

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

APPLICANT: Herbert L. & Victoria L. Sanders Jr.

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0192-V

COUNCILMANIC DISTRICT: 3rd

HEARING DATE: January 18, 2024

PREPARED BY: Jennifer Lechner
Planner II



REQUEST

The applicants are requesting a variance to allow an accessory structure (garage) with less setbacks than required and in the front yard of a nonwaterfront lot on property located at 114 Queen Anne Road in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 8,800 square feet of land and is located with frontage on both the southeast side of Queen Anne Road, and the southwest side of Chain O Hills Road. It is identified as Lots 23 to 26 of Parcel 17 in Block 21 on Tax Map 10.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Councilmanic District 3, effective January 29, 2012. The lot is located within the Chesapeake Bay Critical Area - Intensely Developed Area (IDA). It is currently improved with a one-story single-family detached dwelling, detached sheds, and other associated facilities.

PROPOSAL

The applicants propose to construct an accessory structure (24ft x 30ft x 10ft high garage) in the front yard of a nonwaterfront lot and with less setbacks than required.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Ordinance provides that an accessory structure eight feet in height or greater in an R5 District shall be set back a minimum of forty feet from the front lot line. The garage would be located as close as 15 feet from the front lot line, necessitating a variance 25 feet.

§ 18-2-204(b) of the Code provides that an accessory structure may not be located in the front yard of a nonwaterfront lot. The front facade of the garage would be located closer to Queen Anne Road than the front facade of the house, necessitating a variance to this provision.

FINDINGS

The subject property is a corner lot, with Queen Anne Road deemed the front lot line and Chain O Hills Road the corner side lot line. The property is rectangular in shape and exceeds the 7,000

square foot minimum lot area and 60-foot minimum lot width at the front building restriction line currently required for new lots in an R5 District. Per § 17-8-205(6), in accordance with COMAR requirements, lot coverage in the IDA may not exceed the lot coverage limitations of the underlying zoning district. As shown on the Administrative Site Plan, the existing coverage by structures is approximately 1,187 square feet. The proposed post-construction coverage by structures will be approximately 1,907 square feet, which is well below the 40% (3,520 square feet) maximum coverage by structures allowed under § 18-4-701.

A review of the County 2023 aerial photography shows, with rare exception, all of the nearby properties have onsite parking (garages and/or driveways), but none appear to have accessory structures in the front yards. The aerials also show additional sheds on the subject property, one of which is particularly close to a large tree, than what is indicated on the site plan.

The applicants' letter explains that due to the desire to preserve a century-old tree, to have adequate family yard space, and the comparative location of the existing structures, they are seeking relief from the Code requirements. The applicants further explain that the current storage sheds have become inadequate, with one nearing the point of structural failure. They believe that the proposed one-story garage will provide additional storage space, and improve the safety and organization of the property.

Agency Comment(s)

The **Health Department** commented that the property is served by public water and sewer facilities, and has no objection to the request.

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. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

In this particular case, the property is not unique with regards to the shape and size of the lot. Rather, the proposed garage itself creates practical difficulties as it may be oversized for the subject property. However, there appears to be an opportunity to shift the garage further from Queen Anne Road, and/or to reduce the dimensions of the proposed garage, thereby minimizing or eliminating the need for relief, while still preserving the tree.

In addition, the location of the proposed garage will not provide an appropriate parking area. §17-6-602 of the Code states that the size of a residential lot parking space shall be 9' by 18'. While a driveway is not specifically indicated on the site plan, the proposed location will only provide a 15 foot deep parking space. The proposed garage must be shifted back to provide sufficient space for parking.

The applicant has not provided adequate justification to demonstrate that the garage could not be constructed in compliance with (or at least closer to) the minimum forty foot setback required from the northwest front lot line, nor in compliance with the prohibition of an accessory structure

located in the front yard of a nonwaterfront lot. It appears that alternative options exist that would minimize or eliminate the need for variances. Without sufficient justification, the variance request cannot be considered the minimum necessary to afford relief. As such, this Office does not support the proposed variances to § 18-4-701 and § 18-2-204(b) for the proposed garage.

