

Letter of Explanation: Overview

1) Requirements for variance

Email from Jennifer Lechner on June 15, 2023:

"Several of the Review Sections are requiring revisions to B02417561. The Zoning / Environmental Section made these comments pertaining to a variance:

Your property is Zoned R2 which has a front setback requirement of 30 feet. Your propose construction of the deck will not meet the 30-foot front setback from the mean high water line and the proposed deck will not be relatively in line with the existing houses on the adjacent waterfront properties per Section 18-2-402 of the Zoning Code. Therefore, it will be required that you obtain a variance to the front setback requirement and the relatively in line provision of the code. For variance information, please contact Zoning Administration at 410-222-7437 for the process and procedures and for any questions you may have concerning the setback requirements."

2) Owner Comments

This letter of explanation is intended to address the 30 foot front setback and that the proposed deck will not be relatively in line with the existing houses on the adjacent waterfront properties per Section 18-2-402 of the Zoning Code.

Letter of Explanation

In March 2020, Kevin and Jessica Brilhart purchased the property at 7750 Rockanna Road. During the purchase, Kevin and Jessica were provided a plot of the land including a 16 x 16 deck as well as a lower deck, set of stairs, and a walkway to the waterfront. During their time living at the residence, Kevin and Jessica were made aware of two things. First, the deck was not correctly documented when it was originally built. Second, the deck was built near a septic tank that was not in accordance with code. Furthermore, Jessica and Kevin had several decking and other companies come out to review the deck. These companies commented on the lack of safety with the railings and stated that the deck was not built properly as seen by the photos below.



In late 2022, Kevin and Jessica contacted Maryland Decking to look at a new design for their deck. The initial plan was to reconstruct a deck in the same location as the existing deck. Unfortunately, after multiple designs and conversations with the deck builders and Anne Arundel County, Kevin and Jessica were informed they were unable to build a deck in that area due to the septic tank location.

Therefore, Kevin and Jessica worked with Maryland Decking to come up with a design that still enabled the family to use the rear door and deck and met the county codes and recommendations. This task ended up being very challenging given the layout of the yard and the septic tank. After three designs and numerous modifications to the final design, the third permit was submitted with Anne Arundel County input included. In addition to the county input, we worked hard with our contractor to ensure our deck had little to no impact on the surroundings. For example, the contractor recommended we use the county approved thinner aluminum railing instead of the traditional railings to reduce any impacts to views.

Variance Justification

Based on our understanding, this variance request is for two reasons. First, it is to request a variance to the 30 feet from property line requirement. The deck meets the 30 feet requirement in the majority of deck locations, but there is a part of the deck that is as the deck is currently 27 feet from the property line as the property line is not parallel to the home. This deck has gone through multiple designs based on distance from septic requirements and other critical areas. The 27 feet from property line should not impact neighbors' line of sight, surroundings, or the critical area so we kindly request this approval.

Secondly, there is a need for a variance as our house is not relatively in line with the existing houses so we will need to evaluate any impact on our neighbors. Based on this, we reviewed all surrounding neighbors and provided pictures of potential impacts. Fortunately, our assessment was that one neighbor may have a slight impact and another neighbor will have a slight benefit due to the existing deck being removed. Both impacts are very minor or negligible. We determined no other neighbors are impacted and have attached a google earth images below. The houses to the right in our picture, besides our direct neighbor, have no waterfront view. The houses to the left in the picture should have no water

view impacted as the deck is moving further from them. If there are any impacts, they would be positive. The houses across the street from the front of our house, are not impacted due to the viewpoints and our house being between them and the deck.

This picture shows our house and key neighbors. The deck location is shown in red. The existing deck being replaced is slightly to the left of the red area in a brown color.



This wider view shows we are at the corner of a small creek, so no other houses are impacted.



Close view of privacy screen and deck. This picture is taken from the angle where the deck will be built, but zoomed in on see the privacy screen.



Wider view from where the deck will be. The screen and the shrubs block the majority of the view already.



As mentioned in the picture, the final reduction to any impact is that there are shrubs on the property line that were planted by a previous owner. These Viburnum shrubs are approximately 10 feet tall and will grow up to 30 feet tall at 2 feet per year. Based on the expected growth of the shrubs as well as the current height, the deck should not negatively impact the neighbor's views.

