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

APPLICANT: Gregory Gardner & Ellen Richardson **ASSESSMENT DISTRICT**: 2

CASE NUMBER: 2024-0075-V COUNCIL DISTRICT: 6

HEARING DATE: July 2, 2024 **PREPARED BY**: Jennifer Lechner

Planner

REQUEST

The applicants are requesting a variance to allow a dwelling with less setbacks than required on property located at 230 Severn Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 11,425 square feet of land and is located with approximately 65 feet of frontage on the north side of the Severn Drive circle. It is identified as Lots 3, 4 and half of 2 in Block 10 of Parcel 57 in Grid 9 on Tax Map 45 in the subdivision of Severn Grove. The property is zoned R1 - Residential District, since the adoption of the zoning maps for Council District 6 on October 7, 2011. This waterfront site is located within the Chesapeake Bay Critical Area, is designated as LDA - Limited Development Area, and is mapped as a BMA - Buffer Modification Area. The subject property is currently developed with a two-story single-family detached dwelling, a pier, and other associated facilities.

PROPOSAL

The applicants are proposing to demolish the existing dwelling (1,123 square feet) and construct a new dwelling (approx. 40' x 36.5' and 32.4' high, 1,621 square feet).

REQUESTED VARIANCES

§ 18-2-501 of the Anne Arundel County Zoning Ordinance provides that a principal structure in an R1 District shall be set back a minimum of 35 feet from the rear lot line, 15 feet from the side lot line, and 40 feet from the combined side lot lines.

The proposed single family dwelling would be constructed:

- as close as 21.7 feet from the rear lot line, necessitating a variance of 14 feet;
- as close as 8 feet from the west side lot line, necessitating a variance of 7 feet;
- as close as 11 feet from the east side lot line, necessitating a variance of 4 feet; and,
- as close as 19 feet from the combined side lot lines, necessitating a variance of 21 feet.

FINDINGS

The subject property is irregularly shaped and undersized with regards to the minimum 40,000 square foot lot area and the minimum 125 foot width for the R1 District. A review of the County aerial photography shows an eclectic mix of dwellings and lots in this waterfront community.

The existing critical area lot coverage of the site is 2,806 square feet. The proposed post-construction lot coverage is 2,496 square feet, which is well below the lot coverage allowed under §17-8-402 (31.25% or 3,570.31). The existing coverage by structures is 1,123 square feet. The proposed post-construction coverage by structures is 1,621 square feet, which is well below the 25% (2,856.25 square feet) maximum coverage by structures allowed under §18-4-501.

Grading permit G02019837, to demo the existing dwelling and construct a new single family dwelling with associated improvements, was submitted on August 4, 2023, and remains pending.

The applicants' letter explains that the lot is unique in both its shape and size, and has many physical constraints that are preventing strict conformance with the code. The letter further explains that the footprint of the house is being placed at the rear of the property in order to limit the impact to the steep slopes, and the site design has reduced the overall impervious area.

Agency Comments

The **Health Department** does not have an approved plan for this project, but has no objection as long as a plan is submitted and approved by their department. Their Office also notes that a demo/rebuild may only be possible via a Limited Home Addition.

The **Inspections & Permits Engineering Section** has no objection to the above-referenced variance request from either an engineering and/or utility standpoint.¹

Variance Criteria

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 other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the property is irregularly shaped and undersized, and is constrained by the locations of the existing well and the new septic system. These conditions result in practical difficulties in redeveloping the subject property.

