

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

APPLICANTS: Mary Beth Steele

ASSESSMENT DISTRICT: 1

CASE NUMBER: 2024-0207-V

COUNCILMANIC DISTRICT: 7

HEARING DATE: January 23, 2025

PREPARED BY: Joan A. Jenkins
Planner III



REQUEST

The applicant is requesting a variance to allow a dwelling addition (porch) with less setbacks than required on property located at 1397 Bayside Drive in Edgewater.

LOCATION AND DESCRIPTION OF SITE

The subject site comprises two lots in 4,000 square feet of land and is located with 50 feet of frontage on the south side of Bayside Drive, approximately 162 feet northeast of Ramsey Drive. The property is identified as Lots 13 and 14 on Parcel 93 in Grid 18 on Tax Map 60 in the Shoreham Beach subdivision. The property is zoned R5 – Residential District and is within the IDA - Intensely Developed Area of the Critical Area Overlay. The property is improved with a three-story single-family dwelling built in 2004. The lot is served by a private well and public sewer.

APPLICANT'S PROPOSAL

The applicant is proposing to remove an existing stoop (51" x 60") and four steps (51" wide), and to construct a porch (7 feet by 7 feet by 13' 6" high) with four steps to grade on the front of the existing dwelling.

REQUESTED VARIANCES

§18-4-701 of the Anne Arundel County Code requires that a principal structure in an R5 District shall be set back a minimum of 25 feet from the front lot line. The proposed porch will be 17 feet from the front lot line and the four steps will be 13' 2" from the front lot line. Variances of 8 feet for the porch and 12 feet for the steps are required.

FINDINGS

This Office finds that the subject property is a developed lot that is narrow (60 feet required, 50 feet provided) and undersized (7,000 sq ft required, 4,000 sq ft provided) for a lot in the R5 District. Neither the width nor the size contribute to the need for a variance; rather, the location of the existing development is creating the need for the variance. According to State tax

assessment records the existing dwelling was built in 2004. According to the site plan the existing house does not meet the 25-foot required setback. This Office questions the accuracy of the site plan given that in 2004 the setbacks were the same and there is no variance record on file from 2004. Information in the permit record for the SFD shows that there was a porch 4' x 16' as part of the permit, however, records are not available for construction plans or a site plan.

A review of the County 2024 aerial photograph shows a neighborhood in which narrow and undersized lots are the norm. All houses along the east side of Bayside Drive appear to have been constructed with the front facade in-line with each other and appear to be built at the 25' setback line. The dwelling to the east at 1403 Bayside Drive was built in 2006 and did not require a variance. It is in-line with property. Stoops, steps, and decks are common structures on the front of the houses. A few houses have porches or covered stoops. Existing front decks and porches do not appear to meet the front setback requirement. This Office did not conduct a permit history on nearby properties. Through review of aerial photographs of the subject property and the applicant's statement, it appears that the stoop and steps were built at the same time as the dwelling in 2004. The subject property Pictometry image from December 2006 - January 2007 shows the front of the house with the front stoop and steps as described as existing. Note that the other house in this picture is 1403 Bayside Drive. This house has a small covered stoop. §18-2-301(b) allows an architectural feature that does not contain floor area, such as...steps required for access, or stoop that does not exceed five feet by five feet, may extend no more than three feet into a required setback". The stoop at 1403 appears to meet this provision.

January 29, 2006 - The subject property is the house on the right.



While each case must stand on its own merit, this Office found a variance Case No. 2018-0279-V relating to a front setback. This variance at 1418 Bayside Drive was granted to perfect a front porch 15' from the front lot line.

The applicant writes that the existing structure is original to the house (2003) and is failing. There is little space to turn around. Increasing the porch would provide room for exiting the front

of the house with a dog and provide room for deliveries. The applicant also writes that the existing structure does not have a cover which would provide shelter from weather.

The Building Code requires a minimum landing of 36" x 36" (9 sf) at a doorway for egress from a building. This property currently has a landing 51" x 60" (4.25' x 5', 21.25 sf) that is larger than the requirement. The County Code allows for replacement in-kind without a variance if the original structure has been in the same location for at least twenty years.¹

Agency Comments

The **Health Department** commented that they need information on the type and location of the water supply well system.

