

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

APPLICANT: Kyle Squires

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0002-V

COUNCIL DISTRICT: 2

HEARING DATE: March 12, 2024

PREPARED BY: Jennifer Lechner
Planner II



REQUEST

The applicant is requesting variances to allow a dwelling with less setbacks than required on property located at 331 Broad Avenue in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 3,685 square feet of land and is located west of the intersection of Broad Avenue and Pleasant Street. The property is identified as Lots 37 and 38 in Section UU of Parcel 146 in Grid 23 on Tax Map 9 in the Glen Burnie Heights subdivision. The unimproved property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 2, effective January 29, 2012. This site does not lie within the Chesapeake Bay Critical Area. Public water and sewer appear to be available along Broad Avenue and Pleasant Street.

PROPOSAL

The applicant is proposing to construct a two story single family dwelling (20' x 34' x 32' in height) with a habitable attic and a deck.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Ordinance provides that a principal structure in an R5 District shall be set back a minimum of 25 feet from the front lot line, 20 feet from the rear lot line, 7 feet from the side lot line, 20 feet from a corner side lot line, and 35 feet from a principal arterial or higher classification road.

The subject property is a corner through lot¹, and the applicant has designated² Maryland Route 100 (a freeway) as the front³.

¹ Per Bill# 88-23, a corner through lot means a lot that has frontage on three roads. In this case: MD-100, Pleasant Street/Broad Avenue and the 12ft alley.

² Per § 18-2-304, on a corner lot, the owner may designate which of the two roads is the front road.

³ A revised site plan clarifying the intended BRLs (building restricted lines) was received on February 29, 2024.

The proposed single family dwelling would be constructed:

- as close as 29 feet from a freeway (MD 100 - to the south, also designated as the front), necessitating a variance of 6 feet;
- as close as 13 feet from the corner side lot line (Pleasant Street - to the east), necessitating a variance of 7 feet; and,
- as close as 7 feet from the corner side lot line (the 12ft alley - to the north), necessitating a variance of 13 feet.

FINDINGS

The subject property is generally rectangular in shape and undersized with regards to the minimum 7,000 square foot lot area and the minimum 60-foot lot width for the R5 District. The property is currently unimproved, and the proposed post-construction coverage by structures would be approximately 855 square feet, which is well below the 40% (1,474 square feet) maximum coverage by structures allowed under §18-4-701.

A review of the County 2023 aerial photography shows that the subdivision is made up of uniformly sized, residentially developed lots, except for those which abut MD 100. Those particular lots, which include the subject lots, are unimproved and appear to have been partially annexed to accommodate MD 100.

In addition to the zoning variances, the proposed development will require a modification⁴ of §17-6-110 which states that residential development shall provide for a 455 foot setback from the property line to the edge of the mainline pavement of MD 100.

The applicant's letter explains that the property is unique because it is undersized for its zoning designation, the lots were created prior to the bulk regulations, and the lots were further hindered by the construction of Route 100. The applicant believes that the granting of this variance is warranted as the minimum necessary to afford relief based upon the size of the lot and the unique physical conditions. The applicant states that the building area of the lot is undersized at only 452 square feet and [approximately] 18' x 23'. Their proposed house is modest in size and located to allow for off street parking, a stoop and steps, which are typical of a single family home.

Agency Comments

The **Engineering Section of the Department of Inspections and Permits** has no objection to the variance request assuming that the property will be served by public water and sewer, and the plan is approved by their Section during the grading permit review.

The **Health Department** has no objection to the requested variance, subject to the availability of public water and sewer.

⁴ In accordance with § 17-2-108(a), the Planning and Zoning Officer will review an application for a modification to this provision.

Comments from the **State Highway Administration** were not received at the time of the report.

Variance Criteria

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 lot or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the required setbacks create an approximate 18ft x 23ft buildable area, which would accommodate a very modest home. Although the applicant reduced the size of the dwelling from what had been submitted under the prefile, the proposed dwelling is still larger than the bulk regulations will allow. In addition, the deck could have been eliminated, thereby meeting the 35 foot setback to the freeway.

As proposed, this dwelling will be closer to MD 100 than any of the other dwellings in this subdivision. And, it is unknown whether the applicant will be able to obtain a modification to the 455 foot setback requirement that is specific to MD 100.

Allowing the dwelling to be constructed as proposed would set a precedent for the potential construction of the other vacant lots to the west of the subject property, which would all gain access via the alley. The subject dwelling would then be 7 feet from that shared access.

