

Letter of Explanation for Variance

Property Address: 1208 Southbreeze Ln. Annapolis, MD. 21403

Permit Number: B02440932

Applicant: Jenna Simmons

To Whom It May Concern:

On behalf of the property owners of **1208 Southbreeze Lane**, this letter serves as the formal **Letter of Explanation** in support of the requested variances associated with the replacement of an existing outdoor structure and the construction of a new pavilion within the 100' Tidal Wetland Buffer.

Project Description

The applicants propose to **demolish an existing pergola** located almost directly on the side property line and to **construct a new 22' x 18' open pavilion** in its place. The existing outdoor fireplace, built-in grill, and stone countertop/prep area will remain.

The new pavilion footprint is **smaller in overall square footage** than the structure being removed and the total onsite impervious area will **decrease**, not increase.

The pavilion will be located **7 feet from the side property line**, necessitating a variance from the required **15-foot side yard setback**.

Critical Area – 100' Tidal Wetland Buffer Disturbance

Construction of the pavilion will require both **temporary and permanent disturbance** within the **100-foot tidal wetland buffer**. Disturbance is necessary due to:

- Location of the existing outdoor living area and the proposed pavilion
- Placement and staging of materials within the buffer
- Foot traffic and construction access required to reach the work area
- Installation of the pavilion support structure within the buffer

Mitigation will be provided at the County-required ratios of:

- **3:1 for permanent disturbance**
- **1:1 for temporary disturbance**
- **2:1 for SWM-related new lot coverage (if applicable)**

All work will be completed by a licensed contractor, **7th State Builders**, who will implement all **County-required sediment and erosion control measures** for the duration of the project.

3. Variance Justification (Meeting the Standards of the County Code)

The request satisfies the applicable variance standards under the Anne Arundel County Code for the following reasons:

A. The variance is needed for reasonable and practical use of the property.

The existing outdoor living area—fireplace, grill, and stone prep counter—was designed to function with a covering structure. The replacement pavilion is necessary to allow the owners reasonable use and enjoyment of this space, particularly for weather protection and safe utilization of the existing improvements. There is no reasonable location on the property where the pavilion could be constructed outside the buffer and within full setback compliance without eliminating or relocating these permanent features and causing greater environmental disturbance.

B. The proposed pavilion is less impactful than the existing condition.

The existing pergola encroaches **almost directly on the property line**. Its removal and replacement with a pavilion set **seven feet off the property line** reduces encroachment and represents an improvement to the property's compliance with required setbacks.

C. Compatibility with Surrounding Properties

The pavilion is residential in scale, open-sided, and compatible with the character of the surrounding neighborhood. It will not alter neighborhood character, impair adjacent properties, or pose any adverse impacts related to runoff, noise, or visual obstruction.

D. The variance request represents the minimum necessary.

The applicants are not increasing impervious areas and are reducing the structural footprint from what currently exists. The pavilion is positioned in the only feasible location due to the placement of the existing fireplace, grill, hardscape, and access paths. The 7' setback is the minimum necessary to ensure structural placement while avoiding additional environmental disturbance.

E. The need for a variance is not the result of actions taken by the applicant.

No development has commenced prior to the filing of this application. The need for the variance arises from preexisting site conditions, including the established placement of permanent outdoor improvements and the inherent physical and environmental constraints of the property, rather than from any voluntary or deliberate act by the applicant.

F. No Special Privilege Granted

Approval of the variance will not confer any special privilege that is not otherwise available to similarly situated properties within the Critical Area. The request is consistent with variances granted for comparable residential properties.

G. Protection of Water Quality and Habitat

The project will not adversely affect water quality or fish, wildlife, or plant habitat. Disturbance has been minimized, mitigation will be provided at County-required ratios, and all work will be conducted in harmony with the intent of the County's Critical Area Program.

H. Compatibility with Surrounding Properties

The pavilion is residential in scale, open-sided, and compatible with the character of the surrounding neighborhood. It will not alter neighborhood character, impair adjacent properties, or pose any adverse impacts related to runoff, noise, or visual obstruction.

