



September 8, 2023

Planning and Zoning
Zoning Division
2664 Riva Rd. 3rd Floor
Annapolis, MD 21401

Re: 141 Winchester Road
G02017155
T.A. 3000-3001-4500

To Whom It May Concern:

The Owner of the property, Mr. Ahmad Miski, has been working with Inspections and Permits to address previous Violations on the Site. The preparation of the Grading and Septic Site Plans is required to obtain the necessary Approvals for continued completion of the project.

Based on the location of the Existing Improvements and the extent of the same, the Site will require two (2) Variances:

- A. In accordance with 18-13-104; Buffers, Expanded Buffers, and Buffer Modification Areas, the Expanded Buffer, which affects this Site, was determined as follows:
1. The Site contains a 100 ft. Buffer as measured from Mean High Water. The Buffer falls within the Steep Slopes, therefore, an expansion of the Buffer is required.
 2. The Buffer is expanded 4 ft. for every 1% of the Slope which is represented by the Average Expanded Buffer Line as shown on the Plan. The 50 ft. Buffer to the top of the Slope is also noted for comparison.

Because a majority of the Proposed Improvements are within the Expanded Buffer, a Variance is necessary to Allow Improvements within the Buffer.

- B. In accordance with 17-8-402, Lot Coverage is limited to 15% of the Site which is 74,592 SF or 1.7124 acres or 11,189 SF. Based on the Improvements proposed, the Lot Coverage will be limited to the maximum 11,189 SF.

Specifically, the Request would allow the following to remain in place:

1. The Proposed Deck and Pergola, adjacent to the northside of the pad and extending to the top of the Slope will be constructed with 1/4" Gapped Decking which would then be considered pervious.
2. Removal of the Deck Structure at the top of the slope at the west terminus, 216 SF (see Plan). The Stairs will remain to access the Pool Equipment.
3. An addition on the north side of the House, measuring 11.25 ft. x 8.82 ft.
4. Providing a New Septic System on the east side of the House, allowing the abandonment of the system between the top of the Slope and the Existing House (Westside).
5. Installation of a New Well to allow required Health Department Setbacks from the New Addition.
6. Enlarging the Paving for the Circular Drive to allow access by delivery vehicles, which provides safe entrance and exiting (eliminated backing up).
7. The addition of a Deck over an Existing Patio on the east and south sides of the House.

8. There is a small section of Concrete Walk (37 SF) to be removed adjacent to the Existing Garage.

Because both of the Variances requested are subject to Critical Area Criteria, the following statements address the Requirements as outlined in 18-16-305; Variances, as follows:

(b.) Requirements for Critical Area Variances:

1. The Lot is narrow on the shoreline and widens as you move eastward. The Site has a flat area extending from Mean High Water, followed by a Steep Slope extending to the top where the Existing and Proposed Development occurs. The Slope is intersected by the 100 ft. Buffer which creates the Expanded Buffer. Due to the significant steepness, the Expanded Buffer extends well into the Lot and encompasses all Existing and Proposed Development. These constraints create an unwanted hardship as they limit the use of the entire property.
- 2(i). A literal interpretation of Title 27 and related ordinances, require expansion of the Buffer which severely restricts the Lot and deprives the Applicant of complete use of his property.
3. Variances are necessary to allow completion of the project. These Variances would not provide any special privilege to the Applicant as previous Variances have been granted to these provisions by the County.
4. The Improvements were implemented by the Owner to enhance the property as the Site was in disrepair.
5. Stormwater Management will be provided for all Improvements as required by the Grading Ordinance. Because Stormwater Management addresses all Impervious Surfaces, Water Quality will be enhanced. Currently, all surfaces are untreated.
6. NA
7. The presumption that the Site can be developed without a Variance cannot be achieved because Existing Development is within the Expanded Buffer, therefore, any Proposed Improvements will require a Variance.
8. The Owner has provided Improvements to the north and east of the current Improvements, minimizing Buffer Impacts.

