

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

APPLICANT: Joel Hairrold Lewis II &
Elizabeth N. Bauer

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0003-V

COUNCILMANIC DISTRICT: 5

HEARING DATE: March 21, 2024

PREPARED BY: Joan A. Jenkins 
Planner II

REQUEST

The applicants are requesting a variance to allow a dwelling addition with less setbacks than required on property located at 1165 Latrobe Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 20,850 square feet of land and is located with approximately 57 feet of frontage on the north side of Latrobe Drive, 280 feet north of Round Top Drive. It is identified as Lot 29 of Parcel 32 in Grid 5 on Tax Map 40 in block AQ of the Cape St. Claire subdivision.

The property is split-zoned OS - Open Space and R5 - Residential District, as adopted by the comprehensive zoning for Councilmanic District 5, effective January 29, 2012. This nonwaterfront property is located within the Chesapeake Bay Critical Area and is designated LDA - Limited Development Area. It is currently improved with a two-story single-family detached dwelling with a shed in the front yard, and a driveway.

APPLICANT'S PROPOSAL

The applicant seeks approval to construct an irregular L-shaped deck on the rear and east side of the existing dwelling.

REQUESTED VARIANCES

§ 18-9-203 of the Anne Arundel County Zoning Code requires that a use or structure shall be located 50 feet from any lot line and 75 feet from any road right-of-way. The proposed deck would be located as close as 17 feet from the west lot line, 15 feet from the north lot line and 72 feet from the front lot line, necessitating variances of 33 feet and 35 feet to the 50-foot lot line requirement and 3 feet from the road right-of-way requirement.

§ 18-2-301(d) of the Anne Arundel County Zoning Code allows an open deck attached to a dwelling to project no more than 10 feet into a rear setback so long as the deck is located at least three feet from the lot line. The rear portion of the deck projects 35 feet into the required 50-foot

the request does not adversely affect this system. Therefore, they have no objection to the variance request.

For the granting of a zoning variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the particular lot or because of exceptional circumstances, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this particular case, the OS District bisecting the property inappropriately imposes open space use setbacks on a residential use, in this case a single family dwelling use, thereby severely limiting any additions to the existing dwelling. The property owners have received a letter from the Office of Planning and Zoning saying that the property is recommended to be rezoned from OS to R5 during the Comprehensive Zoning that is currently underway for the County. The applicants write that they believe that the property is incorrectly zoned and if it were zoned correctly then a variance would not be required.

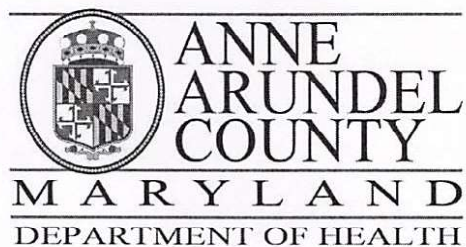
Approval of the variance would not alter the essential character of the neighborhood. Approval of the variance would not substantially impair the appropriate use or development of adjacent property. The proposal will not be contrary to acceptable clearing and replanting practices and approval of the variance would not be detrimental to the public welfare.

Many proposals can be made smaller to minimize variance requests, however, given the location of the existing improvements and the anticipated future rezoning of the property, the variance is justified and 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 zoning variances of 33 feet, 35 feet and 3 feet to § 18-9-203 and a zoning variance of 35 feet § 18-2-301(d) to allow the proposed dwelling addition (deck) to be constructed 17 feet from the west side lot line, 15 feet to the rear lot line, and 72 feet from the road right-of way as shown on the site plan.

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.



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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, appearing to be "BC", written over the name "Brian Chew" in the "FROM" field.

DATE: January 12, 2024

RE: Joel Lewis Hairrold II
1165 Latrobe Drive
Annapolis, MD 21409

NUMBER: 2024-0003-V

SUBJECT: Variance/Special Exception/Rezoning

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

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

