

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

APPLICANT: Gwendolyn & Joseph Gibson

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0112-V

COUNCILMANIC DISTRICT: 5th

HEARING DATE: August 29, 2023

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicants are requesting a variance to allow an accessory structure (detached garage) with less setbacks than required on property located at 1128 Long Point Terrace in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 22,015 square feet of land and is located with approximately 50 feet of road frontage on the south side of Long Point Terrace, 120 feet south of Little Magothy View. The property is identified as Section E, Lot 352 of Parcel 31 in Block 12 on Tax Map 40 in the Cape Saint Claire subdivision.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 5, effective January 29, 2012. This site is a waterfront lot which lies entirely within the Chesapeake Bay Critical Area, is designated LDA – Limited Development Area, and is mapped as a BMA – Buffer Modification Area. It is currently improved with a one-story dwelling, two small sheds, a pier, and other associated facilities.

APPLICANT'S PROPOSAL

The applicants are proposing to construct a 30' x 32' x 18' high detached garage on their waterfront lot, located between the existing dwelling and Long Point Terrace.

REQUESTED VARIANCES

§ 18-4-701 of the County Code states that the minimum setbacks for accessory structures from the front lot line is 40 feet. The proposed garage will be located as close as 31 feet to the front (east) property line, necessitating a variance.

FINDINGS

This Office finds that the long, narrow lot exceeds the minimum area requirement of 7,000

square feet, but is less than the minimum width requirement of 60 feet for a lot in the R5 District. The existing critical area lot coverage of the site is 5,290 square feet. The proposed post-construction lot coverage of 5,427 square feet is below the lot coverage allowed under §17-8-402, and well below the 40% (8,806 square feet) maximum coverage by structures allowed under § 18-4-701. A review of the County 2023 aerial photography shows an eclectic mix of dwellings and lots in this waterfront community.

The applicants' letter indicates that their property is relatively narrow, with two waterfronts (south and east) abutting property owned by the Cape St Claire Improvement Association. In locating the garage, the applicants' letter further states that they have attempted to avoid trees and stay as far away from the waterfront as possible, while complying with the setbacks.

The **Health Department** has reviewed the above referenced variance to allow an accessory structure (detached garage) with less setbacks than required, and noted that their Department does not have an approved plan for this project, but has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

In this particular case, the property is unique, in that it is relatively narrow and has frontage on two sides (east and south). The applicants are proposing to construct the detached garage at the minimum setback to the western side lot line, in order to be as far from the eastern front lot line as possible. However, the proposed garage is oversized at 30' x 32'. Reducing its width in order to meet the front setback would still result in a sizable garage¹. The applicants have not provided any justification to demonstrate that the garage could not be constructed in compliance with (or at least closer to) the minimum forty foot setback required from the eastern front lot line.

The granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the limited development area of the critical area, be contrary to acceptable clearing and replanting practices required for development in the critical area, nor would it be detrimental to the public welfare.

However, it appears that alternative options exist that would minimize or eliminate the need for a variance. Without sufficient justification, the variance request cannot be considered the minimum necessary to afford relief. As such, this Office does not support the proposed variance to §18-4-701 for the detached garage.

¹ Alternatively, if the detached garage were instead made part of the principal structure, the front setbacks would be 25 feet to the front (east) property line. Per § 18-2-204(a), a structure located within three feet of a principal structure and a structure connected to a principal structure by an enclosed breezeway less than 15 feet long is part of the principal structure and is not an accessory structure.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted, this Office recommends *denial* of the zoning variance to allow an accessory structure (garage) to be as close 31 feet to the front property line.

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.

To: Office of Planning and Zoning
 2664 Riva Road
 Annapolis, MD 21401

Re: Variance Application Letter of Explanation, 1128 Long Point Terrace, Annapolis, MD 21409

This is our residential property on which we are proposing to build a 30x32 foot pole barn type garage. There is one existing one story house and two existing 8x8 foot square sheds on the property. Table 1 describes the dimensions, area, and set backs of the existing structures and proposed garage. Our property is unique because it is relatively narrow, and bordered on the east and south side by water. However, it is important to note that the Cape St. Claire Improvement Association (CSCIA) owns approximately 20 feet landward from MHW, but some erosion has altered the shoreline in places.

Table 1. Existing and Proposed Structure Dimensions

Existing Structure	Dimensions	Height	Square Footage
House	Approx. 45 ft x 35 ft w/ a 12x12ft extension on NW corner	One story – approximately 18 ft high at roof peak.	1818 sq ft
Shed 1	8X8 ft	8.5 at peak	64 sq ft
Shed 2	8X8 ft	8.5 at peak	64 sq ft
Proposed Structure			
Garage	30 ft x 32 ft	One story- 18 ft high at roof peak	930 sq ft

The CSCIA has also indicated that they are willing to accept us using the County Zoning setbacks for this property instead of the Covenant Setbacks. We have been told by the county that these setbacks for an accessory structure are 40 foot front, 7 foot side, and 20 foot rear. Table 2 provides the setbacks from MHW and the property lines for the proposed garage.

