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

APPLICANT: Robert Danowski ASSESSMENT DISTRICT: 3rd

CASE NUMBER: 2024-0228-V COUNCILMANIC DISTRICT: 2nd

HEARING DATE: February 18, 2025 **PREPARED BY**: Donnie Dyott Jr.

Planner

REQUEST

The applicant is requesting a variance to allow a dwelling addition (covered deck) with less setbacks than required on property located at 115 S. Jerome Parkway in Glen Burnie.

LOCATION AND DESCRIPTION OF SITE

The subject site consists of approximately 10,606 square feet of land and is identified as Lot 17 of Parcel 13 in Block 20 on Tax Map 10 in the Glenwood subdivision and is zoned R5 - Residential District. The site is not located within the Chesapeake Bay Critical Area and is currently improved with a single family detached dwelling and associated facilities.

APPLICANT'S PROPOSAL

The applicant seeks approval to replace the existing deck landing on the front of the dwelling with a covered deck (porch) measuring approximately 8' X 16'.

REQUESTED VARIANCES

§ 18-4-701 of the Anne Arundel County Zoning Code stipulates that principal structures in an R5 - Residential District shall be setback a minimum of 25 feet from the front lot line. The proposed porch comes as close as 18 feet from the front lot line, necessitating a variance of 7 feet.¹

FINDINGS

The applicant's letter of explanation describes the proposed porch but makes no mention or argument to the variance criteria or justification for the proposed variance.

The **Health Department** commented that they have no objection to the request as the site is served by public water and sewer facilities.

There is no evidence that the proposed variances would alter the essential character of the

¹ The site plan submitted with the variance application does not show any proposed access steps to the porch; however construction drawings do show access steps between the porch and the front property line. Those steps if planned will require a variance to the front setback but this Office cannot determine at this time the variance needed.

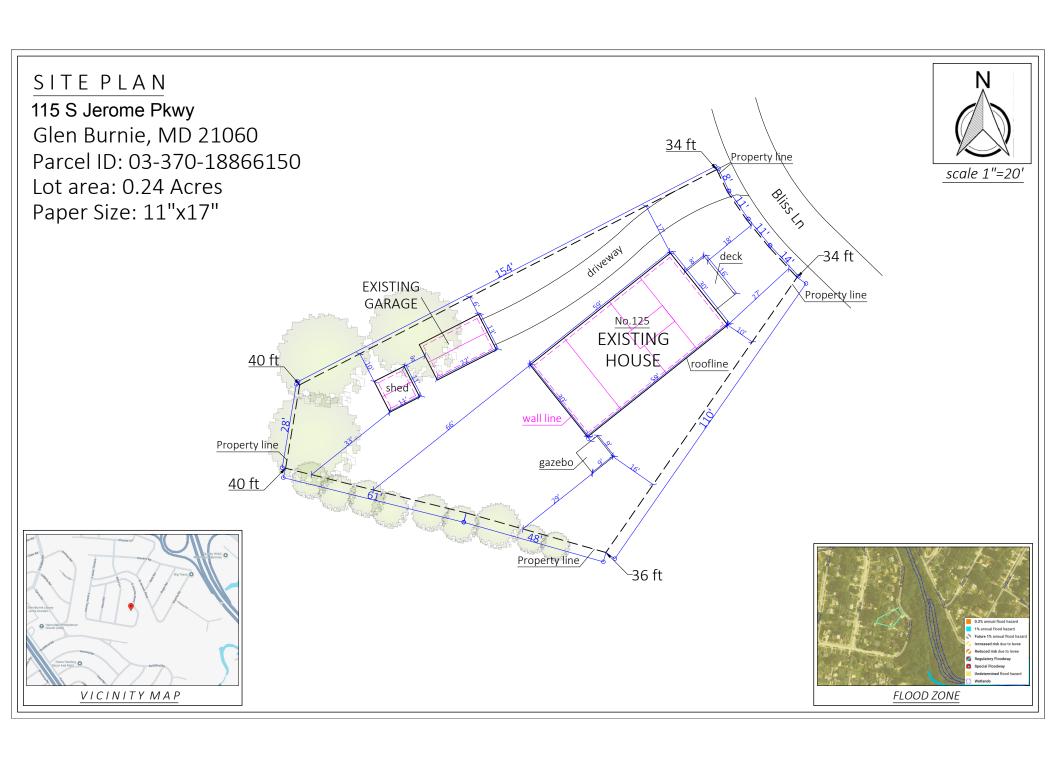
neighborhood or be detrimental to the public welfare. The variances would not appear to cause any adverse effects to neighboring properties as the side setbacks to those adjacent properties are being met.

