



PRO. EXHIBIT# 1
CASE: 2023-0174-V
DATE: 12/5/23

2023-0174-V, Application filed at AA County

1 message

robert sisson <rsisson3185@gmail.com>
To: zhcolb22@aacounty.org
Cc: Sara Anzelmo <pzanze99@aacounty.org>

Fri, Nov 17, 2023 at 12:21 PM

Ms. Colby,

I own property adjacent to the subject application address of 23 Leeland Road at 58 Leeland Road. My property contains a residence and a small marina.

I have reviewed the application and wish to comment on several issues contained therein.

1. The proposed residence relocation from the original proposed site on the parcel was a surprise to neighbors and apparently to the Health Dept.
2. We understand the Health Dept. has a negative recommendation regarding the repositioning of the residence.
3. The site of the repositioned proposed residence is up-gradient from my water well and we are anxious about the impact the septic system could have on the quality of our water.
4. There are comments in the application regarding traffic generated by the marina. These comments indicate an understandable lack of information about the marina and the neighborhood. Concern was expressed that the area is "heavily trafficked by cars and trucks" and that there is a "commercial marina and a lot of traffic comes in and out of the one lane road".

The marina is a small neighborhood marina of 23 slips that has no ramp to the water (therefore no vehicles bringing boats to or from the marina), no eating facilities, no fuel dispensaries, no clean out facilities, and no recreation area. A majority of the slip owners remove their boats in off season. During the season, slip owners use their boats infrequently.

Vehicle trips generated by the marina average perhaps 2-3 per day.

The neighborhood streets are far from being "heavily trafficked" and, in fact, the streets have a distinctly rural atmosphere where one seldom encounters another vehicle on the road.

It is an inaccuracy to characterize the marina as a significant traffic generator.

5. If the proposed residence is relocated to the center of the lot, the residents will have no snow removal on the street or front-of-house trash collection; County trash service will be 200-300 feet away, a long walk pulling trash containers.
6. If the proposed residence is relocated to the center of the lot, the resident's vehicle access will be on the existing narrow, in poor-condition, privately maintained road. This additional future daily use, not to mention the initial intense heavy construction period, will degrade the pavement further and probably require some agreement with applicant to restore pavement or sub-base to current condition.
7. If the proposed residence is relocated to the center of the lot, the application states that "no woodlands will have to be disturbed". However, it appears that the new driveway disturbance- area, while technically not the footprint of the "residence", may require the removal of several mature large trees.

In summary, it appears it may be in the applicant's best interest to leave the proposed residence where it was originally sited and for which the Health Department gave its approval.

Please add these comments to the record on this matter.

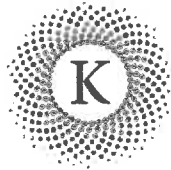
I plan to appear at the December 5th hearing.

Thank you.

Best regards,

Robert Sisson
58 Leeland Road
Edgewater MD 21037
571-309-7599
rsisson3185@gmail.com

Sent from my iPhone



KALAS
FUNERAL HOME & CREMATORY
Celebrating Life's Journey

PRO. EXHIBIT# 2
CASE: 2023-0174-V
DATE: 12/5/23

December 2, 2023

Anne Arundel County
Office of Administrative Hearings
44 Calvert, Room 433
Annapolis, MD 21401

Re: 23 Leeland Road, Edgewater MD 21037
Variance 2023-0174-V
Attn: Holly Colby
zhcolb22@aacounty.org
(410) 222-1266

Dear Ms. Colby,

I am writing in regard to variance application 2023-0174-V, filed by Mr. John M. Powell, Jr., and set for an upcoming hearing on December 5th, 2023. I am writing as the President and a Member of Kalas Edgewater, LLC, which owns 2973 Solomons Island Road, Edgewater MD, 21037. Kalas Edgewater, LLC operates Kalas Funeral Home and Crematory on the lot directly to the northwest of 23 Leeland Road, Edgewater MD 21037, which is the subject property that Mr. Powell seeks a variance for.

We have reviewed the variance application and supporting materials. At this time, Kalas Edgewater, LLC has no objection to the variance requested by Mr. Powell. If there is any further action requested, please advise. Thank you very much for your consideration.

