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September 21, 2023

Via US Mail
Anne Arundel County
Department of Planning and Zoning
2664 Riva Road
Annapolis, MD 21401

Re: Variance Application
Requested Deviation from Lot Size Req. and Side of Lot Setbacks
Letter of Explanation

Sir or Madam,

My office has been retained to assist Ms. Tonya T. Brewer with a request for a variance to the minimum lot size requirement of an R1 single family residential property, as well as a variance to side lot line setbacks to both sides of the property located at 1422 Brewer Road Lot #2 containing approximately .42 acres.

Specifically, the property herein referenced is identified as follows:

Lot 1 and Lot 2 (1.25) Acres
County Lot 1
1422 Brewer Road,
Annapolis, MD 21409
Tax Map: 41 Grid: 13 Lot: 1 Parcel: 263

Legal Description Lot 2 ½ (.42 acres)
County Lot 2
Brewer Rd
Annapolis, MD 21409
Tax Map: 41 Grid: 13 Lot: 2 Parcel: 78

By way of background the property located at 1422 Brewer Road is comprised of two lots. Lot 1 comprises roughly 1.25 acres whereas Lot 2 comprises roughly .42 acres. There is an existing

single family dwelling on Lot 1 which is the home of Mr. William Brewer and Mrs. Doris Brewer. Lot 2 runs vertically along the length of Lot 1.

Ms. Brewer intends to develop the existing lots and ultimately subdivide 1422 Brewer Road into new lots for the erection of a single family home. Ms. Brewer intends this to be her principal residence to assist with the needs of her elderly parents.

As indicated on the attached site plans, the indicated size of the proposed new Lot 1 shall be 32,825 sq ft. while the proposed square footage of the new Lot 2 will be 40,000 sq. ft. This requires a downward deviation of approximately 7,175 sq ft. for Lot 1 to comply with the 40,000 sq ft. minimum lot size requirement for an R1 zoned property. As stated previously there is an existing structure on what will be identified as the new Lot 1.

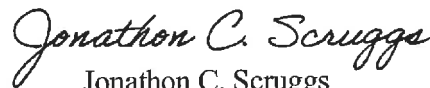
Further, the erection of said single family residence on Lot 2 will require deviation from the side lot set back requirement. Currently the combined side set back is established at 40 feet, with a minimum of 15 ft per set back. As indicated on the attached site plan, Ms. Brewer is requesting a downward deviation to the combined side set back to 36.54 ft at the rear of the proposed structure, and 36.45 ft at the front of the proposed structure. Moreover, Ms. Brewer is requesting a downward deviation of .24 ft. to the front right of the proposed structure.

The proposed variance is in keeping with the overall nature of the community, does not impose any hardship or undue imposition on the surrounding properties, and is the least restrictive measure to allow for the Applicant to proceed with her proposed construction.

All relevant documents, to include the application for variance, and the attendant site plan, list of adjoining properties, and the deed to the subject property have been attached for your review and reference.

