

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

APPLICANTS: Francisco C. Mariano Jr.

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0015-V

COUNCIL DISTRICT: 3

HEARING DATE: April 18, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicant seeks a variance to allow a dwelling addition with less setbacks than required on property located at 8013 Carlean Court in Pasadena.

LOCATION AND DESCRIPTION OF SITE

The subject property is located on the south side of Carlean Court, approximately 277 feet south of Sherman Bouyer Lane, in the subdivision of Bouyers Landing. These lands have an area of 7,976 square feet, and are shown as Lot 21 in Parcel 310 in Grid 11 on Tax Map 16. The subject site is zoned R5-Residential District and has been since comprehensive zoning for the Third Council District effective January 29, 2012.

The property is currently developed with a two story single family detached dwelling. Aerial photos indicated there is an existing rear attached deck measured 10 feet in depth and 36 feet in width.

APPLICANT'S PROPOSAL

The applicant proposes to construct a one-story screened porch and deck off the rear of the dwelling. The proposed screened porch is to be one-story in height (approx. 15 feet at its highest point) measuring 12 feet in depth and 25 feet in width. The deck which is to be located immediately to the east of the screened porch will measure 12 feet in depth and 15 feet in width.

REQUESTED VARIANCES

Section 18-4-701 of the Anne Arundel County Zoning Code requires that a principal structure in an R5 District be setback a minimum of 20 feet from a rear lot line. The screened porch/deck will be located as close as eight feet from the rear property line necessitating a variance of 12 feet.

FINDINGS

For the granting of a zoning variance, a determination must be made that, because of unique physical conditions, there is no reasonable possibility of developing the lot in strict conformance with the Code, or that, because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship in the development of the lot. The subject property is a somewhat shallow, pie shaped lot having an average depth of only 103

feet. The existing dwelling has been located on an angle to the rear property line. Notwithstanding the above, the applicant owns a 20-foot right of way that runs along the rear lot line. That 20-foot right-of-way does not provide access to the subject property and has in fact already been incorporated (i.e., fenced) into the subject property. The applicant could simply merge that right-of-way with the subject property and eliminate the need for a variance. The applicant has stated he would prefer not to merge these adjacent lands with the subject property because it is a right of way that extends all the way to Freetown Road. This Office does not believe this is sufficient justification not to merge those lands and pursue a variance.

Since the applicant has not demonstrated that the variance is justified it cannot be the minimum necessary to afford relief.

The approval of the requested setback variance will not alter the essential character of the neighborhood as the rear lot line setback will be similar to that property located to the west. That owner to the west has also fenced in the right-of-way for their own use. The proposal will not impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

In summary this Office is requesting denial of the variance as the applicant has failed to demonstrate any practical difficulty in complying with Code.

Agency Comments

The **Health Department** noted that the site is served by public water and sewer and had no objection to the request.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Anne Arundel County Code under which a variance may be granted, this Office recommends ***denial*** of the variance request.

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.