Because the new dwelling has been designed to sit back further from the shoreline than the existing dwelling, and will reduce the overall lot coverage, the granting of the variance will not alter the essential character of the neighborhood or district in which the lot is located, or substantially impair the appropriate use or development of adjacent property. With mitigation, the requested variance would not reduce forest cover in the limited development area of the

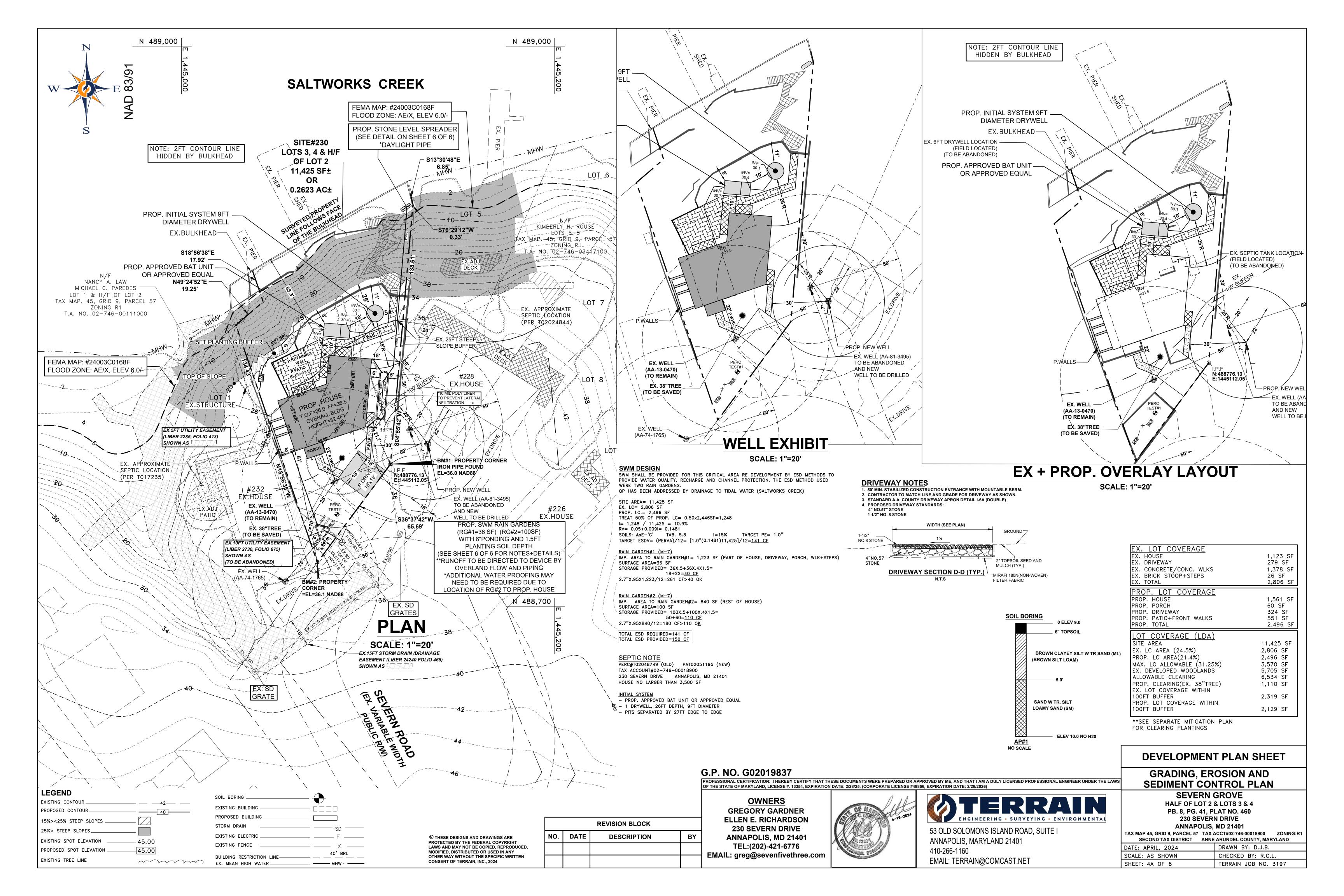
¹ Refer to the Inspections & Permits Engineering Section's comments for their detailed response.

critical area, nor be contrary to acceptable clearing and replanting practices required for development in the critical area. In addition, the requested variance would not be detrimental to the public welfare.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends <u>approval</u> of zoning variances to § 18-2-501 to allow a dwelling with less setbacks than required.

