

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

APPLICANT: Two by Two, LLC

ASSESSMENT DISTRICT: 3

CASE NUMBER: 2024-0111-V

COUNCILMANIC DISTRICT: 3

HEARING DATE: August 20, 2024

PREPARED BY: Joan A. Jenkins
Planner III



REQUEST

The applicant is requesting a variance to allow the unmerger of lots that are in the critical area but were not part of a subdivision approved on or after August 22, 1988, with less lot area and less lot width than required and with greater density than allowed for property known as 408 Summit Avenue, Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 10,000 square feet of land and is located with 100 feet of frontage on the east side of Summit Avenue, 0 feet south of Forest Road. It is identified as Lots 33 through 37 of Parcel 17 in Block 21 on Tax Map 10 in the Marley Beach subdivision.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning of the Third Councilmanic District zoning maps, effective January 29, 2012.

This is a non-waterfront site located entirely within the Chesapeake Bay Critical Area overlay designated as IDA – Intensely Developed Area. The property is currently improved with two dwellings, marked existing dwelling #1 and existing dwelling #2 on the site plan. Dwelling #1 straddles the lot lines of lots 34 and 35, and dwelling #2 straddles the lot lines of lots 35 and 36. There are also three sheds and a fence to be removed. The property is served by public water and sewer facilities.

PROPOSAL

The applicant wishes to unmerge the lots as some are currently merged by operation of law via the existing dwellings that straddles the lot lines, so that the existing dwelling #1 can be demolished and a new single-family dwelling can be constructed on the newly formed lots 33-34. Dwelling #2 would remain on lots 35-37.

REQUESTED VARIANCES

§ 18-4-203(d) of the Anne Arundel County Zoning Ordinance permits the unmerger of lots

merged by operation of law if:

- (1) the lots no longer are used in service of a principal use;
- (2) the lots comply with the minimum area and dimensional requirements of the zoning district in which the lots are located in effect at the time of the unmerger;
- (3) all or part of any lots in the Critical Area were part of a subdivision approved on or after August 22, 1988; and
- (4) the owner executes and records in the land records of the County at the owner's expense an instrument unmerging the lots in the form required by the Office Planning and Zoning.

The lots proposed to be unmerged (Lots 33-37) would not individually comply with the width requirement or the area requirement for property in an R5 District and the lots are in the critical area but were not part of a subdivision approved on or after August 22, 1988 ; therefore, a variance to § 18-4-203(d)(2) and § 18-4-203(d)(3) would be required for the unmerger.

The lots as proposed when recombined necessitate variances to the bulk regulations of the Code as follows:

§ 18-4-701 stipulates that the minimum lot width in an R5 District is 60 feet. The proposed combined Lots 33-34 will be 40 feet wide requiring a variance of 20 feet to the minimum lot width requirement. The proposed combined Lots of 35-37 will remain 100 feet wide and will not require a variance.

§ 18-4-701 stipulates that the minimum lot area for a lot in an R5 District is 7,000 square feet. The proposed combined Lots 33-34 will be 4,000 square feet and proposed combined Lots 35-37 will be 6,000 square feet requiring variances 3,000 square feet and 1,000 square feet, respectively.

§ 18-4-701 stipulates that the maximum net density in an R5 District is 5 dwelling units per acre. The proposed two dwellings would exceed the maximum density permitted for new subdivisions. The applicant is proposing a dwelling on the proposed combined lots 33-34 which is 4,000 square feet in area (or 10.89 dwelling units per acre), necessitating a density variance of 5.89 dwelling units per acre; and, the applicant is proposing a dwelling on lots 35-37 which is 6,000 square feet in area (or 7.26 dwelling units per acre), necessitating a density variance of 2.26 dwelling units per acre.

