

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

APPLICANT: Christopher Lorrain & Moira Shea

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0145-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: January 16, 2024

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicants are requesting a variance to allow a dwelling addition with less setbacks than required on property located at 6 Mayo Avenue in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,500 square feet of land and is located with approximately 50 feet of frontage on the southwest side of Mayo Avenue, northwest of Farragut Road. It is identified as Lot 4 of Parcel 28 in Block 15 on Tax Map 57 in the Bay Ridge subdivision.

The property is zoned R2 – Residential District, as adopted by the comprehensive zoning for Councilmanic District 6, effective October 7, 2011. This nonwaterfront property is located within the Chesapeake Bay Critical Area and is designated LDA - Limited Development Area. It is currently improved with a one-story single-family detached dwelling¹ with a shed, and other associated facilities.

APPLICANT'S PROPOSAL

The applicants seek approval to construct a first story, cantilevered addition (12 feet by 18 feet - 6 inches, 222 square feet), on the rear of the existing dwelling.

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 addition would be located as close as six feet from the northwest side lot line, necessitating a variance of one foot.

FINDINGS

The subject property is rectangular in shape and is both grossly undersized and narrow for the district. More specifically, the 50-foot width is narrower than the required minimum 80-foot

¹ The SDAT information calls the dwelling 1 ½ stories, the site plan shows one story.

width; and the 7,500 square foot lot size is half the required minimum 15,000 square foot area for new lots served by public sewer in an R2 District. The applicants' letter explains that the proposed addition will be aligned with the side of the existing single-family home.

The existing critical area lot coverage is 920 square feet. With the 222 square foot addition the proposed coverage will be 1,142 square feet which is less than the maximum critical area lot coverage (2,375 sq ft) allowed by Code.

A review of the County aerial photograph from 2023 shows a neighborhood of various sized lots and detached homes of varying sizes in this waterfront community. The existing dwelling was constructed in 1940 according to State of Maryland tax assessment records. There have been several variance cases in the neighborhood. While each case must stand on its own merits this Office found a variance (case number 2003-0509-V) at 3 Farragut Road for a dwelling addition with less setbacks than required.

The **Health Department** has reviewed the request and has determined that they have no objection provided a site plan is submitted to the Health Department for review and approval at the Building Permit stage and a written well setback request is received to allow the addition 20 feet away from their own existing well.

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, the need for the variance results from the applicants' desire to make efficient and effective use of the existing nonconforming structure which is already located six feet from the northwest side lot line.

Approval of the variance would not alter the essential character of the neighborhood. 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 dwelling. The proposal will not be contrary to acceptable clearing and replanting practices and approval of the variance would not be detrimental to the public welfare.

Given the nonconforming location of the existing improvements and the modest addition being proposed, 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 dwelling addition to be constructed six feet from the northwest side lot line 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.



MARYLAND


DEPARTMENT OF HEALTH

J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
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
Bureau of Environmental Health 

DATE: November 2, 2023

RE: Christopher Lorrian
6 Mayo Ave.
Annapolis, MD 21403

NUMBER: 2023-0190-V-Revised

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 no objection to the referenced variance request so long as site plans are submitted to the Health Department for review and approval at the Building Permit stage and a written well variance setback request is received to allow the addition 20 feet away from their own existing well..

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

cc: Sterling Seay

6 Mayo Ave



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Environment

County Environment

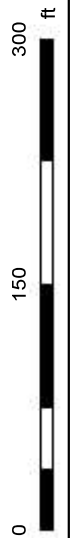
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