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.



16 April 2024

Anne Arundel County Office of Planning & Zoning 2664 Riva Road, 3rd Floor Annapolis, MD 21401

RE: VARIANCE REQUEST
Gregory Gardner & Ellen Richardson
230 Severn Drive
Annapolis, MD 21401
TM 45, GRID 9, PARCEL 57

We are requesting a variance from § 18-4-501 for redevelopment of a single family dwelling in the R1 residential district with a minimum side lot line setback of 8.0ft, a combined side lot line setback of 19.0ft, as well as a minimum rear lot line setback of 21.7ft. There are no Critical Area variances being requested.

The property is located at 230 Severn Drive in the Severn Grove neighborhood and is improved with an existing single-family dwelling constructed around 1938. This is a waterfront property in the Limited Disturbance Area (LDA) of the Critical Area Overlay, is subject to the 100ft Critical Area buffer, and contains steep slopes. The subject property is an irregular shaped waterfront parcel with a lot size of 11,425sf, substantially undersized in area and with less width than required, for the R1 Residential District. The buildable lot is almost entirely within the Critical Area Buffer and 60% of the lot is encumbered by steep slopes and its 25ft setback. The house is served by a private well and septic system.

The current house has been used as our primary residence for the last 10 years. The house has many structural and functional problems that have been too difficult to overcome with a renovation and expansion for our growing family (lack of footings under existing foundation, retaining walls supporting the foundation failing & shifting down the steep slope, etc). We are proposing a teardown and rebuild for a new single family detached house in a similar footprint.

We have generated the current design while working with the various county agencies and their feedback received during the grading permit process [G02019837]. We have successfully been able to increase the home's setback to steep slopes, allow for an acceptable location for the septic system components, allow for stormwater management features that previously did not exist, allow for setbacks from neighboring septic and well systems, all while reducing impervious area.

VARIANCE REQUIRMENTS

Code Article 18-16-305 (a) Requirements for zoning variances:

We respectfully submit that the requested variance meets the intent of 18-16-305 (a)(1). The lot is unique in both its shape & size, and has many physical constraints present that are preventing strict conformance with the zoning code. The lot is a very irregular wedge shape, narrower at the rear lot line (street side) and widening towards the front lot line (water side) however the front half of the lot is limited by steep slopes at an 80% grade. The rear lot line of the property is also at an unnatural angle; neither parallel nor tangent to the curved street. In addition the property, which was platted in 1932, has a lot size of 11,425sf; 28% of the required 40,000sf minimum required for the current R-1 District standards.

Code Article 18-16-305 (c) Requirements for all variances

- (1) the variance is the minimum variance necessary to afford relief;
 - The proposed house is has to total footprint of 1560sf and is modest in size at 3050 sf, including 650 sf below grade due to the site topography. The total house & improvement area have also been reduced so that it will have less impervious area than the existing house.
- (2) The granting of the variance will not:
- (i) alter the essential character of the neighborhood or district in which the lot is located:

The proposed structure is of similar scale and setbacks to the majority homes in the neighborhood. The proposed side yard setback of this house is greater than the current side yard setbacks of the adjacent properties. The proposed structure is setback from Severn Drive evenly between the adjacent structures.

- (ii) substantially impair the appropriate use or development of adjacent property:

 The proposed structure and features have been designed, and located, to increase available views of the water and reduce impact of its mass to the adjacent properties.

 The building massing for the Western half of the house will be a single story above grade, and less height than the current structure. The Eastern half of the house will be a full 2 stories; more appropriately scaled yet still lower in height to the larger home sited to the East.
- (iii) reduce forest cover in the limited development and resource conservation areas of the critical area:

No tree removal is being proposed for the redevelopment of the new structure or related improvements.

(iv) be contrary to acceptable clearing and replanting practices required for development in the critical area or a bog protection area.

