

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

APPLICANT: Emily & Richard Doyle

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0201-V

COUNCIL DISTRICT: 6

HEARING DATE: February 15, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow a dwelling addition (covered porch and steps) with less setbacks than required at 333 Edgemere Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 11,480 square feet of land and is located on the east side of Edgemere Drive, north of Cedar Lane. It is identified as Lot 38 of Parcel 175 in Grid 7 on Tax Map 57 in the Hillsmere Estates subdivision.

The site is zoned R2 - Residential District, as adopted by the comprehensive zoning for Council District 6, effective October 7, 2011. It is currently developed with a one-story single-family detached dwelling with a basement and other associated improvements.

PROPOSAL

The applicants are seeking approval to construct an 8' by 16' covered front porch with a 4' by 4' landing and steps to grade. The porch would be 18 feet in height.

REQUESTED VARIANCES

§ 18-2-301(f) of the Anne Arundel County Zoning Ordinance allows a single-family detached dwelling on a lot that does not meet the area or width requirements of the Code to be expanded if the expansion is set back at least 25 feet from the front and rear lot lines and seven feet from side lot lines and does not exceed 35 feet in height. The proposed porch and steps would be located as close as 23.5 feet from the front lot line, necessitating a variance of two feet (rounded).

FINDINGS

The subject property is rectangular in shape and is both undersized and narrow. More specifically, the 70 foot width is narrower than the minimum 80 foot width required, and the 11,480 square foot lot size is less than the minimum 15,000 square foot area required for new lots served by public sewer in an R2 District. The County 2023 aerial photograph shows an eclectic mix of dwellings in this older waterfront community. The lot dimensions are typical for the surrounding neighborhood.

The applicants state that the proposed location of the porch (on the front side) is the only feasible location on which to build private, covered outdoor space that is attached to the dwelling. They opine that a mere two-foot variance from the front lot line setback requirement for the proposed porch

would be practical and aesthetically-pleasing, would add to their property value, and would add to the curb appeal and value of the whole neighborhood. Further, the applicants note that the impact of the setback variance request is mitigated by about 16 linear feet of grassy lands between the formal front lot line of the property and the street. Finally, the applicants point out the presence of Hillsmere Elementary School immediately behind them - a busy public meeting space from which their back yard can be viewed - and assert that their personal privacy in the back yard is compromised.

The **Health Department** has reviewed the well water supply system and has determined that the proposal does not adversely affect that system. Therefore, the Department has no objection.

The **Department of Recreation and Parks** noted that this site is contiguous to Hillsmere Elementary School. The Department defers to the Board of Education for their approval.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot or because of exceptional circumstances other than financial, 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 applicants.

