

September 1, 2023

James Wright
87 Bay Drive
Annapolis, MD. 21403

Variance for an Accessory Structure on a Dual Frontage Lot

Dear Sir / Madam,

We seek a variance request for a “through lot” with dual frontage on Bay Drive and Barry Avenue to allow two accessory structures, a detached one story garage, and one story 750 ft.² living quarters in the front yard of a non-waterfront lot. The property currently is a 25,052 ft.² lot, with a 2,751 ft.² residence and a 400 ft.² detached garage. See attached proposed site plan and PDF of site reference photos.

The property for all intents and purposes, except for direct access to the water, is a waterfront lot. The road between the property and the shoreline causes a lot to be treated as if it were an internal lot. However, it is obvious that the main dwelling is facing the bay, and should be treated accordingly, which would allow the proposed garage, without a variance. The proposed work is to demolish the existing garage and replaced with a new one story garage with storage above, and a new one story accessory dwelling unit.. Both the proposed detached garage and accessory dwelling unit to be located between the main house and the front lot line that abuts Barry Avenue and consequently requires a variance to be in the front yard of a non-waterfront lot.

The approval of this variance would not alter the essential character of the immediate neighborhood. The location of the detached garage complies with the required front lot line setback of 40 feet from Barry Avenue frontage for an accessory structure and is located well behind the front setback of the main dwelling facing Bay Drive. Both adjacent neighbors’ lots are through lots and an approval of the variance would not impair the appropriate use and development of any abutting properties. The area of disturbance will not reduce forest cover in the LDA or critical area.

On April 27, 2021 a variance **CASE NUMBER 2021-0023-V** was granted for relief from the code of an similar accessory structure, but with living quarters above for a “through lot” located at **107 Bay Dr.** The evidence showed that because of the unique physical constraints of the subject property, the applicant couldn’t construct the proposed garage behind the main residence in the front setback of Barry Avenue without the required variance.

Please note that there are several other “through lots” on Bay Drive with existing two story accessory structures with dwelling units above in the immediate vicinity, see attached PDF for address and photo reference.

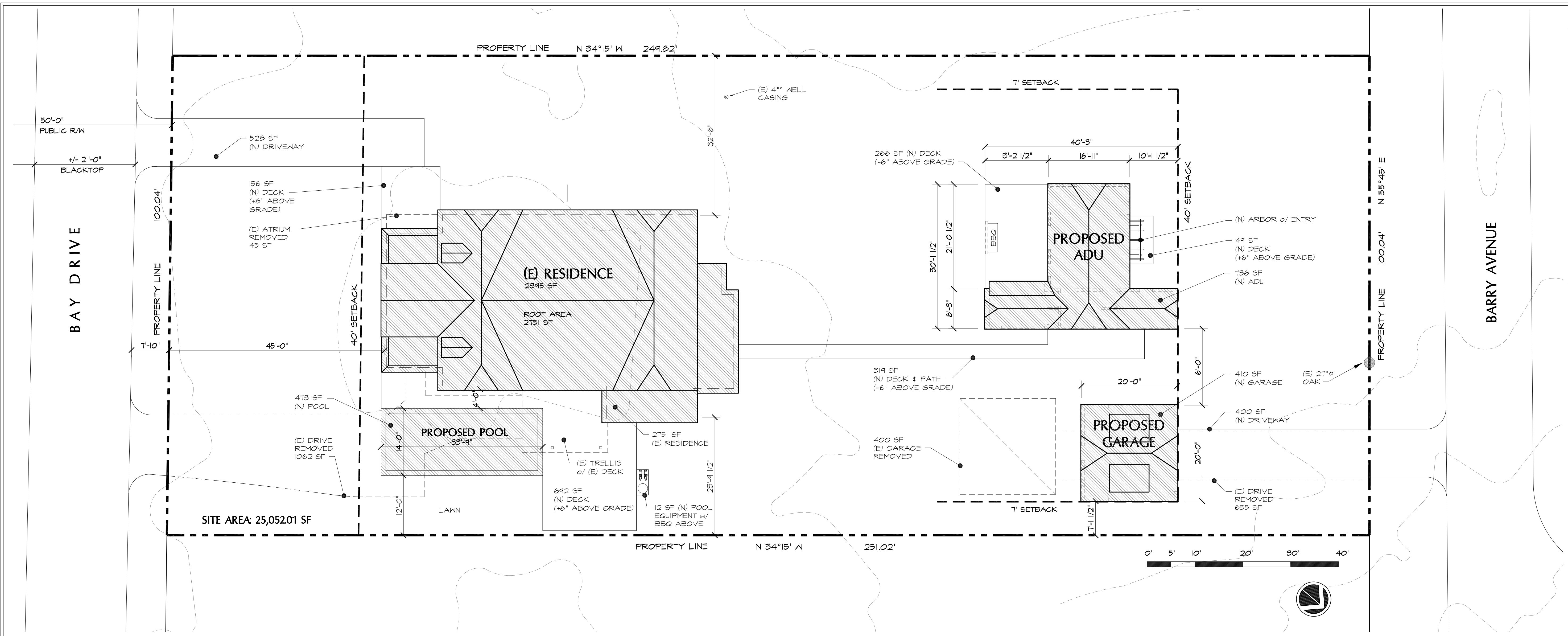
Sincerely,



James P. Wright

JAMES PHILLIP WRIGHT

EMAIL: jpwarchit@gmail.com



PROPOSED SITE PLAN

SCALE
3 / 32" = 1' - 0"

3

8-25-2023 UPDATE
No. Date Issue / Revision
Project Title and Address:
New Garage and ADU
87 Bay Drive
Annapolis, MD 21403
APN: -

Drawings Prepared For:
James Wright
87 Bay Drive
Annapolis, MD 21403

Architect Seal

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF ARCHITECT JAMES PHILIP WRIGHT AND MAY NOT BE DUPLICATED, USED OR DISSEMINATED WITHOUT THE WRITTEN CONSENT OF ARCHITECT JAMES PHILIP WRIGHT.

