

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

APPLICANT: Alexia Borga

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2024-0131-V

COUNCIL DISTRICT: 7

HEARING DATE: October 8, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting a variance to perfect a dwelling addition (porch) with less setbacks than required on property located at 3989 Caneye Place in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 14,500 square feet of land and is located east of the intersections of Caneye Place with Bayside Drive and Nancy Street. It is identified as Lots 1 and 2 in Block 1 of the Shoreham Beach subdivision, Parcel 92 in Grid 18 on Tax Map 60, and is zoned R5 – Residential District. The lots lie within the Chesapeake Bay Critical Area IDA - Intensely Developed Area. The property is improved with a one story dwelling, detached garage, and associated improvements.

PROPOSAL

The applicants propose to perfect the construction of a new roof (6.5' x 7') over the existing front porch (6.5' x 7').

REQUESTED VARIANCES

§ 18-2-701 of the Anne Arundel County Zoning Ordinance 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 porch roof has been constructed as close as 19 feet from the front lot line, necessitating a variance of 6 feet.

FINDINGS

The subject property is rectangular in shape and oversized in relation to the minimum lot size of 7,000 square feet and the minimum lot width of 60 feet for lots in the R5 District. A review of the County aerial photography shows an eclectic mix of lots and houses in this established waterfront community, with covered front porches as a typical amenity.

The property is the subject of a building violation case, B-2024-408, for exterior renovations and a new front porch without a permit. Building permit B02427456 was then submitted on June 24, 2024 to abate the violation. Variance approval must be obtained prior to the permit being issued.

The applicant's letter explains that they constructed a new roof over the existing porch as protection from the elements. The letter further states that the original front porch was over 20 years old and had not been built in compliance with the required setbacks.

Agency Comments

The **Health Department** has determined that the proposed request does not adversely affect the well water supply system and has no objection.

Variance Criteria

For the granting of a variance, a determination must be made as to whether, because of certain unique physical conditions peculiar to and inherent in the particular lot, or because of exceptional circumstances other than financial considerations, strict implementation of the Code would result in practical difficulties or an unnecessary hardship.

In this particular case, the existing dwelling is 26 feet from the front lot line and the front porch is 19 feet from the front lot line. There is no possibility of constructing a suitable roof over the porch while complying with the Code.

Many of the dwellings in Shoreham Beach are closer to the road than the code allows, and most have covered front steps. The subject porch roof is inline with the existing garage, which appears to have been constructed around the time of the dwelling and is also 19 feet from the front lot line. Therefore, the granting of the variance to avoid practical difficulties will not alter the essential character of the neighborhood or district in which the lot is located. In addition, the variance will not substantially impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

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 requested variance to § 18-2-701 to allow a dwelling addition 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.