C. Requirements for all Variances:

1. Variance is the minimum necessary because the Expanded Buffer encompasses most of the Site and therefore, any Improvements require a Variance.
2. The granting of the Variances will not:
 - (i). Alter the essential character of the neighborhood because the Site is already developed with Existing Structures and various Improvements.
 - (ii). Adjacent property is developed and therefore, no Impacts will be realized.
 - (iii). The Site is developed with the Proposed Development and Clearing was not necessary.
 - (iv). Because no Clearing is needed for the Proposed Improvements, the Site Development is not contrary to acceptable practices.
 - (v). The Improvements are consistent with other Waterfront Development. Therefore, it will not be detrimental to public welfare.

(d.) Conditions for Granting a Variance in the Critical Area:

1. Because the Site is the subject of a Violation, the Applicant must complete any conditions within 90 days as follows;
 - (i). Mitigation can be provided based on the Variance Decision.
 - (ii). Critical Area Abatement measures can be provided.
 - (iii). All Civil Fines and Court Ordered Decisions will be honored.

2. As noted, if a Time Extension is necessary to complete any conditions, an Extension will be filed.

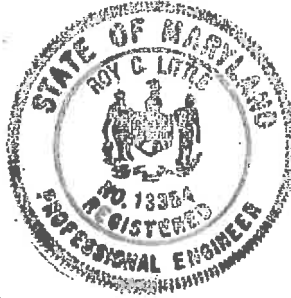
Based on the constraints of Expanded Buffer and Limits of Lot Coverage, the Proposed Variances will allow orderly development of the Site.

If you should have any questions or comments or need additional information, please do not hesitate to call our office at (410) 266-1160 or email terrain@terrainmd.com.

Sincerely,
TERRAIN



Roy C. Little, P.E.
Director of Engineering
RCL/II.2585



LEGEND

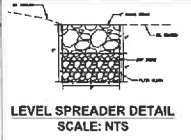
EXISTING CONTOUR	41
15%+ SLOPE	15%+ SLOPE
25% SLOPE	25% SLOPE
EXISTING BUILDING	EXISTING BUILDING
EXISTING TREE LINE	EXISTING TREE LINE
EXISTING ELECTRIC	EXISTING ELECTRIC
EX. NEAR HIGH WATER	EX. NEAR HIGH WATER
REPLANTED AREA	REPLANTED AREA
SUPER SALT FENCE	SUPER SALT FENCE

SWM DESIGN FOR SLOPE CLEARING VIOLATION
 SWM SHALL BE PROVIDED FOR THIS DEVELOPMENT BY ESD METHODS TO PROTECT WATER QUALITY, RECHARGE AND CHANNEL PROTECTION OF HAS BEEN ADDRESS BY REDUCED RCH. THE ESD METHODS USED WERE RAIN BARRELS.

SITE AREA= 74,592 SF
 PROP. LCA= 0 SF
 IN 0 / 6,740 = 0%
 ROW 0.05% SLOPE 3.05
 SOLID C&W = 8 C&W-A' TAB. 5.3 140%
 LARGEST PEW 1" FOR BOTH SOLS
 TARGET ESDV= (PERVA)/12= [1"(0.05% 74,592)/12= 28.12

RAIN BARRELS (M-1)
 USE 2" RAIN BARRELS @ 7 CF/BARREL
 28/7" = 4 BARRELS (REQUIRED)
 ESDV (PROVIDED)= 14 CF = 14 CF (REQ)
 ESD VOLUME REQUIREMENT SATISFIED

NOTE: ALL ROOF LEADERS TO BE CONNECTED TO RAIN BARREL COLLECTION SYSTEM.



NON-ROOFTOP DISCONNECT SWM DIAGRAM
 SCALE: 1"=20'