The footprint of the house is being placed at the rear of the property in order to limit the impact of the redevelopment to the steep slopes. The site design has reduced the overall impervious area on the lot allowing for more proposed planting area in the buffer and near steep slopes. There is only (1) existing tree in the proposed area of work and it will be protected during construction.

(v) be detrimental to the public welfare:

All proposed work will be within the bounds of the property and will not impose harm to adjacent property owners or the public. The proposed structure's overall size and relationship to the lot and lot lines is similar to the majority of homes in the surrounding neighborhood.

We appreciate your consideration of the enclosed variance request and are available to address any question you may have.

Respectfully,

Gregory Gardner & Ellen Richardson, Homeowners

Janh allen Efichardson

CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS 1804 WEST STREET, SUITE 100 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:	Anne Arundel	County			Date: 2	7 MARCH 2024
Tax Map # 45, GRID 9	Parcel # 57	Block #	Lot # 2 (HALF), 3 & 4	Section -	Cor Red No	R RESUBMITTAL ONLY rections lesign Change n-Critical Area
Tax ID: 2	74600018900					nplete Only Page 1 neral Project Information
Project Name	e (site name, sub	odivision name		230 SEV	ERN RESIDEN	ICE
City ANN.	APOLIS				Zip 2140	1
Local case nu	ımber					
Applicant:	Last name	GARDNER			First name	GREGORY
Company						
Application	Type (check al	I that apply):				
Building Perr Buffer Manag Conditional U Consistency I Disturbance > Grading Perr	gement Plan Jse Report > 5,000 sq ft			Variance Rezoning Site Plan Special Excep Subdivision Other		
Local Jurisd	iction Contact	Information:				
Last name	AACo Zoning	Administration	n Section	First name		
Phone #	410-222-7437		Respon	se from Comr	nission Require	d By TBD
Fax #				Hearing date	TBD	-

SPECIFIC PROJECT INFORMATION

Describe Proposed use							
SINGLE FAMILY	DETACH	ED, RES	IDENC	CE			
	Yes					Yes	
Intra-Family Transfer					Growth Allocation		
Grandfathered Lot	X				Buffer Exemption Are	a 📙	
Project Type (check al	l that app	oly)					
Commercial					Recreational		
Consistency Report					Redevelopment		
Industrial					Residential	X	
Institutional					Shore Erosion Control	. 🔲	
Mixed Use					Water-Dependent Faci	ility 🗍	
Other	Ħ				1	, Ш	
3 1222	<u> </u>						
SITE INVENTORY (I	Enter acro	es or squa	are fee	t)			
· ·		-				Acres	Sq Ft
Г	Acre	es	Sq		Total Disturbed Area		7253 SF
IDA Area			-0-				
LDA Area				25 SF			
RCA Area			-0-		# of Lots Created		
Total Area		11,425 SF					
		Acres		Sq Ft		Acres	Sq Ft
Existing Forest/Woodland	l/Trees			5906 SF	Existing Lot Coverage		2,808 SF
Created Forest/Woodland				-0-	New Lot Coverage		,
Removed Forest/Woodlar				-0-	Removed Lot Coverage		2,520 SF 2,808 SF
					Total Lot Coverage		2,520 SF
							,
**********				• `			
VARIANCE INFORM	IATION ((Check al	ll that a	apply)			
		Acres		Sq Ft		Acres	Sq Ft
Buffer Disturbance				5,565 SF	Buffer Forest Clearing		-0-
Non-Buffer Disturbance				1,688 SF	Mitigation		-0-
							-
Variance Type					Structure		
Buffer \square				Acc. Structure Addition			
Forest Clearing Ba							
HPA Impact	<u> </u>						
Lot Coverage				Dv	velling <u>X</u>		
Expanded Buffer				Dv	velling Addition		
Nontidal Wetlands				Ga	rage		
Setback	X			Ga	zebo		
Steep Slopes				Pat	tio		
Other					ool		
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Anne Arundel County Office of Planning & Zoning 2664 Riva Road, 3rd Floor Annapolis, MD 21401

CRITICAL AREA REPORT NARRATIVE

Gregory Gardner & Ellen Richardson 230 Severn Drive Annapolis, MD 21401 TM 45, GRID 9, PARCEL 57

The property is currently improved with a residential single family dwelling with patios, sidewalks, porches, decks and a parking area.

