

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

APPLICANTS: Dale and Robyn Kirkendall

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2023-0236-V

COUNCILMANIC DISTRICT: 5th

HEARING DATE: March 7, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicants are requesting a variance to allow a dwelling with less setbacks than required on property known as 403 Alameda Parkway¹ in Arnold.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 6,131 square feet of land and is located with 70 feet of frontage on the south side of Alameda Parkway, 0 feet east of Buena Vista Avenue. It is identified as Lot 47A of Parcel 427 in Block 24 on Tax Map 32 in the Belvedere Beach/Harmony Point subdivision. The property is a dual frontage corner lot with front lot lines on Alameda Parkway and Riviera Lane, and a corner side on Buena Vista Avenue (formerly Riviera Avenue)².

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 5, effective January 29, 2012. This is a nonwaterfront lot that lies entirely within the Chesapeake Bay Critical Area and is designated as IDA – Intensely Developed Area. It is currently undeveloped. The property is served by public water and sewer facilities.

PROPOSAL

The applicants propose to construct a nearly rectangular-shaped two-story dwelling with an attached garage, a driveway, and other associated facilities (56 feet wide by 22 feet deep by 35 feet high).

REQUESTED VARIANCES

§ 18-4-701 of the Code requires a principal structure in an R5 – Residential District to be set back 25 feet from the front lot line. The proposed dwelling comes as close as 21.58 feet from the front lot line of Riviera Lane requiring a variance of four feet.

¹ Part of the property known as 405 Alameda Pkwy

² See recorded document at book 744 page 580.

FINDINGS

The subject property is generally trapezoidal in shape with the frontage on Alameda Parkway having a slight curve. The 6,131 square foot site is undersized for the minimum lot size of 7,000 square feet, but exceeds the minimum width of 60 feet required in an R5 District. This lot is shallow at an approximate minimum of 70 feet. This lot is a corner through lot with road frontages on three sides of the lot. The configuration of the property having three road frontages makes any development of the property impossible without a variance.

The IDA critical area does not have a maximum lot coverage requirement. The R5 Zoning District has a maximum 40% coverage by structure. Calculations on the site plan for impervious coverage indicate that the coverage by structure maximum will not be exceeded.

The applicants' letter explains the configuration of the property and notes that the proposed structure is similar in size and location of other dwellings in the neighborhood. The letter explains that the 21.58 feet setback from Riviera Lane right of way is greater than the 20 feet required for a rear setback in an R5 zoning district. This Office concurs that Riviera Lane will act as a rear yard for this property.

The **Department of Inspections & Permits Engineering Division** provided extensive comments relating to the grading permit submission but did not have an opinion regarding the variance request.

The **Department of Health** noted that the property is served by public water and sewer facilities. The Department has no objection to the request.

The **Cultural Resources Section** commented that this project area is flagged by the Maryland Archaeological Sites Survey database (see record 18AN255). The Cultural Resources Section shall require an archaeology site visit to review any grading/building permits for compliance with Article 17-6-502.

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. In this case, the development of the site is constrained by the practical limitations of a lot with three road frontages and the shallowness of the lot. Any development would require a variance. This creates a hardship for the applicants by denying them the ability to construct a modest-sized dwelling on the property.

With regard to the requirements for all variances, approval would not alter the essential character of the neighborhood. Approval would not substantially impair the appropriate use or development of adjacent property or be detrimental to the public welfare. While many proposals can be modified to meet the Code requirements, a 22-foot deep dwelling is very modest in size and therefore, the variance is considered to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***approval*** of a variance to § 18-4-701 of four feet to allow a dwelling that is proposed 21.58 feet from the front lot line of Riviera Lane as shown on the 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.