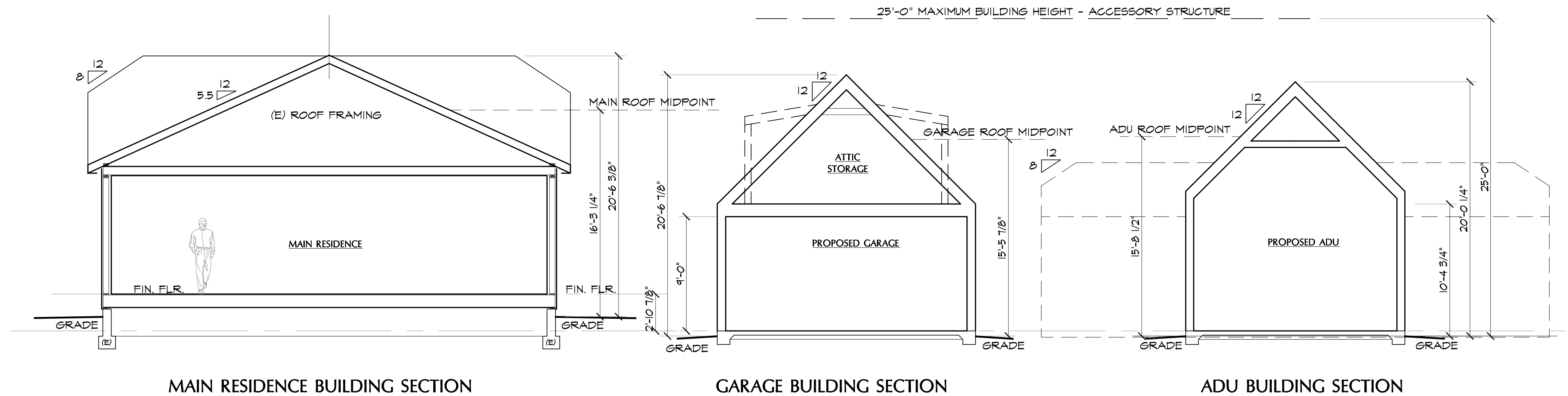
Drawn By:
PLM

Shot Contents:
SITE PLAN

2109 BAY DRIVE APN: -
Scale:

A1.1

4 August 2022



BUILDING SECTION ROOF MIDPOINT STUDY

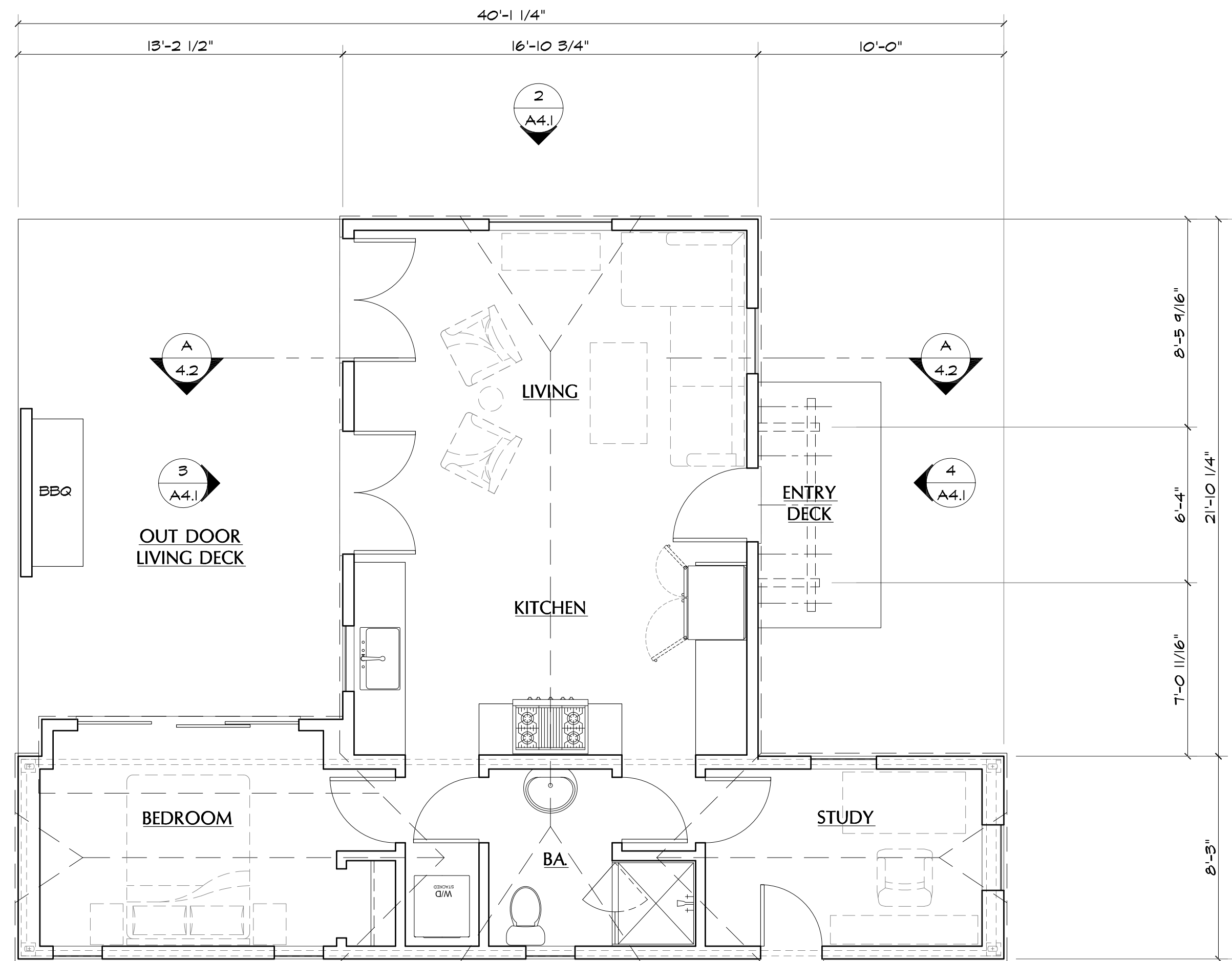
SCALE
3 / 16" = 1' - 0"

1

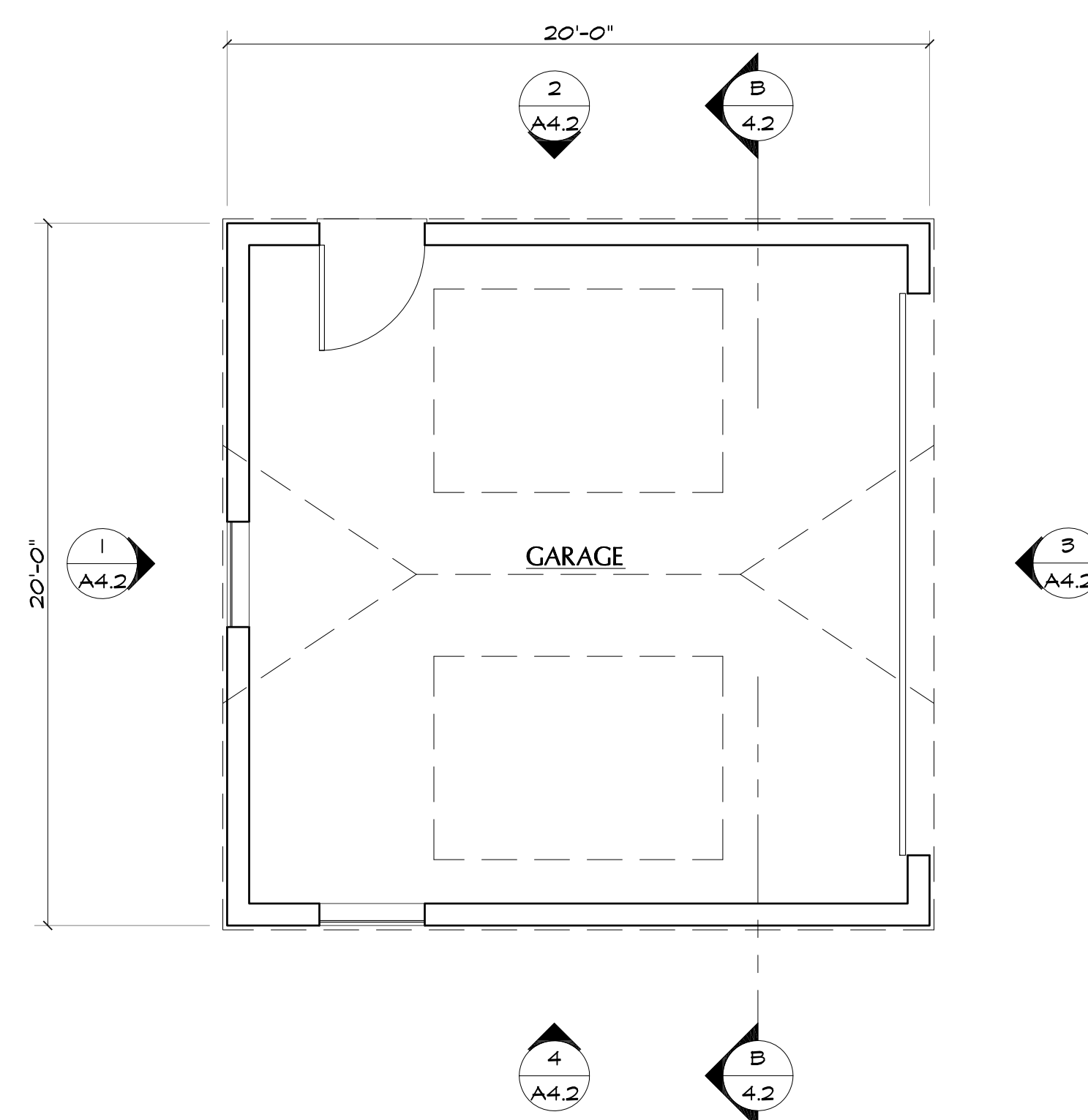
AREA CALCS

SCALE
3 / 32" = 1' - 0"

2



PROPOSED ADU FLOOR PLAN SCALE: 1/4"=1'-0" **2**



SCALE: 1/4" = 1'-0"

PROPOSED GARAGE FLOOR PLAN SCALE: 1/4"=1'-0" **1**

No.	Date	Issue / Revision
1	8-25-2023	UPDATE

Project Title and Address:

New Garage and ADU

87 Bay Drive
Annapolis, MD 21403
APN: -

Drawings Prepared For:

James Wright

87 Bay Drive
Annapolis, MD 21403

Architect Seal

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF ARCHITECT JAMES PHILIP WRIGHT AND MAY NOT BE DUPLICATED, USED OR DISSEMINATED WITHOUT THE WRITTEN CONSENT OF ARCHITECT JAMES PHILIP WRIGHT.

