

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

APPLICANT: Ashley Millard

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0211-V

COUNCILMANIC DISTRICT: 6th

HEARING DATE: February 13, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting a variance to allow an accessory structure with greater floor area than the principal structure at 1320 Bacon Ridge in Crownsville.

LOCATION AND DESCRIPTION OF SITE

The subject property has 30 feet of road frontage more or less at the south end of Bacon Ridge Road approximately 4,300 feet south of Wilderness Ridge Trail. These lands have an area of 66 acres. The site is zoned for the most part RA-Rural Agricultural District with a small portion of the site zoned OS-Open Space. These lands are shown as Parcel 92 on Tax Map 38, Grid 19. The current zoning was adopted by the Comprehensive zoning for the Sixth Council District October 7, 2011. The subject property is currently developed with a single family detached dwelling.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a one-story structure measuring 40 feet by 60 feet and 17 feet in height. According to the applicant, the structure is to be used for the pursuit of personal hobbies including woodworking, metal working, and storage of a classic car. The outer appearance of the building will match the colors of the home on the property.

REQUESTED VARIANCES

Section 18-2-204. of the Anne Arundel County Zoning Ordinance states the floor area of an accessory structure may not be greater than the floor area of the principal structure. In this case the existing principal structure (i.e. single family detached dwelling) according to the applicant and State of Maryland Assessment records is 972 square feet in area whereas the accessory structure is proposed to be 2,400 square feet in area necessitating a variance of 1,428 square feet.

FINDINGS

This Office finds that the subject property exceeds both the minimum lot width and area for a lot in a RA-Rural Agricultural District. The size and shape of the subject property itself presents no

unique physical condition that precludes the provision of an accessory structure in conformance with the Code.

The existing dwelling (i.e. principal structure) at 972 square feet, while modest in size still affords the applicant a generous sized accessory structure of 971 square feet (e.g. 30 feet by 32 feet) in accordance with the Code. The typical residential accessory structure is a two car garage measuring 24 foot by 24 foot garage and 576 square feet in area. Consequently, there is no apparent exceptional circumstance where the granting of a variance is necessary to avoid a practical difficulty in order for the applicant to develop or use the lot for residential purposes. Denial of the requested variance would not therefore cause hardship in the use of these lands.

Approval of the subject variance will provide for a structure that does not comply with the Code definition of “accessory”. “Accessory” means a use or structure that is incidental and subordinate to another use or structure. Approval of the proposed variance would essentially make the 2400 square foot structure the dominant/principal use of the lands.

As the variance is not deemed to be warranted it is not considered to be the minimum necessary to afford relief from the Code.

Approval of the variance would not alter the essential character of the neighborhood as the structure will not be visible from the road or the neighborhood as it will be located deep within the heavily forested lot some 800 feet from the front lot line. Approval of the variance will not negatively impact the use of any abutting property as the subject property is surrounded by parkland and is screened from view on all sides by vegetation. There is no evidence the variance will be detrimental to the public welfare.

The **Anne Arundel County Health Department** advised the Department does not have an approved plan for this project but would have no objection to the variance as long as a plan is submitted and approved by the Health Department. Please submit an engineer scaled drawing.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Section 18-16-305. in the County Code, the Office of Planning and Zoning recommends that the application to allow an accessory structure with greater floor area than the principal structure (1,428 square feet) as shown on the attached site plan be *denied*.

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.