The variances may alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, or be detrimental to the public welfare.

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 a zoning variance to § 18-4-701 to allow an accessory structure as close as 15 feet from the front property line, and ***denial*** of a zoning variance to §18-2-204(b) to allow an accessory structure in the front yard of a nonwaterfront lot.

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.

2023 AERIAL

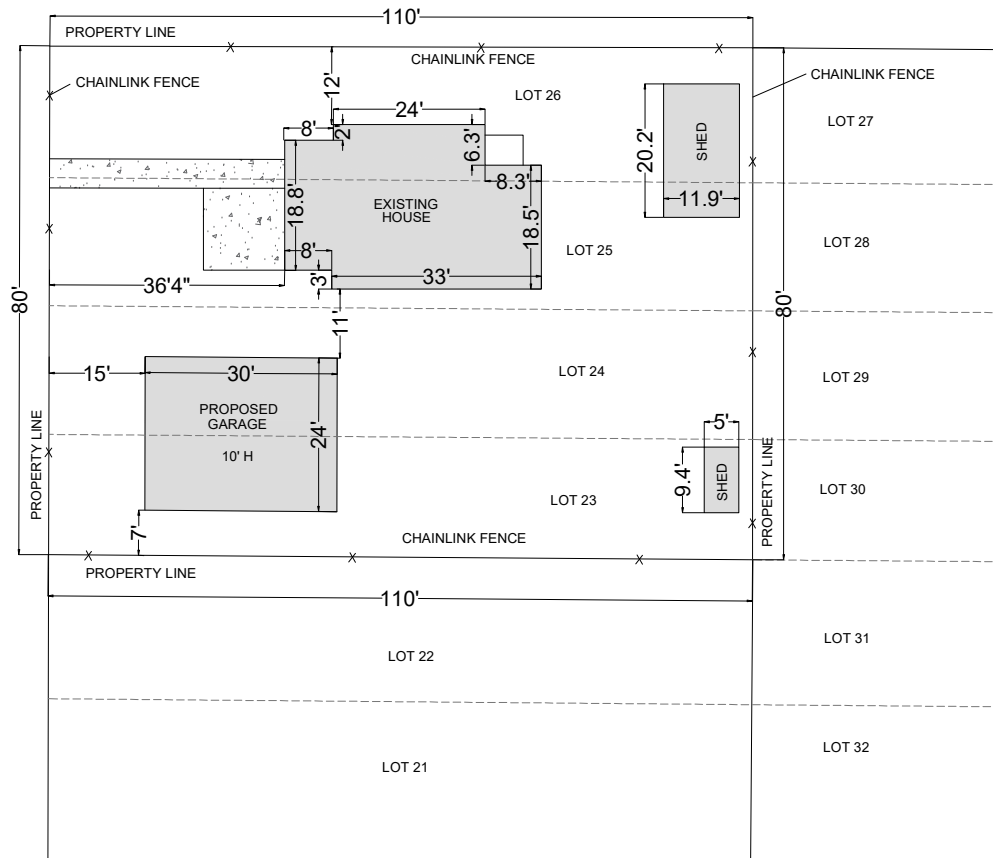


2021 FACING EAST



QUEEN ANNE ROAD (40' WIDE)

CHAIN O' HILLS ROAD (30' WIDE)



NOTES:

ADDRESS:
114 QUEEN ANNE RD
GLEN BURNIE, MD 21060

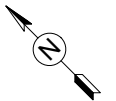
SITE PLAN

PARCEL ID: 95765

LOT AREA: 0.2 ACRES

PLOT SIZE: 8.5" X 11"

DRAWING SCALE: 1"=30'



Herbert Sanders

114 Queen Anne Rd

Glen Burnie, Md. 21060

11/2/2023

Planning and Zoning

Subject: Application for Two Variances - Garage Setback Requirements and Front Yard Placement

Dear Planning and Zoning

I am writing to formally request two variances (1) 18-4-701 and (2) 18-2-204(b) for my property located at 114 Queen Anne Rd. The purpose of this request is to address the setback requirement for a one-story garage structure on my property and to allow an accessory structure in the front yard of a nonwaterfront lot. These variances are essential to facilitate the proposed project.