Sincerely,

Robert P. Kalas

cc: Mr. John M. Powell, Jr.
1108 Niblick Court, Arnold MD 21012

PRO. EXHIBIT# 3
CASE: 2023-0174-V
DATE: 12/5/23

December 3, 2023

RE: Walker Comments
23 Leeland Road Edgewater, MD
Variance 2023-0174-V

To whom it may concern:

After finding the Notice of Variance this past Friday December 1, 2023, we have attempted to pull our thoughts together concerning the proposed variance and respective proposed improvements to 23 Leeland Road, Edgewater MD with the following.

We, Heather and John E. Walker, Jr, P.E., would like to start off with notifying all parties we, owners of Parcel 408 (Lots 1 & 2) were never contacted by a representative of Rocco Enterprises, LLC or by Mr. John Powell, Jr. concerning the variance request and/or development of the subject property (23 Leeland Road, Edgewater MD). We are very concerned that our prescriptive and deeded right-of-ways will be severely impacted including severing our current dirt road access to our property (Parcel 408 Lot 2 situated to the south of Parcel 161 along the water see attached Figure 1 and marked Variance Exhibit).

We were cutting the grass along our prescriptive right-of-ways on September 3, 2023, when Mr. John Powell, Jr. approached my wife to learn what we were doing. She explained to him that the upper and lower dirt road with respective improvements made by my family, over the last 40 years which I can personally recall, included but weren't limited to cutting the grass, tree removal, stone infill to mitigate for potholes, etc. Mr. Powell witnessed us cutting the grass on the upper and lower roads. We were surprised to see that the variance exhibit does not reflect either prescriptive right-of-way. More to the point the proposed house has been located in the center of the upper road including the turnaround (see attached marked Variance Exhibit). The septic tank with respective septic drywells are located in the center of the existing roadway; however, we realize that septic system components could be sited as long as they are designed to resist traffic loading. Similarly, the stormwater management drywells will need to be protected for traffic loading if located in the area where vehicular traffic will be realized.

There are several issues on the exhibit presented for the variance (page 2 of 4) which should be corrected prior to the variance being reviewed. We believe a title search may reveal that there are no public right-of-ways along the periphery of the property only private right-of-ways, which are:

1. For Lot 2 of Parcel 408 (See Figure 1) there is a deeded 15 foot right-of-way running along and northwest of the last 110 feet of the last line of this description (from L811 F 68 - N 29d 49' E 150.8 FT of Parcel 274) to the Solomons Island Road. The right of way from P 274 to Solomons Island Road is further described in the plat recorded in Liber 2616 Folio 74 prepared by Edward Hall, III, which ultimately leads to the public right-of-way. When the South River Bridge was Constructed MDOT reconfigured the public right-of-way to relocate the private connection to the end of the state platted right-of-way, formally known as Leeland Road owned by the State of MD. The way in which the house has been located, the first 15 feet of the overall 40-foot driveway situated on Parcel 274 is atop of the deeded right of way. The remaining apron to the southeast is located on private property. See next point.
2. To the best of our knowledge there is no private right-of-way that is located on Parcel 161. The use in common private right of way which crosses Parcel 159 and Parcel 176 are for the

exclusive use of Parcels 159, 161, and 176. This means the roadway which fronts those parcels are not for use by Parcel 274 unless there has been a land record recorded to allow for Parcel 274 to use the existing right of way on Parcels 159 and 176 along with creating a new right of way across Parcel 161. We should all realize if an instrument has not been recorded in the land records allowing for Parcel 274 to use any portion of Parcels 176, 159 and 161 for a right-of-way, then the improvements will need to be expanded to include a driveway leading from the north of the Parcel 274 to the sited house. This will increase tree removal and disturbance to more steep slopes with respective buffers.

