



June 27, 2024

Anne Arundel County  
Department of Planning and Zoning  
2664 Riva Road  
Annapolis, MD. 21401

**RE: Variance Application – Explanatory Letter  
8431 Bay Road, Pasadena, MD 21122  
Riviera Beach, Lots 11-14, Section Y  
Tax Map 11 Block 11, Parcel 178**

To whom it may concern.

Please find submitted herewith the variance application and associated required submittal materials requesting a variance to 1) permit an addition to an accessory structure, a second story on an existing garage, with less setbacks than permitted on an R5 lot per Article 18-4-701.

The site is identified as 8431 Bay Road, Pasadena, Maryland, also known as Lots 11-14, Section Y on the recorded plat of "Riviera Beach". This site is a 0.46-acre lot, zoned R5. The site is located within the Chesapeake Bay Critical Area (IDA). This lot is viewed as a waterfront lot, but it is separated from the water by community land known as Riviera Walk. The property is also a corner lot with frontage on Bay Road, an existing 20' public improved right-of-way and Harlem Road, a 40' unimproved private right-of-way owned by the Community Association. The site is served by existing public water and public sewer in Bay Road.

This site is currently developed with an existing two-story single-family home with a deck, a detached garage, driveway, walkways, a bar and a deck, all to remain. The proposed development is to construct a second story for an Accessory Dwelling Unit on the existing detached garage with wooden steps to the second floor.

### **Setbacks**

The applicant is seeking a variance to permit an addition to an accessory structure (a second story on an existing detached garage) and steps to have less side corner yard setback than required. The required setback for this lot comes from Article 18-4-701 for R5 Residential Districts.

The property is a corner lot with frontage on Bay Road, an existing 20' public improved right-of-way and Harlem Road, a 40' unimproved private right-of-way such that the side setback for the northwesterly lot line is 15' (from Harlem Road). The existing 30'x30' detached garage was built back in 2005 (B02219224) with less front setbacks than required at the time with an approved variance (2005-0093-V). The variance decision had denied the request to reduce the side yard to 7' and allowed it at 10' which was the required setback at that time per the variance decision. Please note the variance was granted for the garage itself but to be set back 10' from Harlem Road however the current survey of the existing garage shows it sits 9.6' off Harlem Road. The variance was also to front setbacks but because this is a waterfront lot the "front" is the waterside of the lot and this is the rear yard setback. The owners wish to add a 30'x26' second-story to the existing detached garage for an Accessory Dwelling Unit. Given the existing garage does not meet the 15' corner side setback, the addition of the second-story will require a variance as requested. The addition proposed is a 30'x26' second-story with 3.5' wide wooden steps to the second floor. We are requesting a variance of 8.9' to the northwesterly side setback (Required 15' to Harlem Road) to allow the wooden stairs to be constructed at 6.1' to the lot line and the second story addition to be 9.6' from the lot line. Per Article 18-10-122 (Accessory Dwelling Units), given the requested setback variance is to a corner side setback for Harlem Road and is not a variance to setbacks to an adjacent lot, this variance maybe be applied for to allow an Accessory Dwelling Unit.

We feel this is the minimum relief necessary given the fact that the second-floor addition is to an existing garage that does not meet the corner side setback already, and given the fact that by allowing the existing garage to have a second floor addition there will be no environmental impact and no new lot coverage created. The garage size is very comparable to the other garages on this street, including 2-story garages located at 8435 Bay Road, 8441 Bay Road and 8451 Bay Road such that it will not alter the essential character of the neighborhood. Additionally, 8451 Bay Road was granted a side setback variance for their 2-story garage (2003-0234-V), so granting this variance will not confer any special privileges on the owner but will grant the owner the same rights that are commonly enjoyed by other properties on this street. This variance request is not based on conditions or circumstances that are a result of actions by the applicant, at the time the original garage was constructed, it was intended to meet the 10' side setback that was required at that time, the 0.4' difference could be the result of more efficient surveying techniques used now or a simple stakeout error during construction. Now that the setbacks / zoning code has changed, the existing garage no longer meets the side setback such that any addition to it will require a variance. Furthermore, at the time the garage was built, ADU's were not allowed on lots of this zoning and size and the owner had no way of knowing that in the future an ADU would be allowed. Granting this variance will not impair the use or development of adjacent property or be detrimental to the public welfare as the side setback variance being requested is adjacent to an unimproved private right-of-way and not a developed residential lot. If this were adjacent to a residential lot a variance would not be required

as the setback would only be 7' to an adjacent residential lot. Only because this lot is adjacent to a right-of-way is the setback increased. Another condition peculiar to this lot is that although this lot is technically adjacent to a right-of-way for Harlem Road, it is unimproved and not used as a right-of-way. The adjacent property owners' driveway / landscaping is within this right-of-way and there is no walkway from the street to the water for community access, such that this section of Harlem Road right-of-way is being used as part of the adjacent owner's residential property. It would be an unnecessary hardship on the owner to deny this variance when this variance would not be required if the site was adjacent to a residential lot and not a right-of-way especially given the right-of-way is currently being used as part of a residential lot. Granting this variance will not adversely affect water quality, impact fish, wildlife, or plant habitat in the Chesapeake Bay Critical Area as this development is not creating any additional lot coverage, the proposed steps are wooden, and the second-story addition is on top of existing garage which creates no new lot coverage. Given the site is within the IDA there is no clearing restrictions, however a very small amount of clearing is proposed (145 sf), but this is determined from the aerial image of the treeline and not that an actual tree needs to be removed for this development, but mitigation is not required.

A building permit will be applied for under separate cover.

Calculations for lot coverage, existing woods, clearing and limits of disturbance are provided on the site plan.

Thank you for your consideration of this request and please do not hesitate to contact me if you have any questions or if you require any additional information.

Sincerely,  
Development Facilitators, Inc.

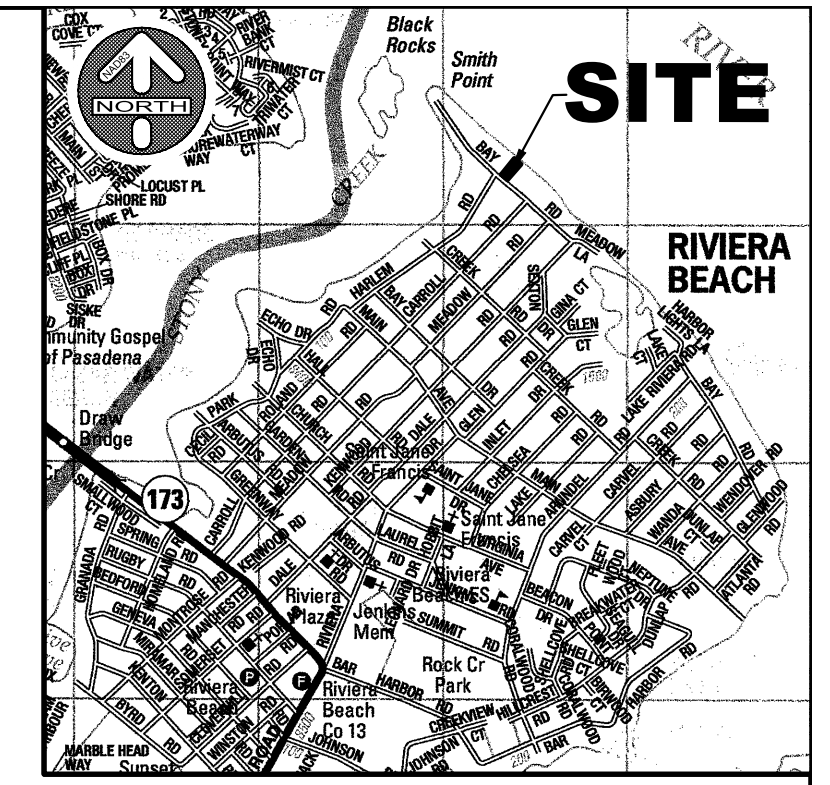
A handwritten signature in black ink, appearing to be 'CB' with a stylized flourish extending to the right.

