

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

APPLICANT: Mark Lenert

ASSESSMENT DISTRICT: 2

CASE NUMBER: 2024-0205-V

COUNCIL DISTRICT: 6

HEARING DATE: January 23, 2025

PREPARED BY: Joan A. Jenkins
Planner III



REQUEST

The applicant is requesting a variance to allow a dwelling with less setbacks than required on property located on property known as 1345 Sycamore Avenue in Annapolis.

LOCATION AND DESCRIPTION OF SITE

The subject property consists of 7,500 square feet of land. This is a corner lot that is located with frontage on both the southeast side of Sycamore Avenue and on the northeast side of Cohasset Avenue. The property is identified as Lot I, Block 20 in Parcel 15 in Grid 21 on Tax Map 57 in the Arundel on the Bay subdivision and is zoned R2 – Residential District. This property is not waterfront, but lies entirely in the Critical Area Overlay designated as LDA - Limited Development Area and is unimproved.

APPLICANT'S PROPOSAL

The applicant is proposing to construct an L-shaped dwelling 34 feet wide by 50 feet deep by 28 feet high including an integrated garage and a basement areaway access.

REQUESTED VARIANCE

§ 18-4-601 of the Anne Arundel County Code requires a principal structure in the R2 District to be set back 20 feet from the corner side lot line. The proposed dwelling will be located 9 feet from the corner side lot line, necessitating a variance of 11 feet.

FINDINGS

The subject property is rectangular in shape and is undersized. This Office finds that the lot at 50.5 feet in width is narrower than the required 80 feet for a new lot in the R2 District; and 7,500 square foot area is half of the minimum area requirement of 15,000 square feet for a lot in the R2 District with public sewer.

The applicant's letter emphasizes the narrow lot width and inadequate lot size per requirements, and notes that only a 23' width house could be built. The letter indicates that the setbacks were implemented after the platting of the lots.

A review of the County 2024 aerial photograph shows that the neighborhood in which narrow and undersized lots are the norm. It appears that most houses are built on single lots.

There are many examples of variances granted to the corner side setback in this area for both new dwellings and additions, however, each variance must stand on its own merit. It is possible to build a reasonable-sized dwelling on this lot without the need for a variance. The integrated garage is not necessary, the Code only requires two offsite parking spaces which are accommodated on a driveway. If the garage area was converted to floor area for the house then the floor area of the house within the corner side setback could be restructured within the buildable area.

The **Health Department** commented that they do not have an approved plan for this project, but has no objection as long as a plan is submitted and approved by the Department.

The **Department of Inspections and Permits Engineering Division** made many comments regarding storm water management and the site plan. They commented that due to insufficient application information a recommendation cannot be made at this time.

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. In this particular case, although the lot is narrower than the 80 feet required for new lot in the R2 district, is smaller than the required area and is restricted by the 20-foot corner side setback requirement the size of the lot, this lot is not unique from the other corner lots within the subdivision. The buildable area on the lot is adequate for a reasonable-sized house.

Approval of the variance for setbacks would not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, reduce forest cover in the limited development area, or be detrimental to the public welfare.

The proposed dwelling is simply too large for this small corner lot; and given the ability to construct a dwelling within the setback requirements, the request cannot be considered the minimum necessary to afford relief in this case.