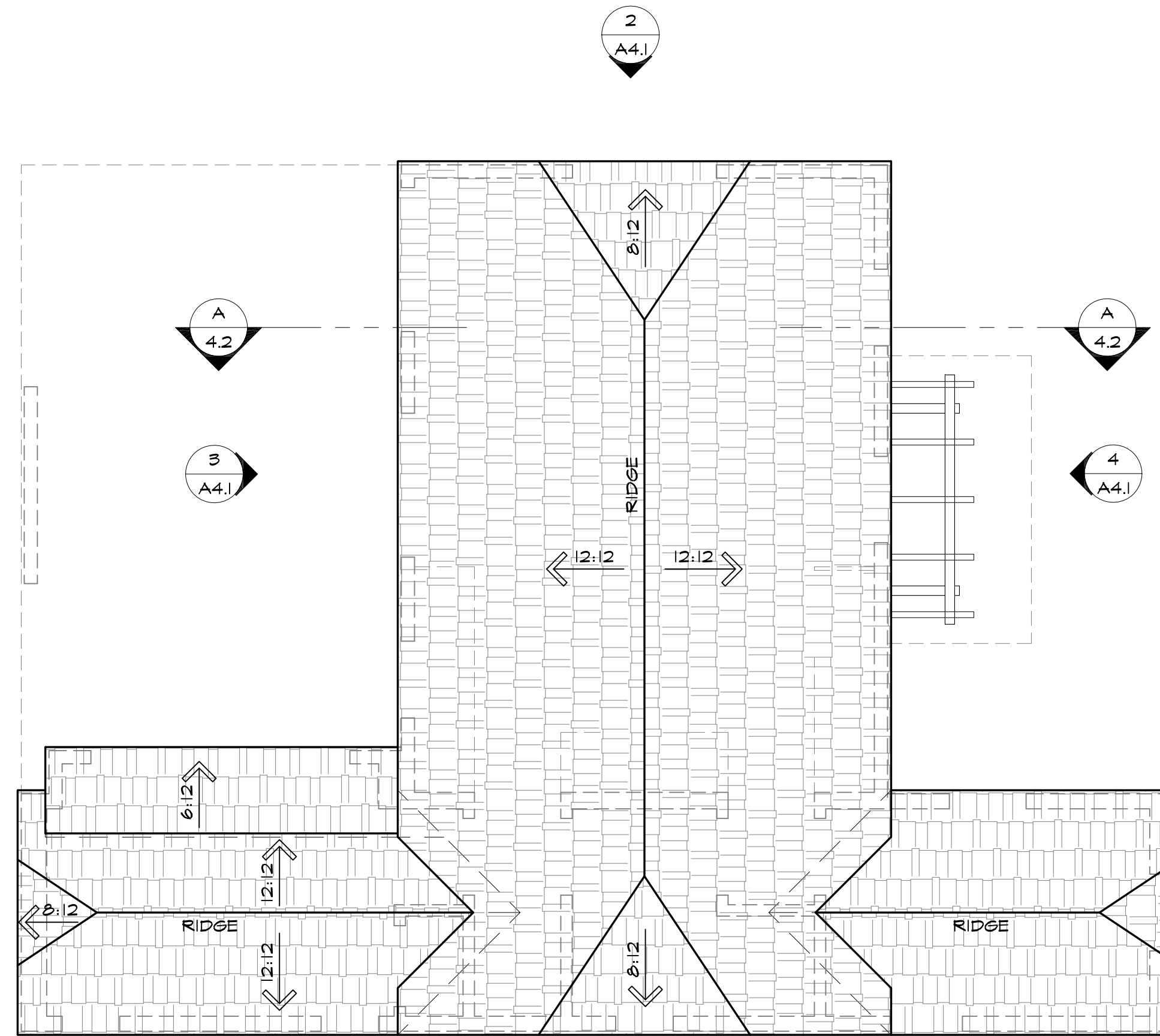
Drawn By:
PLM

Sheet Contents:
GARAGE FLOOR PLAN

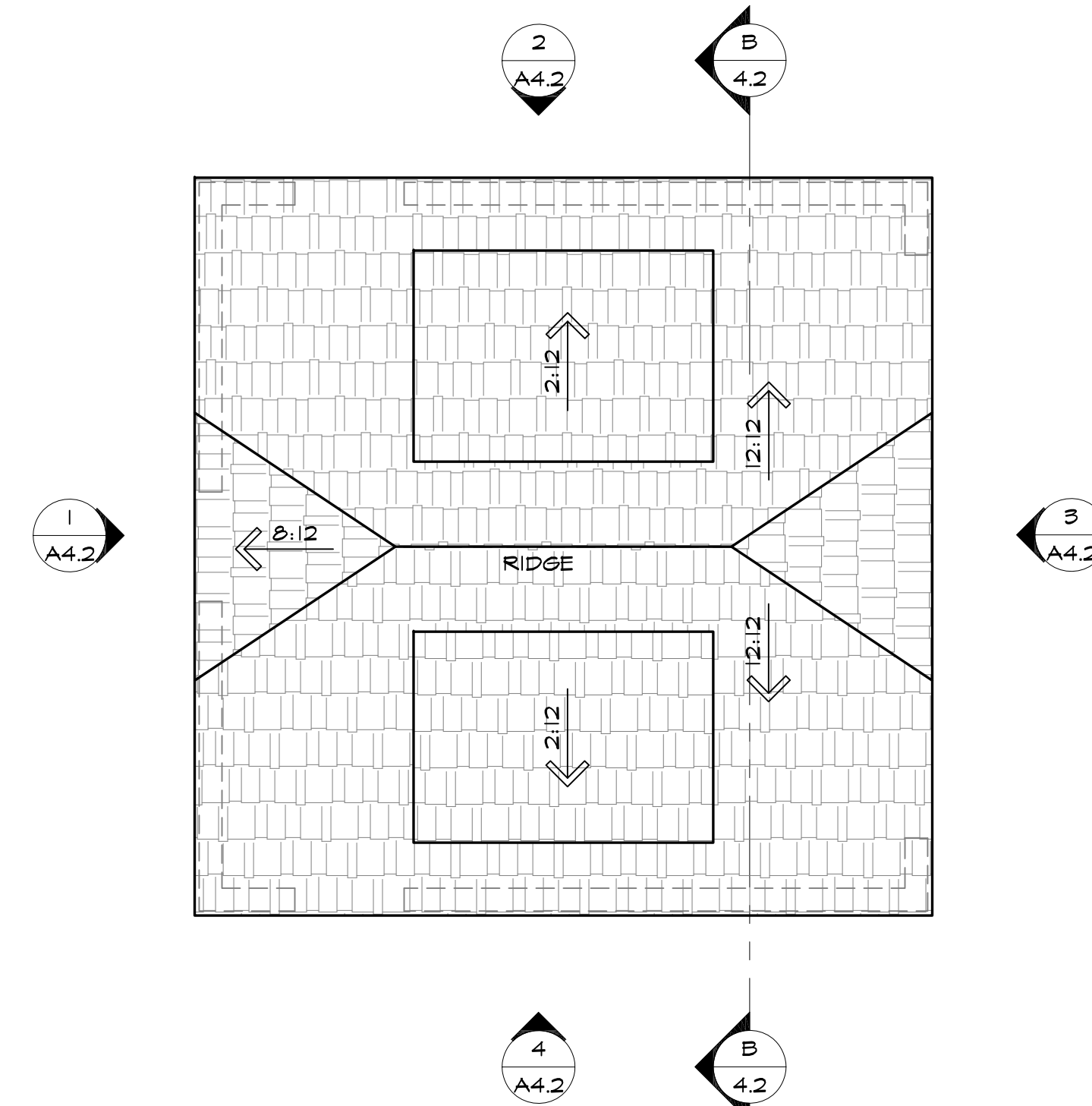
2109 BAY DRIVE APN: -
Scale:

A2.1

4 August 2022



PROPOSED ADU - ROOF PLAN SCALE: 1/4"=1'-0" **2**



PROPOSED GARAGE - ROOF PLAN SCALE: 1/4"=1'-0" **1**

No.	Date	Issue / Revision
1	8-25-2023	UPDATE

Project Title and Address:

New Garage and ADU

87 Bay Drive
Annapolis, MD 21403
APN: -

Drawings Prepared For:

James Wright

87 Bay Drive
Annapolis, MD 21403

Architect Seal

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF ARCHITECT JAMES PHILIP WRIGHT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF ARCHITECT JAMES PHILIP WRIGHT.

