

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

APPLICANTS: Brian & Samantha Donovan

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0179-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: December 12, 2023

PREPARED BY: Sumner Handy
Planner

REQUEST

The applicants seek a variance to allow a dwelling addition (living space, screened porch, uncovered deck, and steps to grade) with less setbacks than required on property located at 154 Boone Trail in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject property is located on the south side of Boone Trail, about 170 feet east of Boone Way in Severna Park. The lot has an area of 8,735 square feet. It is shown as Lot 131 of Parcel 84 on Block 18 of Tax Map 31 in the Linstead on the Severn subdivision. The subject site is zoned R2 - Residential District and has been since comprehensive zoning for the Fifth Council District, effective January 29, 2012.

This nonwaterfront lot is located in the Chesapeake Bay Critical Area with a Limited Development Area (LDA) designation. The subject property is developed with a one and one-half-story single-family detached dwelling with a basement and associated facilities, and is served by public water and sewer.

APPLICANTS' PROPOSAL

The applicants propose to remove a portion of paved drive on the west side of the dwelling; a walkway from that driveway around to the rear/south of the dwelling; and a deck-and-stairway that are appended to the rear/south of the dwelling. The applicants propose, in roughly the same place as the to-be-removed deck and stairway, to construct an interior dwelling addition to measure 12.5 feet by 4 feet; a screened porch to measure 14 feet by 16 feet; an uncovered deck to measure 8 feet by 6 feet; and steps to grade.

REQUESTED VARIANCES

Section 18-4-601 of the Anne Arundel County Zoning Code requires that a principal structure in an R2 - Residential District be set back a minimum of 25 feet from a rear lot line. The addition, when completed, will result in the principal structure located 12.32 feet from the rear lot line, necessitating a variance of 13 feet.

FINDINGS

The subject property is roughly rectangularly-shaped and undersized in area, coming in at 8,735 square feet and therefore shy of the standard 15,000 square feet for lots in the R2 district served by public sewer, and also slightly narrower (about 78 feet) than the standard of 80 feet at the front building restriction line. The applicants note the undersized nature of the lot relative to these standards in the R2 District, and state that a combination of the lot's size and the internal layout of the existing dwelling preclude the location of the proposed additions elsewhere around the house. This Office notes the presence of a 26" tree in the southeastern portion of the lot that may preclude the locating of a dwelling addition in that area absent additional incursion into that tree's critical root zone. The applicants assert that the variance is the minimum necessary to afford relief and will not negatively impact any neighbors. The applicants note that the property will meet the lot coverage limitations as set forth in Section 17-8-402 of the Code; the figures outlining this compliance are printed on the site plan accompanying the application

The **Health Department** noted no objection to the request.

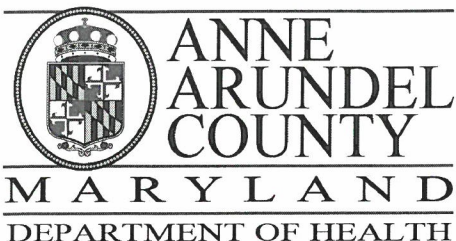
For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the lot. This Office acknowledges the limited area and width of the lot relative to the requirements of new lots created in the R5 district, but this Office finds that the proposal is not the minimum necessary to afford relief and that denial of the requested variance does not result in an unwarranted hardship. This Office finds that an addition (a screened porch, deck, and/or living space) that is limited to the extent to which the existing deck and stone walk already encroach into the setback would comprise the minimum necessary; additions that are limited to that existing encroachment would also require a variance to these setback requirements as the replacement is not in-kind. The screened porch, as proposed, will extend about four feet along its length further into the setback than the existing deck.

Even as this Office disagrees that nonconformities with respect to rear lot lines are common in this neighborhood (at least among nonwaterfront lots), this Office finds that the proposal would not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. With proper mitigation, the proposal would not reduce forest cover or be contrary to clearing and replanting practices in the Limited Development Area. However, as previously stated, this Office finds that the minimum variance to the rear setback requirement would be to allow encroachment into it that is as intense - but not more intense - than that which is there today, and so will recommend denial of this request.

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 ***denial*** of a variance to Section 18-4-601 of 13 feet to the rear 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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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

DATE: 10/26/2023

RE: Kehyannah Hayley
154 Boone Trail
Severna Park, MD 21146

CASE
NUMBER: 2023-0179-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request to allow dwelling additions (living space, screened porch, and deck with steps) 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



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