

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

APPLICANT: Dennis & Sharon Rohde

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0223-V

COUNCILMANIC DISTRICT: 2nd

HEARING DATE: February 29, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting a variance to allow an addition to a child care center other than a home occupation with less setbacks than required at the property known as 804 Old Stage Road in the subdivision of Crainview Gardens, Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject property has 168 feet of road frontage on the northeast side of Old Stage Road, 185 feet east of Quarterfield Road. These lands have an area of 41,556 square feet. The site is shown as Lots 1 in Parcel 168, in Grid 5, Tax Map 15 and zoned "R5-Residential District". The current zoning was adopted by the Comprehensive zoning for the Second Council District January 29, 2012.

The site is currently improved with a child care center other than a home occupation.

APPLICANT'S PROPOSAL

The applicant proposes to remove an existing stair system leading from the ground level to the second story with a revised stair system in order to accommodate a separate ramp system for persons with a disability on the ground level. The new stair system includes a five foot wide by six foot deep second floor landing leading to a 12 foot long section of stairs that lead to a second landing measuring four feet by five feet wide which lead to a second set of stairs approximately 4 feet in length.

REQUESTED VARIANCES

Section 18-4-701. of the Anne Arundel County Zoning Ordinance states that in a R5 District a principal structure shall be setback a minimum of seven feet from a side lot line whereas the second floor landing will be located as close as five feet from the side lot line necessitating a variance of two feet to the Code requirement.

Section 18-2-301. (b) of the Code allows certain architectural features that do not contain floor area such as steps required for access to extend no more than three feet into a required setback

and be located no closer than five feet from any lot line. The proposed stairs and landing are located as close as four feet to the side lot line necessitating a variance of one foot.

FINDINGS

There are three previous special exception applications pertaining to the subject property that allow a child care center with up to 58 children.

The subject application relates to an existing child care center that needs to revise the existing stair system to the second floor in order to provide access to the first floor for persons with disabilities. The existing location of the door on both the second floor and first floors creates a practical difficulty in complying with the Code as these doors dictate the location of the proposed landing and stair system.

The variances requested are considered to be the minimum necessary to afford relief.

There is no evidence the variances will alter the essential character of the neighborhood or substantially impair the appropriate use or development of any adjacent property. Finally, the variances will not be detrimental to the public welfare.

The **Anne Arundel County Health Department** advised the subject property is served by public water and sewer and they have no objection to the request.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Section 18-16-305. under the County Zoning Ordinance, the Office of Planning and Zoning recommends the requested variances be **approved**.

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.