

August 16, 2023

Anne Arundel County Office of Planning & Zoning

Re: VARIANCE REQUEST  
SARAH NAGHIBI  
135 CHURCH ROAD  
ARNOLD, MD 21012  
TM 39, GRID 12 PARCEL 204

Existing structure build date: May 2020

I am respectfully requesting a variance to Article 18-4-501, whereas that title states in part that an accessory structure must be 15' from a side or rear lot line in the RI zoning district. The lot is developed with a single-family dwelling and associated improvements, including out buildings. This lot meets the definition of a buildable lot, subject to the approvals of the County. The site is served by private septic and public water and a paved road, Church Road, a variable width public right of way. The site drains to the headwaters of Mill Creek, and ultimately to the Chesapeake Bay. The site is not located in the Critical Area. The site is zoned RI. The original owner and builder constructed an out building (outdoor kitchen) in line with the rear of an existing shed that remained in place during redevelopment of the property. However, the owner did not know the existing shed was non conforming and built this smaller structure behind and in line with the shed. This put the new structure in violation of the 15' side yard setback.

The original owner/builder constructed an out building, an outdoor kitchen, in May 2020, without proper permitting. In the process of providing a building permit for the structure, it was noted that the outdoor kitchen was inside the 15' side building restriction line.

The structure is 14.5'x 12.17'. It is constructed on a concrete foundation and footers. The building is mostly open, having a wall on the back, and partial sides. The front, which faces generally toward the house, is open. The inside is a cooktop and rotisserie beside a brick oven. There is no electricity or plumbing run to the structure. The back wall has windows. The structure itself is compatible with the architecture of the house, and the style and pattern of the walks on the site. The structures are accessory to the main use, a single-family dwelling. The building would not require a variance if they were located inside the building restriction lines. As this property is not in the Critical Area, there are no lot coverage issues in regard to this building, and the site is well under the 25% allowable coverage by structures. The construction disturbed less than 5,000 square feet.

This plan meets the intent of 18-16-305(a):

1. The subject property is a 1.03-acre RI zoned lot. The house was rebuilt in 2020 and as part of the process an outdoor kitchen was constructed. It is adjacent to an existing shed that remained while the construction of the dwelling was done. The development is confined to the southwest corner of the property, and the outdoor kitchen was constructed to conform to existing patterns of development.

2. The exceptional circumstances and practical difficulties in developing the lot are several. As noted, the development of the site occurs to the rear and southwest of the property.

The site of the house is off the road, the northeast side has a corner setback requirement and several large trees. The septic system and more large trees are in the rear of the property. Based on the placement of existing development, the location where the kitchen is constructed is optimal both for use and conformance to existing development.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover. The work performed was not contrary to clearing and replacement practices, and will not alter the character of the neighborhood or be detrimental to the public welfare.

1. The variance request is the minimum to afford relief. The request is small, as the outdoor kitchen is not entirely located inside the setback line. It was placed to conform to existing development patterns on the property.

2. i. This variance will not alter the essential character of the neighborhood. There are many non-conforming accessory structures throughout the R1 zoning district.

ii. This variance will not impair the use of adjoining properties. The structure was placed parallel to existing non-conforming development. The structure is open, airy, and windowed.

iii. The property is not in the Critical Area.

iv. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements. However, the work has been completed, and it appears no clearing was necessary to perform the work.