RECOMMENDATION

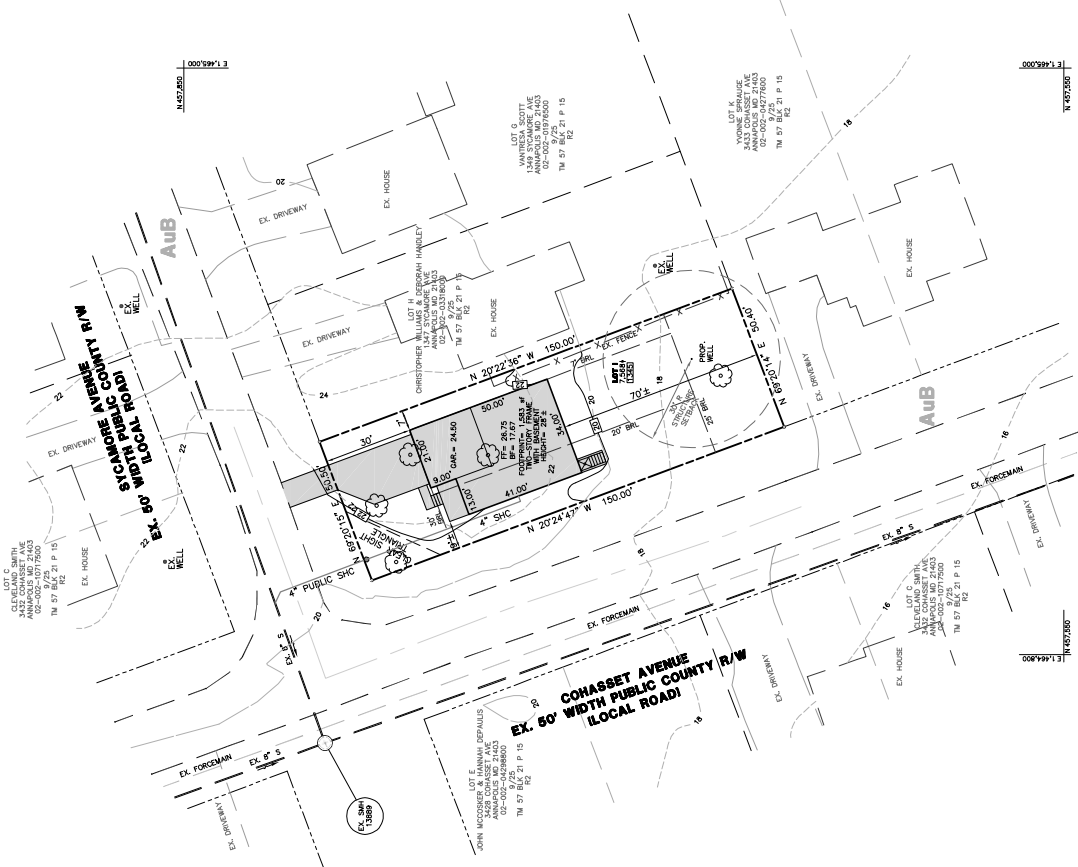
With regard to the standards by which a variance may be granted as set forth under §18-16-305 of the County Code, the Office of Planning and Zoning recommends ***denial*** of the requested zoning variance as proposed.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant to construct the structure(s) as proposed, the applicant 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.



- LEGEND**
- Existing Contours
 - - - Proposed Contours
 - 6" S
 - 8" S
 - Existing Sewer
 - Existing Water
 - Existing Meter
 - Existing Impervious
 - Existing Sewer Cleanout
 - Proposed Sewer Cleanout
 - Existing Meter
 - Proposed Meter
 - Existing Impervious
 - Proposed Impervious

PLAN
SCALE: 1"=20'



IMPERVIOUS LOT COVERAGE
 PREVIOUSLY: 0%
 TOTAL: 0%
 POST-DEVELOPMENT: 1.7%
 TOTAL: 1.7%
 TOTAL IMPROVEMENTS: 1.7%
 TOTAL IMPROVEMENTS: 1.7%

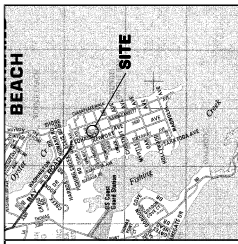
HYDROLOGIC SOIL GROUP

AREA (AC)	A	B	C	D
	0.00	0.00	0.17	0.00

TOTAL SITE AREA	A	B	C	D
0.17 AC	0.00	0.00	0.17	0.00
SOILS				
A	0.00	0.00	0.17	0.00
B	0.00	0.00	0.17	0.00
C	0.00	0.00	0.17	0.00
D	0.00	0.00	0.17	0.00
EX. IMPROVEMENTS AREA				
0.00 AC				
PROP. IMPROVEMENTS AREA				
0.00 AC				
RATIO OF EX. IMPROVEMENTS TO TOTAL SITE AREA				
0.00%				
RATIO OF PROP. IMPROVEMENTS TO TOTAL SITE AREA				
29.41%				