4. Compliance with County Requirements

The prefile submittal includes all information required under **Anne Arundel County Code § 18-16-201**, including:

- Existing and proposed structures
- Setbacks

- Critical Area Buffer boundaries
- Disturbance areas
- Site plan (existing pergola shown in red; proposed pavilion shown in green)
- Access and staging areas
- Forest and natural feature delineations
- Vicinity map
- Grading / SWM considerations

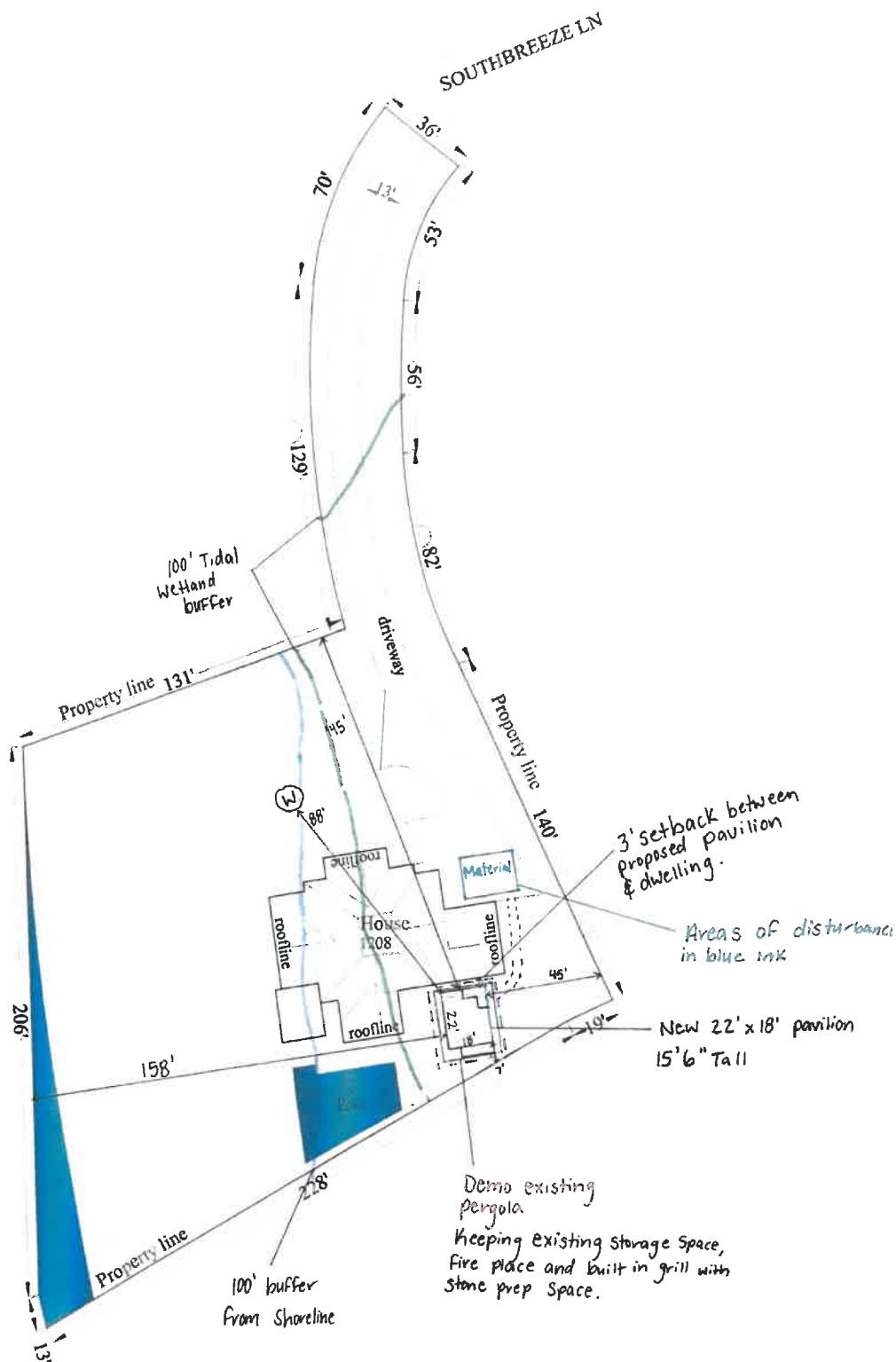
5. Conclusion

The applicants respectfully request approval of the variance to (1) allow disturbance within the 100' tidal wetland buffer for the construction of a pavilion and associated access, and (2) reduce the required 15-foot side setback to 7 feet.

The proposal represents an overall **reduction in structural footprint**, no increase in impervious area, improved compliance compared to the existing condition, and no adverse impact to neighboring properties or the environment once mitigation is completed according to County standards.

We appreciate the County's consideration of this request and look forward to discussing the project further during the variance hearing.

