

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Wade Winkler & Jennifer Collins

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2025-0205-V

COUNCIL DISTRICT: 7

HEARING DATE: December 16, 2025

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow dwelling additions (decks, screened porch) with less setbacks and buffer than required on property located at 3300 Breckenridge Way in Riva.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 2.27 acres (98,881.2 square feet) of land, is located on the northeast side of the cul de sac of Breckenridge Way, and is identified as Parcel 421 in Grid 10 on Tax Map 55 in the Beards Creek subdivision. The waterfront property is located on Long Cove, a Beards Creek tributary, and is primarily zoned R2 – Residential District, with two small areas of OS - Open Space along the shoreline. The lot lies entirely within the Chesapeake Bay Critical Area, with the western half designated RCA - Resource Conservation Area and the eastern half designated LDA – Limited Development Area, and is mapped as a non-modified buffer. It is currently improved with a 2-story single family dwelling, a pier, and other associated facilities.

PROPOSAL

The applicants are proposing to remove the existing deck and a portion of the existing patio, and to construct a deck (12ft x 19ft) with a landing (5ft x 5ft) and steps to grade (5ft wide), an enclosed porch (13ft x 19ft x 16ft max. height), and a deck (6ft x 19ft) with steps to grade.

REQUESTED VARIANCES

§ 17-8-301 of the Anne Arundel County Subdivision and Development Code provides that development on properties containing buffers shall meet the requirements of COMAR, Title 27; and, § 18-13-104 of the Zoning Ordinance provides that there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, and that the 100-foot buffer shall be expanded beyond 100 feet to include slopes of 15% or greater.

The proposed construction will disturb the expanded buffer, necessitating a variance.
The final amount of disturbance will be determined during permit review.

A review of the bulk regulations for development within the R2 District reveals that a setback variance is not required.

FINDINGS

The subject property is oversized for lots served by public sewer in the R2 District with regard to the minimum lot size of 20,000 square feet and the minimum lot width of 70 feet. A review of the County aerial photography shows an eclectic mix of lots along the creek, with several of the larger lots heavily wooded. The existing deck at the subject property appears to have been constructed after 2005 without prior approvals.

The existing critical area lot coverage of the subject property is 7,787 square feet. The proposed removal and reconfiguration of lot coverage will result in a post-construction lot coverage of 7,605 square feet, which is well below the lot coverage allowed under § 17-8-402 (14,832.18 square feet, or 15% of the parcel). The post-construction coverage by structures was not provided; however, the overall lot coverage is still well below the 60% (59,328.72 square feet) maximum coverage by structures allowed under § 18-4-601.

The subject property had been granted two previous variances to build a dwelling in the expanded buffer: 1994-0489-V (which expired) and 1999-0186-V. The conditions of the 1999 decision included the stipulation that a 25 foot forested buffer (minimum) shall be maintained between the top of steep slopes and all disturbance. The existing and proposed improvements are located within that 25 foot buffer.

Building permit B02438403, to remove the existing deck and to construct a deck with a landing, a screened porch, and a deck with steps to grade, was submitted on July 9, 2025. Variance approval must be obtained prior to the permit being issued.

Agency Comments

The **Critical Area Commission** noted that if the Administrative Hearing Officer (AHO) finds that the applicants have met each and every one of the variance standards, appropriate mitigation should be required.¹

The **Development Division - Critical Area Team** offered no objection based on the reduction in size of the existing improvements and the removal of coverage located within the buffer, provided the AHO finds that this application meets the approval standards.²

The **Recreation and Parks Department** noted that a portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area, and that the proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The **Health Department** noted that the property is served by public water and sewer facilities, and has no objection to the variance request.

¹ Refer to the Critical Area Commission's comments for their detailed response.

² Refer to the OPZ Critical Area Team's comments for their detailed response.

Variance Criteria

For the granting of a Critical Area variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular property, strict implementation of the County's Critical Area Program would result in an unwarranted hardship. COMAR defines unwarranted hardship as that, without a variance, an applicant shall be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

In this particular case, nearly all of the subject property lies within the expanded buffer, therefore, replacing the existing deteriorated deck without disturbing this sensitive area would be impossible. As such, the granting of the variance will not confer on the applicant any special privilege that would be denied by COMAR. This variance request is not based on conditions or circumstances that are the result of actions by the applicants, and does not arise from any condition relating to land or building use on any neighboring property.

To offset the new lot coverage of the screened porch, the applicants propose to eliminate a portion of the existing patio, also located within the expanded buffer. With adequate mitigation, the granting of the variance will not adversely affect water quality or impact fish, wildlife, or plant habitat within the County's critical area, and will be in harmony with the general spirit and intent of the County's critical area program. Similarly, it will not reduce forest cover in the limited development area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area.