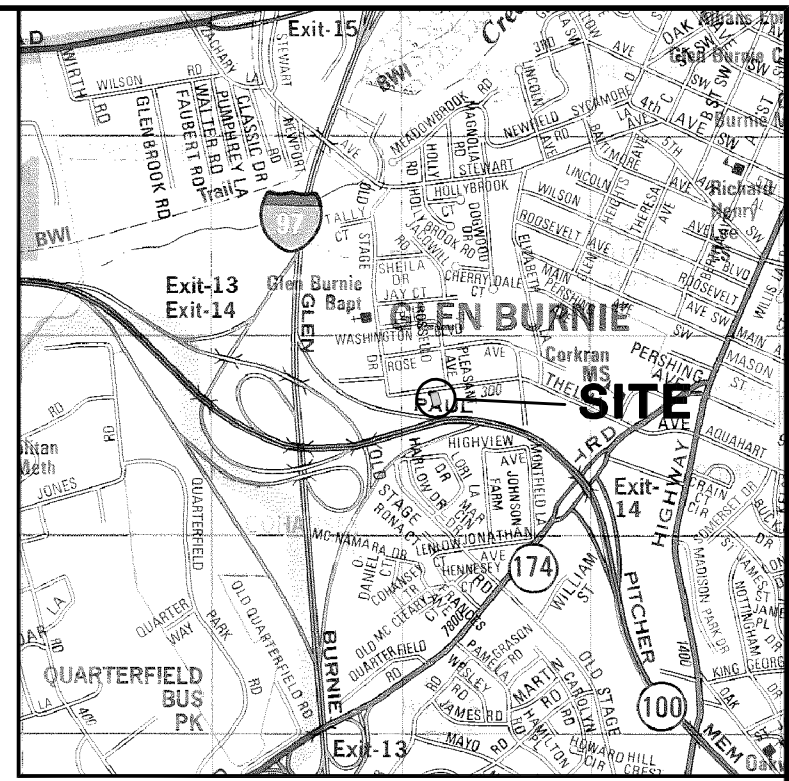
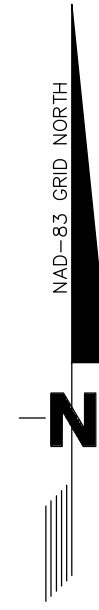
As such, the granting of the variance will alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, and would be detrimental to the public welfare.

Because there is opportunity to design and construct a smaller dwelling to meet the bulk regulations for the subject property, the requested variance is not deemed to be the minimum necessary to afford relief.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the County Code under which a variance may be granted, as proposed, this Office recommends ***denial*** of the zoning variances to §18-4-701 to allow a principal structure as close as 29 feet from a freeway, as close as 13 feet from the east corner side lot line, and as close as 7 feet from the north corner side lot line.

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.

