

Douglas Hollman
Administrative Hearing Officer
Anne Arundel County
Annapolis, MD

August 30, 2023

VIA ELECTRONIC MAIL

Re: Variance Application of Alister and Joan Bell, Vineyard Trail, Annapolis, MD 21401 – lots 5, 6, 7, 8, 11, 12, Block 57, Section B Epping Forest (Tax Number: 224090251901)

Dear Mr. Hollman:

The Epping Forest Board of Directors objects to the above-captioned variance application of Mr. and Mrs. Bell (“Applicants”) and provides the following comments in support.

1- The application seeks a zoning variance to remove a dilapidated non-residential structure and rebuild a new non-residential storage structure in the same footprint without a principal dwelling. The zoning request violates county law as the structure the variance seeks to replace is a “non-conforming use” and not an “accessory structure.”¹ Such structures are prohibited without an associated principal structure (residence) on the same or abutting lot. Zoning Article § 18-2-204(c) (“an accessory structure or use may not be located on a lot other than the lot on which a principal structure is located.”). No exceptions apply and a zoning variance should be denied. *Id.* at 204(c)(3).

First, the structure sought to be rebuilt is an illegal non-conforming use. It did share common ownership with the original principal structure on the abutting lot at 1704 Vineyard Trail but that changed over time. In 2012, Gail Harrison (formerly Samper) sold her lots in Epping Forest to David Simison; these included lots 5-12, block 57 on which the shed is located.² Simison already owned 1704 Vineyard Trail which is contiguous and adjacent to the shed lots, so the shed was an accessory structure to the Simison residence. However, in 2015, Simison sold the dwelling parcel (1704 Vineyard Trail) to Hermes Cabellero-Reyes. Simison retained ownership of the shed lots. At this time, the accessory structure was severed from the principal structure and became a non-conforming use. Simison did not register the shed as a non-conforming use with the Office

¹Zoning Article § 18-15-102; Zoning Article 18-1-101(88) “Nonconforming use” means “a use that was allowed when it came into existence but that is no longer allowed under the law in effect in the zoning district in which the use is located.” Zoning Article § 18-1-101(1), “Accessory Structure” is defined as “A use or structure that customarily is incidental and subordinate to another use or structure.”

² The Applicants identify the combined lots as 1702 Vineyard Trail, Annapolis, MD. However, no such address exists in the deed transferring the lots to the Applicants. No residence exists at this address and there is no mailbox associated with this address.

of Planning and Zoning (“OPZ”). See Article 18-15-101(a).³ In October 2019, Simison further subdivided the lots associated with the shed selling lots 5 - 8 and 11-12 to the Applicants. He also sold lot 9 to the Habeck’s and lot 10 to the Fritz’s. The deed transferring the lots containing the shed to the Applicants did not identify it as containing any improvements or structures. The Applicants did not register the shed lots as a non-conforming use.

The structure that the Applicants seek to improve has not been fully functional as a shed for more than 12 months as it has lacked a complete roof, a floor, and windows during that period. No improvements are noted on the Maryland Department of Assessment and Taxation (“SDAT”) records and it is only land that is assessed for taxation on Lots 5-8,11&12 Blk 57. By statute, a nonconforming use terminates when the use ceases operation for 12 consecutive months or when the scope of the use is so significantly reduced during the 12-month period as to change its nature or character.⁴ Operation of the shed continued a non-conforming use when the lot was purchased by the Applicants in 2019. Moreover, even if it is determined that the use was conforming as of 2019, the structure ceased to function as a shed several years ago and has continually deteriorated over the last 12 months. Thus, it is an illegal structure that should be removed and not rebuilt.

Second, the Applicants do not own a dwelling on a lot that is next to or that shares a common boundary with the subject lot.⁵ Hence, an accessory structure is not permitted and has not been permitted since ownership of the lots with the principal structure was separated from the lots with the shed in 2015. Vineyard Trail is not adjacent or contiguous with the Marshall Court where the Applicants reside and their residence is not within Epping Forest, a private community that owns and maintains its own roads.

Remarkably, the Applicants’ variance request fails to address this issue. They simply cite the code section and provide no explanation why the code does not apply to them.

OPZ stated in its Findings that the definition of accessory structure does not require that the accessory use be located on the same lot as the dominant or principal use of the lands and therefore a use variance is not required. OPZ Findings and Recommendation, pg. 2, fn 1. This is not a correct application of the governing statute. Definitional statements inform substantive laws within the same section and must be read in conjunction with them.⁶ The term “accessory structure” is limited by Section 18-15-102 which requires accessory structures to “be subordinate to another use or structure” on the *same or abutting* lot. That is not the case here. There is no other use or structure on the Applicants’ lot and they do not own an abutting lot. Therefore a “use” variance is required.

³ To our knowledge, OPZ has never taken an enforcement action against the owners of the subdivided shed lots for failing to register the shed as a non-conforming use.

⁴ Zoning Article § 18-15-104(a).

⁵ The Applicants’ representations to the contrary are inaccurate; a “small house” could not be constructed on the lot given its small size, lack of area for a septic system, and location on the top of a steep slope within the Critical Area. The lot is classified as “unbuildable” for residential purposes.

⁶ See, *Mayor & Council of Rockville v. Rylyns Enters.*, 372 Md. 514, 549; 814 A.2d 469, 490 (2001).

Moreover, “Use means a purpose for which a lot is employed.” Zoning Article § 18-1-101(151). Here, the Applicants’ lot is employed for an accessory structure, only. This violates the County Zoning Code.⁷

2- The application also seeks a Critical Area variance to reconstruct a new structure on the same footprint as the existing structure. This variance should also be denied.