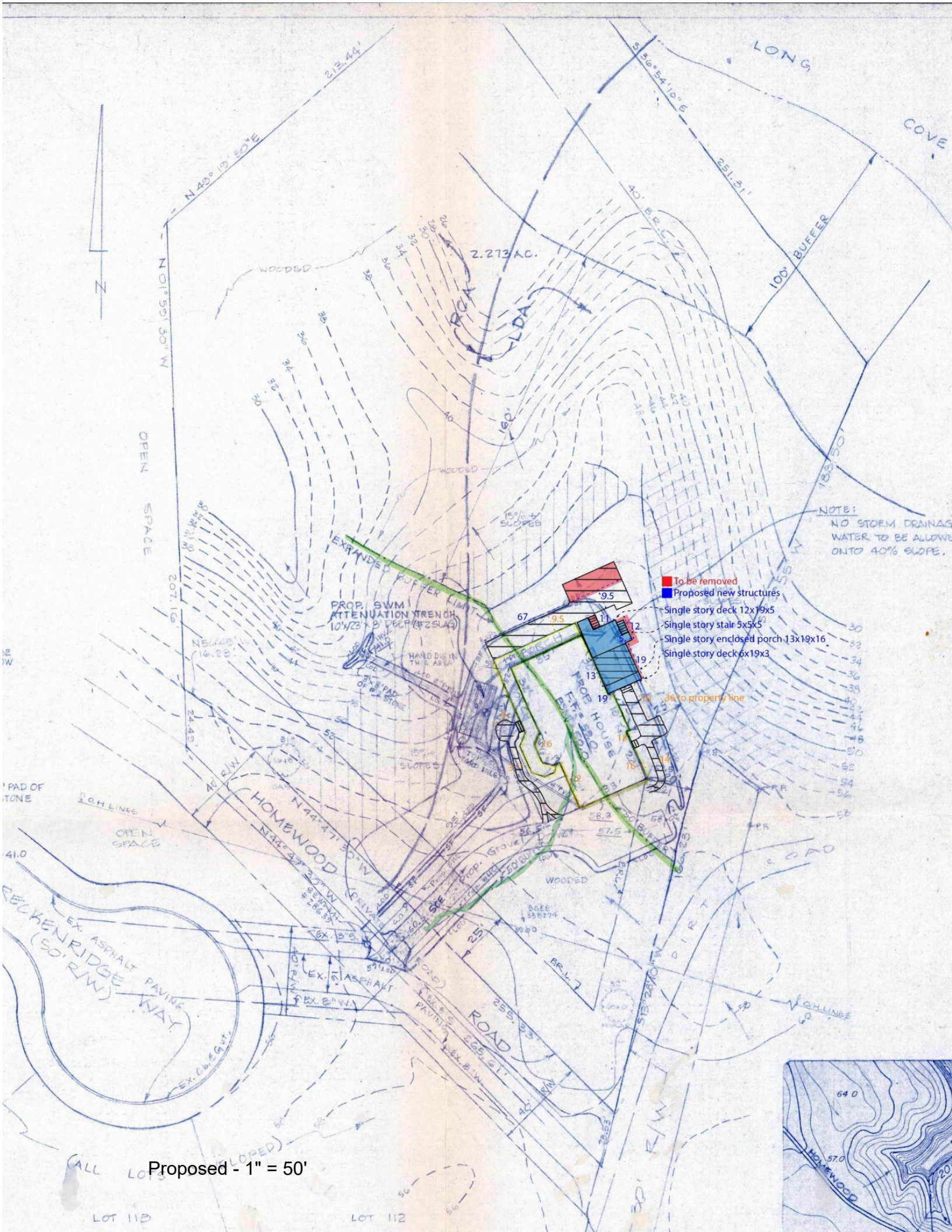
Because the applicant is proposing to rebuild within the footprint of the existing deck, the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, will not substantially impair the appropriate use or development of adjacent property, nor will it be detrimental to the public welfare.

RECOMMENDATION

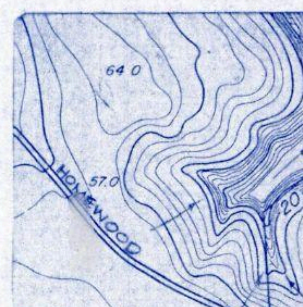
Based upon the standards set forth in § 18-16-305 under which a variance may be granted, ***conditioned on the proposed removal of lot coverage within the buffer***, this Office recommends:

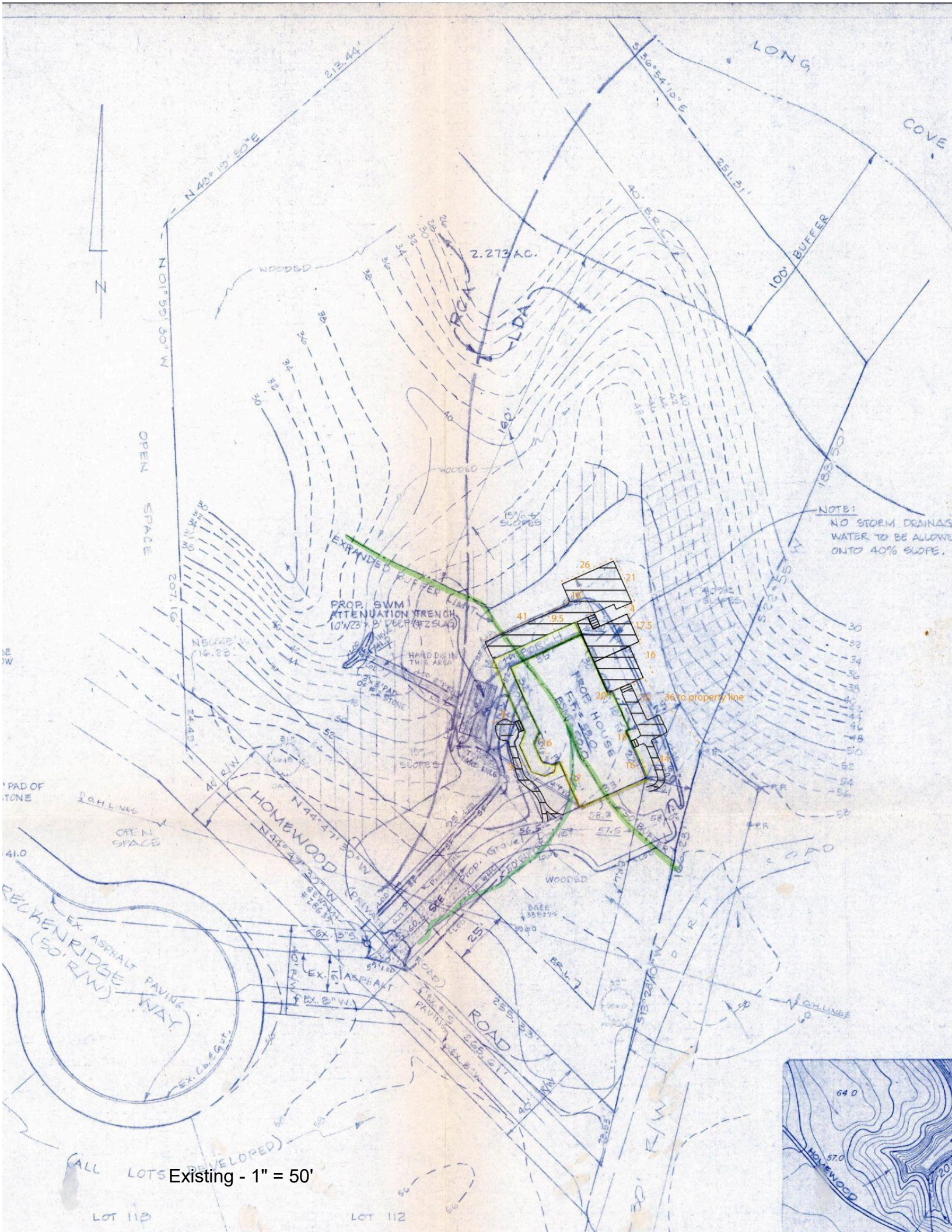
- ***approval*** of a Critical Area variance to § 17-8-301 to disturb the buffer; and,
- ***approval*** of a zoning variance to § 18-13-104 to allow disturbance to the buffer.
If granted, the final amount of disturbance will be determined during permit review.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant shall apply for and obtain the necessary building permits, and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.



Proposed - 1" = 50'





Letter of Explanation

Wade Winkler and Jennifer Collins

3300 Breckenridge Way

Riva, MD 21140

214-394-0540

jcollins-winkler@outlook.com

10/6/2025

Board of Appeals / Planning & Zoning Office

Anne Arundel County

44 Calvert Street

Annapolis, MD 21401

Re: Variance Request for Parcel 421, Block 10, Tax Map 55 (Breckenridge Way)

Dear Members of the Board,

We respectfully submit this request for a variance to allow for the removal and replacement of the existing deck on our property located on the northeast side of Breckenridge Way, approximately 600 feet southeast of Keystone Court (Parcel 421, Block 10, Tax Map 55). The property is zoned R2-Residential and lies within the Chesapeake Bay Critical Area, classified as a Limited Development Area.

Property Overview

- Lot Size: 2.273 acres (99,012 sq ft).
- Vegetation: ~83,912 sq ft (94.8%) with deciduous trees and shrubs; ~10,000 sq ft lawn.
- Existing Impervious Surface: 5,100 sq ft (5.2% of lot).
- Existing Structures: House, driveway (5100 sq ft), paver patio/walkway (1,916 sq ft), and a deteriorating 771 sq ft deck with a dysfunctional and unsafe jacuzzi. Total lot coverage approximately 7787 sq ft (7.9%).

Proposed Project

We propose to remove the existing **771 sq ft deck** and replace it with a **reduced structure totaling 589 sq ft**, positioned approximately **3 feet 1 inch above grade** with a **maximum roof height of 15 feet 11 inches**. The proposed structure includes:

- **342 sq ft** of new open decking
- **247 sq ft** of an enclosed, roofed porch

Throughout the pre-file process, we engaged in multiple discussions with zoning officials and made several attempts to consult with the Critical Area Division. Based on the guidance received, we can further reduce the new lot coverage and overall site impact, if necessary/recommended. Specifically, we were advised to offset the additional 250 sq ft of roof coverage by reducing the current lot coverage. To that end, we are prepared to incur the additional cost of **reducing the existing paver patio by approximately 280 sq ft**, creating a shorter patio extending from the north side of the house, if necessary/recommended.

