

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

APPLICANT: Susan Elizabeth Holley

ASSESSMENT DISTRICT: 8

CASE NUMBER: 2024-0119-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: September 5, 2024

PREPARED BY: Joan A. Jenkins 
Planner III

REQUEST

The applicant is requesting a variance to allow an extension in time for the implementation and completion of a previously approved special exception on property located at 353 Leitch Road in Tracy's Landing.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 73.88 acres of land and is located with 2,860 feet of frontage on the south side of Leitch Road, 0 feet west of Town Point Road. The site is described as Parcel 2 in the Fair Haven Estates subdivision on Tax Map 77 in Grid 24 of Parcel 87.

The property is predominantly zoned RA - Rural Agricultural District, but it contains a small area zoned OS - Open Space District in the southeastern portion of the lot. The zoning was adopted by the comprehensive zoning of Council District 7, effective October 7, 2011. The lot is not waterfront; however, the majority of the property lies within the RCA - Resource Conservation Area of the Chesapeake Bay Critical Area overlay. It is currently improved with an historic brick "mansion"; various historic milk barns, grain silos, and stables; an in-ground swimming pool, an "owner's cottage", a driveway, and other associated facilities.

PROPOSAL

The applicant seeks approval for an extension in time for the implementation and completion of a previously approved special exception (Case 2022-0166-S) to allow a bed and breakfast inn located in an RA - Rural Agricultural District.

REQUESTED VARIANCE

§ 18-16-405(a) of the Anne Arundel County Zoning Code stipulates that a special exception expires by operation of law unless the applicant obtains a building permit within 18 months of approval. On December 20, 2022, a special exception approval was granted (Case 2022-0166-S) by the Administrative Hearing Officer to allow a bed and breakfast inn located in an RA - Rural Agricultural District on the Subject Property. Eighteen (18) months beyond the approval date would have been June 20, 2024. The applicant is now requesting a variance to allow an additional

one-year extension in time to obtain a building permit, while maintaining the previous approval, through June 20, 2025.

FINDINGS

This property was the subject of a special exception, case number 2022-0166-S, which was granted December 20, 2022 to allow a bed and breakfast inn located in the RA District. This application for an extension in time was properly made prior to the expiration of the previous special exception approval.

The letter of explanation states that an approved septic site plan is required prior to building permit approval. The initial submission of the septic site plan was July 28, 2023 with subsequent submissions in September, November, and December 2023, and February 2024 to address comments. The Septic Site Plan was approved on February 14, 2024. After beginning the building permit process after receiving septic approval the applicant writes that they learned that a modification to the PP/SDP (preliminary plan/site development plan) process is required for building permit approval. This Office notes that the Development Division Critical Area Team commented for the special exception that “If the bed and breakfast in use is approved, a Site Development Plan will be required.” A modification application (M17537) was submitted June 17, 2024 and is pending a decision. There is not an active building permit for this address.

This property is the subject of an open violation (Case Z-2023-0740) opened June 23, 2023 for an unpermitted business. The applicant submitted a Temporary Use - Farm or Agricultural Heritage Site application March 11, 2024 for an “Outdoor wedding ceremony and tented reception from 4 pm to 11 pm.” which was denied. A short term rental license renewal was submitted March 22, 2024 and was issued April 9, 2024 for six beds.

There is no evidence that the granting of this request for an extension in time will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, reduce forest cover in the RCA or be contrary to acceptable clearing and replanting practices for development in the Critical Area, nor be detrimental to the public welfare.

The applicant has diligently pursued the necessary approvals for a building permit application, however, requires additional time to complete the process. This variance application is considered to be the minimum necessary to afford relief and can be supported by this Office.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to §18-16-405(a) to allow a one year extension in time for the implementation and completion of a previously approved special exception.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.