§ 18-4-701 requires that a principal structure be setback 25 feet from the front lot line, 20 feet from the rear lot line and 7 feet from the side lot line. The existing dwelling #2 on proposed lots 35-37 is currently 22.8 feet from the front lot line, 11.42 feet from the rear lot line and 5.71 feet from the southern side lot line requiring variances of 3 feet, 9 feet and 2 feet , respectively, to

the requirements.¹

FINDINGS

The subject overall site is a corner lot that is square with 10,000 square feet of land area. Two dwellings currently exist on the property. The proposed configuration and combination of lots would locate the existing house #2 on the three westernmost lots and allow for a small site on two lots for a new dwelling once the existing house #1 is demolished. The lots are part of the subdivision of Marley Park Beach, recorded in October 1922.

This site is in the IDA - intensely developed area of the critical area. The IDA does not have a lot coverage requirement, however, in the R5 District there is a zoning coverage by structure maximum of 40% of the area of the lot. An amended plat would be required to be recorded should the unmerger be approved making these two lots a subdivision created after December 1, 1985. Any future development proposals on either lot would be required to meet the Code requirements at the time of permitting or seek additional variances as appropriate.

The 2024 County aerial photo of this property with the plat lot lines overlaid shows a neighborhood of various sized lots and houses. There are a few homes built on single lots, but most appear to be built on two or more lots. The lots in this subdivision were created 20' by 100'. According to State Tax Assessment Records, the existing house was originally constructed c. 1940 not long after the subdivision was recorded in 1922 and prior to any zoning or critical area regulations.

The letter explains that the applicant would like to demolish the current house that straddles lots 34 and 35 and build a new house on newly created lots 33-34. The house straddling lots 35-36 would then be on its own site along with lot 37. The house will remain for now.

The **Health Department** commented that the property is served by public water and sewer facilities. The Department has no objection to the variance request.

The **Department of Inspections and Permits (Engineering)** made comments relating to an earlier site plan that showed a dwelling on the proposed combined lots 33-34.²

The **Development Division (Critical Area Team)** commented that this request will not result in an increase in density and has no objection.

The **State of Maryland Critical Area Commission** comments were not available at the time of the writing of this recommendation.

¹ Existing setback distances were given to the planner via phone and are not shown on the site plan. The dwelling is remaining in place.

² These comments will be made available for informational purposes only. A variance to unmerge lots and recombine does not require a future dwelling to be shown and the site plan was revised to reflect that. Any future development will be required to meet regulations at the time of permitting.

The **Cultural Resources Section** commented that this property includes an undocumented, historic structure from the early 20th century. Our office will need to conduct our review once the demolition permit application is submitted. A site visit with photo-documentation may be required prior to approval. Please contact the Historic Sites Planner, Darian Beverungen, pzbevel9@aacounty.org with any questions.

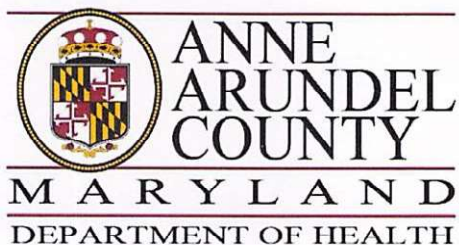
A determination must be made as to whether, because of certain unique physical conditions peculiar to or inherent in the property or because of exceptional circumstances other than financial considerations, the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship. In this particular case, exceptional circumstances exist in that the subject property has two existing dwellings. The proposal would allow for two homesites, one on a 40-foot wide lot which would be more in keeping with the lots in the immediate area, including those on the same side of Forest Road as the subject lots. Denial of the variances would cause hardship by preventing development of the lots in a manner that is consistent with the existing pattern of development within the neighborhood.

The granting of the variances would not alter the essential character of the neighborhood or impair the appropriate use or development of adjacent properties. The variances would not be contrary to acceptable clearing and replanting practices and would not be detrimental to the public welfare. The proposed unmerger and reconfiguration of the subject lots observes the spirit and intent of the lot merger law and is deemed 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 **approval** of the proposed zoning variances to § 18-4-203(d)(2) & (3) and § 18-4-701 to allow the unmerger of Lots 34 and 35 and Lots 35 and 36 and to allow the reconfiguration of the two homesites (proposed Lots 35-37 and Lots 33-34) with less lot area and less lot width than required and greater density than allowed; and to allow the dwelling to remain on Lots 35-37 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.