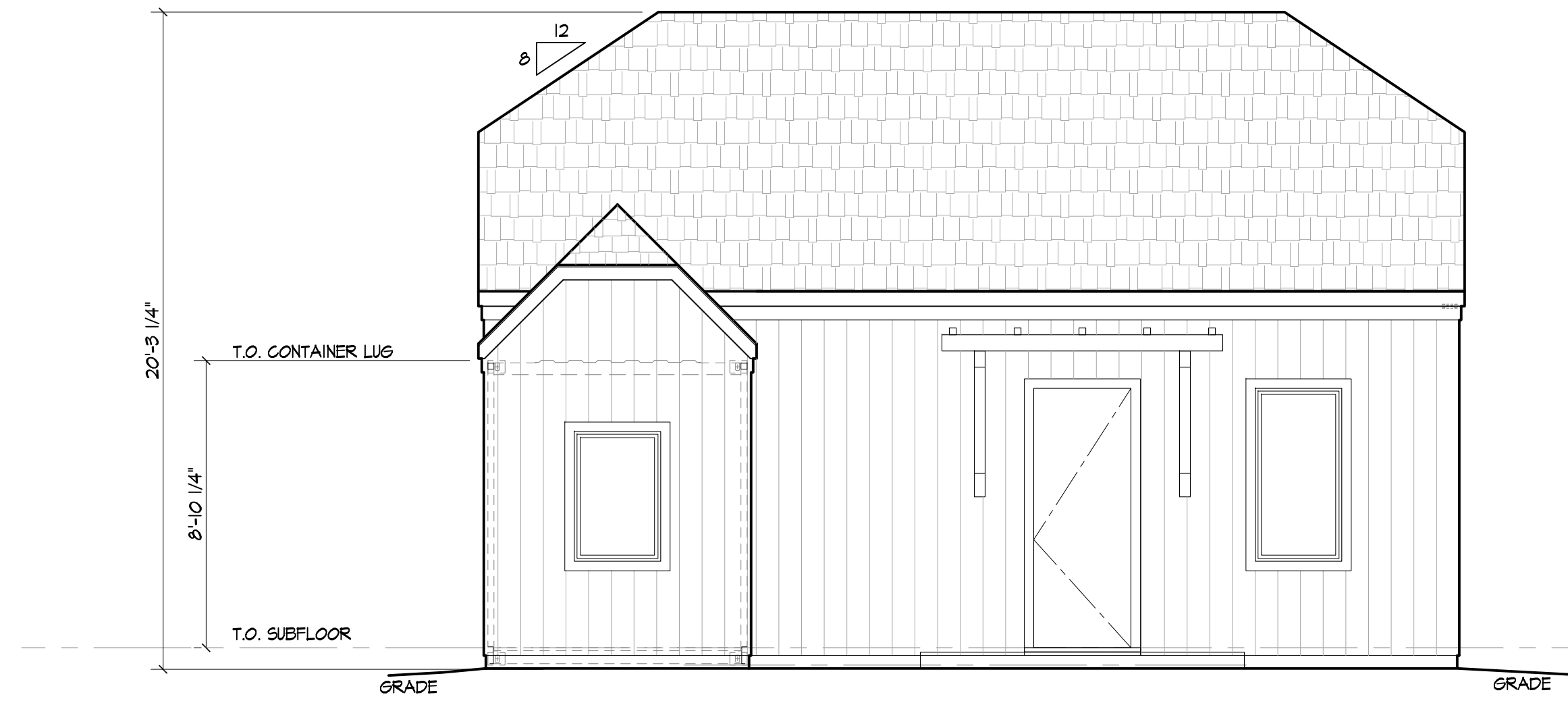
Drawn By:
PLM

Sheet Contents:
GARAGE ROOF PLAN

2109 BAY DRIVE APN: -
Scale:

A3.1

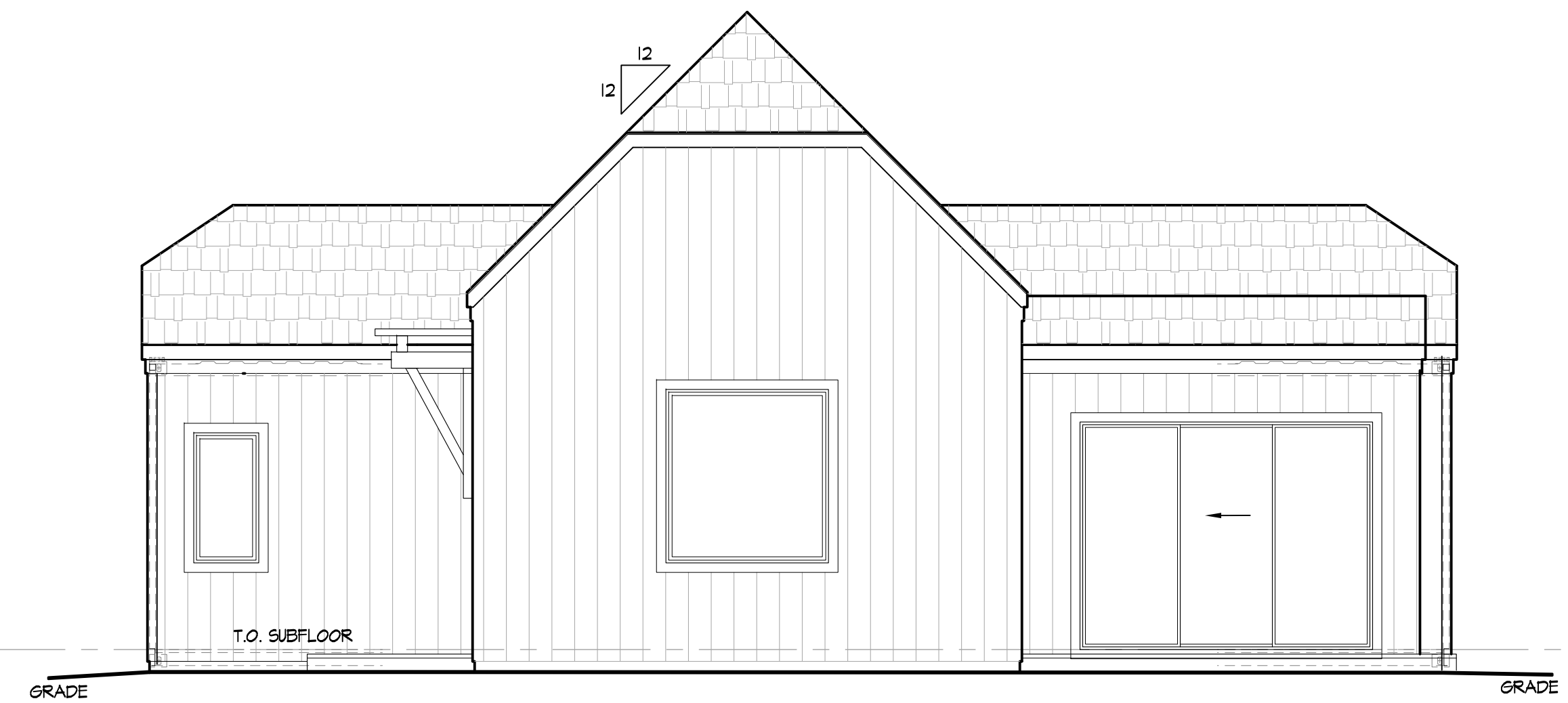
4 August 2022



PROPOSED ADU - FRONT ELEVATION

SCALE
1 / 4" = 1' - 0"

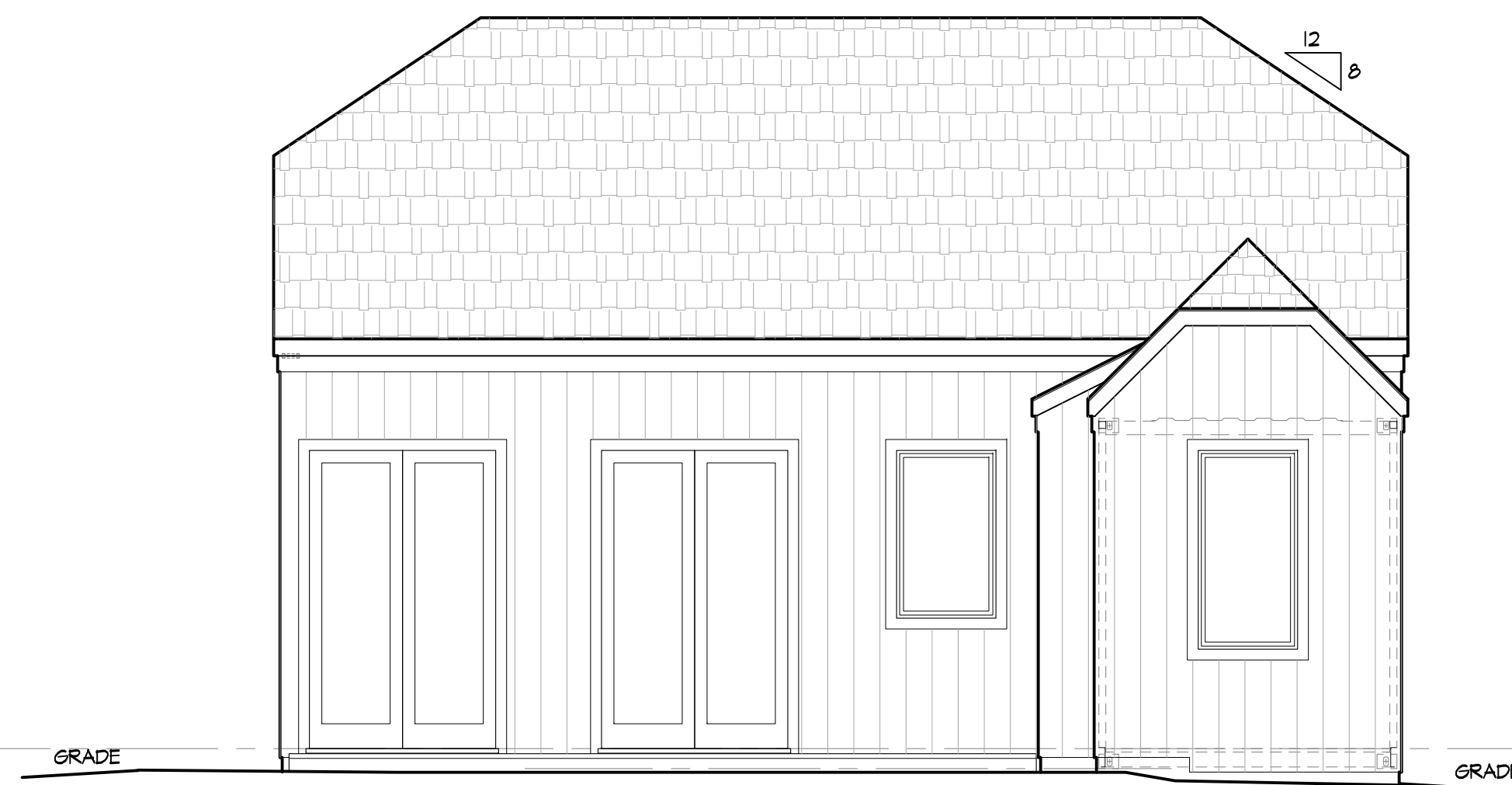
4



PROPOSED ADU - RIGHT SIDE ELEVATION

SCALE
1 / 4" = 1' - 0"

