

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

**APPLICANT:** Ly Van Ho

**ASSESSMENT DISTRICT:** 5

**CASE NUMBER:** 2024-0043-V

**COUNCILMANIC DISTRICT:** 2

**HEARING DATE:** June 11, 2024

**PREPARED BY:** Joan A. Jenkins  
Planner II

**REQUEST**

The applicant is requesting a variance to perfect<sup>1</sup> a dwelling addition (porch) with less setbacks than required on property located at 1014 7th Street in Glen Burnie.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 7,500 square feet of land and is located with approximately 50 feet of frontage on the north side of 7th Street, east of Point Pleasant Road. It is identified as Lot 81 of Parcel 272 in Block 03 on Tax Map 10 in the Point Pleasant subdivision.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for the Second Councilmanic District, effective January 29, 2012. This is a nonwaterfront lot in the Critical Area designated as LDA - Limited Development Area. This property is currently improved with a split-foyer single-family detached dwelling and a detached garage.

**APPLICANT'S PROPOSAL**

The applicant is seeking after-the-fact approval for construction of an enclosed porch (10 feet wide by 35 feet long) over an existing deck on the west side of the existing dwelling.

**REQUESTED VARIANCES**

§ 18-4-701 of the Anne Arundel County Zoning Code requires a principal structure in an R5 District to be set back a minimum of seven feet from the side lot lines. The addition is located three feet from the west side lot line, necessitating a variance of four feet.

**FINDINGS**

The subject property is rectangular in shape. The lot is narrow with 50 feet provided, 60 feet required, but at 7,500 square feet meets the 7,000 square foot minimum lot size for an R5

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<sup>1</sup> The application was presented as a proposed addition, however, the completed porch can be seen on aerial photographs so this is a request to 'perfect' an existing situation.

District. The applicant's letter indicates that they seek permission for a proposed enclosed porch over an existing deck. The existing deck is located three feet from the side lot line creating a nonconforming situation. Through the review of the variance this Office discovered that the porch is existing.

A review of the County aerial photograph from 2024 shows a neighborhood of similar sized lots. Most dwellings are on one lot with a few on multiple lots. The existing dwelling was constructed in 1987 according to State of Maryland tax assessment records. The two properties immediately to the east both have small decks on the west side of the dwellings that do not appear to comply with setbacks; and the property at 1018 7th Street has an addition that appears to be located at the side property line. Variances have not been found for these properties for these improvements.

The property is the subject of a violation case B-2023-584 for an "exterior renovation, enclosing back porch with no permit" that was opened October 17, 2023.

The existing critical area lot coverage (prior to the addition being constructed) was 3,126 square feet. After construction the lot coverage will be 3,521 square feet.<sup>2</sup> The applicants have not requested a variance to exceed lot coverage and there has been no provision shown for reducing the lot coverage on the site. If the variance is approved the applicant will have to demonstrate compliance with coverage limitations at the time of permitting.

The **Health Department** commented that the property is served by public water and sewer facilities and 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 or 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, the lot is narrower than the 60 feet required for new lot in the R5 district and the need for the variance results from the applicants' desire to make efficient and effective use of the existing nonconforming deck which is already located three feet from the west side lot line.

Approval of the variance would not alter the essential character of the neighborhood as it appears that other houses have improvements that may encroach into the side setbacks. Approval of the variance would not substantially impair the appropriate use or development of adjacent property, as the addition would come no closer to the shared lot line than the prior deck and the property to the west is already developed. The proposal will not be contrary to acceptable clearing and replanting practices and approval of the variance would not be detrimental to the public welfare.

Given the nonconforming location of the existing deck and the addition being constructed over top of the deck, the variance is considered to be the minimum necessary to afford relief.

