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

APPLICANTS: Paul & Alexa Bryan

CASE NUMBER: 2024-0193-V

HEARING DATE: January 9, 2025

ASSESSMENT DISTRICT: 1

COUNCILMANIC DISTRICT: 5

PREPARED BY: Joan A. Jenkins Planner III

REQUEST

The applicants are requesting a variance to allow a dwelling addition (carport) with less setbacks than required on property located at 1080 Broadview Drive in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property has an area of approximately 14,280 square feet and is located with 60 feet of road frontage on the northeast side of Broadview Drive, southeast of Pine Tree Drive. The site is known as Lot 27 on Tax Map 40, Grid 6, on Parcel 25 in Block T of the Cape St. Claire subdivision.

This property is zoned R5-Residential District and is a nonwaterfront lot in the LDA - Limited Development Area of the Critical Area Overlay. The property is currently improved with a split foyer single-family detached dwelling. The property is served by a private well and public sewer service.

PROPOSAL

The applicants seek to construct a carport (12 feet wide by 34 feet deep) with a sloped roof attached to the existing dwelling. The carport height will vary due to the slope of the property from front to back.¹

REQUESTED VARIANCE

§18-4-601 of the Anne Arundel County Code requires that a principal structure in an R5 District shall be set back a minimum of seven feet from the side lot line. The proposed carport will be 3.1 feet from the northwest side lot line requiring a variance of 4 feet.

FINDINGS

This nearly rectangular-shaped property meets the width requirement for the R5 District, however, is more than double the size of the minimum area requirement. According to State Tax

¹ The site plan also shows a proposed shed. The shed is not part of the variance.

Assessment records the house was built in 1977. This is a developed lot where the location of the existing structure centered on the lot presents a difficulty in developing the lot to the side without a variance.

The applicants write that the need for the carport arises from the desire to shelter vehicles, specifically electric cars, and to allow exit and entry to the vehicles under cover.

A review of the County aerial photograph from 2024 and a stroll through the neighborhood via Google Street View shows an eclectic mix of houses typically on single lots. The houses on the same side of the street are on similar-sized lots. Carports are not a common feature of the houses in the neighborhood. There appear to be some homes with integrated garages; one built in 2014 and the other on a wider lot.

While each case must stand on its own merit, one variance case was found nearby for 1071 Broadview Drive. Case number 2005-0087-V was denied for a carport addition one foot from the side lot line.

The **Health Department** commented that they require additional information on the type and location of the water supply well and the neighboring water supply well at 1078 Broadview Drive.

For the granting of a zoning 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 the grant of a variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the applicant to develop the lot. Variances should only be granted if in strict harmony with the spirit and intent of the zoning regulations and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare. The need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant. The lot meets the zoning bulk regulations, there is nothing unique about the lot, and the lot has been developed with a dwelling. Neither charging ports nor electric vehicles are required to be covered during charging.

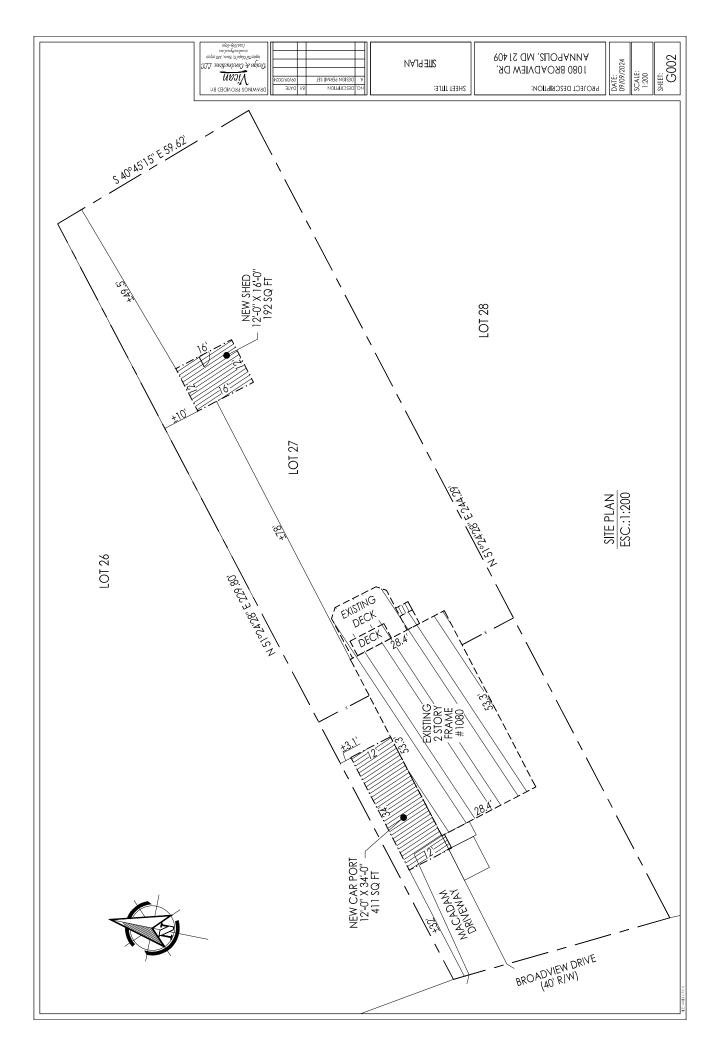
Approval of the variance may alter the essential character of the neighborhood as carports are not common in the area, but also because approval of the variance would set a precedent of structures within the setbacks in the neighborhood. Approval of the variance will not impair the appropriate use or development of the adjacent property as the neighboring property has already been developed with a dwelling. The adjacent neighbor submitted a letter in support of the carpet. The variance will not be contrary to acceptable clearing and replanting practices and will not be detrimental to the public welfare.