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 *BC*
Bureau of Environmental Health

DATE: June 27, 2024

RE: Two By Two May, LLC
408 Summit Avenue
Glen Burnie, MD 21060

NUMBER: 2024-0111-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow the unmerger of lots to permit lots with less lot area and less lot width than required and with greater density than allowed.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

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

cc: Sterling Seay

2024-0111-V

Menu Cancel Help

Task Details I and P Engineering

Assigned Date

06/13/2024

Assigned to

Habtamu Zeleke

Current Status

Complete w/ Comments

Action By

Habtamu Zeleke

Comments

Variance request: proposed to unmerge the merged lots to allow for the construction of a new dwelling.

Comments:

1. Please note that locating the drywell under the driveway for a residential home is not permitted. The reason for this is that in the event of failure, settlement, sinkhole, etc., the homeowner will have issues accessing and parking while dealing with the situation, which would be problematic and a burden risk for residential homeowners.
2. Identify site outfall to review the site plan and provide feedback regarding potential impact.
3. 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.
4. 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.
5. Design professionals should review site runoff and potential (negative, adverse) impacts to neighboring properties, due to changed grades/elevation on a proposed project.
6. Based on the plan provided, it appears that the property will be served by a public sewer and water.
7. The utility for the site will be reviewed during the grading permit.
8. The stormwater management Engineering design review approval for the site shall occur at the grading permit stage.
9. Based on the above comments and proposed site design, 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

07/02/2024

Assigned to Department

Engineering

Status Date

06/27/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

Engineering

Est. Completion Date

- ☐ Display E-mail Address in ACA
- ☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

2024-0111-V

Menu Cancel Help

Task Details OPZ Residential Team

Assigned Date 06/17/2024	Due Date 07/02/2024
Assigned to Kelly Krinetz	Assigned to Department OPZ Critical Area
Current Status Complete w/ Comments	Status Date 06/17/2024
Action By Kelly Krinetz	Overtime No
Comments This request will not result in an increase in density. This Office has no objection.	Start Time
End Time	Hours Spent 0.0
Billable No	Action by Department OPZ Critical Area
Time Tracking Start Date	Est. Completion Date
In Possession Time (hrs)	<input type="checkbox"/> Display E-mail Address in ACA
Estimated Hours 0.0	<input checked="" type="checkbox"/> Display Comment in ACA
Comment Display in ACA	
<input checked="" type="checkbox"/> All ACA Users	
<input checked="" type="checkbox"/> Record Creator	
<input checked="" type="checkbox"/> Licensed Professional	
<input checked="" type="checkbox"/> Contact	
<input checked="" type="checkbox"/> Owner	

Task Specific Information

Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	

2024-0111-V

Menu Cancel Help

Task Details OPZ Cultural Resources

Assigned Date

06/11/2024

Assigned to

Stacy Poulos

Current Status

Complete w/ Comments

Action By

Stacy Poulos

Comments

This property includes an undocumented, historic structure from the early 20th century. Our office will need to conduct our review once the demolition permit application is submitted. A site visit with photo-documentation may be required prior to approval. Please contact the Historic Sites Planner, Darian Beverungen, pzbeve19@aacounty.org with any questions.

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

07/02/2024

Assigned to Department

OPZ Cultural Resources

Status Date

06/14/2024

Overtime

No

Start Time

Hours Spent

0.0

Action by Department

OPZ Cultural Resources

Est. Completion Date

- ☐ Display E-mail Address in ACA
- ☒ Display Comment in ACA

Task Specific Information

Expiration Date

Reviewer Phone Number

Review Notes

Reviewer Email

Reviewer Name

408 Summit Avenue



Legend

Foundation

Addressing

Parcels

Parcels - Annapolis City

Planning

County Planning



Notes

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.

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THIS MAP IS NOT TO BE USED FOR NAVIGATION