

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

APPLICANT: Valerie Johnson

ASSESSMENT DISTRICT: 4

CASE NUMBER: 2024-0082-V

COUNCIL DISTRICT: 2

HEARING DATE: July 2, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting a variance to allow a dwelling with less setbacks than required on property located at 7616 W B & A Road in Severn.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 7,021 square feet of land and is located with 70 feet of frontage on the west side of W B & A Road. It is identified as Lots 62 and 63 of Parcel 115 in Grid 20 on Tax Map 9 in the subdivision of Alberta Heights. The undeveloped property is zoned R1 - Residential District, since the adoption of the zoning maps for the Second Council District on January 29, 2012, and is not located within the Chesapeake Bay Critical Area.

PROPOSAL

The applicant is proposing to construct a three-story single family dwelling (approximately 24' x 30', 32' in height), with associated improvements.

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 15 feet from the side lot line, 40 feet from the combined side lot lines, and 40 feet from the corner side lot line.

The proposed single family dwelling would be constructed:

- as close as 10 feet from the corner side lot line (paper road to the north), necessitating a variance of 30 feet; and,
- as close as 25 feet from the combined side lot lines, necessitating a variance of 15 feet.

FINDINGS

The subject property, at 7,021 square feet and 70 feet wide, is irregularly shaped and undersized with regards to the minimum 40,000 square foot lot area and the minimum 125 foot width for lots in the R1 District. A review of the County aerial photography shows an eclectic mix of dwellings and lots, with several undeveloped lots along the paper road. The proposed post-construction coverage by structures would be 765 square feet, which is well below the 25% (1,755.25 square feet) maximum coverage by structures allowed under §18-4-501.

The applicant's letter explains that, due to its irregular shape and size, the lot does not have a reasonable possibility of being developed without relief from the corner side setback requirement.

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.

The **Inspections & Permits Engineering Section** requires additional information to complete their review and therefore does not support this request.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. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

In this particular case, the property is extremely undersized for its zoning district, and irregularly shaped. Some variance relief may be warranted; however, not all properties can accommodate every owner's desired dwelling. The dwelling should be designed to fit the lot, as best as possible, rather than the lot being made to fit the desired dwelling. There appears to be the possibility of reducing or reconfiguring the footprint of the dwelling and/or shifting it closer to the front (eastern) lot line, which would increase the distance to the corner (northern) side lot line and reduce the amount of relief needed.

The granting of the variance may alter the essential character of the neighborhood or district in which the lot is located because the lot is smaller than other developed lots in the neighborhood, and the proposed dwelling is larger than the bulk regulations will allow. Because the paper road to the north is shared by other undeveloped lots, the possibility exists that it could be developed in the future as a through road. Allowing the dwelling to be constructed as proposed may set a precedent for the potential development of those lots. As such, the granting of the variance may substantially impair the appropriate use or development of adjacent property, and may be detrimental to the public welfare.

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

The applicant has not provided any justification to demonstrate that the dwelling could not be constructed closer to the minimum forty foot setback required from the corner (northern) side lot line. It appears that alternative options exist that would minimize the need for variances. Without sufficient justification, the variance request cannot be considered the minimum necessary to afford relief.