Candice Bateman  
Project Manager

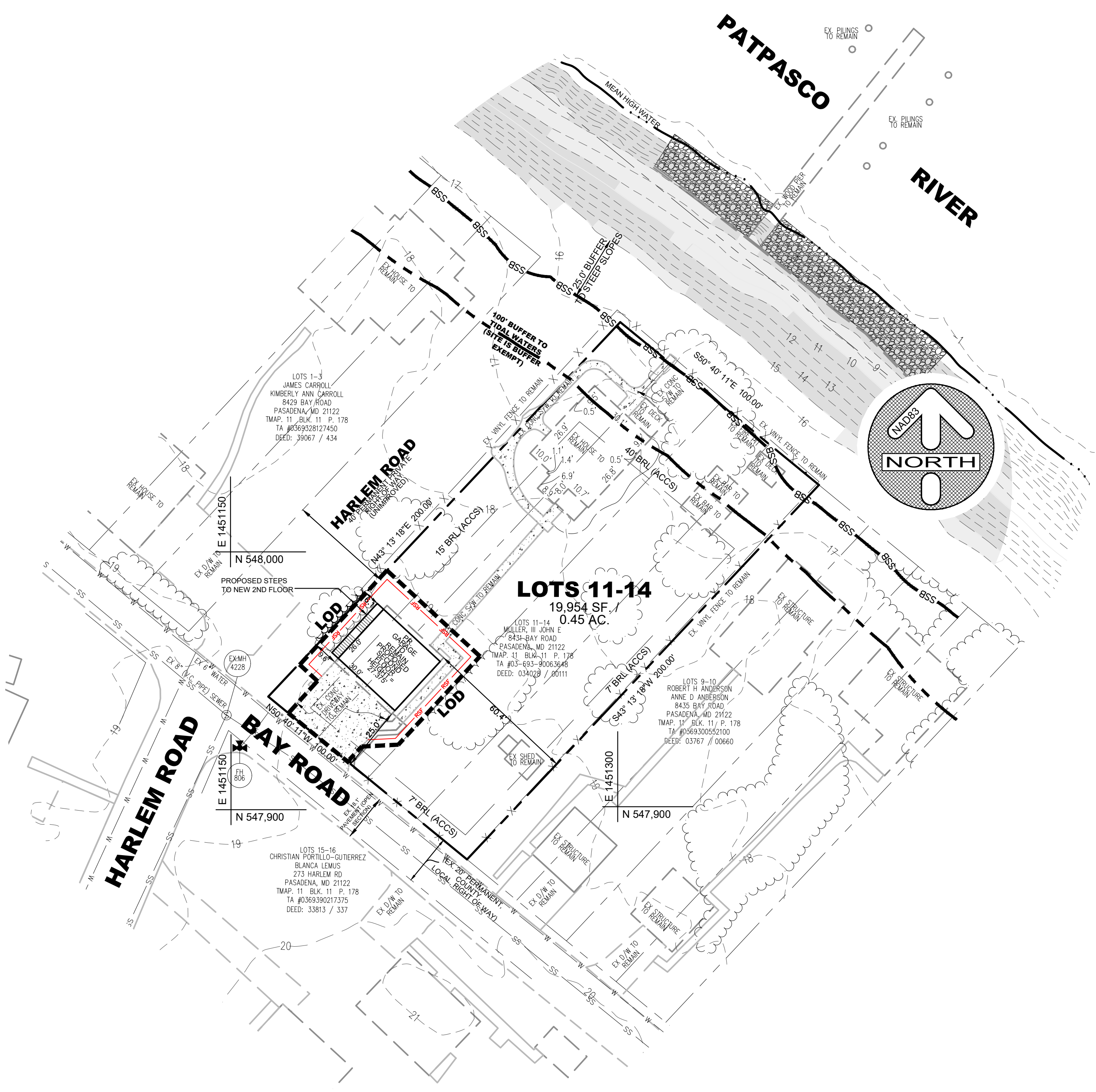
*Cc: Steve Andraka, P.E., DFI*

**LEGEND**

EXISTING CONTOUR	80	100' BUFFER TO TIDAL WATER	
PROPERTY LINE	78	25% STEEP SLOPES	
LIMIT OF DISTURBANCE	LOD	15% STEEP SLOPES	
MEAN HIGH WATER			
REINFORCED SILT FENCE	RSF		
25' BUFFER TO TOP OF STEEP SLOPES 15% OR GREATER	SSB		

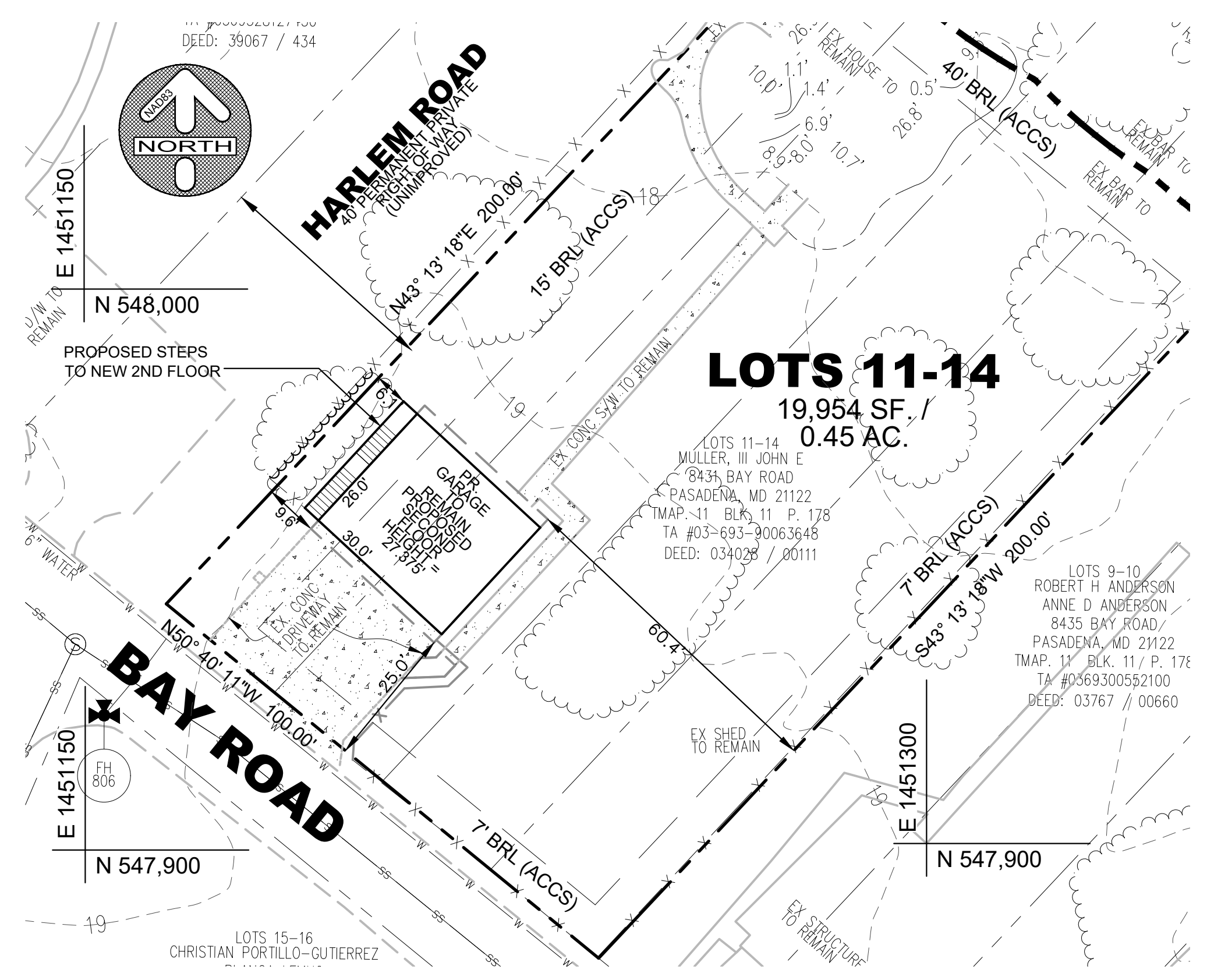


**VICINITY MAP**  
SCALE: 1"=2,000'  
COPYRIGHT AND THE MAP PEOPLE  
PERMITTED USE NUMBER BUE0713

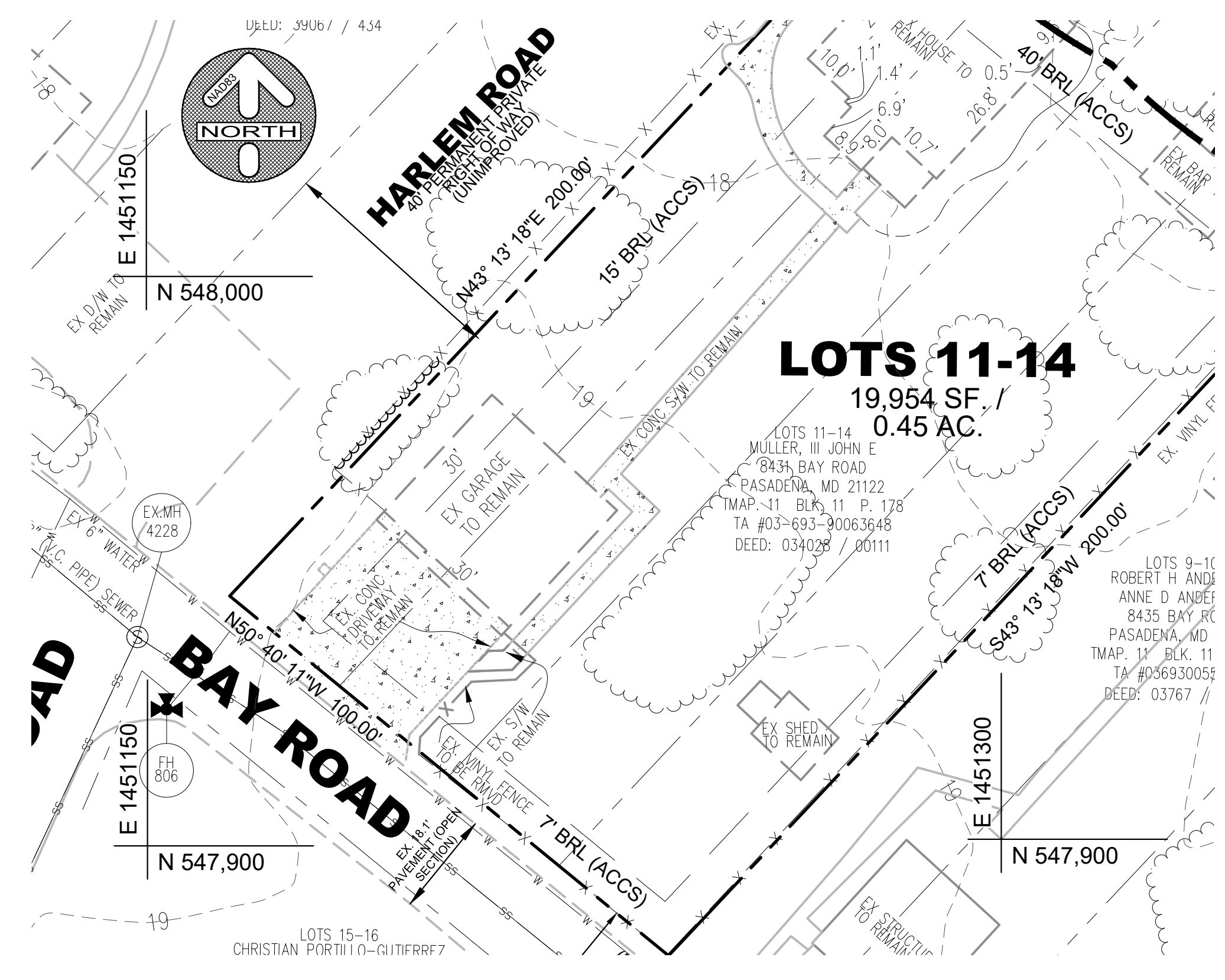


**PLAN VIEW**  
SCALE: 1"=30'

**NOTE:**  
TOPOGRAPHY SHOWN IS AERIAL TOPO 2020 WHICH IS IN NAD 83. THESE PLANS WERE PREPARED USING A BOUNDARY AND LOCATION SURVEY BY DFI IN FEBRUARY 2024.



