

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

APPLICANT: Timothy J. & Young Im Smith

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2024-0133-V

COUNCIL DISTRICT: 7

HEARING DATE: September 24, 2024

PREPARED BY: Jennifer Lechner
Planner



REQUEST

The applicant is requesting variances to allow a dwelling addition (porch) with less setbacks than required on property located at 3671 Seventh Avenue in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of 12,000 square feet of land and is located with frontage on the northeastern side of Seventh Avenue. It is identified as Lots 71-73 in Block R of the Selby on the Bay subdivision, Parcel 33 in Grid 10 on Tax Map 60. The property is zoned R5 – Residential District. The current zoning was adopted by the comprehensive zoning for Council District 7, effective October 7, 2011. The lots do not lie within the Chesapeake Bay Critical Area. It is improved with a split-foyer dwelling, and associated facilities.

PROPOSAL

The applicants propose to enclose part of the existing front porch (approximately 5.5' x 11.5') to create a new entry vestibule, and to construct a new portico (4' x 11.5') on the front of the dwelling.

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 portico would be constructed as close as 21.6 feet from the front lot line, necessitating a variance of 4 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 neighborhood. The dwellings along Seventh Avenue appear to be located at varying distances to the front lot lines, but do not appear to encroach into the front setback.

The applicants' letter states that they wish to add an entry vestibule, to comfortably have more

than one person in the foyer and more easily move furniture in and out of the house, and a portico, to provide rain protection at the front door. The applicants believe that this extension overhanging the setback will not significantly alter the sight lines of the adjacent homes but would add some architectural character and scale to the house.

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 front porch of the dwelling is located 25.6 feet to the front lot line. The applicants wish to expand their foyer into part of this existing porch and construct a new overhang, which would require relief from the Code. It appears that the expanded foyer, and new front door location, could be designed in such a way to take advantage of the remaining half of the existing porch overhang, eliminating the need for a variance.

The applicants' desire to add a new portico is a self-inflicted hardship. As there are alternatives which would enable them to construct a new entry with a covered entrance (the remaining half of the existing porch overhang), the requested variance cannot be considered the minimum necessary to afford relief.

The granting of the variance would not substantially impair the appropriate use or development of adjacent property nor be detrimental to the public welfare. However, because the proposed portico will be closer to the front lot line than the other dwellings on Seventh Avenue, the granting of the variance may alter the essential character of the neighborhood or district in which the lots are located.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, this Office recommends ***denial*** 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.