The northern half of the lot, adjacent to the waterfront, is a steep slope and contains a consistent cover of mature hardwoods (Beech, Chestnut Oak, & Locust) totaling. The Southern half of the property is nearly flat and what portions of the property that are not impervious is turf with some planting beds dispersed around the structure. There is a single 38" D.B.H.. White Oak tree on the street side of the house. The entire site contains 5705sf of Woodlands.

7253sf of the site will be disturbed during the course of the project, and appropriate measures will be taken to protect the White Oak tree and its root system during construction so that no Woodlands will be removed or altered during construction. The site will be replanted with 1110sf new native trees and shrubs and no turf inside of the buffer area. The work area will be protected by sediment control measures during the grading and construction of the project to prevent sediment from leaving the site. All work has been limited to the area of the lot outside of the steep slopes.

The existing impervious area on the entire lot is 2808 sf. Post development impervious area on the site will be 2520 sf; a reduction of 288 sf. Included in this reduction impervious area inside of the steep slope buffer will be reduced by 758 sf, and inside of the Critical Area Buffer will be reduced by 220 sf.

Steep slopes exist on the northern portion of the property between the area of disturbance and waterfront adjacent property line.

Topographic Map - - Lot outline ref only not exact





Legend

Foundation

Addressing

0

Parcels



Elevation

Topo 2020

Index

— Intermediate

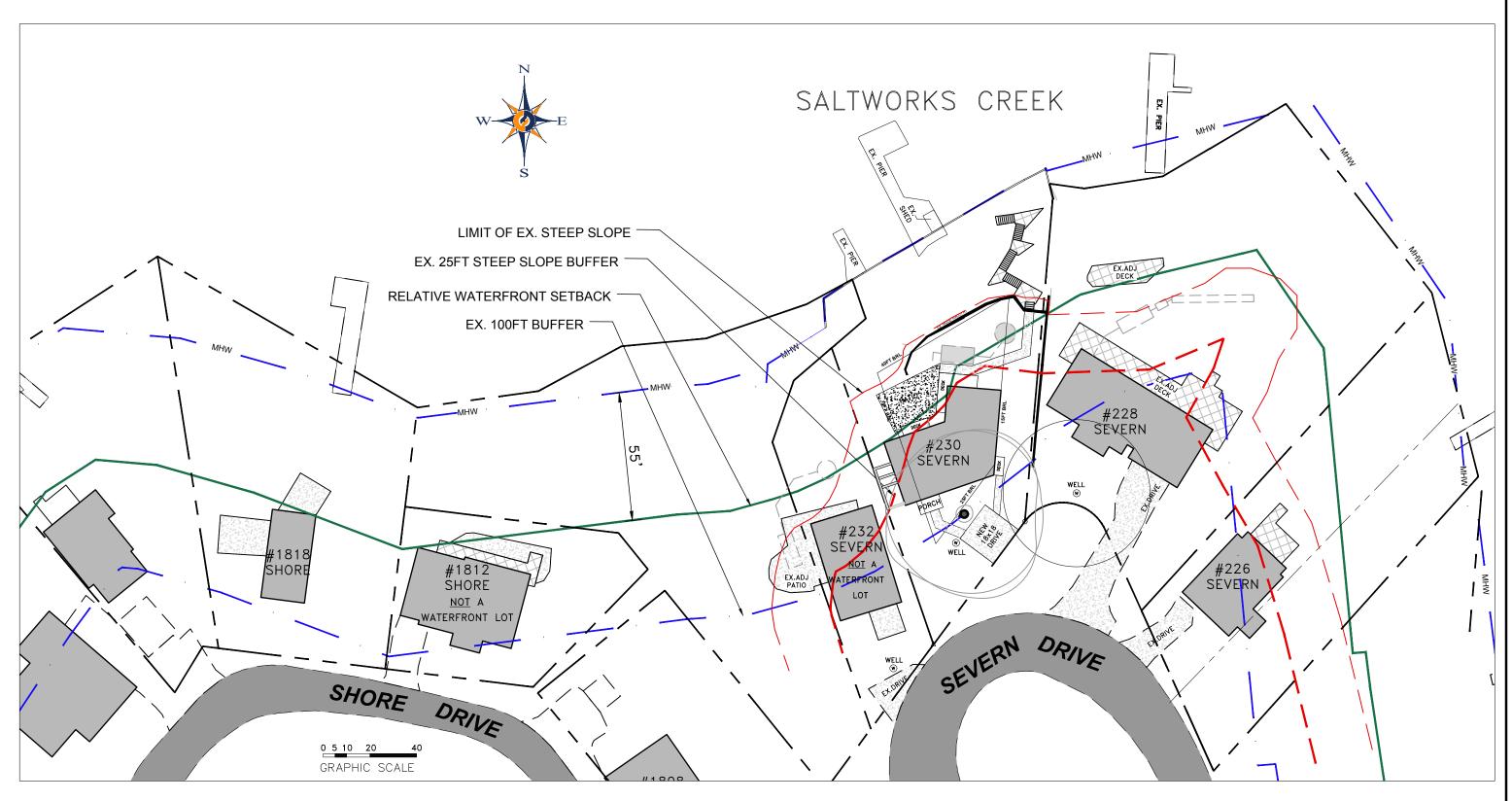
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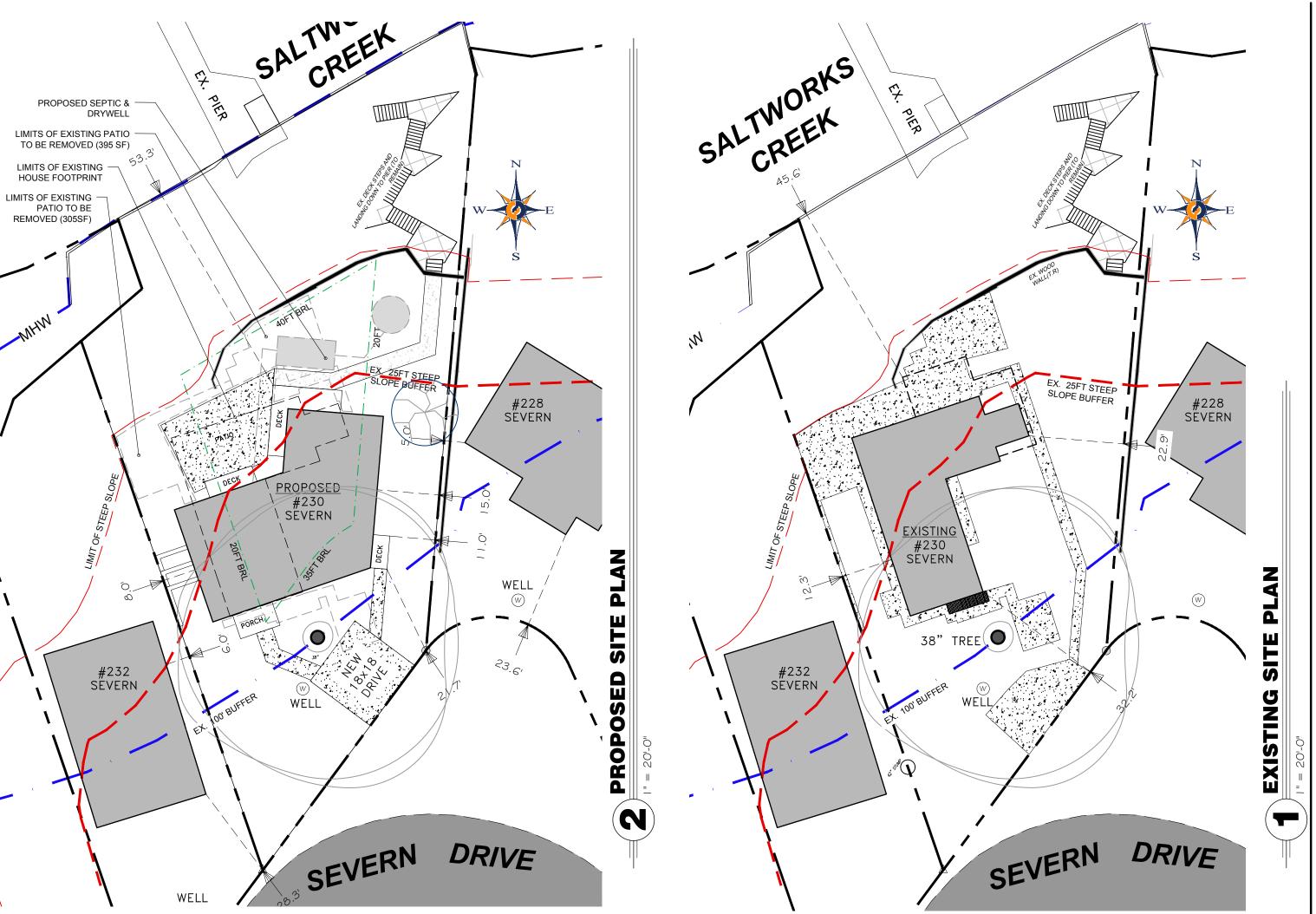
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes 1" = 100 ft