Variance Requirements

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. Denial of the variance request would not cause hardship in the use of the lot as this is an existing developed lot where the existing stoop is larger than the building code requires, and since the stoop and stairs appear to have been in place for 20 years, could be replaced in-kind.

While this lot is narrow and undersized these physical characteristics are typical in the neighborhood and do not contribute to the need for a variance. It is highly likely that this stoop and stairs were constructed with the original house in 2004. The variance request is driven by the applicant's desire for a larger covered entryway when the existing landing is currently larger than what is required by building code. Front decks, porches and stairs that do not meet setbacks and may not have been constructed with a permit or variance approval appear common in the neighborhood. Therefore, the granting of the variance will not alter the essential character of the neighborhood. Approval of the variance will not impair the use or development of adjacent properties, will not be contrary to acceptable clearing and replanting practices, and will not be detrimental to the public welfare.

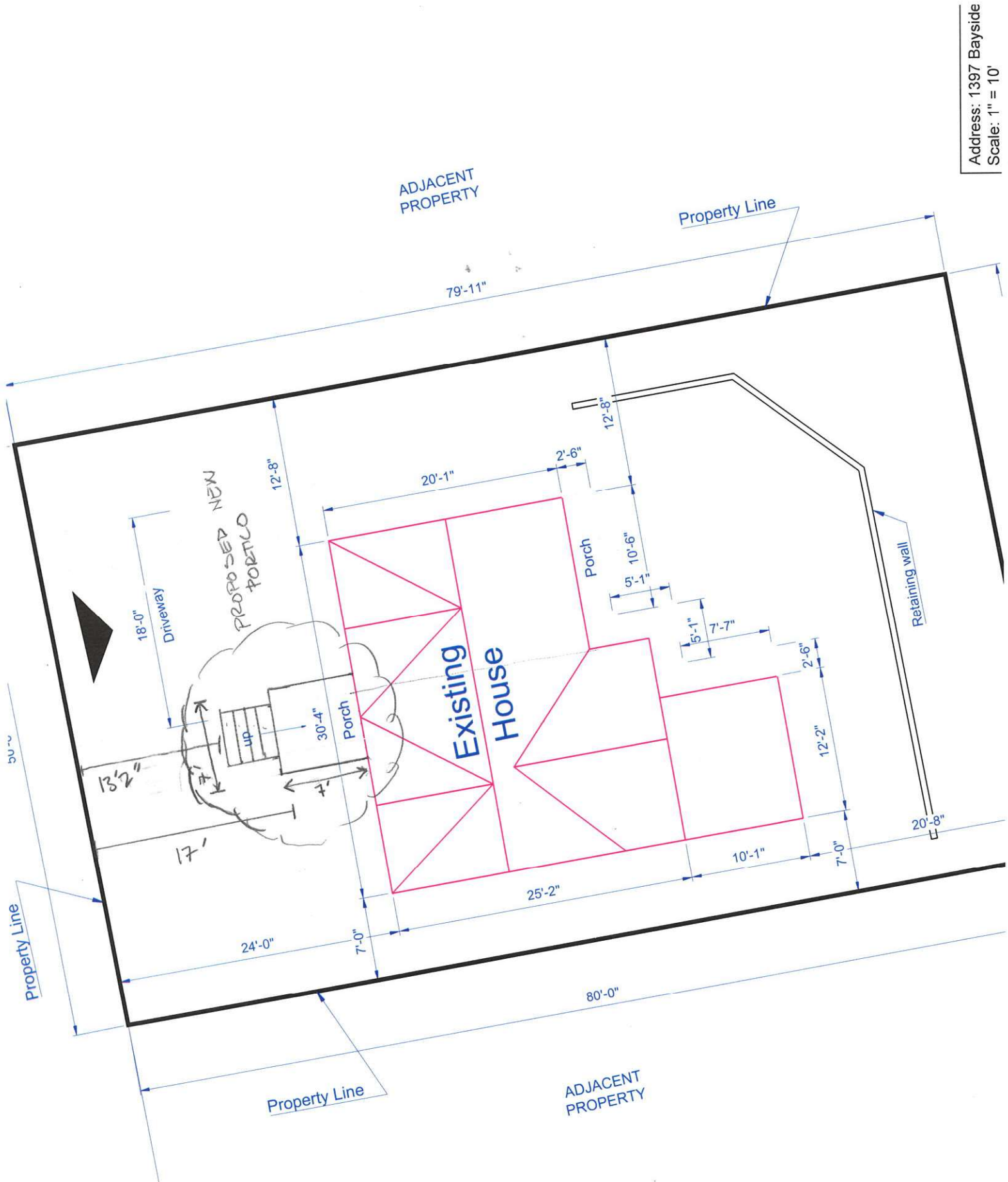
The applicant has an existing stoop that is larger than the building code requires, the stoop and stairs appear to have been in place for 20 years and could be replaced in-kind. A porch, in this case, is a convenience. Therefore, the variance requested is unwarranted and cannot be considered the minimum necessary to afford relief.

