

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

APPLICANT: Clarence E. Welsh, III

ASSESSMENT DISTRICT: 5th

CASE NUMBER: 2024-0006-V

COUNCILMANIC DISTRICT: 1st

HEARING DATE: April 16, 2024

PREPARED BY: Sara Anzelmo
Planner

REQUEST

The applicant is requesting a variance to allow an accessory structure (two-story garage) with greater height than allowed on property located at 628 Douglas Street in Brooklyn/Baltimore.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 17,475 square feet of land. It is considered a “through lot” with 46 feet of frontage on the west side of Douglas Street and 180 feet of frontage on the east side of Woodland Drive. It is identified as Lot 25 of Parcel 71 in Block 11 on Tax Map 4 in the subdivision of Arundel Hills.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 1, effective July 10, 2011. It is not located within the Chesapeake Bay Critical Area. It is currently improved with a single-family detached dwelling, two sheds, an above-ground pool, walkways, and a driveway connected to a large concrete patio area.¹ The property is served by public water and sewer facilities.

PROPOSAL

The applicant seeks approval to construct a detached two-story garage in the southwest corner of the lot. The garage would measure 24’ by 35’ (840 square feet) and 24’ high.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Ordinance limits the height of an accessory structure in an R5 District to 25 feet or the height of the principal structure, whichever is less. The existing dwelling is 14 feet high; the proposed garage would be 24 feet high, necessitating a variance of ten feet to the maximum accessory structure height allowed.

¹ The site plan does not accurately reflect the existing improvements on the property. The applicant is working over a survey from 1960. Since that time, there has been a substantial dwelling addition on the front, running the full width of the house. The County 2024 aerial shows two sheds on the property. The pool is not round (as depicted); rather, it was replaced with a larger oblong pool with an attached raised deck with stairs (no permits found). Furthermore, the distances to the property lines of the proposed garage do not scale properly.

FINDINGS

The subject site easily exceeds the minimum 7,000 square foot lot area and minimum 60-foot width required at the front building restriction line for a property located within an R5 District. The 2024 County aerial photograph shows that the vast majority of dwellings and accessory structures in the Arundel Hills subdivision are one-story. There are two-story dwellings located in the Hammonds Village subdivision, which is located to the west of the subject property, on the opposite side of Woodland Drive.

The property was the subject of two prior variance applications. Under Case #2007-0294-V, approval was granted to allow a 24' by 30' (720 square foot) detached garage with a height of 15 feet. That structure was never constructed. Under Case #2018-0012-V, approval was granted to allow a 24' by 30' (720 square foot) detached garage with a height of 17 feet.² Once again, that structure was never constructed. The applicant now seeks variance approval for a larger and taller two-story garage, measuring 24' by 35' (840 square feet) with a height of 24 feet.

The applicant's letter explains that the second story over the proposed garage is needed to free up space in the house that is used for storage in order to add an additional bedroom for his child. He also needs to empty the attic in order to address interior roof, flooring, and electrical issues there. This Office notes that the permit application associated with this request also describes an upper level deck with steps to grade; however, the variance site plan does not show a deck or stairs.

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

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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

In this particular case, there does not appear to be anything unique about the subject property nor do exceptional circumstances exist that would prevent the applicant from developing the lot in accordance with the Code. The subject lot is one of the larger lots in the neighborhood, and the vast majority of nearby lots contain one-story dwellings. Therefore, this lot is not unique in the corresponding accessory structure height limitations. Similarly, as most lots have one-story dwellings, it is not found to be an exceptional circumstance. There appears to be room in the southwest corner to construct an accessory structure with a much larger footprint, which could accommodate both a garage and storage area within a single-story accessory structure and without variance relief. Furthermore, the proposed 24' by 35' two-story garage, totalling 1,680 square feet of floor area, exceeds what is typical for residential use. The applicant could also consider a second story addition over the existing dwelling to accommodate many of his specific needs.

Given the prevailing pattern of development within the Arundel Hills subdivision of primarily one-story dwellings and accessory structures, the proposed ten-foot height variance may alter the

² It should be noted that the 2007 variance described the existing dwelling height as 12 feet, while the 2018 and 2024 variances describe the existing dwelling height as 14 feet. This Office's variance analysis is based on the information as described in the current variance application.

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essential character of the neighborhood. The lot is generally flat, causing the large two-story accessory structure to stand out even more than if the lot sloped downward towards the rear. The variance would not impair the appropriate use or development of adjacent properties, as the proposed structure would exceed the minimum setbacks required from all property lines. There is no evidence to show that the variance would be detrimental to the public welfare.

However, in addition to exceeding the maximum height limitation, the proposed garage has a total floor area of 1,680 square feet, which approaches the above-grade living area of 1,794 square feet, as listed in State tax assessment records. While the proposed floor area is less than that of the dwelling and is not subject to a variance, the purpose of the provision limiting the size and height of accessory structures is to prevent the accessory structure from dominating the lot. The 71% height overage significantly undermines this goal. Furthermore, the minimum variance necessary has already been established via the two prior variances. Therefore, the current proposal for construction of an even larger and significantly taller accessory structure cannot be considered the minimum necessary to afford relief and cannot be supported.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends *denial* of the requested zoning variance to § 18-4-701 to allow a two-story garage with greater height than allowed. Should the Administrative Hearing Officer determine that variance relief is warranted, any approval should be conditioned on the applicant not using the proposed structure for commercial purposes or as a dwelling.