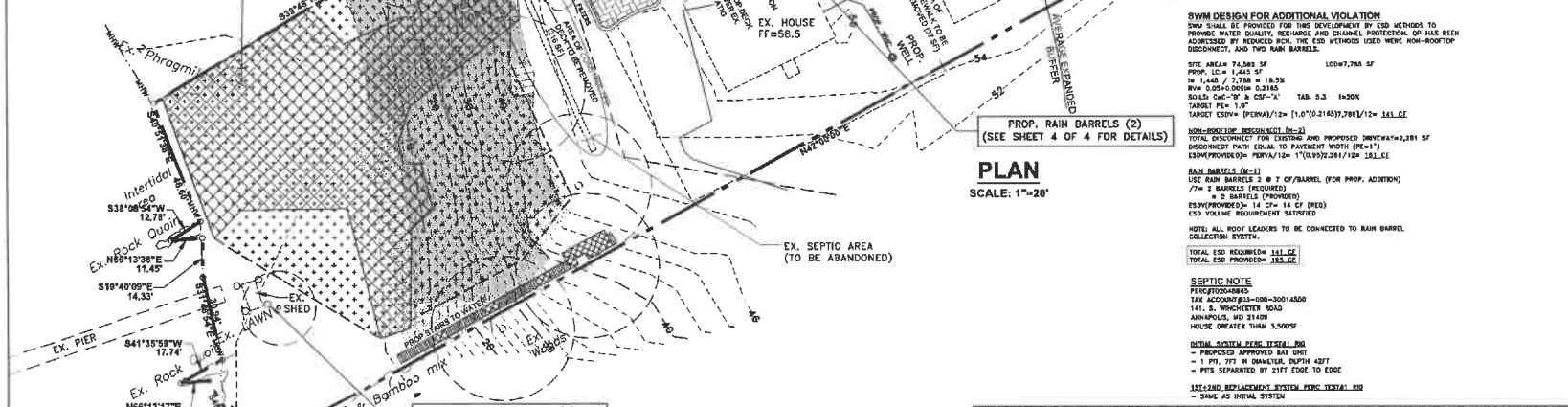
TEMPORARY EASEMENT AREA
 (PER STATE HIGHWAY PLAT NO. #60635)

PARCEL 21
 74,592-SF
 OR
 1.7124 AC

PERPETUAL EASEMENT FOR DRAINAGE FACILITY AND ACCESS
 (PER STATE HIGHWAY PLAT NO. #60635)

Plat North
Kemp Estate Plat

REPLANTED AREA PER LANDSCAPE PLANS (CROSS-HATCHED)



PLAN
 SCALE: 1"=20'

SWM DESIGN FOR ADDITIONAL VIOLATION
 SWM SHALL BE PROVIDED FOR THIS DEVELOPMENT BY ESD METHODS TO PROTECT WATER QUALITY, RECHARGE AND CHANNEL PROTECTION OF HAS BEEN ADDRESS BY REDUCED RCH. THE ESD METHODS USED WERE NON-ROOFTOP DISCONNECT, AND TWO RAIN BARRELS.

SITE AREA= 74,592 SF
 PROP. LCA= 1,442 SF
 IN 1,442 / 7,788 = 18.5%
 ROW 0.05% SLOPE 3.185
 SOLID C&W = 8 C&W-A' TAB. 5.3 140%
 ESDV (PROVIDED)= PERVA/12= [1"(0.05% 74,592)/12= 31.12

RAIN BARRELS (M-1)
 USE 2" RAIN BARRELS @ 7 CF/BARREL (FOR PROP. ADDITION)
 7" = 1 BARRELS (REQUIRED)
 = 2 BARRELS (PROVIDED)
 ESDV (PROVIDED)= 14 CF = 14 CF (REQ)
 ESD VOLUME REQUIREMENT SATISFIED

NOTE: ALL ROOF LEADERS TO BE CONNECTED TO RAIN BARREL COLLECTION SYSTEM.

TOTAL ESD REQUIREMENT 311.12
TOTAL ESD PROVIDED= 311.12

SEPTIC NOTE
 FERRIS/ROBES
 TAX ACCOUNT#003-000-14800
 141 S. WINCHESTER ROAD
 ANNAPOLIS, MD 21409
 HOUSE GREATER THAN 3,000SF

SEPTIC SYSTEM PERMITS TOTAL RM
 - PROPOSED APPROVED BAT UNIT
 - 1 PFT, 771 IN DIAMETER, DEPTH 42FT
 - PETS SEPARATED BY 21FT EDGE TO EDGE
 141 S. W. REPLACEMENT SYSTEM PERMITS TOTAL RM = SAME AS INITIAL SYSTEM

LOT COVERAGE (LDA)

SITE AREA	74,592 SF
MAX ALLOWABLE LOT COVERAGE (15%)	11,189 SF

LOT COVERAGE (LDA)