1. The SWM report does not address the hierarchy of ESD to the MEP. Please update the report to indicate how impervious area minimization and conservation were addressed and why nonstructural practices and alternative surfaces were not utilized for the site. The engineer should not jump to the conclusion of utilizing a microstructural practice until these issues are addressed first.
2. The site outfall statement does not reference the storm that was used to claim that the post-development discharge did not increase. The 10-year storm must be used to demonstrate no change in flow quantities, or velocities, and the pattern must also stay the same.
3. The submitted grading plan set did not include flow arrows on existing and proposed drainage area maps. Please add or label the arrows on the drainage area maps.
4. Label the top of the steep slope on the typical drywell detail and draw the 4:1 phreatic line from the top of the dry well. In no case, shall the phreatic line intersect the steep slope (see clearance requirement for infiltration devices in SWM practices and procedures manual).
5. All disconnection areas must be shaded. The length and width of disconnection must be shown. The width of non-roof disconnection areas must be the same as the width of the contributory area. For rooftop disconnections, the width shall start as 2 ft. wide at the location of the downspout and shall extend to a minimum of 6 ft. wide at the terminus point of the disconnection length. This results in a triangular area where roof drainage will sheet flow. Disconnection areas may not overlap and must be marked clearly and prescribed (only inside of the LOD) to receive soil amendment with at least 12-inch compost and vegetative stabilization such as SOD. The compost and SOD quantities must be added to the grading cost/security estimate. Please note that these areas are regulated SWM nonstructural practices and are off limits to future development or modifications to install accessory structures.
6. The site is located in the critical area, IDA. 10% pollutant reduction computations are required.
7. Add the proposed disconnection to the SWM summary data table.
8. The cost estimate will be reviewed after the SWM comments are fully addressed.
9. Add benchmark- BM NO., description and elevation. (Indicate vertical control used, NAVD 1929 or NAVD 1988) to the general note in the first sheet of the plan.
10. According to our Geocortex, there is no EX. 6" W Line to connect the proposed WHC. The WHC shall be connected from the front water main line, and please revise and clarify. Indicate the size of the existing public water connection portion and indicate if that is existing or proposed. The onsite water service shall be labeled as the proposed 1.5" private WHC. Please note that the entire WHC length must be the same size.
11. Show and label the proposed dry wells as "M-5" all the plan (Drywell construction specifications on sheet 4 of 4 labeled as "M-7").
12. Show and label a 10' horizontal clearance from all the property lines for the proposed drywells and 20' from the building.
13. Indicate in the response letter if any variances or modifications were issued for this project. If yes, please add a separate note heading titled (Variances/Modifications) to the plan listing all variances and modifications. If not, please also indicate so on the first sheet of the grading plans.
14. Label the grading permit #G02019946 in all applicable places including the cost estimate, stormwater management report, grading plans, etc.
15. It is understood that this permit is handled as a hardcopy. Please also email a digital copy of the next submittal plan, estimate, and report to lpzele23@aacounty.org.

Please address all the comments in a point-by-point response with the next submittal.



ANNE
ARUNDEL
COUNTY

MARYLAND
DEPARTMENT OF HEALTH

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Maryland Relay (TTY): 711
www.aahealth.org

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: January 4, 2024

RE: Dale R. Kirkendale
403 Alameda Parkway
Arnold, MD 21012

NUMBER: 2023-0236-V

SUBJECT: Variance/Special Exception/Rezoning

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

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

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

cc: Sterling Scay

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

12/22/2023

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

This project area is flagged by the Maryland Archaeological Sites Survey database (see record 18AN255). The Cultural Resources Section shall require an archaeology site visit to review any grading/building permits for compliance with Article 17-6-502.

