

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

APPLICANTS: Thomas and Kate Debacco

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2024-0083-V

COUNCIL DISTRICT: 6

HEARING DATE: June 25, 2024

PREPARED BY: Robert Konowal
Planner

REQUEST

The applicants seek a variance to allow a dwelling with less setbacks than required on property located at 2691 Solomons Island Road in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject property is located approximately 1,300 feet southeast of Solomons Island Road at the end of a private road easement that begins on the east side of Solomons Island Road approximately 800 feet south of Wallace Manor Road. The lot has an area of 113,049 square feet, and is shown as a Lot 35 in Parcel 147 on Tax Map 51 in Grid 20. The subject site is zoned R1-Residential District and has been since comprehensive zoning for the Sixth Council District effective October 7, 2011.

The subject property is a waterfront lot located off Church Creek in the Chesapeake Bay Critical Area. These lands are designated as “RCA-Resource Conservation Area”. The property is not located along a modified buffer shoreline. The site, which is not served by public and sewer, is currently vacant.

APPLICANT’S PROPOSAL

The applicants propose to construct a two-story, single family detached dwelling with attached garage, driveway, patio and inground pool. On-site septic and well facilities are also proposed.

REQUESTED VARIANCES

Section 18-4-501 of the Anne Arundel County Zoning Code requires that a principal structure in a R1-Residential District be set back a minimum of 15 feet from a side lot line. The proposed dwelling will be located as close as eight feet from the south side lot line necessitating a variance of seven 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 significantly exceeds both the minimum lot width and lot area requirements of the Code for a lot in a R1 District. The site is encumbered by steep slopes, the expanded Critical Area buffer and the need to provide for septic and well facilities on site. These conditions do provide for a restricted area of the development, however there is ample room remaining onsite to construct a dwelling without the need for relief. The proposed two-story irregular shaped dwelling is some 117 feet in width and has a footprint of 6,374 square feet. The footprint of the house when combined with the proposed pool and patio totals some 11,735 square feet. The requested relief amounts to two small corners of the dwelling (approximately 64 square feet) projecting into the required side lot line setback. The applicant has not demonstrated any practical difficulty in revising their plans to comply with the Code nor how denial of the variance would cause hardship in the use of these lands.

Since the variance is not warranted it cannot be the minimum variance necessary to afford relief.

The requested variance would not alter the essential character of the neighborhood. The proposed eight foot side lot line setback would not impair the appropriate use or development of any adjacent property. The subject property abuts an access easement that is for the benefit of the subject property. This easement serves to provide additional separation that exceeds the required side lot line setback between dwellings on each abutting property.

There is no evidence that the proposed variance would 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.

In summary, the request is being denied as no practical difficulty has been demonstrated in complying with the Code. There is no evidence denial would cause any hardship in the use of these lands.

AGENCY COMMENTS

The **Anne Arundel County Department of Health** advised that the request does not adversely affect the on-site sewage disposal and well water supply systems and as such the Health Department has no objection to the request. The Health Department requests that the site plan be submitted for Perc Application PAT02050375.

The **Engineering Division of the Department of Inspection and Permits** advised that stormwater management will be addressed through two micro-bio retentions. The stormwater management for the site shall be addressed during the SDP/grading permit (G02017966). It appears that the property will be served by a private well and septic.

Based on the above, this Office has no objection to the above-referenced variance request from either an engineering and/or utility standpoint.

The **Cultural Resources Division of the Office of Planning and Zoning** advised that this project area underwent an archaeological survey during review for G02017966. (see report, "Phase I Archaeological Survey of 2687 and 2689 Solomons Island Rd., Anne Arundel County, MD" (Draft May 2022), by Applied Archaeology). No further work is required and this project presents no adverse effect to archaeological resources, 18AN788.

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 seven feet to the minimum side lot line setback to allow a dwelling to be located eight feet from the side 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.