EX. HOUSE	1,733 SF
EX. GARAGE	687 SF
EX. SHEDS	137 SF
EX. DRIVEWAY	4,312 SF
EX. POOL	612 SF
EX. STONE & CONC. PATIO AROUND POOL	1,718 SF
EX. CONC. WILKS. CONC. STOOP+STEPS	1,046 SF
EX. TOTAL	10,245 SF

PROP. LOT COVERAGE (LDA)

EX. HOUSE	1,733 SF
EX. GARAGE	687 SF
EX. SHEDS	137 SF
EX. DRIVEWAY	4,312 SF
EX. POOL	612 SF
EX. STONE & CONC. PATIO AROUND POOL	1,718 SF
EX. CONC. WILKS. CONC. TO REMAIN	1,009 SF
PROP. DRIVEWAY	793 SF
PROP. DECK STEPS+FIREPLACE	85 SF
PROP. TOTAL (15%)	11,189 SF

VARIANCE PLAN
GRADING, EROSION AND SEDIMENT CONTROL PLAN

PARCEL 21
 L 28359 F, 122
 141 S. WINCHESTER ROAD
 ANNAPOLIS, MD 21409

TAX MAP 44, GRID 12, PARCEL 21 TAX ACCT#003-000-14800 ZONING R1
 THIRD TAX DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

DATE: SEPTEMBER 2023 **DRAWN BY:** D.J.B.
SCALE: AS SHOWN **CHECKED BY:** R.S.L.
SHEET: 1 OF 1 **TERRAIN JOB NO:** 2585

REVISION BLOCK

NO.	DATE	DESCRIPTION	BY

OWNER
MISKI AHMAD
 1615 BAY HEAD ROAD
 ANNAPOLIS, MD 21409
 TEL: (410)-757-5544
 EMAIL: uslegalization@gmail.com



TERRAIN
 ENGINEERING - SURVEYING - ENVIRONMENTAL

53 OLD SOLOMONS ISLAND ROAD, SUITE I
 ANNAPOLIS, MARYLAND 21401
 410-265-1160
 EMAIL: TERRAIN@COMCAST.NET

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

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: ANNE ARUNDEL COUNTY

Date: SEPTEMBER 11, 2023

Tax Map #	Parcel #	Block #	Lot #	Section
45	21	12	N/A	N/A

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 03-000-30014500

Project Name (site name, subdivision name, or other) 141 S. WINCHESTER ROAD, PARCEL 21

Project location/Address 141 S. WINCHESTER ROAD, PARCEL 21

City ANNAPOLIS Zip 21401

Local case number

Applicant: Last name LITTLE First name ROY

Company TERRAIN INC.

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 checked="" 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:

DISTURBANCE WITHIN THE CRITICAL AREA EXPANDED BUFFER - DUE TO VIOLATION

Yes Intra-Family Transfer <input type="checkbox"/> Grandfathered Lot <input type="checkbox"/>	Yes 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	0	0	Total Disturbed Area	0.1787	7,788
LDA Area	1.7123	74,592			
RCA Area	0	0	N/A # of Lots Created		
Total Area	1.7123	74,592			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.3970	17,294	Existing Lot Coverage	0.2351	10,245
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0.0225	981
Removed Forest/Woodland/Trees	0	0	Removed Lot Coverage	0.0058	253
			Total Lot Coverage	0.2568	11,189

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.1349	5,877	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0.0403	1,756	Mitigation	0	0

<p><u>Variance Type</u></p> Buffer <input checked="" type="checkbox"/> Forest Clearing <input type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input checked="" type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input 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 checked="" 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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MARYLAND

Office of Planning and Zoning

Jenny Jarkowski, Planning and Zoning Officer

MEMORANDUM

TO: Kelly Krinetz, Planning Administrator

FROM: Michael Day, Planner

SUBJECT: 141 S. Winchester Rd
2023-0012-P
Disturbance within the Critical Area Expanded Buffer

DATE: August 11, 2023

This project is an after the fact Variance for multiple improvements onsite including:

1. Deck and pergola adjacent to existing pool.
2. Addition at North Side of house.
3. New Septic System.
4. New well.
5. Enlarging paving for the circular drive.
6. Addition of deck over existing patio. (Additional Work shown on the plan includes Water Access steps which would be permitted without a variance and clearing in violation for which mitigation is required.)