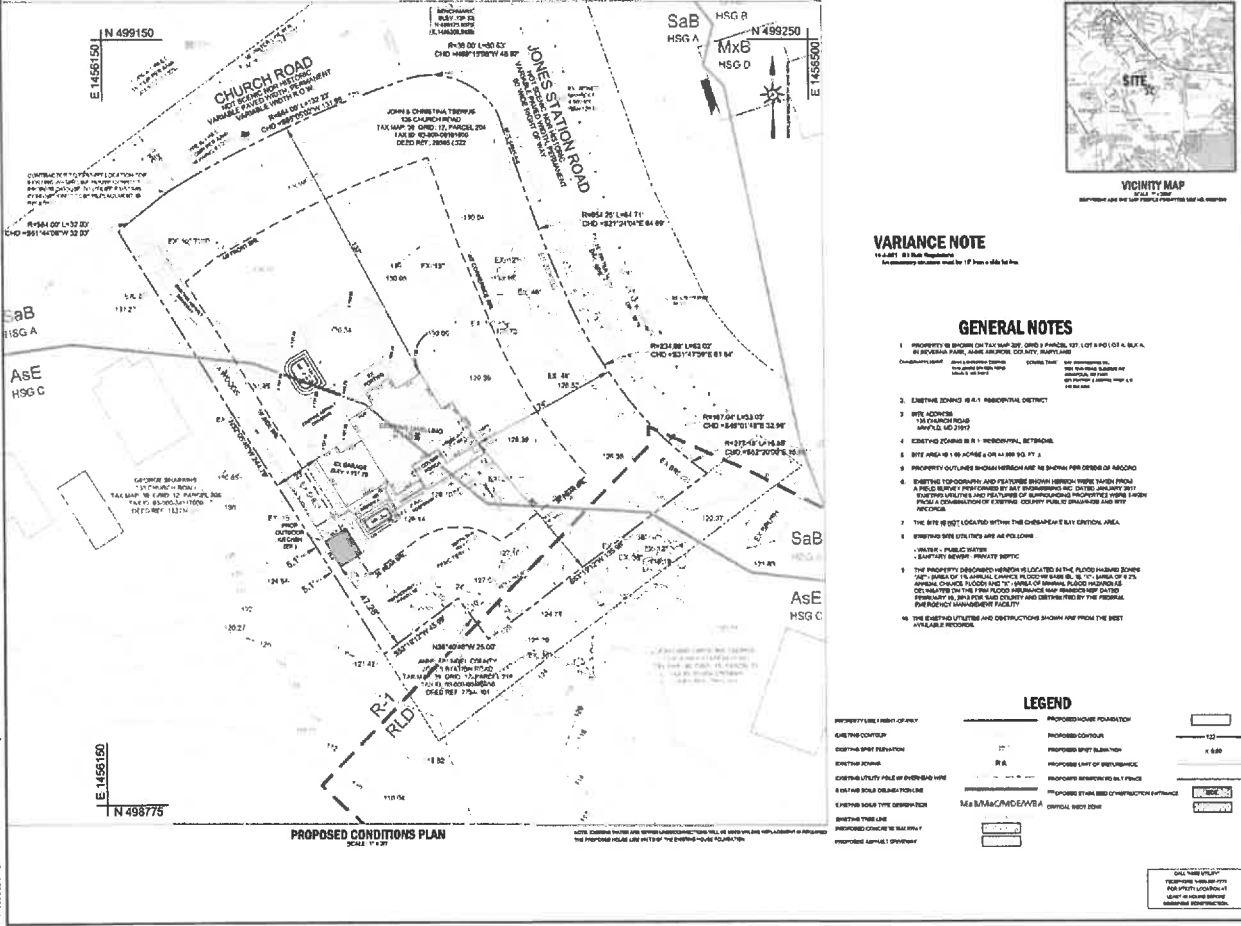
v. The project will not be detrimental to the public welfare, as it is located on private property.

This plan proposes the minimum relief necessary. The development will not impair the use of adjoining properties, nor reduce forest cover. The work performed was not contrary to clearing and replacement practices, and will not alter the character of the neighborhood or be detrimental to the public welfare.

As this proposal is for construction on existing footprints, the request is minimal. It would appear that this request is consistent with other development in this area. Denial of this request would not allow the owner to enjoy property rights common to other properties in this area.

The enclosed plan represents the location of the proposed work to the property. This plan is consistent with other development in the Arnold area. In closing, the variance requested is the minimum necessary to afford relief. Even though the work was performed without permits, the work would have required a variance. We thank you in advance for your consideration to this request.

If you have any questions, or if you require additional information, please feel free to contact me at 518-265-6480.



### VARIANCE NOTE

14-0057 - 01 Sub Application  
 Exemptions are made for 1P from a site for fire.

