

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

APPLICANT: Gary Makell

ASSESSMENT DISTRICT: 8

CASE NUMBER: 2023-0189-V

COUNCIL DISTRICT: 7

HEARING DATE: January 11, 2024

PREPARED BY: Sumner Handy
Planner

REQUEST

The applicants request a variance to allow a dwelling addition (family room) with less setbacks than required at 6125 McKendree Road in Dunkirk.

LOCATION AND DESCRIPTION OF SITE

The subject property is located on the east side of McKendree Road, about 960 feet north of Sweet Retreat Lane, in the subdivision of McKendree. The subject property has an area of 0.878 acres and a width of approximately 100 feet. The site is shown on Tax Map 79, Grid 12, as Parcel 75, Lot B. The site is zoned RA - Rural Agricultural District, and has been since the adoption of comprehensive zoning for the Seventh Council District, effective October 7, 2011.

This nonwaterfront property is not located in the Critical Area, and is currently developed with a one-story single-family detached dwelling, a detached garage, and associated facilities. The property is served by private well water and septic systems.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a dwelling addition (a family room) measuring 20 feet by 30 feet. The addition is proposed on the eastern facade of the existing dwelling.

REQUESTED VARIANCES

Section 18-4-301 of the Anne Arundel County Zoning Code requires that a principal structure in the RA District be set back a minimum of 40 feet from a corner side lot line. The proposed dwelling addition will be located 15 feet from the corner side lot line, necessitating a variance of 25 feet from the corner side lot line setback requirement.

FINDINGS

At just 100 feet in width and 0.878 acres (approximately 38,245 square feet) in area, the subject property is short of the minimum requirements (150 feet in width at the front building restriction line, and 40,000 square feet in total lot area) for new lots created in the RA district. The relief here has been requested because the applicant wishes to add onto this dwelling that is situated in a slightly angled manner on this narrow lot (when compared to the standard for lots in the RA district). The applicant notes that the corner side - rather than mere side - setback stipulation for principal structures in the RA District (which is among the strictest setback requirements for residential principal structures in the Zoning Code) is the

reason for this variance, which is required to permit this addition to his dwelling. The dwelling to which the addition is proposed was built in 1962, according to State tax records.

In a phone call with the applicant, this Planner learned that the proposed family room is to be located here because of the interior layout of the dwelling. Locating it any further to the south, further from the corner side lot line, would be to locate it off of bedrooms in that portion of the house, which does not make sense. The applicant wishes to extend the family room off of the existing kitchen, in an open concept-type manner.

The **Health Department** advised they have reviewed the on-site sewage disposal and well water supply systems at the subject property, and they have determined that the proposal will not adversely affect those systems. The Health Department offered no objection to the proposal.

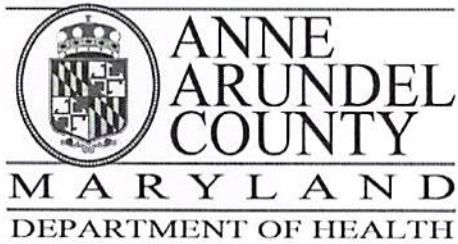
For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the lot. The lot's narrowness relative to the standard for lots in the RA District constitutes a unique physical condition, and the proposed addition comprises reasonable development of this modestly-sized single-family dwelling. The house is situated at an angle on the lot such that any addition to the rear of the dwelling, that does not extend from bedrooms in the southern portion of the house, would require relief in the form of a corner side setback variance. The dwelling is a single-story dwelling of less than 1,000 square feet of above-grade living space, built in the early 1960s. The proposed addition is relatively modest, and will have no impacts on neighboring properties.

This Office finds that the variance request, which would allow a modest addition to this modestly-sized dwelling that comes no closer to that lot line from which setback relief is requested than the existing principal structure, comprises the minimum variance necessary to afford relief. This Office finds that the variance relief sought, if granted, will not alter the essential character of the neighborhood: several structures in the immediate vicinity appear to violate setback requirements; and the relief requested here, if realized, would result in the principal structure extending no closer to the corner side lot line in question than it does today. The structure, after completion, will not impair the appropriate use or development of adjacent property, and no evidence has been presented that it will 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 18-4-301 of 25 feet from the corner 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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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 *BC*

DATE: October 27, 2023

RE: Gary Steven Makell
6125 McKendree Road
Dunkirk, MD 20754

NUMBER: 2023-0189-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions (family Room) with less setbacks than required.

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

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

cc: Sterling Seay



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Select Date



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