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

**APPLICANT**: Mark Stevenson **ASSESSMENT DISTRICT: 2nd** 

**CASE NUMBER**: 2024-0187-V **COUNCILMANIC DISTRICT: 7th** 

PREPARED BY: Donnie Dyott Jr. **HEARING DATE**: January 7, 2025

# **REQUEST**

The applicant is requesting a variance to allow an accessory structure (garage) in the front yard of a non-waterfront lot with less setbacks than required on property located at 2476 Bell Branch Road in Gambrills.

# **LOCATION AND DESCRIPTION OF SITE**

The subject site consists of approximately 5.97 acres of land and is zoned as RA - Rural Agricultural District. The property is identified as Lot 96R of Parcel 96 in Block 20 on Tax Map 43 in the Bell Branch Road Resubdivision of Parcels 96 and 97 subdivision. This property is located outside of the Chesapeake Bay Critical Area and is improved with a single family detached dwelling and associated facilities.

# **APPLICANT'S PROPOSAL**

The applicant seeks to construct a detached garage measuring 24' X 25' in the front yard of the property, south of the existing dwelling.

# REQUESTED VARIANCES

§ 18-2-204 (b) of the Anne Arundel County Zoning Code states that an accessory structure may not be located in the front yard of a non-waterfront lot. The garage as proposed is in the front yard, necessitating a variance to this provision.

No setback variances are required.

## **FINDINGS**

The subject property is of adequate size and width for a lot in the RA District. The State tax records indicate the dwelling was constructed in 2019. The applicant argues that due to the location of the existing structures and well, the garage could not be located in the back of the property and has been designed to meet all setbacks and minimize visibility from the right of way.

The **Health Department** commented they have no objection to the request as the proposal does not adversely affect the on-site sewage disposal and well water supply systems.

The Recreation and Parks Department commented that the proposal is consistent with the spirit of the Green Infrastructure Master Plan.

The **Cultural Resources Division** commented that the property is located on a Scenic and Historic Road and is subject to compliance with Article 17-6-504. This application proposes no adverse effect to existing conditions of the historic roadway.

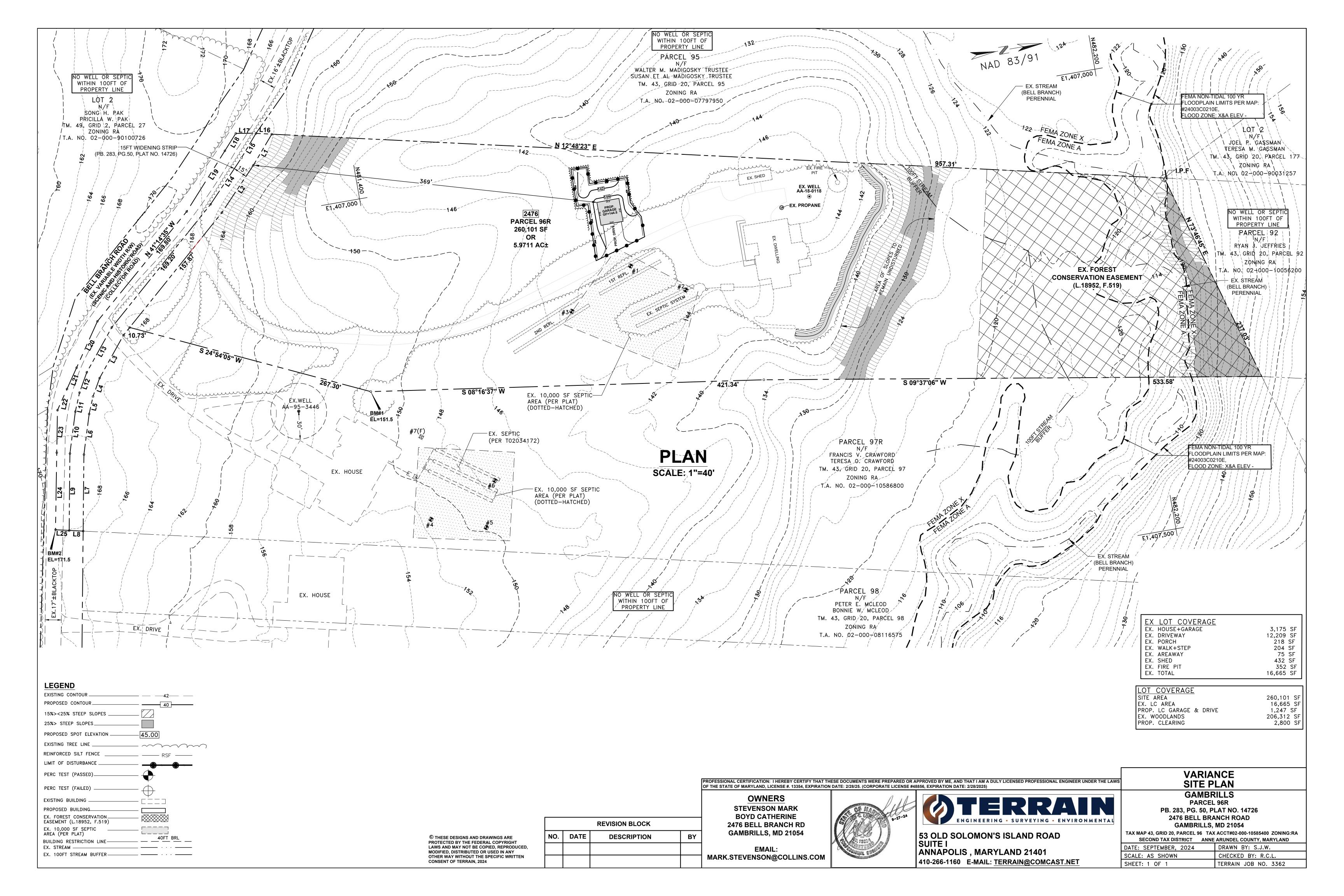
While the lot is of adequate size and width for the RA District, it can be argued that the location of the dwelling so far to the rear of the property in combination with the large lot size creates a unique situation in which compliance with the Code is difficult. Given the large front yard, placing any accessory structure in the side or rear yard is difficult and may cause practical difficulties to the applicant. As such some relief is warranted to allow the applicant to place the garage in the large front yard of the site.