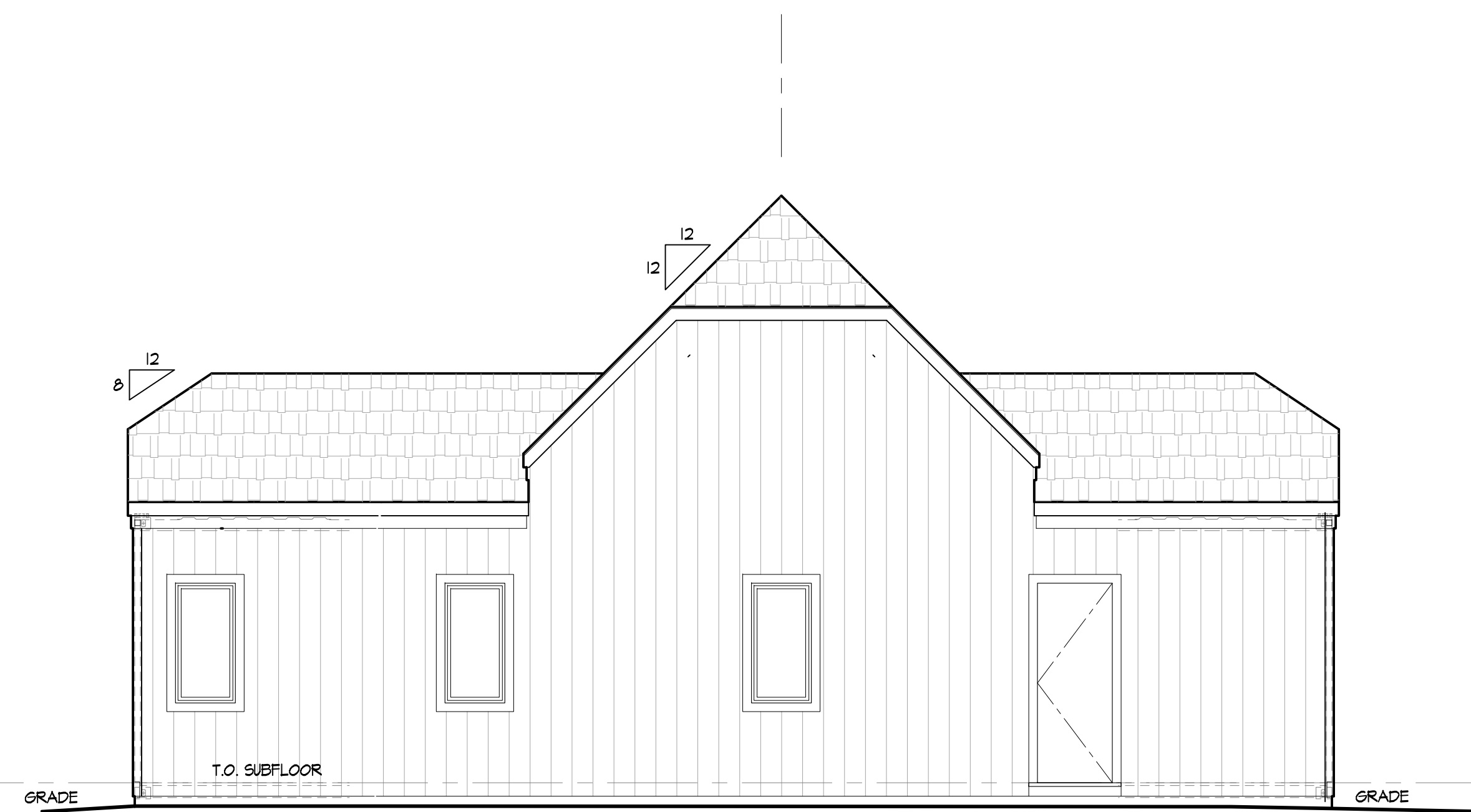
2



PROPOSED ADU - REAR ELEVATION

SCALE
1 / 4" = 1' - 0"

3



PROPOSED ADU - LEFT SIDE ELEVATION

SCALE
1 / 4" = 1' - 0"

1

8-25-2023 UPDATE

No.	Date	Issue / Revision

Project Title and Address:

**New
Garage and ADU**

87 Bay Drive
Annapolis, MD 21403
APN: -

Drawings Prepared For:

James Wright

87 Bay Drive
Annapolis, MD 21403

Architect Seal

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF ARCHITECT JAMES PHILIP WRIGHT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF ARCHITECT JAMES PHILIP WRIGHT.

Drawn By:
PLM

Sheet Contents:

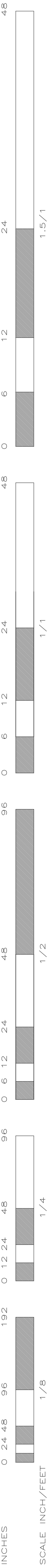
**PROPOSED GARAGE
EXTERIOR ELEVATIONS**

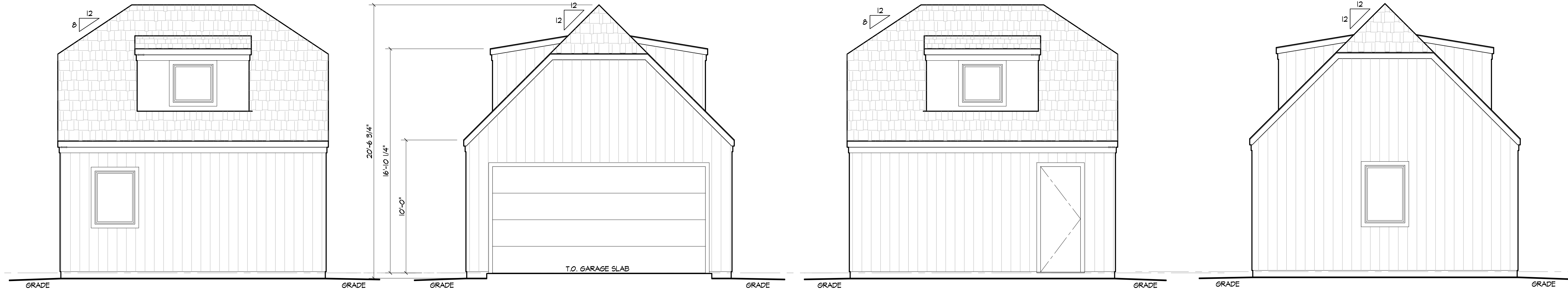
2109 BAY DRIVE

APN: -

Scale:

A4.1
4 August 2022





GARAGE - LEFT SIDE ELEV

SCALE:
1/4"=1'-0"

4

GARAGE - FRONT ELEV

SCALE:
1/4"=1'-0"