The proposed carport would be 34 feet long and located 3 feet from the side lot line. While 3 feet is enough distance for construction and maintenance of the structure entirely on the subject property, a 34-foot long structure is deeper than necessary for parking a car. There is no reason that an electric car or the charging port needs to be covered. Because the variance is unwarranted and unnecessary the variance request can not be considered to be the minimum necessary to afford relief.

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under § 18-16-305 of the County Code, the Office of Planning and Zoning recommends <u>denial</u> of the variance requested.

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.



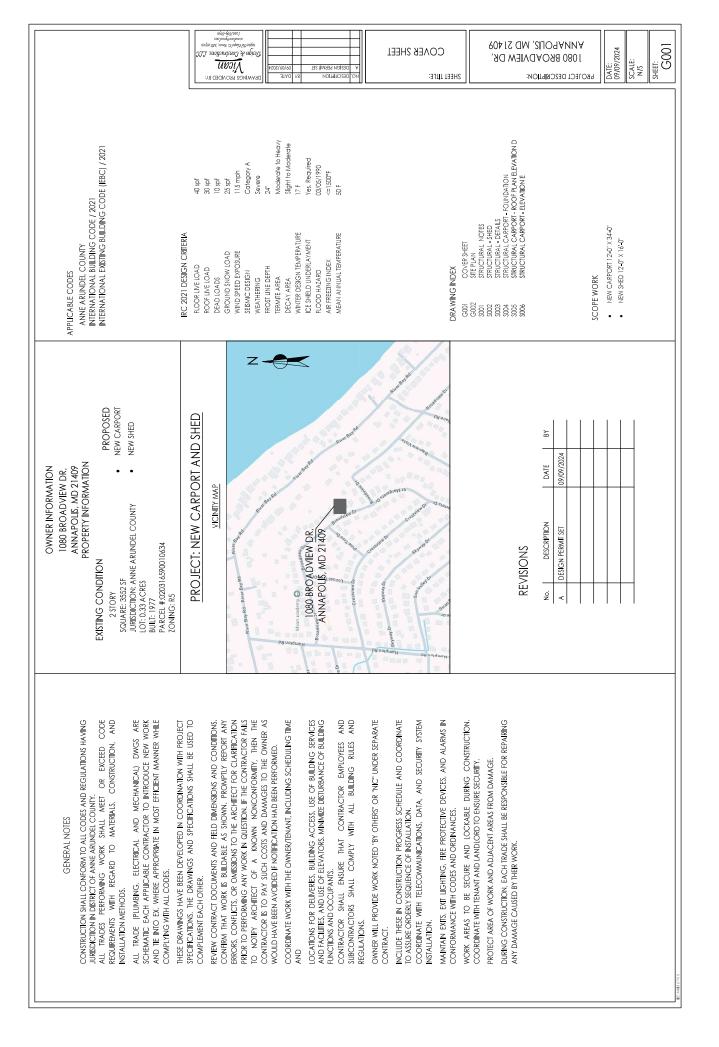
LETTER OF EXPLANATION

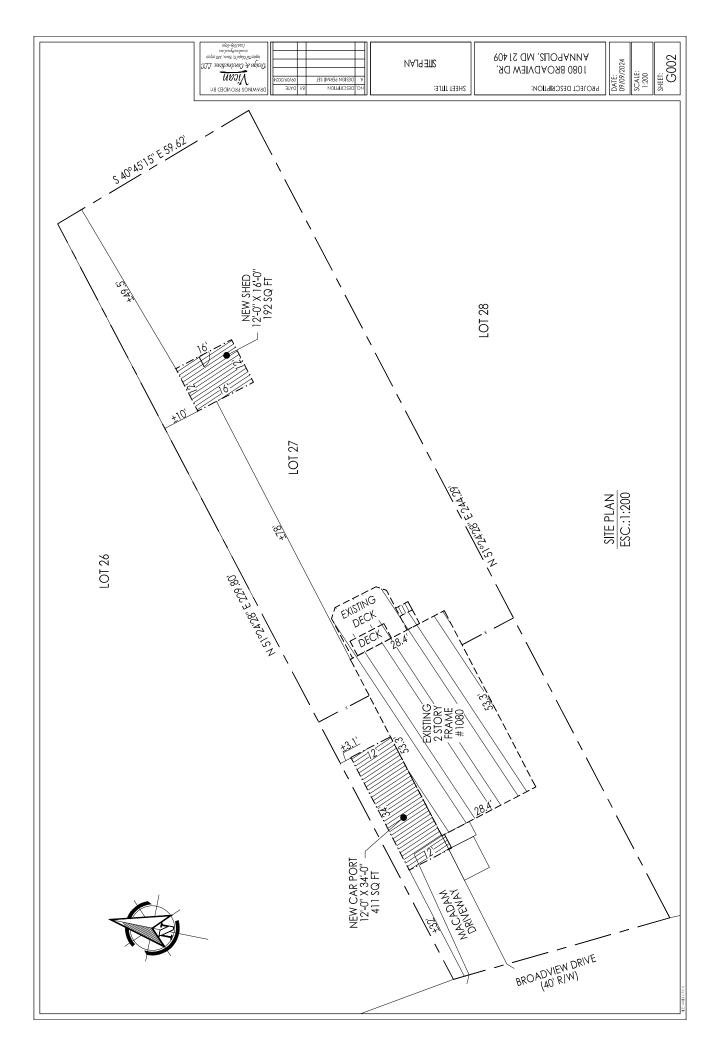
We would like to apply for a variance in the side yard set back requirement for our attached carport. The reasons why we think that a variance is necessary are:

- 1. The property is very narrow. It is only 60' wide. The house is approximately 28' wide, which leaves only 16' on each side. We believe that a 4' setback is needed. The minimum carport width necessary to allow a car to park in it and open the doors under cover is 12' wide. This is what we would like to build. We are proposing a long, narrow carport to cover our two cars, instead of a more traditional wider carport that allowed the cars to park side by side.
- We believe that putting the carport at the end of the existing driveway is the best spot. The extreme sloping of the front and rear yards precludes us from positioning it anywhere else.
- 3. We have spoken with our neighbor, Jose Ramos Roman, and he has written a letter stating that he does not have any issues with it being built there. I will include the letter.
- 4. We have also submitted a proposal with the board of the Cape St. Claire Improvement Association and they have approved our plan pending approval of the county. I will include their certificate of approval.
- 5. Our carport is needed because we have two electric cars that require a covered car charging station for extra safety.
- Our carport is also needed because it would help protect our cars from the weather. And it would allow us to enter and exit the vehicles under cover as we are both senior citizens.