- SITE ANALYSIS**
- EXISTING ZONING: R2
 - EXISTING USE: RES. 1.5
 - EXISTING USE: VACANT
 - PROPOSED USE: 1 SINGLE FAMILY LOT

VICINITY MAP
 SCALE: 1" = 2000'
 Parcel ID: 02-002-0477500
 Parcel Number: 2105313



- NATURE OF VARIANCE**
- A VARIANCE TO ARTICLE 18-4-601 OF 11' TO THE REQUIRED 20' CORNER SIDE SETBACK



APPROVED BY:	DATE:

REVISIONS:

SHEET 1 OF 1
VARIANCE SITE PLAN
ARUNDEL ON THE BAY
 144 Sycamore Ave
 ANNAPOLIS, MD 21403
 PARCEL # 02-002-0477500
 TAX MAP 57 BLOCK 21 PARCEL 15 TAX ACCOUNT # 02-002-0477500 ZONING R2
 SECOND ASSESSMENT DISTRICT AVE. JAMES H. COUNTY, MARYLAND 21403



303 Najoles Road - Suite 114
Millersville, MD 21108

Phone: 410-987-6901
Fax: 410-987-0589

November 6, 2024

Ms. Sterling Seay
Anne Arundel County
Office of Planning and Zoning
2664 Riva Road
Annapolis MD 21401

Re: **Arundel on the Bay**
Lot I, Block 20
T.M. 57 B. 21 P. 15

Dear Ms. Seay,

Please accept this as our formal variance request to the Zoning Regulations on behalf of our client. The variance requests are to Article 18, Section 4 – 601 of the R-5 Bulk Regulations of 11' to the required 20' corner side lot line setback on the West side.

We are requesting this variance to allow for a house to be built on an existing platted lot. The proposed house will be 2 stories tall (28'+/-) and 34' wide by 50' deep (1,583 sf footprint). The house will sit back 30' from the North lot line (front), 70' from the South lot line (rear), 7' from the East lot line (side), and 9' from the West lot line (corner side).

Explanation as required by Article 18, Section 16-305(a)

We believe the granting of this variance is warranted because the unique physical conditions of the lot. Specifically, the lot is very narrow at only 50' wide, well under the R2 bulk regulations requirement of 80'. With the lot being platted prior to bulk regulations, a variance is needed to build a house of adequate size that is compatible with the neighborhood. With strict implementation of the building restriction lines, a house of only 23' in width could be built.

Explanation as required by Article 18, Section 16-305(c)

We believe the granting of this variance is warranted because the requested variance is the minimal necessary to afford relief based upon the size of the lot and the unique physical conditions, such as the corner side setback. The lot is severely undersized at only 7,568 square feet with the buildable area being only 23' wide because it is a corner lot necessitating a 20' corner side lot line setback. Strict adherence to the setback requirements will cause unwarranted hardship as these setbacks were implemented after the platting of these lots. The granting of this variance will not alter the character of the neighborhood as the proposed house has a typical 2-story elevation from the road and is typical of R2 development. This variance will not impair the appropriate use or

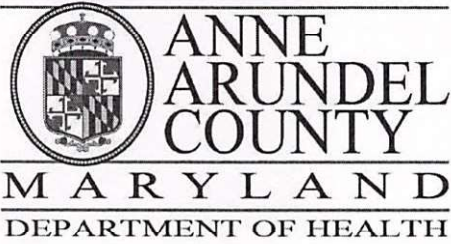
development of the surrounding property as it will not deny access or the possibility to build on neighboring lots and all surrounding properties have been developed. The granting of this variance will not be detrimental to the welfare of the public as a clear sight easement will be provided for drivers to safely navigate the adjacent intersection. In addition, stormwater management will be provided for flood protection from the new house.

If you have any questions or need any additional information, please feel free to contact me at your convenience.

Sincerely,

Matthew R. Seiss

Matthew R. Seiss




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: December 2, 2024

RE: Mark Lenert
1345 Sycamore Ave.
Annapolis, MD 21403

NUMBER: 2024-0205-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a new dwelling with less setbacks than required.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department.