3

GARAGE - RIGHT SIDE ELEV

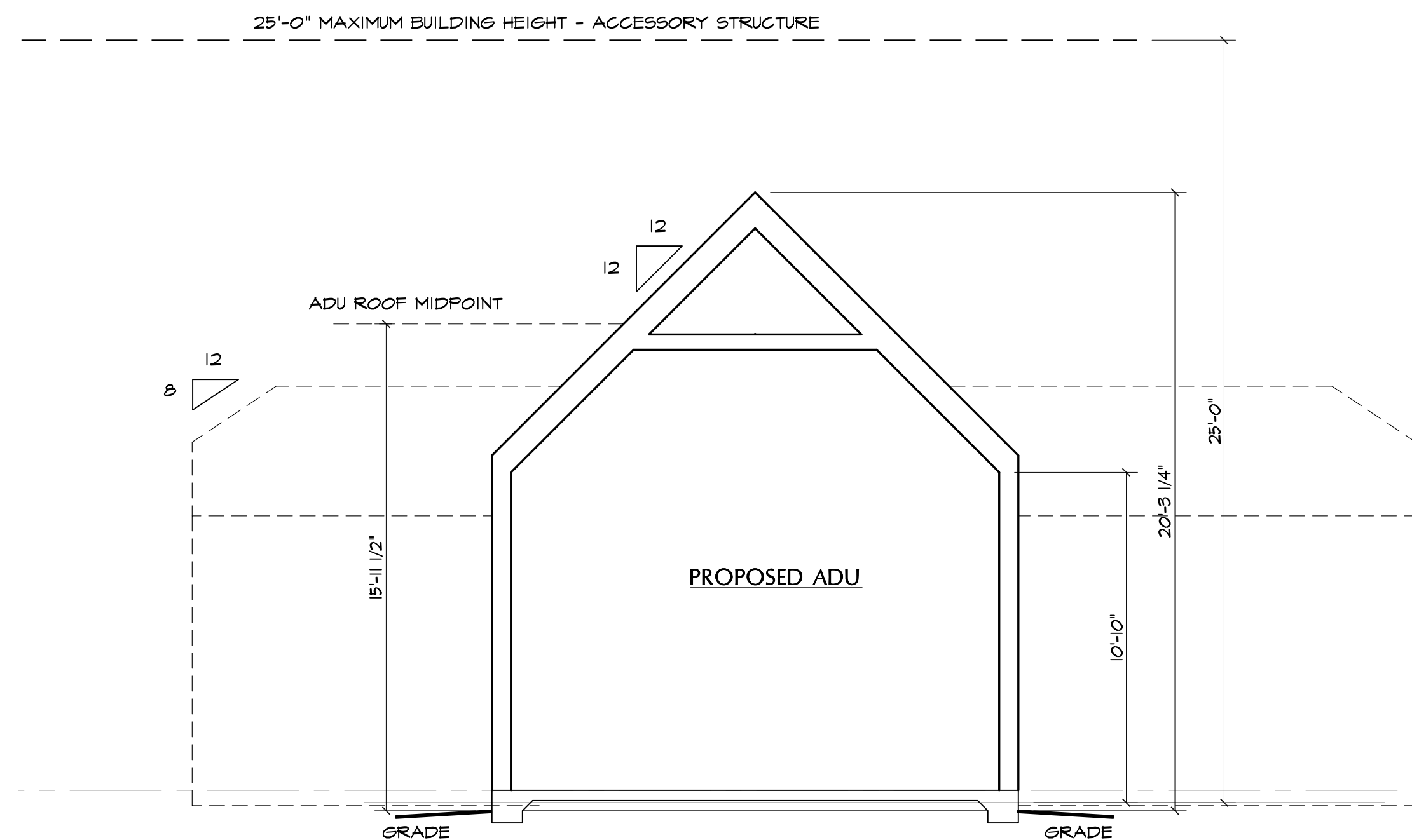
SCALE:
1/4"=1'-0"

2

GARAGE - REAR ELEV

SCALE:
1/4"=1'-0"

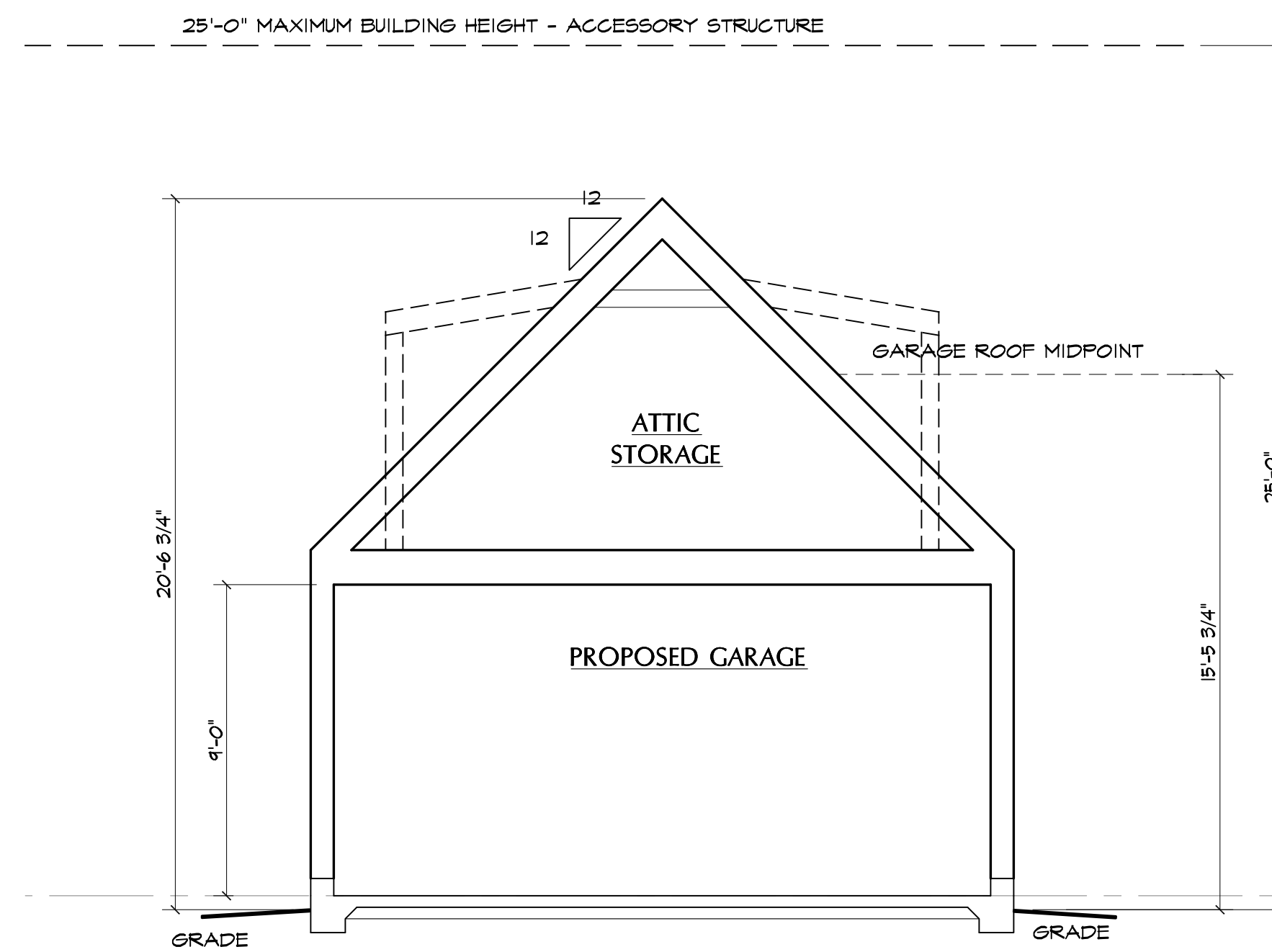
1



ADU BUILDING SECTION 'A'

SCALE:
1/4"=1'-0"

A



GARAGE BUILDING SECTION 'B'

SCALE:
1/4"=1'-0"

B

No.	Date	Issue / Revision
8-25-2023		UPDATE

Project Title and Address:

**New
Garage and ADU**

87 Bay Drive
Annapolis, MD 21403
APN: -

Drawings Prepared For:

James Wright

87 Bay Drive
Annapolis, MD 21403

Architect Seal

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF ARCHITECT JAMES PHILIP WRIGHT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF ARCHITECT JAMES PHILIP WRIGHT.

Drawn By:
PLM

Sheet Contents:

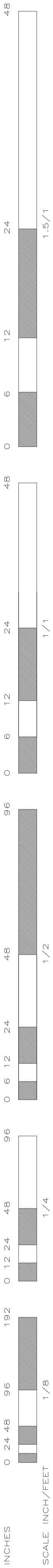
**PROPOSED GARAGE
ELEVATIONS
BUILDING SECTIONS**

2109 BAY DRIVE APN: -

Scale:

A4.2

4 August 2022



CRITICAL AREA COMMISSION
 CHESAPEAKE AND ATLANTIC COASTAL BAYS
 1804 WEST STREET, SUITE 100
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
57	29		3	10

FOR RESUBMITTAL ONLY	
Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>

*Complete Only Page 1
General Project Information

Tax ID: 2047-1273-4100

Project Name (site name, subdivision name, or other) ACCESSORY STRUCTURE

Project location/Address 87 BAY DRIVE

City ANNAPOLIS MARYLAND Zip 21403

Local case number .

Applicant: Last name WRIGHT First name JAMES

Company OWNER

Application Type (check all that apply):

- Building Permit
- Buffer Management Plan
- Conditional Use
- Consistency Report
- Disturbance > 5,000 sq ft
- Grading Permit

- Variance
- Rezoning
- Site Plan
- Special Exception
- Subdivision
- Other

Local Jurisdiction Contact Information:

Last name WRIGHT First name JAMES

Phone # 925-788-5520 Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

**RESIDENTIAL ONE STORY ACCESSORY STRUCTURE ADU
AND ACCESSORY STRUCTURE GARAGE**

Intra-Family Transfer Yes
Grandfathered Lot

Growth Allocation Yes
Buffer Exemption Area

Project Type (check all that apply)

Commercial
Consistency Report
Industrial
Institutional
Mixed Use
Other

Recreational
Redevelopment
Residential
Shore Erosion Control
Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area		25052			
LDA Area		5445			
RCA Area					
Total Area					

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		20849	Existing Lot Coverage		4213
Created Forest/Woodland/Trees		0	New Lot Coverage		1146
Removed Forest/Woodland/Trees		1217	Removed Lot Coverage		0
			Total Lot Coverage		5359

VARIANCE INFORMATION (Check all that apply)

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

Variance Type

Buffer
Forest Clearing
HPA Impact
Lot Coverage
Expanded Buffer
Nontidal Wetlands
Setback
Steep Slopes
Other

Structure

Acc. Structure Addition
Barn
Deck
Dwelling
Dwelling Addition
Garage
Gazebo
Patio
Pool
Shed
Other

September 1, 2023

James Wright
87 Bay Drive
Annapolis, MD. 21403

Critical Area Report Narrative

Re: Variance for Accessory Structure on a Dual Frontage Lot

Dear Sir / Madam,

The existing single story residence was built in 1926 in the Bay Ridge Tract on a flat lot overlooking the Chesapeake Bay. The lot is 25,052 square feet having mostly mature trees on the perimeter property lines in the rear and side yards surrounding the lawn areas. The landscaping covers approximately 80% of the property.