Respectfully submitted,
Jenna Simmons
7th State Builders
443-926-9080



Parcel No. (APN) 02-257-90059504
Land Use RESIDENTIAL
SINGLE FAMILY RESIDENCE
Lot Area 40,908 SF (0.94 ACRES)

ADDRESS: 1308 SOUTHBREEZE LN
ANNAPOLIS, MD 21403
Scale: 1"=40'

0' 20' 40' 80'

**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: 12/17/2025

Tax Map #	Parcel #	Block #	Lot #	Section
0057	0121	N/A	69	N/A

Tax ID: 90059504

FOR RESUBMITTAL ONLY	
Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) Chris Caine Pavilion. Permit #- B02440932

Project location/Address 1208 Southbreeze Ln.

City Annapolis

Zip 21403

Local case number

Applicant: Last name Simmons

First name Jenna

Company 7th State Builders

Application Type (check all that apply):

Building Permit
Buffer Management Plan
Conditional Use
Consistency Report
Disturbance > 5,000 sq ft
Grading Permit

Variance
Rezoning
Site Plan
Special Exception
Subdivision
Other

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:

7th State Builders to demo existing pergola, and install new 22' x 18' pavilion

Intra-Family Transfer	<input checked="" type="checkbox"/>	Yes	Growth Allocation	<input type="checkbox"/>	Yes
Grandfathered Lot	<input type="checkbox"/>		Buffer Exemption Area	<input type="checkbox"/>	

Project Type (check all that apply)

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		39,849
RCA Area		1,059
Total Area		

Total Disturbed Area	Acres	Sq Ft
		351

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		4,090	Existing Lot Coverage		9,610
Created Forest/Woodland/Trees		0	New Lot Coverage		396
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		621
			Total Lot Coverage		9,385

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance		670	Buffer Forest Clearing		
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
Pavilion

CRITICAL AREA REPORT NARRATIVE

1. Proposed Use

The subject property is a **residential** single-family lot. The proposed work includes demolition of an existing pergola and construction of a new 22' x 18' pavilion in generally the same location. Existing outdoor features—including a fireplace, grill, and stone counter area—will remain. The purpose of the project is to maintain outdoor living space for reasonable residential use and enjoyment.

2. Vegetation, Existing Conditions, Disturbance, and Mitigation

The property contains scattered ornamental landscaping, small trees, and shrub plantings typical of residential lots within the Southbreeze community. Areas outside of developed yard space remain naturally vegetated with mixed understory growth. The property is approximately **40,908 square feet**, with buffer vegetation primarily along the rear portion abutting tidal influences. Disturbance will occur within the **100-foot tidal wetland buffer**, consisting of temporary access paths and permanent disturbance from the pavilion footprint. All disturbance will be mitigated at County-required ratios: **3:1 for permanent disturbance, 1:1 for temporary disturbance, and 2:1 for stormwater management if required**.

3. Methods to Minimize Impacts on Water Quality and Habitat

All construction activity will be performed by **7th State Builders**, and will implement **County-approved sediment and erosion controls**. Material staging and foot traffic within the buffer will be minimized to only what is necessary for construction. Site disturbance will be limited to the immediate work area.

