in the early 1970's a building permit was obtained from AACo. by me as a structure associated with my residence at 1704 Vineyard Trail. The shed was used as a woodworking, motorcycle and auto maintenance hobby area originally and then primarily as storage space.

The Bell's proposal to rebuild the existing structure rather than repair the old one is a desirable outcome as I see it. My old workshop shed has been part of the Epping Forest landscape for about fifty years and from an environmental standpoint is a better use of the property than a much larger residence would be.

In short I stand in support of the Bells' variance requests.

Sincerely,

Arthur Lee Harrison
400 Jumpers Hole Rd
Severna Park, MD 21146



Holly Colby <zhcolb22@aacounty.org>

Case Number: Alister and Joan Bell/2023-0101-V/1702 Vineyard Trail

1 message

Drew Habeck <dhabeck@gmail.com>

Tue, Aug 22, 2023 at 8:36 PM

To: zhcolb22@aacounty.org

Cc: Alistair Bell <twobells@comcast.net>, Ashley Habeck <habeck.ashley@gmail.com>

Hi Holly,

Hope this finds you well.

We are writing to express our approval/ support of the application submitted by the Bells for the property at 1702 Vineyard Trail. We have seen the plan and it looks like a great improvement upon the old shed that is falling apart and needs to be replaced. I see this improvement as an improvement to the property and therefore the overall community.

We ask that the Administrative Hearing Officer approve the Bells variance requests.

Thanks for your time,
Drew and Ashley Habeck
1701 Marshall Ct
Annapolis, MD

PRO. EXHIBIT# 7
CASE: 2023-0101-V
DATE: 8/31/23

Alister and Joan Bell/2023-0101-V/1702 Vineyard Trail

1 message

Beau Simmons <rbeaus@icloud.com>
To: zhcolb22@aacounty.org

Thu, Aug 24, 2023 at 3:17 PM

Hello Holly Colby,

I am opposed to anything being done at 1702 vineyard trail, other than demolishing the eye sore and dangerous structure that is there. It's been falling down, overgrown and potentially a fire hazard since I moved in 2003. I was under the impression that it belonged to one of my neighbors. It wasn't until last summer that I found out it belonged to someone out of my neighborhood who clearly doesn't care about maintaining the uniquely beautiful and highly desirable Epping Forest community property. Residents of Epping are not allowed to have sheds in front of our houses. Plus we abide by many other regulations to maintain our beautiful and safe forest community. Why in the world would anyone allow, or place, a storage unit in the middle of our water access, gated, highly property taxed community? If that's not enough, this eye sore has not been maintained and usually has construction materials piled in front of it, and abandoned unregistered cars and empty trailers parked in front of it.

I have lost all trust in the owner of this property! They have abused the Epping forest community and residents through their neglect.

In my opinion, the best thing to do is to have the existing structure demolished and all remains removed at the owners expense!

Thank you,
Beau Simmons
1715 vineyard trail
Sent from my iPad

PRO. EXHIBIT# 8
CASE: 2023-0101-V
DATE: 8/31/23

2 attachments



image0.jpeg
5021K



image1.jpeg
5397K







Holly Colby <zhcolb22@aacounty.org>

1702 Vineyard Trail, Epping Forest - application for variance to build shed on "unbuildable" lot by Alister and Joan Bell

1 message

Carol Burke <carol@slowdownandlive.com>
To: "zhcolb22@aacounty.org" <zhcolb22@aacounty.org>

Fri, Aug 25, 2023 at 6:33 PM

Dear Holly,

I am a long-time resident of Epping Forest I wish to oppose the variance proposed by the Bells.

In accordance with AA County Zoning laws, the presence of a residence or dwelling is required for the construction of a shed. The Bells do not live in Epping Forest, a private gated community; however, somehow they purchased an unbuildable lot so that they could have access to all the amenities of our community. Now they want to build a garage or shed for storage purposes.

I firmly believe if this variance is granted, it will open the door for others who purchased "unbuildable lots" to construct sheds and use these sheds for storage of their boats, trailers, bikes, athletic equipment, etc. The Bell's shed—if permitted-- will change the aesthetic beauty of our neighborhood as it is located near the entrance to Epping Forest. Additionally, the proposed shed is in the critical area and sits on a steep slope, rendering the lot unsuitable for construction. Since the former shed was condemned the Bells should not be grandfathered in to rebuild since no residence is attached to it. The entire community will be negatively affected if unsightly storage units owned by people who do not own a residence & live in our community are allowed to be built on unbuildable lots. To me, unbuildable means "UNBUILDABLE". They purchased the lot knowing this delineation.