I understand that the zoning regulations are in place to maintain the integrity and aesthetics of the neighborhood, and I appreciate the importance of these rules. However, due to certain constraints and unique circumstances, I am seeking exceptions to these regulations.

Reasons for the Request:

Preservation of a Century-Old Tree: On my property, there is a majestic 100-year-old tree, which I believe is of significant environmental value. I am committed to preserving this tree and ensuring its longevity. Granting a variance for the one-story garage setback will allow us to save this remarkable tree, contributing positively to the environment.

Family Yard Space: I would like to create a safe and spacious yard area for my family. Adhering strictly to the setback regulations would limit the available outdoor space for my family to enjoy.

Necessity for Additional Storage: My current storage sheds have become inadequate, with one of them nearing the point of structural failure. Building a new one-story garage will address this critical need for storage space, improving the safety and organization of my property.

Comparative Location to Existing Structures: My main dwelling is situated 28 feet from Queen Anne Road, with a house size of 864 square feet and a height of 30 feet. The proposed one-story garage will be

positioned 15 feet from Queen Anne Road, Additionally, it will be 7 feet from the property line, reducing the impact on neighboring properties. The proposed one-story garage size is 720 square feet, which is in line with the needs of my family.

How the Variances Will Not Impact the Neighborhood:

I wish to emphasize that the requested variances will not adversely affect the neighborhood's character, safety, or aesthetics. They align with the goal of preserving a historic tree and enhancing family life quality. The proposed one-story garage will be designed to complement the existing structures, maintaining a harmonious look with the neighborhood.

Request a Hearing or Meeting:

I kindly request a hearing or meeting with the zoning board to further discuss my variance request and address any questions or concerns. I am open to providing additional information or making adjustments as needed to ensure that my project aligns with the interests of the community.

Thank you for your consideration of my request for these two variances. I look forward to the opportunity to discuss this matter in more detail and find a solution that benefits both my family and the community. Please let me know a convenient date and time for the meeting.

Sincerely,

Herbert Sanders

443-306-9020

ford27master@gmail.com

CRITICAL AREA COMMISSION
 CHESAPEAKE AND ATLANTIC COASTAL BAYS
 1804 WEST STREET, SUITE 100
 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Anne Arundel County

Date:

Tax Map #	Parcel #	Block #	Lot #	Section
0010	0017	y	23	

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Tax ID:

Project Name (site name, subdivision name, or other)

Project location/Address

City Zip

Local case number

Applicant: Last name First name

Company

Application Type (check all that apply):

- | | |
|--|--|
| Building Permit <input type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/> | Rezoning <input type="checkbox"/> |
| Conditional Use <input type="checkbox"/> | Site Plan <input type="checkbox"/> |
| Consistency Report <input type="checkbox"/> | Special Exception <input type="checkbox"/> |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input type="checkbox"/> | Other <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name First name

Phone # Response from Commission Required By

Fax # Hearing date

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

--

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 Buffer Exemption Area

Project Type (check all that apply)

Commercial
 Consistency Report
 Industrial
 Institutional
 Mixed Use
 Other

Recreational
 Redevelopment
 Residential
 Shore Erosion Control
 Water-Dependent Facility

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft
IDA Area		
LDA Area		
RCA Area		
Total Area		

Total Disturbed Area

Acres	Sq Ft
	720

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		920
Created Forest/Woodland/Trees			New Lot Coverage		1670
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		1670