The area of disturbance for the accessory structure is approximately 1,246 s.f. with no tree removal required. The existing impervious surface area is 4,913 s.f. and after demolition of the existing garage, construction of the accessory structure and driveway, new pool adjacent the main residence, also with relocated driveway, the impervious area increases 397 s.f. totaling 5,310. s.f. below the maximum allowed of 5,445 s.f.

Storm water management practices of silt fencing will be incorporated during construction to mitigate sediment runoff.

There are no habitat protection areas on the subject property.

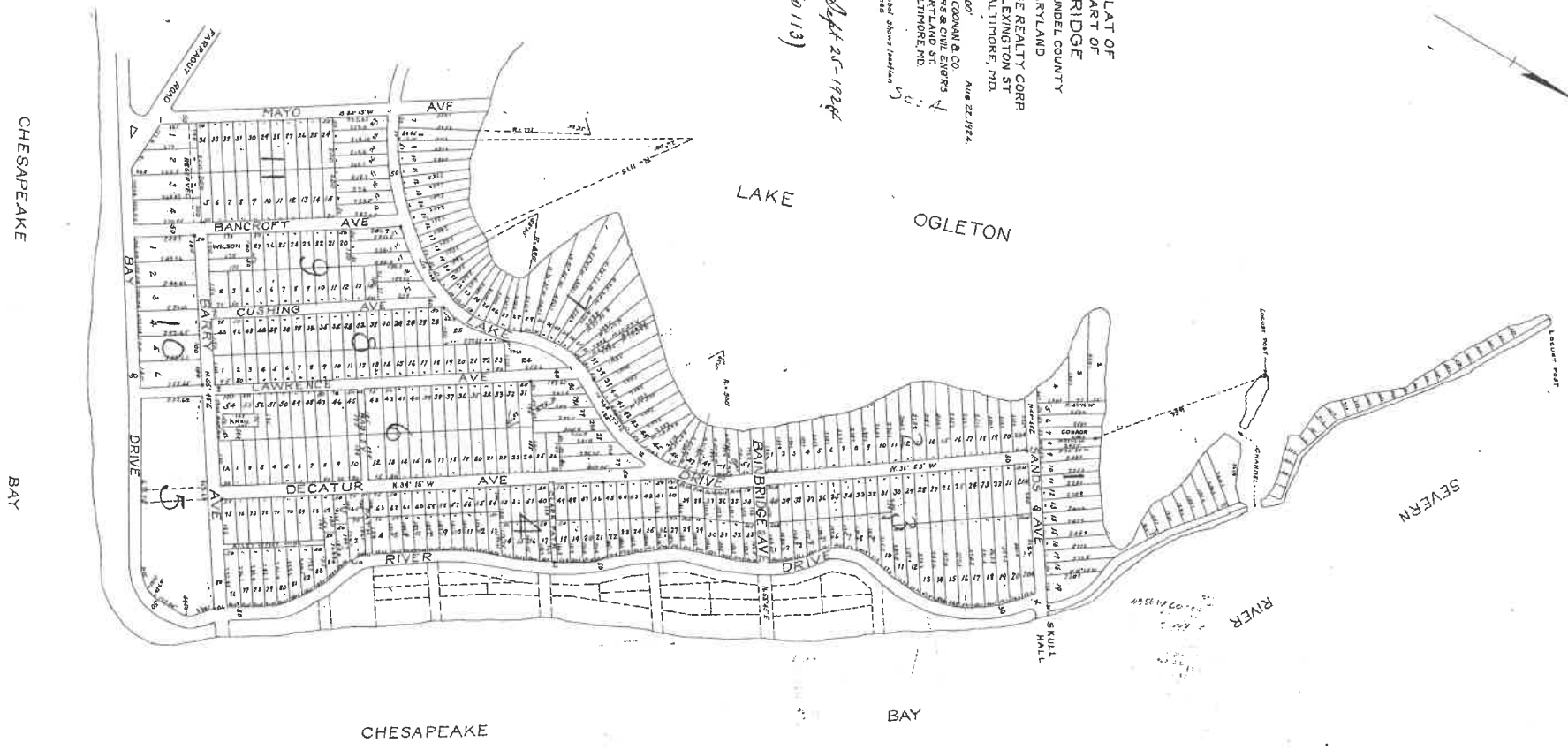
Sincerely,



James P. Wright

*Filed Sept 25-1924
(No 113)*

PLAT OF
PART OF
BAY RIDGE
ANNE ARUNDEL COUNTY
MARYLAND
BAY RIDGE REALTY CORP
14 ELEXINGTON ST
BALTIMORE, MD.
SCALE 1" = 200' AUG 22, 1924
EDWARD V. COGAN & CO.
SURVEYORS & CIVIL ENGINEERS
231 COURTLAND ST
BALTIMORE, MD.
NOTE -
A True & Correct Above Foundation
is Hereby Certified



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

APPLICANT: James Wright

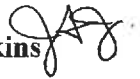
ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0075-V

COUNCIL DISTRICT: 6

HEARING DATE: July 20, 2023

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicant is requesting a variance to allow accessory structures (detached garage with a second floor accessory dwelling unit and an in-ground pool) in the front yard of a non-waterfront lot with less setbacks than required at 87 Bay Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property which is a through lot consists of 25,042 square feet of land and is located with 100 feet of frontage on the northwest side of Bay Drive and 100 feet of frontage on the southeast side Barry Avenue, 200 feet northeast of Bancroft Avenue. The property is identified as Lot 3 on Parcel 29 in Block 10 on Tax Map 57 in the Bay Ridge subdivision. The property has been zoned R2 – Residential District since the adoption of comprehensive zoning for the Sixth Councilmanic District, effective October 7, 2011. The property is located in the Critical Area Overlay designated as LDA - Limited Development Area. The site is currently improved with a single-family detached dwelling, a detached garage and a driveway.

PROPOSAL

The applicant proposes to remove the existing garage (400 sf) and construct a two-story, 39 feet-10 ½ inches wide by 31 feet-5 inches deep by 19 feet 11 ¾ inches high, detached accessory structure that includes, on the ground level, a two-car garage, a storage area, a boat storage area, a pool bathroom, a workshop (total 998.6 sf), and an entryway including stairs to the second floor (115.5 sf), with a second story accessory dwelling unit (ADU) measuring 19 feet-10 ¼ inches by 31 feet-5 inches or 635.9 sf. Also proposed is an in-ground pool (334 sf¹) between the principal dwelling and the proposed accessory structure. Since this is a through lot with two front yards, both the accessory structure and the pool will be located forward of the principal structure in the front yard.

REQUESTED VARIANCE

¹ The outer dimensions of the pool are shown as 14 feet by 34 feet, 476 sf. Pools are measured from the edge of the coping. Dimensions for the pool itself should be shown on the site plan for a building permit if this variance is approved.

§18-2-204 (b) of the Anne Arundel County Zoning Ordinance proscribes the location of an accessory structure in the front yard of a non-waterfront lot. As proposed, a locational variance is required for the accessory structure and the in-ground pool.

The proposed accessory structures meet the required setbacks of §18-4-601 of the Anne Arundel County Code.

FINDINGS

As indicated earlier, the subject property is a through lot having road frontage on both Bay Drive and Barry Avenue. The rectangular-shaped property exceeds both the width requirement of the R2 District and the area requirement for a lot in the R2 District served by public sewer. The dwelling is located slightly closer to the northeastern lot line than the southwestern lot line. The configuration of the property with two road frontages makes any improvement to the property difficult without a variance. Denial of the request would cause difficulty in further development of the property as there is limited area to the southwest side of the house where there might be room for a detached garage.

The site plan shows the existing lot coverage is 4,915 square feet. After the removal of the existing 400 square foot garage and construction of the proposed pool and accessory structure the site plan shows the proposed lot coverage will be 5,308 square feet, however, the applicant has not included the 1,180 square feet of pool deck surrounding the pool. This lot is allowed 5,445 square feet of lot coverage under §17-8-402 of the County Code and will be over that amount with this pool decking.

The current County aerial photograph from 2023 reveals an eclectic mix of various sized houses on similar sized lots in this area. Only one of six houses along this section of Bay Drive have driveway access to Bay Drive. All others have access via Barry Avenue. The existing dwelling was built in 1926, well before zoning and critical area laws went into effect. This Office finds that the Bay Ridge Subdivision was recorded in September 1924. When a lot has two road frontages it is not uncommon to have an accessory structure in a yard that is utilized as a rear yard but classified as a front yard by zoning definition. Accessory structures, garages, pools, sheds, etc. abound along the Barry Avenue side of properties on Bay Avenue with Barry Avenue considered the rear yard.