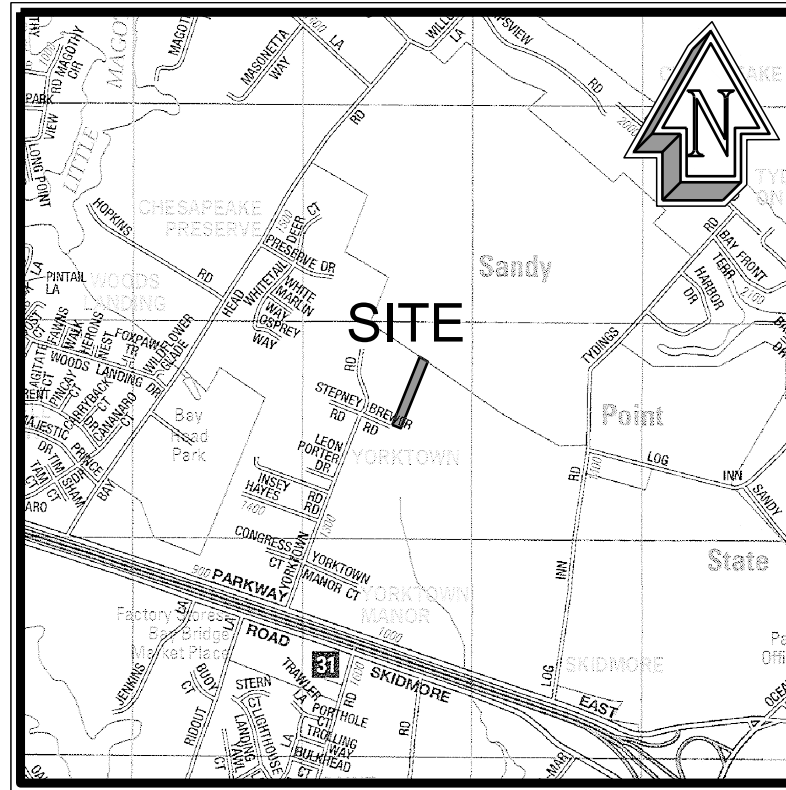
Please direct all correspondence regarding this matter directly to my office at my attention.

Sincerely,



Jonathon C. Scruggs
Attorney at Law

cc: Client



VICINITY MAP
SCALE: 1" = 2,000'
COPYRIGHT ADC THE MAP PEOPLE
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GENERAL NOTES

- CLIENT: TONYA BREWER, 1422 BREWER ROAD, ANNAPOLIS, MD 21409. ENGINEER: BAY ENGINEERING INC., 2661 RIVA ROAD, BUILDING 800, ANNAPOLIS, MD 21401.
- THE PROPERTIES ARE KNOWN AS: TAX MAP 41, GRID 13, PARCEL 263; TOTAL AREA = 55,329 SQ. FT. OR 1.270 AC. DEED REF: 2574 / 598.
- EXISTING ZONING OF THE SITE IS R1 (RESIDENTIAL DISTRICT).
- THE SITE ADDRESS IS: 1422 BREWER ROAD, ANNAPOLIS, MD 21409.
- TAX ACCOUNT NOS: 03-000-02637700 / 03-000-90212937.
- EXISTING BOUNDARY AND FEATURES SHOWN HEREON WERE TAKEN FROM DEEDS AND PLATS OF RECORD AUGMENTED WITH GIS DATA. A FIELD RUN BOUNDARY/TOPOGRAPHICAL SURVEY WAS NOT PERFORMED AT THIS TIME.
- THIS DATA WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT, WHICH MAY SHOW ADDITIONAL CONVEYANCES, EASEMENTS, COVENANTS, RIGHT OF WAYS OR MORE STRINGENT BUILDING RESTRICTIONS NOT SHOWN HEREON.
- THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY DESCRIBED HEREON IS LOCATED IN THE FLOOD HAZARD ZONE "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DELINEATED ON THE FIRM FLOOD INSURANCE MAP #24003C0195F DATED FEBRUARY 18, 2015 FOR ANNE ARUNDEL COUNTY AND DISTRIBUTED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- WATER AND SEWER CATEGORIES: WATER - NO PUBLIC SERVICE PROVIDED - (W-7, BROADNECK); SEWER - EXISTING SERVICE - (S-7, BROADNECK).
- NO STEEP SLOPES PRESENT ON THIS SITE.

SURVEY CONTROL NOTE

THE COORDINATES AND ELEVATIONS SHOWN HEREON ARE BASED ON RTK (REAL TIME KINEMATIC) OBSERVATIONS UTILIZING KEYNET GPS NETWORK. THE HORIZONTAL DATUM IS REFERENCED TO MARYLAND STATE PLANE NAD (83/91) AND THE VERTICAL DATUM IS REFERENCED TO NAVD 88.