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

cc: Sterling Seay

2024-0205-V Comments

1. Per the Office of Planning and Zoning's Confirmation of Pre-File Meeting notes, it appears Inspections and Permits (Engineering) comments 1,2,3,4,5 and 6 (all pertaining to stormwater management) were not addressed on this Variance Site Plan, in a SWM Report or at least basic computations shown on the plans, or in the Letter of Explanation and Critical Area Report besides the statements of "...stormwater management will be provided for flood protection from the new house.", "The site will have stormwater management as required by the County and State codes...", and "The stormwater management will provide the water quality volume as required by code." Comments 7-12 would require a soil boring and additional fieldwork, so it is understood why comments 7-12 would be addressed at Grading Permit. No swm was shown on the submitted Variance Site Plan.
2. Per the Office of Planning and Zoning's Confirmation of Pre-File Meeting notes, per the final section of the notes, Information for the Applicant, in the second paragraph, it is noted, "**** A preliminary plan checklist is required for development impacting environmentally sensitive area and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing more than 5,000 square feet or more. State mandates require a developer of lands to provide SWM to control development runoff from the start of the development process." No swm was shown on the submitted Variance Site Plan.
3. The subject application does not have the information of a complete stormwater preliminary plan. The required information for a complete review was not provided. A review can't be completed until the County application requirements have been met.
4. It must be demonstrated how adverse impacts on water quality that result from pollutants discharged from structures, conveyances, or conveyances that have run off from surrounding lands are addressed and how the development will conserve fish, wildlife, and plant habitat.
5. A concept plan should be submitted with a narrative to support a design. The narrative should describe how important natural resources areas will be preserved and protected, and show how ESD may be achieved for meeting onsite stormwater quality treatment. SWM facilities shall not be located in areas that are off-limit to development, e.g., natural resource areas and their buffers.
6. The area shown for stormwater practice(s) must be determined and be based upon practice feasibility.
7. Feasibility considering the terrain, environmental factors, wells, physical characteristics of the prevalent soil strata and its ability to suitably treat the proposed stormwater runoff and surface groundwater conditions, etc. The practice(s) location(s) should not require any additional regulatory permitting. The proposed development must be compatible with the surrounding community and consider downstream properties in design.
8. Provide suitable justification to support the method of stormwater management to be utilized. The justification must establish the water quality requirements have been met.
9. Justify in the narrative the choice for each ESD practice used and those not used by stating why it is or is not suitable for the site.
10. Stable conveyance of stormwater and maintenance of natural flow patterns must be demonstrated.
11. The applicant should evaluate and implement site planning alternatives in accordance with 18-16-201
12. It is noted an Individual Single-Family Dwelling (SFD) Engineering Review Checklist was completed and included with this submission; however, the following items are checked off but don't appear on the plans, items 1,2,4,7,9,10,11,12,13,15,21,22,27,30,31,33,34,35,39,46,47,48,49,51,54.

13. An LOD is not shown on the plans, so it is unknown if the stated 0.15 acres or 6,362 sf of disturbed area listed in the Critical Area Commission Project Notification Application is reasonable or not.
14. There is an existing tree currently shown in the proposed Clear Sight Triangle; however, there is no reference for it to remain or be removed. The other trees on the lot are also not labeled to remain or be removed. The tree sizes and types are also not labeled.
15. If public water is not available, remove the existing and proposed public water meters and existing water line linetype from the Legend.
16. Critical Area Report – Water Quality & Habitat Impact Minimization – It is noted, "...the entire site will be wrapped in silt fence..."; however, silt fence is no longer used in AA Co., Reinforced Silt Fence or Super Silt Fence must be used.
17. Label the size of the existing forcemain in Cohasset Ave. on the Grading Plans. Add the Public Plan Number for the forcemain too.
18. Label the material of existing 8" sewer pipe on the Grading Plans. Add the Public Plan Number for the gravity sewer too.
19. Update the Zoning reference in the Cover Letter to note R2.
20. Label or note on the plan the property is fully within the LDA.
21. Label the tree/shrubs and note their sizes.
22. On the Grading Plans, note when (month and year) the topo was surveyed. If County GIS was used, note what year it was surveyed.
23. It appears the neighbor's fence (1347 Sycamore Ave.) is on this property. An easement will be required during Grading Permit or the fence will need to be relocated. A separate fence permit may be required if it is to be relocated/rebuilt.
24. The property will be served by individual private water well. The well will need to be reviewed and approved by the Health Department.
25. Due to insufficient application information no recommendation can be made. At this time, this office cannot verify if the proposed development will adversely affect water quality or not.
26. On the Variance Site Plan, ensure that the square footage of the proposed house on the Impervious Lot Coverage section and on the Plan correspond with each other. If the impervious area includes the rear areaway or the front porch, please note that to prevent confusion.