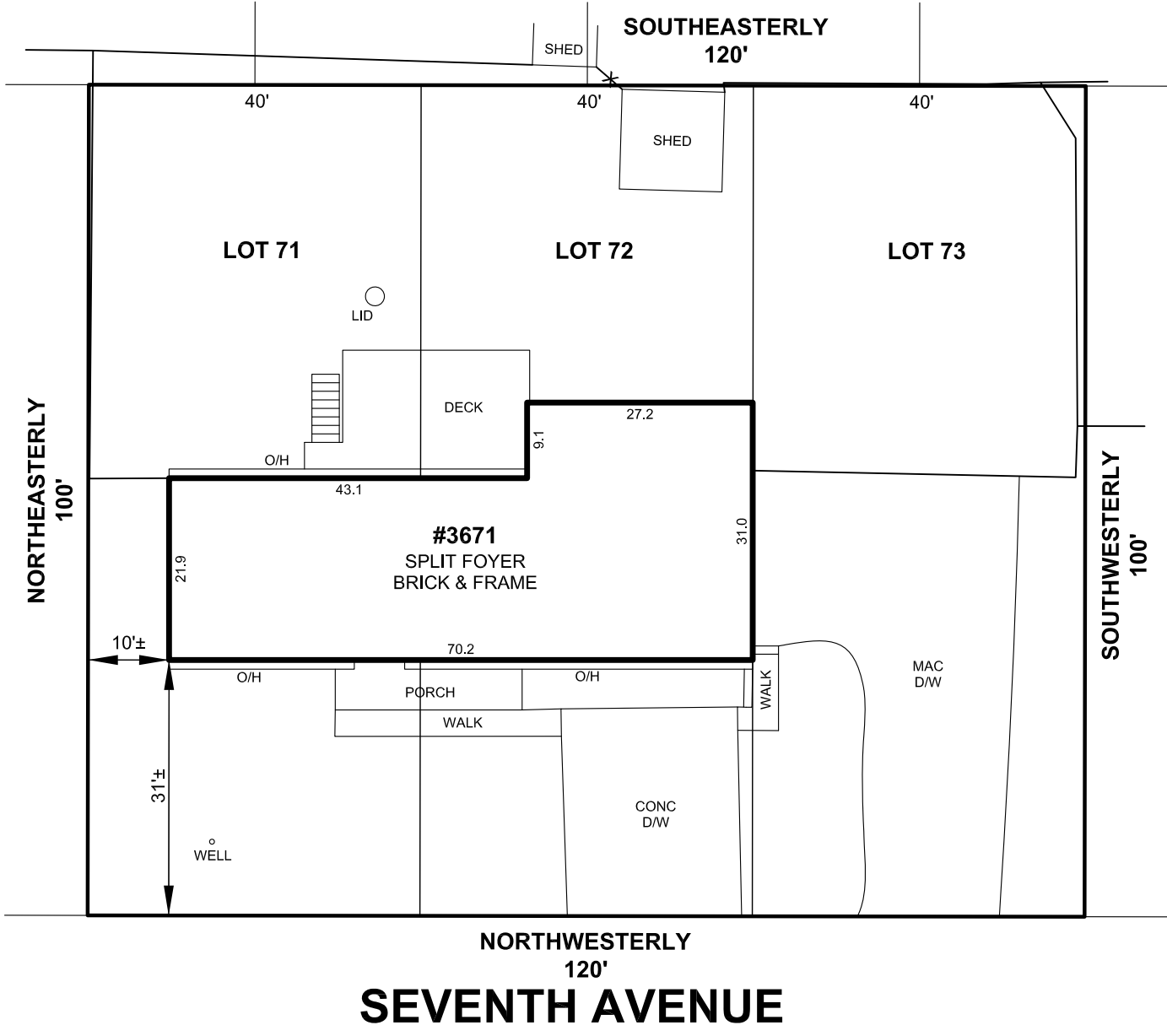
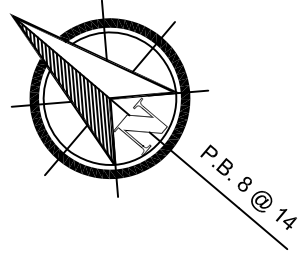
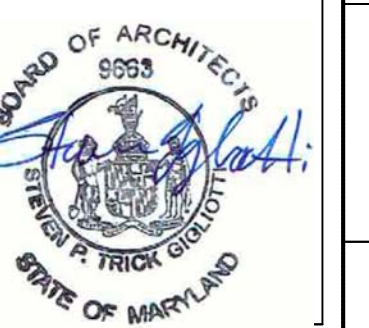
CONSULTANTS