EXISTING LOT COVERAGE SUMMARY	
DESCRIPTION	AREA
TOTAL SITE AREA	72,825 SQ. FT. ± (1.672 AC. ±)
MAXIMUM LOT COVERAGE ALLOWED (25%)	18,206 SQ. FT. ± (0.417 AC. ±)
EXISTING IMPERVIOUS AREA (ON-SITE ONLY)	
EX. DWELLING	3,726 SQ. FT. ± (0.085 AC. ±)
EX. PAVED DW	9,719 SQ. FT. ± (0.223 AC. ±)
EX. GAZEBO & SHEDS	542 SQ. FT. ± (0.012 AC. ±)
EX. CONC., BRICK, WALLS & WALKS	1,715 SQ. FT. ± (0.039 AC. ±)
EXISTING DEVELOPED WOODLANDS (ON-SITE)	
EXISTING DEVELOPED WOODLANDS - TBR (25.8%)	13,496 SQ. FT. ± (0.309 AC. ±)
REMAINING DEVELOPED WOODLANDS (74.2%)	3,484 SQ. FT. ± (0.079 AC. ±)
REMAINING DEVELOPED WOODLANDS (74.2%)	10,012 SQ. FT. ± (0.230 AC. ±)

* DOES NOT INCLUDE PORTION OF DRIVEWAY WITHIN RW.
** EXISTING WOODLANDS / CANOPY COVER SHOWN HEREON, ARE BASED UPON FIELD LOCATED TREES & WOODS LINE AND AUGMENTED WITH A.A. CO. AERIAL & GIS IMAGERY.
*** ALL EXISTING IMPERVIOUS COVERAGE TO REMAIN.

SOILS TABLE

SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRIC SOIL	HIGHLY ERODABLE SOIL
CxA	CUMBERSTONE-MATTAPEX COMPLEX (0 TO 2% SLOPES)	"C/D"	34.7%	YES	NO
SpA	SHADYOAK-ELKTON COMPLEX (0 TO 5% SLOPES, FREQUENTLY PONDED)	"B/D"	65.3%	YES	NO

