

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

APPLICANTS: Corey Nolet & Jessica Dallas-Nolet

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0158-V

COUNCIL DISTRICT: 7

HEARING DATE: November 9, 2023

PREPARED BY: Sumner Handy
Planner

REQUEST

The applicants seek variances to allow dwelling additions (side addition of living space, rear addition of living space, and pavilion) with less setbacks than required on property located at 2104 Bromley Court in Crofton.

LOCATION AND DESCRIPTION OF SITE

The subject property has approximately 22 feet of frontage on the north side and at the end of Bromley Court, a cul-de-sac, in Crofton. The lot has an area of 10,006 square feet. It is shown as Lot 62 of Parcel 155, Block 17 of Tax Map 42 in the subdivision of Crofton Woods. The subject site is zoned R5 - Residential District and has been since comprehensive zoning for the Seventh Council District, effective October 7, 2011.

This nonwaterfront lot is not located in the Chesapeake Bay Critical Area. The subject property is developed with a two-story single-family detached dwelling with a basement, driveway, attached garage, shed, rear deck and patio, and associated facilities, and is served by public water and sewer.

APPLICANTS' PROPOSAL

The applicants propose to construct dwelling additions ("Addition A" is a rear addition of living space and "Addition B" is a side addition of living space) and a detached accessory pavilion. "Addition A" is a three-story addition (basement and first and second stories, measuring 25 feet 2 inches by 17 feet 5 inches) proposed to be appended to the northeast/rear corner of the dwelling, and "Addition B" is a second story addition above the existing attached garage, measuring 26 feet 2 inches by 19 feet 6 inches, on the west side of the dwelling; these additions will not exceed 29 feet in height. The pavilion is proposed to measure approximately 15 feet by 16 feet and reach 10 feet in height.

REQUESTED VARIANCES

Section 18-4-701 of the Anne Arundel County Zoning Code requires that a principal structure in an R5 - Residential District be set back a minimum of 20 feet from a rear lot line.

1. Addition A in the rear of the home, when completed, would result in the principal structure located as close as 14 feet, two-and-three-quarters inches from the rear lot line, necessitating a variance of six feet;
2. Addition B on the west side of the home and above the existing attached garage, when

completed, would result in the principal structure located as close as 19 feet 4 inches from the rear lot line, necessitating a variance of one foot.

Section 18-4-701 of the Anne Arundel County Zoning Code requires that an accessory structure in an R5 - Residential District be set back a minimum of seven feet from a rear lot line. The pavilion, when completed, would result in an accessory structure located as close as three feet, seven inches from the rear lot line, necessitating a variance of four feet.

FINDINGS

The subject property is a flag lot that meets the minimum lot area and width requirements for new lots created in the R5 district. In the provided letter of explanation, the applicant points out the several angled rear lot lines (against lots 68, 69, and 70, as labeled on the site plan), from each of which the rear setback requirement (20 feet for principal structures and seven feet for accessory structures) is in effect. The applicant states that other properties nearby have been developed with structures closer to their rear lot lines than are permitted by the Zoning Code. The applicant states that the proposed additions are required to accommodate the moving of older generations of family into the home.

The **Health Department** noted that the subject property is served by public water and sewer and offered no objection to the request.

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 need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant, and the number of members of a family unit (e.g., the increase in inhabitants after elderly family moves in) cannot be the basis of the granting of a variance, else large families would receive variances and small families would not.

While this Office does not find that the angled rear lot lines comprise unique physical conditions that prevent development of the lot in strict conformance with the Code (nor any exceptional circumstances that would give rise to a practical difficulty or unnecessary hardship in pursuit of development of this lot), OPZ does find that the location of the existing attached garage slightly into the rear setback does comprise a unique physical condition that precludes a reasonable addition to this dwelling (Addition B) absent variance relief from the rear setback requirement. This Office further finds that some addition to this dwelling, which is more than 30 years old, is reasonable. Today, the applicant enjoys 2,464 square feet of above-grade living area and an additional 594 square feet of finished basement space, according to State tax records, on this lot that is not substandard in area or width. On this substantially-developed lot, the setback variance to permit Addition B is considered to be the minimum necessary to afford relief from the Code's requirements and to achieve development of this lot. Addition B alone will add approximately 500 square feet of above-grade living space, or about a 20% increase. Addition A (assuming each level to be the same dimension) would add more than 850 square feet of above-grade living space. Construction of both Addition A *and* Addition B would result in an increase in above-grade living space of more than 50% from today, to about 3,850 square feet. (This ignores whether the basement proposed beneath Addition A is planned to be finished.) Variances necessary to achieve that above-grade square footage are not understood by OPZ to comprise the minimum relief necessary from the Code's requirements.