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.

BO 222412

to back property line
11' 8" ↑

existing
14x20



New Garage
24x35x24



Survey made by the Department shown herein the locality within the
jurisdiction of the No. 25 of shown on Plat No. 1 of Annapolis City, Md.
Among the land records of Anne Arundel County, Maryland.
SLIVES & WIMMER
Chesapeake, Md.
1960

SCALE 1" = 40'

NOTE

ARE FOR THE PURPOSE OF THIS SURVEY
AND ARE NOT TO BE CONSIDERED
FOR FIELD WORK.

5194E ST. 744 46.12

DOUGLAS

STREET

(40' WIDE)

40' RO. TO
HAMMOND'S LAKE

January 31, 2024

To: Zoning Administration Division
From: Clarence E Welsh III

To Whom It May Concern,

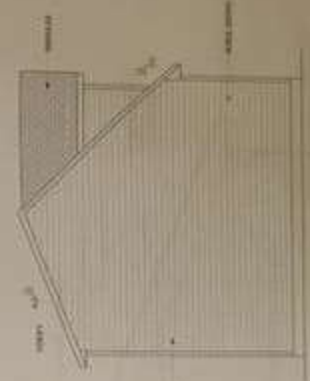
I am requesting a variance for my garage that I am working towards building. The variance is to go 10 feet higher than my home making the total height of the garage at 24 feet. We need to put an upstairs in the garage because we need to take space in the house that is used for storage to add an additional bedroom for my child. We also need to empty out our attic to address issues there. Such as the roof on the inside, the flooring, and some things with the electrical. This area where the garage will be built is the only place in the yard we have ample space. It is to be constructed in the back yard of the house surrounded by our 6 ft privacy fence. This will not change the look or character of the neighborhood as there are several homes behind our home that are 2 story homes. There are also a few homes in our neighborhood that are 2 story. One of which is just a few houses from ours. There are also 2 story garages in the neighborhood as well as large one story garages. This structure will not infringe at all or impair the use of adjacent properties nor will this reduce forestry coverage. It is also not in any way effecting any protected areas.

Thank You for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Clarence E Welsh III". The signature is written in a cursive style with a large, looping initial "C".

Clarence E Welsh III



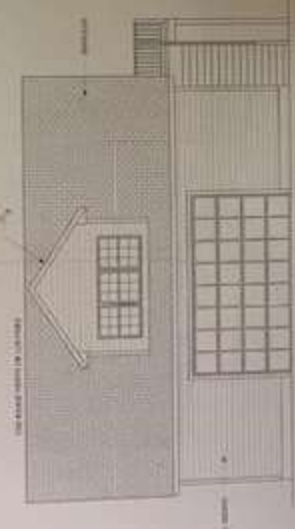
LEFTSIDE ELEVATION
1/8" = 1'-0"



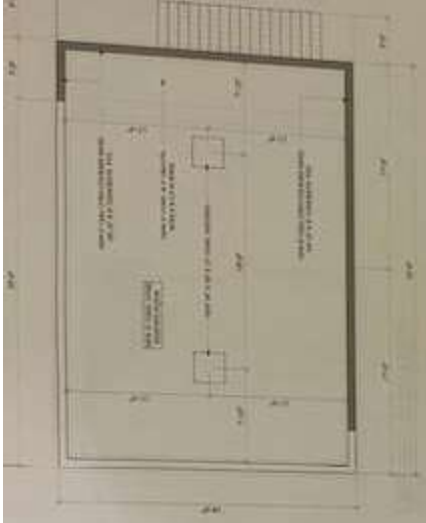
RIGHT SIDE ELEVATION
1/8" = 1'-0"



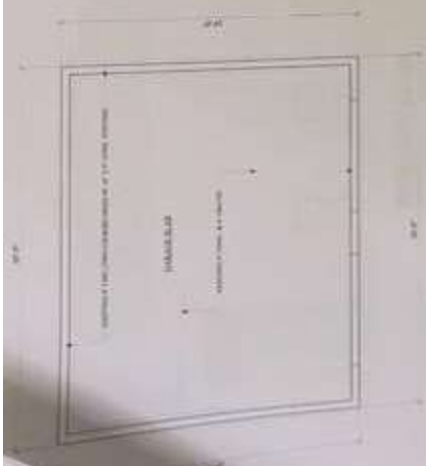
REAR ELEVATION
1/8" = 1'-0"



FRONT ELEVATION
1/8" = 1'-0"



