

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

APPLICANT: Samuel, Elizabeth, & Roger Katzenberg **ASSESSMENT DISTRICT:** 5th

CASE NUMBER: 2024-0066-V

COUNCILMANIC DISTRICT: 1st

HEARING DATE: June 20, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicants are requesting a variance to allow an accessory structure (garage) with less setbacks than required on property located at 812 Andover Road in Linthicum Heights.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 1.05 acres of land and is located on the north side of Andover Road, east of Buck Cavey Lane. It is identified as Lot B of Parcel 1033 in Grid 13 on Tax Map 4.

The property is zoned R1 – Residential District, as adopted by the comprehensive zoning for Council District 1, effective July 10, 2011. The lot is not located in the Chesapeake Bay Critical Area. It is currently improved with a single-family detached dwelling with an attached two-car garage and other associated facilities.

PROPOSAL

The applicants propose to construct a detached garage, measuring 30 feet by 32 feet (960 square feet) with a height of 20 feet at its peak, to the north of the existing dwelling.

REQUESTED VARIANCES

§ 18-4-501 of the Anne Arundel County Zoning Code provides that an accessory structure eight feet in height or greater shall be set back a minimum of 40 feet from a corner side lot line. The garage is proposed 25 feet from the corner side lot line, necessitating a variance of 15 feet.

FINDINGS

The subject property is rectangular in shape and exceeds the minimum 40,000 square foot area and minimum 125 foot width required for lots in an R1 District. The applicants' letter explains that, while the garage would be located 25 feet from the corner side lot line, it would be located 37 feet from the edge of the paved road. The applicants contend that the variance approval would allow them to maintain a similar setback from Buck Cavey Lane as the existing house, would prevent the need for additional grading, would minimize the paved driveway area, and would prevent the need for any tree removal.

The **Health Department** does not have an approved plan for this project, but has no objection to the request as long as a plan is submitted and approved by the Department.

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 applicants. County birdseye aerial photographs show that there is already an existing two-car garage attached to the dwelling. Furthermore, while there are existing trees and a septic system on the property that limit the potential locations of a detached second garage, it is the excessive 32' by 30' (960 square foot) footprint of the proposed structure that is causing the need for such a significant variance. Based on the site plan, it appears that the garage could be shifted to the north and east and/or reduced to a more standard size for a residential two-car garage (24' by 24') in order to significantly minimize the requested variance.