¹ [§ 18-2-303. Exemptions to bulk regulations](#)

RECOMMENDATION

With regard to the standards by which a variance may be granted as set forth under Article 18-16-305 under the County Code, the Office of Planning and Zoning recommends *denial* of the variance request for a front porch with less setbacks than required as shown on the attached site plan.

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.



ADJACENT PROPERTY

Property Line

Retaining wall

ADJACENT PROPERTY

Property Line

Property Line

Existing House

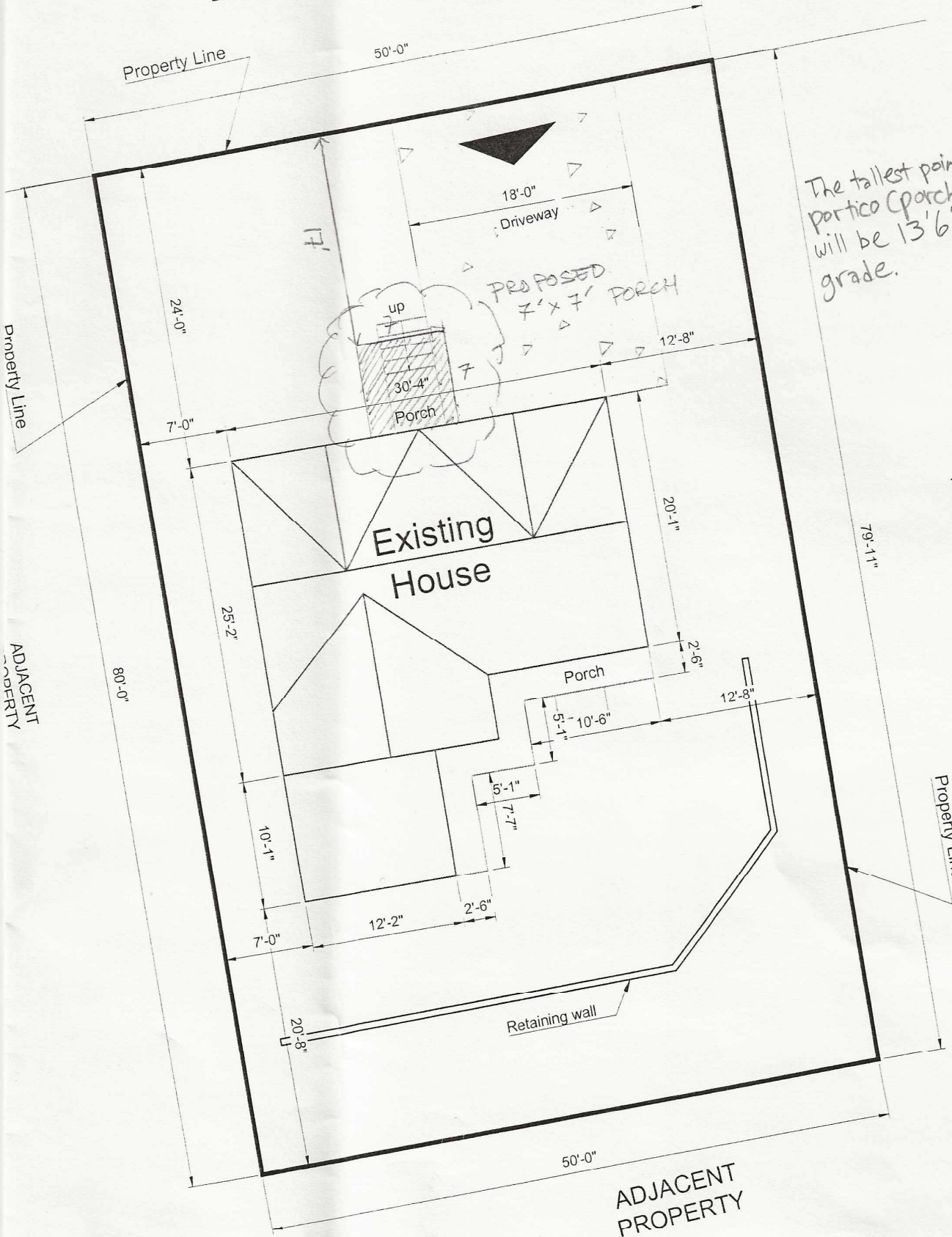
PROPOSED NEW PORTICO

Driveway

Porch

Porch

BAYSIDE DR



The tallest point of the portico (porch cover) will be 13'6" above grade.

ADJACENT PROPERTY

ADJACENT PROPERTY

Property Line

ADJACENT PROPERTY

Address: 139
Scale: 1" = 10'

THIS IS NOT A LEGAL
This work product of features, relied upon a location

1397 Bayside Dr
Edgewater, MD 21037

November 10, 2024

Anne Arundel County
Office of Planning and Zoning
Re: Letter of Explanation for Application for Variance (Setback – Front Porch)

To Whom It May Concern:

I am providing this letter of explanation in connection with my Variance Application relating to a proposed project to replace my front porch and cover it. The project would make the porch more useful for me as a homeowner and would enhance the overall appearance of the house.

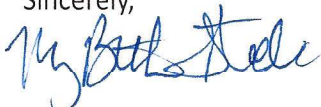
I need to replace my front porch soon. The structure is original to the house, which was built in 2003, and is old now. The wooden supports under some of the steps are splitting apart. The wooden railing posts also are splitting apart.