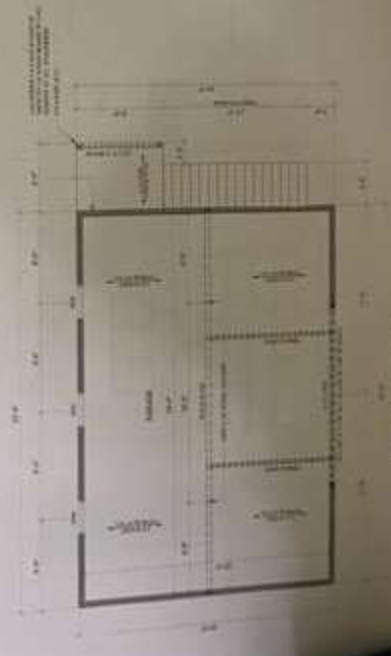
PROPOSED FOUNDATION PLAN



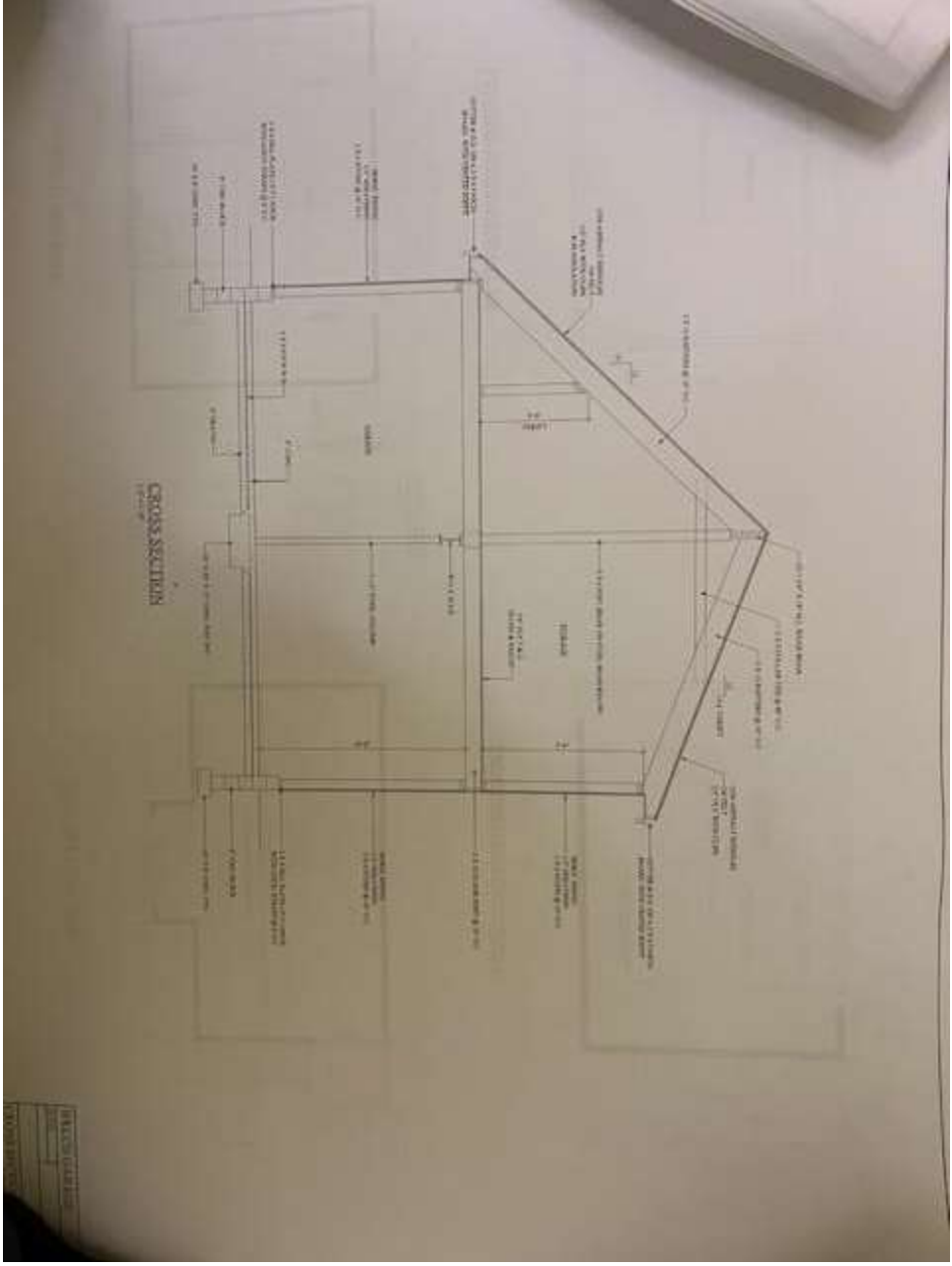
EXISTING FOUNDATION PLAN



SECOND FLOOR PLAN



FIRST FLOOR PLAN



DATE	
SCALE	
PROJECT	
DESIGNER	
CHECKED	
APPROVED	



ANNE
ARUNDEL
COUNTY


MARYLAND
DEPARTMENT OF HEALTH

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

DATE: February 9, 2024

RE: Clarence E. Welsh III
628 Douglas Street
Brooklyn, MD 21225

NUMBER: 2024-0006-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure with greater height than allowed.

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

I want to...



WOODLAND DR

