

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

APPLICANT: Carolina Irias & Joseph Villeux

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0191-V

COUNCILMANIC DISTRICT: 7th

HEARING DATE: February 6, 2024

PREPARED BY: Jennifer Lechner
Planner II

REQUEST



The applicants are requesting a variance to allow an addition (second story) to an accessory structure (barn), and a variance to perfect an addition¹ (second story deck with steps to grade) to an accessory structure (barn), both with less setbacks than required on property located at 2387 Davidsonville Road in Gambrills.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 2.82 acres of land and is located with frontage on both the eastern side of Davidsonville Road and the southwest side of Bell Branch Road. It is identified as Parcel 156 in Block 20 on Tax Map 43.

The property is zoned RA – Residential District, as adopted by the comprehensive zoning for Councilmanic District 7, effective October 7, 2011. The lot is not located within the Chesapeake Bay Critical Area. It is currently improved with a one-story single family detached dwelling with finished basement, a barn, a shed, and other associated facilities.

PROPOSAL

The applicants propose to increase the wall height of the existing barn's second floor (from 4 feet to 8 feet). The height of the barn would remain 18 feet, with a 3/12 pitch.

In addition, the applicants wish to perfect a second story deck with steps to grade, also on the existing barn. The unpermitted deck, as constructed, is currently 16' x 30', with 4 foot wide steps to grade along the eastern side of the deck. The applicants are proposing to reduce the length of the deck from 30' to 26', and to relocate the 4 foot wide steps to grade to the southern end of the deck.

REQUESTED VARIANCES

§ 18-4-301 of the Anne Arundel County Zoning Ordinance provides that an accessory structure in an RA District shall be set back a minimum of 40 feet from the corner side lot line.

The proposed second story barn addition would be located as close as 12 feet from the northeast

¹ The original application was for the second-story addition only; the unpermitted deck was discovered during review of the County aerials, and subsequently added to the variance request.

corner side lot line, necessitating a variance of 28 feet.

The unpermitted second story deck, as proposed at 16' x 26', would be located as close as 12 feet from the northeast corner side lot line, necessitating a variance of 28 feet.

FINDINGS

The subject property is a corner lot, with Davidsonville Road deemed the front lot line and Bell Branch Road the corner side lot line. The property is irregular in shape, and exceeds the 40,000 square foot minimum lot area and 150 foot minimum lot width at the front building restriction line currently required for new lots in an RA District.

A review of the County's aerial photography shows an eclectic mix of lot sizes, structures and uses in the area around the subject property. The subject barn is visible in the County's aerial photography as far back as 1970. In addition, the aerials indicate that a second story deck with steps to grade had been built on the eastern end of the barn to replace a set of stairs sometime between June 2022 and October 2022. A building permit for the deck was not found in the County records.

The applicants' letter explains that they would like to raise the roof of the existing barn's second floor. The second floor currently has four foot high side walls which angle up to an eight foot center height. They would like to increase the height of the side walls from four feet to eight feet in order to be able to use the entire area for storage. They state that the height of the structure would not change. The applicants further explain that since the existing barn, built sometime after the house's construction in 1964, does not meet the current required setbacks for accessory structures, a variance to the setback requirements would be needed in order to expand the second floor.

In addition, the applicants are requesting a variance to allow the unpermitted deck to remain. As shown on their revised site plan, they are proposing to reduce the length of the as-built deck and to relocate the steps to grade in order to keep the deck in line with the existing barn's 28 foot encroachment into the corner side lot line setback.

Agency Comments

The **Health Department** requires additional information regarding the type and location of the water supply well and on-site sewage disposal system. In addition, their Dept explains that if the applicants are proposing an ADU (accessory dwelling unit), that it will require a 10,000 sqft area sufficient to have an initial and two replacement septic systems for a 750 sqft living area. Also, the primary residence must show the existing system and two replacement systems, percolation tests are required, and the water well location must be shown.

The **Recreation and Parks Department** indicates that Bell Branch Park lies to the west on the opposite side of Rt. 424 (Davidsonville Road) and the request should not interfere with the park.

The **Cultural Resource Section** indicates that the subject property is situated at the intersection of two Scenic and Historic Roads, Davidsonville Rd. and Bell Branch Rd. All development must comply with Article 17-7-504, and the Cultural Resources Section shall require review of the

building permit to ensure that there is no adverse effect, but has no objection to the variance application.

Variance Criteria

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 other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the property is unique in that it has two frontages and the barn has existed in its current location since at least 1970. However, the existing barn already provides 1,600 square feet of storage space, not including the barn attic. Expanding the upper level for additional storage appears excessive. If additional storage is needed, there is ample room on the property to construct a new storage building which would be in compliance with the Code.

