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April 10, 2024

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road, Third Floor
Annapolis, MD 21401

Re: Applicant: Sturbridge Quarterfield, LLC
7831 Quarterfield Road, Severn, Maryland 21144
Tax IDs: 04-000-90007496, 04-000-90007497, 04-000-90050282,
04-000-02010400
Tax Map 15, Grid 10, Parcels 18, 590, 591, 592, 607 (collectively, the "Property")
Letter of Explanation in Support of a Time Extension Variance for Variance
2022-0186-V

Dear Ms. Seay:

We represent Sturbridge Quarterfield, LLC ("Applicant") regarding this variance application which is being filed pursuant to §18-16-405(c) of the Anne Arundel County Code ("Code") for the purpose of requesting an extension of time for a variance approval. This application will help facilitate the development of a residential community on the Property, which is located on the South side of Quarterfield Road immediately west of the entrance ramp to I-97 South. On January 31, 2023, the Administrative Hearing Officer granted variance approval in Case No. 2022-0186-V to eliminate the 50% commercial floor area use requirements of Code § 18-10-123(2) to allow the development of the Property zoned C2 – Commercial Office District with no commercial uses. The approval allowed the Applicant to proceed with additional planning for the construction of multi-family residences and amenities on the Property.

The variance approval in Case No. 2022-0186-V applies to five parcels: Parcel 18, 590, 591, 592, and 607 in Block 10 on Tax Map 15 totaling approximately 4.7 acres. The Applicant has acquired title to an additional +/- 0.453 acres (Parcel 572) and is currently coordinating with SHA/MDOT to acquire the Gaither Road right-of-way ("SHA Parcel"). Acquisition of property from the State is a time consuming process. However, if the acquisition of the SHA Parcel can be accomplished, it will facilitate an improved site plan. If the Applicant is unable to acquire the SHA Parcel, it wishes to proceed with the approved development. The Applicant wishes to preserve the current variance approval while it determines if the acquisition of the SHA Parcel can be accomplished.

Without a time extension, the variance approval will expire on July 31, 2024. Despite good faith efforts by the Applicant to obtain necessary approvals, the complexity of the project combined with delays related to the purchase of the SHA Parcel necessitate an additional 18-month extension of time to obtain a building permit for the residential project.

As set forth below, good cause exists for the issuance of this time extension. Since receiving the variance approval, the Applicant has made diligent efforts to prepare required engineering and site plans and advance the development of the Property. The Applicant is actively pursuing the acquisition of the SHA Parcel to facilitate an improved residential site plan. The time required to work through the State's real property disposition process and additional rounds of due diligence have delayed obtaining site plan design and approval and issuance of a building permit. Despite the Applicant's efforts to advance this project, it is now clear that the Applicant will be unable to secure a building permit by the current July 31, 2024 variance expiration date. Therefore, the Applicant respectfully requests variance approval to extend the time to obtain a building permit by an additional 17 months (December 31, 2025).

Variance Requirements and Justification for Approval:

§ 18-16-305 of the Code sets forth the requirements for granting a variance. The Applicant submits that exceptional circumstances, being the complexity of the project combined with numerous delays related to the additional acreage and coordinating with SHA/MDOT on Gaither Road, justify the grant of the extension of time to avoid practical difficulties or unnecessary hardship and to enable the Applicant to develop the Property. Code § 18-16-305(a)(2). Given the enormous investment of monies and time that the Applicant has in the project, expiration of the variance cause a substantial hardship to the Applicant and would adversely impact efforts to address the County's current housing shortage.

Additionally, the Administrative Hearing Officer must also find that:

- (1) the variance is the minimum variance necessary to afford relief; and
- (2) the granting of the variance will not:
 - (i) alter the essential character of the neighborhood or district in which the lot is located;
 - (ii) substantially impair the appropriate use or development of adjacent property;
 - (iii) reduce forest cover in the limited development and resource conservation areas of the critical area;
 - (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area; nor
 - (v) be detrimental to the public welfare.

Code, § 18-16-305(c).

The additional 17 months is the minimum necessary to afford relief because, although the Applicant is fully committed to ensuring that the subject Property is developed to serve the housing needs of the County and surrounding community, the processing of required permit applications in the midst negotiating the purchase of the SHA Parcel cannot be accomplished within the current timeframe. The additional acreage and contemplated purchase of the SHA Parcel will require new

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engineering and site plans before initiating the County permit process. Code §18-16-305(c)(1). The original variance approval determined that the residential project and, concomitantly, this requested extension to secure a building permit, will not alter the essential character of the neighborhood. Code § 18-16-305(c)(2)(i). No additional variances to that already approved are requested with this time extension. The requested time extension will not substantially impair the appropriate use or development of adjacent property; rather, it will facilitate improvements to develop a needed multifamily residential project that is compatible with and serves the greater community. Additionally, this request directly applies to the development of adjacent property as the Applicant is working on acquiring the SHA Parcel. Code §18-16-305(c)(2)(ii).

The Applicant submits that the Property has no critical area or bog protection area, thus the requirements of Code §§18-16-305(c)(2)(iii) & (iv) are not applicable.

The time extension will not be detrimental to the public welfare. Code §18-16-305(c)(2)(v).

CONCLUSION

Variance approval is requested in order to have the additional time needed to obtain a building permit to facilitate completion and operation of this residential community.

Very truly yours,

YVS LAW, LLC

A handwritten signature in black ink, appearing to read "David M. Plott", written over a horizontal line.

David M. Plott