

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

**APPLICANT:** 627 Ridley Avenue, LLC

**ASSESSMENT DISTRICT:** 2

**CASE NUMBER:** 2024-0175-V

**COUNCIL DISTRICT:** 6

**HEARING DATE:** December 3, 2024

**PREPARED BY:** Jennifer Lechner  
Planner



**REQUEST**

The applicant is requesting a variance to allow a principal structure with greater floor area than allowed and with less setbacks than required on property located at 623 Ridgely Avenue in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of 0.697 acres (30,390 square feet) of land and is located with frontage on the south western side of Ridgely Avenue. It is identified as Lots 1-3 of the Wellsview subdivision, Parcel 698 in Grid 16 on Tax Map 45. The property is zoned SB – Small Business District. The lot does not lie within the Chesapeake Bay Critical Area. It is improved with a two-story structure with a partial basement, and associated facilities.

**PROPOSAL**

The applicant proposes to improve the property and incorporate an elevator addition to comply with ADA requirements.

**REQUESTED VARIANCE**

§ 18-9-403 of the Anne Arundel County Zoning Ordinance provides that a principal structure in an SB District shall have a maximum floor area of 5,000 square feet, when not located with frontage on a minor arterial road or higher. The proposed addition would increase the total floor area to 5,998 square feet, necessitating a variance of 998 square feet.

A review of the bulk regulations for development within the SB District reveals that a setback variance is not required.

**FINDINGS**

The subject property is rectangular in shape and oversized with regards to the minimum lot size of 20,000 square feet for lots not served by public sewer in the SB District. A review of the County aerial photography shows an eclectic mix of lots and uses in this neighborhood. The subject property is primarily surrounded by residential uses, with commercial uses to the south and east.

The property is the subject of two rezoning cases: 2014-0175-R, which granted a request to rezone from R-2 Residential to SB - Small Business District on October 2, 2014, and 2022-0089-R, which denied a request to rezone from SB - Small Business District to C2 - Commercial Office District on September 1, 2022.

The applicants' letter explains that the existing structure consists of approximately 4,830 square feet of total floor area, and wishes to incorporate an elevator addition to comply with ADA requirements and to expand the existing commercial office use of the property. The letter further explains that since the addition will be on the rear of the structure, the proposed improvement will maintain the residential character of the site and act as a transition to the residential uses to the north. In addition, the applicant asserts that the site's proximity to large-scale commercial office complexes to the south and to the east makes the expansion beyond the maximum floor area<sup>1</sup> an appropriate transition to the residential properties to the north. The applicant believes that a variance is necessary to allow the reasonable and significant use of the property as a commercial office.

#### Agency Comments

The **Health Department** noted that additional information is needed regarding the type and location of the on-site sewage disposal system.

#### 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. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant.

In this particular case, the property is currently improved with a 4,830<sup>2</sup> square foot single family detached dwelling, which had been proposed to be used for professional office space since the 2014 rezoning case. The applicant currently has reasonable and significant use of the property, but is proposing to expand the structure to meet ADA requirements with an elevator.

Although floor plans had not been provided, the site plan shows the rear addition to be approximately 19' x 51' (or 969sqft), and the front addition to be approximately 5' x 30' (or 150sqft). The proposed 5,998 square foot total floor area noted in the applicant's request is an increase of 1,168 square feet. That increase does not appear to take into account a second floor,

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<sup>1</sup> The applicant's letter erroneously indicated that the maximum floor area "limited commercial use on a collector road to 3,000 s.f. or less" in the SB District. However, Bill 92-23 increased the maximum floor area for principal structures on properties without frontage on a minor arterial road or higher to 5,000sqft. Regardless, as the proposed total floor area is 5,998sqft, a variance would still be required.