3. The existing conditions have not been fully represented. The lower and upper existing dirt roadways with turn around have not been reflected on the plans. The existing fencing has not been reflected nor the extents of the trees. The trees which will need to be removed for the improvements shown on the variance exhibit will be in the range of 20 to 40" DBH. Currently, the sizes and locations of the trees that will need to be removed are not represented on the variance exhibit. We just walked the parcel today to confirm the trees called out above are still there.
4. We are of the belief that, at a minimum, an Administrative Plat is warranted to allow for the issues to be resolved as well as defining what road improvements to the private right of way known as Leeland Road are to be handled which should include the extension of the 5' widening strip reflected on plat recorded in Liber 2616 Folio 74. We understand that in the documents prepared by Rocco Enterprises, LLC. it was explained how part of the original tract of land formally known as Parcel 117 on Tax Map 26 containing 2.26 AC was subdivided and legalized the remnant which is the subject property Parcel 274. This still needs to go through the same process as Parcel 117 did to define what is reflected on the Parcel 117 plat. This would include platting the septic area, forest conservation easements, depiction of the right-of-ways that encumber the property, etc.
5. It may appear that GIS linework might have been utilized in the development of the exhibits which don't accurately depict the actual property lines and does not reflect the right-of-ways.
6. The calculations will need to be updated to accurately account for the trees to be removed if the proposed house remains in the location as shown on the variance documents.
7. How close may a SWM drywell be installed to a Septic Drywell?
8. We concur that the area is unable to support drywells installed on the steep slopes as we have clay lenses which lend to water flowing horizontally which causes the slope failures.
9. It would appear that the 25% steep slopes need to be better identified by adding hatch to understand the actual limits of the 25% steep slopes. It would appear the majority of the house will reside in the steep slope buffer, but the buffer is not identified adequately to know its extents.
10. Since sheet 2 of 4 was submitted, the remainder of the plan set, namely Sheets 1, 3 and 4, should be provided. Perhaps some of the outstanding questions we have might be answered by the content on those sheets.
11. We have taken sheet 2 of 4, the variance exhibit, and marked it with our field observations, the deed references, right of way references, and respective items not reflected on the site plan that we could gather over the last two days.
12. We have read that the applicant and/or applicant's representative believes there is a traffic issue along the frontage of Parcel 274 which would also have to exist along the private road

leading from the edge of Parcel 274 to Parcel which is the marina. We would completely disagree with 'a lot of traffic comes out of a one lane road' this as there are currently three houses, one of which is on the marina property. As we understand the marina operations there are no services outside of the mooring of boats in 23 slips. There are no pull-out services via ramp or sling cranes, no pump out services, no convince store or eating facilities, no fueling capabilities, no area to serve as recreation area and most of the boats are pulled during the cold weather which are pulled and stored offsite.

Due to the lack of services at the marina typical vehicular traffic realized at most marinas including but not limited to refueling trucks, trucks with trailers, pump out trucks etc. aren't visiting the marina in question. From our observations during the summer months very few trips per day are made. We believe that all three parcels (159, 161, and 176), during the summer months, may generate about 10 to 16 trips per day (TPD), which utilize the 15 foot right of way crossing Parcel 274. The TPD estimate includes residential traffic, marina boat users and delivery trucks to each of the parcels.

It should be noted that in Leeland Road the public right of way in front of my house at 12 Leeland Road, which the traffic from the private right-of-ways of Leeland Road and Slama Road are attached to, stands a basketball net. Between the basketball net and other sports endeavors the kids are playing in the road where all of the traffic generated from the residences and the maria pass without incident.

In short, we have only had since Friday December 1, 2023, to review the variance documents and assemble this comment letter. We hope that we have found all of the major issues that need to be addressed; however, there may be items that still need to be vetted. All in all, we believe that a full title search accompanied by a field-run survey accounting for all existing conditions should be performed to produce accurate exhibits and/or construction plans.