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: 11/6/24

Tax Map #	Parcel #	Block #	Lot #	Section
57	15	21	I	20

Tax ID: 02-002-04276138

FOR RESUBMITTAL ONLY	
Corrections	<input type="checkbox"/>
Redesign	<input type="checkbox"/>
No Change	<input type="checkbox"/>
Non-Critical Area	<input type="checkbox"/>
*Complete Only Page 1 General Project Information	

Project Name (site name, subdivision name, or other) ARUNDEL ON THE BAY, LOT I, BLOCK 20

Project location/Address 1345 SYCAMORE AVE

City ANNAPOLIS Zip 21409

Local case number

Applicant: Last name RICE First name GREG

Company AMERI-STAR HOMES, INC.

Application Type (check all that apply):

- | | | | |
|---------------------------|--------------------------|-------------------|-------------------------------------|
| Building Permit | <input type="checkbox"/> | Variance | <input checked="" type="checkbox"/> |
| Buffer Management Plan | <input type="checkbox"/> | Rezoning | <input type="checkbox"/> |
| Conditional Use | <input type="checkbox"/> | Site Plan | <input type="checkbox"/> |
| Consistency Report | <input type="checkbox"/> | Special Exception | <input type="checkbox"/> |
| Disturbance > 5,000 sq ft | <input type="checkbox"/> | Subdivision | <input type="checkbox"/> |
| Grading Permit | <input type="checkbox"/> | Other | <input type="checkbox"/> |

Local Jurisdiction Contact Information:

Last name AACo Zoning Administration Section First name

Phone # 410-222-7437 Response from Commission Required By TBD

Fax # Hearing date TBD

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

SINGLE FAMILY DWELLING

Intra-Family Transfer Yes
 Grandfathered Lot

Growth Allocation Yes
 Buffer Exemption Area

Project Type (check all 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
IDA Area		
LDA Area	0.17	7,568
RCA Area		
Total Area		

Total Disturbed Area

Acres	0.15
Sq Ft	6,362

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage	0	0
Created Forest/Woodland/Trees			New Lot Coverage	0.05	2,250
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage	0.05	2,250

VARIANCE INFORMATION (Check all that apply)

	Acres	Sq Ft		Acres	Sq Ft
Buffer Disturbance			Buffer Forest Clearing		
Non-Buffer Disturbance			Mitigation		

Variance Type

Buffer
 Forest Clearing
 HPA Impact
 Lot Coverage
 Expanded Buffer
 Nontidal Wetlands
 Setback
 Steep Slopes
 Other

Structure

Acc. Structure Addition
 Barn
 Deck
 Dwelling
 Dwelling Addition
 Garage
 Gazebo
 Patio
 Pool
 Shed
 Other



303 Najoles Road - Suite 114
Millersville, MD 21108

Phone: 410-987-6901
Fax: 410-987-0589

Arundel on the Bay

Lot I, Block 20

1345 Sycamore Avenue, Annapolis, MD 21409

Critical Area Report

November, 2024

INTRODUCTION

The site is 0.17 acres in the Arundel on the Bay subdivision, known as Lot I, Block 20 located at 1345 Sycamore Avenue Annapolis, MD 21409. The site is entirely within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area.

PROPOSED USE

The site is currently vacant and is being proposed as a single family detached dwelling site. The proposed house will be served by private well and public sewer.

EXISTING CONDITIONS & WOODLAND MITIGATION

The site is currently vacant and has a few trees scattered throughout. The site currently has developed woodlands in the form of tree canopy as the site is grass with no underbrush. The clearing is being minimized to only what is needed for construction and is being mitigated by planting on-site.