With these adjustments, the **impervious surface area will increase modestly from 5,100 sq ft to 5,350 sq ft** (representing **6.4% of the lot**), while the **overall footprint within the Critical Area Buffer will decrease from 7,787 sq ft to 7,605 sq ft** (from **7.9% to 7.7%**). The project will **disturb approximately 700 sq ft**, limited to the deck removal area, with **no disturbance to the steep slope**. The existing patio is located at least **220 feet from the mean high-water line**. During construction, **sediment and erosion control** will be maintained through the use of **silt fencing**, and all **drainage will be directed into the existing stormwater management system** to prevent runoff into the Chesapeake Bay watershed.

Environmental Enhancements

- Runoff will be better managed with new drainage systems integrated into existing stormwater controls.

- We intend to replace portions of lawn with native and climate appropriate trees, shrubs, and plants to improve water filtration, stabilize slope, and enhance habitat for birds and pollinators.

- The project reduces the outdoor living footprint in the critical area, while better controlling water run-off and long-term slope stability.

Findings of Fact

1. Special Conditions or Circumstances

The property is a waterfront lot within the Chesapeake Bay Critical Area and almost entirely within the expanded buffer for steep slopes and resource conservation area. These unique conditions limit available building space and create the need for a variance.

2. Practical Difficulty and Unwarranted Hardship

Although the existing deck was never permitted by the prior homeowner—something we were unaware of at the time of purchase—we now find ourselves in a challenging position. The structure has deteriorated beyond repair and must be replaced to ensure safety and usability. Our intent is to rebuild a deck that is consistent with the home's architecture, integrates with the existing hardscape, and respects the unique natural features of the property.

Without a variance, we would be unable to reasonably replace what we view as an essential outdoor living space—one that is characteristic of and consistent with the normal use and enjoyment of waterfront properties in our neighborhood. Our goal is not to expand or intensify use, but to restore a safe, functional, and aesthetically appropriate structure that harmonizes with both the property and its environmental setting.

3. Minimum Necessary to Afford Relief

The proposed replacement reduces the current deck footprint from 771 sq ft to 589 sq ft. Although the impervious area increases slightly (from 6.2% to 6.4% of the lot area), the actual footprint within the buffer will decrease.

4. No Adverse Impact on Water Quality or Habitat

Run-off will be better managed through improved drainage. Native vegetation will replace lawn areas, enhancing water filtration, slope stabilization, and habitat value. Construction avoids disturbance to steep slopes and resource conservation areas.

5. Consistency with Spirit and Intent of the Law

The Chesapeake Bay Critical Area Program seeks to balance reasonable development with protection of water quality and sensitive areas. Our proposal reduces the buffer footprint, improves the current stormwater management, and enhances native habitat, furthering the program's goals.

6. No Detriment to Neighboring Properties or Community

The improvements will not alter the essential character of the neighborhood. The deck replacement will not be visible from adjacent properties and will not impair the use or enjoyment of neighboring parcels. Similar variances and structures exist in the surrounding waterfront community.

Conclusion

We recognize the inherent challenge of requesting a variance to replace a prior structure that was never formally permitted by the county. However, we find ourselves in the difficult position of needing to replace the existing dilapidated structure with a safe, code-compliant living space that allows us to responsibly enjoy the Chesapeake Bay watershed. We are fully aware of the importance of protecting the Chesapeake Bay and its sensitive ecosystems, and we are committed to balancing environmental preservation with the practical use of our property. Our goal is not expansion, but restoration — to create a safe and sustainable space that honors the intent of the Chesapeake Bay protection regulations while allowing for reasonable residential use.

We have carefully designed a replacement that meaningfully improves environmental conditions on site. The proposed plan **reduces the overall buffer footprint, enhances stormwater management, and incorporates native, climate-appropriate plantings** that strengthen shoreline resilience and habitat value. In doing so, this project will provide a measurable environmental benefit compared to the existing conditions.

We deeply value the Chesapeake Bay and are committed to its long-term protection. This proposal reflects our sincere effort to align responsible stewardship with practical use, ensuring that the property does not adversely affect the watershed's health.

For these reasons, we respectfully request approval of this variance. We believe our proposal represents both an environmental improvement and a reasonable accommodation that fulfills the spirit and purpose of the Chesapeake Bay Critical Area Program. Thank you for your time and thoughtful consideration.

Sincerely,

Wade Winkler and Jennifer Collins

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:

Tax Map #	Parcel #	Block #	Lot #	Section
55	421	10		

Tax ID:	100000082610
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FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other)	
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Project location/Address	3300 Breckenridge Way
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City	Riva	Zip	21140
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Local case number	
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Applicant:	Last name	Winkler and Collins	First name	Wade and Jennifer
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Company	
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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 type="checkbox"/>	Other	<input type="checkbox"/>

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name _____

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # _____ Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

We are requesting to replace an existing outdoor living space that is currently an open deck with an overall smaller structure comprised of an open deck and enclosed porch. We also propose to remove part of the existing paver patio to offset the requested enclosed patio..

