

APPLICANT EXHIBIT 1
2023-0155-V
11/07/2023

VARIANCE HEARING

MISKI PROPERTY – 2023-0155-V – NOVEMBER 7, 2023

141 S. WINCHESTER ROAD ANNAPOLIS, MD 21401



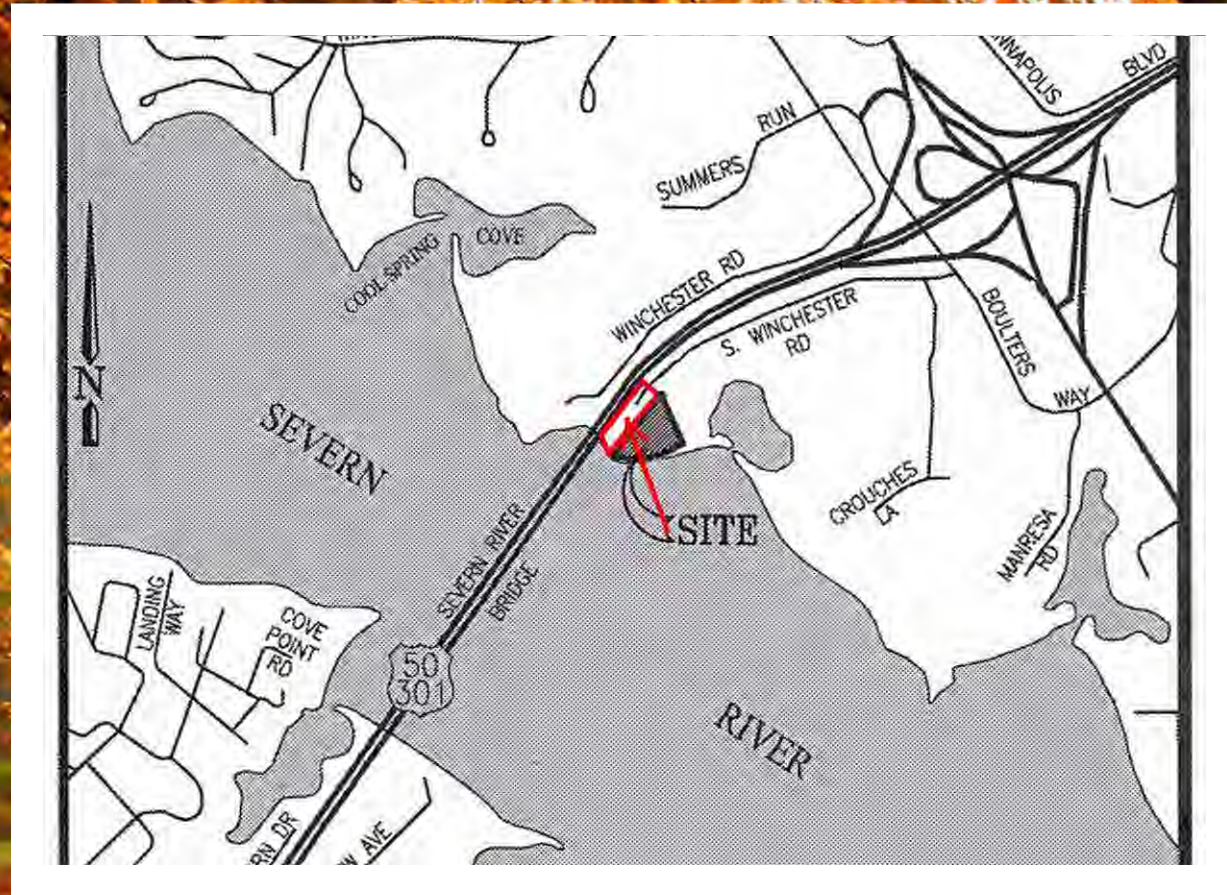
ENGINEERS, PLANNERS & SURVEYORS
53 OLD SOLOMONS ISLAND ROAD * SUITE I * ANNAPOLIS, MD 21401
phone: 410-266-1160 * email: terrain@terrainmd.com

PRESENTED BY: ROY C. LITTLE, P.E.

OWNERS/DEVELOPER: AHMAD MISKI
141 S. WINCHESTER ROAD ANNAPOLIS, MD 21401

ATTORNEY FOR OWNER:
ANTHONY F. CHRISTHILF, ESQ.
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ANNAPOLIS, MD 21401
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March 22, 2023

Planning and Zoning
Zoning Division
3084 Pava Rd., 3rd Floor
Annapolis, MD 21401

Re: 141 Whinnestair Road
G07017185
T.A. 3000-3001-4500

To Whom It May Concern:

The Owner of the property, Mr. Ahmad Maki, 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 60 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 17-9-402, 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 11,943 SF. The Site exceeds the Lot Coverage Limit by 754 SF or 1%. Therefore, we are requesting that the Proposed Lot Coverage remain at 11,943 SF per Plan.