WATERFRONT LOCATION DIAGRAM



A2

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5 APRIL 2024

SITE DIAGRAM

EVENFIVETHREE DEVELOPMENT 00 Montana Ave NE - Washington, DC 20002 - 202.421.6776 was even five three com

 \Box

BUILDING DATA SUMMARY

PREMISE: 230 SEVERN DR.

ANNAPOLIS, MD 21401

OWNER: GREGORY GARDNER & ELLEN RICHARDSON

230 SEVERN DRIVE ANNAPOLIS MD, 21401

ZONE: RI

CRITICAL AREA: YES

ZONING CHART

CATEGORY	EXISTING	PROPOSED	ALLOWABLE
LOT SIZE	11,425 SF	NO CHANGE	40,000 SF
STRUCTURE COVERAGE	1425 SF or 12.5%	1835 SF or 16.0%	2856 SF or 25%
MIN. WIDTH	99.4 FT	NO CHANGE	125 FT.
FRONT SETBACK	45.6 FT	53.3 FT	40.0 FT
REAR SETBACK	32.2 FT	21.7 FT	35.0 FT
SIDE SET BACK (MIN)	12.3 FT	8.0 FT	15.0 FT
SIDE SET BACK (TOTAL)	35.2 FT	19.0 FT	40.0 FT
BUILDING HEIGHT	20.9 FT	32.4 FT	45.0 FT
M.H.W SETBACK	40.2 FT	55.2 FT	N/A

IMPERVIOUS AREA ENTIRE SITE						
FEATURE	EXISTING	PROPOSED	DIFFERENCE			
HOUSE	1123 SF	1560 SF	+437 SF			
DRIVEWAY	279 SF	325 SF	+45 SF			
PORCH	26 SF	60 SF	+34 SF			
PATIO/WALK/STEPS	1378 SF	575 SF	-803 SF			
TOTAL	2808 SF	2520 SF	-288 SF			

IMPERVIOUS AREA 25FT STEEP SLOPE					
FEATURE	EXISTING	PROPOSED	DIFFERENCE		
HOUSE	460 SF	137 SF	-323 SF		
DRIVEWAY	O SF	O SF	O SF		
PORCH	O SF	O SF	O SF		
PATIO/WALK/STEPS	890 SF	455 SF	-435 SF		
TOTAL	2398 SF	2133 SF	-758 SF		