A review of the above referenced prefile variance request has generated the following comments (each improvement will be looked at individually):

1. Deck and pergola adjacent to existing pool

The proposed deck has three sections and is adjacent to the existing patio surrounding the pool within the Critical Area expanded buffer. This deck is roughly 88 feet long with a total square footage of roughly 1,000 sqft. This is an oversized deck and cannot be supported as it is not the minimum necessary. The portion of the deck nearest to the slopes is shown hanging partially over the existing steep slopes, this cannot be supported as the deck is proposed in the Critical Area buffer as well as the steep slopes and associated steep slope buffer all of which are areas intended to be protected from development. Additionally, there is an existing patio surrounding the pool that is roughly 1,780 sqft not including the pool, this provides an area around the pool for lounging and recreation that further supports that the additional deck is not the minimum necessary since this site already has an area that provides an outdoor amenity. What is listed as a pergola appears to be a covered structure which should be labeled as such; it is noted that this is included in the lot coverage tabulations. It should be noted that the overall lot coverage of this site is reported as 11,943 sqft which is 755 sqft over the limit of 11,188 sqft, this overage would be reduced if the deck /pergola/fireplace improvements were not permitted.

2. Addition at the north side of the house

The addition on the north side of the house is placed in a location that is outside of the 50 ft buffer to steep slopes (while still in the expanded buffer do to the expansion based the percent slope) and in a location that maximizes the distance from the shore. The existing house has a relatively modest footprint of 1,751 sqft and has a second story existing. Due to these factors there is not a strong objection to this addition provided the lot as a whole remains under the lot coverage limit and appropriate mitigation is provided

3. New Septic System

There is no objection to the new upgraded septic system proposed on site, provide no clearing is required for installation.

4. New Well

There is no objection to the proposed well provided there is no clearing required for installation.

5. Enlarging paving for circular driveway

The expansion of the driveway in the expanded buffer cannot be supported. The driveway expansion is not the minimum necessary as the expanded area of paving is roughly 35 feet at its widest near the garage. A circle drive is not a requirement for a long driveway and is not required for delivery trucks. If necessary, a redesigned driveway could provide an area for delivery vehicles to back up in a more compact area with less lot coverage. If the circle drive is required one lane of travel would be the minimum necessary potentially with pull off areas so as to not block access to the driveway. This extra driveway area puts the property as a whole over the 15% lot coverage limit. At a minimum the driveway should be redesigned to minimize the lot coverage and bring the property as a whole into compliance the lot coverage limit.

6. Addition of deck over existing patio.

There is no objection to the deck over the existing patio as this area is already developed and will no add any additional lot coverage.

Recommendation:

OPZ/ Critical Area recommends at a minimum reducing the proposed development to meet the 15% lot coverage limit for this property. This proposal is not the minimum necessary as it would exceed the lot coverage limit for the property. In addition this property is mapped as Critical Area Buffer/expanded buffer which is one of the most protected areas, to exceed the development limitations in this area would not be in harmony with County or State Critical Area Laws. Proper mitigation will be required at time of permitting.



Mark Wedemeyer, Director

Memorandum

TO: Sara Anzelmo, Critical Area Planner, OPZ Zoning Division

FROM: Hala Flores, P.E., Engineer Manager, Department of Inspections and Permits

SUBJECT: 141 Winchester Road, Annapolis 21409
Pre-file 2023-0012-P G02017155

DATE: July 22, 2023

Engineering and Utility Review

The above-referenced modification request(s) has/have been reviewed for Engineering and Utility issues and the following comments apply:

Project Information: The Applicant has previous violations on the site and has submitted a grading permit application. The applicant is requesting the following modifications to an existing house, in-ground pool with a large impervious patio, garage, and other existing structures:

- 1- Building a proposed deck and pergola adjacent to the north side of the pad and extending to the top of the slope.
- 2- An addition to the north side of the house measuring 11.25 x 8 ft.
- 3- Providing a new septic system on the house's east side and abandoning the existing system.
- 4- Installation of a new well to allow required health department setbacks.
- 5- Enlarging the paving for the circular drive
- 6- The addition of a deck over an existing patio.