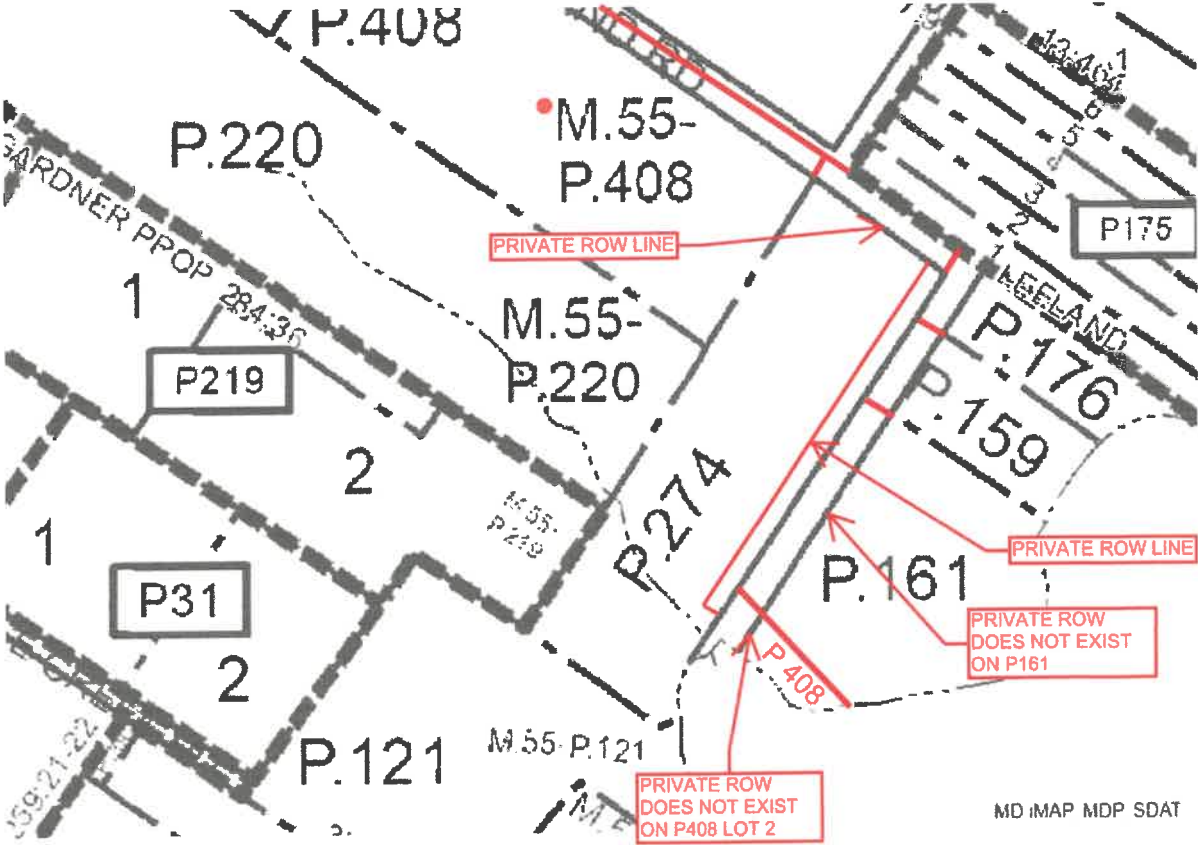
We plan on attending the hearing on December 5, 2023.

We formally request that from this point on any developments on the permitting for the property be sent to us for coordination purposes, especially if our right-of-ways are affected.

Respectfully,

Heather Walker & John E. Walker, Jr, PE
12 Leeland Road
Edgewater, MD 21037
410703-5034
johnnewalkerjr@yahoo.com

Figure 1: Taken from Tax Map and commented on to reflect locations of Rights of Way.



ROCCO ENTERPRISES, LLC
 127 LEBRAND DRIVE, SUITE 12
 ANNAPOLIS, MD 21401
 P.O. Box: PPA120206863
 Tax Account #1000021720
 Box 12, LEBRAND ROAD
 EDGEWATER, MD

This user does not constitute Health Department or Building Permit approval for the referenced site. The Anne Arundel County Department of Health has completed an evaluation of the above referenced property. Permitted work may be conducted on 05/17/2023. Additional design requirements are based on a proposed house site layout. 2023.05.17 requires fire and life safety code.

Notes: THIS IS A...
 Initial Drain Falls: Right-of-way symmetric
 Top of 1: 110.0
 Top of 2: 110.0
 Top of 3: 110.0
 Top of 4: 110.0
 Top of 5: 110.0
 Top of 6: 110.0
 Top of 7: 110.0
 Top of 8: 110.0
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 Top of 100: 110.0

Other: FENCE LOCATIONS TO BE FIELD LOCATED.

A stormwater management plan will be required to the design of the average stormwater system. The reason for this requirement is the property is located in the Chesapeake Bay watershed as required by COMAR 26.06.02.01.

The elevation design requirements listed above are for the purpose of preparing site plans for the referenced property. Before approval of a single permit for this property is considered, the (1) copies of a site plan should include all items on the enclosed site plan requirements sheet, a drainage management plan, a topographical map of the proposed site, and the layout of the proposed building, site, and any other improvements to be prepared by the owner/contractor and submitted to the office for review.