<sup>2</sup> The applicant's 2022 rezoning request, 2022-0089-V, indicated that the existing structure totaled 3,450sqft, which included the basement. SDAT records indicate that the above grade living area is 2,556sqft, and does not include an area for the basement. The discrepancy may have been clarified if floor plans had been provided.

which would be required for an elevator. And, the 19' x 51' footprint appears excessive for an elevator. If the applicant, in reality, is planning a two-story rear addition, that will far exceed the relief being requested and the maximum floor area allowed.

The addition itself is creating the practical difficulty. At 4,830 square feet, the existing structure provides adequate space for offices in the Small Business District, while complying with the Code. If the interior truly cannot be reconfigured to accommodate an elevator, a much smaller addition would suffice. Reducing the rear addition's dimensions would eliminate or reduce the need for relief. The applicant has not demonstrated, nor offered any justification, that an elevator could not be accommodated within the existing 4,830 square foot structure, or could not be constructed in compliance with, or at least closer to, the maximum floor area limit.

The applicant's desire to construct an oversized addition to their existing structure is a self-inflicted hardship, created by not originally requesting a rezoning to a district that would suit their business plans, and ultimately being denied a second rezoning to the C2 District. Recently passed Bill 92-23 shows that the Council determined that the 3,000 square foot maximum floor area was inadequate for principal structures in the Small Business District, and therefore, increased the limit to 5,000 square feet. Granting a variance to further exceed that limit, in order to accommodate the applicant's desire for a larger office building, would negate the purpose of the Small Business District as a transitional district between residential and commercial districts.

Because the total floor area will exceed the maximum area allowed, the granting of the variance will alter the essential character of the neighborhood or district in which the lot is located, substantially impair the appropriate use or development of adjacent property, and will be detrimental to the public welfare.

As alternatives exist which would enable the applicant to expand their office space while complying with the Code, the requested variance cannot be considered the minimum necessary to afford relief.

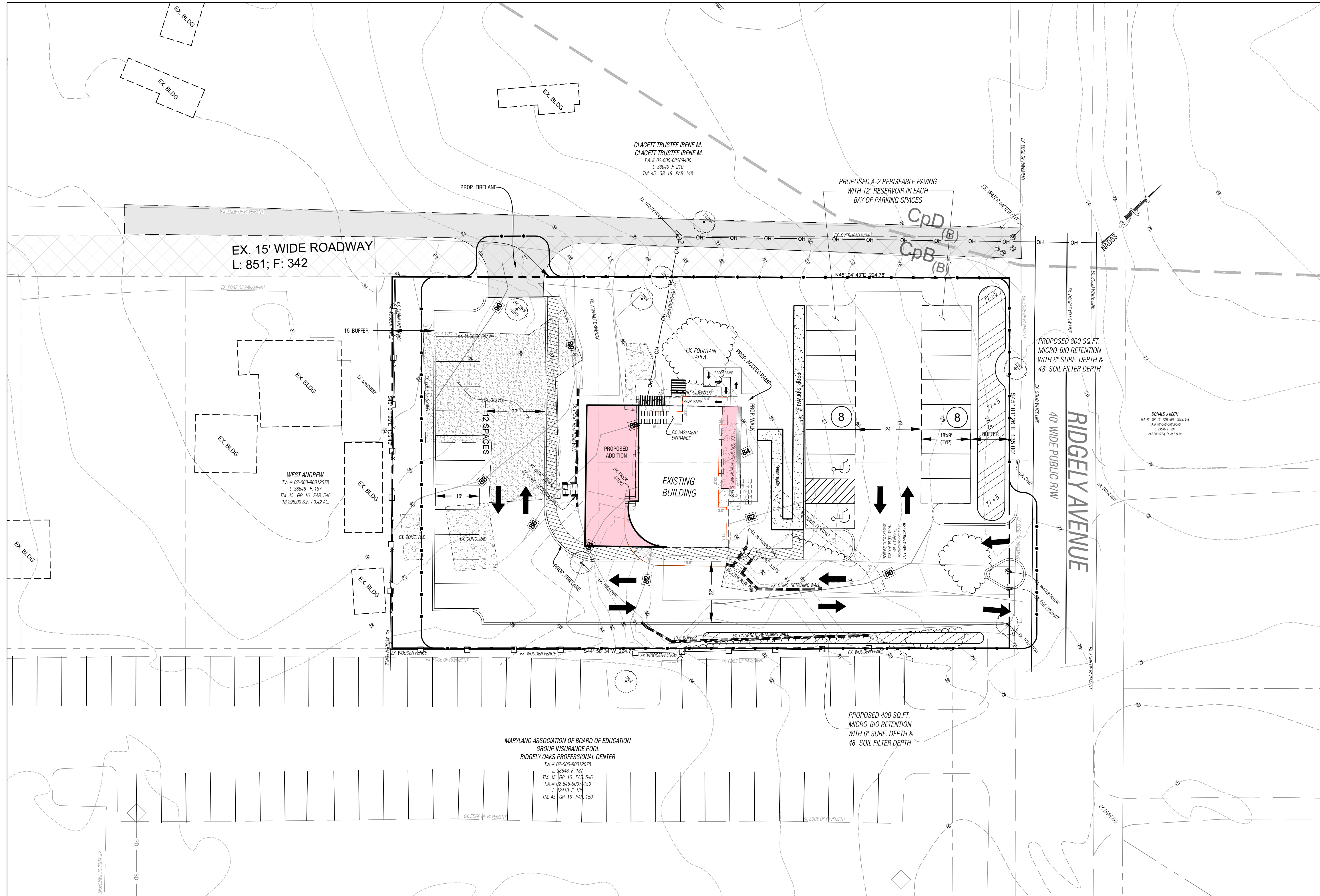
### **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 of the Code under which a variance may be granted, as proposed, this Office recommends *denial* of the requested variance to § 18-9-403 to allow a principal structure with greater floor area than allowed.