The current structure sits at the top of a steep slope in excess of a 15% grade. The slope leads to a ravine that abuts Saltworks Creek, a Maryland tidal water. The lots and the existing structure are within the Critical Area. Given the precipitously steep slopes within the Critical Area directly under the existing structure, the original owners of the principal structure would not have been granted a variance to build the accessory structure had the program been in place at that time.

The existing structure is non-water dependent, non-commercial, and was constructed prior to the passage of Anne Arundel County’s Critical Area Program. The structure and lots have not been brought into conformance with the County Critical Area Program. The structure has existed in a dilapidated and hazardous condition without substantial portions of a roof, a floor, walls, and windows for several years. Vegetation overgrows what remains of the roof. See attached images. Given the length of time the structure has been in unusable condition the “use” has been abandoned for more than one year and thus is not subject to grandfathering.⁸ COMAR 27.01.02.07.

There is no right to reconstruct an accessory structure in the Critical Area that is not associated with a principal dwelling. COMAR 27.01.02.07. Moreover, given the length of time the existing structure has lacked a floor, a functioning roof, windows, and large sections of external walls the “use” has been abandoned for more than one year. Thus, it is not subject to any form of grandfathering. *Id.* at (A).

Even if there was a right to reconstruct a shed on the same footprint, a shed designed to hold “small boats, outboard engines, antique lawn tractors, mopeds, [and] auto parts”⁹ should not be allowed at the top of a steep hill within the Critical Area. Each of the items identified by the Applicants presents a risk to Saltworks Creek because they all contain fuel and motor oil which could leak through the raised floor of the shed and run down the steep hill and into the creek harming vegetation and aquatic life. These materials also pose a fire hazard and are without physical or visual connection to an associated residence.

3- The Applicants contend that if they are denied the right to tear down and rebuild an accessory structure on a lot not associated with a principal structure, they will be denied a right enjoyed by others. This is incorrect. The requirement of an accessory structure needing to be associated with a principal structure on the same or abutting lot applies to all county residents.

⁷ Zoning Article § 18-2-204(c).

⁸ As the Applicants note, the structure was condemned by the County in January 2023 for being structurally unsafe. In response, the Applicants nailed up some boards and chicken wire to prevent anyone from entering.

⁹ Application pg. 8.

There are other owners of unbuildable lots in Epping Forest that are not allowed to construct or rebuild sheds or garages. In fact, the applicants are asking for an exception, not a variance, as it is they who would be conferred a benefit not enjoyed by others.

Moreover, the Applicants do not present a true hardship that denies them use of the entire lot. First, given the lot size and location, it is not capable of sustaining a residence as the lot is too small and has no room for a septic system at the top of a steep slope in the critical area. There are numerous lots within Epping Forest that are unimproved and incapable of being built upon but those lots actually confer rights on the owners such as the use of the Epping Forest tennis courts, basketball courts, community beach, Chapel, parks, and marina. While the Applicants may not be allowed to build a new non-conforming use on their lot, they are allowed to continue using the rights conferred upon them as lot owners in Epping Forest.

Further, being unable to rebuild an illegal non-conforming accessory structure does not diminish the value of the Applicants' lots. According to the Applicants' deed, the lots were purchased without improvements on October 31, 2019, for \$13,000. The lots are currently valued at \$14,300. This valuation is consistent with other unimproved lots in the area. Assessment of this tax ID 02-240-9025901 according to SDAT does not note any structure or improvement upon the land and is taxed on land value only. Thus, there will be no diminution in value as the lot can be resold without a new structure for more than it cost four years ago. In other words, denying a variance would be equitable as the Applicants would retain the benefit of their bargain. To be sure, prior to purchasing the relevant lots, the Applicants inquired with members of the Epping Forest Board of Directors about whether the Board would oppose a variance application to improve the dilapidated shed and were informed that the Board could (and likely would) oppose such a request. Therefore, Applicants would not be unjustly harmed by denial of the variance.

In addition, the Applicants own a lot and home in the adjacent Saefern community. While the community covenants prohibit the building of sheds, the covenants do permit the construction of a garage that adjoins the principal structure.¹⁰ If being unable to store their motor parts and hobby crafts in Epping Forest creates a "hardship," the Applicants can seek approval to build or enlarge a garage at their principal residence; a far more equitable approach. They can also seek special permission through Saefern Architectural committee for a shed if it meets criteria; and we are aware that such committee has granted permission for similar projects in the recent past. Thus, denial of the variance would not present a true hardship.

4- Granting either of the variances would set a bad precedent. As mentioned, there are several unbuildable unimproved lots within Epping Forest. The Epping Forest Board of Directors is deeply concerned that if the Applicants' variances are granted, others who reside outside the community who own unimproved lots in our community will seek to construct storage structures on those lots, despite not meeting the County's requirements for doing so. Those other owners would be sure to cite a decision granting such variances as precedent for their applications. Depending upon the facts presented in those cases, it could be difficult to deny those variance requests. Hence, there would be more new construction on the steep slopes of Epping Forest which would detract from its natural habitat, residential use, and community aesthetic. It would also

¹⁰ See Saefern "Realty Package" covenants at <https://saefern.org/realtors.php>

contribute additional stormwater runoff which the community is already expending considerable time and money to control to the benefit of the community and residential property, Clements Creek, Saltworks Creek, and the Severn River.

We appreciate your consideration of our concerns and request that you deny the variance application.