As you can see from the pictures, our current neighbor, to the left of our house in picture above, may have a slightly better view of the water based on this change, but the change is extremely minor. On the other side, there's a neighbor's house that may have a very small impact from the proposed deck. Fortunately, there are three factors that significantly limit any potential impact. First, the house and deck are positioned to face the woods rather than the water. Therefore, most of their property cannot see the water or would look past our house and proposed deck. I have highlighted the maximum waterfront view in blue in the image below. The maximum impact would be the shift from blue to black.



Second, when the neighbors updated their current deck, they installed a privacy screen on their deck between their deck and our house that significantly reduces all waterfront views towards our house. Therefore, the view between the blue and black is already severely impacted by their privacy screen. Therefore, building this deck would not negatively impact any of the views from their current deck or house.

In conclusion, we believe that the deck will be a safer structure for our family, meet the county requirement, and positively impact the community around us.

Thanks,

Kevin and Jessica Brillhart

Owner of 7750 Rockanna Road, Pasadena, MD 21122



443-637-2429
Marylanddecking.com

To whom it may concern,

A Variance requested for the open deck 30x16 and 10x6 with steps to grade. The proposed deck is 13'- 3" High, The left setback is 24', The right setback is 26', and the rear setback is 30'. The property is a waterfront home with a retaining wall at the rear of the home.

Address: 7750 Rockanna Rd, Pasadena MD 21122

Contractor,
Maryland Decking
MHIC 117806

Special thanks to:
 Jeanne Dobson
 Keller Williams Flagship of Maryland



ROCKANNA ROAD

LOT 7
 'ROCKANNA'
 PB 23-4

LOT 9
 'ROCKANNA'
 PB 23-4

PARCEL TWO
 DEED 19211-412

PARCEL ONE
 DEED 19211-412

LOT 8
 'ROCKANNA'
 PB 23-4

WHITES COVE

BOAT LIFT



I hereby certify that the improvements shown hereon, to the best of my professional knowledge and ability, have been located by a transit, tape or total-station survey.

GEORGE A. PARRISH IV PROP.LS#577 4/1/16
 LICENSE EXPIRATION DATE 03/24/2017

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number _____

Total Site Area 640 Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area _____ Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

* Please Indicate Square Footage of Woodland Removed for the following:

- | | |
|----------------------------------|--|
| 1. House _____ Sq. Ft. | 5. Accessory Structure _____ Sq. Ft. |
| 2. Septic or sewer _____ Sq. Ft. | 6. Additions _____ Sq. Ft. |
| 3. Well _____ Sq. Ft. | 7. Storm Water Management _____ Sq. Ft. |
| 4. Driveway _____ Sq. Ft. | 8. Other Clearing: work area; access; stockpiles, etc. _____ Sq. Ft. |

* Total Woodland Removed = 0 Sq. Ft.

"Impervious Coverage" IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

* Please Indicate Square Footage of Impervious Coverage for the following:


- | <u>Existing Impervious</u> | <u>Proposed Impervious</u> |
|--|--|
| 1. House (roof area) <u>230</u> Sq. Ft. | 1. House (roof area) <u>no change</u> Sq. Ft. |
| 2. Driveway + Sidewalks <u>223</u> Sq. Ft. | 2. Driveway + Sidewalks <u>no change</u> Sq. Ft. |
| 3. Accessory Structures <u>260</u> Sq. Ft. | 3. Accessory Structures <u>640</u> Sq. Ft. |
| | 4. Additions _____ Sq. Ft. |

* Total Existing and Proposed Impervious Coverage 843 Sq. Ft.

Ⓢ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Barnabas Domowski, Barnabas Domowski, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 8, block # _____ of Subdivision 000.

I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

 (Signature) 5/2/2023 (Date)

Owner- Contractor _____ (Title)

_____ (Signature) _____ (Date)

_____ (Title)

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:

Date: **06/30/2023**

Tax Map #	Parcel #	Block #	Lot #	Section
0017	0188	0005	8	

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: **3000-0190-1560**

Project Name (site name, subdivision name, or other) **Kevin Brillhart**

Project location/Address **7750 Rockanna Rd**

City **Pasadena** Zip **21122**

Local case number

Applicant: Last name **Brilhart** First name **Kevin**

Company **Maryland Decking**

Application Type (check all that apply):

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

Local Jurisdiction Contact Information:

Last name _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Construct open deck 30x16 and 10x16 with steps to grade