WATER QUALITY & HABITAT IMPACT MINIMIZATION

The site will have stormwater management as required by the County and State codes that will be reviewed and approved prior to work commencing. The stormwater management will provide the water quality volume as required by code. During construction, the entire site will be wrapped in silt fence and a stabilized construction entrance will be used to keep all sediment from leaving the site.

IMPERVIOUS CALCULATIONS

The site currently has no impervious area. The site in the developed condition will have a lot coverage of 2,250 square feet.



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE MEETING (2024-0100-P)

DATE OF MEETING __10/21/2024 (via email)_____

P&Z STAFF __Donnie D./Habtamu Z._____

APPLICANT/REPRESENTATIVE __Matthew Seiss (Ameri-Star Homes Inc.)_____ EMAIL __matt@anarex.com_____

SITE LOCATION __1345 Sycamore Avenue Annapolis_____ LOT SIZE __7,568 SF_ ZONING __R2_____

CA DESIGNATION __LDA_____ BMA _____ or BUFFER _____ APPLICATION TYPE __Variance_____

The applicant is proposing to develop the undeveloped site with a two story single family dwelling (height 28') and associated facilities. The applicant argues that the unique physical characteristics of the site are that it is undersized and narrow for the R2 District and that, in combination with being a corner lot with an increased corner setback makes a variance necessary for an adequately sized dwelling. The lot width and setbacks would allow for a dwelling that is only 23 feet to be built. The dwelling is proposed to be located 9 feet from the corner side lot line requiring a variance of 11 feet.

COMMENTS

From Zoning: The site plan should break down the critical area lot coverage by square footage for clarity. Application appears ready for submittal. The applicant will need to demonstrate compliance with 18-16-305

From Inspections and Permits (Engineering):

1. This reviewer is not clear on what type of Stormwater management is proposed for the site.
2. All stormwater conveyance systems shall be designed so that no building or habitable structure, either proposed or existing, is flooded or has water impounded against it during the 100-year storm event.
3. Design professionals should review site runoff and potential (negative, adverse) impacts to neighboring properties, due to changed grades/elevation on a proposed project.
4. Please ensure that the minimum well and septic setbacks to proposed SWM practices are achieved.
5. Microscale stormwater facility(ies) design should incorporate safe conveyance for overflow discharges from 2, 10, 100-yr 24-hr storm events; plans should show overland relief paths for these storm events and ensure that no structures, or properties are negatively impacted or have water impounded against during these storm events.
6. Per 6.1.4 (G) of the County Stormwater Practices and Procedures manual, SWM facilities shall not be located in areas that are off-limits to development, e.g., natural resource areas and their steep slopes and buffers.
7. Ensure the proposed improvement including runoff, seepage, and slope saturation does not adversely impact the integrity of the slope and potential impact of slope failure.
8. A soil boring is required per practice. The suitability, and siting of proposed SWM practices should be reviewed. Soil boring information including verification of the suitability of in-situ soils for infiltration shall be submitted.
9. The soil boring results, including the seasonal high groundwater elevation, need to be added to the plan. The calculations will not be reviewed until the siting and suitability are first confirmed to be adequate.
10. A health department approval is required.
11. Based on the plan provided, it appears that the property will be served by a public sewer and well.

12. The above is provided as a courtesy review as information for review and consideration comments at the pre-file.

INFORMATION FOR THE APPLICANT

Section 18-16-201 (b) Pre-filing meeting required. Before filing an application for a variance, special exception, or to change a zoning district, to change or remove a critical area classification, or for a variance in the critical area or bog protection area, an applicant shall meet with the Office of Planning and Zoning to review a pre-file concept plan or an administrative site plan. For single lot properties, the owner shall prepare a simple site plan as a basis for determining what can be done under the provisions of this Code to avoid the need for a variance.

*** A preliminary plan checklist is required for development impacting environmentally sensitive areas and for all new single-family dwellings. A stormwater management plan that satisfies the requirements of the County Procedures Manual is required for development impacting environmentally sensitive areas OR disturbing 5,000 square feet or more. State mandates require a developer of land provide SWM to control new development runoff from the start of the development process.

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.




Legend

Foundation

Parcels



Parcels - Annapolis City



0 200 400 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