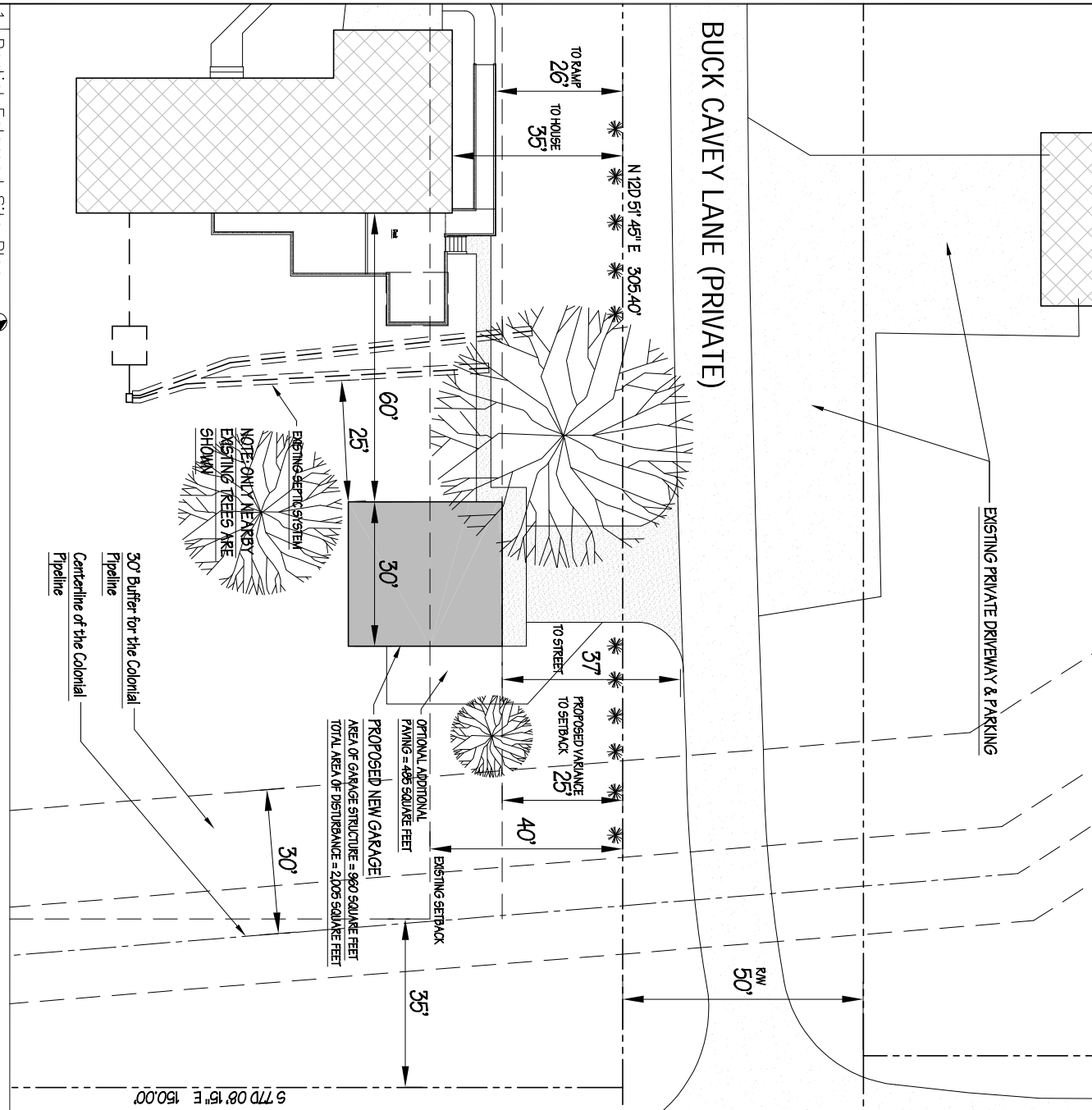
Approval of the variance would not necessarily alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare. However, because the applicants already appear to have the use of an existing two-car garage and given the fact that alternative options exist that would minimize the proposed variance, the current request is not considered to be warranted or to be the minimum variance necessary to afford relief in this case.

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.

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.

BUCK CAVEY LANE (PRIVATE)



1 Partial Enlarged Site Plan

Scale 1" = 10'-0"

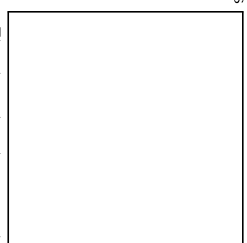
2 Site Plan

GENERAL NOTES

1. Project Location: 812 Andover Road
2. Owner: Roger & Elizabeth Katzenberg
Samuel Katzenberg
812 Andover Road
Linthicum Heights, Maryland 21090
3. Existing Zoning: R-1
4. Existing Site Use: Single Family Residential
5. Proposed Structure: New Detached 2 Vehicle Garage
6. Setbacks: 40' from Street, Requesting Variance to 25'
7. IBC Use Group: Group U Private Garage
8. IBC Construction Type: Type 5B
9. Project Scope: Construct new traditional 960 square foot one story detached garage along street property line

DRAWING INDEX

- C-001 Site Plans
- A-101 Plan, Elevations & Details



3 Notes & Approval

Electronic Approval

Scale 1" = 50'-0"



Windor Associates, LLC
7704 Conard Road
Pikesville, Maryland 21093
(410) 466-5123