**PROPOSED SITE CONDITIONS**  
SCALE: 1"=30'



**EXISTING SITE CONDITIONS**  
SCALE: 1"=20'

**SITE CALCULATIONS**

LOTS 11-14	19,954 SF / 0.45 AC.
<b>PROPOSED LOT COVERAGE</b>	
EX. HOUSE TO REMAIN	1,468 SF.
EX. DRIVEWAYS TO REMAIN	770 SF.
EX. SIDEWALKS TO REMAIN	876 SF.
EX. BAR TO REMAIN	346 SF.
EX. SHED TO REMAIN	149 SF.
EX. GARAGE TO REMAIN	915 SF.
EX. DECK TO REMAIN	100 SF.
EX. SIDEWALK TO BE REMAIN	25 SF.
TOTAL EXISTING LOT COVERAGE TO REMAIN	4,650 SF.
	(23.30% OF THE SITE)
<b>PROPOSED LOT COVERAGE</b>	
PR. STEPS (NOT LOT COVERAGE)	553 SF.
TOTAL PROPOSED LOT COVERAGE	0 SF.
TOTAL LOT COVERAGE AFTER DEVELOPMENT	4,650 SF.
	(0% OF THE SITE)
EX. WOODS	3,568 SF.
	(17.9% OF THE SITE)
PR. CLEARING	145 SF.
	(2.7% OF WOODS ONSITE)
PERMITTED TOTAL COVERAGE (R5 - 40% STRUCTURAL)	7,982 SF.
TOTAL DISTURBANCE	2961 SF. / 0.08 AC.
THE SITE IS WITHIN THE CRITICAL AREA (IDA)	

**CALL MISS UTILITY OR 811 BEFORE YOU DIG!**

**OWNER/DEVELOPER:**

JOHN E MULLER III  
8431 BAY RD  
PASADENA MD 21122-2925  
JRMULLER77@GMAIL.COM

DESIGNED		DATE		REVISIONS	
DATE	BY	DATE	BY	DESCRIPTION	
09/24	CMB	09/24			

**DFI** ENGINEERS-SURVEYORS-PLANNERS  
CONSTRUCTION MANAGERS  
1127 BENFIELD BLVD, SUITE K  
MILLERSVILLE, MD 21108  
WWW.DFIENGINEERING.COM  
443-308-2100 FAX 443-308-2108

**BUILDING PERMIT PLAN / VARIANCE PLAN**

**8431 BAY ROAD**  
RIVERA BEACH, LOTS 11 - 14, SECTION Y  
ZONING R-5  
TAX MAP 11 BLOCK 11 PARCEL 178  
SCALE: AS SHOWN DATE: SEPTEMBER, 2024  
ZIP CODE: 21122

3RD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND

**SHEET**  
1  
OF  
1

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: 6-27-24

Tax Map #	Parcel #	Block #	Lot #	Section
11	17		11-14	Y

**FOR RESUBMITTAL ONLY**

- Corrections
- Redesign
- No Change
- Non-Critical Area

\*Complete Only Page 1  
 General Project Information

Tax ID: 03-693-90063648

Project Name (site name, subdivision name, or other) 8431 Bay Road

Project location/Address 8431 Bay Road

City Pasadena Zip 21122

Local case number

Applicant: Last name Muller III First name John

Company

**Application Type (check all that apply):**

- |   |  |
|---|--|
| Building Permit <input checked="" type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/>     | Rezoning <input type="checkbox"/>            |
| Conditional Use <input type="checkbox"/>            | Site Plan <input type="checkbox"/>           |
| Consistency Report <input type="checkbox"/>         | Special Exception <input type="checkbox"/>   |
| Disturbance > 5,000 sq ft <input type="checkbox"/>  | Subdivision <input type="checkbox"/>         |
| Grading Permit <input type="checkbox"/>             | Other <input type="checkbox"/>               |

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

Addition to an accessory structure (a second story on an existing garage for an accessory dwelling unit) and new wooden stairs

Intra-Family Transfer  Yes  
 Grandfathered Lot

Growth Allocation  Yes  
 Buffer Exemption Area

**Project Type (check all that apply)**

Commercial   
 Consistency Report   
 Industrial   
 Institutional   
 Mixed Use   
 Other

Recreational   
 Redevelopment   
 Residential   
 Shore Erosion Control   
 Water-Dependent Facility

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft
IDA Area	0.45	19,954
LDA Area		
RCA Area		
Total Area	0.45	19,954

Total Disturbed Area 

Acres	0.08
Sq Ft	2,961

# of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.08	3,566	Existing Lot Coverage	0.11	4,650
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0	0
Removed Forest/Woodland/Trees	0.003	145	Removed Lot Coverage	0	0
			Total Lot Coverage	0.11	4,650

**VARIANCE INFORMATION (Check all that apply)**

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0	0	Mitigation	0	0

Variance Type

Buffer   
 Forest Clearing   
 HPA Impact   
 Lot Coverage   
 Expanded Buffer   
 Nontidal Wetlands   
 Setback   
 Steep Slopes   
 Other

Structure

Acc. Structure Addition   
 Barn   
 Deck   
 Dwelling   
 Dwelling Addition   
 Garage   
 Gazebo   
 Patio   
 Pool   
 Shed   
 Other

# **CHESAPEAKE BAY CRITICAL AREA REPORT**

*for*

**8431 Bay Road  
Pasadena, Maryland, 21122**

**Riviera Beach, Section Y, Lots 11-14  
Anne Arundel County, Maryland**

*Prepared for:*

**John Muller III  
8431 Bay Road  
Pasadena Md 21122**

*Prepared:*

**June, 2024**

*Prepared by:*  
*DFI*

## **INTRODUCTION**

The property is identified as 8431 Bay Road, Pasadena, Maryland, 21122. The site is further identified as Riviera Beach, Section Y, Lots 11-14 and is also known as Tax Map 11, Block 11, Parcel 178. The site is zoned R-5, and is within the Chesapeake Bay Critical area, designated IDA. The site is buffer exempt. The site is served by public water and public sewer. The applicant proposes to construct a new second story on an existing detached garage with new wooden stairs.

## **PROJECT DESCRIPTION AND EXISTING SITE CONDITIONS**

The subject property consists of 19,954 square feet (0.45 acres) of land located entirely within the Chesapeake Bay Critical Area (IDA). Currently, the property is developed with an existing single-family dwelling, detached garage, driveway, shed, bar, walkways and a deck. The site also consists of trees and grass in good condition.

There is 3,566 square feet of existing woods based on the aerial tree line and shrubbery.

There are no impacts to jurisdictional wetlands, 25-foot non-tidal wetland buffer, streams, or 100-year floodplain for this project. Therefore, authorization from the Maryland Department of the Environment and the U.S. Army Corps of Engineers is not required.

Lot Coverage allowed in the Critical Area (IDA) is not to exceed the lot coverage limitation of the underlying zoning district, in which this lot is zoned R5 such that the permitted lot coverage is 40% of the gross area. For this site the permitted lot coverage is 7,982 sf. The existing lot coverage is 4,650 sf. This development does not propose any additional lot coverage as the stairs are wooden.

This site has applied for a building permit for the new addition to the accessory structure (second story on an existing garage with wooden stairs for an accessory dwelling unit). Stormwater Management is not required as there is no new lot coverage.

Through the use of reinforced silt fence, the applicant will minimize any impacts on water quality and habitat during construction.

## **HABITAT PROTECTION AREAS**

### ***Nontidal Wetlands***

The project area was not investigated for non-tidal wetlands by Development Facilitators, Inc. as all development is away from low lying areas.

### ***Tidal Wetlands***

The project area was not investigated for tidal wetlands by Development Facilitators, Inc. as all development is uphill of the tidal waters.



### ***100-foot Buffer and Expanded Buffer***

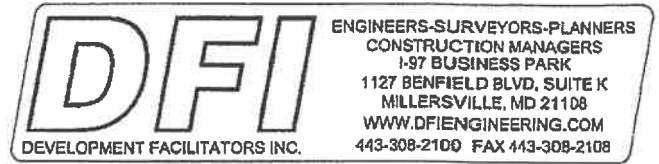
The property does front tidal waters, there is a 100' buffer onsite however this proposed work area is outside of the buffer. The site is buffer exempt.

### ***Rare, Threatened & Endangered Species***

A formal request for an environmental review for rare, threatened, or endangered species on the property was submitted to the Maryland Department of Natural Resources on June 27, 2024. A written response is currently pending. No rare, threatened, or endangered species were observed while performing the critical area study field work.

