

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

APPLICANT: Chessie Homes LLC

ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2024-0124-V

COUNCILMANIC DISTRICT: 2nd

HEARING DATE: September 12, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a variance to allow a dwelling with less setbacks than required on property located at 309 Broad Avenue in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 3,207 square feet of land and is located with 80 feet of frontage on the south side of Broad Avenue. It is identified as Lots 40 thru 43 of Parcel 146 in Block 23 on Tax Map 9 in the Glen Burnie Heights subdivision.

The property is zoned R5 – Residential District, as adopted by the comprehensive zoning for Council District 2, effective January 29, 2012. The lot is not located within the Chesapeake Bay Critical Area. It is currently unimproved and wooded.

PROPOSAL

The applicant seeks approval to construct a two-and-a-half-story, single-family, detached dwelling with a basement. The proposed house footprint measures 22 feet by 26 feet (572 square feet) plus a 3' by 5' (15 square foot) covered front entry deck with steps. The proposed dwelling height is 28 feet.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Code provides that a principal structure in an R5 District shall be set back a minimum of 25 feet from the front lot line. The proposed dwelling would be constructed 18 feet from the front lot line with the covered front deck 15 feet from the front lot line, necessitating variances of seven feet and ten feet, respectively.

§ 18-4-701 also provides that a principal structure in an R5 District shall be set back a minimum of 35 feet from a principal arterial or higher classification road. At its closest point, the proposed dwelling would be constructed three feet from the rear lot line, abutting the MD Rt 100 (a freeway) right-of-way, necessitating a variance of 32 feet.

FINDINGS

The subject property is irregular in shape and is undersized for the district. More specifically, while the 80-foot width meets the minimum 80-foot width required, the 3,207 square foot lot is substantially smaller than the minimum 7,000 square foot area required for new lots in an R5 District. A review of the 2024 County aerial photograph shows a neighborhood developed with generally modest single-family dwellings. The subject property is part of a shallow triangular block of lots located between Broad Avenue and MD Rt 100. When the lots were originally platted in 1919, they were much deeper, 126-foot, rectangular lots. However, when the curved MD Rt 100 was constructed, the lots were substantially truncated, resulting in shallow, irregularly-shaped lots.

The **Office of Inspections and Permits Engineering Division** provided a detailed list of items that need to be addressed. A full copy of the itemized list has been provided with the County exhibits. The Division does not support the request based on the current information provided.

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

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, strict implementation of the Code would result in practical difficulties or an unnecessary hardship. In this case, development of the site is significantly constrained by the practical limitations of an existing residentially zoned lot that is undersized and extremely shallow. Construction of a dwelling would be impossible without setback relief.

Approval of the variances would not alter the essential character of the neighborhood, as the proposed dwelling would be comparable to other nearby houses. The variances would not substantially impair the appropriate use or development of adjacent properties, as the proposed dwelling would meet the minimum setback required from both side lot lines abutting residentially zoned lots. The dwelling would be shielded from MD Rt 100 by existing mature trees. There is no evidence to indicate that the proposed variances would be detrimental to the public welfare.

This is a legal lot, and the proposed dwelling footprint of 572 square feet, the dwelling depth of 22 feet, and the overall house size are not considered to be excessive. Therefore, the requested variances are justified and are deemed to be the minimum 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 ***conditional approval*** of the proposed zoning variances to § 18-4-701 to allow a two-and-a-half-story, single-family, detached dwelling with a basement to be constructed with less setbacks than required. It is unclear whether or not the applicant will be able to satisfy the outstanding engineering issues raised; therefore, any approval should be conditioned on obtaining approval from the Engineering Division at the time of permitting.

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.



303 Najoles Road - Suite 114
Millersville, MD 21108

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

July 2, 2024

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

**Re: Glen Burnie Heights
Block PP, Lots 40-43
Variance Application**

Dear Ms. Seay,

Please accept this as our formal variance request to the Zoning Regulations on behalf of our client. The variance requests are to Article 18, Section 4 – 701 of the R-5 Bulk Regulation of:

Lots 40-43:

1. A variance of 10' to the required 25' front lot line setback
2. A variance of 32' to the required 35' setback to a principal arterial or higher classification road.

We are requesting this variance to allow for existing lots to be developable based on the restrictive nature of the setbacks.