The Bells reside in Saefern, a community that explicitly prohibits sheds on its premises. According to my friend, Amie, who lives near 1702 Vineyard Trail, Mr Bell has been parking cars, trailers and junk on this lot. The act of parking vehicles and equipment necessitates the presence of a residential dwelling, which a shed does not meet. It is apparent that Mr Bell's intention is to continue to park cars, trailers, boats and other items in front of whatever "building" (garage/shed) is created—and this will detract from our community's appearance as a well maintained neighborhood. Since the Bells do not LIVE in Epping, they have no vested interest in its appearance & character.

I oppose the variance to build a shed on an UNBUILDABLE lot in Epping Forest where the Bells do not own a home or reside.

Holly, I thank you for your time and efforts.

Sincerely,
Carol Burke
1733 Drevar Trail
410-294-4300

PRO. EXHIBIT# 9
CASE: 2023-0101-V
DATE: 8/31/23

PRO. EXHIBIT# 10
CASE: 2023-0101-V
DATE: 8/31/23

August 28, 2023

Douglas Clark Hollman, Esq.
Administrative Hearing Officer
Office of Administrative Hearings
Anne Arundel County
Annapolis, MD 21401

Regarding the Variance Application (application”) for Alister & Joan Bell (applicants”) /1702 Vineyard Trail, Annapolis, MD 21401/Lots 5,6,7,8,11,12, Block 57, Section B Epping Forest (Tax Account Number 224090251901)” (Property”).

Dear Mr. Hollman,

I am Hermes Reyes and the owner of the home abutting the property. My home is in 1704 Vineyard Trail in Epping Forest (EF), where my family and I live.

Please note, there is a letter signed August 21, 2023, in support of this variances by Arthur Lee Harrison, who mistakenly states that he is “adjacent property owner of the above reference variance case”. That statement is not accurate, the undeveloped lots adjacent to the property belong to Habeck Andrew and Fritz William (to west), and to me on the east.¹ Mr. Harrison owns an undeveloped lot on the south, but it is separated by a street from the property. I am the current owner of the adjacent lots where my house is located. Currently, Mr. Harrison doesn’t own any dwelling or lot directly adjacent to the property.

This document is regarding the letters (hereafter “letters”) dated June 14, 2023 and June 26, 2023, and also the OPZ Findings and Recommendations (OPZ), regarding the request of multiple variances required to building an accessory structure, a storage garage. The total area of the property is 11,150 square feet according to Tax County records. The storage as described by the applicant would be 589 square feet and would require the expansion of the parking space, to almost double its current size, to 423 square feet. The Cost of Work in the application is \$80,000 dollars. The proposal totals 1,012 square feet. The total area that will be disturbed is not mentioned by OPZ, but it is recorded in the application to 2,630 square feet, equivalent to about 24% of the size of this small lot. The Property is in residential Zone R1, and is less than 40,000 square feet, therefore a single-family dwelling cannot be built in this lot. The use of Zone R1, according to the definition by the County for Zone R1,²

“...generally intended for low density suburban single-family detached residential development”

The application is not related to building a storage garage for the use of a single-family detached structure. Furthermore, the bylaws that govern Epping Forest agree with the County code:

“No building or structure may be erected except for a proper single-family dwelling and garage build in accordance with the building laws and regulations of Anne Arundel County, with

¹ <https://gis.aacounty.org/gcx/Viewer/?app=c82c5cff02544a56af888e4ff5c166a2>

² <https://www.aacounty.org/planning-and-zoning/zoning-administration/zoning-classifications-guide>

plumbing, septic systems, approved wiring, and proper waste supply, that comply with State and County building and health regulations” Chapter 7, paragraph 2.

Again, the structure as proposed by the applicants, is a self-standing storage unit. Furthermore, the bylaws governing the Saefern³, that is the community where the applicants live, are very much in agreement with the Code and with EF bylaws, some examples,

*“(1) Improvements. That said lots shall be used exclusively for private dwelling-house purposes;”
“...no building shall be located on any lot nearer than 40 feet to the front lot line or nearer than 40 feet to any side street line...”*

“ ...nor shall any dwelling be erected or placed on any lot having an area of less than 43,560 square feet...”