Intra-Family Transfer <input type="checkbox"/> Grandfathered Lot <input type="checkbox"/>	Growth Allocation <input type="checkbox"/> Buffer Exemption Area <input type="checkbox"/>
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Project Type (check all that apply)

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="checkbox"/>	Recreational <input type="checkbox"/> Redevelopment <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area		
LDA Area					
RCA Area					
Total Area			# of Lots Created		

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		
Created Forest/Woodland/Trees			New Lot Coverage		
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		

VARIANCE INFORMATION (Check all that apply)

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

<p><u>Variance Type</u></p> Buffer <input type="checkbox"/> Forest Clearing <input type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input checked="" type="checkbox"/> Steep Slopes <input type="checkbox"/> Other <input type="checkbox"/>	<p><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input checked="" type="checkbox"/> Dwelling <input type="checkbox"/> Dwelling Addition <input type="checkbox"/> Garage <input type="checkbox"/> Gazebo <input type="checkbox"/> Patio <input type="checkbox"/> Pool <input type="checkbox"/> Shed <input type="checkbox"/> Other <input type="checkbox"/>
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Critical Area Narrative

- 1) Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime**

The property at 7750 Rockanna Road, Pasadena, MD 21122 is a residential property owned by Kevin and Jessica Brillhart. This property is near the water and therefore is in the critical area.

- 2) Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated.**

There are three trees of varying types on the properties. One is an American Holly, one appears to be a crape myrtle, and the other tree is unknown. These were all on the property prior to our purchase of the house. We have planted significant shrubs on and around the front and the sides of the property. These are also large shrubs, approximately 15 feet along the side of the property.

The work proposed in the variance will not disturb any of the shrubs or trees in question and additional planting will be done after the project in conjunction with the guidance from the forestation team.

- 3) Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence).**

Maryland Decking, the contractor we used, has informed us there will need to be a silt fence installed and has been in discussions with the county about any additional steps needed to eliminate any potential impact on water quality. This project is to build a deck and a wall that are approximately 30 feet from the pier/water so we do not expect any impact to the pier or waterfront area.

- 4) Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas.**

The impervious spreadsheet has been submitted as part of the application. Please see the excerpt below with the details on impervious surface.


* Please Indicate Square Footage of Impervious Coverage for the following:

<u>Existing Impervious</u>	<u>Proposed Impervious</u>
1. House (roof area) <u>230</u> Sq. Ft.	1. House (roof area) <u>no change</u> Sq. Ft.
2. Driveway + Sidewalks <u>223</u> Sq. Ft.	2. Driveway + Sidewalks <u>no change</u> Sq. Ft.
3. Accessory Structures <u>260</u> Sq. Ft.	3. Accessory Structures <u>640</u> Sq. Ft.
	4. Additions _____ Sq. Ft.
* Total Existing and Proposed Impervious Coverage <u>843</u> Sq. Ft.	

Ⓢ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Barnabas Domowski, Barnabas Domowski (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 8, block # _____ of Subdivision 000.

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 (Signature) 5/2/2023 (Date)

Owner- Contractor _____ (Title)

(Signature) _____ (Date)

(Title)

Thanks,
Kevin Brillhart
410-979-5666

Topo Map - lot outline ref only not exact



Legend

- Foundation
- Addressing
- Parcels
- Elevation
 - Topo 2020
 - Index
 - Intermediate

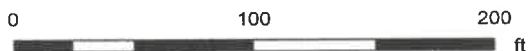


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OpenStreetMap, Microsoft, Esri,
HERE, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA,



THIS MAP IS NOT TO BE
USED FOR NAVIGATION



Notes 1" = 100 ft

Topo Map - lot outline ref only not exact



Legend

- Foundation
- Addressing
-
- Parcels
- ▭
- Elevation
- Topo 2020
- Index
- Intermediate