Smith Porch Addition
 3671 7th Avenue
 Edgewater, Maryland 21037

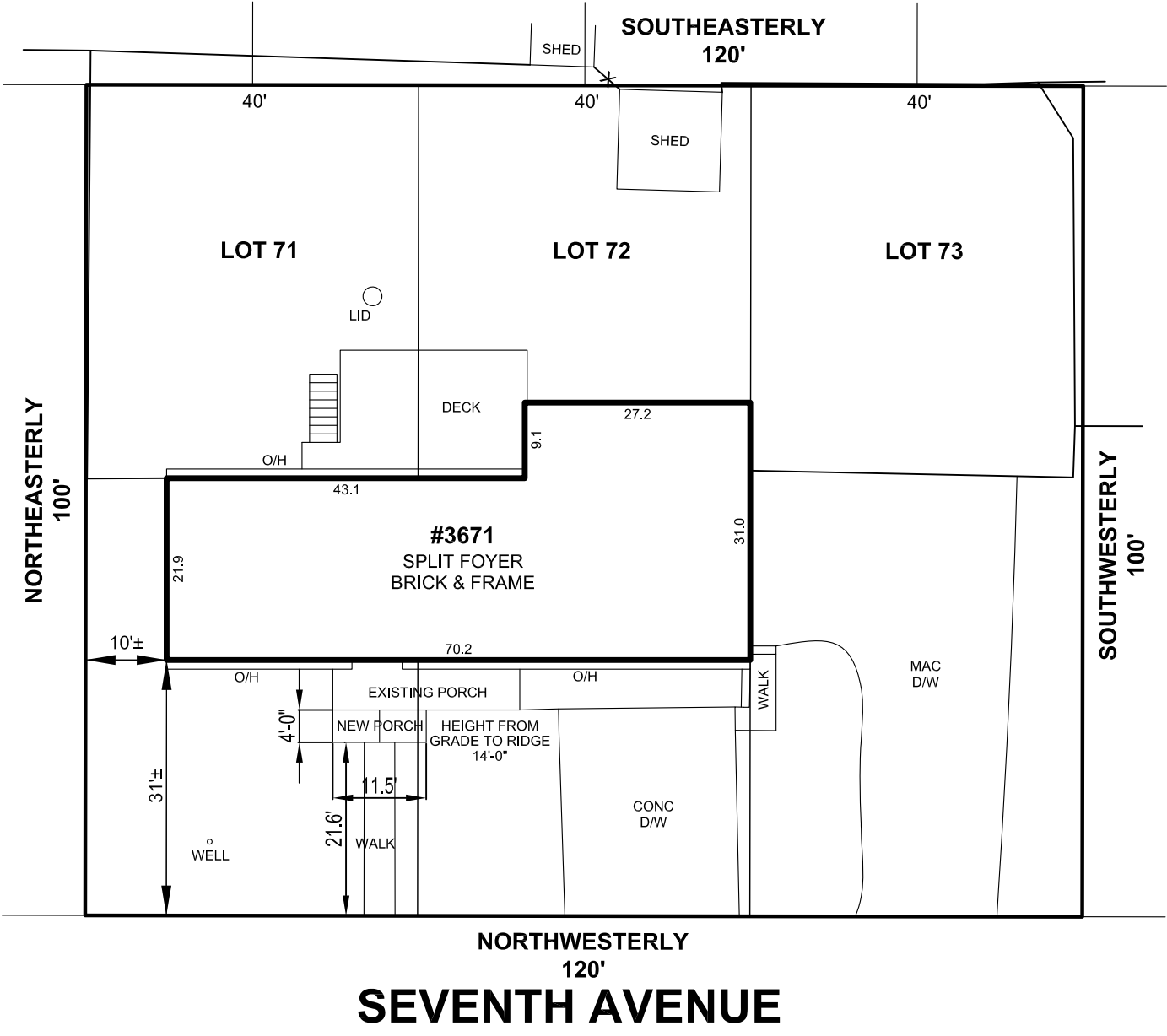
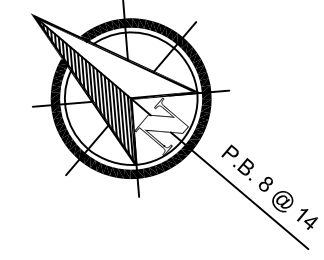
MARK	DATE	DESCRIPTION

PROJECT NO:
 DRAWN BY:
 DATE: 05/27/2024
 SHEET SCALE: 1/4"=1'-0"
 SHEET TITLE
 EXIST.FIRST.FLOOR.PLAN

A1



1 EXISTING SITE PLAN
 A1 SCALE: 1"=20'



2 NEW SITE PLAN
 A1 SCALE: 1"=20'



July 06, 2024

Re: Variance
Letter of Explanation

Subject Property: 3671 7th Ave, Edgewater, Md 21037

To whom it may concern,

We are requesting a variance to expand the entry into the house at the address noted above by building upon the pre-existing front porch. This will be accomplished by adding a vestibule within a portion of the existing footprint of the 6' deep porch and roof overhang. This additional space will allow an opportunity to comfortably have more than one person in foyer and more easily move furniture in and out of the house without damaging walls. Unfortunately, this additional space annexed to the existing porch does not allow for any roof to provide rain protection at the front door. We request to build a portico extending 4' beyond the porch that will be supported by brackets. This will overhang the setback by approximately 4'. We feel that this extension overhanging the setback will not significantly alter the sight lines of the adjacent homes but would add some architectural character and scale to the house.

Thank you for your consideration.

