

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

APPLICANT: Michael Siegel & Susan Felzer, Trustees

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2023-0218-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: February 20, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicants are requesting variances to allow dwelling additions (second story, stairs, two-story addition, deck and stairs to grade) with less setbacks than required on property located at 3550 South River Terrace in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 22,315 square feet of land and is located with approximately 14 feet of road frontage on the west side of South River Terrace, 0 feet from Laurel Place.¹ The property is identified as Lots 3 & Lot 25 of Parcel 22 in Block 4 on Tax Map 60 in Block L of the Loch Haven Beach subdivision.² The property has been zoned R5 - Residential District since the adoption of comprehensive zoning of the Seventh Councilmanic District zoning maps, effective October 7, 2011. This is a waterfront property on Pocahontas Creek located entirely in the Chesapeake Bay Critical Area, designated LDA – Limited Development Area and is mapped in a Buffer Modified Area. The site is encumbered by steep slopes. The property is currently improved with a dwelling and associated features. The site is served by a private well and septic system.

APPLICANT’S PROPOSAL

The applicants are proposing, on the southern side of the property, to remove a shed, a deck and stairs, and to construct an irregularly-shaped half-story addition over a portion of the existing two-story dwelling, stairs, a deck and stairs to grade. Also proposed, but not requiring variances are a screened porch and a two-story addition on the northern side of the property and a front porch on the eastern (roadside) of the property.

REQUESTED VARIANCES

§ 18-4-701 of the Code requires a principal structure in an R5 – Residential District to be set back

¹ An unnamed road on the County mapping program, but shown on both plats referenced in the footnote below.

² Lot 3 is shown on the subdivision plat “Second Section of Loch Haven beach” in Liber 19, Folio 47. Lot 25 is shown on the subdivision plat “Lots 36, 37, & 38, block K and Lots 23, 24 & 25, Block L, a Resubdivision of Lots 26, 27, & 35 Block K, Lots 1 & 2, Block L, Second Section of Loch Haven Beach in Liber 22, Folio 12.

20 feet from the corner side lot line. The proposed second story addition comes as close as 10'-8" and 12'-1" from the corner side lot line requiring variances of 10 feet and 8 feet, respectively. The proposed deck and attached stairs to grade are proposed 8'-6" from the corner side lot line requiring a variance of 12 feet.

FINDINGS

This Office finds that the subject property well exceeds the minimum lot and width requirements for a lot in the R5 District. According to State tax records, the dwelling was originally constructed in 1974. The property is encumbered by steep slopes northwest of the existing dwelling.³ The dwelling is located within the corner side setback making any additions difficult without a variance.

The existing critical area lot coverage of the site is 5,885 square feet. The post-construction lot coverage will be 5,842 square feet, which is below the 31.25% (6,650 square feet) allowed under § 17-8-402 (a) of the Code.

A review of the County 2023 aerial photograph shows an eclectic mix of dwellings and lots in this waterfront community. The existing dwelling was built in 1974 prior to the adoption of the critical area laws. This property was the subject of a prior zoning case [2016-0168-V](#) which granted an unknown amount of disturbance to steep slopes to construct a dwelling addition and walkways. It is noted that a variance for steep slopes has not been requested with this application. The applicant's engineer contends that the top of the steep slopes stop short of the pool deck that is being altered from concrete to wood.

The letter of explanation indicates that due to the interior layout of the existing house and the restrictions on the site, the only way to enlarge an existing kitchen and maintain access to the site from the kitchen is to ask for relief from the setback. It also describes that the second floor expansion is for additional bedrooms, explaining that while the site could accommodate additional impervious coverage, the expansion would not be able to be placed where it is needed.

Agency Comments

The **Health Department** commented that they do not have an approved plan for this project, but have no objection to the request as long as a plan is submitted and approved by the Health Department.

Variance Requirements

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, further development of the site is constrained by the

³ The applicants have submitted their administrative site plan which indicates that the LOD will be out of the steep slopes thereby not requiring a variance to the steep slopes. The supplemental site plan was submitted for clarification of the proposed improvements and setback distances and should only be considered for these and not the LOD determination.

practical limitations of an existing developed lot (c. 1974). The need for the variance results from the applicants' desire to make efficient and effective use of the existing nonconforming structure which is already located within the corner side setback.

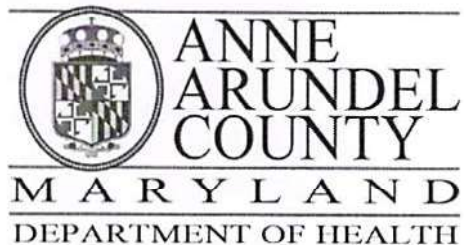
Approval of the variances would not alter the essential character of the neighborhood as this request is for improvements to an existing dwelling. Approval of the variance will not substantially impair the appropriate use or development of adjacent property, as the dwelling will be located well away from the dwellings on abutting lots. Approval of the corner side setback variance will not interfere with the corner sight triangle at the junction of the roads or any streetscape along the unnamed "Laurel Lane". The variances will not reduce forest cover in the limited development area or the resource conservation area, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

The request is considered to be the minimum necessary to afford relief as the request is for modest modifications to the existing dwelling that will not be located any closer to the corner side lot line than the existing dwelling.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth in § 18-16-305, under the County Code, the Office of Planning and Zoning recommends *approval* of the zoning variance request to § 18-4-701 to allow less setbacks than required, all for development of a dwelling and associated facilities as requested and shown on the site plan submitted.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.



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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 11, 2023

RE: Michael Siegel, Trustee
3550 South River Ter.
Edgewater, MD 21037

NUMBER: 2023-0218-V

SUBJECT: Variance/Special Exception/Rezoning

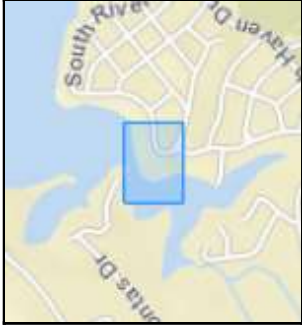
The Health Department has reviewed the above referenced variance to allow a dwelling additions, with less setbacks than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay

2023-0218-V



Legend

Foundation
Addressing



Parcels



Parcels - Annapolis City



Notes

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