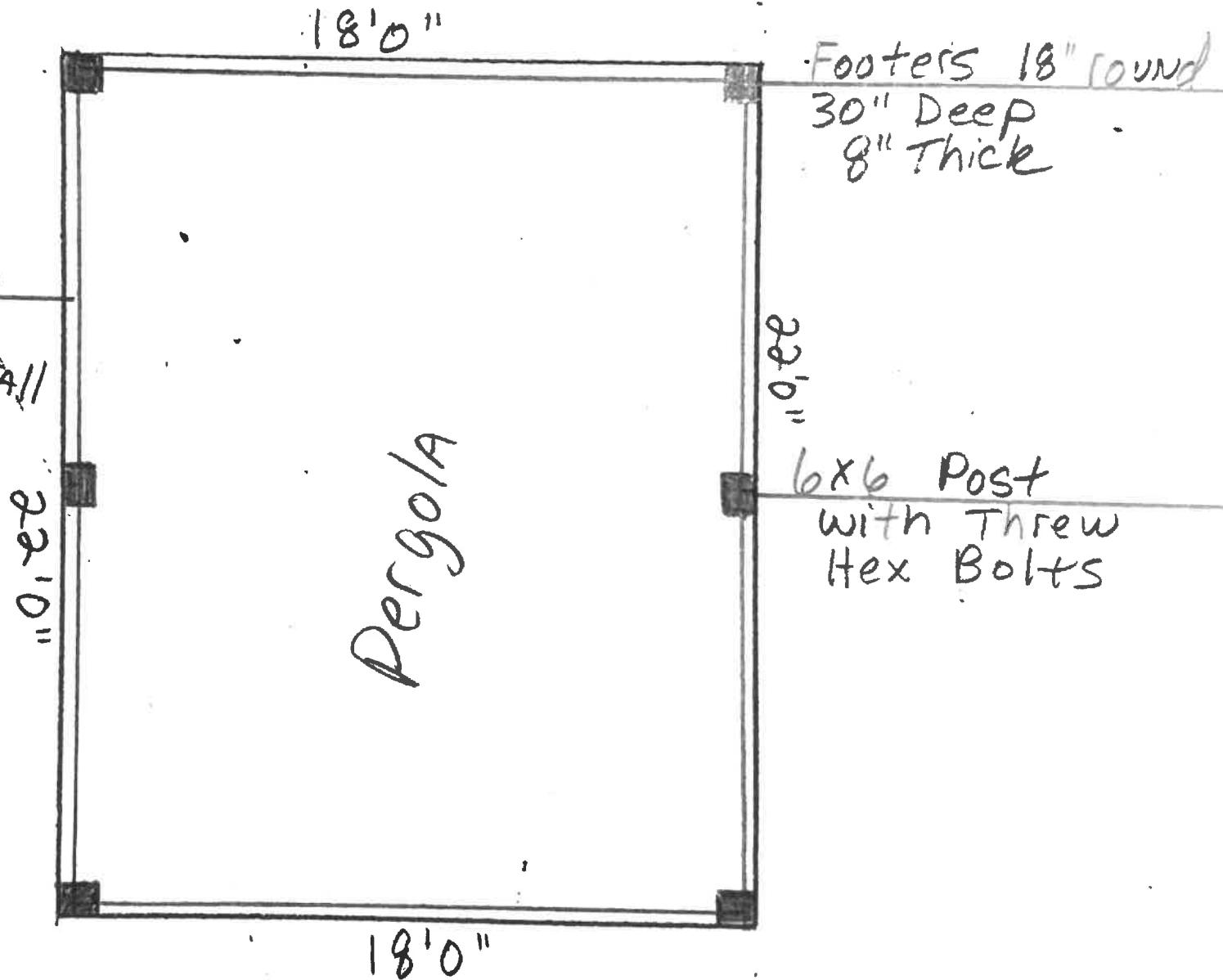
4. Impervious Surface Before and After Construction

The project reduces the overall impervious surface. The existing pergola and associated hardscape areas being removed exceed the footprint of the proposed 22' x 18' pavilion. As a result, impervious coverage **decreases**, and no net increase in lot coverage will occur.