Architectural
Planning
Historic Preservation

Katzenberg Residence Garage
812 Andover Road
Linthicum Heights, Maryland 21090

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C-001

Site Plans

Samuel Robert Katzenberg
812 Andover Road
Linthicum Heights, MD 21090
443-955-1196
sam.katzenberg@protonmail.com

March 29, 2024

Anne Arundel County Zoning
2664 Riva Rd #3
Annapolis, Maryland 21401

Site Summary
<u>Address:</u> 812 Andover Road
<u>Zoning:</u> R-1 Corner Lot
<u>Project Scope:</u> Construct a 30x32ft, 960 square foot, single-story, wood framed garage to the rear of the existing single family dwelling.
<u>Total Area of Disturbance:</u> 2,005 square feet.
<u>Variance Requested:</u> Reduce setback requirement for a residential accessory structure from 40ft to 25ft.

Letter of Explanation: 812 Andover Road Zoning Variance Request

Dear Anne Arundel County Zoning,

I am writing to request a variance to the setback requirements for accessory structures on a R-1 zoned corner lot at Andover Road and Buck Cavey Lane. The requested variance would reduce the setback requirement from 40 feet to 25 feet.

I am the homeowner and resident of 812 Andover Road and would like to construct a one-story detached wood framed 2-car garage on my property. The garage would be 30ft wide by 32ft long and 20ft tall. The proposed garage would be 960 square feet. The total proposed area of disturbance is 2,005 square feet. The garage proportions will match the existing ranch style single family dwelling on the lot. The goal is to make the garage look like it was always there. The roof will be identical pitch and material to that on the existing dwelling.

The current dwelling is situated on the corner lot at Andover Road and Buck Cavey Lane (Private Alley/Street). The lot is rectangular and has a 50-foot right-of-way for the private Buck Cavey Lane to the west side of the property. Buck Cavey Lane does not run straight in the right-of-way but is on a slant away from 812 Andover Lot. The current single-family dwelling is currently setback 35ft from the Buck Cavey right-of-way property line, with the wooden deck and ramp 26ft to the Buck Cavey right-of-way property line. The lot has several large trees on it, and if the requested variance is granted, no trees will need to be removed to make room for the proposed garage.

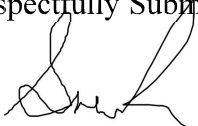
The proposed garage would sit 25 feet from the Buck Cavey right-of-way property line and 37 feet from the actual edge of Buck Cavey Lane. The proposed garage would be accessed by a paved driveway to be built with the garage attaching to Buck Cavey Lane. As a result, if the requested variance is granted, there will be a reduction in 300 square feet of pavement needed to attach the proposed garage to Buck Cavey Lane, reducing environmental impact of rain water runoff.

To summarize why I am requesting the variance:

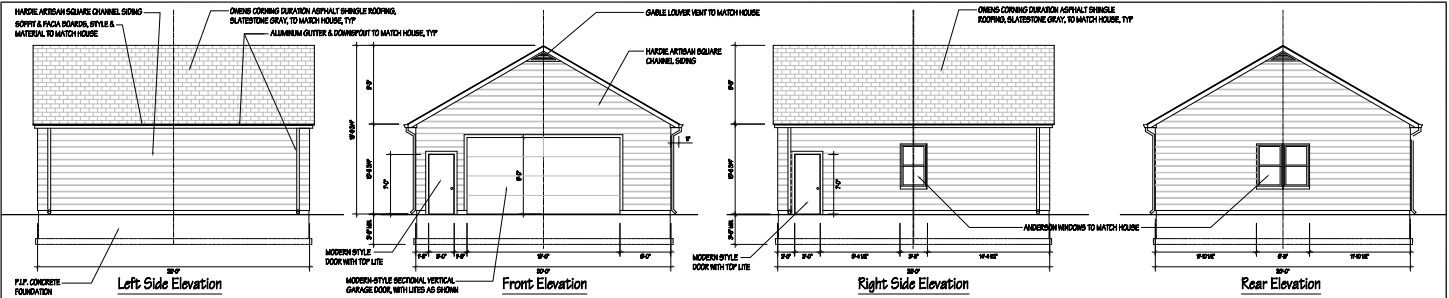
1. Match existing setbacks of dwelling and wooden deck to maintain a cohesive property look and feel. I want the garage to look and feel like it has always been there and for it to blend into the existing property. The garage will be built 37 feet from the actual edge of Buck Cavey Lane, while the requested setback is 25 feet from the property line, the perceived setback from the physical location of Buck Cavey Lane will be 37 feet. The current edge of the wooden deck/ramp is 26 feet from the Buck Cavey right-of-way property line.
2. Minimize need for grading and prepping site as area is relatively flat and level. Due to current site conditions. If the proposed garage has to be constructed further back from the property line, additional grading will be needed as there is a slight slope to the property.
3. Reduce the amount of paved area for driveway reducing storm and rain water runoff. Anne Arundel County is committed to environmental sustainability and by granting this variance will reduce the amount of area that has to be paved to access the garage by over 300 square feet.
4. Save existing trees onsite. No trees would need to be removed if proposed garage is built with the variance. This also reduces the environmental impact of the proposed garage.

Based upon the information contained in this Letter of Explanation I believe that my request is the minimum variance necessary, does not alter the essential character of the neighborhood, and will not impair the appropriate use of any adjacent property. In addition, granting this variance will reduce environmental impact from removing trees and need for additional paved areas.

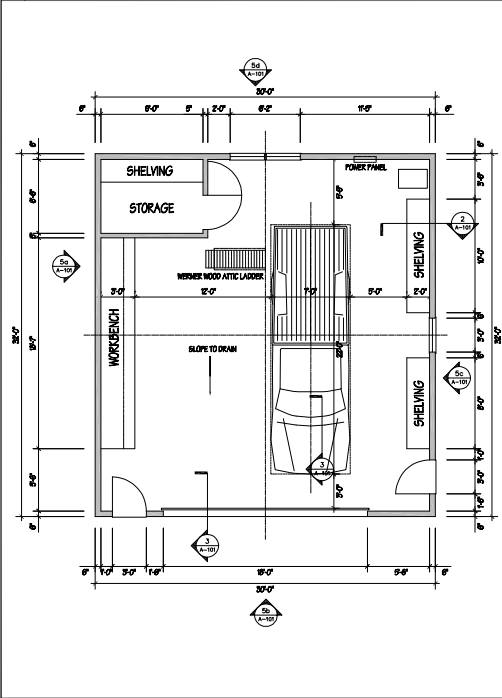
Respectfully Submitted,



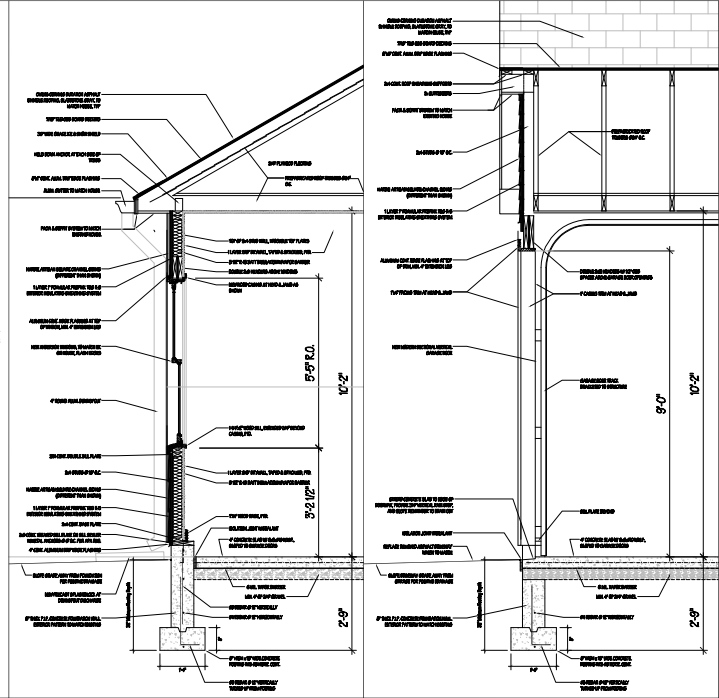
Samuel Robert Katzenberg



5 Elevations



1 Floor Plan



2 Side Section

3 Front Section

SCALE: 3/16" = 1'-0"