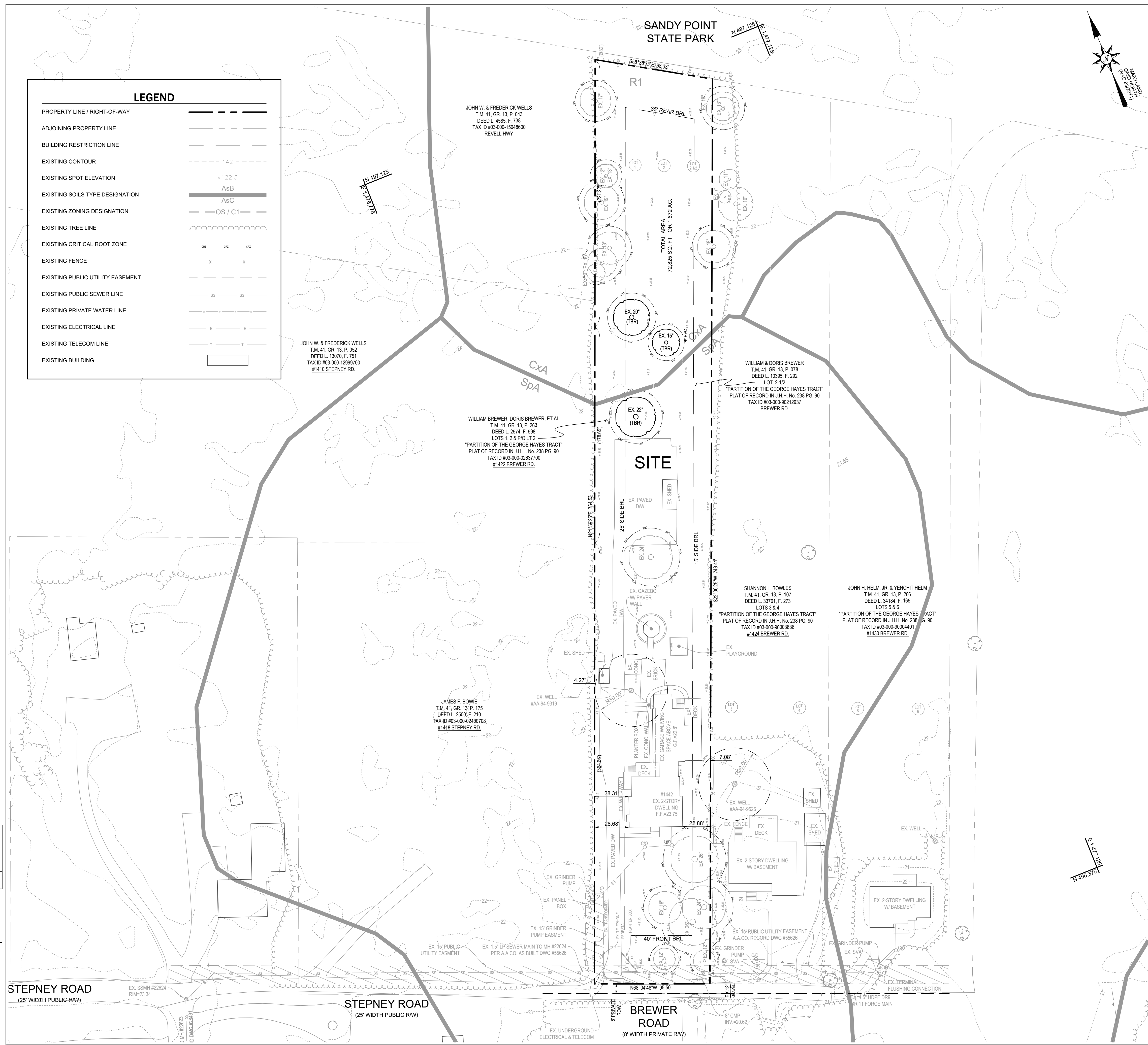
VARIANCE REQUEST

- § 18-4-501. BULK REGULATIONS.
- STATES IN PART THAT THE MINIMUM LOT SIZE IS 40,000 SQUARE FEET.
 - STATES IN PART THAT THE MAXIMUM COVERAGE BY STRUCTURES SHALL BE LIMITED TO 25% OF GROSS AREA. FURTHER STATED IN PART, THAT THE MAXIMUM NET DENSITY IS ONE DWELLING UNIT PER 40,000 SQUARE FEET.
 - STATES IN PART THAT THE MINIMUM WIDTH AT FRONT BUILDING RESTRICTION LINE SHALL BE 125 FEET AND THAT THE SETBACKS FOR PRINCIPAL STRUCTURES SHALL BE 15 FEET MEASURED FROM THE SIDE LOT LINE.



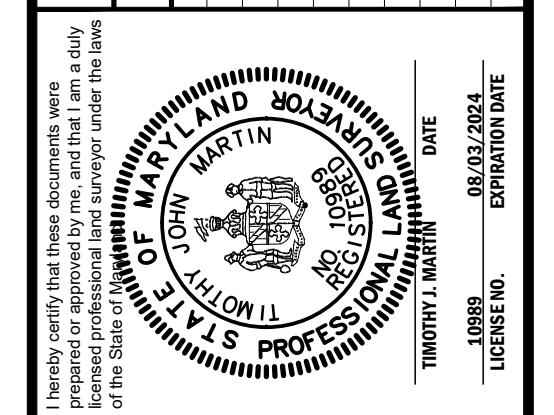
CALL BEFORE YOU DIG!
MARYLAND LAW REQUIRES 48 HOURS NOTICE BEFORE PLANNED WORK TO MARK UNDERGROUND UTILITIES PRIOR TO EXCAVATION
MISS UTILITY: 1-800-257-7777