As mentioned earlier, their lot has 11,150 square feet, the proposed plan is not related to a detached dwelling and the property has only 17.8 feet of setback on the front.

The EF community has expressed opposition to the applicant’s proposal by signing a petition, that is part of the evidence submitted for this hearing. Thus, it seems reasonable that the application is not in the best interest of the community, that it is against what the Anne Arundel Code says about Zones and would be in violation of the EF Community bylaws and the bylaws governing Saefern, where the applicants live.

The applicants bought the property in October 2019, for \$13,000 according to data from the County⁴ and the tax is about \$160 per year. I have attached copy of the tax record. For tax purposes, there is no structure on the property, it is an undeveloped lot. The property doesn’t have any utilities (power, water well, public water, dry wells, sewers, nor septic). Indeed, the property served as an accessory structure to my home, at 1704 Vineyard Trail at its construction in 1970 by Mr. Harrison (same letter referred above). As mentioned in the OPZ, the application is purposed as a “in-kind replacement” and the code states under Bulk Regulations that:

“ Exemptions to bulk regulations.

In-kind replacement is exempt from applicable bulk regulations if:

- (1) the original structure has been in the same location for at least twenty years; and*
- (2) a building permit is obtained within eighteen months after the removal or destruction of the original structure.” §18-2-303*

The OPZ suggests that the structure in the property has been in the same location for at least 20 years using a satellite picture that is not shown by OPZ. However, the OPZ doesn’t mention that such structure is dilapidated and, importantly, that the Code states under “Existing uses” for lots in the Critical Area, like this one,

³ Accessed online 08/27/2023, see File 6 “Covenants” <https://www.saefern.org/newowners.php>

⁴<https://sdat.dat.maryland.gov/realproperty/pages/viewdetails.aspx?District=02&subDiv=240&AccountNumber=90251901&County=02&intMenu=2&SearchType=ACCT>

“Uses on land in the critical area that were in existence on December 1, 1985 may continue, but intensification or expansion shall be in accordance with this Code and any use that ceases to exist for one year or more shall be subject to the provisions of this Code.” § 18-13-201

I bought my house in 2016, and the property was no longer in use as an accessory structure and it was already in a dilapidated state, with damaged roof and floors (see attachment). The applicants had received notices about the unsafe state of the property, and for some time a sign posted on the building stated that the property has been condemned by the County (see attachment). This property is not safe in its present conditions and the applicants have the alternative option of demolishing to be compliant with the County. For the reasons mentioned above, the use of this lot as an accessory structure, ceased to exist years ago, and many neighbors have said to me that it has been in a dilapidated state even before 2016. Thus, it speaks to reason that the use that once had, ceased to exist, when considering the more conservative regulation that the Code requires in the Critical Area. Therefore, all Bulk Regulations and Critical Area regulations, should apply to the property.

The applicants also stated in the letters that the intended use will be mainly for storage inside the garage, including boats, engines, antique lawn tractors, mopeds, etc. These seems to be a use more in line with what is expected of a storage unit in other zones, for example,

Zone C1,

“intended for neighborhood convenience commercial use/development” or,

Zone SB,

“to allow conversion of residential structure located on arterial roads in areas of transition to small commercial business...”.

The property is in EF, which is a gated community, single-dwelling residential, with water access, and a community that is not in need of business development within its boundaries.

As mentioned above, the applicants stated that their main use is a storage garage, but they want to expand a parking space on the front of the property to twice the size of its current area. The applicants have been parking several old vehicles and a trailer in the front area of this property for months in a row, and the County recorded this in a report on April 25, 2023 (see attached copy of County’s report). The OPZ failed to mention about this expansion and the previous use as parking without corresponding legal permit that has been recorded by the County.

However, a parking space is nowhere to be found in the list of structures allowed in Zone R1 without a principal structure in §18-4-106. Also, in a different section the Code states that:

“All parking spaces shall be reserved for the particular uses or structures for which they are required.” §17-6-601

Therefore, parking in the front of a storage garage without a principal dwelling is not allowed in the code. For example, the applicants propose to build a parking space that is 1.17 times larger than the size of a loading space (360 square feet) as it is described in §17-6-602 below,

The size of a parking space shall be as follows:

Compact car parking space	8' by 14' (with 2' overhang) or 8' by 16'
Non-compact car parking space	9' by 16'
Parallel parking space	7' by 20'
Loading space	12' by 30'
Residential lot parking space	9' by 18'

In addition, the applicants' main address, 1704 Marshall Ct, is registered as an address for an LLC, "Civic Duty" that coincidentally is a business that sells auto parts.⁵ Therefore, it is reasonable to think that the applicants plan to continue to park in the front part of their lot and there is a realistic possibility that it may be used for business purposes.