Messick & Associates
Consulting Engineers,
Planners, Surveyors
& Landscape Architects
"Designing Success Since 1951"

June 18, 2024
Ms. Sterling Seay, Zoning Administrator
Anne Arundel County
Planning & Zoning
2664 Riva Road
Annapolis, MD 21401

Re: Variance Application to Extend Timeframe
353 Leach Road (2022-0166-S)
Tax Map 77, Grid 24, Parcel 87
Explanation Letter

Dear Ms. Seay:

Attached for your review and processing is a variance application to extend the timeframe required to obtain a building permit for the above referenced Property. The subject site consists of approximately 73.88 acres of land with located approximately 2,860 feet of frontage on the south side of Leitch Road at the intersection of Town Point Road. It is identified as Parcel 87, Block 24 on Anne Arundel County Tax Map 77. The property is predominately zoned RA – Residential Agricultural District. The lot is a non-waterfront lot; however, the majority of the property lies within the Chesapeake Bay Overlay area and is designated as RCA (Resource Conservation Area). It is currently improved with a historic brick “mansion” various historic milk barns, grain silos, and stables; an in-ground swimming pool, an “owner cottage,” a driveway and other associated facilities. The applicant is proposing to use the existing structure to operate a bed and breakfast inn in an RA Zone. No exterior structural improvements or woodland clearing is proposed.

The applicant’s original Special Exception was approved on December 20, 2022 and in order to submit a building permit application, an approved Septic Site Plan was required. The applicant initially submitted the Septic Site Plan on 7/28/23 and resubmitted to address comments on 9/5/23, 11/3/23, 12/13/23/ and 2/1/24. The Septic Site Plan was subsequently approved on 2/14/24. The applicant started preparing the Building Permit documents to submit immediately thereafter and discovered that a modification to the PP/SDP process is required to secure the building permit approval. The applicant has diligently and continuously pursued the required approvals; however additional time is needed to secure the building permit as required by County Code. The applicant is requesting a one-year extension to obtain the approvals necessary to issue a building permit for the proposed use.

Specifically, the applicant is requesting the following variances:

1. A variance to Article 18-16-405(a) to extend the 18-month timeframe to obtain a building permit for a Special Exception by one year (as permitted under Article 18-16-405 (c)).



Ms. Sterling Seay
Variance Application
353 Leitch Road
June 18, 2024
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We believe the proposed variance meets all applicable criteria in accordance with the Anne Arundel County Code. Specifically:

Requirements for all variances:

(c)(1) *The variance is the minimum variance necessary to afford relief.*

The Special Exception was approved on 12/20/22 and in order to submit a building permit application, an approved Septic Site Plan was required. The applicant initially submitted the Septic Site Plan on 7/28/23 and resubmitted to address comments on 9/5/23, 11/3/23, 12/13/23/ and 2/1/24. The Septic Site Plan was subsequently approved on 2/14/24. The applicant started preparing the Building Permit documents to submit immediately thereafter and found that a modification to the PP/SDP process is required to secure the building permit approval. The applicant has diligently and continuously pursued the required approvals; however additional time is needed to obtain the approvals necessary to issue a building permit for the proposed use. It is our belief that a one-year extension to obtain the building permit approval is an appropriate time extension and the variance is the minimum necessary to afford relief.

(c)(2) *The granting of a variance will not (i) alter the essential character of the neighborhood or district in which it is located; (ii) substantially impair the appropriate use or development of adjacent property; (iii) reduce forest cover in the limited development and resource conservation areas of the critical area; (iv) be contrary to acceptable clearing and replanting practices required for development in the critical area; nor (v) be detrimental to the public welfare.*

Granting of the variance will allow the Property to be used in a manner that is consistent with the approved Special Exception. It will have no impact on the use or development of adjacent properties and it will have no impact on forest cover or be contrary to acceptable clearing and replanting practices for development in the Critical Area. Granting of the variance will not be detrimental to the public health, safety, or welfare.

If there are any questions concerning this application, please do not hesitate to contact me.

Sincerely,
MESSICK GROUP, INC.
T/A MESSICK & ASSOCIATES


Timothy Brenza, Vice President



Legend

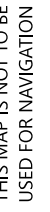
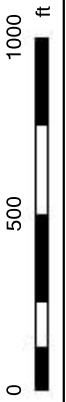
- Foundation Addressing: ○
- Parcels: ●
- Parcels - Annapolis City: ▭ (orange outline)
- Planning: ▭ (purple outline)
- County Planning:
 - IDA - Intensely Developed Area: ▭ (orange fill)
 - LDA - Limited Development Area: ▭ (yellow fill)
 - RCA - Resource Conservation Area: ▭ (green fill)
 - FED - Federal Land: ▭ (purple fill)



Notes

none

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.



THIS MAP IS NOT TO BE USED FOR NAVIGATION