LEGEND	
PROPERTY LINE / RIGHT-OF-WAY	---
ADJOINING PROPERTY LINE	---
BUILDING RESTRICTION LINE	---
EXISTING CONTOUR	--- 142 ---
EXISTING SPOT ELEVATION	x122.3
EXISTING SOILS TYPE DESIGNATION	AsB
EXISTING ZONING DESIGNATION	OS / C1
EXISTING TREE LINE	---
EXISTING CRITICAL ROOT ZONE	---
EXISTING FENCE	X X X
EXISTING PUBLIC UTILITY EASEMENT	---
EXISTING PUBLIC SEWER LINE	SS SS
EXISTING PRIVATE WATER LINE	---
EXISTING ELECTRICAL LINE	E E
EXISTING TELECOM LINE	T T
EXISTING BUILDING	---



EXISTING CONDITIONS PLAN
SCALE: 1" = 40'

Rev. #	By	Date	Description



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t.brewer@bayengineering.com
www.bayengineering.com

Date: AUGUST, 2023
Job Number: 23-9013
Scale: AS SHOWN
Drawn By: J. MARLOWE, M. GILLESPIE
Approved By: T. MARTIN
Folder Reference: TONYA BREWER BREWER ROAD

VARIANCE SITE PLAN - EXISTING CONDITIONS
FOR THE
WILLIAM AND DORIS BREWER PROPERTY
1422 BREWER RD, ANNAPOLIS, MD 21409
TAX MAP 41 - GRID 13 - PARCEL 263
DEED REFERENCES: 0395 / 292 & 2574 / 598
T.A. #03-000-90212937 / #03-000-902637700 - ZONED: R1
THIRD DISTRICT - ANNE ARUNDEL COUNTY

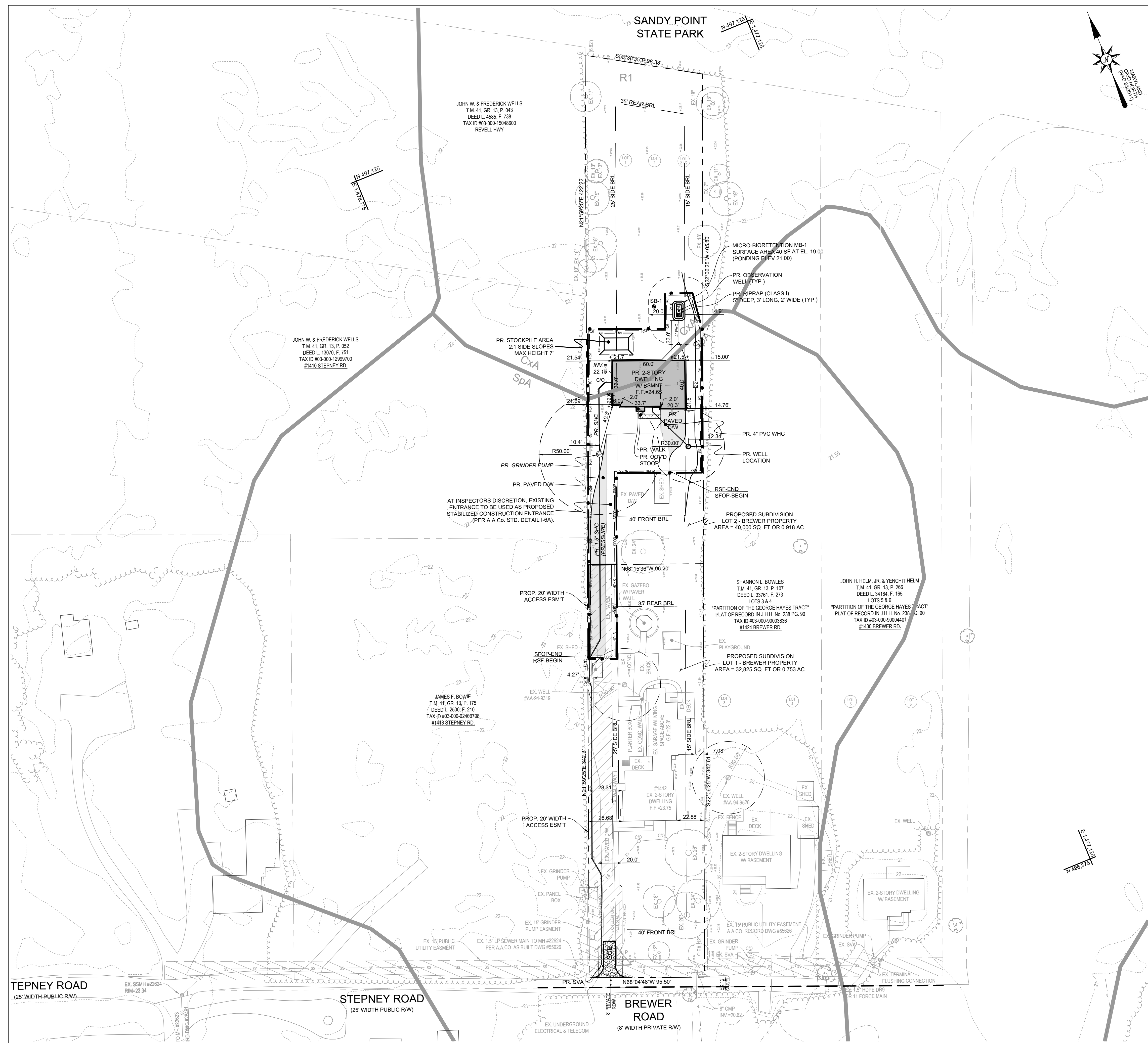
GRADING PERMIT PLANS
FOR THE
WILLIAM AND DORIS BREWER PROPERTY
1422 BREWER RD, ANNAPOLIS, MD 21409
TAX MAP 41 - GRID 13 - PARCEL 263
DEED REFERENCES: 0395 / 292 & 2574 / 598
T.A. #03-000-90212937 / #03-000-902637700 - ZONED: R1
THIRD DISTRICT - ANNE ARUNDEL COUNTY