#### GENERAL NOTES

- PROPERTY IS SHOWN ON TAX MAP 007, GRID 4 PARCEL 007 LOT 4 POL LOT 4 BLK 4. EXISTING PAVEMENT, ASH, ASPHALT, CONCRETE DRIVE.
- EXISTING DRIVE IS R-1 RESIDENTIAL DISTRICT.
- SITE ADDRESS: 1551 CHURCH ROAD, MAP 140 21917.
- EXISTING DRIVE IS R-1 RESIDENTIAL, SETBACKS.
- SITE AREA IS 1.16 ACRES (49,141 SQ. FT.).
- PROPERTY LINES BEHIND HOUSE ARE 16' SETBACK FROM CURB OF ROAD. EXISTING TOPOGRAPHY AND FEATURE BROWN HATCH HERE TAKEN FROM A P.O.D. SURVEY PERFORMED BY SAH ENGINEERING INC. DATED JANUARY 2011. EXISTING UTILITIES AND FEATURES OF SURROUNDING PROPERTIES WERE OBTAINED FROM A CONSULTATION OF EXISTING CITY UTILITY MAPS AND CITY RECORDS.
- THE SITE IS NOT LOGGED WITHIN THE CHESAPEAKE E-1 EROSION AREA.
- EXISTING SITE UTILITIES ARE AS FOLLOWS:  
 - WATER: PUBLIC MAIN  
 - SEWER: PRIVATE SEPTIC
- THE PROPERTY DRAINAGE HATCH IS LOCATED IN THE FLOOD HAZARD SCENE. THE SCENE OF THE HAZARD SCENE IS LOCATED AS SHOWN ON THE ADJACENT CHURCH ROAD AND TO THE AREA OF EXISTING PAVED DRIVE AS SHOWN ON THE 1551 CHURCH ROAD TAX MAP 007. THE PROPOSED DRIVE SHALL BE GRADDED PROPERLY TO THE PUBLIC SIDE CURB AND DRAINAGE BY THE PUBLIC MAINTENANCE FACILITY.
- THE EXISTING UTILITIES AND OBSTRUCTIONS SHOWN ARE FROM THE BEST AVAILABLE RECORDS.

#### LEGEND

PROPERTY LINE (FROM PREVIOUS)	PROPOSED HOUSE FOUNDATION	1.25'
EXISTING CONTOUR	PROPOSED CONTOUR	1.25'
EXISTING SHOT FOUNDATION	PROPOSED SHOT FOUNDATION	1.60'
EXISTING DRIVE	R-1	
EXISTING UTILITY POLE AT INTERSECTION	PROPOSED LIGHT OF INTERFERENCE	
EXISTING SOLID DELIMITER LINE	PROPOSED SETBACK TO LOT LINE	1.00'
EXISTING SOLID DELIMITER LINE	PROPOSED SETBACK TO STREET FRONTAGE	1.00'
EXISTING WALL AND OBSTRUCTION	CORNER ETAL BEHIND OBSTRUCTION ENTRANCE	
EXISTING TREE LINE	CORNER BEHIND DRIVE	
PROPOSED CONCERTE TO DRIVE		
PROPOSED DRIVE 12' WIDE		

SCALE 1" = 20'



VICINITY MAP  
 SCALE 1" = 200'  
 REFERENCE AND SEE THE PEOPLE PROPERTY MAP ON SITE

VARIANCE SITE PLAN

**TSCHNIS PROPERTY**  
 1551 CHURCH ROAD, ANNE ARDLE MD 21414  
 1551 CHURCH ROAD, ANNE ARDLE MD 21414  
 TAX MAP 007, GRID 4, PARCEL 007, LOT 4 POL LOT 4 BLK 4  
 1551 CHURCH ROAD, ANNE ARDLE MD 21414

DATE: 10/20/2014  
 DRAWN BY: J. J. JONES  
 CHECKED BY: J. J. JONES  
 APPROVED BY: J. J. JONES

Sheet No. 1 OF 1