Sincerely,

/s/ 

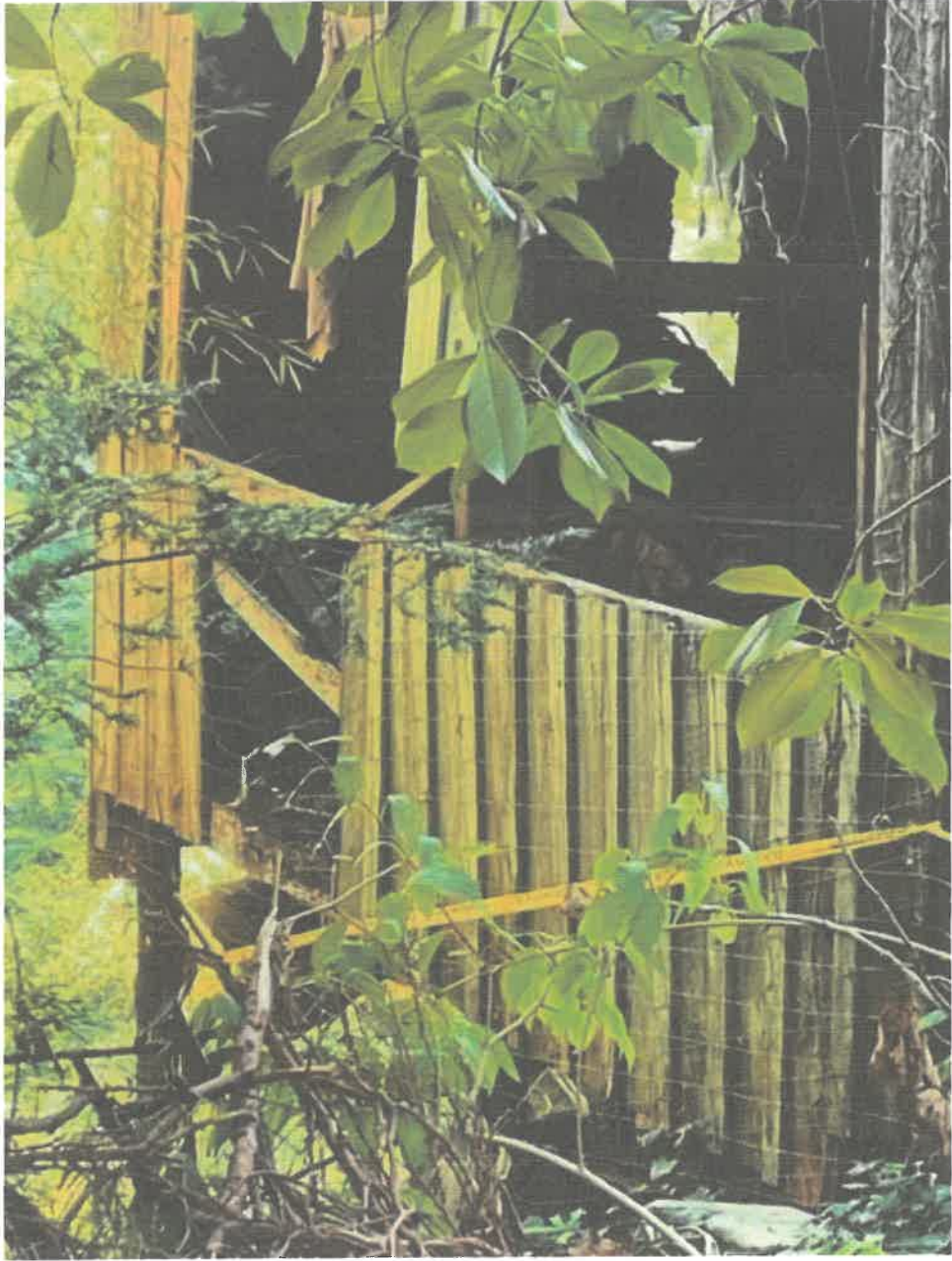
Gwyn Brittigan

President

On behalf of the Epping Forest Board of Directors

Attachments













Holly Colby <zhcolb22@aacounty.org>

Variance 2023-0101-V(AD 2,CD 6)

1 message

Iz Sperapani <iz@recordsonetranscription.com>

Wed, Aug 30, 2023 at 2:05 PM

To: "Zhcolb22@aacounty.org" <Zhcolb22@aacounty.org>

Cc: Iz Sperapani <iz@recordsonetranscription.com>, Lynn Sperapani <lynn@recordsonetranscription.com>

Isabelle Sperapani
306 Severn Road
Annapolis, Maryland 21401

I am **opposed** to this variance which would allow an accessory structure to be built on an unbuildable lot. This lot is no longer attached to a residence in the Epping Forest Community, and the Bells do not own a residence within the community.

PRO. EXHIBIT# 13
CASE: 2023-0101-V
DATE: 8/31/23

2023

1 message

mad.mud@comcast.net <mad.mud@comcast.net>
To: Holly Colby <zhcolb22@aacounty.org>
Cc: sjfrawley1962@gmail.com

Wed, Aug 30, 2023 at 12:49 PM

Administrative Hearing Anne Arundel County

Douglas Holman Hearing Officer

Opposition to Proposed Vineyard Trail Shed 2023-0101-v-Bell

PRO. EXHIBIT# 14
CASE: 2023-0101-v
DATE: 8/31/23

For many years we've heard discussion about the illegal and dilapidated shed near our community gate on Vineyard Trail. Several times residents and the Board have tried to remedy the problem. Each time with fail. Even serious neighbors have sought to purchase the land to improve the shed but did not as research showed there is no record of its construction and the lots it is located on are too steep to build upon. Please note too that the address "1702 Vineyard Trail" mentioned on this Hearing Request is not listed in records, the lot is as described; Lots 5-12 (less Lots 9 & 10 sold off at same date as Bells purchase) Block 57, Epping Forest, Annapolis, MD. This land is not mentioned as improved. Though the Bells seek now to rebuild brings worry that they may be doing so for enterprise benefit not granted to others within Epping Forest by not requiring a residence for an accessory structure. Epping Forest is a Private residential Community that maintains its own roads, parks and facilities, it also holds its own special tax district. The unique nature of our neighborhood along with its sensitive environment is threatened here by this proposed nonresidential construction.