Table 2. Proposed Garage Setbacks

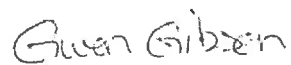
Garage Side	Zoning Setback Type	Setback from Property Line	Setback from MHW (where applicable)
North	Side	100+ feet	n/a
East	Side/ front? (waterfront)	31 feet 5 inches at closest point	Approx. 66 feet from MHW and end of CSCIA property
South	Front (waterfront)	40+ feet	80+ feet
West	Side	7 feet	n/a

We have tried to position the garage on the property to avoid trees and stay as far away from the waterfront as possible, while complying with the County setbacks. However, because the CSCIA owns approximately 20 feet from MHW, our property is only about 75 feet wide behind

the house at the top of the driveway, and it gets narrower farther down the driveway. We have spoken to Critical Areas (Vanessa Crankfield) who indicated that because of the eastern side setback, we will need a zoning variance. Ms. Crankfield also said that she did not believe a Critical Areas variance was required. We do not have site plans/ building plans for the garage yet. We are in the process of getting a quote from Pioneer Pole Buildings.

Thank you for your consideration of this matter. Please feel free to call or email me to discuss this further at 443-995-0088 or gwengibs@gmail.com.

Sincerely,

A handwritten signature in cursive script that reads "Gwen Gibson".

Gwen Gibson

Critical Area Report Narrative
1128 Long Point Terrace
Annapolis, MD 21409

This is our residential property on which we are proposing to build a garage. There are scattered trees throughout the property—a mix of holly, sassafras, oaks, cherry, hickory, and some other species as noted on the attached site plan. Although we attempted to avoid as many trees as possible, it appears that one 13" willow oak may have to be removed. The garage will be a pole barn structure that is build in one day by professionals who use all appropriate sediment erosion control measures. We tried to avoid tree and habitat impacts by positioning the garage close to the house on/ near the existing driveway, and stayed away from the shoreline and avoided existing trees to the extent possible. The garage will be 960 square feet and the driveway will be "bumped out" to add small parking area in front will be 63 square feet. We plan to remove 886 square feet of old existing sidewalks and unused portions of the old circular driveway. Impervious surface before construction is 5290 square feet, and after construction is 5427 square feet. There are no known sensitive species areas within on our property, but there are some steep slopes within the property boundary that are identified on our site plan.

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/ Cape St. Claire

Date: 6/29/23

Tax Map #	Parcel #	Block #	Lot #	Section
0040	0031	0012	352	E

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Tax ID: 02675355

Project Name (site name, subdivision name, or other) _____

Project location/Address 1128 Long Point Terrace

City Annapolis Zip 21409

Local case number _____

Applicant: Last name Gibson First name Gwendolyn

Company property owner

Application Type (check all that apply): Applying for a Building Permit for a pole barn/ garage and may require a zoning variance for this.

- | | |
|---|--|
| Building Permit <input checked="" 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 _____ First name _____

Phone # _____ Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Request to construct a one story pole barn/ garage. The lot is oddly shaped and the property 20' landward from MHW is owned bay the community and we are applying to AA County Zoning for a setback variance.

Intra-Family Transfer <input type="checkbox"/> Yes Grandfathered Lot <input type="checkbox"/>	Growth Allocation <input type="checkbox"/> Yes Buffer Exemption Area <input type="checkbox"/>
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Project Type (check all that apply)

Commercial <input type="checkbox"/> Consistency Report <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Mixed Use <input type="checkbox"/> Other <input type="checkbox"/>	Recreational <input type="checkbox"/> Redevelopment <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Shore Erosion Control <input type="checkbox"/> Water-Dependent Facility <input type="checkbox"/>
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SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft		Acres	Sq Ft
IDA Area			Total Disturbed Area		5427 sf
LDA Area	.505 acres	22,015 SF			proposed
RCA Area			# of Lots Created		
Total Area					

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		5290
Created Forest/Woodland/Trees			New Lot Coverage		1023
Removed Forest/Woodland/Trees			Removed Lot Coverage		886
			Total Lot Coverage		5427