### ***Steep Slopes***

Steep slopes are defined as areas with greater than 15% slopes. Steep slopes are present offsite and the 25' buffer to the steep slopes runs along the waterfront side of the site, however no disturbance is proposed.



June 27, 2024

MD Department of Natural Resources  
Wildlife and Heritage Service  
Attn: Lori Byrne  
580 Taylor Avenue  
Tawes State Office Building E-1  
Annapolis, MD 21401

**RE: 8431 Bay Road, Pasadena, MD, 21122  
Riviera Beach, Section Y, Lots 11-14**

Dear Ms. Byrne,

The purpose of this letter is to respectfully request an environmental review for property located at 8431 Bay Road, Pasadena MD, 21122 (see attached site plan). The site is found on Tax Map 11, Block 11, Parcel 178 (ADC Map 5058/J3 is highlighted and enclosed for your reference). A field inspection was done, and no rare, threatened or endangered species appeared to be on site. We are preparing a Critical Area Report for this property and would appreciate a verification of our findings by your office as soon as possible.

Thank you in advance for consideration of the subject request and if you should have any questions or should require additional information, please do not hesitate to call me at your earliest convenience.

Sincerely,  
Development Facilitators, Inc.

A handwritten signature in black ink, appearing to be 'CB', is written over a circular stamp or seal.

**Candice Bateman**  
Project Manager

# **APPENDIX A**

*Project Notification Application*

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: 6-27-24

Tax Map #	Parcel #	Block #	Lot #	Section
11	17		11-14	Y

Tax ID: 03-693-90063648

**FOR RESUBMITTAL ONLY**

- Corrections
- Redesign
- No Change
- Non-Critical Area

\*Complete Only Page 1  
 General Project Information

Project Name (site name, subdivision name, or other) 8431 Bay Road

Project location/Address 8431 Bay Road

City Pasadena Zip 21122

Local case number

Applicant: Last name Muller III First name John

Company

**Application Type (check all that apply):**

- |   |  |
|---|--|
| Building Permit <input checked="" type="checkbox"/> | Variance <input checked="" type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/>     | Rezoning <input type="checkbox"/>            |
| Conditional Use <input type="checkbox"/>            | Site Plan <input type="checkbox"/>           |
| Consistency Report <input type="checkbox"/>         | Special Exception <input type="checkbox"/>   |
| Disturbance > 5,000 sq ft <input type="checkbox"/>  | Subdivision <input type="checkbox"/>         |
| Grading Permit <input type="checkbox"/>             | Other <input type="checkbox"/>               |

**Local Jurisdiction Contact Information:**

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

**SPECIFIC PROJECT INFORMATION**

Describe Proposed use of project site:

Addition to an accessory structure (a second story on an existing garage for an accessory dwelling unit) and new wooden stairs

	Yes		Yes
Intra-Family Transfer	<input type="checkbox"/>	Growth Allocation	<input type="checkbox"/>
Grandfathered Lot	<input type="checkbox"/>	Buffer Exemption Area	<input checked="" type="checkbox"/>

**Project Type (check all that apply)**

Commercial	<input type="checkbox"/>	Recreational	<input type="checkbox"/>
Consistency Report	<input type="checkbox"/>	Redevelopment	<input type="checkbox"/>
Industrial	<input type="checkbox"/>	Residential	<input checked="" type="checkbox"/>
Institutional	<input type="checkbox"/>	Shore Erosion Control	<input type="checkbox"/>
Mixed Use	<input type="checkbox"/>	Water-Dependent Facility	<input type="checkbox"/>
Other	<input type="checkbox"/>		

**SITE INVENTORY (Enter acres or square feet)**

	Acres	Sq Ft		Acres	Sq Ft
IDA Area	0.45	19,954	Total Disturbed Area	0.08	2,961
LDA Area					
RCA Area			# of Lots Created		
Total Area	0.45	19,954			

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees	0.08	3,566	Existing Lot Coverage	0.11	4,650
Created Forest/Woodland/Trees	0	0	New Lot Coverage	0	0
Removed Forest/Woodland/Trees	0.003	145	Removed Lot Coverage	0	0
			Total Lot Coverage	0.11	4,650

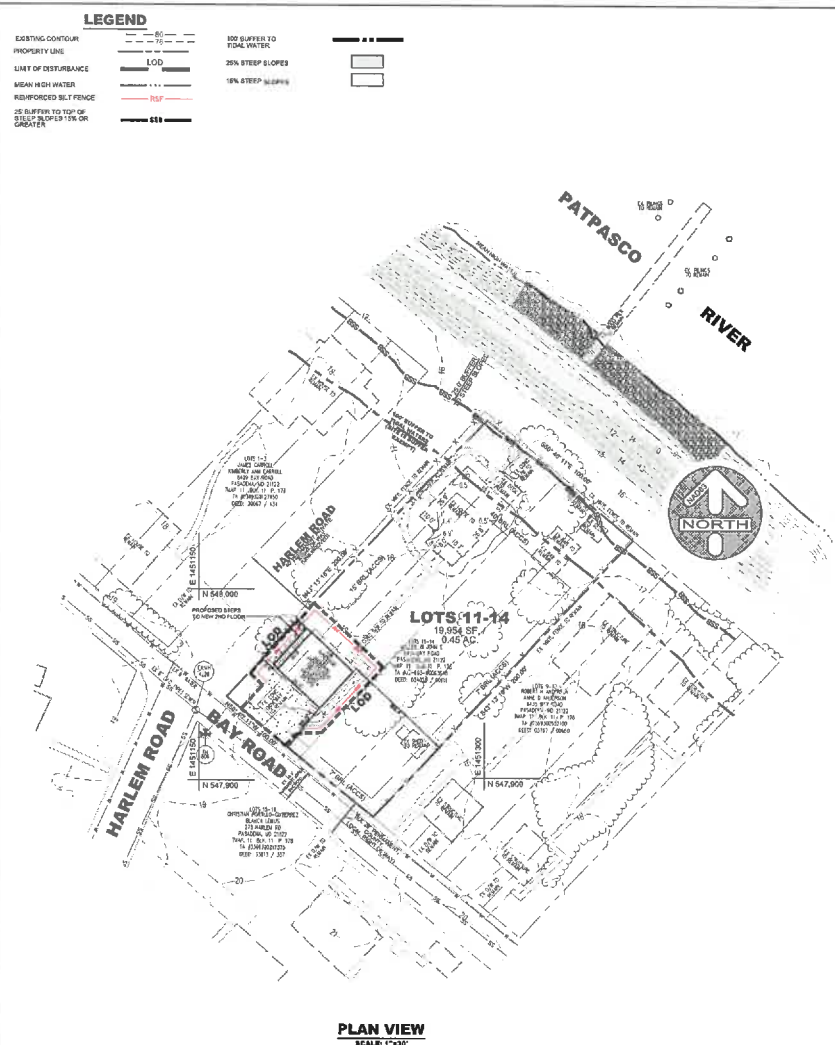
**VARIANCE INFORMATION (Check all that apply)**

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance	0	0	Buffer Forest Clearing	0	0
Non-Buffer Disturbance	0	0	Mitigation	0	0

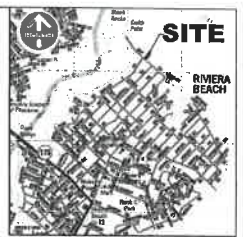
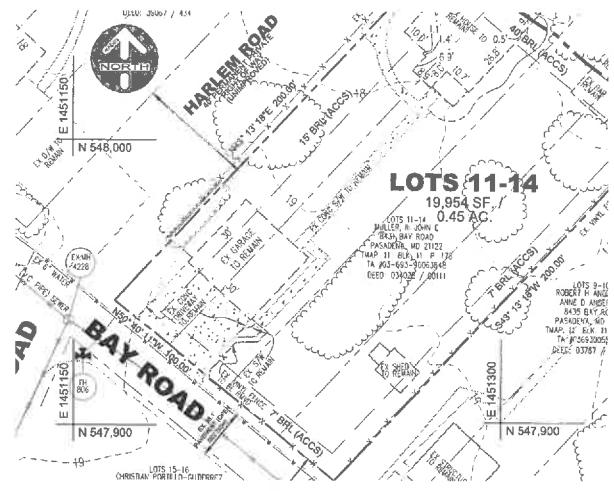
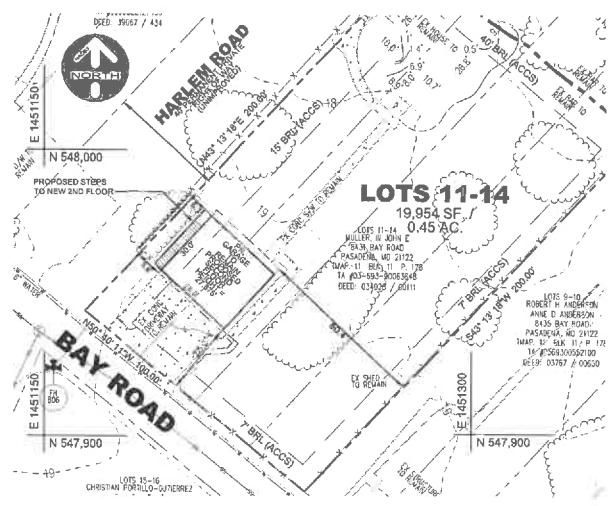
Variance Type		Structure	
Buffer	<input type="checkbox"/>	Acc. Structure Addition	<input checked="" type="checkbox"/>
Forest Clearing	<input type="checkbox"/>	Barn	<input type="checkbox"/>
HPA Impact	<input type="checkbox"/>	Deck	<input type="checkbox"/>
Lot Coverage	<input type="checkbox"/>	Dwelling	<input type="checkbox"/>
Expanded Buffer	<input type="checkbox"/>	Dwelling Addition	<input type="checkbox"/>
Nontidal Wetlands	<input type="checkbox"/>	Garage	<input type="checkbox"/>
Setback	<input checked="" type="checkbox"/>	Gazebo	<input type="checkbox"/>
Steep Slopes	<input type="checkbox"/>	Patio	<input type="checkbox"/>
Other	<input type="checkbox"/>	Pool	<input type="checkbox"/>
		Shed	<input type="checkbox"/>
		Other	<input type="checkbox"/>

# **APPENDIX B**

*Existing and Proposed Site Plans*



**NOTE:**  
TOPOGRAPHY SHOWN IS AERIAL TOPO 2020 WHICH IS IN NAD 83. THESE PLANS WERE PREPARED USING A BOUNDARY AND LOCATION SURVEY BY DFI IN FEBRUARY 2024.