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

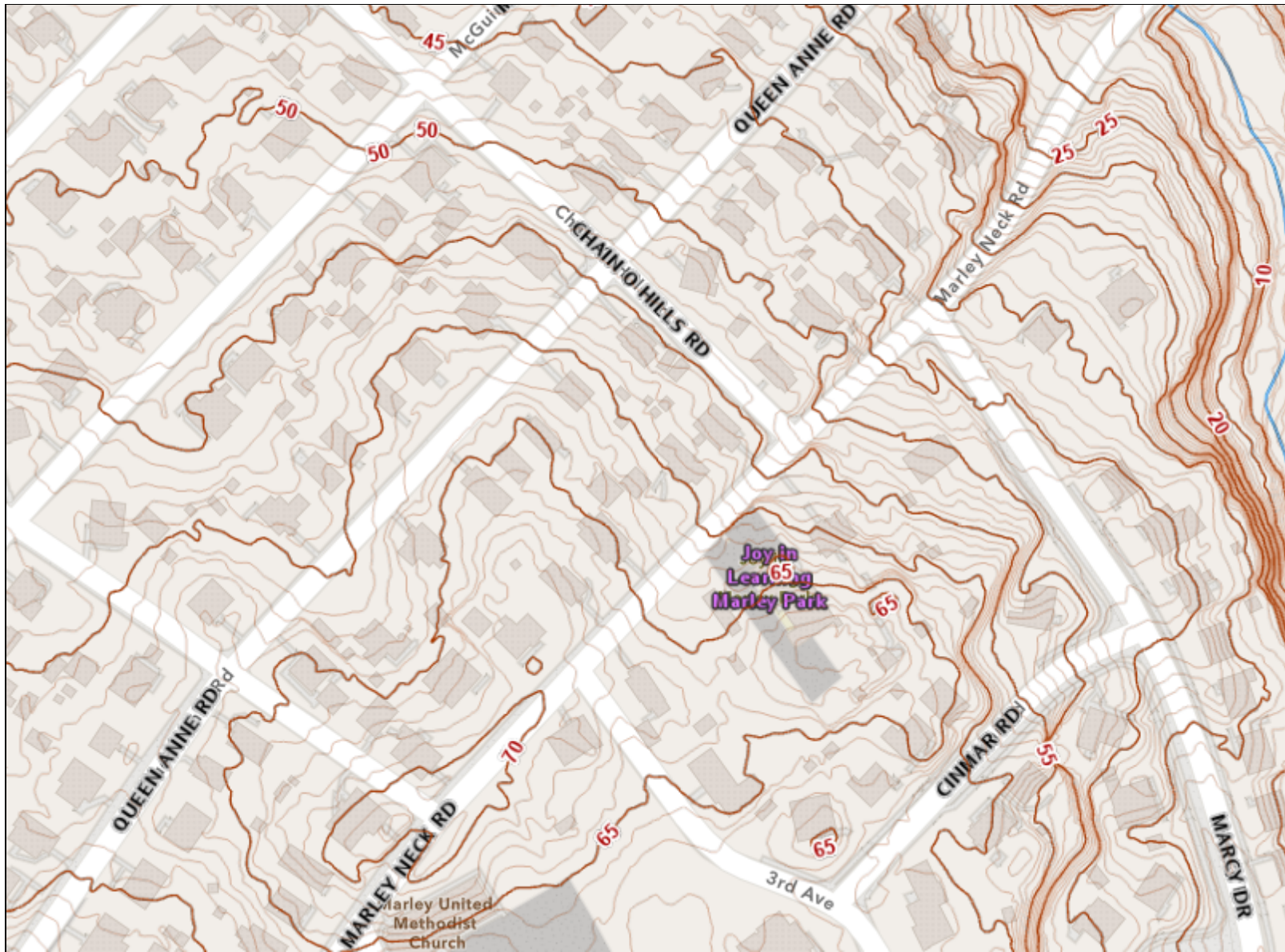
Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Lot Coverage
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes
 Other