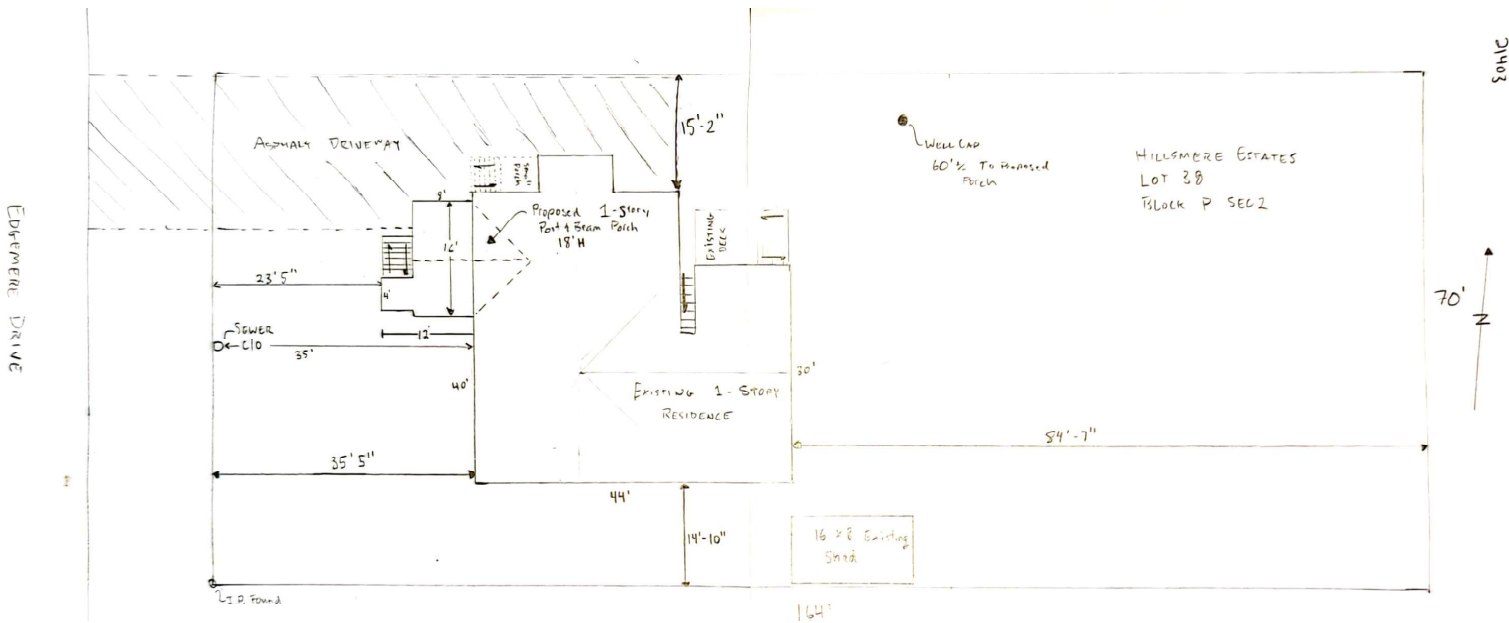
In this particular case, there does not appear to be anything unique about the subject property nor do exceptional circumstances exist that would prevent the applicants from developing the lot in accordance with the Code. The front facade of the applicants' dwelling is in-line with the facades of the dwellings on the same side of Edgemere Drive from 409 Edgemere Drive (south of the dwelling) to 311 Edgemere Drive (northward). The presence of Hillsmere Elementary School (and other public gathering spaces) is not a unique condition here or elsewhere within the R2 District. The neighboring properties (located from 321 Edgemere Drive to 429 Edgemere Drive) also abut this school. Furthermore, even if the presence of the school was considered to be an exceptional circumstance, denial of the proposed variance would not prevent reasonable development or use of the property. Alternative design options exist that would easily eliminate the need for a variance. While steps for access are allowed to project up to three feet beyond the minimum required front setback (via § 18-2-301(b)), the 4' by 4' landing is not. As such, the landing could be removed or relocated to the side of the porch in order to avoid a setback variance. Alternatively, if the applicants desire to leave the 4' by 4' landing on the front of the porch, then the porch depth could be reduced by a mere 1.5 feet in order to avoid a variance.

Regarding the requirements for all variances, approval may alter the essential character of the neighborhood by allowing only one dwelling in a long stretch of homes on this side of the street to construct a front porch that extends beyond the commonly-established front facade of the dwellings in the area. That said, the addition would not impair the appropriate use or development of adjacent property, and no evidence has been presented indicating that the proposal would be detrimental to the public welfare. However, because alternative design options exist, the variance is not considered to be warranted. Therefore, it cannot meet the standard of being 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 ***denial*** of the proposed zoning setback variance.

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.



333 EDMERE DR
ANNE ARUNDEL MD
21003

SCALE: 1" = 10'

Letter of Explanation

This letter of explanation supports our request for a 2' variance that is needed to build a covered porch off the front of our home at 333 Edgemere Drive. Please find reasons outlining the variance request below. Please see the separate doc 333 Edgemere Porch Plans for the dimensions, square footage, and height of the proposed covered porch. Please see the separate doc 333 Edgemere Site Plan for distances the porch will be from all property lines.

Unique Characteristics of the Property

- The front is the only feasible side of our home to build an outdoor space that is both private and does not interfere with side property setback regulations set by Anne Arundel County as well as the Hillsmere Shores Improvement Association.
- The shallowness of our front lot makes it impractical to build a functional front porch that is more than 25' from the front property line and includes steps off the front of it that connect to the driveway. The steps coming off the front of the porch are vital in order to maintain access to an existing entryway to our home.
- There is ~16' of grassy space that we maintain between our property line and the street. This means even with a 2' variance granted, there will still be ~44' between the steps of the proposed porch and the street. Therefore, we believe our request observes the spirit of the law, upholds public safety, and avoids any hardship to our neighbors.
- With a 2' variance granted, we believe our new porch will be more practical, aesthetically pleasing, add to our property value, and add to the curb appeal/value of the neighborhood.