Although the applicants' Letter of Explanation indicates that the expanded second story is to be used for storage, the presence of the oversized deck suggests that the second story will be used as living space. At 1,600 square feet of floor area, the proposed second story of the barn would far exceed what would be permitted as an accessory dwelling unit². However, an ADU would not be permitted in a detached structure on this property since the principal structure already contains a basement accessory dwelling unit³. If the variance is granted, the second story of the barn should be limited to storage only.

With regards to the unpermitted second story deck, the applicant has proposed to reduce the size of the deck, and to relocate the steps to grade, so that it will be in line with the existing barn. However, there will still be increased structural encroachment into the corner side setback. A set of stairs to the upper level of the barn had been removed to construct the deck. The applicants offered no justification as to why such a large deck is needed to access an area proposed as storage. Nor have they offered justification as to why it could not be constructed in another location, such as along the western or southern side of the barn, which would not require a variance.

As proposed, the second story of the barn and the oversized deck would create over 2,000 square feet of new structure as close as 12 feet from the corner side lot line along Bell Branch Road, a Scenic and Historic Rural Road. As such, the variance would alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, and be detrimental to the public welfare.

Because justification was not provided and alternatives exist which would eliminate the need for relief from the code, the variances cannot be considered the minimum necessary to afford relief.

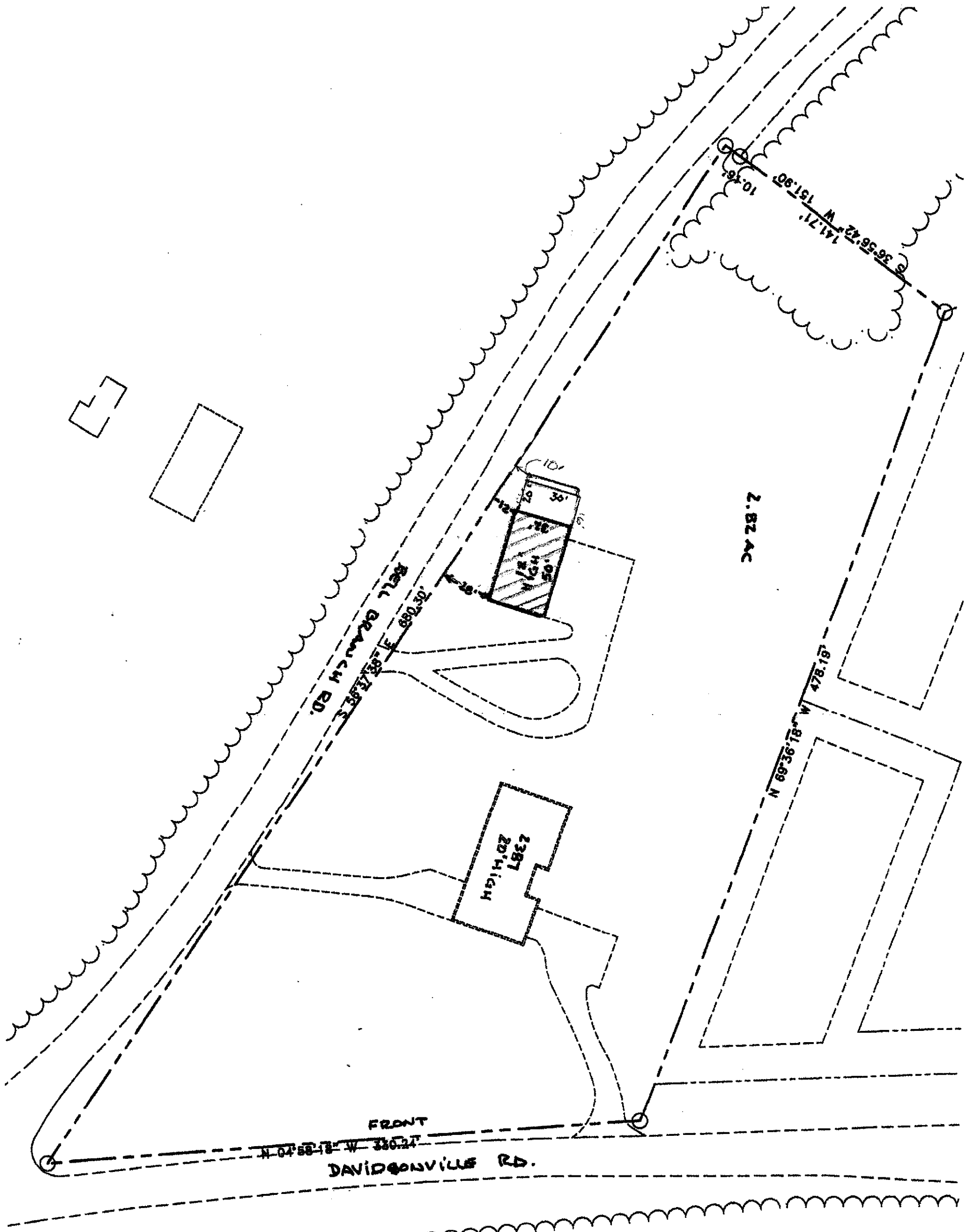
² Per § 18-10-122(4), an accessory dwelling unit located in a detached structure may not exceed 800 square feet.