The deck of the porch is small and offers little space to turn around. For example, space is tight on the deck of the porch when I exit the house in the morning with my dog to walk her in the neighborhood. My dog does not really have anywhere to stand while I turn around to close and lock the front door, and then close the storm door, before we walk down the steps. I would like to take this opportunity to make the porch slightly larger. The increased space would make it easier when I am walking my dog and also would provide a little space on one side for packages to be delivered.

Also I would like to cover the new front porch. There currently is no porch cover, and so when I enter or exit the house there is no shelter from rain or sun. If it is raining the rain pours down from the roof while I am unlocking or locking the doors. A porch cover would provide some protection from the weather. It also would cover packages while I am away from the house.

Thank you for your consideration of my application. Please contact me at (202) 297-6301 or mbsteele@gmail.com with any questions.

Sincerely,



Mary Beth Steele

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:

Tax Map #	Parcel #	Block #	Lot #	Section
60	93	18	13+14	B1K12 Sect B

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Tax ID: 1749-6502-0250

Project Name (site name, subdivision name, or other)

Project location/Address: 1397 Bayside Drive

City: Edgewater Zip: 21037

Local case number

Applicant: Last name: Steele First name: Mary

Company

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

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:

Tax Map #	Parcel #	Block #	Lot #	Section
60	93	18	13+14	B1K12 Sect B

Tax ID: 1749-0502-0250

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
 General Project Information

Project Name (site name, subdivision name, or other)

