

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

APPLICANT: Steven & Kathy Wing

ASSESSMENT DISTRICT: 5th

CASE NUMBER: 2023-0206-V

COUNCILMANIC DISTRICT: 2nd

HEARING DATE: April 2, 2024

PREPARED BY: Sara Anzelmo
Planner

REQUEST

The applicants are requesting a variance to perfect an accessory structure (detached garage) with less setbacks than required on property located at 131 N Meadow Drive in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 10,199 +/- square feet of land and is located with approximately 42 feet of frontage on the southeast side of N Meadow Drive. It is identified as Lot 30 of Parcel 599 in Grid 14 on Tax Map 10 in the Country Club Estates subdivision.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 2, effective January 29, 2012. It is currently improved with a single-family detached dwelling, a gazebo, an in-ground pool, a carport structure (seen on County 2023 aerials, but not depicted on the site plan), driveway and patio areas, and a recently constructed detached garage that is the subject of this variance application.

PROPOSAL

The applicants seek after-the-fact approval for construction of a one-story 22-foot by 26-foot (572 square foot) detached garage in the southeastern corner of the lot. The garage height is 16 feet.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Code provides that an accessory structure eight feet in height or greater in an R5 District shall be set back a minimum of seven feet from the side lot lines and seven feet from the rear lot line. At its closest points, the garage has been constructed six feet from the north side lot line and five feet from the rear lot line, necessitating variances of one foot and two feet, respectively.

FINDINGS

The subject property is trapezoidal in shape and is located on a cul-de-sac. The lot exceeds the minimum 7,000 square foot area and minimum 60-foot width at the front building restriction line.

The property is the subject of an open compliance case (B-2022-399) associated with a complaint filed for construction of a structure [the subject garage] without a building permit.¹

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

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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this particular case, while the lot does meet the minimum area and width requirements for the R5 District, the irregular trapezoidal shape and angled side lot lines result in an acute angle in both rear corners of the property. This condition creates a practical difficulty by forcing a significant “squeeze” on the developable area in the rear corners of the yard where a garage would typically be located. The applicants have constructed the garage in an area that, for the most part, complies with the minimum side and rear setbacks. However, due to the acutely angled corner, two small corners of the garage project into the required setbacks. More specifically, a 5.39 square foot corner of the garage projects into the northern side setback, and an 8.18 square foot corner projects into the rear setback. Were it not for the angled side lot line and resultant “twisting” of the garage on the lot, a variance would not be necessary.

Approval of the variances would not alter the essential character of the neighborhood or substantially impair the appropriate use or development of adjacent property. The two-car garage is in keeping with the surrounding area, and there are other nonconforming accessory structures in nearby rear yards. There is no evidence that the setback variances would be detrimental to the public welfare.

Given the irregular lot shape and the acutely angled rear yard corners, the request for relief is justified. All but two small corners of the garage comply with the required setbacks, and the associated variances are considered to be the minimum necessary to afford relief.