CRITICAL AREA TABULATION:

1. SITE AREA: 2.337 ACRES OR 101,800 SQ.FT.
2. MAXIMUM LOT COVERAGE ALLOWED: 15% OR 15,270 SQ.FT.
3. EXISTING LOT COVERAGE:
4. PROPOSED LOT COVERAGE: 2,844 SQ.FT.
 - a) HOUSE 40x45 = 1,800
 - b) PORCH 8x12 = 96
 - c) STOOP = 48
 - d) DRIVE = 900
 - e) 2,844
5. FORESTATION/WOODLAND REQUIRED: 15% OR 15,270 SQ.FT.
 - a) EXISTING WOODLAND 45,800 SQ.FT.
 - b) EXISTING WOODLAND TO BE REMOVED: 10,000 SQ.FT. ONLY FOR NEW APPROVAL

The blue dashed line represents the approximate location of the upper dirt road. This road has been utilized for access to Parcel 408 Lot 2 for over 50+ years.

This lot is not vacant but is improved with a building housing Kalas Funeral Home with associated parking areas. However, it is believed the rear of the property depicted hereon is encumbered by a FCE.

There are trees in this area with sizes starting a 10" DBH to ~40" DBH. Two of the biggest are located in the footprint of the turn around center/proposed house.

Begin 15 foot right-of-way for Lot 2 of Parcel 408

5' Widening Strip for AACO

Improved with Shed, Well, and Road

15 foot right-of-way for Parcels 159, 161 & 176

15 foot right-of-way for Lot 2 of Parcel 408

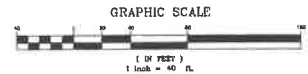
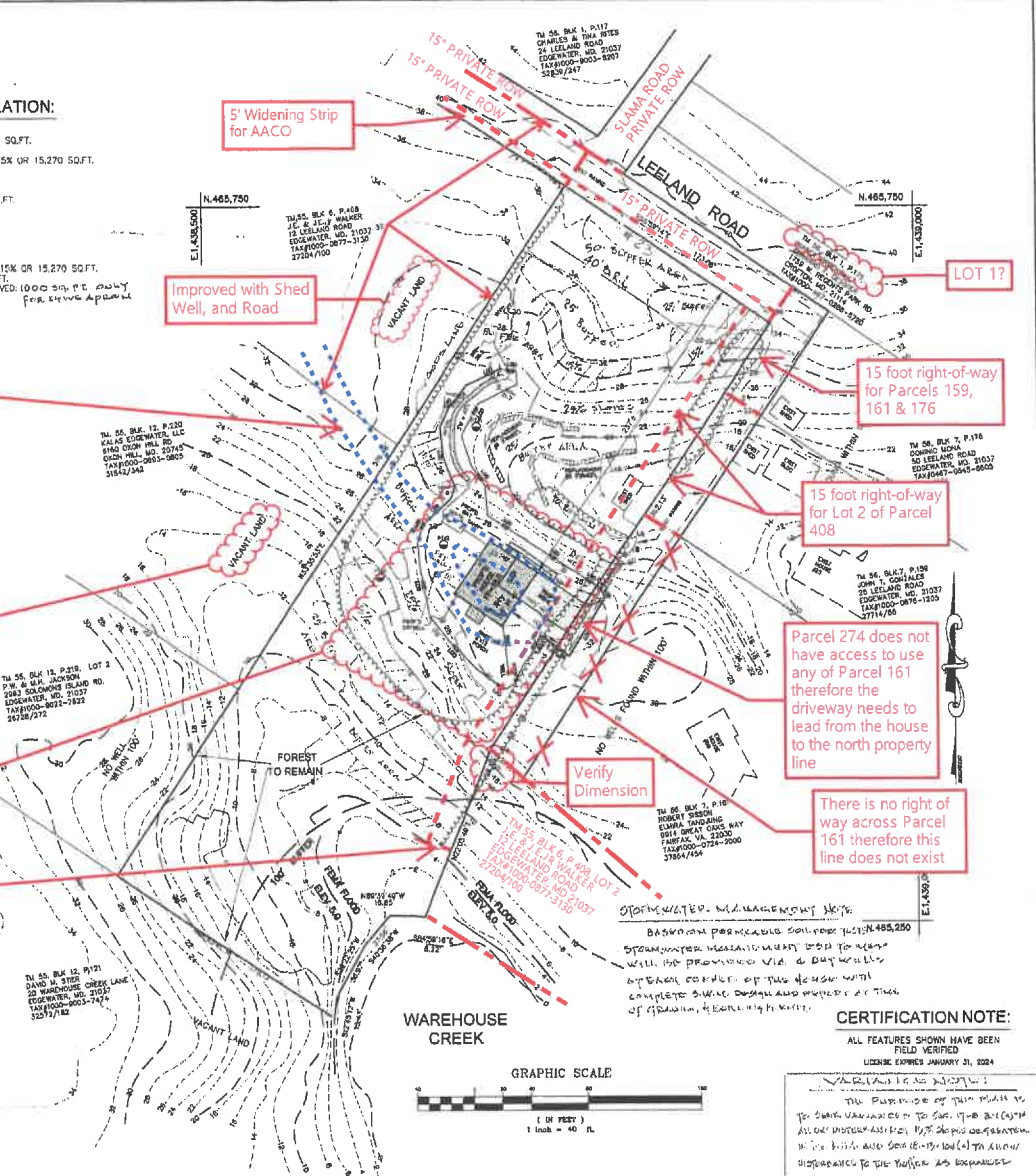
Parcel 274 does not have access to use any of Parcel 161 therefore the driveway needs to lead from the house to the north property line