The proposed structure includes a deck area, that is visible on the south side (rear, plan 8 attached) and east side map (plan 7 attached) and it is labeled in the plan "open". This seems to be a deck area. There is no reasoning of why this covered deck is in a storage garage, because it doesn't make sense that a storage unit has a deck. The plans to expand the front area and build a deck in the back, strongly suggests that the intended use may be different to the stated use by the applicants.

The property is in an area that is rich in natural life, with large trees and bushes all around as can be seen in the aerial view (see picture attached).⁶ Furthermore, the property is inside the Limited Development Area (LDA) inside the County's Critical Area⁷ that harbors a significant wildlife habitat, and it is at the highest point of a creek in a watershed of the Severn River.⁸ Indeed, the property is adjacent to other undeveloped lands from a tributary to the Saltworks Creek, at the bottom of the creek about 400 feet from the property, that is land inside a Resource Conservation Land (RCL) (see picture attached). The standard grading plan that was submitted by the applicants doesn't include the existing trees and tree lines.

According to the Center for Biological Diversity there are threatened/endangered species in Anne Arundel County that include the following species: Monarch butterfly (candidate), Northern Long-Eared Bat (threatened), Puritan tiger beetle (threatened), Swamp pink (threatened), and Tricolored bat (proposed endangered).⁹ Indeed, a box to house bats has been attached to the side of the property for many years, and I have seen bats in the area frequently. Monarch butterflies are slowly coming back to EF as neighbors become planting more native plants. Furthermore, it is reasonable that the nearby RCL may have a prosperous wildlife.

⁵ <https://www.bbb.org/us/md/annapolis/profile/new-auto-parts/civic-duty-llc-0011-90187097>

⁶ Anne Arundel County Engineering Record Drawing and Monuments. Accessed 8/14/23.

⁷ <https://gis.aacounty.org/portal/apps/webappviewer/index.html?id=dfaf0eab572c40b6b709ae1567f1ed8b>

⁸ www.aacounty.org/departments/planning-and-zoning/critical-area-map/PublicSheet20.pdf. Accessed 8/14/2023

⁹ USGG The National Map. <https://apps.nationalmap.gov/viewer/> Accessed 8/14/2023

⁹ https://www.biologicaldiversity.org/programs/population_and_sustainability/T_and_E_map/

The applicants provided a document entitled "Chesapeake Bay Critical Area Report" to support statements regarding lack of adverse environmental impact. However, there is nowhere to be found in that document the name of the preparer and what are their qualifications to write such report. Indeed, it is likely that the preparers of this Critical Area Report, are the applicants themselves, who may not be in possession of professional expertise in matter of environmental impact that would allow them to perform such reports.

In their application they stated that there are larger than 15% slopes and that the steepest slope to be disturbed is 38%, yet the Department of Natural Resources in the Critical Area regulations says that it is prohibited the development and disturbance in areas where slopes exceed 15%, in order to protect water quality. The Code states,

A. Disturbance of steep slopes in the Critical Area

Development in the limited development area (LDA)... may not occur within slopes of 15% or greater unless development will facilitate stabilization of the slope; is to allow connection to a public utility; or is to provide direct access to the shoreline. All disturbance shall be limited to the minimum necessary." §17-8-201(a):¹⁰

The project doesn't allow connection to a public utility or provide direct access to the shoreline. As mentioned above, the whole area is covered by tress and other vegetations, with no signs of erosion caused by run off. The dilapidated shed has entire areas of roof or floor missing, therefore is not stabilizing the slope to a great extent (see attached pictures). As mentioned earlier, the applicants propose to disturb 2,630 square feet. Therefore, comes to reason that it may be needed to remove wildlife in this lot. Of note, there is no obvious erosion problems and stabilization of the slope may not be needed.

