

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

**APPLICANT:** Caren Dunne Revocable Trust

**ASSESSMENT DISTRICT:** 2

**CASE NUMBER:** 2024-0206-V

**COUNCIL DISTRICT:** 6

**HEARING DATE:** January 28, 2025

**PREPARED BY:** Jennifer Lechner  
Planner



**REQUEST**

The applicants are requesting a variance to allow an extension in time for the implementation and completion of a previously approved variance on property located on 850 Childs Point Road in Annapolis.

**LOCATION AND DESCRIPTION OF SITE**

The subject site consists of approximately 8.48 acres of land, with frontage along the west side of Childs Point Road. It is identified as Lot 8 in the Bywater Estates subdivision, Parcel 169 in Grid 21 of Tax Map 51. The waterfront property is zoned RLD - Residential Low Density District, is located entirely within the Chesapeake Bay Critical Area RCA - Resource Conservation Area, and is partially mapped as a Buffer Modification Area (BMA). The property is currently improved with a single-family dwelling, pier, tennis court, and other associated facilities, and is served by well water and a private septic system.

**PROPOSAL**

The applicant seeks approval for an extension in time for the implementation and completion of a previously approved variance (2023-0040-V) to construct an addition, breezeway, and garage.

**REQUESTED VARIANCE**

§ 18-16-405(a) of the Anne Arundel County Zoning Ordinance stipulates that a variance or special exception that is not extended or tolled expires by operation of law unless the applicant obtains a building permit within 18 months of approval.

On May 9, 2023, the Administrative Hearing Officer of Anne Arundel County granted critical area variances to allow disturbance to the buffer, expanded buffer, and steep slopes, and a zoning variance to disturb the 50-foot planted buffer between the principal structure and the crest of steep slopes (2023-0040-V).

The applicant is now requesting a variance to allow an extension in time in order to obtain a building permit while maintaining the previous approval.

## **FINDINGS**

The prior variance case was granted on May 9, 2023 and expired on November 9, 2024. This application for an extension in time was made November 8, 2024, prior to the expiration of the variance approval.

Grading permit, G02020111, to construct a new single family dwelling with associated improvements, was submitted on May 9, 2024. A time extension for the variance must be granted prior to the grading permit being issued.

Building permit B02430896, to demo and rebuild a new single family dwelling, was submitted on October 4, 2024. An issued grading permit must be obtained prior to the building permit being issued.

The Letter of Explanation states that due to unforeseen delays related to coordination of the forest conservation easement, stormwater management requirements, and other permit conditions, the applicant has been unable to obtain the necessary approvals to proceed with construction. The requested extension will provide the property owner with the necessary time to meet project requirements and secure the permits.

There is no evidence that the granting of this request for an extension in time will alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare.

For the granting of a time extension variance, a determination must be made as to whether the applicant diligently pursued permits. A variance for a time extension cannot be granted if the need is caused by the applicant delaying the permitting process.

It appears that the applicant has been diligently pursuing the permits. There is no evidence that the applicant deliberately delayed the process. As such, this Office supports the variance request for a time extension.

## **RECOMMENDATION**

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends ***approval*** of a zoning variance to §18-16-405(a) to allow an 18 month extension in time for the implementation and completion of a previously approved variance.

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.

November 4, 2024

Anne Arundel County, Office of Planning and Zoning  
2664 Riva Road, 3rd Floor  
Annapolis, MD 21401

**RE: Bywater Estates ~ Lot 8  
850 Childs Point Road  
Annapolis, MD 21401  
Variance Extension Request**

Sir/Madam:

On behalf of our client, enclosed is an application package for a variance extension for the above referenced property. Specifically, a variance is requested to **Article 18, Section 16-405(a)** for a time extension to the variance expiration.

On May 9, 2023, the property owner received variance approval (2023-0040-V) for the construction of an attached addition, breezeway, and garage, the Order of which is included as Attachment 1. The decision approved critical area variances to allow the disturbance of the buffer and expanded buffer, disturbance of steep slopes, and a zoning variance to the 50-ft planting buffer requirement.

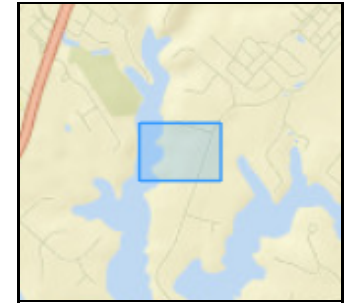
Due to unforeseen delays related to coordination on forest conservation easement, stormwater management requirements, and other permit conditions, the applicant has been unable to obtain the necessary approvals to proceed with construction. The requested extension will provide the property owner with the necessary time to meet project requirements and secure the permits.

Thank you for your attention to this matter. Please contact us if we may be of further service during your review of this variance request.

Sincerely,  
Drum, Loyka & Associates, LLC

  
Katie Yetman

# 850 Childs Point Road (2024-0206-V)



## Legend

### Foundation

#### Addressing



#### Parcels



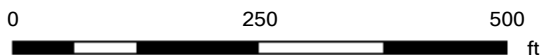
#### Parcels - Annapolis City



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none

## Notes



THIS MAP IS NOT TO BE  
USED FOR NAVIGATION