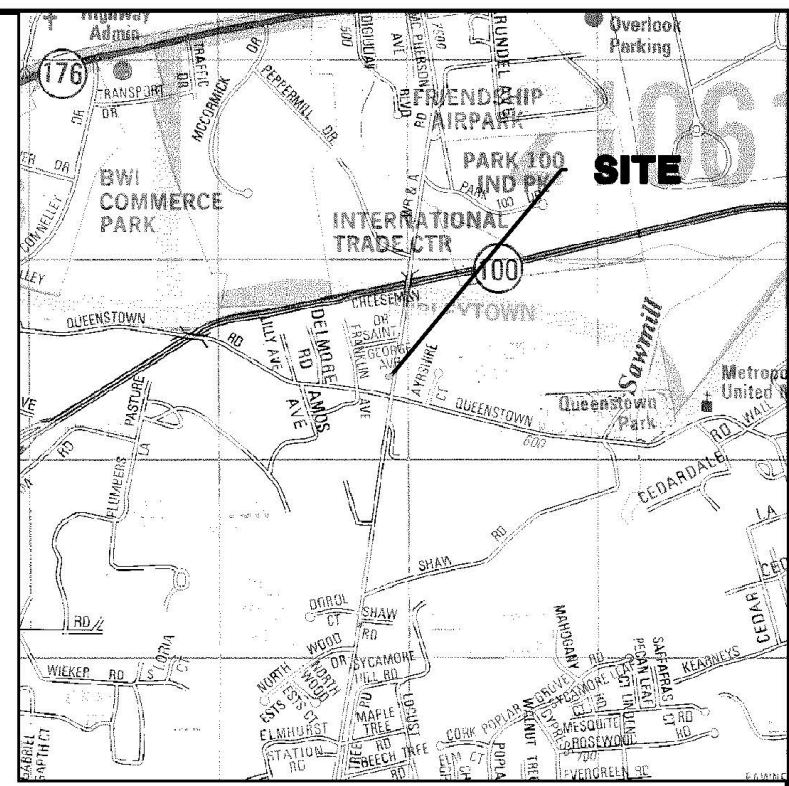
This Office recognizes that a variance does not necessarily require pre-approval of stormwater management and that, if approved, those items would still have to be addressed at the time of permitting. The applicant is advised that, if a zoning variance is granted, any change to the proposed improvements shown on the site plan that are necessary to address the storm water management issues raised would require a new variance.²

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 a zoning variance to § 18-2-501 to allow a dwelling with less setbacks than required.

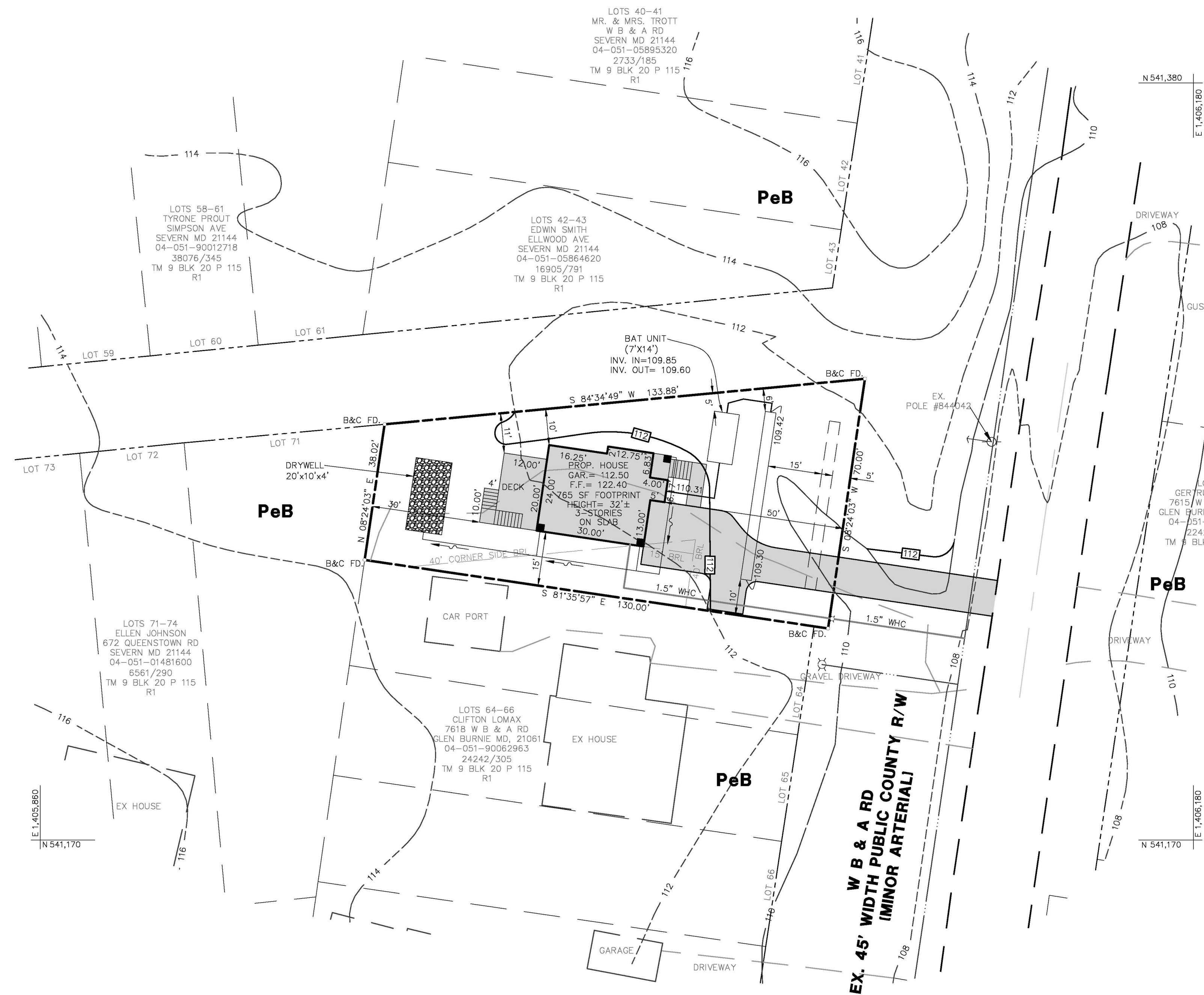
DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This 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.