Typically this Office does not recommend approval for accessory structures measuring greater than 24' X 24' as they are larger than a typical detached garage and usually do not represent the minimum necessary to afford relief. In this case however, the size of the accessory structure has no bearing on the need for the requested variance and a reduction in the size of the structure would not lessen or eliminate the needed relief, nor would it lessen any impact on adjacent properties. The site is heavily wooded and the structure will be screened from the road and have no visual impact to the existing front yard. Additionally, the garage location is behind the neighboring dwellings, further lessening potential impacts on the streetscape. As such, the proposed garage can be considered the minimum necessary to afford relief in this case. The variance as proposed will not alter the essential character of the neighborhood, be detrimental to the public welfare or impair the appropriate use or development of adjacent properties.

## **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends <u>approval</u> of the zoning variance to allow the construction of the garage as shown on the site plan.

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.





September 26, 2024 Planning and Zoning Zoning Division 2664 River Rd. 3<sup>rd</sup> Floor Annapolis, MD 21401

Re: 2476 Bell Branch Rd,

Gambills MD 210584 T.A. 2000-10585400

#### To Whom It May Concern:

To recognize the Site Development as proposed, a Variance to Allow Existing Structures to Remain in a Front Yard will be necessary.

The site is zoned Rural Residential (RA) and therefore minimum setbacks for accessory structures are: front -50 ft, rear -15 feet, side -15 feet. In accordance with section 18-2-204 of the Anne Arundel County Code, an accessory structure may not be located in the front yard of a non-waterfront lot.

The existing site features a Single-Family Dwelling Unit and Accessory Structure located approximately 530 ft front setback from Bell Branch Road. Both existing structures meet the required setbacks.

The Development Plan proposes an accessory structure located in the front yard of the property. Design alternatives were considered; however, due to the location of the existing structures and well, the proposed accessory structure could not be in the back of the property. The accessory structure was carefully designed to limit the amount of visibility from the right of way. The proposed structure is located 369' from the R/W with woods located in between the structure and right of way. The accessory structure is located 50.5' from the side property line, exceeding the required setback.

In accordance with Article 18-16-305; Variances:

The Site meets the requirements for Zoning Variances because practical difficulties and hardships are created as follows:

- 1. The site exhibits unique physical conditions due to the existing structures far exceeding the minimum required setback of the property (530 feet as compared to the 50-foot minimum).
- 2. An unnecessary hardship exists because the existing buildings are in excellent condition and are purposeful.