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.



ADC PERMITTED USE NUMBER 21003176  
**VICINITY MAP**  
 SCALE: 1"=2,000'



**PLAN**  
 SCALE: 1" = 20'

- GENERAL NOTES:**
- OWNER/APPLICANT: 627 RIDGELY AVENUE, LLC.  
617 RIDGELY AVENUE  
ANNAPOLIS, MARYLAND 21401  
ATTENTION: BOB HAUCK 410-224-3257
  - SITE DESIGNATION: TAX MAP 45, BLOCK 16, PARCEL 698, LOTS 1-3
  - TAX ID# 2-000-08256000
  - AREA: 0.697 ACRES, 30,390 SQ.FT.
  - ZONING: SMALL BUSINESS (SB)
  - USE: OFFICE
  - A VARIANCE IS REQUESTED TO ARTICLE 18-9-403 WHICH STATES THE MAX OFFICE FLOOR AREA WITH DIRECT ACCESS TO PRINCIPAL ARTERIAL ROAD 10,000 SQ.FT. ALL OTHERS THE MAX OFFICE FLOOR AREA IS 3,000 SQ.FT. THE SUBJECT SITE IS LOCATED ON A COLLECTOR ROAD AND THE PROPOSED BUILDING OFFICE SQUARE FOOTAGE = 5,998 SQ.FT.
  - THIS SITE IS NOT IN THE CRITICAL AREA
  - PUBLIC (ANNAPOLIS CITY) WATER AND PRIVATE SEPTIC TO BE UTILIZED.
  - PARKING TABULATION =
    - A. PROPOSED AREA OF FIRST FLOOR & SECOND FLOOR = 49 X 51 X 2 = 4,998 SQ.FT.
    - B. BASEMENT LEVEL (EAST END) WILL HAVE 1,000 SQ.FT. OFFICE WITH BALANCE ALL STORAGE
    - C. OFFICE SPACE = 4,998 + 1,000 = 5,998 SQ.FT.
    - D. NET OFFICE SPACE = 5,998 X 0.75 = 4,499 SQ.FT.
    - E. PARKING REQUIRED = 4,499 / 200 = 23 SPACES
  - TOTAL PARKING PROVIDED = 28 PARKING SPACES
  - EXISTING IMPERVIOUS SURFACE / LOT COVERAGE = 10,934 SQ.FT. (0.25 AC.) 36.0%
  - PROPOSED IMPERVIOUS SURFACE / LOT COVERAGE = 18,981 SQ.FT. (0.44 AC.) 62.5%
  - STORM WATER MANAGEMENT NOTES:
    - A. CURRENTLY NO STORM WATER MANAGEMENT EXISTS.
    - B. IN THE RE-DEVELOPED CONDITION, ON-SITE E.S.D. MEASURES WILL BE PROVIDED TO ADDRESS AND TREAT THE ESD TO THE MAXIMUM EXTENT POSSIBLE (MEP).
    - C. FINAL ESD/SWM DESIGN WILL BE ADDRESSED DURING PERMIT REVIEW STAGE.
  - LANDSCAPING NOTE: LANDSCAPING & SCREENING SHALL BE PROVIDED IN ACCORDANCE WITH THE COUNTY LANDSCAPE MANUAL AT PERMIT/REVIEW STAGE.