RECOMMENDATION

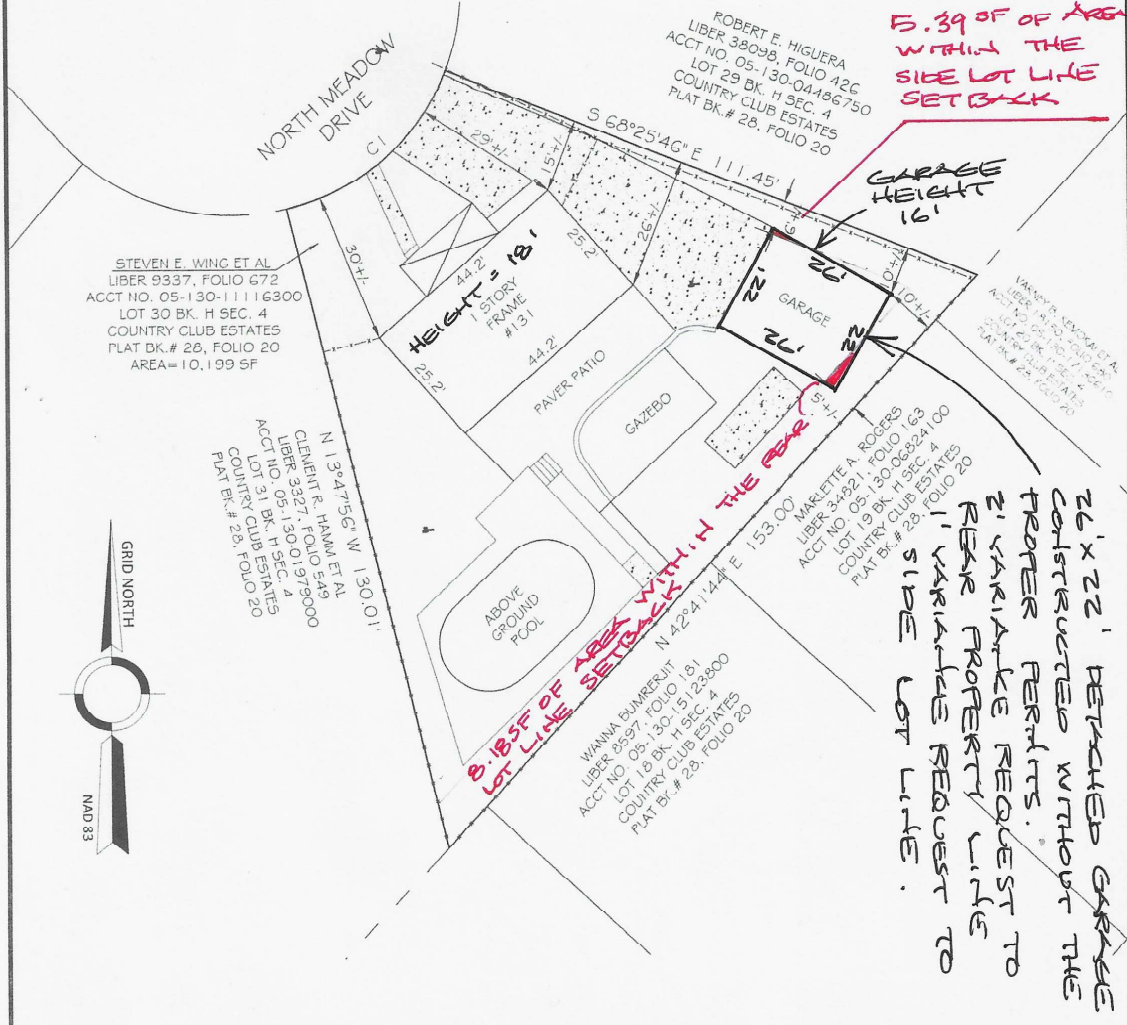
Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *approval* of the requested zoning variances to § 18-4-701 of one foot to the minimum seven foot side setback required and two feet to the minimum seven foot rear setback required to perfect construction of a detached garage six feet from the north side lot line and five feet from the rear lot line, as shown on the site plan submitted by the applicants.

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.

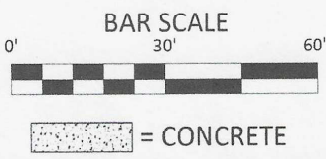
¹ There is a second open compliance case on file for this property (B-2020-229). However, the 7/10/2020 inspection notes for this case appear to indicate that no violation was found and that the complaint was deemed “ok to close”.