Sincerely,
Steven Gigliotti
Steven Gigliotti, AIA

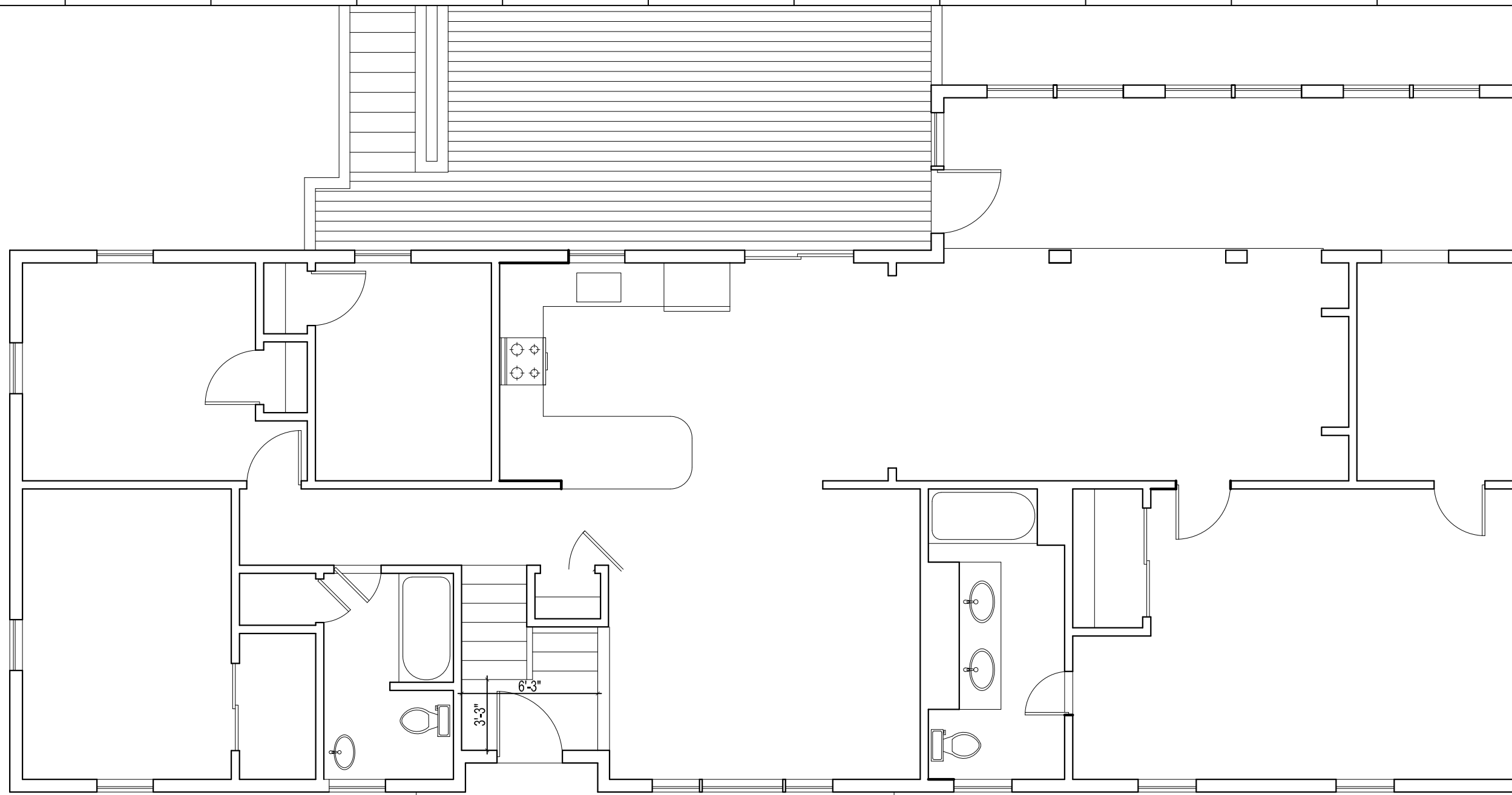
CONSULTANTS

Smith Addition Project
 3671 7th Avenue
 Edgewater, Maryland 21037

MARK	DATE	DESCRIPTION

PROJECT NO:
 DRAWN BY:
 DATE: 06/15/2024
 SHEET SCALE: NTS
 SHEET TITLE:
 EXISTING CONDITIONS

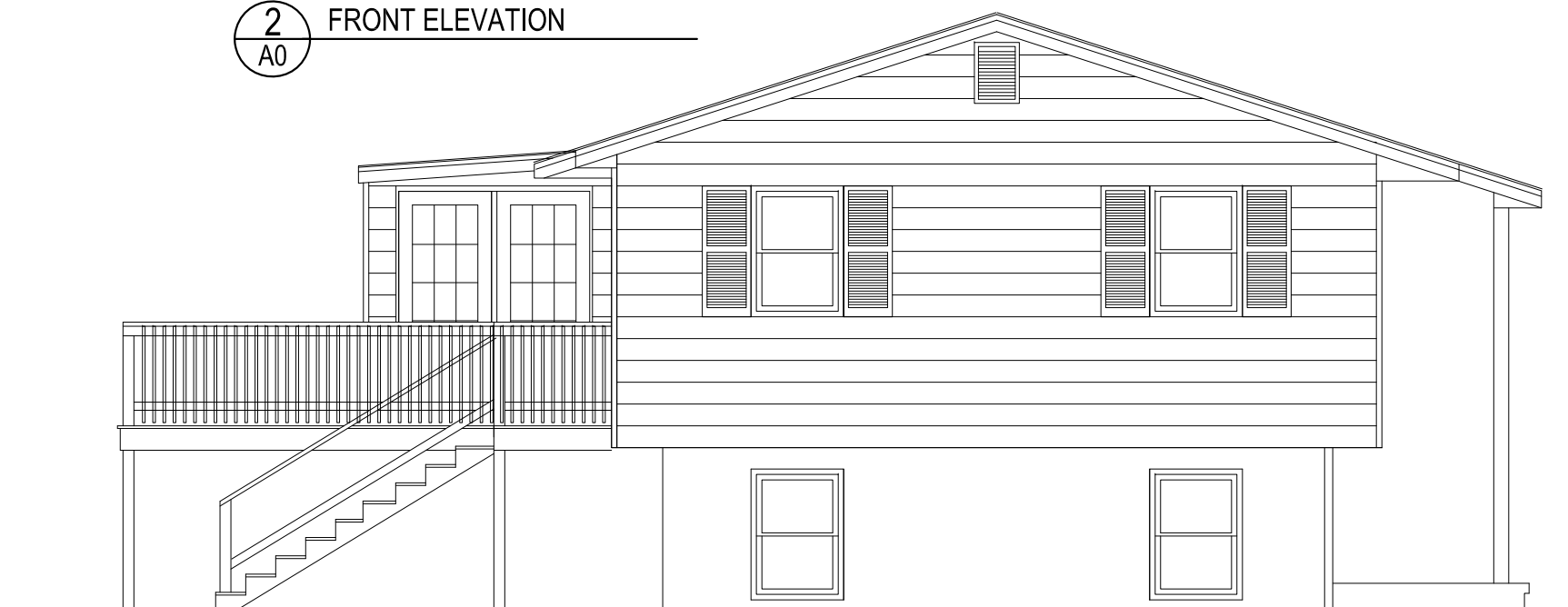
A0



1 EXISTING CONDITIONS PLAN
 A0



2 FRONT ELEVATION
 A0



