

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

**APPLICANTS:** Christine Gordon

**ASSESSMENT DISTRICT:** 3

**CASE NUMBER:** 2024-0069-V

**COUNCIL DISTRICT:** 5

**HEARING DATE:** June 25, 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 317 Sourwood Court in the subdivision Shipley's Choice, Millersville.

**LOCATION AND DESCRIPTION OF SITE**

The subject property is located on the east side of Sourwood Court, approximately 1,60 feet south of Rock Elm Court. According to State Assessment records the lot is 11,348 square feet in area and is shown as a Lot 9 in Parcel 784 on Tax Map 23 in Grid 14. The subject site is zoned R2-Residential District and has been since comprehensive zoning for the Fifth Council District effective January 29, 2012.

The property, which is served by public water and sewer, is currently developed with a two-story single family detached dwelling with a one-story side attached garage.

**APPLICANT'S PROPOSAL**

The applicant proposes to construct a two-story addition measuring 23 feet in height, 18 feet in length and 9.9 feet at its widest point to the south side of the dwelling which is to be attached to a one-story, 15.5 foot high by 25-foot deep by 28-foot wide addition to the rear of the existing dwelling.

**REQUESTED VARIANCES**

Section 18-4-601 of the Anne Arundel County Zoning Code requires that a principal structure in a R2-Residential District be set back a minimum of 25 feet from a rear lot line. The proposed rear dwelling addition will be located as close as 23 feet from the rear lot line requiring a variance of two feet to the Code.

**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 at 11,348 square feet does not meet the 15,000 square feet required for a lot in a R2 District served by public sewer. The house has been sited slightly askew along the rear property line that does limit the applicant taking full advantage of the area available for a dwelling addition. However, the applicant has failed to demonstrate how compliance with the Code requirement will cause any hardship in the use of these lands. The proposed addition at 25 feet in depth and 28 feet in width is quite generous in size as is the two-story, 28 foot deep by 38 foot wide existing dwelling.

While only a small portion of the proposed dwelling addition violates the required rear lot line setback the applicant has not demonstrated the required relief is warranted and that the plans cannot be modified slightly to comply with the Code. Consequently, the request cannot be the minimum necessary to afford relief.

There is no evidence that the granting of the variance will alter the essential character of the neighborhood nor impair the appropriate use or development of any adjacent property. There is a 66-foot wide strip of land to the rear of the subject property which is owned by a Homeowners Association that can provide any additional needed separation between dwellings resulting from the variance. The variance will not be detrimental to the public welfare. Finally, the requested variance will not reduce forest cover or be contrary to acceptable clearing and replanting practices required for development in the Critical Area.

The **Anne Arundel County Department of Health** advised that the property is served by public water and sewer and have 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 a variance of two feet to the minimum rear lot line setback of 25 feet to allow a dwelling to be located as close as 23 feet from the rear lot line as shown on the attached 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.