Project location/Address 1397 Bayside Drive

City Edgewater Zip 21037

Local case number

Applicant: Last name Steele First name Mary

Company

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:

residential front porch

- | | | | |
|-----------------------|------------------------------|-----------------------|------------------------------|
| Intra-Family Transfer | Yes <input type="checkbox"/> | Growth Allocation | Yes <input type="checkbox"/> |
| Grandfathered Lot | <input type="checkbox"/> | Buffer Exemption Area | <input type="checkbox"/> |

Project Type (check all that apply)

- | | | | |
|--------------------|--------------------------|--------------------------|-------------------------------------|
| Commercial | <input type="checkbox"/> | Recreational | <input type="checkbox"/> |
| Consistency Report | <input type="checkbox"/> | Redevelopment | <input type="checkbox"/> |
| Industrial | <input type="checkbox"/> | Residential | <input checked="" type="checkbox"/> |
| Institutional | <input type="checkbox"/> | Shore Erosion Control | <input type="checkbox"/> |
| Mixed Use | <input type="checkbox"/> | Water-Dependent Facility | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | | |

SITE INVENTORY (Enter acres or square feet)

	Acres	Sq Ft	Total Disturbed Area	Acres	Sq Ft
IDA Area		<i>4000</i>			
LDA Area					
RCA Area					
Total Area					

of Lots Created

	Acres	Sq Ft		Acres	Sq Ft
Existing Forest/Woodland/Trees			Existing Lot Coverage		<i>1,237</i>
Created Forest/Woodland/Trees			New Lot Coverage		<i>49</i>
Removed Forest/Woodland/Trees			Removed Lot Coverage		
			Total Lot Coverage		<i>1,286</i>

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

1397 Bayside Dr
Edgewater, MD 21037

November 10, 2024

Anne Arundel County
Office of Planning and Zoning
Re: Narrative Statement for Critical Area Form—Application for Variance (Replacing and Covering Porch)

To Whom It May Concern:

I am providing this Narrative Statement to accompany my Critical Area Commission Project Notification Application, which I am submitting in connection with my Variance Application relating to a proposed project to replace my front porch and cover it.

The property is residential. I need to replace my front porch soon. It is original to the house, which was built in 2003, and the supports under some of the steps are splitting apart. The wooden railing posts also are splitting apart. The existing porch is small and uncovered. I would like to increase the porch size slightly so that it is more useful to me as a homeowner. Also I would like to cover the porch. By covering the porch the amount of impervious coverage would increase by forty-nine square feet.

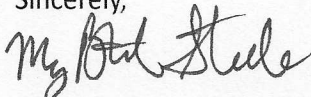
There are a couple of bushes/shrubs in the front yard, where the new porch will be built. I believe the new porch will be larger than the existing porch, but it will not disturb most of the existing bushes. If any bushes are lost due to the new porch construction I will replace them with new bushes.

Also, I believe the new porch will still be set back far enough that it will not have an effect on water quality, e.g., stormwater management.

Finally, I believe the local habitat will not be affected because my property does not contain any habitat protection areas, e.g., buffers.

Thank you. Please contact me at (202) 297-6301 or mbsteele@gmail.com with any concerns or questions.

Sincerely,



Mary Beth Steele



ANNE
ARUNDEL
COUNTY

MARYLAND
DEPARTMENT OF HEALTH

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

A handwritten signature in blue ink, appearing to be 'BC'.

DATE: December 2, 2024

RE: Beth Mary Steele
1397 Bayside Drive
Edgewater, MD 21037

NUMBER: 2024-0207-V

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (cover porch) 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 water supply well system.

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

cc: Sterling Seay

2024-0207-V



Legend

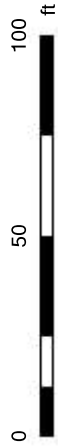
- Foundation: Small grey circle
- Addressing: Small purple circle
- Parcels: Orange outline
- Parcels - Annapolis City: Purple outline
- Planning: Yellow outline
- County Planning: Black outline
- Cultural Resources: Yellow triangle
- Transportation: Yellow rectangle
- County Transportation: Red dashed line



Notes

none

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 USED FOR NAVIGATION