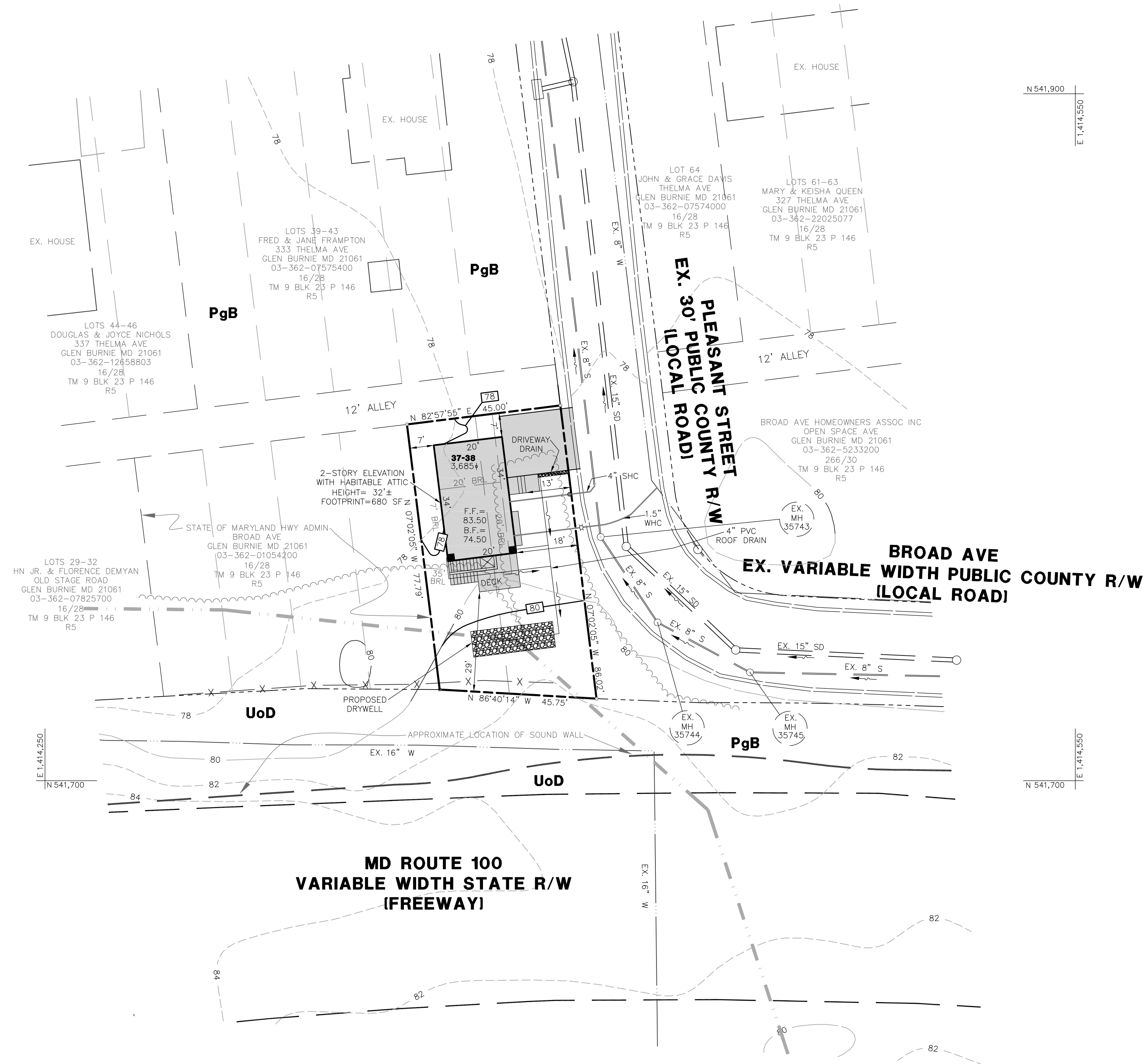


VICINITY MAP

SCALE: 1" = 2,000'
 Copyright ADC The Map People
 Permitted Use Number 20403131

SITE ANALYSIS

1. EXISTING ZONING: R5
2. TOTAL SITE AREA: 3,685 s.f.
3. EXISTING USE: VACANT
4. PROPOSED USE: SINGLE FAMILY DWELLING



PLAN
 SCALE: 1"=20'

LEGEND

- 152--- Existing Contours
- 152--- Proposed Contours
- 69x50 Spot Elev.
- Existing Tree Line
- Soils Line
- EX. 8" S Existing Sewer
- EX. 15" SD Existing Water
- EX. 8" W Existing Water
- Existing Tree
- Existing Pole
- Existing Sewer Cleanout
- Proposed Sewer Cleanout
- Existing Water Meter
- Proposed Water Meter
- Limit of Disturbance
- Reinforced Silt Fence
- Temporary Stockpile Area
- Stabilized Construction Entrance (S.C.E.)

SOIL CLASSIFICATION CHART

SYMBOL	NAME	HYDROLOGICAL SOIL TYPE
PgB	PATAPSCO-FORT MOTT-URBAN	A
UoD	UDORTHERTS	C

#	REVISIONS:	APPROVED BY:	DATE:

ANAREX, INC
 CIVIL ENGINEERING SERVICES
 LAND SURVEYING

303 Najoles Road - Suite 114
 Millersville, MD 21108-2512
 Phone: 410-987-6901
 www.anarex.com

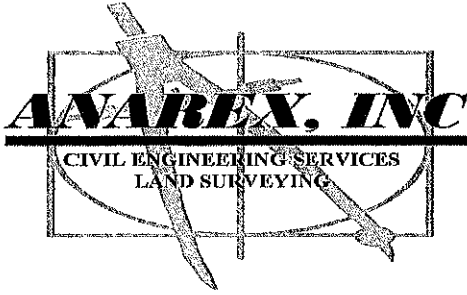
NATURE OF VARIANCE

1. A VARIANCE TO ARTICLE 18-4-701 OF 6' TO THE REQUIRED 35' SETBACK TO ROUTE 100
2. A VARIANCE TO ARTICLE 18-4-701 OF 13' TO THE REQUIRED 20' FRONT SETBACK TO THE ALLEY
3. A VARIANCE TO ARTICLE 18-4-701 OF 7' TO THE REQUIRED 20' CORNER SIDE SETBACK