#### Requirements for all Variances:

- 1. The Variance is the minimum necessary to avoid relief due to the two (2) existing structures and well location.
- 2. The granting of a Variance will not:
  - (i). Alter the essential character of the neighborhood as the referenced structures are existing and the Site Planning maintains the character of the neighborhood.
  - (ii). The adjacent properties, right and left when viewed from Bell Branch Road, remains largely undeveloped where the proposed structure is located and will not be impacted by the development.

- (iii). The development is not located in the Critical Area and is exempt from Forest Conservation Requirements because clearing is less than 20,000 SF. Clearing for this project has been minimized and is less than 20%.
- (iv). The Site is not located in a Bog Protection Area or Critical Area Designation.
- (v). The Site is being developed in accordance with County Regulations and will not be detrimental to Public Welfare.

The requested Variance allows orderly development of the Site and will not be detrimental to surrounding properties. Therefore, we believe that support of this Request is consistent with County Policy.

If you should have any questions or comments, please reach out to our office at (410) 266-1160 or email terrain@terrainmd.com.

Sincerely,

Kelly McCormick, P.E.

Kuy McCornick

Home First Title Group, LLC File No. RR-18-1528 Tax ID # 02 10585400

LR - Deed (w Taxes) This Deed, made this 19th day of February, 2019, by and between Susan Mogain Smith ST20. DO and Douglas James Smith, GRANTOR, and Mark Stevenson and Catherine Boyd, GRANTEES.

# Witnesseth –

LR - Deed State Transfer Tax 1 ,825.00 LR - NR Tax - 1kd 0.00

40.00

Surcharge

That in consideration of the sum of Three Hundred Sixty-Five Thousand and 00/100 Dollars (\$365,000.00), which includes the amount of any outstanding Mortgage or Deed Jack if any, 1,945.00 the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said of the convey to the survivor of them, their heirs and assigns, in fee simple all-thet lot of the convey to the survivor of them. Grantees, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple 1 all that dot of 501 ground situate in the County of Anne Arundel, State of Maryland and described as follows that is to say: County/CC05.01.10 -

BEING KNOWN AND DESIGNATED as Lot No. 96R on the Plat entitled "Plat One of One" Bell Branch Road Resubdivision of Parcels 96 and 97" designated as Plat No. 14726, and recorded among the Plat Records of Anne Arundel County, Maryland in Plat Book 283, Folio 50. The lot thereon being known as 2476 Bell Branch Road Gambrills MD 21054

02-000-10585400

Being a part of the same fee simple property which by Deed dated December 1, 2004 and recorded December 13, 2004 among the Land Records of Anne Arundel County, Maryland in Liber 15695 Folio 695 was granted and conveyed by and between Priscilla Snyder, also known as Priscilla Jane Snyder, Personal Representative of the Estate of Merle Lewis Shumaker, by Letters of Administration dated August 23, 2004 and filed with the Register of Willis of Anne Arundel County, Maryland in Estate No. 56182, and Priscilla Jane Snyder, devisee and heir of Merle Lewis Shumaker under the Last Will and Testament of Merle Lewis Shumaker dated June 9, 1997 and filed and probated August 23, 2004 with the Register of Wills of Anne Arundel County, Maryland in Estate No. 56182 unto Douglas James Smith and Susan Morgan Smith.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Mark Stevenson and Catherine Boyd, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple.

And the Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he will warrant Specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

BY:\_COO

BOOK: 32909 PAGE: 320

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

Phoan Moran Smith

(SEAL)

Douglas James Smith

STATE OF MARYLAND
COUNTY OF ANNE ARUNDEL

I hereby certify that on this 19th day of February, 2019, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared, , Susan Mogan Smith and Douglas James Smith, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be his act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

G. Russed Donaldson, Esquire

AFTER RECORDING, PLEASE RETURN TO: Home First Title Group, LLC 1655 Crofton Boulevard Suite 201 Crofton, Maryland 21114 BOOK: 32909 PAGE: 321

MARYLAND FORM WH-AR

# Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2019

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1.	Transferor Information					
	Name of Transferor	Douglas James Smith				
2.	Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).  2476 Bell Branch Road, Gambrills, MD 21054					
3.	Reasons for Exemption					
	Resident Status	As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.				
		Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.				
	Principal Residence	Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.				
	Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.					
3a.	Individual Transferors		Douglas James Smith	2/19/19		
	Witness		Name  Name  Logic Jame Sutt	^*Date		
3b.	Entity Transferors	•	· · · · · · · · · · · · · · · · · · ·			
	Witness/Attest		Name of Entity			
			Ву			
			Name	**Date		
			Title			

**Note:** Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

<sup>\*\*</sup> Form must be dated to be valid.