GENERAL NOTES:

1. THIS WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
2. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS.
3. CONTRACTOR SHALL VERIFY AND FIELD CHECK ALL SITE CONDITIONS, UTILITIES, ELEVATIONS AND DIMENSIONS PRIOR TO START OF WORK. CONTRACTOR IS RESPONSIBLE FOR SURVEY, LAYOUT, AND COORDINATION OF ALL WORK.
4. CONTRACTOR SHALL SURVEY & VERIFY FINISHED FLOOR ELEVATIONS AND SHALL NOTIFY ARCHITECT OF ANY DISCREPANCIES WHICH MAY IMPACT WORK.
5. PROVIDE ELECTRICAL PROTECTION WITH BITUMINOUS COATING BETWEEN ALL DISJUNCTION METALS BETWEEN METAL AND CONCRETE/MAU WALL AND AT DOOR/CLOSER FRAMING.
6. PROVIDE MINIMUM OF 4 EQUALLY SPACED GFI RECEPTACLES AT EACH SIDE AND BACK WALL IN ACCORDANCE WITH CODE. PROVIDE ADDITIONAL OUTLET AT CEILING FOR GARAGE DOOR OPERATOR.
7. PROVIDE 4 STYLED LIGHTING FIXTURES SPACED FOR ADEQUATE LIGHTING LEVELS.
8. ALL WOOD LESS THAN 2" FROM GRADE SHALL BE PRESSURE TREATED.
9. CONTRACTOR IS RESPONSIBLE FOR PROVIDING NECESSARY FASTENERS, NAILS, SCREWS, CLIPS, WADERS AND MISCELLANEOUS DEVICES AS MAY BE REQUIRED FOR CONSTRUCTION. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF THESE ITEMS.
10. PROVIDE SEALANT, HARDWARE, TRIM AND MISCELLANEOUS ACCESSORIES TO COMPLETE JOB AS SPECIFIED AND WORKED.
11. BUILDING WILL HAVE HVAC INSTALLED BY OWNER, AND INSULATION IS REQUIRED.

Electronic Approval

4 Notes & Approval

Windsor Associates, LLC
 7704 Oakland Road
 Pikesville, Maryland 21092
 (410) 486-5123

Architecture
 Planning
 Historic Preservation

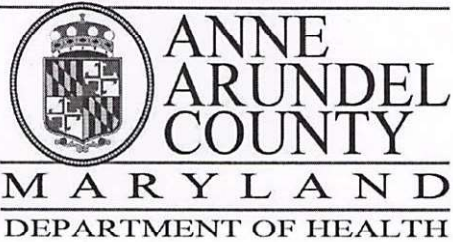
Katzenberg Residence Garage
 812 Andover Road
 Lantana Heights, Maryland 21090

Item	Date
Schematic Design	04/09/20
Construction & Permit Set	08/26/20
Change to the Schematic	09/07/20

Plan Elevations & Details

A-101

REVISED



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

A handwritten signature in blue ink, appearing to be "BC", written over the name "Brian Chew" in the "FROM" field.

