

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

**APPLICANTS:** Jada Management, LLC

**ASSESSMENT DISTRICT:** 2

**CASE NUMBER:** 2023-0132-V

**COUNCIL DISTRICT:** 6

**HEARING DATE:** November 28, 2023

**PREPARED BY:** Sumner Handy  
Planner

**REQUEST**

The applicant seeks variances to perfect a new dwelling with less setbacks than required on property located at 1400 Lower View Court in Crownsville.

**LOCATION AND DESCRIPTION OF SITE**

The subject property is located with access from Lower View Court, southwest of the intersection of Bacon Ridge Road and Waterbury Road. The lot has an area of 16,422 square feet. The site is shown as Parcel 106, Grid 6 on Tax Map 37. The subject site is zoned RA - Rural Agricultural District and has been since comprehensive zoning for the Sixth Council District effective October 7, 2011.

This subject property is developed with a two-story single-family dwelling and associated facilities and is served by private well water and septic systems.

**APPLICANT'S PROPOSAL**

The applicant proposes to remove the second story of an existing two-story dwelling, and to leave behind a one-story dwelling with above-grade finished basement. The footprint of the existing dwelling is proposed to remain unchanged and measures approximately 41 feet, one inch square, with a nine foot, two inch square above-grade bump out on the east side of the dwelling. The applicant proposes to add a new entryway to the southern facade of the dwelling.

**REQUESTED VARIANCES**

Section 18-4-301 of the Anne Arundel County Zoning Code requires that a principal structure in an RA - Rural Agricultural District be setback a minimum of 40 feet from a front lot line and of 15 feet from a side lot line. The dwelling is located as close as 21 feet, three inches from a front lot line and one foot, four inches from a side lot line, necessitating variances of 19 and 14 feet from front and side lot line setback requirements, respectively. In addition, that Section requires the sum of the side lot line setbacks to equal at least 40 feet. The dwelling will enjoy a combined side lot line setback of approximately 19 feet, nine inches, necessitating a variance of 21 feet to this provision.

**FINDINGS**

The subject property is rectangularly-shaped and is undersized with regard to lot area (16,422 square

feet vs. 40,000 square feet required of new lots created) and too narrow at the front building restriction line (less than 60 feet vs. the required 150 feet), when compared to the standards required of new lots created in the RA District. A review of County aerial imagery reveals that there has been a structure in the approximate location of the existing dwelling since at least 1995, although it appears to have undergone some construction work over the years. Most recently, construction at the subject property continued without proper permits, and resultantly the property is the subject of an open compliance case, B-2016-309; a stop work order is in effect. The applicant for this variance acquired this property in September of 2022, according to State tax records, and are taking actions including this variance application to bring the property into compliance.

The footprint of the existing dwelling will remain the same, even as the second story will be removed. In fact, one of the goals of the proposal is to reduce the overall square footage of the dwelling, per Health Department instructions and requirements. The bump out on the east side is proposed to remain as a closet for the master bedroom; this bump out is less than two feet from the side property line (necessitating one of the requested variances) and abuts lands that are in a forest conservation easement.

The **Health Department** reviewed the on-site sewage disposal well water supply system and determined that the proposed request does not adversely affect these systems. That Department has no objection to the request.

The **Department of Inspections and Permits, Engineering Division**, reviewed the request and offered no objection.

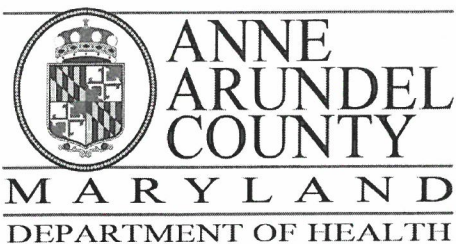
For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the lot. The applicant recently purchased this property and has been pursuing efforts to bring it into compliance. The front and side lot lines from which setback relief is sought abut, to the north, a public right of way and the intersection of Bacon Ridge Road and Waterbury Road, and to the east, platted open space and a forest conservation easement, respectively. And while the combined side lot line setback is not met, the minimum side lot line setback is met on the west side of the dwelling - the only lot line that abuts another lot that is developed residentially. Given these factors and circumstances, the Office of Planning and Zoning finds that the location of the existing dwelling comprises an exceptional circumstance, and that a requirement to demolish this dwelling so that its replacement complies with setback requirements would comprise an unnecessary hardship in the development of this lot.

Approval of the variances would not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. The Office of Planning and Zoning finds the requested relief represents the minimum necessary to complete development of this property.

### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends ***approval*** of variances to Section 18-4-301 of 19 and 14 feet from front and side lot line setback requirements, respectively, and of 21 feet from the combined side lot line setback requirement.

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.



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3 Harry S. Truman Parkway  
Annapolis, Maryland 21401  
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www.aahealth.org

**Tonii Gedin, RN, DNP**  
Health Officer

**MEMORANDUM**

TO: Sadé Medina, Zoning Applications  
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager  
Bureau of Environmental Health

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the FROM field.

DATE: October 16, 2023

RE: Jada Management, LLC  
1400 Lower View Court  
Crownsville, MD 21032

NUMBER: 2023-0132-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks than required.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



Mark Wedemeyer, Director

## Memorandum

**To:** Planner, Zoning Administration Section, Office of Planning and Zoning

**From:** Hala Flores, Engineer Manager, Department of Inspections and Permits

**Date:** October 10, 2023

**Subject:** 1400 Lower View CT  
2023-0132-V

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### Request – Allow less setback than permitted

**Review** - This office has reviewed the subject variance application.

The applicant is proposing to remove the second floor of an existing abandoned building and relocate the current entrance to the building. The entrance will be relocated to face the driveway. Variance from setback requirements is requested.

- 1- This project is considered a modification to an existing structure versus new construction and the limit of disturbance will likely remain under 5000 SF. This project is exempt from SWM regulations. The home is on existing well and septic and outside the critical area.

**Determination:**

This office does not object to the request.



STEUART PITTMAN, COUNTY EXECUTIVE  
JESSICA LEYS, DIRECTOR  
RECREATION AND PARKS  
1 HARRY S. TRUMAN PARKWAY  
ANNAPOLIS, MD 21401  
AACOUNTY.ORG/RECPARKS



## MEMORANDUM

TO: Sadé Medina, Zoning Division  
Office of Planning and Zoning

FROM: Pat Slayton  
Capital Projects Division

SUBJECT: Variance Special Case 2023-0132-V

DATE: October 12, 2023

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The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This site is contiguous to an Anne Arundel County Green Infrastructure Network, a proposed preservation area considered in the Anne Arundel County Green Infrastructure Master Plan in the Severn River watershed.

The Department of Recreation and Parks has no further comments.

cc: File

12/14/2021

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WATERBURY RD

LOWERVIEW CT

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