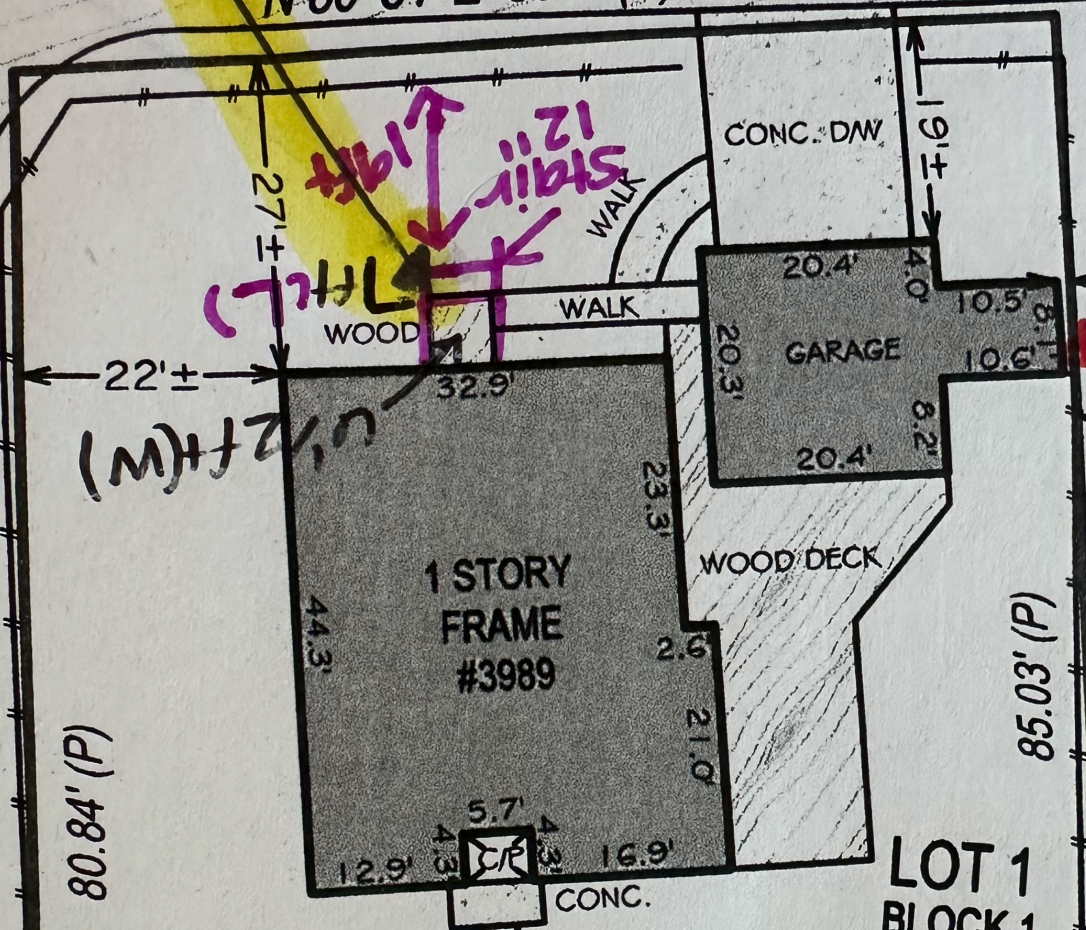
adding a roof

ING COUNTY

PLACE, EDGEWATER, MARYLAND 21037

SURVEY

BAY SIDE ROAD
(30' R/W)
N 80°31' E 90.0' (P)



(R/W)

CANEYE PLACE
(25' R/W)

N 6°49' W 161.68' (P)

80.84' (P)

80.84' (P)

LOT 2

14,500 S.F.

LOT 1
BLOCK 1

85.03' (P)

4' WF (TYP.) 80.84' (P)

S 6°49' E 165.87' (P)

Letter of Explanation:

I have replaced a front porch on the front of my house, that was existing. In addition, I've added a roof over the existing porch to protect from high winds, and the weather that we get on the Mayo Peninsula. The original structure (front porch) was built with the house, over 20+ years ago and does not sit within the specified set back area. I am requesting to keep the roof over the porch that was built over the existing porch (replaced with new, weather proof materials). |

The porch is not enclosed, it is simply covering the porch.

The structure was starting June 1st.

The specifications are below:

Dimensions: 40x40

- Describe the proposed use of the subject property and include if the project is residential, commercial, industrial, or maritime. RESIDENTIAL
- Describe the type of predominant trees and shrubs on the subject property. Include a statement addressing the square footage of the property that is vegetated with trees and shrubs, how much of the property will be disturbed by the proposed development, and how the disturbance will be mitigated. NONE
- Describe the methods to minimize impacts on water quality and habitat from proposed construction (i.e. stormwater management, sediment control, and silt fence). N/A
- Calculate the impervious surface before and after construction, including all structures, gravel areas, driveways, and concrete areas. N/A- THIS WAS AN EXISTING STRUCTURE, A ROOF WAS ADDED. PORCH IS 45.5 SQUARE FEET.
- If applicable, describe any habitat protection areas on the subject property including expanded buffers, steep slopes of 15% or greater, rare and endangered species, anadromous fish propagation waters, colonial waterbird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas, and plant and wildlife habitats of local significance. N/A

CRITICAL AREA REPORT WORKSHEET TO ACCOMPANY THE SITE PLAN

Permit Number _____

Total Site Area _____ Square Feet (1 Acre = 43,560 Square Feet)

Total Wooded Area _____ Square Feet- 'Wooded' MEANS A BIOLOGICAL COMMUNITY DOMINATED BY TREES AND OTHER WOODY PLANTS (SHRUBS AND UNDERGROWTH), INCLUDING FORESTS THAT HAVE BEEN CUT BUT NOT CLEARED.

