

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

APPLICANT: Jeremy John Schreifels

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0125-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: September 14, 2023

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting variances to allow a dwelling addition with less setbacks than required and with disturbance to slopes of 15% or greater at 1113 Ridge Place in the subdivision of Sunrise Beach, Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject property has 61 feet of frontage on the northeast side of Ridge Place, 60 feet east of Plum Creek Drive. These lands have an area of 18,469 square feet. The site is described as Lot 1113 in Parcel 146, Grid 16, on Tax Map 31 and is zoned "R2-Residential District". The current zoning of the site was adopted by the Comprehensive zoning for the Sixth Council District, October 7, 2011.

The site is a waterfront lot located in the Chesapeake Bay Critical Area and has been designated "LDA-Limited Development Area". The shoreline of the subject property is buffer modified. The property is served by on-site well and septic.

The site is currently developed with a one-story single-family detached dwelling with walkout basement, sidewalks, patios and decks.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a second floor addition and install a new septic tank.

REQUESTED VARIANCES

Section 17-8-201.(a) of the Anne Arundel Subdivision and Development Code states that development in LDA or RCA designated areas may not occur on slopes of 15% or greater. The proposed installation of the new septic tank will disturb approximately 560 square feet of land with a slope of 15% or greater and a variance is required for this disturbance. The exact amount of disturbance will be established during building permit review.

Section 18-4-601. of the Code requires that a principal structure in a R2 District be set back a

minimum of seven feet to a side property line. The second floor addition will be located as close as five feet from the northwest side lot line and six feet from the southwest lot line necessitating variances of two feet and one foot respectively.

FINDINGS

Critical Area Variance Criteria

The subject property at approximately 61 feet in width and 18,469 square feet in area does not meet both the required minimum lot width of 80 feet and minimum lot area of 20,000 square feet for a lot in the R2 District not served by public sewer. More importantly, the location of the existing well serving the dwelling (c.1958) relegates a septic tank to that same area already occupied by a septic tank and encumbered by steep slopes which cover almost half of the lot. These lot conditions do make compliance with the Critical Area Overlay difficult. Denial of a variance to allow disturbance to steep slopes to replace an existing septic tank with a newer BAT septic facility so as to allow a second story addition would cause hardship in the use of these lands.

The proposed larger replacement septic system is to be located where the existing system now lies which results in the minimum variance necessary to afford relief. The disturbance to steep slopes are not excessive and the limits of disturbance are those typically recommended by the County and are the minimum necessary to afford relief.

A literal interpretation of the County's Critical Area program in this case would deprive the applicant of rights that are commonly enjoyed by other properties in similar areas. The granting of the variance to disturb steep slopes would not confer on the applicant a special privilege that would normally be denied by COMAR, Title 27. This request is not the result of actions by the applicant including commencement of development before obtaining required approvals. The variance does not arise from any condition relating to land or building use on any neighboring property.

This Office believes the requested variance along with the new BAT septic system minimizes potential adverse effect on water quality, and it would be in harmony with the general spirit and intent of the County's Critical Area program. Furthermore, a second story is preferable to expansion at ground level which would increase lot coverage and runoff. The applicants have overcome the presumption that the specific development does not conform to the general purpose and intent of the Critical Area law. The applicants have adequately evaluated and implemented site planning alternatives regarding the location of septic facilities that relate to the critical area variance.

Approval of the variance would not alter the essential character of the neighborhood nor would it impair the appropriate use or development of any adjacent property. There is no evidence that approval of the variance will 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 be detrimental to the public welfare.

Setback Variance Criteria

As stated earlier, the subject property is undersized with respect to both minimum lot width and lot area. In addition to the substandard lot width of 61 feet, the site is an existing developed lot (c.1958) where the location of existing construction makes compliance with the Code difficult. Denial of the variances to allow the second floor addition would cause an unnecessary hardship in the use of this existing building and lands.

The proposed second floor addition follows the line of existing construction and represents the minimum variance necessary to afford relief.

Approval of the setback variances would not alter the essential character of the neighborhood as the deviations requested are negligible in their effect and would not impair the appropriate use or development of any adjacent property. There is no evidence that approval of the variance will 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 be detrimental to the public welfare.

Agency Comments

The **Anne Arundel County Department of Health** indicated the Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property and determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department advised they have no objection to the request.

The **Development Division Critical Area Team** indicated they had no objection to the request.

The **Engineering Division, Department of Inspections and Permits** requested that a photo tour be provided of the steep slopes/buffers where construction is proposed to document stability. The Division also advised that stormwater management will need to be addressed per Section 17-8-405 for any added imperviousness within the expanded buffer. The Office had no objection to the request provided the above is addressed with the building permit application.

The **State of Maryland Critical Area Commission** indicated appropriate mitigation is required.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth in Section 18-16-305 under the Anne Arundel County Code, the Office of Planning and Zoning recommends ***approval*** of the requested variances to disturb slopes of 15% or greater and reduced side lot line setbacks 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.