**SITE CALCULATIONS**

ITEM	AMOUNT
LOTS 11-14	19,954 SF / 0.45 AC.
<b>PROPOSED LOT COVERAGE</b>	
EX. HOUSES TO REMAIN	1,499 SF.
EX. DRIVEWAYS TO REMAIN	770 SF.
EX. SIDEWALKS TO REMAIN	078 SF.
EX. BAYS TO REMAIN	340 SF.
EX. BIEDS TO REMAIN	149 SF.
EX. GARAGE TO REMAIN	815 SF.
EX. DECK TO REMAIN	100 SF.
EX. SIDEWALK TO BE REMAIN	25 SF.
<b>TOTAL EXISTING LOT COVERAGE TO REMAIN</b>	<b>4,055 SF.</b>
	(20.3% OF THE SITE)
<b>PROPOSED LOT COVERAGE</b>	
PR. STEPS (INT'L LOT COVERAGE)	563 SF.
<b>TOTAL PROPOSED LOT COVERAGE</b>	<b>0 SF.</b>
<b>TOTAL LOT COVERAGE AFTER DEVELOPMENT</b>	<b>0 SF.</b>
	(0% OF THE SITE)
<b>EX. WOODS</b>	<b>1,269 SF.</b>
	(17.3% OF THE SITE)
<b>PR. CLEARING</b>	<b>142 SF.</b>
	(1.7% OF WOODS ON SITE)
<b>PERMITTED TOTAL COVERAGE (RS. 40% STRUCTURAL)</b>	<b>7,882 SF.</b>
<b>TOTAL DISTURBANCE</b>	<b>2961 SF. / 0.68 AC.</b>

THE SITE IS WITHIN THE CRITICAL AREA (CA)

**CALL MISS UTILITY OR 811 BEFORE YOU DIG!**

**OWNER/DEVELOPER:**  
JOHN E. MILLER III  
8431 BAY RD.  
PASADENA MD 21122-2825  
JSMILLER77@GMAIL.COM

	DESIGNED	CMB	06/24	REVISIONS	
				DATE	DESCRIPTION
	DRAWN	JSD	06/24		
	CHECKED	CMB	06/24		
	APPROVED	STA	06/24		

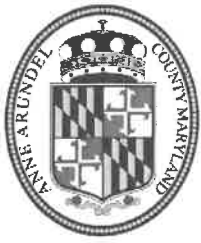
**DFI** ENGINEERS-SURVEYORS-PLANNERS  
CONSTRUCTION MANAGERS  
1127 BENFIELD BLVD, SUITE K  
MILLERSVILLE, MD 21108  
WWW.DFIENGINEERING.COM  
443-308-2100 FAX 443-308-2108

**BUILDING PERMIT PLAN / VARIANCE PLAN**

**8431 BAY ROAD**  
RIVERA BEACH, LOTS 11 - 14, SECTION Y  
ZONING R-5  
TAX MAP 11 BLOCK 11 PARCEL 178  
SCALE AS SHOWN DATE: JUNE, 2024  
207 CODE: 21122 ANNE ARUNDEL COUNTY, MARYLAND

**SHEET**  
1  
OF  
1

3RD ASSESSMENT DISTRICT



## OFFICE OF PLANNING AND ZONING

### CONFIRMATION OF PRE-FILE (2024-0064-P)

DATE OF MEETING: 7/8/2024

P&Z STAFF: Sara Anzelmo

APPLICANT/REPRESENTATIVE: J. Muller/C. Bateman, DFI EMAIL: candice@dfiengineering.com, jrmuller77@gmail.com

SITE LOCATION: 8431 Bay Road, Pasadena LOT SIZE: 19.954 sf ZONING: R5

CA DESIGNATION: IDA BMA: Yes or BUFFER: No APPLICATION TYPE: Variance

The applicant is seeking a variance to permit an addition to an accessory structure (a second story on an existing detached garage) and steps to have less side corner yard setback than required. The property is a corner lot with frontage on Bay Road, an existing 20' public improved right-of-way and Harlem Road, a 40' unimproved private right-of-way such that the side setback for the northwesterly lot line is 15' (from Harlem Road). The existing 30'x30' detached garage was built back in 2005 (B02219224) with less front setbacks than required at the time with an approved variance (2005-0093-V). The variance decision had denied the request to reduce the side yard to 7' and allowed it at 10' which was the required setback at that time per the variance decision. Please note the variance was granted for the garage itself but to be set back 10' from Harlem Road however the current survey of the existing garage shows it sits 9.6' off Harlem Road. The variance was also to front setbacks but because this is a waterfront lot the "front" is the waterside of the lot and this is the rear yard setback. The owners wish to add a 30'x26' second-story to the existing detached garage for an Accessory Dwelling Unit. Given the existing garage does not meet the 15' corner side setback, the addition of the second story will require a variance as requested. The addition proposed is a 30'x26' secondstory with 3.5' wide wooden steps to the second floor. We are requesting a variance of 8.9' to the northwesterly side setback (Required 15' to Harlem Road) to allow the wooden stairs to be constructed at 6.1' to the lot line and the second story addition to be 9.6' from the lot line. Per Article 18-10-122 (Accessory Dwelling Units), given the requested setback variance is to a corner side setback for Harlem Road and is not a variance to setbacks to an adjacent lot, this variance may be applied for to allow an Accessory Dwelling Unit.

#### COMMENTS

The **Zoning Administration Section** notes that, moving forward, a pre-file is not necessary for an ADU unless there is a critical area variance associated with the proposal or the property is served by a private septic system. The applicant is advised that the proposed ADU must comply with all current building code requirements necessary for a dwelling, including sprinklers. The Office of Planning and Zoning does not take a pre-position on any variance proposal until a formal variance application is submitted and a Planner performs an in-depth analysis of the proposal as it relates to the surrounding neighborhood and to the variance standards provided in 18-16-305 of the Code.

#### INFORMATION FOR THE APPLICANT

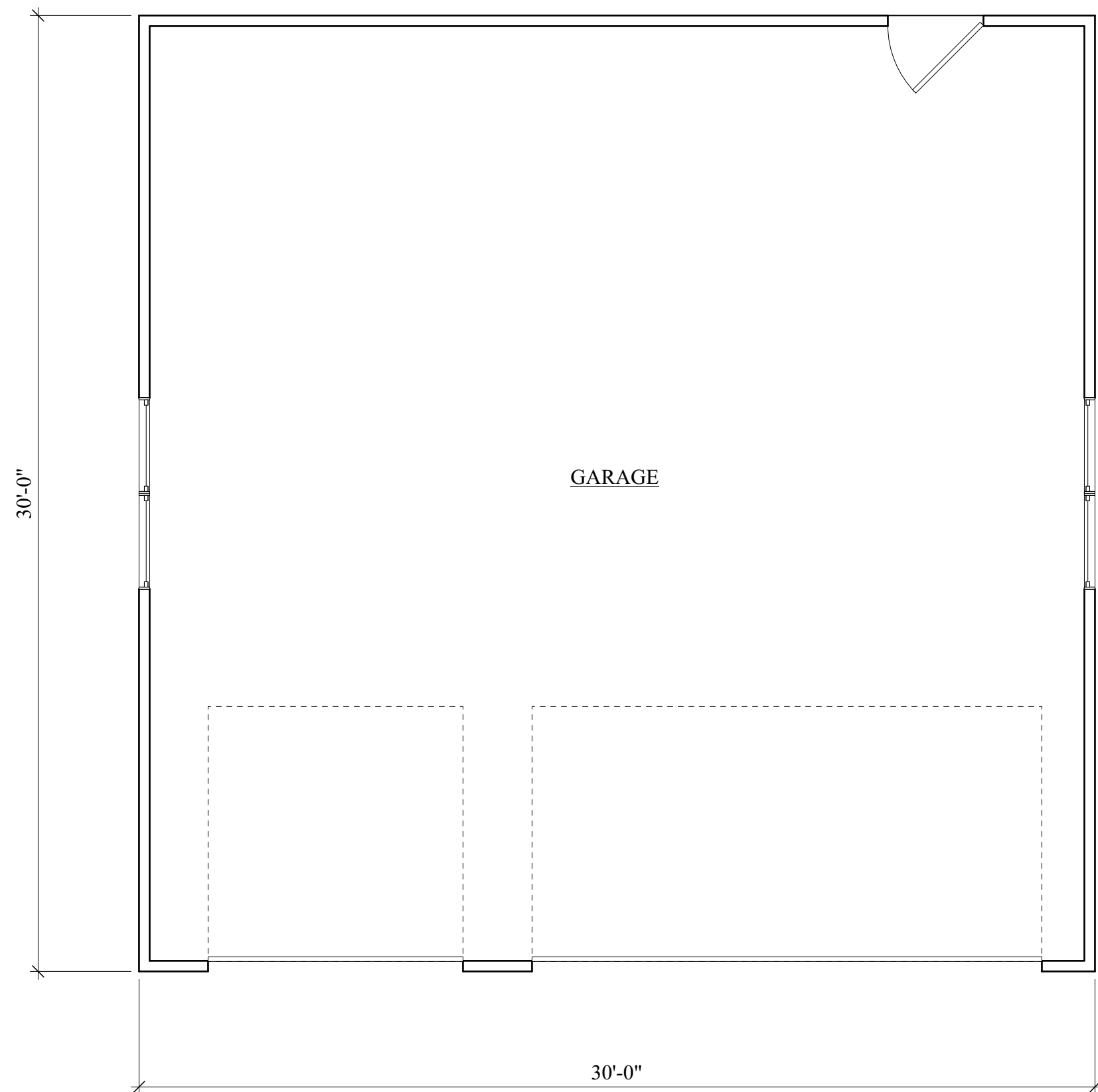
Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