Epping Forest had a recent by law change which was initiated in part by land owners sharing their parcels and others selling off lots back into 1926 individual camp plots. This is also being promoted by realtors looking to profit from sales who often mislead buyers to believe they can build on small steep sloped unimproved property. A lot in Epping with building potential sells around \$300k not \$13k as this lot was sold for in 2019. The applicants here may have initiated or co arranged for a subdivision to be done at time of purchase from Simison 10/19. Public Land records has the Deed Lots 5-12, block 57 from Simison purchased 06/12 for \$25k sold 10/19 in 3 parcels for the sum of \$26k to 3 neighboring parties in Saefern. All new lot owners reside on Marshal Court 1701, 1704 and 1705. The assessed value of the land is similar to that of other unimproved lots without building potential \$13k, \$6.5k & \$6.5k, Bell, Habeck and Fritz respectively. Community concern has been circulating for a few years that a collective Saefern storage shed will be erected within Epping near the gate. Though Lots are legally and separately owned a group storage structure could be made possible here. This possible storage facility is not associated with an adjacent residence and does not provide accessory use to a specific residence (nor adjacent residence) per residential codes. The so called residential use suggested in application is not even contiguous by road way ownership. Please note that these houses in Saefern (not Epping) already have or can obtain accessory-garage structures on their own residential properties, it is beyond hardship here to grant a building permit for this case as it's accessory residential link does not physically exist. Have the Bells applied for an accessory structure permit though their own residence at 1704 Marshal Court, Annapolis MD? Have they tried to combine this parcel to their house in order to obtain a building permit on lots 5-8, 11 & 12 thus associate it with their residence? What if any is the restriction of later selling this possibly improved land with a new storage structure without an associated residence? Precedent is set that the Bells have already participated in the benefit to sell off part of original 8 lot configuration to minimize land purchase cost. Once built it is feasible for Bells or a future owner to let out space in this storage shed without any residential connection, thus creating nonresidential use.

The recent bylaw change charges a fee to unimproved property owners in Epping Forest. The fee was initiated to address inequity of financial contribution towards community amenities. Before bylaw changes Epping Forest Inc. received \$35 +/- SCBD 2023 for lots assessed around \$13k value, average household in Epping contributes \$1400 to SCBD. Though this information may not have direct impact upon this hearing the fact that the Bells are vocal against recent change infers unwillingness to contribute reasonable financial amount to the community. Again the Community addressed its concern about resent sales and that its unimproved property owners pay reasonably towards community.

Though the lots in question 5-12 block 57, have maintained independent tax ID from 1704 Vineyard Trail they were repeatedly associated as contiguous through same ownership or by immediate relations to same family. This is no longer the case and shed became non-conforming when 1704 Vineyard Trail residence was sold 06/15 from Simison, Simison up until that date held ownership of both adjoining properties. We cannot find public records of a shed ever being constructed on this land nor taxed for any improvements, it is stated as having tax on land only. If allowed to build on this particular land will it set precedent for other small lot owners to as well? Their land description and assessments are no different. What then will be the impact upon Epping forest that has no full time sanitary facility nor potable water for open use. This also opens up non residential associated use. The county requires lot merger agreements upon residential construction in Epping Forest such that this selling off of unimproved land without building potential is minimized. Several residences in Epping have no septic reserve land. Having this hearing rule in favor of shed construction could set justification and impetus for residents to sell off their lots and further exacerbate environmental hardships (septic limits within the critical area). The Bells have already been party to the subdivision of collective lot parcel for financial advantage, who is to say others will not follow this route if allowed.

If construction is permitted and indeed kept private for Bells use, repair/storage of motors parts also poses and environmental risk. The shed is open below to steep slopes, what if there is a gasoline or oil spill? Are engine repair facilities not restricted to industrial zoned lands and not allowed within residentially zoned areas especially so with critical watershed to estuaries? What if chemicals start a fire as engine fuel is prone to do, there are no eyes on the shed as shed is not visible from the Belles residence. Also would they not be required to sign a Lot merger Agreement as other residential permits in Epping Forest are required to? What residence will the merger be connected with? This land does not even have an address identified to it within the assessment records. Can an address in a Residential Zone be made without a residence association?

With much concern as Residents of Epping Forest,

Steve and Susanne Frawley

1728 Robinhood Road

Annapolis MD 21401

PRO. EXHIBIT# 15
CASE: 2023-0101-V
DATE: 8/31/23

Sebastian J. Silvestro

August 30, 2023

Holly Colby
Office of Administrative Hearings
PO Box 2700
Annapolis, MD 21401
zhcolb22@aacounty.org

Subject

ALISTER W. BELL AND JOAN B. BELL – 2023-0101-V (AD 2, CD 6)

use variance to allow a non-accessory residential storage building in an R1 – Residential District with less setbacks than required and with disturbance to slopes of 15% or greater.