Exceptional Circumstances

- The rear of the property faces a public meeting space (i.e. Hillsmere Elementary School) with our back fence running adjacent to the future home of all-purpose playing fields. Even with the 6' fence we recently built, our backyard is viewable from the public lot and contains a busy street behind our home, and therefore, our personal privacy is limited in our backyard. To avoid these practical difficulties, we are looking to invest in the front of our home to create a quieter, more private outdoor space for our personal enjoyment.

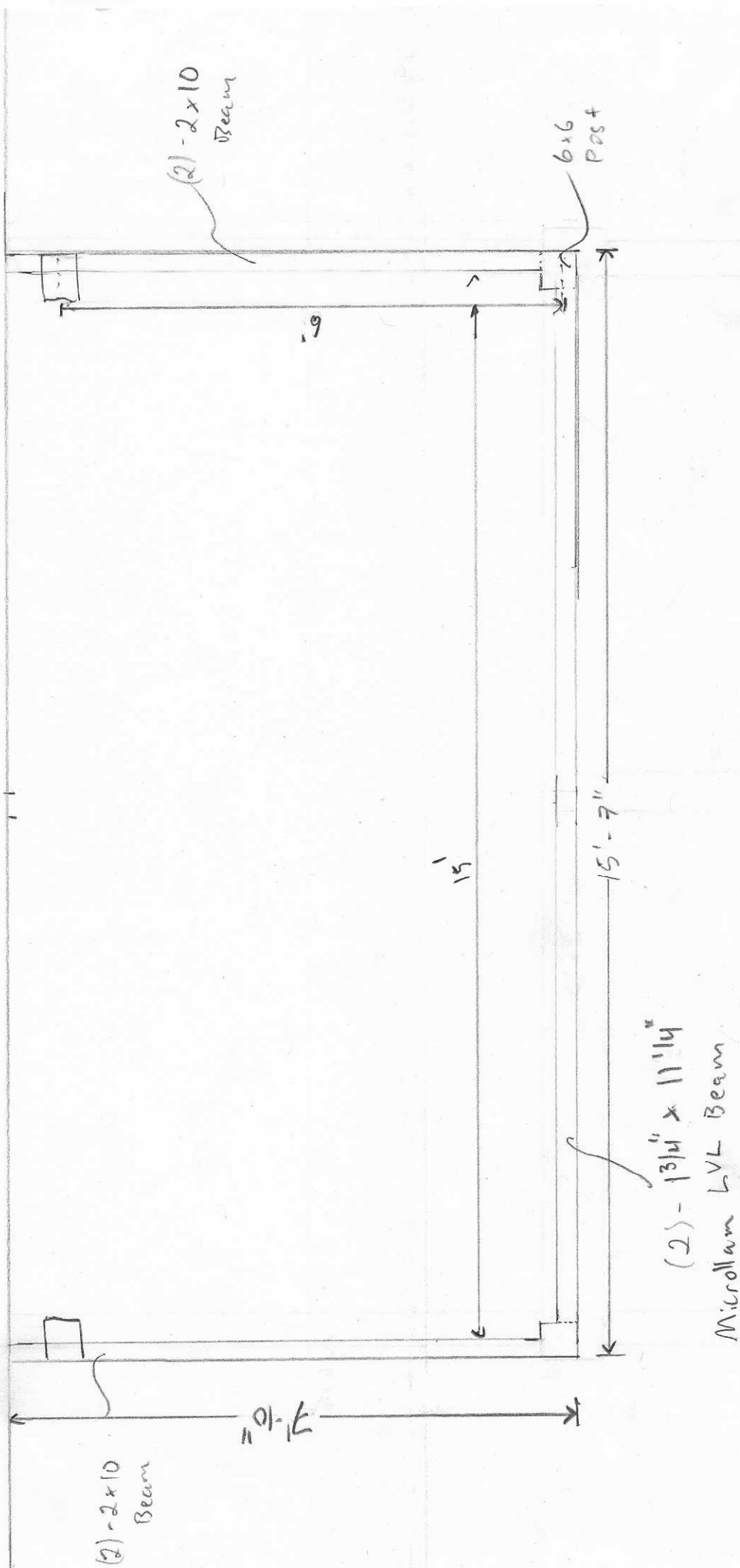
Sincerely,
Emily & Richard Doyle

SCALE

$\frac{1}{2}'' = 1'-0''$

POST and BEAM SUPPORT STRUCTURE

Existing House



(2) - 2x10
Beam

6x6
Post

7'-10"