SITE DATA	
PROPERTY ADDRESS:	623 RIDGELY AVE. ANNAPOLIS, MD. 21401-1062
OWNER ADDRESS:	627 RIDGELY AVENUE LLC. 627 RIDGELY AVE. ANNAPOLIS, MD. 21401-0000
TAX MAP: 45	GRID: 16 PARCEL: 698; LOTS 1-3
ASSESSMENT DISTRICT:	SECOND
TAX ACCOUNT NUMBER:	02-000-08256000
EXISTING ZONING:	SB PROPOSED ZONING: SB
FEMA RATE MAP NUMBER:	240003C0232F ZONE: AE ELEV: N/A
FEMA RATE MAP ZONE:	AE EL: N/A
CRITICAL AREA MAP:	N/A
CRITICAL AREA DESIGNATION:	N/A
WATERSHED:	WEEMS CREEK
PREDOMINATE SOIL TYPES:	CpB(1) - COLLINGTON-WIST-URBAN LAND COMPLEX, 0 TO 5 PERCENT SLOPES
EXISTING USE:	OFFICE
PROPOSED USE:	OFFICE
TOTAL SITE AREA:	30,390 S.F. 0.69 AC.
EXISTING IMPERVIOUS AREA:	10,934 S.F. 0.25 AC.
TOTAL IMPERVIOUS AREA:	18,981 S.F. 0.44 AC.
TOTAL DISTURBED AREA:	29,915 S.F. 0.69 AC.
AREA VEG. STABILIZED:	11,000 S.F. 1.02 AC.
AREA STRUCT. STABILIZED:	18,981 S.F. 1.76 AC.
CUT:	0 C.Y.
FILL:	0 C.Y.
SPOIL BORROW:	0 C.Y.
CONTRACTOR ADVISED TO CHECK QUANTITIES	

**LEGEND**

	PROPERTY LINE
	EXISTING CONTOUR LINE
	EXISTING WOODS / FIRE LINE
	EXISTING DRIVEWAY / EOP
	EXISTING RETAINING WALL
	EXISTING ZONING LINE
	SOIL AREA
	EXISTING EASEMENT ACCESS
	EXISTING BUILDING / STRUCTURE
	EXISTING EOP / DRIVEWAY
	EXISTING WATER
	EXISTING SEWER
	EXISTING STORMDRAIN

REVISION DESCRIPTION	BY	DATE

**MESSICK & ASSOCIATES\***  
 CONSULTING ENGINEERS,  
 PLANNERS AND SURVEYORS

7 OLD SOLOMONS ISLAND ROAD, SUITE 202  
 ANNAPOLIS, MARYLAND 21401  
 (410) 266-3212 \* FAX (410) 266-3502  
 email: engr@messickandassociates.com