Tax ID: 2240-9025-1901

Property Address: 1702 Vineyard Trail, Annapolis, MD 21401

Dear Ms. Colby,

I am writing in opposition to the subject use variance for the following reasons.

Lack of Residency

The applicants, Alister W. Bell and Joan B. Bell are not residents of Epping Forest. While not being residents alone is not grounds for denial, construction of a non-accessory residential storage building that is not part of a primary dwelling is. While Epping Forest does have a number of unbuildable lot owners who do not reside within Epping Forest, the ownership and use of those lots is solely to gain access to Epping Forest and the use of the community amenities offered therein.

Epping Forest Bi-Laws

Per Epping Forest By-Laws, Article VIII—PURCHASE, IMPROVEMENTS & RENTAL OF PROPERTY Item 2. *No building or structure may be erected except for a proper single family dwelling and garage built in accordance with the*

building laws and regulations of Anne Arundel County, with plumbing, septic systems, approved wiring and proper water supply, that comply with State and County building and health regulations. The proposed non-accessory residential storage building will not be on or abutting a lot with a principle structure and therefore would be in violation of this by-law and county zoning requirements. The existence of this by-law is evidence of the the residents of Epping Forest desire to maintain Epping Forest as a Residential Community. To allow construction of a non-accessory residential storage building would run counter to the desires of the community and effectively move Epping Forest towards a “Mixed Use” community against the wishes of its members.

Precedent for Future Construction

To approve the construction of a non-accessory residential storage building by non-residents of the community would set a dangerous precedent that would forever alter the residential manner of the community of Epping Forest and potentially irrevocably harm the existing and future residents.

Forfeiture of Precedence for Prior Use Allowance

The existing structure was originally constructed on land abutting a principle structure however, on June 21, 2012, it was the previous owners decision to divide and sell the properties separately, at which time, the accessory structure was severed from the principle structure. Since that time, the accessory structure has not been in use and has been allowed to fall into disrepair. On October 31, 2019, the Bells purchased the lot and also did nothing with the property or structure thus highlighting the impetus behind owning the unbuildable lot in Epping Forest as per Item 1 above. On January 11, 2023, the county posted a Notice of Unsafe Building sign on the shed which forced the Bells to secure all entry points with boards and wire mesh to prevent access to the interior of the rundown shed further preventing its use. It is my opinion that this lack of historical use should be taken into consideration when deliberating the merits of this application and that the mere existence of a condemned structure should not constitute precedence for rebuilding of said structure in violation of current zoning and community by-laws. In hind sight, the subdivision of the properties and severance of the accessory structure from the primary should not have been allowed to happen without first removing the accessory structure. I would request that we not further propagate this error by allowing construction of another accessory structure simply because we didn't do the right thing the first time.

Non-Residential Activity

The Bells expect to use the shed as a storage facility for *“Mr. Bells many hobby projects. These include small boats and outboard engines, antique lawn tractors, mopeds, auto parts, tools and bicycles”*. In any other setting a structure erected for such purposes, not attached or adjacent to a principle dwelling would be considered for commercial use. It is my opinion that this should be taken into consideration when deliberating this variance as it would run counter to the tenants of the community and intentions of the residents of Epping Forest to maintain it as a residential community.

Furthermore, each of these hobbies bring with them chemicals that are potentially hazardous to the structure and surrounding property. Small boat repair and restoration brings with it the use of resins, epoxies, primers and paints that undergo exothermic reactions that can continue long after the intended use period has ended. If left unchecked, these exothermic chemical reactions can combust and set fire to the structure and surrounding environment. Engines, tractors, mopeds, auto parts and bicycles bring with them a host of petroleum based products. Gasoline, diesel fuel, oils and greases, if not used, captured, stored and disposed of properly all have the potential to accelerate a fire and/or cause harm to the sensitive surrounding environment. The existing condemned structure and proposed non-accessory residential storage building will be located within the Limited Development Area of the Critical Area. I am very concerned that, with no principle structure from which to routinely observe the conditions on or within the non-accessory residential storage building, items stored on or within the property may go unobserved for extended periods of time and could create hazardous conditions therein, for the community, and surrounding sensitive ecological environment and without any provision for water, the ability to extinguish a fire, should one occur, would be greatly reduced.

Lastly, per the documents submitted, the existing structure, and presumed new structure, is 589 SF. It is my opinion that the size of the structure should be taken into consideration when deliberating this variance as it is not sufficient for the stated intended use of the structure and will likely cause cars, boats, engines, tractors mopeds and bicycles to be stored outside of the structure creating an eyesore for the community.

Critical Area Variance Requirements, Unwarranted Hardship, Reasonable and Significant Use

In this part of the application, the Bells are arguing that, *The constraints of the steep slope regulations on the Property create an unwarranted hardship requiring variance relief to rebuild the shed that has existed on this Property prior to enactment of Critical Area Regulations. And that, The Court of Appeals*

has stated that a “showing of ‘unwarranted hardship is not whether, without the variance, the Bells are denied ‘all reasonable and significant use’ of the Property, but whether, without the variance, the Bells are denied ‘a reasonable and significant use’ that cannot be accomplished somewhere else on the property.”

In this case, I would argue that there is no ‘unwarranted hardship’ placed upon the Bells nor are they being denied ‘a reasonable and significant use’ of the property. Prior to and throughout the length of the Bells ownership of the property, its has solely been used to gain access to Epping Forest and the community amenities contained therein (see item 1 above). Denial of this variance does not change the status and manner in which they have and can continue to use the property. However, granting of this variance will greatly alter the manner in which the property is to be used and set a precedent for building non-accessory residential storage buildings on unbuildable lots within Epping Forest.

