

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

APPLICANTS: Chessie Homes LLC

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0214-V

COUNCIL DISTRICT: 5

HEARING DATE: February 15, 2024

PREPARED BY: Sumner Handy
Planner

REQUEST

The applicant seeks a variance to allow a new dwelling with less setbacks than required on property located at 84B Kennedy Drive in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject property is located on the south side of Kennedy Drive, about 240 feet southeast of Arundel Beach Road, in the subdivision of Westridge. The lot has an area of 15,638 square feet, and is shown as a Reserved Parcel of Parcel 273, Grid 2 on Tax Map 32. The subject site is zoned R5 - Residential District and has been since comprehensive zoning for the Fifth Council District effective January 29, 2012.

The property is undeveloped and is served by public water and sewer facilities.

APPLICANT'S PROPOSAL

The applicant proposes to construct a two-story single-family detached dwelling, measuring 52 feet wide by 22 feet deep (at its deepest) and about 32 feet high. A side attached deck with stairs measuring approximately 12 feet by 15 feet is proposed on the east side of the dwelling. The subject property fronts on both Kennedy Drive (front) and Leelyn Drive (rear).

REQUESTED VARIANCES

Section 18-4-701 of the Anne Arundel County Zoning Code requires that a principal structure in an R5 District be setback a minimum of 25 feet from a front lot line. The new dwelling is proposed as close as 10 feet from the front lot line abutting Leelyn Drive, necessitating a variance of 15 feet to the front lot line setback requirement.

FINDINGS

The subject property is basically rectangular in shape, with a concave (curved) front lot line along Kennedy Drive. The property meets the minimum lot area and lot width requirements for new lots created in the R5 District. However, the depth of the subject property, which is a reserve parcel from the subdivision of Westridge, is shallower (when measured from front to back) than the typical R5 lot.

The applicant explains that the lot depth is so shallow due to a large amount of land having been taken for the right of way for Leelyn Drive, which was originally planned as a bypass highway for Route 2, but was never constructed as such. This strip of land remained as an undeveloped reserve parcel in this subdivision, and its dimensions require variances in order to achieve its development now. The applicant assesses that the natural wooded buffer that exists today between Leelyn Drive and the proposed dwelling, estimated by the applicant to vary from 45 to 80 feet in depth, shields this lot (and its neighbors) from the roadway. The applicant asserts that this wooded buffer makes the variance request more palatable.

The **Health Department** noted that the site is served by public water and sewer and had no objection to the request.

Comments from the **Department of Inspections and Permits, Engineering Division**, were not available at the time this report was published. reviewed the request and determined that that group did not have enough information to recommend approval given several aspects missing from the site plan, including the limits of disturbance and stormwater management practices or devices (if required).

For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the lot. As has been established, the subject lot is unusually shallow in depth, measured from front to back - or, in this case, as measured from front to *other* front. Otherwise, the lot meets the minimum dimensional requirements for lots in the R5 district. In addition to its unique shape, the lot is a dual frontage lot, which means that the front setback requirement is assessed from both Kennedy Drive (the traditional front of the property, from which access to the lot is planned) *and* Leelyn Drive, causing the more restrictive front setback requirement to be assessed from Leelyn Drive as well, rather than the less restrictive rear setback. Taken together, the shallowness of the lot plus assessment of the front setback requirement from the functional rear lot line comprise unique physical conditions that preclude a reasonable possibility of developing this lot in strict conformance with the Code.

This Office finds the proposed dwelling to be reasonable in its overall size and decidedly modest in its depth especially, influencing the applicant to accommodate limitations along that dimension by designing a wider dwelling and including a second story. It should be noted that development of this reserve parcel is not allowed until the subdivision process is successfully completed. Subdivision is managed by the Residential Team, Development Division, in the Office of Planning and Zoning. Note that approval of this variance would not guarantee approval of a subdivision application.

This Office finds that approval of this setback variance will not alter the essential character of the neighborhood. The setback request is from the lot line abutting Leelyn Drive, rather than from the functional front along Kennedy Drive, and a review of the site plan provided with this application demonstrates that the front facade of the proposed dwelling will in fact be further from Kennedy Drive than the front facade of the neighbor immediately next door, at 84A Kennedy Drive. (84A Kennedy Drive is also owned by the applicant in this matter, having been conveyed at the same time as the subject property.) Assuming compatible architecture, the streetscape will remain virtually unchanged after the construction of this dwelling. The proposal will not impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. Finally, this Office finds that the front setback variance request comprises the minimum necessary to afford relief and allow development of this property, and so this Office will recommend approval of these requests.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends ***approval*** of a variance to Section 18-4-701 of 15 feet from a front lot line, as shown on the site plan.

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.