The applicants go further to state that there is only 17.8 foot setback on the front, however the norm is 50 feet according to the information provided in the letter and found in the code,

A. Bulk regulations. Front lot line setback in an R1 district.

Minimum setbacks for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height. Front lot line: 50 feet and side lot line 15 feet"§18-4-501

The applicants do not mention that the side lot line of their proposed structure is less than 5 feet to my lot, as indicated in the Grading Plans submitted by the applicants.

As explained earlier, the variances requested by the applicants regarding "Accessory structure" (§18-2-204) in a lot in the Critical Area require that the use of the property is considered not extinct, however, we have explained that its use ceased to exist long ago. In addition, it will have to be given for granted that that the storage garage will serve the use to a principal structure that is located more than half a mile away, in a different neighborhood, owned by different owners of the adjacent lot, and outside the EF community. It is likely that the provisions in the Code are intended to avoid this type of applications to obtain variances. The code estates under General Provisions:

"On a different lot. An accessory structure or use may not be located on a lot other than the lot

¹⁰ https://codelibrary.amlegal.com/codes/annearundel/latest/annearundelco_md/0-0-0-117173

on which a principal structure is located, except that:

3) *an accessory structure may be located on an unimproved lot abutting a lot improved by a principal structure, provided the lots are under common identical ownership and the accessory structure serves the lot with the principal structure for the exclusive use of the owner or the principal structure on the abutting lot. The Office of Planning and Zoning may require that a structure built pursuant to this subsection be removed as a condition of issuance of a building permit in the event a principal structure is to be constructed on the same lot as the accessory structure.*" §18-2-204(c)(3)

The OPZ in its report mentioned that this type of variance had been granted before. However, when granted, is for situations that are in so many ways dissimilar to the present application, for example, this property is in the Critical Area, in R1, in a gated community with water access, against community bylaws, against many petitioners, and the property and the principal structure where the applicants live were never abutting.

The Critical Area Variance Requirements

§18-16-305. Variances.

“Requirements for critical or bog protection area variances.

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 or bog protection program would result in an unwarranted hardship, as that term is defined in the Natural Resources Article, § 8-1808, of the State Code, to the applicant;” §18-16-305(b)(1)

The applicants stated that the shed is the “sole sources of the Bells ’reasonable and significant use of their property...” and “that without variance relief, the Bells will be denied all reasonable use of their property.” Nevertheless, it is customary to buy small lots in EF where nothing can be built. The reason to buy this kind of lots in EF is that the lot will grant privileges to the owner/s that are reasonable and significant. For example, the amenities in the community that are exclusive to property owners include, access to boat slips, community beach, tennis courts, clubhouse with bar and restaurant, plus many social events during the year. Indeed, EF is sought for by many for its safety, specially for rising families. Here, safety is like nowhere else, many kids walk alone on the streets at any time. It is definitely a unique place, and this shall have a considerable value. Furthermore, some of the people with unbuildable lots rent their lot for this reason. The amenities on EF that come with the ownership of the property are by any estimate way more than what the applicants pay in taxes every year (\$170/year).

In addition, as mentioned above, the applicants had used the area in front of the property as a parking lot for cars and trailers, even if this is not allowed by the Code, as explain above. That is also a reasonable and significant use. Parking in this EF community is restricted by the narrow streets, many trees, and sheds. Because their plans include an expanded parking site, it is reasonable that the applicant’s intent is to continue to park their cars or rent that as parking space.

Therefore, as explained above, it is likely that the applicants had enjoyed other sources of use that are reasonable and significant, as the ones mentioned above, that are not widely available in the area. Even if they opt for the alternative action (demolition of the condemned structure), they will enjoy all of the

amenities aforementioned.

(2) (i) A literal interpretation of COMAR, Title 27, Criteria for Local Critical Area Program Development or the County's critical area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas as permitted in accordance with the provisions of the critical area program within the critical area of the County;" §18-16-305(b)(2)

The applicants state that many properties in EF have been granted variances and referred to hearings since 2001 in Vineyard Trail. Of note, there are some other petitions of variance that had been denied during the same time. As mentioned by the applicant, granted variances in Vineyard Trail consists, for the most part, of setbacks to perfect sheds or structures on the front yards like pergolas, and small sheds, substitute a screened, or whole dwelling, and in one case, for the construction of a new dwelling. However, there is no precedent of a variance granted regarding *Accessory structure 18-2-204*, for a storage garage of the large dimension, with parking space, and other characteristics proposed by the applicants and where the principal structure is located a long distance than the principal structure. Furthermore, as explain above, similar lots in EF don't receive any more benefits or uses. In addition, there are similar neighborhoods to EF nearby, such as Saefern and Sherwood Forest, where comparative lots do not receive the benefits that these variances will bring to the applicants.