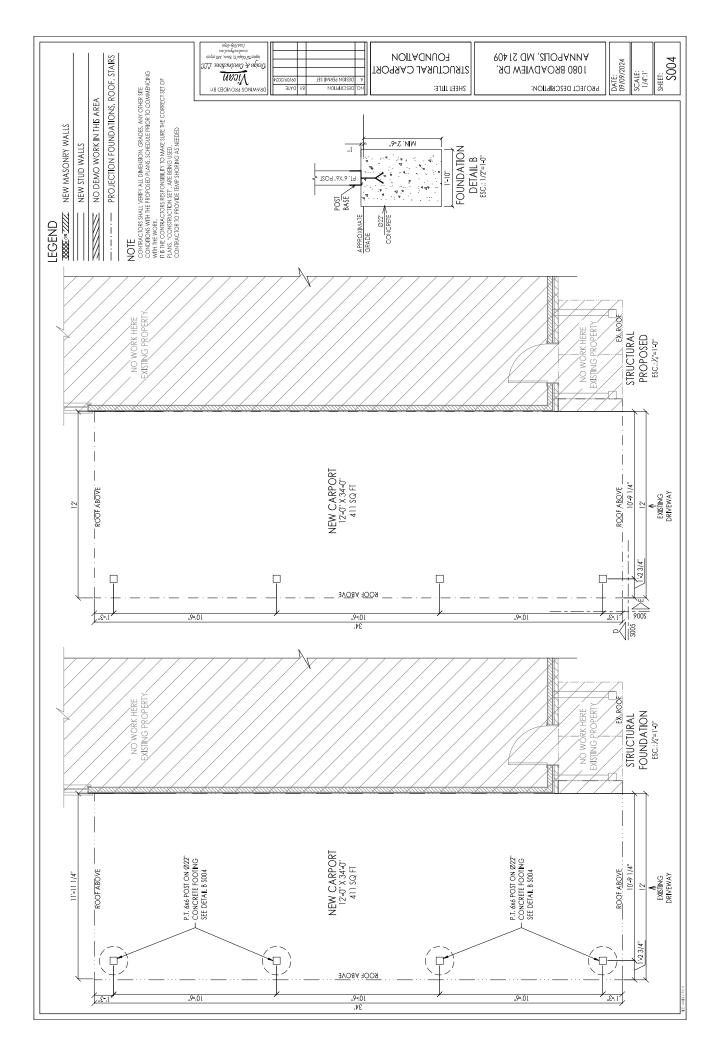
Thank you,

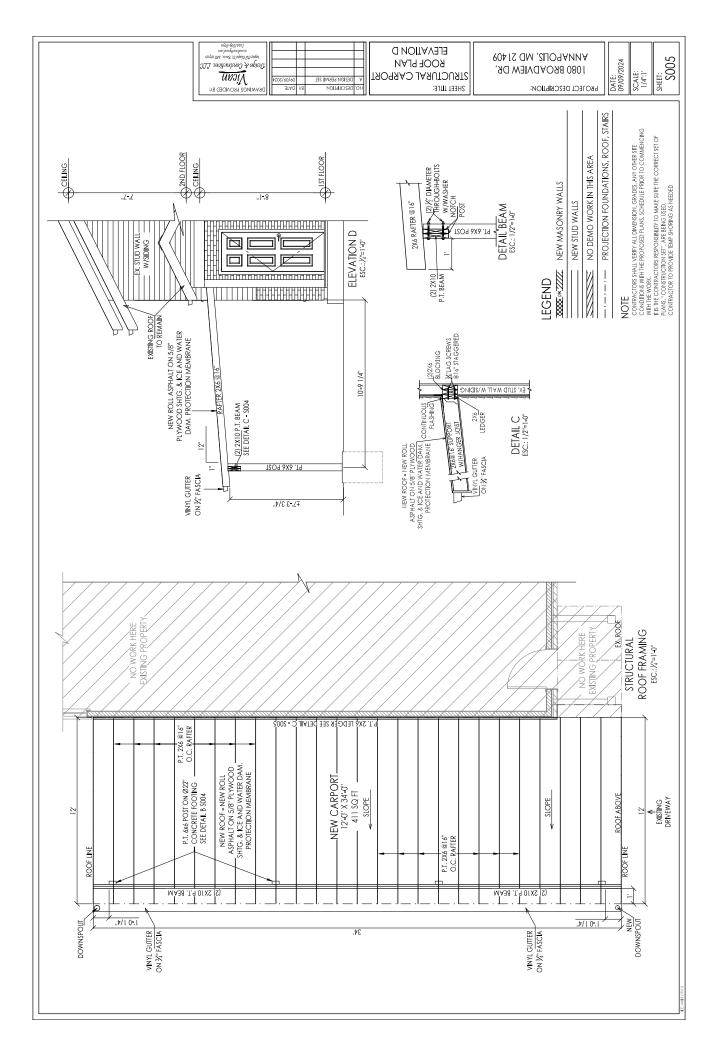
Paul and Alexa Bryan

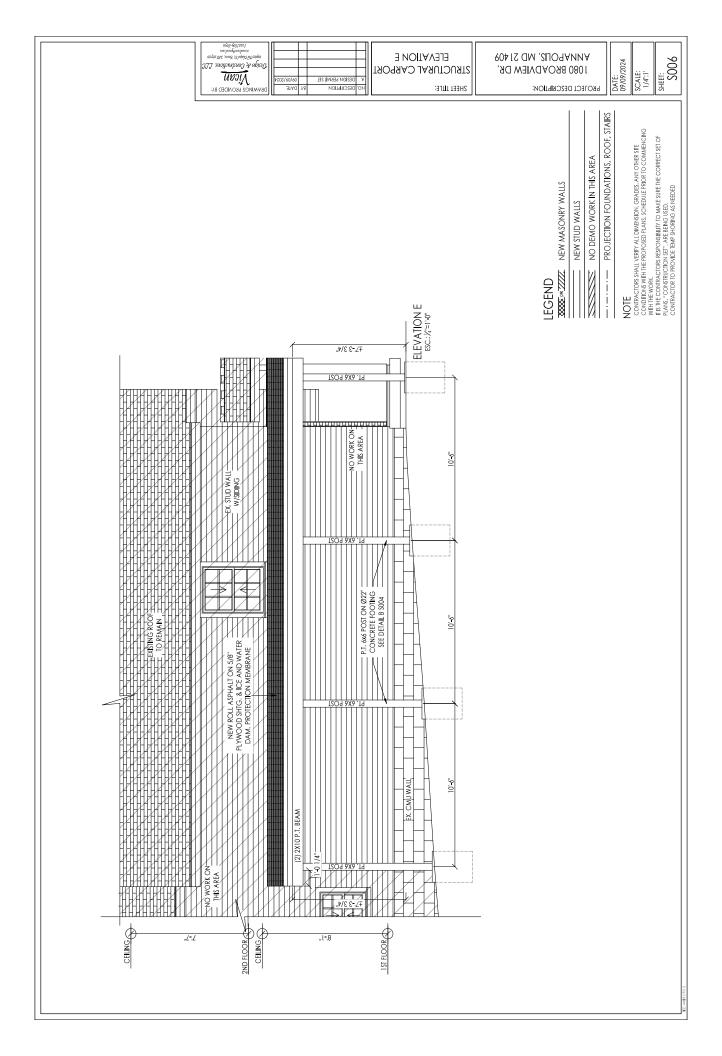




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CRITICAL AREA COMMISSION CHESAPEAKE AND ATLANTIC COASTAL BAYS 1804 WEST STREET, SUITE 100 ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction:	Anne Arundel	County			Date:
					FOR RESUBMITTAL ONLY
Tax Map #	Parcel #	Block #	Lot #	Section	Corrections
40	25	Т	27		Redesign
					No Change
					Non-Critical Area
Tax ID:	316590010634	1			*Complete Only Page 1
Tax ID.	310390010034	+			General Project Information
Project Name	(site name, sub	division nome	or other)		
Troject Name	(site fiame, sut		, or other)		
Project location	on/Address	1080 Broad	view DR		
		1000 Biodd			
City An	napolis				Zip 21409
Local case nu	mber				
Applicant:Last nameBryanFirst namePaul					
· · · · · · · · · · · · · · · · · · ·					
Company					
Application [Гуре (check al	l that apply):			
Building Perr	nit			Variance	X
Buffer Manag Conditional U				Rezoning Site Plan	
					4 ¹ −−− □
Consistency H				Special Except Subdivision	
Disturbance >	· •				
Grading Perm	111			Other	

Local Jurisdiction Contact Information:

Last name	AACo Zoning Administration S	ection	First name		
Phone #	410-222-7437	Respo	nse from Commi	ission Required By	TBD
Fax #			Hearing date	TBD	

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

Carport			
-			
Intra-Family Transfer Grandfathered Lot	Yes	Growth Allocation Buffer Exemption Area	Yes
Project Type (check al	l that apply)		
Commercial Consistency Report Industrial Institutional Mixed Use Other		Recreational Redevelopment Residential Shore Erosion Control Water-Dependent Facility	

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area					
LDA Area		14220			
RCA Area			# of Lots Created		
Total Area]		

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		2201
Created Forest/Woodland/Trees			New Lot Coverage		1074
Removed Forest/Woodland/Trees			Removed Lot Coverage		400
			Total Lot Coverage		2875