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

1. The Proposed Deck and Pergola, adjacent to the north side of the pool and extending to the top of the Slope.
2. An addition on the north side of the House, measuring 11.25 ft. x 8.82 ft.
3. 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).
4. Installation of a New Wall to allow required Health Department Setbacks from the New Addition.
5. Enlarging the Paving for the Circular Drive to allow access by delivery vehicles, which provides safe entrance and exiting (eliminated backing up).
6. The addition of a Deck over an Existing Patio on the east and south sides of the House.

VARIANCE REQUEST LETTER



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.

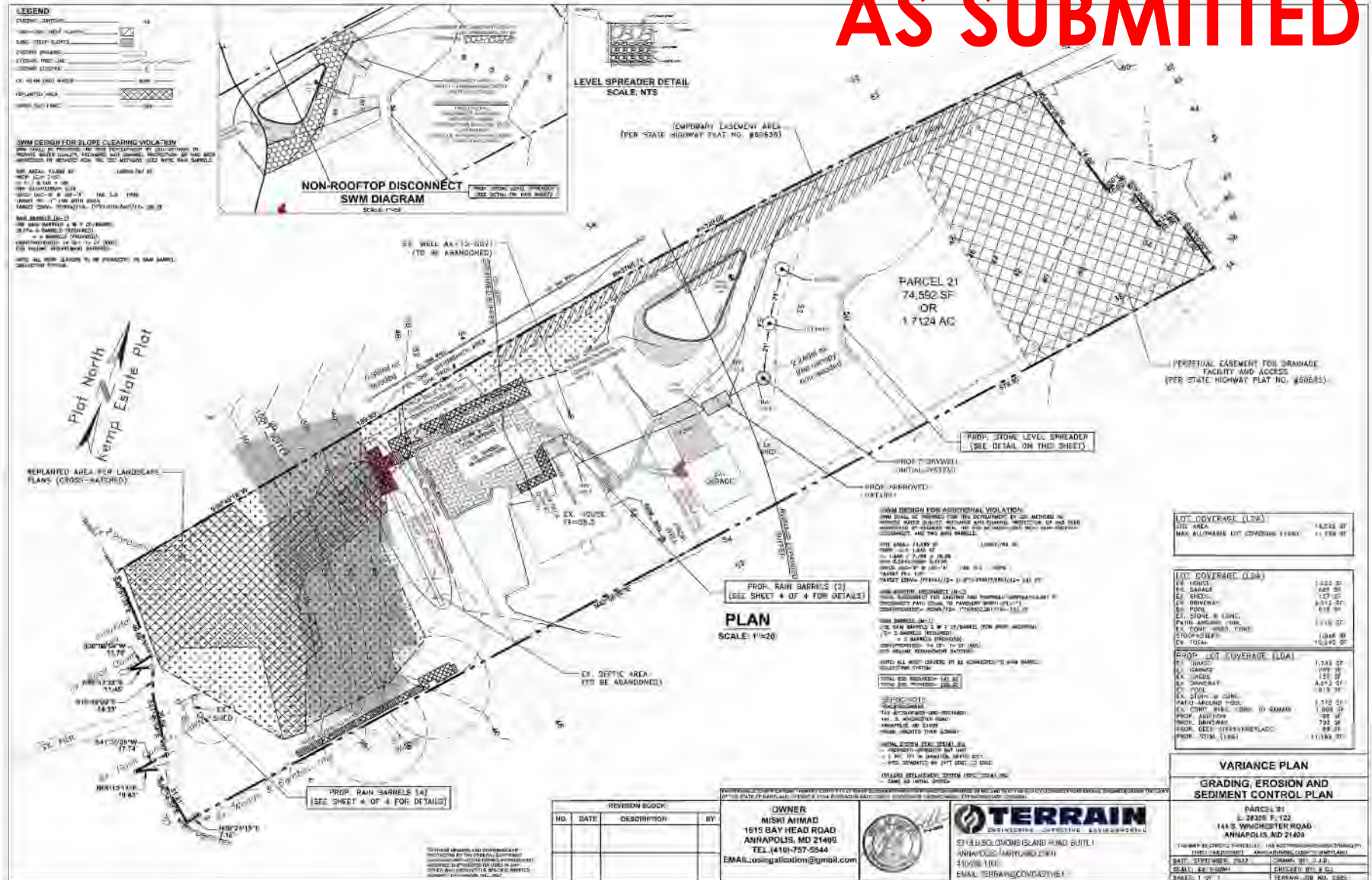
If you should have any questions or comments or need additional information, please do not hesitate to call our office at (410) 266-1160 or email terrain@terrainmd.com

