

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

APPLICANT: Jeffrey & Megan Emden Trustees **ASSESSMENT DISTRICT:** 1st
CASE NUMBER: 2023-0124-V **COUNCILMANIC DISTRICT:** 7th
HEARING DATE: September 14, 2023 **PREPARED BY:** Robert Konowal
Planner

REQUEST

The applicants are requesting variances to allow an accessory structure (detached garage) with less setbacks than required and to be located in the front yard of a non-waterfront lot at 3936 Birdsville Road in Davidsonville.

LOCATION AND DESCRIPTION OF SITE

The subject property is a “pipestem” lot that has approximately 45 feet of frontage on Birdsville Road. These lands are located approximately 3,300 feet northwest of Solomons Island Road and have an area of 5.88 acres.

The site is shown on Tax Map 59, Grid 20 as Parcel 230 and is for the most part zoned RA-Rural Agricultural District. A small eastern portion of the property is zoned OS-Open Space District. The current zoning was adopted by the Comprehensive zoning for the Seventh Council District, October 7, 2011.

The property is currently developed with a single family detached dwelling with attached garage. A shed is located at the southwest corner of the property.

APPLICANTS’ PROPOSAL

The applicant is proposing to construct and locate a detached garage into the front yard between the existing dwelling and the front lot line.

REQUESTED VARIANCES

Section 18-2-204 (b) of the Anne Arundel County Zoning Ordinance prohibits the location of an accessory structure in the front yard of a non-waterfront lot. The proposed detached garage will be located in the front yard between the existing dwelling and the front line (Birdsville Road) and a variance is required for a detached garage in this location. The detached garage will be located approximately 20 feet forward of the existing dwelling.

FINDINGS

The subject property meets both the minimum lot width and lot area requirements of the Code for a lot in a RA District. However, more importantly this application relates to a “pipe stem” lot where frontage along a public roadway is limited to the “pipe stem” portion of the site that provides access to the lot. There are no other lots located along or at the end of this pipe stem and consequently, there is in this case no traditional streetscape where houses are aligned a minimum distance along a public roadway. The applicant wishes to locate the detached garage in an already cleared portion of the lot that is not encumbered by mature trees. The above conditions do constitute both an exceptional circumstance and a practical difficulty in complying with the Code.

The applicant has located the garage in a manner that minimizes its incursion into the front yard.

Approval of the variance would not alter the essential character of the immediate neighborhood as the garage will not disrupt any established setback pattern. The location of the garage is located well enough away from adjacent properties so as to not impair their appropriate use or development. There is no evidence that the request will be detrimental to the public welfare.

Agency Comments

The **Anne Arundel County Department of Health** indicated they do not have an approved plan for this project but would have no objection to the request provided a plan is submitted to and approved by the Department.

RECOMMENDATION

Based upon the standards set forth under Section 18-16-305 in the Anne Arundel County Code by which a variance may be granted, the Office of Planning and Zoning recommends the variance to allow an accessory structure (detached garage) in the front yard of a non-waterfront lot as shown on the attached site plan be **approved**.

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.