

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

APPLICANT: Arthur & Rhonice Burnett

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0172-V

COUNCIL DISTRICT: 6

HEARING DATE: January 11, 2024

PREPARED BY: Sumner Handy
Planner

REQUEST

The applicants request a variance to allow a dwelling addition (dormered roof above an existing attached garage) with less setbacks than required at 3545 Narragansett Avenue in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property begins about 50 feet south of Narragansett Avenue's intersection with Hollywood Avenue in the subdivision of Arundel on the Bay, and has an area of 8,901 square feet and a width of 53 feet. The site is shown on Tax Map 57, Grid 21, as Parcel 15, Lots E and Part of Lot D. The site is zoned R2 - Residential District and has been since the adoption of comprehensive rezoning for the Sixth Council District, effective October 7, 2011.

The subject property is waterfront, located on the Chesapeake Bay, and is designated LDA-Limited Development Area and the buffer to the Bay here is modified. The subject property is currently developed with a one- and one-half story single-family detached dwelling with an attached garage, and a pier. These lands are served by private well water and public sewer service.

APPLICANTS' PROPOSAL

The applicants are proposing several improvements to their existing dwelling including interior renovations, new roofing and roof-mounted second-story decks, replacement decks and steps, and architectural features. The additions also include a dormered ceiling-and-roof that will replace large portions of the A-frame roof line of the existing attached garage; the line established by the exterior vertical wall of the would-be dormered portion will be in-line with the vertical line established by the existing exterior wall of the lower level of the garage.

REQUESTED VARIANCES

Section 18-4-601 of the Anne Arundel County Zoning Code requires that a principal structure in the R2 District be set back a minimum of seven feet from a side lot line. The proposed addition to the attached garage will remain 5.8 feet from the side lot line, necessitating a variance of two feet from the side lot line setback requirement.

FINDINGS

At just 53 feet in width and 8,901 square feet in area, the subject property is far short of the minimum requirements (80 feet in width at the rear building restriction line of a waterfront lot, and 15,000 square feet in total lot area for lots served by public sewer) for new lots created in the R2 district. The relief here has been requested because the applicant wishes, as part of a larger renovation plan, to take greater advantage of existing floor area above the attached garage by installing a less steep (dormered) roof that will enable a person to stand upright in more of that existing floor area than is possible today. The area underneath the proposed dormered roof is or will become a guest bedroom above the existing attached garage. The applicants point out that the entirety of the proposed renovation will stay within the existing footprint, including the new vertical wall produced by introducing the dormered ceiling and roof: the exterior vertical wall line of the would-be dormered portion will be in-line with the exterior vertical wall line established by the existing, lower level of the garage.

Lot coverage at the subject property, measuring 8,901 square feet in area, is limited to 31.25% of the lot, or 2,782 square feet. Existing lot coverage is quoted at 2,950 square feet. Because the actual lot coverage exceeds the allowable lot coverage, overall lot coverage must be reduced by 10% of the total coverage, per Section 17-8-403 of the County Code. The total coverage is 168 feet; 10% of that coverage rounds to a required reduction of 17 square feet of lot coverage. Lot coverage is proposed, after all work is completed, to measure 2,625 square feet, amounting to a reduction of $(2,950 - 2,625 =)$ 325 square feet, exceeding the minimum reduction required.

The **Health Department** advised they have reviewed the well water supply system at the subject property and determined that the proposal will not adversely affect that system. The Health Department offered no objection to the proposal.

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 judges that granting the requested variance will enable the applicant to avoid a practical difficulty in the development of the lot, namely that denial would require either a) that the space above the attached garage remain challenging to use, on the southern side, or b) that the proposed vertical wall on the second floor of the southern side of the attached garage be moved back 1.2 feet in order to comply with the setback requirement. But each of these alternatives denies the applicants practical use of existing floor area, with strict compliance to the setback requirement apparently the primary tangible benefit.

This Office received no comment from neighbors before the publishing of this report.

Granting of the variance, on the other hand, would allow the garage's southern facade to increase in ground-to-eave measurement from about 12 feet to over 17 feet; and it is this facade that already encroaches into that side setback by up to two feet. This variance will allow the height of that facade to increase, and thus to increase the magnitude of the nonconformity of that structure relative to the setback requirement. This Office notes that the structure would not violate any height limitations after construction, and that the proposal will not bring the structure any closer

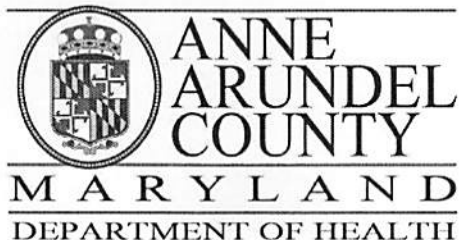
to the side lot line in question.

This Office finds that the request comprises the minimum variance necessary to afford relief. The entirety of the renovation of this waterfront dwelling will be kept within the existing footprint. The wall that is slated for augmentation to its height already encroaches into the setback, and does so on the side of the dwelling that abuts vacant lands between the subject property and the nearest developed residential lot, at 3551 Narragansett Avenue. This Office finds that the variance relief sought, if granted, will not alter the essential character of the neighborhood. Some dwellings on various blocks throughout this subdivision appear to violate side setback requirements abutting other developed lots, and the relief proposed here, if realized, would not immediately abut a developed residential lot, in addition to being modest in extent. The structure, after completion, will not impair the appropriate use or development of adjacent property; the structure will remain 5.8 feet from the southern side lot line, which provides enough space for the construction and maintenance of the attached garage all while remaining on the subject property itself. No evidence has been presented indicating that the proposal would reduce forest cover in the Limited Development Area (LDA); be contrary to acceptable clearing and replanting practices in the Critical Area; or be detrimental to the public welfare. Given these findings and conclusions, this Office will recommend approval of the requested variance.

