

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

APPLICANT: Effect, Inc.

ASSESSMENT DISTRICT: 1st

CASE NUMBER: 2023-0193-V

COUNCILMANIC DISTRICT: 7th

HEARING DATE: February 27, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow a dwelling with less setbacks than required on property located at 3692 Eighth Avenue in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 4,378 square feet of land and is located with 43.75 feet of frontage on the southwest side of Eighth Avenue, 0 feet northwest of Hillside Avenue. It is identified as Lot 98 of Parcel 29 in Block 10 on Tax Map 60 in the subdivision of Selby on the Bay.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 7, effective October 7, 2011. It is currently unimproved.

PROPOSAL

The applicant seeks approval to construct a three-story, single-family, detached dwelling. The proposed house would measure 26.75 feet wide by 40 feet at its deepest point, with a 986.25 square foot footprint and a height of 35 feet.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Code provides that a principal structure in an R5 District shall be set back a minimum of 20 feet from a corner side lot line. The proposed dwelling would be constructed ten feet from the corner side lot line, necessitating a variance of ten feet.

FINDINGS

The subject property is rectangular in shape and is both undersized and narrow for the district. More specifically, the 4,378 square foot lot is smaller than the minimum 7,000 square foot area required, and the 43.75 foot width is narrower than the minimum 60 foot width required for new lots in an R5 District. A review of the 2023 County aerial photograph shows an eclectic mix of dwellings in this older waterfront community. While many dwellings have been constructed on two or more lots, some nearby houses have been constructed on similar single lots.

The applicant's letter explains that, in order to construct a dwelling on this undersized lot, without relief from the required corner side setback, the house would be limited to only 16.75 feet in width and would be out of character of surrounding dwellings in the neighborhood.

The **Office of Inspections and Permits Engineering Division** will review stormwater management at the grading permit stage. However, the Division notes that the site may exacerbate existing nuisance flooding concerns, issues with Eighth Avenue or Hillside Avenue, due to the runoff disconnection.

The **Health Department** recommends denial of the requested variance because the site plan is not approvable. The proposed well does not meet the required setbacks to the right-of-way or to the existing sewer main.

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, development of the site is constrained by the practical limitations of an existing residentially zoned lot that is undersized, narrow, and at a corner location. It is clear that some variance relief is warranted in order to provide enough width for reasonable residential development.

However, not all lots are created equally. The purchaser of an individual, undersized, corner lot that is not served by public water should not necessarily expect to be able to construct the same sized house that could be constructed on a larger, wider, non-corner lot. This Office has concerns over the visual impact of a three-story dwelling with a 35-foot height only ten feet from the Hillside Avenue right-of-way, especially when the dwellings across Hillside Avenue are oriented with Hillside as their front yard. While it is true that there are some similarly-sized dwellings within the neighborhood, there are also many smaller homes located nearby. Given the overall neighborhood context of Selby on the Bay, construction of a smaller dwelling that is better suited for this undersized, narrow, corner lot would not be unreasonable.

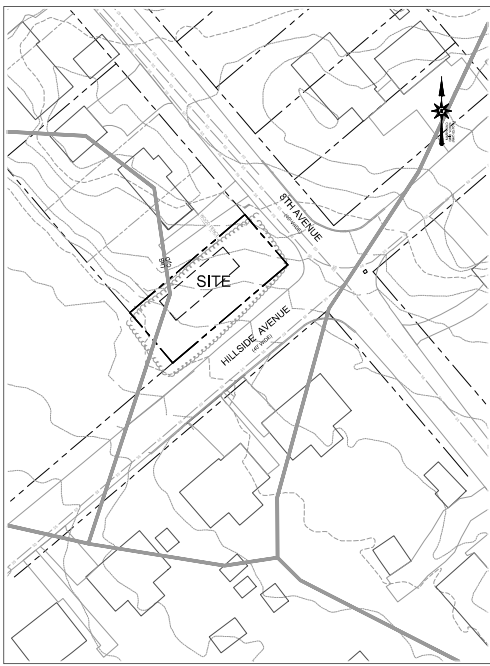
Approval of the variance would not substantially impair the appropriate use or development of any adjacent property. However, a three-story dwelling with a height of 35 feet and footprint of nearly 1,000 square feet on this small corner lot may alter the essential character of the neighborhood. Furthermore, based on the Health Department's comments indicating that the proposed well does not meet the required setbacks to the right-of-way or to the existing sewer main, the proposal may be detrimental to the public welfare.

