

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

APPLICANT: James & Kimberly Carroll

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0183-V

COUNCIL DISTRICT: 3

HEARING DATE: December 14, 2023

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicants are requesting a variance to allow dwelling additions (two story addition, deck and steps to grade) with less setbacks than required and that does not comply with the designated location of a principal structure on a waterfront lot at 8429 Bay Road in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 15,000 square feet of land. It is located with 75 feet of frontage on the northeast side of Bay Road, 0 feet north of Harlem Road. The property is identified as Lots 1-3, Block/Section Z in the Riviera Beach subdivision, Parcel 178 in Grid 11 on Tax Map 11, and has been zoned R5 – Residential District since the adoption of comprehensive zoning for the Third Council District, effective January 29, 2012.

This waterfront site abuts a strip of community property on the waterside and is adjacent to the unimproved extension of Harlem Road creating a corner lot. The property fronts the Chesapeake Bay, lies entirely in the Chesapeake Bay Critical Area, is designated as IDA – Intensely Developed Area, and is mapped in a Buffer Modified Area. The property is improved with a two-story single-family dwelling, a detached garage, and associated features.

APPLICANTS' PROPOSAL

The applicants are proposing renovations to the existing house including removal of a second story balcony with a deck below, a first story open deck and steps all to be replaced with a new two story addition (8' x 30.5'), a one-story deck (10' x 30.5'), and steps to be replaced in-kind (6 feet wide x 5 feet deep).¹

REQUESTED VARIANCE

§ 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 20 feet from the corner side lot line. The two-story

¹ If the variance is approved, the dimensions of the steps must be on the site plan for the building permit.

addition is proposed 20.3 feet from the front property line, the one-story deck is proposed 10.3 feet from the front property line, and the steps are proposed 6.2 feet from the front property line requiring variances of 5 feet, 15 feet and 19 feet, respectively. In addition, the proposed addition and deck are to be located 19.2 feet from the corner side property line requiring variances of 1 foot.

§ 18-2-402(1) of the Anne Arundel County Zoning Ordinance provides that the location of a principal structure on a waterfront lot is based in part on an approximate average of the location of principal structures on abutting lots intended to keep structures relatively in line with one another. Because the proposed screened porch would be located closer to the shoreline than the dwelling on the adjacent lot to the northwest, a variance to this provision is required.

FINDINGS

The subject property is rectangular in shape. This Office finds that the 15,000 square foot site is more than double the minimum area requirement of 7,000 square feet for a lot in the R5 District. At 75 feet in width, the site exceeds the minimum width requirement of 60 feet. The lots are shown on a plat of Riviera Beach recorded in 1923. 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. The facade of the dwelling at its closest point is 28.3 feet from the front lot line. Redevelopment of the second story on the same footprint is constrained by the location of the existing development on the lot. The applicant wishes to make efficient and effective use of an existing developed lot by renovating a two-level deck and balcony into a two-story dwelling addition and replacing a one-story deck and stairs. Denial of the variance may cause an unnecessary hardship in the use of the property.

The IDA does not have a lot coverage limitation, however, the R5 District limits coverage by structure to 40%. The zoning coverage by structure maximum of 40% will be met based on the square footage of existing and proposed structures listed under the site calculations.²

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. Waterfront decks are a typical amenity and many of the homes appear to have been built close to the front lot line. This waterfront deck has existed for more than 20 years according to county aerial photos.

The applicants write that the lower level of the two-story deck has a solid ceiling therefore an addition creates no new lot coverage. The new steps are being replaced in approximately the same location.

The **Critical Area Team of the Development Division** commented no objection provided the applicant demonstrates compliance with all applicable standards for approval. Mitigation will be addressed with the permit application.

² Structures included in the coverage by structure calculation are the house, garage, hot tub, proposed 2-story addition, and the proposed 1-story open deck. At-grade surfaces do not factor into zoning coverage by structure calculations.

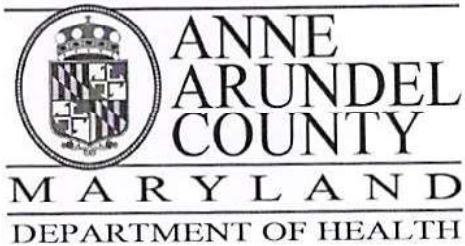
The **Health Department** has no objection to the request noting that the property is served by public water and sewer facilities.

Approval of the variances for setbacks and the location will not alter the essential character of the neighborhood as the renovations will replace structures in much the same location as long standing structures and many of the dwellings along this shoreline appear to be constructed without meeting the current setbacks. The variances will not impact the abutting property or impair the appropriate use or development of the property to the north as all improvements will exceed the minimum side setback on the north side and will replace an existing outdoor amenity in the same general location. 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. Given the location of the existing improvements on the subject and adjacent lots, the long-standing location of the existing waterfront amenity area (deck), and the overall neighborhood context, the request for relief is justified and is considered to be the minimum necessary to afford relief in this case.

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 variances to § 18-2-402(1) and § 18-4-701 as requested and shown on the site plan submitted with the application.

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: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager *BC*
Bureau of Environmental Health

DATE: 10/26/2023

RE: Kimberly & James Carroll
8429 Bay Rd.
Pasadena, MD 21122

CASE
NUMBER: 2023-0183-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request to allow dwelling additions (two story addition & deck) with less setbacks than required and that does not comply with the designated location of a principal structure on a waterfront. 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

2023-0183-V

Menu Cancel Help

Task Details OPZ Critical Area Team

Assigned Date

10/13/2023

Assigned to

Kelly Krinetz

Current Status

Complete w/ Comments

Action By

Kelly Krinetz

Comments

I have no objection provided the applicant demonstrates compliance with all applicable standards for approval. Mitigation will be addressed with the permit application.

End Time

Billable

No

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- Owner

Due Date

11/03/2023

Assigned to Department

OPZ Critical Area

Status Date

10/19/2023

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Critical Area

Est. Completion Date

- Display E-mail Address in ACA
- Display Comment in ACA

Task Specific Information

Review Notes

Reviewer Name

Reviewer Phone Number

Reviewer Email



Legend

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City
- Planning
- County Planning



Notes

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