The Bells further argue that, *“A literal interpretation of the regulations governing the Critical Area Program will deprive the Bells of rights commonly enjoyed by nearby property owners. Due to the subdivision and development of Epping Forest prior to the enactment of the Critical Area law, many properties within Epping Forest have obtained critical area variances to allow reasonable use of the properties.”* In this case I would argue that comparing the Bells to nearby property owners would not be appropriate as the nearby property owners, and the variances applicable thereto, have been pertaining to the improvement of properties with existing primary dwellings or the erection of primary dwellings. In this case however, the Bells are requesting variance on property with no existing primary dwelling nor are they requesting to erect a primary dwelling.

The Bells go on to argue that, *“Granting the Bells a variance to reconstruct an existing shed would not confer on them any special privilege that would be denied to others. Many variances have been granted in Epping Forest which is located almost entirely in the Critical Area, including for another shed on Vineyard Trail that is located in front of a dwelling with less than minimum setbacks.”* In this case I would argue that granting the Bells a variance would confer on them special privileges that would be denied to others, or at least I would hope they would be denied to others, as again, they are seeking to build a non-residential storage building that would not be attached or adjacent to a primary dwelling in violation of the counties R1 zoning restrictions and the By-Laws of Epping Forest. Please also see the section **Precedent for Future Construction** above.

Lastly, the Bells argue that, *“The necessity of the variance is due to the existing site conditions and aging of the existing shed”*. While I agree the at the

condition of the existing shed is deplorable, it is my opinion that this alone does not necessitate a variance to allow construction of a non-residential storage building that would not be attached or adjacent to a primary dwelling in violation of the counties R1 zoning restrictions and the By-Laws of Epping Forest. As previously stated, the primary use of the property, as with the other unbuildable lots within Epping Forest, has been to access Epping Forest and the community amenities therein. It is my opinion that this variance is not required to maintain the historical use of the property and that alternatives exist, such as removal of the unsafe existing structure are available to the Bells to deal with the condemned structure while maintaining the historical use case without the approval of this variance. As mentioned earlier, the subdivision of the properties and severance of the accessory structure from the primary should never have been allowed to occur. I would strongly encourage that we use this opportunity to correct that error.

Protestant Exhibits

I would like to bring to the attention of the committee that Bill and Susan Fritz and Arthur Lee Harrison do not appear to be residents of Epping Forest. Bill and Susan Fritz list their address as 1705 Marshal Ct., Annapolis, MD 21401 and Arthur Lee Harrison lists their address as 400 Jumpers Hole Rd., Severna Park, MD 21146. I would request that you take this into consideration as you deliberate this variance as I do not think it would be appropriate to allow opinions outside of the community to adversely influence the development of Epping Forest. They don't have to live here and they won't have to deal with the onslaught of unbindable lot owners who will also seek to build similar non-accessory residential storage building throughout Epping Forest.

That having been said, there has been some residents of Epping Forest who have written in support of the variance, largely citing that the existing structure is a blight on the community and that it is unsafe and unsightly. While I agree with these statements, I wonder if they had taken into consideration all of the implications and unintended ramifications that approving this variance may bring with it and if they had, would their opinions be different today.

Conclusion

I am opposed to the granting of this use variance, to allow a non-accessory residential storage building in an R1 – Residential District with less setbacks than required and with disturbance to slopes of 15% or greater. The Bells are not residents of Epping Forest and will not become residents of Epping Forest through the construction of this structure. Their interest in the property has been that to be able to access Epping Forest and the community amenities offered therein. Not granting this use variance causes no undue hardship and

will not hinder their ability to continuing to use the property to gain access to Epping Forest and our community amenities. The residents of Epping Forest wish to maintain Epping Forest as a Residential Community and have expressed such in our community By-Laws. To grant this use variance would be to override the express written desires of every resident of the community. Furthermore, I fear that granting this use variance would set a precedent that any and all other owners of non-buildable lots within Epping Forest could exploit to build their own non-accessory residential storage buildings, effectively forever changing Epping Forest from a Residential Community to a Mixed Use community. I therefore respectfully request that you deny this use variance.

Sincerely yours,

Sebastian J. Silvestro

Resident of Epping Forest

413 Epping Way

Annapolis, MD 21401

PRO. EXHIBIT# 16
CASE: 2023-0101-V
DATE: 8/31/23

August 30, 2023

Douglas Clark Hollmann, Esq.
Administrative Hearing Officer
Anne Arundel County
Office of Administrative Hearings

Regarding case **Alister W. Bell and Joan B. Bell – 2023-0101-V (AD, CD 6)**

Dear Mr. Hollmann,

The following is a petition signed by concerned members of the Epping Forest community who oppose the variances requested by the Bell's for building a storage unit at 1702 Vineyard Trail. The petition reads:

"The lot owners of 1702 Vineyard Trail are seeking a variance to build a shed on an unbuildable lot. The shed is not attached to a residence in the neighborhood. The proposed shed is against community bylaws and Anne Arundel County Zoning laws. The presence of a residence or dwelling is required for the constructions of a shed. The total area of the property is 11,150 square feet. It is unbuildable."

Over 100 residents, equivalent to 80 households of Epping Forest signed the petition opposing the granting of the variances. Even more, as we are preparing to file, we keep receiving calls from neighbors expressing their concern and will sign the petition. These numbers represent an overwhelming opposition to the applicants plans to build an unattended storage garage at the entrance to our community. It is conclusive evidence that the granting of the variances will adversely affect the welfare of this community and negatively change the exclusive character of the land in which Epping Forest resides, a gated community, in Zone R1, in the Critical Area.