\*\*\* A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

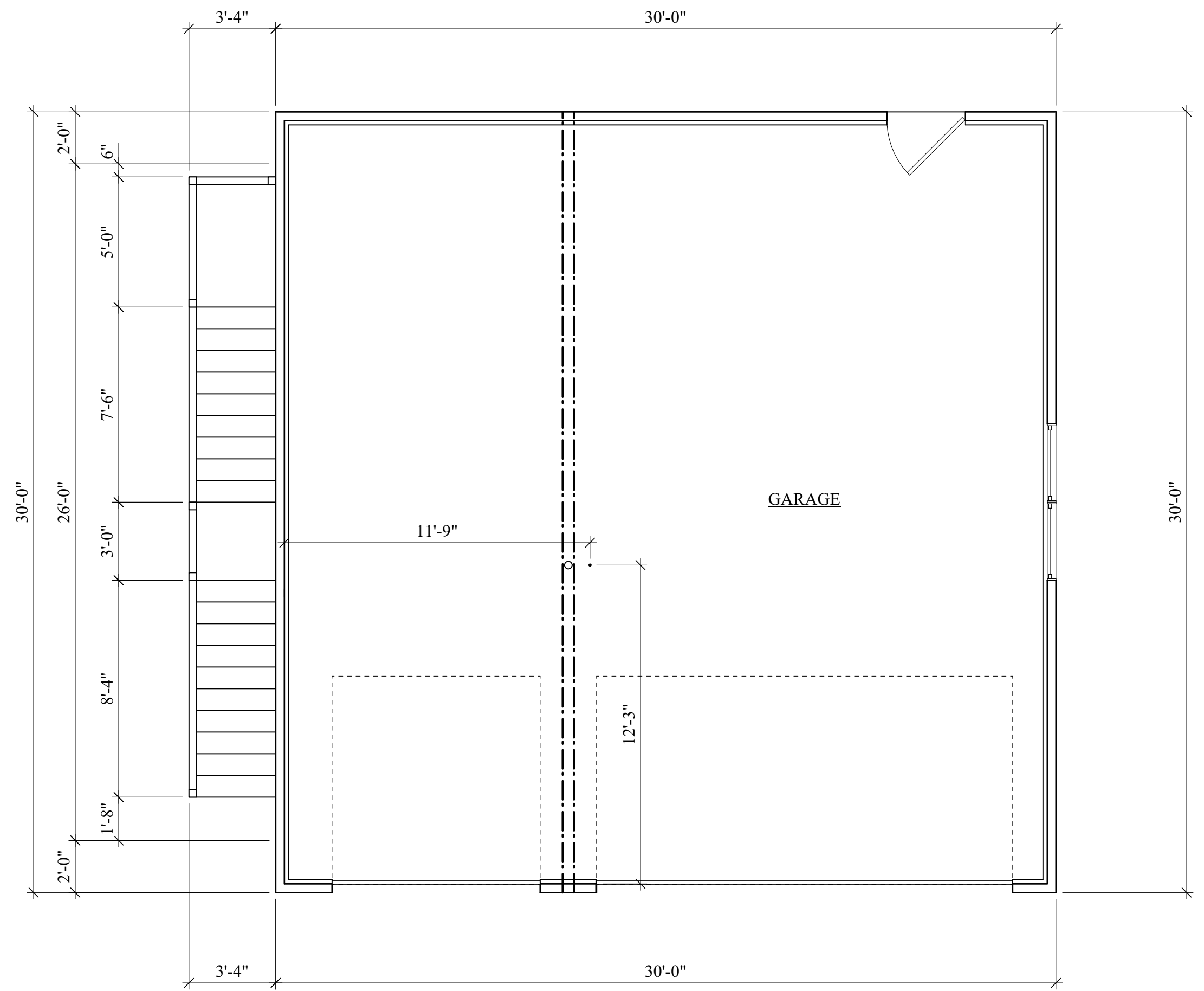
A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.





**EXISTING FLOOR PLAN**

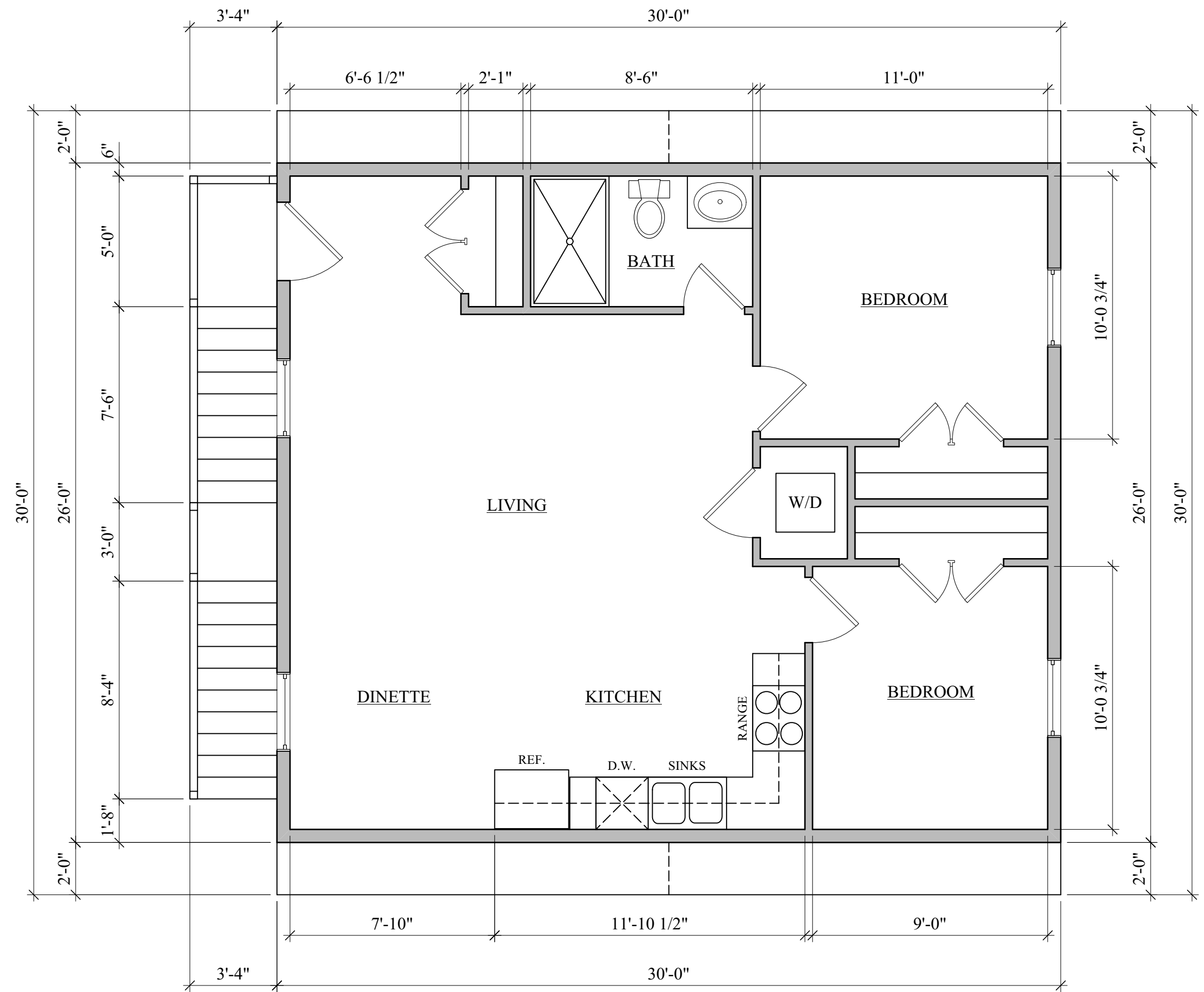
1/4"=1'-0"



**PROPOSED FLOOR PLAN**

1/4"=1'-0"