When determining if a practical difficulty exists or if the variances are the minimum necessary to afford relief, the applicant has provided no details or justification to support the variance request. Section 18-16-301(c) puts the burden of proof on the applicant to produce evidence and justify the application. At this time based on the information provided, this Office cannot determine if the proposed porch meets the variance criteria. The applicant currently has use of an existing deck entry and access steps to the front of the dwelling and no justification was given on how this larger covered structure represents the minimum necessary, nor was any justification given on how being denied this amenity represents a practical difficulty or unwarranted hardship. As such, this Office cannot find that the request meets the criteria for granting the variances and cannot recommend approval of the request.

RECOMMENDATION

Based upon the standards set forth in § 18-16-305 under which a variance may be granted, this Office recommends <u>denial</u> of a zoning variance to §18-4-701 to allow construction of the covered deck (porch) 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.



Maryland LR Garcia Construction Inc. 3338 Kreitler Rd, Forest Hill, MD 21050

Phone: (410) 793-2611 December 12, 2024

Letter of Explanation

To whom it may concern,

The property, 115 S Jerome Pkwy, Glen Burnie, MD 21060, is 59-ft in length by 30-ft in width, the amount of land that the house covers is 1680-sq ft. The entire area of land is 10606-sq ft. The front of the property is 27-ft from the street, S Jerome Pkwy. There is a garage, shed, and gazebo pre-existing on the property. The dimensions of the gazebo are 9-ft in length by 9-ft in width, 2-ft from the housing unit and 16-ft from the closest property line. The garage is 22-ft in length by 13-ft in width, six-ft from the housing unit and six-ft from the property line. Lastly, the shed is 11-ft in length by 11-ft in width, 40-ft from housing unit and 10-ft from the closest property line. The environment of the housing unit is located in the suburbs, the housing unit is across from trees, the street S Jerome Pkwy in between the trees and house.

Proposed work at this address includes a deck at the front entrance, the deck being 18-ft from the street of S Jerome Pkwy after completion. The dimensions of the deck are 16-ft by 8-ft. The deck shall be built with four 6x6 posts onto concrete footing, deck being framed with pressure-treated wood, composite flooring, vinyl railing, and an onset of stairs that attach to deck and lead to the front entrance of the unit, 115 S Jerome Pkwy. Perimeter of the deck shall be covered with PVC boards. There will be a porch covering on top of deck, spanning 16-ft by 9-ft. The porch will use 6x6 posts and 2x10 beams with 2x6 porch framing along with ½-inch plywood and architectural shingles.

The variance is required due to the setback requirements of the proposed structure needing to be 25-ft from the front property line. Due to the proposed structure being 18-ft from the front property line, a variance is needed to bypass this issue.

This Deed of Assignment, made this 24 day of order, 2003, by and between

JOHN B. KING, JR., A WIDOWER, BY ATTORNEY IN FACT DEBORAH S. RICHARDS, (by Power of Attorney dated September 04, 2003 and intended to be recorded immediately prior hereto), Grantor, party of the first part;

and

ROBERT P. DANOWSKI, Grantee, party of the second part.

- Witnesseth -

That in consideration of the sum of ONE HUNDRED SEVENTY THREE THOUSAND AND 00/100 DOLLARS (\$173,000.00),

And other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does grant and assign to the said Grantee, his THP FD SURE \$
RECORDING FEE Personal Representatives and assigns

the LEASEHOLD interest in

all that lot of ground situate in ANNE ARUNDEL COUNTY, STATE ON MARYLAND, 3,443,56 Rest AAi5 and described as follows, that is to say: Blk & With

BEING KNOWN AND DESIGNATED AS LOT 17, BLOCK K OF PLATCENTIFLED \$133 FM "BLOCKS K, L & M AND PARTS OF O, GLENWOOD" AS SHOWN ON THE PLAT OF SAID DEVELOPMENT IN PLAT BOOK NO. 25, FOLIO 26, WHICH PLAT IS DATED 1954. THE IMPROVEMENTS THEREON BEING KNOWN AS 115 S. JEROME PARKWAY.

BEING THE SAME PROPERTY DESCRIBED IN A DEED DATED AUGUST 2, 1996 AND RECORDED FEBRUARY 13, 1997 AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 7734, FOLIO 159, WAS GRANTED AND CONVEYED BY ANNA J. LYLES (NOW KNOWN THROUGH MARRIAGE AS ANNA J. KING UNTO JOHN B. KING, JR. AND ANNA J. KING, HIS WIFE. THE SAID ANNA J. KING HAVING DEPARTED THIS LIFE ON OR ABOUT JULY 5, 2002, THEREBY VESTING TITLE TO THE SAID PROPERTY IN THE SAID JOHN B. KING, JR. THE WITHIN GRANTOR.

By the execution of this Deed, the parties of the first part hereby certify under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is as hereinbefore set forth.