IMPERVIOUS AREA BUFFER AREA					
FEATURE	EXISTING	PROPOSED	DIFFERENCE		
HOUSE	1123 SF	1560 SF	+437 SF		
DRIVEWAY	O SF	O SF	O SF		
PORCH	26 SF	60 SF	+34 SF		
PATIO/WALK/STEPS	1204 SF	513 SF	-691 SF		
TOTAL	2353 SF	2133 SF	-220 SF		



J. Howard Beard Health Services Building 3 Harry S. Truman Parkway Annapolis, Maryland 21401 Phone: 410-222-7193 Fax: 410-222-7479 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

Sanitary Engineering Program

DATE: May 8, 2024

CASE

NUMBER: 2024-0075-V

Ellen E. Richardson & Gregory Gardner

230 Severn Drive Annapolis, MD 21401

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling with less setbacks than required. The Health Department offers the following comments:

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. Please be aware, a demo/rebuild may only be possible via a Limited Home Addition.

If you have further questions or comments, please contact Brian Chew at 410-222-7024.

cc: Sterling Seay

2024-0075-V - setbacks - new sfd

Menu Cancel Help

Task Details I and P Engineering

Assigned Date 04/29/2024 Assigned to Habtamu Zeleke Current Status

Complete w/ Comments

Action By Habtamu Zeleke

Comments

Variance request: Variance to allow a dwelling with less setbacks than required.

- 1. Stormwater management will be addressed through two rain gardens.
- 2. The stormwater management for the site shall be addressed during the SDP/grading permit (G02019837).
- 3. Based on the plan provided, it appears that the property will be served by a private well and septic.
- 4. Determination/Recommendation Based on the above, this office has no objection to the above-referenced variance request from either an engineering and/or utility standpoint.

End Time

Billable

No

Time Tracking Start Date In Possession Time (hrs)

Estimated Hours

0.0

Comment Display in ACA

- All ACA Users
- Record Creator
- Licensed Professional
- Contact
- ✓ Owner

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes
Reviewer Email

Reviewer Nam

Due Date

05/17/2024

Engineering

Status Date

05/22/2024

Overtime

Start Time

Hours Spent

Action by Dep Engineering

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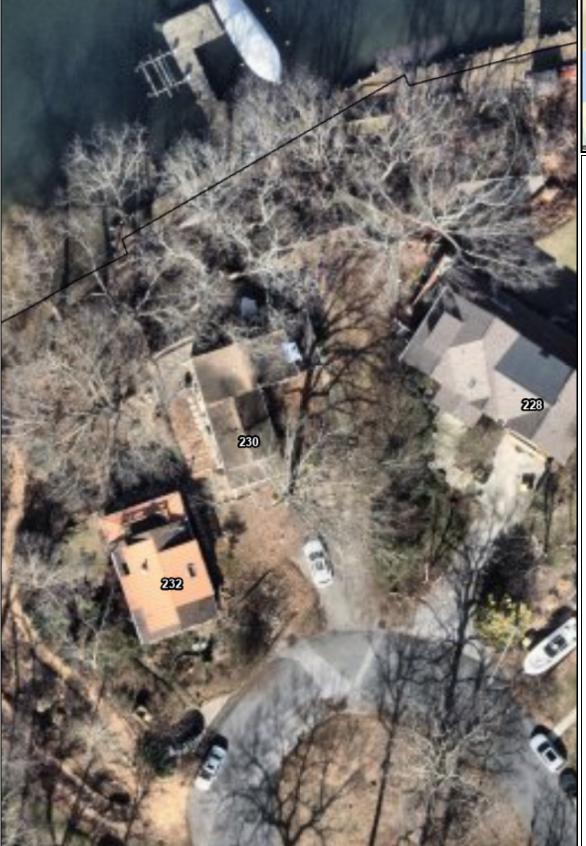
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Assigned to D

230 Severn Drive (2024-0075-V)





Legend

Foundation Addressing

Parcels - Annapolis City





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Nearmap



Notes February 2024