The pavilion is considered to be an inessential structure - even a luxury - in the development of this lot, and so the rear setback variance request necessary for it cannot be supported by OPZ.

Approval of the variances to allow Addition A and the pavilion may alter the essential character of the neighborhood as structures in all adjacent lots appear to comply with rear setback requirements. In case number 2005-0007-V, at nearby 1664 Wickham Way, rear setback variance relief was granted to allow for the enclosing of a modestly-sized existing porch, and the same type of relief (rear setback variance relief for the enclosing of a modestly-sized existing deck) was also granted a few years later, down the street, in case number 2008-0164-V at 1645 Wickham Way. Case number 1998-0455-V, two doors down at 2107 Bromley Court, regarded side, not rear, setback variance relief. Therefore, Addition A and the pavilion would be unique in their closeness to a rear lot line in this neighborhood, and may alter the essential character of the neighborhood when taking into account both their aggregate size and their rarity with respect to rear setback noncompliance.

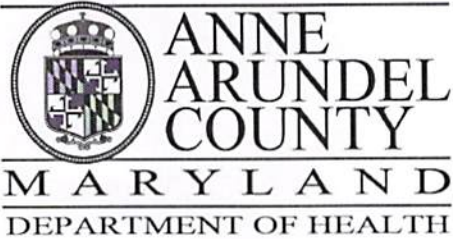
None of the proposed additions would appear to substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. However, only the request associated with Addition B is considered by the Office of Planning and Zoning to be the minimum variance necessary to afford relief, and so this Office will recommend approval of the variance request associated with Addition B, and recommend denial of the others.

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

1. ***approval*** of a variance to Section 18-4-701 of one foot to the rear setback requirement to permit “Addition B”, as shown on the site plan, and
2. ***denial*** of variances to Section 18-4-701 of six feet and three feet, respectively, to the rear setback requirements to allow the construction of “Addition A” and the accessory pavilion.

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.



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 *BC*
Bureau of Environmental Health

DATE: 9/27/2023

RE: Corey J. Nolet
2104 Bromley Ct.
Crofton, MD 21114

CASE
NUMBER: 2023-0158-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request to allow dwelling additions (living space in rear and on side, and pavilion 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



Sumner Handy <pzhand00@aacounty.org>

Variance Case Number 2023-0158-V - 2104 Bromley Court - clarifying questions

Corey Nolet <cjnolet@gmail.com>
To: Sumner Handy <sumner.handy@aacounty.org>
Cc: gina@nw2engineers.com

Wed, Sep 13, 2023 at 11:37 PM

Hi Sumner,

I hope you are doing well.

Yes the patio is proposed at grade. More specifically, it is proposed to be at the level where the basement walls out into the backyard.

Dimensions of the pavilion: 12' x 14' and 10' high at the center.

1. This is true, but please note that the side addition is actually over an existing garage.
2. The post of the pavilion to the rear lot line is actually proposed to be something more like 6' 5' from the rear lot line.
3. Yes, I believe this to be true

Thanks so much and please let me know if I can answer any further questions.

Sent from my iPhone

On Sep 13, 2023, at 7:26 PM, Sumner Handy <sumner.handy@aacounty.org> wrote:

Good morning, Nolets,

I am reviewing the materials submitted with your variance application and have a couple of clarifying questions about the proposal.

First, the patio (between the pavilion and the addition to the dwelling) is proposed at-grade, correct?

Second, what are the dimensions of the proposed pavilion, including height?

Third, can you confirm that I am reading the distance markings correctly?:

1. from the side addition to the side lot line, as close as 12 feet +/-;
2. from the pavilion to the rear lot line, as close as 3 feet 7 inches; and
3. from the rear addition to the northeasterly lot line, as close as 14 feet 2 inches?

Thanks very much for the additional information.

Take care,
Sumner

Sumner Handy, AICP
Planner III

Zoning Administration Section
2664 Riva Road
Annapolis, MD 21401

410-222-7437

9/14/23, 2:47 PM

Anne Arundel County Mail - Variance Case Number 2023-0158-V - 2104 Bromley Court - clarifying questions

www.aacounty.org



CHAINBRIDGE CT

WICKHAMWAY

BROMLEY CT

WICKHAMWAY

WICKHAMWAY