Sheet No. 1 OF 2

PROPOSED SUBDIVISION AREA TABULATION		
DESCRIPTION		AREA
TOTAL SITE AREA		72,825 SQ. FT. ± (1.672 AC. ±)
MAXIMUM LOT COVERAGE ALLOWED (25%)		18,206 SQ. FT. ± (0.417 AC. ±)
PROPOSED ACCESS EASEMENT		6,923 SQ. FT. ± (0.158 AC. ±)
LOT 1 - PROPOSED LOT SIZE		32,825 SQ. FT. ± (0.753 AC. ±)
ALLOWABLE LOT COVERAGE (25%)		8,206 SQ. FT. ± (0.188 AC. ±)
1% LOT COVERAGE		328 SQ. FT. ± (0.007 AC. ±)
EXISTING LOT COVERAGE		11,000 SQ. FT. ± (0.213 AC. ±)
EX. DWELLING		3,726 SQ. FT. ± (0.085 AC. ±)
EX. PAVED DW		5,317 SQ. FT. ± (0.122 AC. ±)
EX. GAZEBO & SHED		242 SQ. FT. ± (0.005 AC. ±)
EX. CONC., BRICK, WALLS & WALKS		1,715 SQ. FT. ± (0.039 AC. ±)
PROPOSED LOT COVERAGE		928 SQ. FT. ± (0.021 AC. ±)
PR. PAVED DW		928 SQ. FT. ± (0.021 AC. ±)
TOTAL PROPOSED LOT COVERAGE		11,928 SQ. FT. ± (0.273 AC. ±)
PROPOSED LIMIT OF DISTURBANCE		1,817 SQ. FT. ± (0.041 AC. ±)
LOT 2 - PROPOSED LOT SIZE		40,000 SQ. FT. ± (0.918 AC. ±)
ALLOWABLE LOT COVERAGE (25%)		10,000 SQ. FT. ± (0.229 AC. ±)
1% LOT COVERAGE		400 SQ. FT. ± (0.009 AC. ±)
EXISTING LOT COVERAGE		4,702 SQ. FT. ± (0.108 AC. ±)
EX. PAVED DW		4,402 SQ. FT. ± (0.101 AC. ±)
EX. SHED		300 SQ. FT. ± (0.007 AC. ±)
PROPOSED LOT COVERAGE		3,989 SQ. FT. ± (0.091 AC. ±)
PR. DWELLING		2,336 SQ. FT. ± (0.053 AC. ±)
PR. PAVED DW		1,586 SQ. FT. ± (0.036 AC. ±)
PR. CONCRETE		64 SQ. FT. ± (0.001 AC. ±)
TOTAL PROPOSED LOT COVERAGE		8,688 SQ. FT. ± (0.199 AC. ±)
PROPOSED LIMIT OF DISTURBANCE		13,822 SQ. FT. ± (0.317 AC. ±)