\* MESSICK GROUP INC. T/A MESSICK AND ASSOCIATES

**OWNER/DEVELOPER:**  
**627 RIDGELY AVENUE LLC.**  
 623 RIDGELY AVE.  
 ANNAPOLIS, MD. 21401

**SITE PLAN**  
**VARIANCE PLAN**  
 623 RIDGELY AVENUE  
 ANNAPOLIS, MARYLAND 21401-1062

TM: 45	GRID: 16	PARCEL: 698	LOTS: 1-3	ZONING: SB
SECOND ASSESSMENT DISTRICT			ANNE ARUNDEL COUNTY, MARYLAND	
SCALE: AS SHOWN			DATE: SEPTEMBER 2024	SHEET: 1 OF 1

September 2024 FILE: G:\A\02-23-1606\_623 Ridgely Avenue\DWG\BASE\48-48-23-1606\_623 Ridgely\_AVE\_05-01-24.dwg



Messick & Associates

Consulting Engineers,  
Planners, Surveyors  
& Landscape Architects

*"Designing Success Since 1951"*

September 11, 2024

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

Re: Variance Application:  
623 Ridgely Avenue, Annapolis Maryland 21409 (the "Property")  
Tax Map 45, Grid 3, Parcel 16, Lot 698  
Explanation Letter

Dear Ms. Seay:

Attached for your review and processing is a variance application for the above referenced Property. The subject site consists of 30,390 square feet (0.697 acres) of land with approximately 135' of frontage on the southwest side of Ridgely Avenue, approximately 900 feet southeast of Bestgate Road. The property is identified as Lots 1, 2, and 3 of Parcel 698 on Tax Map 45. The site is currently zoned SB-Small Business District. The zoning has been in place since October 2, 2014 as a result of an order by the Administrative Hearing Officer rezoning the subject site from R-2 Residential to SB-Small Business District (2014-0175-R).

The property is currently improved with a two-story single family detached dwelling with a partial basement, a concrete slab and sidewalk and a blacktop driveway. The existing house consists of approximately 4,830 s.f. of total living area. It is accessed directly off Ridgely Avenue (a County Collector Road). The site is served by public (city) water and a private septic system and the property is in the "future" sewer service category in the Annapolis Sewer Service Area.

Plan 2040 places the site in the Neighborhood Preservation Development Policy Area. The site was the subject of a Land Use Change application during the Plan 2040 application process (LUCA-50), requesting a change in planned use from "Low Density Residential" to "Commercial". The change was adopted with Plan 2040. The adjacent property to the rear (west) was previously recognized by the County as non-conforming commercial use in a residential zone. The adjacent property to the southeast (parcel 150) is also within the Commercial Planned Land Use category (C-2 Zone) and is improved with a large 4 story commercial building and extensive parking area (160+ spaces). The site is located within Regional Planning Area #7. The Regional Plan acknowledges the Plan 2040 "Commercial Land Use" designation, but recommended retaining the SB-Small Business Zone as an appropriate transition zone between the C2 Commercial Zone to the south and the R-2 Residential Zone to the north.

Now that the SB zone has been confirmed through comprehensive rezoning, The owner plans to improve the property and incorporate an elevator addition to comply with ADA requirements. However, the existing SB-Small Business Zone limits commercial uses abutting a "collector" road to 3,000 s.f. Given the size of the existing building including the basement, the new improvements will exceed the 3,000 s.f. maximum floor area limitation allowed in the SB district on a collector road. The owner is therefore seeking a variance to acquire the necessary permits to expand the existing commercial office use of the property. Since the addition will be on the rear of the house, the proposed improvement will maintain the residential character of the site and act as a transitional use to the residential uses to the north.



