

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

APPLICANT: Jennifer Moore

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0199-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: January 25, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance for lands located along 81 Bay Drive in the subdivision of Bay Ridge, Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,250 square feet of land and has 50 feet of frontage on the northwest side of Bay Drive, 0 feet southwest of Bancroft Avenue.¹ The property is identified as part of Lot 4 of Parcel 29 in Block 10 on Tax Map 57.

The property is zoned R2 - Residential District as adopted by the comprehensive zoning for Council District 6, effective October 7, 2011. This property lies within the Chesapeake Bay Critical Area, with a designation of LDA - Limited Development Area, and is currently improved with a single family detached dwelling and associated facilities.

APPLICANT'S PROPOSAL

The applicant is requesting an extension in time for the implementation and completion of a previously approved variance (2022-0037-V) that relates to the construction of an irregularly shaped, rear attached, two-story dwelling addition having a height of 32' and measuring approximately 33' X 26'.

REQUESTED VARIANCE

Section 18-16-405(a) provides that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant obtains a building permit or files an application for subdivision within 18 months of approval. The previous variance (2022-0037-V) was approved by the Administrative Hearing Officer May 17, 2022 with an expiry date of November 17, 2023.

¹ The deed for the subject property specifies a lot 50 feet in width and 145 feet in length yielding 7,250 square feet in area whereas the site plan submitted with the previous variance application indicated a lot area of 8,500 square feet.

The applicant does not expect a building permit to be issued by the expiry date and is requesting an additional 18 months to obtain a building permit for the proposed development to maintain the variance approval.

FINDINGS

The applicant has stated that a building permit has not been able to be obtained within the prescribed time due to a serious health challenge which has prevented them from pursuing a permit while they focus on recovery and subsequent rehabilitation. This crisis also prompted a critical reevaluation of the interior layout of the proposed addition to ensure its suitability for a progressive health issue, including inevitable mobility challenges. The applicant engaged a new design team to reconfigure the original interior layout while preserving the century-old home's interior charm and character, which entailed substantial work and associated costs for mechanical, electrical, HVAC, fire suppression, and plumbing. The plans have now been finalized and an application for building permit is imminent.

This application was correctly filed November 6, 2023 prior to the expiry of the previous variance approval. This is the first request for an extension in time. It is noted that the applicant was previously granted a variance under case 2012-0252-V for a rear dwelling addition similar to the current proposal. That addition was never undertaken due to financial circumstances.

The applicant does appear to be diligently pursuing approval of the necessary permits to implement the variance. The request for an additional 18 months is not considered to be excessive and is believed to be the minimum variance necessary to afford relief. Approval of the variance for a time extension will not be detrimental to the public welfare nor will it alter the essential character of the neighborhood or impair the use or development of any adjacent property.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Section 18-16-305 under the County Zoning Ordinance, the Office of Planning and Zoning recommends the application for a time extension be **approved** for an additional period of 18 months.

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.