While it is clear that some zoning setback relief is warranted, the variance is not considered to be the minimum necessary to afford relief and to allow the lot to be developed with a dwelling. The proposed house size is deemed to be excessive for the small site. The applicant should consider alternative design options to minimize the visual impacts of the requested corner side setback variance, by narrowing the dwelling footprint and by reducing the proposed height/stories.

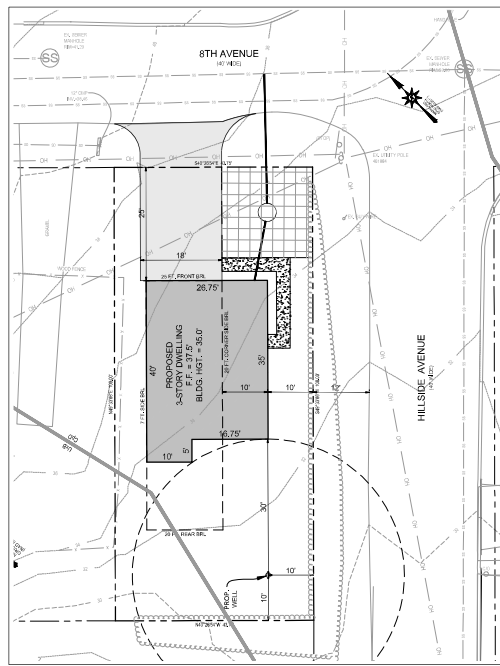
RECOMMENDATION

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 the proposed zoning variance to § 18-4-701.

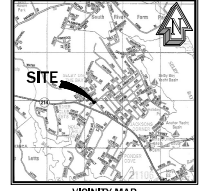
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This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



OVERALL LOCATION & EXISTING CONDITIONS MAP
SCALE: 1" = 30'



INSET - PROPOSED CONDITIONS
SCALE: 1" = 10'



VICINITY MAP
DATE: 11-20-2023
PROJECT: 23-0000000000000000

GENERAL NOTES

- OWNER: EFFECTIVE DATE: 11-20-2023
- PROJECT: 23-0000000000000000
- THE SITE IS LOCATED IN THE 8TH AVENUE EASEMENT (MCDOT)
- TAX ACCOUNTANT: 2023-10-01
- THE PROPERTY IS KNOWN AS: 23-0000000000000000
- THE PLANNING DEPARTMENT HAS REVIEWED THE PROPOSED DEVELOPMENT AND HAS DETERMINED THAT THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE ZONING ORDINANCE AND THE SUBDIVISION MAP ACT.
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SURVEY CONTROL NOTE

THE SURVEY CONTROL POINTS ARE SHOWN ON THE SURVEY MAP AND ARE TO BE MAINTAINED AT ALL TIMES. ANY CHANGES TO THESE POINTS SHALL BE REPORTED TO THE SURVEYOR IMMEDIATELY.

LOT COVERAGE SUMMARY

Category	Area
Overall Lot Area	4,375 SQ. FT. (100.00 AC)
Minimum Coverage by Structures	1,750 SQ. FT. (40.00 AC)
Proposed Coverage by Structures	1,750 SQ. FT. (40.00 AC)
Proposed Coverage by Driveway	1,000 SQ. FT. (22.73 AC)
Proposed Coverage by Yard	1,625 SQ. FT. (37.27 AC)
Proposed Coverage by Other	0 SQ. FT. (0.00 AC)
Proposed Coverage by Total	4,375 SQ. FT. (100.00 AC)
Proposed Coverage by Total	4,375 SQ. FT. (100.00 AC)

VARIANCE REQUEST

I, the undersigned, hereby certify that the information provided in this application is true and correct to the best of my knowledge and belief, and that I am not aware of any material misstatements or omissions.

SOILS TABLE

SOILS	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRO SOIL	HEAVY PROBABLE SOIL
U2	COLENTON (SANDY SILT AND CLAY)	U2	15%	NO	NO
U3	MOONBATH (CLAY SILT AND SAND)	U3	15%	NO	NO

LEGEND

Property Line (Hatched)	--- 1/2" ---	Proposed Spot Elevation	○
Adjacent Property Line	---	Proposed Contour Line	--- 1/2" ---
Building Footprint	---	Proposed Driveway	---
Building Outline	---	Proposed Yard	---
Existing Siltative Deposit	---	Existing Tree to be Removed	○
Existing Fence	---	Proposed Tree Line	---
Existing Public Utility Easement	---	Proposed Tree Line	---
Existing Public Utility Line	---	Proposed Tree Line	---
Existing Overhead Power Line	---	Proposed Tree Line	---