Therefore, a literal interpretation would not *deprive the applicant of rights commonly enjoyed, by other properties in similar areas* because as mentioned, there is no precedent on hearings from 2001 to date, where variances were requested for developing of lots with similar characteristics to the property. Contrary, if the variances are granted, they will give the applicants rights and privileges that would be exclusive to them and no one else. Indeed, the code states:

The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area, or the County's bog protection program to other lands or structures within a bog protection area;" §18-16-305(b)(3)

The applicants mentioned in their letter that there is a precedent of a shed in the front yard and with less than the required setback, in which case variances were granted. Importantly, the shed that the applicants mentioned measures only 8 by 10 ft, and is about 8 feet high, and it is 14 feet from the front line. Indeed, during the corresponding hearing, an argument that was considered for the decision was the "modest size" of the shed.¹¹ In comparison, the shed that the applicants desire to build is about 7.4 times larger (589 square foot), not including the parking space, and it is 14.6 height. Furthermore, it is closer to the street. As mentioned, the proposed project will expand the parking area from 273 square foot to 423 square foot in the front, where the applicants may park old cars and trailers. Therefore, the decision of a variance mentioned in the letter is irrelevant to this application because is not comparable to the property in this application.

Indeed, there is no other instance of a storage garage with these characteristics (size, location in lot, no principal structure, etc.) on Vineyard Trial or adjacent streets, and to the best of my knowledge, nowhere in the whole community of EF. As mentioned above, EF is a community with single-family dwellings on improve lots with garages, but there are not storage garages without principal structure. As

¹¹ Case number 2005-0427-V

mentioned before, it is reasonable that these variances, if granted to the applicants, may confer on them a special privilege, and will change the nature of the community.

The variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property;” §18-16-305(b)(4)

The applicants, as mentioned above, had used the front of the property as a parking garage, even when parking is not an authorized use in the Code for this property. Furthermore, neighbors had complained of the danger of such structure, and the applicants can demolish the structure.

The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program”; §18-16-305(b)(5)

The applicant provided a document entitled Chesapeake Bay Critical Area Report to support statements regarding no adverse environmental impact. As mentioned earlier, there is no information that legitimize the content, for example, with scientific references. In addition, there is nowhere to be found in that document the name of the prepares and what are their credentials that will give credibility to their statements. In addition, the Standard Grading Plan in the application doesn't include existing trees or existing tree lines.

(7) The applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code; 18-16-305(b)(7)

As mentioned, an alternative action that will protect the environment and safety of the community is demolition, that is the action that better protect the slopes, as in this area, vegetation will certainly cover the area in short time.

(8) The applicant has evaluated and implemented site planning alternatives in accordance with § 18-16-201(c). 18-16-305(b)(8)

This is the same as above, the alternative action is demolition. No variances required for alternative action.

a) Requirements for zoning variances.

The Administrative Hearing Officer may vary or modify the provisions of this article when it is alleged that practical difficulties or unnecessary hardships prevent conformance with the strict letter of this article, provided the spirit of law is observed, public safety secured, and substantial justice done. A variance may be granted only if the Administrative Hearing Officer makes the following affirmative findings:

(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or

(2) Because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot.

Fundamental for this is that the used that ceased in the past, a storage unit, cannot be considered inherent to the lot in the present conditions, neither is that there is not principal structure in the adjacent lot owned by the applicants, because as explain earlier, many lots have the same characteristics and are not possible to develop. Other variances have been granted in this community when physical characteristics inherent to the lot, for example, steep slopes are the problem, but it has always been the case that are for purpose of improving a principal structure.

Indeed, as mentioned earlier, it is common that unbuildable lots are purchased in EF to gain access to the many unique amenities in the community. Also as mentioned above, in this community, there are not self-standing storage units with similar characteristics to the one proposed by the applicant. Therefore, it seems to be more logical that granting the variants will create a unique benefit to the applicants instead of a relief. The property can be deemed safe if the dilapidating structure is demolished, which is the alternative action.

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

(1) the variance is the minimum variance necessary to afford relief; and

(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located;

(ii) substantially impair the appropriate use or development of adjacent property;

(iii) reduce forest cover in the limited development and resource conservation areas of the critical area;

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor

(v) be detrimental to the public welfare.