² This refers to, for example, changes to the footprint or location of the dwelling to accommodate stormwater management which shifts the dwelling closer to the lot lines.



VICINITY MAP

SCALE: 1" = 2,000'
 Copyright ADC The Map People
 Permitted Use Number 20403131



PLAN:
 SCALE: 1"=20'

TOTAL SITE AREA		0.16 AC.
SOILS	A	0.16 AC.
	B	0.00 AC.
	C	0.00 AC.
	D	0.00 AC.
EX. IMPERVIOUS AREA		0.07 AC.
PROP. IMPERVIOUS AREA		0.04 AC.
RATIO OF EX. IMPERVIOUS TO TOTAL SITE AREA		43.75%
RATIO OF PROP. IMPERVIOUS TO TOTAL SITE AREA		25%

SOIL CLASSIFICATION CHART

SYMBOL	NAME	HYDROLOGICAL SOIL TYPE
PgB	PATAPSCO-FORT MOTT-URBAN LAND COMPLEX	A

SITE ANALYSIS

- EXISTING ZONING: R1
- TOTAL SITE AREA: 7021.3 s.f.
- PROPOSED USE: 1 SINGLE FAMILY LOT

NATURE OF VARIANCE

- A VARIANCE TO ARTICLE 18-4-501 OF 30' TO THE REQUIRED 40' CORNER SIDE SETBACK

OWNER/DEVELOPER:
 VALERIE JOHNSON
 7517 RIVERDALE RD
 UNIT 1922
 NEW CARROLLTON, MD 20784
 CONTACT PERSON: MIKE MUZIK
 (P) 410-987-6901
 (E) MIKE@ANAREX.COM

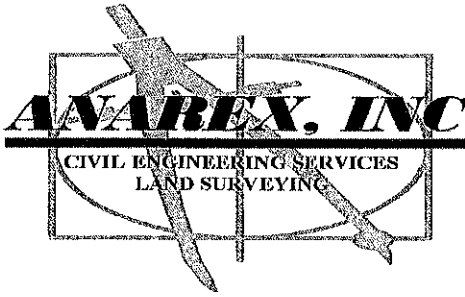
#	REVISIONS:	APPROVED BY:	DATE:



SHEET 1 OF 1
VARIANCE PLAN

ALBERTA HEIGHTS
 LOTS 62 & 63
 7401 E FURNACE BRANCH RD
 SEVERN, MD 21144

TAX MAP 9 BLOCK 20 PARCEL 115 TAX ACCOUNT # 04-051-02B79755 ZONING: R1
 DATE: JUNE, 2023
 FOURTH ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND 21144



303 Najoles Road - Suite 114
Millersville, MD 21108

Phone: 410-987-6901
Fax: 410-987-0589

February 6, 2024

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

Re: **Alberta Heights**
Lots 62 & 63
T.M. 9 B. 20 P. 115

Dear Ms. Seay,

Please accept this as our formal variance request to the Zoning Regulations on behalf of our client regarding setbacks. The variance requests are to Article 18, Section 4 – 501 of the R-1 Bulk Regulations of 30' to the required 40' corner side lot line setback.

We are requesting this variance to allow for a house to be built on existing platted lots. The proposed house will be 2 stories tall (32'+/-) and 24' wide by 35' deep (765 sf footprint). The house will sit back 10' from the North lot line (corner side), 15' from the South lot line (side) and 50' from the East lot line (front).