ADMINISTRATIVE SITE PLAN

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	45.00'	42.91'	41.31'	S 48°52'31" W	54°38'18"



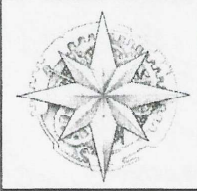
JESSICA A. KING
 MD REG. #21684
 EXP. 12/22
 OCTOBER 25, 2022



- GENERAL NOTES**
- 1) THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A FORMAL TITLE REPORT. EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS MAY AFFECT THIS PROPERTY AND NOT BE SHOWN.
 - 2) THE INFORMATION SHOWN HEREON IS BASED ON THE DEEDS AND PLATS OF RECORD AS INDEXED IN THE PROPERTY CADASTRE OF ANNE ARUNDEL COUNTY, MARYLAND. BEARINGS SHOWN HEREON ARE REFERENCED TO NAD 83.
 - 3) THIS SURVEY DOES NOT ADDRESS WETLANDS, CONTAMINATED WASTE OR TOXIC SOIL CONDITIONS, NOR HAVE ANY REPORTS, STUDIES OR INFORMATION REGARDING SUCH BEEN PROVIDED
 - 4) THE IMPROVEMENTS SHOWN HEREON WERE FIELD LOCATED ON OCTOBER 24, 2022.
 - 5) NOTE THIS DRAWING NOT VALID WITHOUT ORIGINAL SEAL AND SIGNATURE.

THIS IS TO CERTIFY THAT THIS PLAT WAS MADE IN ACCORDANCE WITH COMAR 09.13.06.10 MINIMUM STANDARDS AND PROCEDURES FOR A SPECIAL PURPOSE SURVEY. THE VISIBLE IMPROVEMENTS ARE SHOWN TO A TOLERANCE OF 1 FOOT MORE OR LESS.

EXISTING SITE CONDITIONS SURVEY OF
 LOT 30 BK. H SEC. 4
COUNTRY CLUB ESTATES
 131 NORTH MEADOW DR. GLEN BURNIE, MD 21060
 TAX MAP: 0010 PART OF PARCEL: 0599
 FIFTH ELECTION DISTRICT
 ANNE ARUNDEL COUNTY, MARYLAND



King's Point Surveys, Inc.
 8019 Long Hill Rd.
 Pasadena, MD 21122
 410-255-1378 jking@kingspointsurveys.com

DRAWN: JAK
CHECKED: JAK
DATE: 10-24-2022
JOB # 2022-2530
SCALE: 1"=30'
SHEET: 1 OF 1

M.A.F. & Associates, LLC
Matthew A. Forgen
55 Jones Station Road, W.
Severna Park, MD 21146
Phone: 443-864-8589

November 10, 2023

Planner
Department of Planning & Zoning
2664 Riva Road
Annapolis MD 21401

**RE: Country Club Estates, Lot 30, Block H, Section 4
131 N. Meadow Drive, Glen Burnie, MD 21060
Tax Account # 5130-1111-6300**

Dear Planner:

Please accept this submittal of a variance application for the above referenced project. We are proposing to perfect the construction of a detached garage (accessory structure). The detached garage is a 1-story structure with a height of 16'. The structure has an overall footprint of 22' x 26' and is setback, at its closest point, 6' from the northern, side lot line and 5' from the southeastern rear lot line. This proposal will require a zoning variance of 1' to allow the garage to remain at 6' to the northern side lot line and a zoning variance of 2' to allow the garage to remain at 5' to the southeastern rear lot line.

Please note this is a standard size R5 zoned property and therefore is required to meet the setbacks as noted in 18-4-701 of the County Code. For an accessory structure, this section of the County Code requires a side and rear lot line setback of 7'. We are proposing to perfect a detached garage, setback, at its closest point, 6' from the northern, side lot line and 5' from the southeastern rear lot line, necessitating a 1' and 2' zoning variance.

WE REQUEST A 1' VARIANCE TO ARTICLE 18-4-701 THAT REQUIRES A SIDE LOT LINE SETBACK OF 7' FOR AN ACCESSORY STRUCTURE, TO PERFECT THE CONSTRUCTION OF A DETACHED GARAGE. THE DETACHED GARAGE HAS BEEN CONSTRUCTED AT 6.00' TO THE SIDE LOT LINE.

THIS REQUEST IS FOR AN AREA OF ONLY 5.39 SQUARE FEET OF THE GARAGE.