The letter of explanation notes that the dwelling faces the bay and opines that were it not for the right-of-way of Bay Avenue, the lot would be waterfront. The applicant writes that a variance was granted under case number 2021-0023-V in April 2021 for an accessory structure with living quarters above at 107 Bay Drive.²

This Office also found that 107 Bay Drive was granted a variance under case number 2022-0104-V for a pool in the front yard of a nonwaterfront lot.

² 2021-0023-V approved a variance for an accessory structure (detached garage) in the front yard of a nonwaterfront lot with less setbacks than required. The site plan for this variance only shows a proposed garage. The letter of explanation does not mention an ADU or any living space and the decision only allows a garage. Until the enactment of Bill 6-23, May 27, 2023, ADUs were not permitted in detached structures.

The **Health Department** commented that the Health Department does not have an approved plan but has no objection so long as a plan is submitted and approved by the department.

For the granting of a zoning variance, a determination must be made as to whether because of certain unique physical conditions peculiar to and inherent in the particular lot or because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. In this case, the development of the site is constrained by the practical limitations of an existing developed lot that is also burdened by frontage on two roads. Due to the location of the existing dwelling nearly any improvement might require a variance or would require the removal of trees. This creates a hardship for the applicants by denying them the ability to construct accessory structures on the property.

The granting of the variance for a detached accessory structure or pool would not alter the essential character of the neighborhood. Accessory structures abound on the street side of waterfront properties, and this property does act in the nature of a waterfront property given that the community property on the opposite side of Bay Drive is an undeveloped community beach. The grant of the variance will not impair the appropriate use or development of adjacent properties as the location of the garage structure complies with the 40-foot front setback requirement and the pool and garage meet all other setback requirements. The variance will not be contrary to acceptable clearing and replanting practices. The granting of the variance will not be detrimental to the public welfare. The location of the pool and garage is considered to result in the minimum variance necessary to afford relief.

According to the site plan, the proposed pool decking will result in the property exceeding its maximum allowed Critical Area lot coverage. There is a discrepancy in what is calculated as proposed lot coverage and what should be calculated (e.g. impervious area around the pool or walkway to the pool which includes at-grade decking is considered critical area lot coverage). It is unlikely this Office would support a variance for any additional lot coverage that exceeds the maximum allowed by Critical Area law.

RECOMMENDATION

Based upon the standards set forth in §18-16-305, under which a variance may be granted, the Office of Planning and Zoning recommends that the variance request to allow accessory structures (detached garage with storage and a second floor ADU, and a pool) in the front yard of a non-waterfront lot be **approved** conditioned on the lot meeting the critical area lot coverage limitation.

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.



James Wright <jpwarchit@gmail.com>

107 Bay Drive

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 12:41 PM



James Phillip Wright Architects

jpwarchitects.com



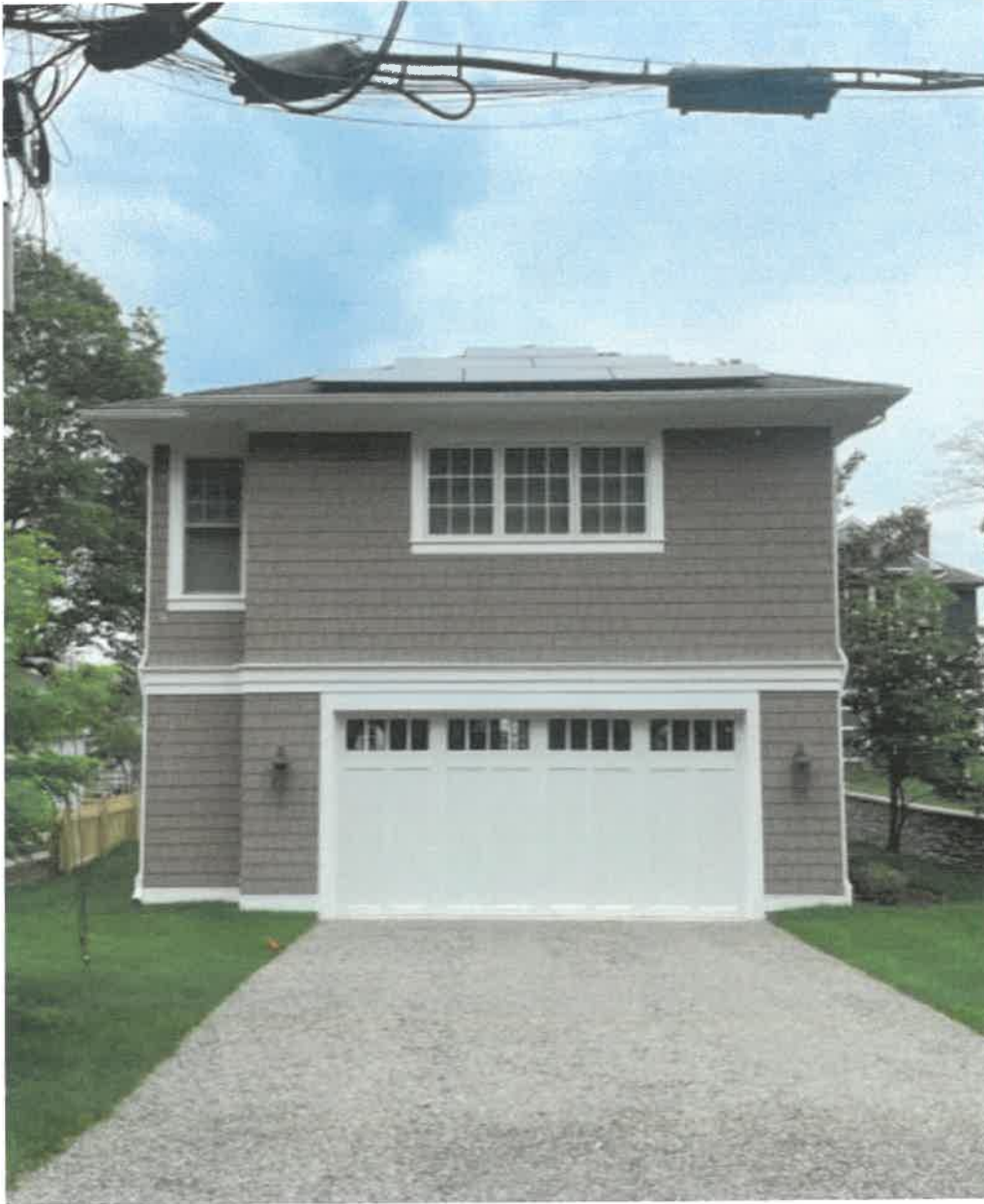
James Wright <jpwarchit@gmail.com>

65 Bay Drive

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 12:55 PM



James Phillip Wright Architects

jpwarchitects.com



James Wright <jpwarchit@gmail.com>

73 Bay Drive

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 12:52 PM



James Phillip Wright Architects

jpwarchitects.com



James Wright <jpwarchit@gmail.com>

77 Bay Drive

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 12:51 PM



James Phillip Wright Architects

jpwarchitects.com



James Wright <jpwarchit@gmail.com>

117 Bay Drive

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 12:46 PM



James Phillip Wright Architects

jpwarchitects.com



James Wright <jpwarchit@gmail.com>

119 Bay Drive

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 12:45 PM



James Phillip Wright Architects

jpwarchitects.com



James Wright <jpwarchit@gmail.com>

121 Bay Drive

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 12:43 PM



James Phillip Wright Architects

jpwarchitects.com



James Wright <jpwarchit@gmail.com>

123 Bay Drive

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 12:42 PM



James Phillip Wright Architects

jpwarchitects.com



Tax Account Number: 204710679150

Tax Account Number: 204706490727

Tax Account Number: 204706490727

Tax Account Number: 204707743853

Tax Account Number: 204706490700

Tax Account Number: 204708682260

Tax Account Number: 204790010773

Tax Account Number: 204702377228

Street Centerlines: BARRY AVE

Street Centerlines: BAY DR

Address Points: 3 BARRY AVE, 21403

Address Points: 1 BARRY AVE, 21403

Tax Account Number: 204702220903

Tax Account Number: 204708033794

Tax Account Number: 204708125700

Tax Account Number: 204708422400

Address Points: 87 BAY DR, 21403

Street Centerlines: BARRY AVE

Tax Account Number: 204712734100

Address Points: 85 BAY DR, 21403

Tax Account Number: 204704998700

Tax Account Number: 204708845200

Address Points: 81 BAY DR, 21403

Street Centerlines: BAY DR

Buffer Geometry

Street Centerlines: BANCROFT AVE

ft



James Wright <jpwarchit@gmail.com>

87 Bay Dr. ADU Site

1 message

James Phillip Wright <jpwarchit@gmail.com>
To: James Wright <jpwarchit@gmail.com>
Bcc: JPWarchit@gmail.com

Sat, May 13, 2023 at 1:24 PM





James Phillip Wright Architects

jpwarehitects.com