15'

15'-7"

(2) - 13 1/4" x 11 1/4"
Microllam LVL Beam

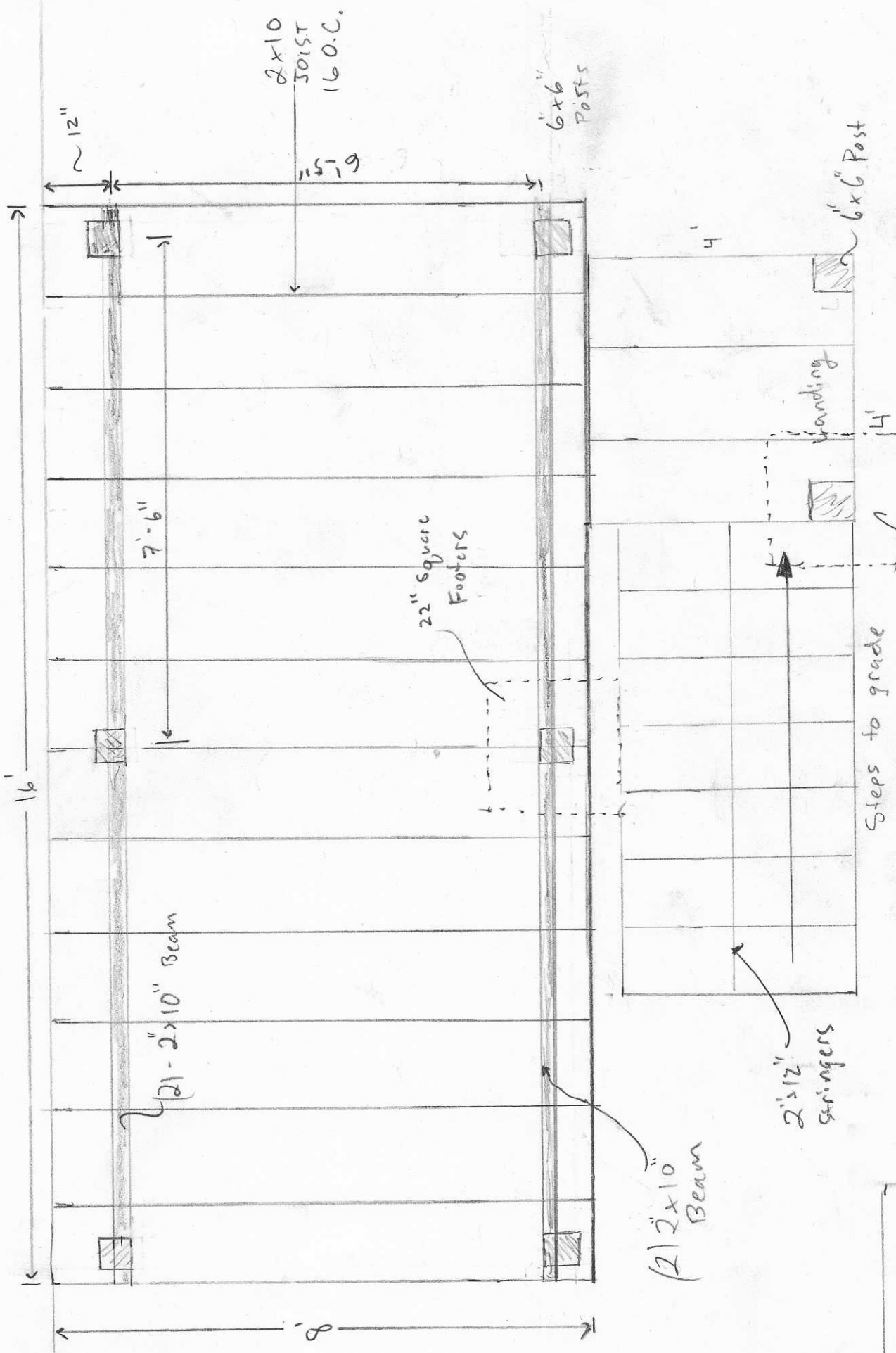
(2) - 2x10
Beam

7'-10"

DECK STRUCTURE

EXISTING HOUSE

SCALE
1/2" = 1'-0"



2x10 JOIST
16 O.C.