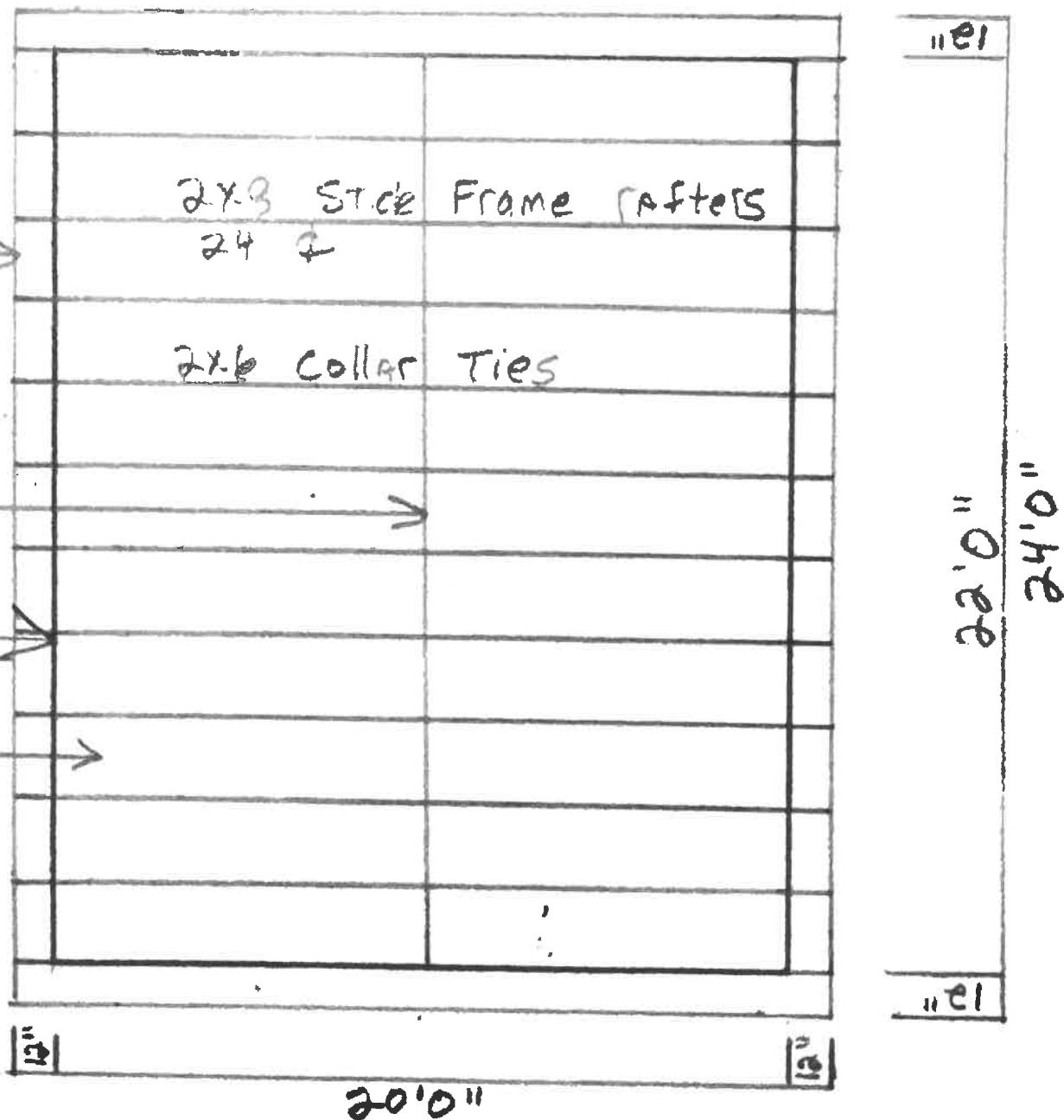
5. Habitat Protection Areas

The property is located within the **100-foot tidal wetland buffer**, which will experience both temporary and permanent disturbance. No steep slopes ($\geq 15\%$), rare or endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging areas, natural heritage areas, or designated habitat protection areas of local significance have been identified on the site. All impacts to the tidal buffer will be mitigated at required Critical Area ratios.

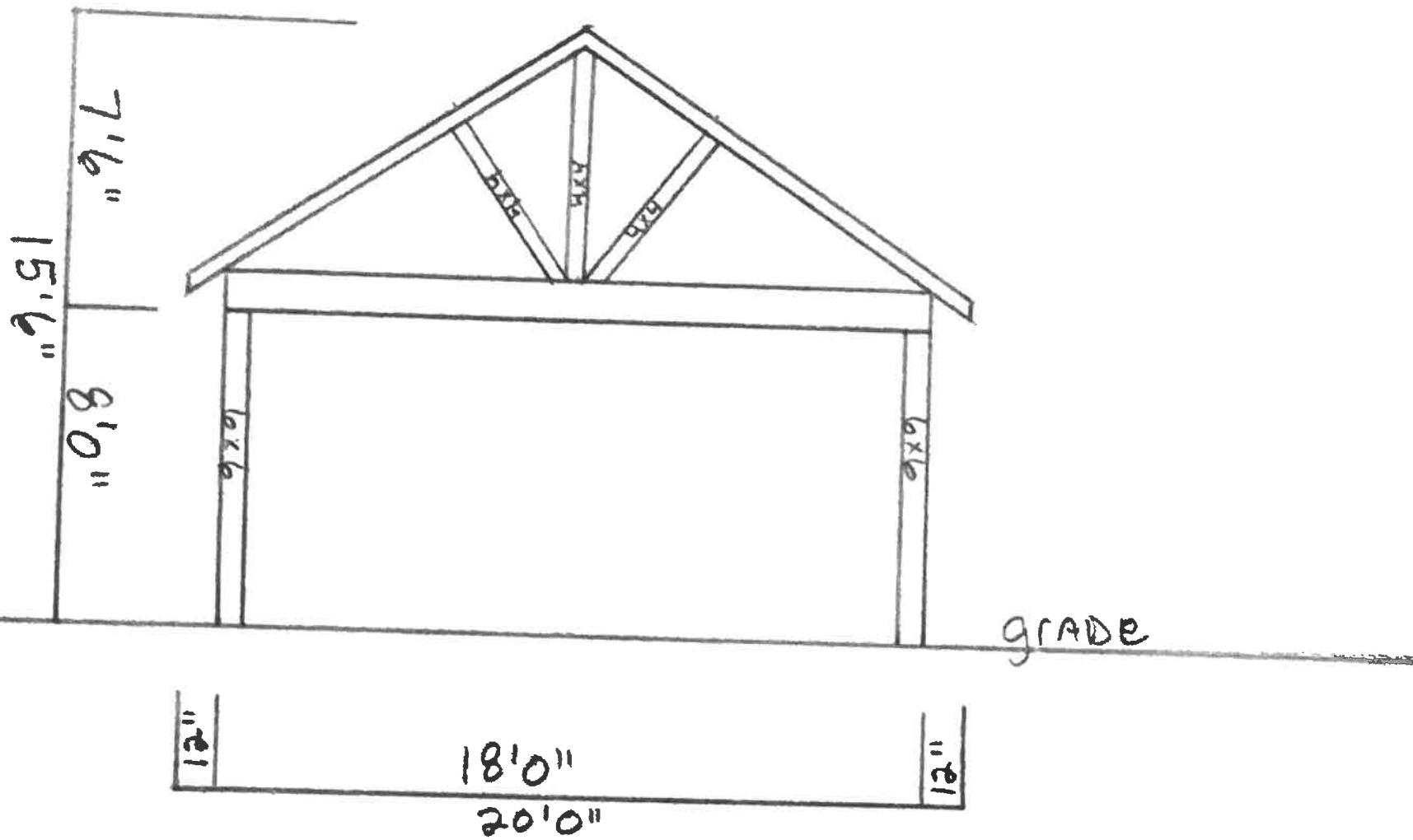
Beam Footer PLAN $\frac{1}{4}'' = 1'0''$