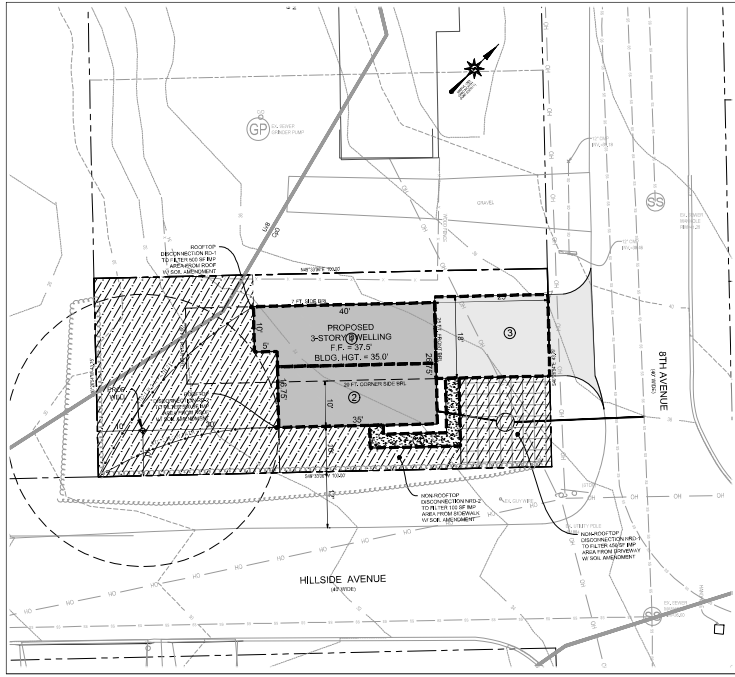
Revisions

Rev	Date	Description

Bay Engineering Inc.
 10000 Bay Road, Suite 100
 Houston, TX 77055
 (281) 415-1000
 www.bayengineering.com

VARIANCE PLAN
EFFECT INC. PROPERTY
 10000 Bay Road, Suite 100
 Houston, TX 77055
 (281) 415-1000
 www.bayengineering.com

DATE: 11-20-2023
 JOB NUMBER: 23-0000000000000000
 SHEET NO.: 1 OF 1
 APPROVED BY: [Signature]
 FOLDER NUMBER: 23-0000000000000000



DRAINAGE AREA TO ESD FACILITIES
SCALE: 1" = 10'

NON-ROOFTOP DISCONNECTION - CONSTRUCTION CRITERIA & MAINTENANCE NOTES

CONSTRUCTION CRITERIA:
THE FOLLOWING NOTES SHOULD BE ADDRESSED DURING THE CONSTRUCTION OF PROJECTS WITH PLANNED NON-ROOFTOP DISCONNECTIONS:

- PROTECT AND MAINTAIN EXISTING UTILITIES AND EXISTING CONTROL STRUCTURES. ALL EXISTING UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO ANY CONSTRUCTION ACTIVITIES.
- ALL EXISTING CONTROL STRUCTURES SHALL BE MAINTAINED AND OPERATIONAL THROUGHOUT CONSTRUCTION. ANY NECESSARY ADJUSTMENTS TO EXISTING CONTROL STRUCTURES SHALL BE MADE PRIOR TO THE START OF CONSTRUCTION.
- THE PROPOSED DISCONNECTION AREA SHALL BE KEPT CLEAR TO ALLOW FOR THE INSTALLATION OF A TRACTOR AND BACKHOPE BY THE UNDERGROUND CONSTRUCTION CONTRACTOR TO EXPOSE EXISTING UTILITIES TO THE DEPTH OF FOUR FEET. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES TO A DEPTH OF FOUR FEET. ANY NECESSARY ADJUSTMENTS TO EXISTING CONTROL STRUCTURES SHALL BE MADE PRIOR TO THE START OF CONSTRUCTION.

MAINTENANCE CRITERIA:
MAINTENANCE OF AREAS WITH DISCONNECTIONS SHALL BE GENERALLY NO DIFFERENT THAN THAT OF REQUIRED FOR OTHER AREAS. MAINTENANCE OF AREAS WITH DISCONNECTIONS SHALL BE PROTECTED FROM FUTURE CONSTRUCTION. BY PLANTING TREES OR BARBERS ALONG THE PERIMETER IN CONSTRUCTION AREAS FOOT TRAFFIC SHOULD BE PROHIBITED.