6x6 POSTS

6x6 Post

22" Square
Footers

7'-6"

2 - 2x10" Beam

2x12" Beam

2x12" Stringers

Landing

Steps to grade

22" Square
Footers

- * All Deck lumber shall be Pressure Treated.
- * 1" x 5 1/2" Composite Decking to be used.

DOYLE RESIDENCE
333 Edgemere Dr
Annapolis MD
21403

EXISTING
ROOF

RAFTER LAYOUT

(2) - 1 3/4" x 11 1/4" Micro I-Beam
LVL Ridge Beam

*Architectural Shingles
to match to
Existing Roof

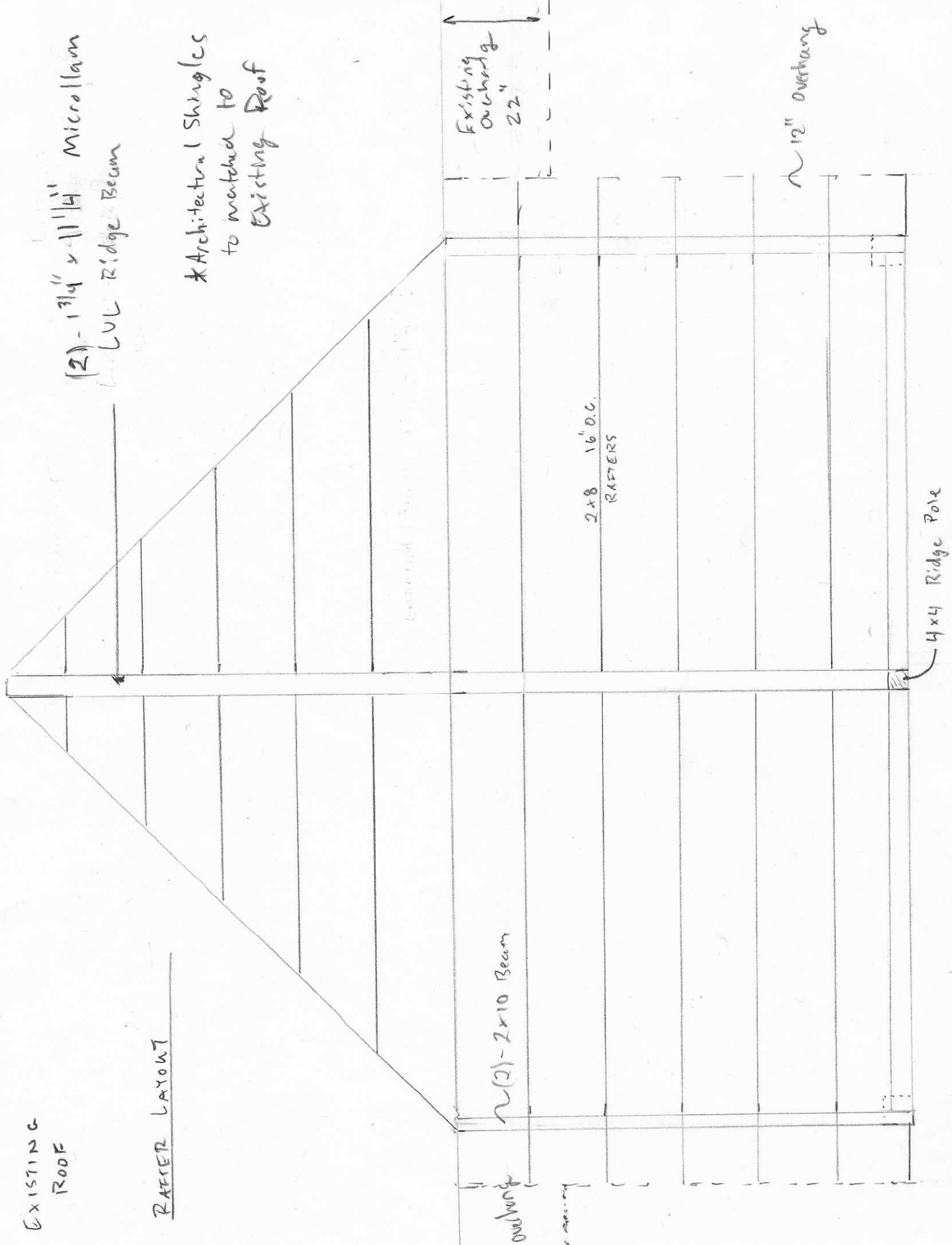
Existing
Overhang
22"