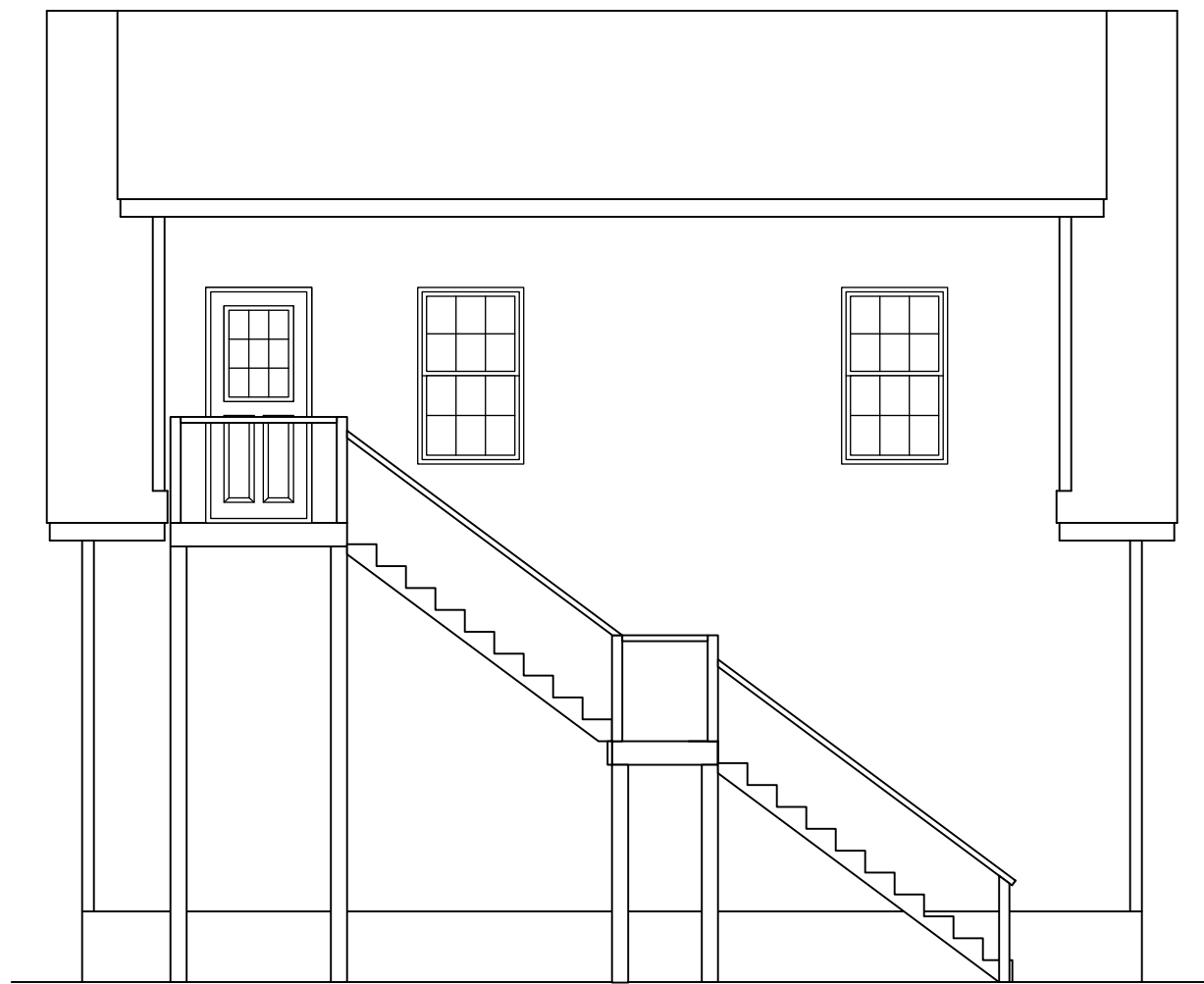
<b>MULLER GARAGE</b>		
1/17/24		
<b>FLOOR PLANS</b>		<b>1 OF 4</b>



**SECOND FLOOR PLAN**

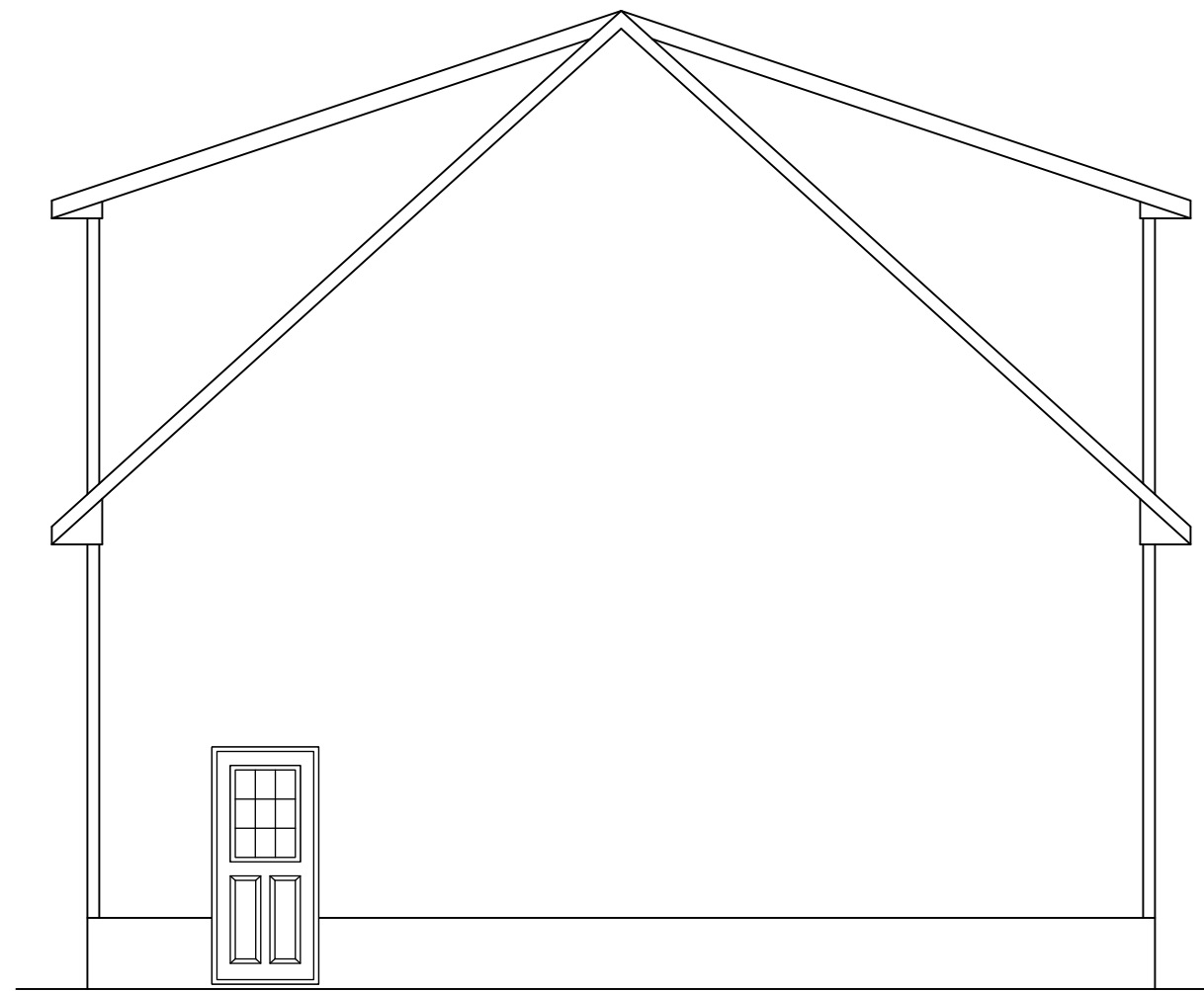
1/4"=1'-0"

