

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

APPLICANT: Ondrej & Katherine Marie Juhasz

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0121-V

COUNCILMANIC DISTRICT: 5th

HEARING DATE: September 21, 2023

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling addition (garage) with less setbacks than required on property located at 217 Old County Road in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 15,688 square feet of land and is located with approximately 107 feet of frontage on the northeast side of Old County Road. It is identified as Lot 14 of Parcel 113 in Block 14 on Tax Map 32 in the Severna Park subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Council District 5, effective January 29, 2012. The lot is not waterfront, but it lies entirely within the Chesapeake Bay Critical Area overlay and is designated as LDA - Limited Development Area. It is improved with a single-family detached dwelling and other associated facilities.

PROPOSAL

The applicants propose to convert an existing open carport into an enclosed garage. The structure is irregular in shape and measures 18'-3" by 21'-4" at its widest and deepest points. Also proposed, but not requiring a variance, is a mudroom and full bathroom addition to be located to the rear of the garage.

REQUESTED VARIANCES

§ 18-4-601 of the Anne Arundel County Zoning Code provides that a principal structure in an R2 District shall be set back a minimum of seven feet from each side lot line. The garage would be located 5'-8" from the north side lot line, necessitating a variance of two feet (rounded up).

FINDINGS

The subject property is irregular in shape and exceeds the minimum 15,000 square foot area and 80 foot width required for a lot served by public sewer in an R2 District. A review of the 2023 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. According to State tax records, the subject dwelling was originally constructed in 1950.

The applicants' letter explains that the carport does not provide adequate security for personal property that is commonly kept outdoors, and an enclosed garage would be more functional.

The **Health Department** commented that the property is served by public water and sewer facilities. Therefore, the Department has no objection to the variance request.

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 lot or because of exceptional circumstances, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this particular case, the construction of the enclosed garage is constrained by the practical limitations of an existing developed lot (c. 1950) and the nonconforming location of the long-standing carport structure. The applicants desire to make efficient and effective use of their existing covered parking area by enclosing it in order to provide for improved security and function.

Approval of the variance would not alter the essential character of the neighborhood, as attached or built-in garages exist on several nearby properties along Old County Road. The variance would not substantially impair the appropriate use or development of the adjacent properties, as the structure would be constructed under the existing roof in the same location as the long-standing carport. The garage wall would project a mere 1'-4" into the required setback, allowing more than enough room for proper upkeep/maintenance of the structure on site. Furthermore, the applicants note that there is a 70-inch tall fence that would block the rear half of the garage. There is no evidence to indicate that the variance would be detrimental to the public welfare.