Ms. Sterling Seay  
Variance Application  
623 Ridgely Avenue, Annapolis Md. 21401  
September 11, 2024  
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The property is part of a commercial neighborhood on Ridgely Avenue abutting US Route 50/301 (a limited access highway) and was recognized in the latest GDP (Plan 2040) as suitable for commercial land use. The site abuts a large 4 story office building with an extensive parking area (160+ spaces) and a large 2 story medical office with extensive parking area (200+ spaces) is located across the street. While the Regional Plan recognized this area as a mixed-use transition zone, the sites immediate proximity to such a large-scale commercial office makes the expansion of a commercial use beyond 3,000 s.f. an appropriate transition to the residential properties to the north.

Further, when the SB-Small Business Bill was approved by the County Council it limited commercial use on a "Collector" road to 3,000 s.f. or less. In essence this made several of the houses in the commercial neighborhood non-conforming with respect to commercial use. While a registered Non-Conforming Use would typically be allowed an expansion by up to 30% by code, in this case a variance is necessary to allow the reasonable and significant use of the property as a commercial office.

Specifically, the applicant is requesting the following variances:

1. A variance to exceed the maximum floor area permitted on a lot zoned SB (Small Business District) located on a collector road (Article 18-9-403).

We believe the proposed reconstructed structure is consistent with the character of the community and the variances being requested are the minimum necessary to afford relief, for the "reasonable and significant" use of the property. Finally, 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 site is a legally buildable lot which was designated as a "commercial use" in the latest General Development Plan (Plan 2040). The site is located within Regional Planning Area #7. The owner expended substantial funds in improving the property. Plans were undertaken to incorporate an elevator addition to comply with ADA requirements. At that time the owner discovered that the basement was required to be included in the calculation of the structures square footage, resulting in an improvement exceeding the 3,000 maximum floor area limitation allowed in the SB district on a collector road. The owner is now seeking a variance that, if granted, would allow the owner to acquire the necessary permits to expand the existing commercial office use of the property from 3,000 s.f. up to 5,998 s.f. while maintaining the residential character of the site.

We believe the proposed reconstructed structure is consistent with the character of the community and the variances being requested are the minimum necessary to afford relief, for the "reasonable and significant" use of the property. Finally, we believe the proposed variance meets all applicable criteria in accordance with the Anne Arundel County Code.



Ms. Sterling Seay  
Variance Application  
623 Ridgely Avenue, Annapolis Md. 21401  
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(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.*

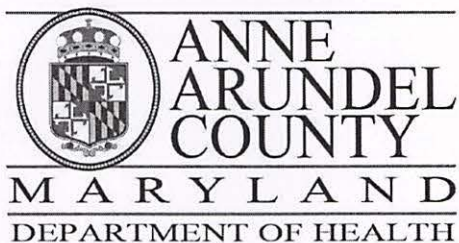
The proposed variance will not alter the essential character of the neighborhood since the site is in a recognized commercial land use area and the expansion is on the rear of the existing house. The owner is simply seeking a variance that would allow the reasonable and significant commercial use of the property while providing a transition zone to the residential uses to the north.

The variance being requested is the minimum necessary to afford relief, and the proposed variance will not substantially impair the appropriate use or development of the adjacent properties. The proposed improvement is consistent with the clearing and replanting requirements in the County Code and is not detrimental to the public health safety and 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




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: September 23, 2024

RE: 627 Ridgely Avenue, LLC.  
623 Ridgely Ave.  
Annapolis, MD 21401

NUMBER: 2024-0175-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a principal structure with greater floor area than allowed and with less setbacks than required.