MULLER GARAGE		
1/17/24		
SECOND FLOOR PLAN	2 OF 4	



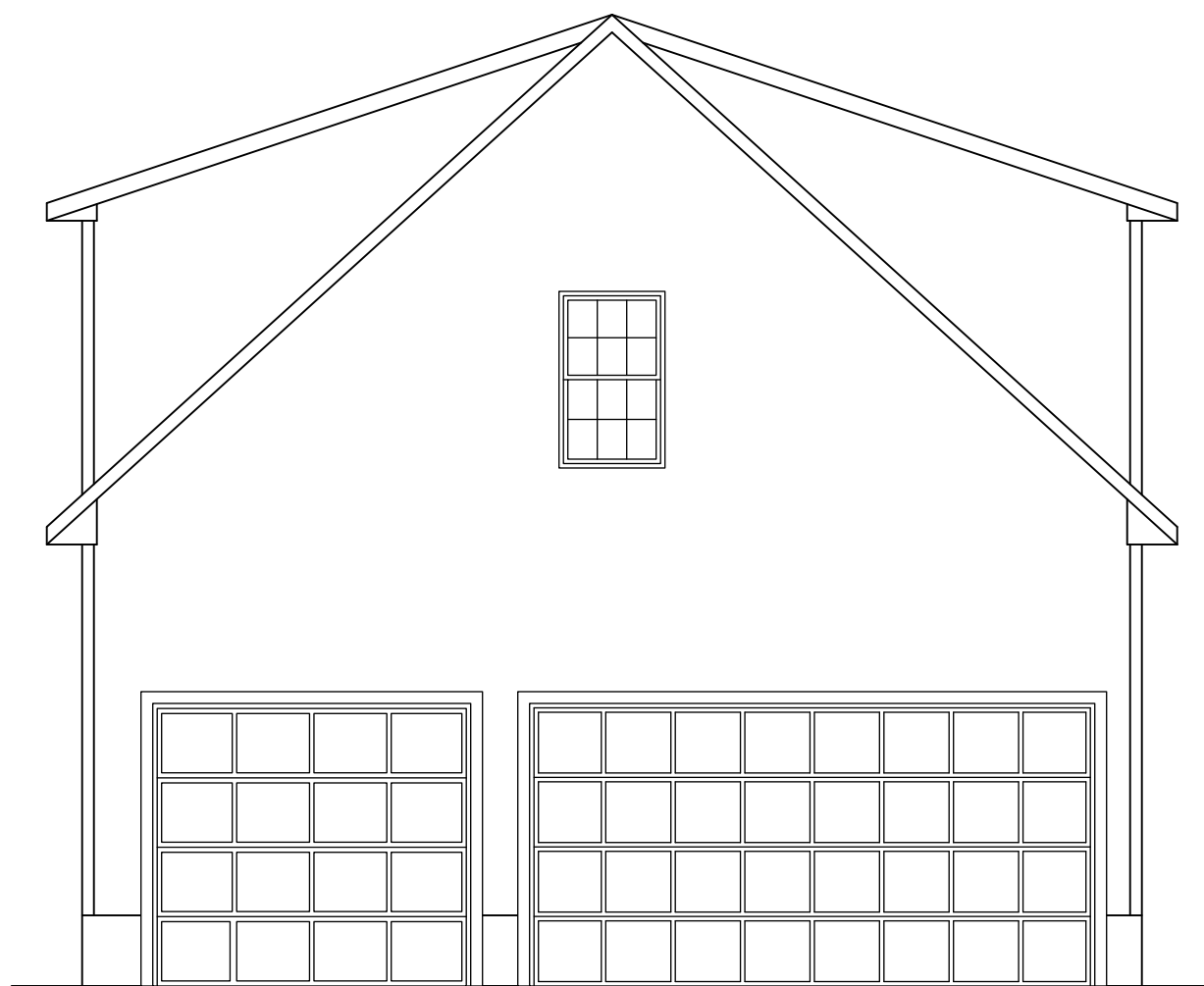
**LEFT SIDE ELEVATION**

3/16"=1'-0"



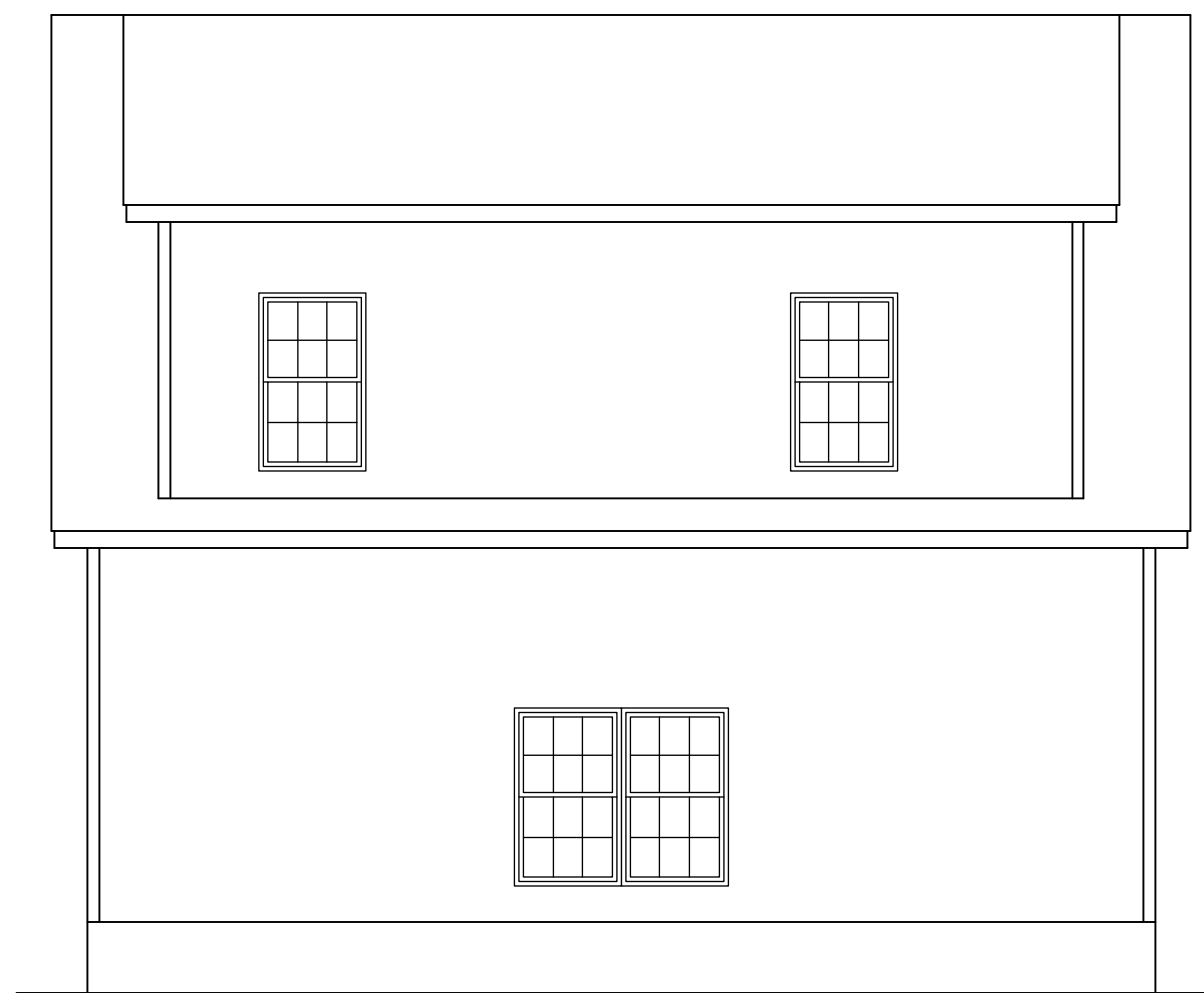
**REAR ELEVATION**

3/16"=1'-0"



**FRONT ELEVATION**

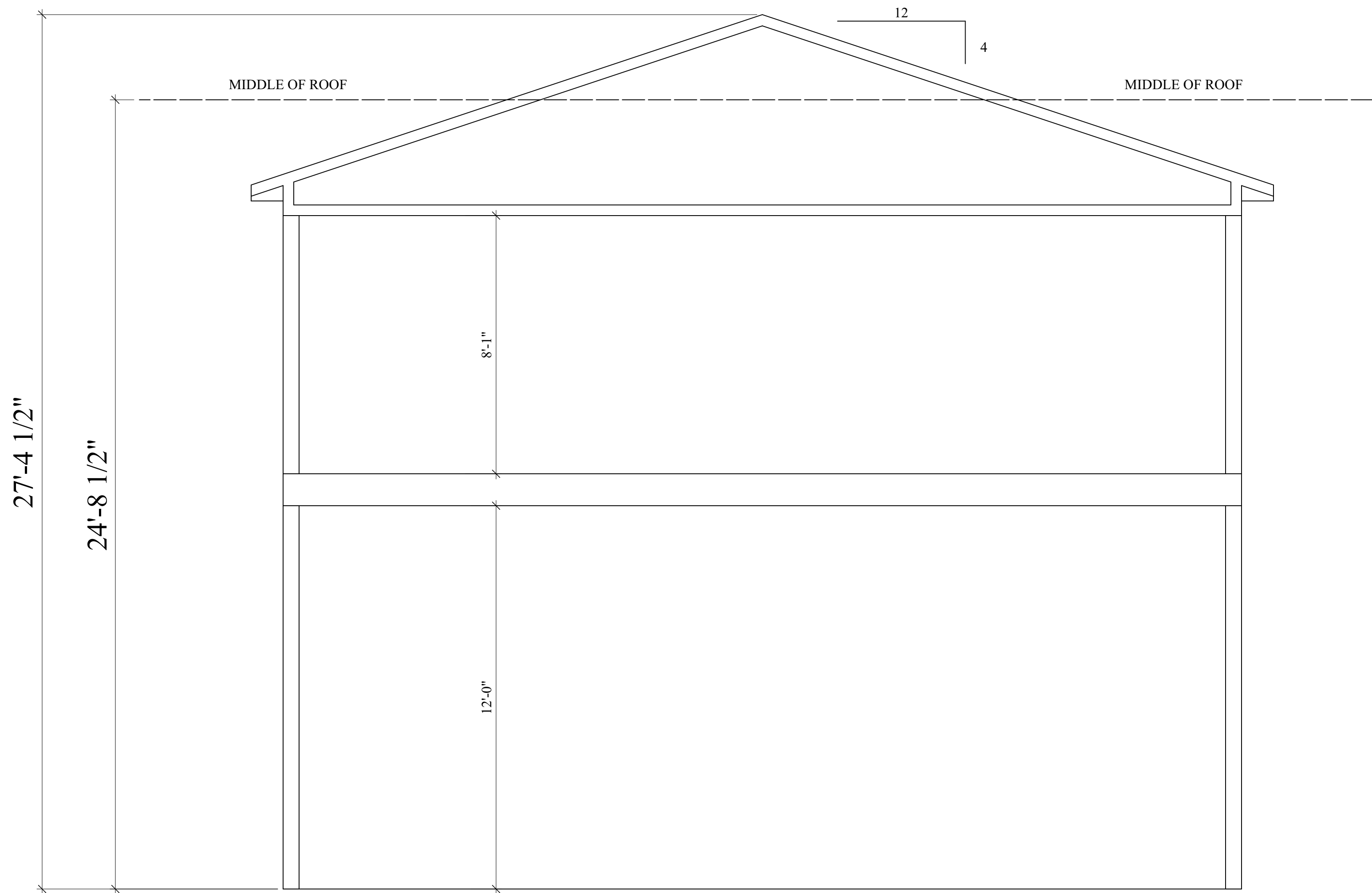
3/16"=1'-0"



**RIGHT SIDE ELEVATION**

3/16"=1'-0"

<b>MULLER GARAGE</b>		
1/17/24		
<b>ELEVATIONS</b>		<b>3 OF 4</b>



MULLER GARAGE		
1/17/24		
CROSS SECTION	4 OF 4	