

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

APPLICANT: Ralph T. Brady

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2023-0157-V

COUNCIL DISTRICT: 7

HEARING DATE: November 14, 2023

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicant is requesting a variance to allow a dwelling addition (2nd story with unfinished attic above) with less setbacks than required at 1611 Shore Drive in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 5,375 square feet of land. It is located with approximately 56 feet of frontage on the west side of Loreley Road, approximately 26 feet north of Shore Drive. The property is identified as Lots 2693-2694 and half of 2692 in the Woodland Beach subdivision, Parcel 130 in Block 13 on Tax Map 56, and has been zoned R5 – Residential District since the adoption of comprehensive zoning for the Seventh Council District, effective October 7, 2011.

This is a nonwaterfront property that lies entirely in the Chesapeake Bay Critical Area and is designated as IDA – Intensely Developed Area. The property is improved with a one-story single-family dwelling and associated features.

APPLICANT’S PROPOSAL

The applicant is proposing to add a partial second story with attic space above, 35 feet by 29.9 feet, to the existing house which will raise the roof height to 29’-4”.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Code requires a principal structure in the R5 District to be set back 25 feet from the front lot line and seven feet from the side lot line. A portion of the proposed second story addition will be located as close as 19.2 feet from the front lot line and 2.9 feet from the west side lot line requiring a variance of six feet.

§ 18-2-301 (b) of the Code allows that an architectural feature that does not contain floor area, such as an...eave...may extend no more than three feet into a required setback and be located no closer than five feet from any lot line. The roof overhang will extend 5.6 feet into the required

setback and be 1.4 feet from the west side property line requiring a variance of three feet past the three-foot extension allowance and a variance of four feet to the side lot line setback requirement.

FINDINGS

The subject property is trapezoidal-shaped with an angling front lot line. This Office finds that the 5,375 square foot site does not meet the R5 area or width requirements for a new lot in the R5 District. According to State tax assessment records, the house was built in 1940, before zoning and critical area laws were enacted. The existing dwelling is non-conforming to current zoning setback standards in the front and on the southwestern side.¹ The front facade of the dwelling at its closest point is 19.2 feet from the front lot line and the side is 2.9 feet from the southwest side lot line. Adding the second story on the same footprint is constrained by the location of the existing development on the lot.

The IDA Critical Area does not have a lot coverage maximum, but zoning has a coverage by structures maximum of 40% for the R5 District. The application does not propose any additional coverage by structure.

A review of the 2023 aerial photograph shows that the neighborhood contains an eclectic mix of homes and lot sizes in this established waterfront community. Older homes tend to be only one story, but there are many newer homes or homes with additions that are two stories.

The applicant's letter of explanation proposes to add a second-floor addition to accommodate a growing family. The letter recognizes that the current dwelling does not meet setbacks and says that meeting those setbacks would create an undue hardship on the structure and architecture as well as causing a significant financial burden.

The **Health Department** commented that they do not have an approved plan, but have no objection to the request provided a plan is submitted and approved by the Health Department.

Approval of the variance for setbacks will not alter the essential character of the neighborhood as this is a renovation of an existing longstanding dwelling in the same location. The renovation of the second floor with a finished height of 29.2 feet is less than the 35-foot maximum in the R5 District. The variances will not impact any abutting property as the proposal meets the side setback on the northeast side, the current owner is part owner of the property to the southwest, and the request relates to construction that will not change the current setbacks onsite. The granting of the variances will not be contrary to acceptable clearing and replanting practices required for development in the Critical Area. Approval of the variances will not be detrimental to the public welfare.

¹ The dwelling has a side deck constructed between 2018 and 2020 that encroaches into the neighboring property to the southwest that appears to have replaced a smaller deck that also encroached over the lot line. A permit for the deck construction has not been found in County records. At one time both properties were on the same deed, but have since been separated out and the subject property is now owned solely by Ralph T. Brady.

The variance request for the second story addition is considered to be the minimum variance necessary to allow reasonable use of the site as the addition is proposed over the footprint of the existing dwelling which is already nonconforming as to setbacks.

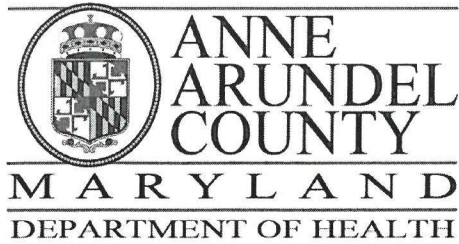
RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under §18-16-305 of the County Code, the Office of Planning and Zoning recommends ***approval*** of the following:

1. a variance of six feet to the required 25-foot front lot line setback requirement
2. a variance of five feet to the required 7-foot west side lot line setback requirement
3. a variance of three feet to allow an architectural feature (eave) which may extend three feet into a required setback to be located 5.6 feet into the required setback and
4. a variance of one foot to allow an architectural feature (eave) which may be located no closer than five feet from any lot line to be located 0.6 feet beyond the allowed five feet 1.4 feet from the side property line

all to allow construction of a second story addition to be located 19.2 feet from the front lot line and 2.9 feet from the southwest side lot line with a roof overhang 1.4 feet from the southwest side lot line as shown on the site plan.

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.



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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 *BC*

DATE: October 17, 2023

RE: Brady T. Ralph
1611 Shore Drive
Edgewater, MD 21037

NUMBER: 2023-0157-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (second story with unfinished attic above) with less setbacks than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



0 50 100
ft



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Nearmap

Notes

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