DATE: May 14, 2024

RE: Elizabeth Anne Katzenberg
812 Andover Road
Linthicum, MD 21090

NUMBER: 2024-0066-V (Revised)

SUBJECT: Variance/Special Exception/Rezoning

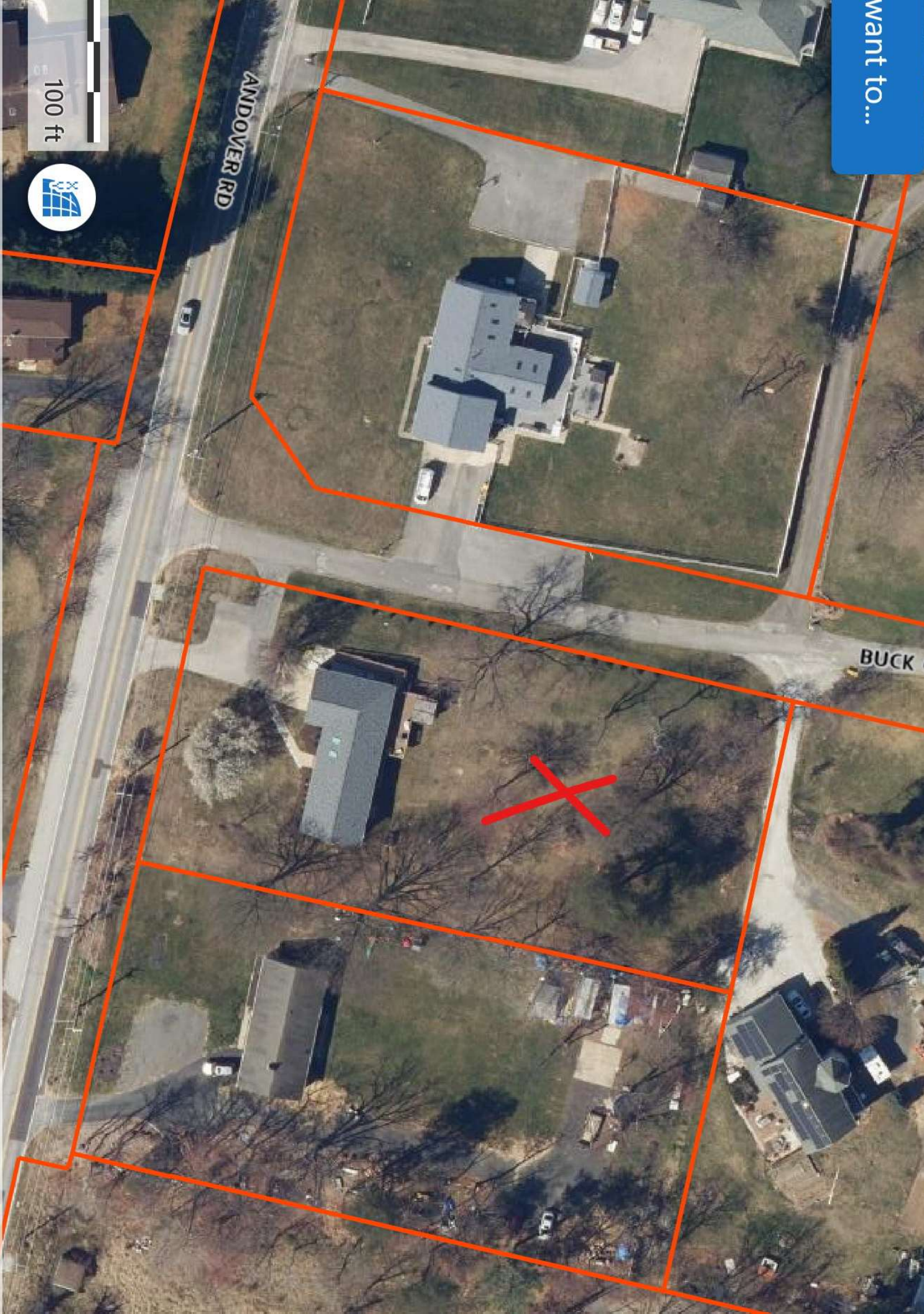
The Health Department has reviewed the above referenced variance to allow an accessory structure (garage) with less setbacks than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay

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