LEGEND

PROPOSED PROPERTY LINE	---
ADJOINING PROPERTY LINE	---
PROPOSED BUILDING RESTRICTION LINE	---
EXISTING CONTOUR	--- 142 ---
EXISTING SPOT ELEVATION	×122.3
EXISTING SOILS TYPE DESIGNATION	AsB
EXISTING ZONING DESIGNATION	OS / C1
EXISTING TREE LINE	~ ~ ~
EXISTING FENCE	- x - x -
EXISTING PUBLIC UTILITY EASEMENT	---
EXISTING PUBLIC SEWER LINE	SS SS
EXISTING PRIVATE WATER LINE	---
EXISTING BUILDING	[]
PROPOSED SPOT ELEVATION	+ 5.00
PROPOSED CONTOUR LINE	[20]
PROPOSED LIMIT OF DISTURBANCE	--- • ---
PROPOSED REINFORCED SILT FENCE	RSF RSF
PROPOSED ACCESS EASEMENT	[]
PROPOSED UTILITY EASEMENT	[]
PROPOSED BUILDING	[]
PROPOSED STABILIZED CONSTRUCTION ENTRANCE	[]
PROPOSED DRIVEWAY	[]
PROPOSED STORMWATER MANAGEMENT (M-6)	[]
PROPOSED PRIVATE WATER LINE	---
PROPOSED PRIVATE SEPTIC LINE	---



PROPOSED CONDITIONS PLAN
SCALE: 1" = 40'

Revisions	
Rev. #	Description

I hereby certify that these documents were prepared by me or under my direct supervision and that I am a duly licensed professional land surveyor under the laws of the State of Maryland.

TIMOTHY L. MARTIN
DATE: 08/23/2023
LICENSE NO.: 10898
EXPIRATION DATE: 08/23/2024

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T.A. #03-000-90219371#03-000-9021937100 - ZONED: R1
THIRD DISTRICT - ANNE ARUNDEL COUNTY

Sheet No. **2 OF 2**

PLOTTED: Sep 14, 2023 - 3:11pm

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MARYLAND LAW REQUIRES 48 HOURS NOTICE BEFORE PLANNED WORK TO MARK UNDERGROUND UTILITIES PRIOR TO EXCAVATION
MISS UTILITY: 1-800-257-7777

F:\23-9013 Tonya Brewer Brewer Rd\Drawing Files\Drawings\Plan23-9013 Variance Plan.dwg



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2023-0040-P
DATE: 10/06/2023
OPZ STAFF: Joan A. Jenkins
Diane Windell
I & P STAFF: Hala Flores

APPLICANT/REPRESENTATIVE: Jonathan Scruggs

EMAIL: jscruggs@msevanslaw.com

SITE LOCATION: 1422 Brewer Rd (P. 263) & P. 78

LOT SIZE: P. 263=1.25ac & P. 78=0.41 ac

ZONING: R1 **CA DESIGNATION:** n/a **BMA:** n/a **or BUFFER:** n/a **APPLICATION TYPE:** Variance

DESCRIPTION

The applicant wishes to combine the two parcels and subdivide into two lots. There is an existing dwelling on proposed lot 1 (40,000 sf). Lot 2 (32,825 sf) would be below the minimum lot size requirement for an R1 zoned property. Variances are required for lot size, lot width, density and setbacks as shown on the site plan for the proposed dwelling. In addition, the existing dwelling must meet the R1 setbacks when a subdivision is created. The existing dwelling does not meet the required setbacks and will require a variance as well.