End Time

Due Date

01/12/2024

Assigned to Department

OPZ Cultural Resources

Status Date

01/02/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Cultural Resources

Est. Completion Date

Display E-mail Address in ACA

Display Comment in ACA

Time Tracking Start Date

In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

All ACA Users

Record Creator

Licensed Professional

Contact

Owner

Task Specific Information

Review Notes

Reviewer Email

Reviewer Name

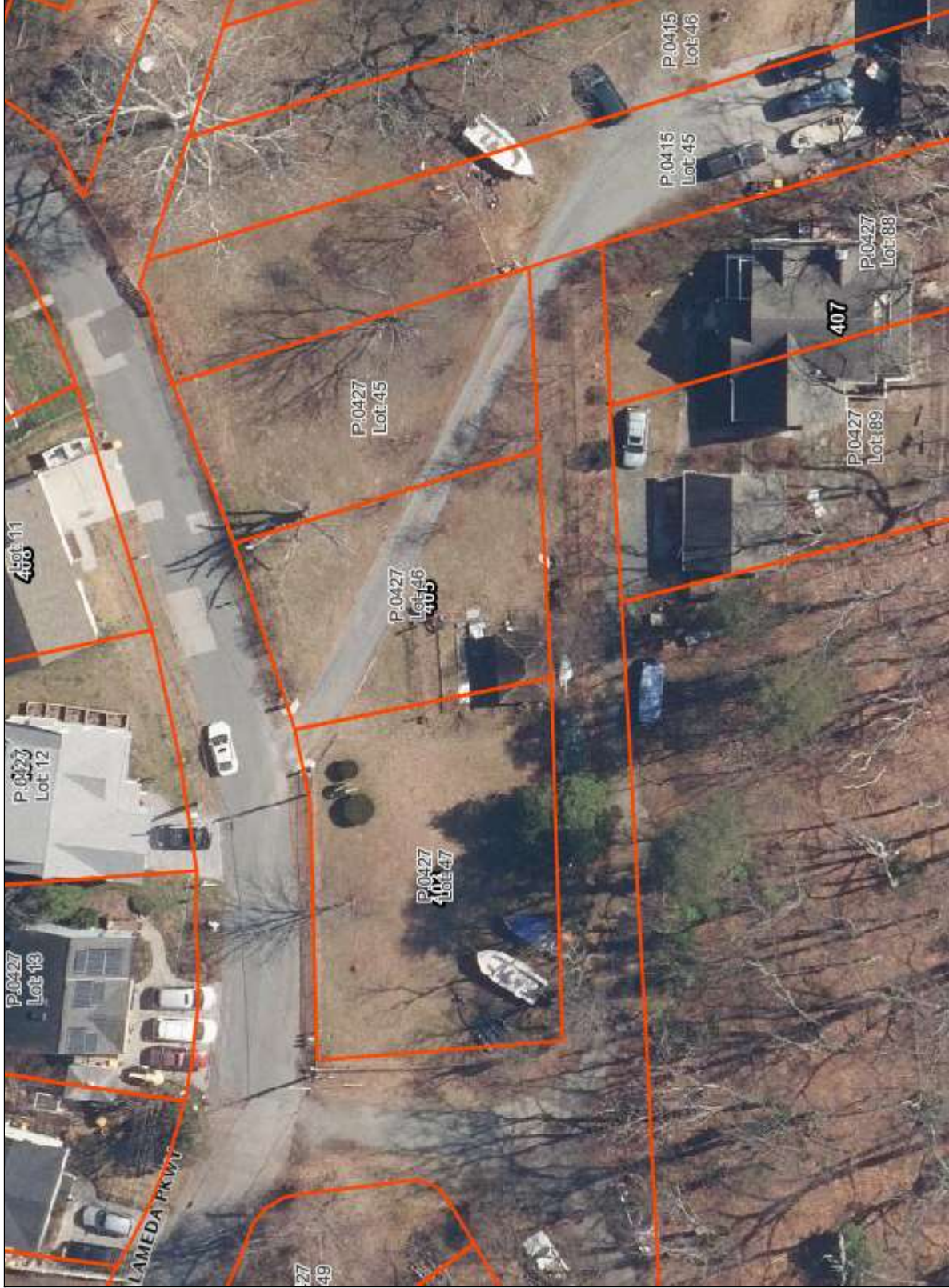
Reviewer Phone Number

Map Title



Legend

- Foundation
- Addressing
- Parcels
- Parcels - Annapolis City



Notes

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