Explanation as required by Article 18, Section 16-305(a)

Due to the unique physical conditions such as irregular shape and size, the lot does not have a reasonable possibility of being developed without variances. The lot is a severely undersized corner lot in the R1 zone resulting in a 40' corner side lot line setback to a paper road. Based on that setback, the lot does not have a building box of size to be developed without a variance.

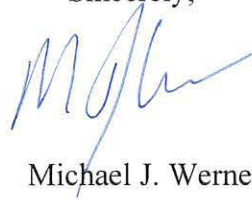
Explanation as required by Article 18, Section 16-305(c)

We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief based upon the size of the lot and the unique physical conditions such as the shape. The lot is severely undersized at only 7,021 square feet, well below the required 40,000 square foot requirement of R1 bulk regulations. In combination with the undersized nature of this lot, the lot is a corner lot due to a paper road necessitating a 40' corner side lot line setbacks that creates an unbuildable lot without a variance. The granting of this variance will not alter the character of the neighborhood. This variance will not impair the appropriate use or development of the surrounding property as it will not deny access or the possibility to

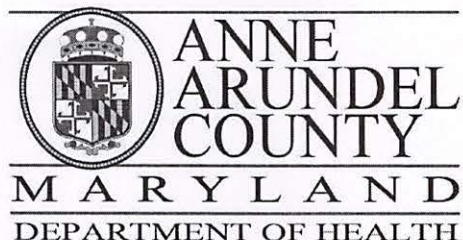
build on neighboring lots. The granting of this variance will not be detrimental to the welfare of the public..

If you have any questions or need any additional information please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "MJW", is written over the word "Sincerely,".

Michael J. Werner, P.E.



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 10, 2024

RE: Valerie Johnson
7616 W B and A
Severn, MD 21144

NUMBER: 2024-0082-V

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 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

Task Details **I and P Engineering**

Assigned Date

06/10/2024

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.
Comments:

1. Identify site outfall to review the site plan and provide feedback regarding potential impact.
2. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.
3. Microscale stormwater facility(ies) design should incorporate safe conveyance for overflow discharges from 2, 10, 100-yr 24-hr storm events; plans should show overland relief paths for these storm events and ensure that no structures, or properties are negatively impacted or have water impounded against during these storm events.
4. Design professionals should review site runoff and potential (negative, adverse) impacts to neighboring properties, due to changed grades/elevation on a proposed project.
5. Please ensure that the minimum septic setbacks to proposed SWM practices are achieved.
6. Based on the plan provided, it appears that the property will be served by public water and private septic.
7. Per the proposed design, ESD to the MEP is being addressed through the proposed dry well.
8. Soil borings are not provided to determine the suitability or siting of the practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted. A Geotech investigation should be performed.
9. The location of the property is flat grades, please ensure that no existing nuisance flooding issues will be exacerbated by the proposed development and no surrounding properties are affected.
10. The stormwater management for the site shall be addressed during the grading permit.
11. Based on the site conditions, information shall be provided to verify how the following are reviewed and applied in the BMP selection for the site and ensure that the BMPs proposed meet requirements from MDE Stormwater Manual chapters 4 and 5.
 - Watershed Factors;
 - Terrain Factors;
 - Stormwater Treatment Suitability;
 - Physical Feasibility Factors;
 - Community and Environmental Factors; and
 - Locational and Permitting Factors.
12. As a part of the Environmental site Design, it shall be verified that site design includes protecting natural resources. At this time, this office does not have this information.
13. Based on the provided information, this office does not support this request.