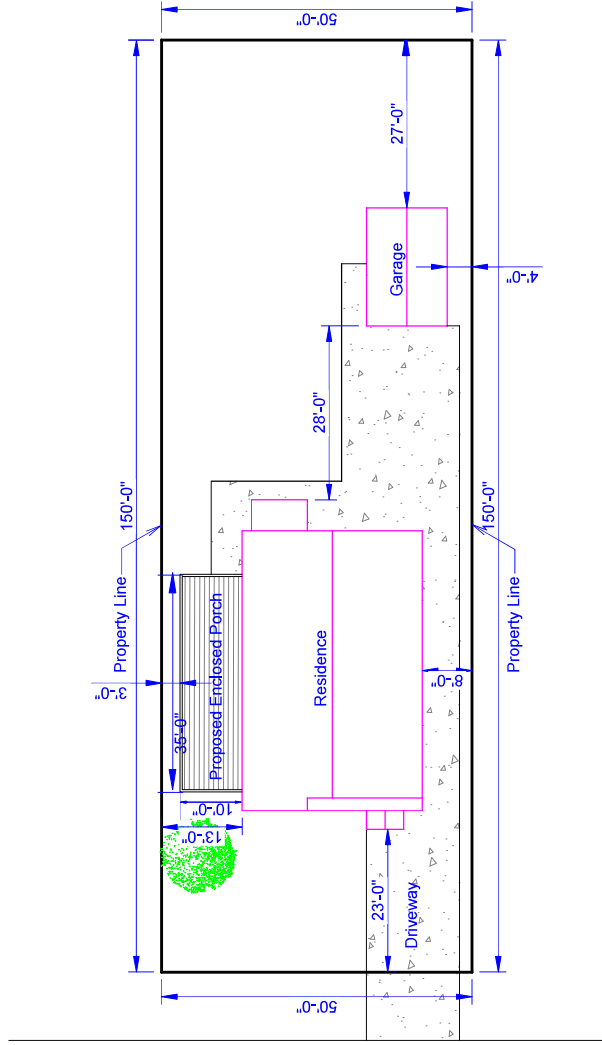
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<sup>2</sup> Lot coverage information is taken from the Critical Area Report Worksheet submitted with the application. It indicates 395 square feet for the addition whereby the site plan shows 350 square feet (10 feet by 35 feet).

**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 a zoning variance to § 18-4-701 to allow the proposed dwelling addition (porch) to be constructed three feet from the west side lot line as shown on the site plan.

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.

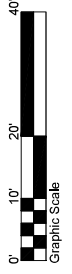


7TH ST

ADDRESS:  
1014 7TH ST, GLEN BURNIE, MD 21060  
Scale: 1"=20'



THIS IS NOT A LEGAL SURVEY, NOR IS IT INTENDED TO BE OR REPLACE ONE  
This work product represents only generalized locations of  
features, objects or boundaries and should not be relied upon  
as being legally authoritative for the precise location of any  
feature, object or boundary.



February 27, 2024

1014 7<sup>th</sup> St.

Glen Burnie, MD 21060

To Whom It May Concern:

We are applying for a variance to enclose the existing deck that is attached to the house at 1014 7<sup>th</sup> St., Glen Burnie, MD 21060. We only want to enclose what is there and have no intention on expanding it.

The variance is needed because the proposed scope of work for the proposed addition does not meet the required side setback of 7' for an R5 Residential zone. The existing open deck is only 3' away from the property line.

If you have any questions, please contact us at (215)824-7881 or email us [Asilho13@gmail.com](mailto:Asilho13@gmail.com).

Thank you,

Ly Ho and Lisa Ho

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number \_\_\_\_\_

Total Site Area 7500 Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area NA Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

\* Please Indicate Square Footage of Woodland Removed for the following:

- 1. House \_\_\_\_\_ Sq. Ft. 5. Accessory Structure \_\_\_\_\_ Sq. Ft.
2. Septic or sewer \_\_\_\_\_ Sq. Ft. 6. Additions \_\_\_\_\_ Sq. Ft.
3. Well \_\_\_\_\_ Sq. Ft. 7. Storm Water Management \_\_\_\_\_ Sq. Ft.
4. Driveway \_\_\_\_\_ Sq. Ft. 8. Other Clearing: work area; access; stockpiles, etc. \_\_\_\_\_ Sq. Ft.

\* Total Woodland Removed = 00 Sq. Ft.

'Impervious Coverage' IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

\* Please Indicate Square Footage of Impervious Coverage for the following:

Table with 2 columns: Existing Impervious, Proposed Impervious. Rows include House (roof area), Driveway + Sidewalks, Accessory Structures, and Additions.

\* Total Existing and Proposed Impervious Coverage 3521 Sq. Ft.

Ⓢ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I Ly Ho, \_\_\_\_\_, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # 81, block # \_\_\_\_\_ of Subdivision Point Pleasant.