Ungether with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

The amount of the total payment for the purpose of the Withholding Law is \$ 1470980

ACCT. 3370-18866157 ALL LIENS ARE PAID AS OF ///// 3A.A. COUNTY CONTROLLER BY CONTROLLER BY

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WILLIAM F. SMOJUSE

BOOK 14117 PAGE

To Have and To Hold the said described lot of ground and premises to the said Grantee, his Personal Representatives and assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever, subject to the payment of the annual rent of \$96.00 payable semi-annual on the 5TH days of April and October in each and every year.

And the said party of the first part hereby covenant 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.

Witness the hand and seal of the said Grantors.

WITNESS:

Witness

John B. King, Jr. by Debrahd. Richards his atty in fact {SEA JOHN B. KING, BY ATTORNEY-IN-FACT {SEAL} **DEBORAH S. RICHARDS**

State of Maryland County of Anne Arundel

, 2003 before me, the subscriber, A Notary Public On this the day of of the State and County aforesaid, personally appeared Deborah S. Richards, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged herself to the Attorney-in-Fact for John B. King, Jr., and that she, being duly authorized, executed said instrument on behalf of said principal for the purposes contained therein and the capacity therein stated; and the said agent also made oath or affirmed that she did not have, at the time of the execution of the foregoing instrument, actual knowledge of the revocation of the power of the attorney referred to therein or termination thereof by death, disability or incompetence.

I hereunto set my hand and official seal.

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Notary Public

My commission expires

HUNDEL COUNTY CIRCUIT COURT (Land Records) RPD 14117, p. 0065, MSA_CE59_14461. Date available 11/02/2005. Printed 12/12/2024.

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

1.1

STUART J. CORDISH Attorney

AFTER RECORDING, PLEASE RETURN TO:
Americom Title, LLC
7484 Candlewood Road
Suites B-J
Hanover, Maryland 21076

BOOK 14117 PAGE 066

County of Equal records
Commission Calles September 1, 12

OWNER OCCUPANCY AFFIDAVIT

ROBERT P. DANOWSKI, the Grantee in the within Deed hereby certify under the penalties of perjury, as evidenced by the joinder herein, that the land conveyed in this Deed is residentially improved owner-occupied real property and that the residence will be occupied by me.

WINDESS:

As to Adi

STATE OF MARYLAND,

Awe Aure

THEREBY CERTIFY, that on this 24th day of October, 2003, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared ROBERT P. DANOWSKI, the party herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the foregoing to be his act, and in my presence signed and sealed the same.

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

Notary Public

My Commission Expires:

AFFIDAVIT OF GRANTEE AS FIRST-TIME MARYLAND HOME BUYER

The undersigned states under oath as follows:

- 1. The undersigned is the Grantee of residentially improved real property located at 115 JEROME PARKWAY SOUTH, Glen Burnie, MD 21060, and being more particularly described as Tax ID Number 0337018866150, Anne Arundel County, Maryland.
- 2. The undersigned is:
 - (a) A first-time Maryland home buyer (defined as an individual who has never owned in the state residential real property that has been the individual's principal place of residence) who will occupy the property as Grantee's principal residence; or
 - (b) A co-maker or guarantor of the purchase money mortgage or purchase money deed of trust on the property who will not occupy the property as Grantee's principal residence.

ROBERT P. DANOWSKI

SUBSCRIBED AND SWORN to before me, a Notary Public in and for the State of Maryland, County of Anne Arundel, this 24th day of October, 2003.

Notary Public /

My Commission Expires:



BOOK 14117 PAGE 068

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

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

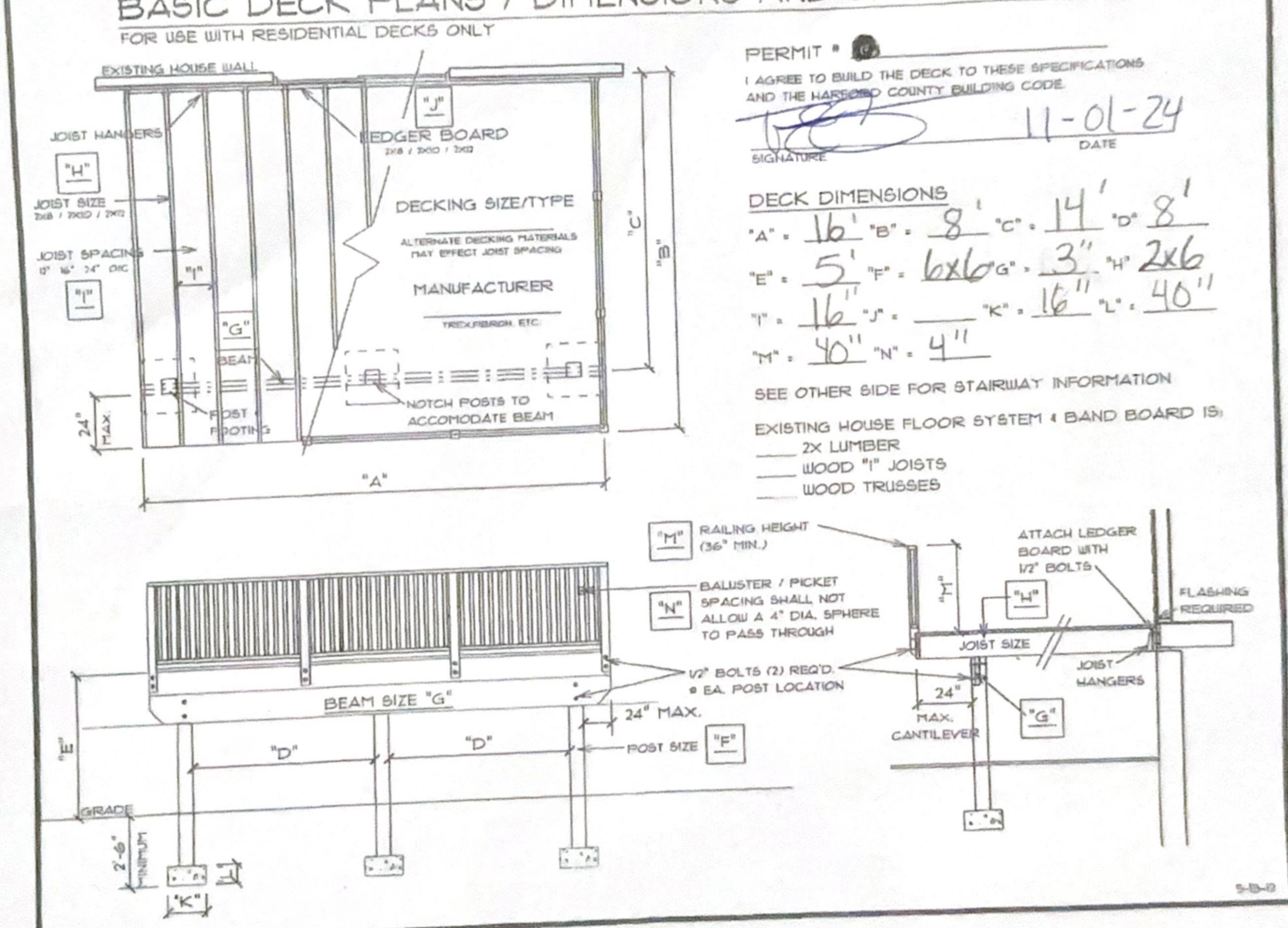
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SCALE:

DISCLAIMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS
APPROVED BY YOUR LOCAL BUILDING INSPECTOR OR STRUCTURAL ENGINEER.
BLOISE ACCEPTS ALL RESPONSIBILITY AND LABILITY.
DECKS.COM. LIC, AND ASSOCIATED SPONSORS
ACCEPT NO LABILITY FOR THE USE OF THIS PLAN.

RIDGE BOARD
FLASHED AT ROOFING
AND BOLTED TO HOUSE
WITH (1) 1/2" BOLT
EVERY 16" 0.C.

HOUSE

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TO 2-2x8 HEADER
HARDWARE
HARDWARE

DISCLAIMER: ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN YELLOW PINE 2 x 10 FOR FRAMING MATERIALS NEVER SUBSTITUTE COMPOSITE OR SOFTWOODS FOR FRAMING MATERIALS

DISCLAMER: THIS PLAN IS NOT CONSIDERED COMPLETE UNLESS APPROVED BY YOUR LOCAL BUILDING INSPECTOR OR STRUCTURAL ENGINEER. BUILDER ACCEPTS ALL RESPONSIBILITY AND LABILITY. DECKS.COM. LLC, AND ASSOCIATED SPONSORS ACCEPT NO LABILITY FOR THE USE OF THIS PLAN.



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 16, 2024

RE:

Robert P. Danowski 115 Jerome Parkway

Glen Burnie, MD 21060

NUMBER:

2024-0228-V

SUBJECT:

Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced variance to allow a dwelling addition (deck) with less setbacks than required.

The Health Department has reviewed the above-referenced request. The property is served by public water and sewer facilities. The Health Department has no objection to the above-referenced request.

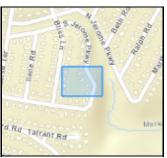
If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc:

Sterling Seay

Map Title





Legend

Foundation

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Parcels



Parcels - Annapolis City



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.

Notes



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THIS MAP IS NOT TO BE USED FOR NAVIGATION