Intra-Family Transfer ☐
Grandfathered Lot ☐

Growth Allocation ☐
Buffer Exemption Area ☐

Project Type (check all that apply)

Commercial ☐
Consistency Report ☐
Industrial ☐
Institutional ☐
Mixed Use ☐
Other ☐

Recreational ☐
Redevelopment ☐
Residential ☒
Shore Erosion Control ☐
Water-Dependent Facility ☐

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area	0	0
LDA Area	1.137	49528
RCA Area	1.136	49484
Total Area	2.273	99012

	Acres	Sq Ft
Total Disturbed Area	0.016	700

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	1.926	83912	Existing Lot Coverage	0.179	7787
Created Forest/Woodland/Trees			New Lot Coverage	0.014	589
Removed Forest/Woodland/Trees			Removed Lot Coverage	0.024	1051
			Total Lot Coverage	0.168	7325

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0.016	700	Buffer Forest Clearing	0	
Non-Buffer Disturbance			Mitigation		

Variance Type

Buffer ☒
Forest Clearing ☐
HPA Impact ☐
Lot Coverage ☒
Expanded Buffer ☐
Nontidal Wetlands ☐
Setback ☐
Steep Slopes ☐
Other ☐

Structure

Acc. Structure Addition ☐
Barn ☐
Deck ☒
Dwelling ☐
Dwelling Addition ☐
Garage ☐
Gazebo ☐
Patio ☒
Pool ☐
Shed ☐
Other ☐

Critical Area Report Narrative

The residential property consists of **2.273 acres (99,012 sq ft)** located on the northeast side of Breckenridge Way, approximately **600 feet southeast of Keystone Court**. The site is identified as **Parcel 421 in Block 10 on Tax Map 55** and is zoned **R2–Residential**, consistent with the comprehensive rezoning of the Second Assessment District adopted on **February 13, 1989**.

This **waterfront lot** is located within the **Chesapeake Bay Critical Area** and is classified as a **Limited Development Area (LDA)**. The parcel is irregularly shaped, predominantly wooded, and lies largely within the **expanded buffer** associated with steep slopes and resource conservation area features. The property's vegetative cover includes mature deciduous trees and low-lying shrubs, encompassing approximately **83,912 sq ft (84.7%)**, with an additional **10,000 sq ft** of maintained lawn (Kentucky 31 tall fescue) in the immediate vicinity of the dwelling. In total, **94.8% of the property is vegetated**.

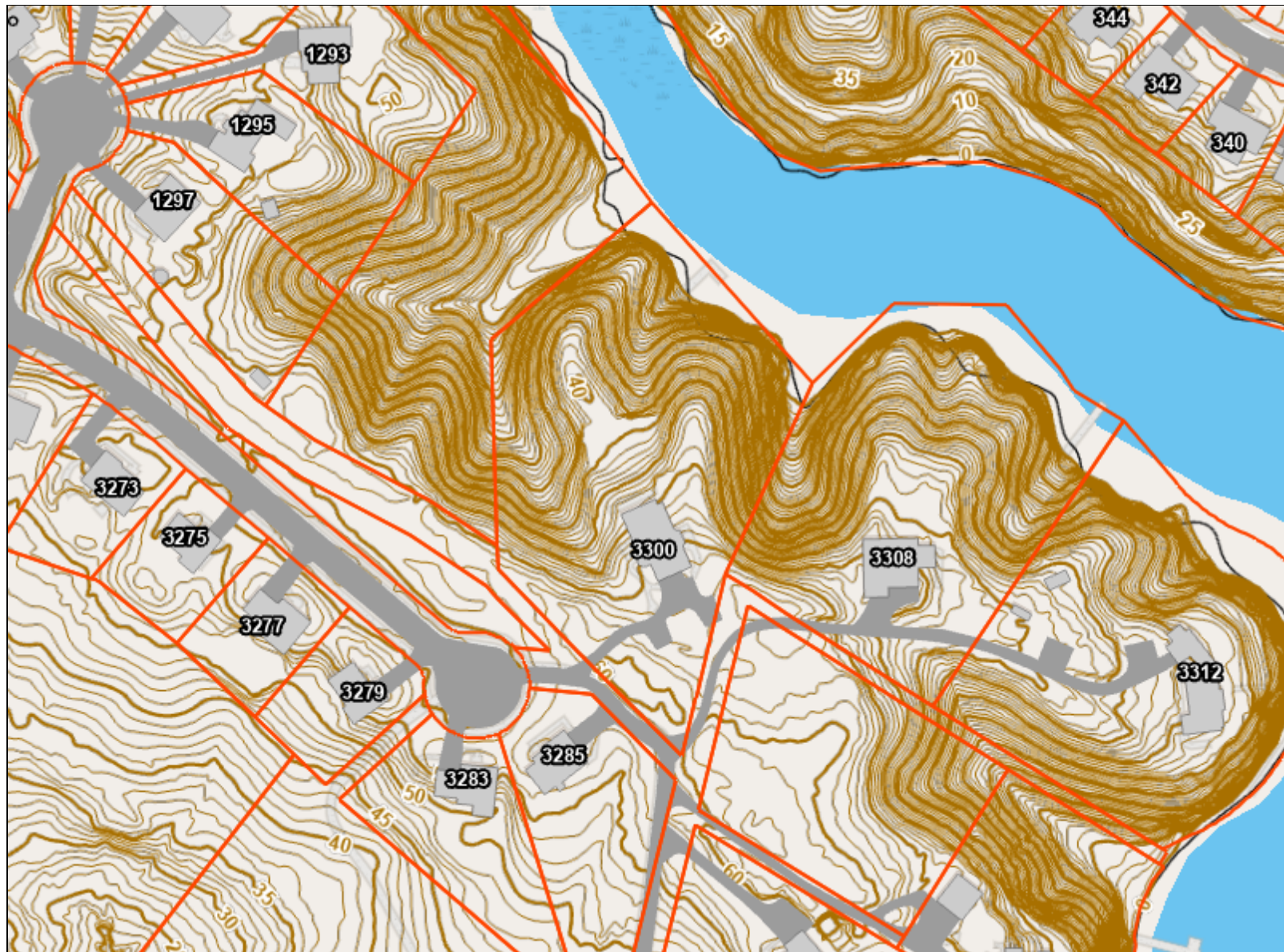
Existing impervious surfaces, including the residence and driveway, total approximately **5,100 sq ft (5.2% of the lot)**. Additional hardscape elements consist of a **1,916 sq ft** paver patio and walkway, and a **771 sq ft** deck, for a combined **lot coverage of 7,787 sq ft (7.9%)**. The existing deck is approximately **221 feet from the mean high-water line**, is nearing 20 years in age, and has significantly deteriorated, including a nonfunctional hot tub.