3 LEFT SIDE ELEVATION
 A0



4 RIGHT SIDE ELEVATIONS
 A0

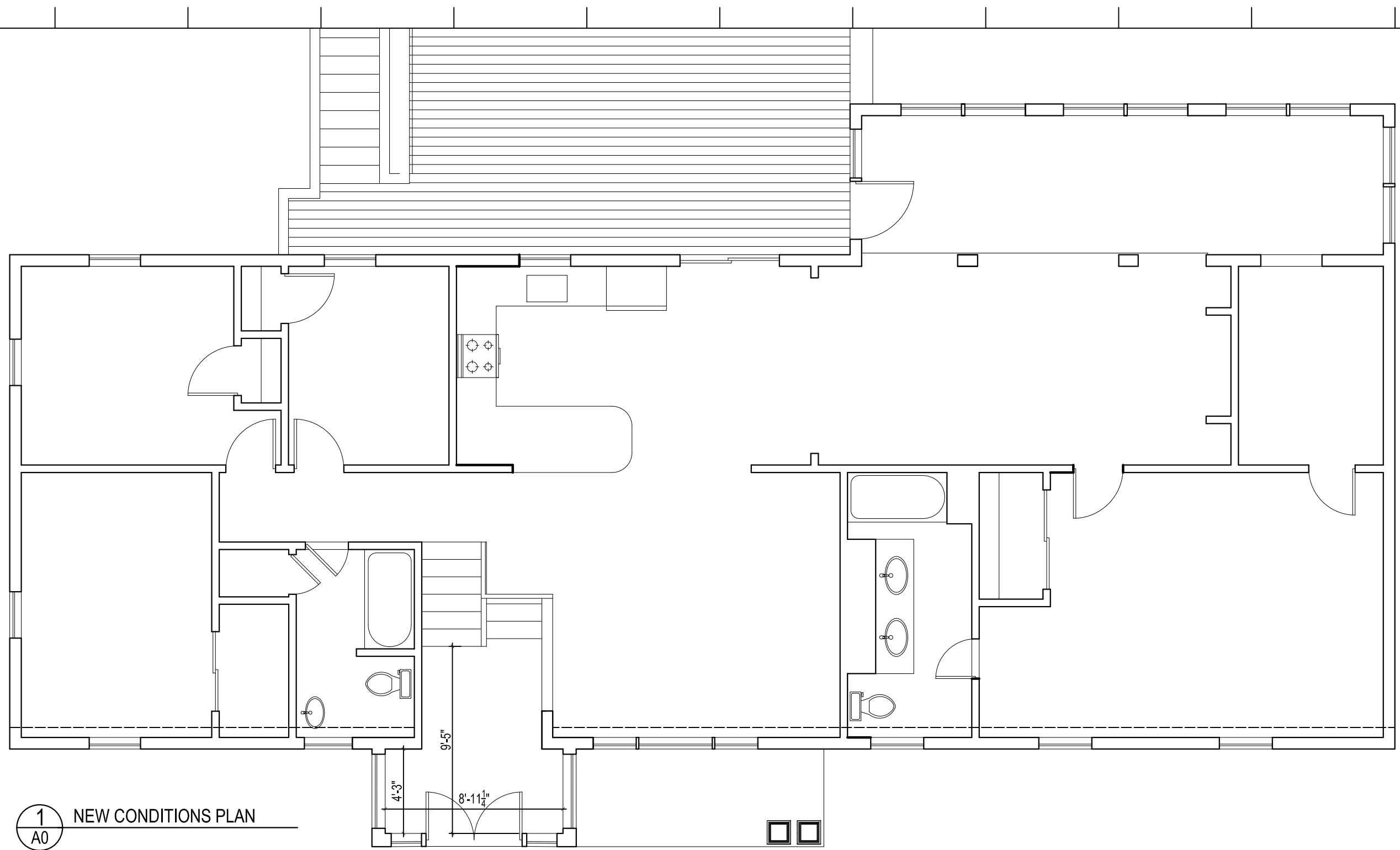
CONSULTANTS

Smith Addition Project
 3671 7th Avenue
 Edgewater, Maryland 21037

MARK	DATE	DESCRIPTION

PROJECT NO:
 DRAWN BY:
 DATE: 06/15/2024
 SHEET SCALE: NTS
 SHEET TITLE:
 NEW CONDITIONS

A1



1 NEW CONDITIONS PLAN
 A0



2 FRONT ELEVATION
 A0



3 LEFT SIDE ELEVATION
 A0