Sincerely,
TERRAIN


Roy C. Little, P.E.
Director of Engineering
RCU/12585



VARIANCE PLAN AS SUBMITTED



PHOTOGRAPHS BEFORE SHA CLEARING



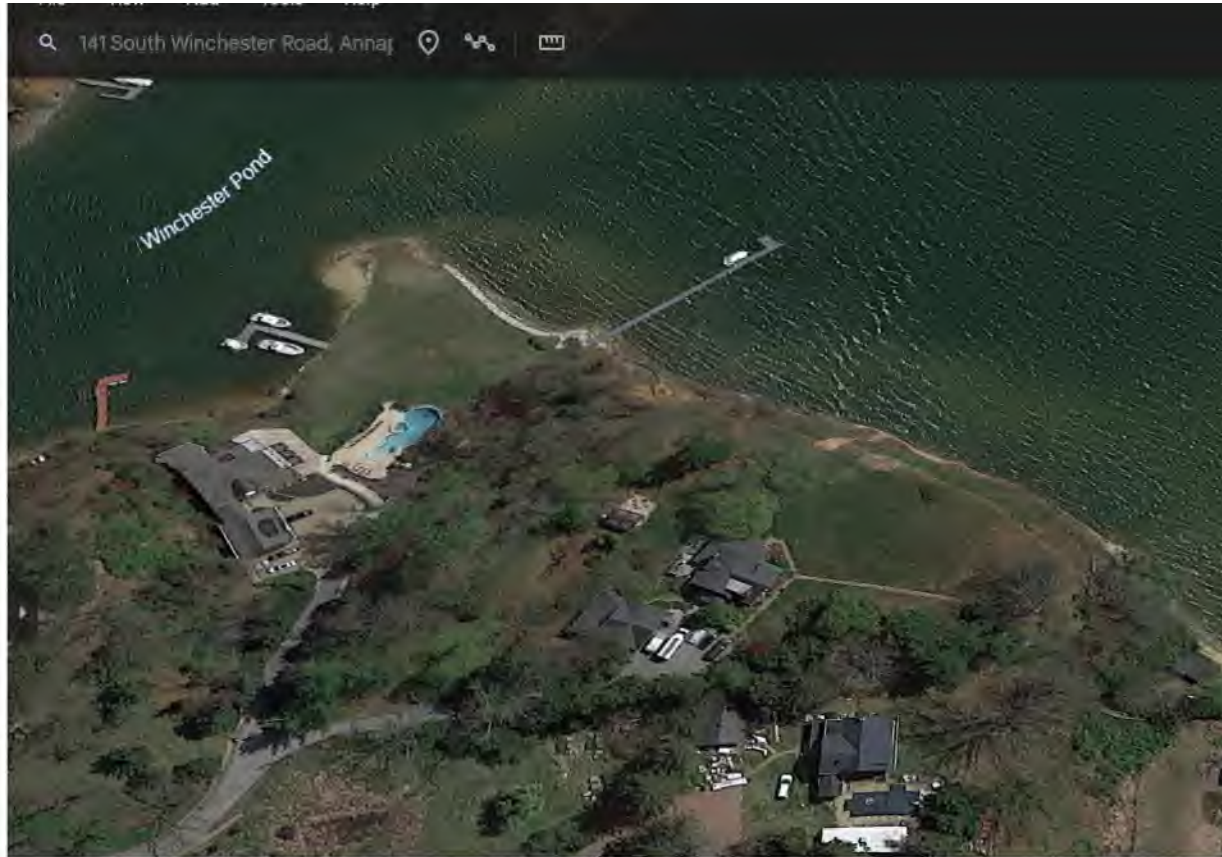
PHOTOGRAPHS AFTER SHA CLEARING

AREA CLEARED
BY SHA FOR WALL
ELIMINATING
MATURE TREES W/
CANOPY COVER
FOR SHADE



PHOTOGRAPHS

1. ADJOINING LOTS W/LARGE CLEARED WATERFRONT YARDS & SUBSTANTIAL DEVELOPMENT
2. SITE WATER FRONT SIDE PLANTED BUFFER



SITE





Questions

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Answers

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