The granting of the variance alters the character of the neighborhood because, certainly for Vineyard Trail, and for the entire EF, there are not storage sheds with the characteristics proposed, for example, without principal structures, parking in the front, large dimensions, and lack of setback. There are not storage sheds without a principal structure that have a large parking lot in the front side. Therefore, it comes to reason that granting the requested variants, will alter the character of the neighborhood. This is supported by the many signatures of residents in EF who oppose granting these variances.

Attachments

Pictures of dilapidated structure at 1702 Vineyard Trail (aerial and bottom)





Notice of unsafe building posted at 1702 Vineyard Trail

SEECLICKFIX ID
14420204

PRIORITY
Normal

REQUEST TYPE
Building Violation

ADDRESS
1702 Vineyard Trl Annapolis, Maryland, 21401

ASSIGNEE
I & P Complaints

SLA EXPIRES

REPORTED
April 25, 2023 07:25

SECONDARY QUESTIONS
Activity
Unsafe Structures

LOCATION



SUMMARY & DESCRIPTION
Building Violation

MEDIA
No images available.

Unsafe structure, condemned since October 2022.
Community remains concerned.

Reported by: Epping Forest Community Property
04/25/2023 - 07:25AM

TIMESTAMP INTERNAL COMMENT

COMMENTER

April 25,
2023 07:25

Anne Arundel County, MD assigned this issue to I & P Complaints

Anne
Arundel
County, MD

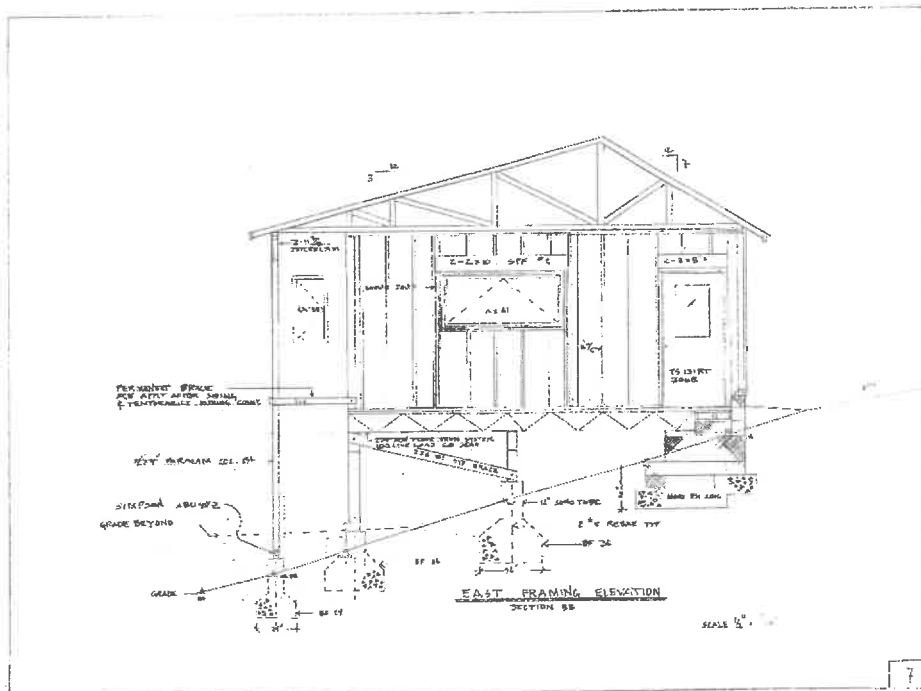
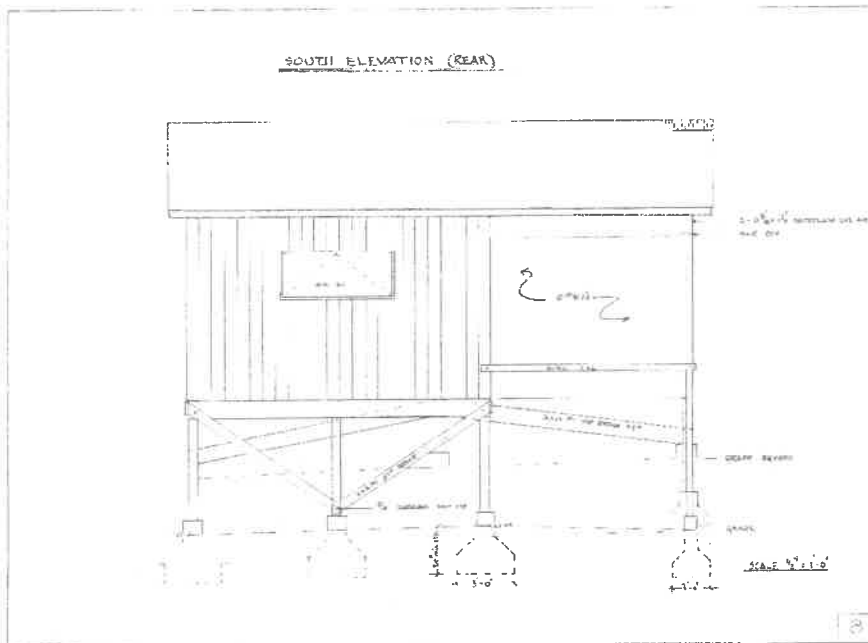
April 25,
2023 07:28