ROOFTOP DISCONNECTION - CONSTRUCTION CRITERIA & MAINTENANCE NOTES

CONSTRUCTION CRITERIA:
THE FOLLOWING NOTES SHOULD BE ADDRESSED DURING THE CONSTRUCTION OF PROJECTS WITH PLANNED ROOFTOP DISCONNECTIONS:

- PROTECT AND MAINTAIN EXISTING UTILITIES AND EXISTING CONTROL STRUCTURES. ALL EXISTING UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO ANY CONSTRUCTION ACTIVITIES.
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SOILS TABLE

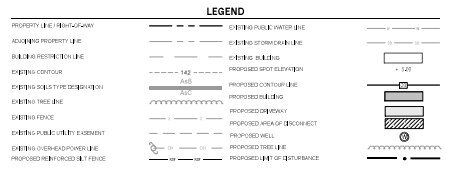
SYMBOL	NAME	HYDROLOGIC SOIL TYPE	PERCENT COVERAGE	HYDRO. SOIL	HEAVILY ERODIBLE SOIL
sqd	COLORED HILLSIDE RESIDENTIAL COMPLEX	u	10%	100	100
uab	WOODMERE HILLSIDE SUBDIVISION	u	10%	100	100

Permit Number	0005
Project Number	20-005
Project Name	Effect, Inc.
Structure Address	3692 Eighth Avenue
Structure City	Edgewater
State	Maryland
Structure Zip	21223
Total Drainage Area (Ac.)	0.00
RCA - Pre Construction	75
RCA - Post Construction	75
RCA - Woods	44
Total Number of BMP's	4
PE Required	1.00
PE Addressed	6.7
MD 24 Reg. No.	0231150
USGS 12 Digit NUC	

ESD DRAINAGE AREA TABLE

DISCONNECTION FACILITY	AREA (SQ. FT.)	BMP (SQ. FT.)
1 ROOFTOP DISCONNECTION (RD-1)	500	500
2 ROOFTOP DISCONNECTION (RD-2)	500	500
3 NON-ROOFTOP DISCONNECTION (NRD-1)	400	400
4 NON-ROOFTOP DISCONNECTION (NRD-2)	100	100

Storm ID	STRIU NAME	MDR BMP CLASS	MDR BMP TYPE	CONSTRUCTION PURPOSE	ON or OFF SITE	LAND USE	SERVICE DRAINAGE AREA (Acres)	IMPERVIOUS AREA DRAINING TO DEVICE (Acres)	IMPERVIOUS ACRES RESTORED	MD NORTH COORD (NAD83 FT)	MD EAST COORD (NAD83 FT)	WQ (Ac. Ft)	Maintenance Responsibility	Comments
RD-1		E	NORR	NEW- New Development	ONSITE	11	0.03	0.03	N/A	1465177	1346570	35.58	Owner	
RD-2		E	NORR	NEW- New Development	ONSITE	11	0.03	0.03	N/A	1465200	1346595	35.58	Owner	
NRD-1		E	NORR	NEW- New Development	ONSITE	11	0.00	0.00	N/A	1465250	1346595	0.00	Owner	
NRD-2		E	NORR	NEW- New Development	ONSITE	11	0.00	0.00	N/A	1465272	1346600	0.00	Owner	



Revisions

No.	Date	Description

DATE 02/08/2024
JOB NUMBER 20-005
SCALE AS SHOWN
DATE OF ISSUE 02/08/2024
APPROVED BY [Signature]
DRAWN BY [Signature]

STORMWATER MANAGEMENT PLAN
VARIANCE PLAN
EFFECT INC. PROPERTY
3692 EIGHTH AVENUE, EDGEMERE, MD 21223
TAC: MARYLAND STATE DEPARTMENT OF ENVIRONMENTAL AND GENERAL SERVICES
P: 410-326-7200
F: 410-326-7201
WWW.DEP.MD.GOV

Sheet No. 1 OF 1



December 14, 2023

Anne Arundel County
Office of Planning & Zoning
2664 Riva Road
Annapolis, MD 21401

Attention: Ms. Sterling Seay

**RE: VARIANCE REQUEST – EFFECT, INC. PROPERTY
3692 EIGHTH AVENUE, EDGEWATER, MD 21037
TAX MAP 60, GRID 10, PARCEL 29, LOT 98**

Ms. Seay:

On behalf of the applicants, we respectfully request a variance to Article 18-4-701 (Bulk Regulations) which states in part Minimum setbacks for principal structures: Corner side lot line – 20 feet. The lot is currently unimproved. This lot meets the definition of a buildable lot, subject to the approvals of the County. The site is served by the private water (well) and public sewer and is a corner lot adjacent to Hillside Avenue and 8th Avenue, both 40 FT. wide rights of way. The site is not located in the Critical Area with lot coverage codified by base zone limitations. The site is zoned R5 residential.

