

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

APPLICANTS: Michael and Gloria Merritt

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2023-0239-V

COUNCILMANIC DISTRICT: 6

HEARING DATE: March 7, 2024

PREPARED BY: Joan A. Jenkins
Planner II



REQUEST

The applicants are requesting a variance to allow a dwelling addition (porch with steps to a landing)¹ with less setbacks than required on property located at 201 Severn Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 23,128 square feet of land with approximately 66 feet of frontage on the west side of Severn Drive and 102 feet of frontage on Shore Road, 130 feet southwest of Ridge Road. The property is identified as Lot 11 on Parcel 57 in Grid 9 on Tax Map 45 in Block 14 of the Severn Grove subdivision.

The property has been zoned R1 – Residential District since the adoption of comprehensive zoning of the Sixth Councilmanic District zoning maps, effective October 7, 2011. This is a nonwaterfront property in the Limited Development Area of the Critical Area Overlay. The property has steep slopes.

The site is currently improved with a two-story single-family dwelling. The lot is served by private water and septic.

APPLICANT'S PROPOSAL

The applicants are proposing to construct a front porch 21 feet by 7.5 feet (157.5 square feet) with steps to a landing.

REQUESTED VARIANCES

§18-4-601 of the Anne Arundel County Code sets forth bulk regulations for setbacks from the front lot line. This lot is undersized for the R1 District and §18-2-301 (f) of the Anne Arundel County Code allows a single-family detached dwelling on a lot that does not meet the area or width requirements of this article may be expanded if the expansion is set back at least 25 feet

¹ The original request included a pergola with less setbacks than required. This undersized lot allows for reduced setbacks for additions. The pergola meets these setbacks and does not require a variance.

from the front and rear lot lines and does not exceed 35 feet in height. The proposed porch will be 7 feet, the stairs will be 5.7 feet, and landing will be 2.1 feet from the front lot line requiring variances from the front lot line of 18, 20, and 23 feet, respectively.

FINDINGS

This Office finds that the subject property is a developed lot that is irregularly shaped, but is wider than it is deep. The lot meets the required width requirement but is undersized (40,000 sf required, 23,128 sf provided) for a lot in the R1 District. The location of the existing dwelling contributes to the need for a variance. According to State tax assessment records the dwelling was built in 1950 prior to the enactment of zoning in the County. The proposal is not affecting the steep slopes or the steep slope buffer on the property.

The existing critical area lot coverage is 3,813 square feet, which exceeds the maximum 3,748 square feet of coverage by 65 square feet. The site plan shows removal of part of an existing stone patio which will bring the proposed lot coverage to 3,734 square feet after construction. It is noted that with this proposal there is only 14 square feet of additional coverage left on the lot. 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 an open stoop with steps to grade from the front door which are nonconforming as to setbacks. A Google Streetview sweep of the area reveals eclectic front entrances. A few houses have porches or porticos. A house at 236 Severn Drive has a covered stoop with stairs that are nearly at the street. This Office did not find a variance for this address. Numerous variances have been granted within the immediate area for setbacks for both dwellings and dwelling additions.

The applicants' letter has given no justification as to why the porch is necessary and particularly why it needs to be increased from the size of the existing stoop entrance. While a distance is not shown on the site plan for the existing "block porch" it is clear that the porch is closer than the corner of the house at 14 feet. Under §18-2-303 in-kind replacement is exempt from applicable bulk regulations if the original structure has been in the same location for at least twenty years; and a building permit is obtained within eighteen months after the removal or destruction of the original structure.

Agency Comments

The **Health Department** commented that they have reviewed the on-site sewage disposal and well water supply system for the property and have determined that the request does not adversely affect these systems. They have no objection to the request.

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 applicants have given no justification for the need for a porch of this requested size.

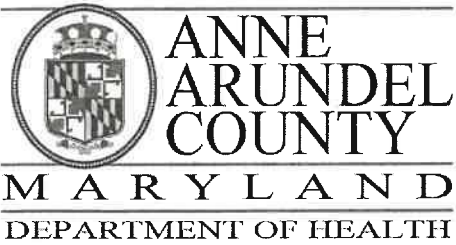
The neighborhood is eclectic and there are houses with differing architectural features including porticos, front decks, and a few with porches. Therefore, the granting of the variance will not alter the essential character of the neighborhood. Approval of the variance will not impair the use or development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

However, the request cannot be considered the minimum necessary to afford relief as the porch is excessive in size, and the structure could be replaced in-kind without requiring a setback variance.

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, steps, and a landing with less setbacks than required 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.



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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

A handwritten signature in blue ink, consisting of the letters "BC" in a stylized, cursive font.

DATE: January 5, 2024

RE: Michael D. Merritt
201 Severn Drive
Annapolis, MD 21401

NUMBER: 2023-0239-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow dwelling additions (pergola and covered front porch) with less setbacks than required.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. 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 Seay



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



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ft



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