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other

114 Queen Anne Road



Legend

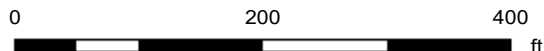
Elevation

Topo 2020

— Index

— Intermediate

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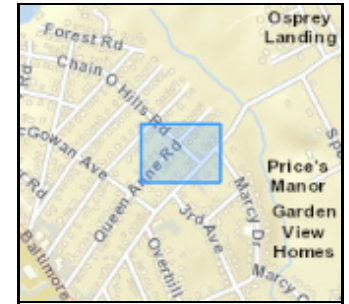
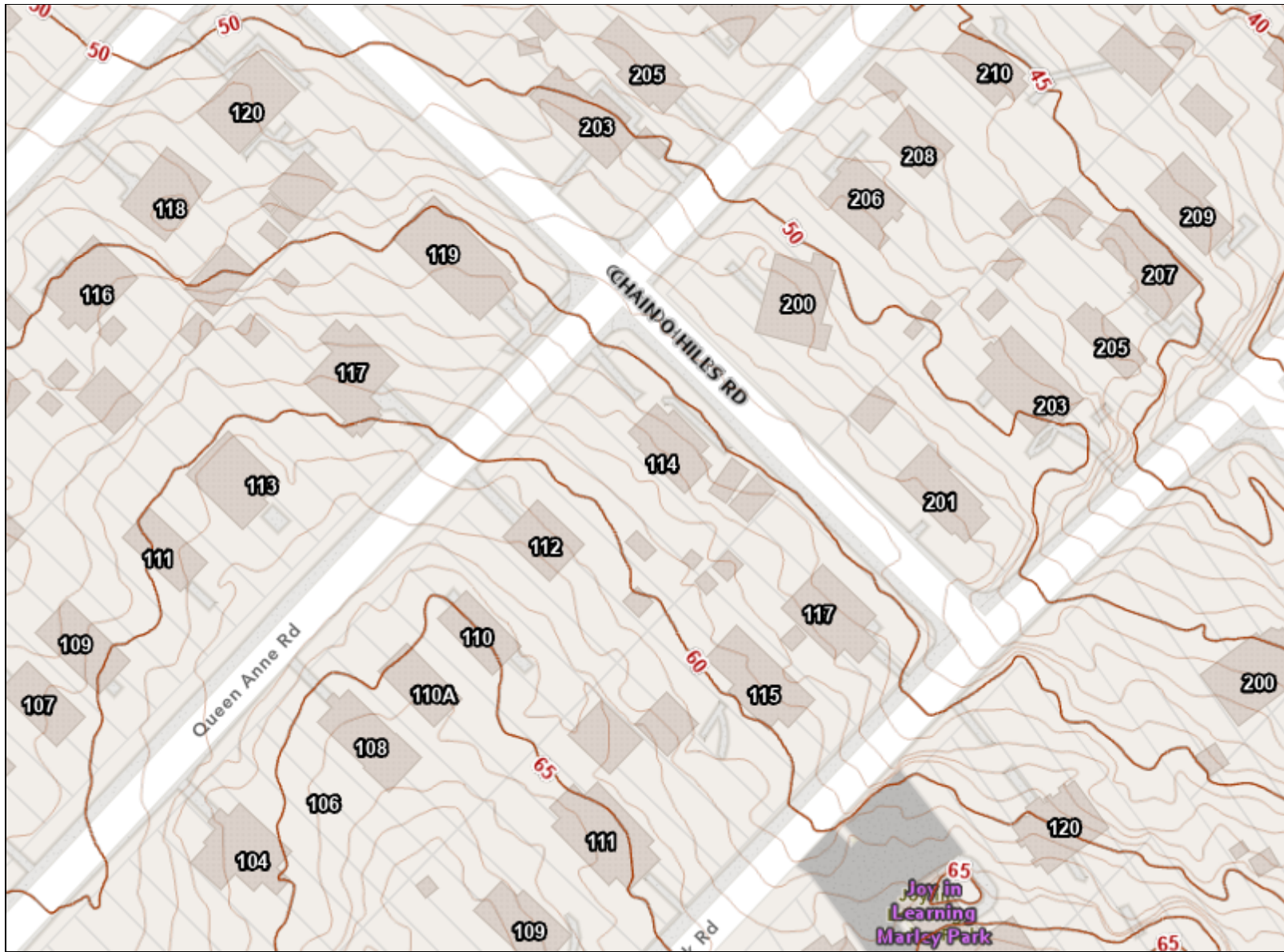
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THIS MAP IS NOT TO BE
USED FOR NAVIGATION