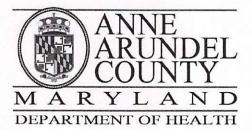
VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft			Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing			
Non-Buffer Disturbance			Mitigation			
Variance Type			Structure			
Buffer		Ac	c. Structure Addition			
Forest Clearing		Ba	rn			
HPA Impact	Deck					
Lot Coverage	Dwelling					
Expanded Buffer	Dwelling Addition					
Nontidal Wetlands	Garage					
Setback x		Ga	zebo			
Steep Slopes		Pat	tio			
Other		Po	ool			
		She	ed [
		Otl	her	x	Carport	

Paul and Alexa Bryan 1080 Broadview DR Annapolis, MD 21409

Critical Area Report Narrative

- 1. We are proposing to build a carport on our residential lot.
- 2. We have some maples and pine trees in the front of the property. And we have some holly, poplar, and pine in the backyard. A total of 13 large trees with a canopy of about 5000 sf. Most of the trees are within 10' of the property lines and are on the long sides of the property. None of the trees will be disturbed by the carport. And no vegetation, except for grass will be disturbed by the carport.
- 3. We will install gutters on the carport and direct the runoff towards some small gardens.
- 4. The impervious surfaces before construction is 2201 square feet. And after construction is 2875 square feet.
- 5. There are no habitat protection areas on the property.



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: October 25, 2024
- RE: Alexa Bryan 1080 Broadview Drive Annapolis, MD 21409
- NUMBER: 2024-0193-V
- SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance in the side yard setback requirement for an attached carport.

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

The type and location of the water supply well and the neighboring water supply well at 1078 Broadview Drive.

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

cc: Sterling Seay

Jose E Ramos Roman 1078 Broadview Dr Cape St. Claire, MD, 21409 Date

Cape St Claire Home Owners Association

Dear Cape St Claire Home Owners Association :

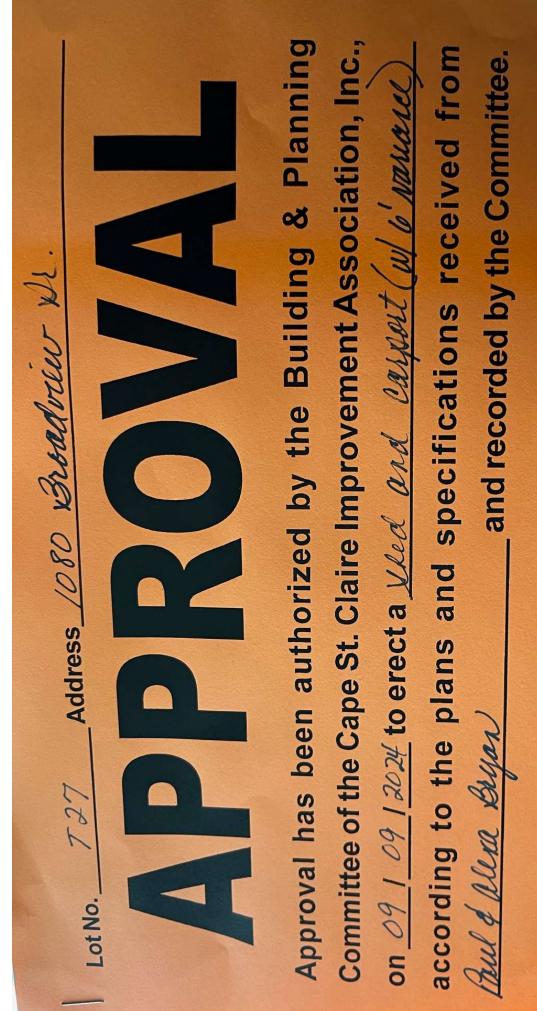
I'm Paul Bryan neighbor and it's my understanding Paul is building a car port at 1080 Broadview Dr Cape St. Claire MD, 21409 adjacent side to my asphalt driveway. I have no issues concerning Paul building the carport and authorizing the building of such structure if it does not protrude my property line.

If you have any questions, I can be reached at 443-306-7516 or email at ramosj9@gmail.com

Sincerely,

love Govo him

Jose E Ramos Roman



Construction is to be completed according to these plans and specifications no later than 06109125.

By the authority of Beard of Borcinell and

This approval notice must be displayed during construction so that it is visible from the front road.

Map Title