(Pergola) Roof Frame Plan $\frac{1}{4}'' = 1'0''$



Elevations $\frac{1}{4}'' = 1'0''$





OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2025-0112-P
DATE: 12/08/2025
OPZ STAFF: Jennifer Lechner (ZA)
Kelly Krinetz (CA)

APPLICANT/REPRESENTATIVE: Christopher & Betsy Caine / Jenna Simmons - 7th State Builders

EMAIL: info@7thstatebuilders.com

SITE LOCATION: 1208 Southbreeze Lane, Annapolis

LOT SIZE: 40,908 sqft

ZONING: R1 **CA DESIGNATION:** LDA/RCA **BMA:** n/a **BUFFER:** YES **APPLICATION TYPE:** Variance

The applicants propose to demolish an existing pergola located almost directly on the side property line and to construct a new 22' x 18' open pavilion in its place. The existing outdoor fireplace, built-in grill, and stone countertop/prep area will remain. The new pavilion footprint is smaller in overall square footage than the structure being removed and the total onsite impervious area will decrease, not increase. The pavilion will be located 7 feet from the side property line, necessitating a variance from the required 15-foot side yard setback.

The following variances are required:

- § 17-8-301, development on properties containing buffers shall meet the requirements of COMAR, Title 27.
- § 18-13-104 to allow disturbance to the tidal wetland buffer.
- § 18-4-501 to allow an addition/accessory structure with less setbacks than required.

COMMENTS

A revised package for this Pre-file is not required.

The following represents comments that should be addressed when submitting the variance application.

Zoning Administration Section:

1. Revise the Site Plan to note the distance between the proposed pavilion and the dwelling.
2. Revise the Site Plan to note the height of the proposed pavilion.
3. The applicant is reminded, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must address and meet all of the applicable variance standards provided under Section 18-16-305. The Letter of Explanation should address each of those standards (a through c) and provide adequate justification for each of the variances required.
4. Although not required for the variance submission, site photos, elevations, and/or construction plans are very helpful in determining what is proposed, and strongly recommended to be included as support documents for the variance application.

Critical Area Team:

1. No objection to the reconstruction of the existing pergola in the same foot print.
2. The proposed work will result in a decrease in coverage within the buffer.
3. The material stock pile area is over the existing driveway and the access to the construction area will constitute temporary disturbance.
4. Mitigation will be required with the permit 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.

A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require that a developer of land provide SWM to control new development runoff from the start of the development process.

1208 Southbreeze topo map



Legend

Foundation

Addressing

Parcels

Structure

County Structure

Elevation

Topo 2023

Index

Intermediate

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



0 100 200 ft

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THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes 1"=100'