

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

APPLICANT: Michael G. & Kerri L. Messer

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0184-V

COUNCILMANIC DISTRICT: 3rd

HEARING DATE: December 14, 2023

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicants are requesting a variance to allow a dwelling addition (partial first story and partial second story expansions) with less setbacks than required on property located at 187 Inverness Road in Severna Park

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 10,149 square feet of land and is located with approximately 53 feet of frontage on the east side of Inverness Road, 25 feet north of Norwich Road. It is identified as Lot 28 of Parcel 339 in Block 14 on Tax Map 24 in the Riverdale subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Councilmanic District 3, effective January 29, 2012. The site fronts the Magothy River, is located within the Chesapeake Bay Critical Area, is designated as LDA - Limited Development Area, and is mapped as a BMA - Buffer Modification Area. It is currently improved with a two-story single-family detached dwelling with a walk-out basement, a detached garage with covered carport, two sheds, a pier, and other associated facilities.

APPLICANT'S PROPOSAL

The applicants seek approval to construct an irregularly-shaped first story addition over a portion of the existing partially above-grade basement structure and to construct an irregularly-shaped second story addition over the southwestern portion of the proposed first story addition. The additions would be located on the south side of the existing house and would wrap around to the rear (roadside).

REQUESTED VARIANCES

§ 18-4-601 of the Anne Arundel County Zoning Code requires a principal structure in an R2 District to be set back a minimum of seven feet from the side lot lines. The proposed first and second story additions would be located as close as 4'-8" from the south side lot line, necessitating a variance of three feet.

FINDINGS

The subject property is rectangular in shape and is both undersized and narrow for the district. More specifically, the 53-foot width is narrower than the minimum 80-foot width; and, the 10,149 square foot lot size is approximately half the minimum 20,000 square foot area required for new lots not served by public sewer in an R2 District.

The applicants' letter explains that the proposed modifications are necessary to facilitate first floor living and to bring the property into ADA compliance in order to accommodate one of the applicants, who is a permanently disabled veteran. This Office notes that the Department of Assessments and Taxation records indicate that the property owner was granted a 100% disabled veterans exemption. By relocating the first-floor walls to overlay the existing walk-out basement and porch, the applicants attest that they would be able to consolidate all required living spaces (specifically laundry and an owners suite) to the first floor and to provide the necessary access to the bathroom. The applicants also note that the dwelling was built in 1936 with the last major renovation in 2003.

The property was the subject of an identical variance (2021-0093-V). This variance expired prior to the applicants obtaining a building permit. The septic system has now been upgraded to a BAT system per the requirements of the Anne Arundel County Health Department requirements for the permit. The site plan remains unchanged. The property was also the subject of another prior variance application (1999-0214-V and BA 83-99V) for an accessory structure with less setbacks and buffer than required. The variance was denied by both the Administrative Hearing Officer and the Board of Appeals.

The **Health Department** has reviewed the request and has determined that the request does not adversely affect the on-site sewage disposal system and therefore has no objection to the request.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot or because of exceptional circumstances, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this particular case, further development of the site is constrained by the practical limitations of an existing developed lot (c. 1936). The need for the variance results from the applicants' desire to make efficient and effective use of the existing nonconforming structure, the lowest level of which is already located just 4'8" from the south side lot line.

Approval of the variance would not alter the essential character of the neighborhood. The proposed additions would be located in a manner similar to other nearby dwellings, including the dwelling located immediately to the south, which appears to be located the same approximate distance from the side lot line shared with the subject property. Approval of the variance would not substantially impair the appropriate use or development of adjacent property, as the addition would come no closer to the shared lot line than the existing lower level. Visual impacts to the adjacent property have been minimized by limiting the majority of the addition area to just the first floor. The only portion of the dwelling that would contain the second story addition would be over the southwest corner, furthest from the water. Finally, approval of the variance would not be detrimental to the public welfare.

Given the nonconforming location of the existing improvements, the modest additions being proposed, the neighborhood context, and the fact that the proposal complies with the Critical Area criteria for expansion in a BMA - Buffer Modification Area, the variance is justified and is considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *approval* of a zoning variance to § 18-4-601 to allow the proposed first and second story dwelling additions to be constructed 4'8" from the south side lot line as shown on the site plan and floor plans and as shown in blue on the supplemental renderings submitted by the applicants.

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.



ANNE
ARUNDEL
COUNTY


MARYLAND
DEPARTMENT OF HEALTH

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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 

DATE: October 27, 2023

RE: Michael Messer
187 Inverness Road
Severna Park, MD 21146

NUMBER: 2023-0184-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions (1-story 8'x16', 1-story 9'x28', 2-story 6'x9') with less setbacks than required.

The Health Department has reviewed the on-site sewage disposal for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal system. The Health Department has no objection to the above referenced request.

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

cc: Sterling Seay

Map Title



Legend

Foundation

Addressing

Parcels



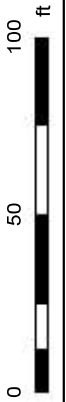
Parcels - Annapolis City



Notes

Nearmap

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



THIS MAP IS NOT TO BE USED FOR NAVIGATION