There is no right of way across Parcel 161 therefore this line does not exist

SOIL TYPES			
SYMBOL	NAME	HSG	AREA
AuB	ANNAPOLIS	C	2.337 AC.

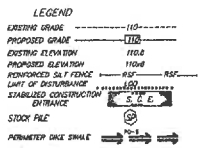
GENERAL NOTES:

1. WATER MASTER PLAN W-6, WATER SERVICE AREA 210, PLANNED PUBLIC SERVICE
2. SEWER MASTER PLAN S-6, SEWER SERVICE AREA ANNAPOLIS ISA, FUTURE PUBLIC SERVICE
3. SITE IS IN THE L.D.A. CRITICAL AREA
4. ALL ZONING IS R-1
5. SITE IS NOT IN A BOG OR BOG IMPACT AREA



CERTIFICATION NOTE:

ALL FEATURES SHOWN HAVE BEEN FIELD VERIFIED
 LICENSE EXPIRES JANUARY 31, 2024



REVISIONS		APPROVED BY	DATE	SCALE:	AS SHOWN	DATE:	SEPTEMBER, 2023	EXISTING CONDITIONS & RESOURCE MAPPING PLAN
1	DESCRIPTION							



ROCCO ENTERPRISES, LLC
 SURVEYING & LAND CONSULTING
 LAND DEVELOPMENT & PERMIT SERVICES
 127 LEBRAND DRIVE, SUITE 12
 ANNAPOLIS, MARYLAND 21401
 PHONE: 410-286-3122 / 301-201-0042
 EMAIL: ROCCO@ROCCOENT.COM

**TAX MAP 56, BLOCK 7
 PARCEL 274
 THE JOHN POWELL JR. PROPERTY**
 23 LEELEND ROAD, EDGEWATER, 21037
 TAX NO. 1000-9005-17473
 ZONING R-1, L.D.A. CRITICAL AREA
 FIRST DISTRICT ANNE ARUNDEL COUNTY, MARYLAND



Holly Colby <zhcolb22@aacounty.org>

Subject: 2023-0174-V, Application filed at AA County

1 message

PRO. EXHIBIT# 4
CASE: 2023-0174-V
DATE: 12/5/23

M

Caleb Royer <calebroyer@gmail.com>

To: zhcolb22@aacounty.org

Cc: pzanze99@aacounty.org, Danielle Royer <royer.danielle.e@gmail.com>

Ms. Colby,

My wife and I own property adjacent to the subject application address of 23 Leeland Road at 25 Leeland Road, i.e. Parcel 159.

We have comments on the application:

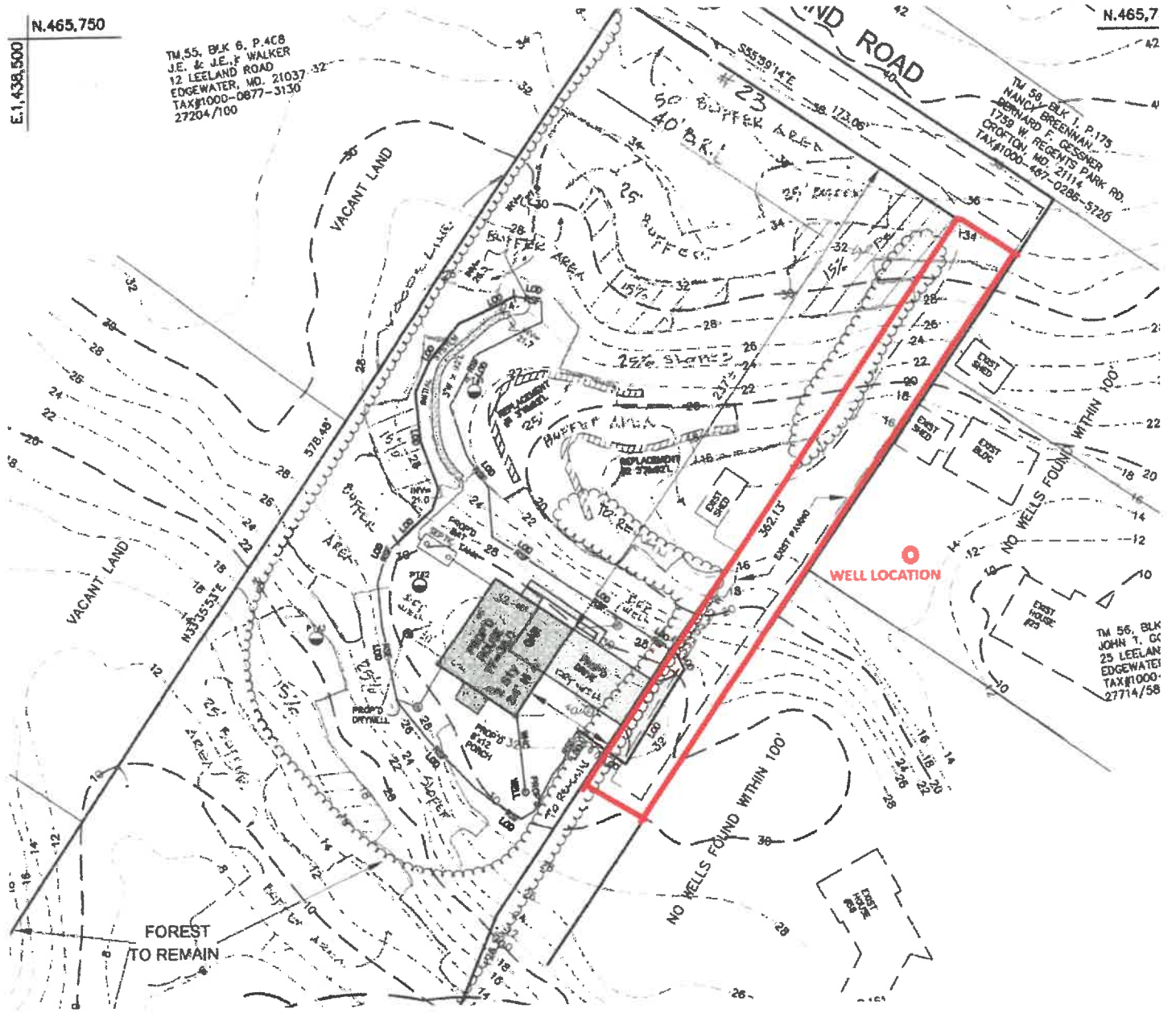
1. We are concerned about stormwater runoff from the home development, in either of the 2 proposed locations, as well as septic and leech plans and relative distance to our water well, in either of the 2 proposed locations. The site of the proposed residence is uphill from my water well and we are concerned about the impact the septic system could have on the quality of our water.
2. The proposed plan incorrectly states "no wells within 100 feet" which overlaps the area where our well is sited. This raises our concern about the accuracy of the other water treatment & stormwater runoff plans and drawings in the application package.
3. According to our deed, Parcel 274 does not have access along our parcel 159 via the red boxed area in the diagram I've attached, and the driveway would need to branch off the north property line along Leeland Rd.

The attached diagram illustrates these items on the original proposed plan.

E.1,438,500
N.465,750

TM 55, BLK 6, P.4C8
J.E. & J.E.F WALKER
12 LEELEND ROAD
EDGEWATER, MD. 21037-32
TAX#1000-0877-3130
27204/100

N.465,7



Thank you,
Caleb Royer
25 Leeland Rd
Edgewater, MD 21037
703-829-7087
calebroyer@gmail.com