

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

APPLICANTS: Robert & Meredith Miller

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0220-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: February 20, 2024

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicants are requesting a variance to allow a dwelling addition (porch) with less setbacks than required and with greater coverage by structures than allowed on property located at 43 E. Lake Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 7,278 square feet of land and is a corner lot located with approximately 50 feet of frontage on the northeast side of E. Lake Dr, 0 feet southeast of Bainbridge Avenue. The property is identified as Lot 34 on Parcel 29 in Grid 10 on Tax Map 57 in the Bay Ridge subdivision.

The property has been zoned R2 – Residential District since the adoption of comprehensive zoning of the Sixth Councilmanic District zoning maps, effective October 7, 2011.

The site is currently improved with a one-story single-family dwelling with a rear open deck and a detached garage. The lot is served by private water and public sewer.

APPLICANT'S PROPOSAL

The applicants are proposing to construct an irregularly-shaped porch 26.1 feet by 8.8 feet (182 square feet) on the front of the existing dwelling.

REQUESTED VARIANCES

§18-4-601 of the Anne Arundel County Code requires that a principal structure in an R2 District shall be set back a minimum of 20 feet from the corner side lot line. The applicant proposes to construct a porch which will be 15.4 feet from the corner side lot line. As such, a variance of 5 feet is required.

§18-4-601 of the Anne Arundel County Code also requires that a lot in the R2 District have a maximum of 30% coverage by structures. The proposed porch will add 182 square feet of coverage by structure. The total coverage by structures will be 2,593 square feet, requiring a variance of 410 square feet (6%) over the allowable coverage by structure maximum of 2,183 square feet.

FINDINGS

This Office finds that the subject property is a developed lot that is narrow (80 feet required, 50 feet provided) and undersized (15,000 sq ft required for a lot with public sewer, 7,278 sq ft provided) for a lot in the R2 District. The size of the lot contributes to the need for a variance. In the R2 District the 30% coverage by structures limitation is based on a presumed 15,000-20,000 square foot lot area. The comparable coverage allowance for a similarly sized R5 lot would be 40%. The location of the existing dwelling and the increased setback requirement for a corner side are also contributing factors. According to State tax assessment records the existing dwelling was built in 1940 prior to the enactment of zoning in the County.

The existing critical area lot coverage is 2,618 square feet, which exceeds the maximum 2,588 square feet of coverage by 30 square feet. The site plan shows removal of 30 feet in the existing front slat step path and a concrete walkway from the rear deck to the garage. It is noted that with this proposal there is no additional room on the lot for even a stepping stone from the street to the front door. If approved, the actual amount of coverage would be determined at permitting.

A review of the County 2023 aerial photograph shows a neighborhood of diverse dwellings on lots of varying sizes. The existing house has a small covered stoop with steps to grade from the front door. From a Google Streetview sweep of the neighborhood it appears that larger, newly renovated, or replaced houses have been designed with porches. Stoops, steps, and decks are common structures on the front of the houses. A few houses have porches or porticos.

This property size is more akin to the size of a property within the R5 District which would allow 40% coverage by structure. The property is already over the allowed coverage by structure by 3%. Any improvements except a replacement in-kind would require a variance for coverage by structure. The applicant's letter says that, in order to make the design architecturally relevant and provide adequate depth, the porch needs to extend to the corner of the existing dwelling.

Agency Comments

The **Health Department** commented that they do not have an approved plan for this project, but have no objection 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 and inherent in the particular lot or because of exceptional circumstances other than financial considerations the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

The neighborhood is eclectic and there are houses with differing architectural features including porticos, front decks, and a few with porches. Therefore, the granting of the variance will not alter the essential character of the neighborhood. Approval of the variance will not impair the use or

development of adjacent properties, and the variance will not be detrimental to the public welfare as the addition will not hinder the corner sight triangle.

However, the request cannot be considered the minimum necessary to afford relief as the porch is excessive in size, the applicants already enjoy a large outdoor amenity area with the rear deck, and the structure could be replaced in-kind without requiring a setback variance or a variance for coverage by structure even though the property is already over the coverage by structure maximum.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Article 18-16-305 under the County Code, the Office of Planning and Zoning recommends ***denial*** of the variance request for a front porch with less setbacks than required and with more coverage by structure than allowed as shown on the attached site plan.

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.



ANNE
ARUNDEL
COUNTY


MARYLAND
DEPARTMENT OF HEALTH

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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

DATE: December 11, 2023

RE: Robert Miller
43 Lake Drive
Annapolis, MD 211403

NUMBER: 2023-0220-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (porch) with less setbacks than required and more coverage by structures than allowed.

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

2023-0220-V



Legend

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City



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Notes