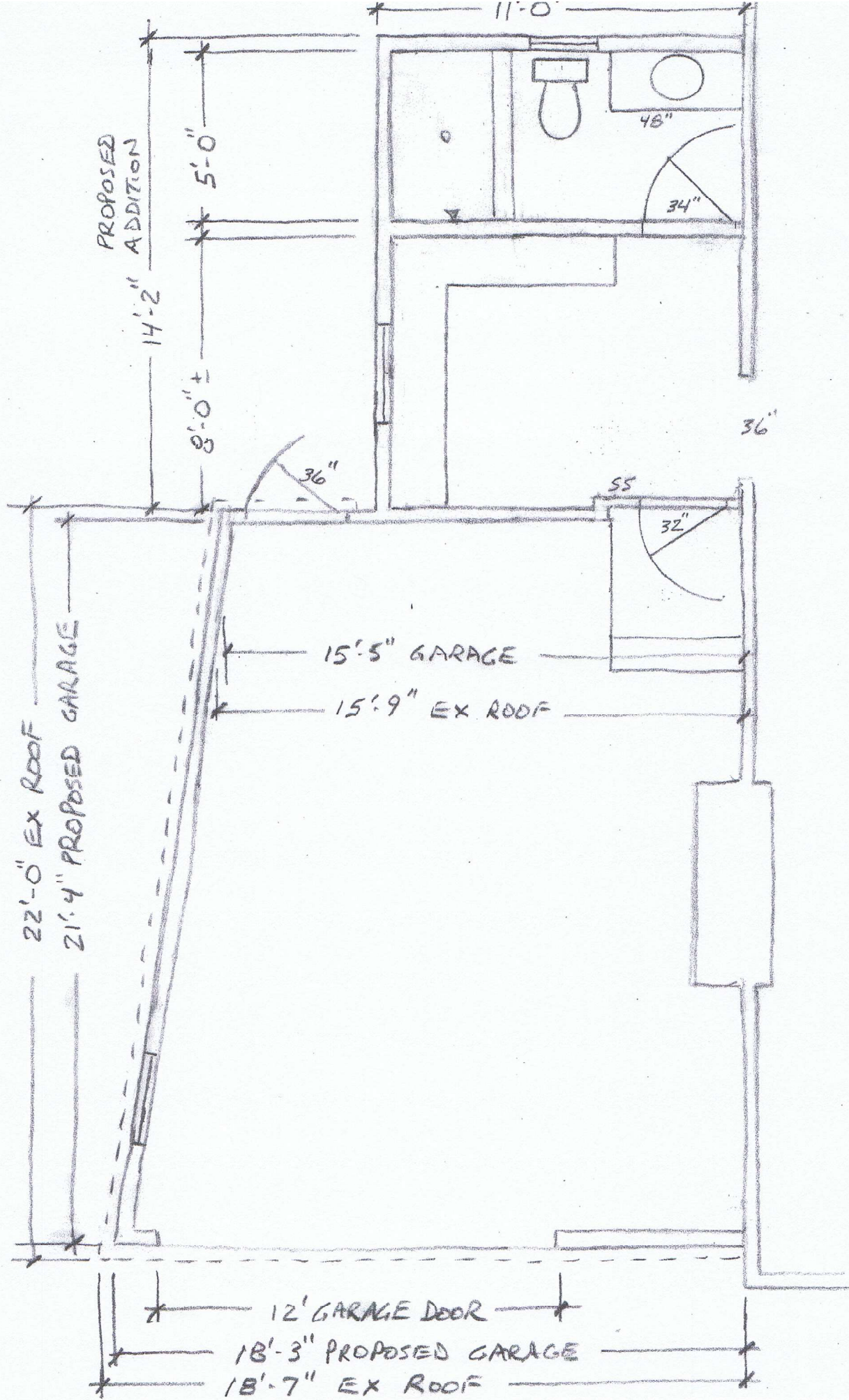
Given the limitations caused by the long-standing nonconforming location of the existing carport and considering the overall neighborhood context, the request for relief is justified. The proposed garage addition is within the typical size range for a residential garage, and the associated setback variance is deemed to be the minimum necessary to afford relief in this case.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of a variance to § 18-4-601 of two feet (rounded up) to the minimum seven-foot side setback requirement to allow the proposed garage to be constructed 5'-8" from the north side lot line, as shown on the site plan submitted by the applicant.

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.

HARVEST CONSTRUCTION
 JUHASZ PROPOSED ADDITION
 1/4" = 1'-0" 6-23-2023
 REVISED 8-4-2023



July 15, 2023

Ondrej and Katherine Juhasz
217 Old County Rd.
Severna Park, MD 21146

Variance Application to Enclose an Existing Carport

Dear Sir/Madam,

We are applying for a variance to enclose an existing carport, attached to our house, converting it into a garage. The carport structure lies within 7 ft of a neighboring property line, so a variance is required to alter it. The property currently is a 15688 ft² lot with a 2537 ft² house, including a 420 ft² car port. The current carport does not provide adequate security for personal property that is commonly kept outdoors; we would like to turn the carport into a garage to make it more functional. Though not a part of the variance application, we will also add a mudroom and bathroom to the rear portion of the garage. This structure will be set back more than the minimum requirements.

The current carport roof and overall dimensions will be preserved. No part of the new structure will be closer to the property boundary than the current structure is. The carport is wider in the front portion of the house and gets narrower towards the rear of the house to maintain the same distance from the property line. Walls will be added to the existing framing structure between the columns: please see attached Figures 1-3. The walls to be added will be 4 inches inside the exterior edge of the roof structure, 9 inches from the exterior gutter, and 6 ft. from the installed property stakes: see Figure 4.

An existing white fence is 70 inches tall and covers the back half of the carport: please see Figure 5. This fence blocks the majority of the view from the neighboring house to our property. This fence will also block a majority of the view to the mudroom/bathroom addition.

The approval of this variance would not alter the character of the house nor the neighborhood. Many of the houses along the street have already converted carports into garages, or have had new garages built. We are not asking to move any structure closer to the neighboring property - the footprint of the existing structure will remain unchanged.