The pre-file application proposes two variances. 1) Disturbance to the expanded buffers (steep slopes) 18-13-104
2) Exceeding the lot coverage 17-8-402.

This office has received the subject application and has the following comments that should be addressed with the formal variance application:

1. Submit photographs of the site to demonstrate the stability condition of the steep slope buffer.
2. All disconnection areas must be clearly marked on the plan and prescribed with 12-inch amended soil and sod.
3. The plan, as submitted, does not propose any impervious minimization or even alternative surfaces. At a minimum, alternative surfaces such as grass-crete or permeable pavers/concrete should be proposed for the existing and proposed expansion of the driveway, swimming pool patio area, and other impervious walkways and landing areas.

Critical Area Report
For:
141 S. Winchester Road
Annapolis, MD 21409
Tax Map 45, Block 12, Parcel 21

September, 2023

Prepared By:
Terrain, Inc.
53 Old Solomons Island Road, Ste. I
Annapolis, MD 21401
(410) 266-1160
terrain@comcast.net

**CHESAPEAKE BAY CRITICAL AREA REPORT
141 S. WINCHESTER ROAD
TAX MAP 45, BLOCK 12, PARCEL 21**

INTRODUCTION

This is a 1.7123 AC., waterfront property, and is located at 141 S. Winchester Road, Annapolis, Maryland 21409. The property fronts on the Severn River. The property is completely inside the Chesapeake Bay Critical Area Boundary and is designated as Limited Development Area (LDA). The property is zoned R-1.

EXISTING LAND USE

The existing is a Single-Family Dwelling, with detached garage and swimming pool and patio.

PROPOSED LAND USE

Single Family Dwelling, with detached garage and swimming pool and patio with the addition of a deck/pergola along the pool patio edge. A small addition to the house consisting of a jacuzzi room and an expansion of driveway width.

SURROUNDING LAND USE

This is a waterfront property with the surrounding parcels being waterfront or non-waterfront.

FLOODPLAIN

The property is shown on the Federal Emergency Management Agency (FEMA) panel 24003C0169F, Zone AE, Elevation 7.

BUFFER MODIFICATION

The property is not mapped buffer modified.

TIDAL WETLANDS

This site is waterfront with an existing pier and there are no tidal – wetlands.

BODIES OF WATER

The property is a waterfront lot which fronts the Severn River.

STEEP SLOPES

There are no steep slopes on-site that will be disturbed.

RARE AND ENDANGERED SPECIES

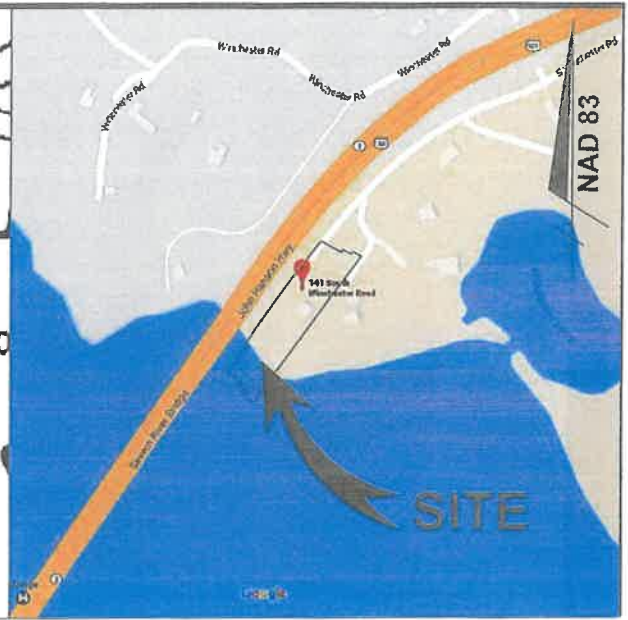
There are no federally or state listed species of rare, threatened or endangered species of plants or animals on this site.

DATES OF FIELD WORK

September, 2023



TAX MAP
Scale: 1"=300'



Copyright ADC The Map People
Permitted Use Number 20303126
VICINITY MAP
Scale: 1"=500'