The below signatures belong to those concerned neighbors who mostly prepared and collected the signatures in the petition.

Thank you,

Hermes Reyes
Amie Chilcoat
Connie McClueb

Petition to Contest the Variance at 1702 Vineyard Trail

Petition summary and background	The lot owners of 1702 Vineyard Trail are seeking a variance to build a shed on an unbuildable lot. The shed is not attached to a residence in the neighborhood. The proposed shed is against our community by laws and Anne Arundel County Zoning laws, a presence of a residence or dwelling is required for the construction of a shed. The total area of the property is 11,150 square Feet. It is an unbuildable
Action petitioned for	We, the undersigned, are concerned residents of Epping Forest and oppose the granting of a variance for a shed/garage at 1702 Vineyard Trail

Printed Name	Signature	Address	Comment	Date
CHRISTOPHER JOYCE		323 SEVERN RD Annapolis MD 21401	DON'T ALLOW IT. NOSE UNDER THE TENT	8-22-2023
Kim Casey		1766 Broadlee Trail Annapolis MD 21401		8-23-2023
BERNARD E. GENE CONDON		325 EPPING WAY ANNAPOLIS MD 21401		8/23/2023
Lucas Siph		1248 Broadlee		8-22-23
Ben Gajda		355 EPPING WAY	NO NEW STRUCTURES	8.22.23
Kevin Gajda		355 Epping Way		8/22/23
Jane Greene		1727 Robinhood Annapolis		8/22/23
Rick Greene		"		8/22/23
Stephen Greene		1727 Robinhood Rd Annapolis, MD, 21401		8/22/23
Chad Suggs		1705 Robinhood Rd Annapolis MD 21401		8/22/23
Terrie Boteler		346 SEVERN RD ANNAPOLIS 21401	opposed to shed	8/22/23
Kathleen McGlew		302 Epping Way Annapolis, MD 21401		8/22/23
Derek Smith		1762 Honey Trail		8/22/23
JOHN DODDS		351 SEVERN RD		8/22/23
MICHAEL McTAMNEY		1754 BIRDBROOK TRL	IM OFFENDED THEY WOULD EVEN SUGGEST IT!	8/22/23

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Printed Name	Signature	Address	Comment	Date
Amie Chilcoat		1705 Vineyard Trail		8/21/23
Chad House		1755 Robinhood Rd		8/21/23
Richard House		1755 Robinhood Rd		8/21/23
Cindy Ann [unclear]		1750 Broadleat		8/21/23
TODD KOPPEL		366 SEVERN RD	opposed	8.22.23
JENNIFER CASH		1752 Ebling Trl		8.22.23
James Waler		308 Severn Rd	Must be a single Family Residence	8/22/23
Mike McDuff		1656 Chisford Trl		
Dorelle Aldrich		1674 Chisford		
Alice [unclear]		1764 Broadleat		8/22/23
Jeff Egan		370 SEVERN RD		8.22.23
John Mays		1750 meadow Trl		8/22/23
Beth Mays		1752 Meadow Trl		8/22/23
Carl Runtz		1669 Chambers Trl		8/22/23
Mike Wooster		356 Friar Trl	NO	8/29/23

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DOROTHY P Hofmann	<i>Dorothy P. Hofmann</i>	1714 Vineyard Trail Annapolis, MD	oppose	8/22/23
Charles Lytle	<i>Charles Lytle</i>	318 SEVERN Rd Annapolis, MD 21401	OPPOSE	8/22/23
Constance Mcclae	<i>Constance Mcclae</i>	1712 Vineyard trail Annapolis MD 21401	OPPOSE	8/22/23
Maureen Van Besien	<i>Maureen Van Besien</i>	1711 Robinhood Rd Annap. MD 21401	OPPOSE	8/22/23
Steve Van Besien	<i>Steve Van Besien</i>	1711 Robinhood Annapolis MD 21401	oppose	8/22/23
TIM McElaeb	<i>Tim McElaeb</i>	ANNA MD 21401 1712 VINEYARD TR	OPPOSE	8/22/23
Judy Post	<i>Judy Post</i>	309 Epping Way	oppose	8/22/23
Diane McElroy	<i>Diane McElroy</i>	315 Overview Trl	oppose	8/23/23
Larry Franzen	<i>Larry Franzen</i>	1735 Broadlee Trail	oppose	8/23/23
Sue Hvac	<i>Sue Hvac</i>	1739 Broadlee Tr	oppose	8/23/23
Larry Wilhelm	<i>Larry Wilhelm</i>	1708 Robin Hood	oppose	8/23/23
Pat Horn	<i>Pat Horn</i>	1732 Vineyard Tr	oppose	8/24/23
Karen Tobin	<i>Karen Tobin</i>	1761 Honey Trail	oppose	8/24/23
Carol Smith	<i>Carol Smith</i>	267 FRIAR TR	OPPOSE	8/25/23
Harley Smith	<i>Harley Smith</i>	267 FRIAR TR	OPPOSE	8/25/23

