

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

APPLICANTS: Steve Orlando Brinkhaus
Jeanette Ortiz

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2023-0222-V

COUNCIL DISTRICT: 5

HEARING DATE: March 5, 2024

PREPARED BY: Jennifer Lechner
Planner II



REQUEST

The applicants are requesting a variance to allow an extension in time for the implementation and completion of a previously approved variance on property located at 80 Riverside Drive in Severna Park.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 12,924 square feet of land and is located on the south side of Riverside Drive, at the intersection with Fetter Lane. It is identified as Lot G, Plat A of Parcel 387 in Grid 3 on Tax Map 31 in the Hollywood on the Severn subdivision. The property is zoned R5 - Residential District, with a small portion along the southwestern property line zoned MA1 - Community Marina District. The current zoning was adopted by the comprehensive zoning for Council District 5, effective January 29, 2012. The site is not waterfront, lies entirely within the Chesapeake Bay Critical Area overlay, and is designated as IDA - Intensely Developed Area. It is currently developed with a single family dwelling which is vacant and in disrepair.

PROPOSAL

The applicants seek approval for an extension in time for the implementation and completion of a previously approved variance (Case# 2022-0066-V) to allow a dwelling with less setbacks than required and with disturbance to slopes of 15% or greater.

REQUESTED VARIANCE

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance stipulates that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within 18 months of approval.

On June 9, 2022, the Administrative Hearing Officer of Anne Arundel County granted a variance (Case# 2022-0066-V) to the previous owners of the subject property. The applicants, the new owners, are requesting a variance to allow an additional 18-month extension in time in order to obtain a building permit while maintaining the previous approval.

FINDINGS

The prior variance case was granted on June 9, 2022 and expired on December 9, 2023. This application for an extension in time was made December 7, 2023 prior to the expiration of the variance approval.

The applicants' letter explains that it was not possible to have the construction drawings completed and a permit issued prior to the variance expiration date. As the new owners, they required time to redesign the proposed dwelling to meet their needs while maintaining the final footprint approved by the variance.

This Office has found that a grading permit, G02019499, to demolish and construct a single family dwelling was submitted on August 24, 2022. That permit appears to be pending the forestation agreement and security, and the grading security. In addition, a building permit, B02419876, to demolish the existing single family dwelling to the foundation, was submitted on August 2, 2023. That permit appears to be pending revisions to the site plan. Both permits had been submitted and pursued by the previous owner. A building permit to construct a new dwelling has not been submitted.

According to the settlement statement, the applicants took possession of the subject property on November 9, 2023, one month prior to the variance expiration date. A copy of the current deed has not been provided.

There is no evidence that the granting of this request for an extension in time will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

For the granting of a time extension variance, a determination must be made as to whether the applicants diligently pursued permits. A variance for a time extension cannot be granted if the need is caused by the applicants delaying the permitting process. It would appear that the previous owners had been diligently pursuing their permits until the property was listed for sale. The delay in the permit process appears to be a result of the property changing hands. The applicants, as the new owners, were not afforded a reasonable amount of time to redesign the dwelling to meet their needs prior to the variance expiration date. As such, this Office supports the variance request for a time extension.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to §18-16-405(a) to allow an 18 month extension in time for the implementation and completion of a previously approved variance.

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.

2023 AERIAL





December 7, 2023

Anne Arundel County
Office of Planning and Zoning
c/o Sterling Seay, Planning Administrator
2664 Riva Road, 3rd Floor
Annapolis, MD 21401

**RE: VARIANCE REQUEST LETTER OF EXPLANATION FOR A TIME EXTENSION
VARIANCE #2022-0066-V
80 RIVERSIDE DRIVE SEVERNA PARK, MD 21146
G02019499**

Dear Ms. Seay:

Our clients are requesting a variance extending the time by which they Without a time extension variance, the current variance approval will expire on December 9, 2023. We request this deadline to be extended by 18 months, to June 9, 2025. As set forth below, good cause exists for the issuance of this extension. The design team has been working through the three step development process of designing the site as permitted the variance.

Previous Owners 2022-0066-V:

Tom Peloquin
Holly Peloquin

Current Owners 2023-0222-V:

Steve Orlando Brinkhaus
Jeanette Ortiz

Procedural History:

The original variance application was made on May 26, 2022 and the subsequent administrative hearing occurred on June 2, 2022. A decision was rendered on June 9, 2022. The variance was granted on this date. The grading permit was submitted August 24, 2022. The building permit has not been submitted.

The Need for an Extension:

The owners required time to design the dwelling based on the final footprint approved by the Administrative Hearing Officer. As this progressed, the grading permit was submitted for approval. Approval of the grading permit is generally waiting on the submittal of the grading and reforestation bonds. The previous owner has relocated, and they sold the property. The new owners need to have the house redesigned to meet their needs, without changing the footprint that was approved by the variance. As they have a different situation than the previous owner, there are challenges architecturally that are taking additional time to address. The extension is needed to ensure the new owners can construct the dwelling that was approved by the variance.

It is not possible to have the construction drawings complete and a permit issued by December 9, 2023.

We appreciate your consideration of this request and feel it is in keeping with the spirit and intent of the Code. Should you have any questions or comments please feel free to contact our office at (410) 897-9290.

Sincerely,

Atwell LLC

Mike Gillespie

Mike Gillespie

cc. client, file