~ 12" overhang

2 x 8 16" O.C.
RAFTERS

(2) - 2 x 10 Beams

4 x 4 Ridge Pole

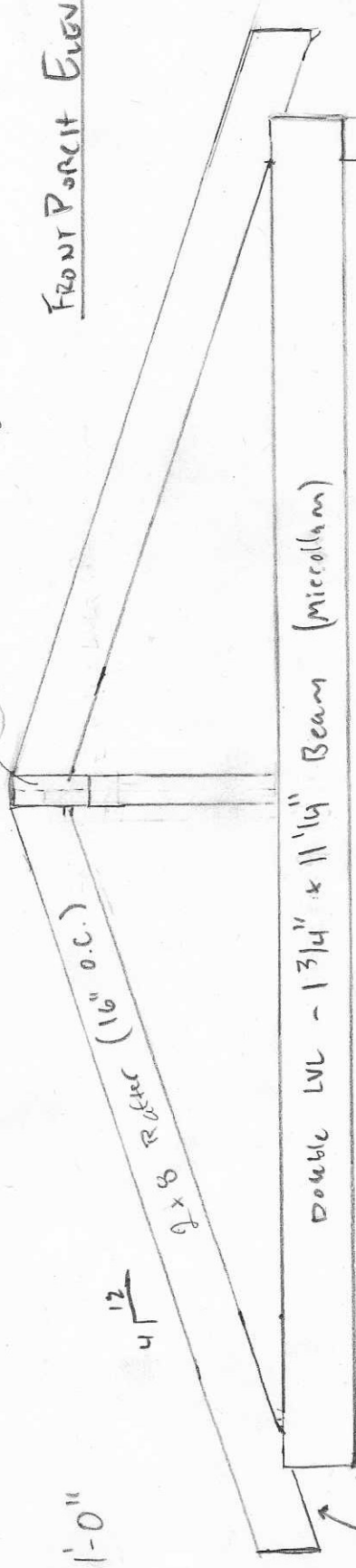


SCALE

1/2" = 1'-0"

FRONT PORCH ELEVATION

Double LVL Ridge Beam



9x8 Rafters (16" O.C.)

12" Overhang

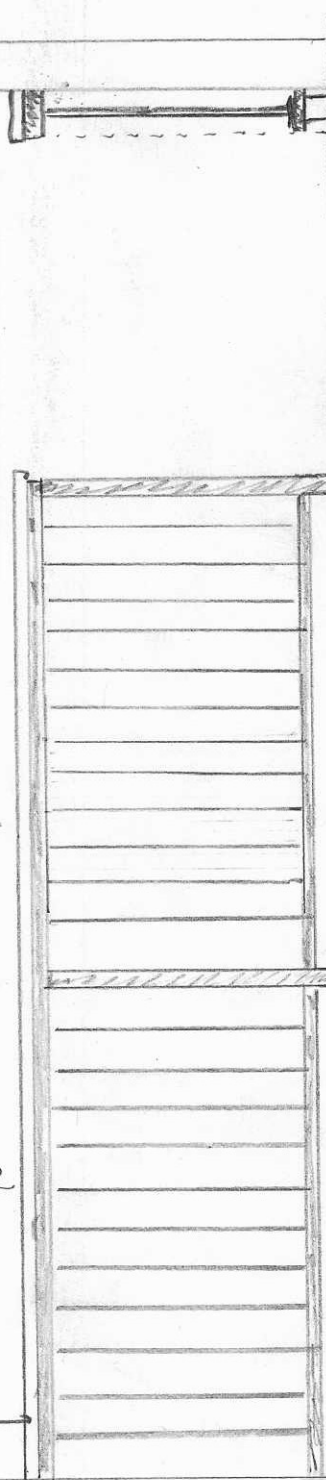
Double LVL - 13 3/4" x 11 1/4" Beam (microlam)

14'-6"

6x6 Post To be wrapped w/ Azek

RAIN FALL

PVC Railing 36" Height



4'x4' Landing

6x6 Post

2" x 12" Stringer

6x6 Post

50" To Grade



ANNE
ARUNDEL
COUNTY

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

A handwritten signature in blue ink, appearing to be 'BC'.

DATE: December 11, 2023

RE: Richard Doyle
333 Edgemere Drive
Annapolis, MD 21403

NUMBER: 2023-0201-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (covered porch and steps) with less setbacks than required.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. The Health Department has no objection to the above referenced request.