³ The 2022 real estate listing for the property describes an in-law suite in the walkout basement.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *denial* of zoning variances to § 18-4-301 to allow a second-story addition and a deck addition to the existing detached barn to be as close as 12 feet from the corner side property line.

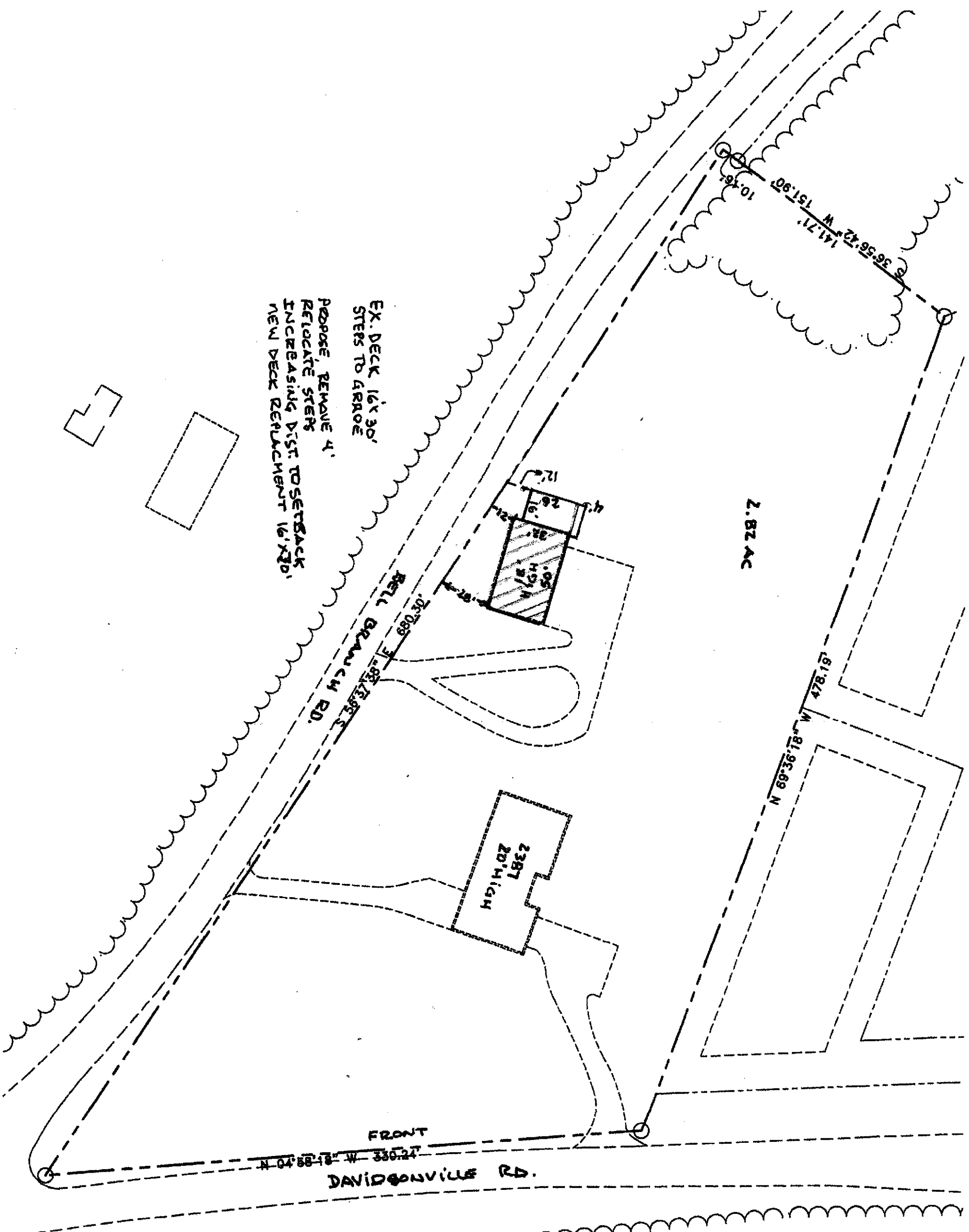
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This 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.



