

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

**APPLICANTS:** William Harich

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2024-0039-V

**COUNCIL DISTRICT:** 5

**HEARING DATE:** May 2, 2024

**PREPARED BY:** Robert Konowal  
Planner

**REQUEST**

The applicant seeks a variance to allow a dwelling addition with less setbacks than required on property located at 444 River Road in the subdivision Mago Vista Magothy River, Arnold.

**LOCATION AND DESCRIPTION OF SITE**

The subject property is located on the north side of River Road, approximately 125 feet east of Cottage Drive. The lot has an area of 4,356 square feet, and is shown as a Lot 1 in Parcel 593 on Tax Map 32 in Grid 12. The subject site is zoned R5-Residential District and has been since comprehensive zoning for the Fifth Council District effective January 29, 2012.

The subject property is not a waterfront lot but is located in the Chesapeake Bay Critical Area. The lands are designated IDA-Intensely Developed Area. The property is developed with a single family detached dwelling and is served by public water and sewer.

**APPLICANT'S PROPOSAL**

The applicant proposes to remove a set of stairs located on the front of the dwelling and construct a four foot deep by 10-foot wide by 26 inch high landing with three steps coming off the side.

**REQUESTED VARIANCES**

Section 18-4-701 of the Anne Arundel County Zoning Code requires that a principal structure in a R5-Residential District be set back a minimum of 25 feet from a front lot line. The proposed steps and landing are to be located seven feet from the front lot line requiring a variance of 18 feet to the Code requirement.

**FINDINGS**

For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the lot.

The subject property at 4,356 square feet in area and 44.79 feet in width does not meet the minimum lot area requirement of 7,000 square feet and lot width requirement of 60 feet for a lot in a R5-Residential District. More importantly, the application relates to an existing developed lot (c. 1900) that predates the Zoning Code. The existing home has been located 11 feet from the front lot line and front steps and a landing are required to access the front of the home. The applicant has indicated the current steps are unsafe and do not allow room for the front door to open while standing on the top step. These existing conditions do create a practical difficulty in complying with the Code.

The proposed steps and landing at four feet in depth are modest in size and are believed to be the minimum necessary to afford relief. The proposed front landing in fact would project only 2 inches further than the existing concrete steps.

The requested variance will not alter the essential character of the neighborhood. The proposed landing and stairs will not violate the existing setback pattern of development and is in fact in keeping with other properties located along this block that also predate the Code. The proposal will not impair the appropriate use or development of any adjacent property or be detrimental to the public welfare. Finally, the requested variance will not reduce forest cover or be contrary to acceptable clearing and replanting practices required for development in the Critical Area.

The **Anne Arundel County Department of Health** noted that the site is served by public water and sewer and had no objection to the request.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends ***approval*** of a variance of 18 feet to the minimum front lot line setback to allow steps and a landing to be located seven feet from the front lot line as shown on the attached site plan.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) 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.