

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

APPLICANT: Hildegarde Yeskey

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0178-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: December 7, 2023

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting a variance to allow a dwelling with less setbacks than required at 1222 Severnview Drive in the subdivision of Sunrise Beach, Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject property has 60 feet of road frontage on the northside of Severnview Drive, 0 feet northwest of Tudor Drive, and a lot area of 11,712 square feet. The site is shown on Tax Map 31, Grid 9, as Parcel 144, Lot 400 and is zoned "R2-Residential District" which zoning was adopted by the comprehensive zoning for the Sixth Council District, October 7, 2011.

The subject property is a waterfront lot located on the southwest side of the Severn River. The site is subject to the Chesapeake Bay Critical Area Overlay and is designated LDA-Limited Development Area. The property is located along a buffer modified shoreline. These lands are currently vacant and undeveloped. These lands are to be served by private well and septic.

APPLICANT'S PROPOSAL

The applicant wishes to construct a single family detached dwelling with attached garage that measures 42 feet in width and approximately 51 feet in length at its widest/longest points. The two-story dwelling with basement will be approximately 35 feet in height.

REQUESTED VARIANCES

Section 18-4-601 of the Anne Arundel County Zoning Code requires that a principal structure be set back a minimum of 25 feet from a rear lot line whereas the applicant has proposed to locate the dwelling 18 feet from the rear lot line necessitating a variance of seven feet.

FINDINGS

The subject property at 60 feet in width and 11,712 square feet in area does not meet the minimum lot width of 80 feet and area of 20,000 square feet for a lot in an R2 District not served by public sewer. The site is a waterfront lot encumbered by the 100-foot shoreline modified buffer, a 25 foot buffer to steep slopes, and the need to provide well and septic facilities on-site,

all of which limit the area available to locate a dwelling in accordance with the Code. These site conditions are unique and do present a practical difficulty in complying with the Code.

The variance is considered to be the minimum necessary to afford relief. The applicant has chosen a home that is not excessive in size and which is appropriate for the neighborhood. The house has been sited so as to minimize the variance sought while at the same time respecting the site's environmental features and its buffers and avoiding a variance to those features.

The rear lot line setbacks of existing dwellings along this street do vary somewhat, as many of the homes predate Critical Area law and have been located closer to the water and away from the roadway than what regulations currently allow. It should be noted that an accessory structure may be located as close as seven feet to the rear lot line along this section of Severnview Drive. Consequently, approval of the variance will not necessarily alter the essential character of the neighborhood nor will it impair the appropriate use or development of adjacent properties. Finally, there is no evidence that the granting of the variance will be detrimental to the public welfare, reduce forest cover in the Limited Development Area of the Critical Area, or be contrary to acceptable clearing and replanting practices required for development in the Critical Area.

The **Engineering Division of the Department of Inspection and Permits** advised that the applicant is proposing to rely solely on rainwater harvesting tanks for SWM [stormwater management]. The applicant will need to show sufficient irrigation area and plan of irrigation to validate the suitability of use for these tanks. As shown, this plan does not meet the ESD [Environmental Site Design] requirements as it is not demonstrated that the recharge volume is provided. Consideration for the use of green roofs and/or sheet flow roofing system will need to be made during the grading permit application. The applicant agreed to grade the driveway to disconnect in an adjacent grass area. A condition assessment and photographs must be submitted with the grading permit application to validate the stability of the slopes and shoreline. The comments above will need to be reviewed with the grading permit application to determine the feasibility of the proposed design in meeting the ESD to the MEP requirements.

The **Anne Arundel County Department of Health** has reviewed the on-site sewage disposal and well water supply system for the above referenced property and 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 request.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Section 18-16-305 in the County Code, the Office of Planning and Zoning recommends the variance of seven feet to the rear lot line setback to allow a dwelling to be located 18 feet from the rear lot line as shown on the attached site plan be ***approved.***

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.