4 RIGHT SIDE ELEVATIONS
 A0



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

DATE: July 19, 2024

RE: Timothy J. Smith
3671 Seventh Ave.
Edgewater, MD 21037

NUMBER: 2024-0133-V

SUBJECT: Variance/Special Exception/Rezoning

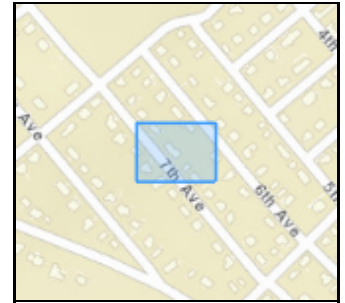
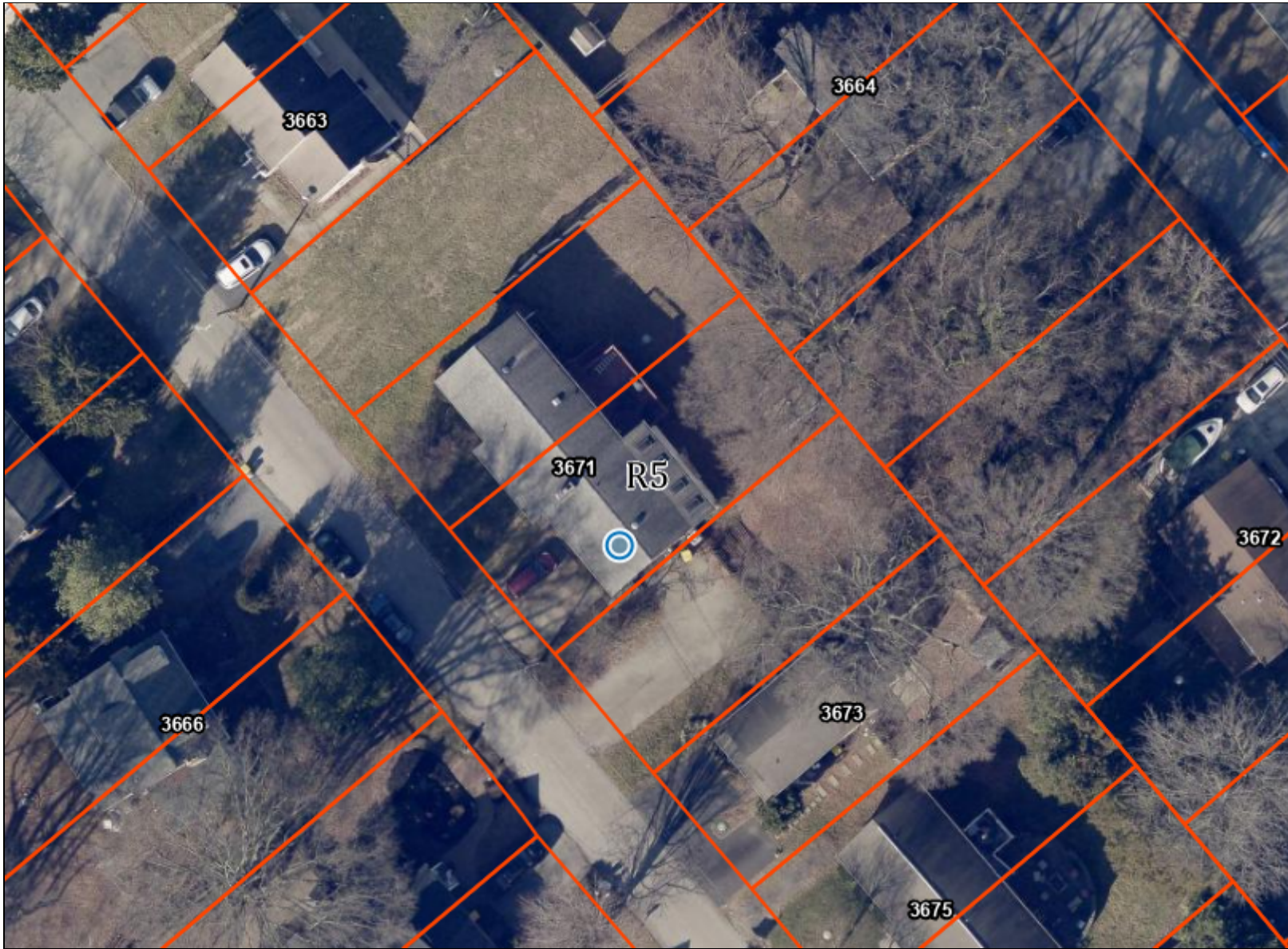
The Health Department has reviewed the above referenced variance to allow a dwelling addition (porch) with less setbacks than required..

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

3671 7th Avenue (2024-0133-V)



Legend

Foundation

Addressing



Parcels



Parcels - Annapolis City



Planning

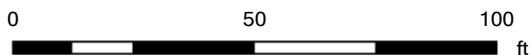
County Planning



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.

none

Notes



THIS MAP IS NOT TO BE USED FOR NAVIGATION