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

Due Date

05/23/2024

Assigned to D

Engineering

Status Date

06/11/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Dep

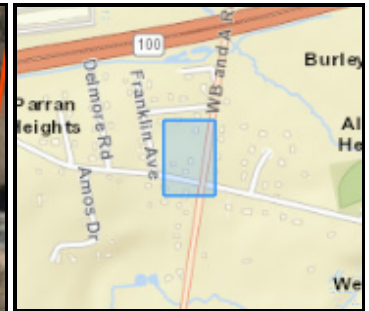
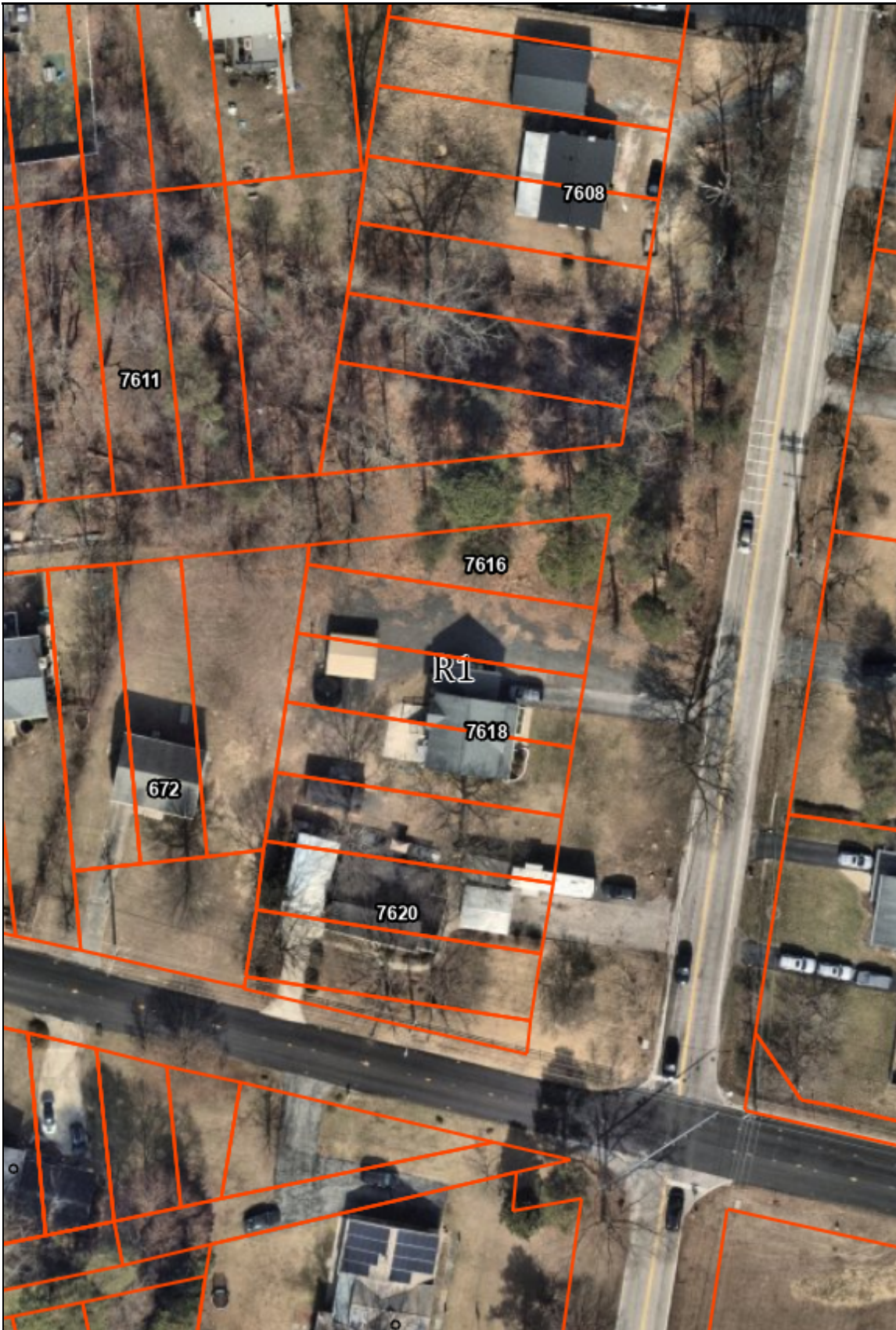
Engineering

Est. Completio

Display E-I

Display Cc

7616 W B & A Blvd (2024-0082-V)



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Planning

County Planning

Com Connections

County District

County Easement

Rural Legacy

State Easement

IDA - Intensely Developed Area

LDA - Limited Development Area

RCA - Resource Conservation Area

FED - Federal Land

Buffer

Modified Buffer

Coastal High Hazard Area

Non-Tidal 100 Year Floodplain

Non-Tidal 500 Year



0 50 100
ft

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

DO NOT USE FOR NAVIGATION.

Nearmap | MD iMAP, DNR, USFW



Notes

February 2024