Notes 1" = 200 ft

Topographic Map



Legend

- Foundation
- Addressing
- Elevation
 - Topo 2020
 - Index
 - Intermediate

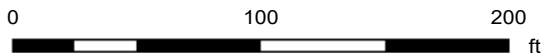


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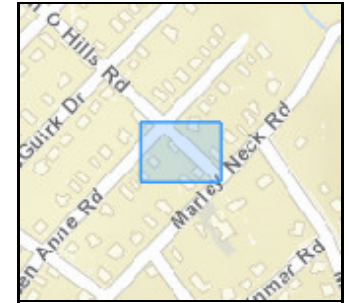


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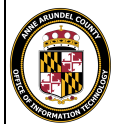
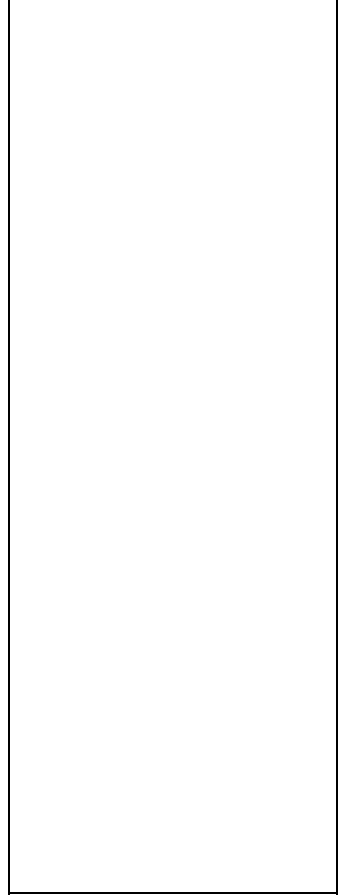


Notes 1" = 100 ft

2021 Aerial

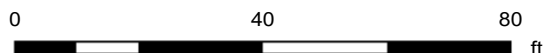


Legend



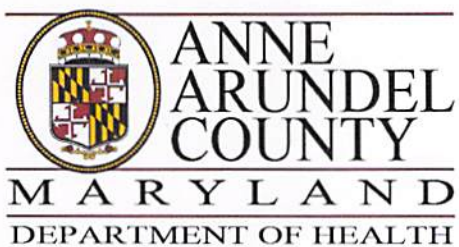
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Notes 1" = 40 ft



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: Sumner Handy, Zoning Applications
Planning and Zoning Department, MS-6301

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

DATE: November 6, 2023

RE: Herbert L. Sanders, Jr.
114 Queen Anne Road
Glen Burnie, MD 21060

CASE
NUMBER: 2023-0192-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has received the above referenced variance request to allow an accessory structure (garage) with less setbacks than required and in the front yard of a nonwaterfront lot. The Health Department offers the following comments:

The Health Department has reviewed the above referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above referenced request.

If you have further questions or comments, please contact Dawn Howard at 410-222-4290.

cc: Sterling Seay