Based on a review of the above referenced request, additional information is needed by the Health Department on:

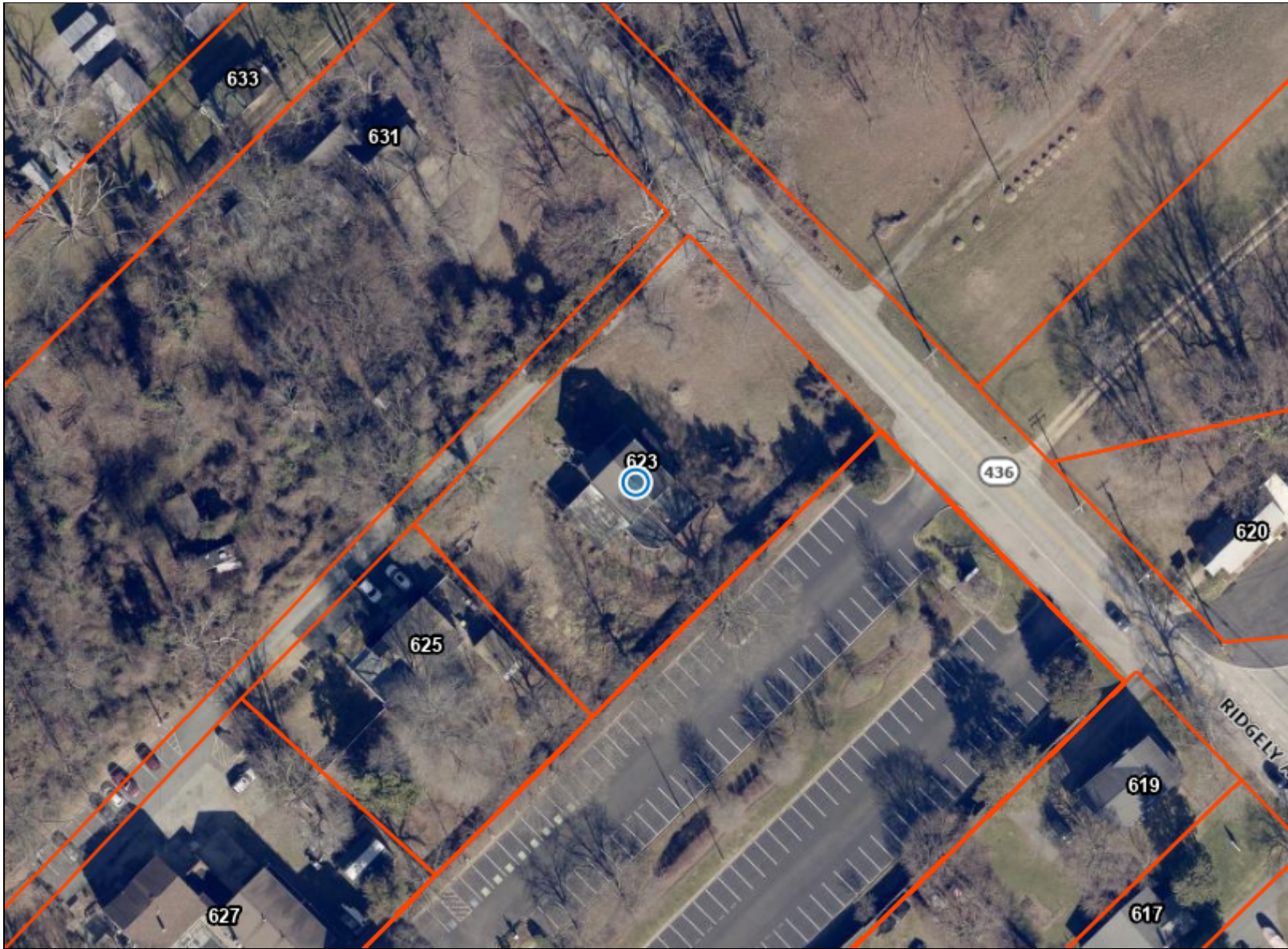
The type and location of the on-site sewage disposal system.

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

cc: Sterling Seay



# 623 Ridgely Ave (2024-0175-V)



## Legend

Foundation

Addressing



Parcels



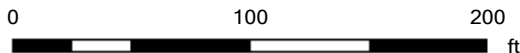
Parcels - Annapolis City



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