SHEET 1 OF 1
VARIANCE PLAN

GLEN BURNIE HEIGHTS
 HIGHVIEW AVE, LOTS 37 & 38, BLOCK UO
 HIGHVIEW AVE
 GLEN BURNIE, MD 21061
 GP #:

TAX MAP 9 BLOCK 23 PARCEL 146 TAX ACCOUNT # 03-362-19955000 ZONING: R-5
 DATE: JANUARY, 2023
 THIRD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND 21061



303 Najoles Road - Suite 114
Millersville, MD 21108

Phone: 410-987-6901
Fax: 410-987-0589

January 3, 2024

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

**Re: Glen Burnie Heights
Block UU, Lots 37-38
Variance Application**

Dear Ms. Seay,

Please accept this as our formal variance request to the Zoning Regulations on behalf of our client. The variance requests are to Article 18, Section 4 – 701 of the R-5 Bulk Regulation of 6' to the required 35' setback to the Route 100 right of way, 18' to the front 25' setback to the alley and 7' to the 20' corner side setback.

We are requesting this variance to allow for an existing lot to be developable based on the restrictive nature of the setbacks.

The proposed house is a two-story with a habitable attic. The habitable attic is built into the trusses, like an older Cape Cod style home, where the house will have a two-story elevation from the road, but there will be a partial third floor with a house height of 28'+/-. The footprint of the home is 680 square feet, reduce to remove the garage based on the prefile review. The SHA owns four lots to the West where then the property goes back to individual owners.

Explanation as required by Article 18, Section 16-305(a)

We believe the granting of these variances are warranted because the unique physical conditions of the lot. Specifically, the lot is undersized for its zoning designation at 45' wide and 3,685 square feet, well under the 60' width and 7,000 square foot requirements of the bulk regulations. These lots were platted well before bulk regulations and further hindered by the construction of Route 100 necessitating a 35' setback.

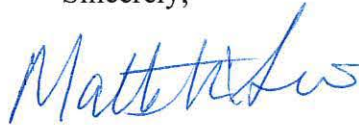
Explanation as required by Article 18, Section 16-305(c)

We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief based upon the size of the lot and the unique physical conditions. The building area of the lot is undersized at only 452 square

feet and 18'x23'. The proposed house is modest in size where the foundation will be 18' from the accessible right of way allowing for off street parking with a garage space. The variance allowing 13' is so the house can have a stoop and steps as typical of a single-family home. The granting of this variance will not alter the character of the neighborhood as the proposed house will have a typical 2-story elevation from the road and is typical of R5 development. This variance will not impair the appropriate use or development of the surrounding property as it will not deny access or the possibility to build on neighboring lots as all surrounding properties have been developed and the proposed house will not affect the street view of any other properties. The granting of this variance will not be detrimental to the welfare of the public. In addition, stormwater management will be provided with the new home

If you have any questions or need any additional information, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink that reads "Matthew R. Seiss". The signature is written in a cursive, flowing style.

Matthew R. Seiss, P.E.

2024-0002-V

Menu Cancel Help

Task
I and P Engineering
Assigned to Department
Engineering
Action by Department
Engineering
Start Time

Billable
No

Due Date
01/25/2024
Assigned to
Habtamu Zeleke
Action By
Habtamu Zeleke
End Time

Overtime
No

Assigned Date
02/26/2024
Status
Complete w/ Comments
Status Date
02/27/2024
Hours Spent
0.0

Comments
Variance comments
2024-0002-V, 331 Broad Ave
1. Based on the plan provided, it appears that the property will be served by public water and sewer.
2. The stormwater management utility/Engineering design review approval for the site shall occur at the grading permit stage.
3. Determination/Recommendation - Based on the above (#1, and #2), this office has no objection to the above request.