BOOK: 32909 PAGE: 322

MARYLAND FORM WH-AR

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence 2019

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-

General Article, Annotated Code of Maryland. Section 10-912

provides that certain tax payments must be withheld and

paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1.	Transferor Information					
	Name of Transferor	Susan Mogan Smith		· · · · · · · · · · · · · · · · · · ·		
2.	Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).  2476 Bell Branch Road, Gambrills, MD 21054					
3.	Reasons for Exemption					
	Resident Status	As of the date this form is sig	date this form is signed, I, Transferor, am a resident of the State of Maryland.			
		Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.				
	Principal Residence	Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.				
	Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.					
3a.	Individual Transferors		Susan Mogan Smith	2/19/19		
_	Witness		Name  Signature	In. th		
<b>3</b> b.	Entity Transferors					
	Witness/Attest		Name of Entity	•		
			Ву	· · · · · · · · · · · · · · · · · · ·		
			Name	^*Date		
			Title			

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

<sup>\*\*</sup> Form must be dated to be valid.

Date available 03/05/2019. 33351. **CE29** MSA ġ. ANNE ARUNDEL COUNTY CIRCUIT COURT (Land Records) SAP 32909,



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 My For Brian Chow

FROM:

Brian Chew, Program Manager

Bureau of Environmental Health

DATE:

October 17, 2024

RE:

Mark Stevenson

2476 Bell Branch Road Gambrills, MD 21054

NUMBER:

2024-0187-V

SUBJECT:

Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow an accessory structure (garage) in front yard of a non-waterfront lot with less setbacks than required.

The Health Department has reviewed the on-site sewage disposal and well water supply system for the above referenced property. The Health Department has determined that the proposed request does not adversely affect the on-site sewage disposal and well water supply systems. 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



# STEUART PITTMAN, COUNTY EXECUTIVE JESSICA LEYS, DIRECTOR RECREATION AND PARKS 1 HARRY S. TRUMAN PKWY ANNAPOLIS, MD 21401 AACOUNTY.ORG/RECPARKS



# **MEMORANDUM**

TO: Sadé Medina, Zoning Division

Office of Planning and Zoning

FROM: Pat Slayton

Capital Projects Division

SUBJECT: Variance Case 2024-0187-V

DATE: October 7, 2024

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

A portion of this site lies within the Anne Arundel County Green Infrastructure Network, a
proposed preservation area considered in the Anne Arundel County Green Infrastructure
Master Plan. The proposed development is consistent with the spirit of the Green
Infrastructure Master Plan.

The Department of Recreation and Parks has no further comments.

cc: File

# 2024-0187-V

Menu Cancel Help

Task Details OPZ Cultural Resources Assigned Date 10/02/2024 Assigned to Stacy Poulos Current Status Complete w/ Comments Action By Stacy Poulos Comments This property is located on a Scenic and Historic compliance with Article 17-6-504. This application		Due Date 10/23/2024 Assigned to Department OPZ Cultural Resources Status Date 10/10/2024 Overtime No Start Time
existing conditions of the historic roadway.		
End Time		Hours Spent
		0.0
Billable		Action by Department
No		OPZ Cultural Resources
Time Tracking Start Date In Possession Time (hrs)		Est. Completion Date
` ,		Display E-mail Address in ACA
Estimated Hours		Display Comment in ACA
Comment Display in ACA		
All ACA Users		
Record Creator		
Licensed Professional		
Contact		
Owner		
Task Specific Information		
Expiration Date	Review Notes	Reviewer Name
Reviewer Phone Number	Reviewer Email	
Verienei Liioiie irriinei	Keviewei Ellidii	

# Map Title 1301 450 2355 1265 Bell Branch Legend Foundation Addressing Parcels 2476 Parcels - Annapolis City BRII BRANGURO Notes 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. THIS MAP IS NOT TO BE 400 800 USED FOR NAVIGATION