The applicant proposes to **remove the existing 771 sq ft deck** and replace it with a **reduced structure totaling 589 sq ft**, consisting of **342 sq ft of new decking** and a **247 sq ft enclosed, roofed porch**. The new structure will be approximately **3 feet 1 inch above grade** with a **maximum roof height of 15 feet 11 inches**.

While the **impervious surface area will modestly increase from 5,100 sq ft to 5,350 sq ft (6.4% of the lot)**, the **overall lot coverage within the Critical Area Buffer will decrease from 7,787 sq ft to 7,605 sq ft (7.9% to 7.7%)**. Approximately **700 sq ft** of disturbance will occur during deck removal, with **no disturbance to the steep slope area**, which lies roughly **20–25 feet from the proposed construction**.

To ensure environmental protection and compliance with Critical Area regulations, **sediment and erosion control** will be maintained through the installation of **silt fencing**, and **drainage will be tied into the existing stormwater management system**. These improvements are expected to **enhance site drainage and reduce surface runoff**, providing a **net environmental benefit** to the property and the Chesapeake Bay watershed.

3300 Breckenridge Way topo map



Legend

Foundation

Addressing



Parcels



Structure

County Structure

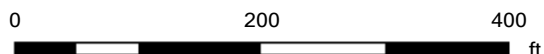


Elevation

Topo 2023



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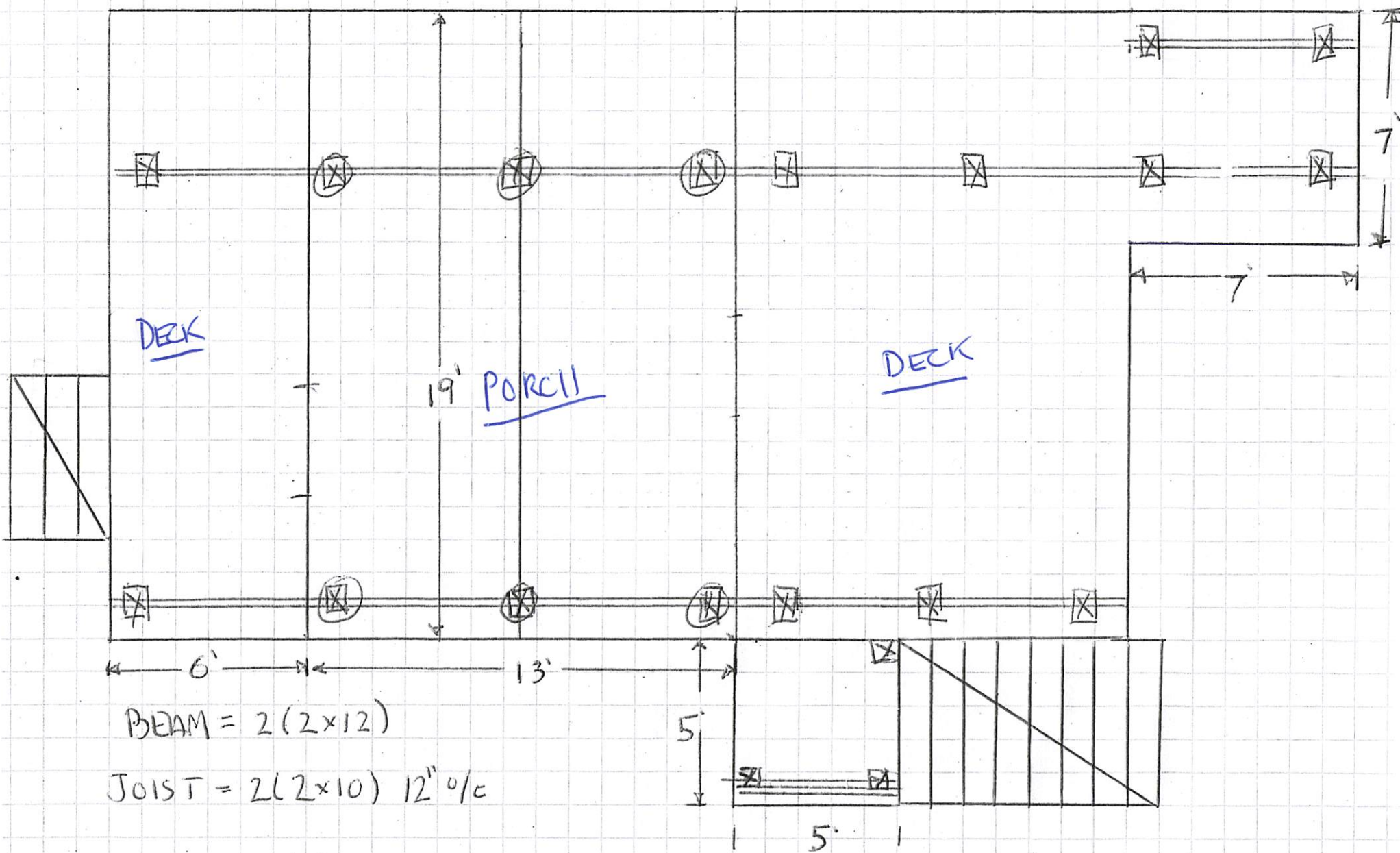


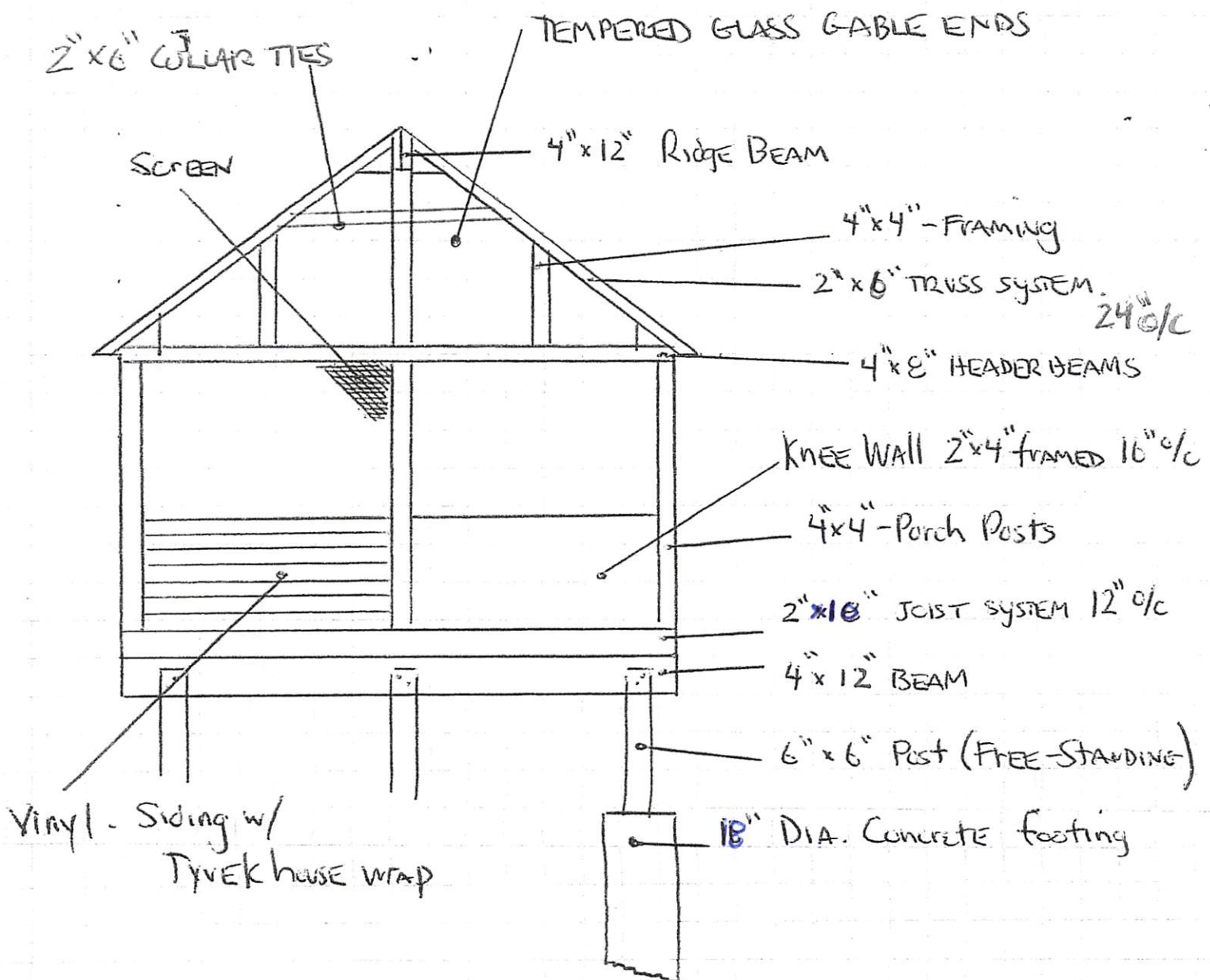
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THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes 1"=200'







Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

CAC Comments: 2025-0205-V; Collins (AA 0280-25)

1 message

Jamileh Soueidan -DNR- <jamileh.soueidan@maryland.gov>

Thu, Oct 30, 2025 at 3:28 PM

To: Sadé Medina <pzmedi22@aacounty.org>

Good afternoon,

Our office has reviewed the above-referenced variance and provide the following comments:

- The applicant is requesting a variance for disturbance to the Critical Area Buffer, which is expanded for steep slopes for the construction of a deck and covered porch. The property was subject to a previous variance request for the construction of the dwelling and associated features, which was granted; the variance request did not include the current patio and deck, which were constructed by the previous owner and unpermitted. The applicant is proposing the construction of a 342 square-foot deck and 247 square-foot covered porch within the existing footprint of the unpermitted improvements. The proposed work will result in ~700 square feet of disturbance to the expanded Buffer and proposed lot coverage on site will be within the allowable limit. The Administrative Hearing Office (AHO) must find that each and every one of the Critical Area Variance Standards have been met, including that this proposal meets unwarranted hardship and that it would not adversely affect water quality and wildlife or plant habitat. If the AHO finds that each and every one of the standards have been addressed, then appropriate mitigation is required.

These comments have been entered into the County's Online Portal.

Sincerely,
Jamileh Soueidan

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Critical Area Commission for the
Chesapeake & Atlantic Coastal Bays
dnr.maryland.gov/criticalareaJamileh Soueidan (she/her)
Natural Resources Planner
1804 West Street, Suite 100
Annapolis, MD 21401
Office: [410-260-3462](tel:410-260-3462)
Cell: [667-500-4994](tel:667-500-4994) (preferred)
jamileh.soueidan@maryland.gov

2025-0205-V - for B02438403

Menu		Cancel		Help	
Task		Due Date		Assigned Date	
OPZ Critical Area Team		11/07/2025		10/17/2025	
Assigned to Department		Assigned to		Status	
OPZ Critical Area		Kelly Krinetz		Complete w/ Comments	
Action by Department		Action By		Status Date	
OPZ Critical Area		Kelly Krinetz		11/06/2025	
Start Time		End Time		Hours Spent	
				0.0	
Billable		Overtime		Comments	
No		No		Provided the AHO finds that this application meets the approval standards, I offer no objection based on the reduction in size of the existing improvements and the removal of coverage located within the buffer. Mitigation will be required and should be located between the top of slope and the proposed redevelopment.	
Time Tracking Start Date		Est. Completion Date		In Possession Time (hrs)	
Display E-mail Address in ACA		<input checked="" type="checkbox"/> Display Comment in ACA		Comment Display in ACA	
No				<input checked="" type="checkbox"/> All ACA Users	
				<input checked="" type="checkbox"/> Record Creator	
				<input checked="" type="checkbox"/> Licensed Professional	
				<input checked="" type="checkbox"/> Contact	
				<input checked="" type="checkbox"/> Owner	
Estimated Hours		Action		Workflow Calendar	
0.0		Updated			
Task Specific Information					
Expiration Date		Review Notes		Reviewer Name	
Reviewer Phone Number		Reviewer Email			



STEUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
AACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case **2025-0205-V**

DATE: October 17, 2025

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan. The proposed development is consistent with the spirit of the Green Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager *BC*
Bureau of Environmental Health

DATE: October 21, 2025

RE: Wade C. Winkler
3300 Breckenridge Way
Riva, MD 21140

NUMBER: 2025-0205-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions (deck and screened porch) with less setbacks and buffer than required.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

3300 Breckenridge Way (2025-0205-V)



Legend

- Foundation
- Addressing
 -
- Parcels
 - ▭
- Parcels - Annapolis City
 - ▭



0 20 40 ft

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Nearmap | none




Notes

3300 Breckenridge Way (2025-0205-V)



- Legend
- Foundation
 - Addressing
 -
 - Parcels
 - ▭
 - Parcels - Annapolis City
 - ▭



050100

ft

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Nearmap | none

Notes