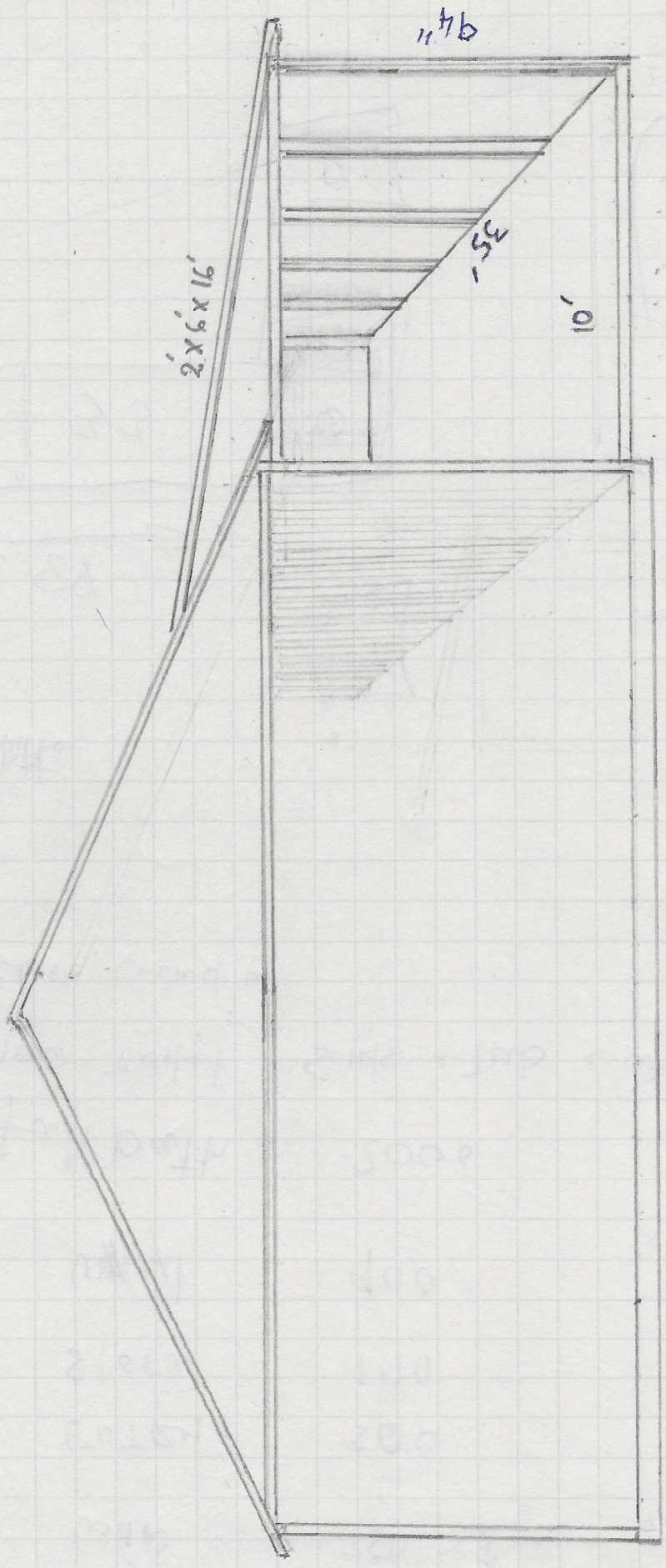
I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

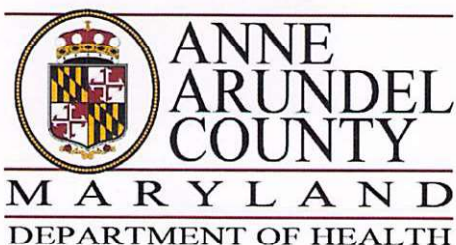
\_\_\_\_\_  
(Signature) 11/28/2023 (Date)  
Property Owner (Title)

\_\_\_\_\_  
(Signature) \_\_\_\_\_ (Date)  
\_\_\_\_\_  
(Title)

1014 7TH STREET

GLEN BURNIE, MD 21060






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: March 12, 2024

RE: Van Ly Ho  
1014 7<sup>th</sup> Street  
Glen Burnie, MD 21060

NUMBER: 2024-0043-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a porch with less setbacks than required.