The applicant wishes to construct a new dwelling. The proposed construction would fit within the constraints of the building restriction lines per Code with the exception of the 20 FT. corner side setback. The variance to zoning setbacks is being requested to allow the new house 10 FT. outside of the bounds of the corner side yard setback. The proposed house size and footprint is similar to those existing houses in the neighborhood of Selby on the Bay.

An exhibit has been provided showing a representation of the aerial topographic view of the areas of Selby around the project site. Five dwellings have been noted that appear to encroach on the corner side setback. As Selby is an eclectic mix of dwellings of various ages and sizes, it appears the proposed variance request is not out of conformance with the overall development patterns of the neighborhood.

In regard to the prefile comments, the stormwater management plan has been updated, and a swm report is provided. The building height has been added to the site plan. It is also noted that a modification to the design manual will be necessary due to the location of the proposed drive in relation to the intersection.

2661 Riva Road, Building 800, Annapolis, MD 21401
Phone (410) 897-9290 - Fax (410) 897-9295
www.BayEngineering.com

This plan meets the intent of 18-16-305(a):

The subject property is 4,375 square feet in size, and it is zoned R5 and is unimproved. To construct a dwelling on this lot without relief from the setback the house width would be an unrealistically 16 FT. wide and out of character of surrounding dwellings in the neighborhood.

This plan meets the requirements of 18-16-305(c), as the proposal is the minimum relief necessary. The development will not impair the use of adjoining properties. The work performed will not be contrary to clearing and replacement practices and will not alter the character of the neighborhood or be detrimental to the public welfare.

The variance request is the minimum to afford relief. The request is the minimum to allow for part of the proposed house to encumber 10 FT. of the 20 FT. corner side yard setback. Note that the side yard setback in this (R5) zone is 7 FT.

- i. This variance will not alter the essential character of the neighborhood. The new dwelling is proportional and consistent with houses in the surrounding neighborhood.
- ii. This variance will not impair the use of adjoining properties. The proposal will not impact neighbors and is in character with many other dwellings in the neighborhood.
- iii. Tree clearing is required and any mitigation necessary during the permit process will increase cover. It should be noted that tree clearing is taking place outside the Critical Area, and will clear less than 20,000 square feet of woodlands.
- iv. No work will be performed contrary to approved clearing practices, as a permit will be required, and this permit must meet those requirements.
- v. The project will not be detrimental to the public welfare, as it is located on private property.

As this proposal is for development of a new single family dwelling on an unimproved legal lot a grading permit will be necessary. It appears that this request is consistent with other development in this area. Denial of this request would not allow the owner to enjoy property rights common to other properties in this area.

The enclosed plan represents the location of the proposed work. In closing, the variance requested are the minimum necessary to afford relief, and is not based on conditions or circumstances that are a result of actions by the applicant. We thank for in advance for your consideration to this request.

Should you have any questions concerning this proposal, please contact me at (410) 897-9290.

Sincerely,
Bay Engineering, Inc.

3692 Eighth Avenue
Edgewater, MD 21037

October 12, 2023
Page 2

Jeffrey L. Slenker

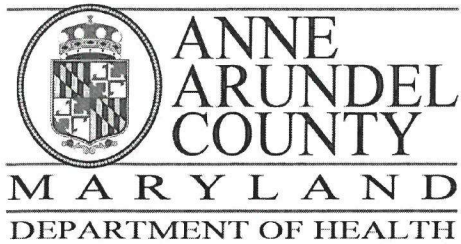
Jeffrey L. Slenker

10/12/23
Date

Menu	Cancel	Help
Task I and P Engineering	Due Date 01/04/2024	Assigned Date 12/14/2023
Assigned to Department Engineering	Assigned to Rahgu Badami	Status Complete w/ Comments
Action by Department Engineering	Action By Rahgu Badami	Status Date 01/08/2024
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments 1. Engineering, SWM design will be reviewed at the grading permit stage. 2.No comments at this stage other than to review of any existing nuisance flooding concerns, issues with 8Th ave or Hillside that the site may exacerbate due to the runoff disconnection.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA
		<input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar

Task Specific Information

Review Notes	Reviewer Name	Reviewer Phone Number
Reviewer Email		



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 *BC*

DATE: December 22, 2023

RE: Effect, Inc.
3692 Eighth Ave.
Edgewater, MD 21037

NUMBER: 2023-0193-V

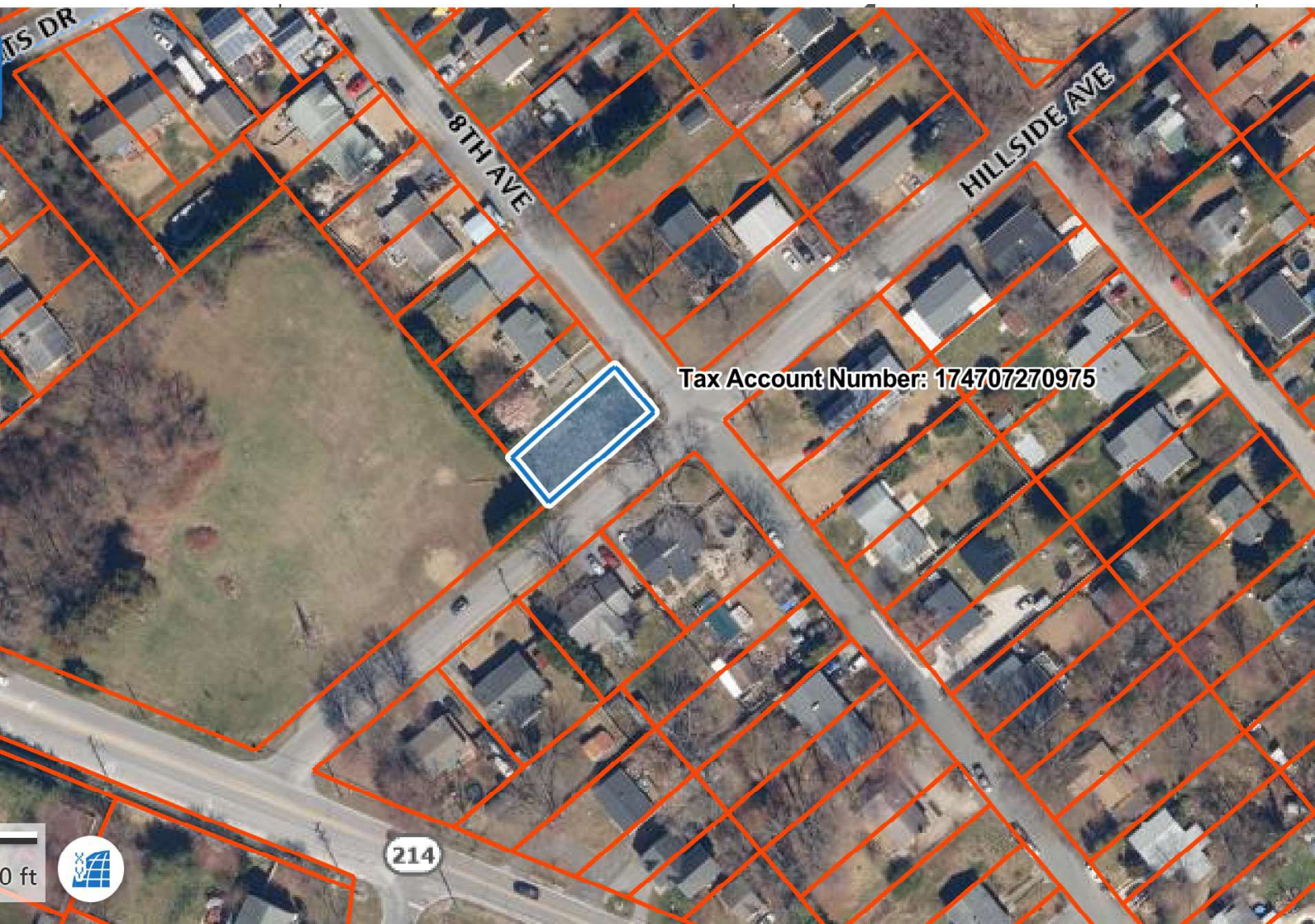
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a new single-family dwelling with less setbacks than required.

The Health Department recommends denial of the above referenced request based on the site plan not being approvable. The proposed well does not meet the required setbacks to the right -of-way or the existing sewer main.

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

cc: Sterling Seay



Tax Account Number: 174707270975

0 ft



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