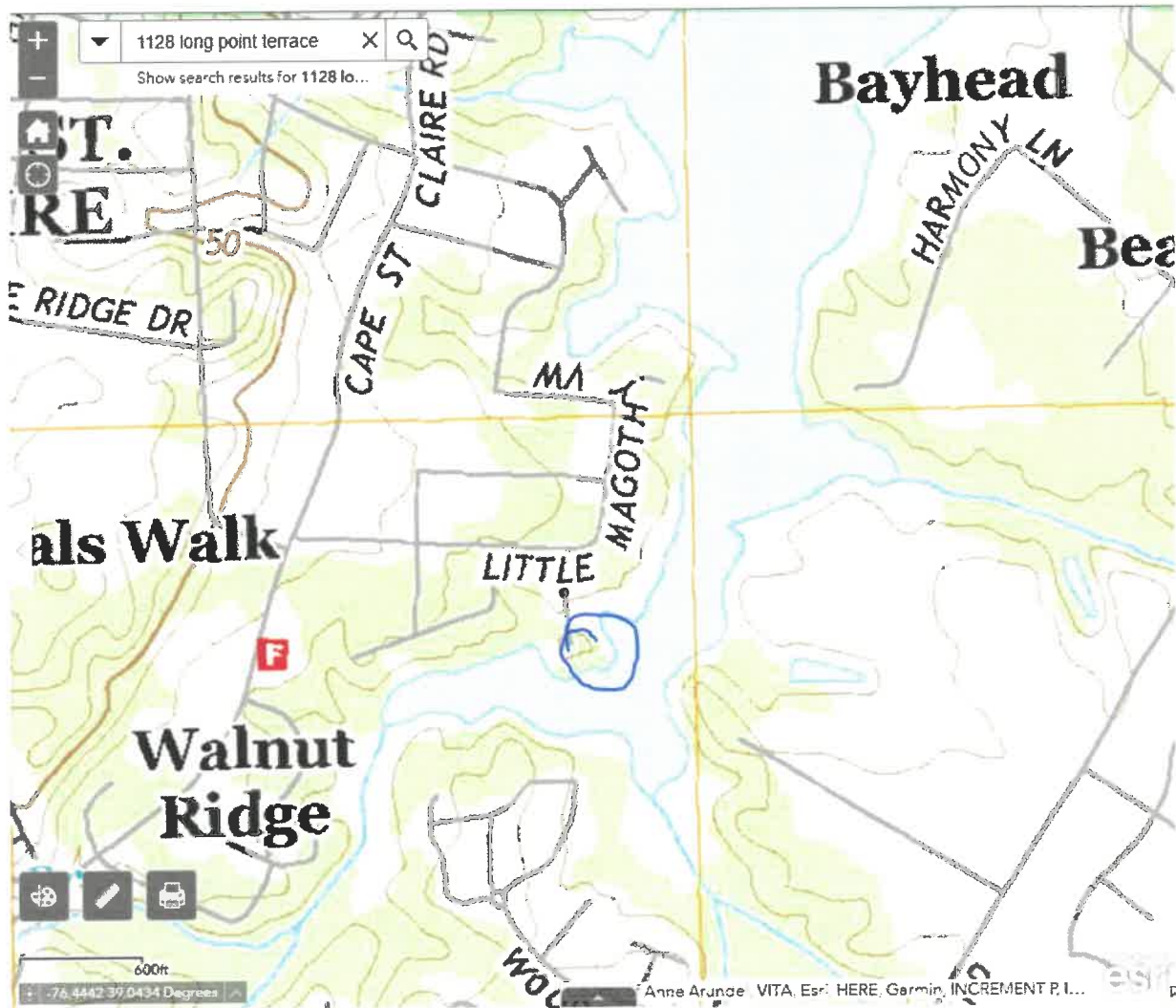
VARIANCE INFORMATION (Check all that apply)

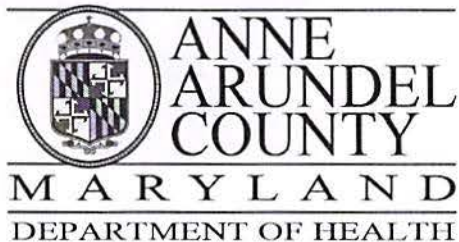
	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

<p><u>Variance Type</u></p> Buffer <input type="checkbox"/> Forest Clearing <input type="checkbox"/> HPA Impact <input type="checkbox"/> Lot Coverage <input type="checkbox"/> Expanded Buffer <input type="checkbox"/> Nontidal Wetlands <input type="checkbox"/> Setback <input type="checkbox"/> Steep Slopes <input type="checkbox"/> Other <input type="checkbox"/>	<p><u>Structure</u></p> Acc. Structure Addition <input type="checkbox"/> Barn <input type="checkbox"/> Deck <input type="checkbox"/> Dwelling <input type="checkbox"/> Dwelling Addition <input type="checkbox"/> Garage <input checked="" type="checkbox"/> Gazebo <input type="checkbox"/> Patio <input type="checkbox"/> Pool <input type="checkbox"/> Shed <input type="checkbox"/> Other <input type="checkbox"/>
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Topographic Map for 1128 Long Point Terrace

1128 Long Point Terrace is circled in blue below.





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
Acting Health Officer

MEMORANDUM

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

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

DATE: July 17, 2023

RE: Joseph & Gwendolyn Gibson
1128 Long Point Terrace
Annapolis, MD 21409

NUMBER: 2023-0112-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure (detached garage) with less setbacks than required..

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay

2023-0112-V (2023 aerial)



Legend

Foundation

Addressing

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Parcels



Parcels - Annapolis City



0 50 100
ft

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.

DO NOT USE FOR NAVIGATION.

Nearmap



Notes