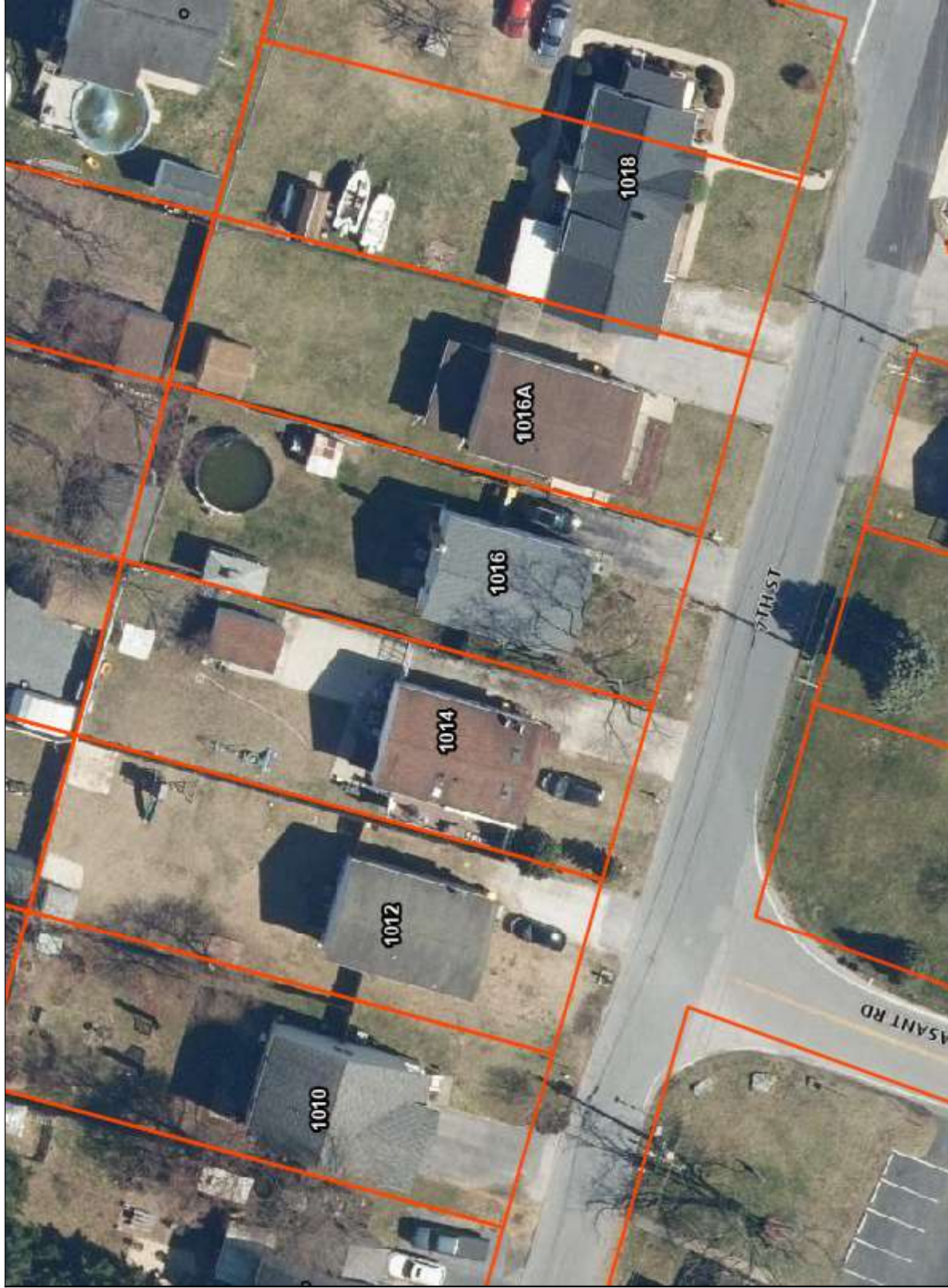
The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

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

cc: Sterling Seay



# 1014 7th St



## Legend

Foundation

Addressing



Parcels



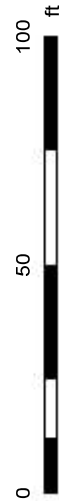
Parcels - Annapolis City



## Notes

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