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
AACOUNTY.ORG/RECPARKS



MEMORANDUM

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

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Variance Case 2023-0201-V

DATE: December 5, 2023

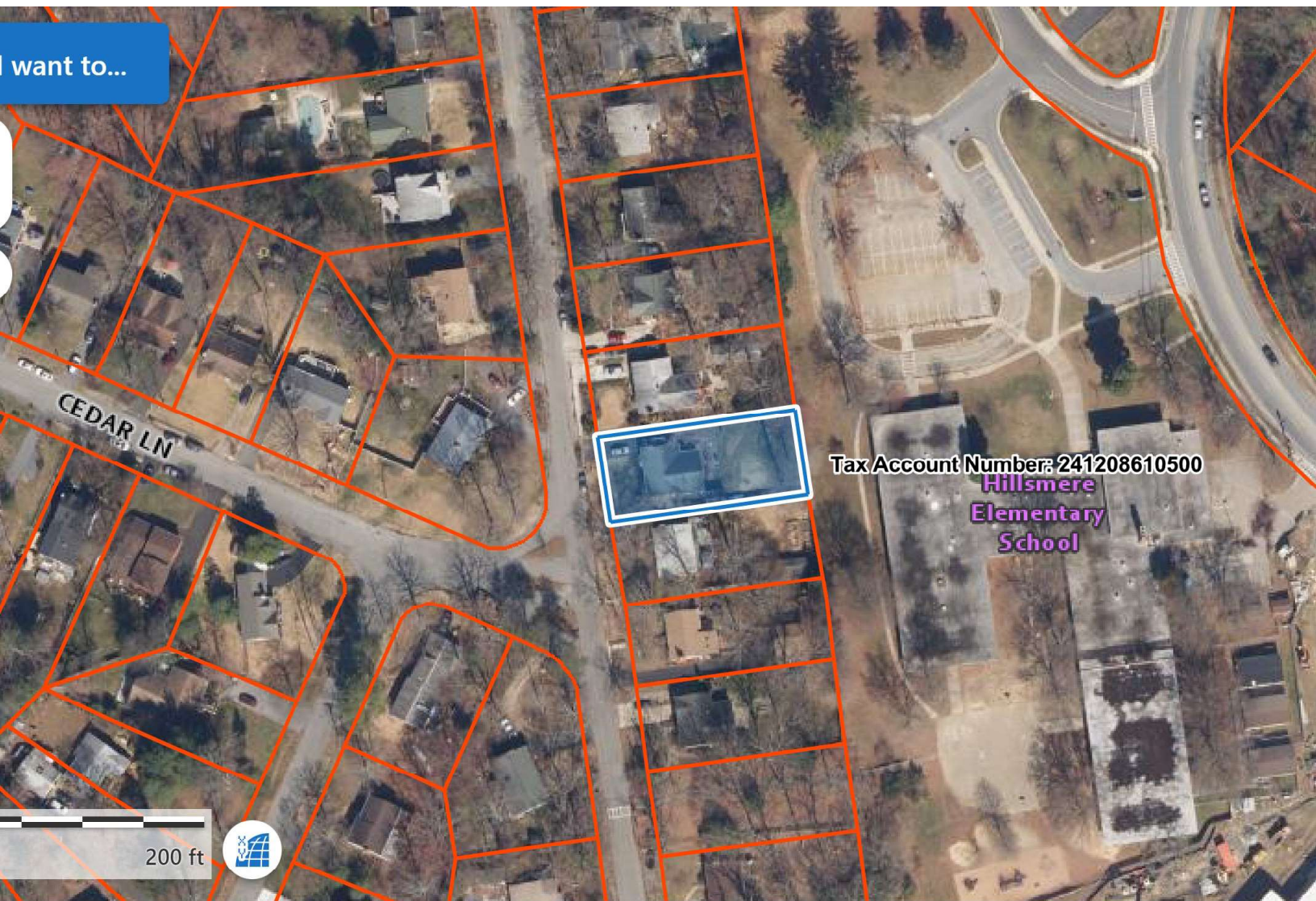
The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This site is contiguous to Hillsmere Elementary School. We defer to the Board of Education for their approval.

The Department of Recreation and Parks has no further comments.

cc: File

I want to...



Tax Account Number: 241208610500

Hillsmere
Elementary
School

200 ft