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STEVE FRANKLIN		1728 ROBINHOOD 363 FRIAR		8/22/2023
Scott Ashley		348 Rose Path		8/22/2023
Lee Greiger		349 Rose Path		23 Aug 2023
Marg Harbacheski		452 Honereng Trail Annapolis, MD		
Cynthia O'Neill		461 Hanery Trail Annapolis MD 21401		8/23/2023
Margaret Granitto		382 Fuar Trail Annapolis, MD 21401		8/23/23
Jess Granitto		382 Fuar Trail Annap, MD 21401		8/23/23
Julia Granitto		382 Fuar Trail Annap, MD 21401		8/23/23
Charlie Granitto		382 Fuar Trail Annap, MD 21401		8/23/23
ANNE BERMAN		1706 HAREFIELD 121. ANNAPOLIS MD		8/26/23
EVAN REMELE		1759 BIRDROCK RD ANNAPOLIS		8/29/23
SARAH FARCELL		348 STANSTADT RD ANNAPOLIS MD		8/29/23
Megan McElwain		1749 BREWERTH annapolis, MD 21401		8/29/23
Ross McElwain		1749 Dewar Trl. 21401		8/29/23
Matt Hunt		328 Epping Way 21401		8/29/23

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Denise Petersen		1721 Vineyard Trl Annapolis, MD 21402	opposed due to no residential use attached	8-24-23
JEFFREY LOPES		301 Epping Rd.	No to variance	8-27-23
Lynn Schwarz		303 Epping Way 1714 Broadleaf Trl	No to variance	8-24-23
Cynthia Auld		Annapolis MD	No to variance	8/24/23
Amy Farrell		332 Epping Way	No to variance	8-24-23
JEFF HELGESON		1720 Vineyard Trl Annapolis, MD 21401	No to variance, garage without a house!	8/24/23
Lauren Helgeson		1720 Vineyard Trl. Annapolis MD 21401	Absolutely not!!!	8/24/23
Matthew Helgeson		1720 Vineyard Trl. Annapolis MD 21401	No! Stay in Safer!	8/24/23
Candace Murchie		1735 Westmoreland Trail	No to variance!	8-24-23
STEPHANIE CORROTT		325 Epping Way Annapolis 21401		8-24-23
Jonathan Cinque		403 Dansey Trail	N/A	8-24-23
Amanda Mock		1732 Riverdale Trl		8-26-23
MADEE BRISZLA		1701 VINEYARD TR.		8/27/23
Sophie Gysztko		1701 Vineyard Tr	No	8/27/23
JACOBS		1719 Broadleaf Trl	NO	8/29/23

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Bill Dolan		1754 BIRDBROOK TR ANNAPOLIS MD 21401	NO!	8/22/23
Jake Rebat		1727 Westmoorland TR		8/22/23
James Denore		327 Severn Rd	No	8/22/2023
Edgar Kals		361 Friar Trl	NO	8/22/23
Chuck Jackson		1754 MEADOWTRAIL	NO	8/22/23
DAVID MARRISAN		350 Epping Way	full pass.	8/22/23
Monique Larsen		1724 Vineyard Trail	No Comment	8/22/23
Annema Tolw		1732 Broadle TR Annapolis	NO	8/22/23
Bryce Lefel		1719 HANOVER		8/22/23
J. CHARLES FOX		1669 CHINFORD TR	NO!	8/22/23
ERIKA KOPICKI		1717 ROBINHOOD		8/23/23
Tom Wyle		822 Severn Rd Annapolis MD 21401		8/23/23
LISA MISTER		350 Sherwood Trail Annapolis MD 21401	NO!	8/23/23
ERIN HEFFREY		1746 WESTMORLAND TR	NO!!!	8/29/23
John M Costello		1751 Robin hood	No!!!	8/29/23
Candler Costello		1751 Robin hood	No!!!	8/29/23



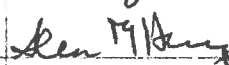

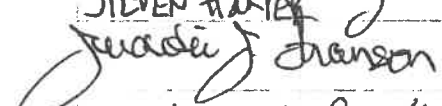



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Maria Akhmed		310 Epping Way	NO	8/22/23
Concord Lisa		1753 Meadows Trl	NO	8/22/23
Bonnie Gelf		320 Severn Rd	NO	8/21/23
Kay Passagno		1715 Roydon Tr	NO	8/22/23
Daryl Pary		329 Epping way	NO	8/22/23
Brian Greenwald		313 Severn Rd	no	8/22/2023
Judy Kullmeyer		1734 Broadlee Tr.	no	8/22/23
Michael Kullmeyer		1734 Broadlee Tr	NO	8/22/23
Suzanne Mauer		366 Friar Trl.	NO	8/22/23
Ted Venuti		357 Sherwood Trl	NO	8/22/23
Michael Mory		1756 Ebling Tr 1	NO	8/22/23
Sebastian Silvestro		413 Epping way	NO	8/22/23
Hermes Reyes		1704 Vineyard Trail	NO	8/23/23
Jessica Wooster		386 Friar Trail	NO	8/23/23
LECKIE GROSSMAN		348 Stanstraße Lane	NO!	8/28/23

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Kathryn Anderson		345 Epping Way Annapolis, Md. 21401		8/25/23
Michelle Anderson		345 Epping Way 21401		8/25/23
Nancy Hamilton	Nancy Hamilton	1709 Vineyard Tr 21401		8/27/23
Alexa Harper		1716 Vineyard Tr 21401		8/27/23
STEVEN HARPER		1716 VINEYARD TR 21401		8-27-23
Jessie J. Janson		1735 Broadlee Trail 21401		8/27/23
Amanda McClab		1712 Vineyard Tr. (21401)	oppose	8/28/23
Deb Wooster		386 Friar Trail	NO	8/28/23
Jake Wooster		386 Friar Trail	NO	8/29/23