Also attached are site plans, topographic map, and build plan. The carport is labeled "canopy" on the topographic map.

Thank you!
Ondrej and Katherine Juhasz



Figure 1: Carport showing existing columns and framing



Figure 2: Carport with blue/white property marker on left.



Existing framing structure

Figure 3: Existing framing is located on the exterior portion of columns. Walls will be constructed to this framing structure.



6 ft mark

Figure 4: Outer portion of columns is 6 ft away from property line.



Figure 5: Existing 70 inch tall white fence between adjacent neighbor and rear portion of the patio. Note blue/white property stake marking the rear end of the carport.

July 15, 2023

Ondrej and Katherine Juhasz
217 Old County Rd.
Severna Park, MD 21146

Critical Area Report

The subject property is an existing carport attached to a residential building. The carport currently has an asphalt driveway. The carport will be converted to an enclosed garage and its use will be the same as it currently is. We keep our car, bicycles, and some outdoor equipment there, but will have more security and functionality with a garage. We will also add a mudroom and bathroom to the aft portion of the garage. This area is currently asphalt driveway, so no additional area will be made impervious.

It is not anticipated that any existing trees or shrubs will need to be moved or altered as part of the enclosing the existing carport. The work area will be confined to the existing paved carport area.

There is an existing asphalt driveway already under the carport, so no impacts on existing drainage during or after construction are anticipated. The aft portion of the carport where the mudroom and bathroom will be located is also asphalt.

There will be no changes to the amount of impervious surface that currently exists. The entire carport and mudroom/bathroom area is impervious since it's an asphalt driveway.

The garage or mudroom/bathroom will not impact any habitat protection areas.

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

Date: 7/19/2023

Tax Map #	Parcel #	Block #	Lot #	Section
0032	0113			

Tax ID: 374811837000

FOR RESUBMITTAL ONLY

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

*Complete Only Page 1
 General Project Information

Project Name (site name, subdivision name, or other) 217 Old County carport enclosure and mudroom/washroom

Project location/Address 217 Old County Rd

City Severna Park Zip 21146

Local case number

Applicant: Last name Juhasz First name Ondrej

Company Harvest Construction

Application Type (check all that apply):

- | | |
|--|--|
| Building Permit <input 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 # 410-222-7960 Response from Commission Required By _____

Fax # _____ Hearing date _____

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site: We plan to enclose an existing carport and make it a garage.

The garage will have the same use as the carport but is more secure. Since the existing carport is within setback limits, we need a variance. We will also add a mudroom/washroom where we currently asphalted. No variance is needed for this room since it obeys setbacks.

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
IDA Area		0
LDA Area		15688
RCA Area		0
Total Area		15688

Total Disturbed Area

Acres	
Sq Ft	0

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees		N/A	Existing Lot Coverage		N/A
Created Forest/Woodland/Trees		0	New Lot Coverage		0
Removed Forest/Woodland/Trees		0	Removed Lot Coverage		0
			Total Lot Coverage		

VARIANCE INFORMATION (Check all that apply)

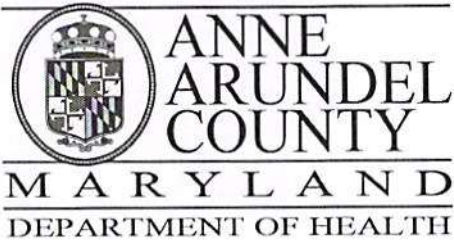
	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0		Buffer Forest Clearing	0	
Non-Buffer Disturbance	0		Mitigation	0	

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



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
Health Officer

MEMORANDUM

TO: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

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

DATE: 8/21/2023

RE: Ondre J. Juhasz
217 Old County Rd.
Severna Park, MD 21146

CASE
NUMBER: 2023-0121-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request to allow a dwelling addition (garage) with less setbacks than required. The Health Department offers the following comments:

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Jasmine Baldwin at 410-222-1348.

cc: Sterling Seay



P-0113
84

P-0113
Lot 11

P-0113
Lot 8 223

P-0113
Lot 13

76
P-0113
Lot 15

P-0113
Lot 10

P-0113
Lot 12

Address Points: 217 OLD COUNTY RD, 21146

10

P-0113
Lot 17

P-0113
Lot 19

P-0113
Lot 16

P-0113
Lot 18

P-0113
Lot 20

OLD COUNTY RD

99

P-0112
Lot H1

210

212

214

100
P-0112
Lot 46A