* Please Indicate Square Footage of Woodland Removed for the following:

- | | |
|----------------------------------|--|
| 1. House _____ Sq. Ft. | 5. Accessory Structure _____ Sq. Ft. |
| 2. Septic or sewer _____ Sq. Ft. | 6. Additions _____ Sq. Ft. |
| 3. Well _____ Sq. Ft. | 7. Storm Water Management _____ Sq. Ft. |
| 4. Driveway _____ Sq. Ft. | 8. Other Clearing: work area; access; stockpiles, etc. _____ Sq. Ft. |

* Total Woodland Removed = _____ Sq. Ft.

“Impervious Coverage” IS ANY SURFACE THAT WILL NOT ABSORB LIQUID. THIS INCLUDES ROOFS, SIDEWALKS, DRIVEWAYS, AND ANY TYPE OF PAVEMENT. COMPACTED GRAVAEL IS CONSIDERED AN IMPERVIOUS SURFACE.

* Please Indicate Square Footage of Impervious Coverage for the following:

- | <u>Existing Impervious</u> | <u>Proposed Impervious</u> |
|---------------------------------------|---------------------------------------|
| 1. House (roof area) _____ Sq. Ft. | 1. House (roof area) _____ Sq. Ft. |
| 2. Driveway + Sidewalks _____ Sq. Ft. | 2. Driveway + Sidewalks _____ Sq. Ft. |
| 3. Accessory Structures _____ Sq. Ft. | 3. Accessory Structures _____ Sq. Ft. |
| | 4. Additions _____ Sq. Ft. |

* Total Existing and Proposed Impervious Coverage _____ Sq. Ft.

⊗ PLEASE INCLUDE ALL EXISTING AND PROPOSED SQUARE FOOTAGE.

I _____, _____, (property owner and contract purchaser, if applicable) hereby certify that the above critical area worksheet is true and correct based upon personal knowledge. I further declare that a copy of the foregoing document will be transferred to any purchaser of this property from me (or corporation, if applicable) at the time of settlement. I hereby understand that these computations shall be a binding part of issuance of a building permit for lot # _____, block # _____ of Subdivision _____.

I hereby certify that I have seen and read the record plat (if approved after 1986 and subject to Critical Area requirements) and have indicated on the attached site plan any easements, buffers, or other restrictions declared on said plat.

_____ (Signature) _____ (Date)

_____ (Title)

_____ (Signature) _____ (Date)

_____ (Title)



ANNE
ARUNDEL
COUNTY

MARYLAND
DEPARTMENT OF HEALTH

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
Bureau of Environmental Health *BC*

DATE: August 2, 2024

RE: Alexia Borga
3989 Caneye Place
Edgewater, MD 21037

NUMBER: 2024-0131-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to perfect a dwelling addition (porch) with less setbacks than required.

The Health Department has reviewed the well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the well water supply system. The Health Department has no objection to the above referenced request.

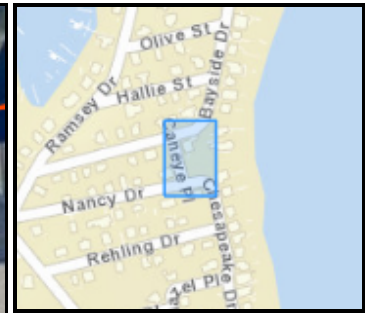
If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

B-2024-408 - violation photo



3989 Caneye Place (2024-0131-V)



Legend

Foundation


Addressing

Parcels

Parcels - Annapolis City

Planning

County Planning



0 40 80 ft

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. DO NOT USE FOR NAVIGATION.

none

Notes