

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

APPLICANT: Andrew Mitchell Jenkins

ASSESSMENT DISTRICT: 1st

CASE NUMBER: 2024-0004-V

COUNCILMANIC DISTRICT: 7th

HEARING DATE: March 19, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant is requesting a variance to allow an accessory structure (garage) with greater floor area than allowed at 3791 Solomons Island Road in the subdivision of Birdsville, Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property has 339 feet of road frontage on the southeast side of Solomons Island Road, 466 feet southwest of Jordan Taylor Lane. These lands have an area of 4.87 acres.

The site is shown on Tax Map 59, Grid 15, as Parcel 107, and zoned RA-Rural Agricultural District. The current zoning was adopted by the comprehensive zoning for the Seventh Council District, October 7, 2011.

The property is currently improved with a 1,886 square foot single family detached dwelling with rear attached deck and porch. A swimming pool is located in the rear yard along with a 20 foot by 30 foot storage building. Aerial Photos also show an additional structure with approximately 167 square feet.

APPLICANT'S PROPOSAL

The applicant is proposing to construct a two story, 40-foot by 80-foot accessory structure with 40-foot by 39 foot basement area. The accessory structure will have three garage doors. According to the applicant the accessory structure will be used as storage space for personal belongings before, during and after expansion of the principal structure (i.e., single family detached dwelling), as well as for storing equipment and vehicles on the property.

REQUESTED VARIANCES

Section 18-2-204. (d) of the Code states that the floor area of an accessory structure may not be greater than the floor area of the principal structure. In the case of the subject property the applicant has stated the principal structure is 1,886 square feet in area and the proposed accessory structure is 7,960 square feet in area necessitating a variance of 6,074 square feet to the Code provision.

FINDINGS

This Office finds the subject property having a lot width of 358 feet and a lot area of 4.87 acres to exceed both the minimum lot width of 150 feet and lot area of 40,000 square feet for a lot in an RA District. There is no unique physical condition of the lot apparent that prevents compliance with the accessory structure provisions of the Code. The existing dwelling at 1,884 square feet is typical in size and does not provide for any identifiable exceptional circumstance or practical difficulty in complying with the accessory structure provisions of the Code. In fact, the applicant could provide for a rather sizable accessory structure 1,883 square feet in size and still comply with the Code. The 7,960 square foot accessory structure that is proposed here is not in any way typical of a residential accessory structure and even exceeds the square footage normally found in a single family dwelling. It is further noted the applicant already has the use of an existing 600 square foot storage building and smaller shed on the property.

Since the variance is not considered to be warranted it cannot be the minimum necessary to afford relief.

Approval of the variance will alter the essential character of the neighborhood as the existing 1,884 square foot single family dwelling which is the principal structure will be dwarfed in size by the proposed 7,960 square foot accessory structure. There is no similar instance in this immediate neighborhood. Approval of the variance would not negatively impact the use of any adjacent property as the improvements are located well away from dwellings on abutting properties. There is no evidence that approval of the variance would be detrimental to the public welfare.

In summary, the subject property presents no unique physical condition that prevents compliance with the Code, there is no demonstrated practical difficulty in complying with the Code and the proposed accessory structure will dominate the principal structure and the lot thereby altering the essential character of the neighborhood. Finally even if a case could be made for relief, the variance sought is not the minimum necessary to avoid hardship.

The **Anne Arundel County Department of Health** advised 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 request.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Section 18-6-305. under the County Code, the Office of Planning and Zoning recommends that the application be *denied*.

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.