Scale
1-50

VEILLEUX
 2387 DAVIDSONVILLE, RD.
 GAMBRILLS, MD. 21054
 2000-0158-8500
 R-A

A



VEILLEUX
 2387 DAVIDSONVILLE, RD.
 GAMBRILLS, MD. 21054
 2000-0158-8500
 R-A

Scale
 1-50



Atlantic Development Services Group, LLC

P.O. Box 567

Crownsville, Maryland 21032-1218

Anne Arundel County
Department of Inspections and Permits
2664 Riva Rd. Annapolis, Md. 21404

Re: Variance- Veilleux Property Tax Acct. 2000-0158-8500
2387 Davidsonville Rd. Gambrills, Md.

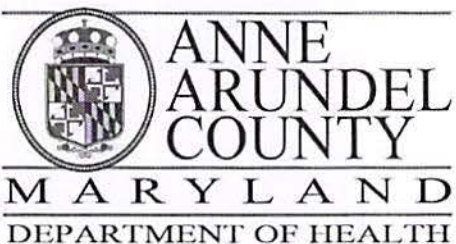
Dear Sir or Madam

We are applying for a variance to raise the roof of an existing barn with less setbacks than allowed. The barn is currently 32' X 50' with two floors, the second floor has four foot side walls with the center of the second floor to eight feet to be able to use the entire area for storage. The lot is located in Gambrills and is NOT critical area. The lot is 2.82 acres in size and zoned RA. The house was constructed in 1964 and the barn sometime after that. The barn does not meet current required setbacks. It was also determined that a deck added to the barn was constructed without a building permit and would also need a variance to legitimize it in addition to a building permit. The site needs a variance to raise the roof to the second floor and allow the deck to remain. The current RA setbacks for an accessory structure on a corner lot requires a 40' side yard setback to allow the structure to be placed in the side yard. The barn is currently 12' off the side yard lot line at the rear of the barn and 28' off the side yard lot line in the "front of the barn" these setbacks needing a variance of 28' to the rear and 12' to the front side of the barn. There will not be any further center height to the center of the barn as the only expansion is to the side walls. The roof will become a 3/12 pitch to allow for that. The deck which is 16'X30' has the posts within the 40' side yard setback and would need a 30' variance to remain along with a building permit.

Any questions or comments or need any additional information, please do not hesitate to contact Damon Cogar @ 443-871-3340 or Damon@adsgonline.com

Sincerely, 

Phone (443) 871-3340 * E-Mail: damon@adsgonline.com




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 29, 2023

RE: Carolina Irias
2387 Davidsonville Road
Gambrills, MD 21054

NUMBER: 2023-0191-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an addition (second floor) to an accessory structure (barn) with less setbacks than required.

Based on a review of the above referenced request, additional information is needed by the Health Department on: the type and location of the water supply well and on-site sewage disposal system. If proposing ADU, an ADU will require a 10,000 sqft. area sufficient to have an initial and 2 replacement septic systems for a 750 sqft. living area. Also the primary residence must show the existing system and 2 replacement systems. Percolation tests are required. Show water well location.

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

cc: Sterling Seay



STUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
A.ACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case 2023-0191-V

DATE: November 21, 2023

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This request is to allow an addition (second floor) to an accessory structure (barn) with less setbacks than required.
- Bell Branch Park lies to the west on opposite side of Rt. 424 and should not interfere with the park.

The Department of Recreation and Parks has no further comments.

cc: File

2023-0191-V

Menu Cancel Help

Task
OPZ Cultural Resources
Assigned to Department
OPZ Cultural Resources
Action by Department
OPZ Cultural Resources
Start Time

Due Date
12/06/2023
Assigned to
Stacy Poulos
Action By
Stacy Poulos
End Time

Assigned Date
11/15/2023
Status
Complete w/ Comments
Status Date
12/06/2023
Hours Spent
0.0

Billable
No

Overtime
No

Comments
This property is situated at the intersection of two Scenic and Historic Roads, Davidsonville Rd. and Bell Branch Rd. All development must comply with Article 17-7-504 and the Cultural Resources Section shall require review of the building permit to ensure that there is no adverse effect, but has no objection to the variance application.

Time Tracking Start Date
Display E-mail Address in ACA
No

Est. Completion Date
 Display Comment in ACA

In Possession Time (hrs)
Comment Display in ACA

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

Estimated Hours
0.0

Action
Updated

Workflow Calendar

Task Specific Information

Review Notes
Reviewer Email

Reviewer Name

Reviewer Phone Number

1970 B&W AERIAL



OCTOBER 2023 AERIAL



OCTOBER 2023 - SUBJECT PROPERTY



2023-0191-V

DECEMBER 2021 (staircase access to upper level of barn, prior to deck)



OCTOBER 2023 AERIAL (DETAIL)



2023-0191-V

02/06/2022 OBLIQUE AERIAL (facing north) - stairs to upper level of barn, prior to deck



12/27/2022 OBLIQUE AERIAL (facing north)