RECOMMENDATION

Based upon the standards set forth in Section 18-16-305 of the Anne Arundel County Code by which a variance may be granted, this Office recommends ***approval*** of a variance to Section 18-4-601 of two feet from the side lot line setback requirement for principal structures, as shown on the site plan.

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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Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

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

DATE: October 27, 2023

RE: Rhonice Burnett & Aurther Burnett
3545 Narragansett Ave.
Annapolis, MD 21403

NUMBER: 2023-0172-V

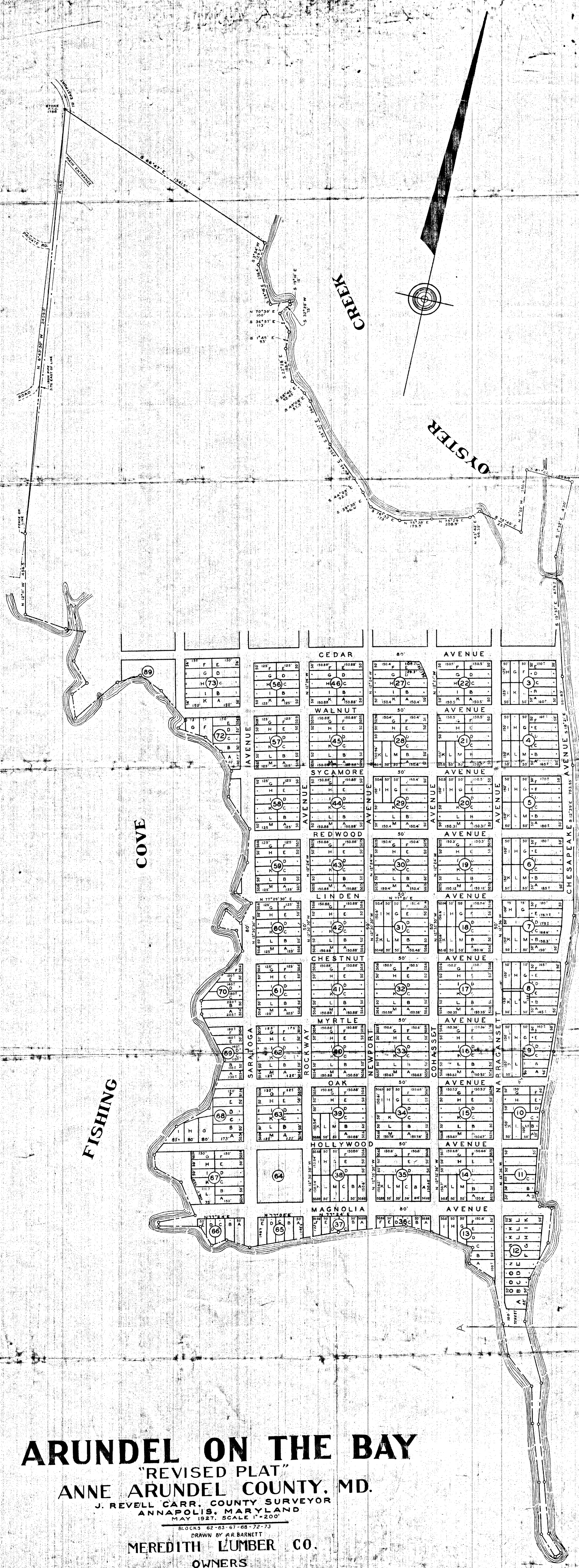
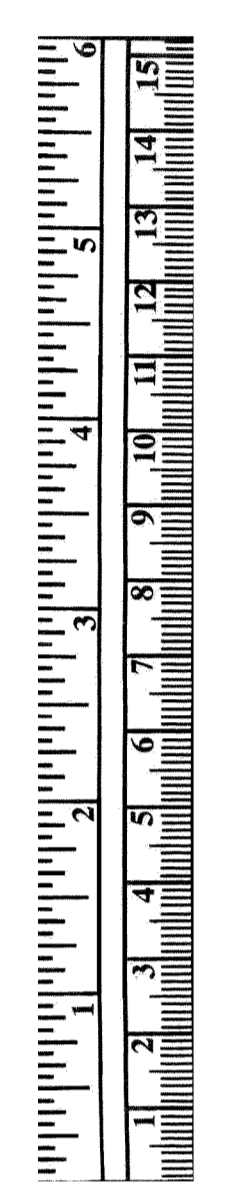
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition with less setbacks than required.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply 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



ARUNDEL ON THE BAY

"REVISED PLAT"
ANNE ARUNDEL COUNTY, MD.

J. REVELL CARR, COUNTY SURVEYOR
ANNAPOLIS, MARYLAND
MAY 1927. SCALE 1"=200'

BLOCKS 62-63-67-68-72-73
DRAWN BY A.R. BARNETT
MEREDITH LUMBER CO.
OWNERS
ANNAPOLIS, MD.



12/23/2021

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Select Date ▾



NARRAGANSETT AVE

HOLLYWOOD AVE

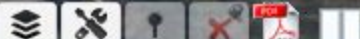
HOLLYWOOD AVE

NARRAGANSETT AVE

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HOLLYWOOD AVE

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