Several neighbors have complained about the state of disrepair, at this site along with vehicle parking and unsafe environment at 1702 Vineyard Trail. Building condemned sign posted since last year but no removal of dangerous structure and vehicles continue to park on unimproved lots in residential community.

Epping
Forest
Community
Property

Report from County where is shows that in April 2023, there was a condemned sign “since last year” (2022) and vehicles “continue” to park on unimproved lots in residential community.

Plans 7 and 8 showing the "open" area that may be a deck on a storage unit.



Woody area all around the property. No signs of erosion shown.



Real Property Data Search

Search Result for ANNE ARUNDEL COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 02 Subdivision - 240 Account Number - 90251901

Owner Information

Owner Name: BELL ALISTER W Use: RESIDENTIAL
BELL JOAN B Principal Residence: NO
Mailing Address: 1704 MARSHALL COURT Deed Reference: /33783/ 00245
ANNAPOLIS MD 21401-

Location & Structure Information

Premises Address: VINEYARD TRL Legal Description: LTS 5 6 7 8 11 & 12 BK 57
ANNAPOLIS 21401-0000 SC B VINEYARD TRL
EPPING FOREST

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0045 0003 0042 2230002 02 240 B 57 5 2023 Plat Ref:
Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
11,150 SF

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
/

Value Information

Table with 5 columns: Base Value, Value As of, Phase-In Assessments As of, and Value As of. Rows include Land, Improvements, Total, and Preferential Land.

Transfer Information

Seller: SIMISON DAVID A Date: 10/31/2019 Price: \$13,000
Type: ARMS LENGTH VACANT Deed1: /33783/ 00245 Deed2:
Seller: HARRISON GAIL L Date: 08/21/2012 Price: \$25,000
Type: ARMS LENGTH VACANT Deed1: /24795/ 00377 Deed2:
Seller: Date: Price:
Type: Deed1: Deed2:

Exemption Information

Partial Exempt Assessments: Class 07/01/2023 07/01/2024
County: 000 0.00
State: 000 0.00
Municipal: 000 0.00/0.00 0.00/0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Tax Record for the Property

PRO. EXHIBIT# 11
CASE: 2023-0101-V
DATE: 8/31/23

To: Holly Colby
Office of Administrative Hearings
PO Box 2700, Annapolis, MD21404
zhcolb22@aacounty.org

For: To show opposition of granting variances requested in case:

Allister W. Bell and Joan B. Bell 2023-0101-V (AD2, CD6) in 1702 Vineyard Trail, Annapolis, MD 21401

We've lived in Epping Forest for almost 10 years, and I do NOT want to see it turn into a storage facility – especially for those who don't call Epping Forest home. If Mr. Bell wishes to store his old tractors, trailers, lumber, and miscellaneous junk items which he obviously doesn't want in or around his primary residence, then he can rent space in a public facility.

In Epping Forest (EF) we are opposed to building a storage garage without a principal residence attached. We're concerned that if Mr. Bell's permit is approved, others who own parcels of land in Epping Forest but not live here will also build storage units and this will change the nature of the community **and lower property values**.

Of note, from an Anne Arundel tax argument, if property values in Epping Forest drop, there is less revenue in county taxes which impact the whole county.

We oppose the granting of variances requested by the applicants.

Thank you,



Edgar Filippell

350 Sherwood Trail, Annapolis MD 21401