Time Tracking Start Date **Est. Completion Date**
Display E-mail Address in ACA **Display Comment in ACA**
No

In Possession Time (hrs)
Comment Display in ACA
 All ACA Users
 Record Creator
 Licensed Professional
 Contact
 Owner

Estimated Hours
0.0

Action
Updated

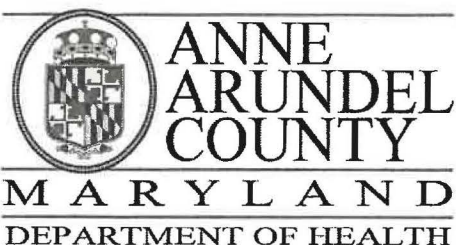
Workflow Calendar

Task Specific Information

Expiration Date
Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Name



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 *BC*
Bureau of Environmental Health

DATE: January 18, 2024

RE: Chessie Homes, LLC.
Anarex, Inc.
331 Broad Ave
Glen Burnie, MD 21061

NUMBER: 2024-0002-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 proposed project is to be served by public water and sewer facilities. The Health Department has no objection to the above referenced request subject to the availability of public water and sewer.

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

cc: Sterling Seay



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2023-0058-P
DATE: 12/28/2023
OPZ STAFF: Joan A. Jenkins
Hala Flores (I&P)

APPLICANT/REPRESENTATIVE: Chessie Homes

EMAIL: chessiehomesllc@gmail.com

SITE LOCATION: Broad Ave (aka 331 Broad Ave) Tax id 3362-1995-5000

LOT SIZE: 3,685sf

ZONING: R5

CA DESIGNATION: n/a

BMA: n/a

or BUFFER: n/a

APPLICATION TYPE: Variance

Description:

The applicant proposes to construct a new single-family dwelling (2-story with habitable attic, height 32') which requires setbacks under R5 bulk regulations. Variance requested 14' to 35' Route 100 right of way; 13' to rear setback; 4' to 20' corner side setback.

COMMENTS

I & P Engineering: The applicant did not show how Stormwater Management will be addressed for the site. Given the proximity to the turn, the applicant needs to demonstrate that adequate sight distance exists. Right-to-needs to show the limit of disturbance for the work and explain how the carport solar panel systems will be constructed. Will the parking lot be reconstructed? If the parking lot is being reconstructed and the LOD is more than 5000 SF and/or more than 1000 SF of imperviousness is being created, then this project needs to go through the SDP process. Disturbance is counted when earth is disturbed in any way or full depth pavement is replaced.

Zoning Administration Section:

What is a habitable attic? Another story? Clarify on the site plan.

The application appears to have Rt. 100 as the front, Broad Ave as the corner side, the 12' Alley as the rear and the western side as a side. Any stoop or stair that is 8" or above is considered part of the principal structure. The distance to the lot line of Broad Ave should reflect the correct distance and the variance is calculated accordingly.

Clarify the ownership of the property to the west. Is it lots? Is it right of way?

Note that until February 3, 2024 the alley is considered a front lot line and requires a setback of 25'. The variance would be 18' to the 25' setback requirement. [Bill 88-23](#) was recently passed and will be effective February 3, 2024. This bill changes the setbacks from alleys and easements. 18-2-301 An alley or easement for the passage of vehicles and persons may not be considered a road for the purposes of assessing a front lot line. This site plan seems to take that into consideration and treats the alley as a rear for setback purposes.

The applicants are reminded that there is a 455' setback to MD Route 100 under 17-6-110 which will require a modification through the Development Division.

The garage is unnecessary and the dwelling could be made smaller thereby reducing variances by removal of the garage.

The applicants are reminded that, in order for the Administrative Hearing Officer to grant approval of the variances, the proposal must meet ALL of the variance standards provided under Section 18-16-305 of the Zoning Code, which includes the requirement that the variance must be the minimum necessary to afford relief.

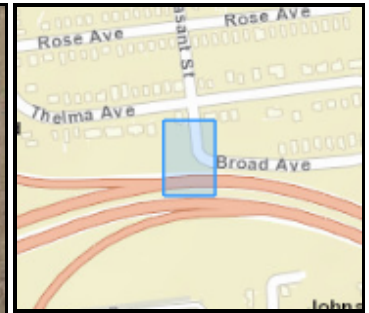
The Letter of Explanation for your variance submission should demonstrate that you meet all of those standards.

INFORMATION FOR THE APPLICANT

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.

2024-0002-V



Legend

Foundation

Addressing

•
Parcels



Parcels - Annapolis City



331



0 40 80
ft



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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Notes