WE REQUEST A 2' VARIANCE TO ARTICLE 18-4-701 THAT REQUIRES A REAR LOT LINE SETBACK OF 7' FOR AN ACCESSORY STRUCTURE, TO PERFECT THE CONSTRUCTION OF A DETACHED GARAGE. THE DETACHED GARAGE HAS BEEN CONSTRUCTED AT 5.00' TO THE SIDE LOT LINE.

THIS REQUEST IS FOR AN AREA OF ONLY 8.18 SQUARE FEET OF THE GARAGE.

We feel this zoning variance request meets the requirements of Article 18-16-305 (a) & (c) and therefore the variances should be granted. Below is the justification for granting the above noted variances.

18-16-305(a)(1) Because of certain unique physical conditions, such as irregularity, narrowness or shallowness of lot size and shape or exceptional topographical conditions peculiar to and inherent in the particular lot, there is no reasonable possibility of developing the lot in strict conformance with this article; or:

This site is an existing legally platted lot. The lot was recorded in 1956. The property is off a cul-de-sac and therefore is somewhat pie shaped. The shape of the property restricts the rear yard area to site a structure parallel to one lot line and not be within another lot line setback. The existing house sits centered in the front portion of the property and restricts the area for accessory structures. The rear yard is the only location for accessory structures.

These are the unique characteristics of the lot.

18-16-305(a)(2) 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:

With the unique characteristics of this site, we are not able to develop the property without the need for a variance.

18-16-305(c)(1): the variance is the minimum variance necessary to afford relief:

This variance is the minimum variance necessary to afford relief in that the proposed garage is held as tight to the clear sight easement and mound system as possible. We feel this is a minimal impact to these setbacks.

18-16-305(c)(2) the granting of the variance will not:

(i) alter the essential character of the neighborhood or district in which the lot is located:

The approval of these variances will not alter the essential character of the neighborhood. Many of the properties in this neighborhood have accessory structures within the rear yards. Many of these accessory structures appear to be within the required side and rear lot line setbacks. Please note, no survey has been completed to determine the exact setback of these accessory structures.

(ii) substantially impair the appropriate use or development of adjacent property: This proposed development would not impair the appropriate use or development of adjacent properties. The neighboring properties are currently developed with single-family dwellings. This proposal does not impact these dwellings nor the ability of the property owners to improve or further develop their properties.

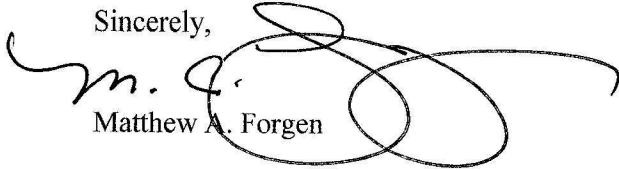
(iii) reduce forest cover in the limited development and resource conservation areas of the critical area: The property is not located within the Chesapeake Bay Critical Area.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area: The property is not located within a bog protection area and is not contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area.

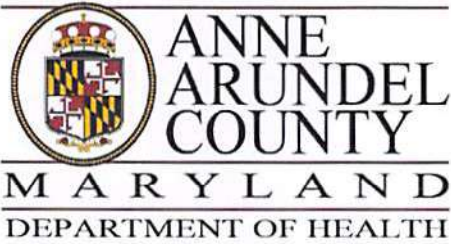
(v) be detrimental to the public welfare: This development is not detrimental to the health and welfare of the community. This proposal will not have an increased impact on the public water and sewer system. Storm water management plantings will be required the required building permit application.

If you should have any questions regarding this submittal, please feel free to contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Forgen', with a large, stylized flourish extending to the right.

Matthew A. Forgen



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
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

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the FROM field.

DATE: November 21, 2023

RE: Steven E. Wing
131 Meadow Drive
Glen Burnie, MD 21060

NUMBER: 2023-0206-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect an accessory structure (detached garage) 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 Seay



ft