COMMENTS

Residential Team: The Office of Planning and Zoning, Residential Division has no comment and defers to the Zoning Division with regard to this Variance.

Please be aware that any future development, including a Minor Subdivision, must adhere to all applicable County Code requirements as referenced in Article 17-3, including, but not limited to access to the future lots, bulk restrictions, topography, environmental and forestation guidelines and adequate public facilities.

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

1- SWM must meet ESD to the MEP based on the overall site. Based on COMAR criteria, the site is defined as continuous parcels that are owned by the same entity or being considered as part of a development plan. The SWM report, which will be required to approve the new proposed lot reconfiguration, needs to provide site fingerprinting and explore conservation first, then minimization of imperviousness, then non-structural practices (alternative surfaces, disconnections, and sheet flow to the protected area". Reliance on micro-practices changes the sheet flow pattern and places a maintenance burden on future homeowners and should be avoided to the extent practical.

The site area is defined in COMAR Title 26, Part 3, Subtitle 17 02 Definitions as follows:

3) "Site" means any tract, lot, parcel of land, or combination of tracts, lots, or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.(34) "Site development plan" means the second of three required plan approvals that include the information necessary to allow a detailed evaluation of a proposed project.

Determination: This office cannot recommend approval of the variance until the prefile comment is addressed adequately with the variance application.

Zoning Administration Section:

- Site plan: Indicate the height of the proposed dwelling on the site plan in the area of the dwelling footprint.
- There is ample room on the proposed Lot 2 to locate a dwelling in compliance with the R1 District bulk regulations without requiring a variance to setbacks.
- The applicant must indicate in the letter of explanation how the proposal meets Article 18-16-305 (a) and (c). In particular the letter should address the hardship in complying with the Code, the justification for the orientation of the dwelling as proposed, and how this application meets the minimum variance necessary.
- The applicant is reminded that if the variance is approved the site plan submitted becomes part of the decision. Any deviation from the site plan aside from changes made that are necessary by comments or requirements that arise during plan review or construction, provided those minor changes do not exceed any variance granted, may require a new variance application.

INFORMATION FOR THE APPLICANT

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.



Mark Wedemeyer, Director

Memorandum

TO: Sumner Handy, OPZ Zoning Division

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

SUBJECT: 1422 Brewer Road
2023-0166-V

DATE: October 23, 2023

Engineering and Utility Review

The above-referenced pre-file has/have been reviewed for Engineering and Utility issues, and the following comments apply:

Project Information: The property is located at 1422 Brewer Road. The applicant is proposing to merge two lots and then re-subdivide. There is a single-family dwelling on Lot 1. Lot 2 runs vertically along the length of lot 1. The applicant intends to merge the two lots and subdivide them into two new lots for building a second single-family dwelling. The new lot to be created will be below the minimum lot size requirement for an R1-zoned property. The construction of a new single-family residence on lot 2 will require deviation from the side lot setback requirement from 40 feet to 36.54 feet at the rear of the proposed structure and from 40 feet to 36.45 feet at the front of the proposed structure.

This office provided comments during the pre-file phase. Additional comments are indicated below:

- The pre-file comments were not addressed. A SWM concept plan that addresses ESD to the MEP through site fingerprinting and reliance on conservation or nonstructural SWM practices for the entire site was not performed to show that the subdivision of the site can be achieved without reliance on micro-structural practices.
- A minor subdivision application is required for subdividing this lot. A minor subdivision would require frontage improvements/ROW dedication.
- This subdivision would create a private road that is in excess of 150 feet in length with no emergency/fire turnaround and does not meet the minimum standards for a private road.
- A low-pressure sewer system serves this property and proposes to discharge into a private low-pressure sewer connection. Capacity has not been verified. Further, if other properties in the area are granted the same variance to increase the density, the current 1.5-inch low-pressure sewer may not be adequate.

Determination: Due to the comments above, this office does not recommend approval of the variance.