The proposed house is a two-story with a habitable attic. The habitable attic is built into the trusses, like an older Cape Cod style home, where the house will have a two-story elevation from the road, but there will be a partial third floor with a house height of 28' +/- . The footprint of the homes are 572 square feet, modest in sized based on the small nature of the lots. Due to the lot size and house size, the proposed house provides for a great opportunity to provide affordable housing in the county. There is a sound wall along route 100 in this area to shield the proposed houses from the noise of route 100 and also provide an extra buffer to the houses. The house will be set back roughly 60' from the exit lane.

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

We believe the granting of this variance is warranted because of the unique physical conditions of the lots. Specifically, the lots are undersized for their zoning designation at 3,207 square feet (Lots 40-43), well under the 7,000 square foot requirements of the bulk regulations. These lots were platted well before bulk regulations

and further hindered by the construction of Route 100 necessitating a 35' setback while also leaving behind uniquely shaped and undersized lots.

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

We believe the granting of these variances are warranted because the requested variance is the minimal necessary to afford relief based upon the size of the lot and the unique physical conditions. Due to the building restriction lines of the bulk regulations, there is no buildable area on the lots without the approval of a variance. The proposed houses are modest in size where the foundation will be 18' from the accessible right of way allowing for off street parking, this is similar to a cluster subdivision under the same bulk regulations. The variance allowing 15' is so the house can have a stoop and steps as typical of a single-family home, this is allowed in new cluster developments without the need of a variance. The granting of this variance will not alter the character of the neighborhood as the proposed house will have a typical 2-story elevation from the road and is typical of R5 development. 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 and the proposed house will not affect the street view of any other properties. The granting of this variance will not be detrimental to the welfare of the public. In addition, stormwater management will be provided with the new home

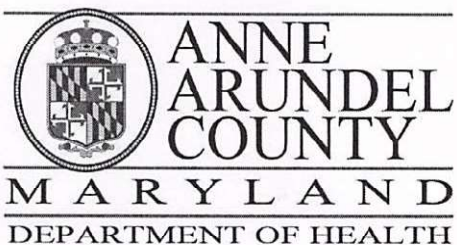
If you have any questions or need any additional information, please feel free to contact me at your convenience.

Thank you,

Matthew R. Seiss

Matthew R. Seiss, P.E.

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<div><div>Assigned Date</div><div>08/27/2024</div><div>Status</div><div>Complete w/ Comments</div><div>Status Date</div><div>08/30/2024</div><div>Hours Spent</div><div>0.0</div><div>Comments</div><div>Variance request: Variance to allow a dwelling with less setbacks than required.</div><div>Comments:</div><div>1. This reviewer is not clear about what type of SWM practice (s) are proposed, Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resources including steep slopes and buffers.</div><div>2. Identify site outfall to review the site plan and provide feedback regarding potential impact.</div><div>3. A soil boring is required per 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. Describe the site's hydrologic, and topographic characteristics and provide a recommendation on the feasibility of various BMPs.</div><div>4. 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.</div><div>5. 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.</div><div>6. The County Stormwater manual requires that Infiltration devices uphill from buildings and structures with basements shall be located a minimum of 20 feet from the structure, or the intersection of the structure foundation footing with the phreatic line from the overflow depth of the device, whichever is greater. Please clarify how this requirement is met.</div><div>7. Infiltration/filtration devices, including individual lot devices, shall be located a minimum of 10 feet horizontally from any public sanitary sewer house connection, or property line.</div><div>8. The site to ensure that any existing downstream flooding including nuisance flooding issues will be exacerbated by the proposed development.</div><div>9. Design professionals should review site runoff and potential (negative, adverse) impacts to neighboring properties, due to changed grades/elevation on a proposed project.</div><div>10. The utility for the site will be reviewed during the grading permit.</div><div>11. The stormwater management Engineering design review approval for the site shall occur at the grading permit stage.</div><div>12. Based on the plan provided, it appears that the property will be served by public sewer and water.</div><div>13. Based on the provided information, this office does not support this request.</div></div>	
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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 

DATE: July 11, 2024

RE: Chessie Homes, LLC.
PO Box 447
Pasadena, MD 21122

NUMBER: 2024-0124-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 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



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Tax/Account Number 336207827800

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