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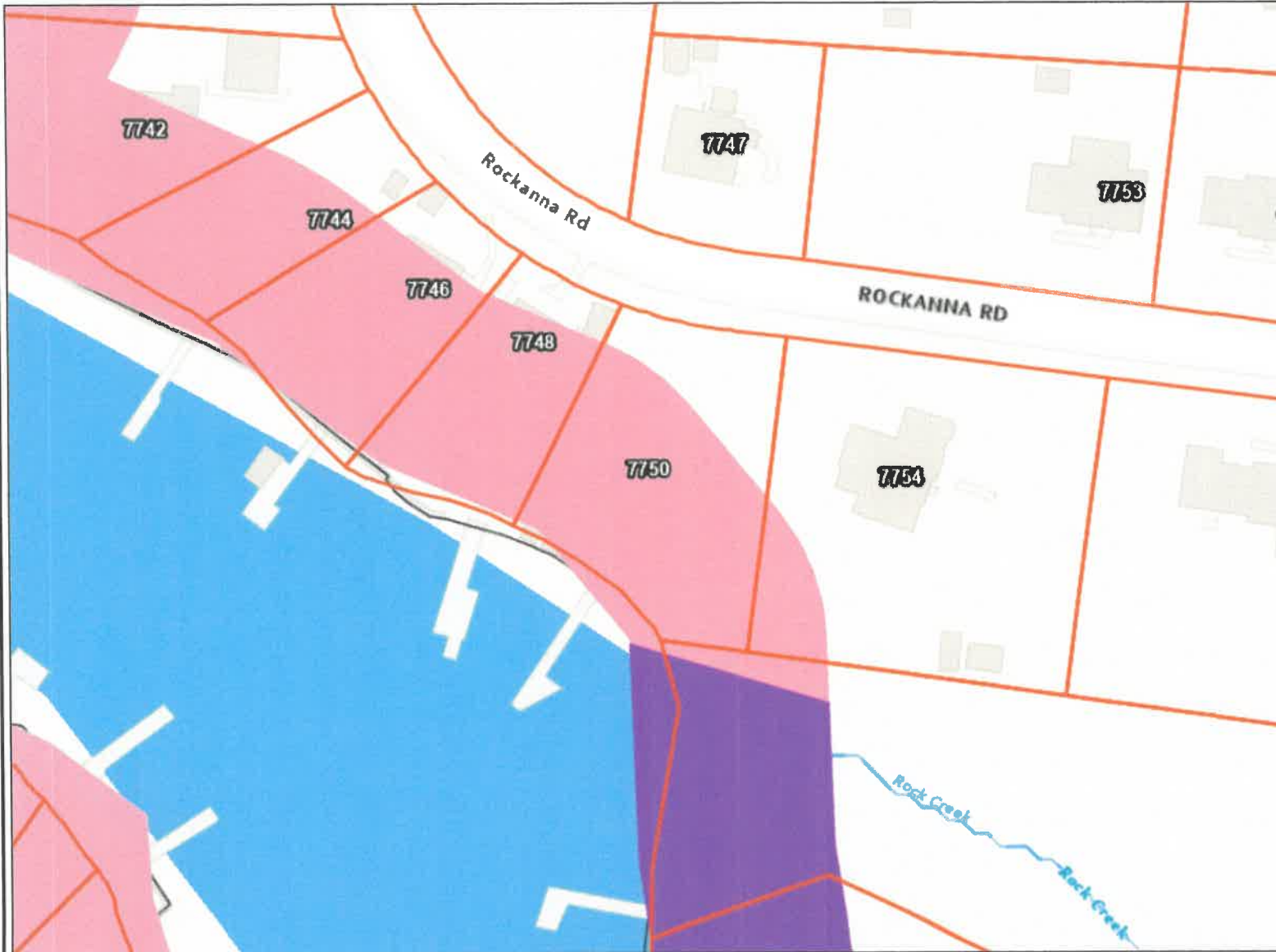
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HERE, Garmin, SafeGraph,
GeoTechnologies, Inc, METI/NASA,



THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes 1" = 40 ft

Buffer Map Unofficial - lot outline ref only not exact



Legend

Foundation

Addressing



Parcels



Planning

County Planning

Buffer

Modified Buffer

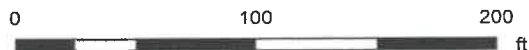


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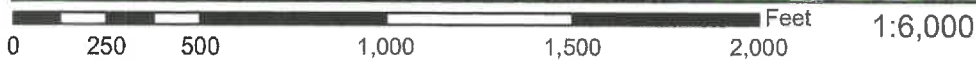


Notes 1" = 100 ft

National Flood Hazard Layer FIRMette



76°31'4"W 39°8'51"N



76°30'26"W 39°8'23"N

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|------------------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| | | Area of Undetermined Flood Hazard Zone D |
| GENERAL STRUCTURES | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
- The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/29/2023 at 12:53 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

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